

## **BILL NO. 16-108**

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 701 NW WARD ROAD, SUMMIT ORCHARDS, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-039 submitted by Townsend Summit, LLC, requesting approval of a preliminary development plan in District PMIX (Planned Mixed Use) on land located at 701 NW Ward Road, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the subject property was zoned District PMIX, by the passage of the Unified Development Ordinance, Ordinance No. 5209, on September 6, 2001, which reclassified zoning districts citywide, effective November 1, 2001; 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 April 26, 2016, 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 May 19, 2016, 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 in District PMIX on the following described property:

*Lot 7A, Summit Innovation Center, 2<sup>nd</sup> Plat, Lots 7A and 8.*

SECTION 2. That the following conditions of approval shall apply:

1. A modification shall be granted to allow for an increase in the total floor area of all non-residential buildings above the 25% allowed per Section 4.330 of the UDO, to allow up to a 33% increase, provided that the required number of parking spaces can be provided.
2. A modification shall be granted to allow for an increase in the total density of all residential buildings above the 10% residential density increase allowed per Section 4.330 of the UDO, to allow up to a 20% increase, provided that the required number of parking spaces can be provided.
3. Development shall be in accordance with the preliminary development plan date stamped April 8, 2016.

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4. Development standards, including density, lot area, setbacks, shall be as shown on the preliminary development plan date stamped April 8, 2016.
5. The approved architectural styles, building materials and colors, shall be as shown on the building elevations date stamped April 8, 2016.
6. Architectural design standards shall be per the Summit Orchards Tenant Criteria Handbook date stamped April 5, 2016.
7. In lieu of a 5' sidewalk a 10-foot shared-use path shall be required along the north side of NW Chipman Road between NW Donovan Road and the UPRR prior to the issuance of any occupancy permit within Phase 1.
8. In lieu of a 5' sidewalk a 10-foot shared-use path shall be required along the north side of NW Chipman Road between NW Ward Road and NW Donovan Road prior to the issuance of any occupancy permit within Phase 2, Phase 3, Phase 4, or Phase 5.
9. Parking shall be provided per the alternate parking plan shown on the preliminary development plan.
10. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the road improvements recommended in the Transportation Impact Analysis form dated April 19, 2016. No building permits shall be issued for any structure in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Recorder's Office.
11. Two "L"-shaped monument signs (H7) with a sign area of up to 116 sq. ft. and a structure area up to 144 sq. ft., at the northeast corner of NW Ward Road and NW Chipman Road and the northwest corner of NW Chipman Road and NW Donovan Road shall be allowed. All other monument signs shall comply with the CP-2 sign standards.
12. A revised traffic study, sanitary sewer analysis and water demand analysis shall be evaluated if the non-residential total floor area is increased beyond the 25% allowed by Section 4.330 of the UDO, or the residential density is increased by more than the 10% allowed by Section 4.330 of the UDO.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped April 8, 2016, appended hereto and made a part hereof.

SECTION 4. In granting modifications listed herein, the Governing Body concludes that the development will provide sustainable value to the City, incorporates sound planning principles and design elements that are compatible with surrounding properties and consistent through the proposed project, effectively utilize the land upon which the development is proposed, and further the goals, spirit and intent of the Unified Development Ordinance.

SECTION 5. Nonseverability. That 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

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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 6. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

SECTION 7. 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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

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City Attorney *Brian Head*