

AN ORDINANCE AMENDING ORDINANCE NO. 4788, THE MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI; CHAPTER 405 ZONING REGULATIONS; AMENDING THE DISTRICT MAP BY CHANGING THE ZONING CLASSIFICATION OF A CERTAIN PARCEL OF PROPERTY, GENERALLY LOCATED THE 8800 BLOCK OF EAGER ROAD IN THE CITY OF RICHMOND HEIGHTS, MISSOURI FROM R-5 MULTI-FAMILY TO PLANNED DEVELOPMENT RESIDENTIAL DISTRICT TO ALLOW FOR CONSTRUCTION OF A SENIOR LIVING FACILITY OFFERING ASSISTED AND MEMORY CARE UNITS.

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WHEREAS, Petition 2015-06; WB PROPERTIES OLIVE, LLC is seeking approval for rezoning for a certain parcel of land to permit construction of a senior living facility in the 8800 block of Eager Road in the City of Richmond Heights, Missouri; and

WHEREAS, said Petition # 2015-06 was referred to the Plan and Zoning Commission; and

WHEREAS, at its meeting on April 16, 2015, at which said petition was heard, the Plan and Zoning Commission approved said petition for a zoning change from R-5Multi Family to Planned Development Residential; 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, Missouri on May 4, 2015 upon said petition; and

WHEREAS, The Council of the City of Richmond Heights, Missouri believes it desirable that the rezoning 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 rezoning relates to are legally described as follows:

**PROPERTY DESCRIPTION**

A land being part of Lots 5 and 6 of the Subdivision of Public School Lands in Section 21, Township 45 Range 6 East of the Fifth Principal Meridian, City of Richmond Heights, St. Louis County, Missouri and being more particularly described as follows:

BEGINNING at the Southeast corner of Manhasset Village Plat 1, a subdivision filed for record in Plat Book 353, Page 547 of the St. Louis County, Missouri Records, said point being on the

Northern Right-of-way line of Eager Road (50 feet wide); thence along the Eastern line of said Manhasset Village Plat 1 North 01 degrees 37 minutes 00 seconds East, 269.24 feet to the Southeast corner of a tract of land described in a deed to the State of Missouri as recorded in Deed Book 17281, Page 4352 of said St. Louis County Records; thence leaving the Eastern line of Manhasset Village the following: South 64 degrees 06 minutes 51 seconds East, 99.46 feet to a right-of-way marker; thence South 68 degrees 49 minutes 27 seconds East, 79.85 feet to a right-of-way marker; thence South 75 degrees 06 minutes 30 seconds East, 74.87 feet to an Iron Rod; thence South 75 degrees 09 minutes 09 seconds East, 89.17 feet to a point; thence South 64 degrees 15 minutes 27 seconds East, 189.55 feet to a point; thence South 00 degrees 22 minutes 57 seconds West, 75.80 feet to a point on the aforesaid Northern right-of-way of Eager Road; thence along said Northern right-of-way North 89 degrees 37 minutes 00 seconds West, 500.32 feet to the Point of Beginning and containing 86,982 square feet or 1.997 acres more or less.

SECTION 2. 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 3. 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 4. The City Council of the City of Richmond Heights declares the rezoning of the property in question to be in accordance with the Comprehensive Plan and is hereby approved.

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 18th day of May, 2015.

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JAMES J. BECK  
MAYOR

ATTEST:

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PATRICIA S. VILLMER  
DEPUTY CITY CLERK

APPROVED AS TO FORM:

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KENNETH J. HEINZ  
CITY ATTORNEY

First reading:            May 4, 2015  
Second reading:        May 18, 2015