

AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, AUTHORIZING CHANGES TO AMENDED ST. LOUIS COUNTY ORDINANCE #16342 TO ACCOMMODATE MODIFICATIONS AND ALLOW THE PERMITTED USES AUTHORIZED THEREIN, WHICH INCLUDES A MICROBREWERY, ASSOCIATED RESTAURANT, AND ACCESSORY STRUCTURES AND ACTIVITIES PART OF SUCH LAND USES.

WHEREAS, in 1989, St. Louis County rezoned this three (3) acre property that is located at the intersection of West Avenue and Manchester Road to accommodate a plant nursery and related sales, with that C-8 Planned Commercial District then being amended in 1992 to accommodate the addition of feed and grain sales; and

WHEREAS, the use of this property for the allowable uses has been continuous since the initial rezoning and provided on-going services to the growing population in the area that is now Wildwood; and

WHEREAS, when the Town Center Plan was being developed, and then ultimately adopted by the Planning and Zoning Commission and ratified by the City Council, the subject property was recognized for its longstanding commercial use and was designated by the Regulating Plan as 'Workplace' District,' which recognizes its future use should remain commercial in nature; and

WHEREAS, the 'Workplace' District, given its commercial nature, includes and lengthy list of land uses for consideration, if properties are considered for development or reuse, which includes microbreweries (with a Conditional Use Permit (CUP)) and restaurants; and

WHEREAS, the property has been offered for sale over the last year and an owner of a series of microbreweries, with associated restaurants, contacted the City about the potential use of the property for these uses, which led to this matter being presented to the Planning and Zoning Commission for consideration; and

WHEREAS, the Planning and Zoning Commission was presented this project at its meeting on June 3, 2024, where its members accepted comments and questions from the public and others; and

WHEREAS, after the conclusion of the meeting, the Planning and Zoning Commission agreed with the recommendation and conditions contained in the Department of Planning's report on this matter, and by a unanimous vote, approved changes to the Amended C-8 Planned Commercial District Ordinance originally approved by St. Louis County to accommodate the new use of this site; and

WHEREAS, the Planning and Zoning Commission in making this recommendation noted the location could accommodate this type of use, with certain conditions being added to the

governing ordinance to minimize impacts on surrounding residential areas and ensure the site's use would be functional and safe; and

WHEREAS, also included in its recommendation, the Planning and Zoning Commission agreed to not apply the conditions created to govern the microbrewery and associated sit-down restaurant, if the sale of the property did not proceed, and it remained a feed and grain supply store; and

WHEREAS, this recommendation was then forwarded to the City Council for its review and action at a public hearing on this matter, which was held on June 13, 2024; and

WHEREAS, at the public hearing on this matter, the City Council concurred with the Planning and Zoning Commission and, at its conclusion, led its members to accept the prepared legislation that authorizes the amendment of the zoning district designation associated with this tract of land for these new uses; and

WHEREAS, this action is consistent with the authorities of the City to manage all land use decisions within its boundaries, such being administered by the City Council for the health, safety, and general welfare of its residents.

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

Section One. Amendment Action and Application. The City of Wildwood Zoning Ordinances and Official Zoning District Maps, made a part hereof, are now hereafter amended by the modifications of certain conditions of St. Louis County's Amended C-8 Planned Commercial District Ordinance #16342, which are set forth below in this governing Ordinance, for the following described land, but shall only become effective and applied thereon to the subject property, if its sale is ultimately for the operation of a the microbrewery and associated sit-down restaurant, which if such does not occur, all existing conditions of the aforementioned Ordinance#16342 of the St. Louis County shall remain in full force and be applied thereon (conditions only applicable to the microbrewery and associated sit-down restaurant indicated by dark red font):

A tract of land in Section 11, Township 44 North, Range 3 East, St. Louis County, Missouri and being known as Lot 1 of "Turkey Tract Corner", a subdivision recorded in Plat Book 202, page 50 and 51 and being more particularly described, as follows, to wit.

Beginning at an iron pipe at the northwestern corner of said Lot 1 of Turkey Tract Corner, being also the northeast corner of Lot 2; thence along the north line of said Lot 1, being also the north line of Section 11, Township 44 North, Range 3 East, south 89 degrees 08 minutes East, 328.43 feet to a concrete monument set on the southwestern line of Manchester Road, as widened; thence along said southwestern line, eastwardly, along an arc pf a curve to the left, having a radius of 608.69 feet, a distance of 84.00 feet to a concrete monument, on the west line of Section 12,

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Township 44 North, Range 3 East, being also the west line of West Avenue; thence along said west line, South 0 degrees 30 minutes 34 seconds West, 382.78 feet to an old stone; thence along the southwestern line of said Lot 1, being also the northeastern line of property now or formerly, of Boyer by deed recorded in Deed Book 4813, page 433 of the St. Louis County Records, North 74 degrees 31 minutes 32 seconds West, 421.60 feet to an iron pipe, thence along the common line between Lots 1 and 2, North 0 degrees 30 minutes 34 seconds East, 304.63 feet to the point of beginning and containing 3.319 acres.

Section Two. Authority. The zoning authority and approval embodied in this ordinance is granted subject to compliance with the Subdivision and Development Regulations, Zoning Ordinance, and all other City of Wildwood ordinances, rules, and regulations, and the conditions of this ordinance, except as, may be modified herein, upon the requirement the development and plan are carried out in accordance with the recommendation forwarded to the City Council by the Planning and Zoning Commission within the communication dated June 3, 2024, which is incorporated herein by reference, as if fully set forth in this ordinance. The zoning authority granted herein is further subject to the conditions and provisions as follows:

1. PERMITTED USES

This Amended C-8 Planned Commercial District shall authorize the following activities:

- a. A nursery, a retail lawn and garden center, and the sale of feed and grain. Items for sale may include nursery products and related items for use in preserving the life and health of such products, hand tools, and plant containers. The preceding items shall not include power-driven equipment. Outdoor storage and display of items for sale shall be permitted.
- b. A microbrewery and ~~an accessory~~ a sit-down restaurant. Prior to the microbrewery activity being established as part of the permitted uses on this subject site, an application for a Conditional Use Permit (CUP) must be submitted to the Planning and Zoning Commission from the property owner or owner under contract requesting said consideration.

2. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS

- a. One (1) building, inclusive of a greenhouse area, shall be permitted and not to exceed a total of 4,000 square feet gross floor area. Accessory structures shall be reviewed and acted upon by the Planning and Zoning Commission, as part of its consideration of the Site Development Plan (SDP). Associated square footage of these accessory structures will be determined at the time of plan review.
- b. The storage of all materials shall be in approved containers or within the interior of the building or any other new structure authorized on the subject site. Exceptions relative to accommodations for the limited outdoor storage of materials may be authorized by

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the Planning and Zoning Commission, as part of its review and action on any Site Development Plan (SDP) submittal.

- c. The restoration of the building, and all components of such, including color selections, shall be reviewed and acted upon by the Planning and Zoning Commission, as part of its review of the Site Development Plan (SDP) for any new use of this lot.
- d. The location of the stage shall be required along the eastern boundary of the site, with its performance area facing to the southwest. As part of the design of this structure, outdoor sound curtains or comparable materials or walls shall be provided on a minimum of three (3) sides of it, which are the back (east) and north and south areas, to eliminate spillage of music from this performance area. These outdoor sound curtains or walls can be such to add color and character to the structure. Alternatives to these mitigation requirements can be considered by the Planning and Zoning Commission, as part of its review and action on any Site Development Plan (SDP) submittal.
- e. The walk-in cooler shall be placed to the south of the existing building and complement it in terms of colors, materials, and design, which shall be reviewed and acted upon by the Planning and Zoning Commission, as part of its review of the Site Development Plan (SDP).

3. SITE DEVELOPMENT PLAN (SDP) SUBMITTAL REQUIREMENTS

Within three (3) months of the date of approval of the Preliminary Development Plan by the City Council and prior to any site preparation or construction, the developer shall submit to the Planning and Zoning Commission for its review and approval a Site Development Plan (SDP). Where due cause is shown by the developer, this time interval may be extended through appeal to and approval by the Planning and Zoning Commission. Said Site Development Plan (SDP) shall include, but not limited to, the following:

- a. A general development plan, including basic arrangement of building locations, setback lines from all streets, roadways on or adjacent to the property in question, including roadway right-of-way dimensions.
- b. The location and size of all parking areas.
- c. Parking calculations.
- d. Existing and proposed contours at two (2) foot intervals.
- e. The design, location, and size of all proposed freestanding signs, fences, and other above ground structures, including retaining walls.
- f. A landscape plan, including, but not limited to, the location, size, and general type of all plant materials.

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- g. Location of all outdoor storage and display areas, game courts, shade structures, and other improvements of a similar or like nature.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

The above Site Development Plan shall adhere to the following specific design criteria:

Structure and Parking Setbacks

- a. No building or parking stall shall be located within fifty (50) feet of the existing right-of-way of Manchester Road or West Avenue.
 - ~~1. The location of any game court area shall not encroach within fifty (50) seventy-five (75) feet of West Avenue.~~
- b. No building, parking space, or outdoor display area shall be located within fifty (50) feet of any residential or NU Non-Urban Residence District zoned property.
- c. Outdoor storage and display areas shall be as approved by the Planning and Zoning Commission on the Site Development Plan (SDP).
- d. The improvement of the current parking area shall include that all required spaces, i.e., thirty-two (32) stalls, be provided on a paved surface and striped, per City code. Inclusive of this requirement are accessible spaces as well. Additional parking spaces may be provided, with an alternate dust-proofing method used for their purposes. Regardless, all drive aisles shall be paved.

Access and Road Improvements, including Sidewalks

- e. Improve Manchester Road to one-half of an eighty-two (82) foot right-of-way and a sixty-three (63) foot pavement including all storm drainage facilities as directed by the Department of Public Works. Due to the lack of road frontage, the Department of Public Works may require the developer to provide an alternate roadway improvement or escrow for improvements. In that case, the developer shall be required to dedicate any easements and license necessary to accommodate the ultimate improvements to Manchester Road and to grade and construct his on-site improvements to be compatible with the improvements to Manchester Road as directed by the Department of Public Works.
- f. Improve West Avenue (private) to one-half of a seventy (70) foot right-of-way and a twenty-seven (27) foot pavement including all storm drainage facilities between Manchester Road and the south rounding at the entrance to the subject tract as directed by the Department of Public Works. However, the total pavement width shall not be less than twenty-two (22) feet.

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- g. Improve the remainder of the frontage along West Avenue to one-half of a seventy (70) foot right-of-way as directed by the Department of Public Works.
- h. Provide a street approach intersection on West Avenue at Manchester Road, constructed to City of Wildwood Standards.
- i. Provide a sidewalk adjacent to Manchester Road or provide the finished grading therefor and required cash escrow as directed by the Department of Public Works.
- j. Provide a sidewalk abutting to West Avenue as directed by the Department of Public Works.
- k. Access to the development from West Avenue shall be limited to one (1) driveway located a minimum of one hundred twenty-five (125) feet south of Manchester Road and constructed to City of Wildwood standards.
- l. No driveway access to Manchester Road shall be permitted as part of this development.

Landscape Requirements

- m. Building, display area, game court, and parking setbacks shall be adequately landscaped and/or screened as approved on the Site Development Plan.
- n. All new deciduous trees shall be a minimum of one and one-half (1½) inches in caliper. All new evergreen trees shall be a minimum of four (4) feet in height and all shrubs shall have a minimum diameter of eighteen (18) inches.
- o. ~~The area of existing woodlands that is located on the site shall not be disturbed.~~

Miscellaneous Conditions

- p. Sign regulations for this development shall be the same as those specified in Chapter 415.420 Sign Regulations of the City of Wildwood Zoning Ordinance, as such applies to the C-2 Shopping District.
- q. ~~All exterior trash areas shall be surrounded by a six (6) foot high sight proof fence.~~ ~~The trash dumpster shall be screened by the building, new enclosure walls, landscaping, or a combination of these items, and be reviewed and acted upon as part of the Planning and Zoning Commission’s consideration of the Site Development Plan (SDP).~~
- r. The height and location of all light standards shall be as approved by the Planning and Zoning Commission. No source of illumination shall be situated that light is cast on any public right-of-way or adjoining property. ~~The use of outdoor lighting for all activity areas associated with this use must adhere to the City’s Outdoor Lighting~~

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Requirements, including string lighting, with all other fixtures being fully shielded and illumination levels of less than 3,500 Kelvin.

- s. The performance of music and the offering of outdoor games shall end no later than 9:00 p.m. and cannot start before 6:00 p.m., except on Friday, Saturday, and Sunday, where outdoor games and performances can begin at 2:00 p.m. Music shall be limited to ~~Fridays and Saturdays~~ Wednesday through Sunday. Sunday music performances shall be limited to the hours of 2:00 p.m. to 4:00 p.m.
- t. The performance of music must be acoustic, and not amplified. If amplified music is scheduled, the size of the performance group shall not exceed two (2) musicians/singers.
- u. The development of future phases shall comply with all stated requirements contained herein and part of the site-specific governing ordinance for the project.

5. TRAFFIC GENERATION ASSESSMENT

The developer shall contribute to the East Area Corridor Traffic Generation Assessment Road Trust Fund established by Chapter 140 of the City’s Codified Ordinances. For the purposes of this permitted use, fifty (50) parking spaces are exempted, which are determined to be existing on the site. Therefore, this contribution shall not exceed an amount established by multiplying the number of new parking spaces by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
General Retail	\$2,631.16/Parking Space
Sit-Down Restaurant	\$2,631.16/Parking Space
Loading Space	\$4,305.55/Loading Space

(Parking space, as defined and required by Chapter 415.310 of the City of Wildwood Zoning Ordinance.)

If types of development proposed differ from those listed, rates shall be provided by the Department of Planning.

As this development is located within a trust fund area established by the City of Wildwood, any portion of the traffic generation assessment contribution, which remains, following completion of road improvements required by the development shall be retained in the appropriate trust fund.

The amount of this required contribution, if not submitted by January 1, 2025, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the City of Wildwood Department of Public Works.

6. VERIFICATIONS PRIOR TO APPROVAL

Prior to approval of the Site Development Plan, the developer shall:

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Stormwater

- a. Submit to the Planning and Zoning Commission a preliminary engineering plan approved by the Metropolitan St. Louis Sewer District showing that adequate handling of stormwater drainage is provided.
 - (1) The developer is required to provide adequate stormwater systems in accordance with Metropolitan St. Louis Sewer District and City of Wildwood Standards.
 - (2) All stormwater shall be discharged at an adequate natural discharge point. Sinkholes are not adequate natural discharge points.
 - (3) Detention of differential runoff of stormwater is required by providing permanent detention facilities, such as: dry reservoirs, ponds or another acceptable alternative. The detention facilities shall be completed and in operation prior to paving of any driveways or parking areas.

Curb Cut Approval

- b. Provide verification of approval by the City of Wildwood Department of Public Works of the location of proposed curb cuts, areas of new dedication, and roadway improvements.

Sanitary Sewer Service

- c. **The use of this site microbrewery and sit-down restaurant for a shall be served by public sanitary sewer service from the Metropolitan St. Louis Sewer District (MSD).**

7. RECORDING

- a. Prior to the issuance of a building permit, the developer shall record a copy of the approved permit and legal description for the tract with St. Louis County Recorder of Deeds Office.

8. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of Site Development Plan (SDP), and prior to issuance of any foundation or building permit the following requirements shall be met:

Notification of Public Works

- a. Prior to the issuance of grading and building permits, all approvals from the Department of Public Works, Metro West Fire Protection District, Missouri Department of Natural Resources (MDNR), and the Metropolitan St. Louis Sewer District (MSD) must be received by the Department of Planning.

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Trust Fund Contribution

- b. This one-time trust fund contribution shall be deposited with City of Wildwood shall be completed prior to the issuance of building permits. The trust fund contribution shall be deposited with City of Wildwood in the form of cash or check.

9. VERIFICATION PRIOR TO OCCUPANCY PERMIT

- a. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. The delays due to utility relocation and adjustment will not constitute a cause to allow occupancy prior to completion of road improvements.

10. GENERAL DEVELOPMENT CONDITIONS

- a. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.
- b. Provide adequate temporary off-street parking for construction employees. 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.
- c. A grading permit is required prior to any grading on the site. No change in watersheds shall be permitted. Interim stormwater drainage control in the form of siltation control measures is required.
- d. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast-germinating annual such as Rye or Sudan Grasses shall be utilized to retard erosion.
- e. If roadways in this petition are to be private roadways, these roadways shall remain private forever. Maintenance of private roadways shall be the responsibility of the property owner(s) or trustees forever.
- f. The Code Enforcement Officer of City of Wildwood, Missouri, shall enforce the conditions of this ordinance in accord with the Site Development Plan (SDP) approved by the Department of Planning.

11. PUBLIC SPACE REQUIREMENTS

- a. **Developer shall construct improved public space in conformance with or otherwise satisfying the requirements of the City's Public Space Ordinance, Chapter 415.260 and**

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415.270 of the City of Wildwood's Zoning Ordinance. The City Council accepts the findings of the Public Space Study adopted therein and determines the compliance with the Public Space Ordinance provisions will address the impact of this specific development on public space needs in a manner and amount that is equal to less than an amount that is roughly proportional to the actual or anticipated impact. The installation of required public space improvements shall be as required by the applicable ordinances but shall be completed prior to issuance of any occupancy (temporary or final) permit for the improvements authorized by this ordinance. Unless otherwise approved pursuant to the procedures set forth in the Public Space Ordinance, the public space attributable to this development, which shall be based upon every new parking stall, and to be calculated at a ratio of one (1) acre of public space and associated improvements for every one hundred fifty (150) parking spaces.

Section Three. Savings. Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether relating to or in manner connected with the subject matter hereof.


Section Four. Severability. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision, which had been held invalid, is no longer valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

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

This Bill was passed and approved this 18th day of July, 2024, by the Council of the City of Wildwood, Missouri, after having been read by title or in full two (2) times prior to its passage.



Presiding Officer



Joseph Garritano, Mayor

ATTEST:


City Clerk

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