

**NOTICE OF PUBLIC HEARING
CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT**

NOTICE IS HEREBY GIVEN that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on Thursday, August 3, 2023 at 6:00 pm in the Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, MO 63017

The Board will consider the following:

B.A. 01-2023 1624 Clarkson Road (Crumb Cookies): A request for a variance from the hours of operation in Ordinance 2727 from 7:00 am to 9:30 pm to 8:00 am to 10:00 pm Monday through Thursday and 8:00 am to midnight on Friday and Saturday.



All interested parties are invited to appear and be heard at the hearing.

Copies of the request are available for review at City Hall, Monday through Friday from 8:30 am to 4:30 pm. If you should need additional information about this project, please contact Petree Powell, Assistant City Planner by telephone at 636-537-4736 or email at ppowell@chesterfield.mo.us

City of Chesterfield
Petree Powell
Assistant City Planner

The Countian (St Louis)
100 S. Highway Drive
Fenton, MO, 63099
Phone: 3144211880 Fax: 0

THE ST. LOUIS COUNTIAN

Affidavit of Publication

To: City of Chesterfield - Petree A. Powell
690 Chesterfield Parkway West
Chesterfield, MO, 63017

Re: Legal Notice 2522691, CITY OF CHESTERFIELD
State of MO }
County of St. Louis }



I, Lisa Fowler, being duly sworn, depose and say: that I am the Authorized Designee of The Countian (St Louis), a daily newspaper of general circulation in Fenton, County of St. Louis, State of MO; that a notice, of which the annexed is a printed copy, has been duly and regularly published in the The Countian (St Louis) once each day for 1 consecutive days; and that the date of the publication were as follows: 07/20/2023.

Publishers fee: \$39.27

By:
Lisa Fowler

Sworn to me on this 20th day of
July 2023

By:

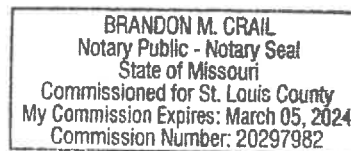
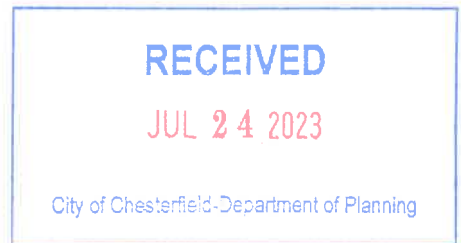
Brandon M. Crail
Notary Public, State of MO
No. 20297982
Qualified in St. Louis County
My commission expires on
March 5, 2024

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The Board will consider the following:
B.A. 01-2023 1100 1624 Clarkson Rd (Crumb Cookie): A request for a variance from the hours of operation in Ordinance 2727 from 7:00 a.m. to 9:30 p.m. to 8 a.m. to 10 p.m. Monday through Thursday and 8 a.m. to 12 am-midnight on Friday and Saturday.

All interested parties are invited to appear and be heard at the hearing. Copies of the request are available for review at City Hall Monday through Friday, from 8:30 a.m. to 4:30 p.m. If you should need additional information about this project, please contact Petree Powell, Assistant City Planner by telephone at 636-537-4736 or by email at ppowell@chesterfield.mo.us.

City of Chesterfield
Petree Powell
Assistant City Planner
2522691 County July 20, 2023





690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

Board of Adjustment Staff Report

Variance Type: Area Variance

Meeting Date: August 3, 2023

From: Petree Powell, Assistant City Planner

Location: 1624 Clarkson Rd

Applicant: 636Cookies LLC, dba, Crumbl Cookies

Description: **B.A. 01-2023 1624 Clarkson Rd (Crumbl Cookies)**: A request for a variance from Hours of Operation under Ordinance 2727-Attachment A, Section I.A.3 Hours of Operation to allow for late night sales.

PROPOSAL SUMMARY

636Cookies LLC, dba “Crumbl Cookies” is requesting a variance from the hours of operation under Ordinance 2727, Attachment A, Section I.A.3 which provides that hours of operation for all uses shall be between 7 a.m. and 9:30 p.m. The applicant seeks to operate on Monday through Thursday from 8 a.m. to 10 p.m. On Friday and Saturdays, applicant seeks to operate from 8 a.m. to 12 midnight. The requested hours are in line with the applicant’s Franchise Agreement.

The applicant states that requiring Crumbl Cookies to operate at the reduced hours, especially late night, will cause unnecessary hardship and practical difficulty for two reasons: 1) the Applicant is in violation of the Franchise Agreement; and 2) Applicant is at a competitive disadvantage because all other Crumbl Cookie locations in the area that do operate in accordance with the Franchise Hours of Operation.

BACKGROUND FACTS

Applicant entered into a lease for 1624 Clarkson Rd with Chesterfield Oaks. The Applicant was not informed by the Lessor or the real estate agents involved in the Lease transaction that there were limitations on the hours of operation. Applicant also entered into a Franchise Agreement with Crumbl Franchising LLC that required hours of operation Monday through Thursday from 8 a.m. to 10 p.m. and

on Fridays and Saturdays from 8 a.m. to 12 midnight. After receiving MZAs for interior work and signage, St. Louis County issued an Occupancy Permit. The Applicant expended funds for construction in the space. The hours of operation were not on the MZA application and the Occupancy Permit merely acknowledges that the space is habitable and meets any building code requirements.

On December 1, 2022, Crumbl Cookies filed an application for a business license. On the application the Applicant listed the hours of operation intended. The City's then Business Assistance Coordinator sent the application to the Planning Department to check for compliance with zoning. While the application was in Planning, the Business Assistance Coordinator went home ill but before doing so incorrectly approved the Business License before the Planner was able to review the application for zoning compliance. The Planner assigned the application noted the conflict in the business hours and relayed that to the Business Assistance Coordinator. On or about December 7, 2022 Business License was would be withheld for failure to adhere to the hours of operation outlined in the site specific Ordinance 2727 Attachment A. The applicant was so notified.

It should be noted that In Ordinance 2727 Attachment A there are exceptions to the standard hours of operations. The hours for the bookstore are 7 a.m. to 10 p.m. and the hours for the bakery/coffee shop restaurant located at the west end of the building are 6:00 a.m. to 9:30 p.m.

The owner of the Chesterfield Oaks Shopping Center, Caplaco Eighteen Inc., Caparco Two, Inc. and Dierbergs Heritage, Inc. has no objection to the requested hours by Crumbl Cookie.

SITE HISTORY

The subject site is zoned PC Planned Commercial. It was initially zoned C-* Planned Commercial District and was rezoned to a "PC" Planned Commercial District in 2004. In 2005 the rezoned as a "PC" Planned Commercial District amending the hours of operation. In 2011 the tract of land was again rezoned changing the permitted uses.



Figure 1. Subject Site

BOARD OF ADJUSTMENT POWERS AND RESPONSIBILITIES

In consideration of a request for a variance, the Board of Adjustment is required to follow Missouri State Statute and Chesterfield City Code requirements. Missouri Revised Statute Chapter 89.090 requires that a Board of Adjustment may only grant variances when the Applicant has established:

“there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance” and “to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done”.

A nonuse variance is the relaxation of one or more incidental limitations to a permitted use and does not alter the character of the District. A nonuse variance authorizes a deviation from the restrictions which relate to the permitted use, rather than a limitation on the use itself. To obtain a nonuse variance the Applicant must establish “practical difficulties or undue hardship”. This does not refer to the conditions personal to the owner but refers the conditions affecting the lot in question. The practical difficulties must be unusual or peculiar to the property involved and must be different from that suffered throughout the zone.

APPLICANT REQUEST

The Applicant, Crumbl Cookie, is requesting a variance from the hours of operation contained in Ordinance 2727 Attachment A, Section I.A. 3. to permit extending late night hours per the Applicant's Franchise Agreement with Crumbl Franchising LLC.

REVIEW OF VARIANCE REQUEST

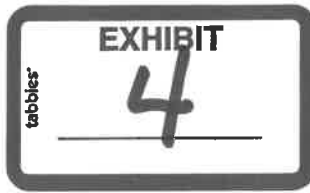
The Department of Planning has reviewed the request and submits the following information for the Board's consideration during review.

In reviewing the statement of practical difficulty, several factors can be considered by the Board:

1. *How substantial the variation is in relationship to the requirement?* The hours of operation requested extend the nighttime hours on one-half (1/2) hour Monday through Thursday from 9:30 pm to 10 pm. and extends the nighttime hours on Friday and Saturdays two and one half hours (2.5) from 9:30 pm to midnight. The most significant modification requested is the extension of hours until midnight on Fridays and Saturdays. It should be noted that Attachment A gives two exceptions to the regular hours: the bookstore has extended hours to 10 pm and the bakery/coffee shop opens early 6 am.
2. *Whether a substantial change will be produced in the character of the neighborhood or substantial detriment to adjoining properties or neighbors.* The request is a simple one: to extend the operating hours of the business per the Franchise Agreement to capture late night patrons. There will be no substantial change in the character of the neighboring properties, nor substantial detriment to the adjoining business or neighbors.
3. *Whether the difficulty can be obviated by some feasible method other than the variance.* The applicant states that there is no feasible way to adhere to the Franchise Agreement without extending the hours of operations to the proposed times.
4. *Whether the interest of justice will be served by allowing the variance.* The Applicant states that without an extension of the hours of operation that she will be in violation of her Franchise Agreement and that she will be at a competitive disadvantage to other franchise locations in the area that have extended hours.

Exhibits

1. Notice of Publication
2. Affidavit of Publication
3. Staff Report
4. Ordinance 2727 and Attachment A
5. Petitioner's Application



BILL NO. 2910

ORDINANCE NO. 2727

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE 2643 BY CHANGING THE PERMITTED LAND USES OF A "PC" PLANNED COMMERCIAL DISTRICT FOR A 6.494 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF CLARKSON ROAD AND SOUTH OF THE INTERSECTION OF CLARKSON ROAD AND CHESTERFIELD PARKWAY (P.Z. 12-2012 Chesterfield Oaks {Capitol Land})

WHEREAS, Doster Ullom, LLC, on behalf of Capitol Land, has requested an ordinance amendment to add the Office, medical land use in a "PC" Planned Commercial District for a 6.494 acre tract of land located on the east side of Clarkson Road and south of the Clarkson Road and Chesterfield Parkway intersection; and,

WHEREAS, a Public Hearing was held before the Planning Commission on October 08, 2012; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the ordinance amendment with the exclusion of Urgent Care Facilities and other similar type facilities; and,

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval of the ordinance amendment; and,

WHEREAS, the City Council, having considered said request, voted to approve the ordinance amendment request.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. City of Chesterfield Ordinance 2643 is hereby repealed and replaced with a new ordinance the conditions of which are established in the Attachment A. The area for which this new ordinance applies is as follows:

A tract of land being all of Lot "A" of Swantner Acres, a subdivision according to the plat thereof recorded in Plat Book 143, page 50 of the St. Louis County Records, part of Parcel 1 and all of Parcel 2 of "A Boundary Adjustment Plat of a Tract of Land in U.S. Survey 2002, Township 45 North, Range 4 East" according to the plat thereof recorded in Plat Book 255, page 52 of the St. Louis County Records, part of a tract of land conveyed to Francis Macalady by deed recorded in Book 8811, page 1587, all of a tract of land conveyed by Francis Macalady by deed recorded in Book 6713, page 2348 and part of a tract of land conveyed to Emil Rauscher by deed recorded in Book 2401, page 634 all of the St. Louis County Records, all being situated in U.S. Survey 2002, Township 45 North, Range 4 East, St. Louis County, Missouri and being more particularly described as follows:

Beginning at a point in the Western line of Baxter Road, 30 feet wide, being the Southeastern corner or tract of land conveyed to Raymond Felling by deed recorded in Book 2285, page 468 of the St. Louis County Records; thence

along the Southern line of Felling, South 76 degrees 38 minutes 20 seconds West, 10.54 feet to the Northeastern corner of aforesaid Lot "A" of "Swantner Acres"; thence along the Eastern line of said Lot "A", South 4 degrees 59 minutes 46 seconds West, 106.50 feet to an angle point therein; thence South 5 degrees 04 minutes 14 seconds East, 96.47 feet to the Southeastern corner of said Lot "A"; thence along the Southern line of said Lot "A" and the Southern line of a tract of land conveyed to Caparco Two, Inc. by deed book recorded in Book 10020, page 1926 of the St. Louis County Records, South 72 degrees 57 minutes 29 seconds West, 755.18 feet to a point in the Eastern Right-of-Way of Relocated Route 340 (aka Clarkson Road) as established by deed recorded in Book 8383, page 2153 of the St. Louis County Records; thence along said Eastern Right-of-Way, North 30 degrees 58 minutes 26 seconds East, 45.26 feet to an angle point therein; thence North 24 degrees 07 minutes 52 seconds East, 125.90 feet to an angle point therein; thence continuing along said Right-of-Way and along the Eastern Right-of-Way as established by deeds recorded in Book 8538, page 2270 and Book 8442, page 2359 of the St. Louis County Records, North 30 degrees 58 minutes 26 seconds East, 620.62 feet to a point on the Southern line of property conveyed to Elmer A. Weinrich by deed recorded in Book 2260, page 446 of the St. Louis County Records; thence along said Southern line of Weinrich, South 84 degrees 12 minutes 17 seconds East, 360.24 feet to a point on the Western line of Baxter Road, as aforementioned; thence along said Western line, South 4 degrees 59 minutes 46 seconds West, 224.36 feet to the point of beginning and containing 6.494 Acres (282,860 Square Feet) more or less.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment "A", which is attached hereto and, made a part of.

Section 3. The City Council, pursuant to the petition filed by Doster Ullom, LLC, in P.Z. 12-2012, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 8th day of October, 2012 does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 19th day of November, 2012.

Bruce Heiger
MAYOR

ATTEST:

Michelle A. Naggian
CITY CLERK

FIRST READING HELD: 11/05/2012

ATTACHMENT A

All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this "PC" Planned Commercial District shall be:
 - a. Associated work and storage areas required by a business, firm, or service to carry on business operations.
 - b. Barber shops and beauty parlors.
 - c. Bookstores.
 - d. Financial institutions.
 - e. Offices, dental.
 - f. Offices, medical - excluding Urgent Care Facilities and other similar type facilities.
 - g. Offices or office buildings.
 - h. Restaurants, sit down,
 - i. Stores, shops, markets, service facilities and automatic vending machines in which goods or services of any kind, including indoor sale of motor vehicles, are offered for sale or hire to the general public on the premises.
2. The above uses in the "PC" Planned Commercial District shall be restricted as follows:
 - a. Restaurants, sit down shall be limited to Buildings A and C and shall be limited in size not to exceed a total of seven thousand (7,000) square feet.
 - b. Indoor sale of motor vehicles shall be prohibited.
 - c. Stores, shops, markets, service facilities, in which goods or services of any kind are being offered for sale or hire to the general public on the premises shall be limited to "low intensity specialty retail establishments" where uses that are compatible with, and targeted to local residential consumers, and that reduce the hazards of local traffic by limiting the size

of the building and restricting uses that need significantly fewer parking spaces than is required by the established retail performance standard. Such stores or services may include clothiers, pharmacies, bakeries, coffee shops, furniture and home décor stores, camera shops, beauty parlors, beauty treatment centers, flower shops, book stores and similar or comparable uses. Drive-in establishments, such as gas stations, fast-food or drive through restaurants, and high traffic generators such as "outlet retailers," do not meet this definition.

d. A coffee shop shall be allowed as an ancillary use in Building B.

3. **Hours of Operation.**

- a. Hours of operation for all uses shall be between 7:00 a.m. and 9:30 p.m. with two exceptions: A.) 7.00 a.m. to 10:00 p.m. for the operation of a bookstore and B.) 6:00 a.m. to 9:30 p.m. for a bakery/coffee shop restaurant located at the west end of building A.

B. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

The following requirements shall apply to the permitted land uses:

1. The uses permitted within this "PC" Planned Commercial District shall be contained in a maximum of three (3) buildings.
2. The height of all buildings shall be as follows:
 - a. Book store building height, including the architectural feature, shall not exceed two (2) stories or forty (40) feet, whichever is less, on the front of the building and twenty-four (24) feet in the rear of the building as measured from the average finished floor elevation of the building. The architectural feature on the front of the building shall not extend greater than thirty-eight (38) feet from the front of the building towards Old Baxter Road.
 - b. Building height of A Retail Shops shall not exceed twenty-four (24) feet with the exception that the architectural element elevations shall not exceed thirty-two (32) feet.
 - c. Building height of C Retail Shops shall not exceed twenty-four (24) feet with the exception that the architectural element elevations shall not exceed twenty-eight (28) feet.

3. Gross floor area constructed for the three (3) buildings shall not exceed 58,749 square feet. The square footage constructed shall be based on the development's ability to comply with the parking and stormwater regulations of the City of Chesterfield.

C. SETBACKS

1. Structure Setbacks

No building or structure, other than: a freestanding project identification sign, light standards, or flag poles will be located within the following setbacks:

- a. Fifty (50) feet from the current right-of-way of Old Baxter Road.
- b. Thirty (30) feet from the southern boundary of the total tract bearing S 72° 57' 29" W 755.18'.
- c. One-hundred and thirty-five (135) feet from the right-of-way of Clarkson Road (Missouri State Highway 340).
- d. Sixty (60) feet from the northern boundary of the total tract bearing S 84° 12' 17" E 360.24'.
- e. "C" Retail Shops building will be one-hundred and fourteen (114) feet from the current right-of-way of Old Baxter Road.

2. Parking Setbacks

No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks:

- a. Fifty (50) feet from the current right-of-way of Old Baxter Road.
- b. Twenty-five (25) feet from the southern boundary of the total tract bearing S 72° 57' 29" W 755.18'.
- c. Forty (40) feet from the right-of-way of Clarkson Road (Missouri State Highway 340).
- d. Twenty (20) feet from the northern boundary of the total tract bearing S 84° 12' 17" E 360.24'.

D. PARKING AND LOADING REQUIREMENTS

1. Parking requirements shall be a minimum of 4.5 spaces per 1,000 sf. of gross floor area, as directed by the City of Chesterfield.

2. Loading spaces for this development shall be as required in Section 1003.165 of the City of Chesterfield Zoning Ordinance.
3. Handicapped parking and access requirements should comply with Section 512.4 of the St. Louis County Building Code.
4. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.
2. There shall be a densely screened landscape buffer along the eastern edge of the site that shields the proposed building from the existing neighborhoods adjacent to Old Baxter Road. The landscape buffer should include a three (3) foot high berm and preservation of the existing trees with 85% of any additional trees in the landscape buffer area consisting of evergreen species, specifically to include Norway Spruce and White Pine varieties, and shrubbery.
3. Open Space in this development shall be 35.4%, unless Missouri Department of Transportation right-of-way is acquired, in which case it shall be 37.5% as directed by the City of Chesterfield.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Chesterfield Planning Commission.
2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the Missouri Department of Transportation, for sight distance considerations prior to installation or construction.
3. No advertising signs, temporary signs, portable signs, off-site signs, or attention getting devices shall be permitted in this development.
4. All permanent freestanding business and identification signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. This landscaping shall be as approved by the Planning Commission on the Site Development Plan.

G. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. In order to be compatible with the adjacent property to the north, all light standards within this development shall not exceed a total vertical height of fourteen (14) feet, exclusive of the base.
3. All light standards located on the parking structure, other than those for security purposes, shall be turned off no later than thirty (30) minutes after the latest hour of operation per day within the development.

H. ARCHITECTURAL

1. The architectural style of the permitted buildings and any fencing shall address the adjacent residential neighborhood and commercial development. The style should be comparable in quality, material, construction and scale to the character of adjacent properties.
2. The developer shall submit architectural elevations, building materials, and other items in accordance with the City of Chesterfield Design Guidelines. Architectural information is to be reviewed by the Architectural Review Board prior to submission to the Planning Commission for Site Development Plan approval.
3. The exterior building materials shall be brick, consistent with the adjacent property to the north. The exterior materials on each side may include EFIS materials as may be architecturally appropriate as reviewed by the Architectural Review Board and approved by the Planning Commission. Mechanical equipment will be adequately screened by roofing or other material as approved by the City of Chesterfield.
4. The architectural feature on the front of the B Book Store building shall not extend greater than thirty-eight (38) feet from the front of the building towards Old Baxter Road.
5. The rear of the B Book Store building will have a minimum of seven (7) faux windows.
6. Faux windows may be added to the rear of the C Retail Shops building if determined to be architecturally appropriate as reviewed by the Architectural Review Board and approved by the Planning Commission. The window

locations are contingent upon the final placement of required exit doors and utilities.

7. Faux windows will be added to the south side elevation of Building B as reviewed by the Architectural Review Board and approved by the Planning Commission.

Public Art

Reserve an area for the display of work of art so long as the art to be displayed is mutually agreed upon by the City of Chesterfield and the petitioner.

I. ACCESS/ACCESS MANAGEMENT

1. Access to this site is currently provided by a drive owned by the State of Missouri. Said drive connects to the access drive for the Drew Station Shopping Center at the Clarkson Road/Lea Oaks Drive intersection. Cross access easements must be obtained so that the turning movement to the subject tract is located a minimum of two hundred (200) feet east of the Clarkson Road/Lea Oak intersection, at the current terminus of the three lane entrance road to Drew Station. The access drive serving the subject property and the property to the north shall be constructed to City standards for streets and in an alignment as approved by the City of Chesterfield Planning and Development Services Division.
2. Provide additional right-of-way as needed to provide a minimum of twenty five (25) feet of right-of-way from the center line of Old Baxter Road.
3. No direct access will be allowed to Old Baxter Road except as required for emergency vehicles.
4. Provide cross access easement and temporary slope construction license or other appropriate legal instrument or agreements guaranteeing permanent access between this site and adjacent properties, including the Voelpel Tract, as directed by the City of Chesterfield.
5. Access management principals to be applied to this development can be found in Chapter 26 of the City Code.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING SIDEWALKS

1. Provide a five (5) foot wide sidewalk along Old Baxter Road. Said sidewalk shall begin at the southern property line and connect to the existing sidewalk at the northern property line.

2. Provide a direct sidewalk access to the parcel to the south from the public sidewalk along the Clarkson Road frontage. A handicap ramp will be required in the northwest quadrant of the intersection of the "Common Access Drive" and the extension of Lea Oak Drive.
3. Provide a sidewalk that allows pedestrian circulation between the bookstore (Building B) and the development to the north.
4. Provide a sidewalk that allows pedestrian access with development to the south.
5. Provide bicycle/pedestrian accommodations as directed by the City of Chesterfield.

K. TRAFFIC STUDY

Provide a traffic study as directed by the City of Chesterfield. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

L. POWER OF REVIEW

Either Councilmember of the Ward where a development is proposed or the Mayor may request that the plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours after Planning Commission review. The City Council will then take appropriate action relative to the proposal. The plan for a development, for purposes of this section, may include the site development plan, site development section plan, site development concept plan, landscape plan, lighting plans, architectural elevations, sign package or any amendment thereto.

M. STORMWATER

1. Detention/retention is to be provided for this site as directed by the City of Chesterfield Planning and Development Services Division. Detention of storm water runoff is required by providing permanent detention/retention facilities such as dry reservoirs, ponds, underground vaults or another alternative acceptable to the Planning and Development Services Division. The detention/retention basin shall be operational prior to paving of any

driveways or parking areas. The location and types of detention facilities shall be identified on the Site Development Plan.

2. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point. No change in watersheds shall be permitted. The adequacy of any existing downstream storm water facilities shall be verified and upgraded if necessary as directed by the City of Chesterfield Planning and Development Services Division. Emergency overflow drainage ways to accommodate the one hundred (100) year storm shall be provided. Off-site easements for areas inundated by headwater from on site improvements shall be provided as required by the Planning and Development Services Division.
3. Detention area(s), lakes(s), pond(s), etc., are located downstream from the proposed development which may, in the opinion of the Planning and Development Services Division, be impacted by development of subject site. The Detention area(s), lakes(s), pond(s), etc., shall be in the same condition at the completion of development of subject site as pre-development. This condition is dependent on the ability of the developer to acquire necessary easements/agreements for pre and post condition surveys and restorative activities. Condition of the(se) downstream area(s) shall be determined by a pre-construction survey conducted prior to any clearing, grading or construction on the subject site. A copy of the pre-construction survey of downstream detention areas shall be submitted to the City of Chesterfield, Planning and Development Services Division prior to any clearing or grading on the site. Within twelve (12) months of the completion of the proposed development or two (2) years from the start of the development, whichever is greater, a post-construction survey shall be made of the same downstream detention area(s), lake(s), pond(s), etc., to determine condition of same. The developer shall be required to return surrounding downstream basins to pre-construction condition. A bond as approved by the Planning and Development Services Division of the City of Chesterfield shall be posted to assure compliance with this condition.
4. If significant siltation during the course of the project has a severe negative impact on Century Lake, as determined by the City of Chesterfield Planning and Development Services Division, the developer will be required to take immediate corrective actions to restore the lake to pre-construction conditions.

N. GEOTECHNICAL REPORT

Prior to Site Development Plan approval, provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri,

as directed by the Planning and Development Services Division. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Development Plans and Improvement Plans.

O. GRADING AND IMPROVEMENT PLANS

1. A clearing/grading permit or improvement plan approval is required prior to any clearing or grading on the site. Be advised, the Site Development Plan and Tree Preservation Plan must be approved prior to issuance of a clearing and grading permit.
2. Interim storm water drainage control in the form of siltation control and/or siltation basins is required. A Stormwater Pollution Prevention Plan (SWPPP) must be submitted and approved by the Planning and Development Services Division prior to any clearing, grading, and/or improvement plan approval. The SWPPP covers required erosion control practices specific to site conditions and maintenance and implementation, management and maintenance of the Best Management Practices (BMP's) in order to reduce the amount of sediment and other pollutants in stormwater discharges associated with land disturbance activities. It shall comply with the Missouri Water Quality Standards, and ensure compliance with the terms and conditions of the NPDES.
3. Temporary settlement basins, as required by the City of Chesterfield Planning and Development Services Division, shall be constructed during construction to allow for settling of sediment, prior to the discharge of storm water from this site. Erosion and siltation control shall be installed prior to any grading and be maintained throughout the project until acceptance of the work by the owner and/or controlling regulatory agency and adequate vegetative growth insures no future erosion of the soil.
4. When clearing and/or grading operations are completed or suspended for more than thirty (30) days, all necessary precautions shall be taken to retain soil materials on site. Protective measures, such as permanent seeding, periodic wetting or other means, may be required by the Director of Public Works/City Engineer.
5. Provide adequate temporary off-street parking for construction employees and a vehicle wash down/cleaning area shall be provided during construction. Parking on non-surfaced areas is prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked

onto the pavement causing hazardous roadway and driving conditions. The contractor shall keep the road clear of mud and debris at all times. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. No construction parking shall be allowed within/along Old Baxter Road, Baxter Lane, Century Lake Drive, or Highway 340 ROW.

6. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion, if adequate stormwater detention and erosion control devices have not been established.
7. Prior to issuance of an occupancy permit, all disturbed areas shall be seeded and mulched at the minimum rates defined in Appendix "A" of the City of Chesterfield's "Model Sediment & Erosion Control Guidelines" or sodded. A temporary occupancy permit may be issued by the Planning and Development Services Division in cases of undue hardship because of unfavorable ground conditions
8. Prior to improvement plan approval, provide comments/approvals from the Metropolitan St. Louis Sewer District and the appropriate Fire District.
9. Prior to improvement plan approval, copies of recorded easements/right-of-way dedications for off-site work, including book and page information, shall be provided.

P. MISCELLANEOUS

1. Trash enclosures: The location and elevation of any trash enclosures shall be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas shall be enclosed with a six (6) foot high sight-proof enclosure of similar materials to the buildings and complemented by adequate landscaping approved by the Planning Commission on the Site Development Plan.
2. Mechanical equipment shall be adequately screened by roofing or other material as approved by the Planning Commission.
3. All newly installed utilities shall be installed underground. The existing feeder lines along Clarkson Road and Old Baxter Road will not be buried. The development of this parcel shall coordinate the installation of all utilities in conjunction with the construction of any roadway on site.

4. Sleeves for future telecommunication services shall be installed adjacent and/or parallel to any proposed roadway, or other location as directed by the City of Chesterfield, in order to facilitate the installation of utilities and telecommunication infrastructure for current and future users.

II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT CONCEPT PLANS AND SITE DEVELOPMENT PLANS

- A. The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the change of zoning by the City.
- C. Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- D. Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.
- E. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance.
- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one (1) additional year.

IV. GENERAL CRITERIA

A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

The Site Development Plan shall include, but not be limited to, the following:

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.

2. Outboundary plat and legal description of property.
3. Density calculations.
4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide open space percentage for overall development including separate percentage for each lot on the plan.
6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs.
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within one hundred and fifty (150) feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, significant natural features, such as wooded areas and rock formations, and other karst features that are to remain or be removed.
15. Depict all existing and proposed easements and rights-of-way within one hundred and fifty (150) feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.

17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending one hundred and fifty (150) feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, Monarch Levee District, and Spirit of St. Louis Airport.
22. Compliance with Sky Exposure Plane.
23. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

V. RECORDING

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

VI. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan shall be recorded with the St. Louis County Recorder of Deeds. Failure to record the plan within sixty (60) days of approval shall deem the plan void.

VII. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

Prior to Improvement Plan approval, provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, and the Missouri Department of Transportation.

VIII. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS

Subsequent to approval of the Site Development Plan and prior to the issuance of any foundation or building permit, the following requirements shall be met:

A. Notification of Planning and Development Services Division

Prior to the issuance of foundation or building permits, all approvals from the above mentioned agencies and the City of Chesterfield Planning and Development Services Division, as applicable, must be received by the City of Chesterfield.

B. Notification of St. Louis County Department of Public Works

Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, the Department of Highways and Traffic and the Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.

C. Certification of Plans

Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer shall be required to sign and seal all plans with a certification that the proposed construction will be completed in accordance with the grading and soil requirements and conditions contained in the report.

IX. OCCUPANCY PERMIT/FINAL OCCUPANCY

A. Prior to the issuance of an occupancy permit, all disturbed areas shall be seeded and mulched at the minimum rates as defined in the City of Chesterfield's "Model Sediment & Erosion Control Guidelines" or sodded. A temporary occupancy permit may be issued by the Planning and Development Services Division in cases of undue hardship because of unfavorable ground conditions.

B. Prior to final occupancy of any building the developer shall provide certification by a Registered Land Surveyor that no U.S. Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program.

X. FINAL RELEASE OF ESCROW

Prior to the release of final escrow, the developer shall provide certification by a Registered Land surveyor that all monumentation depicted on the Record Plat

has been installed and that the U.S. Public Land Survey Corners have not been disturbed during the construction activities or that they have been corrected and the appropriate documents filed with the Missouri Department of Natural Resources' Land Survey Program.

XI. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of the appropriate development plan and prior to issuance of any building permit, the following requirements shall be met:

A. Sanitary Sewers

Provide verification to the St. Louis County Department of Public Works and the City of Chesterfield of provision of adequate sanitary services.

B. Notification of City of Chesterfield

Prior to issuance of zoning approvals for foundation or building permits, the City of Chesterfield must receive approvals from the Missouri Department of Transportation and the Metropolitan St. Louis Sewer District.

XII. SUPPLEMENTARY DEVELOPMENT CONDITIONS

Supplementary development conditions relating to the operation of this development are as follows:

A. The developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the outboundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the U.S. Public Land Survey Corners.

B. Prior to final occupancy of any building, the developer shall provide certification by a Registered Land Surveyor that no U.S. Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate documents filed with the Missouri Department of Natural Resources' Land Survey Program.

XIII. ENFORCEMENT

A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.

- B.** Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- C.** Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
- D.** Waiver of Notice of Violation per the City of Chesterfield Code.
- E.** This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.



City of Chesterfield

DEPARTMENT OF PLANNING

RECEIVED

MAY 17 2023

City of Chesterfield-Department of Planning

BOARD OF ADJUSTMENT APPLICATION

EXHIBIT

5

The Board of Adjustment is a local body consisting of volunteers appointed by the Mayor who hears requests for variances and appeals of administrative determinations. A variance is a request for relief from the zoning ordinance requirements for a specific parcel. The types of variances heard by the Board of Adjustment are Use, Area, and Bulk Variances. A variance is granted only upon demonstration of a hardship such as lot size, topography, or other issues not created by the lot owner. For questions about this application, please contact the Department of Planning at 636-537-4746. For information about this and other projects under review by the Department, please visit "Active Developments" at chesterfield.mo.us/active-developments.html

Check (✓) the type of variance for which you are applying:

Area or Bulk variance: A request to allow deviation from the dimensional (i.e. height, bulk yard) requirements of a zoning district.

Use variance: A request to allow deviation for the permissible uses of a zoning district.

Sign variance: A request to allow deviation from dimensional/quantity regulations

Appeal of Administrative Determination

Please note: Areas in gray will be completed by the Department of Planning.

STATE OF MISSOURI

BOA NUMBER

B.A. - 01 - 2023

HEARING DATE

8-3-2023

CITY OF CHESTERFIELD

Petition for Appeal from Zoning Regulations

L. APPLICANT INFORMATION

Owner(s) of record of the hereinafter described property according to St. Louis County Assessor

Record: Caplaco Eighteen, Inc., Caparco Two, Inc. and Dierbergs Heritage, Inc.

Address: 11850 Studt Avenue

City: St. Louis

State: MO

Zip: 63141

Tel.:

Fax:

Petitioner, if other than owner(s): 636Cookies LLC dba Crumbl Cookies

Address: 1811 Brittanla Court

City: Chesterfield

State: MO

Zip: 63017

Tel.: 636-535-5964

Fax:

Legal Interest: Lease dated September 9, 2021

(Provide date of contract and date of expiration of contract)

*Attach additional sheets as necessary for other Parties of Interest (Architect, Engineer, etc.)

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760

Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us

II. PROPERTY INFORMATION

Project Address: 1624 Clarkson Road, Chesterfield, MO 63017

Locator Number(s): 19S420415

(List additional locator numbers on separate sheet and attach to petition)

Acreeage: N/A (To the nearest tenth of an acre)

Subdivision Name (If applicable): Chesterfield Oaks

Current Zoning District: PC

Legal Description of Property:

Not Applicable.

(Attach additional sheets as necessary)

III. NATURE OF REQUEST FOR VARIANCE

Unique physical characteristics of the lot (e.g., size, slope, etc.):

Not Applicable.

(Attach additional sheets as necessary)

Description of the necessity of the proposed improvement:

Not Applicable

Ordinance Number and section to which a variance is sought:

Ordinance 2727 - Attachment A, Section I.A.3 Hours of Operation

(Attach additional sheets as necessary)

Do deed restrictions or subdivision trust indentures for the property prohibit the use or construction which is requested by this petition? Check (✓) one Yes No

Statement of unnecessary hardship, practical difficulty or other information warranting action by the Board:

Petitioner has entered into a lease for the subject premises in the Chesterfield Oaks retail center (the "Premises"). Petitioner also entered into a Franchise Agreement that required hours of operation of Monday through Thursday from 8:00 a.m. until 10:00 p.m. and Friday through Saturday from 8:00 a.m. until midnight (the "Franchise Hours of Operation"). Petitioner made financial commitments and expended funds to build out the Premises for Petitioner's intended use. A Business License and a Certificate of Use and Occupancy were obtained. A Municipal Zoning Approval was also issued by the City. Petitioner submitted an application for Business License that contained the Franchise Hours of Operation. On the day of Petitioner's grand opening Petitioner was informed by the City that the Petitioner could not operate in accord with the Franchise Hours of Operation. This presents a practical difficulty to Petitioner for two reasons: (1) Petitioner is in violation of the Franchise Agreement; and (2) Petitioner is at a competitive disadvantage because all other Crumbl Cookie locations in the area operate in accord with the Franchise Hours of Operation.

(Attach additional sheets as necessary)

**690 Chesterfield Parkway West, Chesterfield, MO 63017-0760
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us**

Description of the effect or impact on neighboring properties:

The Petitioner leases a small space in a retail center known as Chesterfield Oaks. There are retail uses on both sides of Petitioner's leased space. The requested change in Petitioner's hours of operating, if granted, will have no impact on other uses in Chesterfield Oaks.

(Attach additional sheets as necessary)

For Area or Bulk Variance Requests, complete the following section:

A. Setbacks/Height: NOT APPLICABLE.

	The Petitioner(s) request the following setback(s):	City of Chesterfield Regulations require the following setback(s) for this site:
Front Yard:	_____	_____
Side Yard:	_____	_____
Rear Yard:	_____	_____
Height:	_____	_____

Provide the following:

1. A \$90.00 fee. (Checks/money orders to be made payable to the City of Chesterfield)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Seventeen (17) copies of the following for inclusion in the packet:
 - A site plan showing the dimensions and location (including distance from property lines) of all existing and proposed buildings and structures.
 - Letters from abutting property owners stating their position.
 - Copies of the completed application.
 - The City of Chesterfield rejection or denial.
 - Any other information as required by the City of Chesterfield

For Sign Variance Requests, complete the following section: NOT APPLICABLE.

B. Signage:

**The Petitioner(s) request
the following :**

**City of Chesterfield
Regulations allow the
following for this site:**

**Number of attached business
signs:** _____

**Size of attached business
signs:** _____

**Number of freestanding
business signs:** _____

**Size of freestanding business
signs:** _____

Explain why the sign variance request would not cause a public health or safety concern to the neighborhood or the public welfare.

Provide the following:

1. A \$90.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Seventeen (17) copies of the following for inclusion in the packet:
 - A site plan showing:
 - The subject property with adjoining streets, existing buildings, major parking lot, and distance to property lines.
 - The location of proposed signs.
 - If attached wall signs, the cross section of wall on which sign is to be placed with dimensions and total square feet (or portion of total wall that will contain petitioner's business).
 - A detail sign plan indicating:
 - Dimension of signs with detail sign lettering layout.
 - Total square feet of signs. If attached, what percent of wall.
 - Light detail, if any.
 - Letters from abutting property owners stating their position.
 - Copies of the completed application.
 - The City of Chesterfield rejection or denial.
 - Any other information as required by the City of Chesterfield

**690 Chesterfield Parkway West, Chesterfield, MO 63017-0760
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us**

IV. COMPLIANCE

Is property in compliance with all previous conditions of approval of all applicable Ordinance requirements?

Yes No. If no, please explain:

Is property in compliance with all Zoning, Subdivision, and Code requirements?

Yes No. If no, please explain:

[THIS SPACE INTENTIONALLY LEFT BLANK]

V. STATEMENT OF CONSENT

STATEMENT OF CONSENT

I hereby give CONSENT to Michael J. Doster (type, stamp or print clearly full name of agent) to act on my behalf to submit this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge of the property and I have an ownership interest and/or am the owner under contract in the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the City of Chesterfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I understand this application, related material and all attachments become official records of the City of Chesterfield, Missouri, and will not be returned. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER/CONTRACT PURCHASER INFORMATION:

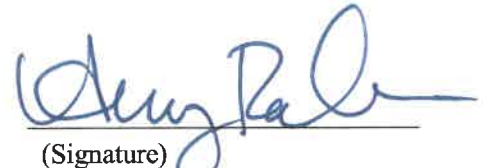
I am the owner contract purchaser. (check (✓) one)

Amy Rahm

(Name- type, stamp or print clearly)
636Cookies LLC dba Crumbl Cookies

(Name of Firm)

Note: Attach additional sheets as necessary.



(Signature)
1811 Britannia Court
Chesterfield, MO 63017

(Address, City, State, Zip)

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this 16 day of May 20 23.

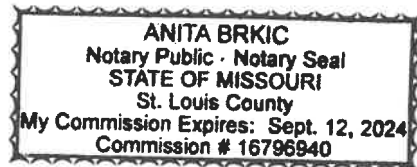
Signed 

Print Name: Anita Brkic

Notary Public

Seal/Stamp:

My Commission Expires: 09/12/2024



VI. AFFIDAVIT OF COMPLETENESS AND ACCURACY

INSTRUCTIONS: To be completed by individual submitting application (property owner, petitioner with consent, or authorized agent).

Project Name: CrumbI Chesterfield **Submittal Date:** _____

STATEMENT OF COMPLETION AND ACCURACY

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge and that all property owners have full knowledge that the property they own is the subject of this application. I understand that any knowingly false, inaccurate or incomplete information provided by me will result in the denial, revocation or administrative withdrawal of this application, request, approval or permit and further certify that all owners and petitioners have been provided a complete copy of all material, attachments and documents submitted to the City of Chesterfield relating to this application. I acknowledge this application, related application material and all attachments become official records of the City of Chesterfield, Missouri and will not be returned. I further acknowledge that additional information may be required by the City of Chesterfield to process this application. No arrangement has been made to pay any commission, gratuity, or consideration, directly or indirectly, to any official, employee, or appointee of the City of Chesterfield with respect to this application.

Check (✓) one: I am the property owner. I am the contract purchaser.
 I am the duly appointed agent of the petitioner.

Michael J. Doster
(Name- type, stamp or print clearly)

Michael J. Doster
(Signature)

Doster Nations Ullom & Boyle, LLC
(Name of Firm)

16150 Main Circle Drive, Suite 250
Chesterfield, MO 63017
(Address, City, State, Zip)

Note: Attach additional sheets as necessary.

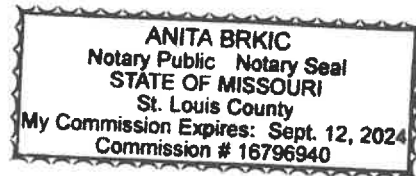
NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this 16 day of May 20 23.

Signed *Anita Brkic* Print Name: Anita Brkic
Notary Public

Seal/Stamp:

My Commission Expires: 09/12/2024



**VII. CITY OF CHESTERFIELD
LIENS AND FINES CERTIFICATION**

Project Name: _____ **Ward:** _____
Address: _____ **Locator:** _____

STATE OF MISSOURI, CITY OF CHESTERFIELD

I do hereby certify to the Council of the City of Chesterfield that:

___ There are no fines and/or liens of record on the property by or owed to the City of Chesterfield.

___ There are the following fines and/or liens owed to the City of Chesterfield:

1. _____
2. _____
3. _____
4. _____
5. _____

Finance Director
City of Chesterfield

Date

[THIS PAGE FOR INTERNAL USE]

STAFF / BOA USE ONLY

Intake Date:

May 17, 2023

This petition is granted / denied (circle one) on the _____ day of _____ 20 _____

Signed:

Chairman

[THIS PAGE FOR INTERNAL USE]



Caplaco Eighteen, Inc.
Caparco Two, Inc.
Dierbergs Heritage, Inc.
P.O. Box 419121
St. Louis, Missouri 63141
(314) 991-8900

July 6, 2023

Petree Powell, Assistant City Planner
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017

Re: 636Cookies LLC dba Crumble Cookies (the "Tenant")
1624 Clarkson Road, Chesterfield, MO 63017 (the "Premises")
Application for Variance (the "Application")

Dear Ms. Powell:

I am the representative of Caplaco Eighteen, Inc., Caparco Two, Inc. and Dierbergs Heritage, Inc., (the "Landlord"), owner of Chesterfield Oaks Shopping Center (the "Center"). I am writing this letter in support of the Application. Landlord entered into a Lease with Tenant on September 9, 2021 with respect to the Premises. Tenant's use is a permitted use under the site specific zoning ordinance applicable to the Center (the "Ordinance"). The Lease requires Tenant to abide by all applicable laws and regulations, so Landlord made no inquiry regarding Tenant's required hours of operation. It is normally the responsibility of the prospective tenant's broker or other professional representative to investigate the requirements of an ordinance.

The Ordinance when adopted had specific provisions with respect to hours of operation. Barnes & Noble (bookstore) and Panera (bakery) both have extended hours of operation specifically provided in the Ordinance. Landlord does not want to seek an amendment to the Ordinance to extend the hours of operation for this Tenant since that is an uncertain and costly process and opens up the entire Ordinance to changes that may not be in the best interests of Landlord or the other tenants in the Center.

Landlord now understands that Tenant is required to operate certain hours by Tenant's Franchise Agreement. Landlord has no issue with the requested hours for this Tenant, and, to the best of Landlord's knowledge, the other tenants in the Center do not have an issue either. Maintaining occupancy in retail centers is a challenge in the current market, and this Tenant is a valuable addition to the Center.

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink that reads "Dan Capps". The signature is fluid and cursive, with the first name "Dan" being particularly prominent.

Dan Capps
Representative