

## **BILL NO. 23-130**

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR DENTAL DEPOT ON LAND LOCATED AT 1501 NE RICE RD, 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 #PL2023-069 submitted by Ashmore Investments, LLC, requesting approval of a preliminary development plan in District CP-2 on land located at 1501 NE Rice Rd. 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 consideration of the preliminary development plan on May 25, 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 June 20, 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:

*LOT 11, GREGORY ESTATES, LOTS 6-11*

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to eliminate the required six-foot high masonry wall or opaque vinyl fence from the high impact buffer requirement adjacent to the eastern property line.
2. A modification to the maximum of three (3) wall signs shall be granted to allow eight (8) wall signs as shown on the sign specification sheets submitted and uploaded on April 25, 2023.
3. The use of cedar wood siding as the main material for the proposed water element as well as various cedar trim and accent elements on the subject building shall be approved as a conditional material in accordance with the building elevations dated April 10, 2023 and April 21, 2023.
4. Development shall be in accordance with the preliminary development plan dated April 25, 2023, and building elevations dated April 10, 2023 and April 21, 2023.
5. No signage or lights shall be located on the water tower located at the southwest corner of the subject site.

SECTION 3. Development shall be in accordance with the preliminary development plan dated April 25, 2023, and building elevations dated April 10, 2023 and April 21, 2023 appended hereto as Attachment A.

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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.

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

ATTEST:

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

APPROVED AS TO FORM:

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City Attorney *Brian Head*

ATTACHMENT A  
PRELIMINARY DEVELOPMENT PLAN AND BUILDING ELEVATIONS

[Attached]