

AN ORDINANCE GRANTING A SPECIAL USE PERMIT SUBJECT TO CERTAIN CONDITIONS TO MIKE PURSELL FOR OPERATION OF GLADSTONE GARDENS, LLC ON PROPERTY AT 5614 NORTH ANTIOCH ROAD.

WHEREAS, Pursuant to Section 32-39 of Ordinance No. 2.292 being the Gladstone Zoning Ordinance, public notice was made of a request for a Special Use Permit on property at 5616 North Antioch Road, legally described as Lots 1, 2, 3, 4, 5 and Tract A (excluding the S 60'), Block 1, South Englewood, bounded by the accompanying site plan; and

WHEREAS, public hearings have been held after the publishing of the required notices; and

WHEREAS, the Planning Commission of the City of Gladstone did submit its recommendation to the City Council for approval.

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

SECTION 1. That Gladstone Gardens, LLC and/or Byers Enterprises, LLC is hereby granted a Special Use Permit for operation of a landscape business on property at 5614 North Antioch Road, the effective date of which shall be the enactment date of this Ordinance and expiring ten (10) years from such date, all subject to the following conditions:

1. This Special Use Permit is to be issued to Mike Pursell d/b/a Gladstone Gardens, LLC and/or Byers Enterprises, LLC only with the provision that Mike Pursell and/or David Brinton retain control of the company and will be responsible for its actions. Any change in ownership of the corporation requires the issuance of a new special use permit.
2. Flammable liquids must be stored outside of the building only and in an appropriate, secured, outside storage cabinet.
3. The structure shall be maintained according to City Code as required.
4. No noise, smoke, radiation, vibration, concussion, heat, glare, dust, fly ash, gas or other substances that are toxic, caustic, or injurious to humans or property to be produced at this site.
5. The issuance of such Special Use Permit does not relieve Mike Pursell d/b/a Gladstone Gardens, LLC and/or Byers Enterprises, LLC from following all other applicable codes and laws of the City of Gladstone or other governmental agency. This permit does not relieve Mike Pursell/David Brinton from applying for all necessary electrical permits, sign permits, or occupation license. The regulations established by the adoption of City ordinances shall have precedence over any conditions established by the issuance of this permit.
6. The hours of outdoor operation shall be 7:00 AM until sunset.
7. Any exterior lighting shall be for security only and directed to alleviate impact on adjacent residential properties.
8. All business deliveries, trash pick-up and loading shall occur during allowed business hours only on the west side of the building.
9. Access to the drainage way south and west of the property shall be provided to the City of Gladstone for maintenance purposes at all reasonable times.
10. All materials, products, or other items offered for sale shall be located west of existing and proposed buildings on the property. Such items shall not be displayed in any parking area or parkway.

11. Upon expiration of this special use permit, Applicant shall restore storage areas as near as practicable to their original condition, free and clear of all storage bins, materials and equipment.

12. All installed landscaping and fencing shall be maintained throughout the permit term and shall not be removed upon expiration of the permit.

13. The outdoor storage of trucks in excess of one ton or heavy equipment in excess of 2.5 tons is prohibited. The maximum number of vehicles and self-propelled equipment being stored outdoors shall not exceed 5 at any one time.

PASSED, SIGNED, AND MADE EFFECTIVE BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 26th DAY OF MAY, 2015.



Mayor Bill Garnos

ATTEST:



Ruth Bocchino, City Clerk

1st Reading: May 26, 2015

2nd Reading: May 26, 2015

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