

BILL NO. 20-198

AN ORDINANCE APPROVING A REZONING FROM AG TO DISTRICTS R-1 AND RP-4 AND PRELIMINARY DEVELOPMENT PLAN FOR APPROXIMATELY 35 ACRES LOCATED AT 1215 NE BOWLIN RD, PROPOSED STAG'S FIELD, 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 #PL2020-210 submitted by Stag Commercial, requesting approval of a rezoning from AG (Agricultural) to R-1 (Single-Family Residential) and RP-4 (Planned Apartment Residential) and preliminary development plan on land located at 1215 NE Bowlin 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 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 13, 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 to R-1

All that part of the Northwest Quarter of the Southwest Quarter of Section 4, Township 48, Range 31, Lee's Summit, Jackson County, Missouri described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of the Southwest Quarter of said Section 4; thence South 87 degrees 55 minutes 43 seconds East along the North line of said Northwest Quarter a distance of 693.40 feet to the Point of Beginning; thence continuing South 87 degrees 55 minutes 43 seconds East along the North line of said Northwest Quarter a distance of 255.61 feet; thence South 02 degrees 12 minutes 15 seconds West a distance of 1319.93 feet to a point on the South line of said Northwest Quarter; thence North 87 degrees 58 minutes 48 seconds West a distance of 339.80 feet; thence North 02 degrees 01 minutes 12 seconds East a distance of 226.72 feet; thence North 09 degrees

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28 minutes 14 seconds East a distance of 270.11 feet; thence North 22 degrees 03 minutes 21 seconds East a distance of 254.07 feet; thence North 38 degrees 02 minutes 00 seconds West a distance of 120.66 feet; thence North 12 degrees 54 minutes 17 seconds East a distance of 238.60 feet; thence North 01 degrees 47 minutes 24 seconds East a distance of 260.25 feet to the Point of Beginning.

Containing 8.76 acres more or less, Except that part in the Right-of-way of Bowlin Road.

Legal Description of Rezoning to RP-4

All that part of the Northwest Quarter of the Southwest Quarter of Section 4, Township 48, Range 31 and all that part of the Northeast Quarter of the Southeast Quarter of Section 5, Township 48, Range 31 all in Lee's Summit, Jackson County, Missouri described as follows:

Beginning at the Northwest Corner of the Northwest Quarter of the Southwest Quarter of said Section 4; thence South 87 degrees 55 minutes 43 seconds East along the North line of said Northwest Quarter a distance of 693.40 feet; thence South 01 degrees 47 minutes 24 seconds West a distance of 260.25 feet; thence South 12 degrees 54 minutes 17 seconds West a distance of 238.60 feet; thence South 38 degrees 02 minutes 00 seconds East a distance of 120.66 feet; thence South 22 degrees 03 minutes 21 seconds West a distance of 254.07 feet; thence South 09 degrees 28 minutes 14 seconds West a distance of 270.11 feet; thence South 02 degrees 01 minutes 12 seconds West a distance of 226.72 feet to a point on the South line of said Northwest Quarter; thence North 87 degrees 58 minutes 48 seconds West a distance of 611.93 feet to the Southwest Corner of said Northwest Quarter; thence continuing North 87 degrees 58 minutes 48 seconds West a distance of 198.76 feet (deed reads 200 feet) to the East line of Lot 9-C of EXECUTIVE LAKES CENTER LOTS 9-C AND 9-D, a subdivision in Lee's Summit, Jackson County, Missouri; thence North 02 degrees 21 minutes 17 seconds East along the East line of said Lot 9-C and the East line of Tract A of EXECUTIVE LAKES BUSINESS CENTER 1ST PLAT and the East line of Lot 8-B of EXECUTIVE LAKES CENTER LOTS 6-A AND 8-B and the East line of Tract "E" of EXECUTIVE LAKES CENTER LOTS 3-B AND 4 THRU 10, a distance of 1319.52 feet to a point on the North line of the Northeast Quarter of the Southeast Quarter of Section 5, Township 48, Range 31, thence South 88 degrees 20 minutes 57 seconds East along the North line of said Northeast Quarter a distance of 198.02 feet (deed reads 200 feet) to the Point of Beginning.

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Containing 26.06 acres more or less, Except that part in the Right-of-way of Bowlin Road.

Legal Description of Preliminary Development Plan

All that part of the Northwest Quarter of the Southwest Quarter of Section 4, Township 48, Range 31 and all that part of the Northeast Quarter of the Southeast Quarter of Section 5, Township 48, Range 31 all in Lee's Summit, Jackson County, Missouri described as follows:

Beginning at the Northwest Corner of the Northwest Quarter of the Southwest Quarter of said Section 4; thence South 87 degrees 55 minutes 43 seconds East along the North line of said Northwest Quarter a distance of 949.01 feet; thence South 02 degrees 12 minutes 15 seconds West a distance of 1319.93 feet to a point on the South line of said Northwest Quarter; thence North 87 degrees 58 minutes 48 seconds West a distance of 951.73 feet to the Southwest Corner of said Northwest Quarter; thence continuing North 87 degrees 58 minutes 48 seconds West a distance of 198.76 feet (deed reads 200 feet) to the East line of Lot 9-C of EXECUTIVE LAKES CENTER LOTS 9-C AND 9-D, a subdivision in Lee's Summit, Jackson County, Missouri; thence North 02 degrees 21 minutes 17 seconds East along the East line of said Lot 9-C and the East line of Tract A of EXECUTIVE LAKES BUSINESS CENTER 1ST PLAT and the East line of Lot 8-B of EXECUTIVE LAKES CENTER LOTS 6-A AND 8-B and the East line of Tract "E" of EXECUTIVE LAKES CENTER LOTS 3-B AND 4 THRU 10, a distance of 1319.52 feet to a point on the North line of the Northeast Quarter of the Southeast Quarter of Section 5, Township 48, Range 31, thence South 88 degrees 20 minutes 57 seconds East along the North line of said Northeast Quarter a distance of 198.02 feet (deed reads 200 feet) to the Point of Beginning.

Containing 34.82 acres more or less, Except that part in the Right-of-way of Bowlin Road.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the maximum density of 12 units per acre in the RP-4 district, to allow a density of 13.7 units per acre in the RP-4 district.
2. A modification shall be granted to the minimum lot size of 3,500 sq. ft. per dwelling unit in the RP-4 district, to allow a minimum lot size of 3,200 sq. ft. per dwelling unit in the RP-4 district.

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3. A modification shall be granted to the minimum 3-inch caliper size for deciduous trees, to allow 2.5-inch deciduous shade trees and 2-inch deciduous ornamental trees.
4. A modification shall be granted to the minimum 8-foot height for evergreen trees, to allow 6-foot evergreen trees.
5. A modification shall be granted to the requirement that the fence in a high-impact landscape buffer be located 10 feet from the property line (i.e., centered within the 20-foot landscape buffer), to allow the fence to be located on the property line.
6. Site development and architectural elevations shall be in accordance with plans and specifications submitted to and on file in the Development Services Department dated August 24, 2020 and August 18, 2020.
7. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, water, sanitary and the traffic-related improvements included in the revised Transportation Impact Analysis (TIA) dated September 16, 2020. No building permits shall be issued for any structure in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Records' Office. All required public improvements, not future improvements, shall be substantially complete prior to any occupancy.

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*

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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*