

AN ORDINANCE APPROVING A SITE PLAN REVIEW, PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR A PORTION OF THE CITY OF RICHMOND HEIGHTS, MISSOURI LOCATED ALONG EAGER AND MCCUTCHEON ROADS TO ALLOW PHASE I CONSTRUCTION OF AN APARTMENT COMPLEX AND CLASSIFIED AS A PLANNED RESIDENTIAL ZONING DISTRICT.

WHEREAS, LUCAS HUNT ASSOCIATES; Lorenzo DiVito, V.P., Draper Kramer Agent, and Ed Polich petitioned for approval of a Site Plan Review, Preliminary and Final Development Plan for property located along Eager and McCutcheon Roads to allow Phase I construction of an apartment complex of 281 apartments and for conceptual review of the entire site; and

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

WHEREAS, at its meeting on April 17, 2014, 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 May 5, 2014 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:

LEGAL DESCRIPTION FOR LOT 1

A PARCEL OF GROUND BEING ALL OF LOT 1, OF MANHASSETT VILLAGE PLAT 1, RECORDED IN PLAT BOOK 353 PAGE 547, IN ST. LOUIS COUNTY RECORDER'S OFFICE, CITY OF RICHMOND HEIGHTS, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERN CORNER OF SAID LOT 1, WITH THE SOUTHERN LINE OF INTERSTATE I-64 / HIGHWAY 40 (EASTBOUND);
THENCE SOUTH 83 DEGREES 08 MINUTES 27 SECONDS EAST 161.18 FEET, ALONG THE SOUTHERN LINE OF SAID INTERSTATE I-64 / HIGHWAY 40 TO THE WESTERN LINE OF McCUTCHEON ROAD, 50 FEET WIDE, TO AN IRON PIPE;

THENCE 178.72 FEET, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 67.00 AND A CHORD WHICH BEARS SOUTH 21 DEGREES 04 MINUTES 39 SECONDS EAST 130.25 FEET, ALONG TO THE WESTERN LINE OF SAID McCUTCHEON ROAD, TO A POINT;
THENCE 153.45 FEET, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 379.72 AND A CHORD WHICH BEARS SOUTH 13 DEGREES 12 MINUTES 32 SECONDS EAST 152.40 FEET, ALONG TO THE WESTERN LINE OF SAID McCUTCHEON ROAD, TO A POINT;
THENCE SOUTH 00 DEGREES 07 MINUTES 33 SECONDS EAST 108.82 FEET, ALONG THE WESTERN LINE OF SAID McCUTCHEON ROAD, TO THE SOUTHEASTERN CORNER OF SAID LOT 1, TO AN IRON PIPE;
THENCE SOUTH 89 DEGREES 52 MINUTES 27 SECONDS WEST 249.67 FEET, ALONG THE SOUTHERN LINE OF SAID LOT 1, TO THE SOUTHWESTERN CORNER OF SAID LOT 1, AND TO THE POINT OF BEGINNING AND CONTAINING 1.86 ACRES, AS PREPARED BY PITZMAN'S COMPANY.

LEGAL DESCRIPTION FOR LOT 2

A PARCEL OF GROUND BEING ALL OF LOT 2, OF MANHASSETT VILLAGE PLAT 1, RECORDED IN PLAT BOOK 353 PAGE 547, IN ST. LOUIS COUNTY RECORDER'S OFFICE, CITY OF RICHMOND HEIGHTS, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERN CORNER OF SAID LOT 2, WITH THE NORTHERN LINE OF EAGER ROAD, 50 FEET WIDE;
THENCE NORTH 01 DEGREES 06 MINUTES 42 SECONDS EAST 295.68 FEET, ALONG THE WESTERN LINE OF SAID LOT 2, TO THE NORTHWESTERN CORNER OF SAID LOT 2, TO AN IRON PIPE;
THENCE NORTH 89 DEGREES 52 MINUTES 27 SECONDS EAST 249.67 FEET, ALONG THE NORTHERN LINE OF SAID LOT 2, TO THE NORTHEASTERN CORNER OF SAID LOT 2, TO THE WESTERN LINE OF McCUTCHEON ROAD, 50 FEET WIDE, TO AN IRON PIPE;
THENCE SOUTH 00 DEGREES 07 MINUTES 33 SECONDS EAST 275.70 FEET, ALONG THE WESTERN LINE OF SAID McCUTCHEON ROAD, TO A POINT;
THENCE SOUTH 44 DEGREES 53 MINUTES 08 SECONDS WEST 28.28 FEET, ALONG THE WESTERN LINE OF SAID McCUTCHEON ROAD, TO THE NORTHERN LINE OF SAID EAGER ROAD, TO AN IRON PIPE;
THENCE SOUTH 89 DEGREES 53 MINUTES 42 SECONDS WEST 236.06 FEET, ALONG THE NORTHERN LINE OF SAID EAGER ROAD, TO THE SOUTHWESTERN CORNER OF SAID LOT 2, AND TO THE POINT OF BEGINNING AND CONTAINING 1.71 ACRES, AS PREPARED BY PITZMAN'S COMPANY.

LEGAL DESCRIPTION FOR LOT 3

A PARCEL OF GROUND BEING PART OF LOT 3, OF MANHASSETT VILLAGE PLAT 1, RECORDED IN PLAT BOOK 353 PAGE 547, IN ST. LOUIS COUNTY RECORDER'S OFFICE, CITY OF RICHMOND HEIGHTS, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERN CORNER OF SAID LOT 1, WITH THE WESTERN LINE OF McCUTCHEON ROAD, 50 FEET WIDE, ALSO BEING THE NORTHERN LINE OF EAGER ROAD, 50 FEET WIDE;
THENCE NORTH 45 DEGREES 07 MINUTES 58 SECONDS WEST 28.28 FEET, ALONG THE EASTERN LINE OF SAID McCUTCHEON ROAD, TO A POINT;
THENCE NORTH 00 DEGREES 07 MINUTES 33 SECONDS WEST 385.19 FEET, ALONG THE EASTERN LINE OF SAID McCUTCHEON ROAD, TO A POINT;
THENCE 178.43 FEET, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 429.72 AND A CHORD WHICH BEARS NORTH 13 DEGREES 26 MINUTES 13 SECONDS WEST 177.15 FEET, ALONG TO THE EASTERN LINE OF SAID McCUTCHEON ROAD, TO A POINT;
THENCE 93.75 FEET, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 67.00 AND A CHORD WHICH BEARS NORTH 01 DEGREES 32 MINUTES 11 SECONDS WEST 86.29 FEET, ALONG TO THE EASTERN LINE OF SAID McCUTCHEON ROAD, TO A POINT IN THE SOUTHERN LINE OF INTERSTATE I-64 / HIGHWAY 40 (EASTBOUND);

THENCE SOUTH 83 DEGREES 08 MINUTES 27 SECONDS EAST 446.74 FEET, ALONG THE SOUTHERN LINE OF SAID INTERSTATE I-64 / HIGHWAY 40, TO AN IRON ROD;
THENCE SOUTH 60 DEGREES 51 MINUTES 31 SECONDS EAST 190.00 FEET, ALONG THE SOUTHERN LINE OF SAID INTERSTATE I-64 / HIGHWAY 40, TO AN IRON ROD;
THENCE SOUTH 66 DEGREES 45 MINUTES 43 SECONDS EAST 137.00 FEET, ALONG THE SOUTHERN LINE OF SAID INTERSTATE I-64 / HIGHWAY 40, TO AN IRON ROD;
THENCE SOUTH 71 DEGREES 58 MINUTES 34 SECONDS EAST 600.00 FEET, ALONG THE SOUTHERN LINE OF SAID INTERSTATE I-64 / HIGHWAY 40, TO THE NORTHEASTERN CORNER OF SAID LOT 3, TO AN IRON ROD;
THENCE SOUTH 01 DEGREES 05 MINUTES 28 SECONDS WEST 275.90 FEET, ALONG THE EASTERN LINE OF SAID LOT 3, TO THE NORTHERN LINE OF SAID EAGER ROAD, TO AN IRON PIPE;
THENCE SOUTH 89 DEGREES 53 MINUTES 42 SECONDS WEST 1236.33 FEET, ALONG THE NORTHERN LINE OF SAID EAGER ROAD, TO THE SOUTHWESTERN CORNER OF SAID LOT 3, AND TO THE POINT OF BEGINNING AND CONTAINING 14.31 ACRES, AS PREPARED BY PITZMAN'S COMPANY..

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 February 21, 2014, 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 sprinkler 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 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. Before approval of Phase III or Phase IV the traffic study must be updated to reflect actual traffic conditions existing at that time.
14. A storm water drainage system shall be designed and installed to collect the storm water from the yards, building roofs and paved areas, and then properly discharged into the MSD Sewer System. Prior to construction of the storm drainage system, drawings, specifications and calculations shall be filed with MSD for permit approval and also to the City of Richmond Heights for review. As built drawings shall be furnished as well.
15. Signal timing modifications recommended within the study shall be submitted for approval to St. Louis County Department of Highway and Traffic and MoDot.
16. Construction traffic in connection with the Manhasset Village development shall not use McCutcheon Road north of Highway 40/64, nor High School Drive. Instead all construction traffic; including delivery trucks and vans shall use Eager Road and Brentwood Boulevard.
17. Curb cuts and aprons located within the existing McCutcheon and Eager Roads Right-of-ways, that will not be used, shall be removed with the curb and tree lawn restored.
18. In accordance with the City's Municipal Code, before a building permit could be issued, a ten thousand dollar (\$10,000) street deposit shall be deposited with the City to be used as security for the repair of any damage to public rights of way or the cleanup of any litter or debris caused by the depositors' employees or contractors in connection with this preliminary development plan 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 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 May, 2014.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: May 5, 2014
Second reading: May 19, 2014

Exhibit A
Development Plan
& Submittals
February 21, 2014