

AN ORDINANCE AUTHORIZING A SPECIAL PERMIT TO PPM/BAUR, LLC, TO OPERATE AN INDOOR CONSIGNMENT CAR SALES BUSINESS, NOT TO EXCEED 27,858 SQUARE FEET, TO BE KNOWN AS AN OPERATED BY RP EXOTICS, ON THE PROPERTY GROUNDS ADDRESSED AS 10401 BAUR BOULEVARD TENANT SPACE D, E, AND F, ZONED "LID" LIGHT INDUSTRIAL DISTRICT

WHEREAS, on July 6, 2023, PPM/Baur, LLC ("Petitioner"), property owner of 10401 Baur Boulevard, submitted an application to petition for a special permit use to operate an indoor consignment car sales business, not to exceed 27,858 square feet, to be known as an operated by RP Exotics on the property grounds addressed as 10401 Baur Boulevard tenant space D, E, and F ("Property"); and

WHEREAS, the Property is an improved 6.5 acre parcel with a 37,714 square foot office/warehouse building zoned "LID" Light Industrial Zoning District ("LID"); and

WHEREAS, the purpose of the "LID" District is to accommodate light industrial manufacturing and warehousing activities at a scale and intensity of use that is compatible with the development in the City of Olivette; 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 indoor consignment car sales business, not to exceed 27,858 square feet, to be known as an operated by RP Exotics on the property grounds addressed as 10401 Baur Boulevard tenant space D, E, and F, as presented in the Memorandum from the Department of Planning and Community Development dated June 20, 2023, including approval of the Petition for Site Plan and Concept Stormwater Management Plan as illustrated in the Permit plans as presented on July 20, 2023 subject to the following conditions:

- No more than three reported, and verified, noise complaints would tolerated before the City would begin repeal of the special permit use authorization.
- No more than six parking stalls, to be marked and posted, can be used for the storage of cars associated with the consignment sales. All other cars to be stored indoors.
- No auto body or mechanical work is authorized to take place both in the exterior and interior of the building.

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 PPM/Baur, LLC to permit an indoor consignment car sales business, not to exceed 27,858 square feet, to be known as an operated by RP Exotics on the property grounds addressed as 10401 Baur Boulevard tenant space D, E, and F, in accordance with the approved petition filed by the Petitioner, including the Site Plans, hereto all attached as Exhibit A, and subject to the following conditions:

- No more than three reported, and verified, noise complaints would tolerated before the City would begin repeal of the special permit use authorization.
- No more than six parking stalls, to be marked and posted, can be used for the storage of cars associated with the consignment sales. All other cars to be stored indoors.
- No auto body or mechanical work is authorized to take place both in the exterior and interior of the building.

Section Two.

A. The City Council may revoke this Special Permit Use if, after providing written notice and a hearing to PPM/Baur, 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 PPM/Baur, 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 PPM/Baur, 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, PPM/Baur, 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.

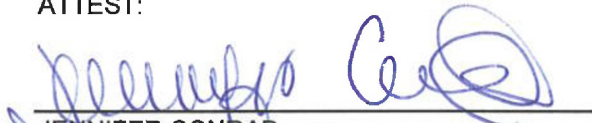
This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this 22nd day of August, 2023.



MAXINE WEIL
MAYOR

ATTEST:



JENNIFER CONRAD
DEPUTY CITY CLERK

EXHIBIT A
Petition filing by PPM/Baur, LLC, including approved
Conceptual Site Plan