

BILL NO. 23-150

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR DOUGLAS CORNER RETAIL BUILDING ON LAND LOCATED AT 150 NE TUDOR RD., 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 #PL2023-111 submitted by Capital Builders, LLC, requesting approval of a preliminary development plan in District CP-2 on land located at 150 NE Tudor 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 July 13, 2023, 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 8, 2023, 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:

All of Lot 1B of the plat, Douglas Corner, Lot 1A and 1B. and a portion of Douglas Corner 2nd Plat, Lots 3 – 14 and Tract A and B a subdivision in the City of Lee's Summit, Jackson County, Missouri. Containing 1.73 acres.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the high-impact buffer requirement along the R-1 zoned properties to the north, to allow no landscaping buffer along the north property line.
2. A modification shall be granted to the medium-impact buffer requirement along the PI zoned properties to the east, to allow no landscaping buffer along the east property line.
3. A modification shall be granted to the trash enclosure design requirements to allow for the use of composite wood panel system for the walls of the trash enclosure as depicted on the building elevations dated June 26, 2023.
4. One tree shall be placed in each of the landscape islands adjacent to the western property line, to be installed with all UDO requirements.
5. Development shall be in accordance with the preliminary development plan dated May 10, 2023.
6. The use of architectural metal panels shall be allowed as a conditional material as depicted on the building elevations dated June 26, 2023.

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SECTION 3. Development shall be in accordance with the preliminary development plan dated May 10, 2023, and building elevations dated June 26, 2023 appended hereto as Attachment A and Attachment B respectively.

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 _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*