

## **BILL NO. 21-252**

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 3820 SW WARD ROAD IN DISTRICT AG, PROPOSED RAINTREE ANIMAL HEALTH CENTER ADDITION & RENOVATION, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2021-353 submitted by Davidson Design & Engineering, requesting approval of a preliminary development plan in District CP-2 (Planned Community Commercial District) on land located at 3820 SW Ward Road was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, on December 6, 2012, by Ordinance No. 7266, the City Council approved a preliminary development plan for Raintree Animal Health Center on land located at 3820 SW Ward Rd; and,

WHEREAS, Application #PL2021-353, submitted by Davidson Design & Engineering, requesting a preliminary development plan for Raintree Animal Health Center addition & renovation in District AG on land located at 3820 SW Ward Rd, was referred to the Planning Commission to hold a public hearing; 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 November 18, 2021, 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 December 21, 2021, 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 CP-2 on the following described property:

*SECTION 36, TOWNSHIP 47, RANGE 32 – PART OF THE NE ¼ DESCRIBED AS FOLLOWS:*

*BEGINNING AT THE EAST LINE OF SECTION 36 1329.79' NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST ¼, THEN WEST 990', MORE OR LESS, THEN NORTH 220.81', THEN EAST 990', MORE OR LESS, THEN SOUTH 220.81' TO THE POINT OF BEGINNING (EXCEPT THAT PART IN WARD RD).*

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the minimum 100' setback from residential property for veterinary uses, to allow a 63' outdoor exercise area setback and 50' building setback from the abutting residential properties to the north and south, respectively.

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2. Development shall be in accordance with the preliminary development plan dated October 18, 2021.

SECTION 3. That development shall be in accordance with the preliminary development plan dated stamped October 18, 2021, appended hereto and made a part hereof.

SECTION 4. That in granting modifications listed herein, the Governing Body concludes that the development will provide sustainable value to the City, incorporates sound planning principles and design elements that are compatible with surrounding properties and consistent through the proposed project, effectively utilize the land upon which the development is proposed, and further the goals, spirit and intent of the Unified Development Ordinance.

SECTION 5. Nonseverability. That 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 6. 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 7. 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 \_\_\_\_\_, 2022.

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

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

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2022.

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

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

APPROVED AS TO FORM:

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City Attorney *Brian W. Head*