Recommendation of Planning Commission

BILL NO. 3647

ORDINANCE NO. 2012-3587

AN ORDINANCE ENACTING A CONDITIONAL USE PERMIT AUTHORIZING OUTDOOR STORAGE RELATED TO A GARAGE DOOR INSTALLATION CONTRACTOR AT 12046 LACKLAND ROAD
(Petition of EEN Real Estate, Inc.)

WHEREAS, a Public Hearing was held before the Planning Commission regarding the proposed Conditional Use Permit contained in this Ordinance; and

WHEREAS, the Planning Commission has determined that the proposed development is in general conformance with the goals of the Comprehensive Plan of the City of Maryland Heights; and

WHEREAS, the Planning Commission has determined that the proposed use satisfies the criteria for conditional uses as set forth in the Zoning Code of the City of Maryland Heights; and

WHEREAS, the Planning Commission has recommended approval of the conditions contained in this Ordinance; and

WHEREAS, the City Council has reviewed the recommendation of the Planning Commission and has determined that the Conditional Use Permit is appropriate.

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

Section 1: A Conditional Use Permit is approved for real estate in the City of Maryland Heights in the “M-1” Office, Service, and Light Manufacturing District for a 4.22 acre parcel of land located at 12046 Lackland Road with a legal description as follows:

A tract of land being part of U.S. Survey 1312, in Township 46 North, Range 5 East of the Fifth Principal Meridian in the City of Maryland Heights, St. Louis County, Missouri and being more particularly described as follows:

BEGINNING at the intersection of the southern line of a tract of land described in a deed to The State of Missouri as recorded in Deed Book 7049, Page 202 of the St. Louis County Records with the Eastern line of a tract of land described in a deed to Boise Cascade Office Products Corporation as recorded in Deed Book 10619, Page 1787 of said St. Louis County Records; thence along the eastern line of said Boise Cascade tract South 01 degrees 33 minutes 30 seconds East, a distance of 269.95 feet to an iron pipe at the southwest corner of a tract of land described as Parcel 2 in a deed to Macquorn R. Forrester Revocable Trust as recorded in Deed Book 19094, Page 3903 of said records; thence along the southern line of said tract North 80 degrees 50 minutes 00 seconds East, a distance of 134.20 feet to an Iron Pipe at the Southeast corner of said Parcel 2; thence along the Western line of Parcel 1 of said Macquorn R. Forrester Revocable Trust tract South 01 degrees 33 minutes 30 seconds East, a distance of 318.20 feet to the North line of Wehrle’s Private Road; thence along said North line North 73 degrees 27 minutes 10 seconds West, a distance of 517.10 feet to the Southeast corner of a tract of land described in a deed to HT Realty LLC as recorded in Deed Book 14116, Page 674 of the aforesaid Records; thence along the East line of said HT Realty tract North 10 degrees 21 minutes 09 seconds East, a distance of 380.48 feet to the aforesaid Southern line of the State of Missouri Tract; thence along said Southern line North 80 degrees 50 minutes 00 seconds East, a distance of 282.44 feet to the Point of Beginning and containing 183,335 square feet or 4.208 acres as per a survey performed by Stock & Associates Consulting Engineers, Inc during December, 2011.

Section 2: The Conditional Use Permit is granted subject to all rules and regulations and to conditions set forth for the property described in Section 1 as follows:
I. PERMITTED USES

A. All permitted land uses in the “M-1” Office, Service, and Light Manufacturing District.

B. Outdoor Storage of Materials and Equipment (LUC #23885) related to a Garage Door Installation Contractor (LUC #23829) shall be permitted, subject to the limitations set forth in this ordinance.

II. PLAN SUBMITTAL REQUIREMENTS

Within ninety (90) days of the date of approval of the Conditional Use Permit Ordinance by the City Council, and prior to any permit for outdoor storage, the applicant shall submit to the City Planner for review and approval a Final Site Plan. Where due cause is shown by the applicant, the time interval may be extended by the City Planner. Said Plan shall include, but not be limited to the following:

A. North arrow and scale.

B. Location of all existing and proposed structures relative to property lines.

C. Location of all parking spaces relative to property lines.

D. Location of all streets abutting the site, internal roadways or drive aisles, parking areas and vehicle storage areas, and rights-of-way curb cuts or other designated access points.

E. Existing and proposed contours at vertical intervals of not more than two (2) feet referred to sea level datum.

F. Existing and proposed landscaping.

G. Existing and proposed walls and fencing.

H. Stormwater management facilities.

I. Parking calculations.


III. SPECIFIC DEVELOPMENT REQUIREMENTS

A. Structure Setbacks - Any new structure, except dumpster enclosures, fences, retaining walls, light standards, signage or other structures as otherwise approved by the Planning Commission shall be in accordance with the Yard Requirements, of the “M-1” Office, Service, and Light Manufacturing District.

B. Access - Access to this site shall be provided via the two (2) existing access points from Lackland Road.

C. Parking

1. Parking shall be in accordance with Article 14, Parking and Loading Regulations, of the Zoning Code. However, the number of required parking spaces for the garage door installation contractor shall be 4 spaces per 1,000 square feet of floor area devoted to office use, plus 0.5 spaces per 1,000 square feet of floor area devoted to warehousing and storage use.
2. The outside storage or parking of vehicles unrelated to the permitted uses on the site shall be prohibited.

D. **Loading** - Required off-street loading spaces shall be provided in accordance with the provisions of Article 14, Parking and Loading Regulations, of the Zoning Code.

E. **Lighting** - All new or replacement lighting shall be erected in accordance with the provisions of Article 18, Lighting Design Standards, of the Zoning Code.

F. **Signs** - All new or replacement signs shall be erected in accordance Article 15, Sign Regulations, of the Zoning Code.

G. **Stormwater and Sanitary Sewers**

1. Adequate provisions shall be made for the disposal of stormwater, in accordance with the specifications and standards of the Metropolitan St. Louis Sewer District and the City of Maryland Heights.

2. Sanitary sewer facilities shall be provided in accordance with the requirements of the Metropolitan St. Louis Sewer District and the City of Maryland Heights.

H. **Landscaping**

1. A landscape plan showing all existing and proposed landscaping shall be submitted for review and approval as part of the Final Site Plan.

2. Unless otherwise noted, all proposed landscaping shall meet the size and height requirements of Section 25-16.16.C, Plant Materials, of the Zoning Code.

3. The front (north) face of the building shall be landscaped in accordance with Section 25-16.9, Landscape Requirements for Building Perimeter, of the Zoning Code.

4. A nine (9) foot wide landscape planting strip shall be required south of the parking, loading, and storage area at a location approved on the Final Site Plan. This strip shall be planted with evergreen trees, seven (7) feet in height at installation, planted ten (10) feet on center.

5. One (1) plant unit per forty (40) lineal feet shall be required along the north and east sides of the fenced parking, loading, and storage area.

6. Credit for existing plant material that is in acceptable condition shall be permitted subject to the review and approval of the City Planner.

I. **Dumpsters and Recycling Containers** – All dumpsters and recycling containers shall be located within the screened area described in Section 2.IV.C.1 of this ordinance.

### IV. USE LIMITATIONS

Outdoor storage of materials and equipment shall be limited as follows:

A. Outdoor storage shall be limited to that related to a garage door installation contractor. Outdoor storage related to any other use shall require an amendment to this ordinance.
B. Outdoor storage shall be confined to a six hundred (600) square foot area located in the southeast portion of the site as shown and approved on the Final Site Plan. Any future expansion of this area shall be subject to the review and approval of the Planning Commission.

C. Outdoor storage shall be screened as follows:
   1. The perimeter of the southeastern parking, loading, and storage area shall be fully enclosed by the exterior walls of the building and an eight (8) foot chain link fence with slats; and
   2. The design and specifications of the fence and slats shall be approved on the Final Site Plan.
   3. Landscaping in accordance with Section 2.III.H, Landscaping, of this ordinance shall be required to mitigate the visual impacts of the parking, loading, and storage area on the public right-of-way and adjoining properties.

D. Storage racks are permitted within the outdoor storage area provided that they are limited to a maximum height of fourteen (14) feet with material stored no higher than ten (10) feet.

V. GENERAL LIMITATIONS

A. Penalties for failure to submit a Final Site Plan, noncompliance, and abandonment shall be governed by Section 25-5.17, Time Limit of Conditional Use Permit.

B. In the event of a disagreement between any owner/operator and the City Planner as to whether the use of the site meets the criteria or conditions set forth in this ordinance, such disagreement shall be submitted to the Planning Commission for recommendation to the City Council, which shall make the decision on such disagreement, provided the Developer shall have the right to appeal such decision pursuant to Article 9, Board of Adjustment, of the Zoning Code and to pursue any other available legal or equitable remedy.

VI. MAINTENANCE

A. The building and site shall be maintained in accordance with the Property Maintenance Code.

B. The existing landscaped areas shall be maintained in accordance with landscaping delineated on the Final Site Plan. Plant materials shall be replaced or replanted as determined by annual inspection of the site by the City Planner or his assigns.

VII. MISCELLANEOUS

A. Every use, activity, process or operation on the site shall comply with the performance standards prescribed in Article 17, Environmental Standards, of the Zoning Code.

B. No new business license or occupancy permit for the conditional use(s) permitted herein shall be approved in connection with a change of owner/operator or expansion without verification by the City Planner that the use of the site will continue to meet the conditions of Section 25-5.8, Burden of Proof, of the Zoning Code.
Section 3: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED BY THE CITY COUNCIL THIS 19th DAY OF JANUARY 2012.

[Signature]
MAYOR/PRESIDING OFFICER

APPROVED BY THE MAYOR THIS 19th DAY OF JANUARY 2012.

[Signature]
MAYOR

ATTEST:

[Signature]
CITY CLERK