

BILL NO. 19-209

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED AT 114 & 200 SE SUMMIT AVENUE IN DISTRICT RP-2 FOR THE PROPOSED SUMMIT AVENUE ADDITION, LOTS 1 & 2, 114 & 200 SE SUMMIT AVENUE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, UNIFIED DEVELOPMENT ORDINANCE, OF THE LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2019-121 submitted by George and Peggy Nie, requesting approval of a preliminary development plan in District RP-2 (Planned Two-Family Residential District) on land located at 114 and 200 SE Summit Avenue 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 consideration of the preliminary development plan on August 22, 2019, and rendered a report to the City Council recommending 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 September 17, 2019, and rendered a decision to approve the 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 preliminary development plan is hereby approved in District RP-2 on the following described property:

Lots 18, 19, 20, 21, and 22, Block 2, Lowe's Addition, a recorded subdivision in Lee's Summit, Jackson County, Missouri.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the minimum lot width of 80' for a duplex in the RP-2 zoning district to allow a minimum of 60' for Lot 1 and 64.44' for Lot 2.
2. The developer shall make payment to the City of Lee's Summit for construction cost in lieu of actual construction for the segment of sidewalk along SE Summit Ave.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped July 17, 2019, appended hereto and made a part hereof.

SECTION 4. 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

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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 5. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 33, the Unified Development Ordinance, of the Code of Ordinances of the City of Lee's Summit.

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 _____, 2019.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2019.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian Head*