

BILL NO. 20-01

AN ORDINANCE APPROVING A REZONING FROM DISTRICTS R-1 AND RP-3 TO DISTRICT RP-3 AND PRELIMINARY DEVELOPMENT PLAN FOR APPROXIMATELY 27 ACRES LOCATED AT 4060 NE RALPH POWELL ROAD, PROPOSED THE ESTATES OF CHAPEL RIDGE AND THE TOWNHOMES OF CHAPEL RIDGE, 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 #PL2019-352 submitted by Engineering Solutions, LLC, requesting approval of a rezoning from R-1 (Single-family Residential) and RP-3 (Planned Residential Mixed Use) to RP-3 and preliminary development plan on land located at 4060 NE Ralph Powell Road 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 December 12, 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 January 7, 2020, 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:

Legal Description of Rezoning

A tract of land being located in Section 8, Township 48 North, Range 31 West being more particularly described as follows:

Commencing at the Northeast corner of the Southwest Quarter of said Section 8; thence South 02°30' 10" West, a distance of 1324.60 feet to a point on the South line of Southpointe at East Lake Village, a Subdivision in Lee's Summit, Jackson County, Missouri, said point being the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 8; thence South 88° 14' 10" East along said South line, a distance of 239.36 feet to the Point of Beginning; thence South 88° 14' 10" East, continuing along said South line, a distance of 812.33 feet; thence South 3° 13' 20" West, a distance of 327.26 feet; thence South 72° 36' 26" West, a distance of 221.69 feet; thence along a curve to the left, having an Initial Tangent Bearing of South 76° 42' 4" West and a radius of 325.00 feet, an arc distance of 424.82 feet; thence South 1° 49' 33" West, a distance of 115.72 feet; thence North 88° 10' 46" West, a distance of 191.32 feet; thence along a curve to the right, tangent to the preceding course and having a radius of 300.00 feet, an arc distance of 12.18 feet; thence North 4° 08' 51" East, a distance of 78.04 feet; thence

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along a curve to the right, tangent to the preceding course and having a radius of 575.00 feet, an arc distance of 107.10 feet; thence North 15° 34' 48" East, a distance of 15.27 feet; thence along a curve to the left, tangent to the preceding course and having a radius of 205.16 feet, an arc distance of 194.47 feet; thence North 39° 29' 31" West, a distance of 92.79 feet; thence along a curve to the right, tangent to the preceding course and having a radius of 300.00 feet, an arc distance of 215.95 feet; thence North 1° 45' 08" East, a distance of 24.84 feet; thence North 17° 50' 50" East, a distance of 26.02 feet; thence North 1° 45' 08" East, 130.54 feet to the Point of Beginning.

Legal Description of Preliminary Development Plan:

A tract of land being located in Section 8, Township 48 North, Range 31 West being more particularly described as follows:

Commencing at the Northeast corner of the Southwest Quarter of said Section 8; thence South 02°30' 10" West, a distance of 1324.60 feet to a point on the South line of Southpointe at East Lake Village, a Subdivision in Lee's Summit, Jackson County, Missouri, said point being the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 8 and the Point of Beginning: thence South 88° 14' 10" East along said South line, a distance of 1252.30 feet; thence South 03° 25' 54" West, leaving said South line, a distance of 640.25 feet; thence North 88° 10' 46" West, a distance of 169.13 feet; thence South 01° 49' 14" West, a distance of 43.00 feet; thence North 88° 10' 46" West, a distance of 443.83 feet; thence along a curve to the left, having an Initial Tangent Bearing of South 7° 48' 40" West and a radius of 300.00 feet, an arc distance of 31.34 feet; thence South 01° 49' 33" West, a distance of 76.72 feet; thence along a curve to the left, tangent to the preceding course and having a radius of 14.00 feet, an arc distance of 21.99 feet; thence North 88° 10' 46" West, a distance of 201.90 feet; thence along a curve to the right, tangent to the preceding course and having a radius of 14.00 feet, an arc distance of 22.56 feet; thence North 04° 08' 51" East, a distance of 37.67 feet; thence along a curve to the right, tangent to the preceding course and having a radius of 550.00 feet, an arc distance of 102.44 feet; thence North 75° 10' 52" West, a distance of 50.00 feet; thence along a curve to the left, having an Initial Tangent Bearing of South 14° 49' 09" West and a radius of 600.00 feet, an arc distance of 24.96 feet; thence North 77° 33' 53" West, a distance of 133.84 feet; thence North 18° 32' 01" East, a distance of 99.41 feet; thence North 64° 01' 33" West, a distance of 156.60 feet; North 43° 27' 11" West, a distance of 90.00 feet; thence North 21° 35' 06" West, a distance of 135.47 feet; thence North 01° 45' 08" East, a distance of 161.19 feet, thence North 88° 14' 52" West, a distance of 45.25 feet, thence North 01° 45' 08" East, a distance of 130.59 feet to a point on the South line of said Southpointe at East Lake Village; thence South 88° 14' 10" East along said South line, a distance of 30.06 feet to the Point of Beginning.

SECTION 2. That the following conditions of approval apply:

1. The architectural style and building materials for the townhomes shall be consistent with the building elevations date stamped October 11, 2019.

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

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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 _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*