

BILL NO. 21-243

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED AT 102 SW 2ND STREET, PROPOSED RENOURISH COUNSELING OFFICE IN DISTRICT TNZ, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2021-289 submitted by ReNourish requesting approval of a preliminary development plan in District TNZ (Transitional Neighborhood Zone) on land located at 102 SW 2nd Street 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 request on November 4, 2021, and rendered a report to the City Council containing findings of fact and a recommendation 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 December 7, 2021, and approved a motion for a second ordinance reading to approve the preliminary development plan for said property; and,

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 TNZ on the following described property:

SECTION 06 TOWNSHIP 47 RANGE 31 BEG 80' SW OF NW COR 2ND & MARKET, TH NW 121', TH SW 50', TH SE 121', TH NE 50' TO POB

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the minimum UDO parking lot setbacks, to allow a 3.5' parking lot setback along SW 2nd Street; a 2.4' set back from the east property line; and an 11.5' setback from the west property line.
2. Development shall be in accordance with the preliminary development plan dated October 5, 2021.
3. Parking lot screening of 12 shrubs per 40 linear feet to a height of two and one-half (2.5') feet, shall be provided along the edge of the parking lot area parallel to the western property line.

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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 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 Chapter 33, the City's Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit.

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 _____, 2021.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED by the Mayor of said city this ____ day of _____, 2021.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

City Attorney Brian W. Head