

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI THAT HEREBY AUTHORIZES A CHANGE TO AMENDED C-8 PLANNED COMMERCIAL DISTRICT ORDINANCE #2352 TO ACCOMMODATE THE ADDITION OF SPECIALTY RETAIL STORES AND SHOPS, AS PART OF THE REUSE OF AN EXISTING BUILDING SITUATED ON THIS SITE, AND BEING LOCATED IN THE TOWN CENTER AREA, UNDER A SET OF SPECIFIC CONDITIONS THAT ARE CONSISTENT WITH THE LETTER OF RECOMMENDATION APPROVED BY THE PLANNING AND ZONING COMMISSION ON NOVEMBER 18, 2019 AND, THEREAFTER, FORWARDED TO CITY COUNCIL FOR ITS REVIEW AND CONSIDERATION - St. Louis County's P.C. 112-89 Cliff Rufkahr. (Ward Eight)

WHEREAS, this particular property was developed in 1989 as a feed store, focusing on retail activity, and occupied the facility for approximately six (6) years, then closed; and

WHEREAS, thereafter, the facility was a church, a day care center, a dance academy for many years, and now a mixed use development, principally the Miller Haus, all of which required changes in the governing ordinance on several occasions – the latest in 2018 (for the Miller Haus); and

WHEREAS, the governing ordinance originally approved by St. Louis County has subsequently been amended by the City of Wildwood to address the reuse of the building, while also ensuring any changes that occurred to it, and the property, would be consistent with the Town Center Plan of the City and compatible with the surrounding and emerging residential land use pattern located in proximity to it; and

WHEREAS, the Miller Haus has now been at the location for over one (1) year and is refining its use of the building space and has interest in allowing another existing Town Center Area business to relocate from its current location to this site, which is Patterson Family Farms General Store and Boutique, a specialty retail store and shop; and

WHEREAS, specialty retail stores and shops are identified in the 'Workplace' District of the Town Center Plan's Regulating Plan, and the Permitted Land Use List associated with it, as allowable uses upon properties so designated, if determined appropriate at that specific location; and

WHEREAS, the subject property is designated 'Workplace' District and has been since the adoption of this Town Center Plan in February 1998; and

WHEREAS, the matter was presented to the Planning and Zoning Commission at its November 18, 2019 meeting, where the Department of Planning provided its recommendation report on the request, which was favorable in this regard; and

WHEREAS, after the submittal of this information and discussion of it by the Planning and Zoning Commission, the members agreed to recommend the ordinance be amended for this site to accommodate this business, with all described components, but under the same conditions that had been established by the City for the Miller Haus and its related range of businesses; and

WHEREAS, this recommendation by the Planning and Zoning Commission would preclude the addition of any improvements at the site, thereby ensuring the integration of this new business into the confines of the existing footprint of the building and related grounds, thereby assuming such would minimize impacts associated with it; and

WHEREAS, this matter was then forwarded to the City Council for a public hearing on December 9, 2019, where the Planning and Zoning Commission's recommendation was presented to its members for consideration and review; and

WHEREAS, at this public hearing at City Council, the Director of Planning explained the benefits of these two (2) businesses being at the same location, given their compatibility and complementary natures; and

WHEREAS, after discussion, the City Council agreed the addition of specialty retail stores and shops at this location was reasonable and the Planning and Zoning Commission's analysis and reasons for its support were appropriate and agreed to them as well; and

WHEREAS, with this decision by City Council, it authorized the Department of Planning to prepare the necessary legislation for presentation at the December 9, 2019 meeting; and

WHEREAS, the City Council, under its authority granted by State Statute and City Charter and codes, is empowered to address land uses decisions, so as to protect the public's health, safety, and general welfare, which this action meets.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AS FOLLOWS:

Section One - *Action*. The City of Wildwood Zoning Ordinances and Official Zoning District Maps, which are made a part hereof, are hereby amended by approving changes to existing Amended C-8 Planned Commercial District Ordinance #2352 (Town Center Workplace District) regulations, which are set forth therein for the following described tract of land:

A tract of land in the North Half of the Northwest Quarter of Section 12, Township 44 North, Range 3 East, St. Louis County, Missouri, being the same property conveyed to John Kramer and Diane Dowling by Deed Book 7399 Page 1732, and being more particularly described as: Beginning at an old stone marking the Southeast corner of Lot "A" of the "BOUNDARY ADJUSTMENT PLAT OF LOTS 1 THRU 6 OF GROVER HEIGHTS" (Plat Book 283, Page 34); thence along the Southerly projection of the East line of said Lot "A" South 00 degrees 33 minutes 36 seconds West 200.00 feet to an iron pipe; thence South 89 degrees 55 minutes 03 seconds West 299.66 feet to an iron pipe in the East line of East Avenue, 30 feet wide; thence along said East line of East Avenue North 00 degrees 29 minutes 23 seconds East 200.00 feet to the Southwest corner of the aforesaid Lot "A", from which point an old stone bears South 61 degrees 54 minutes East 0.32 feet; thence leaving said Southwest corner of Lot "A" along the South line of said Lot "A" North 89 degrees 55 minutes 03 seconds East 299.90 feet to the point of beginning and containing 1.3763 acres.

Section Two - *Authority*. The zoning authority and approval embodied in this ordinance is granted subject to compliance with the Subdivision and Development Regulations, Zoning Ordinance, and all other City of Wildwood ordinances, rules, and regulations and the conditions of this ordinance, except as, may be modified herein, upon the requirement the development and approved Site Development Plan are carried out in accordance with the recommendation forwarded to the City Council by the Planning and Zoning Commission within the communication dated November 18, 2019, which is incorporated herein by reference as if fully set forth in this ordinance. The zoning authority granted herein is further subject to the following conditions:

1. PERMITTED USES

- a. The uses permitted by this Amended C-8 Planned Commercial District shall be limited to professional offices, **specialty retail stores and shops**, a coffee shop and bar, and rental space for events, and related accessory activities set forth in the Town Center Plan's 'Workplace District'. Reutilization of the existing residential building shall be limited to professional offices only, but may also be used for one (1) single family dwelling.

2. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS

- a. The permitted building's occupied area shall not exceed 7,000 square feet in gross floor area for use purposes and two (2) building levels. The use of the basement area is limited to the storage of materials only, not to exceed a total of (2,000) square feet of area.
- b. The second floor shall be limited to professional office uses and 1,200 square feet of area. Professional office floor area in the existing residence shall not exceed 940 square feet.
- c. The number of seats associated with the coffee shop and lounge/bar shall be limited to no more than forty-two (42) in total and based upon the provided parking spaces located within the boundaries of the Amended C-8 Planned Commercial District and review and action by the Planning and Zoning Commission upon the Site Development Plan.
- d. The days and hours of operation for the complement of permitted uses intended in Section One of this Ordinance shall be as follows, with any changes in terms of expansion of them requiring a public hearing and action by the Planning and Zoning Commission and City Council, respectively: Monday through Thursday – 6:00 a.m. to 9:00 p.m. and Friday and Saturday 6:00 a.m. to 10:00 p.m., with Sunday hours being limited to 7:00 a.m. to 8:00 p.m.
- e. No area of the exterior of the building, i.e. grounds, as defined by turf or grass, shall be used for a dog park or play area. The business/property owner, or other employee of the operation, must provide daily collection of animal wastes and their disposal in an appropriate waste container located upon the subject site.
- f. Architectural style of the new building shall be reasonably consistent in appearance with the rendering submitted at public hearing and made part of the Letter of Recommendation as Attachment E. The existing architectural character of the residence shall be maintained. All new accessory structures, buildings, and fencing shall comply with the Architectural Guidelines of the Town Center Plan as described.

3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within eighteen (18) months from the date of approval of the preliminary development plan by the City Council and prior to issuance of any building or occupancy permit, the petitioner shall submit to the Planning and Zoning Commission for its review and approval a Site Development Plan. Where due cause is shown by the petitioner, this time interval may be extended through appeal to and approval by the Planning and Zoning Commission. Said Site Development Plans shall include, but not be limited to, the following:

- a. The location and size of all proposed structures, including freestanding business signs.
- b. Existing and proposed contours at two (2) foot intervals.
- c. Location and size of all parking areas, delineating patron parking from vehicle parking.
- d. Roadways and driveways on and adjacent to the property in question, including required roadway right-of-way dedication and pavement widening.
- e. The design, location, and size of all proposed lighting, fences, and trash areas.
- f. A landscape plan, including, but not limited to, the location, size and general type of all plant and other material to be used. All existing trees to be retained and removed shall be identified on the plan.
- g. The owner, operator, or applicant will submit an Amended Site Development Plan, if stacking and the use of the cross-access area of the adjoining property impedes circulation or creates congestion, which indicates the measures to be installed to eliminate the problem. These methods may include, but not be limited to, bollards, striping, signage, and/or removal.
- h. All new deciduous trees shall be a minimum of two (2) inches in caliper. All new evergreens shall be a minimum of six (6) feet in height. All new shrubs shall be a minimum of twenty-four (24) inches in diameter.
- i. Existing vegetation shall be preserved on the site and additional plantings will be required around the detention basin area. The type, amount, size, and location shall adhere to the City of Wildwood's Ordinance 206 Tree Preservation and Restoration Code requirements as specified in the accompanying Tree Manual.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

Building and Structure Setbacks

- a. No new structure, except signs, lights, fences, retaining walls and flag poles, shall be within the following setbacks:
 - (1) Fifty (50) feet from the right-of-way of East Avenue and the northern limits of this Amended C-8 Planned Commercial District.
 - (2) Sixty (60) feet from the eastern and southern limits of this Amended C-8 Planned Commercial District.

Parking, Loading and Internal Drives Setbacks

- b. No new parking space or internal drive, except points of ingress and egress, shall be within the following setbacks:
 - (1) Fifteen (15) feet from the right-of-way of East Avenue, and the eastern and northern limits of this Amended C-8 Planned Commercial District.
 - (2) Sixty (60) feet from the southern limits of this Amended C-8 Planned Commercial District.

Minimum Requirements

- c. Parking requirements for the converted single family residence shall be based on the Town Center requirements [three (3) spaces per 1,000 square feet of gross floor area]. This ratio shall only apply, if the single family residence is utilized for office/commercial purposes. Parking for this property shall be limited to twenty-eight (28) spaces and indicated on an Amended Site Development Plan.

Access

- d. Access to this development from East Avenue shall be limited to one (1) bi-directional driveway and one (1) existing residential driveway, as directed by the Department of Public Works. Access to this development from Rockwood Pointe Court shall be limited to one (1) bi-directional driveway to be constructed as directed by the Department of Public Works. Cross access shall be provided through the site on the main drive aisle between East Avenue and Rockwood Pointe Court.
- e. Commercial vehicles shall be limited to the use of the East Avenue access only.

Road Improvements and Sidewalks

- f. Improve East Avenue to one-half of a fifty (50) foot right-of-way and a twenty-six (26) foot pavement, minimum twenty (20) foot pavement, including all storm drainage facilities as directed by the Department of Public Works.
- g. Provide a sidewalk adjacent to East Avenue, or provide the finish grading therefore and required cash escrow as directed by the Department of Public Works.

Landscape Requirements

- h. Either as part of the development plan or on a separate drawing to be reviewed as part of said plan, the developer shall submit a landscape plan to comply with the following:

- (1) All new deciduous trees shall be a minimum of one and one-half (1 1/2) inches in caliper, except the Department of Planning may approve ornamental trees of a minimum of one and one-half (1 1/2) inches in caliper. All new evergreen trees shall be a minimum of four (4) feet in height. All new shrubs shall be a minimum of eighteen (18) inches in diameter.
- (2) Special attention shall be given to retain as many existing mature trees as possible.

Signs

- i. The location, size, and design of all freestanding signs shall be as approved by the Planning Commission on the Site Development Plan.
- j. One (1) wall sign and one (1) monument type business sign shall be permitted in accord with the regulations of the City of Wildwood's Zoning Ordinance, as they pertain to the C-2 Shopping District. However, the maximum size of the monument sign shall be limited to no greater than thirty (30) square feet in overall area. Lighting used in conjunction with the signage shall be from external sources only, ground mounted, and timed to shut off at 10:00 p.m. and not turn on before 7:00 a.m. each day.
- k. No advertising signs shall be permitted in this development. All other signs shall comply with Chapter 415 Zoning Ordinance of the City of Wildwood – Section 415.420 Sign Regulations for all "C" and "M" Districts.

Lighting Requirements

- l. The location, size and design of all lighting standards shall be as approved by the Planning and Zoning Commission on the Site Development Plan. In addition, no on-site illumination source shall exceed sixteen (16) feet in height or be so situated that light is cast directly on adjoining properties or public roadways.

Miscellaneous

- m. All exterior trash areas shall be enclosed with a six (6) foot high sight-proof fence and their location shall be as approved on the Site Development Plan. Prior to the issuance of any occupancy permits, the existing trash enclosure shall be repaired, and the building condition improved by resurfacing or patching and painting, respectively.
- n. Parking, circulation, and other applicable site design features shall comply with Chapter 1101, Section 512.4 "Physically Handicapped and Aged" of the S.L.C.R.O. 1974, as amended.
- o. All rooftop mechanical equipment on buildings shall be adequately screened, as approved by the Planning and Zoning Commission on the Site Development Plan.

- p. Submit architectural elevations to the Architectural Review Board of the City for review and action regarding any new structure or building and/or addition that is to be located within the boundaries of this Amended C-8 Planned Commercial District.
- q. The hours of operation for the professional offices in the secondary building shall be 7:00 a.m. to 7:00 p.m., seven (7) days a week.
- r. The operator of any food service facility located within this building shall comply with all St. Louis County Department of Health Code requirements and standards and provide verification of such to the City of Wildwood, prior to the building's final occupancy.
- s. The operator of the lounge/bar shall comply with all State of Missouri, St. Louis County, and City of Wildwood requirements and standards relating to the sale and dispensing of liquor at this location and provide verification of such to the City of Wildwood, prior to the building's final occupancy. Sale of alcoholic beverages shall be by the drink and terminate a minimum of thirty (30) minutes prior to the established closing time of the facility for that day. An annual report shall be provided to City Council for its review and discussion by the Department of Planning regarding the lounge/bar's compliance to City requirements and responses to any comments received on the same from the general public, except for the businesses' first year of operation. During this first year of operation, the Department shall provide the aforementioned report to City Council at its last meeting prior to December 31, 2018.
- t. Trash pickup shall not occur before 7:00 a.m. in the mornings or after 6:00 p.m. in the evenings, seven (7) days per week. No overnight staging of trucks or delivery vehicles shall be allowed.

5. TRAFFIC GENERATION ASSESSMENT

The developer shall contribute to the East Area Corridor Traffic Generation Assessment Road Trust Fund established by Chapter 140 of the City's Codified Ordinances. This contribution shall not exceed an amount established by multiplying the proposed parking spaces by the following rate schedule.

Type of Development	Required Contribution
General Offices	\$758.82/Parking Space
Shopping Centers (Retail)	\$2,276.60/Parking Space
High Turnover Sit Down Restaurant	\$374.94 /Parking Space
Loading Space	\$3,725.36/Loading Space

(Parking space as required by Section 1003.165 of the City of Wildwood Zoning Ordinance.)

If types of development proposed differ from those listed, rates shall be provided by the

Department of Planning.

As this development is located within a trust fund area established by the City of Wildwood, any portion of the Traffic Generation Assessment contribution, which remains, following completion of road improvements required by the development shall be retained in the appropriate trust fund.

The amount of this required contribution, if not submitted by January 1, 2019, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the City of Wildwood Department of Public Works.

6. VERIFICATION PRIOR TO SITE DEVELOPMENT PLAN APPROVAL

Prior to the approval of the Site Development Plan the petitioner shall:

Stormwater

- a. Submit to the Planning and Zoning Commission a preliminary engineering plan approved by the Department of Public Works showing that adequate handling of the stormwater drainage of the site is provided.
 - (1) The developer is required to provide adequate stormwater systems in accordance with City of Wildwood and MSD Standards.
 - (2) All stormwater shall be discharged at an adequate natural discharge point.

Road Improvements and Curb Cuts

- b. Provide verification of approval by the Department of Public Works of the location of proposed curb cuts, areas of new dedication, and roadway improvements.

7. RECORDING

Within sixty (60) days of approval of any Site Development Plan by the Planning and Zoning Commission, the approved plan shall be recorded with the St. Louis County Recorder of Deeds.

8. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of the Site Development Plan and prior to the Issuance of any building permit, the developer shall provide the following:

Landscape Bonds or Escrows

- a. If the estimated cost of new landscaping indicated on the Site Development Plan as required by the Planning and Zoning Commission exceeds an estimated cost of one

thousand (\$1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping.

Notification to the Department of Public Works

- b. Prior to the issuance of foundation or building permits, all approvals from the Department of Public Works and the Metropolitan St. Louis Sewer District must be received by the Department of Planning.

Trust Fund Contribution

- c. Trust fund contribution shall be deposited with City of Wildwood through standard escrow procedure prior to the issuance of building permits. The trust fund contribution shall be deposited with City of Wildwood in the form of a cash escrow.

9. VERIFICATION PRIOR TO OCCUPANCY PERMITS

- a. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

10. GENERAL DEVELOPMENT CONDITIONS

- a. Adequate temporary off-street parking for construction employees shall be provided. Parking on non-surfaced areas should be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
- b. A grading permit is required prior to any grading on the site. No change in watershed shall be permitted.
- c. Interim stormwater drainage control, in the form of siltation control measures, is required.
- d. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.
- e. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as Rye or Sudan Grasses shall be utilized to retard erosion.

- f. The Code Enforcement Officer of City of Wildwood, Missouri, shall enforce the conditions of this ordinance in accord with the Site Development Plan approved by the Planning and Zoning Commission, including property maintenance components.

Section Three - Savings. Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

Section Four - Severability. If any term, condition, or provision of this Ordinance shall, to any extent, be held invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision, which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Section Five - Force and Effect. This ordinance shall be in full force and effect on and after its passage and approval.

This Bill was passed and approved this 9th day of December, 2019 by the Council of the City of Wildwood, Missouri after having been read by title, or in full, two (2) times prior to its passage.



Presiding Officer



The Honorable James R. Bowlin, Mayor

ATTEST:



Jessica Stirminger, City Clerk



Jessica Stirminger, City Clerk