

**AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR  
OUTDOOR STORAGE FOR A WESTLAKE ACE HARDWARE STORE  
AT 1100 MERAMEC STATION ROAD IN THE CITY OF TWIN OAKS,  
MISSOURI.**

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**WHEREAS**, pursuant to Section 400.420.A.5 of the Twin Oaks Zoning Code, Westlake Ace Hardware (“Applicant”), on behalf of property owner Grocery & Pharmacy Portfolio Springing, LLC, is requesting a Conditional Use Permit to allow outdoor storage of products or merchandise in relation to the hardware store use at 1100 Meramec Station Road (sometimes referred to as 1144 Meramec Station Road); and

**WHEREAS**, on March 2, 2022, the Board of Aldermen has conducted a public hearing on the proposed conditional use and associated final development plan after having given notice pursuant to Section 400.430.C of the Twin Oaks Zoning Code; and

**WHEREAS**, the Planning and Zoning Commission has determined that the facts presented established that the standards set forth in Section 400.430.B and D for approval of a conditional use permit for Applicant will be met; and

**WHEREAS**, based on the above and after reviewing the proposed conditional use permit the Board of Aldermen has determined that the proposed conditional use of outdoor storage of products or merchandise will not: (1) substantially increase traffic hazards or congestion; (2) substantially increase fire hazard; (3) adversely affect the character of the neighborhood; (4) adversely affect the general welfare of the community; or (5) overtax or adversely impact public utilities. As such, the Board of Aldermen desires to grant Applicant’s requested conditional use permit subject to the site, use, and operational conditions set forth in Section 2.

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

**Section 1.** In recognition of the Planning and Zoning Commission determination that the facts presented establish that the standards set forth in Article XI of Chapter 400 (“Conditional Uses”) will be met, the Board of Aldermen hereby grants to Applicant Westlake Ace Hardware a conditional use permit outdoor storage of products or merchandise in relation to the hardware store use in the PD-C Planned Commercial Development District, for a portion of a 5.79 acre parcel known as the “Twin Oaks Center” and numbered as 1100 Meramec Station Road, Locator No. 24Q320573 (the “Property”), to allow Westlake Ace Hardware to have certain year-round and seasonal outdoor storage *subject to* the conditions listed in Section 2 of this ordinance.

**Section 2.** The approval of the Conditional Use Permit is hereby conditioned upon:

1. Continued operation by Applicant as a hardware store.
2. Applicant’s continued use of the Property in conformance with the approved Westlake Ace Final Development Plan approved by Ordinance 22-02 (which is incorporated herein by reference).
3. All outdoor storage of “Year-Round Palletized Items (mulches, pavers, bagged goods)” and the “Seasonal Garden Center” shall be confined to and conducted only in the locations shown on Sheets C3 and C5 of the Westlake Ace Final Development Plan.

4. When not in use, the "Seasonal Garden Center" area shall be cleaned up and the area returned to parking use.
5. The "Conex Storage Container" outdoor storage shall be located only as shown on Sheets C3 and C5 of the Westlake Ace Final Development Plan.
6. All outdoor storage areas and adjacent parking lot areas shall be kept in a neat and orderly condition in accordance with and only during the validity of this Conditional Use Permit for outdoor storage of products or merchandise and the Westlake Final Development Plan approved via Ordinance 22-02.
7. This conditional use shall continue to be used and operated in accordance with the above conditions, provided that the holder of a conditional use permit may apply for modifications of the conditions in accordance with the procedures provided for an original conditional use permit application.

**Section 3.** Proposed construction or development shall commence within one (1) year of the date of approval by the Board of Aldermen of this conditional use otherwise the approval shall lapse and be void.

**Section 4.** The Conditional Use Permit is personal to Applicant Westlake Ace Hardware as it is based on the Applicant's particular and unique operation of its hardware store and related outdoor storage use. This Conditional Use Permit shall not be transferred to a future occupant without the prior review and approval of the Board of Aldermen.

**Section 5.** This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

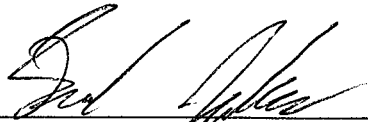
PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 2<sup>nd</sup> DAY OF MARCH 2022.



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Russ Fortune, Mayor

Attest:



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Frank Johnson, City Clerk/Administrator



# CITY OF TWIN OAKS

1381 Big Bend Road • Twin Oaks, MO 63021  
(636) 225-7873 • fax (636) 225-6547 • [www.cityoftwinoaks.com](http://www.cityoftwinoaks.com)

## “C” Commercial District Conditional Use Permit

*Conditional Use Permit Approval is required in situations outlined in §400.380 of the City Zoning Code. Twelve (12) copies of the application together with a site development plan and any accompanying documents shall be submitted, and shall be in conformance with all general application requirements, including all application fees. (Please type or print in ink below)*

### INFORMATION CONCERNING APPLICANT:

Applicant hereby submits the following information concerning the use or development proposed:

**Site Location/Address:** 1144 Meramac Station Road, Twin Oaks, MO 63021

**Name of Applicant:** Westlake Ace Hardware

Represented by (if Applicant is a business entity): \_\_\_\_\_ Title: \_\_\_\_\_

Full Address: 14000 Marshall Drive Phone #: 913-888-8438  
Lenexa, KS 66215 Fax #: \_\_\_\_\_

**Name of Property Owner:** Grocery & Pharmacy Portfolio Springing, LLC, c/o Inland Commercial Real Estate Services, LLC

Full Address: 2901 Butterfield Rd Phone #: 630.586.6100  
Oak Brook, IL 60523 Fax #: \_\_\_\_\_

**Name of Developer:** Grocery & Pharmacy Portfolio Springing, LLC, c/o Inland Commercial Real Estate Services, LLC

Full Address: 2901 Butterfield Rd. Phone #: 630.586.6100  
Oak Brook, IL 60512 Fax #: \_\_\_\_\_

**Name of Architect and/or Engineer:** Chiodini Architects

**Describe types of use(s) activities proposed (attach additional sheet, if required):** \_\_\_\_\_

Outdoor storage of propane gas supplies. and year-round palletized goods and a seasonal garden center.

### CONDITIONAL USE PERMIT - SITE DEVELOPMENT PLAN SUBMISSION REQUIREMENTS:

1. **Site Development Plans(s)** a sketch plan of the site (may be hand drawn) showing approximate location of buildings, other structures and lot arrangements, as well as any proposed landscaping or exterior improvements and proposed location and type of signage.
2. To facilitate review by the City, the applicant may also submit plans or support information identifying and describing the following:

*(✓ if applicable and circle items included)*

- Existing and proposed site grades identifying grade changes and cut and fill areas
- Existing landscape and natural features showing location of all woodlands, trees, major vegetation, streams and watercourses, as well as means to be taken to preserve or minimize impact on these areas
- Sidewalks and walkways; driveways; curb cuts; vehicle lanes and parking areas
- Exterior building sketches and elevations depicting the general style, size and exterior construction materials of the buildings proposed. Where several building types are proposed on the plan, such as apartments and commercial buildings, a separate sketch

should be prepared for each type. Such sketches shall include elevation drawings, but detailed drawings and perspectives are not required.

**Representations Concerning Compliance With Laws**

I, the undersigned, have read this application in its entirety and the information contained herein is true, and correct and complete to the best of my knowledge, information and belief. I hereby represent that the property and the activities proposed to be conducted thereon do not and will not violate any ordinance of the City of Twin Oaks or the laws of the State of Missouri. Applicant acknowledges that failure to truthfully complete this application or failure to comply with all laws may result in revocation of relevant approvals or permits.

Signature of Applicant: *RM* Date: 12/15/2021  
Print Name: Robert Massengill Title: VP Business Development

**Verification by Owner**

If the application is submitted on behalf of an owner of property or by a tenant for property owned by a person or entity other than the tenant, the owner must verify that the owner has read the application and consents to its review and possible approval by the City.

The undersigned hereby acknowledges that she or he has read the application, understands that the application seeks a conditional use permit for the property, and consents to submission to City review and possible approval of same.

Signature of Owner: *Don Stewart* Date: 12/17/2021  
Print Name: Don Stewart Title: SVP Property Management Commercial  
as Agent for  
Owner

\* \* \* \* \* **FOR OFFICE USE ONLY** \* \* \* \* \*

Date of Board of Aldermen Decision: \_\_\_\_\_  Approved  Disapproved

Site, use and operational conditions imposed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Amount Paid: \$ \_\_\_\_\_ Cash/Check #: \_\_\_\_\_ Date Rec'd: \_\_\_\_\_