

MAY 11, 2016

Posted 2:30 p.m., Thursday, May 5, 2016

7:00 P.M. CITY OF ELLISVILLE – PLANNING AND ZONING COMMISSION

I. Call to Order – Chairman Hoffman

II. Pledge of Allegiance

III. Roll Call

IV. Approval of Agenda

V. Approval of Minutes – April 13, 2016 [Pages 3-8](#)

VI. Election of Officers

VII. Public Hearings

- 1) The Planning and Zoning Commission will discuss and consider City initiated petitions for Text Amendments to Title IV, Land Use, Chapter 400: Zoning Regulations pertaining to the following: (1) R-1 Single-Family Residential Zoning District area requirements; and 2) Accessory Dwelling Units. *Continued from April 13, 2016 meeting.* [Pages 9-20](#)

Action on Petition #16-05-01

VIII. Petitions for Approval

- 1) Petition of Phillip Sprague, for approval of an amendment to an existing Conditional Use Permit to authorize the issuance of a liquor license to Olive Street Café (formerly Monty's) located at 15850 Manchester Road within the C-3 Commercial Zoning District. [Pages 21-31 \(includes proposed legislation\)](#)

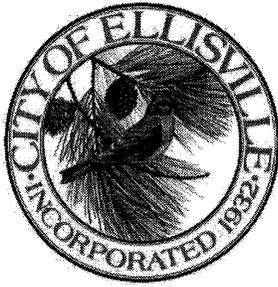
Action on Petition #16-05-02

IX. Adjournment

Respectfully submitted,


LEIGH A. DOHACK
City Clerk

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City of Ellisville

PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

Meeting Date: April 13, 2016

TABLE OF CONTENTS

1. Approval of Agenda
2. Approval of Minutes: March 9, 2016
3. Public Hearings
 - A. Petition #14-04-01: The Planning and Zoning Commission will discuss and consider City initiated petitions for Text Amendments to Title IV, Land Use, Chapter 400: Zoning Regulations pertaining to the following: (1) R-1 Single-Family Residential Zoning District area requirements; and (2) Board of Zoning Adjustment.
 - B. Petition #16-04-02: The Planning and Zoning Commission will discuss and consider the petition of McBride & Son Homes requesting approval for Rezoning to R-2 Planned Residential and associated Site Development Plan pertaining to a tract of land measuring approximately 21,270 square feet and located at 104 Jacob Lane (partial lot) allowing the land to become part of the Arbors at Bluebird Park Subdivision.
 - C. Petition #16-04-03: The Planning and Zoning Commission will discuss and consider the petition of Pro-Tech Collision Center for consideration and approval of (1) Text Amendments to the C-4 Ellisville Business Park Zoning District allowing Used Motor Vehicle Sales, Auto Repair, Auto Service and Auto Wash uses in the district; (2) a Conditional Use Permit to allow Used Motor Vehicle Sales, Auto Repair, Auto Service and Auto Wash uses; and (3) a Lot Consolidation Plat associated with the property located at 16360 (and 16201) Truman Road within the C-4 Commercial Zoning District.
 - D. Petition #16-04-04: The Planning and Zoning Commission will discuss and consider the petition of The Fountains of Ellisville, LLC for Rezoning (from C-3 to C-2), Lot Consolidation Plat, Conditional Use Permit and Site Development Plan approvals to allow an addition for an independent living facility and a building height over 30 feet at 15834 Clayton Road within the C-3 Commercial Zoning District.
4. Resolution honoring Commissioner Christopher Turner for his service as a Planning and Zoning Commissioner.
5. Adjournment

PLANNING AND ZONING COMMISSION MEETING SUMMARY

Chairman Hoffman called the meeting to order at 7:00 p.m. Commissioner Ellebrecht led the Pledge of Allegiance. Other Commissioners present were: Boggs, Chismarich, Sanborn, McGrath, and Reel. Commissioners absent were: Sticksel and Gundlach. A quorum was present for the meeting.

Also present were City Planner Hood, Assistant City Attorney Parnell, and Council Members McGrath, Cahill, and Duffy.

1. APPROVAL OF AGENDA

A motion was made by Commissioner Reel to approve the Agenda, as written, and was seconded by Commissioner Ellebrecht. The votes were as follows:

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Curtis Boggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Chismarich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Ellebrecht	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nanci Sticksel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Suzanne Gundlach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Reel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. APPROVAL OF MINUTES

A motion was made by Chairman Hoffman to approve the March 9, 2016, Regular Meeting Minutes, as written, and was seconded by Commissioner Reel. Hearing no questions or discussions, the votes were as follows:

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Curtis Boggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Chismarich	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Ellebrecht	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nanci Sticksel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Suzanne Gundlach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greg Sanborn	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Reel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. PUBLIC HEARING(S)

Petition #14-04-01: The Planning and Zoning Commission will discuss and consider City initiated petitions for Text Amendments to Title IV, Land Use, Chapter 400: Zoning Regulations pertaining to the following: (1) R-1 Single-Family Residential Zoning District area requirements; and (2) Board of Zoning Adjustment.

Assistant City Attorney Parnell read the Exhibit List, and Chairman Hoffman swore in Planner Hood.

Planner Hood summarized this is a City initiated petition to consider text amendments in regard to the following items:

- R-1 Single-Family Residential Zoning District area requirements: Staff has reviewed data pertaining to minimum lot width in the R-1 Single Family Zoning District. The data was incorporated in to two distinct maps. The first map shows the lots (zoned R-1) measuring 70 linear feet to 99 linear feet. The second map illustrates lots (zoned R-1) which measure 140 to 199 linear feet in width and could potential be subdivided if the minimum lot width is reduced. We had planned on discussing granny units, but additional research and time is required. We will schedule a hearing in April to discuss the matter.
- Board of Zoning Adjustment: Changes to this section of the code will include the various applications and petitions the Board of Adjustment is authorized to consider. Currently the language is limited to 'appeals.' Additionally, language will be added to clarify that 4 votes are required to grant a variance.

Discussions ensued among Commissioners and residents.

Commissioner Ellebrecht moved to forward a favorable recommendation of Subpart (3), Board of Zoning Adjustment, of Petition #16-04-01, as per the attached Exhibit A, and continues the public hearing upon Subparts (1) and (2), R-1 Single Family Residential Zoning District area requirements and Accessory Dwelling Units, respectively, for further review and discussion, and was seconded by Commissioner Reel. The votes were as follows:

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Curtis Boggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Chismarich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl Hoffman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Ellebrecht	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nanci Sticksel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Suzanne Gundlach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Reel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Petition #16-04-02: The Planning and Zoning Commission will discuss and consider the petition of McBride & Son Homes requesting approval for Rezoning to R-2 Planned Residential and associated Site Development Plan pertaining to a tract of land measuring approximately 21,270 square feet and located at 104 Jacob Lane (partial lot) allowing the land to become part of the Arbors at Bluebird Park Subdivision.

Assistant City Attorney Parnell read the Exhibit List. Chairman Hoffman swore in applicant.

Planner Hood stated that in 2015, the City Council approved a rezoning and associated site development plan for the Arbors at Bluebird Park located at 69 and 75 Klamberg Lane, and part of 60 Klamberg Lane. At that time, the 104 Jacob Lane (partial lot) was not within Ellisville's jurisdiction (it was part of Ballwin). In 2015, the application request included conceptual consideration for 104 Jacob Lane (partial lot) to be part of a 20-lot subdivision. The applicant is requesting to rezone the subject area to R-2 Planned Residential Zoning District (R-2), consistent with the approval of the overall subdivision. The subject area will accommodate two single-family detached homes.

Commissioner Sanborn moved to approve and forward a favorable recommendation to the City Council, and was seconded by Commissioner Ellebrecht. The votes were as follows:

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Curtis Boggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Chismarich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Ellebrecht	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nanci Sticksel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Suzanne Gundlach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Reel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Petition #16-04-03: The Planning and Zoning Commission will discuss and consider the petition of Pro-Tech Collision Center for consideration and approval of (1) Text Amendments to the C-4 Ellisville Business Park Zoning District allowing Used Motor Vehicle Sales, Auto Repair, Auto Service and Auto Wash uses in the district; (2) a Conditional Use Permit to allow Used Motor Vehicle Sales, Auto Repair, Auto Service and Auto Wash uses; and (3) a Lot Consolidation Plat associated with the property located at 16360 (and 16201) Truman Road within the C-4 Commercial Zoning District.

Assistant City Attorney Parnell read the Exhibit List. Chairman Hoffman swore in applicant.

City Planner Hood stated the applicant is requesting text amendments to the C-4 Ellisville Business Park Zoning District (C-4). The applicant is proposing to add the following uses as "conditionally permitted" in the C-4 Zoning District:

- Used Motor Vehicle Sales
- Automobile Repair
- Automobile Service
- Automobile Wash

Used motor vehicle sales as a primary use is new to the City. The automobile repair, service, and wash uses are currently allowed in the C-3 and M-1 Zoning Districts.

Commissioner Sanborn moved to forward a favorable recommendation to the City Council, subject to the following condition(s):

1. City Council waives the requirement for new street lights along Truman Road;
2. City Council waives the requirement for new sidewalk, street lights, and street trees along Westhills Park Drive;
3. City Council waives the requirement for pedestrian accessibility, crosswalks, and walkways as per Section 400.490(l).

The motion was seconded by Commissioner Boggs. The votes were as follows:

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Curtis Boggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Chismarich	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Ellebrecht	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nanci Sticksel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Suzanne Gundlach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Reel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Petition #16-04-04: The Planning and Zoning Commission will discuss and consider the petition of The Fountains of Ellisville, LLC for Rezoning (from C-3 to C-2), Lot Consolidation Plat, Conditional Use Permit and Site Development Plan approvals to allow an addition for an independent living facility and a building height over 30 feet at 15834 Clayton Road within the C-3 Commercial Zoning District.

Assistant City Attorney Parnell read the Exhibit List. Chairman Hoffman swore in applicant.

City Planner Hood summarized the applicant is currently operating a nursing home/retirement facility at 15826 and 15822 Clayton Road. The applicant is now proposing to add a new building, which will add 69 units for independent living. The applicant is proposing to consolidate the property at 15834 with the existing property (15826 and 15822 Clayton Road) to create one single lot. The applicant is requesting approval to rezone the property at 15834 Clayton Road from C-3 to C-2 Commercial.

Discussion ensued among Commissioners.

Commissioner Reel moved to forward a favorable recommendation to the City Council, and was seconded by Commissioner McGrath. The votes were as follows:

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Curtis Boggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Chismarich	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Ellebrecht	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nanci Sticksel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Suzanne Gundlach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Reel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. RESOLUTION

Resolution honoring Commissioner Christopher Turner for his service as a Planning and Zoning Commissioner.

5. ADJOURNMENT

Chairman Hoffman adjourned the meeting at 8:55 p.m.

Respectfully Submitted,

Angie Shoemate

EXHIBIT A

Section 400.210 “R-1” Single-Family Residential Zoning District.

G. *Area Requirements.*

2. *Minimum width of lot.* One hundred (100) feet measured at the required building line.

a. *Waiver of minimum width of lot requirement.* Upon petition, the City Council may, at its discretion, waive the minimum lot width requirement of this Section and impose such additional conditions and restrictions as it deems necessary to reduce or minimize any injurious effect upon other property in the neighborhood and to carry out the general purpose and intent of this Chapter.

i. *Requirements for waiver.* The petitioner must demonstrate that the proposed lot width is consistent with good planning practices, closely matches the lot widths of the surrounding area, and that the lot will comply with all other area requirements.

ii. *Notice.* In the event of a petition for waiver, the City Clerk shall notify, in writing, all affected property owners located in the area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the property which is subject to the petition for exception.

EXHIBIT B

Section 400.090 Definitions

ACCESSORY DWELLING UNIT

A residential living unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single-family dwelling it accompanies.

Section 400.200 "OS" Open Space Single-Family Residential Zoning District.

A. *Purpose.* The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Section, are the regulations in the "OS" Open Space Single-Family Residential Zoning District. All lots in this zoning district shall be restricted to one (1) habitable residential principal structure and one (1) habitable Accessory Dwelling Unit per lot.

C. Conditional Uses.

ADD: Accessory Dwelling Unit

D. *Accessory Uses.*

1. Accessory building, private garages, carports, storage and ancillary structures, all as defined in Section 400.090.

~~+2.~~ No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.

3. Accessory Dwelling Unit. ~~No accessory building shall be used for dwelling purposes.~~

a. Only one (1) Accessory Dwelling Unit per lot is permitted.

b. An Accessory Dwelling Unit must, in conjunction with the principle residential structure, meet the definition of the principle residential use.

c. All Accessory Dwelling Units shall comply with the requirements of Chapter 505: Property Maintenance Code for habitable structures.

d. Prior to using an accessory building or ancillary structure as an Accessory Dwelling Unit, and upon each change in occupancy, an occupancy permit shall be obtained.

4. Residential swimming pools and hot tubs (St. Louis County Health Department Standards Regulations shall govern).

E. *Area Requirements For Accessory Building(s), ~~And~~ Ancillary Structure(s), and Accessory Dwelling Units.*

1. Any accessory building or ancillary structure which is not a part of the main building shall not be located in front of the front building line.

2. Any accessory building and ancillary structure which is not a part of the main building may be built on a required side or rear yard, but such accessory building

or ancillary structure shall not be nearer than ten (10) feet to any side or rear lot line.

3. Accessory buildings and ancillary structures shall not occupy more than thirty percent (30%) of the required rear yard. There shall be not more than two (2) accessory buildings or ancillary structures ~~with a combined maximum area of six hundred (600) square feet.~~
4. The height of a private garage or carport, storage garage or structure, accessory building or ancillary structure shall not exceed the maximum height of the existing building.
5. A private garage or carport, storage garage or structure, accessory building or ancillary structure shall not exceed seventy-five percent (75%) of the floor space of the principal living area (excluding basements and upper stories) of the ~~original~~ existing structure as determined and/or measured from and around the outside wall faces of said area.
6. Unenclosed decks and porches which are attached to the main structure shall comply with the setbacks required for the principal structure, unless otherwise approved by the City Council.
7. Persons wishing to construct and use more than two (2) accessory buildings or ancillary structures or any combination within this zoning district or which do not comply with the above must receive approval from the City Council as well as review and approval of the proposed construction by the Building Official. However, the City Council may not authorize an accessory building or ancillary structure to exceed the parameters of the definition of an accessory building, which requires it be subordinate in use and size.

F. *Parking Requirements.*

1. *Minimum number of spaces.*
 - a. ~~Single-family dwelling.~~ Minimum of two (2) parking spaces, covered or uncovered.
 - a.b. Single-family dwelling with Accessory Dwelling Unit. Minimum of three (3) parking spaces, covered or uncovered.
2. Off-street parking for non-residential uses in this zoning district must be approved by the conditional use procedure.
3. Any new driveway, driveway extension, driveway widening, expansion, turnaround area, addition, pad areas or other driveway improvement shall be constructed of a finished hard surfaced material and shall be similar to that which already exists.
4. No motor vehicle licensed in excess of eighteen thousand (18,000) pounds gross vehicle weight may be parked in this zoning district. Motor vehicles licensed eighteen thousand (18,000) pounds gross vehicle weight or less, but in excess of twelve thousand (12,000) pounds gross vehicle weight, must be parked or stored in the driveway or behind the front building line. Vehicles, while making local deliveries or providing local services, are exempt from the provisions of this Section.

5. Driveways and surfaced parking areas shall not occupy more than thirty percent (30%) of a front yard.

Section 400.210 "R-1" Single-Family Residential Zoning District

- A. *Purpose.* The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Section, are the regulations in the "OS" Open Space Single-Family Residential Zoning District. All lots in this zoning district shall be restricted to one (1) habitable residential principal structure and one (1) habitable Accessory Dwelling Unit per lot~~structure per lot.~~

C. Conditional Uses.

ADD: Accessory Dwelling Unit

- D. *Accessory Uses.*
1. Accessory building, private garages, carports, storage and ancillary structures, all as defined in Section 400.090.
 2. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.
 3. Accessory Dwelling Unit.~~No accessory building shall be used for dwelling purposes.~~
 - a. Only one (1) Accessory Dwelling Unit per lot is permitted.
 - b. An Accessory Dwelling Unit must, in conjunction with the principle residential structure, meet the definition of the principle residential use.
 - c. All Accessory Dwelling Units shall comply with the requirements of Chapter 505: Property Maintenance Code for habitable structures.
 - d. Prior to using an accessory building or ancillary structure as an Accessory Dwelling Unit, and upon each change in occupancy, an occupancy permit shall be obtained.
 4. Residential swimming pools and hot tubs (St. Louis County Health Department Standards Regulations shall govern).
- E. *Area Requirements For Accessory Building(s), ~~And~~ Ancillary Structure(s), and Accessory Dwelling Units.*
1. Any accessory building or ancillary structure which is not a part of the main building shall not be located in front of the front building line.
 2. Any accessory building and ancillary structure which is not a part of the main building may be built on a required side or rear yard, but such accessory building or ancillary structure shall not be nearer than ten (10) feet to any side or rear lot line.
 3. Accessory buildings and ancillary structures shall not occupy more than thirty percent (30%) of the required rear yard. There shall be not more than two (2) accessory buildings or ancillary structures ~~with a combined maximum area of six hundred (600) square feet.~~

4. The height of a private garage or carport, storage garage or structure, accessory building or ancillary structure shall not exceed the maximum height of the existing building.
5. A private garage or carport, storage garage or structure, accessory building or ancillary structure shall not exceed seventy-five percent (75%) of the floor space of the principal living area (excluding basements and upper stories) of the existing structure as determined and/or measured from and around the outside wall faces of said area.
6. Unenclosed decks and porches which are attached to the main structure shall comply with the setbacks required for the principal structure, unless otherwise approved by the City Council.
7. Persons wishing to construct and use more than two (2) accessory buildings or ancillary structures or any combination within this zoning district or which do not comply with the above must receive approval from the City Council as well as review and approval of the proposed construction by the Building Official. However, the City Council may not authorize an accessory building or ancillary structure to exceed the parameters of the definition of an accessory building, which requires it be subordinate in use and size.

F. *Parking Requirements.*

1. *Minimum number of spaces.*
 - ~~c.~~ Single-family dwelling. Minimum of two (2) parking spaces, covered or uncovered.
 - ~~b.d.~~ Single-family dwelling with Accessory Dwelling Unit. Minimum of three (3) parking spaces, covered or uncovered.
2. Off-street parking for non-residential uses in this zoning district must be approved by the conditional use procedure.
3. Any new driveway, driveway extension, driveway widening, expansion, turnaround area, addition, pad areas or other driveway improvement shall be constructed of a finished hard surfaced material and shall be similar to that which already exists.
4. No motor vehicle licensed in excess of eighteen thousand (18,000) pounds gross vehicle weight may be parked in this zoning district. Motor vehicles licensed eighteen thousand (18,000) pounds gross vehicle weight or less, but in excess of twelve thousand (12,000) pounds gross vehicle weight, must be parked or stored in the driveway or behind the front building line. Vehicles, while making local deliveries or providing local services, are exempt from the provisions of this Section.
5. Driveways and surfaced parking areas shall not occupy more than thirty percent (30%) of a front yard.

Section 400.220 “R-2” Planned Residential Zoning District

- A. *Purpose.* The purpose of this zoning district is to provide an opportunity for modern, integrated, imaginative architectural design, site arrangement and City planning for

certain residential areas suitable for multi-family development. Such zoning districts shall be laid out and developed as a unit according to an approved plan as provided below so as to accomplish such purpose. All lots developed as single-family residences in this zoning district shall be restricted to one (1) habitable principal structure and one (1) habitable Accessory Dwelling Unit per lot.~~residential structure per lot.~~

C. Conditional Uses.

ADD: Accessory Dwelling Unit

D. *Accessory Uses And Structures.*

1. Accessory building, private garages, carports, storage and ancillary structures.
2. Parking lots, carports and parking garages.
3. Private recreational facilities as an accessory use to residential developments for the exclusive use of residents of the development.
4. Residential swimming pools and hot tubs.
5. ~~No accessory building shall be used for dwelling purposes.~~ Accessory Dwelling Unit.
 - a. Only one (1) Accessory Dwelling Unit per lot is permitted.
 - b. An Accessory Dwelling Unit must, in conjunction with the principle residential structure, meet the definition of the principle residential use.
 - c. All Accessory Dwelling Units shall comply with the requirements of Chapter 505: Property Maintenance Code for habitable structures.
 - d. Prior to using an accessory building or ancillary structure as an Accessory Dwelling Unit, and upon each change in occupancy, an occupancy permit shall be obtained.
6. The following commercial uses when located within a multi-family structure, provided these occupy not more than five percent (5%) of the floor area of the structure; and provided further, that no displays are visible from the outside of the structure:
 - a. Food store or drugstore;
 - b. Barber or beauty shop;
 - c. Self-service laundry facility;
 - d. Restaurant, by conditional use permit, if required;
 - e. Newspaper and magazine stand.
7. Any accessory building that is not a part of the main structure shall not be located in front of the front building line and must conform with all other applicable setback requirements.
8. Accessory buildings, except those within a multi-family development, which are not a part of the main building although connected by an open breezeway may be built on a required side or rear yard, but such accessory building shall not be nearer than ten (10) feet to any side or rear lot lines nor shall any such accessory building occupy more than thirty percent (30%) of the required rear yard. There shall be not more than two (2) accessory buildings.
9. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.

10. A garage or carport shall conform with all building and other regulations applicable to the residential structure.
11. ~~10.~~ All private garages, storage and structures and ancillary structures shall comply with setback requirements applicable to this zoning district.
12. A private garage or carport, storage garage or structure, accessory building or ancillary structure shall not exceed seventy-five percent (75%) of the floor space of the principal living area (excluding basements and upper stories) of the existing structure as determined and/or measured from and around the outside wall faces of said area.
13. Persons wishing to construct and use additional attached or detached garages or carports, storage garages or structures or ancillary structures within this zoning district must receive a building permit from the Building Official.~~13.~~
14. Persons wishing to construct and use more than one (1) detached garage, carport, storage garage or structure, ancillary structure or any combination of the aforementioned within this zoning district or which do not comply with the above must receive approval from the Architectural Review Board as well as review and approval of the proposed construction by the Code Enforcement Officer. However, the Architectural Review Board may not authorize an accessory structure to exceed the parameters of the definition of an accessory structure, which requires it be subordinate in use and size.

E. *Parking Requirements.*

1. *Single-family dwelling.* Minimum of two (2) enclosed parking spaces.
2. *Two-family dwelling.* Minimum of two (2) enclosed parking spaces.
3. *Multiple-family dwelling/condominium.* Minimum of two (2) parking spaces for each unit with a minimum of thirty percent (30%) of the spaces covered.
4. *Single-family dwelling with Accessory Dwelling Unit. Minimum of three (3) parking spaces, covered or uncovered.*
- ~~4-5.~~ No motor vehicle licensed in excess of eighteen thousand (18,000) pounds gross vehicle weight may be parked in this zoning district. Motor vehicles licensed eighteen thousand (18,000) pounds gross vehicle weight or less, but in excess of twelve thousand (12,000) pounds gross vehicle weight, must be parked or stored in the driveway or behind the front building line of a two-family dwelling or parked or stored in the required parking area of a multi-family development. Vehicles, while making local deliveries or providing local services, are exempt from the provisions of this Section.
- ~~5-6.~~ Off-street parking for non-residential uses in this zoning district must be approved by the conditional use procedure.
- ~~6-7.~~ Any new driveway or existing driveway widened from a single driveway to a double driveway shall be constructed of a finished hard surfaced material and shall be similar to that which already exists.
- ~~7-8.~~ Driveways and surfaced parking areas shall not occupy more than thirty percent (30%) of a front yard, or as may be approved by the City Council.
- ~~8-9.~~ Light standards throughout any multi-family development are to be high pressure sodium, backshielded and limited to twenty (20) feet in height.

Section 400.230 “R-3” Residence District Regulations.

D. *Accessory Land Uses And Developments.* Subject to compliance with the procedures of this Section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a conditional land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use and serves only to further the successful utilization of the primary use. Detached above ground accessory structures shall not cover more than a total of seven percent (7%) of the lot area. Accessory uses include the following:

1. Devices for the generation of energy, such as solar panels, wind generators and similar devices.
2. Individual sewage treatment facilities serving an individual dwelling or non-residential use as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.
3. Private stables.
4. Signs (directional and informational).
5. Accessory Dwelling Unit.
 - a. Only one (1) Accessory Dwelling Unit per lot is permitted.
 - b. An Accessory Dwelling Unit must, in conjunction with the principle residential structure, meet the definition of the principle residential use.
 - c. All Accessory Dwelling Units shall comply with the requirements of Chapter 505: Property Maintenance Code for habitable structures.
 - d. Prior to using an accessory building or ancillary structure as an Accessory Dwelling Unit, and upon each change in occupancy, an occupancy permit shall be obtained.

Section 400.240 “R-4A” Residence Regulations.

- D. *Accessory Uses And Structures.*
1. Accessory building, private garages, carports, storage and ancillary structures.
 2. Parking lots, carports and parking garages.
 3. Private recreational facilities as an accessory use to residential developments for the exclusive use of residents of the development.
 4. Residential swimming pools and hot tubs.
 5. Accessory Dwelling Unit.
 - a. Only one (1) Accessory Dwelling Unit per lot is permitted.
 - b. An Accessory Dwelling Unit must, in conjunction with the principle residential structure, meet the definition of the principle residential use.
 - c. All Accessory Dwelling Units shall comply with the requirements of Chapter 505: Property Maintenance Code for habitable structures.

d. Prior to using an accessory building or ancillary structure as an Accessory Dwelling Unit, and upon each change in occupancy, an occupancy permit shall be obtained.

- ~~66.~~ The following commercial uses when located within a multi-family structure, provided these occupy not more than five percent (5%) of the floor area of the structure; and provided further, that no displays are visible from the outside of the structure:
- a. Food store or drugstore;
 - b. Barber or beauty shop;
 - c. Self-service laundry facility;
 - d. Restaurant, by conditional use permit, if required;
 - e. Newspaper and magazine stand.
- ~~6-7.~~ Any accessory building that is not a part of the main structure shall not be located in front of the front building line and must conform with all other applicable setback requirements.
- ~~7-8.~~ Accessory buildings, except those within a multi-family development, which are not a part of the main building although connected by an open breezeway may be built on a required side or rear yard, but such accessory building shall not be nearer than ten (10) feet to any side or rear lot lines nor shall any such accessory building occupy more than thirty percent (30%) of the required rear yard. There shall be not more than two (2) accessory buildings.
- ~~8-9.~~ No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced and no accessory building shall be used for dwelling purposes.
- ~~9-10.~~ A garage or carport shall conform with all building and other regulations applicable to the residential structure.
- ~~10-11.~~ All private garages, storage and structures and ancillary structures shall comply with setback requirements applicable to this zoning district.
- ~~11-12.~~ A private garage or carport, storage garage or structure, accessory building or ancillary structure shall not exceed seventy-five percent (75%) of the floor space of the principal living area (excluding basements and upper stories) of the existing structure as determined and/or measured from and around the outside wall faces of said area.
- ~~12-13.~~ Persons wishing to construct and use additional attached or detached garages or carports, storage garages or structures or ancillary structures within this zoning district must receive a building permit from the Building Official.
- ~~13-14.~~ Persons wishing to construct and use more than one (1) detached garage, carport, storage garage or structure, ancillary structure or any combination of the aforementioned within this zoning district or which do not comply with the above must receive approval from the Architectural Review Board as well as review and approval of the proposed construction by the Code Enforcement Officer. However, the Architectural Review Board may not authorize an accessory structure to exceed the parameters of the definition of an accessory structure, which requires it be subordinate in use and size.

E. *Parking Requirements.*

1. *Single-family dwelling*. Minimum of two (2) enclosed parking spaces.
2. *Two-family dwelling*. Minimum of two (2) enclosed parking spaces.
3. *Multiple-family dwelling/condominium*. Minimum of two (2) parking spaces for each unit with a minimum of thirty percent (30%) of the spaces covered.
- ~~4.~~ *Single-family dwelling with Accessory Dwelling Unit. Minimum of three (3) parking spaces, covered or uncovered.*
- ~~4-5.~~ No motor vehicle licensed in excess of eighteen thousand (18,000) pounds gross vehicle weight may be parked in this zoning district. Motor vehicles licensed eighteen thousand (18,000) pounds gross vehicle weight or less, but in excess of twelve thousand (12,000) pounds gross vehicle weight, must be parked or stored in the driveway or behind the front building line of a two-family dwelling or parked or stored in the required parking area of a multi-family development. Vehicles, while making local deliveries or providing local services, are exempt from the provisions of this Section.
- ~~5-6.~~ Off-street parking for non-residential uses in this zoning district must be approved by the conditional use procedure.
- ~~6-7.~~ Any new driveway or existing driveway widened from a single driveway to a double driveway shall be constructed of a finished hard surfaced material and shall be similar to that which already exists.
- ~~7-8.~~ Driveways and surfaced parking areas shall not occupy more than thirty percent (30%) of a front yard, or as may be approved by the City Council.
- ~~8-9.~~ Light standards throughout any multi-family development are to be high pressure sodium, backshilded and limited to twenty (20) feet in height.

Section 400.250 “R-4B” Residence Regulations.

- D. *Accessory Land Uses and Developments*. Subject to compliance with the procedures of this Section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use and serves only to further the successful utilization of the primary use. Detached above ground accessory structures shall not cover more than a total of seven percent (7%) of the lot area. Accessory uses include the following:
1. Devices for the generation of energy, such as solar panels, wind generators and similar devices.
 2. Signs (directional and information).
 - ~~3.~~ *Accessory Dwelling Unit.*
 - a. Only one (1) Accessory Dwelling Unit per lot is permitted.*
 - b. An Accessory Dwelling Unit must, in conjunction with the principle residential structure, meet the definition of the principle residential use.*
 - c. All Accessory Dwelling Units shall comply with the requirements of Chapter 505: Property Maintenance Code for habitable structures.*

d. Prior to using an accessory building or ancillary structure as an Accessory Dwelling Unit, and upon each change in occupancy, an occupancy permit shall be obtained.

G. *Parking Requirements.*

1. Single-family dwelling. Minimum of two (2) parking spaces, covered or uncovered.
2. Single-family dwelling with Accessory Dwelling Unit. Minimum of three (3) parking spaces, covered or uncovered.
- ~~23.~~ Any new driveway, driveway extension, driveway widening, expansion, turnaround area, addition, pad areas or other driveway improvement shall be constructed of a finished hard surfaced material and shall be similar to that which already exists.
- ~~34.~~ No motor vehicle licensed in excess of eighteen thousand (18,000) pounds gross vehicle weight may be parked in this zoning district. Motor vehicles licensed eighteen thousand (18,000) pounds gross vehicle weight or less, but in excess of twelve thousand (12,000) pounds gross vehicle weight, must be parked or stored in the driveway or behind the front building line. Vehicles, while making local deliveries or providing local services, are exempt from the provisions of this Section.

Section 400.260 “WNU” Wildwood Non-Urban District Regulations.

D. *Accessory Uses.* Subject to compliance with the procedures of this Section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or development or (unless restricted by applicable condition) a conditional land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use and serves only to further the successful utilization of the primary use. Accessory uses include the following:

1. Devices for the generation of energy, such as solar panels, wind generators and similar devices.
2. Individual sewage treatment facilities serving an individual dwelling, farm or non-residential use as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.
3. Private stables.
4. Signs (business, directional and information).
5. Accessory Dwelling Unit.
 - a. Only one (1) Accessory Dwelling Unit per lot is permitted.
 - b. An Accessory Dwelling Unit must, in conjunction with the principle residential structure, meet the definition of the principle residential use.
 - c. All Accessory Dwelling Units shall comply with the requirements of Chapter 505: Property Maintenance Code for habitable structures.

d. Prior to using an accessory building or ancillary structure as an Accessory Dwelling Unit, and upon each change in occupancy, an occupancy permit shall be obtained.



City of Ellisville

Memo

To: Carl Hoffman, Chairman and Members of the Planning and Zoning Commission

From: Ada Hood, City Planner *OH*

Meeting

Date: May 11, 2011

Re: Request of Phillip Sprague, d/b/a Olive Street Cafe, for approval of an amendment to an existing Conditional Use Permit to authorize the issuance of a liquor license Olive Street Café (formerly Monty's) located at 15850 Manchester Road within the C-3 Commercial Zoning District.

BACKGROUND

The applicant has assumed the existing lease and proposes to operate a new restaurant at the subject location. The applicant is requesting a transfer of an existing Conditional Use Permit authorizing the issuance of a liquor license at the subject site. Recall the restaurant and outdoor patio uses are already permitted by right.

The operation of the sit-down restaurant will remain relatively the same, with the exception of the menu. The interior tenant space will be renovated and refreshed.

As per Section 400.150: Conditional Use Permits of the Zoning Code "Any change in the scope, use or aspect of an operation approved for a Conditional Use Permit which results in a condition that differs from the provisions contained in the approved Conditional Use Permit requires the approval of an Amendment." Additionally, "Requests for amendments that are deemed by the Director of Planning to represent minor change(s) from the provisions of the originally approved Conditional Use Permit may be approved by the Planning and Zoning Commission."

The applicant's request is deemed minor in that it involves a change in ownership and operation not increasing the intensity of the use.

IMPACT

Minor amendments may be approved by motion of the Commission.

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission approve the requested amendment.



City of Ellisville

One Weis Avenue
Ellisville, MO 63011
(636) 227-9660 FAX: (636) 227-9486

APPLICATION COVER SHEET

(please type or print)

ALL APPLICABLE SECTIONS OF APPLICATION MUST BE COMPLETE AND CONSISTENT WITH SUBMITTED MATERIALS

Property Address: 15850 Manchester Rd, 63011

Project Description: CUP Amendment

PART A: PARTIES IN INTEREST

The full legal name of each party listed below (partnership, corporation, etc.) is required for review of the application(s). Having different individuals represent an Applicant at different meetings during the review process may result in unnecessary confusion and delay. Consequently, in the interest of promoting clarity, consistency, and expediency, the City requests all Applicants, at the time of filing their Application, to identify a primary or principal APPLICANT (either attorney or non-attorney; corporations should see Notice below) who can be expected to attend each of the meetings during the Petition review process.

Notice to Applicants

In matters which qualify as contested cases under Section 536.010(2) R.S.Mo. corporations may not be represented by non-attorneys when the Council sits as an administrative tribunal. Non-attorney representation in such matters may constitute the practice of law under Section 484.010 R.S.Mo. All Applicants are cautioned to consult with an attorney prior to undertaking non-attorney representation.

Name and Title of APPLICANT: Phillip Sprague

Address: 965 Flair Ct, St. Louis Co., MO. 63146

Phone Number: 314-795-1785 Email phil@olivestreetcafe.com

Name of Business Owner(s) - if different than above: Olive Street Cafe

Address: 12710 Olive Blvd, Creve Coeur, MO 63141

Phone Number: 314-485-8710 Email phil@olivestreetcafe.com

Name of Property Owner(s) - if different than above: Otis & Clark Properties

Address: 14650 Craighshire Dr., Maryland Heights, MO. CT#103

Phone Number: 314-434-4004 Email _____

Name of Architect, Landscape Architect, Planner or Engineer: N/A Property

Address: owned & managed by Otis & Clark

Phone Number: _____ Email _____

Revised: August 25, 2014

PART B: SITE DESCRIPTION

Legal Address of Property: _____ Locator No.: _____

Lot No.: _____ Block No.: _____ Current Zoning: _____

Current Use of Site: _____

Proposed Use of Site: Take over existing Restaurant
(Monty's American Grill) continue operations as Olive Street
Cafe

PART C: APPLICATIONS FILED (List the applications you will submit (i.e. Conditional Use Permit, Site Plan, etc.). A Letter addressed to the City must be submitted. The letter should completely describe who, what, why, where and when.

CUP.

PART D: AUTHORIZATION (FULL LEGAL NAME IS REQUIRED)

Signature of Applicant (Required): [Signature] Date: 4/27/16

Title/Interest in Property: Member of LLC

Signature of Property Owner (Required): [Signature] Date: 4.29.16

Title/Interest in Property: Member managed by LLC



City of Ellisville

One Weis Avenue
Ellisville, MO 63011
(636) 227-9660 FAX: (636) 227-9486

- ① apps
- ② letter-cc
- ③ \$350 fee
- ④ owner auth. ahead @ ellisville.
- ⑤ flr plan mo. us

APPLICATION FOR CONDITIONAL USE PERMIT

(please type or print)

ALL APPLICABLE SECTIONS OF APPLICATION MUST BE COMPLETE. APPLICATION MUST BE CONSISTENT WITH SUBMITTED MATERIALS. THIRTY-ONE (31) SETS OF SIGNED & SEALED DRAWINGS PLANS MUST BE FOLDED TO APPROXIMATELY 8 ½ x 11 or 8 ½ x 14 IN SIZE. A \$350.00 APPLICATION FEE AND \$50.00 PUBLIC HEARING DEPOSIT MUST ACCOMPANY THIS APPLICATION

Property Address: 15850 Manchester Rd., Ellisville, Mo. 63011

Applicant: Phillip Sprague (314) 795-1785

PART A: BUILDING CONSTRUCTION - none

Estimated Cost of Construction : _____ No. of Stories : _____

Total Square Footage of Site: _____ Total Square Footage of Building(s): _____

Ratio of Total Square Footage of Building(s) to Total Square Footage of Site: _____

Building(s) Height(s): _____ Number of Floors: _____

Total Number of Available Parking Spaces: _____

Number of Parking Spaces as Required by the Zoning Ordinance: _____

Describe the Reason for Requesting a Conditional Use Permit: _____

Briefly describe the disposal of Trash, Delivery and Loading for Operation (Location and Hours): _____

Architectural review is required for any exterior renovation or façade changes. If any of these items are part of the project, complete an Architectural Review Board Application.

PART B: AMENDING AN EXISTING CONDITIONAL USE PERMIT

Please describe the proposed amendment: Ownership change only, Leave Monty's op is. Transferring liquor license

Please describe why the proposed amendment is necessary: _____

PART C: MULTI-TENANT/MIXED USE

Total Square Footage of: Retail: _____ Residential: _____ Office: _____ Other: _____

How Many Dwelling Units Will Result From The Project: _____ Square Footage Per Unit: _____

Number of Floors Retail: _____ Residential: _____ Office: _____ Other: _____

Total Number of Parking Spaces: Retail _____ Residential: _____ Office: _____ Other: _____

Provide a tabulation of the total square footage of the site and what percentage and amount of square footage will be reserved for off-street parking, open spaces, parks, etc.

<u>Intended Use:</u>	<u>Square Footage</u>	<u>Percentage</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

PART D-1: RESTAURANTS

Briefly describe the type and character of the operation: Family style, Diner feel full service, Great food operation. Breakfast all day.

Hours of Operation: 6:30am - 2:30pm + 4-5 nights a week 5p-10p (or 11p)

Will a liquor license be requested? Yes No _____ If yes, which type: Sales by drink

Square Footage of Proposed Use: ~4000 No. of seats: _____

Number of Parking Spaces: part of center No. Employees: _____ Valet Parking? Yes _____ No

Location of Parking Facilities: attached mall

If restaurant is to offer deliveries, please describe this operation: box lunches and catering

Does the restaurant intend to participate in a recycling program? Yes _____ No

PART D-2: OUTDOOR DINING/SEATING

Please provide a copy of survey showing building line, property line, right-of-way line, proposed seating plan and landscaping.

Seating only? Or full service? Full service Square Footage of Patio: _____

Same Menu (Yes/No): yes Same Hours (Yes/No): yes

No. Tables: _____ No. Seats: _____ No. Umbrellas: NO Logo on Umbrellas: n/a

Description of Furniture: same as existing furniture

Description and proposed location of Pedestrian Barrier: _____

Description of Landscaping: none except malls existing landscaping

Description of Lighting: no change, same as land lords existing

PART E-1: TELECOMMUNICATION INSTALLATIONS

Location of Antenna(s): _____ Type of Antenna(s): _____

No. of Antenna(s) : _____ Dimension(s): _____

Location of cabinets(s): _____ Type of cabinets(s):: _____

No. of cabinets(s) : _____ Dimension(s): _____

Location of wiring/cable: _____ Type of wiring/cable: _____

Lineal Feet : _____ How will wiring/cable be screened: _____

Location of screening/ _____ Type of screening(s) _____

Enclosures: _____ enclosures: _____

Dimension(s): _____ Color/Description: _____

Will any illumination be used : _____ By what method : _____

PART E-2: LEASE AND MAINTENANCE

Fully executed lease: Yes How long is lease for: 3.5 years + option Any Easements: NO Describe: _____
Yes / No

Who will provide any maintenance: land lord Describe: Otis & Clark Properties Mgmt.
Yes / No

PART F: ENVIRONMENTAL STATEMENT

Will the proposed request adversely impact the environment?: NO (Yes or No)

Has a Phase I Assessment or Phase II Environmental Report/Study been prepared in association with this request?
_____ (Yes or No) If yes, please submit a copy of the report/study with this application.

By filing this application you acknowledge and are aware that the City may require a partial or comprehensive environmental assessment, impact analysis, or report, in conformity with Chapter 415, Environmental Report of the Land Use Regulations, at any time during the application or approval process.

PART G: CRITERIA

It shall be the responsibility of the applicant to clearly establish that the following criteria are met: (Respond Yes or No). Please be sure to respond to all questions (a-r).

- NO a. Will the use have any negative effect upon traffic conditions.
(1) In the event that the proposed commercial use or building is a motor vehicle oriented business as defined by Section 400.430(A)(2), traffic impact consideration screening procedures as set forth in Section 400.430(A)(4) shall be considered by the Council in determining whether there is a negative effect upon traffic conditions, in addition to any other evidence adduced pursuant to the permit procedure.
(2) In the event that the proposed use or building is a multi-family development as defined by Section 400.430 (B)(2), traffic impact consideration screening procedures as set forth in Section 400.430(B)(4) shall be considered by the Council in determining whether there is a negative effect upon traffic conditions, in addition to any other evidence adduced pursuant to the permit procedure.
- NO b. Will the use substantially increase fire hazards?
- NO c. Will the use adversely affect the character of the neighborhood?
- NO d. Will the use adversely affect the general welfare of the community?
- NO e. Will the use overtax the sewage or public utilities?
- NO f. Will the use adversely affect or overtax Police or other City services?
- Yes g. Will the use be the highest and best use of the location applied for?
- NO h. Will the use adversely affect the financial condition of the City including any adverse impact upon utilities, property and sales tax?
- NO i. Will the use have a substantial negative impact on the environment?
- Yes j. Is the proposed use compatible with surrounding uses and with the surrounding neighborhood?
- Yes k. Is the comparative size, floor area and mass of the proposed use and/or proposed structure appropriate and reasonable in relation to adjacent structures and buildings on surrounding properties and in the surrounding neighborhood?
- NO l. Will the use adversely affect the neighborhood in terms of water runoff, noise transfer or heat generation due to significant amount of hard surfaced areas for buildings, sidewalk, drives, parking and service areas?
- NO m. Will the frequency and duration of various indoor and outdoor activities and special events associated with the proposed use have a deleterious impact on the surrounding area?
- Yes n. Will the use be likely to remain in existence for a reasonable length of time and not become vacant or unused?
- NO o. Does the use involve the presence of unusual, single-purpose structures or components of a temporary nature?
- Yes p. Does the proposed use comply with the standards of good planning practices?
- Yes q. Have sufficient measures been taken or will be taken by the applicant that would negate, to an acceptable level, potentially adverse impacts, as determined by the City Council?
- Yes r. Will the use comply with all other applicable provisions of Chapter 400, including performance standards as set forth in Section 400.170?

PART H: CHECKLIST

_____ Five full size copies of plans must be submitted initially for staff review. Additional plan sets (31 copies) will be required later to forward to the Planning and Zoning Commission and/or City Council.

N/A

4/27/2016

City of Ellisville,
#1 Weis Avenue
Ellisville, MO
63011

To Whom it Concerns:

Olive Street Cafe and Phillip Sprague asks your permission to take over operations and receive a Liquor License for the existing 15850 Manchester Rel. Property (part of existing mall at S.E. corner of Clarkson & Manchester) now known as 'Monty's American Grill'. We look forward to enjoying years of happy cohorts and neighbors in a successful full service Restaurant.

Phillip Sprague
Phillip Sprague
Olive Street Cafe
314-795-1785

SPONSORED BY: MAYOR PAUL
INTRODUCED BY: MAYOR PAUL

BILL NO. 3382
ORDINANCE NO. 3172

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO MONTY'S AMERICAN GRILL, LLC, TO ALLOW FULL SERVICE OUTDOOR DINING AND THE SALE OF LIQUOR AND THE ISSUANCE OF A LIQUOR LICENSE AT THE LOCATION KNOWN AND NUMBERED AS 15850 MANCHESTER ROAD LOCATED WITHIN THE C-3 COMMERCIAL ZONING DISTRICT.

WHEREAS, Monty's American Grill, LLC, has applied to the City of Ellisville for a conditional use permit to allow full service outdoor dining and the sale of liquor at 15850 Manchester Road, within an existing shopping center; and

WHEREAS, the conditional use permit application was considered by the Planning and Zoning Commission on August 13, 2014, pursuant to Title IV, Land Use, of the Municipal Code of the City of Ellisville and the Commission waived the public hearing and forwarded a positive recommendation to the City Council; and

WHEREAS, a public hearing has been held by the Council on August 20, 2014, pursuant to Title IV, Land Use, of the Municipal Code of the City of Ellisville, for issuance of the conditional use permit to allow full service outdoor dining and the sale of liquor at the location known and numbered as 15850 Manchester Road, located within the C-3 Commercial Zoning District; and

WHEREAS, all persons present at such hearing were given an opportunity to be heard and were heard; and

WHEREAS, the Council finds that the project (1) would not adversely affect traffic conditions, (2) would not substantially increase fire hazards, (3) would not adversely affect the character of the neighborhood, (4) would not adversely affect the general welfare of the community, (5) would not overtax the sewage or public utilities, (6) would not adversely affect or overtax Police or other City services, (7) would be the highest and best use of the location applied for, (8) would not adversely affect the financial condition of the City including an adverse impact upon utility, property and sales tax, (9) would not have a substantial negative impact on the environment, and (10) would comply with all applicable provisions of Title IV, Land Use, of the Municipal Code of the City of Ellisville; and

WHEREAS, a copy of the proposed Ordinance has been made available for public inspection prior to its consideration by the Council; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELLISVILLE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1: The issuance of a Conditional Use Permit pursuant to the provisions of Title IV, Land Use, of the Municipal Code of the City of Ellisville is hereby authorized to Monty's American Grill, LLC, to allow full service outdoor dining and the sale of liquor at the location known and numbered as 15850 Manchester Road, under certain conditions.

SECTION 2: Monty's American Grill, LLC acknowledges that authority for this Conditional Use Permit is subject to reconsideration every year upon renewal of the liquor license and could be rescinded.

SECTION 3: Issuance of a Conditional Use Permit to Monty's American Grill, LLC does not constitute authority to construct or operate any signage, and any sign constructed or operated at 15850 Manchester Road shall be authorized by a sign permit issued by the Building Commissioner in conformity with Chapter 410, Signs, of the Municipal Code of the City of Ellisville.

SECTION 4: Monty's American Grill, LLC shall conform to all ordinances, statutes, fire regulations, and other laws applicable to the property and the C-5 Planned Commercial District of the City of Ellisville. Nothing in this Ordinance shall be considered as a waiver of such ordinances, statutes, fire regulations, and applicable laws.

SECTION 5: The Council may revoke this conditional use permit if, after providing written notice and a hearing, the Council finds (i) that the Applicants have violated one or more of either the conditions noted herein, other ordinances or regulations of the City, or other applicable laws, and (ii) such violation(s) merit discontinuance of the permitted use. The burden of proof shall be on the City.

SECTION 6: In addition, the City may cause a summons to be issued to Applicants for any violation of the noted conditions of this permit, and upon conviction thereof, the Applicants shall be subject to punishment as provided in Section 100.110 of the Ellisville Municipal Code.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage and approval by the Council.

This Bill No. 3382 having been read by title or in full two times prior its passage, and having been duly considered and voted upon was finally passed and approved this 20th day of August, 2014.

BILL NO. 3382

ORDINANCE NO. 3172

First Reading votes:

DATE: 08/20/2014

	AYE	NAY	ABSTAIN
PIRRELLO	X		
VOSS	X		
REEL	X		
CAHILL	X		
ACUP	X		
POOL	X		
PAUL	X		

Second Reading votes:

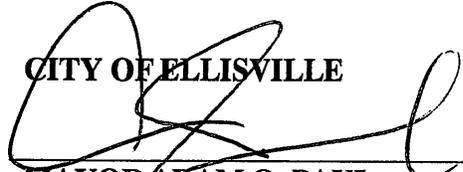
DATE: 08/20/2014

	AYE	NAY	ABSTAIN
	X		
	X		
	X		
	X		
	X		
	X		
	X		

ATTEST:


 CITY CLERK

CITY OF ELLISVILLE


 MAYOR ADAM Q. PAUL

Approved as to legal content and form:


 City Attorney

SPONSORED BY: _____
INTRODUCED BY: _____

BILL NO. _____
ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE #3172 TO REFLECT A CHANGE IN OWNERSHIP OF THE BUSINESS LOCATED AT 15850 MANCHESTER ROAD, WITHIN THE “C-3” COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE.

WHEREAS, on August 20, 2014, the City adopted Ordinance #3172 authorizing the issuance of a Conditional Use Permit to allow Monty’s American Grill, LLC to sell liquor at the location known and numbered as 15850 Manchester Road, within the “C-3” Commercial Zoning District of the City of Ellisville; and

WHEREAS, pursuant to Section 400.150 of the Municipal Code of the City of Ellisville, Phillip Sprague d/b/a Olive Street Cafe petitioned the Planning and Zoning Commission for approval of an amendment to the existing conditional use permit to reflect a change in ownership of the business from Monty’s American Grill, LLC to Phillip Sprague d/b/a Olive Street Café, with no change in the intensity of the use; and

WHEREAS, pursuant to Section 400.150(G) of the Municipal Code of the City of Ellisville, the requested amendment was deemed minor by the Director of Planning; and

WHEREAS, per Section 400.150 (G) of the Municipal Code of the City of Ellisville, the Planning and Zoning Commission is authorized to approve amendments to existing conditional use permits which are deemed minor by the Director of Planning; and

WHEREAS, on May 11, 2016, the Planning and Zoning Commission deemed the change in ownership of the business a minor amendment and approved it; and

WHEREAS, the Council wishes to amend Ordinance #3172 to reflect the minor amendment approved by the Planning and Zoning Commission as a minor amendment to the existing conditional use permit; and

WHEREAS, a copy of the proposed Ordinance has been made available for public inspection prior to its consideration by the Council; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELLISVILLE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1: The Council hereby amends Ordinance #3172 to reflect a change in ownership of the business located at 15850 Manchester Road from Monty’s American Grill, LLC to Phillip Sprague d/b/a Olive Street Grill and authorizing issuance of a liquor license to Phillip Sprague d/b/a Olive Street Grill allowing the sale of liquor at the location known and numbered as 15850 Manchester Road, within the “C-3” Commercial Zoning District of the City of Ellisville.

BILL NO. _____

ORDINANCE NO. _____

SECTION 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Council.

This Bill No. _____ having been read by title or in full two times prior its passage, and having been duly considered and voted upon was finally passed and approved this _____ day of _____, 2016.

First Reading votes:

DATE: _____

Second Reading votes:

DATE: _____

	AYE	NAY	ABSTAIN		AYE	NAY	ABSTAIN
MCGRATH	_____	_____	_____		_____	_____	_____
VOSS	_____	_____	_____		_____	_____	_____
BAKER	_____	_____	_____		_____	_____	_____
CAHILL	_____	_____	_____		_____	_____	_____
DUFFY	_____	_____	_____		_____	_____	_____
POOL	_____	_____	_____		_____	_____	_____
PAUL	_____	_____	_____		_____	_____	_____

ATTEST:

CITY OF ELLISVILLE

CITY CLERK

MAYOR ADAM Q. PAUL

Approved as to legal content and form:

City Attorney