

BILL NO. 19-171

AN ORDINANCE APPROVING A REZONING FROM DISTRICT CP-2 TO DISTRICT PI AND PRELIMINARY DEVELOPMENT PLAN FOR APPROXIMATELY 1.28 ACRES LOCATED AT 3930 AND 3924 SW RAINTREE DRIVE, PROPOSED STORAGE MART 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 #PL2018-220 and 222 submitted by New TGK-KC, LLC, requesting approval of a rezoning from District CP-2 (Planned Community Commercial) to PI (Planned Industrial) and preliminary development plan on land located at 3930 SW and 3924 SW Raintree Drive 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 July 11, 2019 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 August 6, 2019, 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:

South M-291 Safety Mini Storage Lots 1 and 2

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to allow outdoor activities (i.e. exterior access to non-climate controlled storage units) to occur on site.
2. A modification shall be granted to allow for outdoor storage of vehicles as shown on the preliminary development plan, dated May 21, 2019.
3. A modification shall be granted to the 1:3 roof pitch requirements to allow a flat roofed building.
4. The development shall be in accordance with the preliminary development plan, dated May 21, 2019.

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,

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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 _____, 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 W. Head*