

**AN ORDINANCE OF THE CITY COUNCIL APPROVING A SPECIAL USE PERMIT FOR  
TIMBERLINE LAND CO LLC TO OPERATE A BOAT, VEHICLE, AND SELF-STORAGE FACILITY ON REAL  
PROPERTY LOCATED AT THE 3400 BLOCK OF EAST U.S. HIGHWAY 60**

**WHEREAS**, the City of Republic, Missouri, ("City" or "Republic") is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

**WHEREAS**, Timberline Land Co LLC ("Applicant") submitted an application for a Special Use Permit ("Application") that would allow Applicant to operate a boat, vehicle, and self-storage facility on approximately one point three-eight (1.38) acres of real property located at the 3400 Block of East U.S. Highway 60, in Republic, Missouri ("the Property"); and

**WHEREAS**, under Republic Code Section 405.670, the City Council may authorize certain land uses on real property that are otherwise prohibited under Republic Code, subject to conditions and/or safeguards designed to protect the public welfare and to conserve and protect the condition and value of property in the surrounding area, as deemed necessary and/or appropriate by the Council; and

**WHEREAS**, under Section 405.670, a special use permit is required for any individual or entity to operate a boat, vehicle, and/or self-storage facility; and

**WHEREAS**, the City submitted the Application to the Planning and Zoning Commission ("Commission") and set a public hearing before the Commission for September 12, 2022; and

**WHEREAS**, notice of the time and date of the public hearing before the Commission was published at least fifteen (15) days in advance thereof, on August 24, 2022, in the *Greene County Commonwealth*, a newspaper of general circulation in the City, and such notice was sent via mail to those property owners within 185 feet of the land subject to the proposed special use under the Application; and

**WHEREAS**, the public hearing on the Application was conducted by the Commission on September 12, 2022, at which all interested persons and entities were afforded the opportunity to present evidence or statement, and after which the Commission rendered written findings of fact and submitted those along with its recommendations to the Council; and

**WHEREAS**, the Commission, by a vote of seven (7) Ayes to zero (0) Nays, recommended the approval of the Application; and

**WHEREAS**, the Application was submitted to the Council for first read at its regular meeting on September 20, 2022, and submitted for second read at its regular meeting on October 4, 2022; and

**WHEREAS**, pursuant to Republic Code Section 405.670, the Council finds the proposed special use will not endanger the public's health or safety, is in conformity with the City's Comprehensive Plan and other adopted plans currently in place, and will generally be in harmony with the surrounding uses, and therefore approves the Special Use Permit for Applicant.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:**

**Section 1:** A Special Use Permit is hereby approved for issuance to Timberline Land CO LLC to operate a boat, vehicle, and self-storage facility on real property located at the 3400 Block of East U.S. Highway 60 in Republic, Missouri, more specifically described as follows:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 28 NORTH, RANGE 23 WEST, GREENE COUNTY, MISSOURI AND BEING THE LAND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2008 PAGE 03121908 AND BEING MORE PARTICULARITY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 10, AS SHOWN IN OLD STONE DEVELOPMENT SUBDIVISION, RECORDED IN BOOK 2005, PAGE 065605-05 AND WITH THE NORTH LINE OF SAID SUBDIVISION N 89°41'50"W, 422.50 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 60; THENCE LEAVING THE NORTH LINE OF SAID SUBDIVISION AND WITH THE SOUTHEASTERLY RIGHT OF WAY LINE, N 56°15'20"E 511.85 FEET TO THE EAST LINE OF SAID SECTION 10; THENCE LEAVING SAID RIGHT OF WAY LINE AND WITH THE EAST LINE OF SAID SECTION, S 0°37'30"W, 286.57 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.38 ACRES.

**Section 2:** The following conditions and safeguards are hereby incorporated into the Special Use Permit issued under this Ordinance:

- A. The Application.
- B. Municipal Water and Sewer Service:
  - a. The Property currently has access to City water and sanitary sewer services through the adjacent property to the south.
  - b. Placement of additional water and sewer infrastructure shall be considered and determined upon review of the Applicant's New Commercial Building Permit application. Applicant shall comply with the determinations made by the City in this regard.
- C. Stormwater:
  - a. All stormwater improvements to the Property shall be made in conformance with the submitted Stormwater Report.
- D. Duration:
  - a. The Special Use Permit shall remain valid until a change in use or in the configuration of the use occurs, which will void and invalidate the Special Use Permit.
- E. Transportation:
  - a. The property will be accessed from FR 101.
- F. Other Requirements:
  - a. Applicant must submit an application for a New Commercial Building Permit demonstrating conformance with all applicable City code and regulations, including, but not limited to, the City's Zoning Regulations, Building Codes and Regulations and Fire Code, and comply with all procedural requirements for obtaining the appropriate building and other permits required for development of the storage facility.

**Section 3:** The WHEREAS clauses above are specifically incorporated herein by reference.

**Section 4:** The provisions of this Ordinance are severable, and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

**Section 5:** This Ordinance shall take effect and be in force from and after its passage as provided by law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Republic, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Matt Russell, Mayor

**Attest:**

\_\_\_\_\_  
Laura Burbridge, City Clerk

**Approved as to Form:**

  
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Megan McCullough, City Attorney

**Final Passage and Vote:**