

BILL NO. 20-136

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN REQUESTING THE REVISION OF A CERTAIN CONDITION #3 FROM APPROVAL ORDINANCE NO. 7775 FOR THE NAPA VALLEY SUBDIVISION ARCHITECTURAL ELEVATIONS IN DISTRICT PMIX, 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 #PL2020-171 submitted by Engineering Solutions, LLC, requesting approval of a preliminary development plan in District PMIX (Planned Mixed Use District) revising a certain condition #3 from approval Ordinance No. 7775 for the Napa Valley subdivision 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 July 23, 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 August 4, 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 PMIX on the following described property:

THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 47N, RANGE 32W, IN JACKSON COUNTY, MISSOURI.

CONTAINS 80 ACRES, MORE OR LESS, SUBJECT TO EXISTING ROADS AND EASEMENTS OF RECORD.

SECTION 2. That the following conditions of approval apply:

1. Condition of Approval #3 of Ordinance No. 7775 approving a preliminary development plan for the Napa Valley subdivision shall be amended, to establish the architectural design guidelines dated May 29, 2020, as the governing design standards for the Napa Valley subdivision.
2. The Napa Valley subdivision shall continue to be subject to all other obligations of Ordinance No. 7775, inclusive of Conditions of Approval #s 1, 2 and 4-8.

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SECTION 3. That development shall be in accordance with the preliminary development plan amending Condition of Approval #3 of Ordinance No. 7775, dated May 29, 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