

Sponsored by: Planning & Zoning Commission

Bill No. 23-2024

Co-Sponsored by:

Ordinance No. 2024-22

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO SHERRY OLIVER TO OPERATE A TAVERN/LOUNGE WITH RESTAURANT AT 9728 LACKLAND ROAD IN THE "C-2" GENERAL COMMERCIAL ZONING DISTRICT AS PROVIDED FOR IN SECTION 400.230.C AND APPENDIX A OF THE MUNICIPAL CODE OF THE CITY OF OVERLAND.

WHEREAS, Sherry Oliver on behalf of Oliver Jones LLC d/b/a Buddy's has submitted an application for a Conditional Use Permit to operate a tavern/lounge with restaurant at 9728 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 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 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 Sherry Oliver on behalf of Oliver Jones LLC d/b/a Buddy's (collectively referred to herein as "Holder"), to operate a tavern/lounge with restaurant at 9728 Lackland 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 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 12th day of August 2024.

CITY OF OVERLAND, MISSOURI

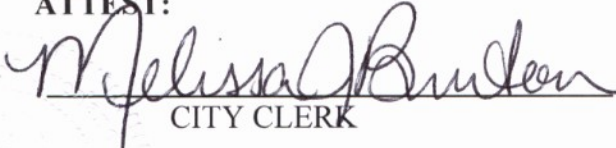


MAYOR

August 12, 2024

Date of Approval

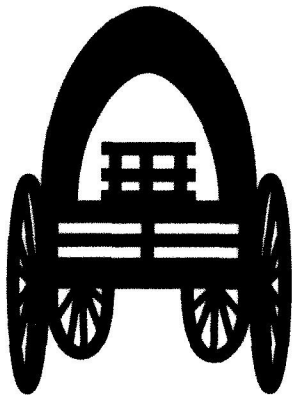
ATTEST:



CITY CLERK

Exhibit A

Application for a Conditional Use Permit



CITY OF

OVERLAND

9119 LACKLAND RD | OVERLAND, MO 63114

PLANNING AND ZONING

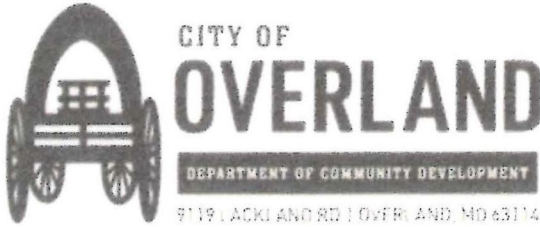
July 30th, 2024

9728 Lackland Road

Conditional Use Permit & Site Plan Review

Oliver Jones LLC dba Buddy's / Sherry Oliver

Change of Ownership



APPLICATION FOR CONDITIONAL USE PERMIT

DATE OF APPLICATION: June 25, 2024 CUP APPLICATION #: PCU24-0014

PROJECT ADDRESS: 9728 Lackland Rd Overland, MO 63114

DESCRIPTION OF PROPERTY:
Parcel Locator #: 15L530135 Zoning Classification: C2- General Commercial

LAND/USE DEVELOPMENT:
Existing or Prior Use: Neighborhood BAR
Proposed Use: Neighborhood BAR

BUSINESS INFORMATION:
Name of Proposed Business: Buddy's - Oliver Jones LLC
Property Interest of Applicant: owner Renter/Lessee Other _____
Name of Business Owner: SNEKRI OLIVER
Mailing Address: 9728 Lackland Rd
City: Overland State: MO Zip Code: 63114
Phone #: 314 761-1312 or 314 324-1112 Fax #: _____
Email Address: oliverjoneshavings@gmail.com

PROPERTY OWNER INFORMATION:
Name: Bronson Real Estate LLC
Mailing Address: PO 210299
City: ST Louis State: MI Zip Code: 63121
Phone #: 314 265 1140 Fax #: _____
Email Address: TK Liquid Doctor@gmail.com

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: Sherry Oliver Sherry Oliver
 Name: Sherry Oliver
 Date: June 25, 2024

BUSINESS OWNER ACKNOWLEDGMENT:

Signature: Sherry Oliver
 Owner Name: Sherry Oliver
 Date: June 25, 2024

PROPERTY OWNER ACKNOWLEDGMENT:

Signature: [Signature]
 Name: Tommy Kiely
 Date: 6/25/24

NOTE: ALL SIGNATURE(S) MUST BE NOTARIZED.

Subscribed and sworn before me personally appeared Sherry Oliver this 25th day of June, 2024. Thomas Kiely

TERESA BROWN
 Notary Public - Notary Seal
 STATE OF MISSOURI
 Saint Louis County
 My Commission Expires 10/19/2024
 Commission #10961803

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

Teresa Brown
Notary

FOR DEPARTMENT OF COMMUNITY DEVELOPMENT USE ONLY			
PROJECT ADDRESS: <u>9728 Lackland Road</u>			
Date Received:	<u>6-25-2024</u>	Date Approved:	
CUP #:	<u>PCU24-0014</u>	CUP Application #:	<u>PCU24-0014</u>
P&Z Hearing Date:	<u>7-30-24</u>	C.C. Hearing Date:	<u>8-12-24</u>
Fee Amount:	<u>\$300.00</u>	Date Paid:	
Land Use Category:	<u>Tavern/Lounge w Restaurant</u>		
Approved:	_____	Denied:	_____
		Date:	_____
Drawings Approved:	<u>[Signature]</u>	Date:	<u>6-25-2024</u>



APPLICATION FOR SITE PLAN REVIEW

DATE OF APPLICATION: 6/25/24 APPLICATION #: PSPR24-0013
PROJECT ADDRESS: 9728 Lackland Rd Overland, MO 63114

APPLICANT INFORMATION:

Name: Sherry Oliver - Oliver Jones LLC IFA Brady's
Mailing Address: 9728 Lackland Rd
City: Overland State: MO Zip Code: 63114
Phone #: _____ Fax #: _____
Email Address: oliverjonesholdings@gmail.com

Property Interest of Applicant: owner Renter/Lessee Other _____

PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT INFORMATION):

Name: Bronson Deal Estate LLC
Mailing Address: PO 210244
City: Shrews State: MO Zip Code: 63121
Phone #: 314 3657145 Fax #: _____
Email Address: TKLiquorDoctor@gmail.com

DESCRIPTION OF PROPERTY

Street Address or Location: 9728 Lackland Rd
Parcel Locator #: 15L530135 Zoning Classification: C2-General Commercial

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)

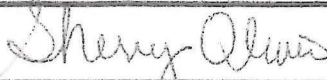
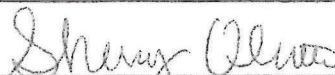

- Map scale selected with range of 1" = 200' (minimum) to 1" = 20' (maximum) with drawing(s) of such accuracy and clarity that P&Z can readily interpret the site plan.
- Map identified by lot lines and location, including dimensions, etc., correlated with legal description of property included on, or 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.

		
<i>Signature of Applicant</i>	<i>Signature of Owner</i>	<i>Signature of Property Owner</i>
Sherry Oliver	Sherry Oliver	Tom Kirdy
<i>Print Name of Applicant</i>	<i>Print Name of Owner of Business</i>	<i>Print Name of Owner</i>
June 25, 2024	June 25, 2024	6/25/24
<i>Date</i>	<i>Date</i>	<i>Date</i>

(NOTE: Out of State Signatures must be notarized)

NOTE: ALL SIGNATURE(S) MUST BE NOTARIZED.

Subscribed and sworn before me personally appeared Sherry Oliver this 25th
 day of June, 2024

Thomas Kirdy
Notary Public

NOTARY SEAL
 Notary Public - Notary Seal
 STATE OF MISSOURI
 Saint Louis County
 My Commission Expires 10/19/2024
 Commission #10961803

FOR DEPARTMENT OF COMMUNITY DEVELOPMENT USE ONLY	
PROJECT ADDRESS:	<u>9728 Lackland Rd.</u>
Date Received:	<u>6-25-2024</u>
Application #:	<u>PSPR 24-0013</u>
Fee Amount:	<u>\$250.00</u>
Date Paid:	_____
Approved:	Denied: _____ Date: _____
P&Z Hearing Date:	<u>7-30-2024</u>
City Council Hearing Date:	<u>8-12-2024</u>



314-761-1312



9728 Lackland Road
Overland, Mo 63114



oliverjonesholdings@gmail.com

To:

June 2, 2024

Nicole Sanders, Business License Clerk

nsanders@overlandmo.org

City of Overland

9119 Lackland Road

Overland, Mo 63114

+314-428-4321

I am writing to express my sincere interest in establishing a neighborhood bar in our community. Having been a resident, I have observed the need for a social hub where locals can gather, unwind, and forge connections in a comfortable setting. After careful consideration and market analysis, I believe that Buddy's can fill this void and become a cherished destination for our community.

Buddy's is a sophisticated yet welcoming **owner operated retail establishment** offering a curated selection of premium liquors and delectable cuisine. Our carefully crafted menu boasts a fusion of flavors, blending traditional pub favorites with innovative twists, ensuring an unparalleled experience. From handcrafted cocktails to gourmet small plates, each item is meticulously prepared to tantalize the senses and exceed expectations. Buddy's sets itself apart by prioritizing quality ingredients, impeccable presentation, and exceptional service, catering to discerning clientele seeking both indulgence and refinement.

Buddy's will add value to the Overland, Mo community by committing to the following:

Community-Centric Approach

Buddy's will prioritize the needs and preferences of our neighborhood. We aim to create a welcoming environment where patrons feel like they are part of a close-knit family.

Unique Offerings

Our will offer a diverse selection of beverages, including locally sourced craft beers, signature cocktails, and fine wines. Additionally, we plan to partner with local food vendors to provide delicious snacks and small plates that complement our drink menu.

Engaging Events

To foster a sense of camaraderie among patrons, we will host various events such as trivia nights, live music performances and themed parties. These activities will encourage regular visits and help build a loyal customer base.

JUN 10 2024



314-761-1312



9728 Lackland Road
Overland, Mo 63114



oliverjonesholdings@gmail.com



314-761-1312



9728 Lackland Road
Overland, Mo 63114



oliverjonesholdings@gmail.com

Commitment to Excellence

At Buddy's, we are committed to delivering exceptional service and maintaining high standards of cleanliness and safety. Our attentive staff will strive to exceed customer expectations and ensure that every visit is enjoyable.

Collaboration with the Community

We believe in giving back to the community that supports us. Therefore, we plan to collaborate with the local charities and organizations to host fundraisers and awareness campaigns that benefit the greater good.

Hours of Operation

Buddy's will operate Sunday- Saturday 9:00 am CT - 1:30 am CT

Company Vehicles and Outside Storage

There will be no company owned vehicles housed overnight and the business will not require outside storage.

Number of Employees

Buddy's will be an owner-operated establishment with up to 4 employees

Sign Permit

Buddy's will apply for a sign permit to display channel letters, a branded door decal graphic as well as a pylon sign to attract clients to the establishment.

In conclusion, I am enthusiastic about the opportunity to bring Buddy's to fruition and contribute to the vibrancy of our neighborhood. I am open to discussing further details and would welcome the chance to meet in person to explore this venture in more detail.

Thank you for considering my application and proposal. I look forward to the possibility of working together to make Buddy's a cherished establishment in Overland, Mo.

Sincerely,

Sherry Ann Oliver

Owner Operator, Buddy's

JUN 10 2024



314-761-1312



9728 Lackland Road
Overland, Mo 63114

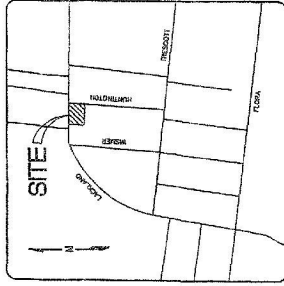
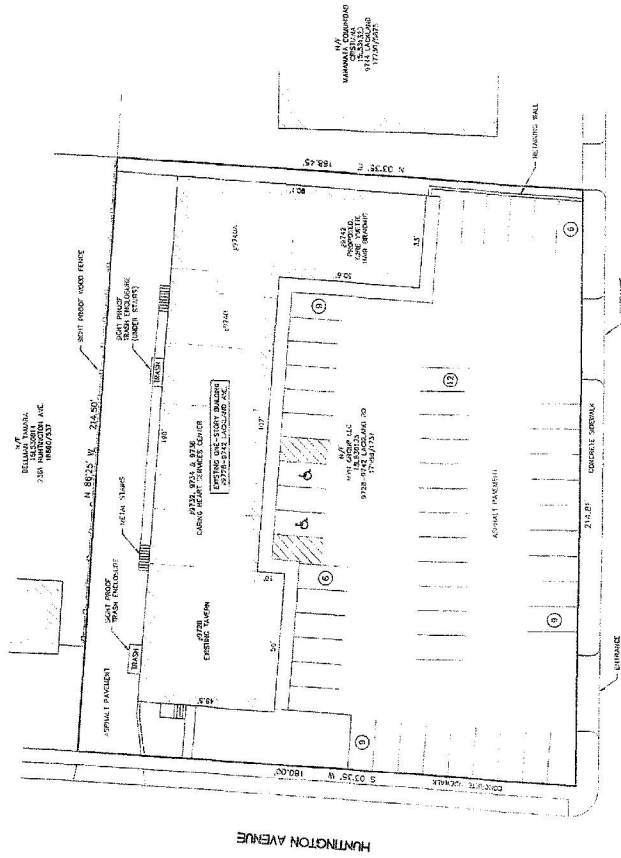
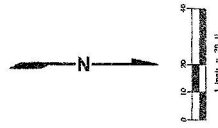


oliverjonesholdings@gmail.com

9728-9742 LACKLAND AVENUE

A TRACT OF LAND BEING LOT 9 OF L.D. HUNTINGTON'S SUBDIVISION
ST. LOUIS COUNTY, CITY OF OVERLAND, MISSOURI

DESCRIPTION	SYMBOL
EXISTING MAJOR CONTOUR	(Dotted line)
EXISTING MINOR CONTOUR	(Dashed line)
PROPOSED MAJOR CONTOUR	(Solid line)
PROPOSED MINOR CONTOUR	(Dashed line)
PROPOSED SPOT ELEVATION	(Elevation value)
EXISTING SANITARY SEWER	(Line with 'S')
EXISTING STORM SEWER	(Line with 'ST')
PROPOSED SANITARY SEWER	(Line with 'S')
PROPOSED STORM SEWER	(Line with 'ST')
EXISTING WATER LINE	(Line with 'W')
EXISTING FIRE HYDRANT	(Circle with 'H')
EXISTING GAS LINE	(Line with 'G')
EXISTING OVERHEAD UTILITY	(Line with 'O')
USE IN PLACE	(Blank)
ADJUST TO GRADE	(A.T.G.)
TO BE REMOVED	(R.S.R.)
TO BE REMOVED AND REPLACED	(R.S.R.)
TO BE REMOVED AND RELOCATED	(R.S.R.)



LOCATION MAP
N.T.S.

PROJECT DATA

LOCATION NO. 1433003
 SITE: 9728-9742 LACKLAND AVE.
 OWNER: MTH GROUP LLC
 ADDRESS: 11 WINDFIELD POINT LANE
 ST. LOUIS, MO 63143
 PROJECT NO. 1433003
 DATE: 09/22/14
 DRAWN BY: J. H. HARRIS
 CHECKED BY: J. H. HARRIS
 APPROVED BY: J. H. HARRIS
 MTH GROUP LLC
 10779 Page Ave.
 St. Louis, MO 63132
 P: 314.427.1800
 F: 314.427.1801



Vance Engineering, Inc.
 10779 Page Ave.
 St. Louis, MO 63132
 P: 314.427.1800
 F: 314.427.1801

9728-9742 LACKLAND AVE
 SITE PLAN
 REVISED
 14100
 09/22/14
 1/1
 J. H. HARRIS
 J. H. HARRIS
 J. H. HARRIS

GENERAL NOTES

1. EXISTING UTILITIES AND EXISTING SITE FEATURES SHOWN FROM AVAILABLE RECORDS.
2. THE SITE REPRESENTS AN APPROXIMATE AND NOT A FINAL DESIGN. THE DESIGN IS SUBJECT TO THE APPROVAL OF THE CITY OF OVERLAND, MISSOURI.
3. EXISTING UTILITIES AND EXISTING SITE FEATURES SHOWN FROM AVAILABLE RECORDS.
4. EXISTING UTILITIES AND EXISTING SITE FEATURES SHOWN FROM AVAILABLE RECORDS.
5. EXISTING UTILITIES AND EXISTING SITE FEATURES SHOWN FROM AVAILABLE RECORDS.
6. EXISTING UTILITIES AND EXISTING SITE FEATURES SHOWN FROM AVAILABLE RECORDS.
7. EXISTING UTILITIES AND EXISTING SITE FEATURES SHOWN FROM AVAILABLE RECORDS.

PRELIMINARY PLAN DISCLAIMERS

THIS PRELIMINARY PLAN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL INFORMATION AND CONDITIONS ON THE GROUND. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OVERLAND, MISSOURI. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OVERLAND, MISSOURI. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OVERLAND, MISSOURI.

NOTICE TO CONTRACTOR

BEFORE YOU BEGIN WORK ON THIS PROJECT, YOU MUST OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OVERLAND, MISSOURI. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OVERLAND, MISSOURI. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OVERLAND, MISSOURI.

BEFORE YOU
 BEGIN WORK
 1-800-344-7488
 MISSOURI CITY OF OVERLAND, MO

Exhibit B

Conditional Use Permit

A Conditional Use Permit is hereby granted to Oliver Jones LLC dba Buddy's ("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 tavern/lounge with restaurant on a parcel of land currently addressed as 9728 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 tavern/lounge with restaurant.
2. The Conditional Use shall only operate from 9:30 AM. to 1:30 AM. Sunday through Saturday.
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 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.
5. Outdoor storage is expressly prohibited on the Property.
6. Overnight parking is expressly prohibited on the Property.
7. 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.
8. Compliance with all other applicable provisions of the Municipal Code of the City of Overland, including specifically Chapter 600 on Alcoholic Beverages.
9. No food is to be served outdoors or within the area that was constructed in accordance with Permit Number: PB16-0027.

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 Oliver Jones LLC d/b/a Buddy's be issued on the day and year first written above.

[SIGNATURE PAGE TO FOLLOW]

CITY OF OVERLAND, MISSOURI

BY:



PRINT:

**HON. MARTY A. LITTLE
MAYOR**

DATE:



ACCEPTANCE:

**OLIVER JONES LLC D/B/A
BUDDY'S**

BY:

PRINT:

DATE:
