

## **BILL NO. 23-208**

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR LEE'S SUMMIT FLEX SPACE LOCATED AT 60 SE THOMPSON DR, ALL 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 #PL2023-236 submitted by Kimley-Horn requesting approval of a preliminary development plan in District PI on land located at 60 Thompson Dr 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 public hearings for the consideration of the preliminary development plan on October 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 November 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 on the following described property:

*All of Lot 3A, Decker Street Minor Plat, Lee's Summit, Jackson County, Missouri.*

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the requirement for four-sided building architecture, to allow only the use of a metal panel system on the north elevation of the north building (Building B) as depicted on the building elevations included in the preliminary development plan dated September 12, 2023.
2. Development shall be in accordance with the preliminary development dated September 12, 2023, inclusive of the allowance of smooth-finished, corrugated architectural metal panel as a primary exterior building material as depicted on the building elevations contained therein.
3. A 5' sidewalk shall be constructed along the SE Thompson Dr frontage of the subject development. The City shall not issue any occupancy for the subject development until such time as the sidewalk is constructed and accepted by the City.

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SECTION 3. Development shall be in accordance with the preliminary development plan dated September 12, 2023, appended hereto as Attachment A.

SECTION 4. 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 5. 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 6. 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.

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

ATTEST:

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

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Mayor *William A. Baird*

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*