

INTRODUCED BY ALDERMAN DODGE

BILL NO. 24-2540

ORDINANCE NO. 24-2423

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO HONG ZHENG OF PAN-ASIA MARKET TO ALLOW AN ACCESSORY USE AT 14246 MANCHESTER ROAD IN THE C-1 COMMERCIAL ZONING DISTRICT AS PROVIDED FOR IN SECTION 405.240(C)(14) OF THE MUNICIPAL CODE OF THE CITY OF MANCHESTER.

WHEREAS, Hong Zheng on behalf of Pan-Asia Market has submitted an application for a Special Use Permit (the "Application") to allow a walk-in cooler/freezer addition to the existing building at 14246 Manchester Road (the "Property"); and,

WHEREAS, Section 405.240(C)(14) of the Municipal Code of the City of Manchester allows for "Accessory uses; for example, external walk-in freezer[s]" as a special use in accordance with the procedures, guides and standards in Article X, Special Uses; and,

WHEREAS, the Manchester Planning and Zoning Commission reviewed the Application on May 28, 2024 and recommended approval of the Special Use Permit; and,

WHEREAS, on July 15, 2024, after publication of notice the Board of Aldermen held a public hearing in accordance with Section 405.550 (D) of the Municipal Code of the City of Manchester, and after conducting said public hearing took the proposed Special Use Permit under advisement; and,

WHEREAS, the Board of Aldermen of the City of Manchester, having fully considered the recommended Special Use Permit and the report of the Planning and Zoning Commission, does find that the proposed use would not substantially increase traffic hazards or congestion, would not adversely affect the character of the neighborhood, would not adversely affect the general welfare of the community or adversely affect public safety and health, would not overtax public utilities, is consistent with good planning practice, can be operated in a manner that is not detrimental to the permitted developments and uses in the district with conditions imposed herein, can be developed and operated in a manner that is visually compatible with the permitted uses in surrounding area, and otherwise complies in all respects with the terms and provisions of Chapter 405 and of the Municipal Code of the City of Manchester; and,

WHEREAS, based on the above, the Board of Aldermen does further find that permitting the proposed special use is in the best interest of the public welfare of the community.

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

Section One: Based on the facts and findings set forth in the "Whereas" clauses above which are incorporated herein by reference, a Special Use Permit is hereby granted to Pan Asia Market and its agent Hong Zheng (sometimes collectively referred to herein as "Holder"), to allow a walk-in cooler/freezer addition to the existing building at 14246 Manchester Road as an Accessory Use on the Property as provided for in Section 405.240(C)(14) of the Municipal Code of the City of Manchester. Attached hereto and incorporated herein as Exhibit "A" is the Special Use Permit application for the property along with the related staff report and Planning and Zoning meeting minutes (the "Special Use Permit").

Section Two: Holder, by accepting and acting under this Special Use Permit, acquiesces

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and accepts same subject to the reservations, conditions, and restrictions which are made a part hereof, and said Holder, by said action, does agree that any time such requirements are not met, this Special Use Permit may be revoked and terminated, and does further agree that it, its successors, and assigns, shall be held to have acquired no special rights, privileges, or immunities by virtue of proceeding to expend money, time, or effort in the construction, improvement, or maintenance of land herein described and for which this Special Use Permit is granted.

Section Three: Any special use permit granted hereunder shall be deemed to have been abandoned one (1) year after the date of the adoption of the ordinance granting same unless the holder of such special use permit has received within such year a building permit or occupancy permit from the City or other appropriate jurisdiction; except that for good cause shown, the Board of Aldermen for the City of Manchester may grant one (1) or more extensions of time for additional periods not exceeding one hundred and eighty (180) days for each such extension within which period such holder shall receive a building permit or occupancy permit.

Section Four: This Special Use Permit shall be non-assignable without the expressed consent of the Board of Aldermen of the City of Manchester and is contingent upon the compliance with the Code of Ordinances of the City of Manchester, the Zoning Ordinance of the City, and all applicable building codes, fire codes, and other governmental regulations.

Section Five: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law and is expressly subject to the continuous and ongoing satisfaction of the following condition:

1. All appropriate permits from the City of Manchester and St. Louis County must be obtained.

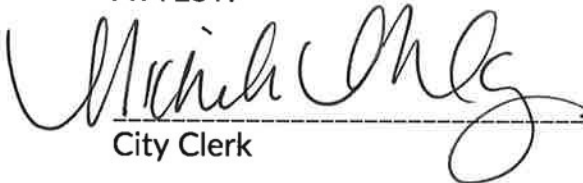
Section Six: This Ordinance, having been read in full or by title two times prior to passage, shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS 5TH DAY OF AUGUST, 2024.

CITY OF MANCHESTER, MISSOURI

BY: 
Mayor

ATTEST:


City Clerk

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I, Hong Zheng, as an authorized representative of Pan-Asia Market ("Holder"), do hereby accept the foregoing Special Use Permit from the City of Manchester upon the terms and conditions stated above, and acknowledge the intention to construct and operate a walk-in cooler/freezer addition to the existing building at 14246 Manchester Road as depicted in the application and that Holder will fully comply with the terms and conditions of the aforementioned Special Use Permit.

Dated this 19th day of August, 2024



Hong Zheng

Exhibit A

EXHIBIT A

City of Manchester
 14318 Manchester Road
 Manchester, MO 63011
 P: (636) 227-1385 ex. 118
 F: (636) 821-8099
 pandz@manchestermo.gov



THE CITY OF
MANCHESTER
 MISSOURI

**SPECIAL USE
 PERMIT
 APPLICATION**

PROJECT ADDRESS: 14246 Manchester Rd., Manchester Missouri 63011	
Owner: Pan-Asia Markett II, LLC	
Address: 14246 Manchester Rd.	Phone: 646-229-9303
City, State, Zip: Manchester, Missouri, 63011	Email: jinlin05@gmail.com
Applicant: Nova Group Inc.	
Address: 6312 Hazelwest Ct., Suite 102	Phone: 314-731-5353
City, State, Zip: Hazelwood, Mo. 63042	Email: jmoss@novagroupinc.net
<p>REQUIREMENTS:</p> <p>Please refer to Article X of the Zoning Code for Special Use Permit requirements. Submittal documents will vary depending on the special use proposed. At a minimum, the following shall be submitted:</p> <ul style="list-style-type: none"> • A non-refundable fee of \$300. • Two (2) hard copies and one electronic copy of: <ul style="list-style-type: none"> ○ A plot survey/sketch/site plan, to scale and showing lot/property and the proposed improvements, including parking, lighting, landscaping and exterior elevations. ○ A letter of intent describing the proposed use of the Special Use Permit. Description should include (but is not limited to) the nature of the business, hours of operation, number of employees, etc. ○ Information on the number of parking spaces assigned to the space. ○ Any other pertinent information helpful to describe the site, proposed improvements, and operations of the proposed special use. <p>New construction, substantial alterations to existing sites or uses that may have an intense impact may be required to submit a traffic impact analysis and stormwater management and erosion control plans. Please consult with the Director of Planning, Zoning and Economic Development for additional requirements.</p>	
Legal Description of Property:	supermarket
Proposed Special Use:	Walk-in Cooler/Freezer addition
Existing Zoning:	C-1 Commercial District
<p>I hereby certify that the information contained in this application and accompanying documents are correct, and that I will conform to all applicable laws of the City of Manchester.</p> <p>Applicant Signature: <u>Jacob L Moss</u> Date: <u>4/30/24</u></p> <p>Applicant's Name Printed: <u>Jacob L Moss</u></p> <p>Owner Signature (if different than applicant): <u>[Signature]</u> Date: <u>4/30/24</u></p> <p>Owner's Name Printed: <u>Hong Zheng</u></p>	
FOR OFFICE USE ONLY BELOW	
ZONING APPROVAL City of Manchester Permit #: _____	
Approved by: _____	Date: _____
<small>Director, Planning, Zoning and Economic Development</small>	
Zoning Fees	Fee paid on: _____ Amount: _____



NOVAGROUP, INC.
ARCHITECTS & ENGINEERS
6312 Hazelwest Ct., Suite 102
Hazelwood, MO 63042
(314) 731-5353

April 30, 2024

City of Manchester
Planning and Zoning Dept.
14318 Manchester Road
Manchester, Missouri 63011

Re: Pan-Asia Market
Freezer/Cooler building Addition
14246 Manchester Road
Manchester, Missouri 63011
Project No. 218015-C

Dear Planning and Zoning Dept.:

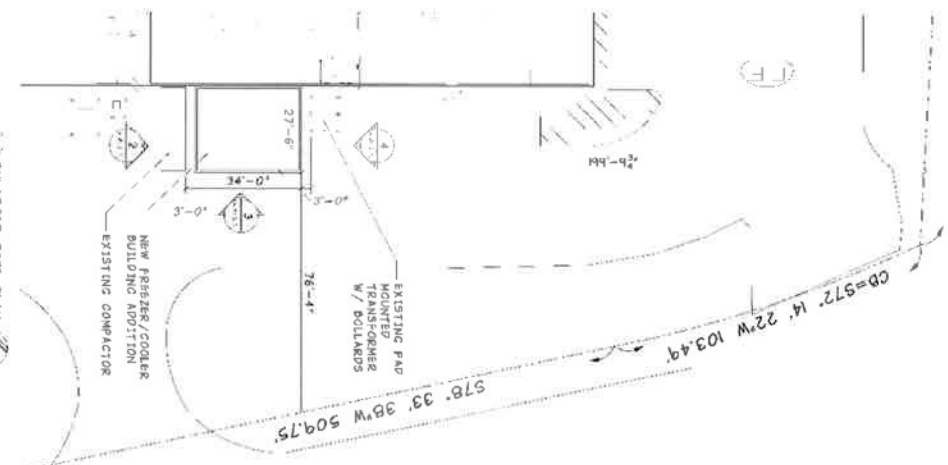
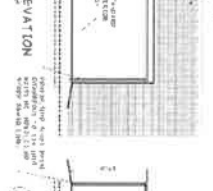
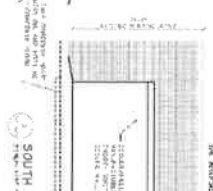
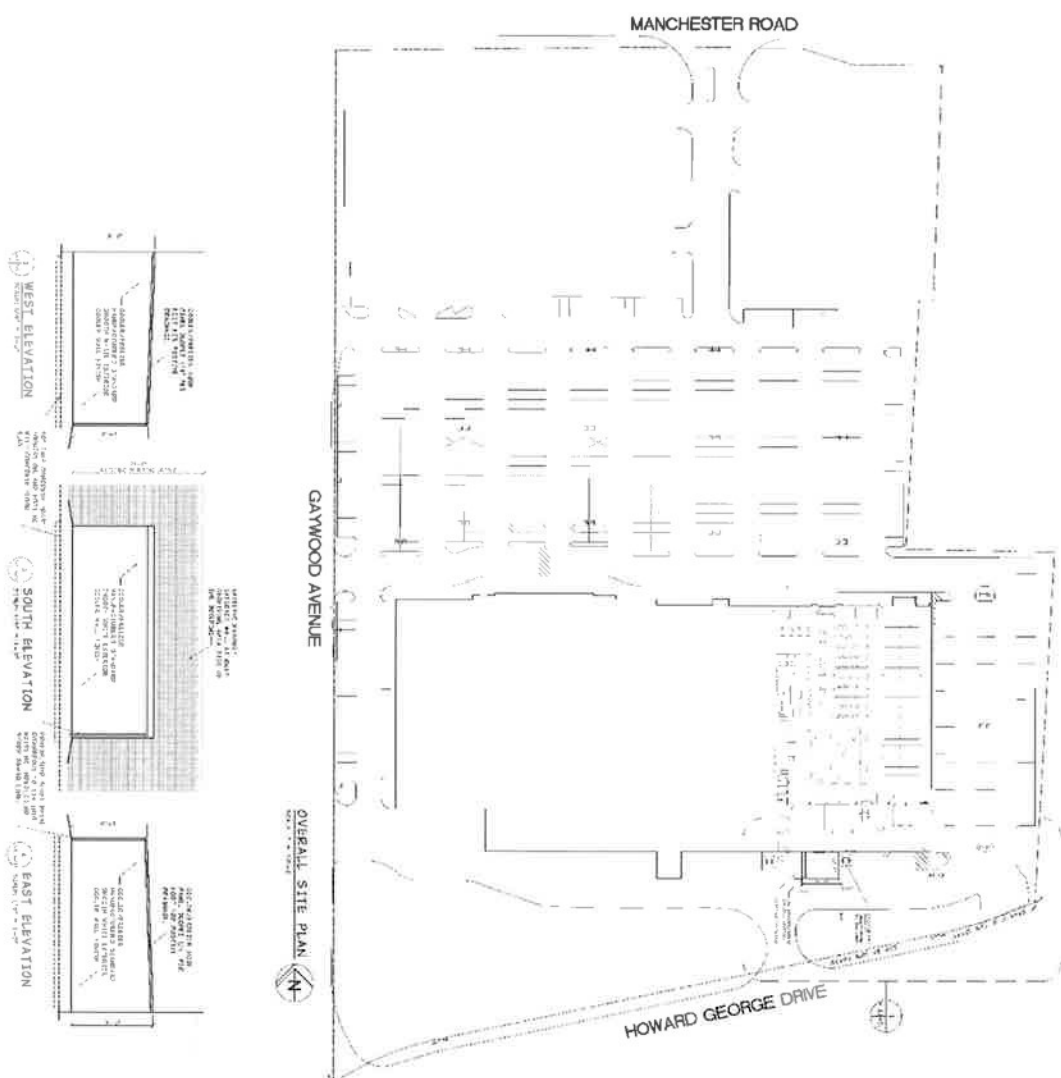
This letter of intent is presented for the building addition of a 1-story, approximately 12'-0"H, 27'-6"L x 34'-0"W walk-in cooler/freezer that is to be constructed and attached to the rear exterior wall receiving area of the existing Pan-Asia Market located at the above noted address. The building is constructed of prefabricated cooler/freezer wall and roof panels with a smooth "White" outer surface per the manufacturers standard finish materials. The cooler/freezer will be used to store food product for the existing market.

We ask for a waiver of the special use regulation requiring the cooler/freezer to be enclosed on all sides.

Sincerely,

Jacob L. Moss, R.A.
Vice President

1/2" = 1'-0"



A-01
Sheet 2 of 1

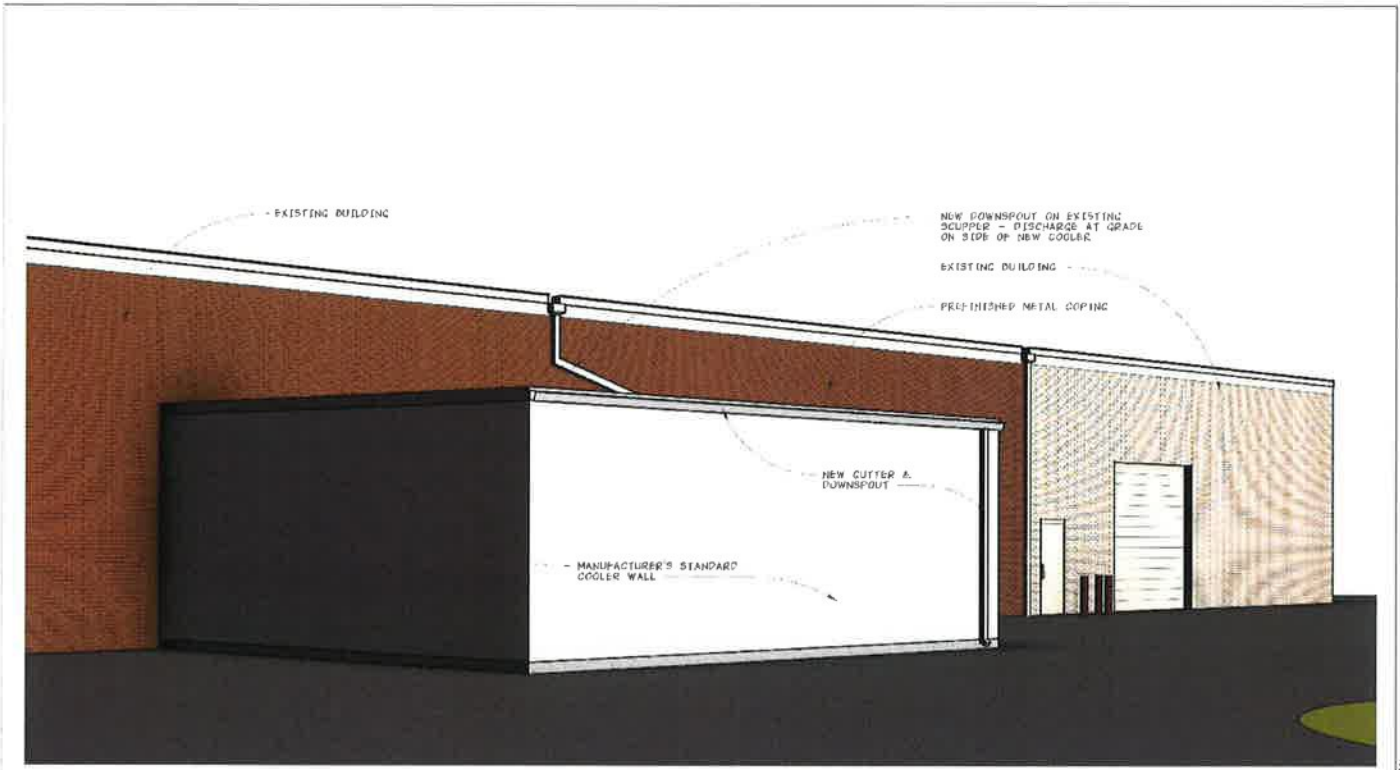
SITE PLAN

Project no: 18003
 drawn by: LK
 date: 4/24/24
 revision:



Blank space for notes or stamps.

Pan-Asia
 - Supermarket -
 14246 MANCHESTER ROAD
 MANCHESTER, MISSOURI

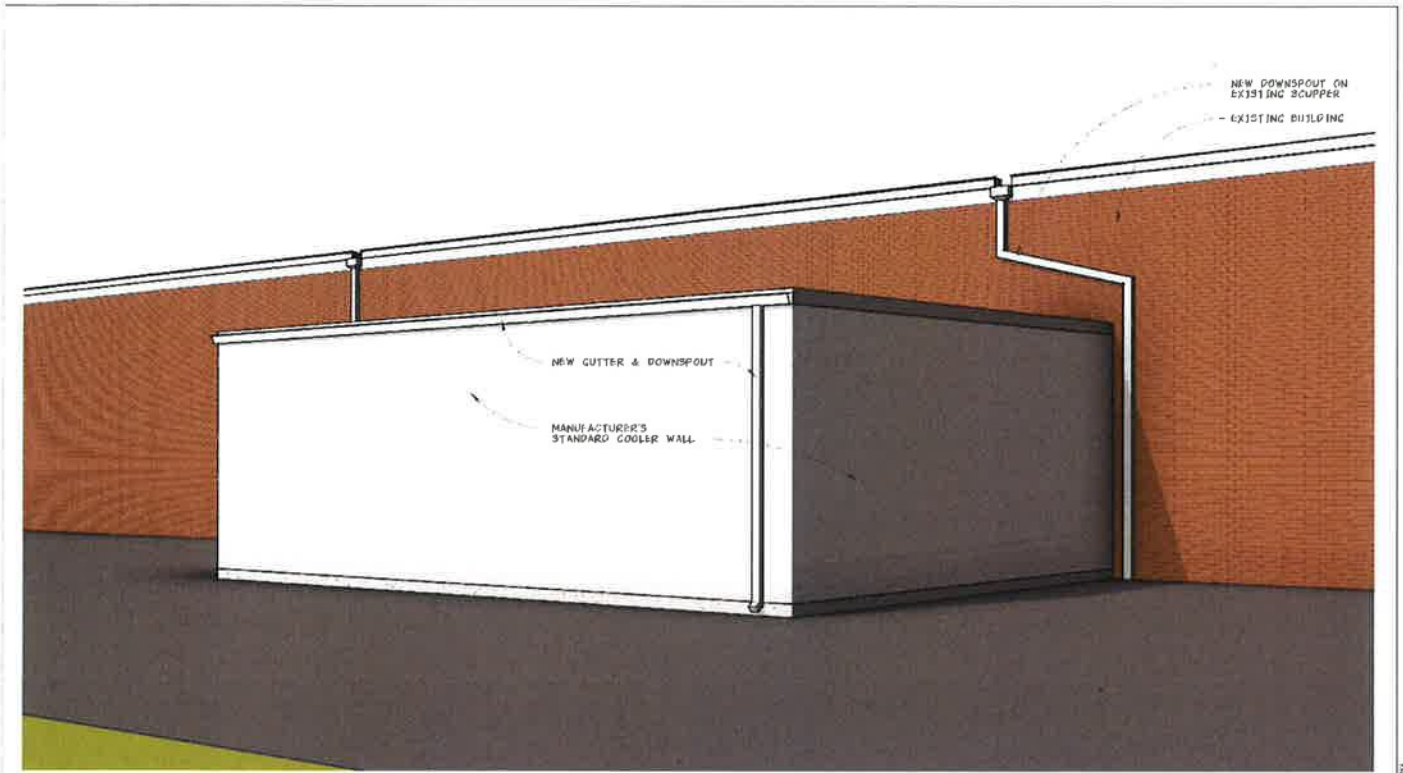


PAN-ASIA SUPERMARKET
 FREEZER ADDITION

3D VIEW - STANDARD COOLER WALL	
PROJECT NUMBER	2000150
DATE	4/24/24
DRAWN BY	JDS
CHECKED BY	JLM
	SCALE:

3D-5

4/24/2024 10:30 AM



**PAN-ASIA
SUPERMARKET**

FREEZER ADDITION

3D VIEW - STANDARD COOLER WALL

PROJECT NUMBER	21005D
DATE	4/24/24
DRAWN BY	JDS
CHECKED BY	JLM

3D-6

4/24/2024 2:33:07 PM



THE CITY OF
MANCHESTER
MISSOURI

TRANSMITTAL TO THE PLANNING AND ZONING COMMISSION

MEETING DATE: May 28, 2024

APPLICATION NUMBER: PC-24-SUP-04

APPLICANT NAME: Jacob Moss, Nova Group, Inc.

PROPERTY OWNER: Hong Zheng, Pan-Asia Market

REQUEST: Special Use Permit (SUP) to allow outdoor storage at 14246 Manchester Road in the C-1 Commercial Zoning District, Locator # 23Q530720

LOCATION: East of MO-141, South of Manchester Road, West of Enchanted Parkway, North of Howard George Drive



PLANNING COMMISSION ACTION: Consideration of a SUP in accordance with Section 405.550 of the Zoning Code. Planning and Zoning Commission makes a recommendation to the Board of Alderman to approve, approve with conditions or deny the request.

STAFF RECOMMENDATION: [] Approval [x] Approval with Attached Conditions [] Denial

ATTACHMENTS: SUP Application and Supporting Documents

1. EXISTING PROPERTY/BACKGROUND

The subject property includes Pan-Asia Market, a 23,905 square foot full-service Asian grocery store which includes dry goods, cleaning products, fresh produce, meat, seafood, fruit and other products. The use was approved by a Special Use Permit in 2016 and opened in 2017. Since then, Pan-Asia Market has remodeled the interior, added food/drink kiosks and made other site improvements.

Existing Zoning:	C-1 Commercial
Existing Land Use:	Retail/Commercial
Surrounding Zoning and Land Use:	C-1 Commercial, PCD Planned Commercial District; commercial land uses

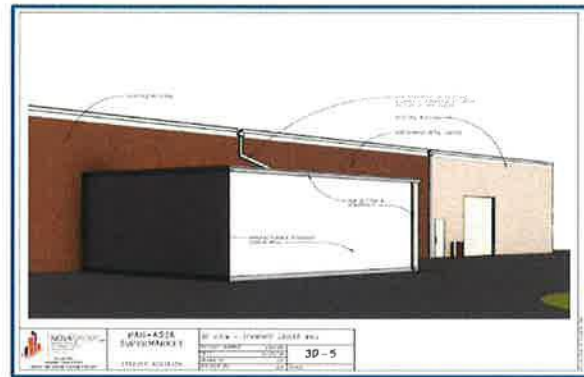
2. APPLICANT'S REQUEST

The applicant is seeking to build a 1-story, approximately 12' x 27' x 34' walk-in cooler/freezer to be attached to the rear exterior wall receiving area of the existing market. The proposed building is to be constructed of prefabricated cooler/freezer wall and roof panels with a white outer surface area. The cooler/freezer will be used to store food products for the market.

Approximate Location of Proposed Building



Rendering of Proposed Building



The applicant is seeking a waiver from the special use regulation requiring outdoor storage to be enclosed on all sides (with fencing).

The application, site plan and addition renderings are attached.

3. PROCESS - REQUIRED CITY APPROVALS

The City of Manchester's Zoning Code divides the City into districts and establishes a set of land uses that are either "permitted" or "special". Permitted uses are compatible land uses authorized as a matter of right. Special uses are those that may cause potential conflict depending on the scope of the operation. A special use may be allowed after a review by Planning and Zoning Commission and Board of Alderman, in accordance with Article X. Each special use is evaluated on its own merits.

Section 405.240.C.14 lists "Accessory uses; for example, external walk-in freezer, accessory storage buildings, etc." as a special use in the C-1 Commercial District.

Staff Review. Planning, Zoning and Economic Development staff reviewed the SUP for completeness of submittal. It was deemed complete; therefore, staff performed a technical review in accordance with Section 405.550. Staff comments are included in this report.

Planning and Zoning Commission Review. Section 405.550 of the Zoning Code requires that the Planning and Zoning Commission investigate and report as to the matters set forth in Section 405.540 as to the effect of such building, buildings, structures or uses upon traffic hazards or congestion, the character of the neighborhood, the general welfare of the community, the public utility facilities, and fire hazards. The Planning and Zoning Commission makes a recommendation to the Board of Alderman to approve the SUP with conditions or deny the request. No public hearing is required at the Planning and Zoning Commission level.

Board of Alderman. Within 90 days from the date of the first meeting when the SUP is upon a Planning and Zoning Commission agenda, the Planning and Zoning Commission shall make a recommendation to the Board of Alderman. A public hearing will be conducted by the Board of Alderman, afterwards the Board of Alderman shall consider the SUP and may approve, approve with conditions, or deny the application.

4. ANALYSIS AND REVIEW CRITERIA

Staff determined that the SUP request meets the requirements of Section 405.540 of the Zoning Code relating to evaluation criteria, except for the request to waive the screening requirement. The white panel siding proposed is the manufacturer's standard.

Section 405.165 relating to accessory building and uses requires that accessory buildings should typically be located at least 10' from the principal structure, be located behind the principal structure and be setback from the side and rear property lines at least 5' from an easement. A walk-in freezer is an exception to these bulk/area regulations.

In its deliberations, the Planning and Zoning Commission shall review general planning considerations and may impose conditions for the approval of a special use. Section 405.540.A of the zoning code states that "...A Special Use permit should be approved if it is found that the location is appropriate and not in conflict with the City's Master Plan, that the public health, safety, morals and general welfare will not be adversely affected, that such things as adequate utilities, off-street parking facilities and signage consistent with the sign regulations will be provided, and that the necessary safeguards will be provided for the protection of surrounding property, persons and neighborhood values..."

5. CONCLUSION/RECOMMENDATION

Based on the preceding considerations, staff is of the opinion that the proposed use is consistent with the existing development and would not impact neighboring properties. Staff has not identified any negative impacts associated with the use and recommends approval of the Special Use Permit with the following condition:

- a. Obtain all proper permits from the City of Manchester and St. Louis County prior to construction.

Chairman Truesdell motioned to approve the minutes of April 22, 2024, seconded by Commissioner Smith. Motion approved unanimously by voice vote.

4. APPROVAL OF AGENDA

Chairman Truesdell motioned to approve the agenda, seconded by Commissioner Smith. Motion approved unanimously by voice vote.

5. OLD BUSINESS

None

6. NEW BUSINESS

A. PC-SUP-04

Chairman Truesdell introduced case PC-SUP-04: Special Use Permit for Walk in Cooler/Freezer Addition at Pan-Asia Market II, LLC.

Director Riganti was disconnected from the call temporarily, Chairman Truesdell asked that the applicant provide an overview of why the Special Use Permit (SUP) was needed. Mr. Lin stated that Pan Asia Market would like to install a walk-in freezer to the rear of the building, this has been approved by the landlord and will have no impact on parking spaces.

Director Riganti rejoined the call and provided additional information on the request. The walk-in freezer is approximately 12' x 27' x 34' and will be attached to the rear exterior wall receiving area of the existing market. The freezer will store food products for the market and be constructed from a prefabricated/cooler/ freezer wall and roof panels with a white outer surface area.

The SUP request meets the requirements of Section 405.540 of the Zoning Code relating to evaluation criteria, except for the request to wave the screening requirement. The white panel siding proposed is the manufacturer's standard. Section 405.165 relating to accessory building and uses requires that accessory buildings should typically be located at least 10' from the principal structure, be located behind the principal structure and be setback from the side and rear property lines at least 5' from an easement. A walk-in freezer is an exception to these bulk/area regulations.

The commission had no additional comments or questions. Chairman Truesdell motioned to approve the recommendation to the Board of Alderman for PC-SUP-04 Special Use Permit for Walk in Cooler/Freezer Addition at Pan-Asia Market II, LLC. The motion was seconded by Alderman Baumann. Motion approved unanimously by voice vote.

7. PLANNING, ZONING AND ECONOMIC DEVELOPMENT DIRECTOR'S REPORT