

BILL NO. 17-27

AN ORDINANCE GRANTING A SPECIAL USE PERMIT RENEWAL FOR OUTDOOR STORAGE OF TEMPORARY STORAGE CONTAINERS IN DISTRICT CP-2 ON LAND LOCATED AT 1000 NE SAM WALTON LANE FOR A PERIOD OF TEN (10) YEARS FROM THE PREVIOUS EXPIRATION DATE, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-184, submitted by Wal-Mart Real Estate Business Trust, requesting a special use permit renewal for outdoor storage of temporary storage containers in District CP-2 on land located at 1000 NE Sam Walton Lane, 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 January 10, 2017, 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 February 2, 2017, 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 the application pursuant to Section 10.020.B. of the Unified Development Ordinance to allow outdoor storage of temporary storage containers in District CP-2 with a Special Use Permit is hereby granted for a period of ten (10) years from the previous expiration date, with respect to the following described property:

Lot 1, Ritter Plaza, a subdivision in Lee's Summit, Jackson County, Missouri,, according to the recorded plat thereof.

SECTION 2. That the following conditions of approval apply:

1. The special use permit shall be granted for a period of 10 years, from the previous expiration date, to expire on October 8, 2026.
2. No more than twenty-five (25) 8 foot x 40 foot storage units shall be allowed.
3. Containers shall be allowed for a period of twelve weeks. The containers shall not be placed on the premises prior to October 1st, and shall be removed no later than December 31st of each calendar year during which the special use permit is effective.
4. The container storage areas shall be as shown on the original site plan dated August 7, 2007, and shall remain outside the fire lanes.

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially and inseparably 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 judgment on the merits that is not subject to appeal and that declares any provision or part of this ordinance void,

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unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

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, No. 5209.

SECTION 5. That this ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this ____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*