

BILL NO. 17-226

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 740 NW BLUE PKWY IN DISTRICT CP-2, PROPOSED 740 NW BLUE PKWY RESTAURANT SITES, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-164 submitted by Drake Development, LLC, requesting approval of a preliminary development plan in District CP-2 (Planned community commercial district) on land located at 740 NW 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 a public hearing for the consideration of the preliminary development plan on September 26, 2017, 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 October 19, 2017, 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:

Tract 1

A tract of land located in the Southwest $\frac{1}{4}$ of Section 36, Township 48, Range 32, in Lee's Summit, Jackson County, Missouri, described as follows: Commencing at the Southeast Corner of the Southwest $\frac{1}{4}$ of said Section 36; thence North $73^{\circ}02'30''$ West along the South line of said Southwest $\frac{1}{4}$, 190.58 feet to the Easterly Right of Way line of new Highway 50; thence North $7^{\circ}28'$ West along said Right of Way line, 962.12 feet for a true Point of Beginning; thence continuing North $7^{\circ}28''$ West along said Right of Way line, 76.42 feet; thence North $01^{\circ}53'42''$ East continuing along said Right of Way line, 4.43 feet; thence South $73^{\circ}17'$ East, 768.63 feet to a point on the Westerly Right of Way line of Old Highway 50; thence South $16^{\circ}43'$ West along said Right of Way line, 74 feet; thence north $73^{\circ}17'$ West, 436.19 feet to the true Point of Beginning.

Tract 2

A tract of land located in the Southwest $\frac{1}{4}$ of Section 36, Township 48, Range 32, Commencing at the Southeast Corner of the Southwest $\frac{1}{4}$ of said Section 36; thence North $73^{\circ}02'30''$ West along the South line of said Southwest $\frac{1}{4}$ 190.58 feet; thence North $7^{\circ}28'$ West 170.5 feet for a true Point of Beginning; Thence continuing North $7^{\circ}28'$ West along the Easterly Right of Way of

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new Highway 50 a distance of 791.62 feet; thence South 73°17' East 436.19 feet to a point on the Westerly Right of Way line of Old Highway 50; thence South 16°43' West along said Westerly Right of Way line 688.54 feet; Thence West 116.84 feet to the Point of Beginning. Containing 4.5 acres more or less, in Lee's Summit, Jackson County, Missouri; except that portion described as:

A tract of land located in the Southwest Quarter of Section 36, Township 48, Range 32, in Lee's Summit, Jackson County, Missouri, described as follows; Commencing at the Southeast corner of the Southwest Quarter of said Section 36; thence North 73°02'30" West along the South line of said Southwest Quarter, 190.58 feet; thence North 7°28' West 170.5 feet for a true Point of Beginning; thence continuing North 7°28' West along the Easterly Right of Way line of New Highway 50, a distance of 461.29 feet; thence South 73°17' East, 288.58 feet to a point of the Westerly Right of Way line of Old Highway 50; thence South 16°43' West along said Westerly Right of Way line, 359.83 feet; thence West 116.84 feet to the Point of Beginning.

Tract 3

Non-exclusive easement as further described in the cross easement for access, ingress, egress, parking and line of sight easement recorded August 13, 2008 as Document No. 2008E0087147.

Tract 4

Non-exclusive easement as further described in the access easement recorded February 25, 2010 as Document No. 2010E0018221.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the design of the required 20' parking setback from a public right-of-way, to allow a 6' setback from the public right-of-way along the west property line.
2. A modification shall be granted to allow the use of cedar siding as an accent material as shown on the building elevations date stamped September 5, 2017.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped September 5, 2017, appended hereto and made a part hereof.

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 the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

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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 _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this _____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*