

**AN ORDINANCE OF THE CITY COUNCIL APPROVING A SPECIAL USE PERMIT FOR
KO STORAGE OF OZARK LLC TO OPERATE A BOAT, VEHICLE, AND SELF-STORAGE FACILITY
AT 909 NORTH COLLEGE AVENUE**

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, KO Storage of Ozark 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 3.23 acres of real property located at 909 North College Avenue 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 June 13, 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 May 25, 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 June 13, 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 five (5) 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 June 21, 2022, and submitted for second read at its regular meeting on July 19, 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 KO Storage of Ozark LLC to operate a boat, vehicle, and self-storage facility on real property located at 909 North College Avenue in Republic, Missouri, more specifically described as follows:

PARCEL 2 (RSS Republic): TRACT I: ALL OF LOTS TWO (2), THREE (3) AND FOUR (4), BLOCK ONE (1), SECOND AMENDED FINAL PLAT FOR O.D. BOATRIGHT SUBDIVISION, CITY OF REPUBLIC GREENE COUNTY, MISSOURI. TRACT II: ALL THAT PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION EIGHTEEN (18), TOWNSHIP TWENTY-EIGHT (28) NORTH, RANGE TWENTY-THREE (23) WEST, CITY OF REPUBLIC, GREENE COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼); THENCE NORTH 89°40'02" EAST, WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼), 30.00 FEET FOR A TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°40'02" EAST, WITH SAID SOUTH LINE, 635.01 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER (SW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼); THENCE NORTH 00°43'42" WEST, WITH SAID EAST LINE, 221.62 FEET; THENCE SOUTH 89°39'00" WEST, 635.08 FEET; THENCE SOUTH 00°44'51" EAST, 221.43 FEET TO THE TRUE 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:
 - a. The Property currently has access to City water and sanitary sewer services.
 - b. A new hydrant shall be installed on the Property to ensure the Fire Department can provide services to the Property.
 - i. The hydrant shall be served by a fire service line connecting to the 4-inch main along West Avenue.
 - ii. A new gate shall be installed on the west side of the Property to ensure the Fire Department has unhindered access to the hydrant.
- C. Stormwater:
 - a. No special restrictions or conditions pertaining to stormwater shall apply.
- 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 shall have public access on College Avenue.
 - b. The Property shall have emergency access on West Avenue.
- 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:

A handwritten signature in blue ink, appearing to read 'Megan McCullough', is written over a horizontal line.

Megan McCullough, City Attorney

Final Passage and Vote: