

BILL NO. 20-78

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED AT 408, 500 & 502 NW OLIVE ST. IN DISTRICT RP-2, PROPOSED SEQUOIA, 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 #PL2019-412, submitted by Orchard Park Development, LLC, requesting approval of a preliminary development plan in District RP-2 (Planned Two-Family Residential District) on land located at 408 & 500 NW Olive St. 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 27, 2020, 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 24, 2020 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 RP-2 on the following described property:

Tract I:

Lot 22, and 23, HEARNE'S ADDITION, a subdivision in Lee's Summit, Jackson County, Missouri, EXCEPT the South 8 feet of the West 50 feet of Lot 22 and also EXCEPT, the South 8 feet of Lot 23, and ALSO EXCEPT the South 88 feet of the East 150 feet of Lot 22, together with the South 1/2 of vacated Orchard Street lying North of and Adjacent to the said premises in questions.

Tract II:

Lots 1, 2, and 3, EXCEPT the North 140 feet of the East 150 feet of Lot 3, HEARNE'S ADDITION, (aka/ HEARNE'S FIRST ADDITION) and the North Half of vacated Orchard Street lying South and adjacent, a subdivision in Lee's Summit, Jackson County, Missouri.

Tract III:

All that part of Lot 3, HEARNE'S ADDITION to Lee's Summit, Jackson County, Missouri, described as follows: Beginning at a point 70 feet South of the Northeast corner of said Lot 3; thence South 65 feet; thence West 150 feet; thence North 65 feet; thence East 150 feet to the point of beginning.

Containing 164,714.19 square feet or 3.781 acres, more or less.

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SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the design of the required 20' wide high impact landscape screen along the north property line, to allow a 6' vinyl fence placed on the north property line and all required landscaping material planted on the south side of the fence.
2. A modification shall be granted to the requirement that the maximum number of dwelling units on a cul-de-sac not exceed 20, to allow 24 dwelling units on a cul-de-sac.
3. A modification shall be granted to the requirement that the total number of cul-de-sac lots in a subdivision be no more than ten percent of the total number of lots in the subdivision, to allow the total number of cul-de-sac lots in the subdivision be one hundred percent.
4. No parking will be required on one side of the street (and cul-de-sac). Upon approval of the project and prior to substantial completion of road construction, staff will process necessary requirements to establish No Parking. Developer will be required to install No Parking signs, per City standards/specifications in coordination with the road construction and shall be shown on the Engineer Plan submittals. Developer's preference to which side of street is parking restricted may be reflected on the drawings at such time.
5. Development shall comply with the recommendation of the Transportation Impact Analysis (TIA) dated February 19, 2020, prepared by Michael Park, City Traffic Engineer.
6. Construction shall be in accordance with the elevations date stamped March 13, 2020.
7. All landscaping and grounds maintenance shall be provided by a home owners association pursuant to the recorded covenants, which shall be reviewed and approved by the City prior to recording.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped February 7, 2020, as described in the staff report.

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.

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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 _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*