

## **BILL NO. 16-99**

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 109 NW VICTORIA DRIVE, SITEONE LANDSCAPE SUPPLY, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-052 submitted by SiteOne Landscape Supply, requesting approval of a preliminary development plan in District PI (Planned Industrial District) on land located at 109 NW Victoria Dr, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the subject property was zoned District PI, 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 April 12, 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 May 5, 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 PI on the following described property:

*Lot 10, Lee's Summit North Industrial Park, 8<sup>th</sup> Plat*

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the requirement that outdoor storage be restricted to the side or rear yard, to allow an outdoor storage area to be located in the front yard.
2. The outdoor storage area shall comply with all other requirements of an outdoor storage area listed under Article 8 of the UDO.
3. The applicant shall coordinate the location of the 6' vinyl fence around the outdoor storage area with City staff so as not to obstruct access to the fire department connection (FDC) on

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the north side of the building, as well as to maintain adequate separation from the existing water main along the east side of the property.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped March 17, 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*

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APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2016.

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Mayor *Randall L. Rhoads*

ATTEST:

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City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*