

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A VEHICLE SALES LOT AT 908 N. ATHERTON ROAD, IN INDEPENDENCE, MISSOURI.

WHEREAS, an application submitted by Julio Palomino requesting approval of a Special Use Permit to allow the operation of a vehicle sales lot at 908 N. Atherton Road, 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 September 28, 2021, and rendered a report to the City Council recommending the Special Use Permit be approved by a vote of 5-0; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on November 1, 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.

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:

Part of the Southwest Quarter of Section 30, Township 50, Range 31 described as follows: Beginning at a point on the East line 356 feet South of the Northeast corner; thence South along East line 118.67 feet to a point 146.47 feet North of the Northerly right-of-way line of US 24 Highway; thence South 68 degrees 44 minutes West parallel to the right-of-way line 152.66 feet; thence South 89 degrees 22 minutes 19 seconds West 197.38 feet; thence North 20 degrees 7 minutes West 188.73 feet; thence East parallel with the North line of the Quarter Section 405.1 feet to the Point of Beginning, in Independence, Jackson County, Missouri.

SECTION 2. That the Special Use Permit is hereby approved with the conditions listed below.

1. Due to the limited size of the business area, the number vehicles for sale on-site is limited to seven.
2. The parking and vehicle storage area surrounding the building must be resealed (and restriped) to prevent groundwater contamination from parked vehicles. One of the spaces must be designated an ADA space with proper marking and signage.
3. All site improvements shall be completed prior to a City license being approved for the vehicles sales business.

SECTION 3. 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 4. 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 5. 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 6. 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:

City Counselor

REVIEWED BY:

City Manager