

BILL NO. 17-217

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 465 SE OLDHAM PKWY, TELECOMMUNICATION TOWER, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-143 submitted by Skyway Towers, requesting approval of a preliminary development plan in District PI (Planned Industrial) on land located at 465 SE Oldham Pkwy, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the subject property was zoned District PI, 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 September 12, 2017 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 October 5, 2017, 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 PO on the following described property:

BROWNING INDUSTRIAL PARK EAST BLOCK G LOT 1, in Lee's Summit, Jackson County, Missouri.

SECTION 2. That the following conditions of approval apply:

1. Approval of the preliminary development plan is contingent upon approval of the special use permit (Appl. #PL2017-142), for the telecommunication tower.
2. Development shall be in accordance with preliminary development plan date stamped August 1, 2017.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped August 1, 2017, appended hereto and made a part hereof.

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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. 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 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 _____, 2017.

ATTEST:

Mayor *Randall L. Rhoads*

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2017.

ATTEST:

Mayor *Randall L. Rhoads*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*