

1 **AN ORDINANCE AUTHORIZING THE ESTABLISHMENT AND**
2 **CREATION OF A PLANNED UNIT DEVELOPMENT DISTRICT FOR A**
3 **PORTION OF CITY BLOCK 3894 TO BE KNOWN AS THE "LINDELL**
4 **CONDOMINIUMS PLANNED UNIT DEVELOPMENT DISTRICT" AND**
5 **CONTAINING SEVERABILITY AND EMERGENCY CLAUSES.**

6 **WHEREAS**, the zoning laws of the City of St. Louis authorizes the establishment and
7 creation of Planned Unit Development Districts (PUD's), a special zoning "overlay" tool
8 authorizing the appropriate development of residential or commercial uses, or the combination
9 thereof, in the best interests of the City of St. Louis and to provide for a scale and flexibility of
10 development which could not otherwise be achieved through the existing single-use zoning
11 districts, without detriment to neighboring properties; and

12 **WHEREAS**, on December 7, 2005, at the regular December meeting of the Planning
13 Commission of the City of St. Louis, a Sketch Plan submitted as a request for Planned Unit
14 Development District designation by Opus NWR Development, L.L.C. for property under its
15 control in City Block 3894 (as shown in Exhibit "A") was presented; and

16 **WHEREAS**, the Planning Commission has reviewed said Sketch Plan and determined
17 compatibility with the City's Strategic Land Use Plan and other applicable zoning and
18 redevelopment regulations established for the proposed Planned Unit Development District
19 provided the subsequent Development Plan include documentation as to the details of the
20 development; and

1 **WHEREAS**, the Planning Commission made all requisite findings as required by Section
2 26.80.050 of the Revised Code of the City of St. Louis and approved and adopted said Sketch
3 Plan by Resolution No. PDA-206-05-PUD on December 7, 2005 with three conditions and has
4 provided a copy of that resolution to the Board of Aldermen;

5 **NOW THEREFORE BE IT RESOLVED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

6 **SECTION ONE. Findings of Fact**

7 The Board of Aldermen of the City of St. Louis hereby find and determine that: (i) the
8 Lindell Condominiums Planned Unit Development District, as submitted by Opus NWR
9 Development, L.L.C. and recommended by the City of St. Louis Planning Commission with
10 three conditions, encourages appropriate development; (ii) the Lindell Condominiums Sketch
11 Plan approved with three conditions by the Planning Commission on December 7, 2005 is in the
12 best interest of the City of St. Louis; (iii) the Lindell Condominiums Sketch Plan with three
13 conditions recommended by the Planning Commission accomplishes the purposes set forth in
14 Section 26.80.050.A of the Revised Code of the City of St. Louis; and (iv) the Lindell
15 Condominiums Sketch Plan with three conditions recommended by the Planning Commission
16 meets the conditions set forth in Section 26.80.050.E of the Revised Code of the City of St.
17 Louis.

18 **SECTION TWO. Requirements Regarding Development Plan.**

19 The Sketch Plan is the first step in the approval of a project seeking to be developed
20 within and in accordance with the rules pertaining to a Planned Unit Development District. At a
21 later time, the Developer submits for review by the Planning Commission a Development Plan

1 for a portion of, or all, of the area included in the Planned Unit Development District. This
2 Development Plan is compared for conformity with the approved Sketch Plan by the Planning
3 Commission. The Planning Commission on December 7, 2005, in making its recommendation to
4 the Board of Aldermen regarding the Lindell Condominiums Sketch Plan, included three
5 conditions within the recommendation regarding modifications to the presented Sketch Plan that
6 are recommended to be included in the Development Plan. They are: 1) the petitioner prepare a
7 shadow analysis, consisting of appropriate graphics and text, to demonstrate the impact of the
8 building's height on nearby properties, and that this be documented in the subsequent
9 Development Plan; 2) the petitioner explore ways to design the proposed building's vehicular
10 entrance and exit and service drive so that the pedestrian-oriented streetscape character along
11 Euclid Ave. is not unduly impacted, and that this be documented in the subsequent Development
12 Plan; and 3) the petitioner abides by the decisions made at the formal design review conducted
13 by the City's Cultural Resources Office and/or Preservation Board, and that this be documented
14 in the subsequent Development Plan.

15 In addressing the requirements set forth in Section 26.80.050.H of the Revised Code of
16 the City of St. Louis pertaining to Development Plan Standards, the submittal of the
17 Development Plan for the Lindell Condominiums Planned Unit Development District shall
18 include documentation showing the project's overall density and building height which,
19 notwithstanding, may be more than that permitted in the E Multi-family Dwelling District; and
20 documentation showing the amount of the site in open space which, notwithstanding, the amount
21 of open space shall be a minimum of twenty percent (20%) of the site but none of the open space
22 shall be required to be public.

1 **SECTION THREE. Establishment and Creation of Lindell Condominiums**

2 **Planned Unit Development District.**

3 The Lindell Condominiums Planned Unit Development District (PUD), as proposed in
4 the Lindell Condominiums Sketch Plan (attached hereto as Exhibit "B"), is hereby approved and
5 adopted as recommended by the Planning Commission. There is hereby created a Planned Unit
6 Development District, containing approximately 41,210 square feet, to be known as the Lindell
7 Condominiums Planned Unit Development District, for the real property described below:

8 A tract of land situated in the City of St. Louis, and the State of Missouri, lying in
9 part of City Block 3894 and being part of Lots 1 and 2 of Wells Subdivision as
10 recorded in Plat Book 14, Page 111 of the land records of said St. Louis City,
11 Missouri, and being more particularly described as follows:

12 Commencing at the intersection of the Eastern right-of-way line of Euclid
13 Avenue, 60 feet wide, and the Northern right-of-way line Lindell Boulevard, 100
14 feet wide, said intersection also being the Southwest corner of said City Block
15 3894, thence along said Eastern right-of-way line North 06 degrees 37 minutes 36
16 seconds East a distance of 43.18 feet to a found ½ inch iron pipe marking the
17 TRUE POINT OF BEGINNING of the tract herein described; thence continuing
18 along said Eastern right-of-way line North 06 degrees 37 minutes 36 seconds East
19 a distance of 161.04 feet to a found ½ inch iron pipe at the intersection of said
20 Eastern right-of-way and the Southern line of a tract of land conveyed to 4625
21 Lindell Associates LLC by deed book M1596, page 1507 in said land records;

1 thence leaving said Eastern right-of-way and along said Southern line South 75
2 degrees 03 minutes 50 seconds East a distance of 197.74 feet to a found railroad
3 spike in asphalt pavement; thence South 10 degrees 26 minutes 30 seconds East a
4 distance of 63.11 feet to a found iron rod; thence South 14 degrees 53 minutes 58
5 seconds West a distance of 144.93 feet to a found "T" cut on top of concrete curb
6 at the intersection of the Western line of said 4625 Lindell Associates LLC tract
7 and the aforementioned Northern right-of-way line of Lindell Boulevard; thence
8 leaving said Western line and along said Northern right-of-way line North 75
9 degrees 06 minutes 02 seconds West a distance of 181.96 feet to a set ½" iron rod;
10 thence leaving said Northern right-of-way and along the new Eastern right-of-way
11 line of Euclid Avenue as dedicated by plat book 76, page 42 of said land records
12 these courses and distances North 06 degrees 37 minutes 36 seconds East a
13 distance of 22.13 feet to a set ½" iron rod; thence North 83 degrees 22 minutes 24
14 seconds West a distance of 5.81 feet to a set ½ inch iron rod; thence North 06
15 degrees 37 minutes 36 seconds East a distance of 22.98 feet to a set ½ inch iron
16 rod; thence North 83 degrees 22 minutes 24 seconds West a distance of 7.46 feet
17 to the point of beginning, having an area of 41, 210 square feet, 0.95 acres

18 **SECTION FOUR. Severability Clause.**

19 The provisions of this ordinance shall be severable. In the event that any provision of this
20 ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining
21 provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance
22 are so essentially and inseparably connected with, and so dependent upon, the void provision that

1 it cannot be presumed that the Board of Aldermen would have enacted the valid provisions
2 without the void ones or unless the Court finds that the valid provisions, standing alone, are
3 incomplete and incapable of being executed in accordance with the legislative intent.

4 **SECTION FIVE. Emergency Clause.**

5 This being an ordinance for the preservation of public peace, health, and safety, it is
6 hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article
7 IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon
8 its passage and approval by the Mayor.

LEGAL DESCRIPTION

--- Boundary Description ---

A tract of land situated in the City of St. Louis, and the State of Missouri, lying in part of City Block 3894 and being part of Lots 1 and 2 of Wells Subdivision as recorded in Plat Book 14, Page 111 of the land records of said St. Louis City, Missouri, and being more particularly described as follows:

Commencing at the intersection of the Eastern right-of way line of Euclid Avenue, 60 feet wide, and the Northern right-of-way line Lindell Boulevard, 100 feet wide, said intersection also being the Southwest corner of City Block 3894, thence along said Eastern right-of-way line North 06 degrees 37 minutes 36 seconds East a distance of 43.18 feet to a found 1/2 inch iron pipe marking the TRUE POINT OF BEGINNING of the tract herein described; thence continuing along said Eastern right-of-way line North 06 degrees 37 minutes 36 seconds East a distance of 161.04 feet to a found 1/2 inch iron pipe at the intersection of said Eastern right-of-way and the Southern line of a tract of land conveyed to 4625 Lindell Associates LLC by deed book M1596, page 1507 in said land records; thence leaving said Eastern right-of-way and along said Southern line South 75 degrees 03 minutes 50 seconds East a distance of 197.74 feet to a found railroad spike in asphalt pavement; thence South 10 degrees 26 minutes 30 seconds East a distance of 63.11 feet to a found iron rod; thence South 14 degrees 53 minutes 58 seconds West a distance of 144.93 feet to a found "T" cut on top of concrete curb at the intersection of the Western line of said 4625 Lindell Associates LLC tract and the aforementioned Northern right-of way line of Lindell Boulevard; thence leaving said Western line and along said Northern right-of-way line North 75 degrees 06 minutes 02 seconds West a distance of 181.96 feet to a set 1/2" iron rod; thence leaving said Northern right-of-way and along the new Eastern right-of-way line of Euclid Avenue as dedicated by plat book 76, page 42 of said land records these courses and distances North 06 degrees 37 minutes 36 seconds East a distance of 22.13 feet to a set 1/2" iron rod; thence North 83 degrees 22 minutes 24 seconds West a distance of 5.81 feet to a set 1/2 inch iron rod; thence North 06 degrees 37 minutes 36 seconds East a distance of 22.98 feet to a set 1/2 inch iron rod; thence North 83 degrees 22 minutes 24 seconds West a distance of 7.46 feet to the point of beginning, having an area of 41,210 square feet, 0.95 acres