

AN ORDINANCE AUTHORIZING A SPECIAL PERMIT TO FISHER ROSEMONT SYSTEMS, INC., DOING BUSINESS AS EMERSON, TO CONTAIN OUTDOOR STORAGE OF MATERIAL AND EQUIPMENT ON THE PROPERTY GROUNDS ADDRESSED AS 9315 OLIVE BOULEVARD, ZONED "LID" LIGHT INDUSTRIAL DISTRICT

WHEREAS, on May 23, 2025, Michael Knittel, Director of Fisher Rosemont Systems, Inc., doing business as Emerson ("Petitioner"), submitted an application to petition for a special permit use to authorize outdoor storage of material and equipment at the property grounds addressed as 9315 Olive Boulevard ("Property"); and

WHEREAS, the Property is zoned "LID" Light Industrial District ("LID District") and consist of an improved 12.65 acre parcel containing a 128,107 square foot building, developed originally in 1942; and

WHEREAS, the "LID" District is intended to accommodate light industrial manufacturing and warehousing activities at a scale and intensity of use that is compatible with the development in the City of Olivette, and outdoor storage of material and equipment associated with a permitted use on the lot grounds is authorized only through a special permit; and

WHEREAS, the special permit procedure, as outlined under Article XII Special Permits ("Article XII"), being part of Chapter 400 Zoning Regulations of Title IV Land Use of the Olivette Municipal Code, provides the basis for the City to determine the suitability of certain specified uses under prescribed conditions, these uses are not permitted uses except as otherwise determined to be suitable and compatible by the Commission and City Council, and the City reserves the full discretion to deny any such application or to revoke any such approval based upon a finding that an established special permit usage has become unsuitable and incompatible with its surroundings or that the conditions of approval are not being observed; and

WHEREAS, the request by the Petitioner is for the placement of four (4) outdoor storage metal shipping containers on the northeast grounds of the Property as illustrated in the petition application dated May 23, 2025; and

WHEREAS, under Article XII, additional prescribed conditions include that all outdoor storage of material and equipment must be associated with and on the same lot as a permitted use in an "LID" District, and items in outdoor storage shall be stacked at all times in a safe, neat and orderly condition, and the maximum height of such storage shall be as set forth in the special use permit, and visual screening, fencing or landscaping shall be required around any proposed outdoor storage area if deemed necessary to preserve the safety or character of surrounding properties or uses; and

WHEREAS, on June 26, 2025, the petition for the Special Permit Use request was introduced to the Olivette Planning and Community Design Commission ("Commission"), including a presentation by staff, an overview of operations and proposed improvements from the Petitioner, and the receipt of public comments; and

WHEREAS, on June 26, 2025, the Commission motioned to approve the Petition for a special Permit request, including the site improvement plans as authorized under Site Plan Review, and recommend to the City Council the issuance of a Special Permit to authorize outdoor storage of material and equipment associated with Fisher Rosemont operations on the property grounds addressed as 9315 Olive Boulevard, authorizing up to eight (8) outdoor storage metal shipping containers to be located on the northeast property grounds as illustrated in the petition application dated May 23, 2025, all outdoor storage items be maintained within the shipping containers, for the height not to exceed a single container height as shown in the petition application, and determined visual screening, fencing, or landscaping, all as presented in the Memorandum from the Department of Planning and Community Development dated June 26, 2025, subject to any staff conditions noted therein; and

WHEREAS, in accordance with the procedures outlined under Article XI Site Plan Review, Section 400.1090 *Site Plan Review Procedures for Special Permit or Rezoning* under Chapter 400 Zoning Regulations due and lawful notice of a public hearing on the special permit request, to be held by the City Council on July 22, 2025, at 7:00 PM in the City Council Chambers at the Olivette City Center, 1140 Dielman Road, Olivette, Missouri, was published in the St. Louis Countian, a newspaper of general circulation in the City of Olivette, on Monday, July 7, 2025; and

WHEREAS, a public hearing was duly and properly held by the City Council at the time and place provided for in the notice and all comments, statements, objections, and suggestions concerning the special permit request were duly heard and considered by the City Council; and

WHEREAS, the City Council, after careful and due deliberation, has determined that the proposed special permit request is in the interest of the public health, safety, welfare, and morals of the City of Olivette.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLIVETTE, ST. LOUIS COUNTY,
MISSOURI, AS FOLLOWS**

Section One.

The Olivette City Council ("Council") hereby approves and authorizes a Special Permit request to Fisher Rosemont Systems, Inc., doing business as Emerson ("Petitioner") to authorize outdoor storage of material and equipment at the property grounds addressed as 9315 Olive Boulevard ("Property") in accordance with the approved petition filed by the Petitioner, including the site improvement plans, hereto all attached as Exhibit A, and the following conditions:

- up to eight (8) outdoor storage metal shipping containers to be located on the northeast property grounds as illustrated in the petition application dated May 23, 2025, and
- all outdoor storage items be maintained within the shipping containers, and
- height not to exceed a single container height shown in the petition application, and
- that no visual screening, fencing, or landscaping be required, and
- use, placement, and operation, be maintained all as presented in the Memorandum from the Department of Planning and Community Development dated June 26, 2025.

Section Two.

A. The City Council may revoke this Special Permit Use if, after providing written notice and a hearing to the Petitioner or its assigns, or to the occupant, the Council finds that

- (a) the conditions and requirements of this Ordinance have not been fulfilled or otherwise have been violated, or
- (b) that the Petitioner, or its assigns, or the occupant of the property, has failed to comply with or has otherwise violated a law or laws, whether state, local, or federal, applicable to the property or its use.

The City may, but shall not be required to, provide an opportunity to cure if reasonably justified by the circumstances then existing. The burden of proof to revoke the Special Permit Use shall be on the City.

B. In addition, the City may cause a summons to be issued to the Petitioner, its assigns, or any occupant of the property for any violation of the conditions of this Ordinance or any other ordinance of the City, and upon conviction thereof, the Petitioner, its assigns, and/or occupant shall be subject to punishment as provided in Section 100.180 of the Olivette Municipal Code.

Section Three.

Within ninety (90) days of the enactment of this Ordinance by the Olivette City Council, the Developer shall record this Ordinance, including attachments, with the St. Louis Recorder of Deeds.

Section Four.

It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separated and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section Five.

This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this 22nd day of July, 2025.



SIDNEY CLARK
MAYOR

ATTEST:



JENNIFER CONRAD
DEPUTY CITY CLERK

EXHIBIT A

Petition filing by Fisher Rosemont Systems, doing business as Emerson, including approved Site Improvement Plans