

BILL NO. 16-166

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 800 NE WOODS CHAPEL ROAD, IN DISTRICT CP-2, PROPOSED QUIKTRIP, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-097, submitted by QuikTrip Corporation requesting approval of a preliminary development plan in District CP-2 (Planned Community Commercial District) on land located at 800 NE Woods Chapel Road, 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 12, 2016, 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 4, 2016, 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 CP-2 on the following described property:

All that part of Lot 3, CHAPEL RIDGE, a subdivision in the Southeast Quarter of Section 8, in Township 48 North, Range 31 West, in Lee's Summit, Jackson County, Missouri and Lot 4-A and Tract 4-B, CHAPEL RIDGE, LOT 4-A & TRACT 4-B, a subdivision in Lee's Summit, Jackson County, Missouri being more fully described as follows:

Beginning at the Northeast corner of said Lot 3, being also the Northwest corner of said lot 4-A; thence South 88 degrees 11 minutes 17 seconds East (South 88 degrees 10 minutes 46 seconds East, plat), along the North line of said Lot 4-A, a distance of 86.37 feet; thence South 01 degree 48 minutes 47 seconds West, 205.07 feet; thence South 89 degrees 49 minutes 10 seconds West, 21.38 feet; thence South 01 degree 48 minutes 43 seconds West, 67.98 feet to a point on the North right-of-way of Woods Chapel Road, as now established; thence South 89 degrees 42 minutes 45 seconds West (South 89 degrees 42 minutes 43 seconds West, plat) along the North right-of-way line of said Woods Chapel Road, a distance of 191.72 feet; thence North 88 degrees 10 minutes 27 seconds West (North 88 degrees 10 minutes 46 seconds West, plat) along the North right-of-way line of said Woods Chapel Road, a distance of 143.84 feet (143.04 feet, plat); thence North 27 degrees 07 minutes 34 seconds West (North 23 degrees 50 minutes 10 seconds West, plat) along the North right-of-way line of said Woods Chapel Road, a distance of 33.45 feet to a point on the Easterly right-of-way of NE Ralph Powell Road, as now established; thence North 01 degree 49 minutes 33 seconds East (North 01 degree 53 minutes 47 seconds East, plat) along the Easterly right-of way of said NE Ralph Powell Road, a distance of 250.57 feet to the North line of said Lot 3; thence South 88 degrees 11 minutes 17 seconds East (South 88 degrees 10 minutes 46 seconds East, plat) along the North line of said Lot 3, a distance of 285.00 feet to the Point of Beginning. Containing 101,741 square feet or 2.336 acres more or less.

BILL NO. 16-166

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the 80% maximum impervious coverage permitted, to allow for up to 83.4% impervious coverage.
2. A modification shall be granted to the 20% minimum open area requirement, to allow for a minimum open area of 16.6%
3. A modification shall be granted to the requirement that landscape islands, strips or other planting areas located within the parking lot constitute at least 5% of the entire area devoted to parking spaces, aisle and driveways, to allow for these areas to constitute 2.4% of the entire area devoted to parking spaces, aisles and driveways.
4. A modification shall be granted to the requirement that all roof-mounted equipment shall be screened entirely from view by using parapet walls at the same height as the mechanical units, to allow the proposed mesh screening around the periphery of the roof-top mechanical equipment.
5. A modification shall be granted to the requirement that each trash enclosure include a steel gate painted to be compatible with the color of the masonry walls and building it is to serve, to allow the proposed mesh screening gate.
6. A modification shall be granted to the under-canopy lighting maximum of 30 foot-candles, to allow an under-canopy maximum of 58 foot-candles.
7. A modification shall be granted to the maximum parking lot pole fixture height of 15 feet within the 100-foot perimeter area from residential, to allow for parking lot pole lights with a maximum height of 20 feet.
8. A modification shall be granted to the maximum light fixture heads allowed within the 100-foot perimeter area from residential, to allow for three (3) double-headed parking lot lighting fixtures within the 100-foot perimeter area.
9. A modification shall be granted to the requirement of an automatic door lock capable of being locked from the cash register counter.
10. An application for minor plat shall be submitted, approved, and recorded prior to occupancy.
11. The development construction shall be in accordance with the preliminary development plan, date stamped May 20, June 21, and July 5, 2016.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped May 20, June 21, and July 5, 2016, appended hereto and made a part hereof.

SECTION 4. That in granting modifications listed herein, the Governing Body concludes that the development will provide sustainable value to the City, incorporates sound planning principles and design elements that are compatible with surrounding properties and consistent through the proposed project, effectively utilize the land upon which the development is proposed, and further the goals, spirit and intent of the Unified Development Ordinance.

SECTION 5. Nonseverability. That 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,

BILL NO. 16-166

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 6. 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 7. 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 _____, 2016.

Mayor Randall L. Rhoads

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this _____ day of _____, 2016.

Mayor Randall L. Rhoads

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

City Attorney *Brian Head*