

**AN ORDINANCE OF THE CITY COUNCIL APPROVING A SPECIAL USE PERMIT FOR
JOSAN PROPERTIES ARKANSAS LLC TO OPERATE A BOAT, VEHICLE, AND SELF-STORAGE FACILITY
ON REAL PROPERTY LOCATED AT 3020 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, Josan Properties Arkansas 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 5.7 acres of real property located at 3020 U.S. Highway 60 in Republic, Missouri (“the Property”); and

WHEREAS, Republic Code Section 405.670 provides 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 July 11, 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 June 22, 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 July 11, 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 six (6) 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 July 19, 2022, and for second read at its regular meeting on July 26, 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 Josan Properties Arkansas LLC to operate a boat, vehicle, and self-storage facility on real property located at 3020 U.S. Highway 60 in Republic, Missouri, more specifically described as follows:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 28 NORTH, RANGE 23 WEST, REPUBLIC, GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 10 (CORNER DOCUMENT 600-71898); **THENCE** NORTH 01°52'11" EAST, ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 1333.77 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10; **THENCE** NORTH 88°21'31" WEST, ALONG THE QUARTER QUARTER SECTION LINE, A DISTANCE OF 1332.93 FEET TO THE **POINT OF BEGINNING**; **THENCE** CONTINUING NORTH 88°21'31" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER, A DISTANCE OF 447.78 FEET; **THENCE** NORTH 01°39'03" EAST A DISTANCE OF 406.88 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF HIGHWAY 60; **THENCE** NORTH 57°22'39" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 497.61 FEET; **THENCE** SOUTH 82°41'46" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 30.91 FEET; **THENCE** SOUTH 01°09'48" WEST A DISTANCE OF 684.02 TO THE **POINT OF BEGINNING**

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:
 - i. The Property currently has access to City water and sanitary sewer services.
 - ii. Additional hydrants shall be installed on the Property to ensure the Fire Department can adequately service the Property as needed.
- C. Stormwater:
 - i. All special restrictions and/or other conditions set forth in zoning code requirements shall apply.
- D. Duration:
 - i. 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:
 - i. The easternmost commercial entrance to the Property shall be removed in accordance with the approved preliminary plat.
 - ii. The Property shall utilize the westernmost commercial entrance to serve these (and any future) improvements to the Property.

- F. Other Requirements:
 - i. 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.

Attest:

Matt Russell, Mayor

Laura Burbridge, City Clerk

Approved as to Form:



Megan McCullough, City Attorney

Final Passage and Vote: