

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A MODIFIED SPECIAL USE PERMIT TO GLENDALE CHRYSLER-JEEP, INC. FOR THE EXPANSION AND RE-CONSTRUCTION OF A NEW CAR SALES DEALERSHIP AND REPAIR GARAGE, BODY SHOP AND USED CAR SALES AGENCY IN CONJUNCTION THEREWITH ON CERTAIN PROPERTY HEREINAFTER DESCRIBED WITHIN THE CITY OF GLENDALE, MISSOURI: EFFECTIVE DATE:

WHEREAS, the City of Glendale has, by Chapter 400 of the Municipal Code, divided the city into districts and established regulations governing the use of land and the location of buildings therein, and

WHEREAS, Section 400.420 of Chapter 400 of the Municipal Code of the City of Glendale, Missouri, provides that the Board of Aldermen by Special Use Permit, may authorize the location and operation of a new car dealership and in conjunction therewith a repair garage, body and paint shop and an outdoor new and used car sales and display lot within the C-2 Commercial District of the City; and

WHEREAS, Chrysler Corporation (formerly referred to as Chrysler Motors Corporation) has heretofore filed an application for a Special Use Permit by ordinance No. 1359, and as amended by Ordinance Nos. 1442, 1473, 6-79 and 5-88, for the location of a New Car Dealership, Repair Shop, Body and Paint Shop and used Car Sales Lot in the C-2 Commercial District and storage in the S-1 District on the property described below; and

WHEREAS, Glendale Chrysler/Plymouth, Inc., a wholly owned subsidiary of the Chrysler Corporation, was previously sold to H. Carlo Merlo and Shirley A. Merlo and the special use permit was transferred to the new ownership; and

WHEREAS, Glendale Chrysler/Plymouth, Inc., by H. Carlo Merlo and Shirley A. Merlo, previously filed an application for a modification of its existing special use permit which special use permit was thereafter amended pursuant to Ordinance No. 09-93.

WHEREAS, ~~Glendale Chrysler-Jeep, Inc.~~ **Merlo Automotive Group, Inc.**, as successor to Glendale/Plymouth, Inc., has filed an application for a modification to its existing special use permit to allow for the construction of a **70' x 74.24' addition to its facility adding to the previously approved 162' x 74' addition to its facility to house the dealership's service and repair operations, a new 50' x 75' dual lane car wash, a new 31' x 71' free standing storage building and additional paving with retaining wall for vehicle parking and 8ft sight proof privacy fence.** ~~—the reconfiguration and modified use of existing facilities for relocation of the dealership's new car sales showroom, service entrance, and offices, the demolition and removal of the front~~

~~(northernmost) portion of the existing building which is approximately 3,800 square feet, the demolition and removal of a 500 square foot building in front of the main dealership building, and the rebuilding and remodeling of the front façade of the dealership building;~~

WHEREAS, the application for a modified special use permit was referred to the City Plan Commission for review, and, at its March 9, 2011 meeting, the City Plan Commission issued its recommendation to approve the issuance of the proposed modified special use permit subject to conditions;

WHEREAS, the Board of Aldermen called a Public Hearing on such proposed modified special use permit for the 21st day of March, 2011, and a notice of such Public Hearing was published on March 3, 2011, in the St. Louis Countian, a newspaper of general circulation in the City of Glendale, and copies of such notice were mailed via First Class Mail to all property owners shown by the City's tax records within three hundred (300) feet of the boundaries of the subject property;

WHEREAS, A Public Hearing was held before the Board of Aldermen of the City of Glendale on March 21, 2011, at 7:30 P.M. with respect to this application for a modified special use permit, both on the basic use originally granted and the expansion thereof;

WHEREAS, the Board of Aldermen of the City, after due and careful deliberation, has concluded that the issuance of said modified special use permit would meet the requirements of the Zoning Code of the City of Glendale, Missouri and would not: (a) substantially increase traffic hazards or congestions; (b) substantially increase fire hazards; (c) adversely affect the character of the neighborhood; (d) adversely affect the general welfare of the community; or (e) overtax public utilities.

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

SECTION ONE:

Subject to the conditions hereinafter provided, the Special Use Permit heretofore granted to Glendale Chrysler/Plymouth, Inc, by Ordinance Number 09-93 is hereby voided and reissued in amended form to ~~Glendale Chrysler-Jeep, Inc.,~~ **Merlo Automotive Group, Inc.,** and, as amended, such corporation is authorized to continue to operate a new car dealership and in conjunction therewith a repair garage, body shop, paint shop, new and used car sales and display lot, on the following terms and conditions:

- (A) To continue to locate a new car dealership and in conjunction therewith a repair garage, body shop, and paint shop, new and used car sales and display lot, and in

connection with the operation of such dealership to construct a 70' x 74.24' addition to its facility adding to the previously approved 162' x 74' addition to its facility to house the dealership's service and repair operations, a new 50' x 75' dual lane car wash, a new 31' x 71' free standing storage building and additional paving and retaining wall for vehicle parking and 8ft sight proof privacy fence, ~~the reconfiguration and modified use of existing facilities for relocation of the dealership's new car sales showroom, service entrance, and offices, the demolition and removal of the front (northernmost) portion of the existing building which is approximately 3,800 square feet, the demolition and removal of a 500 square foot building in front of the main dealership building, and the rebuilding and remodeling of the front façade of the dealership building pursuant to the detailed final development plan as submitted to the City upon a certain tract of land located at 10070 Manchester Road, Glendale, Missouri 63122, but more particularly described as follows:~~

A tract of land being Lot B of Schwartz Pinkus Manor, as per plat recorded in Plat Book 188 Page 36 of the St. Louis County Recorder's Office, in Section 31, Township 45 North, Range 6 East of the Fifth Principal Meridian, City of Glendale, St. Louis County Missouri, said tract being more particularly described as follows:

Beginning at the common point on the line dividing Lots A and B of said Schwartz Pinkus Manor and the Southern right of way of Manchester Road, 60 feet wide, thence along the line dividing Lots A and B, South 00 degrees 35 minutes 00 seconds West 216.36 feet to the Southwest corner of Lot A, thence along the Southern line of said Lot A, North 75 degrees 14 minutes 00 seconds East 100.00 feet, to the Southeast corner of said Lot A, thence along the Eastern line of Lot B, South 00 degrees 35 minutes 00 seconds West 258.23 feet to the Southeast corner of said Lot B, thence, North 89 degrees 35 minutes 30 seconds West 417.90 feet to a point on the Eastern line of Glendale Gardens Condominiums as per plat recorded in Plat Book 214 Page 26 of the St. Louis County Recorder's Office, thence along the Eastern and Northern lines of said Glendale Gardens Condominiums North 01 degrees 00 minutes 00 seconds East 167.18 feet and South 69 degrees 07 minutes 00 seconds West 258.67 feet to a point on the Eastern line of said Glendale Gardens Drive, 40 feet wide, said point being a curve to the right, whose radius point bears North 37 degrees 27 minutes 35 seconds East 50.00 feet from the last described point, thence along the arc of said curve 46.78 feet to the point of tangent, thence North 00 degrees 58 minutes 00 seconds East 116.42 feet to a point of curve to the right, whose radius bears South 89 degrees 02 minutes 00 seconds East 35.00 feet from the last described point, thence along the arc of said curve to the right 41.63 feet to the point of tangent, said point being on the aforesaid Southern right of way line of Manchester Road, thence along said right of way line North 69 degrees 07

minutes 00 seconds East 312.70 feet, thence North 75 degrees 14 minutes 00 seconds East 276.94 feet to the point of beginning and containing 4.633 Acres.

SECTION TWO:

The Special Use Permit and Modified Special Use Permit herein granted shall be conditioned and shall become and remain in force and effect only under the following terms and conditions:

- (A) No signs of any nature shall be erected or installed on the subject property except in compliance with Chapter 530 of the Glendale City Code, unless specifically authorized by variance under 530.120 of the Glendale City Code.
- (B) Except for those vehicles awaiting immediate repair on the premises, no wrecked, damaged or inoperable vehicles shall be stored on the subject property.
- (C) The operation of the body and paint shop, located upon the Dealership premises, shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m., official local time, Monday through Saturday.
- (D) All lights not necessary for reasonable security lighting of the area shall be extinguished no later than the hour of 10:00 p.m. official local time and shall not be relighted until the following daylight hours. Any addition, removal or replacement of exterior light fixtures on the subject property shall require approval by the City of Glendale Building Commissioner to ensure that such change will not adversely impact adjoining properties.
- (E) The south ~~30~~ 75 feet of the eastern 418 feet of the subject property shall remain as an undeveloped buffer zone to screen the Dealership from the residential properties to the south. The dense vegetation existing in the portion of this buffer zone south of the existing 6 ft. chain link fence shall ~~remain in place~~ **shall be removed and replaced with new dense landscape plantings and a new 8ft sight proof privacy fence shall be constructed along the existing southern property line.** ~~A new row of evergreen trees shall be planted along the north side of the existing chain link fence to enhance screening.~~ **Glendale Chrysler Jeep, Inc. Merlo Automotive Group, Inc.,** will maintain this area, ensuring that no trash or other material is allowed to remain on such grounds other than the growing bushes, trees, grass and other plants. ~~Glendale Chrysler Jeep, Inc.~~ **Merlo Automotive Group, Inc.,** will keep the grass trimmed on such grounds, and will replace any diseased or dead plants, bushes and/or trees, with plants, bushes and/or trees of comparable size, quality and type.
- (F) ~~In place of an existing 6 ft. chain link fence,~~ **The existing** 6 ft. solid privacy fence shall **remain in place** ~~be installed by Glendale Chrysler Jeep, Inc.~~ **Merlo**

Automotive Group, Inc., along the west 250 feet of the south property line and the west property line adjacent to Glendale Gardens Condominiums.

- (G) The Special Use Permit granted herein shall run to ~~Glendale Chrysler Jeep, Inc.~~, **Merlo Automotive Group, Inc.**, a new car dealership operating on said premises and said Special Use Permit may not be transferred or assigned to any subsequent owner or tenant of said premises without the express approval of the Board of Aldermen of the City of Glendale, which approval shall not be unreasonably withheld. No such transfer will be approved, however, unless it is to a new car agency franchised by the manufacturer of such cars for the operation of a new car agency.
- (H) The used car business, repair garage and body and paint shop, authorized herein, in conjunction with said franchised new car dealership, shall, at all times be owned, operated and managed by the person, firm or corporation operating said new car dealership.
- (I) The new and used cars displayed on said premises shall be stored or parked in neat and regular lines or aisles.
- (J) All body work, car painting, and car repair and garage work must be performed within buildings on the subject property.
- (K) All refuse, trash, and any other items being disposed of, or thrown away, will be stored in covered containers suitably screened.
- (L) Any public address system on the exterior portion of any of the buildings on the dealership premises shall not be directed toward any of the abutting residential property to the south, and shall not be used to transmit or broadcast music, but shall only be used for the purpose of calling employees and/or other people on the dealership premises.
- (M) The existing structure may be remodeled and expanded in accordance with the drawings submitted to the City of Glendale as the final development plan, which drawings are incorporated herein by reference. This expansion's use will be for increased repair and service areas, additional and reconfigured office space, a new service entrance, an improved and enlarged new car sales display area and a modified front façade.
- (N) The proposed building addition is located on top of existing sewer lines and related easements. Approval of the final development plan is contingent upon approval of construction plans by St. Louis Metropolitan Sewer District (MSD). Documentation of said approval shall be provided to the City Building Commissioner.

- (O) Any future change in the buildings shown on the attached drawings or their use requires approval of an amended Special Use Permit.

SECTION THREE:

The Modified Special Use Permit, issued hereby, shall remain in full force and effect so long as the permittee shall comply with all the terms and conditions thereof. In the event that the permittee shall breach any of these conditions, permittee shall be given a written notice of such breach by the City of Glendale, delivered to any person in charge of the office of permittee. If such condition is not corrected within a reasonable time and in any event within thirty (30) days of the delivery of such notice, it is agreed that the City of Glendale shall have the right to close down the operations, under the Special Permit or the Special Supplemental Permit, or both, as the case may be, until such time as permittee shall comply with all terms and conditions of said permit or permits.

SECTION FOUR:

The permit issued hereby shall become and be in full force and effect at such time as the City of Glendale has received an acknowledgement from Glendale Chrysler-Jeep, Inc. accepting the terms of this ordinance.

SECTION FIVE:

This Ordinance shall be effective immediately on its passage and approval.

This Ordinance passed and approved this 4th day of April, 2011.

Richard J. Magee
Mayor

ATTEST:

Jeremy Hayes
City Administrator/City Clerk