

**SPONSORED BY:** \_\_\_\_\_  
**INTRODUCED BY:** \_\_\_\_\_

**BILL NO. 3861**  
**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE 3479 OF THE CITY OF ELLISVILLE, MISSOURI, AND AMENDING THE FINAL SITE DEVELOPMENT PLAN, AND AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO WASABI EXPRESS, LLC, TO ALLOW LIQUOR SALES IN CONJUNCTION WITH THE OPERATION OF A RESTAURANT ALL FOR THE PROPERTY AT THE LOCATION KNOWN AND NUMBERED AS 309 CLARKSON ROAD, IN THE “C-5” PLANNED COMMERCIAL ZONING DISTRICT.**

**WHEREAS**, on May 19, 2021, the Council approved Ordinance 3479, authorizing a change in zoning for the property known and numbered as 309 Clarkson Road from the “R-1” Single-Family Residential Zoning District to the “C-5” Planned Commercial Zoning District, subject to certain conditions, and approving a site development plan for the property; and

**WHEREAS**, on or about November 9, 2022, a copy of Ordinance 3479 and the site development plan approved by Ordinance 3479 were recorded in the office of the St. Louis County Recorder of Deeds; and

**WHEREAS**, Spiegelglass Construction Co., Inc. (the “Applicant”), on behalf of Wasabi Express, LLC, has petitioned the City of Ellisville, Missouri (the “City”) for approval of an amendment to the “C-5” Planned Commercial District and site development plan approved by Ordinance 3479, to authorize a Wasabi restaurant with liquor sales as a permitted use at the property at the location known and numbered as 309 Clarkson Road; and

**WHEREAS**, a public hearing was held by the Planning and Zoning Commission on February 11, 2026, pursuant to legal notices and Title IV: Land Use, of the Code of the City of Ellisville, Missouri, and the Planning and Zoning Commission forwarded a positive recommendation of said petition to the City Council; and

**WHEREAS**, a public hearing was held by the City Council on February 18, 2026, pursuant to Title IV: Land Use, of the Code of the City of Ellisville, Missouri, regarding said petition; and

**WHEREAS**, all persons present at such hearing were given an opportunity to be heard and were heard; and

**WHEREAS**, the Council finds that the amendment to the “C-5” Planned Commercial District and site development plan approved for 309 Clarkson by Ordinance 3479: (1) would not adversely affect the character of the neighborhood; (2) would not have any negative effect upon traffic conditions; (3) would not substantially increase fire hazards; (4) would not overtax the sewage or public utilities; and (5) would not adversely affect the public health, safety and general welfare of the community; and

**WHEREAS**, with respect to the application for a conditional use permit, the Council 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 taxes; (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 a 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; (17) furthers the goals and objectives set forth in the Comprehensive Plan; and (18) would comply with all applicable provisions of Title IV: Land Use; and

**WHEREAS**, a copy of the proposed ordinance was available for public inspection prior to 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: Site Development Plan.**

An amendment to the recorded Final Site Development Plan for 309 Clarkson Road, as previously approved by Ordinance 3479, is hereby approved, subject to the following conditions, in addition to all other applicable regulations and requirements:

1. That the Applicant submit a lighting and photometric plan for staff approval as part of the permit process;
2. That the Applicant installs landscaping as per the City's Third-Party Landscape Architect's recommendations and secure any waivers recommended;
3. That the Applicant implements the recommendations of the City's Third-Party Traffic Consultant; and
4. That the Applicant secure approval from the Architectural Review Board.

**SECTION 2:** Ordinance 3479, attached hereto as Exhibit A and incorporated by reference, and the "C-5" Planned Commercial Zoning District designation approved by Ordinance 3479, is hereby amended in the following respects:

- I. Section 2(B) of Ordinance 3479 shall be amended to read as follows:

B. *Conditions of Site Development Plan Approval* Approve of the Site Development Plan is granted herein is contingent upon and subject to the following conditions and requirements:

1. That the Applicant secures approval from the Architectural Review Board;
2. That access to Field Avenue shall be egress only, and shall be used only for trash, utilities, and emergency vehicles, and that the Applicant installs a gate on Field Avenue;
3. That the dumpster enclosure be relocated away from the adjacent residence;
4. That “No Parking Signs” shall be installed on Field Avenue;
5. That the Metro West Fire Protection District shall be allowed to provide input on site access and circulation.

II. Section 3: Planned District General Regulations, of Ordinance 3479, shall be amended to read as follows:

A. *Applicability of “C-1” Open Space Commercial Zoning District Regulations*. All district regulations not provided for in this Ordinance shall be applied as though the planned district were located in the “C-1” Open Space Commercial Zoning District. In the event of a conflict between this Ordinance and the “C-1” Open Space Commercial Zoning District regulations, the regulations of this Ordinance shall control and prevail over any inconsistent provision.

B. *Permitted Uses*. The following land uses are permitted in this district:

Restaurant with pickup window for online orders (no drive-through for on-site orders). Hours of operation shall be limited to 11:30 A.M. to 9:00 P.M.

C. *Conditional Uses*. Liquor sales in conjunction with permitted uses.

D. *Lot Coverage*. Up to seventy-five percent (75%).

E. *Parking*.

- a. Minimum: fifteen (15) spaces.
- b. Maximum: thirty-one (31) spaces

F. *Parking/Pavement Setback*.

1. *Rear yard*. Twenty-five feet (25’).

G. *Building Setback*.

1. *Front yard*. Minimum one hundred ten feet (110’) from center line of Clarkson Road.
2. *Side yards*. Minimum thirty feet (30’) from the northern property line and the southern property line.

3. *Rear yard.* Minimum thirty-five feet (35') from the eastern property line.

H. *General Development Conditions.*

1. The Property shall at all times comply with all applicable and lawful zoning and subdivision ordinances, building and other technical codes, fire district regulations, and any other lawful regulation, requirement, or order of the City.
  - a. *Exceptions.*
    - i. *Cross Access.* No cross-access or curb-cut sharing is required.
    - ii. *Bike racks:* Three bike racks shall be installed and maintained.
2. Failure to comply with any or all the conditions of this Ordinance shall be adequate cause for revocation of permits issued by the City. The City Planner and City Engineer shall enforce the conditions of this Ordinance.

All other provisions of Ordinance 3479 shall remain in full force and effect, except to the extent Ordinance 3479 conflicts with the terms of this Ordinance.

**SECTION 3:** In accordance with Section 400.310(J)(4) of the Code of the City of Ellisville, Missouri, a copy of this Ordinance, and the Site Development Plan approved by this Ordinance, in substantially the form attached hereto as Exhibit B, shall be recorded by the Applicant with the St. Louis County Recorder of Deeds within sixty (60) days of the Council's approval of this Ordinance. Prior to recording the Site Development Plan, and in accordance with Section 400.310(I)(5) of the Code of the City of Ellisville, Missouri, a final plan shall be submitted by the Applicant to the City Planner for review and approval, to ascertain that the final plan complies with the minimum and maximum requirements established in the conditions of this Ordinance, and further, complies with provisions of the subdivision ordinance and other applicable City ordinances. As of the effective date of this Ordinance, the Site Development Plan previously approved by Ordinance 3479 and recorded in the office of the St. Louis County Recorder of Deeds on or about November 9, 2022 is null and void and of no legal effect.

**SECTION 4:** The Council hereby authorizes the issuance of a conditional use permit to Wasabi Express, LLC, to allow liquor sales in conjunction with the operation of a restaurant at the location known and numbered as 309 Clarkson Road, within the "C-5" Planned Commercial Zoning District of the City of Ellisville, Missouri, subject to the following conditions in addition to all other applicable regulations and requirements:

1. See Section 2(B) of Ordinance 3479, as amended by this Ordinance.

**SECTION 5:** At the request of the Applicant, and as authorized by Chapter 400 of the Code of the City of Ellisville, Missouri, the Council hereby waives or modifies the following conditions that would otherwise be required for the proposed use:

1. [ *insert, if any* ]

**SECTION 6:** This Ordinance shall be in full force and effect after its passage and approval of the Council.

This Bill No. \_\_\_\_\_ having been read by title or in full two times prior to passage, and having been duly considered and voted upon was finally passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

**First Reading votes:**

**Second Reading votes:**

**DATE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>		<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
<b>NIEBLING</b>	_____	_____	_____		_____	_____	_____
<b>COMPTON</b>	_____	_____	_____		_____	_____	_____
<b>CAHILL</b>	_____	_____	_____		_____	_____	_____
<b>SANBORN</b>	_____	_____	_____		_____	_____	_____
<b>HILDEBRAND</b>	_____	_____	_____		_____	_____	_____
<b>BOGGS</b>	_____	_____	_____		_____	_____	_____
<b>ROEMERMAN</b>	_____	_____	_____		_____	_____	_____

**ATTEST:**

**CITY OF ELLISVILLE**

\_\_\_\_\_  
**CITY CLERK**

\_\_\_\_\_  
**MAYOR MIKE ROEMERMAN**

Approved as to form:

\_\_\_\_\_  
City Attorney

**Exhibit A**

[ *insert Ordinance 3479* ]

PROPOSED

**Exhibit B**

[ *insert amended Site Development Plan submitted by Applicant* ]

PROPOSED