

INTRODUCED BY: Councilmember Bwayne Smotherson

DATE: November 14, 2022

BILL NO. 9492

ORDINANCE NO. 7209

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 B OF PLAT 4 OF THE MARKET AT OLIVE DEVELOPMENT, FROM “GC” GENERAL COMMERCIAL DISTRICT 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 B of Plat 4 of the Market at Olive Development, from 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 October 26, 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 28, 2022, was duly published in the St. Louis Countian, a newspaper of general circulation within said City on November 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, for property known as Lot B of Plat 4 of the Market at Olive Development, so as to change the classification of said property from 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: a multi-tenant retail and restaurant building with drive thru facilities.

Section 2. Said property described as Lot B of Plat 4 of the Market at Olive Development, totaling 1.50 acres, is more fully described with a legal description, attached hereto, marked Exhibit "A" and made a part hereof.

Section 3. By Resolution No. 2022-16, the City Council approved a preliminary development plan known as "Lot B of Plat 4 of the Market at Olive Development," 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 28th day of November, 2022.


MAYOR

ATTEST:


CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:


CITY ATTORNEY

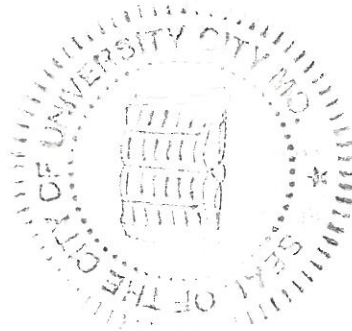


EXHIBIT A – LEGAL DESCRIPTION FOR REZONING – LOT B, MARKET AT OLIVE, PLAT 4

LOT B Description

A tract of land being part of Lots 1-5 of Block 1 of St. Patrick Courts, as recorded in Plat Book 48 Page 33, and part of Lots 1 and 2 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 Lot 2 of Market and Olive as recorded in Plat Book 369 Page 124, of the St. Louis County records, 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, 34.45 feet, and North 88 degree 49 minutes 30 seconds East, 6.00 feet, to the northwest corner of a tract of land to be dedicated to Missouri Department of Transportation; thence leaving said right of way line, along proposed dedication, North 88 degrees 59 minutes 09 seconds East, 236.26 feet and North 89 degrees 49 minutes 17 seconds East 2.50 feet to the POINT OF BEGINNING of the herein described tract: thence leaving said proposed dedication the following courses and distance: North 00 degrees 27 minutes 35 seconds East, 250.41 feet; South 89 degrees 59 minutes 31 seconds East, 26.24 feet; North 00 degrees 31 minutes 21 seconds East, 23.02 feet; South 89 degrees 37 minutes 36 seconds East, 198.24 feet; South 00 degrees 24 minutes 53 seconds West, 7.00 feet; thence South 47 degrees 43 minutes 16 seconds East, 14.07 feet; and South 89 degrees 23 minutes 43 seconds East, 7.00 feet, to the west line of a tract to be dedicated to St. Louis County Missouri; thence along said St. Louis County Missouri proposed dedication: South 00 degrees 01 minute 32 seconds West, 248.85 feet and South 20 degrees 51 minutes 47 seconds West, 6.40 feet, to the north line of above said dedication to Missouri Department of Transportation; thence along the north line of the Missouri Department of Transportation proposed dedication South 89 degrees 49 minutes 17 seconds West, 241.66 feet to the POINT OF BEGINNING.

Containing 65,321 square feet or 1.500 acres, more or less.



**CITY OF UNIVERSITY CITY COUNCIL MEETING
AGENDA ITEM**

NUMBER: <i>For City Clerk Use</i>	NB20221128-02
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SUBJECT/TITLE: REZ 22-09 Application for a Zoning Map Amendment and approval of a Preliminary Development Plan for Lot B of the Market at Olive Development, Plat 4.			
REQUESTED BY: John L. Wagner		DEPARTMENT / WARD Community Development/Ward 3	
AGENDA SECTION:	UnfinishedBusiness Bill 9492	CAN ITEM BE RESCHEDULED?	Yes
CITY MANAGER'S RECOMMENDATION OR RECOMMENDED MOTION: 			
FISCAL IMPACT: N/A			
AMOUNT:		ACCOUNT No.:	
FROM FUND:		TO FUND:	
EXPLANATION: N/A			

STAFF COMMENTS AND BACKGROUND INFORMATION: Staff recommends approval of the Map Amendment and Preliminary Site Development Plan with the following conditions: 1. The use associated with this development shall be for a multi-tenant retail and restaurant building with drive thru. 2. Accessible pedestrian ways shall be provided from the public sidewalk to the private development; and 3. Off-street parking and loading requirements will be provided according to the concurrent Conditional Use Permit approval; and 4. The buildings and property shall be developed, constructed, and maintained in compliance with the plans submitted and attached. The footprint and general layout are subject to the plans dated Oct. 4, 2022. 5. A detailed photometric meeting the City's lighting standards shall be provided along with the Final Development Plan submittal. 6. A Landscape Plan shall be provided as part of the Final Development Plan submittal. 7. The development plan shall be adjusted to comply with site coverage requirements set forth in Section § 400.780(D), or provide the appropriate site design criteria to be allowed the additional coverage. 8. A detailed construction traffic control and parking plan should be submitted to the Director of Planning & Development for approval.

CIP No.	
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RELATED ITEMS / ATTACHMENTS: Attached are the Plan Commission Transmittal Letter, Staff Report from the October 26, 2022 Plan Commission meeting - amended to include for the City Council the Plan Commission's recommendation, the Preliminary Development Plan, and a Draft Ordinance. A resolution for the Preliminary Development Plan will be prepared for the November 28, 2022 City Council meeting.
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LIST CITY COUNCIL GOALS (S): Economic Development

RESPECTFULLY SUBMITTED: City Manager, Gregory Rose	MEETING DATE: November 28, 2022
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