

BILL NO. 21-134

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED AT 510 NE CHIPMAN ROAD IN DISTRICT RP-4, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2021-059 submitted by Canyon View Properties requesting approval of a preliminary development plan in District RP-2 (Planned Apartment Residential District) on land located at 510 NE Chipman Road was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a 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 a public hearing for the request on June 10, 2021, and rendered a report to the City Council containing findings of fact and a recommendation that the 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 July 6 2021, and approved a motion for a second ordinance reading to approve the preliminary development plan for said property; and,

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

SECTION 1. That a preliminary development plan is hereby approved in District RP-4 on the following described property:

A tract of land in the Southwest Quarter of Section 32, Township 48N, Range 31W in Lee's Summit, Jackson County, Missouri, described as follows:

Commencing at the Southeast corner of the Southwest Quarter of Section 32; thence North 88 degrees, 00 minutes, 27 seconds West, along the South line of the Southwest Quarter, 1525.36 feet; thence North 01 degree, 59 minutes, 33 seconds East, leaving the South line, 97.98 feet to a point on the existing North Right-Of-Way of Chipman Road and the Southwest corner of "Summit Point First Plat", recorded in Book 41 at Page 60; thence North 01 degree, 54 minutes, 38 seconds East, along the West line of the plat, 417.58 feet (measured), (420.12 feet, plat), to the Northwest corner of the plat and the POINT OF BEGINNING; thence North 01 degree, 54 minutes, 38 seconds East, 135.86 feet; thence North 72 degrees, 33 minutes, 20 seconds West, 5.19 feet; thence North 22 degrees, 20 minutes, 37 seconds East, 250.76 feet to a point on the South line of "AMLI Summit Ridge Lot 1", recorded in Book 166 at Page 48; thence North 72 degrees, 31 minutes, 35 seconds East, along the South line of the plat, 330.00 feet; thence South 87 degrees, 28 minutes, 25 seconds East, continuing along the

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South line, 251.73 feet to the Southeast corner of the plat, also being a point on the West line of "Maple Tree Manor-1st Plat, recorded in Book 160 at Page 59; thence South 87 degrees, 28 minutes, 25 seconds East, along the West line of the plat, 44.56 feet to a point on the West line of "Maple Tree Manor, Lot 8A and 8B", recorded in Book 1116 at Page 85; thence South 02 degrees, 04 minutes, 01 second West, along the West line of the plat, 32.10 feet to the Southwest corner of the plat and the Northwest corner of "Replat of English Manor Units 41-72 Inclusive", recorded in Book 149 at Page 13; thence South 02 degrees, 04 minutes, 01 second West, along the West line of the plat, 439.00 feet to the Southwest corner of the plat and the Northwest corner of "St. Matthews Acres", recorded in Book 39 at Page 160; thence South 02 degrees, 04 minutes, 01 second West, along the West line of the plat, 88.48 feet to the Northeast corner of "Summit Point First Plat"; thence along the North line of the plat the following three courses:

- 1) North 88 degrees, 05 minutes, 22 seconds West, 218.00 feet;*
- 2) North 01 degree, 54 minutes, 38 seconds East, 81.01 feet;*
- 3) North 88 degrees, 05 minutes, 22 seconds West, 470.58 feet*

to the POINT OF BEGINNING, containing 314,151.52 square feet, or 7.21 acres, more or less.

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 17.48 units per acre in the RP-4 district.
2. A modification shall be granted to the minimum parking requirements to reduce the required number of parking stalls from 500 to 475.
3. A modification shall be granted to the minimum principal building setback, to allow 0' setback from the south property line for building B1-1 as depicted on the plans and specifications submitted to and on file in the Development Services Department dated May 13, 2021.
4. Site development and architectural elevations shall be in accordance with plans and specifications submitted to and on file in the Development Services Department dated May 13, 2021.
5. A revised HEC-RAS study shall be provided, in accordance with staff supplement review comments dated June 4, 2021, and provided as an attachment to this ordinance.

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.

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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 _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*