

AN ORDINANCE APPROVING A SITE PLAN REVIEW, AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR THE DEVELOPMENT OF A RETAIL CENTER LOCATED AT 1408 AND 1500 S. HANLEY ROAD IN THE CITY OF RICHMOND HEIGHTS, MISSOURI.

WHEREAS, RENGAW, LLC, DANIEL WAGNER, MANAGER petitioned for approval of a Site Plan Review, and a Preliminary and Final Development Plan for the site development of a retail center as described below in Section 1; and

WHEREAS, said Petition # 2013-04 was referred to the Plan and Zoning Commission; and

WHEREAS, at its meeting on June 20, 2013, 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 July 15, 2013 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:

A tract of land being part of Lots 68 and 69 of Rannell's Subdivision of the Home Farm, recorded in Plat Book 9 page 30 & 31 of the St. Louis City former County records and being more particularly described as follows:

Commencing at the Northwest corner of said Lot 69, thence Southerly along the West line thereof, South 00 degrees 00 minutes 38 seconds East a distance of 230.00 feet to a point; thence South 89 degrees 57 minutes 28 seconds East a distance of 21.11 feet to a Southwest corner of a tract of land conveyed by deed to Spirit Energy, recorded in Deed Book 16006 page 2480, said point also being on the East line of a tract of land conveyed by deed to St. Louis County for Road way widening, recorded in Deed Book 6370 page 2050, said point also being true POINT OF BEGINNING of hereon described tract; thence Easterly and Southerly along the Southern

and Western line of said Spirit Energy LLC tract the following courses and distances, South 89 DEGREES 57 MINUTES 28 SECONDS East 101.00 feet to a point on the South line of Hicks Avenue being 50 feet wide, thence Easterly along said South line, South 89 degrees 57 minutes 28 seconds East a distance of 105.20 feet to the Northwest corner of a tract of land conveyed by deed to Alice Wright, recorded in Deed Book 20061 page 5894, thence Southerly along the West line of said Wright tract, South 00 degrees 00 minutes 38 seconds East a distance of 310.68 feet to a point on the South line of aforementioned Lot 68; thence Westerly along said South line, North 89 degrees 57 minutes 28 seconds West a distance of 230.00 feet to the Southwest corner of Lot 68, said point also being on the East line of Hanley Road as widened; thence Northerly along said East line the following courses and distances, North 00 degrees 00 minutes 38 seconds West 30.18 feet, North 01 degrees 53 minutes 43 seconds East 139.05 feet, North 03 degrees 31 minutes 57 seconds East 121.34 feet, North 04 degrees 54 minutes 52 seconds East 92.16 feet, North 02 degrees 04 minutes 36 seconds East 29.60 feet to the point of beginning, containing 80,662 square feet or 1.851 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 Hadley Retail Center, dated June 20, 2013, and such preliminary development packet is hereby approved as such under Section 405.390 of the Richmond Heights Zoning Ordinance subject to the following conditions:

1. The landscaped areas shall be kept maintained, with plants and trees replaced as necessary. This is to include the buffer area located between the concrete retaining wall and the east property line.
2. All landscaped areas shall be properly irrigated; with the irrigation system properly maintained.
3. The parking lot shall be maintained, kept properly sealed and striped. The pervious paving area shall be maintained as required by the manufacturer and MSD instructions.
4. The dumpster enclosure shall be maintained, free of any debris and the trash container shall be kept with tight fitting lids.
5. All lighting to be shaded to prevent any glare or light spillage onto the adjacent property.
6. Petitioner shall cause a copy of this permit to be filed for recording in the office of the Recorder of Deeds for St. Louis County, at the owner's expense and a copy of such recorded document shall be filed with the City of Richmond Heights Zoning Administrator.
7. All other provisions, regulations and conditions set forth herein the City Zoning Ordinance and the City Municipal Code shall be faithfully observed by Permittee, its assignees and lessees, and their agents, servants and employees. Any violation of the provisions, regulations and conditions shall be cause for revocation of the Conditional Use Permit.
8. All service utilities shall be underground.
9. All street curbs shall be concrete, stone or other approved materials.
10. The concrete retaining wall will be constructed using alternative methods to avoid a large area of plain concrete. Submit proposed design to the Building Department for approval.
11. The small square landscaped areas within the row of parking stalls shall be filled with structural fill, an enhanced growth median, to allow the proposed trees to flourish.

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 Mixed-Use 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 except as modified by the preliminary approval by the Plan and Zoning Commission at their hearing on June 20, 2013.

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 5th day of August, 2013.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: July 15, 2013
Second reading: August 5, 2013

