

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 AT 1301, 1313, 1319, AND 1325 BOLAND PLACE IN THE CITY OF RICHMOND HEIGHTS, MISSOURI FROM SINGLE FAMILY RESIDENTIAL R3 TO PLANNED DEVELOPMENT MIXED USE DISTRICT TO ALLOW FOR CONSTRUCTION OF A 187 UNIT MULTI-FAMILY COMMUNITY WITH ADDITION OF GROUND FLOOR RETAIL SPACE ALONG DALE AVENUE.

WHEREAS, Petition 2015-18; I.L.I. LLC, owner under contract, is seeking approval for rezoning for certain parcels of land to permit construction of a mixed-use, 187 unit multi-family community at 1301, 1313, 1319, and 1325 Boland Place with the addition of a small area of ground floor retail space along Dale Avenue.

WHEREAS, said Petition # 2015-18 was referred to the Plan and Zoning Commission; and

WHEREAS, at its meeting on December 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, Missouri on January 4, 2016 upon said petition; and

WHEREAS, the public hearing held before the Council of the City of Richmond Heights, Missouri on January 4, 2016 was held over and heard at the Council Meeting of January 19, 2016; 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:

LEGAL DESCRIPTION
“CONSOLIDATED LOT 1”

All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and part of Lots 10, 11, 12 and 13 in Block 2 of **STRODTMAN'S ADDITION**, according to the plat thereof recorded in Plat Book 8 Page 3 of the St. Louis County Records, and being more particularly described as follows: Beginning at the Southeast corner of said Lot 1 being the intersection of the West line of Boland Place, 50 feet wide, with the North line of Dale Avenue; thence along the North line of Dale Avenue and along the South line of said Lots 1, 2, 3, and 4 South 89 degrees 41 minutes 33 seconds West a distance of 222.50 feet to the Southwest corner of said Lot 4; thence along the West line of said Lots 4, 5, 6, 7, 8, and 9 North 00 degrees 06 minutes 27 seconds West a distance of 405.00 feet to the Northwest corner of said Lot 9; thence along the North line of said Lot 9 North 89 degrees 41 minutes 33 seconds East a distance of 118.75 feet; thence leaving said North line North 02 degrees 47 minutes 51 seconds East a distance of 134.86 feet; thence South 74 degrees 52 minutes 55 seconds East a distance of 17.53 feet to a point on the Southern line of said Lot 13; thence along said Southern line of said Lot 13, North 89 degrees 41 minutes 33 seconds East a distance of 80.00 feet to a point on the West right-of-way line of Boland Place; thence South along said right-of-way line, South 00 degrees 06 minutes 27 seconds East a distance of 535.00 feet to the point of beginning, containing 2.37 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 Mixed Use Zoning District". Rezoning of this area from Single Family Residential R3 to Planned Development Mixed Use shall not take place unless the Site Plan Review, Preliminary and Final Development Plan for this project have been approved.

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 1st day of February, 2016.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: January 19, 2016
Second reading: February 1, 2016