

BILL NO. 21-228

AN ORDINANCE APPROVING A REZONING FROM AG (AGRICULTURAL) TO DISTRICT RP-1 (PLANNED SINGLE-FAMILY RESIDENTIAL), RP-4 (PLANNED APARTMENT RESIDENTIAL DISTRICT) & CP-2 (PLANNED COMMUNITY COMMERCIAL DISTRICT) AND PRELIMINARY DEVELOPMENT PLAN FOR BLUE PARKWAY MIXED-DENSITY RESIDENTIAL DEVELOPMENT, LOCATED AT 2840 SE BLUE PARKWAY, 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 #PL2021-282 submitted by Griffin Riley Property Group, requesting approval of a rezoning from AG (Agricultural) to District RP-1 (Planned Single-Family Residential), RP-4 (RP-4 Planned Apartment Residential District) & CP-2 (Planned Community Commercial District) and preliminary development plan on land located at 2840 SE Blue Parkway, 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 23, 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 October 19, 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:

TRACT 1:

THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 47, RANGE 31, JACKSON COUNTY, MISSOURI, EXCEPT THAT PART IN ROADS.

FURTHER EXCEPTING THE FOLLOWING:

THAT PART CONVEYED TO MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION BY THE QUIT CLAIM DEED RECORDED 08/06/2014 AS DOCUMENT NO. 2014E0064878.

THAT PART CONVEYED TO W. R. ROBBINS, TRUSTEE OF THE W. R. ROBBINS REVOCABLE LIVING TRUST DATED OCTOBER 27, 1995, AS RESTATED AS OF JULY 22, 2005, BY THE WARRANTY DEED RECORDED 08/06/2014 AS DOCUMENT NO. 2014E0064936.

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THAT PART CONVEYED TO YVONNE R. ROBBINS, TRUSTEE OF THE YVONNE R. ROBBINS REVOCABLE LIVING TRUST DATED OCTOBER 27, 1995, AS RESTATED AS OF JULY 22, 2005, IN WARRANTY DEED RECORDED 08/06/2014, AS DOCUMENT NO. 2014E0064937.

THAT PART CONVEYED TO W. R. ROBBINS, TRUSTEE OF THE W. R. ROBBINS REVOCABLE LIVING TRUST DATED OCTOBER 27, 1995, AS RESTATED AS OF JULY 22, 2005, IN WARRANTY DEED RECORDED 08/06/2014 AS DOCUMENT NO. 2014E0064940.

THAT PART CONVEYED TO YVONNE R. ROBBINS, TRUSTEE OF THE YVONNE R. ROBBINS REVOCABLE LIVING TRUST DATED OCTOBER 27, 1995, AS RESTATED AS OF JULY 22, 2005, BY THE WARRANTY DEED RECORDED 08/06/2014 AS DOCUMENT NO. 2014E0064941.

THAT PART CONVEYED TO W. R. ROBBINS, TRUSTEE OF THE W. R. ROBBINS REVOCABLE LIVING TRUST DATED OCTOBER 27, 1995, AS RESTATED AS OF JULY 22, 2005, BY THE WARRANTY DEED RECORDED 08/06/2014 AS DOCUMENT NO. 2014E0064944.

THAT PART CONVEYED TO YVONNE R. ROBBINS, TRUSTEE OF THE YVONNE R. ROBBINS REVOCABLE LIVING TRUST DATED OCTOBER 27, 1995, AS RESTATED AS OF JULY 22, 2005, BY THE WARRANTY DEED RECORDED 08/06/2014 AS DOCUMENT NO. 2014E0064945.

THAT PART CONVEYED TO MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION BY THE WARRANTY DEED RECORDED 08/14/2014 AS DOCUMENT NO. 2014E0067093 AND AS DOCUMENT NO. 2014E0067095.

THAT PART CONVEYED TO THE CITY OF LEE'S SUMMIT BY THE WARRANTY DEED RECORDED 08/14/2014 AS DOCUMENT NO. 2014E0067094 AND AS DOCUMENT NO. 014E0067094. AND FURTHER EXCEPT A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 11 TOWNSHIP 47 NORTH, RANGE 31 WEST OF THE 5TH PRINCIPAL MERIDIAN IN JACKSON COUNTY, MISSOURI BEING BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SAID NORTHWEST QUARTER; THENCE SOUTH 02°19' 49" WEST, ON THE EAST LINE OF THE SAID NORTHWEST QUARTER 2,514.26 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF NORTH OUTER ROAD OF EXISTING EAST BOUND ROUTE 50 AS DESCRIBED IN GENERAL WARRANTY DEED , INSTRUMENT NUMBER 2014E0064945 RECORDED IN THE JACKSON COUNTY RECORDER OF DEEDS; THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF NORTH 80°17'46" WEST WITH A RADIUS OF 708.50 FEET, A CENTRAL ANGLE OF 47°20'45" AND AN ARC DISTANCE OF 585.46 FEET; THENCE SOUTH 57°03'00" WEST, 31.00 FEET; THENCE NORTHWESTERLY ALONG A CURVE TO THE

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RIGHT HAVING AN INITIAL TANGENT BEARING OF NORTH 32°57'00" WEST WITH A RADIUS OF 739.50 FEET, A CENTRAL ANGLE OF 13°17'24" AND AN ARC DISTANCE OF 171.53 FEET; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A COMMON TANGENT WITH THE LAST DESCRIBED COURSE WITH A RADIUS OF 784.50 FEET, A CENTRAL ANGLE OF 10°24'58" AND AN ARC DISTANCE OF 142.62 FEET TO A POINT INTERSECTING WITH THE WEST LINE OF THE EAST HALF OF THE SAID NORTHWEST QUARTER OF SECTION 11; THENCE ON SAID WEST LINE, NORTH 02°22'54" EAST, 1,958.98 FEET TO A POINT ON THE NORTH LINE OF THE SAID NORTH WEST QUARTER; THENCE ON SAID NORTH LINE, SOUTH 87°55'11" EAST, 658.12 FEET TO THE POINT OF BEGINNING.

TRACT II:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 11 TOWNSHIP 47 NORTH, RANGE 31 WEST OF THE 5TH PRINCIPAL MERIDIAN IN JACKSON COUNTY, MISSOURI BEING BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SAID NORTHWEST QUARTER; THENCE SOUTH 02°19'49" WEST, ON THE EAST LINE OF THE SAID NORTHWEST QUARTER 2,514.26 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF NORTH OUTER ROAD OF EXISTING EAST BOUND ROUTE 50 AS DESCRIBED IN GENERAL WARRANTY DEED , INSTRUMENT NUMBER 2014E0064945 RECORDED IN THE JACKSON COUNTY RECORDER OF DEEDS; THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF NORTH 80°17'46" WEST WITH A RADIUS OF 708.50 FEET, A CENTRAL ANGLE OF 47°20'45" AND AN ARC DISTANCE OF 585.46 FEET; THENCE SOUTH 57°03'00" WEST, 31.00 FEET; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF NORTH 32°57'00" WEST WITH A RADIUS OF 739.50 FEET, A CENTRAL ANGLE OF 13°17'24" AND AN ARC DISTANCE OF 171.53 FEET; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A COMMON TANGENT WITH THE LAST DESCRIBED COURSE WITH A RADIUS OF 784.50 FEET, A CENTRAL ANGLE OF 10°24'58" AND AN ARC DISTANCE OF 142.62 FEET TO A POINT INTERSECTING WITH THE WEST LINE OF THE EAST HALF OF THE SAID NORTHWEST QUARTER OF SECTION 11; THENCE ON SAID WEST LINE, NORTH 02°22'54" EAST, 1,958.98 FEET TO A POINT ON THE NORTH LINE OF THE SAID NORTH WEST QUARTER; THENCE ON SAID NORTH LINE, SOUTH 87°55'11" EAST, 658.12 FEET TO THE POINT OF BEGINNING.

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SECTION 2. That the following conditions of approval apply:

1. A modification of UDO Sec. 6.030, Table 6-2, Density, shall be granted to allow 6.18 units per acre for the RP-1 district instead of 4 units per acre.
2. A modification of UDO Sec. 6.030, Table 6-2, Minimum Lot Width, shall be granted to allow minimum lot widths of 40' for the RP-1 district instead of 60'.
3. A modification of UDO Sec. 6.030, Table 6-2, Minimum Lot Size, shall be granted to allow a minimum of 4,000 sf. per lot for the RP-1 district instead of 6,600 sf. per lot.
4. A modification of UDO Sec. 6.030, Table 6-2, Density, shall be granted to allow 13.12 units per acre for the RP-4 district instead of 12 units to the acre.
5. A modification of UDO Sec. 6.030, Table 6-2, Minimum Lot Size, shall be granted to allow a minimum lot size of 3,300 sf. per unit for the RP-4 district instead of 3,500 sf. per unit.
6. A modification of UDO Sec. 8.750 shall be granted to allow a minimum 2.5-inch caliper for shade trees instead of 3-inch.
7. A modification of UDO Sec. 8.750 shall be granted to allow a minimum 2.0-inch caliper for ornamental trees instead of 3-inch.
8. A modification of UDO Sec. 8.750 shall be granted to allow a minimum 6' tall for evergreen trees instead of 8' tall.
9. A modification of UDO Sec. 8.750 shall be granted to allow the required 20'-wide high-impact landscape buffers to be located off the property line in accordance with the submitted landscape plans dated September 2, 2021.
10. A modification shall be granted to reduce the required parking lot setback from 20' to 18' along the east property line adjacent to SE Heritage Street.
11. A stormwater waiver shall be submitted and approved for a peripheral drainage area located along the western edge of the proposed development.
12. Development shall be in accordance with the preliminary development plan dated September 2, 2021.
13. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the traffic-related improvements included in the Transportation Impact Analysis (TIA) and the off-site sanitary sewer improvements. 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 public improvements shall be substantially complete prior to any building permits being issued.
14. Due to an excessive dead-end length for the water line proposed in Phase 2, the water line may be required to be looped in Phase 2. This would also potentially require the extension of public roads and storm sewers during Phase 2. Final determination will be made during the final development plan submittal and review process.
15. Interior water lines, storm lines, and sanitary sewer lines shown within Phase 3 may be considered to be private. Final determination to be made during the final development plan submittal and review process.

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- 16. The sanitary sewers serving Phase 2 and shown to be installed beneath unfinished road bed may require the installation of additional roads, water lines and storm sewers. Final determination will be made during the final development submittal and review process.
- 17. A second means of access for emergency purposes shall be installed when required by the 2018 International Fire Code. The construction and location of the access shall be approved the City of Lees Summit Fire Marshall.

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.

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