

BILL NO. 19-242

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED AT 711 SE M-291 HWY IN DISTRICT CP-2, PROPOSED WENDY'S IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE OF LEE'S SUMMIT CODE OF ORDINANCES, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2019-233, submitted by NPC International, Inc., requesting approval of a preliminary development plan in District CP-2 (Planned Community Commercial District) on land located at 711 SE M-291 Hwy 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 a public hearing for the consideration of the preliminary development plan on October 10, 2019, 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 November 5, 2019, and approved a motion for a second ordinance reading 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 CP-2 on the following described property:

Section 8, Township 47 North, Range 31 West, in Lee's Summit, Jackson County, Missouri, being described as follows:

ALL OF LOT 5A, POLK ADDITION LOTS 5A AND 5B, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, EXCEPT THAT PART DESCRIBED AS FOLLOWS:

ALL THAT PART OF LOT 5A, POLK ADDITION, LOTS 5A AND 5B, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 5A; THENCE SOUTH 90 DEGREES 0 MINUTES 0 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 5A, A DISTANCE OF 26.05 FEET; THENCE NORTH 0 DEGREES 0 MINUTES 0 SECONDS EAST CONTINUING ALONG THE LOT LINE OF SAID LOT 5A, A DISTANCE OF 110 FEET; THENCE NORTH 90 DEGREES 0 MINUTES 0 SECONDS EAST, A DISTANCE OF 26.05 FEET TO A POINT ON THE LOT LINE BETWEEN LOT 5A AND LOT 5B OF SAID SUBDIVISION; THENCE SOUTH 0 DEGREES 0 MINUTES 0 SECONDS WEST

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ALONG THE LOT LINE OF SAID LOT 5A AND LOT 5B, A DISTANCE OF 110 FEET TO THE POINT OF BEGINNING.

SECTION 2. That the following conditions of approval apply:

1. Aluminum composite metal (ACM) panels shall be allowed as a conditional material as shown in the preliminary development plan date stamped September 9, 2019.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped September 9, 2019:

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 _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2019.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*