

AN ORDINANCE APPROVING A SITE PLAN REVIEW, AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO ALLOW THE CONSTRUCTION OF SENIOR LIVING CENTER KNOWN AS THE BELLEVUE AT ST. MARY'S LOCATED ON PROPERTY AT 7310, 7316, 7318 ETHEL AVENUE AND 1051, 1061 BELLEVUE AVENUE AND 7307 HOOVER AVENUE IN THE CITY OF RICHMOND HEIGHTS, MISSOURI .

WHEREAS, TLG BELLEVUE PARTNERS, LLC, Steve Smith authorized representative, petitioned for approval of a Site Plan Review, and a Preliminary and Final Development Plan for the site development of a senior living center as described below in Section 1; and

WHEREAS, said Petition # 2015-01 was referred to the Plan and Zoning Commission; and

WHEREAS, at its meeting on March 19, 2015, at which said petition was heard, the Plan and Zoning Commission approved said petition; and

WHEREAS, due notice of a public hearing before the City Council upon said petition was published according to law and ordinance; and

WHEREAS, a public hearing was held before the Council of the City of Richmond Heights on April 20, 2015 upon said petition; and

WHEREAS, The Council of the City of Richmond Heights believes it desirable that the Preliminary and Final Development Plan for the site development of the properties described below in Section 1 be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. The properties to which this preliminary and final development plan approval relates are legally described as follows:

LEGAL DESCRIPTION

LOT A

ALL OF LOTS 9, 10, 11, 12, 13 AND PART OF LOT 14 IN BLOCK 4 OF F.M. STERRETT'S ADDITION TO FOREST PARK HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4 PAGE 47 OF THE ST. LOUIS COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 3/4" IRON PIPE AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF ETHEL AVENUE (60' W.) AND THE WEST RIGHT OF WAY LINE OF BELLEVUE AVENUE (60' W.); THENCE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 06 DEGREES 40 MINUTES 40 SECONDS WEST, 316.00 FEET TO THE INTERSECTION OF SAID WEST RIGHT OF WAY LINE AND THE NORTH RIGHT OF WAY LINE OF HOOVER AVENUE (60' W.), FROM WHICH A FOUND 1/2" IRON PIPE BEARS NORTH 0.1'; THENCE ALONG SAID NORTH RIGHT OF WAY, NORTH 82 DEGREES 59 MINUTES 20 SECONDS WEST, 51.14 FEET TO A FOUND CROSS AT THE SOUTHWEST CORNER OF THE AFOREMENTIONED LOT 13; THENCE ALONG THE WEST LINE OF SAID LOT 13, NORTH 06 DEGREES 40 MINUTES 40 SECONDS EAST, 123.00 FEET TO A SET CROSS; THENCE LEAVING SAID WEST LINE, THROUGH THE AFOREMENTIONED LOT 14, NORTH 82 DEGREES 59 MINUTES 20 SECONDS WEST, 50.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 14, THENCE ALONG WEST LINE OF SAID LOT 14, NORTH 06 DEGREES 40 MINUTES 40 SECONDS EAST, 35.00 FEET TO A FOUND IRON PIPE WITH CAP STAMPED "L.S. 2002006373", SAID POINT BEING THE NORTHWEST CORNER OF SAID LOT 14; THENCE ALONG THE SOUTH LINE OF THE AFOREMENTIONED LOTS 9 AND 10, NORTH 82 DEGREES 59 MINUTES 20 SECONDS WEST, 100.00 FEET TO A SET 1/2" x 18" REBAR WITH CAP STAMPED "MARLER L.S.-347-D", SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 9; THENCE ALONG THE WEST LINE OF SAID LOT 9, NORTH 06 DEGREES 40 MINUTES 40 SECONDS EAST, 158.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 9, BEING ON THE SOUTH RIGHT OF WAY LINE OF THE AFOREMENTIONED ETHEL AVENUE, FROM WHICH A FOUND 1/2" IRON PIPE BEARS SOUTH 52 DEGREES 29 MINUTES EAST, 0.25' ; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 82 DEGREES 59 MINUTES 20 SECONDS EAST, 201.14 FEET TO THE POINT OF BEGINNING AND CONTAINING 41,609 SQUARE FEET OR 0.95 ACRES MORE OR LESS AS SURVEYED BY MARLER SURVEYING COMPANY, INC. DURING THE MONTH OF MAY, 2014.

SECTION 2. The preliminary development packet for the properties described above is set forth in the plats and plans appended hereto as Exhibit A and made a part hereof for The Bellevue at St. Mary's and such preliminary development packet is hereby approved as such under Section 405.260 of the Richmond Heights Zoning Ordinance subject to the following conditions:

1. All public streets shall be kept continuously clean during all construction activities. Permits shall be necessary for public sidewalks; curb cuts, aprons, and any excavation in the right-of-way from the Public Works Department.
2. All signage shall conform to the Sign Ordinance of the Richmond Heights Municipal Code (including, where applicable, necessary sight triangles).
3. All landscaped areas shall be continually maintained, nourished and trimmed as needed. All damaged, dead or diseased plants shall be replaced as necessary.
4. An ungrounded water system shall be provided for all lawn and landscaped areas.
5. All parking spaces, aisle widths, striping, parking lot and driveway construction, including driveway aprons, will meet ordinance requirements and standards found in the Richmond Heights Municipal Code.
6. The Petitioner shall keep all roads, drives and parking areas sealed and repaired, and maintained free of debris. Petitioner shall remove snow, ice, sleet, dirt and trash from all

- parking drive areas and sidewalks, including the adjacent public sidewalk.
7. Parking lot lighting will be at least 1½ foot candles average on the pavement. No light spillage will emit nor may any glare be cast, onto any neighboring properties. The light bulb filaments shall not be visible from any adjacent right of way or private property.
 8. Petitioner shall within thirty (30) days of this meeting, notify the Zoning Administrator, in writing, that all the conditions as provided herein, are acceptable and that such conditions are understood and shall be observed.
 9. Petitioner, their assignees and lessees, if any, as well as their agents, servants and employees shall faithfully observe the provisions, regulations and conditions set forth in this permit, the Zoning Ordinance, and the City's Municipal Code.
 10. Permittee shall cause a copy of the Preliminary Development Plan to be filed for the record in the office of the Recorder of Deeds for St. Louis County at the expense of the Petitioner. A copy of such recorded permit, including book and page number of such document shall be filed with the Zoning Administrator of the City of Richmond Heights prior to commencement of the use, which is the subject thereof.
 11. All HVAC equipment must be screened from view of any public right of way.
 12. A Site Plan bond of \$100,000 shall be posted in a form acceptable to the Richmond Heights City Attorney to ensure performance obligations of the applicant and to make improvements shown on the /site Plan; and may be used to restore the site if the project is abandoned. Portions of the bond may be rebated back to the Petitioner as the work progresses.
 13. Dumpster enclosure shall have a pedestrian opening to permit the dumpster use without the need to open the service gates. The dumpster area to be kept in a clean and sanitary condition with the dumpster lid closed.
 14. All employee vehicles shall be parked only within the confines of the property in properly designated, marked spaces.
 15. Petitioner shall operate the use in compliance with Article 4, "Noise Pollution", of Chapter 19, "Pollution", of Ordinance No. 4018. "The Recompiled Municipal Code of the /city of Richmond Heights" and §503.2 of the Zoning Ordinance regarding noise, dust, dirt, and other matter, including odors.
 16. Richmond Heights Emergency Medical Services will be available for all emergencies. Petitioner agrees that the EMS will not be called for routine, scheduled transports to physicians' office or hospitals.
 17. Trash pickup shall only be allowed between the hours of 7:00a.m. to 5:00p.m.
 18. Petitioner, or its successors, transferees or assignees agree to pay the City of Richmond Heights annually, a sum equal to the amount of real property taxes levied by Richmond Heights as assessed by the St. Louis County Assessor, should the property be owned or controlled by an entity which has a non-profit status. This payment is to assist in the cost of the City's anticipated provision of Police, Fire and Emergency Medical Service to the residents of the facility.
 19. Privacy fence along the south property line of the senior center shall also be extended to the south along the west property line of 7307 Hoover Avenue.

SECTION 3. The uses permitted on the properties described above in Section 1 shall be those uses as are set forth in Appendix "A" to the Richmond Heights Zoning Ordinances for a "Planned Development Residential Zoning District".

SECTION 4. The area regulations and performance standards applicable to the properties described above in Section 1 shall be those described in Section 405.260 of the Richmond Heights Zoning Ordinances.

SECTION 5. The Mayor and other appropriate officers of the City of Richmond Heights, Missouri are hereby authorized to execute such documents and agreements as are necessary to complete the intents and purposes of this Ordinance.

SECTION 6. The sections of this Ordinance shall be severable. In the event that any of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds that the valid sections of this Ordinance are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the City Council has enacted the valid sections without the void ones, or unless the court finds that the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION 7. This Ordinance shall take effect and be in full force on the thirty-first day following its passage and being signed as provided by law.

PASSED AND APPROVED this 4th day of May, 2015.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: April 20, 2015
Second reading: May 4, 2015