

INTRODUCED BY:

**ALDERMAN PLUFKA
ALDERMAN WEGGE
ALDERMAN LOCHMOELLER
ALDERWOMAN HARTER**

**ALDERWOMAN PARKER TICE
ALDERWOMAN SIMS
ALDERMAN GOULD
ALDERMAN ERGER**

AN ORDINANCE AMENDING ORDINANCE NO. 4810 AND 4602 FOR THE CONDITIONAL USE PERMIT AND SITE DEVELOPMENT PLAN FOR CHICK-FIL-A RESTAURANT LOCATED AT 8590 EAGER ROAD WITHIN THE DIERBERGS BRENTWOOD POINTE SHOPPING CENTER.

WHEREAS, Jake Panter of Kimley-Horn and Associates, Inc, on behalf of Bob Guthertz, of Chick-Fil-A at 8590 Eager Road ("Subject Property") has applied for a revision to the site development plan and conditional use permit for modifications to the drive-through lane, outdoor dining area and parking lot located within the Dierbergs Brentwood Pointe Shopping Center; and

WHEREAS, Ordinance NO. 4603 authorized the conditional use permit and site development plans for the Chick-Fil-A Restaurant with Drive-thru facilities on the Subject Property in 2015; and

WHEREAS, Ordinance No. 4810 authorized the expansion of the outdoor seating and revisions to the prior approved landscape plan for the Subject Property; and

WHEREAS, The Subject Property is zoned PD-Planned Development Overlay District, and pursuant to Section 400.1380(C)(5) and (6) Restaurants and Drive-in or carry-out sales of foods or of other goods or services are allowed as conditional uses that require review by the Planning and Zoning Commission and approval by the Board of Aldermen; and

WHEREAS, in accord with the applicable ordinances of the City of Brentwood, the application was submitted to the Planning and Zoning Commission for its investigation and report, and further that the Planning and Zoning Commission has returned its final report and has recommended that the revised site development plan and conditional use permit be approved subject to certain conditions; and

WHEREAS, after due notice as required by law a public hearing regarding the revised conditional use permit was duly held by the Board of Aldermen on the 4th day of March 2024, at which the public was given an opportunity to be heard; and,

WHEREAS, the Board of Aldermen hereby finds and determines that the applicant has borne the burden of proving that the conditional use permit contemplated will not:

- a) Substantially increase traffic hazards or congestion
- b) Substantially increase fire hazards
- c) Adversely affect the character of the neighborhood
- d) Adversely affect the general welfare of the community
- e) Overtax public utilities; and

WHEREAS, the Board of Aldermen further finds and determines that the applicant has borne the burden of proving that the conditional use permit contemplated:

- f) Complies with all other applicable provisions of the zoning code including performance standards in regard to yard and setbacks, parking and loading areas, screening and buffering, refuse storage and service areas
- g) Will contribute and promote the community welfare and convenience at the specific location,
- h) Will not cause substantial injury to the value of the neighboring property
- i) Complies with the Brentwood Comprehensive Plan or plans for any applicable zoning district regulations and provisions of the zoning chapter
- j) Will provide, if applicable, erosion control and on-site storm water detention in accordance with the standards contained in this ordinance
- k) Will be compatible with the surrounding area and thus will not impose an excess burden or have a substantial negative impact on surrounding or adjacent use or on community facilities or services.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF ALDERMEN OF THE CITY OF BRENTWOOD, MISSOURI, AS FOLLOWS:

Section 1. The following documents submitted for the conditional use permit by Kimley-Horn and Associates, Inc. on behalf of Chick-Fil-A and on file in the office of the Director of Planning and Development depict the extent of improvement proposed for the site:

- CFA – 3497 Brentwood revised Drawings Received February 7, 2024.
- Fence Detail received February 13, 2024.

The site development plan described on the referenced documents is hereby approved for the Subject Property.

SECTION 2. Chick-Fil-A Restaurant with Drive-thru services is hereby granted a revised conditional use permit and revised site development plan in accordance with the plans approved in Section 1, above, subject to the following conditions:

1. The Applicant shall submit for a building permit/grading permit consistent with the drawings submitted for the Planning and Zoning Commission meeting on February 14, 2024, that was emailed to the City on February 7, 2024, and on file in the office of the Director of Planning and Development, except as modified below.
2. A revised landscape plan shall be submitted for Staff Review and approval to include ornamental grasses or other upright plant material adjacent to the outdoor patio area to provide additional visual buffer between the parking and outdoor dining area as discussed in the Staff Report for the February 14, 2024, Planning and Zoning Commission.
3. The Applicant shall submit for approval by the City Attorney a copy of a deed restriction and/or other appropriate instrument(s) (enforceable by the City) that requires maintenance of the landscaping that is not on Chick-Fil-A's parcel, but part of the Brentwood Pointe Shopping Center, prior to the issuance of the building permits/grading permits.
4. All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as initially approved. In order to present a healthy, neat and orderly appearance, landscaped areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, ground covering and other landscaping by utilizing a sprinkler system, hose bibs and/or such other method of providing water, as required under Section 400.1730 Screening and Landscaping of the Brentwood City Code.
5. No revised site plan or revised conditional use permit approved by the Board of Aldermen shall be valid for a period longer than twelve (12) months from the date granted, unless within such period a building permit is obtained, and substantial construction is commenced.

BILL NO. 6487

ORDINANCE NO. 5117

SECTION 3. The Director of Planning and Development shall be charged with the responsibility for the enforcement of this ordinance.

Section 4. This Ordinance shall be in full force and effect from and after the date of its final passage and approval by the Mayor.

PASSED BY THE BOARD OF ALDERMEN THIS 18th DAY OF MARCH, 2024.




David A. Dimmitt, Presiding Officer

ATTEST:


Kelle Silvey, Deputy City Clerk

APPROVED BY THE MAYOR THIS 18TH DAY OF MARCH, 2024.



David A. Dimmitt, Mayor

ATTEST:


Kelle Silvey, Deputy City Clerk

1st Reading: March 4, 2024
2nd Reading: March 18, 2024

