

**AN ORDINANCE APPROVING A TEMPORARY AMENDMENT TO THE
SECOND AMENDED FINAL DEVELOPMENT PLAN FOR THE BIG
BEND SQUARE MIXED-USE DEVELOPMENT**

WHEREAS, on March 1, 2017, the Board of Aldermen adopted Ordinance 17-07 approving a Final Development Plan submitted by Haley Holdings Seven LLC for an 11.271± acre site, known and numbered as 1310 – 1366 Big Bend Square Shopping Center (the “Property”) to allow for the reconstruction and rehabilitation of the existing shopping center as a retail and multi-family residential mixed use development consisting of the existing retail center known as Big Bend Square and newly constructed high-end apartments known as the Villages of Twin Oaks; and

WHEREAS, on February 13, 2019, by Ordinance 19-02 the Board of Aldermen approved an Amended Final Development Plan including a revised Landscaping Plan (the “Amended Final Development Plan”), for approval to ensure consistency between the site as-constructed and the approved Development Plan; and

WHEREAS, after the approval of the Amended Final Development Plan, the Board approved a Second Amendment to the Final Development to allow development of the Outlot via Ordinance 20-10; and

WHEREAS, Ordinance 17-07 provided that the zoning code requirement that “[a]ll uses ... shall be conducted entirely within an enclosed building or structure” was modified to allow outdoor seating and dining for restaurants within the Big Bend Square development; and

WHEREAS, on November 12, 2020, the St. Louis County Department of Public Health issued its “Safer at Home Order” that, among other things, restaurants must cease all indoor dining service and are only allowed to provide outdoor service, carryout, and delivery; and

WHEREAS, the Board of Aldermen wishes to provide some temporary relief to restaurants in the City negatively affected by the Safer at Home Order by allowing a process for restaurants at Big Bend Square to submit plans to the City Clerk and/or Board of Aldermen to approve temporary outdoor seating areas that are expanded to include part of the parking areas adjacent to the restaurant *so long as* the plan makes maximum effort to ensure safety of the patrons and does not impede pedestrian and vehicular traffic flow and provides uninhibited access by first responders to the premises.

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

Section 1. To provide temporary relief to restaurants in the Big Bend Square development from the dire consequences of the Safer at Home Order, Section 2(1) of Ordinance 17-07, as amended by Ordinance 19-02, is amended to add the underlined text as follows:

1) The requirement of §400.310 that "[a]ll uses ... shall be conducted entirely within an enclosed building or structure" is hereby modified to allow outdoor seating and dining for restaurants within the Big Bend Square development. Whenever, however, a public health order issued by the St. Louis County Department of Public Health directs that all restaurants in St. Louis County are to cease indoor food service and limit their services to only outdoor dining, carryout and delivery, the following process shall be available:

- a. Restaurants in the Big Bend Square development may apply to the City Clerk for a temporary Expanded Outdoor Dining Area permit and the City Clerk is authorized to issue such a permit for the operation of an outdoor dining area that expands into the first row of parking immediately adjacent to the applicant's restaurant for up to sixty (60) days at a time, if the City Clerk finds the following criteria have been met:
 - i. Detailed site plans clearly identifying, at a minimum, the boundaries of the area to be used for outdoor seating, the proposed layout of the seating, pedestrian access areas, adjustments to parking field (including exact number of spaces to be used), drive aisles, safety barriers, and any proposed canopy or other weather protection for customers.
 - ii. A clear and specific explanation of all customer safety measures such as temporary bollards, barriers, planters, etc., intended to be used;
 - iii. Proposed lighting and heating arrangements;
 - iv. Any other information .
- b. The permit shall contain such conditions as are deemed necessary for protection of public health, safety, and traffic, and the City Clerk may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances.
- c. An application that the City Clerk determines does not fully satisfy the criteria above may be approved only by the Board of Aldermen after review and report by the City Clerk. The temporary permit application may be granted, denied, or made subject to conditions that the Board of Aldermen deems reasonably necessary to protect the public health, safety, and general welfare.
- d. If approved, certain building permits may be necessary depending on the scope of the plans submitted.

Section 2. Ordinance 17-07, as amended by Ordinance 19-02, shall continue to govern the Property except as it pertains to the Outlot which shall be governed by any specific requirements in Ordinance 20-10 and approved plan attached thereto.

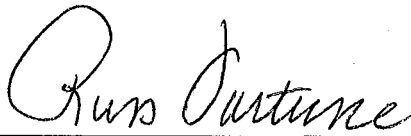
Section 3. The zoning classification of the Property including the Outlot shall remain as a mixed-use development (PD-MxD) as set forth in Section One of Ordinance 17-07, as amended by Ordinance 19-02.

Section 4. Because this amendment to the final development plan that contains minor changes to the approved final development plan, the Board hereby determines that it may be approved without further action of the Planning Commission or the Board of Aldermen or a public hearing as no substantial change in the approved plan results.

Section 5. The findings and facts set forth in the recitals contained in the "Whereas" clauses above are incorporated by reference as if set forth fully herein.

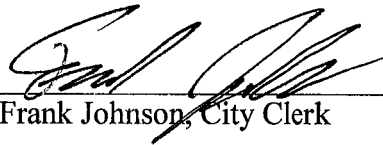
Section 6. This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

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 2nd DAY OF DECEMBER 2020.



Russ Fortune, Mayor

Attest:



Frank Johnson, City Clerk