

AN ORDINANCE AUTHORIZING A NEW CONDITIONAL USE PERMIT FOR A THEATER COMPANY, WINTER OPERA ST. LOUIS, AT 1283 RESEARCH BOULEVARD IN THE LI-LIGHT INDUSTRIAL DISTRICT

WHEREAS, under Section 405.370(C), Theater Companies and Dinner Theaters (NAICS 711110) in the "LI" Light Industrial District requires the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, Gina Galati, of Winter Opera St. Louis, has submitted an application for a conditional use permit to utilize the building at 1283 Research Boulevard, Creve Coeur, MO 63141; 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 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 conditional use permit, 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 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, St. Louis County, Missouri, as follows:

Section 1: A Conditional Use Permit is authorized to be issued pursuant to Section 3 hereof for Winter Opera St. Louis, a Theater Company (NAICS 711110) within the LI-Lighting Industrial zoning district, whose legal description is as follows:

The South 143 feet of Lot 21 of RESUBDIVISION OF SECTIONS 2,3, AND 4 OF LINDBERGH-WARSON INDUSTRIAL CENTER ADDITION NO. 1, according to the plat thereof recorded in plat Book 100 page 52 of the St. Louis County Recorder's Office.

Section 2: The Conditional Use Permit granted shall be subject to all applicable statutes, ordinances, rules and regulations, and the following conditions:

1. The Conditional Use Permit shall be for the operation of a 13,134 square foot Theater Companies and Dinner Theaters use (NAICS 711110), located at 1283 Research Boulevard, Creve Coeur MO 63141, as bound together and submitted in conjunction with Application #24-017, except as modified below.
2. Costume rentals and music lessons are permitted as accessory uses but must remain secondary to the primary use under NAICS 711110 as described herein.
3. All landscaping shall be maintained and vegetation that is totally or predominantly dead and/or disfigured due to disease or injury shall be replaced as needed, as required under Section 405.540 Landscaping.
4. The hours of operation shall be: 7:00 a.m. to 10:00 p.m. Monday through Friday and 10 a.m. to 10 p.m. Saturday and Sunday.
5. There shall be no live performances for the public conducted at this location unless specifically approved with an amendment to the Conditional Use Permit.
6. Additional business hours may be permitted with the Zoning Administrator's approval.
7. The parking areas shall be restriped to clearly provide for at least 32 spaces, prior to occupancy.
8. All signs and banners shall be in conformance with Article VII, Sign Regulations, of the Zoning Code.
9. Any future enlargement, extension, expansion or exterior 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 exterior alteration may be issued.
10. 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.

- 11. 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.

Section 3: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a 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 2 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

Section 4: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS 8th DAY OF July, 2024.

Timothy W. Carney
TIMOTHY CARNEY
PRESIDENT OF CITY COUNCIL

APPROVED THIS 8th DAY OF July, 2024.

Robert Hoffman
DR. ROBERT HOFFMAN
MAYOR

ATTEST:

Kellie Henke
KELLIE HENKE
CITY CLERK

