

BILL NO. 18-17

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED AT 1991 SE HAMBLÉN ROAD IN DISTRICT PI, PROPOSED ANIMAL CONTROL FACILITY SOLAR INSTALLATION IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2018-008 submitted by The City of Lee's Summit, requesting approval of a preliminary development plan in District PI (Planned Industrial) on land located at 1991 SE Hamblen Road 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 January 23, 2018, 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 February 1, 2018, 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 PI on the following described property:

Section 16, Township 47 North, Range 31 West, in Lee's Summit, Jackson County, Missouri, being described as follows:

*ANIMAL CONTROL FACILITY, LOT 1, A SUBDIVISION IN LEE'S SUMMIT,
JACKSON COUNTY, MISSOURI.*

SECTION 2. That the following conditions of approval apply:

1. Development shall be in accordance with the preliminary development plan date stamped January 5, 2018.
2. A modification shall be granted to the requirement that the ground mounted solar array be located in the rear yard, to allow the ground mounted solar array to be located within a side yard.
3. A modification shall be granted to the minimum 12 foot setback for the ground mounted solar array, to allow a minimum 10 foot setback from the side property line.

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SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped January 5, 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.

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

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

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

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*