

## **BILL NO. 22-171**

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR DIVENTURES ON LAND LOCATED AT 2951 NE INDEPENDENCE AVENUE, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33 OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2022-198 submitted by Diventures, requesting approval of a preliminary development plan on land located at 2951 NE Independence Ave 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 public hearings for the consideration of the preliminary development plan on July 28, 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 23, 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 on the following described property:

*LOT 4B OF STROTHER CROSSING, LOCATED IN THE NW1/4 OF THE NE1/4, SECTION 20, T.48N., R.31E., CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI*

SECTION 2. That the following conditions of approval apply:

1. A modification to the required 20' parking lot setback shall be granted, to allow for a 13' parking lot setback on the side (eastern) property line adjacent to the I-470 MoDOT right of way.
2. Eight (8) total attached wall signs shall be approved as shown on the Sign Analysis, received June 28, 2022.
3. The "dive flag" signs located on the east and west façades of the wing wall shall be reduced in size so that they do not exceed 10% of the building façade they are placed on according to the UDO standard.
4. Development shall be in accordance with the preliminary development plan dated June 28, 2022.
5. Additional vegetative screening shall be added around the trash enclosure. The minimum plant sizes and conditions to be used in satisfying this requirement shall comply with section 8.750 of the UDO.

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SECTION 3. That development shall be in accordance with the preliminary development plan dated June 22, 2022, building elevations dated May 15, 2022 and Signage Analysis with an upload date of June 28, 2022, appended hereto as Attachment A, Attachment B and Attachment C, respectively, and made a part hereof.

SECTION 4. 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 5. 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 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.

\_\_\_\_\_  
Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2022.

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Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

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