

INTRODUCED BY: Councilmember Bwayne Smotherson

DATE: October 24, 2022

**BILL NO. 9490**

**ORDINANCE NO. 7207**

**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 KNOWN AS LOT A AND COMMON GROUND 2 OF PLAT 4 OF THE MARKET AT OLIVE DEVELOPMENT, FROM “PD” PLANNED DEVELOPMENT COMMERCIAL DISTRICT, “GC” GENERAL COMMERCIAL AND “SR” SINGLE-FAMILY RESIDENTIAL DISTRICT TO “PD” PLANNED DEVELOPMENT COMMERCIAL DISTRICT (“PD-C”).**

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 known as Lot A and Common Ground 2 associated with the Market at Olive Development, Plat 4, from Planned Development Commercial District (PD-C), General Commercial District (GC) and Single-family Residential District (SR), to Planned Development Commercial District (PD-C); and

WHEREAS, the City Plan Commission, in a meeting held via video conference on September 28, 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 November 14, 2022, was duly published in the St. Louis Countian, a newspaper of general circulation within said City on October 30, 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, for property known as Lot A and Common Ground 2 of the Market at Olive Development, Plat 4, so as to change the classification of said property from Planned Development Commercial District (PD-C), General Commercial District (GC) and Single-family Residential District (SR), to Planned Development Commercial District (PD-C). The following land uses and developments may be permitted in said PD-C District, subject to approval of a final development plan: restaurant, including drive-through facilities.

Section 2. Said property described as Lot A and Common Ground 2 of the Market at Olive Development, Plat 4, totaling 2.276 acres, is more fully described with a legal description, attached hereto, marked Exhibit "A" and made a part hereof.


Section 3. By Resolution No. 2022-14, the City Council approved a preliminary development plan known as "Lot A and Common Ground 2 of Market at Olive Development, Plat 4," and authorized the preparation of a final development plan. A final development plan and plat must be approved by the City Council prior to the issuance of any building permits in connection with the development. A landscape plan shall be submitted for review and approval with the Final Development Plan.

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, 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 Section 400.2570 of the University City Municipal Code.

Section 6. This ordinance shall take effect and be in force from and after its passage as provided by law.


PASSED and ADOPTED this 14<sup>th</sup> day of November, 2022.

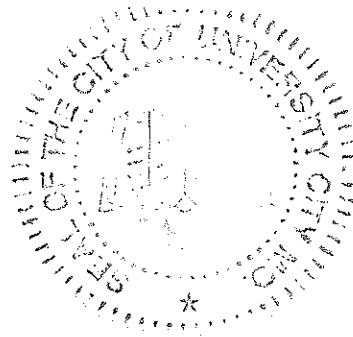
  
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MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY



**EXHIBIT A – LEGAL DESCRIPTION FOR REZONING – LOT A AND COMMON GROUND 2, MARKET AT OLIVE, PLAT 4**

**LOT A Description**

A tract of land being part of Lots 5-7 of Block 1 of St. Patrick Courts, as recorded in Plat Book 48 Page 33, part of Lot 2 of Market and Olive as recorded in Plat Book 369 Page 124 and part of Lots 2 and 3 of the Subdivision of CHARLES H. GIERS ESTATE, Section 4 & 5, Township 45 North, Range 6 East, according to the plat thereof recorded in Plat Book 6 on page 3 in Township 45, North, Range 6 East of the Fifth Principal Meridian, University City, St Louis County, Missouri being more particularly described as follows:

Commencing at the southwest corner of above Lot 2 of Market and Olive, said point also being located on the north right-of-way line of Olive Boulevard, variable width; thence along said right-of-way line South 87 degrees 54 minutes 10 seconds East, 33.00 feet to the POINT OF BEGINNING of the herein described tract; thence departing said right-of-way line the following courses and distances: North 00 degrees 27 minutes 36 seconds East, 157.03 feet; North 03 degrees 31 minutes 53 seconds East, 58.36 feet to the beginning of a curve to the right having a radius of 42.00 feet; along said curve with an arc length of 63.39 feet and a chord which bears North 46 degrees 46 minutes 11 seconds East, 57.54 feet; South 89 degrees 59 minutes 31 seconds East, 201.39 feet and South 00 degrees 27 minutes 35 seconds West, 250.41 feet to that part of above said Lot 2 and 3 of CHARLES H. GIERS ESTATE to be dedicated to Missouri Department of Transportation; then along said proposed right-of-way, South 89 degrees 49 minutes 17 seconds West, 2.50 feet and South 88 degrees 59 minutes 09 seconds West, 236.26 feet to the existing north right-of-way line of above said Olive Boulevard; thence along said right-of-way line, South 88 degrees 49 minutes 30 seconds West, 6.00 feet and North 87 degrees 54 minutes 10 seconds West, 1.45 feet to the POINT OF BEGINNING.

Containing 61,581 square feet or 1.414 acres, more or less.

**Common Ground 2 Description**

A tract of land being part of Lots 1-7 of Block 1 and part of Vacated Elmore Court both of St. Patrick Courts, as recorded in Plat Book 48 Page 33, and part of Lot 2 of Market and Olive as recorded in Plat Book 369 Page 124 in Township 45, North, Range 6 East of the Fifth Principal Meridian, University City, St Louis County, Missouri being more particularly described as follows:

Beginning the southwest corner of above Lot 2 of Market and Olive, said point also being located on the north right-of-way line of Olive Boulevard, variable width; thence along the common line between Lots 1 and 2 of said Market and Olive, the following courses and distances: North 00 degrees 26 minutes 14 seconds East, 280.64 feet; North 14 degrees 59 minutes 08 seconds East, 248.43 feet and North 00 degrees 27 minutes 35 seconds East, 56.19 feet; thence departing said common line, the following courses and distances: South 89 degrees 32 minutes 25 seconds East, 2.17 feet; South 07 degrees 52 minutes 59 seconds East, 70.14 feet; South 00 degrees 01 minute 30 seconds West, 44.57 feet to the beginning of a non-tangent curve to the right having a radius of 562.00 feet; thence along said curve with an arc length of 88.44 feet and a chord which bears South 04 degrees 05 minutes 47 seconds West, 88.35 feet; South 00 degrees 19 minutes 19 seconds West, 69.94 feet; to the beginning of a non-tangent curve to the left having a radius of 19.00 feet; along said curve with an arc length of 10.15 feet and a chord

which bears South 74 degrees 13 minutes 49 seconds East, 10.03 feet and South 89 degrees 31 minutes 35 seconds East, 441.26 feet to the west line of that part of vacated Elmore Court, 50 feet wide and Lot 1 of Block 1 of above said St. Patrick Courts as dedicated to St. Louis County, Missouri; thence along said west line, South 01 degree 59 minutes 58 seconds East, 6.04 feet and South 00 degrees 18 minutes 31 seconds East, 33.63 feet; thence departing said west line the following courses and distances: North 89 degrees 23 minutes 43 seconds West, 7.00 feet; North 47 degrees 43 minutes 16 seconds West, 14.07 feet; North 00 degrees 24 minutes 53 seconds East, 7.00 feet; North 89 degrees 37 minutes 36 seconds West, 198.24 feet; South 00 degrees 31 minutes 21 seconds West, 23.02 feet; North 89 degrees 59 minutes 31 seconds West, 227.63 feet; to the beginning of a curve to the left having a radius of 42.00 feet and a chord which bears South 46 degrees 46 minutes 11 seconds West, 57.54 feet; South 03 degrees 31 minutes 53 seconds West, 58.36 feet and South 00 degrees 27 minutes 36 seconds West, 157.03 feet to the north right-of-way line of above said Olive Boulevard; thence along said right-of-way line, North 87 degrees 54 minutes 10 seconds West, 33.00 feet to the POINT OF BEGINNING.

Containing 37,568 square feet or 0.862 acres, more or less.