

BILL NO. 20-201

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN LOCATED AT 1410, 1430 and 1440 NE DOUGLAS ST IN DISTRICT CP-2, OAKVIEW LOTS 2-4, 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 #PL2020-200 submitted by Star Acquisitions & Development, LLC, requesting approval of a preliminary development plan in District CP-2 (Planned Community Commercial District) on land located at 1410, 1430 and 1440 NE Douglas 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 request on September 24, 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 October 27, 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:

Oakview, Lots 2, 3 and 4, containing 2.97 acres more or less.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the 20' parking lot setback requirement from the right-of-way, to allow an 18' setback along NE Douglas St and a 14' setback along NE Victoria Dr.
2. A modification shall be granted to the minimum 3" caliper deciduous tree size, to allow 2.5" caliper deciduous shade trees and 2" caliper deciduous ornamental trees.
3. A modification shall be granted to the minimum 8' height for evergreen trees, to allow 5' tall evergreen trees.
4. An Alternate Parking Plan based on the Parking Generation Study dated August 27, 2020, shall be approved as part of the preliminary development plan for Lots 2-4 in accordance with Article 8, Division II (Parking) of the UDO.

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SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped August 27, 2020, and building elevations date stamped May 4, 2020, May 14, 2020 and August 10, 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*