

BILL NO. 23-107

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR COLBERN ROAD INVESTMENTS - SENIOR LIVING FACILITY ON LAND LOCATED AT 900 NE COLBERN ROAD, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2023-057 submitted by Engineering Solutions, LLC, requesting approval of a preliminary development plan in District PMIX on land located at 900 NE Colbern 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 public hearings for the consideration of the preliminary development plan on May 11, 2023, 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 June 6, 2023, 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 on the following described property:

HCA MIDWEST, LOTS 1A & 1B--LOT 1A

SECTION 2. That the following conditions of approval apply:

1. Development shall be in accordance with the preliminary development plan dated March 7, 2023.
2. Development shall be in accordance with the Transportation Impact Analysis by Susan Barry, PE PTOE, dated April 28, 2023.
3. Approval of this PDP (PL2023-057) shall be contingent upon the approval of the associated rezoning and conceptual PDP (PL2023-056).

SECTION 3. Development shall be in accordance with the preliminary development plan dated March 7, 2023 appended hereto as an attachment.

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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 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 City's Unified Development Ordinance, of the Code of Ordinances for 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 _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*