AN ORDINANCE AMENDING SECTION 405 OF THE MUNICIPAL CODE, ZONING REGULATIONS, BY GRANTING A REZONING CHANGE OF 13.00 ACRES KNOWN AS CLARENDALE OF TOWN AND COUNTRY FROM ITS CURRENT SUBURBAN ESTATE (SE) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT FOR NURSING HOME, ASSISTED LIVING AND CONTINUUM OF CARE USES AT 13995 CLAYTON ROAD

WHEREAS, George Stock of Stock and Associates Inc., applicant, on behalf of Ryan Companies US, Inc., owner, has submitted a request for approval of a rezoning request of 13.00 acres, known as Clarendale of Town and Country, at 13995 Clayton Road from its current Suburban Estate (SE) Zoning District, to a Planned Development District with nursing home, assisted living and continuum of care uses; and

WHEREAS, the Application was referred to the Planning and Zoning Commission of the City of Town and Country, which gave due and proper notice of public hearing on the Preliminary Site Development Plan of said Application to be held on July 17, 2019 in the St. Louis Countian, a newspaper of general circulation in the City of Town and Country; and

WHEREAS, due notice by first-class mail of the public hearing at the time and date aforesaid was given to all property owners within three hundred (300) feet of the property for which the Application was filed as shown on the tax records of the city; and

WHEREAS, the Director of Planning and Public Works of the city caused to be posted a sign, not less than 20 inches by 12 inches, on the property for which the Application was filed; and

WHEREAS, the Planning and Zoning Commission’s found that the proposed planned development provides the following; the use of the site in a manner compatible with natural resources, consistency with good general planning practice and site design, construction and operation of the use in a manner that is not detrimental to adjoining uses, particularly residential uses and visual compatibility with the uses and development character of adjacent area; and

WHEREAS, the Application was referred to the Board of Aldermen of the City of Town and Country, which gave due and proper notice of public hearing on the rezoning application and proposed Planned Development District of said Application to be held on _______ in the St. Louis Countian, a newspaper of general circulation in the City of Town and Country; and

WHEREAS, due notice by first-class mail of the public hearing at the time and date aforesaid was given to all property owners within three hundred (300) feet of the property for which the Application was filed as shown on the tax records of the city; and

WHEREAS, the City Clerk of the city caused to be posted a sign, not less than 20 inches by 12 inches, on the property for which the Application was filed; and
WHEREAS, the Board has considered the recommendations of the Planning and Zoning Commission and has reviewed all plans, documents and exhibits pertaining to the proposed rezoning request and finds that the proposed development is conducive to the proper development of the City of Town and Country.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TOWN AND COUNTRY, ST. LOUIS COUNTY, MISSOURI AS FOLLOWS:

Section 1. Zoning Change: Section 405.1800 Adopted Planned Development Districts of the City of Town and Country Municipal Code, is hereby amended by the application to rezone 13.00 acres known as Clarendale of Town and Country from its current Suburban Estate (SE) District to Planned Development-Four (PD-4) District for nursing home, assisted living and continuum of care uses. Property is generally located north of Clayton Road and 450 feet east of Old Woods Mill Road, in the City of Town and Country. Subject property is more fully described on the attached Exhibit “A” (Metes and Bounds), attached Exhibit “B” (Location Map), and Exhibit “C” (Preliminary Site Development Plan), in accordance with Section 405 as amended.

Section 2. Conditions of Approval: This planned development shall be subject to the following conditions listed within this section as approved by the Board of Aldermen, based on recommendation of the Planning and Zoning Commission.

LAND USES:

A. Permitted Uses – Nursing Homes, Assisted Living and Continuum of Care Facilities and associated support services consisting of a maximum of 166 units.

B. State of Missouri License Requirements – All assisted living and memory care beds shall be licensed by the State of Missouri.

C. Certificate of Need - No permits shall be granted for construction or development of the site, the exception being a demolition permit, until a Certificate of Need has been approved by the State of Missouri.

D. Clarendale of Town & Country Post-Construction - The proposed Planned Development (PD) District for nursing home, assisted living, and continuum of care uses shall revert to a Suburban Estate (SE) District designation upon the discontinuance (vacancy) of the use of the facility for a period of ninety (90) consecutive days which is not caused by a fire or other casualty event. Upon such finding the City Planner shall submit a zoning amendment petition in accordance with Section 405.290 of the adopted Zoning Code.

SITE DESIGN:

A. Maximum Floor Area -198,000 square feet above ground, 224,000 square feet with underground garage.
B. **Building Heights** - Main building elevations shall be as defined on Site Section sheets dated 10.24.19.

C. **Minimum Setbacks** –

1. Front Yard Setback (Clayton): 100 feet (Building and Parking)
2. East Side Yard Setback: 50 feet (Building and Parking)
3. West Side Yard Setback: 50 feet (Building)/30-50 feet (Parking/Drive)
4. Rear Yard Setback: 50 feet (Building)

D. **Signs** – All signs shall conform to the approved unified sign plan, dated October 18, 2019, and as amended.

E. **Lighting** – All street and parking lot lighting shall conform to the submitted photometric plan as part of the PSDP. All exterior lighting, shall otherwise adhere to the requirements of Section 405.157 Exterior Lighting.

F. **Fences** – No fences will be permitted in the development except:

   1. Temporary tree protection fences.
      i. Further, before any construction begins, the contractor shall install colored silt fence along existing vegetation that is to be preserved, designating in the field what is to be preserved per plans.
   2. Temporary siltation fences.
   3. Safety barricades throughout the construction phase of the project.
   4. Fences required by City Code or regulations.
   5. Solid fences to screen and/or enclose trash disposal areas, loading docks, mechanical equipment, generators and similar uses and structures.

G. **Entrance Gate** – An electric operated gate controlling vehicular access shall not be required at the entrance on Clayton Road. If provided, the following shall apply:

   1. The gate mechanism permits immediate access to emergency vehicles.
   2. The gates controlling vehicular access to the facility are located no closer than 25 feet from the pavement of the adjacent right-of-way so that waiting vehicles do not impede traffic flow.
   3. The applicant files an agreement as approved by the City Attorney, to indemnify, defend and hold the City harmless from any claims of liability resulting from the placement of any gate controlling vehicular access.

H. **Heating & Air Conditioning Equipment** – Other than the vents for vertical air conditioners and heat pumps (VTAC), there shall be no window or individual air conditioning units facing adjoining residential property.
PARKING AND SITE IMPROVEMENTS:

A. Off Street Parking and Loading Requirement – A minimum combination of 147 surface/garage parking spaces shall be provided. No parking shall be allowed on the entrance/perimeter circulation drive identified on the PSDP. These drives shall be signed or striped "No Parking" at appropriate intervals.

B. Temporary Parking – The developer shall be responsible to provide temporary gravel parking for construction employees. Parking on grass or earth surfaces shall be prohibited.

C. Emergency Vehicles – Emergency vehicles shall be requested to turn their sirens off before entering the development.

D. Stormwater Infrastructure - The existing 15" CMP and grate inlet at the property main entrance shall be removed and replaced with a new RCP pipe and two flared end sections.

E. Drive Apron - The existing drive apron shall be removed and replaced.

F. ADA Ramps - The existing ADA Ramps shall be removed and replaced.

G. Pedestrian Crossing - Crosswalk striping and pedestrian signage shall be installed at the entrance on Clayton Road.

LANDSCAPING AND STORMWATER:

A. Landscape Requirements – Landscaping, including buffer yards complying with City requirements, shall be installed as shown on the PSDP.

B. Minimum Greenspace - 68.30% (excludes grass paver drive), 70.05% (includes grass paver drive).

C. Erosion Control – Erosion control meeting City Code requirements shall be installed.

D. Natural Resource Preservation – Natural resources (Woodlands) are to be preserved, as shown on the PSDP.

E. Storm Water Detention – The detention facilities shall be designed and constructed in accordance with the requirements of the Metropolitan St. Louis Sewer District and the City of Town and Country.

PROCESS AND CONSTRUCTION:

A. Final Site Development Plan Minimum Requirements
1. A Final Site Development Plan (FSDP) for the subject property shall be presented to the City within 12 months of the ordinance approving the PSDP. Such FSDP shall reflect all conditions and restrictions imposed by the Board of Aldermen.

2. Before City certification of the FSDP, the applicant shall by bond, escrow, or other instrument approved by the City, guarantee installation of all required landscaping, in accordance with the landscape plan for the development approved as part of the FSDP.

3. Landscape materials shall be maintained in accordance with the landscape plan as a condition of approval of the FSDP. All required plant materials shall be replaced as necessary.

B. Start of Construction - Construction shall commence within two years from the date of the passage of the Ordinance approving the PSDP.

C. Construction Traffic - A temporary sign during construction shall be provided by the contractor at subject property exit that states no construction truck traffic shall exit the property to the east (turn left onto Clayton Road).

Section 3. Correction of Official Zoning Map: The City Administrator or applicable designee is hereby directed to correct the official zoning map of the City of Town and Country, Missouri to reflect the herein change in zoning.

Section 4. Subject to all Applicable Regulations: That in all other respects, the use of the tract or tracts of land herein described shall be subject to all the applicable regulations contained in said City of Town and Country Municipal Code.

Section 5. Accordance with the Comprehensive Plan: That the Comprehensive Plan is hereby amended to the extent that the zoning regulations and district as herein established have been made in accordance with the comprehensive plan for the purpose of promoting health, safety, morals and the general welfare of the community. That the regulations and district have been made with reasonable consideration, among other things, of the character of the district, and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Section 6. Cumulative Effect: This Ordinance shall be cumulative and in addition to all other ordinances of the City of Town and Country, Missouri affecting zoning and shall not repeal any of the provisions of said zoning ordinances except in those instances where provisions of those ordinances are in direct conflict with provisions of this ordinance, in which case this ordinance shall be deemed to repeal the conflicting zoning ordinance.

Section 7. Conflicts: This ordinance shall be cumulative of all provisions of all other ordinances of the City of Town and Country, Missouri, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances or Code
provisions, in which event the conflicting provisions of the other ordinances are hereby superseded to the extent of such conflict.

Section 8. Severability Clause: If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the Board of Aldermen hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 9. Effective Date: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this ___ day of __________, ______.

___________________________
Jon Dalton, Mayor
City of Town and Country

Attest:

___________________________
Ashley McNamara, City Clerk
EXHIBIT A

METES AND BOUNDS

A tract of land in Section 19, Township 45 North, Range 5 East, St. Louis County, Missouri, and described as follows:

Beginning at a point on the North line of Clayton Road, 60 feet wide, from which point the intersection of the West line of said Section 19 with said North line of Clayton Road bears South 84 degrees 51 minutes West 12.07 feet; thence North 0 degrees 52 minutes East, along a line parallel with and 12.00 feet East, measured perpendicular to the West line of said Section 19, 941.72 feet to a point; thence South 89 degrees 59 minutes West 12.00 feet to a point on the West line of said Section 19, thence North 0 degrees 52 minutes East, along the West line of said Section 19, 298.82 feet to a point; thence South 89 degrees 07 minutes 30 seconds East 475.34 feet to a point; thence South 0 degrees 52 minutes 30 seconds West 1191.47 feet to a point on said North line of Clayton Road; thence South 84 degrees 51 minutes West, along said North line of Clayton Road, 473.73 feet to the point of beginning.
EXHIBIT B
LOCATION MAP

Location Map
13995 Clayton Road
EXHIBIT C
PRELIMINARY SITE DEVELOPMENT PLAN EXCERPT