

SPONSORED BY: COUNCIL MEMBER ACUP
INTRODUCED BY: COUNCIL MEMBER ACUP

BILL NO. 3416
ORDINANCE NO. _____

AN ORDINANCE AMENDING AN EXISTING CONDITIONAL USE PERMIT APPROVED BY ORDINANCES #713, #741, #846, #1002, #1252, #1486, #2575, #2910, and #2949, REPEALING ORDINANCES #713, #741, #846, #1002, #1252, #1468, #2575, and #2910, AND AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO ST. PETERS AUTO SPA LC ALLOWING THE CONTINUED OPERATION OF A MULTI-TENANT AUTOMOBILE SERVICE CENTER AT 15552 MANCHESTER ROAD WITHIN THE C-3 COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE.

WHEREAS, on May 19, 1976, the Board of Alderman of the City of Ellisville passed and approved Ordinance #713 authorizing a Conditional Use Permit to Joseph Monolo for the construction and operation of a full service car wash at 982 Manchester Road n/k/a 15552 Manchester Road (the "Property"); and

WHEREAS, on October 6, 1976, the Board of Alderman of the City of Ellisville passed and approved Ordinance #741 rezoning the Property and authorizing the use of the Property in conjunction with the Conditional Use Permit referred to in Ordinance #713; and

WHEREAS, on April 5, 1978, the Board of Alderman of the City of Ellisville passed and approved Ordinance #846 authorizing the issuance of a Conditional Use Permit to Joseph Monolo for the construction and operation of a self-service car wash at the Property; and

WHEREAS, on December 3, 1980, the Board of Alderman of the City of Ellisville passed and approved Ordinance #1002 authorizing the issuance of a Conditional Use Permit to Joseph Manolo allowing for new construction and expansion of the existing car wash located at the Property; and

WHEREAS, on October 3, 1984, the Board of Alderman of the City of Ellisville passed and approved Ordinance #1252 authorizing the issuance of a Conditional Use Permit to Joseph Manolo allowing for new construction and expansion of the existing car wash located at the Property; and

WHEREAS, on December 7, 1988, the Board of Alderman of the City of Ellisville passed and approved Ordinance #1468 authorizing the issuance of a Conditional Use Permit to HS2D Investors, Ltd, d/b/a Waterway Gas and Wash, to allow the operation of a car wash facility, gasoline pump islands, and a convenience store at the Property; and

WHEREAS, on July 16, 2003, the Council of the City of Ellisville passed and approved Ordinance #2575 in order to approve a revised site plan for the Property; and

WHEREAS, on September 17, 2008, the Council of the City of Ellisville passed and approved Ordinance #2910 amending Ordinance #1468 and approving a change in ownership relative to Ordinance #1468; and

WHEREAS, on July 15, 2009, the Council of the City of Ellisville enacted Ordinance #2949 combining the uses authorized by Ordinances #846, #1002, #1468, and #2910 and authorizing the issuance of a Conditional Use Permit to Tim Manolo to allow the operation of a multi-tenant automobile service center at 15552 Manchester Road within the C-3 Commercial Zoning District of the City of Ellisville, under certain conditions; and

WHEREAS, Ordinances #713, #741, #846, #1002, #1252, #1468, #2575, and #2910 were made obsolete by consolidation into Ordinance #2949 and replaced by Ordinance #2949; and

WHEREAS, prior to the change in ownership to Auto Spa, the property was utilized for the following uses: self-service car wash; auto detailing; full-service car wash; and gasoline fuel pumps; and

WHEREAS, pursuant to Section 400.150 of the Municipal Code of the City of Ellisville, St. Peters Auto Spa LC has petitioned the Planning and Zoning Commission for approval of an amendment to the existing conditional use permit to reflect change in ownership and allow for the continued operation of an automobile service center at 15552 Manchester Road and to allow demolition of existing self-serve carwash bays and replacement with new self-serve vacuums, and to allow removal of existing fuel tanks; and

WHEREAS, the demolition of existing self-serve carwash bays and replacement with self-serve vacuums, and removal of existing fuel tanks, will not expand existing uses and will contribute to the public health, safety, and welfare by eliminating equipment and structures currently in a state of disuse and/or disrepair; and

WHEREAS, per Section 400.150 (G) of the Municipal Code of the City of Ellisville, the Planning and Zoning Commission is authorized to approve minor amendments; and

WHEREAS, on February 11, 2015, the Planning and Zoning Commission deemed the amendments minor and approved them; and

WHEREAS, the Planning and Zoning Commission finds that the project (1) would not adversely affect traffic conditions, (2) would not substantially increase fire hazards, (3) would not adversely affect the character of the neighborhood, (4) would not adversely affect the general welfare of the community, (5) would not overtax the sewage or public utilities, (6) would not adversely affect or overtax Police or other City services, (7) would be the highest and best use of the location applied for, (8) would not adversely affect the financial condition of the City including an adverse impact upon utility, property and sales tax, (9) would not have a substantial negative impact on the environment, (10) is compatible with surrounding uses and the surrounding neighborhood; (11) the comparative size, floor area and mass of the proposed use and/or proposed structure are appropriate and reasonable in relation to adjacent structures and

buildings on surrounding properties and in the surrounding neighborhood; (12) would not adversely affect the neighborhood in terms of water runoff, noise transfer or heat generation due to significant amount of hard surfaced areas for buildings, sidewalk, drives, parking and service areas; (13) the frequency and duration of various indoor and outdoor activities and special events associated with the proposed use will not have a deleterious impact on the surrounding area; (14) is likely to remain in existence for a reasonable length of time and not become vacant or unused and does not involve the presence of unusual, single-purpose structures or components of a temporary nature; (15) complies with the standards of good planning practices; (16) sufficient measures have been or will be taken to negate, to an acceptable level, any potentially adverse impacts; and (17) would comply with all applicable provisions of Title IV, Land Use; and

WHEREAS, the Council wishes to ratify the Planning and Zoning Commission's approval as presented from the February 11, 2015 meeting; and

WHEREAS, a copy of the proposed Ordinance has been made available for public inspection prior to its consideration by the Council; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELLISVILLE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1: The Council hereby amends Ordinance #2949 and authorizes the issuance of a Conditional Use Permit to St. Peters Auto Spa LC ("Auto Spa") to allow the continued operation of an automobile service center at 15552 Manchester Road within the C-3 Commercial Zoning District of the City of Ellisville. Authorized uses shall be limited to the following: self-service car wash; auto detailing; and full-service car wash.

SECTION 2: All conditions of approval set forth in Ordinance #2949 shall remain in full force and effect.

SECTION 3: The Council hereby repeals Ordinances #713, #741, #846, #1002, #1252, #1468, #2575, and #2910.

SECTION 4: Issuance of a Conditional Use Permit to Auto Spa does not constitute authority to construct or operate any signage, and any sign constructed or operated at the Ellisville Square Shopping Center shall be in conformity with Chapter 410, Signs, of the Municipal Code of the City of Ellisville.

SECTION 5: Approval is granted as part of this Conditional Use Permit for demolition of existing self-serve carwash bays and replacement with new self-serve vacuums, and for removal of existing fuel tanks, as depicted on the Site Plan attached hereto and incorporated herein by reference as Exhibit A. All structural alterations shall substantially comply with the Site Plan.

SECTION 6: The issuance of this Conditional Use Permit, and all other approvals and waivers granted herein, are contingent upon satisfaction of the following additional conditions:

1. Street trees must be placed every fifty (50) linear feet along Manchester Road. Auto Spa shall remove and replace new street trees in compliance with the Municipal Code of the City of Ellisville (the "Code").
2. A ten (10) foot wide landscaped buffer must be provided along the east and west property lines, as per Section 400.480.F. Auto Spa shall revise the Site Plan to remove pavement along the side property lines to install the required landscaped buffer.
3. A twenty (20) foot planting strip must be installed on the back side of the sidewalk, as per Section 400.480.G. Auto Spa shall revise the Site Plan to remove pavement and install a planting strip.
4. American with Disabilities Act accessible parking must be provided. Auto Spa shall install one or two spaces.
5. Auto Spa shall install one bike rack in front of the building.
6. Pedestrian crosswalks are required from the rear parking lot to the building and to the sidewalk along Manchester Road. Auto Spa shall paint new crosswalks.
7. Auto Spa shall pave the entire site and will eliminate one parking space in the rear parking lot.
8. Auto Spa shall repair or replace the fence along the southwest border of the property.
9. Auto Spa shall repair or replace the retaining wall along the east property line.
10. Auto Spa shall repair or replace the trash enclosure gates and paint the enclosure to match the building.
11. Auto Spa shall install a new asphalt curb along the east side yard buffer (as required in Section 4, No. 2, above) and along the southern perimeter of the rear parking lot, as required by the Code.
12. Auto Spa shall install new lighting in the vacuum area and shall replace all existing light poles and fixtures.
13. Auto Spa must secure and submit an approval letter from MSD and submit to the City Engineer for final approval.
14. Architectural Review Board approval is required for all exterior changes.
15. The building and site must comply with all current Building and Fire codes. The applicant is aware and agrees.
16. Auto Spa shall install decorative planters or bollards to block ingress/egress from the center curb cut prior to issuance of occupancy permit. Auto Spa shall remove the center curb cut within the next eighteen (18) months.
17. Auto Spa shall remove all trash and debris from the rear of the property.

SECTION 7: Auto Spa shall comply with all ordinances, statutes, and fire regulations applicable to the C-3 Commercial Zoning District of the City of Ellisville.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage and approval by the Council.

This Bill No. _____ having been read by title or in full two times prior its passage, and having been duly considered and voted upon was finally passed and approved this _____ day of _____, 2014.

First Reading votes:

DATE: 02/18/2015

	AYE	NAY	ABSTAIN
PIRRELLO		X	
VOSS		Absent	
REEL	X		
CAHILL	X		
ACUP	X		
POOL	X		
PAUL	X		

Second Reading votes:

	AYE	NAY	ABSTAIN

ATTEST:

CITY OF ELLISVILLE

CITY CLERK

MAYOR ADAM Q. PAUL

Approved as to legal content and form:

City Attorney