

**AN ORDINANCE APPROVING AN AMENDED FINAL DEVELOPMENT
PLAN SUBMITTED ON BEHALF OF SAV-ON LIQUOR & WINE FOR A
PORTION OF THE TWIN OAKS CENTER LOCATED AT 1100 MERAMEC
STATION ROAD.**

WHEREAS, the City of Twin Oaks has received an application from Nick Patel, on behalf of tenant, Sav-On Liquor & Wine, and property owner and Grocery and Pharmacy Portfolio DST, a Delaware Statutory Trust c/o The Inland Real Estate Group, LLC (collectively, the “Applicants”) seeking an amendment to the approved Amended Final Development Plan for a portion of a 5.79 acre parcel known as the “Twin Oaks Center” and numbered as 1100 S. Meramec Station Road, Locator No. 24Q320573 (the “Property”) to allow Sav-On Liquor & Wine to occupy 10,312 square feet (numbered as 1142 Meramec Station Road) in the existing 51,700 square foot structure (the “Building”) for use as a liquor store with the balance of the Building occupied by Westlake Ace Hardware and ALDI grocery store in accordance with City’s Zoning Code and via amendment to this Plan; and

WHEREAS, the Property is currently zoned Planned Commercial Development (PD-C) pursuant to a Final Development Plan that encompassed the Property and one other lot to its south (the “Development”), which zoning and Final Development Plan was approved on February 15, 2006, by Ordinance No. 206 as amended by Ordinance No. 215 (the “2006 Plan”) and amended for the ALDI portion of the building by Ordinance No. 21-06 on April 7, 2021 and the Westlake Ace Hardware portion of the building by Ordinance No. 22-02 on March 2, 2022; and

WHEREAS, the Sav-On Liquor & Wine proposal requires a third amendment to the Amended Final Development Plan previously approved by the Board; and

WHEREAS, in accordance with Ordinance Nos. 22-02 and 21-06 and the Zoning Code, Applicants have applied for an amendment of the Final Development Plan for the Property and accompanying plans, including the 2021 Plan (the “Aldi Plan”) and amended by the 2022 Plan (the “Westlake Plan”); and

WHEREAS, the Planning & Zoning Commission has recommended to the Board that the application for Amended Final Development Plan as submitted by Sav-On Liquor & Wine; and

WHEREAS, on August 4, 2023, Applicant submitted to the City, its Application for Amended Final Development Plan review pursuant to §400.340(C) of the Zoning Ordinance of the City of Twin Oaks (the “Zoning Code”) and submitted with the application, an Amended Final Development Plan and consisting of seven (7) sheets listed in the attached and incorporated **Exhibit B**, all of which items are incorporated herein by reference as the “Sav-On Liquor & Wine Amended Final Development Plan”; and

WHEREAS, after staff reviewed the Sav-On Liquor & Wine Amended Final Development Plan for compliance and finding it to be in substantial conformance to the recommended conditions of approval from the Planning and Zoning Commission as well as those contained in Ordinance Nos. 22-02 and 21-06, the Board on October 18, 2023, considered the Sav-On Liquor & Wine Amended Final Development Plan; and

WHEREAS, the Board has concluded that approval of this Sav-On Liquor & Wine Amended Final Development Plan would be in the interests of the health, safety, and welfare of the citizens of the City and wishes to grant approval, subject to certain conditions set forth in this Ordinance.

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

Section 1. Based upon the Applicants' submission of a final development plan in substantial compliance with the conditions and terms of the Planning & Zoning Commission recommendations and supplementary to the Aldi Plan (Ordinance 21-06) and the Westlake Plan (Ordinance 22-02), the Sav-On Liquor & Wine Amended Final Development Plan attached as **Exhibit B** and incorporated herein is hereby approved pursuant and subject to §400.340 and the following conditions:

1. The middle 10,312 square feet of the Building shown on the Sav-On Liquor & Wine Amended Final Development Plan shall be used as a Liquor Store and maintained in compliance with an approved Sav-On Liquor & Wine Amended Final Development Plan, including all notes thereon.
2. Any future uses of the Building, if listed as a permitted use in Section 400.280.A or a planned use in Section 400.280.B of the Zoning Code, may be approved via municipal zoning approval without further review by the Planning & Zoning Commission or Board approval provided no changes to the exterior of the Building or the Property are proposed.
3. The parking lot for the entire Property shall be kept in a repaired condition and striped for parking in accordance with the Amended Final Development Plan.
4. Signage.
 - a. The wall sign as depicted on Sheets Ca1, CEE-1 and CEE-2 (attached as part of Exhibit B) is approved.
 - b. The single pylon sign on the Property shall continue to serve the entire Development and users or tenants therein as depicted on the approved Master Common Signage Plan for the Development (revision date December 7, 2005, consisting of six sheets) but the insertion of the Sav-On Liquor & Wine logo on the pylon sign, in accordance with the Sheets Ca1, (attached as part of Exhibit B) is approved.
5. The liquor store may not be operated on a 24-hour basis and no deliveries of goods or services shall take place between the hours of 12:00 AM and 6:00 AM. No exterior compactors or similar equipment shall be operated between the hours of 12:00 AM and 6:00 AM.
6. All facilities for storage and removal of refuse outside the Building shall be located within sight-proof enclosures.
7. All loading areas shall be screened from view from adjoining streets and adjacent properties.
8. For the renovated building on the Property, the building materials, color schemes and facades shall be as shown on the elevations on Sheet CEE-1.
9. The Property owner and all current and future occupants shall be responsible for the maintenance of all elements of the Aldi Plan, the Westlake Plan, and the Sav-On Liquor & Wine Amended Final Development Plan (together, the "Approved Final Development Plan"), including all landscaping, and all conditions of plan approval. The restrictions on redevelopment and the responsibility for continuing maintenance and compliance with the Approved Final Development Plan, including all landscaping, shall be binding upon all successors and assigns unless the plan is amended in conformance with the procedures set

forth in the City Code. Failure to maintain the landscaping as set forth on the Approved Final Development Plan is a violation of the City Zoning Code, the Approved Final Development Plan, and the approving ordinance.

10. The Applicants shall share in the responsibility for maintenance and upkeep of the Buffer Strip having a 30-foot width on the north and northeast perimeter and a 47-foot width on the east perimeter of the Development. Failure to maintain the Buffer Strip and retaining wall as set forth on the original Final Development Plan shall be a violation of the City Zoning Code, the Approved Final Development Plan, and the approving ordinance.
11. The surrounding roads and drives shall be kept clean and free of debris caused by the remodeling and repairing of the Building and the parking lot.
12. Prior to building permits being issued, applicants shall supply the City with copies of all final written approvals from all interested jurisdictions, including MSD and the Fire District, as applicable.
13. The zoning shall remain PD-C.
14. This ordinance and all conditions herein as well as the Approved Final Development Plan shall be applicable to and enforceable against Applicants and all successors and assigns of Applicants.

Section 2. Except as modified for the Property in Approved Final Development Plan, the remainder of the Development shall continue to be governed by the 2006 Plan (Ordinance No. 206 as amended by Ordinance No. 215) including the Master Common Signage Plan, revised December 7, 2005, consisting of six sheets.

Section 3. The approved Sav-On Liquor & Wine Amended Final Development Plan shall be recorded, at the Applicant's expense, with the St. Louis County Recorder of Deeds within sixty (60) days of this approval. All filing fees shall be paid by the Applicant. The authorization for the use approved by the Sav-On Liquor & Wine Amended Final Development Plan shall not become effective until a copy of the recorded plan bearings its recordation notations shall be returned and placed on file with the City Clerk.

Section 4. A reduced copy of the approved Sav-On Liquor & Wine Amended Final Development Plan is attached hereto as Exhibit B for ease of reference only. The official copy on file with the City Clerk shall govern.

Section 5. The approved Sav-On Liquor & Wine Amended Final Development Plan shall be valid for a period of twelve (12) months from the date of this approval unless within such period a building permit is obtained and substantial construction (i.e., completion of at least ten percent (10%) of the construction in terms of the total expected cost of the project for which the permit was issued) is commenced on the Sav-On Liquor & Wine space and all additional building permits necessary to complete the Sav-On Liquor & Wine project as approved in the Sav-On Liquor & Wine Amended Final Development Plan schedule are obtained in a timely fashion as determined by the City Clerk/Administrator. The Board of Aldermen may grant one (1) extension of no more than twelve (12) months upon written request of the original applicant and filed before the Sav-On Liquor & Wine Amended Final Development Plan expires. Upon granting an extension, the Board of Aldermen may attach new conditions to the approved Sav-On Liquor & Wine Amended Final Development Plan as the Board deems appropriate.

Section 6. The use of the southern portion of the Building approved as a grocery store shall remain subject to the terms and conditions of the Aldi Plan as approved by Ordinance 21-06 and the northern portion of the Building as a Hardware Store shall remain subject to the terms and conditions of as approved by the Westlake Plan approved by Ordinance 22-02 unless expressly modified by this ordinance.

Section 7. All findings and determinations set forth in the "whereas" clauses are specifically and expressly made a part of this ordinance.

Section 8. This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 18th DAY OF OCTOBER 2023.



Russ Fortune, Mayor

Attest:



Frank Johnson, City Clerk

Exhibit A

PROPERTY DESCRIPTION

(FROM TITLE COMMITMENT)

PARCEL I:

REAL PROPERTY IN THE CITY OF VILLAGE OF TWIN OAKS, COUNTY OF ST. LOUIS, STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

NEW LOT 'A' OF THE RESUBDIVISION OF 1100 MERAMEC STATION ROAD, 1144 MERAMEC STATION ROAD AND 1190 MERAMEC STATION ROAD, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 354, PAGE 338 OF THE ST. LOUIS COUNTY RECORDS, MISSOURI.

PARCEL II:

AN APPURTENANT EASEMENT FOR ACCESS, INGRESS AND EGRESS CREATED BY THE AMENDED AND RESTATED RECIPROCAL ACCESS EASEMENT AGREEMENT RECORDED MAY 9, 2006 IN BOOK 17153, PAGE 4885 OF THE ST. LOUIS COUNTY LAND RECORDS.

Exhibit B
Sav-On Liquor & Wine Final Development Plan

The Sav-On Liquor & Wine Final Development Plan consists of the following documents, attached:

C0	COVERSHEET	09/12/23
C3	OVERALL SITE PLAN	08/02/23
Ca1	BUILDING SIGN	09/07/23
Ca2	PYLON SIGN	09/07/23
CEE-1	CONCEPT EXTERIOR ELEVATION	09/12/23
CEE-2	EXISTING BUILDING ELEVATIONS	07/11/23
CFP-1	CONCEPT FLOOR PLAN	09/12/23