

**INTRODUCED BY:** Councilmember Bwayne Smotherson

**DATE:** January 23, 2023

**BILL NO. 9498**

**ORDINANCE NO. 7214**

**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 C AND COMMON GROUND 1 OF PLAT 4 OF THE MARKET AT OLIVE DEVELOPMENT, FROM “PD” PLANNED DEVELOPMENT 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 C and Common Ground 1 associated with the Market at Olive Development, Plat 4, from Planned Development Commercial District (PD-C) 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 December 14, 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 February 13, 2023, was duly published in the St. Louis Countian, a newspaper of general circulation within said City on January 29, 2023; 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 C and Common Ground 1 of the Market at Olive Development, Plat 4, so as to change the classification of said property from Planned Development Commercial District (PD-C) 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 regional retail store having approximately 148,095 square feet and a two-level parking deck.

Section 2. Said property described as Lot C and Common Ground 1 of the Market at Olive Development, Plat 4, totaling 7.81 acres, is more fully described with a legal description, attached hereto, marked Exhibit "A" and made a part hereof.

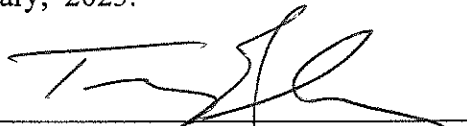
Section 3. By Resolution No. 2023-04, the City Council approved a preliminary development plan known as "Lot C and Common Ground 1 of Market at Olive Development, Plat 4," and authorized the preparation of a final development plan. A final development plan and plat must be approved by the City Council 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 13<sup>th</sup> day of February, 2023.

  
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MAYOR

ATTEST:

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

CERTIFIED TO BE CORRECT AS TO FORM:

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



**EXHIBIT A – LEGAL DESCRIPTION FOR REZONING – LOT C AND COMMON GROUND 1, MARKET AT OLIVE, PLAT 4**

LOT C Description

All of Lot C, as established by Market at Olive Plat 4, a subdivision according to the plat thereof as recorded in Plat Book 370, Page 516 of the St. Louis County records, located in Sections 4, 5 and 32, 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 northeast corner of above said Market at Olive Plat 4, said point also being the southeast corner of a Lot 1 of T.K.G. Subdivision according to the plat thereof as recorded in Plat Book 269, Page 65 of above said records, said point also being located on the west right-of-way line of Woodson Road, variable width; thence along said right-of-way line, South 00 degrees 12 minutes 27 seconds West, 40.00 feet to the southeast corner of Common Ground 1 of above said Market at Olive Plat 4, said point also being the POINT OF BEGINNING of the herein described tract; thence continuing along said right-of-way line the following: South 00 degrees 03 minutes 03 seconds East, 64.67 feet to the beginning of a curve to the left having a radius of 331.43 feet; along said curve with an arclength of 208.73 feet and a chord which bears South 11 degrees 14 minutes 2 seconds East, 128.56 feet; thence departing said right-of-way line to the west right-of-way line of Woodson Road, as established by above said Market at Olive Plat 4; said point also being located on a non-tangential curve to the left having a radius of 25.00 feet; thence along last said right-of-way line the following courses and distances: along said curve with an arc length of 8.11 feet and a chord which bears North 31 degrees 42 minutes 17 seconds West, 8.07 feet; South 24 degrees 26 minutes 17 seconds East, 29.26 feet; South 27 degrees 39 minutes 43 seconds East, 16.17 feet; South 31 degrees 21 minutes 49 seconds East, 49.06 feet; South 26 degrees 25 minutes 4 seconds East, 40.26 feet; South 22 degrees 35 minutes 26 seconds East, 38.07 feet; South 19 degrees 50 minutes 47 seconds East, 22.44 feet; South 15 degrees 4 minutes 44 seconds East, a distance of 19.85 feet; South 06 degrees 35 minutes 06 seconds East, 26.70 feet; South 04 degrees 00 minutes 18 seconds East, 7.81 feet; South 00 degrees 19 minutes 32 seconds West, 49.32 feet; South 00 degrees 19 minutes 48 seconds West, 26.25 feet to the beginning of a non-tangential curve to the right having a radius of 13.00 feet; along said curve with an arc length of 1.67 feet and a chord which bears South 69 degrees 08 minutes 10 seconds West, 11.28 feet; South 00 degrees 11 minutes 56 seconds West, 61.10 feet; South 46 degrees 37 minutes 51 seconds West, 7.50 feet to the beginning of a non-tangential curve to the right having a radius of 66.09 feet; along said curve with an arc length of 30.68 feet and a chord which bears South 31 degrees 19 minutes 46 seconds East, 30.40 feet; South 00 degrees 19 minutes 19 seconds West, 158.62 feet; South 07 degrees 32 minutes 08 seconds West, 31.99 feet and South 01 degree 59 minutes 58 seconds East, a distance of 6.46 feet to the northeast corner of Common Ground 2 of above said Market at Olive Plat 4; thence along the north and west lines of said Common Ground 2 the following courses and distances: North 89 degrees 31 minutes 35 seconds West, 441.26 feet to the beginning of a non-tangential curve to the right having a radius of 19.00 feet; along said curve with an arc length of 10.15 feet and chord which bears North 74 degrees 13 minutes 49 seconds West, 10.03 feet; North 00 degrees 19 minutes 19 seconds East, 69.94 feet to the beginning of a non-tangential curve to the left having a radius of 562.00 feet; along said curve with an arc length of 88.44 feet and a chord which bears North 04 degrees 05 minutes 47 seconds East, 88.35 feet; North 00 degrees 01 minute 30 seconds East, 44.57 feet; North 07 degrees 52 minutes 59 seconds West, 70.14 feet

and North 89 degrees 32 minutes 25 seconds West, 2.17 feet to the east line of Lot 1 of Market at Olive, a subdivision according to the plat thereof as recorded in Plat Book 369, Page 124;

thence along said east line, North 00 degrees 27 minutes 35 seconds East, a distance of 503.90 feet to the southwest corner of above said Common Ground 1; thence along the south line of said Common Ground 1, South 89 degrees 47 minutes 33 seconds East, 342.69 feet to the POINT OF BEGINNING.

Containing 326,362 square feet or 7.492 acres, more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc during November 2022.

#### Common Ground 1 Description

All of Common Ground 1, as established by Market at Olive Plat 4, a subdivision according to the plat thereof as recorded in Plat Book 370, Page 516 of the St. Louis County records, located in Section 32, Township 45 North, Range 6 East of the Fifth Principal Meridian, University City, St. Louis County, Missouri being more particularly described as follows:

Beginning at the northeast corner of above said Market at Olive Plat 4, said point also being the southeast corner of a Lot 1 of T.K.G. Subdivision according to the plat thereof as recorded in Plat Book 269, Page 65 of above said records, said point also being located on the west right-of-way line of Woodson Road, variable width; thence along said right-of-way line, South 00 degrees 12 minutes 27 seconds West, 40.00 feet to the southeast corner of said Common Ground 1; thence along the common line of said Common Ground and Lot C of above said Market at Olive Plat 4, North 89 degrees 47 minutes 33 seconds West, 342.69 feet to the east line of Lot 1 of Market at Olive, a subdivision according to the plat thereof as recorded in Plat Book 369, Page 124; thence along said west line, North 00 degrees 27 minutes 35 seconds East, 40.00 feet to the north line of said Plat 4; thence along said north line, South 89 degrees 47 minutes 33 seconds East, 342.51 feet to the POINT OF BEGINNING.

Containing 13,704 square feet or 0.315 acres, more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc during November 2022.