

## **BILL NO. 21-162**

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED AT 1103 SW OLDHAM PKWY, PROPOSED CHIPOTLE, IN DISTRICT CP-2, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2021-181 submitted by RED Architecture and Planning requesting approval of a preliminary development plan in District CP-2 (Planned Community Commercial District) on land located at 1103 SW Oldham Pkwy was referred to the Planning Commission to hold a public hearing; 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 request on July 22, 2021, and rendered a report to the City Council containing findings of fact and a recommendation 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 August 18, 2021, 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 a preliminary development plan is hereby approved in District CP-2 on the following described property:

*Lot 1, PIZZA HUT ADDITION, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof, EXCEPT that part conveyed to the City of Lee's Summit by the Right-of-Way Deed recorded as Document No. I-667242, in Book I-1500, Page 1736.*

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the requirement limiting the use of metal to an incidental role, to allow metal as a primary exterior building material as depicted on the elevations dated June 21, 2021.
2. A modification shall be granted to the requirement for a 8'-10' masonry wall around the outdoor patio area, to allow no wall, but with landscaping as depicted on the landscape plan dated June 21, 2021.
3. An Alternate Parking Plan allowing a total of 25 parking spaces to serve the proposed restaurant shall be approved as part of the preliminary development plan.

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4. Development shall be in accordance with the preliminary development plan consisting of 6 pages:
  - Cover Sheet and general notes, June 21, 2021
  - Site Plan, dated June 21, 2021
  - Site Grading, dated June 21, 2021
  - Miscellaneous Detail, dated June 21, 2021
  - Landscape Plan, dated June 21, 2021 – 2 pages
  - Architectural Elevations, dated June 21, 2021 – 6 pages
5. A solid 6'-tall wood fence shall be extended along the driveway to the rear exit of the property to serve as a screen for the abutting residential property.

SECTION 3. 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 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. 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 \_\_\_\_\_, 2021.

ATTEST:

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

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

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

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

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City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

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City Attorney *Brian W. Head*