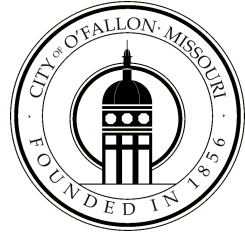


City of O'Fallon Planning and Development Department

100 North Main Street
O'Fallon, Missouri 63366
www.ofallon.mo.us
(636) 379-5544



For additional information send inquiries to:
E-mail: tcoffman@ofallon.mo.us or **Fax:** (636) 240-5511

Conditional Use Permit Application

Subject Property Information (Please Type or Print):

Property Location (Including Address, if applicable): _____

Indicate which of the following *Conditional Uses* of the Property is proposed:

- Bar, Pub, Nightclub, and Tavern
- Restaurant, coffee shop, bakery, and similar dining establishment (without drive thru windows) which sell or serve alcoholic beverages by the drink
- Microbrewery within a restaurant or a do-it-yourself beer and wine making store
- Day Care Center (Commercials District)
- Kennel (Agricultural District)
- Other/Please specify: _____ (See Appendix A) (Action from Planning and Zoning Commission and City Council Required.)

Has the Subject Property Been Annexed? _____ Yes _____ No If "Yes", Date of Annexation: _____

If "No", Provide the Date of the Pending Annexation Hearings: 1st Reading: _____ 2nd Reading: _____

Current Zoning or Proposed Zoning (Including Political Jurisdiction): _____

Contact Information (Please Type or Print):

Applicant:

Name: _____

Contact Person: _____

Address: _____

City/State/Zip: _____

Phone: _____

Fax: _____

E-mail: _____

Contract Purchaser (if applicable):

Name: _____

Contact Person: _____

Address: _____

Phone: _____

Fax: _____

E-mail: _____

Property Owner:

Name: _____

Contact Person: _____

Address: _____

City/State/Zip: _____

Phone: _____

Fax: _____

E-mail: _____

Engineer:

Name: _____

Contact Person: _____

Address: _____

Phone: _____

Fax: _____

E-mail: _____

Application Fees: \$100.00 at the time of Submittal. The applicant will subsequently be billed for the cost of \$1.24 mailing fee for the notification of each adjacent property owner within a 300 foot radius of the subject site. Two notification letters are sent to the adjacent properties, the first provides notification of the pending application, and the second provides notification of the Commission or Councils final action.

- Sign Posting Requirements:** Upon filing an application requesting a *Conditional Use Permit*, the petitioner shall, within seven (7) days of the application filing deadline (12 Noon the following Friday), post a sign(s) upon the subject property advertising the Public Comment before either the Planning and Zoning Commission or the Planning and Zoning Commission and City Council. It shall be the responsibility of the petitioner to make, buy, or rent the sign(s) and to post the same. Signs posted under the requirements of this Section are exempt from the *Signage Regulations* contained within Chapter 410 (*Signage Regulations*) of the *Municipal Code*. The required sign(s) shall be designed, placed, and removed in accordance with the following requirements:
 - a) **Sign Specifications:** The required sign(s) shall be a minimum of twenty-four (24) square feet in size. The sign(s) shall be constructed of medium density overlay (MDO) board, laminated plywood, or any other wood material that is completely covered or encased in a durable material. The sign(s) shall have a white background with black lettering in bold print. The sign heading shall read “Public Comment Notice” in a minimum of six (6) inch lettering followed by the “requested action” in a minimum of four (4) inch lettering. The remainder of the lettering shall be a minimum of two (2) inches in height. To insure clarity and readability, all sign lettering shall be mechanically printed in a standard recognizable type face (hand lettering is prohibited). In addition to the “Public Comment Notice” heading, the sign(s) shall contain the following information:
 - (1) The requested action (*Conditional Use Permit* approval).
 - (2) Date, time, and location of the Public Comment before either the Planning and Zoning Commission or the Planning and Zoning Commission and the City Council.
 - (3) Project name.
 - (4) Existing *Zoning*.
 - (5) Proposed *Zoning* (if applicable).
 - (6) Acreage of the site.
 - (7) Ward number.
 - (8) Contact name and phone number of the applicant.
 - (9) The following statement: “For possible updated information regarding the date, time and location of the Public Comments or for further details on the requested action, please contact the City of O’Fallon Planning and Development Department at 636-379-5544.”
 - b) **Required Number of Signs:** One (1) sign shall be placed along each street that abuts the subject site. However, the Director of Planning and Development shall have the discretion of waiving the requirements for sign placement along multiple street frontages if he/she determines that sign placement along the most heavily traveled street frontage(s) will suffice. If the subject site has more than three hundred (300) feet of frontage along any street, the Director of Planning and Development shall have the discretion of requiring the placement of additional signs. If the subject site does not abut a street, the sign(s) shall be placed on each side of any contiguous land owned by the petitioner or owner(s) of the subject site which does abut a street. If no such contiguous property is owned by the applicant or owner(s) of the subject site, the sign(s) shall be placed in such location(s) as deemed appropriate by the Director of Planning and Development to best inform the general public of the Public Comment(s). If the Director of Planning and Development determines that there is no location where a sign could be placed that would be visible to the general public, the Director shall have the discretion of waiving the sign posting requirements.
 - c) **Sign Placement:** The required sign(s) shall be posted in a conspicuous location unobstructed to view from the street, and shall be placed no closer than ten (10) feet from any right-of-way line and/or property line and no further than fifteen (15) feet back from the right-of-way line and/or property line. The required sign(s) shall not be erected in the street right-of-way or in a manner that would obstruct

the vision of motorists or pedestrians per the *Sight Triangle* requirements of Section 400.260(F) of the *Zoning Code*. Unless otherwise approved by the Director of Planning and Development, all signs shall be freestanding and the bottom edge shall be a minimum of four (4) feet from the ground.

- d) Verification of Sign Posting: The petitioner shall post the required sign(s) within seven (7) days of the application filing deadline (12 Noon the following Friday). Staff of the Planning and Development Department will verify that the required sign(s) have been posted in accordance with the requirements of this Article by this deadline. If the petitioner fails to post the required sign(s) per the requirements of this Article by this deadline, the application will not be placed on the originally requested agenda of the Planning and Zoning Commission, and a letter will be sent to the petitioner which outlines the reasons for the postponement of the requested action and which also provides a schedule of upcoming meetings and the corresponding sign posting deadlines.
- e) Sign Removal: The required sign(s) shall remain posted until final action is taken on the proposed *Conditional Use Permit*. The applicant shall remove all signs within seven (7) days of final action.

CHECKLIST

The application shall be accompanied by the following information:

- Provide a Legal Description of the site (both a printed copy and an electronic copy).
- Provide twenty-five (25) folded scaled plans of the property, correlated with the legal description, and clearly showing the location of the property. If a *Site Plan* has been submitted concurrently with the *Conditional Use Permit* application, the above-mentioned twenty-five (25) copies are NOT required.
- Include on the plans the names of the owners and the *Zoning District* classification (regardless of Political Jurisdiction) of the properties within an area determined by lines drawn parallel to and within a distance of three-hundred (300) feet of the subject property shall be shown on the map.
- Include on the plans a site location map that shows site in relation with the surrounding area.
- Include boundary dimensions, including bearings and distances and size of the subject property, correlated with the legal description of said property.
- Label parking spaces required, showing all supporting calculations. In addition, the plan shall demonstrate, with appropriate labels and markings, that all parking spaces and loading zones, especially those designed for handicapped accessibility, are of sufficient width and depth (including all adjacent lane stripping and ramp access routes) to meet all zoning and ADA requirements. Label loading/unloading spaces, showing all supporting calculations. Show the location of service lanes and loading spaces, and provide dimensions.
- Chapter 402 of the *Zoning Code* provides the requirements for landscaping and screening on a developing site, using these requirements, construct a detailed landscape plan, with a full legend or key, that shows the location, number, and types, of plant materials required based on linear street frontage, zoning district, parking lot, and bufferyard landscape requirements. Supporting calculations demonstrating compliance with these requirements shall be included on the landscape plans.
- Demonstrate compliance with Article XIII of the *Zoning Code*, Performance Standards.
- Provide one (1) copy of all *Conditional Use Permit* plan sheets in 11" x 17" at the time of the initial Submittal (1st Submittal) and of the revised plans that address Staff Comments (2nd Submittal).
- If the above information does not appear on the plan or accompanying the application, the proposal may not be scheduled for the Planning and Zoning Commission meeting requested.

CRITERIA FOR EVALUATION

In reviewing any application for a *Conditional Use Permit*, the Planning and Zoning Commission shall identify and evaluate all factors relevant to the application, and shall report its *Findings* in full, along with its recommendations for disposition of the proposed *Conditional Use* to the City Council. The facts to be considered by the Planning and Zoning Commission shall include but not be limited to the following:

1. The proposed *Conditional Use* complies with all applicable provisions of the *Zoning Code*, including intensity of use regulations, yard regulations, and use limitations.
2. The proposed *Conditional Use* at the specified location will contribute to and promote the welfare and convenience of the public.
3. The proposed *Conditional Use* will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
4. The location and size of the *Conditional Use*, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the *Conditional Use* will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable *Zoning District* regulations. In determining whether the *Conditional Use* will so dominate the immediate neighborhood, consideration shall be given to:
 - The location, nature and height of building, structures, walls and fences on the site.
 - The nature and extent of proposed landscaping and screening on the site.
5. Off-street parking and loading areas shall be provided in accordance with the standards set forth in the *Zoning Code*.
6. Adequate utility, drainage, and other such necessary facilities have or will be provided.
7. Adequate access roads or entrance and exit drives must be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
8. In consideration of requests for any *Conditional Use Permits*, the Planning and Zoning Commission and/or City Council shall require such conditions of use as it deems necessary to protect the best interest of the City and the surrounding property and to achieve the objectives of the *Zoning Code*. These additional requirements shall include, but not be limited to, those special provisions applying to *Miscellaneous Conditional Uses* specified in Section 400.330 of the *Zoning Code*. A violation of a requirement, condition, or safeguard shall be considered a violation of the *Zoning Code*, and grounds for an Administrative Official of the City to terminate and cancel such *Conditional Use Permit*.
9. A time limitation may be required on the *Conditional Use* specified in Appendix "A" of the *Zoning Code*. Said *Conditional Use Permit* shall be renewable at the discretion of the Planning and Zoning Commission and/or City Council.
10. No application which has been denied (either wholly or in part) shall be resubmitted for a period of twelve (12) months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Director of Community Development. If the facts of the case do not establish that the findings and standards set forth in the *Zoning Code* will apply to the proposed use, the *Conditional Use* shall be denied.

Please Note:

- Prior to approval of a *Building Permit*, a *Construction Site Plan* must be reviewed and approved by City Staff. In addition, the appropriate Fire District will need to review and approve the development.
- Outstanding *Municipal Code Requirements* and conditions of approval of the *Conditional Use Permit* shall be addressed on Construction Site Plans.
- Any business occupying the site requires approval of a *Business License*.
- Once the Conditional Use Permit has been approved by the Planning and Zoning Commission, the permittee must submit a letter accepting all conditions, safeguards and restrictions upon the conditional use. The permittee shall within thirty (30) days of the adoption of the resolution granting the conditional use permit notify the Planning and Development Department in writing that the conditional use permit is accepted and that the conditions, safeguards and restrictions set forth therein are understood and will be complied with. Failure to submit the required written acceptance will result in the rescinding of the approval.

Applicant Signature

Date

Owner's Signature

Date

<u>For Internal Use Only</u>
Case Number: _____
Date of Submittal: _____
Fee(s) Paid to Date: _____