

INTRODUCED BY ALDERMAN BAUMANN

BILL NO. 23-2512

ORDINANCE NO. 23-2396

AN ORDINANCE CREATING A SPECIAL USE PERMIT AND GRANTING THE SAME TO JEFFREY AUGUSTINE AND ERIKA GOTWAY, PROPERTY OWNERS, TO USE THE PROPERTY LOCATED AT 210 HENRY AVENUE, MANCHESTER, MISSOURI AS A SINGLE-FAMILY RESIDENCE, AS PROVIDED FOR IN SECTION 405.240(C)(28) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER.

WHEREAS, Jeffrey Augustine and Erika Gotway, the owners of the property known and numbered as 210 Henry Avenue (the "Site") have submitted an application for a Special Use Permit to use the property as a single-family residence at the Site; and,

WHEREAS, the Planning and Zoning Commission reviewed said application on August 28, 2023 and recommended approval of the Special Use Permit; and,

WHEREAS, the Board of Aldermen did, on the 18th day of September, 2023, after publication of notice held a public hearing in accordance with Section 405.550 (D) of the Code of Ordinances of the City of Manchester, and after conducting said public hearing did take the proposed Special Use Permit under advisement; and,

WHEREAS, the Board of Aldermen of the City of Manchester, having fully considered the recommended Special Use Permit and the report of the Planning and Zoning Commission, does find that the proposed use would not substantially increase traffic hazards or congestion, would not adversely affect the character of the neighborhood, would not adversely affect the general welfare of the community or adversely affect public safety and health, would not overtax public utilities, is consistent with good planning practice, can be operated in a manner that is not detrimental to the permitted developments and uses in the district with conditions imposed herein, can be developed and operated in a manner that is visually compatible with the permitted uses in surrounding area, and otherwise complies in all respects with the terms and provisions of Chapter 405 and of the Code of Ordinances of the City of Manchester; and,

WHEREAS, based on the above, the Board of Aldermen does further find that the proposed use is in the best interest of the public welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF MANCHESTER, STATE OF MISSOURI AS FOLLOWS:

Section One: Based on the facts and findings set forth in the "Whereas" clauses above which are incorporated herein by reference, a Special Use Permit is hereby granted to Jeffrey Augustine and Erika Gotway (sometimes referred to herein as "Holder"), to use the Site as a single-family residence as provided for in Section 405.240(C)(28) of the Code of Ordinances of the City of Manchester. Attached hereto and incorporated herein as Exhibit "A" is the Special Use Permit application for the Site.

Section Two: Holder, by accepting and acting under this Special Use Permit, acquiesces and accepts same subject to the reservations, conditions, and restrictions which are made a part hereof, and said Holder, by said action, does agree that any time such requirements are not met, this Special

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Use Permit may be revoked and terminated, and does further agree that it, its successors, and assigns, shall be held to have acquired no special rights, privileges, or immunities by virtue of proceeding to expend money, time, or effort in the construction, improvement, or maintenance of land herein described and for which this Special Use Permit is granted.

Section Three: The Special Use Permit granted hereunder shall be deemed to have been abandoned one (1) year after the date of the adoption of this Ordinance unless Holder has received from the City of Manchester an occupancy permit or its equivalent within such year; except that, for reasonable cause, the Board of Aldermen for the City of Manchester may grant one (1) or more extensions of time for additional periods not exceeding ninety (90) days for each such extension within which period such holder shall receive a business license or its equivalent.

Section Four: This Special Use Permit shall be non-assignable without the expressed consent of the Board of Aldermen of the City of Manchester and is contingent upon the compliance with the Code of Ordinances of the City of Manchester, the Zoning Ordinance of the City, and all applicable building codes, fire codes, and other governmental regulations.

Section Five: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Section Six: This Ordinance, having been read in full or by title two times prior to passage, shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS 18th DAY OF SEPTEMBER, 2023.

CITY OF MANCHESTER, MISSOURI

BY:


Mayor

ATTEST:


City Clerk


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We, Jeffrey Augustine and Erika Gotway, do hereby accept the foregoing Special Use Permit from the City of Manchester upon the terms and conditions stated above, and acknowledge the intention to use the property located at 210 Henry Avenue as a single-family residence and will fully comply with the terms and conditions of the aforementioned Special Use Permit.

Dated this 4 day of October, 2023



Jeffrey Augustine



Erika Gotway

INTRODUCED BY ALDERMAN BAUMANN

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Exhibit A



BOARD OF ALDERMAN AGENDA ITEM COVER

MEETING DATE:

September 18, 2023

AGENDA ITEM TITLE:

Case Number 23-SUP-002
Consideration of a Special Use Permit to allow 210 Henry Avenue located in the C-1 Commercial and H-Historic zoning districts to be used for a single-family residence. Locator #22Q110163

AGENDA SECTION:

New Legislation (*Emergency Reading Requested*)

BACKGROUND: Attached are the relevant documents for the above-referenced case. The applicant is seeking approval to use 210 Henry Avenue as a single-family residence, which requires a Special Use Permit (SUP) for properties in the C-1 Commercial District that also have an H-Historic District overlay.

Section 405.550 of City's Zoning Ordinance requires that a public hearing be conducted for a Special Use Permit. After such a hearing, the Board of Alderman is to determine if the SUP:

1. Will substantially increase traffic hazards or congestions.
2. Will adversely affect the character of the neighborhood.
3. Will adversely affect the general welfare of the community.
4. Will overtax public utilities.
5. Will adversely affect public safety and health, including substantially increasing fire hazards.
6. Is consistent with good planning practice.
7. Can be operated in a manner that is not detrimental to the permitted developments and uses in the district.
8. Can be developed and operated in a manner that is visually compatible with the permitted uses in surrounding area.
9. Otherwise complies in all respects with the terms and provisions of this Chapter and of the Code of Ordinances of the City of Manchester.

If the findings of the Board of Aldermen (BOA) are negative as to all subjects referred to in Subsections (1) through (5) above and are affirmative as to all subjects referred to in Subsections (6) through (9) above, and all applicable matters in Section 405.540 (see staff report for analysis) above have been adequately provided for, then the application shall be granted.

The Planning and Zoning Commission recommended approval of the SUP at their August 28, 2023 regular business meeting. Approval by BOA shall be by ordinance.

Attachments:

1. Special Use Permit Ordinance with Attachment
2. Staff Report with Special Use Permit Application Materials

PREPARED BY:

Andrea Riganti

Andrea Riganti, AICP

Director of Planning, Zoning and Economic Development



DEPARTMENT OF PLANNING, ZONING AND ECONOMIC DEVELOPMENT

TRANSMITTAL TO PLANNING AND ZONING COMMISSION

APPLICATION NUMBER: PC-23-SUP-02

REQUEST: Special Use Permit (SUP) to allow 210 Henry Avenue located in the C-1 Commercial and H-Historic zoning districts to be used for a single-family residence, Locator #22Q110163

APPLICANT NAME: Jeffrey Augustine and Erika Gotway, property owners

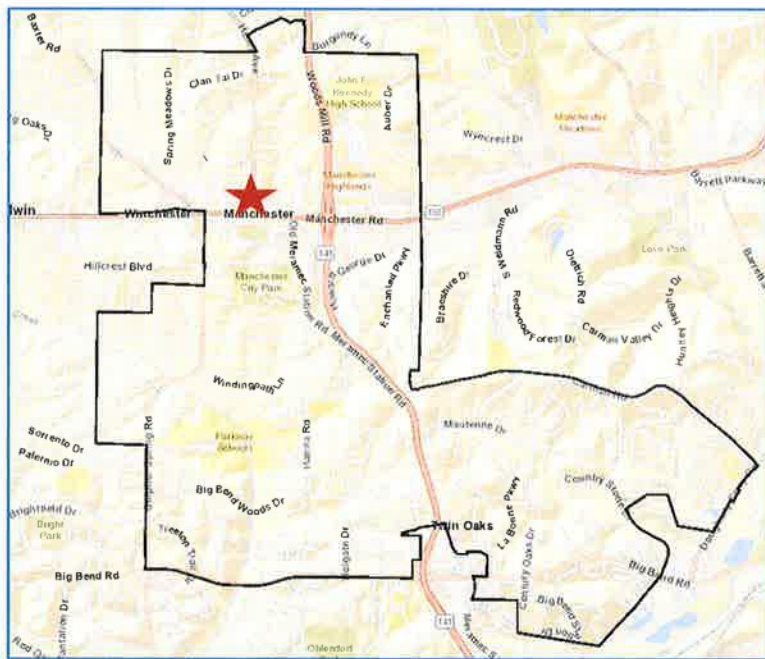
MEETING DATE: August 28, 2023

ZONING: C-1 Commercial and H-Historic (overlay)

LAND USE: Commercial/residential

PLANNING COMMISSION ACTION: Consideration of a SUP in accordance with Section 405.550 of the Zoning Code. Planning and Zoning Commission makes a recommendation to the Board of Alderman to approve, approve with conditions, or deny the request.

GENERAL LOCATION:



STAFF ADVISORY

1. BACKGROUND

The City of Manchester's Zoning Code divides the City into districts and establishes a set of land uses that are either "permitted" or "special". Permitted uses are compatible land uses authorized as a matter of right. Special uses are those that may cause potential conflict depending on the scope of the operation. A special use may be allowed after a review by Planning and Zoning Commission and Board of Alderman, in accordance with Article X. Each special use is evaluated on its own merits.

The applicant is seeking approval to use the property located at 210 Henry Avenue as a single-family residence. The subject property is zoned C-1 Commercial District, with a H-Historic District overlay designation. The H-Historic District is an overlay on other zoning classifications and provides additional regulations and controls to the existing (underlying) zoning district. The purpose of the H-Historic District is to preserve the historic features of a parcel or area, ensure uses are appropriate for the building and ensure uses are compatible with surrounding land uses.

A single-family residential dwelling is listed as a special use in the C-1 Commercial District for properties that also have the H-Historic District overlay. Therefore, a Special Use Permit is required for the proposed use.

Property Context

The subject property is located in the north-central portion of the City, north of Manchester Road, west of Route 141 and east of Sulphur Spring Road. It is comprised of one parcel. A two-story Queen Anne building constructed in 1899 is located on the property. The building is of historic significance and is located in the local Henry Avenue Historic District. Previous land uses of the property include commercial (office) and residential.

The surrounding properties are zoned C-1 Commercial, with H-Historic district overlay and R-1 Residential, with H-Historic district overlay. The surrounding land uses include commercial (retail and office), institutional (West County Fire and EMS), and residential.

Views of the Property and Surrounding Areas





2. DISCUSSION

In its deliberations, Planning and Zoning Commission shall review general planning considerations and may impose conditions to the approval of a special use. Section 405.540.A of the zoning code states that “...A Special Use permit should be approved if it is found that the location is appropriate and not in conflict with the City’s Master Plan, that the public health, safety, morals and general welfare will not be adversely affected, that such things as adequate utilities, off-street parking facilities and signage consistent with the sign regulations will be provided, and that the necessary safeguards will be provided for the protection of surrounding property, persons and neighborhood values...”

The location meets all open space, lighting, buffering, off-street parking, paving, sewage, stormwater, ingress/egress, rubbish, and noise requirements of the zoning code for a single-family residential use. This use is less intense than prior commercial uses and will not be detrimental to surrounding land uses.

3. PLANNING AND ZONING COMMISSION ACTION

With respect to a Special Use Permit review, Section 405.550 of the Zoning Code states instructs the “...City’s Planning and Zoning Commission to investigate and report as to the matters set forth in Section 405.540 hereof and as to the effect of such building, buildings, structures or uses upon traffic hazards or congestion, the character of the neighborhood, the general welfare of the community, the public utility facilities and fire hazards...”. The Planning and Zoning Commission makes a recommendation to the Board of Alderman to approve the Special Use Permit with conditions or deny the request. A public hearing will be conducted by the Board of Alderman.

Staff recommends approval of this Special Use Permit.

Exhibits

1. Application and Submittals

City of Manchester
 14318 Manchester Road
 Manchester, MO 63011
 P: (636) 227-1385 ex. 118
 F: (636) 821-8099
 pandz@manchestermo.gov



**Special Use
 Permit
 Application**

PROJECT ADDRESS: 210 Henry Avenue
Owner: Jeffrey Augustine and Erika Gotway
Address: 210 Henry Avenue Phone: 636 675 1250
City, State, Zip: Manchester, MO 63011 Email: erikagotway@gmail.com

Applicant: Jeffrey Augustine and Erika Gotway
Address: 2721 W Tennyson Ave Phone: 636 675 1250
City, State, Zip: Overland, MO 63114 Email: erikagotway@gmail.com

REQUIREMENTS:
 Every application submitted to the Planning and Zoning Commission for review and approval must contain the following:

- A non-refundable fee of \$300
- Two (2) copies for initial review and upon request twenty (24) final copies of:
 - A plot survey/sketch/site plan, to scale and showing lot/property in question.
 - A letter of intent describing the proposed use of the Special Use Permit. Description can include (but is not limited to) the nature of the business, hours of operation, number of employees, etc.
 - Information on the number of parking spaces assigned to the space.
 - Any other pertinent information for the Commission to review with your application.
- Completed application with name of applicant that will appear before the Commission and Board.

An incomplete application may result in your case being postponed to another future Commission meeting.

Legal Description of Property:	PART OF LOT 23 OF WILLIAM TRIPLETTS ESTATE IN SECTION 36, TOWNSHIP 45 NORTH, RANGE 4 EAST
Proposed Special Use:	Single family dwelling
Existing Zoning:	C-1 and Historic District

I hereby certify that the information contained in this application and accompanying documents are correct, and that I will conform to all applicable laws of the City of Manchester.
 Applicant Signature: Erika Gotway Date: 8/24/23
 Applicant's Name Printed: Erika Gotway

FOR OFFICE USE ONLY BELOW

ZONING APPROVAL City of Manchester Permit #: _____
 Approved by: _____ Date: _____
Director, Planning, Zoning and Economic Development

Zoning Fees Fee paid on: 8/24/23 Amount: \$300.00

Mr. and Mrs. Jeffrey Augustine and Erika Gotway
2721 W. Tennyson Avenue
Overland MO 63114

Letter of Intent for Special Use Permit Application

We have recently purchased the property at 210 Henry Avenue and intend to use this single-family residential dwelling as our primary residence. Our recently purchased property at 210 Henry Avenue is located in both the C-1 and Historic District.

There are no parking spaces assigned to the property since we intend to use it as a single-family residential dwelling.

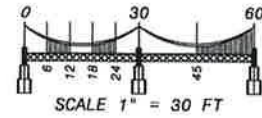
According to Section 405.240 of the City Code, "the following uses may be allowed as special uses in accordance with the procedures, guides and standards in Article X, Special Uses:

- 28. Single-family residential dwelling ("H" Historic District only)."

BOUNDARY AND IMPROVEMENT SURVEY

210 HENRY AVENUE

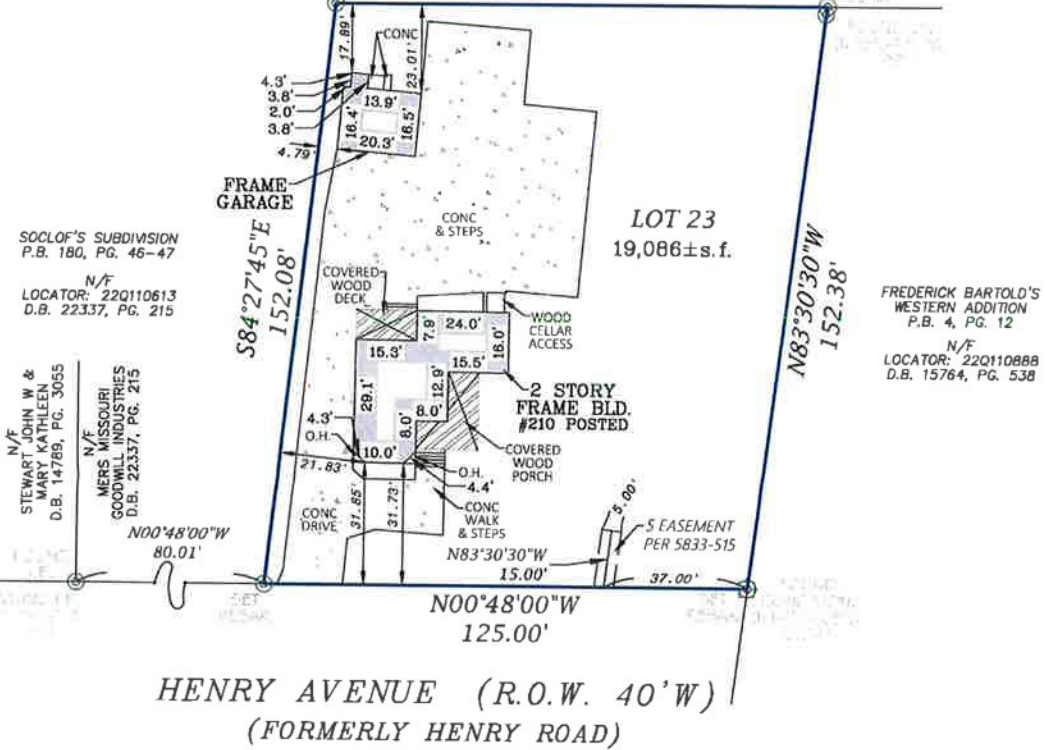
PART OF LOT 23 OF WILLIAM TRIPLETT'S ESTATE IN SECTION 36,
TOWNSHIP 45 NORTH, RANGE 4 EAST
ST. LOUIS COUNTY, MISSOURI



SOCLOF'S SUBDIVISION
P.B. 180, PGS. 46-47

N/F
LOCATOR: 22Q110613
D.B. 22337, PG. 215

S00°48'00"E
127.55'



SOCLOF'S SUBDIVISION
P.B. 180, PG. 46-47
N/F
LOCATOR: 22Q110613
D.B. 22337, PG. 215

N/F
STEWART, JOHN W. &
MARY KATHLEEN
D.B. 14789, PG. 3055
N/F
MERS, MISSOURI
GOODWILL INDUSTRIES
D.B. 22337, PG. 215

FREDERICK BARTOLD'S
WESTERN ADDITION
P.B. 4, PG. 12
N/F
LOCATOR: 22Q110888
D.B. 15764, PG. 538

TITLE NOTES

FOR THE SOURCE OF PROPERTY DESCRIPTION, EASEMENTS, DEDICATIONS AND EXCEPTIONS, ALTEA, LLC, EXCLUSIVELY USED THE TITLE DOCUMENTS PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY AND TITLE PARTNERS AGENCY LLC, COMMITMENT NUMBER 23-323453-TAS.

10.) EASEMENT GRANTED TO UNION ELECTRIC COMPANY PER 5833-515; AS SHOWN HEREON.

BASIS OF BEARINGS

SOCLOF'S SUBDIVISION
PLAT BOOK: 180 PAGE: 46-47

LINE TYPES

—	BOUNDARY LINE	○	CHAIN FENCE
- - -	EASEMENT LINE	○	WOOD/VINYL/METAL FENCE
- · - · -	SETBACK LINE	x	WIRE FENCE
- · - · -	PARCEL LINE	—	BUILDING
- · - · -	U.S. SURVEY SECTION LINE	—	FOOTPRINT
- · - · -		—	CENTERLINE

1"=0.00'
2"=0.17'
3"=0.25'
4"=0.33'
5"=0.42'
6"=0.50'
7"=0.58'
8"=0.67'
9"=0.75'
10"=0.83'
11"=0.92'

I.P.=IRON PIPE I.R.=IRON ROD (S)=SURVEYED
(R)=RECORD NR=NON-RADIAL P.B.=PLAT BOOK
P.D.=PAGE D.B.=DEED BOOK S.F.=SQUARE FEET
NF=NOW OR FORMERLY CL=CENTERLINE
CONC=CONCRETE R.O.W.=RIGHT-OF-WAY

ALTEA, LLC
Consulting Land Surveyors
2918 S. OLNEY BL. SUITE 202
ST. CHARLES, MO 63304
PHONE: (314) 477-8033
FAX: (314) 818-0910
WWW.ALTEA.LLC
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PROJECT NUMBER: **23-1569-0**

1 OF 1	SHEET	FIELD CREW:	JAM
		DRAFTER:	LD/CV
		DRAFTED ON:	07/11/2023
		REVIEWER:	BLH
		REVIEWED ON:	07/11/2023

SURVEYOR'S STATEMENT

THIS IS TO DECLARE TO JEFFREY AUGUSTINE, ERIKA GOTWAY, TITLE PARTNERS AGENCY LLC AND FIDELITY NATIONAL TITLE INSURANCE COMPANY, THAT AT THEIR REQUEST, ALTEA, LLC, HAS DURING THE MONTH OF JULY, 2023, EXECUTED A BOUNDARY RETRACEMENT SURVEY OF PART OF LOT 23 OF WILLIAM TRIPLETT'S ESTATE IN SECTION 36, TOWNSHIP 45 NORTH, RANGE 4 EAST OF THE ST. LOUIS COUNTY, MISSOURI, RECORDS, TOGETHER WITH THE LOCATION OF OBSERVED IMPROVEMENTS THEREON, AND THAT THE RESULTS OF SAID SURVEY ARE IN MY PROFESSIONAL OPINION, CORRECTLY INDICATED ON THE ABOVE PLAT. THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS FOR URBAN CLASS PROPERTY. BUILDING SETBACK INFORMATION DEPICTED HEREON IS FROM THE RECORD PLAT OR CITY BLOCK MAP (IF APPLICABLE). PLANNING AND ZONING RESTRICTIONS WERE NOT OBTAINED OR ADDRESSED AS A PART OF THIS SURVEY. DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THIS SURVEY ONLY AND IS NOT TRANSFERABLE. UTILITY LOCATES WERE NOT REQUESTED AND NO UTILITIES OR SEWERS WERE LOCATED IN CONJUNCTION WITH THIS SURVEY. THE OPINION OF THE ORIGIN OF THE FENCES SHOWN HEREON IS FROM EVIDENCE OBSERVED DURING THE COURSE OF THIS SURVEY, AND MAY INCLUDE: FENCE CONSTRUCTION, OCCUPANT TESTIMONY, OR OTHER AVAILABLE INFORMATION. NO GUARANTEE IS MADE OR CERTAINTY GIVEN AS TO THE ORIGIN OR OWNERSHIP OF FENCES. DUE TO EACH MUNICIPALITY HAVING DIFFERENT ZONING SETBACK REQUIREMENTS, OVERHANGS SHOWN ON THIS SURVEY MAY BE IN VIOLATIONS THAT THE SURVEYOR IS NOT AWARE OF AND MAKES NO WARRANTIES TO THIS EFFECT.

AS AGENT OF ALTEA, LLC
DATE 7-11-23

ALTEA, LLC
PROFESSIONAL LAND SURVEYING
CERTIFICATE OF AUTHORITY: 201302731

City of Manchester
 14318 Manchester Road
 Manchester, MO 63011
 P: (636) 227-1385 ex. 118
 F: (636) 821-8099
 pandz@manchestermo.gov



Single Family Occupancy Permit Application

PROPERTY ADDRESS: 210 Henry Ave, Manchester, MO 63011			
Owner: Jeffrey Augustine & Erika Gotway			
Address: 210 Henry Ave		Phone: (618)335-6384	
City, State, Zip: Manchester, MO 63011		Email: 210henrymo@gmail.com	
Applicant: Jeffrey Augustine			
Address: 210 Henry Ave		Phone: (618)335-6384	
City, State, Zip: Manchester, MO 63011		Email: 210henrymo@gmail.com	
OCCUPANCY INFORMATION: Occupancy Permit Fee: \$25.00			
Complete all requested information. List the names of all those who will occupy this residence and the relationships to the Principal. Manchester City Ordinance does not allow more than three unrelated individuals to live in the same residence (Section 405.060). Any missing or incomplete information may delay issuance of the occupancy permit.			
Rental Property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
No. of Bedrooms: 3		Occupancy Limit: 6	
	NAMES REQUIRED		
Principal Owner/Occupant	Jeffrey Augustine		Head of Household
2 nd Occupant	Erika Gotway	Relationship	Spouse
3 rd Occupant		Relationship	
4 th Occupant		Relationship	
5 th Occupant		Relationship	
6 th Occupant		Relationship	
Principal Occupant's Email: 210henrymo@gmail.com		Phone: (618)335-6384	
I hereby certify that the information contained in this application is correct, and that I will conform to all applicable laws of the City of Manchester and complete the following Occupancy Information before the premises are occupied.			
Principal Owner/Occupant			
Signature: <i>Jeffrey Augustine</i>		Date: 8/22/23	
Printed: Jeffrey Augustine			
Planning and Zoning Use Only		Occupancy Permit #: _____	
Inspected? <input type="checkbox"/> Yes <input type="checkbox"/> No		Date of Inspection: _____	
Fee paid on: _____		Amount: _____	

Need payment

4. APPROVAL OF AGENDA

Chairman Truesdell motioned to approve the agenda, seconded by Commissioner Korte. Motion approved unanimously by voice vote.

5. NEW BUSINESS**A. PC-23-SUP-02**

Chairman Truesdell introduced case number PC-23-SUP-02, stating the request is for the consideration of a Special Use Permit to allow a property located in the C-1 Commercial and H-Historic District to be used as a single-family residential dwelling.

Director Riganti provided the background for the request, indicating that a special use permit is required in the C-1 Commercial zoning district with a H-Historic District overlay for single-family dwellings. She indicated that the property is in a local Henry Avenue Historic District, and that there are no proposed changes to the property.

Chairman Truesdell swore in Erica Gotway, representing 210 Henry Ave.

Ms. Gotway stated that the building was constructed in 1899 and the intent is to continue to preserve the historic character of the building. The building was previously used as a travel agency. Ms. Gotway and her husband would like to use the building as a single-family home.

Director Riganti gave the staff report indicating that the location meets all SUP criteria including open space, lighting, buffering, off-street parking, paving, sewage, stormwater, ingress/egress, rubbish, and noise requirements of the zoning code for a single-family residential use. The proposed use is less intense than prior commercial uses and will not be detrimental to surrounding land uses.

Chairman Truesdell asked the applicant if the property has already been purchased. Ms. Gotway replied yes.

Chairman Truesdell asked if any renovations were needed to the home. Ms. Gotway stated that a home inspector did not identify major repairs or renovations needed. Previous owners made improvements to the structure while maintaining the historic nature.

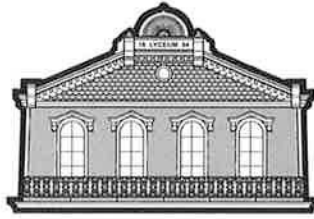
Mayor Clement asked Director Riganti if the approval of the Special Use Permit would be permanent for the representatives, and if the permit could be transferred to new homeowners if they were to sell. Director Riganti confirmed that Special Use Permit will be for the current applicants only, but that it could be transferred to a new property owner seeking to use the building as a single-family dwelling. She described the SUP transfer process, indicating that such a request would need consideration by Planning and Zoning Commission and Board of Aldermen.

Chairman Truesdell motioned to approve the request, seconded by Commissioner Korte. Motion carried unanimously by voice vote.

B. PC-23-TXT-002

Chairman Truesdell introduced case number PC-23-TXT-002, stating the request is for discussion only.

Director Riganti provided background and summary on the text amendment request, indicating that city staff would need to move forward with a vote on the text amendment on September 11th, due to the Amendment 3 of the State Constitution for comprehensive marijuana being approved in November 2022, and the City needing to adopt local regulations for the new use. Director Riganti provided the background on what regulations the City are and are not permitted



THE CITY OF
MANCHESTER
MISSOURI

PUBLIC HEARING NOTICE

The City of Manchester Board of Aldermen shall hold a public hearing on Monday, September 18 at 7:00 p.m. at the Manchester Justice Center, 200 Highlands Boulevard Dr, to consider the following:

Case Number 23-SUP-02 – Consideration of a Special Use Permit to allow a property located in the C-1 Commercial and H-Historic District to be used as a single-family residential dwelling. The subject property is 210 Henry Avenue, Manchester Missouri.

Interested parties will have the opportunity to make public comments live during the meeting either in-person or by using online video conference software. If an individual chooses to participate via video conference, they may register for the meeting at www.manchestermo.gov.

Public comment may also be emailed to the Manchester City Clerk no later than 12:00 p.m. on Monday, September 18, 2023. Submit public comments to: mmelugin@manchestermo.gov.