



CITY OF BALLWIN

14811 Manchester Road, Ballwin, MO 63011

BILL NO. 3788

ORDINANCE NO. _____

INTRODUCED BY
ALDERMEN TERBROCK, FINLEY, HARDER, DOGAN, FLEMING, LEAHY, KERLAGON, BOLAND

AN ORDINANCE GRANTING AN AMENDED SPECIAL USE EXCEPTION TO LOWE'S FOR A SITE PLAN AMENDMENT.

WHEREAS, a petition has been received from Lowe's, requesting an amended special use exception for a site plan amendment; and

WHEREAS, a special use exception was granted per Ordinance 00-14, permitting the outdoor display, sale and storage of residential lawn and gardening supplies; and

WHEREAS, said petition was duly referred to the Planning and Zoning Commission for its investigation and report; and

WHEREAS, due notice of a public hearing before the Planning and Zoning Commission upon said petition was published and posted according to law and ordinance; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on May 6, 2013, upon said petition; and

WHEREAS, the Planning and Zoning Commission has submitted its report to the Board of Aldermen, recommending approval of the request; and

WHEREAS, the Board of Aldermen has determined that an establishment for the purposes disclosed above, under certain conditions, would not substantially increase traffic hazards or congestion; would not adversely affect the character of the neighborhood; would not adversely affect the general welfare of the community; would not over-tax public utilities; would not adversely affect public safety and health; is consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the District; and can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and

WHEREAS, all applicable matters in Section 2 of Article XIV of Appendix A, "The Zoning Ordinance," have been adequately provided for:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. An amended special use exception, subject to the conditions hereinafter specifically set forth, is hereby granted to Lowe's for an amended site plan, to use the premises in the City of Ballwin, Missouri, known as 14810 Manchester Road for the outdoor display, sale and storage of lawn and gardening supplies, as is made and provided for in Article XIV of Appendix A.

Section 2. The special use exception hereby issued, and referred to in Section 1, is issued to the named permittee only and shall not be assigned or transferred, without the permission of the Board of Aldermen of the City of Ballwin.

Section 3. The amended special use exception hereby issued and referred to in Section 1, shall be valid only if the conditions set forth in the Addendum, attached hereto as Exhibit 1 and made a part hereof, are observed by permittee.

Section 4. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this _____ day of _____, 2013.

TIM POGUE, MAYOR

APPROVED this _____ day of _____, 2013.

TIM POGUE, MAYOR

ATTEST:

ROBERT KUNTZ, CITY ADMINISTRATOR

EXHIBIT ONE

The permittee granted a Special Use Exception per the ordinance hereby appended to, their assignees and successors, as authorized and approved by the Board of Aldermen of the City of Ballwin, agree to abide by the following provisions, the provisions of all ordinances of the City of Ballwin, and all applicable laws of St. Louis County, the State of Missouri and of the United States of America and to require all licensees, franchisees, and lessees to similarly abide by said ordinances, laws and provisions, as appropriate to such special use exception. In addition, the following provisions, as appropriate, shall apply:

1. There is no outdoor storage, display or sale of any merchandise, equipment, vehicle, supplies or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin.
2. Permittee shall not use the east side of the east drive identified on the Plat attached hereto as Exhibit A for the outdoor display, sale and storage of residential gardening supplies except between March 15 and July 5 of each year and the materials displayed shall not be stacked more than four feet high in this area.
3. Permittee may utilize the west side of the east drive and all other areas shaded in yellow on Exhibit A to this Exhibit 1 for outdoor display, sale and storage of gardening supplies without date or height limitations.
4. All other conditions set forth in Ordinance 00-14, not specifically amended herein, shall remain in full force and effect and shall be observed by the permittee.