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**AGENDA
CITY OF CREVE COEUR
CITY COUNCIL MEETING
300 N NEW BALLAS ROAD
Monday, August 22, 2011
7:00 PM**

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

COMMENTS FROM THE GENERAL PUBLIC

(Citizens are asked to limit comments to three minutes)

ACCEPTANCE OF AGENDA

ANNOUNCEMENTS

The City Council meets the 2nd and 4th Monday of each month

6:00 p.m. – 7:00 p.m. – Work Session

7:00 p.m. – Regular Meeting of the City Council

However, the regularly scheduled Monday, September 12, 2011 Council meeting has been rescheduled to Thursday, September 8, 2011.

FUTURE PUBLIC HEARINGS

Thursday, September 8, 2011 - 7:00 p.m. - Establish 2011 Real Estate Tax Rate

1. CONSENT ORDINANCE READINGS

- a. Bill No. 5325 - An Ordinance Amending The City's Property Maintenance Code To Provide For Notification To The City By Ameren Missouri Company When There Is A Successor Of Existing Utility Service. Final Reading**

Summary: This type of notification will assist the building division with ensuring that apartment dwelling units are inspected and issued certificates of occupancy prior to being re-occupied as required by Section 113.1 of the Property Maintenance Code.

- b. Bill No. 5328 - An Ordinance Authorizing The City Administrator To Execute An Agreement With The Missouri Highway And Transportation Commission Regarding Installation Of Automated Traffic Signal Enforcement Equipment. Final Reading**

Summary: The City has determined it would improve public safety and welfare and otherwise serve the public interest for the City to enter into an



CITY OF CREVE COEUR – AGENDA
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agreement with the Missouri Highway and Transportation Commission regarding the installation of automated traffic signal enforcement equipment.

c. Bill No. 5329 - An Ordinance Amending Chapter 210 Article X Of The Code Of Ordinances Of The City Of Creve Coeur, Regarding Sexual Offenses. Final Reading

Summary: Updating Chapter 210 regarding Sexual Offenses to be consistent with the state statutes as well as addressing court opinions prohibiting retroactive imposition of additional penalties for such conduct.

d. Bill No. 5330 - An Ordinance Amending Chapter 210 Article VI Of The Code Of Ordinances Of The City Of Creve Coeur, Regarding Weapons And Firearms Offenses. Final Reading

Summary: Updating Chapter 210; changes in order to be compliant with House Bill 294 regarding weapons and firearms offenses.

e. Bill No. 5331 - An Ordinance Amending Chapter 340 Of The Code Of Ordinances Of The City Of Creve Coeur, Regarding Traffic Regulations. Final Reading

Summary: Updating the traffic code in reference to the traffic regulations. This ordinance would bring us in compliance with changes in the state statutes.

f. Bill No. 5332 - An Ordinance Adopting The New Electrical, Plumbing And Mechanical Codes Of St. Louis County As The Electrical, Plumbing And Mechanical Codes Of The City Of Creve Coeur. Final Reading

Summary: The city contracts with St. Louis County Department of Public Works to issue electrical, plumbing and mechanical permits and make those subsequent inspections when this type of work is done within the City of Creve Coeur. In order for them to continue to fulfill their contractual obligations to the city, the city needs to adopt the same electrical, plumbing and mechanical codes as St. Louis County.



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2. CONSENT AGENDA

a. Council Minutes dated August 8, 2011

b. Bill No. 5325 - An Ordinance Amending The City's Property Maintenance Code To Provide For Notification To The City By Ameren Missouri Company When There Is A Successor Of Existing Utility Service. Final Passage

Summary: This type of notification will assist the building division with ensuring that apartment dwelling units are inspected and issued certificates of occupancy prior to being re-occupied as required by Section 113.1 of the Property Maintenance Code.

c. Bill No. 5328 - An Ordinance Authorizing The City Administrator To Execute An Agreement With The Missouri Highway And Transportation Commission Regarding Installation Of Automated Traffic Signal Enforcement Equipment. Final Passage

Summary: The City has determined it would improve public safety and welfare and otherwise serve the public interest for the City to enter into an agreement with the Missouri Highway and Transportation Commission regarding the installation of automated traffic signal enforcement equipment.

d. Bill No. 5329 - An Ordinance Amending Chapter 210 Article X Of The Code Of Ordinances Of The City Of Creve Coeur, Regarding Sexual Offenses. Final Passage

Summary: Updating Chapter 210 regarding Sexual Offenses to be consistent with the state statutes as well as addressing court opinions prohibiting retroactive imposition of additional penalties for such conduct.

e. Bill No. 5330 - An Ordinance Amending Chapter 210 Article VI Of The Code Of Ordinances Of The City Of Creve Coeur, Regarding Weapons And Firearms Offenses. Final Passage

Summary: Updating Chapter 210; changes in order to be compliant with House Bill 294 regarding weapons and firearms offenses.



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Summary: Updating the traffic code in reference to the traffic regulations. This ordinance would bring us in compliance with changes in the state statutes.

g. Bill No. 5332 - An Ordinance Adopting The New Electrical, Plumbing And Mechanical Codes Of St. Louis County As The Electrical, Plumbing And Mechanical Codes Of The City Of Creve Coeur. Final Passage

Summary: The city contracts with St. Louis County Department of Public Works to issue electrical, plumbing and mechanical permits and make those subsequent inspections when this type of work is done within the City of Creve Coeur. In order for them to continue to fulfill their contractual obligations to the city, the city needs to adopt the same electrical, plumbing and mechanical codes as St. Louis County.

BILLS PAYABLE REPORT

For Information Only

Summary: A report of bills payable dated August 16, 2011 in the amount of \$308,500.59 has been provided for Council Review. No vote is required.

UNFINISHED BUSINESS

3. Bill No. 5323 - An Ordinance Amending Sections 215.080 To 215.120 Of The Creve Coeur Municipal Code Regarding Restrictions On Smoking In Public Places And Places Of Employment. Final Reading and Passage

Summary: The proposed ordinance will permit smoking shelters under certain conditions. Smoking shelters are not currently allowed under Ordinance No. 5158 prohibiting smoking in public places. Council amended Bill No. 5323 on August 8th to exclude food or alcoholic beverages from shelters.

4. Bill No. 5324 - An Ordinance Creating The Creve Coeur Arts Commission, Prescribing The Number And Qualifications Of Its Members And Defining Their Duties. Final Reading and Passage



CITY OF CREVE COEUR – AGENDA
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Summary: On August 24, 2009 the City of Creve Coeur established the Public Art Task Force (Resolution No. 881) to define public art in Creve Coeur, identify existing public art, seek the level of public interest, research funding opportunities to administer a Public Art Program, and develop a Public Art Master Plan for the City of Creve Coeur. The Members of the Public Art Task Force presented their findings and a draft Public Art Master Plan during a work session before the City Council on June 27, 2011. The draft Public Art Master Plan recommends that the City of Creve Coeur establish an Arts Commission to adopt the final Public Arts Master Plan, update it as may be needed from time to time, and implement the policies and manage the goals and objectives of the Public Art Master Plan.

- 5. Bill No. 5326 - An Ordinance Amending The Official Zoning Map Of The City Of Creve Coeur To Rezone Five Acres Of Land From “AR”, Attached Single-Family Residential District To “GC”, General Commercial, And 4.28 Acres Of Land From “AR” Attached Single-Family Residential District To “D” Single-Family Residential District, Together With A Site Concept Plan For The Property Addressed As 13150 Olive Boulevard. Final Reading and Passage**

Summary: An application was made by George Stock, of Stock and Associates Consulting Engineers, Inc., on behalf of Orson Properties LLC, to subdivide and rezone 5 acres of the property at 13150 Olive Boulevard from “AR” Attached Single-Family Residential to “GC” General Commercial and rezone the remaining 4.28 acres from “AR” Attached Single-Family Residential to “D” Single-Family Residential. In accordance with Section 405.1080 of the Zoning Ordinance, the applicant has submitted a site concept plan for the subject property, addressed as 13150 Olive Boulevard, to the Division of Planning. Planning and Zoning recommended approval on July 18th, 2011.

- 6. Bill No. 5327 - An Ordinance Adjusting The Municipal Boundary At The Property Known And Numbered As 13150 Olive Boulevard. Final Reading and Passage**

Summary: Orson Properties, LLC is the owner of property known and numbered as 13150 Olive Boulevard, which is at least largely within the City of Creve Coeur and located at the boundary between Creve Coeur and the City of Chesterfield. Orson Properties, LLC has submitted a



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rezoning application regarding the property and in connection therewith has requested that the municipal boundary be adjusted as may be necessary so that the entire property lies within the City of Creve Coeur. Please refer to the staff reports for the rezoning of 13150 Olive Boulevard for further information.

NEW BUSINESS

- 7. Bill No. 5334 - An Ordinance Repealing Ordinance Number 1171 And Approving A New Conditional Use Permit For An Automotive Dealership Pursuant To Section 405.370(C) Of The City Of Creve Coeur's Code Of Ordinances For Weber Chevrolet Located Within The "CB" Core Business District At 12015 Olive Boulevard. First Reading**

Summary: An application was made by Paul Kastner, Vice President/General Manager of Weber Chevrolet, on behalf of George Weber III, Weber Chevrolet, to amend the conditional use permit for showroom additions and exterior improvement to the existing building located at 12015 Olive Boulevard, in the "CB" Core Business District. The original conditional use permit was authorized by St. Louis County in 1968 prior to the annexation into the City of Creve Coeur and was subsequently amended by City Ordinance 1171. Automotive dealers including motor vehicle dealers (new or new and used) are permitted with conditions in the "CB" Core Business District. Staff recommends repealing the prior permit and replacing with a new conditional use permit. Planning and Zoning recommended approval on August 15, 2011.

- 8. Bill No. 5335 - An Ordinance Updating The City Of Creve Coeur's Policy Concerning Open Meetings And Records. First Reading**

Summary: In 2004 the City adopted a policy regarding Open Meetings and Records as required by Section 610.028(2) of the Missouri Sunshine Law and the Missouri General Assembly has subsequently revised the Sunshine Law. This Bill will update the City's policy.

- 9. Bill No. 5336 - An Ordinance Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of A Municipal Housing And Community Development Cooperation Agreement With St. Louis County For Fiscal Years 2012-2014 And Containing An Emergency Clause. First Reading - Final Reading and Passage Requested**



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Summary: Approval of this ordinance will allow for the execution of a new agreement to comply with CDBG regulations. If approved, the city will be able to apply for and receive grant funding assistance from CDBG to construct ADA improvements at government facilities. Although the request was received by the City on August 11, the county is requesting approval by their Thursday, August 25th deadline resulting in the request for emergency approval.

10. Bill No. 5337 - An Ordinance Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of An Intergovernmental Agreement With The Metropolitan Saint Louis Sewer District To Mutually Waive Fees Related To Plan Review, Construction Inspection, And Permitting. First Reading

Summary: City staff recommends that the City enter into an agreement with MSD to mutually waive inspection fees for MSD and City projects.

11. Resolution No. 978 - A Resolution To Adopt A Formal Interview Process For Citizens Interested In Positions On Certain Boards And Commissions For The City Of Creve Coeur.

Summary: Resolution to create a policy for interviewing interested candidates for the Planning and Zoning Commission, Board of Adjustment, Finance Committee and Employee Pension Board of Trustees.

APPOINTMENTS

12. Arts Commission Nominating Committee

Summary: Appointment of a member of the City Council is needed to fill the third position on the Nominating Committee for the initial chair person of the Arts Commission pursuant to the Charter.

BUSINESS FROM THE MAYOR and CITY COUNCIL

13. Arbor Day/Spring Seminar Signage

Summary: The Recycling, Environmental and Beautification Committee requests the City to fund reusable signage for the City's Annual Arbor Day/Spring Seminar event at an estimated cost of \$600. Charlotte D'Alfonso is the Council Liaison to the REB.



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BUSINESS FROM CITY ADMINISTRATOR

14. West Central Dispatch Center Update

Summary: Staff will provide an update on WCDC activities and financials.

15. Speaker Cards and Meeting Information Sheet

Summary: Pursuant to Council discussion proposed changes to the speaker card and Council Meeting Information Sheet have been developed.

16. Executive Session - Approval of past closed minutes, real estate, litigation, attorney-client.

Pursuant to Section 610.022 RSMo., the City Council could, at any time during the meeting, vote to close the public meeting and move to closed session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under Section 610.021(1) RSMo. and/or personnel matters under Section 610.021(13) RSMo. And/or employee matters under Section 610.021(3) RSMo. and/or real estate matters under Section 610.021(2) or other matters as permitted by Chapter 610.

Posted: _____ posted 8/18/2011 3:30 p.m.

Deborah Ryan, MRCC
City Clerk



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL MEETING
300 N NEW BALLAS ROAD
Monday, August 08, 2011
7:30 PM**

CALL MEETING TO ORDER

A regular meeting of the City Council of the City of Creve Coeur was called to order by Mayor Dielmann at the Creve Coeur Government Center, 300 North New Ballas Road on Monday, August 8, 2011.

PLEDGE OF ALLEGIANCE

Alex Fredman of Troop 641 and Ryan Borgschulte of Troop 809 led the Pledge of Allegiance.

INVOCATION

Mayor Dielmann said the invocation.

ROLL CALL

The following members were in attendance:

Mr. Kreuter	Council Member Ward I
Mrs. Nealey	Council Member Ward II
Mr. Hoffman	Council Member Ward III
Mrs. D'Alfonso	Council Member Ward III
Mrs. Rhoades	Council Member Ward IV
Mr. Saunders	Council Member Ward IV

* - Council Members Kistner and Wang were absent.

COMMENTS FROM THE GENERAL PUBLIC

David Caldwell resident of 257 Brooktrail Court stated the annual actuarial report provides a snap shot of the status of funds and the future outlook. In view of the recent decline in the market this year's actuarial report should include a sensitivity analysis to determine the impact of a ten percent and twenty percent decline in the value. It would be good to have a better fact-based report for changes considering the recent extreme market conditions.

Mark Perkins stated the Employee Pension Board of Trustees is scheduled to meet August 15th and they are currently working on the actuarial information and expect their report to be completed in a couple of months.

Council Member Rhoades submitted for the record e-mail records dated between July 11 - August 6, 2011 between the City Administrator and Robert Kent. (Exhibit A)

ACCEPTANCE OF AGENDA

Council Member Hoffman moved, seconded by Council Member Kreuter to approve the agenda as presented.



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Council Member Rhoades moved to amend the agenda with the addition of Item 19A – 3 minute speaking limit – Business from Mayor and Council.

Council Member Hoffman moved, seconded by Council Member Kreuter to approve the agenda as amended, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye
Council Member Nealey – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

ANNOUNCEMENTS

The City Council meets the 2nd and 4th Monday of each month

6:00 p.m. – 7:00 p.m. – Work Session

7:00 p.m. – Regular Meeting of the City Council

FUTURE PUBLIC HEARINGS

Public Hearing - Thursday, September 8, 2011 (tentative) - 7:00 p.m. - Establish 2011 Real Estate Tax Rate

1. CONSENT ORDINANCE READINGS

- a. **Bill No. 5321 - An Ordinance Establishing Ward Boundaries Of The City Of Creve Coeur By Ratifying Existing Ward Boundaries As Established By Ordinance Number 2149. Final Reading**
- b. **Bill No. 5322 - An Ordinance Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of A Maintenance Agreement With The Missouri Highways And Transportation Commission For The Installation, Maintenance, And Ownership Of The APS Pedestrian Signals To Be Installed At The Olive Boulevard (State 340) And West Oak Intersection. Final Reading**

City Clerk read Bill Nos. 5321 and 5322 for the final time.

2. CONSENT AGENDA

Council Member Rhoades moved, seconded by Council Member Hoffman to approve the consent agenda as presented.

- a. **Council Minutes dated July 11, 2011**
- b. **Acceptance of Donation from St. John's for Flicks on the Fairway**



CITY OF CREVE COEUR – MINUTES
CITY COUNCIL MEETING
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- c. **Bill No. 5321 - An Ordinance Establishing Ward Boundaries Of The City Of Creve Coeur By Ratifying Existing Ward Boundaries As Established By Ordinance Number 2149. Final Passage**
- d. **Bill No. 5322 - An Ordinance Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of A Maintenance Agreement With The Missouri Highways And Transportation Commission For The Installation, Maintenance, And Ownership Of The APS Pedestrian Signals To Be Installed At The Olive Boulevard (State 340) And West Oak Intersection. Final Passage**

Mayor Dielmann called for the vote to approve the consent agenda as presented, with the vote upon such motion being as follows, to-wit:

Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Nealey – Aye
Council Member Kreuter – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried. Bill No. 5321 becomes Ordinance No. 5205 and Bill No. 5322 becomes Ordinance No. 5206.

BILLS PAYABLE REPORT

For Information Only

Summary: A report of bills payable dated August 8, 2011 in the amount of \$416,820.56 has been provided for Council Review. No vote is required.

UNFINISHED BUSINESS

- 3. **Bill No. 5319 - An Ordinance Repealing Ordinance Number 4085 And Authorizing The Issuance Of A New Conditional Use Permit For Granite City Food And Brewery Restaurant Located At 11411 Olive Boulevard. Final Reading and Passage**

City Clerk read Bill No. 5319 for the final time.

Council Member Rhoades moved, seconded by Council Member Hoffman to approve Bill No. 5319, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye
Council Member Nealey – Aye



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Council Member Hoffman – Aye
Council Member Saunders – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried. Bill No. 5319 becomes Ordinance No. 5207.

4. Bill No. 5323 - An Ordinance Amending Sections 215.080 To 215.120 Of The Creve Coeur Municipal Code Regarding Restrictions On Smoking In Public Places And Places Of Employment. Final Reading and Passage

City Clerk read Bill No. 5323 for the final time.

Carl Lumley stated there is a motion on the floor to amend to add language, “No service or consumption of food or alcoholic beverages permitted in smoking shelters” that was deferred from the August 8, 2011.

Council Member Rhoades moved, seconded by Council Member Kreuter to add proposed language to Bill No. 5323, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member D’Alfonso – Aye
Council Member Rhoades – Aye
Council Member Nealey – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

Council Member Hoffman asked how this would be enforced.

Mark Perkins stated from an enforcement standpoint someone would have to obtain a permit in order to build a smoking shelter. The proposed exclusion of food and beverage from shelters is a good one from the stand point of enforcement. Staff feels that it is unlikely that a food and drink establishment would have a smoking shelter anyways because many of our restaurants currently have outdoor seating.

Council Member D’Alfonso stated since we don’t know what is going to be developed in the future this amendment is a good idea.

Council Member Nealey stated it would be a good idea to defer this to hear Council Member Kistner’s thoughts since the original ordinance was her doing.

Council Member D’Alfonso stated she has received some calls from residents regarding their objection to smoking shelters. The issue is that many residents are confused and are under the impression that the City will be funding and constructing the smoking shelters, which is not true. No city funding will be going into any proposed smoking shelters.

David Caldwell commented that allowing for some form of shelter is a matter of simple courtesy.



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Council Member Hoffman moved, seconded by Council Member Saunders to defer Bill No. 5323 until August 22, 2011, with the vote upon such motion being as follows, to-wit:

Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Rhoades – Aye
Council Member D’Alfonso – Nay
Council Member Nealey – Aye
Council Member Kreuter – Aye

The vote on the motion being 5 ayes and 1 nay, motion carried.

NEW BUSINESS

5. Bill No. 5324 - An Ordinance Creating The Creve Coeur Arts Commission, Prescribing The Number And Qualifications Of Its Members And Defining Their Duties. First Reading

City Clerk read Bill No. 5324 for the first time. Whitney Kelly provided a brief update on the work of the task force and the bus shelter project.

Council Member Hoffman asked for clarification where does the funding for the Arts Commission and the control of the funding of the Arts Commission come from?

Dan Tierney stated the funding is like any other standing committee the City currently has and when the Commission is formed they will be looking at the Arts Master Plan. As far as control, the Council will have final say on a piece of art.

Council Member Rhoades thanked Dan Tierney and the Public Art Task Force for the hard work on the Arts Master Plan.

Council Member Saunders thanked Dan Tierney for his hard work and that we are very fortunate to have such a talented individual living in the city that is willing to volunteer and share his talents.

Mr. Tierney thanked the council members for their support.

6. Bill No. 5325 - An Ordinance Amending The City's Property Maintenance Code To Provide For Notification To The City By Ameren Missouri Company When There Is A Successor Of Existing Utility Service. First Reading

City Clerk read Bill No. 5325 for the first time.

7. Bill No. 5326 - An Ordinance Amending The Official Zoning Map Of The City Of Creve Coeur To Rezone Five Acres Of Land From “AR”, Attached Single-Family Residential District To “GC”, General Commercial, And 4.28 Acres Of



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Land From “AR” Attached Single-Family Residential District To “D” Single-Family Residential District, Together With A Site Concept Plan For The Property Addressed As 13150 Olive Boulevard. First Reading

City Clerk read Bill No. 5326 for the first time.

Paul Langdon, Community Development Director, made a presentation regarding this application and informed the council of a grading permit violation that was being addressed.

Council Member Rhoades thanked Mr. Langdon for his thoughtful analysis and insightful staff report.

Council Member Saunders stated this is a complex property and Mr. Langdon made a great presentation but feels that using deed restriction as a planning tool is a bad idea and sets precedence for future applications.

Paul Langdon stated using deed restrictions is not a good planning tool.

Council Member Nealey asked if deed restrictions have been used on any other development in the City.

Paul Langdon stated the only one that he is aware of is the Shoppes at Questover.

Rico Bertucci of George Stock and Associates located at 257 Chesterfield Parkway, Chesterfield Mo stated the applicant is going to be residing in the home located at the back of the property and is interested in keeping the front portion of the property as nice and accessible as possible. The current quarry lake that is located on the property will be maintained and used as a retention area as required by MSD.

8. Bill No. 5327 - An Ordinance Adjusting The Municipal Boundary At The Property Known And Numbered As 13150 Olive Boulevard. First Reading

City Clerk read Bill No. 5327 for the first time.

9. Bill No. 5328 - An Ordinance Authorizing The City Administrator To Execute An Agreement With The Missouri Highway And Transportation Commission Regarding Installation Of Automated Traffic Signal Enforcement Equipment. First Reading

City Clerk read Bill No. 5328 for the first time.

10. Bill No. 5329 - An Ordinance Amending Chapter 210 Article X Of The Code Of Ordinances Of The City Of Creve Coeur, Regarding Sexual Offenses. First Reading

City Clerk read Bill No. 5329 for the first time.

11. Bill No. 5330 - An Ordinance Amending Chapter 210 Article VI Of The Code Of Ordinances Of The City Of Creve Coeur, Regarding Weapons And Firearms Offenses. First Reading



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City Clerk read Bill No. 5330 for the first time.

12. Bill No. 5331 - An Ordinance Amending Chapter 340 Of The Code Of Ordinances Of The City Of Creve Coeur, Regarding Traffic Regulations. First Reading

City Clerk read Bill No. 5331 for the first time.

13. Bill No. 5332 - An Ordinance Adopting The New Electrical, Plumbing And Mechanical Codes Of St. Louis County As The Electrical, Plumbing And Mechanical Codes Of The City Of Creve Coeur. First Reading

City Clerk read Bill No. 5332 for the first time.

14. Bill No. 5333 - An Ordinance Authorizing The Installation Of One Fire Hydrant For The Ladue Court Subdivision Development Located North And West Of The Intersection Of Lindbergh Boulevard And Ladue Road. First Reading

City Clerk read Bill No. 5333 for the first time.

15. Resolution No. 974 - A Resolution Authorizing The City Administrator Of The City Of Creve Coeur To Enter Into A Retainer Agreement With Curtis, Heinz, Garrett & O'Keefe, P.C., Korein Tillery, LLC, John F. Mulligan, Jr. And Howard Paperner As Special Counsel In Connection With Claims Against Union Electric Company D/B/A Ameren UE And/Or Ameren Missouri.

City Clerk read Resolution No. 974. Carl Lumley called the Council's attention to council member Kistner's disclosure that Mr. Mulligan rents office space with her husband but they do not share fees.

Council Member Rhoades moved, seconded by Council Member Nealey to approve Resolution No. 974, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye
Council Member Nealey – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

16. Resolution No. 975 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri, Authorizing The Execution Of A Contract Increase Of \$151,834.15 With Ford Asphalt Company, Inc. For The 2011 Asphalt Pavement Resurfacing Project.

City Clerk read Resolution No. 975. Mr. Perkins provided the council with a brief explanation.



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Council Member Rhoades moved, seconded by Council Member Saunders to approve Resolution No. 975, with the vote upon such motion being as follows, to-wit:

Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Rhoades – Aye
Council Member D’Alfonso – Aye
Council Member Nealey – Aye
Council Member Kreuter – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

17. Resolution No. 976 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri, Authorizing The Execution Of A Contract Increase Of \$97,936.25 With M&H Concrete Contractors, Inc. For The 2011 Concrete Pavement Replacement Project.

City Clerk read Resolution No. 976.

Council Member Saunders moved, seconded by Council Member Hoffman to approve Resolution No. 976, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member D’Alfonso – Aye
Council Member Rhoades – Aye
Council Member Nealey – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

18. Resolution No. 977 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri, Authorizing The Execution Of A Contract With Rosch Company, LLC, For The Replacement Of Retaining Walls At Conway Park For The Sum Of \$44,699.51.

City Clerk read Resolution No. 977.

Council Member Hoffman moved, seconded by Council Member Rhoades to approve Resolution No. 977, with the vote upon such motion being as follows, to-wit:

Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Rhoades – Aye
Council Member D’Alfonso – Aye



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Council Member Nealey – Aye
Council Member Kreuter – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.



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BUSINESS FROM THE MAYOR and CITY COUNCIL

**19. Interview Process For Citizens Interested In Positions On Certain Boards
And Commissions**

Council Member D'Alfonso asked if any Council Member had any objections to beginning an interview process for certain Board and Commission positions.

Council indicated no objections.

Mark Perkins stated the proposed Resolution will be brought forward at the next Council meeting under New Business for consideration.

Council Member D'Alfonso thanked the City Clerk for sending out letters to those candidates that were not chosen to be placed on committees to let them know. Council Member D'Alfonso stated she would like this practice continued in the future. The Mayor indicated that has been his practice.

19A. 3 Minute Time Limit

Council Member Rhoades stated she isn't sure how long the three minute timer has been in place and in use at the Council meetings but it seems it has been used somewhat arbitrarily. It is uncertain if the use was deliberate or not, but it just seems it has been used on a political basis. Council Member Rhoades stated she would like to urge the use of the timer on a very consistent basis and have Council adopt a policy for its use going forward. The reason for this issue being brought forward, at the last meeting there was a citizen that wanted to read a rather lengthy statement for the record and he was cut off at three minutes. Whether that was appropriate or not, the resident felt that it was inappropriate.

Mark Perkins suggested an addition of language on the agenda, under Comments from the General Public, the information regarding the three minute time limit.

Council Member Nealey stated that would be helpful for the public to understand the policy of the three minute time frame.

Council Member Hoffman stated he remembers speaking when he was on the other side of the dais and having to yield at three minutes. There is even a three minute time limit in Congress. How is Council going to handle when other attendees stand up and request to allocate their three minute time.

Council Member Saunders stated the Council will need to be very consistent and it is nice when we can be lenient. Council Member Saunders stated we could implement a policy when there is an issue that several want to speak about and one person would be a representative and we give them a portion of time for those people.

Mark Perkins stated it could work but if there are fifty people in the room then we should count on nine minutes for every person that gets up to speak. For a typical meeting the extra time would work but if we have an important issue with a lot of people then it will be difficult. It would be an opportunity for the Chair to suspend rules if the Council puts them in place.



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David Caldwell suggested in the proposed policy that there could be power given to Council Members to grant an additional three minutes to a speaker if the speaker asks for additional time before beginning.

Carl Lumley stated a time limit for attendees to speak is not to limit their freedom of speech but to strike a balance between allowing an attendee to speak and the Council being able to stay with and complete their agenda in a timely manner. We are never going to have a one size fits all rule because each case will be different. Each resident thinks that their issue is as important or more than the next issue.

Council Member Nealey asked so it falls on the responsibility of the City Clerk to keep track and time?

Mark Perkins stated he hates to pass the buck back up to the dais but the speakers are ultimately speaking to the elected officials and unless we develop another process it will be the responsibility of the people on the dais to keep the meeting moving.

Mayor Dielmann stated it would be helpful to have the time limit information on the agenda.

Mark Perkins stated one of the issues that we run into is when an applicant is addressing the Council and there are questions back and forth, which occurs, and we have in the past stopped the clock when the question and answers begin. Once the timer sounds it then becomes a situation for the Chair to handle.

Council Member Hoffman stated we need to make the policy known to the public via publication or on every agenda that this is what the Council is going to do.

Mark Perkins stated there is a Council meeting information sheet that was put together by the City Clerk and is available in the back of the room at every meeting indicating the three minute limit. But having the notation on the agenda going forward would be helpful.

Mark Perkins state before we go on, there is an applicant here that didn't have a chance earlier in the meeting and would like to make a comment regarding Bill No. 5333.

14. Bill No. 5333 - An Ordinance Authorizing The Installation Of One Fire Hydrant For The Ladue Court Subdivision Development Located North And West Of The Intersection Of Lindbergh Boulevard And Ladue Road. First Reading

Scott Progelis of Cross Homes stated he is currently working with Truman Bank on a project known as Ladue Court. The issue is that we have already begun construction and learned last week that there is a new policy in place by Missouri American Water requiring an ordinance for an additional fire hydrant has to be in place before access will be allowed. Mr. Progelis is requesting second reading and passage of Bill No. 5333 tonight with the consent of Council.

Council Member Hoffman moved, seconded by Council Member Saunders to approve the final reading of Bill No. 5333, with the vote upon such motion being as follows, to-wit:

Council Member Hoffman – Aye



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Council Member Saunders – Aye
Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Nealey – Aye
Council Member Kreuter – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

City Clerk read bill No. 5333 for the final time.

Council Member Hoffman moved, seconded by Council Member Saunders for the final approval of Bill No. 5333 with an emergency clause for the reason explained by the applicant, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye
Council Member Nealey – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried. Bill No. 5333 becomes Ordinance No. 5208.

BUSINESS FROM CITY ADMINISTRATOR

20. Fourth Quarter FY 2011 Financial Analyses

Dan Smith reviewed the Fourth Quarter FY 2011 Financial Analyses. (Exhibit B)

21. First Council Meeting in September

Mark Perkins stated the first meeting in September is scheduled for Monday, September 12th, however the annual Missouri Municipal League Conference is scheduled for September 11 – 14th and there are several staff and elected officials that will be attending. Mark Perkins suggested moving the first meeting in September to Thursday, September 8, 2011.

Council unanimously approved to move the first regularly scheduled September meeting to Thursday, September 8, 2011.

22. Transportation Development District Updates

Mark Perkins stated Council passed a resolution several months ago regarding the Olive Blvd TDD requesting staff work toward bringing the construction aspects of the TDD to a closure. City Engineer, Matt Wohlberg, has completed his analysis. We have found that there isn't a project that could be completed with the remaining funds that are available. Any road projects would require additional traffic studies and the TDD Board didn't want to spend funding on additional studies. MoDOT has made some recent staffing changes and the engineer that has been on the job during the entire TDD project is being



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moved to another position so we are waiting until we can meet with the new person to see if there are any projects that could be considered. After staff meets with MoDOT then staff will meet with the Olive Blvd TDD Board again and make recommendations and bring the options back to the Council.

David Caldwell asked that the staff and TDD Board consider additional lighting for the portion of Olive that doesn't have street lights.

Mark Perkins that would be an option for consideration.

Mark Perkins stated Dan Smith has been working with a consultant for various financing options for the Graeser/Olive TDD relative to the TDD costs and how that might be financed. That information will have to go before the Graeser/Olive TDD Board for consideration.

Mel Klearman read and submitted a statement for the record. (Exhibit B)

23. Chicken and Pig Restrictions

Jaysen Christensen stated the City has received multiple requests over the last few months to allow chickens to be raised in the City for eggs. There has also been a request to allow smaller pigs to be kept as pets. Staff has completed some research and surveyed other cities and found that this is a growing trend. No roosters are allowed, just laying hens, so no crowing to disturb neighbors. Some research has indicated that chickens do make a continual low clucking sound but nothing that would disrupt neighbors.

Mike Finkel stated he has been a resident since 1984 and is a local vet and has previously owned chickens for eggs but never owned a rooster. Chickens are in a coop and don't make as much noise as the neighboring dogs.

Council Member Hoffman asked if there was a limit.

Henry Klaus resident of 636 Graeser Road asked if there were any wild animals that the chickens would draw.

Mike Finkel stated yes, owls, fox, wild dogs and coyotes are all nocturnal animals and if the coop and run are not set up correctly the wild animals will get in and disrupt the chickens and even eat them.

Council Member Rhoades stated she doesn't object of residents owning chicken as long as they are not disruptive to the neighbors.

Jaysen Christensen stated he would propose allowing chickens for residential areas and educational areas. The City has received a request from a school asking to allow chicken for educational purposes. The pot belly pig is a different issue. A resident has called requesting to keep the pig strictly for a pet but some of the concerns are that pigs create mud, tear up yards and squeal when they get agitated. The pigs would need to be limited to Vietnamese pure breed pot bellied pigs. The issue becomes how to guarantee that the pigs won't get over a certain weight/size.



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Council Member Rhoades stated she would not want to have undue hardship on a neighboring property because a resident was building a coop, run or house for one of these animals. How would the City regulate that?

Mark Perkins stated that could be handled through the building department. Currently when a resident builds an external structure they are required to notify their neighbors of their intent to build. The neighbors don't have to approve it but they have to know it is coming. It would be possible to require them to notify the City. Mr. Langdon confirmed that zoning rules concerning accessory structures would apply.

Council Member Hoffman stated we should definitely discuss chickens but feel pigs are not reasonable.

Council Member Rhoades requested something in the next newsletter regarding this issue and give residents an opportunity to voice their opinion.

Mark Perkins stated yes, staff can do that.

24.2011 Citizen Survey

Mark Perkins stated the City has previously conducted Citizen Surveys in 2005 and 2008. Staff would like to get concurrence from Council to move forward with this project for 2011. Hopefully this will get a feel for what citizens are thinking about. The project is budgeted for this year at \$15,000.

Council unanimously concurred for staff to move forward with the project.

Council Member Rhoades moved, seconded by Council Member Hoffman to go into Executive Session at 10:04 p.m., pursuant to Section 610.021, to discuss litigation, real estate, contract negotiation and attorney client communications, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member D'Alfonso - Aye
Council Member Rhoades – Aye
Council Member Nealey – Aye
Council Member Saunders
Council Member Hoffman – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

Council Member Nealey moved, seconded by Council Member Hoffman to return from Executive Session at 10:35 p.m., with the vote upon such motion being as follows, to-wit:

Council Member Hoffman – Aye
Council Member Saunders - Aye
Council Member Nealey – Aye
Council Member Rhoades – Aye
Council Member D'Alfonso – Aye



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Council Member Kreuter – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

Council Member Hoffman moved, seconded by Council Member D'Alfonso to adjourn at 10:37 p.m., with the vote upon such motion being as follows, to-wit:

Council Member Hoffman – Aye
Council Member Saunders - Aye
Council Member Nealey – Aye
Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Kreuter – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

Deborah Ryan
City Clerk

Harold Dielmann
Mayor

AN ORDINANCE AMENDING ARTICLE IX, PROPERTY MAINTENANCE CODE, OF CHAPTER 500 OF THE CITY CODE OF ORDINANCES OF THE CITY OF CREVE COEUR TO PROVIDE FOR NOTIFICATION TO THE CITY BY AMEREN MISSOURI COMPANY WHEN THERE IS A SUCCESSOR OF EXISTING UTILITY SERVICE.

WHEREAS, Ameren Missouri Company has the capability of notifying the city where there are successors of existing utility service by residential or non-residential customers, and

WHEREAS, this information will be helpful to the city for updating occupancy permit records for the purpose of properly enforcing the PROPERTY MAINTENANCE CODE.

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri as follows:

SECTION 1: ARTICLE IX, PROPERTY MAINTENANCE CODE, of Chapter 500 of the City Code of Ordinances is hereby amended to read as follows:

SECTION 500.930. AMENDMENTS TO CHAPTER 1 INTERNATIONAL PROPERTY MAINTENANCE CODE:

CHAPTER 1 – Scope and Administration :

Chapter 1 of the International Property Maintenance Code, 2009 Edition, is amended as set forth herein. Each section, subsection, or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted, or amended to read as set forth below. Each provision set out below without a corresponding section, subsection or clause number in the code is hereby enacted and added thereto.

SECTION 114 - UTILITY COMPANY NOTIFICATION

114.1 Notification. For any month when there is a change of user of residential rate (rate 001) or non-residential (rate 043) electric service within the city, Ameren Missouri Company shall notify the Chief Building Official of the changes, indicating the address and apartment number or unit number in whose name the service is connected or billed.

SECTION 2: Ameren Missouri shall submit annually to the city an invoice for its costs associated with this ordinance. The initial cost of this service will be \$150 payable to Ameren Missouri and shall not exceed \$150. Future price increases, if any, will only reflect the actual costs incurred by Ameren Missouri to provide this service. The city shall pay Ameren Missouri the amount of the invoice within thirty (30) days of receipt.

SECTION 3: SAVING CLAUSE: Nothing in this ordinance or in the Property Maintenance Code hereby adopted, shall be construed to affect any suit or proceeding currently pending in any court as of the effective date hereof, or any rights previously acquired or liability previously incurred, or any cause or causes of action existing under any ordinance hereby repealed, as cited herein.

SECTION 4: SEVERABILITY: If any section, subsection, provision, sentence, clause, or phrase of this ordinance or of the ICC International Property Maintenance Code, 2009 Edition, is, for any reasons held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or of said code, and the City of Creve Coeur City Council hereby declares that it would

BILL No 5325

ORDINANCE No _____

have passed the same , even though such portion so held to be unconstitutional had not been included therein.

SECTION 4: EFFECTIVE DATE: This ordinance shall become effective on January 1, 2012.

Adopted by the City Council this ____ day of _____, 2011.

Tara Nealey
PRESIDENT OF THE CITY COUNCIL

Approved this ____ day of _____, 2011.

Harold L. Dielmann
MAYOR

ATTEST:

Deborah Ryan, MRCC
CITY CLERK

BILL NO. 5328

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION REGARDING INSTALLATION OF AUTOMATED TRAFFIC SIGNAL ENFORCEMENT EQUIPMENT.

WHEREAS, the City has determined it would improve public safety and welfare and otherwise serve the public interest for the City to enter into an agreement with the Missouri Highway and Transportation Commission regarding the installation of automated traffic signal enforcement equipment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CITY OF CREVE COEUR, MISSOURI, as follows:

SECTION 1. The Installation of Automated Traffic Signal Enforcement Equipment Agreement between the Missouri Highway and Transportation Commission and the City attached hereto as Exhibit A is hereby approved and the City Administrator is authorized to execute same on behalf of the City and the City Clerk is authorized and directed to attest thereto. The Contract as executed shall be in substantially the form of Exhibit A, with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Ordinance and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the Contract.

SECTION 2. This Ordinance shall become effective pursuant to the provisions of Section 3.11(g) of the Charter.

ADOPTED BY THE CITY COUNCIL THIS ____ DAY OF _____, 2011.

TARA NEALY
PRESIDENT OF THE CITY COUNCIL

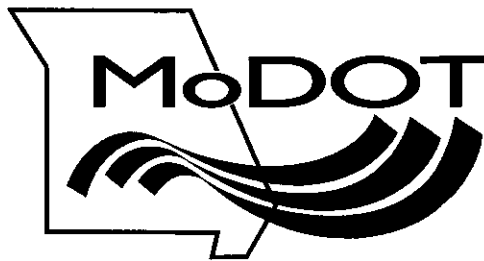
APPROVED THIS ____ DAY OF _____, 2011.

HAROLD DIELMANN, MAYOR

ATTEST:

DEBORAH RYAN
CITY CLERK

*Missouri
Department
of Transportation*



Ed Hassinger, District Engineer

St. Louis Metro District
1590 Woodlake Drive
Chesterfield, MO 63017-5712
(314) 340-4100
Fax (314) 340-4119
www.modot.org
Toll free 1-888 ASK MoDOT

July 6, 2011

The Honorable Harold Dielmann
Mayor, City of Creve Coeur
300 N. New Ballas Rd
Creve Coeur, MO 63141

Dear Mayor Dielmann,

Enclosed are four (4) copies of the agreement to Install Red Light Enforcement Cameras on the state routes within the city limits of Creve Coeur. Please execute each copy, and return to me at the above noted address.

If you need any additional information, please contact Jeycea Bobo at 314-275-1555.

Jeycea.bobo@modot.mo.gov

Sincerely,

Jeycea Bobo
Traffic Studies Specialist

CCO Form: TR43
Approved: 02/07 (BDG)
Revised: 05/11 (ASB)
Modified: 06/11 (ASB)

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
CITY OF CREVE COEUR, MISSOURI
INSTALLATION OF AUTOMATED TRAFFIC SIGNAL ENFORCEMENT
EQUIPMENT AGREEMENT**

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission, whose address is P.O. Box 270, Jefferson City, Missouri 65102 (hereinafter, "Commission") and the City of Creve Coeur, Missouri, whose address is 300 N. New Ballas, Creve Coeur, Missouri 63141 (hereinafter, "City").

WITNESSETH:

WHEREAS, the Commission owns and operates State Routes 340 and AB in St. Louis County, Missouri; and

WHEREAS, the City has requested permission from the Commission to install automated traffic signal enforcement systems pursuant to City ordinances at various locations along state routes in the City of Creve Coeur, Missouri; and

WHEREAS, the Commission is willing to accommodate the City's request pursuant to the terms and conditions of this Agreement, which replaces the prior Agreement between the parties regarding the subject matter hereof.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and representations contained in this Agreement, the parties agree as follows:

(1) **PURPOSE:** The purpose of this Agreement is to grant the City, at its sole cost and expense, permission to install and maintain an automated traffic signal enforcement system to be used to enforce City ordinances related to the citation of traffic violations when vehicles fail to comply with traffic control signals at a signalized intersection.

(2) **LOCATION:** The City may erect and maintain automated enforcement equipment at locations on Commission right of way with the City's limits as approved in writing by the Commission. At least ninety days (90) prior to the City's desire to install automated enforcement equipment at a new location on Commission right of way, the City shall send a letter to the Commission's representative identifying the location and requesting the Commission's permission to install the automated enforcement equipment. If the Commission, in its sole discretion, approves the

location of where the City desires to install the equipment, the Commission's representative shall send notice of such approval to the City and the City shall apply for a permit in accordance with paragraph (9), below.

(3) CONDITIONS: The City agrees to adhere to the following conditions:

(A) POST Certification: A duly sworn, Peace Officer Standards and Training (POST) certified law enforcement officer shall review and make the determination of any violation.

(B) Advance Signing: Advance signing is required on each intersection approach with automated enforcement. The Commission will install the signs on state right of way and provide the signs to the city for installations on city/county right of way. The Commission will determine the signs to be used and the city will maintain the signs such that the signs will remain visible at all times to approaching motorists.

(C) Public Awareness: The City shall conduct a public awareness campaign at least thirty (30) days prior to issuing citations when installing future locations as approved in paragraph (2) above.

(4) SYSTEM INSTALLATION:

(A) The installation of the automated traffic signal enforcement system will be performed by an electrical contractor approved by the Commission. All costs for materials, installation and modification to the existing traffic controller will be borne by the City. The City shall prepare plans for the construction of the automated traffic signal enforcement system for review and approval by the Commission. Approval of the plans is within the sole discretion of the Commission.

(B) The City shall install the equipment in a box external to the Commission's traffic signal controller cabinet. This external cabinet must be waterproof and all wiring from this box to the traffic controller must be contained in watertight conduit. The City shall install an interface panel in the existing signal control cabinet to provide a fused relay-isolated interface between the automated enforcement system and the existing signal controller at the City's expense. All necessary components, including cables and connectors, shall be provided and installed by the City. Any required upgrades or replacements of the existing signal control equipment to accommodate the automated traffic signal enforcement equipment, as determined by the Commission, shall be provided and installed by the City. If at any time, as determined by the Commission, the automated traffic signal enforcement equipment needs to be relocated, the relocation of the automated traffic signal enforcement equipment will be the responsibility of the City, with no cost to the Commission.

(5) SYSTEM OPERATION: The City will operate and maintain the automated traffic signal enforcement system in such as manner as not to disrupt the

normal operation of the traffic signal. Should the automated traffic signal enforcement system malfunction, resulting in disruption to normal traffic operation on State routes, the Commission shall have the unilateral authority to disable the automated traffic signal enforcement system. However, if disabled, the Commission will promptly notify the City of its action. If all of the automated traffic signal enforcement equipment installed at an intersection is designed to draw 4 AMPs or less of power at 110 volts under normal conditions, the Commission, at no cost to the City, will allow the City or its agent/operator to use the existing traffic power supply and utilize the power from the traffic signal power supply so long as such equipment is properly protected and fused. For automated traffic signal enforcement equipment that may draw a total of more than 4 AMPs of power at 110 volts under normal conditions at any one time, the City shall furnish, at no cost to the Commission, electrical current to operate the automated traffic signal enforcement system.

(6) SYSTEM MAINTENANCE:

(A) The City shall maintain all equipment, including but not limited to, detectors, cabling, cameras and microprocessor in order to ensure the automated traffic signal enforcement system remains in proper working order. The City shall be responsible for the cable(s) to the traffic signal cabinet, the pullbox(es) and conduit(s) which only house cables related to the automated traffic signal enforcement system, and any utility locate request information at the intersection(s) concerning the City's pullbox(es) and conduit(s). The Commission will be responsible for the connections from the cable(s) to the interface panel. If the City fails to maintain the system adequately, the Commission, in its sole discretion, has the right to disable the system or remove all equipment from its location on Commission's right of way.

(B) For any intersection approach where embedded sensors are installed in the pavement, the City shall, within 60 days of removal of the system, restore the affected surfaces to a condition equivalent to those surfaces at the time that the sensors were initially installed as determined by the Commission's St. Louis District, District Engineer. Exceptions to this paragraph shall be if the intersection approach is scheduled for resurfacing within 9 months of the removal date of the system, or if the road surface is deteriorating as a result of normal road surface deterioration not caused by the presence of the installed sensors as determined by the Commission's District Engineer.

(C) The City shall not perform, or allow a contractor or vendor acting on behalf of the City to perform, remote maintenance for the automated traffic signal enforcement equipment, without the permission of the Commission. If the remote maintenance requires the traffic signal or cameras be placed into "Flash Mode", the Commission shall be notified, at least 3 business days prior to any maintenance activity, and approve the time of the flashing operation. The Commission may require additional terms for this maintenance activity. If the City fails to notify the

Commission of this remote activity and places the traffic signal or cameras on flash without Commission approval or failure to follow the Commission's requirements, the Commission, in its sole discretion, has the right to disable the automated traffic signal enforcement equipment or remove all equipment from its location on Commission right of way.

(7) MALFUNCTION OF EQUIPMENT: If the automated traffic signal enforcement system malfunctions or if the Commission determines that the system should be removed as a result of operational issues and the City cannot be contacted or cannot arrive at the intersection in a reasonable time in the judgment of the District Engineer, then the Commission's District Engineer may exercise the option to direct Commission personnel or a third party to correct the malfunction or to remove the equipment. The entire cost of any such work performed by Commission personnel or third parties will be computed as described in *Section 108.9 in the Missouri Standard Specifications for Highway Construction*.

(8) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work under this Agreement:

(1) To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and the Missouri Department of Transportation and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$500,000 per claimant and \$3,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(9) PERMITS: Before beginning installation work, the City shall secure from the Commission's District Engineer a permit for the proposed improvement. The Commission will review the plans and if the Commission determines that the plans meet specifications, the Commission will issue a permit. In the event the Commission does not approve the plans, the City shall revise the plans until the plans are acceptable to the Commission. Approval of the plans is within the sole discretion of the Commission. The permit may contain additional terms and conditions as determined by the Commission's District Engineer. In addition, before any maintenance is performed on state right of way, a permit shall be secured from the Commission's District Engineer. The City shall give a minimum of 3 business days written notice prior to any maintenance activity.

(10) BOND: The City shall secure sufficient bond, including but not limited to performance and payment bonds, as determined by the Commission's District Engineer or his/her authorized representative, for the construction of the automated traffic signal enforcement system on Commission right-of-way. However, any such bond will not exceed the cost of construction of the proposed automated traffic signal enforcement system.

(11) CONSTRUCTION OF IMPROVEMENTS: All construction of the proposed improvements shall be according to the latest editions of the Missouri Highway and Transportation Commission's *Standard Specifications for Highway Construction*, *Standard Plans for Highway Construction*, and the Missouri Department of Transportation's *Approved Products List for Traffic Signals and Highway Lighting*.

(12) REPORTS OF VIOLATIONS: The City shall forward or make available to the Commission's District Engineer an annual report for each state highway intersection in the City which has automated traffic signal enforcement equipment due January 31 of each year and includes at least the following information from the previous year:

(A) Safety performance

(1) Number of crashes

(2) Severity of crashes; number of fatal, disabling injury and property damage only, if able.

(B) Number of citations

(1) Total number

(2) Citations by maneuver (i.e. left turn, thru or right turn), if able.

(13) UTILITY LOCATING RESPONSIBILITY: The City shall be responsible for the cable(s) to the traffic signal cabinet, the pullbox(es) and conduit(s) which only house cables related to the automated traffic signal enforcement equipment, and responding to any utility locate request information at the intersection(s) concerning the City's pullbox(es) and conduit(s).

(14) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the City and the Commission.

(15) ASSIGNMENT: The City shall not assign, transfer or delegate any interest in this Agreement without prior written consent of the Commission. However, the parties recognize that the City intends to engage a vendor to install, operate and maintain the automated traffic signal enforcement system. The engagement of any vendor by the City shall not alleviate the City of its obligations under this Agreement.

(16) CANCELLATION: The Commission may cancel this Agreement at any time and for any reason whatsoever, including for the convenience of the Commission or for a material breach by the City of contractual obligations, by providing the City with written notice of cancellation. Should the Commission exercise its right to cancel the contract for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the City. The City shall remove the automated traffic signal enforcement system and equipment in accordance with the cancellation notice and removal shall be at the City's sole cost and expense. If the City fails to remove the system and equipment in accordance with the cancellation notice the Commission, in its sole discretion, may determine that the removal of the automated traffic signal enforcement system and equipment from the Commission's right of way is in the best interests of the state highway system, the Commission may remove the automated traffic signal enforcement system and equipment at the City's cost.

(17) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement, including, but not limited to, any applicable advance notification/signing, due process, right to privacy, and service of process laws. In the event the Missouri General Assembly prohibits the use of automated traffic signal enforcement systems, this Agreement shall be terminated and the City, at its sole cost and expense, shall promptly disconnect the system and remove it from the Commission's traffic signal(s) and right of way.

(18) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole

County, Missouri.

(19) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

(20) NOT A JOINT VENTURE OR COLLABORATION: Nothing contained in this Agreement shall be deemed to constitute the Commission and the City as partners in a partnership, collaboration, or joint venture for any purpose whatsoever. The City is solely responsible for the automated traffic signal enforcement system and the traffic citations sent to alleged offenders.

(21) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the City.

(22) COMMISSION REPRESENTATIVE: The Commission's St. Louis District, District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. All references to District Engineer in this Agreement are to the St. Louis District, District Engineer. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(23) SEVERABILITY: If any clause or provision of this Agreement is found to be void or unenforceable by a court or agency of proper jurisdiction, then the remaining provisions not void or unenforceable shall remain in full force and effect.

(24) NON-LIABILITY OF COMMISSION PERSONNEL: Neither the commissioners, nor any other officer, official, employee, assign, or agent of the Commission or Missouri Department of Transportation shall be *personally* responsible for any liability arising under or growing out of this Agreement.

(25) NO ADVERSE INFERENCE: This Agreement shall not be construed more strongly against one party or the other. The parties to this Agreement had equal access to, input with respect to, and influence over the provisions of this Agreement. Accordingly, no rule of construction which requires that any allegedly ambiguous provision be interpreted more strongly against one party than the other shall be used in interpreting this Agreement. It is agreed that more than one copy of this document may be executed and that the original filed with the Secretary to the Missouri Highways and Transportation Commission shall be deemed to be the controlling original.

(26) ENTIRE AGREEMENT: This Agreement represents the entire understanding between the parties regarding this subject and supersedes all prior written or oral communications between the parties regarding this subject.

(27) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(28) DURATION AND EXTENSION: Unless otherwise terminated, this Agreement shall be in effect for five years from the execution of this Agreement with no extensions. This does not preclude the City from negotiation of successor agreements.

(29) NO INTEREST: By constructing, operating, and maintaining the automated traffic signal enforcement system on Commission right of way, the City gains no property interest in the traffic signals on Commission right of way whatsoever. The Commission shall not be obligated to keep the traffic signals in place if the Commission, in its sole discretion, determines removal or modification of the traffic signals is in the best interests of the state highway system or the Commission.

[Remainder of Page Intentionally Left Blank; Execution and Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement on the last day written below:

Executed by the City this ____ day of _____, 20____.

Executed by the Commission this ____ day of _____, 20____.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF _____, MISSOURI

By _____

By _____

Title _____

Title _____

ATTEST:

ATTEST:

By _____
Secretary to the Commission

By _____

Title: _____

Approved as to Form:

Approved as to Form:

By _____
Commission Counsel

By _____

Title: _____

Ordinance Number: _____

ACKNOWLEDGMENT BY CITY

STATE OF MISSOURI)
)
COUNTY OF _____) ss

On this ____ day of _____, 20____, before me appeared _____ personally known to me, who being by me duly sworn, did say that he/she is the _____ of the City of _____ and that the foregoing instrument was signed and sealed on behalf of said City by authority of its governing body, and that he/she acknowledged said instrument to be the free act and deed of said City and that it was executed for the consideration stated therein and no other.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid the day and year written above.

Notary Public
My Commission Expires: _____

ACKNOWLEDGMENT BY COMMISSION

STATE OF MISSOURI)
)
COUNTY OF COLE) ss

On this ____ day of _____, 20____, before me appeared _____ personally known to me, who being by me duly sworn, did say that he/she is the _____ of the Missouri Highways and Transportation Commission and the seal affixed to the foregoing instrument is the official seal of said Commission and that said instrument was signed in behalf of said Commission by authority of the Missouri Highways and Transportation Commission and said _____ acknowledged said instrument to be the free act and deed of said Commission.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid the day and year written above.

Notary Public
My Commission Expires: _____

**AN ORDINANCE AMENDING CHAPTER 210 ARTICLE X OF THE CODE OF
ORDINANCES OF THE CITY OF CREVE COEUR, REGARDING SEXUAL
OFFENSES.**

WHEREAS, the City Council has determined it to be in the best interest of the citizens of the City of Creve Coeur to update Chapter 210 Article X of the Code of Ordinances of the City of Creve Coeur, regarding sexual offenses; and

WHEREAS, a copy of this ordinance has been made available for public inspection prior to its adoption by the City Council and this bill having been read by title in open meeting two times before final passage:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, ST. LOUIS, MISSOURI THAT:

SECTION 1: A **new** Section 210.482, Certain Offenders not to Reside within One Hundred Feet of a School or Child-Care Facility, shall be added to the Code of Ordinances to read as follows:

1. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:

(1) Since 2004 violating any of the provisions of chapter 566 RSMo. or the provisions of subsection 2 of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, use of a child in a sexual performance; section 568.090, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Since 2008 any offense in any other state or foreign country, or under federal, tribal, or military jurisdiction which, if committed in this state, would be a violation listed in this section;

shall not reside within one thousand feet of any public school as defined in section 160.011, or any private school giving instruction in a grade or grades not higher than the twelfth grade, any child-care facility that is licensed under chapter 210, or any child-care facility as defined in section 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child-care facility, where the school or facility is in existence at the time the individual begins to reside at the location.

2. If such person has already established a residence and a public school, a private school, or child-care facility is subsequently built or placed within one thousand feet of such person's residence, then such person shall, within one week of the opening of such public school, private school, or child-care facility, notify the county sheriff where such public school, private school, or child-care facility is located that he or she is now residing within one thousand feet of such public school, private school, or child-care facility and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child-care facility.

3. For purposes of this section, "resides" means sleeps in a residence, which may include more than one location and may be mobile or transitory.

Note – such conduct may constitute a felony under State law.

(Reference Section 566.147 RSMo)

SECTION 2: Subsection 210.483A of the Code of Ordinances is hereby amended to read as follows:

A. Any person who, since 2009, has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:

1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or

2. Any offense in any other State or Foreign Country, or under federal, tribal or military jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not knowingly be physically present in or loiter within five hundred (500) feet of or to approach, contact, or communicate with any child under eighteen (18) years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen (18) are present in the building, on the

grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.

(Reference Section 566.148 RSMo.)

Subsections 210.483 B and C are not changed.

SECTION 3: Section 210.485, Additional Restrictions on Certain Offenders of the Code of Ordinances is amended to read as follows:

A. *Not To Be Present Within Five Hundred Feet Of School Property, Exception-- Permission Required For Parents Or Guardians Who Are Offenders, Procedure.* Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:

1. Since 2006 ~~Violating~~ any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The 1st Degree; Subsection (2) of Section 568.080, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography; Section 573.040, RSMo., Furnishing Pornographic Material To Minors.; ~~Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; or Section 573.037, RSMo., Possession Of Child Pornography;~~ or

2. Since 2008 ~~A~~any offense in any other State or foreign country, or under tribal, federal or military jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not be present in or loiter within five hundred (500) feet of any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance, unless the offender is a parent, legal guardian or custodian of a student present in the building and has met the conditions set forth in Subsection (B) of this Section.

B. No parent, legal guardian or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in Subsection (A) of this Section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the

conveyance unless the parent, legal guardian or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the Principal. In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the school where the sex offender will be present. Permission may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.

C. Certain Offenders Not To Be Present Or Loiter Within Five Hundred Feet Of A Public Park Or Swimming Pool.

1. Any person who, since 2009, has pleaded guilty to, or been convicted of, or been found guilty of:

a. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering the Welfare of a Child in the First Degree; Subsection (2) of Section 568.080, RSMo., Use of a Child in a Sexual Performance; Section 568.090, RSMo., Promoting a Sexual Performance by a Child; Section 573.023, RSMo., Sexual Exploitation of a Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material to Minors; ~~Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; or Section 573.037, RSMo., Possession Of Child Pornography;~~ or

b. Any offense in any other State or foreign country or under Federal, tribal or military jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not knowingly be present in or loiter within five hundred (500) feet of any real property comprising any public park with playground equipment or a public swimming pool.

D. Enticement Of A Child.

1. ~~A~~ No person at least twenty-one (21) years of age or older ~~commits the crime of enticement of a child if that person shall~~ persuades, solicits, coaxes, entices, or lures whether by words, actions or through communication via the Internet or any electronic communication, any person who is less than fifteen (15) years of age for the purpose of engaging in sexual conduct.

2. It is not an affirmative defense to a prosecution for a violation of this Subsection that the other person was a Peace Officer masquerading as a minor.

E. *Age Misrepresentation.* ~~No person shall. A person commits the crime of age misrepresentation with intent to solicit a minor when he or she~~ knowingly misrepresents his or her age with the intent to use the Internet to engage in ~~criminal~~ sexual conduct involving a minor.

F. *Certain Offenders Not To Serve As Athletic Coaches, Managers Or Trainers.*

1. Any person who, since 2009, has pleaded guilty to, or been convicted of, or been found guilty of:

a. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering the Welfare of a Child in the First Degree; Subsection (2) of Section 568.080, RSMo., Use of a Child in a Sexual Performance; Section 568.090, RSMo., Promoting a Sexual Performance by a Child; Section 573.023, RSMo., Sexual Exploitation of a Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material to Minors; ~~Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; or Section 573.037, RSMo., Possession Of Child Pornography;~~ or

b. Any offense in any other State or foreign country or under Federal, tribal or military jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not serve as an athletic coach, manager or athletic trainer for any sports team in which a child less than seventeen (17) years of age is a member.

Note – such conduct may constitute a felony under State law.

(Reference Sections 566.149, 566.150, 566.151, 566.153, 566.155 RSMo.)

SECTION 4: A new section 210.487, Registered Sexual Offender, Halloween- related Activities, shall be added to read as follows:

Any person first required to register as a sexual offender under sections 589.400 to 589.425 RSMo. since 2008 shall be required on October thirty-first of each year to:

- (1) Avoid all Halloween-related contact with children;

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ORDINANCE No. _____

(2) Remain inside his or her residence between the hours of 5 p.m. and 10:30 p.m. unless required to be elsewhere for just cause, including but not limited to employment or medical emergencies;

(3) Post a sign at his or her residence stating, "No candy or treats at this residence"; and

(4) Leave all outside residential lighting off during the evening hours after 5 p.m.

(Reference Section 589.426 RSMo.)

SECTION 5: This ordinance shall take effect in accordance with the provisions of section 3.11(g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2011.

TARA NEALY
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2011.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK



CREVE COEUR POLICE DEPARTMENT INTEROFFICE MEMO

DATE: August 2, 2011

TO: Mark Perkins, City Administrator

FROM: Chief Glenn Eidman

SUBJECT: City Ordinance Updates

The attached ordinances are reflective of changes from current state statutes that require the current ordinances to be amended or replaced.

- 1) Chapter 210, changes in order to be compliant with House Bill 294 regarding weapons and firearms offenses.
- 2) Update Chapter 210 regarding Sexual Offenses to be consistent with the state statute as well as addressing court opinions prohibiting retroactive imposition of additional penalties for such conduct.
- 3) Updating the traffic code in reference to the traffic regulations. This ordinance would bring us in compliance with changes in the state statute.
- 4) Defining the ordinance and giving the Municipal Court and Judge the authority to make use of a public or private probation program of the Court's choice if such program or programs are available for the referral of defendants for any of the following purposes: To conduct a pre-sentence investigation and prepare a report thereof for the Court; to enroll the defendant in a counseling program or short-term educational or treatment program appropriate to the offense for which the defendant has been charged; to supervise defendants placed on probation by the Court, to include electronic home detention, remote alcohol monitoring, or ignition interlock device; to administer community service programs; and for such other purposes as the Municipal Judge may direct.

All ordinances have been reviewed and prepared by Mr. Carl Lumley for the consideration of the City Council.

**AN ORDINANCE AMENDING CHAPTER 210 ARTICLE VI OF THE CODE OF
ORDINANCES OF THE CITY OF CREVE COEUR, REGARDING WEAPONS
AND FIREARMS OFFENSES.**

WHEREAS, the City Council has determined it to be in the best interest of the citizens of the City of Creve Coeur to update Chapter 210 Article VI of the Code of Ordinances of the City of Creve Coeur, regarding weapons and firearms offenses; and

WHEREAS, a copy of this ordinance has been made available for public inspection prior to its adoption by the City Council and this bill having been read by title in open meeting two times before final passage:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
CREVE COEUR, ST. LOUIS, MISSOURI THAT:**

SECTION 1. A new Section 210.265 is hereby adopted and Sections 210.250, 210.255, 210.260, 210.280, and 210.283 are hereby amended to read as follows:

**SECTION 210.250: WEAPONS -- CARRYING CONCEALED -- OTHER UNLAWFUL
USE**

A. A person commits the offense of unlawful use of weapons if he/she knowingly:

1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;
2. Sets a spring gun;
3. Discharges or shoots a firearm within the City limits;*
4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner;
5. Has Possesses a firearm or projectile weapon readily capable of lethal use on his or her person while intoxicated and handles or uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges it other than in self-defense;
6. Openly carries a firearm or any other weapon readily capable of lethal use within the City limits;
7. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

B. Subparagraphs (1), ~~(3), (4)~~, (6) and (7) of Subsection (A) of this Section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably

associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3) and (4) of Subsection (A) of this Section shall not apply to or affect any of the following persons when such uses are reasonably associated with or necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or Municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (~~1149~~) of Section 571.030, RSMo., and who carry the identification defined in Subsection (~~1244~~) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the Armed Forces or National Guard while performing their official duty;

4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;

5. Any person whose bona fide duty is to execute process, civil or criminal;

6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty or within the law enforcement agency's jurisdiction;

7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;

8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.; and

9. Any coroner, deputy coroner, medical examiner or assistant medical examiner;

10. Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under subsection 2 of section 571.111 RSMo; and

11. Any member of a fire department or fire protection district, who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement under section 571.111 RSMo. when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.-

C. Subparagraphs (1), (5), (6) and (7) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply to any person twenty-one (21) years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subparagraph (7) of Subsection (A) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

D. Subparagraphs (1), (6) and (7) of Subsection (A) of this Section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to Sections 571.101 to 571.121, RSMo., or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.

E. Subparagraphs (3), (4), (5), (6) and (7) of Subsection (A) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.

F. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

Note--Under certain circumstances this offense can be a felony under state law.

**State Law Reference--Section 252.243.3, RSMo., limits the discharge of firearms in certain areas known as Hunting Heritage Protection Areas, which are defined therein.*

SECTION 210.255: POSSESSION, MANUFACTURE, TRANSPORT, REPAIR, SALE OF CERTAIN WEAPONS

A. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:

1. An explosive weapon;

2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;

~~3. A machine gun;~~

~~34.~~ A gas gun;

~~5. A short barreled rifle or shotgun;~~

~~6. A firearm silencer;~~

~~47. A switchblade knife;~~

~~58. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or~~

~~69. Knuckles;- Or~~

~~7. Any of the following in violation of federal law:~~

~~(a) a machine gun;~~

~~(b) a short barreled rifle or shotgun; or~~

~~(c) a firearm silencer.~~

B. A person does not commit an offense under this Section if his/her conduct involved any of the items in subdivisions (1) to (6) of subsection A, the item was possessed in conformity with federal law, and the conduct:

1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency or a penal institution;

2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Paragraph (1) of this Subsection;

3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;

4. Was incident to displaying the weapon in a public museum or exhibition; or

5. Was incident to using dealing with the weapon ~~solely as a curio, ornament, or keepsake, or to using it~~ in a manner reasonably related to a lawful dramatic performance; ~~but if the weapon is the type described in Paragraphs (1) or (4) of Subsection (A) of this Section it must be in such a non-functioning condition that it cannot readily be made operable. No barreled rifle, short-barreled shotgun, machine gun, or firearm silencer may be possessed, manufactured, transported, repaired or sold as a curio, ornament, or keepsake unless such person is an importer, manufacturer, dealer, or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C. Title 18, or unless such firearm is an "antique firearm" as defined in Subsection (3) of Section 571.080, RSMo., or unless such firearm has been designated a "collectors item" by the Secretary of the Treasury pursuant to the U.S.C. Title 26, Section 5845(a).~~

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.260: DEFACING FIREARM

A person commits the offense of defacing a firearm if he/she knowingly defaces any firearm.

SECTION 210.265: FRAUDULENT PURCHASE OF FIREARM

As used in this section the following terms shall mean:

- (1) "Ammunition", any cartridge, shell, or projectile designed for use in a firearm;
- (2) "Licensed dealer", a person who is licensed under 18 U.S.C. Section 923 to engage in the business of dealing in firearms;
- (3) "Materially false information", any information that portrays an illegal transaction as legal or a legal transaction as illegal;
- (4) "Private seller", a person who sells or offers for sale any firearm, as defined in section 571.010 RSMo, or ammunition.

2. A person commits the offense of fraudulent purchase of a firearm if such person:

- (1) Knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this state or the United States; or
- (2) Provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition; or
- (3) Willfully procures another to violate the provisions of subdivision (1) or (2) of this subsection.

3. This section shall not apply to criminal investigations conducted by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, authorized agents of such investigations, or to a peace officer, as defined in section 542.261, acting at the explicit direction of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.

Note--Under certain circumstances this offense can be a felony under state law.

**SECTION 210.280: CARRYING CONCEALED FIREARMS PROHIBITED --
PENALTY FOR VIOLATION**

A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:

1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle

on the premises of the office or station shall not be ~~ana-criminal~~ offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or correctional institution, prison or jail shall not be ~~ana-criminal~~ offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subdivision shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection. Nothing in this Subdivision shall preclude those persons listed in [Subsection \(B\)\(1\) of Section 210.250](#) while within their jurisdiction and on duty, those persons listed in [Subsections \(B\)\(2\) and \(3\) of Section 210.250](#), or such other persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection from carrying a concealed firearm within any of the areas described in this Subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subdivision shall not be ~~ana-criminal~~ offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

5. Any meeting of the City Council. Possession of a firearm in a vehicle on the premises shall not be ~~an-criminal~~ offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

6. Any building owned, leased or controlled by the City of Creve Coeur identified by signs posted at the entrance to the building. This Subsection shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased or controlled by the City of Creve Coeur. Persons violating this Subsection may be denied entrance to the building, ordered to leave the building and, if employees of the City, be subjected to disciplinary measures for violation.

7. Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subdivision shall not apply to the licensee of said establishment. The provisions of this Subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be ~~ana-criminal~~ offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subdivision authorizes

any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated.

8. Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be ~~an offense~~ ~~violation~~ so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

9. Any place where the carrying of a firearm is prohibited by Federal law.

10. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be ~~ana-criminal~~ offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

11. Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a driver's license or non-driver's license containing a concealed carry endorsement.

12. Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the Gaming Commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be ~~ana-criminal~~ offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

13. Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be ~~ana-criminal~~ offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

14. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be ~~ana-criminal~~ offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

15. Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises

shall not be ~~ana-criminal~~ offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry endorsement from carrying a concealed firearm in vehicles owned by the employer.

16. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession of a firearm in a vehicle on the premises shall not be ~~ana-criminal~~ offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

17. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be ~~ana-criminal~~ offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:

1. If the violator holds a concealed carry endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first (1st) offense. If a second (2nd) citation for a similar violation occurs within a six (6) month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third (3rd) citation for a similar violation is issued within one (1) year of the first (1st) citation such person shall be fined an amount not to exceed five hundred dollars (\$500.00). Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the certificate of qualification for a concealed carry endorsement and the Department of Revenue.

2. If the violator does not hold a current valid concealed carry endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in [Section 100.090](#) of this Code of Ordinances.

3. Employees of the City of Creve Coeur may, in addition to any other punishment hereby, be subject to disciplinary action.

C. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars (\$35.00), for any person issued a concealed carry endorsement pursuant to State law to fail to carry the concealed carry endorsement at all times the person is carrying a concealed firearm, or to fail to display the concealed carry endorsement upon the request of any Peace Officer.

SECTION 210.283: DANGEROUS PROJECTILES

A. ~~Because such conduct is dangerous to the inhabitants of the City due to the population of the City, No~~ person shall throw, release, discharge or in any way propel any dangerous projectiles as defined herein upon or at any property, at any person or group of persons or at any type of animal(s).

BILL NO. 5330

ORDINANCE No _____

B. For the purpose of this Section, dangerous projectiles are identified, but not limited to projectiles shot out of:

1. Pellet rifles.
2. BB guns.
3. Slingshot or wrist rockets.
4. Bow and arrows or crossbows.
5. Blow guns.

6. Any manufactured or homemade gas or vapor ignited gun (i.e., paint gun, tube gun, potato gun, foil gun, etc.) or other pneumatic gun.

Provided, however, the foregoing provisions do not prohibit the use of pneumatic guns at approved shooting ranges.

SECTION 2. This ordinance shall take effect in accordance with the provisions of section 3.11(g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2011.

TARA NEALY
PRESIDENT OF CITY
COUNCIL

APPROVED THIS ____ DAY OF _____, 2011.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK



CREVE COEUR POLICE DEPARTMENT INTEROFFICE MEMO

DATE: August 2, 2011

TO: Mark Perkins, City Administrator

FROM: Chief Glenn Eidman

SUBJECT: City Ordinance Updates

The attached ordinances are reflective of changes from current state statutes that require the current ordinances to be amended or replaced.

- 1) Chapter 210, changes in order to be compliant with House Bill 294 regarding weapons and firearms offenses.
- 2) Update Chapter 210 regarding Sexual Offenses to be consistent with the state statute as well as addressing court opinions prohibiting retroactive imposition of additional penalties for such conduct.
- 3) Updating the traffic code in reference to the traffic regulations. This ordinance would bring us in compliance with changes in the state statute.
- 4) Defining the ordinance and giving the Municipal Court and Judge the authority to make use of a public or private probation program of the Court's choice if such program or programs are available for the referral of defendants for any of the following purposes: To conduct a pre-sentence investigation and prepare a report thereof for the Court; to enroll the defendant in a counseling program or short-term educational or treatment program appropriate to the offense for which the defendant has been charged; to supervise defendants placed on probation by the Court, to include electronic home detention, remote alcohol monitoring, or ignition interlock device; to administer community service programs; and for such other purposes as the Municipal Judge may direct.

All ordinances have been reviewed and prepared by Mr. Carl Lumley for the consideration of the City Council.

**AN ORDINANCE AMENDING CHAPTER 340 OF THE CODE OF
ORDINANCES OF THE CITY OF CREVE COEUR, REGARDING TRAFFIC
REGULATIONS.**

WHEREAS, the City Council has determined it to be in the best interest of the citizens of the City of Creve Coeur to update Chapter 340 of the Code of Ordinances of the City of Creve Coeur, regarding traffic regulations; and

WHEREAS, a copy of this ordinance has been made available for public inspection prior to its adoption by the City Council and this bill having been read by title in open meeting two times before final passage:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
CREVE COEUR, ST. LOUIS, MISSOURI THAT:**

SECTION 1. A new Section 340.290 is hereby adopted as follows:

340.290.

A. As used in this section, the following terms shall mean:

(1) "Active emergency", any incident occurring on a highway, as the term "highway" is defined in section 302.010 RSMo, that requires emergency services from any emergency responder;

(2) "Active emergency zone", any area upon or around any highway, which is visibly marked by emergency responders performing work for the purpose of emergency response, and where an active emergency, or incident removal, is temporarily occurring. This area includes the lanes of highway leading up to an active emergency or incident removal, beginning within three hundred feet of visual sighting of:

(a) Appropriate signs or traffic control devices posted or placed by emergency responders; or

(b) An emergency vehicle displaying active emergency lights or signals;

(3) "Emergency responder", any law enforcement officer, paid or volunteer firefighter, first responder, emergency medical worker, tow truck operator, or other emergency personnel responding to an emergency on a highway.

B. 1. Upon the first conviction, finding of guilt, or plea of guilty by any person for a moving violation, as the term "moving violation" is defined in section 302.010

RSMo, or any offense listed in section 302.302 RSMo, other than a violation described in subsection B2, when the violation or offense occurs within an active emergency zone, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized by law.

2. Upon the first conviction, finding of guilt, or plea of guilty by any person for a speeding violation, or a passing violation under subsection C, when the violation or offense occurs within an active emergency zone and emergency responders were present in such zone at the time of the offense or violation, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of three hundred dollars in addition to any other fine authorized by law. However, no person assessed an additional fine under this subsection shall also be assessed an additional fine under subsection B1.

C. The driver of a motor vehicle may not overtake or pass another motor vehicle within an active emergency zone.

D. 1. A person commits the offense of endangerment of an emergency responder for any of the following offenses when the offense occurs within an active emergency zone:

- (1) Exceeding the posted speed limit by fifteen miles per hour or more;
- (2) Passing in violation of subsection C;
- (3) Failure to stop for an active emergency zone flagman or emergency responder, or failure to obey traffic control devices erected, or personnel posted, in the active emergency zone for purposes of controlling the flow of motor vehicles through the zone;
- (4) Driving through or around an active emergency zone via any lane not clearly designated for motorists to control the flow of traffic through or around the active emergency zone;
- (5) Physically assaulting, attempting to assault, or threatening to assault an emergency responder with a motor vehicle or other instrument;
- (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect emergency

responders and motorists unless the action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person; or

(7) Committing any of the following offenses for which points may be assessed under section 302.302 RSMo:

(a) Leaving the scene of an accident in violation of section 577.060 RSMo;

(b) Careless and imprudent driving in violation of subsection 4 of section 304.016 RSMo;

(c) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020 RSMo;

(d) Operating with a suspended or revoked license;

(e) Driving while in an intoxicated condition or under the influence of controlled substances or drugs or driving with an excessive blood alcohol content;

(f) Any felony involving the use of a motor vehicle.

2. A person commits the offense of aggravated endangerment of an emergency responder upon a finding of guilt or a plea of guilty for any offense under subsection D1 when such offense results in the injury or death of an emergency responder.

3. Except for the offense established under subdivision (6) of subsection D1, no person shall be deemed to have committed the offense of endangerment of an emergency responder except when the act or omission constituting the offense occurred when one or more emergency responders were responding to an active emergency.

4. No person shall be cited for, or found guilty of, endangerment of an emergency responder or aggravated endangerment of an emergency responder, for any act or omission otherwise constituting an offense under subsection D1, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle, or from the negligence of another person or emergency responder.

SECTION 2. This ordinance shall take effect in accordance with the provisions of section 3.11(g) of the City Charter.

BILL NO. 5331

ORDINANCE No _____

ADOPTED THIS ____ DAY OF _____, 2011.

TARA NEALY
COUNCIL PRESIDENT

APPROVED THIS ____ DAY OF _____, 2011.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK



CREVE COEUR POLICE DEPARTMENT INTEROFFICE MEMO

DATE: August 2, 2011

TO: Mark Perkins, City Administrator

FROM: Chief Glenn Eidman

SUBJECT: City Ordinance Updates

The attached ordinances are reflective of changes from current state statutes that require the current ordinances to be amended or replaced.

- 1) Chapter 210, changes in order to be compliant with House Bill 294 regarding weapons and firearms offenses.
- 2) Update Chapter 210 regarding Sexual Offenses to be consistent with the state statute as well as addressing court opinions prohibiting retroactive imposition of additional penalties for such conduct.
- 3) Updating the traffic code in reference to the traffic regulations. This ordinance would bring us in compliance with changes in the state statute.
- 4) Defining the ordinance and giving the Municipal Court and Judge the authority to make use of a public or private probation program of the Court's choice if such program or programs are available for the referral of defendants for any of the following purposes: To conduct a pre-sentence investigation and prepare a report thereof for the Court; to enroll the defendant in a counseling program or short-term educational or treatment program appropriate to the offense for which the defendant has been charged; to supervise defendants placed on probation by the Court, to include electronic home detention, remote alcohol monitoring, or ignition interlock device; to administer community service programs; and for such other purposes as the Municipal Judge may direct.

All ordinances have been reviewed and prepared by Mr. Carl Lumley for the consideration of the City Council.

AN ORDINANCE ADOPTING AND ENACTING THE NEW ELECTRICAL, PLUMBING AND MECHANICAL CODES OF ST. LOUIS COUNTY AS THE ELECTRICAL, PLUMBING AND MECHANICAL CODES OF THE CITY OF CREVE COEUR, MISSOURI.

WHEREAS, the City of Creve Coeur, St. Louis County, Missouri is desirous of adopting new minimum requirements and standards for the installation of electrical, plumbing and mechanical equipment and systems to protect the health, safety and welfare of the citizens of Creve Coeur, St. Louis County, Missouri.

WHEREAS, copies of the proposed new codes to be adopted by reference have been filed in the City Clerk's office and available for public use, inspection and examination for a period of at least 90 days prior to adoption of this Ordinance pursuant to Section 67.280 RSMo. And notice thereof has been publicly posted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR AS FOLLOWS:

SECTION 1: Section 500.390 of the City Code is hereby amended to read as follows:

Section 500.390: ELECTRICAL CODE ADOPTED

"The National Electrical Code, 2008 Edition" which was amended and adopted by the St. Louis County Council on July 14, 2010 by Ordinance No. 24,439 as the Electrical Code of St. Louis County, is hereby adopted as so amended as the Electrical Code of the City of Creve Coeur as if it were fully set out herein. Such document and County Ordinance are on file with the City Clerk.

SECTION 2: Section 500.400 of the City Code is hereby amended to read as follows:

Section 500.400: PLUMBING CODE ADOPTED

"The Uniform Plumbing Code, 2009 Edition" which was amended and adopted by the St. Louis County Council on July 14, 2010 by Ordinance No. 24,441 as the Plumbing Code of St. Louis County, is hereby adopted as so amended as the Plumbing Code of the City of Creve Coeur as if it were fully set out herein. Such document and County Ordinance are on file with the City Clerk.

SECTION 3: Section 500.410 of the City Code is hereby amended to read as follows:

SECTION 500.410: MECHANICAL CODE ADOPTED

"The International Mechanical Code, 2009 Edition" which was amended and adopted by the St. Louis County Council on July 14, 2010 by Ordinance No. 24,438 as the Mechanical Code of St. Louis County, is hereby adopted as so amended as the Mechanical Code of the City of Creve Coeur as if it were fully set out herein. Such document and County Ordinance are on file with the City Clerk.

SECTION 4: The penalties for violating the foregoing adopted codes are set forth in sections 100.090 through 100.110 of the City's Code of Ordinances, which read as follows:

SECTION 100.090 GENERAL PENALTY – CONTINUING VIOLATIONS

A. Where, by any provision of this code or any other ordinance of the City or any rule or regulation promulgated pursuant thereto, the doing or the failure to do any thing or any act is prohibited, declared to be a misdemeanor, an offense or unlawful and no other penalty or punishment is provided therefor, the same shall be punishable by a fine not to exceed one thousand dollars (\$1,000) or a jail sentence not to exceed three (3) months, or by both such fine and jail sentence unless a lesser penalty be required by law, in which the punishment shall not exceed such lesser penalty required by law, any provision of this Code or other ordinance to the contrary notwithstanding.

"Misdemeanor" shall be construed to mean a violation of any ordinance of the City.

B. Prisoners shall be discharged upon payment of fines and costs, when such are assessed and upon the service of the period of imprisonment imposed, if any is imposed.

C. Except as otherwise provided, every day any such violation shall continue shall constitute a separate offense.

SECTION 100.100: WHEN SAME OFFENSE PUNISHABLE UNDER DIFFERENT ORDINANCES, ETC.

In all cases wherein the same offense may be made punishable or shall be created by different provisions of this Code or other ordinances of the City or by different clauses or Sections of the same ordinance, the prosecuting officer may elect under which to proceed, but not more than one (1) recovery or penalty shall be had or enforced against the same person for the same offense, provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty or recovery being enforced or had.

SECTION 100.110: PARTIES TO AN OFFENSE

Every person who commits, attempts to commit, conspires to commit or aids or abets in the commission of any act declared herein to be unlawful or an offense or a misdemeanor, whether individually or in connection with one (1) or more other persons or as a principal, agent or accessory, shall be guilty of such unlawful act or offense or misdemeanor and every person who falsely or fraudulently, or forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision hereof shall likewise be guilty.

SECTION 5: This ordinance shall become effective pursuant to Section 3.11 (g) of the City Charter.

BILL NO. 5332

ORDINANCE NO. _____

Adopted this _____ day of _____, 2011

Tara Nealey
Council President

Approved this _____ day of _____, 2011

Harold L. Dielmann, Mayor

Attest:

Deborah Ryan
City Clerk

**CITY OF CREVE COEUR
BUILDING DIVISION**

MEMORANDUM

TO: Mark Perkins, City Administrator

CC: Paul Langdon, Director of Community Development

FROM: Steve Unser, Chief Building Official

DATE: August 3, 2011

RE: Proposed Ordinance to Adopt St. Louis County's Electrical, Plumbing and Mechanical Codes as the City of Creve Coeur's Electrical, Plumbing and Mechanical Codes.

The city contracts with St. Louis County to issue electrical, plumbing and mechanical permits and to make those subsequent inspections when this type of work is done within the City of Creve Coeur.

In order for St. Louis County to continue to fulfill their contractual obligations to the city, the city is required to adopt the same electrical, plumbing and mechanical codes as the county.

All three (3) codes and St. Louis County's adopting ordinances for all three (3) codes have been available for public use, inspection and examination since April 14, 2011. Notice thereof has been publicly posted since the same date.

One substantial change has occurred with St. Louis County's mechanical code. This code now requires RESIDENTIAL mechanical contractors (furnace and air conditioner installers) to be licensed by the county. Previously, the county had required only COMMERCIAL mechanical contractors to be licensed.

This new requirement will ensure that furnaces and air conditioners installed in Creve Coeur homes, condominiums and apartments are being installed by qualified residential mechanical contractors and not by persons of questionable credentials.

A list of licensed mechanical contractors is available on St. Louis County's website.



City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, Missouri 63141
(314) 432-6000
www.creve-coeur.org

DATE: August 18, 2011
TO: Mark Perkins, City Administrator
FROM: Daniel Smith, Director of Finance
SUBJECT: Bills Payable

For your information and transmittal to the City Council, is a list of bills payable dated August 16, 2011 in the amount of \$308,500.59.



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

NO DEPT - NO DIV

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01378	0	P001274	97346	26-Jul-11	PERSONNEL EVALUATION INC.	INTERVIEWING SEMINAR	01-00-00-2411	1,000.00
00680	0		062411	24-Jun-11	FUNKHOUSER, WILLIAM	MGMT LAW REIMBURSEMENT	01-00-00-2411	63.69
01323	1		035424500	09-Aug-11	INDOX SERVICES	COPIES	01-00-00-4722	491.36
00188	186		80311	03-Aug-11	BRONSON, THERESA	SEWER LATERAL REPAIR REIMB	02-00-00-1901	5,492.00
Sum of Invoices								7,047.05



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

LEGISLATIVE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00114	11		832132988 7/11	31-Jul-11	AT&T	MOBILE PHONES JULY 2011	01-11-12-6253	190.41
00019	0		080311	03-Aug-11	CURTIS, HEINZ, GARRETT & O'KEEFE	LEGAL SVCS THROUGH 7/31/11	01-11-12-6201	12,282.00
01116	1		857	02-Aug-11	FRONTYARD FEATURES	EQUIP RENTAL FLICKS ON FAIRWAY	01-11-12-7315	165.03
00808	0		231	03-Aug-11	PROGRESS 64 WEST	MEMBERSHIP LUNCHEON	01-11-12-6264	15.00
01000	0		080311	03-Aug-11	SULLIVAN PUBLICATIONS	UPDATE QUICK CODE & WEB	01-11-13-6203	1,824.00
Sum of Invoices								14,476.44



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

Administration

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00114	11		832132988	7/11	31-Jul-11 AT&T	MOBILE PHONES JULY 2011	01-12-11-6253	81.49
01447	0	P001270	18049	22-Jul-11	DIVERSIFIED PRINTING INC	NEWSLETTER PRINTING	01-12-11-6203	988.00
00808	0		231	03-Aug-11	PROGRESS 64 WEST	MEMBERSHIP LUNCHEON	01-12-11-6264	15.00
01262	0	P001267	24453	29-Jul-11	SPECIALTY MAILING	HANDLING AND MAILING NEWSLETTER	01-12-11-6203	272.64
00053	0		830226-001	27-Jul-11	ST JOHN'S MERCY CORPORATE HEALTH	D.O.T. TESTING	01-12-11-6271	45.00
00053	0		830223-001	27-Jul-11	ST JOHN'S MERCY CORPORATE HEALTH	D.O.T. TESTING	01-12-11-6271	45.00
00053	0		830088-001	27-Jul-11	ST JOHN'S MERCY CORPORATE HEALTH	D.O.T. TESTING	01-12-11-6271	70.00
00053	0		830187-001	27-Jul-11	ST JOHN'S MERCY CORPORATE HEALTH	D.O.T. TESTING	01-12-11-6271	45.00
00053	0		830225-001	27-Jul-11	ST JOHN'S MERCY CORPORATE HEALTH	D.O.T. TESTING	01-12-11-6271	45.00
00053	0		37301-52	02-Aug-11	ST JOHN'S MERCY CORPORATE HEALTH	PREPLACEMENT PHYSICALS	01-12-11-6271	170.00
Sum of Invoices								1,777.13



**CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING**

8/16/2011

IT

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01083	0	P001269	90231	01-Jul-11	CIVIC PLUS	WEBSITE MAINTENANCE FOR 07/11	01-12-51-6213	7,107.00
Sum of Invoices								7,107.00



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

Finance

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00655	0		01150352 7/11	28-Jul-11	AICPA	ANNUAL DUES-DAN SMITH	01-13-11-6262	215.00
00114	11		832132988 7/11	31-Jul-11	AT&T	MOBILE PHONES JULY 2011	01-13-11-6253	72.56
00140	6		30081	03-Aug-11	MISSOURI DEPARTMENT OF REVENUE	SALES TAX REPORT JULY 2011	01-13-11-6202	35.00
Sum of Invoices								322.56



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

MUNICIPAL COURT

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00779	0	P001098	INV00006512	30-Jun-11	AMERICAN TRAFFIC SOLUTIONS, INC.	CAMERA FEES-JUNE 2011	01-13-14-6248	44,229.50
Sum of Invoices								44,229.50



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

INTERDEPARTMENTAL

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
MO DIVISION OF EMPLOYMENT								
00255	0		9131	7/11	7/29/2011	SECURITY	UNEMPLOYMENT BENEFITS	01-13-15-5244 10,193.07
00094	1		140154	09-Aug-11	FIRESTONE	CAR 2408 REPLACE EXHAUST BRKT.	01-13-15-6220	72.52
00045	1		574341743001	09-Aug-11	OFFICE DEPOT	CALCULATOR	01-13-15-7312	39.98
00077	0		5450676	14-Jul-11	QUILL	BINDERS	01-13-15-7312	110.87
01169	0		109662323	03-Aug-11	STAPLES ADVANTAGE	PENS	01-13-15-7312	22.60
00447	0		530048	26-Jul-11	THE DANIEL & HENRY CO.	PROPERTY RENEWAL	01-13-15-6220	48,877.00
00447	0		530011	25-Jul-11	THE DANIEL & HENRY CO.	LIQUOR LIABILITY RENEWAL	01-13-15-6220	879.00
00447	0		529658	11-Jul-11	THE DANIEL & HENRY CO.	PUBLIC OFFICIAL INS RENEWAL	01-13-15-6222	22,379.00
00075	0		3060	27-Jul-11	WUSSLER BUSINESS FORMS	BUSINESS CARDS	01-13-15-7312	93.00
Sum of Invoices								82,667.04



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

ICE ARENA

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00195	0		45240	03-Aug-11	ALARM 24, INC.	ALARM MONITORING	06-14-31-6212	90.00
00114	11		832132988X	31-Jul-11	AT&T	MOBILE PHONES JULY 2011	06-14-31-6253	73.79
00015	1		452794090	03-Aug-11	CINTAS CORP. #452	CLEANING SUPPLIES (080311)	06-14-31-7301	1.92
00015	1		452797127	10-Aug-11	CINTAS CORP. #452	CLEANING SUPPLIES (081011)	06-14-31-7301	1.92
00015	1		452794090	03-Aug-11	CINTAS CORP. #452	UNIFORMS (080311)	06-14-31-7308	4.95
00015	1		452797127	10-Aug-11	CINTAS CORP. #452	UNIFORMS (081011)	06-14-31-7308	4.95
00080	0		3716-120-5	13-Aug-11	DIERBERGS	BIRTHDAY CAKE	06-14-31-7304	20.99
00080	0		1287-174-5	06-Aug-11	DIERBERGS	BIRTHDAY PARTIES	06-14-31-7304	81.96
00082	0		0488817	02-Aug-11	METROLIFT PROPANE	PROPANE FOR OLYMPIA	06-14-31-7307	217.48
00867	1	P001167	I0056215	22-Jul-11	MURPHY	EVAPCO TOWER HEATER & INSTALLA	06-14-31-9501	2,617.67
00970	0		1388-376393	03-Aug-11	O'REILLY AUTO PARTS	PARTS FOR OLYMPIA MAINTENANCE	06-14-31-6211	57.77
00048	0		188931	09-Aug-11	PAVYER	OLYMPIA BLADE SHARPENING	06-14-31-6211	108.87
00434	0		8360-6	03-Aug-11	SHERWIN-WILLIAMS	BUILDING PAINT	06-14-31-6212	26.38
00711	1		306857568	03-Aug-11	TERMINIX	PEST CONTROL	06-14-31-6212	32.00
Sum of Invoices								3,340.65



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

GOLF MAINTENANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00141	0		102583	29-Jul-11	ELECTRO BATTERY	BATTERIES FOR EZGO & CUSHMAN	06-14-32-6210	60.90
00660	0	P001227	7928	29-Jul-11	KEEVEN BROTHERS, INC.	650 YDS ZOYSIA SOD FOR #9 MENS	06-14-32-6212	2,135.25
00175	0		803007-00	25-Jul-11	MTI DISTRIBUTING, INC.	DRIVE BELTS FOR TORO 1000	06-14-32-6211	33.43
01539	1		1954644	19-Jul-11	NIVEL PARTS & MFG CO. LLC	TIRES FOR 3300D TORO	06-14-32-6210	128.26
01539	1		1960526	25-Jul-11	NIVEL PARTS & MFG CO. LLC	TIRES	06-14-32-6210	74.15
00173	0		IN096389	26-Jul-11	SUPREME TURF PRODUCTS	ROPE STAKES	06-14-32-6212	229.96
Sum of Invoices								2,661.95



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

PRO SHOP

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00195	0		45240	03-Aug-11	ALARM 24, INC.	ALARM MONITORING	06-14-33-6202	90.00
00121	0		922398594	14-Apr-11	CALLAWAY GOLF	GLOVES FOR RESALE	06-14-33-8325	90.00
00121	0		922412254	19-Apr-11	CALLAWAY GOLF	GLOVES FOR RESALE	06-14-33-8325	97.12
00121	0		922398596	14-Apr-11	CALLAWAY GOLF	GLOVES FOR RESALE	06-14-33-8325	7.59
00711	1		306857568	03-Aug-11	TERMINIX	PEST CONTROL	06-14-33-6212	32.00
Sum of Invoices								316.71



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

SNACK BAR

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00015	1		452794090	03-Aug-11	CINTAS CORP. #452	WIPING TOWELS (080311)	06-14-34-7301	10.13
00015	1		452797127	10-Aug-11	CINTAS CORP. #452	WIPING TOWELS (081011)	06-14-34-7301	10.13
01263	0		00046652	22-Jul-11	FROZEN DISTRIBUTION INC	ICE CREAM SNACKS FOR RESALE	06-14-34-8319	114.25
00116	0	P001226	2169	05-Aug-11	SAM'S CLUB	SANDWICHES FOR RESALE (8315)	06-14-34-8315	49.72
00086	0	P001225	107280515	28-Jul-11	SYSCO FOOD	SANDWICHES FOR RESALE (8315)	06-14-34-8315	612.43
00086	0	P001225	107280515	28-Jul-11	SYSCO FOOD	MISC ITEMS (8321)	06-14-34-8321	51.65
Sum of Invoices								848.31



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

BUILDING MAINTENANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00895	0	P001242	23135	28-Jul-11	ADLER CUSTOM SIGNWORKS	CUSTOM 2 SIDED DIRECTIONAL SIG	01-16-11-6212	1,136.75
00114	11		832132988 7/11	31-Jul-11	AT&T	MOBILE PHONES JULY 2011	01-16-11-6253	31.69
01448	0	P001239	667339	01-Aug-11	BUILDINGSTARS	CLEANING SERVICE	01-16-11-6212	1,420.00
00039	0		730312	02-Aug-11	INDUSTRIAL SOAP	PAPER PRODUCTS	01-16-11-6212	47.41
00164	0		018206	03-Aug-11	NEW SYSTEM CARPET & BUILDING CARE LTD.	FRESHENERS FOR CITY HALL	01-16-11-7301	411.32
00123	0		3000070643	01-Aug-11	THYSSENKRUPP ELEVATOR CORP.	ELEVATOR SVC 8/1 TO 10/31/11	01-16-11-6211	719.63
00054	1		01803108	02-Aug-11	WALTER KNOLL FLORIST	PLANT MAINTENANCE 8/11	01-16-11-6212	80.00
Sum of Invoices								3,846.80



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

POLICE-ADMIN

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00114	11		826147039X082011	31-Jul-11	AT&T	WIRELESS PHONES FOR ADMIN	01-21-11-6253	184.99
00640	0		180597	04-Aug-11	BOB BARKER CO	(6) BOXES LATEX GLOVES	01-21-11-6271	56.95
01068	0		1449953	03-Aug-11	DNT	MOTHLY FEES COPIER CHIEF OFF	01-21-11-6266	112.07
00680	0		080411	24-Jun-11	FUNKHOUSER, WILLIAM	ARK. LEADER #20 REIMBURSEMNT	01-21-11-6265	65.15
00680	0		052411	24-May-11	FUNKHOUSER, WILLIAM	POLICE CLERKS CONF REIMBMNT	01-21-11-6265	97.06
01378	0		97397	31-Jul-11	PERSONNEL EVALUATION INC.	PER EVAL PROF FOR OFFICER CAND	01-21-11-6203	20.00
00093	0		07152011	15-Jul-11	SOUTHWEST FAMILY TESTING	PSYCH EVAL FOR OFFICER CANDIDA	01-21-11-6203	395.00
00053	0		830980-001	02-Aug-11	ST JOHN'S MERCY CORPORATE HEALTH	PHYS/DRUG SCREEN POLICE CANDID	01-21-11-6271	381.00
00092	4	P001257	29387	08-Aug-11	ST LOUIS COUNTY TREASURER	MONTHLY C.A.R.E. SERVICES CONT	01-21-11-6202	23.91
00178	0		198460	17-May-11	WARNER COMMUNICATIONS CORP.	REPL/INSTALL ITEMS-LIGHTNG DAM	01-21-11-6211	1,168.50
00178	0		198459	17-May-11	WARNER COMMUNICATIONS CORP.	REPLD PANEL-LIGHTNG DAMAGE	01-21-11-6211	384.00
Sum of Invoices								2,888.63



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

POLICE-INVESTIGATIONS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00114	11		826147039X082011	31-Jul-11	AT&T	WIRELESS PHONES FOR INVEST	01-21-21-6253	289.87
01228	0		1432814-20110731	31-Jul-11	LEXISNEXIS	JULY USER FEES	01-21-21-6202	175.80
00326	0		080811	08-Aug-11	WORTH, SCOTT	VOICE STRESS SCHOOL REIMB	01-21-21-6261	99.39
Sum of Invoices								565.06



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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POLICE-PATROL

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00114	11		826147039X082011	31-Jul-11	AT&T	WIRELESS PHONES FOR PATROL	01-21-22-6253	321.52
00234	1		351784	02-Aug-11	ED ROEHR SAFETY PRODUCTS	UNIFORM PURCHASE FOR NEW OFFIC	01-21-22-5107	194.97
00096	0		114946	08-Aug-11	EVS	INSTALL 12 P90 TIMERS ON CARS	01-21-22-9503	359.40
00094	1		140153	08-Aug-11	FIRESTONE	CAR 2416 INSTALL NEW BATTERY	01-21-22-6210	120.35
00824	0	P001261	51635	19-Jul-11	GATEWAY HARLEY-DAVIDSON	4 MOTORCYCLE TIRES & INSTALLED	01-21-22-6210	742.90
00824	0		51635-1	09-Aug-11	GATEWAY HARLEY-DAVIDSON	REPLD FRONT WHEEL BEARING 2420	01-21-22-6210	103.90
00125	0		245534-03	26-Jul-11	LEON UNIFORM	UNIFORM PO PHILLIPS	01-21-22-5107	54.90
00266	0		231235	29-Jul-11	SUNTRUP	CAR 2406 REPL MISSING TPMS	01-21-22-6210	148.50
00916	0		080817	08-Aug-11	VACLAVIK, MICHAEL	LETSAC CONF REIMBURSEMENT	01-21-22-6265	47.04
Sum of Invoices								2,093.48



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

PUBLIC WORKS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00114	11		832132988 7/11	31-Jul-11	AT&T	MOBILE PHONES JULY 2011	01-31-11-6253	255.83
01287	0		080811	08-Aug-11	WOHLBERG, MATT	MILEAGE REIMBURSEMENT 7/11	01-31-11-7307	47.18
Sum of Invoices								303.01



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

STREETS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00131	1		111757377	31-Jul-11	AIRGAS MID AMERICA	MONTHLY GAS RENTAL SHOP	01-31-41-7307	45.10
00114	15		314989-1849. 7/11	19-Jul-11	AT&T	SPRINKLER SVC OLIVE & 270	01-31-41-6253	98.30
00114	15		3143178753.7/11	19-Jul-11	AT&T	SPRINKLER SYSTEM ST MONICAS	01-31-41-6253	42.95
00114	11		832132988 7/11	31-Jul-11	AT&T	MOBILE PHONES JULY 2011	01-31-41-6253	126.50
00102	0		709276	26-Jul-11	BEYERS LUMBER	STOP SIGN POSTS	01-31-41-7311	87.36
00348	0		63638	27-Jul-11	EQUIPMENT, INC.	TARP TRUCK #314	01-31-41-6210	177.80
00042	0		69952	26-Jul-11	MPR SUPPLY	SPRINKLER PARTS	01-31-41-6212	729.57
00042	0		70213	28-Jul-11	MPR SUPPLY	SPRINKLER PARTS	01-31-41-6212	44.50
01095	1		538810	31-Jul-11	NAPA AUTO PARTS	STEERING PARTS #105	01-31-41-6210	231.49
01095	1		538928	31-Jul-11	NAPA AUTO PARTS	STEERING PARTS #105	01-31-41-6210	141.29
01375	0	P001268	6058	19-Jul-11	WEATHER OR NOT	WEATHER SERVICE	01-31-41-6202	4,769.00
Sum of Invoices								6,493.86



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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HEALTH & WELFARE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00114	11		832132988 7/11	31-Jul-11	AT&T	MOBILE PHONES JULY 2011	01-31-42-6253	32.49
Sum of Invoices								32.49



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

PARKS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00114	11		832132988 7/11	31-Jul-11	AT&T	MOBILE PHONES (7/1 THRU 7/31/1	01-31-43-6253	36.68
00559	0		071101192	21-Jul-11	BARCO PRODUCTS CO.	DOGGY BAGS FOR PARKS	01-31-43-6212	644.50
00102	0		709389	27-Jul-11	BEYERS LUMBER	MATERIALS CONWAY PARK	01-31-43-6212	33.66
00102	0		709276	26-Jul-11	BEYERS LUMBER	CONWAY PK FENCE ITEMS	01-31-43-6212	336.00
00102	0		826026	28-Jul-11	BEYERS LUMBER	INV 709276 CREDIT	01-31-43-6212	-19.20
00010	0		889869	29-Jul-11	BRANNEKY HARDWARE	MATERIALS CONWAY PARK	01-31-43-6212	244.66
00209	0		2348/6	28-Jul-11	KIRKWOOD MATERIAL SUPPLY	MULCH CONWAY PARK	01-31-43-6212	198.00
00209	0		132274/1	27-Jul-11	KIRKWOOD MATERIAL SUPPLY	MULCH CONWAY PARK	01-31-43-7303	198.00
00209	0		22016/2	27-Jul-11	KIRKWOOD MATERIAL SUPPLY	PLANTS CONWAY PARK	01-31-43-7303	300.00
00209	0		132294/1	27-Jul-11	KIRKWOOD MATERIAL SUPPLY	MULCH CONWAY PARK	01-31-43-7303	264.00
00209	0		22015/2	27-Jul-11	KIRKWOOD MATERIAL SUPPLY	PLANTS CONWAY PARK	01-31-43-7303	511.27
Sum of Invoices								2,747.57



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

COMMUNITY DEVELOPMENT - PLANNING

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00114	11		832132988 7/11	31-Jul-11	AT&T	MOBILE PHONES JULY 2011	01-32-11-6253	184.17
00213	0		071211-1	12-Jul-11	MCLAUGHLIN COURT REPORTING SERVICES	COURT REPORTING SVCS	01-32-11-6202	223.00
Sum of Invoices								407.17



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

COMMUNITY DEVELOPMENT - BUILDING

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00009	0		080211	02-Aug-11	BOLLS, SCOTT	MILEAGE REIMB JULY 11	01-32-61-7307	533.35
00058	0		081211	12-Aug-11	BURKE, PATRICK	REIMBURSE FOR TAPE MEASURE	01-32-61-7302	16.24
00055	0		1807135	09-Aug-11	HOLMES, BRAD	VERTICAL MOUSE	01-32-61-7302	84.66
00112	0		40589	29-Jul-11	MPS	APPLICATIONS & INSP REQUESTS	01-32-61-7304	432.00
00044	1	265992316-116	09-Aug-11		NEXTEL	BLDG INSPECTORS CELL PHONES	01-32-61-6253	322.09
01103	0		081211	12-Aug-11	SLACE	SEMINAR FOR D. MULLEN	01-32-61-6261	55.00
01103	0		080511	08-Aug-11	SLACE	SEMINAR FOR S. BOLLS	01-32-61-6261	30.00
Sum of Invoices								1,473.34



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/16/2011

CAPITAL IMPROVEMENTS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00043	251	P001217	299530	30-Jun-11	FIELDER ELECTRICAL SVC INC	WIRE ONE 120V 20AMP MONUMENT.	02-61-71-9501-11105	3,950.00	
00100	0	P001219	081211	30-Jun-11	MISSOURI PETROLEUM	MICRO-SURFACE TREATMENT TO VAR	02-61-71-9510-11606	111,557.16	
01333	0	P001083	080811	08-Aug-11	M & H CONCRETE	CONCRETE PROGRAM	02-61-71-9510-11607	989.81	
01333	0	P001083	080811	08-Aug-11	M & H CONCRETE	CONCRETE PROGRAM	02-61-71-9510-11607	6,660.88	
Sum of Invoices									123,157.85
GRAND TOTAL OF ALL INVOICES									308,500.59

AMENDED BILL NO. 5323

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 215.080 TO 215.120 OF THE CREVE COEUR MUNICIPAL CODE REGARDING RESTRICTIONS ON SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT.

WHEREAS, on November 5, 2010 the Creve Coeur City Council enacted Ordinance No. 5158 regarding restrictions on smoking in public places and places of employment, and

WHEREAS, the City Council has determined it to be in the public interest to revise those restrictions,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AS FOLLOWS:

SECTION 1. Sections 215.080 to 215.120 of the Creve Coeur Municipal Code are revised to read as follows:

SECTION 215.080: DEFINITIONS

As used in this Article, the following words shall have the meanings indicated:

BUSINESS: A sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered, and private clubs.

EMPLOYEE: Any person who performs services for an employer, with or without compensation.

EMPLOYER: A person, partnership, association, corporation, trust or other organized group of individuals, including the City or other governmental body or any agency thereof, which utilizes the services of at least one (1) employee.

ENCLOSED AREA: Any indoor space and any space bound by walls (with or without windows or doors) or similar partitions on at least three (3) sides that effectively divide space from the floor to ceiling, including, but not limited to, offices, rooms, all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structures and hallways, designed for human occupancy in which people congregate including for amusement, entertainment, eating, drinking, education, labor, or similar purposes, including, but not limited to, bars and restaurants.

PERMANENTLY DESIGNATED SMOKING ROOM: A hotel or motel room that may be designated as a smoking room, with such designation being changeable only one (1) time per calendar year.

PLACE OF EMPLOYMENT: Any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference rooms and classrooms, employee cafeterias and hallways. A private residence is not a

"place of employment" unless it is used as a child care, adult day care or health care facility.

PRIVATE CLUB: A not-for-profit organization incorporated or chartered by law for fraternal or social purposes, which has a defined membership and restricts admission to members of the club and their guests. Private club shall not include an establishment that is generally open to members of the general public upon payment of a fee or that has employees and meets the definition of place of employment. A private club shall not be considered a "public place" except when it is the site of a meeting, event or activity that is open to the public. A private club shall not be considered a "place of employment" by reason of the occasional use of independent contractors, such as caterers, that have their own employees, in the club's enclosed areas.

PUBLIC MEETING: A gathering in person of members of a governmental body, whether in open or closed session, as defined in Chapter 610, RSMo.

PUBLIC PLACE: Any enclosed area or service line to which the public is invited or in which the public is permitted. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility. Outdoor areas are not "public places" as defined herein, other than service lines.

SERVICE LINE: Any indoor or outdoor line at which one (1) or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money. A service line is a public place. People waiting inside their cars, such as in a drive-thru line, shall not be considered to be in a "service line" as defined herein.

SMOKING: Inhaling, exhaling, burning or carrying any ignited, lighted or heated cigarette, cigar, pipe or other smoking product, equipment or apparatus, involving tobacco or other plant material or nicotine in any form.

SMOKING SHELTER: An accessory structure that meets all applicable provisions of the zoning and building codes, with a maximum size of 200 square feet, that is detached from principal buildings, that is located more than twenty-five (25) feet from entrances, exits, operable windows and ventilation intakes of public places and places of employment, in which there is no service, possession or consumption of food or alcoholic beverages, and that is no more than seventy-five (75) percent enclosed at any time. The percentage of enclosure shall be calculated based on the elevation area below the roof of all elevations. For calculation purposes, screens are not considered to be enclosures but louvers, windows and other solid materials qualify as enclosures. No other wall, fence, roof overhang or other obstruction of any kind may be located within five feet of the openings if they have the effect of blocking the free flow of air through the required opening.

(Ord. No. 5158 §1, 11-8-10)

SECTION 215.090: PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT AND PUBLIC PLACES

- A. No person shall engage in smoking in any place of employment or any vehicle owned by the City of Creve Coeur.
- B. No person shall engage in smoking in a public place or in a public meeting.
- C. No person shall engage in smoking on any sidewalk, driveway or other open area within fifteen (15) feet of the entry to any place of employment, public place, or public meeting, provided that this prohibition shall not apply within any outside dining area where smoking is permitted by the proprietor.
- D. No person shall dispose of smoking waste or place or maintain a receptacle for smoking waste in any area in which smoking is prohibited under this Article.
- E. *Exceptions.* Notwithstanding any other provision of this Article to the contrary, the following shall not be subject to the smoking restrictions of this Article:
 - 1. Private residences, not serving as places of employment or public places, and private vehicles;
 - 2. Private clubs except for any such club which was not already open to its members within the City prior to January 1, 2011 which is also a place of employment and except for any such club regardless of when first open to members within the City when it is the site of a meeting, event or activity that is open to the public;
 - 3. Permanently designated smoking rooms, not to exceed twenty percent (20%) of the guest rooms of the hotel or motel.

4. Smoking shelters.

(Ord. No. 5158 §1, 11-8-10)

SECTION 215.100: RESPONSIBILITIES OF PROPRIETORS, OWNERS AND MANAGERS

- A. It shall be unlawful for any person, proprietor, owner, manager or person having control of a place knowingly to permit, cause, suffer or allow any other person to violate the provisions of this Article. It shall be an affirmative defense to an alleged violation of this Section that the person having control of a place has asked the other person to comply with this Article and caused the person to leave the establishment if that person has failed or refused to comply (including by enlisting the assistance of law enforcement personnel if required).
- B. A proprietor, owner, manager or person having control of a place shall clearly and conspicuously post "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) near all entrances to a place where smoking is prohibited

AMENDED BILL NO. 5323

ORDINANCE NO. _____

pursuant to this Article. Such signage shall consist of letters not less than one (1) inch in height.

C. It shall be the responsibility of employers to provide smoke-free places of employment for all employees. (Ord. No. 5158 §1, 11-8-10)

SECTION 215.110: DECLARATION OF ESTABLISHMENT AS NON-SMOKING

A. Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a non-smoking place. No person shall smoke in places so declared and posted with signs pursuant to [Section 215.100](#).

B. Nothing in this Article shall be construed or applied in such a manner as to interfere with or prohibit a property owner, business operator or public entity from more broadly prohibiting smoking on or about their property or from prohibiting smoking in areas, at times, or under conditions which do not fall within the prohibitions established by this Article. (Ord. No. 5158 §1, 11-8-10)

SECTION 215.120: ENFORCEMENT

The authority to administer and enforce the provisions of this Article is vested with the Chief of Police and his/her duly authorized representative(s) except in the case of City-owned facilities wherein the City Administrator shall have the authority to administer and enforce the provisions of this Article. (Ord. No. 5158 §1, 11-8-10)

SECTION 2: This Ordinance shall take effect in accordance with Section 3.11(g) of the Charter.

ADOPTED THIS _____ DAY OF _____, 2011.

TARA NEALEY
PRESIDENT OF CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 2011.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK



city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

DATE: June 21, 2011

TO: Honorable Mayor and City Council Members
Mark Perkins, City Administrator

FROM: Paul Langdon, AICP, Director of Community Development

SUBJECT: Smoking shelters

BACKGROUND

Prior to passage of Ordinance #5158, that prohibits smoking in all enclosed public spaces, a commercial property owner could request a building permit to construct a small accessory building on the property exclusively for the use of smokers. In July of 2010, the property at 600 Emerson Road was found to have the shelter shown in the photograph at right although no permit had been obtained. This shelter is also located between the building and the street which cannot be permitted in any zoning district.



Immediately prior to the property owner correcting the violations, however, St. Louis County voters approved anti-smoking legislation followed shortly by passage of Ordinance #5158 in Creve Coeur. The immediate impact upon the situation at 600 Emerson Road was that the smoking shelter could no longer be issued a building permit for reconstruction in a compliant location because of the following:

SECTION 215.080: DEFINITIONS

ENCLOSED AREA: Any indoor space and any space bound by walls (with or without windows or doors) or similar partitions on at least three (3) sides that effectively divide space from the floor to ceiling, including, but not limited to, offices, rooms, all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structures and hallways, designed for human occupancy in which people congregate including for amusement, entertainment, eating, drinking, education, labor, or similar purposes, including, but not limited to, bars and restaurants.

PUBLIC PLACE: Any enclosed area or service line to which the public is invited or in which the public is permitted. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility. Outdoor areas are not "public places" as defined herein, other than service lines.

SECTION 215.090: PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT AND PUBLIC PLACES

B. No person shall engage in smoking in a public place or in a public meeting.

Specifically, an unsecured shelter meets the definition of an enclosed space and is a place where the public is permitted, so it falls within the reach of this ordinance and cannot be permitted. However, such places are not customarily used by all employees nor the general public, nor do they offer any other service beyond simple shelter. These shelters can also be located to satisfy all other requirements of Ordinance #5158 and the Zoning Code regulations affecting accessory buildings. Indeed, staff has heard from other commercial property owners that they wish to provide these shelters in the hope that it would increase compliance by giving smokers a more desirable location than adjacent to exterior doors of the principle building(s).

Given such limited size and usage, and given the larger interest in protecting public health, the Planning Division staff believe this is a reasonable accommodation that is in keeping with the purposes of the Zoning Code and is not burdensome on property owners since they are constructed with a voluntary permit application. Further, the proposed size and location limitations should avoid site over-crowding. The Building Division staff have also reviewed the proposed regulations and found that they do not conflict with the Building Code. It should be pointed out that these regulations are not zoning or building regulations *per se* but, to the extent that they affect actual construction on private property, their harmony with zoning and building laws is critical.

SUGGESTED AMENDMENT

Attached is a redline version of Ordinance #5158 that adds a definition of what a smoking shelter is and where one can be located, and then adds smoking shelters to the list of exceptions to the other limitations on smoking in public places. This amendment does not alter other requirements of the Municipal Code for accessory structures. The effect would be to provide property owners an opportunity to request building permits for these structures and, in the example cited above, the owners of 600 Emerson will have an opportunity to relocate the shelter they already own. Finally, a manufacturer's sample sheet is attached to show similar possible structures under this amendment.

Staff are available to answer any questions regarding this matter.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 215.080 TO 215.120 OF THE CREVE COEUR MUNICIPAL CODE REGARDING RESTRICTIONS ON SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT.

WHEREAS, on November 5, 2010 the Creve Coeur City Council enacted Ordinance No. 5158 regarding restrictions on smoking in public places and places of employment, and

WHEREAS, the City Council has determined it to be in the public interest to revise those restrictions,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AS FOLLOWS:

SECTION 1. Sections 215.080 to 215.120 of the Creve Coeur Municipal Code are revised to read as follows:

SECTION 215.080: DEFINITIONS

As used in this Article, the following words shall have the meanings indicated:

BUSINESS: A sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered, and private clubs.

EMPLOYEE: Any person who performs services for an employer, with or without compensation.

EMPLOYER: A person, partnership, association, corporation, trust or other organized group of individuals, including the City or other governmental body or any agency thereof, which utilizes the services of at least one (1) employee.

ENCLOSED AREA: Any indoor space and any space bound by walls (with or without windows or doors) or similar partitions on at least three (3) sides that effectively divide space from the floor to ceiling, including, but not limited to, offices, rooms, all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structures and hallways, designed for human occupancy in which people congregate including for amusement, entertainment, eating, drinking, education, labor, or similar purposes, including, but not limited to, bars and restaurants.

PERMANENTLY DESIGNATED SMOKING ROOM: A hotel or motel room that may be designated as a smoking room, with such designation being changeable only one (1) time per calendar year.

PLACE OF EMPLOYMENT: Any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference rooms and classrooms, employee cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a child care, adult day care or health care facility.

PRIVATE CLUB: A not-for-profit organization incorporated or chartered by law for fraternal or social purposes, which has a defined membership and restricts admission to members of the club and their guests. Private club shall not include an establishment that is generally open to members of the general public upon payment of a fee or that has employees and meets the definition of place of employment. A private club shall not be considered a "public place" except when it is the site of a meeting, event or activity that is open to the public. A private club shall not be considered a "place of employment" by reason of the occasional use of independent contractors, such as caterers, that have their own employees, in the club's enclosed areas.

PUBLIC MEETING: A gathering in person of members of a governmental body, whether in open or closed session, as defined in Chapter 610, RSMo.

PUBLIC PLACE: Any enclosed area or service line to which the public is invited or in which the public is permitted. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility. Outdoor areas are not "public places" as defined herein, other than service lines.

SERVICE LINE: Any indoor or outdoor line at which one (1) or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money. A service line is a public place. People waiting inside their cars, such as in a drive-thru line, shall not be considered to be in a "service line" as defined herein.

SMOKING: Inhaling, exhaling, burning or carrying any ignited, lighted or heated cigarette, cigar, pipe or other smoking product, equipment or apparatus, involving tobacco or other plant material or nicotine in any form.

SMOKING SHELTER: An accessory structure that meets all applicable provisions of the zoning and building codes, with a maximum size of 200 square feet, that is detached from principal buildings, that is located more than twenty-five (25) feet from entrances, exits, operable windows and ventilation intakes of public places and places of employment, in which there is no service of food or beverages by employees, and that is no more than seventy-five (75) percent enclosed at any time. The percentage of enclosure shall be calculated based on the elevation area below the roof of all elevations. For calculation purposes, screens are not considered to be enclosures but louvers, windows and other solid materials qualify as enclosures. No other wall, fence, roof overhang or other obstruction of any kind may be located within five feet of the openings if they have the effect of blocking the free flow of air through the required opening.

(Ord. No. 5158 §1, 11-8-10)

SECTION 215.090: PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT AND PUBLIC PLACES

- A. No person shall engage in smoking in any place of employment or any vehicle owned by the City of Creve Coeur.
- B. No person shall engage in smoking in a public place or in a public meeting.
- C. No person shall engage in smoking on any sidewalk, driveway or other open area within fifteen (15) feet of the entry to any place of employment, public place, or public

meeting, provided that this prohibition shall not apply within any outside dining area where smoking is permitted by the proprietor.

D. No person shall dispose of smoking waste or place or maintain a receptacle for smoking waste in any area in which smoking is prohibited under this Article.

E. *Exceptions.* Notwithstanding any other provision of this Article to the contrary, the following shall not be subject to the smoking restrictions of this Article:

1. Private residences, not serving as places of employment or public places, and private vehicles;
2. Private clubs except for any such club which was not already open to its members within the City prior to January 1, 2011 which is also a place of employment and except for any such club regardless of when first open to members within the City when it is the site of a meeting, event or activity that is open to the public;
3. Permanently designated smoking rooms, not to exceed twenty percent (20%) of the guest rooms of the hotel or motel.
4. **Smoking shelters.**

(Ord. No. 5158 §1, 11-8-10)

SECTION 215.100: RESPONSIBILITIES OF PROPRIETORS, OWNERS AND MANAGERS

A. It shall be unlawful for any person, proprietor, owner, manager or person having control of a place knowingly to permit, cause, suffer or allow any other person to violate the provisions of this Article. It shall be an affirmative defense to an alleged violation of this Section that the person having control of a place has asked the other person to comply with this Article and caused the person to leave the establishment if that person has failed or refused to comply (including by enlisting the assistance of law enforcement personnel if required).

B. A proprietor, owner, manager or person having control of a place shall clearly and conspicuously post "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) near all entrances to a place where smoking is prohibited pursuant to this Article. Such signage shall consist of letters not less than one (1) inch in height.

C. It shall be the responsibility of employers to provide smoke-free places of employment for all employees. (Ord. No. 5158 §1, 11-8-10)

SECTION 215.110: DECLARATION OF ESTABLISHMENT AS NON-SMOKING

A. Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a non-smoking place. No person shall smoke in places so declared and posted with signs pursuant to [Section 215.100](#).

B. Nothing in this Article shall be construed or applied in such a manner as to interfere with or prohibit a property owner, business operator or public entity from more broadly prohibiting smoking on or about their property or from prohibiting smoking in areas, at times, or under conditions which do not fall within the prohibitions established by this Article. (Ord. No. 5158 §1, 11-8-10)

SECTION 215.120: ENFORCEMENT

The authority to administer and enforce the provisions of this Article is vested with the Chief of Police and his/her duly authorized representative(s) except in the case of City-owned facilities wherein the City Administrator shall have the authority to administer and enforce the provisions of this Article. (Ord. No. 5158 §1, 11-8-10)

SECTION 2: This Ordinance shall take effect in accordance with Section 3.11(g) of the Charter.

ADOPTED THIS _____ DAY OF _____, 2011.

TARA NEALEY
PRESIDENT OF CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 2011.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK

EXAMPLE SHELTERS BY HANDI-HUT, INC.

OUTDOOR SMOKING SHELTERS



OUTDOOR SMOKING
SHELTERS - DOME ROOF



OUTDOOR SMOKING
SHELTERS - BARREL
ROOF



OUTDOOR SMOKING
SHELTERS - VENTED
AIR-FLOW POLY-HIP
ROOF



OUTDOOR SMOKING
SHELTERS - STANDING
SEAM HIP ROOF



OUTDOOR SMOKING
SHELTERS -
HISTORICAL ROOF

**AN ORDINANCE CREATING THE CREVE COEUR ARTS COMMISSION,
PRESCRIBING THE NUMBER AND QUALIFICATIONS OF ITS MEMBERS
AND DEFINING THEIR DUTIES.**

WHEREAS, on August 24, 2009 the City of Creve Coeur established the Public Art Task Force (Resolution No. 881) to define public art in Creve Coeur, identify existing public art, seek the level of public interest, research funding opportunities to administer a Public Art Program, and develop a Public Art Master Plan for the City of Creve Coeur; and

WHEREAS, the Members of the Public Art Task Force presented their findings and a draft Public Art Master Plan during a work session before the City Council on June 27, 2011; and

WHEREAS, it has been recommended by the Members of the Public Art Task Force that the City of Creve Coeur establish an Arts Commission to adopt the final Public Arts Master Plan, update it as may be needed from time to time, and implement the policies and manage the goals and objectives of the Public Art Master Plan; and

WHEREAS, an Arts Commission is needed to carry out the policies and programs outlined in the Public Art Master Plan and serve as curator for the City's public art collection, work to obtain the funding for arts related projects, and advise the City on all matters relating to cultural arts; and

WHEREAS, the Public Art Task Force has completed its assignment and performed invaluable service to the community;

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, St. Louis County, Missouri, as follows:

Section 1: The Public Art Task Force, having completed its assigned duties, is hereby dissolved.

Section 2: The Creve Coeur Arts Commission is hereby established. Section 125.010.A. of the City Code is amended by adding item 12, as follows:

The Creve Coeur Arts Commission, seven (7) members.

Section 3: Section 125.010.E. is added to the City Code, as follows:

The members of the Creve Coeur Arts Commission shall be residents of the City of Creve Coeur, except that one member may be a local business person who is not a resident. Members should include artists, urban designers, architects, landscape architects, developers, educators and individuals from the community who have experience in the field of art. The Arts Commission shall operate in the general public interest serving the community as a whole. It shall serve no special interests. The Arts Commission shall not endorse any commercial product or enterprise. The Arts Commission shall select a non-voting advisor who is a professional art consultant to be utilized by the Arts Commission on an as needed basis. The compensation of the advisor shall be as approved by the City Council. The Commission shall be specifically responsible for, but not limited to, the following:

1. Adopting a final master plan for the City regarding public art, which it shall review and revise as needed thereafter, and implement subject to the oversight of the City Council and City Administrator;
2. Promoting cultural arts within the City, making art a priority within the community;
3. Serving as curator of the City's public art collection;
4. Assisting the City Council and the Planning and Zoning Commission in using public art to enhance existing development within public parks and other public lands and in public structures;
5. Serving as a resource for artistic components of land use developments;
6. Providing advice on the process of developing fair, balanced and professional approaches to commissioning public art;
7. Recommending selection process guidelines to ensure equal access for artists of all backgrounds;
8. Developing announcements for placement in appropriate publications to inform artists of opportunities;
9. Choosing a Selection Panel for each project, comprised of 5-7 art and design professionals as well as a representative of the owner of the project. Two members of the Commission shall be members of each panel. The Commission shall oversee the work of each panel;
10. Assisting the City with contract negotiations, budgeting, payment schedules and insurance requirements regarding public art projects;
11. Recommending maintenance guidelines in accordance with professional conservators to maintain collected work;
12. Encouraging connections with other local, regional and national organizations working for the benefit of art and preservation of artistic values;
13. Pursuing gifts and grants for support of arts programs and activities and for the procurement of public art;
14. Working with any trust fund or charitable entity established to support public art in the City;
15. Providing an annual report at the conclusion of each fiscal year to the City Council documenting efforts to fulfill these duties.

Section 4: The members of the Creve Coeur Arts Commission shall have three-year terms as provided in Section 125.020. The initial members shall be appointed as follows: two for one year, two for two years and three for three years.

BILL NO. 5324

ORDINANCE NO. _____

Section 5: Section 125.010.B. is amended to read as follows:

A Council member shall be appointed by the Mayor, subject to the consent of a majority of the entire City Council, to serve as liaison for each committee, board or commission of the City with the exception of the Board of Adjustment, the Planning and Zoning Commission, and the Creve Coeur Arts Commission. The appointed Council member shall be the liaison between the City Council and such committee, board or commission. The Director of Planning shall serve as liaison to the Board of Adjustment and the Planning and Zoning Commission. The staff liaison of the Police and Safety Committee shall be the Chief of Police or his/her designee. The City Administrator shall appoint a staff member to serve as liaison to the Creve Coeur Arts Commission.

Section 6: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter and the conditions stated above.

ADOPTED THIS ____ DAY OF _____, 2011.

TARA NEALEY
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2011.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK



city of CREVE COEUR

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MEMO TO CITY ADMINISTRATOR

Meeting Date: August 8, 2011

Subject: Ordinance Creating the Creve Coeur Arts Commission

Memo Prepared by: Whitney Kelly, AICP
City Planner

Attached: Revised Draft Public Art Master Plan
Public Art Task Force PowerPoint Presentation from June 27, 2011 Work Session

On August 24, 2009 the City of Creve Coeur approved a resolution establishing the Public Art Task Force (Resolution No. 881) to investigate public art in Creve Coeur and develop a public art master plan for the city. Further, the Public Art Task Force was to investigate and inventory existing public art, seek the level of public interest, and research funding opportunities for public art. The resulting Public Art Master Plan included all of these items, as well as developed a number of policies to assist the City in administering a public art program. The Members of the Public Art Task Force presented their findings and a draft Public Art Master Plan during the work session before the City Council on June 27, 2011. (The attached revised draft Public Art Master Plan includes edits based upon follow-up comments from the City Attorney.)

The members of the Public Art Task Force recommend that the City of Creve Coeur establish an Arts Commission to adopt the final Public Art Master Plan, update it as may be needed from time to time, and implement the policies and manage the goals and objectives as suggested in the draft Master Plan. The Ordinance before City Council establishes the Creve Coeur Arts Commission for just this purpose. The policies recommended within the draft Public Art Master Plan will follow based upon recommendation from the Creve Coeur Arts Commission.

CREVE
COEUR
PUBLIC ART
MASTER
PLAN

2011

Public art in Creve Coeur refers to quality works of original art in any media for temporary or permanent placement that have been planned as an integral part in accessible settings

CREVE COEUR PUBLIC ART MASTER PLAN

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EXECUTIVE SUMMARY

1

Like a human being, Creve Coeur is alive and, as it matures, it continues to refine and develop its sense of character. Since Creve Coeur has matured from a small suburban bedroom community to a significant mid-sized municipality, it needs to examine what attributes make up a well rounded community. As cities throughout the Country compete for business and population growth, identity and economics become a larger issue to address. Communities with an active and dynamic cultural scene are more attractive to individuals and corporations.

Public art, and the community participation that accompanies it, can contribute to the unique cultural identity of Creve Coeur. Public art creates partnership opportunities with businesses, residents, non-profit organizations and governmental institutions. While the population of Creve Coeur is 17,833 (2010), we must consider our community as larger with the approximately 45,000 daily visitors to the city. It is widely recognized that public art has the ability to boost economic development and tourism by making destinations more attractive for visitors and local residents. Art sparks discussions, raises questions, feeds our imaginations, and links a community together.

Since Creve Coeur already contains many examples of public art, this Public Art Master Plan is not introducing public art to Creve Coeur for the first time. The Plan creates guidelines and direction for assisting the City in future opportunities that will arise as the City gains a significant identity in the broader community.

The Public Art Task Force was formed in August, 2009 to define public art, identify the existing inventory of public art, seek public input in the development of the Plan, research funding opportunities, and develop a master plan. The Task Force was formed with nine members with varying backgrounds and a strong interest in securing cultural opportunities for Creve Coeur. This group dedicated many hours and attended over 20 committee meetings to assist in developing this Plan. The Task Force conducted two public forums and held several meetings with Creve Coeur committees, businesses, and neighborhood organizations, in order to seek input on the importance and management of public art in the city. The Public Art Master Plan that was developed from this input consists of a definition of public art, an inventory of seventeen pieces of existing public art in Creve Coeur, a policy for acquiring and removing public art, a protocol to solicit artists for future projects, an overview of a public art loan program, and recommendations for the funding of public art. In addition, the Master Plan includes an educational component, as well as suggestions on future programming ideas to further encourage a cultural component for Creve Coeur.

The Task Force recommends that the City form a Creve Coeur Arts Commission to implement this Public Art Master Plan. The Commission's charge will be to assist the City in using public art to develop a diverse cultural identity.

DEFINITION OF PUBLIC ART

The first directive put in front of the Task Force was to define “public art”. The members came up with an inclusive and succinct definition suitable for the city to use as a guideline for determining what public art is.

***Public art in Creve Coeur refers to quality works of original art
in any media for temporary or permanent placement
that have been planned as an integral part in accessible settings***

It is intended that this definition be a guideline for the Creve Coeur Arts Commission. This will help insure professional quality art is retained or considered and will be unique and beneficial to the city of Creve Coeur.



GOALS AND OBJECTIVES

The Task Force created goals and objectives as a guide to the development of the Public Art Master Plan. These goals and objectives were created from three primary sources: input from meetings of the Task Force over almost two years; research of master plans in other cities; and input from community forums and members of the business community.

The goals are divided into three categories:

- I. Create More Public Art and Establish an Arts Identity for Creve Coeur
- II. Educate the Community about the Arts
- III. Formation of a Creve Coeur Arts Commission.

By implementing these goals and objectives, the Master Plan will guide Creve Coeur towards creating a unique cultural identity through public art.

I. Create More Public Art and Establish an Arts Identity for Creve Coeur

a. Promotion of Public Art

- Promote artistic adaptive reuse of environmental materials
- Promote awareness of existing public art in Creve Coeur
- Use the web to make available current and future Public Art information in Creve Coeur
- Promote the acquisition and development of new Public Art projects in Creve Coeur
- Encourage aesthetic review of Public Works projects
- Develop a map of prime locations for the installation of Public Art and prioritize the locations
- Seek opportunities for loans of public art
- Have Creve Coeur become a regional leader in the arts by integrating art fully into the community

b. Design and Programming

- Create public utilities and other public structures (i.e. streetlights, park benches, bus shelters) that are aesthetically pleasing
- Encourage and elevate original art in Creve Coeur
- Provide incentives for original art
- Develop opportunities for children's art
- Make Creve Coeur an artist friendly environment by creating opportunities for artists
- Actively participate in national and regional arts programs
- Utilize city parks for cultural opportunities
- Ensure a cultural component in the Downtown Design Guidelines
- Consider multi-cultural opportunities that reflect the diversity of the community

c. Funding

- Create a Public Art line item in the City budget to include funds for the acquisition, maintenance and repair of Public Art
- Identify public and private sources of funding, including grant opportunities
- Develop strategies for the funding of Public Art in association with private and public development
- consider adding incentives to the Zoning Code to promote Public Art

II. Educate the Community about the Arts

- Develop educational content for web
- Liaison with the school districts to encourage in-school and after school programs for the arts
- Sponsor events to enhance awareness of Public Art and to insure the presence of the arts at major City events

III. Formation of a Creve Coeur Arts Commission (CCAC)

Management of Public Art

- Establish a Creve Coeur Arts Commission and adopt policies created in the Master Plan
- Strive for systematic and non-political procurement, management and maintenance of Public Art
- Promote both visual and performance arts
- Establish relationships with corporate, private and individual leaders (develop public/private partnerships) to encourage broad participation
- Further public art opportunities and aesthetic design in the City

FORMATION OF THE CREVE COEUR ARTS COMMISSION

2

The Public Art Task Force recommends that the City consider establishing a trust fund and/or encourage interested citizens to establish a 501(c)3 Not-for-Profit corporation to support implementation of the strategies outlined in this Master Plan. The CCAC, in cooperation with city staff and as an advisor to the Creve Coeur City Council, would work with such a not-for-profit entity; help the City manage the contribution of funds and the acceptance of art; help the City manage and maintain the art; and seek grant opportunities as they become available.

Creve Coeur Arts Commission

Purpose: The mission of the Creve Coeur Arts Commission (CCAC) is to raise awareness of art in the community. It will be responsible for carrying out the policies and programs outlined in the Public Art Master Plan, subject to the oversight of the City Council and City Administrator. The Commission will serve as curator for the City's public art collection, work to obtain the funding for arts related projects, and advise the City on all matters relating to cultural arts.

Terms of the Members: The Arts Commission shall consist of seven members appointed according to Article IV Section 4.4(i) of the City Charter. The members shall be residents of the City of Creve Coeur, except that one member may be a local business person who is not a resident. Members may include artists, urban designers, architects, landscape architects, developers, educators and individuals from the community who have experience in the field of art. The City Administrator should designate a staff liaison for the Commission.

The appointees shall have three-year terms. The original appointees shall be appointed as follows: two for one year, two for two years and three for three years, thereafter all terms will be for three years. All members may vote on any matter coming before the Commission, except, as directed by the ethics laws of the State of Missouri.

Officers. At its first meeting, the Arts Commission shall elect a chair and a vice-chair who shall hold office for one year, except that the first chair and vice-chair shall serve until the end of the calendar year. At the first meeting of each calendar year, the chair or vice-chair from the previous year shall preside over elections for the in-coming chair and vice-chair.

Meetings; Quorum; Voting. The Arts Commission shall hold an official meeting generally on a monthly basis and may hold special meetings as called by the chairman or any two members. A majority of the appointed members constitutes a quorum for meetings. Provided a quorum is present, any item must be approved by a simple majority of the voting members present at a meeting to pass, unless otherwise required by law.

Rules and Regulations. The Arts Commission may establish rules and regulations for its government and procedures consistent with the laws of the State and the ordinances of the City.

Powers and Duties. The Arts Commission (CCAC) shall be specifically responsible for, but not limited to, the following:

1. CCAC shall work with any trust fund or 501(c)3 established to support Public Art in the City.
2. CCAC shall work from this master plan to adopt a final master plan for the City, which it shall review and revise as needed thereafter.
3. CCAC shall promote cultural arts within the City of Creve Coeur, making art a priority within the community.
4. CCAC shall assist the City Council, and the Planning and Zoning Commission in using public art to enhance existing development within public parks and other public lands and in public structures.
5. CCAC shall serve as a resource for artistic components of land use developments.
6. CCAC shall provide advice on the process of developing fair, balanced and professional approaches to commissioning public art.
7. CCAC shall recommend selection process guidelines to ensure equal access for artists of all backgrounds.
8. CCAC shall develop announcements for placement in appropriate publications to inform artists of opportunities.
9. CCAC shall choose a Selection Panel for each project, comprised of 5-7 art and design professionals as well as a representative of the owner of the project. Two members of the Arts Commission shall be members of each panel. The CCAC shall oversee the work of each panel.
10. CCAC shall assist the City with contract negotiations, budgeting, payment schedules and insurance requirements.
11. CCAC shall recommend maintenance guidelines in accordance with professional conservators to maintain collected work.
12. CCAC shall encourage connections with other local, regional and national organizations working for the benefit of art and preservation of artistic values.
13. CCAC shall pursue gifts and grants for support of arts programs and activities and for the procurement of public art.

14. CCAC shall provide an annual report at the conclusion of each fiscal year to the City Council documenting efforts to fulfill these duties.

Compensation: Voting members of the Creve Coeur Arts Commission shall receive no compensation for services rendered. Members of CCAC may recommend to the City acceptance of gifts, bequests or devises of property to carry out its work, including by use of a trust fund to assure proper use of such contributions.

Consultant: The Arts Commission shall select a non-voting advisor who is a professional art consultant. The advisor shall be utilized by the Arts Commission on an as needed basis. The compensation of the advisor shall be as approved by the City Council. The Commission may recommend the replacement of the advisor with a super majority vote (5 of 7).

Policies:

1. The Arts Commission shall operate in the general public interest serving the community as a whole. It shall serve no special interests.
2. The Arts Commission shall not endorse any commercial product or enterprise.



ACQUISITION & DE-ACCESSION POLICY

The Task Force recommends a policy be instituted for the Acquisition and De-accession of public art in Creve Coeur.

This policy is crucial to assure that the public art which Creve Coeur accepts into its inventory will be consistent with the definition of public art set forth in the Master Plan. Included in this policy are procedures to be followed to document, describe and appraise the art.

When a piece of art has deteriorated or must be removed for other reasons, this policy provides criteria to assess and assure proper removal.

Acquisition Policy

Acquisition is here defined as the inclusion of new works in the City of Creve Coeur's permanent collection by gift, exchange, or purchase with City funds, corporate/private donations, and/or grants procured by the City.

- I. The CCAC shall consider the following criteria when reviewing artworks for purchase or gift to the collection:
 - a. The aesthetic or historical significance of the work.
 - b. The artwork's physical condition and whether the artwork is of exhibition quality.
 - c. Whether the City of Creve Coeur already owns sufficient examples or better examples of artwork by a particular artist or in a particular style.
 - d. Whether the City of Creve Coeur has the facilities and resources necessary to properly care for, maintain, and safeguard the artwork.
- II. A legal instrument of conveyance, transferring title and ownership of the artwork and clearly defining the rights and responsibilities of all parties should accompany all acquisitions.
- III. Complete records of accessions should be made and maintained for all artworks acquired.
- IV. Artworks should be acquired without restrictions as to future use and disposition. The City of Creve Coeur should strive to obtain copyrights for reproduction for educational and non-commercial purposes on all works it acquires that are subject to copyright restrictions.

V. Gifts

- a. The CCAC should apply equally high aesthetic standards in recommending the acceptance of gifts of artworks as in acquiring artworks by purchase.
- b. Where possible, the CCAC would encourage acceptance of gifts without restrictions.
- c. The City of Creve Coeur should only accept artworks by gift which it is able to properly maintain. If the City cannot properly provide for the upkeep of the artwork, the CCAC may recommend that the donor provide an endowment, covering the long-term care of the artwork.
- d. The CCAC should take sufficient time to familiarize itself with the artworks offered before making a recommendation regarding its acceptance into the City's collection.

Acquisition Procedures

I. Gifts to the City of Creve Coeur's Collection

- a. When offering a gift, the prospective donor will receive copies of the City of Creve Coeur's Acquisitions & De-Accession policy and Donations policy.
- b. The CCAC must be able to examine the potential gift either on site or through photographs, slides, drawings, and/or models.
- c. Whenever possible, gift offers should be accompanied by the artist's resume, which will be kept with the works' acquisition files.
- d. The CCAC shall develop its recommendation at a public meeting, affording time for public comment, and following the master plan guidelines.
- e. The CCAC shall forward its written recommendation of acceptance or rejection to the City Council and City Administrator. If a council member requests placement of the matter on a council agenda within 30 days, the Council shall make the final decision. Otherwise, after such 30 days the recommendation of the CCAC shall be deemed ratified by the Council and the City can proceed accordingly.
- f. The CCAC shall inform the donor in writing of the acceptance or rejection of the gift offer.
- g. Once the acquisition is approved, a legal instrument of conveyance, transferring ownership and copyright of the artwork to the City, shall be filled out, signed by the donor, and placed on file.
- h. The gift shall be photographed and an acquisition form completed by staff as it is received into the collection.

II. Purchases

- a. Any member of the CCAC may propose a purchase.
- b. The CCAC must be able to examine the potential gift either on site or through photographs, slides, drawings, and/or models.
- c. Whenever possible, purchase proposals should be accompanied by the artist's resume, which will be kept with the works' acquisition files.
- d. The CCAC shall develop its recommendation at a public meeting, affording time for public comment, and following the master plan guidelines.
- e. The CCAC shall forward its written recommendation of purchase to the City Council and City Administrator, including information concerning sources of funds. For purchases within budget and under \$20,000, the City Administrator may approve the purchase or refer it to Council. For all other purchases, the Council shall make the final decision. Approval may be contingent upon availability of funds from any City trust fund, grants, or support from any separate 501(c)(3) entity that may be established for such purposes.
- f. The Commission shall inform the artist in writing of the City's decision.
- g. Once the acquisition is approved, a legal instrument of conveyance, transferring ownership and copyright of the artwork to the City, shall be filled out, signed by the seller, and placed on file.
- h. Final payment shall be made only upon completion of such documentation.
- i. The artwork shall be photographed and an acquisition form completed by staff once it is received into the City's collection.

De-accession Policy

De-accession is defined as the process by which the City, acting in accordance with applicable policies and procedures, approves of the disposal of an artwork from the City's permanent collection. This disposal can occur through sale, trade, or other public means. The City's art collection shall be routinely evaluated by the CCAC in order to recommend which works, if any, should be de-accessioned.

The policies outlined below shall be subject to periodic review, as will be the collection. As necessary, the City may adopt and incorporate into this policy any additional guidelines it deems essential. No work should be de-accessioned until all policies set forth below have been observed.

Generally, artwork should not be de-accessioned within the first five years of ownership.

I. Criteria for selection of works to be de-accessioned

The CCAC may choose to recommend de-accession of an artwork only if it determines that one of the following criteria is met:

- a. If the City of Creve Coeur cannot properly care for or store the artwork.
- b. If the artwork is deemed to have little or no aesthetic, historical, and/or cultural value.
- c. If the artwork represents an artist of minor stature in large quantity. In such case, the CCAC may want to recommend retention of only a representative selection of works.
- d. If the artwork is a duplicate (i.e. prints, sculptures, multiples) of lesser quality works already in the collection.
- e. If the artwork is found to be a reproduction without significant historical, documentary, or aesthetic value.
- f. If the works are found to be forgeries or fakes.
- g. If the artwork condition requires restoration beyond its aesthetic value or the City's resources to restore it.

II. De-accessioning through trade

In some cases, the City of Creve Coeur may wish to trade a de-accessioned work for another work by the same artist.

III. All de-accessioned works should be disposed of through public negotiations, whether by sale, trade, or other means.

IV. Acknowledgements

In acquiring an object through trade or through funds raised from the sale of de-accessioned objects, the City should acknowledge the donor(s) of the original artwork in the credit of the newly acquired work.

De-Accession Procedures

- I. Members of the CCAC will routinely review the City's art collection and compile a list of those artworks recommended for de-accessioning.

- II. The CCAC shall prepare a written report for each de-accession recommendation. The report shall include:
 - a. Title, artist, medium, dimensions, and present location of the work
 - b. Provenance
 - c. Digital images and/or photograph(s) of the work
 - d. Report on the condition of the work
 - e. Estimated fair market value
 - f. Copy of the work's legal deed
 - g. Justification for disposal, conforming to the De-Accession policy adopted by the City
 - h. In the case of certain artworks of high monetary value, independent consultants may be solicited to provide additional opinions
 - i. Recommendation for method of disposal of the work
- III. A copy of this report shall be distributed to each member of the CCAC for review at least one month prior to the meeting at which the de-accession recommendation will be considered.
- IV. In the case of a permanently sited artwork, each member of the CCAC will make every reasonable effort to physically inspect the work before the Commission takes a vote. Portable works shall be brought to the meeting at which the vote will occur.
- V. The CCAC shall develop its recommendation at a public meeting, affording time for public comment, and following the master plan guidelines.
- VI. The CCAC shall forward its written recommendation of de-accession to the City Council and City Administrator for decision in accordance with City asset management policies and procedures.
- VII. Following approval, the CCAC shall make every effort to locate the artist or donor or his/her heirs and advise them in writing of the City's plans to de-accession the work. Such notification shall include:
 - a. Reasons for de-accession
 - b. Assurance that funds received will be used for public art unless there are other contractual obligations under the acquisition contract.
- VIII. The City shall also ensure that no legal restrictions prevent de-accessioning particular works.
- IX. Following all necessary governmental review and approval, the work's accession file will now be marked "de-accessioned" and will contain documentation regarding that process.

X. Procedures for Disposal

The CCAC may recommend to the City any of the following courses of action. The City shall not be limited to these, and may suggest other methods as may be demanded by a particular set of circumstances.

(1) Sell the artwork

- a. The artist/donor shall be given the right of first refusal to reacquire the artwork at fair market value, original price, or gratis, depending on the recommendation of the CCAC. The cost of removal of the work may be reflected in the amount set.
- b. Sell the artwork through a dealer.
- c. Sell the artwork through competitive bidding, public auction.

(2) Trades or exchanges may be negotiated under special circumstances with a dealer or an artist.

(3) There may be instances in which marginally significant work has deteriorated to such an extent that it is irreparable and is unsuitable for display, therefore losing its place within the City's collection. Once an artwork of this nature has been fully de-accessioned, the decision may be made to dispose of it.

- XI. No works may be sold, traded, or transferred to members of the CCAC, the City Council, the City of Creve Coeur's staff, etc. Once de-accessioned from the City's collection, artwork must be permanently removed from City property.
- XII. The City shall determine which agency or agencies will negotiate the sale or trade of the de-accessioned artwork, and keep a copy of the executed agreement in the de-accession file.
- XIII. The CCAC shall remove acquisition numbers and labels from the artwork and arrange its physical departure from the collection.
- XIV. Following the receipt of all funds or the completion of the sale, exchange, disposal or destruction of the work, the CCAC shall report on the sale or exchange of artwork to the City and its appropriate bodies.
- XV. Any proceeds from the sale of de-accessioned artworks will be allocated back to the City's public art fund or budget account.

Public Art Rights of Ownership

Ownership of public art that is located on city property should be retained by the City in the event the property is sold to a developer. If an easement can be negotiated, the artwork could remain in place. Otherwise, removal should be accomplished if possible.

CALL FOR ARTISTS

4

The Creve Coeur Public Art Task Force suggests that the Creve Coeur Arts Commission use the following guidelines when writing a “CALL FOR ARTISTS”. It is important to follow these common guidelines for each call. Utilizing the guidelines provided will help ensure that Creve Coeur receives quality applicants who have a clear understanding of the project scope.

Most all public art initiatives use this general format, and regional and national artists regularly seek ‘calls’ to participate in. Calls are written and distributed for the purpose of making artists aware of new opportunities for commissioned pieces. Commissioned pieces are usually site specific, and the criteria and guidelines for each project should be clearly outlined in the call.

SAMPLE CALL FOR ARTISTS **PROTOTYPE VERSION ONLY**

Creve Coeur, Missouri

Creve Coeur Arts Commission

RFP - Artwork for the Intersection of Highway 270 and Olive Boulevard.

Application Deadline: _____

Budget: \$XXX,XXX.00

The City of Creve Coeur, Missouri, and the Creve Coeur Arts Commission seek artists or artist teams to create two public artworks for the major highway intersection of 270 and Olive Boulevard. The budgeted amount includes the artist or team design fee, all materials, fabrication and installation.

Project Background and Description

The City and the Creve Coeur Arts Commission (CCAC) seek to create two dynamic attractions at the intersection of Highway 270 and Olive Boulevard. Interstate 270 is a major outer belt freeway for St. Louis, and the intersection at the centrally located Olive Boulevard is also known as Highway 340. According to the 2009 Missouri Traffic Volume map, this location is traveled by approximately 176,000 vehicles every day.

This is an ideal opportunity for either an experienced artist or team who would like to develop pieces that will become a major contribution to the community of Creve Coeur, as well as be seen as striking landmarks for their visibility.

The two areas allocated for the commissioned artworks are shown in red in EXHIBIT A.



A.

The first location is approached by Northbound traffic, the second location by Southbound traffic. These two locations are also adjacent to major exit ramps for Olive Boulevard East and West. Each allocated area is a grassy hillside and is approximately xx' x xx' (state exact dimensions). *(Please follow with expanded description of land area, local codes for structures, proximity to roadway, height limitations, etc.)*

About the Creve Coeur Arts Commission

Created in _____, the mission of the Creve Coeur Arts Commission (CCAC) is to raise awareness of art in the community. The CCAC serves as curator for the City's Public Art collection, assists in managing the funding for arts related projects, oversees selection of artworks, and advises the City on all matters relating to cultural arts.

About Creve Coeur, Missouri

When Creve Coeur was incorporated in December 1949, less than one square mile housed a population of 1,900 citizens. Today, the population of Creve Coeur is 16,759 spanning 11.36 square miles with approximately 7,600 housing units. Currently, Creve Coeur has 80 miles of public streets and 16 miles of private streets. Home to two private colleges, five private high schools, five private primary schools, two public school districts and approximately fifteen houses of worship, Creve Coeur is a diverse community where everything a resident needs is no more than ten minutes away.

Selection Review Process & Timeline

CCAC has selected a review panel comprised of art and design professionals, a representative of the owner for this project, as well as two members of the CCAC.

Selection criteria include: the applicant's professional qualifications; applicability and thoroughness of submitted proposal; artistic merit as evidenced by the submitted materials; and proven ability to undertake projects of a similar scope.

Panel Review Process-

Proposals will be reviewed by the selection panel and up to three finalists will be selected and paid \$XXXX.XX to make a site visit, interview and present a scale model.

Public Review Process-

A public meeting will take place where scale models will be on display for review and comment. The artist or team is welcome to attend this meeting. The panel will review public opinion.

A recommendation will be presented for endorsement by the Creve Coeur Arts Commission (CCAC) for approval by the City of one artist or team, and the approved art concept, project scope, and budget; thereby allowing the artist or team creative license within the established project plan. Contract and project plan to be negotiated with the City. The City reserves the right to reject any and all applications.

FIRST DEADLINE DATE	Deadline for response to RFP
ONE WEEK LATER	Initial Selection panel Meeting
ONE MONTH LATER	Notification of short listed Artists/Teams
TWO WEEKS LATER	Interviews/Presentations/Public Review
ONE MONTH LATER	Notification of Project Award
ONE YEAR FROM FIRST RFP DEADLINE	Installation of Artworks

Eligibility

This commission is open to Artists and Design Professional teams; all members of the team must reside in the United States. The artist member shall be the lead designer. (Eligibility can be widened or narrowed based on the project intent/scope)

Application Delivery

Proposals due by 5:00 pm, CST, DEADLINE DATE HERE at:

**Creve Coeur Arts Commission RFP (Olive and 270)
300 N. New Ballas Rd., Creve Coeur, MO 63141**

The application should be packaged in such a manner that the sealed envelope clearly reflects the project name and the applicant's name and address. All materials submitted become the property of the CCAC and will not be returned.

Application Content (Submit 1 copy each of the following materials):

- i. Cover letter (typed, 2 page maximum): clearly identify the name of the project you're applying for. Include a description of artist/artist team's approach to public art, highlighting relevant past experience including collaboration with community members, design professionals, and/or others in the design and installation of a public art project. If you are applying as a team, identify the team leader in your cover letter. This person will be the main contact to communicate with the selection panel and the CCAC on behalf of your team.
- ii. A professional résumé or CV: teams must submit one for each member.

- iii. References (at least 3): Include contact name and phone number.
- iv. Proposal Summary (It is not necessary to answer the questions in a Q&A format, however please ensure that all issues listed below are addressed):
 - a. Concept: What is your overall vision? How do you want the pieces to attract the viewers? What is the main concept behind your proposed works?
 - b. Execution: Outline your proposed installation schedule, estimated budget, process, and materials being proposed.
 - c. Fabrication & Installation: Please answer the following questions in detail:
 - How will the art fit into the space without posing any threat or barrier to vehicles or visibility in the area?
 - What is the approximate weight of the art pieces (there will be a maximum allowable weight determined by an engineer on a case-by-case basis)?
 - Describe how you envision the installation requirements, i.e. What sort of attachments will you propose?
 - Describe any electrical requirements. Explain to the extent that you are knowledgeable. The artist will not be required to determine exact specifications, but must be clear on the desired effect. Specifications will be refined later by what is available.
 - Describe any special tools or equipment you may not personally have access to for this project.
 - Describe any public safety requirements.
- v. (Optional) Drawings, sketches, models, examples, material samples, etc. to further explain your proposed concept.
- vi. Visual support materials: 10 – 20 digital images of recent work on CD. JPEG image files must correspond with an accompanied annotated image list including artist's name, title, location of work, medium, date work was completed, dimensions and corresponding image number. If images are being provided within a digital file, please present one image per page and include the required information for each image in the notes section of each page.
- vii. Digital File Requirements:
 - a. Images must be in .jpg format on one CD-ROM.
 - b. JPEG images must be labeled as in the example: John N. Smith= JNS 01, JNS 02, JNS 03.
 - c. File size must not exceed 5MB, must have a minimum resolution of 150 dpi and a maximum resolution of 300 dpi.
 - d. CDs must be labeled with artist's name, title of work(s), medium, and size(s). CD's will not be returned.
 - e. No email submissions.

For Further Information

Photographs, plan, elevation, and section drawings of the site are available for download here: [SAMPLE PHOTOS](#), [SAMPLE DRAWINGS](#), [SAMPLE LANDSCAPE/SITE PLAN LINKS](#)

All questions regarding this RFP are to be directed to:

NAME HERE, Chairman of the CCAC: 314.555.1111 NAME@ccac.org

NAME HERE, Staff Liaison to the CCAC: 314.555.1112 NAME@ccac.org

Useful Links:

CALLS FOR ARTISTS-

Metro Arts In Transit <http://www.metrostlouis.org/InsideMetro/NewsRoom>

Café- Call for Entry <http://www.callforentry.org/>

Las Vegas Arts Commission <http://www.lvartscommission.com/artist-opportunities/>

Art Show <http://www.artshow.com/juriedshows/index.html>

California Arts Council <http://www.cac.ca.gov/artistcall/>

Americans for the Arts

http://www.artsusa.org/networks/public_art_network/default_011.asp

ZAPP (Western States Arts Federation) <http://www.zapplication.org>

New England Foundation for the Arts

http://www.nefa.org/nefa_network/public_art

ARTIST REGISTRIES-

<http://www.saintlouisart.com/>

<http://registry.whitecolumns.org/>

<http://www.artistsregistry.com/>

<http://publicart.placerarts.org/>

<http://www.racc.org/resources/online-public-art-registry>

PUBLIC ART LOAN PROGRAM

An especially good mechanism for increasing both the volume and diversity of works of public art available for the enjoyment of the residents of Creve Coeur is to make use of opportunities for either short or long-term loans of art from institutions or individuals. Examples of local institutions that might be considered as sources of loaned art to the City of Creve Coeur would include: Laumeier Sculpture Park, Saint Louis Art Museum, and Contemporary Art Museum St. Louis. In addition, there are a number of national institutions, as well as private collections that are possible sources of loans.

For example, two sculptures by the legendary Linares family of Mexico City have been loaned to the City of Creve Coeur by Laumeier Sculpture Park and are currently on display at the Creve Coeur Government Center. These sculptures were part of an exhibition of Mexican contemporary folk art, *Animales Encantados*, featuring a group of alebrijes (pronounced “al-ah-bre-hays”). The intricately painted paper mache figures of flying dragons, winged lizards, and mythical creatures were commissioned by Laumeier from members of the Linares family. Laumeier Sculpture Park loaned these pieces with knowledge of the Public Art Task Force’s intent to create a Public Art Master Plan that includes a loan program.

The same considerations and standards should be applied when selecting loaned pieces of art from these sources as would be applied to art purchased by the City as outlined in the Acquisition Policy in this document.

Loans of public art to the City will require the approval of a mutually agreed upon and legally binding contract between the lender and the City. Owners of art who are experienced with lending their art for public display will typically provide their own contract drafted for those purposes. This should be reviewed by the City Attorney prior to any loan agreement approval and should include, during its review, consideration of the following issues and expectations:

- I. There should be a mutually agreed upon value of the piece of art prior to the loan. This is critical for the purposes of guaranteeing adequate insurance for the piece as discussed below. If the owner sets the value of the art and the piece is to be insured by the City, the contract should make clear the City has no liability for errors in the assessed value.
- II. The City should make provisions for examination and determination of any damage to the piece prior to its acceptance.
- III. Typically the City will be expected to provide insurance for the agreed upon value of the piece of art. Should the owner elect to provide their own insurance the contract should make clear that the City will be held harmless for any errors in the agreed upon value. Efforts should be made to confirm that double coverage is not being provided.

- IV. Some insurance policies specify certain exclusions of coverage for extreme circumstances (as example, acts of war). All such exclusions should be identified and specifically noted in the loan contract.
- V. In addition to insurance, the City should consider, and be prepared, for other costs associated with the loan that may include those related to transportation, site preparation, installation, and any ongoing maintenance that may be required during the period of the loan.
- VI. The contract should make clear that the piece of art will only be returned to the owner or their authorized agent. In that respect, the original lender shall be required to notify the City if ownership of the piece changes during the term of the loan. The new owner may be required to provide appropriate proof of ownership prior to the return of the piece to that individual or institution.
- VII. Typically the contract should specify that the terms of the contract will transfer to all heirs, successors and assignees of the piece of art.
- VIII. The laws that will govern the agreement between the City and the lender should be clearly specified and mutually agreed upon in the terms of the loan (e.g. State of Missouri).
- IX. The length of the loan should be negotiated by the City, upon the recommendation of the CCAC, and the time frame and the terms under which the loan contract may be terminated early by either the owner or the City should be clearly specified.
- X. The City should be prepared to accept the art subject to the artist's rights to all reproductions or likenesses of the piece of art. It is, however, typical for the borrower to be provided the opportunity for limited distributions of likenesses of the piece of art for the purposes of publicity. These terms should be negotiated and clearly specified in the loan contract.

FUNDING MECHANISMS

A key component of the Master Plan is the funding for public art. As outlined in this section, funding opportunities include local, state and national government grants. Other funding options that can be explored include funding from national and local foundations, as well as private funding for arts projects through businesses and individuals.

The Task Force further recommends that developers allocate a *percent for art* in connection with large scale development projects within the City in exchange for being granted bonus coverage. Over three hundred cities around the country, including four in the State of Missouri, have adopted this approach to fund public art in their communities. (See Appendix IV for examples of how the City's Zoning Regulations could be modified, and the City of Clayton's Zoning Regulation provides for public art.)

In addition, the Task Force recommends that the City allocate a percent for art in connection with City funded capital projects, to be placed in a restricted account. Moreover, the City needs to establish a general fund budget line item for the long term maintenance and repair of city-owned artwork. By allocating its own financial resources, the City will be able to provide a local match which is often required by granting entities to ensure the City's commitment to public art.

Critical to the long term success and maintenance of the City's art program is the procurement of adequate funding. Options for the acquisition and maintenance of public art will rely on many sources that include grants and corporate and individual contributions. Further, possible zoning incentives could be reviewed and incorporated as part of the existing requirements for bonus site coverage to encourage contributions of art from developers.

Government Grant Opportunities

National grant opportunities include the **National Endowment of the Arts (NEA)**. The NEA was established by Congress in 1965 as an independent agency of the federal government. To date the NEA has awarded more than \$4 billion to support artistic excellence, creativity, and innovation for the benefit of individuals and communities. The NEA extends its reach by partnering with state arts agencies, local leaders, other federal agencies, and the philanthropic sector. The NEA often has grant opportunities for communities like Creve Coeur. A recent example of an opportunity that might be available to Creve Coeur is the NEA's Our Town Grant that funds projects implementing place-based arts and cultural support strategies. The goal of projects funded under this program is to transform communities into lively, beautiful, and sustainable places with arts at their core by encouraging creative activity, creating community identity and a sense of place, and revitalizing local economies. Other grant options could include Federal/State highway grants.

State and local grant opportunities could be available through the **Missouri Arts Council (MAC)**, a state agency and division of the Department of Economic Development, which provides over \$6.5 million a year to nonprofit organizations through grants that meet strategic goals. The goals include:

- Increasing participation in the arts in Missouri
- Growing Missouri's economy using the arts
- Strengthening Missouri education through the arts

The **Regional Arts Commission (RAC)** was founded in 1985 to promote, encourage, and foster the arts and cultural institutions in St. Louis City and County and to contribute to the economic development of the area through a strong presence of the arts. The mission of the Regional Arts Commission is to create an environment that nurtures artists as well as arts and cultural organizations by:

- Providing funds to promote, encourage and foster the arts and cultural institutions and activities within its boundaries
- Promoting and preserving cultural diversity
- Helping artists and arts and cultural organizations improve quality
- Creating equal access to cultural opportunities
- Insuring consideration of aesthetic issues in local decision making
- Continuing to engage in cultural planning

Recommendation: Formation of a 501(c)(3) Not-for-Profit for Public Art

Many art funding agencies and some foundations require that qualifying organizations be not-for-profit, tax-exempt 501(c)(3) organizations, and often require matching local funds. The City's status as a tax-exempt entity may not be sufficient. Therefore it is recommended that the City encourage interested citizens to establish a 501(c)(3), to help implement the strategies outlined in this Master Plan.

Foundation Funding Options

There are several national and local not for profit foundations that fund cultural projects in communities similar to Creve Coeur. Additional research can be done via the internet to identify opportunities for funding through foundations.

Private Funding Options

Private funds can be raised for arts projects through individuals and/or businesses. The Creve Coeur Arts Commission will act as the liaison on behalf of the City of Creve Coeur to seek out partnerships for funding of arts programs as outlined in the Master Plan. Funding contributions would be for specific programs or art under the direction of the Creve Coeur Arts Commission.

City of Creve Coeur Funding Options

The City of Creve Coeur would need to establish a line item budget from the general fund to cover long-term maintenance and repair of city-owned artwork. These could include, but are not limited to, site improvements (i.e. landscaping, concrete platforms, etc.) for the placement of art, and long-term maintenance or repair.

Another line item budget should be considered for grant opportunities that require matching funds from municipalities. In some cases, matching funds can be in-kind services provided by the City.

City Funded Projects

In connection with any City-funded capital building projects, the Task Force recommends that one percent of the construction costs be allocated toward public art. These projects would be limited to new construction that is visible and accessible to the public. The art component of the project would be designed as part of the project and would use the guidelines and policies included in this plan.

Downtown Plan

As Creve Coeur develops the downtown plan, it is crucial that public art and other cultural components be included in the plan. This will create a unique identity for the downtown that will invite visitors to explore.

The overall development of the streetscape provides several opportunities for creative design. These opportunities could be individual items in the design (benches, lamp posts, street signs etc.) or an overall theme that would include sidewalks and open squares that have areas for sculpture with lighting and water features. If the development includes a public facility, the City should allocate one percent of its construction budget for art.

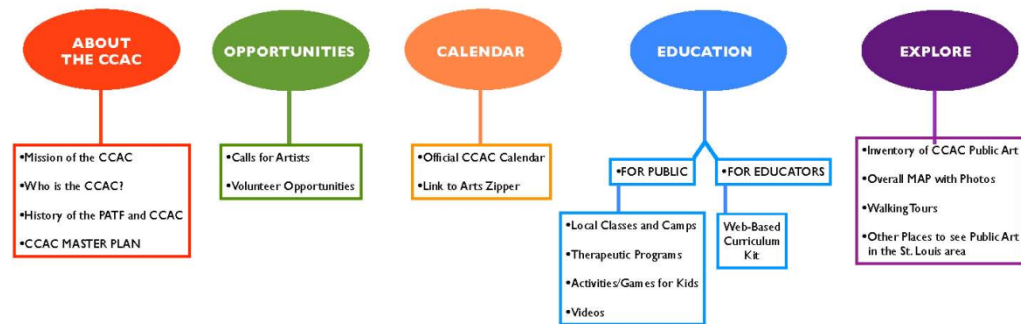
In addition to the City, private developers have a significant role to play in the inclusion of public art in the downtown area. The Task Force recommends the Arts Commission investigate possible incentives that could be included within the zoning code for developments in the downtown area to include open space for public art or the installation of public art.



EDUCATION

The Task Force recommends a comprehensive approach to teaching the public about its resources and collection. Because the Web is such an important tool in communicating with the public, the format of the first segment of the Education Plan is divided into sections that could become part of a comprehensive internet website. Because of the time involved in organizing this information and updating it, links to resources that already provide the information have been listed. Local resources, such as existing websites, university students, local experts and existing programming can be utilized to create a successful multi-pronged approach for outreach.

SAMPLE Website Structure



Education Implementation Guide

An Education Implementation Guide outlines strategies for outreach and making the artwork more accessible. Maps and programs allow local teachers of all subject areas to integrate the public art of Creve Coeur into their curriculum.

A curriculum kit should be developed and modeled after the Arts In Transit website (<http://www.stlpack.org/AIT>) that includes information, images and locator map with multi-disciplinary discussion questions that are down-loadable by PDF. Public art in Creve Coeur could be included in the Arts In Transit Public Art Map.

The Creve Coeur Arts Commission should contact local educators about art curriculum and Missouri State standards to collaborate on projects to be used by students. (The Arts In Transit program suggests conducting two meetings: the first for educators to learn about the City's collection, and then another for feedback from the educators for object-based curriculum.) The Arts Commission could contact University and College Departments for assistance in creating curriculum kits and other educational components through a service learning project for undergraduate and graduate art education students.

The Creve Coeur Arts Commission could develop activities and games through the website that promote the City's Art, such as scavenger and GPS Cache hunts utilizing the collection.

Other possible avenues and activities to develop and include on the website:

- Organizing a volunteer docent program for tours of public art in Creve Coeur during special events (local artists, local art education students, Arts Commission Members);
- Create down-loadable podcasts of tours of the collection or specific works;
- Provide permanent plaques or labels for existing unlabeled artworks in the collection;
- Reach out to child and adult daycares, nursing homes, and assisted living facilities to take advantage of the public art in Creve Coeur;
- Organize studio visits for works-in-progress that will become part of the collection;
- Post video interviews of artists featured in the collection;
- Organize studio tours of local artists or artists featured in the collection.

Information on public art in Creve Coeur, especially maps and information on art in the City, should be made available at the City's Government Center and mailed to new residents as part of a welcome packet.

Resource Links:

- Arts Zipper www.artszipper.com
- Craft Alliance www.craftalliance.org/
- St. Louis Artist Guild www.stlouisartistsguild.org/new/classes-workshops/classes
- Center of Creative Arts www.cocastl.org
- Foundry Art Center www.foundryartcentre.org/
- St. Louis City Open Studios and Gallery www.scosag.org/
- Therapeutic art program: David C. Pratt Cancer Center www.davidcprattcancer.org/healing_enviro/healing_arts.asp

Example Websites:

- The City of Seattle Public Art Program <http://www.seattle.gov/arts/publicart/default.asp>
- City of Las Vegas Office of Cultural Affairs <http://artslasvegas.org/>
- City Cleveland Public Art <http://www.clevelandpublicart.org/>

SUGGESTIONS FROM THE PUBLIC FORUMS

8

The following suggestions are listed to help the Creve Coeur Arts Commission envision options for implementation. Several of these options come directly from suggestions from the Public Forums and other feedback. The Task Force encourages the Arts Commission to further investigate these ideas and to pursue continued public involvement to help insure that the artwork accurately expresses the character of Creve Coeur.

I. Provide Incentives for Public Art

II. Develop Public Programs

- a. Organize tours of artists' studios.
- b. Invite and host performing arts programming in parks.
- c. Develop opportunities for children's art.
- d. Sponsor events dedicated to enhancing awareness of public art and to ensure a presence at major city events.
- e. Consider multi-cultural opportunities that reflect the diversity of the community.

III. Site Specific Suggestions

- a. Site public art in existing parks.
- b. Site public art on Olive/ Interstate 270 overpass.
- c. Integrate public art in the proposed downtown, either in the design of the buildings or the placement of artwork in the downtown area.
- d. Select high-traffic areas (both pedestrian and vehicular) for possible sites for public art for greater impact.
- e. Consider interactive works to draw the public into areas seeking greater pedestrian traffic.

IV. Site Specific Examples

- a. Provide opportunities or artists to paint utility boxes as an inexpensive but highly visible way to create a buzz about public art in Creve Coeur.
- b. Identify streetscape design as a vehicle to include public art, i.e.: artist-designed benches, bike racks, man-hole covers, signage, sewer grates.

V. Create Opportunities for Adaptive Reuse of Environmental Materials

SUGGESTIONS FOR ENGAGING THE PUBLIC

Most artists engaged with public art will be taking an active role in researching the community and reaching out while working within it. Here are several possibilities and frameworks that help the public share ownership of a project.

I. **Community Input (Public meetings)**

- a. Before a call:
 - The public could contribute themes that are important to the community on a site by site basis (and could be integrated into a call for artists).
 - The public could offer sites that may be available for use.
- b. After the CCAC has approved of finalists:
 - Provide opportunities for the public to provide comments on designs.

II. **Artist (Team) and Project Choice**

- a. Select artists and projects whose working methods involve the community as part of their conceptual process (i.e. a video artist who conducts interviews of locals for projection on vacant buildings).

III. **Volunteer Component to Project**

- a. Provide a volunteer component to a project (i.e. ceramic tiles the public draws on that become a park bench)
- b. Allow volunteers to assist with aspects of an artist-led project where safety and insurance allow.

IV. **Outreach to Local Artists**

- a. Ensure the opportunity is made available to local artists, even though they would be competing with national applicants for the project.

There are a few outlines available on the internet of how to engage the community in public art projects. The Chicago Public Art Group's website provides suggestions on how to engage the community in public art projects within the "Community Public Art Guide" at <http://cpag.net/>

APPENDICES

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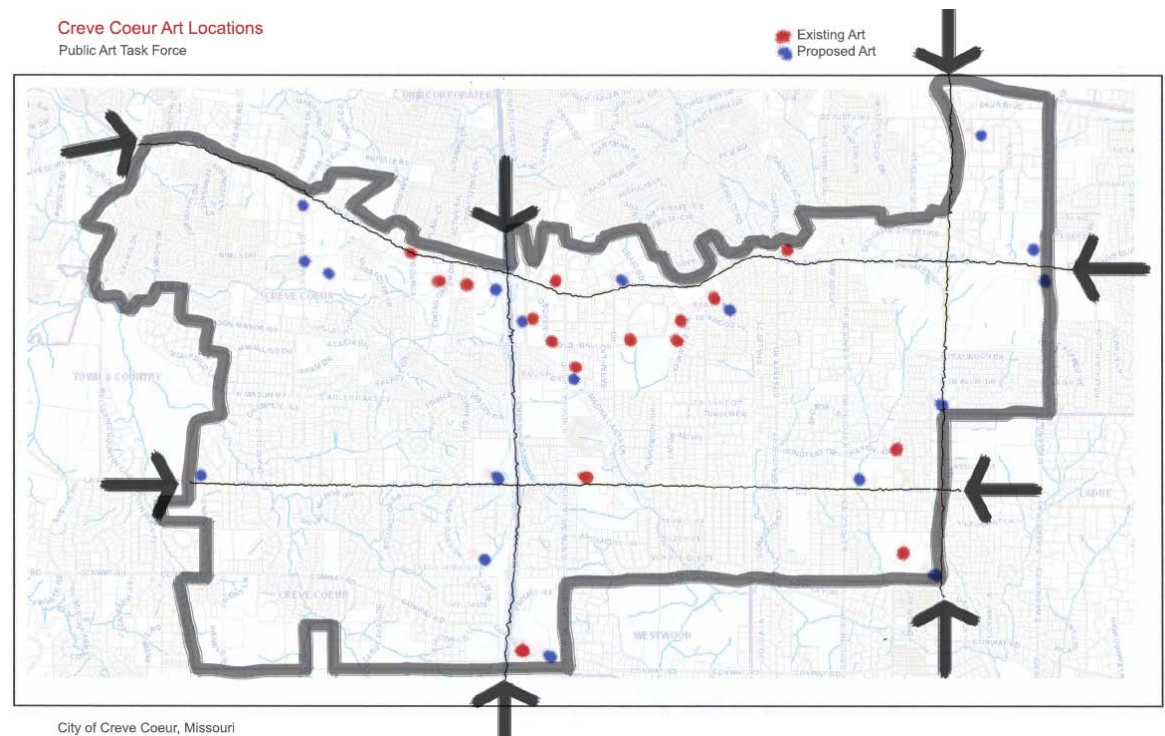
Appendix I: Map of Existing Public Art and Future Location Options

Possible locations for public art in the City of Creve Coeur are shown on the map which follows. As indicated on the map, the Task Force recommends locating art at high impact areas with great visibility and at major entrances to the City.

In addition, the Task Force suggests that some of these locations be considered for temporary public art installations. Each of these locations could include a permanent standard size platform with appropriate utilities for the placement of art to be rotated among the temporary locations.

Also included on this map are the locations of existing public art inventoried by the Task Force and described in this Appendix.

The map is intended to serve as a starting point to stimulate discussion of appropriate locations for public art in Creve Coeur.



Appendix II: CREVE COEUR PUBLIC ART INVENTORY

Dot 1 - General Pulaski

Location: In front of Pulaski Bank, 12300 Olive Blvd.

Artist: Unknown

Date created: Unknown

Date installed: Unknown

Material: Painted metal

Condition: Excellent

Plaque reads:

General Pulaski
Freedom Fighter
Died in Battle
Oct. 11, 1779

General Casimir Pulaski was an Old World nobleman and hero of the American Revolution.

Pulaski was born in Podolia, Poland in 1748, the oldest of three sons of Count Josef Pulaski. While in Paris in 1775, he met an American emissary, Benjamin Franklin, and learned of the American colonists struggle for independence. He proceeded to America, joined Washington's Army and was granted a commission as Brigadier General of Cavalry, the first of such rank in the Continental Army. After a brave defense of Charleston, South Carolina, General Pulaski died with his cavalry in battle at Savannah, Georgia in 1779.

Dot 2 - Public Art at St. Monica, 12136 Olive Blvd. (three pieces)

St. Monica



Location: at the entrance of St. Monica Church, 12136 Olive Blvd.

Artist: Signed J. Sesti

Date created: 1997

Date installed: 1997

Material: Poly-resin, with automotive type paint

Condition: Excellent

Plaque:

Your Ears Were Open
To The Cry
O Good Omnipotent
Confessions 3,11,19-20

The original St. Monica Church was built in 1872. In commemoration of the 125th anniversary of the parish, the congregation approached Frank Stanton, a former art teacher and member of the parish, to create a life-size sculpture of St. Monica. He declined. However, in December, 1994, he asked Julianne "Julie" Sesti, a former student of his, to submit a proposal. At this time, Sesti was just finishing her M.A. in sculpture at Fontbonne and this marked her first professional commission. The work was installed on August 24, 1997.

According to Sesti, "I sculpted her in clay, made a latex rubber mold with a fiberglass mother (support) mold. This was then delivered to a company in Westport, Innovations

in Art. Using the mold, they cast the sculpture in a poly-resin and painted it with automotive type paint with UV protection.”

Monica, a saint especially revered by mothers because of her tireless prayers for the conversion of her wayward son, Augustine, was born of Christian parents in Tagaste, North Africa in 333, and died in Ostia, near Rome, in 387.

The scripture on the plaque can be found in the New Testament, The Confessions, Book III, Chapter 11, Lines 19-20

Mary, Mother of the Church



Location: beside a parking lot on the southeast side of St. Monica Church, 12136 Olive Blvd

Artist: Unknown

Date created: Unknown

Date installed: Early 1970's

Material: Unknown

Condition: Fair. The statue is chipped on the back and generally shows signs of wear.

The sculpture is located in a graceful garden setting.

According to Monsignor Schneider, the parish's former Monsignor, the sculpture originally belonged to Cardinal Joseph Ritter and was housed in the garden of his home in Ladue. When Cardinal Carberry replaced Ritter, he sought to remove the statue and gave it to St. Monica's Monsignor Clarence White in the early 1970's. The sculpture represents Mary as the Mother of the Church, which is why carved faces appear on each side of her body. Monsignor Schneider indicated that there is a possibility that this sculpture was taken from a mold.

The Holy Family



Front



Back

Location: beside a parking lot on the west side of St. Monica, 12136 Olive Blvd.

Artist: The Sisters of the Precious Blood, O'Fallon, MO

Date installed: Late 1960's

Material: Ceramic tiles mounted on wood

Condition: Poor. Many of the tiles are chipped.

Words inscribed on the tiles in the back:

I am
The
Resur-
Rection
And
The
Life

According to Monsignor Schneider, the former monsignor of the parish, the mosaic house sculpture was installed at St. Monica's by the parish's Monsignor Clarence White as a reminder to the school children of the importance of the holy family.

Dot 3: Sea Chase



Location: Fountain Park, 11915 Olive Boulevard, at Orchard Lakes Drive, just east of Interstate 270.

Artist: John Seyfried (1930 -)

Date created: 1962

Date installed: July, 1994

Material: Metal, galvanized pipe and copper.

Plaque:

“SEACHASE” John Seyfried
Erected: July, 1994
Work originally commissioned for
Lobby of Chase Park Plaza Hotel
St. Louis, Missouri ~ 1962
Donated to the
City of Creve Coeur
By Marian Hess

Condition: The sculpture is currently in a state of disrepair and needs to be refurbished. It has oxidized to the point where it is turning ashy and white in places.

The sculpture is a fountain, having water jets trickling water in many different directions. It is an abstract work. It is either metal with a brass finish or made entirely of brass; the legs are made of galvanized pipe; the pipes are copper. It is 9 1/2 feet tall. It is signed “Seyfried.”

Seyfried was born in St. Louis in 1930. He attended Cranbrook Academy of Art. An art educator, he currently resides in Tennessee.

In 1992 a woman named Marian Hess donated the work to the City of Creve Coeur. The donor bought the sculpture at an auction of art from the Chase-Park Plaza Hotel. The piece was installed outside of the hotel, to the right of the porte-cochere.

The City hired Jennifer Odem, a nationally known expert in sculpture placement and Assistant Professor of Art at Webster University, to recommend the appropriate placement of the sculpture. Ms. Odem toured the Creve Coeur parks and presented the City with her recommendation that the Seyfried sculpture be installed at Fountain Park. Her report states, "the union of the park and sculpture will not only enhance and rejuvenate the existing environment, but may remind us how essential these places are in our everyday lives."



Dot 4 - Painted Traffic Signal Box



Location: Corner of North New Ballas and City Place Drive

Artist: Unknown

Date created: Unknown

Date installed: Unknown

Condition: excellent



Dot 5 - Eggs and Columns



Location: Northeast corner of Old Ballas and Decker, on property owned by Plaza Motors

Artist: Carol Fleming, (1960 -) St. Louis, MO

Date created: 1999

Date Installed: 1999

Material: ceramic, with embedded glass, metallic objects and marbles

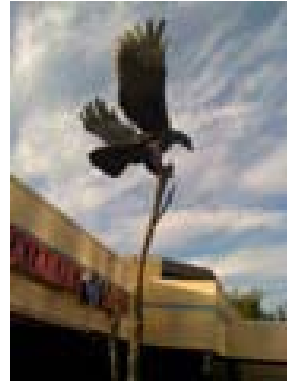
Condition: excellent. However, the sculpture is partially hidden by the growth of pines trees at the corner. Thought should be given to either trimming the trees or moving the sculpture.

Carol Fleming received her Master of Fine Arts from Ohio University in Athens, Ohio in 1987 and created her first studio in Maplewood, Missouri in 1988. She now lives and works in Ladue, Missouri. Fleming's Mission Statement states, "Specializing in site-specific and one-of-a-kind artwork in clay, I create for client's satisfaction and personal reach." Fleming's work exudes optimism and exuberance which may be her response to the challenges she faces as a deaf person.

These are 3 ceramic columns, similar to the ones at the Creve Coeur Government Center. The totem pole-like architectural forms convey strength as well as expressions of reach and optimism. Each column has an egg-shaped object on top. According to Fleming's website, the eggs represent potential, new hope, the mystery of what is to come.



Dot 6 - Eagle Landing



Location: Located in front of Eagle Eye Care, 633 Emerson Road

Artist: Harry Weber (1942-)

Date created: Unknown

Date installed: Unknown

Material: Bronze

Condition: Excellent

This sculpture of a bald eagle is 110% life sized. The eagle is shown landing on a 15' bronze tree. This appears to be one of an edition of six.

According to Weber's website, he has produced a body of work of over 100 large and more than 200 smaller pieces. His work embodies human emotion and power with a spontaneity developed from a lifelong habit of sketching from life. He creates sculptures which capture an instant, never static or posed, with a distinct style making maximum use of the natural fluidity of the bronze medium.

Dot 7 - Celebration of Community



Location: In front of Creve Coeur Government Center, 300 N. New Ballas Road

Artist: Carol Fleming, (1960 -) St. Louis, MO

Date created: 1999

Date installed: 2000

Material: Ceramic

Condition: Excellent

The sculpture was commissioned by the City of Creve Coeur to commemorate the City's 50th Anniversary.

The sculpture consists of five, nine-foot tall, ceramic columns in different clay colors and glazes. "The meaning behind the sculpture is being a vertical bridge. "In reaching out--to support each other with a hug or a letter, or by listening --we connect with one another. We gather together to celebrate a good life with happy neighbors," Carol Fleming stated in her project description.

The 50th Anniversary Sculpture Committee notified more than 35 colleges and universities in Missouri along with numerous individual Missouri artists about the opportunity to participate in the competition that was judged by prominent art experts.

Seventeen Missouri artists submitted resumes as well as slides of their work and the intent of each piece. Four finalists were selected by the sculpture jury to submit models of their proposed sculpture. Each finalist was awarded \$1,000.

Members of the jury included Ken Balk, Creve Coeur resident, art collector, and former Chairman, President & CEO of Balk & Associates, an architectural/ engineering firm; the late Joanna Collins, Creve Coeur resident and retired art teacher at John Burroughs High School; the late Patricia Degener, nationally known art critic and artist; Jim Harris, Associate Professor, School of Architecture, Washington University; and Beej Nierengarten-Smith, Ed.D., former Director/Chief Curator, Laumeier Sculpture Park.

It is recommended that the City of Creve Coeur erect a plaque on the site, with the name of the work, the artist's name, and a reference to the City's 50th anniversary.

Dot 8 – Art at Shaare Emeth Congregation, 11645 Ladue Road (three pieces)

Possibilities



Location: North side of Shaare Emeth Congregation, 11645 Ladue Road

Artist: Brother Mel Meyer, S.M. (1928 -)

Date created: 2004

Date installed: 2007

Condition: Good

Material: Brushed metal and glass

Plaque reads:

“Possibilities”
By Brother Mel Meyer
In memory of
Sam and Minerva Birenbaum
With Love
From Their Family

The piece was commissioned by a member of the congregation, Ken Birenbaum, and donated to the Temple in memory of his parents.

Lisa's Star



Location: on a field at Shaare Emeth Congregation, 11645 Ladue Road

Artist: Unknown

Date created: Unknown

Date installed: 2002

Material: Wood

Condition: Appears good

Plaques:

Lisa's Star
In honor of
Lisa Sher Lux
For her devotion, grace faith
And love for the children of
Camp Emeth
During her many years as Director

Dedicated July 5, 2002
25 Tammuz, 5762

"There are stars whose radiance
is visible on earth though
they have long vanished.
There are people whose brilliance
continues to light the world
though they are no longer
among the living."

~~ Hannah Senesh ~~

If you stand beneath the sculpture and look skyward, the pieces of wood form the Star of David.

TRI-YUD



Location: This sculpture and fountain are located in an interior courtyard at Shaare Emeth Congregation, 11645 Ladue Road

Artist: Saunders Schultz (1927-)

Date installed: 2007

Material: Polished stainless steel

Condition: Excellent

According to material supplied by the artist, the sculptural fountain TRI-YUD mirrors several of the central concepts of Judaism, giving them aesthetic expression. The ancient Hebraic definition of “to be human” was “to be in relationship to God, to our fellow human beings, and to nature.” To be fully spiritual human beings, we must be in covenant with God and God’s creations. TRIYUD encompasses the three ways that we know God, and through knowing God, we come to know ourselves.

Mr. Schultz explains, “Rising from a low horizontal disk of gleaming black granite symbolizing the perfect circle of God, a triad of stainless steel triangular forms, each representing the Hebrew letter ‘Yud,’ or God, approach one another as they ascend gracefully heavenward. Brushed satin finished sides become highly polished surfaces as they face the outside, reflecting viewer and nature.” In the evening, the spirituality is enriched by lighting within the center of the base that passes through swirling mist to light the Yuds with constantly changing subtle patterns.

This piece was donated by Lee Bohm and family in memory of Milford Bohm, Jr.

Other Art at Shaare Emeth

The stained glass windows on either side of the ark in the Sanctuary as well as the Eternal Light are by Chihuly. In addition, a chandelier called Ner Tamid, Eternal Light, was created by Gilula and Frankel, two disciples of Chihuly.

Dot 9 - Dancing Couple



Location: 655 Craig Road, Creve Coeur Executive Office Park.

Artist: Brother Mel Meyer, S.M. (1928-)

Material: Painted steel

Date created: Unknown

Date installed: Unknown

Condition: Excellent

The "**Dancing Couple**" pictured above was commissioned by Solomon Brothers, St. Louis developers, for The Center located in Creve Coeur Executive Park. Subsequently, the piece was moved to 655 Craig Road.

Brother Mel, as he is known, belongs to the Society of Mary religious order based in St. Louis. A Florissant, Missouri native, he opened the Marianist Galleries on the Vianney Campus in Kirkwood in 1968, where his work is displayed. He is an extremely prolific artist who has crafted well over 8000 pieces.

Though he employs Christian symbols in his art, Bro. Mel's work can be seen as universal icons, said Anne Brown, a gallery owner in Nashville. (South County Times, 7.18.08).

Of his own work, Brother Mel says, "Everything I do is religious, because of the inspiration behind it and the way it impacts people."

Dot 10 - Caught In A Storm



Location: Thomson Reuters Building, 717 Office Parkway, in the Creve Coeur Executive Office Park

Artist: Nicholas Mukomberanwa, Zimbabwe (1939-2002)

Date created: Unknown

Date installed in Creve Coeur: 2005

Material: Carved stone

Condition: it appears to be in very good condition

This sculpture was originally purchased by Bridge Technologies from Gallery Alina in Boston in 1998. It was installed in Bridge's office at 3 World Financial Center in New York City. After the 9/11 attacks on the World Trade Center, the 3 World Financial Center was evacuated and the sculpture was placed in storage. Around the same time, Bridge was purchased by Reuters.

In 2005, the sculpture was removed from storage, re-located to the Thomson Reuters office in Creve Coeur and installed in a beautifully landscaped courtyard outside of the rear of the building.

Dot 11 - Sculpture at St. Louis Surgical Center



Location: St. Johns Mercy Breast Center at St. Louis Surgical Center, 760 Office Parkway, in the Creve Coeur Executive Office Park

Artist: Unknown

Date created: Unknown, probably 2005

Date installed: 2005

Material: Concrete

Condition: Appears to be in excellent condition.

The sculpture of a mother and child was installed outside the front of the building in 2005, when the building was built. The piece was chosen by Dr. John Hirsch, who purchased it from a street vendor on Page Avenue. Since it was made from a concrete mold, there are probably many just like it in the metro area.



Dot 12: HBE Corp, 11330 Olive Blvd.

Five works by Brother Mel Meyer, S.M. (1928-) are located in front of HBE Corp. on Olive Blvd.

According to Brother Mel, the works were commissioned during the 1980's by Fred Kummer, the head of HBE which owned the Adams Mark Hotel. They were originally on the roof of the Adams Mark Hotel in downtown St. Louis and moved to the HBE headquarters in Creve Coeur in 2008 when the Adams Mark closed.

The first four works pictured are of painted steel.

Man With Dog



Lady and Man



Lovers On A Bench



Boy With A Bicycle



Name unknown



Material: metal in a stacked brick enclosure



Dot 13: Morning Dew



Location: west side of building, 10911 Olive Blvd.

Artist: Larry Pogue

Date created: 2007

Date installed: 2007

Condition: Excellent

Material: Brushed stainless steel

Larry Pogue was born and raised in St. Louis, MO. After graduating from Kansas State College (in 1968) with his Master's Degree in Sculpture and Printmaking, he taught art in college for 28 years. In 1997 Pogue took early retirement to do sculpture full time.

Pogue comments about the process of making stainless steel sculptures: "I like the permanence of this medium (material), because, when I finish my sculpture, it remains just the same way-forever.

Pogue says of his work, "Sculpture is not an illusion, but a reality that should have a mystery to make people THINK."



Dot 14 - Statue of William Joseph Chaminade

Location: Located in front of the Immaculate Conception Chapel on the campus of Chaminade College Preparatory School, 425 S. Lindbergh Blvd.

Artist: Unknown

Date created: Approx. 2005

Date installed: Approx. 2005

Material: Bronze, installed on a granite base

Condition: Excellent

This is a sculpture of William Joseph Chaminade (1761-1850) who was a French Roman Catholic priest who survived persecution during the French Revolution. He founded the Society of Mary, also called the Marianists, in 1817.

According to Father Ralph Siefert, the statue was commissioned by Brother John Waldron, SM in 1917. The commission was given to the Deprato Rigali studios, a group based in Chicago and still in business today. The statue was made in the business's studios in Pietrasancta, Italy, a town near the source of the Carrara marble from which it was made. The sculptor is unknown. Apparently people who worked for the studio did not sign their work. If there was a record of the artist, it was lost when the firm lost a lot of their old data many years ago. The design came from a photo that Bro. Waldron gave to the firm and which Chaminade no longer possesses.

Apparently the statue was to have been delivered in October of 1917, but didn't arrive until May, 1918 because of the problems of ocean transportation during World War I. The cost of the statue and its transportation from New York where it arrived from Italy was a whopping \$600!! The statue was unveiled at a grand ceremony on June 9, 1918 at which some 1400 people gathered – Chaminade still has the program from the celebration.

The statue remained in front of the main building till it was moved to the front of Frische Hall in 1970, a move made to accommodate new parking for the campus.

Chaminade had it recast in bronze a few years ago because the marble was showing significant deterioration. The original is now in storage and awaiting an indoor location where it can once again be displayed.

In addition, inside the foyer to the chapel there appear to be numerous sculptures of ecclesiastical figures.



Dot 15 – Public Art at Congregation Temple Israel, #1 Rabbi Alvin D. Rubin Drive (Ladue Road at Spoede)

Inspiration



Location: Congregation Temple Israel, #1 Rabbi Alvin D. Rubin Drive
(Ladue Road at Spoede)

Artist: Robbie Robbins

Date created: 1996

Date installed: 1996

Material: Stainless steel on a granite base

This piece was commissioned by Joan and Les Nackman in memory of their son, Kirk Nackman, for whom the surrounding garden is named. It is located near the entrance to the May Chapel.

The sculptor is Robbie Robbins from San Francisco. According to his website, Robbins' art is dominated by a passion to create perfect forms in space with impeccable simplicity of line and shape. The sculpture Inspiration is thought to resemble the Eternal Light, an important symbol in Judaism.

Sculpture on Roof



Artist: Gyo Obata

Date created: 1962

Material: Copper; menorah at very top is said to be dipped in gold

Temple Israel was designed by Gyo Obata, of the internationally renowned architectural firm of Hellmuth, Obata, and Kassabaum (HOK). The roof line evokes the peaks of the tents of the Israelites in the wilderness. Atop the roof is a copper sculpture, with a menorah resting on its peak.

Abstract Wall Sculpture



Artist: Rodney Winfield

Date installed: 1961

Material: Copper

This piece of sculpture, which is located on the left side of the large window facing Ladue Road, is a gift from the Christ Church Cathedral and the Episcopal Diocese.

Wall Sculpture of a Menorah



Artist: Rodney Winfield

Date installed: 1961

Material: copper

This piece of sculpture, which is located on the right side of the large window facing Ladue Road, is a gift from the Confirmation Classes of 1960 and 1961.

Dot 16 – Sol Temperat Omnia



Location: Temple Emanuel, 12166 Conway Road

Artist: Saunders Schultz (1927-)

Date installed: 1989

Material: Polished stainless steel on granite base

The name, Sol Temperate Omnia, is Latin for The Sun Warms Everything. According to the artist, “It is about reaching up and outward to the sun. It’s leaf-like forms are reaching for the sun. It’s the idea of growth.” Mr. Schultz explains, “The sculpture evokes the same spiritual feeling that one encounters when reading these lines from Walt Whitman’s poem, *Song of Myself*, ‘I believe a leaf of grass is no less than the journey work of the stars.’”

This work of art was donated to Temple Emanuel by the Monsey family in 1989.

Saunders Schultz’s career spans more than 50 years since graduating from Washington University with a Bachelor of Fine Arts degree in 1950 and a fellowship to the University of Illinois, where he received a Master of Fine Arts Degree in 1952. He founded Scopia, a unique sculpture studio in 1960.

In addition, the sanctuary of Temple Emanuel was designed by William Bernoudy, a protégé of Frank Lloyd Wright, and is a unique and beautiful building.

Dot 17- Holy Cross Lutheran Church



Location: 13014 Olive Blvd.

Artists: Saunders Schultz and Bill Severson

Date built: 1967

Material: Epoxy roof, stained glass windows

This is a small white building to the west of the Holy Cross Lutheran Church. According to Mr. Schultz, "The building is the sculpture." He characterized the building as "architectural sculpture", with "the Church's form reaching spiritually upward." Schultz is most proud of the ceiling on the inside of the building. He says it is like a whale, a skeleton. He also designed the stained glass windows.



Appendix III: Creve Coeur City Council Resolution Establishing the Public Art Task Force

RESOLUTION NO. 881

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR
ESTABLISHING A TASK FORCE TO INVESTIGATE PUBLIC ART IN CREVE COEUR
AND DEVELOP A CREVE COEUR PUBLIC ART MASTER PLAN.**

WHEREAS, the Mayor and City Council learned about public art and a Public Art Master Plan in the City Council Work Session held on June 8, 2009; and

WHEREAS, the City of Creve Coeur has recognized the benefit to the community that would result from planned public art throughout the community; and

WHEREAS, the Recycling, Environment and Beautification Committee supports the exploration of public art and the development of a Public Art Master Plan for the City of Creve Coeur;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, AS FOLLOWS:

SECTION 1. There is hereby established a Public Art Task Force to consist of not more than 11 members. The Task Force shall include Creve Coeur residents, citizens who work in Creve Coeur or professionals in fields relating to the Public Art Task Force.

SECTION 2. The duties of the Task Force shall include, but not be limited to:

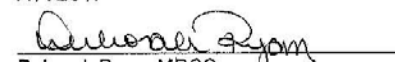
1. Defining Public Art in Creve Coeur.
2. Identifying existing Public Art in Creve Coeur.
3. Seeking the level of public interest in Public Art in Creve Coeur through the newsletter, city website and public forums.
4. Research funding opportunities to procure art, maintain art, de-assess art and to administer the Public Art Program through public and private sources.
5. Develop a Public Art Master Plan for the City of Creve Coeur.

SECTION 3. The Task Force shall make regular reports to City Council and shall continue its work until it is dissolved by further resolution of the City Council.

Adopted this 24th day of August, 2009.


Harold Dielmann, Mayor

ATTEST:


Deborah Ryan, MRCC
City Clerk

Appendix IV: Possible Zoning Recommendations

The Task Force recommends the Creve Coeur Arts Commission investigate possible incentives that can be utilized within the Zoning Code. Currently, the Zoning Code provides consideration for bonus coverage within the “PO” Planned Office, “MX” Mixed Use, “PC” Planned Community, “GC” General Commercial and “CB” Core Business Districts in exchange for special site planning features such as “objects of art or beautification, and statuary or other unique visual features.”

The Creve Coeur Arts Commission should recommend to the City Council a revision to the City’s Zoning Code to ensure that future art proposals are consistent with the intent of the Public Art Master Plan. Funding for the art should be based on a percentage of the total construction cost of the development (e.g. 1%). Other possible incentives should also be investigated by the Creve Coeur Arts Commission. The CCAC would also work to develop, in partnership with the City Council and the Planning Division, strategies for the funding of Public Art in association with private and public development.

For example:

Section 405.370: “CB” Core Business District

(E)(3)(b) Maximum site coverage

(2) The Planning and Zoning Commission may, in its discretion, allow the permitted coverage to be increased as a bonus by an additional factor (not to exceed a total of seventy percent (70%) site coverage) in consideration of special or outstanding landscape and site planning features as demonstrated by a site development plan submitted in accordance with Section 405.1080. The features to be considered in the granting of any bonus coverage may include, but not be limited to, the provisions of:

- (a) Special pedestrian facilities and features such as gardens, fountains, seating areas and outdoor recreation amenities;*
- (b) Objects of art or beautification; statuary or other unique visual features, with recommendation and assistance from the Creve Coeur Arts Commission;***
- (c) Burial of overhead transmission lines and removal of utility poles.*

The City of Clayton provides for:

SECTION 405.1380: PUBLIC BENEFIT

A. The public benefits to the City that are intended to be derived from the approval of planned unit developments include, but are not limited to:

- i. Extraordinary landscaping and greenspace provisions;*
- ii. Garage entryways by virtue of their location, materials and design blend with the architecture of the surrounding neighborhood;*
- iii. Architectural distinction and significance that would make the development noteworthy;*
- iv. Extensive use of high quality building materials that would add significant value to the property and benefit the adjacent properties;*

- v. *Provision of new public infrastructure including, but not limited to, streets, curbs, sidewalks, sanitary sewers, stormwater sewers, lighting and public parking;*
 - vi. *Provisions for reduced sale or rental for a percentage of the units to encourage the goal of affordable housing;*
 - vii. *Sustainable building design and construction including, but not limited to, sustainable site development, green roofs, water savings, energy efficiency, materials selection and indoor environmental quality.*
- B. For projects proposed within the central business district, the public benefits specific to the central business district that are intended to be derived from the approval of planned unit developments include, but are not limited to, the following accessory complimentary features:*
- i. *Inclusion of below grade public parking facility located underneath the proposed development;*
 - ii. *Inclusion of public parking spaces in excess of what is required by [Chapter 405, Article XXV](#) of the Municipal Code;*
 - iii. *Inclusion of street level landscape garden, plaza or park available for public use;*
 - iv. *Inclusion of special access features or provisions to existing or planned public transit facilities;*
 - v. *Inclusion of a mixed use development plan where no single use exceeds eighty percent (80%) of the total floor area;*
 - vi. **Public art;**
 - vii. *Architectural distinction and significance that would make the building(s) noteworthy; and*
 - viii. *Extensive use of high quality building materials that would add to the assessed valuation of the structure. (Ord. No. 5814 §1(12.3), 4-27-04; Ord. No. 5935 §1(12.3), 7-11-06)*

Appendix V: Public Art Task Force Members' Biographies

Emma Dent: Emma Dent, a St. Louis native, has lived in Creve Coeur for nearly 20 years. In May of 2009, she graduated summa cum laude from Washington University in St. Louis with an A.B. in Art History & Archaeology. Dent has held internship positions at a variety of arts and culture organizations throughout the country, including the Saint Louis Art Museum, the Mildred Lane Kemper Art Museum, the Corcoran Gallery of Art in Washington, D.C., and the Regional Arts Commission. She currently works as a research assistant to Dr. Angela Miller, Professor of Art History & Archaeology at Washington University, and is set to begin work as a project-based public art consultant for Via Partnership, LLP.

Jim Hentschell: architect, practicing/living in Creve Coeur for 40 years. Previously vice chair of Planning and Zoning Commission, 2 City Attorney search committees, TIF commission, and 3 Building Department Review Committees. Founding member of Kirkwood Fine Arts Commission.

Anne Lewis: Anne Lewis holds a Bachelor of Fine Arts from Tyler School of Art in Philadelphia. She attended Skowhegan School of Painting and Sculpture + Cornell. After a short career as a fine artist she redirected with a degree in landscape architecture from the Harvard Graduate School of Design. Anne relocated to St. Louis in 1982 to join the architecture firm of H.O.K. She started her own business in 1991. Lewisites Inc. Landscape Architects has been located on Lindbergh Blvd in Creve Coeur for 12 years. Now, after a thirty year practice of landscape architecture she wants to 'quit her day job' to re enter the art world as a commercial artist.

Judy Pass: A resident of Creve Coeur for almost 40 years, Judy Pass and her husband Jeffrey have been married for 45 years, have 2 adult sons and one grand-daughter. After graduation from Cornell, Pass produced antiques shows throughout the country. Following that, she became involved in political campaigns and worked as a political consultant for almost ten years. She served as a member of the Creve Coeur City Council from 1993-2002 and is currently a member of the City's Recycling, Environment and Beautification Committee. In 1999, Pass served as the Co-Chair of the City's 50th Anniversary Sculpture Competition, which culminated in the selection of the Carol Fleming sculpture, "Celebration of Community", which is located on the grounds of the Government Center. Other community activities include the Creve Coeur Squires, Trustee and Editorial Chair of the St. Louis Jewish Light, and former Board Member of the Tappmeyer Foundation. Pass's other interests involve working in her award-winning garden, growing orchids and playing duplicate bridge.

Dionna Raedeke: Dionna Raedeke is an artist and designer, living and working in Creve Coeur for the past 3 years. Dionna has been in the design industry for the last 11 years, and currently consults in the specialized field of creating Artwork Master Plans for healthcare environments. Dionna is the co-founder of ART E.A.S.T. studio tours and the Edwardsville Arts Center. She and her husband both make art and exhibit regularly. Dionna has a Bachelor of Fine Arts degree from Southern Illinois University at

Edwardsville. She and her husband have one son, who is also a prolific artist in his own right.

Scott Saunders: Elected to the Creve Coeur City Council April 2011, Scott Saunders has been a resident of Creve Coeur for 14 years. In 2001 he was appointed to the Traffic Committee where he served his final seven years as Chairman of that Committee. During this period of service he also served as District 3 Representative to the St. Louis County I-64 Task Force. More recently and immediately preceding his election to the City Council, he served as a Planning & Zoning Commissioner for the City of Creve Coeur, as well as a member of the Public Art Task Force to which he now serves as the Council Liaison. He is an Associate Professor of Pediatrics and Developmental Biology at Washington University School of Medicine where he cares for critically ill newborns in the Neonatal Intensive Care Unit at St. Louis Children's Hospital and runs an active research laboratory focused on understanding the causes of birth defects. He received his B.S. from the University of Minnesota and his M.D. and Ph.D. degrees from Stanford Medical School, prior to completing his clinical training at Harvard Medical School. Scott has been married to Steph for 27 years. They have two teenage children, Will and Julia, who attend school in the Parkway School District.

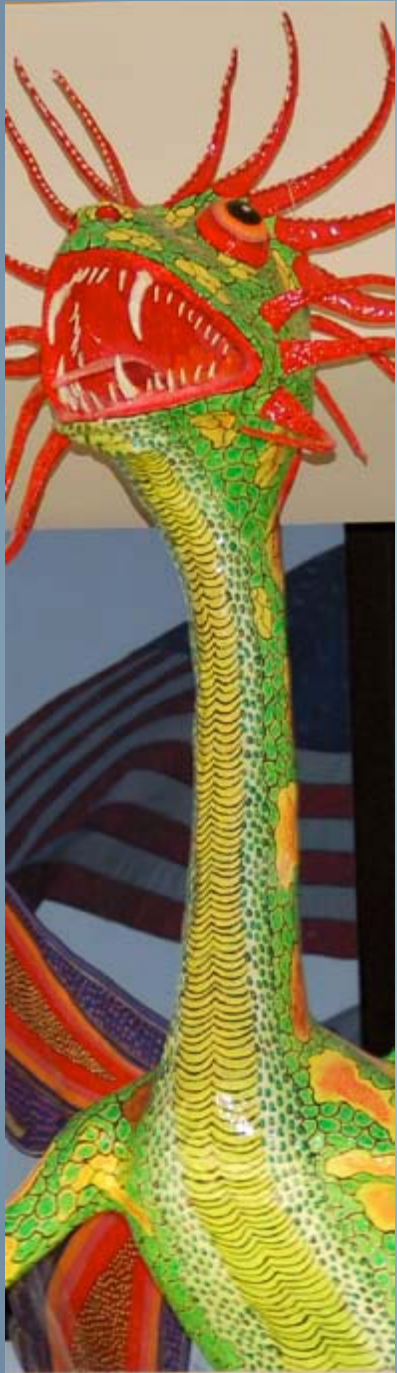
Daniel P. Tierney: Daniel Tierney is the deputy director of the Regional Arts Commission (RAC). Tierney represented RAC during the construction of its Cultural Resource Center—a 21,000 square foot facility. During his tenure at RAC, Tierney has implemented several time-saving improvements to the grants system. Most recently he became RAC's point person for Crestwood Court ArtSpace and Chesterfield Mall Artropolis. These unique partnerships between RAC and local malls offer empty spaces in the mall for a small fee to artists and cultural groups, stimulating both business and the arts. Additionally, Tierney has served as a panelist at a national Americans for the Arts conference and he presents seminars on grant writing and organizational training. He is also an alliance member of BoardLink, an organization that introduces talented and informed individuals from diverse backgrounds to non-profit organizations to serve on their boards. In his limited spare time Tierney serves as chairman for the Creve Coeur Public Art Task Force, and on the City's Recycling Environment and Beautification Committee. He also serves as Assistant Scoutmaster for the Boy Scouts and is a Trustee for his neighborhood. He is married with two children and lives in Creve Coeur.

Jessica Witte: Jessica Witte is an artist and educator. She has exhibited her multi-media work extensively in the Midwest including a four-person show at The Museum of Nebraska Art, as well as her work being included in over 40 exhibitions at venues such as the Rockford Art Museum (IL), WomanMade Gallery (Chicago), the Berkeley Art Center (CA) and Maas Gallery (Purchase, NY), as well as the San Diego Art Institute. Mrs. Witte served as Nehring Gallery Director, Coordinator of Marketing and Education for the Northern Illinois University Art Museum and instructor at Waubensee Community College, before relocating to St. Louis in 2008. Since moving, she has taught classes at St. Charles Community College, the St. Louis Artist Guild, and conducted workshops of her large-scale drawings with seed. Her ephemeral birdseed drawing projects were recently featured in Chicago Art Magazine and will appear briefly at the Barnes Jewish St. Louis Children's Hospital July 2011.

Douglas R. Wolter: Douglas Wolter is Horticulture Supervisor for St. Louis County Department of Parks & Recreation. He founded the Children's Garden Club, now in its 11th year. He was honored to be able to be a part of the floral design team at Lambert Saint Louis Airport for Pope John Paul II's departure from St. Louis in 1999. He has serving on the Members Board of the Missouri Botanical Garden, Christmas In St. Louis, Co-Chairman of the 1991 GWAA National Meeting in St. Louis, St. Louis Flower Show Advisory Board for the Junior League of St. Louis, V.P. Parade Floral Chairman, Cultural Festivals (Heritage Jazz, Art Fair, the Big Read), Creve Coeur's Recycling Environment and Beautification Committee and Public Art Task Force, a member of the Greater St. Louis Landscape and Nurserymen's Association. Doug attended both Meramec Community College and Colorado State University.

Special thanks to **Stacie Jensen** who provided graphic design for this document.





Creve Coeur Public Art Master Plan



Executive Summary

1

- Definition of Public Art
 - *Public art in Creve Coeur refers to quality works of original art in any media for temporary or permanent placement that have been planned as an integral part in accessible settings*
- Goals and Objectives

Formation of the Arts Commission

- Consists of 7 members
 - All are appointed according to Article IV, Section 4.4(i) of the city charter
 - Residents of the City
 - Experience in the arts
 - One of the seven is from the Planning and Zoning Commission
- Form a 501 (c) 3 Not-for-Profit corporation



Acquisition and De-Accession Policy

- Accepting or acquiring art work
 - Consistent with the definition of public art
 - Follow procedures in the policy
- Disposing of or removing art work
 - Criteria for selecting works to be removed
 - Procedures to remove



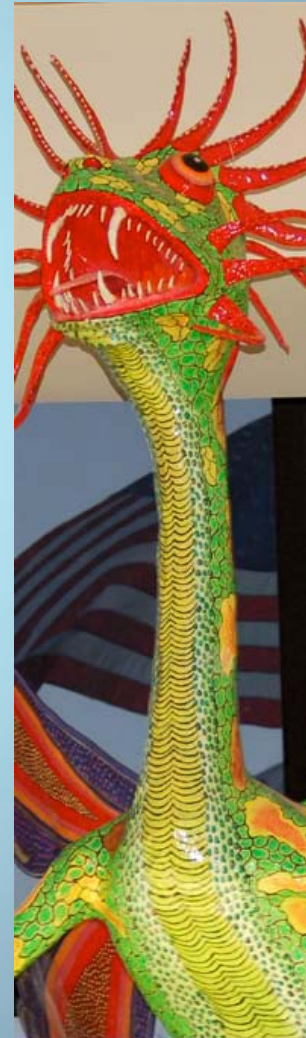
Call for Artists

- Guidelines to follow
- Sample Call
- Who to send the call to
- Where to send out a notice



Public Art Loan Program

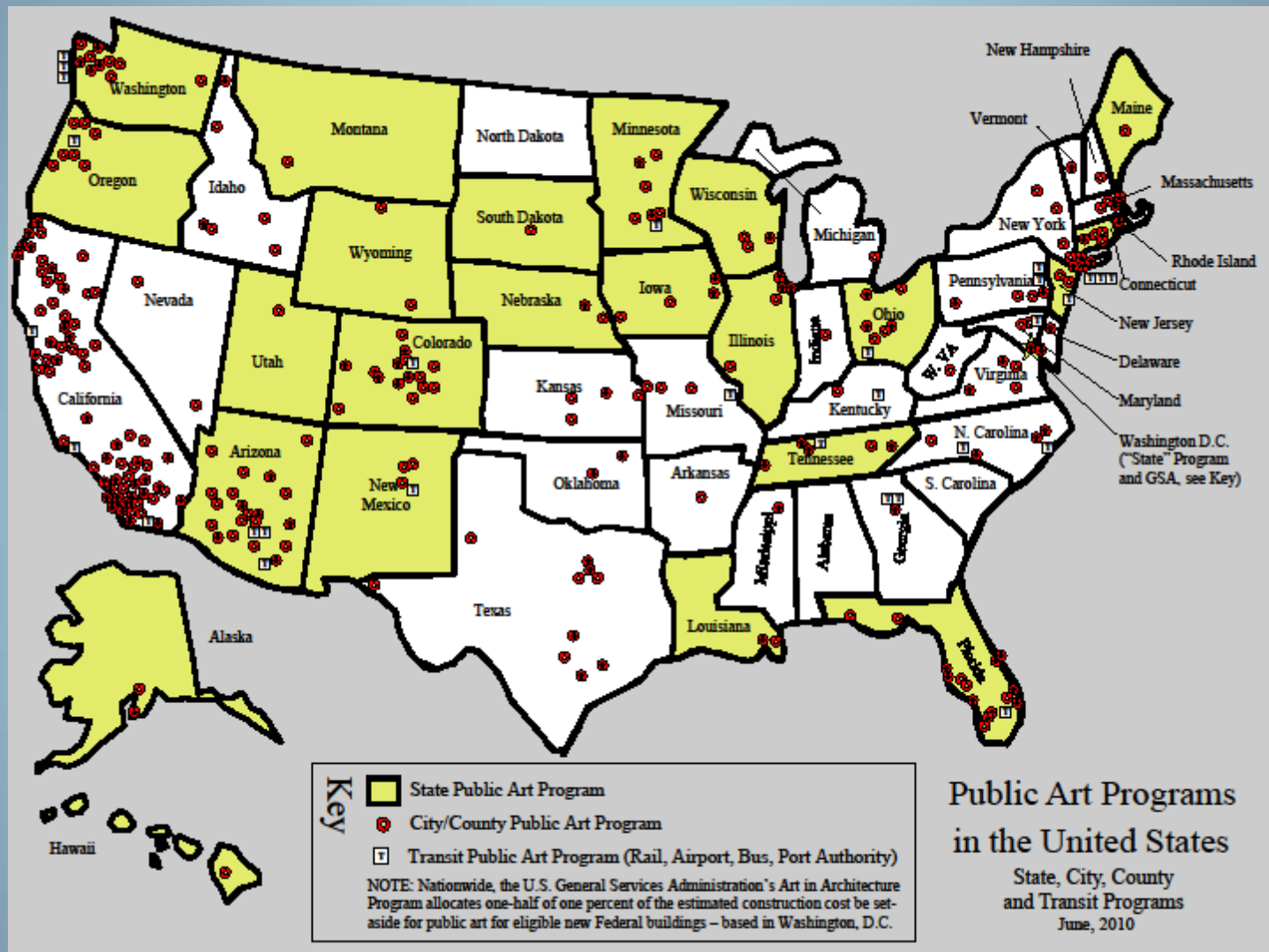
- Creating a contract
- Insuring the art work



Funding Mechanisms

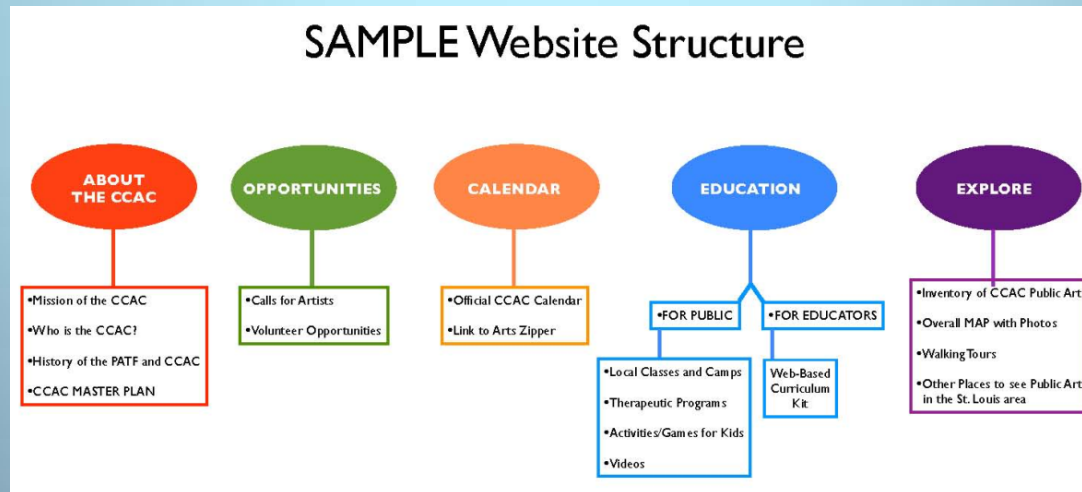
- Donations
- Grants
- City Funded
 - 1 percent of construction costs
- Private development
 - Bonus coverage incentives
- Downtown Plan
 - City portion
 - Lighting, streetscape, sidewalks
 - Private Development portion
 - Incentives





Education

- Web-site
- Curriculum Kit
- Resources



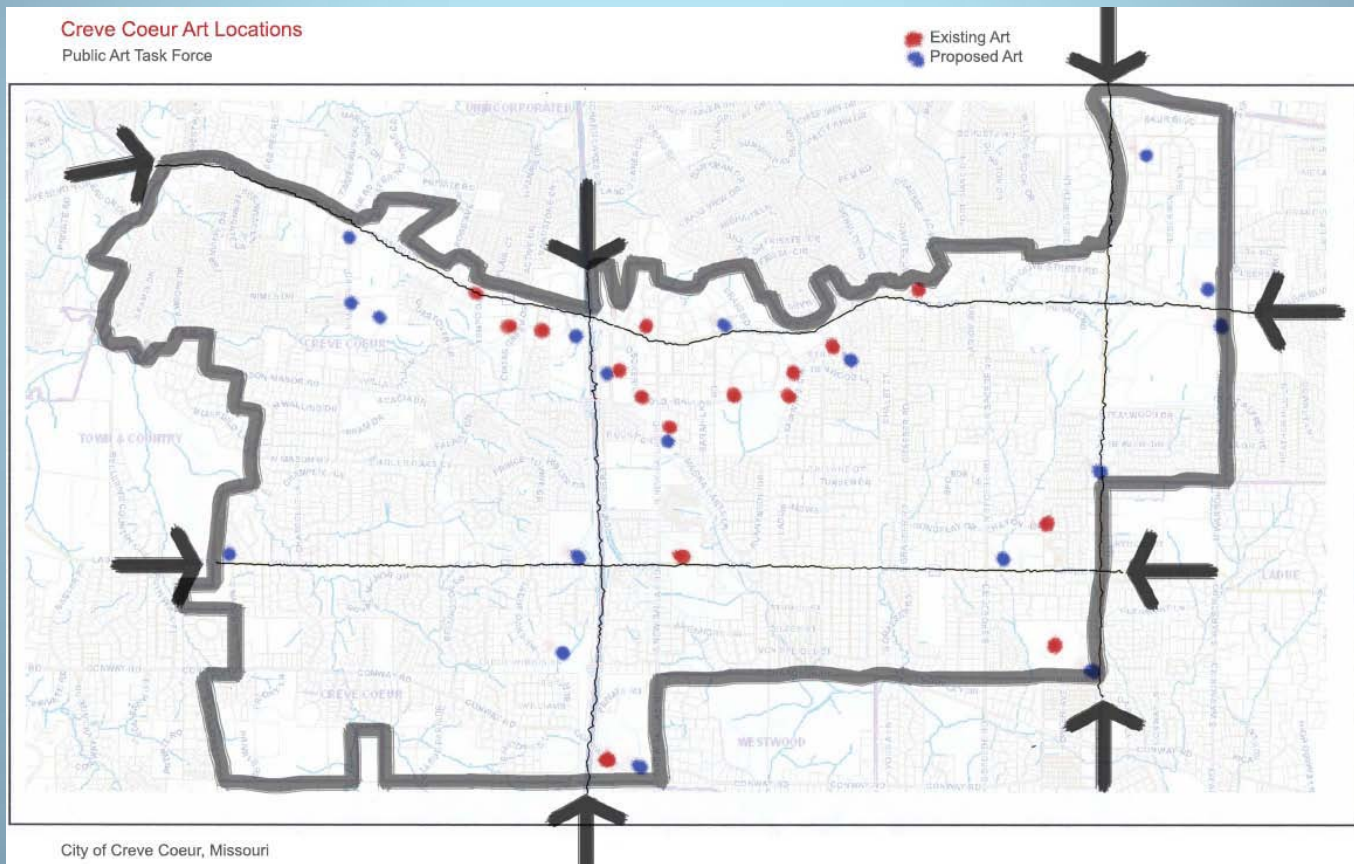
Suggestions from the Public Forum

- Public Programs
- Site specific suggestions and examples
- Adaptive reuse of environmental materials

Engaging the Public

- Community input
- Projects involving the community
- Volunteering
- Involving local artists

MAP



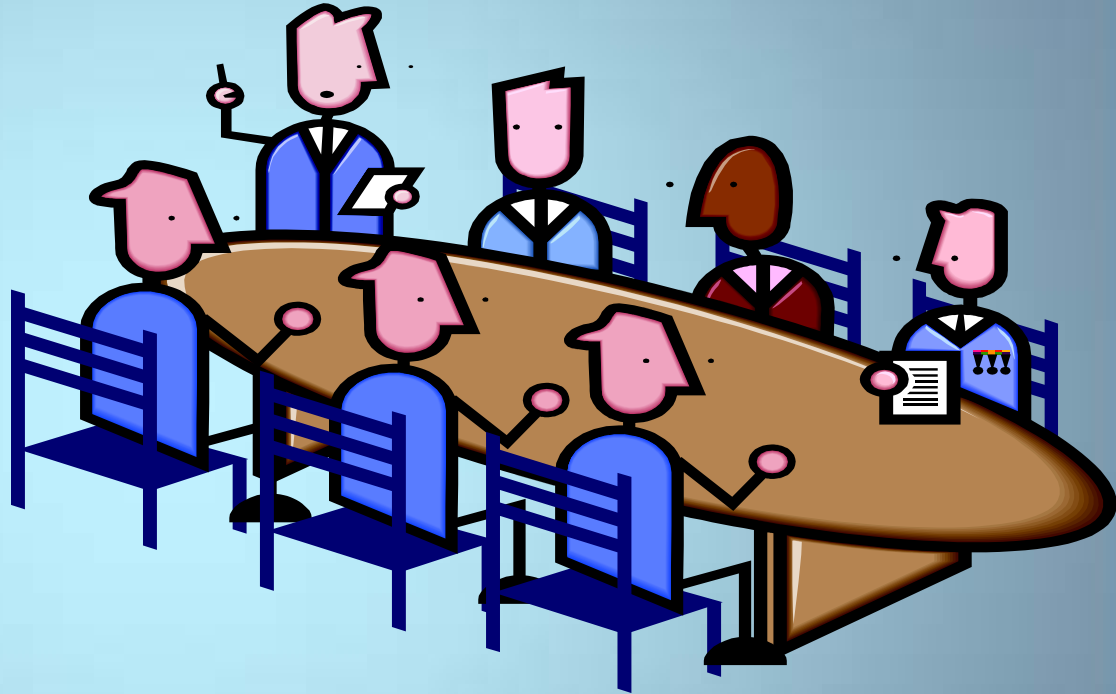


Inventory



The Task Force

- Emma Dent
 - Jim Hentschell
 - Anne Lewis
 - Judy Pass
 - Dionna Raedeke
 - Scott Saunders
 - Dan Tierney
 - Jessica Witte
 - Douglas R. Wolter
-
- Whitney Kelly – Staff Liaison



**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF
CREVE COEUR TO REZONE FIVE ACRES OF LAND FROM “AR”,
ATTACHED SINGLE-FAMILY RESIDENTIAL DISTRICT TO “GC”, GENERAL
COMMERCIAL, AND 4.28 ACRES OF LAND FROM “AR” ATTACHED
SINGLE-FAMILY RESIDENTIAL DISTRICT TO “D” SINGLE-FAMILY
RESIDENTIAL DISTRICT, TOGETHER WITH A SITE CONCEPT PLAN FOR
THE PROPERTY ADDRESSED AS 13150 OLIVE BOULEVARD.**

WHEREAS, an application was made by George Stock, of Stock and Associates Consulting Engineers, Inc., on behalf of Orson Properties LLC, to subdivide and rezone 5 acres of the property at 13150 Olive Boulevard from “AR” Attached Single-Family Residential to “GC” General Commercial and rezone the remaining 4.28 acres from “AR” Attached Single-Family Residential to “D” Single-Family Residential; and

WHEREAS, in accordance with Section 405.1080 of the Zoning Ordinance, the applicant has submitted a site concept plan for the subject property, addressed as 13150 Olive Boulevard, to the Division of Planning; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, July 5, 2011, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application; and

WHEREAS, notice of said public hearing had been previously published at least 15 days prior to the hearing, in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur and otherwise posted and published in accordance with the Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a unanimous vote, recommended approval of the rezoning, subject to conditions, at its meeting on July 18, 2011; and

WHEREAS, all parties desiring to be heard, either for or against said application, were given an opportunity to be heard, and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the Council; and this Bill having been read by title in open meeting two times before final passage by the City Council, and

WHEREAS, the City Council being fully informed finds that rezoning the property would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest and in good zoning practice;

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, St. Louis County, Missouri, as follows:

Section 1: The Official Zoning Map of the City of Creve Coeur shall be amended to rezone five acres of the property addressed as 13150 Olive Boulevard from “AR” Attached Single Family Residential District to “GC” General Commercial District, and the remaining 4.28 acres from “AR” Attached Single Family Residential District to “D” Single Family Residential District, subject to the conditions stated herein, which property is more specifically described as follows:

TRACT TO BE RE-ZONED "GC" GENERAL COMMERCIAL DISTRICT
(LOT 1)

A tract of land being located in US Surveys 367 and 923, Township 46 North, Range 5 East of the Fifth Principal Meridian, City of Creve Coeur, Missouri being more particularly described as follows:

Beginning at the northeastern corner of a tract of land as conveyed to Richard Schoenberg by instrument recorded in Book 8472, Page 579 of the St. Louis County Records, said point also being located on the southern right-of-way line of Olive Boulevard, variable width; thence continuing along said southern right-of-way line the following courses and distances: North 84 degrees 07 minutes 01 seconds East, 122.80 feet; North 67 degrees 25 minutes 04 seconds East, 104.40 feet and South 61 degrees 22 minutes 29 seconds East, 191.56 feet to the northwestern corner of a tract of land as conveyed to the International Development Corporation by instrument recorded in Book 10505, Page 2416 of above said records; thence along the western and southwestern lines of said International Development Corporation tract the following courses and distances: South 08 degrees 08 minutes 00 seconds West, 78.51 feet; South 56 degrees 10 minutes 00 seconds West, 8.20 feet and South 42 degrees 35 minutes 00 seconds East, 331.99 feet; thence departing last said line the following courses and distances: South 47 degrees 25 minutes 00 seconds West, 309.69 feet; North 53 degrees 46 minutes 50 seconds West, 83.08 feet; North 35 degrees 29 minutes 20 seconds West, 30.45 feet; North 24 degrees 52 minutes 46 seconds West, 182.82 feet; North 37 degrees 51 minutes 47 seconds West, 22.96 feet; North 11 degrees 25 minutes 38 seconds West, 60.53 feet to the beginning of a non-tangent curve to the right; thence along said curve having a radius of 54.00 feet, a chord which bears South 87 degrees 20 minutes 55 seconds West, 71.94 feet and an arc length of 78.73 feet; South 35 degrees 43 minutes 17 seconds West, 48.38 feet to the northeastern line of a tract of land as conveyed to Union Electric by instrument recorded in Book 1197, Page 205 of above said records, said point also being the centerline of a creek; thence continuing along last said northeastern lines and said centerline the following courses and distances: North 54 degrees 16 minutes 43 seconds West, 24.34 feet; North 74 degrees 59 minutes 49 seconds West, 72.92 feet; North 80 degrees 19 minutes 54 seconds West, 70.19 feet; South 75 degrees 37 minutes 16 seconds West, 68.74 feet and South 87 degrees 19 minutes 59 seconds West, 113.38 feet to the southeastern line of above said Richard Schoenberg tract; thence along the southeastern and eastern lines of said Richard Schoenberg tract, North 52 degrees 57 minutes 00 seconds East, 339.42 feet and North 07 degrees 09 minutes 29 seconds West, 74.34 feet to the Point of Beginning and containing 217,784 square feet or 5.000 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on June 29, 2011.

TRACT TO BE RE-ZONED "D" SINGLE FAMILY RESIDENTIAL
(LOT 2)

A tract of land being located in US Surveys 367 and 923, Township 46 North, Range 5 East of the Fifth Principal Meridian, City of Creve Coeur, Missouri being more particularly described as follows:

Commencing at the northwestern corner of a tract of land as conveyed to the International Development Corporation by instrument recorded in Book 10505, Page 2416 of the St. Louis County Records, said point also being located on the southern right-of-way line of

Olive Boulevard, variable width; thence along the western and southwestern lines of said International Development Corporation tract the following courses and distances: South 08 degrees 08 minutes 00 seconds West, 78.51 feet; South 56 degrees 10 minutes 00 seconds West, 8.20 feet and South 42 degrees 35 minutes 00 seconds East, 331.99 feet to the POINT OF BEGINNING of the herein described tract; thence continuing along said southwestern and western lines the following courses and distances: South 42 degrees 35 minutes 00 seconds East, 136.83 feet and South 07 degrees 51 minutes 00 seconds West, 645.81 feet to the northern line of Bellerive Farm Estates Plat One a subdivision according to the plat thereof as recorded in Plat Book 347, Pages 193 and 194 of above said records; thence along the northern lines of said Bellerive Farm Estates Plat One the following courses and distances: North 81 degrees 19 minutes 25 seconds West, 153.03 feet; North 06 degrees 34 minutes 25 seconds West, 397.63 feet; North 53 degrees 46 minutes 50 seconds West, 230.68 feet and North 43 degrees 41 minutes 27 seconds West, 28.77 feet to the northeastern line of a tract of land as conveyed to Union Electric by instrument recorded in Book 1197, Page 205 of above said records, said point also being the centerline of a creek; thence continuing along last said northeastern lines and said centerline the following courses and distances: North 12 degrees 36 minutes 03 seconds West, 94.89 feet; North 24 degrees 52 minutes 46 seconds West, 72.97 feet; North 37 degrees 51 minutes 47 seconds West, 69.04 feet and North 54 degrees 16 minutes 43 seconds West, 29.15 feet; thence departing last said northern line the following courses and distances: North 35 degrees 43 minutes 17 seconds East, 48.38 feet to the beginning of a non-tangent curve to the left; along said curve having a radius of 54.00 feet, a chord which bears North 87 degrees 20 minutes 55 seconds East, 71.94 feet and an arc length of 78.73 feet; South 11 degrees 25 minutes 38 seconds East, 60.53 feet; South 37 degrees 51 minutes 47 seconds East, 22.96 feet; South 24 degrees 52 minutes 46 seconds East, 182.82 feet; South 35 degrees 29 minutes 20 seconds East, 30.45 feet; South 53 degrees 46 minutes 50 seconds East, 83.08 feet and North 47 degrees 25 minutes 00 seconds East, 309.69 feet to the Point of Beginning and containing 186,498 square feet or 4.281 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc, on June 29, 2011.

Section 2: As required by Section 405.1080 of the Zoning Ordinance, the approval of said rezoning request is subject to the property being developed in accordance with the site concept plan, as further revised as required and approved by the City of Creve Coeur, and subject to the following additional conditions:

- A. The rezoning is contingent upon completion of a municipal boundary adjustment resulting in the entire property being located in the City, and shall not take effect unless and until such boundary adjustment is completed. The applicant shall submit a boundary adjustment application for the annexation of that portion of the proposed "GC" District that lies within the City of Chesterfield. If the municipal boundary has not been adjusted within twelve (12) months, this ordinance shall not take effect.
- B. Prior to issuance of any building permits, the applicant shall complete the recording of the boundary adjustment plat, revising the boundary of the two properties along the district lines, and provide final copies to the City.
- C. Prior to issuance of any building permits, the applicant shall prepare and record indentures requiring maintenance of the quarry lake, as approved by the City Attorney.
- D. Prior to issuance of any building permits, the applicant shall provide proof of recording of all necessary access easements and/or street dedications for access to the portion of the property rezoned to D from Olive Boulevard.

- E. Prior to issuance of any building permits, the applicant shall provide written acceptance by the Missouri Department of Transportation of the proposed Olive Boulevard access and any modifications to Olive Boulevard.
- F. Prior to issuance of any building permits, a deed restriction shall be placed on the subject properties, which prohibits the following uses:
1. Transportation and communication uses including only the following:
 - a. Local and suburban transit and interurban highway passenger transportation including only the following:
 - (i) Local and suburban passenger transportation (all uses within SIC Code 411).
 - (ii) Taxicabs (all uses within SIC Code 412).
 - (iii) Intercity and rural bus transportation (all uses within SIC Code 413).
 - (iv) Bus charter service (all uses within SIC Code 414).
 - b. Communications including only the following:
 - (i) Telephone communications (all uses within SIC Code 481 except radio, television and communication transmitting or relay towers, antennas and other similar structures).
 - (ii) Telegraph and other message communications (all uses within SIC Code 482).
 - (iii) Radio and television broadcasting stations (all uses within SIC Code 483).
 - (iv) Cable and other pay television services (all uses within SIC Code 484).
 2. Miscellaneous equipment rental and leasing including only the following:
 - a. Medical equipment rental and leasing (all uses within SIC Code 7352).
 - b. Equipment rental and leasing not elsewhere classified (all uses within SIC Code 7359).
 3. Membership organizations including only the following:
 - a. Business associations (all uses within SIC Code 861).
 - b. Professional membership organizations (all uses within SIC Code 862).
 - c. Labor unions and similar labor organizations (all uses within SIC Code 863).
 - d. Civic, social and fraternal associations (all uses within SIC Code 864 except bars and restaurants owned and operated for members of organizations only).
 - e. Political organizations (all uses within SIC Code 865).
 - f. Other membership organizations (all uses within SIC Code 869).

Said deed restriction shall be submitted to the City Attorney for review and approval prior to recording.

- G. The applicant shall submit a site development plan and applications for any other approvals as necessary in compliance with Section 405.360 and other City ordinances. Site development plan applications shall include detailed building and landscape drawings to demonstrate conformance with the Design Guidelines and the Zoning Code. Acceptance of the site concept plan does not represent approval for any development of the property.

BILL NO. 5326

ORDINANCE NO. _____

- H. The applicant shall submit lighting specifications and a photometric study for any lighting proposed with the final site development plan to the Division of Planning for review and approval.
- I. The applicant shall submit site improvement plans in conformance with the final site development plan to the Division of Planning for review and approval prior to issuance of a building permit.
- J. The applicant shall provide a final landscape plan with the site improvement plan to the Division of Planning for review and approval in conformance with Section 405.540 of the Zoning Ordinance. The landscape plan shall also be in substantial conformance with the approved site development plan.
- K. The applicant shall submit architectural renderings to the Division of Planning for review to determine substantial conformance with approved site development plans.
- L. The applicant shall submit building plans to the Building Department for review and approval, as required by Title V of the Municipal Code.

Section 3: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter and the conditions stated above.

ADOPTED THIS ____ DAY OF _____, 2011.

TARA NEALEY
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2011.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK



city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

Meeting Date: August 8, 2011

To: Honorable Mayor and City Council Members
Mark Perkins, City Administrator

From: Whitney Kelly, AICP, City Planner, and Paul Langdon, AICP,
Director of Community Development

Subject: P&Z Application #11-014; 13150 Olive Boulevard-Cava Di Roccia
Rezoning

PLANNING AND ZONING COMMISSION ACTION AND DRAFT ORDINANCE

On July 18, 2011, the Planning and Zoning Commission voted 7-0 in favor of the following motion on P&Z Application #11-014:

“To approve the draft rezoning and site concept plan on application #11-014, subject to the conditions contained in the draft ordinance attached to the staff report dated July 18, 2011 with the additional two conditions that the Planning Commission recommend to the City Council, a restricted use of “GC” business uses that may be permitted and that planning be incorporated to take care of the requirement that the quarry be maintained in a reasonable way by legal encumbrances.”

Therefore, the draft ordinance has been revised to include these conditions.

Due to concerns that some of the uses permitted by right in the “GC” District would not be appropriate at this location, the Planning and Zoning Commission recommended that the rezoning ordinance include a list of those uses to be prohibited by deed restriction on the subject properties. Staff recommend that the deed restriction prohibit the following uses:

1. Transportation and communication uses including only the following:
 - a. Local and suburban transit and interurban highway passenger transportation including only the following:
 - (i) Local and suburban passenger transportation (all uses within SIC Code 411).
 - (ii) Taxicabs (all uses within SIC Code 412).
 - (iii) Intercity and rural bus transportation (all uses within SIC Code 413).
 - (iv) Bus charter service (all uses within SIC Code 414).

- b. Communications including only the following:
 - (i) Telephone communications (all uses within SIC Code 481 except radio, television and communication transmitting or relay towers, antennas and other similar structures).
 - (ii) Telegraph and other message communications (all uses within SIC Code 482).
 - (iii) Radio and television broadcasting stations (all uses within SIC Code 483).
 - (iv) Cable and other pay television services (all uses within SIC Code 484).
 - 2. Miscellaneous equipment rental and leasing including only the following:
 - a. Medical equipment rental and leasing (all uses within SIC Code 7352).
 - b. Equipment rental and leasing not elsewhere classified (all uses within SIC Code 7359).
 - 3. Membership organizations including only the following:
 - a. Business associations (all uses within SIC Code 861).
 - b. Professional membership organizations (all uses within SIC Code 862).
 - c. Labor unions and similar labor organizations (all uses within SIC Code 863).
 - d. Civic, social and fraternal associations (all uses within SIC Code 864 except bars and restaurants owned and operated for members of organizations only).
 - e. Political organizations (all uses within SIC Code 865).
 - f. Other membership organizations (all uses within SIC Code 869).

The second condition included in the Commission recommendation is intended to address the legal means of protecting the quarry lake as common ground for both properties. The draft ordinance therefore requires that the applicant shall prepare and record indentures requiring maintenance of the quarry lake, as approved by the City Attorney.

In addition to the draft rezoning ordinance, a second ordinance is included for Council's consideration for the municipal boundary adjustment with the City of Chesterfield. Completion of this boundary adjustment is also listed as a condition of the ordinance approving the rezoning. The City Attorney and Planning Director with the City of Chesterfield have been contacted and indicated that they are likely to proceed with the boundary adjustment in the near future.

If there are any remaining questions, the Planning Division staff is available to provide clarification.



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APPLICATION TO PLANNING AND ZONING COMMISSION

#11-014 FOR REZONING 5 ACRES FROM "AR" ATTACHED SINGLE-FAMILY RESIDENTIAL TO "GC" GENERAL COMMERCIAL AND 4.28 ACRES FROM "AR" ATTACHED SINGLE-FAMILY RESIDENTIAL TO "D" SINGLE FAMILY RESIDENTIAL, FOR SITE CONCEPT PLAN APPROVAL, AND FOR BOUNDARY ADJUSTMENT OF THE PROPERTY LOCATED AT 13150 OLIVE BOULEVARD

FOR THE MEETING OF: July 18, 2011

LOCATION: 13150 Olive Boulevard

REQUEST:

George Stock, of Stock and Associates Consulting Engineers, Inc., on behalf of Orson Properties LLC, has submitted an application for site concept plan, boundary adjustment, and rezoning of 5 acres of the property at 13150 Olive Boulevard from "AR" Attached Single-Family Residential to "GC" General Commercial and rezoning the remaining 4.28 acres from "AR" Attached Single-Family Residential to "D" Single Family Residential.

ADDITIONAL INFORMATION:

Section 405.360 "GC" General Commercial District requires a minimum area of five acres, if not expanding an existing "GC" District. The residential unit on the property will be renovated and utilized as a single-family residence. No other residential units are being proposed. There also appears to be a discrepancy between the cities of Creve Coeur and Chesterfield regarding the location of the shared municipal boundary and whether or not it divides this property. This question will also have to be resolved before the project can proceed.

Key Issues:

- Does the request further the goals and/or implement the Comprehensive Plan?
- Does the request meet with the minimum standards of the proposed "GC" General Commercial and "D" Single Family Residential districts?

Comp. Plan References

- Residential Preservation and Economic Development
- Community Health and Connectivity

Zoning Code References

- Section 405.280 "D" Single-Family Residential District
- Section 405.360 "GC" General Core Business District
- Section 405.1060 Zoning Changes and Text Amendments

APPLICANTS:

George M. Stock, P.E.
Stock and Associates Consulting
Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO 63117

OWNER:

Orson Properties LLC
7201 Olive Boulevard,
University City, MO 63130



REPORT PREPARED BY:

Whitney Kelly
Whitney Kelly, AICP, City Planner

7/15/2011
Date

ATTACHMENTS:

Applicant's Materials revised July 14, 2011
Applicant's Boundary Adjustment Plat dated July 15, 2011
Draft Ordinance

INTRODUCTION

George Stock, of Stock and Associates Consulting Engineers, Inc., on behalf of Orson Properties LLC, has submitted an application for boundary adjustment and rezoning of five acres of the property at 13150 Olive Boulevard from “AR” Attached Single-Family Residential to “GC” General Commercial and rezoning the remaining 4.28 acres from “AR” Attached Single-Family Residential to “D” Single Family Residential. The existing three lots will be re-subdivided to form two lots along the district lines. The applicant is also requesting approval of the conceptual site plans for the commercial development that includes two buildings: a proposed bank and a restaurant, both with drive-through facilities. No tenants have been identified, so the drive-through facilities cannot be approved at this stage. In the meantime, the rezoning of the property would allow for any use permitted within the “GC” General Commercial District zoning regulations. If a tenant needing a drive-through is later identified, the applicant will have to return to the Planning and Zoning Commission for approval of a site development plan and any conditional use permits necessary. Further, the Site Development Plan has not been submitted, because no architectural drawings can be included without the identification of a tenant and use of the site.

The green space to the southwest, within the “GC” General Commercial District, is currently the leaf transfer lot used by the City’s Public Works Department. This area is within the floodway and is not otherwise developable. Therefore, the applicant is proposing to continue to allow the City to utilize this area, as open green space. The “GC” General Commercial District will also include a large portion of the former quarry lake in order to meet with the five acre minimum requirement for a “GC” District. Finally, a portion of the proposed “GC” District falls within the City of Chesterfield, and a municipal boundary adjustment will be necessary.

The residential rezoning from “AR” Attached Single Family Residential to “D” Single Family Residential will allow for the renovation of the existing house as a single family home. No other housing units are being proposed with this project. Access from Olive Boulevard will be granted through an access easement.

BACKGROUND

The residential structure, in-ground pool, pool house, and a quarry lake are currently located on the subject property. The house was built in 1989 and is approximately 10,000 square feet in size. The area was annexed into the city in 1995. The property was sold in 1999, and has been vacant since. Creve Coeur Country Club purchased the site and with approval of a Conditional Use Permit (Ordinance Number 2115, approved March 12, 2001) proposed to rehab the structure to operate a private club, however this project was never completed.

In 2005, Mr. Jim Fong, of JFA, Inc., received approval (Ordinance Number 3072) for rezoning and a site development plan to the current zoning of “AR” Attached Single Family Residential with the intent to construct twenty-five (25) townhouse units. This project was also never completed and the property has remained un-used in its current state.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Commercial: Bank and drive through restaurant	‘C-8’ Planned Commercial District (Unincorporated St. Louis County)	Olive Boulevard
South	Residential: Bellerive Farm Estates subdivision	“D” Single Family Residential District	NA
East	Residential: Mill Crossing	“AR” Attached Single Family Residential	NA

West	Vacant	"FPR-3" Flood Plain Residential District (City of Chesterfield)	NA
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COMPREHENSIVE PLAN REVIEW

The Comprehensive Plan does not provide much discussion regarding this property. However, the general goals and strategies call for the preservation and protection of residential neighborhoods from encroachment by commercial development, as well as the preservation of the long-term economic strength of the City (Residential Preservation and Economic Development, page 21). Community Health and Connectivity discusses the preservation, protection and acquisition of open spaces, natural areas, and creeks in an effort to improve the quality of life, environment, and air. Further the Community Health and Connectivity Goals and Strategies requires that new commercial, institutional and multi-family development or redevelopment include public amenities such as pedestrian connections, bicycle facilities, public sitting/ gathering areas and open, space as appropriate (page 22). The applicant's site concept plan indicates that roughly 70% of the commercial development will be maintained as greenspace and includes a sidewalk along the Olive Boulevard frontage to help complete the pedestrian network in this area. Thus to this extent the proposed development is in keeping with the Comprehensive Plan. Site Development Plan review will be necessary to ensure further compliance with the Comprehensive Plan.

The Creve Coeur Northwest Sector Land Use Plan was developed in 1996 for the area of West Olive Boulevard. Discussion of this area within the plan calls for the preservation of open space and the maintenance of green space. The plan further includes this site with the proposed development of a park space for recreational use that is passive in nature. This plan was completed prior to the development of Millennium Park, which largely satisfies the intent of the plan for open park space in the Ward IV area of the city. While the commercial development is approximately one-third of the five acres, leaving a majority of the proposed "GC" district as open space, any use of this area for commercial purposes is in conflict with the Northwest Sector plan.

On the other hand, the commercial development will provide the property owner the means to preserve the house in its original setting and maintain a lush residential character adjacent to the surrounding residential development, thus providing a better transition to the surrounding neighborhoods in keeping with the goals of the Comprehensive Plan, arguably more so than the previously approved rezoning to "AR" Attached Single Family Residential. It is also unlikely that this small project will significantly extend any negative impacts of the commercial development north of Olive Boulevard, in Saint Louis County, to the south side of Olive Boulevard, in Creve Coeur, as topographic and development constraints to the east (Mill Crossing) and topographic and hydrologic constraints to the west (Creve Coeur Creek) will limit future development in the area.

ZONING REVIEW

Section 405.1060: Zoning Changes and Text Amendments requires that all rezoning of property to "GC" General Commercial shall be accompanied by a site concept or site development plan and the action of the Planning and Zoning Commission approving, disapproving or conditionally approving the site concept or site development plan shall accompany its recommendation to the City Council regarding the rezoning.

Further, Section 405.1060.E provides for the standards for rezoning a property:

Zoning regulations should be changed if the public welfare is not served by the zoning or if the public interest served by the zoning is greatly outweighed by the detriment to private interests. In making this determination, the City should consider the adaptability of the subject property to its zoned use and the effect of zoning on property value in assessing private detriment. The character of the neighborhood, the zoning and uses of nearby property, and the detrimental effect that a change in zoning would have on other property in the area are relevant to the determination of public benefit.

As discussed earlier, the property has remained in derelict condition for twelve years, and has been subject to vandalism and trespassing that could lead to significant public hazards. It is unlikely that the development of this property as a single-family residence and the maintenance of open greenspace are likely to occur, given the current condition of the property. As discussed under the Comprehensive Plan review, the commercial development will allow the property owner to restore the existing house as a single family residence, thus limiting the detrimental effect the commercial development would have on the surrounding neighborhoods, particularly to the south.

Olive Boulevard has been the commercial corridor within the City of Creve Coeur. With any property that has frontage along Olive Boulevard, commercial development pressure will continue to occur, even more so with the expansion of MO Route 141. The Code has recognized the potential for conversion of residences along Olive Boulevard to office and retail service uses. Specifically:

Section 405.450.E: Commercial Uses Of Single-Family Residential Structures. The Planning and Zoning Commission may authorize by site development plan approval in accordance with Section 405.1080 the use and conversion of existing single-family residential structures located within the "A", "B", "C", "D" and "AR" residential districts to office or certain prescribed retail service uses, provided said structures front on and have direct access available from a numerically designated State highway (Lindbergh Boulevard--140; Olive Boulevard--340)...

So while this section allows commercial development on this property even without rezoning, in this instance the property owner is providing an honest review of the site for commercial development without the false pretense of creating a single family residence style structure that will be used for commercial purposes.

The "GC" General Commercial District (Section 405.360) is intended to accommodate, by site development plan approval, convenience retail shopping, services and offices which are freestanding or part of small scale planned commercial development and which are compatible in scale and intensity of use with adjacent residential uses.

A "GC" General Commercial District requires a minimum of five acres, if not expanding an existing "GC" District; and all of the following:

Section 405.360: "GC" GENERAL COMMERCIAL DISTRICT

D. Site Development Plan Required. Site development plan approval by the Planning and Zoning Commission shall be required for all proposed developments within the "GC" District as provided for in Section 405.1080.

E. Dimensional Regulations. The following area and yard regulations apply in the "GC" General Commercial District.

- 1. Minimum district size. The minimum district size shall be five (5) acres. Such a district may consist of a single tract of land or two (2) or more contiguous tracts of land that are at least five (5) acres combined. In addition, a tract of land that is less than five (5) acres may be zoned "GC" General Commercial District when it is contiguous to an existing "GC" District.*
- 2. Lot size requirements.*
 - a. Minimum lot area. One-half (½) acre (twenty-one thousand seven hundred eighty (21,780) square feet).*
 - b. Minimum lot width. Seventy-five (75) feet.*
 - c. Minimum lot depth. One hundred fifty (150) feet.*
- 3. Building bulk regulations.*
 - a. Maximum structure height. No building or structure shall exceed three (3) stories or forty-five (45) feet.*

- b. *Maximum site coverage. Sixty-three percent (63%). The Planning and Zoning Commission may, in its discretion, allow the permitted coverage to be increased as a bonus by an additional factor (not to exceed a total of seventy percent (70%) site coverage) in consideration of special or outstanding landscape and site planning features as demonstrated by a site development plan submitted in accordance with Section 405.1080. The features to be considered in the granting of any bonus coverage may include, but not be limited to, the provisions of:*
 - (1) *Special pedestrian facilities and features such as gardens, fountains, seating areas and outdoor recreation amenities;*
 - (2) *Objects of art or beautification; statuary or other unique visual features;*
 - (3) *Burial of overhead transmission lines and removal of utility poles.*
- c. *Maximum floor area ratio. Four-tenths (0.4).*
- 4. *Yard and setback requirements.*
 - a. *Minimum front yard. No building or structure shall be located closer than ten (10) feet from a public right-of-way. In the event that parking is to be located in front of a building or structure, said building or structure shall be set back a minimum of fifty (50) feet from the right-of-way. The provisions of Section 405.240 shall prevail where applicable on major streets and highways. In every instance, the first ten (10) feet of the front yard setback from the right-of-way shall be provided with and maintained with sidewalks, unless improved sidewalks exist in the abutting public right-of-way, and with landscaping including, but not limited to, deciduous street trees at regular intervals.*
 - b. *Minimum side yard. Twelve (12) feet.*
 - c. *Minimum rear yard. Twenty (20) feet.*
 - d. *Buffer yards. Notwithstanding the provisions of Sections 405.360(E)(4)(b) and 405.360(E)(4)(c) above, any tract or site abutting or adjoining a single-family residential zoning district shall provide a buffer yard of twenty (20) feet on all sides that abut the single-family district. The minimum required buffer yard shall be increased in five (5) foot increments, up to a maximum of forty (40) feet, for each acre of the subject property over two (2) acres in area. All acreage shall be rounded up to the next whole number for buffer yard calculation purposes. The buffer yard shall not contain any impervious surface and shall be landscaped and provided with other screening devices as deemed appropriate by the Planning and Zoning Commission.*

As was discussed during the prior meeting, the site concept plan submitted by the applicants indicates a free standing bank and restaurant. However, no specific tenant has been identified and neither conditional use permit application, nor building architecture elevations have been submitted. Therefore, a condition of approval includes that any development of the site will require further approval of a Site Development Plan and any other applicable permit application review per Section 405.360(D): *Site Development Plan Required: Site development plan approval by the Planning and Zoning Commission shall be required for all proposed development with the "GC" District as provided by Section 405.1080.*

The site concept plan shows that the proposed development will have site coverage of 22%, and that all of the requirements of the district will be met. The inclusion of the quarry creates a significant buffer to the residential development to the south. Parking and other site conditions related to future use will require further review once a tenant has been identified and a site development plan

application has been submitted. However, the applicant is showing conceptual parking calculations that would fulfill the City's requirements.

Also during the prior meeting, the applicant discussed the issues relating to the municipal boundary. The City does not have the authority to rezone a property outside its jurisdiction, and this could limit the five acre requirement necessary for the "GC" District. Therefore, the draft ordinance includes a condition that the boundary will need to be resolved within twelve months or the rezoning of the property will be voided.

The applicant is also seeking approval of rezoning the remaining 4.28 acres as "D" Single-Family Residential. The development regulations for this district are as follows:

SECTION 405.280: "D" SINGLE-FAMILY RESIDENTIAL DISTRICT

E. Dimensional Regulations. The following area and yard regulations apply in the "D" Single-Family Residential District.

1. *Lot size requirements.*
 - a. *Minimum lot area. Ten thousand (10,000) square feet.*
 - b. *Minimum lot width. Seventy (70) feet.*
 - c. *Minimum lot depth. One hundred (100) feet.*
2. *Building bulk regulations.*
 - a. *Maximum structure height for all uses except schools, churches and other places of worship. Two and one-half (2½) stories or thirty-five (35) feet, whichever is less.*
 - b. *Maximum structure height for schools, churches and other places of worship. Fifty (50) feet. In addition, such uses shall meet a sky exposure plane requirement. The sky exposure plane will be measured from a line located thirty-five (35) feet above grade and fifty (50) feet from the property line on the conditional use site and will have a slope of thirty degrees (30°) rising towards the center of the site. No portion of the building or structure shall penetrate this sky exposure plane.*
 - c. *Minimum dwelling unit floor area. Twelve hundred (1,200) square feet enclosed living area excluding accessory structures.*
 - d. *Maximum floor area ratio (FAR). Four-tenths (0.4).*
 - e. *Maximum site coverage. Forty-five percent (45%).*

As discussed earlier, the applicant has indicated that the owner is intending to renovate the pre-existing home as a primary residence. No other site improvements are being proposed for the lot associated with the "D" Single Family Residential Zoning District, and the current conditions meet the minimum standards.

BOUNDARY ADJUSTMENT

The applicant is revising the property lines of the two parcels along the proposed district lines, thus requiring a boundary adjustment. The resulting two parcels will be five acres, along Olive Boulevard zoned "GC" General Commercial, and 4.28 acres zoned "D" Single Family Residential. The lots meet the minimum lot size requirements of the "GC" and "D" Single Family district. However, the preliminary boundary adjustment plan contains minor errors in the notation, but the drawing itself is accurate. The City Clerk name also needs to be corrected to Deborah Ryan for final recording. As a ministerial act, the boundary adjustment should be approved with the condition that the errors be corrected prior to final signature.

ACTION

If the Planning and Zoning Commission finds the attached draft rezoning ordinance and site concept plan approval subject to the stated conditions, to be in conformance with the purposes and regulations of the Comprehensive Plan and Zoning Code, it must vote on a recommendation to the City Council. Any changes to the draft ordinances should be discussed and made by separate actions. The boundary adjustment does not require City Council approval but must be approved by motion and vote of the Planning Commission.

MOTION

The following are examples of the motions for this application:

Rezoning and site concept plan

“I move to approve the draft rezoning and site concept plan ordinance attached to the staff report on application #11-014, subject to the conditions contained in the draft ordinance attached to the staff report dated July 18, 2011” (conditions may be added, eliminated, or modified by preceding motion).

Boundary adjustment

“I move to approve the “13150 Olive Boundary Adjustment” attached to the staff report on application #11-014, dated July 15, 2011, subject to the condition that a final drawing be corrected and prepared for signature and recording.”

APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 3: AERIAL MAP



St. Louis County Property Viewer



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APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 05/26/2011
	Description: View of the property looking south from Olive Blvd. toward the area of the proposed commercial development.
	Description: View of the property looking southwest from Olive Blvd. at the leaf transfer lot within the floodway.
	Description: View of the property looking south from Olive Blvd. along the proposed access easement.

	Description: View looking northwest from Olive Blvd. at the existing commercial development in un-incorporated St. Louis County.
	Description: View looking northeast from Olive Blvd. at the existing commercial development in un-incorporated St. Louis County.
	Description: View looking east from the property entrance along Olive Blvd.

SITE CONCEPT PLAN

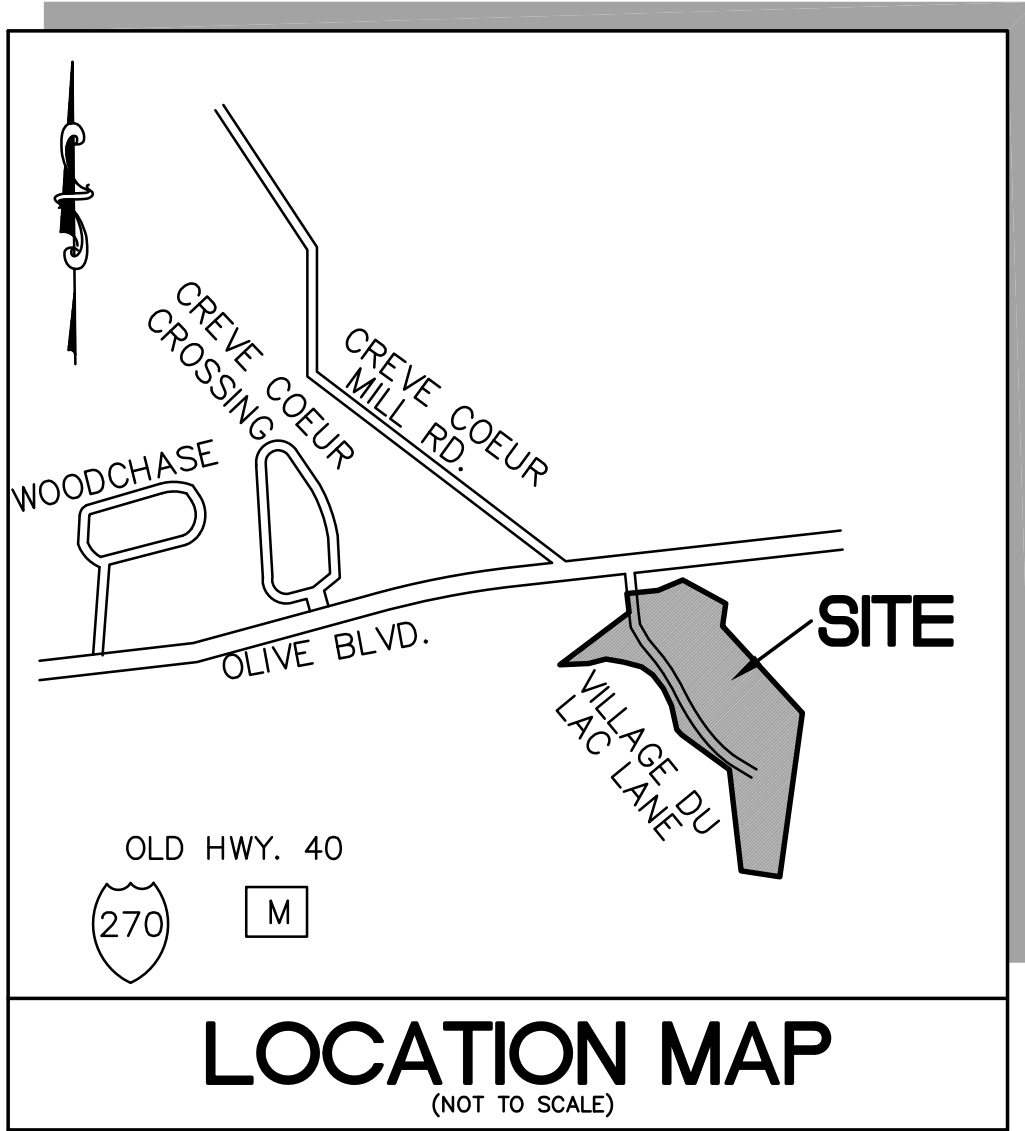
13150 OLIVE BOULEVARD

A TRACT OF LAND BEING LOCATED IN U.S. SURVEYS 367 AND 923
TOWNSHIP 46 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI

CURRENT ZONING: "AR" ATTACHED SINGLE FAMILY RESIDENTIAL
PROPOSED ZONING: "D" SINGLE FAMILY RESIDENTIAL
AND "GC" GENERAL COMMERCIAL

GENERAL NOTES:

- EXISTING CONDITIONS BASED ON TOPOGRAPHIC SURVEY PERFORMED BY CDI ENGINEERING.
(BASIS OF BEARINGS: MISSOURI STATE PLANE, GRID NORTH)
- SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "AE" AND "X" (AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD) ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR ST. LOUIS COUNTY, MISSOURI AND INCORPORATED AREAS PER MAP NO. 29189C0161 H WITH AN EFFECTIVE DATE OF AUGUST 23, 2007 AND REVISED PER LOMR 06-07-B058P.
- ALL UTILITIES SHOWN HAVE BEEN LOCATED BY THE ENGINEER FROM AVAILABLE RECORDS. THEIR LOCATION SHOULD BE CONSIDERED APPROXIMATE. THE CONTRACTOR HAS THE RESPONSIBILITY TO NOTIFY ALL UTILITY COMPANIES, PRIOR TO CONSTRUCTION, TO HAVE EXISTING UTILITIES FIELD LOCATED. SHOULD ANY CONFLICTS BE EVIDENT, THE CONTRACTOR SHALL NOTIFY THE OFFICE OF THE ENGINEER IMMEDIATELY.
- ALL PROPOSED UTILITIES SHALL BE CONSTRUCTED TO THE CITY OF CREVE COEUR STANDARDS.
- ALL GRADING AND DRAINAGE TO BE IN CONFORMANCE WITH THE CITY OF CREVE COEUR, MSD, AND ST. LOUIS COUNTY STANDARDS.
- STORM WATER SHALL BE DISCHARGED AT AN ADEQUATE NATURAL DISCHARGE POINT. SINKHOLES ARE NOT ADEQUATE DISCHARGE POINTS.
- THESE IMPROVEMENT PLANS WILL ADHERE TO THE PARKING AND LOADING REGULATIONS OF THE CITY OF CREVE COEUR CODE.
- NO PARKING SHALL BE PERMITTED ON ANY ROADWAY IN OR ADJACENT TO THE DEVELOPMENT.
- ALL UTILITIES WILL BE INSTALLED UNDERGROUND. THE DEVELOPMENT OF THIS PARCEL WILL COORDINATE THE INSTALLATION OF ALL UTILITIES IN CONJUNCTION WITH THE CONSTRUCTION OF ANY ROADWAY.
- ALL TRASH ENCLOSURES SHALL BE SCREENED WITH A 6 FT. TALL (min) MASONRY ENCLOSURE.
- AN OPPORTUNITY FOR RECYCLING WILL BE PROVIDED.
- STREET TREES TO BE INSTALLED PER APPROVED LANDSCAPE PLAN.
- ENTRANCE SHALL BE CONSTRUCTED TO ST. LOUIS COUNTY STANDARDS.
- ALL PROPOSED ACCESS TO ST. LOUIS COUNTY ROADS FOR NEW DEVELOPMENT SHALL MEET MINIMUM ST. LOUIS COUNTY SIGHT DISTANCE REQUIREMENTS.
- HAULING STANDARD NOTE: TRUCKS SHALL NOT EXCEED POSTED WEIGHT LIMITS FOR ST. LOUIS COUNTY BRIDGES DURING HAUL OPERATIONS. (NO HAUL ROUTE REQUIRED FOR THIS PROJECT)
- THE DEVELOPER IS REQUIRED TO PROVIDE ADEQUATE STORMWATER SYSTEMS IN ACCORDANCE WITH ST. LOUIS COUNTY AND M.S.D. STANDARDS.
- LAND DISTURBANCE, EROSION AND SEDIMENT CONTROL PRACTICES, AND WATERCOURSE CROSSINGS SHALL BE ADEQUATE TO PREVENT TRANSPORTATION OF SEDIMENT FROM THE SITE.
- ADDITIONAL SILTATION CONTROL SHALL BE INSTALLED AS REQUIRED BY ST. LOUIS COUNTY DEPARTMENT OF HIGHWAYS AND TRAFFIC.
- MATERIALS BROUGHT TO ANY SITE UNDER A PERMIT ISSUED UNDER THE LAND DISTURBANCE CODE, WHERE SAID MATERIAL IS INTENDED TO BE UTILIZED AS FILL MATERIAL AT THE SITE FOR LAND DISTURBANCE, EROSION OR SEDIMENT CONTROL, SHALL CONSIST OF CLEAN UNCONTAMINATED INERT MATERIALS (SOIL, ROCK, CONCRETE, ASPHALTIC CONCRETE, SAND, ETC. VOID OF ANY WOOD, METALS, PLASTICS, TEXTILES, HYDROCARBONS, ETC.) SLUDGE OF ANY KIND MAY NOT BE USED AS A CLEAN FILL UNLESS REVIEWED AND APPROVED BY THE ST. LOUIS COUNTY DEPARTMENT OF HEALTH.
- ADEQUATE TEMPORARY OFF-STREET PARKING FOR CONSTRUCTION EMPLOYEES SHALL BE PROVIDED. PARKING ON NON-SURFACED AREAS SHALL BE PROHIBITED IN ORDER TO ELIMINATE THE CONDITION WHEREBY MUD FROM CONSTRUCTION AND EMPLOYEES' VEHICLES IS TRACKED ONTO THE PAVEMENT CAUSING HAZARDOUS ROADWAY AND DRIVEWAY CONDITIONS.
- ALL FILLS AND BACKFILLS SHALL BE MADE OF SELECTED EARTH MATERIALS, FREE FROM BROKEN MASONRY, ROCK, FROZEN EARTH, RUBBISH, ORGANIC MATERIAL AND DEBRIS.
- CONTRACTOR SHALL KEEP EXISTING ROADWAYS CLEAN OF MUD AND DEBRIS AT ALL TIMES.
- ALL WORK WITHIN ST. LOUIS COUNTY RIGHT-OF-WAY SHALL BE TO COUNTY STANDARDS.
- INSTALLATION OF LANDSCAPING AND ORNAMENTAL ENTRANCE MONUMENTATION OR IDENTIFICATION SIGNAGE CONSTRUCTION, IF PROPOSED, SHALL BE REVIEWED BY THE DEPARTMENT OF HIGHWAYS AND TRAFFIC FOR SIGHT DISTANCE CONSIDERATIONS AND APPROVED PRIOR TO INSTALLATION OR CONSTRUCTION.
- INTERIM STORMWATER DRAINAGE CONTROL IN THE FORM OF SILTATION CONTROL MEASURES ARE REQUIRED.
- THE DEVELOPER IS REQUIRED TO PROVIDE ADEQUATE STORMWATER SYSTEMS IN ACCORDANCE WITH ST. LOUIS COUNTY AND MSD STANDARDS.
- ALL DISTURBED EARTH AREAS WITHIN ST. LOUIS COUNTY RIGHT-OF-WAY SHALL BE SODDED.
- ALL OFFSITE PROPERTY OWNERS SHALL BE GIVEN NOTICE 48 HOURS IN ADVANCE OF ANY WORK.
- ALL CONSTRUCTION SHALL BE PER MOST CURRENT DETAILS LOCATED IN THE ST. LOUIS COUNTY DESIGN CRITERIA MANUAL AND/OR THE SEDIMENT AND EROSION CONTROL MANUAL.



SHEET INDEX

SHEET 1	TITLE SHEET
SHEET 2	EXISTING CONDITIONS PLAN
SHEET 3	PROPOSED ZONING EXHIBIT
SHEET 4	COMMERCIAL SITE DEVELOPMENT PLAN
SHEET 5	COMMERCIAL SITE DEVELOPMENT PLAN W/ GRADING
SHEET 6	PRELIMINARY PLAT
SHEET 7	LANDSCAPE PLAN (LANDSCAPE TECHNOLOGIES)

ABBREVIATIONS

C.O.	- CLEANOUT	P.G.	- PAGE
DB.	- DEED BOOK	P.O.B.	- POINT OF BEGINNING
E	- ELECTRIC	P.O.C.	- POINT OF COMMENCEMENT
FL	- FLOWLINE	P.V.C.	- POLYVINYL CHLORIDE PIPE
FT	- FEET	R.C.P.	- REINFORCED CONCRETE PIPE
FND.	- FOUND	SQ.	- SQUARE
G	- GAS	T	- TELEPHONE CABLE
M.H.	- MANHOLE	V.C.P.	- VETRIED CLAY PIPE
N/F	- NOW OR FORMERLY	W	- WATER
P.B.	- PLAT BOOK	(86'W)	- RIGHT-OF-WAY WIDTH

LEGEND

EXISTING SANITARY SEWER	== (O) ==	FIRE HYDRANT	== (H) ==
EXISTING STORM SEWER	== (S) ==	LIGHT STANDARD	== (L) ==
EXISTING TREE	== (T) ==	BUSH	== (B) ==
EXISTING BUILDING	== (B) ==	NOTES PARKING SPACES	== (P) ==
EXISTING CONTOUR	== (C) ==	GUY WIRE	== (G) ==
SPOT ELEVATION	== (E) ==	POWER POLE	== (P) ==
EXISTING UTILITIES	== (U) ==	WATER VALVE	== (V) ==
FOUND 1/2" IRON PIPE	== (I) ==	DENOTES RECORD INFORMATION	== (R) ==
SET IRON PIPE	== (S) ==	HANDICAPPED PARKING	== (H) ==
FOUND CROSS	== (X) ==		
FOUND STONE	== (S) ==		

PERTINENT DATA

SITE ACREAGE	= 9.28 Acres ± 13105 OLIVE BOULEVARD, CREVE COEUR, MO 63141
FIRE DISTRICT	= CREVE COEUR FIRE PROTECTION DISTRICT
SCHOOL DISTRICT	= LAJUE
SEWER DISTRICT	= M.S.D.
WATER SHED	= CREVE COEUR CREEK
WATER SERVICE	= MISSOURI AMERICAN WATER COMPANY
GAS SERVICE	= LAJUE GAS COMPANY
ELECTRIC SERVICE	= AmerenUE ELECTRIC COMPANY
PHONE SERVICE	= AT&T
LOCATOR No.	= 16P140344
F.I.R.M. MAP	= 29189C0161 H, ZONE AE AND X,

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC. HAS PREPARED THIS SITE DEVELOPMENT PLAN FROM A RECORD INFORMATION AND DOES NOT REPRESENT A PROPERTY BOUNDARY SURVEY. THIS SITE DEVELOPMENT SECTION PLAN IS A CORRECT REPRESENTATION OF ALL EXISTING AND PROPOSED LAND DIVISIONS. FINAL PLATTING IS SUBJECT TO AN ACTUAL FIELD BOUNDARY SURVEY.

STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC.

By: DANIEL EHLMANN, MISSOURI L.S. NO. 2215

- 7/14/11 REVISED PER CITY COMMENTS
- 6/29/11 REVISED PER CITY COMMENTS
- 6/09/11 REVISED PER CITY COMMENTS

M.S.D. P# P-27467-01
BASE MAP # 16-P

GEORGE M. STOCK E-2516
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

13150 OLIVE BOULEVARD			
TITLE SHEET			
STOCK & Associates Consulting Engineers, Inc.			
257 Chesterfield Business Parkway St. Louis, MO 63005 PH. (636) 530-9100 FAX (636) 530-9130 e-mail: general@stockassoc.com Web: www.stockassoc.com			
DRAWN BY: E.J.B.	DATE: 5/10/11	CHECKED BY: G.M.S.	DATE: 5/10/11
210-4658		1 of 7	

TOTAL TRACT

A tract of land being located in US Surveys 367 and 923, Township 46 North, Range 5 East of the Fifth Principal Meridian, City of Creve Coeur, Missouri being more particularly described as follows:

Beginning at the northeastern corner of a tract of land as conveyed to Richard Schoenberg by instrument recorded in Book 8472, Page 579 of the St. Louis County Records, said point also being located on the southern right-of-way line of Olive Boulevard, variable width; thence continuing along said southern right-of-way line the following courses and distances: North 84 degrees 07 minutes 01 seconds East, 122.80 feet; North 67 degrees 25 minutes 04 seconds East, 104.40 feet and South 61 degrees 22 minutes 29 seconds East, 191.56 feet to the northwestern corner of a tract of land as conveyed to the International Development Corporation by instrument recorded in Book 10505, Page 2416 of above said records; thence along the western and southwestern lines of said International Development Corporation tract the following courses and distances: South 08 degrees 08 minutes 00 seconds West, 78.51 feet; South 56 degrees 10 minutes 00 seconds West, 8.20 feet; South 42 degrees 35 minutes 00 seconds East, 468.82 feet, to a found 1 inch Iron Pipe, and South 07 degrees 51 minutes 00 seconds West, 645.81 feet to the northern line of Bellelve Farm Estates Plat One a subdivision according to the plat thereof as recorded in Plat Book 347, Pages 193 and 194 of above said records; thence along the northern lines of said Bellelve Farm Estates Plat One the following courses and distances: North 81 degrees 19 minutes 25 seconds West, 153.03 feet to a found Stone; North 06 degrees 34 minutes 25 seconds West, 397.63 feet; North 53 degrees 46 minutes 50 seconds West, 230.68 feet and North 43 degrees 41 minutes 27 seconds West, 28.77 feet to the northeastern line of a tract of land as conveyed to Union Electric by instrument recorded in Book 1197, Page 205 of above said records, said point also being the centerline of a creek; thence continuing along said northeastern lines and said centerline the following courses and distances: North 12 degrees 36 minutes 03 seconds West, 94.89 feet; North 24 degrees 52 minutes 46 seconds West, 72.97 feet; North 37 degrees 51 minutes 47 seconds West, 69.04 feet; North 54 degrees 16 minutes 43 seconds West, 53.49 feet; North 74 degrees 59 minutes 49 seconds West, 72.92 feet; North 80 degrees 19 minutes 54 seconds West, 70.19 feet; South 75 degrees 37 minutes 16 seconds West, 68.74 feet and South 87 degrees 19 minutes 59 seconds West, 113.38 feet to the southeastern line of above said Richard Schoenberg tract; thence along the southeastern and eastern lines of said Richard Schoenberg tract North 52 degrees 57 minutes 00 seconds East, 339.42 feet, and North 07 degrees 09 minutes 29 seconds West, 74.34 feet to the Point of Beginning and containing 404,283 square feet or 9.281 acres more or less.

TRACT TO REMAIN ZONED "D"

(LOT 2)

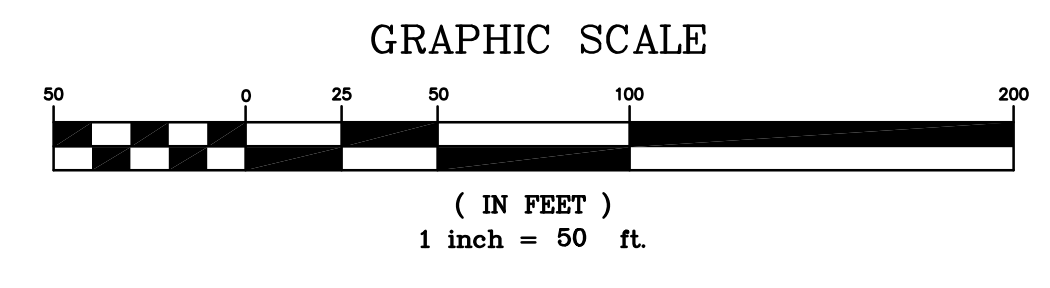
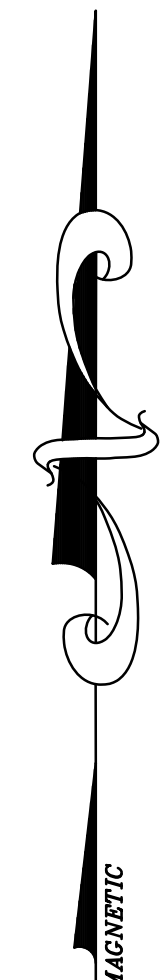
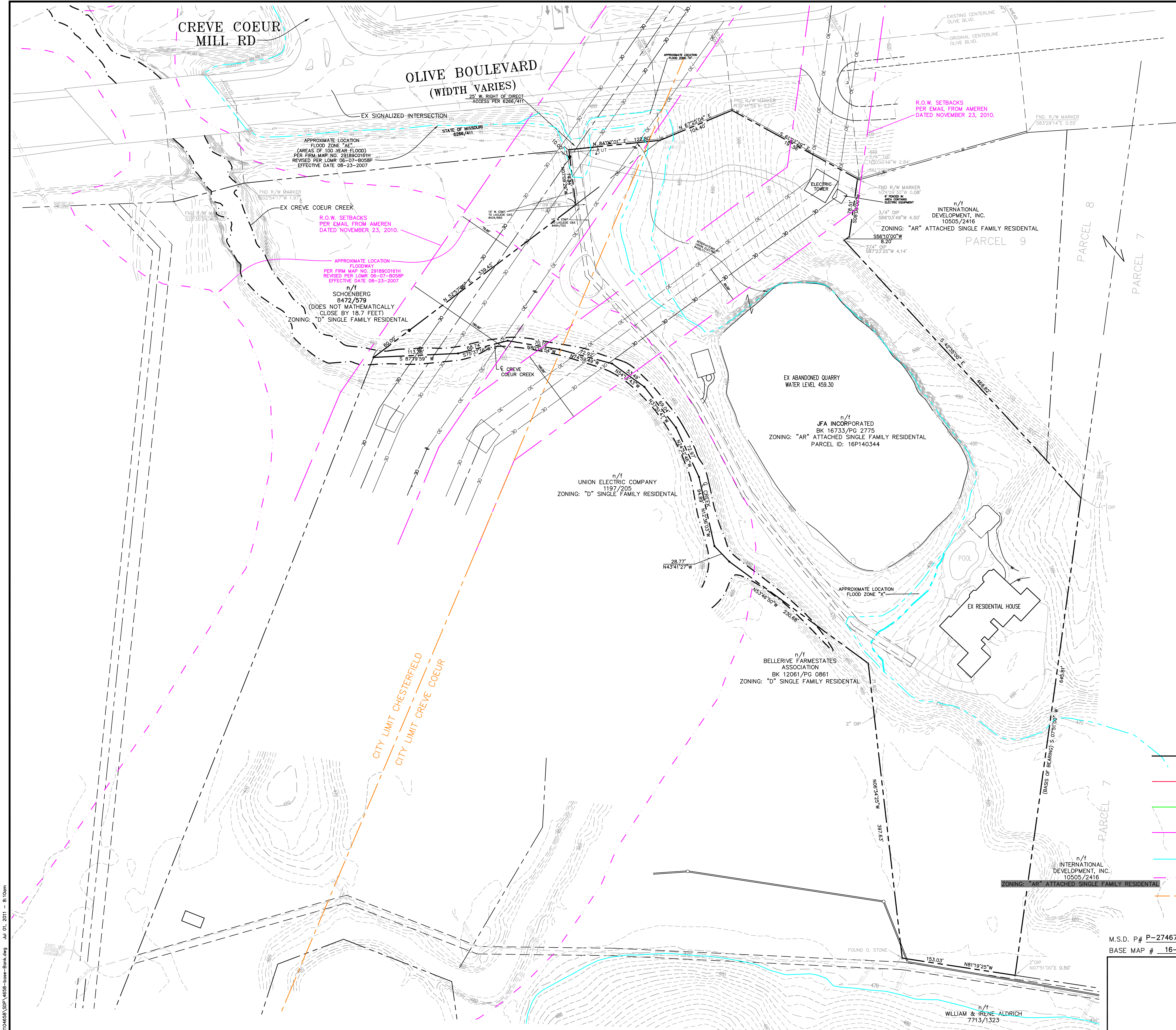
A tract of land being located in US Surveys 367 and 923, Township 46 North, Range 5 East of the Fifth Principal Meridian, City of Creve Coeur, Missouri being more particularly described as follows:

Commencing at the northwestern corner of a tract of land as conveyed to the International Development Corporation by instrument recorded in Book 10505, Page 2416 of the St. Louis County Records, said point also being located on the southern right-of-way line of Olive Boulevard, variable width; thence along the western and southwestern lines of said International Development Corporation tract the following courses and distances: South 08 degrees 08 minutes 00 seconds West, 78.51 feet; South 56 degrees 10 minutes 00 seconds West, 8.20 feet and South 42 degrees 35 minutes 00 seconds East, 331.99 feet to the POINT OF BEGINNING of the herein described tract; thence continuing along said southwestern and western lines the following courses and distances: South 42 degrees 35 minutes 00 seconds East, 136.83 feet and South 07 degrees 51 minutes 00 seconds West, 645.81 feet to the northern line of Bellelve Farm Estates Plat One a subdivision according to the plat thereof as recorded in Plat Book 347, Pages 193 and 194 of above said records; thence along the northern lines of said Bellelve Farm Estates Plat One the following courses and distances: North 81 degrees 19 minutes 25 seconds West, 153.03 feet; North 06 degrees 34 minutes 25 seconds West, 397.63 feet; North 53 degrees 46 minutes 50 seconds West, 230.68 feet and North 43 degrees 41 minutes 27 seconds West, 28.77 feet to the northeastern line of a tract of land as conveyed to Union Electric by instrument recorded in Book 1197, Page 205 of above said records, said point also being the centerline of a creek; thence continuing along last said northeastern lines and said centerline the following courses and distances: North 12 degrees 36 minutes 03 seconds West, 94.89 feet; North 24 degrees 52 minutes 46 seconds West, 72.97 feet; North 37 degrees 51 minutes 47 seconds West, 69.04 feet and North 54 degrees 16 minutes 43 seconds West, 29.15 feet; thence departing last said northern line the following courses and distances: North 35 degrees 43 minutes 17 seconds East, 48.38 feet to the beginning of a non-tangent curve to the left; along said curve having a radius of 54.00 feet, a chord which bears North 87 degrees 20 minutes 55 seconds East, 71.94 feet and an arc length of 78.73 feet; South 11 degrees 25 minutes 38 seconds East, 60.53 feet; South 37 degrees 51 minutes 47 seconds East, 22.96 feet; South 24 degrees 52 minutes 46 seconds East, 182.82 feet; South 35 degrees 43 minutes 17 seconds East, 30.45 feet; South 53 degrees 46 minutes 50 seconds East, 83.08 feet and North 47 degrees 25 minutes 00 seconds East, 309.69 feet to the Point of Beginning and containing 186,498 square feet or 4.281 acres more or less.

ST. LOUIS COUNTY BENCHMARK:

8-8 - 474.84 - "STANDARD TABLET" STAMPED 13 GEU 1974
SET IN SOUTHEAST ABUTMENT OF BRIDGE #A-1618-R OVER
CREVE COEUR CREEK ALONG OLIVE STREET ROAD; WEST OF
THE SOUTHWEST CORNER OF CREVE COEUR ROAD AND OLIVE
STREET.

PREPARED FOR:
ORSON PROPERTIES L.L.C.
7201 OLIVE BLVD.
UNIVERSITY CITY, MISSOURI 63130
PHONE: (314) 578-8819



- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- PROPOSED SETBACK LINE
- PROPOSED AUE ROW
- EXISTING FLOODZONE "AE"
- EXISTING FLOODWAY
- MUNICIPAL LINE

M.S.D. P# P-27467-01
BASE MAP # 16-P

13150 OLIVE BOULEVARD
EXISTING CONDITIONS PLAN

Stock & Associates
Consulting Engineers, Inc.

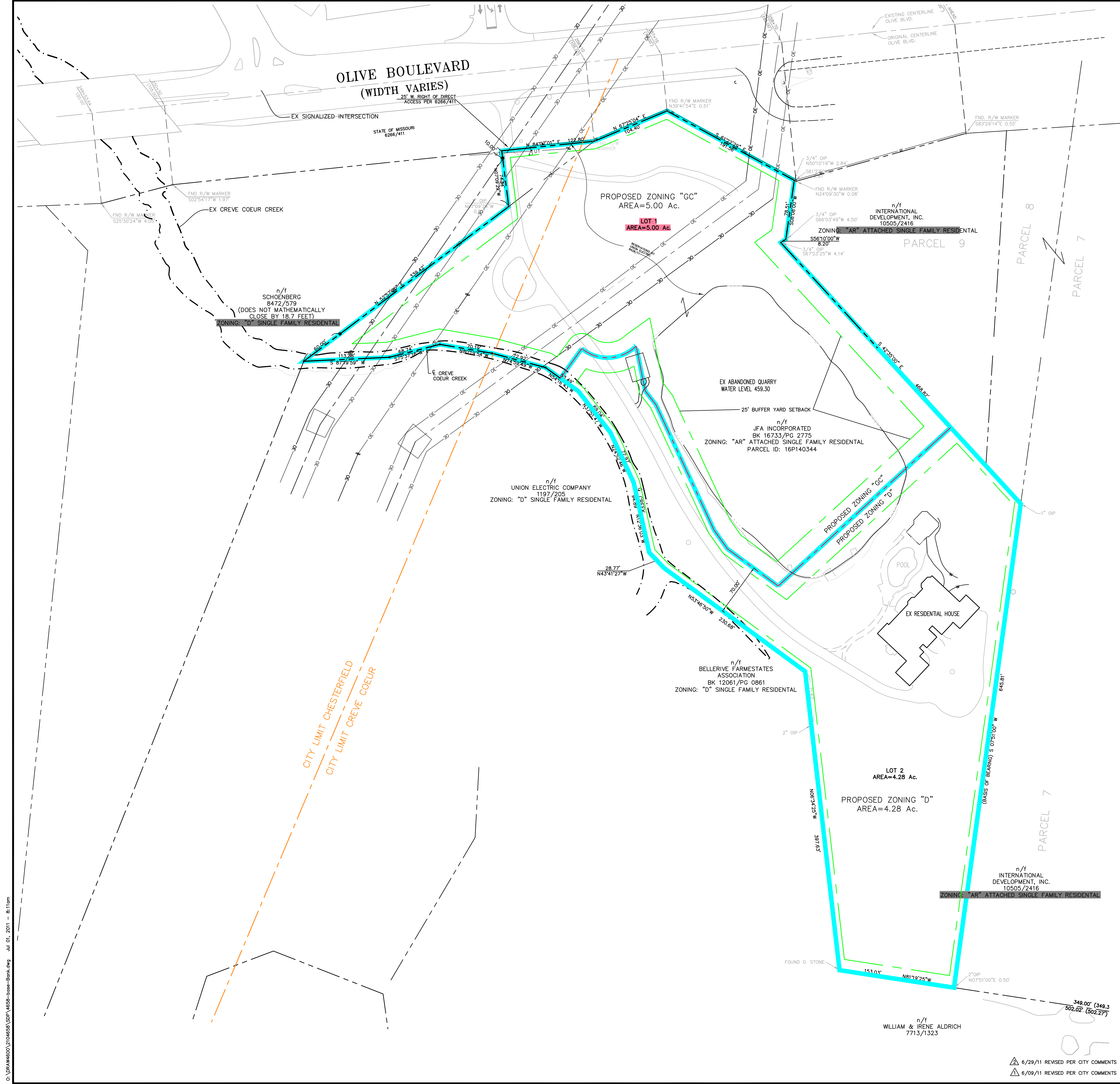
257 Chesterfield Business Parkway
St. Louis, MO 63005
PH (636) 530-9100
FAX (636) 530-9130
e-mail: general@stockassoc.com
Web: www.stockassoc.com

GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

DRAWN BY:	CHECKED BY:	DATE:	JOB NUMBER:	SHEET:
E.J.B.	G.M.S.	5/10/11	210-4658	2 of 7

6/29/11 REVISED PER CITY COMMENTS
6/09/11 REVISED PER CITY COMMENTS

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PROPOSED ZONING "GC" SETBACKS:

FRONT YARD: NO BUILDING OR STRUCTURE SHALL BE LOCATED CLOSER THAN TEN (10) FEET FROM A PUBLIC RIGHT-OF-WAY. IN THE EVENT THAT PARKING IS TO BE LOCATED IN FRONT OF A BUILDING OR STRUCTURE, SAID BUILDING OR STRUCTURE SHALL BE SET BACK A MINIMUM OF FIFTY (50) FEET FROM THE RIGHT-OF-WAY.

MINIMUM SIDE YARD: TWELVE (12) FEET.

MINIMUM REAR YARD: TWENTY (20) FEET.

BUFFER YARDS: ANY TRACT OR SITE ABUTTING OR ADJOINING A SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT SHALL PROVIDE A BUFFER YARD OF TWENTY (20) FEET ON ALL SIDES THAT ADJUT THE SINGLE-FAMILY DISTRICT. THE MINIMUM REQUIRED BUFFER YARD SHALL BE INCREASED IN FIVE (5) FOOT INCREMENTS, UP TO A MAXIMUM OF FORTY (40) FEET, FOR EACH ACRE OF THE SUBJECT PROPERTY OVER TWO (2) ACRES IN AREA.

MINIMUM DISTRICT SIZE:

THE MINIMUM DISTRICT SIZE SHALL BE FIVE (5) ACRES. SUCH A DISTRICT MAY CONSIST OF A SINGLE TRACT OF LAND OR TWO (2) OR MORE CONTIGUOUS TRACTS OF LAND THAT ARE AT LEAST FIVE (5) ACRES COMBINED.

PROPOSED ZONING "D" SETBACKS:

MINIMUM FRONT YARD FOR PERMITTED USES: TWENTY (20) FEET.

MINIMUM SIDE YARD FOR PERMITTED USES: EIGHT (8) FEET.

MINIMUM REAR YARD FOR PERMITTED USES: FIFTEEN (15) FEET.

LOT SIZE REQUIREMENTS:

MINIMUM LOT AREA: TEN THOUSAND (10,000) SQUARE FEET.

MINIMUM LOT WIDTH: SEVENTY (70) FEET

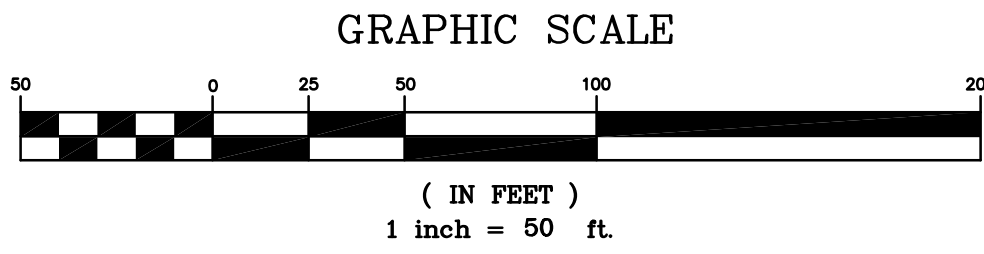
MINIMUM LOT DEPTH: ONE HUNDRED (100) FEET.

MINOR RESIDENTIAL STREET SPECIFICATIONS:

MINIMUM RIGHT OF WAY (COMMON GROUND): FIFTY (50) FEET.

MINIMUM PAVEMENT WIDTH (BACK TO BACK OF CURB): TWENTY SIX (26) FEET.

MINIMUM HORIZONTAL RADIUS OF CENTERLINE: ONE HUNDRED FIFTY (150) FEET.



- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- PROPOSED SETBACK LINE
- PROPOSED ZONING LINE
- EXISTING FLOODZONE "AE"
- EXISTING FLOODWAY
- MUNICIPAL LINE

M.S.D. P# P-27467-01
BASE MAP # 16-P

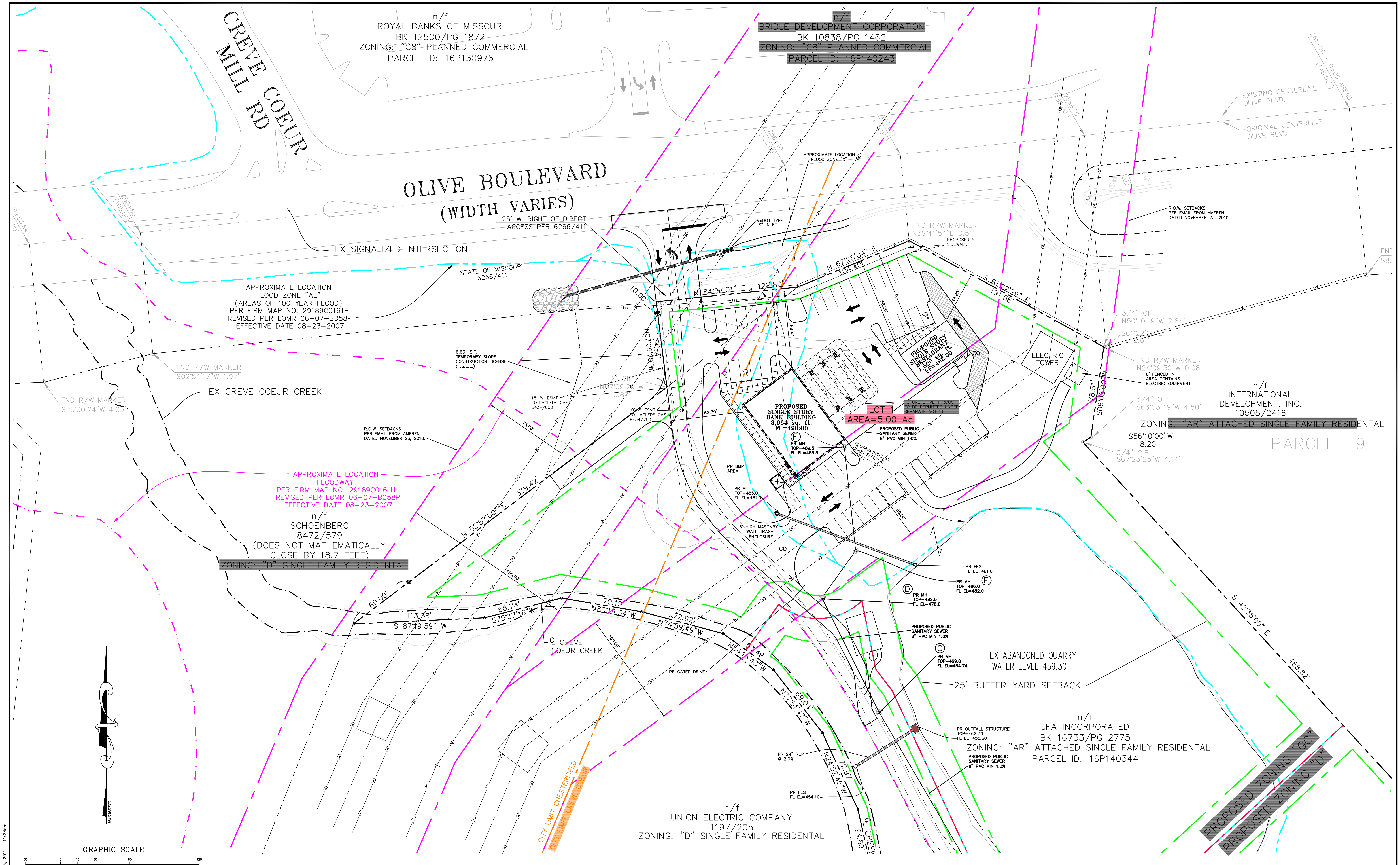
GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

13150 OLIVE BOULEVARD
PROPOSED ZONING EXHIBIT

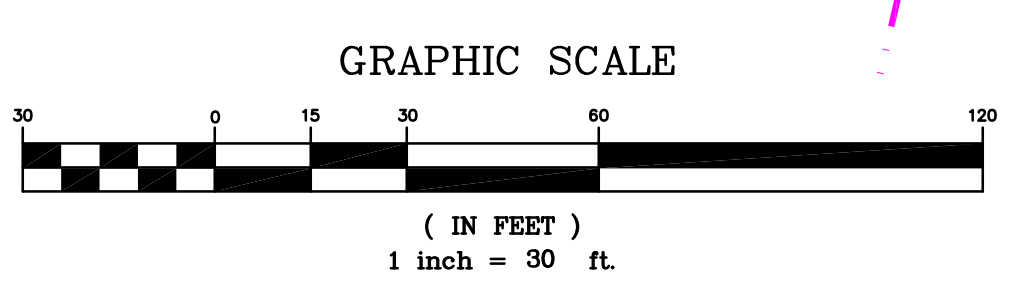
Stock & Associates
Consulting Engineers, Inc.

257 Chesterfield Business Parkway
St. Louis, MO 63005
PH. (636) 530-9100
FAX (636) 530-9130
e-mail: general@stockassoc.com
Web: www.stockassoc.com

DRAWN BY: E.J.B. 5/10/11 DATE: 5/10/11 CHECKED BY: G.M.S. 5/10/11 DATE: 5/10/11 JOB NUMBER: 210-4658 SHEET: 3 of 7



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- | | | | |
|-----|------------------------|-----|-------------------------|
| --- | EXISTING PROPERTY LINE | --- | PROPOSED AUE ROW |
| --- | PROPOSED PROPERTY LINE | --- | EXISTING FLOODZONE "AE" |
| --- | PROPOSED SETBACK LINE | --- | EXISTING FLOODWAY |
| --- | MUNICIPAL LINE | | |

CONCEPTUAL SITE COVERAGE CALCULATIONS:
LOT 1:
MAXIMUM SITE COVERAGE FOR "GC" = 63%
PROPOSED COVERAGE = 47,787 SF OR 1.10 AC
PROPOSED COVERAGE = 22%

CONCEPTUAL FAR CALCULATIONS:
MAXIMUM FAR FOR "GC" = 0.4
PROPOSED FAR = 0.03

CONCEPTUAL PARKING CALCULATIONS:
BANK: 1 SPOT PER 1,000 SF = 16 SPOTS
RESTAURANT: 1 SPOT FOR EVERY 3 SEATS AT MAXIMUM
OCCUPANCY PLUS 1 SPOT FOR EVERY 250 SF = 16 SPOTS
TOTAL REQUIRED PARKING = 32 SPOTS
PARKING PROVIDED = 47 SPOTS (INCLUDING 4 HANDICAP)

- 7/14/11 REVISED PER CITY COMMENTS
- 6/29/11 REVISED PER CITY COMMENTS
- 6/09/11 REVISED PER CITY COMMENTS

M.S.D. P# P-27467-01
BASE MAP # 16-P

13150 OLIVE BOULEVARD	
COMMERCIAL SITE CONCEPT PLAN	
Stock & Associates Consulting Engineers, Inc.	
257 Chesterfield Business Parkway St. Louis, MO 63005 PH. (636) 530-9100 FAX (636) 530-9130 e-mail: general@stockassoc.com Web: www.stockassoc.com	
GEORGE M. STOCK CIVIL ENGINEER E-25116 CERTIFICATE OF AUTHORITY NUMBER: 000996	DATE: 5/10/11 CHECKED BY: G.M.S. JOB NUMBER: 210-4658 SHEET: 4 of 7

BRIDLE DEVELOPMENT CORPORATION
BK 10838/PG 1462
ZONING: "C8" PLANNED COMMERCIAL
PARCEL ID: 16P140243

CREVE COEUR
MILL RD

OLIVE BOULEVARD
(WIDTH VARIES)
25' W. RIGHT OF DIRECT

EX SIGNALIZED INTERSECTION

APPROXIMATE LOCATION
FLOOD ZONE "AE"
(AREAS OF 100 YEAR FLOOD)
PER FIRM MAP NO. 29189C0161H
REVISED PER LOMR 06-07-B058
EFFECTIVE DATE 08-23-2007

—EX CREVE COEUR CREEK

APPROXIMATE LOCATION
FLOODWAY
PER FIRM MAP NO. 29189C0161H
REVISED PER LOMR 06-07-B058P
EFFECTIVE DATE 08-23-2007

n/f
 SCHOENBERG
 8472/579
 (DOES NOT MATHEMATICALLY
 CLOSE BY 18.7 FEET)
 ZONING: "D" SINGLE FAMILY RESIDENTIAL

UNION ELECTRIC COMPANY
1197/205
ZONING: "D" SINGLE FAMILY RESIDENTIAL

n/f
JFA INCORPORATED
BK 16733/PG 2775
" ATTACHED SINGLE FAMILY RESIDENTAL
PARCEL ID: 16P140344

n/f
INTERNATIONAL
DEVELOPMENT, INC.
10505/2416
ATTACHED SINGLE FAMILY RESIDENTIAL
PARCEL 9

PARCEL 9

M.S.D. P# P-27467-01
BASE MAP # 16-P

13150 OLIVE BOULEVARD
COMMERCIAL SITE DEVELOPMENT PLAN W/ GRADING

STOCK & ASSOCIATES
Consulting Engineers, Inc.

257 Chesterfield Business Parkway
St. Louis, MO 63005
PH. (636) 530-9100
FAX (636) 530-9130
e-mail: general@stockassoc.com
Web: www.stockassoc.com

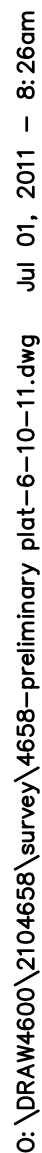
GEORGE M. STOCK E-2511
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

DRAWN BY:	DATE:	CHECKED BY:	DATE:	JOB NUMBER:	SHEET:
E.J.B.	5/10/11	G.M.S.	5/10/11	210-4658	5 of 7

△2 6/29/11 REVISED PER CITY COMMENTS
△1 6/09/11 REVISED PER CITY COMMENTS

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203



A TRACT OF LAND BEING PART OF LOT 4 OF F.M. WRIGHT'S ESTATE
LOCATED IN U.S. SURVEYS 367 AND 923
TOWNSHIP 46 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI



TOTAL TRACT

Beginning at the northeastern corner of a tract of land as conveyed to Richard Schoenberg by instrument recorded in Book 8472, Page 579 of the St. Louis County Records, said point of beginning is located in the following manner: Proceed south 60 degrees 25 minutes 44 seconds East, 100 feet; then continue along the same bearing and distance; thence continuing along said southern right-of-way line the following courses and distances: North 84 degrees 07 minutes 01 seconds East, 122.80 feet; North 67 degrees 25 minutes 04 seconds East, 100 feet; South 61 degrees 22 minutes 29 seconds East, 100 feet; South 61 degrees 22 minutes 29 seconds East, 100 feet; then continue along the same bearing and distance to the Point of Beginning Development Corporation by instrument recorded in Book 10055, Page 2416 of above said records; thence along the western and southwestern lines of said International Development Corporation as follows: South 61 degrees 22 minutes 29 seconds West, 100 feet; South 27 degrees 58 minutes 15 seconds West, 78.51 feet; South 56 degrees 10 minutes 00 seconds West, 8.20 feet; South 42 degrees 35 minutes 00 seconds East, 468.62 feet, to a found 1 Inch Iron Pipe, and South 07 degrees 07 minutes 00 seconds East, 100 feet; then continue along the same bearing and distance to the Point of Beginning of the Plat One A subdivision according to the plat thereof as recorded in Plat Book 347, Pages 193 and 194 of above said records; thence along the northern lines of said Belvedere Farm Estates Plat One the following courses and distances: North 61 degrees 19 minutes 25 seconds West, 100 feet; North 61 degrees 19 minutes 25 seconds West, 100 feet; North 53 degrees 46 minutes 50 seconds West, 230.68 feet; North 43 degrees 41 minutes 27 seconds West, 28.77 feet to the northeastern line of a tract of land as conveyed to Union Pacific Railroad Company by instrument recorded in Book 10055, Page 2416 of above said records; thence continuing along said last said northern line and said line also being the centerline of a creek; thence continuing along said last said northern line and said centerline the following courses and distances: North 12 degrees 36 minutes 03 seconds West, 100 feet; North 12 degrees 36 minutes 03 seconds West, 100 feet; North 12 degrees 36 minutes 03 seconds West, 100 feet; North 12 degrees 36 minutes 03 seconds West, 69.04 feet; North 54 degrees 16 minutes 43 seconds West, 53.49 feet; North 74 degrees 59 minutes 49 seconds West, 72.92 feet; North 80 degrees 19 minutes 54 seconds West, 70.19 feet; South 75 degrees 37 minutes 37 seconds West, 68.74 feet and South 75 degrees 37 minutes 37 seconds West, 68.74 feet to the Point of Beginning of said tract as said Richard Schoenberg tract; thence along the southeastern and eastern lines of said Richard Schoenberg tract North 22 degrees 57 minutes 00 seconds East, 339.42 feet and North 07 degrees 07 minutes 00 seconds East, 100 feet to the Point of Beginning and continuing 404.263 square feet or 9.281 acres more or less.

SITE ACREAGE = 9.28 Acres ± 13105 OLIVE BOULEVARD, CREVE COEUR, MO 63141
FIRE DISTRICT = CREVE COEUR FIRE PROTECTION DISTRICT
SCHOOL DISTRICT = LADUE
SEWER DISTRICT = M.S.D.
WATER SHED = CREVE COEUR CREEK
WATER SERVICE = MISSOURI AMERICAN WATER COMPANY
GAS SERVICE = LACLEDE GAS COMPANY
ELECTRIC SERVICE = AMERENUE ELECTRIC COMPANY
PHONE SERVICE = AT&T
LOCATOR No. = 16P140344
F.I.R.M. MAP = 29189C0161 H, ZONE AE AND X,

THIS IS TO CERTIFY THAT STOCK & ASSOCIATES CONSULTING ENGINEERS, INC. HAVE, DURING MAY, 2011, BY ORDER AND FOR THE USE OF ORSON PROPERTIES L.L.C., PREPARED THIS PRELIMINARY PLAT FROM RECORD INFORMATION. THE EXISTING AND PROPOSED SUBDIVISION ARE SHOWN HEREON.

By: Daniel Ehlmann, Missouri P.L.S. No. 2215

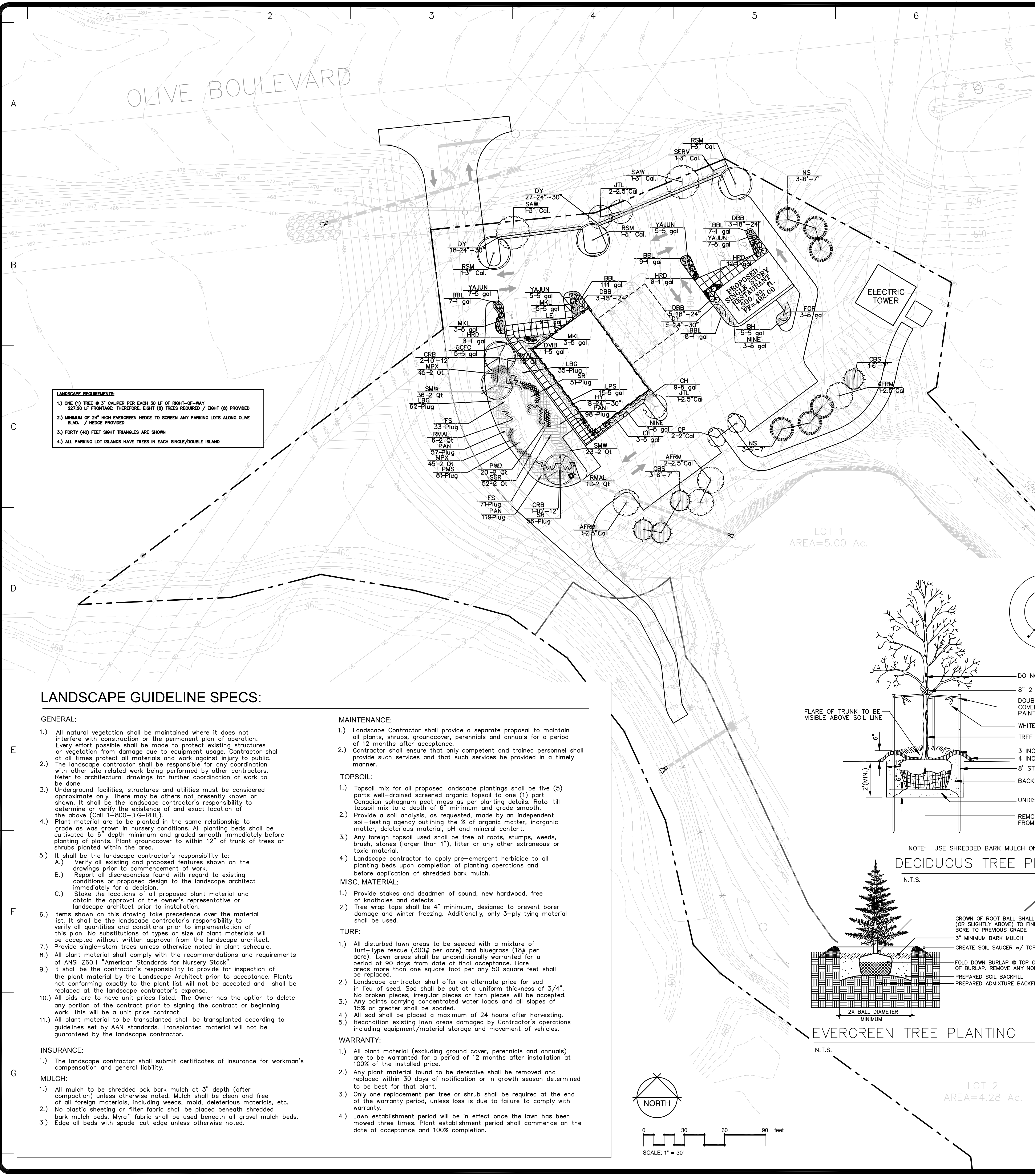
(2) 6/29/11 REVISED LOTS PER SITE DEVELOPMENT PLAN
(1) 6/09/11 REVISED LOTS PER SITE DEVELOPMENT PLAN

13150 OLIVE BOULEVARD
PRELIMINARY PLAT-A

STOCK & ASSOCIATES
Consulting Engineers, Inc.

257 Chesterfield Business Parkway
St. Louis, MO 63005
PH. (636) 530-9100
FAX (636) 530-9130
e-mail: general@stockassoc.com
Web: www.stockassoc.com

DRAWN BY:	DATE:	CHECKED BY:	DATE:	JOB NUMBER:	SHEET:
J.P.	5/10/11	D.M.E.	5/10/11	210-4658	6 of 7



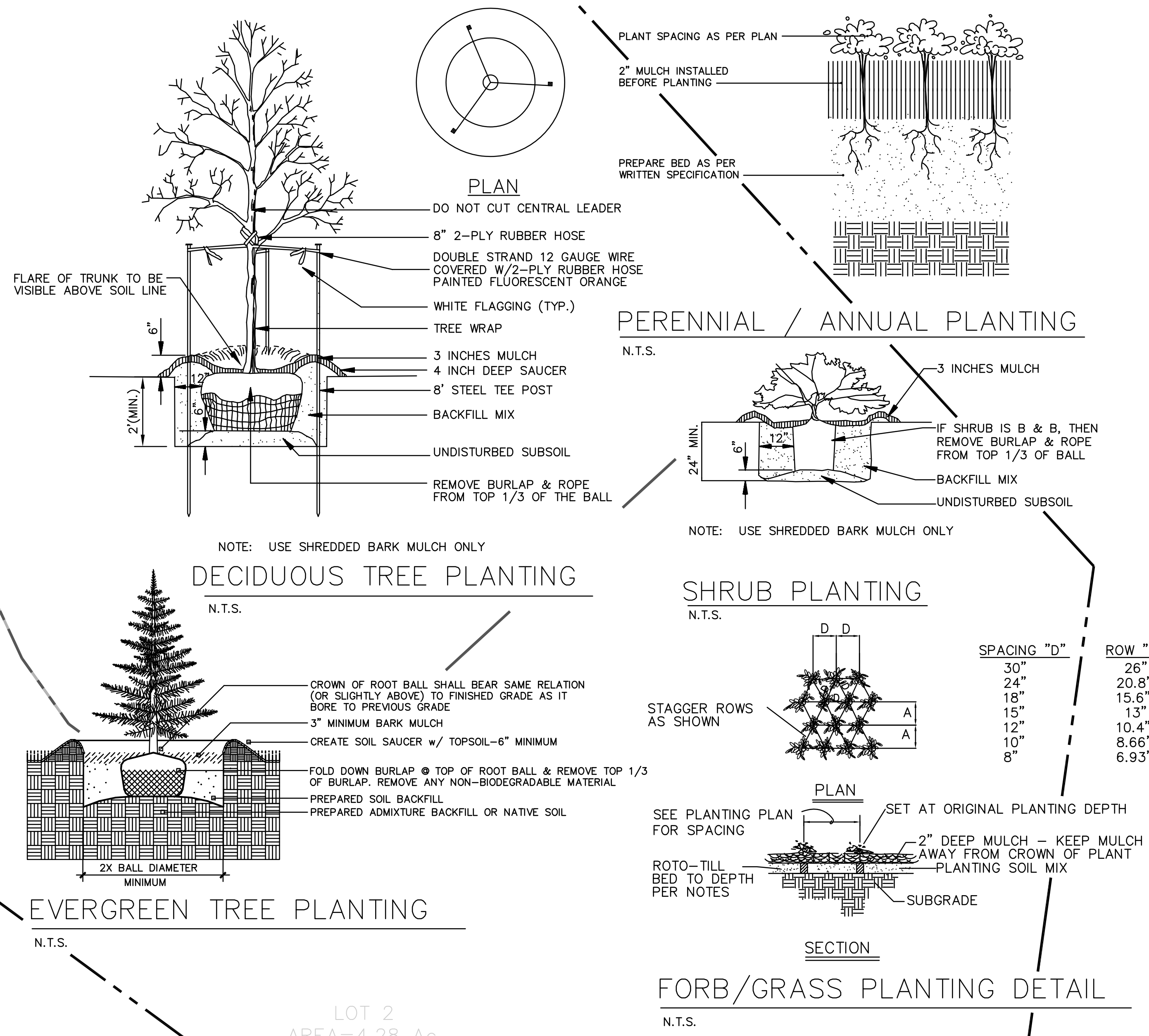
- LANDSCAPE REQUIREMENTS:**
- 1) ONE (1) TREE @ 3" CALIPER PER EACH 30 LF OF RIGHT-OF-WAY 227.20 LF FRONTAGE; THEREFORE, EIGHT (8) TREES REQUIRED / EIGHT (8) PROVIDED
 - 2) MINIMUM OF 24" HIGH EVERGREEN HEDGE TO SCREEN ANY PARKING LOTS ALONG OLIVE BLVD. / WEDGE PROVIDED
 - 3) FORTY (40) FEET BIGHT TRIANGLES ARE SHOWN
 - 4) ALL PARKING LOT ISLANDS HAVE TREES IN EACH SINGLE/DOUBLE ISLAND

LANDSCAPE GUIDELINE SPECS:

- GENERAL:**
- 1.) All natural vegetation shall be maintained where it does not interfere with construction or the permanent plan of operation. Every effort possible shall be made to protect existing structures or vegetation from damage due to equipment usage. Contractor shall at all times protect all materials and work against injury to public. The landscape contractor shall be responsible for any coordination with other site related work being performed by other contractors. Refer to architectural drawings for further coordination of work to be done.
 - 2.) Underground facilities, structures and utilities must be considered approximate only. There may be others not presently known or shown. It shall be the landscape contractor's responsibility to determine or verify the existence of and exact location of the above (Call 1-800-DIG-RITE).
 - 3.) Plant material are to be planted in the same relationship to grade as was grown in nursery conditions. All planting beds shall be cultivated to 6" depth minimum and graded smooth immediately before planting of plants. Plant groundcover to within 12" of trunk of trees or shrubs planted within the area.
 - 4.) It shall be the landscape contractor's responsibility to:
A.) Verify all existing and proposed features shown on the drawings prior to commencement of work.
B.) Report all discrepancies found with regard to existing conditions or proposed design to the landscape architect immediately for a decision.
C.) Stake the locations of all proposed plant material and obtain the approval of the owner's representative or landscape architect prior to installation.
 - 5.) Items shown on this drawing take precedence over the material list. It shall be the landscape contractor's responsibility to verify all quantities and conditions prior to implementation of this plan. No substitutions of types or size of plant materials will be accepted without written approval from the landscape architect.
 - 6.) Provide single-stem trees unless otherwise noted in plant schedule.
 - 7.) All plant material shall comply with the recommendations and requirements of ANSI Z60.1 "American Standards for Nursery Stock".
 - 8.) It shall be the contractor's responsibility to provide for inspection of the plant material by the Landscape Architect prior to acceptance. Plants not conforming exactly to the plant list will not be accepted and shall be replaced at the landscape contractor's expense.
 - 9.) All bids are to have unit prices listed. The Owner has the option to delete any portion of the contract prior to signing the contract or beginning work. This will be a unit price contract.
 - 10.) All plant material to be transplanted shall be transplanted according to guidelines set by AAN standards. Transplanted material will not be guaranteed by the landscape contractor.
- INSURANCE:**
- 1.) The landscape contractor shall submit certificates of insurance for workman's compensation and general liability.
- MULCH:**
- 1.) All mulch to be shredded oak bark mulch at 3" depth (after compaction) unless otherwise noted. Mulch shall be clean and free of all foreign materials, including weeds, mold, deleterious materials, etc.
 - 2.) No plastic sheeting or filter fabric shall be placed beneath shredded bark mulch beds. Myrafi fabric shall be used beneath all gravel mulch beds.
 - 3.) Edge all beds with spade-cut edge unless otherwise noted.
- MAINTENANCE:**
- 1.) Landscape Contractor shall provide a separate proposal to maintain all plants, shrubs, groundcover, perennials and annuals for a period of 12 months after acceptance.
 - 2.) Contractor shall ensure that only competent and trained personnel shall provide such services and that such services be provided in a timely manner.
- TOPSOIL:**
- 1.) Topsoil mix for all proposed landscape plantings shall be five (5) parts well-drained screened organic topsoil to one (1) part Canadian sphagnum peat moss as per planting details. Roto-till topsoil mix to a depth of 6" minimum and grade smooth.
 - 2.) Provide a soil analysis, as requested, made by an independent soil-testing agency outlining the % of organic matter, inorganic matter, deleterious material, pH and mineral content.
 - 3.) Any foreign topsoil used shall be free of roots, stumps, weeds, brush, stones (larger than 1"), litter or any other extraneous or toxic material.
 - 4.) Landscape contractor to apply pre-emergent herbicide to all planting beds upon completion of planting operations and before application of shredded bark mulch.
- MISC. MATERIAL:**
- 1.) Provide stakes and deadmen of sound, new hardwood, free of knots and defects.
 - 2.) Tree wrap tape shall be 4" minimum, designed to prevent borer damage and winter freezing. Additionally, only 3-ply tying material shall be used.
- TURF:**
- 1.) All disturbed lawn areas to be seeded with a mixture of Turf-Type fescue (300# per acre) and bluegrass (18# per acre). Lawn areas shall be unconditionally warranted for a period of 90 days from date of final acceptance. Bare areas more than one square foot per any 50 square feet shall be replaced.
 - 2.) Landscape contractor shall offer an alternate price for sod in lieu of seed. Sod shall be cut at a uniform thickness of 3/4". No broken pieces, irregular pieces or torn pieces will be accepted. Any points carrying concentrated water loads and all slopes of 15% or greater shall be sodded.
 - 3.) All sod shall be placed a maximum of 24 hours after harvesting.
 - 4.) Recondition existing lawn areas damaged by Contractor's operations including equipment/material storage and movement of vehicles.
- WARRANTY:**
- 1.) All plant material (excluding ground cover, perennials and annuals) are to be warranted for a period of 12 months after installation at 100% of the installed price.
 - 2.) Any plant material found to be defective shall be removed and replaced within 30 days of notification or in growth season determined to be best for that plant.
 - 3.) Only one replacement per tree or shrub shall be required at the end of the warranty period, unless loss is due to failure to comply with warranty.
 - 4.) Lawn establishment period will be in effect once the lawn has been mowed three times. Plant establishment period shall commence on the date of acceptance and 100% completion.

PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME / COMMON NAME	SIZE
AFRM	4	Acer rubrum 'Autumn Flame' / 'Autumn Flame' Maple	2.5" Cal
RSM	3	Acer rubrum 'Frankred' / 'Red Sunset' Maple	3" Cal.
CRB	3	Betula nigra 'Cully' / Heritage River Birch	10"-12"
SAW	2	Quercus acutissima / Sawtooth Oak	3" Cal.
EVERGREEN TREES	QTY	BOTANICAL NAME / COMMON NAME	SIZE
NS	6	Picea abies / Norway Spruce	6'-7'
CBS	4	Picea pungens 'Glaucia' / Colorado Blue Spruce	6'-7'
FLOWERING TREES	QTY	BOTANICAL NAME / COMMON NAME	SIZE
SERV	1	Amelanchier X grandiflora 'Autumn Brilliance' / 'Autumn Brilliance' Serviceberry	3" Cal.
CP	2	Pyrus calleryana 'Chanticleer' / Chanticleer Pear	2" Cal
JTL	3	Syringa reticulata 'Ivory Silk' / Ivory Silk Japanese Tree Lilac	2.5" Cal
SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	SIZE
GCFC	5	Chamaecyparis pisifera filifera 'Golden Charm' / Golden Charm False Cypress	5 gal
DBB	11	Euonymus alatus 'Compactus' / Compact Burning Bush	18"-24"
FOR	3	Forsythia intermedia 'Lynwood Gold' / Lynwood Gold Forsythia	5 gal
BH	5	Ilex meserveae 'Blue Princess/Prince' TM / Blue Holly	5 gal
CH	12	Ilex meserveae 'China Boy/Girl' TM / China Boy/Girl Holly	5 gal
YAJUN	24	Juniperus horizontalis 'Youngstown' / Compact Youngstown Andorra Juniper	5 gal
NINE	6	Physocarpus opulifolius 'Diabolo' TM / Diabolo Purple Ninebark	5 gal
LPS	15	Spiraea japonica 'Little Princess' / Little Princess Spiraea	5 gal
MKL	11	Syringa patula 'Miss Kim' / Miss Kim Lilac	5 gal
DY	50	Taxus media 'densiformis' / Dense Yew	24"-30"
HY	8	Taxus media 'Hicksii' / Hicks Yew	24"-30"
DVIB	1	Viburnum plicatum tomentosum 'Mariesii' / Mariesii Double File Viburnum	5 gal
ANNUALS/PERENNIALS	QTY	BOTANICAL NAME / COMMON NAME	SIZE
HRD	25	Hemerocallis hybrid 'Happy Returns' / Happy Returns Daylily	1 gal
BBL	42	Liriope muscari 'Big Blue' / Big Blue Liriope	1 gal
LE	9	Stachys byzantina 'Silver Carpet' / Lamb's Ears	1 gal
FORBS	QTY	BOTANICAL NAME / COMMON NAME	SIZE
SMW	59	Asclepias incarnata / Swamp Milkweed	2 Qt
RMAL	35	Hibiscus lasiocarpus / Rose Mallow	2 Qt
MPX	90	Phlox paniculata / Meadow Phlox	2 Qt
PWD	20	Pontederia cordata / Pickerel Weed	2 Qt
SGR	52	Solidago rigida / Stiff Goldenrod	2 Qt
NATIVE GRASSES	QTY	BOTANICAL NAME / COMMON NAME	SIZE
	104	Carex crinita / Fringed Sedge	Plug @ 18" oc
	81	Carex muskingumensis / Palm Sedge	Plug @ 18" oc
	107	Juncus effusus / Soft Rush	Plug @ 18" oc
	274	Panicum virgatum / Switch Grass	Plug @ 18" oc
	97	Schizachyrium scoparium / Little Bluestem Grass	Plug @ 18" oc



REVISIONS	BY

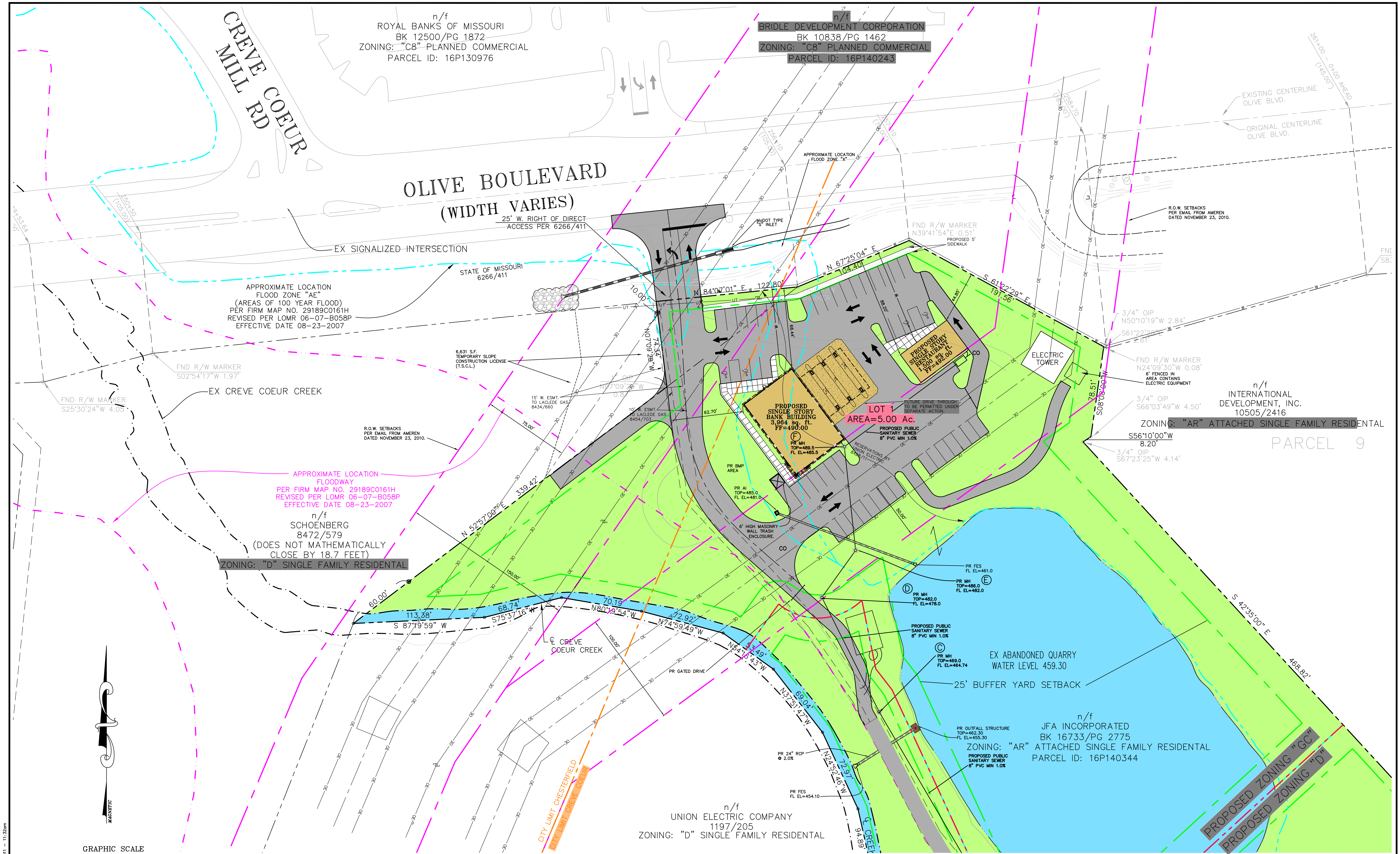
landscape TECHNOLOGIES

67 Jacobs Creek Drive
St. Charles, Missouri 63304
Fax: (636) 928-4563
MO Landscape Architectural Corporation #200800782

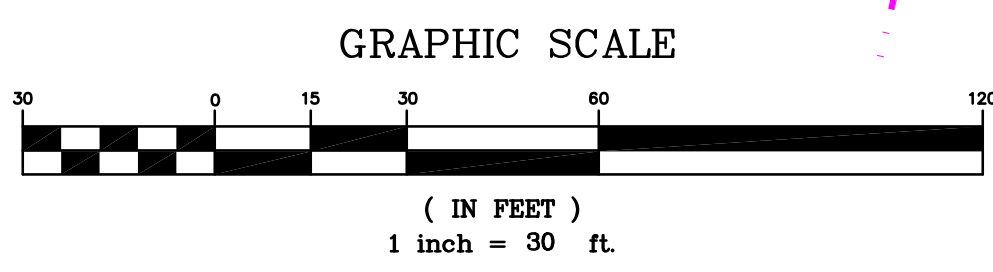
MISSOURI LANDSCAPE ARCHITECT #000019
DATE: JUNE 19, 2011

**PLANTING PLAN FOR THE PROPOSED
13150 Olive Boulevard
CREVE COEUR, MISSOURI**

DRAWN R. MARDIS
CHECKED RWM
DATE 6/9/11
SCALE 1"=30'-0"
JOB No. 2011-125
SHEET L-1
OF ONE SHEET



C:\Users\m6001\OneDrive\Documents\104659\SP\14659-base-Bank.dwg Jul 15, 2011 11:32am



- | | | | |
|-----|------------------------|-----|-------------------------|
| --- | EXISTING PROPERTY LINE | --- | PROPOSED AUE ROW |
| --- | PROPOSED PROPERTY LINE | --- | EXISTING FLOODZONE "AE" |
| --- | PROPOSED SETBACK LINE | --- | EXISTING FLOODWAY |
| --- | MUNICIPAL LINE | | |

CONCEPTUAL SITE COVERAGE CALCULATIONS:

LOT 1:
 MAXIMUM SITE COVERAGE FOR "GC" = 63%
 PROPOSED COVERAGE = 47,787 SF OR 1.10 AC
 PROPOSED COVERAGE = 22%

CONCEPTUAL FAR CALCULATIONS:

MAXIMUM FAR FOR "GC" = 0.4
 PROPOSED FAR = 0.03

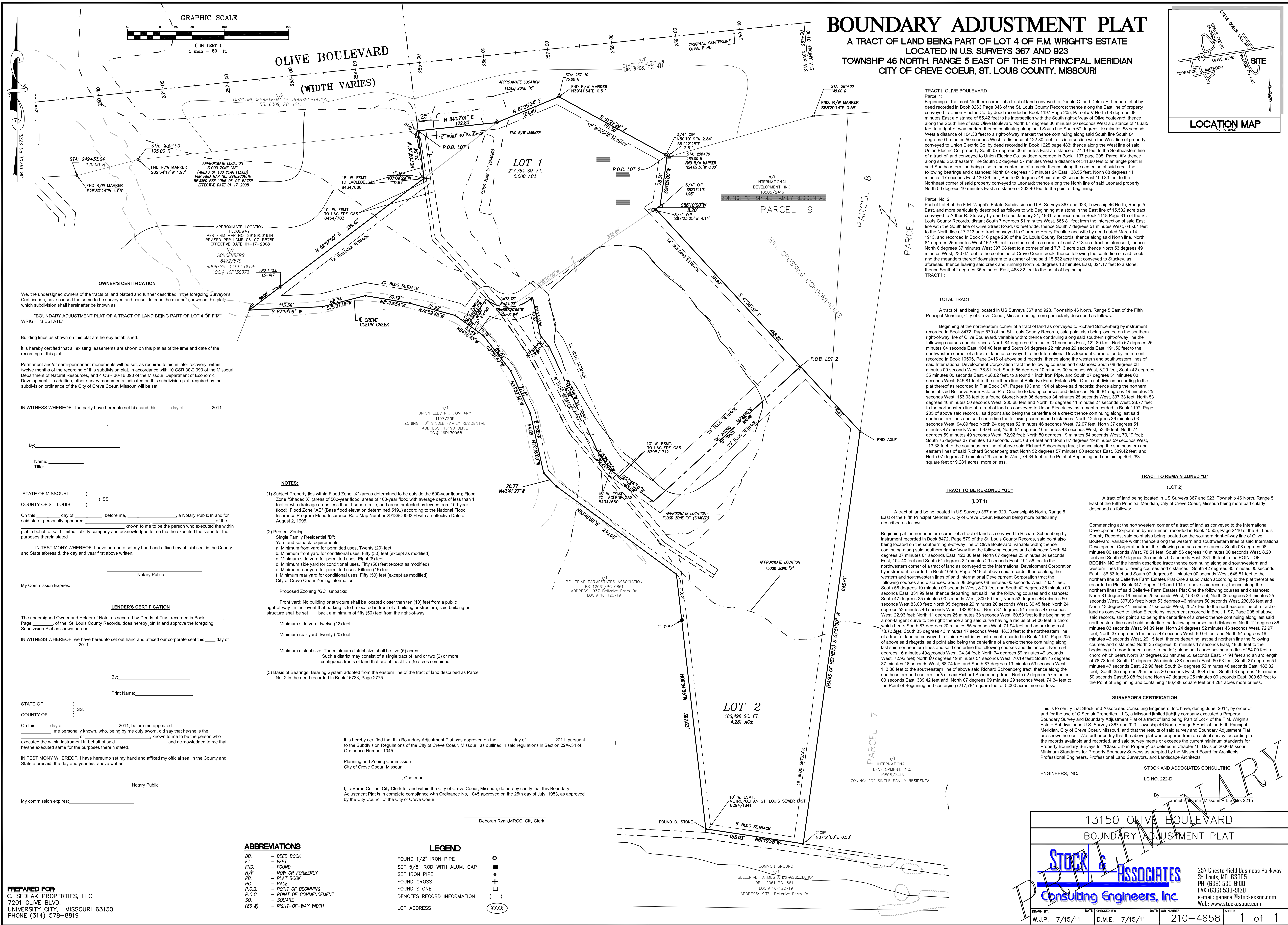
CONCEPTUAL PARKING CALCULATIONS:

BANK: 1 SPOT PER 1,000 SF = 16 SPOTS
 RESTAURANT: 1 SPOT FOR EVERY 3 SEATS AT MAXIMUM OCCUPANCY PLUS 1 SPOT FOR EVERY 250 SF = 16 SPOTS
 TOTAL REQUIRED PARKING = 32 SPOTS
 PARKING PROVIDED = 47 SPOTS (INCLUDING 4 HANDICAP)

- 7/14/11 REVISED PER CITY COMMENTS
- 6/29/11 REVISED PER CITY COMMENTS
- 6/09/11 REVISED PER CITY COMMENTS

M.S.D. P# P-27467-01
 BASE MAP # 16-P

13150 OLIVE BOULEVARD	
COMMERCIAL SITE CONCEPT PLAN	
257 Chesterfield Business Parkway St. Louis, MO 63005 PH. (636) 530-9100 FAX (636) 530-9130 e-mail: general@stockassoc.com Web: www.stockassoc.com	
GEORGE M. STOCK CIVIL ENGINEER CERTIFICATE OF AUTHORITY NUMBER: 000996	E-2516 DATE: 5/10/11 G.M.S. 5/10/11 210-4658 4 of 7





**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, JULY 18, 2011
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, July 18, 2011, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: *Mr. Timothy Madden, Chair*
 Dr. Michael Barton
 Mr. Gary Eberhardt
 Mr. James Faron
 Ms. Cynthia Kramer
 Mr. Jim Schnarr
 Mr. Ken Howard

OTHERS PRESENT: *Mr. Carl Lumley, City Attorney*
 Mr. Paul Langdon, Director of Community Development
 Ms. Whitney Kelly, City Planner
 Ms. Julie Lowery, Recording Secretary

UNFINISHED BUSINESS

- A. Application #11-014: Rezoning 5 acres from “AR” Attached Single-Family Residential to “GC” General Commercial and 4.28 acres from “AR” Attached Single-Family Residential to “D” Single-Family Residential, for site concept plan approval, and for boundary adjustment of the property located at 13150 Olive Boulevard.**

Applicant/Agent: George M. Stock, P.E.
 Stock and Associates Consulting Engineers, Inc.
 257 Chesterfield Business Parkway
 Chesterfield, MO 63005-1241

Mr. Stock, on behalf of Orson Properties LLC, gave a presentation for new members of the commission and members that were absent at the previous meeting.

No comments or questions from the audience.

Comments and questions from Commission members. Mr. Eberhardt wanted to know about the “GC” district and limiting the number of “GC” uses of the proposed land. Mr. Stock was in complete agreement and that if they were given a restricted list of uses for the property they would not be opposed to considering those options. Mr. Lumley recommended addressing this issue by asking for a list of restricted uses to present to City

Council, the same way the Shops at Questover was handled. Mr. Lumley pointed out for the Commission; conditions listed in the draft ordinance include addressing the annexation issue, the normal filings that would be required for specific development, coordination with MoDOT, and also making sure the appropriate easements are in place for the residential property. Mr. Eberhardt asked Mr. Lumley about a potential concern in regards to the quarry lake. Mr. Lumley pointed out that, under the current proposal, it is part of the proposed commercial area and therefore is the responsibility of that property owner. He further stated that there has been discussion about trying to change that later, and there would be concerns at that time. Mr. Stock responded that the lake is not on the entire 5 acres, and they would dedicate it in the common ground/easement for the benefit for all the properties so it could not be sold off to an independent entity, it would be part of the subdivision of the land.

The motion was made by Mr. Eberhardt that, in addition to the staff recommendations, the staff create a recommendation of certain uses within the “GC” category to which the development would be limited, before it is submitted to the City Council. Secondly, that there is a provision dealing with the responsibility of the lake. Mr. Lumley stated these issues can be conditions of the main motion. Ms. Kramer seconded the conditions.

Ms. Kramer asked if it was definite the tenants were going to be fast food and a bank. Mr. Stock stated there were no potential tenants or purchasers at this time. Dr. Barton wanted to know what benefit comes to the city and citizens from passing this motion. Mr. Schnarr stated sales tax for a restaurant and property taxes, as well as a sore spot to the community being fixed. Mr. Langdon commented on limiting uses through conditioning a rezoning. While the City of Creve Coeur has done this in the past, he is not in favor of doing it again. Administratively it is a dangerous way to go, because in terms of the Zoning Map, it will show “GC” and if someone is looking at the property and they call to confirm with the City that the zoning is “GC” that is what they will be told, but what they will not see on the Zoning Map is that there is an ordinance that states, it is “GC” except for these uses. Mr. Lumley, to clarify Mr. Langdon’s point, clarified why he spoke about restricted uses; that they would need to be recorded as a deed restriction on the property, like the Shops at Questover. He indicated he was not speaking in favor but rather just the mechanics.

Mr. Langdon also spoke to the future of the property, and the potential uses, stating to a very large degree it is self limiting. That is, the impacts of the worst case scenario use under “GC,” squeezed into an area this small, are going to be negligent.

There being no further comments, the motion was made by Mr. Eberhardt to approve the draft rezoning and site concept plan ordinance attached to the staff report on application #11-014, subject to the conditions contained in the draft ordinance attached to the staff report dated July 18, 2011 with the additional two conditions that the Planning Commission recommend to the City Council, a restriction on “GC” business uses that may be permitted and that planning be incorporated to take care of the requirement that the quarry be maintained in a reasonable way by legal encumbrances. Mr. Schnarr seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Mr. Schnarr – aye
Mr. Howard – aye

Dr. Barton – aye
Chair – aye

Mr. Eberhardt – aye
Ms. Kramer – aye

ADJOURNMENT

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 8:24 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



city
of

CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

August 2, 2011

Mr. George Stock
Stock and Associates Consulting Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO 63005-1241

Re: Application #11-014 – Rezoning

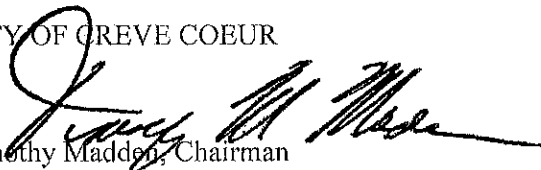
Mr. Stock:

The Planning and Zoning Commission, at its meeting of July 18, 2011, reviewed your request on behalf of Orson Properties LLC to rezone 5 acres from “AR” Attached Single-Family Residential to “GC” General Commercial and 4.28 acres from “AR” Attached Single-Family Residential to “D” Single-Family Residential, for site concept plan approval, and for boundary adjustment of the property located at 13150 Olive Boulevard.

By unanimous vote, the P&Z Commission recommends approval the draft rezoning and site concept plan ordinance attached to the staff report on application #11-014, subject to the conditions contained in the draft ordinance attached to the staff report dated July 18, 2011 with the additional two conditions that the Planning Commission recommend to the City Council, a restriction on “GC” business uses that may be permitted and that planning be incorporated to take care of the requirement that the quarry be maintained in a reasonable way by legal encumbrances.

Sincerely,

CITY OF CREVE COEUR


Timothy Madden, Chairman
Planning & Zoning Commission

TM:jl

Cc: M.C. Perkins, City Administrator
J. Heines, Director of Public Works
G. Eidman, Chief of Police
S. Unser, Chief Building Official



city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

**APPLICATION TO PLANNING AND ZONING COMMISSION
#11-014 TO REZONE 5 ACRES FROM "AR" ATTACHED SINGLE-FAMILY
RESIDENTIAL TO "GC" GENERAL COMMERCIAL AND 4.28 ACRES FROM
"AR" ATTACHED SINGLE-FAMILY RESIDENTIAL TO "D" SINGLE
FAMILY RESIDENTIAL FOR THE PROPERTY LOCATED
AT 13150 OLIVE BOULEVARD**

FOR THE MEETING OF: July 5, 2011

LOCATION: 13150 Olive Boulevard

REQUEST:

George Stock, of Stock and Associates Consulting Engineers, Inc., on behalf of Orsen Properties LLC, has submitted an application for subdivision and rezoning of 5 acres of the property at 13150 Olive Boulevard from "AR" Attached Single-Family Residential to "GC" General Commercial and rezoning the remaining 4.28 acres from "AR" Attached Single-Family Residential to "D" Single Family Residential.

ADDITIONAL INFORMATION:

Section 405.360 "GC" General Commercial District requires a minimum area of five acres, if not expanding an existing "GC" District. The residential unit on the property will be renovated and utilized as a single-family residence. No other residential units are being proposed.

Key Issues:

- Does the request further the goals and/or implement the Comprehensive Plan?
- Does the request meet with the minimum standards of the proposed "GC" General Commercial and "D" Single Family Residential districts?

Comp. Plan References

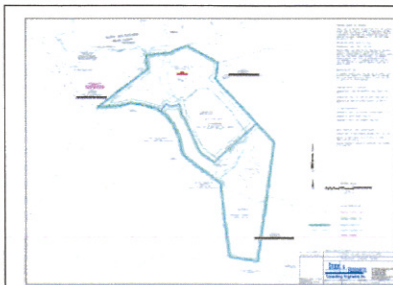
- Residential Preservation and Economic Development
- Community Health and Connectivity

Zoning Code References

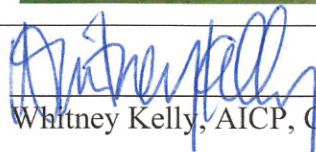
- Section 405.280 "D" Single-Family Residential District
- Section 405.360 "GC" General Core Business District
- Section 405.470 Conditional Uses

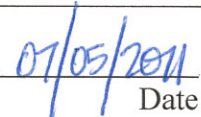
APPLICANTS: George M. Stock, P.E.
Stock and Associates Consulting
Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO 63117

OWNER: Orsen Properties LLC
7201 Olive Boulevard,
University City, MO 63130



REPORT PREPARED BY:


Whitney Kelly, AICP, City Planner


Date

ATTACHMENTS: Applicant's Materials drafted June 29, 2011

INTRODUCTION

George Stock, of Stock and Associates Consulting Engineers, Inc., on behalf of Orsen Properties LLC, has submitted an application for subdivision and rezoning of five acres of the property at 13150 Olive Boulevard from “AR” Attached Single-Family Residential to “GC” General Commercial and rezoning the remaining 4.28 acres from “AR” Attached Single-Family Residential to “D” Single Family Residential. The existing three lots will be re-subdivided to form two lots along the district lines. The conceptual site plans for the commercial development includes two buildings: a proposed bank and a restaurant, both with drive-through facilities. No tenants have been identified, so the drive-through facilities cannot be approved at this stage. In the meantime, the rezoning of the property would allow for any use permitted within the “GC” General Commercial District zoning regulations. If a tenant needing a drive-through is later identified, the applicant will have to return to the Planning and Zoning Commission for approval of a site development plan and any conditional use permit necessary.

The green space to the southwest, within the “GC” General Commercial District, is currently the leaf transfer lot used by the City’s Public Works Department. This area is within the floodway and is not otherwise developable. Therefore, the applicant is proposing to continue to allow the City to utilize this area, as open green space. The “GC” General Commercial District will also include approximately half of the pond in order to meet with the five acre minimum requirement for a “GC” District. Finally, a portion of the proposed “GC” District falls within the City of Chesterfield, and a municipal boundary adjustment will be necessary.

The residential rezoning from “AR” Attached Single Family Residential to “D” Single Family Residential will allow for the renovation of the existing house as a single family home. No other housing units are being proposed with this project. Access from Olive Boulevard will be granted through an access easement.

BACKGROUND

The residential structure, in-ground pool, pool house, and a quarry lake are currently located on the subject property. The house was built in 1989 and is approximately 10,000 square feet in size. The area was annexed into the City in 1995. The property was sold in 1999, and has been vacant since. Creve Coeur Country Club purchased the site and with approval of a Conditional Use Permit (Ordinance Number 2115, approved March 12, 2001) proposed to rehab the structure to operate a private club, however this project was never completed.

In 2005, Mr. Jim Fong, of JFA, Inc., received approval (Ordinance Number 3072) for rezoning and a site development plan to the current zoning of “AR” Attached Single Family Residential with the intent to construct twenty-five (25) townhouse units. This project was also never completed and the property has remained un-used in its current state.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Commercial: Bank and drive through restaurant	'C-8' Planned Commercial District (Unincorporated St. Louis County)	Olive Boulevard
South	Residential: Bellerive Farm Estates subdivision	"D" Single Family Residential District	NA
East	Residential: Mill Crossing	"AR" Attached Single Family Residential	NA
West	Vacant	"FPR-3" Flood Plain Residential District (City of Chesterfield)	NA

COMPREHENSIVE PLAN REVIEW

The Comprehensive Plan doesn't provide much discussion regarding this property. However, the general goals and strategies call for the preservation and protection of residential neighborhoods from encroachment by commercial development, as well as the preservation of the long-term economic strength of the City (Residential Preservation and Economic Development, page 21). Community Health and Connectivity discusses the preservation, protection and acquisition of open spaces, natural areas, and creeks in an effort to improve the quality of life, environment, and air. Further the Community Health and Connectivity Goals and Strategies requires that new commercial, institutional and multi-family development or redevelopment include public amenities such as pedestrian connections, bicycle facilities, public sitting/ gathering areas and open, space as appropriate (page 22)

The Creve Coeur Northwest Sector Land Use Plan was developed in 1996 for the area of West Olive Boulevard. Discussion of this area within the plan calls for the preservation of open space and the maintenance of green space. The plan further includes this site with the proposed development of a park space for recreational use that is passive in nature.

ZONING REVIEW

The "GC" General Commercial District (Section 405.360) is intended to accommodate, by site development plan approval, convenience retail shopping, services and offices which are freestanding or part of small scale planned commercial development and which are compatible in scale and intensity of use with adjacent residential uses.

A "GC" General Commercial District requires a minimum of five acres, if not expanding an existing "GC" District:

Section 405.360(E) Dimensional Regulations. The following area and yard regulations apply in the "GC" General Commercial District.

1. *Minimum district size. The minimum district size shall be five (5) acres. Such a district may consist of a single tract of land or two (2) or more contiguous tracts of land that are at least five (5) acres combined. In addition, a tract of land that*

is less than five (5) acres may be zoned "GC" General Commercial District when it is contiguous to an existing "GC" District.

The conceptual site development plan submitted by the applicants indicates a free standing bank and restaurant. However, no specific tenant has been identified and no conditional use permit application has been submitted. Therefore, should the rezoning get approved, only uses permitted by-right in the "GC" District could be allowed. The development of a restaurant and bank would require a conditional use permit and further site plan approval. In fact, any future change will a new site development plan per Section 405.360(D): *Site Development Plan Required: Site development plan approval by the Planning and Zoning Commission shall be required for all proposed development with the "GC" District as provided by Section 405.1080.*

The Planning Division staff believes it prudent that the first presentation be centered on the full discussion of the proposal without a recommendation to the City Council being sought. This discussion is also the opportunity for the Planning Commission to provide guidance or suggestions to the applicant on a number of potential issues including:

Land Use Issues:

- Relationship with the surrounding properties and the Comprehensive Plan: While the Comprehensive Plan calls for the preservation of neighborhoods and open space, and the Northwest Sector Plan calls for maintaining this property as green space for a park, commercial development already exists across Olive Boulevard in unincorporated St. Louis County. Further, commercial development is not likely to develop further west, as it is within the floodway. Would the rezoning of the five acres along Olive Boulevard adversely affect the surrounding area?
- Concern of spot zoning: While the commercial development portion of the proposal meets with the five acre minimum, a significant portion of the area is undevelopable due to the inclusion of the pond, the floodway area at the southwest portion of the property, and the overhead utilities on site. That portion indicating development is approximately 1/3 (approximately 1.8 acres) of the proposed "GC" District. Therefore, does the project meet with the intent of the Zoning Code by providing only approximately 1.8 acres of a minimum of five acres for development?
- Are the Commission members comfortable with all of the permitted uses within the "GC" District for this site?

Site Development Issues:

- The conceptual site plan indicates a bank and drive-through restaurant that will require a conditional use permit, as discussed earlier, and such application has not been submitted. Therefore review of the concept site plan should only include that of two buildings, one of approximately 4,000 sq. ft. and one for 1,500 sq. ft., as possible retail and office (those uses permitted by right in the "GC" District). Are the Commission members comfortable with this level of development, or what is the level of development do you feel is appropriate for this site?
- The applicant has shown drive-in facilities could work on this site. Is the Commission comfortable with the potential for such uses on this site, or is the only appropriate use those identified as the uses permitted by-right without the future possibility of a drive-through tenant?

Upon further direction from the Planning and Zoning Commission members, a complete site development plan, with architectural elevations is necessary to adequately review the proposal with the City's Design Guidelines, and zoning standards. Further, annexation of that portion of the project from the City of Chesterfield will need to be addressed. After affording the applicant time to make any necessary changes, the staff will provide the Commission with a complete staff report.

ACTION

The Planning and Zoning Commission should not take any action on a recommendation for this item at this time. A motion is required, however. (see below)

MOTION

The following is an example of an appropriate motion for this application:

"I move to continue Application #11-014 until a time that the applicant can make the necessary changes to address the concerns of the members of the Planning Commission and staff determines that enough information has been provided to move forward."

APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 3: AERIAL MAP



St. Louis County Property Viewer



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APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 05/26/2011
	Description: View of the property looking south from Olive Blvd toward the area of the proposed commercial development.
	Description: View of the property looking southwest from Olive Blvd at the leaf transfer lot within the floodway.
	Description: View of the property looking south from Olive Blvd along the proposed access easement.

	Description: View looking northwest from Olive Boulevard at the existing commercial development in un-incorporated St. Louis County.
	Description: View looking northeast from Olive Boulevard at the existing commercial development in un-incorporated St. Louis County.
	Description: View looking east from the property entrance along Olive Boulevard.

SITE DEVELOPMENT PLAN

13150 OLIVE BOULEVARD

A TRACT OF LAND BEING LOCATED IN U.S. SURVEYS 367 AND 923
TOWNSHIP 46 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI

CURRENT ZONING: "AP" ATTACHED SINGLE FAMILY RESIDENTIAL

PROPOSED ZONING: "D" SINGLE FAMILY RESIDENTIAL

AND "GC" GENERAL COMMERCIAL

GENERAL NOTES:

- EXISTING CONDITIONS BASED ON TOPOGRAPHIC SURVEY PERFORMED BY CCI ENGINEERING.
(BASIS OF BEARINGS: MISSOURI STATE PLANE, GRID NORTH)
- SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "AE" AND "X" (AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD) ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR ST. LOUIS COUNTY, MISSOURI AND INCORPORATED AREAS PER MAP NO. 29189C0161 H WITH AN EFFECTIVE DATE OF AUGUST 23, 2007 AND REVISED PER LOMR 06-07-B058P.
- ALL UTILITIES SHOWN HAVE BEEN LOCATED BY THE ENGINEER FROM AVAILABLE RECORDS. THEIR LOCATION SHOULD BE CONSIDERED APPROXIMATE. THE CONTRACTOR HAS THE RESPONSIBILITY TO NOTIFY ALL UTILITY COMPANIES, PRIOR TO CONSTRUCTION, TO HAVE EXISTING UTILITIES FIELD LOCATED. SHOULD ANY CONFLICTS BE EVIDENT, THE CONTRACTOR SHALL NOTIFY THE OFFICE OF THE ENGINEER IMMEDIATELY.
- ALL PROPOSED UTILITIES SHALL BE CONSTRUCTED TO THE CITY OF CREVE COEUR STANDARDS.
- ALL GRADING AND DRAINAGE TO BE IN CONFORMANCE WITH THE CITY OF CREVE COEUR, MSD, AND ST. LOUIS COUNTY STANDARDS.
- STORM WATER SHALL BE DISCHARGED AT AN ADEQUATE NATURAL DISCHARGE POINT. SINKHOLES ARE NOT ADEQUATE DISCHARGE POINTS.
- THESE IMPROVEMENT PLANS WILL ADHERE TO THE PARKING AND LOADING REGULATIONS OF THE CITY OF CREVE COEUR CODE.
- NO PARKING SHALL BE PERMITTED ON ANY ROADWAY IN OR ADJACENT TO THE DEVELOPMENT.
- ALL UTILITIES WILL BE INSTALLED UNDERGROUND. THE DEVELOPMENT OF THIS PARCEL WILL COORDINATE THE INSTALLATION OF ALL UTILITIES IN CONJUNCTION WITH THE CONSTRUCTION OF ANY ROADWAY.
- ALL TRASH ENCLOSURES SHALL BE SCREENED WITH A 6 FT. TALL (min) MASONRY ENCLOSURE.
- AN OPPORTUNITY FOR RECYCLING WILL BE PROVIDED.
- STREET TREES TO BE INSTALLED PER APPROVED LANDSCAPE PLAN.
- ENTRANCE SHALL BE CONSTRUCTED TO ST. LOUIS COUNTY STANDARDS.
- ALL PROPOSED ACCESS TO ST. LOUIS COUNTY ROADS FOR NEW DEVELOPMENT SHALL MEET MINIMUM ST. LOUIS COUNTY SIGHT DISTANCE REQUIREMENTS.
- HAULING STANDARD NOTE: TRUCKS SHALL NOT EXCEED POSTED WEIGHT LIMITS FOR ST. LOUIS COUNTY BRIDGES DURING HAUL OPERATIONS. (NO HAUL ROUTE REQUIRED FOR THIS PROJECT)
- THE DEVELOPER IS REQUIRED TO PROVIDE ADEQUATE STORMWATER SYSTEMS IN ACCORDANCE WITH ST. LOUIS COUNTY AND M.S.D. STANDARDS.
- LAND DISTURBANCE, EROSION AND SEDIMENT CONTROL PRACTICES, AND WATERCOURSE CROSSINGS SHALL BE ADEQUATE TO PREVENT TRANSPORTATION OF SEDIMENT FROM THE SITE.
- ADDITIONAL SILTATION CONTROL SHALL BE INSTALLED AS REQUIRED BY ST. LOUIS COUNTY DEPARTMENT OF HIGHWAYS AND TRAFFIC.
- MATERIALS BROUGHT TO ANY SITE UNDER A PERMIT ISSUED UNDER THE LAND DISTURBANCE CODE, WHERE SAID MATERIAL IS INTENDED TO BE UTILIZED AS FILL MATERIAL AT THE SITE FOR LAND DISTURBANCE, EROSION OR SEDIMENT CONTROL, SHALL CONSIST OF CLEAN UNCONTAMINATED INERT MATERIALS (SOIL, ROCK, CONCRETE, ASPHALTIC CONCRETE, SAND, ETC. VOID OF ANY WOOD, METALS, PLASTICS, TEXTILES, HYDROCARBONS, ETC.) SLUDGE OF ANY KIND MAY NOT BE USED AS A CLEAN FILL UNLESS REVIEWED AND APPROVED BY THE ST. LOUIS COUNTY DEPARTMENT OF HEALTH.
- ADEQUATE TEMPORARY OFF-STREET PARKING FOR CONSTRUCTION EMPLOYEES SHALL BE PROVIDED. PARKING ON NON-SURFACED AREAS SHALL BE PROHIBITED IN ORDER TO ELIMINATE THE CONDITION WHEREBY MUD FROM CONSTRUCTION AND EMPLOYEES' VEHICLES IS TRACKED ONTO THE PAVEMENT CAUSING HAZARDOUS ROADWAY AND DRIVEWAY CONDITIONS.
- ALL FILLS AND BACKFILLS SHALL BE MADE OF SELECTED EARTH MATERIALS, FREE FROM BROKEN MASONRY, ROCK, FROZEN EARTH, RUBBISH, ORGANIC MATERIAL AND DEBRIS.
- CONTRACTOR SHALL KEEP EXISTING ROADWAYS CLEAN OF MUD AND DEBRIS AT ALL TIMES.
- ALL WORK WITHIN ST. LOUIS COUNTY RIGHT-OF-WAY SHALL BE TO COUNTY STANDARDS.
- INSTALLATION OF LANDSCAPING AND ORNAMENTAL ENTRANCE MONUMENTATION OR IDENTIFICATION SIGNAGE CONSTRUCTION, IF PROPOSED, SHALL BE REVIEWED BY THE DEPARTMENT OF HIGHWAYS AND TRAFFIC FOR SIGHT DISTANCE CONSIDERATIONS AND APPROVED PRIOR TO INSTALLATION OR CONSTRUCTION.
- INTERIM STORMWATER DRAINAGE CONTROL IN THE FORM OF SILTATION CONTROL MEASURES ARE REQUIRED.
- THE DEVELOPER IS REQUIRED TO PROVIDE ADEQUATE STORMWATER SYSTEMS IN ACCORDANCE WITH ST. LOUIS COUNTY AND MSD STANDARDS.
- ALL DISTURBED EARTH AREAS WITHIN ST. LOUIS COUNTY RIGHT-OF-WAY SHALL BE SODED.
- ALL OFFSITE PROPERTY OWNERS SHALL BE GIVEN NOTICE 48 HOURS IN ADVANCE OF ANY WORK.
- ALL CONSTRUCTION SHALL BE PER MOST CURRENT DETAILS LOCATED IN THE ST. LOUIS COUNTY DESIGN CRITERIA MANUAL AND/OR THE SEDIMENT AND EROSION CONTROL MANUAL.

TOTAL TRACT

A tract of land being located in US Surveys 367 and 923, Township 46 North, Range 5 East of the Fifth Principal Meridian, City of Creve Coeur, Missouri being more particularly described as follows:

Beginning at the northeastern corner of a tract of land as conveyed to Richard Schoenberg by instrument recorded in Book 8472, Page 579 of the St. Louis County Records, said point also being located on the southern right-of-way line of Olive Boulevard, variable width; thence continuing along said southern right-of-way line the following courses and distances: North 84 degrees 07 minutes 01 seconds East, 122.80 feet; North 67 degrees 25 minutes 04 seconds East, 104.40 feet and South 01 degrees 22 minutes 29 seconds East, 191.56 feet to the northwestern corner of a tract of land as conveyed to the International Development Corporation by instrument recorded in Book 10505, Page 2416 of above said records; thence along the western and southwestern lines of said International Development Corporation tract the following courses and distances: South 08 degrees 08 minutes 00 seconds West, 78.51 feet; South 56 degrees 10 minutes 00 seconds West, 8.20 feet; South 42 degrees 35 minutes 00 seconds East, 468.82 feet, to a found 1 inch Iron Pipe, and South 07 degrees 51 minutes 00 seconds West, 645.81 feet to the northern line of Bellerville Farm Estates Plat One a subdivision according to the plat thereof as recorded in Plat Book 347, Pages 193 and 194 of above said records; thence along the northern lines of said Bellerville Farm Estates Plat One the following courses and distances: North 81 degrees 19 minutes 25 seconds West, 153.03 feet to a found Stone; North 06 degrees 34 minutes 25 seconds West, 397.63 feet; North 53 degrees 46 minutes 50 seconds West, 230.68 feet and North 43 degrees 41 minutes 27 seconds West, 28.77 feet to the northeastern line of a tract of land as conveyed to Union Electric by instrument recorded in Book 1197, Page 205 of above said records, said point also being the centerline of a creek; thence continuing along last said northeastern lines and said centerline the following courses and distances: North 12 degrees 36 minutes 03 seconds West, 94.89 feet; North 24 degrees 52 minutes 46 seconds West, 72.97 feet; North 37 degrees 51 minutes 47 seconds West, 69.04 feet; North 54 degrees 16 minutes 43 seconds West, 53.49 feet; North 74 degrees 59 minutes 49 seconds West, 72.92 feet; North 80 degrees 19 minutes 54 seconds West, 70.19 feet; South 75 degrees 37 minutes 16 seconds West, 68.74 feet and South 87 degrees 19 minutes 59 seconds West, 113.38 feet to the southeastern line of above said Richard Schoenberg tract; thence along the southeastern and eastern lines of said Richard Schoenberg tract North 52 degrees 57 minutes 00 seconds East, 339.42 feet and North 07 degrees 09 minutes 29 seconds West, 74.34 feet to the Point of Beginning and containing 404.283 square feet or 9.281 acres more or less.

TRACT TO REMAIN ZONED "D"

(LOT 2)

A tract of land being located in US Surveys 367 and 923, Township 46 North, Range 5 East of the Fifth Principal Meridian, City of Creve Coeur, Missouri being more particularly described as follows:

Commencing at the northwestern corner of a tract of land as conveyed to the International Development Corporation by instrument recorded in Book 10505, Page 2416 of the St. Louis County Records, said point also being located on the southern right-of-way line of Olive Boulevard, variable width; thence along the western and southwestern lines of said International Development Corporation tract the following courses and distances: South 08 degrees 08 minutes 00 seconds West, 78.51 feet; South 56 degrees 10 minutes 00 seconds West, 8.20 feet and South 42 degrees 35 minutes 00 seconds East, 331.99 feet to the POINT OF BEGINNING of the herein described tract; thence continuing along said southwestern and western lines the following courses and distances: South 42 degrees 35 minutes 00 seconds East, 136.83 feet and South 07 degrees 51 minutes 00 seconds West, 645.81 feet to the northern line of Bellerville Farm Estates Plat One a subdivision according to the plat thereof as recorded in Plat Book 347, Pages 193 and 194 of above said records; thence along the northern lines of said Bellerville Farm Estates Plat One the following courses and distances: North 81 degrees 19 minutes 25 seconds West, 153.03 feet; North 06 degrees 34 minutes 25 seconds West, 397.63 feet; North 53 degrees 46 minutes 50 seconds West, 230.68 feet and North 43 degrees 41 minutes 27 seconds West, 28.77 feet to the northeastern line of a tract of land as conveyed to Union Electric by instrument recorded in Book 1197, Page 205 of above said records, said point also being the centerline of a creek; thence continuing along last said northeastern lines and said centerline the following courses and distances: North 12 degrees 36 minutes 03 seconds West, 94.89 feet; North 24 degrees 52 minutes 46 seconds West, 72.97 feet; North 37 degrees 51 minutes 47 seconds West, 69.04 feet and North 54 degrees 16 minutes 43 seconds West, 29.15 feet; thence departing last said northern line the following courses and distances: North 35 degrees 43 minutes 17 seconds East, 48.38 feet to the beginning of a non-tangent curve to the left; along said curve having a radius of 54.00 feet, a chord which bears North 87 degrees 20 minutes 55 seconds East, 71.94 feet and an arc length of 78.73 feet; South 11 degrees 25 minutes 38 seconds East, 60.53 feet; South 37 degrees 51 minutes 47 seconds East, 22.96 feet; South 24 degrees 52 minutes 46 seconds East, 182.82 feet; South 35 degrees 29 minutes 20 seconds East, 30.45 feet; South 53 degrees 46 minutes 50 seconds East, 83.08 feet and North 47 degrees 25 minutes 00 seconds East, 309.69 feet to the Point of Beginning and containing 186.498 square feet or 4.281 acres more or less.

ST. LOUIS COUNTY BENCHMARK:

8-8 - 474.84 - "STANDARD TABLET" STAMPED 13 GEU 1974
SET IN SOUTHEAST ABUTMENT OF BRIDGE #A-1618-R OVER
CREVE COEUR CREEK ALONG OLIVE STREET ROAD; WEST OF
THE SOUTHWEST CORNER OF CREVE COEUR ROAD AND OLIVE
STREET.

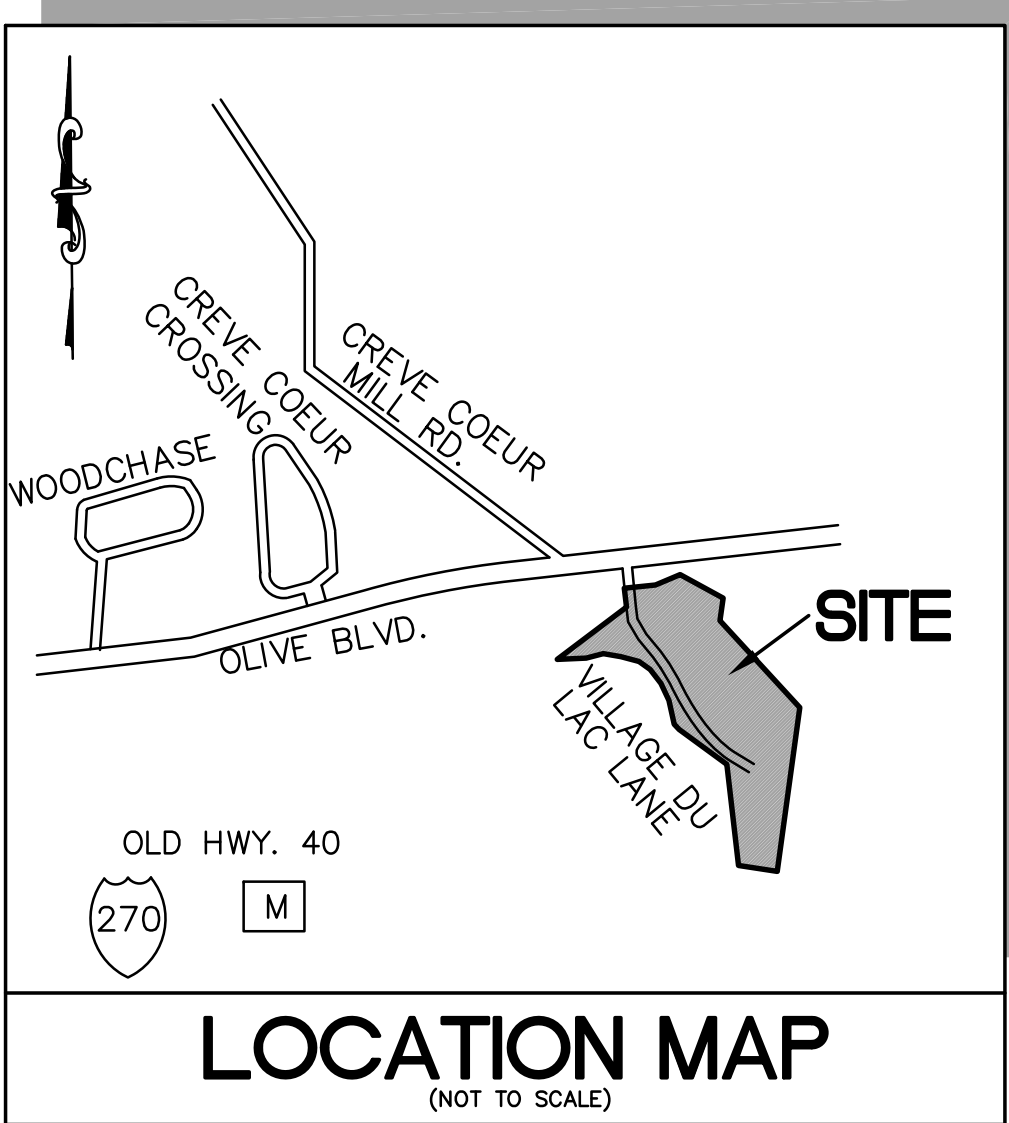
PREPARED FOR:
ORSON PROPERTIES L.L.C.
7201 OLIVE BLVD.
UNIVERSITY CITY, MISSOURI 63130
PHONE: (314) 578-8819

ABBREVIATIONS

C.O.	-	CLEANOUT	P.G.	-	PAGE
DB.	-	DEED BOOK	P.O.B.	-	POINT OF BEGINNING
E	-	ELECTRIC	P.O.C.	-	POINT OF COMMENCEMENT
FL	-	FLOWLINE	P.V.C.	-	POLYVINYL CHLORIDE PIPE
FT	-	FEET	R.C.P.	-	REINFORCED CONCRETE PIPE
FND.	-	FOUND	SQ.	-	SQUARE
G	-	GAS	T	-	TELEPHONE CABLE
M.H.	-	MANHOLE	V.C.P.	-	VETRIIFIED CLAY PIPE
N/F	-	NOW OR FORMERLY	W	-	WATER
PB.	-	PLAT BOOK	(86°W)	-	RIGHT-OF-WAY WIDTH

LEGEND

EXISTING SANITARY SEWER	==	○	==	FIRE HYDRANT
EXISTING STORM SEWER	==	○	==	LIGHT STANDARD
EXISTING TREE	==	○	==	BUSH
EXISTING BUILDING	==	○	==	NOTES PARKING SPACES
EXISTING CONTOUR	==	○	==	QUIRY WIRE
SPOT ELEVATION	==	○	==	POWER POLE
EXISTING UTILITIES	==	○	==	WATER VALVE
FOUND 1/2" IRON PIPE	==	○	==	NOTES RECORD INFORMATION
SET IRON PIPE	==	○	==	HANDICAPPED PARKING
FOUND CROSS	==	○	==	
FOUND STONE	==	○	==	



PERTINENT DATA

SITE ACREAGE	=	9.28 Acres ±	13105 OLIVE BOULEVARD, CREVE COEUR, MO 63141
FIRE DISTRICT	=	CREVE COEUR FIRE PROTECTION DISTRICT	
SCHOOL DISTRICT	=	LAJUE	
SEWER DISTRICT	=	M.S.D.	
WATER SHED	=	CREVE COEUR CREEK	
WATER SERVICE	=	MISSOURI AMERICAN WATER COMPANY	
GAS SERVICE	=	LACLEDE GAS COMPANY	
ELECTRIC SERVICE	=	AmerenUE ELECTRIC COMPANY	
PHONE SERVICE	=	AT&T	
LOCATOR No.	=	16P140344	
F.I.R.M. MAP	=	29189C0161 H, ZONE AE AND X,	

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC. HAS PREPARED THIS SITE DEVELOPMENT PLAN FROM A RECORD INFORMATION AND DOES NOT REPRESENT A PROPERTY BOUNDARY SURVEY. THIS SITE DEVELOPMENT SECTION PLAN IS A CORRECT REPRESENTATION OF ALL EXISTING AND PROPOSED LAND DIVISIONS. FINAL PLATTING IS SUBJECT TO AN ACTUAL FIELD BOUNDARY SURVEY.

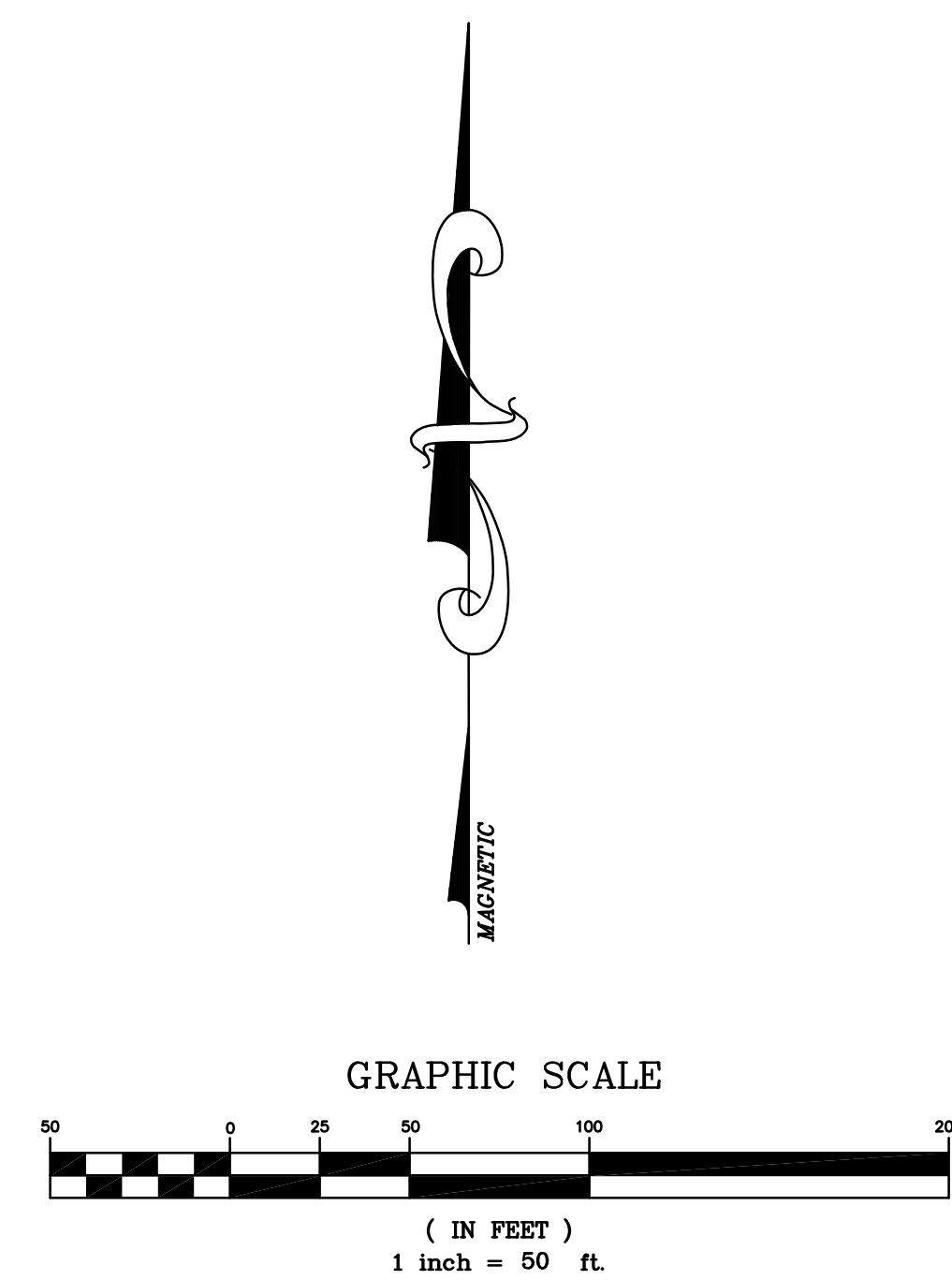
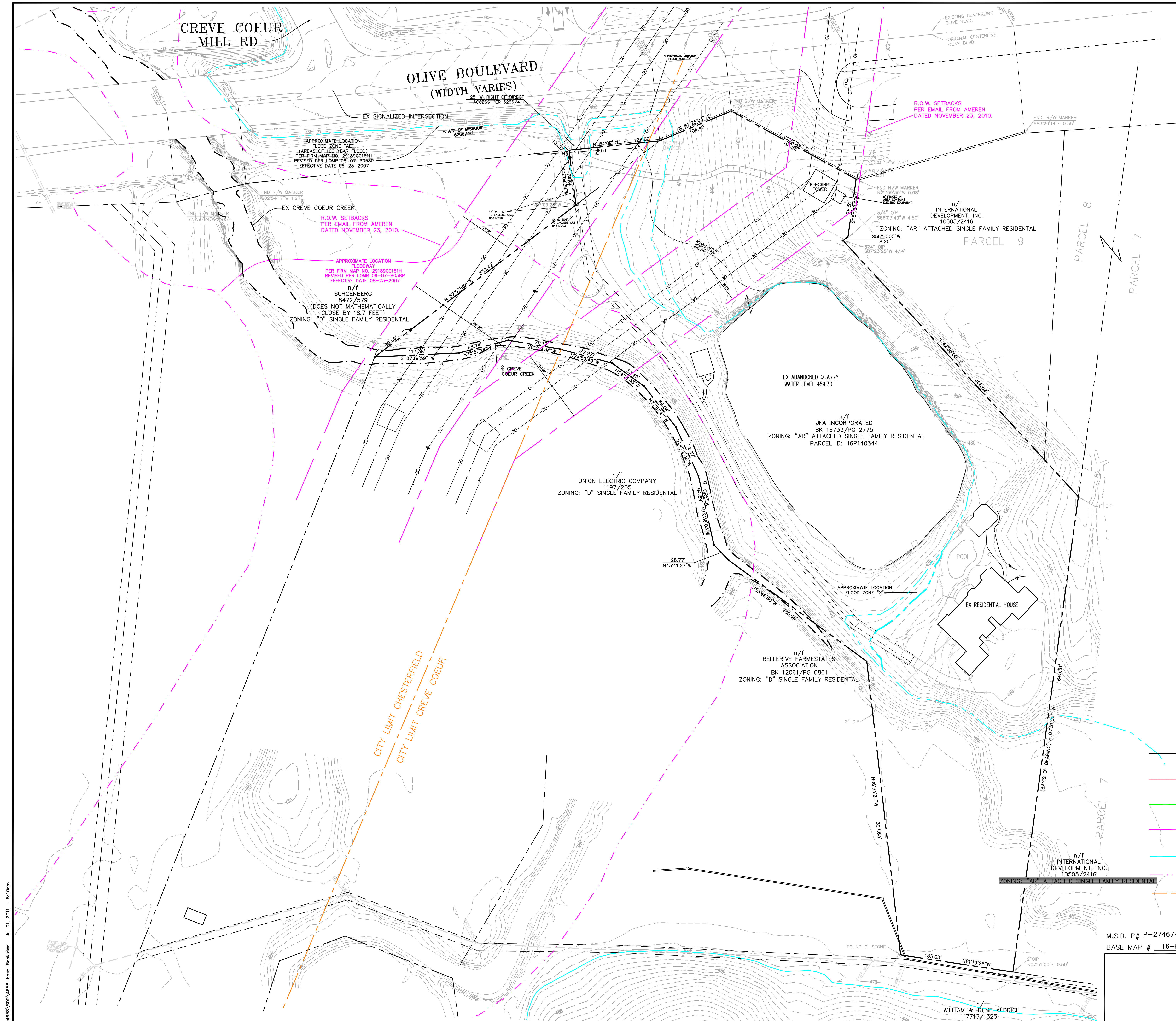
STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC.

By: DANIEL EHLMANN, MISSOURI L.S. NO. 2215

6/29/11 REVISED PER CITY COMMENTS
6/09/11 REVISED PER CITY COMMENTS

M.S.D. P# P-27467-01
BASE MAP # 16-P

13150 OLIVE BOULEVARD			
TITLE SHEET			
STOCK & ASSOCIATES Consulting Engineers, Inc.			
257 Chesterfield Business Parkway St. Louis, MO 63005 PH. (636) 530-9100 FAX (636) 530-9130 e-mail: general@stockassoc.com Web: www.stockassoc.com			
GEORGE M. STOCK CIVIL ENGINEER CERTIFICATE OF AUTHORITY NUMBER: 000996	E-25116	DRAWN BY: E.J.B. DATE: 5/10/11	CHECKED BY: G.M.S. DATE: 5/10/11
JOB NUMBER: 210-4658		SHEET: 1 of 7	



- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- PROPOSED SETBACK LINE
- PROPOSED AUE ROW
- EXISTING FLOODZONE "AE"
- EXISTING FLOODWAY
- MUNICIPAL LINE

M.S.D. P# P-27467-01
BASE MAP # 16-P

13150 OLIVE BOULEVARD
EXISTING CONDITIONS PLAN

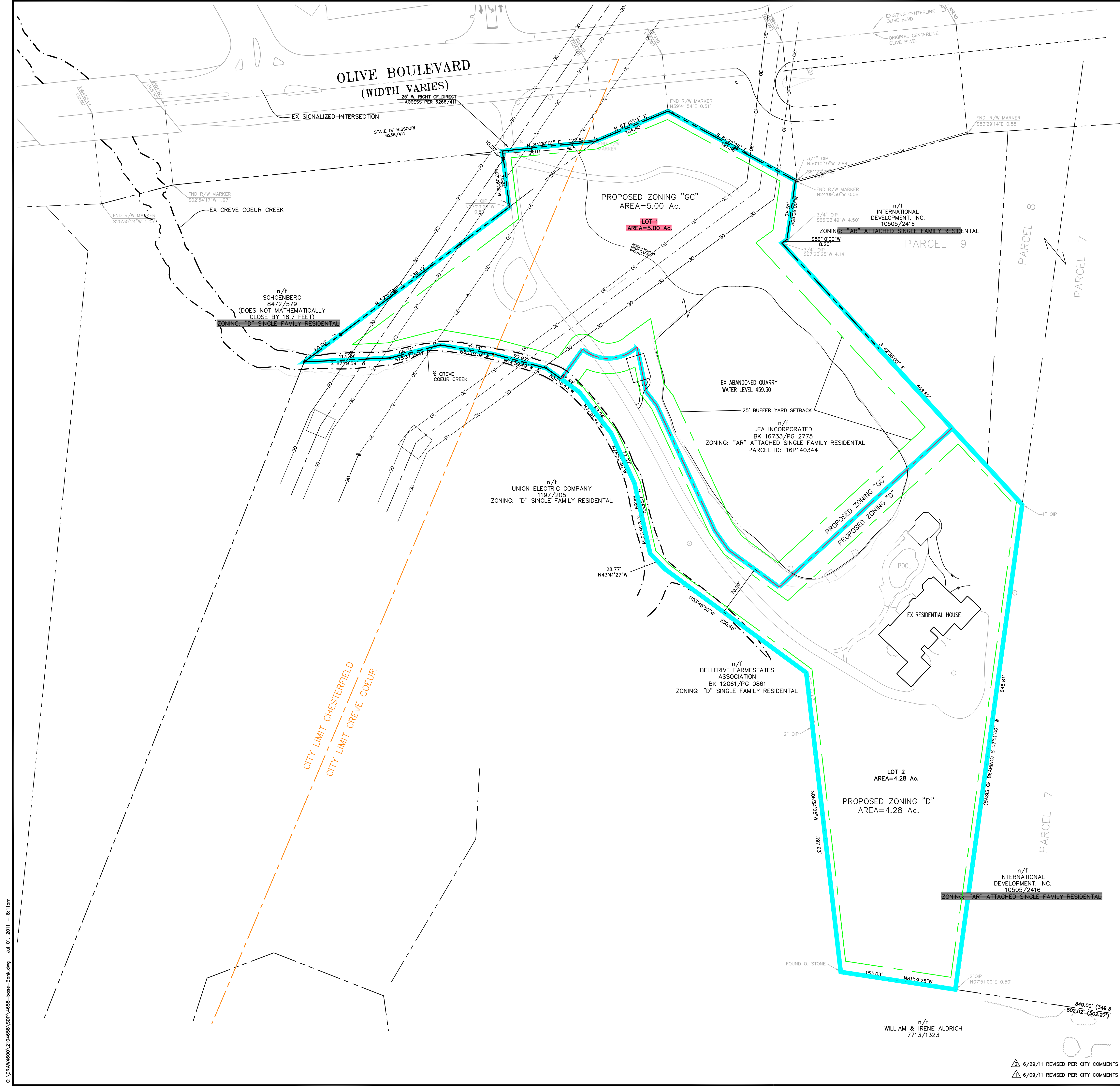
STOCK & ASSOCIATES
Consulting Engineers, Inc.

257 Chesterfield Business Parkway
St. Louis, MO 63005
PH (636) 530-9100
FAX (636) 530-9130
e-mail: general@stockassoc.com
Web: www.stockassoc.com

GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

DRAWN BY:	CHECKED BY:	DATE:	JOB NUMBER:	SHEET:
E.J.B.	G.M.S.	5/10/11	210-4658	2 of 7

6/29/11 REVISED PER CITY COMMENTS
6/09/11 REVISED PER CITY COMMENTS



PROPOSED ZONING "GC" SETBACKS:

FRONT YARD: NO BUILDING OR STRUCTURE SHALL BE LOCATED CLOSER THAN TEN (10) FEET FROM A PUBLIC RIGHT-OF-WAY. IN THE EVENT THAT PARKING IS TO BE LOCATED IN FRONT OF A BUILDING OR STRUCTURE, SAID BUILDING OR STRUCTURE SHALL BE SET BACK A MINIMUM OF FIFTY (50) FEET FROM THE RIGHT-OF-WAY.

MINIMUM SIDE YARD: TWELVE (12) FEET.

MINIMUM REAR YARD: TWENTY (20) FEET.

BUFFER YARDS: ANY TRACT OR SITE ABUTTING OR ADJOINING A SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT SHALL PROVIDE A BUFFER YARD OF TWENTY (20) FEET ON ALL SIDES THAT ADJUT THE SINGLE-FAMILY DISTRICT. THE MINIMUM REQUIRED BUFFER YARD SHALL BE INCREASED IN FIVE (5) FOOT INCREMENTS, UP TO A MAXIMUM OF FORTY (40) FEET, FOR EACH ACRE OF THE SUBJECT PROPERTY OVER TWO (2) ACRES IN AREA.

MINIMUM DISTRICT SIZE:

THE MINIMUM DISTRICT SIZE SHALL BE FIVE (5) ACRES. SUCH A DISTRICT MAY CONSIST OF A SINGLE TRACT OF LAND OR TWO (2) OR MORE CONTIGUOUS TRACTS OF LAND THAT ARE AT LEAST FIVE (5) ACRES COMBINED.

PROPOSED ZONING "D" SETBACKS:

MINIMUM FRONT YARD FOR PERMITTED USES: TWENTY (20) FEET.

MINIMUM SIDE YARD FOR PERMITTED USES: EIGHT (8) FEET.

MINIMUM REAR YARD FOR PERMITTED USES: FIFTEEN (15) FEET.

LOT SIZE REQUIREMENTS:

MINIMUM LOT AREA: TEN THOUSAND (10,000) SQUARE FEET.

MINIMUM LOT WIDTH: SEVENTY (70) FEET

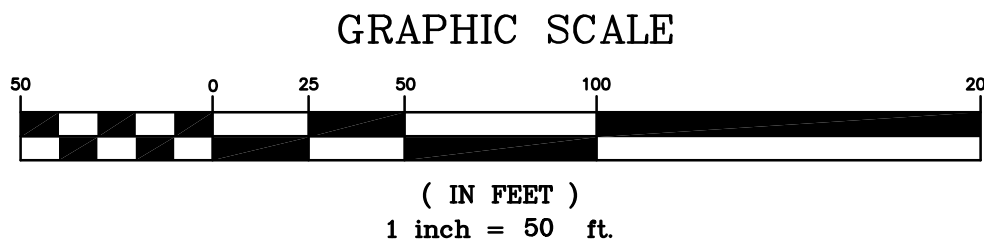
MINIMUM LOT DEPTH: ONE HUNDRED (100) FEET.

MINOR RESIDENTIAL STREET SPECIFICATIONS:

MINIMUM RIGHT OF WAY (COMMON GROUND): FIFTY (50) FEET.

MINIMUM PAVEMENT WIDTH (BACK TO BACK OF CURB): TWENTY SIX (26) FEET.

MINIMUM HORIZONTAL RADIUS OF CENTERLINE: ONE HUNDRED FIFTY (150) FEET.



- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- PROPOSED SETBACK LINE
- PROPOSED ZONING LINE
- EXISTING FLOODZONE "AE"
- EXISTING FLOODWAY
- MUNICIPAL LINE

M.S.D. P# P-27467-01
BASE MAP # 16-P

GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

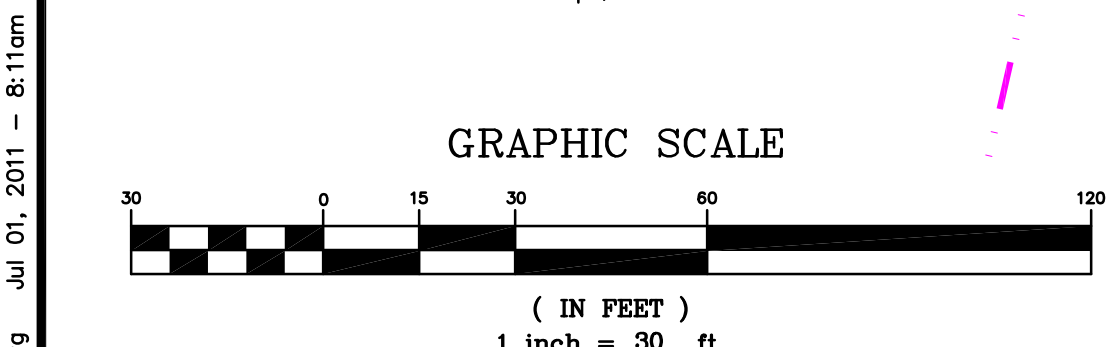
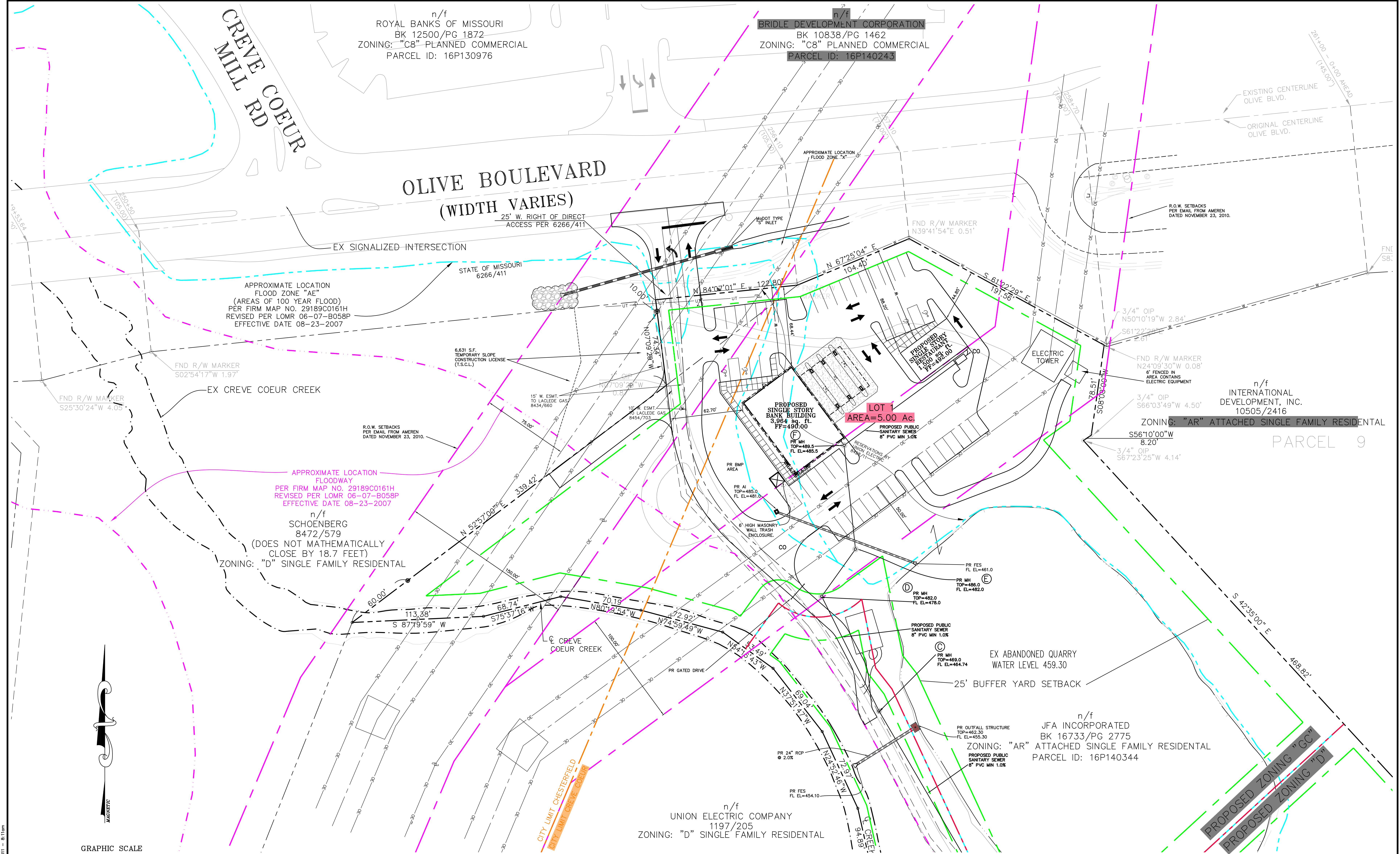
13150 OLIVE BOULEVARD
PROPOSED ZONING EXHIBIT

STOCK & ASSOCIATES

Consulting Engineers, Inc.

257 Chesterfield Business Parkway
St. Louis, MO 63005
PH. (636) 530-9100
FAX (636) 530-9130
e-mail: general@stockassoc.com
Web: www.stockassoc.com

DRAWN BY:	DATE:	CHECKED BY:	DATE:	JOB NUMBER:	SHEET:
E.J.B.	5/10/11	G.M.S.	5/10/11	210-4658	3 of 7



- | | | | |
|-----|------------------------|-----|-------------------------|
| --- | EXISTING PROPERTY LINE | --- | PROPOSED AUE ROW |
| --- | PROPOSED PROPERTY LINE | --- | EXISTING FLOODZONE "AE" |
| --- | PROPOSED SETBACK LINE | --- | EXISTING FLOODWAY |
| --- | MUNICIPAL LINE | | |

CONCEPTUAL SITE COVERAGE CALCULATIONS:
LOT 1:
MAXIMUM SITE COVERAGE FOR "GC" = 63%
PROPOSED COVERAGE = 47,787 SF OR 1.10 AC
PROPOSED COVERAGE = 22%

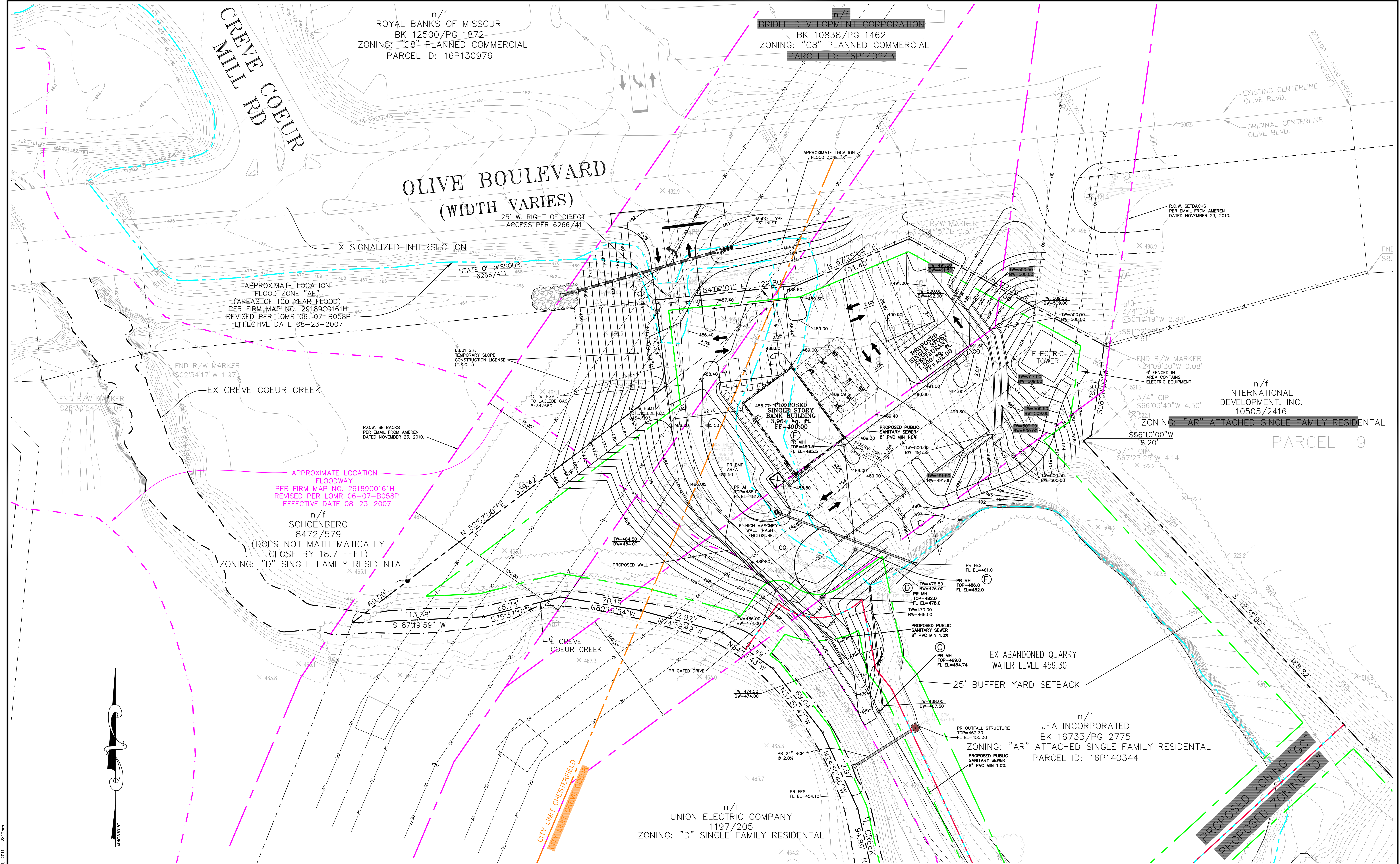
CONCEPTUAL FAR CALCULATIONS:
MAXIMUM FAR FOR "GC" = 0.4
PROPOSED FAR = 0.03

CONCEPTUAL PARKING CALCULATIONS:
BANK: 1 SPOT PER 1,000 SF = 16 SPOTS
RESTAURANT: 1 SPOT FOR EVERY 3 SEATS AT MAXIMUM
OCCUPANCY PLUS 1 SPOT FOR EVERY 250 SF = 16 SPOTS
TOTAL REQUIRED PARKING = 32 SPOTS
PARKING PROVIDED = 47 SPOTS (INCLUDING 4 HANDICAP)

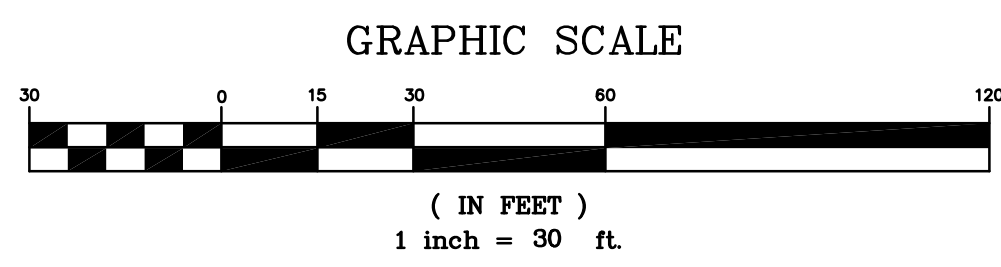
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6/09/11 REVISED PER CITY COMMENTS

M.S.D. P# P-27467-01 BASE MAP # 16-P		13150 OLIVE BOULEVARD COMMERCIAL SITE DEVELOPMENT PLAN	
STOCK & ASSOCIATES Consulting Engineers, Inc.		257 Chesterfield Business Parkway St. Louis, MO 63005 PH. (636) 530-9100 FAX (636) 530-9130 e-mail: general@stockassoc.com Web: www.stockassoc.com	
DRAWN BY: E.J.B.	DATE: 5/10/11	CHECKED BY: G.M.S.	DATE: 5/10/11
JOB NUMBER: 210-4658		SHEET: 4 of 7	

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---	EXISTING PROPERTY LINE	---	PROPOSED AUE ROW
---	PROPOSED PROPERTY LINE	---	EXISTING FLOODZONE "AE"
---	PROPOSED SETBACK LINE	---	EXISTING FLOODWAY
---	MUNICIPAL LINE		

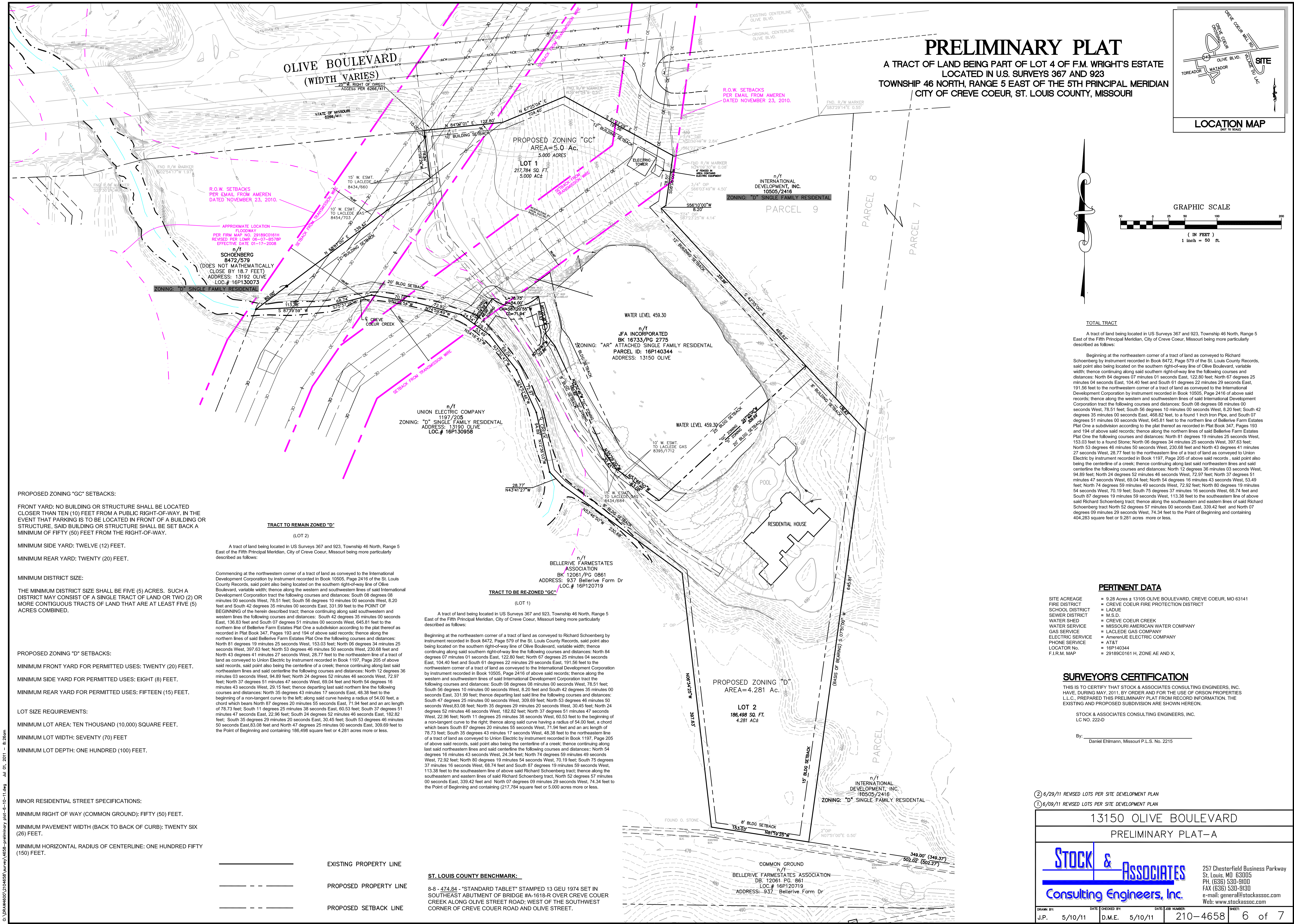
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6/09/11 REVISED PER CITY COMMENTS

M.S.D. P# P-27467-01
BASE MAP # 16-P

GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

13150 OLIVE BOULEVARD			
COMMERCIAL SITE DEVELOPMENT PLAN W/ GRADING			
Stock & Associates Consulting Engineers, Inc.			
257 Chesterfield Business Parkway St. Louis, MO 63005 PH. (636) 530-9100 FAX (636) 530-9130 e-mail: general@stockassoc.com Web: www.stockassoc.com			
DRAWN BY:	CHECKED BY:	DATE:	JOB NUMBER:
E.J.B.	G.M.S.	5/10/11	210-4658
SHEET			5 of 7

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PROPOSED ZONING "GC" SETBACKS:

FRONT YARD: NO BUILDING OR STRUCTURE SHALL BE LOCATED CLOSER THAN TEN (10) FEET FROM A PUBLIC RIGHT-OF-WAY. IN THE EVENT THAT PARKING IS TO BE LOCATED IN FRONT OF A BUILDING OR STRUCTURE, SAID BUILDING OR STRUCTURE SHALL BE SET BACK A MINIMUM OF FIFTY (50) FEET FROM THE RIGHT-OF-WAY.

MINIMUM SIDE YARD: TWELVE (12) FEET.

MINIMUM REAR YARD: TWENTY (20) FEET.

MINIMUM DISTRICT SIZE:

THE MINIMUM DISTRICT SIZE SHALL BE FIVE (5) ACRES. SUCH A DISTRICT MAY CONSIST OF A SINGLE TRACT OF LAND OR TWO (2) OR MORE CONTIGUOUS TRACTS OF LAND THAT ARE AT LEAST FIVE (5) ACRES COMBINED.

PROPOSED ZONING "D" SETBACKS:

MINIMUM FRONT YARD FOR PERMITTED USES: TWENTY (20) FEET.

MINIMUM SIDE YARD FOR PERMITTED USES: EIGHT (8) FEET.

MINIMUM REAR YARD FOR PERMITTED USES: FIFTEEN (15) FEET.

LOT SIZE REQUIREMENTS:

MINIMUM LOT AREA: TEN THOUSAND (10,000) SQUARE FEET.

MINIMUM LOT WIDTH: SEVENTY (70) FEET

MINIMUM LOT DEPTH: ONE HUNDRED (100) FEET.

MINOR RESIDENTIAL STREET SPECIFICATIONS:

MINIMUM RIGHT OF WAY (COMMON GROUND): FIFTY (50) FEET.

MINIMUM PAVEMENT WIDTH (BACK TO BACK OF CURB): TWENTY SIX (26) FEET.

MINIMUM HORIZONTAL RADIUS OF CENTERLINE: ONE HUNDRED FIFTY (150) FEET.

TRACT TO REMAIN ZONED "D"

(LOT 2)

A tract of land being located in US Surveys 367 and 923, Township 46 North, Range 5 East of the Fifth Principal Meridian, City of Creve Coeur, Missouri being more particularly described as follows:

Commencing at the northwestern corner of a tract of land as conveyed to the International Development Corporation by instrument recorded in Book 10505, Page 2416 of the St. Louis County Records, said point also being located on the southern right-of-way line of Olive Boulevard, variable width; thence along the western and southwestern lines of said International Development Corporation tract the following courses and distances: South 08 degrees 08 minutes 00 seconds East, 136.83 feet and South 07 degrees 51 minutes 00 seconds West, 645.61 feet to the northern line of Bellverie Farm Estates Plat One a subdivision according to the plat thereof as recorded in Plat Book 347, Pages 193 and 194 of above said records; thence along the northern lines of said Bellverie Farm Estates Plat One the following courses and distances: North 81 degrees 19 minutes 25 seconds West, 153.03 feet; North 06 degrees 34 minutes 25 seconds West, 397.63 feet; North 53 degrees 46 minutes 50 seconds West, 230.68 feet and North 43 degrees 41 minutes 27 seconds West, 28.77 feet to the northeastern line of a tract of land as conveyed to Union Electric by instrument recorded in Book 1197, Page 205 of above said records, said point also being the centerline of a creek; thence continuing along last said northeastern lines and said centerline the following courses and distances: North 12 degrees 36 minutes 03 seconds West, 94.89 feet; North 24 degrees 52 minutes 46 seconds West, 72.97 feet; North 37 degrees 51 minutes 47 seconds West, 69.04 feet and North 54 degrees 16 minutes 43 seconds West, 29.15 feet; thence departing last said northern line the following courses and distances: North 35 degrees 43 minutes 17 seconds East, 48.38 feet to the beginning of a non-tangent curve to the left; along said curve having a radius of 54.00 feet, a chord which bears North 87 degrees 20 minutes 55 seconds East, 71.94 feet and an arc length of 78.73 feet; South 11 degrees 25 minutes 38 seconds East, 60.53 feet; South 37 degrees 51 minutes 47 seconds East, 22.96 feet; South 24 degrees 52 minutes 46 seconds East, 182.82 feet; South 35 degrees 29 minutes 20 seconds East, 30.45 feet; South 53 degrees 46 minutes 50 seconds East, 83.08 feet and North 47 degrees 25 minutes 00 seconds East, 309.69 feet to the Point of Beginning and containing 186,498 square feet or 4.281 acres more or less.

TRACT TO BE RE-ZONED "GC"

(LOT 1)

A tract of land being located in US Surveys 367 and 923, Township 46 North, Range 5 East of the Fifth Principal Meridian, City of Creve Coeur, Missouri being more particularly described as follows:

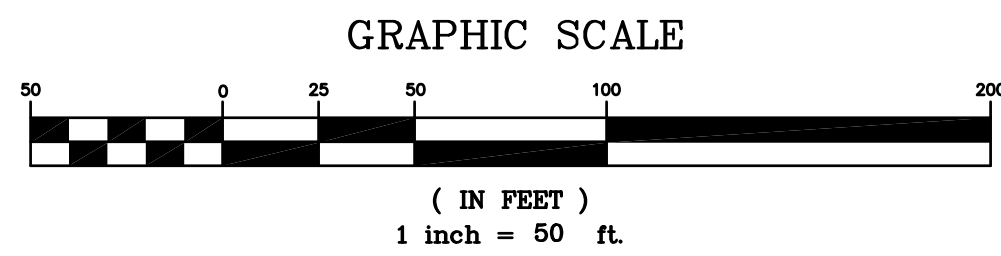
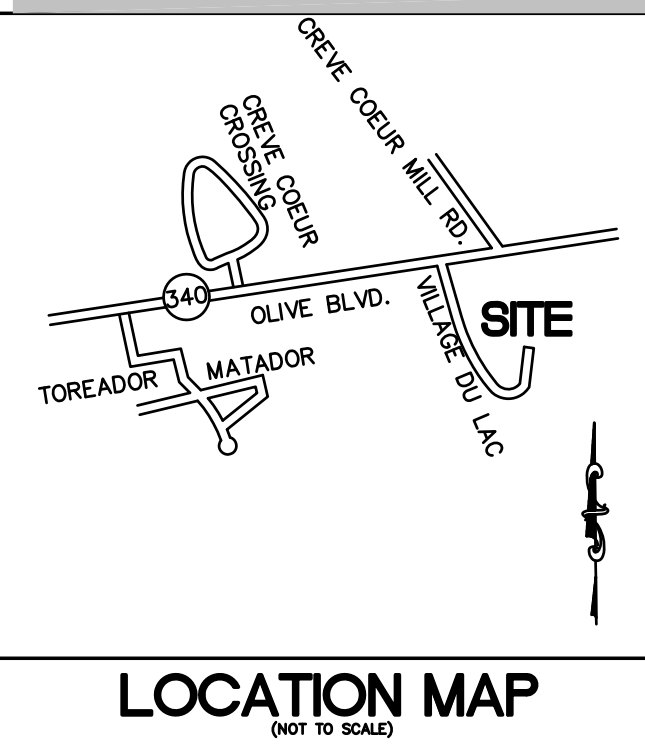
Beginning at the northeastern corner of a tract of land as conveyed to Richard Schoenberg by instrument recorded in Book 8472, Page 579 of the St. Louis County Records, said point also being located on the northern right-of-way line of Olive Boulevard, variable width; thence continuing along said southern right-of-way line the following courses and distances: North 84 degrees 07 minutes 01 seconds East, 122.80 feet; North 67 degrees 25 minutes 04 seconds East, 104.40 feet and South 61 degrees 22 minutes 29 seconds East, 191.56 feet to the northwestern corner of a tract of land as conveyed to the International Development Corporation by instrument recorded in Book 10505, Page 2416 of above said records; thence along the western and southwestern lines of said International Development Corporation tract the following courses and distances: South 08 degrees 08 minutes 00 seconds West, 78.51 feet; South 56 degrees 10 minutes 00 seconds West, 6.20 feet and South 42 degrees 35 minutes 00 seconds East, 331.99 feet; thence departing last said line the following courses and distances: South 47 degrees 25 minutes 00 seconds West, 309.69 feet; North 53 degrees 46 minutes 50 seconds West, 83.08 feet; North 35 degrees 29 minutes 20 seconds West, 30.45 feet; North 24 degrees 52 minutes 46 seconds West, 182.82 feet; North 37 degrees 51 minutes 47 seconds West, 22.96 feet; North 11 degrees 25 minutes 38 seconds West, 60.53 feet to the beginning of a non-tangent curve to the right; thence along said curve having a radius of 54.00 feet, a chord which bears South 87 degrees 20 minutes 55 seconds West, 71.94 feet and an arc length of 78.73 feet; South 35 degrees 43 minutes 17 seconds West, 48.38 feet to the northeastern line of a tract of land as conveyed to Union Electric by instrument recorded in Book 1197, Page 205 of above said records, said point also being the centerline of a creek; thence continuing along last said northeastern lines and said centerline the following courses and distances: North 54 degrees 16 minutes 43 seconds West, 24.34 feet; North 74 degrees 59 minutes 49 seconds West, 72.92 feet; North 80 degrees 19 minutes 54 seconds West, 70.19 feet; South 75 degrees 37 minutes 16 seconds West, 68.74 feet and South 87 degrees 19 minutes 59 seconds West, 113.38 feet to the southeastern line of above said Richard Schoenberg tract; thence along the southeastern and eastern lines of said Richard Schoenberg tract, North 52 degrees 57 minutes 00 seconds East, 339.42 feet and North 07 degrees 09 minutes 29 seconds West, 74.34 feet to the Point of Beginning and containing (217,784 square feet or 5.000 acres more or less.

ST. LOUIS COUNTY BENCHMARK:

8-8 - 474.84 - "STANDARD TABLET" STAMPED 13 GEU 1974 SET IN SOUTHEAST ABUTMENT OF BRIDGE #A-1618-R OVER CREVE COEUR CREEK ALONG OLIVE STREET ROAD WEST OF THE SOUTHWEST CORNER OF CREVE COEUR ROAD AND OLIVE STREET.

PRELIMINARY PLAT

A TRACT OF LAND BEING PART OF LOT 4 OF F.M. WRIGHT'S ESTATE
LOCATED IN U.S. SURVEYS 367 AND 923
TOWNSHIP 46 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI



TOTAL TRACT

A tract of land being located in US Surveys 367 and 923, Township 46 North, Range 5 East of the Fifth Principal Meridian, City of Creve Coeur, Missouri being more particularly described as follows:

Beginning at the northeastern corner of a tract of land as conveyed to Richard Schoenberg by instrument recorded in Book 8472, Page 579 of the St. Louis County Records, said point also being located on the southern right-of-way line of Olive Boulevard, variable width; thence continuing along said southern right-of-way line the following courses and distances: North 84 degrees 07 minutes 01 seconds East, 122.80 feet; North 67 degrees 25 minutes 04 seconds East, 104.40 feet and South 61 degrees 22 minutes 29 seconds East, 191.56 feet to the northwestern corner of a tract of land as conveyed to the International Development Corporation by instrument recorded in Book 10505, Page 2416 of above said records; thence along the western and southwestern lines of said International Development Corporation tract the following courses and distances: South 08 degrees 08 minutes 00 seconds West, 78.51 feet; South 56 degrees 10 minutes 00 seconds West, 6.20 feet; South 42 degrees 35 minutes 00 seconds East, 468.82 feet, to a found 1 inch iron pipe, and South 07 degrees 51 minutes 00 seconds West, 645.61 feet to the northern line of Bellverie Farm Estates Plat One a subdivision according to the plat thereof as recorded in Plat Book 347, Pages 193 and 194 of above said records; thence along the northern lines of said Bellverie Farm Estates Plat One the following courses and distances: North 81 degrees 19 minutes 25 seconds West, 153.03 feet to a found stone; North 06 degrees 34 minutes 25 seconds West, 397.63 feet; North 53 degrees 46 minutes 50 seconds West, 230.68 feet and North 43 degrees 41 minutes 27 seconds West, 28.77 feet to the northeastern line of a tract of land as conveyed to Union Electric by instrument recorded in Book 1197, Page 205 of above said records, said point also being the centerline of a creek; thence continuing along last said northeastern lines and said centerline the following courses and distances: North 12 degrees 36 minutes 03 seconds West, 94.89 feet; North 24 degrees 52 minutes 46 seconds West, 72.97 feet; North 37 degrees 51 minutes 47 seconds West, 69.04 feet; North 54 degrees 16 minutes 43 seconds West, 53.49 feet; North 74 degrees 59 minutes 49 seconds West, 72.92 feet; North 80 degrees 19 minutes 54 seconds West, 70.19 feet; South 75 degrees 37 minutes 16 seconds West, 68.74 feet and South 87 degrees 19 minutes 59 seconds West, 113.38 feet to the southeastern line of above said Richard Schoenberg tract; thence along the southeastern and eastern lines of said Richard Schoenberg tract, North 52 degrees 57 minutes 00 seconds East, 339.42 feet and North 07 degrees 09 minutes 29 seconds West, 74.34 feet to the Point of Beginning and containing 404,283 square feet or 9.281 acres more or less.

PERTINENT DATA

SITE ACREAGE = 9.28 Acres ± 13105 OLIVE BOULEVARD, CREVE COEUR, MO 63141
FIRE DISTRICT = CREVE COEUR FIRE PROTECTION DISTRICT
SCHOOL DISTRICT = LAQUE
SEWER DISTRICT = M.S.D.
WATER SHED = CREVE COEUR CREEK
WATER SERVICE = MISSOURI AMERICAN WATER COMPANY
GAS SERVICE = LAQUE GAS COMPANY
ELECTRIC SERVICE = AmerenUE ELECTRIC COMPANY
PHONE SERVICE = AT&T
LOCATOR No. = 16P140344
F.I.R.M. MAP = 29198C0161 H, ZONE AE AND X.

SURVEYOR'S CERTIFICATION

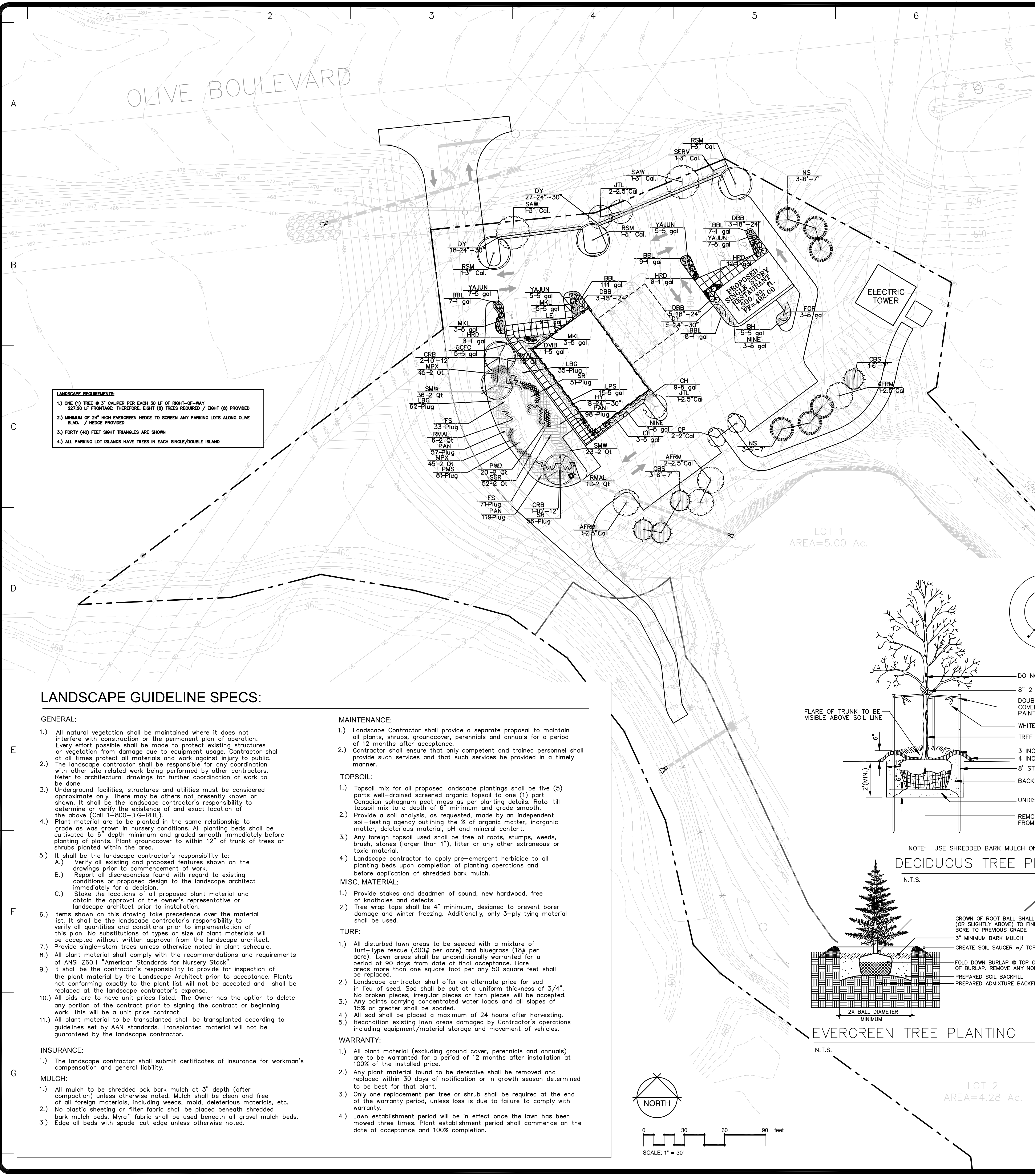
THIS IS TO CERTIFY THAT STOCK & ASSOCIATES CONSULTING ENGINEERS, INC. HAVE, DURING MAY, 2011, BY ORDER AND FOR THE USE OF ORSON PROPERTIES L.L.C., PREPARED THIS PRELIMINARY PLAT FROM RECORD INFORMATION. THE EXISTING AND PROPOSED SUBDIVISION ARE SHOWN HEREON.

STOCK & ASSOCIATES CONSULTING ENGINEERS, INC.
LC NO. 222-D

By: Daniel Ehlmann, Missouri P.L.S. No. 2215

② 6/29/11 REVISED LOTS PER SITE DEVELOPMENT PLAN
① 6/09/11 REVISED LOTS PER SITE DEVELOPMENT PLAN

13150 OLIVE BOULEVARD			
PRELIMINARY PLAT—A			
STOCK & ASSOCIATES		257 Chesterfield Business Parkway St. Louis, MO 63005 PH. (636) 530-9100 FAX (636) 530-9130 e-mail: general@stockassoc.com Web: www.stockassoc.com	
Consulting Engineers, Inc.			
DRAWN BY: J.P.	DATE: 5/10/11	CHECKED BY: D.M.E.	DATE: 5/10/11
		JOB NUMBER: 210-4658	SHEET: 6 of 7



LANDSCAPE REQUIREMENTS

1.) ONE (1) TREE @ 3" CALIPER PER EACH 30 LF OF RIGHT-OF-WAY
227.20 LF FRONTAGE, THEREFORE, EIGHT (8) TREES REQUIRED / EIGHT (8) PROVIDED
BLK. / WEDGE PROVIDED

2.) MINIMUM OF 24" HIGH EVERGREEN HEDGE TO SCREEN ANY PARKING LOTS ALONG OLIVE
BLK. / WEDGE PROVIDED

3.) FORTY (40) FEET BIGHT TRIANGLES ARE SHOWN

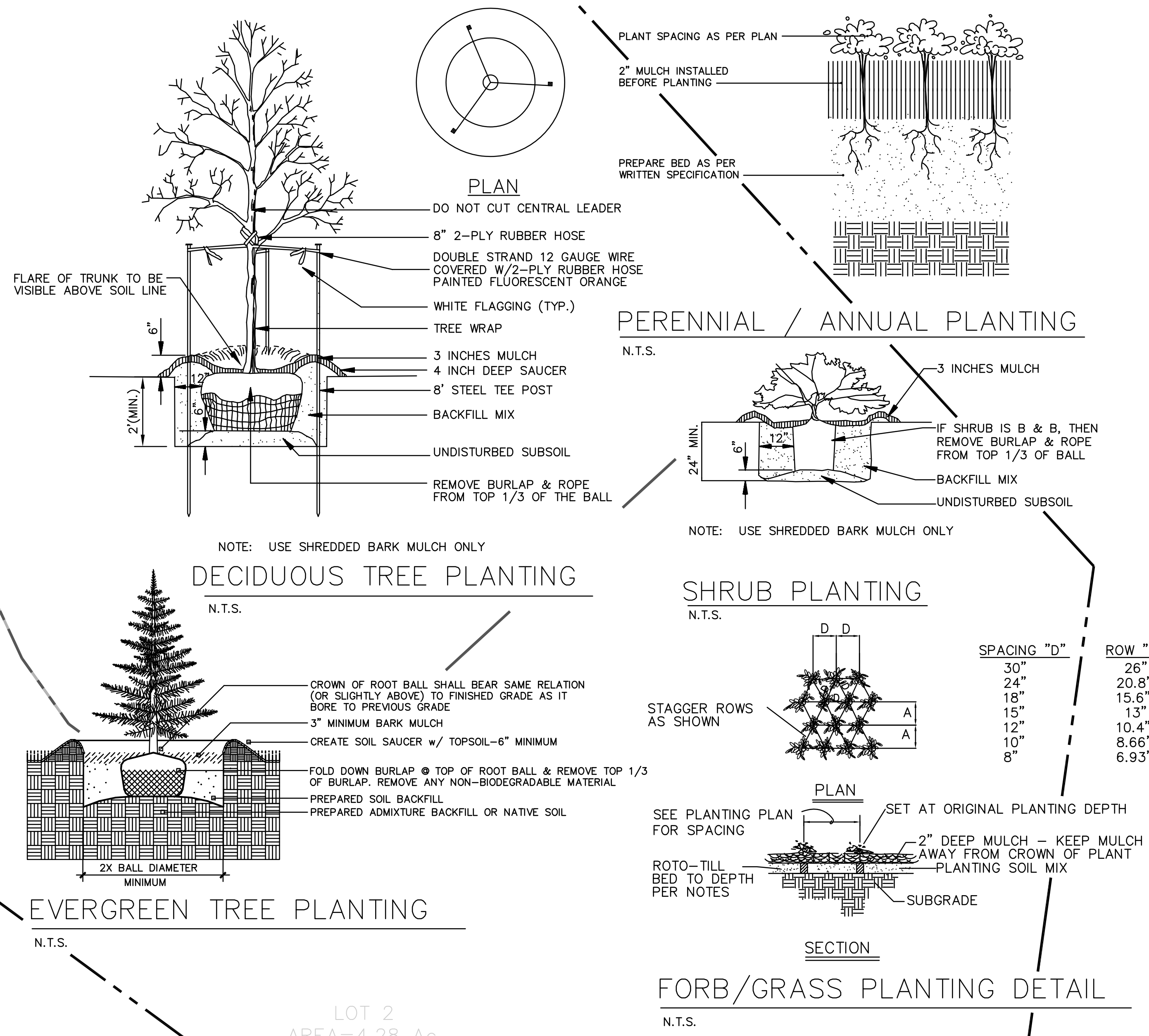
4.) ALL PARKING LOT ISLANDS HAVE TREES IN EACH SINGLE/DOUBLE ISLAND

LANDSCAPE GUIDELINE SPECS:

- GENERAL:**
- 1.) All natural vegetation shall be maintained where it does not interfere with construction or the permanent plan of operation. Every effort possible shall be made to protect existing structures or vegetation from damage due to equipment usage. Contractor shall at all times protect all materials and work against injury to public. The landscape contractor shall be responsible for any coordination with other site related work being performed by other contractors. Refer to architectural drawings for further coordination of work to be done.
 - 2.) Underground facilities, structures and utilities must be considered approximate only. There may be others not presently known or shown. It shall be the landscape contractor's responsibility to determine or verify the existence of and exact location of the above (Call 1-800-DIG-RITE).
 - 3.) Plant material are to be planted in the same relationship to grade as was grown in nursery conditions. All planting beds shall be cultivated to 6" depth minimum and graded smooth immediately before planting of plants. Plant groundcover to within 12" of trunk of trees or shrubs planted within the area.
 - 4.) It shall be the landscape contractor's responsibility to:
A.) Verify all existing and proposed features shown on the drawings prior to commencement of work.
B.) Report all discrepancies found with regard to existing conditions or proposed design to the landscape architect immediately for a decision.
C.) Stake the locations of all proposed plant material and obtain the approval of the owner's representative or landscape architect prior to installation.
 - 5.) Items shown on this drawing take precedence over the material list. It shall be the landscape contractor's responsibility to verify all quantities and conditions prior to implementation of this plan. No substitutions of types or size of plant materials will be accepted without written approval from the landscape architect.
 - 6.) Provide single-stem trees unless otherwise noted in plant schedule.
 - 7.) All plant material shall comply with the recommendations and requirements of ANSI Z60.1 "American Standards for Nursery Stock".
 - 8.) It shall be the contractor's responsibility to provide for inspection of the plant material by the Landscape Architect prior to acceptance. Plants not conforming exactly to the plant list will not be accepted and shall be replaced at the landscape contractor's expense.
 - 9.) All bids are to have unit prices listed. The Owner has the option to delete any portion of the contract prior to signing the contract or beginning work. This will be a unit price contract.
 - 10.) All plant material to be transplanted shall be transplanted according to guidelines set by AAN standards. Transplanted material will not be guaranteed by the landscape contractor.
- INSURANCE:**
- 1.) The landscape contractor shall submit certificates of insurance for workman's compensation and general liability.
- MULCH:**
- 1.) All mulch to be shredded oak bark mulch at 3" depth (after compaction) unless otherwise noted. Mulch shall be clean and free of all foreign materials, including weeds, mold, deleterious materials, etc.
 - 2.) No plastic sheeting or filter fabric shall be placed beneath shredded bark mulch beds. Myrafi fabric shall be used beneath all gravel mulch beds.
 - 3.) Edge all beds with spade-cut edge unless otherwise noted.
- MAINTENANCE:**
- 1.) Landscape Contractor shall provide a separate proposal to maintain all plants, shrubs, groundcover, perennials and annuals for a period of 12 months after acceptance.
 - 2.) Contractor shall ensure that only competent and trained personnel shall provide such services and that such services be provided in a timely manner.
- TOPSOIL:**
- 1.) Topsoil mix for all proposed landscape plantings shall be five (5) parts well-drained screened organic topsoil to one (1) part Canadian sphagnum peat moss as per planting details. Rotate-till topsoil mix to a depth of 6" minimum and grade smooth.
 - 2.) Provide a soil analysis, as requested, made by an independent soil-testing agency outlining the % of organic matter, inorganic matter, deleterious material, pH and mineral content.
 - 3.) Any foreign topsoil used shall be free of roots, stumps, weeds, brush, stones (larger than 1"), litter or any other extraneous or toxic material.
 - 4.) Landscape contractor to apply pre-emergent herbicide to all planting beds upon completion of planting operations and before application of shredded bark mulch.
- MISC. MATERIAL:**
- 1.) Provide stakes and deadmen of sound, new hardwood, free of knots and defects.
 - 2.) Tree wrap tape shall be 4" minimum, designed to prevent borer damage and winter freezing. Additionally, only 3-ply tying material shall be used.
- TURF:**
- 1.) All disturbed lawn areas to be seeded with a mixture of Turf-Type fescue (300# per acre) and bluegrass (18# per acre). Lawn areas shall be unconditionally warranted for a period of 90 days from date of final acceptance. Bare areas more than one square foot per any 50 square feet shall be replaced.
 - 2.) Landscape contractor shall offer an alternate price for sod in lieu of seed. Sod shall be cut at a uniform thickness of 3/4". No broken pieces, irregular pieces or torn pieces will be accepted. Any points carrying concentrated water loads and all slopes of 15% or greater shall be sodded.
 - 3.) All sod shall be placed a maximum of 24 hours after harvesting.
 - 4.) Recondition existing lawn areas damaged by Contractor's operations including equipment/material storage and movement of vehicles.
- WARRANTY:**
- 1.) All plant material (excluding ground cover, perennials and annuals) are to be warranted for a period of 12 months after installation at 100% of the installed price.
 - 2.) Any plant material found to be defective shall be removed and replaced within 30 days of notification or in growth season determined to be best for that plant.
 - 3.) Only one replacement per tree or shrub shall be required at the end of the warranty period, unless loss is due to failure to comply with warranty.
 - 4.) Lawn establishment period will be in effect once the lawn has been mowed three times. Plant establishment period shall commence on the date of acceptance and 100% completion.

PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME / COMMON NAME	SIZE
AFRM	4	Acer rubrum 'Autumn Flame' / 'Autumn Flame' Maple	2.5" Cal
RSM	3	Acer rubrum 'Frankred' / 'Red Sunset' Maple	3" Cal.
CRB	2	Betula nigra 'Cully' / Heritage River Birch	10"-12"
SAW	3	Quercus acutissima / Sawtooth Oak	3" Cal.
EVERGREEN TREES	QTY	BOTANICAL NAME / COMMON NAME	SIZE
NS	6	Picea abies / Norway Spruce	6'-7'
CBS	4	Picea pungens 'Glaucia' / Colorado Blue Spruce	6'-7'
FLOWERING TREES	QTY	BOTANICAL NAME / COMMON NAME	SIZE
SERV	1	Amelanchier X grandiflora 'Autumn Brilliance' / 'Autumn Brilliance' Serviceberry	3" Cal.
CP	2	Pyrus calleryana 'Chanticleer' / Chanticleer Pear	2" Cal
JTL	3	Syringa reticulata 'Ivory Silk' / Ivory Silk Japanese Tree Lilac	2.5" Cal
SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	SIZE
GCFC	5	Chamaecyparis pisifera filifera 'Golden Charm' / Golden Charm False Cypress	5 gal
DBB	11	Euonymus alatus 'Compactus' / Compact Burning Bush	18"-24"
FOR	3	Forsythia intermedia 'Lynwood Gold' / Lynwood Gold Forsythia	5 gal
BH	5	Ilex meserveae 'Blue Princess/Prince' TM / Blue Holly	5 gal
CH	12	Ilex meserveae 'China Boy/Girl' TM / China Boy/Girl Holly	5 gal
YAJUN	24	Juniperus horizontalis 'Youngstown' / Compact Youngstown Andorra Juniper	5 gal
NINE	6	Physocarpus opulifolius 'Diabolo' TM / Diabolo Purple Ninebark	5 gal
LPS	15	Spiraea japonica 'Little Princess' / Little Princess Spiraea	5 gal
MKL	11	Syringa patula 'Miss Kim' / Miss Kim Lilac	5 gal
DY	50	Taxus media 'densiformis' / Dense Yew	24"-30"
HY	8	Taxus media 'Hicksii' / Hicks Yew	24"-30"
DVIB	1	Viburnum plicatum tomentosum 'Mariesii' / Mariesii Double File Viburnum	5 gal
ANNUALS/PERENNIALS	QTY	BOTANICAL NAME / COMMON NAME	SIZE
HRD	25	Hemerocallis hybrid 'Happy Returns' / Happy Returns Daylily	1 gal
BBL	42	Liriope muscari 'Big Blue' / Big Blue Liriope	1 gal
LE	9	Stachys byzantina 'Silver Carpet' / Lamb's Ears	1 gal
FORBS	QTY	BOTANICAL NAME / COMMON NAME	SIZE
SMW	59	Asclepias incarnata / Swamp Milkweed	2 Qt
RMAL	35	Hibiscus lasiocarpus / Rose Mallow	2 Qt
MPX	90	Phlox paniculata / Meadow Phlox	2 Qt
PWD	20	Pontederia cordata / Pickerel Weed	2 Qt
SGR	52	Solidago rigida / Stiff Goldenrod	2 Qt
NATIVE GRASSES	QTY	BOTANICAL NAME / COMMON NAME	SIZE
	104	Carex crinita / Fringed Sedge	Plug @ 18" oc
	81	Carex muskingumensis / Palm Sedge	Plug @ 18" oc
	107	Juncus effusus / Soft Rush	Plug @ 18" oc
	274	Panicum virgatum / Switch Grass	Plug @ 18" oc
	97	Schizachyrium scoparium / Little Bluestem Grass	Plug @ 18" oc



REVISIONS	BY

landscape TECHNOLOGIES

67 Jacobs Creek Drive
St. Charles, Missouri 63304
Fax: (636) 928-4563
MO Landscape Architectural Corporation #200800782

MISSOURI LANDSCAPE ARCHITECT #000019
REGISTERED
DATE: JUNE 19, 2011

**PLANTING PLAN FOR THE PROPOSED
13150 Olive Boulevard
CREVE COEUR, MISSOURI**

DRAWN
R. MARDIS
CHECKED
RWM

DATE
6/9/11

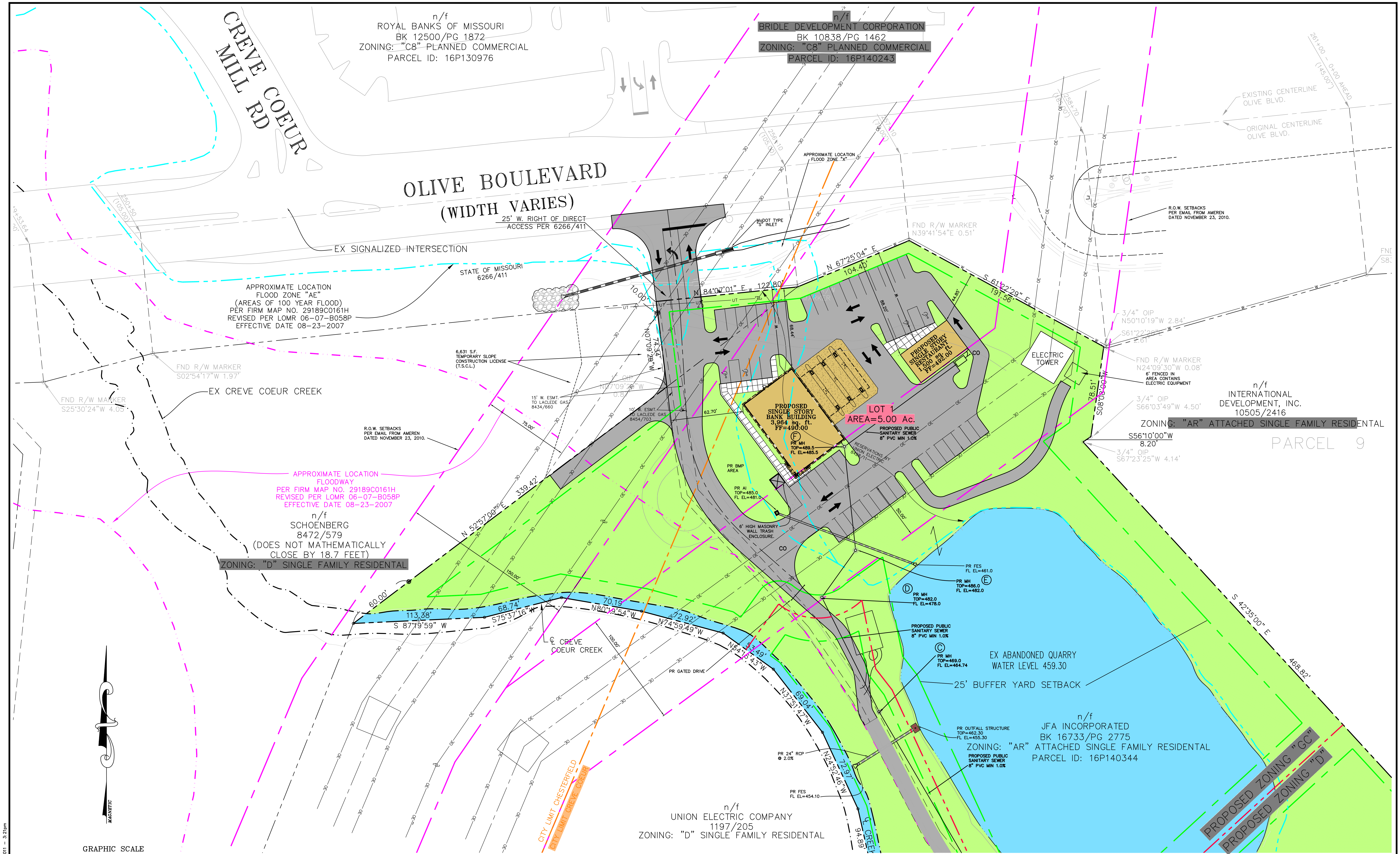
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JOB No.
2011-125

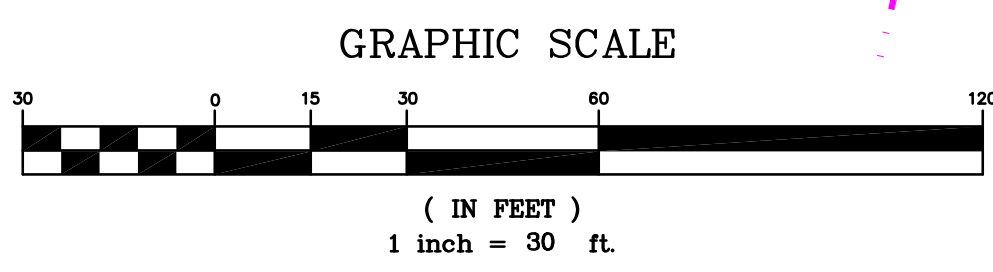
SHEET

L-1

OF ONE SHEET



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- | | | | |
|-----|------------------------|-----|-------------------------|
| --- | EXISTING PROPERTY LINE | --- | PROPOSED AUE ROW |
| --- | PROPOSED PROPERTY LINE | --- | EXISTING FLOODZONE "AE" |
| --- | PROPOSED SETBACK LINE | --- | EXISTING FLOODWAY |
| --- | MUNICIPAL LINE | | |

CONCEPTUAL SITE COVERAGE CALCULATIONS:
LOT 1:
MAXIMUM SITE COVERAGE FOR "GC" = 63%
PROPOSED COVERAGE = 47,787 SF OR 1.10 AC
PROPOSED COVERAGE = 22%

CONCEPTUAL FAR CALCULATIONS:
MAXIMUM FAR FOR "GC" = 0.4
PROPOSED FAR = 0.03

CONCEPTUAL PARKING CALCULATIONS:
BANK: 1 SPOT PER 1,000 SF = 16 SPOTS
RESTAURANT: 1 SPOT FOR EVERY 3 SEATS AT MAXIMUM
OCCUPANCY PLUS 1 SPOT FOR EVERY 250 SF = 16 SPOTS
TOTAL REQUIRED PARKING = 32 SPOTS
PARKING PROVIDED = 47 SPOTS (INCLUDING 4 HANDICAP)

6/29/11 REVISED PER CITY COMMENTS
6/09/11 REVISED PER CITY COMMENTS

M.S.D. # P-27467-01
BASE MAP # 16-P

13150 OLIVE BOULEVARD	
COMMERCIAL SITE DEVELOPMENT PLAN	
Stock & Associates Consulting Engineers, Inc.	
257 Chesterfield Business Parkway St. Louis, MO 63005 PH. (636) 530-9100 FAX (636) 530-9130 e-mail: general@stockassoc.com Web: www.stockassoc.com	
GEORGE M. STOCK CIVIL ENGINEER NUMBER: 000996	E-25116 DATE: 5/10/11 CHECKED BY: G.M.S. DATE: 5/10/11 JOB NUMBER: 210-4658 SHEET: 4 of 7



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, JULY 5, 2011
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Tuesday, July 5, 2011, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: *Mr. Timothy Madden, Chair*
 Dr. Michael Barton
 Mr. Gary Eberhardt
 Mr. Barry Glantz
 Ms. Cynthia Kramer - Absent
 Mr. Jim Schnarr
 One vacancy

OTHERS PRESENT: *Mr. Carl Lumley, City Attorney*
 Mr. Paul Langdon, Director of Community Development
 Ms. Whitney Kelly, City Planner
 Ms. Julie Lowery, Recording Secretary

2. NEW BUSINESS

- B. Application #11-014: A request to rezone 5 acres from “AR” Attached Single-Family Residential to “GC” General Commercial and 4.28 acres from “AR” Attached Single-Family Residential to “D” Single-Family Residential on the property located at 13150 Olive Boulevard.**

Applicant/Agent: George M. Stock, P.E.
 Stock and Associates Consulting Engineers, Inc.
 257 Chesterfield Business Parkway
 Chesterfield, MO 63117

Mr. Stock, on behalf of Orson Properties LLC, submitted an application for subdivision and rezoning of 5 acres of the property at 13150 Olive Boulevard from “AR Attached Single-Family Residential to “GC” General Commercial and rezoning the remaining 4.28 acres from “AR” Attached Single-Family Residential to “D” Single Family Residential. The existing three lots will be re-subdivided to form two lots along the district lines. The conceptual site plans for the commercial development includes two buildings: a proposed bank and a restaurant, both with drive-through facilities. No tenants have been identified, so the drive-through facilities cannot be approved at this stage. In the meantime, the rezoning of the property would allow for any use permitted within the “GC” General Commercial District zoning regulations.

Mr. Stock gave a detailed presentation on the land and the layout and the property and correlation to major roadways and driveways.

The green space to the southwest, within the “GC” General Commercial District, is currently the leaf transfer lot used by the City’s Public Works Department. This area is within the floodway and is not otherwise developable. Therefore, the applicant is proposing to continue to allow the City to utilize the area and otherwise leave it as open green space. The “GC” General Commercial District will also include approximately half of the pond in order to meet with the five acre minimum requirement. Finally, a portion of the proposed “GC” General Commercial District falls within the City of Chesterfield, and a municipal boundary adjustment will be necessary.

The residential rezoning from “AR” Attached Single Family Residential to “D” Single Family Residential will allow for the renovation of the existing house as a single family residence. No other housing units are being proposed with this project. Access from Olive Boulevard will be granted via an access easement over the private road to be constructed.

Comments and questions from the audience. Mr. Robert Kent, 13084 Ferntrails Lane, expressed concern about what developments would go into the commercial zoning. Mr. James Honeywell, 1163 Mill Crossing Unit 101, asked to see the property line on the lake, Mr. Stock showed the map of the property and pointed the property line out.

Comments and questions from Commission members. Mr. Eberhardt wanted to know if the site was visible from Olive Street Road and Mr. Stock replied yes. Dr. Barton wanted to know why so much of the property goes from “AR” to “GC,” and Mr. Stock replied that for General Commercial the minimum property acreage has to be five acres. Mr. Schnarr was confused with the staff’s concern of making the area “GC” General Commercial and mentioned several commercial businesses that exist along that stretch of Olive and that the area was a good candidate for commercial business because of the failed ventures prior to this proposal. Mr. Langdon replied that the only concern was that the Commission members were not addressing that point. Mr. Langdon stated he would like to hear back from the other Commission members on whether or not they agree with Mr. Schnarr that this proposal for commercial use is a good use of the area. Mr. Eberhardt agreed with Mr. Schnarr, as did Mr. Madden and Mr. Glantz.

There being no further comments, the City Attorney, Mr. Lumley, presented the exhibits for the record.

The motion was made by Mr. Eberhardt to continue application #11-014 until the time the applicant can make the necessary changes to address the concerns expressed by members of the Planning and Zoning Commission and staff and determine that enough information has been provided to move forward at the next meeting, July 18, 2011. Mr. Glantz seconded the motion with the resultant vote as follows:

Mr. Glantz – aye
Mr. Schnarr – aye

Dr. Barton – aye
Chair – aye

Mr. Eberhardt – aye

3. **ADJOURNMENT**

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 9:24 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

TUESDAY, JULY 5, 2011

7:00 P.M.

THOSE IN ATTENDANCE:

Mr. Tim Madden, Chair

Dr. Michael Barton

Mr. Gary Eberhardt, Vice Chair

Mr. Barry Glantz

Mr. Jim Schnarr

Mr. Carl Lumley, City Attorney

Mr. Paul Langdon, AICP, Director of Community Development

Ms. Whitney Kelly, AICP, City Planner

Ms. Julie Lowery, Recording Secretary

McLaughlin Court Reporting Services, Inc.

Deborah K. McLaughlin, RPR, MO-CCR #314, IL-CSR, KS-CCR

4772 Gatesbury Drive

St. Louis, MO 63128

(314)487-2259

CHAIRMAN MADDEN: I'd like to call to order the
Planning Zoning Commission Meeting for the City of Creve
Coeur, Missouri for Tuesday July 5th, 2011.

We'll start with roll call.

Dr. Barton?

MR. BARTON: Present.
Page 1

7 CHAIRMAN MADDEN: Mr. Gary Eberhardt?
8 MR. EBERHARDT: Present.
9 CHAIRMAN MADDEN: Mr. Barry Glantz?
10 MR. GLANTZ: Present.
11 CHAIRMAN MADDEN: I assume Cynthia Kramer's not
12 coming.
13 Mr. Jim Schnarr?
14 MR. SCHNARR: Present.
15 CHAIRMAN MADDEN: Mr. Carl Lumley, our City
16 Attorney?
17 MR. LUMLEY: Present.
18 CHAIRMAN MADDEN: Paul Langdon, our Director of
19 Community Development?
20 MR. LANGDON: Present.
21 CHAIRMAN MADDEN: Whitney Kelly, our City
22 Planner?
23 MS. KELLY: Present.
24 CHAIRMAN MADDEN: And Julie Lowery, our
25 Recording Secretary?

2

1 MS. LOWERY: Present.
2 CHAIRMAN MADDEN: Okay.
3 Bring us to a public hearing for Application
4 Number 11-014: A request to rezone 5 acres from "AR"
5 Attached Single-Family Residential to "GC" General
6 Commercial, and 4.28 acres from "AR" Attached
7 Single-Family Residential to "D" Single-Family Residential
8 on the property located at 13150 Olive Boulevard.
9 Mr. Stock.
10 MR. STOCK: Yes, good evening, Mr. Chairman,
11 Members of the Commission, Mr. Lumley.

12 For the record, my name's George Stock, and I'm
13 from Stock and Associates Consulting Engineers, and I'm
14 here tonight on behalf of Orsen Properties requesting
15 Commission's consideration for rezoning of the property at
16 13150 Olive Boulevard.

17 Please bear with us for a few moments. We have
18 a Power Point.

19 CHAIRMAN MADDEN: Mr. Stock, you need to be
20 sworn in.

21 (Ms. Whitney Kelly & Mr. George Stock were sworn
22 by the court reporter.)

23 MR. STOCK: And for the record, my address is
24 257 Chesterfield Business Parkway, 63117.

25 As I just mentioned, here tonight on behalf of

1 Orsen Properties, the owner under contract of 13150 Olive³
2 Boulevard.

3 The development will be called Cava di Roccia
4 Development, the Rock Quarry. It's located at 13150 Olive
5 Boulevard. The site is located here in pink. Olive
6 Boulevard to the north; it's generally the western limits
7 of the City of Creve Coeur; the new Highway 141
8 interchange to the west, existing 141 with Olive Boulevard
9 to the west, and then Creve Coeur Mill Road to the north.
10 And then you have the existing Royal Bank, existing Taco
11 Bell, Crossing Condominium and other distinctive feature
12 is the Creve Coeur Creek.

13 This is the existing conditions of the plan,
14 again, Olive Boulevard to the north. There's a large
15 quarry -- formerly quarry, which is now a lake. Been here
16 a number of years, which rises central component of this
17 9.2 acres. The property line is rather irregular. This

18 is along Olive. Departs from Olive and runs and shares a
19 common line with the Mill Crossing Condominiums. Comes
20 down in a southerly direction, then it abuts Bellerive
21 Farm Estates, then it abuts a large portion of property
22 owned by Union Electric, now known as Ameren. Then comes
23 along and follows Creve Coeur Creek, which Creve Coeur
24 Creek goes underneath Olive Boulevard here, the property
25 known as Schoenberg (phonetic) property and then back to

1 Olive.

4

2 This piece of property is unique, not only in
3 its shape, but also the fact there's a larger former
4 residential home on the property that's been basically
5 abandoned for a number of years. You have the large
6 quarry. You have a lot of topographical relief in the
7 Bel-Ridge Condominiums, down the creek approximately
8 60 feet, and then you have some major transmission lines
9 that run through the property, these being the eastern
10 most and being the western most.

11 There's also a large portion of this property
12 down in the corner, which is located within the
13 floodplain, floodway of Creve Coeur Creek, not to mention
14 that this is the municipal boundary between the City of
15 Creve Coeur and Chesterfield, so there's a segment of this
16 property that's in the City of Chesterfield.

17 So when I say it's at the far west extremity of
18 Creve Coeur, it is Creve Coeur and a portion of the City
19 of Chesterfield.

20 So what we are requesting is a change from the
21 current zoning, which is "AR", Attached Residential, which
22 is approved under Ordinance 3072, which was a number of

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23 villas that were proposed around the quarry.

24 We are requesting that the property be rezoned
25 to "D" Single-Family and "GC" General Commercial.

1 Under the General Commercial you require 5
2 5 acres, so of the 9.2 acres, we would be requesting that
3 to be General Commercial, 5 acres, and then remaining
4 would be the B residential.

5 As I mentioned a moment ago, the conditions are
6 unique because the topography of the Ameren transmission,
7 floodplain, floodway and the fact that there is a quarry
8 or lake on the property.

9 There's also the Highway 141 extension, which is
10 coming, it's imminent, will be complete in 2013, which
11 changes the character of Olive Street Road. Makes it a
12 thoroughfare interconnecting Highway 64. The residual
13 include the residential house would remain single-family.

14 The intent is to rehabilitate that house and
15 occupy as a single-residential buffered by the quarry
16 general 5 acres.

17 The commercial development -- apologize for
18 pausing because it looked like the exact same slide. I
19 didn't know he had changed it -- so it's 250 feet from the
20 Mill Crossing Condominium to the east, and I think what's
21 important there is there is some residential property that
22 abuts us on the east, and those -- the condominiums, so
23 what we're saying is any horizontal would be 200 feet. We
24 would utilize the existing vegetation and the transmission
25 lines and the topography to create the buffer.

1 There is no specific tenant at this time. Orson 6
2 Property is under contract to purchase this property and
Page 5

3 intend to close on this property within two weeks.

4 We have been working on this for some time
5 relative to entitlement with Ameren and the transmission
6 lines and the MSD relative to the floodplain to know that
7 it is feasible to be able to develop it, assuming this
8 Commission sees that this rezoning is appropriate.

9 At some time in the future we would then begin
10 to develop specific plans. I do have a conceptual plan
11 here later, but I wanted you to be aware that we do not
12 have a specific user for this property at this time.

13 The quarry, as it exists today, would be
14 utilized for our storm-water management quality, and it
15 would create the buffer from the new residential occupied
16 home and residential properties to the east.

17 Again, the Ameren transmission is really not
18 compatible with residential properties and really, in
19 today's world, we stay away from the transmission as much
20 as possible, residential properties.

21 I do recognize that there are properties in
22 close proximity, but what's unique about this property,
23 unlike others, others may have a single transmission
24 running through them, where we have two running through
25 the property.

1 So this is our rezoning exhibit, and I
2 previously went through the outer perimeter of the
3 property.

4 What we would be proposing to be rezoned is
5 5 acres is this boundary that comes back most part
6 encompasses the quarry and runs along the eastern line,
7 and then this portion would be that portion that remains

7

9 The reason it has the flag here is the access
10 will come in from Olive and be a shared driveway, and we
11 would gate at this location, and that would be the private
12 drive to the residence.

13 Next slide. Let's skip and come back to this.

14 Let's continue forward. So some of the things
15 that we did in the due diligence, because some of you may
16 see that there's some material being moved on to the site.
17 It's part of the Highway 141 project that was access
18 material, and the contractor came to us and was looking
19 for a place to put 18,000 yards of material. So what we
20 did is we put together a floodplain study of the Creve
21 Coeur Creek indicating that there would be no adverse
22 impact by placing this on the property. That was
23 submitted, reviewed and approved by both City of Creve
24 Coeur, MSD and Missouri Department Of Natural Resources.
25 Those permits were issued, and that allowed the material

8
1 to be brought on the site.

2 So that is a little historical data for the last
3 six months. So this is a conceptual site plan, and when
4 we look at the piece of property, and, again, we're zoning
5 5 acres, which include the pond, you can see the main
6 access drive, which is located here, currently this is a
7 driveway that's approximately 20 feet wide. We've
8 approached MoDOT, and MoDOT is receptive to widen and
9 accommodate to be a three-lane commercial driveway, which
10 would be aligned with the three-lane commercial driveway,
11 which services the Taco Bell and the Royal Bank.

12 If we come into development, we would put a road
13 that would come down onto this triangular piece of

14 property. This property's currently utilized by the City
15 of Creve Coeur as part of a transfer for leaf compost, and
16 so we see that continuing in the lower area would be in
17 the area where we would not disturb the property down in
18 the floodplain and underneath the transmission.

19 The drive would extend forward and at this point
20 it would be gated. Plan would be the access drive that
21 goes back to the residential house.

22 Currently Ameren encumbers this property. They
23 have an encumbrance. I'll call it a blanket easement.
24 They have agreed to vacate that and create a right-of-way,
25 which is more standard for their transmission.

1 This is a transmission tower that's located
2 here. So this would be 150 foot wide transmission and
3 that would be 125 foot wide transmission that we would
4 dedicate.

5 That leaves a developable area of something much
6 less than 5 acres, and that's part of the staff report
7 that describes the 5 acres.

8 This area, which is in green, which is the
9 transmissions tower, this area to the building from the
10 condominium is at 250 foot separation. And you'll see a
11 section that we cut through here, so you can see what ends
12 up happening is this is 60 feet higher than elevation down
13 here on the road, but what we've laid in here is two
14 buildings. And when we asked for the General Commercial,
15 we think that there's a number of uses that this would be
16 compatible with because of the change of 141 and Olive
17 Street Road, the commercial that's located to the north,
18 and so we laid out a bank drive-through, also laid out a

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19 restaurant drive-through. Drive-throughs for these type
20 of uses require conditional use permit.

21 If we're successful in getting the General
22 Commercial zoning, and one of those types of occupants or
23 developers would come along and come back from the
24 Planning Commission and specific site plan, specific
25 architectural elevations and landscaping.

1 But this is what we see can fit within this ¹⁰
2 property. The slide that was two before this is really
3 statistical data, which shows some of the performance
4 criteria within the General Commercial. Maximum site
5 coverage is 63 percent.

6 Our conceptual is 1.1 acres, which is 22 percent
7 of site, and I really don't see us going beyond that
8 because we have that window along Olive between the
9 transmissions, and then we also have the storm-water
10 retention to the back.

11 The FAR in the General Commercial, that .4, we
12 would be at 2003, and that's based on bank and restaurant
13 and meeting the parking requirements, retaining that area
14 for the City of Creve Coeur compost and not infringing
15 upon the quarry.

16 As I mentioned, MoDOT has reviewed it and we
17 have their concurrence to shift and widening access to the
18 driveway. It's in Jeff City and that's in process.

19 The Ameren UE, we were in discussion -- not
20 discussion, we're actually going back and forth relative
21 to the easement documents and the vacations in order to
22 create all the right of ways.

23 And, again, this change in the zoning
24 classification from the AR that was designated in the past

25 by ordinance, again, we think that commercial development

1 is probably more suitable for the location that we're ¹¹
2 showing on the site, and residential removed and buffered
3 from the transmission by the quarry is appropriate.

4 So this is the site section that I was showing a
5 moment ago. There's one of the transmissions that are in
6 the site, spill bridge, Mill Crossing Condominium. And as
7 you see, this is the existing topography, and we would be
8 terracing the property down, retaining walls to create
9 level plateau and establish our buildings.

10 This vegetation is there today. If you go out
11 there it's very heavily vegetated along that property line
12 and that would be left in place provided some buffer. The
13 entrance would be 39 feet of pavement. That's what MoDOT
14 has concurred with.

15 The perimeter buffering would be the
16 landscaping, physical buffering. I wouldn't call it
17 architectural buffering, being the transmission lines,
18 but, again, that 150 foot is separation quarry lake and
19 Creve Coeur Creek.

20 Part of the project would be implementing MSD
21 standard run-off to the parking lots before it goes into
22 the quarry, and then the quarry overflow structure, Creve
23 Coeur Creek, would be modified to provide for the storms.

24 This is the conceptual landscape plan. Gives
25 you an overall, again, this landscape plan is no more than

1 identifying the perimeter of buffers, street trees and ¹²
2 gives you good representation of the green areas that
3 would remain post-development.

4 And, again, specific landscape plan would come
5 before the Commission under the site plan development
6 review.

7 Let's go back one slide. There you go. That --
8 what you're going to see next, this area, this smaller
9 green area is what we're looking bio-retention, so all our
10 site water would come off here, go to the rain garden and
11 then be directed to the quarry, and then in this location
12 there's a pipe from the quarry that connects into Creve
13 Coeur Creek, but what this is representative as one of the
14 amenities. This is bio-retention. This is the Nobis
15 (phonetic) campus out in St. Charles, but shows how we
16 take the run-off from parking lots and through a series of
17 swells, and we treat the water infiltrated and through the
18 plants and then ultimately tie it into the system.

19 So I think with that said, I'm happy to answer
20 any questions.

21 Again, we think we have a unique piece of
22 property. We have developer that's very interested in
23 investing in this property, investing in the home, living
24 in the home, and developing a high quality, and I will
25 call it somewhat more intense commercial development being

1 at Olive and 141 with the drive-through, and there's no¹³
2 certainty that the drive-through will come with this
3 project, but certainly want Commission to be aware of the
4 interest that we're getting from those type of users; the
5 banks, the restaurants, and there's even, you know,
6 interest from a gas station C Store for this location
7 also.

8 That's it.

9 CHAIRMAN MADDEN: Any questions?

10 Mr. Eberhardt.

11 MR. EBERHARDT: Are these sites visible from
12 Olive Street Road?

13 MR. STOCK: Yes. Yeah, the finished floor of
14 those buildings would be 2 feet above Olive Street Road,
15 so the fill -- part of the fill, and we've looked at them,
16 we've engineered them to need about 25,000 yards of which
17 18,000 may be on the site right now. I just -- over the
18 last few weeks, I mean when MoDOT moves, they move that
19 dirt quick and it's there. And it's really, it's been
20 more or less stockpiled and revegetated, and then at such
21 time as we go to the next step, we're beyond the zoning.
22 Would come in between grading plans and level that
23 material out and rebuild the entrance at Olive Street
24 Road.

25 MR. LANGDON: Mr. Stock, if I could help answer

14
1 that question.

2 Commission refers to your staff report, the
3 first site photograph is looking directly at area where
4 those buildings would go.

5 You can see the platform of dirt that's being
6 formed there by the landfill or the earth-filler.

7 MR. STOCK: Yeah, you don't see it today. Prior
8 to the dirt, just followed the natural topography, so for
9 that 300 feet from Olive that would be level and the slope
10 of the driveway would be at back the 300 feet, and then
11 drop down and run along the top of quarry back to the
12 house.

13 CHAIRMAN MADDEN: Mr. Stock, did you say the
14 developer is going to live in the house then?

15 MR. STOCK: Yes, that is his plan.

16 CHAIRMAN MADDEN: Mr. Barton.

17 MR. BARTON: What was the thought process in
18 having the area east of the lake zoned GC? Why isn't that
19 just left as residential?

20 MR. STOCK: I think this being the lake where
21 this line went back to the --

22 MR. BARTON: Yeah. Why do you have that lake
23 coming down on the east side?

24 MR. STOCK: This line? Well, this is the
25 5 acres -- well, first of all, for General Commercial,

1 it's a minimum of 5 acres.

15

2 MR. BARTON: Oh, okay.

3 MR. STOCK: So the configuration really has to
4 be 5 acres. We had to get -- the owner, the last thing we
5 want is commercial zoning right there. He would love to
6 have the commercial zone be at the north end of quarry,
7 but since he will -- he's not going to sell 5 acres, the
8 5 acres would be zoned and then it would be re-subdivided,
9 some configuration as to whatever those properties are.

10 He may be the owner of the 4.28, and the owner
11 of another general commercial. He's going to maintain
12 that buffer for his own reasons. He doesn't mind driving
13 by them, but if you're ever back there pretty pristine,
14 overgrown right now. This was a beautiful home. It's
15 just -- it's gone to -- doesn't look so good today.

16 MR. BARTON: I presume possibility of
17 subdividing the land to the south, if he chose to?

18 MR. STOCK: He has other -- I don't know -- if
19 we were to extend road access back here, I guess you could
20 subdivide that piece off. That's not anything that we're

21 looking at doing.

22 MR. SCHNARR: I guess that's the one question in
23 my mind. If you're going to keep 4.28 acres for the
24 house, why are you going for D single-family, which is
25 12,000 square feet? Is there a different classification?

16
1 MR. STOCK: I look over to my planners because
2 there's no hidden agenda here. We just want one house on
3 the 4.28 acres, so I don't know why we picked the --

4 MR. LANGDON: The basis was to take it to the
5 zoning that was there before the project. Never happened.
6 That took it to "AR", so it -- it's essentially to make it
7 analogous with the zoning that's around it, so we didn't
8 have a little island of something else, A, B or C in the
9 midst of D.

10 MR. STOCK: I don't know, I mean, obviously,
11 this is zoned -- I can't -- that is B right there. D
12 single-family to the west, and then to the east is the AR
13 multi-family, and I think we're open, again, we just want
14 the zoning -- residential zoning classification for the
15 house.

16 CHAIRMAN MADDEN: Mr. Eberhardt -- Mr. Glantz.

17 MR. GLANTZ: Well, I have two questions, but
18 that brings up another one.

19 Is the road back to the residential, is that a
20 road or is that a driveway?

21 MR. STOCK: It's brick pavers. It's a driveway.

22 MR. GLANTZ: Okay. So to subdivide that, would
23 it require street frontage, which they wouldn't have
24 anyhow, so really it's sort of a moot point. It's not a
25 street, then you can't subdivide that, is that a correct

17

1 assumption?

2 MR. STOCK: That's exactly right. This is
3 designed as a city two-lane road. It's three lanes up to
4 the front entrance. It's a two-lane road and required to
5 have a cul-de-sac, and that is -- that radius within that
6 entrance would allow the emergency vehicles to turn around
7 there, and then it stops and then you drop down to either
8 12 or 15 foot wide driveway is the brick pavers that will
9 continue back to the house.

10 MR. GLANTZ: So that would preclude anybody from
11 subdividing that?

12 My two other questions were this. The sub road
13 that you're bringing to the south, is that in Creve Coeur
14 or is that in Chesterfield?

15 MR. STOCK: It's currently -- this is the
16 municipal boundary between Chesterfield and Creve Coeur.

17 Now, Creve Coeur, I -- there's been some
18 confusion about this municipal boundary with St. Louis
19 County, City of Creve Coeur and Chesterfield.

20 Chesterfield established the boundary, and what
21 happened was when they established -- established the
22 boundary, they followed the east line of the eastern most
23 transmission right-of-way. Well, it stopped right here.
24 It never went through this property.

25 Ameren owned this property, so, I think the

18

1 intent was to come to this property and then come around
2 the property and up to Olive Street Road. There never was
3 a transmission line here.

4 So I think in discussions between Creve Coeur
5 and Chesterfield, Chesterfield is willing to annex that

6 back to Creve Coeur.

7 But in your previous zoning, "AR", it's not in
8 Creve Coeur.

9 CHAIRMAN MADDEN: Are we dumping in Chesterfield
10 then?

11 MR. STOCK: Chesterfield's open to cleaning
12 this up.

13 CHAIRMAN MADDEN: Let's dump everything there in
14 the next few months.

15 MR. GLANTZ: I appreciate what you're trying to
16 do.

17 MR. STOCK: We're trying to clean it up.

18 MR. GLANTZ: My other question is have you
19 talked to MoDOT about the left turn out of the
20 development?

21 I know that you have it on the other side of the
22 street, and I assume that if these two driveways -- or at
23 least align, but they're amenable to the left turn out?

24 MR. STOCK: They are.

25 MR. GLANTZ: From this property onto Olive?

1 MR. STOCK: They are. They can't issue us a¹⁹
2 permit without an access, basically, and a widened. The
3 access -- a there's right access where the driveway is.
4 Isn't exactly where this driveway is, and so shift in
5 access is to take it -- right now the access is contiguous
6 with this, which is adjacent to the Schoenberg tract,
7 which is here.

8 So it's access to both our property and
9 Schoenberg. We are proposing to shift it further to the
10 north in order to -- or to the east to widen it, and MoDOT

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11 has agreed to that, but it has to go to Jeff City, the
12 paperwork has to be signed, and then after that's done
13 they can issue a permit.

14 They have -- they use the term "feasible", which
15 is their term for conceptual approval.

16 CHAIRMAN MADDEN: Mr. Eberhardt.

17 MR. EBERHARDT: I think you said you had a 250
18 foot separation between this property and the Crossing
19 property, is that correct?

20 MR. STOCK: The 250 separation is from the
21 closest building, and closest building is set by the line
22 which is the transmission line for Ameren, so 250 is
23 horizontal separation from this point to the nearest
24 building condominium, and then in between us is that
25 tower, and so this building -- well, our building will be

20
1 approximately 40 feet lower than what that building is
2 right there that was the cross section.

3 MR. EBERHARDT: And where is the Bellerive Farm
4 Estate Subdivision in relation to this?

5 MR. STOCK: It is to the -- to the south. It's
6 not -- you go to the aerial photograph maybe, the very
7 first one. Right here, there's the Mill Ridge
8 Condominiums, so the Bellerive Estates, really the homes
9 are along our southernmost property, and where we were
10 talking 250 was right up in here, so it's several hundred
11 feet back to the Bellerive Farm Estate.

12 MR. EBERHARDT: And that's the topography like
13 between that subdivision and this?

14 MR. STOCK: I honestly don't know. I don't know
15 what the elevations -- for the most part this land is all
16 flat. I mean it's the bottoms. It's where the Creve

17 Coeur Creek is coming through. I can't speak to what
18 elevation these homes are at. I don't know the answer to
19 that.

20 CHAIRMAN MADDEN: Well, wouldn't the existing
21 house block a view to what you're going to build anyway
22 from that?

23 MR. STOCK: Well, I don't know that the house
24 will, but, again, this is heavily wooded vegetated along
25 the Creve Coeur Creek, and we're not proposing to touch

1 the creek, so I -- I don't -- I honestly can't speak to a²¹
2 sightline from these residents. It's something I can look
3 into and look at and -- all the topography, but I don't
4 have that tonight. I just can't phantom that it's looking
5 down. I'd have to look into that, get back with that.

6 CHAIRMAN MADDEN: Mr. Lumley.

7 MR. LUMLEY: So the current proposal with the
8 subdivision and two lots, them being completely
9 free-standing, no connection whatsoever in terms of
10 indentures or anything like that, correct?

11 MR. STOCK: It would be a minimum of two-lot
12 subdivision. It's very possible that commercial tract
13 would be subdivided into two lots; one for the bank, one
14 for the restaurant. There could be three lots.

15 MR. LUMLEY: But you're looking at that later?

16 MR. STOCK: Later, correct. Right now two-lot
17 subdivision.

18 MR. LUMLEY: Not be completely severed.

19 MR. STOCK: They would.

20 MR. LUMLEY: And transferable property?

21 MR. STOCK: Yes.

22 MR. LUMLEY: But the commercial property
23 responsible for the lake.
24 MR. STOCK: I would say the answer to that is
25 yes.

1 MR. LUMLEY: I just want to indicate that I 22
2 would be advising the City to have a concern later if
3 there was a proposal to subdivide that lake off by itself
4 become really transferable property with the possibility
5 that we'd be looking, and there's nobody responsible for
6 it cause it got sold to somebody who can't be found
7 anymore, so if there's a future plan somehow getting that
8 loosely back to the house, that could pose a problem
9 later.

10 MR. STOCK: Yeah, well, I don't think there's a
11 plan to do that. I think the desire, you know, obviously,
12 you see why we're 5 acres. We're 5 acres because it's
13 required General Commercial.

14 I think the General Commercial would have, for
15 the owner's protection, person living in the house, if he
16 can't take ownership of that land in the future, then
17 there's going to be some pretty ridged indentures that
18 protect that lake, you know, as far as maintenance is
19 concerned, longevity is concerned.

20 MR. LUMLEY: Right. The concern -- I mean it's
21 one thing to have, at least potentially income property
22 along Olive tied to the lake and responsible for whatever
23 happens to it, including insurance against injuries and
24 all those kind of things, you know, if it were
25 subsequently come in, not only try and split that into a

1 restaurant and a bank lot, but turn that lake into, 23

2 theoretically, a salable lot, I think that would be
3 problematic because we'd never know who's really
4 responsible for that.

5 MR. STOCK: If it's in indentures of the
6 subdivision plan.

7 MR. LUMLEY: Well, I'm not saying there wouldn't
8 be solutions, I'm saying it would be a concern if suddenly
9 that's to be a free-standing lot.

10 I mean, certainly, there would be solutions in
11 the concern.

12 MR. STOCK: Yeah, I think ultimately the person
13 that owns the house would like to own the lake, but the
14 lake may also end up in common ground. I mean it's part
15 of storm-water detention, so when we plat it, it's
16 providing detention for those two lakes, it may be
17 subdivided, in perpetuity, it's common ground.

18 Actually, as I'm sitting here talking to myself,
19 I think that's what it's going to be. We're going to have
20 either commercial one lot or two lots, maybe be even
21 third lot. What end up happening, and I'm not subdividing
22 it right now, but when the road comes in, this piece when
23 the road extended, you end up with this piece of property
24 here, which would be that piece of property utilized for
25 Creve Coeur. I can see this being two lots; lot for a

24
1 restaurant; lot for a bank, and this to be put into common
2 ground, and that common ground provide all storm to the
3 Cava di Roccia at that point. It would be common ground
4 and managed by the trustees.

5 MR. LUMLEY: Right, which could be a solution.

6 MR. STOCK: I think is --

7 MR. LUMLEY: I just wanted to alert you that --

8 MR. STOCK: Okay.

9 MR. LUMLEY: -- somehow the lake becomes its own
10 lot, theoretically it could be sold back to the house, but
11 also could be sold back to X, Y, Z with no people behind
12 it, and suddenly we don't have anybody responsible for
13 that lake and things happen.

14 MR. STOCK: Right.

15 MR. LUMLEY: I think the City's going to want to
16 know there's backing.

17 MR. STOCK: No, I appreciate it. I think it's
18 going to be a common ground. I think, as I sit here and
19 think about it, it's going to be a common ground.

20 MR. SCHNARR: But as part of your storm-water
21 plan, you couldn't segregate it anyway.

22 MR. STOCK: No, but once we take those plans and
23 advance them to the MSD and the City of Creve Coeur, and
24 we're directing water into that, it's going to be the
25 storm water facility and going to be common ground, then

25
1 there's a maintenance agreement that's recorded that --
2 relative to that, and then I can, you know, the owner can
3 put some teeth into the indenture relative to the
4 landscaping and who maintains that landscaping.

5 CHAIRMAN MADDEN: Okay. From the audience the
6 first one I have is Robert, I think it's Kent.

7 MR. KENT: Kent.

8 CHAIRMAN MADDEN: Mr. Kent, you need to be sworn
9 in, please.

10 (Robert Kent was sworn by the court reporter.)

11 MR. KENT: I'm Robert Kent, 13084 Ferntrails
12 Lane, Greengate Subdivision, and I'm a trustee there.

13 The Greengate Subdivision is just to the
14 immediate east of Mill -- Mill Crossing, and -- well, it's
15 all right and we're just below Holy Cross Lutheran Church.

16 The property looking at -- we call the Leonard
17 property because they built the mansion. Mill Crossing is
18 right here. Holy Cross Lutheran Church is on the corner
19 Olive Boulevard and Fernview, and Greengate Subdivision is
20 just south there of HLC, and next to, we live there at Lot
21 10 right in the corner.

22 One of the things that I wanted to mention was
23 you really should concern if you change this zoning to
24 "GC" as to what is actually going to go in.

25 As you know, the federal government's been

1 printing a lot of money, and I think I know where it's ²⁶
2 going.

3 On the north side of Olive Boulevard starting at
4 270, there's the First Bank, then there's USA Mortgage,
5 Commerce Bank, American Eagle Credit Union, Jefferson
6 Bank, Bank of America, Reliance Bank and Royal Bank, and
7 that's on the north side.

8 On the south side is Pulaski Bank, M&I Bank,
9 Regents Bank, Great Southern Bank has just been recently
10 built. Commerce has a ATM behind the U.S. Bank, and
11 Schnucks, of course, has a satellite U.S. Bank, so there's
12 some fifteen banks between 270 and Creve Coeur Mill Road,
13 so when you're looking at the zoning on this, and I don't
14 have any big dog in this fight one way or the other,
15 because we're far enough away, but I think you ought to be
16 cautious about changing the zoning because, as Mr. Lumley
17 pointed out to us so pointedly in a council meeting a few

18 week ago, once you change the zoning, you may not get what
19 you think you're getting in the site plan.

20 I didn't count up the restaurants because I was
21 exhausted after doing the banks.

22 I'm always a little skeptical when the principal
23 doesn't show up. I've been around council meetings now
24 for a year, and Orsen Properties is who? He wants to live
25 in it, I would have thought that he would have shown up

1 with his engineer, who I think did a remarkable nice job.²⁷

2 So our first concern is, and with that regard I
3 would like to make sure, and P&Z make sure, that there's
4 no conflicts of interest between anyone in the City and
5 Orson Property, L.L.C.

6 As we know, this property was previously owned
7 by a public elected official, and was then resold, and I
8 just like to make sure there isn't any conflict of
9 interest. And recently at council meeting we had some
10 revelation with regard to meetings by people with
11 protective or possible developers, and I just like to make
12 sure that there isn't anything we don't understand here.

13 The third point that I have is the access to the
14 property making left turns. And I understand he has
15 gotten approval from MoDOT, but this is at the bottom of
16 the hill, and the turn in to Mill Crossing, left turn
17 going west, is downhill. On rainy and snowy days it's
18 dangerous and it -- there's some way that this could be
19 arranged to be accessed through the Creve Coeur Mill
20 traffic signal, I think that would be a real improvement.

21 And, lastly, this was originally supposed to be
22 a park, but instead we got Millennium, it's a \$7 million
23 debt, and so we've gone from a park to "GC" to "AR". Now

24 we're going back -- now we're going to commercial and back
25 to "GC", so stand in one place long enough, it all comes

28

1 back home.

2 But I would like you to think about the "GC"
3 zoning because you may not get a restaurant and you may
4 not get a bank. You may get something else.

5 But as Mr. Lumley's pointed out in the past,
6 once the zoning is changed then it becomes a -- opens it
7 up to all kinds of businesses that can be put in there.

8 And if you haven't visited the site, I would
9 suggest that you do so. It's a rather unique site, a very
10 interesting site and a complicated site. And I think to
11 really understand it, you really need to visit it.

12 Thank you very much for your attention.

13 CHAIRMAN MADDEN: Thank you.

14 Is there anybody else in the audience?

15 Sir, could you first state your name and address
16 and then be sworn in.

17 MR. HONEYWELL: Okay. I'm Jim Honeywell. I'm
18 president of the Mill Crossing Condominium Association.

19 CHAIRMAN MADDEN: And your address?

20 MR. HONEYWELL: 1163 Mill Crossing, Unit 101.

21 CHAIRMAN MADDEN: Okay. Would you be sworn in,
22 please.

23 (Jim Honeywell was sworn by the court reporter.)

24 MR. HONEYWELL: Just have a couple questions on
25 the site plan.

29

1 Mill Crossing sits considerably higher than this
2 particular property, and I don't know exactly where the

3 property line is along the lake.

4 Can they point that out to me.

5 Considerable difference in elevation, as well as
6 the front where the tower is.

7 MR. STOCK: This is the end of the lake. That's
8 the outline. This is the property line, so this is the
9 closest condominium building.

10 MR. HONEYWELL: The property line --

11 MR. STOCK: It's about 60 feet. Maybe this is
12 30 foot green lines, 30 feet, so perhaps 70 feet of
13 horizontal separation.

14 MR. HONEYWELL: But where does the property line
15 between -- the property line in the drop-off.

16 MR. STOCK: Well, this water -- where this
17 elevation 564 --

18 MR. HONEYWELL: Okay.

19 MR. STOCK: -- and the water surface is roughly
20 459; 65 feet vertically between the condominium down to
21 the lake, so a lot of that slope transition is occurring
22 between here and the property line.

23 MR. HONEYWELL: I still don't understand. Is
24 the property line --

25 MR. STOCK: This is the property line.

30

1 MR. HONEYWELL: Yeah.

2 MR. STOCK: Talking this blue line up.

3 MR. HONEYWELL: But is that on the level surface
4 at the top?

5 MR. STOCK: Yes. Yes.

6 MR. HONEYWELL: So the whole drop-off is --

7 MR. STOCK: In here.

8 MR. HONEYWELL: -- in the property?

9 MR. STOCK: Correct.

10 MR. HONEYWELL: Okay. I guess I have no other
11 questions. I don't see any objection to the zoning
12 arrangement. Mill Crossing sits away from it. The house,
13 we can see the house, but there's so much foliage along
14 there that you have to really look for it.

15 MR. STOCK: This is definitely vegetated through
16 it.

17 MR. HONEYWELL: So the vegetation belongs to
18 you?

19 MR. STOCK: Well, I don't know that I have all
20 vegetation located.

21 A lot of it. I -- I can't answer that question.
22 This is heavily vegetated, but I -- I don't know that --
23 on your side of the property line there's some vegetation
24 also.

25 MR. HONEYWELL: Vegetation is all on the slope.

1 MR. STOCK: Okay. Well, the slope, this is all³¹
2 slope through here, but the slope -- there's slope along
3 centerline on the property line as you get back here to
4 the south, so that vegetation, I'm assuming, is on both
5 sides of the property line.

6 MR. HONEYWELL: Okay.

7 MR. STOCK: We don't propose to change that. We
8 didn't propose to change the existing -- we're not going
9 to touch the vegetation along the existing property line.

10 MR. HONEYWELL: Just one side comment.

11 We have trespassers passing through Mills
12 Crossing, teenagers on Friday, Saturday night on their way
13 down to that house and lake.

14 MR. STOCK: It's -- it's a problem. They tried
15 to secure that house and secure that house, and kids in
16 there and vandals and break in, so they know it's not
17 occupied.

18 MR. HONEYWELL: Okay. No more comments.

19 CHAIRMAN MADDEN: Thank you, Mr. Kent.

20 MR. KENT: I happen to be party to the
21 settlement of lawsuit that Leonard and Greengate brought
22 against the City and Mill Crossing. Triple Crown at that
23 time when the Michelson (phonetic) organization built Mill
24 Crossing.

25 And as part of that, there was a very large pine

1 tree buffer put to protect the Leonard property from 32
2 visibility by -- from the Leonard property to the Mill
3 Crossing Condominiums, and so that is well-screened and
4 from the back of Mill Crossing, from the end of Greengate
5 you can see across the creek and across the detention pond
6 to the Bellerive Subdivision, but, again, from the house,
7 which is down 60 or 70 feet lower than the Mill Crossing,
8 it's practically impossible to see across the creek.

9 CHAIRMAN MADDEN: Thank you very much.

10 MR. KENT: You're welcome.

11 CHAIRMAN MADDEN: Is there anybody else in the
12 audience?

13 Mr. Glantz?

14 MR. GLANTZ: I have a question for City staff.

15 Didn't this body rezone the property a few years
16 ago to the "AR"?

17 MR. LANGDON: I need to be sworn in before I can
18 answer.

19 (Paul Langdon was sworn by the court reporter.)

20 CHAIRMAN MADDEN: We'll close the public hearing
21 since there's no further comments.

22 (The public hearing was closed.)

23 MR. LUMLEY: Offer the documentation in
24 possession of City Clerk reflecting the notice provided
25 the public of the hearing; staff's report and the

1 materials submitted with the City Code of Ordinances and³³
2 Charter, Comprehensive Plan.

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1 STATE OF MISSOURI)
2 COUNTY OF ST. LOUIS) SS

3

4 I, Deborah K. McLaughlin, Registered Professional
5 Reporter, Missouri Certified Court Reporter, Illinois
6 Certified Shorthand Reporter and Kansas Certified Court
7 Reporter, do hereby certify that I reported the Planning
8 and Zoning Public Hearing stenographically and later
9 reduced to typewriting; and that this is a true and
10 accurate transcript of the public hearing.

11

12

13 _____, RPR, MO-CCR, IL-CSR, KS-CCR

14 Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR

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BILL NO. 5327

ORDINANCE NO. _____

**AN ORDINANCE ADJUSTING THE MUNICIPAL
BOUNDARY AT THE PROPERTY KNOWN AND
NUMBERED AS 13150 OLIVE BOULEVARD.**

WHEREAS, Orson Properties, LLC is the owner of property known and numbered as 13150 Olive Boulevard, which is at least largely within the City of Creve Coeur and located at the boundary between Creve Coeur and the City of Chesterfield, and

WHEREAS, Orson Properties, LLC has submitted a rezoning application regarding the property and in connection therewith has requested that the municipal boundary be adjusted as may be necessary so that the entire property lies within the City of Creve Coeur, and

WHEREAS, the City Council has determined pursuant to Section 71.011 RSMo. that such request is appropriate for efficient municipal regulation of and service to the property as a whole, and that such adjustment is in the best interests of all concerned, and

WHEREAS, there are currently no residents on the property, and

WHEREAS, the City's Planning and Zoning Commission unanimously recommended approval of the proposed rezoning and the corresponding boundary adjustment by 7-0 vote on July 18, 2011; and

WHEREAS, the proposed annexation qualifies as a boundary adjustment that is not subject to review by the St. Louis County Boundary Commission, and

WHEREAS, the portion of the property annexed hereunder shall be considered as zoned AR like the rest of the property until such time as the City changes zoning regulations for such property, and

WHEREAS, copies of this proposed Ordinance have been made available for public inspection prior to consideration by the City Council, and this Bill has been read by title in open meeting twice before final passage by the City Council,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, AS FOLLOWS:

SECTION 1. The City hereby extends its corporate limits as may be necessary to include all of the property described herein, subject to consent thereto by ordinance of the City of Chesterfield, Missouri:

(PROPOSED LOT 1)

A tract of land being located in US Surveys 367 and 923, Township 46 North, Range 5 East of the Fifth Principal Meridian, City of Creve Coeur, Missouri being more particularly described as follows:

Beginning at the northeastern corner of a tract of land as conveyed to Richard Schoenberg by instrument recorded in Book 8472, Page 579 of the St. Louis County Records, said point also being located on the southern right-of-way line of Olive Boulevard, variable width; thence continuing along said southern right-of-way line the following courses and distances: North 84 degrees 07 minutes 01 seconds East, 122.80 feet; North 67 degrees 25 minutes 04 seconds East, 104.40 feet and South 61 degrees 22 minutes 29 seconds East, 191.56 feet to the northwestern corner of a tract of land as conveyed to the International Development Corporation by instrument recorded in Book 10505, Page 2416 of above said records; thence along the western and southwestern lines of said International Development Corporation tract the following courses and distances: South 08 degrees 08 minutes 00 seconds West, 78.51 feet; South 56 degrees 10 minutes 00 seconds West, 8.20 feet and South 42 degrees 35 minutes 00 seconds East, 331.99 feet; thence departing last said line the following courses and distances: South 47 degrees 25 minutes 00 seconds West, 309.69 feet; North 53 degrees 46 minutes 50 seconds West, 83.08 feet; North 35 degrees 29 minutes 20 seconds West, 30.45 feet; North 24 degrees 52 minutes 46 seconds West, 182.82 feet; North 37 degrees 51 minutes 47 seconds West, 22.96 feet; North 11 degrees 25 minutes 38 seconds West, 60.53 feet to the beginning of a non-tangent curve to the right; thence along said curve having a radius of 54.00 feet, a chord which bears South 87 degrees 20 minutes 55 seconds West, 71.94 feet and an arc length of 78.73 feet; South 35 degrees 43 minutes 17 seconds West, 48.38 feet to the northeastern line of a tract of land as conveyed to Union Electric by instrument recorded in Book 1197, Page 205 of above said records, said point also being the centerline of a creek; thence continuing along last said northeastern lines and said centerline the following courses and distances: North 54 degrees 16 minutes 43 seconds West, 24.34 feet; North 74 degrees 59 minutes 49 seconds West, 72.92 feet; North 80 degrees 19 minutes 54 seconds West, 70.19 feet; South 75 degrees 37 minutes 16 seconds West, 68.74 feet and South 87 degrees 19 minutes 59 seconds West, 113.38 feet to the southeastern line of above said Richard Schoenberg tract; thence along the southeastern and eastern lines of said Richard Schoenberg tract, North 52 degrees 57 minutes 00 seconds East, 339.42 feet and North 07 degrees 09 minutes 29 seconds West, 74.34 feet to the Point of Beginning and containing 217,784 square feet or 5.000 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on June 29, 2011.

(PROPOSED LOT 2)

A tract of land being located in US Surveys 367 and 923, Township 46 North, Range 5 East of the Fifth Principal Meridian, City of Creve Coeur, Missouri being more particularly described as follows:

Commencing at the northwestern corner of a tract of land as conveyed to the International Development Corporation by instrument recorded in Book 10505, Page 2416 of the St. Louis County Records, said point also being located on the southern right-of-way line of Olive Boulevard, variable width; thence along the western and southwestern lines of said International Development Corporation tract the following courses and distances: South 08 degrees 08 minutes 00 seconds West, 78.51 feet; South 56 degrees 10 minutes 00 seconds West, 8.20 feet and South 42 degrees 35 minutes 00 seconds East, 331.99 feet to the POINT OF BEGINNING of the herein described tract; thence continuing along said southwestern and western lines the following courses and distances: South 42 degrees 35 minutes 00 seconds East, 136.83 feet and South 07 degrees 51 minutes 00 seconds West, 645.81 feet to the northern line of Bellerive Farm Estates Plat One a subdivision according to the plat thereof as recorded in Plat Book 347, Pages 193 and 194 of above said records; thence along the northern lines of said Bellerive Farm Estates Plat One the following courses and distances: North 81 degrees 19 minutes 25 seconds West, 153.03 feet; North 06 degrees 34 minutes 25 seconds West, 397.63 feet; North 53 degrees 46 minutes 50 seconds West, 230.68 feet and North 43 degrees 41 minutes 27 seconds West, 28.77 feet to the northeastern line of a tract of land as conveyed to Union Electric by instrument recorded in Book 1197, Page 205 of above said records, said point also being the centerline of a creek; thence continuing along last said northeastern lines and said centerline the following courses and distances: North 12 degrees 36 minutes 03 seconds West, 94.89 feet; North 24 degrees 52 minutes 46 seconds West, 72.97 feet; North 37 degrees 51 minutes 47 seconds West, 69.04 feet and North 54 degrees 16 minutes 43 seconds West, 29.15 feet; thence departing last said northern line the following courses and distances: North 35 degrees 43 minutes 17 seconds East, 48.38 feet to the beginning of a non-tangent curve to the left; along said curve having a radius of 54.00 feet, a chord which bears North 87 degrees 20 minutes 55 seconds East, 71.94 feet and an arc length of 78.73 feet; South 11 degrees 25 minutes 38 seconds East, 60.53 feet; South 37 degrees 51 minutes 47 seconds East, 22.96 feet; South 24 degrees 52 minutes 46 seconds East, 182.82 feet; South 35 degrees 29 minutes 20 seconds East, 30.45 feet; South 53 degrees 46 minutes 50 seconds East, 83.08 feet and North 47 degrees 25 minutes 00 seconds East, 309.69 feet to the Point of Beginning and containing 186,498 square feet or 4.281 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc, on June 29, 2011.

BILL NO. 5327

ORDINANCE NO. _____

SECTION 2. Upon verification of adoption of such consent ordinance by the City of Chesterfield, any portion of the property described herein that was previously located within the City of Chesterfield shall be concurrently detached therefrom and annexed into the City of Creve Coeur for the reasons recited herein, and the City Clerk shall cause certified copies of this ordinance to be filed with the Clerk of St. Louis County, the Assessor for St. Louis County, the Recorder of Deeds of St. Louis County, the Clerk of the Circuit Court of St. Louis County, the St. Louis Boundary Commission, and the Election Authority for St. Louis County, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of the City as so extended.

SECTION 3. This Ordinance shall become effective pursuant to the provisions of Section 3.11(g) of the Charter and as provided herein.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2011.

TARA NEALY
PRESIDENT OF THE CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 2011.

HAROLD DIELMANN, MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK

**AN ORDINANCE REPEALING ORDINANCE NUMBER 1171 AND APPROVING A NEW
CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE DEALERSHIP PURSUANT TO
SECTION 405.370(C) OF THE CITY OF CREVE COEUR'S CODE OF ORDINANCES FOR
WEBER CHEVROLET LOCATED WITHIN THE "CB" CORE BUSINESS DISTRICT AT
12015 OLIVE BOULEVARD**

WHEREAS, application was made by Paul Kastner, Vice President/General Manager of Weber Chevrolet, on behalf of George Weber III, Weber Chevrolet, to amend the conditional use permit for showroom additions and exterior improvement to the existing building located at 12015 Olive Boulevard, in the "CB" Core Business District; and

WHEREAS, the original conditional use permit was authorized by St. Louis County in 1968 prior to the annexation into the City of Creve Coeur and was subsequently amended by City Ordinance 1171; and

WHEREAS, the City of Creve Coeur recognizes the continued operation of the legal, non-conforming automobile body shop; and

WHEREAS, under Section 405.370(1)(f)(1), motor vehicle dealers (new or new and used) in the "CB", commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, August 15, 2011, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(3); and

WHEREAS, notice of publication for said public hearing had been previously published at least 15 days prior to the hearing, in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a unanimous vote, recommended approval of the improvements, subject to the conditions contained herein, at its meeting on Monday, August 15, 2011; and

WHEREAS, all parties desiring to be heard, either for or against said application, were given an opportunity to be heard, and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the Council; and this Bill having been read by title in open meeting two times before final passage by the City Council, and

WHEREAS, the City Council finds that the application and evidence presented clearly indicate that the proposed conditional use, when subject to certain conditions set forth herein:

1. Will contribute to and promote the community welfare and convenience at the specific location.
2. Will not cause substantial injury to the value of neighboring property.
3. Meets the applicable provisions of the City's Comprehensive Plan and any applicable neighborhood or sector plans and complies with other applicable zoning district regulations and provisions of this Chapter, unless good cause exists for deviation therefrom.

4. Will be compatible with the surrounding area and thus will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent users or on community facilities or services.

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, St. Louis County, Missouri, as follows:

Section 1: Ordinance 1171 amending the conditional use permit located at 12015 Olive Boulevard is hereby repealed.

Section 2: A Conditional Use Permit is authorized for an Automotive Dealership pursuant to Section 405.370(C) in the "CB" Core Business zoning district whose legal description is as follows:

A tract of land being part of Lots 3 and 4 of "Lake House Farm", a subdivision according to the plat thereof recorded in Plat Book 9, Page 74 of the St. Louis County, Missouri records and located in Township 45 North, Range 5 East of the Fifth Principal Meridian, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a point on the North right-of-way line of Olive Boulevard (Route 340); said point being 65 feet perpendicular to Station 116+90.20 of the centerline of said Olive Boulevard; thence with the North right-of-way line, North 73 degrees 14 minutes 30 seconds West 161.77 feet to a point; said point being 65 feet perpendicular to Station 115+36.22 of the centerline of said Olive Boulevard; thence leaving said North right-of-way line and along the Highway I-270 Ramp North the following courses and distances; North 30 degrees 45 minutes 30 seconds West 50.35 feet; North 08 degrees 48 minutes 30 seconds West 156.52 feet; North 09 degrees 32 minutes 30 seconds West 441.58 feet; North 07 degrees 34 minutes 58 seconds West 232.87 feet; North 06 degrees 57 minutes 30 seconds West 227.61 feet; North 10 degrees 56 minutes 30 seconds West 278.00 feet to a point; Said point being on the South line of Orchard Lakes Plat 1 as recorded in Plat Book 97, Pages 20-21; thence with the said South line, South 89 degrees 16 minutes 00 seconds East 454.38 feet to a point; thence leaving said South line, South 00 degrees 02 minutes 00 seconds West 1353.11 feet to a point; thence North 88 degrees 23 minutes 00 seconds West 47.29 feet; thence South 18 degrees 26 minutes 30 seconds West 55.00 feet to the Point of Beginning, containing 10.843 acres according to calculations by Bax Engineering during May, 2011.

SECTION 3: The issuance of this conditional use permit and the operation and maintenance of said facilities provided for by this ordinance shall be subject to all ordinances, rules and regulations of the City of Creve Coeur and the following conditions:

1. The Conditional Use Permit is for the operation of an automobile sales facility for use by Weber Chevrolet for the Chevrolet franchise and/or additional users as approved by the City of Creve Coeur.
2. The building remodel shall be consistent with the building plans dated June 22, 2011, and landscaping drawings received August 11, 2011 (attached as Exhibit 1), except as otherwise required herein.
3. An underground irrigation system shall be installed and maintained to serve the landscaped areas identified on the Landscape Plan outside of the City of Creve Coeur maintenance areas.

4. Vegetation that is totally or predominantly dead and/or disfigured due to disease or injury shall be replaced as needed and in a prompt and workmanlike manner as dictated by accepted horticultural standards.
5. The owner of the property shall address all outstanding property maintenance violations on the property to the satisfaction of the Chief Building Official prior to the issuance of any final Certificate of Occupancy for the automotive dealership permitted by this ordinance.
6. Trash enclosures shall be of materials consistent with the existing buildings.
7. Parking of automobiles shall be limited to one automobile per designated parking space.
8. The exterior masonry walls between the new showroom façade and the pre-existing service bays shall be painted dark grey compatible with the showroom façade subject to review and approval by the Zoning Administrator. Refusal of the additional grey painting by the franchisor (General Motors) shall not place the franchisee in violation of this ordinance.
9. Parking lot lighting shall be in conformance with Section 405.810(4) Lighting, of Article VII Off-Street Parking and Loading Regulations of the Zoning Code.
10. Showroom Hours of Operation shall not exceed 8:30 A.M. to 9:00 P.M. Monday through Saturday; and closed Sunday.
11. Service hours of operation shall not exceed 7:00 A.M. to midnight.
12. Storage of wrecked or immobilized motor vehicles shall be indoors or if outdoors, shall be so screened as not to be visible from the adjacent residences, or from any public or private street or highway.
13. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
14. The use of outdoor speakers shall not produce any sound exceeding 60dB at the property line.
15. The number of new automobiles and/or certified automobiles with a manufacturer's warranty shall not, at any time, be less than sixty percent (60%) of the total number of automobiles available for purchase on site.
16. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
17. A copy of all herein conditions shall be furnished by the owner or petitioner to the operator(s) and managers, including successive operator(s), owner(s) and manager(s) who shall forward to the Zoning Administrator an acknowledgement that he or she has read and understood all conditions and agrees to comply therewith.
18. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
19. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

BILL NO. 5334

ORDINANCE NO. _____

Section 4: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 2 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

Section 5: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2011.

TARA NEALEY
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2011.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK



city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

APPLICATION TO PLANNING AND ZONING COMMISSION #11-012 AMENDMENT TO THE CONDITIONAL USE PERMIT FOR EXTERIOR BUILDING IMPROVEMENTS FOR THE WEBER CHEVROLET LOCATED AT 12015 OLIVE BOULEVARD

FOR THE MEETING OF: August 15, 2011

LOCATION: 12015 Olive Boulevard

REQUEST:

Paul Kastner, Vice President/General Manager of Weber Chevrolet and Marvin Glore, of Bax Engineering Company, on behalf of George Weber III, Weber Chevrolet, have submitted a request to amend the conditional use permit for showroom additions and exterior facade improvements to the existing structure at 12015 Olive Boulevard, located north of Olive Boulevard and east of Interstate 270. The property is currently zoned "CB" Core Business District.

ADDITIONAL INFORMATION:

Weber Chevrolet received approval for the development of an automobile sales facility at its current location from St. Louis County in 1968. In 1986, The City of Creve Coeur issued an amended Conditional Use Permit (Ordinance No. 1171) for the construction of a parking lot. Automotive dealers including motor vehicle dealers (new or new and used) are permitted with conditions in the "CB" Core Business District. Staff recommends repealing the prior permit and replacing with a new conditional use permit.

APPLICANTS: Paul Kastner
Vice President/General Manager
Weber Chevrolet
12015 Olive Blvd.
Creve Coeur, MO 63141

OWNER: George Weber III
Weber Chevrolet
12015 Olive Blvd.
Creve Coeur, MO 63141

Key Issues:

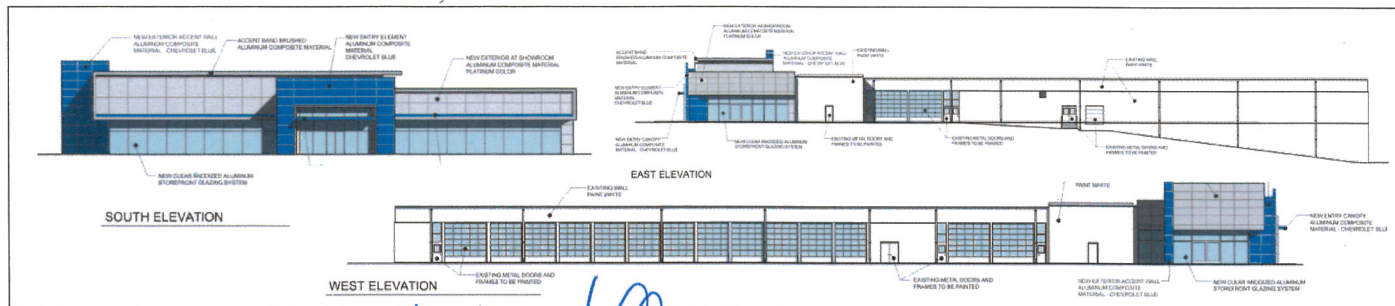
- Does the request still meet the criteria for a conditional use permit?
- Does the request further the goals and/or implement the Comprehensive Plan?

Comp. Plan References

- Central Business District Action Area
- Design Guidelines

Zoning Code References

- Section 405.370: "CB" Core Business District
- Section 405.470: Conditional Uses



REPORT PREPARED BY:

Whitney Kelly, AICP, City Planner

Date

ATTACHMENTS: Draft Ordinance
Applicant's Application Materials Received July 22, 2011, Landscape Plan received August 11, 2011, and Letter from Architect, May 5, 2011
Ordinance # 1171
STL Co. Ordinance 4632, 1968 and Site Development Plan approved in 1969

INTRODUCTION

Paul Kastner, Vice President/General Manager, Weber Chevrolet, and Marvin Glore, of Bax Engineering Company, on behalf of George Weber III, Weber Chevrolet, has submitted a request to amend the conditional use permit for façade and building improvements to the existing structure at 12015 Olive Boulevard, located north of Olive Boulevard and east of Interstate 270. The property is currently zoned “CB” Core Business District and automotive dealers including motor vehicle dealers (new or new and used) are permitted with conditions by the City Council.

The building alterations include a new façade along the south elevation with a new entry element of aluminum composite material in “Chevrolet Blue”, a new overhead canopy addition finished with aluminum composite material in a platinum color and the accent band in “Chevrolet Blue”, and new windows. The façade treatment will wrap around the east and west elevations for the new area only, with a new accent wall in the same “Chevrolet Blue” material on the west. The showroom remodel will create an additional showroom space at both the east and west corners of the building. The addition will add 2,800 square feet to the existing 66,200 square foot building; for a total of 69,000 square feet. The stated purpose of the request will update the facility and bring Weber Chevrolet up to a new standard that will enhance the customer’s automobile sales and service experience and add to the community feeling of being new and up-to-date.

The applicant will also provide additional plantings in to the greenspace at the entrance off of Orchard Lakes Drive along the east property line and fill in with low shrubs between the existing trees along Olive Boulevard and at the southwest corner of the property along Olive Boulevard.

BACKGROUND AND EXISTING CONDITIONS

Weber Chevrolet has been operating as an auto dealership at its current location on Olive Boulevard since 1969, under a permit issued by St. Louis County (Ordinance #4632, 1968), on approximately 10.8 acres at the northeast corner of the Olive Boulevard and I-270 interchange. At the time, only the front parking area was within the Creve Coeur city limits. [The approving ordinance also included an auto body facility, and a condition that storage of wrecked or immobilized motor vehicles shall be indoors or if outdoors, shall be so screened as not to be visible from the adjacent “R” Residence Districts or from any public or private street or highway (Condition #9)]. Subsequently, in 1979, the City annexed the entire Weber Chevrolet site into the City. In 1984, Weber Chevrolet received approval from the City of Creve Coeur’s Planning and Zoning Commission for the construction of the auto body repair/service building north of the main building, in conformance with the prior approved site development plan. In 1986, The City Council issued an amended Conditional Use Permit for the construction of a 69-car employee parking lot. The building has remained substantially the same since its construction. The site, with 67% site coverage, and the auto repair service are legally preexisting, non-conforming.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Residential	R3- Unincorporated St. Louis County	NA
South	Office; Hotel	“CB” Core Business	Olive Boulevard
East	Commercial; Residential	“CB” Core Business; R3- Unincorporated St. Louis County	Orchard Lakes Dr.
West	Commercial	Unincorporated St. Louis County	I-270

COMPREHENSIVE PLAN REVIEW

The Comprehensive Plan provides little guidance specific to this property. The subject property is located within the Central Business District Action Area, which largely discusses the creation of a town center. However, under the Residential Preservation and Economic Development goal, it includes a condition that all new development or redevelopment of non-residential uses should comply with the City of Creve Coeur Design Guidelines (p. 81). Within the Central Business District, Key Property Recommendations are provided. The subject property falls within the Central Business District 2 (bounded by I-270, New Ballas to the east, the corporate limits to the north, and Olive Boulevard to the south) and serves as an entryway into the city from I-270. As such, its role as a defining point in Creve Coeur should be considered during improvement to the existing development, as well as during any redevelopment that may occur (p. 87). Currently this area does not lend itself to safe or inviting pedestrian travel. Congested traffic dominates travel along Olive, particularly during peak hours.

As stated in the applicants' letter, the improvements will bring the building up to a new standard for its customers and the community. The current structure is low rise and lacking in character: contemporary design in the simplest form. The improvements attempt to instill higher level of design in the international style. The design includes a taller façade appropriate for the location, and creates a series of levels other than the entry on the west corner, as well as providing a greater focal point and interest from the Olive Blvd/I-270 views. While the design is not typical compared to recent approvals, it is unique architecture for Chevrolet, and appropriate for the use, given the pre-existing nature of the structure.

DESIGN GUIDELINES REVIEW

The Design Review Guidelines provide specific direction for the redevelopment of properties:

Chapter 2 / Buildings

C. Design

- 1. A diversity of high quality architectural design is strongly encouraged. Building design should incorporate a clear and well articulated design concept.*
- 2. Building facades that provide for a linear and repetitive streetscape appearance are strongly discouraged. Variations between the front elevations and the use of landscaping elements are strongly encouraged.*
- 3. The primary building entrance should be clearly defined and provide a sense of entry. It should be oriented to the street and provide protection from the elements, such as recesses, roof overhangs, projecting canopies or other similar features.*
- 6. Buildings that are stylized in an attempt to use the building itself as advertising are strongly discouraged, particularly where the proposed architecture is the result of a "corporate" or franchise style.*
- 8. All elevations should receive equal design consideration as the primary elevation. Rear and side facades should be designed with similar architectural detailing and materials to be compatible with the principal facades of the buildings, All elevations of the building are to be submitted for review.*

D. Relationship to Neighboring Development

- 1. Architectural design should be compatible with the developing character of the neighborhood area. Design compatibility includes complementary building style, form, size, color, and materials.*
- 2. Multiple buildings on the same site are to be designed to create a cohesive visual relationship between the buildings.*
- 3. Building color should be compatible with the neighborhood and should reinforce the visual character of the environment of the proposed buildings. The color should not be such that the building is competing for attention. Building colors should be subdued and not garish, and should not, in any way, constitute “signing” of the building or site.*

E. Materials/Colors

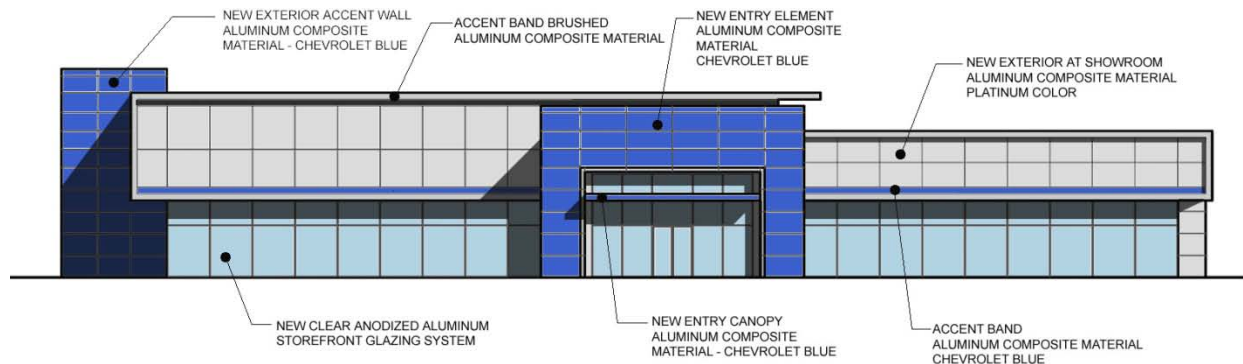
- 1. Materials should have good architectural character, be durable, and be selected for their compatibility with adjoining building and properties. Natural, traditional building materials are encouraged. A preference should be given toward “green” building materials that can be recycled. Highly reflective and/or synthetic materials are discouraged.*
- 2. Exterior materials should be selected based on their durability and appropriateness for their intended function. Special attention should be given to the durability of materials used around the ground floor of the building. Preferred building materials include stone, brick, architectural precast concrete, aluminum and glass. The materials selected should require minimal maintenance. Their color should be integral to the materials and not be painted on.*
- 4. Architectural consistency of colors, materials and detailing are to be provided between all building elevations. False or decorative façade treatments, where one or more unrelated materials are placed upon the building should be avoided. Large parapet walls should reflect the function behind them should not be freestanding. All elevations need not look alike; however, a sense of overall architectural continuity is strongly encouraged.*
- 5. Material or color changes should occur at a change of plane. Materials or color changes at the outside corners of structures that give the impression of “thinness” and artificiality of the material are discouraged. Inconsistent adornment and frequent changes in material should be avoided.*

Chapter 4 / Landscape Design

- 1. The City of Creve Coeur strongly encourages high quality landscaping that accentuates the building and site, softens the effects of parking area and enhances the quality of life of the City. All landscape plans should exhibit a clear design concept.*

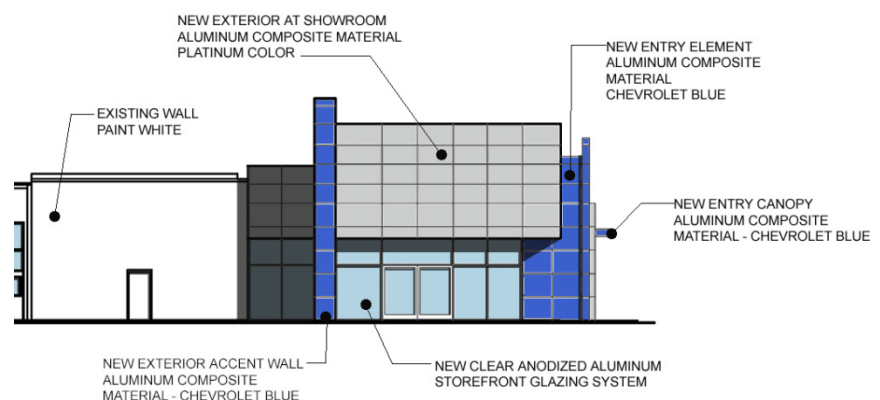
The applicant is proposing a new addition to the south façade of the building with architectural aluminum composite panels in a “Chevrolet Blue” corporate color at the entrance, accent wall on the west side of building, and accent band along the front (see close-up of drawings below). The grey is also an aluminum composite material in a “platinum color”, with an accent band in a brushed aluminum composite material around the top portion of the facade. While the use of the aluminum panels meet the expectation of a durable material, the use of the “Chevrolet Blue” does not meet with the guidelines of the Comprehensive Plan, nor the Design Guidelines of the

City of Creve Coeur, which constitute branding of the building to act as advertising in the Chevrolet franchise style. However, it is limited in nature, with the Chevrolet Blue portal, as the only “corporate” element of the design, and this does create a sense of arrival at the entrance of the building in keeping with the Design Guidelines.



As discussed during recent approvals of similar projects (i.e. CVS, Walgreens, and later revisions of the Fiat Dealership façade improvements), limited use of the corporate color is seen as a reasonable trade-off for significant improvements to the building architecture. In the case of Staff’s initial review of the Fiat Dealership façade improvements, the corporate color/materials were applied to the surface of the existing structure without any concessions in the architecture. Weber Chevrolet will be adding an entire new façade that creates a more substantial structure, and changes in the plane of the building. Further, the applicants have ceded on the other Chevrolet-preferred architectural elements, except for the blue portal over the main entrance of the structure, in order to meet with the intent of the Design Guidelines.

The elevation drawings for the west façade show a darker grey color. This was intended to indicate the shadow effect of the new exterior accent wall at the south west corner. However, Staff feel that the darker color adds to the interest of the new façade by creating “weight” and interest along the west elevation, as well as creates a visual transition to the new



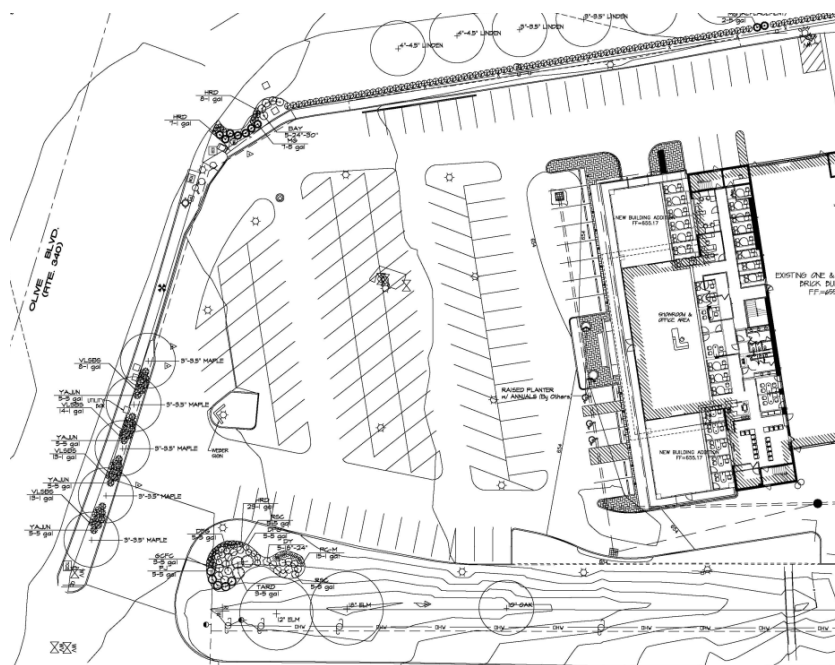
showroom. Therefore, Staff recommends that the applicant paint this area and the existing blank wall next to it a similar dark grey color.

While the new proposed façade elements are carried around the corners along both the east and west façade on the new showroom, none of the new design elements are carried around the entire building. The remaining existing structure will be repainted in the same existing white color. While this is inconsistent with the goals of the Design Guidelines, the size of the existing structure, as well as the Auto Body Service Center, and the amount of investment necessary for the new showroom, make taking a design element around the entire building cost prohibitive. Overall, Staff considers the proposed changes largely in keeping with the Design Guidelines, and

a significant improvement to the existing structure. The proposed changes could also serve as a thematic basis for similar future changes at other customer entrances around the facility.

LANDSCAPE REVIEW

The applicant is providing additional landscaping along Olive Boulevard and within the greenspace along the east property line at Orchard Lakes Drive, as well as filling in the spaces in the grass hedge along the west property line. The new “constricted” drive to the service center at the southeast corner of the building will add 1,360 square feet of greenspace. Given the tight site constraints at the southern end of the property, significant landscaping along Olive Boulevard is very limited. It should also be noted that the plantings along the west and southwest property line are within the MoDOT right-of-way maintained by the City as part of the interchange design. The Department of Public Works has reviewed the proposal and agreed to include this new planting in the City’s existing irrigation and maintenance program.



ZONING REVIEW

The subject property is located in the “CB” Core Business District (Section 405.360) where the City Council may authorize automotive dealers (new or new and used) by conditional use permit as provided in Section 405.1070, based on the criteria in Section 405.470, after receipt of the recommendation of the Planning and Zoning Commission and subject to such other restrictions and conditions as are deemed necessary. As discussed earlier, Weber Chevrolet has been operating in the current building and within the approved site development plan since 1969 under the St. Louis County Ordinance #4632. That ordinance contains the following conditions (among others):

9. Refuse, such as rags, tires, cans, auto parts and similar materials shall not be stored out of doors, nor shall containers for same be located out of doors.
10. Storage of wrecked or immobilized motor vehicles shall be indoors or if outdoors, shall be so screened as not to be visible from the adjacent “R” Residence Districts, or from any public or private street or highway.

Further, conditional uses for Automotive Dealers must meet the following requirements:

Section 405.470: CONDITIONAL USES

11. *Automotive dealers--SIC Code 551 (conditional use in the "GC" and "CB" districts).*
 - a. *Site size. Shall be located on lots of not less than one (1) acre.*
 - b. *Service bays. Service bays shall be limited to one (1) per five thousand (5,000) square feet of land area. All service bays shall be contained entirely within the building. Service bay doors shall not face residentially zoned property ("A", "B", "C", "D", "AR" or "MR").*
 - c. *Trash disposal and storage. All used tires and parts, trash and similar objects shall be stored within a solid brick or concrete enclosure in the rear half or, in the case of corner sites, the rear quarter of the site.*

The current City Zoning Code does not allow for the storage of wrecked or immobilized motor vehicles either. However, as mentioned earlier, the auto body service center is a legally pre-existing service, and the damaged vehicles are in compliance with the County Ordinance. Dumpsters located throughout the site are currently not in compliance with either the City's Codes or the St. Louis County Ordinance. Please refer to the Property Maintenance review below for further discussion.

Parking:

The showroom addition will require the removal of 28 parking spaces. Current total existing parking available on site is 1,117 spaces; with the showroom addition, the proposed parking will be 1,089 spaces.

Section 405.820(f)(1) of the Required Off-Street Parking for Automotive Wholesale and Retail Trade requires:

- a. *Automobile or boat dealers (SIC Codes 5510, 5520, 5550, 5560 and 5590). One (1) space per two hundred fifty (250) square feet of show room floor area plus three (3) parking spaces per service bay plus one (1) space per one thousand two hundred fifty (1,250) square feet of total aggregate building area. Parking spaces typically occupied by new or used automobiles for sale shall not be counted towards the required off-street parking requirements. Such parking spaces occupied by automobiles for sale do not have to meet the minimum parking space requirements specified in this Chapter.*

Parking Calculations for Weber Chevrolet (including the new showroom addition) are:

Showroom : 4664 square feet total
1 parking space per 250 square feet: 19 spaces

Vehicle Bays
Service Center: 34 bays
Body shop: 21 bays
3 parking spaces per bay: 165 spaces

Approximate aggregate square feet: 69,000 square feet

1 parking space per 1,250 square feet: 53 spaces

Total Parking Spaces Needed: 237 spaces

Total Proposed Parking Available On-Site: 1,089 spaces

The remaining spaces are used for inventory.

Section 405.1070(E)(4) Standards for Conditional Use Permits states that the City Council shall not approve a conditional use unless it finds that it meets the applicable provisions of the City's Comprehensive Plan and any applicable neighborhood or sector plans and complies with other applicable zoning district regulations and provisions of this Chapter, unless good cause exists for deviation therefrom. Staff believe all zoning requirements are met except where super ceded by a legally pre-existing non-conformity.

PROPERTY MAINTENANCE

While visiting the property, Staff found the following property maintenance issues:

- Unsecured dumpster enclosures (also in violation of the original approval from St. Louis County)
- Broken asphalt
- Appearance of covered prior greenspace along the interior fence of the back parking lot north of the building, and/or parking on the greenspace

The applicant is aware of the violations, and is currently seeking bids for the resurfacing of the back parking area, and new trash services. Staff recommends that condition of approval include properly enclosing and securing of dumpsters, removal of asphalt from greenspace, and repair of the broken pavement. The parking of vehicles will be limited to one per designated space.

FORM OF THE DRAFT ORDINANCE

The applicant requested an amendment to the existing conditional use permit. However, the original permit was issued by St. Louis County in 1968, and has not been enforced by the City of Creve Coeur since the passage of the amended conditional use permit Ordinance 1171. Staff is, therefore, requesting that the City repeal the prior City ordinance, and issue a new conditional use permit that will govern all development after the date of approval. The draft ordinance is generally in keeping with the original ordinances, except for the conditions indicated within this report.

The conditions discussed within the staff report which are included in the draft ordinance include:

1. The building remodel shall be consistent with the building plans dated June 22, 2011, and landscaping drawings received August 11, 2011 (attached as Exhibit 1), except as otherwise required herein.
2. An underground irrigation system shall be installed and maintained to serve the landscaped areas identified on the Landscape Plan outside of the City of Creve Coeur Maintenance areas.
3. Vegetation that is totally or predominantly dead and/or disfigured due to disease or injury shall be replaced as needed and in a prompt and workmanlike manner as dictated by accepted horticultural standards.

4. The owner of the property shall address all outstanding property maintenance violations on the property to the satisfaction of the Chief Building Official prior to the issuance of any final Certificate of Occupancy for the automotive dealership permitted by this ordinance.
5. Trash enclosures shall be of materials compatible with the existing buildings.
6. Parking of automobiles shall be limited to one automobile per designated parking space.
7. The exterior masonry walls between the new showroom façade and the pre-existing service bays shall be painted dark grey compatible with the showroom façade subject to review and approval by the Zoning Administrator. Refusal of the additional grey painting by the franchisor (General Motors) shall not place the franchisee in violation of this ordinance.

ACTION

If the Planning and Zoning Commission finds the attached draft conditional use permit ordinance to be in conformance with the purposes and regulations of the Comprehensive Plan and Zoning Code, it may vote on a recommendation to the City Council. Any changes to the draft ordinance should be discussed and made by separate actions.

MOTION

The following is an example of an appropriate motion for this application:

“I move to recommend approval of the Conditional Use Permit Ordinance for the new showroom addition and landscape plans, subject to the conditions contained in the draft ordinance attached to the staff report dated August 15, 2011.” (Conditions may be added, eliminated, or modified by preceding motion)

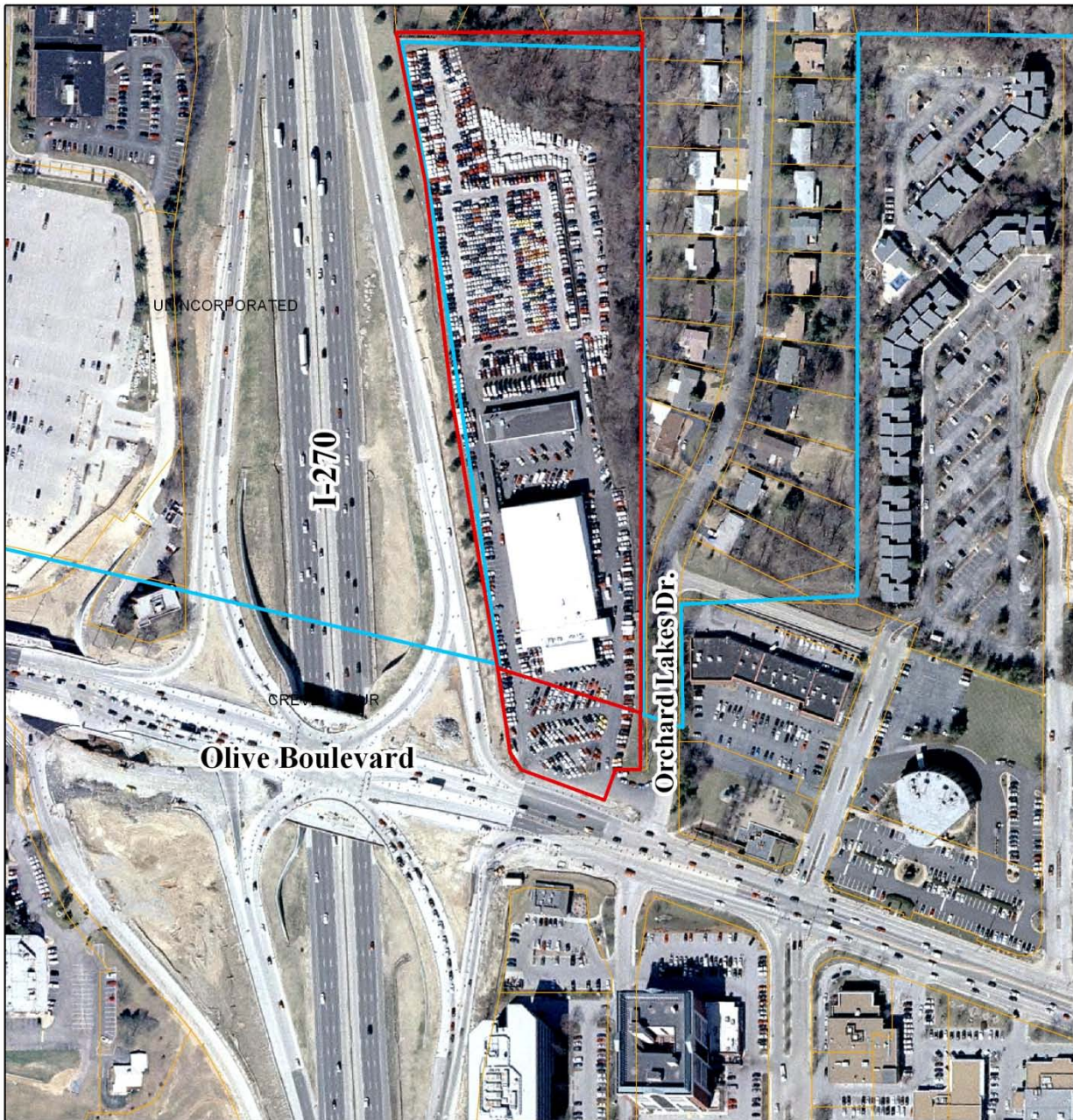
APPENDIX 1: COMPREHENSIVE PLAN, INCLUDING DESIGN GUIDELINES

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 3: AERIAL MAP



Legend

- Weber Chevrolet, 12015 Olive Boulevard
- City Limit
- Property Lines



APPENDIX 4: SITE PHOTOGRAPHS Application #11-012	Photo Date: 07/29/2011
	Description: View of the south façade from the southeast corner of the property along Olive Boulevard.
	Description: View of the existing building at the southwest corner of the property line. New addition will take up some of the parking area next to the corner of the building.
	Description: View of the current showroom from the top of the berm in the greenspace along Orchard Lakes Drive, where the proposed addition will require the removal of the cars parked next to the building, and the creation of additional greenspace along the access drive to the service center.



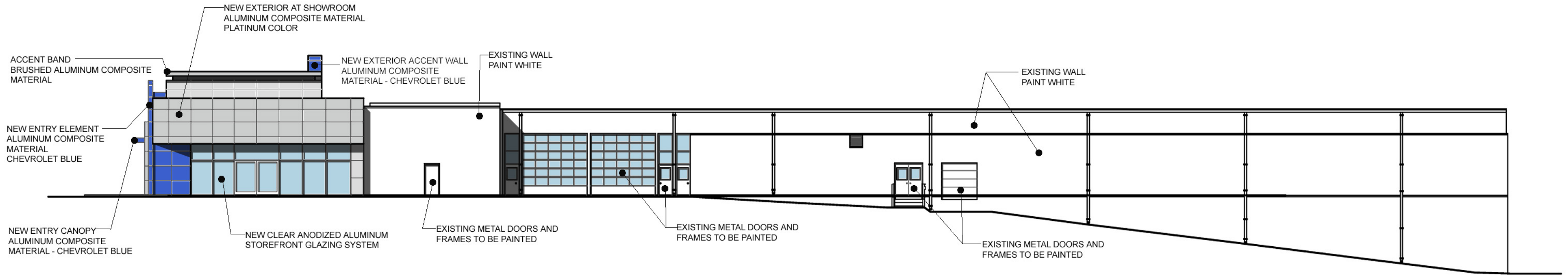
Description: Example of unenclosed dumpsters on site.



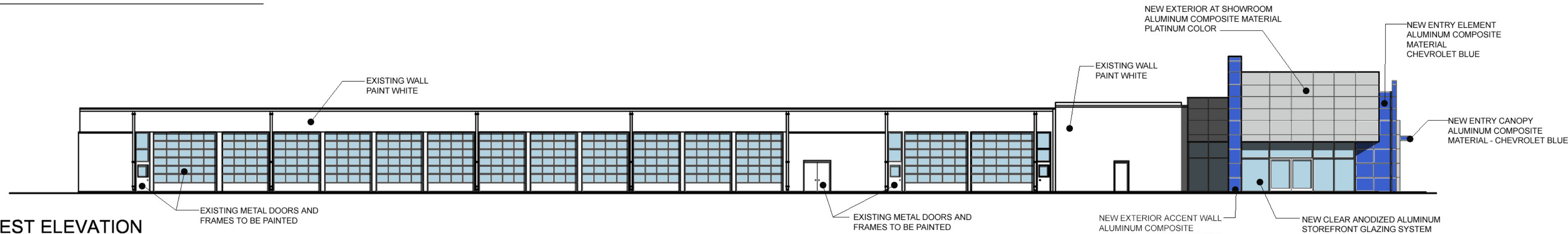
Description: Broken asphalt and/or prior green space that has been covered.



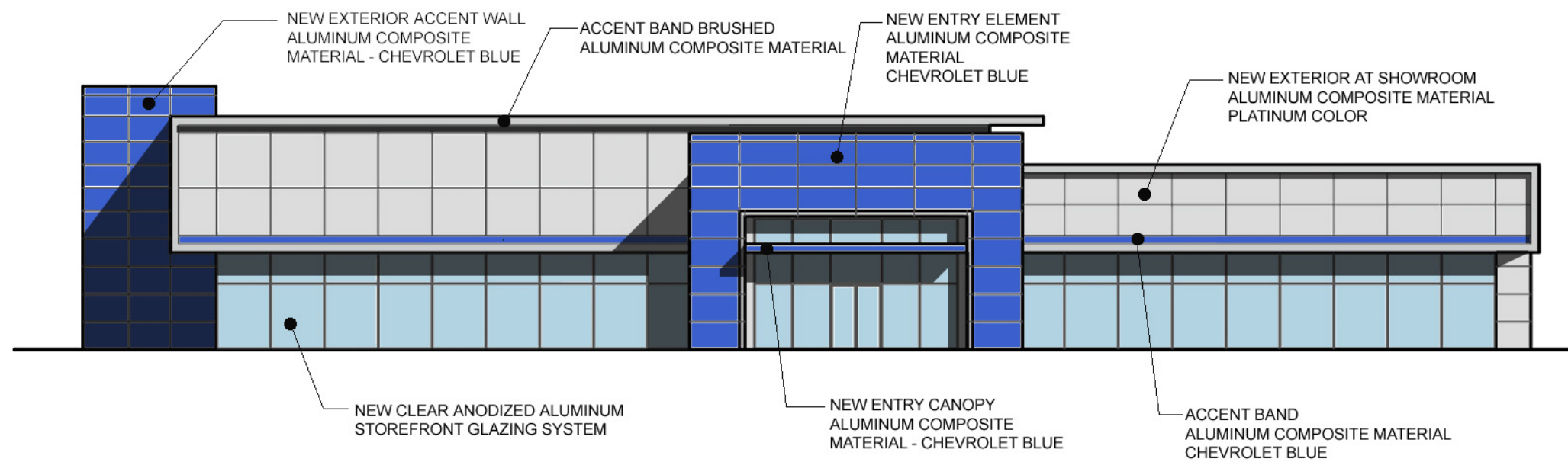
Description: Cars parked over green space, along the back.



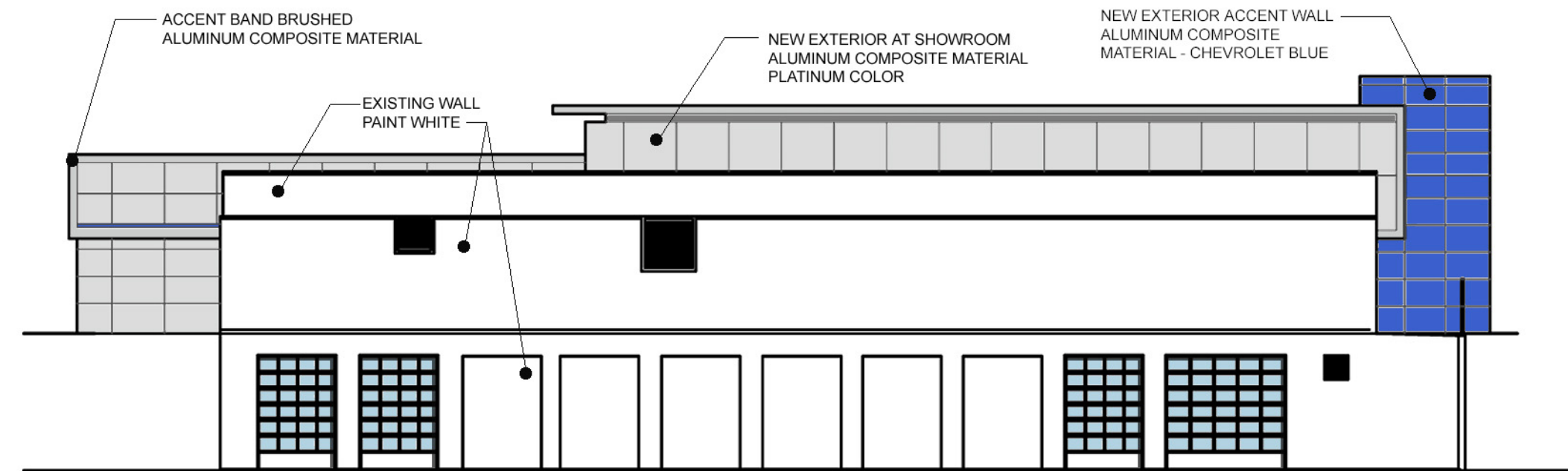
EAST ELEVATION



WEST ELEVATION

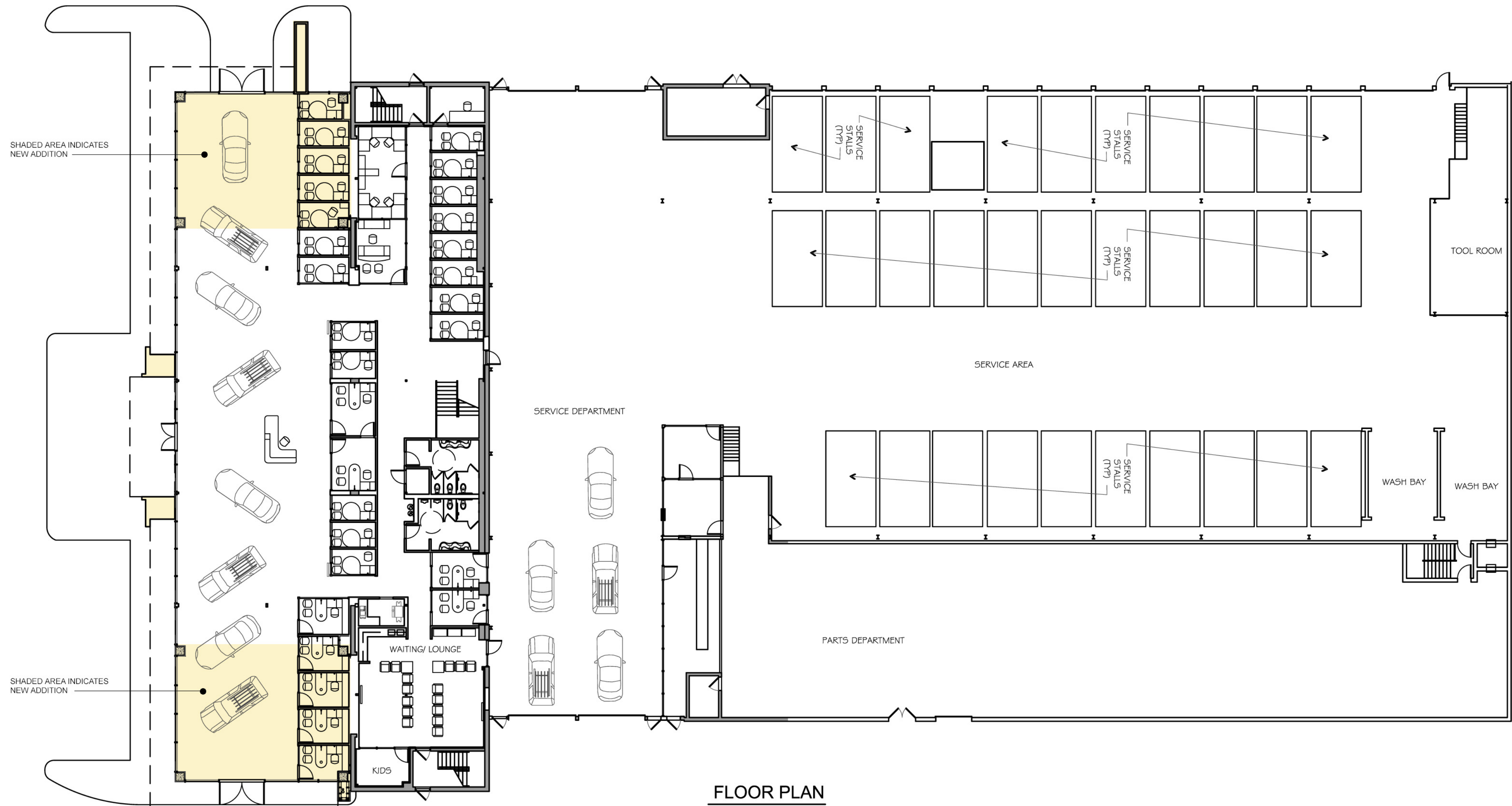


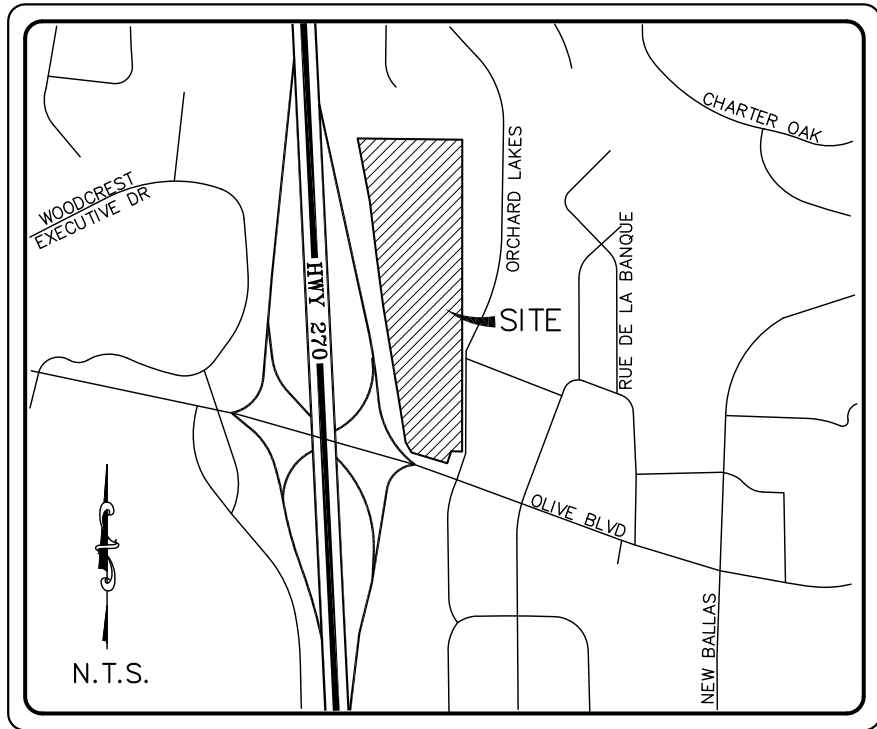
SOUTH ELEVATION



NORTH ELEVATION







LOCATION MAP

LEGAL DESCRIPTION:

A tract of land being part of Lots 3 and 4 of "Lake House Farm", a subdivision according to the plat thereof recorded in Plat Book 9, Page 74 of the St. Louis County, Missouri records and located in Township 45 North, Range 5 East of the Fifth Principal Meridian, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a point on the North right-of-way line of Olive Boulevard (Route 340); said point being 65 feet perpendicular to Station 116+90.20 of the centerline of said Olive Boulevard; thence with the North right-of-way line, North 73 degrees 14 minutes 30 seconds West 161.77 feet to a point; said point being 65 feet perpendicular to Station 115+36.22 of the centerline of said Olive Boulevard; thence leaving said North right-of-way line and along the Highway I-270 Ramp North the following courses and distances: North 30 degrees 45 minutes 30 seconds West 50.35 feet; North 08 degrees 48 minutes 30 seconds West 156.52 feet; North 09 degrees 32 minutes 30 seconds West 441.58 feet; North 07 degrees 34 minutes 58 seconds West 232.87 feet; North 06 degrees 57 minutes 30 seconds West 227.61 feet; North 10 degrees 56 minutes 30 seconds West 278.00 feet to a point; said point being on the South line of Orchard Lakes Plat 1 as recorded in Plat Book 97, Pages 20-21; thence with the said South line, South 89 degrees 16 minutes 00 seconds East 454.38 feet to a point; thence leaving said South line, South 00 degrees 02 minutes 00 seconds West 1353.11 feet to a point; thence North 88 degrees 23 minutes 00 seconds West 47.29 feet; thence South 18 degrees 26 minutes 30 seconds West 55.00 feet to the Point of Beginning, containing 10.843 Acres according to calculations by Box Engineering during May, 2011.

A SITE DEVELOPMENT PLAN FOR
WEBER CHEVROLET
A TRACT OF LAND BEING PART OF
LOTS 3 & 4 OF "LAKE HOUSE FARM" SUBDIVISION
PLAT BOOK 9, PAGE 74
TOWNSHIP 45 NORTH, RANGE 5 EAST
OF THE FIFTH PRINCIPAL MERIDIAN
CITY OF CREVE COEUR
ST. LOUIS COUNTY, MISSOURI

DEVELOPMENT NOTES:

- Area of tract: 10.843 Acres
- Existing Zoning: "CB" Core Business District
With A Conditional Use Permit
(City of Creve Coeur)
- Existing & Proposed Use: Automobile Dealership
- Owner: Weber Chevrolet
12015 Olive Boulevard
Creve Coeur, MO 63141
(314) 567-3300
- Required building setback for CB Zoning:
Front yard = 30' feet fronting Olive Blvd.
Side yard = 10' feet
Rear yard = 10' feet
- Flood Note:
Per F.I.R.M. Flood Insurance Rate Map (Community Panel Number 29189C0162 H Dated August 2, 1996). This property is within Zone X. Zone X is defined as an area outside the 500 year flood plain.
- This property is served by the following utilities:
Electric: AmerenUE Electric Co. (314) 242-5100
Telephone: AT&T Telephone Co. (800) 499-7928
Gas: Laclede Gas Co. (314) 342-0709
Water: Missouri American Water Co. (314) 991-3404
Sewer: St. Louis Metropolitan Sewer District (314) 768-6200
Fire District: Creve Coeur Fire Protection District (314) 432-5570
- Existing Site Coverage:
Buildings - 42,930 sq.ft. - 9%
Pavement - 262,494 sq.ft. - 58%
Green Space - 151,216 sq.ft. - 33%
- Parking Required:
Showroom - 1 Space per 250 sq.ft. = 4,590 sq.ft./250 = 19 Spaces
Service Bays - 3 Spaces per Service Bay = 55 x 3 = 165 Spaces
Aggregate Building sq.ft. - 1 Space per 1,250 sq.ft. = 69,000 sq.ft./1,250 = 56 Spaces
Total Spaces Required = 240
Handicap Spaces Required = 7
Handicap Spaces Provided = 7
Van Accessible Spaces Required = 1
Van Accessible Spaces Provided = 1
(NOTE: All the rest of the parking spaces onsite are for Inventory and Sales)
- Stormwater design shall be in accordance with Metropolitan St. Louis Sewer District and City of Creve Coeur.
- All paving shall be in accordance with City of Creve Coeur Minimum Standards and Specifications.
- Sidewalks, curb ramps, ramp and accessible parking spaces shall be constructed in accordance with the current approved "Americans with Disabilities Act Accessibility Guidelines" (ADAAG) along with the required grades, construction materials, specifications and signage.



A SITE DEVELOPMENT PLAN FOR
WEBER CHEVROLET
PREPARED FOR: **WEBER CHEVROLET**
12015 OLIVE BOULEVARD
CREVE COEUR, MO 63141
(314) 567-3300

DISCLAIMER OF RESPONSIBILITY
I hereby disclaim any responsibility for all other drawings, specifications, estimates, reports or other documents or instruments relating to or intended to be used for any part or parts of the architectural or engineering project or survey other than these authenticated by my seal.

Larry David Walker
Civil Engineer
2007020343
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REVISIONS	
7-22-11	CLIENT

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FAX 928-1718

05-06-11
DATE
10-15159
PROJECT NUMBER
1 OF 2
SHEET OF
15159pre.dwg
FILE NAME
CLM/MGG
DRAWN
MGG CLH
DESIGNED CHECKED

LANDSCAPE GUIDELINE SPECS:

GENERAL:

- 1) All natural vegetation shall be maintained where it does not interfere with construction or the permanent plan of operation. Every effort possible shall be made to protect existing structures or vegetation from damage due to equipment usage. Contractor shall at all times protect all materials and work against injury to public. The landscape contractor shall be responsible for any coordination with other site related work being performed by other contractors. Refer to architectural drawings for further coordination of work to be done.
- 2) Underground facilities, structures and utilities must be considered approximate only. There may be others not presently known or shown. It shall be the landscape contractor's responsibility to determine or verify the existence of and exact location of the above (Call 1-800-DIG-RITE).
- 3) Plant material are to be planted in the same relationship to grade as was grown in nursery conditions. All planting beds shall be cultivated to 6" depth minimum and graded smooth immediately before planting of plants. Plant groundcover to within 12" of trunk of trees or shrubs planted within the area.
- 4) It shall be the landscape contractor's responsibility to:
 - A.) Verify all existing and proposed features shown on the drawings prior to commencement of work.
 - B.) Report all discrepancies found with regard to existing conditions or proposed design to the landscape architect immediately for a decision.
 - C.) Stake the locations of all proposed plant material and obtain the approval of the owner's representative or landscape architect prior to installation.
- 5) Items shown on this drawing take precedence over the material list. It shall be the landscape contractor's responsibility to verify all quantities and conditions prior to implementation of this plan. No substitutions of types or size of plant materials will be accepted without written approval from the landscape architect.
- 6) Provide single-stem trees unless otherwise noted in plant schedule.
- 7) All plant material shall comply with the recommendations and requirements of ANSI Z60.1 "American Standards for Nursery Stock".
- 8) It shall be the contractor's responsibility to provide for inspection of the plant material by the Landscape Architect prior to acceptance. Plants not conforming exactly to the plant list will not be accepted and shall be replaced at the landscape contractor's expense.
- 9) All bids are to have unit prices listed. The Owner has the option to delete any portion of the contract prior to signing the contract or beginning work. This will be a unit price contract.
- 10) All plant material to be transplanted shall be transplanted according to guidelines set by AAN standards. Transplanted material will not be guaranteed by the landscape contractor.

INSURANCE:

- 1) The landscape contractor shall submit certificates of insurance for workman's compensation and general liability.

MULCH:

- 1) All mulch to be shredded oak bark mulch at 3" depth (after compaction) unless otherwise noted. Mulch shall be clean and free of all foreign materials, including weeds, mold, deleterious materials, etc.
- 2) No plastic sheeting or filter fabric shall be placed beneath shredded bark mulch beds. Myrafi fabric shall be used beneath all gravel mulch beds.
- 3) Edge all beds with spade-cut edge unless otherwise noted.

MAINTENANCE:

- 1) Landscape Contractor shall provide a separate proposal to maintain all plants, shrubs, groundcover, perennials and annuals for a period of 12 months after acceptance.
- 2) Contractor shall ensure that only competent and trained personnel shall provide such services and that such services be provided in a timely manner.

TOPSOIL:

- 1) Topsoil mix for all proposed landscape plantings shall be five (5) parts well-drained screened organic topsoil to one (1) part Canadian sphagnum peat moss as per planting details. Rota-till topsoil mix to a depth of 6" minimum and grade smooth.
- 2) Provide a soil analysis, as requested, made by an independent soil-testing agency outlining the % of organic matter, inorganic matter, deleterious material, pH and mineral content.
- 3) Any foreign topsoil used shall be free of roots, stumps, weeds, brush, stones (larger than 1"), litter or any other extraneous or toxic material.
- 4) Landscape contractor to apply pre-emergent herbicide to all planting beds upon completion of planting operations and before application of shredded bark mulch.

MISC. MATERIAL:

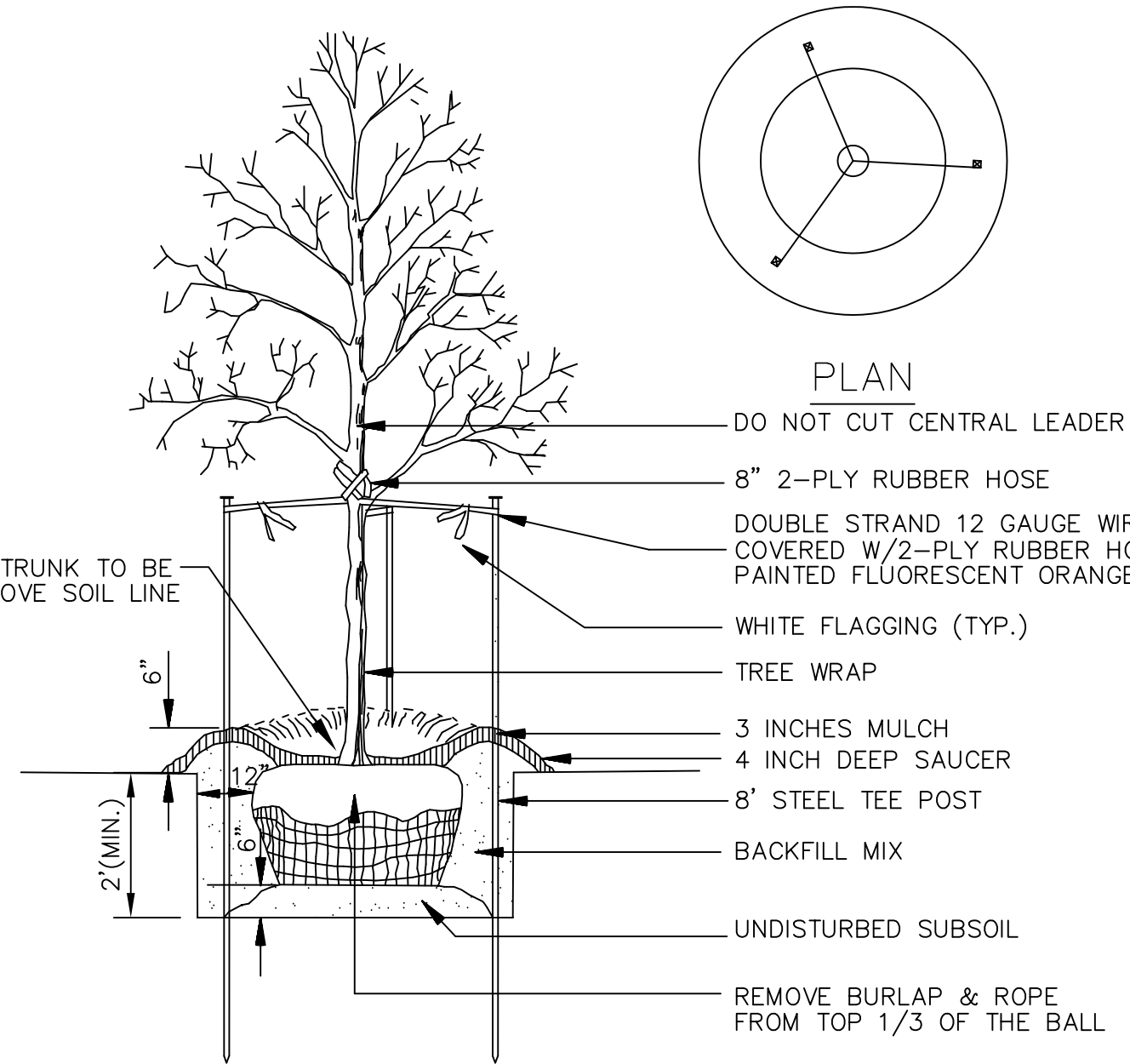
- 1) Provide stakes and deadmen of sound, new hardwood, free of knotholes and defects.
- 2) Tree wrap tape shall be 4" minimum, designed to prevent borer damage and winter freezing. Additionally, only 3-ply tying material shall be used.

TURF:

- 1) All disturbed lawn areas to be seeded with a mixture of Turf-Type fescue (300# per acre) and bluegrass (18# per acre). Lawn areas shall be unconditionally warranted for a period of 90 days from date of final acceptance. Bare areas more than one square foot per any 50 square feet shall be replaced.
- 2) Landscape contractor shall offer an alternate price for sod in lieu of seed. Sod shall be cut at a uniform thickness of 3/4". No broken pieces, irregular pieces or torn pieces will be accepted.
- 3) Any points carrying concentrated water loads and all slopes of 15% or greater shall be sodded.
- 4) All sod shall be placed a maximum of 24 hours after harvesting.
- 5) Recondition existing lawn areas damaged by Contractor's operations including equipment/material storage and movement of vehicles.

WARRANTY:

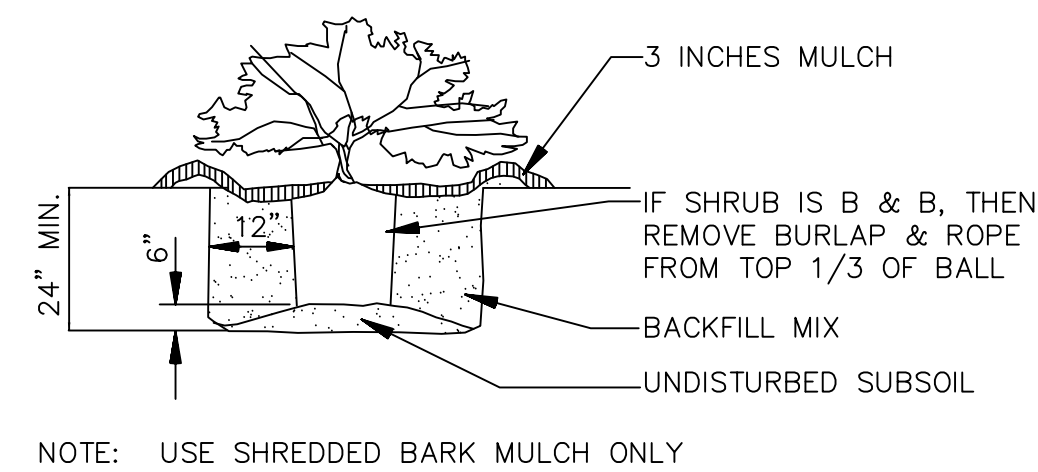
- 1) All plant material (excluding ground cover, perennials and annuals) are to be warranted for a period of 12 months after installation at 100% of the installed price.
- 2) Any plant material found to be defective shall be removed and replaced within 30 days of notification or in growth season determined to be best for that plant.
- 3) Only one replacement per tree or shrub shall be required at the end of the warranty period, unless loss is due to failure to comply with warranty.
- 4) Lawn establishment period will be in effect once the lawn has been mowed three times. Plant establishment period shall commence on the date of acceptance and 100% completion.



NOTE: USE SHREDDED BARK MULCH ONLY

DECIDUOUS TREE PLANTING

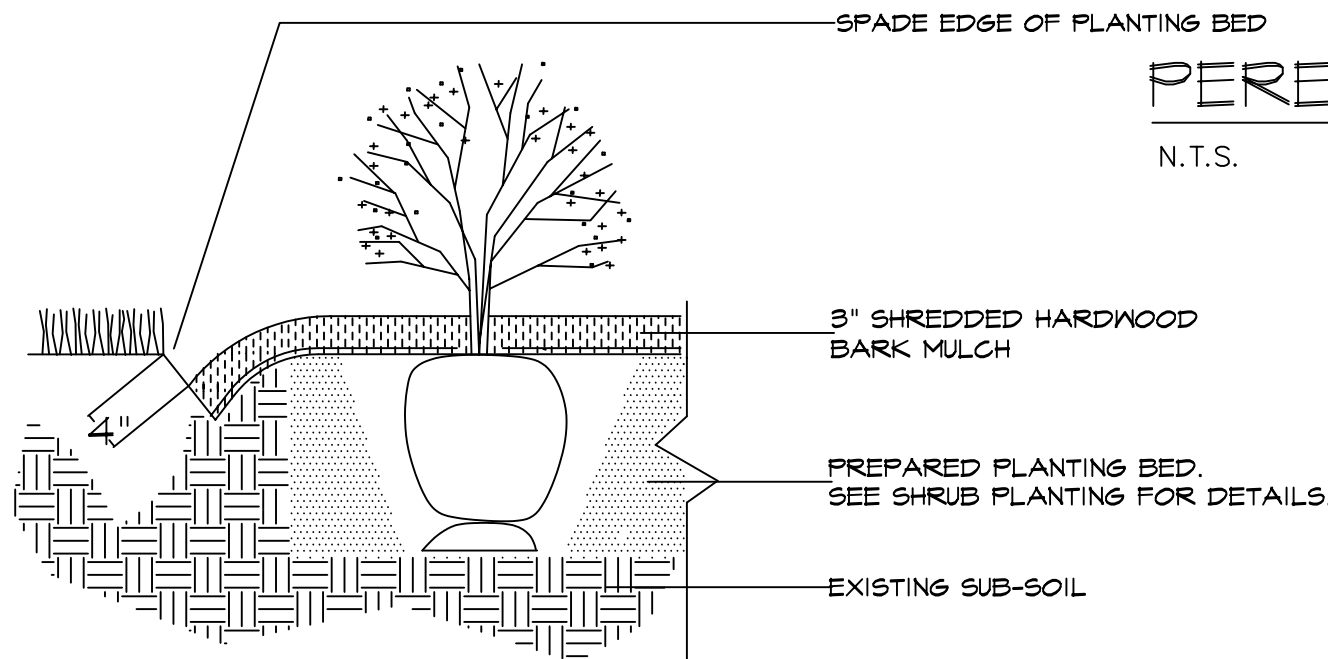
N.T.S.



NOTE: USE SHREDDED BARK MULCH ONLY

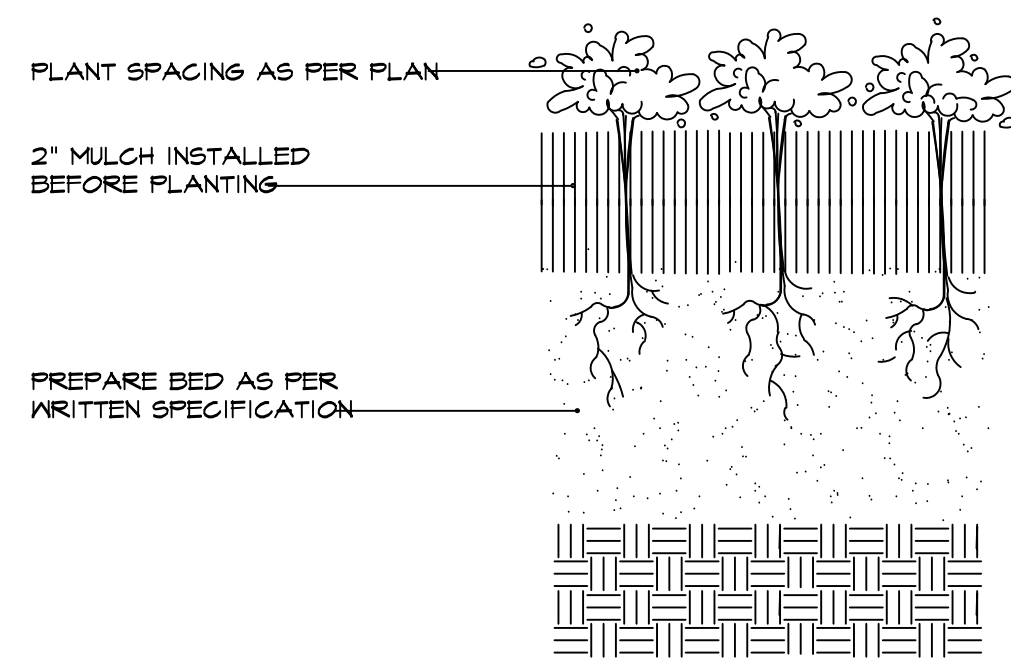
SHRUB PLANTING

N.T.S.



SPADE-CUT EDGE DETAIL

N.T.S.



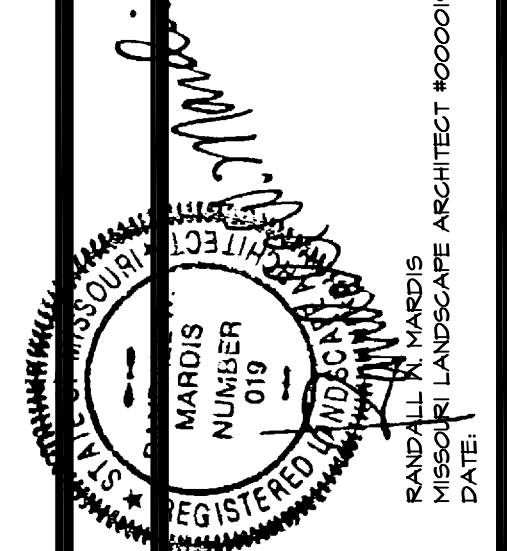
PERENNIAL / ANNUAL PLANTING

N.T.S.

PLANT SCHEDULE

SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	SIZE
GCFC	3	Chamaecyparis pisifera filifera 'Golden Charm' / Golden Charm False Cypress	5 gal
RSC	10	Clethra alnifolia 'Ruby Spice' / Ruby Spice Clethra	5 gal
TARD	3	Hydrangea paniculata 'Tardiva' / Tardiva Hydrangea	5 gal
YAJUN	20	Juniperus horizontalis 'Youngstown' / Compact Youngstown Andorra Juniper	5 gal
PJ	5	Juniperus procumbens 'Nana' / Procumbens Juniper	5 gal
BAY	5	Myrica pensylvancia / Northern Bayberry	24"-30"
DY	5	Taxus media 'Densiformis' / Dense Yew	18"-24"
ANNUALS/PERENNIALS	QTY	BOTANICAL NAME / COMMON NAME	SIZE
PC-M	15	Echinacea purpurea 'Magnus' / Purple Coneflower	1 gal
HRD	38	Hemerocallis hybrid 'Happy Returns' / Happy Returns Daylily	1 gal
VLSBS	48	Rudbeckia fulgida 'Viette's Little Suzy' / Viette's Little Suzy Blackeyed Susan	1 gal
GRASSES	QTY	BOTANICAL NAME / COMMON NAME	SIZE
MG	9	Miscanthus sinensis 'Gracillimus' / Maiden Grass	5 gal
DFG	10	Pennisetum alopecuroides 'Hameln' / Dwarf Fountain Grass	5 gal

REVISIONS	BY



PLANTING PLAN FOR:
Weber Chevrolet
OLIVE STREET ROAD at INTERSTATE 270
CREVE COEUR, MISSOURI

DRAWN R. MARDIS
CHECKED RM/GJB
DATE AUGUST 8, 2011
SCALE N.A.
JOB NO. 2011-148
SHEET

L-2

OF TWO SHEETS



May 5, 2011

City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

Project Name: *Weber Chevrolet Creve Coeur*

Dear: Madam or Sir

The following is the written Rationale as requested in the Conditional Use Permit Application.

We believe the request for conditional use permit should be approved for the following reasons:

1. Weber Chevrolet is currently under an existing CUP.
2. This request is to amend the existing CUP to allow a showroom addition and exterior face lift.
3. The proposed addition and face lift will not change the use of the facility in any way. Weber Chevrolet will continue to serve the community with automobile sales and service the same as they have in this location since 1969.
4. The updated facility will bring Weber Chevrolet up to a new standard that will enhance the customer's automobile sales and service experience.
5. The City of Creve Coeur will benefit with the new look which will add to the communities feeling of being new and up to date.

Sincerely,

Jay Schoessel
Principal
SP Architects

1115 Olivette Executive Pkwy
Saint Louis, MO 63132

Phone 314.872.9700
fax 314.872.7726

www.sp-stl.com
e-mail: sparchitects@sp-stl.com

BILL NUMBER 1197

ORDINANCE NUMBER 1171

AN ORDINANCE AUTHORIZING THE ISSUANCE OF AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR WEBER CHEVROLET LOCATED AT 12015 OLIVE BOULEVARD IN THE "CB" CORE BUSINESS DISTRICT FOR THE CONSTRUCTION OF A PARKING LOT, SUBJECT TO CONDITIONS SET FORTH HEREIN.

WHEREAS, AN APPLICATION WAS MADE FOR AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A SIXTY-NINE (69) CAR EMPLOYEE PARKING LOT AS SUBMITTED BY MR. D. SCHULTZ OF SCHULTZ GROUP, INC., ARCHITECT, FOR WEBER CHEVROLET LOCATED AT 12015 OLIVE BOULEVARD IN THE "CB" CORE BUSINESS DISTRICT, AND

WHEREAS, A HEARING WAS HELD BY THE PLANNING AND ZONING COMMISSION RECOMMENDING APPROVAL OF SAID APPLICATION, AND

WHEREAS, A PUBLIC HEARING WAS HELD BY THE CITY COUNCIL ON AUGUST 25, 1986, AT 8:20 P.M. ON SAID APPLICATION FOR AN AMENDMENT FOR A CONDITIONAL USE PERMIT AS PROVIDED BY SECTION 26-114 OF ORDINANCE NO. 1044 OF THE CITY OF CREVE COEUR, AND

WHEREAS, NOTICE OF PUBLICATION FOR SAID PUBLIC HEARING HAD PREVIOUSLY BEEN PUBLISHED IN THE ST. LOUIS COUNTIAN ON AUGUST 6, 13 AND 20, 1986, AND

WHEREAS, ALL PARTIES DESIRING TO BE HEARD, EITHER FOR OR AGAINST SAID APPLICATION WERE GIVEN AN OPPORTUNITY TO BE HEARD, AND

WHEREAS, THE CITY COUNCIL BEING FULLY INFORMED FINDS THAT THE GRANTING OF THE APPLICATION WOULD BE HARMONY WITH THE PUBLIC HEALTH, SAFETY, COMFORT AND CONVENIENCE OF THE CITIZENS OF THE CITY OF CREVE COEUR AND IN CONFORMANCE WITH GOOD ZONING PRACTICE;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR AS FOLLOWS:

SECTION 1: THE CITY COUNCIL HEREBY DETERMINES AND FINDS THAT THE ISSUANCE OF AN AMENDMENT TO A CONDITIONAL USE PERMIT BY THE CITY ADMINISTRATOR, AS REQUESTED BY DONALD E. SCHULTZ, SCHULTZ GROUP, INC. ARCHITECTS, FOR WEBER CHEVROLET, IN THE APPLICATION FOR AN AMENDED CONDITIONAL USE PERMIT ON THE HEREINAFTER DESCRIBED PROPERTY, WILL CONFORM AND COMPLY WITH THE REQUIRED STANDARDS FOR CONDITIONAL USE PERMITS AS SET FORTH IN ARTICLE VIII, SECTION 26-114.5 OF ORDINANCE NO. 1044, AND THEREFORE AN AMENDED CONDITIONAL USE PERMIT IS HEREBY AUTHORIZED TO BE ISSUED FOR THE CONSTRUCTION OF A SIXTY-NINE (69) CAR EMPLOYEE PARKING

LOT ON THE FOLLOWING DESCRIBED PROPERTY IN THE "CB" CORE BUSINESS DISTRICT:

BEGINNING AT A POINT IN THE NORTH LINE OF THE EXISTING CITY OF CREVE COEUR, MISSOURI CITY LIMITS LINE, SAID BEGINNING POINT BEING 230 FEET NORTH OF THE ORIGINAL CENTER LINE OF OLIVE BOULEVARD AND THE WESTERN LINE OF ORCHARD LAKES SUBDIVISION; THENCE NORTHWARDLY AND ALONG THE WEST LINE OF SAID ORCHARD LAKES SUBDIVISION APPROXIMATELY 1,250 FEET TO A POINT IN THE SOUTH LINE OF ORCHARD LAKES SUBDIVISION; THENCE WESTWARDLY AND ALONG THE SOUTH LINE OF SAID ORCHARD LAKES SUBDIVISION, APPROXIMATELY 450 FEET TO THE POINT IN THE EASTERN LINE OF INTERSTATE ROUTE 270 RIGHT-OF-WAY LINE; THENCE SOUTHWARDLY AND ALONG THE EASTERN RIGHT-OF-WAY LINE OF INTERSTATE ROUTE 270 APPROXIMATELY 1,200 FEET TO A POINT IN THE NORTHERN CITY LIMITS LINE, THENCE EASTWARDLY AND ALONG THE NORTHERN CITY LIMITS LINE APPROXIMATELY 300 FEET TO THE POINT OF BEGINNING.

AN AUTOMOBILE DEALERSHIP LOCATED AT 12015 OLIVE BOULEVARD, AND PRESENTLY KNOWN AS WEBER CHEVROLET, AND THE PRESENT SITE CONTAINING APPROXIMATELY 11 ACRES.

SECTION 2: THIS AMENDMENT TO THE CONDITIONAL USE PERMIT PREVIOUSLY GRANTED SHALL BE SUBJECT TO ALL ORDINANCES, RULES AND REGULATIONS, AND THE FOLLOWING CONDITIONS:

1. THE AMENDMENT TO THE CONDITIONAL USE PERMIT SHALL BE FOR THE CONSTRUCTION OF A SIXTY-NINE (69) CAR EMPLOYEE PARKING LOT IN GENERAL CONFORMANCE WITH THE SITE PLAN APPROVED BY THE PLANNING AND ZONING COMMISSION ON JULY 22, 1986.
2. ALL SIGNAGE SHALL BE IN COMPLIANCE WITH THE SIGN REGULATIONS OF THE CITY AT WEBER CHEVROLET LOCATED AT 12015 OLIVE BOULEVARD.
3. THE HOURS OF OPERATION OF SAID PARKING LOT SHALL BE FROM 6:00 A.M. TO 7:00 P.M.
4. NONE OF THE EXISTING TREES TO THE EAST WILL BE REMOVED FOR THE CONSTRUCTION OF THE PROPOSED PARKING LOT.
5. THIS PARKING LOT WILL NOT BE LIGHTED.

6. PARKING SHALL BE PROHIBITED ON THE INTERNAL DRIVEWAY WHICH PROVIDES ACCESS TO ORCHARD LAKES DRIVE AND RUNS PARALLEL TO OLIVE BOULEVARD.

7. NO PENNANTS, BANNERS, TEMPORARY SIGNS, FRINGE, LIGHTS, PINWHEELS, OR OTHER SIMILAR DEVICES FOR ATTRACTING ATTENTION MAY BE DISPLAYED AT ANY TIME.

8. A COPY OF ALL HEREIN ATTACHED CONDITIONS SHALL BE FURNISHED BY THE OWNER OR PETITIONER TO THE OPERATOR(S) OR MANAGER(S), INCLUDING SUCCESSIVE OPERATOR(S), OWNER(S) OR MANAGER(S) WHO SHALL FORWARD TO THE ZONING ENFORCEMENT OFFICER AN ACKNOWLEDGEMENT THAT HE OR SHE HAS READ AND UNDERSTOOD EACH OF THESE CONDITIONS AND AGREES TO COMPLY THEREWITH.

9. ANY TRANSFER OF OWNERSHIP OR LEASE OF THE PROPERTY SHALL INCLUDE IN THE TRANSFER OR LEASE AGREEMENT A PROVISION THAT THE PURCHASER OR LESSEE AGREES TO BE BOUND BY THE CONDITIONS HEREIN SET FORTH AND APPROVED DEVELOPMENT PLAN FOR THE PROPERTY.

10. ALL CONDITIONS CONTAINED WITHIN THIS PERMIT SHALL BE POSTED UPON THE PROPERTY IN SUCH A MANNER THAT IT IS VISIBLE TO THE PUBLIC AND THE OPERATOR OF SAID FACILITY.

11. FAILURE TO COMPLY WITH ANY ONE OR ALL OF THE CONDITIONS OF THIS PERMIT SHALL BE ADEQUATE CAUSE FOR THE REVOCATION OF SAID PERMIT BY THE CITY COUNCIL, PROVIDED, HOWEVER, NO PERMIT SHALL BE REVOKED WITHOUT REASONABLE NOTICE TO THE OWNER OF THE INTENTION OF THE CITY COUNCIL TO REVOKE AND REASONABLE TIME GRANTED TO THE OWNER TO CORRECT ANY SUCH BREACH OF CONDITION.

SECTION 3: THE CITY ADMINISTRATOR OF THE CITY OF CREVE COEUR IS HEREBY AUTHORIZED AND DIRECTED TO ISSUE AN AMENDMENT TO A CONDITIONAL USE PERMIT IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE, SAID PERMIT TO EXPRESSLY PROVIDE FOR THE CONDITIONS AND STIPULATIONS HEREIN ABOVE SET OUT IN SECTION 2 OF THIS ORDINANCE.

SECTION 4: THIS ORDINANCE SHALL BECOME EFFECTIVE AT THE EXPIRATION OF FIFTEEN (15) DAYS AFTER ADOPTION BY THE CITY COUNCIL AND

THE SIGNING THEREOF BY THE MAYOR.

PASSED THIS 29TH DAY OF SEPTEMBER 1986.

Peggy Vickroy
PEGGY VICKROY, MAYOR

APPROVED THIS 29TH DAY OF SEPTEMBER 1986.

Peggy Vickroy
PEGGY VICKROY, MAYOR

ATTEST:

Laverne Collins
LAVERNE COLLINS, CMC
CITY CLERK

BILL NO. 365, 1967

ORDINANCE NO. 4632, 1968

Introduced by Councilman Rimmel

AN ORDINANCE

AMENDING THE ST. LOUIS COUNTY ZONING ORDINANCE BY CHANGING THE BOUNDARIES OF THE "R-3" 10,000 SQ. FT. RESIDENCE DISTRICT AND THE "C-8" PLANNED COMMERCIAL DISTRICT OF CERTAIN LAND AS PROVIDED HEREIN; APPROVING THE PRELIMINARY PLANS FILED, SUBJECT TO CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION AND INCORPORATED HEREIN; AND PROVIDING FOR THE APPROVAL OF THE FINAL DEVELOPMENT PLANS. (P.C. 38-67 WEBER CHEVROLET COMPANY)

RECEIVED

MAY 18 1984

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. LOUIS COUNTY, MISSOURI, ^{CITY OF CREVE COEUR} AS FOLLOWS:

SECTION 1. The St. Louis County Zoning Ordinance and the Official Zoning District Maps which are a part thereof, are amended by changing the boundaries of the "R-3" 10,000 Sq. Ft. Residence District and the "C-8" Planned Commercial District, so that there will be transferred from the "R-3" 10,000 Sq. Ft. Residence District to the "C-8" Planned Commercial District on the said maps, the following described land:

An irregularly shaped tract of land fronting 1234 feet, more or less, on the east right-of-way line of Interstate 244, south line of property being the city limits line of the City of Creve Coeur, being more particularly described as follows:

A tract of land being part of Lots 3 and 4 of the Lake House Farm Subdivision in St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 9 Page 74 of the City of St. Louis (former County) records and being more particularly described as follows: Beginning at a point in the Eastern line of the Right of Way of Interstate Highway 244 at its intersection with the North boundary line of the City of Creve Coeur; thence along the East line of Highway 244 North 9 degrees 32-1/2 minutes West 437.27 feet to an angle point in the Western line of tract conveyed to Weber Chevrolet Company by deed recorded in Book 5817 Page 280, being also the East line of Neu Lane, 16 feet wide; thence leaving said highway and going thence North 0 degrees 01-1/2 minutes East 230.74 feet to an iron pipe; thence North 89 degrees 16-1/2 minutes West 31 feet to the East line of said Highway 244; thence along the East line of said Highway North 6 degrees 57-1/2 minutes West 227.61 feet and North 10 degrees 56-1/2 minutes West 278 feet to the Northwest corner of parcel conveyed to Weber Chevrolet Company by deed recorded in Book 5887, Page 43;

thence South 89 degrees 16 minutes East a distance of 454.38 feet to the Northeast corner of said parcel; thence South 0 degrees 02 minutes West 1248.86 feet to the Northeast corner of tract conveyed to Weber Chevrolet Company by deed recorded in Book 5903, Page 249; thence continuing South 0 degrees 02 minutes West 2.54 feet to the North boundary line of the City of Creve Coeur; thence along said boundary line North 70 degrees 15 minutes West 197.30 feet to an angle point and North 70 degrees 47 minutes West 89.13 feet to the point of beginning, and containing 9.807 acres.

SECTION 2. The application for a Planned Commercial Development on the tract of land described in Section 1 is approved on condition that said development and plan is carried out in accordance with the preliminary plans filed with the St. Louis County Planning Commission and forwarded to the County Council with a communication dated December 5, 1967, which preliminary plans are also approved and incorporated herein by reference as if fully set out in and made a part of this ordinance, and subject to the conditions recommended by the Planning Commission in its report, as follows:

1. Prior to the issuance of any building permit, petitioner shall submit to the Planning Commission for review and approval a final development plan for the property in question, showing the location and size of all existing and proposed structures, existing and proposed grades, location and size of all proposed parking areas, all roadways and driveways on or adjacent to the property in question, and the location and size of all proposed signs and lighting details.
2. Prior to issuance of any building permit, petitioner shall also submit to the Planning Commission written approval from the St. Louis County Traffic Commissioner or Missouri State Highway Commission of the location of all proposed roadways and curb cuts.
3. The height limitations for structures, lot area and yard requirements, parking requirements, off street loading requirements and sign regulations, shall be the same as those contained in Section 1003.139 of the Zoning Ordinance.
4. All roadways or driveways within the property in question shall be improved with a paved surface of at least 20 feet in width.
5. No source of illumination shall be so situated that light is cast directly on any public right of way or on adjoining property.

6. The property in question shall be maintained in a sanitary and sightly manner.

7. The hours of operation shall be limited to that time interval between 6:30 A.M. and 9:00 P.M., CST or D.C.S.T. whichever is in effect.

8. Prior to issuance of any building permit, petitioner shall submit to Planning Commission for review and approval a detailed engineering plan of the method of handling storm water drainage for the the property in question. Design standards of the plan shall be for a "50 year frequency rainfall minimum".

9. Refuse, such as rags, tires, cans, auto parts and similar materials shall not be stored out of doors, nor shall containers for same be located out of doors.

10. Storage of wrecked or immobilized motor vehicles shall be indoors or if outdoors, shall be so screened as not to be visible from the adjacent "R" Residence Districts or from any public or private street or highway.

11. The uses permitted in this C-8 Planned Commercial District shall be indoor and outdoor sale of new and used motor vehicles, maintenance, service, repair and storage of autos.

12. Prior to issuance of a building permit, the petitioner shall submit to the Planning Commission for review and approval, a detailed landscape plan including, but not limited to, the location, size and type of all plant material to be used in adapting the development to blend with and complement the surrounding residential uses.

13. No pennants, fringe, lights, pinwheels, or similar devices for attracting attention may be displayed at any time in connection with this use.

14. The uses permitted herein shall be operated in conformance with the performance standards contained in Section 1003.163 of the Zoning Ordinance.

15. Within 12 months of the date of approval of the preliminary development plan by the County Council, the final development plan shall be submitted to the Planning Commission for its approval. Within 36 months of the date of approval of the final development plan by the Planning Commission, construction shall commence.

16. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the conditions herein set forth and the approved development plan for the property.

17. In addition to the conditions herein imposed, this permit shall be subject to all applicable provisions of the St. Louis County Zoning Ordinance. The Zoning Enforcement Officer of St. Louis County, Missouri, shall be

charged with the duty of enforcing the conditions of this permit.

SECTION 3. The application and preliminary plans are returned to the St. Louis County Planning Commission for consideration of a final development plan, pursuant to Section 1003.145 SLCRO 1964, as amended.

SECTION 4. The St. Louis County Council, pursuant to the petition of Weber Chevrolet Company, c/o Irene L. Dulin, 1426 Boatmens Bank Building, St. Louis, Missouri 63102, requesting the amendment embodied in this ordinance, and pursuant to the recommendation of the St. Louis County Planning Commission that said Petition be granted, and the preliminary plans be approved subject to the conditions herein contained, after a public hearing held by the said Commission on May 16, 1967, does adopt this ordinance pursuant to Article III, Section 22(20) of the St. Louis County Charter authorizing the Council to exercise legislative power pertaining to planning and zoning.

ADOPTED March 7, 1968

Gerald A. Rimmel
CHAIRMAN, COUNTY COUNCIL

APPROVED March 11, 1968

Lawrence K. Roos
COUNTY SUPERVISOR

ATTEST: Mildred Huffman
COUNTY CLERK

INTERSTATE HIGHWAY I-244
(NO CHANGE IN FENCE ON SLD R/W LINE)

RAMP TO 1244

HD 210 LINE 441.55
G 22 8 A

SERVICE BUILDING
SERVICE PARTS DEPT.
BATHMENT AREA

FUTURE SHOP 8:00.

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EXISTING TREE. MASS. 1900

LANDSCAPE SITE PLAN

CONTIGUOUS @ TWO (2') FOOT INTERVALS

RECEIVED

MAY 18 1984

CITY OF CREVE COEUR
Rec'd By

APPROVED

ST. LOUIS C. J. D. E. A. N. O.
COMMISSION

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LONGITUDINAL CROSS-SECTION THRU SITE (LOOKING WEST) SCALE 1" = 50'

TRANSVERSE CROSS-SECTION BETWEEN SERVICE BLDG. & BODY SHOP
(LOOKING SOUTH)

SOUTH ELEVATION - SERVICE - SHOWROOM BLDG.
OLIVE STREET ROAD ELEVATION SCALE 1/4" = 1'-0"

WEST ELEVATION - SERVICE - SHOWROOM BLDG
INTERSTATE I-244 ELEVATION

SCALE 1/16" = 1'-0"

WM & JTTNER INC ARCHITECTS ENGINEERS 317 N 11TH ST ST LOUIS MISSOURI

SALES & SERVICE FACILITY FOR
WEBER CHEVROLET
1-244 AT OLIVE STREET RD. CREVE COEUR MO

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**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, AUGUST 15, 2011
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, August 15, 2011, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: *Mr. Timothy Madden, Chair*
 Mr. Gary Eberhardt
 Mr. James Faron
 Ms. Cynthia Kramer
 Mr. Ken Howard

OTHERS PRESENT: *Mr. Carl Lumley, City Attorney*
 Mr. Paul Langdon, Director of Community Development
 Ms. Whitney Kelly, City Planner
 Ms. Julie Lowery, Recording Secretary

2. NEW BUSINESS

Start of Public Hearing

A. Application #11-012: Amendment to the Conditional Use Permit Ordinance #1171 to allow exterior building improvements for the Weber Chevrolet located at 12015 Olive Boulevard.

Applicant/Agent: Cliff Heitmann
 Bax Engineering
 221 Point West Blvd.
 St. Charles, MO 63301

Jay Schoessel
SP Architects
1115 Olivette Executive Parkway
St. Louis, MO 63132

Mr. Heitmann presented on the request to amend the conditional use permit for Weber Chevrolet's showroom additions and exterior facade improvements to the existing structure. The proposal also includes landscaping which will be coordinated with the City of Creve Coeur where the planting is within the MoDOT right-of-way that is already maintained by the City.

The building alterations include a new façade along the south elevation with a new entry element of aluminum composite material in “Chevrolet Blue”, a new overhead canopy addition finished with aluminum composite material in a platinum color and the accent band in “Chevrolet Blue”, and new windows. The façade treatment will wrap around the east and west elevations for the new area only, with a new accent wall in the same “Chevrolet Blue” material on the west. The showroom remodel will create an additional showroom space at both the east and west corners of the building. The addition will add 2,800 square feet to the existing 66,200 square foot building; for a total of 69,000 square feet. The stated purpose of the request will update the facility and bring Weber Chevrolet up to a new standard that will enhance the customer’s automobile sales and service experience and add to the community feeling of being new and up-to-date. The applicant will also provide additional plantings into the greenspace at the entrance off of Orchard Lakes Drive along the east property line and fill in with low shrubs between existing trees along Olive Boulevard and at the southwest corner of the property long Olive Boulevard.

Mr. Schoessel passed a handout of the proposed architectural changes to the Commission members. Mr. Schoessel, like Mr. Heitmann, presented on the facade changes, however more in depth as to the material that will be used and the look of the facade after the modifications are made.

Comments or questions from Commission members. Mr. Eberhardt asked what makes the design unique, and Mr. Schoessel stated that the only consistency with this location to any other GM facility is the entry way, every other feature is unique to this location. Mr. Eberhardt then asked if GM agreed to all the proposals that were made in regards to the building design changes and Mr. Schoessel responded they will not approve any changes until it is approved through the City of Creve Coeur but they indicated positive support for the design. Mr. Faron asked how high the facade will be and Mr. Schoessel stated it will be 10 or 12 feet higher than what is currently there. Mr. Kramer asked about the durability of the material being used and the response was it has a very good life span.

There being no further comments, the City Attorney, Mr. Lumley, presented the exhibits for the record and the public hearing was closed.

Mr. Langdon stated that this location is one of the most visible corners in the city and the original prototype was not special or original and he feels Weber Chevrolet has made a good effort to change. Mr. Langdon also spoke to the lighting issues that need to be addressed, as well as to the landscaping and to the cooperation of the Public Works to maintain portions of the space. Finally, he discussed the maintenance issues that the applicant is already working to remedy, including having the dumpsters onsite enclosed with a material that might not be identical to the building, but would have to be appropriate given the other improvements on the site.

Mr. Eberhardt requested clarifications of several ordinance conditions that appeared to be changed or deleted from the prior conditional use permit ordinance. Mr. Langdon pointed out that several were now requirements of the Zoning Code anyway, but agreed that the hours of operation needed to be stated more clearly and that some acknowledgement of the legally pre-existing, but non-conforming auto-body shop had to be included.

(This ends the Public Hearing; see verbatim transcript for further information)

No comments and questions from the audience.

There being no further comments, the motion was made by Mr. Howard to recommend approval of the Conditional Use Permit Ordinance for the new showroom addition and landscape plans, subject to the conditions contained in the draft ordinance attached to the staff report dated August 15, 2011. Ms. Kramer seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Ms. Kramer – aye

Mr. Eberhardt – aye
Mr. Howard – aye

Chair – aye

3. **ADJOURNMENT**

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 8:25 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary

BILL NO. 5335

ORDINANCE NO. _____

AN ORDINANCE UPDATING THE CITY OF CREVE COEUR'S POLICY CONCERNING OPEN MEETINGS AND RECORDS.

WHEREAS, in 2004 the City adopted a policy regarding Open Meetings and Records as required by Section 610.028(2) of the Missouri Sunshine Law, by means of Substitute Resolution 582; and

WHEREAS, the Missouri General Assembly has subsequently revised the Missouri Sunshine Law in several respects, and

WHEREAS, the City Council desires to update the City's policy and eliminate references to Substitute Resolution 582 in the Code of Ordinances,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, AS FOLLOWS:

SECTION 1. Section 110.020.A.2 is hereby revised to read as follows:

The City is required by law to give notice of the time, date, place and tentative agenda of each meeting and work session. The notice of a regular meeting or work session shall be posted on the prominent bulletin board at the Government Center at least 24 hours prior to the meeting.

SECTION 2. Section 110.020.B.2 is hereby revised to read as follows:

The City is required by law to give notice of the time, date, place and tentative agenda of each meeting and work session. The notice of a special meeting or work session shall generally be posted on the prominent bulletin board at the Government Center at least 24 hours prior to the meeting. If an emergency exists which makes it impossible to give 24 hours notice or to hold the meeting at a time and place reasonably accessible and convenient to the public, an explanation must be reflected in the minutes and notice posted as soon as possible.

SECTION 3. Substitute Resolution 582 is hereby repealed and a new policy regarding open meetings and records is hereby adopted in lieu thereof, in the form of Exhibit A hereto. The cross references shown in the Code of Ordinances, including at the start of Chapter 100, shall be updated accordingly.

SECTION 4. This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2011.

TARA NEALY
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2011.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK

EXHIBIT A**CITY OF CREVE COEUR POLICY REGARDING OPEN MEETINGS AND RECORDS PURSUANT TO THE MISSOURI SUNSHINE LAW (2011).**

The City (which includes all of its governmental bodies, boards and agencies) and its officials, officers and employees shall comply with the Missouri Sunshine Law (Chapter 610 RSMo.) and the following policy adopted pursuant thereto:

SECTION 1. All meetings, records, votes, actions and deliberations of public governmental bodies of the City shall be open to the public in accordance with Chapter 610 RSMo., except the City may close any meeting, record, vote, action or deliberation relating to the following:

- a. Legal actions, causes of action or litigation involving the City and any confidential or privileged communications between the City or its representatives and its attorneys. However, any minutes, vote or settlement agreement, relating to legal actions, cause of action or litigation involving the City or any entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of the City as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011 RSMo, however, the amount of any moneys paid by, or on behalf of, the City shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.
- b. Leasing, purchase or sale of real estate by the City where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by the City shall be made public upon full execution of the contract for lease, purchase or sale of the real estate.
- c. Hiring, firing, disciplining or promoting of particular employees by the City when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by the City, to hire, fire, promote or discipline an employee shall be made available to the public with a record of how each member voted within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees.
- d. The state militia or National Guard or any part thereof.
- e. Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological or alcoholism or drug dependency diagnosis or treatment.

- f. Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; ~~however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents or other guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years.~~
- g. Testing and examination materials, before the test or examination is given or if it is to be given again before so given again.
- h. Welfare cases of identifiable individuals.
- i. Preparation, including any discussions or work product, on behalf of the City or its representatives for negotiations with employee groups.
- j. Software codes for electronic data processing and documentation thereof.
- k. Specifications for competitive bidding, until either the specifications are officially approved by the City or the specifications are published for bid.
- l. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
- m. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of the City once they are employed as such; ~~and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source.~~
- n. Records that are protected from disclosure by law, including but not limited to tax records made confidential by state or federal law, information received from executive agencies pursuant to Section 610.032 RSMo. and social security numbers received from a state entity pursuant to Section 610.035 RSMo.
- o. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
- p. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
- q. Confidential or privileged communications between the City and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to Chapter 610.
- r. Operational guidelines and policies developed, adopted, or maintained by the City for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding

expenditures, purchases, or contracts made by the City in implementing these guidelines or policies. ~~When seeking to close information pursuant to this exception, t~~The City ~~shall affirmatively states in writing~~ that disclosure of such closed records would impair its ability to protect the safety or health of persons, and ~~shall in the same writing~~ states that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 201208.

- s. Existing or proposed security systems and structural plans of real property owned or leased by the City, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to the City for use to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:
1. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open.
 2. ~~When seeking to close information pursuant to this exception, t~~The City ~~shall affirmatively states in writing~~ that disclosure of such closed records would impair its ability to protect the security or safety of persons or real property, and ~~shall in the same writing~~ states that the public interest in nondisclosure outweighs the public interest in disclosure of the records.
 3. Records that are voluntarily submitted by a nonpublic entity shall be reviewed within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed.
 4. This exception shall sunset on December 31, 201208.
- t. Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of the City. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, the City for such computer, computer system, computer network, or telecommunications network shall be open.
- u. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between the City and a person or entity doing business with the City. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of the City or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by the City. (Reference 610.021 RSMo.).

SECTION 2. All records that may be closed hereby are deemed closed records unless the ~~City Council~~public governmental body votes to make them public. (Reference 610.021 RSMo.).

SECTION 3. Before closing a meeting or vote to the public, either notice shall be provided pursuant to Section 4 of this policy, or a majority of a quorum of the public governmental body must vote to do so in a public vote. ~~And~~ the vote of each member of the public governmental body on the question of closing the meeting or vote and the reason for closing the meeting or vote by reference to a specific exception under Chapter 610 RSMo shall be announced at a public meeting and entered into the minutes. In the event any member of a public governmental body makes a motion to close a meeting, or a record, or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision in Chapter 610 RSMo, such latter member shall state his or her objection to the motion at or before the time the vote is taken on the motion. The public governmental body shall enter in the minutes of the public governmental body any such objection made. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, by statute the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to section 610.027 RSMo. (Reference 610.022 RSMo.)

SECTION 4. The public governmental body shall give notice of the time, date and place of a proposed closed meeting and the reason for holding it by reference to a specific exception allowed pursuant to the provisions of section 610.021. The notice shall comply with Section 6 below. (Reference 610.022 RSMo.)

SECTION 5. Any meeting or vote closed pursuant to Section 610.021 RSMo. shall be closed only to the extent necessary for the specific reason(s) announced to justify the closed meeting or vote. No business may be discussed in a closed meeting that does not directly relate to the specific reason announced to close the meeting to the public. Public governmental bodies holding a closed meeting must close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session. (Reference 610.022 RSMo.)

SECTION 6. A public governmental body shall give notice of the time, date, place and tentative agenda of each meeting, in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If the public governmental body plans to meet by Internet chat, Internet message board, or other computer link, it shall post a notice of the meeting on its web site in addition to its principal office and shall notify the public how to access that meeting. (However, see section 12 below). Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on the designated bulletin board at the Government Center.

Notice conforming with all of the applicable requirements shall be given at least 24 hours, exclusive of weekends and holidays when the facility is closed, prior to the commencement of any meeting of a public governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. If another provision of law requires a manner of giving specific notice of a meeting, hearing or an intent to take action by a public governmental body, compliance with that law shall constitute compliance with the notice requirements in this section. (Reference 610.020 RSMo.)

SECTION 7. For any public meeting where a vote of the City Council is required to implement a tax increase, or with respect to a retail development project when the City Council votes to utilize the power of eminent domain, create a transportation development district or a community improvement district, or approve a redevelopment plan that pledges public funds as financing for the project or plan, the City shall give notice conforming with all requirements of subsection 1 of Section 610.020 RSMo (and Section 6 of this policy) at least four days before the City Council may vote on such issues, exclusive of weekends and holidays when the Government Center is closed; provided that this section shall not apply to any votes or discussions related to proposed ordinances which require a minimum of two separate readings on different days for their passage. The provisions of subsection 4 of Section 610.020 RSMo (and Section 9 of this policy) shall not apply to any matters that are subject to the provisions of this section. No vote shall occur until after a public meeting on the matter at which the parties in interest and the citizens shall have an opportunity to be heard. If the notice required under this section is not properly given, no vote on such issues shall be held until proper notice has been provided under this section. Any legal action challenging compliance with the notice requirements provided herein shall be filed within 30 days of the subject meeting, or such meeting shall be deemed to have been properly held as provided in Section 67.2725 RSMo. For the purpose of this section, a tax increase shall not include the setting of annual tax rates provided for under Sections 67.110 and 137.055 RSMo. (Reference 67.2725 RSMo.).

SECTION 8. Each meeting of a public governmental body of the City shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals. (Reference 610.020 RSMo.).

SECTION 9. When it is necessary to hold a meeting on less than twenty-four hours notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes. (Reference 610.020 RSMo.).

SECTION 10. A formally constituted subunit of a parent governmental body of the City may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body. (Reference 610.020 RSMo.).

SECTION 11. A public governmental body of the City shall allow for the recording by audiotape, videotape, or other electronic means of any open meeting. The City may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record, or vote closed pursuant to the provisions of section 610.021 shall be permitted without permission of the public body. ~~any person who violates this provision shall be guilty of a class C misdemeanor~~ (Reference 610.020 RSMo.).

SECTION 12. A journal or minutes of opened and closed meetings shall be taken and retained by the public governmental body, including but not limited to a record of any votes taken at such meetings. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" or abstinence if not voting to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public

meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. All votes taken by roll call in meetings of ~~the City Council a public governmental body consisting of members who are all elected~~ shall be cast by members of the ~~Council public governmental body~~ who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the ~~Council public governmental body~~, due to an emergency of the public body, with a quorum of the members ~~of the public body~~ physically present and in attendance and less than a quorum of the members ~~of the public governmental body~~ participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting. (Reference 610.015, 610.020 RSMo.)

SECTION 13. The City Clerk is the custodian of records and is responsible for maintenance and control of all public records. The City Clerk shall provide public access to all open public records as soon as possible but no later than the third business day following the date the request is received by the City Clerk. If records are requested in a certain format, the City Clerk shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the City Clerk shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three days for reasonable cause. If additional delay is necessary, the City Clerk shall give an explanation for the delay and the date the record will be available for inspection.

No person shall remove original public records from the offices of the City without written permission of the City Clerk. The City shall not grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record.

If a public record contains material which is not exempt from disclosure as well as material which is exempt from disclosure, the City Clerk shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying. When designing a public record, the City shall, to the extent practicable, facilitate a separation of exempt from nonexempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the information, the City Clerk shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat that purpose of the exemption.

If a request for access is denied, the City Clerk shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date the request for the statement is received.

The City shall charge ten cents (\$.10) per page for a paper copy not larger than 9 by 14 inches and Nineteen and 00/100 Dollars (\$19.00) per hour for duplicating time, and the actual cost of research time. The City Clerk may require payment prior to duplicating copies. Based on the scope of the request, the City shall produce the copies using employees of the body that result in the lowest amount of charges for search, research, and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the City to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the City Council determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the City and is not primarily in the commercial interest of the requester.

Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the City required for making copies and programming, if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.

The City Clerk shall remit all moneys received from fees charged pursuant to Sections 610.010 and 610.028 to the appropriate fiscal officer of the City for deposit to the City's accounts.

The City Clerk may designate deputy custodians in the following departments:

Administrative
Finance
Community Development
Public Works
Parks & Recreation
Police

(Reference 610.023, 610.024, 610.026 RSMo.).

SECTION 14. To the extent the City keeps its records in an electronic format, it will try to provide access to its public records to members of the public in an useable electronic format. The City may not enter into a contract for the creation or maintenance of a public records database if that contract impairs the ability of the public to inspect or copy the public records of the City, including public records that are on-line or stored in an electronic recordkeeping system used by the City. Such contract may not allow any impediment that as a practical matter makes it more difficult for the public to inspect or copy the records than to inspect or copy the City's records. For purposes of this section, a useable electronic format shall allow, at a minimum, viewing and printing of records. However, if the City keeps a record on a system capable of allowing the copying of electronic documents into other electronic documents, the City shall provide data to the public in such electronic format, if requested. The activities authorized pursuant to this section may not take priority over the primary responsibilities of the City. For purposes of this section the term "electronic services" means on-line access or access via other electronic means to an electronic file or data base. ~~This subsection shall not apply to contracts initially entered into before August 28, 2004.~~

The City shall include in a contract for electronic services provisions that:

- (1) Protect the security and integrity of the information system of the City and information systems that are shared by public governmental bodies; and
- (2) Limit the liability of the City for providing the services.

(Reference 610.029 RSMo.).

SECTION 15. Any member of a public governmental body of the City who transmits any message relating to public business by electronic means shall also concurrently transmit that

message to either the member's public office computer or the custodian of records in the same format. The provisions of this section shall only apply to messages sent to two or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the City Clerk or at the member's office computer shall be a public record subject to the exceptions of section 610.021 RSMo. (Reference 610.025 RSMo.)

SECTION 16. As used in this policy: “Arrest” shall mean an actual restraint of the person of the defendant, or by his or her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked; “Arrest report” shall mean a record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor; “Inactive” shall mean an investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons: (a) A decision by the law enforcement agency not to pursue the case; (b) Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten years after the commission of the offense; whichever date earliest occurs; (c) Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons; “Incident report” shall mean a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency; “Investigative report” shall mean a record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties. (Reference 610.100 RSMo.).

SECTION 17. The City Police Department shall maintain records of all incidents reported to it, and investigations and arrests made by it. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of subsections 4, 5 and 6 of Section 610.100 RSMo. or Section 320.083 RSMo, except as provided herein investigative reports are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in Section 610.120 RSMo.

Except as provided in subsections 4, 5, 6 and 7 of Section 610.100 RSMo, if any portion of a record or document of a law enforcement officer or agency, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for law enforcement investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to Chapter 610 RSMo.

Any person, including a family member of such person within the first degree of consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to Section 610.100 RSMo or Section 610.150 RSMo for purposes of investigation of any civil claim or defense, as provided by Section 610.100.4 RSMo and this policy. Any individual, his or her family member within the first degree of consanguinity if such individual is deceased or incompetent, his or her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the

incident, and may obtain access to other records closed by the Police Department pursuant to Section 610.100 RSMo. Within thirty days of such request, the Department shall provide the requested material or file a motion with the Circuit Court of St. Louis County stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized and thereafter comply with the final rulings of the courts thereon.

The victim of an offense as provided in Chapter 566 RSMo, may request that his or her identity be kept confidential until a charge relating to such incident is filed. (Reference 610.100 RSMo.).

SECTION 18. Whenever a criminal background check is requested in connection with gaining employment, housing or any other services or benefit of any homeless former member of the organized militia or the armed forces of the United States who has been honorably discharged, such background check shall be completed and transmitted to the requesting party without any fee or other compensation for such background check or copy of any relevant public record pertaining to such request. For purposes of this section "homeless" means an involuntary state characterized by a lack of housing or shelter. (Reference 610.103 RSMo.).

SECTION 19. If a person arrested is charged, but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except as provided in subsection 2 of Section 610.105 RSMo. and Section 610.120 RSMo. and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be accessed. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo, official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child-care agencies, facilities as defined in Section 198.006, RSMo, and in-home services provider agencies as defined in Section 660.250, RSMo, in the manner established by Section 610.120 RSMo.

If the person arrested is charged with an offense found in Chapter 566 RSMo, Sections 568.045, 568.050, 568.060, 568.065, 568.080, 568.090, or 568.175, RSMo, and an imposition of sentence is suspended in the court in which the action is prosecuted, the official records pertaining to the case shall be made available to the victim for the purpose of using the records in his or her own judicial proceeding, or if the victim is a minor to the victim's parents or guardian, upon request. (Reference 610.105 RSMo.).

SECTION 20. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in Section 610.120 RSMo. and Section 43.507 RSMo. The closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to Section 43.500 RSMo, criminal justice employment, screening persons with access to criminal justice facilities, procedures, and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency including but not limited to watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm; those agencies authorized by Section 43.543 RSMo, to submit and when submitting fingerprints to the central repository; the sentencing advisory commission created in Section 558.019 RSMo, for the purpose of studying sentencing practices in accordance with Section 43.507 RSMo; to qualified entities for the purpose of screening providers defined in Section 43.540 RSMo; the department of revenue for driver license administration; the division of workers' compensation for the purposes of determining eligibility for crime victims' compensation pursuant to Sections 595.010 to

595.075 RSMo, department of health and senior services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly, or disabled care, and for such investigative purposes as authorized by law or presidential executive order.

These records shall be made available only for the purposes and to the entities listed in this section. Upon receipt of a request for criminal history information under its control, the Police Department may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with Section 43.509 RSMo. All records which are closed records shall be removed from the records of the courts, administrative agencies, and law enforcement agencies which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book. (Reference 610.120 RSMo.).

SECTION 21. All records ordered to be expunged pursuant to Section 610.123 RSMo. shall be destroyed, except that if destruction of the record is not feasible because of the permanent nature of the record books, such record entries shall be blacked out. Entries of a record ordered expunged pursuant to Section 610.123 RSMo. shall be removed from all electronic files. (Reference 610.124 RSMo.).

SECTION 22. Except as provided herein, any information acquired by the Police Department by way of a complaint or report of a crime made by telephone contact using the emergency number, "911", shall be inaccessible to the general public. However, information consisting of the date, time, specific location and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to Section 17 of this policy. Any closed records pursuant to this section shall be available upon request by law enforcement agencies or the division of workers' compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown. (Reference 610.150 RSMo.).

SECTION 23. The Police Department shall maintain a daily log or record that lists suspected crimes, accidents, or complaints and shall make available the following information for inspection and copying by the public:

(1) The time, substance, and location of all complaints or requests for assistance received by the Department;

(2) The time and nature of the Department's response to all complaints or requests for assistance; and

(3) If the incident involves an alleged crime or infraction:

(a) The time, date, and location of occurrence;

(b) The name and age of any victim, unless the victim is a victim of a crime under Chapter 566 RSMo;

(c) The factual circumstances surrounding the incident; and

(d) A general description of any injuries, property or weapons involved. (Reference 610.200 RSMo.).

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI
AUTHORIZING THE EXECUTION OF A MUNICIPAL HOUSING AND COMMUNITY
DEVELOPMENT COOPERATION AGREEMENT WITH ST. LOUIS COUNTY FOR FISCAL
YEARS 2012-2014 AND CONTAINING AN EMERGENCY CLAUSE.**

WHEREAS, the City of Creve Coeur plans to apply periodically for federal funding to assist with the cost of ADA improvements; and

WHEREAS, the Community Development Block Grant provided by HUD (Housing and Urban Development) makes this funding available to participating municipalities; and

WHEREAS, the attached "Exhibit A" is a required agreement with St. Louis County whereby the City commits to following specific regulations outline within the CDBG program; and

WHEREAS, due to the short time frame allowed by St. Louis County to execute this Ordinance and Agreement it has been determined that this bill qualifies for the emergency ordinance process;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
CREVE COEUR, AS FOLLOWS:**

SECTION 1: The Municipal Housing and Community Development Cooperation Agreement between St. Louis County and the City regarding the City complying with specific regulations of the CDBG Grant Program attached hereto as Exhibit A is hereby approved and the City Administrator is authorized to execute same on behalf of the City and the City Clerk is authorized and directed to attest thereto. The Agreement as executed shall be in substantially the form of Exhibit A, with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Ordinance and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the Agreement.

SECTION 2: This ordinance shall become effective as an emergency measure in accordance with Section 3.11 (g) of the City Charter.

Adopted this 22th day of August 2011.

Tara Nealey
President of City Council

Approved this 22th day of August 2011.

Harold L. Dielmann, Mayor

Attest:

Deborah Ryan, MRCC
City Clerk

**MUNICIPAL HOUSING AND COMMUNITY DEVELOPMENT
COOPERATION AGREEMENT
FOR FISCAL YEARS 2012-2014**

*THIS MUNICIPAL HOUSING AND COMMUNITY DEVELOPMENT
COOPERATION AGREEMENT* (hereinafter referred to as the "Agreement"), made
and entered into this ____ day of _____, 2011, by and between **ST. LOUIS
COUNTY, MISSOURI**, (herein referred to as "County"), and the _____ of
_____, Missouri, (herein referred to as "Municipality").

WITNESSETH:

WHEREAS, the United States Congress enacted the Housing and Community
Development Act of 1974, as amended, (herein referred to as the "Act") providing
federal funds to units of local government for the purposes of developing urban
communities and improving housing conditions and community services; and

WHEREAS, the Act recognizes that Municipality may enter into cooperation
agreements with County in order to undertake community development activities with
Municipality as authorized by Section 105 of the Act: and

WHEREAS, County and Municipality have enacted ordinances authorizing their
chief executive officer to execute the Agreement and Supplemental Cooperation
Agreements, and

Rev. 08/11

WHEREAS, the provisions of Section 70.210 to Section 70.320 R.S.Mo. inclusive empower municipalities or political subdivisions to contract with each other for a common service and Section 2.180 of the 1979 County Charter provides that the County Council may by ordinance authorize contracts between County and an incorporated area for a common service; and

WHEREAS, County and Municipality desire to undertake a cooperative community development program in accordance with the Act;

NOW, THEREFORE, County and Municipality mutually agree as follows:

1. County and Municipality hereby agree to cooperate to undertake, or assist in undertaking, community renewal, lower income housing assistance and emergency shelter activities, specifically urban renewal, publicly assisted housing and emergency shelters. Such activities are to be carried out by Municipality in accordance with County's Community Development Plan and Comprehensive Housing Affordability Strategy as submitted in County's Consolidated Plan provided to the U.S. Department of Housing and Urban Development (hereinafter referred to as "HUD"). Moreover, Municipality may undertake lower income housing activities authorized pursuant to the National Affordable Housing Act of 1990 (hereinafter referred to as "NAHA") and activities relating to emergency shelters in accordance with County's Consolidated Plan.

These community development, housing and emergency shelter activities will be carried out with funds received by County from annual Community Development Block Grants (hereinafter "CDBG") made pursuant to the Act, annual HOME allocations made pursuant to NAHA, from Emergency Shelter Grants Program funds, and from any program income generated from the expenditure of such funds.

Such funds shall be made available to Municipality for the purpose of undertaking community development activities, this AGREEMENT covering the CDBG Entitlement Program, the HOME allocations made pursuant to NAHA, and the Emergency Shelter Grants program. Community development activities will be undertaken in accordance with the terms and conditions of the Agreement and Supplemental Cooperation Agreements. HOME funds will be made available through a public solicitation process to nonprofit and for profit development entities who desire to undertake activities as specified in the County's HOME Program Description. County has final responsibility for selecting eligible projects and filing annual Statements and Program Descriptions under the CDBG HOME, and Emergency Shelter programs, respectively.

2. Municipality, by the execution of the Agreement, agrees to have its demographic data as defined in Section 106 of the Act, included in the formula allocation of funds to the County. County agrees to include Municipality as a part of its Consolidated Plan to be submitted to HUD under the terms and conditions of the Act.

3. Funds allocated by HUD to County by reason of Municipality's execution of the Agreement shall be deposited with the County Treasurer in accordance with HUD Regulations and may be made available to Municipality for community development programs mutually agreed to by County and Municipality and covered by Supplemental Cooperation Agreements.

4. Municipality agrees to comply with any and all applicable provisions of the Act and any and all applicable regulations including Subpart K of 24 CFR 570 and guidelines pertaining heretofore or hereafter promulgated by HUD.

5. County and Municipality each agree to comply and act in conformance with, as well as, take all actions necessary to assure compliance with, County's certification required by Section 104 (b) of Title I of the Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Section 109 of the Housing and Community Development Act of 1974, and other applicable laws and to affirmatively further fair housing.

By entering into this Agreement, Municipality affirms that it affirmatively furthers fair housing within its own jurisdiction, and further agrees that if Municipality impedes County's actions to comply with any fair housing certification the County may achieve, that County may cease funding for activities in or in support of Municipality under this Agreement. County shall not fund Municipality if Municipality does not affirmatively further fair housing.

6. Whenever Municipality uses CDBG funds in an amount of less than \$25,000 in whole or in part to acquire or improve real property, Municipality shall inform County in a timely manner of any modification or change in use of the real property from that planned at the time of acquisition or improvements by municipality, including property disposition. If Municipality sells or transfers such property, Municipality shall reimburse County in an amount equal to the current fair market value (less any portion thereof attributable to expenditures on non-CDBG funds).

Municipality agrees that any real property under Municipality's control that was acquired or improved in whole or in part with CDBG funds in excess of \$25,000 is either:

- (i) Used to meet one of the national objectives in 570.208 until five years after expiration of the agreement, or such longer period of time as determined appropriate by the County; or
- (ii) Is disposed of in a manner which results in the County being reimbursed in the amount of the current fair market value of the property less any portion thereof attributable to expenditures of non-CDBG funds for acquisition of, or improvement to, the property. Such reimbursement is not required after the period of time specified in accordance with (i) above.

Any program income generated from the disposition or transfer of property prior to or subsequent to the close-out or change of status, or termination of this Agreement shall be treated according to the provisions for program income applicable to CDBG's set out in the Code of Federal Regulations and the Agreement.

7. County, HUD, Comptroller General of the United states, or any other state or federal agency or their authorized representative shall be allowed the right of access to and the right to examine all books, records, documents, and other supporting documents involving any and all transactions and matters related to this contract at all times during which the provisions of the Agreement and Supplemental Cooperation Agreements are in effect and for such period of time that Municipality is required to preserve such records and documents under the provisions of the Act and all regulations adopted pursuant thereto. County and Municipality shall provide citizens with reasonable access to records regarding the past use of CDBG funds, consistent with applicable State and local laws regarding privacy and obligations of confidentiality.

8. Municipality understands and agrees that all of the said community development activities undertaken by Municipality shall only be funded by monies received by County pursuant to the formula allocation as set forth in Section 106 of the Act, or unless received by special grant as determined by County.

9. Municipality shall inform County of any and all income generated by the expenditure of CDBG funds received by Municipality, from any source whatsoever. Such program income shall be returned to County.

In addition to program income, upon the expiration of this AGREEMENT, MUNICIPALITY shall transfer to COUNTY any accounts receivable attributable to the use of CDBG funds.

County and Municipality agree that County has the responsibility for monitoring and reporting to HUD on the use of any such program income. Accordingly, Municipality shall comply with such record keeping and reporting directions as may be required of Municipality by County for the specific purpose of allowing County to monitor program income and report to HUD concerning use of program income. In the event of a closeout or change in status of Municipality, any program income not yet paid to County, or disbursed to Municipality and on hand or received by Municipality subsequent to the closeout or change in status shall be paid to County.

10. County agrees to assume responsibility for the preparation of the Consolidated Plan in order to secure funds under the Act, and the administration, monitoring, and evaluation of the community development activities stipulated in Supplemental Cooperation Agreements.

11. Municipality certifies that the Community Development Grant as implemented by the Supplemental Cooperation Agreements gives maximum feasible priority to activities which benefit low or moderate income families, aid in the prevention or elimination of slums or blight, or are an urgent community development need, but that not less than seventy percent (70%) of funds received shall be used for activities that benefit low and moderate income persons.

12. County and Municipality agree to undertake, begin, and complete the community development activities specified in Supplemental Cooperation Agreements in accordance with the Act, the rules, regulations, including subpart K of 24 CFR 570 and guidelines promulgated by HUD both now and in the future and in accordance with the terms and conditions specified in the Agreement and all Supplemental Cooperation Agreements, thereto, to-wit:

- A. Municipality agrees to establish and maintain on a current basis an adequate accrual accounting system in accordance with generally accepted accounting principles and standards.
- B. Municipality agrees to maintain books, records, documents, and other evidence of accounting procedures and practices, records of property purchased, and personnel and financial records, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred or anticipated to be incurred during the performance of the Agreement and Supplemental Cooperation Agreements. In addition, Municipality agrees to prepare and maintain such documents and reports as may be required by County for the preparation of reports required by the Act and HUD.

Municipality agrees to preserve and make available the records as follows:

- (1) All documents for any program activity for a three year period following the submission of the last expenditure report.
- (2) For such longer period of time, if any, as is required by applicable federal or state statute, by regulation promulgated by HUD, by other clauses of the Agreements and supplemental cooperation agreements, or by (a) or (b) below:
 - (a) Records which related to (i) appeals under the disputes clause of this Agreement, or (ii) litigation or the settlement of claims arising out of the performance of this Agreement, or (iii) unresolved audit findings shall be retained until such appeals, litigation, claims or audit proceedings have been concluded.
 - (b) If nonexpendable property has been acquired with the contract funds, the records pertaining to the acquisition of such property shall be retained for three years after its disposition or replacement or transfer. Electronic copies of original records may be kept in lieu of the original documents providing the administering agency has first authorized the substitution of the electronic copies in writing.

C. County will maintain books, records, documents, and other evidence of accounting procedures and practice sufficient to:

- (1) Reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of the Agreement and Supplemental Cooperation Agreements.

D. Municipality agrees to conform its record keeping done in conjunction with the activities covered by the Agreement with the requirements of the Single Audit Act of 1984 and OMB A-133.

13. Changes in specific community development activities as outlined in Supplemental Cooperation Agreements may be requested from time to time by either County or Municipality and, if mutually agreed upon by and between Municipality and County, shall be incorporated in a written amendment to the Supplemental Cooperation Agreement. If such changes include the undertaking of a new activity, Municipality shall provide citizens with an opportunity to comment on such changes, consider any comments and, if municipality deems appropriate, modify the changes.

14. Funding available through the Supplemental Cooperation Agreements may be combined with funding from other sources in order to carry out activities stipulated in the Supplemental Cooperation Agreements. An executed contract or equivalent proof of such funding must be provided to and approved by County before disbursements of funds is authorized.

15. Municipality shall not expend or commit to expend program funds in excess of those funds authorized by the Supplemental Cooperation Agreements.

16. None of the work or services covered by the Agreement and Supplemental Cooperation Agreements shall be subcontracted without the prior written approval of County. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of the Agreement and Supplemental Cooperation Agreements.

In the case of any subcontract for work with a private contractor concurred in by County, Municipality shall record and retain for three years from the date of final payment records pursuant to the St. Louis County Community Development Procedures Manual.

County and Municipality agree that County has the right and responsibility and may resolve disputes between Municipality and any contractor which contracts with Municipality for work performed pursuant to this Agreement, when County believes it is in the best interest of the Community Development Block Grant Program. Municipality and any of its contractors will be so informed of the COUNTY's belief in writing by the Program Director of County's Office of Community Development. All contracts between MUNICIPALITY and any contractor performing work pursuant to this AGREEMENT shall contain a provision in accord with this section, but the failure of any such contracts to include such provision shall not vitiate the right of COUNTY to enforce the provision referred to in this section.

17. Municipality shall not assign any interest in the Agreement or Supplemental Cooperation Agreements and shall not transfer any interest in the same (whether by assignment or novation) without prior written consent of County thereto: provided, however, that claims for money due or to become due the Municipality from County under the Agreement and Supplemental Cooperation Agreements may be assigned to a bank, trust company, or other financial institution with written approval of the County.

18. No member, officer, or employee of Municipality, or its designees or agents, and no other public official of the governing body of the locality in which the program is situated who exercises any functions or responsibilities with respect to the program during his tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under the Agreement and Supplemental Cooperation Agreements. Municipality shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purposes of this section.

19. County and Municipality agree that the Agreement and all Supplemental Cooperation Agreements thereto shall remain in effect until CDBG funds and income received with respect to the three-year qualification period (and any successive qualification periods) are expended and the funded activities completed, and that COUNTY and MUNICIPALITY may not terminate or withdraw from this AGREEMENT while the AGREEMENT remains in effect.

20. Pursuant to 24 CFR 570.501(b), Municipality is subject to the same requirements applicable to subrecipients, including the requirement for a written agreement set forth in 24 CFR 570.503.

21. Municipality hereby agrees that in conducting the program funded under the Act, no part of the program will involve political activities, and Municipality further agrees that neither the program nor the funds provided under the Agreement and Supplemental Cooperation Agreements, nor the personnel employed in the administration of the program shall be in any way or to any extent engaged in the conduct of political activities in contravention of Title 5, Chapter 15 of the United States Code.

22. County and Municipality agree to comply with the provisions of the National Environmental Policy Act of 1969, Executive Order 11988 and 24 CFR Part 52 insofar as the provisions of such act apply to the activities listed in Supplemental Cooperation Agreements. County will assume responsibility for preparing Environmental Assessments and Environmental Impact Statements as required.

23. Municipality agrees to comply with the relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations in 24 CFR 42 as they apply to the activities listed in Supplemental Cooperation Agreements.

24. Municipality agrees to comply with 24 CFR Section 570.603: Labor Standards applicable to construction work financed in whole or in part with Community Development Block Grants.

25. The Agreement and Supplemental Cooperation Agreements are entered into subject to compliance by Municipality and County with all provisions of the Constitution and laws of the United States and the State of Missouri and with the Charter and Ordinances of St. Louis County and Municipality as the same shall apply hereunder.

26. Municipality shall comply with all applicable provisions of the Act, rules, regulations, including subpart K of 24 CFR 470 and guidelines promulgated by the Secretary of the Department of Housing and Urban Development, and all applicable requirements imposed by HUD concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Office of Management and Budget Circulars OMB A-87 and OMB A-133 and "Uniform Administrative Requirements For Grants and Cooperation Agreements to State and Local Governments" as are set out at 24 CFR Part 85 as per 570.502(a).

27. Municipality agrees to defend, protect, indemnify, and hold harmless the County from all attorneys' fees, costs, expenses, and damages arising directly and exclusively out of any failure of Municipality to comply with all applicable federal and state laws and regulations enacted in the future as the same may apply to the subject matter of the Agreement and Supplemental Cooperation Agreements and all claims, suits, actions, costs, counsel fees, expenses, damages, judgments or decrees by reason of any injury to persons or property directly and exclusively caused by Municipality, its officers, agents, employees or independent contractors, in the performance of any of the community development activities authorized under the Act;

30. MUNICIPALITY agrees that during the term of this AGREEMENT MUNICIPALITY shall not apply for grants under the Small Cities or State of Missouri CDBG Program.

MUNICIPALITY further agrees that it shall not participate in a HOME consortium except through COUNTY, regardless of whether COUNTY receives a HOME formula allocation.

MUNICIPALITY further agrees that it will only apply for, and that it will only receive its allocation of HOME Program funds and Emergency Shelter Grant funds, through COUNTY.

31. At the option of COUNTY, this AGREEMENT may be automatically renewed for participation in successive three-year qualification periods, unless MUNICIPALITY provides written notice that it elects not to participate in a new qualification period by the date specified in HUD's urban county qualification notice for the next qualification period, COUNTY shall notify MUNICIPALITY in writing of its right to make such election. Failure by either COUNTY or MUNICIPALITY to adopt such amendment to this AGREEMENT incorporating all changes necessary to meet the requirements for cooperation agreements set forth in the Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period, and to submit such amendments to HUD as provided in the urban county qualification notice, will void the automatic renewal of such qualification period.

32. MUNICIPALITY hereby affirms that it has adopted and is enforcing:

- i. a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and,
- ii. a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within such jurisdictions.

IN WITNESS WHEREOF, the parties have signed this Agreement on the
day and year first above written.

MUNICIPALITY

ST. LOUIS COUNTY, MISSOURI

by: _____

by: _____

Title: _____
Chief Elected Official

County Executive

Attest: _____
Municipal Clerk

Attest: _____
Administrative Director

Approved as to legal form:

Approved:

Municipal Attorney

Director Department of Planning

I hereby certify that balances sufficient to pay the contract sum remain in the appropriation accounts against which this obligation is to be charged, to the extent County continues to receive federal funds sufficient to pay contract sum, in accordance with Paragraph 20 of this Municipal Housing and Community Development Cooperation Agreement between Municipality and St. Louis County dated as referenced in Paragraph 5 of this Agreement.

Accounting Officer

It is my opinion that the terms of this COOPERATION AGREEMENT are fully authorized under State and local law and that St. Louis County possesses full legal authority to undertake or assist in undertaking essential community development and housing assistance activities, specifically urban renewal and publicly assisted housing. This document is approved as to legal form.

County Counselor

DEPARTMENT OF PUBLIC WORKS

OFFICE MEMO

DATE: August, 15, 2011

TO: Mark C. Perkins, City Administrator

FROM: Jim Heines, Director of Public Works

SUBJECT: Community Development Block Grant (CDBG) Cooperation Agreement for FY 2012-2014

City staff received a visit from John Owen, our St. Louis County CDBG Coordinator on Thursday, August 11, 2011. He delivered four (4) copies of a new CDBG Agreement for approval by City Council. The new CDBG Administration reviewed the old agreements approved in the 1990's and determined that they are obsolete so new agreements are necessary to continue receiving funding.

CDBG Grant funding is awarded each year by the federal government through the Housing and Urban Development (HUD) Agency. Although the City of Creve Coeur does not qualify for funding low income housing assistance, we do qualify for funding assistance to construct ADA compliant upgrades and improvements at our government facilities.

The new agreements are Cooperation Agreements which state that the City of Creve Coeur will comply with the regulations of the CDBG grant program. These agreements are required to be approved by ordinance at our next meeting so they can be returned to Mr. Owen by the August 25 deadline as identified in the attached letter from the St. Louis County Planning Department. This will require an emergency passage of the ordinance and execution of the agreements.

Public Works staff recommends Council to approve the attached ordinance and execute the new CDBG Cooperation Agreement. This will allow the City to continue to apply for grants and receive funding to construct ADA improvements to facilities between FY 2012 -2014.

Charlie A. Dooley
County Executive

Saint Louis **COUNTY** **PLANNING**

Glenn A. Powers
Director of Planning

August 10, 2011

Honorable Harold L. Dielmann
Mayor
City of Creve Coeur
300 N. New Ballas
St. Louis, MO 63141

Re: New Cooperation Agreements for FY's 2012-2014

Dear Mayor Dielmann,

St. Louis County as an Urban County is entitled to qualify for a three year period as an entitlement community under the Department of Housing and Urban Development (HUD) regulations. On May 13, 2011, a memorandum was sent to your Municipality notifying you of the requirements for continued participation in St. Louis County's Community Development Block Grant and HOME Investment Partnership and Emergency Shelter Grant programs. All recipients of this letter have elected to continue their participation in St. Louis County's Urban County configuration.

During HUD's review of the existing Cooperation Agreements, which have an automatic renewal clause, HUD has identified certain elements that need to be included in these Cooperation Agreements. Therefore, it has become necessary for St. Louis County to amend and issue new Cooperation Agreements for your Municipality's continued participation and sharing of these funds. Specifically, HUD is requiring two (2) changes. They are:

1. The previous Agreement covered the CDBG Program and the HOME Investment Partnership Program (HOME). The new Agreement adds the Emergency Shelter Grant (ESG) Program to Number 1 of the new Agreement. St. Louis County's Department of Human Services has been operating the ESG Program since 1987; however, ESG language was not included in these Agreements previously.
2. HUD is requiring additional language be added to the Agreement that states that by executing this Cooperation Agreement, the municipality understands that it:
 - i) May receive a formula allocation under the HOME Program only through the urban county.
 - ii) May receive a formula allocation under the ESG Program only through the urban county.

Attached are four (4) copies of the Cooperation Agreement, each requires the signature of the Chief Elected Official, the signature of your municipal clerk and municipal attorney and the date signed. Please return all four (4) copies to the Community Development Specialist assigned to your municipality as noted in the copy referenced below. When these Cooperation Agreements have been fully executed by the County, a copy will be mailed to you for your records.

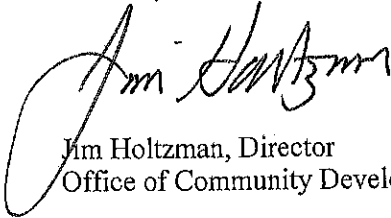
Additionally, your Municipality must execute an ordinance or equivalent authorizing your Municipality to enter into these Cooperation Agreements. For your convenience, a sample of an ordinance and a resolution has been attached. Please feel free to use whichever document serves your community best. Please ***be advised these agreements must be executed and returned to St. Louis County no later than August 25, 2011. Failure to do so will render your Municipality ineligible to receive future funds for your community.***

OFFICE OF COMMUNITY DEVELOPMENT

121 S. Meramec Ave. • Suite 444 • Clayton, MO 63105-1725 • PH 314/615-4405 • FAX 314/615-8674 • TTY 314/615-5TTY (5889)
South County Location • PH 314/615-4025 • Fax 314/615-4125
web <http://www.stlouisco.com>

The Office of Community Development thanks you for your cooperation and efforts in meeting this deadline. I have asked your assigned Community Development Specialist to contact you to offer any assistance or to answer any questions you may have. Please know your continued participation is especially critical during these difficult economic times.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jim Holtzman". The signature is fluid and cursive, with the first name "Jim" being more prominent than the last name "Holtzman".

Jim Holtzman, Director
Office of Community Development

JH/pl

Enclosures: 4 copies of Cooperation Agreement
1 copy of Ordinance
1 copy of Resolution

cc: CD Contact Person
CD Specialist

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE METROPOLITAN SAINT LOUIS SEWER DISTRICT TO MUTUALLY WAIVE FEES RELATED TO PLAN REVIEW, CONSTRUCTION INSPECTION, AND PERMITTING.

WHEREAS, the City provides safe and reliable infrastructure for its commercial and residential communities;

WHEREAS, storm drainage and sanitary sewer facilities constitute necessary components of the infrastructure within the City's right of way;

WHEREAS, the Metropolitan St. Louis Sewer District (MSD) is charged with regulating and maintaining publicly accepted storm drainage and sanitary sewer facilities throughout the City;

WHEREAS, MSD and the City charge fees to cover costs related to plan review, construction inspection, and permitting for repairs, maintenance, or new construction of facilities within each entity's jurisdiction;

WHEREAS, MSD and the City recognize that it is in the best interest of the public to minimize the costs of such projects;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, AS FOLLOWS:

Section 1: The "Intergovernmental Reciprocity Agreement Establishing the Mutual Waiver of Fees" (the "Agreement") between the Metropolitan St. Louis Sewer District and the City, attached hereto as "Exhibit A," is hereby approved and the execution is hereby authorized. The Agreement as executed shall be in substantially the form of "Exhibit A," with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Ordinance, and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient, or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the Agreement.

Adopted this ____ day of _____, 2011.

Tara Nealey
President of City Council

Adopted this ____ day of _____, 2011.

Harold L. Dielmann
Mayor

Attest:

Deborah Ryan, MRCC
City Clerk

“EXHIBIT A”

INTERGOVERNMENTAL RECIPROCITY AGREEMENT
ESTABLISHING THE MUTUAL WAIVER OF FEES

WHEREAS, the Metropolitan St. Louis Sewer District (“MSD”) values the relationship it has built with other governmental entities, and intends to comply with all relevant governmental ordinances;

WHEREAS, MSD appreciates that, as governmental entities, both MSD and the City of Creve Coeur are political subdivisions of the State of Missouri, and that both are clothed with sovereign immunity;

WHEREAS, MSD recognizes that it is in the best interest of the public that additional fees not be imposed upon governmental entities, including MSD, when such entities undertake repairs, maintenance or new construction:

NOW, THEREFORE, the parties agree as follows:

1. Neither MSD nor the City of Creve Coeur shall charge the other party to this Agreement plan review, inspection or permit fees or building fees for projects that involve repairs, maintenance or new construction;
2. This Agreement does not affect the applicability of sewer connection fees and Caulks Creek or Williams Creek impact fees which are necessary to join new or existing facilities to MSD’s system of sewers.

WHEREFORE, the Parties have hereto set their hands on the dates noted below.

Metropolitan St. Louis Sewer District
Director of Engineering

Dated: _____

City of Creve Coeur

Title: _____
Dated: _____



DEPARTMENT OF PUBLIC WORKS OFFICE MEMORANDUM

DATE: August 16, 2011

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works

FROM: Matt Wohlberg, P.E., City Engineer

SUBJECT: Recommendation to Execute Agreement
MSD Intergovernmental Reciprocity Agreement

The Metropolitan St. Louis Sewer District (MSD) recently informed me of an agreement that it has reached with other cities in St. Louis County, whereby MSD and each city mutually agree to waive various fees typically charged for permitting and inspecting work. MSD and the City currently waive these fees for each other, and this agreement would simply formalize this current practice.

This agreement would not apply to the use of MSD or City equipment or personnel in the event that one entity's actions would require work by the other (e.g. a City project damages a sewer line or a defective sewer line causes a road to fail). This agreement is limited to permitting and inspection fees.

The City, MSD, and the citizens of Creve Coeur will benefit from the elimination of these fees. Therefore, the recommendation is to execute the referenced agreement with MSD.

Attachments: Intergovernmental Reciprocity Agreement

RESOLUTION NO. 978

A RESOLUTION TO ADOPT A FORMAL INTERVIEW PROCESS FOR CITIZENS INTERESTED IN POSITIONS ON CERTAIN BOARDS AND COMMISSIONS FOR THE CITY OF CREVE COEUR.

WHEREAS, the City of Creve Coeur currently has fourteen standing Boards, Committees and Commissions and two ad hoc Task Forces, and

WHEREAS, Council wants to incorporate interviews into the procedures for appointment of qualified members to the Planning and Zoning Commission, Board of Adjustment, Finance Committee and the Employee Pension Board of Trustees,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOUR, AS FOLLOWS:

SECTION 1: One or more members of the Nominating Committees shall interview no less than a majority of eligible applicants for the Planning and Zoning Commission, Board of Adjustment, Finance Committee and the Employee Pension Board of Trustees, who are subject to appointment by the City Council, prior to deciding upon and presenting recommendations for appointments to the City Council. An applicant who has been interviewed in the past 12 months need not be interviewed again to be considered and/or nominated."

SECTION 2: This resolution shall take effect immediately upon its adoption.

Adopted this _____ day of August, 2011.

Harold Dielmann, Mayor

Attest:

Deborah Ryan, City Clerk



Recycling, Environment & Beautification Committee Meeting Summary

Meeting Date: Wednesday, August 3, 2011
Time: 4:30 p.m.
Location: Creve Coeur Government Center
Date Prepared: July 8, 2011
Prepared By: Sharon Stott, Public Information Officer & Management Analyst

Committee Members in attendance: Fran Cantor (Chair), Victoria Barmak, Susan Baseley, Elizabeth Callahan, Tracy Grass, Richard Koch, Joan McNulty, Dan Tierney

Committee Members absent: Claire Chosid, Judy Pass

Also in attendance: Charlotte D'Alfonso, council liaison, Rachel Eilbott, guest

Staff members: Sharon Stott, Public Information Officer & Management Analyst

The meeting was called to order at 4:32 p.m.

Actions:

- Susan Baseley moved to approve the July 6, 2011 meeting summary. Elizabeth Callahan seconded the motion. Motion passed with 7 ayes, 0 nays, and 1 abstention (Dan Tierney).
- Joan McNulty moved to appoint Fran Cantor as Chair of the REB Committee for 2011-2012. Susan Baseley seconded the motion. The motion passed unanimously.
- Dan Tierney moved to appoint Richard Koch as Vice Chair of the REB Committee for 2011-2012. Joan McNulty seconded the motion. The motion passed unanimously.

Discussion Summary:

Signage Arbor Day/Spring Seminar

The Committee discussed funding for Arbor Day/Spring Seminar signs. Cost of signage is estimated to be \$150 each for microsurfacing signs similar to those used by the City's Public Works Department. Asking a for-profit business to fund the signs instead of asking Council to approve funding was discussed.

The Committee decided to move forward with discussion with the Council to seek City funding of the signs. Charlotte D'Alfonso will present issue for discussion at the August 8 Council meeting. Richard Koch and other committee members will attend the August 22 Council Meeting to answer questions, if any, from the August 8 discussion.

Community Survey 2011

The City of Creve Coeur is preparing to contract for a triennial community survey in the fall 2011. City Administrator Mark Perkins requested input from staff, boards and commission members to review the 2008 community survey questions and make recommendations for survey questions to be used in 2011.

Committee reviewed the four questions on the 2008 survey pertaining to REB activities and made deletions, edits and additions of questions for consideration. Five questions related to trash, recycling and a community garden will be provided to City staff for consideration. (see attached)

Arbor Day School Essay Outreach

Tracy Grass presented two drafts of letters going to Creve Coeur school principals and teachers encouraging school participation in the Arbor Day School Essay Contest. Committee members were asked to review letters and send any revisions to Tracy Grass.

Discussion was had as to whether to expand contest to middle schools. REB decided to remain with elementary school students.

All essay participants will be encouraged to attend the Arbor Day Spring Seminar event tentatively scheduled for April 21, 2012.

Ms. Cantor will ask Claire Chosid about ordering Arbor Day trees.

Beautification Contest Timeline

Committee reviewed 2008 Beautification Contest Timeline. Committee decided to have the contest earlier in the summer to capture gardens at their peak season before summer heat.

REB Committee to tour city to view finalist yards on Wednesday, June 27 at 7:30 a.m.

Ms. Stott was asked to ask the mayor about contacting his bus sponsor. Ms. Stott is to order Panera Bread Company lunch day of tour.

Mission of REB

Committee reviewed draft of revised REB mission provided by Jaysen Christensen, assistant to the city administrator. Draft included deletion of recycling and trash responsibilities and focused on horticulture and beautification activities. Committee will provide revisions for the next Committee meeting.

Ms. Stott to scan Mr. Christensen's file and send editable document file to Committee.

REB Committee Roster

Ms. Stott to send updated roster to committee.

Adjourn:

The meeting adjourned at 5:45 p.m.

Community Survey Questions from REB Committee

[2008 SURVEY QUESTIONS]

Turning to a few questions on trash collecting and recycling:

15. Do you place your trash at the rear or at the curb? ☐ At rear ☐ At curb ☐ N/A

16. How satisfied are you with the city's current trash pick-up service?

☐ Very Satisfied ☐ Satisfied ☐ Dissatisfied ☐ Very Dissatisfied

17. How often do you typically use the recycling program?

☐ Weekly ☐ Biweekly ☐ Monthly ☐ A few times a year or less ☐ N/A

18. How satisfied are you with the city's current recycling program?

☐ Very Satisfied ☐ Satisfied ☐ Dissatisfied ☐ Very Dissatisfied

[2011 SURVEY QUESTIONS]

Turning to a few questions on trash, recycling and community gardens:

15. Are you aware that rear yard trash pick-up is available to all homes?

☐ Yes ☐ No

16. How often is your trash collection missed in one year?

☐ 0-3 times ☐ 4-7 times ☐ 8-11 times ☐ 11 or more

17. Do you think Creve Coeur should enact an ordinance requiring all business and residential property landlords to provide recycling services to their tenants?

☐ Yes ☐ No

18. Do you think Creve Coeur should have a community garden?

☐ Yes ☐ No

19. Would you be interested in leasing a garden space in a community garden?

☐ Yes ☐ No



MEMORANDUM

DATE: August 18, 2011

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance

SUBJECT: Participation in WCDC

In November of 2010 the Creve Coeur City Council approved participation in WCDC for police dispatch services. The total city contribution for FY 11 was \$297,220. That contribution included the following:

1. \$92,000 for initial equipment purchases. This money should be returned to the city within 60-90 days based on a grant received by WCDC.
2. \$50,000 for one-half of the base fee covering January 1, 2011 to June 30, 2011 per the agreement.
3. \$155,220 for 2 quarterly installments for the time period of January 1, 2011 through June 30, 2011 per the agreement.

The financial statements for the year ending 6/30/11 have been issued. I have enclosed a copy for your review. This statement shows a surplus of \$129,176 for FY 2011. This was a result of WCDC not being fully operational until March 2011. This surplus is being maintained by WCDC to meet the reserve requirement mandated in the agreement. It was originally planned to retain some of the equipment repayment to the participants however that will not be necessary as a result of the surplus.

The city budget for 2012 contains a \$420,000 allocation to WCDC. I would be pleased to respond to any questions about the financing of WCDC or the financial reports.

REPORT DATE 06/30/2011
 SYSTEM DATE 08/04/2011
 FILES ID T

CITY OF TOWN & COUNTRY
 STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
 West Central Dispatch Ctr
 AS OF 06/2011

PAGE 1
 TIME 08:55:56
 USER BETTY

ACCOUNT DESCRIPTION	C U R R E N T M O N T H		Y E A R - T O - D A T E	
	BUDGET	ACTUAL	BUDGET	ACTUAL
REVENUES				
WC-DC-820-01				
Base Fee			150000.00	150000.00
WC-DC-820-02				
Usage Fee			360976.00	360976.00
TOTALS FOR ACCT 820			510976.00	510976.00
WC-DC-825-01				
Start Up Contribution			276000.00	276000.00
TOTALS FOR ACCT 825			276000.00	276000.00
WC-DC-830-20				
Interest Income		23.15		167.47
TOTALS FOR ACCT 830		23.15		167.47
TOTALS FOR West Central Dispatch Ctr		23.15	786976.00	787143.47
TOTALS FOR West Central Dispatch Ctr		23.15		167.47
TOTALS FOR REVENUES		23.15	786976.00	787143.47
				167.47

REPORT DATE 06/30/2011
SYSTEM DATE 08/04/2011
FILES ID T

CITY OF TOWN & COUNTRY
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
West Central Dispatch Ctr
AS OF 06/2011

PAGE 2
TIME 08:55:56
USER BETTY

ACCOUNT DESCRIPTION	C U R R E N T M O N T H		Y E A R - T O - D A T E	
	BUDGET	ACTUAL	ACTUAL OVER/ UNDER BUDGET	BUDGET
EXPENDITURES				
WC-DC-100-10				
Salaries	80482.11	-80482.11	310500.00	214070.14
WC-DC-100-15				
Overtime	8519.28	-8519.28	12500.00	21301.32
WC-DC-100-24				
Pension	2800.81	-2800.81	24840.00	10800.33
WC-DC-100-25				
Employer Payroll Taxes	5310.03	-5310.03	23760.00	21367.32
WC-DC-100-30				
Group Life Insurance			1870.00	1870.00
WC-DC-100-31				
Disability Insurance			1870.00	1870.00
WC-DC-100-32				
Medical Insurance	5090.77	-5090.77	40500.00	25823.86
WC-DC-100-36				
Dental Insurance	420.62	-420.62	4660.00	1945.06
WC-DC-100-37				
Other Employee Benefits			1280.00	1280.00
WC-DC-100-38				
Employee Recognition			150.00	150.00
TOTALS FOR Personnel Services	102623.62	-102623.62	421930.00	295308.03
WC-DC-200-50				
Service Contracts	4910.59	-4910.59	38550.00	22951.10
WC-DC-200-80				
Insurance	-4232.55	4232.55	11450.00	9982.45
WC-DC-200-95				
Telephone	2988.16	-2988.16	23450.00	13126.09
TOTALS FOR Contractual Services	3666.20	-3666.20	73450.00	46059.64
WC-DC-300-10				
Office Supplies	201.57	-201.57	1500.00	1636.36
WC-DC-300-90				
Uniforms	45.85	-45.85	2600.00	1558.95
TOTALS FOR Materials & Supplies	247.42	-247.42	4100.00	3195.31
WC-DC-400-30				
Dues & Memberships			200.00	200.00
WC-DC-400-40				
Subscriptions & Publicitn			800.00	800.00
WC-DC-400-50				
Training			650.00	650.00
WC-DC-400-99				
Miscellaneous Expense	241.73	-241.73	1800.00	612.11
TOTALS FOR Other	241.73	-241.73	3450.00	612.11
				2837.89

REPORT DATE 06/30/2011
 SYSTEM DATE 08/04/2011
 FILES ID T

CITY OF TOWN & COUNTRY
 STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
 West Central Dispatch Ctr
 AS OF 06/2011

PAGE 3
 TIME 08:55:56
 USER BETTY

ACCOUNT DESCRIPTION	C U R R E N T M O N T H		Y E A R - T O - D A T E	
	BUDGET	ACTUAL	BUDGET	ACTUAL
TOTALS FOR West Central Dispatch Ctr				
	106778.97	-106778.97	502930.00	345175.09
				157754.91

REPORT DATE 06/30/2011
SYSTEM DATE 08/04/2011
FILES ID T

CITY OF TOWN & COUNTRY
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
West Central Dispatch Ctr
AS OF 06/2011

PAGE 4
TIME 08:55:56
USER BETTY

ACCOUNT DESCRIPTION	C U R R E N T M O N T H	Y E A R - T O - D A T E	
	BUDGET ACTUAL ACTUAL OVER/ UNDER BUDGET	BUDGET ACTUAL ACTUAL OVER/ UNDER BUDGET	
WC-SU-400-50			
Training	8000.00	7808.81	191.19
WC-SU-400-99			
Miscellaneous Expense	26000.00	10176.79	15823.21
TOTALS FOR Other	34000.00	17985.60	16014.40
WC-SU-500-10			
Construction	70580.00	64461.23	6118.77
WC-SU-500-30			
Office Equipment	12000.00	5433.92	6566.08
WC-SU-500-60			
Radios	69860.00	72111.57	-2251.57
WC-SU-500-90			
Equipment	88560.00	152799.90	-64239.90
TOTALS FOR Capital Outlay	61134.06	61134.06	-53806.62
TOTALS FOR WCDC START UP	61134.06	61134.06	-37792.22
TOTALS FOR West Central Dispatch Ctr	167913.03	167913.03	119962.69
TOTALS FOR EXPENDITURES	167913.03	167913.03	119962.69
EXCESS OF REVENUE OVER EXPENDITURES			
FOR West Central Dispatch Ctr	-167889.88	-167889.88	120130.16
OTHER ADJUSTMENTS TO FUND BALANCE			
FUND BALANCES - JULY 1			0.00
FUND BALANCES - JUNE 30			129176.16

REPORT DATE 06/30/2011
SYSTEM DATE 08/04/2011
FILES ID T

CITY OF TOWN & COUNTRY
COMPARATIVE BALANCE SHEET
West Central Dispatch C
AS OF 06/30/2011

PAGE 1
TIME 08:58:02
USER BETTY

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	CURRENT YEAR	PREVIOUS YEAR	DIFFERENCE FROM PREV YEAR	PERCENTAGE
ASSETS:					
CURRENT ASSETS					
Cash in Bank	Cash-WCDC	416800.53		416800.53	
WC-00-100-01	Petty Cash	300.00		300.00	
WC-00-100-05					
TOTAL		417100.53		417100.53	
Cash in Bank					
Investments					
TOTAL					
Investments					
Accr Int & Other Accruals					
TOTAL					
Accr Int & Other Accruals					
Prepaid Insurance	Prepaid Insurance	12661.55		12661.55	
WC-00-150-01					
Due From Other Funds					
TOTAL		429762.08		429762.08	
CURRENT ASSETS					
TOTAL		429762.08		429762.08	
ASSETS					
LIABILITIES AND FUND BALANCES:					
LIABILITIES:					
CURRENT LIABILITIES					
Accounts Payable	Vouchers Payable Control	31119.65		31119.65	
WC-00-200-01	AcctsPayable-WC	53406.33		53406.33	
WC-00-210-01					
TOTAL		84525.98		84525.98	
Accounts Payable					
Payroll Withholdings	Medical Insurance W/H	1582.60		1582.60	
WC-00-216-01	Dental Insurance W/H	137.40		137.40	
WC-00-216-05					
TOTAL		1720.00		1720.00	
Payroll Withholdings					
Accrued Compensation	Accrued Payroll-WCDC	39949.94		39949.94	
WC-00-216-20					

REPORT DATE 06/30/2011
 SYSTEM DATE 08/04/2011
 FILES ID T

CITY OF TOWN & COUNTRY
 COMPARATIVE BALANCE SHEET
 West Central Dispatch C
 AS OF 06/30/2011

PAGE 2
 TIME 08:58:02
 USER BETTY

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	CURRENT YEAR	PREVIOUS YEAR	DIFFERENCE FROM PREV YEAR	PERCENTAGE
Other Liabilities WC-00-216-25	Deferred Revenue	174390.00		174390.00	
Due to Other Funds TOTAL					
CURRENT LIABILITIES TOTAL		300585.92		300585.92	
LIABILITIES		300585.92		300585.92	
FUND BALANCES:					
Reserve for Encumbrances TOTAL					
Reserve for Encumbrances					
Fund Balance					
Encumbrance Control TOTAL					
FUND BALANCES EXCESS OF REVENUE OVER EXPENDITURES		129176.16		129176.16	
TOTAL LIABILITIES AND FUND BALANCES		429762.08		429762.08	

CITIZEN COMMENT AND PUBLIC HEARING PROCEDURES

I. SPEAKER ADVANCE SIGN-UP REQUIRED

Anyone who wishes to make comments during a meeting or public hearing should complete a speaker's card in advance and turn the card in. Your name will be called when it is your turn to speak. All speakers at a public hearing will be sworn in for the record.

II. SPEAKER PROCEDURES

- A. PETITIONERS - Persons making a presentation in support of their application will be requested not to exceed thirty (30) minutes. Questions and comments from the dais may follow.
- B. COMMENTS FROM THE GENERAL PUBLIC – Members of the public may provide comments regarding items that are not on the agenda at the designated time. Comments on an agenda item should be offered when that item comes up for consideration if possible (but can be offered during the general comment time if necessary). In order to assure that there is time for all commentators and all agenda items, oral comments from the public are generally limited to three minutes per person. Lengthier comments can be submitted in writing, including by email, and preferably well before the start of the meeting to provide time for full consideration. If additional time is desired for oral comments beyond the allotted three minutes, the request must be presented (with explanation) and approved before you begin your comments. If there is an organized group with designated spokesperson(s), the order of speakers and allocation of time can be proposed for approval.
- C. REBUTTAL – A petitioner or proponent will have the opportunity to present rebuttal or clarifying evidence with a requested limit of five (5) minutes.

Two copies of any written materials to be including a public hearing record should be provided to the City. The materials should be specifically identified during the oral presentation.

Official transcripts of a public hearing can be obtained for cost. Contact the City Clerk to make arrangements.



CITY OF CREVE COEUR CITIZEN COMMENT/PUBLIC HEARING SPEAKER CARD

THE FOLLOWING INFORMATION IS TO BE PROVIDED BY ALL PESONS
INTERESTED IN PROVIDING COMMENTS DURING A MEETING OR
PUBLIC HEARING:

NAME _____

ADDRESS _____

TOPIC _____

POSITION SUPPORT / OPPOSE / NEUTRAL
(circle one)

COMMENTS: _____

YOUR NAME WILL BE CALLED AT THE APPROPRIATE TIME TO ALLOW
YOU TO MAKE YOUR COMMENTS.

SEE REVERSE SIDE FOR PROCEDURES



Welcome to your City of Creve Coeur Council Meeting

Your City Council:

The Creve Coeur City Council consists of eight elected Council Members (two from each of the four wards of the City) and the Mayor. The Mayor generally presides over meetings, but the Council President presides when the Mayor is not present. Other officials that attend Council meetings include the City Administrator, who is the chief officer of the City, the City Clerk, and the City Attorney. Directors of city departments may also be in attendance. At least five Council Members must be present to have a quorum to conduct business at a meeting.

Scheduling of City Council Meetings

Notices of all City Council Meetings are posted on the bulletin board in the lobby of the Governmental Center and also on the City's website at www.creve-coeur.org/agenda/council.

Regular City Council Meetings are normally held at 7:00 p.m. on the second and fourth Monday of each month in the Council Chambers at the Governmental Center.

Closed/Executive Sessions are held only for limited purposes as provided by state law and are not open to the public. Other than closed/Executive sessions, all Council meetings and work sessions are open to the public.

Special City Council Meetings are held as needed, generally with at least 24 hours notice to the public.

Work Sessions are held as needed, usually held from 6:00 p.m. to 7:00 p.m. prior to regularly scheduled Council Meetings. Work Sessions provide an opportunity for Council discussion on matters in a more informal setting, where no final decisions are made.

Public Participation

The City Council welcomes and encourages your attendance and participation at their meetings. The public may address the Council on items not contained on the agenda during "Comments from the General Public" at the beginning of a regular meeting. Citizens are encouraged to comment on any matter of concern involving the city. Comments on an item contained on the agenda should be made at the point at which the item is considered by the City Council. Please complete a Speaker Card and turn it in to the City Clerk. In order to assure that there is time for all commentators and all agenda items, oral comments from the public are generally limited to three minutes per person. Lengthier comments can be submitted in writing, including by email, and preferably well before the start of the meeting to provide time for full consideration. If additional time is desired for oral comments beyond the allotted three minutes, the request must be presented (with explanation) and approved before you begin your comments. If there is an organized group with designated spokesperson(s), the order of speakers and allocation of time can be proposed for approval.

Please state your name and address for the record before you begin your comments.

Comments from the public are generally not permitted during work sessions.

Comments should be directed to the Mayor and City Council and not third party meeting attendees. Normally Mayor and Council will not answer questions and/or comments at this time in the meeting but will make note of the comment for a later response by the appropriate person.

Comments may be submitted in writing to the City Clerk, Mayor and/or City Council Members by mail, email or delivered to the Government Center. If there is an issue that many citizens wish to comment upon, you may want to consider choosing a spokesperson to address the Council.

If you need special accommodations to attend or participate in a Creve Coeur City Council meeting, please call the City Clerk at 314 872 2517 at least two days prior to the meeting.

Agenda Items and Voting

Public Hearings are held on matters when required by law. Persons who wish to speak at public hearings will be heard *after* the applicant has made their presentation and the Council has been given an opportunity to question

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the applicant. Speakers at a public hearing are asked to complete a Speaker Card located at the back of the Council Chambers and present it to the City Clerk. When called upon, the speaker must swear or affirm the truth of their testimony to the reporter that transcribes the hearing.

Consent Agenda matters are considered by the Council to be routine and are acted upon in a single motion with the approval of the Consent Agenda. There is no discussion of these items unless a Council member requests to remove an item from the Consent Agenda.

Consent Ordinance Readings are typically bills that have been read for the first time at a previous meeting and are now eligible for final reading. Bills placed under this section of the agenda are usually Bills that are considered routine.

Bills are proposed ordinances provided to the Council for consideration. Bills are normally introduced at an initial meeting and considered for passage at the next scheduled regular Council meeting. Bills are discussed and read by title two times before final passage. Once Council has approved final passage, a Bill becomes an Ordinance.

Ordinances are laws adopted by the City Council at public meetings. Ordinances require an affirmative vote of five Council Members for passage and are usually effective upon passage and signature by the Mayor. In an emergency, a Bill may be introduced, read twice, and passed at a single meeting by vote of six Council members.

Resolutions establish Council policy, approve expenditures or direct certain types of administrative action. They require an affirmative vote of five Council Members for passage and are usually effective upon adoption. Resolutions may be introduced and passed at a single meeting.

Proclamations are ceremonial documents recognizing persons or significant events.

Policy approval, establishing procedures or providing direction to staff, simply requires a motion and approval by a majority of the Council members present.

Appointments to various city offices, committees, boards and commissions are handled pursuant to procedures set forth in the Charter. Five affirmative votes are required for City Council approval.

Reconsideration of an Ordinance or Resolution requires the same amount of affirmative votes that was required to pass the legislation; and must be brought up by a member of the prevailing side of the issue. If a motion is passed to reconsider an Ordinance or Resolution, it eliminates that action and a new vote of approval becomes necessary. Reconsideration must be brought up during the same meeting or at the next meeting after the Ordinance or Resolution was approved.

Protest Petitions can be filed against proposed ordinances that would amend, supplement, change, modify or repeal boundaries of zoning districts, uses, regulations or restrictions. A protest petition must be signed by no less than 30% (by land area) of either the property owners within the area to be rezoned OR the property owners within an area located within 185 feet from the proposed rezoning boundaries. City Council votes on rezoning amendments subject to protest petitions must be approved by six members of the Council before they become effective.

Tie Votes. The Mayor cannot vote, except in the event of a tie, whereby he can vote in most instances.

Excused Council Members. Excused Council Members who recuse themselves may not vote or discuss as a council person a matter due to a conflict of interest. In most instances an excused council member may be replaced by the Mayor for purposes of voting on that particular matter. Council members are required by law to recuse themselves in instances where they would have a personal financial interest in a matter. Council Members file annual disclosure statements concerning their personal financial interests, which are on file with the City Clerk.

Vetoed Ordinances are ordinances which the Mayor declines to sign and instead disapproves in writing within seven days of passage. The Council cannot approve a vetoed ordinance unless, no sooner than the second regular meeting after veto, six members vote to override the veto.

Initiative and Referendum procedures are set forth in Article XI of the City Charter, providing means by which qualified voters may propose certain types of legislation or vote on certain legislation.

August 2011

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