

INTRODUCED BY: ALDERMAN CROSS
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ALDERMAN GOLFIN

ALDERMAN BOYD
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ALDERMAN LEAHY
ALDERWOMAN MEHLER

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO CHARLES AND SHARON CATANZARO d/b/a CATANZARO PRODUCE WHICH PERMITS UNDER CERTAIN CONDITIONS THE USE OF CERTAIN DESCRIBED PROPERTY FOR OPERATION OF A RETAIL SALES FACILITY INVOLVING OUTDOOR INVENTORY AND DISPLAY OF MERCHANDISE; PROVIDING THE CONDITIONS OF SUCH USAGE; AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Charles and Sharon Catanzaro, d/b/a Catanzaro Produce, have applied to the City of Brentwood for a Conditional Use Permit to operate a retail sales facility with associated outdoor storage of merchandise at property numbered 3139 South Brentwood Blvd in the City of Brentwood, Missouri; and,

WHEREAS, in accordance with the applicable ordinances of the City of Brentwood such application 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 the conditional use permit be issued for operation of the above mentioned business; and,

WHEREAS, a notice was duly published on August 30, 2002 in the St. Louis Countian, a newspaper employed to do the printing and publication of these matters for the City of Brentwood, and on September 8, 2002 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 16th day of September, 2002 relative to said conditional use permit; and,

WHEREAS, such hearing was duly held by the Board of Aldermen on the 16th day of September, 2002 in the Council Chambers at Brentwood City Hall in Brentwood, Missouri in conformity with such public notice, at which public hearing the parties of interest and all citizens and residents of the Brentwood were given an opportunity to be heard and were heard; and,

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 the zoning code including performance standards in regard to yard and setbacks, parking and loading areas, screening and buffering, refuse storage and service areas and signs,
- g) Will contribute 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 the zoning 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: Subject to the conditions hereafter set forth, a conditional use permit is hereby issued to the property numbered 3139 South Brentwood Boulevard in Brentwood, Missouri.

- a) The bulk display of inventory outdoors is restricted to the hours between 9 am and 7 pm each day of the week from May 1 to October 31. Produce may be displayed in front of the building in an area immediately in front of this tenant space all year. Only large quantity display is regulated under this ordinance. Sale of Christmas trees is prohibited for outdoor sales. Sales of merchandise may be conducted within the building at this location at any time throughout the year.
- b) Outdoor display of inventory must be conducted under a tent or similar device as presented to the Planning and Zoning Commission at their meeting held August 28, 2002. Said tent is limited to 15 feet by 30 feet in size and is to be located in the four parking spaces at the northeast corner of the parking lot. No sale of merchandise may be conducted from trucks, trailers or any other type of vehicle. The handicapped parking space will be maintained and will not be used for display purposes.
- c) The tent may display the name "Catanzaro Produce" on the front of the tent in a size and location approved by the Zoning Administrator. Produce stacks may display identity and price signage provided that signage is of a size and in such a location that said signage is not readily visible from Brentwood Road.
- d) There shall be no outside public address or loud speaker system.
- e) The holder of the Conditional Use Permit or his employees or agents shall be responsible for pickup and disposal of all papers, container, bags or other trash or garbage of any kind resulting from the operation of the business for a distance of one-hundred yards from the entrance to this site.
- f) No additional outside lighting is authorized by this use permit.
- g) No trailers may be parked overnight on the premises.
- h) This Conditional Use Permit does not allow outside dining.

SECTION 2: The Building Official shall be charged with the responsibility for the enforcement of this Ordinance.

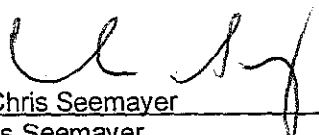
SECTION 3: This Ordinance shall be in full force and effect from and after the date of its passage and approval according to law.

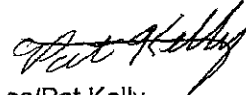
SECTION 4: All ordinances and parts of ordinances in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

PASSED BY THE BOARD OF ALDERMEN THIS 16TH DAY OF SEPTEMBER, 2002.

APPROVED BY THE MAYOR THIS 16TH DAY OF SEPTEMBER, 2002.

ATTEST:


 ss/Chris Seemayer
 Chris Seemayer
 City Clerk


 ss/Pat Kelly
 Pat Kelly
 Mayor

1st Reading: September 16, 2002
 2nd Reading: September 16, 2002