

BILL NO. 24-145

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR LAND LOCATED AT 801 SE M-291 HWY AND 702 SE BLUE PKWY FOR QUIKTRIP, 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 #PL2024-134 submitted by QuikTrip Corporation, requesting approval of a preliminary development plan in District CP-2 on land located at 801 SE M-291 Hwy and 702 SE Blue Pkwy 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 July 25, 2024, 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 20, 2024, 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 BEING A PORTION OF LOT 1, QUIKTRIP 162R, LOT 11 POLK ADDITION, BOTH BEING SUBDIVISIONS OF LAND AS RECORDED AT THE JACKSON COUNTY, MISSOURI RECORDER OF DEEDS OFFICE, AND BEING PART OF THE RIGHT-OF-WAY FOR MISSOURI HIGHWAY 50, ALL IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 47 NORTH, RANGE 31 WEST IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 8, THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, SOUTH 87°49'26" EAST, 146.65 FEET; THENCE LEAVING SAID SOUTH LINE, NORTH 02°10'34" EAST, 159.92 FEET, TO A POINT ON THE FUTURE NORTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 50, THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 38°31'40" WEST, 63.02 FEET, TO A POINT ON THE FUTURE EASTERLY RIGHT-OF-WAY LINE OF NORTH HIGHWAY 291; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 02°44'27" EAST, 250.95 FEET TO A POINT ON THE FUTURE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTHEAST BLUE PARKWAY; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE

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FOLLOWING 5 CALLS AND DISTANCES, NORTH 78°58'05" EAST, 88.43 FEET; THENCE SOUTH 66°09'24" EAST, 180.06 FEET; THENCE SOUTH 43°34'24" EAST, 36.76 FEET; THENCE SOUTH 41°32'23" EAST, 179.54 FEET; THENCE ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 480.13 FEET, AN ARC LENGTH OF 147.24 FEET, A CHORD BEARING OF S 50°19'30" EAST, AND A CHORD LENGTH OF 146.66 FEET, TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING 4 CALLS AND DISTANCES, SOUTH 29°56'51" WEST, 48.43 FEET; THENCE NORTH 79°59'29" WEST, 176.52 FEET; THENCE NORTH 84°07'02" WEST, 167.45 FEET; THENCE NORTH 87°42'30" WEST, 117.03 FEET, TO THE POINT OF BEGINNING AND CONTAINS 111,083 SQUARE FEET, MORE OR LESS.

SECTION 2. That the following conditions of approval apply:

1. Development shall be in accordance with the preliminary development plan received July 8, 2024.
2. A modification to the minimum 20' parking lot setback requirement from the public right-of-way shall be granted, to allow a 6' parking lot setback along the SE Blue Pkwy right-of-way and a 15' parking lot setback along the M-291 Hwy right-of-way as depicted on the preliminary development plan received July 8, 2024.
3. A modification to the requirement for straight-back (CG-1) curbing along all parking lot and driveway boundaries shall be granted, to allow roll-back (CG-2) curbing at the three driveway entrances and the ends of landscape areas abutting parking lot drive aisles as depicted on the preliminary development plan received July 8, 2024.
4. Four (4) total attached wall signs shall be approved for the convenience store building as shown on the preliminary development plan, received July 8, 2024.
5. An ordinance for the subject preliminary development plan (PDP) application shall not be second read for approval until such time as the Memorandum of Understanding (MOU) between the applicant and the City of Lee's Summit related to the US 50 Hwy/M-291 Hwy interchange improvements is executed.

SECTION 3. Development shall be in accordance with the preliminary development plan dated July 8, 2024, including the building elevations contained therein, appended hereto as Attachment A.

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 _____, 2024.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2024.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*