

AN ORDINANCE AUTHORIZING AND GRANTING A PERMANENT SPECIAL LAND USE PERMIT TO MY MADY, LLC D/B/A KELLY'S DONUTS FOR A DRIVE-IN RESTAURANT AT 7919 NORTH LINDBERGH BOULEVARD AND PROVIDING THE CONDITIONS OF SUCH USAGE

WHEREAS, My Mady, LLC d/b/a Kelly's Donuts is the lessee of 7919 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 drive-in 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 October 4, 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 drive-in restaurant is hereby granted to My Mady, LLC d/b/a Kelly's Donuts for the following described property:

7919 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 site plan dated July 28, 2009, a copy of which is attached hereto as Exhibit A and incorporated herein by reference ("Site Plan") and the floor plan dated July 28, 2009, a copy of which is attached hereto as Exhibit B and incorporated herein by reference ("Floor Plan").
- b) 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.
- c) 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.
- d) 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:

 Matthew G. Robinson - Mayor
 City of Hazelwood, Missouri

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

APPROVED AS TO FORM:

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