

INTRODUCED BY: Alderman Cross  
Alderman Robertson  
Alderman Wynn  
Alderman Golfin

Alderwoman Jepsen  
Alderman Leahy  
Alderman Marshall  
Alderman Kramer

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE WHOLESALE SALES OF A MANUFACTURED PRODUCT AT 2827 S. BRENTWOOD BLVD; ESTABLISHING THE CONDITIONS OF SUCH USE; APPROVING A SITE PLAN FOR THE PROPOSED SITE DEVELOPMENT; AND, ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, ABW Holdings, Inc. has submitted an application for Conditional Use Permit for wholesale sales of a manufactured product in a building identified as 2827 S. Brentwood Blvd.; and,

**WHEREAS**, ABW Holdings, Inc. has submitted an application for review of their proposed site development plan for the redevelopment of 2827 South Brentwood Blvd which consists of a single building of approximately 11,000 square feet of office and warehouse space combined; and,

**WHEREAS**, a notice was duly published on November 1, 2004 in the St. Louis Countian, a newspaper employed to do the printing and publication of these matters for the City of Brentwood, and on October 31, 2004 in the St. Louis Post-Dispatch, a newspaper of general circulation in the City, notifying the public of the holding of a public hearing on the 15<sup>th</sup> day of November, 2004 relative to the granting and issuance of such conditional use permit; and,

**WHEREAS**, such public hearing was held on November 15, 2004 in the City Hall of the City of Brentwood, Missouri in conformity with said public notice, at which public hearing the parties of interest and all citizens and residents of the City of Brentwood were given an opportunity to be heard and were heard; and,

**WHEREAS**, said application for Conditional Use Permit and review of the site development plan was submitted to the Planning and Zoning Commission for its investigation and report, and further, that such Planning and Zoning Commission has returned its final report and has recommended that such use permit be granted and the development plan be approved;

**WHEREAS**, the Board of Aldermen has found and determined that the Conditional Use Permit contemplated will not:

- a) Substantially increase traffic hazards or congestion
- b) Substantially increase fire hazards
- c) Adversely affect the character of the neighborhood
- d) Adversely affect the general welfare of the community
- e) Overtax public utilities

**WHEREAS**, the Board of Aldermen has further found the Conditional Use Permit contemplated:

- f) Complies with all other applicable provisions of this Zoning Code including performance standards of this Ordinance in regard to yard and setback, parking and loading areas, screening and buffering, refuse, storage and service areas and signs.
- g) Will contribute to and promote the community welfare and convenience at the specific location.
- h) Will not cause substantial injury to the value of the neighboring property.
- i) Complies with the City's Comprehensive Plan or plans for any applicable zoning district regulations and provisions of this Chapter.
- j) Will provide, if applicable, erosion control and on-site storm water detention in accordance with the standards contained in this Ordinance.
- k) Will be compatible with the surrounding area and thus will not impose an excess burden or have a substantial negative impact on surrounding or adjacent use or on community facilities or services.

**NOW, THEREFORE BE IT ORDAINED** By the Board of Aldermen of the City of Brentwood, Missouri, as follows:

**SECTION 1:** The Site Plan for this development is described by the following documents that are hereby made a part of this ordinance.

- Exhibit "A" "Site Plan" survey Sheet 1 dated September 30, 2004
- Exhibit "B" Site Plan Page 1 dated 9-29-04 prepared by Bond/Wolfe
- Exhibit "C" Building elevations; Page 2 dated 9-29-04 prepared by Bond/Wolfe
- Exhibit "D" Landscape Plans, Page 1.1 dated 9-29-04 prepared by Bond/Wolfe
- Exhibit "E" Colored Elevations, Page 1.1 dated 9-29-04 prepared by Bond/Wolfe
- Exhibit "F" Alt. Dumpster Location, Page 1 dated 10-27-04 prepared by Bond/Wolfe
- Exhibit "G" Site Plan, Page A1.0 dated 8-05-04 prepared by Bond/Wolfe
- Exhibit "H" Building Elevations, Page 2.1 dated 9-29-04 prepared by Bond/Wolfe

**SECTION 2:** The Conditional Use Permit granted to authorize the wholesale sale of manufactured products is hereby issued subject to the conditions set forth in Section 4 of this ordinance.

**SECTION 3:** The Site Plan for the site development described by the aforementioned Exhibits is hereby approved subject to the conditions set forth in Section 4 of this ordinance.

**SECTION 4:** The following conditions and restrictions are hereby imposed as conditions to the use permit referred to in Section 2 and site plan approval referred to in Section 3:

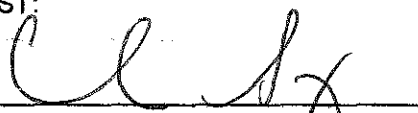
- A. The construction material for the west and north walls of the building are to be the same 8" X 16" CMU used for the east and south walls.
- B. The HVAC compressors are to be located along the north wall of the proposed building and are to be surrounded with a fence or adequate screen to reduce noise pollution.
- C. The fence along the western property line is to run continuous to the front of the adjacent residence. To the greatest extent possible the petitioner agrees to attempt to avoid existing trees. This is not to be construed as authorizing eliminating any portion of the fence or necessitating moving the retaining wall.
- D. The dumpster location, if outside the building walls, is to abut the south building wall just to the east of the truck ramp. The enclosure is to be constructed of block to match the wall construction and have wood gates to completely enclose the trash containers.
- E. Street trees are to be deciduous canopy trees, spaced at 35' intervals along the street frontage.
- F. Parking lot lighting will be by five (5) – four (4') foot high bollard style lights providing a level of light less than one-half lumen on the surface of the lot.
- G. Truck deliveries are prohibited between the hours of 10pm and 7am.

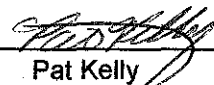
**SECTION 5:** The Building Official shall be charged with the responsibility for the enforcement of this ordinance.

**SECTION 6:** This Ordinance shall be in full force and effect from and after the date of its passage and approval according to law.

PASSED BY THE BOARD OF ALDERMEN THIS 15TH DAY OF NOVEMBER, 2004.  
APPROVED BY THE MAYOR THIS 15TH DAY OF NOVEMBER, 2004.

ATTEST:

  
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 Chris Seemayer  
 City Clerk/City Administrator

  
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 Pat Kelly  
 Mayor

1<sup>st</sup> Reading: November 15, 2004  
 2<sup>nd</sup> Reading: November 15, 2004