

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR VEHICLE SALES IN DISTRICT CP-2 ON LAND LOCATED AT 520 SW 3RD STREET FOR A TERM OF FIVE YEARS, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE FOR THE CITY OF LEE'S SUMMIT, MISSOURI, AND RESCINDING ORDINANCE NO. 7100 AND THE SPECIAL USE PERMIT GRANTED THEREUNDER.

WHEREAS, on October 6, 2011, the City Council adopted Ordinance No. 7100 which granted a special use permit for vehicle sales and U-Haul leasing at 520 SW 3rd Street for a term of five years, as an accessory use to the primary auto repair use, and since that time the business operations on said property have changed, and conditions of Ordinance No. 7100 have not been met; and,

WHEREAS, Application #PL2012-099, submitted by Mike Stanton, requesting a new special use permit for vehicle sales in District CP-2 on land located at 520 SW 3rd Street, as a primary use, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the request on October 23, 2012, and rendered a report to the City Council containing findings of fact and a recommendation that the special use permit be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on November 15, 2012, and rendered a decision to grant said special use permit.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That Application #PL2012-099, filed pursuant to Section 10.450.A of the Unified Development Ordinance to allow vehicle sales in District CP-2 with a Special Use Permit, is hereby granted for a term of five (5) years, with respect to the following described property:

Tract I

Los 1 and 2, L.H. HIGGINS PLACE, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

Tract II:

Beginning at a point 561.88 feet West of the Southeast corner of the Southwest Quarter of Section 6, Township 47, Range 3 1; thence West 58 feet; thence North 248.91 feet; thence East 58 feet; thence South 248.91 feet to beginning; except that part thereof dedicated for right-of-way for 3rd Street.

SECTION 2. That the following conditions of approval apply:

1. The term of this special use permit is five (5) years from the date of passage of this ordinance, as shown below.
2. Vehicles for sale shall be limited to one row along the 3rd Street frontage, and along the east property line.
3. No vehicles shall obstruct any driveway(s) into the property off 3rd Street, or any parking lot aisles.
4. Vehicles for sale shall be displayed in an orderly manner, in striped spaces.

- 5. No more than 10 vehicles for sale may be displayed outside at any one time.
- 6. Adequate employee and customer parking spaces shall be maintained on the site.
- 7. A fire lane of 20 feet shall be maintained on the front, east side and rear of the building at all times to provide adequate access for fire apparatus.
- 8. No vehicles for sale or scheduled for repair shall be parked on any property other than the property included in this special use permit.
- 9. If a driveway is closed to provide additional parking spaces for either customers or car sales display area, it shall be the west driveway off 3rd Street. Alternatively, closure of both driveways and construction of a more centrally located driveway upon the property off 3rd Street is another option to provide additional parking spaces and improve traffic conditions along 3rd Street.
- 10. Parking lot screening, consisting of one (1) shrub per three (3) linear feet, shall be installed within the green space along 3rd Street.

SECTION 3. That Ordinance No. 7100, and the special use permit granted thereunder, is hereby rescinded.

SECTION 4. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City Unified Development Ordinance, enacted by Ordinance No. 5209, amended from time to time.

SECTION 5. 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 6th day of December, 2012.



Mayor Randall L. Rhoads

ATTEST:



City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this 11th day of December, 2012.



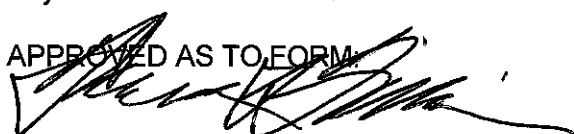
Mayor Randall L. Rhoads

ATTEST:



City Clerk Denise R. Chisum

APPROVED AS TO FORM:



City Attorney Teresa S. Williams

**#PL2012-099 SPECIAL USE PERMIT
for vehicle sales
Sinclair of Lee's Summit - 520 SW 3rd Street
Mike Stanton, applicant**

