

**AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO NEW YORK GRILL 5, LLC D/B/A NEW YORK GRILL FOR A RESTAURANT AT 7441 NORTH LINDBERGH BOULEVARD AND PROVIDING THE CONDITIONS OF SUCH USAGE**

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**WHEREAS**, New York Grill 5, LLC d/b/a New York Grill is the lessee of 7441 North Lindbergh Boulevard in the City of Hazelwood, Missouri, and has applied to such City for the issuance of a Special Land Use Permit for a restaurant; and

**WHEREAS**, Due notice of the time, place and purpose of a public hearing on this application was published in two (2) consecutive issues of a newspaper of general circulation in the City, the first notice was published at least fifteen (15) days prior to the date of the hearing, and similar notices were prominently posted at least fifteen (15) days prior to the hearing on the subject property and on all City bulletin boards; and at least fifteen (15) days prior to the hearing by the Council, written notices of said hearing were mailed to the last known places of abode of the owners of all property lying within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the proposed Special Land Use Permit; and

**WHEREAS**, Said hearing was held by the Council of the City of Hazelwood, Missouri, on December 6, 2023, at 6:30 p.m., at Hazelwood City Hall and all objections and suggestions made concerning the proposed Special Land Use Permit were duly heard and considered by the Council and no protest petitions were received; and

**WHEREAS**, The City Plan Commission recommended the Council grant this Special Land Use Permit; and

**WHEREAS**, The Council has considered whether the proposed use:

1. is consistent with the goals, objectives, and policies of the City's Comprehensive Plan; and
2. is consistent with the intent and purpose of the zoning district in which it is being requested; and
3. satisfies the conditions and requirements applicable to the requested Special Land Use Permit; and
4. will satisfy a public necessity for the Special Land Use Permit; and
5. will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare; and

6. will not adversely impact and be detrimental to the use and enjoyment of properties in the immediate vicinity; and
7. has adequate utilities, access, parking, and services; and
8. will not adversely impact traffic, public utilities and facilities, property values and natural, environmental or historical features; and
9. will, in all respects, conform to the applicable regulations and laws; and

Further, the Council considered:

10. the existing uses and zoning of nearby property; and
11. the length of time the lot has remained vacant as currently zoned considered in the context of land development adjacent to and in the vicinity of the subject property; and
12. the extent to which the proposed use will create excessive stormwater runoff, air pollution, water pollution, noise pollution and other environmental harm; and
13. the extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use; and
14. the preservation of significant natural and environmental features and historical and architectural resources; and
15. the recommendations of the staff of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HAZELWOOD, MISSOURI, AS FOLLOWS:**

**SECTION 1.**

Subject to the conditions set forth herein, a permanent Special Land Use Permit for a restaurant is hereby granted to New York Grill 5, LLC d/b/a New York Grill for the following described property:

7441 North Lindbergh Boulevard

**SECTION 2.**

The use of the aforesaid premises for the aforesaid purposes is granted subject to the following conditions:

- a) The subject property shall at all times be improved, constructed, maintained and used in strict conformity with the floor plan prepared by Mohamad Yaacoub and dated October 18, 2023, a copy of which is attached hereto as Exhibit A and incorporated herein by reference (“Floor Plan”).
- b) The owner shall be required to maintain a fully functional video recording system on the property to ensure the safety of guests, to deter criminal activity, and to assist law enforcement in following up on reported criminal activity. The camera should be set up to accurately record entry/exit doors from the inside, any area where money may be handled or stored inside the business, and a view of the parking lot from the front door of the business. The system shall be checked by the owner on a weekly basis to ensure proper functionality and the owner is responsible to make the appropriate repairs as soon as reasonably possible upon determining a defect in operation. The owner/operator shall agree to make the recording data available to law enforcement upon request. Recordings shall be saved and able to be retrieved for a minimum of 30 days.
- c) The Special Land Use Permit shall lapse and become void unless the applicant applies for an occupancy permit for the proposed use and the operation has commenced in an existing building within six (6) months; or, has applied for a building permit for any new building and construction is started within six (6) months and is in full operation within one (1) year of the date of approval of the Special Land Use Permit by the City Council.
- d) This Special Land Use Permit shall not be assigned, sold, conveyed, or operated by another without prior approval in accordance with Section 405.465 and no Occupancy Permit shall be issued to such assignee until such approval is secured.
- e) This Special Land Use Permit shall be null and void if for any reason the permittee ceases operation for a period of six (6) months or more.

**SECTION 3.**

The Department of Public Works shall be charged with the responsibility for the enforcement of the conditions herein set forth.

**SECTION 4.**

This Ordinance shall be in full force and effect from and after the date of its passage and adoption.

**PASSED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by the Council of the City of Hazelwood, Missouri.**

ATTEST:

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Matthew G. Robinson - Mayor  
City of Hazelwood, Missouri

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Julie Lowery, CMC - City Clerk  
City of Hazelwood, Missouri

APPROVED AS TO FORM:

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Kevin M. O'Keefe - City Attorney  
City of Hazelwood, Missouri