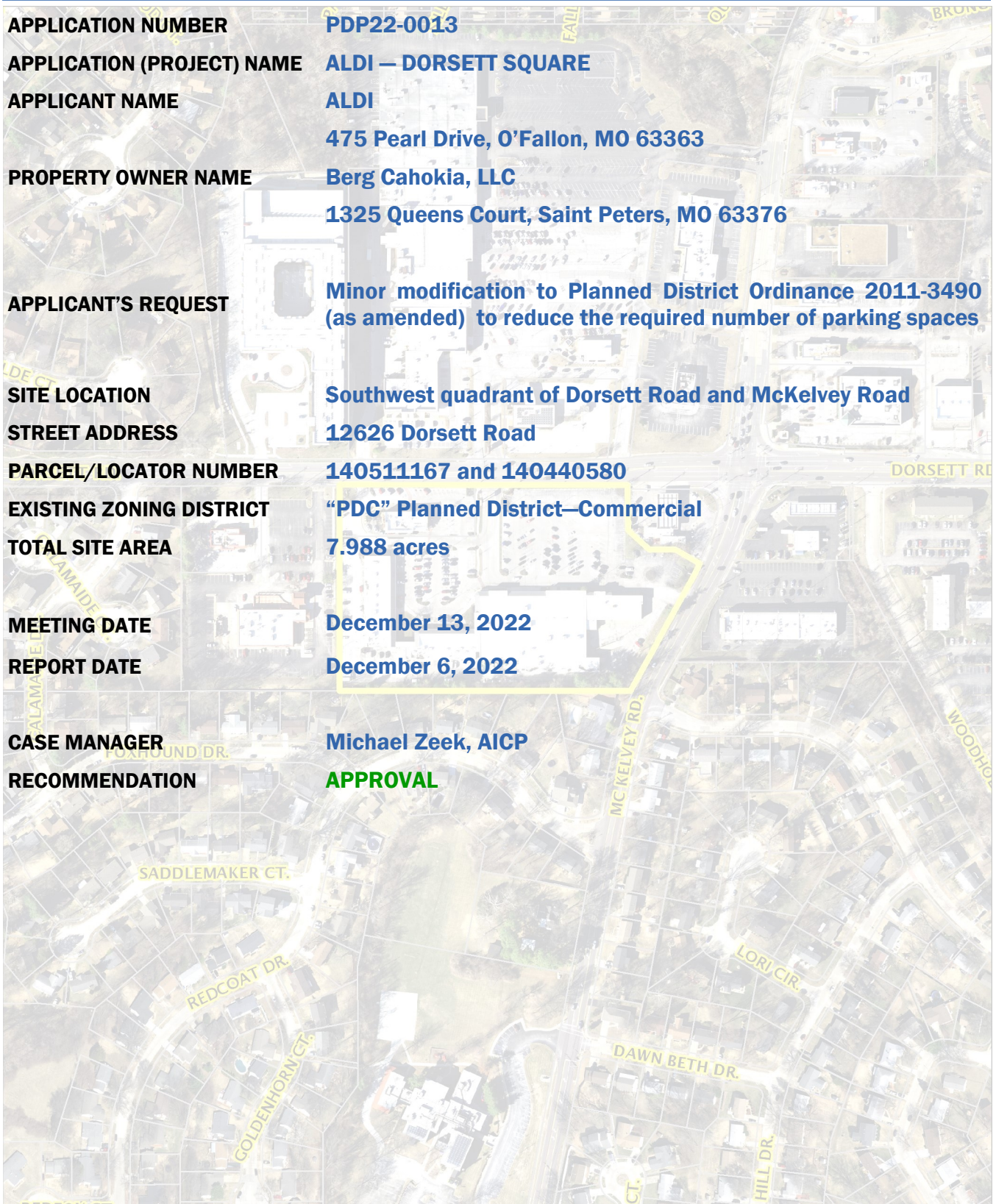




REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS

APPLICATION NUMBER	PDP22-0013
APPLICATION (PROJECT) NAME	ALDI – DORSETT SQUARE
APPLICANT NAME	ALDI 475 Pearl Drive, O'Fallon, MO 63363
PROPERTY OWNER NAME	Berg Cahokia, LLC 1325 Queens Court, Saint Peters, MO 63376
APPLICANT'S REQUEST	Minor modification to Planned District Ordinance 2011-3490 (as amended) to reduce the required number of parking spaces
SITE LOCATION	Southwest quadrant of Dorsett Road and McKelvey Road
STREET ADDRESS	12626 Dorsett Road
PARCEL/LOCATOR NUMBER	140511167 and 140440580
EXISTING ZONING DISTRICT	"PDC" Planned District—Commercial
TOTAL SITE AREA	7.988 acres
MEETING DATE	December 13, 2022
REPORT DATE	December 6, 2022
CASE MANAGER	Michael Zeek, AICP
RECOMMENDATION	APPROVAL



REPORT TO PLANNING & ZONING COMMISSION



CITY OF MARYLAND HEIGHTS

DESCRIPTION OF EXISTING SITE CONDITIONS

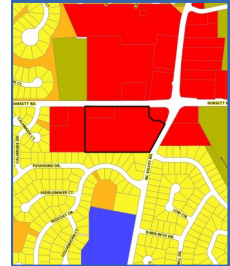
The site, located in the southwest quadrant of Dorsett Road and McKelvey Road, is occupied by Dorsett Square Shopping Center. The L-shaped shopping center contains a number of retail and service uses. A list of current tenants and their square footages is included in the appendix of this report. In the northwestern portion of the site is a freestanding *McDonald's* restaurant with drive-through facilities.



REFER TO FIGURE 1

NEIGHBORHOOD CONDITIONS/LAND USE

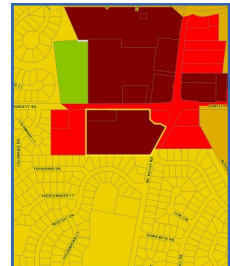
Adjoining the site to the northeast is a *Circle K* convenience store with gas pumps and carwash. North of the site, across Dorsett Road, is Dorsett Village Shopping Center. At the northeast corner of Dorsett and McKelvey Roads is a *Walgreen's* store. East of the site, across McKelvey Road, are a *Mobile* service station and Creve Coeur Meadows Shopping Center. South of the site are single-family dwellings in the Foxborough subdivision. West of the site are two restaurants, *Arby's* and *Casa Juarez*.



REFER TO FIGURE 2

ZONING CONTEXT

The site is zoned "PDC" Planned District-Commercial. Dorsett Village Shopping Center to the north is also zoned "PDC" Planned Development-Commercial. Other surrounding commercial uses are zoned "C-2" General Commercial District. The Foxborough subdivision to the south is zoned R-5 Single-family Residential District.



REFER TO FIGURE 3

REFER TO APPENDIX—SUPPLEMENTAL MAPS AND EXHIBITS



EXISTING CONDITIONS MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Shopping center, bank, restaurant	"PD-C"	Dorsett Village, Commerce Bank, former Steak n' Shake
East	Gas station, service station, shopping center	"C-2"	Shell, Mobile, Creve Coeur Meadows
South	Single-family dwellings	"R-5"	Foxborough subdivision
West	Restaurants	"C-2"	Arby's and Casa Juarez



REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS

BACKGROUND & REQUEST

The Dorsett Square shopping center was constructed in 1972. A Planned District was first established in 1990 via the adoption of Ordinance 1990-569. This ordinance has been amended numerous times since, the most recent of which was in 2018 to allow outdoor seating in conjunction with the *Revocup* coffee shop. The current governing ordinance is 2011-3490, as amended by Ordinances 2012-3643 and 2018-4374.

The applicant, *ALDI*, intends to occupy the *House of Pain Gym* location at 12626 Dorsett Road. They propose to amend the Final Development Plan for Dorsett Square to reduce the grade of the parking area to improve accessibility, covert angled parking spaces to 90 degree parking spaces, and eliminate parking spaces which interfere with the circulation of trucks behind the building. See the applicant's exhibits in the appendix of this report. The current ordinance requires 420 parking spaces and after the improvements, a total of 375 spaces would be provided, a reduction of 45 spaces. The proposed reduction in parking requires minor modifications to Ordinance 2011-3490 as amended.

ANALYSIS

The proposed land use, a grocery store, is not at issue because grocery stores are a permitted use at this location. Instead, the subject of this request is a reduction in parking from the 420 parking spaces required by the ordinance governing this Planned District to 375 parking spaces. The basis of the requirement that 420 parking spaces be provided was the site plan submitted for the McDonald's reconstruction in 2007. That plan provided 423 spaces, so the ordinance was written to require that number of parking spaces. Interestingly, CBB's traffic study included with that request found: "The heaviest parking demands occupied no more than 60% of the existing parking supply." That number was subsequently reduced to 420 parking spaces by Ordinance 2012-3643.

The parking regulations of the Zoning Code contain the following requirements for shopping centers:

CENTER TYPE	STRIP	NEIGHBORHOOD	COMMUNITY	REGIONAL
TYPICAL ANCHOR AND TENANT TYPE	Small Business	Anchored by supermarket and/or pharmacy with variety of supporting stores	Anchored by general merchandise stores or discount retailer	Anchored by department stores with variety of stores
BUILDING AREA	<30,000 sq. ft. of Gross Leasable Area	30,000 to 100,000 sq. ft. of GLA	100,000 to 400,000 sq. ft. of GLA	>400,000 sq. ft. of GLA
MINIMUM PARKING REQUIREMENT	4 spaces per 1,000 sq. ft. of GLA	4.5 spaces per 1,000 sq. ft. of GLA	5.0 spaces per 1,000 sq. ft. of GLA	5.5 spaces per 1,000 sq. ft. of GLA

Dorsett square is 79,180 in gross leasable area. Parked at a formula of 4.5 spaces per 1,000 square feet, a total of 324 parking spaces are required. Subtracting the 45 spaces provided on the *McDonald's* parcel, 330 are proposed, satisfying the required number of parking spaces despite the reduction.

REPORT TO PLANNING & ZONING COMMISSION



CITY OF MARYLAND HEIGHTS

ANALYSIS (CONT.)

While parking is the primary subject of this request, the applicant also submitted a landscaping plan, lighting plan, and building elevations. These exhibits are included in the appendix of this report.

The current ordinance governing Dorsett Square requires the following with regard to landscaping:

1. *Landscaping design shall be as approved by the City Planner on the Final Development Plan recorded in Plat Book 356, Pages 461-470 of the County Records, as amended by the plans approved by the City Planner on February 23, 2011 for the hardware store.*
2. *Minor modifications to these plans are subject to the review and approval of the City Planner of an amended Final Development Plan. Substantial deviations shall require the review and approval of the Planning Commission.*

The landscaping plan shows the replacement of the plant material being removed by the parking project. In all, 11 trees and 126 shrubs will be planted. The landscaping along Dorsett Road and the decorative masonry bollards will be maintained. Staff is of the opinion that the proposed landscaping plan is acceptable.

With regard to site lighting, the governing ordinance requires that lighting be consistent with the requirements of Article 18, Lighting Design Standards, of the Zoning Code except as follows:

- a. *All existing and proposed lighting shall provide the appropriate lighting level needed for safety and security.*
- b. *New lighting standards installed after the effective date of this ordinance shall not exceed twenty (20) feet.*
- c. *Lighting shall be in accordance with the approved Final Development Plan recorded in Plat Book 356, Pages 461-470 of the County Records. New or replacement lighting, other than routine maintenance, is subject to the review and approval of the City Planner.*

The proposed lighting standards shown on the plan are 29 feet in height. They satisfy the Lighting Design Standards of the Zoning Code, which limit the height to 30 feet, but do not satisfy the requirements of the current Dorsett Square ordinance. Additionally, the parking area would have an average of almost 4 footcandles under the proposed plan while the existing parking area has an average of closer to 2 footcandles. The draft ordinance prepared by staff simply requires conformance with Article 18, Lighting Design Standards, of the Zoning Code. The proposed lighting will be reviewed in greater depth during the site improvement plan process.

With regard to building design, the Dorsett Square ordinance specifically addresses the appearance of *McDonald's* but not the rest of the shopping center. The Building Design Standards of the Zoning Code only apply to new buildings, rather than renovations of existing buildings. That being said, staff welcomes Planning Commission input on the proposed design.



REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS

FINDINGS AND RECOMMENDATION

CONSISTENCY WITH COMPREHENSIVE PLAN

1. The City Planner finds that the request is consistent with the objectives of the Comprehensive Plan to encourage the expansion and strengthening of existing commercial areas and encourage a better/improved range of retail and services.

CONSISTENCY WITH ZONING CODE

2. The City Planner finds that the request is consistent with the parking regulations of the Zoning Code. Consistency with other standards, such as the Lighting Design Standards, will be addressed during the site improvement plan review process.

CONSISTENCY WITH DORSETT SQUARE PLANNED DISTRICT

3. The City Planner finds that the proposed modifications are consistent with the purpose, intent, and design standards of the Dorsett Square Planned District. The draft ordinance will facilitate the project while ensuring a quality development.

IMPACT ON NEIGHBORHOOD CHARACTER

4. The City Planner finds that the project will have a positive impact on neighborhood character and City image.

RECOMMENDATION

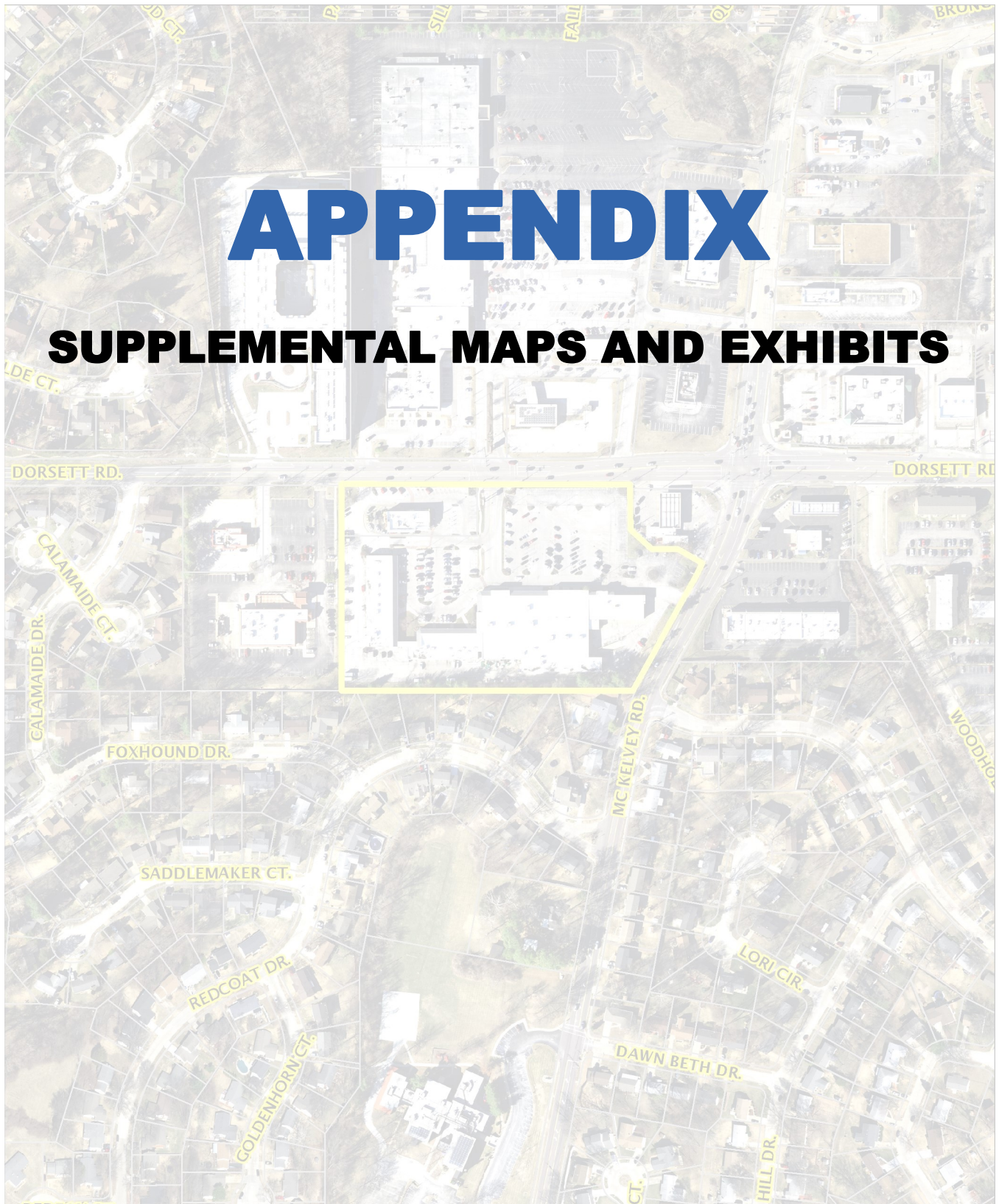
The City Planner recommends approval of the request, subject to the conditions of the attached draft ordinance. The draft ordinance repeals all current ordinances related to the Dorsett Square Planned District and adopts a new ordinance in lieu thereof.

Michael Zeek, AICP
Director of Community Development



APPENDIX

SUPPLEMENTAL MAPS AND EXHIBITS





REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS



FIGURE 1: AERIAL PHOTOGRAPH

REPORT TO PLANNING & ZONING COMMISSION



CITY OF MARYLAND HEIGHTS

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

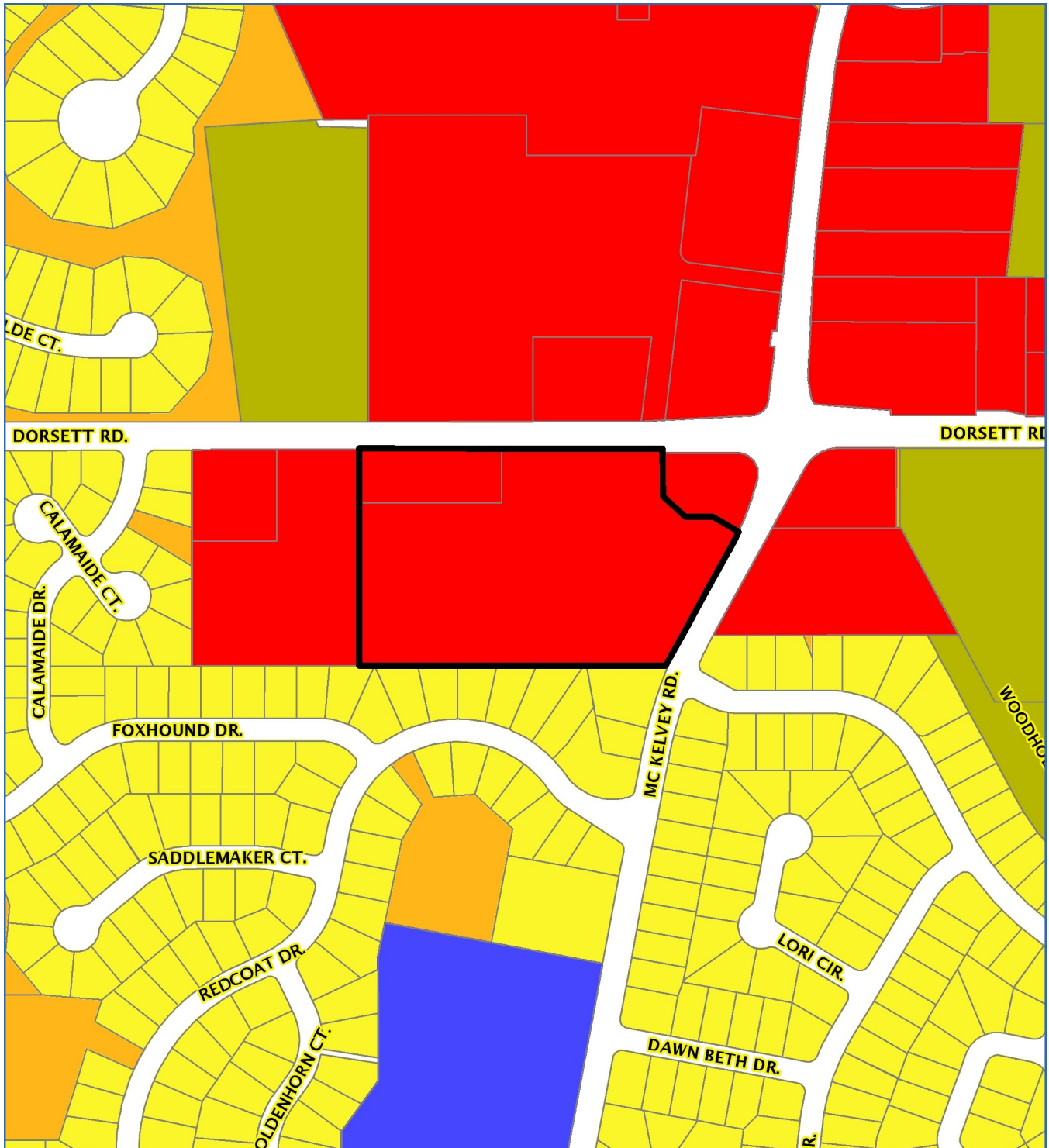


FIGURE 2: EXISTING LAND USE PATTERN



REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS

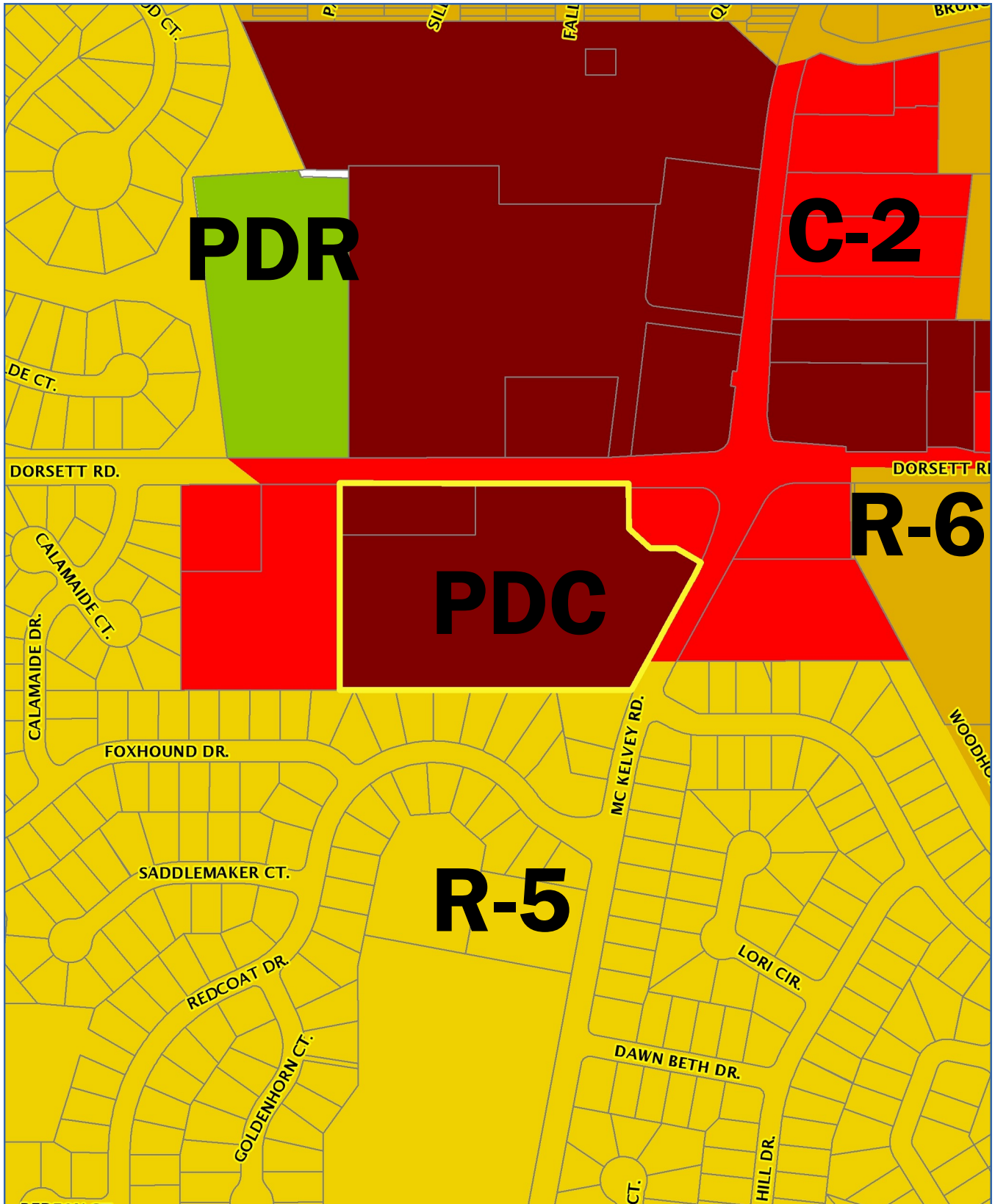
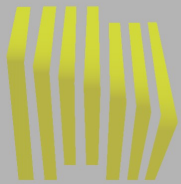


FIGURE 3: ZONING MAP



DORSETT SQUARE SITE PLAN & DETAILS

BEN WEIS **KEVIN SHAPIRO**
 314.818.1563 (OFFICE) 314.818.1550 (OFFICE)
 314.629.6532 (MOBILE) 314.283.4691 (MOBILE)
 Ben@LocationCRE.com Kevin@LocationCRE.com



- ALDI AND ACE HARDWARE ANCHORED SHOPPING CENTER IN THE HEART OF MARYLAND HEIGHTS
- 5,040 SF TURNKEY RESTAURANT SPACE WITH PATIO AVAILABLE
- SCHNUCK'S MARKET ACROSS THE STREET
- CENTER SERVES THE LARGE OFFICE POPULATION IN CREVE COEUR, WESTPORT AND EARTH CITY
- TWO SIGNALIZED ACCESS POINTS
- PLEASE CONTACT BROKER FOR PRICING



LOCATION.
Commercial Real Estate



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MEMBER

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THE INFORMATION IN THIS FLYER HAS BEEN OBTAINED FROM SOURCES BELIEVED RELIABLE. WHILE WE DO NOT DOUR THE ACCURACY, WE HAVE NOT VERIFIED IT AND MAKE NO GUARANTEE ABOUT IT. IT IS YOUR RESPONSIBILITY TO INDEPENDENTLY CONFIRM ITS ACCURACY AND COMPLETENESS. ANY PROJECTIONS, OPINIONS, ASSUMPTIONS OR ESTIMATES USED ARE FOR EXAMPLE ONLY AND DO NOT REPRESENT THE CURRENT OR FUTURE PERFORMANCE OF THE PROPERTY. THE VALUE OF THIS TRANSACTION TO YOU DEPENDS ON TAX AND OTHER FACTORS WHICH SHOULD BE EVALUATED BY YOUR TAX, FINANCIAL AND LEGAL ADVISORS. YOU AND YOUR ADVISORS SHOULD CONDUCT A CAREFUL, INDEPENDENT INVESTIGATION OF THE PROPERTY TO DETERMINE TO YOUR SATISFACTION THE SUITABILITY OF THE PROPERTY FOR YOUR NEEDS.

Site	Tenant	SF
A	Jersey Mike's	2,972
B	Apex Physical Therapy	2,388
C	Great Clips	1,200
D	RevocUp Coffee	1,500
E	AVAILABLE	5,040
F	Sushi Ai	2,246
G	Edible Arrangements	1,200
H	Liberty Tax	1,226
I	Carrage Cleaners	1,500
J	Art Therapy Studios	1,200
K	AVAILABLE	1,080
L	Ace Hardware	14,484
M	AVAILABLE	5,809
N	Aldi - coming Q3 2023!	29,955
O	Debbs	7,000

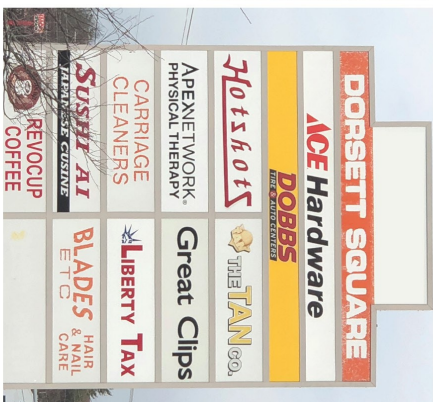


FIGURE 4: CURRENT TENANTS



REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS



September 18, 2022

Mr. Chairman and Members of the Commission
City of Maryland Heights
11911 Dorsett Road
Maryland Heights, Missouri 63043

Request for Proposal ALDI
 12626 Dorsett Road
 Maryland Heights, MO

Dear Mr. Chairman and Members of the Commission:

Please accept this application for consideration to amend Ordinance No. 2012-3643 to allow for an ALDI grocery store and modifying the required parking within Dorsett Square.

Ordinance 2012-3643 amended ordinance 2011-3490 to require a minimum parking of 420 spaces. We are requesting the parking be reduced to 375 parking spaces.

The reduction of the parking is on the east side of the main entry drive from Dorsett Road into the Dorsett Square development. This area has shared parking for Dobbs Automotive, Ace Hardware and ALDI and is more than sufficient for these users.

The parking was reduced to:

1. Accommodate the circulation of a larger delivery truck
2. Rebuild/restripe the parking lot to meet ALDI requirements for drive aisle width, pavement slopes and perpendicular parking
3. Upgrading the ADA spaces to be full compliant with the Federal ADA mandate.

We appreciate your consideration

Sincerely,
Civil Engineering Design Consultants, Inc.

Brandon A. Harp, P.E.
Principal

10820 Sunset Office Drive • Suite 200 • Saint Louis, Missouri 63127
p 314.4.729.1400 • f 314.729.1404 • www.cedc.net

10820 Sunset Office Drive | Suite 200 | Saint Louis, Missouri 63127
p 314.729.1400 | f 314.729.1404 | www.cedc.net

EXHIBIT A: APPLICANT'S NARRATIVE

REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS

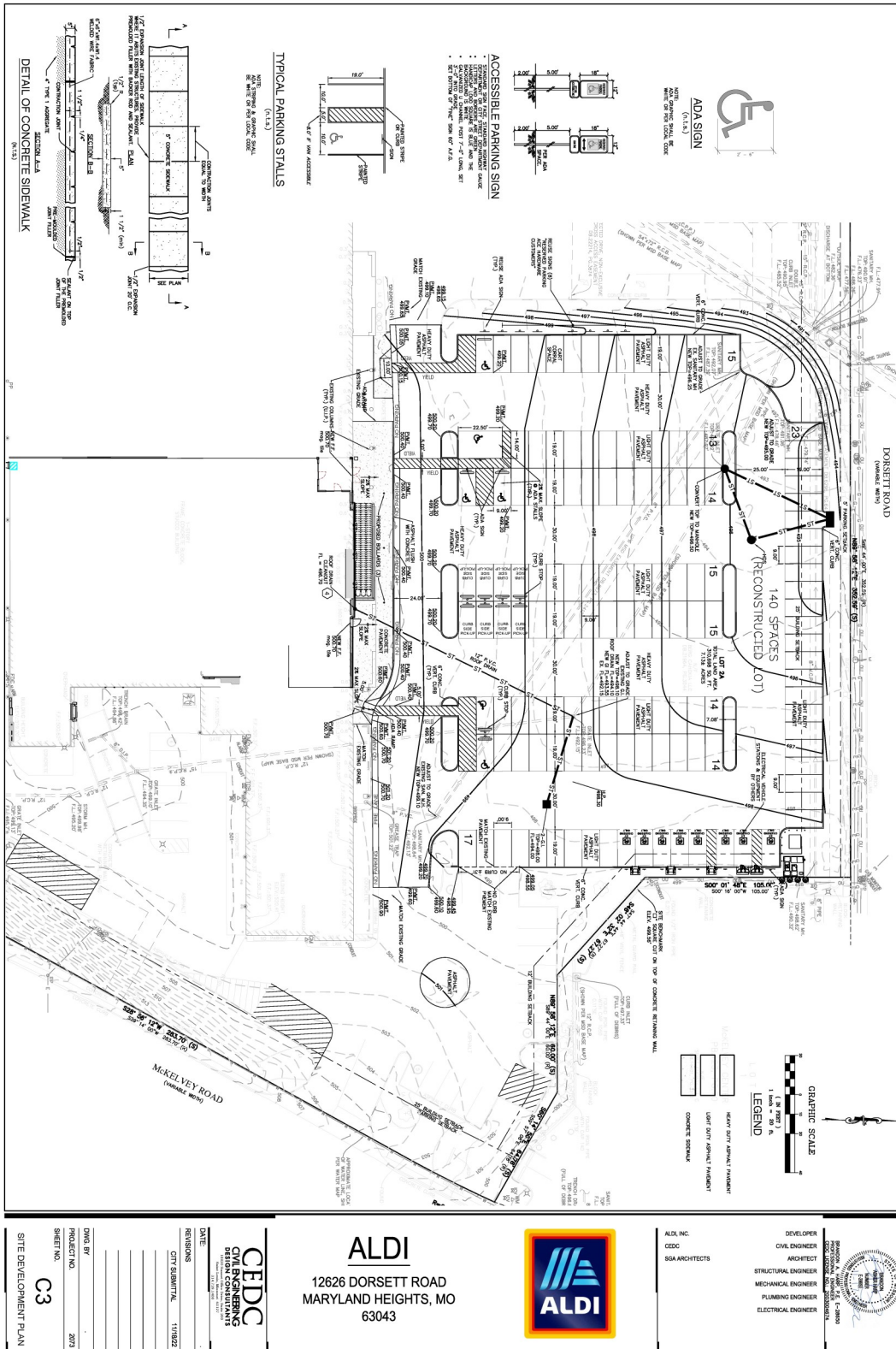
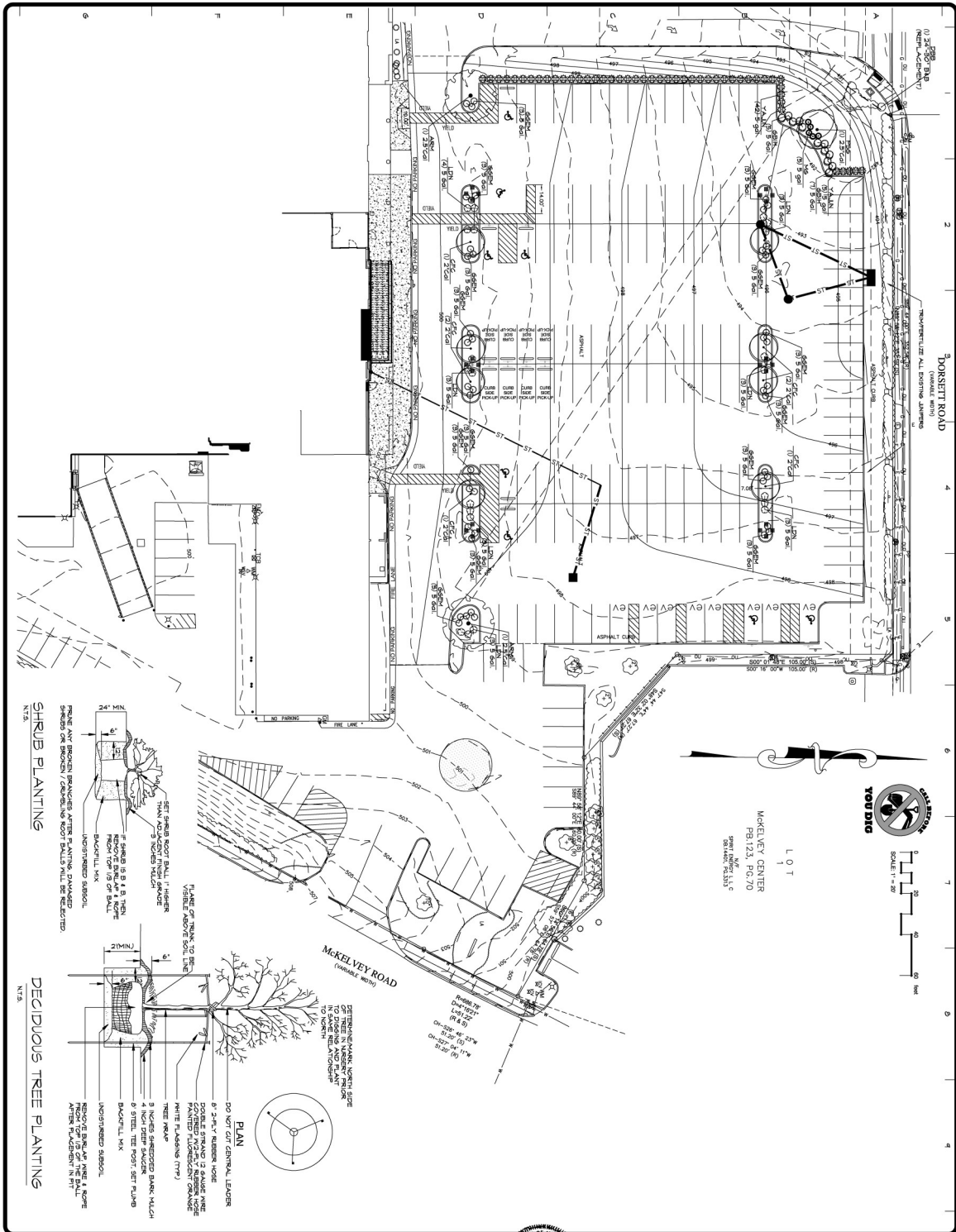


EXHIBIT B: SITE PLAN



REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS



DATE	12/15/22
BY	JG
CHECKED	JG
SCALE	AS SHOWN
SHEET	1
OF TOTAL SHEETS	1

PLANTING PLAN FOR THE PROPOSED

Aldi

12626 DORSETT RD. MARYLAND HEIGHTS, MO 63043

87 JORDANA R. HARDS
 LANDSCAPE ARCHITECT #1112022
 12626 DORSETT RD.
 MARYLAND HEIGHTS, MO 63043
 DATE: 11/15/22

REVISION	DATE
1	12/15/22
2	
3	
4	
5	

EXHIBIT C: LANDSCAPING PLAN

REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS

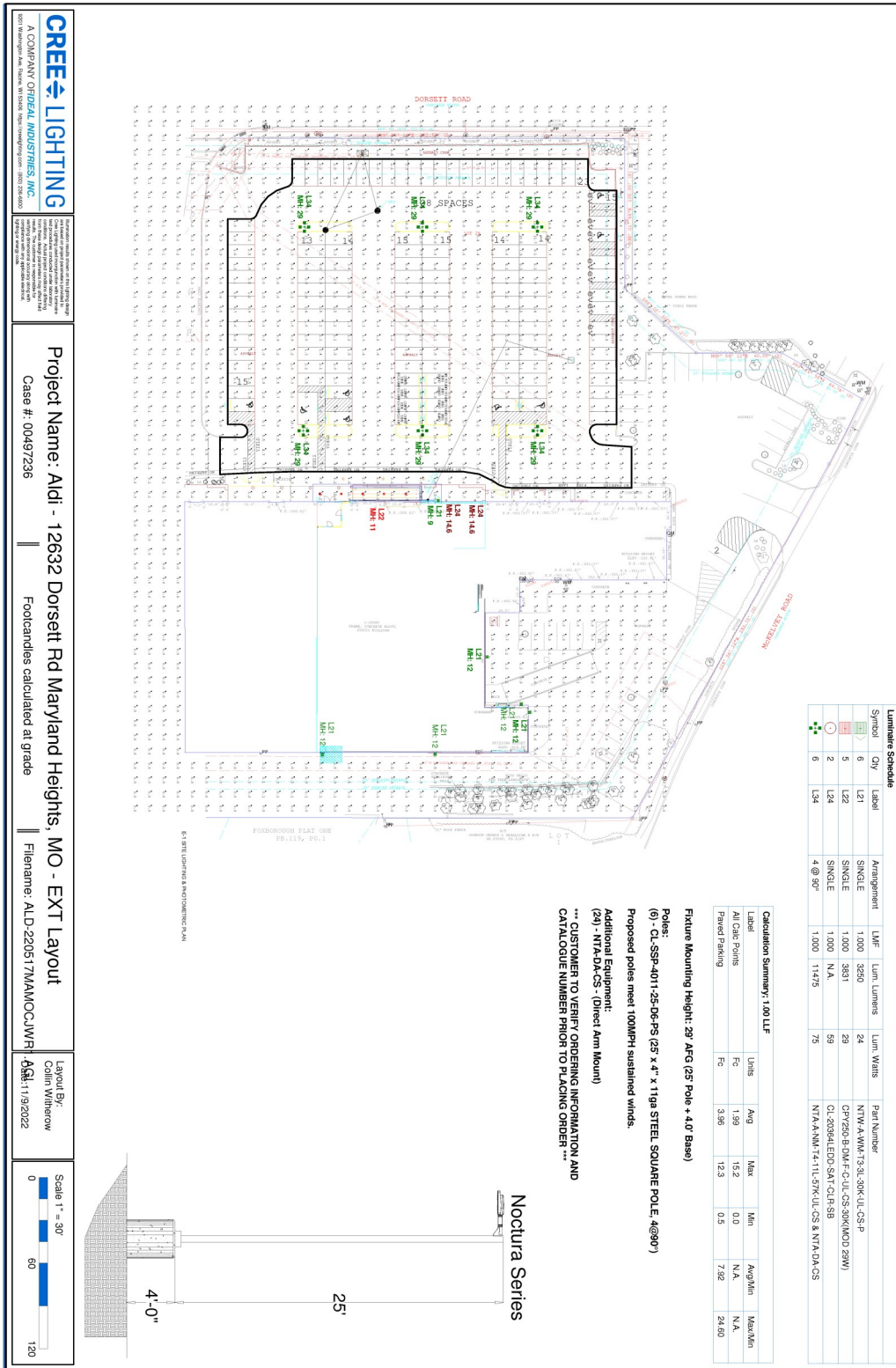


EXHIBIT D: LIGHTING PLAN

Recommendation of Planning Commission

BILL NO.

ORDINANCE NO. 2022-DRAFT

**AN ORDINANCE REPEALING ORDINANCES 2011-3490, 2012-3643, AND 2018-4374
AND ENACTING A NEW PLANNED DISTRICT ORDINANCE IN LIEU THEREOF
FOR THE DORSETT SQUARE SHOPPING CENTER
(Petition of ALDI with the consent of Berg Cahokia, LLC)**

WHEREAS, the Planning Commission has found that the proposed amendments are consistent with the Comprehensive Plan and Zoning Code; 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 Numbers 2011-3490, 2012-3643, and 2018-4374 are hereby repealed.

Section 2: The zoning of real estate in the City of Maryland Heights for approximately 7.988 acres, known as Dorsett Square Shopping Center, shall be “PD-C” Planned District – Commercial as recorded on the official zoning map of the City. The legal description of the Planned District is as follows:

A tract of land being Lot 2 of “McKelvey Center”, a Subdivision according to the plat thereof recorded in Book 123 Page 70 of the St. Louis County Records, situated in Section 21, Township 46 North, Range 5 East, in the City of Maryland Heights, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a point on the Northern line of “Foxborough Plat One”, a Subdivision according to the Plat thereof recorded in Book 119, Page 1 of the St. Louis County Records, at the Southwestern Corner of said Lot 2, thence along the Western line of “McKelvey Center”, North 00 degrees 16 minutes 00 seconds East, 476.09 feet to a point the Southern Right of Way line of Dorsett Road, variable width; thence along said Right of Way Line, South 89 degrees 44 minutes 00 seconds East, 665.49 feet to the Northwest Corner of Lot 1 of “McKelvey Center”, as aforementioned; thence along the line between Lots 1 and 2, South 00 degrees 16 minutes 00 seconds West, 105.00 feet to a point; then South 47 degrees 44 minutes 44 seconds East, 67.27 feet to a point; thence South 89 degrees 44 minutes 00 seconds East, 60.00 feet to a point; thence South 59 degrees 57 minutes 08 seconds East, 64.80 feet to a point on the Western Right of Way Line of McKelvey Road, variable width; thence along said Right of Way Line, southwestwardly, 51.22 feet, along a curve to the right, having a radius of 686.78 feet and a chord bearing South 27 degrees 05 minutes 49 seconds West to a point of tangency; thence South 29 degrees 14 minutes 00 seconds West, 283.70 feet to a point on the Northern Line of “Foxborough Plat One”, as aforementioned; thence along said Northern Line, North 89 degrees 44 minutes 00 seconds West, 671.23 to the point of beginning, containing 7.988 acres more or less.

Section 3: This zoning is subject to all applicable city ordinances, and the conditions that follow:

I. PERMITTED USES

- A. All permitted uses in the "C-2" General Commercial District;
- B. The following uses, subject to the limitations set forth in V, Limitations, of this ordinance:
 - 1. A full-service restaurant (LUC #722511) with a bar (LUC #722410).
 - 2. A fast food restaurant with drive through window (LUC #722517).
 - 3. A full-service restaurant (LUC #722511).
 - 4. A fast food restaurant (LUC #722516).
 - 5. A general automotive repair facility (LUC#811111).
 - 6. A hardware store (LUC #444130) with outdoor display and sales of retail products (LUC #444000).
 - 7. A fitness and recreational sports center (LUC #713940).
 - 8. Outdoor restaurant seating (LUC #722000).

II. FINAL DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

This Planned District shall be developed in accordance with the approved Final Development Plan recorded in Plat Book 356, Pages 461-470 of the County Records, as amended by the plans approved by the City Planner on February 23, 2011 for the hardware store. Future building expansions or amendments to the parking, site design, or landscaping design shall require an Amended Final Development Plan in accordance with Section 25-6.10.E, Amendments, of the Zoning Code.

III. SITE IMPROVEMENT PLAN SUBMITTAL REQUIREMENTS

- A. No building or demolition permits shall be issued prior to approval of the site improvement plans.
- B. Plan review shall be in accordance with Article 4, Site Plan Review, of the Zoning Code.
- C. Improvement plans shall illustrate compliance to the development requirements as set forth herein.
- D. Prior to approval of the site improvement plans, verification of necessary approvals from the St. Louis County Department of Highways and Traffic, the Metropolitan St. Louis Sewer District, and Maryland Heights Fire District shall be received by the City Planner.

IV. SPECIFIC DEVELOPMENT REQUIREMENTS

- A. Building Height – No building shall exceed a height of fifty (50) feet.
- B. Building Setbacks – No building shall be located within the following setbacks:
 - 1. Front yard - not less than twenty-five (25) feet, including the frontages along Dorsett Road and McKelvey Road.

2. Side yard - not less than twelve (12) feet.
 3. Rear yard - not less than twenty-five (25) feet, except retaining walls which can be located not less than twenty (20) feet.
- C. Parking and Drive Setbacks - No new parking or internal access drive excluding points of ingress and egress, shall be located within the following setbacks.
1. Five (5) feet from the Dorsett Road right-of-way.
 2. Twenty-five (25) feet from the McKelvey Road right-of-way.
 3. Twenty (20) feet from the south property line.
 4. Three (3) feet from the west property line.
- D. Access
1. Access to the site shall limited to the following:
 - a. One (1) existing curb cut on McKelvey Road.
 - b. Two (2) curb cuts on Dorsett Road as directed by the City of Maryland Heights and the St. Louis County Department of Highways and Traffic.
 - i. The easternmost entrance on Dorsett Road shall be a signalized intersection in accordance with requirements of St. Louis County Department of Highways and Traffic.
 - ii. The westernmost entrance on Dorsett Road shall be located and designed as directed by the City Engineer, the City's traffic consultant, and the St. Louis County Department of Highways and Traffic.
 - iii. The existing center curb cut along Dorsett Road shall be closed and right-of-way restored as directed by the City Engineer and the St. Louis County Department of Highways and Traffic.
 2. The location of all existing and proposed fire lanes is subject to the review and approval of the Maryland Heights Fire District. Written approval of these locations shall be furnished to the City Planner.
- E. Parking and Loading – Parking and loading spaces shall be provided consistent with Article 14, Parking and Loading Regulations, of the Zoning Code.
- F. Lighting Requirements – New or replacement exterior lighting shall be in accordance with Article 18, Lighting Design Standards, 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. Sign Requirements

1. Shopping Center Signage.
 - a. All new signs related to the shopping center shall be erected in accordance with Article 15, Sign Regulations, of the Zoning Code in effect at the time of permit application.
 - b. Any change in area, height, or design of the existing pole signs shall be subject to the review and approval of the Planning Commission.
2. Fast Food Restaurant Signage.
 - a. All signs related to the freestanding fast food restaurant shall be as approved by the City Planner on the Final Development Plan recorded in Plat Book 356, Pages 461-470 of the County Records. New signage or modifications to the approved signage shall require a comprehensive signage plan meeting the requirements of Section 25-15.5.B.2.b, Submittal Requirements, of the Zoning Code for the review and approval of the City Planner. The signage plan shall include all proposed signage, including, but not limited to:
 - i. Attached and freestanding identification signs;
 - ii. Incidental signs;
 - iii. Directional signs;
 - iv. Drive-through menu boards;
 - v. Window sign area as explained in IV.H.2.c. of this ordinance; and
 - vi. Any other article containing signage, such as trash receptacles, umbrellas, etc.
 - b. The location, size, and height of the monument sign along Dorsett Road shall be determined by the City Planner based upon sight distance.
 - c. Window signs (other than incidental signs) shall meet the following requirements:
 - a. Window signs are permitted only on the eastern side of the building, in the center of one (1) or more of the three (3) large windows.
 - b. Signage area is limited to ten (10) square feet in gross area per window.
 - d. Two (2) drive-through menu boards are permitted, subject to the following requirements:
 - i. The location of the menu boards shall be reviewed and approved by the City Planner. However, the menu boards must be located behind the front plane of the building wall facing Dorsett Road.
 - ii. The menu boards shall not exceed forty-seven (47) square feet in gross area.

- iii. The menu boards shall not exceed seven (7) feet in height.
 - iv. Awnings in association with the menu boards are not permitted.
 - v. The menu boards shall be screened from Dorsett Road to the greatest extent possible by landscaping or other means approved by the City Planner.
- e. Snipe signs are prohibited. For the purpose of this ordinance, snipe signs are defined as signs attached to trees, poles, stakes, fences, or to other objects intended to advertise goods or services provided on or off premises.

I. Landscaping Requirements

- 1. Landscaping design shall be as approved by the City Planner on the Final Development Plan recorded in Plat Book 356, Pages 461-470 of the County Records, as amended by the plans approved by the City Planner on February 23, 2011 for the hardware store.
- 2. Minor modifications to these plans are subject to the review and approval of the City Planner of an amended Final Development Plan. Substantial deviations shall require the review and approval of the Planning Commission.
- 3. Landscaping shall be maintained in accordance with landscaping delineated on the approved plans. Plant materials shall be replaced or replanted as determined by annual inspection of the site by the City Planner or his assigns.

J. Pedestrian walkways

- 1. The location of all pedestrian walkways into and through the site shall be as shown on the approved Final Development Plan recorded in Plat Book 356, Pages 461-470 of the County Records.
- 2. Walkways consisting of stamped concrete or asphalt shall be provided between Dorsett Road and the shopping center, between Dorsett Road and the freestanding fast food restaurant, and between the fast food restaurant and the shopping center.

K. Pedestrian Entry Feature – A pedestrian entry feature shall be located along the Dorsett Road frontage as shown on the approved Final Development Plan recorded in Plat Book 356, Pages 461-470 of the County Records. Any proposed alterations to the materials, color, or design shall be subject to the following:

- 1. All designs for the feature shall be submitted for the review and approval of the Planning Commission and evaluated according to the following:
 - a. The feature shall be open to pedestrian use and connect to the pedestrian pathway accessing the fast food restaurant;
 - b. The feature shall be made of durable materials matching those used in the fast food restaurant;
 - c. The feature shall maintain its aesthetic qualities in all seasons;

- d. The feature shall incorporate the corporate logo of the City of Maryland Heights as precast masonry inserts.
- 2. Submittal to the Planning Commission for review and approval of a proposed pedestrian entry feature shall consist of:
 - a. A site plan including the entire area covered by the ordinance;
 - b. Colored elevations of the feature;
 - c. Perspective drawings or photographic simulations depicting the feature and its relationship with the site as viewed from both Dorsett Road;
- L. Architectural Treatments - The fast food restaurant and pedestrian entry features shall be designed and constructed as shown on the approved Final Development Plan recorded in Plat Book 356, Pages 461-470 of the County Records. Any proposed alterations to the materials, color, or design shall be submitted to the City Planner for review and approval by the Planning Commission.
- M. Screening
 - 1. All existing outdoor trash receptacles shall be stored at the rear of the building(s) and screened from public view with a minimum six-foot high fence of wood or masonry construction, plantings or other material deemed acceptable by the City Planner.
 - 2. All new outdoor trash receptacles (not including pedestrian trash receptacles), mechanical equipment, and above ground utilities shall be screened from public view in accordance with the standards set forth in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Above Ground Utilities, of the Zoning Code.
 - 3. A privacy fence shall be provided and maintained in conjunction with the landscaping along the rear property line to screen the site from adjacent residential properties as directed by the City Planner.

V. LIMITATIONS

- A. The full service restaurant with bar is limited to a maximum of one hundred eighty (180) seats, sixty (60) lineal feet of bar frontage, and four hundred eighty (480) square feet of waiting and standing area.
- B. The fast food restaurant with drive-through window shall be subject to the following limitations:
 - 1. A maximum of ninety-five (95) seats and one hundred eighty (180) square feet of waiting area are permitted.
 - 2. Outdoor seating shall be limited to twenty-five (25) seats.
 - 3. Delivery, loading and unloading activities for the freestanding fast food restaurant are limited to non-peak hours.
- C. The full service restaurant is limited to a maximum of forty-six (46) seats and forty-eight (48) square feet of waiting area.
- D. The general automotive repair facility is limited to a maximum of seven thousand (7,000) square

feet (gross floor area), including service bays.

E. The hardware store shall be subject to the following limitations:

1. The store is limited to a maximum of 16,000 square feet (gross floor area) not including the permitted outdoor storage and sales areas.
2. Three (3) outdoor storage areas shall be permitted for the exclusive use of the hardware store, subject to the following limitations:
 - a. An outdoor storage area, not to exceed nine hundred twenty-five (925) square feet, shall be permitted as follows:
 - i. It shall be located adjacent to and to the rear of the store, screened from public view with sight proof fencing and secured from the public access.
 - ii. The storage of propane (LP) tanks within this area is permitted.
 - b. A temporary outdoor storage area for the purpose of storing seasonal goods, not to exceed four hundred fifty (450) square feet, shall be permitted as follows:
 - i. It shall be located adjacent to and to the rear of the store.
 - ii. It shall be limited to the period from April 1st to July 31st each year.
 - iii. A temporary canopy structure covering this area shall be permitted. No other temporary structures shall be permitted within this area.
 - c. A temporary storage area for the purpose of storing bagged goods, not to exceed six hundred (600) square feet, shall be permitted as follows:
 - i. It shall be located to the rear of the store, directly south of the other outdoor storage areas, along the retaining wall.
 - ii. It shall be limited to the storage of bagged goods.
 - iii. It shall be limited to the period from March 1st and September 30th each year.
 - iv. A minimum twenty (20) foot drive aisle shall be maintained at all times.
3. Temporary outdoor sales and display of seasonal items normally sold in a hardware store is permitted as follows:
 - a. Displays of plants may be placed along the north side of the hardware store, subject to the following limitations:
 - i. From March 15th to June 30th each year, four (4) displays shall be permitted north of the building, not to exceed thirty-two (32) square feet each, with a maximum depth of two (2) feet.

- ii. From March 15th to October 30th each year, two (2) displays shall be permitted against the north wall of the building, not to exceed thirty-two (32) square feet each, with a maximum depth of two (2) feet
 - iii. An unobstructed access aisle, a minimum of five (5) feet in width shall be provided.
 - b. Displays of plants may be placed along the west wall of the hardware store, subject to the following limitations:
 - i. Said displays shall be limited to the period from March 15th to October 30th each year.
 - ii. Said displays shall be limited to two (2) areas, one area on the west wall and one area adjacent to the west wall, not to exceed thirty-two (32) square feet each, with a maximum depth of two (2) feet.
 - iii. An unobstructed access aisle, a minimum of five (5) feet in width shall be provided.
 - c. Four (4) temporary displays of other seasonal items are permitted, subject to the following limitations:
 - i. Said displays shall be located adjacent to the front of the store (north wall) screened from public view by placement behind the existing arcade walls.
 - ii. Said displays shall not exceed thirty-two (32) square feet each, within a maximum depth of four (4) feet.
 - iii. An unobstructed access aisle, a minimum of five (5) feet in width, shall be provided.
- 4. An outdoor sales and display area for seasonal outdoor items is permitted on the west side of the hardware store, subject to the following requirements:
 - a. Purpose - The purpose of this area shall be to contribute to the character of this Planned District while providing the hardware store the opportunity to sell and display the following seasonal outdoor items:
 - i. Ornamental grasses, flowers, and other plants.
 - ii. Planters.
 - iii. Outdoor lighting.
 - iv. Patio furniture.
 - v. Decorative pavers or decking.
 - vi. Fountains.
 - vii. Lawn and garden accessories.

- viii. Items not listed above, subject to the review and approval of the City Planner.
- b. Prohibited Items - In no case shall the following items be stored or displayed in this area:
 - i. Bagged lawn care products such as fertilizer, seed, or mulch.
 - ii. Stockpiles of any material.
 - iii. Evergreen trees.
- c. Displays shall be in keeping with those of a typical retail store. Any stacked items (such as chairs) shall be located against the wall of the building closest to the interior and stacked not more than five (5) feet in height. Elsewhere in this area, items shall be displayed and exhibited in the context of their intended use.
- d. This area shall not exceed nine-hundred (900) square feet in area, including:
 - i. The space beneath the existing building's overhang on the west side of the hardware store, provided this area includes an unobstructed aisle through the center running north and south which is at least three (3) feet in width; and
 - ii. An open portion west of this overhang, provided the open portion does not exceed two hundred fifty (250) square feet in area. Additionally, this portion shall be surfaced with pavers, decking, or other surface which meets the requirements of the Building Code for accessibility.
- e. Fencing - The area shall be enclosed by a five (5) foot tall wrought iron fence. Said fence may include lockable gates.
- f. Landscaping - Landscaping improvements shall be completed in conjunction with the construction of this area, subject to the following requirements:
 - i. Landscaping materials shall be in accordance with the requirements of Article 16, Landscaping Design Standards, of the Zoning Code.
 - ii. Landscaping shall be as shown on the plan included in the City Planner's Report to the Planning Commission dated June 21, 2012. Substantial deviations shall require the review and approval of the Planning Commission.
- g. Signs
 - i. Non-illuminated incidental signs shall be permitted provided said signs do not exceed two (2) square feet in area.
 - ii. Price/product information signs shall be sized in the context of a typical retail operation and intended for the readability of shoppers within this area, not for advertising purposes outside the area.

- iii. A sign identifying the outdoor sales and display area may be attached to the building, subject to a sign permit, provided that it consists of channel letters, is not more than fifteen (15) square feet in area, and is not internally illuminated.
 - h. Site Plans - Site improvements and operations shall be in accordance with the plans approved by the City Planner on February 23, 2011. Substantial deviations shall be subject to the review and approval of the Planning Commission.
 - i. Reevaluation - In the event that the City Planner determines that this area is no longer in keeping with its purpose and intent and, through observation or issuance of Notices of Violation, is failing to meet the requirements herein, the City Planner may initiate an amendment, in accordance with the requirements of the Zoning Code, to this Planned District ordinance to eliminate this area and restore it to its previous condition. The property owner shall have the right to appeal in accordance with Section 3.VII, Rights of Appeal, of this Ordinance.
 - j. Business Licensing – This area shall be considered an integral part of the premises and, as such, subject to business licensing and fees
5. Delivery, loading and unloading activities for the hardware store are restricted to the area to the rear of the store and are limited to between the hours of 7:00 AM and 8:00 PM.
- F. The fitness and recreational sports center is limited to a maximum of 2,800 square feet of open activity rooms and ninety-one (91) exercise stations or machines.
- H. Outdoor restaurant seating shall be permitted, subject to the review and approval of the City Planner to ensure that sufficient pedestrian circulation is maintained including, but not limited to, a minimum aisle of approximately five (5) feet along the front of the building.

VI. MISCELLANEOUS

- A. Every use, activity, process or operation on the site shall comply with Article 17, Environmental Standards, of the Zoning Code.
- B. The storage of flammable materials on site is subject to the review and approval of the Maryland Heights Fire District.

VII. 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.

VIII. RECORDING

Prior to the issuance of any permit for future building expansions or amendments to the parking, site design, or landscaping design, the Amended Final Development Plan shall be recorded in accordance with Section 25-6.11, Recording, of the Zoning Code.

Section 4: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED BY THE CITY COUNCIL THIS _____ DAY OF DECEMBER 2022.

MAYOR/PRESIDING OFFICER

APPROVED BY THE MAYOR THIS _____ DAY OF DECEMBER 2022

MAYOR

ATTEST:

CITY CLERK