

AN ORDINANCE AUTHORIZING A SPECIAL PERMIT TO OL3 BP ASSOCIATES, LLC, TO OPERATE A DANCE STUDIO (2007 NAICS 6116), NOT TO EXCEED 12,125 SQUARE FEET, AT THE OLIVETTE CENTER TO BE KNOWN AS THE ST. LOUIS ACADEMY OF DANCE WITHIN THE TENANT SPACE ADDRESSED AS 9656 OLIVE BOULEVARD, ZONED "COR" COMMERCIAL/OFFICE/RETAIL DISTRICT

WHEREAS, on August 21, 2023, Bianco Properties, ("Petitioner"), representing OL3 BP Associates, LLC, submitted an application to petition for a special permit use to operate a dance studio (2007 NAICS 6116), not to exceed 12,125 square feet, to be known as The St. Louis Academy of Dance on the property grounds addressed as 96456 Olive Boulevard ("Property"), and

WHEREAS, the Property is part of an improved 4.79 acre lot containing a 74,008 square foot multi-tenant commercial retail center known as Olivette Center, developed in 1957 and zoned "COR" Commercial/Office/Retail District ("COR District"); and

WHEREAS, the intent and purpose of the "COR" District is to exhibit a mix of businesses, services and residential options developed collaboratively to meet the specific needs of the community, promote the community preferences and objectives of the 2006 Comprehensive Plan, and further connectivity between Olivette's neighborhoods and Olive Boulevard; 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 September 21, 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 September 21, 2023, the Commission motioned to approve the:

- Petition for a special Permit request, including the site improvement plans as authorized under Site Plan Review;

and recommend to the City Council the issuance of a Special Permit to authorize the operations of a dance studio (2007 NAICS 6116), not to exceed 12,125 square feet, to be known as The St. Louis Academy of Dance on the property grounds addressed as 9656 Olive Boulevard, as presented in the Memorandum from the Department of Planning and Community Development dated September 21, 2023, subject to any staff conditions noted therein; and

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 October 10, 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 September 25, 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 Bianco Properties ("Petitioner") to operate a dance studio (2007 NAICS 6226), not to exceed 12,125 square feet, to be known as The St. Louis Academy of Dance, addressed as 9656 Olive Boulevard, in accordance with the approved petition filed by the Petitioner, including the site improvement plans, hereto all attached as Exhibit A.

Section Two.

- A. The City Council may revoke this Special Permit Use if, after providing written notice and a hearing to Bianco Properties 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 Bianco Properties 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 Bianco Properties, 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, Bianco Properties, 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 10th day of October, 2023.

Maxine Weil

MAXINE WEIL
MAYOR

ATTEST:

Jennifer Conrad

JENNIFER CONRAD
DEPUTY CITY CLERK

EXHIBIT A
**Petition filing by Bianco Properties, including approved Site
Improvement Plans**