



CITY OF BALLWIN

14811 Manchester Road, Ballwin, MO 63011

BILL NO. 3798

ORDINANCE NO. _____

INTRODUCED BY

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

AN ORDINANCE AMENDING THE NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT APPROVED PER ORDINANCE 09-20 FOR CERTAIN LAND AT CLAYTON ROAD AND HENRY AVENUE IN THE CITY OF BALLWIN, COMMONLY KNOWN AS THE BALLWIN GROVE PLAZA.

WHEREAS, a petition was received from Clayton Henry LLC. to amend the Neighborhood Commercial Overlay District approved per ordinance 09-20 for certain land at Clayton Road and Henry Avenue in the City of Ballwin; and

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

WHEREAS, a public hearing before the Planning and Zoning Commission was held on June 3, 2013, upon the petition due notice of which was published and posted according to law and ordinance; and

WHEREAS, the Planning and Zoning Commission has submitted its report to the Board of Aldermen and has recommended that the amendment to the Neighborhood Commercial Overlay District approved per Ordinance 09-20 for said property be adopted in accordance with certain recommendations and the petition received; and

WHEREAS, upon review and due consideration of the Planning and Zoning Commission's report, minutes and recommendation, review of the City's Comprehensive Plan, written and oral comments from the public, and submissions of the Petitioner, the Board of Aldermen finds and determines that said amendment to Ordinance 09-20 would not adversely affect the character of the immediate vicinity and is not inconsistent with good planning practices, would result in improved traffic and pedestrian improvements positively affecting the public safety, would not otherwise negatively affect the community's health and safety, can be developed in a manner that is not detrimental, either operationally or visually, with existing land uses in the vicinity and would be beneficial to the City's general welfare by providing significant, housing, employment and tax revenues necessary to support essential municipal services.

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

Section 1. An amendment to the Neighborhood Commercial Overlay District approved by Ordinance 09-20 of the Ballwin Code of Ordinances is hereby adopted for the Ballwin Grove Plaza being at 14450 Clayton Road in the City of Ballwin to allow construction of permanent architectural covers over the patio eating areas associated with the Circle 7 Ranch and Mia Sorella restaurants as shown on the Site Development Plan attached hereto and made a part hereof, according to the site plan, and landscaping plans submitted to the City of Ballwin subject to the following requirements:

1. The size of the patios shall not be increased and the amount of seating in each restaurant shall not be increased.

Section 2. The City Planner is authorized and directed to change "The District Map" of the City of Ballwin to reflect the changes made by this ordinance.

Section 3. 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