

INTRODUCED BY: Councilmember Bwayne Smotherson

DATE: September 11, 2017

**BILL NO. 9328**

**ORDINANCE NO. 7051**

AN ORDINANCE AMENDING CHAPTER 400 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO ZONING DISTRICTS ESTABLISHED PURSUANT TO SECTION 400.070 THEREOF, AND ENACTING IN LIEU THEREOF A NEW OFFICIAL ZONING MAP, THEREBY AMENDING SAID MAP SO AS TO CHANGE THE CLASSIFICATION OF PROPERTY AT 6668 VERNON AVENUE FROM "PD-M" PLANNED DEVELOPMENT-MIXED USE DISTRICT TO "PD-R" PLANNED DEVELOPMENT-RESIDENTIAL DISTRICT; AND ESTABLISHING PERMITTED LAND USES AND DEVELOPMENTS THEREIN; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY.

WHEREAS, Chapter 400 of the University City Municipal Code divides the City in to several zoning districts, and regulates the character of buildings which may be erected in each of said districts, and the uses to which the buildings and premises located therein may be put; and

WHEREAS, the City Plan Commission examined a request (PC 17-09) for an amendment of the Official Zoning Map of the City to change the classification of the a property located at 6668 Vernon Avenue from Planned Development – Mixed Use ("PD-M") to Planned Development – Residential ("PD-R"); and

WHEREAS, Chapter 400 of the University City Municipal Code, relating to zoning, requires a minimum site size of one acre for any planned development district; and

WHEREAS, said minimum site size may be waived by the City Council upon report by the City Plan Commission if it is determined that the use proposed is desirable or necessary in relationship to the surrounding neighborhood, or if the City Council should determine such waiver to be in the general public interest; and

WHEREAS, the City Plan Commission has determined that the proposed use is desirable or necessary in relationship to the surrounding area and a waiver of said minimum site size of one acre to .96 acre is in the general public interest; and

WHEREAS, the City Plan Commission, in a meeting at the Heman Park Community Center, 975 Pennsylvania Avenue, University City, Missouri, 63130 on August 23, 2017, considered said request for map amendment and recommended to the City Council that it be enacted into an ordinance; and

WHEREAS, notice of a public hearing to be held by the City Council in the City Council Chambers at City Hall at 6:30 p.m., on September 11, 2017, was duly published

in the St. Louis Countian, a newspaper of general circulation within said City on August 27, 2017 and sent by certified mail to property owners within 200' of the subject property; and

WHEREAS, said public hearing was held at the time and place specified in said notices, and all suggestions or objections concerning said amendment of the Official Zoning Map of the City were duly heard and considered by the City Council.

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

Section 1. Chapter 400 of the University City Municipal Code, relating to zoning, is hereby amended by repealing the Official Zoning Map illustrating the zoning districts established pursuant to Section 400.070 thereof, and enacting in lieu thereof a new Official Zoning Map, thereby amending the Official Zoning Map so as to change the classification of the property located within the city limits of University City at 6668 Vernon Avenue from Planned Development – Mixed Use (“PD-M”) to Planned Development – Residential (“PD-R”).

Section 2. Said property at 6668 Vernon, approximately .96 acre, is more fully described with a legal description, attached hereto, marked Exhibit “A” and made a part hereof.

The above described tract has St. Louis County locator number of:  
6668 Vernon Avenue – 18H431221

Section 3. The new Official Zoning Map of the City is attached hereto, marked Exhibit “B”, and incorporated herein by this reference thereto.

Section 4. By Resolution No. 2017-18, the City Council approved a preliminary development plan for 6668 Vernon Avenue, known as “Kingsland Walk Senior Living”, and authorized the preparation of a final development plan. A final development plan and plat (if applicable) must be approved by the City Council prior to the issuance of any building permits in connection with the development. The type of development authorized is set forth in the Preliminary Development Plan.

Section 5. This ordinance shall not be construed so as to relieve any person, firm or corporation from any penalty incurred by the violation of Chapter 400, nor bar the prosecution of any such violation.

Section 6. Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to the penalties provided in Chapter 400, Article 9, Division 5 of the University City Municipal Code.

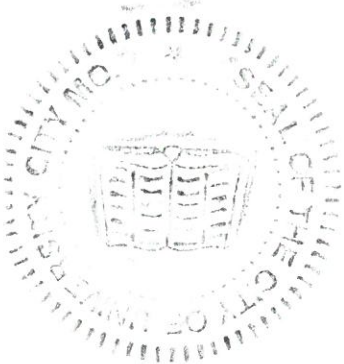
Section 7. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED and ADOPTED this 25th day of September, 2017.

Shelley Welsch  
MAYOR

ATTEST:

LaRette Reese  
INTERIM CITY CLERK



CERTIFIED TO BE CORRECT AS TO FORM:

John J. Muligan, Jr.  
CITY ATTORNEY

## EXHIBIT A – LEGAL DESCRIPTION FOR REZONING – KINGSLAND WALK SENIOR LIVING

PARCEL IS 18H431221, 6668 VERNON AVENUE

The land referred to in this Commitment is described as follows:

Parcel 1: Lots 1 and 2 in Block 5 of Vernon Place, according to the plat thereof recorded in Plat Book 7, Page 49, of the St. Louis County Records, excepting therefrom the West 10 feet of Lot 1 conveyed to City of University City by deed recorded in Book 706, Page 600.

Parcel 2: A parcel of ground in United States Survey 378, St. Louis County, Missouri, being all of Lots 3, 4, 5, 6, and 7 in Block 6 of Vernon Place and part of Lot 17 of Clemens Extension of Olive St. Addition, said parcel described as beginning at the Northeastern corner of said Lot 7; thence Westwardly 160 feet along the Southern line of Vernon Avenue, 60 feet wide, to the Northwestern corner of said Lot 3; thence Southwardly 127.14 feet along the Western line of Lot 3 to the Southwestern corner; thence Westwardly 73.17 feet along the Southern line of Lots 1 and 2 in Block 5 of Vernon Place to the Eastern line of Kingsland Avenue, 80 feet wide; thence Southwardly 60 feet along the Eastern line of Kingsland Avenue; thence Eastwardly 185.53 feet and parallel with the Southern line of Lots 1 to 6 in Block 5 of Vernon Place to the Western line of property described in deed to Catherine Lamb, recorded in Book 60 page 425, of the St. Louis County Records; thence Northwardly 60 feet along the Western line of said Lamb property to the Southern line of said Lot 6; thence Eastwardly 37.67 feet along the Southern line of Lots 6 and 7 to the Southeastern corner of Lot 7; thence northwardly 127.12 feet along the Eastern line of Lot 7 to the point of beginning, according to a survey made by Pitzman's Co. of Surveyors & Engineers on October 30, 1952.

Parcel 3: Part of Lot 17 of the Clemens Extension of Olive St. Addition, in U.S. Survey 378 Township 45 North Range 6 East, described as follows: Beginning at a point in the Western line of property conveyed to Calco Realty Company Inc. by deed recorded in Book 3989 page 424 of the St. Louis County Records with its intersection with the most Southern line of property conveyed to Southwestern Bell Telephone Company by deed recorded in Book 3652 page 599 of the St. Louis County Records, said point being 60 feet South of the Southern line of Lot 6 in Block 5 of Vernon Place; thence North 7 degrees 50 minutes East 60 feet to a corner of said Southwestern Bell Telephone Company property; thence South 82 degrees 27 minutes East 37.67 feet to the most Eastern line of said Southwestern Bell telephone Company property; thence South 7 degrees 50 minutes West 60 feet to a point; thence Westwardly in a straight line, 37.67 feet to the point of beginning.

# EXHIBIT B

