



## PLANNING AND ZONING COMMISSION MEETING

1 GOVERNMENT CTR, BALLWIN, MO 63011  
MONDAY, DECEMBER 04, 2023 at 7:00 PM

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### AGENDA

1. **Call to Order**
2. **Approval of Minutes**
  - [a.](#) October 2, 2023 Minutes
3. **Agenda Items**
  - [a.](#) Capital Budget for 2024
  - [b.](#) SUE 23-03 – Petition for a Special Use Exception (SUE) for an automobile and motor vehicle service and/or repair facility at 15230 Manchester Road
  - [c.](#) Z-23-03 – Zoning Change from St Louis County’s R-4 Residence District to the City of Ballwin’s R-4 Planned Multiple Dwelling District for the lots in The Cascades Subdivision
  - [d.](#) Z-23-04 – Zoning Change from St Louis County’s R-3 Residence District to the City of Ballwin’s R-3 Single Family Dwelling District for the lots in Charleston Oaks Subdivision
  - [e.](#) Z-23-05 – Text Amendment to Appendix A, Article XIV, adding regulations to the Zoning Ordinance regarding retail tobacco stores, cigar bars, hookah and vapor lounges
4. **Adjourn**

**NOTE:** Due to ongoing City business, all meeting agendas should be considered tentative. Additional issues may be introduced during the course of the meeting.

**ADA NOTICE:** Residents of Ballwin are afforded an equal opportunity to participate in the programs and services of the City of Ballwin regardless of race, color, religion, sex, age, disability, familial status, national origin or political affiliation. If one requires an accommodation, please call (636) 227-8580 V or (636) 527-9200 TDD or 1-800-735-2466 (Relay Missouri) no later than 5:00 p.m. on the third business day preceding the hearing. Offices are open between 8:00 a.m. and 5:00 p.m. Monday through Friday.



**MINUTES OF THE  
PLANNING AND ZONING COMMISSION MEETING  
1 GOVERNMENT CTR, BALLWIN MISSOURI 63011  
OCTOBER 2, 2023**

Mayor Pogue called the meeting to order at 7:00 p.m. Members in attendance were:

**PRESENT**

Mayor Tim Pogue  
Alderman Mark Stallmann  
Commissioner Grant Alexander  
Commissioner Derek Beiter  
Commissioner Bill Hinds  
Commissioner Victoria Winfrey  
Commissioner Zach Carter

City Planner Lynn Sprick  
City Administrator Eric Sterman  
City Attorney Robert Jones

**ABSENT**

Commissioner Gary Carr  
Commissioner Mike Swain

**Approval of Minutes**

A motion was made by Alderman Stallmann to accept the minutes of the March 6, 2023 meeting as submitted. Commissioner Winfrey seconded the motion; unanimous approval was received from the Commission Members present.

**Election of Officers**

Alderman Stallmann nominated Grant Alexander to serve as Chairman of the Planning & Zoning Commission. Commissioner Winfrey seconded the motion. Unanimous approval was received from the Commission Members present.

Alderman Stallmann nominated Victoria Winfrey to serve as Secretary of the Planning & Zoning Commission. Commissioner Alexander seconded the motion. Unanimous approval was received from the Commission Members present.

**Z-23-02 – Lighting Text Amendment**

*Petitioner: City of Ballwin, 1 Government Center, Ballwin Missouri 63011*

City Planner Sprick stated this change would add lighting standards and give the City the ability to address light trespass violations. She went on to explain that the Commission's vote is a recommendation to the Board of Aldermen.

Attorney Jones explained the process from application to bill to ordinance.

Mayor Pogue asked if staff was aware that the University of Missouri St Louis (UMSL) is once again offering a Chancellor's Certificate in Planning.

City Administrator Sterman said Commissioners may take the courses at the City's expense.

Alderman Stallmann spoke about new lighting technology and the light trespass that occurs as a result.

Chairman Alexander asked if the proposed regulations would apply to both commercial and

residential properties.

City Planner Sprick and Attorney Jones answered.

Commissioner Hinds said some cities state at what height light at the property line is measured.

Commissioner Carter recommended measurements be taken at grade. The remainder of the Commission agreed and language was added.

Commissioner Carter asked if the proposed regulations would apply to Ameren street lights.

City Administrator Sterman stated that the City does not regulate Ameren's lights.

Commissioner Stallmann stated that the proposed language would apply to both commercial and residential properties.

Commissioner Beiter asked if Ballwin Athletic Association Complex would be required to obtain a special use exception for the existing lighting at the site.

Attorney Jones explained that the facility predates the proposed language and would therefore be considered legally non-conforming.

City Administrator Sterman stated that section of the proposed language would apply to new developments and outdoor athletic facilities such as school sports facilities.

Chairman Alexander opened the public hearing. There was no one present to speak in favor or in opposition and the public hearing was closed.

Commissioner Stallmann motioned to recommend approval of Z-23-02 to the Board of Aldermen.

Commissioner Beiter seconded the motion, which received unanimous approval from the Commission members present.

### Adjournment

Mayor Pogue made a motion to adjourn the meeting. Chairman Alexander seconded the motion, which received unanimous approval from the Commission members present. The meeting was adjourned at 7:19 p.m.

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Grant Alexander, Chairman  
Planning & Zoning Commission

## 2024-2028 CAPITAL IMPROVEMENT PLAN

2024

2025

2026

2027

2028

### Expenditures/Project By Department

#### Parks & Recreation

Vlasis Park Construction	\$ 1,651,377	\$ -	\$ -	\$ 605,000	\$ -
New Ballwin Park Lake Design/Specs	-	30,000	-	-	-
New Ballwin Park Lake Improvements	-	-	605,000	-	-
Pointe Playground	-	427,500	-	-	-
Vlasis Post Tension Tennis Courts	-	-	-	-	605,000
<b>Totals:</b>	<b>\$ 1,651,377</b>	<b>\$ 457,500</b>	<b>\$ 605,000</b>	<b>\$ 605,000</b>	<b>\$ 605,000</b>

#### Police

Police Building Demolition	\$ 125,000	\$ -	\$ -	\$ -	\$ -
<b>Totals:</b>	<b>\$ 125,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

#### Public Works

Ries Rd. - Engineering	\$ 64,183	\$ -	\$ -	\$ -	\$ -
Ries Rd. - Construction	855,773	-	-	-	-
Public Works Yard Design	405,000	-	-	-	-
Public Works Yard Construction	-	4,500,000	-	-	-
Smith Dr. Culvert - Engineering	-	-	-	38,500	-
Smith Dr. Culvert- Easements	-	-	-	30,800	-
Smith Dr. Culvert - Construction	-	-	-	-	1,300,000
<b>Totals:</b>	<b>\$ 1,324,956</b>	<b>\$ 4,500,000</b>	<b>\$ -</b>	<b>\$ 69,300</b>	<b>\$ 1,300,000</b>

**Expense Totals: \$ 3,101,333 \$ 4,957,500 \$ 605,000 \$ 674,300 \$ 1,905,000**

### Revenues

Capital Improvement Sales Tax	\$ 235,000	\$ -	\$ -	\$ -	\$ -
Park Sales Tax	373,000	-	-	-	-
Public Safety Tax	100,000	-	-	-	-
Federal Project Reimbursement	684,618	-	-	-	1,040,000
Miscellaneous Park Grants	1,150,000	416,000	575,000	575,000	575,000

**Revenue Totals: \$ 2,542,618 \$ 416,000 \$ 575,000 \$ 575,000 \$ 1,615,000**

Beginning Fund Balance	\$ 559,678	\$ -	\$ -	\$ -	\$ -
Transfers In-Operating Fund Balance	-	4,000,000	-	-	-

**Grand totals: \$ 3,102,296 \$ 4,416,000 \$ 575,000 \$ 575,000 \$ 1,615,000**

**Revenues Over/ (Under) Expenditures: \$ 963 \$ (541,500) \$ (30,000) \$ (99,300) \$ (290,000)**



Projects for 2024 - 2028

Parks & Recreation

Vlasis Park Construction

\$2,256,377

The recently adopted Vlasis Park Masterplan was crafted with community input and includes improvements to the ponds, trails, courts and pavilions and replacement of the playground. New elements include the addition of a great lawn which will serve as the centerpiece of the park and new green space to include a butterfly garden. Implementation will span multiple years to maximize grant opportunities. The playground phase will be completed first.



Pointe Playground

\$427,500

While this playground is just 20 years old, its use of sand as a safety element is messy and degrades the more expensive pour in place surfacing. Maintenance and repair issues are frequent and recurring. One element of the playground has resulted in numerous injuries. The City will apply for a Land Water Conservation Fund grant to offset a portion of the cost.



Projects for 2024 - 2028

Parks & Recreation

**New Ballwin Park Design, Specification, and Lake Improvements** **\$635,000**

Years of sediment build-up have contributed to degraded water quality and unsightly lake conditions in the warm summer months. In order to improve the environmental, habitat, recreational, aesthetic and social conditions of New Ballwin Lake, staff intends to develop a plan to rehabilitate the lake in New Ballwin Park. Items that will be considered are deepening the lake, removing the sediment, creating a stabilized and improved lake edge treatment, removal of the fishing deck and walkway, and adding a permanent structure for concerts and educational programming near the lake to enhance the park.



**Vlasis Post Tension Tennis Courts** **\$605,000**

A failure of the underdrain system has resulted in deep cracking. Reconstruction of the courts are needed, and the use of post tension concrete rather than asphalt will double the longevity of the new court. A 25 year life is expected along with extra protection from water erosion and reduced maintenance costs.



**Police Building Demolition**

**\$125,000**

The former police building is now vacant and is obsolete. The site will be repurposed in part for expansion of the public works yard but as much as is possible will be added to Vlasik Park as additional green space. Demolition of this building will be performed by public works staff.

**Projects for 2024 - 2028**

**Public Works**

**Ries Road Engineering and Construction**

**\$919,956**

Ries Road pavement has deteriorated. Engineering began in 2022, and construction will follow in 2024. Benefits include a smoother driving surface, upgraded and more cost efficient street lighting and compliance with federal regulations.

**Public Works Yard - Reconfiguration**

**\$4,905,000**

The layout of the yard shared by public works, building maintenance and parks staff is congested and inefficient. The main building is in poor condition with active water leaks. Newly replaced vehicles and heavy equipment are exposed to the elements. A needs assessment is underway with detailed design work planned in 2024. Enhancements will likely include a different office building with improved access for the public, heated bays for maintaining and repairing equipment and several covered storage structures. The yard will expand to include a small part of the space where the current police building sits.



**Smith Drive Culvert**

**\$1,369,300**

The existing concrete 4-cell culvert is deteriorating and needs to be replaced. This project encompasses the replacement of the existing concrete box culvert and related roadway work. The project will be 80% offset by federal funding. Benefits include reducing the risk of structural failure and the improvement of creek flow.





## SPECIAL USE EXCEPTION PETITION

CITY OF BALLWIN	}	FEE:	with site plan review	\$ 1,500.00
	}		without site plan review	\$ 750.00
COUNTY OF ST. LOUIS	}	PAID:	<u>11/13/23</u>	
STATE OF MISSOURI	}	NUMBER:	<u>SUE-23-03</u>	

### TO THE BOARD OF ALDERMEN CITY OF BALLWIN

Type of Special Use Exception: General for Putting up new sign to make minor Change/update to building.

Code Section under which petition is being filed: \_\_\_\_\_

Now comes (print name of Petitioner) Steven Towers / Steve Towers Enterprise, 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: Business Owner
  - 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 a survey or drawing of the property/premises, for which a Special Use Exception is requested, is enclosed, and said drawing is to a scale of 100 feet or less to the inch.
- IV. That the street address of said property is: 15230 Manchester Rd, Ballwin, MO 63011
- V. That the area (acres or square feet) of said property is: 0.63 AC
- VI. That the zoning classification of said property is: C1
- VII. That the present use of said property is: Automotive Shop
- VIII. That the intended use of said property is: Automotive Shop - Midas  
Auto Service
- IX. That the proposed Special Use Exception does not violate any private deed restrictions on said property.
- X. That all information provided herein is true and a statement of fact.

I, the Petitioner, do hereby request an Ordinance of the Board of Aldermen approving and granting the herein described Special Use Exception.

PETITIONER: Steven Towers  
AUTHORIZED SIGNATURE: [Signature]  
AUTHORIZED SIGNATURE (PRINTED): Steven Towers  
ADDRESS: 281 Whichard Lane  
CITY/STATE/ZIP: Chocowinity, NC 27817  
TELEPHONE NO. 615-588-8010

I, (print name of Petitioner) Steven Towers, do hereby designate Ashley Towers as my agent for purposes of presenting this petition, negotiating with the City of Ballwin on all issues relative to this petition, and corresponding and communicating with representatives of the City of Ballwin relative to this petition.

AGENT'S SIGNATURE: [Signature]  
AGENT'S NAME (PRINTED): Ashley Towers  
ADDRESS: 281 Whichard Lane  
CITY/STATE/ZIP: Chocowinity, NC 27817  
TELEPHONE NO. 334-546-0988

Subscribed and sworn before me this 20<sup>th</sup> day of October, 2023.

[Signature]  
Notary Public  
Dallas R Gates

My Commission Expires

7.10.2028



# Special Use Exception Petition Staff Report – SUE-23-03

**Public Hearing Date:** December 4, 2023

**Petition Number:** SUE-23-03

**Petitioner:** Steve Towers Enterprise  
281 Whichard Lane, Chocowinity, NC 27817

**Project Name:** Automotive shop (Midas Auto Service)

**Requested Action:** Special Use Exception for an automobile and motor vehicle service and/or repair facility (per App A, Art XIV, Sec 1 (3)).

**Location:** 15230 Manchester Road

**Existing Zoning:** C-1 Commercial District

**Surrounding Zoning:** North, east and west – C-1  
South – R-1 Single Family Residential

**Comprehensive Plan designation:** Mixed Use: Corridor





**Project description:**

This Petition is for a Special Use Exception for an automobile and motor vehicle service and/or repair facility with front yard parking at 15230 Manchester Road. The property is located on the south side of Manchester Road, approximately 550 feet east of New Ballwin Road and consists of approximately 26,670 square feet. The property is currently zoned C-1 Commercial District. The properties to the north, east and west are also zoned C-1. The property to the south is zoned R-1 Single Family Residential.

**History:**

A Special Use Exception was approved for a “motor vehicle repair shop” in August 2000, per Ordinance 00-42. A Midas shop was in operation on the property until 2018. In 2021, a Special Use Exception was approved for a new, similar business (Champion Car Care Automotive Repair) to operate on the property per Ordinance 21-01.

**Staff analysis:**

This Petition is for a Special Use Exception for an automobile and motor vehicle service and/or repair facility with front yard parking at 15230 Manchester Road. This use is considered a Special Use Exception in the C-1 Commercial District. The existing building has been similarly used since the approval of the original Special Use Exception and construction of the building in 2001 making many existing physical conditions (lot size, building setbacks, etc) legally non-conforming (grandfathered). An existing condition the Board may want to discuss is the existing on-site parking. The City’s current parking code would require eighteen (18) off street parking spaces. There are fourteen (14) existing parking spaces on the property.

In addition, a Special Use Exception is required for parking in a front yard, along public right of way. Appendix A, Article XIV, Section 1(14) states: Parking within any front yard for all allowed uses in the C-1, C-3, PA and S-1 districts and for all nonresidential uses in the R-1A, R-1, R-2, R-3, R-4, R-5 and PSD districts.

Appendix A, Article IX, Section 7(3) states: In order to minimize the negative traffic impact of development in the C-1 district on adjoining roadways, all new developments, redevelopments, building expansions and/or site improvements shall provide to Ballwin a cross access, and driveway/parking lot vehicular interconnection easement on all sides of the site where, in the judgment of the board of aldermen, the interconnection of parking lots and/or driveways is necessary to minimize traffic congestion and vehicular conflict points on and near Manchester Road. The Board of Aldermen may waive the requirements for the granting and/or recording of such easement if topographic or other conditions prevent such desired interconnections from being built or utilized. Such easements shall run from the closest curb cut to the adjoining property line. The easement shall be at least as deep from the right-of-way as the minimum

required front yard depth of the C-1 district and under no circumstances shall such easement be so shallow as to prevent the construction of a 25-foot wide two-way vehicular roadway. Should such an easement be not feasible in the front yard, but possible in a side or rear yard, then the latter location may be approved by the board of aldermen.

As part of the previous Special Use Exception approval in 2021, a cross access easement was created between this property and the development to the east. At that time, the Board of Aldermen discussed requiring installation of the cross access at a point in the future when the adjacent property owner submits an application for property improvements.

Per Appendix A, Article XIV Special Use Exception Regulations, Section 1:

- (3) Automobile and motor vehicle service and/or repair facility including body work and painting facilities in the C-1 commercial district, provided that no work activities shall be done outside the building, and no motor vehicle shall be stored unless enclosed within a building or parked and stored outdoors only subject to the following restrictions and regulations:
  - a. All motor vehicles shall be parked on a paved parking lot that has been paint striped to show designated parking areas;
  - b. No motor vehicle may be parked outdoors unless it has a current license issued by a state government;
  - c. No motor vehicle may be parked outdoors for more than 45 consecutive days or more than 50 days during any 12-month period;
  - d. The aggregate number of motor vehicles parked outdoors for more than 24 hours shall not exceed the greater of six motor vehicles per enclosed service bay or 12 motor vehicles per acre of the premises of the shop; and
  - e. Such other restrictions and regulations as the Board of Aldermen may require due to unique physical or cultural characteristics, proximity to uses and facilities that may be negatively impacted by this use, access limitations, traffic impact or other special issues which make the site atypical of the city or neighborhood.

Additionally, the Planning & Zoning Commission and the Board of Aldermen may want to consider the following condition, found in Appendix A, Article XIV, Section 2(11) which states: In off-street parking for public use or for employees, no sales, dead storage, repair work nor dismantling of automobiles shall be permitted.

When reviewing a Special Use Exception, the Planning & Zoning Commission and Board of Aldermen shall determine whether such exception:

- a. Will substantially increase traffic hazards or congestion.

The re-occupancy of the building should not increase traffic hazards or congestion.



- b. Will adversely affect the character of the neighborhood.

The re-occupancy of the building should not adversely affect the character of the neighborhood.

- c. Will adversely affect the general welfare of the community.

The re-occupancy of the building should not adversely affect the welfare of the community.

- d. Will overtax public utilities.

The re-occupancy of the building should not overtax public utilities.

- e. Will adversely affect public safety and health.

The re-occupancy of the building should not adversely affect public safety and health.

- f. Is consistent with good planning practice.

This property was previously developed and the existing conditions were assumingly approved using good planning practice.

- g. Can be operated in a manner that is not detrimental to the permitted developments and uses in the district.

The re-occupancy of the building should not be detrimental to the permitted developments and uses in the district.

- h. Can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area.

The business should be operated in a manner that is visually compatible with the permitted uses in the surrounding area.

**Staff recommendation:**

Considering the fact that this property was previously developed and two (2) similar businesses have been granted Special Use Exceptions to operate out of the building, staff recommends approval of this Petition with the condition above.

## **Business Plan**

**Steve Towers Enterprise, LLC**

**DBA**

**Midas Auto Service**

**Opening New Location at:**

**15230 Manchester Road, Ballwin, MO 63011**

**Owner: Steven Towers**

## Executive Summary

Steve Towers Enterprise, LLC runs and operates multiple Midas Auto Service and Big O Tire Franchises. It offers first class auto service to all customers needing repairs done to their vehicles. Steven Towers is the owner and operator of each business. He is an experienced auto mechanic who gained valuable knowledge on managing an auto repair shop during his years of working at Tuffy Auto Service and then quickly climbed the ladder becoming a District Manager for Bridgestone. He opened his first Midas Franchise in 2013 and went on to not only grow the number of stores he owned, but developed and successfully implemented processes in each store that increased daily car count, overall revenue, and customer satisfaction. He has won countless awards as a Franchisee and continues to strive to make his stores a place customers know they can count on for honest, fast, and reliable service. Steve Towers Enterprise currently operates in four states with a total of twenty-two stores. The Corporate structure created within Steve Towers Enterprise is unmatched. Steve not only prides himself on hiring the best store employees, but ensures each area has its' own District Manager overseeing the day-to-day, lending a hand to each store where ever it is needed.

The Midas Auto Service in Ballwin, IL will provide reliable auto repair service to each and every customer. Midas Auto Service will be the go-to auto repair in Ballwin for quality work, convenient scheduling, and timely repairs. The Company will be the ultimate choice for not only busy individuals, but for local businesses to take their company vehicles for top notch service.

## Product Offering

Steve Towers Enterprise DBA Midas Auto Service will provide the following repair services for most vehicle makes and models Monday – Saturday. Monday – Friday business hours will be 7:30AM – 6:00PM and Saturday 8:00AM – 6:00PM.

- Preventative Repair & Maintenance
- New Tires
- Wheel Alignment and Repair
- Brake Repair
- Powertrain Repair
- Muffler & Exhaust Repair
- Heating Repair
- Electrical System Repair

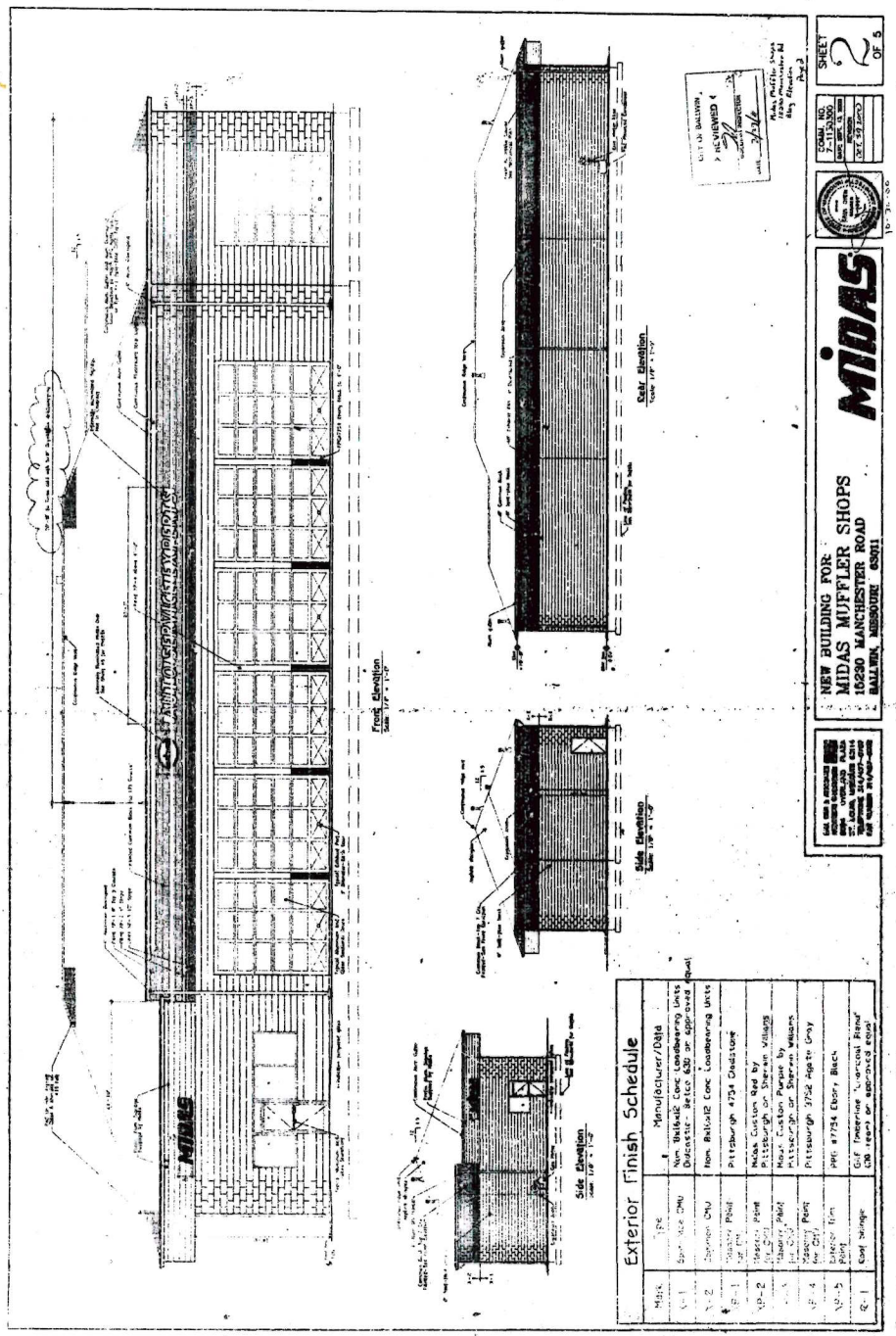
## Customer Focus

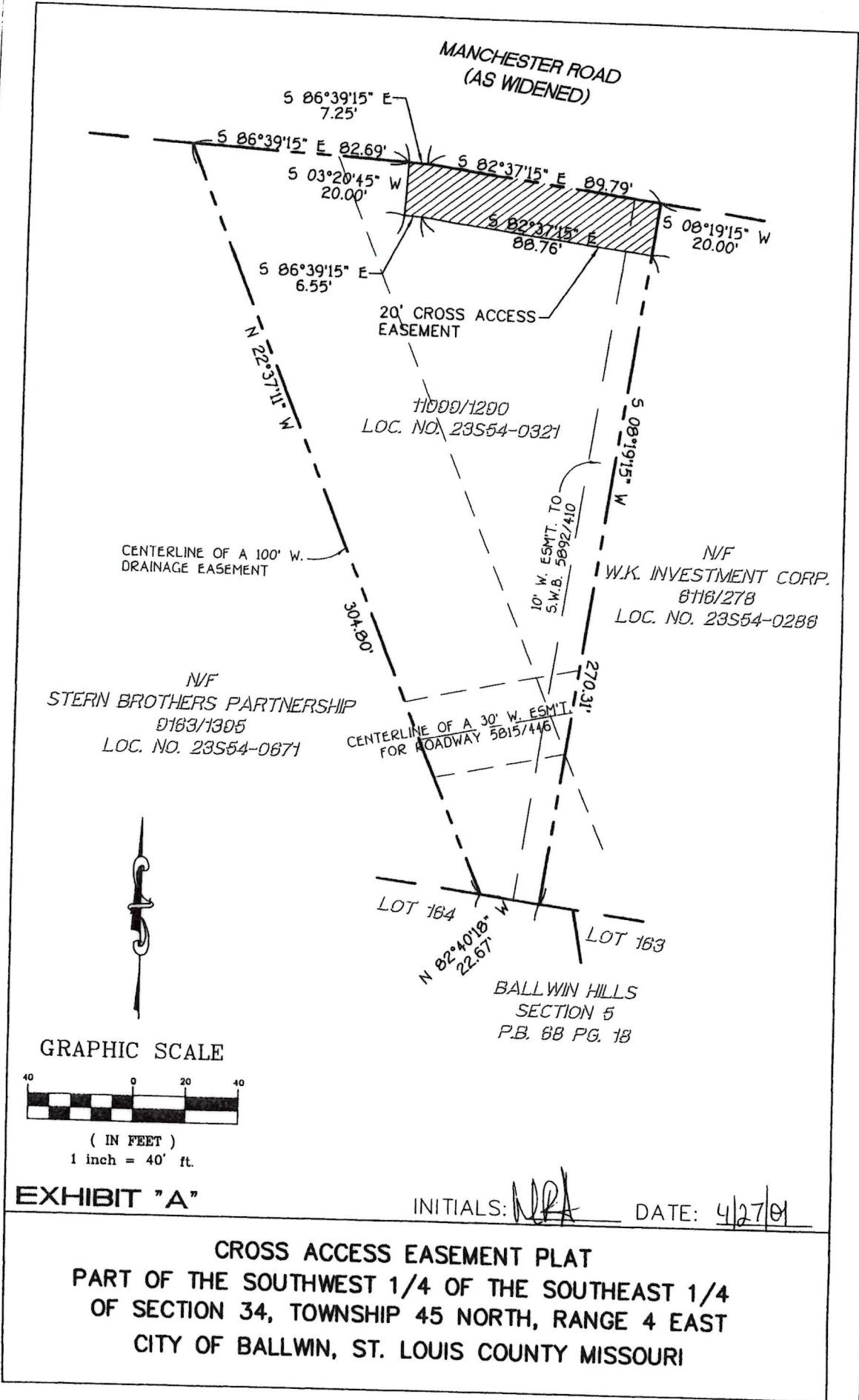
Midas Auto Service will target personal vehicle owners in Ballwin. Midas will also target small businesses who use a vehicle for their company's operations such as delivery drivers, plumbers, HVAC repair, and other mobile businesses. No matter the customer, Steve Towers Enterprise's Midas Auto Service will deliver the best results, service, and communication.

## **Improvements To The Property**

We have added a new roof, remodeled the interior and exterior of the store, and added all new equipment inside.









## LEASE

15230 Manchester Road  
Ballwin, MO 63011

HIS LEASE, made as of Aug. 29th, 2023, is by and between OVERLAND, INC., an Indiana LLC, ("Lessor"), having an office at 8040 North St. Joseph Road, Evansville Indiana 47720 and Steve Towers Enterprise, a Kentucky corporation ("Lessee") having an office at 1058 Majestic Oak Way, Simpsonville, Kentucky, 40067.

IT IS AGREED between the parties hereto as follows:

**1. DESCRIPTION OF PREMISES; USE:** (a) Subject to any easement, restriction, covenant, condition or other matter of record, Lessor hereby leases to Lessee, and Lessee hires from Lessor, on the terms and conditions hereinafter set forth, those certain premises together with the building, improvements and appurtenances thereto, commonly known as 15230 Manchester Road, Ballwin, MO 63011, more particularly described in Exhibit A attached hereto and made a part hereof ("Premises").

(b) The Premises shall be used and occupied only for the purposes of operating an automobile service and repair center.

**2. TERM:** The term of this Lease will commence on September 1st, 2023 ("Commencement Date"), and expire on August 31st, 2028. Lessee shall have the option to extend this Lease for one (1) additional term of five (5) years. In order to extend this Lease, Lessee shall notify Lessor of its intent to extend this Lease in writing which is received by Lessor at least one hundred eighty (180) days prior to the expiration of the then current lease term; time being of the essence; provided, however, such option may be exercised by Lessee and the term of this Lease shall, in fact, be extended pursuant to the provision hereof, only if this Lease is in full force and effect and Lessee is not in default with respect to any of the terms and provisions of this Lease. Any such extension of the term pursuant to the provisions hereof shall be upon all of the same terms, covenants, provisions and conditions as provided for in this Lease. Any holding over by Lessee after the expiration of this Lease shall operate and be construed to be tenancy from month-to-month only, at a monthly base rent of One Hundred Fifty percent (150%) of the then-current monthly rent.

**3. RENT:** (a) The rent payable by Lessee, each year, during the first term of this Lease shall be payable in monthly installments of \_\_\_\_\_

(b) The rent payable by Lessee during the second term of this Leases shall increase to \$78,000 per year, payable in monthly installments of \_\_\_\_\_

All rent payments shall be absolutely net to Lessor without any right of offset, claim or withholding. Any rent in arrears after the 10th day of each month shall have a \$100 penalty in addition to other remedies listed herein below.

(b) The monthly rent installments shall be paid on the first day of each month in advance to Lessor, by wire transfer (ACH) by Lessor from Lessee's bank account at \_\_\_\_\_, \_\_\_\_\_ or at such other place hereafter designated in writing by Lessee

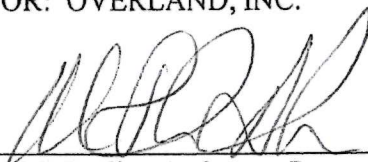



“Improvements”) in connection with the Permitted Use, and otherwise to Lessee’s reasonable satisfaction. Lessee shall not be required to obtain Lessor’s consent relative to such improvements. Lessor shall provide Lessee with an allowance for the cost of the Improvements or miscellaneous store opening expenses in the cash sum of Twenty-Five Thousand Dollars (\$25,000.00) (the “Tenant Allowance”). The Tenant Allowance shall be paid to Lessee within thirty (30) days after the Lessee submitted to Lessor Lien waivers for the Improvements.

IN WITNESS WHEREOF, the parties have executed this instrument the day and year first above written.

LESSOR: OVERLAND, INC.

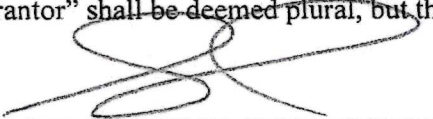
LESSEE: Steve Towers Enterprise

By:   
M. Paulina Anderson, Partner

By:   
Steve Towers

**Guaranty**

In consideration of the making of this Lease by Lessor at the request of the undersigned (“Guarantor”), Guarantor does hereby guarantee to Lessor the payment of the rent and any other amounts owed under the Lease to be paid by Lessee and the performance by Lessee of all of the terms and conditions of this Lease. Guarantor waives the requirement, if any, that Lessor exhaust all remedies against Lessee prior to enforcement of this guarantee, and consents to any extension of time, indulgence or waivers granted by Lessor to Lessee, or any other action or modification of the Lease terms whereby the liability of Guarantor but for this provision would be released. Guarantor agrees to pay all of Lessor’s expenses, including attorneys’ fees, incurred by Lessor in enforcing this guaranty or the obligations of Lessee herein. If Guarantor is more than one person, the above references to “Guarantor” ~~shall be deemed plural, but~~ this Guaranty shall be their joint and several undertaking.

  
Steve Tower, personally



**CITY OF BALLWIN**  
#1 Government Ctr, Ballwin, MO 63011

**BILL NO. 4084**

**ORDINANCE NO. 21- 01**

INTRODUCED BY

ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, KERLAGON, BULLINGTON

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**AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO CHAMPION CAR CARE AUTOMOTIVE REPAIR FOR OPERATION OF A MOTOR VEHICLE SERVICE AND REPAIR BUSINESS AT 15230 MANCHESTER ROAD.**

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WHEREAS, a petition has been received from Champion Car Care Automotive Repair, requesting the use of certain property for operation of a motor vehicle service and repair business at 15230 Manchester Road; 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 January 4, 2021, upon said petition; and

WHEREAS, the Planning and Zoning Commission has submitted its report recommending approval 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 Ordinance No. 557, "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 Champion Car Care Automotive Repair, to use the premises in the

City of Ballwin, Missouri, known as 15230 Manchester Road for operation of a motor vehicle service and repair business, as is made and provided for in Article XIV of Ordinance No. 557.

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 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 11<sup>th</sup> day of January, 2021. Tim Pogue  
TIM POGUE, MAYOR

APPROVED this 11<sup>th</sup> day of January, 2021. Tim Pogue  
TIM POGUE, MAYOR

ATTEST: Eric Sterm  
ERIC STERMAN, CITY ADMINISTRATOR

## 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. 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.
4. 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.
5. 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.
6. 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.
7. 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, 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.
8. 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.
9. 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.
10. 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.

11. 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.

12. 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.





## PLANNING AND ZONING COMMISSION

1 GOVERNMENT CTR, BALLWIN, MO 63011

MONDAY, DECEMBER 4, 2023 at 7:00 PM

### PUBLIC HEARING

Notice is hereby given that on Monday, December 4, 2023 at 7:00 P.M. – A Public Hearing will be held by the Planning & Zoning Commission in the City Government Center Board Room at 1 Government Center, Ballwin, Missouri. The Commission will consider the following petitions:

**SUE 23-03 – Petition for a Special Use Exception (SUE) for an automobile and motor vehicle service and/or repair facility at 15230 Manchester Road**

**Z-23-03 – Zoning Change from St Louis County's R-4 Residence District to the City of Ballwin's R-4 Planned Multiple Dwelling District for the lots in The Cascades Subdivision**

**Z-23-04 – Zoning Change from St Louis County's R-3 Residence District to the City of Ballwin's R-3 Single Family Dwelling District for the lots in Charleston Oaks Subdivision**

**Z-23-05 – Text Amendment to Appendix A, Article XIV, adding the following as special use exceptions in the C-1 Commercial Zoning District:**

- **Retail Tobacco Stores**
- **Cigar Bars, Hookah Lounges, and Vapor Lounges**

Additional information on this petition is at the City Government Center, or by calling 636-227-2243.

Planning & Zoning Commission

Eric Sterman, City Administrator



## ZONING ORDINANCE CHANGE PETITION

CITY OF BALLWIN	}	FEE:	with site plan review	\$ 1,250.00
	}		without site plan review	\$ 500.00
COUNTY OF ST. LOUIS	}	PAID:	<u>N/A</u>	
STATE OF MISSOURI	}	NUMBER:	<u>Z-23-03</u>	

### TO THE BOARD OF ALDERMEN CITY OF BALLWIN

Type of Zoning Ordinance Change: Rezoning of the lots in  
The Cascades Subdivision from St Louis County's  
R-4 District to the City of Ballwin's R-4 District

Now comes (print name of Petitioner) City of Ballwin  
 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: Municipality
  - B. Documentation of Legal Interest must accompany this petition.
- II. That the legal description of the property/premises, for which a change in the Zoning Ordinance is requested, is enclosed.
- III. That a plat or drawing of the property/premises for which a change in the Zoning Ordinance is requested is enclosed, and said drawing is to a scale of 100 feet or less to the inch.
- IV. That the street address of said property/premises is: \_\_\_\_\_
- V. That the area (acres or square feet) of said proposed zoning change is: 31.155 acres
- VI. That the existing zoning classification of said property is: St Louis County R-4
- VII. That the existing use of said property/premises is: Single & multi family
- VIII. That the proposed zoning classification is: Ballwin R-4
- IX. That the proposed use of the property/premises is: existing

X. That the deed restrictions, if any, on the petitioned property/premises are not violated by the provisions of the requested change to the Zoning Ordinance.

I, the Petitioner, do hereby request an Ordinance of the Board of Aldermen approving and granting the herein described Zoning Ordinance change.

PETITIONER: CITY OF BALLWIN  
AUTHORIZED SIGNATURE: [Signature]  
AUTHORIZED SIGNATURE (PRINTED): Eric Sterman  
ADDRESS: 1 GOVERNMENT CENTER  
CITY/STATE/ZIP: BALLWIN MO 63011  
TELEPHONE NO. 636-227-9000

I, (print name of Petitioner) \_\_\_\_\_, do hereby designate \_\_\_\_\_ as my agent for purposes of presenting this petition, negotiating with the City of Ballwin on all issues relative to this petition, and corresponding and communicating with representatives of the City of Ballwin relative to this petition.

AGENT'S SIGNATURE: \_\_\_\_\_  
AGENT'S NAME (PRINTED): \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY/STATE/ZIP: \_\_\_\_\_  
TELEPHONE NO. \_\_\_\_\_

THE STATE OF MISSOURI COUNTY AND/OR CITY OF St. Louis

On this 16 day of November in the year 2023, before me, a Notary Public in and for said

State, personally appeared Eric Sterman (name of individual), known to me

to be the person who executed the within rezoning (type of

document), and acknowledged to me that he/she executed the same for the purposes therein stated.

[Signature]  
Notary Public Signature

Megan Laura Freeman  
Print





Zoning Map Change Staff Report – Z-23-03

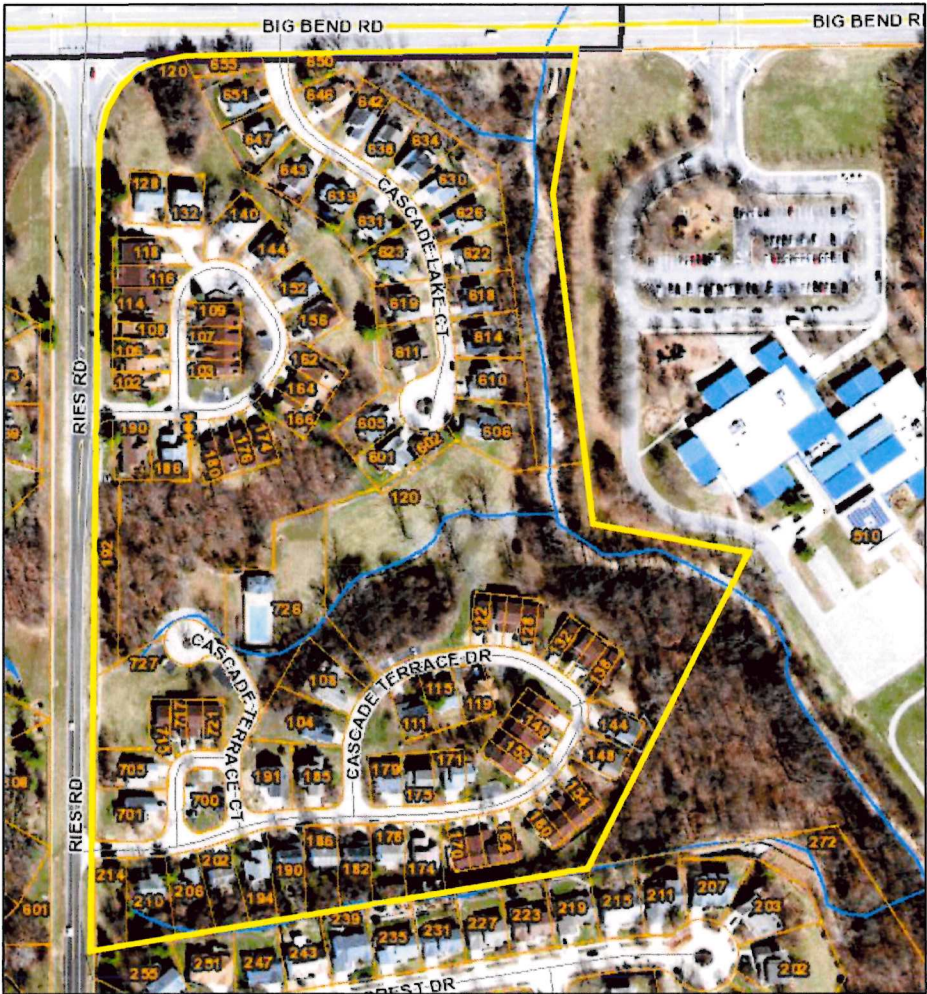
**Petition Number:** Z-23-03

**Petitioner:** City of Ballwin  
1 Government Center  
Ballwin, Missouri 63011

**Project Name:** Rezoning of The Cascades Subdivision from St Louis County’s R-3 to Ballwin’s R-3 Zoning Designation

**Requested Action:** Zoning Map Change

**Public Hearing Date:** December 4, 2023



**Summary:**

This Petition is for a change of zoning for The Cascades Subdivision, which is located at the southeast corner of Big Bend Road and Ries Road. The Subdivision currently has an R-4 Residence District Zoning Designation assigned by St Louis County, along with a Planned Environment Unit Development Plan. The Planned Environment Unit procedure is used to permit flexibility in building types and subdivision design for developments in St Louis County. As a result, The Cascades Subdivision contains a mix of housing types, consisting of detached single family dwellings and attached townhomes. On January 1, 2023, The Cascades Subdivision was annexed into the City of Ballwin from St. Louis County, after approval from the St Louis County Boundary Commission in 2022.

**Post annexation procedures:**

Following annexation, municipalities typically assign a comparable zoning designation to the properties involved. This ensures that the land falls under the purview of the City's zoning regulations, governing the permissible uses and development guidelines. The most comparable City of Ballwin Zoning District is R-4 Planned Multiple Dwelling District. The R-4 Zoning District provides an opportunity for modern and imaginative architectural design, site arrangement, and city planning.

**Impact on Properties:**

Although the districts are similar, any existing structure failing to comply with the City's R-4 zoning requirements would be classified as legally non-conforming or "grandfathered." This designation implies that use of the structure may continue without any consequence, also allowing the property to be sold without impediment. In a Planned Environmental Unit the lot area, yard setback and height requirements are established in the ordinance authorizing the planned environment unit. The Commission should consider adopting the development requirements in St Louis County's Ordinance that approved the development. The table below compares some of the regulations from the original St Louis County approval Ordinance to the City's R-4 Zoning District.

The Cascades Subdivision Rezoning Comparison Table	
St Louis County's Planned Environmental Unit	City of Ballwin's R-4 Zoning District
<b>Lot size requirements:</b>	<b>Lot size requirements:</b>
Minimum lot size: 3,700 square feet	Minimum lot size: 2,000 square feet per unit
<b>Setback requirements (single family lots):</b>	<b>Setback requirements (single family lots):</b>
Minimum front yard (primary structure): 20 feet 30 feet from right of way for Big Bend Road	Minimum front yard (primary structure): 20 feet from right of way for internal streets 60 feet from right of way for public streets and single family developments
Minimum side yard (primary structure): 10 feet between units	Other setback: 10 feet from perimeter of the development
<b>Height limitations:</b> No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or forty-five (45) feet in height, whichever is less.	<b>Height limitations:</b> No building shall exceed 35 feet in height nor contain more than two stories, except, however, when the tract to be developed, as set out in the preliminary site plan, abuts land which is not a right-of-way for an existing public street, in which case no building may be erected along the ten-foot perimeter, described in the area regulations, which exceeds 12 feet in height. A building may be erected one additional foot in height over 12 feet for each foot by which the building is set back from the ten-foot perimeter, subject, however, to the overall 35-foot height limitation.

**Staff recommendation:**

Staff recommends approval of this Petition with the condition that St Louis County's approval Ordinance 10,361 (attached) applies to the development for the life of the structures. Approval will result in the R-4 City Zoning Designation being applied to The Cascades Subdivision.





Dear Resident,

On January 1, 2023, The Cascades Subdivision was annexed into the City of Ballwin from St. Louis County, after approval from the St Louis County Boundary Commission in 2022. Annexation is a process by which a City expands its boundaries to include new areas of land. When this occurs, the City of Ballwin applies a zoning designation that is comparable to the Designation that was assigned to the land when it was in Unincorporated St Louis County. This ensures that the land is subject to the City's zoning regulations, which guide how land can be used and developed.

The City of Ballwin is now moving forward with the process to apply a City of Ballwin zoning designation to properties within The Cascades Subdivision.

Here are the steps involved in this process:

The City is submitting a rezoning application for the properties in the newly annexed area. This application typically includes information about the proposed zoning changes, such as the existing and proposed zoning designation(s), land use, and any accompanying documentation. A public hearing will be held at the Planning & Zoning Commission Meeting, whose vote is a recommendation to the Board of Aldermen. The Board of Aldermen will ultimately have the final vote on the application.

When The Cascades Subdivision was Unincorporated, the zoning designation that St Louis County had assigned to it was R-4 Residence District. The most appropriate City of Ballwin Zoning Designation is R-4 Planned Multiple Dwelling District.

While the districts are very similar, any existing structure that does not meet the one of the City's R-4 zoning requirements would be considered legally non-conforming or "grandfathered". That means the structure may continue to exist without any consequence. The property can be sold without issue. Any *new* construction would be required to meet the requirements of the City's R-4 Zoning District.

**A public hearing is scheduled to be heard at the Planning & Zoning Commission Meeting on Monday, December 4 at 7:00 pm at the City of Ballwin Government Center. The Board of Aldermen may vote on the application at their meeting, which is scheduled for Monday, December 11 at 7:00 pm.**

More information, including a table comparing the County and City Zoning Designations, can be found on the City's Website at [www.ballwin.mo.us/Cascades/](http://www.ballwin.mo.us/Cascades/)

If you have any questions, or would like more information on how this may affect your property, please contact me at [lynnsprick@ballwin.mo.us](mailto:lynnsprick@ballwin.mo.us) or 636-227-2243.

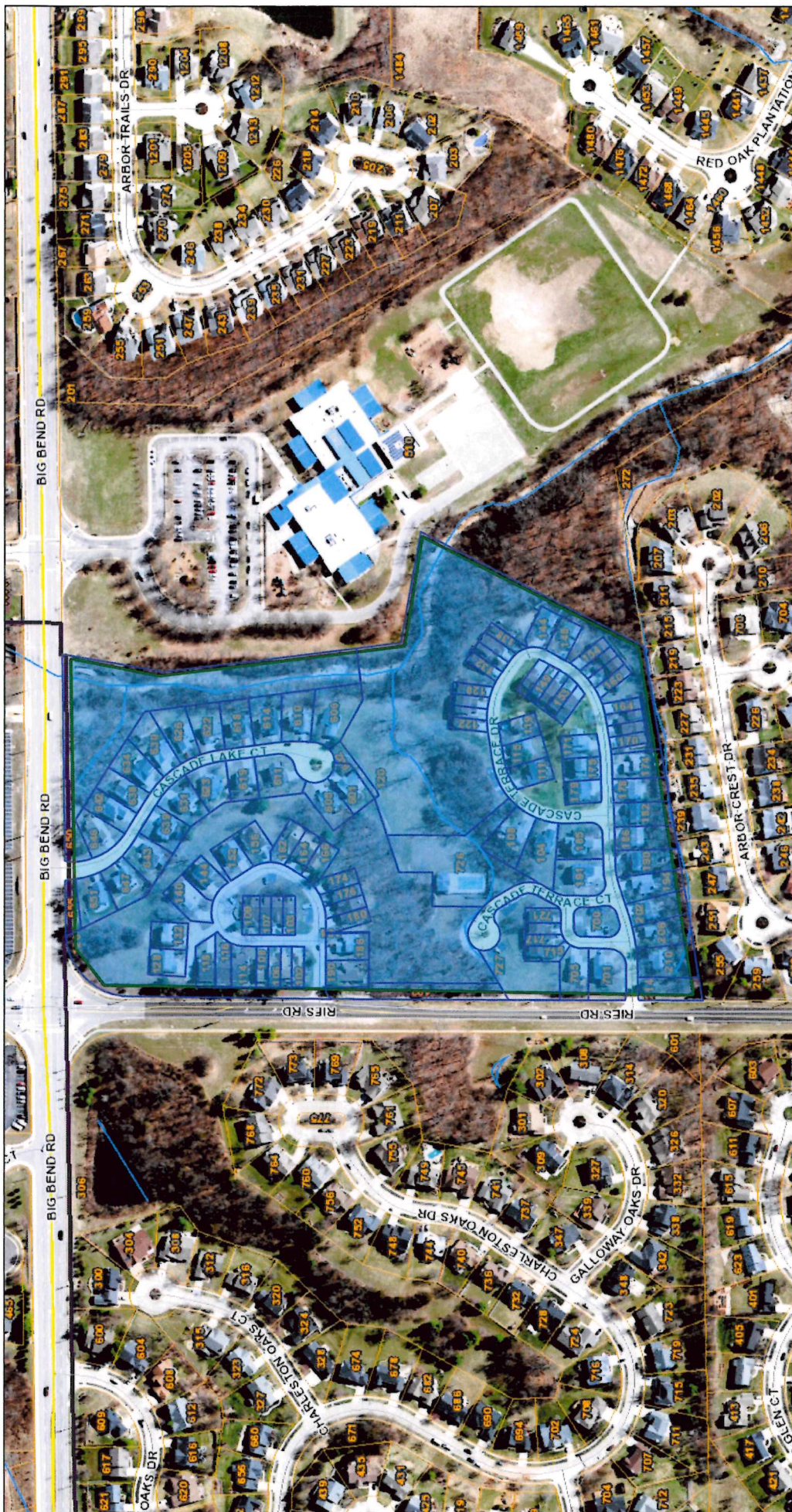
Sincerely,



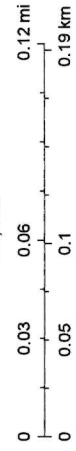
Lynn M Sprick  
City Planner



# Cascades rezoning letter



1:2,400



Section 3, Item c.

St. Louis County GIS Service Center

Map Provided by the St. Louis County GIS Service Center. Copyright 2018, St. Louis County. All rights reserved.





A digital inscription of the metes and bounds legal description of the proposed annexation area, provided for enhanced legibility:

“A tract of land being part of the East half of the Southwest quarter of Section 11, Township 44 North – Range 4 East, St. Louis County, Missouri, and being more particularly described as follows:

Beginning at the intersection of the East line of Ries Road, 30 foot wide, with the South line of Oak Street, 60 foot wide, thence Eastwardly along the said South line of Oak Street, 60 foot wide, North 89 degrees 09 minutes 17 seconds East 1,241.96 feet to a point; thence South 01 degree 09 minute 39 seconds West 318.98 feet to a point; thence South 27 degrees 09 minutes 23 seconds West 1,049.33 feet to a point on the North line of the property conveyed to Warner Amex Cable Communications of St. Louis, Inc. as described in the deed recorded in Book 7399, page 1868 of the St. Louis County records; thence Westwardly along the North line of the Warner Amex Cable Communications of St. Louis, Inc. property South 80 degrees 37 minutes 23 seconds West 770.50 feet to a point on the East line of aforesaid Ries Road, 30 foot wide; thence Northwardly along said East line North 00 degrees 09 minutes 19 seconds East 1,354.80 feet to the point of beginning and containing 31.155 acres according to calculations by Volz Engineering & Surveying, Inc. May 7, 1985.”

BILL NO. 320, 1981ORDINANCE NO. 10,361, 1981Introduced by Councilman Stewart

## AN ORDINANCE

AUTHORIZING AND GIVING PRELIMINARY APPROVAL TO A PLANNED ENVIRONMENT UNIT DEVELOPMENT OF A TRACT OF LAND LOCATED IN THE "R-4" 7,500 SQ. FT. RESIDENCE DISTRICT AND THE "FP R-4" FLOOD PLAIN 7,500 SQ. FT. RESIDENCE DISTRICT, SUBJECT TO CONDITIONS. (P.C. 88-81 Westco Development Company, a Partnership).

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. Preliminary approval of a Planned Environment Unit Development of a tract of land located in the "R-4" 7,500 Sq. Ft. Residence District, and the "FP R-4" Flood Plain 7,500 Sq. Ft. Residence District in St. Louis County, Missouri, is granted, said tract being described as follows:

A tract of land in the Southwest quarter of Section 11, Township 44 North - Range 4 East, St. Louis County, Missouri, and being more particularly described as:

Beginning at a point reached by the following courses and distances: beginning at the Center of said Section 11, Township 44 North - Range 4 East; said point being also a point in the centerline of Oak Street, 60 feet wide; thence Westwardly along said centerline of Oak Street, being also along the East and West Center Section line of said Section 11, South 89 degrees 16 minutes West 85.25 feet to a point; thence South 01 degrees 18 minutes West 30.02 feet to a point in the South line of Oak Street, 60 feet wide; said point being the actual point of beginning; thence Southwardly along the West line of property now or formerly of Anthony S. Schumacher and wife South 01 degree 18 minutes West 313.98 feet and South 27 degrees 15 minutes West 1049.20 feet to a point in the North line of property now or formerly of Adeline E. Reilman; thence Westwardly along said North line of the Reilman property South 80 degrees 43 minutes West 770.60 feet to a point in the East line of Ries Road, 30 feet wide; thence Northwardly along said East line of Ries Road North 00 degrees 17 minutes East 1354.77 feet to its intersection with the South line of Oak Street, 60 feet wide; thence Eastwardly along said South line of Oak Street North 89 degrees 16 minutes East 1241.47 feet to the actual point of beginning and containing 31.146 acres.

SECTION 2. The preliminary approval, pursuant to Section 1003.187 SLCRO 1974, as amended, is granted subject to all ordinances, rules and regulations and to the conditions recommended by the Planning Commission in its report dated August 18, 1981, as follows:

## PERMITTED USES

1. This Planned Environment Unit shall authorize the development of twenty (20) single family residences on separate lots, 142 multiple family units and supporting recreational facilities. A maximum of thirty-eight multiple family units may be garden apartment units.

## FINAL DEVELOPMENT PLAN SUBMITTAL REQUIREMENT

2. Within twelve (12) months of the date of approval of the preliminary development plan by the County Council and prior any site preparation or construction, the petitioner shall submit to the Planning Commission for its review and approval a Final Development Plan. Where due cause is shown by the petitioner, this time interval may be extended through appeal to and approval by the Planning Commission. Said Final Development Plan shall include, but not be limited to, the following:
  - a. The general development plan, including basic arrangement of multiple-family building locations, common land areas, walkways, stormwater detention areas, setback lines from all streets and roadways on, or adjacent to the property in question including right-of-way dimensions, and a preliminary lighting plan.
  - b. A typical building configuration for each type of structure indicating size of buildings and associated parking facilities, architectural type, and construction materials to be used.
  - c. The approximate location and size of all parking areas.
  - d. The location and approximate size of all existing tree masses.
  - e. Existing and proposed contours at five (5) foot intervals. Slopes in excess of twenty (20) percent may be indicated with ten (10) foot intervals.
  - f. The design, location, and size of all proposed free standing signs, lighting, fences, and other above ground structures.
  - g. A landscape plan, including, but not limited to, the location, size, and type of all plant and other materials to be used. All new deciduous trees shall be a minimum of two (2) inches in caliper. All new evergreen trees shall be a minimum of four (4) feet in height and all shrubs shall have a minimum diameter of eighteen (18) inches.

## FINAL DEVELOPMENT DESIGN CRITERIA

3. The above Final Development Plan shall adhere to the following specific design criteria:

## PARKING REQUIREMENTS

- a. Parking shall be provided at a ratio of not less than two (2) parking stalls per dwelling unit.
- b. Each detached single family residence and townhouse unit shall have an enclosed parking space.
- c. No parking stall or internal drive, excluding points of ingress and egress, shall be located within the following established setbacks:
  - i. Fifty (50) feet of the proposed right-of-way of Oak Street.
  - ii. Thirty-five (35) feet of the proposed right-of-way of Ries Road.
  - iii. Twenty-five (25) feet of all other perimeter property lines of this Planned Environment Unit.

All said setbacks shall be landscaped with a combination of evergreen and deciduous trees and shrubs as approved by the Planning Commission on the Final Development Plan.

- d. No parking stall shall be located in front of the front yard building line on any single family detached lot.

## MULTIPLE-FAMILY, INCLUDING ATTACHED SINGLE FAMILY BUILDING SETBACKS

- e. Setbacks for multiple-family buildings shall be as follows:
  - i. Fifty (50) feet from the proposed right-of-way of Oak Street.
  - ii. Thirty-five (35) feet from the proposed right-of-way of Ries Road.
  - iii. Ten (10) feet of all internal roadways.
  - iv. Twenty-five (25) feet of the high water line of the lake as approved by the Department of Public Works on the Final Development Plan.
  - v. Twenty-five (25) feet of all other perimeter property lines of this Planned Environment Unit.
  - vi. Twenty (20) feet minimum between sides of individual buildings.
  - vii. Thirty (30) feet minimum between facing balconies or decks.



## DETACHED SINGLE-FAMILY BUILDING SETBACKS

- f. Setbacks for detached single-family buildings shall be as follows:
- i. Ten (10) feet minimum between buildings with zero (0) foot side yard lines.
  - ii. Thirty (30) feet from the proposed right-of-way of Oak Street.
  - iii. Except as otherwise noted, all other building lines shall conform with the setback requirements of the "R-4" Residence District.

## ROAD IMPROVEMENTS INCLUDING SIDEWALKS

- g. Dedicate and improve one-half of Oak Street to a sixty-six (66) foot right-of-way and forty-seven (47) foot pavement, and one-half of Ries Road to a seventy (70) foot right-of-way and twenty-four (24) foot pavement including all bridges and culverts. Provide additional right-of-way and pavement for left turn facilities on Ries Road at Oak Street and left turn facilities on Oak Street at Ries Road. In addition, the developer shall be responsible for escrow of 25% of the cost of installation of traffic signals at the intersection of Oak Street and Ries Road as approved by the St. Louis County Department of Highways and Traffic.
- h. Sidewalks shall be provided along the entire frontage of this development on Oak Street and Ries Road. Meandering sidewalks are appropriate within the Ries Road right-of-way.

## ACCESS

- i. Access shall be provided via four bi-directional drives, two off Ries Road and two off Oak Street at locations approved by the St. Louis County Department of Highways and Traffic.

## MISCELLANEOUS CONDITIONS

- j. A low water pedestrian crossing and pathway shall be provided between single family residences and recreation facilities.
- k. The minimum lot area for single family residences shall be 8,000 sq. ft.
- l. Sign regulations for the Planned Environment Unit shall be the same as those specified in Section 1003.117 "R-4" Residence District Regulations of the St. Louis County Zoning Ordinance.
- m. All exterior trash areas shall be surrounded by a six foot high sight-proof fence.
- n. Parking, circulation, and other applicable site design features shall comply with Chapter 1101, Section 316.0 "Physically Handicapped and Aged" of S.L.C.R.O. 1974, as amended.
- o. Except for required street lighting, no source of illumination shall be so situated that light is cast on any public right-of-way or adjoining property. The location of street light standards shall be as approved on the Final Development Plan.
- p. Except as herein noted, comply with all preliminary plat requirements of the St. Louis County Subdivision Ordinance. Said requirements shall be fulfilled in addition to those items specifically cited herein.
- q. All subdivision streets shall be constructed in accord with the approved design standards of the St. Louis County Department of Highways and Traffic.
- r. The stormwater detention areas for this development shall be located on common ground or within flood plain reservation lines.
- s. The height of garden apartment units shall be as approved by the Planning Commission on the Final Development Plan.
- t. Detached single family homes shall be restricted to that area east of the Fishpot Creek flood plain.
- u. If roadways in this petition are to be private roadways, these roadways shall remain private forever. Maintenance of private roadways shall be the responsibility of the property owner(s) or trustees forever.

## RECORDING

4. Within sixty (60) days of approval of the Final Development Plan by the Planning Commission, the approved plan and a copy of conditions of the ordinance authorizing establishment of the Planned Environment Unit shall be recorded with the St. Louis County Recorder of Deeds.

## VERIFICATIONS PRIOR TO APPROVAL

5. Prior to approval of the Final Development Plan, the petitioner shall:

## ON-SITE STORMWATER

- a. Provide verification to the Department of Planning of a plan approved by the St. Louis County Department of Public Works, indicating adequate handling of differential runoff due to proposed impervious areas by use of reservoir or ponding on the site.

## ROADWAY IMPROVEMENTS AND CURB CUTS

- b. Provide verification of approval by the St. Louis County Department of Highways and Traffic of the location of proposed curb cuts, areas of new dedication, and roadway improvements.

## FLOOD PLAIN STUDY

- c. Submit a flood plain study for approval by the Department of Public Works and Planning.

## VERIFICATION PRIOR TO BUILDING PERMITS

6. Subsequent to approval of a Final Development Plan, and prior to issuance of any building permit, except for permits authorized under a Display House Plat, the following requirements shall be met:

## SPECIAL STORMWATER EASEMENT REQUIREMENTS

- a. Designate on the Final Development Plan a Flood Plain Area easement along Fishpot Creek, that being the area below the 100 year flood elevation as determined by the Department of Public Works, and a stormwater control easement consisting of the area contained by a line ten feet outside of the high water elevation of the storm water retention lake.
- b. The Flood Plain Area easement, the stormwater control easement containing the lake and access easements from within the projects to each of the preceding shall be dedicated to the Metropolitan St. Louis Sewer District with the recording of each subdivision plat.
- c. No grading or development shall occur within the Flood Plain Area easement or stormwater control easement beyond that initially approved by the Department of Public Works in accordance with an approved plan for flood plain reclamation, or as necessary to specifically provide a structure at a location required by this ordinance.
- d. A trust indenture shall be filed with the first record plat and shall contain a provision and schedule for the assessment of fees for the purpose of maintaining the Flood Plain Area and stormwater control easement. Said fees shall be assessed until such time as the Flood Plain Area and stormwater control easement is accepted by MSD, their successors or assigns, and it is determined by MSD that such maintenance fees are no longer required.

## SANITARY SEWERS

- e. Provide verification to the Department of Planning of a plan approved by the St. Louis County Department of Public Works, indicating adequate provision of sanitary services.

## STORMWATER AT ROADWAYS

- f. Provide verification to the Department of Planning of a plan approved by the St. Louis County Department of Highways and Traffic indicating adequate handling of stormwater runoff off the subject property at abutting roadways.

## LANDSCAPE BONDS OR ESCROWS

- g. The developer shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of all landscaping shown on the Final Development Plan. Said bonds or escrows shall be based on costs determined by a plant nursery and approved by the Department of Planning.



## DEVELOPMENT PHASING

- h. The petitioner shall furnish a bond or place into a County approved escrow the monies necessary to insure the construction of improvements and landscaping as necessary. If development phasing is anticipated, the petitioner shall provide the necessary funds as above for each plat or phase of development.

## RECORD PLAT

- i. Record a proper subdivision of the property.

## INDENTURES

- 7. With the filing of the first record plat the petitioner shall record an approved indenture or other document defining the necessary assessment and specific resident obligations for care of all open space in accord with provisions of Section 1003.187 of the St. Louis County Zoning Ordinance.

## STANDARD DEVELOPMENT CONDITIONS

- 8. Within twelve (12) months of the date of approval of the Final Development Plan by the Planning Commission, construction shall commence. Said time limit may be extended on approval by the Planning Commission.
- 9. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion.
- 10. During the period of construction, heavy accumulation of stormwater shall be temporarily diverted away from the construction site by using ditches, cofferdams, earth berms, and/or channels. Early installation of storm drains to collect water and convey it underground to a safe discharge point shall also be used.
- 11. No outdoor incineration shall be permitted.
- 12. The petitioner shall be required to provide temporary off-street parking for construction employees. Parking on non-paved surfaces shall be prohibited.
- 13. Prior to the issuance of an occupancy permit, all right-of-way dedication and required road improvements shall be completed as necessary to each plat.
- 14. Any transfer of ownership or lease of property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the conditions herein set forth and included in the approved development plan for the property. A copy of the above conditions shall be furnished by the owner or petitioner to the operator(s), owner(s), or manager(s), including successive operator(s), owner(s), or manager(s), who shall forward to the Zoning Enforcement Officer an acknowledgement that he or she has read and understood each of these conditions and agrees to comply therewith.
- 15. The Zoning Enforcement Officer of St. Louis County, Missouri, shall enforce the conditions of this permit in accord with the Final Development Plan approved by the St. Louis County Planning Commission.

**SECTION 3. The St. Louis County Council, pursuant to petition of Westco Development Company, a Partnership, requesting the approval of a Planned Environment Unit Development for the tract of land described in Section 1 of this ordinance as an alternative zoning, and pursuant to the recommendation of the Planning Commission that said petition be granted after public hearing held by the said Commission on July 20, 1981, adopts this ordinance pursuant to the St. Louis County**

Charter authorizing the Council to exercise legislative power pertaining to planning and zoning, and returns the application and plan to the St. Louis County Planning Commission for consideration of final development plans pursuant to Section 1003.187 SLCRO 1974, as amended.

ADOPTED September 10, 1981

HARRY E. VON ROMER  
CHAIRMAN, COUNTY COUNCIL

APPROVED September 11, 1981

GENE MCNARY  
COUNTY EXECUTIVE

ATTEST: LELA APPERSON  
DEPUTY ADMINISTRATIVE DIRECTOR





## **PLANNING AND ZONING COMMISSION**

**1 GOVERNMENT CTR, BALLWIN, MO 63011**

**MONDAY, DECEMBER 4, 2023 at 7:00 PM**

### **PUBLIC HEARING**

Notice is hereby given that on Monday, December 4, 2023 at 7:00 P.M. – A Public Hearing will be held by the Planning & Zoning Commission in the City Government Center Board Room at 1 Government Center, Ballwin, Missouri. The Commission will consider the following petitions:

**SUE 23-03 – Petition for a Special Use Exception (SUE) for an automobile and motor vehicle service and/or repair facility at 15230 Manchester Road**

**Z-23-03 – Zoning Change from St Louis County's R-4 Residence District to the City of Ballwin's R-4 Planned Multiple Dwelling District for the lots in The Cascades Subdivision**

**Z-23-04 – Zoning Change from St Louis County's R-3 Residence District to the City of Ballwin's R-3 Single Family Dwelling District for the lots in Charleston Oaks Subdivision**

**Z-23-05 – Text Amendment to Appendix A, Article XIV, adding the following as special use exceptions in the C-1 Commercial Zoning District:**

- **Retail Tobacco Stores**
- **Cigar Bars, Hookah Lounges, and Vapor Lounges**

Additional information on this petition is at the City Government Center, or by calling 636-227-2243.

Planning & Zoning Commission

Eric Sterman, City Administrator



## ZONING ORDINANCE CHANGE PETITION

CITY OF BALLWIN	}	FEE:	with site plan review	\$ 1,250.00
	}		without site plan review	\$ 500.00
COUNTY OF ST. LOUIS	}	PAID:	<u>N/A</u>	
STATE OF MISSOURI	}	NUMBER:	<u>2-23-04</u>	

### TO THE BOARD OF ALDERMEN CITY OF BALLWIN

Type of Zoning Ordinance Change: Rezoning of the lots in  
Charleston Oaks Subdivision from St Louis County's  
R-3 District to the City of Ballwin's R-3  
District

Now comes (print name of Petitioner) City of Ballwin  
 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: Municipality
  - B. Documentation of Legal Interest must accompany this petition.
- II. That the legal description of the property/premises, for which a change in the Zoning Ordinance is requested, is enclosed.
- III. That a plat or drawing of the property/premises for which a change in the Zoning Ordinance is requested is enclosed, and said drawing is to a scale of 100 feet or less to the inch.
- IV. That the street address of said property/premises is: \_\_\_\_\_
- V. That the area (acres or square feet) of said proposed zoning change is: 40.476 acres
- VI. That the existing zoning classification of said property is: St Louis County R-3
- VII. That the existing use of said property/premises is: Single Family residential
- VIII. That the proposed zoning classification is: Ballwin R-3
- IX. That the proposed use of the property/premises is: existing

X. That the deed restrictions, if any, on the petitioned property/premises are not violated by the provisions of the requested change to the Zoning Ordinance.

I, the Petitioner, do hereby request an Ordinance of the Board of Aldermen approving and granting the herein described Zoning Ordinance change.

PETITIONER: CITY OF BALLWIN  
AUTHORIZED SIGNATURE: *Li Shu*  
AUTHORIZED SIGNATURE (PRINTED): Eric Sterman  
ADDRESS: 1 GOVERNMENT CENTER  
CITY/STATE/ZIP: BALLWIN MO 63011  
TELEPHONE NO. 636-227-9000

I, (print name of Petitioner) \_\_\_\_\_, do hereby designate \_\_\_\_\_ as my agent for purposes of presenting this petition, negotiating with the City of Ballwin on all issues relative to this petition, and corresponding and communicating with representatives of the City of Ballwin relative to this petition.

AGENT'S SIGNATURE: \_\_\_\_\_  
AGENT'S NAME (PRINTED): \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY/STATE/ZIP: \_\_\_\_\_  
TELEPHONE NO. \_\_\_\_\_

THE STATE OF MISSOURI COUNTY AND/OR CITY OF St. Louis

On this 14 day of November in the year 2023, before me, a Notary Public in and for said

State, personally appeared Eric Sterman (name of individual), known to me

to be the person who executed the within rezoning (type of

document), and acknowledged to me that he/she executed the same for the purposes therein stated.

*Megan Laura Freeman*  
Notary Public Signature

Megan Laura Freeman  
Print





Zoning Ordinance Change Staff Report – Z-23-04

**Petition Number:** Z-23-04

**Petitioner:** City of Ballwin  
1 Government Center  
Ballwin, Missouri 63011

**Project Name:** Rezoning of Charleston Oaks Subdivision  
from St Louis County’s R-3 to Ballwin’s R-3  
Zoning Designation

**Requested Action:** Zoning Map Change

**Public Hearing Date:** December 4, 2023





**Summary:**

This Petition is for a change of zoning for Charleston Oaks Subdivision, which is located at the southwest corner of Big Bend Road and Ries Road. The Subdivision currently has an R-3 Residence District Zoning Designation assigned by St Louis County and is a detached single family dwelling development. On January 1, 2023, Charleston Oaks Subdivision was annexed into the City of Ballwin from St. Louis County, after approval from the St Louis County Boundary Commission in 2022.

**Post annexation procedures:**

Following annexation, municipalities typically assign a comparable zoning designation to the properties involved. This ensures that the land falls under the purview of the City's zoning regulations, governing the permissible uses and development guidelines. The most comparable City of Ballwin Zoning District is R-3 Single-Family Dwelling District.

**Impact on Properties:**

Although the districts are similar, any existing structure failing to comply with the City's R-3 zoning requirements would be classified as legally non-conforming or "grandfathered." This designation implies that use of the structure may continue without any consequence, also allowing the property to be sold without impediment. However, any new construction must meet the requirements of the City's R-3 Zoning District. The table below compares some of the regulations in the two Zoning Districts.

Charleston Oaks Rezoning Comparison Table	
St Louis County's R-3 Zoning District	City of Ballwin's R-3 Zoning District
<b>Lot size &amp; yard requirements:</b>	<b>Lot size &amp; yard requirements:</b>
Minimum lot size: 10,000 square feet	Minimum lot size: 10,000 square feet (20,000 if not connected to public sewer)
Minimum front yard (primary structure): 20 feet	Minimum front yard (primary structure): 20 feet
Minimum side yard (primary structure): 8 feet	Minimum side yard (primary structure): 8 feet
Minimum rear yard (primary structure): 15 feet	Minimum rear yard (primary structure): 15 feet
<b>Height limitations:</b>	<b>Height limitations:</b>
No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or forty-five (45) feet in height, whichever is less.	No building shall exceed 35 feet in height nor contain more than three stories except as may be otherwise provided herein.

**Staff recommendation:**

Staff recommends approval of this Petition. Approval will result in the R-3 City Zoning Designation being applied to Charleston Oaks Subdivision.



Dear Resident,

On January 1, 2023, Charleston Oaks Subdivision was annexed into the City of Ballwin from St. Louis County, after approval from the St Louis County Boundary Commission in 2022. Annexation is a process by which a City expands its boundaries to include new areas of land. When this occurs, the City of Ballwin applies a zoning designation that is comparable to the Designation that was assigned to the land when it was in Unincorporated St Louis County. This ensures that the land is subject to the City's zoning regulations, which guide how land can be used and developed.

The City of Ballwin is now moving forward with the process to apply a City of Ballwin zoning designation to properties within Charleston Oaks Subdivision.

Here are the steps involved in this process:

The City is submitting a rezoning application for the properties in the newly annexed area. This application typically includes information about the proposed zoning changes, such as the existing and proposed zoning designation(s), land use, and any accompanying documentation. A public hearing will be held at the Planning & Zoning Commission Meeting, whose vote is a recommendation to the Board of Aldermen. The Board of Aldermen will ultimately have the final vote on the application.

When Charleston Oaks Subdivision was Unincorporated, the zoning designation that St Louis County had assigned to it was R-3 Residence District. The most appropriate City of Ballwin Zoning Designation is R-3 Single-Family Dwelling District.

While the districts are very similar, any existing structure that does not meet the one of the City's R-3 zoning requirements would be considered legally non-conforming or "grandfathered". That means the structure may continue to exist without any consequence. The property can be sold without issue. Any *new* construction would be required to meet the requirements of the City's R-3 Zoning District.

**A public hearing is scheduled to be heard at the Planning & Zoning Commission Meeting on Monday, December 4 at 7:00 pm at the City of Ballwin Government Center. The Board of Aldermen may vote on the application at their meeting, which is scheduled for Monday, December 11 at 7:00 pm.**

More information, including a table comparing the County and City Zoning Designations, can be found on the City's Website at [www.ballwin.mo.us/CharlestonOaks/](http://www.ballwin.mo.us/CharlestonOaks/)

If you have any questions, or would like more information on how this may affect your property, please contact me at [lynnsprick@ballwin.mo.us](mailto:lynnsprick@ballwin.mo.us) or 636-227-2243.

Sincerely,

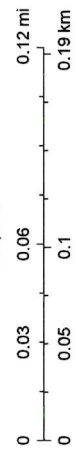
  
Lynn M Sprick  
City Planner



# Charleston Oaks rezoning letter



1:2,400



Section 3, Item d.

St. Louis County GIS Service Center

Map Provided by the St. Louis County GIS Service Center. Copyright 2018, St. Louis County. All rights reserved.





A digital inscription of the metes and bounds legal description of the proposed annexation area, provided for enhanced legibility:

“A tract of land in the Southwest One-Quarter of Section 11, Township 44 North – Range 4 East, St. Louis County, Missouri, and being more particularly described as:

Beginning at the Northwest corner of “Arbor Glen Plat Two”, a subdivision according to the plat thereof recorded in Plat Book 282, Page 91 of the St. Louis County Records, said point being a point on the West line of said Section 11 and on the East line of “Arbor Oaks Plat One”, a subdivision according to the plat thereof recorded in Plat Book 292, Pages 61 through 63 of the St. Louis County Records; thence North 00 degrees 08 minutes 43 seconds West 1359.44 feet along said West line of Section 11 and said East line of “Arbor Oaks Plat One” to the South line of Oak Street, being 15 feet South of the original centerline; thence North 88 degrees 52 minutes 59 seconds East 1298.63 feet along said South line of Oak Street to the West line of Ries Road, being 15 feet West of the original centerline; thence South 00 degrees 02 minutes 44 seconds East 1358.88 feet along said West line of Ries Road to the Eastwardly prolongation of a North line of “Arbor Glen Plat One”, a subdivision according to the plat thereof recorded in Plat Book 279, Page 57 of the St. Louis County Records; thence South 88 degrees 51 minutes 23 seconds West 1296.27 feet along said prolongation, along said North line of “Arbor Glen Plat One”, and along the North line of aforesaid “Arbor Glen Plat Two” to the point of beginning and containing 40.476 acres according to a survey by Volz Engineering & Surveying, Inc. on April 20, 1993.”





**PLANNING AND ZONING COMMISSION**  
**1 GOVERNMENT CTR, BALLWIN, MO 63011**  
**MONDAY, DECEMBER 4, 2023 at 7:00 PM**

**PUBLIC HEARING**

Notice is hereby given that on Monday, December 4, 2023 at 7:00 P.M. – A Public Hearing will be held by the Planning & Zoning Commission in the City Government Center Board Room at 1 Government Center, Ballwin, Missouri. The Commission will consider the following petitions:

**SUE 23-03 – Petition for a Special Use Exception (SUE) for an automobile and motor vehicle service and/or repair facility at 15230 Manchester Road**

**Z-23-03 – Zoning Change from St Louis County’s R-4 Residence District to the City of Ballwin’s R-4 Planned Multiple Dwelling District for the lots in The Cascades Subdivision**

**Z-23-04 – Zoning Change from St Louis County’s R-3 Residence District to the City of Ballwin’s R-3 Single Family Dwelling District for the lots in Charleston Oaks Subdivision**

**Z-23-05 – Text Amendment to Appendix A, Article XIV, adding the following as special use exceptions in the C-1 Commercial Zoning District:**

- **Retail Tobacco Stores**
- **Cigar Bars, Hookah Lounges, and Vapor Lounges**

Additional information on this petition is at the City Government Center, or by calling 636-227-2243.

Planning & Zoning Commission  
Eric Sterman, City Administrator



## ZONING ORDINANCE CHANGE PETITION

CITY OF BALLWIN	}	FEE:	with site plan review	\$ 1,250.00
	}		without site plan review	\$ 500.00
COUNTY OF ST. LOUIS	}	PAID:	<u>N/A</u>	
STATE OF MISSOURI	}	NUMBER:	<u>2-23-05</u>	

### TO THE BOARD OF ALDERMEN CITY OF BALLWIN

Type of Zoning Ordinance Change: Text Amendment  
Regulations for hookah lounges, retail tobacco  
stores & vapor lounges

Now comes (print name of Petitioner) City of Ballwin  
 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: Municipality
  - B. Documentation of Legal Interest must accompany this petition.
- II. That the legal description of the property/premises, for which a change in the Zoning Ordinance is requested, is enclosed.
- III. That a plat or drawing of the property/premises for which a change in the Zoning Ordinance is requested is enclosed, and said drawing is to a scale of 100 feet or less to the inch.
- IV. That the street address of said property/premises is: N/A
- V. That the area (acres or square feet) of said proposed zoning change is: N/A
- VI. That the existing zoning classification of said property is: N/A
- VII. That the existing use of said property/premises is: N/A
- VIII. That the proposed zoning classification is: N/A
- IX. That the proposed use of the property/premises is: N/A

X. That the deed restrictions, if any, on the petitioned property/premises are not violated by the provisions of the requested change to the Zoning Ordinance.

I, the Petitioner, do hereby request an Ordinance of the Board of Aldermen approving and granting the herein described Zoning Ordinance change.

PETITIONER: CITY OF BALLWIN  
AUTHORIZED SIGNATURE: [Signature]  
AUTHORIZED SIGNATURE (PRINTED): Eric Sterman  
ADDRESS: 1 GOVERNMENT CENTER  
CITY/STATE/ZIP: BALLWIN MO 63011  
TELEPHONE NO. 636-227-9000

I, (print name of Petitioner) \_\_\_\_\_, do hereby designate \_\_\_\_\_ as my agent for purposes of presenting this petition, negotiating with the City of Ballwin on all issues relative to this petition, and corresponding and communicating with representatives of the City of Ballwin relative to this petition.

AGENT'S SIGNATURE: \_\_\_\_\_  
AGENT'S NAME (PRINTED): \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY/STATE/ZIP: \_\_\_\_\_  
TELEPHONE NO. \_\_\_\_\_

THE STATE OF MISSOURI COUNTY AND/OR CITY OF St. Louis

On this 16 day of November in the year 2023, before me, a Notary Public in and for said State, personally appeared Eric Sterman (name of individual), known to me to be the person who executed the within testament (type of document), and acknowledged to me that he/she executed the same for the purposes therein stated.

[Signature]  
Notary Public Signature  
Megan Laura Freeman  
Print



Zoning Ordinance Change Staff Report – Z-23-05

**Petition Number:** Z-23-05

**Petitioner:** City of Ballwin  
1 Government Center  
Ballwin, Missouri 63011

**Project Name:** Retail tobacco store, vapor/hookah lounge  
text amendment

**Requested Action:** Zoning Ordinance Regulations Change

**Public Hearing Date:** December 4, 2023

**Code Sections:** Section 1-2 Definitions  
Appendix A, Article XVI, Section 11  
Appendix A, Article XIV, Section 12  
Appendix A, Article XIV, Section 1,  
Subsection 38



**Project Description:**

This Petition is for a Text Amendment to adopt standards for retail tobacco stores, cigar bars, hookah lounges and vapor lounges. Currently, the Zoning Ordinance lacks regulations for the uses, categorizing them simply as retail uses. Recognizing concerns expressed by the Board of Aldermen regarding this use, there is a desire to conduct a more thorough review. To facilitate this, it is proposed to designate the uses as "Special Use Exception" necessitating review by the Planning & Zoning Commission and subsequent approval by the Board of Aldermen.

**Proposed Language:**

If this Petition is approved, the following language will be added to the City's Ordinances:

Section 1-2, Definitions:

**HOOKAH LOUNGE**

Any facility, establishment, or location where the primary use is the smoking of tobacco or other substances through one (1) or more hookah pipes (also commonly referred to as a "hookah," "waterpipe," "shisha" or "nareghile"), including, but not limited to, establishments known as "hookah bars," "hookah lounges," or "hookah cafes."

**RETAIL TOBACCO STORE**

A retail store that devotes more than fifteen percent (15%) of its total floor area to the sale of electronic cigarettes, electronic cigarette products/paraphernalia, tobacco or smoking products and accessories/paraphernalia. A retail tobacco store may also be referred to as a smoke shop.

**VAPOR LOUNGE**

Any facility, establishment or location where the primary use is the utilization of a heating element that vaporizes a substance that releases nicotine, tobacco, flavored vapor or other substances, through one (1) or more electronic or battery-operated delivery devices known as an electronic cigarette (also commonly referred to as "e-cig," "e-cigarette," "e-pipe," "electronic cigarillo," "hookah pen," "e-hookah," "vape pen," or "vape pipe"), or any other electronic cigarette product, including, but not limited to, establishments known as "vape bars," "vape lounges," "e-cigarette bars" or "vape cafes."

Appendix A, Article XIV:

Section 11 Restrictions on Retail Tobacco Stores.

- A. In addition to all other pertinent and applicable regulations, the following special conditions shall apply to retail tobacco stores:
  - 1. No retail tobacco store shall be permitted within seven hundred fifty (750) feet of any property zoned and/or used for residential, eleemosynary, religious,

- school, or public use, or within three hundred (300) feet of the right-of-way line of Manchester Road. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the establishment to the closest point on any property line of the residential, eleemosynary use, religious institution, school, public building or public park.
2. No retail tobacco store shall be allowed to locate or expand within seven hundred fifty (750) feet of any other such business or establishment or of any business licensed to sell or serve alcoholic beverages, whether or not such business is also an establishment as defined in this Section. The distance between any two (2) retail tobacco stores or between a tobacco retail store and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.
  3. All access to and from a retail tobacco store shall be provided from a street classified as a public right-of-way.
  4. The property on which a tobacco retail store is located shall have a minimum of one hundred (100) feet of frontage on a public right-of-way.
  5. Off-street parking shall be provided pursuant to the City Code.
  6. All landscaping and screening requirements otherwise required by the Ballwin City Code shall be observed.
  7. Signage for a facility in which a retail tobacco store is located shall be pursuant to Chapter 22 of the City Code as it pertains to a retail tobacco store.
  8. Lighting of the parking area shall conform to the requirements of the City Code.

**Section 12. Restrictions on Cigar Bars, Hookah Lounges, and Vapor Lounges.**

- A. In addition to all other pertinent and applicable regulations, the following special conditions shall apply to cigar bars, hookah lounges, and vapor lounges:
  1. No cigar bar, hookah lounge, or vapor lounge shall be permitted within seven hundred fifty (750) feet of any property zoned and/or used for residential, eleemosynary, religious, school, or public use. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the establishment to the closest point on any property line of the residential, eleemosynary use, religious institution, school, public building or public park.

Appendix A, Article XIV, Section 1:

(38) Hookah lounges, retail tobacco stores, cigar bars and vapor lounges in the C-1, C-2 and C-3 Zoning Districts.

Additionally, concerns have been expressed by some Aldermen regarding the sale of nitrous oxide at these businesses types. Currently, there are no restrictions on the sale of the product.

**Staff recommendation:**

This Petition is being considered at the request of the Board of Aldermen in order to have a higher level review of the business types listed above. The Board has reviewed the attached Bill and approved the language for consideration by the Planning & Zoning Commission. Staff recommends approval of this Petition as written.





Bill No. \_\_\_\_\_

Ordinance No. \_\_\_\_\_

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

---

AN ORDINANCE AMENDING REGULATIONS FOR HOOKAH LOUNGES, RETAIL TOBACCO STORES AND VAPOR LOUNGES IN THE CITY OF BALLWIN.

---

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

**Section 1:** Section 1-2 of the Code of Ordinances of the City of Ballwin shall be amended by adding the following definitions thereto:

**HOOKAH LOUNGE**

Any facility, establishment, or location where the primary use is the smoking of tobacco or other substances through one (1) or more hookah pipes (also commonly referred to as a "hookah," "waterpipe," "shisha" or "nareghile"), including, but not limited to, establishments known as "hookah bars," "hookah lounges," or "hookah cafes."

**RETAIL TOBACCO STORE**

A retail store that devotes more than fifteen percent (15%) of its total floor area to the sale of electronic cigarettes, electronic cigarette products/paraphernalia, tobacco or smoking products and accessories/paraphernalia. A retail tobacco store may also be referred to as a smoke shop.

**VAPOR LOUNGE**

Any facility, establishment or location where the primary use is the utilization of a heating element that vaporizes a substance that releases nicotine, tobacco, flavored vapor or other substances, through one (1) or more electronic or battery-operated delivery devices known as an electronic cigarette (also commonly referred to as "e-cig," "e-cigarette," "e-pipe," "electronic cigarillo," "hookah pen," "e-hookah," "vape pen," or "vape pipe"), or any other electronic cigarette product, including, but not limited to, establishments known as "vape bars," "vape lounges," "e-cigarette bars" or "vape cafes."

**Section 2:** Appendix A, Article XIV shall be amended by adding a new Section 11 thereto, as follows:

**Section 11. Restrictions on Retail Tobacco Stores.**

- A. In addition to all other pertinent and applicable regulations, the following special conditions shall apply to retail tobacco stores:
1. No retail tobacco store shall be permitted within seven hundred fifty (750) feet of any property zoned and/or used for residential, eleemosynary, religious, school, or public use, or within three hundred (300) feet of the right-of-way line of Manchester Road. Such distance shall be

measured in a straight line without regard to intervening properties from the closest exterior structural wall of the establishment to the closest point on any property line of the residential, eleemosynary use, religious institution, school, public building or public park.

2. No retail tobacco store shall be allowed to locate or expand within seven hundred fifty (750) feet of any other such business or establishment or of any business licensed to sell or serve alcoholic beverages, whether or not such business is also an establishment as defined in this Section. The distance between any two (2) retail tobacco stores or between a tobacco retail store and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.
3. All access to and from a retail tobacco store shall be provided from a street classified as a public right-of-way.
4. The property on which a tobacco retail store is located shall have a minimum of one hundred (100) feet of frontage on a public right-of-way.
5. Off-street parking shall be provided pursuant to the City Code.
6. All landscaping and screening requirements otherwise required by the Ballwin City Code shall be observed.
7. Signage for a facility in which a retail tobacco store is located shall be pursuant to Chapter 22 of the City Code as it pertains to a retail tobacco store.
8. Lighting of the parking area shall conform to the requirements of the City Code.

**Section 3:** Appendix A, Article XIV shall be amended by adding a new Section 12 thereto, as follows:

Section 12. Restrictions on Cigar Bars, Hookah Lounges, and Vapor Lounges.

A. In addition to all other pertinent and applicable regulations, the following special conditions shall apply to cigar bars, hookah lounges, and vapor lounges:

1. No cigar bar, hookah lounge, or vapor lounge shall be permitted within seven hundred fifty (750) feet of any property zoned and/or used for residential, eleemosynary, religious, school, or public use. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the establishment to the closest point on any property line of the residential, eleemosynary use, religious institution, school, public building or public park.



Section 3, Item e.

Section 11, Item a.

Bill No. \_\_\_\_\_

Ordinance No. \_\_\_\_\_

**Section 4:** Appendix A, Article XIV, Section 1 shall be amended by adding a new subsection (38) thereto, as follows:

(38) Hookah lounges, retail tobacco stores, cigar bars and vapor lounges in the C-1, C-2 and C-3 Zoning Districts.

**Section 5:** This ordinance shall be in full force and effect from after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Aldermen.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
*TIM POGUE, MAYOR*

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
*TIM POGUE, MAYOR*

ATTEST: \_\_\_\_\_  
*ERIC STERMAN, CITY ADMINISTRATOR*





**PLANNING AND ZONING COMMISSION**  
**1 GOVERNMENT CTR, BALLWIN, MO 63011**  
**MONDAY, DECEMBER 4, 2023 at 7:00 PM**

**PUBLIC HEARING**

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**Z-23-05 – Text Amendment to Appendix A, Article XIV, adding the following as special use exceptions in the C-1 Commercial Zoning District:**

- **Retail Tobacco Stores**
- **Cigar Bars, Hookah Lounges, and Vapor Lounges**

Additional information on this petition is at the City Government Center, or by calling 636-227-2243.

Planning & Zoning Commission  
Eric Sterman, City Administrator