

## **AMENDED BILL NO. 21-143**

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AN ORDINANCE APPROVING A REZONING FROM AG (AGRICULTURAL) TO DISTRICT RP-3 (PLANNED RESIDENTIAL MIXED USE) AND PRELIMINARY DEVELOPMENT PLAN FOR OSAGE 3RD PLAT, LOCATED AT 2151 SW M-150 HWY, 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 #PL2021-134 submitted by Clayton Properties Group, Inc. d/b/a Summit Homes, requesting approval of a rezoning from AG (Agricultural) to district RP-3 (planned residential mixed use) and preliminary development plan on land located at 2151 SW M-150 Hwy, 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 June 24, 2021, 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 July 20, 2021, 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:

*All of the West Half of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 35, Township 47 North, Range 32 West of the Fifth Principal Meridian in Lee's Summit, Jackson County Missouri except that part in Missouri State Highway No. 150 Right-of-Way*

*Also*

*A tract of land in the West Half of the Southwest Quarter and East Half of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 35, Township 47 North, Range 32 West of the 5th Principal Meridian in Lee's Summit, Jackson County, Missouri being bounded and described by or under the direct supervision of Jason S. Roudebush, P.L.S. 2002014092, as follows: Commencing at the Northeast corner of said Northeast Quarter of said Northeast Quarter; thence North 88°07'14" West, on the North line of said Northeast Quarter of said Northeast Quarter, 1,319.40 feet to the Northwest corner of said Northeast Quarter of said Northeast Quarter; thence South 02°10'22" West, on the West line of said Northeast Quarter of said Northeast Quarter, 659.27 feet to the Northwest corner of said Southwest Quarter of said Northeast Quarter of said Northeast Quarter also being a point on the Westerly line of proposed OSAGE 2ND PLAT; thence South 88°08'29" East on the North line of said Southwest Quarter of said Northeast Quarter of said Northeast Quarter, and along*

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*said Westerly line, 326.96 feet to the Northeast corner of said West Half of said Southwest Quarter of said Northeast Quarter of said Northeast Quarter, also being the Southwest corner of said East Half of said Northwest Quarter of said Northeast Quarter of said Northeast Quarter; thence North 02°09'46" East on the West line of said East Half of said Northwest Quarter of said Northeast Quarter of said Northeast Quarter, and along said Westerly line 346.14 feet; thence leaving said East line and said Westerly line, South 88°11'07" East, along the North line of proposed Tract I of said proposed OSAGE 2ND PLAT, 21.17 feet; thence South 01°48'53" West along the Easterly line of said proposed Tract I, a distance of 366.13 feet; thence North 88°11'07" West, along said Easterly line and its Westerly extension 353.36 feet to a point on said West line of said Northeast Quarter of said Northeast Quarter; thence North 02°10'22" East on said West line, 20.25 feet to the Point of Beginning. Containing 14,798 square feet or 0.34 acres, more or less.*

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the 10% maximum total number of cul-de-sac lots in a subdivision, to allow for 12.6% cul-de-sac lots in the Osage subdivision.
2. Development shall be in accordance with the preliminary development plan dated May 21, 2021.
3. The architectural style and building materials for the two-family homes shall be consistent with the building elevations that were submitted with the preliminary development plan dated May 21, 2021.
4. The name of Rivengate Court shall be changed as the "riven" series of names is used in another part of the City.

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 \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Mayor William A. Baird

\_\_\_\_\_  
City Clerk Trisha Fowler Arcuri

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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:

\_\_\_\_\_  
Chief Counsel of Management & Operations  
*Daniel White*