

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

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

Requested by: Michael Hurlbert

Sponsored by: Nancy Schneider

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CUP19-04(B) FOR A RESTAURANT ASSOCIATED WITH A PRIVATE CLUB TO ALEXANDER RICHARDSON WEBER LLC, PROPERTY OWNER/APPLICANT

WHEREAS, the St. Charles County Charter, Article II, Section 2.529 grants to the County Council legislative power pertaining to planning and zoning in the part of the County outside incorporated cities, towns and villages; and

WHEREAS, property owner filed a conditional use permit application No. CUP19-04(B) for the purpose of a restaurant associated with a private club; and

WHEREAS, the subject property is known as 105 Lake Village Drive (Yacht Club of St. Louis), is located approximately 3,900 feet west of Washeon Road on the Mississippi River, and consists of 82.32 acres; and

WHEREAS, the property is zoned A, Agricultural District with Floodway Fringe Overlay District; and

WHEREAS, “A restaurant associated with any permitted or conditional use” is a conditional use within the A, Agricultural District with Floodway Fringe Overlay District; and

WHEREAS, having conducted a public hearing, the Planning and Zoning Commission of the County of St. Charles, Missouri considered this application and by a vote of 6 ayes, 0 nays, and 1 abstention recommended that the County Council approve this application; and

WHEREAS, A simple majority of the County Council is required for passage of this bill pursuant to Section 405.510.A, Ordinances of St. Charles County, Missouri (“OSCCMo”); and

WHEREAS, consideration and decision on application CUP19-04(B) is governed by the Administrative Review Procedures set forth in Section 405.511 OSCCMo., and

WHEREAS, all requirements of Section 405.511 OSCCMo, having been complied with, the County Council will render written Findings of Facts and Conclusions of Law based upon receipt of a timely Stipulation Agreement, or upon conclusion of the administrative hearing, as the case may be, specifically set forth in the Findings of Facts and Conclusions of Law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. A conditional use permit for the purpose of a restaurant associated with a private club for the property known as 105 Lake Village Drive and located approximately 3,900 feet west of Washeon Road on the Mississippi River, and further described on the attached **EXHIBIT A**; is hereby granted to Alexander Richardson Weber, LLC, property owner and applicant.

Section 2. The Council hereby receives the following documents into the record: the St. Charles County Master Plan Year 2030; the Unified Development Ordinance of St. Charles County, Missouri; the audio/video recording of the public hearing before the Planning and Zoning Commission; and the documents attached hereto as **EXHIBIT B.**

Section 3. The record in this matter will be supplemented with the video recording of the portion of the County Council's agenda item Conditional Use Permit - Bills for Introduction regarding application CUP19-04(B), the documents admitted into evidence at, and the video recording of, the administrative hearing conducted pursuant to the administrative review process set forth on Section 405.511, or the Stipulation Agreement entered into by the parties, as the case may be, and the record will be closed by the Council and the closed record will constitute the final and only record upon which the Council decision is based.

Section 4. The conditional use permit is approved based on the following conditions:

1. A site plan substantially complying with the concept site plan and Section 405.525 of the County Code shall be submitted to and approved by the St. Charles County Community Development Department prior to the conditional use becoming active; and
2. No light from exterior light fixtures shall exceed 0.5 foot-candles as measured at the property lines; and

3. No conditional use shall be in active use until such time all conditions of approval have been met.

Section 5. The Director of the Planning and Zoning Division is hereby authorized to acknowledge the approval and conditions of the conditional use permit on application CUP19-04(B)

Section 6. Per Section 405.510.B OSCCMo, in any case where a conditional use is not in place and in active use within two years from the date of granting, and/or in accordance with the terms of the conditional use originally granted or subsequently amended, then, without further action by the Planning and Zoning Commission and/or the County Council, the conditional use, or authorization thereof, will be null and void.

Section 7. The Council will render written Findings of Facts and Conclusions of Law based upon the record following either the conclusion of the formal hearing, or upon receipt of the Stipulation Agreement between the Department of Community Development and the applicant, pursuant to Section 405.511 OSCCMo, as specifically set forth in the Findings of Facts and Conclusions of Law. Findings of Facts and Conclusions of Law are attached hereto as **EXHIBIT C**.

Section 8. If the requested application CUP19-04(B) is not approved, and this bill fails, the denial decision will be documented in written Findings of Facts and Conclusions of Law supporting the Council's denial decision, and spread upon the Council's records.

Section 9. This ordinance will be in full force and effect from and after the date of its passage and approval by the Governing Body.

---

DATE PASSED

---

DATE APPROVED BY COUNTY EXECUTIVE

---

CHAIR OF THE COUNCIL

---

COUNTY EXECUTIVE

ATTEST:

---

COUNTY REGISTRAR