

INTRODUCED BY: Councilmember Tim Cusick

DATE: March 14, 2022

BILL NO. 9458

ORDINANCE NO. 7175

AN ORDINANCE AMENDING SECTION 400.070 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO THE OFFICIAL ZONING MAP, BY AMENDING SAID MAP SO AS TO CHANGE THE CLASSIFICATION OF PROPERTY AT 8677-8687 BARBY LANE, 8630-8686 DELMAR BOULEVARD, 534-554 KINGDEL DRIVE AND 3B MCKNIGHT PLACE, ASSOCIATED WITH THE AVENIR DEVELOPMENT, FROM "PD" PLANNED DEVELOPMENT, MIXED-USE DISTRICT ("PD-M") TO "PD" PLANNED DEVELOPMENT MIXED-USE DISTRICT ("PD-M"), AND ESTABLISHING LAND USES AND DEVELOPMENTS THEREIN.

WHEREAS, Chapter 400 of the University City Municipal Code divides the City into 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 an amendment of the Official Zoning Map of the City which changes the classification of property at 8677, 8683, 8687 and 8989 Barby Lane, 8630, 8650, 8656, 8662,, 8668, 8674, 8680 and 8686 Delmar Boulevard, 534, 538, 544 and 554 Kingdel Drive and 3B McKnight Place, associated with the Avenir Development, from "PD" Planned Development Mixed-Use District ("PD-M") to "PD" Planned Development Mixed-Use District ("PD-M"); and establishes land uses and developments therein; and

WHEREAS, the City Plan Commission, in a meeting held via video conference on February 23, 2022, considered said amendment and recommended to the City Council that it be enacted into an ordinance; and

WHEREAS, due 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 March 28, 2022, was duly published in the St. Louis Countian, a newspaper of general circulation within said City on March 13, 2022; and

WHEREAS, said public hearing was held at the time and place specified in said notice, 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. Section 400.070 of the University City Municipal Code, relating to the Official Zoning Map, is hereby amended by amending the Official Zoning Map illustrating the zoning districts established pursuant to Section 400.070, so as to change the classification of property at 8677, 8683, 8687 and 8989 Barby Lane, 8630, 8650, 8656, 8662,, 8668, 8674, 8680 and 8686 Delmar Boulevard, 534, 538, 544 and 554 Kingdel Drive and 3B McKnight Place, associated with the Avenir Development, from "PD" Planned Development Mixed-Use District ("PD-M") to "PD" Planned Development Mixed-Use District ("PD-M"). The following land uses and developments may be permitted in said PD-M District: apartment dwellings, elevator-type, and a coffee shop.

Section 2. Said property described as the Avenir Development, totaling 5.971 acres, is more fully described with a legal description, attached hereto, marked Exhibit "A" and made a part hereof.

Section 3. By Resolution No. 2022-2, the City Council approved a preliminary development plan known as "Avenir," and authorized the preparation of a final development plan. A final development plan and plat must be approved by the City Council prior to issuance of any building permits in connection with the development. The number of dwelling units shall not exceed 262.


Section 4. This ordinance shall not be construed so as to relieve any person, firm or corporation from any penalty incurred by the violation of Section 400.070 of the University City Municipal Code, nor bar the prosecution of any such violation.

Section 5. 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, Section 400.2570 of the University City Municipal Code.

Section 6. Ordinance Nos. 7135 and 7152, relating to the Avenir Development, are hereby repealed.

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

PASSED and ADOPTED this 11th day of April, 2022.


MAYOR

ATTEST:


CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:


CITY ATTORNEY



EXHIBIT A – LEGAL DESCRIPTION FOR REZONING – AVENIR

A TRACT OF LAND BEING ALL OF LOTS 1-5 OF "DELPRICE" RECORDED IN PLAT BOOK 41 PAGE 20 OF THE ST. LOUIS COUNTY, MISSOURI RECORDS, ALL OF LOTS 14 AND 15 OF "BARBY LANE", RECORDED IN PLAT BOOK 61 PAGE 30 OF SAID RECORDS, ALL OF ADJUSTED LOT 4 OF "MCKNIGHT PLACE ASSISTED LIVING BOUNDARY ADJUSTMENT PLAT 2" RECORDED IN PLAT BOOK 365 PAGE 7 OF SAID RECORDS, AND SEVERAL TRACTS OF LAND LOCATED IN SECTION 8, TOWNSHIP 45 NORTH, RANGE 6 EAST, ALL LOCATED IN SECTION 8, TOWNSHIP 45 NORTH, RANGE 6 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF UNIVERSITY CITY, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF ABOVE-SAID LOT 1 OF "DELPRICE", SAID CORNER BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF KINGDEL DRIVE (50 FEET WIDE) AND THE SOUTH RIGHT-OF-WAY LINE OF DELMAR BOULEVARD (80 FEET WIDE); THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF DELMAR BOULEVARD (WIDTH VARIES) THE FOLLOWING COURSES AND DISTANCES: SOUTH 89°23'32" EAST, 73.47 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; ALONG THE EAST LINE OF SAID LOT 1, SOUTH 00°56'50" WEST, 10.00 FEET; SOUTH 89°23'32" EAST, 520.23 FEET; SOUTH 00°36'28" WEST, 10.00 FEET; SOUTH 89°23'32" EAST, 90.00 FEET; SOUTH 00°36'28" WEST, 10.00 FEET; SOUTH 89°23'32" EAST, 90.00 FEET; SOUTH 00°36'28" WEST, 10.00 FEET; AND SOUTH 89°23'32" EAST, 10.98 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MCKNIGHT PLACE (WIDTH VARIES); THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE AND ALONG SAID WEST RIGHT-OF-WAY LINE OF MCKNIGHT PLACE THE FOLLOWING COURSES, DISTANCES AND CURVES: SOUTH 00°32'17" WEST, 9.93 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 68.00 FEET, WHOSE CHORD BEARS SOUTH 09°42'27" EAST, 24.19 FEET, AN ARC DISTANCE OF 24.32 FEET TO A POINT OF REVERSE CURVATURE; ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 63.00 FEET, WHOSE CHORD BEARS SOUTH 09°46'30" EAST, 22.26 FEET, AN ARC DISTANCE OF 22.38 FEET TO A POINT OF TANGENCY; SOUTH 00°24'12" WEST, 52.39 FEET TO A POINT OF CURVATURE; ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 88.00 FEET, WHOSE CHORD BEARS SOUTH 11°41'16" WEST, 34.44 FEET, AN ARC DISTANCE OF 34.66 FEET TO A POINT OF REVERSE CURVATURE; ALONG A CURVE TO THE LEFT WITH A RADIUS OF 112.00 FEET, WHOSE CHORD BEARS SOUTH 11°39'43" WEST, 43.93 FEET, AN ARC DISTANCE OF 44.22 FEET TO A POINT OF TANGENCY; SOUTH 00°21'06" WEST, 93.17 FEET TO A POINT OF CURVATURE; AND ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET, WHOSE CHORD BEARS SOUTH 17°17'03" WEST, 11.65 FEET, AN ARC DISTANCE OF 11.82 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BARBY LANE (50 FEET WIDE); THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE AND ALONG SAID NORTH RIGHT-OF-WAY LINE OF BARBY LANE, SAID LINE BEING NON-TANGENT TO THE PREVIOUS COURSE, NORTH 89°37'08" WEST, 6.78 FEET TO A POINT; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE, SOUTH 00°22'52" WEST, 11.36 FEET TO THE NORTHEAST CORNER OF ADJUSTED LOT 3 OF ABOVE-SAID "MCKNIGHT PLACE ASSISTED LIVING BOUNDARY ADJUSTMENT PLAT 2"; THENCE ALONG THE NORTH LINE OF SAID ADJUSTED LOT

3, SAID LINE ALSO BEING THE SOUTH LINE OF ABOVE-SAID ADJUSTED LOT 4, NORTH 89°37'08" WEST, 485.25 FEET TO THE SOUTHWEST CORNER OF SAID ADJUSTED LOT 4; THENCE LEAVING LAST SIDE LINE AND ALONG THE WEST LINE OF SAID ADJUSTED LOT 4, NORTH 00°22'52" EAST, 11.36 FEET TO THE SOUTHEAST CORNER OF ABOVE-SAID LOT 14, SAID CORNER ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF BARBY LANE (50 FEET WIDE); THENCE LEAVING LAST SAID WEST LINE AND ALONG THE NORTH AND WEST RIGHT-OF-WAY LINES OF SAID BARBY LANE THE FOLLOWING COURSES, DISTANCES AND CURVES: NORTH 89°37'08" WEST, 90.69 FEET TO A POINT OF CURVATURE; ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 25.00 FEET, WHOSE CHORD BEARS NORTH 54°21'16" WEST, 28.87 FEET, AN ARC DISTANCE OF 30.77 FEET TO A POINT OF REVERSE CURVATURE; ALONG A CURVE TO THE LEFT WITH A RADIUS OF 50.00 FEET, WHOSE CHORD BEARS NORTH 54°21'16" WEST, 57.74 FEET, AN ARC DISTANCE OF 61.55 FEET TO A POINT OF TANGENCY; NORTH 89°37'08" WEST, 49.78 FEET TO A POINT ON THE EAST LINE OF LOT 4 OF ABOVE-SAID "DELPRICE"; SOUTH 00°56'50" WEST, 53.25 FEET TO THE SOUTHEAST CORNER OF LOT 5 OF SAID "DELPRICE"; AND NORTH 89°05'25" WEST, 122.80 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5, SAID CORNER ALSO BEING ON SAID EAST RIGHT-OF-WAY LINE OF KINGDEL DRIVE; THENCE LEAVING SAID NORTH AND WEST RIGHT-OF-WAY LINES OF BARBY LANE AND ALONG SAID EAST RIGHT-OF-WAY LINE OF KINGDEL DRIVE THE FOLLOWING CURVES: ALONG A CURVE TO THE RIGHT BEING NON-TANGENTIAL TO THE PREVIOUS COURSE, WITH A RADIUS OF 397.57 FEET, WHOSE CHORD BEARS NORTH 00°40'34" WEST, 22.39 FEET, AN ARC DISTANCE OF 22.39 FEET TO A POINT OF COMPOUND CURVATURE; ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 524.24 FEET, WHOSE CHORD BEARS NORTH 09°33'42" EAST, 157.23 FEET, AN ARC DISTANCE OF 157.82 FEET TO A POINT OF REVERSE CURVATURE; AND ALONG A CURVE TO THE LEFT WITH A RADIUS OF 595.08 FEET, WHOSE CHORD BEARS NORTH 10°29'36" EAST, 159.32 FEET, AN ARC DISTANCE OF 159.80 FEET TO THE POINT OF BEGINNING AND CONTAINS 260,100 SQUARE FEET OR 5.971 ACRES, MORE OR LESS ACCORDING TO SURVEY PERFORMED BY THE STERLING COMPANY DURING THE MONTHS OF SEPTEMBER AND OCTOBER, 2019 UNDER ORDERNUMBER 19-09-308.