

## **BILL NO. 18-120**

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED AT 1401 SW STONEY BROOK CIRCLE IN DISTRICT R-1, PROPOSED THE RESERVE AT STONEY CREEK SUBDIVISION POOL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2018-087 submitted by Engineering Solutions, LLC, requesting approval of a preliminary development plan in District R-1 (Single Family Residential) on land located at 1401 SW Stoney Brook Cir. 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 July 10, 2018, 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 August 9, 2018, 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 R-1 on the following described property:

*TRACT K, THE RESERVE AT STONEY CREEK-2ND PLAT LOTS 54-59 & TRACT K, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI.*

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the requirement that access to individual lots not be allowed from an arterial or collector street when access from a local or access street is available, to allow direct vehicular access to the tract from the collector street SW Stoney Creek Dr.
2. A modification shall be granted to the requirement that a medium impact screen be provided along any common property line shared with a residential dwelling, to allow the required buffer to be located on the interior of the property adjacent to the east side of the parking lot and driveway.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped June 19, 2018, appended hereto and made a part hereof.

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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 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 \_\_\_\_\_, 2018.

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

ATTEST:

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

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2018.

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Mayor *William A. Baird*

ATTEST:

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

APPROVED AS TO FORM:

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