BOARD OF ADJUSTMENT

Attached for your review is the packet for the April 5, 2007 session of the City of Chesterfield Board of Adjustment. The agenda and meeting packet are now also available on the City of Chesterfield website in the “Agendas” section.

Please contact Annissa McCaskill-Clay at amccaskill@chesterfield.mo.us or 636-537-4737 if you cannot attend or have any questions.

Board of Adjustment Meeting Agenda
Thursday, April 5, 2007
7:00 p.m.
City Council Chambers, 690 Chesterfield Parkway West

I. Introduction of the Board and City Staff

II. Approval of March 1, 2007 Meeting Summary

III. Request for Affidavit of Publication

IV. Public Hearing Item:

A. <u>B.A. 04-2007 Karagiannis Investment Corporation (Spiros Restaurant West):</u>
A request for a variance from Section 3(a) of St. Louis County Ordinance 13,771 to permit an existing restaurant in a "C8" Planned Commercial District to maintain a fifteen (15) foot side yard setback on its southern boundary in lieu of the required the required twenty (20) feet. (1054 N. Woodsmill Road/16Q310186)

V. Adjournment

CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT MEETING SUMMARY
Thursday, March 1, 2007

The Board of Adjustment meeting was called to order at 7:30 p.m. on Thursday, March 1, 2007 by Ms. Laura Lueking, Acting Chair of the Board of Adjustment.

I. Introduction of Board and City Staff

The following individuals were in attendance:

Ms. Marilyn Ainsworth
Ms. Laura Lueking
Ms. Dru Thomas
Mr. Alan Baudler
Mr. Gerald Schwalbe
Mr. Rob Heggie, City Attorney, City of Chesterfield
Councilmember Barry Flachsbart
Ms. Annissa McCaskill-Clay, Assistant Director of Planning, City of Chesterfield Department of Planning
Ms. Joyce Collins-Catling, Executive Secretary, City of Chesterfield Department of Planning
Court Reporter, Midwest Litigation Services

II. Approval of February 1, 2007 Meeting Summary

Acting Chair Laura Lueking noted that a transcript has been requested for the February 1, 2007 meeting, and that this will act as the official meeting summary.

II. Request for Affidavit of Publication

IV. Public Hearing Items:

A. <u>B.A. 3-2007 Davis Street Land Company (c/o Doster Mickes James Ullom Benson & Guest, LLC)</u>: A request for a variance from Section VIII Specific Criteria, I(4) "Sign Requirements" of City of Chesterfield Ordinance 1884 to permit erection of an off-site free-standing directional sign at 1596 Clarkson Road. (19S420415)

Assistant Director of Planning Annissa McCaskill-Clay presented exhibits supporting the petition requesting a variance for the erection of an off-site free-standing directional sign that would direct traffic into their development. She stated further that these types of signs (directional) are not an allowed use per the governing ordinance.

Thomas O'Toole, Jr., representative for the petitioner, stated that the ordinance prohibits off-site signs, but asked that a reciprocal easement agreement between the two developments (Capitol Land and Chesterfield Oaks) be a part of the record. Mr. O'Toole presented a power point presentation supporting the petitioner's proposal for the sign. He pointed out that earlier during the zoning process, Capitol Land and Chesterfield Oaks developed an agreement regarding directional signs situated on the Capital Land site. He further stated that the reciprocal easement agreement gives Davis Street Land Company permission to install and maintain a sign as well as an electrical conduit (small spotlight during evening hours) on that sign. He pointed out that the petitioner is attempting to avoid a difficulty for customers accessing the site since the Shops and Clarkson Corner has now been fully developed. He said that the proposed sign would not be viewed by residents east of the development. He stated that the sign would provide better customer access, improve safety, and produce unnecessary traffic congestion and better vehicular movement.

There were additional speaker present in favor of the petition.

David Freeburg, Jr. spoke on behalf of the petitioner noting that the road had to be reconfigured as a result of a traffic study, and an access road was developed as a result. He pointed out that the easement agreement was established to create a temporary road to eventually become a permanent road. He stated that at that time, Davis Street Land was not ready to begin development, and that the ideal was to have clear directional signs for both developments. He also stated that this was fully supported by City Staff in the early planning states without any opposition.

John Wagner, representative for the petitioner, stated that a directional sign was included in the earlier submittals, but the applicant was told that they could not put a sign at the requested location.

Assistant Director of Planning Annissa McCaskill-Clay clarified that the application was rejected due to the specific governing ordinance. She further

stated that Shops at Clarkson Corner was advised of the off-site sign and were asked to remove the sign.

There were no speakers present in opposition.

CONCLUSION:

As a result of discussion and questions held between the Board members, Councilmember, and petitioner's representatives, it was determined that no practical difficulty preventing the use of the development had been created, no data showing any demonstrated impact on customer/client access/usage had been proven, Chesterfield Oaks has already used up their sign allotment, existing monument sign would not normally be shared by separate developments, and that this anticipated issue should have been addressed earlier during the planning stages.

Marilyn Ainsworth made a motion to approve the variance request.
Dru Thomas seconded the motion.

The voice vote was as follows: Marilyn Ainsworth, yes; Laura Lueking, no; Dru Thomas, no; Alan Baudler, yes; Gerald Schwalbe, yes.

The motion failed by voice vote 3-2

VI. Adjournment

Meeting adjourned at 8:20 p.m.

Notice of Public Hearing
City of Chesterfield
Board of Adjustment

NOTICE IS HEREBY GIVEN that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on Thursday, April 5, 2007 at 7:00 p.m. in the City Council Chambers at the City of Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri, 63017

The Board will consider the following:

B.A. 04-2007 Karagiannis Investment Corporation (Spiros Restaurant West):
A request for a variance from Section 3(a) of St. Louis County Ordinance 13,771 to permit an existing restaurant in a "C8" Planned Commercial District to maintain a fifteen (15) foot side yard setback on its southern boundary in lieu of the required twenty (20) feet. (1054 N. Woods Mill Road/16Q310186)

All interested parties are invited to appear and be heard at the hearing.

Copies of the request are available for review at the City Government Center Monday through Friday, from 8:30 a.m. to 4:30 p.m. If you should need additional information about this project, please contact Annissa McCaskill-Clay, Assistant Director of Planning by telephone at 636-537-4737 or by email at amccaskill@chesterfield.mo.us

City of Chesterfield

Annissa McCaskill-Clay, AICP
Assistant Director of Planning.

EXHIBIT 2

City of Chesterfield

IV.A.

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

March 28, 2007

Board of Adjustment
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017

Re: **B.A. 04-2007 Karagiannis Investment Corporation (Spiros Restaurant West):** A request for a variance from Section 3(a) of St. Louis County Ordinance 12,771 to permit an existing restaurant in a "C8" Planned Commercial District to maintain a fifteen (15) foot side yard setback on its southern boundary in lieu of the required the twenty (20) feet. (1054 N. Woodsmill Road/16Q310186)

Dear Board Members:

Spiros Restaurant West has submitted the above-referenced request to the Board of Adjustment for review at its April 5, 2007 meeting. In review of the Petitioners' request, the Department of Planning Submits the following report:

Background of site

1. The subject site is a 1.42-acre tract of land located on North Woods Mill Road.
2. It was zoned "C8" Planned Commercial District which was created by St. Louis County Ordinance 5,026. This ordinance was amended in 1986 by St. Louis County Ordinance 12,771.
3. Section 3(a) of Ordinance 12,771 states: "Maintain at least fifteen (15) feet wide side and rear yard setbacks, **except for along the southern boundary of this tract where a twenty (20) foot wide landscaped side yard shall be provided.**"
4. On February 2, 2007, Spiro's West experienced a fire that substantially damaged the restaurant. Repair of the fire damage required building permits from St. Louis County, which recently adopted the International Building Code (IBC). Requirements of the IBC and St. Louis County Health Department regulations do not permit the restaurant to be repaired to it former specifications.
5. Compliance with these requirements will provide no usable area for the freezers necessary for use in support of the restaurant. Therefore, the owners sought to move

EXHIBIT
4

them to the rear of the building. This would result in a "bump" out from the existing structure toward the southern boundary of their property.

6. Upon review with City of Chesterfield staff prior to application, it was determined that this improvement would not meet the required twenty (20) foot side-yard setback. It was determined that while the other fire repair work could be approved, a variance would be needed for placement of the freezers.

Statement of practical difficulties and unnecessary hardships warranting action by the Board:

From Petitioner's Application, pg. 4: "*The exisiting kitchen location, the need for repairs to be in compliance with the current building codes; and the regulations of the health department causes the freezer location to be where we are requesting it..*"

Unique physical characteristics of the lot (e.g., size, slope, etc.):

From Petitioner's Application, pg. 2: *"Grade slopes up from bldg. approximately 7' above floor; existing fence to remain, trees to remain.*

Staff Response: The petitioner has provided several pictures from the subject site. Staff has labeled these as Exhibit 5B.

Description of the necessity of the proposed improvement

From Petitioner's Application, pg. 2: *"Interior repairs and code updates require new freezer in location near kitchen."*

Staff Response: As noted, these repairs and updates are due to the necessity to comply with new building code requirements.

Basis for appeal of the above action:

From Petitioner's Application, pg. 2: *"Fire repair and code compliance updates."*

Staff Input

Upon review of the subject site and the requirements to repair the fire damage to Spiro's West, staff is recommending **approval** of their request for relief from the side yard requirements established in Ordinance 12,771.

Approval Criteria

Spiros Restaurant West is seeking a variance to maintain a fifteen foot side yard setback in lieu of the twenty (20) foot setback established in St. Louis County Ordinance 12,771.

1. In order to grant a variance, there must be proof that the applicant did not bring the burden upon himself through some action, but instead had the burden imposed on him.

2. An individual cannot create a situation and then claim he needs a variance. *Wolfner v. Board of Adjustment of City of Warson Woods*, 114 S.W.3d 298 (Mo.App.E.D.,2003).

3. The burden of proving the elements is on the applicant.

4. Missouri Revised Statute Chapter 89.090 requires that a Board of Adjustment may only grant variances when the applicant has established the necessary "practical difficulties or unnecessary hardship" and when "the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done."

5. Section 2-216 of the City of Chesterfield Municipal Code states that the Board of Adjustment shall have the following powers:

   "To permit a variation in the yard requirements of any zoning district or the building or setback lines from major highways as provided by law where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided that such variance will not seriously affect any adjoining property or the general welfare of the public;"

Action is requested on B.A. 4-2007 Karagiannis Investment Corporation (Spiros Restaurant West).

Respectfully Submitted,

Annissa McCaskill-Clay

Annissa G. McCaskill-Clay, AICP
Assistant Director of Planning

Exhibits:
1. City of Chesterfield Zoning Ordinance (not in packet)
2. Notice of Publication.
3. Affidavit of Publication (not in packet)
4. Staff Report
5. Petitioner's Applications
   A. Application to Board of Adjustment
   B. Pictures from subject site.
6. 11 x 17 copy of Site Plan, with subject area highlighted
7. St. Louis County Ordinance 12,771 [Section 3(a) highlighted.]

16031 0186

City of Chesterfield

DEPARTMENT OF PLANNING

RECEIVED
MAR 12 2007
PLANNING DEPARTMENT

APPLICATION TO THE BOARD OF ADJUSTMENT FOR A VARIANCE

The Board of Adjustment is a local body consisting of volunteers appointed by the Mayor. Its responsibility is to hear appeals from decisions of the City of Chesterfield Department of Planning and to consider requests for variances and exceptions. A variance is an approved departure from the provisions of the zoning requirements for a specific parcel, without changing the zoning ordinance underlying zoning of the parcel. A variance usually is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zone district. For questions about this application, please contact the "Planner of the Day" at 636-537-4733. For information about this and other projects under review by the Department of Planning, please visit "Planning Projects" at www.Chesterfield.mo.us.

Check (✓) the type of variance for which you are applying:

[ ] **Area (bulk) variance: A request to allow deviation from the dimensional (i.e. height, bulk yard) requirements of a zoning district.**

[ ] **Appeal of an Administrative determination**

Note: A $70 fee applies

Please note areas in gray will be completed by the Department of Planning.

STATE OF MISSOURI)
)
CITY OF CHESTERFIELD)
Petition for Appeal from Zoning Regulations

BOA NUMBER 04-2007
HEARING DATE April 5, 2007

I. APPLICANT INFORMATION

Owner(s) of record of the hereinafter described property according to St. Louis County Assessor's Record: KARAGIANNIS INVESTMENT CORP
Address: 1054 N. WOODS MILL RD.
City: CHESTERFIELD **State:** MO **Zip:** 63017
Tel.: 668-0129 **Fax:** 314 878-1090

Petitioner, if other than owner(s): SAME
Address:
City: **State:** **Zip:**
Tel.: **Fax:**
Legal Interest: OWNER
(Provide date of contract and date of expiration of contract)

***Attach additional sheets as necessary for other Parties of Interest (Architect, Engineer, etc.)**

EXHIBIT 5A

II. PROPERTY INFORMATION

Project Address: 1054 N. WOODSMILL RD.

Locator Number(s): 16Q310186

(List additional locator numbers on separate sheet and attach to petition)

Acreage: _____ (To the nearest tenth of an acre)

Subdivision Name (If applicable): CONTINENTAL

Current Zoning District: C8 PLANNED COMMERCIAL

Legal Description of Property:

16Q310087215T4

(Attach additional sheets as necessary)

III. NATURE OF REQUEST FOR VARIANCE

Unique physical characteristics of the lot (e.g., size, slope, etc.): GRADE SLOPES UP FROM BLDG APPROX 7' ABOVE FLOOR; EXISTING FENCE TO REMAIN; EXISTING TREES TO REMAIN.

(Attach additional sheets as necessary)

Description of the necessity of the proposed improvement: INTERIOR REPAIRS AND CODE UPDATES REQUIRE NEW FREEZER IN LOCATION NEAR KITCHEN

(Attach additional sheets as necessary)

Ordinance Number and section to which a variance is sought: 12771

(Attach additional sheets as necessary)

Basis for appeal of the above action: FIRE REPAIR AND CODE COMPLIANCE UPDATES

(Attach additional sheets as necessary)

Do deed restrictions or subdivision trust indentures for the property prohibit the use or construction which is requested by this petition? Check (✓) one [ ] Yes [X] No

Specify the action to which the appeal is sought: VARIANCE SOUGHT TO SIDE YARD SET BACK

(Attach additional sheets as necessary)

Description of the effect or impact on neighboring properties: MINIMAL VISUAL IMPACT TO NEIGHBORS DUE TO GRADE SITE LINES; MATURE TREES, AND EXISTING FENCE

(Attach additional sheets as necessary)

Statement of any other hardship or information for this appeal: CODE COMPLIANCE UPGRADES AND HEALTH DEPT REGULATIONS REQUIRE FREEZER LOCATION

(Attach additional sheets as necessary)

Please complete the sections below as applicable:

A. Setbacks/Height:

The Petitioner(s) request the following setback(s):

Front yard:
Side yard: 15 FEET
Rear yard:
Height:

The City of Chesterfield Zoning Ordinance Regulations require the following setback(s) for this site:

Front yard:
Side yard: 20 FEET
Rear yard:
Height:

The following information correctly presents the true conditions and also describes the practical difficulties and unnecessary hardships warranting action by the Board.

THE EXISTING KITCHEN LOCATION, THE NEED FOR REPAIRS TO BE IN COMPLIANCE WITH CURRENT BLDG CODES; AND THE REGULATIONS OF THE HEALTH DEPT CAUSES THE FREEZER LOCATION TO BE WHERE WE ARE REQUESTING IT.

Include two (2) completed copies of this application with original signatures and two (2) copies of the following:

1. A site development plan showing:
   - The dimensions and location (including distance from property lines) of all existing and proposed buildings and structures.
   - Letters from abutting property owners stating their position.
2. A $70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)
3. A copy of the City of Chesterfield rejection or denial.

B. Signage:

Number and size of allowable attached business signs by ordinance: _____

Number and size of allowable freestanding business signs by ordinance: _____

The petitioner further represents that the increased sign size or height would not be injurious to the neighborhood, or otherwise be detrimental to the public welfare for the following reasons: _____

Include two (2) completed copies of this application with original signatures and two (2) copies of the following:

1. A site plan showing:
   - The subject property with adjoining streets, existing buildings, major parking lot, and distance to property lines.
   - The location of proposed signs.
   - If attached wall signs, the cross section of wall on which sign is to be placed with dimensions and total square feet (or portion of total wall that will contain petitioner's business)

2. A detail sign plan indicating:
   - Dimension of signs with detail sign lettering layout.
   - Total square feet of signs. If attached, what percent of wall.
   - Light detail, if any.

3. Letters from abutting property owners stating their position.

4. A $70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)

5. A copy of the City of Chesterfield rejection or denial.

III. COMPLIANCE

Is property in compliance with all previous conditions of approval of all applicable Ordinance requirements?

[√] Yes [ ] No. **If no, please explain:** _____

Is property in compliance with all Zoning, Subdivision, and Code requirements?

[√] Yes [ ] No. **If no, please explain:** _____

[THIS SPACE INTENTIONALLY LEFT BLANK]

IX. LIENS AND FINES CERTIFICATION

Project Name: _____ **Ward:** _____

STATE OF MISSOURI, CITY OF CHESTERFIELD

[I] [we], _____ (a duly licensed attorney or title insurance company
(print, type or stamp name of attorney or title company)

in the State of Missouri), do hereby certify to the Council of the City of Chesterfield that [I] [we] have examined the title to the herein described property; that [I] [we] find the title to the property is vested to _____ ; that there are no fines and/or liens of record on the property
(name of owner(s))

by or owed to the City of Chesterfield [or] that the following fines and/or liens are owed to the City of Chesterfield:

1. _____
2. _____
3.
4. _____

_____ _____
(Attorney-at-law licensed in Missouri) Date

Missouri Bar # _____

-or-

_____ _____
(Officer of title insurance company) Date

_____
Print, type or stamp name and title

[THIS SPACE INTENTIONALLY LEFT BLANK]

N/A

XI. STATEMENT OF CONSENT

Consent is required from the property owner(s) and contract purchaser, if applicable, to their agent if the property owner(s) or contract purchaser do not intend to attend all meetings and public hearings and submit in person all material pertaining to the application. A separate form is required from each owner/contract purchaser. Consent to a firm shall be deemed consent for the entire firm, unless otherwise specified. Consent is valid for one year from date of notary, unless otherwise specified. Attach copy of last recorded warranty deed for subject property.

STATEMENT OF CONSENT

I hereby give CONSENT to _____ (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge of the property I have an ownership interest in is the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the City of Chesterfield, Missouri, and will not be returned. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the City of Chesterfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER/CONTRACT PURCHASER INFORMATION:

I am the [ ] owner [ ] contract purchaser. (check (✓) one)

_____ _____

(Name- type, stamp or print clearly) (Signature)

_____

(Name of Firm) (Address, City, State, Zip)

Note: Attach additional sheets as necessary.

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this _____ day of _____ , 20 _____ .

Signed _____ Print Name: _____

Notary Public

Seal/Stamp:

My Commission Expires: _____

XII. AFFIDAVIT OF COMPLETENESS AND ACCURACY

INSTRUCTIONS: To be completed by individual submitting application (property owner, petitioner with consent, or authorized agent).

Project Name: RETAILS TO 1054 N. Woods Mill **Submittal Date:** 12 MAR 07

STATEMENT OF COMPLETENESS AND ACCURACY

I hereby certify all property owners have full knowledge the property they own is the subject of this application. I hereby certify that all owners and petitioners have been provided a complete copy of all material, attachments and documents submitted to the City of Chesterfield relating to this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related application material and all attachments become official records of the City of Chesterfield, Missouri and will not be returned. I understand that any knowingly false, inaccurate or incomplete information provided by me will result in the denial, revocation or administrative withdrawal of this application, request, approval or permit. I further acknowledge that additional information may be required by the City of Chesterfield to process this application. I further represent and warrant that I have not made any arrangement to pay any commission, gratuity, or consideration, directly or indirectly, to any official, employee, or appointee of the City of Chesterfield with respect to this application. I further consent to the City of Chesterfield to publish, copy or reproduce any copyrighted documents submitted as a part of this application for any third party. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

Check (✓) one: [✓] I am the property owner. [ ] I am the contract purchaser.

[ ] I am the duly appointed agent of the petitioner.

Timothy Karagiannis
(Name- type, stamp or print clearly)

K.I.C.
(Name of Firm)

(Signature)

1054 N Woodsmill Rd
(Address, City, State, Zip)

Note: Attach additional sheets as necessary.

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this 12TH day of March, 20 07.

Signed Sue A Powell Print Name: Sue A. Powell
Notary Public

My Commission Expires: 4/5/2010

Seal/Stamp:

SUE A. POWELL
Notary Public - Notary Seal
State of Missouri
St. Louis County
My Commission Expires April 5, 2010
Commission # 06436408

STAFF / BOA USE ONLY

Intake Date: _____

This petition is granted / denied (circle one) **on the** _____ **day of** _____ **20** ___

Signed: _____

Chairman

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EXHIBIT
5B
Page 1

EXHIBIT
5B
Page 2

EXHIBIT
5B
Page 3

BILL NO. 343, 1986

ORDINANCE NO. 12,771, 1986

Introduced by Councilman F. Stewart

AN ORDINANCE

AMENDING SECTION 2 OF ORDINANCE 6807 BY REPEALING SAID SECTION 2, AND ENACTING IN LIEU THEREOF A NEW SECTION TO BE KNOWN AS SECTION 2. (P.C. 78-73 Continental Restaurant System, Inc.).

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. Section 2 of Ordinance No. 6807 is repealed and in lieu thereof the following is adopted:

"SECTION 2. The application for a Planned Commercial Development on the tract of land described in Section 1 and an adjoining tract, already zoned "C-8" Planned Commercial District by Ordinance No. 5036 described as:

A tract of land situated in U.S. Survey 367, Township 46 North, Range 5 East, St. Louis County, Missouri, and more particularly described as: Beginning at a point in the Eastern line of Woodsmill Road, 60 feet wide, and distant North 6 degrees 39 minutes East 120 feet from the South line of a tract conveyed to Wm. F. Sahm and wife by deed recorded in Book 2329, Page 310, of said County Records, thence North 6 degrees 39 minutes East along said Woodsmill Road 130 feet to an iron pipe, thence North 80 degrees 29 minutes East 376.00 feet to an iron pipe, thence South 10 degrees 12 minutes East 124.37 feet to an iron pipe, thence South 80 degrees 29 minutes West 413.69 feet to the point of beginning, containing 1.132 acres.

is approved on condition that said development and plan is carried out in accordance with the preliminary plans filed with the St. Louis County Planning Commission and forwarded to the County Council with a communication dated June 8, 1973, which preliminary plans are also approved and incorporated herein by reference as if fully set out in and made a part of this ordinance, revoking the plans and conditions referred to in Ordinance 5036, and subject to all applicable ordinances, laws and regulations and to the following conditions:

1. The uses permitted in this "C-8" Planned Commercial District shall be a restaurant and cocktail lounge, medical office building, not including overnight care facilities, and accessory parking areas.

2. Within twelve (12) months of the date of approval of the preliminary plan by the County Council, a final development plan shall be submitted to the Planning Commission for its approval. Development of the site shall commence within twenty-four (24) months of the date of approval of the final development plan by the Planning Commission. The above time intervals may be extended on approval by the Planning Commission. Said development plan shall include, but not be limited to the following:

   a. Location and size of all proposed structures.
   b. Existing and proposed grades.
   c. Location and size of all parking areas, roadways and driveways on or adjacent to the property in question.
   d. Design, location and size of all proposed signs, lighting, fences and trash areas.
   e. A landscape plan including, but not limited to, the location, size and type of all plant and other material to be used.

EXHIBIT 7

3. The above final development plan shall adhere to the following specific design criteria:

a. Maintain at least fifteen (15) foot wide side and rear yard areas, except for along the southern boundary of the tract where a twenty (20) foot wide landscaped side yard shall be provided.

b. Provide a twenty (20) foot road dedication strip for improvement of Woods Mill Road. No structure shall be located within fifteen (15) feet of the new roadway right-of-way.

c. Maximum building gross floor area shall be limited as follows:

i. Restaurant and cocktail lounge building - 6,650 square feet.

ii. Medical building - 18,000 square feet.

d. Height limitations for structures and sign regulations shall be the same as those contained in Section 1003.133 "C-2" Shopping District Regulations of the Zoning Ordinance of St. Louis County.

e. Parking and loading requirements shall be as required in Section 1003.165 Off-Street Parking and Loading Requirements of the St. Louis County Zoning Ordinance. A maximum of a fifteen percent (15%) parking reduction shall be permitted.

f. All light standards shall not exceed sixteen (16) feet in height.

g. A single curb cut for the total development shall be allowed. Said curb cut shall provide a driveway not to exceed thirty (30) feet in width and include standard curb and gutter.

h. Comply with Missouri State Highway Commission Plans for the establishment of new right-of-way for Woods Mill Road.

4. Subsequent to the recording of a final development plan and prior to the issuance of any building permit, the following requirements shall be met:

a. Submit to the Planning Commission for review and approval:

i. A plan approved by the St. Louis County Department of Public Works, Division of Wastewater Control, and the Department of Highways and Traffic reflecting that adequate handling of storm water will be provided.

ii. A plan approved by the Division of Waste Water Control showing adequate handling of differential run-off due to impervious areas by use of dry reservoir or ponding. Plans for retention shall be submitted to the Division of Wastewater Control for review and approval.

The developer shall make adequate improvements of the creek to control erosion within the boundaries of this property where deemed necessary by Wastewater Control.

iii. A plan approved by the St. Louis County Department of Public Works, Division of Wastewater Control, reflecting that adequate sanitary services will be provided.

iv. A plan approved by the Missouri State Highway Commission showing the location of all roadways, curb cuts, area of new right-of-way dedication, and an established setback from the existing right-of-way to allow for the ultimate development at Woods Mill Road as an expressway facility.

b. Provide a fund determined by a plant nursery and approved by the County Counselor and the Department of Planning sufficient in amount to guarantee the installation of all plant materials shown on the approved final development plan.

c. Comply with all applicable subdivision ordinances affecting the development of land except as otherwise specified by this ordinance.

5. Prior to the issuance of an occupancy permit the petitioner shall file a certified topographic survey of the finished grading with the St. Louis County Department of Public Works, Division of Wastewater Control.

6. The petitioner shall provide adequate temporary offstreet parking for construction employees. Parking on non-paved surfaces shall be prohibited.

7. No source of illumination shall be situated so that light is cast directly on any public right-of-way or on property in any "R" Residence District.

8. The restaurant facility shall operate in conformance with all pertinent County health standards.

9. No outdoor incineration shall be allowed on the subject site.

10. The uses permitted herein shall be operated in conformance with the standards contained in Section 1003.163 Zoning Performance Standard Regulation of the Zoning Ordinance.

11. Any revision to the uses permitted herein or any conditions pertaining to the proposed structures as noted on the final development plan shall be preceded by the filing of a revised final development plan and its subject approval by the Planning Commission.

12. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the conditions herein set forth and included in the approved development plan for the property. A copy of all the herein attached conditions shall be furnished by the owner or petitioner to the operator(s), owner(s), or manager(s), including successive operator(s), owner(s) or manager(s) who shall forward to the Zoning Enforcement Officer an acknowledgment that he or she has read and understood each of these conditions and agrees to comply therewith.

13. All the conditions contained within this permit shall be posted upon the property in such a manner that they are visible to the public and to the operator of said facility.

14. Failure to comply with any or all of the conditions of this permit shall be adequate cause for revocation by issuing County departments or commissions.

15. The Zoning Enforcement Officer of St. Louis County, Missouri, shall be charged with the duty of enforcing the conditions of this permit."

SECTION 2. In all other respects Ordinance No. 9807 shall remain in full force and effect.

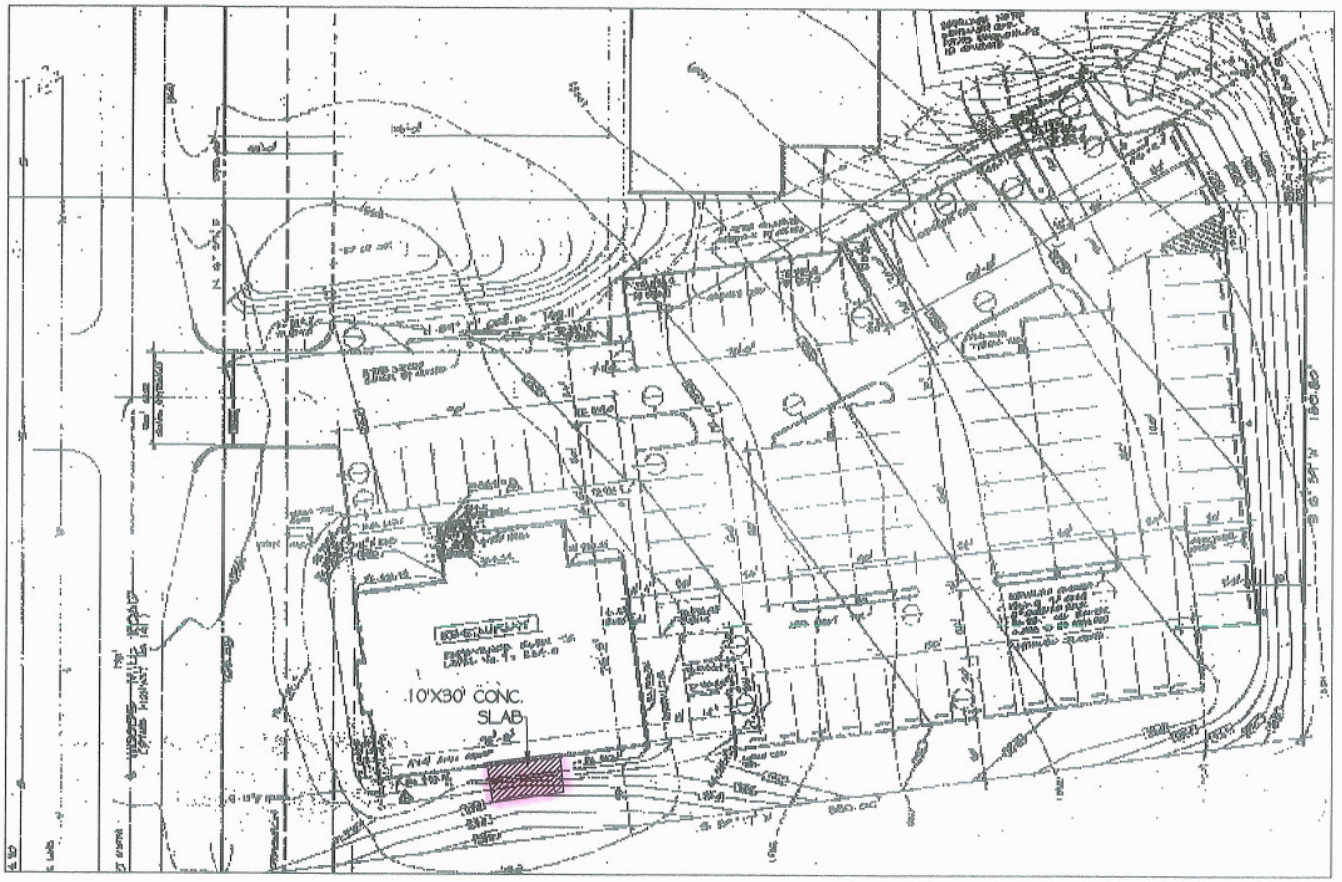
ADOPTED: August 7, 1986

ELLEN R. CONANT
CHAIRMAN, COUNTY COUNCIL

APPROVED: August 8, 1986

GENE McNARY
COUNTY EXECUTIVE

ATTEST: LELA APPERSON
DEPUTY ADMINISTRATIVE DIRECTOR



SITE PLAN
1" = 40'-0"

SY

EXHIBIT
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