

**AN ORDINANCE OF THE CITY COUNCIL APPROVING A SPECIAL USE PERMIT FOR WILMOTH OIL COMPANY LLC TO OPERATE A SELF-STORAGE FACILITY ON PROPERTY LOCATED AT THE SOUTHWEST TERMINATION OF WEST CIVIC BOULEVARD**

**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**, Wilmoth Oil Company 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 property located at the southwest termination of West Civic Boulevard in Republic, Missouri; and

**WHEREAS**, Republic Code Section 405.670 authorizes, upon approval by the City Council, certain land uses that are otherwise prohibited, so long as necessary and/or appropriate conditions and safeguards designed to protect the public welfare and to conserve and protect the condition and value of property in the surrounding area; and

**WHEREAS**, under Section 405.670, a special use permit is required for boat, vehicle, and/or self-storage facilities; and

**WHEREAS**, the City submitted the Application to the Planning and Zoning Commission (“Commission”) and set a public hearing before the Commission for April 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 March 23, 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 April 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 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 April 19, 2022, and submitted for second read at its regular meeting on May 3, 2022, after which the Council voted to approve the Application and issue a Special Use Permit to Applicant accordingly.

**WHEREAS**, pursuant to Republic Code Section 405.670, the Council finds that the proposed special use under the Application will not endanger the public’s health or safety, will be in conformity with the City’s Comprehensive Plan and other plans in place as adopted by this Council, and will generally be in harmony with the area in which the special use is located.

**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 Wilmoth Oil Company LLC to operate a boat, vehicle, and self-storage facility on the property located at the southwest termination of West Civic Boulevard, more specifically described as follows:

ALL OF TRACT 2 OF THE MINOR SUBDIVISION OF COX-DAVIS SUBDIVISION FILED IN RECORD BOOK 2021, AT PAGE 037510-21, IN THE RECORDER'S OFFICE, GREENE COUNTY, MISSOURI, LOCATED IN SECTION THIRTY (30), TOWNSHIP TWENTY-EIGHT (28) NORTH, RANGE TWENTY-THREE (23) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EXISTING MONUMENT AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 30: THENCE, N87°34'46"W, ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4, A DISTANCE OF 30.24 FEET TO A SET 1/2" IRON PIN WITH A CAP STAMPED "WLS LSC 370", SAID POINT.

BEING ON THE APPARENT WEST RIGHT-OF-WAY LINE OF ILLINOIS AVENUE, AND THE POINT OF THE BEGINNING; THENCE CONTINUING N87°34' 46" W, ALONG SAID SOUTH LINE, SAID LINE ALSO BEING THE NORTH LINE OF LAKESIDE ESTATES ADDITION, AND LAKESIDE ESTATES SECOND ADDITION, BOTH BEING RECORDED SUBDIVISIONS IN THE CITY REPUBLIC, GREENE COUNTY, MISSOURI, A DISTANCE OF 1294.30 FEET TO AN EXISTING STONE, SAID POINT BEING THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID NORTHWEST 1/4 ; THENCE N87°25'23"W, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID NORTHWEST 1/4 , A DISTANCE OF 144.66 FEET TO AN EXISTING 5/8" IRON PIN WITH A CAP STAMPED "LS241D", SAID POINT BEING ON THE PROPOSED SOUTHERLY RIGHT-OF-WAY LINE OF FRISCO BOULEVARD; THENCE, ALONG SAID PROPOSED SOUTHERLY RIGHT-OF-WAY LINE FOR THE FOLLOWING TWO (2) DESCRIBED COURSES; THENCE, N49°17'04" E, A DISTANCE OF 1135.37 FEET, TO A SET 1/2" IRON PIN WITH A CAP STAMPED "WLS LSC 370", AND A POINT OF CURVATURE TO THE RIGHT; THENCE, ALONG SAID CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 19.00 FEET, AND ARC DISTANCE OF 29.82 FEET A CENTRAL ANGLE OF 89°56'18", ALONG A CHORD BEARING S85°44'44"E, A CHORD DISTANCE OF 26.86 FEET TO A SET 1/2" IRON PIN WITH A CAP STAMPED "WLS LSC 370" ON THE APPARENT WEST RIGHT-OF-WAY LINE OF ILLINOIS AVENUE; THENCE, ALONG SAID APPARENT WEST RIGHT-OF-WAY LINE FOR THE FOLLOWING SEVEN(7) DESCRIBED COURSES; THENCE, S40°46'35" E, A DISTANCE OF 361.29 FEET TO A SET 1/2" IRON PINE WITH A CAP STAMPED "WLC LSC 370", AND A POINT OF CURVATURE TO THE RIGHT; THENCE, ALONG SAID CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 19.00 FEET, AN ARC DISTANCE OF 29.85 FEET, A CENTRAL ANGLE OF 89°59'59", ALONG A CHORD BEARING S04°13'35"W, A CHORD DISTANCE OF 26.87 FEET, TO A SET 1/2" IRON PIN WITH A CAP STAMPED "WLS LSC 370": THENCE, S40°46'35" E, A DISTANCE OF 50.00 FEET TO A SET 1/2" IRON PIN WITH A CAP STAMPED "WLC LSC 370", AND A POINT OF NON-TANGENT CURVATURE TO THE RIGHT; THENCE, ALONG SAID NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 19.00 FEET; AN ARC DISTANCE OF 29.85 FEET, A CENTRAL ANGLE OF 90°00'53", ALONG A CHORD BEARING S85°47'01"E, A CHORD DISTANCE OF 26.87 FEET TO A SET 1/2" IRON PIN WITH A CAP STAMPED "WLS LSC 370"; THENCE S40°46'35"E, A DISTANCE OF 295.70 FEET TO A SET 1/2" IRON PIN WITH A CAP STAMPED "WLS LSC 370", AND A POINT OF CURVATURE TO THE RIGHT; THENCE, ALONG SAID CURVE TO THE RIGHT, SAID CURVE HAVING A RADUS OF 270.00 FEET, AN ARC DISTANCE OF 200.98 FEET, A CENTRAL ANGLE OF 42°38'57", ALONG CHORD BEARING S19°27'10"E, A CHORD DISTANCE OF 196.37 FEET; THENCE, S01°52'19"W, A DISTANCE OF 50.49 FEET 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:
  - a. A new hydrant to be served by a looped 8-inch fire service line connecting existing mains on S. Illinois Avenue (8-inch connection crossing the street) and W. Frisco Boulevard (10-inch) shall be placed on the site to ensure the City's Fire Department can provide adequate coverage.
  - b. Sanitary sewer shall be served by the 8-inch main on S. Illinois Avenue along the east side of the property. Sewer shall flow to the Woodland Park Lift Station, Lift Station #2 and then on to the Wastewater Treatment Plant.
- C. Stormwater:
  - a. Prior to any construction or operation of storage facilities under the Special Use Permit, the Applicant shall demonstrate that the detention pond currently existing on the property (serving the greater Frisco Square Planned Development District) can withstand the increase in impervious area proposed by the special use in the Application.
- 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 the Special Use Permit.
- E. Transportation:
  - a. The property subject to the Special Use Permit shall have public access on Illinois Avenue and emergency access to Frisco Boulevard.
- 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:**

*Megan E. McCullough*  

---

Megan McCullough, City Attorney

**Final Passage and Vote:**