

## **BILL NO. 19-194**

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR FOUR SITES LOCATED AT 1971 SE HAMBLÉN ROAD, 701 NW MAIN STREET, 1751 NE TUDOR ROAD AND 1399 SW WARD ROAD FOR PROPOSED GROUND-MOUNTED SOLAR ARRAYS, 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 #PL2019-247 submitted by the City of Lee's Summit, requesting approval of a preliminary development plan in District PI (Planned Industrial) on land located at 1971 SE Hamblen Road and 1399 SW Ward Road; and in District AG (Agricultural) on land located at 701 NW Main Street and 1751 NE Tudor 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 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 3, 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 on the following described property:

1971 SE Hamblen Rd

SEC-16 TWP-47 RNG-31---THE SOUTH 1/2 OF THE SOUTHWEST 1/4 DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, LEE'S SUMMIT TRANSFER STATION (A LEE'S SUMMIT SUBDIVISION), THEN ALONG A CURVE TO THE LEFT AND ALONG THE EAST ROW LINE OF SE HAMBLÉN RD A DISTANCE OF 676.44 FEET MORE OR LESS, THEN NORTHWESTERLY 124.96 FEET MORE OR LESS, THEN NORTHWESTERLY 96.5 FEET MORE OR LESS, THEN EASTERLY 2592.43 FEET MORE OR LESS, THEN SOUTHERLY 1,319.84 FEET MORE OR LESS, THEN WESTERLY 320 FEET MORE OR LESS, THEN NORTHERLY 290.04 FEET MORE OR LESS, THEN WESTERLY 300 FEET MORE OR LESS, THEN SOUTHERLY 290.40 FEET MORE OR LESS, THEN WESTERLY TO THE PLAT CORNER OF LOT 1, LEE'S SUMMIT TRANSFER STATION, THEN NORTH 84 DEG 52 MIN 11 SEC WEST 647.18 FEET, THEN NORTH 7 DEG 53 MIN 17 SEC EAST 510.83 FEET, THEN NORTH 89 DEG 02 MIN 58 SEC EAST 69.69 FEET, THEN NORTH 0 DEG 56 MIN 05 SEC 305 FEET TO THE NORTHEAST CORNER OF LOT 1, ANIMAL CONTROL FACILITY LOT 1 (A LEE'S SUMMIT SUBDIVISION), THEN NORTH 89 DEG 02 MIN 58 SEC WEST 774.77 FEET, THEN SOUTH 14

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*DEG 0 MIN 58 SEC EAST 104.76 FEET, THEN 23 DEG 46 MIN 11 SEC EAST 156.21 FEET, THEN SOUTH 55 DEG 36 MIN 37 SEC EAST 112.33 FEET, THEN NORTH 89 DEG 02 MIN 58 SEC WEST 145.39 FEET TO THE POINT OF BEGINNING;*

AND

*701 NW Main St*

*SEC-31 TWP-48 RNG-31, THE PART OF THE SOUTHEAST 1/4 DESCRIBED AS FOLLOWS:*

*BEGINNING AT THE NORTHWEST CORNER OF DOUGLAS AND CHIPMAN ROADS THEN WESTERLY ALONG A CURVE TO THE LEFT AND ALONG THE NORTH ROW LINE OF CHIPMAN RD TO THE EAST ROW LINE OF MAIN ST, THEN NORTHWESTERLY AND ALONG THE EAST ROW LINE OF NE MAIN ST 480 FEET MORE OR LESS, THEN EAST 685 FEET MORE OR LESS TO THE WEST ROW LINE OF DOUGLAS RD, THEN SOUTH ALONG THE WEST ROW LINE OF DOUGLAS RD TO THE POINT OF BEGINNING;*

AND

*1751 NE Tudor Rd*

*LOT 1, EASTERN WATERSHED PUMPING FACILITY, A RECORDED SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI;*

AND

*1399 SW Ward Rd*

*LOT 1, SOUTH TERMINAL, 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 requirements that ground-mounted solar arrays be located in the rear yard, to allow ground-mounted solar arrays to be located in the front and/or side yards as depicted on accompanying site plans.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped August 16, 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 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.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Mayor *William A. Baird*

ATTEST:

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City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Mayor *William A. Baird*

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*