

BILL NO. 20-79

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED AT 3501 SW MARKET ST IN DISTRICT CP-2, PROPOSED FIRESTONE, 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 #PL2020-005, submitted by FS Lee's Summit, LLC, requesting approval of a preliminary development plan in District CP-2 (Planned Community Commercial District) on land located at 3501 SW Market St. 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 March 12, 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 April 14, 2020 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:

A tract of land located in a portion of the Southwest Quarter of Section 29, Township 47 North, Range 31 West of the 5th Principal Meridian, Lee's Summit, Jackson County, Missouri, and being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 1A, Minor Plat of QuikTrip 200R Lot 1A; Thence along a curve to the right and the Southeasterly right of way of Market Street, having a radius of 459.32 feet, a length of 320.00 feet and a chord bearing and distance of N 33°05'03" E, 313.57 feet; Thence S 54°19'08" E a distance of 136.50 feet; Thence S 02°26'15" W a distance of 195.00 feet to the North line of said Lot 1A; Thence N 87°33'03" W along said North line a distance of 274.00 feet to the point of beginning, containing 1.237 acres.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the maximum number of wall signs allowed (3) in the CP-2 zoning district, to allow four (4) wall signs.
2. An on-site pedestrian walkway with a minimum width of five (5) feet to and between the public sidewalk along the perimeter street adjacent to the development shall be provided.

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SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped February 24, 2020, as described in the staff report.

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*

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*