

City of Ellisville

Zoning Process

CONDITIONAL USE PERMIT

February 14, 2019



INTRODUCTION

This booklet is intended as a guide for residents and businesses to help with understanding the zoning process. The flow charts in this booklet depict typical scenarios and are not a guarantee as to how the process will unfold.

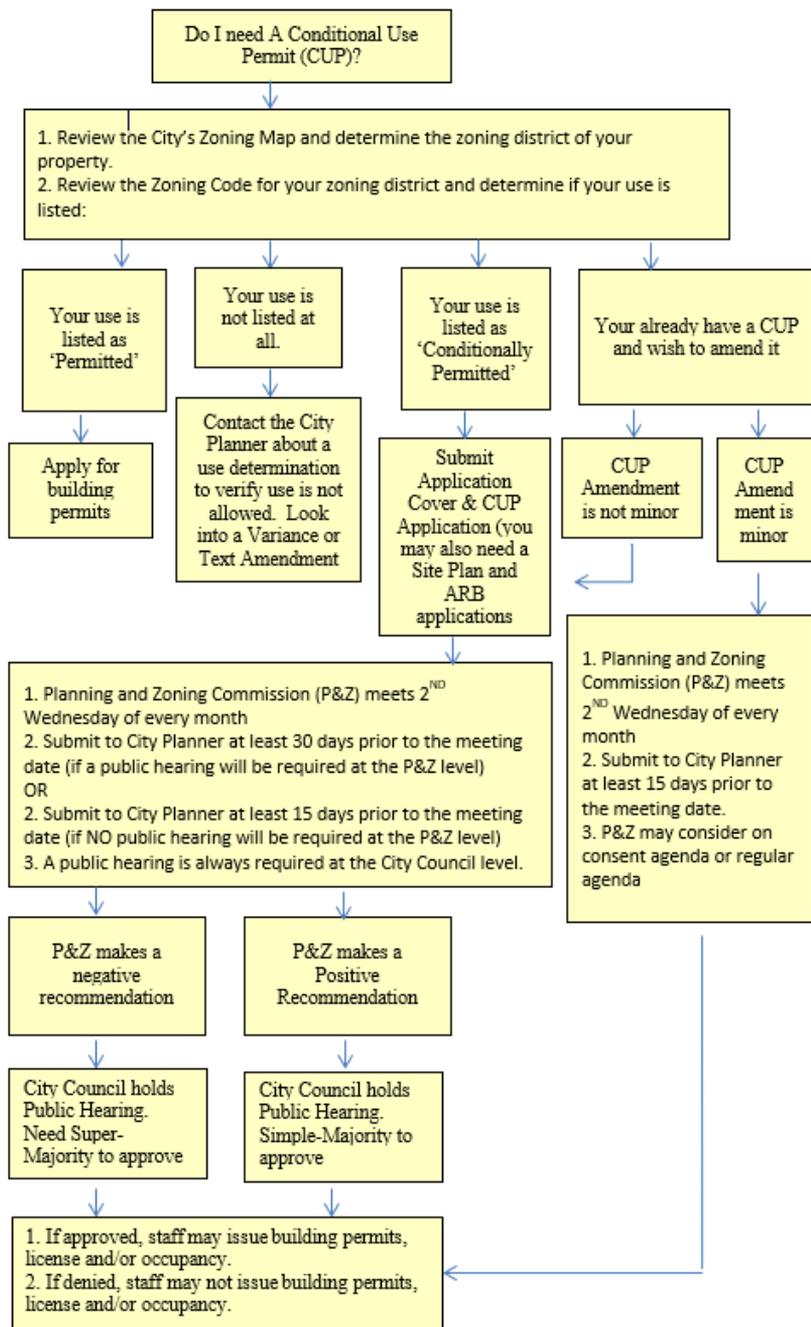
Residents are urged to review the City's adopted comprehensive plan and municipal code for complete information. You may also contact Ada Hood, Ellisville City Planner for specific information.

Ada Hood, AICP
City Planner
City of Ellisville
1 Weis Avenue
Ellisville, MO 63011
636-227-9660 office
636-227-9486 fax
636-300-7516 cell/text

APPLICATION

The Application Cover and CUP Application can be found on the City's website: www.ellisville.mo.us, then go to the top right tab 'How Do I', then scroll over to "Apply For", then scroll down to 'Sign and Zoning Permits.' Both documents can be downloaded and printed from here.

The P&Z meet will meet on your application on the 2nd Wednesday of the month, and the City Council will meet on your application on the 3rd Wednesday of the month. If other applications are also being requested, all applications will be processed concurrently. Generally, the P&Z and City Council make a decision on applications the same evening it first considers it. You or your representative must be present at all meetings.



PROCESS

1. The City offers all applicants the opportunity to meet with City staff at any time to discuss a project. Please contact the City Planner to schedule a meeting: Ada Hood, ahood@ellisville.mo.us or via phone 636-227-9660.
2. The City also offers all applicants the opportunity to meet with the City Council in a Preliminary Conceptual Meeting. The Preliminary Conceptual Meeting is designed to provide the applicant with an opportunity to present a concept to the City Council for initial feedback, before the applicant incurs significant costs for detailed drawings or plans. The meeting is informal and non-binding. There is no cost to schedule a meeting, an applicant need only submit the Preliminary Conceptual Meeting form at least seven (7) days prior to the regularly scheduled City Council meeting date.
3. All requests for Conditional Use Permits must be made by submitting the Application Cover Sheet and the CUP Application form, associated fees and plans.
4. To initiate the process, please submit one copy of the application forms and nine (9) copies of the plans for 'staff review.' This initial submittal must be made a minimum of thirty (30) days prior to the Planning and Zoning Commission meeting date. In the case of high traffic uses, where a traffic impact study will be required, the submittal should be made at least forty-five (45) days prior to the Planning and Zoning Commission meeting date. Staff will route the plans to various departments and applicable agencies for their review. Within fifteen (15) days of receipt of submittal, the City Planner shall notify the applicant of any deficiencies or the application shall be accepted for consideration by the Planning and Zoning Commission, unless said timeframe is mutually waived. The applicant must respond to the City Planner's list of deficiencies within seven (7) days to be scheduled at the next Planning and Zoning Commission meeting. Delays in resubmitting will delay consideration of the application to the following month. Applicants must respond to the City Planner's list of deficiencies within thirty (30) days or the application is deemed void, unless such timeframe is mutually waived. The resubmittal should include revised applications and documents, as applicable, and twenty-five (25) sets of plans, folded to approximately 8 ½ x 11 or 8 ½ x 14 in size.
5. The Planning and Zoning Commission may require a public hearing before their body. The Planning and Zoning Commission will consider the request and make a recommendation to the Council within sixty (60)

days of official submission to the Commission unless said time period is extended by mutual agreement in writing. The failure of the Commission to act within sixty (60) days after the date of official submission to it shall be deemed approved. The "*date of official submission*" shall mean the date of the first (1st) official Planning and Zoning Commission meeting during which the application is received and placed on the agenda for consideration.

6. Upon receipt of the recommendation, the City Council shall hold a public hearing in relation to the request. The City Council may, at its discretion, add to or delete conditions recommended by the Planning and Zoning Commission. The City Council may refer the application back to the Planning and Zoning Commission for further study before making its final decision. The decision rendered by the City Council shall require a simple majority vote except that a vote of at least five (5) members of the City Council will be required to approve any application contrary to the Planning and Zoning Commission recommendation.
7. Amendments: 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. 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 on a consent agenda. Minor amendments may include:
 - (1) Change in hours of operation;
 - (2) Change in days of operation;
 - (3) Increasing or decreasing outdoor dining capacity;
 - (4) Change in business or trade name, where ownership and nature of business or trade remains the same;
 - (5) Change in ownership of business not affecting the intensity of the use; and
 - (6) Other similar changes deemed minor by the Director of Planning.

SECTION 400.150 CONDITIONAL USE PERMIT PROCEDURE

- A. Purpose Statement. Conditional uses are those types of uses which are considered to be essentially desirable, necessary or convenient to the community but which by their nature can create 1) a tendency to generate additional traffic volume; 2) an anticipated need for parking beyond the development's private capacity; and/or 3) detrimental impacts on adjacent or neighboring properties due to noise, pollutants or other characteristics associated with that particular use. In

order to assure that detrimental impact is avoided or mitigated, each request for conditional use must be reviewed, approved and issued a conditional use permit (CUP). Conditional uses are listed for each zoning district.

B. *Application Requirements.*

1. Applications for a conditional use permit shall be made to the City. To initiate the review process, the proper application, plans and fees as set out in this Code must be filed with the City Planner. The owner or leaseholder of a property may file a conditional use permit application. If the application is made by a leaseholder or an authorized agent of the owner, the property owner must also sign the conditional use permit application or authorize the conditional use permit application in writing. At the time that an application is filed, the applicant shall pay a fee as required by the fee schedule approved by the City Council.
2. The requirements of this application shall apply to the review of a proposed use for a conditional use permit. For an application to be accepted for review, the following information shall be either placed on the application, site plan or on a separate sheet accompanying the submittal. Additional information to be placed on or submitted with the application and site plan beyond the requirements listed below may be requested by the City Planner. The City Planner may also waive the submission requirement for any of the same following information:
 - a. Letter addressed to the City Council describing the proposed use and providing a complete account of the proposed operation.
 - b. Location map, including north arrow and map scale.
 - c. Zoning district, subdivision name, lot number, dimensions and area, and zoning of adjacent parcels where different than site.
 - d. Name, address and telephone number of the person or firm submitting the application, the submitter's legal interest and the person or firm who desires the review comments to be forwarded to them.
 - e. Proposed use of the building and its construction type and distance from adjacent property lines.
 - f. Off-street parking and loading spaces, required and proposed, including the number, size and location of those designated for the handicapped.
 - g. Type and availability of all utilities and of sanitary sewage treatment and stormwater drainage facilities, including detention and retention ponds.
 - h. Dimensions of existing and proposed roadway pavement and right-of-way width for streets abutting the site.

- i. Existing and proposed landscaping, including name and size of plant material.
 - j. Existing and proposed contour lines or elevations, based on mean sea level datum, at intervals of five (5) feet or less.
 - k. Location and size of existing and proposed freestanding signs.
 - l. Location and identification of all right-of-ways and easements (existing and proposed).
 - m. Location and height of all light poles and type of lighting and shielding.
 - n. Overall dimensions of all buildings and the gross floor area of each building.
 - o. Approximate location of any stormwater retention or detention facilities, sink holes and springs, silt berms, ponds and other silt control facilities.
 - p. At least two (2) section profiles through the site showing existing and/or proposed structures, as well as existing natural grade and/or proposed final grade.
 - q. The proposed ingress and egress to the site including adjacent streets.
 - r. A plan showing the proposed design intent as it relates to architectural consideration to be submitted to the Architectural Review Board for approval. Plans should be in sufficient detail to allow evaluation of the proposal and should show color, texture and material to be used for all exterior construction. Materials selected for wall, floor and roof construction shall comply with the provisions of the City Building Code. Presentation of construction materials shall include renderings, photographs, blueprints, a listing and/or photographs of pre-existing facilities located within the City of Ellisville using identical or similar materials and other graphic aids and/or physical samples as may be required to depict and define the appearance of the finished product as well as its durability as to exterior wall construction.
 - s. Use(s) proposed to be operated on the subject improved property.
 - t. Demonstration of capacity to fulfill requirements imposed in conjunction with the application if approved in original or amended form.
- C. Staff Procedure. Within fifteen (15) days of receipt of the application, the City Planner shall notify the applicant of any deficiencies or the application shall be accepted for consideration before the Planning and Zoning Commission, unless said timeframe is mutually waived. Applicant must respond to the City Planner's list of deficiencies within thirty (30) days or the application is deemed void,

unless such timeframe is mutually waived. Applications are scheduled for consideration by Planning and Zoning when all submission requirements are met. Upon receipt of the application, which has been determined to be complete by the City Planner, the application shall be referred to the Planning and Zoning Commission. However, if staff determines an application to be incomplete, the applicant may request in writing that the application be forwarded to the Planning and Zoning Commission, nonetheless.

- D. *Planning And Zoning Commission Procedure.* The Planning and Zoning Commission may hold a public hearing before their body, but is not required to do so. The Planning and Zoning Commission shall investigate and make a report and recommendation regarding the application based upon the criteria for conditional use permit approval set forth in this Section. Such report and recommendation shall be filed with the Council within sixty (60) days of official submission to the Commission unless said time period is extended by mutual agreement in writing. The failure of the Commission to act within sixty (60) days after the date of official submission to it shall be deemed approval. The "date of official submission" shall mean the date of the first (1st) official Planning and Zoning Commission meeting during which the application is received and placed on the agenda for consideration.
- E. *City Council Procedure.* Upon receipt of the report and recommendation of the Planning and Zoning Commission, the Council shall hold a public hearing in relation to the application. The City Council may, at its discretion, add to or delete conditions recommended by the Planning and Zoning Commission. The City Council may refer the application back to the Planning and Zoning Commission for further study before making its final decision. The decision rendered by the City Council shall require a simple majority vote except that a vote of at least two-thirds (2/3) of all the members of the City Council will be required to approve any application which fails to receive a favorable Planning and Zoning Commission recommendation.
- I. *Reapplication.* If an application for a conditional use permit or amendment to a conditional use permit, is denied, the same application or substantially similar application may not be resubmitted to the City within one (1) year of the date of denial unless approved by no less than a supermajority favorable vote of the Council in an open, public meeting. The City Planner shall determine whether an application is the same application or substantially similar application.

If you still have questions, contact Ada Hood at ahood@ellisville.mo.us or 636-227-9660.