

BILL NO. 16-140

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 120 SW M-150 HWY, 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 #PL2016-088 submitted by QuikTrip Corporation, requesting approval of a preliminary development plan in District CP-2 (Planned Community Commercial District) on land located at 120 SW M-150 Hwy, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the subject property was zoned District CP-2, by the passage of the Unified Development Ordinance, Ordinance No. 5209, on September 6, 2001, which reclassified zoning districts citywide, effective November 1, 2001; 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 June 14, 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 July 7, 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 OF LOT 1, QUIKTRIP 200R;

AND

A PORTION OF LAND LYING AND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 47 NORTH, RANGE 31 WEST OF FIFTH PRINCIPAL MERIDIAN, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING PART OF A PARCEL OF LAND DESCRIBED IN BOOK 1-1847 AT PAGE 2007, SAID PARCEL LYING SOUTHEASTERLY OF MARKET STREET AND WESTERLY OF THE WEST RIGHT-OF-WAY LINE OF MISSOURI HIGHWAY 291, SAID PORTION MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(THE BEARINGS IN THIS DESCRIPTION ARE BASED ON THE NORTH LINE OF QUIKTRIP 200R, A SUBDIVISION OF LAND IN LEE'S SUMMIT, JACKSON COUNTY,

BILL NO. 16-140

MISSOURI ACCORDING TO THE RECORDED PLAT THEREOF, HAVING A BEARING OF SOUTH 87°35'14" EAST AS SHOWN ON SAID PLAT.)

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, SAID QUIKTRIP 200R; THENCE SOUTH 87°35'14" EAST 2.81 FEET ON THE NORTH LINE OF SAID LOT 1 TO A 5/8 INCH REINFORCING ROD WITH A CAP MARKED "MO CLS 2006009875-F" SET ON THE WESTERLY RIGHT-OF-WAY LINE OF MARKET STREET (A 65.62 FEET OR 20.000 METER WIDE RIGHT-OF-WAY) AS DESCRIBED IN A QUIT CLAIM DEED FROM MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO THE CITY OF LEE'S SUMMIT RECORDED AS INSTRUMENT NUMBER 2008E0114649, AND THE POINT OF BEGINNING; THENCE NORTH 02°24'46" EAST 14.03 FEET ON SAID WESTERLY RIGHT-OF-WAY LINE TO A 5/8 INCH REINFORCING ROD WITH A CAP MARKED "MO CLS 2006009875-F" SET AT THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 459.32 FEET; THENCE NORTHERLY ON SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE AN ARC LENGTH OF 86.48 FEET, SAID CURVE HAVING AN INTERIOR ANGLE OF 10°47'16", TO A 5/8 INCH REINFORCING ROD WITH A CAP MARKED "MO CLS 2006009875-F"; THENCE SOUTH 87°35'14" EAST 314.07 FEET PARALLEL WITH SAID NORTH LINE TO A 5/8 INCH REINFORCING ROD WITH A CAP MARKED "MO CLS 2006009875-F"; THENCE SOUTH 02°24'46" WEST 100.00 FEET TO A 5/8 INCH REINFORCING ROD WITH A CAP MARKED "MO CLS 2006009875-F" SET ON THE NORTH LINE OF LOT 2 SAID QUIKTRIP 200R; THENCE NORTH 87°35'14" WEST 322.19 FEET ON THE NORTH LINE OF SAID QUIKTRIP 200R TO THE POINT OF BEGINNING;

CONTAINING A TOTAL OF 105,937 FEET OR 2.43 ACRES.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the minimum 20 foot parking lot setback requirement, to allow a 9.91 foot setback along SW Market Street.
2. A modification shall be granted to the under-canopy lighting maximum of 30 foot-candles, to allow an under-canopy maximum of 67 foot-candles.
3. A modification shall be granted to the requirement of an automatic door lock capable of being locked from the cash register counter.
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.

BILL NO. 16-140

- 6. The southern access point onto SW Market Street shall be removed as recommended in the Transportation Impact Analysis form dated June 6, 2016.
- 7. The development construction shall be in accordance with the preliminary development plan, date stamped May 24, 2016.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped May 24, 2016, appended hereto and made a part hereof.

SECTION 4. 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. 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 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

BILL NO. 16-140

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 W. Head*