



Consent Item

RE: 15212A Manchester Road

Department/Program: Administration/Planning

Explanation: Special Use Exception Transfer

The Petitioner is seeking the transfer of the Special Use Exception issued to Hossein Naemi in October, 1986 for the operation of a Subway Sandwiches and Salads at 15212A Manchester Road. The ongoing operations would comply with all regulations outlined in the Special Use Exception within the governing Ordinance, with no proposed changes at this time. The transfer is based on Ordinance 1998, signed on October 27, 1986. The business must meet all current building and fire code requirements for Commercial Occupancy and will undergo the occupancy permit process following approval from the Board of Aldermen for the Special Use Exception transfer.

Recommendation:

Staff recommends approval of this Special Use Exception Transfer with the standard Special Use Exception conditions, along with the conditions specified in Ordinance 1998.

Submitted By: Lynn Sprick

Date: June 9, 2025



SPECIAL USE EXCEPTION TRANSFER PETITION

CITY OF BALLWIN }
COUNTY OF ST. LOUIS }
STATE OF MISSOURI }

FEE: \$250.00

PAID: CR-#1022 \$250.00 +8

NUMBER: SUET-25-02

TO THE BOARD OF ALDERMEN CITY OF BALLWIN

Type of Special Use Exception: Existing Subway
change of ownership only

Original Special Use Exception Ordinance Number: _____

Date of original Ordinance: _____

Now comes (print name of Petitioner) Subway / Kamran's LLC
and states to the Board of Aldermen:

I. That he, she, it, they, has (have) the following legal interest in the tract of land and/or premises located within the corporate limits of Ballwin, Missouri, described in Section II of this petition.

A. State Legal Interest: Existing Subway change of ownership only

B. Documentation of Legal Interest must accompany this petition.

II. That the legal description of the property/premises, for which a Special Use Exception is desired, is enclosed.

III. That the street address of said property is: 15212 A Manchester Road 63011

IV. That the area (acres or square feet) of said property is: 1000.00

V. That the zoning classification of said property is: _____

VI. That the present use of said property is: Subway

VII. That the intended use of said property is: Subway

VIII. That he, she, it, they has (have) obtained permission from the holder of the Special Use Exception to request its transfer into the name of the petitioner, and that the holder of the Special Use Exception waives all claim or rights upon transfer.

WHEREFORE, the holder(s) of a special Use Exception, granted according to Ordinance(s) No. _____, do hereby relinquish all rights and claim to said Special Use Exception(s).

HOLDER: Brett Stewart

AUTHORIZED SIGNATURE: [Signature]

AUTHORIZED SIGNATURE (PRINTED): Brett Stewart

ADDRESS: 926 N Guyer Rd

CITY/STATE/ZIP: Kirkwood MO 63122

TELEPHONE NO. 314 368 2152

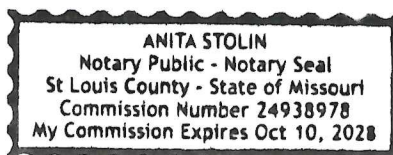
Subscribed and sworn before me this 13 day of May, 2025.

[Signature]

Notary Public

My Commission Expires

10/10/2028



WHEREFORE, Petitioner(s) pray(s) that a Special Use Exception, granted according to the provisions of Ordinance(s) _____ be transferred to the Petitioner.

PETITIONER: Gul Totgichi

AUTHORIZED SIGNATURE: [Signature]

AUTHORIZED SIGNATURE (PRINTED): Gul Totgichi

ADDRESS: 16343 Wynncrest falls way

CITY/STATE/ZIP: Wildwood MO 63065

TELEPHONE NO. 314-518-7482

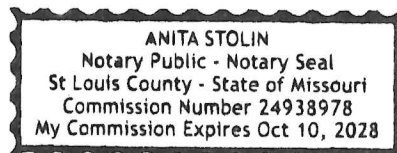
Subscribed and sworn before me this 13 day of May, 2025.

[Signature]

Notary Public

My Commission Expires

10/10/2028



BILL NO. 1998

ORDINANCE NO. 1855

INTRODUCED BY ALDERMEN MONTGOMERY AND MABRY

AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO HOSSEIN NAEMI d/b/a SUBWAY SANDWICHES AND SALADS FOR A RESTAURANT FOR THE PREPARATION AND SALE OF FOODSTUFFS FOR CONSUMPTION WHERE PREPARED, AND FOR PREPARATION AND SALE OF FOODSTUFFS TO BE CONSUMED IN A PLACE OTHER THAN THE BUILDING IN WHICH PREPARED AT A LOCATION COMMONLY KNOWN AS 15212 A MANCHESTER ROAD.

WHEREAS, a petition has been received requesting the use of certain property for operation of a restaurant for the preparation and sale of foodstuffs for consumption where prepared and for the preparation and sale of foodstuffs to be consumed in a place other than the building in which prepared.

WHEREAS, said petition was referred to the Planning and Zoning Commission for its recommendation and report; and,

WHEREAS, due notice of a Public Hearing before the Board of Aldermen upon said petition was published and posted in the City Hall; and,

WHEREAS, a Public Hearing was held before the Board of Aldermen upon said petition; and,

WHEREAS, the Board of Aldermen has determined that an establishment for the purposes disclosed in the petition, under certain conditions, would not substantially increase traffic hazards or congestion; would not adversely affect the character of the neighborhood; would not adversely affect the general welfare of the community; would not over-tax public utilities; would not adversely affect public safety and health; is consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the district; and can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and,

WHEREAS, all applicable matters in Section 2 of Article XIV of Ordinance No. 557, "The Zoning Ordinance", have been adequately provided for; and,

WHEREAS, said property is located in the C-1 Commercial District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI AS FOLLOWS:

SECTION I. A special use exception subject to the conditions specified on the attached Exhibit 1 which is incorporated by reference herein, is hereby granted to Hossein Naemi d/b/a Subway Sandwiches and Salads for a restaurant for the preparation and sale of foodstuffs for consumption where prepared and for preparation and sale of foodstuffs to be consumed in a place other than the building in which prepared at a location commonly known as 15212 A Manchester Road.

SECTION II. The special use exception hereby issued and referred to in Section I, is issued to the named permittee only and shall not be assigned nor transferred without approval of the Board of Aldermen.

SECTION III. The special use exception hereby issued and referred to in Section I shall be valid only under the conditions set out herein.

SECTION IV. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED THIS 27 DAY OF October, 1986.

Richard G. Andrews
Richard G. Andrews, Mayor

APPROVED THIS 27 DAY OF October, 1986.

Richard G. Andrews
Richard G. Andrews, Mayor

ATTEST:

Michael G. Herring
Michael G. Herring, City Administrator

BILL NO. 1998

ORDINANCE NO. 1855

EXHIBIT I

1. Any violation of the provisions, regulations, and conditions set forth in this Ordinance and its Exhibits, the Zoning Ordinance or any Health, Building, or License Ordinances of the City of Ballwin, shall be cause for revocation of the special use exception hereby granted.
2. That a detailed plan acceptable to the City Engineer and Planner is submitted by the permittee within thirty (30) days of passage and approval of this Ordinance providing for appropriate lighting which will not disturb adjacent property or affect traffic on adjacent rights-of-way.
3. That a detailed plan acceptable to the City Engineer and Planner is submitted by the permittee within thirty (30) days of passage and approval of this Ordinance providing for greenery planting and its maintenance both for division purposes from adjacent rights-of-way and also from adjacent properties, which plantings may be required to be as high as eight (8) feet when for the purpose of screening from adjacent properties. These planting areas should be a minimum of five (5) feet wide and may be required to be up to ten (10) feet in width.
4. That a detailed plan acceptable to the City Engineer and Planner is submitted by the permittee within thirty (30) days of passage and approval of this Ordinance that the area or necessary portions thereof are adequately fenced so as to provide screening where necessary and to prevent unauthorized persons from having access to the area or portions thereof, which fence may be required to be a height of six (6) feet.
5. That a detailed plan acceptable to the City Engineer and Planner is submitted by the permittee within thirty (30) days of passage and approval of this Ordinance for adequate parking taking into account the number of employees and members of the public that will be using the area, and providing that all parking areas be paved.
6. That adequate provisions are made for sanitary sewage and storm water run-off in the plans to be submitted by permittee to the City Engineer and Planner in other conditions hereof.
7. That adequate provisions are made for ingress and egress to abutting rights-of-way in the plans to be submitted by permittee to the City Engineer and Planner in other conditions hereof.
8. All signs, billboards, and flags to be erected or maintained on the area are to comply with Chapter 21 of the "Code of Ordinances of the City of Ballwin" in effect at the time the sign or billboard is erected, but in no event shall pennants, flags, fringes, streamers, flashing lights, pinwheels, advertising flags, or similar devises nor personnel be used or displayed on the area.

9. There is no outdoor storage, display, or sale of merchandise equipment or supplies, except as otherwise specifically provided herein.
10. No food or beverage of any kind is delivered outside the building by any employee, agent, or servant of the permittee.
11. Trash or debris shall not be allowed to accumulate and the area shall be kept clean and free of trash and debris at all times by the permittee and an enclosed area for storage of trash and debris is to be provided on the area by permittee.
12. No vibration, noise, odor, smoke, toxic gases, dirt, dust, fly ash, or other forms of particulate matter, radiation, glare, or heat shall be emitted in a quantity in excess of that permitted under the provisions of the St. Louis County Revised Ordinances or any applicable Ordinance of the City of Ballwin, Missouri.
13. Permittee may operate a restaurant for the preparation and sale of foodstuffs for consumption where prepared, and for preparation and sale of foodstuffs to be consumed in a place other than the building in which prepared but excluding any driveup window for pickup purposes or other drivein curb service at a location commonly known as 15212 A Manchester Road.
14. Permittee shall, within thirty (30) days from passage and approval of this Ordinance, notify in writing the Planner of the City of Ballwin, that the conditions of the Special Use Exception provided for herein are accepted.

Special Use Exception accepted the 23 day of Jan, 1987.

Hanni Nami