



**PLAN & ZONING COMMISSION AGENDA**  
**City of Maplewood, Missouri**

City Council Chambers, City Hall  
7601 Manchester Road, Maplewood, MO 63143

**Monday, February 2, 2025**  
**6:00 PM**

**AGENDA**

1. Call to Order
2. Roll Call
3. Approval of the January 5, 2026, Plan and Zoning Commission minutes
4. Public Comment
5. Petition Number 2026-04 – Request by Julius Phillips of Vintage Gold 88 for a Conditional Use Permit to operate an event space at 7170 Manchester Road in the CB Community Business District
6. Petition Number 2026-05 – Request by Alan Thompson of AllStar Tattoo for a Conditional Use Permit to operate a tattoo and body piercing studio at 7326 Manchester Road in the CB1 Community Business Subdistrict
7. Petition Number 2026-06 – Request by Paul Kushnir of PayMore for Plan & Zoning Commission Determination that the Sale of Used and Refurbished Electronics is Permitted at Deer Creek Shopping Center Pursuant to PUD Ordinance Section II.A.27
8. Petition Number 2026-07 – Request by Lori Ventimiglia of Greenwell Goods for a Conditional Use Permit to operate an antique, vintage, and collectible retail shop at 2719 Sutton Boulevard in the CB Community Business District
9. Petition Number 2026-08 – Request by Crossroads Presbyterian Church to rezone 2643 Roseland Terrace from CB Community Business District to PA Public Activity District
10. Ordinance Committee Report
11. Comprehensive Plan Update
12. Zoning Administrator’s Report
13. Adjournment

## **RECORD OF PROCEEDINGS**

### **MAPLEWOOD PLAN AND ZONING COMMISSION**

**Monday, January 5, 2026**

**6:00 PM**

1. **CALL TO ORDER:** The meeting of the Maplewood Plan and Zoning Commission was called to order at 6:02 p.m.
2. **ROLL CALL:** Present were chair Kevin Sullivan and members Colin Bassett, Jim Briehan, Matt Coriell, Pickett Lema, and Mark Vanden Akker. Absent and unexcused was member Brad Jackson.
3. **APPROVAL OF THE NOVEMBER 3, 2025, PLAN AND ZONING COMMISSION MEETING MINUTES:** Commission Member Coriell made a motion to approve the minutes as presented, duly seconded by Commission Member Bassett, and was unanimously approved by the Commission.
4. **PUBLIC COMMENT:** Design & Review Board member D.J. Howard spoke in favor of affordable housing and against the replacement of smaller homes with larger homes. He cited a recent Design and Review Board packet that included a proposal to demolish the existing structure and build a new home at 3432 Commonwealth Avenue. He objected to the Board of Adjustment granting a variance from the zoning code to allow this new construction to exceed limits established by the code, and he suggested that replacement structures should not be larger than the homes they replace. He also noted his objection to increasing residential density in Maplewood, which is a goal of the draft comprehensive plan.
5. **PETITION NUMBER 2026-01 – REQUEST BY O’HARE FOUNDRY CORP. TO REZONE 3423 SOUTH BIG BEND BOULEVARD FROM PU PUBLIC USE DISTRICT TO HM HEAVY MANUFACTURING DISTRICT:** The Commission reviewed the petition. The petitioner purchased the lot 1.5 years ago and hopes to add a new building to the site eventually, since his business has outgrown its existing machine shop. Commission Member Vanden Akker made a motion to approve the petition, seconded by Commission Member Briehan. Ayes, Colin Bassett, Jim Briehan, Matt Coriell, Pickett Lema, Kevin Sullivan, and Mark Vanden Akker. Nays, none. Motion was approved with a vote of 6 ayes, 0 nays.
6. **PETITION NUMBER 2026-02 – REQUEST BY IGAL ALON OF SMART RENTALS FOR A CONDITIONAL USE PERMIT TO ALLOW RESIDENTIAL OCCUPANCY AT STREET LEVEL AT 2311 SOUTH BIG BEND BOULEVARD IN THE AB ARTERIAL BUSINESS DISTRICT:** The Commission reviewed the ordinance. Commission Member Briehan made a motion to approve the petition, seconded by Commission Member Bassett. Ayes, Colin Bassett, Jim Briehan, Matt Coriell, Pickett Lema, Kevin Sullivan, and Mark Vanden Akker. Nays, none. Motion was approved with a vote of 6 ayes, 0 nays.
7. **PETITION NUMBER 2026-03 – REQUEST TO AMEND THE DEER CREEK SHOPPING CENTER PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE TO MODIFY REGULATIONS REGARDING THE SALE OF USED OR REFURBISHED MERCHANDISE:** The Commission discussed the existing PUD and discussed historical prohibitions on the sale of used merchandise, as well as possible additional conditional uses for refurbished merchandise. Commission Member Bassett made a motion to approve the petition, seconded by Commission

Member Coriell. Ayes, Colin Bassett, Jim Briehan, Matt Coriell, Kevin Sullivan, and Mark Vanden Akker. Nays, Pickett Lema. Motion was approved with a vote of 5 ayes, 1 nays.

8. ORDINANCE COMMITTEE REPORT: None.

9. COMPREHENSIVE PLAN UPDATE: City Manager Withycombe and consultants from PGAV continue to work on a new draft of the plan, with a goal of sharing a revision in March. The revised plan will be presented for adoption later this spring.

10. ZONING ADMINISTRATOR’S REPORT: City Manager Withycombe announced that a new Public Works and Planning Director has been hired and will likely begin work after the Commission’s next meeting. Withycombe presented a report on all variances granted in 2025. The Board of Adjustment approved three variance requests in November 2025: two for new single-family dwellings on Commonwealth and Flora Avenues that exceeded maximum allowable square footage by 722 and 654 square feet respectively, and one for a 1,500 square foot addition that exceeded the 500 square foot limit by 1,000 square feet. The Board found that all three variances arose from unique property conditions, would not adversely affect neighbors or public welfare, and that strict application would constitute unnecessary hardship. Commission Members questioned the granting of these variances and discussed opportunities to educate the Board of Adjustment members about the spirit and intent of the ordinance that governs the restrictions. Members agreed that Chair Sullivan would request a meeting with the Board of Adjustment chair to pursue enhanced communication and collaboration. Members requested that all Board of Adjustment meeting packets and minutes be posted on the city’s website in a timely manner for public transparency. Members requested transcripts of recent Board meeting. Withycombe agreed to provide materials from the November and December Board of Adjustment meeting to P&Z members.

11. ADJOURNMENT: There being no further business to come before the Commission, a motion to adjourn was made by Commission Member Vanden Akker and seconded by Commission Member Coriell. The meeting was adjourned at 6:50 pm.

Minutes Prepared By: Amber Withycombe

Date Submitted: February 2, 2026

Approved:

\_\_\_\_\_

Chair

\_\_\_\_\_

Date

# Memorandum



**To:** Plan & Zoning Commission  
**From:** Amber Withycombe, City Manager  
**Date:** January 16, 2026  
**Re:** **Petition Number 2026-04 – Request by Julius Phillips of Vintage Gold 88 for a Conditional Use Permit to operate an event space at 7170 Manchester Road in the CB Community Business District**

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## **BACKGROUND**

The subject property, 7170 Manchester Road, is located in the CB Community Business District. Vintage Gold 88 operates at this location under a Conditional Use Permit approved by City Council in April 2024 (Ordinance No. 6265), which authorizes operation of “a vintage and collectable clothing and accessories store.”

The applicant would like to use the back rooms of the building to host intimate, curated, arts- and community-focused events and gatherings. The applicant has indicated the proposed programming would be similar in scale and intensity to classes previously offered at this location by Cheryl’s Herbs. The applicant has requested approval to serve alcoholic beverages at these events and has applied for a liquor license. Upon review of the liquor license application, staff determined that operating an event space constitutes a separate use category from retail sales and requires its own conditional use permit.

## **CONDITIONAL USE REQUEST**

The petitioner is requesting a conditional use permit to operate an event space at 7170 Manchester Road. Section 56-206(2) of the Zoning Code allows “auditoriums and other assembly halls, including religious, fraternal and union meeting halls” as a conditional use in the CB Community Business District. This conditional use permit would authorize the use of back rooms in the building for private events, gatherings, and special occasions. The retail vintage clothing store operations authorized under the existing April 2024 CUP would continue unchanged.

## **PLANNING AND ZONING ISSUES**

1. Consistency with Comprehensive Plan: The City is currently updating its Land Use Guide (Comprehensive Plan). The draft Comprehensive Plan encourages diverse commercial uses along Manchester Road that activate the corridor during various times of day. Event space operations complement the existing retail use and support the comprehensive plan’s goals for a vibrant commercial corridor.
2. Character of the District: Section 56-203 states the CB district is intended to "accommodate a variety of other business services, offices and entertainment uses which provide patronage to retail uses and a diversity of business activity." Event space operations align with this intent by providing an entertainment venue that complements

the existing retail business. The proposed programming focuses on intimate, arts- and community-focused gatherings similar in scale to educational classes previously offered at this location.

3. **Compatibility with Adjacent Uses:** The property is located in an active commercial corridor along Manchester Road. Adjacent properties include commercial retail and service businesses, as well as an existing event space, Majorette, located further east in the City of St. Louis. The event space will occupy interior back rooms with no exterior modifications proposed. The intimate scale of proposed events, comparable to the classes previously offered by Cheryl's Herbs at this location, suggests the use will generate impacts consistent with other small-scale gathering activities in the corridor.
4. **Traffic and Parking:** Event spaces typically generate traffic during evening and weekend hours when retail traffic is lower. Manchester Road provides adequate vehicular access. Based on the applicant's description of intimate programming similar in scale to previous educational classes at the location, parking demands should be manageable. However, residents of several multifamily apartments in the neighborhood rely on street parking, so the Commission may wish to discuss expected event frequency, typical attendance, and parking management with the applicant.
5. **Building Code Compliance:** The building must comply with applicable building and fire codes for assembly occupancy. Prior to operating the event space, the City will require a fire marshal inspection of the property to establish maximum occupancy limits and confirm adequate emergency egress and accessibility compliance exist. The applicant has expressed intent to coordinate with the Fire Marshal to obtain formal occupancy and capacity determinations for each space and to operate fully within all life-safety, code, and compliance requirements. The applicant must obtain approval from the Building Official confirming the space meets all requirements for assembly use before events may be held.
6. **Standards for Conditional Use Permit Approval:** Per Section 56-877 of the zoning code, the Plan and Zoning Commission and City Council must find that the proposed use satisfies the nine criteria set forth in Section 56-877(b), including that the use will not adversely affect surrounding properties, will comply with the comprehensive plan, and will be consistent with public health, safety, and welfare..

### **SITE PLAN REQUIREMENT**

Pursuant to Section 56-877(a) of the zoning code, applications for a conditional use permit shall include a site plan or aerial depiction unless the zoning administrator determines that no exterior modifications, site modifications, parking issues or any other matters relating to the intensity and extent of use would necessitate said site plan or aerial depiction. Staff has determined that no exterior modifications or site modifications are proposed for this event space request, as operations will be confined to existing interior back rooms. The site plan requirement is therefore waived.

### **FINDING**

Staff recommends that the Plan Commission consider the following factors in making its recommendation:

1. Whether the use is consistent with the intent of the CB District to accommodate diverse entertainment uses that complement retail operations.
2. Whether the proposed use is compatible with the character of Manchester Road and surrounding commercial properties.
3. Whether conditions should be imposed regarding building code compliance, hours of operation, maximum occupancy, or noise management.
4. Whether approval of this conditional use permit appropriately recognizes that event space operations constitute a separate use requiring independent authorization from the retail store CUP.

The Commission should make findings regarding the standards set forth in Section 56-877 and provide a recommendation to the City Council for approval, approval with conditions, or denial.

## **Sec. 56-206. Conditional uses.**

The following are conditional uses in accordance with the procedures provided in article IV, division 6 of this chapter:

- (1) Indoor theaters or cinemas, except as provided in section 56-209 (d).
- (2) Auditoriums and other assembly halls, including religious, fraternal and union meeting halls.
- (3) Health care delivery services such as clinics and urgent care centers.
- (4) Antique stores.
- (5) Caterers.
- (6) Dance, music, yoga, health clubs, fitness training studios and schools with a class size of six or more people.
- (7) Financial institutions.
- (8) Any restaurant that does not replace a previously existing restaurant or any restaurant that in the judgement of the zoning administrator, would require a conditional use permit due to its size, scope and impact on adjacent or surrounding properties.
- (9) Public off-street parking as a principal use.
- (10) Utility substations.
- (11) Seasonal businesses and office facilities (i.e., businesses and office facilities that do not maintain regular weekly business hours throughout the year or maintain regular business hours on a seasonal basis).
- (12) Consignment shops that sell high quality, pre-owned apparel and clothing accessories.
- (13) Communication towers constructed and operated in compliance Division 8 of this chapter.
- (14) Micro-breweries for the production and packaging of beer, cider and soft drinks that meet the following requirements:
  - a. Micro-breweries must be associated with a retail operation.
  - b. Associated retail operation must utilize a minimum of twenty-five percent of the total gross floor area of the micro-brewery business operations.
- (15) Rooftop communication antenna, constructed and operated in compliance with division 9 of this chapter.
- (16) Craft beer stores that meet the following requirements:
  - a. Craft beer stores that sell only craft beer in bulk and by the drink and specialize in craft beer related items such as craft beer books, barware, bitters, mixers, glassware related to alcoholic beverages, offer classes in craft beer making and offer tastings to customers on-site (in many cases a corkage fee may be associated with this on-site tastings).
  - b. No more than ten percent of total sales can be from hard alcohol.
  - c. No lottery tickets can be sold on the premises.
  - d. No tobacco products can be sold on the premises.
- (17) Retail dry cleaning or laundry facilities, not to include self-service laundry or dry-cleaning plants without retail services.

(18) Cigar and hookah smoke rooms associated with a retail operation.

(19) Medicinal marijuana facilities.

(Ord. No. 4062, § 903.07(4), 10-14-1980; Ord. No. 4202, § 2, 3-12-1985; Ord. No. 4222, § 1, 8-13-1985; Ord. No. 4250, § 2, 3-11-1986; Ord. No. 4264, § 1, 8-12-1986; Ord. No. 4514, § 1, 10-22-1991; Ord. No. 4615, § 1, 7-27-1993; Ord. No. 4665, § 1, 9-27-1994; Ord. No. 4670, § 1, 11-8-1994; Ord. No. 4721, § 3, 3-12-1996; Ord. No. 4857, § I, 11-10-1998; Ord. No. 4948, § I, 7-11-2000; Ord. No. 4953, §§ I, II, 8-8-2000; Ord. No. 5004, § I, 8-14-2001; Ord. No. 5005, § I, 8-14-2001; Ord. No. 5149, § I, 1-13-2004; Ord. No. 5311, § I, 1-24-2005; Ord. No. 5314, § I, 2-14-2006; Ord. No. 5451, § III, 1-22-2008; Ord. No. 5545, § I, 10-13-2009; Ord. No. 5804, § I, 1-26-2016; Ord. No. 5833, § I, 10-11-2016; Ord. No. 5929, § I, 1-28-2020)

# City Of Maplewood Application for Conditional Use Permit

Print Del

**Submitted by:** Julius Phillips

**Submitted On:** 2026-01-08 12:14:47

**Submission IP:** 174.210.6.207 (172.31.73.241)  
proxy-IP (raw-IP)

**Status:** Open

**Priority:** Normal

**Assigned To:** Laura Miller

**Due Date:** Open

## Application for Conditional Use Permit

### Applicant Information

\* **First Name:**

Julius

\* **Last Name:**

Phillips

\* **Contact Address:**

7170 suite a Manchester ave

\* **Contact Phone:**

\* **Contact Email Address:**

### Proposed Business Information

\* **Proposed Business Name:**

Vintagegold88

\* **Address of Proposed Maplewood Location:**

7170 suite A Manchester ave

**Address of Existing Location (if applicable):**

7170 suite A Manchester ave

\* **Description of Business Activity:**

Event space

\* **Anticipated Hours of Operation:**

9am- 11pm

\* **Anticipated Number of Employees:**

3

\* As applicant and/or owner of the above stated business, I hereby certify and verify that all of the information stated above is accurate.

I agree

\* Date

01/08/2026

Format: MM/DD/YYYY

**Property Information**

\* **Property Owner:**

Robert Scherrer

\* **Property Owner Phone #:**

(314) 623-2645

\* **Property Owner Address:**

7170 Manchester ave

\* **Intended Use of Property:**

Event space

\* As the owner of the above stated property, I hereby verify and agree to the above stated intended use of this property by the applicant.

I agree

\* Date

01/08/2026

Format: MM/DD/YYYY

**This form will be completed when the payment has been submitted. Staff will contact you for payment.**

**Conditional Use Application Fee:**

\$100.00 per application plus advertising costs.



## PUBLIC HEARING NOTICE

### Conditional Use Permit

The Maplewood City Council will hold a public hearing on Tuesday, February 10, 2026, at 7:00 p.m. in the Council Chambers at City Hall, 7601 Manchester Road, to allow all interested parties to be heard concerning the following:

**A request by Julius Phillips of Vintage Gold 88 for a Conditional Use Permit to operate an event space at 7170 Manchester Road. The property is located in the CB Community Business District.**

The Maplewood Plan & Zoning Commission will meet on Monday, February 2, 2026, at 6:00 p.m. in the Council Chambers at 7601 Manchester Road regarding the same matter. The Commission will vote on a recommendation to the City Council at this meeting.

Speakers must attend in person and sign in to address the City Council. The public can watch live at [youtube.com/@cityofmaplewood8819](https://youtube.com/@cityofmaplewood8819). Public comments may also be submitted to [cityclerk@maplewoodmo.gov](mailto:cityclerk@maplewoodmo.gov) by 12:00 pm (noon) the day of the meeting. All written comments will be shared with the City Council before the meeting and become part of the public record.

For more information, contact City Manager Amber Withycombe at [awithycombe@maplewoodmo.gov](mailto:awithycombe@maplewoodmo.gov) or 314-645-3600.

In compliance with the Americans with Disabilities Act (ADA), reasonable accommodations will be provided upon request. To request an accommodation, please call City Hall at 314-645-3600 or use Relay Missouri at 1-800-736-2966 at least 48 hours before the meeting.

*Posted on January 22, 2026, at Maplewood City Hall and [maplewoodmo.gov](http://maplewoodmo.gov)*

*Published on January 24, 2026, in the St. Louis Countian*

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO JULIUS PHILLIPS OF VINTAGE GOLD 88 TO OPERATE AN EVENT SPACE AT 7170 MANCHESTER ROAD IN THE CB COMMUNITY BUSINESS DISTRICT

WHEREAS, Julius Phillips of Vintage Gold 88 has applied to the City Council of the City of Maplewood, Missouri for a Conditional Use Permit as provided in Section 56-206(2) and Section 56-877 of the Maplewood Code of Ordinances to operate an event space at 7170 Manchester Road in the CB Community Business District; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at its February 2, 2026, meeting by a vote of \_\_\_ ayes, \_\_\_ nays, \_\_\_ absent; and

WHEREAS, the City Council held a public hearing at their February 10, 2026, meeting regarding the conditional use permit and notice of said public hearing had previously been published at least 15 days prior to the hearing in an official paper or a newspaper of general circulation in the City; and

WHEREAS, pursuant to Section 56-877(b) of the Maplewood Code of Ordinances, the City Council makes the following findings of fact:

1. The proposed use complies with all applicable provisions of the Zoning Code because event space/assembly hall use is permitted as a conditional use in the CB Community Business District pursuant to Section 56-206(2), and the property will comply with all dimensional and operational requirements of the CB District.
2. The proposed use will contribute to and promote the community welfare and convenience because it provides an entertainment venue that complements existing retail operations and activates the Manchester Road corridor during evening and weekend hours.
3. The proposed use will not cause substantial injury to the value of neighboring property because the CB Community Business District is designed to accommodate diverse commercial and entertainment uses, and event space operations are compatible with the commercial character of Manchester Road.
4. The proposed use complies with the overall neighborhood development plan and existing zoning district provisions because Section 56-203 specifically contemplates entertainment uses that provide patronage to retail uses and contribute to a diversity of business activity in the CB District.
5. The proposed use will provide adequate off-street parking and loading areas in accordance with the standards contained in the Zoning Code because the property is located on Manchester Road with access to on-street and nearby parking, and events will typically occur during evening and weekend hours when retail parking demand is lower.
6. The proposed use will not substantially increase traffic hazards because Manchester Road is designed as a commercial arterial corridor with adequate capacity, and event traffic will be distributed across evening and weekend hours.
7. The proposed use will not substantially increase fire hazards because the building will comply with current fire and building codes for assembly occupancy, including occupancy load limits and fire safety systems.

8. The proposed use will not overtax public utilities because existing water, sewer, and electrical infrastructure are adequate to serve the event space operations.
9. The proposed use will not place an undue burden on municipal services because event space operations will comply with applicable building codes and noise regulations, and the property is served by existing municipal services adequate for the proposed use; and

WHEREAS, based on these findings, the City Council determines that the applicant has met the burden of proof necessary for approval of this Conditional Use Permit pursuant to Section 56-877 of the Maplewood Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Julius Phillips of Vintage Gold 88 is hereby granted a Conditional Use Permit to operate an event space at 7170 Manchester Road in the CB Community Business District.

Section II. The Conditional Use Permit is granted subject to all rules and regulations and conditions of the Maplewood Code of Ordinances and the following specific conditions:

- (A) Permitted Use – Auditorium/assembly hall for private events, gatherings, and special occasions.
- (B) Scope of Operations – The event space operations are limited to the interior back rooms of the building. No exterior modifications shall be permitted without prior approval from the Design and Review Board.
- (C) Building Code Compliance – The applicant shall obtain approval from the Building Official confirming the space complies with applicable building and fire codes for assembly occupancy, including maximum occupancy load, egress requirements, accessibility standards, and fire safety systems, prior to operating the event space.
- (D) Signage – Any exterior signage advertising the event space shall require approval from the Design and Review Board prior to installation.
- (E) Noise Compliance – The event space shall comply with all applicable noise regulations in the City Code.

Section III. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this 24th day of February, 2026

\_\_\_\_\_  
Barry Greenberg, Mayor

Attest:

\_\_\_\_\_  
Tanya Bohlken, Deputy City Clerk

Approved this 24th day of February, 2026

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Barry Greenberg, Mayor

Attest:

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Tanya Bohlken, Deputy City Clerk

# Memorandum



**To:** Plan & Zoning Commission  
**From:** Amber Withycombe, City Manager  
**Date:** February 2, 2026  
**Re:** **Petition Number 2026-05 – Request by Alan Thompson of AllStar Tattoo for a Conditional Use Permit to operate a tattoo and body piercing studio at 7326 Manchester Road in the CB1 Community Business Subdistrict**

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## **BACKGROUND**

The subject property, 7326 Manchester Road, is located in the CB1 Community Business Subdistrict. The petitioner, Alan Thompson, is requesting a conditional use permit to operate a tattoo and body piercing studio, along with a laser tattoo removal business, at this location.

AllStar Tattoo currently operates at 2803 South Big Bend Boulevard. The business owner intends to relocate the established business to 7326 Manchester Road and will lease or sell the current Big Bend location after the move.

## **ZONING REGULATIONS**

The CB1 Community Business Subdistrict encompasses street-level locations along Manchester Road between Roseland Terrace and Sutton Avenue. Section 56-211 establishes a curated list of permitted and conditional uses for CB1 that is more restrictive than the general CB district. Section 56-211(c) explicitly states that "the permitted uses enumerated in section 56-204 shall not apply to street level locations within the CB1 district." This means street-level CB1 locations can only have uses specifically enumerated in Section 56-211, focusing on retail, restaurants, entertainment, and specific service businesses that create an active commercial corridor.

In 2025, the City Council amended the CB1 Community Business Subdistrict regulations to add tattoo and piercing studios as conditional uses. Section 56-211(d)(m) permits "Tattoo and piercing studio" subject to conditional use permit approval. The amendment recognized that tattoo and piercing studios are professional personal service businesses appropriate for the Manchester Road corridor when properly reviewed through the conditional use permit process.

## **CONDITIONAL USE REQUEST**

The applicant is requesting a conditional use permit to operate a tattoo and body piercing studio at 7326 Manchester Road. The business will also provide laser tattoo removal services. The anticipated hours of operation are 10:00 AM to 8:00 PM, with seven tattoo artists, two body piercers, and four laser technicians.

## **PLANNING AND ZONING ISSUES**

1. Consistency with Comprehensive Plan: The City is currently updating its Land Use Guide (Comprehensive Plan). The draft Comprehensive Plan encourages diverse

commercial and personal service uses along Manchester Road. Tattoo and piercing studios represent professional personal service businesses that contribute to the diversity of commercial activities in the corridor.

2. **Character of the District:** The CB1 subdistrict is designed to accommodate a variety of retail, personal service, and entertainment uses along Manchester Road. Tattoo and piercing studios have become mainstream personal service businesses similar to hair salons, spas, and other body art services. The 2025 amendment specifically recognized tattoo studios as appropriate uses for CB1 when subject to conditional use review. The proposed use is compatible with the commercial character of Manchester Road.
3. **Compatibility with Adjacent Uses:** The property is located in an active commercial corridor with a mix of retail, service, and entertainment businesses. Tattoo studios operate similarly to other personal service establishments with clients visiting by appointment or walk-in. The proposed use should not generate impacts substantially different from other personal service businesses in the corridor, such as hair salons.
4. **Traffic and Parking:** Tattoo and piercing services are typically provided by appointment, generating steady but manageable traffic throughout business hours. The business does not generate the peak traffic demands associated with restaurants or retail stores. Parking along Manchester Road and in the adjacent public Marietta and Schnuck's lots should be adequate to serve the business.
5. **Building Code Compliance:** The business must comply with applicable health, safety, and building code requirements for personal service establishments. The City's health regulations in Chapter 14 govern tattoo and piercing establishments and require proper licensing, sterilization procedures, and compliance with health standards.
6. **Standards for Conditional Use Permit Approval:** Per Section 56-877 of the zoning code, the Plan and Zoning Commission and City Council must find that the proposed use satisfies the nine criteria set forth in Section 56-877(b), including that the use will not adversely affect surrounding properties, will comply with the comprehensive plan, and will be consistent with public health, safety, and welfare.

### **SITE PLAN REQUIREMENT**

Pursuant to Section 56-877(a) of the zoning code, applications for a conditional use permit shall include a site plan or aerial depiction unless the zoning administrator determines that no exterior modifications, site modifications, parking issues or any other matters relating to the intensity and extent of use would necessitate said site plan or aerial depiction. Staff has determined that no exterior modifications or site modifications are proposed beyond interior tenant improvements and signage. The site plan requirement is therefore waived.

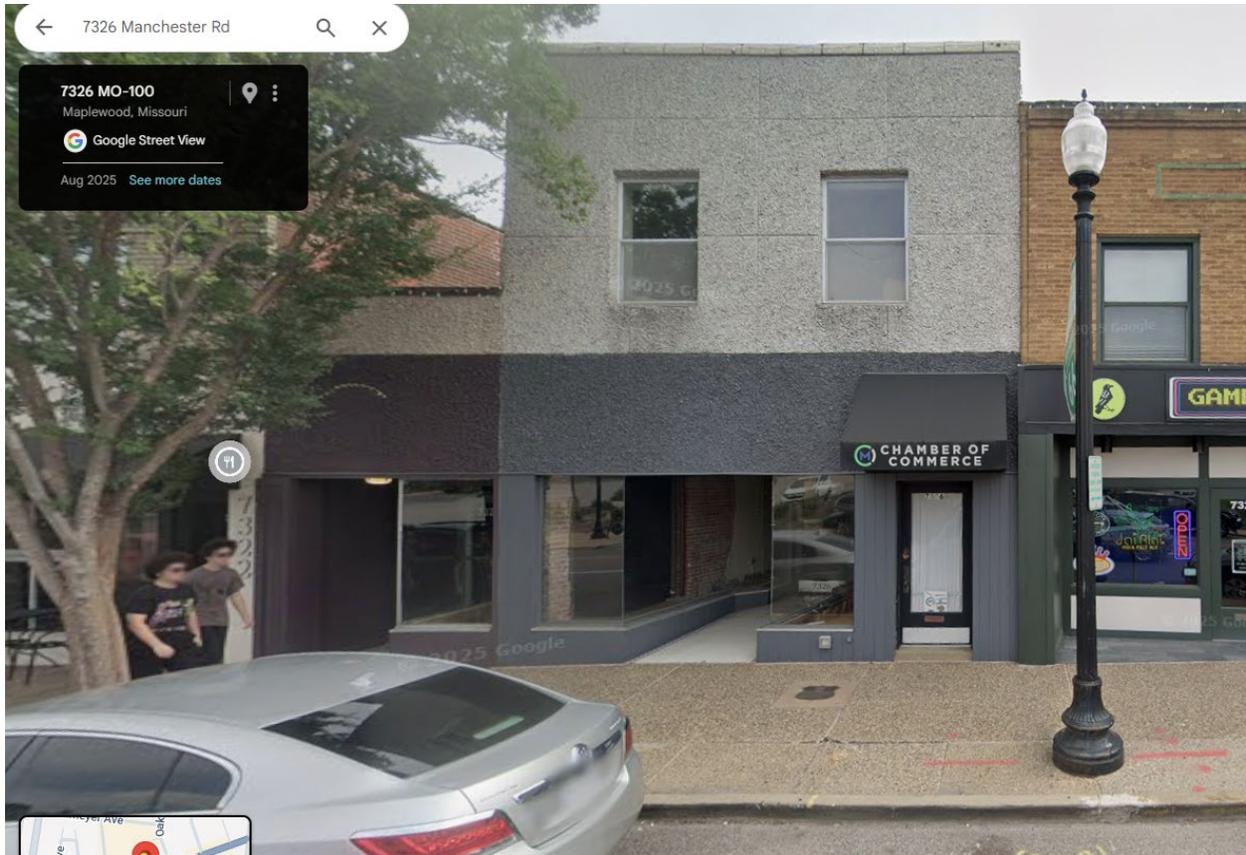
### **FINDING**

Staff recommends that the Plan Commission consider the following factors in making its recommendation:

1. Whether the tattoo and piercing studio use is consistent with the intent of the 2025 CB1 amendment recognizing such establishments as appropriate personal service businesses for the Manchester Road corridor.

2. Whether the proposed use is compatible with the character of the CB1 district and surrounding commercial properties.
3. Whether conditions should be imposed regarding signage, hours of operation, or compliance with health code requirements.
4. Whether approval of this conditional use permit supports the comprehensive plan's goals for diverse commercial and personal service uses along Manchester Road.

The Commission should make findings regarding the standards set forth in Section 56-877 and provide a recommendation to the City Council for approval, approval with conditions, or denial.



7326 Manchester Road

## **Sec. 56-211. CB1 district.**

- (a) *Definitions.* The CB1 district shall be defined as follows: Street level locations along Manchester Road between the east right-of-way line of Roseland Terrace and its southern extension on the east and Sutton Avenue on the west. The term "street level" means any floor that does not meet the definition of "non-street level" contained in section 56-204.
- (b) *Intent and purpose.* The CB1 district is a subdistrict contained within the CB Community Business District. The CB1 district is intended to accommodate a wide variety of destination type retail commercial uses, with an emphasis toward the retail sale of goods for personal consumption, dining, and entertainment, which attracts shoppers from a trade area beyond the city and, which together, attract and encourage pedestrian traffic. The CB1 district seeks to give the highest priority to uses typically located in nucleated shopping districts which, in turn, serve and are compatible with the contiguous business community and neighborhood.
- (c) *CB1 district permitted uses.* Permitted uses in the CB1 district shall exclude the sale of used merchandise or rental of merchandise unless specifically identified below as permitted. The permitted uses enumerated in section 56-204 shall not apply to street level locations within the CB1 district; instead the following uses shall be permitted in any street level location within the CB1 district:
  - (1) Home furnishing, office products, business equipment, furniture and accessories stores.
  - (2) Floor covering stores (except those with a primary emphasis on the sale of remnants).
  - (3) Art, handicraft and school supply stores.
  - (4) Book stores as limited by section 56-209 (d).
  - (5) Photographic, audiovisual and digital equipment and supply stores.
  - (6) Consumer electronic stores.
  - (7) Hobby and toy stores.
  - (8) Jewelry stores, watch and clock stores, including incidental repair.
  - (9) Luggage stores.
  - (10) Music, musical instrument and recorded music and video stores (rental permitted).
  - (11) Sporting goods stores.
  - (12) Hardware, paint, glass and wallcovering stores.
  - (13) Food stores, including grocery stores, meat markets, delicatessens, ice cream stores and bakeries.
  - (14) Apparel and clothing accessories stores.
  - (15) Bicycle stores, including incidental repair.
  - (16) Drugstores.
  - (17) Florist, gifts and card stores.
  - (18) Retail dry cleaning or laundry facilities, not to include self-service laundry or dry-cleaning plants.
  - (19) Newsstands, as limited by section 56-209 (d).
  - (20) Art galleries.

- (21) Any restaurant that replaces a previously existing restaurant that in the judgement of the zoning administrator, is similar to the previously existing restaurant in size, scope and impact on adjacent or surrounding properties.
  - (22) Consignment shops for antiques and collectibles as defined by the zoning code.
  - (23) Retail pet store with grooming.
  - (24) Accessory uses as provided by article III, division 4 of this chapter.
  - (25) Retail pop-up stores. Retail stores, excluding restaurants, open for a maximum of 90 days that in the judgement of the zoning administrator meet the intent and purpose of the CB1 district.
  - (26) The following entertainment uses are permitted provided they are located a minimum of 300 feet from other entertainment uses, are open a minimum of four nights per week until 9:00 p.m. unless closing hours are otherwise specified below, and derive a minimum of 20 percent of their annual gross income from sources other than the sale of alcoholic beverages such as ticket sales, admission fees, sale of prepared food or meals and merchandise.
    - a. Music venue.
    - b. Children's entertainment or play space venues, not required to remain open until 9:00 p.m.
    - c. Escape rooms.
    - d. Sports and recreational activities, including but not limited to (indoor mini golf, pickleball courts, and other types of recreational entertainment activities).
    - e. Cigar lounges associated with a retail operation.
    - f. Wine or cocktail lounge associated with a retail operation.
    - g. Any entertainment establishment use which in the judgement of the zoning administrator is similar or identical to one or more of the above listed uses. Such entertainment establishments, whether indoor or outdoor, where entertainment, either passive or active, is provided for the enjoyment of patrons. Entertainment may be offered independently or in conjunction with a non-entertainment-related use, such as a restaurant. Entertainment activities include, but are not limited to, vocal and instrumental music, dancing, karaoke, comedy, acting games, or other similar activities.
  - (27) Any use which in the judgment of the zoning administrator is identical or similar to one or more of the above listed uses and which conforms with the intent and purpose and with the use regulations and limitations for this chapter. The zoning administrator may also request a plan and zoning commission review if the use which, in the judgment of the plan and zoning commission, is similar to one or more of the above listed uses and which conforms with the intent and purposes of this chapter and which conforms with the use regulations, use limitations and performance standards for this chapter.
- (d) *Conditional uses.* The conditional uses enumerated in section 56-206 shall not apply to street level locations within the CB1 district, and instead the following uses shall be permitted as conditional uses, in accordance with the procedures provided in article IV, division 6 of this chapter, in any street level location of the CB1 district.
- (1) Indoor theatres or cinemas, except as provided in section 56-209 (d).
  - (2) Antique, vintage and collectible stores, except as prohibited by subsection (e) (9) of this section.
  - (3) Music and art studios or schools that are a part of a retail sales operation.
  - (4) Financial institutions.

- (5) Any restaurant that does not replace a previously existing restaurant or any restaurant that, in the judgement of the zoning administrator, would require a conditional use permit due to its size, scope and impact on adjacent or surrounding properties.
  - (6) Day spas: to include hair salons, facials, manicure and pedicure services and massage services from which 20 percent of gross revenue is derived from retail sales generating sales tax and must be open a minimum of five nights per week until 8:00 p.m. No day spa can be located closer than 800 feet to another day spa.
  - (7) Stores allowing customers to taste wines, liqueurs and spirits from a cask before buying them.
  - (8) Tattoo and piercing studios. No tattoo and piercing studio can be closer than 500 feet to another tattoo and piercing studio.
- (e) *Prohibited uses.* The following uses shall be prohibited in the CB1 district:
- (1) Pawnshops.
  - (2) Massage parlors.
  - (3) Private entertainment uses or clubs.
  - (4) Licensed betting stores.
  - (5) Package liquor stores.
  - (6) Seasonal businesses.
  - (7) Rent to own stores.
  - (8) Used clothing, resale stores and consignment shops (except those that sell antiques and collectibles as defined by the zoning code).
  - (9) Check cashing and payday loan services.

(Ord. No. 4062, § 903.07(9), 10-14-1980; Ord. No. 4202, § 2, 3-12-1985; Ord. No. 4222, § 1, 8-13-1985; Ord. No. 4250, § 2, 3-11-1986; Ord. No. 4264, § 1, 8-12-1986; Ord. No. 4514, § 1, 10-22-1991; Ord. No. 4615, § 1, 7-27-1993; Ord. No. 4665, § 1, 9-27-1994; Ord. No. 4670, § 1, 11-8-1994; Ord. No. 4721, § 3, 3-12-1996; Ord. No. 4857, § I, 11-10-1998; Ord. No. 4948, § I, 7-11-2000; Ord. No. 4953, §§ I, II, 8-8-2000; Ord. No. 5004, § I, 8-14-2001; Ord. No. 5005, § I, 8-14-2001; Ord. No. 5149, § I, 1-13-2004; Ord. No. 5311, § I, 1-24-2005; Ord. No. 5314, § I, 2-14-2006; Ord. No. 5451, § III, 1-22-2008; Ord. No. 5545, § I, 10-13-2009; Ord. No. 5763 § I, 2-10-2015; Ord. No. 5838, § I, 12-13-2016; Ord. No. 5929, § I, 1-28-2020; Ord. No. 6074, § I, 5-27-2025)

# City Of Maplewood Application for Conditional Use Permit

Print Del

**Submitted by:** Alan Thompson

**Submitted On:** 2026-01-13 10:03:53

**Submission IP:** 99.105.124.201 (172.31.74.53)  
proxy-IP (raw-IP)

**Status:** Payment Received

**Priority:** Normal

**Assigned To:** Laura Miller

**Due Date:** Open

## Application for Conditional Use Permit

### Applicant Information

\* **First Name:**

Alan

\* **Last Name:**

Thompson

\* **Contact Address:**

2803 S Big Bend Blvd., Maplewood MO,63143

\* **Contact Phone:**

\* **Contact Email Address:**

### Proposed Business Information

\* **Proposed Business Name:**

AllStar Tattoo and Body Piercing/ Vanishing Point Laser Tattoo Removal

\* **Address of Proposed Maplewood Location:**

7326 Manchester, Maplewood, MO, 63143

**Address of Existing Location (if applicable):**

2803 S. Big Bend, Maplewood, MO, 63143

\* **Description of Business Activity:**

To operate a Tattoo and Body Piercing establishment, alongside a Laser Tattoo Removal business

\* **Anticipated Hours of Operation:**

10:00 AM - 8:00PM

\* **Anticipated Number of Employees:**

Seven tattooists, two body piercers, four laser technicians

\* As applicant and/or owner of the above stated business, I hereby certify and verify that all of the information stated above is accurate.

I agree

\* Date

01/13/2026

Format: MM/DD/YYYY

**Property Information**

\* Property Owner:

Patrick Jugo

\* Property Owner Phone #:

314-374-2662

\* Property Owner Address:

7310 Vine Ave. Maplewood MO 63143 United States

\* Intended Use of Property:

Tattoo and Body Piercing establishment, alongside a Laser Tattoo Removal business

\* As the owner of the above stated property, I hereby verify and agree to the above stated intended use of this property by the applicant.

I agree

\* Date

01/13/2026

A large, stylized handwritten signature in black ink is written over the signature line. To the right of the signature, the date "1.16.26" is handwritten in black ink.

Format: MM/DD/YYYY

**This form will be completed when the payment has been submitted. Staff will contact you for payment.**

**Conditional Use Application Fee:**

\$100.00 per application plus advertising costs.



## PUBLIC HEARING NOTICE

### Conditional Use Permit

The Maplewood City Council will hold a public hearing on Tuesday, February 10, 2026, at 7:00 p.m. in the Council Chambers at City Hall, 7601 Manchester Road, to allow all interested parties to be heard concerning the following:

**A request by Alan Thompson of AllStar Tattoo for a Conditional Use Permit to operate a tattoo and body piercing studio at 7326 Manchester Road. The property is located in the CB1 Community Business Subdistrict.**

The Maplewood Plan & Zoning Commission will meet on Monday, February 2, 2026, at 6:00 p.m. in the Council Chambers at 7601 Manchester Road regarding the same matter. The Commission will vote on a recommendation to the City Council at this meeting.

Speakers must attend in person and sign in to address the City Council. The public can watch live at [youtube.com/@cityofmaplewood8819](https://youtube.com/@cityofmaplewood8819). Public comments may also be submitted to [cityclerk@maplewoodmo.gov](mailto:cityclerk@maplewoodmo.gov) by 12:00 pm (noon) the day of the meeting. All written comments will be shared with the City Council before the meeting and become part of the public record.

For more information, contact City Manager Amber Withycombe at [awithycombe@maplewoodmo.gov](mailto:awithycombe@maplewoodmo.gov) or 314-645-3600.

In compliance with the Americans with Disabilities Act (ADA), reasonable accommodations will be provided upon request. To request an accommodation, please call City Hall at 314-645-3600 or use Relay Missouri at 1-800-736-2966 at least 48 hours before the meeting.

*Posted on January 22, 2026, at Maplewood City Hall and [maplewoodmo.gov](http://maplewoodmo.gov)*

*Published on January 24, 2026, in the St. Louis Countian*

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO ALAN THOMPSON TO OPERATE A TATTOO AND BODY PIERCING STUDIO AT 7326 MANCHESTER ROAD IN THE CB1 COMMUNITY BUSINESS SUBDISTRICT

WHEREAS, Alan Thompson has applied to the City Council of the City of Maplewood, Missouri for a Conditional Use Permit as provided in Section 56-211(d)(m) and Section 56-877 of the Maplewood Code of Ordinances to operate a tattoo and body piercing studio at 7326 Manchester Road in the CB1 Community Business Subdistrict; and

WHEREAS, in 2025, the City Council amended the CB1 Community Business Subdistrict regulations to allow tattoo and piercing studios as conditional uses, recognizing such establishments as professional personal service businesses appropriate for the Manchester Road corridor; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at its February 2, 2026, meeting by a vote of \_\_\_ ayes, \_\_\_ nays, \_\_\_ absent; and

WHEREAS, the City Council held a public hearing at their February 10, 2026, meeting regarding the conditional use permit and notice of said public hearing had previously been published at least 15 days prior to the hearing in an official paper or a newspaper of general circulation in the City; and

WHEREAS, pursuant to Section 56-877(b) of the Maplewood Code of Ordinances, the City Council makes the following findings of fact:

1. The proposed use complies with all applicable provisions of the Zoning Code because tattoo and piercing studios are permitted as a conditional use in the CB1 Community Business Subdistrict pursuant to Section 56-211(d)(m), and the property will comply with all dimensional and operational requirements of the CB1 district.
2. The proposed use will contribute to and promote the community welfare and convenience because it provides professional personal service options in the Manchester Road commercial corridor and represents an established business relocating within Maplewood.
3. The proposed use will not cause substantial injury to the value of neighboring property because tattoo and piercing studios are recognized professional personal service establishments similar to salons and spas, and such uses are appropriate for the commercial character of Manchester Road.
4. The proposed use complies with the overall neighborhood development plan and existing zoning district provisions because the 2025 amendment to the CB1 district specifically contemplated tattoo and piercing studios as appropriate conditional uses for the corridor.
5. The proposed use will provide adequate off-street parking and loading areas in accordance with the standards contained in the Zoning Code because the property is located on Manchester Road with access to on-street parking and nearby public parking facilities, and tattoo services operate primarily by appointment without generating peak parking demands.
6. The proposed use will not substantially increase traffic hazards because tattoo and body piercing services generate steady appointment-based traffic throughout business hours

rather than concentrated peak traffic, and Manchester Road is designed as a commercial arterial with adequate capacity.

7. The proposed use will not substantially increase fire hazards because the building will comply with current fire and building codes, and tattoo establishments operate with safety standards similar to other personal service businesses.
8. The proposed use will not overtax public utilities because existing water, sewer, and electrical infrastructure are adequate to serve the personal service business operations.
9. The proposed use will not place an undue burden on municipal services because tattoo and piercing establishments are required to comply with City health code regulations in Chapter 14, and the business operates with service demands similar to other personal service establishments in the corridor; and

WHEREAS, based on these findings, the City Council determines that the applicant has met the burden of proof necessary for approval of this Conditional Use Permit pursuant to Section 56-877 of the Maplewood Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Alan Thompson is hereby granted a Conditional Use Permit to operate a tattoo and body piercing studio at 7326 Manchester Road in the CB1 Community Business Subdistrict.

Section II. The Conditional Use Permit is granted subject to all rules and regulations and conditions of the Maplewood Code of Ordinances and the following specific conditions:

- (A) Permitted Use – Tattoo and body piercing studio, including laser tattoo removal services.
- (B) Health Code Compliance – The establishment shall comply with all applicable health code requirements in Chapter 14 of the Maplewood Code of Ordinances, including proper licensing, sterilization procedures, and health standards for tattoo and piercing operations.
- (C) Signage – Any exterior signage shall require approval from the Design and Review Board prior to installation and shall comply with all applicable signage requirements in Chapter 6 of the Maplewood Code of Ordinances.
- (D) Hours of Operation – Hours of operation shall be limited to 10:00 AM to 8:00 PM unless modified with approval from the City Manager.

Section III. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this 24th day of February, 2026

\_\_\_\_\_  
Barry Greenberg, Mayor

Attest:

\_\_\_\_\_  
Tanya Bohlken, Deputy City Clerk

Approved this 24th day of February, 2026

---

Barry Greenberg, Mayor

Attest:

---

Tanya Bohlken, Deputy City Clerk

# Memorandum



**To:** Plan & Zoning Commission  
**From:** Amber Withycombe, City Manager  
**Date:** February 2, 2026  
**Re:** **Petition Number 2026-06 – Request by Paul Kushnir of PayMore for Plan & Zoning Commission Determination that the Sale of Used and Refurbished Electronics is Permitted at Deer Creek Shopping Center Pursuant to PUD Ordinance Section II.A.27**

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## **BACKGROUND**

The Deer Creek Shopping Center Planned Unit Development (PUD) was established by Ordinance 5647 in January 2012. The PUD encompasses approximately 21.3 acres bounded by the Union Pacific right-of-way on the north, Big Bend Boulevard on the east, Deer Creek on the south, and Laclede Station Road on the west.

On January 27, 2026, the City Council approved an amendment to the Deer Creek PUD Ordinance (Bill 6306, Ordinance 6100) that deleted the blanket prohibition on used merchandise sales and established a new approval pathway in Section II.A.27. This section permits the sale of used or refurbished merchandise “in the judgment of the Plan and Zoning Commission, where the sale of such merchandise is ancillary to the primary permitted use and is determined by the plan and zoning commission to conform to the intent and purposes of the planned unit development district.”

## **APPLICANT’S REQUEST**

PayMore operates an electronics recycling center that buys, sells, and trades used and refurbished electronics. The business seeks to locate at Deer Creek Shopping Center and Mr. Kushnir requests a Plan & Zoning Commission determination that its operations are permitted under Section II.A.27 of the PUD ordinance.

## **BUSINESS MODEL**

PayMore’s business model focuses primarily on electronics recycling and e-waste reduction. According to the company’s literature:

- Approximately 95% of customers come in to sell or recycle old technology
- Approximately 90% of sales occur online rather than in-store
- The business accepts a wide range of electronics including phones, tablets, computers, gaming systems, and other devices
- Items are either refurbished for resale or recycled through certified e-waste programs
- The storefront serves primarily as a collection point for recycling and trade-ins, with limited retail display

The business emphasizes environmental sustainability by diverting electronics from landfills and extending the useful life of technology through refurbishment.

### **ANALYSIS UNDER SECTION II.A.27**

Section II.A.27 requires the Commission to determine whether:

- (1) The sale of used or refurbished merchandise is ancillary to the primary permitted use; and
- (2) The use conforms to the intent and purposes of the planned unit development district.

#### *Ancillary to Primary Permitted Use*

Section II.A.10 of the PUD ordinance lists “Consumer electronic stores” as a permitted use. PayMore operates as a consumer electronics business with a specialized focus on recycling, trade-ins, and refurbishment.

The primary business function is electronics recycling and collection, with used merchandise sales serving as an ancillary component of that core recycling mission. The business model differs from traditional retail consumer electronics stores in that:

- The majority of customer interactions involve selling or recycling devices rather than purchasing
- Most sales occur online rather than in physical retail space
- The storefront functions primarily as a collection/recycling center rather than a traditional retail showroom

This business model appears to satisfy the “ancillary to primary permitted use” requirement, as the sale of refurbished electronics supports and enables the primary recycling and e-waste reduction mission.

#### *Conformance with PUD Intent and Purposes*

The Deer Creek PUD was designed as a retail shopping center serving the surrounding community. The original ordinance contemplated a range of retail and service uses, including consumer electronics stores.

PayMore’s operations conform to the PUD’s intent in the following ways:

1. **Character and Intensity:** The business operates with a retail storefront similar to other permitted consumer electronics stores, generating comparable traffic and parking demands. The business does not involve outdoor storage, manufacturing, or other industrial characteristics that would be inconsistent with a retail shopping center.
2. **Modern Retail Trends:** As noted in the January 2026 PUD amendment findings, the retail landscape has evolved significantly since 2012 with increasing consumer focus on sustainability and the emergence of the circular economy. PayMore represents this evolution by providing electronics recycling services alongside refurbished product sales.
3. **Community Benefit:** The business provides a community service by offering a convenient location for electronics recycling and e-waste disposal, addressing an environmental need while maintaining the commercial character of the shopping center.

4. **Economic Vitality:** Allowing PayMore to locate at Deer Creek helps maintain occupancy in the shopping center and provides a unique retail offering that complements other tenants.
5. **Regulatory Precedent:** The Commission approved the PUD amendment specifically to provide flexibility for modern business models that incorporate reuse, recycling, and resale. PayMore’s electronics recycling business exemplifies the type of sustainable retail operation contemplated by that amendment.

### **SITE PLAN REQUIREMENT**

No site plan is required for this determination. PayMore will occupy an existing tenant space with no exterior modifications proposed beyond signage, which will require Design and Review Board approval.

### **FINDING**

Staff recommends that the Plan & Zoning Commission make a determination that PayMore’s sale of used and refurbished electronics is permitted under Section II.A.27 of PUD Ordinance 5647, as amended, based on the following findings:

1. The sale of used and refurbished electronics is ancillary to PayMore’s primary business purpose of electronics recycling and e-waste reduction, as evidenced by the business model where 95% of customers come to sell or recycle devices and 90% of sales occur online rather than in the physical retail space.
2. PayMore’s operations conform to the intent and purposes of the Deer Creek PUD because the business operates as a consumer electronics retailer with a storefront character and intensity consistent with other permitted retail uses in the shopping center.
3. The business represents the type of modern retail operation incorporating sustainable and circular economy principles that the Commission contemplated when recommending approval of the January 2026 PUD amendment.
4. Approving this use maintains occupancy and economic vitality in the shopping center while providing a community benefit through electronics recycling services.

The Commission should vote on whether to approve PayMore’s request for a determination that the sale of used and refurbished electronics is permitted under Section II.A.27 of the Deer Creek PUD ordinance.



3212 Laclede Station Road

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING THE DEER CREEK SHOPPING CENTER PLANNED UNIT DEVELOPMENT ORDINANCE #5647 TO MODIFY REGULATIONS REGARDING THE SALE OF USED OR REFURBISHED MERCHANDISE

WHEREAS, the Plan and Zoning Commission recommended approval of the amendment to Planned Unit Development Ordinance #5647 at their January 5, 2026, meeting by a vote of 5 ayes, 1 nays, 1 absent; and

WHEREAS, the City Council held a public hearing at their January 13, 2026, meeting regarding the proposed amendment and notice of said public hearing had previously been published at least 15 days prior to the hearing in an official paper or a newspaper of general circulation in the City; and

WHEREAS, the City Council makes the following findings of fact in support of this amendment:

1. The blanket prohibition on used merchandise sales in Section VII.4 limits flexibility in the natural development of Deer Creek Shopping Center and does not reflect current retail trends or business models because the retail landscape has evolved significantly since 2012 with the growth of e-commerce, increasing consumer focus on sustainability, and the emergence of the circular economy that has changed consumer expectations and retail business models.
2. Existing use-specific restrictions in Section II.A provide adequate regulatory control for categories of uses where used merchandise sales may be inappropriate because Section II.A already contains restrictions on the sale of used merchandise for business equipment and furniture stores (Item 2), household appliances and furniture stores (Item 3), and apparel and clothing accessories stores (Item 7), which restrictions will remain in full force and effect.
3. The Plan & Zoning Commission will retain authority under Section II.A.24 to evaluate proposed uses involving used merchandise on a case-by-case basis because Section II.A.24 authorizes the Commission to approve uses similar to permitted uses that conform to the intent and purposes of the PUD, and this mechanism provides adequate regulatory oversight.
4. The amendment maintains the character and intent of the original PUD while providing flexibility for modern retail businesses that incorporate sustainable and circular economy principles because the amendment does not change the fundamental character or intensity of uses contemplated in the PUD but rather provides flexibility for modern business models that may include elements of reuse, recycling, and resale.
5. Removing the blanket prohibition will help maintain occupancy and economic vitality in the shopping center by expanding the pool of potential tenants because an overly restrictive prohibition that prevents otherwise compatible uses from locating in the PUD may result in vacant spaces, which generate no economic benefit to the City or the shopping center; and

WHEREAS, based on these findings, the City Council determines that amending Ordinance #5647 to delete Section VII.4 is in the best interests of the City and the Deer Creek Shopping Center PUD.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Planned Unit Development Ordinance #5647, Section VII.4 is hereby deleted in its entirety.

Section II. Planned Unit Development Ordinance #5647, Section II.A is hereby amended by the enactment of a new subsection (27), to read as follows:

27. Except as otherwise expressly prohibited by this ordinance, the sale of used or refurbished merchandise shall be permitted in the judgment of the plan and zoning commission, where the sale of such merchandise is ancillary to the primary permitted use and is determined by the plan and zoning commission to conform to the intent and purposes of the planned unit development district, and which conforms with the use regulations, use limitations and performance standards of the city code.

Section III. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this 27th day of January, 2026

\_\_\_\_\_  
Barry Greenberg, Mayor

Attest:

\_\_\_\_\_  
Tanya Bohlken, Deputy City Clerk

Approved this 27th day of January, 2026

\_\_\_\_\_  
Barry Greenberg, Mayor

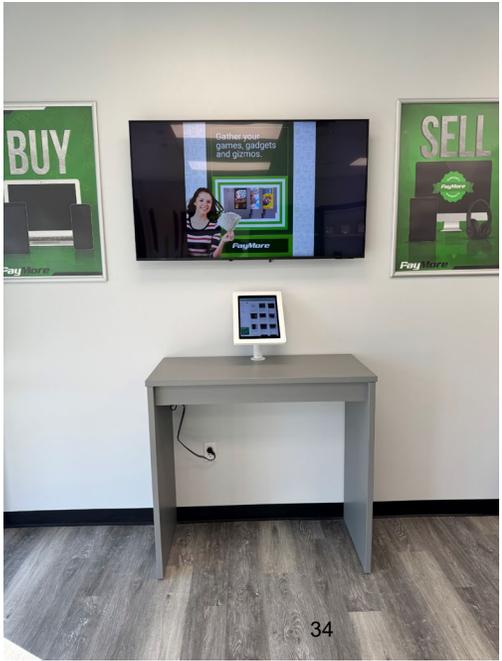
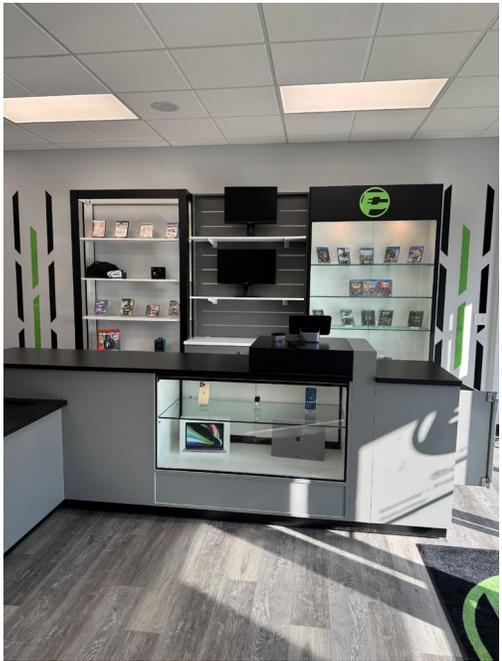
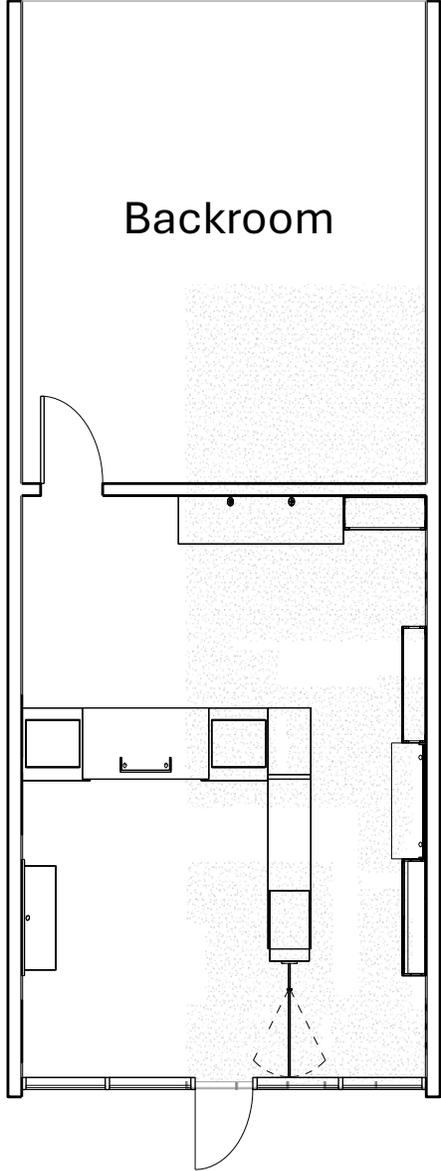
Attest:

\_\_\_\_\_  
Tanya Bohlken, Deputy City Clerk



# Kansas City, MO Store Layout

## Typical Layout



# Memorandum



**To:** Plan & Zoning Commission  
**From:** Amber Withycombe, City Manager  
**Date:** February 2, 2026  
**Re:** **Petition Number 2026-07 – Request by Lori Ventimiglia of Greenwell Goods for a Conditional Use Permit to operate an antique, vintage, and collectible retail shop at 2719 Sutton Boulevard in the CB Community Business District**

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## **BACKGROUND**

The subject property, 2719 Sutton Boulevard, is located in the CB Community Business District near the intersection of Sutton Boulevard and Marietta Avenue. The site is fully developed supporting commercial use in a storefront location along Sutton Boulevard.

The petitioner, Lori Ventimiglia, is requesting a conditional use permit to operate a vintage and collectible clothing and accessories retail store. The petitioner currently operates similar vintage retail businesses at The Green Shag in St. Louis City, Forty Elephants in Kirkwood, and Get Your Picks on 66 in Webster Groves. Greenwell Goods will be the petitioner's first standalone retail location, featuring highly curated vintage clothing from the 1960s-1990s for both men and women, including fine jewelry, accessories, and shoes.

## **ZONING REGULATIONS**

Section 56-206(12) of the CB Community Business District allows "Consignment shops that sell high quality, pre-owned apparel and clothing accessories" as a conditional use. Vintage clothing stores selling curated pre-owned apparel and accessories fall within this use category.

In January 2025, the City Council approved a conditional use permit for Reset Vintage Apparel at 2718 Sutton Boulevard under Section 56-206(12), directly across the street from the proposed Greenwell Goods location. The Reset CUP applied the definitional standards from Section 56-3 and required that "items sold must be new or be considered antiques, vintage items or collectibles." Staff recommends applying the same regulatory approach to Greenwell Goods to ensure consistency between the two vintage clothing stores operating on the same block of Sutton Boulevard.

## **CONDITIONAL USE REQUEST**

The applicant requests a conditional use permit under Section 56-206(12) to operate a vintage and collectible clothing and accessories store at 2719 Sutton Boulevard, consistent with the regulatory framework applied to Reset Vintage Apparel.

## **PLANNING AND ZONING ISSUES**

1. Consistency with Comprehensive Plan: The City is currently updating its Land Use Guide (Comprehensive Plan). The draft Comprehensive Plan encourages diverse retail

uses that serve the community and activate commercial corridors. Vintage clothing stores represent specialty retail businesses that contribute to the diversity of commercial offerings along Sutton Boulevard.

2. **Character of the District:** The CB Community Business District is designed to accommodate a variety of retail and commercial uses. The proposed use is ideally suited for the location, which has historically supported commercial operations. Reset Vintage Apparel, a similar vintage clothing business approved under Section 56-206(12), operates successfully directly across the street at 2718 Sutton Boulevard. The proposed business will maintain the retail character of this block of Sutton Boulevard.
3. **Compatibility with Adjacent Uses:** The proposed vintage collectible clothing and accessories store will be located within the City's business district and should have a positive impact on adjacent and surrounding properties by increasing pedestrian traffic within the district. The scale and intensity of the proposed use is compatible with adjacent and surrounding properties and similar to other apparel retail stores.
4. **Traffic and Parking:** Adequate parking is available to support the proposed use. There is on-street parking located on Sutton Boulevard and the site is near the City's Marietta parking lot and the city's leased spaces in the Schnuck's lot. The proposed hours of operation (Monday and Tuesday closed; Wednesday through Sunday, 11:00 AM to 6:00 PM) align with standard retail hours and should not create parking conflicts.
5. **Building Code Compliance:** The business will occupy an existing commercial space and must comply with applicable building and fire code requirements for retail occupancy.
6. **Standards for Conditional Use Permit Approval:** Per Section 56-877 of the zoning code, the Plan and Zoning Commission and City Council must find that the proposed use satisfies the nine criteria set forth in Section 56-877(b), including that the use will not adversely affect surrounding properties, will comply with the comprehensive plan, and will be consistent with public health, safety, and welfare.

### **SITE PLAN REQUIREMENT**

Pursuant to Section 56-877(a) of the zoning code, applications for a conditional use permit shall include a site plan or aerial depiction unless the zoning administrator determines that no exterior modifications, site modifications, parking issues or any other matters relating to the intensity and extent of use would necessitate said site plan or aerial depiction. Staff has determined that no exterior modifications or site modifications are proposed beyond interior tenant improvements and signage. The site plan requirement is therefore waived.

### **FINDING**

Staff recommends that the Plan Commission consider the following factors in making its recommendation:

1. Whether the proposed vintage clothing and accessories store qualifies as a consignment shop selling high quality, pre-owned apparel and clothing accessories under Section 56-206(12).
2. Whether the proposed use is consistent with the regulatory approach applied to Reset Vintage Apparel at 2718 Sutton Boulevard.

3. Whether the scale and intensity of the proposed use is compatible with adjacent and surrounding properties.
4. Whether approval of this conditional use permit will contribute to and promote the welfare and convenience of the public by providing a vintage and collectible clothing and accessories retail store for the community and surrounding area.

The Commission should make findings regarding the standards set forth in Section 56-877 and provide a recommendation to the City Council for approval, approval with conditions, or denial.



2719 Sutton Boulevard

# City Of Maplewood Application for Conditional Use Permit

Print Del

**Submitted by:** Lori Ventimiglia

**Submitted On:** 2026-01-18 10:35:17

**Submission IP:** 68.184.192.249 (172.31.74.53)  
proxy-IP (raw-IP)

**Status:** Open

**Priority:** Normal

**Assigned To:** Laura Miller

**Due Date:** Open

## Application for Conditional Use Permit

### Applicant Information

\* **First Name:**

Lori

\* **Last Name:**

Ventimiglia

\* **Contact Address:**

3745 Blow St., St. Louis, MO 63116

\* **Contact Phone:**

\* **Contact Email Address:**

### Proposed Business Information

\* **Proposed Business Name:**

Greenwell Goods

\* **Address of Proposed Maplewood Location:**

2719 Sutton Blvd.

**Address of Existing Location (if applicable):**

Resell Booths @ The Green Shag (STL City), Forty Elephants (Kirkwood), & Get Your Picks on 66 (Webster Groves)

\* **Description of Business Activity:**

Greenwell Goods intends to be a retail business selling highly curated vintage (1960s-1990s) clothing, for both men & women; including fine jewelry, accessories, & shoes.

\* **Anticipated Hours of Operation:**

Monday & Tuesday: Closed; Wednesday - Sunday: 11am-6pm

\* **Anticipated Number of Employees:**

2 Employee-Owners

\* As applicant and/or owner of the above stated business, I hereby certify and verify that all of the information stated above is accurate.

I agree

\* Date

01/18/2026

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Format: MM/DD/YYYY

**Property Information**

\* Property Owner:

V Three Properties LLC

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\* Property Owner Phone #:

314-503-0168

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\* Property Owner Address:

7321 Bruno Ave., St. Louis, MO 63117

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\* Intended Use of Property:

A conditional use permit to operate an antique, vintage, and collectible retail shop.

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\* As the owner of the above stated property, I hereby verify and agree to the above stated intended use of this property by the applicant.

I agree

\* Date

01/18/2026

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Format: MM/DD/YYYY

**This form will be completed when the payment has been submitted. Staff will contact you for payment.**

**Conditional Use Application Fee:**

\$100.00 per application plus advertising costs.



## PUBLIC HEARING NOTICE

### Conditional Use Permit

The Maplewood City Council will hold a public hearing on Tuesday, February 10, 2026, at 7:00 p.m. in the Council Chambers at City Hall, 7601 Manchester Road, to allow all interested parties to be heard concerning the following:

**A request by Lori Ventimiglia of Greenwell Goods for a Conditional Use Permit to operate a vintage and collectible clothing and accessories retail store at 2719 Sutton Boulevard. The property is located in the CB Community Business District.**

The Maplewood Plan & Zoning Commission will meet on Monday, February 2, 2026, at 6:00 p.m. in the Council Chambers at 7601 Manchester Road regarding the same matter. The Commission will vote on a recommendation to the City Council at this meeting.

Speakers must attend in person and sign in to address the City Council. The public can watch live at [youtube.com/@cityofmaplewood8819](https://youtube.com/@cityofmaplewood8819). Public comments may also be submitted to [cityclerk@maplewoodmo.gov](mailto:cityclerk@maplewoodmo.gov) by 12:00 pm (noon) the day of the meeting. All written comments will be shared with the City Council before the meeting and become part of the public record.

For more information, contact City Manager Amber Withycombe at [awithycombe@maplewoodmo.gov](mailto:awithycombe@maplewoodmo.gov) or 314-645-3600.

In compliance with the Americans with Disabilities Act (ADA), reasonable accommodations will be provided upon request. To request an accommodation, please call City Hall at 314-645-3600 or use Relay Missouri at 1-800-736-2966 at least 48 hours before the meeting.

*Posted on January 22, 2026, at Maplewood City Hall and [maplewoodmo.gov](http://maplewoodmo.gov)*

*Published on January 24, 2026, in the St. Louis Countian*

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, GRANTING A CONDITIONAL USE PERMIT TO LORI VENTIMIGLIA OF GREENWELL GOODS TO OPERATE A VINTAGE AND COLLECTABLE CLOTHING AND ACCESSORIES STORE AT 2719 SUTTON BOULEVARD

WHEREAS, Lori Ventimiglia applied to the City Council of the City of Maplewood, Missouri for a Conditional Use Permit as provided in Section 56-206(12) and Section 56-877 of the Maplewood Code of Ordinances, to operate a vintage and collectable clothing and accessories store at 2719 Sutton Boulevard; and

WHEREAS, antiques and collectibles sold must meet the definitions in Sec. 56-3. Definitions of the City Code; and

WHEREAS, the Plan and Zoning Commission recommended approval of this proposed Conditional Use Permit at its February 2, 2026, meeting by a vote of \_\_\_ ayes, \_\_\_ nays, \_\_\_ absent; and

WHEREAS, the City Council held a public hearing at their February 10, 2026, meeting regarding the conditional use permit and notice of said public hearing had previously been published at least 15 days prior to the hearing in an official paper or a newspaper of general circulation in the City; and

WHEREAS, pursuant to Section 56-877(b) of the Maplewood Code of Ordinances, the City Council makes the following findings of fact:

1. The proposed use complies with all applicable provisions of the Zoning Code because antique, vintage, and collectible stores are permitted uses in the CB Community Business District pursuant to Section 56-204(27), and the property will comply with all dimensional and operational requirements of the CB district.
2. The proposed use will contribute to and promote the community welfare and convenience because it provides specialty retail options that serve community needs and contributes to the diversity of commercial offerings along Sutton Boulevard.
3. The proposed use will not cause substantial injury to the value of neighboring property because vintage retail stores are explicitly contemplated as permitted uses in the CB district, and such stores operate with a character and intensity consistent with other retail establishments in the corridor.
4. The proposed use complies with the overall neighborhood development plan and existing zoning district provisions because Section 56-204(27) specifically permits antique, vintage, and collectible stores as appropriate commercial uses for the CB district.
5. The proposed use will provide adequate off-street parking and loading areas in accordance with the standards contained in the Zoning Code because the property is located on Sutton Boulevard with access to on-street parking, and the retail business generates typical commercial parking demands during regular business hours.
6. The proposed use will not substantially increase traffic hazards because vintage retail stores generate standard commercial traffic patterns during business hours, and Sutton Boulevard is designed as a commercial corridor with adequate capacity.
7. The proposed use will not substantially increase fire hazards because the building will comply with current fire and building codes for retail occupancy.
8. The proposed use will not overtax public utilities because existing water, sewer, and electrical

infrastructure are adequate to serve retail operations.

9. The proposed use will not place an undue burden on municipal services because retail stores operate with service demands typical of other commercial businesses in the CB district; and

WHEREAS, based on these findings, the City Council determines that the applicant has met the burden of proof necessary for approval of this Conditional Use Permit pursuant to Section 56-877 of the Maplewood Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. Lori Ventimiglia of Greenwell Goods is hereby granted a Conditional Use Permit to operate a vintage and collectable clothing and accessories store at 2719 Sutton Boulevard in the CB Community Business District.

Section II. The Conditional Use Permit is granted subject to all rules and regulations and to conditions set forth for the property described in Section I. as follows:

- (A) Permitted Use – An antique, vintage and collectible clothing and accessories store as defined in Sec. 56-3. Definitions of the City Code. Items sold must be new or be considered antiques, vintage items or collectibles.
- (B) Merchandise Standards – Items sold shall be antiques, vintage items, or collectibles as those terms are understood in the retail trade, with a primary focus on merchandise from the 1960s through 1990s.
- (C) Signage – Any exterior signage shall require approval from the Design and Review Board prior to installation and shall comply with all applicable signage requirements in Chapter 6 of the Maplewood Code of Ordinances.

Section III. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this 24th day of February, 2026

\_\_\_\_\_  
Barry Greenberg, Mayor

Attest:

\_\_\_\_\_  
Tanya Bohlken, Deputy City Clerk

Approved this 24th day of February, 2026

\_\_\_\_\_  
Barry Greenberg, Mayor

Attest:

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Tanya Bohlken, Deputy City Clerk

# Memorandum



**To:** Plan & Zoning Commission  
**From:** Amber Withycombe, City Manager  
**Date:** January 5, 2026  
**Re:** **Petition Number 2026-08 – Request by Crossroads Presbyterian Church to rezone 2643 Roseland Terrace from CB Community Business District to PA Public Activity District**

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## **BACKGROUND**

The subject property, 2643 Roseland Terrace, is a single-family residential structure located on the west side of Roseland Terrace. The property is currently zoned CB Community Business District and was recently purchased by Crossroads Presbyterian Church, whose primary facility is located on Oakview Avenue and zoned PA Public Activity District.

The applicant is requesting rezoning of the property from CB Community Business to PA Public Activity to allow the property to be used for church-related activities, including office space and meetings associated with the church’s operations. Churches and places of worship are permitted uses in the PA Public Activity District but are not expressly permitted in the CB Community Business District.

The request does not involve subdivision, lot consolidation, or any adjustment to parcel boundaries.

## **ZONING REQUEST**

The applicant is requesting to rezone 2643 Roseland Terrace from CB Community Business District to PA Public Activity District. Approval of this request would allow the property to be used for institutional and church-related purposes consistent with the PA district regulations.

## **PLANNING AND ZONING ISSUES**

1. **Site Inventory and Context:** The subject property is developed with a single-family home and is located in an area characterized by a mix of residential, institutional, and neighborhood-scale commercial uses. Surrounding uses include:
  - North (2637 Roseland Terrace): Single-family residential zoned CB Community Business
  - South (7241 Manchester): Commercial use zoned CB1
  - East (2644 and 2640 Roseland Terrace): Single-family residential uses zoned CB Community Business
  - West (2640 Oakview Terrace): Institutional use zoned PA Public Activity

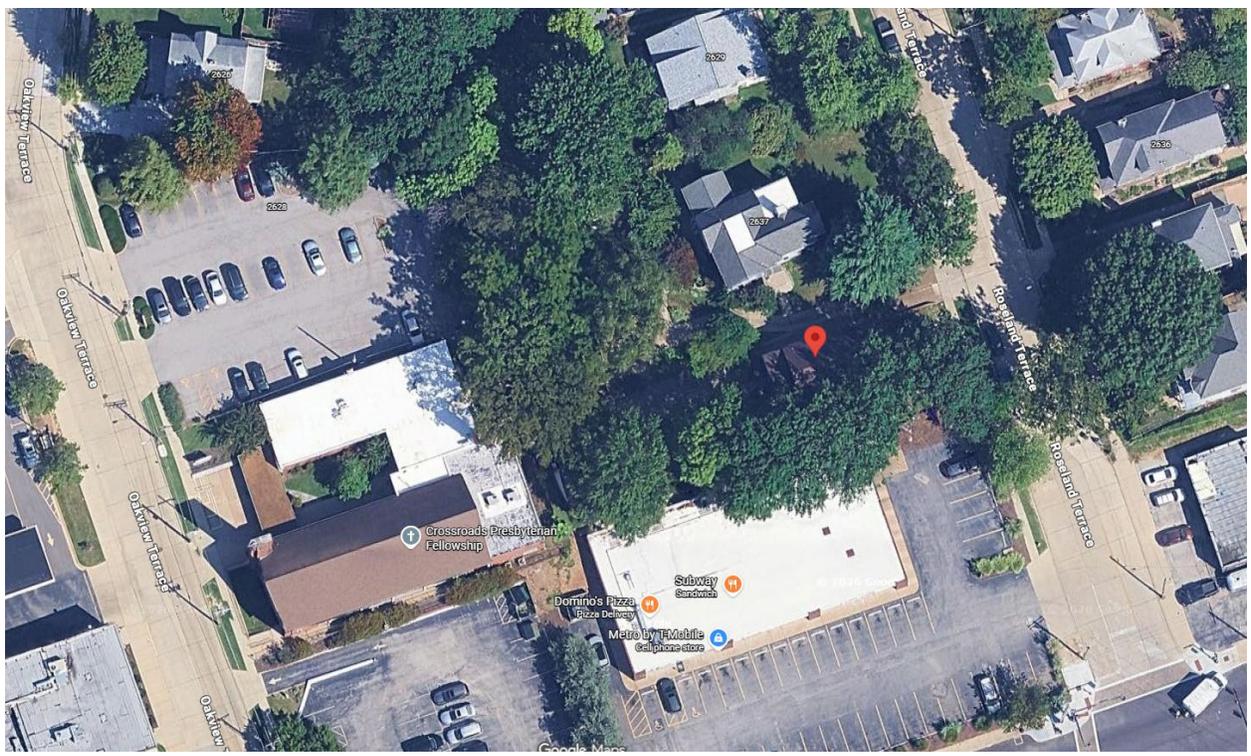
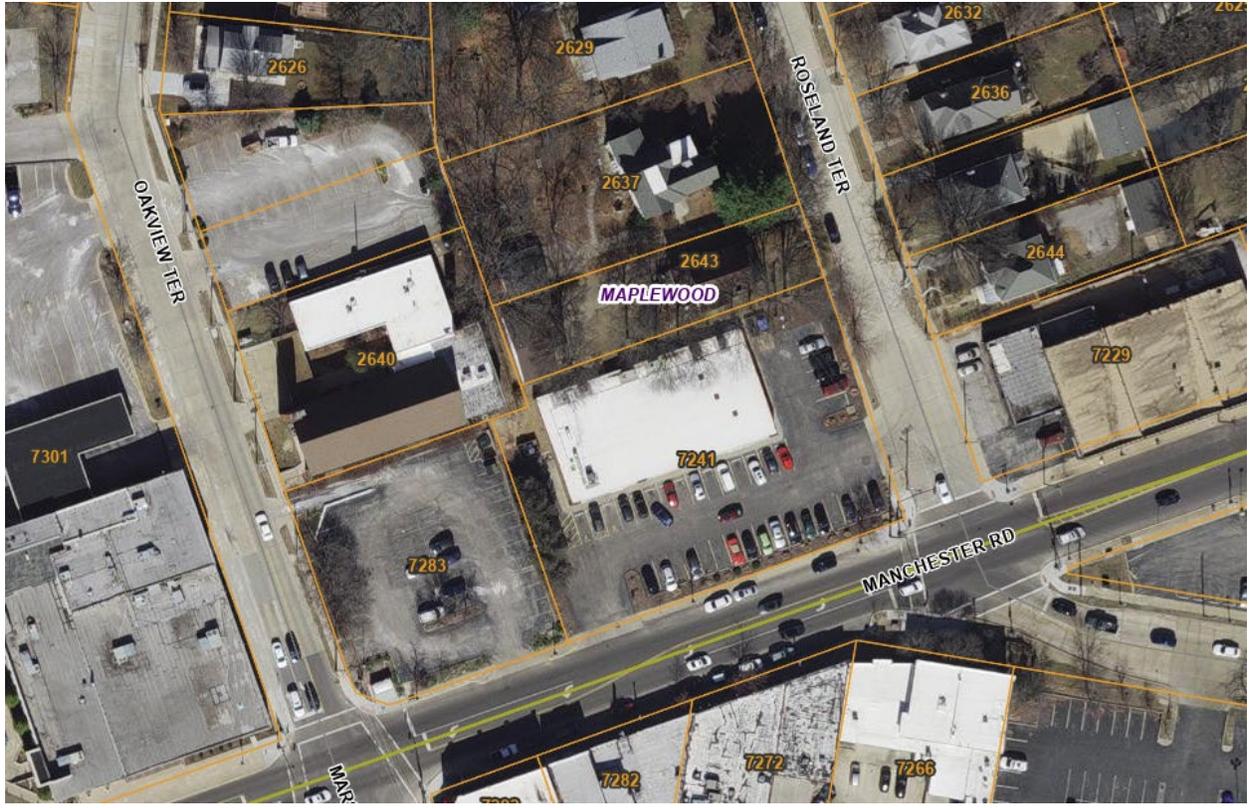
The subject property's physical characteristics, including lot size, building footprint, setbacks, and height, are consistent with nearby residential development. The rezoning request does not involve subdivision, lot consolidation, or any adjustment to parcel boundaries.

2. **Compatibility with Adjacent Uses:** The PA Public Activity District is intended to accommodate public, institutional, and quasi-public uses, including churches, that serve the community. The proposed rezoning would allow the church to utilize an existing residential structure without altering the established neighborhood scale. Because the rezoning addresses land use classification rather than redevelopment, the request does not authorize building expansion, exterior modification, or changes to site layout. Any future physical changes or site improvements would require separate review and approval in accordance with applicable codes and regulations.
3. **Comprehensive Plan Consistency:** While the City is in the process of updating its Land Use Guide, PA zoning is commonly applied to institutional uses embedded within residential neighborhoods. Rezoning the property to PA aligns the zoning with the intended institutional use while maintaining the existing residential form of the structure.
4. **Impact to Adjacent Properties:** The proposed rezoning is not anticipated to result in significant adverse impacts to adjacent properties. The property will continue to function as a single building within a residential block, and the rezoning does not permit increased building height, density, or lot coverage beyond what currently exists. Potential impacts related to parking, traffic, or operational characteristics are not inherent to the rezoning itself and would be evaluated, as applicable, through future permitting or approval processes. All uses of the property will be subject to the standards and performance requirements of the PA Public Activity District and applicable provisions of the City Code. Rezoning approval does not eliminate the City's ability to enforce zoning, building, and nuisance regulations intended to protect neighboring properties.

## **FINDING**

Staff recommends that the Plan Commission consider the following factors in making its recommendation:

1. The requested PA Public Activity zoning is appropriate for church-related and institutional uses and aligns the zoning classification with the proposed use of the property.
2. The rezoning does not involve changes to parcel boundaries or physical development and maintains the existing residential character of the neighborhood.
3. The rezoning would not constitute spot zoning, as PA zoning is an established district intended to accommodate institutional uses within residential contexts.
4. Neighborhood concerns related to noise, parking, and intensity of use can be addressed through future permitting and code enforcement, as applicable.
5. The rezoning promotes orderly land use by aligning zoning with ownership and intended use while preserving neighborhood scale.



# City Of Maplewood Application for Rezoning of Property

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**Submitted by:** Lauren Vanden Akker

**Submitted On:** 2026-01-18 15:03:30

**Submission IP:** 104.58.28.187 (172.31.25.151)  
proxy-IP (raw-IP)

**Status:** Open

**Priority:** Normal

**Assigned To:** Laura Miller

**Due Date:** Open

## Application for Rezoning of Property

### Applicant Information

\* **First Name:**

Lauren

\* **Last Name:**

Vanden Akker

\* **Contact Address:**

2640 Oakview Terrace

**Contact Phone:**

\* **Contact Email Address:**

### Property Information

\* **Current Zoning:**

Community Business

\* **Requested Zoning:**

Public Activity

\* **Zoning of Adjacent Properties:**

Public Activity, Community Business, and CBI District

\* **Intended Use of Property and Reason for Request:**

Crossroads Presbyterian Fellowship has purchased the property and intends to use it for ministry activities, including youth group gatherings, bible studies, prayer group meetings, etc. The intent is to rezone the parcel to Public Activity to match the church property (2640 Oakview Terrace) and then consolidate the two parcels.

\* **Property Owner:**

Crossroads Presbyterian Fellowship

\* **Property Owner Phone #:**

3146440030

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\* **Property Owner Address:**

2643 Roseland Terrace

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\* **As the applicant for this rezoning request, I hereby assure that the information given above is true and accurate. Provide confirmation of this statement by checking the box.**

**Applicant's Confirmation**

\* **As the owner of the above-mentioned property for this rezoning request, I hereby provide my consent. Provide confirmation of this statement by checking the box.**

**Property Owner's Consent**

**Date**

01/18/2026

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Format: MM/DD/YYYY

## **FEE**

**Rezoning Application Fee:** \$200 plus advertising costs.

The application process is not complete until payment is processed. Staff will contact you for payment.



## **PUBLIC HEARING NOTICE**

### **Rezoning Request**

The Maplewood City Council will hold a public hearing on Tuesday, February 10, 2026, at 7:00 p.m. in the Council Chambers at City Hall, 7601 Manchester Road, to allow all interested parties to be heard concerning the following:

**A request by Crossroads Presbyterian Church to rezone 2643 Roseland Terrace from CB Community Business District to PA Public Activity District.**

The Maplewood Plan & Zoning Commission will meet on Monday, February 2, 2026, at 6:00 p.m. in the Council Chambers at 7601 Manchester Road regarding the same matter. The Commission will vote on a recommendation to the City Council at this meeting.

Speakers must attend in person and sign in to address the City Council. The public can watch live at [youtube.com/@cityofmaplewood8819](https://youtube.com/@cityofmaplewood8819). Public comments may also be submitted to [cityclerk@maplewoodmo.gov](mailto:cityclerk@maplewoodmo.gov) by 12:00 pm (noon) the day of the meeting. All written comments will be shared with the City Council before the meeting and become part of the public record.

For more information, contact City Manager Amber Withycombe at [awithycombe@maplewoodmo.gov](mailto:awithycombe@maplewoodmo.gov) or 314-645-3600.

In compliance with the Americans with Disabilities Act (ADA), reasonable accommodations will be provided upon request. To request an accommodation, please call City Hall at 314-645-3600 or use Relay Missouri at 1-800-736-2966 at least 48 hours before the meeting.

*Posted on January 22, 2026, at Maplewood City Hall and [maplewoodmo.gov](http://maplewoodmo.gov)*

*Published on January 24, 2026, in the St. Louis Countian*

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, REZONING 2643 ROSELAND TERRACE FROM CB COMMUNITY BUSINESS DISTRICT TO PA PUBLIC ACTIVITY DISTRICT**

WHEREAS, an application has been submitted to rezone property located at 2643 Roseland Terrace from CB Community Business District to PA Public Activity District; and

WHEREAS, the property is owned by Crossroads Presbyterian Church, which intends to use the property for church-related and institutional purposes; and

WHEREAS, the Plan and Zoning Commission considered the request and recommended approval at its February 2, 2026 meeting by a vote of \_\_\_ ayes, \_\_\_ nays, \_\_\_ absent; and

WHEREAS, the City Council held a public hearing at their February 10, 2026, meeting regarding the rezoning and notice of said public hearing had previously been published at least 15 days prior to the hearing in an official paper or a newspaper of general circulation in the City; and

WHEREAS, the City Council makes the following findings in support of this rezoning:

1. The requested PA Public Activity zoning is appropriate for church-related and institutional uses and aligns the zoning classification with the proposed use of the property.
2. The rezoning does not involve changes to parcel boundaries or physical development and maintains the existing residential character of the neighborhood because the property will continue to function as a single building within a residential block.
3. The rezoning would not constitute spot zoning because PA zoning is an established district intended to accommodate institutional uses within residential contexts, and the property is adjacent to other PA-zoned property owned by the church.
4. The rezoning is consistent with and compatible with adjacent and surrounding land uses because the property is located near other institutional and residential uses, and the PA district is designed to accommodate public and institutional uses that serve the community.
5. The rezoning promotes orderly land use by aligning zoning with ownership and intended use while preserving neighborhood scale because it allows the church to utilize an existing residential structure without altering the established neighborhood character; and

WHEREAS, based on these findings, the City Council determines that the requested rezoning is in the best interests of the City and promotes orderly development.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AS FOLLOWS:

Section I. The City Council of the City of Maplewood, Missouri, hereby rezones 2643 Roseland Terrace from CB Community Business District to PA Public Activity District.

Section II. All development and use of the property shall comply with the regulations, standards, and requirements applicable to the PA Public Activity District as set forth in Chapter 56 of the Maplewood Code of Ordinances.

Section III. This ordinance shall be in full force and effect fifteen (15) days after its passage and approval.

Passed this 24th day of February, 2026

\_\_\_\_\_  
Barry Greenberg, Mayor

Attest:

\_\_\_\_\_  
Tanya Bohlken, Deputy City Clerk

Approved this 24th day of February, 2026

\_\_\_\_\_  
Barry Greenberg, Mayor

Attest:

\_\_\_\_\_  
Tanya Bohlken, Deputy City Clerk

# Memorandum



**To:** Plan & Zoning Commission  
**From:** Amber Withycombe, City Manager  
**Date:** February 2, 2026  
**Re:** Zoning Administrator's Report

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## **Board of Adjustment Meeting Materials**

At the January 5 Commission meeting, members requested that Board of Adjustment meeting packets and minutes be posted on the city's website in a timely manner. Staff has been working to address this request and clarify the Board's current practices.

I stated at our last meeting that Board of Adjustment transcripts are available; I need to correct that statement. Although a court reporter is present at Board of Adjustment meetings, a transcript is not created unless the City receives an appeal of the Board's decision. The City does not incur the cost to have meetings transcribed unless necessary for appeal proceedings. The findings of fact approved by the Board have historically served as the meeting minutes, as they summarize the evidence presented and the votes taken. However, the findings of fact do not indicate how individual members voted or capture public comment and discussion in the same manner as traditional meeting minutes.

Staff is evaluating whether to modify the Board of Adjustment's minutes process to better align with the City's Sunshine Law ordinance adopted in October 2025 and the Board and Commission Rules of Procedure. Additionally, staff is working to ensure all Board of Adjustment meeting packets are posted on the website prior to meetings. All packets from 2025 are now posted. An update on these process improvements will be provided to the Plan & Zoning Commission before the Board of Adjustment's next meeting on March 11. I am also working with legal counsel to secure one of the firm's attorneys to answer questions about the findings of fact process at P&Z's March 2 meeting.

I believe the chairs of the Plan & Zoning Commission and Board of Adjustment are also planning to meet to discuss opportunities for enhanced communication and collaboration between the two bodies.

## **Emergency Overnight Shelter Zoning Code Text Amendment**

Staff is developing a zoning code text amendment to establish regulations for emergency overnight shelters in response to community discussions about providing temporary shelter services during extreme weather conditions.

The attached materials include a City Council staff memo presented on January 27 outlining the background and policy considerations, along with a draft code amendment. These materials are presented in preliminary form to allow the Commission to provide feedback and discuss potential approaches before staff finalizes the proposal.

Discussion goals:

- Review the proposed zoning framework for emergency overnight shelters
- Discuss appropriate zoning districts for such facilities
- Consider operational standards and conditions
- Identify any concerns or alternative approaches

Staff anticipates bringing a finalized text amendment to P&Z for formal consideration at the March 2 meeting. Your feedback at this preliminary stage will help ensure the final proposal appropriately balances community needs with land use considerations.

# Memorandum



**To:** Mayor and City Council  
**From:** Amber Withycombe, City Manager  
**Date:** January 23, 2026  
**Re:** **Proposed Text Amendment to Permit Emergency Overnight Shelters in PA Public Activity District**

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Staff recommends that Council consider a text amendment to Section 56-359 of the city’s zoning code to permit emergency overnight shelters as a conditional use in the PA Public Activity District. This recommendation follows comprehensive legal analysis from our city attorneys regarding federal religious freedom law, Missouri law, and the city’s authority to regulate emergency shelters while maintaining essential health and safety requirements.

The proposed approach creates a regulatory pathway for emergency shelters through the city’s existing conditional use permit process, which requires Plan & Zoning Commission review, public hearing, and City Council approval with the ability to impose conditions tailored to individual applications. This framework satisfies federal and state religious freedom law requirements while preserving the city’s authority to enforce building and fire codes, ensure community compatibility, and maintain oversight through annual inspections and the ability to revoke permits for violations.

## **BACKGROUND**

On December 9, 2025, the Human Services Commission presented to Council a proposal for emergency winter shelter operations in Maplewood. At a December 11, 2025, meeting with Maplewood United Methodist Church (MUMC) representatives, the Mayor, and city staff, we discussed MUMC’s interest in operating an emergency overnight shelter in partnership with the City of St. Louis Department of Human Services. On December 13, MUMC hosted an overnight prayer vigil that provided emergency cold-weather shelter to at least one unhoused individual in Maplewood.

I requested comprehensive legal guidance from the city attorney regarding the city’s authority to regulate emergency shelters, including analysis of federal religious freedom law, Missouri’s Religious Freedom Restoration Act, building code enforcement authority, and the city’s emergency management powers. We received that legal analysis on December 28, 2025.

On January 23, MUMC advertised on social media that the church would host overnight prayer vigils on January 23-24, coinciding with forecasted severe winter weather. The church did not notify city staff, police, or fire departments of these plans. The city is not taking proactive enforcement action at this time.

This situation illustrates the regulatory challenges the proposed text amendment is designed to address. The city is committed to working collaboratively with faith-based organizations and other entities interested in operating emergency shelters, and we have pursued the work

described in this memo with transparency and consistent communication. Effective collaboration requires reciprocal transparency and advance coordination from all parties. Operations proceeding without required permits, building code inspections, or notification to emergency management create unnecessary risks for the individuals being served, volunteers, and the institutions themselves. When severe weather events require coordinated emergency response, first responders need accurate information about shelter locations and occupancy to effectively serve all community members, including those experiencing homelessness. The proposed conditional use permit framework provides a clear pathway for emergency shelters while ensuring essential safety protections, community input, and coordination with city services.

That framework is grounded in the comprehensive legal analysis, which confirmed three critical findings:

- Building and fire code requirements for overnight occupancy are enforceable and required. These neutral, generally applicable safety regulations protect the individuals being served, volunteers, and the institutions operating shelters. The financial or logistical burden of compliance does not constitute a substantial burden under federal religious freedom law.
- The Charter of the City of Maplewood does not currently authorize the City to declare local emergencies that would modify regulatory requirements. Under Missouri law, the Governor or state legislature declares emergencies. The Charter of the City of St. Louis grants emergency powers.
- Overnight shelters are not currently permitted anywhere in Maplewood's zoning code, creating a regulatory gap that should be addressed.

## **LEGAL FRAMEWORK**

Our city attorneys conducted extensive research on the Religious Land Use and Institutionalized Persons Act, Missouri's Religious Freedom Restoration Act, and relevant case law. The analysis demonstrates that the city has clear authority to enforce building and fire codes at religious institutions and other shelter operators, even when those requirements create financial burdens. The Eighth Circuit Court of Appeals addressed substantially similar facts in *Redlich v. City of St. Louis*, where plaintiffs argued that requiring health code compliance for serving food to unhoused individuals substantially burdened their religious exercise. The court held that adherence to neutral, generally applicable health and safety ordinances does not substantially burden religious exercise.

However, the legal analysis also warns that completely prohibiting emergency shelters anywhere in the city could create vulnerability under federal religious freedom law. RLUIPA requires that land use regulations not substantially burden religious exercise unless they further a compelling governmental interest through the least restrictive means. Several courts have found that providing shelter to individuals experiencing homelessness constitutes religious exercise for faith-based organizations. The attorneys specifically advised: "Maplewood should strongly consider allowing temporary shelters somewhere in Maplewood."

The safe harbor provision of RLUIPA offers a solution. When a government changes its policy or practice to eliminate a substantial burden on religious exercise, RLUIPA claims are barred. In *Riverside Church v. City of St. Michael*, the Eighth Circuit held that a city's subsequent code amendment to allow a use as a conditional use satisfied the safe harbor and barred the RLUIPA

claim. By amending our code to permit emergency shelters through the conditional use permit process, we satisfy this safe harbor provision while maintaining appropriate regulatory control.

### **REVIEW OF EXISTING ZONING CODE**

In preparing this recommendation, staff conducted a review of Chapter 56 to ensure the proposed text amendment integrates properly with our existing code structure and procedures.

The PA Public Activity District is governed by Division 12 of Article II, which includes Section 56-358 (Intent and Purpose), Section 56-359 (Permitted Uses), Section 56-360 (Use Regulations), and Section 56-361 (Use Limitations). Section 56-359 lists permitted uses in subsections one through nine, and then lists conditional uses in subsection ten. Section 56-359(10) currently permits five conditional uses: hospitals and other institutions of a religious, educational, charitable, or philanthropic nature provided they are located on sites containing not less than one acre; public utilities and services including substations; child day-care centers or day nurseries; communication towers; and kitchen commissaries for food trucks. Emergency overnight shelters should be added to Section 56-359(10) as the sixth conditional use category. One issue requiring policy decision relates to the one-acre minimum site requirement in Section 56-359(10)(a) for “hospitals and other institutions of a religious, educational, or charitable, or philanthropic nature.” This provision was clearly intended for large-scale permanent facilities such as hospitals, nursing homes, or residential care facilities. Emergency overnight shelters are temporary, lower-intensity uses that serve a distinct purpose and should be permitted in existing church buildings that may be located on sites smaller than one acre. Staff recommends explicitly exempting emergency shelters from the one-acre requirement while maintaining all other applicable PA District regulations in Section 56-360, including setback requirements, height limits, and transitional yard requirements when adjoining residential districts.

Our existing conditional use permit procedures in Sections 56-877 through 56-883 are already suited for emergency shelter applications and require no amendments. Section 56-877 establishes nine standards for conditional use permit approval that address exactly the concerns relevant to emergency shelters: compliance with applicable code provisions, contribution to community welfare, protection of neighboring property values, compliance with neighborhood development plans, adequate parking, avoidance of traffic and fire hazards, protection of public utilities, and prevention of undue burden on municipal services. The section also authorizes the Plan & Zoning Commission to recommend and the City Council to impose conditions on the construction, location, and operation of conditional uses to further code objectives and minimize impacts on neighboring properties.

### **PROPOSED TEXT AMENDMENT**

The proposed ordinance would add emergency overnight shelters as subsection (f) under Section 56-359(10) conditional uses. The new provision would establish specific requirements in five areas:

- Applicants must submit an operations plan meeting requirements established by administrative directive of the City Manager or designee. At minimum, the operations plan must address operational schedule and capacity, intake and eligibility procedures, staffing and volunteer management, safety and security protocols, coordination with city police, fire, and social services, and community impact mitigation measures including parking, lighting, noise, and waste management.

- Building and fire code compliance requirements are critical to protecting the individuals being served, volunteers, and the institutions operating shelters. No emergency overnight shelter operations may commence until the applicant has obtained all required building permits for any necessary improvements, passed all required inspections by the Building Official and Fire Marshal, received a certificate of occupancy for the appropriate use classification, and provided evidence of correction of all code violations identified by city inspectors.
- All emergency overnight shelter conditional use permits will be subject to annual review by the Building Official and Fire Marshal to ensure ongoing compliance with building and fire code requirements, creating accountability throughout the life of shelter operations.
- Emergency overnight shelters are explicitly exempted from the one-acre minimum site requirement specified in subsection (a), recognizing that shelters are temporary operations appropriate for existing church buildings on smaller sites.
- The provision clarifies that applications will be reviewed using the nine standards in Section 56-877(b) and that the Plan & Zoning Commission and City Council may impose additional terms, conditions, or restrictions to ensure operational compliance and minimize neighborhood impacts. This provides flexibility to address site-specific concerns including parking needs through tailored conditions.

## **OPERATIONS PLAN REQUIREMENTS**

The proposed ordinance authorizes the City Manager to establish by administrative directive the specific elements required in operations plans. This approach provides flexibility to modify requirements based on experience without requiring ordinance amendments. Staff recommends modeling the administrative directive on the operations plan requirements established by the City of St. Louis for temporary emergency shelters under [Section 26.75.050 of the St. Louis Municipal Code](#), with modifications to address Maplewood-specific circumstances.

Staff recommends the administrative directive require operations plans to address at minimum the following elements:

- An organizational structure including an estimated total number of professional staff and volunteers that will work at the proposed facility.
- The name, address, telephone number, and email address for a representative of the proposed facility who is available during all hours of operation. This contact information shall be provided to the Maplewood Police Department, Fire Department, and Social Services Coordinator.
- The estimated number of beds to be provided and the estimated average population per month.
- If the shelter will operate on a weather-triggered basis, the specific temperature and weather conditions that will trigger shelter activation.
- A description of the services to be provided, such as meals, hygiene facilities, case management, job placement assistance, substance abuse treatment, and other supportive services.
- A description of the population expected to be served, such as single adults, families with children, women and children, or other specific populations.

- The expected length of stay per person, including whether the shelter provides overnight-only accommodations or longer-term stays.
- An identification of any schools within a radius of 500 feet of the proposed premises and any plans to address potential issues or concerns.
- A plan for addressing potential threats to public health and safety, including but not limited to protocols regarding drug possession and use, possession of weapons, and physical altercations that take place on the premises, including protocol(s) for incidents that require the immediate removal of a facility resident or guest.
- A description of planned measures to mitigate impacts on the surrounding neighborhood, including parking management, exterior lighting, noise control, and waste management.
- A statement from the applicant that, in providing housing and any other services, the facility will not discriminate within the population to be served as specified in the operations plan against any person on the basis of race, marital status, color, age, religion, sex, sexual orientation, gender identity or expression, familial status, disability, national origin, or ancestry.
- An affirmative statement that the information the applicant is submitting in the operations plan is an accurate representation of planned operations.
- Any other information the applicant believes could be helpful to explain the operation and compatibility of the proposed facility with the proposed location, or that city staff requests to evaluate compliance with the conditional use permit standards in Section 56-877(b).

The operations plan shall be made available to the Plan & Zoning Commission, City Council, Building Official/Fire Marshal, Police Chief, Fire Chief and any other city department where appropriate. The operations plan shall be available for public inspection as part of the conditional use permit application materials.

### **IMPLEMENTATION TIMELINE**

Following Council’s direction at the January 27 work session, staff will refine the draft ordinance language based on Council feedback and return to Council at the February 10 meeting to present the revised text amendment for Council’s review. This will allow Council to ask questions and provide any final direction before the item proceeds to Plan & Zoning Commission.

The proposed text amendment will be added to the Plan & Zoning Commission agenda for their March 2, 2026 meeting. Following the commission’s recommendation, the ordinance will be considered by Council in March. The March 10 meeting will include a public hearing on the proposed text amendment, with notice mailed to all property owners of establishments currently zoned PA Public Activity District in addition to the standard newspaper publication. This enhanced notice ensures that religious institutions, schools, and other properties in the PA district are aware of the proposed change and have an opportunity to provide input. The first and second readings of the ordinance will occur at the March 10 meeting, with the third and final reading scheduled for March 24, 2026.

If the ordinance is approved by City Council, staff will notify all eligible establishments in the PA district regarding the new conditional use permit process and requirements for emergency overnight shelters. We will prepare a notification letter explaining the CUP application process,

operations plan requirements, building and fire code compliance expectations, and timeline for review. This notification will be sent to institutions in the PA district that might be interested in operating an emergency shelter.

Any facilities that wish to pursue a conditional use permit for an emergency overnight shelter will need to participate in the standard CUP approval process. This process includes review and recommendation by the Plan & Zoning Commission, followed by a public hearing and first and second bill readings at a City Council meeting, and final bill reading at the following Council meeting. For example, if a facility submits a CUP application in April 2026, the request would be scheduled for Plan & Zoning Commission review on the first Monday in May. Following the Commission's recommendation, the application would proceed to City Council for public hearing and first and second readings on the second Tuesday in May, with the third and final reading on the fourth Tuesday in May. This timeline assumes a complete application with all required materials including the operations plan and preliminary building code review from the Building Official and Fire Marshal.

The timeline from CUP approval to operational shelter will vary depending on the extent of building code improvements required for each specific facility. Facilities requiring only minor improvements such as additional fire extinguishers, exit signs, and emergency lighting could potentially complete improvements and obtain a certificate of occupancy within two to four weeks of CUP approval. Facilities requiring moderate improvements such as fire alarm system upgrades or accessibility modifications might need two to three months. Facilities requiring major improvements such as sprinkler system installation or significant structural modifications could require four to six months or longer. Realistically, assuming CUP approval in May or June 2026 and a mid-range improvement timeline, the first operational emergency shelter in Maplewood could open in late summer or fall 2026.

## **POLICY QUESTIONS FOR COUNCIL CONSIDERATION**

The proposed ordinance language intentionally leaves certain policy decisions to be made through the conditional use permit process on a case-by-case basis, allowing Council to tailor conditions to individual applications. However, Council may wish to provide additional policy guidance on several questions:

- The ordinance does not specify whether shelters must be seasonal only, weather-triggered only, or year-round with operational flexibility. Staff recommends leaving this flexible for determination through the CUP process, as different operators may have different operational models and Council can impose appropriate scope through CUP conditions for individual applications.
- The ordinance does not specify a maximum capacity for emergency shelters. Staff recommends against establishing a maximum in the ordinance text, as capacity should be determined by building code occupancy calculations and CUP conditions based on site-specific factors such as parking availability, neighborhood density, and facility size.
- Existing CUP procedures require property posting and newspaper publication 15 days before the Council public hearing. Council could require enhanced notice similar to the provision in Section 56-74(b) for accessory dwelling units, which requires mailed notice to all owners within 500 feet. Current staff practice is to notice property owners within 300 feet.

- Council could restrict shelters to serving only Maplewood residents. Staff recommends against residency restrictions in the ordinance, as they are difficult to enforce for individuals experiencing homelessness and may conflict with federal funding requirements. Council can address residency priorities through CUP conditions for specific applications, such as requiring referral protocols that prioritize Maplewood residents while not creating absolute prohibitions on serving others.

## **LEGAL COMPLIANCE**

The proposed approach complies with all applicable federal and state law. Under RLUIPA, the approach satisfies the requirement to allow shelters somewhere in the city through a neutral conditional use permit process and invokes the safe harbor provision by changing the code to permit shelters. The building code and CUP requirements are neutral and generally applicable to all shelter operators regardless of religious affiliation. The requirements represent the least restrictive means to achieve the compelling governmental interest in life safety during overnight occupancy.

Under Missouri's Religious Freedom Restoration Act, the building and fire code restrictions are generally applicable safety regulations that apply to all buildings regardless of use or ownership. The requirements are essential to the compelling governmental interest in preventing deaths and injuries from fire and building collapse. The CUP process is not unduly restrictive, as it allows shelters while ensuring safety compliance.

The approach satisfies equal protection requirements by treating religious and secular operators equally under the same CUP and building code requirements, avoiding any denominational preferences, and using neutral criteria for CUP approval based on compatibility, safety, and impacts rather than the identity of the applicant.

The city has clear enforcement authority for building codes under Missouri law and city ordinances, fire codes as an essential government function supported by case law, CUP conditions as contractual agreements between the city and operators, and zoning compliance under fundamental land use authority. Enforcement tools include stop-work orders for code violations, citations and fines for ongoing violations, CUP revocation for violation of conditions, and injunctive relief for continued unauthorized operations.

Staff requests Council direction at the January 27 work session on the proposed text amendment to Section 56-359 to permit emergency overnight shelters as a conditional use in the PA Public Activity District. This approach creates a clear, legally defensible pathway for emergency overnight shelters in Maplewood while maintaining appropriate safeguards for public safety and community compatibility. The framework satisfies federal religious freedom law, complies with Missouri's Religious Freedom Restoration Act, maintains non-negotiable building and fire code requirements, provides Council discretion through the conditional use permit process, allows community input on individual proposals, creates accountability through operations plans and monitoring, and balances compassion for vulnerable populations with responsible governance.

### Attachments

Proposed Text Amendment to Chapter 56, Division 12  
Conditional Use Permit Procedures

## *DIVISION 12. PA PUBLIC ACTIVITY DISTRICT*

### **Sec. 56-358. Intent and purpose.**

The PA district is intended to accommodate those uses and groupings of uses which have a distinctly public rather than private character and to encourage the retention of certain properties in a relatively undeveloped state, such as a public or private recreation use or a private cemetery.

(Ord. No. 4062, § 903.12(1), 10-14-1980; Ord. No. 4647, § 3, 4-24-1994; Ord. No. 4965, § I, 10-24-2000)

### **Sec. 56-359. Permitted uses.**

The following uses shall be permitted in any location within the PA district:

- (1) Public parks, playgrounds, recreational grounds, including golf courses.
- (2) Semipublic or private parks and recreational areas when owned and operated by a nonprofit organization.
- (3) Public buildings and properties of a cultural, recreational, administrative or service type, including libraries, but not including repair yards or garages, storage or warehouses.
- (4) Private, noncommercial recreational areas and facilities, including swimming pools.
- (5) Cemeteries.
- (6) Churches and other places of worship and associated administrative, teaching, or school buildings may be permitted by site plan review as provided in article IV, division 8 of this chapter.
- (7) Public or private schools, including university-level institutional administrative and research facilities, may be permitted by site plan review as provided in article IV, division 8 of this chapter.
- (8) Public or private wildlife preservations and conservation areas, including stream valley drainage easements or floodplains.
- (9) Accessory uses as provided in article III, division 4 of this chapter.
- (10) Conditional uses. The following uses shall be allowed as conditional uses in accordance with the procedures provided in article IV, division 6 of this chapter:
  - a. Hospitals and other institutions of a religious, educational, or charitable, or philanthropic nature, provided that such buildings shall not be located upon sites containing less than one acre.
  - b. Public utilities and services, including substations, special rights-of-way and easements, provided that the exterior appearance of any building so permitted shall be in keeping with the character of the neighborhood in which it is so located.
  - c. Child day-care center or day nursery.
  - d. Communication towers constructed and operated in compliance with article III, division 8 of this chapter.

- e. Kitchen commissary for food trucks.
- f. Emergency overnight shelters for individuals and families experiencing homelessness, subject to the following requirements:
  - i. Operations plan. The applicant shall submit an operations plan meeting requirements established by administrative directive of the City Manager or designee. The operations plan shall be made available to the Plan & Zoning Commission, City Council, Building Official, Fire Marshal, Police Chief, and any other city department where appropriate, and shall be available for public inspection as part of the conditional use permit application materials.
  - ii. Building and fire code compliance. The applicant shall demonstrate compliance with all applicable International Building Code and International Fire Code requirements for overnight occupancy. No emergency overnight shelter operations may commence until the applicant has:
    - (A) obtained all required building permits for any necessary improvements;
    - (B) passed all required inspections by the building official and fire marshal;
    - (C) received a certificate of occupancy for the appropriate use classification; and
    - (D) provided evidence of correction of all code violations identified by city inspectors.
  - iii. Annual review. All emergency overnight shelter conditional use permits shall be subject to annual review by the building official and fire marshal to ensure ongoing compliance with building and fire code requirements.
  - iv. Site requirements. Emergency overnight shelters shall not be subject to the one-acre minimum site requirement specified in subsection (a) of this section. Emergency overnight shelters shall still be subject to all other applicable lot area, height, and yard and setback requirements.
  - v. Conditional use permit standards. In reviewing applications for emergency overnight shelter conditional use permits, the plan and zoning commission and city council shall apply the standards set forth in section 56-877(b) and may impose such additional terms, conditions, or restrictions as authorized by section 56-877(f) to ensure compliance with operational requirements and to minimize impacts on neighboring properties.

(Ord. No. 4062, § 903.12(2), 10-14-1980; Ord. No. 4647, § 3, 4-24-1994; Ord. No. 4965, § I, 10-24-2000; Ord. No. 5825, § I, 9-13-2016)

### **Sec. 56-360. Use regulations.**

- (a) *Lot area.* No minimum lot area required.
- (b) *Height.* No building or structure shall exceed 35 feet in height except as permitted by site plan review as provided in article IV, division 8 of this chapter.
- (c) *Yard and setback requirements.*
  - (1) Minimum right-of-way setback: 15 feet.
  - (2) Minimum side or rear yard: None required, except when such a lot line abuts a residential use located within the same or within a different use district. In such case, side or rear yards shall be provided in accordance with the regulations for transitional yards established in section 56-181(d).

(Ord. No. 4062, § 903.12(3), 10-14-1980; Ord. No. 4647, § 3, 4-24-1994; Ord. No. 4965, § I, 10-24-2000)

**Sec. 56-361. Use limitations.**

- (a) Parking for any use established in this district shall be provided in accordance with article III, division 2 of this chapter.
- (b) The extension of any conforming public or semiprivate use into portions of any PA district occupied predominantly within a predominantly residential use shall occur contiguous to any such previously existing public or semipublic use.

(Ord. No. 4062, § 903.12(4), 10-14-1980; Ord. No. 4647, § 3, 4-24-1994; Ord. No. 4965, § I, 10-24-2000)

**Secs. 56-362—56-380. Reserved.**