

BILL NO. 18-116

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED ON LOT 1 OLDHAM EAST BUSINESS PARK IN DISTRICT CS, PROPOSED EXTRA SPACE, INDOOR CLIMATE CONTROLLED MINI-WAREHOUSE STORAGE FACILITY IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2018-084 submitted by Hernly Associates, Inc., requesting approval of a preliminary development plan in District CS (Commercial Services District) on land located on *Lot 1, Oldham East Business Park* 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 24, 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 approved a motion for a second ordinance reading to approve the preliminary development plan for said property; and,

WHEREAS, the City Council on August 23, 2018, approved a motion to remand the application to the Planning Commission for further consideration; 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 October 25, 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 November 6, 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 CS located in Section 8, Township 47 North, Range 31 West, in Lee's Summit, Jackson County, Missouri, more described as follows:

*LOT 1, OLDHAM EAST BUSINESS PARK, LOTS 1, 2, AND 3, A SUBDIVISION
IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI.*

SECTION 2. That the following conditions of approval apply:

1. A conditional building material shall be approved to allow concealed fastener wave metal panels as shown on the preliminary development plan.

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2. A modification shall be granted to the maximum allowable 0.65 FAR in the CS district, to allow 0.99 FAR.

3. Development shall be in accordance with the preliminary development plan date stamped September 18, 2018.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped September 18, 2018, 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 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 _____, 2018.

ATTEST:

Mayor William A. Baird

City Clerk Trisha Fowler Arcuri

APPROVED by the Mayor of said city this ____ day of _____, 2018.

ATTEST;

Mayor William A. Baird

City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

City Attorney Brian W. Head