

AMENDED BILL NO. 39
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SUNSET HILLS, MISSOURI, PROVIDING FOR THE APPROVAL OF AN AMENDED DEVELOPMENT PLAN FOR A PARCEL OF PROPERTY CONTAINING 8.51 ACRES, MORE OR LESS, LOCATED AT 3600 SOUTH LINDBERGH BOULEVARD, SUNSET HILLS, MISSOURI, OWNED BY SUNSET HILLS OWNER LLC AND MATTERS RELATED THERETO, AS PER APPLICATION P-03-22

WHEREAS, an application for an amended development plan was received from the property owner Sunset Hills Owner LLC (the "Applicant"), for approval of an amended development plan for certain real property containing 8.51 acres, more or less, legally described in Exhibit "A" of this Ordinance, and having an address of 3600 South Lindbergh Boulevard, Sunset Hills, Missouri (the "Property"); and

WHEREAS, in conjunction with Application P-03-22, the Applicant has submitted an Amended Development Plan dated December 23, 2021, entitled "Bass Pro Shops" on the Property showing the proposed area of development which is attached hereto as Exhibit B and incorporated herein by reference (hereinafter the "Amended Development Plan"); and

WHEREAS, in conjunction with Application P-03-22 and based on comments received from the Planning and Zoning Commission, the Applicant has submitted further revisions to the Amended Development Plan dated February 4, 2022, providing modifications to the entrance to the property from South Lindbergh Boulevard at Sunset Hills Plaza which revisions to the Amended Development Plan are attached hereto as Exhibit C and incorporated herein by reference (hereinafter the "Supplement to the Amended Development Plan"); and

WHEREAS, said application was duly referred to the Planning and Zoning Commission for its investigation and report; and

WHEREAS, public notice of a meeting of the Planning and Zoning Commission upon said application was posted according to law and ordinance; and

WHEREAS, meetings were held before the Planning and Zoning Commission on January 5, 2022, and February 2, 2022, upon said petition; and

WHEREAS, the Planning and Zoning Commission has submitted its report recommending approval to the Board of Aldermen; and

WHEREAS, a public hearing was scheduled before the Board of Aldermen on February 8, 2022, in accordance with the Zoning Regulations, Appendix B of the Code of Ordinances; and

WHEREAS, the Board of Aldermen of the City of Sunset Hills, Missouri (the "Board"), after careful and due deliberation, has concluded that the proposed Amended Development Plan for the Property is appropriate, that the request is consistent with existing and planned future land use in the area, and that approval of such Amended Development Plan would be in the interests of the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The Amended Development Plan designated P-03-22 submitted by Sunset Hills Owner LLC for the property at 3600 South Lindbergh Boulevard, Sunset Hills, Missouri, bearing a date of December 23, 2021, and as supplemented and modified by the Lindbergh Entrance Exhibit, Sheets 1 and 2, dated 2-4-2022 prepared by Castle Contracting, as attached hereto and incorporated herein by reference as Exhibits B and C, is hereby approved, subject to the following conditions:

- A. All requirements of Appendix B of the Code of Ordinances (the Zoning Code), including, without limitation, the below listed requirements, shall either be met, anticipated to be met or the Board of Adjustment approves variances for any substantive requirement that shall not be met.
 - a. Appendix B Zoning Regulations, Section 6.3-4: Parking areas shall meet a ten foot (10') requirement from any front property line or right of way and five feet (5') from any side or rear property lines.
 - b. Appendix B Zoning Regulations, Section 4.10-11B3: Total site coverage shall not exceed 70% total site coverage.
 - c. Appendix B Zoning Regulations, Section 5.13-5B5: Parking rows shall not exceed fifteen (15) spaces without the provision of a landscape planting area.
- B. Lighting: Applicant shall provide an as-built photometric plan for the Property that shall satisfy the illumination requirements of Appendix B Zoning Regulations, Section 6.3-7 before an occupancy permit is issued. No light spillage onto the residential areas to the east of the site is permitted.
- C. Fence: Applicant shall construct an eight feet tall site-proof fence on the east side of the Property between the parking area behind the building and the property line.
- D. Applicant shall obtain approval from Metropolitan St. Louis Sewer District (MSD) for the proposed use of the Property.
- E. Cross Access Easement: Applicant shall establish a cross access easement and install a cross access drive between the Property and the Comfort Suites/Helen Fitzgerald property to the south of the Property.
- F. Sidewalks: Applicant shall install sidewalks adjacent to the Property pursuant to Section 24-108(a) of the Code of Ordinances before an occupancy permit is issued.
- G. Landscaping: The landscaping depicted on the submitted Landscaping Plan shall be completed as shown and maintained in good condition.
- H. Signage: All signs shall be erected in compliance with the Code of Ordinances and any deviations must be approved by the Board of Aldermen.
- I. Construction Hours: The hours of external construction and related activities outside of the building(s) shall be limited to that which is permitted in Section 16-34 of the Code of Ordinances – namely 7:30 a.m. to 6:30 p.m. Monday through Friday, 8:00 a.m. to 5:00 p.m. on Saturdays, and no external construction or activities on Sunday.
- J. Lindbergh Access: Applicant shall reconstruct the Lindbergh Blvd. access to the Property as depicted on the Lindbergh Entrance Exhibit, Sheet 1 and Sheet 2, dated 2-4-2022 prepared by Castle Contracting before an occupancy permit is issued.
- K. Watson Road Access: Applicant shall use all reasonable efforts to establish and construct the Watson Road ingress in substantial compliance with what is depicted on the Site Plan dated 03-08-2022 (included in the March 8, 2022 agenda

materials). Applicant shall perform all of the following prior to the Bass Pro Shops opening for business:

- generate the land survey for the Watson Road Access;
- hire Lochmueller to do any necessary traffic studies for the Watson Road access;
- generate final design plans and construction drawings consistent with approved Watson Road Access plans as shown on site redevelopment plan approved by Board of Alderman;
- coordinate with City and authorities having jurisdiction; and
- submit plans to MoDOT for approval.

Applicant shall complete construction of the Watson Road Access within nine months of MoDOT approval in a manner consistent with approved plans by City and MoDOT. Applicant shall place \$300,000 in escrow for the purpose of securing its obligation to complete the Watson Road Access once MoDOT approves access plans shown on the Amended Development Plan. Additional requirements for the escrow shall be as follows:

- The escrow shall not be released until Applicant completes the Watson Road Access, assuming such access is approved by MoDOT.
- In the event Applicant does not satisfy its obligation to construct the Watson Road Access after MoDOT has approved it, the Escrow shall be released to the City to pay for the completion of the access or for other traffic mitigation measures at Shoppes at Sunset Hills resulting from Bass Pro's operation as deemed necessary by the City.
- In the event MoDOT does not approve the Watson Road Access in substantially the same form as depicted on the plans shown on the Amended Development Plan, the Escrow shall be held for up to two years to be used for mutually agreeable traffic mitigation measures at Shoppes at Sunset Hills resulting from Bass Pro's operation.

Section 2. This ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this _____ day of March, 2022

MAYOR

APPROVED this _____ day of March, 2022

MAYOR

ATTEST: _____
CITY CLERK/CITY ADMINISTRATOR