

## **BILL NO. 19-39**

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED ON LOT 3B DEERBROOK COMMERCIAL PARK IN DISTRICT CP-2, PROPOSED ATTIC STORAGE, INDOOR CLIMATE CONTROLLED 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 #PL2018-121, submitted by Strickland Construction, requesting approval of a preliminary development plan in District CP-2 (Planned Community Commercial District) on land located on *Lot 3B, Deerbrook Commercial 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 February 14, 2019, 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 March 5, 2019, and approved a motion for a second ordinance reading 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 32, Township 48 North, Range 31 West, in Lee's Summit, Jackson County, Missouri, being described as follows:

*LOT 3B, DEERBROOK COMMERCIAL PARK, LOTS 3A & 3B, 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 maximum allowable 0.55 FAR in the CP-2 district, to allow 0.92 FAR.
2. The pilaster located on the northeast corner of the building shall incorporate more architectural detail, adding depth and interest as it wraps around towards the interior of the building.
3. The glass windows on the second and third stories shall be opaque.
4. Development shall be in accordance with the preliminary development plan date stamped January 22, 2019.

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5. The shared private driveway shall be designated as a fire lane in accordance with City Ordinances.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped January 22, 2019.

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 \_\_\_\_\_, 2019.

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

ATTEST:

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

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APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

ATTEST:

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

APPROVED AS TO FORM:

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*Nancy K. Yendes*, Chief Counsel  
Infrastructure and Planning