

AN ORDINANCE AMENDING ORDINANCE NO. 4788, THE MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, CHAPTER 405, ZONING REGULATIONS, BY AMENDING THE DISTRICT MAP ADOPTED AS PART OF SAID ORDINANCE NO. 4788, WITH AMENDMENTS THERETO, BY CHANGING THE ZONING CLASSIFICATION OF A CERTAIN PARCEL OF PROPERTY, GENERALLY LOCATED SOUTH OF HIGHWAY 40/64, EAST TO HAMPTON CREEK, SOUTH ALONG LACLEDE STATION ROAD, TO WEST BRUNO AVENUE, WEST TO HANLEY ROAD AND NORTH TO HIGHWAY 40/64-EXCLUDING BLOCK TWO OF LINCOLN TERRACE SUBDIVISION; FROM AREAS ZONED C-2 GENERAL BUSINESS, R-4 TWO FAMILY RESIDENTIAL, R-3 SINGLE FAMILY RESIDENTIAL AND A PORTION OF THE SITE ZONED PLANNED DEVELOPMENT COMMERCIAL TO PLANNED DEVELOPMENT MIXED USE (PD-MXD), AND APPROVES PRELIMINARY DEVELOPMENT PLAN FOR THE HADLEY CENTER-HADLEY HEIGHTS DEVELOPMENT AS AN EMERGENCY MEASURE

WHEREAS, Michelson Commercial Realty and Development LLC petitioned for approval to rezone the Hadley Township Redevelopment area, generally located south of Highway 40/64, east to Hampton Creek, south along Laclede Station Road, to West Bruno Avenue, west to Hanley Road and north to Highway 40/64, excluding Block 2 or Lincoln Terrace Subdivision; and Petitioner further seeks approval of a preliminary plan for the site development of the entire project, known as Hadley Center and Hadley Heights, and described below in Section 1; and

WHEREAS, said petition was referred to the Plan and Zoning Commission, and due notice of a public hearing was published according to law and ordinance; and

WHEREAS, said Petition was referred to the Plan and Zoning Commission which, at its meeting of July 17, 2008, heard and recommended granting the petition for the rezoning of that property described below in Section 1 and further unanimously approved the proposed Preliminary Development Plan; 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 August 4, 2008, upon said Petition for rezoning and approval of Preliminary Development Plan; and

WHEREAS, the City Council believes it desirable that all property described as presented in as Hadley Center-Hadley Heights Preliminary Development Plan (Sheets #PD 1

through 88) dated June 23, 2008 by Wind Engineering Company “Exhibit A”, be rezoned Planned Development-Mixed Use (PD-MXD), and finds that such rezoning will not adversely affect the surrounding property and will be in the best interest of the property owners and citizens of Richmond Heights

WHEREAS, the Council of the City of Richmond Heights believes it desirable that the Preliminary Plan for the site development of the properties described below in Section 1 be approved, and finds that such Preliminary Plan and the site development pursuant to such final development plan will achieve the objectives in Section 405.260 (A) of the Richmond Heights Municipal Code (providing a cohesive and high-quality design of land and promoting a desirable community environment), will not result in excessive densities or incompatible land uses, and will be in the best interest of the property owners and citizens of the City of Richmond Heights,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. Ordinance No. 4788, the Municipal Code of the City of Richmond Heights, Missouri, Chapter 405, Zoning Regulations and the District Map adopted as part of said Ordinance, is hereby amended by changing the classification of property legally described herein from C-2 General Business, R-4 Two-Family Residential, R-3 Single Family Residential, as well as a portion at the northwest corner of the site which is zoned Planned Development Commercial to now be zoned Planned Development Mixed Use (PD-MXD).

The property to which this Re-Zoning and Preliminary Development Plan approval relates is legally described as follows:

PROPERTY DESCRIPTION

A tract of land being part, City of Richmond Heights, St. Louis County, Missouri and being more particularly described as follows:

A TRACT OF LAND BEING PART OF LOTS 45, 46, 55, 56, 57, 58, 67, 68, 69 AND 70 OF RANNELL’S SUBDIVISION OF THE HOME FARM, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 30 OF THE CITY OF ST. LOUIS (FORMER COUNTY) RECORDER’S OFFICE, LOCATED IN TOWNSHIP 45 NORTH, RANGE 6 EAST, ST. LOUIS COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF LACLEDE STATION ROAD (60 FEET WIDE) AND THE NORTH LINE OF WEST BRUNO AVENUE (60 FEET WIDE); THENCE SOUTH 89 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 1157.23 FEET TO THE EAST LINE OF HANLEY ROAD (VARIABLE WIDTH); THENCE ALONG SAID EAST LINE OF HANLEY ROAD THE FOLLOWING COURSES AND DISTANCES: NORTH 26 DEGREES 46 MINUTES 10 SECONDS WEST, A DISTANCE OF 155.65 FEET; NORTH 27 DEGREES 07 MINUTES 23 SECONDS WEST, A DISTANCE OF 83.99 FEET TO A NON-TANGENT CURVE; ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 353.25 FEET AND A CENTRAL ANGLE OF 20 DEGREES 39 MINUTES 31 SECONDS (CHORD BEARING NORTH 14 DEGREES 21 MINUTES 44 SECONDS WEST, 126.68 FEET), AN ARC DISTANCE OF 127.37 FEET TO A NON-TANGENT LINE; NORTH 00 DEGREES 56 MINUTES 00 SECONDS WEST, A DISTANCE

OF 21.69 FEET; NORTH 11 DEGREES 38 MINUTES 32 SECONDS WEST, A DISTANCE OF 50.88 FEET; SOUTH 89 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 28.82 FEET; NORTH 30 DEGREES 11 MINUTES 25 SECONDS WEST, A DISTANCE OF 80.31 FEET TO A POINT OF CURVATURE; ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 301.46 FEET AND A CENTRAL ANGLE OF 29 DEGREES 16 MINUTES 45 SECONDS (CHORD BEARING NORTH 15 DEGREES 33 MINUTES 03 SECONDS WEST, 152.38 FEET), AN ARC DISTANCE OF 154.05 FEET TO A POINT OF TANGENCY; NORTH 00 DEGREES 54 MINUTES 41 SECONDS WEST, A DISTANCE OF 254.03 FEET; NORTH 10 DEGREES 23 MINUTES 39 SECONDS EAST, A DISTANCE OF 51.01 FEET; NORTH 45 DEGREES 58 MINUTES 58 SECONDS WEST, A DISTANCE OF 14.12 FEET; NORTH 00 DEGREES 54 MINUTES 41 SECONDS WEST, A DISTANCE OF 159.38 FEET; NORTH 02 DEGREES 49 MINUTES 44 SECONDS EAST, A DISTANCE OF 137.88 FEET; NORTH 00 DEGREES 56 MINUTES 48 SECONDS EAST, A DISTANCE OF 122.25 FEET TO A POINT OF CURVATURE; ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 29.00 FEET AND A CENTRAL ANGLE OF 47 DEGREES 02 MINUTES 28 SECONDS (CHORD BEARING NORTH 24 DEGREES 28 MINUTES 02 SECONDS EAST, 23.15 FEET), AN ARC DISTANCE OF 23.81 FEET TO A NON-TANGENT LINE; NORTH 07 DEGREES 05 MINUTES 52 SECONDS EAST, A DISTANCE OF 50.50 FEET TO A NON-TANGENT CURVE; ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 26.00 FEET AND A CENTRAL ANGLE OF 53 DEGREES 45 MINUTES 47 SECONDS (CHORD BEARING NORTH 25 DEGREES 58 MINUTES 36 SECONDS WEST, 23.51 FEET), AN ARC DISTANCE OF 24.40 FEET TO A POINT OF TANGENCY; NORTH 00 DEGREES 54 MINUTES 17 SECONDS EAST, A DISTANCE OF 29.60 FEET; SOUTH 88 DEGREES 52 MINUTES 13 SECONDS WEST, A DISTANCE OF 6.50 FEET; NORTH 00 DEGREES 57 MINUTES 24 SECONDS EAST, A DISTANCE OF 214.60 FEET TO A POINT OF CURVATURE; AND ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 44 MINUTES 39 SECONDS (CHORD BEARING NORTH 12 DEGREES 49 MINUTES 44 SECONDS EAST, 16.46 FEET), AN ARC DISTANCE OF 16.58 FEET TO A NON-TANGENT LINE BEING THE SOUTH LINE OF DALE AVENUE (100 FEET WIDE); THENCE ALONG SAID SOUTH LINE OF DALE AVENUE, NORTH 89 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 715.97 FEET TO THE WEST LINE OF HAMPTON CREEK STORM CHANNEL (40 FEET WIDE); THENCE ALONG SAID WEST LINE OF HAMPTON CREEK STORM CHANNEL THE FOLLOWING COURSES AND DISTANCES: SOUTH 08 DEGREES 56 MINUTES 30 SECONDS WEST, A DISTANCE OF 0.10 FEET TO A POINT OF CURVATURE; ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET AND A CENTRAL ANGLE OF 41 DEGREES 16 MINUTES 40 SECONDS (CHORD BEARING SOUTH 11 DEGREES 41 MINUTES 50 SECONDS EAST, 119.84 FEET), AN ARC DISTANCE OF 122.47 FEET TO A POINT OF TANGENCY; SOUTH 32 DEGREES 20 MINUTES 10 SECONDS EAST, A DISTANCE OF 17.91 FEET; AND SOUTH 89 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 2.93 FEET TO THE WEST LINE OF HAMPTON CREEK STORM CHANNEL (45 FEET WIDE); THENCE ALONG SAID WEST LINE OF HAMPTON CREEK STORM CHANNEL, SOUTH 32 DEGREES 20 MINUTES 10 SECONDS EAST, A DISTANCE OF 594.78 FEET TO THE NORTH LINE OF ELINOR PLACE, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 26, PAGE 8 OF THE ST. LOUIS COUNTY, MISSOURI RECORDER'S OFFICE, ALSO BEING THE NORTH LINE OF THE AFOREMENTIONED LOT 58; THENCE ALONG SAID NORTH LINE OF ELINOR PLACE, NORTH 89 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 327.16 FEET TO THE AFOREMENTIONED WEST LINE OF LACLEDE STATION ROAD; THENCE ALONG SAID WEST LINE OF LACLEDE STATION ROAD, SOUTH 00 DEGREES 56 MINUTES 00 SECONDS EAST, A DISTANCE OF 470.48 FEET TO THE NORTH LINE OF JONES AVENUE (50 FEET WIDE); THENCE ALONG SAID NORTH LINE OF JONES AVENUE, SOUTH 89 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 594.18 FEET; THENCE LEAVING SAID NORTH LINE OF JONES AVENUE, SOUTH 01 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 50.00 FEET TO THE SOUTH LINE OF SAID JONES AVENUE; THENCE ALONG SAID SOUTH LINE OF JONES AVENUE, NORTH 89 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 70.23 FEET TO THE WEST LINE OF BERKLEY AVENUE (50 FEET WIDE); THENCE ALONG SAID WEST LINE OF BERKLEY AVENUE, SOUTH 00 DEGREES 56 MINUTES 00 SECONDS EAST, A DISTANCE OF 311.59 FEET TO THE WESTERLY PROLONGATION OF THE SOUTH LINE OF THOMAS AVENUE (50 FEET WIDE); THENCE ALONG SAID WESTERLY PROLONGATION AND SAID SOUTH LINE OF THOMAS AVENUE, NORTH 89 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 523.90 FEET TO SAID WEST LINE OF LACLEDE STATION ROAD; THENCE ALONG SAID WEST LINE OF LACLEDE STATION ROAD, SOUTH

00 DEGREES 56 MINUTES 00 SECONDS EAST, A DISTANCE OF 240.26 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 41.40 ACRES IS BASED UPON A BOUNDARY SURVEY BY WIND ENGINEERING COMPANY AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND CONDITIONS OF RECORD, IF ANY.

ALSO

A TRACT OF LAND BEING PART OF LOTS 85 AND 86 OF RANNELL'S SUBDIVISION OF THE HOME FARM, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 30 OF THE CITY OF ST. LOUIS (FORMER COUNTY) RECORDER'S OFFICE, LOCATED IN TOWNSHIP 45 NORTH, RANGE 6 EAST, ST. LOUIS COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF HANLEY ROAD (VARIABLE WIDTH) AND THE NORTH LINE OF DALE AVENUE (100 FEET WIDE), SAID POINT BEING THE SOUTHWEST CORNER OF ADJUSTED LOT 1 OF WEST HEIGHTS BOUNDARY ADJUSTMENT PLAT, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 349, PAGE 608 OF THE ST. LOUIS COUNTY, MISSOURI RECORDER'S OFFICE; THENCE ALONG SAID EAST LINE OF HANLEY ROAD THE FOLLOWING COURSES AND DISTANCES: NORTH 01 DEGREES 05 MINUTES 49 SECONDS WEST, A DISTANCE OF 143.73 FEET TO A NON-TANGENT CURVE; AND ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 354.00 FEET AND A CENTRAL ANGLE OF 14 DEGREES 57 MINUTES 01 SECONDS (CHORD BEARING NORTH 15 DEGREES 09 MINUTES 12 SECONDS EAST, 92.11 FEET), AN ARC DISTANCE OF 92.37 FEET TO THE SOUTH LINE OF DUMAS STREET (50 FEET WIDE); THENCE ALONG SAID SOUTH LINE OF DUMAS STREET, NORTH 89 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 370.46 FEET TO THE WEST LINE OF BANNEKER AVENUE (50 FEET WIDE); THENCE ALONG THE NORTHERLY PROLONGATION OF SAID WEST LINE OF BANNEKER AVENUE, NORTH 00 DEGREES 56 MINUTES 00 SECONDS WEST, A DISTANCE OF 67.80 FEET TO THE SOUTH LINE OF MISSOURI STATE ROUTE 40 (INTERSTATE 64 - VARIABLE WIDTH); THENCE ALONG SAID SOUTH LINE OF MISSOURI STATE ROUTE 40, NORTH 89 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 227.22 FEET TO THE CENTERLINE OF HAMPTON CREEK STORM CHANNEL; THENCE ALONG SAID CENTERLINE OF HAMPTON CREEK STORM CHANNEL THE FOLLOWING COURSES AND DISTANCES: SOUTH 37 DEGREES 10 MINUTES 00 SECONDS EAST, A DISTANCE OF 135.86 FEET TO A POINT OF CURVATURE; AND ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 36 DEGREES 14 MINUTES 00 SECONDS (CHORD BEARING SOUTH 19 DEGREES 03 MINUTES 00 SECONDS EAST, 124.38 FEET), AN ARC DISTANCE OF 126.48 FEET TO A POINT OF TANGENCY ON THE EAST LINE OF THE AFOREMENTIONED LOT 85; THENCE ALONG SAID EAST LINE OF LOT 85, SOUTH 00 DEGREES 56 MINUTES 00 SECONDS EAST, A DISTANCE OF 72.06 FEET TO THE AFOREMENTIONED NORTH LINE OF DALE AVENUE; THENCE ALONG SAID NORTH LINE OF DALE AVENUE, SOUTH 89 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 741.77 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 4.24 ACRES IS BASED UPON A BOUNDARY SURVEY BY WIND ENGINEERING COMPANY AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND CONDITIONS OF RECORD, IF ANY.

SECTION 2. The preliminary development plan for the property described above, appended hereto and made a part thereof, and known as Hadley Center and Hadley Heights is set forth in the plats and plans appended hereto and made a part hereof as Hadley Center-Hadley Heights Preliminary Development Plan (Sheets #PD 1 through 88) (Exhibit A), dated June 23, 2008 by Wind Engineering Company, and such Preliminary Development Plan is hereby

approved as such under Section 405.260 of the Richmond Heights Zoning Ordinance subject to the following conditions:

1. All signage shall conform to Chapter 3 of the Richmond Heights Municipal Code (including, where applicable, necessary sight triangles).
2. All landscaped areas shall be continually maintained, nourished and trimmed as needed. All plants shall be replaced as necessary.
3. An underground water sprinkler system shall be provided for all lawn and landscaped areas.
4. Dumpster enclosures shall be kept properly maintained and in a sanitary condition. No debris shall be allowed to accumulate.
5. All parking spaces, aisle widths, striping, parking lot and driveway construction, including driveway aprons, will meet all the 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. The property owner shall remove snow, ice, sleet, dirt and trash from all parking/drive areas and sidewalks, including the adjacent public sidewalk. Snow shall not be pushed onto public rights-of-way.
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.
8. All service utilities shall be underground.
9. All street curbs shall be of concrete, stone or other approved materials.
10. Fire hydrants shall be installed as directed by the Fire Department.
11. During construction, Hanley Road will be maintained unobstructed except as required to perform the necessary improvement to the roadways and utilities.
12. A performance guarantee of at least one hundred thousand dollars shall be made by the developer in a form approved by the City Attorney, to ensure necessary improvements are made to the streets, sidewalks, landscaping, etc. The funds may also be used by the City should it be necessary to restore the site if the project is abandoned.
13. Public sidewalks along West Bruno, Dale Ave. and the contiguous portion of Laclede Sta. Rd. shall be rebuilt to Richmond Heights paving standards.
14. For safety and security at least four wireless cameras, as approved by the Richmond Heights Police Department, capable of pan, tilt and zoom shall be installed to monitor the main drive and pedestrian areas. A transmitter shall be installed to allow the cameras images to be received by the Richmond Heights Police Department. Camera locations shall be decided through consultation with the Police Department.
15. The 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.
16. The 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 the Preliminary Development Plan, Zoning Ordinance and the City's Municipal Code.
17. 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, provide proof of such recording to the Zoning Administrator and provide a Mylar copy of such plan to the Zoning Administrator as well.

18. Alley "B" shall not access Dale Ave. unless the right turn lane on Dale Ave. is extended to the alley.

SECTION 3. The uses permitted on the property described above in Section 1 shall be those uses as are set forth in Appendix "A" to the Richmond Heights Zoning Ordinances for a "PD-MXD" Planned Development 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 site development preliminary approval by the Plan and Zoning Commission at their hearing on July 17, 2008.

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 immediately following its passage and being signed as provided by law. This ordinance is deemed an emergency measure necessary for the immediate preservation of the public peace, health or safety of its residents because it is needed to allow purchase of residences from property owners who desire to move elsewhere and have commitments for other properties.

PASSED AND APPROVED this 18th day of August, 2008.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: August 18, 2008

Second reading: August 18, 2008 Emergency Measure

Exhibit A
Preliminary Development Plan
Sheets #PD1 – 88 dated June 23, 2008
by Wind Engineering