

BILL NO. 19-261

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED AT 510 NE MAIN STREET AND 6 NW ORCHARD STREET IN DISTRICT RP-2, PROPOSED "MAIN ORCHARD" 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 #PL2019-305, submitted by Engineering Solutions, requesting approval of a preliminary development plan in District RP-2 (Planned Two-Family Residential District) on land located at 510 NE Main St and 6 NW Orchard St 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 November 14, 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 December 3, 2019, and approved a motion for a second ordinance reading to approve the preliminary development plan for said property; and,

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:

Section 6, Township 47 North, Range 31 West, in Lee's Summit, Jackson County, Missouri, being described as follows:

All that part of the Northwest Quarter of the Northeast Quarter of Section 6, Township 47, Range 31, Lee's Summit, Jackson County, Missouri, described as follows: Beginning at the Northeast corner of Lot 7 HEARNE'S ADDITION to the City of Lee's Summit, said point being in the West line of Main Street; thence north along the West line of Main Street 208.75 feet; thence West 289.3, more or less, to the Northeast corner of Lot 7, NORTH LEA ADDITION, a subdivision in Lee's Summit; thence South along the East lines of Lots 7, 8, and 9 in said Addition to the Southeast corner of Lot 9; thence East 289.3 feet, more or less, to the point of beginning.

AND

All of Lot 7, Hearne's Addition, a subdivision as recorded in the Office of the Recorder, Jackson County, Missouri.

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SECTION 2. That the following conditions of approval apply:

1. The developer shall make payment to the City of Lee's Summit for construction costs in lieu of actual construction of the segment of sidewalk along NW Orchard St.
2. The proposed structures shall meet the design criteria and development plan descriptions as set forth in the "House Type Description Narrative", date stamped November 8, 2019, as referenced in Exhibit (A), 13 – List of Exhibits and attached hereto.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped September 9, 2019:

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 _____, 2019.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

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

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W/ Head*