



**CITY OF BALLWIN**

**14811 Manchester Road, Ballwin, MO 63011**

**BILL NO. 3866**

**ORDINANCE NO.**

INTRODUCED BY

ALDERMEN TERBROCK, FINLEY, STALLMANN, SCHWENT, FLEMING, LEAHY, KERLAGON, BOLAND

**AN ORDINANCE AMENDING THE NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT APPROVED PER ORDINANCE 13-28 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 Mason Olive Central Associates, LLC, to amend the Neighborhood Commercial Overlay District approved per ordinance 13-28 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 December 1, 2015, 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 13-28 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 13-28 of the Ballwin Code of Ordinances is hereby adopted for the Ballwin Grove Plaza being at 14404 Clayton Road in the City of Ballwin to allow construction of a steel framed and fabric covered architectural enclosures of a portion of the patio eating area associated with the Circle Seven Ranch restaurant only as shown on the photographic representation attached hereto and made a part hereof, in accordance with the overall site plan, and landscaping plans approved by the City of Ballwin via ordinance 09-20 and subject to the following requirements:

1. The size of the patio shall not be increased
2. The amount of seating in the restaurant shall not be increased.
3. No patio enclosure is approved for Mia Sorella Restaurant
4. No vestibule cover is approved for Circle Seven Ranch restaurant

Section 2. This Ordinance shall take effect and be in full force from and after its passage and approval.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
***TIM POGUE, MAYOR***

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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***TIM POGUE, MAYOR***

**ATTEST:**

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***ROBERT KUNTZ, CITY ADMINISTRATOR***