

BILL 9037AA

ORDINANCE 8897

AN ORDINANCE AMENDING THE SPECIAL USE PERMIT GRANTED TO THE MAGIC HOUSE AND APPROVING THE SITE PLAN FOR THE MAGIC HOUSE EXPANSION SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Magic House made application (PZ-38-99) for an amendment to its Special Use Permit granted by Ordinance 6098, 6512, 7169, 7553, 7880, 8159 and 8350 and site plan approval for the purpose of including the properties known as 136, 144, 146, and 200 East Woodbine to expand their parking lot and existing facilities, and

WHEREAS, the Planning and Zoning Commission did on the 19th day of January 2000, by adopting the subcommittee report dated January 19, 2000, (attached hereto and incorporated by reference herein), recommend the granting of said Special Use Permit and site plan approval subject to certain conditions and did find that granting of said permit would not substantially increase traffic hazards or congestion, would not substantially increase fire hazards, would not adversely affect the character of the neighborhood, would not adversely affect the general welfare of the community, and would not overtax public utilities, and that granting such permit would be consistent with the zoning laws; and

WHEREAS, the Council did on the 16<sup>th</sup> day of February 2000, hold a public hearing with respect to such application after duly advertising and giving proper notice of such hearing and does find that the granting of such permit, subject to certain conditions, would not substantially increase traffic hazards or congestion, would not substantially increase fire hazards, would not adversely affect the character of the neighborhood, would not adversely affect the general welfare of the community, and would not overtax public utilities; and

WHEREAS, the Council does further find that the general welfare requires that such permit be subject to the conditions hereinafter set out.

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

SECTION 1. A Special Use Permit Amendment and Site Plan Approval are granted to the Magic House for the Magic House to include the properties at 136, 144, 146, and 200 East Woodbine on the property known as 915 South Kirkwood and to expand their facilities subject to the following conditions:

1. The project shall be constructed in accordance with the revised site plan stamped "Received February 23, 2000" by the City of Kirkwood Public Works" except as noted herein.

2. A letter of credit in the amount of \$120,000 as approved by the Public Works Director shall be submitted prior to the issuance of a building or parking permit to insure the completion of the parking lot, driveway entrance, walks, fencing, utilities, and landscaping and to replace public improvements damaged by construction activities (sidewalks, curbs, etc.). The letter of credit shall be in effect for a minimum of two years and may be extended in minimum six-month intervals as approved by the Department of Public Works. The Letter of Credit shall be drawn from a St. Louis area bank.
3. Busses shall only park within the centermost portion of the new section of the parking lot, and the busses shall not iddle on the parking lot. In addition, a minimum of three signs shall be posted to direct all busses to park within the centermost portion. One sign shall be posted on the north side of the end of the driveway, immediately across from the rear of the existing building, at the western edge of the existing parking lot. Another sign shall be placed in the existing planting area that is currently located at the east line (rear) of the existing parking lot, which planting area is to remain as a planting area along the west line of the new section of parking. This sign shall be placed at the southwest edge of that planting strip and shall face west. The third sign shall be placed on the south edge of the planting area to be installed along the northern edge of the new parking area. This sign shall face to the south and shall be placed approximately 21 feet to the east of the eastern edge of the existing rear planting area. The pavement within the centermost edge of the new section of the parking lot shall be painted to show the designated bus parking along the entire strip.
4. There shall be a sign placed within the centermost portion of the new parking area stating, "No Idling".
5. All landscaped areas shall be irrigated.
6. The planting along the east line of the new parking area shall consist of 24 eight-foot high evergreens and 9 three-inch caliper canopy trees such as Red Maple or Bur Oak together with a 6 foot board-on-board fence. Additional plantings which shall consist of 12 eight-foot high evergreens and 5 three-inch caliper canopy trees such as Red Maple or Bur Oak shall be planted along the west line of the existing parking lot, behind the condominiums.
7. The planting area along the north line of the new lot shall consist of 10 eight-foot high evergreens, 6 three-inch caliper canopy trees such as Red Maple or Bur Oak, and 6 two-inch caliper understory trees such as Redbud or Dogwood.
8. The existing Woodbine Avenue exit shall be constructed as an entrance/exit with the exit being a "left turn only."
9. During the period October 1 through April 30 outside activities shall only be permitted during the hours of 9:30 a.m. to 5:30 p.m. During the period May 1 through September 30 outside activities shall only be permitted during the hours of 9:30 a.m. to 8:00 p.m. No loud speakers, sound systems, orchestras, bands, choirs, or the playing of any musical instruments shall be permitted outside.

10. Parking lot lights shall be directed away from all adjacent residences. Light fixtures shall be metal halide shoebox style fixtures with houseside shields. The mounting height for the fixtures shall not exceed 20 feet.
11. Storm water management plans shall be approved by the Metropolitan Sewer District prior to issuance of grading or a parking lot permit. Storm water detention is at the discretion of the Metropolitan Sewer District. However, if detention is required, it shall be provided in permanent underground detention facilities constructed of concrete.
12. A consolidation plat approved by the City and recorded in the St. Louis County Office of the Recorder of Deeds will be required prior to issuance of grading or a parking lot permit.
13. A 10-foot wide strip along Woodbine Avenue shall be dedicated to the City for public use.
14. A minimum of six accessible spaces shall be provided and at least one shall be van accessible.
15. The dumpster shall be relocated to the area specified on the revised site plan stamped "Received February 23, 2000" by the City of Kirkwood Public Works" and shall be enclosed with a 6-foot board-on-board fence with gates made of similar material. The dumpster loading area should be constructed of concrete pavement.
16. A revised site plan indicating the conditions of approval shall be submitted to the Public Works Department prior to issuance of a grading or parking lot permit.
17. All board-on-board fences shall be maintained.

SECTION 2. The approval of this special use permit and site plan shall not authorize any person to unreasonably alter, increase, or redirect the surface water run off so as to cause harm to any person or property.

SECTION 3. The premises and improvements as approved by this Special Use Permit and Site Plan Approval shall be in good working order and maintained in good repair at all times.

SECTION 4. The applicant by accepting and acting under the Special Use Permit and Site Plan Approval herein granted accepts the permit subject to the reservations, restrictions, and conditions set forth in the Code of Ordinances and in this Ordinance and agrees to comply with each provision subject to the penalties prescribed under Section 1-8 of the Code of Ordinances and subject to revocation of this permit in the event such provisions are not complied with.

SECTION 5. The applicant further agrees by accepting and acting under this Special Use Permit and Site Plan Approval herein granted that this Ordinance does not grant applicant any special rights, privileges, or immunities

SECTION 6. This ordinance shall become null and void in the event the petitioner does not obtain a building permit for the construction approved by this ordinance within one year of the passage of this ordinance.

SECTION 7. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS 2<sup>ND</sup> DAY OF MARCH 2000.

---

Mayor, City of Kirkwood

ATTEST:

---

City Clerk

1<sup>st</sup> Reading: February 17, 2000

2<sup>nd</sup> Reading: March 2, 2000