

BILL NO. 18-117

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR AN INDOOR CLIMATE CONTROLLED MINI-WAREHOUSE STORAGE FACILITY IN DISTRICT CS ON LAND LOCATED ON LOT 1 OLDHAM EAST BUSINESS PARK PROPOSED EXTRA SPACE, 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 #PL2018-085 submitted by WSKF Architects, requesting a special use permit for an indoor climate controlled storage facility in District CS (Commercial Services) on land located on *Lot 1, Oldham East Business 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 July 24, 2018, 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 August 9, 2018, and approved a motion for a second ordinance reading to approve the preliminary development plan for said property; and,

WHEREAS, the City Council on August 23, 2018, approved a motion to remand the application to the Planning Commission for further consideration; 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 October 25, 2018, 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 November 6, 2018, 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 the application pursuant to Section 6.620 and Section 6.1020 of the Unified Development Ordinance to allow for an indoor climate controlled mini-warehouse storage facility in District CS with a special use permit is hereby granted for a period of 25 years, with respect to the following described property:

LOT 1, OLDHAM EAST BUSINESS PARK, LOTS 1, 2, AND 3 A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI.

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SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the requirement that the roof pitch be 1:3, to allow the building to be built with a flat roof as shown on the plans.
2. The special use permit shall be granted for a time period of 10 years.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped September 18, 2018, 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.

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 _____, 2018.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED by the Mayor of said city this ____ day of _____, 2018.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

City Attorney Brian W. Head