

Sponsored by: Planning & Zoning Commission

Bill No. 22-2024

Co-Sponsored by:

Ordinance No. 2024-21

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO LAURA EDITH ORTIZ GARCIA TO OPERATE A BEAUTY SALON WITH ALCOHOL SALES AT 9516 LACKLAND ROAD IN THE “C-1” NEIGHBORHOOD COMMERCIAL ZONING DISTRICT AS PROVIDED FOR IN SECTION 400.220.C AND APPENDIX A OF THE MUNICIPAL CODE OF THE CITY OF OVERLAND.

**WHEREAS**, a beauty salon or spa is a permitted use in the C-1 Neighborhood Zoning District, but Section 400.155.G requires a Conditional Use Permit if any applicable land use requires such a conditional use; and,

**WHEREAS**, a tavern/lounge allowing alcohol sales does requires a Conditional Use Permit in the C-1 Neighborhood Zoning District in accordance with Appendix A of the Municipal Code of the City of Overland (the “City Code”); and,

**WHEREAS**, to that end, Laura Edith Ortiz Garcia on behalf of 11:11 Salon & Spa has submitted an application for a Conditional Use Permit to operate a beauty salon with alcohol sales (as fitting under the definition of “tavern/lounge”) at 9516 Lackland Road (the “Property”); and,

**WHEREAS**, the Planning and Zoning Commission reviewed said application on July 30th, 2024, and recommended approval of the Conditional Use Permit; and,

**WHEREAS**, on August 12th, 2024, after publication of notice the City Council held a public hearing in accordance with Section 400.670.G of the City Code; 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 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; and,

**WHEREAS**, the City Council reiterates that this Conditional Use Permit is only in regard to Chapter 400 of the City Code, and a separate, additional approval of a liquor license pursuant to Chapter 600 of the City Code is necessary prior to any liquor being sold or offered to clientele.

**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 Laura Edith Ortiz Garcia on behalf of 11:11 Salon & Spa (collectively referred to herein as "Holder"), to operate a beauty salon with alcohol sales at 9516 Lackland Road provided for in Section 400.220.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 Mayor is hereby authorized to execute the Conditional Use Permit provided for in **Exhibit B** on behalf of the City of Overland.

**Section 7.** 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 12<sup>th</sup> day of August 2024.

**CITY OF OVERLAND, MISSOURI**

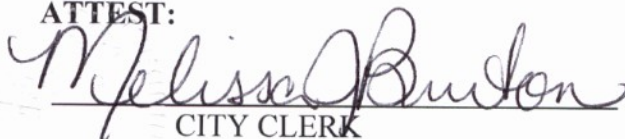


MAYOR

**August 12, 2024**

Date of Approval

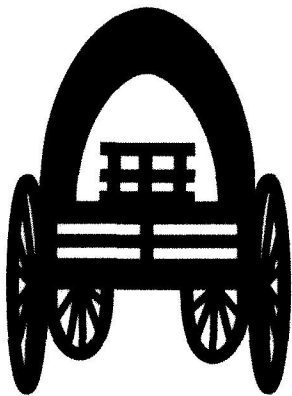
**ATTEST:**

  
CITY CLERK

**Exhibit A**

**Application for a Conditional Use Permit**





**CITY OF**  
**OVERLAND**

9119 LACKLAND RD | OVERLAND, MO 63114

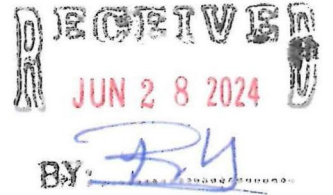
**PLANNING AND ZONING**

**July 30th, 2024**

**9516 Lackland Road**

**Conditional Use Permit and Site Plan Review**

**11:11 Salon & Spa / Laura Edith Ortiz Garcia**



SCANNED



CITY OF OVERLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

9119 LACKLAND RD | OVERLAND, MO 63114

APPLICATION FOR CONDITIONAL USE PERMIT

DATE OF APPLICATION: 06-28-24 CUP APPLICATION #: PC424-0015

PROJECT ADDRESS: 9516 Lackland Rd Overland MO 63114

DESCRIPTION OF PROPERTY:

Parcel Locator #: 15L631203 Zoning Classification: C1 Neighbor Com

LAND/USE DEVELOPMENT:

Existing or Prior Use: Existing Salon and spa

Proposed Use: Adding liquor license

BUSINESS INFORMATION:

Name of Proposed Business: Salon & Spa Adding liquor license

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

Name of Business Owner: Laura Edith Ortiz Garcia

Mailing Address: 9516 Lackland Rd

City: Overland State: MO Zip Code: 63114

Phone #: 314 662-2239 Fax #:

Email Address: felixfrod@yahoo.com

PROPERTY OWNER INFORMATION:

Name: Crosby Realty LLC

Mailing Address: P.O. Box 210299

City: Saint Louis State: MO Zip Code: 63121

Phone #: 314-365-1145 Fax #:

Email Address:

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:

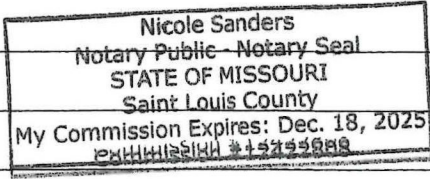
Signature:     LOrtiz      
Name:     Laura Edith Ortiz Garcia      
Date:     06/28/24    

BUSINESS OWNER ACKNOWLEDGMENT:

Signature:     LOrtiz      
Owner Name:     Laura Edith Ortiz Garcia      
Date:     06/28/24    

PROPERTY OWNER ACKNOWLEDGMENT:

Signature:     Tom Kinsey      
Name:     Tom Kinsey      
Date:     6/28/24    



NOTE: ALL SIGNATURE(S) MUST BE NOTARIZED.

Subscribed and sworn before me personally appeared     Laura E Ortiz Garcia     this     28      
day of     June    , 20    24    .



Notary

**FOR DEPARTMENT OF COMMUNITY DEVELOPMENT USE ONLY**

PROJECT ADDRESS: <u>9516 Levitt Lane Rd.</u>	
Date Received: <u>6-28-24</u>	Date Approved: _____
CUP #: <u>PC024-0015</u>	CUP Application #: <u>PC024-0015</u>
P&Z Hearing Date: <u>7/30/24</u>	C.C. Hearing Date: <u>8/12/2024</u>
Fee Amount: <u>\$300.00</u>	Date Paid: <u>6-28-24</u>
Land Use Category: <u>BAR / TAVERN / RESTAURANT</u>	
Approved: _____	Denied: _____ Date: _____
Drawings Approved: <u>[Signature]</u> <u>7-1-24</u>	Date: <u>7-1-24</u>



Exhibit A  
RECEIVED  
JUN 28 2024  
BY: RJ

### APPLICATION FOR SITE PLAN REVIEW

DATE OF APPLICATION: 06-28-24 APPLICATION #: PS PR 24-0014  
PROJECT ADDRESS: 9516 Lackland Rd Overland MO 63114

#### APPLICANT INFORMATION:

Name: Laura Edith Ortiz Garcia  
Mailing Address: 9516 Lackland Rd  
City: Overland State: MO Zip Code: 63114  
Phone #: 314 662-2239 Fax #: \_\_\_\_\_  
Email Address: Felixfrod@yahoo.com

Property Interest of Applicant:  owner  Renter/Lessee  Other \_\_\_\_\_

#### PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT INFORMATION):

Name: Crosby Realty LLC  
Mailing Address: P.O. Box 210299  
City: Saint Louis State: MO Zip Code: 63121  
Phone #: 314 365-1145 Fax #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

#### DESCRIPTION OF PROPERTY

Street Address or Location: 9516 Lackland Rd Overland MO 63114  
Parcel Locator #: 15L631203 Zoning Classification: C1 Neigh Com

#### 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): \_\_\_\_\_

**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.

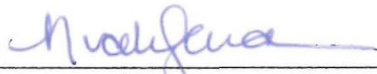


		
Signature of Applicant Laura E. Ortiz Garcia	Signature of Owner Laura E. Ortiz Garcia	Signature of Property Owner Tom King
Print Name of Applicant	Print Name of Owner of Business	Print Name of Owner
06/28/24	06/28/24	6/28/24
Date	Date	Date

(NOTE: Out of State Signatures must be notarized)

NOTE: ALL SIGNATURE(S) MUST BE NOTARIZED.

Subscribed and sworn before me personally appeared Laura E Ortiz Garcia this 28 day of June, 2024



Nicole Sanders  
 Notary Public - Notary Seal  
 STATE OF MISSOURI  
 Saint Louis County  
 My Commission Expires: Dec. 18, 2025  
 Commission # 12222008

Notary

**FOR DEPARTMENT OF COMMUNITY DEVELOPMENT USE ONLY**

PROJECT ADDRESS: 9516 Jack Leonard Rd.

Date Received: 6-28-24 Application #: 75PR240014

Fee Amount: \$250.00 Date Paid: 6-28-24

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Date: \_\_\_\_\_

P&Z Hearing Date: 7/30/2024

City Council Hearing Date: 8/12/2024

# Existing



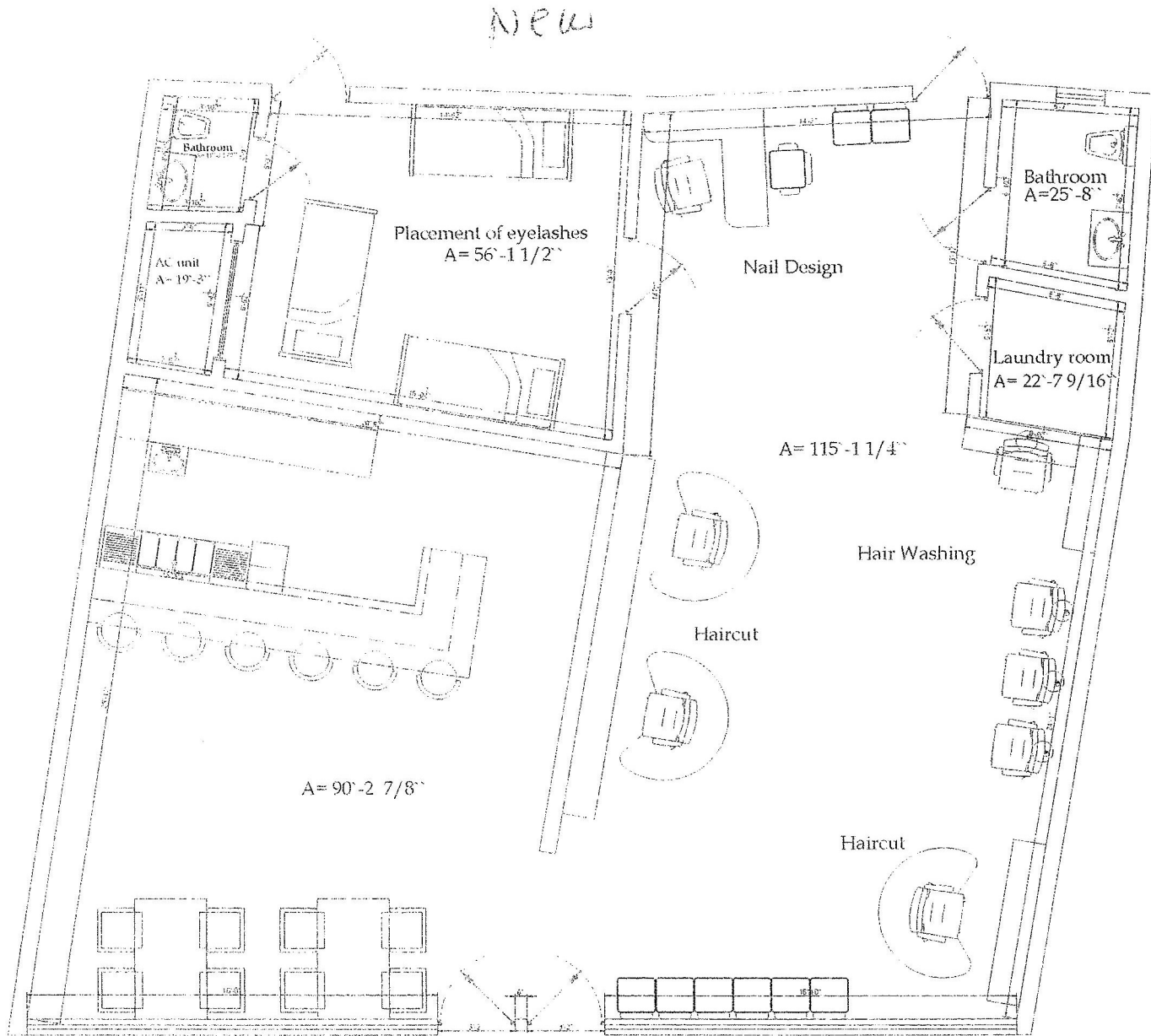
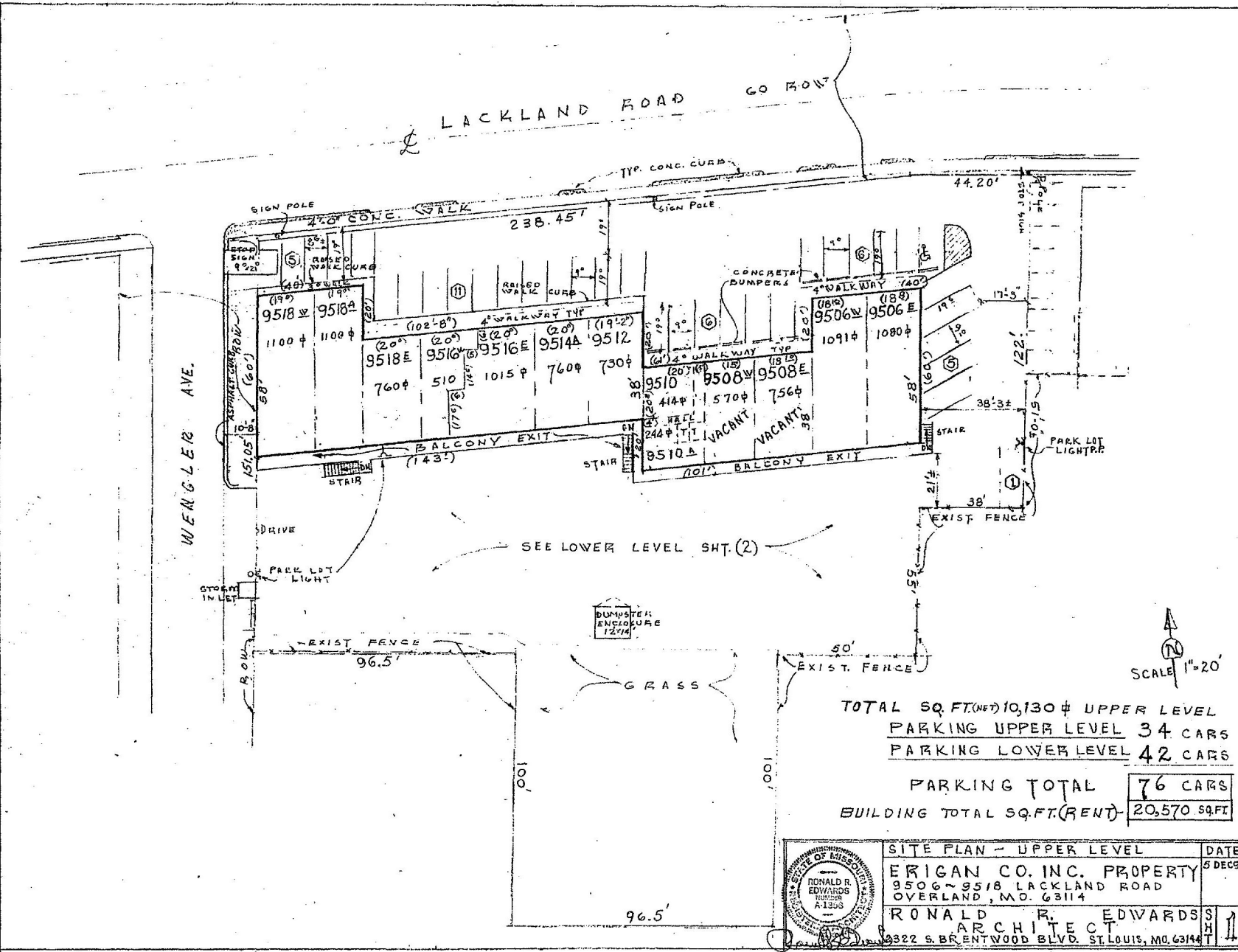




Exhibit A



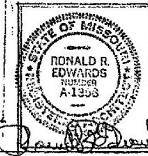




SEE LOWER LEVEL SHT. (2)

TOTAL SQ. FT. (NET) 10,130 # UPPER LEVEL  
 PARKING UPPER LEVEL 34 CARS  
 PARKING LOWER LEVEL 42 CARS  
 PARKING TOTAL 76 CARS  
 BUILDING TOTAL SQ. FT. (RENT) 20,570 SQ. FT.

SCALE 1"=20'



SITE PLAN - UPPER LEVEL		DATE
ERIGAN CO. INC. PROPERTY 9506 ~ 9518 LACKLAND ROAD OVERLAND, MO. 63114		5 DEC 90
RONALD R. EDWARDS ARCHITECT		SHEET 11
6322 S. BRENTWOOD BLVD. ST. LOUIS, MO. 63144		

## **Exhibit B**

### **Conditional Use Permit**

A Conditional Use Permit is hereby granted to 11:11 Salon & Spa (“Holder”) this 12th day of August 2024, by the City of Overland (“City”), a Municipal Corporation situated in St. Louis County, Missouri.

WITNESSETH:

**WHEREAS**, the Zoning Code of the City of Overland, Missouri authorizes the establishment of a Conditional Use Permit; and

**WHEREAS**, the aforementioned Holder requests a Conditional Use Permit for beauty salon with alcohol sales on a parcel of land currently addressed as 9516 Lackland Road, and asserts that Holder will comply with the terms and conditions of Chapter 400 of the Municipal Code of the City of Overland and the following terms and conditions of this Permit:

1. The Conditional Use Permit is solely for beauty salon with alcohol sales to clients of the salon. The Conditional Use Permit does not authorize the Holder to offer liquor to members of the public who are not on premises for the Holder’s salon or spa services.
2. The Conditional Use Permit granted herein does not authorize the Holder to make the property available as a public event space for general rentals.
3. If at any point the Holder is granted a liquor license by the City Council in accordance with Chapter 600 of the Municipal Code of the City of Overland, any lapse, denial, revocation, or suspension of the applicable liquor license shall result in a violation of this CUP and the business license and result in an immediate show cause hearing as to why the CUP should not be the revoked.
4. The Conditional Use shall only operate from 10:00 A.M to 8:00 P.M. Monday through Friday, 9:00 A.M. to 6:00 P.M. Saturdays, 9:00 A.M. to 3:00 P.M. Sundays.
5. The Property and Conditional Use must be in accordance with the Site Plan required under Chapter 400, Article IX as submitted with the Conditional Use Permit application or as exists on file with the City and is attached hereto. Any minor changes to the site plan required by Community Fire Protection District may be administratively approved by the Director of Community Development.
6. Outdoor storage is expressly prohibited on the Property.
7. Overnight parking is expressly prohibited on the Property.
8. All Off-Street Parking and Loading Spaces shall be properly striped and the minimum Parking Space dimensions provided in accordance with the Off-Street Parking Regulations of Chapter 400.



9. Compliance with all other applicable provisions of the Municipal Code of the City of Overland, including specifically Chapter 600 on Alcoholic Beverages.

**WHEREAS**, the City Council finds that the proposed building or use and the issuance of the Conditional Use Permit as requested by the Holder upon the conditions, restrictions, and requirements set forth herein 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.

**NOW**, therefore, the City Council of the City of Overland, Missouri does hereby approve and issue the Conditional Use Permit described herein.

- 1) The conditions, restrictions, and requirements as set forth in this Conditional Use Permit are an integral part of the Conditional Use Permit and the Holder understands that violation of or failure to perform or maintain any of the conditions, restrictions, and requirements shall constitute cause to revoke and terminate this Conditional Use Permit.
- 2) If an inspection is made, and the Property is found to be not in compliance with this Permit or City ordinances, the Holder will be given notice to make all necessary corrections. If the Holder is found not to be in compliance with the terms, conditions, or laws of the City by the compliance date or the Holder otherwise fails to comply with the conditions of this Permit, this Conditional Use Permit shall be subject to revocation and termination. Any and all expenses, including attorney's fees, incurred by the City in the abatement of any violation shall be paid by Holder.
- 3) The Holder certifies and represents that they have made known to the appropriate City officials all material facts. Any misrepresentation or omission of material facts shall be grounds for revocation of this Permit, and this Permit shall be null and void.

- 4) This Conditional Use Permit is non-assignable without the express consent of the City Council, unless such Conditional Use Permit may be administratively amended in accordance with Section 400.685.A of the Municipal Code of the City of Overland and will be reviewed annually by the Director of Community Development to assure that its use is in compliance with the terms of the Permit.
- 5) The Holder understands that this Conditional Use Permit shall terminate if substantial work, construction, or operation of the conditional use does not commence within six (6) months of the effective date of this permit as signed by the City, 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.
- 6) 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.
- 7) Holder of this Conditional Use Permit expressly agrees and understands that nothing herein is deemed or shall be interpreted as a grant of a liquor license as required by Chapter 600 of the Municipal Code of the City of Overland, Missouri.
- 8) The Holder understands each of the conditions set out herein and accepts and agrees to them.

**IN WITNESS WHEREOF**, the City of Overland upon application of the Holder has caused this Conditional Use Permit to 11:11 Salon & Spa be issued on the day, month, and year first written above.

**[SIGNATURE PAGE TO FOLLOW]**

**CITY OF OVERLAND, MISSOURI**

BY:

  
\_\_\_\_\_

PRINT:

**HON. MARTY A. LITTLE  
MAYOR**

DATE:

*8/12/22*  
\_\_\_\_\_

ACCEPTANCE:

**11:11 SALON & SPA**

BY:

\_\_\_\_\_

PRINT:

\_\_\_\_\_

DATE:

\_\_\_\_\_