

## **BILL NO. 23-207**

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AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A CARWASH FACILITY IN DISTRICT CP-2 ON LAND LOCATED AT 3601 SW HOLLYWOOD DR, FOR A PERIOD OF TWENTY (20) YEARS, ALL IN ACCORDANCE WITH ARTICLE 6 OF THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2023-132 submitted by KC Cowboy Properties, LLC, requesting approval of a special use permit for a carwash facility in District CP-2 on land located at 3601 SW Hollywood Drive 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 12, 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 November 7, 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:

*A tract of land being located in tract B, Certificate of Survey as recorded in the office of the Recorder, Jackson County, Missouri as Doc. No. 2021E081920, being more particularly described as follows:*

*Beginning at the Southeast corner of said Tract B; thence North 02o 23' 26" East, along the East line of said Tract B, a distance of 215.18 feet; thence North 87o 26' 23" West, a distance of 301.68 feet, to a point on the west line of said Tract B; thence south 02o 23' 24" West along the West line of said Tract B, a distance of 198.36 feet; thence along a curve to the left, having a radius of 20.00 feet and a distance of 31.64 feet; thence South 88o 15' 20" East, along the South line of said Tract B, a distance of 281.47 feet, returning to the Point of Beginning. Tract contains 1.5 Acres more or less (±65,340 square feet)*

SECTION 2. That the following conditions of approval apply:

1. The special use permit shall be granted for a period of twenty (20) years from the date of approval.
2. Building materials and finishes shall be well maintained and free of defect; including storefront materials, finish, and paint, in addition to all glass and storefront glazing be kept free of limescale, mildew or other material buildup.
3. The Special Use Permit shall conform to the associated Preliminary Development Plan PL2023-130.

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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.

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

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*