

**AN ORDINANCE APPROVING THE FINAL
DEVELOPMENT PLAN SUBMITTED BY THE CITY OF
TWIN OAKS FOR A MUNICIPAL CENTER LOCATED
IN THE TWIN OAKS CENTER.**

WHEREAS, on May 5, 2004, after recommendation by the Twin Oaks Planning and Zoning Commission (the “Commission”), the Twin Oaks Board of Trustees—now Board of Aldermen—the “Board”) approved a Preliminary Development Plan for a development site containing approximately 12.3 acres situated on the northeast corner of Missouri Highway 141 and Big Bend Road, known as the Twin Oaks Center Subdivision (the “Twin Oaks Center”), which was comprised of a four-phase plan as follows: Phase I (Walgreens), Phase II (Bank of America), Phase III (Retail/Restaurant), and Phase IV (Schnucks) as approved by the Board’s Resolution No. 26 (the “2004 Plan”); and

WHEREAS, in 2004, by Ordinance 166, a final development plan was approved for Phases I and II of the Twin Oaks Center to allow construction of a Walgreens (Phase I) and Bank of America (Phase II) (the “Original Final Development Plan”) and although Phase I (Walgreens) was completed, construction on Phase II was never begun; and

WHEREAS, of the 2004 Plan’s four phases, only Phases I and IV have been completed, and the parcel on which Phase II was to be completed, a 1.076± acre site, known and numbered as 1381 Big Bend Road (the northeast corner of Big Bend Road and 141 in Twin Oaks), also known as Lot 1 of the Twin Oaks Center Subdivision, to allow the City to construct a municipal center on the parcel (“Lot 1”), has now been conveyed to the City of Twin Oaks (“Twin Oaks”); and

WHEREAS, a final development plan is deemed abandoned under §400.320(A) of the Zoning Ordinance of the City of Twin Oaks (the “Zoning Ordinance”) when the applicant or landowner fails to receive a building permit or fails to undertake substantial construction on the property after receiving a building permit within twelve (12) months after receiving final development plan approval and, whenever a final development plan or phase thereof has been abandoned, a new final development plan must be approved; and

WHEREAS, the Original Final Development Plan as it pertains to Lot 1 (or, Phase II) was abandoned and thus a new final development plan must be approved for Lot 1; and

WHEREAS, on February 22, 2017, the Commission by Resolution No. 17-1 recommended approval of a certain *Amended Preliminary Development Twin Oaks Center Village of Twin Oaks*: Sheets 1-6, stamped “Received Feb 10, 2017” to supersede and replace the “Preliminary” Plan for the Proposed Development Twin Oaks Center (stamped March 11, 2004) (the Amended Preliminary Development Plan”) which included approval of a municipal center on Lot 1; and

WHEREAS, on March 1, 2017, the Board, following review and study of the recommendation of the Commission, approved the Amended Preliminary Development Plan by

Resolution 17-03 thereby approving the preliminary plan for the development of Lot 1 as a municipal center; and

WHEREAS, Twin Oaks submitted an application for a Final Development Plan for Lot 1 pursuant to Zoning Ordinance §400.320(A)(5) on March 3, 2017; and

WHEREAS, the Zoning Ordinance provides for approval of applications for Final Development Plan Approval by the Board, following review, study, report and recommendation by the Commission; and

WHEREAS, on March 28, 2017, after staff reviewed the Final Development Plan for compliance, the Commission finding the Final Development Plan to be in substantial conformance to the Amended Preliminary Development Plan, recommended approval of the Final Development Plan; and

WHEREAS, a duly noticed and published public hearing was held on April 5, 2017, concerning the approval of the Twin Oak's Final Development Plan as required by §410.320 of the Zoning Ordinance; and

WHEREAS, the Board, upon due consideration of the recommendations of the Commission, has concluded that approval of the Final Development Plan would be in the interest of the health, safety and welfare of the citizens of the City and wishes to grant Final Development Plan Approval;

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

Section 1. The Final Development Plan for Lot 1, attached as Exhibit A and incorporated, hereby determined to be in substantial compliance with Amended Preliminary Development Plan approved by the Board's Resolution 17-03, and re-approved by this ordinance, is approved pursuant to and subject to Zoning Code §400.320 with the condition that the Property shall be used as a municipal center in compliance with the approved Final Development Plan.

Section 2. The approved Final Development Plan, signed by the Mayor of the City, shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of this approval.

Section 3. The approved 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 and all additional building permits necessary to complete the project as approved in the Final Development Plan schedule are obtained in a timely fashion as determined by the City Administrator/Clerk. 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 Final Development Plan expires. Upon granting an extension, the Board of Aldermen may attach new conditions to the approved Final Development Plan as the Board deems appropriate.

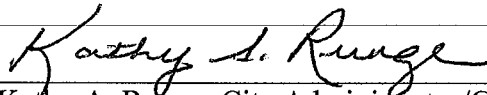
Section 4. This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

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 5th DAY OF APRIL, 2017.



Russ Fortune, Mayor

Attest:



Kathy A. Runge, City Administrator/Clerk