

BILL NO. 23-024

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR HERC RENTALS ON LAND LOCATED AT 1460 SE HAMBLÉN ROAD, 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 #PL2022-387 submitted by Herc Rentals, requesting approval of a preliminary development plan in District PI on land located at 1460 SE Hamblen Road 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 January 12, 2023, 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 February 7, 2023, 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:

LEE'S SUMMIT SOUTH INDUSTRIAL PARK REPLAT OF LOT 3, 3RD PLAT --- LOT 3-B

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the minimum 30' display area setback requirements from all property lines, to allow 0' setbacks from the west and south property lines.
2. A modification shall be granted to the requirement for paved display and storage areas, to allow the use of the existing gravel lot as a display and storage area.

SECTION 3. That use of the existing development shall be in accordance with the ALTA/ACSM Survey dated January 8, 2007, appended hereto as Attachment A.

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.

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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 _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*