

AN ORDINANCE APPROVING A SITE PLAN REVIEW, AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR THE DEVELOPMENT OF A RETAIL HOME IMPROVEMENT STORE TO BE LOCATED IN THE AREA WEST OF BERKLEY AVENUE, NORTH OF WEST BRUNO AVENUE, EAST OF HANLEY ROAD AND SOUTH OF ELINOR AVENUE IN THE HADLEY SOUTH REDEVELOPMENT AREA IN THE CITY OF RICHMOND HEIGHTS, MISSOURI.

WHEREAS, MENARD, INC., Petition No. 2013-06, petitioned for approval of a Site Plan Review, and a Preliminary and Final Development Plan for the site development of an approximately 224,000 square foot retail home improvement store to be located in the area west of Berkley Avenue, north of West Bruno Avenue, east of Hanley Road and south of Elinor Avenue in the City of Richmond Heights, Missouri as described below in Section 1; and

WHEREAS, said Petition # 2013-06 was referred to the Plan and Zoning Commission; and

WHEREAS, at its meeting on September 19, 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 October 7, 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 property to which this preliminary and final development plan approval relates is legally described in the form attached hereto as **Exhibit A**.

SECTION 2. The preliminary development packet for the property described above is set forth in the plats and plans appended hereto as Exhibit A and made a part hereof for the Menards home improvement store, 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. Landscaped area shall be weeded as needed.

2. All landscaped area shall be irrigated; with the irrigation system properly maintained.
3. The trash enclosure shall be maintained and the area kept free of trash and debris.
4. The entire site including all exterior landscape areas should be kept free of trash and debris.
5. All exterior lighting shall be shielded, to prevent light spillage onto adjacent property, and to prevent glare to adjacent property.
6. The paved lot shall be maintained free of debris.
7. All signage will be in compliance with the Richmond Heights sign code.
8. Trash facilities shall be kept within a well maintained enclosure at all times.
9. All HVAC equipment must be screened from view of any public right of way.
10. All provisions, regulations and conditions set forth herein, the City's Zoning Ordinance and City Municipal Code shall be faithfully observed by Petitioner, its assignees, lessees, and their agents, servants or employees.
11. The Petitioner, its heirs, successors or assigns shall send a letter to the Zoning Administrator within thirty (30) days of Site Plan approval, certifying that they accept the approved site plan and shall not deviate therefrom on construction or use without filing with and receiving further Commission approval.
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 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. The Petitioner shall provide a revised landscaping plan to the Zoning Administrator showing the suggested tree substitutions, ZelKovas for the proposed pear trees, red buds or ZelKovas for the crab apple, and to provide clear information on the plan describing the various shrubs, their placement, size and quantities.

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 September 19, 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 14th day of October, 2013.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: October 7, 2013
Second reading: October 14, 2013

Exhibit A

BFA Project No. 3475B
Richmond Heights, Mo. Menards Inc. – Overall Boundary
August 27, 2013, J.P.P.

A tract of land being all of Lots 1 through 9, 9A, 10 through 67, 73 through 88, part of Lots 68 through 72, all of Alabama Avenue, Booker Place, McKinley Avenue, Aberdeen Avenue and Jones Avenue all in Lincoln Terrace as recorded in Plat Book 22 Page 14; being all of Lots 37 through 46 of Lincoln Terrace Addition as recorded in Plat Book 20 Page 94; being all of Lots 6 through 26, part of Elinor Avenue all in Elinor Place as recorded in Plat Book 26 Page 8; being all of Lots 1 and 2 of the Resubdivision of part of Lot 57 of Rannell's Subdivision of the Home Farm as recorded in Plat Book 312 Page 100; also being part of Lots 55 and 57 of Rannell's Home Farm Subdivision as recorded in Plat Book 9 Page 30 all in Township 45 North, Range 6 East of the 5th P.M., in the City of Richmond Heights, St. Louis County, Missouri and being more particularly described as follows:

Beginning at the intersection of the east right-of-way line of Hanley Road with the north right-of-way line of West Bruno Avenue; thence along said east right-of-way line of Hanley Road N25°44'10"W 155.64 feet to a point; thence N26°05'23"W 83.99 feet to a point; thence along a curve deflecting to the left having a radius of 353.25 feet, an arc length of 127.37 feet, a chord course of N13°19'44"W 126.68 feet to a point; thence N28°00'47"W 81.34 feet to a point; thence N29°09'25"W 80.20 feet to a point; thence along a curve deflecting to the right having a radius of 301.46 feet, an arc length of 154.05 feet, a chord course of N14°31'03"W 152.38 feet to a point; thence N00°07'19"E 254.02 feet to the intersection of said east right-of-way line of Hanley Road with the south right-of-way line of Elinor Avenue (50 feet wide); thence along said south right-of-way line of Elinor Avenue S89°59'33"E 358.09 feet to a point; thence S89°59'33"E 50.00 feet to a point; thence S89°59'33"E 242.41 feet to a point; thence leaving said south right-of-way line N00°23'37"W 50.00 feet to a point on the north right-of-way line of Elinor Avenue, also being the southwest corner of a tract of land conveyed to Mills Richmond Heights L.L.C. in Deed Book 14040 Page 2094; thence leaving said north right-of-way line along the west line of said Mills Richmond Heights L.L.C. tract N00°23'37"W 140.88 feet to a point at the northwest corner of said Mills Richmond Heights L.L.C. tract; thence leaving said northwest corner S89°55'44"E 564.56 feet to a point at the northeast corner of Lot 6 of Elinor Place as recorded in Plat Book 26 Page 8; thence along the east line of said Lot 6 S00°06'21"W 140.25 feet to a point at the southeast corner of said Lot 6, also being on said north right-of-way line of Elinor Avenue; thence leaving said north right-of-way line S00°06'21"W 50.00 feet to a point on the south right-of-way line of Elinor Avenue; thence along said south right-of-way line S89°59'33"E 44.00 feet to a point at the northeast corner of Lot 26 of said Elinor Place; thence leaving said south right-of-way line along the east line of said Lot 26 S00°06'21"W 140.07 feet to a point at the southeast corner of said Lot 26; thence along the south line of said Lot 26 N89°59'33"W 30.98 feet to a point at the northeast corner of a tract of land conveyed to Beyond Housing Inc. in Deed Book 12607 Page 872; thence leaving the south line of said Lot 26 along the east line of said Beyond Housing Inc. tract S00°02'40"W 140.99 feet to a point at the southeast corner of said Beyond Housing Inc. tract, also being on the north right-of-way line of Jones Avenue (50 feet wide); thence along said north right-

Exhibit A (page 2)

of-way line N89°58'42"W 342.67 feet to a point; thence leaving said north right-of-way line S00°03'43"W 49.97 feet to the intersection of the south right-of-way line of Jones Avenue with the west right-of-way line of Berkley Avenue (50 feet wide); thence along said west right-of-way line of Berkley Avenue S00°03'43"W 551.47 feet to the intersection of said west right-of-way line with the north right-of-way line of West Bruno Avenue (60 feet wide); thence along said north right-of-way line N89°58'41"W 213.15 feet to a point ; thence N89°58'41"W 50.00 feet to a point; thence N89°58'41"W 212.00 feet to a point; thence N89°58'41"W 50.00 feet to a point; thence N89°58'41"W 108.93 feet to the point of beginning, containing 21.03 acres or 915,919 square feet. Subject to any and all easements, restrictions, conditions, etc. of record.