

**AN ORDINANCE AUTHORIZING A SPECIAL PERMIT TO 9514 OLIVE, LLC, TO OPERATE AN 8,010 SQUARE FOOT BREWPUB, INCLUDING PRODUCTION FACILITIES AND RESTAURANT, TO BE KNOWN AS AND OPERATED BY GREAT HEART BREWING COMPANY, ON THE PROPERTY GROUNDS ADDRESSED AS 9514 OLIVE BOULEVARD, ZONED "CC" CITY CENTER DISTRICT**

**WHEREAS**, on July 6, 2023, representatives for Great Heart Brewing Company ("Petitioner"), operating on behalf of 9514 Olive, LLC, property owner of 9514 Olive Boulevard, submitted an application to petition for a special permit use to operate an 8,010 square foot brewpub, including production facilities and restaurant, to be known as and operated by Great Heart Brewing Company, on the property grounds addressed as 9514 Olive Boulevard ("Property"); and

**WHEREAS**, the Property is an improved parcel consisting of 60,958 sf (1.4 acres) zoned "CC" City Center District with 15,000 square foot multi-level commercial retail center; and

**WHEREAS**, the purpose of the "CC" District is to further the goals and objectives of the Olivette 2006 Strategic Plan with the intent to:

1. Create a city center consistent with the concepts and key revitalization elements of the 2006 Strategic Plan,
2. Create a walkable community center with pedestrian and streetscape improvements,
3. Develop new horizontal mixed-use buildings with higher density and presence at Olive Boulevard and Dielman Road to provide community as well as business and personal services,
4. Develop new continuous street grid to improve access to and throughout City Center area; and

**WHEREAS**, the Property grounds lay within the applicable area of Chapter 428 Community Design-Olive Boulevard Corridor ("Chapter 428"), and the intent of Chapter 428 is to further the goals and objectives of the 2006 Comprehensive Plan and to provide direction and guidance to petitioners, developers, and design professionals in articulating, defining, and illustrating what constitutes a "dynamic sense of place"; and

**WHEREAS**, the special permit procedure, as outlined under Article XII Special Permits ("Article XII"), being part of Chapter 400 Zoning Regulations of Title IV Land Use of the Olivette Municipal Code, provides a basis for the City to determine the suitability of certain specified uses under prescribed conditions, these uses are not permitted uses except as otherwise determined to be suitable and compatible by the Commission and City Council, and the City reserves the full discretion to deny any such application or to revoke any such approval based upon a finding that an established special permit usage has become unsuitable and incompatible with its surroundings or that the conditions of approval are not being observed; and

**WHEREAS**, on July 20, 2023, the petition for the Special Permit Use request was introduced to the Olivette Planning and Community Design Commission ("Commission"), including a presentation by staff, an overview of operations and proposed improvements from representatives for the Petitioner, and the receipt of public comments; and

**WHEREAS**, on June 20, 2023, the Commission motioned to forward to the City Council a recommendation to authorize the Special Permit request to authorize the Petitioner to operate an 8,010 square foot brewpub, including production facilities and restaurant, to be known as and operated by Great Heart Brewing Company, on the property grounds addressed as 9514 Olive Boulevard as presented in the Memorandum from the Department of Planning and Community Development dated June 20, 2023, subject to any staff conditions noted therein, including the following:

- Petition for a special Permit request, including approval of conceptual Site Plan review subject to the following conditions:

- Petitioners resubmit a final Site Plan to the Commission, specifically with additional details on how the exhaust fan would prevent or address grease stains on the building exterior and any other penetrations that would go through the roof.
- To address consideration of how the number of off-street parking stalls is considered and modifications as permitted under Section 400.1400 (A.4), the following conditions are imposed:
  - hours of operation are to be limited to the petition request as follows:
    - Thursday, 3pm to 9pm
    - Friday, 3pm to 10pm
    - Saturday, 12pm to 10pm
    - Sunday, 12pm to 9 pm
  - Additional stalls for employee be secured off-site and a formal contractual lease of said stalls be recorded with the St. Louis County Recorder of Deeds.
- Outdoor music and use of speakers shall be restricted in volume. If more than 3-noise complaints are received within a consecutive 3-month period, no outdoor music or speakers shall be permitted.
- Outdoor events, including live music, shall be restricted to Friday and Saturday only. If more than 3-noise complaints are received within a consecutive 3-month period, no outdoor events shall be permitted.

**WHEREAS**, in accordance with the procedures outlined under Article XI Site Plan Review, Section 400.1090 *Site Plan Review Procedures for Special Permit or Rezoning* under Chapter 400 Zoning Regulations due and lawful notice of a public hearing on the special permit request, to be held by the City Council on August 20, 2023, at 7:00 PM in the City Council Chambers at the Olivette City Center, 1140 Dielman Road, Olivette, Missouri, was published in the St. Louis Countian, a newspaper of general circulation in the City of Olivette, on August 7, 2023; and

**WHEREAS**, a public hearing was duly and properly held by the City Council at the time and place provided for in the notice and all comments, statements, objections, and suggestions concerning the special permit request were duly heard and considered by the City Council; and

**WHEREAS**, the City Council, after careful and due deliberation, has determined that the proposed special permit request is in the interest of the public health, safety, welfare, and morals of the City of Olivette.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLIVETTE, ST. LOUIS COUNTY,  
MISSOURI, AS FOLLOWS**

**Section One.**

The Olivette City Council ("Council") hereby approves and authorizes a Special Permit request to 9514 Olive, LLC to permit Great Heart Brewing Company ("Petitioner") to utilize the site grounds addressed as 9514 Olive Boulevard, tenant spaces addressed as 9510, 9512, and 9514, to operate an 8,010 square foot brewpub, including production facilities and restaurant, to be known as and operated by Great Heart Brewing Company, in accordance with the approved petition filed by the Petitioner, including the conceptual Site Plans, hereto all attached as Exhibit A, and subject to the following conditions:

- Petitioners resubmit a final Site Plan to the Commission, specifically with additional details on how the exhaust fan would prevent or address grease stains on the building exterior and any other penetrations that would go through the roof.
- To address consideration of how the number of off-street parking stalls is considered and modifications as permitted under Section 400.1400 (A.4), the following conditions are imposed:
  - hours of operation are to be limited to the petition request as follows:

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**Section Two.**

- A. The City Council may revoke this Special Permit Use if, after providing written notice and a hearing to 9514 Olive, LLC or its assigns, or to the occupant, the Council finds that (a) the conditions and requirements of this Ordinance have not been fulfilled or otherwise have been violated, or (b) that 9514 Olive, LLC or its assigns, or the occupant of the property, has failed to comply with or has otherwise violated a law or laws, whether state, local, or federal, applicable to the property or its use. The City may, but shall not be required to, provide an opportunity to cure if reasonably justified by the circumstances then existing. The burden of proof to revoke the Special Permit Use shall be on the City.
- B. In addition, the City may cause a summons to be issued to 9514 Olive, LLC, its assigns, or any occupant of the property for any violation of the conditions of this Ordinance or any other ordinance of the City, and upon conviction thereof, 9514 Olive, LLC, its assigns, and/or occupant shall be subject to punishment as provided in Section 100.180 of the Olivette Municipal Code.

**Section Three.**

Within ninety (90) days of the enactment of this Ordinance by the Olivette City Council, the Developer shall record this Ordinance, including attachments, with the St. Louis Recorder of Deeds.


**Section Four.**

It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separated and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

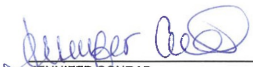
**Section Five.**

This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this 22<sup>nd</sup> day of August, 2023.

  
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MAXINE WEIL  
MAYOR

ATTEST:

  
\_\_\_\_\_  
JENNIFER CONRAD  
DEPUTY CITY CLERK

**EXHIBIT A**  
**Petition filing by Great Heart Brewing Company, including  
approved Conceptual Site Plan**