

Sponsored by: Planning & Zoning Commission

Bill No. 18-2024

Co-Sponsored by: City Staff

Ordinance No. 2024-17

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO PLANTHAVEN FARMS TO OPERATE A NON-HAZARDOUS WAREHOUSE AT 1641 DIELMAN ROAD IN THE C-2 COMMERCIAL ZONING DISTRICT AS PROVIDED FOR IN SECTION 400.230.C AND APPENDIX A OF THE MUNICIPAL CODE OF THE CITY OF OVERLAND.

WHEREAS, John Cella on behalf of Planthaven Farms has submitted an application for a Conditional Use Permit to operate a non-hazardous warehouse at 1641 Dielman Road (the “Property”); and,

WHEREAS, the Planning and Zoning Commission reviewed said application on May 28, 2024, and recommended approval of the Conditional Use Permit; and,

WHEREAS, on June 10, 2024, after publication of notice the City Council held a public hearing in accordance with Section 400.670.G of the Municipal Code of the City of Overland; and,

WHEREAS, the City Council of the City of Overland, having fully considered the recommended Conditional Use Permit and the report of the Planning and Zoning Commission, does find that the proposed use, with the stipulated conditions, complies with all applicable provisions of Chapter 400, including intensity of use regulations, yard regulations and use limitations, and is visually compatible within the surrounding neighborhood, will contribute to and promote the welfare or convenience of the public, will not cause injury to the value of other property in the neighborhood which it is located, the location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with the conditional use, and the location of the site with respect to streets giving access to the conditional use are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring properties in accordance with the applicable zoning district regulations and/or the City’s comprehensive plan, there is adequate off-street parking and loading areas, utility, drainage, and other such necessary facilities are or will be provided, the property is accessible to police, fire, refuse collection and other municipal services, there is adequate access roads or entrance and exit drives to prevent traffic hazards and minimize traffic congestion in public streets and alleys, and adequate provisions have been made, or are planned to be made, for internal traffic and pedestrian traffic; and,

WHEREAS, based on the above, the City Council does further find that the proposed use is in the best interest of the public welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERLAND, STATE OF MISSOURI AS FOLLOWS:

Section 1. Based on the facts and findings set forth in the "Whereas" clauses above which are incorporated herein by reference, a Conditional Use Permit is hereby granted to John Cella on behalf of Planthaven Farms (collectively referred to herein as "Holder"), to operate a non-hazardous warehouse at 1641 Dielman Road provided for in Section 400.230.C and Appendix A of the Municipal Code of the City of Overland. Attached hereto and incorporated herein as **Exhibit A** is the Conditional Use Permit application for the Property.

Section 2. The complete terms and conditions of this Conditional Use Permit are attached hereto as **Exhibit B**, and all terms and conditions are hereby incorporated into this ordinance as if fully set out herein.

Section 3. Holder, by accepting and acting under this Conditional Use Permit, acquiesces 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 Conditional 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 Conditional Use Permit is granted.

Section 4. Any Conditional Use Permit granted hereunder shall be deemed to have been abandoned if substantial work, construction, or operation of the conditional use does not commence within six (6) months of the effective date of this ordinance, unless such time period is extended through approval by the Planning & Zoning Commission. If no extension is sought by the Holder, this Conditional Use Permit shall immediately terminate upon expiration of the six (6) month period in accordance with Section 400.695 of the Municipal Code of the City of Overland.

Section 5. This Conditional Use Permit shall be non-assignable without the express consent of the City Council of the City of Overland, unless such assignment or amendment is administratively approvable in accordance with Section 400.685.A. This Conditional Use Permit is contingent upon compliance with the Code of Ordinances of the City of Overland, Chapter 400 of the Municipal Code of the City of Overland, the conditions and limitations described herein in Section 2 of this Ordinance as integrated via **Exhibit B**, and all applicable building codes, fire codes, and other governmental regulations.

Section 6. The City Council hereby concurs with the recommendation of the Planning and Zoning Commission to approve the submitted site plan in accordance with

Section 400.600 of the City Code.

Section 7. The Mayor is hereby authorized to execute the Conditional Use Permit provided for in **Exhibit B** on behalf of the City of Overland.

Section 8. 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.

This Ordinance passed and approved this 15th day of July 2024.

CITY OF OVERLAND, MISSOURI



MAYOR

July 15, 2024

Date of Approval

ATTEST:



CITY CLERK

Exhibit A

Application for a Conditional Use Permit



CITY OF OVERLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

9119 LACKLAND RD | OVERLAND, MO 63114

APPLICATION FOR CONDITIONAL USE PERMIT

DATE OF APPLICATION: 4-4-2024 CUP APPLICATION #: PCU24-0007

PROJECT ADDRESS: 1641 Dielman Road

DESCRIPTION OF PROPERTY:

Parcel Locator #: 16L530411 Zoning Classification: C2

LAND/USE DEVELOPMENT:

Existing or Prior Use: Warehouse/office with occasional limited retail

Proposed Use: Warehouse/office

BUSINESS INFORMATION:

Name of Proposed Business: Planthaven Farms

Property Interest of Applicant: [x] owner [] Renter/Lessee [] Other

Name of Business Owner: John and Pauline Cella

Mailing Address: 409 Greenfield Dr.

City: Olivette State: MO Zip Code: 63132

Phone #: 314-602-3445 Fax #:

Email Address: pauline.cella@planthavenfarms.com and dburke@armstrongteasdale.com

PROPERTY OWNER INFORMATION:

Name: Nodbod Properties, LLC

Mailing Address: 410 Dielman Rd.

City: Olivette State: MO Zip Code: 63132

Phone #: 314-503-3089 Fax #:

Email Address: joewerner2@icloud.com

Bill 18-2024 - Exhibit A

REQUIRED ATTACHMENTS:

- _____ Site Plan (In conformance with Article 9, Zoning Code)
- _____ Out Boundary Plat
- _____ Applicant's and Property Owners Valid Driver's License
- _____ Legal Description of the subject property

NOTICE TO APPLICANT

Application is hereby made with willful consent of Owner for a Conditional Use Permit on the proposed land use/development submitted for review as shown and described on this form and that of accompanying attachments all of which we certify to be true and accurate.

APPLICANT ACKNOWLEDGMENT:

Signature:

John G. Cella

Name:

John G. Cella

Date:

4-4-24

BUSINESS OWNER ACKNOWLEDGMENT:

Signature:

John G. Cella

Owner Name:

John G. Cella

Date:

4-4-24

PROPERTY OWNER ACKNOWLEDGMENT:

Signature:

Name:

Joe Werner

Date:

NOTE: ALL SIGNATURE(S) MUST BE NOTARIZED.

Subscribed and sworn before me personally appeared John G. Cella this 4th day of April, 2024.

Crysta R. Gannon
Notary

Application for Conditional Use Permit (Revised: February 2024)
Department of Community Development
Telephone Number (314) 227-2930 • Fax Number (314) 428-4960
Page 2 of 3

CRYSTA R. GANNON
Notary Public - Notary Seal
STATE OF MISSOURI
St. Charles County
My Commission Expires: Oct. 1, 2027
Commission # 15294455

Bill 18-2024 - Exhibit A

REQUIRED ATTACHMENTS:

- _____ Site Plan (In conformance with Article 9, Zoning Code)
- _____ Out Boundary Plat
- _____ Applicant's and Property Owners Valid Driver's License
- _____ Legal Description of the subject property

NOTICE TO APPLICANT

Application is hereby made with willful consent of Owner for a Conditional Use Permit on the proposed land use/development submitted for review as shown and described on this form and that of accompanying attachments all of which we certify to be true and accurate.

APPLICANT ACKNOWLEDGMENT:

Signature: _____

Name: John G. Cella

Date: _____

BUSINESS OWNER ACKNOWLEDGMENT:

Signature: _____

Owner Name: John G. Cella

Date: _____

PROPERTY OWNER ACKNOWLEDGMENT:

Signature: 

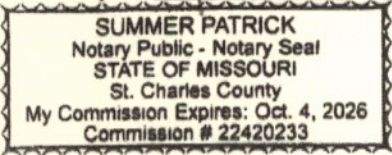
Name: Joe Werner

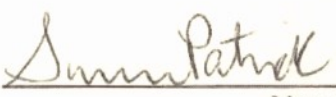
Date: 4/4/24

NOTE: ALL SIGNATURE(S) MUST BE NOTARIZED.

Subscribed and sworn before me personally appeared Joseph Werner this 4th

day of April, 2024.




Notary

Bill 18-2024 - Exhibit A

FOR DEPARTMENT OF COMMUNITY DEVELOPMENT USE ONLY

PROJECT ADDRESS: <u>1641 Dielman Rd.</u>	
Date Received: <u>4-4-2024</u>	Date Approved: _____
CUP #: <u>PCU24-0007</u>	CUP Application #: <u>PCU24-0007</u>
P&Z Hearing Date: <u>5-28-24</u>	C.C. Hearing Date: <u>6-10-2024</u>
Fee Amount: <u>\$150.00</u>	Date Paid: <u>4-4-2024</u>
Land Use Category: <u>Warehousing</u>	<u>Non Hazardous</u>
Approved: _____	Denied: _____ Date: _____
Drawings Approved: <u>[Signature]</u>	Date: <u>4-4-24</u>



APPLICATION FOR SITE PLAN REVIEW

DATE OF APPLICATION: 4-4-24 APPLICATION #: PSPR24-0007

PROJECT ADDRESS: 1641 Dielman Rd.

APPLICANT INFORMATION:

Name: PLANTH AVENUE FARMS

Mailing Address: 409 GREENFIELD DR

City: ST. LOUIS State: MO Zip Code: 63132

Phone #: _____ Fax #: _____

Email Address: JACQUELINE.SPEER@MOM.DBUCKE@ATLLP.COM
Property Interest of Applicant: owner Renter/Lessee Other _____

PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT INFORMATION):

Name: NOD BOD PROPERTIES, LLC

Mailing Address: 410 DIELMAN RD

City: ST. LOUIS State: MO Zip Code: 63132

Phone #: 314 503-3089 Fax #: _____

Email Address: FORWERNER2@ICLOUD.COM

DESCRIPTION OF PROPERTY

Street Address or Location: 1641 DIELMAN RD.

Parcel Locator #: 164530411 Zoning Classification: G-2

PURPOSE OF SITE PLAN REVIEW APPLICATION (CHECK ALL THAT APPLY)

- Buildings, Structures and Uses Requiring Site Plan (Section 400.585)
 - New Construction of: _____
 - Exterior Modifications to: _____
 - Conditional Use Permit (C.U.P.) Application (per Section 400.670)
 - Motor Vehicle Oriented Business (M.V.O.B.): _____
 - Place of Worship: (Identify): _____

Bill 18-2024 - Exhibit A

SITE PLAN REQUIREMENTS: (Check EACH item upon satisfaction thereof)

- Map scale selected with range of 1" = 200' (minimum) to 1" = 20' (maximum) with drawing(s) of such accuracy and clarity that P&Z can readily interpret the site plan.
- Map identified by lot lines and location, including dimensions, etc., correlated with legal description of property included on, or attached to, Site Plan(s).
- Name, address & seal (as applicable) of qualified land planner and/or registered professional architect, engineer or land surveyor who designed and prepared the site plan; also name and address of owner(s), developer(s) and designer(s).
- Map scale, north point, boundary dimensions, natural features (e.g. streams, ponds, etc.), manmade features (e.g. buildings/structures, easements, high tension towers, pipelines, utilities including water/sewer lines etc.) and adjacent properties within 100 yards of site and their existing land uses.
- Existing topography and finished grade line elevations at two-foot (2') contour intervals; also finished floor elevation of all buildings/structures.
- Dimensions (H x W x D) of proposed principal/accessory buildings/structures and existing buildings/structures to remain and distance of each to nearest adjacent property line.
- Existing and proposed vehicular/pedestrian circulation features within and adjacent to the site; also, location, size and number of parking spaces in off-street parking areas and identification of service islands, service parking, and loading zones (See Article 7).
- Location and size of all existing and proposed public/private utilities serving or proposed to serve the property, including statement that all necessary utilities will be available, functioning and usable at time of occupancy.
- Proposed landscape plan (See Section 400.450).
- Architectural elevations of all proposed buildings and structures, including construction material schedule and floor plans for each.
- Location, height and intensity of all existing and proposed exterior lighting, including a photo metric plan, a graphic and catalog reference describing the proposed lighting standards.
- Location, type and nature of screening for all trash collection areas.
- Privacy fencing/screening (if site abuts residential zoning).
- Proposed storm water drainage plan, including retention basins.
- Other information deemed necessary by the Commission.

NOTE: All plans, or other materials submitted to the Planning and Zoning Commission in the Application or presented at the Public Hearing become the property of the City as part of the permanent record.

NOTICE TO APPLICANT

Application is hereby made for Site Plan Approval of the proposed land use/development submitted for review as shown and described on this form and all accompanying plans/maps, documents, drawings and other visual aids.

I hereby certify that I am the owner in fee or acting as the owner's authorized agent. I hereby certify that all information provided is true and correct. I as owner / as owner's Agent agree to fully abide by all City of Overland ordinances, standards, codes and conditions in constructing this project.

Bill 18-2024 - Exhibit A

<i>John C. Cella</i> Signature of Applicant		
<i>John Cella</i> Print Name of Applicant		
<i>4-4-24</i> Date		
	Signature of Owner	Signature of Property Owner
	Print Name of Owner of Business	Print Name of Owner
	Date	Date

(NOTE: Out of State Signatures must be notarized)

NOTE: ALL SIGNATURE(S) MUST BE NOTARIZED.

Subscribed and sworn before me personally appeared John Cella this 4th day of April, 2024

Rhonda Yarbrough
Notary

RHONDA YARBROUGH
Notary Public - Notary Seal
STATE OF MISSOURI
County of St. Louis
My Commission Expires: Oct. 02, 2027
Commission #11230238

FOR DEPARTMENT OF COMMUNITY DEVELOPMENT USE ONLY	
PROJECT ADDRESS:	<u>1641 Dickman Rd.</u>
Date Received:	<u>4-4-2024</u>
Application #:	<u>PSR24-0007</u>
Fee Amount:	<u>\$250.00 Non-Refundable</u>
Date Paid:	<u>4-4-24</u>
Approved:	Denied: _____ Date: _____
P&Z Hearing Date:	<u>5-28-24</u>
City Council Hearing Date:	<u>6-10-24</u>

Bill 18-2024 - Exhibit A

Planthaven Farms LLC

9504 Olive Blvd.

Olivette, MO 63132

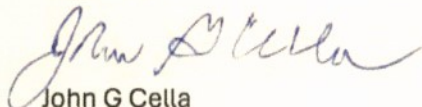
To Whom it May Concern,

Please accept this Letter of Intent for the purpose of applying for a business license at 1641 Dielman Road.

It is our intention to purchase property at 1641 Dielman Road for the purpose of merchandise storage for our three retail garden centers. Our retail merchandise consists of garden and home décor purchased from a variety of wholesale vendors. Our business has operating hours of 10AM – 5PM Monday through Saturday, and 10AM-4PM on Sundays. In total Planthaven Farms LLC has thirty (30) employees and is owned and operated by John and Pauline Cella. Planthaven Farms has one company box truck that will occasionally be housed at this location. There will be no outside storage required.

As we are currently not occupying this space we do not intend to apply for signage at this time.

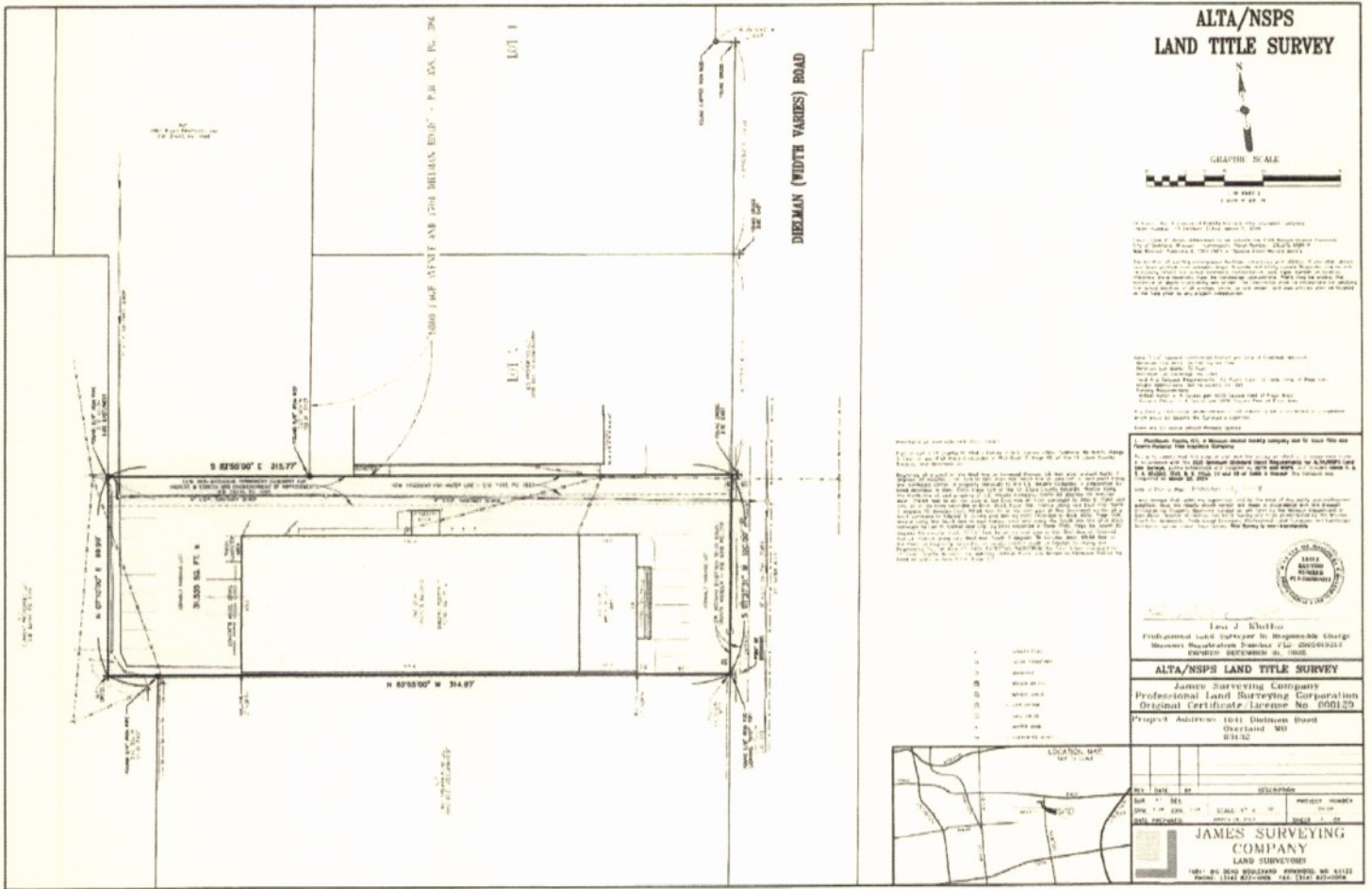
Regards,



John G Cella

Planthaven Farms

MAR 29 2024



Bill 18-2024 - Exhibit A

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 16L530411
For Tax Map ID(s): 04 0287

Part of Lot 3 of Charles H. Peck's Estate in U.S. Survey 2966, Township 46 North, Range 6 East, as per plat thereof recorded in Plat Book 5 page 85 of the St. Louis County Records, and described as:

Beginning at a point in the West line of Elmwood Avenue, 50 feet wide, distant North 7 degrees 39 minutes East 324.50 feet from the South line of said Lot 3, said point being the Northeast corner of property conveyed to L.E. Myers Company, a corporation by deed recorded in Book 3583 page 528 of the St. Louis County Records, thence along the North line of said property of L.E. Myers Company, North 82 degrees 55 minutes West 319.68 feet to an iron pipe in the east line of tract conveyed to John E. Flynn and wife. et al, by deed recorded in Book 3623 page 162, thence along said East line, North 7 degrees 10 minutes East, 99.66 feet to an old iron pipe at the Southwest corner of tract conveyed to Edward S. Garvey and wife by deed recorded in Book 4000 page 508; thence along the South line of said Garvey tract and along the South line of tract conveyed to Lee R. Garner and wife, by deed recorded in Book 3589 page 84, South 82 degrees 55 minutes East 320.53 feet to an old iron pipe in the West line of Elmwood Avenue, thence along said West line, South 7 degrees 39 minutes West, 99.66 feet to the point of beginning, according to survey thereof made by Clayton Surveying and Engineering Co., on April 17, 1959, EXCEPTING THEREFROM the East 5 feet conveyed to St. Louis County, Missouri, for widening of Dielman Road, also known as Elmwood Avenue by deed recorded in Book 6319 page 315.

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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Open Government Portal

Property Lookup

Example: 41 S Central Ave



St. Louis County GIS Services Center

