

BILL NO.

AN ORDINANCE APPROVING A REZONING FROM DISTRICT RP-2 TO DISTRICT RP-3 AND PRELIMINARY DEVELOPMENT PLAN FOR APPROXIMATELY 3.76 ACRES LOCATED AT 408 & 500 NW OLIVE ST, PROPOSED BURTON TOWNHOMES IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI

WHEREAS, Application #PL2019-020 submitted by Cherokee Flight LLC, requesting approval of a rezoning from RP-2 (Planned Two-Family Residential District) to RP-3 (Planned Residential Mixed Use District) and preliminary development plan on land located at 408 & 500 NW Olive St was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning and preliminary development plan by the City following public hearings by the Planning Commission and City Council, and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held public hearings for the consideration of the rezoning and preliminary development plan on July 11, 2019 and July 25, 2019 and rendered a report to the City Council recommending that the rezoning and preliminary development plan be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on August 20, 2019, and rendered a decision to approve the rezoning and preliminary development plan for said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That a rezoning and preliminary development plan is hereby approved on the following described property:

Lots 1, 2, and 3, EXCEPT the North 140 feet of the East 150 feet of Lot 3, HEARNE'S ADDITION, (aka/HEARNES FIRST ADDITION) and the North Half of vacated Orchard Street lying South and adjacent, a subdivision in Lee's Summitt, Jackson County, Missouri.

And

Lot 22, and 23, HEARNE'S ADDITION, a subdivision in Lee's Summit, Jackson County, Missouri, EXCEPT the South 8 feet of the West 50 feet of Lot 22 and also EXCEPT, the South 8 feet of Lot 23, and ALSO EXCEPT the South 88 feet of the East 150 feet of Lot 22, together with the South 1/2 of vacated Orchard Street lying North of and Adjacent to the said premises in question.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the design of the required 20' wide high impact landscape screen along the north property line, to allow a 6' vinyl fence placed on the

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north property line and all required landscaping material planted on the south side of the fence.

2. A modification shall be granted to the required 30' rear yard setback, to allow for a 26' rear yard setback along the west property line.
3. The proposed building roofline shall be lowered in order to reduce the bulk and mass of the proposed structures so as to be more compatible with the mass and scale of the existing homes on NW Olive St.
4. A front door entrance with a covered side porch that faces NW Olive St and sidewalk connection to Olive St shall be created on building 1 & 9 to achieve a front door entrance appearance.
5. A minimum of three (3) foot unit offsets between dwelling units shall be created to break up the mass of the buildings.
6. The fence along NW Olive St. shall be reduced from a 6' privacy fence to a 4' picket fence to create the appearance of front yard look, more consistent with the adjoining homes.
7. Development shall comply with the recommendation of the Transportation Impact Analysis (TIA) dated July 2, 2019, prepared by Michael Park, City Traffic Engineer.

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

SECTION 4. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 33, the City's Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit.

SECTION 5. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this ____ day of _____, 2019.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

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APPROVED by the Mayor of said city this ____ day of _____, 2019.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian Head*