

INTRODUCED BY ALDERMAN BAUMANN

BILL NO. 23-2513

ORDINANCE NO. 23-2397

AN ORDINANCE CREATING A SPECIAL USE PERMIT AND GRANTING THE SAME TO MICHAEL HADDAD, PROPERTY OWNER, TO CONSTRUCT AN ACCESSORY STRUCTURE ON THE PROPERTY LOCATED AT 14441 MANCHESTER ROAD IN THE C-1 COMMERCIAL ZONING DISTRICT AS PROVIDED FOR IN SECTION 405.240(C)(14) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER.

WHEREAS, Michael Haddad, the owner of the property known and numbered as 14441 Manchester Road, Locator Number 23R640822 (the "Site") has submitted an application for a Special Use Permit to construct an accessory structure on the Site; and,

WHEREAS, the Planning and Zoning Commission reviewed said application on September 11, 2023 and recommended approval of the Special Use Permit; and,

WHEREAS, the Board of Aldermen did, on the 2nd day of October 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 Michael Haddad (sometimes referred to herein as "Holder"), to construct an accessory structure on the Site as provided for in Section 405.240(C)(14) 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

INTRODUCED BY ALDERMAN BAUMANN

BILL NO. 23-2513

ORDINANCE NO. 23-2397

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 a building permit 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 2nd DAY OF OCTOBER, 2023.

CITY OF MANCHESTER, MISSOURI

BY: 

Mayor

ATTEST:


City Clerk

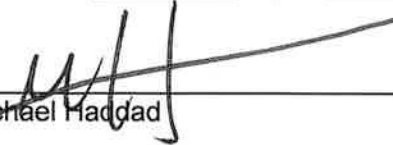
INTRODUCED BY ALDERMAN

BILL NO. 23-2513

ORDINANCE NO. 23-2397

I, Michael Haddad, 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 construct an accessory structure on the property located at 14441 Manchester Road and will fully comply with the terms and conditions of the aforementioned Special Use Permit.

Dated this 6 day of October 2023



Michael Haddad

Exhibit A

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: 14441 Manchester Rd.
 Owner: The Diamond Family
 Address: 14441 Manchester Rd. Phone: ~~314-575-7509~~ 314-575-7509
 City, State, Zip: Manchester, Mo. 63011 Email: Michael@thediamondfamily.com

Applicant: Complete Contracting
 Address: PO Box 4273 Phone: 314-606-5154
 City, State, Zip: Chesterfield Email: completecontracting@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
- Electronic file, or one (1) copy for initial review and upon request electronic file, or one (1) final copy 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:	<u>LOT PTS 12 Thru 15</u>
Proposed Special Use:	<u>10' X 16' shed on <u>non</u> parking spot with <u>No</u> Fence around it.</u>
Existing Zoning:	<u>C1</u>

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: [Signature] Date: 8/28/23
 Applicant's Name Printed: Mike Kelly

FOR OFFICE USE ONLY BELOW

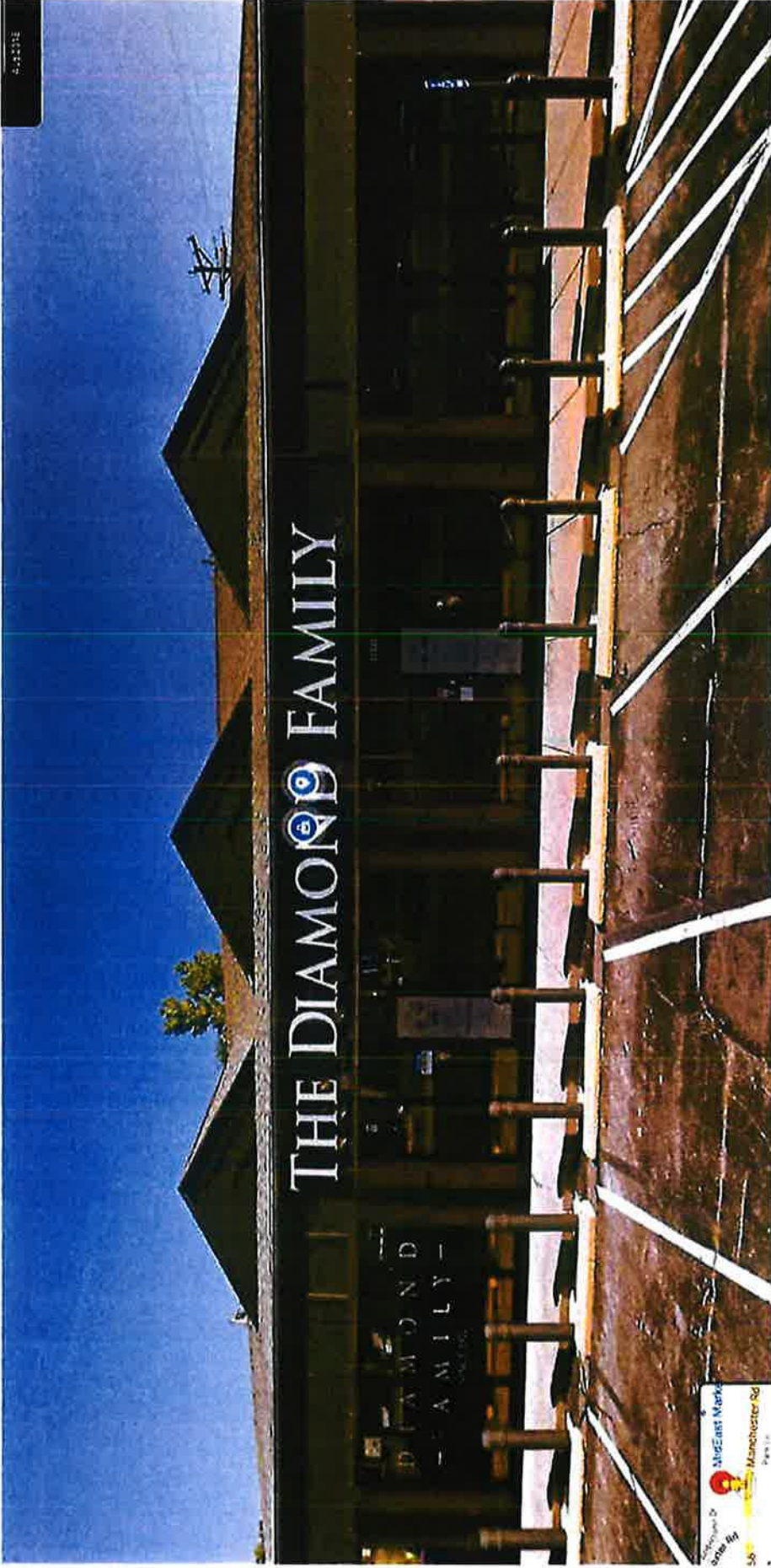
ZONING APPROVAL City of Manchester Permit #: _____
 Approved by: _____ Date: _____
Director, Planning, Zoning and Economic Development

Zoning Fees Fee paid on: 8/28/23 Amount: \$300.00



Proposed:
10' X 16' Shed





THE DIAMOND FAMILY

DIAMOND
FAMILY

MidEast Market
Manchester, NH
Manchester, NH
Page 10

2012

RECEIVED



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

**MUNICIPAL
ZONING
APPROVAL**

INSTRUCTIONS AND REQUIREMENTS

Municipal Zoning Approval (MZA) is required to ensure a project or activity is permitted in the zoning district within which it lies and meets all site regulations. Each zoning district has specific regulations for building setbacks, height, location, land use, and more. **MZA is required prior to submitting a building permit.** The City of Manchester contracts with St. Louis County for building permit review, issuance, and inspection. This function is completely independent of the City of Manchester; however, the two jurisdictions work together. Building and other similar permits can be obtained through St. Louis County online: [Residential Building - St. Louis County Website \(stlouiscountry.org\)](#). Call the County at (314) 615-5184 for more information.

Project Address: 14441 Manchester Rd.
Owner: Michael Haddad (The Diamond Family)
Address: 14441 Manchester Rd. Phone: 314-575-7509
City, State, Zip: Manchester, Mo. 63011 Email: Michael@thediamondfam.com

Is the property located within an active Homeowner's Association (HOA)? Yes: No:
If yes, consult your HOA to determine if there are subdivision restrictions on the project. The HOA enforces subdivision indentures, which are private contracts and legally binding. The City is not involved with subdivision indentures or any private contract.

Applicant/Representative: Mike Kelly - Complete Contracting
Address: P.O. Box 4273 Phone: 314-606-5154
City, State, Zip: Chesterfield, Mo. 63006 Email: completecontracting57L@gmail.com

Provide a project narrative/description of the work.
10' x 16' Shed. See site plan for location.
WILL NOT take up any parking spots.

Supporting Documents Attached (Check all those required. If unsure, consult with the Director of Planning, Zoning and Economic Development).

- Site Survey/Plot Plan Depicting the improvements. This plan must be to scale and depict dimensions, property setbacks, height, type of materials.
- Construction Documents. The City will keep a copy of these documents on file; a separate copy shall be submitted to St. Louis County with the building permit.
- Landscaping Plan/Tree Inventory. Provide if removing any trees on the property.
- Greenspace Calculations. The amount of front, rear, and side yard greenspace (open space) on the property as existing and proposed after the project.
- Legal documents (contract, cross access agreement, etc.)
- Other Permits (dumpster, driveway, etc.)

Plans may also need Fire Protection District Review. Please contact the applicable district for guidance: West County Fire and EMS (636) 256-2000- or Valley Park Fire Protection District (636) 225-4288.

Contact Dig-Rite at (800) 344-7483 prior to digging.

This is Not a Building Permit.
It is the applicant's responsibility to check with St. Louis County for issuance of required permit and related inspections.

June 2023

1/5/24

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 and all applicable jurisdictions.

Applicant Signature:

Mike Kelly

Date:

8/8/23

Applicant's Name Printed:

Mike Kelly

FOR OFFICE USE ONLY BELOW

Municipal Zoning Classification:

C-1

List any applicable variance, site plan or SUP conditions if appropriate:

SD

Approved by/Title:

Date:

Is the property located in a floodplain? Yes: _____ No: _____

For floodplain review, approved by/Title:

Notes:

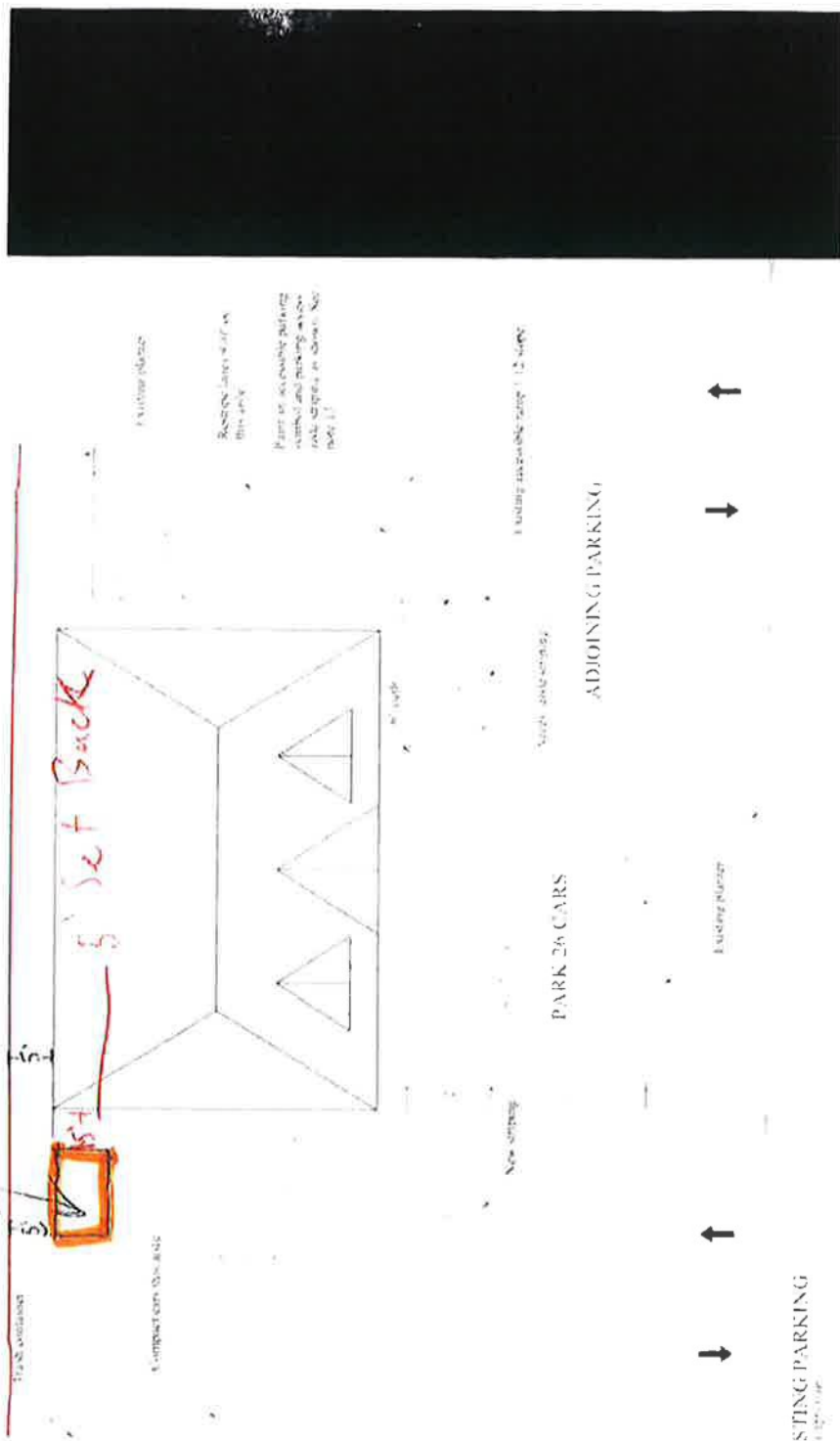
Fees: Residential - \$25.00 Residential New Construction - \$100.00 Non-Residential - \$100.00

Fee paid on:

Amount:

5' Set Back

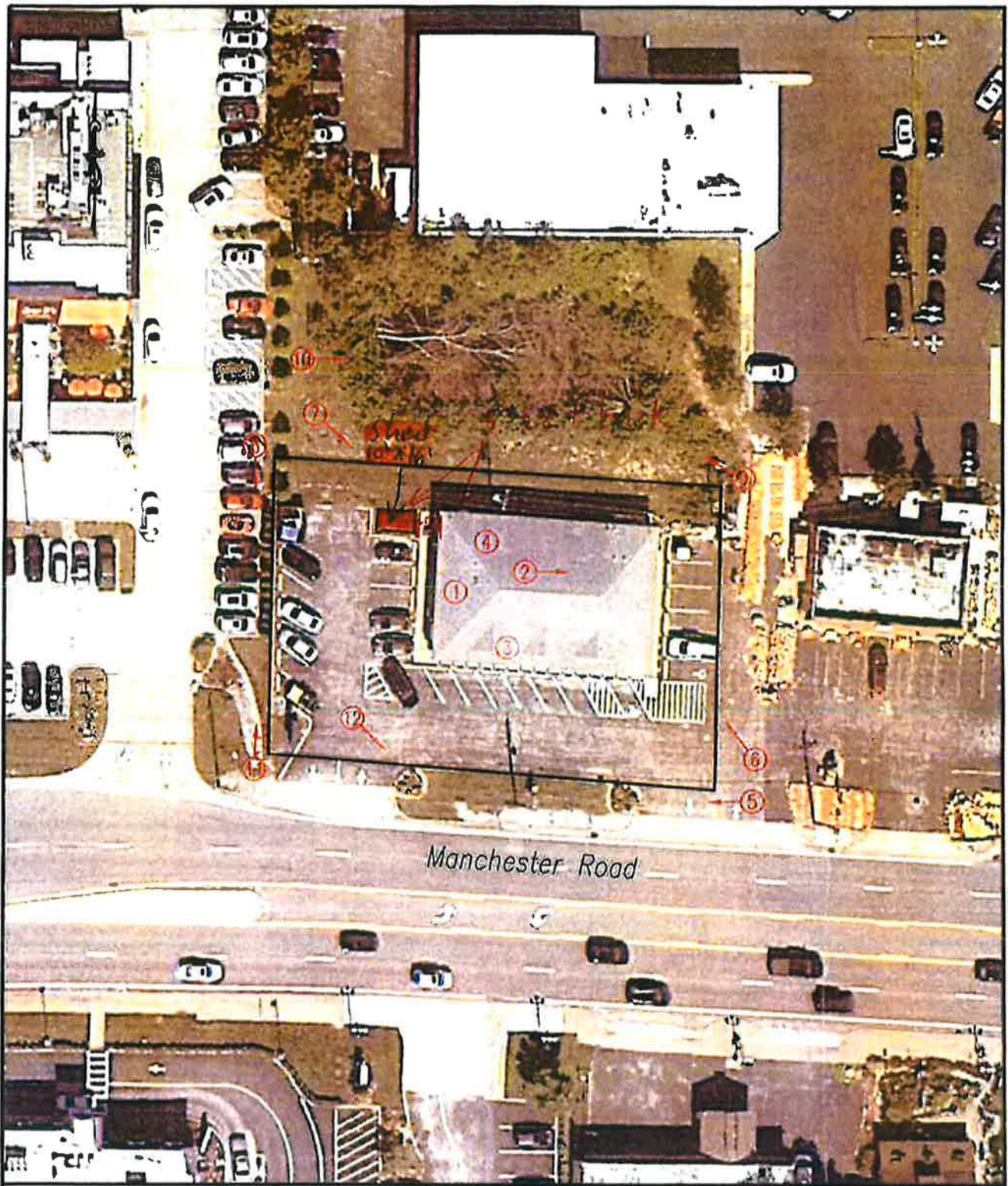
Shed
10' x 16'



EXISTING PARKING

PARK 26 CARS

ADJOINING PARKING



<u>Legend</u>	
①	Photo number and direction

Figure 1
Site Plan
 14441 Manchester Road
 Ballwin, Missouri

GRAPHIC SCALE

0 25 50 100

1 Inch = 50 Ft.

MT Job No. 15462



**DEPARTMENT OF
PLANNING, ZONING AND ECONOMIC DEVELOPMENT**

TRANSMITTAL TO PLANNING AND ZONING COMMISSION

APPLICATION NUMBER: PC-23-SUP-03

REQUEST: Special Use Permit (SUP) to allow an accessory structure (shed) to be constructed at 14441 Manchester Road, Locator # 23R640822

APPLICANT NAME: Mike Kelly, Contractor, on behalf of The Diamond Family

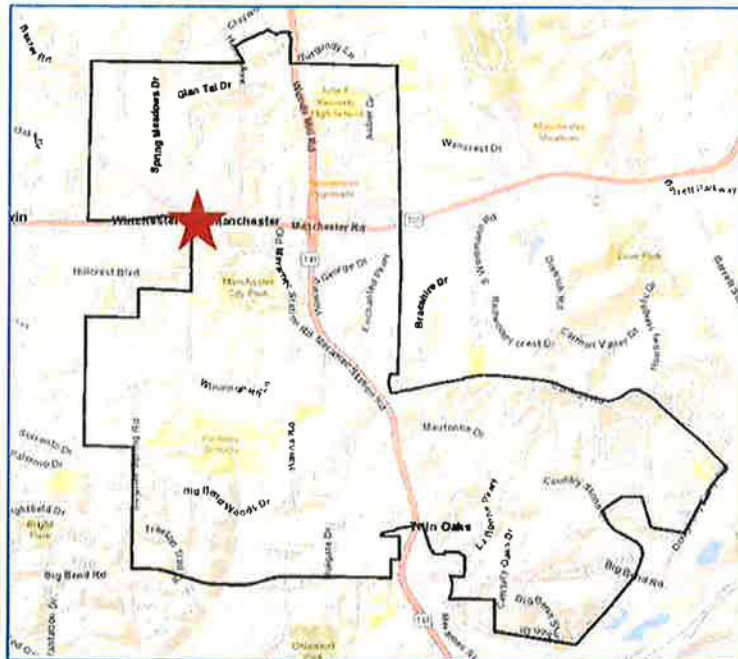
MEETING DATE: September 11, 2023

ZONING: C-1 Commercial

LAND USE: Commercial

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 place an accessory structure (shed) on the property located at 14441 Manchester Road. The subject property is located in the C-1 Commercial District. An accessory structure is listed as a special use in this zoning district. Therefore, a Special Use Permit is required for the proposed project.

Property Context

The subject property is in the north-west portion of the City, north of Manchester Road, west of Route 141, east of Sulphur Spring Road and is comprised of one parcel. A single-story building constructed in 1994 is located on the property and is currently being used for retail/commercial by The Diamond Family jewelers.

The surrounding properties to the north, west and east are zoned C-1 Commercial, and to the south are zoned PBD-Planned Business District. The surrounding land uses are commercial (retail, restaurant) and include The Fruit Stand, Joey B's, Culver's and Suntrup BMW.

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 applicant is proposing to construct a 10' x 16' storage shed to the west of the building. In keeping with zoning code Section 405.165 "Accessory Buildings and Uses", the shed will be setback from the rear property line by +/- 5', will not exceed the principal structure in height, and will not exceed the principal structure in area. No parking spaces will be removed by this project.

The project has no anticipated negative impact on open space, lighting, buffering, off-street parking, paving, sewage, stormwater, ingress/egress, rubbish, or noise. There are no anticipated detrimental impacts 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

4. APPROVAL OF AGENDA

Alderman Nolte motioned to approve the agenda, seconded by Commissioner Meyer. Motion approved unanimously by voice vote.

5. NEW BUSINESS

A. PC-23-SUP-03

Mayor Clement introduced case number PC-23-SUP-03, stating the request is for the consideration of a Special Use Permit to allow an accessory structure (shed) to be constructed at 14441 Manchester Road.

Michael Haddad, property owner and Mike Kelly, project contractor indicated they were present to respond to questions about the request. Mr. Haddad indicated that due to the expansion of his business, The Diamond Family, additional staff will be hired. Interior office space is needed to accommodate this increase. Offices currently being used as storage will be turned into staff space, leaving a void in the storage area. An outdoor shed is being proposed. Mr. Haddad was also seeking to waive any fence requirement to screen the shed.

Mr. Kelly asked if the Commission was familiar with the location of the shed. Mayor Clement indicated that this information was provided in the staff report.

Director Riganti gave the staff report, stating that the request is to allow the accessory structure on a property located in the C-1 district. The C-1 zoning district requires a Special Use Permit for accessory structures. She indicated that a fence is not an ordinance requirement for the shed. Director Riganti stated that the proposed project meets all SUP criteria, having no negative impact on open space, lighting, buffering, off-street parking, paving, sewage, stormwater, ingress/egress, rubbish, or noise.

Commissioner Streeter asked if the proposed location was paved. Mr. Haddad stated that the location for the structure is on a patch of grass. Commissioner Streeter then asked if the structure would remove too much greenspace. Director Riganti indicated that the proposed structure is not anticipated to negatively affect greenspace.

Commissioner Meyer motioned to approve the request, seconded by Commissioner Streeter. Motion carried unanimously by voice vote.

B. PC-23-TXT-02

Mayor Clement introduced case number PC-23-TXT-02 relating to comprehensive marijuana, stating that the item has been discussed at prior Commission meetings and a vote is being requested this evening.

Director Riganti stated that there were a few changes to the draft that reflected Commissioner comments from the August 28th meeting. The "non-medical" marijuana references were replaced with "adult use recreational" marijuana in the "whereas" clauses of the ordinance. Parking requirements for marijuana uses were added, as prior drafts did not specifically address this matter. Director Riganti researched how adjacent communities regulated parking for comprehensive marijuana. A majority referred to the existing parking requirements for retail uses rather than identifying separate calculations for comprehensive marijuana uses. Therefore, following the same model, the City of Manchester will refer to Section 405.290 Off-Street Parking and Loading Requirements.