

AN ORDINANCE APPROVING A SITE PLAN REVIEW, PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 1107 EAST LINDEN AVENUE IN THE CITY OF RICHMOND HEIGHTS, MISSOURI CLASSIFIED AS A PLANNED RESIDENTIAL ZONING DISTRICT IN ORDER TO CONSTRUCT 42 TOWN HOMES.

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WHEREAS, Pulte Homes of St. Louis, LLC, petitioned for approval of a Site Plan Review, Preliminary and Final Development Plan for property located at 1107 East Linden Avenue in the City of Richmond Heights, MO; and

WHEREAS, said petition was referred to the Plan and Zoning Commission; and

WHEREAS, at its meeting on September 17, 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 October 5, 2015 upon said petition; and

WHEREAS, The Council of the City of Richmond Heights believes it desirable that the Site Plan Review, 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 Site Plan Review, Preliminary and Final development plan approval relates are legally described as follows:

**PROPERTY DESCRIPTION**

A tract of land being Lot 12 and part of Lot 13 of Lavinia Terrace, a subdivision according to the plat thereof as recorded in Plat Book 3, Page 47 of the St. Louis County Records, being located in Township 45 North, Range 6 East of the Fifth Principal Meridian, Richmond Heights, St. Louis County, Missouri being more particularly described as follows:

Beginning at a found Iron Rod marking the intersection of the southern line of a tract of land as conveyed to the Bi-State Development Agency, by instrument recorded in Book 1481, Page 2916 of above said records; with the western right-of-way line of Linden Street, 60 feet wide; thence along said right-of-way line, South 23 degrees 32 minutes 40 seconds West, 380.88 feet to the southeast corner of above said Lot 12 from which an found Iron Rod bears South 67

degrees 29 minutes 10 seconds East, 0.13' feet; thence along the southern line of said Lot 12, North 67 degrees 29 minutes 10 seconds West, 261.97 feet to a found stone at the southwestern corner of said Lot 12; thence along the western lines of said Lot 12 and above said Lot 13, the following courses and distances: North 22 degrees 30 minutes 50 seconds East, 124.00 feet, from which a found Iron Pipe bears North 78 degrees 10 minutes 08 seconds East, 0.19 feet, and North 08 degrees 50 minutes 50 seconds East, 410.15 feet to the southern line of above said Bi-State Development Agency tract; thence along the southern lines of said Bi-State Development Agency tract the following courses and distances: South 83 degrees 51 minutes 29 seconds East, 80.38 feet and South 37 degrees 49 minutes 19 seconds east, 332.14 feet to the Point of Beginning and containing 142,168 square feet or 3.264 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 Manhasset Village Development Plan and all submittals with the application dated July 16, 2015 and such preliminary development packet hereby approved as such under Section 405.390 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 and aprons 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 underground water 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. They 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. Construction traffic in connection with the Galleria Station apartment development shall use E. Linden Ave. to McMorrow Ave. to service the site.
14. The requested rezoning shall not take effect until an approved Site, Preliminary and Final Development Plan have been approved by the Plan and Zoning Commission and City Council.
15. All trash and recycling containers will be stored in the garages other than on the day of pickup.
16. The brick shown on the front building elevation shall be wrapped around the sides of the buildings for a distance of at least 10 feet; for the building fronting on E. Linden.

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 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 19th day of October, 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:       October 5, 2015  
Second reading:     October 19, 2015

# Central Park Townes Plat

