

BILL NO. 23- _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, PROVIDING FOR REZONING OF APPROXIMATELY 17.25 ACRES OF LAND FROM C-2, GENERAL COMMERCIAL DISTRICT, TO C-3, RETAIL COMMERCIAL, PLANNED UNIT DEVELOPMENT (P.U.D.); AND APPROVING AN AREA PLAN FOR THE SAME

WHEREAS, an application was submitted by The Engenuity, LLC (“Applicant”), to the City of Dardenne Prairie, Missouri (the “City”), for the rezoning of approximately 17.25 acres of real property more particularly described in Exhibit A, attached hereto and incorporated by reference herein (the “Property”), currently zoned C-2 Commercial District, and owned by the Cora Bopp Family Limited Partnership (the “Owner”), pursuant to the Municipal Code of the City of Dardenne Prairie, Missouri; and

WHEREAS, the Applicant also submitted a Planned Unit Development (P.U.D.) Request – Area Plan for the approval of an Area Plan for the Property; and

WHEREAS, the submitted Area Plan reflects a request consistent with rezoning the property as C-3, Planned Unit Development (P.U.D.) pursuant to the Municipal Code of the City of Dardenne Prairie, Missouri; and

WHEREAS, the Planning and Zoning Commission of the City (the “Planning and Zoning Commission”), considered the proposed rezoning and Area Plan and recommended denial of said rezoning and Area Plan; and

WHEREAS, the Board of Aldermen of the City and the Planning and Zoning Commission held Public Hearings on the proposed rezoning request and Area Plan; and

WHEREAS, at such Public Hearings all persons-in-interest and other persons were given an opportunity to be heard on the proposed rezoning request and Area Plan.

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

SECTION 1. Zoning Amendment. That after proper notice in accordance with the ordinances of this City and applicable laws of the State of Missouri, a public hearing was held with regard to the rezoning of a certain 17.25 acres area of real property described more particularly on Exhibit A, attached hereto and incorporated by reference herein, first before the Planning and Zoning Commission and then the Board of Aldermen of the City of Dardenne Prairie, Missouri, and approval is hereby granted to rezone such 17.25 acre area of real property from C-2, General Commercial District, to C-3 Retail Commercial, Planned Unit Development (P.U.D.) pursuant to the Municipal Code of the City of Dardenne Prairie, Missouri, subject to the Applicant and

Owner's (or their respective successors in interest) compliance with all conditions herein as well as those reflected on the Area Plan approved in Section 3 of this Ordinance.

SECTION 2. Authorized Uses. Consistent with Section 405.195(D), uses permitted on any property with a C-3 Retail Commercial District, Planned Unit Development (P.U.D.) designation shall be limited to those uses expressly authorized in the Ordinance that approved the area plan regarding such property, and any use not expressly permitted in such Ordinance shall be prohibited. In approving the area plan, Section 405.195(D) authorizes the Board of Aldermen to permit, or permit with conditions, any uses described in Section 405.180(B)-(C), Section 405.190(B)-(C), and/or Section 405.195(B)-(C). The following uses are hereby permitted on the Property, subject to their compliance with the Area Plan:

1. Multiple Family Residential Dwellings subject to the provisions of Section 405.170(D)-(K);
2. Retail Store, (in connection with which there shall be no slaughtering of animals or poultry, no commercial fish cleaning or processing on the premises), including antique, art, book, candy, camera, cigar, clothing, department, dress, drug, dry goods, furniture, gift, glass, hardware, jewelry, leather, liquor, luggage, music, notions, novelty, pastry, pet, pottery, radio, sporting goods, stationery and toy shops;
3. Drive-Through Facilities (restaurants, pharmacy, grocery, etc.);
4. Convenience store (with fuel sales);
5. Business Office;
6. Bank or Financial Institution;
7. General Service and Repair Establishments, including dyeing or cleaning works or laundry, plumbing and heating, printing, painting, upholstering and repairing;
8. Health Service Providers; Health Care Providers; Health and Wellness Services; Medical Services; Medical Offices; Clinics and Laboratories; and Hospitals on not less than five (5) acres;
9. Educational Facility;
10. Restaurants, coffee shops, bakeries, and similar dining establishments without drive-through windows, including a restaurant bar, as defined in Section 600.010;
11. Personal Service Uses, including barbershop, beauty parlor, photographic or art studio, messenger, taxicab, reducing salon, newspaper or telegraphic branch station, laundry or dry cleaning, pet grooming, launderette or self-service laundry and uses of a similar character;

12. Grocery stores and supermarkets;
13. Hobby Stores;
14. Microbreweries within restaurants and do-it-yourself beer- and wine-making stores;
15. Theater, not including drive-in theater;
16. Ice cream and frozen desserts, retail; and
17. Alcoholic beverages (liquor, beer and wine), retail.

SECTION 3. Area Plan. That upon review, first before the Planning and Zoning Commission and then the Board of Aldermen of the City of Dardenne Prairie, Missouri, the Board of Aldermen does hereby approve the Area Plan for the Property submitted by Applicant and prepared by The Engenuity, LLC, received by the City on March 7, 2023, and referencing Project # 22-0113, which plan is on file in the Office of the City Clerk and incorporated by reference herein (the “Area Plan”), subject to the Applicant’s and the Owner’s (and their respective successors in interest) compliance with all of the conditions herein as well as those reflected on the approved Area Plan.

SECTION 4. Area Plan Conditions of Issuance. The approval of the Area Plan pursuant to Section 3 of this Ordinance is expressly conditioned upon the following:

1. The Applicant and the Owner, having to the best of its knowledge, provided City with all information required by the appropriate sections of the Zoning Ordinance pertaining to a C-3 Commercial, Planned Unit Development (P.U.D.) and agrees that any information inadvertently omitted will be provided upon request, as soon as it may reasonably be obtained;
2. The Applicant and the Owner (and their respective successors in interest) agree that all improvements shall be constructed to meet all applicable state and local codes and shall comply with all of the City’s applicable Ordinances and street construction standards;
3. The Applicant and Owner (and their respective successors in interest) agree that the final architectural design of each building included in the Area Plan shall be subject to final approval by the City during the Final Plan review and approval process;
4. The Applicant and Owner (and their respective successors in interest) shall, at no cost to the City, construct and install all streets, drives, roads, and other rights-of-way depicted on the Area Plan, including, but not limited to, the following:
 - a. The extension of Cora Marie Drive from existing pavement to Bryan Road; and
 - b. The signalized full access intersection at Cora Marie Drive and Bryan Road.

Such streets, drives, roads and other rights-of-way shall be constructed and installed as generally depicted on the Area Plan, or as may be otherwise approved by the Board of Aldermen during the Final Plan review and approval process; and

5. The Applicant and Owner (and their respective successors in interest) shall, at no cost to the City, dedicate to the City of Dardenne Prairie, or other appropriate city as directed by the Board of Aldermen during the Final Plan review and approval process, such property being generally depicted on the Area Plan along Bryan Road and Feise Road as proposed rights-of-way.

SECTION 5. Amend Zoning Map. That, pursuant to the Municipal Code of the City of Dardenne Prairie, Missouri, the City Engineer is hereby directed to amend the Official Zoning Map of the City consistent with this Ordinance.

SECTION 6. Effective Date: This Ordinance shall be in full force and take effect from and after the date of its final passage and approval.

SECTION 7. 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 or not relating to or in manner connected with the subject matter hereof.

SECTION 8. Severability Clause: 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 Board of Aldermen 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.

Read the first (1st) time this _____ day of _____, 2023.

As Presiding Officer and as Mayor

Attest: _____
City Clerk

Read the second (2nd) time and passed this _____ day of _____, 2023.

As Presiding Officer and as Mayor

Attest: _____
City Clerk

Approved this _____ day of _____, 2023.

Mayor

Attest: _____
City Clerk

Exhibit A

[attach Legal Description]