

BILL NO. 20-197

AN ORDINANCE APPROVING A REZONING FROM AG (AGRICULTURAL) TO DISTRICT R-1 AND PRELIMINARY DEVELOPMENT PLAN FOR APPROXIMATELY 20 ACRES LOCATED AT 2501 AND 2601 NE COLBERN RD, PROPOSED WOODLAND OAKS, LOTS 1-42 AND TRACTS A-C, 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 #PL2019-330 submitted by Engineering Solutions, LLC, requesting approval of a rezoning from AG (Agricultural) to R-1 (Single-Family Residential) and preliminary development plan on land located at 2501 and 2601 NE Colbern Rd 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 September 10, 2020, and September 24, 2020, 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 October 20, 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 and Preliminary Development Plan

The Land is described as follows:

Tract I: A tract of land in the East 1/2 of the Southeast 1/4 of Section 27 Township 48, Range 31, in Lee's Summit, Jackson County, Missouri, described as follows: Beginning at the Northeast corner of said Southeast 1/4, thence South 2 Degrees 02 Minutes 34 Seconds West 678.77 feet, along 0020 the East line of said Southeast 1/4, thence North 87 Degrees 42 Minutes 02 Seconds West 692.44 feet, thence North 2 degrees 02 Minutes 34 Seconds East 680.72 feet, parallel with the East line of said Southeast 1/4, to a point on the North line of said Southeast 1/4, thence South 87 Degrees 32 Minutes 23 Seconds East 692.45 feet, along the North line of said Southeast 1/4, to the point of beginning.

Tract II: A tract of land in the East 1/2 of the Southeast 1/4 of Section 27, Township 48, Range 31, in Lee's Summit, Jackson County, Missouri, described as follows: Beginning at a point that is North 87 Degrees 32' 23" West 682.45 feet of the Northeast corner of

BILL NO. 20-197

said Southeast 1 /4 and on the North line of said Southeast 1 /4 thence South 2 Degrees 02' 34" West, 680.69 feet, parallel with the East line of said Southeast 1/4; thence North 87 Degrees 42' 02" West, 648.46 feet to a point on the West line of said East 1/2; thence North 1 Degrees 56' 24" East, 682.53 feet along the West line of said East 1/2, to Northwest corner of said East 1/2; thence South 87 Degrees 32' 23" East, 649.69 feet along the North line of said Southeast 1/4 to the point of beginning, EXCEPT that part in Colbern Road.

SECTION 2. That the following conditions of approval apply:

1. A modification to the 10% maximum allowance of cul-de-sac lots in a subdivision shall be granted, to allow 79% cul-de-sac lots.
2. The architectural style and building materials shall be consistent with the building elevations date issued February 5, 2019, and September 20, 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 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*

BILL NO. 20-197

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 Head*