

BILL NO.

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A CONVALESCENT, NURSING OR RETIREMENT HOME IN DISTRICT CP-2 ON LAND LOCATED AT 800 AND 820 SE BATTERY DR FOR A PERIOD OF THIRTY (30) YEARS, ALL IN ACCORDANCE WITH ARTICLE 6 OF THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2026-130, submitted by Hawthorn Equity, LLC, requesting a special use permit for a convalescent, nursing or retirement home in District CP-2 on land located at 800 and 820 SE Battery Dr, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the request on August 13, 2026, and rendered a report to the City Council containing findings of fact and a recommendation that the special use permit be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on September 22, 2026, and rendered a decision to grant said special use permit.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That a special use permit is hereby approved in District CP-2 on the following described property:

SEC-10 TWP-47 RNG-31---BEG SW COR NW 1/4 SD SEC TH N 02 DEG 08 MIN 13 SEC E 827.10' TH S 87 DEG 52 MIN 00 SEC E 74.22' TH N 02 DEG 08 MIN 00 SEC E 236.73' TH S 87 DEG 41 MIN 11 SEC E 225.97' TH N 83 DEG 00 MIN 25 SEC E 111.30' TH S 87 DEG 41 MIN 11 SEC E 400.03' TH ALG TANGENT CURV RI 364' RAD 1738' TH S 75 DEG 41 MIN 11 SEC E 106.47' TH ALG TANGENT CURV LF 377.41' RAD 1802' TH S 87 DEG 41 MIN 11 SEC E 738.82' TH S 87 DEG 41 MIN 11 SEC E 149.25' TO TRU POB TH S 87 DEG 41 MIN 11 SEC E 195.75' TH S 02 DEG 13 MIN 32 SEC W 360.52' TH ALG CURV LF CHORD BEARING N 69 DEG 43 MIN 05 SEC E 2.21' RAD 100' TH ALG CURV RI CHORD BEARING S 85 DEG 18 MIN 31 SEC E 89.38' RAD 100' TH ALG CURV LF CHORD BEARING S 29 DEG 22 MIN 09 SEC W 51.36 RAD 225' TH N 87 DEG 37 MIN 03 SEC W 65.02' TH N 87 DEG 37 MIN 03 SEC W 315' TH N 02 DEG 13 MIN 32 SEC E 156.69' TH N 72 DEG 23 MIN 02 SEC E 126.44' TH N 02 DEG 18 MIN 49 SEC E 208.66' TO POB.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the minimum 20' side yard setback requirement, to allow an 11' building setback from the west property line.
2. The special use permit shall be granted for a period of thirty (30) years from the date of approval.

SECTION 3. 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

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unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

SECTION 4. 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 5. 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 _____, 2026.

Mayor J. Beto Lopez

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED by the Mayor of said city this ____ day of _____, 2026.

Mayor J. Beto Lopez

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

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City Attorney Brian Head