

BILL NO. 19-195

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED AT 704 AND 708 SE OLDHAM COURT IN DISTRICT CS FOR THE PROPOSED ARISTOCRAT MOTORS 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 #PL2019-204 submitted by Aristocrat Motors, requesting approval of a preliminary development plan in District CS (Commercial Services) on land located at 704 and 708 SE Oldham Court 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 8, 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 in District CS on the following described property:

Lots 2 and 3, Oldham East Business Park, a recorded subdivision in Lee's Summit, Jackson County, Missouri.

SECTION 2. That the following conditions of approval apply:

1. The developer shall construct the segment of sidewalk along SE Oldham Pkwy located west of the driveway as part of this development. The developer shall make payment to the City of Lee's Summit for construction cost in lieu of actual construction for the segment of sidewalk along SE Oldham Pkwy located east of the driveway.

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

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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.

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

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

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

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*