

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A TUNNEL CARWASH ON PROPERTY AT 15912 E. US 24 HIGHWAY, IN INDEPENDENCE, MISSOURI.

WHEREAS, the application submitted by the City of Independence, requesting approval of a Special Use Permit to allow the operation of a tunnel carwash use in District C-2 (General Commercial) on property located at 15912 E. US 24 Highway 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 July 13, 2021, and rendered a report to the City Council recommending the Special Use Permit be approved by a vote of 6-0; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on August 16, 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:

Lots 114, 115 and that part of lot 116, described as follows: Beginning at the southeast corner of said lot 116; thence west on the south line of said lot, 124.64 feet; thence north 3 feet; thence easterly and parallel with the southerly line of said lot, 125 feet to a point in the westerly line of U.S. Highway No. 71 by-pass; thence south along said westerly line to the point of beginning, W.B. Dickinson's addition, a subdivision in Independence, Jackson County, Missouri, except a part of lots 115 and 116, W.B. Dickinson's addition, a recorded subdivision in Independence, Jackson County, Missouri, more particularly described as follows: Beginning at a point on the east line of said lot 116, said beginning point being 3.02 feet northeasterly of the southeast corner of said lot 116; thence west along a line parallel to and 3.00 feet north of the south line of said lot 116; a distance of 125.00 feet; thence south 3.00 feet to the south line of said lot 116; thence southwesterly along a line parallel to the east line of said lot 115, a distance of 96.98 feet; thence east along a line parallel to the north line of said lot 115, a distance of 124.64 feet to the east line of said lot 115; thence northeasterly along the east lines of lots 115 and 116, a distance of 100.00 feet to the point of beginning and except that part in highway.

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. With the Final Site Plan, include a graphic of the noise levels for all mechanised systems and vacuums.
2. With the Final Site Plan, revise the landscaping plan showing screening and plantings buffering all five residential properties and show street trees abutting all rights-of-way per Code.
3. With the Building Permit, include a report from the Missouri Department of Natural Resources to determine how the sewage lagoon was closed and indicate on the Final Site Plan and the Engineering Plans a site for a storm water detention basin not at the location of the former sewage lagoon.
4. The Final Site elevations should include elevations for the proposed masonry trash enclosures matching the materials and colors of the building.
5. With the Final Site Plan, provide a traffic study.
6. Additional review of the site design, by the applicant, for vehicle ingress/egress due to the seemly complicated and awkward entering and exiting shown on the existing plan.

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

Special Use Permit Case 21-200-03
15912 E. US 24 Highway
07/21/21 - JF

REVIEWED BY:

City Manager