

BILL NO. 19-40

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR AN INDOOR CLIMATE CONTROLLED STORAGE FACILITY IN DISTRICT CP-2 ON LAND LOCATED ON LOT 3B DEERBROOK COMMERCIAL PARK IN CP-2, PROPOSED ATTIC STORAGE, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2018-231 submitted by Strickland Construction, requesting a special use permit for an indoor climate controlled storage facility in District CP-2 (Planned Community Commercial District) on land located on *Lot 3B, Deerbrook Commercial Park* was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a special use permit 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 special use permit on February 14, 2019, and rendered a report to the City Council recommending that the special use permit be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on March 5, 2019, and approved a motion for a second ordinance reading to approve the preliminary development plan for said property; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the application pursuant to Section 6.1185 of the Unified Development Ordinance to allow for an indoor climate controlled storage facility in District CP-2 with a special use permit is hereby granted for a period of 25 years, with respect to the following described property:

LOT 3B, DEERBROOK COMMERCIAL PARK LOTS 3A & 3B, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI.

SECTION 2. That the following condition of approval shall apply in addition to those set out in the Unified Development Ordinance for this use:

1. The special use permit shall be granted for a period of 25 years.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped January 22, 2019, appended hereto and made a part hereof.

SECTION 4. 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.

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SECTION 5. 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 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:

Nancy Yendes, Chief Counsel
Infrastructure and Planning