

BILL NO. 22-155

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 1295 SW ARBORWALK BOULEVARD IN DISTRICT PMIX, PROPOSED MCBEE'S COFFEE N CARWASH, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2022-178 submitted by McBee Construction Company, requesting approval of a Preliminary Development Plan in District PMIX (Planned Mixed Use District) on land located at 1295 SW Arborwalk Boulevard 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 consideration of the preliminary development plan on July 14, 2022, 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 August 9, 2022, 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 PMIX on the following described property:

ALL OF LOT 2002 AND LOT 2003, ARBORWALK-5TH PLAT, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, AND A TRACT OF LAND DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2002; THENCE N 2°06'09" E, A DISTANCE OF 51.08 FEET; THENCE S 87°54'20" E, A DISTANCE OF 21.50 FEET; THENCE N 2°05'40" E, A DISTANCE OF 88.00 FEET; THENCE S 87°54'20" E, A DISTANCE OF 17.60 FEET; THENCE S 84°53'06" E, A DISTANCE OF 37.95 FEET; THENCE S 87°54'20" E, A DISTANCE OF 18.50 FEET; THENCE S 2°05'04" W, A DISTANCE OF 137.07 FEET; THENCE N 87°53'51" W, A DISTANCE OF 95.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 89,886.80 SQ. FT., OR 2.06 ACRES MORE OR LESS.

SECTION 2. That the following conditions of approval apply:

1. Seven (7) total attached wall signs shall be approved as shown on the Exterior Elevations dated May 13, 2022 and revised June 14, 2022 (attached to this ordinance as Exhibit A).
2. Driveway 1 shall be located slightly north of the originally proposed location, as shown on the alternate design on Sheet A1.1, in order to meet the throat length (100 ft) requirement of the Access Management Code.
3. Development shall be in accordance with the preliminary development plan dated May 13, 2022 and revised June 14, 2022 (attached to this ordinance as Exhibit A).

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SECTION 3. That development shall be in accordance with the preliminary development plan dated May 13, 2022 and revised June 14, 2022., appended hereto as Attachment A and Attachment B, respectively, and made a part hereof.

SECTION 4. Nonseverability. That 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 _____, 2022.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2022.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*