

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A TUNNEL CARWASH ON PROPERTY LOCATED AT 19151 E. 39TH STREET S., IN INDEPENDENCE, MISSOURI.

WHEREAS, the application submitted by Justin Barnes, requesting approval of a Special Use Permit to operate a tunnel carwash in District C-2 (General Commercial) on property located at 19151 E. 39th Street S. was referred to the Planning Commission; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a Special Use Permit 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 virtual public hearing for the consideration of the request on June 22, 2021, and rendered a report to the City Council recommending the Special Use Permit be approved by a vote of 5-1; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on July 19, 2021, and rendered a decision to approve the Special Use Permit for the said property; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request was consistent with the review criteria in Section 14-704-09: and,

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

SECTION 1. The following described tract of real estate is hereby declared subject to the Special Use Permit approved by this ordinance. The site is legally described as follows:

Lot 8B, Independence Center – Replat, Lot 8A and Lot 8B, a subdivision in Independence, Jackson County, Missouri.

SECTION 2. That the Special Use Permit shall operate consistent with the attached site plan.

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

1. For the Final Site Plan, provide a graphic of the noise levels for all mechanised systems and vacuums, showing that at the property lines the development will meet the decibel requirements of the City Code.
2. For the Final Site Plan, provide elevations for the masonry trash enclosure.
3. Record the Minor Subdivision prior to the building permit being issued.
4. The elevations should indicate the parapet will be equal in height all mechanical equipment on the roof.
5. Pilasters should be provided along the south façade as well.
6. Pilasters on the façades should be higher than the parapets, unless approved otherwise by staff.
7. Provide adequate arrows and stripping for directing traffic.

SECTION 4. Any other uses on the property described by Section 1 of this Ordinance shall be governed by the base zoning district and other applicable regulations of the Unified Development Ordinance.

SECTION 5. Nonseverability. All provisions of this ordinance are so essentially, and inseparable 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 judgement 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 judgement.

SECTION 6. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 7. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2021, 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:

Acting City Counselor

REVIEWED BY:

City Manager