

## **AMENDED BILL NO. 22-220**

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AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON LAND LOCATED AT 1471-1499 SW MARKET STREET IN DISTRICT CP-2, LOT 12A, SOUTH PORT BUSINESS PARK, 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 #PL2022-216 submitted by KC Blitz, LLC dba Macadoodles, requesting approval of a preliminary development plan in District CP-2 (Planned Community Commercial District) on land located at 1471-1499 SW Market St 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 September 8, 2022, and October 13, 2022, and rendered a report to the City Council recommending that the preliminary development plan be denied; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on November 1, 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:

*Lot 12A, South Port Business Park*

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the minimum 20' parking lot setback from right-of-way, to allow a 4'-4" parking lot setback along the site's M-291 Hwy frontage.
2. A minimum 24' pavement width (excluding curb and gutter) shall be provided for the two-way drive aisle located south of the proposed drive-through facility.
3. Development shall be in accordance with the preliminary development plan dated July 12, 2022, except as otherwise conditioned for approval.

SECTION 3. That development shall be in accordance with the preliminary development plan dated July 12, 2022, as conditioned above and appended hereto as Attachment A, and made a part hereof.

SECTION 4. That in granting modifications listed herein, the Governing Body concludes that the development will provide sustainable value to the City, incorporates sound planning principles and design elements that are compatible with surrounding properties and consistent through the proposed project, effectively utilize the land upon which the development is proposed, and further the goals, spirit and intent of the Unified Development Ordinance.

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SECTION 5. 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 6. 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 7. 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*