

## **BILL NO. 22-11**

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 3501 SW MARKET ST IN DISTRICT CP-2, PROPOSED MARKET STREET CENTER, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2021-406 submitted by Foresight Real Estate Services, LLC, requesting approval of a preliminary development plan in District CP-2 (Planned Community Commercial District) on land located at 3501 SW Market St 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 December 16, 2021, 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 January 18, 2022, 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 CP-2 on the following described property:

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 47 NORTH, RANGE 31 WEST, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT TO THE NORTHEAST CORNER OF LOT 2, QUIKTRIP 200R, A PLATTED SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF MISSOURI ROUTE 291 HIGHWAY, AS NOW ESTABLISHED; THENCE N 87°30'16" W, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 254.19 FEET, TO AN ANGLE POINT ON THE EAST LINE OF LOT 1A, QUIKTRIP 200R LOT 1A, A SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI; THENCE N 2°29'44" E, ALONG SAID EAST LINE OF SAID LOT 1A, A DISTANCE OF 100.00 FEET, TO THE NORTHEAST CORNER OF SAID LOT 1A; THENCE N 87°30'16" W, ALONG THE NORTH LINE OF SAID LOT 1A, A DISTANCE OF 39.81 FEET, TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, OF FIRESTONE SW MARKET STREET, A SUBDIVISION IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI; THENCE N 2°26'15" E, ALONG THE EAST LINE OF SAID LOT 1, BLOCK 1, A DISTANCE OF 195.04 FEET, TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 1; THENCE N 54°19'08" W, ALONG THE NORTHERLY LINE OF SAID LOT 1, BLOCK 1, A DISTANCE OF 136.22 FEET, TO THE NORTH MOST CORNER OF SAID LOT 1, BLOCK 1, FIRESTONE SW MARKET STREET, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SW MARKET STREET, AS NOW ESTABLISHED; THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR THE FOLLOWING THREE (3) COURSES; THENCE ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF N 53°09'45" E, A RADIUS OF 459.32 FEET, AND

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AN ARC LENGTH OF 198.93 FEET; THENCE N 77°58'41" E, A DISTANCE OF 116.98 FEET; THENCE NORTHERLY ALONG A CURVE TO THE LEFT, BEING TANGENT TO THE LAST COURSE, HAVING A RADIUS OF 524.94 FEET, AND AN ARC LENGTH OF 619.48 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MISSOURI ROUTE 291 HIGHWAY, AS NOW ESTABLISHED; THENCE SOUTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE FOR THE FOLLOWING FOUR (4) COURSES; THENCE S 1°52'13" W, A DISTANCE OF 163.38 FEET; THENCE S 21°14'04" W, A DISTANCE OF 192.67 FEET; THENCE S 24°33'04" W, A DISTANCE OF 421.20 FEET; THENCE SOUTH ALONG A CURVE TO THE LEFT BEING TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 820.21 FEET, AND AN ARC LENGTH OF 195.72 FEET, TO THE POINT OF BEGINNING, CONTAINING 219,027.21 SQUARE FEET, OR 5.028 ACRES, MORE OR LESS, OF UNPLATTED LAND.

SECTION 2. That the following conditions of approval apply:

1. Development shall meet all design and sustainability requirements as established by UDO Sec. 5.510.
2. Development shall be in accordance with the preliminary development plan dated November 16, 2021, except that the development of Lot 3 requires approval of a separate preliminary development plan application due to the lack of building elevations provided as part of the subject application.

SECTION 3. That development shall be in accordance with the preliminary development plan dated stamped November 16, 2021, appended hereto and made a part hereof.

SECTION 4. That 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. 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 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.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_  
Mayor *William A. Baird*

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_  
Mayor *William A. Baird*

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

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City Attorney *Brian W. Head*