

BILL NO. 20-97

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED AT 2150 NE INDEPENDENCE AVE IN DISTRICT CP-2, PROPOSED AUTOMOTIVE SALES AND DETAIL CENTER, 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 #PL2020-044 submitted by Lee's Summit Town Center, LLC, requesting approval of a preliminary development plan in District CP-2 (Planned Community Commercial District) on land located at 2150 NE Independence Ave 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 request on May 14, 2010, and rendered a report to the City Council containing findings of fact and a recommendation 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 June 9, 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 CP-2 on the following described property:

A part of the Northeast Quarter of the Northwest Quarter, Section 29, Township 48 North, Range 31 West, Lee's Summit, Jackson County, Missouri, described as follows:

Commencing at the Northeast corner of the Northwest Quarter of said Section 29; thence S 1°35'52" W along the East line of the Northeast Quarter of the Northwest Quarter for 991.63 feet for the Point of Beginning; thence S 1°35'52" W continuing along said East line for 330.00 feet to the Southeast corner of the Northeast Quarter of the Northwest Quarter; thence N 88°15'22" W along the South line of the Northeast Quarter of Northwest Quarter for 561.55 feet to the Southeast corner of LEE'S SUMMIT TOWN CENTRE, LOT 1 & LOT 2, a subdivision of record; thence N 1°42'31" E along the East line of said subdivision for 330.00 feet; thence S 88°15'22" E for 560.91 feet to the Point of Beginning. Subject to the road right-of-way of Independence Avenue. Containing 4.25 acres more or less.

SECTION 2. That the following conditions of approval apply:

1. Submittal of a geotechnical report to the City for the reclaimed pond site shall be required prior to the issuance of any building permit.
2. The prefinished, corrugated, architectural horizontal rib metal panel shall be an allowed accent material on the south, north and east facades as shown on the building elevations dated March 24, 2020.

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3. The non-insulated stucco-finished metal wall panels shown on the building elevations dated March 24, 2020, shall not be allowed on the proposed building. Said metal wall panels shall be replaced with an approved material for commercial/retail buildings listed under UDO Section 8.170.A.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped March 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*