



Bill No. 4191

Ordinance No. _____

INTRODUCED BY

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

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.

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 ____ day of _____, 2024.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 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 curbside 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.



CONSULTING ENGINEERING
GEOSPATIAL SERVICES

ILLINOIS SWANSEA
COLUMBIA
GLEN CARBON
PEORIA
DECATUR

MISSOURI ST. CHARLES
ST. LOUIS
COLUMBIA

TENNESSEE NASHVILLE
CHATTANOOGA
ATHENS

THOUVENOT, WADE & MOERCHEN, INC.

ST. CHARLES OFFICE
400 N. FIFTH STREET, SUITE 101
ST. CHARLES, MISSOURI
63301-1800
TEL (636) 724-8300
WWW.TWM-INC.COM

PROF. LICENSE	NUMBER
IL. PROF. DESIGN FIRM	184-001220
IL. PROF. ENGR. CORP.	62-035370
IL. PROF. STR. ENGR. CORP.	81-005202
IL. PROF. LAND SURV. CORP.	048-000029
KS. PROF. ENGR. FACILITY	E-3256
MO. PROF. ENGR. CORP.	001528
MO. LAND SURVEYING CORP.	000346
TN. PROF. ENGR. FIRM	8974

SEAL



Marsha J. Maller
SIGNATURE:
DATE SIGNED: 6/24/24
LICENSE EXPIRATION: 12/31/24

ISSUED FOR PLANNING & ZONING
DATE OF ISSUANCE 06/13/2024

REV.	DATE	DESCRIPTION
△		
△		
△		
△		

DRAWN BY: ELA
DESIGNED BY: ELA
CHECKED BY: NSG
APPROVED BY: ELA
PROJECT NO: 230952

PROJECT:
MO0401_BALLWIN
DUTCH BROTHERS COFFEE
15200 MANCHESTER ROAD

TITLE:
**AMENDED DEVELOPMENT
PLAN**

BENCHMARK #100
N: 1004501.860
E: 805002.306
ELEV=586.74

BENCHMARK #101
N: 1004657.213
E: 805006.060
ELEV=588.93

UTILITY DISCLAIMER:

THE TYPE, SIZE, AND LOCATION OF UTILITIES AS DELINEATED IN THESE TOPOGRAPHIC LAND SURVEY DOCUMENTS AND/OR CIVIL ENGINEERING DESIGN DOCUMENTS HAVE BEEN DETERMINED BY REVIEW OF AVAILABLE "AS-BUILT" OR RECORD DRAWINGS, FIELD SURVEY OF MO ONE-CALL MARKED UTILITIES, OR FIELD SURVEY OF ABOVE GROUND SURFACE UTILITY FEATURES. THE OWNER AND ENGINEER HAVE NOT UNDERTAKEN SUBSURFACE EXPLORATORY INVESTIGATIONS TO CONFIRM OR VERIFY THE UTILITIES SHOWN ON THESE DOCUMENTS, THEREFORE THEIR EXACT LOCATION, SIZE AND FUNCTION MUST BE CONSIDERED APPROXIMATE AND MUST BE FIELD CONFIRMED BY THE CONTRACTOR.

THE ENGINEER AND OWNER FURTHER DO NOT WARRANT THAT ALL UTILITIES HAVE BEEN ILLUSTRATED ON THESE DOCUMENTS. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR CONTACTING MO ONE-CALL FOR FIELD VERIFICATION OF ALL UTILITIES ON THE SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION. IF THE CONTRACTOR DETERMINES THAT A SUBSTANTIAL DISCREPANCY EXISTS BETWEEN FIELD VERIFIED UTILITIES AND THESE PLANS WHICH WOULD SIGNIFICANTLY AFFECT THE FUNCTION, COST, OR PERFORMANCE OF THE PROJECT, THE CONTRACTOR SHALL IMMEDIATELY CONTACT THE ENGINEER FOR CLARIFICATION AND PROJECT DIRECTION.

GENERAL NOTES:

- SEE ARCHITECTURAL PLANS FOR STRUCTURAL DESIGN OF BUILDING, TRASH ENCLOSURE, AND SIGN.
- ALL WALKWAYS ARE TO BE CONSTRUCTED TO CURRENT ADAAG STANDARDS.
- ALL DIMENSIONS ARE SHOWN TO FACE OF CURB UNLESS OTHERWISE NOTED.

KEYED NOTES:

- 2.5' CURB AND GUTTER
- BARRIER CURB
- TRANSITION CURB (SEE GRADING PLAN)
- 6' CONCRETE SIDEWALK
- CONCRETE SIDEWALK WITH TURNDOWN CURB
- VAN ACCESSIBLE ADA SPACE AND SIGN (SEE DETAILS)
- DUMPSTER ENCLOSURE (SEE ARCHITECTURAL PLANS FOR DETAILS)
- MONUMENT SIGN - TO BE PERMITTED SEPARATELY
- POLE MOUNTED LUMINAIRE - SEE LIGHTING DIAGRAM
- DIRECTIONAL SIGN - TO BE PERMITTED SEPARATELY
- MENU SIGN - TO BE PERMITTED SEPARATELY
- 6' VINYL SITE PROOF FENCE
- METAL ORNAMENTAL FENCE

SITE CALCULATIONS / NOTES

BUILDING S.F.	950 S.F.	BUILDING TOTAL
PARKING REQUIRED	1 PER 200 S.F.	5 SPACES REQUIRED
PARKING PROVIDED	12 INCLUDING 1 ADA SPACE	
ALL SPACES ARE 10' X 20'		

LEGEND:

- HMA PAVEMENT
- PCC SIDEWALK/PAVEMENT
- SOD
- CROSS ACCESS EASEMENT
- NUMBER OF PARKING SPACES

THIS IS TO CERTIFY THAT THIS AMENDED DEVELOPMENT PLAN HAS BEEN REVIEWED AND RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING COMMISSION IN BALLWIN, MISSOURI

CHAIRMAN PLANNING AND ZONING COMMISSION
BALLWIN, MISSOURI

DATE

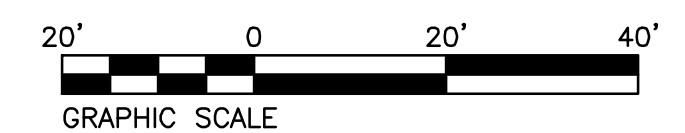
THIS IS TO CERTIFY THAT THE CITY OF BALLWIN REVIEWED AND APPROVED THIS AMENDED DEVELOPMENT PLAN AT THE _____ 2024 MEETING AND IS APPROVED THRU ORDINANCE NUMBER _____

MAYOR, CITY OF BALLWIN MISSOURI

DATE

CITY CLERK, CITY OF BALLWIN MISSOURI

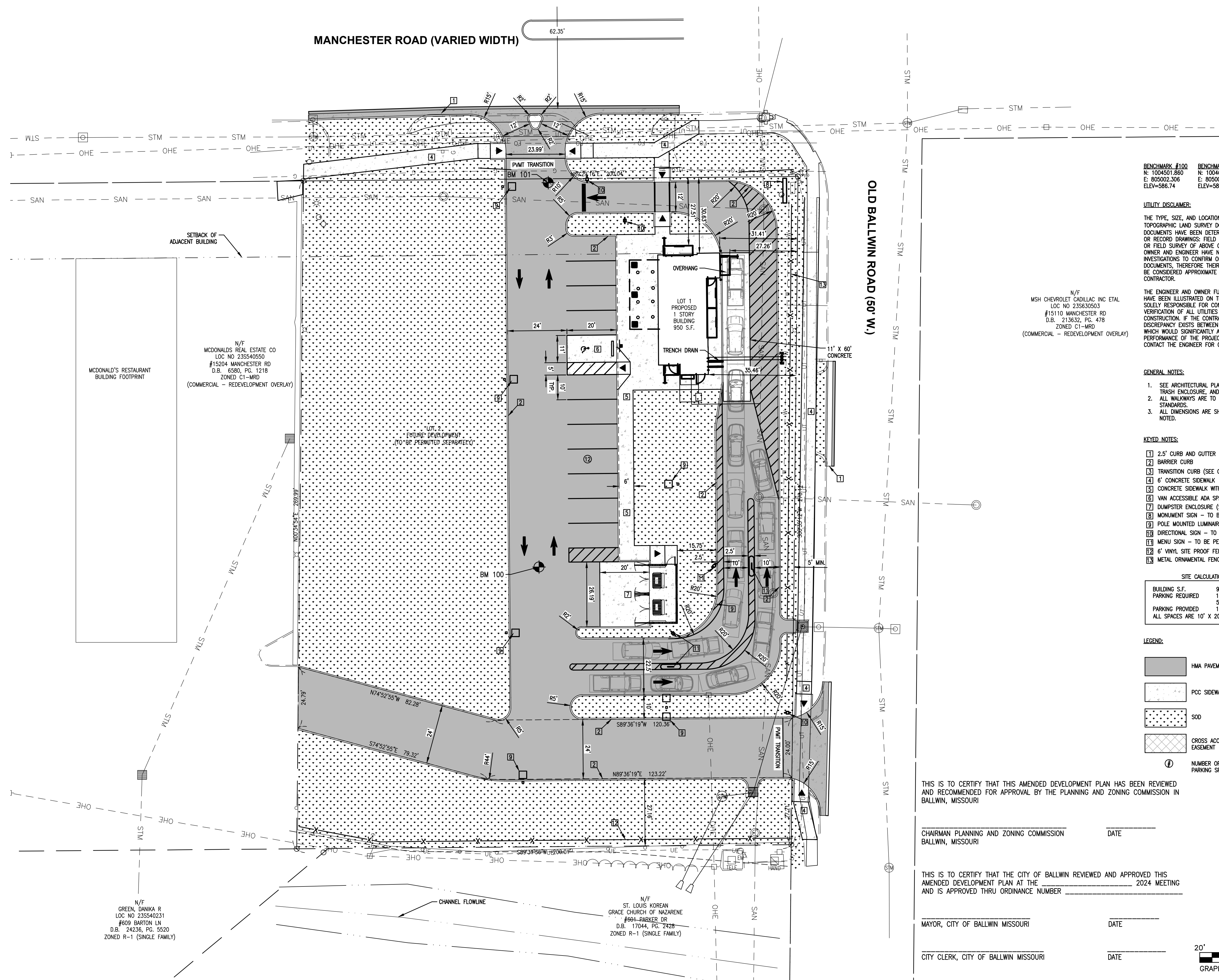
DATE



WUNNENBERG MAP: 24DD-32
MSD MAP: 23S2
MSD No.: 24MSD-0077

MANCHESTER ROAD (VARIED WIDTH)

OLD BALLWIN ROAD (50' W.)



N/F
MCDONALDS REAL ESTATE CO
LOC NO 235540550
#15204 MANCHESTER RD
D.B. 6580, PG. 1218
ZONED C1-MRD
(COMMERCIAL - REDEVELOPMENT OVERLAY)

MCDONALD'S RESTAURANT
BUILDING FOOTPRINT

N/F
GREEN, DANIKA R
LOC NO 235540231
#609 BARTON LN
D.B. 24236, PG. 5520
ZONED R-1 (SINGLE FAMILY)

N/F
ST. LOUIS KOREAN
GRACE CHURCH OF NAZARENE
#604 PARKER DR
D.B. 17044, PG. 2428
ZONED R-1 (SINGLE FAMILY)