

## **BILL NO.**

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED AT 114 SE DOUGLAS ST IN DISTRICT CBD, PROPOSED DTLs APARTMENTS 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 #PL2018-234 submitted by Cityscapes Properties, LLC requesting approval of a preliminary development plan in District CBD (Central Business District) on land located at 114 SE Douglas St 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 consideration of the preliminary development plan on February 14, 2019, 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 5, 2019, 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 CBD on the following described property:

A resurvey and replat of Tract A, REPLAT OF LOTS 1 THRU 9 AND 11 THRU 23, INCLUSIVE, BLOCK 4, TOWN OF STROTHER and the West 130 feet of Lots 11 and 12, Block 4, TOWN OF STROTHER, all being platted subdivisions of land in the City of Lee's Summit, Jackson County, Missouri, containing 3.734 acres, more or less of re-platted land

And

Howards 1st Add Lot 10 Blk 16 & S 1/2 Vac Alley N & Adj & W 1/2 Vac Alley E & Adj

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the maximum allowable 1.0 FAR in the CBD, to allow 2.03 FAR.
2. A modification shall be granted to the minimum parking stall dimensions of 9' wide x 19' deep, to allow 77 compact parking stalls at 8' wide x 18' deep in the parking garage and 364 standard parking stalls at 8.5' wide x 18' deep in the parking garage.

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3. A modification shall be granted to the Design Standards for the Downtown Core Area's requirement that first and second floor elevations of street facing facades consist of brick, to allow for the brick facade to be one story in limited areas, consistent with the preliminary development plan date stamped January 22, 2019.
4. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, sanitary sewer improvements and other required public improvements, and which carries out and implements the requirements and conditions of this ordinance. No building permit shall be issued for any structure in the development until written proof is provided to the City that the development agreement, or a memorandum thereof, has been recorded in the Jackson County Recorder's Office.

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 \_\_\_\_\_, 2019.

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

ATTEST:

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

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Mayor *William A. Baird*

ATTEST:

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City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

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City Attorney *Brian W. Head*