

AN ORDINANCE APPROVING A SITE PLAN REVIEW, AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN PETITIONED BY WB PROPERTIES OLIVE, LLC, TO ALLOW THE CONSTRUCTION OF A SENIOR LIVING FACILITY OFFERING ASSISTED AND MEMORY CARE UNITS ON PROPERTY LOCATED ALONG THE NORTH SIDE OF THE 8800 BLOCK OF EAGER ROAD IN THE CITY OF RICHMOND HEIGHTS, MISSOURI.

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WHEREAS, WB PROPERTIES OLIVE, LLC, petitioned for approval of a Site Plan Review, and a Preliminary and Final Development Plan for the site development of a senior living facility as described below in Section 1; 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; 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 May 4, 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:

#### 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 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 Senior Facility at the 8800 Block of Eager Road Project 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 irrigation 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. In addition a \$5,000 street deposit shall be required to protect the public Right of Way.

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. The public sidewalk and curb along the north side of Eager Road shall be replaced, for the length of the property. Also the old site access points shall be removed.

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 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