

BILL NO. 20-24

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED AT 1000 NE COLBERN RD IN DISTRICT CP-2, PROPOSED MID-CONTINENT PUBLIC LIBRARY, 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 #PL2019-378, submitted by Mid-Continent Public Library, requesting approval of a preliminary development plan in District CP-2 (Planned Community Commercial District) on land located at 1000 NE Colbern Rd. 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 January 9, 2020, 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 4, 2020 and approved a motion for a second ordinance reading to approve the preliminary development plan for said property; and

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 RP-3 on the following described property:

All of Lot 1, Rice Acres, a subdivision in the City of Lee's Summit, Jackson County, Missouri, together with all that part of an unplatted tract of land, all lying in the Northeast Quarter of Section 29, Township 48 North, Range 31 West, described by Timothy Blair Wiswell, MO-PLS 2009000067, as follows:

COMMENCING at the Southeast corner of the Northeast Quarter of Section 29, Township 48 North, Range 31 West; thence North 88 degrees 28 minutes 52 seconds West, on the South line of said Northeast Quarter, a distance of 755.18 feet to a point on the Southerly extension of the West line of Lot 1, Rice Acres, a subdivision in the City of Lee's Summit, Jackson County, Missouri; thence North 01 degree 23 minutes 04 seconds East, departing said South line, on said Southerly extension, a distance of 55.66 feet to the Southwest corner of said Lot 1, the POINT OF BEGINNING; thence North 01 degree 23 minutes 04 seconds East, on said West line, a distance of 436.21 feet to the Northwest corner of said Lot 1; thence South 88 degrees 38 minutes 41 seconds East, on the North line of said Lot 1 and its Easterly extension, a distance of 400.00 feet to a point; thence South 01 degree 23 minutes 04 seconds West, departing said Easterly extension, a distance of 436.21 feet to a point on the Easterly extension of the South line of said Lot 1; thence North 88 degrees 38 minutes 41 seconds West, on said

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Easterly extension and on said South line, a distance of 400.00 feet to the POINT OF BEGINNING, containing 174,485 Square Feet or 4.0056 Acres, more or less.

SECTION 2. That the following conditions of approval apply:

1. The use of aluminum composite metal (ACM) panels shall be granted as a conditional material as shown on the building elevations date stamped December 10, 2019.
2. Several references to a 1-year storm event remain in the body of the Preliminary Storm Water Management Study, however all calculations have been revised to use the 2-year storm event. Revisions to reference the 2-year storm event throughout the body of the study will be required on the Final Storm Water Management Study, which will be submitted with the Final Development Plan submittal.
3. Locate the Backflow Prevention Device as required in Design and Construction Manual Section 6901.H.3. This relocation will be required on the Final Development Plan submittal.
4. The location of fire department connections shall be approved by the fire code official. Connections shall be a 4 inch Storz type fitting and located within 100 feet of a fire hydrant, or as approved by the code official.
5. Development shall comply with the recommendation of the Transportation Impact Analysis (TIA) dated January 3, 2020, prepared by Michael Park, City Traffic Engineer.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped December 10, 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 _____, 2020.

Mayor William A. Baird

ATTEST:

City Clerk *Trisha Fowler Arcuri*

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APPROVED by the Mayor of said city this _____ day of _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*