

City of Ballwin  
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Office of the Director of Development/  
Assistant City Administrator

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TO: Mayor, Board of Aldermen and City Administrator Hanson

FROM: Andy Hixson, DoD/ACA

SUBJECT: Special Use Exception Transfer Petition- Ballwin Sno Cone Company

*Consent Item*

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Ballwin has received a petition for the transfer of the Special Use Exception for the operation of a restaurant with liquor by the drink for consumption on the premises where sold, front yard parking, outdoor recreation and outdoor display of gardening supplies at the location commonly known as 151 Reis Rd.

This SUE approved per ordinance 15-33 on October 29, 2015 was originally granted to Bret and Megan Hilbert. The Petitioner, Ballwin Sno Cone Company, is requesting the transfer.

The Petitioner is requesting the City waive the fee. Bret and Megan Hilbert d/b/a Ballwin Sno Cone Company requested the change after the closing date, but before the Planning and Zoning meeting. The change was not executed by City staff. The oversight was an administrative error on the City's behalf.

The nature of the business and the site development plan will not be changed from what was approved pursuant to ordinance 15-33. The SUE can be transferred by a voice vote of the Board of Aldermen.

Respectfully Submitted,

Andy K. Hixson



**SPECIAL USE EXCEPTION TRANSFER PETITION**

|                            |          |                |                 |
|----------------------------|----------|----------------|-----------------|
| <b>CITY OF BALLWIN</b>     | <b>}</b> | <b>FEE:</b>    | <b>\$250.00</b> |
| <b>COUNTY OF ST. LOUIS</b> | <b>}</b> | <b>PAID:</b>   | _____           |
| <b>STATE OF MISSOURI</b>   | <b>}</b> | <b>NUMBER:</b> | _____           |

**TO THE BOARD OF ALDERMEN  
CITY OF BALLWIN**

Type of Special Use Exception: For operation of a restaurant with liquor by the drink for consumption on the premises where sold, front yard parking, outdoor recreation and outdoor display of gardening supplies

Original Special Use Exception Ordinance Number: 15-33

Date of original Ordinance: 10/29/2015

Now comes (*print name of Petitioner*) Ballwin Sno Cone Company  
and states to the Board of Aldermen:

- I. That he, she, it, they, has (have) the following legal interest in the tract of land and/or premises located within the corporate limits of Ballwin, Missouri, described in Section II of this petition.
  - A. State Legal Interest: leasehold
  - B. Documentation of Legal Interest must accompany this petition.
- II. That the legal description of the property/premises, for which a Special Use Exception is desired, is enclosed.
- III. That the street address of said property is: 151 Ries Rd Ballwin MO 63021
- IV. That the area (acres or square feet) of said property is: 0.90 acre
- V. That the zoning classification of said property is: C-1
- VI. That the present use of said property is: Office
- VII. That the intended use of said property is: Office and per Ordinance 15-33
- VIII. That he, she, it, they has (have) obtained permission from the holder of the Special Use Exception to request its transfer into the name of the petitioner, and that the holder of the Special Use Exception waives all claim or rights upon transfer.

WHEREFORE, the holder(s) of a special Use Exception, granted according to Ordinance(s) No. 15-33, do hereby relinquish all rights and claim to said Special Use Exception(s).

HOLDER: Bret and Megan Hilbert

AUTHORIZED SIGNATURE: *Bret Hilbert Megan Hilbert*

AUTHORIZED SIGNATURE (PRINTED): Bret Hilbert and Megan Hilbert

ADDRESS: 360 Old Meramec Station Rd

CITY/STATE/ZIP: Manchester MO 63021

TELEPHONE NO. 314-630-9384

Subscribed and sworn before me this 3<sup>rd</sup> day of October, 2017.



*Abigail M Johnson*  
Notary Public

My Commission Expires  
8-30-2019

WHEREFORE, Petitioner(s) pray(s) that a Special Use Exception, granted according to the provisions of Ordinance(s) 15-33 be transferred to the Petitioner.

PETITIONER: Ballwin Sno Cone Company

AUTHORIZED SIGNATURE: *Bret Hilbert Megan Hilbert*

AUTHORIZED SIGNATURE (PRINTED): Bret Hilbert and Megan Hilbert

ADDRESS: 360 Old Meramec Station Rd

CITY/STATE/ZIP: Manchester MO 63021

TELEPHONE NO. 314-630-9384

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