

1st Reading 12/12/2023  
2nd Reading 12/12/2023

BILL NO. 23-60

ORDINANCE NO. 5414

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO MUSIC GO ROUND TO OPERATE A USED RETAIL FACILITY TO SELL NEW AND USED MUSICAL INSTRUMENTS AND EQUIPMENT AT 9901 WATSON ROAD IN THE CITY OF CRESTWOOD, MISSOURI

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WHEREAS, Maurice Music, LLC, d/b/a Music Go Round has filed an application for a conditional use permit to operate a “Retail-Used” facility to sell new and used musical instruments and equipment, at 9901 Watson Road, which is located in the City of Crestwood, Missouri (“City”); and

WHEREAS, pursuant to Section 26-15 and 26-17 of the Municipal Code of the City of Crestwood, Missouri (the “Code”), a “Retail-Used” facility may only be operated in a PD-C District upon the issuance of a conditional use permit by the Board of Aldermen; and

WHEREAS, pursuant to duly published notice, a hearing was held on December 6, 2023, before the Planning, Zoning and Architectural Review Commission of the City (the “Commission”) on said application; and

WHEREAS, the Commission has recommended that the Board of Aldermen approve this application for a conditional use permit to operate a “Retail-Used” facility, subject to certain conditions; and

WHEREAS, notice of a public hearing before the Board of Aldermen on said application to be held on December 12, 2023, was duly published, and notice thereof given to nearby property owners as provided by ordinance; and

WHEREAS, following said hearing and consideration, the Board of Aldermen does herewith specifically find that the granting of the requested conditional use permit is consistent with the standards set out in the Zoning Code and will not:

1. Substantially increase traffic hazards or congestion;
2. Adversely affect the visual coherence, predominant usage, or development character of surrounding or adjacent neighborhoods;
3. Substantially increase fire, health or any other public safety hazards, or make difficult access by fire and emergency vehicles;
4. Adversely affect the general welfare of the community;
5. Overtax public utilities, services or other municipal facilities;
6. Be developed and operated in a manner that is physically and/or visually incompatible with the permitted uses in the surrounding areas;
7. Substantially increase stormwater drainage onto other lots; or
8. Create a nuisance; and

WHEREAS, the Board of Aldermen has found and determined that a conditional use permit should be approved, subject to the conditions herein set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CRESTWOOD, MISSOURI, AS FOLLOWS:

SECTION 1: Subject to the conditions hereof, a conditional use permit is hereby authorized to be granted to Maurice Music, LLC, d/b/a Music Go Round, to operate a “Retail-Used” facility at 9901 Watson Road, in accordance with the materials and drawings submitted by the applicant, all of which are attached collectively hereto as Exhibit A, except as same may be revised in order to comply with the terms and conditions hereof and the requirements of any other

City Ordinances. The City Attorney is directed to prepare a written order with findings of fact and conclusions consistent with this Ordinance.

SECTION 2: Said conditional use permit approval is conditioned upon and shall become and remain in force and effect only upon the following terms and conditions:

- a. That all signs be in compliance with the present Sign Ordinances of the City of Crestwood, as set forth in Chapter 26 of the City’s Code;
- b. That the plans be approved by the City of Crestwood Public Works and Fire Department;
- c. That the applicant shall be responsible for complying with all applicable provisions of the 1990 Americans with Disabilities Act (ADA), as amended;
- d. That the conditional use permit is to be allowed for the PD-C zoning district;
- e. That the plans meet all City of Crestwood Codes;
- f. That no exterior changes are to occur without the proper approvals and permits;
- g. That any interior plans or drawings be approved by the City of Crestwood and St. Louis County;
- h. That the facility meet the requirements of ICC/ANSI A117.1 Standard on Accessible and Useable Buildings and Facilities, with regard to provisions for the disabled;
- i. That the use be operated in conformance with the relevant performance standards contained in Chapter 26 of the City’s Code, as amended; and
- j. That this approval is given on the condition that all of the above conditions are approved by the City and construction/use commences within the time provided by Sec. 26-11(H)(3) of the City’s Code.


SECTION 3: When all of the conditions hereof have been met, the Director of Public Works is authorized and directed to issue the necessary permits. Should there be a violation of any of said conditions, the City shall notify permittee/applicant and if such violation is not corrected within thirty (30) days, the City shall have the right to reconsider said approvals and amend, modify or revoke same after notice and an opportunity for permittee/applicant to be heard.

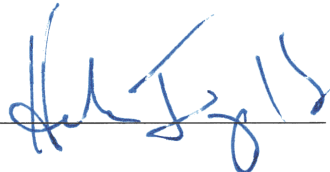
SECTION 4: Maurice Music, LLC, d/b/a Music Go Round, through its authorized representative(s), shall file a written acceptance of the conditions hereof, and a record a copy of this Ordinance, together with a copy of the approved plans and any amendments thereto.

SECTION 5: Any and all applicable site plan approvals and/or conditional use permits in connection with this property shall remain in full force and effect unless inconsistent herewith.

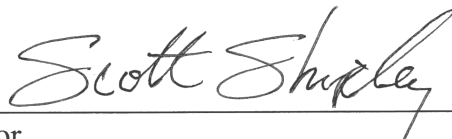
SECTION 6: This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED AND SIGNED THIS 12<sup>th</sup> day of December, 2023.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

APPROVED this 12<sup>th</sup> day of December, 2023.

  
\_\_\_\_\_  
Mayor

**EXHIBIT A**

[ *Materials and Drawings submitted by Applicant* ]



## MEMORANDUM

**To:** Kris Simpson, City Administrator

**From:** Danny Jendusa, AICP, City Planner

**Date:** December 7, 2023

**Subject:** A request for a Conditional Use Permits for Music Go Round to operate a "retail-Used" facility at 9901 Watson Rd, Ste 105C

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Don and Kevin Dierker have submitted a request on behalf of Maurice Music LLC dba Music Go Round for a Conditional Use Permit to operate a "Retail- Used" facility to sell new and used musical instruments and equipment at 9901 Watson Rd, Suite 105C. The retail store will occupy approximately 6,500 square feet in storefront 105C in the Crestwood Centre shopping center.

The subject property is zoned "PD-C" Planned Development- Commercial district. The proposed used musical instrument and equipment retail store business falls under the description of a "Retail- Used" use, which is a Conditional Use in the "PD-C" zoning district.

***Section 26-7(C.) Retail- Used.***

*"A retail use where more than fifty (50) percent of the inventory is on consignment, has been donated, or bought from customers at a lower rate. Including, but not limited to, antique shops, used household-type appliance stores, used bookstores, used merchandise thrift shops, and used clothing stores."*

Per Section 26-11(F.), the Board of Aldermen shall not approve any conditional use permit application, or any amendment to an existing conditional use permit, unless the proposed conditional use is consistent with the standards herein, and unless the board determines that the proposed conditional use will not:

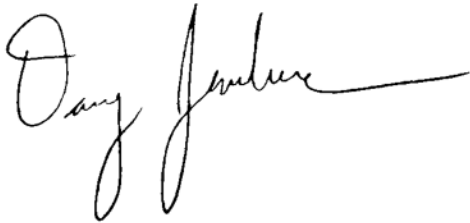
1. Substantially increase traffic hazards or congestion;
2. Adversely affect the visual coherence, predominant usage, or development character of surrounding or adjacent neighborhoods;
3. Substantially increase fire, health, or any other public safety hazards, or make difficult access by fire and emergency vehicles;
4. Adversely affect the general welfare of the community;
5. Overtax public utilities, services, or other municipal facilities;
6. Be developed and operated in a manner that is physically and/or visually incompatible with the permitted uses in the surrounding areas;

7. Substantially increase stormwater drainage onto other lots;
8. Create a nuisance.

Overall, the City Planner found the requested use will adhere to the review criteria and will meet the burden of proof for approval of a Conditional Use Permit.

**RECOMMENDED ACTION**

On December 6, 2023, the Planning, Zoning, and Architectural Review Commission voted 5-0 to recommend approval of the requested Conditional Use Permit.

A handwritten signature in black ink, appearing to read "Danny Jendusa", with a long horizontal flourish extending to the right.

Danny Jendusa  
City Planner



Notice of Public Hearing

City of Crestwood

**CUP-3-23** A Request for a Conditional Use Permit at 9901 Watson Rd, Suite 105C

Notice is hereby given that a public hearing will be held before the Planning, Zoning, and Architectural Review Commission of the City of Crestwood, Missouri at the Crestwood Government Center at 1 Detjen Drive, Crestwood, MO 63126 on Wednesday, December 6, 2023, at 6:00 p.m. for the purpose of hearing all citizens' written and oral comments regarding a request for a Conditional Use Permit submitted by Don and Kevin Dierker on behalf of Maurice Music LLC dba Music Go Round to operate a "Retail- Used" facility to sell new and used musical instruments and equipment at 9901 Watson Rd, Suite 105C.

The application and supporting documents were filed on November 6, 2023, and may be viewed at the desk of the City Planner at the Government Center. Written comments may be submitted prior to 3:00pm the day of the meeting to the City Planner by email to [djendusa@cityofcrestwood.org](mailto:djendusa@cityofcrestwood.org). All written comments must contain the name and address of the commenter to be read during the meeting.

Pending the decision at the December 6, 2023 Planning, Zoning, and Architectural Review Commission meeting, notice is further given that a second public hearing is tentatively scheduled to be held before the Board of Aldermen of the City of Crestwood, Missouri on Tuesday, December 12, 2023, at 7:00 p.m. at 1 Detjen Drive, Crestwood, MO 63126 for the purpose of hearing all citizens' written and oral comments regarding this matter. Written comments may be submitted prior to 3:00pm the day of the meeting to the City Planner by email to [djendusa@cityofcrestwood.org](mailto:djendusa@cityofcrestwood.org). All written comments must contain the name and address of the commenter to be read during the meeting.

By order of the Board of Aldermen, City of Crestwood, Missouri.

ATTEST:

/s Helen Ingold

City Clerk

City Clerk's Office received from the City Planner and dated: 11/14/2023.

Posted in Government Center Lobby on 11/14/2023.

\*\*\*ANYONE WITH SPECIAL NEEDS WISHING TO ATTEND MAY CALL (314)

729-4700 SO APPROPRIATE ACCOMMODATIONS CAN BE MADE\*\*\*

One Detjen Drive \* Crestwood, Missouri 63126-1697 \* 314-729-4700 \* Fax 314-729-4794

[www.cityofcrestwood.org](http://www.cityofcrestwood.org)



Maurice Music LLC dba Music Go Round - 9901 Watson Rd, Suite 105C

12/12/2023 Application No. CUP-3-23; Maurice Music LLC DBA Music Go Round, seeks to a conditional use permit to operate a “retail-used” facility to sell new and used musical instruments and equipment.

**A request for a Conditional Use Permits for Music Go Round to operate a “retail-Used” facility at 9901 Watson Rd, Ste 105C**

Exhibit # 3 - City of Crestwood Code, Chapter 26 containing the Zoning Code

&

Exhibit # 6. City’s Comprehensive Plan

**Business Name:** Maurice Music LLC  
dba Music Go Round

**Current Address:** 4442 S. Lindbergh Blvd.  
Sunset Hills, MO 63127

**Proposed Address:** 9901 Watson Rd., Suite 105C  
Crestwood, MO 63126

**Ownership:** Father-Son, Don and Kevin Dierker

**Business Operation:** Music Go Round is an independently owned franchise of Winmark Corp. We buy, sell and trade used and new musical instruments, gear and accessories. Our highest volume products are guitars both electric and acoustic. By category, our inventory normally included the following:

**Guitars:** Guitar effects, electric guitars, acoustic guitars, bass guitars, solid state amps, tube amps, bass amps, speaker cabinets.

**Percussion:** Cymbals, drum hardware, drum kits, electronic drums, snare drums, congas, bongos, tambourines.

**Pro Sound:** Microphones, effects, speaker cabinets, mixers, computer interfaces, drum machines, recording equipment, power amps.

**Keyboards/MIDI:** Synthesizers, keyboards, controllers, keyboard amps, digital pianos.

**Accessories For:** Guitars, percussion, pro sound, keyboards, drum heads, drumsticks and mallets.

**Sales Volume:** We opened our business in June, 2014 and sales have grown every year. Our Sales volume for 2023 is expected to surpass \$1,500,000. With the added floor space at this new location, we hope to be over \$2,000,000 very soon.

**Inventory:** Our inventory varies, but typically ranges between 85% to 90% used. We obtain our inventory in the following ways:

- Customers bring their used gear to our store, we research current market pricing, then make an offer. If accepted, we test the gear and assuming all is good, write them a check or they use this amount to offset the purchase of new gear from the store.
- The customer emails or texts pictures of his used gear to our store, we do the research, then email or text back our offer. If the customer likes the offer, they bring the gear to the store for our verification and testing. Once again, if all is good, we write them a check.

- When a family member with a large collection of musical gear passes away, we often get a call to come to their home, inventory their collection and make an offer. If accepted, we load out the gear and transport to the store.
- We attend auctions and estate sales looking to purchase musical gear for the store.
- We purchase manufacturer's "B Stock" gear to sell as used in our store. "B Stock" is gear that typically has a cosmetic defect (say a blemish in the finish) that does not affect playability of the instrument.

Selling of Product: We sell the majority of our gear by the customer walking into our store, trying the gear out, then purchasing the item. We do approximately 15% of our sales online, then ship to the customer or they can pick up at the store.

Hours of Operation:

M-F	10 a.m. to 8 p.m.
Sat	10 a.m. to 6 p.m.
Sun	12 noon to 5 p.m.

Employees: The Store currently employs 3 full time and 3 part time employees.

Time Line to Open: We anticipate being open for business no later than June 1, 2024.

Community Involvement: Every year in April, Music Go Round St. Louis has our "Re-String for Charity Event" in partnership with the St. Louis Area Food Bank. Bring in a food donation and we re-string your guitar at no cost. It's always a fun event with door prizes and giveaways...a great way to help our community while getting some fresh premium strings on your favorite guitars. Started in 2015, the event has grown bigger every year with over 750 lbs. of food collected in 2023!

Store Front & Floor Plan: See attached store front picture showing the location in shopping center along with a floor plan of the approximately 6500 sf area.

Photos of Existing Store: See attached photos of the interior product merchandising along with an exterior view of our current Sunset Hills location.

Legal Description Of Property: See attached drawing 1of 1 dated 11-04-05 by the Clayton Engineering Co. for the legal property description.

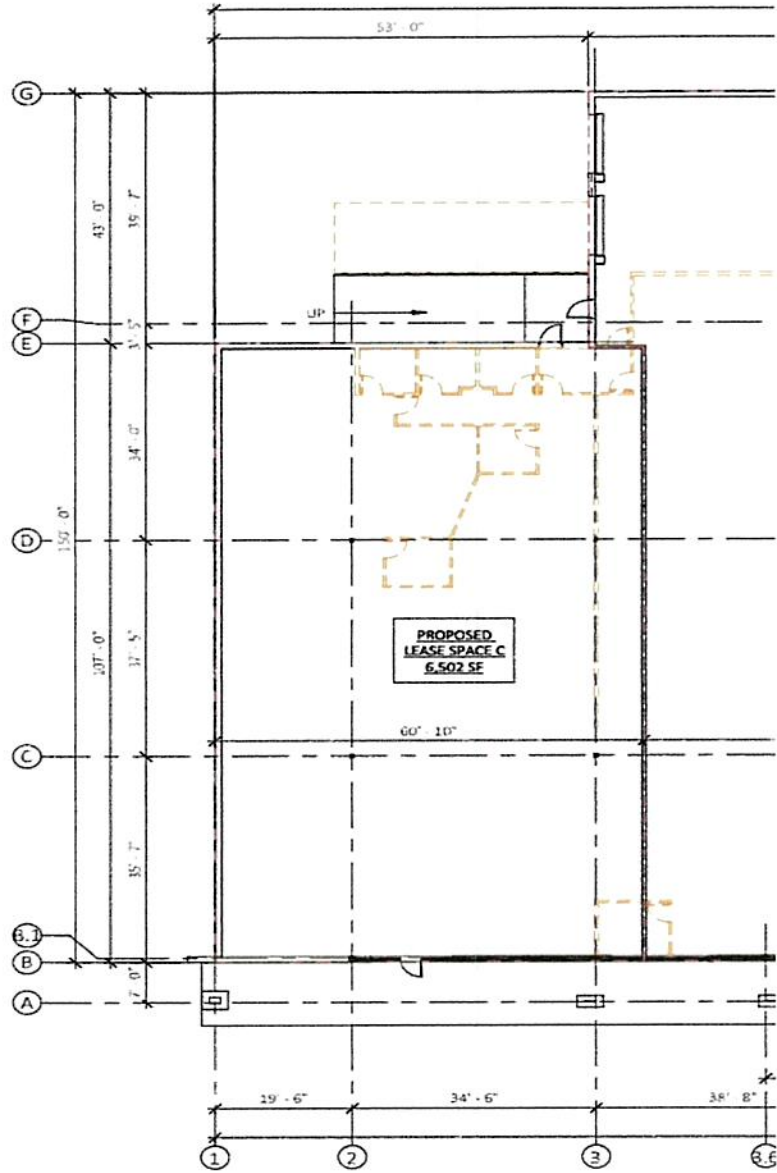
Conclusion: We are a hardworking family business whose honesty and integrity are the values that have made us a success to date and will continue to guide us in the future. We look forward to your approval of our Conditional Use Permit application providing us the opportunity to join the Crestwood community.

MUSIC GO ROUND  
SUITE 105C

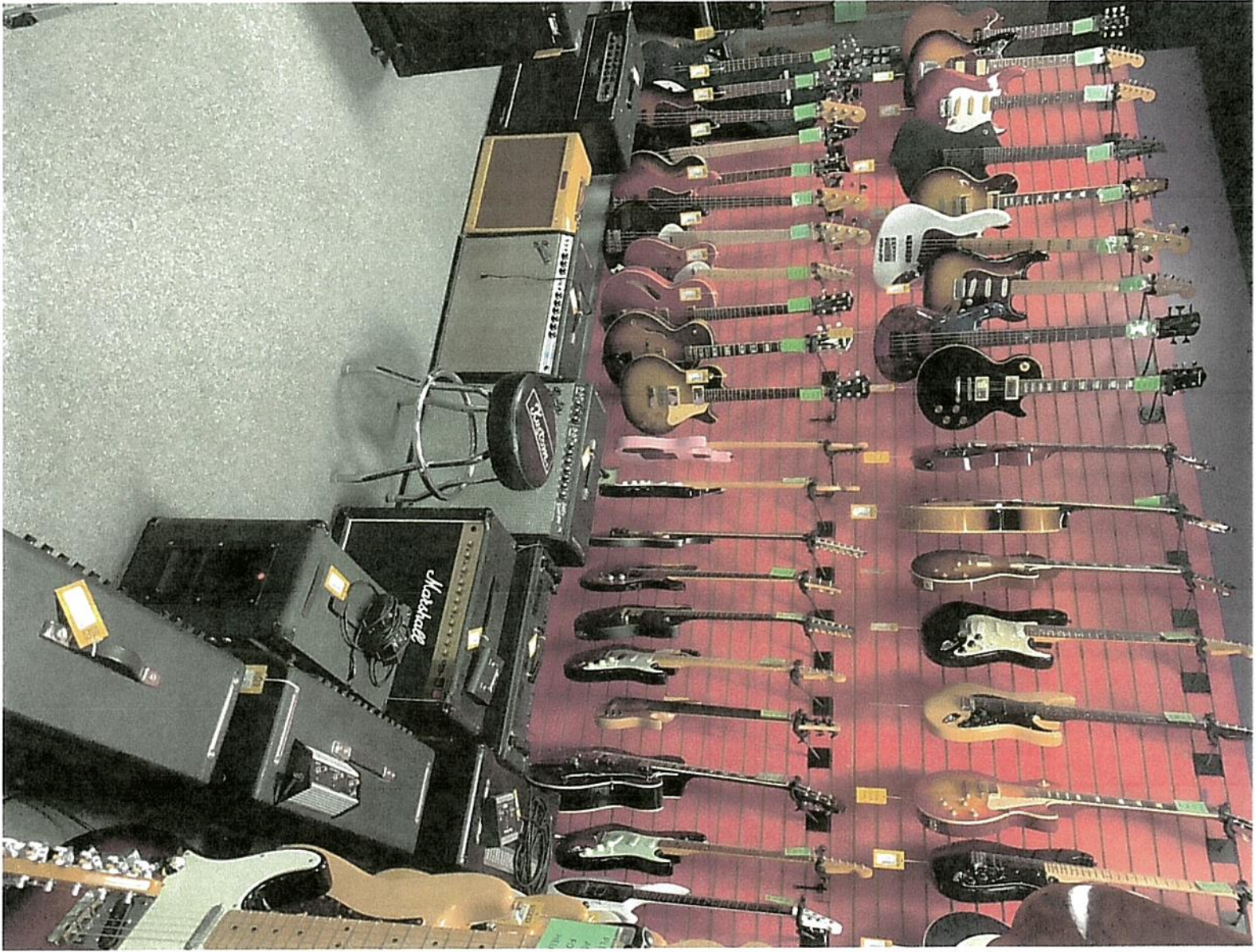


STORE FRONT VIEW  
9901 WATSON RD

EXHIBIT A



1 FLOOR PLAN  
LOD-1 SCALE: 1/16" = 1'-0"

















APPLICATION NUMBER: CUP-3-23

APPLICATION (PROJECT) NAME: MUSIC GO ROUND CUP

APPLICANT: MAURICE MUSIC LLC DBA MUSIC GO ROUND  
4442 S LINDBERGH BLVD  
ST. LOUIS, MO 63127

PROPERTY OWNER NAME: TOMAX DEVELOPMENT CORP  
9986 MANCHESTER RD  
ST. LOUIS, MO 63122

APPLICANT'S REQUEST: CONDITIONAL USE PERMIT TO OPERATE A  
"RETAIL- USED" FACILITY TO SELL NEW & USED  
MUSICAL INSTRUMENTS & EQUIPMENT

SITE LOCATION: 9901 WATSON ROAD, STE 105C  
CRESTWOOD, MO 63126

PARCEL/LOCATOR NUMBER: 25M330643

EXISTING ZONING / PLANNING DISTRICT: "PD-C" PLANNED DEVELOPMENT-COMMERCIAL  
DISTRICT

TOTAL SITE AREA: APPROXIMATELY 2.96 ACRES

P&Z HEARING DATE: DECEMBER 6, 2023

BOA PUBLIC HEARING DATE: DECEMBER 12, 2023

REPORT DATE: DECEMBER 1, 2023

CASE MANAGER: DANNY JENDUSA, CITY PLANNER

RECOMMENDATION: **APPROVAL**



## REQUEST

Don and Kevin Dierker have submitted a request on behalf of Maurice Music LLC dba Music Go Round for a Conditional Use Permit to operate a “Retail- Used” facility to sell new and used musical instruments and equipment at 9901 Watson Rd, Suite 105C. The retail store will occupy approximately 6,500 square feet in storefront 105C in the Crestwood Centre shopping center.

## ACTION

The Planning, Zoning, and Architectural Review Commission is requested to vote to recommend approval, approval with conditions, or denial of the requested Conditional Use Permit. The Planning Commission’s recommendation will be forwarded to the Board of Aldermen for a final vote following an additional public hearing, tentatively scheduled for December 12, 2023.

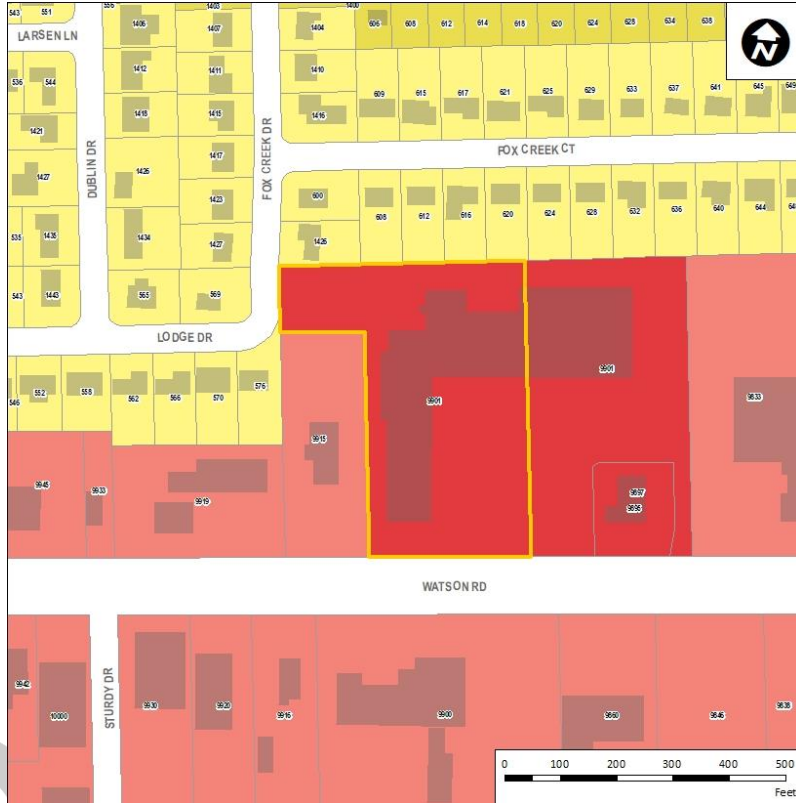
## EXISTING CONDITIONS

The subject property is located at 9901 Watson Road in the Crestwood Centre shopping plaza on the north side of Watson. The Crestwood Centre shopping plaza was built in 1988 and contains multiple retail and commercial services tenants including Harbor Freight Tool, Advance Autoparts, the Charmette School of Dance, Sunset Cyclery, and Together Credit Union, among others. The subject tenant space in storefront 105C is part of the former tenant space for Home Expressions Furniture store. The suite contains approximately 6,500 sqft of floor area.

## ZONING CONTEXT & SURROUNDING LAND USE

The subject property is zoned “PD-C” Planned Development- Commercial. The purpose of the planned development district type is to provide a means of achieving greater flexibility in development of land in a manner not possible in conventional zones; to encourage a more imaginative and innovative design of projects; to promote a more desirable community environment; and to retain maximum control over both the structure and future operation of the development. The planned development regulations are not intended to allow excessive densities, or the development of incompatible land uses, either within the development, or as the development relates to the general neighborhood.

The proposed used musical instrument and equipment retail store business falls under the description of a “Retail- Used” use, which is a Conditional Use in the “PD-C” zoning district.



Cropped image from Figure 2: Zoning Map with Building Footprints

Various commercial uses are located on Watson Rd in the Crestwood Centre shopping plaza and in the “C-1” districts to the south, east and west. The Fox Creek residential subdivision is located to the north of the subject property in the “R-3” Single Family Residential District.

EXISTING CONDITIONS MATRIX			
DIRECTION	EXISTING LAND USE	ZONING	COMMENTS
North	Single Family Residential	“R-3”	Fox Creek Subdivision
East	General Commercial	“C-1”	Grabber School of Hair Design
South	Office, retail, services, auto sales	“C-1”	Sherwin Williams plaza; Jim Butler Outlet
West	Restaurant- Drive thru	“C-1”	McDonalds
-	Crestwood Centre shopping plaza	“PD-C”	Charmette Academy of Dance; Harbor Freight Tools; Advance Autoparts; Sunset Cyclery; vacancy

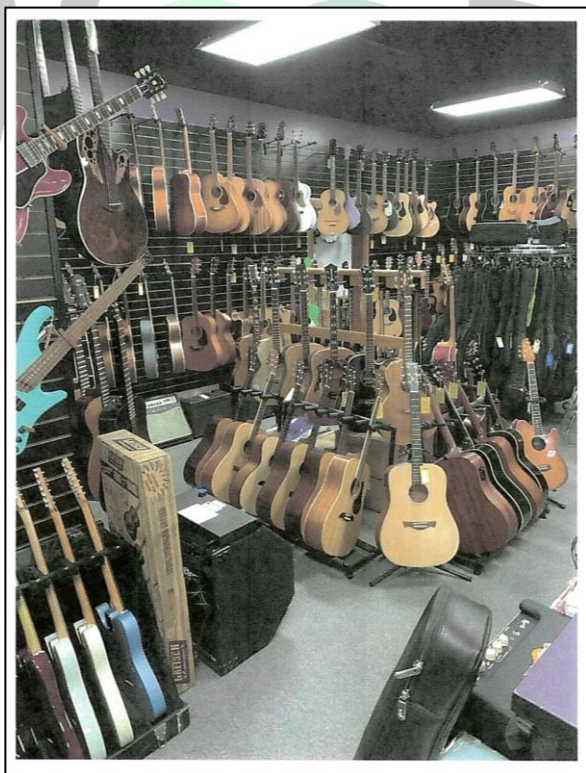
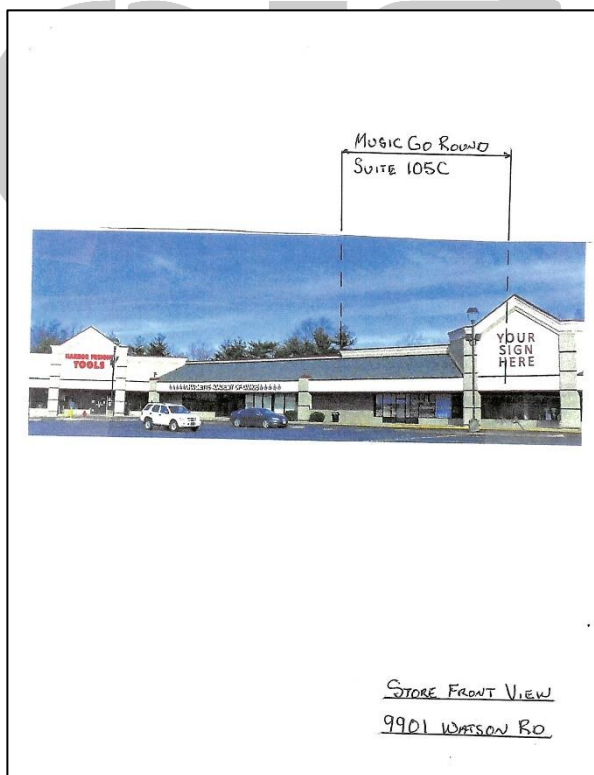
## ZONING AND LAND USE HISTORY

The Crestwood Center shopping plaza was built in 1988, following the approval of a Special Use Permit to construct a retail development via Ordinance 3008. Additional CUPs and site plans have been approved for various tenants occupying the shopping center since. The proposed use does not conflict with the terms of the SUP or ordinances since passed regarding this site.

Most recently, the subject storefront was occupied by Home Expressions Furniture store.

## PROPOSAL SUMMARY

Don and Kevin Dierker have submitted a request on behalf of Maurice Music LLC dba Music Go Round for a Conditional Use Permit to operate a "Retail- Used" facility to sell new and used musical instruments and equipment at 9901 Watson Rd, Suite 105C. The retail store will occupy approximately 6,500 square feet in storefront 105C in the Crestwood Centre shopping center.





## REVIEW CRITERIA

Per Section 26-11(F.), the Board of Aldermen shall not approve any conditional use permit application, or any amendment to an existing conditional use permit, unless the proposed conditional use is consistent with the standards herein, and unless the board determines that the proposed conditional use will not:

1. Substantially increase traffic hazards or congestion;
2. Adversely affect the visual coherence, predominant usage, or development character of surrounding or adjacent neighborhoods;
3. Substantially increase fire, health, or any other public safety hazards, or make difficult access by fire and emergency vehicles;
4. Adversely affect the general welfare of the community;
5. Overtax public utilities, services, or other municipal facilities;
6. Be developed and operated in a manner that is physically and/or visually incompatible with the permitted uses in the surrounding areas;
7. Substantially increase stormwater drainage onto other lots;
8. Create a nuisance.

### BURDEN OF PROOF

In presenting any application for a Conditional Use Permit, the applicant must further demonstrate that the proposed use meets the burden of proof criteria contained in Section §26-11 (b)(2), Burden of Proof.

- The proposed conditional use complies with all applicable provisions of these applicable district regulations.
- The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
- The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it will be located.
- The location and size of the conditional use, the nature and intensity of the operation involved in, or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:

1. The location, nature and height of buildings, structures, walls, and fences on the site, and
  2. The nature and extent of proposed landscaping and screening on the site.
- Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.

- Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- The proposed uses are deemed consistent with good planning practice and are not inconsistent with the goals, objectives, and policies of the Comprehensive Plan; can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and are deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the city.

## ANALYSIS

An analysis of the seven (7) criteria contained in Section 26-11(F.) follows:

### **SUBSTANTIALLY INCREASE TRAFFIC HAZARDS OR CONGESTION**

The proposed retail use will be located within the Crestwood Centre shopping plaza, designed and built for retail occupancy in 1988, with multiple egress points to and from Watson Rd, designed for commercial traffic.

#### **FINDING**

The City Planner finds that the proposed use will not substantially increase traffic hazards or congestion.

### **ADVERSELY AFFECT THE VISUAL COHERENCE, PREDOMINANT USAGE, OR DEVELOPMENT CHARACTER OF SURROUNDING OR ADJACENT NEIGHBORHOODS**

The proposed use will not be making significant alterations to the existing shopping plaza exterior facilities or grounds, beyond updating signage above the storefront. It will be integrated with other retail and service uses within the existing shopping plaza.

#### **FINDING**

The City Planner finds that the proposed use will not adversely affect the visual coherence, predominant usage, or development character of surrounding or adjacent neighborhoods.

**SUBSTANTIALLY INCREASE FIRE, HEALTH, OR ANY OTHER PUBLIC SAFETY HAZARDS, OR MAKE DIFFICULT ACCESS BY FIRE AND EMERGENCY VEHICLES**

The proposed retail use will not be introducing hazards that will increase risk of fire, health, or public safety and will not alter existing access, ingress, or egress to the existing shopping plaza. Adding new occupants and reducing vacancy within the shopping center will likely improve public safety in the immediate vicinity by bringing additional “eyes on the street”.

**FINDING**

The City Planner finds that the proposed use will not substantially increase fire, health, or any other public safety hazards, or make difficult access by fire and emergency vehicles.

**ADVERSELY AFFECT THE GENERAL WELFARE OF THE COMMUNITY**

**FINDING**

The City Planner finds that the proposed use will not adversely affect the general welfare of the community.

**OVERTAX PUBLIC UTILITIES, SERVICES, OR OTHER MUNICIPAL FACILITIES**

**FINDING**

The City Planner finds that the proposed use will not overtax public utilities, services, or other municipal facilities.

**BE DEVELOPED AND OPERATED IN A MANNER THAT IS PHYSICALLY AND/OR VISUALLY INCOMPATIBLE WITH THE PERMITTED USES IN THE SURROUNDING AREAS**

As a musical instrument and equipment store, musical instruments will presumably be tested by employees and customers within the store during a typical business day. The business will need to take care not to violate relevant regulations upon noise, particularly as their business operations may impact the residents immediately north of the shopping plaza. The rear wall of the proposed retail use will be located approximately 175-ft from the closest single family dwelling in the Fox Creek subdivision immediately to the north. The operations of the proposed use will be subject to the several city & county code provisions related to noise- as are all activities within the City of Crestwood- which can be viewed in the attachment provided with this report.

The proposed business hours of Monday to Friday 10am to 8pm, Saturdays 10am to 6pm, and Sundays 12pm to 5pm indicate that any noise produced from the retail store’s operations should be limited to typical daytime & business hours. While clearly more nuanced, many of the applicable noise regulations restrict the allowable noise levels that should be perceived at the neighboring residential lot lines during prolonged periods of the day to approximately the level of a personal conversation or the din of an office environment. Intermittently, noise levels perceived at the property line may rise to a levels similar to a vacuum cleaner or a telephone dial tone, according to comparisons made publicly available by the Yale University Office of Environmental Health & Safety.

**FINDING**

Provided the applicant adheres to the applicable code provisions regulating noise, the City Planner finds that the proposed use will not be developed and operated in a manner that is physically and/or visually incompatible with the permitted uses in the surrounding areas.

**SUBSTANTIALLY INCREASE STORMWATER DRAINAGE ONTO OTHER LOTS**

**FINDING**

The City Planner finds that the proposed use will not substantially increase stormwater drainage onto other lots.

**CREATE A NUISANCE**

**FINDING**

Provided the applicant adheres to the applicable code provisions regulating noise, the City Planner finds that the proposed use will not create a nuisance.

## FINDINGS AND RECOMMENDATION

The City Planner finds that the proposed conditional use will not:

1. Substantially increase traffic hazards or congestion;
2. Adversely affect the visual coherence, predominant usage, or development character of surrounding or adjacent neighborhoods;
3. Substantially increase fire, health, or any other public safety hazards, or make difficult access by fire and emergency vehicles;
4. Adversely affect the general welfare of the community;
5. Overtax public utilities, services, or other municipal facilities;
6. Be developed and operated in a manner that is physically and/or visually incompatible with the permitted uses in the surrounding areas;
7. Substantially increase stormwater drainage onto other lots;
8. Create a nuisance.

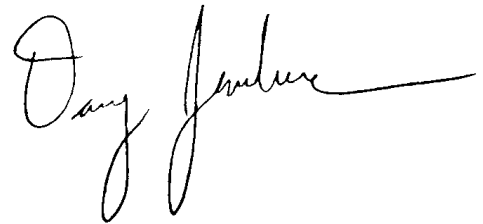
As outlined under Section § 26-11 (F).

### BURDEN OF PROOF

Overall, the City Planner finds that the request **meets** the burden of proof criteria for a Conditional Use Permit, outlined under Section § 26-11 (b)(2).

### RECOMMENDATION

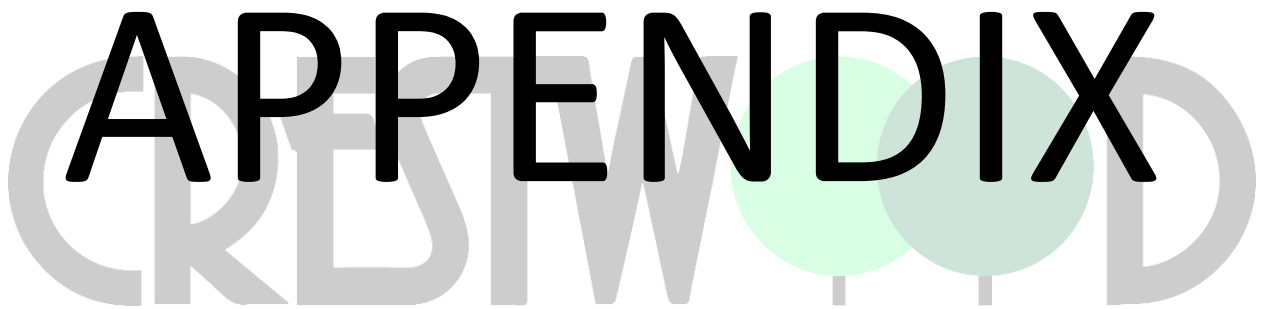
The City Planner recommends the **approval** of this application for a Conditional Use Permit as submitted:



Danny Jendusa, AICP  
City Planner



# APPENDIX




SUPPLEMENTAL MAPS AND EXHIBITS



FIGURE 1: AERIAL PHOTOGRAPH



## 9901 Watson Site Location Aerial

 9901 Watson Site Location



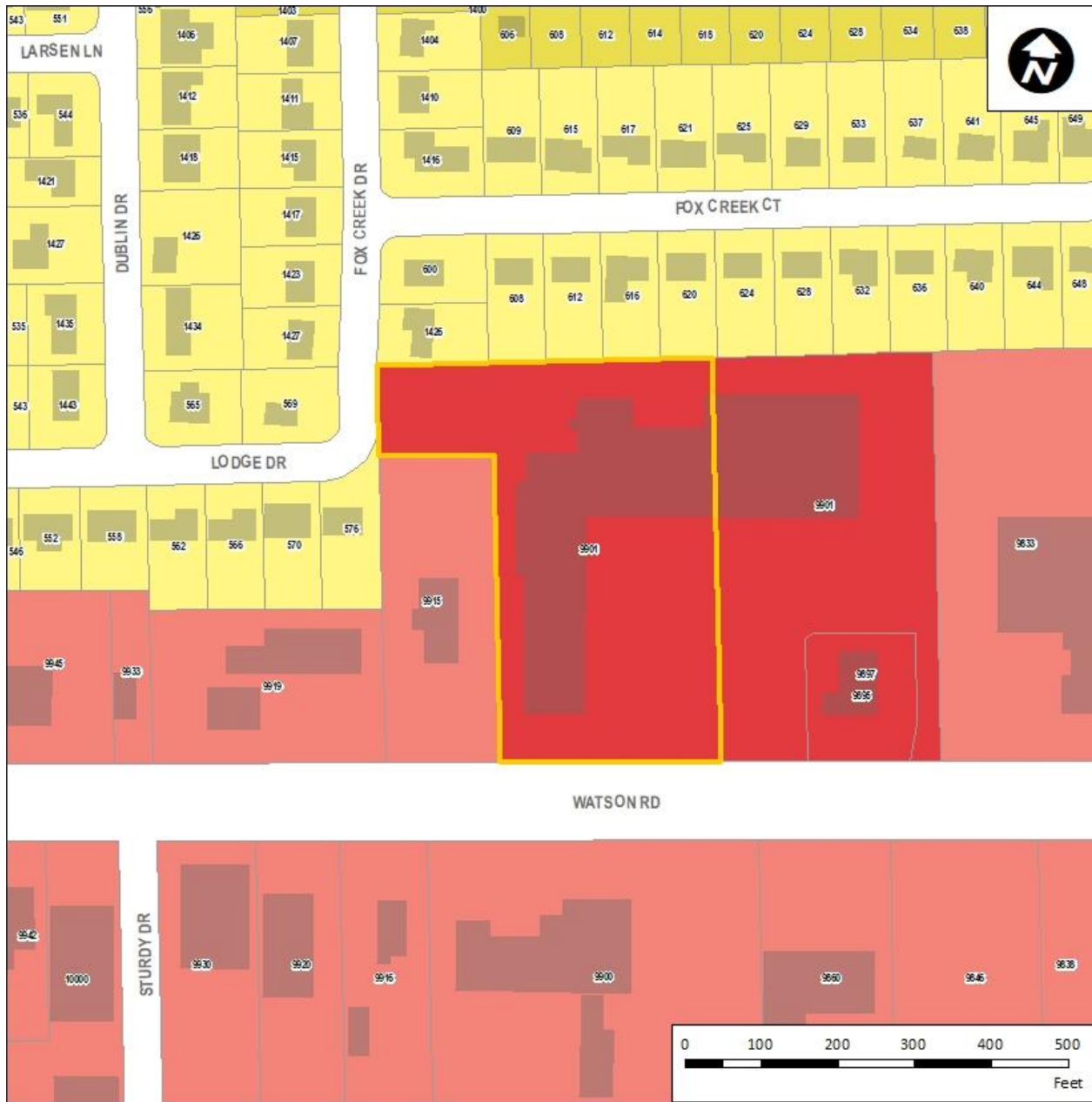
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Map by Danny Jendusa  
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November 30, 2023

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FIGURE 2: ZONING MAP



### 9901 Watson Site Location Zoning

- 9901 Watson Site Location
- Building Footprints
- R-1
- R-2
- R-3
- R-4
- R-5
- C-1
- PD-C
- PD-R
- M-1
- Grant's Trail
- Parks



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 November 30, 2023

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EXHIBIT B: APPLICANT'S SUBMITTAL

