

BILL NO. 21-180

AN ORDINANCE CORRECTING ORDINANCE NO. 9090 WHICH APPROVED A REZONING AND PRELIMINARY DEVELOPMENT PLAN FOR APPROXIMATELY 20 ACRES, STREETS OF WEST PRYOR, LOT 7 AND TRACT C, 900 NW BLACK TWIG LANE, 2100 NW LOWENSTEIN DRIVE, AND 2200 NW LOWENSTEIN DRIVE, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, OF THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2020-274 submitted by Streets of West Pryor, LLC, requesting approval of a rezoning and preliminary development plan on land located at 900 NW Black Twig Ln, 2100 NW Lowenstein Dr, and 2200 NW Lowenstein Dr 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 January 28, 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 February 23, 2021, and rendered a decision to approve the rezoning and preliminary development plan for said property; and,

WHEREAS, the City Council approved Ordinance No. 9090 on March 9, 2021, which rezoned the property and approved the preliminary development plan for the land previously platted as Lot 7 and Tract C, but such ordinance contained technical errors in certain legal descriptions and also designated the incorrect zoning districts for certain parts of the property that was rezoned; and ,

WHEREAS, Ordinance No. 9090 included attachments for the preliminary development plan which allows the correct zoning districts to be ascertained for the parcels that were designated with the incorrect zoning districts for the rezoning that occurred by that ordinance; and,

WHEREAS, the City Council has determined that Ordinance No. 9090 can be corrected to designate the correct zoning districts as originally intended by the application, and such corrections are not in themselves another rezoning of the property that requires a public hearing pursuant to Chapter 89 of the Revised Statutes of Missouri; and,

WHEREAS, it is the intention of the City Council that this ordinance should be used and followed for the correct rezoning districts and legal descriptions, and this ordinance supersedes Ordinance No. 9090 with respect to the rezoning and approval of the preliminary development plan.

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

SECTION 1. That a rezoning from R-1 to PMIX, PMIX to RP-4, and R-1 to RP-4 and preliminary development plan is hereby approved on the following described property:

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Legal Description of Rezoning and Preliminary Development Plan

BOUNDARY DESCRIPTION R-1 to RP-4

A tract of land being located in Section 35, Township 48 North, Range 32 West, in Jackson County, Missouri being more particularly described as follows:

Beginning at the Southwest Corner of Tract "A" of Streets of West Pryor Lots 1 thru 14, Tracts "A", "B", "C", & "D", a subdivision in Lee's Summit, Jackson County, Missouri; thence N 73°35'29" W, a distance of 82.81 feet; thence N 31°23'08" E, a distance of 376.82 feet; thence S 58°36'52" E, a distance of 16.45 feet; thence along a curve to the right having an Initial Tangent Bearing of N 35°45'03" E and a radius of 325.00 feet, an arc distance of 216.87 feet; thence N 16°00'59" W, a distance of 28.89 feet; thence N 31°23'08" E, a distance of 112.09 feet; thence S 85°14'51" E, a distance of 246.04 feet; thence S 4°45'09" W, a distance of 17.00 feet; thence S 85°14'51" E, a distance of 71.09 feet; thence S 24°49'45" E, a distance of 584.85 feet; thence along a curve to the right having an Initial Tangent Bearing of S 52°46'57" E and a radius of 526.00 feet, an arc distance of 115.19 feet; thence S 50°51'20" W, a distance of 101.05 feet; thence along a curve to the right having an Initial Tangent Bearing of S 40°29'34" E and a radius of 425.00 feet, an arc distance of 176.02 feet; thence S 73°14'15" W, 25.00 feet; thence along a curve to the right having an Initial Tangent Bearing of S 16°45'45" E and a radius of 400.00 feet, an arc distance of 91.52 feet; thence S 3°39'09" E, a distance of 167.38 feet; thence along a curve to the right tangent to the preceding course and having a radius of 200.00 feet, an arc distance of 167.29 feet; thence S 44°16'27" W, a distance of 145.41 feet; thence N 45°11'41" W, a distance of 155.01 feet; thence N 44°16'27" E, a distance of 143.98 feet; thence along a curve to the left tangent to the preceding course and having a radius of 45.00 feet, an arc distance of 37.64 feet; thence N 3°39'09" W, a distance of 167.38 feet; thence along a curve to the left tangent to the preceding course and having a radius of 245.00 feet, an arc distance of 201.29 feet; thence along a reverse curve having a radius of 555.00 feet, an arc distance of 24.67 feet; thence N41°49'12" E, a distance of 130.00 feet; thence along a curve to the right having an Initial Tangent Bearing of N 48°10'48" W and a radius of 425.00 feet, an arc distance of 67.19 feet; thence S 50°52'40" W, a distance of 130.00 feet; thence along a curve to the right having an Initial Tangent Bearing of N 39°07'20" W and a radius of 555.00 feet, an arc distance of 138.45 feet; thence N 24°49'45" W, a distance of 335.79 feet; thence N 87°02'19" W, a distance of 53.04 feet; thence N 4°49'07" E, a distance of 137.81 feet; thence along a curve to the left having an Initial Tangent Bearing of N 85°10'53" W and a radius of 275.00 feet, an arc distance of 214.78 feet; thence S 31°23'08" W, a distance of 418.78 feet to the Point of Beginning.

BOUNDARY DESCRIPTION R-1 to PMIX North

A tract of land being located in Section 35, Township 48 North, Range 32 West, in Jackson County, Missouri being more particularly described as follows:

Beginning at the Northwest Corner of Lot 7 of Streets of West Pryor Lots 1 thru 14, Tracts "A", "B", "C", & "D", a subdivision in Lee's Summit, Jackson County, Missouri;

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thence N 85°07'20" W, a distance of 135.79 feet; thence S 24°49'45" E, a distance of 64.90 feet; thence along a curve to the right having an Initial Tangent Bearing of S 52°46'57" E and a radius of 526.00 feet, an arc distance of 115.19 feet; thence N 50°51'20" E, a distance of 98.95 feet; thence N 39°08'40" W, a distance of 82.53 feet to the Point of Beginning.

BOUNDARY DESCRIPTION PMIX to RP-4

A tract of land being located in Section 35, Township 48 North, Range 32 West, in Jackson County, Missouri being more particularly described as follows:

Commencing at the Northwest Corner of Lot 7 of Streets of West Pryor Lots 1 thru 14, Tracts "A", "B", "C", & "D", a subdivision in Lee's Summit, Jackson County, Missouri; thence N85°07' 20" W, a distance of 123.79 feet; thence S 24°49'45" E, a distance of 64.90 feet; thence along a curve to the right having an Initial Tangent Bearing of S 52°46'57" E and a radius of 526.00 feet, an arc distance of 115.19 feet to the Point of Beginning; thence along a continuous curve to the right, an arc distance of 221.21 feet; thence along a curve to the left having an Initial Tangent Bearing of S 82°56'10" W and a radius of 400.00 feet, an arc distance of 67.71 feet; thence S 73°14'15" W, a distance of 33.61 feet; thence along a curve to the left having an Initial Tangent Bearing of N 16°45'45" W and a radius of 425.00 feet, an arc distance of 176.02 feet; thence N 50°51'20" E, a distance of 101.05 feet to the Point of Beginning.

BOUNDARY DESCRIPTION R-1 to PMIX South

A tract of land being located in Section 35, Township 48 North, Range 32 West, in Jackson County, Missouri being more particularly described as follows:

Beginning at the Southwest Corner of Lot 7 of Streets of West Pryor Lots 1 thru 14, Tracts "A", "B", "C", & "D", a subdivision in Lee's Summit, Jackson County, Missouri; thence N 46°56'08" W, a distance of 25.01 feet; thence N 44°16'27" E, a distance of 145.26 feet; thence along a curve to the left tangent to the preceding course and a radius of 200.00 feet, an arc distance of 167.29 feet; thence N 3°39'09" W, a distance of 167.38 feet; thence along a curve to the left tangent to the preceding course and having a radius of 400.00 feet, an arc distance of 91.52 feet; thence N 73°14'15" E, a distance of 25.00 feet; thence along a curve to the right having an Initial Tangent Bearing of S 16°45'45" E and a radius of 425.00 feet, an arc distance of 97.25 feet; thence S 3°39'09" E, a distance of 167.38 feet; thence along a curve to the right tangent to the preceding course and having a radius of 225.00 feet, an arc distance of 188.21 feet; thence S 44°16'27" W, a distance of 144.75 feet to the Point of Beginning.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the required high impact buffer requirement, to allow a vegetated buffer along NW Lowenstein Dr., in accordance with the medium impact buffer requirements of the UDO.

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2. The Developer shall execute a mutually satisfactory development agreement (or amend the original development agreement) with the City, which addresses, at a minimum, any remaining off-site transportation improvements associated with the Streets of West Pryor Development and improvements to Lowenstein Dr. to urban standards as addressed in the City Traffic Engineer's TIA dated December 18, 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.
3. No building or site development permits shall be issued until (1) the Developer has entered into a redevelopment agreement with the City to address long-term management and liability issues associated with development over the undermined areas, (2) the final mine remediation plans and specifications have been approved pursuant to the terms and conditions of the redevelopment agreement, and (3) that the remediation work has been completed as designed and certified by an independent professional geotechnical engineer.
4. Additional architectural detail shall be required for the proposed hotel to include horizontal, vertical material breaks and additional articulation for the west elevation, which will be required at the time of final development plan submittal.

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. This ordinance relates back to the approval date of Ordinance No. 9090 but supersedes Ordinance No. 9090 and this ordinance should be used for the correct designation of the zoning districts, approval of the preliminary development plan and all other matters set forth herein.

SECTION 6. 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.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*