

AN ORDINANCE APPROVING A SITE PLAN REVIEW, AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR THE DEVELOPMENT OF A CONVENIENCE STORE AND GAS STATION LOCATED AT 1530 S. HANLEY ROAD IN THE CITY OF RICHMOND HEIGHTS, MISSOURI.

WHEREAS, Quiktrip Corporation, Alan Renner, petitioned for approval of a Site Plan Review, and a Preliminary and Final Development Plan for the site development of a convenience store and gas station #0647 to be located at 1530 S. Hanley Road in the City of Richmond Heights, Missouri as described below in Section 1; and

WHEREAS, said Petition # 2013-05 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:

Description of Consolidated Tract

A tract of land being Part of SFMC's BOUNDARY ADJUSTMENT PLAT, recorded in Plat Book 347 page 488, Part of Lot 68 of RANNELL'S HOME FARM, a subdivision filed for record in Plat Book 9 at pages 30-31, and Part of Lot 2, HANLEY RETAIL CENTER, a subdivision to filed for record in Plat Book ___ at page ___ of the St Louis County Records, St Louis County, Missouri, and being described as follows:

Commencing at the Southeast corner of a tract known as SFMC's BOUNDARY ADJUSTMENT PLAT, said point being in the Northern right of way of Elinor Avenue (50'W), thence North 89

degrees 57 minutes 28 seconds West along said Avenue a distance of 50.00 feet to a point, said point being the point of beginning of the tract herein described; thence continuing along the Northern right of way line of Elinor Avenue a distance of 93.97 feet to a point; thence leaving said right of way line North 78 degrees 38 minutes 52 seconds West along the right of way line of Hanley Road to be recorded in Book ___ at page ___ of the St Louis County Records, a distance of 96.88 feet to a point; thence continuing along the right of way of Hanley Road North 89 degrees 57 minutes 28 seconds West a distance of 127.37 feet to a point of curve to the right; thence along a curve to the right having a radius of 30.00 feet an arc distance of 47.22 and a chord bearing and distance of North 44 degrees 51 minutes 47 seconds West 42.50 feet to a point; thence North 00 degrees 13 minutes 53 seconds East a distance of 120.55 feet to a point, said point being in the North line of said SFMC'S BOUNDARY ADJUSTMENT PLAT and the South line of Lot 2 of HANLEY RETAIL CENTER, thence North 00 degrees 13 minutes 53 seconds East a distance of 30.18 feet to a point, said point being in the South line of Lot 68 of RANNELL'S HOME FARM; thence North 03 degrees 58 minutes 18 seconds West a distance of 60.85 feet to a point in the North line of said Lot 2; thence leaving said Hanley Road right of way South 89 degrees 57 minutes 28 seconds East along the North line of said Lot 2 a distance of 222.03 feet to a point, said point being the Northeast corner of said Lot 2, thence South 00 degrees 00 minutes 38 seconds East along the East line of said Lot 2 a distance of 30.88 feet to a point, said point being the Southwest corner of a tract conveyed to the City of Richmond Heights by deed recorded in Book 19800 at page 3261 of the St Louis County Records; thence South 89 degrees 57 minutes 28 seconds East along the South line of said City of Richmond Heights tract a distance of 120.00 feet to a point, said point being in the Western right of way line of Banneker Avenue (50'W), thence South 00 degrees 00 minutes 38 seconds West along the West right of way line of Banneker Avenue a distance of 59.47 feet to a point in the South line of said Lot 68, thence South 00 degrees 11 minutes 07 seconds West a distance of 140.00 feet to the point of beginning of the tract herein described and containing 78,865 square feet, more or less.

Subject to Easements, Restrictions, Reservations and Covenants of record, if any.

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 Quiktrip Convenience Store and Gas Station #0647, 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. No motor vehicles shall be stored on the property, nor shall the property be used as a wait station for tow trucks, ambulances or taxis services. No unlicensed vehicles or ones in disrepair may be stored on the lot. No trucks may be parked in the front yard areas. All vehicles must be parked in properly marked spaces.
2. Signs being fixed to the exterior of a window or wall require a building permit. Signs may be affixed to the interior of a window without the use of a building permit providing they do not exceed 20% of the total window area.
3. Decorative trash cans shall be installed adjacent to the exterior seating areas.
4. The hours of operation are approved for twenty-four hours a day, seven days a week.
5. The trash enclosure shall be maintained and the area kept free of debris. The wood sight proof fence shall be properly maintained and sealed as necessary.
6. The entire site including all exterior landscape areas should be kept free of trash and debris.
7. Individual cans of beer shall not be sold.
8. All exterior lights shall be shielded, to prevent light spillage onto adjacent property, and to

- prevent glare to adjacent property.
9. The paved lot shall be maintained free of defects.
 10. The facility shall be operated as to prevent the emission of objectionable or offensive odors in such concentration as to be perceptible at any point at or beyond the property line.
 11. All landscaping will be continuously in place and properly maintained. Flowerbeds are to be weeded and maintained with appropriate flowering plants. All landscaped areas shall be provided with properly maintained irrigation systems.
 12. The trash facilities should be kept within a well-maintained enclosure at all times.
 13. 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.
 14. Permittee shall, within thirty (30) days from the passage and approval of this permit, notify the Zoning Administrator in writing that the Conditional Use Permit is accepted together with all conditions and that such conditions are clearly understood and will be observed.
 15. 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.
 16. The perimeter winter green boxwoods shall be at least 30" minimum height after one year.
 17. All curbs shall be of cement construction.
 18. The landscaped area shall be as shown on the 11 x 17 drawing dated June 13, 2013. The water quality area located north of Elinor, shall instead of decorative rocks either be sodded or shall be planted with vegetation as permitted by MSD. The large sodded area shown east of the building shall have additional plants installed to provide an interesting landscaped area for all four seasons. Submit proposed plants to the Building Department for approval

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