



## **Consent Item**

**RE:** 15200 Manchester Road

**Department/Program:** Administration/Planning

**Explanation:** Special Use Exception approval extension

On July 8, 2024, Ordinance 24-09 was approved for the development of a restaurant with a drive through (Dutch Bros) at 15200 Manchester Road.

According to Appendix A, Article XIV, Section 4(11): In the event that a special use exception grantee fails to proceed with the allowed use or construction and/or development, within a period of one year following the effective date of said special use exception, and no extension of time is granted by the board of aldermen, said grantee shall be deemed to have abandoned the special use exception and it shall terminate.

Additionally, per Appendix A, Article XIIB, Section 9, the development plan that was approved as part of the project, has also expired.

To date, the approved development plan has not been recorded and no permits have been issued for the project. Section 9 goes on to state: Unless expressly authorized at the time of the granting of the special use exception, or upon the granting of a time extension by the board of aldermen, all construction and site developments associated with a special use exception must be completed within 18 months of the effective date of the special use exception, or it shall be deemed abandoned and shall thereupon terminate.

At this time, the petitioner is requesting a four (4) month extension.

### **Recommendation:**

Staff recommends that the Board consider granting an extension of four (4) months, with the following conditions:

1. Recording of the approved development plan must occur within two (2) months of the extension approval.
2. All necessary permit applications must be submitted within three (3) months.
3. Visible construction activity must commence within the four (4) month extension period.

Failure to meet these conditions will result in the expiration of the special use exception and associated development plan.

**Submitted By:** Lynn Sprick

**Date:** July 14, 2025



## SPECIAL USE EXCEPTION EXTENSION PETITION

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

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### TO THE BOARD OF ALDERMEN CITY OF BALLWIN

Type of Special Use Exception: Special Use Exception for operation of a drive-thru restaurant in a C-1 commercial district with MRD overlay.

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Original Special Use Exception Ordinance Number: Bill No. 4191 Ordinance No. 24-09

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Date of original Ordinance: July 8, 2024 signed by City / August 5, 2024 Agreed by Petitioner

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Now comes (*print name of Petitioner*) Mako Kellman on behalf of Anvil Real Estate & Development, 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: Contract Holder
  - 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: 15200 Manchester Road, Ballwin, MO
- IV. That the area (acres or square feet) of said property is: 24,707 SF
- V. That the zoning classification of said property is: C-1 commercial dsitricth with MRD overaly
- VI. That the present use of said property is: Vacant Land
- VII. That the intended use of said property is: Retail with Drive Thru
- VIII. Reason for extension request must accompany this petition. Working on user for remaining property.
- IX. Time frame for completion must accompany this petition.  
Four (4) Months.

HOLDER: Mako Kellman on behalf of Anvil Real Estate & Development, LLC

AUTHORIZED SIGNATURE: \_\_\_\_\_

*Mako Kellman*

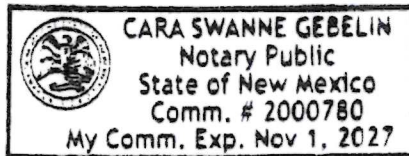
AUTHORIZED SIGNATURE (PRINTED): Mako Kellman

ADDRESS: 1776 Montano Rd. NW, Suite 25

CITY/STATE/ZIP: Albuquerque, NM 87107

TELEPHONE NO. 505-450-2553

Subscribed and sworn before me this 30 day of June, 2025.



*Cara Gebelin*  
Notary Public

My Commission Expires

November 1, 2027

WHEREFORE, Petitioner(s) pray(s) that a Special Use Exception, granted according to the provisions of Ordinance(s) C1 with MRD be transferred to the Petitioner.

PETITIONER: Mako Kellman on behalf of Anvil Real Estate & Development, LLC

AUTHORIZED SIGNATURE: \_\_\_\_\_

*Mako Kellman*

AUTHORIZED SIGNATURE (PRINTED): Mako Kellman

ADDRESS: 1776 Montano Rd. NW, Suite 25

CITY/STATE/ZIP: Albuquerque, NM 87107

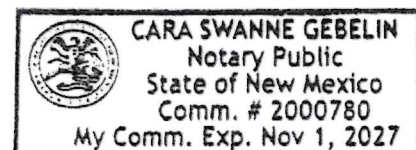
TELEPHONE NO. 505-450-2553

Subscribed and sworn before me this 30 day of June, 2025.

*Cara Gebelin*  
Notary Public

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November 1, 2027







Bill No. 4191  
Ordinance No. 24-09

INTRODUCED BY  
ALDERMEN UTT, FINLEY, STALLMANN, HAUG, FLEMING, WEAVER, SIEGEL, BULLINGTON

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AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO MAKO KELLMAN ON BEHALF OF ANVIL REAL ESTATE & DEVELOPMENT, LLC, FOR OPERATION OF A RESTAURANT WITH A DRIVE-THROUGH.

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WHEREAS, a petition has been received from Mako Kellman on behalf of Anvil Real Estate & Development, LLC, requesting the use of certain property at 15200 Manchester Road for operation of a restaurant with a drive-through; and

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

WHEREAS, due notice of a public hearing before the Planning and Zoning Commission upon said petition was published and posted according to law and ordinance; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on June 3, 2024, upon said petition; and

WHEREAS, the Planning and Zoning Commission has submitted its report recommending denial to the Board of Aldermen; and

WHEREAS, the Board of Aldermen has determined that an establishment for the purposes disclosed above, 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 Appendix A, "The Zoning Ordinance," have been adequately provided for:

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

Section 1. A special use exception, subject to the conditions hereinafter specifically set forth, is hereby granted to Mako Kellman on behalf of Anvil Real Estate & Development, LLC, to use the premises in the City of Ballwin, Missouri, known as 15200 Manchester Road, Ballwin, Missouri 63011 for operation of a restaurant with a drive-through in a C-1 commercial district with MRD overlay, as is made and provided for in Article IX of Appendix A. The development and site improvements shall conform to the Site Improvement Plan dated June 24, 2024 and the Amended Development Plan dated June 24, 2024. Copies of both plans are attached hereto and incorporated by this reference.

Section 2. The special use exception hereby issued, and referred to in Section 1, is issued to the named permittee only and shall not be assigned or transferred, without the permission of the



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Board of Aldermen of the City of Ballwin.

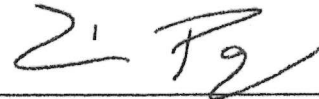
Section 3. The special use exception hereby issued and referred to in Section 1, shall be valid only if the conditions set forth in the Addendum, attached hereto as Exhibit 1 and made a part hereof, are observed by permittee.

Section 4. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this 9 day of July, 2024.

  
TIM POGUE, MAYOR

APPROVED this 8 day of July, 2024.

  
TIM POGUE, MAYOR

ATTEST:   
ERIC STERMAN, CITY ADMINISTRATOR





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## EXHIBIT ONE

The permittee granted a Special Use Exception per the ordinance hereby appended to, their assignees and successors, as authorized and approved by the Board of Aldermen of the City of Ballwin, agree to abide by the following provisions, the provisions of all ordinances of the City of Ballwin, and all applicable laws of St. Louis County, the State of Missouri and of the United States of America and to require all licensees, franchisees, and lessees to similarly abide by said ordinances, laws and provisions, as appropriate to such special use exception. In addition, the following provisions, as appropriate, shall apply:

1. There is no outdoor storage, display or sale of any merchandise, equipment, vehicle, supplies or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin.

2. There is no servicing, repair, cleaning, maintenance or other work on any merchandise, equipment, vehicle, materials, supplies, or product except as may be provided and limited by this Special Use Exception or ordinance of the City of Ballwin, except within a fully enclosed building which shall not include carports, porte-cocheres, accessory structures or temporary coverings and/or enclosures such as tents, tarpaulins, flies, or other similar structures.

3. No food or beverage of any kind is delivered outside of a building shown on the accompanying site plan by the permittee, its agents, servants or employees except for purposes of off-site delivery.

4. No food or beverage of any kind is served or dispensed to persons inside of automobiles or other vehicles by the permittee, its agents, servants or employees except from a drive-through window and/or designated waiting spaces specified on the accompanying site plan. Under no circumstances is drive-in curb service permitted.

5. Any violation of the laws, statutes, ordinances, codes, policies and regulations of the City of Ballwin, St. Louis County, the State of Missouri, or the United States of America by the permittee, its agents, servants or employees shall be cause for the revocation of the Special Use Exception hereby granted.

6. That the site, premises and/or land use described by the permittee in the application and subsequently approved by this ordinance is developed and operated in accordance with the final approved development plan and the provisions of this ordinance, and any failure to do so shall be cause for the revocation of the Special Use Exception hereby granted.

7. All new utility and other service laterals and connections on the site and/or premises, and all connections to site improvements and fixtures installed outside of a fully enclosed building shall be installed underground.

8. All sign illumination and other lighting is selected and arranged so as not to cast light upon, and/or be a nuisance, to any right-of-way or any other property.

9. The permittee and their approved assignees or successors, if any, shall preserve, maintain and care for all plantings, and landscaped and planted areas on the site and/or premises,



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in accordance with the landscape and site plans of this ordinance. Such maintenance, preservation and care shall include all planted and landscaped rights-of-way adjacent to the site and/or premises addressed and approved by the Special Use Exception hereby granted.

10. Trash and debris shall not be allowed to accumulate and the site/premises shall at all times be kept clean and free of all refuse, debris, leakage and recyclable material accumulation.

11. All trash dumpsters and recyclable material storage areas shall be screened with a 100% opaque screen which shall totally obscure any visibility of the dumpster and recyclables container. Such screening shall be permanent in nature and architecturally compatible with the associated development. Said enclosure and screening may not be located within any front yard and shall not interfere with driver visibility or any loading, parking or vehicular circulation.

12. Unless otherwise provided by this Special Use Exception or other ordinances of the City of Ballwin, no vehicles, equipment or property may be parked or stored on the premises for which this permit is issued except non-commercial vehicles as defined by the Ballwin Ordinances and one fully operational and licensed delivery/service vehicle per business or tenant or use operated on the premises.

13. No changes or departures from the approved final development plan may be made without the approval of the Board of Aldermen in accordance with the provisions of Article XIV, Section 3, of the Ballwin Zoning Ordinance.

14. This Special Use Exception shall terminate three months following the non-renewal of the business license for the business associated with the location for which the Exception is granted.

15. The permittee shall provide eleven regular parking spaces and one handicap parking space on-site.

16. The remaining undeveloped and unpaved area of the lot shall be turned into green space/grass until it is developed.



