



PUBLIC MEETING NOTICE AND AGENDA

PUBLIC NOTICE POSTED IN ACCORDANCE WITH 610 RSMO 1986 AS AMENDED.

Posted By: M. Zeek Date: 12/04/20 Time: 12:00 p.m.

**PLANNING AND ZONING COMMISSION
TENTATIVE AGENDA
City of Maryland Heights
Tuesday, December 8, 2020 – 7:00 P.M.**

ZOOM AND TELEPHONE ONLY

Login Information on Page 2

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. APPROVAL OF AGENDA**
- D. PUBLIC HEARING**
 - 1. PLN20-0006/Federal International**
Appeal of the City Planner’s finding that the materials recovery facility at 12111-5 Prichard Farm Road fails to satisfy the provisions of Ordinance 2014-3845 and Section 25-25-5.8, Burden of Proof, of the Zoning Code
 - 2. CUP20-0008 & REZ20-0002/Tony’s Donuts**
Conditional Use Permit for a fast food restaurant with drive-through services and outdoor seating at 11517 and 11525 Dorsett Road land and a rezoning of the eastern 0.18 acre portion of the site from “RD-MXD” Redevelopment—Mixed-Use District to “C-2” General Commercial District.
 - 3. REZ20-0001/City of Maryland Heights**
Request to rezone property located at 11540 Dorsett Road from “M-1” Office, Service, and Light Manufacturing District to “C-2” General Commercial District to encourage future redevelopment of commercial uses, rather than industrial uses, at this location.
 - 4. TXT20-0005/City of Maryland Heights**
Request to add Support Activities for Rail Transportation (LUC #488210) to Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.
 - 5. CMP20-0001/City of Maryland Heights**
Continuing the process to repeal the current Comprehensive Plan and adopt a new Comprehensive Plan in lieu thereof (discussion of Hazard Mitigation & Resiliency).
- E. APPROVAL OF MINUTES**
 - 1. November 10, 2020**
- F. PUBLIC COMMENT**
- G. OLD BUSINESS**

H. NEW BUSINESS

- 1. CUP20-0005/Rite-A-Way Lawn Care
Planning Commission review and approval of revised building design for the salt storage building to be located at 10 Sally Drive in accordance with Conditional Use Permit Ordinance 2020-4535.**

I. COMPREHENSIVE PLAN

J. COMMUNICATIONS AND OTHER BUSINESS

- 1. Consideration of 2021 Meeting Schedule.**

K. ADJOURNMENT

The City of Maryland Heights is working to comply with the Americans with Disabilities Act (ADA). Reasonable accommodations will be provided when requested. To request an accommodation, please call City Hall, 291-6550 V or use Relay Missouri 1-800-735-2966 TDD at least 48 hours in advance of the meeting and communicate your needs.

Zoom meeting also available:

<https://zoom.us/my/mhcommunitydevelopment>

By telephone dial:

(312) 626-6799

Meeting ID: 895 478 8441 Password: 123456



REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS

APPLICATION NUMBER PLN20-0006

APPLICATION (PROJECT) NAME FEDERAL INTERNATIONAL

APPLICANT NAME Federal International
7935 Clayton Road, Saint Louis, Missouri 63117

PROPERTY OWNER NAME Federal International
7935 Clayton Road, Saint Louis, Missouri 63117

APPLICANT'S REQUEST Appeal of the City Planner's finding that the materials recovery facility fails to satisfy the provisions of Ordinance 2014-3845 and Section 25-25-5.8, Burden of Proof, of the Zoning Code

SITE LOCATION South side of Prichard Farm Road

STREET ADDRESS 12111 - 12115 PRICHARD FARM ROAD

PARCEL/LOCATOR NUMBER 120110371

EXISTING ZONING DISTRICT "M-1" Office, Service, and Light Manufacturing District

TOTAL SITE AREA 7.2 acres

PLANNING AREA HOWARD BEND PLANNING AREA

PUBLIC HEARING October 13, 2020 and December 8, 2020

REPORT ISSUED December 2, 2020

CASE MANAGER Michael Zeek, AICP

RECOMMENDATION DISCUSSION AND CONSIDERATION OF DRAFT ORDINANCE



REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS

DESCRIPTION OF EXISTING SITE CONDITIONS

The subject property is a 7.2 acre tract located on the south side of Prichard Farm Road at its eastern terminus. The site is developed with a 80,850 square foot building and associated parking/loading areas, constructed in 1980. The Fee Fee Greenway Trail runs through the southern portion of the site.



REFER TO FIGURE 1

NEIGHBORHOOD CONDITIONS/LAND USE

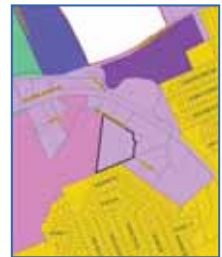
North of the site, across Prichard Farm Road, is an electronics wholesaler (*Beyond Components*). East of the site is an office relocation service (*Professional Installers*). South of the site, at a higher elevation, are single-family dwellings. Abutting the site to the west is a vacant property that was previously part of Crystal Springs Quarry Golf Club.



REFER TO FIGURE 2

ZONING CONTEXT

The subject site is zoned "M-1" Office, Service, and Light Manufacturing District. The single-family dwellings to the south are zoned "R-5" Single-Family Residential District. The vacant property to the west is zoned "MXD" Mixed Use District.



REFER TO FIGURE 3

REFER TO APPENDIX—SUPPLEMENTAL MAPS AND EXHIBITS



EXISTING CONDITIONS MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Electronics Wholesaler	"M-1"	<i>Beyond Components</i>
East	Office Relocation Service	"M-1"	<i>Professional Installers</i>
South	Trail; Single-family dwellings	"R-5"	
West	Vacant property	"MXD"	Formerly Crystal Springs Quarry Golf Club

REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS



BACKGROUND AND REQUEST

In 2014, the City Council adopted Conditional Use Permit Ordinance 2014-3845, authorizing a materials recovery facility with limited outdoor storage at 12111-12115 Prichard Farm Road. *Federal International* continues to operate at this location subject to that ordinance. Due to a change in ownership structure, *Federal International* has applied for a new Commercial Occupancy Permit (COP). Numerous Zoning Code and Property Maintenance Code violations were documented in conjunction with the inspection process. These must be corrected prior to issuance of a new COP.

As part of the COP review/approval process, the City Planner reviews the business to ensure that all zoning requirements can be satisfied. The City Planner determined that the business does not satisfy the conditions of Ordinance 2014-3845. The review letter with complete details is included in the appendix of this report.

In accordance with Ordinance 2014-3845, the applicant has appealed the City Planner's finding to the Planning Commission. The Planning Commission must now make a recommendation to City Council as to how to proceed. The final decision rests with the City Council.

Staff scheduled a public hearing on this matter for the Planning Commission's October 13th meeting. The typical advertisement, posting, and notification steps were performed. Staff presented the background and rationale behind the City Planner's finding. The applicant presented their appeal, including their plans to remedy the deficiencies (some of which have already been implemented). Adjoining residents testified with regard to noise concerns resulting from the facility's operations. The Commission directed the applicant to demonstrate progress toward alleviating the concerns and directed staff to continue the public hearing until December 8, 2020.

DISCUSSION

There are three issues that must be addressed to ensure the facility's appropriateness at this location – noise, outdoor storage of materials, and traffic. The applicant has taken steps toward correcting these issues and plans to take additional steps. From staff's standpoint, the Conditional Use Permit Ordinance governing the facility (2014-3845) should also be amended in light of these actions and based on the expectations of staff and the Planning Commission. The intent of this discussion is to highlight actions taken, or to be taken, by the applicant as well as provisions of the draft ordinance related to each.

NOISE

Noise produced by the facility is of concern as single-family dwellings abut the site to the south. The dwellings are at a higher elevation than the facility making mitigation efforts such as sound walls or buffering ineffective. The best way to mitigate noise in this instance is to control the source rather than attempt to buffer it. Ordinance 2014-3845 references the St. Louis County Noise Control Code. The code specifies maximum decibels (dB) at the residential property line based on time of day and duration of the noise (the lower the duration, the higher the permissible noise). Between the hours of 7:00 a.m. and 10:00 p.m., the code allows noise to be louder.

To gain an idea of the level of noise produced by the facility, staff collected readings from the south side of the Fee Fee Greenway trail. While the chosen location was approximately 30 feet from the residential property line, it provides a good basis for review. While operating with the doors open and three tractor trailers idling in the lot, the facility operated at 50 to 52 dB. These levels are at or near the permissible levels allowed at both daytime and nighttime hours. However, closing the doors on the south and east sides of the building would result in even less audible noise. The loudest noise observed by staff involved a forklift dumping materials into a roll-off dumpster. At its loudest, this activity measured 83 dB. This activity



REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS

DISCUSSION (CONT.)

should be discontinued, moved into the building, or moved northward away from the homes. Another problematic noise is produced when garbage trucks back into the area behind the building. As observed, a truck's backup alarm registered 70 dB and after dumping the load, the driver exited the vehicle and left the alarm running. It ran for over 2 minutes, potentially exceeding the permissible level during daylight hours. Staff would note that other potentially noisy industrial uses lie further north including the *Fred Weber* headquarters and the Champ Landfill/Quarry. It is possible that some of the noises heard by the residents come from these uses.

Federal International has submitted a building permit application to renovate the interior of the building to increase the amount of warehousing space available. As part of this renovation, a new overhead door would be added to the front of the building. This would allow vehicles to back into the building to unload, reducing the number of deliveries that occur on the south side of the building. This, along with implementing a practice of closing the overhead doors as much as possible will reduce the noise audible from the single-family residential properties to the south.

Ordinance 2014-3845 references the County Noise Control Code which is based on hours between 7:00 a.m. to 10:00 p.m. Additionally, the ordinance restricts vehicles with backup alarms, forklifts, skid-steer loaders, etc. to the hours of 8:00 a.m. to 8:00 p.m. Federal International has requested to change these hours to 7:00 a.m. to 8:00 p.m. (one hour earlier in accordance with the St. Louis County code). The attached draft ordinance includes this change, subject to the input of the Planning Commission. The draft ordinance also requires the overhead doors to remain closed as often as practically possible.

OUTDOOR STORAGE

Ordinance 2014-3845 authorizes the facility to store materials outdoors in a screened area of 10,000 square feet with materials not to exceed 6 feet in height, measured from the ground elevation. It is staff's belief that the original intent was to allow baled product, rather than loose product, to be stored outdoors. This is simply not how the facility is operated. While some baled product is stored outdoors, loose product is also dumped outdoors and then pushed into the facility for processing. Loose product outside the facility has been the source of concerns over litter and unsightliness. Due to issues with incoming product versus outgoing product, the amount of loose product stored outside has grown to unacceptable levels at times. In respond to these concerns, the applicant has taken the following steps:

- Obtained a building permit to install a new state-of-the-art baler which will greatly increase processing capacity. The current baler will be rebuilt and remain on site as a back-up.
- Installed walls where dumping occurs outside the building to contain the loose material. It should also be noted that St. Louis County requires the loose material to be brought into the facility at the end of each day or placed under a tarp.
- Employed an individual to police the lot so that loose material does not escape and become litter.
- Applied for a building permit to renovate the interior of the building to increase the amount of warehousing space available and install a new overhead door on the front of the building.

Staff proposes the following ordinance provisions to add specificity regarding outdoor storage of materials:

- Include an Exhibit in the ordinance showing where baled material and loose material is allowed to be located (also included in the appendix of this report). The six-foot height limitation will continue to apply.



DISCUSSION (Cont.)

- Require loose material to be moved into the building by 8:00 p.m. or covered with a tarp by midnight each day.
- Require a program to prevent material from escaping the designated storage areas, including the construction of walls or fencing.
- Require landscaping along Prichard Farm Road to screen the proposed loading dock on the front of the building.

Enforcement of the location and height requirements of outdoor storage will be critical in the successful operation of the use. The draft ordinance clarifies that violation of conditions is subject to enforcement action in accordance with Section 25-5.17.D, Noncompliance. This section of the code also includes the process to revoke a Conditional Use Permit Ordinance when conditions are not being satisfied.

TRAFFIC

As the City Planner's letter noted, the site lacks sufficient parking/queuing area for incoming trucks, causing southbound/eastbound Prichard Farm to be impassible. This situation can result in adverse operational impacts on adjoining properties and present a possible safety hazard in the event of a fire or health emergency. Prichard Farm is a private street so the City cannot prohibit parking on one or both sides of the road. It is up to Federal International to schedule their inbound loads in a manner that can be adequately accommodated. Based on staff's observations, the applicant has taken great strides in this area. They continue to seek an off-site lot on which vehicles can queue while awaiting a timeslot to arrive at the facility. The draft ordinance requires the applicant to enact measures to ensure that vehicles do not queue on Prichard Farm Road.

NEXT STEPS

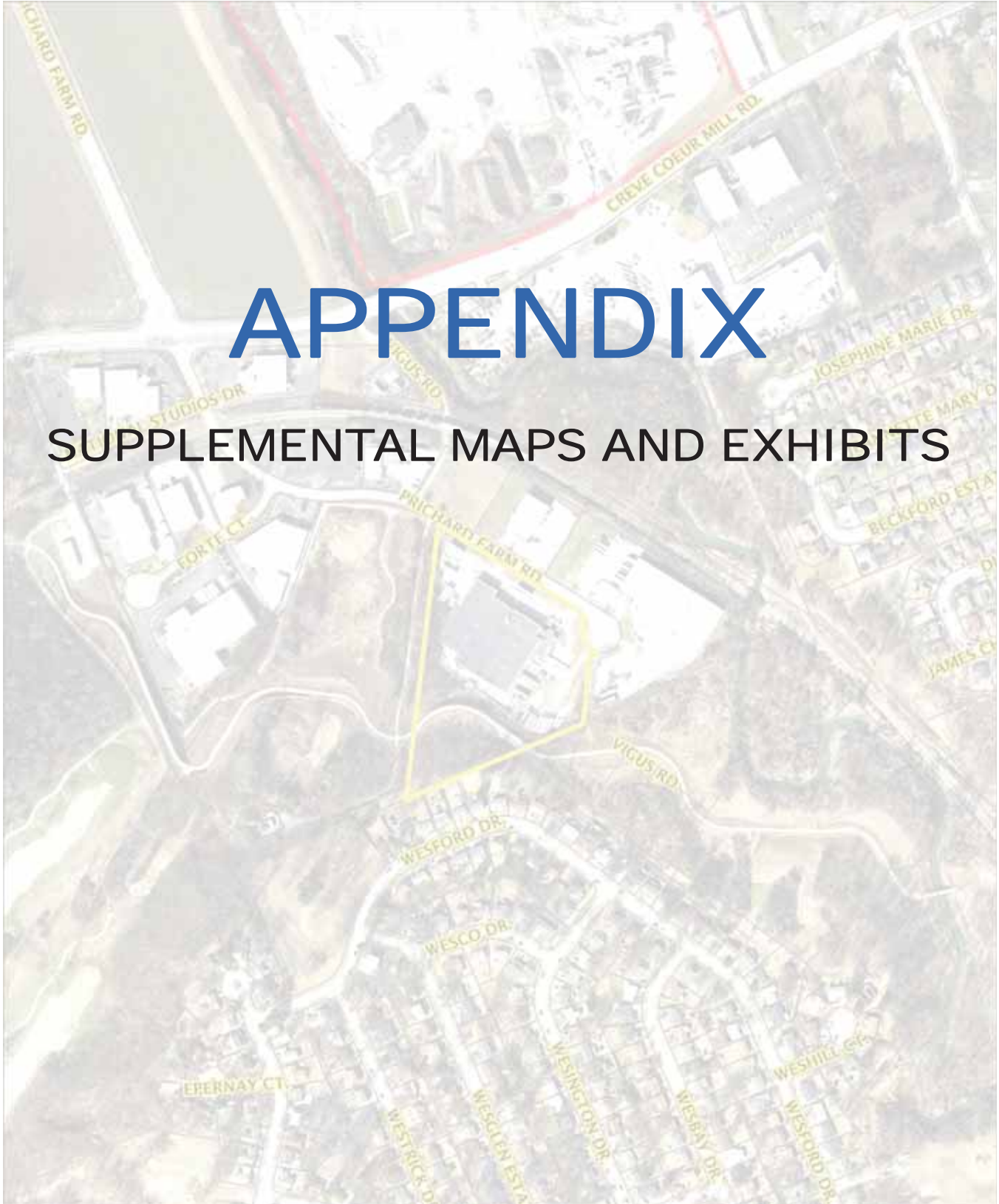
Staff has scheduled a public hearing for December 8, 2020 to discuss this matter in further depth with the Planning Commission. The applicant and public have been notified in accordance with the Zoning Code. Once the hearing is closed, the Planning Commission may:

- Uphold the applicant's appeal and recommend to the City Council that the Commercial Occupancy Permit (COP) be approved; or
- Uphold the City Planner's finding and recommend to the City Council that the COP be denied; or
- Recommend amendments to Conditional Use Permit Ordinance 2014-3845 to better govern the use; or
- Request additional information from staff and/or the applicant prior to making a recommendation.



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	

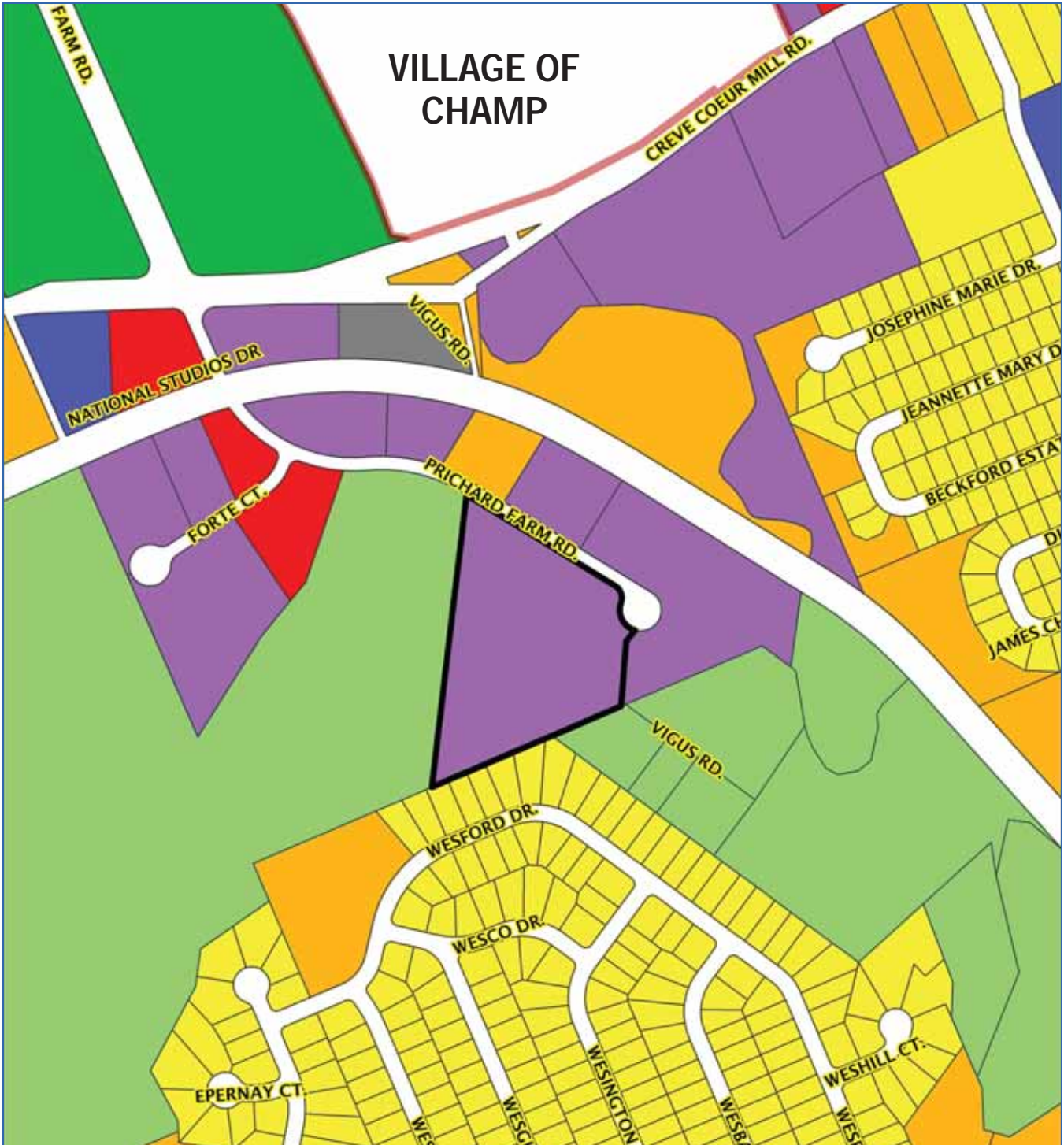


FIGURE 2: EXISTING LAND USE PATTERN

REPORT TO PLANNING & ZONING COMMISSION
CITY OF MARYLAND HEIGHTS

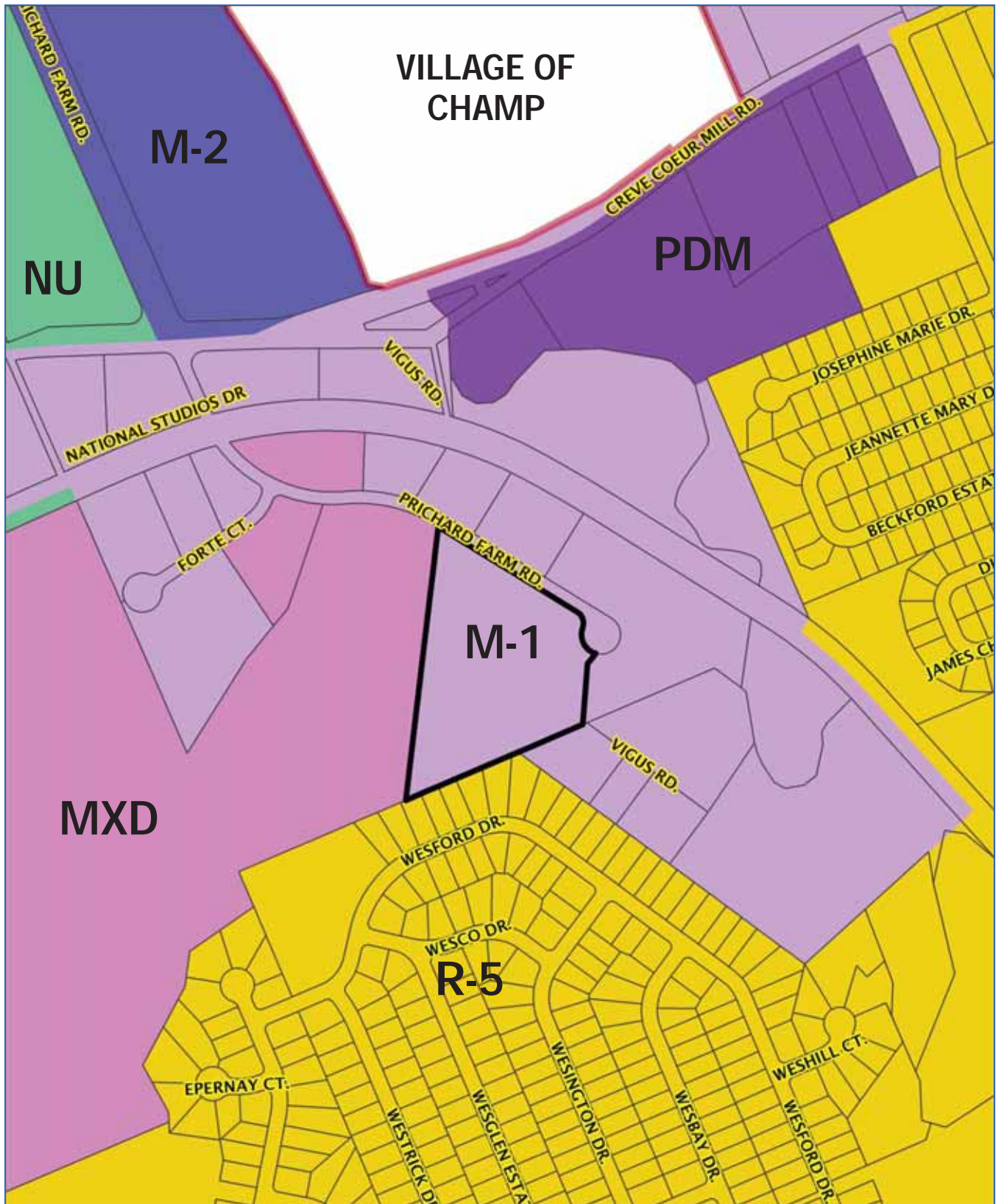


FIGURE 3: ZONING MAP



REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS

City of
MARYLAND HEIGHTS



11911 Dorsett Road
Maryland Heights, MO 63043-2597
t: 314.291.6550 f: 314.291.7457
www.marylandheights.com

September 9, 2020

Kendra Kemp
Federal International Recycling and Waste Solutions, LLC
7935 Clayton Road
Clayton, MO 63117

Re: Application for Occupancy Permit #COP20-1880
Federal International – 12111 Federal International

Ms. Kemp:

The first step in the occupancy permit review and approval process is a zoning review:

1. The property located at 12111-12115 Prichard Farm Road is zoned "M-1" Office, Service, and Light Manufacturing District.
2. Federal International is considered a Materials Recovery Facility (Land Use Code #562920).
3. This use requires a Conditional Use Permit in the "M-1" Office, Service, and Light Manufacturing District.
4. On February 6, 2014, the City Council adopted Ordinance 2014-3845, authorizing a Materials Recovery Facility with limited Outdoor Storage of Materials (attached).
5. On March 20, 2014, the City Planner approved the Final Site Plan (attached).
6. Section 2.VII.B of Ordinance 2014-3845 states:

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.

7. Based on recent and historic inspections by Code Enforcement, I find that the use of the site fails to meet the following conditions of Ordinance 2014-3845:

2.IV.B.2. Outdoor storage shall be limited to a maximum of ten thousand (10,000) square feet in a location shown and approved on the Final Site Plan. In no case shall outdoor storage occur within one hundred (100) feet of the Prichard Farm Road right-of-way.

2.IV.B.4. Materials storage shall not exceed six (6) feet in height, measured from ground elevation.

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

EXHIBIT A: CITY PLANNER'S LETTER

REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS



Federal International – #COP20-1880
September 9, 2020
Page 2 of 3

8. I also find that the use of the site fails to meet Section 22-1, Litter, of the Municipal Code as follows:

- (a) *No person shall throw, dump, deposit or place or cause to be thrown, dumped, deposited or placed upon any highway, road, street, alley, parking lot, private road or driveway, or right-of-way of same any paper, rubbish, garbage, or debris of any and all kinds.*
- (b) *No person shall throw, dump, deposit or place or cause to be thrown, dumped, or deposited or placed, such materials and substances in such a manner as to cause the same to roll, flow or wash upon any highway, road, street, alley, parking lot, private road or driveway, or right-of-way of same.*
- (c) *No person, when moving or hauling any such materials and substances upon any highway, road, street, alley, parking lot, private road or driveway, or right-of-way of same, shall allow such substances and materials to blow, spill, drop, or otherwise come to rest over and upon such highway, road, street, alley, parking lot, private road or driveway, or right-of-way of same.*

9. Finally, I find that the use of the site fails to satisfy the following elements of Section 25-5.8, Burden of Proof, of the Zoning Code:

- B. *Operational Impacts. The conditional use can be operated in a manner that is not detrimental to the permitted developments and uses in the district. In determining the impacts of the proposed use on surrounding properties, the following factors shall be considered:*
 1. *Noise;*
 2. *Odor;*
 3. *Traffic;*
 4. *Operational schedule; and/or*
 5. *Other similar factors related to the nature of the operation.*
- C. *Visual Impacts. The conditional use can be developed and operated in a manner that is both visually compatible with the permitted uses in the surrounding area and protects or enhances the public viewshed. In determining the visual impact of the proposed use on surrounding properties, the following factors shall be considered:*
 1. *Density. Either the number of units and/or site coverage in respect to the immediate neighborhood;*
 2. *Massing and Scale. The location, floor area, and/or height of the structures associated with the proposed conditional use; and*
 3. *Screening and Buffers. The use of landscaping, fencing, setbacks, or other design features to mitigate the visual impact of the proposed conditional use.*
- D. *General Welfare. The conditional use is deemed essential, convenient, or desirable to preserve and promote the public health, safety, and general welfare of the City of Maryland Heights.*
- E. *Infrastructure. Adequate facilities either exist or will be provided, including but not limited to:*
 1. *Access;*
 2. *Parking and loading;*
 3. *Emergency services;*
 4. *Utilities; and*
 5. *Drainage.*

\\Mh-storage\user\PLN\Cases Files\Conditional Use\Federal Item 12116\Federal International\Correspondence\Federal International 2020 COP\09-09-2020.docx

EXHIBIT A: CITY PLANNER'S LETTER (CONT.)



REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS

Federal International – #COP20-1880
September 9, 2020
Page 3 of 3

The operation is substantially different from what was originally presented at public and authorized by Ordinance 2014-3845. Outdoor storage of materials occurs in most, if not all, of the rear yard. The volume of material often results in litter on adjoining properties and within the surrounding area along Prichard Farm Road. The site lacks sufficient parking/queuing area for incoming trucks, causing southbound/eastbound Prichard Farm Road to be impassible. This situation results in adverse operational impacts on adjoining properties and presents a possible public safety issue in the event of a fire or health emergency. The improper maintenance of the building and site coupled with excessive outdoor storage of material results in adverse visual impacts on surrounding properties and the Fee Fee Greenway Trail.

10. In conclusion, I find that the use of the site will not continue to meet the conditions of Section 25-5.8, Burden of Proof, of the Zoning Code. Given this finding, I cannot approve the zoning for Occupancy Permit Application #COP20-1880.

11. Section 2.V.B. of Ordinance 2014-3845 states:

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.

12. Based on Section 2.V.B. above, the following options are available to you:

- a. Appeal the City Planner's decision to the Planning Commission/City Council; or
- b. Appeal the City Planner's decision to the Board of Adjustment; or
- c. Amend the application for a use that is permitted in the "M-1" Office, Service and Light Manufacturing District; or
- d. Withdraw the application as submitted. The application will be considered automatically withdrawn if you do not respond to this letter by September 23, 2020.

Please contact me at your earliest convenience to advise how you wish to proceed. I can be reached at 314-738-2232 or mzeek@marylandheights.com.

Sincerely,

Michael Zeek, AICP
Director of Community Development/City Planner

CC: Anthony Decaro, Claire Newton, and Samuel Still – Federal International
Paul Garlock, Building Commissioner – City of Maryland Heights
John Matz, Code Enforcement Officer – City of Maryland Heights
Richard Hampel – St. Louis County Department of Public Health

\\Mh-storage\user\F&Z\Case Files\Conditional Use\Prichard Farm 12115\Federal International\Correspondence\Federal International 2020 COP 09-09-2020.docx



EXHIBIT A: CITY PLANNER'S LETTER (CONT.)

REPORT TO PLANNING & ZONING COMMISSION
CITY OF MARYLAND HEIGHTS



EXHIBIT A



-  **LOOSE MATERIAL** (limited to 6 feet in height; moved into the building or covered with a tarp daily)
-  **BALED MATERIAL** (limited to 6 feet in height)

City of Maryland Heights
Ordinance No. 2020-DRAFT
EXHIBIT A
Page 1 of 1

EXHIBIT A: PROPOSED ORDINANCE EXHIBIT

Recommendation of Planning Commission

BILL NO.

ORDINANCE NO. 2020-DRAFT

**AN ORDINANCE REPEALING ORDINANCE 2014-3845 AND ENACTING A CONDITIONAL USE PERMIT IN LIEU THEREOF FOR A MATERIALS RECOVERY FACILITY AT 12115 PRICHARD FARM ROAD
(Petition of Federal International and the City of Maryland Heights)**

WHEREAS, a Public Hearing was held before the Planning Commission regarding the proposed Ordinance; and

WHEREAS, the Planning Commission has determined that the use can only satisfy the criteria for conditional uses if it operates as set forth herein; 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: Conditional Use Permit Ordinance 2014-3845 is hereby repealed.

Section 2: 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 7.2 acre parcel of land located at 12115 Prichard Farm Road with a legal description as follows:

A tract of land being Lot 8 of the “Deerwood Commerce Center”, a subdivision according to the plat thereof recorded in Platt Book 191, Page 52 of the St. Louis County Records, in U.S. Survey 992, Township 46 North, Range 5 East, St. Loius County, Missouri being more particularly described as:

Beginning at a point in the South line of U.S. Survey 992, said point being the Southwest corner of said Lot B; thence Northwardly along the West line of said Lot B, North 07 degrees 05 minutes 16 seconds East 574.89 feet to the Northwest corner thereof; said point being in the Southwest line of Prichard Farm (40 feet wide) (Private) Road; thence Southeastwardly along said Southwest line the following courses and distances: South 58 degrees 09 minutes 38 seconds East 516.05 feet along a curve to the right whose radius point bears South 31 degrees, 50 minutes 22 seconds West 43.00 feet from the last mentioned point, a distance of 58.89 feet and along a curve to the left whose radius bears South 69 degrees 41 minutes 30 seconds East 62.00 feet from the last mentioned point; a distance of 102.29 feet to a point in the East line of aforesaid Lot B; thence in a Southwardly direction laong said East line of Lot B South 38 degrees 57 minutes 22 second West 42.59 feet and South 04 degrees 40 minutes 31 seconds West 193.10 feet to the Southeast corner of said Lot B; said point being in the South line of U.S. Survey 992; thence Westwardly along said South line, South 67 degrees 01 minutes 22 seconds West 222.89 feet and South 67 degrees 08 minutes 23 seconds West 388.03 feet to the point of beginning and containing 7.203 acres according in a survey by Volz, Inc. dated May 29, 2001.

Section 3: 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 shall be permitted.
- B. Materials Recovery Facilities (LUC #562920) shall be permitted, subject to the limitations set forth in this ordinance.
- C. Outdoor Storage of Materials (LUC #236000) related to the materials recovery facility shall be permitted as an accessory use, subject to the limitations set forth in this ordinance.

II. 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 City Planner 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 three (3) existing access point from Prichard Farm Road, subject to the review and approval of the City Engineer.
- C. Building Design - Any new building shall be in accordance with Article 13, Building Design Standards, of the Zoning Code.
- D. Parking and Loading
 - 1. Any new parking spaces, loading spaces, or internal drives shall be in accordance with Article 14, Parking and Loading Regulations, of the Zoning Code.
 - 2. The outside storage or parking of vehicles unrelated to the permitted uses on the site shall be prohibited.
 - 3. Unenclosed (flatbed) trailers shall be parked or stored in the south corner of the property, screened from Prichard Farm Road by the required sight proof fencing.
 - 4. Operations shall be scheduled to avoid excessive queuing of vehicles on Prichard Farm Road. Excessive queuing shall be defined as vehicles parked in front of adjoining properties and/or on-street parking which leads to significant traffic congestion as determined by the City Engineer.
- E. Signs - All new or replacement signs shall be erected in accordance Article 15, Sign Regulations, of the Zoning Code.

- F. Landscaping - Landscaping shall be provided for any future improvements in accordance with the provisions of Article 16, Landscaping Design Standards, of the Zoning Code. Additionally, landscaping shall be required along Prichard Farm Road to screen the proposed north facing overhead door near the center of the building, subject to the review and approval of the City Planner.
- G. Lighting - All new or replacement lighting shall be erected in accordance with the provisions of Article 18, Lighting Design Standards, of the Zoning Code.
- H. Screening of Dumpsters – All dumpsters shall be screened from view in accordance with the requirements of Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities, of the Zoning Code.
- I. Stormwater and Sanitary Sewers
 - 1. For any future improvements, 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.

III. USE LIMITATIONS

- A. The materials recovery facility shall be limited as follows:
 - 1. Other than loading and unloading activities, all processes related to the materials recovery facility shall occur inside the building.
 - 2. Overhead doors shall remain closed to the maximum extent possible.
 - 3. The following activities shall be limited to the hours between 7:00 a.m. and 8:00 p.m.:
 - a. Movement of vehicles with reversing alarms outside of the building.
 - b. Operation of forklifts, skid-steer loaders, and similar vehicles and equipment outside of the building.
 - 4. Noise levels shall conform to the St. Louis County Noise Control Code as follows:

Daytime Hours (7:00 a.m. to 10:00 p.m.)

Tn *	(dB(A)) **
60	55 or less
30	56-58
15	59-61
8	62-64
4	65-67

2	68-70
0	71 or greater

Nighttime Hours (10:00 p.m. to 7:00 a.m.)

Tn *	(dB(A)) **
60	50 or less
30	51-53
15	54-56
8	57-59
4	60-62
2	63-65
0	66 or greater

* Total Duration of Time Noise To Be Emitted From Noise Source During Period of Measurement (Minutes).

** A-Weighted Sound Pressure Level.

- B. Outdoor storage of materials shall be limited as follows:
1. Outdoor storage shall be limited to material related to the materials recovery facility operating on site. Outdoor storage related to any other use shall require an amendment to this ordinance.
 2. Outdoor storage of material shall be limited as specified in Exhibit A, attached hereto and incorporated herein.
 3. Outdoor storage shall be screened from Prichard Farm Road with a minimum six (6) foot tall wooden or vinyl fence, subject to the review and approval of the City Planner.
 4. Materials storage shall not exceed six (6) feet in height, measured from ground elevation.
 5. Loose material shall be moved into the building by 8:00 p.m. or covered with a tarp by midnight each day.
 6. A program shall be implemented to prevent material from escaping the designated storage areas. Loose material shall be contained by walls and/or fencing to prevent its escape.

IV. GENERAL LIMITATIONS

- A. Penalties for noncompliance and abandonment shall be governed by Section 25-5.17, Time Limit of Conditional Use Permit. Violation of ordinance conditions shall be subject to Section 25-5.17.D, Noncompliance.
- 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.

V. MAINTENANCE

- A. The building and site shall be maintained in accordance with the Property Maintenance Code.
- B. Existing landscaping shall be maintained or replanted as determined by annual inspection of the site by the City Planner or his/her assigns.

VI. 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 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 _____ 2020.

MAYOR/PRESIDING OFFICER

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2020.


MAYOR

ATTEST:

CITY CLERK

EXHIBIT A



 **LOOSE MATERIAL** (limited to 6 feet in height; moved into the building or covered with a tarp daily)

 **BALED MATERIAL** (limited to 6 feet in height)