

BILL NO. 23-050

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 900 NE COLBERN ROAD. IN DISTRICT CP-2, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 33, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2022-327 submitted by Great American Dream, LLC, requesting approval of a preliminary development plan in District CP-2 (Planned Community Commercial District) on land located at 900 NE Colbern Road 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 January 12, 2023, 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 March 7, 2023, 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 a tract of land in the Northeast Quarter of Section 29, Township 48 North, Range 31 West, in the City of Lee's Summit, Jackson County, Missouri, more particularly described by Steve E. Roberts LS-2496 of Renaissance Infrastructure Consulting as follows:

Commencing at Southeast corner of the Northeast Quarter of said section; thence North 88°28'52" West, along the South line of said Quarter, a distance of 755.18 feet; thence departing said South line North 01°23'04" East, a distance of 55.66 feet to the Southwest corner of Lot 4 of RICE ACRES, LOTS 4 & 5, a subdivision in the City of Lee's Summit, Jackson County, Missouri; thence North 88°38'41" West, a distance of 84.60 feet to the Point of Beginning, said point being on the Northerly right-of-way of NE Colbern Road as it now exists; thence North 88°38'41" West along said Northerly right-of-way, a distance of 256.00 feet; thence departing said right-of-way, North 01°23'04" East, a distance of 276.31 feet; thence South 88°38'51" East, a distance of 255.59 feet; thence southeasterly, along a (non-tangent) curve to the right having an arc length of 23.57 feet, a radius of 15.00 feet and a chord which bears South 43°37'56" East, and a chord distance of 21.22 feet; thence South 01°23'04" West, a distance of 172.38 feet; thence South 13°21'00" West, a distance of 37.98 feet; thence southerly, along a curve to the left having an arc length of 52.28 feet, a radius of 328.00 feet and a chord which bears South 08°47'02" West, with a chord distance of 52.22 feet to the Point of Beginning,

Containing 73,958 square feet, or 1.698 acres, more or less.

SECTION 2. That the following conditions of approval apply:

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1. Development shall be in accordance with the preliminary development plan dated November 28, 2022 and Elevations dated September 5, 2022.

SECTION 3. Development shall be in accordance with the preliminary development plan dated November 28, 2022 and elevations dated September 5, 2022, as conditioned above and appended hereto as Attachment A and Attachment B.

SECTION 4. 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 5. 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 _____, 2023.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2023.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*