

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO
TENMILE MANAGEMENT, LLC, FOR THE PURPOSES OF
CONSTRUCTING, MAINTAINING, AND OPERATING A
BOUTIQUE HOTEL AT 603 NORTH HENDERSON AVENUE,
IN THE CITY OF CAPE GIRARDEAU, MISSOURI

WHEREAS, Tenmile Management, LLC, desires to construct, maintain, and operate a boutique hotel for an indefinite period of time at 603 North Henderson Avenue in the City and County of Cape Girardeau, Missouri; and

WHEREAS, said property is presently zoned R-4, Medium Density Multifamily Residential District, and H, Historic Overlay District; and

WHEREAS, a Special Use Permit is required for the operation of a boutique hotel in the R-4, Medium Density Multifamily Residential District.

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

ARTICLE 1. The City Council, having duly considered the application, finds that the granting of the Special Use Permit will not substantially increase traffic hazards, congestion, or fire hazards, nor will it adversely affect the general character of the neighborhood or the general welfare of the community, nor will it overtax public utilities or be in conflict with the comprehensive plan.

ARTICLE 2. A Special Use Permit for the purposes of constructing, maintaining, and operating a boutique hotel for an indefinite period of time at 603 North Henderson Avenue, in the City and County of Cape Girardeau, Missouri, located on the following described property:

All of Lot No. One (1) in Block "D" of Rockwood Place, a Subdivision of the West part of Out Lot No. Twenty-nine (29), in the City of Cape Girardeau, Missouri, a plat of which Subdivision is of record in the Recorder's Office of Cape Girardeau County, Missouri in Plat Book No. 3 at Page No. 37; and also, A strip of land of the uniform width of three (3) feet off of the entire east side of Lot No. Four (4) in Block "D" of said Rockwood Place; the east line of said lot shall be the east line of said strip, and the west line of said strip shall be a line running parallel to and at a distance of three feet, (measured at right angles), west of the east line of said Lot Four (4) in Block "D" of Rockwood Place as aforesaid.

is hereby granted to Tenmile Management, LLC, to be effective ten (10) days after the date of passage and approval of this ordinance. The special use shall comply with all regulations set forth in the Zoning Code for the district in which the use is located except those which have been specifically excepted under this permit, and all other applicable ordinances of the City of Cape Girardeau, Missouri, and any special conditions contained in the Special Use Permit, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. The City Manager is hereby authorized to execute the Special Use Permit for and on behalf of the City of Cape Girardeau, Missouri.

ARTICLE 3. Attached hereto as Exhibit B is the formal Findings and Conclusions of the City Council.

ARTICLE 4. This ordinance shall be in full force and effect ten (10) days after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Stacy Kinder, Mayor

ATTEST:

Bruce Taylor, Deputy City Clerk



SPECIAL USE PERMIT

Tenmile Management, LLC, is hereby granted a Special Use Permit for the purposes of constructing, maintaining, and operating a boutique hotel at 603 North Henderson Avenue in the City and County of Cape Girardeau, Missouri, on the following described property for an indefinite period of time:

All of Lot No. One (1) in Block "D" of Rockwood Place, a Subdivision of the West part of Out Lot No. Twenty-nine (29), in the City of Cape Girardeau, Missouri, a plat of which Subdivision is of record in the Recorder's Office of Cape Girardeau County, Missouri in Plat Book No. 3 at Page No. 37; and also, A strip of land of the uniform width of three (3) feet off of the entire east side of Lot No. Four (4) in Block "D" of said Rockwood Place; the east line of said lot shall be the east line of said strip, and the west line of said strip shall be a line running parallel to and at a distance of three feet, (measured at right angles), west of the east line of said Lot Four (4) in Block "D" of Rockwood Place as aforesaid.

This Special Use Permit is granted upon the condition that the grantee be bound by all City ordinances which pertain to the Special Use Permit and that the grantee be bound by the following special conditions which are imposed as a condition of issuance of this Special Use Permit. Upon the failure of the grantee to comply with these special conditions, the Special Use Permit shall automatically terminate and the City shall have the right to enter upon the land to abate such special use.

SPECIAL CONDITIONS:

1. Except as provided for herein, the special use authorized by this permit shall comply with all applicable laws and regulations.
2. Except as provided for herein, major modifications to said special use (including, but not limited to, the site plan) shall require the approval of the City Council.
3. This permit shall automatically expire twelve (12) months from the date of issuance if the building permit for said special use has not been issued. If the building permit is issued within this time frame and later expires due to lack of progress, then this permit shall automatically expire upon the expiration of the building permit.

On this _____ day of _____, 2023, before me appeared Dr. Kenneth Haskin, to me personally known, who, being by me duly sworn, did say that he is the City Manager of the City of Cape Girardeau, Missouri, a Municipal Corporation of the State of Missouri, and that the seal affixed to the foregoing instrument is the seal of said City and that said instrument was signed and sealed on behalf of said City by authority of its City Council, and acknowledged said instrument to be the free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Cape Girardeau, Missouri, the day and year first above written.

Notary Public

My Commission Expires:

(IF APPROVED)

**CITY OF CAPE GIRARDEAU, MISSOURI
CITY COUNCIL
FINDINGS AND CONCLUSIONS**

Now on this _____ day of _____, 20____, the Cape Girardeau City Council considered the application for a Special Use Permit received April 11, 2023, filed by Tenmile Management, LLC, for the property located at 603 North Henderson Avenue, Cape Girardeau, Missouri, for the purposes of constructing, maintaining, and operating a boutique hotel for an indefinite period of time.

In examining this application, the following factors were considered and found as noted:

	Yes	No	N/A
<u>City Council Findings:</u>			
The Proposed Special Use, with the stated conditions, would:			
1. Substantially increase traffic hazards or congestion	_____	<u>X</u>	_____
2. Substantially increase fire hazards	_____	<u>X</u>	_____
3. Adversely affect the character of the neighborhood; or in respect to special use permits for dwelling purposes where required, be adversely affected by the character of the neighborhood.	_____	<u>X</u>	_____
4. Adversely affect the general welfare of the community	_____	<u>X</u>	_____
5. Overtax public utilities.	_____	<u>X</u>	_____

The comments, testimony, evidence, exhibits, and all other matters presented at the required public hearing are incorporated herein by reference.

Following consideration of the application, the requirements of Section 30-104 and other relevant provisions of the City Code, testimony, exhibits and file contents, the City Council duly deliberated the facts pertaining to the proposal and issued the following conclusion:

THE APPLICATION IS:

_____ Approved
 _____ Denied
 _____ X Approved with conditions specified on the attached Special Use Permit

(SEAL)

CITY OF CAPE GIRARDEAU, MISSOURI

ATTEST:

 Stacy Kinder, Mayor

 Bruce Taylor, Deputy City Clerk

(IF DENIED)
CITY OF CAPE GIRARDEAU, MISSOURI
CITY COUNCIL
FINDINGS AND CONCLUSIONS

Now on this _____ day of _____, 20____, the Cape Girardeau City Council considered the application for a Special Use Permit received April 11, 2023, filed by Tenmile Management, LLC, for the property located at 603 North Henderson Avenue, Cape Girardeau, Missouri, for the purposes of constructing, maintaining, and operating a boutique hotel for an indefinite period of time.

In examining this application, the following factors were considered and found as noted:

	Yes	No	N/A
<u>City Council Findings:</u>			
The Proposed Special Use, with the stated conditions, would:			
1. Substantially increase traffic hazards or congestion	_____	_____	_____
2. Substantially increase fire hazards	_____	_____	_____
3. Adversely affect the character of the neighborhood; or in respect to special use permits for dwelling purposes where required, be adversely affected by the character of the neighborhood.	_____	_____	_____
4. Adversely affect the general welfare of the community	_____	_____	_____
5. Overtax public utilities.	_____	_____	_____

The comments, testimony, evidence, exhibits, and all other matters presented at the required public hearing are incorporated herein by reference.

Following consideration of the application, the requirements of Section 30-104 and other relevant provisions of the City Code, testimony, exhibits and file contents, the City Council duly deliberated the facts pertaining to the proposal and issued the following conclusion:

THE APPLICATION IS:

_____ Approved
_____ X Denied
_____ Approved with conditions specified on the attached Special Use Permit

(SEAL) CITY OF CAPE GIRARDEAU, MISSOURI

ATTEST:

Stacy Kinder, Mayor

Bruce Taylor, Deputy City Clerk