

## **BILL NO. 22-156**

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 601 SE OLDHAM PARKWAY IN DISTRICT PMIX, PROPOSED LP MART, ALL 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 #PL2022-195 submitted by Engineering Solutions, LLC, requesting approval of a preliminary development plan in District PMIX (Planned Mixed Use District) on land located at 601 SE Oldham Pkwy 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:

*A TRACT OF LAND BEING LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 47 NORTH, RANGE 31 W, BEING ALL THAT PART OF LOT 2 AND 3, HAMBLEM PLAZA, LOT 1 THRU 3, A SUBDIVISION AS RECORDED IN THE OFFICE OF THE RECORDER, JACKSON COUNTY, MISSOURI AND A TRACT OF LAND BEING LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 8, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*BEGINNING AT THE NORTHEAST CORNER OF LOT 3, HAMBLEM PLAZA, LOTS 1 THRU 3, A SUBDIVISION AS RECORDED IN THE OFFICE OF THE RECORDER, JACKSON COUNTY, MISSOURI; THENCE SOUTH 01° 28' 40" WEST, A DISTANCE OF 52.09 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING SOUTH 64° 10' 56" W, A RADIUS 32.97 FEET, AN ARC DISTANCE OF 35.22 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING SOUTH 10° 52' 21" WEST, A RADIUS 36.34 FEET, AN ARC DISTANCE 46.97 FEET; THENCE NORTH 88° 31' 20" WEST, A DISTANCE OF 102.84 FEET; THENCE SOUTH 01° 28' 40" WEST, A DISTANCE OF 226.69 FEET; THENCE SOUTH 51° 52' 13" WEST, A DISTANCE OF 47.66 FEET; THENCE NORTH 87° 41' 25" WEST, A DISTANCE OF 182.32 FEET; THENCE NORTH 02° 18' 35" EAST, A DISTANCE OF 240.00 FEET; THENCE SOUTH 88° 31' 20" EAST, A DISTANCE OF 42.29 FEET; THENCE NORTH 01° 28' 40" EAST, A DISTANCE OF 9.00 FEET; THENCE NORTH 88° 31' 20" WEST, A DISTANCE OF 39.41 FEET; THENCE NORTH 47° 02' 20" EAST, A DISTANCE OF 165.88 FEET; THENCE SOUTH 88° 31' 20" EAST, A DISTANCE OF 246.60 FEET, RETURNING TO THE POINT OF BEGINNING.*

*CONTAINING 87,011.44 SF (2.00 ACRES)*

## **BILL NO. 22-156**

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SECTION 2. That the following conditions of approval apply:

1. Development shall be in accordance with the preliminary development plan with an upload date of June 22, 2022 (attached to this ordinance as Exhibit A), and building elevations with an upload date of June 14, 2022 (attached to this ordinance as Exhibit B).
2. In order to provide for adequate spacing from the driveway access from SE Hamblen Rd., mitigate traffic congestion and improve site circulation, the south access driveway into the proposed development will be required to be shifted approximately 110 feet to the east.
3. A modified northbound right-turn lane shall be constructed on SE Hamblen Rd with a 100-foot turn lane and a 60-foot taper prior to any certificate of occupancy.

SECTION 3. That development shall be in accordance with the preliminary development plan dated June 22, 2022, and building elevations with an upload date of 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*

**BILL NO. 22-156**

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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*