

**AN ORDINANCE AMENDING THE CONDITIONAL USE PERMIT APPROVED BY  
ORDINANCE NUMBER 2240 TO AUTHORIZE RENOVATION TO THE BUILDING  
LOCATED AT 777 DECKER LANE WITHIN THE PLAZA MOTORS CAMPUS FOR  
THE PLAZA BMW DEALERSHIP**

**WHEREAS**, under Section 405.370(C), new and used automotive dealers in the "CB", Commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

**WHEREAS**, conditional use permit ordinance #2240 was approved by the City Council on November 10, 2003, for the operation of a new and used automotive dealership for Plaza Motors pursuant to its current campus layout; and

**WHEREAS**, an application was submitted by Jim Whisler, Grimes Consulting, on behalf of Asbury Automotive St. Louis, LLC, to amend the conditional use permit and site development plan for Plaza Motors to allow for the exterior renovation of the former Plaza Lexus Dealership building to accommodate Plaza BMW located at 777 Decker Lane; and

**WHEREAS**, Section 405.1070 provides, in part, that any future enlargement or alteration in the use of the structure or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the conditional use permit before a building permit for the enlargement or alteration may be issued; and

**WHEREAS**, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, June 17, 2024, beginning at 6:00 p.m. or immediately following the close of the previous public hearing, on said application for the amendment to the conditional use permit as provided by Section 405.1070(D)(2); and

**WHEREAS**, notice of publication for said public hearing had been previously published at least 15 days prior to the hearing, in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur; and

**WHEREAS**, the Planning and Zoning Commission reviewed and, by a 6-0 vote, recommended approval of the request, subject to the conditions contained herein, at its meeting on June 17, 2024; and

**WHEREAS**, all parties desiring to be heard, either for or against said application, were given an opportunity to be heard, and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the Council; and this Bill having been read by title in open meeting two times before final passage by the City Council, and

**WHEREAS**, the City Council finds that the application and evidence presented clearly indicate that the proposed amended conditional use, when subject to certain conditions set forth herein:

1. Complies with all applicable provisions of this Zoning Ordinance Chapter 405 including but not limited to environmental performance standards presented in Section 405.550, the criteria in Section 405.470 and the standards of this chapter in regard to yard and setback, parking and loading areas, screening and buffering, refuse, storage and service areas and signs.
2. Will contribute to and promote the welfare and convenience of the community at the specific location.

3. Will not cause substantial injury to the value of neighboring property.
4. Is consistent with the applicable provisions of the City's Comprehensive Plan and any applicable neighborhood or sector plans, unless good cause is demonstrated for deviation there from.
5. Will provide, if applicable, erosion control and on-site stormwater detention in accordance with the standards contained in this Chapter.
6. Will be compatible with the surrounding area and thus will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent users or on pedestrian or vehicular traffic or on community facilities or services, including but not limited to emergency services.

**NOW, THEREFORE**, be it ordained by the City Council of the City of Creve Coeur, Missouri, as follows:

**Section 1:** Section 2 of Ordinance Number 2240 shall be amended to include the renovation of the building located at 777 Decker Lane for the Plaza BMW Dealership subject to the conditions set forth herein. Except as expressly amended by this Ordinance, all provisions of Ordinance 2240 shall remain in full force and effect.

1. Section 2 of Ordinance Number 2240 shall be amended to include the renovation of the building located at 777 Decker Lane for Plaza BMW in accordance with the "Architectural Site Plan" and "Exterior Elevations" as prepared by Praxis3 Architecture + Multidisciplinary Design submitted on May 16, 2024 except as modified below.
2. Pedestrian pathways shall remain unobstructed and not impair pedestrian movement.
3. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code, and the approved Master Sign Plan for the Plaza Motors Campus.
4. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
5. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
6. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.
7. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

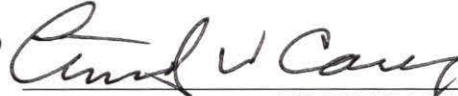
BILL NO. 6127

ORDINANCE NO. 5901


**Section 2:** The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue an amended Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 1 of this ordinance as well as previously imposed conditions. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

**SECTION 3:** This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.


ADOPTED THIS 08 DAY OF July, 2024.

  
TIMOTHY CARNEY  
PRESIDENT OF CITY COUNCIL

APPROVED THIS 08 DAY OF July, 2024.

  
DR. ROBERT HOFFMAN  
MAYOR

ATTEST:

  
KELLIE HENKE  
CITY CLERK

