

## **BILL NO. 23-141**

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AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AN AUTOMOTIVE SALES AND MAJOR AUTOMOTIVE REPAIR FACILITY IN DISTRICT CP-2 ON LAND LOCATED AT 2151 NE INDEPENDENCE AVE, FOR A PERIOD OF TEN (10) YEARS, ALL IN ACCORDANCE WITH ARTICLE 6 OF THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2023-079 submitted by Instant Auto, requesting approval of a special use permit for an automotive sales and major automotive repair facility in District CP-2 on land located at 2151 NE Independence Ave 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 June 8, 2023, 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 July 11, 2023, 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 a special use permit is hereby approved in District CP-2 on the following described property:

*SUMMIT PLAZA LOTS 3AA---LOT 3AA  
And as depicted on Exhibit A: Location Map*

SECTION 2. That the following conditions of approval apply:

1. The special use permit renewal shall be granted for a period of ten (10) years from the current special use permit expiration date, to expire on March 16, 2033.
2. A modification shall be granted to the requirement for a 10' display area setback from the north and south property lines, to allow a 6' setback as depicted on Exhibit B: Site Plan.
3. A modification shall be granted to the requirement that no fencing extend beyond the main building, to allow a parking area with decorative fencing forward of the building so as to provide security for vehicle inventory as currently installed as depicted on Exhibit B: Site Plan.

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, 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.

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SECTION 4. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 33, the City's Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2023

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Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

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City Attorney *Brian W. Head*