

BILL NO. 22-14

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR A PROCESSING FACILITY ON LAND LOCATED AT 2101 SE HAMBLLEN ROAD, 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 #PL2021-428 submitted by KC Dumpster Company, requesting approval of a preliminary development plan on land located at 2101 SE Hamblen 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 public hearings for the consideration of the preliminary development plan on January 13, 2022, 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 February 1, 2022, 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:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16 AND THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 47 NORTH, RANGE 31 WEST, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE SOUTH 88 DEGREES 08 MINUTES 52 SECONDS EAST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SOUTHWEST QUARTER, A DISTANCE OF 746.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH 38 DEGREES 09 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 188.99 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF SE HAMBLLEN ROAD; THENCE ALONG THE EAST RIGHT-OF-WAY OF SE HAMBLLEN ROAD CURVING TO THE LEFT THROUGH AN ANGLE OF 03 DEGREES 42 MINUTES 22 SECONDS, HAVING A RADIUS OF 5946.77 FEET, AND WHOSE LONG CHORD BEARS NORTH 20 DEGREES 43 MINUTES 28 SECONDS WEST FOR A DISTANCE OF 384.58 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF SE HAMBLLEN ROAD; THENCE SOUTH 89 DEGREES 02 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 734.13 FEET TO THE SOUTHEAST CORNER OF LOT 1, ANIMAL CONTROL FACILITY; THENCE N 00 DEGREES 56 MINUTES 05 SECONDS E FOR A DISTANCE OF 305.00 FEET TO A POINT ON A LINE. THENCE NORTH 55 DEGREES 51 MINUTES 25 SECONDS EAST FOR A DISTANCE OF 99.36

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FEET TO THE NORTHEAST CORNER OF SAID LOT 1, ANIMAL CONTROL FACILITY; THENCE NORTH 02 DEGREES 35 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 433.17 FEET TO A POINT ON A LINE; THENCE SOUTH 89 DEGREES 02 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 598.71 FEET TO A POINT ON A LINE; THENCE SOUTH 23 DEGREES 35 MINUTES 06 SECONDS E FOR A DISTANCE OF 777.81 FEET TO A POINT ON A LINE; THENCE SOUTH 00 DEGREES 20 MINUTES 43 SECONDS WEST FOR A DISTANCE OF 281.17 FEET TO A POINT ON A LINE; THENCE SOUTH 08 DEGREES 35 MINUTES 01 SECONDS EAST FOR A DISTANCE OF 342.37 FEET TO A POINT ON A LINE; THENCE SOUTH 14 DEGREES 12 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 38.02 FEET TO A POINT ON A LINE; THENCE NORTH 88 DEGREES 08 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 330.00 FEET TO A POINT ON A LINE; THENCE SOUTH 09 DEGREES 47 MINUTES 49 SECONDS WEST FOR A DISTANCE OF 162.52 FEET TO A POINT ON A LINE; THENCE NORTH 80 DEGREES 12 MINUTES 11 SECONDS WEST FOR A DISTANCE OF 1165.18 FEET TO A POINT ON A LINE; THENCE NORTH 38 DEGREES 09 MINUTES 54 SECONDS WEST A DISTANCE OF 52.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,662,863 SQUARE FEET OR 38.174 ACRES, MORE OR LESS.

SECTION 2. That the following conditions of approval apply:

1. Development shall be in accordance with the preliminary development plan attached as "Exhibit A" and dated December 22, 2021.

SECTION 3. 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 4. 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 5. 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.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

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

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*