

BILL NO. 22-196

AN ORDINANCE APPROVING REZONING FROM DISTRICT RP-2 (PLANNED TWO-FAMILY RESIDENTIAL DISTRICT TO CBD (PLANNED CENTRAL BUSINESS DISTRICT) AND A PRELIMINARY DEVELOPMENT PLAN FOR LAND LOCATED AT 102-110 SW MARKET STREET, 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 #PL2022-192 submitted by MKEC Engineering, requesting approval of a rezoning from RP-2 (Planned Two-Family Residential District to CBD (Planned Central Business District) and preliminary development plan on land located at 102-110 SW Market Street was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning and 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 consideration of the rezoning and preliminary development plan on August 25, 2022, and rendered a report to the City Council recommending that the rezoning and 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 September 20, 2022, and rendered a decision to approve the rezoning and 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 rezoning and preliminary development plan is hereby approved on the following described property:

All that part of the Southeast Quarter of Section 6, Township 47 North, Range 31 West of the 5th Principal Meridian in the City of Lee's Summit, Jackson County, Missouri, described as follows:

Beginning at the Northeast corner of Lot 8A, "1st Resurvey of Part of Lots 7 and 8, Block 2 of Butterfields Addition to Lee's Summit, Missouri", a subdivision of record at Book I 53, Page 82 in Jackson County, Missouri; thence along the Northerly prolongation of the East line of said lot N1°13'46"E a distance of 33.16'; thence along the South line and its Westerly prolongation of "Ranville Corner, Lot 1", a subdivision of record at Book I 86, Page 42, in Jackson County, Missouri, on a bearing of N61°19'29"E a distance of 237.94' to a point on the Southwest right of way of SW Market Street, as now established; thence along said line S28°40'31"E a distance of 262.00'; thence S61°19'29"W a distance of 179.82'; thence N28°40'31"W a distance of 208.00'; thence S61°19'29"W a distance of 89.18 to a point on the East line of said Lot 8A; thence along said line N1°13'46"E a distance of 29.13' to the Point of Beginning, containing 51,090 sq. ft. or 1.17 acres, subject to easements and restrictions of record

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SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to reduce the required parking lot setback from 20' to 15' along the north property line and 13' 8" along the south property line.
2. A modification shall be granted to the Design Standards for the Downtown Core Area's requirement that first and second floor elevations of street facing facades consist of brick, to allow for the brick facade to be varied in height, consistent with the preliminary development plan date stamped July 12, 2022.
3. A modification shall be granted to the design of the required high impact landscape screen along the north property line, to allow the required fence be placed on the north property line.
4. A modification shall be granted to the design of the required 20' wide high impact landscape screen along the north property line, to allow for a 15' wide high impact landscape screen along the north property line.
5. Development shall be in accordance with the preliminary development plan dated July 12, 2022.

SECTION 3. That development shall be in accordance with the preliminary development plan dated July 12, 2022 and building elevations dated of July 12, 2022, appended hereto as Attachment A and Attachment B, 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

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

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*