

INTRODUCED BY: Trustees Slama, Sohn, Young, Graves and Whitmore

**AN ORDINANCE APPROVING AN APPLICATION BY HUTKIN
DEVELOPMENT TO ALLOW OUTDOOR DINING AT NICOLETTI'S
RESTAURANT, 1366 BIG BEND SQUARE**

WHEREAS, SECTION 400.260 of the Municipal Code of the Village allows for restaurants as a permitted use within the Village commercial district; and

WHEREAS, Nicoletti's Restaurant has been a strong anchor within the business district; and

WHEREAS, Hutkin Development has applied for an Amendment to the current conditional use permit to authorize said tenant outdoor dining privileges; and

WHEREAS, this request was favorably acted upon by the Planning and Zoning Commission of the Village of Twin Oaks, Missouri and a Public Hearing was held on June 1 to gather public input regarding these recommendations; and

WHEREAS, the Board of Trustees has considered said application and believes it to be reasonable and without adverse impact on traffic control, nearby residential neighborhoods or public safety.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Twin Oaks, as follows:

Section 1. Hutkin Development is hereby granted authority to extend the front concrete for installation of an outdoor dining area per the attached plan entitled Exhibit "A" and to include the following stipulated items:

- A. Patio will remain at the same level as the current triangle. Existing concrete to be removed and a new pad poured that will be the same width as the triangle.
- B. Per Fire Department recommendation, fire hydrant will stay outside the fence and/or fencing and must be installed three (3) feet from hydrant. Also, there must be a gate to the east to let the people travel away from the building on the sidewalk.
- C. Per Fire Department recommendation, the tables under the overhang must be permanently installed so that they cannot be pulled together to close off the egress passageway in either direction. Also, the tables must maintain the ADA-required 42-inch clearance if placed on the walkway, which allows only 2 seats per table.

D. Spacing under the covered walkway and new ramp width and grade will be ADA compliant.

Section 2. This Ordinance shall be in full force and effect from and after its passage, as by law provided.

PASSED and APPROVED this 6 day of July, 2011.



Ray Slama, Chairman
Board of Trustees

ATTEST:



Kathleen E. Yahl, MPCC & MMC
Village Administrator/Clerk Acting Village
Clerk

First Reading: July 6, 2011

Second Reading: July 6, 2011