

BILL NO. 17-147

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 4101 NE LAKEWOOD WAY IN DISTRICT PMIX, PROPOSED COLEMAN EQUIPMENT, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-097 submitted by Coleman Equipment, requesting approval of a preliminary development plan in District PMIX (Planned Mixed Use District) on land located at 4101 NE Lakewood Way 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 June 13, 2017, 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 July 13, 2017, 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 PMIX on the following described property:

PART OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 48 NORTH, RANGE 31 WEST, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 5, "LAKEWOOD BUSINESS PARK LOTS 1-8", A SUBDIVISION IN SAID CITY, COUNTY AND STATE, SAID POINT ALSO BEING ON THE EAST LINE OF SAID SECTION 8; THENCE SOUTH 02 DEGREES 32 MINUTES 02 SECONDS WEST ALONG THE SAID EAST LINE OF SAID SECTION 8, ALSO BEING THE WEST LINE OF LOTS 30, 31A, 32A AND 33A OF SAID LAKEWOOD BUSINESS PARK SUBDIVISION, A DISTANCE OF 713.13 FEET TO THE SOUTHWEST CORNER OF SAID LOT 33A; THENCE SOUTH 21 DEGREES 03 MINUTES 43 SECONDS WEST CONTINUING ALONG THE WEST LINE OF LOT 34 OF SAID SUBDIVISION, A DISTANCE OF 207.35 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF RELOCATED LAKEWOOD WAY, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 34; THENCE NORTH 68 DEGREES 56 MINUTES 17 SECONDS WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 457.83 FEET; THENCE NORTHWESTERLY CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE ON A CURVE TO THE RIGHT WITH A RADIUS OF 710.00 FEET, AN ARC DISTANCE OF 521.54 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT OF WAY LINE OF I-470 HIGHWAY; THENCE NORTH 09 DEGREES 35 MINUTES 01 SECONDS WEST ALONG

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SAID EXISTING EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 109.14 FEET TO THE SOUTHWEST CORNER OF LOT A OF LAKEWOOD BUSINESS PARK, A SUBDIVISION IN SAID CITY, COUNTY AND STATE; THENCE NORTH 80 DEGREES 50 MINUTES 22 SECONDS EAST ALONG THE SAID SOUTH LINE OF SAID LOT A, A DISTANCE OF 274.96 FEET; THENCE NORTH 02 DEGREES 32 MINUTES 02 SECONDS EAST ALONG THE EAST LINE OF SAID LOT A, A DISTANCE OF 145.00 FEET TO A POINT ON THE SOUTH LINE OF SAID "LAKEWOOD BUSINESS PARK LOTS 1-8"; THENCE NORTH 79 DEGREES 23 MINUTES 29 SECONDS EAST ALONG SAID SOUTH LINE, A DISTANCE OF 430.31 FEET; THENCE NORTH 84 DEGREES 00 MINUTES 15 SECONDS EAST CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 230.16 FEET TO THE POINT OF BEGINNING, SUBJECT TO THAT PART, IF ANY, IN STREETS, ROADWAYS, HIGHWAYS OR OTHER PUBLIC RIGHT-OF-WAYS.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the paved parking/display requirement, to allow decorative mulch placed over gravel filled reinforced modular cellular grid system for the equipment display area.
2. A modification shall be granted to the requirement that all roof-mounted equipment be screened entirely from view by using parapet walls at the same height as the mechanical units, to allow the proposed Envisor Screening System in lieu of parapet walls for screening around the periphery of the roof-top mechanical equipment.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped May 23, 2017, appended hereto and made a part hereof.

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 the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

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 _____, 2017.

Mayor *Randall L. Rhoads*

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ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this ____ day of _____, 2017.

Mayor Randall L. Rhoads

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*