

BILL NO. 18-86

AN ORDINANCE APPROVING A REZONING FROM DISTRICT PI TO DISTRICT CP-2 AND PRELIMINARY DEVELOPMENT PLAN LOCATED AT 1410 NE DOUGLAS STREET, PROPOSED OAKVIEW STORAGE DEVELOPMENT PHASE II IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2018-033 submitted by Oakview Capital Partners, LLC, requesting approval of a rezoning from District PI (Planned Industrial) to District CP-2 (Planned Community Commercial) and preliminary development plan on land located at 1410 NE Douglas Street was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning and 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 May 8, 2018, and rendered a report to the City Council recommending that the rezoning and 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 June 7, 2018, and rendered a decision to approve the rezoning and 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 rezoning and preliminary development plan is hereby approved on the following described property:

Part of Lot 2, Minor Plat, "POLYTAINERS ADDITION LOTS 1 & 2" (a replat of Lot 1, Lee's Summit North Industrial Park, First Plat, a subdivision in Lee's Summit, Jackson County Missouri) and right-of-way for Northeast Douglas Street and Northwest Victoria Drive, in the Northeast One-Quarter of Section 31, Township 48, and Range 31, being more particularly described as follows:

Commencing at the Northwest corner of the said Northeast One-Quarter; thence South 88 degrees 04 minutes 20 seconds East(South 89 degrees 56 minutes 58 seconds East, Platted), along the North line of the said Northeast One-Quarter a distance of 1310.14 feet; thence South 01 degrees 47 minutes 43 seconds West a distance of 237.67 feet to the point of Beginning; thence continuing South 01 degrees 47 minutes 43 seconds West a distance of 642.20 feet; thence North 88 degrees 03 minutes 31 seconds West a distance of 363.40 feet; thence North 01 degrees 54 minutes 05 seconds East(North 00 degrees 03 minutes 02 seconds East, Platted), along the West line of said Lot 2 and its Southerly extension a distance of 124.22 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of North 69 degrees 47 minutes 53 seconds East, a radius of 115.00 feet, a central angle of 33

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degrees 18 minutes 24 seconds and an arc length of 66.85 feet; thence North 36 degrees 29 minutes 29 seconds East a distance of 39.14 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 115.00 feet, a central angle of 34 degrees 12 minutes 47 seconds and an arc length of 68.67 feet; thence North 02 degrees 16 minutes 42 seconds East a distance of 379.85 feet; thence South 88 degrees 04 minutes 14 seconds East a distance of 265.76 feet, said point being the Point of Beginning, and containing 4.3134 acres, more or less.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the minimum number of parking spaces for a restaurant use, to allow Lot 2 to have 55 parking spaces versus 56.
2. A modification shall be granted to the minimum 20' parking lot setback from the right-of-way, to allow an 18' setback along NE Douglas Street on Lots 2 and 3.
3. A modification shall be granted to the minimum 3-inch caliper size for shade and ornamental trees, to allow 2.5-inch and 2.0-inch caliper sizes for shade and ornamental trees, respectively, on Lots 2, 3 and 4.
4. A modification shall be granted to the minimum 8-foot height for evergreen trees, to allow an evergreen tree height of 5-feet at the time of planting on Lots 2, 3 and 4.
5. An application to vacate the excess NE Douglas Street right-of-way shall be submitted and approved prior to the issuance of any building permit.
6. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the road improvements recommended in the Transportation Impact Analysis form dated May 2, 2018. No building permits shall be issued for any structures in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Recorders' Office.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped April 24, 2018, and elevations date stamped March 9, 2018, 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.

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.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2018.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2018.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*