



REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS

APPLICATION NUMBER PDP19-0002

APPLICATION (PROJECT) NAME THE FLATS AT DORSETT RIDGE

APPLICANT NAME The Flats at Dorsett Ridge, LLC
PO Box 11704, St. Louis, MO 63105

PROPERTY OWNER NAME NO 10, LLC
11555 Concord Village Ave., St. Louis, MO 63128

APPLICANT'S REQUEST Amendments to Planned District Ordinance 2018-4367, which allows multi-family residential at 12545 Dorsett Road

SITE LOCATION North side of Dorsett Road between McKelvey Road and Pheasant Run Drive

STREET ADDRESS 12545 DORSETT ROAD

PARCEL/LOCATOR NUMBER 140440470

EXISTING ZONING DISTRICT PD-R Planned District Residential

TOTAL SITE AREA 4.75 acres

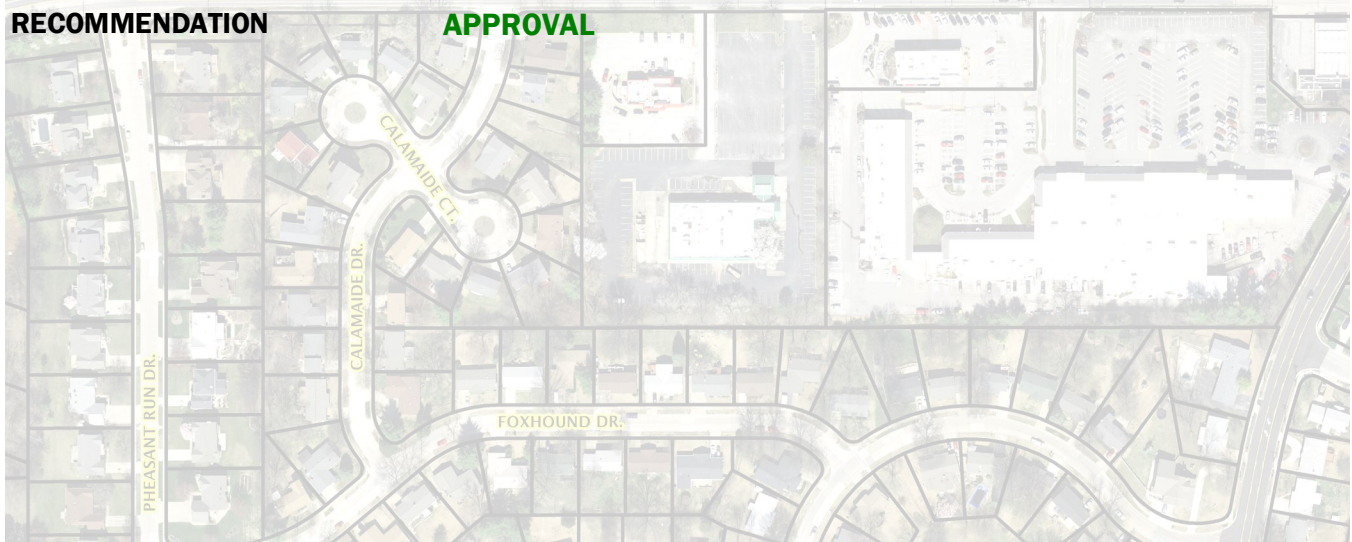
PLANNING AREA WEST RESIDENTIAL PLANNING AREA

PUBLIC HEARING August 13 & 27, 2019

REPORT ISSUED August 22, 2019

CASE MANAGER Hilary Perkins, AICP

RECOMMENDATION **APPROVAL**



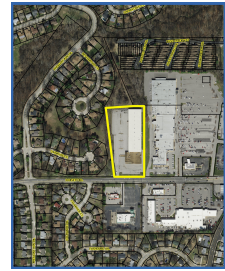


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DESCRIPTION OF EXISTING SITE CONDITIONS

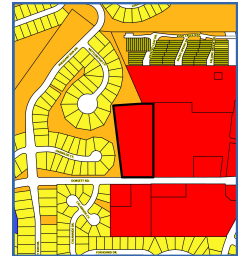
The site is a 4.75 acre tract located on the north side of Dorsett Road, between McKelvey Road and Pheasant Run Drive. According to County records, the building was constructed in 1976 and is a total of 71,600 square feet in area. It has been vacant for several years but was previously used as a fitness and recreational sports center.



REFER TO FIGURE 1

NEIGHBORHOOD CONDITIONS/LAND USE

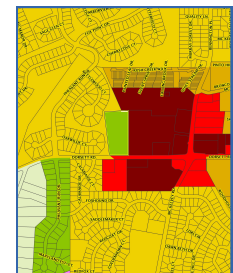
Abutting the site to the west and northwest are common ground and single-family dwellings in the Pheasant Run subdivision. Abutting the site to the northeast and east is Dorsett Village shopping center. South of the site, across Dorsett Road, are a fast food restaurant with drive-through (Arby's) and a full service restaurant (Casa Juarez Mexican Town).



REFER TO FIGURE 2

ZONING CONTEXT

The subject site and properties directly south, across Dorsett Road, are zoned C-2 General Commercial District. Residential development to the north and west is zoned R-5 Single-Family Residential. Dorsett Village and Dorsett Square shopping centers are zoned PDC Planned District Commercial. In 2018 the site was rezoned to PDR Planned District Residential, to be redeveloped as an apartment building.



REFER TO FIGURE 3

REFER TO APPENDIX—SUPPLEMENTAL MAPS AND EXHIBITS



EXISTING CONDITIONS MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Common ground; single-family dwellings	"R-5"	Pheasant Run
East	Dorsett Village shopping center	"PDC"	
South	Fast food restaurant and full-service restaurant	"C-2"	Arby's and Casa Juarez Mexican Town (across Dorsett Road)
West	Common ground; single-family dwellings	"R-5"	Pheasant Run

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BACKGROUND

The fitness and recreational sports center use was established in 1975 by a St. Louis County Planned Commercial District. The governing ordinance permitted a private indoor health and exercise recreation facility and the building was constructed and operated under this ordinance. Upon incorporation of the Maryland Heights Zoning Code, the site was zoned C-2 General Commercial District. As the use remained in place, the City honored the County ordinance rather than requiring a Conditional Use Permit under its new Zoning Code.

In 2014, Mavericks Athletic Center requested to establish a basketball training academy which included tournament play. This expansion beyond the use permitted by the County ordinance (a public facility versus a private club) required the proposed uses to be brought into compliance with the Maryland Heights Zoning Code via a Conditional Use Permit. The City Council ultimately approved the request via adoption of Conditional Use Permit Ordinance 2014-3875. However, this use of the property never materialized.

In 2015, the property owner applied for a rezoning to MXD Mixed Use District to convert a portion of the existing building to a self-storage facility and construct a new retail center on the southern portion of the property. The Planning Commission denied the Conceptual Development Plan on the basis that the request was inconsistent with the Comprehensive Plan and that self storage, a light industrial use, was inappropriate at this location.

In 2017, the property owner requested a rezoning to PDC Planned District Commercial to subdivide the property in order to permit the reuse of the rear portion of the building for a basketball training academy and to construct a new retail center in place of the two-story portion of the existing building. The Planning Commission recommended approval of the request, but the applicant withdrew the application prior to City Council adoption of an ordinance. Consequently, the zoning of the site remains C-2 General Commercial District. A zoning map is included as Figure 3 in the appendix.

In 2018, Alps Acquisition submitted a Conceptual Development Plan to begin the Planned District rezoning process. The request was to demolish the existing structure and regrade the site to construct a five-story apartment building. The first floor was to consist of a parking garage. The remaining four floors were to provide approximately 212 "luxury" apartment units. Amenities included a clubhouse, courtyards, pool, fitness area, coffee bar, and dog park. A total of 360 parking spaces were shown between the garage and surface lots. Subsequent to the public hearing, and in response to the Planning Commission's comments, the applicant submitted a revised plan showing a four-story building with a first floor garage. The Planning Commission approved the revised Conceptual Development Plan and requested that the applicant submit a Preliminary Development Plan addressing concerns over building height, parking, traffic, and landscape screening. The Commission recommended approval of the applicant's Preliminary Development Plan and ultimately, City Council adopted Ordinance 2018-4367, approving the request.

In November 2018, at the then property owner's request, the City granted a one year extension to file a Final Development Plan. It is staff's understanding that the developer and the then property owner were unable to come to an agreement regarding the sale of the property and negotiations ceased.



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REQUEST

The Flats at Dorsett Ridge, LLC has submitted their Preliminary Development Plan for review and approval. Portions of the submittal are included in the appendix of this report. The applicant is requesting amendments to Planned District Ordinance 2018-4367, which allowed for a similar apartment building on this property. The modification includes six additional units (218 v 212), structured parking at the rear (instead of internal to the structure), and a 70' setback on the southwest corner of the building (versus 80'). 321 garage parking and 69 surface parking spaces are proposed, for a total of 390 spaces. The proposed landscaping plan slightly exceeds the City's required points. Given the similar nature of the apartment building, a new traffic impact study is not required.

The unit mix includes 20 studios, 148 one bedroom, 47 two bedroom, and three three bedroom units.

Other changes from the previously approved plan include a realignment of the entrance drive and no balconies on the western side of the building.



ANALYSIS

As with the previous analysis, the project represents the redevelopment of a functionally obsolete building which has remained vacant for quite some time. The multi-family residential use is typically viewed as an acceptable transition between commercial development and single-family residential development.

The change in the setback on the southwest corner of the proposed building is not viewed as a significant change to the overall building or site design. Further, the additional six units and the change in location for the parking garage also do not represent a meaningful change to the previously approved plan.

Further, the proposed project remains consistent with the permitted and accessory uses, building design, access and parking, landscaping and screening, and lighting and signs as discussed in the previous Alps Acquisition Preliminary Development Plan.

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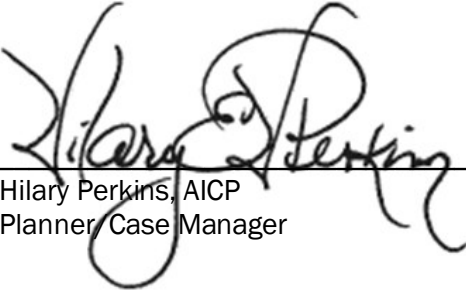
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FINDINGS AND RECOMMENDATION

The City Planner finds that the proposed development is consistent with the previously approved PDR Planned District Residential ordinance 2018-4362 at 12545 Dorsett Road. The addition of six apartment units, the change in the location of the structured parking, and the loss of ten feet of building setback on the southwest corner of the structure does not impact the overall vision and context of the previously approved plan.

RECOMMENDATION

The City Planner recommends that modification to PDP2018-0002 be approved via adoption of the attached draft ordinance.



Hilary Perkins, AICP
Planner, Case Manager

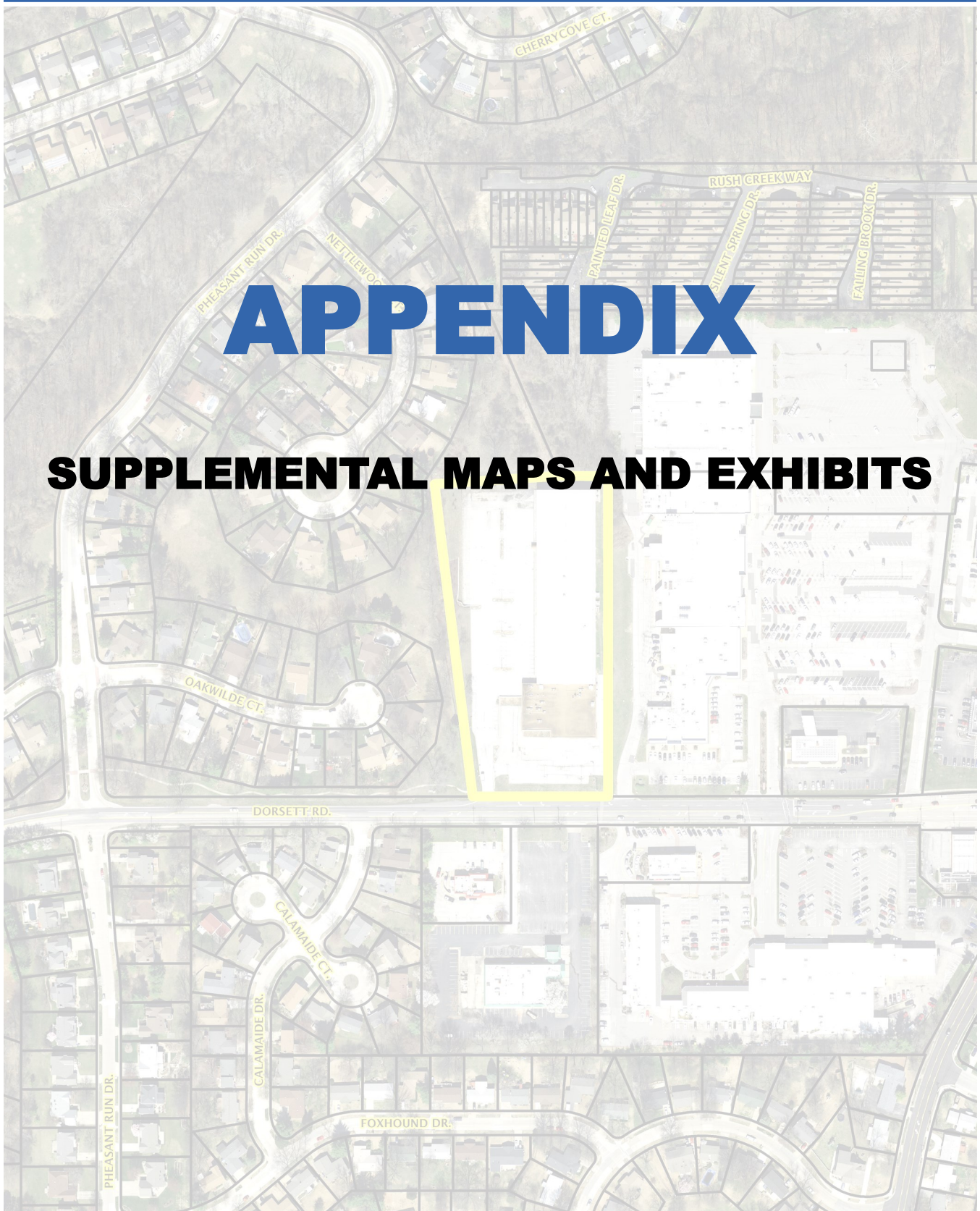


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APPENDIX

SUPPLEMENTAL MAPS AND EXHIBITS



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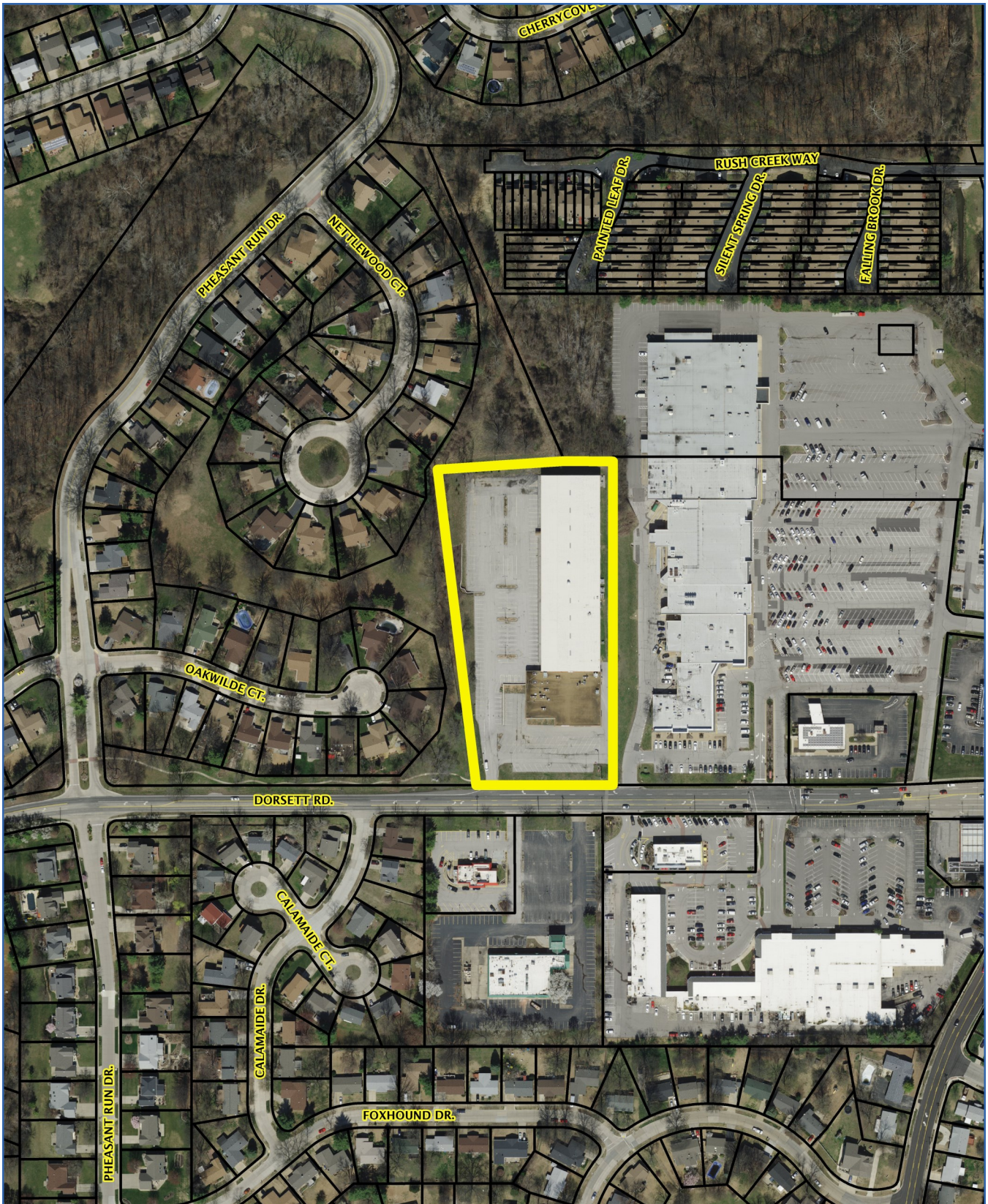


FIGURE 1: AERIAL PHOTOGRAPH



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 AGRICULTURAL	 INDUSTRIAL	 RESIDENTIAL (MFD)	 UTILITY
 BUSINESS	 INSTITUTIONAL	 RESIDENTIAL (SFD)	 VACANT LAND
 COMMERCIAL	 RECREATIONAL	 TRANSPORTATION	

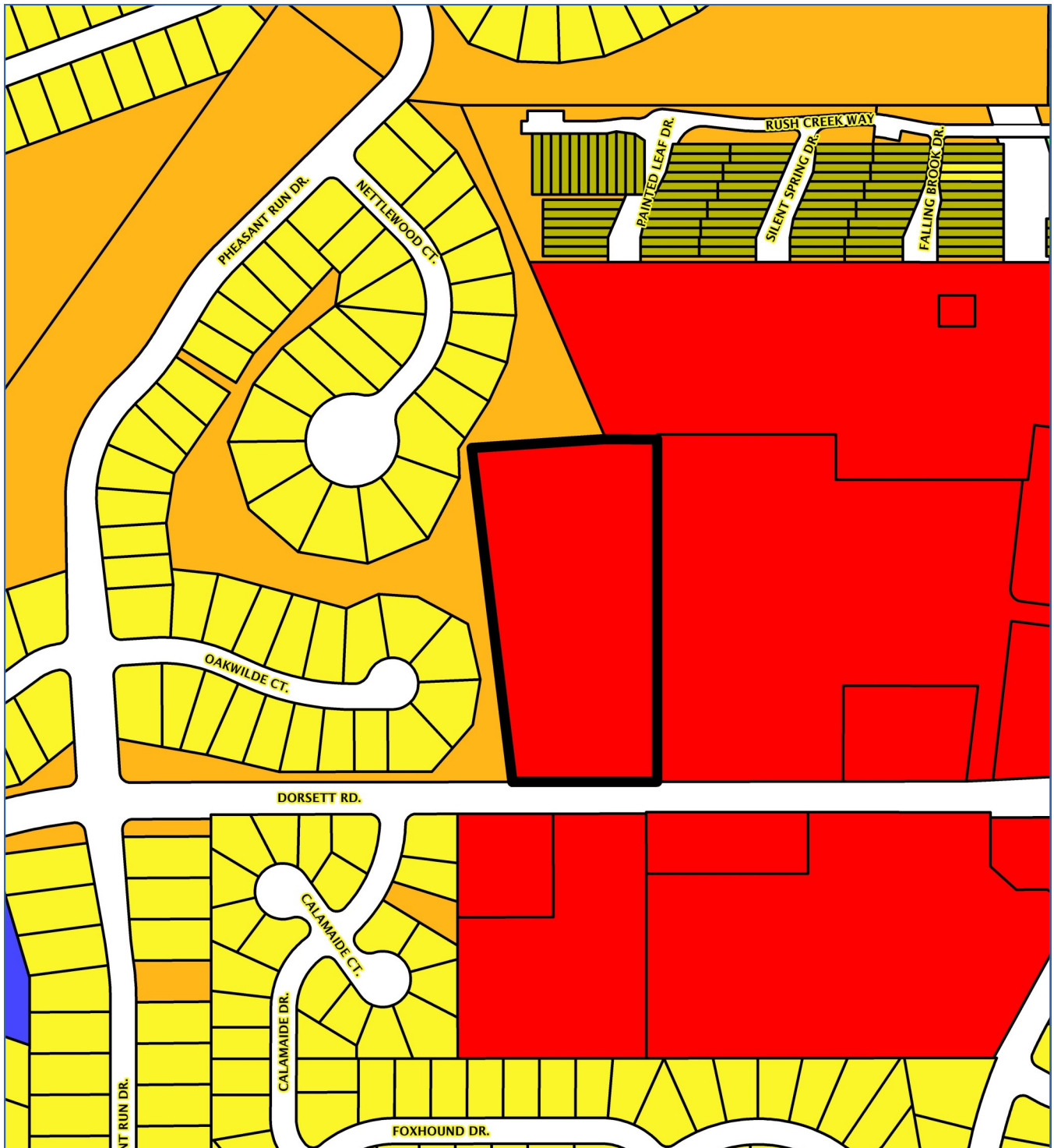


FIGURE 2: EXISTING LAND USE PATTERN

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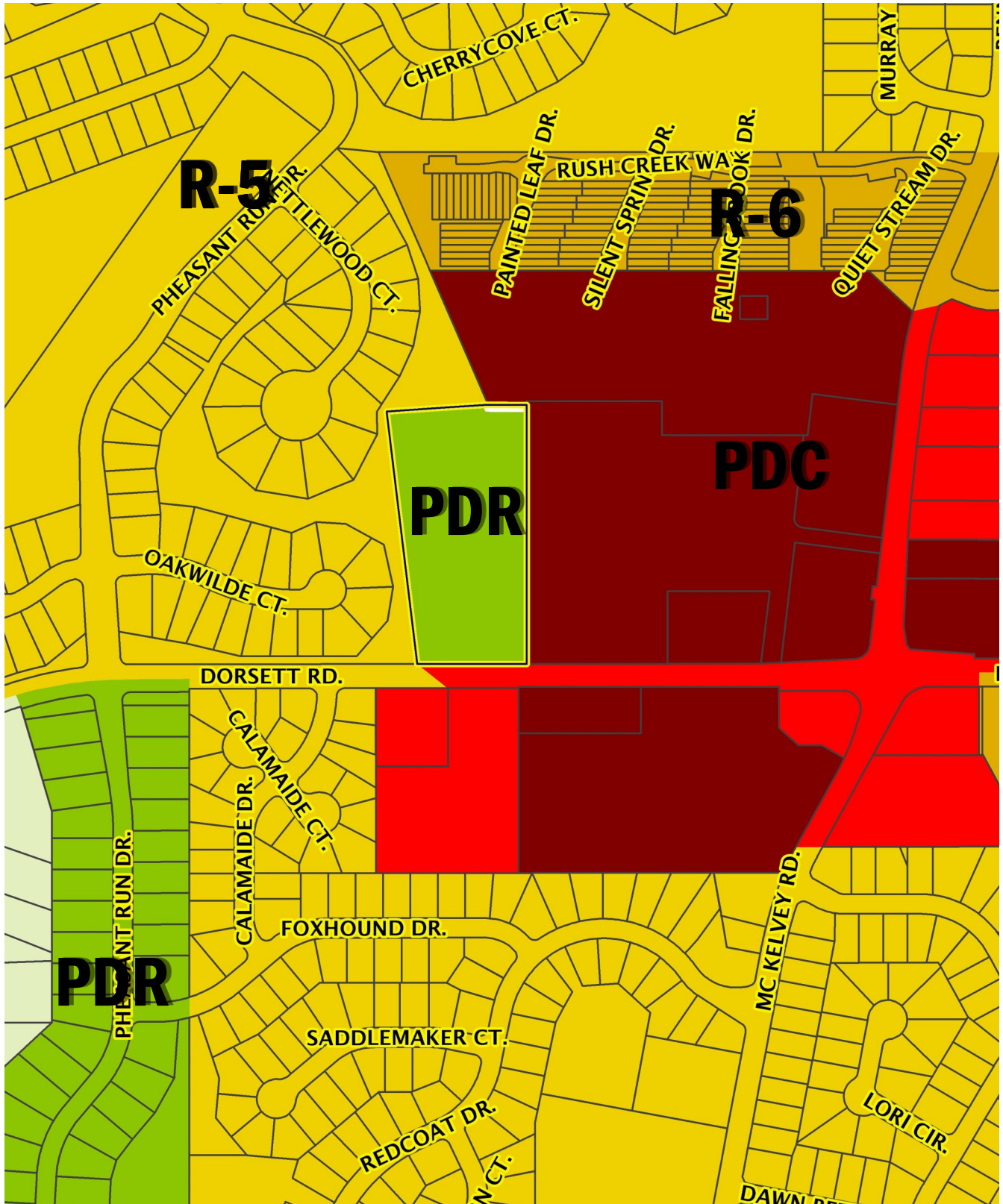


FIGURE 3: ZONING MAP



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2921 OLIVE STREET
St. Louis, MO 63103
P 314.241.5151
F 314.241.9837
remigerdesign.com

Project Narrative

12545 Dorsett RD
Maryland Heights, Missouri

The proposed development at 12545 Dorsett Road redevelops the existing 4.78 acre lot into a four-story wood-framed, luxury, multi-family building, and a 3-1/2 level structured parking garage. The plan calls for the removal of the existing prefabricated metal building, a reduction in the amount of impervious surface and an increase in landscaping. The design calls for approximately 218 luxury apartments and 382 parking spaces.

The development is designed to be contextual by responding to the existing site conditions. The mass of the building is held back from the single-family homes to the West, as far as possible, and transitions down the hillside towards Dorsett Road. This form creates a welcoming entry from Dorsett Road as well as maximizing the views towards the East. The parking garage is aligned in the East/West direction and located on the North end of the lot adjacent to the existing storm water detention pond. This position and orientation help conceal the garage and minimizes the views of the garage from both the East and West neighbors. Balconies have been removed from the units nearest the single-family homes. There are no rooftop terraces and residents will not be able to access the roof.

The design utilizes fiber cement siding, brick and metal panel to create suburban, yet sophisticated, timeless exterior. Creative use of form and material helps bring a sense of scale to the building by organizing the mass into smaller, residential forms. Residents and visitors enter the property via the Dorsett Road entry drive and are greeted by stone veneer feature wall that retains the roundabout at the main entry. Most of the residents will park in the parking garage and ample surface parking is provided for visitors and deliveries. Building, site, and garage lighting will be designed to reduce glare and provide safety. Extensive landscaping along the West property line provides screening of the development from the single-family homes as well as increasing the amount of pervious area and overall beautification.

Project amenities will include a luxury pool, dog park, dog washing station, fitness center with yoga room, workshare space, lounge, and more. Unit floor plans have been carefully designed to generate efficiency within units and space maximization.

The majority of comparable apartments in the market are significantly older. Flats at Dorsett Ridge presents the opportunity to provide a new product with levels of finish and designs that are more appealing to today's renter.

Communications with Agencies

The owner and design team have had preliminary in-take meetings with City of Maryland Heights officials from Planning and Zoning, Building and Community Development. The design team has met with the Fire Marshall from the Maryland Heights Fire Protection District regarding fire safety. The design team has also been in communication with MSD and Ameren regarding site utilities.

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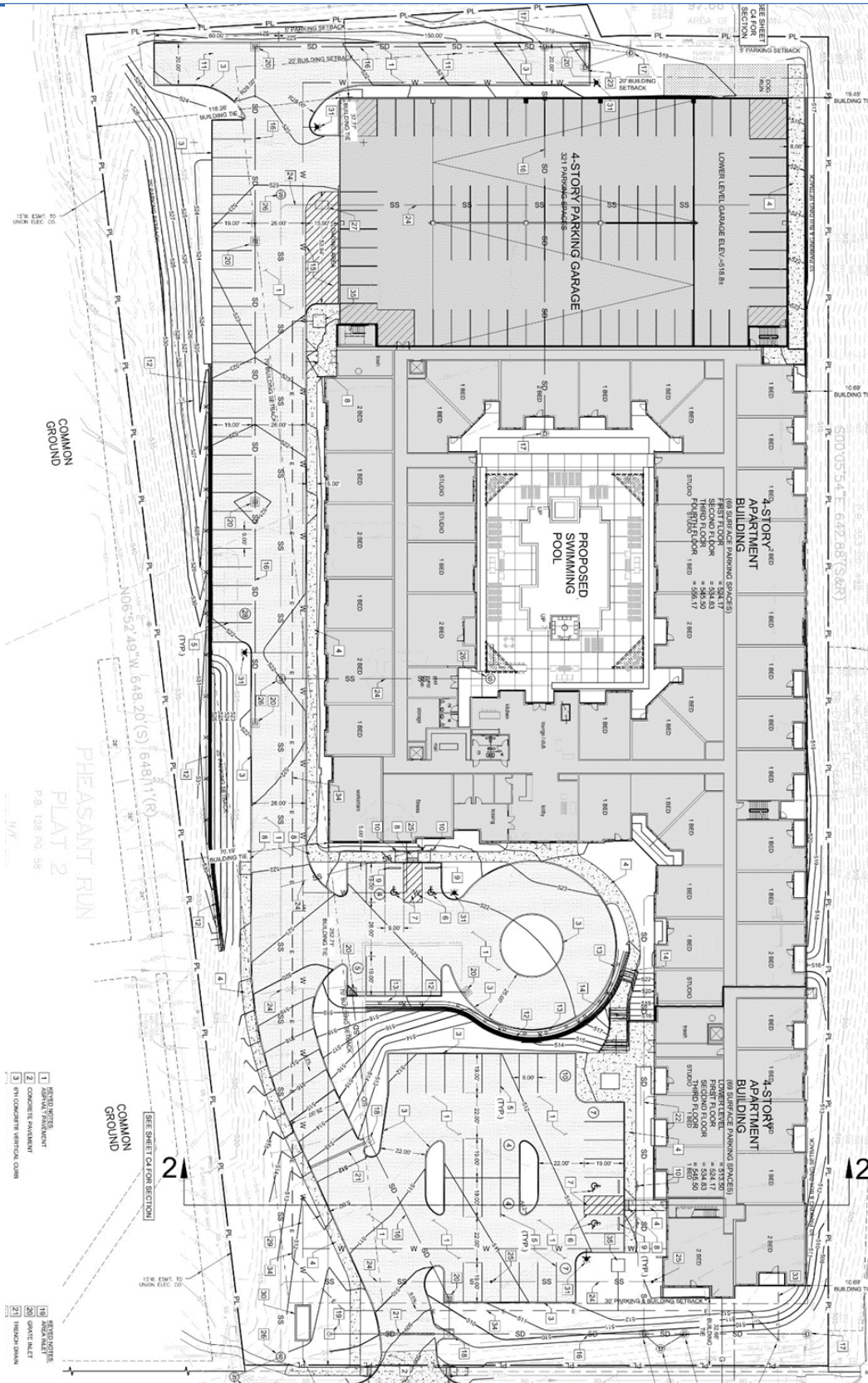


EXHIBIT B: SITE PLAN



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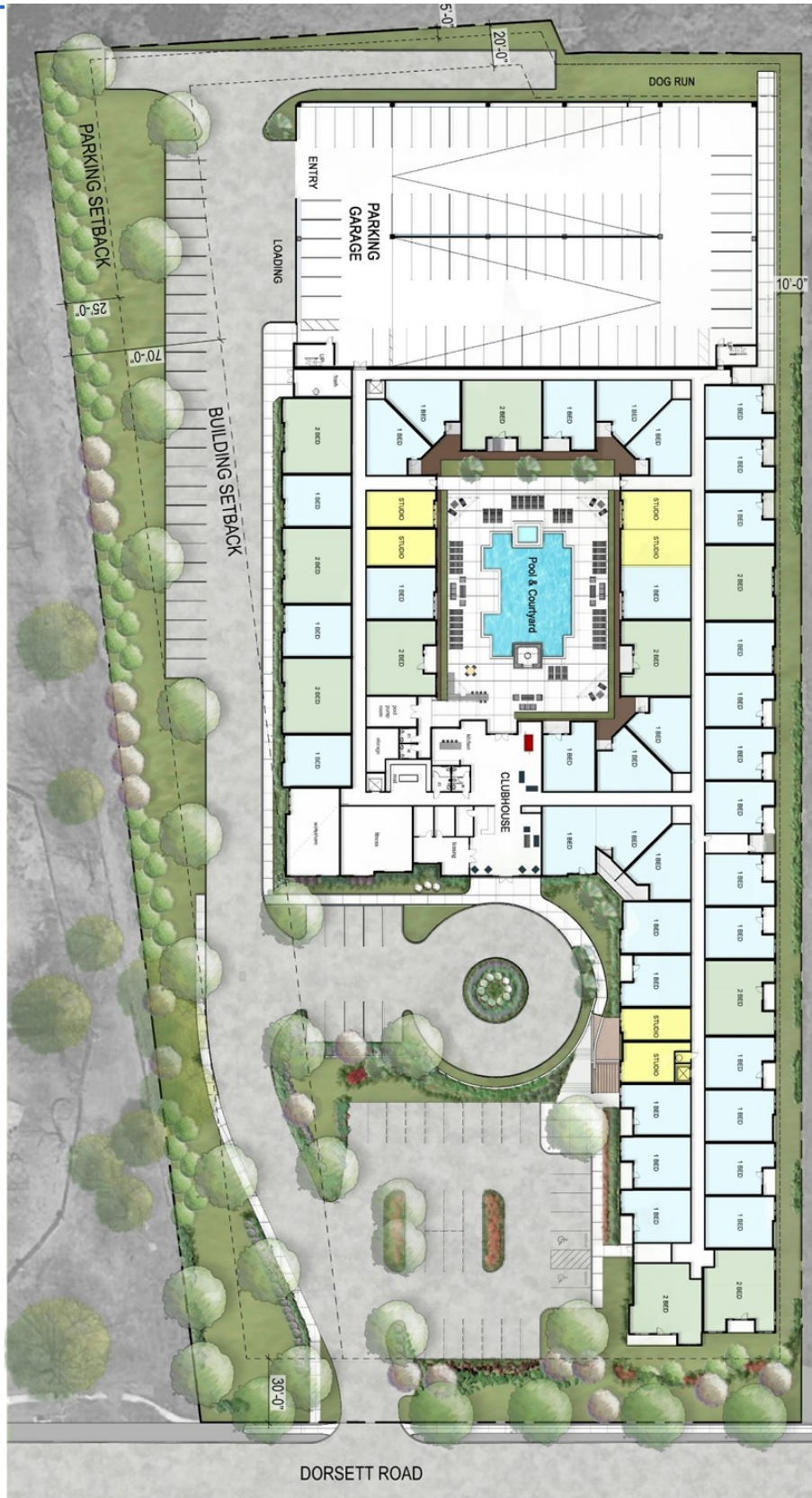
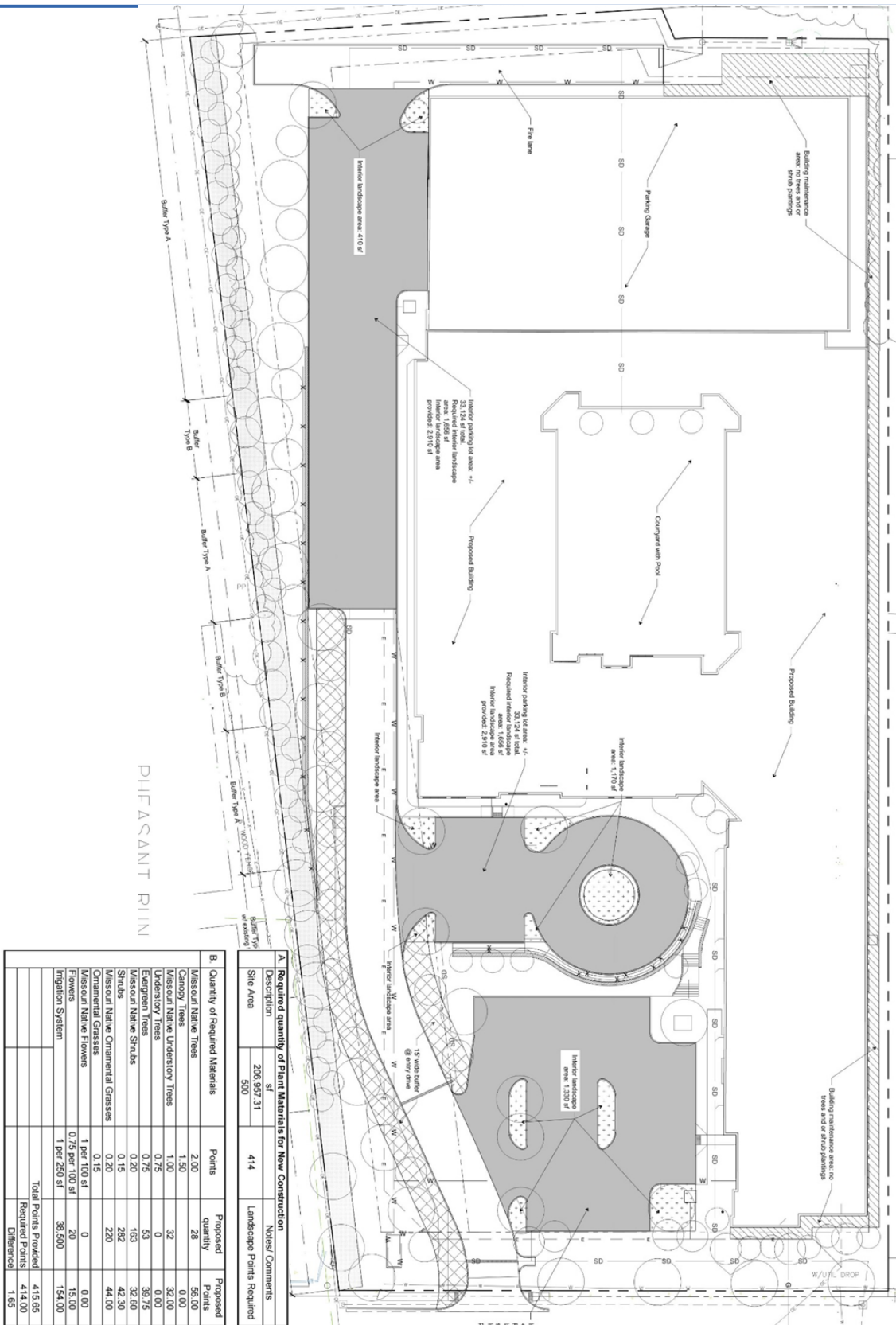


EXHIBIT C: FIRST FLOOR PLAN

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A. Required quantity of Plant Materials for New Construction			
Description	206,957.31	414	Notes/Comments
Site Area	500		Landscaping Points Required
B. Quantity of Required Materials			
Missouri Native Trees	2.00	Proposed quantity	Proposed Points
Canopy Trees	1.50		56.00
Missouri Native Understory Trees	1.00		32.00
Understory Trees	0.75		0.00
Emergent Trees	0.20		39.75
Missouri Native Shrubs	0.15		42.30
Missouri Native Ornamental Grasses	0.20		44.00
Ornamental Grasses	0.15		0.00
Flowers	1 per 100 sf		0.00
Flowers	0.75 per 100 sf		15.00
Irrigation System	1 per 250 sf		154.00
		Total Points Provided	415.65
		Required Points	414.00
		Difference	1.65

EXHIBIT D: LANDSCAPING PLAN



REPORT TO PLANNING & ZONING COMMISSION

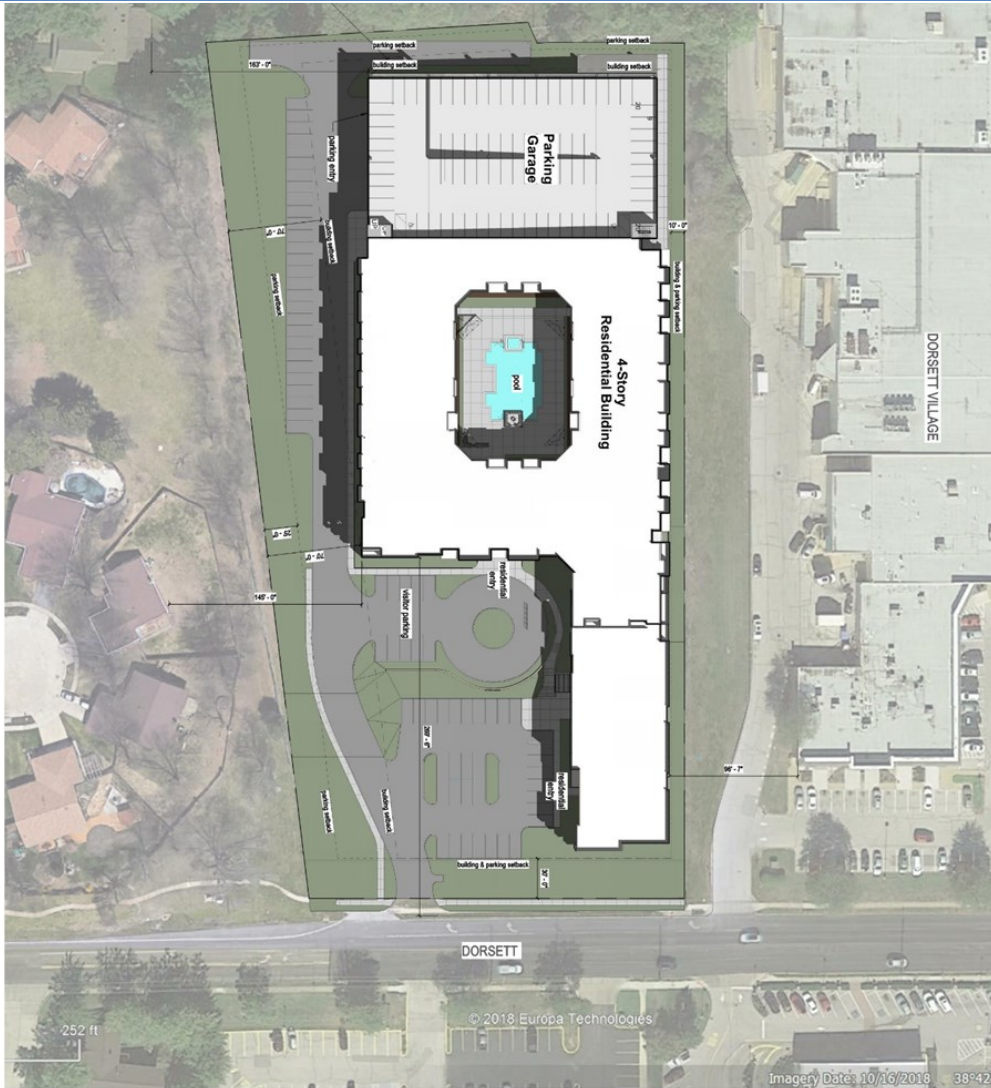
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EXHIBIT E: RENDERINGS

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ENCLOSED SF									
Level	Remainder SF	Gross SF							
Lower Level	7,669	9,689							
First Floor	44,346	57,073							
Second Floor	49,076	56,738							
Third Floor	49,076	56,738							
Fourth Floor	40,016	45,321							
Total	190,183	225,559							

EFFICIENCY 84.3%									
Avg Unit SF 872									
Parking Spaces Req.	+1.5 per unit + 1 per addition bed								
Parking Spaces Provided	Structural	313	Surface	69					
Total Dwelling Units	218								
Spaces Per Unit	1.73								
# of Spaces in Common	478								
Site Area (Acres)	346.023								
Total Gross Construction Area	225,559								
Total Gross Endused Area	190,183								
Total Gross Rentable Area	60%								
Total Open Area	40%								
Total Building Coverage	1.08								
F.A.R.									

EXTENSION SF										
	Terrace	Balcony	Parking							
	11,808	11,594	6,295							
			25,934							
			25,934							
			12,967							
Total	11,808	11,594	97,062							

UNIT MIX SUMMARY									
Type	1L	2	3	4	Total	%	Unit SF	Total SF	
Studio	1	4	3	3	14	60%	603	8,442	
A	0	1	1	0	3	53%	532	1,596	
B	0	1	1	0	3	58%	538	1,614	
Total	1	6	5	3	20	91.7%	11,652	11,652	
1 BED	4	16	17	17	64	74%	740	48,640	
A	2	10	12	12	46	83%	835	37,950	
B	0	8	10	10	38	78%	780	20,640	
Total	6	34	39	39	148	67.89%	116,230	116,230	
2 BED	0	3	4	4	14	112%	1,128	15,792	
A	0	4	4	4	16	119%	1,193	19,088	
B	0	1	1	1	4	124%	1,242	4,968	
C	0	1	1	1	4	134%	1,341	4,536	
D	0	1	2	2	7	198%	1,986	8,386	
E	0	0	0	2	2	214%	2,142	2,484	
Total	2	10	12	12	47	21.56%	52,254	52,254	
3 BED	0	0	1	1	3	138%	1,321	4,563	
Total	0	0	1	1	3	1.88%	4,563	4,563	
UNITS	9	50	57	57	45			187,699	
BDUS	11	60	71	71	58			271	

EXHIBIT E: RENDERINGS (CONT.)



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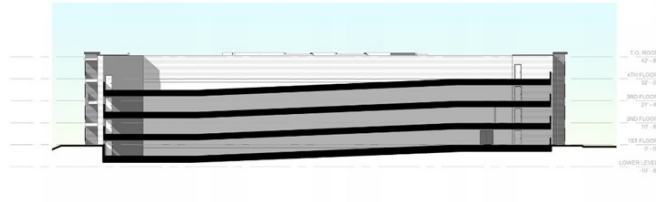
1 ELEVATION - WEST
1" = 20'-0"



2 ELEVATION - EAST
1" = 20'-0"



3 ELEVATION - SOUTH
1" = 20'-0"



4 ELEVATION - NORTH GARAGE SECTION
1" = 20'-0"



1 SITE SECTION EAST / WEST
1" = 20'-0"



2 SITE SECTION NORTH / SOUTH
1" = 20'-0"

EXHIBIT E: RENDERINGS (CONT.)

Recommendation of Planning Commission

BILL NO.

ORDINANCE NO. 2019-DRAFT

**AN ORDINANCE REPEALING ORDINANCE #2018-4367 AND ENACTING A NEW PLANNED DISTRICT ORDINANCE IN LIEU THEREOF TO ALLOW MULTI-FAMILY RESIDENTIAL DWELLINGS AT 12545 DORSETT ROAD
(Petition of The Flats at Dorsett Ridge, LLC)**

WHEREAS, Public Hearings were held before the Planning Commission regarding the proposed Planned District; and

WHEREAS, the Planning Commission has found that the Conceptual Development Plan of the proposed Planned District is consistent with the Comprehensive Plan; and

WHEREAS, this is an amendment to the original ordinance modifying the number of units, structure setback, and building design; and

WHEREAS, the Planning Commission has found that the proposed Planned District advances the purpose and intent of the Comprehensive Plan; and

WHEREAS, the Planning Commission has recommended approval of regulatory standards to guide the future development of the Planned District; and

WHEREAS, the City Council has reviewed the recommendation of the Commission and has determined that the proposed ordinance is in the best interest of the City.

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

Section 1: Ordinance No. 2018-4367 is hereby repealed.

Section 2: The zoning of real estate in the City of Maryland Heights for 4.75 acres of land located at 12545 Dorsett Road, as more specifically described below, is zoned "PDR" Planned District – Residential on the condition that said development is carried out in accordance with this Ordinance. This zoning shall be recorded on the Official Zoning Map of the City based on the following description:

A tract of land being partly in United States Survey 2040, and partly in Fractional Section 21, Township 46, Range 5 East, St. Louis County, Missouri, said tract being more particularly described as follows: beginning at the point of intersection of the northern line of Dorsett Road as widened, according to deed recorded in book 6764, page 2025, St Louis County Recorder's Office, with the eastern line of Pheasant Run Plat 2, a subdivision recorded in plat book 128, page 58, St. Louis County Recorder's Office; thence north 6 degrees 41 minutes west 648.11 feet along the eastern line of said Pheasant Run Plat 2, being also the western line of property described in deed to the Equitable Life Assurance Society of the United States, recorded in book 7222, page 350, St. Louis County Recorder's Office, to its northeastern corner thence in a generally eastwardly direction along the northern line of said equitable property, the following courses and distances: north 86 degrees 36 minutes 31 seconds east 242.85 feet, south 23 degrees 03 minutes 49 seconds east 17.02 feet, north 86 degrees 36 minutes 31 seconds east 10.60 feet, and south 89 degrees 27 minutes 48 seconds east 97.66 feet, to its northeastern corner, being also the northwestern corner of property described in deed to Dorsett Development, Inc., recorded in book 6426, page 507, St. Louis County Recorder's Office; thence south 0 degrees 09 minutes 12 seconds west 642.88 feet along the eastern line of said equitable property, to the northern line of said Dorsett Road, as widened; thence north 89

degrees 50 minutes 48 seconds west 280.19 feet along the northern line of said Dorsett Road, as widened, to the point of beginning, according to survey made by Pitzman's Co., Surveyors and Engineers, September 17, 1997.

Section 3: Purpose

The purpose of this Planned District is to facilitate the redevelopment of the obsolete building located at 12545 Dorsett Road with a multi-family residential apartment building. This ordinance is intended to provide flexibility in the redevelopment of the property while encouraging the use of design features to improve the overall character of the area and to protect the single-family dwellings to the west of the site.

Section 4: This zoning is subject to all applicable City ordinances, and the conditions that follow:

I. PERMITTED AND ACCESSORY USES

- A. Multi-Family Residential (Land Use Code #1540) subject to the following limitations:
 - 1. A maximum of two hundred eighteen (218) units shall be permitted.
 - 2. Units shall be limited to studio, one-bedroom, two-bedroom, or three-bedroom units.

- B. The following uses shall be authorized as accessory uses to the principal use of the property as multi-family residential (for the benefit of this development's residents, rather than the general public):
 - 1. Convenience Stores (LUC #445120).
 - 2. Motion Picture and Video Exhibition (LUC #51213).
 - 3. Real Estate Property Managers (LUC #53131).
 - 4. Private Mail Centers (LUC #561431).
 - 5. Privately-Owned Parks (LUC #712191).
 - 6. Fitness and Recreational Sports Centers (LUC #713940).
 - 7. Snack and Nonalcoholic Beverage Bars (LUC #722515).
 - 8. Other related accessory uses, subject to the review and approval of the City Planner.

II. PLAN SUBMITTAL REQUIREMENTS

- A. Final Development Plan
 - 1. Within ninety (90) days of approval of this Planned District and prior to the issuance of a building permit, the Final Development Plan shall be submitted to the City Planner for review and approval. Where due cause is shown by the applicant, the time interval may be extended by the City Planner.
 - 2. The Final Development Plan shall meet the requirements of Section 25-6.10, Final Development Plan, and Section 25-16.5, Landscape Plan Requirements, of the Zoning Code.
 - 3. Recording - Within fifteen (15) days from the approval of the Final Development Plan, and prior to the issuance of any building permit, the property owner shall record a copy of the approved Final Development Plan, and any subsequent amendments thereto, with the St. Louis County Recorder of Deeds. Upon written request, this time period may be extended by the City Planner. An electronic copy of the recorded plan shall also be provided to the Department of Community Development.

- B. Site Improvement Plans

1. Prior to issuance of a building or grading permit, Site Improvement Plans shall be submitted for the review and approval of the City Planner and City Engineer prior to, or concurrent with, the Building Permit application submittal.
2. Prior to approval of the Site Improvement Plans, verification of necessary approvals from the Metropolitan St. Louis Sewer District (MSD), St. Louis County Department of Transportation, Missouri Department of Natural Resources (MoDNR), and Maryland Heights Fire Protection District shall be received by the City Planner and City Engineer.

III. SPECIFIC DEVELOPMENT REQUIREMENTS

A. Building Height

1. The building shall be a maximum of four (4) stories in height.
2. The maximum building height shall be fifty (50) feet.

B. Structure Setbacks - No structures, except dumpster enclosures, fences, walls, light standards, signage or other structures as otherwise approved on the Final Development Plan shall be located within the following setbacks:

1. Twenty (20) feet from the northern limits of this Planned District.
2. Ten (10) feet from eastern limits of this Planned District.
3. Thirty (30) feet from the Dorsett Road right-of-way.
4. Seventy (70) feet from the western limits of this Planned District.

C. Parking Setbacks - No parking or internal access drive excluding points of ingress and egress, shall be located within the following setbacks.

1. Five (5) feet from the northern limits of this Planned District.
2. Ten (10) feet from eastern limits of this Planned District.
3. Thirty (30) feet from the Dorsett Road right-of-way.
4. Twenty-five (25) feet from the western limits of this Planned District.

D. Access and Roadway Improvements

1. Access to this development from Dorsett Road shall consist of one (1) entrance constructed to St. Louis County standards as directed by the St. Louis County Department of Transportation.
2. The developer shall provide a sidewalk conforming to St. Louis County ADA standards adjacent to Dorsett Road as directed by the St. Louis County Department of Transportation.
3. Installation of Landscaping and Ornamental Entrance Monument or Identification Signage construction shall be reviewed by the City of Maryland Heights and St. Louis County Department of Transportation for sight distance consideration and approved prior to installation or construction.

4. Prior to Special Use Permit issuance by the St. Louis County Department of Transportation, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit, shall be established by the developer with the St. Louis County Department of Transportation to guarantee completion of the required roadway improvements.
 5. Adequate temporary off-street parking for construction employees shall be provided. Parking on non-surfaced areas shall 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.
- E. Building Design – The building shall be designed in a manner consistent with the exhibits included in the City Planner’s Report to the Planning Commission for Application PDP19-0002 dated August 22, 2019. Substantial deviations shall be subject to the review and approval of the Planning Commission.
- F. Parking & Loading - Off-street parking and loading spaces shall be provided in accordance with Article 14, Parking and Loading Regulations.
- G. Signs - Signs shall be in accordance with Article 15, Sign Regulations, of the Zoning Code.
- H. Landscaping – Landscaping shall be provided in accordance with Article 16, Landscaping Design Standards, of the Zoning Code except as follows:
1. Landscaping shall be designed in a matter consistent with the exhibits included in the City Planner’s Report to the Planning Commission for Application PDP19-0002 dated August 22, 2019. Substantial deviations shall be subject to the review and approval of the Planning Commission.
- I. Environmental Standards - Every use, activity, process or operation on the site shall comply with Article 17, Environmental Standards, of the Zoning Code.
- J. Exterior Lighting – Exterior lighting shall be in accordance with Article 18, Lighting Design Standards, of the Zoning Code.
- K. Screening
1. Any new permanent electrical, telephone, data transmission and distribution lines shall be installed underground within the Planned District.
 2. Landscaping shall be designed and installed in an effort to screen this development from the residential properties to the west to the greatest extent possible, subject to the review and approval of the City Planner on the Final Development Plan.
 3. A six (6) foot sight-proof fence shall be installed along the northern limits of the parking area/internal drive, subject to the review and approval of the City Planner on the Final Development Plan.
 4. Dumpsters, recycling areas, mechanical equipment, emergency generators, above ground utility boxes or meters, and similar functional elements shall be screened in accordance with the provisions of Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Above Ground Utilities, of the Zoning Code.

- L. Stormwater - Adequate provisions shall be made for the disposal of stormwater, in accordance with the specifications and standards of MSD and the City of Maryland Heights.
- M. Sanitary Sewers - Sanitary sewer facilities shall be provided in accordance with the requirements of MSD.

IV. MAINTENANCE

- A. The building and site shall be maintained in accordance with the Property Maintenance Code.
- B. The landscaped areas shall be maintained in accordance with landscaping delineated on the Final Development Plan. Plant materials shall be replaced or replanted as determined by annual inspection of the site by the City Planner or his assigns.

V. PLANNED DISTRICT LIMITATIONS

Limitations regarding failure to commence construction, abandonment, and extension of development schedule shall be in accordance with the provisions of Section 25-6.14, Limitations, of the Zoning Code.

VI. RIGHTS OF APPEAL

In the event of a disagreement between any Developer and the City Planner and/or the City Engineer as to the criteria or conditions set forth in this ordinance and/or the Zoning Code, 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 the City of Maryland Heights Zoning Code and to pursue any other available legal or equitable remedy.

Section 5: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED BY THE CITY COUNCIL THIS _____ DAY OF _____ 2019.

MAYOR/PRESIDING OFFICER

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2019.

MAYOR

ATTEST:

CITY CLERK