

BILL NO. 23-105

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 3640 SW ARBORIDGE ROAD IN DISTRICT PMIX, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 33, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2022-314 submitted by Christie Development Associates, LLC, requesting approval of a preliminary development plan in District PMIX (Planned Mixed Use District) on land located at 3640 SW Arboridge Road was referred to the Planning Commission to hold a public hearing; 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 May 11, 2023, 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 June 6, 2023, 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:

SEC-25 TWP-47 RNG-32---PT SW 1/4 DAF: BEG SE COR LOT 1 HOLY SPIRIT CATHOLIC CHURCH LOT 1 TH N 02 DEG 06 MIN 27 SEC E 452.04' TH S 87 DEG 53 MIN 33 SEC E 235.72' TH ELY ALG CURV LF RAD 280' ARC DIST; 62.18' TH SELY 27.6' MOL TH CONT SELY 150.72' TH SELY ALG CURV RI ARC DIST 25.85' TH SELY 87.61' TH SLY ALG CURV LF ARC DIST 12.64' TH SLY ALG CURV RI ARC DIST 82.42' TH SLY 43.91' TH SWLY ALG CURV RI; ARC DIST 92.42' TH WLY 22.16' TH SLY 5' MOL TH WLY 73.45' MOL TH N 85 DEG 45 MIN 26 SEC W 252.1' TO POB

SECTION 2. That the following conditions of approval apply:

1. Development shall be in accordance with the preliminary development plan dated April 14, 2023, and the following elevations: Casey's dated October 5, 2022; Valvoline received February 7, 2023; and The Learning Experience received August 26, 2022.
2. Development shall be in accordance with the Transportation Impact Analysis by Brad Cooley, PE, dated April 7, 2023.

SECTION 3. Development shall be in accordance with Exhibit A that includes the following the preliminary development plan dated April 14, 2023, and the following elevations: Casey's dated October 5, 2022; Valvoline received February 7, 2023; and The Learning Experience received August 26, 2022, as conditioned above and Exhibit B the Transportation Impact Analysis by Brad Cooley, PE, dated April 7, 2023 unless specifically amended the City Traffic Engineer.

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SECTION 4. 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 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 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 _____, 2023.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2023.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*