

## **BILL NO. 22-154**

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AN ORDINANCE APPROVING A REZONING FROM DISTRICT CP-2 (PLANNED COMMUNITY COMMERCIAL) TO DISTRICT PMIX (PLANNED MIXED USE) AND PRELIMINARY DEVELOPMENT PLAN FOR LAND LOCATED AT 3100 NE RALPH POWELL RD, 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 #PL2022-140 submitted by Engineering Solutions, LLC, requesting approval of a rezoning from CP-2 (Planned Community Commercial) to PMIX (Planned Mixed Use) and preliminary development plan on land located at 3100 NE Ralph Powell Rd 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 a public hearing for the consideration of the rezoning and preliminary development plan on July 14, 2022, 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 9, 2022, 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:

*LOT 7A, CHAPEL RIDGE BUSINESS PARK, LOTS 7A & 21A* (attached to his ordinance as Exhibit A)

SECTION 2. That the following conditions of approval apply:

1. Development shall be in accordance with the preliminary development plan with an upload date of June 14, 2022 (attached to this ordinance as Exhibit B), and building elevations dated May 10, 2022 (attached to this ordinance as Exhibit C).
2. Allowed uses in the development shall be limited to those outlined in the Project Use Description Chart dated May 10, 2022 (attached to this ordinance as exhibit D).
3. The emergency access onto NE Strother Rd shall be removed and relocated at a future point, if possible, when internal access may be provided from the development of the abutting property to the west.
4. This preliminary development plan includes gated access only to the site. Signage that includes an emergency access number shall be posted on the fence at the gates to provide the City access to the public utilities within the gated area. If authorized personnel response time is unreasonable, the City reserves the right to remove the fence and/or gate

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as needed for access with no obligation to repair or replace. Wording and placement of the signage will be determined as a part of the final development plan review.

SECTION 3. That development shall be in accordance with the preliminary development plan with an upload date of June 22, 2022, building elevations dated of May 10, 2022, and Project Use Description Chart dated May 10, 2022, appended hereto as Attachment B, Attachment C and Attachment D, respectively, 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 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 \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_  
*Mayor William A. Baird*

\_\_\_\_\_  
*City Clerk Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_  
*Mayor William A. Baird*

\_\_\_\_\_  
*City Clerk Trisha Fowler Arcuri*

APPROVED AS TO FORM:

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*City Attorney Brian W. Head*