

**Council Bill No. 2024-35**

**Ordinance No. 3697**

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE APPROVING A SPECIAL USE PERMIT FOR THE USE OF AN EVENT VENUE ON PROPERTY LOCATED AT 301 N. COMMERCIAL STREET IN THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI.**

**WHEREAS**, the City of Harrisonville, Missouri (the "City") has received an application from Jesse Brownsberger with Aspects Homes. LLC, seeking approval of a Special Use Permit for the use of an event venue on land located at 301 N. Commercial Street in the City of Harrisonville, Cass County, Missouri; and

**WHEREAS**, a legal notice announcing a public hearing to be held on the requested Special Use Permit application on June 20, 2024, before the Planning & Zoning Commission and on July 1, 2024, before the Board of Aldermen of the City of Harrisonville, Missouri was published in the May 23, 2024, edition of the *Tribune and Times* newspaper; and

**WHEREAS**, the Special Use Permit was considered by the Planning and Zoning Commission on June 20, 2024, and, with a voice vote of 7-0, recommended that the Board of Aldermen approve the requested Special Use Permit with all aspects being subject to the Site Plan review process and the Building Permit process, and the six (6) conditions of approval stated; and

**WHEREAS**, in accordance with the provision of Chapter 89 RSMo, and Chapter 405 of the Code of Ordinance of the City of Harrisonville, Missouri, the Board of Aldermen, after careful and due deliberation, find the approval of the Special Use Permit is in the best interest of the City of Harrisonville and its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, CASS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1:** The Board of Aldermen of Harrisonville, Missouri, hereby approves a Special Use Permit for the use of an event venue on land located at 301 N. Commercial Street in the City of Harrisonville, Cass County, Missouri, with the following six (6) conditions of approval:

- 1) The applicant shall obtain a Floodplain Development Permit and an Elevation Certificate.
- 2) The applicant shall obtain an access easement from Oakland Cemetery to utilize their existing curb cut for their northern access point.
- 3) All exterior building and site lighting shall comply with the requirements specified in Section 405.565.G of the City's Municipal Code.
- 4) The site shall meet or exceed all applicable landscaping and screening requirements specified in Section 405.565.F of the City's Municipal Code.
- 5) A modification shall be granted to Section 405.565.D.6 to allow for a portion of the proposed building to be metal siding. The metal siding shall be complemented with another allowed material as listed in Section 405.565.D.9.

- 6) This Special Use Permit (SUP) shall be granted for a period of twenty (20) years from the date of approval. If the applicant wishes to transfer ownership to a second party, the applicant must resubmit the application for a Special Use Permit to the City prior to the transfer of ownership.

**Section 2:** The Special Use Permit comprises the following real estate in the City of Harrisonville, Cass County, Missouri, described as follows:

LEGAL DESCRIPTION:

LOT 3, WALL STREET COMMERCIAL PARK, A SUBDIVISION IN HARRISONVILLE, CASS COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF, FILED IN PLAT BOOK 16 AT PAGE 10.

**Section 3:** Severability. The sections, paragraphs, sentences, clauses, and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

**Section 4:** Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

**Section 5:** Effective Date. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 1<sup>ST</sup> OF JULY 2024 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 15<sup>TH</sup> DAY OF JULY 2024 AND PASSED BY THE BOARD OF ALDERMEN THIS 15<sup>TH</sup> DAY OF JULY 2024.

**VOTE TAKEN AS FOLLOWS:**

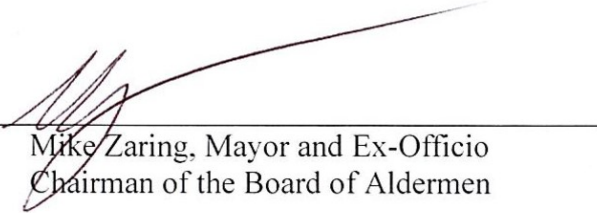
**AYES:** Chaney, Davidson, Doerhoff, Franklin, Mills, Milner, Pfautsch, Turner

**NAYS:**

**AWAY:**

**ABSENT:**

**ABSTAIN:**

  
Mike Zaring, Mayor and Ex-Officio  
Chairman of the Board of Aldermen

ATTEST:

A handwritten signature in black ink, appearing to read 'Daniel Barnett', written over a horizontal line.

Daniel Barnett, City Clerk

WITNESS my hand and seal this 15<sup>TH</sup> day of July 2024

Attachment I: Zoning Map

# Zoning Map

