

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A CARWASH AT 1503 AND 1505 E. 23RD STREET S., IN INDEPENDENCE, MISSOURI.

WHEREAS, the hereinafter described property has been classified by the City Council in the Code of the City of Independence, Missouri, as lying and being within District C-2 (General Commercial) and being subject to the regulations of said district, as specified in Section 14-301 of the City Code of the City of Independence, Missouri; and an application was filed on May 27, 2020 with the Community Development Department by Steve McBee, requesting approval of a Special Use Permit to operate a carwash at 1503 and 1505 E. 23rd Street S., subject to the regulations of said district, as specified in Sections 14-301 and 14-413 of the City Code of the City of Independence, Missouri; and,

WHEREAS, the Independence Planning Commission did cause to be published on June 27, 2020 a notice of the time and place of such hearing notifying all interested parties that a hearing on such proposed Special Use Permit would be held virtually by the Planning Commission on July 14, 2020 and by the City Council on August 17, 2020, at 6:00 p.m. on said dates, which said notice proposed that a Special Use Permit to operate a carwash at 1503 and 1505 E. 23rd Street S., subject to the regulations of said district, as specified in Sections 14-301 and 14-413 of the City Code of the City of Independence, Missouri; and,

WHEREAS, at the virtual Independence Planning Commission public hearing, all parties in interest were given an opportunity to be heard; and,

WHEREAS, at the virtual Independence City Council public hearing, all parties in interest and citizens with new information were given an opportunity to be heard and the matter has been duly submitted and considered by the City Council, and no legal protest was signed, acknowledged, and presented for the application;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council hereby makes the following findings:

1. That, this request is consistent with the review criteria listed in Section 14-704-09 of the City Code.
2. That, a virtual public hearing was held pursuant to a notice duly published according to law, at which time all interested parties were given the full opportunity to be heard.
3. That, the C-2 zoning classification allows for retail sales, services, banks, restaurants, offices, churches, childcare, hospitals, libraries, parks, lodging, agriculture and other similar uses by right.
4. That, this Special Use Permit allows only one additional use, a tunnel carwash, not already permitted by right in a C-2 zoning district.
5. That, at the virtual Planning Commission hearing, two spoke in opposition to this Special Use Permit application.
6. That, the applicant agreed to make improvements to the site listed as conditions of approval.
7. That, at its July 14, 2020 Planning Commission meeting, the Commission recommend approval of this Special Use Permit application 6-0.

SECTION 2. That the Special Use Permit to operate a vehicle sales business at 1503 and 1505 E. 23rd Street S. is restricted to the following property which is zoned District C-2 (General Commercial) and

legally described as:

ALL THAT PART OF LOTS 1 AND 3, TAUBMAN-CHILES MANOR, A SUBDIVISION IN INDEPENDENCE, JACKSON COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF EAST 23RD STREET, AS NOW ESTABLISHED WITH THE EAST LINE OF SAID LOT 1; THENCE SOUTH 1°-53'-06" WEST ALONG SAID EAST LINE, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 1°-53'-06" WEST ALONG SAID EAST LINE, A DISTANCE OF 146.68 FEET; THENCE NORTH 88°-08'-54" WEST, A DISTANCE OF 254.46 FEET; THENCE NORTH 1°-55'-28" EAST, A DISTANCE OF 289.04 FEET TO SAID SOUTH RIGHT OF WAY LINE; THENCE SOUTH 87°-31'-18" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 194.28 FEET; THENCE SOUTH 1°-53'-06" WEST, A DISTANCE OF 139.46 FEET; THENCE SOUTH 87°-26'-30" EAST, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

SECTION 3. That the Special Use Permit is hereby approved with the conditions listed below.

1. Include a graphic of the noise levels for all mechanised systems and vacuums.
2. Provide a detailed landscaping plan per Code with the site plan application and construction plans.

PASSED THIS _____ DAY OF _____, 2020, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager