Table of Contents

Agenda 4

Council Minutes dated August 13, 2012

Minutes dated 08/13/2012 10

Bill No. 5380 - An Ordinance Authorizing The Issuance Of A New Conditional Use Permit For A 1,465 Square-Foot Eating And Drinking Establishment Located At 12784 Olive Boulevard Within The Schnucks/Bellerive Plaza Shopping Center. Final Passage

Bill No. 5380 19

Staff Report 22

Applicant's Materials received July 5, 2012 28

P&Z Chair Letter 29

August 6, 2012 Public Hearing Transcript 30

Bill No. 5382 - An Ordinance Amending Provisions Of Chapters 135, 210, 300, 310, And 340 Of The Creve Coeur Code Of Ordinances Regarding Procedures Of And Offenses Prosecuted In The City's Municipal Court. Final Passage

Bill No 5382 37

Bill No. 5383 redlined 52

PD Memo Amending Ordin. 135,210,300, 310, & 340 71

Resolution No. 1020 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of An Agreement With The City Of Chesterfield, Under The Cooperative Salt Program, For Purchasing 1,200 Tons Of Salt For An Amount Of $50,268.00.

Resolution No 1020 73

Staff Memo - Salt Purchase 74

Resolution No. 1021 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Approval Of Change Order #1 In The Amount Of $3,452 For The Contract With Horner & Shifrin, Inc. For Engineering Design Services Related To The Development Of The Ladue Road Sidewalk Design, Project Manual, And Approvals From MoDOT.

Resolution No 1021 75

Staff Report - Change Order #1, ladue Rd. Sidewalk project Design 76

Horner & Shifrin Proposal - Change Order #1, Ladue Rd. Sidewalk Project Design 77

Original Staff Report for Design Services, Ladue Rd. Sidewalk Project 78

Resolution No. 1022 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The City Administrator To Execute A Contract With The Harris Company For Support For The Accounting, Financial, Human Resources/Payroll Software In An Amount Not To Exceed $23,747.

Resolution No 1022 79

Memo, Annual Software Support, 8-22-12 80

For Information Only

Report, Bills Payable, 8/22/12 81

Bill No. 5379 - An Ordinance Amending The Official Zoning Map Of The City Of Creve Coeur To Rezone Land “C” Single-Family Residential To "GC" General Commercial, Authorizing The Installation Of One (1) Fire Hydrant, And Approving The Site Development Plan For The Property Addressed As 11224 Olive Boulevard. Final Reading and Passage

Bill No 5379 104

Staff Report 107

Applicant's Materials received July 13, 2012 123

P&Z Chair Letter 137

Revised Elevations and Rendering received 08-08-2012 138

August 6, 2012 Public Hearing Transcript 140

Bill No. 5381 - An Ordinance Approving A Master Signage Plan Pursuant To Section 405.950.6 Of The City Of Creve Coeur Code Of Ordinances For The Congregation Of B'nai Amoona And Saul Mirowitz Jewish Community School Campus Located At 324 S. Mason Road. Final Reading and Passage

Bill No 5381 153

Exhibit 1: Revised Master Sign Plan received August 8, 2012 156

Memo regarding revised draft ordinance 161

Staff Report from August 6, 2012 P&Z Meeting 163

Applicant's revised Parking Direction Signs received July 26, 2012 167

Staff Report from July 16, 2012 P&Z Meeting 168

Applicant's Materials received June 11, 2012 180

P&Z Chair Letter 185

Excerpt from July 16, 2012 P&Z Meeting Minutes 186

July 16, 2012 Public Hearing Transcript 189

Bill No. 5383 - Amendment To The Defined Benefit Retirement Plan For Employees Of The City Of Creve Coeur. Final Reading and Passage

Bill No. 5383 200

Memo from Dan Smith dated 08 23 12 204

Bill No 5383 205

Memo-Amendment to Pension Plan 209

e-mail Required Retirement Plan Amendment 210

Bill No. 5384 - An Ordinance Approving A Final Subdivision Plat For Spectrum Retirement Communities, Lot 1, City Of Creve Coeur, St. Louis County, Missouri. First Reading

Bill No 5384 212

Subdivision Plat 214

Bill No. 5385 - An Ordinance Authorizing The Issuance Of A New Conditional Use Permit For A 43,254 Square-Foot, Assisted Living, Home For The Aged, With Health Care Incidental, Facility Located At 693 Decker Lane In The “CB” Core Business District. First Reading

Bill No. 5385 215
Exhibit A 219
Staff Report from August 6, 2012 Planning and Zoning Commission 232
Staff Report from August 20, 2012 Planning and Zoning Commission 247
Applican't Letter received August 13, 2012 252
Public Comment received August 16, 2012 255
August 6, 2012 Public Hearing Transcripts 256
August 20, 2012 continued Public Hearing Transcript 312
St. Louis Audubon Society Bring Conservation Home Program - Partnership
Memo to CA 08_20_2012 328
Bring Conservation Home Presentation 07_12 329
Olive Graeser Transportation Development District
Response to OGTDD request 08-16-12 336
OGTDD Request letter - 07-05-12 337

AMENDED AGENDA
CITY OF CREVE COEUR
CITY COUNCIL MEETING
300 N NEW BALLAS ROAD
Monday, August 27, 2012
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 and to complete a speaker card)

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

FUTURE PUBLIC HEARINGS
Monday, September 10, 2012 - 7:00 p.m. - Setting the Property Tax Rate for 2012

1. CONSENT ORDINANCE READINGS

a. Bill No. 5380 - An Ordinance Authorizing The Issuance Of A New Conditional Use Permit For A 1,465 Square-Foot Eating And Drinking Establishment Located At 12784 Olive Boulevard Within The Schnucks/Bellerive Plaza Shopping Center. Final Reading
Summary: An application was submitted by Ned Amos, of Cardinal Plumbing and Construction, on behalf of Xiao Bin Chen, for a conditional use permit for a 1,465 square-foot, 32-seat eating and drinking establishment at 12784 Olive Boulevard within the Schnucks/Bellerive Plaza Shopping Center. Section 405.360(C), all eating and drinking places in the "GC", General Commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits. Planning and Zoning recommended approval on Monday, August 6, 2012.

b. Bill No. 5382 - An Ordinance Amending Provisions Of Chapters 135, 210, 300, 310, And 340 Of The Creve Coeur Code Of Ordinances

Regarding Procedures Of And Offenses Prosecuted In The City's Municipal Court. Final Reading
Summary: The proposed ordinance changes to Chapters 135,210,300,310, and 340 are a result of various changes in the laws by the Missouri legislature in the spring session.

2. CONSENT AGENDA

a. Council Minutes dated August 13, 2012

b. Bill No. 5380 - An Ordinance Authorizing The Issuance Of A New Conditional Use Permit For A 1,465 Square-Foot Eating And Drinking Establishment Located At 12784 Olive Boulevard Within The Schnucks/Bellerive Plaza Shopping Center. Final Passage
Summary: An application was submitted by Ned Amos, of Cardinal Plumbing and Construction, on behalf of Xiao Bin Chen, for a conditional use permit for a 1,465 square-foot, 32-seat eating and drinking establishment at 12784 Olive Boulevard within the Schnucks/Bellerive Plaza Shopping Center. Section 405.360(C), all eating and drinking places in the "GC", General Commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits. Planning and Zoning recommended approval on Monday, August 6, 2012.

c. Bill No. 5382 - An Ordinance Amending Provisions Of Chapters 135, 210, 300, 310, And 340 Of The Creve Coeur Code Of Ordinances Regarding Procedures Of And Offenses Prosecuted In The City's Municipal Court. Final Passage
Summary: The proposed ordinance changes to Chapters 135, 210, 300, 310, and 340 are a result of various changes in the laws by the Missouri legislature in the spring session.

d. Resolution No. 1020 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of An Agreement With The City Of Chesterfield, Under The Cooperative Salt Program, For Purchasing 1,200 Tons Of Salt For An Amount Of $50,268.00.
Summary: This salt purchase will allow the city to stock up on the necessary deicing materail to fight snow and ice storms this winter.

e. **Resolution No. 1021 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Approval Of Change Order #1 In The Amount Of $3,452 For The Contract With Horner & Shifrin, Inc. For Engineering Design Services Related To The Development Of The Ladue Road Sidewalk Design, Project Manual, And Approvals From MoDOT.**
Summary: This change order in the amount of $3,452 is to pay for additional design services for the Ladue Rd. sidewalk project. The additional unexpected design services include plan detail changes, traffic signal wind and weight load calculations as well as revisions to the project manual for the APS Pedestrian Crosswalk signals at all intersections between Graeser and Coeur de Ville, and illuminated street name signs and illuminated hospital directional signs at the Ladue/ New Ballas intersection.

f. **Resolution No. 1022 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The City Administrator To Execute A Contract With The Harris Company For Support For The Accounting, Financial, Human Resources/Payroll Software In An Amount Not To Exceed $23,747.**
Summary: A resolution to authorize $23,747 for FY13 for annual software support for financial software.

BILLS PAYABLE REPORT

For Information Only
Summary: A report of bills payable dated August 22, 2012 in the amount of $104,684.05 has been provided for Council review. No vote is required.

UNFINISHED BUSINESS

3. **Bill No. 5379 - An Ordinance Amending The Official Zoning Map Of The City Of Creve Coeur To Rezone Land "C" Single-Family Residential To "GC" General Commercial, Authorizing The Installation Of One (1) Fire Hydrant, And Approving The Site Development Plan For The Property Addressed As 11224 Olive Boulevard. Final Reading and Passage**
Summary: An application was made by Andrew Brown, of Brownstone Properties, LLC to adjust the boundaries of 11224 Olive Boulevard, 834 Mosley Road and 842 Mosley Road, and then rezone the property at 11224 Olive Boulevard from "C" Single Family Residential District to "GC"

General Commercial District, for the use as a Goddard School for Early Childhood Development. In accordance with Section 405.1080 of the Zoning Ordinance, the applicant has submitted a site development plan for the subject property, addressed as 11224 Olive Boulevard for the development of the school. Planning and Zoning Commission approved the boundary adjustment and recommended approval of the rezoning and site development plan on August 6, 2012.

4. **Bill No. 5381 - An Ordinance Approving A Master Signage Plan Pursuant To Section 405.950.6 Of The City Of Creve Coeur Code Of Ordinances For The Congregation Of B'nai Amoona And Saul Mirowitz Jewish Community School Campus Located At 324 S. Mason Road. Final Reading and Passage**
   Summary: An application was submitted by the Summit Sign and Graphics, on behalf of Saul Mirowitz Jewish Community School for a Master Signage Plan for the Congregation B'Nai Amoona and Saul Mirowitz Jewish Community School campus located on 324 S. Mason Road, pursuant to Section 405.950.6 of the City of Creve Coeur's Code of Ordinances, to include new signage throughout the campus. Planning and Zoning recommended approval on Monday, August 6, 2012.

5. **Bill No. 5383 - Amendment To The Defined Benefit Retirement Plan For Employees Of The City Of Creve Coeur. Final Reading and Passage**
   Summary: Amendment To The Defined Benefit Retirement Plan For Employees Of The City Of Creve Coeur to meet IRS requirements.

NEW BUSINESS

6. **Bill No. 5384 - An Ordinance Approving A Final Subdivision Plat For Spectrum Retirement Communities, Lot 1, City Of Creve Coeur, St. Louis County, Missouri. First Reading**
   Summary: An application was submitted by Spectrum Retirement Communities, LLC, for approval of the Spectrum Retirement Communities Subdivision Plat, described as part of adjusted Lot A of the "Boundary Adjustment Plat of Part of Lots 7, 8, 9, and 15 of the Lake House Farm subdivision and all of Trojan Place Addition" as recorded in Plat Book 348 pages 58 and 59, submitted by Marler Surveying Company, Inc. in conjunction with the application for Conditional Use Permit and Site

Development Plan for 693 Decker Lane. Planning and Zoning Commission recommended approval on August 20, 2012.

7. **Bill No. 5385 - An Ordinance Authorizing The Issuance Of A New Conditional Use Permit For A 43,254 Square-Foot, Assisted Living, Home For The Aged, With Health Care Incidental, Facility Located At 693 Decker Lane In The "CB" Core Business District. First Reading**
   Summary: An application was submitted by Spectrum Retirement Communities, LLC, for a conditional use permit of a 43,254 square foot, 4-story, 90-unit assisted living facility, at 693 Decker Lane. Section 405.370(C), "CB" Core Business District, assisted living facilities are classified as a "home for the aged, with health care incidental" by the Zoning Code which requires the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits. Planning and Zoning Commission recommended approval on August 20, 2012.

APPOINTMENTS

8. **Appointment and Reappointment of Council Members to the Olive Bouelvard TDD Board**
   Summary: There are two TDD Board positions that are held by Council Members that will be expiring in September.

BUSINESS FROM THE MAYOR and CITY COUNCIL

9. **Coffee with the Mayor**
   Summary: Mayor Glantz will host "Coffee with the Mayor" in the Lobby of the Government Center on Thursday, September 6, at 7:30 am.

10. **Sale of Naming Rights for Dielmann Complex**
    Summary: Council Member D'Alfonso has requested discussion of this matter.

BUSINESS FROM CITY ADMINISTRATOR

11. **St. Louis Audubon Society Bring Conservation Home Program - Partnership**
    Summary: The Horticulture, Environment and Beautification Committee requests the City of Creve Coeur become a partner in the Bring Conservation Home program by promoting the program to Creve Coeur residents, and by giving permission to the St. Louis Audubon Society to use the City's name and logo as a supporter of the program. The program

encourages and recognizes the restoration of native plant and animal habitat on urban properties.

12. **Olive Graeser Transportation Development District**
    Summary: Staff has responded on behalf of the Council to the OGTDD request for an amendment to the Development Agreement regarding administrative expenses.

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 8/24/12
Deborah Ryan, MPCC
City Clerk

MINUTES
CITY OF CREVE COEUR
CITY COUNCIL MEETING
300 N NEW BALLAS ROAD
Monday, August 13, 2012
7:00 PM

CALL MEETING TO ORDER

A regular meeting of the City Council of the City of Creve Coeur was called to order by Mayor Glantz at the Creve Coeur Government Center, 300 N New Ballas Road on Monday, August 13, 2012.

PLEDGE OF ALLEGIANCE

Mayor Glantz led the Pledge of Allegiance.

INVOCATION

Mayor Glantz said the invocation.

ROLL CALL

The following members were in attendance:

Mr. Glantz	Mayor
Mrs. Kistner	Council Member Ward I
Mr. Kreuter	Council Member Ward I
Mr. Wang	Council Member Ward II
Mrs. Nealey	Council Member Ward II
Mr. Hoffman	Council Member Ward III
Mrs. D'Alfonso	Council Member Ward III
Mr. Saunders	Council Member Ward IV

***** Absent: Council Member Rhoades

COMMENTS FROM THE GENERAL PUBLIC

(Citizens are asked to limit comments to three minutes and to complete a speaker card)

Henry Klaus resident of 626 Graeser Road asked the status of Graeser/Olive TDD.

Mayor Glantz stated that item is still under consideration and no final decision has been reached. Any decision made by the City will be disclosed publicly.

Henry Klaus asked for the status of the CVS bus shelter.

Mark Perkins stated the new easement agreement has been signed and recorded at the County. The staff has recently been in contact with the artist to get the agreement completed and construction underway.

ACCEPTANCE OF AGENDA

Mark Perkins stated Coffee with the Mayor needs to be added under Business from the Mayor and Council.

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

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Nealey – Aye
Council member Kistner – Aye

The vote on the motion being 7 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

1. CONSENT AGENDA

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

a. Council Minutes dated July 23, 2012

b. Resolution No. 1017 - A Resolution Authorizing The City Administrator Of The City Of Creve Coeur To Execute A Contract On Behalf Of The City Of Creve Coeur, Missouri, With St. Louis County, Missouri, For Referral Of Certain Municipal Ordinance Violations To The St. Louis County Mental Health Court

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

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

The vote on the motion being 7 ayes and 0 nays, motion carried.

BILLS PAYABLE REPORT

For Information Only

Summary: A report of bills payable dated August 8, 2012 in amount of $396,411.04 has been provided for Council review. No vote is required.

UNFINISHED BUSINESS

NEW BUSINESS

2. **Bill No. 5379 - An Ordinance Amending The Official Zoning Map Of The City Of Creve Coeur To Rezone Land "C" Single-Family Residential To "GC" General Commercial, Authorizing The Installation Of One (1) Fire Hydrant, And Approving The Site Development Plan For The Property Addressed As 11224 Olive Boulevard. First Reading**

City Clerk read Bill No. 5379 for the first time.

Andrew Brown of Brownstone Properties stated originally they were going to construct a Goddard School at an existing building along Olive but now the project has changed to new construction at a new location at Mosley and Olive.

Council Member Hoffman asked the capacity of the establishment.

Andrew Brown stated approximately 136 children.

Council Member Nealey asked the hours of operation.

Andrew Brown stated Monday – Friday 6:00 a.m. to 6:30 p.m.

Council Member Wang asked for explanation of MoDOT's request for two lanes in Olive driveway as opposed to three.

Andrew Brown stated originally they had proposed a left out, right out and an entrance lane. MoDOT's suggestion was for Goddard to use the side exit to Mosley and traffic signal and get rid of the extra lane for left out.

Council Member Wang asked how far are the curb cuts from Mosley Square to the proposed area MoDOT is suggesting.

Andrew Brown stated fairly close but MoDOT has reviewed and it is acceptable to them.

Dan Koziatek of Volz Civil Engineering stated the recommended access point on Mosley creates a safe movement with a right turn towards the light and the overall concept is as safe as it can be to get people to the light.

Council Member Kistner asked why would MoDOT review traffic on Mosley?

Paul Langdon stated anything on Olive Blvd will be reviewed by MoDOT and they review all side access in conjunction with that.

Council Member D'Alfonso asked if this is rezoned GC and ten years from now when Goddard isn't there, can the City address the cross access issue with Mosley Square at that time?

Paul Langdon stated we can review site plans and address the cross access and parking anytime there is a use change.

Council Member Nealey asked about the pond located at the rear of the property.

Paul Langdon stated it is a naturally forming pond and it will stay and under the redevelopment it will now become a stormwater basin. MSD has reviewed and it will require an overflow structure.

Council Member Wang stated some years ago there was a development that was brought forward for this same area and there was a lot of response from the property owners on the east side on Renee Lane and asked what the difference is with this proposal.

Paul Langdon stated the difference this time was the previous developer wanted to put in a cul de sac and housing and there were concerns with the lack of proposed landscaping for the additional houses. The next step is that a proposed development for the vacant property will be coming forth and we should expect to hear from those residents at that time.

David Caldwell resident of 257 Brooktrail Court stated it seems to him in regard to the cross access issue that it would be not a burden on either property owner to merge the two driveways at Mosley so there is a joint exit and entrance. In regards to the zoning, it is becoming more apparent that the Comp Plan, although provides a guideline, is in adequate in this area. Having houses used for commercial is really a burden to both the residents in the area and to potential developers and the uncertainties that are created. There is too much potential for unequal application. It should be a high priority of this Council to rectify the inadequacy for both the residents and potential development.

Paul Langdon stated anytime we discuss rezoning there is the potential of change of character and it comes to a question of control. The most control we have is during rezoning. Since at the moment, we are taking things as they come, we know what the project is and no one is coming forward to rezone without a project in hand. Staff can gauge the potential impact and the ability of the applicant to address issues as they come before us. When any area is rezoned

in advanced, especially to a higher intensity use, we surrender a good deal of control. At the moment we are getting smaller developments that are appropriate when they back up to residential area and we have the ability to almost micromanage the site. It becomes a lot more difficult when we open up the area to something like a strip mall and open the door to a whole new range of possibilities

David Caldwell stated he wasn't necessarily advocating changing the property to GC but rather a special zoning district which would have protections against different uses, buffer requirements, etc.

Council Member D'Alfonso asked if Planning and Zoning looked at Mr. Caldwell's suggestions or doing it the way that it is being presented.

Paul Langdon stated Planning and Zoning has heard the comments before.

3. Bill No. 5380 - An Ordinance Authorizing The Issuance Of A New Conditional Use Permit For A 1,465 Square-Foot Eating And Drinking Establishment Located At 12784 Olive Boulevard Within The Schnucks/Bellerive Plaza Shopping Center. First Reading

City Clerk read Bill No. 5380 for the first time.

Council Member Kistner asked if there will be any exterior changes.

Ned Amos stated there will be exterior signage.

Council Member Kistner asked what the hours of operation will be.

Ned Amos stated Monday through Saturday 10:30 a.m. to 10:00 p.m. and Sunday 11:30 a.m. to 10:00 p.m.

4. Bill No. 5381 - An Ordinance Approving A Master Signage Plan Pursuant To Section 405.950.6 Of The City Of Creve Coeur Code Of Ordinances For The Congregation Of B'nai Amoona And Saul Mirowitz Jewish Community School Campus Located At 324 S. Mason Road. First Reading

City Clerk read Bill No. 5381 for the first time.

Council Member Hoffman recused himself from discussion as he is a member of B'nai Amoona and past President of Saul Mirowitz and non-voting Board Member.

Michael Rubin, Board President of Saul Mirowitz stated the plan is to gain approval for a Master Signage Plan for B'nai Amoona Campus. The school is involved in a land lease and the school

owns the building but leases the land from B'nai Amoona. Mr. Rubin stated the Board worked productively and actively with City staff to create something that is acceptable to all parties.

Paul Langdon stated the new signs will be the only signage allowed on the campus and any additional signage will have to come back through the process for approval.

5. **Bill No. 5382 - An Ordinance Amending Provisions Of Chapters 135, 210, 300, 310, And 340 Of The Creve Coeur Code Of Ordinances Regarding Procedures Of And Offenses Prosecuted In The City's Municipal Court. First Reading**

City Clerk read Bill No. 5382 for the first time.

6. **Bill No. 5383 - Amendment To The Defined Benefit Retirement Plan For Employees Of The City Of Creve Coeur. First Reading**

City Clerk read Bill No. 5383 for the first time.

7. **Resolution No. 1018 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Purchase Of A New 20 Cubic Yard Extreme Vac Leaf Vacuum From Key Equipment Co. For $36,945.00**

City Clerk read Resolution No. 1018.

Council Member Kistner moved, seconded by Council Member Kreuter to approve Resolution No. 1018, with the vote upon such motion being as follows, to-wit:

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

The vote on the motion being 7 ayes and 0 nays, motion carried.

8. **Resolution No. 1019 - A Resolution Authorizing The Purchase Of Two (2) Police Department Vehicles for $46,633**

City Clerk read Resolution No. 1019.

Council Member Kistner moved, seconded by Council Member Wang to approve Resolution No. 1019, 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 Kistner – Aye
Council Member Kreuter – Aye
Council Member Wang - Aye
Council Member D'Alfonso - Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

APPOINTMENTS

9. Appointments to the Board of Adjustment, Stormwater, Historic and Parks Committees

Council Member Hoffman moved, seconded by Council Member Kreuter to approve the following appointments as recommended by the Nominating Committee:

- HEB - Christopher Valeriote to fill unexpired term which expires June 30, 2014
- Stormwater – Richard Koch to fill unexpired term which expires June 30, 2014
- Board of Adjustment – Ivan Schenberg to fill unexpired term which expires June 30, 2016 as a full member
- Board of Adjustment – Alexandra Gada for an alternate member with no term limit

Mayor Glantz called the question to approve the appointments as recommended and listed, with the vote upon such motion being as follows, to-wit:

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

The vote on the motion being 7 ayes and 0 nays, motion carried.

Council Member D'Alfonso thanked the Nominating Committee for additional information in the Nominating Minutes as it makes the process easier for all involved.

BUSINESS FROM THE MAYOR and CITY COUNCIL

9A. Coffee with the Mayor

Mayor Glantz stated on the first Thursday of every month there will be a coffee with the Mayor scheduled. This will be an informal meeting with any interested resident to come and sit with him and the City Administrator and discuss City issues. The first one is scheduled for Thursday, September 6, 2012 from 7:30 to 8:30 a.m. in the lobby of City Hall.

BUSINESS FROM CITY ADMINISTRATOR

10. Fourth Quarter FY 2012 Financial Analysis

Dan Smith stated the fourth quarter FY 2012 financial report shaped up as staff had anticipated. We have a large surplus due to the increase in sales tax, utility receipts and building permits. Expenditures were slightly less than budgeted except for Parks Maintenance and Community Service. Revenues for the Municipal Enterprise Fund were higher than anticipated with an increase of 19% in golf and expenses were under budget. Overall the City had a good financial year in fiscal 2012. Performance of the Enterprise Fund was vastly improved over the prior 2 – 3 years, which resulted in a lower transfer from the General Fund. Mr. Smith indicated that funding the defined benefit pension plan will continue to be a burden.

Council member Nealey asked if it was likely that the scandals concerning the LIBOR rate had an impact on the City. Mr. Smith indicated that he did not think so.

Robert Kent stated he would like to see some added boulders to the golf course direction sign on Olive for some additional protection and would like Council and staff to consider selling sign/naming rights to the golf complex and ice arena to help with lagging revenues.

Council Member Hoffman moved, seconded by Council Member Kistner to move into closed session at 8:20 p.m., to discuss attorney client communications, contract negotiations, and real estate matters, with the vote upon such motion being as follows, to-wit:

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

The vote on the motion being 7 ayes and 0 nays, motion carried.

Council member Hoffman moved, seconded by Council Member Saunders to resume regular session at 8:50 pm, with the vote upon such motion being as follows, to wit:

Council Member Kreuter - Aye
Council Member Nealey – Aye
Council Member Wang - Aye
Council Member D'Alfonso - 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 moved, seconded by Council Member Nealey to adjourn at 8:51 p.m., with the vote upon such motion being as follows, to-wit:

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

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

Submitted by:

Deborah Ryan	Barry Glantz
City Clerk	Mayor

BILL NO. 5380 **ORDINANCE NO. _____**

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE PERMIT FOR A 1,465 SQUARE-FOOT EATING AND DRINKING ESTABLISHMENT LOCATED AT 12784 OLIVE BOULEVARD WITHIN THE SCHNUCKS/BELLERIVE PLAZA SHOPPING CENTER

WHEREAS, under Section 405.360(C), all eating and drinking places in the "GC", General Commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, an application was submitted by Ned Amos, of Cardinal Plumbing and Construction, on behalf of Xiao Bin Chen, for a conditional use permit for a 1,465 square-foot, 32-seat eating and drinking establishment at 12784 Olive Boulevard within the Schnucks/Bellerive Plaza Shopping Center; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, August 6, 2012, 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)(2); 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 5-0 vote, recommended approval of the conditional use permit, subject to the conditions contained herein, at its meeting on August 6, 2012; 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: A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a restaurant located at12784 Olive Boulevard, in the "GC" General Commercial zoning district, within the Bellerive Plaza Shopping Center, whose legal description is as follows:

> Lot 1 of BELLERIVE EXECUTIVE PARK PLAT TWO, a Subdivision in St. Louis County, Missouri, as per plat thereof recorded in Plat Book 164 page 62 of the St. Louis County Records, excluding therefrom the following described property:
>
> BEGINNING at the point in the southwestern line of property described in deed to the State of Missouri, recorded in Book 6807, Page 2147, St. Louis county Recorder's Office, distant North 53 degrees 26 minutes 01 second West 25.05 feet from the most eastern corner of said Lot 1; thence South 35 degrees 13 minutes 59 seconds West 169.17 feet; thence North 89 degrees 27minutes 16 seconds West 106.24 feet; thence North 01 degree 07 minutes 29 seconds East 267.45 feet to the southwestern line of the aforesaid State of Missouri property; thence South 60 degrees 48 minutes 21 seconds East 106.86 feet and South 53 degrees 26 minutes 01 second East 131.10 feet along said State of Missouri property to the point of beginning, and containing 35,180 Square Feet; according to a survey by Pitzman's Co. of Surveyors & Engineers, on July 23, 1976.

Section 2: The Conditional Use Permit granted shall be subject to all applicable statutes, ordinances, rules and regulations, and the following conditions:

1. The conditional use permit shall be for the operation of 1,465 square-foot eating and drinking establishment at 12784 Olive Boulevard.
2. Maximum seating permitted is limited to 32 seats indoors.
3. Hours of operation shall be 10:30am to 10:30pm Monday through Sunday. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
4. Employee parking, delivery and company vehicles shall be parked behind the building or as far from the public right-of-way as possible.
5. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
6. The restaurant shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
7. Any mechanical equipment installed for the site shall be properly screened with approved materials.
8. 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.
9. 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.
10. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not

more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.

11. 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.

Section 3: 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 4: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2012.

_____
ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

_____
BARRY GLANTZ
MAYOR

ATTEST:

_____
DEBORAH RYAN, MPCC
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 THE PLANNING AND ZONING COMMISSION #12-021 FOR A NEW CONDITIONAL USE PERMIT FOR CHINA KING RESTAURANT LOCATED AT 12784 OLIVE BOULEVARD WITHIN THE SCHNUCKS/BELLERIVE PLAZA SHOPPING CENTER

FOR THE MEETING OF: August 6, 2012

LOCATION: 12784 Olive Boulevard

REQUEST:
Ned Amos, of Cardinal Plumbing and Construction, on behalf of Xiao Bin Chen, has submitted an application for a conditional use permit for a 1,465 square-foot, 32-seat eating and drinking establishment at 12784 Olive Boulevard within the Schnucks/Bellerive Plaza Shopping Center.

ADDITIONAL INFORMATION:
Bellerive Plaza is located at the southwest corner of Olive Boulevard and Timber Run, and is in the "GC" General Commercial Zoning District. All eating and drinking places are permitted with conditions in the "GC" General Commercial District [Section 405.360(C)(7)].

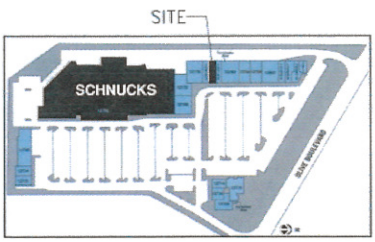
Key Issues:
- Does the request integrate with the existing surrounding uses?
- Does the request further or implement the goals of the Comprehensive Plan?

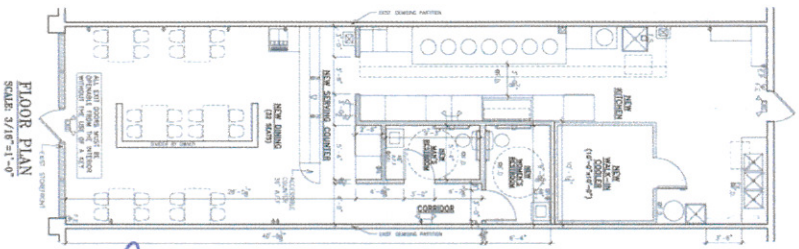
Comp. Plan References
- Health and Connectivity Goals
- Design Guidelines: Streetscape/Pedestrian Orientation

Zoning Code References
- Section 405.360 "GC" General Commercial
- Section 405.470 Conditional Uses
- Section 405.820 Required Off-Street Parking Spaces

APPLICANT: Xiao Bin Chen
China King
12784 Olive Boulevard
Creve Coeur, MO 63141

REPRESENTATIVE: Ned Amos
Cardinal Plumbing and Construction
10452 Willowdale Dr.
Saint Louis, MO 63146





REPORT PREPARED BY:

Whitney Kelly, AICP, City Planner — Date: 8/3/2012

ATTACHMENTS: Applicant's Materials received July 5, 2012
Draft Ordinance

PROPOSAL AND ZONING HISTORY

Bellerive Plaza shopping center, located south of Olive Boulevard and west of Mason Road, was approved and constructed in 1980 in compliance with St. Louis County zoning regulations. The property was annexed by the City of Creve Coeur in 1996, and subsequently zoned "GC" General Commercial. The center consists of three buildings, housing approximately 24 tenant spaces, including the anchor of a Schnucks Supermarket, and totals 115,207 square feet. The overall development is legally pre-existing, with non-conforming site coverage.

In 2007, Desco received a variance to the required parking by 45 parking spaces in anticipation of a St. Louis Bread Company location within the center at what is now the "Dave & Tony's Premium Burgers".

On May 21, 2012, the Planning and Zoning Commission approved the site development plan for the reconfiguration of the main entrance to create an additional left turn onto westbound Olive Boulevard. Due to the site related nonconformities, the approval required that additional greenspace be added on a one-to-one ratio. Several parking lot islands will be expanded to meet this requirement, thus the remaining surplus of parking on site was one space. The following table was presented at the May 21st meeting, and was based on the 2007 parking study:

Bellerive Plaza Parking Calculations

	# of Parking Spaces
Existing Parking Supply (based on ALTA survey and field checks)	527
Spaces Occupied by Cart Corrals and Dumpsters	(20)
Net Supply - Existing	507
Proposed Parking Addition (striping only - no new pavemen	12
Net Supply - Proposed	519
Current Parking Requirement for Bellerive Plaza (incl. 186 rest. sea	523
Additional Req. for Bread Company (99 indoor/10 outdoor seats)	35
Gross Requirement - Proposed	558
Variance Granted	(45)
Net Requirement - Proposed	513
Proposed Surplus	6
Spaces lost due to relocating entrance median landscaping	5
Remaining Surplus	1

The new 1,465 square foot restaurant is filling a vacant tenant space with a proposed maximum interior seating of 32. The applicant is not proposing any changes to the exterior of the building or site.

LAND USE AND ZONING OF SURROUNDING PROPERTIES
The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Offices	Unincorporated St. Louis County C8 Commercial	Olive Boulevard
South	Offices	"PO" Planned Office District	N/A
East	Bank	"GC" General Commercial District	N/A
West	Multi-family residences	"AR" Attached Single Family Residential District	N/A

COMPREHENSIVE PLAN REVIEW
The subject property is located within the General Commercial District that encourages a mix of uses including retail, residential, government, and park uses. The proposed use will fill a vacant space in a building that was originally developed for, and still contains, a variety of uses. Therefore, the request meets with the Goals and Objectives of the Comprehensive Plan.

ZONING REVIEW
Restaurants are permitted with conditions in all commercial zoning districts within the city, and the applicant is leasing an existing tenant space within the Bellerive Shopping Center that has a mix of restaurants and stores. No changes to the exterior of the building or site are being proposed. As the site-related code compliance issues regarding landscaping were discussed with the reconfiguration of the main entrance, review of this project is limited to the discussion of the parking.

Parking:
Parking regulations for restaurants are discussed under Section 405.820(F)(5) Required Off-Street Parking Spaces: "One (1) parking space per every three (3) seats of maximum occupancy recorded under the conditional use permit plus one (1) parking space per every two hundred fifty (250) square feet of total building floor area plus one (1) parking space per each eight (8) seats in an outdoor seating area."

As discussed above, Bellerive Plaza received a variance for 45 spaces in 2007. At the time, the study conducted for the request looked at all of the parking available for the center, in addition to the parking requirements of a proposed St. Louis Bread Co. with 99 indoor seat and 10 outdoor seats, for a total of 513 required, with 519 spaces available on site. However, St. Louis Bread Co. did not pursue the location. A conditional use permit for what is now the "Dave & Tony's Premium Burgers" was issued in 2009 (Ordinance 5109) for the same location that was considered for the St. Louis Bread Co. with a maximum of 60 indoor seats, thus requiring only 20 spaces, versus the 35 reviewed under the variance request. The tenant space under consideration with this application was calculated as retail, at 4 spaces per 1,000 sq. ft. or 1 space per 250 sq. ft. Based on the submitted floor plan with 32 seats, the required additional parking for the proposed use is a total of 11 parking spaces. This is still within the number reviewed for the variance, and within the available parking on site, with a surplus of 5 spaces. Due to the small surplus, the CUP should limit the size of the restaurant to preclude future parking problems.

RECOMMENDATION
Based on the above analysis, the request for a conditional use permit meets all of the requirements of the Comprehensive Plan and Zoning Ordinance. Conditions listed below are the standard general conditions for eating and drinking establishments which are included in the draft ordinance:

1. The conditional use permit shall be for the operation of 1,465 square-foot eating and drinking establishment at 12784 Olive Boulevard.
2. Maximum seating permitted is limited to 32 seats indoors.
3. Hours of operation shall be 10:30am to 10:30pm Monday through Sunday. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
4. Employee parking, delivery and company vehicles shall be parked behind the building or as far from the public right-of-way as possible.
5. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.

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 should 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 Application #12-021 for a Conditional Use Permit for a eating and drinking establishment located at 12784 Olive Boulevard, subject to the conditions contained in the draft ordinance attached to the staff report prepared for the meeting of August 6, 2012" (conditions may be added, eliminated, or modified by preceding motion).

APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

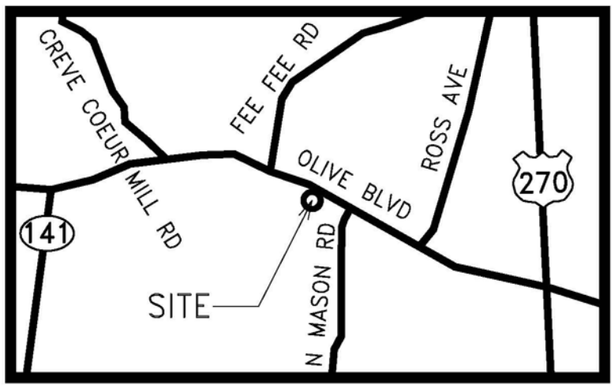
Included and attached by reference. See body of report for specific excerpts.

APPENDIX 3: AERIAL PHOTO

APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 07/27/2012
	View of the proposed tenant space from the parking lot.
	View from in front of the proposed tenant space looking east.
	View from in front of the proposed tenant space looking northeast to Olive Boulevard.

CHINA KING RESTAURANT

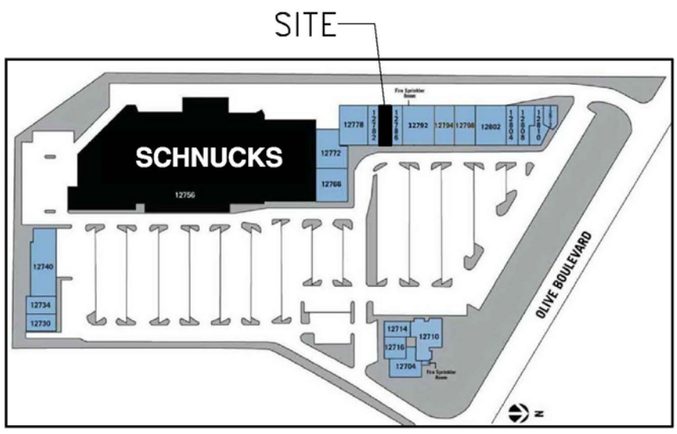
12784 OLIVE BLVD.,
ST. LOUIS, MISSOURI



N

LOCATION MAP

NOT TO SCALE



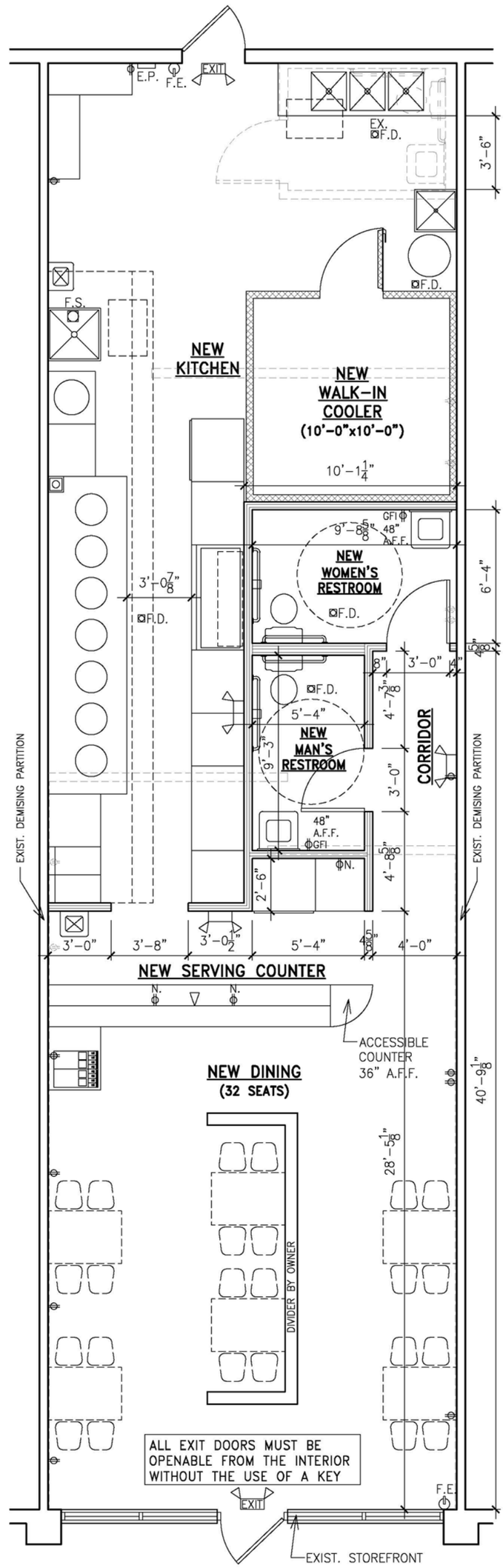
N

KEY PLAN

NOT TO SCALE

LEGEND:

- NEW PARTITION
- EXIST. PARTITION TO REMAIN
- REMOVE EXIST. ELEMENTS/PARTITION INCLUDING RELATED MEP COMPONENTS IN ITS ENTIRETY
- EXIST. ELECT. RECEPTACLE
- N. NEW ELECT. RECEPTACLE
- REMOVE EXIST. ELECT. RECEPTACLE
- EXIT — NEW COMBINATION EXIT LIGHT & EMERGENCY LIGHT UNIT
- NEW EMERGENCY LIGHT UNIT
- F.D. — NEW FLOOR DRAIN
- EX. F.D. — EXIST. FLOOR DRAIN
- F.S. — NEW FLOOR SINK
- F.E. — NEW FIRE EXTINGUISHER
  - TYPE "K" IN KITCHEN
  - 2A10BC IN OTHER AREA
- NEW TELEPHONE/DATA OUTLET
- E.P. — EXIST. ELECT. PANEL
- EXIST. DOOR TO REMAIN: CHANGE TO ADA LEVER STYLE DOOR HANDLE AS REQUIRED
- 3068 — NEW DOOR SELECTED BY OWNER



FLOOR PLAN

SCALE: 3/16"=1'-0"

PROJECT NO.: 1512	CHINA KING RESTAURANT	MAK ARCHITECTS, INC.	
DRAWING NO.: A-1	12784 OLIVE BLVD.,	ARCHITECTURE • PLANNING • INTERIOR DESIGN	
DATE: 07-03-12	ST. LOUIS, MISSOURI	8328-R Olive Blvd., St. Louis, Missouri 63132	
DRAWN BY: P.C.		(314) 997-3802 www.makarchitects.com	
		(314) 993-3761 (Fax)	

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 8, 2012

Mr. Ned Amos
Cardinal Plumbing and Construction
10452 Willowdale Drive
Saint Louis, MO 63146

Re: Application #12-021: New conditional use permit
China King Restaurant – 12784 Olive Boulevard

Mr. Amos:

The Planning and Zoning Commission, at its meeting of August 6, 2012, reviewed your request for a new conditional use permit for China King Restaurant located at 12784 Olive Boulevard within the Schnucks Bellerive Plaza Shopping Center.

By unanimous vote, the Planning Commission recommends approval of the new conditional use permit for China King Restaurant, subject to the conditions contained in the draft ordinance (see attached). The first reading of the draft ordinance by the City Council is scheduled for Monday, August 13th, 2012. You or a representative should plan to be in attendance to speak for the request.

If you have any questions, please contact the Planning Division staff (872-2501) as soon as possible. Note that significant changes to the draft ordinance may require that the matter be returned to the Planning and Zoning Commission prior to City Council approval.

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

1 PLANNING AND ZONING COMMISSION PUBLIC HEARING

2 CITY OF CREVE COEUR, MISSOURI

3 300 NORTH NEW BALLAS ROAD

4 MONDAY, AUGUST 6, 2012

5 7:00 P.M.

6

7 THOSE IN ATTENDANCE:

8 Mr. Gary Eberhardt, Chair
Dr. Michael Barton
9 Mr. James Faron
Ms. Cynthia Kramer
10 Mr. Jim Schnarr
Mr. Carl Lumley, City Attorney
11 Mr. Paul Langdon, AICP, Director of Community Development
Ms. Whitney Kelly, AICP, City Planner
12 Ms. Julie Lowery, Recording Secretary

13

14

15

16

17

18

19

20

21

22

23 McLaughlin Court Reporting Services, Inc.

24 Deborah K. McLaughlin, RPR, MO-CCR #314, IL-CSR, KS-CCR
4772 Gatesbury Drive
25 St. Louis, MO 63128
(314)487-2259

1

1 CHAIRMAN EBERHARDT: The Creve Coeur Planning &

2 Zoning Commission for Monday, August 6th will come to

3 order.

4 I'd like to begin by calling the roll.

5 Dr. Michael Barton?

6 MR. BARTON: Here.

CHAIRMAN EBERHARDT: James Faron?

MR. FARON: Present.

CHAIRMAN EBERHARDT: Ken Howard, absent. Cynthia Kramer, absent. Tim Madden, absent.

Jim Schnarr?

MR. SCHNARR: Present.

CHAIRMAN EBERHARDT: Carl Lumley, our City Attorney?

MR. LUMLEY: Present.

CHAIRMAN EBERHARDT: Paul Langdon, our Director of Community Development?

MR. LANDGDON: Present.

CHAIRMAN EBERHARDT: Ms. Whitney Kelly, City Planner?

MR. KELLY: Present.

CHAIRMAN EBERHARDT: And, Ms. Julie Lowery, Recording Secretary?

MS. LOWERY: Present.

(Cynthia Kramer is now present.)

2

CHAIRMAN EBERHARDT: Okay.

16

The next item will be another public hearing.

This one No. 12-021, Application for a New Conditional Use Permit for China King Restaurant located at 12784 Olive Boulevard within the Schnuck's Bellerive Plaza Shopping Center.

The applicant's representative is Mr. Amos.

MR. AMOS: Yes.

CHAIRMAN EBERHARDT: Are you Mr. Amos?

MR. AMOS: Yes, I am.

CHAIRMAN EBERHARDT: Would you state your name and address for the record, please.

MR. AMOS: Ned --

MR. KELLY: We need to be sworn.

CHAIRMAN EBERHARDT: Apologize. We need to have people sworn in.

(Speakers were sworn in by the court reporter.)

CHAIRMAN EBERHARDT: Anyone else who anticipates speaking on this matter?

Okay. Mr. Amos, please, go ahead.

MR. AMOS: Did you want me to state my name?

CHAIRMAN EBERHARDT: State your name on the record.

MR. AMOS: Okay. Ned Amos. I'm the owner of Cardinal Plumbing and Construction. I reside at 10452 Willowdale Drive, St. Louis, Missouri.

17

CHAIRMAN EBERHARDT: Thank you.

MR. AMOS: I am representing Mr. Chen and China King in the conditional use for a new sit down and dine in -- I mean carry out and dining restaurant located at 12784 Olive.

China King, this will be the seventh restaurant of a chain that they already own throughout St. Louis and in Illinois.

The restaurant will be open seven days a week, Monday through Saturday, from 10:30 till 10, and on Sunday from 11:30 to 10. They will also provide delivery in the surrounding area with call-in orders so.

CHAIRMAN EBERHARDT: Do you have -- want some

14 explanation about the document up there? Tell us where --
15 MR. AMOS: Okay. This -- we're located inside
16 of the Bellerive Shopping Plaza. Would be in the middle
17 of the nail salon and the insurance company located on the
18 north end of the -- the strip mall.
19 We will have 32 seats inside the restaurant.
20 We'll comply with everything as it relates to construction
21 as far as ADA restrooms and everything, and will be a
22 complete build-out for the kitchen.
23 CHAIRMAN EBERHARDT: Okay. Any questions from
24 anyone on the Commission?
25 Ms. Kelly.

18
1 MR. KELLY: Whitney Kelly, City Planner for the
2 City of Creve Coeur.
3 This is a conditional use permit within the
4 Schnuck's Bellerive Plaza Shopping Center for a new
5 restaurant eating and drinking establishment.
6 They are not proposing any changes to the
7 exterior of the building or any site -- or changes to the
8 site, therefore, staff analysis is relegated to the issue
9 of parking.
10 In 2007 DESCO received a variance request -- or
11 variance approval for 45 spaces, and at that time they did
12 an analysis of all the parking needed on site in
13 anticipation of receiving a St. Louis Bread Company
14 restaurant, what is now Dave & Tony's.
15 And as part of that variance study, they
16 anticipated an additional 35 parking spaces for this Bread
17 Company.
18 Dave & Tony's utilized the same space, however,
19 they only needed an additional 20 spaces -- parking

spaces. With this application at 32 seats, that is an additional eleven. That's still within the variance requested provided, and, therefore, we do not foresee any issues with the parking on site.

The conditions that are listed in the staff report are typical conditions for all eating and drinking

19

establishments regarding signage and make-up -- yeah, parking of the delivery vehicles from Olive Boulevard so.

CHAIRMAN EBERHARDT: Any questions from the Commission?

MR. FARON: So to be clear, we actually have a one spot surplus than when they come in under that other variance?

MR. KELLY: Actually, we would have a five parking space surplus.

When I looked at this analysis before, it's still under -- the Bread Company was requiring 35 parking spaces; Dave & Tony's has a maximum seating of 60, so that requires 20 spaces, and this would -- is an additional eleven, so that's 32, so we are actually under those -- we still have a surplus of five parking spaces. And that's still taking into consideration the -- the green space of the prior project for the intersection --

MR. FARON: Uh-huh.

MR. KELLY: -- that will be --

MR. FARON: So with their additional, plus this one, we're coming up with the five extra plus?

MR. KELLY: Right.

MR. FARON: And that is in addressing the previous entrance changes that you made?

25 MR. KELLY: Correct.

1 MR. FARON: Thank you.
2 CHAIRMAN EBERHARDT: Any other questions?
3 MS. KRAMER: Yeah.
4 CHAIRMAN EBERHARDT: Yes, I'm sorry, Ms. Kramer.
5 MS. KRAMER: I want to -- just on the signage.
6 So there will be -- any changes will be brought to you,
7 correct?
8 MR. KELLY: Correct.
9 MS. KRAMER: Okay.
10 MR. KELLY: The condition is that all signage
11 has to meet with our Sign Code Ordinance so.
12 MS. KRAMER: Great. Thank you.
13 CHAIRMAN EBERHARDT: Questions? Comments?
14 All right. I'll declare the public hearing
15 closed.
16 Mr. Lumley, will you please read into the
17 record.
18 MR. LUMLEY: Offer the following exhibits into
19 the record of this public hearing: Documentation in
20 possession of the City Clerk reflecting the notice to the
21 public concerning the hearing, staff's report regarding
22 the application, City's Code of Ordinances and Charter,
23 the City's Comprehensive Plan, and the public file
24 regarding the application.
25 CHAIRMAN EBERHARDT: Thank you.

1 (The public hearing was closed.)
2
3 STATE OF MISSOURI)
) SS
4 COUNTY OF ST. LOUIS)

I, Deborah K. McLaughlin, Registered Professional Reporter, Missouri Certified Court Reporter, Illinois Certified Shorthand Reporter and Kansas Certified Court Reporter, do hereby certify that I reported the Planning and Zoning Public Hearing stenographically and later reduced to typewriting; and that this is a true and accurate transcript of the public hearing.

_____, RPR, MO-CCR, IL-CSR, KS-CCR
Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR

BILL No. _5382__ **ORDINANCE No. _____**

AN ORDINANCE AMENDING PROVISIONS OF CHAPTERS 135, 210, 300, 310, AND 340 OF THE CREVE COEUR CODE OF ORDINANCES REGARDING PROCEDURES OF AND OFFENSES PROSECUTED IN THE CITY'S MUNICIPAL COURT.

WHEREAS, as a result of various changes in law, the City Council has determined it to be in the best interests of the citizens of the City of Creve Coeur to update various provisions of Chapters 135, 210, 300, 310, and 340 of the Code of Ordinances of the City of Creve Coeur, regarding procedures of and offenses prosecuted in the City's Municipal Court; 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, MISSOURI THAT:

SECTION 1. In accordance with SS2 SCS HCS HB 111 (2011) and *Arizona v. United States,* -- S.Ct. – (2012), Section 135.120 of the Code of Ordinances is hereby amended to read as follows:

SECTION 135.120: RELEASE AND BAIL

A. Any person arrested for violation of any ordinance and not released by an arresting officer either pursuant to the bail schedule furnished by the Municipal Judge or otherwise, shall be released from custody pending trial or other proceedings on personal recognizance, unless the Municipal Judge determines in the exercise of discretion that such a release is not sufficient reasonably to assure the appearance of the person as required, or the person poses a danger to a victim, the community or any other person. When such a determination is made, the Municipal Judge may impose any combination of the following conditions of release which will reasonably assure the appearance of the person as required, taking into account available information, without regard to rules of admissibility of evidence, concerning the nature and circumstances of the charged offense, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, length of residence in the community, record of convictions, and record of appearances at court proceedings or flight to avoid prosecution or failure to appear:

(1) place the person in the custody of a designated person or organization agreeing to supervise the person;

(2) place restriction on the travel, association, or place of abode of the person during the period of release;

(3) require the execution of a bail bond with sufficient solvent sureties, or in lieu thereof the deposit in cash or negotiable bonds of the United States or the State of Missouri or any political subdivision thereof;

(4) require the person to report regularly to some officer of the court, or peace officer, in such manner as the Municipal Judge directs;

(5) require the execution of a bond in a stated amount and the deposit in the registry of the court of ten percent, or such lesser sum as the Municipal Judge directs, of such sum in cash or negotiable bonds of the United States or the State of Missouri or any political subdivision thereof;

(6) place the person on house arrest with electronic monitoring, with all costs associated therewith to be charged to the person, provided the Municipal Judge does not find the person unable to afford such costs;

(7) any other condition deemed reasonably necessary to assure appearance as required, including a condition that the person return to custody after specified hours.

B. When authorizing the release of a person under this section, the Municipal Judge shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform the person of the penalties applicable to violations of the conditions of release and shall advise him that a warrant for arrest will be issued immediately upon any such violation. When issuing a warrant for arrest, the Municipal Judge shall likewise set the conditions for release, which shall be stated on the warrant.

C. A person for whom conditions of release are imposed who continues to be detained after 24 hours from the time of the release hearing as a result of inability to meet the conditions of release, or who has been ordered to return to custody after specified hours, shall upon application be entitled to have the conditions reviewed by the Municipal Judge who imposed them, which application shall be determined promptly.

D. The Municipal Judge may amend an order of release by imposing additional or different conditions, subject to the other provisions of this section and applicable court rules. The court shall review such conditions when it enters a judgment.

E. In accordance with this section, a person shall be admitted to bail by executing a bond to the City, with sufficient security to be approved by the Municipal Judge in a sum not to exceed one thousand dollars ($1,000.00), conditioned that such person will appear on the day therein stated before the Municipal Court to answer to the charge against them and all bonds so taken shall forthwith be filed with the Municipal Judge or the Clerk of the Court by the officer approving and taking the same and whenever any person shall be arrested and brought before the Municipal Court and for any cause the trial is postponed to a time certain, such person shall be required to enter into a recognizance with security, to be approved by the court, at the time and place appointed then and there to answer the complaint alleged against them. If any person arrested or brought before the court shall fail or refuse to enter into recognizance, they shall be committed to jail and held to answer the information filed against them.

F. If the person is not released or does not meet the conditions of release, they shall be committed to jail until discharged by due course of law. There shall be a presumption that releasing the person under any conditions shall not reasonably assure the appearance of the person as required if the Judge reasonably believes that the person is an alien unlawfully present in the United States. If such presumption exists, the person shall be committed to the County Jail as provided in Section 135.200, until such person provides verification of their lawful presence in the United States or otherwise rebuts such presumption. If the person adequately proves their lawful presence or otherwise rebuts such presumption, the Judge shall review the issue of release, without regard to previous issues concerning whether the person is lawfully present in the United States. If the person cannot prove their lawful presence or otherwise rebut such presumption, the person shall continue to be committed to the jail and remain until discharged by due course of law. (R.O. 2008 §17-12; Ord. No. 5041 §1, 5-27-08; Ord. No. 5058 §7, 9-4-08)

References: RSMo 544.455, 544.470, Rules 37.15-37.20.

SECTION 2. In accordance with SS2 SCS HCS HB 111 (2011), Section 135.190 of the Code of Ordinances is hereby amended to read as follows:

SECTION 135.190: JUDGMENT

If the defendant pleads or is found guilty, the Municipal Judge shall declare and assess the punishment prescribed by ordinance or Statute according to such finding and render a judgment accordingly. For violation of ordinances involving alcohol- or drug-related traffic offenses, the Municipal Judge shall order the person to participate in and successfully complete a substance abuse traffic offender program under Section 577.001 RSMo, and the person shall pay the fees for such program as determined by the State Department of mental Health. In the event a sentence of confinement is ordered executed, the Municipal Judge may order that a person serve all or any portion of such sentence on electronic monitoring with all costs associated therewith to be charged to the person, provided the Municipal Judge does not find the person unable to afford such costs.

(R.O. 2008 §17-19; Ord. No. 5041 §1, 5-27-08)

References: RSMo. 557.011, 577.049 Rule 37.64

SECTION 3. In accordance with SS HCS HB 1647 and CCS HCS SB 628 (2012), Section 135.240.A.10 of the Code of Ordinances is hereby amended to read as follows:

SECTION 135.240: COURT COSTS -- GENERALLY

A. In addition to any fine that may be imposed by the Municipal Judge, there shall be assessed as costs in all cases the following:

10. A surcharge of two dollars ($2.00) pursuant to the provisions of Section 488.5026 RSMo., shall be collected in all cases, except where the proceeding is dismissed by the Court or when the costs are to be paid by the City. All fees collected pursuant to this Subsection shall be transmitted monthly to the Finance Director of the City of Creve Coeur for deposit into the Inmate Security Fund. All funds collected pursuant to this Subparagraph shall be used only to acquire, develop, maintain, repair, and replace biometric verification systems and information sharing systems to ensure that inmates, prisoners or detainees in a holding cell facility or other detention facility or area which holds persons detained only for a shorter period of time after arrest or after being formally charged can be properly identified upon booking and tracked within the local law enforcement administration system, criminal justice administration system, or the local jail system, and to pay for any expenses related to detention, custody and housing and other expenses for inmates, prisoners and detainees.

SECTION 4. In accordance with CCS HCS SB 628 (2012), Section 210.015 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.015: DOMESTIC ASSAULT

A person commits the offense of domestic assault if the act involves a family or household member, including any child who is a member of the family or household, as defined in Section 455.010, RSMo., and the person either engages in abuse or stalking as defined in Section 455.010, RSMo., or:

1. The person attempts to cause or recklessly causes physical injury to such family or household member;

2. With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument;

3. The person purposely places such family or household member in apprehension of immediate physical injury by any means;

4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member;

5. The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

6. The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation. (Ord. No. 5227 §1, 10-24-11)

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

SECTION 5. In accordance with SS HCS HB 1647 (2012), Section 210.020 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.020: ASSAULT OF A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, EMERGENCY PERSONNEL, HIGHWAY WORKER OR PROBATION AND PAROLE OFFICER

A. A person commits the offense of assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer if:

1. Such person recklessly causes physical injury to a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer;

2. Such person purposely places a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer in apprehension of immediate physical injury;

3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer without the consent of the Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer.

B. As used in this Section, *"emergency personnel"* means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in Subdivisions (15), (16), (17) and (18) of Section 190.100, RSMo.

C. As used in this Section, the term *"Corrections Officer"* includes any jailor or Corrections Officer of the State or any political subdivision of the State.

D. As used in this Section, the term *"highway worker"*, *"construction zone"* or *"work zone"* shall have the same meaning as such terms are defined in Section 304.580, RSMo.

E. As used in this Section, the term *"utility worker"* means any employee while in the performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

F. As used in this Section, the term *"cable worker"* means any employee including any person employed under contract, of a cable operator, as such term is defined in section 67.2677 RSMo.

SECTION 6. In accordance with *State v. Vaughn*, 366 SW3d 513 (Mo. 2012), Section 210.030 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.030: HARASSMENT

A. A person commits the offense of harassment if he or she:

1. Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such other person;

2. When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm;

3. Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication;

4. Knowingly communicates with another person who is, or who purports to be, seventeen (17) years of age or younger and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to such other person;

5. Knowingly makes repeated unwanted communication to another person orwithout good cause engages in any other act, with the purpose to frighten, intimidate, or cause emotional distress to another person, cause such person to be frightened, intimidated, or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person.

B. This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County, or Municipal law.

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

SECTION 7. In accordance with SS HCS HB 1647 and SCS SB 835 (2012), Section 210.180 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.180: FIREWORKS

A. No person shall sell, use, manufacture, display or possess fireworks, as hereinafter defined, within the City at any time.

B. The term *"fireworks"*, as used in this Section, any composition or device for producing a visible, audible or both visible and audible effect by combustion, deflagration or detonation and that meets the definition of consumer, proximate or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations.

C. The discharge of toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths (0.25) grains or less of explosive mixture and the sale and use of same shall not constitute a violation of this Section.

D. The prohibition of this Section shall not apply to any public demonstrations or displays of fireworks. However, any such public demonstrations or displays of fireworks may be conducted only after application has been made in writing to the Chief of Police and a permit has been issued for such demonstration or display by the Chief of Police. (R.O. 2008 §10-1; Ord. No. 513 §21, 12-23-68)

SECTION 8. In accordance with SS HCS HB 1647 (2012), Section 210.250 of the Code of Ordinances is 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 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 church or place where people have assembled for worship, any election precinct on any election day, into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, 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), (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 (11) of Section 571.030, RSMo., and who carry the identification defined in Subsection (12) 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 or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, 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.

G. Any person who has a valid concealed carry endorsement, and who is lawfully carrying a firearm in a concealed manner, may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense. (Ord. No. 5212 §1, 8-22-11)

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 9. In accordance with SS HCS HB 1647 and SS SCS SB 489 & 637 (2012), Section 210.255 of the Code of Ordinances is hereby amended to read as follows:

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 gas gun;

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

5. Knuckles; or

6. Any of the following in violation of Federal law:

a. A machine gun;

b. A short barreled rifle or shotgun;

c. A firearm silencer; or

d. A switchblade knife.

B. A person does not commit an offense under this Section if his/her conduct involved any of the items in Subdivisions (1) to (5) 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 with the weapon in a manner reasonably related to a lawful dramatic performance. (Ord. No. 5212 §1, 8-22-11)

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

SECTION 10. In accordance with SS SCS SB 689 (2012), Section 210.375 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.375: FINANCIAL EXPLOITATION OF THE ELDERLY AND DISABLED

A. A person commits the offense of financial exploitation of an elderly or disabled person if such person knowingly by deception, intimidation, undue influence, or force obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his/her property thereby benefiting such person or detrimentally

affecting the elderly or disabled person. **It shall be unlawful in violation of this section for any person receiving or in the possession of funds of a Medicaid eligible elderly or disabled person residing in a facility licensed under chapter 198 to fail to remit to the facility in which the Medicaid eligible person resides all money owing the facility resident from any source, including, but not limited to, social security, railroad retirement, or payments from any other source disclosed as resident income contained in the records of the department of social services, family support division or its successor.**

B. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

DECEPTION: A misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or pre-existing condition of any of the property involved in such contract or agreement or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement.

"Deception" includes:

1. Creating or confirming another person's impression which is false and which the offender does not believe to be true.

2. Failure to correct a false impression which the offender previously has created or confirmed.

3. Preventing another person from acquiring information pertinent to the disposition of the property involved.

4. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid or is or is not a matter of official record.

5. Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform.

DISABLED PERSON: A person with a mental, physical or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection.

ELDERLY PERSON: A person sixty (60) years of age or older.

INTIMIDATION: A threat of physical or emotional harm to an elderly or disabled person, or the communication to an elderly or disabled person that he/she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

UNDUE INFLUENCE: **", use of influence by someone who exercises authority over an elderly person or disabled person in order to take unfair advantage of that person's vulnerable state of mind, neediness, pain, or agony. Undue influence includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.**

C. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.

D. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his/her property, but through no fault of his/her own has been unable to provide such assistance.

E. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property, and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.

F. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.

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

SECTION 11. In accordance with CCS HCS SB 628 (2012), Sections 210.475 and 210.480 of the Code of Ordinances are hereby amended to read as follows:

SECTION 210.475: INDECENT EXPOSURE (SEXUAL MISCONDUCT)

A person commits the offense of indecent exposure (sexual misconduct) if such person:

1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm, or to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person including the child;

2. Has sexual contact in the presence of a third (3rd) person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm;

3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third (3rd) person; or

4. Coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person including the child, or coerces or induces a female child less than fifteen years of age to expose her breasts in person or through the Internet or other visual transmission for the purpose of arousing or gratifying the sexual desire of any person including the child.

SECTION 210.480: SEXUAL MISCONDUCT

A person commits the offense of sexual misconduct if such person purposely subjects another person to sexual contact without that person's consent.

SECTION 12. In accordance with CCS HCS SS SCS SB 470, and SB 568 and SB 611 (2012), the definition of "Emergency Vehicle" in Section 300.010 and the provisions of section 310.050 of the Code of Ordinances are hereby amended to read as follows:

300.010 - *EMERGENCY VEHICLE:* A vehicle of any of the following types:

1. A vehicle operated by the State Highway Patrol, the State Water Patrol, the Missouri Capitol Police, a Conservation Agent or a State Park Ranger, those vehicles operated by enforcement personnel of the State Highways and Transportation Commission, Police Department or Fire District, Sheriff, Constable or Deputy Sheriff, Federal Law Enforcement Officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer or Coroner or by a privately owned emergency vehicle company;

2. A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

3. Any vehicle qualifying as an emergency vehicle pursuant to Section 310.050 of this Title;

4. Any wrecker or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

5. Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

6. Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of Chapter 44, RSMo.;

7. Any vehicle operated by an authorized employee of the Department of Corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual-aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

8. Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of Sections 260.500 to 260.550, RSMo.

9. Any vehicle owned by the Missouri Highways and Transportation Commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assist vehicle.

SECTION 310.050: EMERGENCY VEHICLES -- USE OF LIGHTS AND SIRENS -- RIGHT-OF-WAY -- STATIONARY VEHICLES, PROCEDURE -- PENALTY

A. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 310.060 of this Chapter, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

B. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, or a stationary vehicle owned by the Missouri Highways and Transportation Commission and operated by an authorized employee of the department of transportation displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

1. Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

2. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

C. *Responsibilities Of Driver Of Emergency Vehicle.*

1. The driver of any "emergency vehicle" defined in Section 300.010 of this Code shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator or when responding to, but not upon returning from, a fire.

2. The driver of an emergency vehicle may:

a. Park or stand irrespective of the provisions of Sections 304.014 to 304.025, RSMo., and the provisions of this Code;

b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

c. Exceed the prima facie speed limit so long as the driver does not endanger life or property;

d. Disregard regulations governing direction of movement or turning in specified directions.

3. The exemptions granted to an emergency vehicle pursuant to Subsection (C)(2) of this Section shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.

D. No person shall purchase an emergency light as described in this Section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

SECTION 13. In accordance with SS HCS HB 1647, CCS HCS SS SCS SB 470, and SB 480 and HB 1402 (2012), the definition of “Recreational Off-Highway Vehicle” in Section 300.010 is hereby amended and a new Section 340.085 is hereby added to the Code of Ordinances, to read as follows:

300.010 - *RECREATIONAL OFF-HIGHWAY VEHICLE:* Any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-four (64) inches or less in width, with an unladen dry weight of two thousand (2000) pounds or less, traveling on four (4) or more non-highway tires, with a non-straddle seat and steering wheel, which may have access to ATV trails.

SECTION 340.085 – NO OPERATION OF RECREATIONAL OFF-HIGHWAY VEHICLES ON STATE HIGHWAYS -EXCEPTIONS.

1. No person shall operate a recreational off-highway

vehicle, as defined in section 301.010 RSMo, upon state highways within the City, except as follows:

(1) Recreational off-highway vehicles owned and operated by a governmental entity for official use;

(2) Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes;

(3) Recreational off-highway vehicles operated within three miles of the operator's primary residence, but only pursuant to special license issued by the City Council as provided herein or, as to County roads, issued by the County Council;

(4) Recreational off-highway vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads;

(5) The City Council may in its discretion based on all relevant factors issue special permits on an annual basis to licensed drivers for special uses of recreational off-highway vehicles on state highways within the city limits. An annual fee of fifteen dollars shall be paid, collected and retained by the City for each such permit;

2. No person shall operate a recreational off-highway vehicle within any stream or river in this state, except that recreational off-highway vehicles may be operated within waterways which flow within the boundaries of land which a recreational off-highway vehicle operator owns, or for agricultural purposes within the boundaries of land which a recreational off-highway vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system.

3. A person operating a recreational off-highway vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (4) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle. An individual shall not operate a recreational off-highway vehicle upon a highway in this state without displaying a lighted headlamp and a lighted tail lamp. A person may not operate a recreational off-highway vehicle upon a highway of this state unless such person wears a seat belt. When operated on a highway, a recreational off-highway vehicle shall be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

SECTION 14. This ordinance shall take effect in accordance with the provisions of section 3.11(g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2012.

_____
ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

BILL No. _5382__ **ORDINANCE No. _____**

APPROVED THIS ____ DAY OF _____, 2012.

_____
BARRY GLANTZ
MAYOR

ATTEST:

_____
DEBORAH RYAN, MPCC
CITY CLERK

BILL NO. _____ **ORDINANCE NUMBER _____**

AN ORDINANCE AMENDING PROVISIONS OF CHAPTERS 135, 210, 300, 310, AND 340 OF THE CREVE COEUR CODE OF ORDINANCES REGARDING PROCEDURES OF AND OFFENSES PROSECUTED IN THE CITY'S MUNICIPAL COURT.

WHEREAS, as a result of various changes in law, the City Council has determined it to be in the best interests of the citizens of the City of Creve Coeur to update various provisions of Chapters 135, 210, 300, 310, and 340 of the Code of Ordinances of the City of Creve Coeur, regarding procedures of and offenses prosecuted in the City's Municipal Court; 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, MISSOURI THAT:

SECTION 1. In accordance with SS2 SCS HCS HB 111 (2011) and *Arizona v. United States,* -- S.Ct. – (2012), Section 135.120 of the Code of Ordinances is hereby amended to read as follows:

SECTION 135.120: RELEASE AND BAIL

A. Any person arrested for violation of any ordinance and not released by an arresting officer either pursuant to the bail schedule furnished by the Municipal Judge or otherwise, shall~~may~~ be released from custody pending trial or other proceedings on personal recognizance, unless the Municipal Judge determines in the exercise of discretion that such a release is not sufficient reasonably to assure the appearance of the person as required, or the person poses a danger to a victim, the community or any other person. When such a determination is made, the Municipal Judge may impose any combination of the following conditions of release which will reasonably assure the appearance of the person as required, taking into account available information, without regard to rules of admissibility of evidence, concerning the nature and circumstances of the charged offense, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental

condition, length of residence in the community, record of convictions, and record of appearances at court proceedings or flight to avoid prosecution or failure to appear:

(1) place the person in the custody of a designated person or organization agreeing to supervise the person;

(2) place restriction on the travel, association, or place of abode of the person during the period of release;

(3) require the execution of a bail bond with sufficient solvent sureties, or in lieu thereof the deposit in cash or negotiable bonds of the United States or the State of Missouri or any political subdivision thereof;

(4) require the person to report regularly to some officer of the court, or peace officer, in such manner as the Municipal Judge directs;

(5) require the execution of a bond in a stated amount and the deposit in the registry of the court of ten percent, or such lesser sum as the Municipal Judge directs, of such sum in cash or negotiable bonds of the United States or the State of Missouri or any political subdivision thereof;

(6) place the person on house arrest with electronic monitoring, with all costs associated therewith to be charged to the person, provided the Municipal Judge does not find the person unable to afford such costs;

(7) any other condition deemed reasonably necessary to assure appearance as required, including a condition that the person return to custody after specified hours.

B. When authorizing the release of a person under this section, the Municipal Judge shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform the person of the penalties applicable to violations of the conditions of release and shall advise him that a warrant for arrest will be issued immediately upon any such violation. When issuing a warrant for arrest, the Municipal Judge shall likewise set the conditions for release, which shall be stated on the warrant.

C. A person for whom conditions of release are imposed who continues to be detained after 24 hours from the time of the release hearing as a result of inability to meet the conditions of release, or who has been ordered to return to custody after specified hours, shall upon application be entitled to have the conditions reviewed by the Municipal Judge who imposed them, which application shall be determined promptly.

D. The Municipal Judge may amend an order of release by imposing additional or different conditions, subject to the other provisions of this section and applicable court rules. The court shall review such conditions when it enters a judgment.

E. In accordance with this section, a person shall be admitted to bail by executing a bond to the City, with sufficient security to be approved by the Municipal Judge in a sum not to exceed one thousand dollars ($1,000.00), conditioned that such person will appear on the day therein stated before the Municipal Court to answer to the charge against them and all bonds so taken shall forthwith be filed with the Municipal Judge or the Clerk of the Court by the officer approving and taking the same and whenever any person shall be arrested and brought before the Municipal Court and for any cause the trial is postponed to a time certain, such person shall be required to enter into a recognizance with security, to be approved by the court, at the time and place appointed then and there to answer the complaint alleged against them. If any person arrested or brought before the court shall fail or refuse to enter into recognizance, they shall be committed to jail and held to answer the information filed against them.

F~~B~~. If the person is not released or does not meet the conditions of release, they shall be committed to jail until discharged by due course of law. There shall be a presumption that releasing the person under any conditions shall not reasonably assure the appearance of the person as required if the Judge reasonably believes that the person is an alien unlawfully present in the United States. If such presumption exists, the person shall be committed to the County Jail as provided in Section 135.200, until such person provides verification of their lawful presence in the United States or otherwise~~to~~ rebuts such presumption. If the person adequately proves their lawful presence or otherwise rebuts such presumption, the Judge shall review the issue of release, without regard to previous issues concerning whether the person is lawfully present in the United States. If the person cannot prove their lawful presence or otherwise rebut such presumption, the person shall continue to be committed to the jail and remain until discharged by due course of law. (R.O. 2008 §17-12; Ord. No. 5041 §1, 5-27-08; Ord. No. 5058 §7, 9-4-08)

References: RSMo 544.455, 544.470, Rules 37.15-37.20.

SECTION 2. In accordance with SS2 SCS HCS HB 111 (2011), Section 135.190 of the Code of Ordinances is hereby amended to read as follows:

SECTION 135.190: JUDGMENT

If the defendant pleads or is found guilty, the Municipal Judge shall declare and assess the punishment prescribed by ordinance or Statute according to such finding and render a judgment accordingly. For violation of ordinances involving alcohol- or drug-related traffic offenses, the Municipal Judge shall order the person to participate in and successfully complete a substance abuse traffic offender program under Section 577.001 RSMo, and the person shall pay the fees for such program as determined by the State Department of mental Health. In the event a sentence of confinement is ordered executed, the Municipal Judge may

order that a person serve all or any portion of such sentence on electronic monitoring with all costs associated therewith to be charged to the person, provided the Municipal Judge does not find the person unable to afford such costs.

(R.O. 2008 §17-19; Ord. No. 5041 §1, 5-27-08)

References: RSMo. 557.011, 577.049 Rule 37.64

SECTION 3. In accordance with SS HCS HB 1647 and CCS HCS SB 628 (2012), Section 135.240.A.10 of the Code of Ordinances is hereby amended to read as follows:

SECTION 135.240: COURT COSTS -- GENERALLY

A. In addition to any fine that may be imposed by the Municipal Judge, there shall be assessed as costs in all cases the following:

10. A surcharge of two dollars ($2.00) pursuant to the provisions of Section 488.5026 RSMo., shall be collected in all cases, except where the proceeding is dismissed by the Court or when the costs are to be paid by the City. All fees collected pursuant to this Subsection shall be transmitted monthly to the Finance Director of the City of Creve Coeur for deposit into the Inmate Security Fund. All funds collected pursuant to this Subparagraph shall be used only to acquire, develop, ~~and~~ maintain, repair, and replace ~~a~~ biometric verification systems and information sharing systems to ensure that inmates, prisoners or detainees in a holding cell facility or other detention facility or area which holds persons detained only for a shorter period of time after arrest or after being formally charged can be properly identified upon booking and tracked within the local law enforcement administration system, criminal justice administration system, or the local jail system, and to pay for any expenses related to detention, custody and housing and other expenses for inmates, prisoners and detainees.

SECTION 4. In accordance with CCS HCS SB 628 (2012), Section 210.015 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.015: DOMESTIC ASSAULT

A person commits the offense of domestic assault if the act involves a family or household member, including any child who is a member of the family or household, as defined in Section 455.010, RSMo., and the person either engages in abuse or stalking as defined in Section 455.010, RSMo., or:

1. The person attempts to cause or recklessly causes physical injury to such family or household member;

2. With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument;

3. The person purposely places such family or household member in apprehension of immediate physical injury by any means;

4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member;

5. The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

6. The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation. (Ord. No. 5227 §1, 10-24-11)

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

SECTION 5. In accordance with SS HCS HB 1647 (2012), Section 210.020 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.020: ASSAULT OF A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, EMERGENCY PERSONNEL, HIGHWAY WORKER OR PROBATION AND PAROLE OFFICER

A. A person commits the offense of assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer if:

1. Such person recklessly causes physical injury to a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer;

2. Such person purposely places a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer in apprehension of immediate physical injury;

3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a

construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer without the consent of the Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer.

B. As used in this Section, *"emergency personnel"* means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in Subdivisions (15), (16), (17) and (18) of Section 190.100, RSMo.

C. As used in this Section, the term *"Corrections Officer"* includes any jailor or Corrections Officer of the State or any political subdivision of the State.

D. As used in this Section, the term *"highway worker"*, *"construction zone"* or *"work zone"* shall have the same meaning as such terms are defined in Section 304.580, RSMo.

E. As used in this Section, the term *"utility worker"* means any employee while in the performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

F. As used in this Section, the term *"cable worker"* means any employee including any person employed under contract, of a cable operator, as such term is defined in section 67.2677 RSMo.

~~D. Assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer is an ordinance violation.~~

SECTION 6. In accordance with *State v. Vaughn*, 366 SW3d 513 (Mo. 2012), Section 210.030 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.030: HARASSMENT

A. A person commits the offense of harassment if he or she:

1. Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such other person;

2. When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm;

3. Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication;

4. Knowingly communicates with another person who is, or who purports to be, seventeen (17) years of age or younger and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to such other person;

5. Knowingly makes repeated unwanted communication to another person~~;~~ or

~~6.~~ w~~W~~ithout good cause engages in any other act, with the purpose to frighten, intimidate, or cause emotional distress to another person, cause such person to be frightened, intimidated, or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person.

~~B. Harassment is an ordinance violation unless:~~

~~1. Committed by a person twenty-one (21) years of age or older against a person seventeen (17) years of age or younger; or~~

~~2. The person has previously pleaded guilty to or been found guilty of a violation of this Section, or of any offense committed in violation of any County or Municipal ordinance in any State, any State law, any Federal law, or any military law which, if committed in this State, would be chargeable or indictable as a violation of any offense listed in this Subsection.~~

B~~C~~. This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County, or Municipal law.

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

SECTION 7. In accordance with SS HCS HB 1647 and SCS SB 835 (2012), Section 210.180 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.180: FIREWORKS

A. No person shall sell, use, manufacture, display or possess fireworks, as hereinafter defined, within the City at any time.

B. The term *"fireworks"*, as used in this Section, any composition or device for producing a visible, audible or both visible and audible effect by combustion, deflagration or detonation and that meets the definition of consumer, proximate or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations~~ and American Pyrotechnics Association 87-1 standards~~.

C. The discharge of toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths (0.25) grains or less of explosive mixture and the sale and use of same shall not constitute a violation of this Section.

D. The prohibition of this Section shall not apply to any public demonstrations or displays of fireworks. However, any such public demonstrations or displays of fireworks may be conducted only after application has been made in writing to the Chief of Police and a permit has been issued for such demonstration or display by the Chief of Police. (R.O. 2008 §10-1; Ord. No. 513 §21, 12-23-68)

SECTION 8. In accordance with SS HCS HB 1647 (2012), Section 210.250 of the Code of Ordinances is 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 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 church or place where people have assembled for worship, any election precinct on any election day, into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, 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), (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 (11) of Section 571.030, RSMo., and who carry the identification defined in Subsection (12) 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 or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, 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.

G. Any person who has a valid concealed carry endorsement, and who is lawfully carrying a firearm in a concealed manner, may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense. (Ord. No. 5212 §1, 8-22-11)

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 9. In accordance with SS HCS HB 1647 and SS SCS SB 489 & 637 (2012), Section 210.255 of the Code of Ordinances is hereby amended to read as follows:

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 gas gun;

~~4. A switchblade knife;~~

4~~5~~. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or

5~~6~~. Knuckles; or

6~~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; or~~.~~

d. A switchblade knife.

B. A person does not commit an offense under this Section if his/her conduct involved any of the items in Subdivisions (1) to (5~~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 with the weapon in a manner reasonably related to a lawful dramatic performance. (Ord. No. 5212 §1, 8-22-11)

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

SECTION 10. In accordance with SS SCS SB 689 (2012), Section 210.375 of the Code of Ordinances is hereby amended to read as follows:

SECTION 210.375: FINANCIAL EXPLOITATION OF THE ELDERLY AND DISABLED

A. A person commits the offense of financial exploitation of an elderly or disabled person if such person knowingly ~~and~~ by deception, intimidation, undue influence, or force obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his/her property thereby benefiting such person or detrimentally affecting the elderly or disabled person. ~~Financial exploitation of an elderly or disabled person is a misdemeanor if the value of the property is less than fifty dollars ($50.00).~~

It shall be unlawful in violation of this section for any person receiving or in the possession of funds of a Medicaid eligible elderly or disabled person residing in a facility licensed under chapter 198 to fail to remit to the facility in which the Medicaid eligible person resides all money owing the facility resident from any source, including, but not limited to, social security, railroad retirement, or payments from any other source disclosed as resident income contained in the records of the department of social services, family support division or its successor.

B. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

DECEPTION: A misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or pre-existing condition of any of the property involved in such contract or agreement or the use or

employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement.

"Deception" includes:

1. Creating or confirming another person's impression which is false and which the offender does not believe to be true.

2. Failure to correct a false impression which the offender previously has created or confirmed.

3. Preventing another person from acquiring information pertinent to the disposition of the property involved.

4. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid or is or is not a matter of official record.

5. Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform.

DISABLED PERSON: A person with a mental, physical or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection.

ELDERLY PERSON: A person sixty (60) years of age or older.

INTIMIDATION: A threat of physical or emotional harm to an elderly or disabled person, or the communication to an elderly or disabled person that he/she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

UNDUE INFLUENCE: **", use of influence by someone who exercises authority over an elderly person or disabled person in order to take unfair advantage of that person's vulnerable state of mind, neediness, pain, or agony. Undue influence includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.**

C. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.

D. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his/her property, but through no fault of his/her own has been unable to provide such assistance.

E. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property, and to otherwise seek to reduce estate and inheritance taxes; provided that

such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.

F. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.

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

SECTION 11. In accordance with CCS HCS SB 628 (2012), Sections 210.475 and 210.480 of the Code of Ordinances are hereby amended to read as follows:

SECTION 210.475: INDECENT EXPOSURE (SEXUAL MISCONDUCT)

A person commits the offense of indecent exposure (sexual misconduct) if such person:

1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm, or to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person including the child;

2. Has sexual contact in the presence of a third (3rd) person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm; ~~or~~

3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third (3rd) person;~~.~~ or

4. Coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person including the child, or coerces or induces a female child less than fifteen years of age to expose her breasts in person or through the Internet or other visual transmission for the purpose of arousing or gratifying the sexual desire of any person including the child.

SECTION 210.480: SEXUAL MISCONDUCT

A person commits the offense of sexual misconduct ~~in the first degree~~ if such person purposely subjects another person to sexual contact without that person's consent.

SECTION 12. In accordance with CCS HCS SS SCS SB 470, and SB 568 and SB 611 (2012), the definition of "Emergency Vehicle" in Section 300.010 and the provisions of section 310.050 of the Code of Ordinances are hereby amended to read as follows:

300.010 - *EMERGENCY VEHICLE:* A vehicle of any of the following types:

1. A vehicle operated by the State Highway Patrol, the State Water Patrol, the Missouri Capitol Police, a Conservation Agent or a State Park Ranger, those vehicles operated by enforcement personnel of the State Highways and Transportation Commission, Police Department or Fire District, Sheriff, Constable or Deputy Sheriff, Federal Law Enforcement Officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer or Coroner or by a privately owned emergency vehicle company;

2. A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

3. Any vehicle qualifying as an emergency vehicle pursuant to Section 310.050 of this Title;

4. Any wrecker or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

5. Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

6. Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of Chapter 44, RSMo.;

7. Any vehicle operated by an authorized employee of the Department of Corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual-aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

8. Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of Sections 260.500 to 260.550, RSMo.

9. Any vehicle owned by the Missouri Highways and Transportation Commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assist vehicle.

SECTION 310.050: EMERGENCY VEHICLES -- USE OF LIGHTS AND SIRENS -- RIGHT-OF-WAY -- STATIONARY VEHICLES, PROCEDURE -- PENALTY

A. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 310.060 of this Chapter, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

B. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, or a stationary vehicle owned by the Missouri Highways and Transportation Commission and operated by an authorized employee of the department of transportation displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

1. Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

2. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

C. *Responsibilities Of Driver Of Emergency Vehicle.*

1. The driver of any "emergency vehicle" defined in Section 300.010 of this Code shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator or when responding to, but not upon returning from, a fire.

2. The driver of an emergency vehicle may:

a. Park or stand irrespective of the provisions of Sections 304.014 to 304.025, RSMo., and the provisions of this Code;

b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

c. Exceed the prima facie speed limit so long as the driver does not endanger life or property;

d. Disregard regulations governing direction of movement or turning in specified directions.

3. The exemptions granted to an emergency vehicle pursuant to Subsection (C)(2) of this Section shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.

D. No person shall purchase an emergency light as described in this Section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

SECTION 13. In accordance with SS HCS HB 1647, CCS HCS SS SCS SB 470, and SB 480 and HB 1402 (2012), the definition of "Recreational Off-Highway Vehicle" in Section 300.010 is hereby amended and a new Section 340.085 is hereby added to the Code of Ordinances, to read as follows:

300.010 - *RECREATIONAL OFF-HIGHWAY VEHICLE:* Any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-four (64~~0~~) inches or less in width, with an unladen dry weight of two~~one~~ thousand ~~eight hundred fifty~~ (2000~~1,850~~) pounds or less, traveling on four (4) or more non-highway tires, with a non-straddle seat and steering wheel, which may have access to ATV trails.

SECTION 340.085 – NO OPERATION OF RECREATIONAL OFF-HIGHWAY VEHICLES ON STATE HIGHWAYS -EXCEPTIONS.

1. No person shall operate a recreational off-highway vehicle, as defined in section 301.010 RSMo, upon state highways within the City, except as follows:

(1) Recreational off-highway vehicles owned and operated by a governmental entity for official use;

(2) Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes;

(3) Recreational off-highway vehicles operated within three miles of the operator's primary residence, but only pursuant to special license issued by the City Council as provided herein or, as to County roads, issued by the County Council;

(4) Recreational off-highway vehicles operated by handicapped

persons for short distances occasionally only on the state's secondary roads;

(5) The City Council may in its discretion based on all relevant factors issue special permits on an annual basis to licensed drivers for special uses of recreational off-highway vehicles on state highways within the city limits. An annual fee of fifteen dollars shall be paid, collected and retained by the City for each such permit;

2. No person shall operate a recreational off-highway vehicle within any stream or river in this state, except that recreational off-highway vehicles may be operated within waterways which flow within the boundaries of land which a recreational off-highway vehicle operator owns, or for agricultural purposes within the boundaries of land which a recreational off-highway vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system.

3. A person operating a recreational off-highway vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (4) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle. An individual shall not operate a recreational off-highway vehicle upon a highway in this state without displaying a lighted headlamp and a lighted tail lamp. A person may not operate a recreational off-highway vehicle upon a highway of this state unless such person wears a seat belt. When operated on a highway, a recreational off-highway vehicle shall be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

SECTION 14. This ordinance shall take effect in accordance with the provisions of section 3.11(g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2012.

_____
ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK

CREVE COEUR POLICE DEPARTMENT
INTEROFFICE MEMO

DATE: August 8, 2012

TO: Mark Perkins, City Administrator

FROM: Glenn Eidman, Chief of Police

SUBJECT: Staff Memo Amending Provisions of Chapters 135, 210, 300, 310, and 340

As a result of various changes in the laws by the Missouri legislature, I am requesting that the following Chapters of the City of Creve Coeur Code of Ordinances by amended as follows:

Section 135.120-Release of Bail
This section deals with the authorization of the Municipal Judge granting options for release which would include electronic monitoring, with all costs associated therewith to be charged to the person.
Section 135.190-Judgement
This section deals with the punishment of a violator upon pleading or being found guilty in Municipal Court.
Section 135.240-Court Costs
This section outlines the surcharge of two dollars for the biometric verification system and information sharing systems to ensure that inmates, prisoners, or detainees in a holding facility or other detention facility or area which holds persons detained.
Section 210.015-Domestic Assault
This section will include any child who is a member of the family or household.
Section 210.020-Assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, Highway Worker or Probation and Parole Officer
This section adds utility workers, and cable worker.
Section 210.030-Harassment
This section updates the language with the changes in the state statute.
Section 210.180-Fireworks
Eliminates the American Pyrotechnics Association 87 1 standards.
Section 210.250-Weapons-Carrying Concealed –Other Unlawful Use
This section includes the carrying of a firearm into any church or place where people have assembled for worship, any election precinct on any election day, into any building owned or occupied by any agency of the federal government, state government, or political subdivision.
Section 210.255-Possession, Manufacture, Transport. Repair, sale of Certain Weapons

Section 210.375-Financial Exploitation of the Elderly and Disabled

The terminology and definitions of the elements are changed in the new statute.
Section 210.475-Indecent Exposure (Sexual Misconduct)
Additional information has been added to the ordinance, age of the victim, and coercion.
Section 300.010-Emergency Vehicle
MoDot vehicles defined as emergency vehicles, specifics of the MoDot vehicle will be allowed to respond in the same manner as an emergency vehicle.

RESOLUTION NO. 1020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE CITY OF CHESTERFIELD, UNDER THE COOPERATIVE SALT PROGRAM, FOR PURCHASING 1,200 TONS OF SALT FOR AN AMOUNT OF $50,268.00.

WHEREAS, it is necessary to supplement the City's salt reserve in order to keep our streets safe during the winter months; and

WHEREAS, the City provides safe public rights of way for its commercial and residential communities; and

WHEREAS, the City participates in a Cooperative Salt Program with the City of Chesterfield to obtain the lowest price based on high volume purchasing; and

WHEREAS, these goods have been competitively bid per the requirements outlined in the City of Creve Coeur Code of Ordinances.

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

Section 1: The Agreement between **City of Chesterfield** and the City of Creve Coeur to purchase 1,200 tons of salt for an amount of $50,268.00 is hereby approved and the execution is hereby 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 Resolution, the matters herein authorized, and the rights and duties of the City under the Agreement.

Adopted this 27th day of August, 2012.

_____
Barry Glantz
Mayor

Attest:

_____
Deborah Ryan, MPCC
City Clerk

DEPARTMENT OF PUBLIC WORKS
OFFICE MEMO

DATE: August 22, 2012

TO: Mark C. Perkins, City Administrator

FROM: Jim Heines, Director of Public Works

SUBJECT: Annual De-icing Salt Purchase from the Salt Co-op Program

---

For approximately 15 years, the city has participated in a Salt Co-op group to purchase road salt. The Salt Co-op is a group of cities in the St. Louis area who have joined together to purchase salt in a bulk order to obtain a better pricing. The group is headed by the City of Chesterfield who performs the bidding process as well as managing the program including the accounting and payments for the bulk salt deliveries by barge. Public Works staff was required to commit to a quantity of de-icing salt in June of 2012 so the Salt Co-op could bid specific quantities to obtain a lower price.

Recently, the Salt Co-op opened bids for winter and spring salt purchases. The results of the bid revealed the unit cost to be equal to last year's purchase ($41.89 per ton). Delivery costs increased slightly ($0.16 per ton) to $7.73 per ton.

Due to the mild winter we experienced last year, our salt supply is better shape than previous years. The salt dome is about 75% full. For this reason, Public Works staff has ordered 400 tons for the fall delivery (Nov. –Dec.). Staff anticipates using enough salt over the winter to make room for an additional 800 tons delivery in the spring (Jan.-March).

The cost to purchase 1200 of salt for FY13 is $50,268 and delivery is $9,276 for a total of $59,544. Council approved $95,000.00 in the FY13 budget for salt purchase, delivery and snow fighting related supplies in account number 01-31-41-7310. The purchase and delivery of this material is within the budgeted amount.

Public Works staff recommends approving the purchase of 1200 tons of de-icing salt from the Salt Co-op. Payments are to be made to the City of Chesterfield for an amount of $50,268.00. If the salt purchase is approved, Public Works staff will submit a Purchase Order request for the cost of the delivery in the amount of $9,276 to the City Administrator for approval.

RESOLUTION NO. 1021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AUTHORIZING THE APPROVAL OF CHANGE ORDER #1 IN THE AMOUNT OF $3,452 FOR THE CONTRACT WITH HORNER & SHIFRIN, INC. FOR ENGINEERING DESIGN SERVICES RELATED TO THE DEVELOPMENT OF THE LADUE ROAD SIDEWALK DESIGN, PROJECT MANUAL, AND APPROVALS FROM MODOT

WHEREAS, the development of Construction Drawings, Project Manual, and Approvals form MoDOT are required items to be in compliance with the STP Grant regulations; and

WHEREAS, it is necessary to replace the asphalt pedestrian paths on Ladue Road with five-foot wide ADA compliant concrete sidewalks in order to maintain the quality of life expected by the community; and

WHEREAS, the City provides safe public rights of way for its commercial, institutional, and residential communities; and

WHEREAS, it is necessary to provide additional design services and revisions to the project manual not covered in the original scope of services.

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

Section 1. Change Order #1 for the Contract between **Horner & Shifrin, Inc.** and the City in the amount of $3,452 for unexpected additional design services and revisions to the project manual for the Ladue Rd. Sidewalk Project is hereby approved and the execution is hereby authorized. The original Contract amount as executed shall be increased to a total amount of $32,191 for design services on the Ladue Rd. Sidewalk Project. 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 Resolution, the matters herein authorized, and the rights and duties of the City under the Contract.

Adopted this 27th day of August, 2012.

_____
Barry Glantz
Mayor

Attest:

_____
Deborah Ryan, MPCC
City Clerk

DEPARTMENT OF PUBLIC WORKS
OFFICE MEMO

DATE: August 22, 2012

TO: Mark Perkins, City Administrator

FROM: Jim Heines, Director of Public Works

SUBJECT: Change Order for Unexpected Design Services for the Ladue Road Sidewalk Project

---

Creve Coeur city council approved a contract with Horner & Shifrin Inc. to provide design services for the Ladue Road Sidewalk Project at their meeting held on November 28, 2011. The scope of services included survey work, sidewalk construction designs and plans, and a project manual. As part of the original contract, the consultant was to work with MoDOT and revise the plans and project manual as necessary to get the package approved and permitted by MoDOT.

During the review process it was determined that MoDOT needed more information than originally anticipated for the APS crosswalk signals at 7 intersections between Graeser and Coeur de Ville, illuminated street name signs and illuminated hospital directional signs at the Ladue/New Ballas intersection. Some of the items required are specific plan details as well as wind and weight loading calculations for the traffic signal posts and mast arms and revisions and additions to the project manual.

Horner & Shifrin has submitted accost estimate (attached) for the above referenced work in the amount of $3,452 to complete the necessary work. Although this amount seems small, it is 12 % of the original project cost ($28,739). Per the city's purchasing policy, any change order over 10% or $50,000 whichever is less requires council approval.

Public Works staff recommends approving this change order in the amount of $3,452 which makes the total cost of project design $32,191 for the Ladue Road Sidewalk Project. The additional funding for this change order is available in account # 02-61-71-9510.

Subject:

CITY OF CREVE COUER

Ladue Road Sidewalk Improvements - Audible Pedestrian Signals

H&S Project P120282

By: AMH/GEB

HS Job No.: P120282

8/21/12

HORNER & SHIFRIN, INC. ENGINEERS

TASK	Principal P-2	Env. Engineer P-3	Project Manager P-4	Project Engineer P-5	Design Engineer P-7	CAD Technician T-1	Clerical C-2	Hours Total		Cost Total
FINAL DESIGN / PLANS										
Site Visit	0			2				2	$	178
General Notes				2				2	$	178
Details				2				2	$	178
Plan Sheets				8				8	$	712
Specifications (JSP's only)	0			4				4	$	356
Construction Cost Estimate				2				2	$	178
Coordination with Manufacturer (Lit Signs and APS)				6				6	$	534
Coordination with City and MoDOT (Signal Pole/Mast Arm)	1			2				3	$	358
Coordination with Mast Arm/Pole Manufacturer				6				6	$	534
QA/QC	1							1	$	180
Administration							1	1	$	66
	2	**0**	**0**	**34**	**0**	**0**	**1**	**37**	**$**	**3,452**

SUMMARY

	Hours		Cost
FINAL DESIGN / PLANS	37	$	3,452
	37	**$**	**3,452**

Qualifications:

1. Fee does not include wiring design. Plans will show location of signs and signals.

2. H&S shall prepare the Job Special Provisions (JSP's). City shall prepare the bid specifications/manual.

3. Mast/pole manufacturer will perform analysis regarding capacity of mast arm to accommodate additional weight of lit street signs. H&S to coordinate only.

TOTAL ESTIMATED FEE $ 3,452

DEPARTMENT OF PUBLIC WORKS
OFFICE MEMO

DATE: November 16, 2011

TO: Mark Perkins, City Administrator

FROM: Jim Heines, Director of Public Works

SUBJECT: Contract Award for Consulting Services for the Ladue Road Sidewalk Project

---

The City of Creve Coeur was a successful grant applicant for an STP Enhancement Grant last fall to replace the sections of aging asphalt pedestrian path along Ladue Rd. between Coeur De Ville Drive and just east of Graeser Road with a five-foot wide ADA compliant concrete sidewalk. Grant funding for this project is a maximum of 80% ($415,469.60 Grant funding) - 20% ($103,867.40 City funding). The estimated cost of this project is $519,337.

Project plans, specification manual, and other documents must be submitted to, and approved by MoDOT before September 30, 2012 or the city will lose the grant funding for this project. The MoDOT review process can easily take six-months or more depending on the number of revisions required. In addition, the city has identified construction of this sidewalk project in the FY 2013 Capital Improvement Plan therefore it is important that the city gets started on the submittal/review process with MoDOT as soon as possible. The most recent budget adjustment has provided funding for the design work in FY 2012

City staff interviewed two Engineering Consultants Horner & Shiffrin, and Intuition & Logic. Staff received proposals from each consultant for design services pertaining to this project. Each firm was equally capable of performing the requested services. Proposed cost for design services are listed below:

Engineering Company	Proposed Cost
Horner & Shiffrin	$28,739.00
Intuition & Logic	$38,263.00

Due to the fact that Horner & Shiffrin is already working for the city on the New Ballas Road Sidewalk Project design, and the Emerson Rd. Concept Plan, both of which overlap onto Ladue Road between I-270 and New Ballas Road, they are extremely familiar with the project location, as well as the city's expectation regarding sidewalk design. In addition, Horner & Shiffrin has already performed the survey and some sidewalk design along Ladue Road for these other projects therefore their proposed cost is lower.

Public Works staff recommends awarding the contract for design services on the Ladue Road Sidewalk Project to Horner & Shiffrin in the amount of $28,739.

RESOLUTION NO. 1022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH THE HARRIS COMPANY FOR SUPPORT FOR THE ACCOUNTING, FINANCIAL, HUMAN RESOURCES/PAYROLL SOFTWARE IN AN AMOUNT NOT TO EXCEED $23,747

WHEREAS, the City Council of the City of Creve Coeur recognizes a need to maintain support for its Accounting, Financial, Human Resources/Payroll software; and

WHEREAS, the above software is essential to the efficient operation of the City; and

WHEREAS, the provision of such services can only be provided by Harris due to the proprietary nature of the software.

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

SECTION 1: A contract between Harris and the City is hereby approved. The contract as executed shall be consistent with the provisions and intent of this Resolution 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 Resolution, the matters herein authorized, and the rights and duties of the City under the agreement.

Adopted this 27th day of August, 2012.

_____
Barry L. Glantz
Mayor

Attest:

_____
Deborah Ryan, MPCC
City Clerk

MEMORANDUM

DATE: August 22, 2012

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance

SUBJECT: Annual Software Support for GEMS Software

In FY 2007 the City purchased an HR, financial and accounting software package from Government E-Management Solutions (GEMS), a division of the Harris Corporation. This software requires an annual agreement for support and upgrades. This software support is only available from Harris because of the proprietary nature of the software package and is considered a sole source. The estimated cost for the software for the 2012-2013 year is $23,747. The FY 2013 budget included $25,000 for this software support.

Staff recommends approval of the attached legislation authorizing the purchase of software support from Harris in an amount not to exceed $23,747 for FY 2013. I would be pleased to respond to any questions.

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

DATE: August 22, 2012

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 22, 2012 in the amount of $104,684.05

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

NO DEPT - NO DIV

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00332	0		080912	09-Aug-12	ST LOUIS COUNTY AND MUNICIPAL POLICE ACADEMY	POLICE CYCLIST COURSE 2 OFCRS	01-00-00-2411	60.00	
01774	0		081612	16-Aug-12	KAPLAN, BRUCE & KAREN	SEWER LATERAL REPAIR REIMB	02-00-00-1901	2,696.00	
							Sum of Invoices		2,756.00

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

LEGISLATIVE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00019	0		080212	02-Aug-12	CURTIS, HEINZ, GARRETT & O'KEEFE	LEGAL FEES CITY ATTY-JULY 12	01-11-12-6201	14,218.00	
							Sum of Invoices		*14,218.00*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

Administration

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01120	0		073112	31-Jul-12	ASI	FLEX PLAN ADMIN-JULY 2012	01-12-11-6203	175.20
00138	0		7259822	31-Jul-12	CSC CREDIT SERVICES	CREDIT SERVICE	01-12-11-6202	17.67
01447	0	P001473	18724	27-Jul-12	DIVERSIFIED PRINTING INC	NEWSLETTER PRINTING-AUG 2012	01-12-11-6203	898.00
00053	0		13182	01-Aug-12	MERCY CORPORATE HEALTH	DOT TESTING	01-12-11-6271	45.00
00053	0		13181	01-Aug-12	MERCY CORPORATE HEALTH	DOT TESTING	01-12-11-6271	45.00
01262	0	P001456	26454	31-Jul-12	SPECIALTY MAILING	NEWSLETTER HANDLING-AUG 2012	01-12-11-6203	225.23
							Sum of Invoices	*1,406.10*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

IT

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00474	0	P001506	IN20122785	08-Aug-12	AP TECHNOLOGY	SECURE CHECK PR-7 (UPGRADE)	01-12-51-7331	2,635.00
00278	0		J08814340101	09-Aug-12	GLOBAL GOV/ED SOLUTIONS, INC.	CD-R COLOR LIGHTSCRIBE	01-12-51-6213	95.00
00278	0		J09301440102	02-Aug-12	GLOBAL GOV/ED SOLUTIONS, INC.	WI-FI ADAPTER	01-12-51-6213	39.00
00278	0		J09301440101	02-Aug-12	GLOBAL GOV/ED SOLUTIONS, INC.	ITEMS FOR LIC PLATE RECOG SYST	01-12-51-6213	102.00
01241	0		220762	16-Aug-12	J&B TECHNOLOGIES, LTD.	MEMORY FOR PC IN FINANCE	01-12-51-6213	84.00
01236	0		0047619-001	07-Aug-12	PMI COMPUTER SALES	CD'R'S	01-12-51-6213	33.42
00050	0		INV0023758	15-Jul-12	REJIS	PIX FIREWALL MAINT	01-12-51-6213	21.24
01147	0	P001487	IN-000033560	26-Jul-12	SOUTHERN COMPUTER WAREHOUSE	3 HP COLOR LASER JET CP4525N	01-12-51-7331	3,787.98
							Sum of Invoices	6,797.64

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

FINANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
01704	0	P001501	SI-422240	07-Aug-12	ROYALDISCOUNT.COM	3EA MS OFICE PRO 2010	01-13-11-7332	779.97	
00041	0	P001475	81712	17-Aug-12	MUNI FINANCIAL	SERVICES 8/5 TO 8/16/12	01-13-11-6202	1,560.00	
00016	0		81412	14-Aug-12	COLLECTOR OF REVENUE	SALES TAX REPORT-AUG 2012	01-13-11-6202	20.00	
							Sum of Invoices		*2,359.97*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

MUNICIPAL COURT

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00005	0		1658682	30-Jul-12	AMERICAN STAMP	COURT SEAL EMBOSSER	01-13-14-9503	525.00	
							Sum of Invoices		*525.00*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

INTERDEPARTMENTAL

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00014	0		0215132 8/12	06-Aug-12	CHARTER COMMUNICATIONS	CABLE SERVICE-CITY HALL	01-13-15-6255	81.14	
00255	0		2-2012	30-Jul-12	MISSOURI DIVISION OF EMPLOYMENT SECURITY	UNEMPLOYMNT BENEFITS 2-2012	01-13-15-5244	3,610.21	
00045	0		618965579001	01-Aug-12	OFFICE DEPOT	CALCULATOR,BINDERS,PENS	01-13-15-7312	58.60	
00045	0		619720127001	07-Aug-12	OFFICE DEPOT	CREDIT CARD PAPER GOVT CTR	01-13-15-7312	16.44	
00118	0	P001502	14242	23-Jul-12	OLD STYLE BODY COMPANY	REPAIR DAMAGE TO CAR 2417 CAUS	01-13-15-6220	1,562.40	
00076	0		25109959	19-Oct-21	PEPSI	SODA-EMPLOYEE VENDING	01-13-15-7304	316.12	
01754	0		114309992	02-Aug-12	STAPLES ADVANTAGE	FILE FRAME & FOLDERS	01-13-15-7312	39.04	
01169	0		3179571363	04-Aug-12	STAPLES ADVANTAGE	MISC OFFICE SUPPLIES	01-13-15-7312	194.78	
01169	0		3179571364	04-Aug-12	STAPLES ADVANTAGE	LABELS,BADGE POUCH,STENO PADS	01-13-15-7312	127.27	
01169	0		3179571366	04-Aug-12	STAPLES ADVANTAGE	MOUSE PAD	01-13-15-7312	6.63	
01169	0		3179571365	04-Aug-12	STAPLES ADVANTAGE	MOUSE PAD,FOLDERS,PENS	01-13-15-7312	28.42	
01169	0		3179571367	04-Aug-12	STAPLES ADVANTAGE	RED FOLDERS-PAYROLL CLERK	01-13-15-7312	57.36	
001169	0		3179896326	09-Aug-12	STAPLES ADVANTAGE	TONER CARTRIDGE	01-13-15-7312	241.77	
00075	0		3362	16-Aug-12	WUSSLER BUSINESS FORMS	BUSINESS CARDS	01-13-15-7312	109.00	
							Sum of Invoices		*6,449.18*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

ICE ARENA

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00195	0		2726	07-Aug-12	ALARM 24, INC.	ALARM SERVICE ICE ARENA (08071	06-14-31-6212	90.00
01550	0		452-5020166	07-Aug-12	ARAMARK UNIFORM SERVICES	CLEANING SUPPLIES (080712)	06-14-31-7301	0.80
01550	0		452-5020166	07-Aug-12	ARAMARK UNIFORM SERVICES	UNIFORMS (080712)	06-14-31-7308	3.60
00082	0		0609281	14-Aug-12	METROLIFT PROPANE	PROPANE FOR OLYMPIA	06-14-31-7307	175.44
00164	0		027374	06-Aug-12	NEW SYSTEM CARPET & BUILDING CARE LTD.	RESTROOM SUPPLIES (080612)	06-14-31-7301	505.31
00048	0		196288	07-Aug-12	PAVYER	OLYMPIA BLADE SHARPENING	06-14-31-6211	88.68
00711	1		316937336	31-Jul-12	TERMINIX	PEST CONTROL ICE ARENA (073112	06-14-31-6212	33.00
							Sum of Invoices	*896.83*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

GOLF MAINTENANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
01415	0		INV0005756	03-Aug-12	GREENSPRO, INC.	MICRO NUTRIENTS FOR GREENS	06-14-32-7303	381.00	
00117	0		4022607	13-Aug-12	HOME DEPOT	2-CYCLE OIL	06-14-32-6211	23.76	
00117	0		4022607	13-Aug-12	HOME DEPOT	SCREWS	06-14-32-6212	5.88	
00173	0		IN105210	30-Jul-12	SUPREME TURF PRODUCTS	FUNGICIDE FOR GREENS	06-14-32-7303	300.00	
00173	0		IN105206	30-Jul-12	SUPREME TURF PRODUCTS	LIQUID FERTILIZER GREENS	06-14-32-7303	475.00	
00173	0		IN105382	07-Aug-12	SUPREME TURF PRODUCTS	FERTILIZER FOR SOD	06-14-32-7303	175.00	
							Sum of Invoices		*1,360.64*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

PRO SHOP

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00195	0		2726	07-Aug-12	ALARM 24, INC.	ALARM SERVICE PRO SHOP (080712	06-14-33-6202	90.00
00164	0		027374	06-Aug-12	NEW SYSTEM CARPET & BUILDING CARE LTD.	RESTROOM SUPPLIES (080612)	06-14-33-7301	121.00
00711	1		316937336	31-Jul-12	TERMINIX	PEST CONTROL PRO SHOP (073112)	06-14-33-6212	33.00
							Sum of Invoices	*244.00*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

SNACK BAR

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550	0		452-5020166	07-Aug-12	ARAMARK UNIFORM SERVICES	WIPING TOWELS (080712)	06-14-34-7301	2.85
							Sum of Invoices	*2.85*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

BUILDING MAINTENANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
01550	0		452-5046413	14-Aug-12	ARAMARK UNIFORM SERVICES	CH UNIFORMS MAINT (8/14/12)	01-16-11-7308	7.20	
01550	0		452-5020165	07-Aug-12	ARAMARK UNIFORM SERVICES	CH UNIFORMS MAINT (8/7/12)	01-16-11-7308	7.20	
00117	0		1991168	16-Aug-12	HOME DEPOT	PAINT-PROJECT MGRS OFFICE	01-16-11-6212	27.96	
00117	0		1991122	16-Aug-12	HOME DEPOT	PAINT-PROJECT MGRS OFFICE	01-16-11-6212	27.96	
00117	0		3010595	14-Aug-12	HOME DEPOT	PAINT,SHELF BRACKET,QTR ROUND	01-16-11-6212	79.88	
00164	0		027536	13-Aug-12	NEW SYSTEM CARPET & BUILDING CARE LTD.	AIR FRESHENERS,TOILET TISSUE	01-16-11-6212	911.68	
00496	0		3122627	01-Aug-12	O J LAUGHLIN PLUMBING COMPANY INC	REPAIR TO PD SHOWERS	01-16-11-6212	397.42	
00092	7		08089812	01-Aug-12	ST LOUIS COUNTY TREASURER	CH ELEVATOR INSPECTION	01-16-11-6211	59.00	
00087	0		43241	27-Jul-12	SYSTEMAIRE	REPAIR CITY HALL AIR COND	01-16-11-6211	95.00	
00123	0		3000206298	01-Aug-12	THYSSENKRUPP ELEVATOR CORP.	ELEVATOR MAINTENANCE SVC	01-16-11-6211	755.61	
00054	1		01907211	02-Aug-12	WALTER KNOLL FLORIST	CH PLANT MAINT - SEPT 2012	01-16-11-6212	80.00	
							Sum of Invoices		*2,448.91*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

POLICE-ADMIN

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01068	0		091145	14-Aug-12	DNT	QTRLY MAINT FEES CHIEF COPIER	01-21-11-6213	99.00
00053	0		9122	26-Jul-12	MERCY CORPORATE HEALTH	HEP A,B,SPIROMETRY NEW OFCRS	01-21-11-6271	406.00
01378	0		00433	31-Jul-12	PERSONNEL EVALUATION INC.	PERS EVAL FOR RESRVE OFFICER	01-21-11-6203	20.00
00050	0	P001462	INV0023758-A	15-Jul-12	REJIS	SUBSCRIPTION FEE-JULY 2012	01-21-11-6202	4,030.39
00050	0	P001497	INV0023758-C	15-Jul-12	REJIS	FIBER CONN/ROUTER MAIN-JULY 12	01-21-11-6202	855.00
00050	0		INV0023758	15-Jul-12	REJIS	IMDS ORACLE DB MAINT	01-21-11-6202	21.00
00050	0		INV0023758	15-Jul-12	REJIS	LIVESCAN CONNECTION	01-21-11-6202	50.00
00050	0		INV0023759	18-Jul-12	REJIS	(4) BACKGROUND CHECKS	01-21-11-6203	40.00
00050	0	P001498	INV0023759.	18-Jul-12	REJIS	12 (2) GLOBAL CAD RESTRICTED	01-21-11-6213	30.00
00050	0	P001498	INV0023758-B	15-Jul-12	REJIS	GLOBAL SOFTWARE SVCS-JULY 2012	01-21-11-6213	1,102.50
00093	0		6317	01-Jul-12	SOUTHWEST FAMILY TESTING	PSYCH EVAL FOR NEW OFFICER	01-21-11-6203	425.00
00093	0		6318	01-Jul-12	SOUTHWEST FAMILY TESTING	PSYC EVAL FOR NEW OFFICER	01-21-11-6203	425.00
00332	0		07/26/12	26-Jul-12	ST LOUIS COUNTY AND MUNICIPAL POLICE ACADEMY	(4) COMMANDER MEMBERSHIPS	01-21-11-6261	600.00
00092	4	P001454	40613	06-Aug-12	ST LOUIS COUNTY TREASURER	AUGUST CARE CONTRACT	01-21-11-6202	23.91
							Sum of Invoices	*8,127.80*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

POLICE-INVESTIGATIONS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01228	0		1432814-20120731	31-Jul-12	LEXISNEXIS	JULY USER FEES AND (1) REPORT	01-21-21-6202	180.65
00050	0		INV0023758	15-Jul-12	REJIS	IMDS ORACLE DB MAINT	01-21-21-6202	10.50
00332	0		07/26/12	26-Jul-12	ST LOUIS COUNTY AND MUNICIPAL POLICE ACADEMY	(5) DETECTIVE MEMBERSHIPS	01-21-21-6261	750.00
00273	0		T1307016	02-Aug-12	ST LOUIS UNIVERSITY	TOXIOLOGY LABORATORY SVCS	01-21-21-6202	275.00
							Sum of Invoices	*1,216.15*

8/22/2012

POLICE-PATROL

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00234	0	P001505	370834	17-Jul-12	ED. ROEHR SAFETY PRODUCTS	3 S-CTF2-1SLC-ASB SAFARILAND	01-21-22-9503	1,905.00
00094	0		153375	14-Aug-12	FIRESTONE	3000 MILE SVC ON 2413	01-21-22-6210	22.99
00094	0		153325	12-Aug-12	FIRESTONE	3000 MILE SVC ON CAR 2409	01-21-22-6210	22.99
00094	0		153199	10-Aug-12	FIRESTONE	COOLING SYS REPAIRS ON 2424	01-21-22-6210	582.49
00094	0		153142	07-Aug-12	FIRESTONE	CAR 2405 3000 MILE SERVICE	01-21-22-6210	22.99
00094	0		152933	02-Aug-12	FIRESTONE	CAR 2407 3000 MILE SERVICE	01-21-22-6210	22.99
00125	0	P001503	272460	10-Jul-12	LEON UNIFORM	VARIOUS UNIFORM ITEMS FOR PO B	01-21-22-5107	803.25
00125	0	P001503	272650	13-Jul-12	LEON UNIFORM	VARIOUS UNIFORM ITEMS FOR PO B	01-21-22-5107	2.95
00125	0	P001504	272458	10-Jul-12	LEON UNIFORM	VARIOUS UNIFORM ITMES FOR PO K	01-21-22-5107	804.25
00125	0	P001504	272650.	13-Jul-12	LEON UNIFORM	VARIOUS UNIFORM ITMES FOR PO K	01-21-22-5107	1.95
00125	0		.272650	13-Jul-12	LEON UNIFORM	UNIFORM PO BAEZ & KOLEK	01-21-22-5107	7.00
01313	0		051412	14-May-12	OMB GUNS	(85) CTS SUPER SOCK ROUNDS	01-21-22-7313	488.80
00050	0		INV0023758	15-Jul-12	REJIS	14 VERIZON DATA LINES	01-21-22-6253	714.00
00332	0	P001499	072612	26-Jul-12	ST LOUIS COUNTY AND MUNICIPAL POLICE ACADEMY	3 RESERVCE OFFICER'S MEMBERSHI	01-21-22-6261	225.00
00332	0	P001499	072612	26-Jul-12	ST LOUIS COUNTY AND MUNICIPAL POLICE ACADEMY	41 COMMISSIONED OFFICER'S	01-21-22-6261	6,000.00
00311	0		1573585	10-Aug-12	WEBER CHEVROLET	BULB SPOT LAMP FOR TAHOE	01-21-22-6210	81.61
							Sum of Invoices	*11,708.26*

8/22/2012

STREETS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00131	0		9903476467	31-Jul-12	AIRGAS	GAS RENTAL-SHOP	01-31-41-7307	45.34
00105	0		0347-000147715	31-Jul-12	ALLIED WASTE	UNITS @ 2 LOCATIONS	01-31-41-6266	188.18
00102	0		826997	07-Aug-12	BEYERS LUMBER	CREDIT FOR PALLET RETURNS	01-31-41-6212	(15.00)
00102	0		732794	31-Jul-12	BEYERS LUMBER	WOOD FOR BEACON HILL GUARDRAIL	01-31-41-6212	190.36
00712	0		K77029	31-Jul-12	BOBCAT COMPANY	REPAIR FILTERS-BOBCAT/SKID STE	01-31-41-6211	100.06
00712	0		K77586	31-Jul-12	BOBCAT COMPANY	COUPLER KIT-REPAIR BOBCAT	01-31-41-6211	146.94
00013	0		1763-197602	06-Aug-12	CARQUEST AUTO PARTS	WINDSHIELD WASHER FLUID	01-31-41-6210	69.48
00013	0		1763-198063	14-Aug-12	CARQUEST AUTO PARTS	GLASS CLEANERS FOR SHOP	01-31-41-7301	66.92
00099	0		3474060	06-Aug-12	CEEKAY SUPPLY	TIP CLEANER SET-SHOP	01-31-41-7302	3.49
00099	0		3474509	06-Aug-12	CEEKAY SUPPLY	TIP FOR PLASMA CUTTER-SHOP	01-31-41-7302	161.28
00099	0		1275873	31-Jul-12	CEEKAY SUPPLY	GAS RENTAL-GARAGE	01-31-41-7307	64.08
00049	0		35191	09-Aug-12	EMPLOYEE STAFFING GROUP	TEMP PERSONNEL W/E 8/5/12	01-31-41-6207	540.00
00049	0		35179	31-Jul-12	EMPLOYEE STAFFING GROUP	TEMP PERSONNEL W/E 7/29/12	01-31-41-6207	1,080.00
00049	0		35200	16-Aug-12	EMPLOYEE STAFFING GROUP	TEMP PERSONNELW/E 8/12/12	01-31-41-6207	432.00
00127	0		743921	09-Aug-12	ERB EQUIPMENT COMPANY	EQUIP RENTAL-AMBOIS PROJECT	01-31-41-7305	392.00
00023	0		279513	14-Aug-12	FRED WEBER	ASPHALT-SIDEWALK TRIP HAZARD	01-31-41-7305	295.00
00023	0		279425	13-Aug-12	FRED WEBER	ASPHALT-SIDEWALK TRIP HAZARD	01-31-41-7305	59.00
00023	0		276429	31-Jul-12	FRED WEBER	ASPHALT-SIDEWALK TRIP HAZARD	01-31-41-7305	354.00
00023	0		276263	30-Jul-12	FRED WEBER	ASPHALT-TRIP HAZARD REPAIR	01-31-41-7305	59.00
00023	0		277014	03-Aug-12	FRED WEBER	ASPHALT-SIDEWALK TRIP HAZARD	01-31-41-7305	59.00
00023	0		276964	03-Aug-12	FRED WEBER	REPAIR WASHOUT ALONG AMBOIS	01-31-41-7305	1,360.75
00023	0		277968	07-Aug-12	FRED WEBER	ASPHALT-SIDEWALK TRIP HAZARD	01-31-41-7305	177.00
00023	0		278763	09-Aug-12	FRED WEBER	ASPHALT-SIDEWALK TRIP HAZARD	01-31-41-7305	59.00
00023	0		279008	10-Aug-12	FRED WEBER	ASPHALT-TRIP HAZARD REPAIR	01-31-41-7305	118.00
00023	0		276896	02-Aug-12	FRED WEBER	ASPHALT-SIDEWALK TRIP HAZARD	01-31-41-7305	295.00
00023	0		277866	06-Aug-12	FRED WEBER	ASPHALT-SIDEWALK TRIP HAZARD	01-31-41-7305	59.00
00023	0		278330	08-Aug-12	FRED WEBER	ASPHALT-SIDEWALK TRIP HAZARD	01-31-41-7305	59.00
01591	0	P001482	01366	01-Aug-12	IMPERIAL FENCE	CORE, DRILL AND SET TWO NEW PO	01-31-41-6212	1,282.00
00874	0		ARS100005802	30-Jul-12	INDEPENDENT CONCRETE PIPE CO	CONCRETE COVERS-CITY STREETS	01-31-41-7305	570.00
01136	0		62211037	01-Aug-12	JOHN DEERE LANDSCAPES	IRRIGATION PARTS-OLIVE/270	01-31-41-6211	24.30

STREETS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00789	0		385966	13-Aug-12	K&K SUPPLY	GASKET SET FOR PUMP	01-31-41-6210	13.26
00156	0		0052755	13-Aug-12	L & C TRUCK REPAIR, INC.	REPAIR STEERING-TRUCK #104	01-31-41-6210	305.57
00103	0		458669	02-Aug-12	MIDWESTERN PEST CONTROL	PEST SERVICES - AUG 2012	01-31-41-7301	47.50
00040	0		790071	02-Aug-12	MILBRADT	POLYMER WEDGE,OIL,AIR FILTER	01-31-41-6211	116.36
00100	0		27172	03-Aug-12	MISSOURI PETROLEUM	TACK MATERIAL-STREETS	01-31-41-7305	300.00
00042	0		91114	01-Aug-12	MPR SUPPLY	IRRIGATION PARTS-OLIVE/270	01-31-41-6211	143.77
00865	0		232260	01-Aug-12	OUTDOOR SOLUTIONS	IRRIGATION REPAIR	01-31-41-6211	1,355.95
00865	0		232260	01-Aug-12	OUTDOOR SOLUTIONS	SHOVEL WORK, DE-WEEDING, MAINT	01-31-41-6212	2,366.83
00047	0		P94588	08-Aug-12	PAT KELLY EQUIPMENT	ANTI-SHOCK BUSHINGS-TRASH PMP	01-31-41-6211	62.36
00437	0		080812	08-Aug-12	SHELLY'S SAFETY PLUS FIRST AID	SAFETY & MEDICAL ITEMS-SHOP	01-31-41-6271	70.60
00692	0		517471	31-Jul-12	ST LOUIS SAFETY, INC.	SAFETY GLASSES,MASKS,GLOVES	01-31-41-7308	383.28
00270	0		369792	30-Jul-12	TERMINAL SUPPLY CO.	LED STROBE,WIRES-TRUCK #304	01-31-41-6210	287.62
00270	0		372093	06-Aug-12	TERMINAL SUPPLY CO.	TAIL/TURN LAMP FOR TRUCKS	01-31-41-6210	37.56
00270	0		58736	06-Aug-12	TERMINAL SUPPLY CO.	CABLE TIES-SHOP	01-31-41-6212	83.19
00206	0		01-36744	13-Aug-12	U.S. WIPING MATERIALS, INC.	FLANNEL WIPES-GARAGE	01-31-41-6212	76.40
01375	0	P001490	6337	13-Jul-12	WEATHER OR NOT	FULL YEAR WEATHER SERVICE AND	01-31-41-6202	4,769.00
							Sum of Invoices	*18,714.43*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

HEALTH & WELFARE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
01480	0		2110689583	31-Jul-12	IESI MO - CHAMP LANDFILL LLC	DEAD DEER REMOVAL	01-31-42-6214	50.65	
							Sum of Invoices		*50.65*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

PARKS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00102	0		732794	31-Jul-12	BEYERS LUMBER	WOOD FOR TAPPMEYER HOUSE	01-31-43-6212	23.96
00010	0		912035	07-Aug-12	BRANNEKY HARDWARE	WATERING ACCESSORIES-PARKS	01-31-43-6212	276.79
00127	0		1073475	27-Jul-12	ERB EQUIPMENT COMPANY	PARTS FOR SPRAYER ON GATOR	01-31-43-6211	354.32
00349	0		589229-001	10-Aug-12	HTE TECHNOLOGIES	HYDRAULIC HOSES-FLAIL MOWER	01-31-43-6211	691.26
00349	0		589229-002	10-Aug-12	HTE TECHNOLOGIES	FLAIL MOWER PART	01-31-43-6211	19.70
00560	0		35362	07-Aug-12	HUMMERT INTERNATIONAL	TREEGATOR-STREETS & PARKS	01-31-43-6212	485.50
00103	0		458669	02-Aug-12	MIDWESTERN PEST CONTROL	PEST SERVICES - AUG 2012	01-31-43-7301	47.50
00040	0		A50153	09-Aug-12	MILBRADT	2 BLOWERS FOR CHIPPERS	01-31-43-6211	269.98
00040	0		790375	08-Aug-12	MILBRADT	SPARK PLUGS FOR WATER PUMPS	01-31-43-6211	18.90
00865	0		232260	01-Aug-12	OUTDOOR SOLUTIONS	ROW MOWING	01-31-43-6212	1,643.66
00173	0		IN105445	09-Aug-12	SUPREME TURF PRODUCTS	WEED KILLER FOR ROW	01-31-43-7301	495.00
00173	0		IN105402	06-Aug-12	SUPREME TURF PRODUCTS	CHEMICALS FOR CONWAY LAKE	01-31-43-7301	197.50
00173	0		IN105379	06-Aug-12	SUPREME TURF PRODUCTS	CHEMICALS & HERBICIDE	01-31-43-7301	654.00
01483	0		2862	27-Jul-12	TURFGRASS PROFESSIONALS	GRASS CUTTING-CITY PARKS	01-31-43-6212	2,812.00
00109	0		448360	13-Aug-12	WESTPORT POOLS	CHEMICALS FOR SPLASH PAD	01-31-43-7301	179.30
00109	0		448292	08-Aug-12	WESTPORT POOLS	CHEMICALS FOR SPLASH PAD	01-31-43-7301	87.00
							Sum of Invoices	*8,256.37*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

COMMUNITY DEVELOPMENT - PLANNING

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00213	0		081012-1	10-Aug-12	MCLAUGHLIN COURT REPORTING SERVICES	CRT REPORTER-P&Z HRG 8/10/12	01-32-11-6202	390.00	
00213	0		071912-1	19-Jul-12	MCLAUGHLIN COURT REPORTING SERVICES	CRT REPORTER-P&Z MTG 7/16/12	01-32-11-6202	386.00	
00303	0		10119109	06-Aug-12	MISSOURI LAWYERS MEDIA	P&Z HRG-BJC MASTER SIGN PLAN	01-32-11-6260	40.60	
00303	0		10119105	06-Aug-12	MISSOURI LAWYERS MEDIA	P&Z HRG-ST TIMOTHYS CUP	01-32-11-6260	44.08	
00303	0		10119100	06-Aug-12	MISSOURI LAWYERS MEDIA	P&Z HRG-BJC MASTER SIGN PLAN	01-32-11-6260	39.44	
00303	0		10120716	08-Aug-12	MISSOURI LAWYERS MEDIA	P&Z HRG-9/4/12	01-32-11-6260	48.72	
01048	1		2781497886	04-Aug-12	VERIZON WIRELESS	INSPECTOR TABLETS-AUG 2012	01-32-11-6253	157.35	
							Sum of Invoices		*1,106.19*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/22/2012

COMMUNITY DEVELOPMENT - BUILDING

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00249	0		32213	09-Aug-12	AMERICAN CARNIVAL MART	CRAYONS/COLORING BKS	01-32-61-7302	18.00	
01751	0		INV0162168	01-Aug-12	INTERNATIONAL CODE COUNCIL, INC	2009 CODE COMPANION BOOK	01-32-61-6261	69.90	
00112	0		41654	03-Aug-12	MPS	SIGN CODE VIOLATIONS FORMS	01-32-61-7304	50.00	
00112	0		41659	07-Aug-12	MPS	APT RE-OCC INSP & CERT OF OCC	01-32-61-7304	557.00	
00112	0		41281	10-Aug-12	MPS	APR RE-OCC,EXT MAINT INSP	01-32-61-7304	179.00	
							Sum of Invoices		*873.90*

8/22/2012

CAPITAL IMPROVEMENTS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
01650	0	P001414	PA #4	16-Aug-12	AMERICAN BOILER & MECHANICAL	GOVERNMENT CENTER BOILER AUG 2	02-61-71-9501-12101	8,865.18	
01145	0		072512	25-Jul-12	CONRAD-LUTZ & ASSOCIATES	PLAN REV-BOILER REPLACEMNT	02-61-71-9501-12101	650.00	
00606	0	P001296	42454	03-Aug-12	HORNER & SHIFRIN INC	STORM WATER MASTER PLAN-JULY 1	02-61-71-9509-12521	847.50	
00880	0	P001433	120703	31-Jul-12	INTUITION & LOGIC	ENGINEERING DESIGN JULY 2012	02-61-71-9509-12522	4,802.50	
							Sum of Invoices		*15,165.18*

GRAND TOTAL OF ALL INVOICES ***104,684.05***

BILL NO. 5379 **ORDINANCE NO. _____**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CREVE COEUR TO REZONE LAND FROM "C" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "GC", GENERAL COMMERCIAL, AUTHORIZING THE INSTALLATION OF ONE (1) FIRE HYDRANT, AND APPROVING THE SITE DEVELOPMENT PLAN FOR THE PROPERTY ADDRESSED AS 11224 OLIVE BOULEVARD.

WHEREAS, an application was made by Andrew Brown, of Brownstone Properties, LLC to adjust the boundaries of 11224 Olive Boulevard, 834 Mosley Road and 842 Mosley Road, and then rezone the property at 11224 Olive Boulevard from "C" Single Family Residential District to "GC" General Commercial District, for the use as a Goddard School for Early Childhood Development; and

WHEREAS, in accordance with Section 405.1080 of the Zoning Ordinance, the applicant has submitted a site development plan for the subject property, addressed as 11224 Olive Boulevard, to the Division of Planning; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, August 6, 2012, 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 5-0 vote, approved the proposed boundary adjustment, subject to conditions, at its meeting on August 6, 2012; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a 5-0 vote, recommended approval of the rezoning, subject to conditions, at its meeting on August 6, 2012; 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: After the approved boundary adjustment has been duly recorded with the St. Louis County Recorder of Deeds, the Official Zoning Map of the City of Creve Coeur shall be amended to rezone the property with such adjusted boundaries addressed as 11224 Olive Boulevard from "C" Single Family Residential District to "GC" General Commercial District, subject to the conditions stated herein, which property is more specifically described as follows:

> A tract of land being part of Lots 1, 2 and 3 of "Kraemer Acres", a subdivision according to the plat thereof recorded in Plat Book 87 page 20 of the St. Louis County Records, in U.S. Survey 1962, Township 45 North - Range 5 East, City of Creve Coeur, St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the Southeast right-of-way line of Olive Street Road, 90 feet wide, and the West line of Lot 1 of "Wir-Don Meadows", a subdivision according to the plat thereof recorded in Plat Book 69 page 21 of the St. Louis County Records; thence Southwardly along said West line of Lot 1 and the West line of Lots 2 and 3 of said "Wir-Don Meadows" South 25 degrees 41 minutes 00 seconds East 222.98 feet to a point; thence South 59 degrees 14 minutes 00 seconds West 442.97 feet to a point in the East line of Mosley Road, variable width; thence Northwardly along said East line of Mosley Road, variable width, North 29 degrees 52 minutes 00 seconds West 37.00 feet to the Westernmost corner of aforesaid Lot 3 of "Kraemer Acres"; thence Northeastwardly along the Northwest line of said Lot 3 North 59 degrees 14 minutes 00 seconds East 205.64 feet to a point in the West line of aforesaid Lot 2 of "Kraemer Acres"; thence Northwardly along said West line of Lot 2 North 25 degrees 41 minutes 00 seconds West 186.05 feet to a point in the aforesaid Southeast right-of-way line of Olive Street Road; thence Northeastwardly along said Southeast right-of-way line North 59 degrees 17 minutes 00 seconds East 240.02 feet to the point of beginning and containing 1.40 acres according to calculations by Volz Incorporated on June 28, 2012.

As a result of the boundary adjustment, the lot known as 842 Mosley Road will be eliminated. The adjusted lot known as 834 Mosley Road will remain zoned as "C" Single Family Residential.

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 development plan, as further revised as required and approved by the City of Creve Coeur, and subject to the following additional conditions:

1. The applicant is required to submit a Site Improvement Permit application, showing all exterior improvements, as required by Section 420.070 of the Land Disturbance Code. The permit application shall be in substantial conformance with the "Site Development Plan," dated July 13, 2012, as bound together and submitted in conjunction with Application #12-019 by Dan Koziatek of Volz Inc., except that the placement of the fence along the east elevation shall not extend beyond the front of the building.
2. The applicant is required to submit a Building Permit application, as required by Article II of the Building Code. Exterior elevations shall be in substantial conformance with the "Exterior Elevations" dated July 13, 2012, as bound together and submitted in conjunction with Application #12-019 by Dan Koziatek of Volz Inc., except the front elevation shall be revised to meet with the intent of the Design Guidelines and as discussed in the August 6, 2012 staff report on Application #12-019, for the Zoning Administrator's approval.
3. The Landscape Plan prepared by Landscape Technologies, dated July 11, 2012 shall be revised to relocate a minimum of 20% of the planting along the east half of the south property line to the Olive Boulevard frontage to meet with the intent of the "green line" park described in the City of Creve Coeur Comprehensive Plan and Design Guidelines, for the Zoning Administrator's approval.
4. The applicant shall provide an elevation of the trash enclosure and indicate materials that are consistent with the building for the Zoning Administrator's approval.
5. The existing homes at 11224 Olive Boulevard and 843 Mosley Road shall be demolished within one year of the approval for the rezoning, or prior to the issuance of an occupancy permit for the property at 11224 Olive Boulevard, whichever comes first.
6. An underground irrigation system shall be installed and maintained to serve new landscaped areas identified on The Site Development Plans.

7. 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.
8. All signs and banners shall be in conformance with Article VII, Sign Regulations, of the Zoning Code.
9. The applicant shall provide written acceptance by the Missouri Department of Transportation of the proposed Olive Boulevard access and any modifications to Olive Boulevard prior to the issuance of any building permits for the project. The applicant shall comply with all requirements of the City regarding the proposed access to Mosley Road and all modifications thereto.
10. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved pursuant to Section 405.1080 of the Zoning Code.

Section 3: The Missouri American Water Company shall, in accordance with the terms of franchise contract, Ordinance No. 165, between the City of Creve Coeur and the Missouri American Water Company, install one (1) public fire hydrant in the City of Creve Coeur at the following location, to-wit:

> One (1) new public fire hydrant approximately 300 feet west of Mosley Road on the south side of Olive Boulevard.

Section 4: All of said work for the new fire hydrant shall be done under the supervision of the City Council or its proper representative, and for the purpose of this ordinance, the Missouri American Water Company is hereby given permission to make all necessary excavations for the proper execution of said work.

Section 5: Ordinance Number 5035 regarding the prior approved special use permit, site development plan and Residential Design Development (RDD) subdivision plat for the subject properties is hereby repealed.

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 _____, 2012.

_____
ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

_____
BARRY GLANTZ
MAYOR

ATTEST:

_____
DEBORAH RYAN, MPCC
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 #12-019 FOR SUBDIVISION AND REZONING FROM "C" SINGLE-FAMILY RESIDENTIAL TO "GC" GENERAL COMMERCIAL AND SITE DEVELOPMENT PLAN APPROVAL FOR THE PROPERTY LOCATED AT 11224 OLIVE BOULEVARD

FOR THE MEETING OF: August 6, 2012

LOCATION: 11224 Olive Boulevard and 842 Mosley Road

REQUEST:
Andrew Brown, of Brownstone Properties, LLC has submitted a request for boundary adjustment, rezoning, and site development approval of a 1.4 acre portion of 11224 Olive Boulevard from "C" Single Family Residential District to "GC" General Commercial District, for the development and use as a Goddard School for Early Childhood Development, with the entrance at Olive Boulevard. The remaining 1.5 acres will remain "C" Single Family Residential and be combined with the adjacent lot to the south. The property is generally located around the southeast corner of Olive Boulevard and Mosley Road.

ADDITIONAL INFORMATION:
Section 405.360 "GC" General Commercial District requires a minimum area of five acres only if not expanding an existing "GC" District, and the property to the west is already zoned "GC" General Commercial. Child Day Care Services and elementary schools are permitted uses within the "GC" District, while a conditional use in all residential districts that requires a minimum of three acres (Section 405.470 Conditional Uses).

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?
- Does the site development plan follow the Design Guidelines?

Comp. Plan References
- Residential Preservation and Economic Development
- East Olive Corridor Action Area
- Design Guidelines
- Pedestrian Plan

Zoning Code References
- Section 405.360 "GC" General Core Business District
- Section 405.1060 Zoning Changes and Text Amendments

APPLICANTS: Andrew Brown
Brownstone Properties, LLC
635 Trade Center Boulevard
Chesterfield, MO 63005

REPORT PREPARED BY:

Whitney Kelly, AICP, City Planner — 8/3/2012 Date

ATTACHMENTS: Applicant's Materials received July 13, 2012
Draft Ordinance

INTRODUCTION

Andrew Brown, of Brownstone Properties, LLC has submitted a request for the following:

- Boundary adjustment approval of the lots at 11224 Olive Boulevard, 842 Mosley Road and 834 Mosley Road to create one lot of 1.4 acres at 11224 Olive Boulevard and one lot of 2.35 acres at 834 Mosley Road.
- Rezone the adjusted 11224 Olive Boulevard property from "C" Single Family Residential District to "GC" General Commercial District.
- The adjusted 834 Mosley Road will remain "C" Single Family Residential.
- Site Development Plan approval for an 8,660 sq. ft. new building for a Goddard School for Early Childhood Development facility, with the main entrance along Olive Boulevard, and a rear exit lane to Mosley Road to allow for access to the lighted intersection of Mosley Road and Olive Boulevard.

The property borders an existing General Commercial district to the west. Section 405.360 "GC" General Commercial District requires a minimum area of five acres, but this proposal is expanding an existing "GC" District, so the five acre minimum requirement does not apply. Child Day Care Services are permitted uses within the "GC" District, while a conditional use in all residential districts that requires a minimum of three acres (Section 405.470 Conditional Uses).

DEVELOPMENT HISTORY

The applicant received approval for the rezoning of 11122 Olive Boulevard to "GC" General Commercial District. However, the members of the Rose Hill Masonic Lodge decided to remain in its current location, and the contract with Brownstone Properties was withdrawn.

The existing home at 11224 Olive Boulevard was converted to a commercial use in 1986 and in 1991 received approval for a DJ music studio and office.

In 2008, City Council approved a request from the property owner for the development of a 14,000 sq. ft. "house" at 11224 Olive Boulevard that was to be immediately converted to an office use under the provision of the Special Use Permit that allows for the commercial use of single-family residential structures along Olive and Lindbergh Boulevards. Included in this approval was the Residential Design Development (RDD) of 11224 Olive Boulevard, 842, 834, and 828 Mosley Road for a total of 5 acres. This project was never completed, and the home has remained as the DJ service use. The RDD was never recorded at St. Louis County either.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Office: Creve Coeur Fire Protection District	"CB" Core Business District	Olive Boulevard
South	Residential	"C" Single Family Residential	NA
East	Commercial Use of Residential Structure; Photography Studio	"C" Single Family Residential District	NA
West	Retail, Commercial; Mosley Square Shopping Center	"GC" General Commercial	NA

BOUNDARY ADJUSTMENT
Although labeled a "subdivision" on the Applicant's site development plan, the proposed rearrangement of property lines is, under the terms of the Subdivision Code, a boundary adjustment. Per Section 410.030, Scope And Application:

> D. Sale or transfer of small parcels of land to or between adjoining property owners, where such sale does not create additional lots, is exempt from the requirement of recording by plat; provided however, that certification by the Planning and Zoning Commission shall be required prior to such sale or transfer. This certification shall be recorded with the title of the property by the St. Louis County Recorder of Deeds.

Since the proposal will reduce three lots to two without creating any non-conformities, the decision of the Commission is a ministerial act and should be in the affirmative. It should be noted that St. Louis County maps indicate one lot for 11224 Olive Boulevard and 842 Mosley Road. In fact, there are two lots still in existence, only the ownership has been consolidated into one parcel for taxation purposes. The applicant will still need to prepare a final drawing for signature and recording.

COMPREHENSIVE PLAN REVIEW
The subject property is located in the East Olive Corridor of the Comprehensive Plan that envisions an area of small businesses with a residential neighborhood character with substantial green spaces and landscaping for a "green line" park that gives the impression of driving or walking through a park along Olive Boulevard (page 51).

The Residential Preservation and Economic Development Section discuss:

1. *Preserve and protect single-family residential areas from intrusions of non-residential uses. Limit commercial and non-single family uses to Olive Boulevard. Limit retail uses to a size and scale designed to provide goods and services to the Creve Coeur market rather than to a regional market.*
3. *Maintain this area with a residential character, even when homes are converted or replaced by business uses. New development or redevelopment should be compatible with the low-density residential character of the corridor, as discussed below. (page 52)*

Further, the Comprehensive Plan provides recommendations of key properties along the East Olive Corridor. The subject property is located in the East Olive Corridor Key Property Area 2, which recommends that as redevelopment and new investment occurs, the area will be encouraged to remain commercial, with uses limited to neighborhood-oriented commercial. Redevelopment should be designed to protect and be compatible with adjacent residential areas, as provided for in the *Residential Preservation and Economic Development* recommendations for the East Olive Corridor. (Page 57)

The proposed "GC" District is intended to provide the kind services that are appropriate for this location. With this particular project, the applicant is proposing to build a new facility for a Goddard School for Early Childhood Development, which meets with the intent of the Comprehensive Plan as a neighborhood-oriented business. Further discussion of the landscaping is provided below.

DESIGN GUIDELINES REVIEW
The Design Review Guidelines provide specific direction for the redevelopment of properties:

Chapter 1 for Site Layout
B. Streetscape/Pedestrian Orientation

1. *High Quality, pedestrian scale and walkable area are the objective. Site and building design should address pedestrian needs and develop creative approached to improving pedestrian interest, access, and enjoyment*
2. *Avoid spatial gaps and interruptions along the "streetscape" caused by parking or other non-pedestrian elements, such as building gaps, driveways and service entries. Continuous pedestrian activity is strongly encouraged.*

9. At intersections, crosswalks, and main building entries, a change in sidewalk color, texture or material should emphasize the location. Paint striping to accentuate these areas is strongly discouraged.

11. Vehicular access is limited with no more than one (1) access pert street frontage. The sharing of vehicular access between properties to minimize the number of curb cuts is encourages.

13. All sidewalks should conform to the City of Creve Coeur Pedestrian Plan.

C. Pedestrian and Vehicular Circulation

4. Circulation systems should be designed to avoid conflicts between vehicular, bicycle and pedestrian traffic. Pedestrian circulation should take precedence over vehicular circulation. In order to emphasize conflict points and improve pedestrian safety and visibility, the use of textured or tinted materials for pedestrian crossings should be utilized where pedestrian circulation paths cross a vehicular route.

5. Pedestrian linkages between uses in commercial development should be provided and emphasized.

Chapter 2 / Building

C. Design

1. A diversity of high quality architectural design is strongly encouraged. Building design should incorporate a clear and well articulated design concept.

3. The primary building entrance that is 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 is strongly discouraged, particularly where the proposed architecture is the result of a "corporate" or franchise style. The building should not be designed as a sign and should not be flood lit at night.

8. All elevations should receive equal design consideration as the primary elevation. Rear and side façades should be designed with similar architectural detailing and materials to be compatible with the principal facades of the building.

F. Building Services

1. Services and trash or utility areas should be positioned to minimize view and visual impact. Building equipment and utilities are to be located, designed, and/or screen to minimize visual impact on public streets, surface parking lots and neighboring properties.

The Design Guidelines provide further recommendations regarding the "use" of the building:

Chapter 3 / "Use" Specific Guidelines

E. Accessory Buildings and Facilities

1. Accessory buildings or facilities such as ATM's, trash enclosures, storage and utility buildings are to be designed to directly relate in material, character and detail to the primary building(s) on the site.

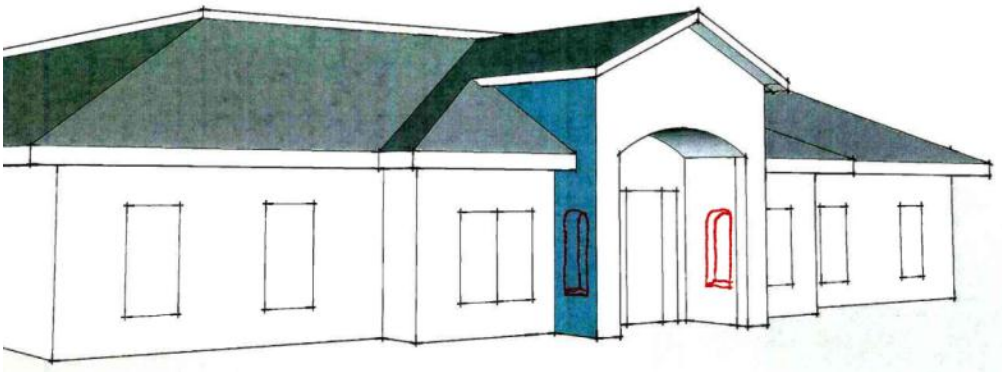
Structure:

The applicant is proposing to tear down the existing homes at 11224 Olive Boulevard and 842 Mosley Road for the development of a new Goddard School with a design that is unique to Creve Coeur, in a style of a traditional school house design with a cast stone foundation and Hardie Board lap siding in a neutral earth tone color. Staff finds that the overall design of the building meets with the Design Guidelines. However, the entry element appears to be stuck on and out of scale and character (a commercial element on the traditional school house design) with the rest of the building, which is demonstrated in the rendering below:

Staff has discussed revising this element to further the overall design theme of a traditional school house. Doing so will more fully meet with the intent of the Design Guidelines, similar to example historic photos of traditional school houses below:

(Images gathered from a simple search of "early school" on *Google Images*, on August 3, 2012)

The Architect has submitted a preliminary drawing that moves in this direction. However, full drawings were not available in the time of this staff report. Therefore, Staff has included a condition of approval that the north elevation be revised to meet with the intent of the Design Guideline for Staff's approval, especially through the inclusion of key elements such as wide roof overhangs, a well-articulated and detailed entrance gable, and a bell tower/cupola.



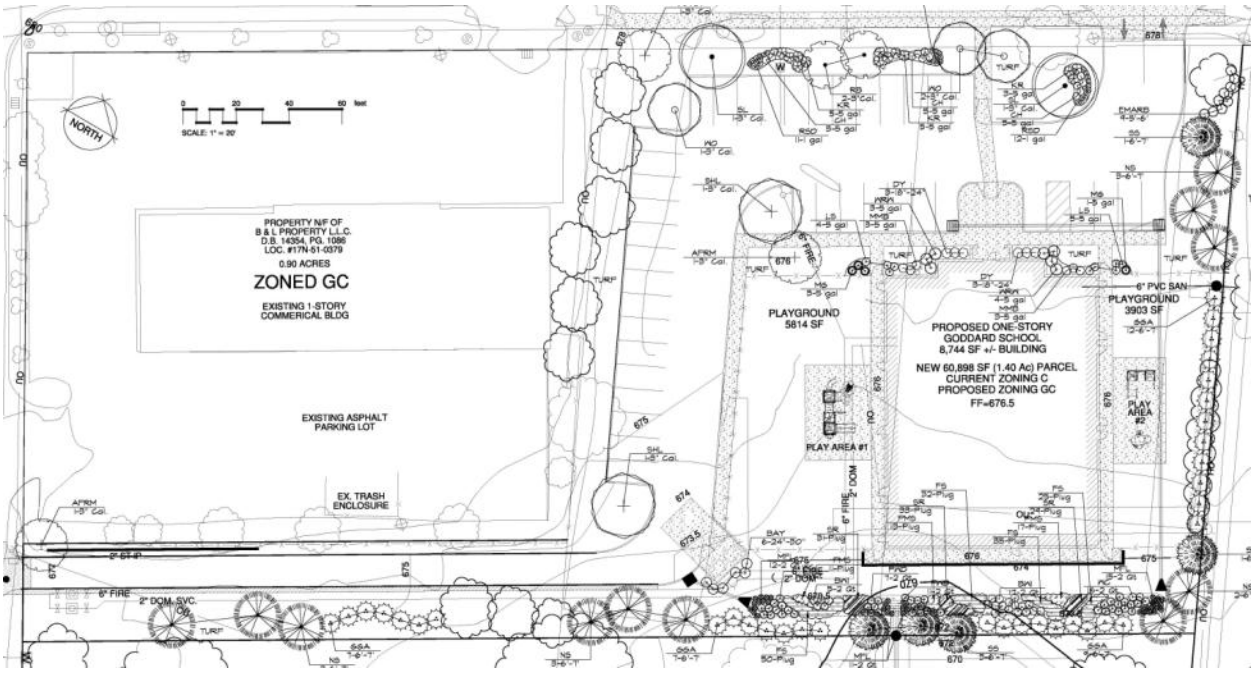
Also of note, the submitted site development plan shows a trash enclosure, however, no elevations were included. Staff recommends that a condition of approval include revising the drawing to provide an elevation of the trash enclosure, with the materials matching the proposed façade, for approval by the Director of Community Development.

Landscape:
The Design Guidelines also provide recommendations on the landscape design:

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.*
2. *There should be a consistency of landscape design throughout a development. Different landscape themes may be used to heighten the distinction between spaces, and to strengthen a sense of movement and space, but such themes should be internally consistent*
3. *The design of a landscape plan should aid and direct vehicular and pedestrian circulation and encourage pedestrian interaction.*
6. *Parking areas, traffic-ways and parking structures are to be enhanced with landscaped spaces containing trees, tree groupings, and shrubbery or other landscape enhancements, including berms.*
8. *Landscaped areas are to be maximized and balanced throughout the site. Tree and shrub plantings should be grouped together to create strong accent points with the site plan.*
9. *Landscape plans should incorporate all site elements, such as outdoor lighting, signage, trash receptacles and fencing.*
10. *The scale and nature of landscape materials are to be appropriate to the site and/or the structure. Large-scale landscaping generally should complement large-scale buildings. Landscaping of sites on major streets should include large-scale trees.*

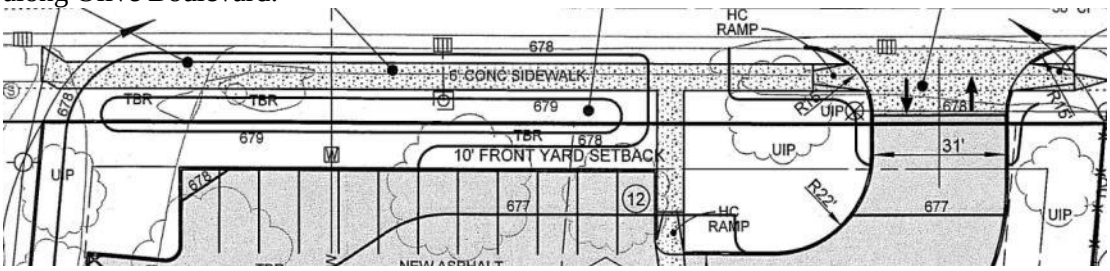
As mentioned earlier, the Comprehensive Plan calls for a "green line" park along Olive Boulevard. Below is a close up of the proposed landscaping:



The proposed landscaping is well designed; however it is oriented toward the rear perimeter of the property. The proposed front yard design includes only minimal planting and single rows of shrubs to fill in the gaps between the trees. The Applicant is including a six-foot sight proof fence along the east and south boundary lines to separate the proposed commercial district from the adjacent residential uses, so much of the value of the landscaping is lost. Therefore, in order to meet with the intent of the "green line" park, Staff is recommending that a revised landscaping plan be submitted for Staff's approval that has a minimum of 20% of the planting in the back moved to the front along Olive Boulevard.

PEDESTRIAN PLAN REVIEW

The Pedestrian Plan identifies Olive Boulevard as a primary street with a recommended sidewalk corridor width of 15 feet, and the street trees between the street and the sidewalk (page A-17). Section 405.730 *Sidewalks* of the Zoning Regulations requires a minimum of a three-foot wide greenspace or landscape area, and a six-foot wide sidewalk for non-residential districts. The applicant is proposing to move the site entrance to the east and will be filling in the existing entrance. In doing so, the applicant's site plan includes a new 6 foot sidewalk that is consistent with the Pedestrian Plan, pulling it back 3 feet from the street, as well as provides a pedestrian connection to the building. Below is a close-up of the site plan along Olive Boulevard:



ZONING REVIEW

Appropriate Expansion of the "GC" District

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.

Olive Boulevard has long been the commercial corridor within the City of Creve Coeur. In fact, this property and all of its neighbors to the east, west and north are all used commercially. So all of the residents to the south have long been adjacent to commercial uses, and this application does not change that arrangement. It is true that this proposal will change the zoning from residential to commercial. However, as with any property that has frontage along Olive Boulevard, commercial development pressure will continue to occur. The Code has recognized the potential for conversion of residences along Olive Boulevard to office and retail service uses, per Section *405.450.E Commercial Uses of Single-Family Residential Structures*. Staff has noticed that all of the homes along Olive Boulevard that are being used commercially appear to be in a state of decline and require increased code enforcement to bring the properties into compliance.

Compared with the stated purpose of the "GC" District:

Section 405.360: "GC" General Commercial District

A. Purpose And Intent. The "GC" General Commercial District is intended to accommodate by site development plan approval (see Section 405.1080) convenience retail shopping and services and offices which are freestanding or part of small scale planned commercial developments and which are compatible in scale and intensity of use with adjacent residential uses.

The only difference between the two is the range of uses; in all cases they are to be small scale and compatible with adjacent residences. What impacts might result from a broader range of uses could likely be managed through the site development plan process. With the specific use of a child day care service and elementary school, the rezoning changes the use from a conditional use within the "C" Single Family Residential District to a permitted use in the "GC" District. The required site development plan approval provides the opportunity to address and/or mitigate any impacts of the use in a manner comparable with the conditional use process.

Development Regulations

Development in the "GC" General Commercial District must meet 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.

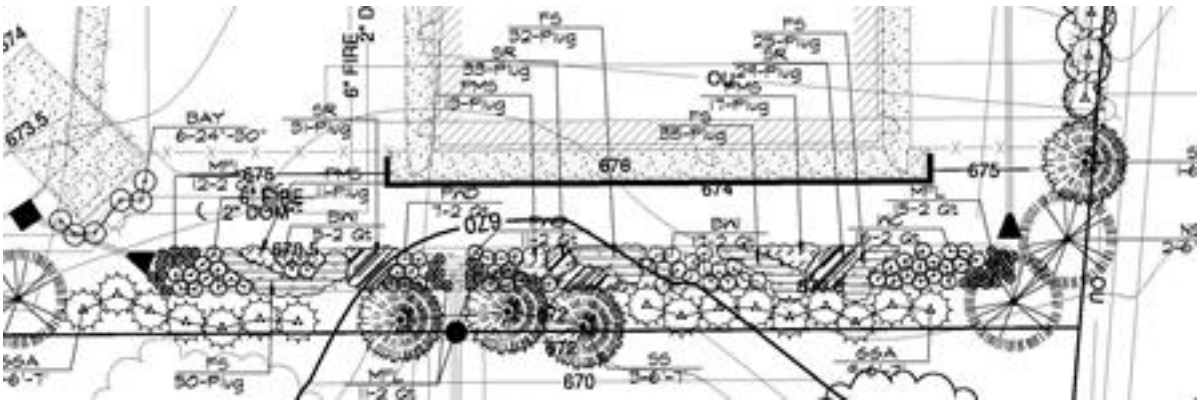
3. Building bulk regulations.
a. Maximum structure height. No building or structure shall exceed three (3) stories or forty-five (45) feet.
b. Maximum site coverage. Sixty-three percent (63%). The Planning and Zoning Commission may, in its discretion, allow the permitted coverage to be increased as a 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.

The expansion of the existing district and the development of the site meets the minimum requirements above. The new lot is 1.4 acres, with proposed site coverage of 55%. A 20 foot buffer is provided along the south and east property line. It should be noted that the playground along the east property line is within this buffer yard. However, the play equipment has been placed outside of the buffer yard as close to the building and outside of the buffer yard as possible to minimize the impact to the neighboring

property to the east. This arrangement conforms to the zoning regulations pending approval by the Planning and Zoning Commission.

Landscaping Review
The Zoning Code regulates landscaping through Section 405.540 *Landscaping*. As discussed above, the proposed landscaping is oriented along the south property line to provide screening for the residential uses. However, the applicant has also included a six-foot solid fence along the property line and therefore much of the landscaping is between the building and the fence, particularly at the southeast corner. Below is a close-up of southeast corner landscaping:



As the value of this landscaping is lost between the fence and the building, Staff recommends that a minimum of 20% of the plant materials be moved to the front along Olive Boulevard to meet with the "green line" park objective of the Comprehensive Plan. (Please see prior discussion.).

The applicant has also indicated that a tree preservation plan for maintaining approximately 25% of the trees on site incompliance with Section 410:320.

> *SECTION 410.320: TREE CONSERVATION*
> *Any subdivision preliminary plat submitted after the effective date of this Section shall provide for the conservation of existing trees on the site. Nothing in this Section is intended to preclude the removal of existing trees after the receipt of an initial occupancy permit.*
>
> *1. A tree census shall accompany every preliminary plat application. The tree census shall graphically depict the general location of all tree masses and all trees of eight (8) inch caliper size or larger. In addition, such census shall indicate which tree masses and trees are to remain and which tree masses and trees are to be removed. Not more than seventy-five percent (75%) of the area of such tree masses nor seventy-five percent (75%) of such eight (8) inch caliper trees shall be proposed for removal.*

Sidewalks
As discussed above, the Pedestrian Plan recommends a minimum sidewalk corridor width of 15 feet with street trees between Olive Boulevard and the sidewalk for primary commercial corridors. Section 405.730 requires a minimum three-foot landscaped area with a six-foot wide sidewalk, as stated below:

> *SECTION 405.730: SIDEWALKS*
> *The following standards shall apply to all internal sidewalks in non-residential developments within the City of Creve Coeur:*
> *1. Sidewalks shall be safe, clearly defined and direct:*
> *a. Sidewalks shall be buffered from the street, vehicular traffic and parking areas by a minimum three (3) foot greenspace or landscape area.*

b. All non-residential developments requiring site concept plan and/or site development plan approval must provide safe, clearly defined and direct access between buildings and from the principal building's entrance to the public sidewalk.

c. Sidewalks shall be designed to avoid conflicts between vehicular, bicycle and pedestrian traffic. Pedestrian circulation and the placement of sidewalks shall take precedence over vehicular circulation. In order to emphasize conflict points and improve pedestrian safety and visibility, the use of textured or tinted materials for pedestrian crossings shall be utilized where pedestrian circulation paths cross a vehicular route as determined by the Planning and Zoning Commission.

d. The Planning and Zoning Commission, as part of the site development plan or site concept plan approval, shall require internal sidewalks to be extended to property lines or to areas anticipated for future development, redevelopment or expansion.

2. The minimum width of internal sidewalks in non-residential developments shall be at least six (6) feet or eight (8) feet if used as a curb stop.

With the proposed sidewalks and pedestrian connection to the building, plus the additional front yard landscaping discussed above, staff believe the final landscape plan will meet all of the sidewalk and pedestrian access requirements.

Parking Requirements
Section 405.820 Required Off Street Parking Spaces provides the calculation for the minimum parking below:

SECTION 405.820: REQUIRED OFF-STREET PARKING SPACES

11. Social services (SIC Code 83).

a. Child day care facilities (SIC Code 8350). One and one-half (1.5) spaces per staff person required for the licensed capacity of the facility. In addition, day care facilities shall provide safe drop-off areas near the main entrance to the facility.

The applicant has indicated a total staff of 21 persons thus requiring a total of 32 spaces. The total parking spaces proposed are 39 (including 2 handicapped spaces), thus, creating a surplus of 7 spaces available on site.

Signage
The drawings show a sign for the Goddard School that appears to be in general compliance with Section 405. 950 Sign in Non-Residential Districts. However, all signage is approved under a separate review process and any approval of the rezoning and site development plan does not constitute approval of the signage shown on the drawings.

SUMMARY AND RECOMMENDED CONDITIONS OF APPROVAL
Conditions discussed within the staff report which are included in the draft ordinance include:

- The applicant is required to submit a Site Improvement Permit application, showing all exterior improvements, as required by Section 420.070 of the Land Disturbance Code. The permit application shall be in substantial conformance with the "Site Development Plan," dated July13, 2012, as bound together and submitted in conjunction with Application #12-019 by Dan Koziatek of Volz Inc., except that the placement of the fence along the east elevation shall not extend beyond the front of the building.
- The applicant is required to submit a Building Permit application, as required by Article II of the Building Code. Exterior elevations shall be in substantial conformance with the "Exterior Elevations" dated July13, 2012, as bound together and submitted in conjunction with Application #12-019 by Dan Koziatek of Volz Inc., except the front elevation shall be revised to meet with

the intent of the Design Guidelines and as discussed in the August 6, 2012 staff report on Application #12-019, for the Zoning Administrator's approval.

- The Landscape Plan prepared by Landscape Technologies, dated July 11, 2012 shall be revised to relocate a minimum of 20% of the planting along the east half of the south property line to the Olive Boulevard frontage to meet with the intent of the "green line" park of the City of Creve Coeur Comprehensive Plan and Design Guidelines, for the Zoning Administrator's approval.
- The applicant shall provide an elevation of the trash enclosure and indicate materials that are consistent with the building.
- The existing home at 11224 Olive Boulevard and 843 Mosley Road shall be demolished within one year of the approval for the rezoning, or prior to the issuance of an occupancy permit, whichever ever comes first.

ACTION

If the Planning and Zoning Commission finds the proposed boundary adjustment to be technically acurate and in conformance with the Subdivision Code it must vote to approve the request. If the Commission find the attached draft rezoning ordinance and site development plan approval, with 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 ordinance should be discussed and made by separate actions.

The applicant will also be placing a new fire hydrant along the Olive Boulevard and the attached ordinance includes approval of the new hydrant per Ordinance #165.

MOTION

The following are example motions for this application:

On the question of the boundary adjustment:

> "I move to approve the boundary adjustment of 11224 Olive Boulevard, 842 Mosley Road and 834 Mosley Road into two lots as discussed in the staff report on application #12-019, dated August 6, 2012, subject to the condition that a final drawing be prepared for signature and recording." (Conditions may be added, eliminated, or modified by preceding motion).

An additional motion is needed for the rezoning and site development of the property:

> "I move to recommend approval of the draft rezoning ordinance and site development plan approval attached to the staff report on Application #12-019, dated August 6, 2012, subject to the conditions contained therein." (Conditions may be added, eliminated, or modified by preceding motion).

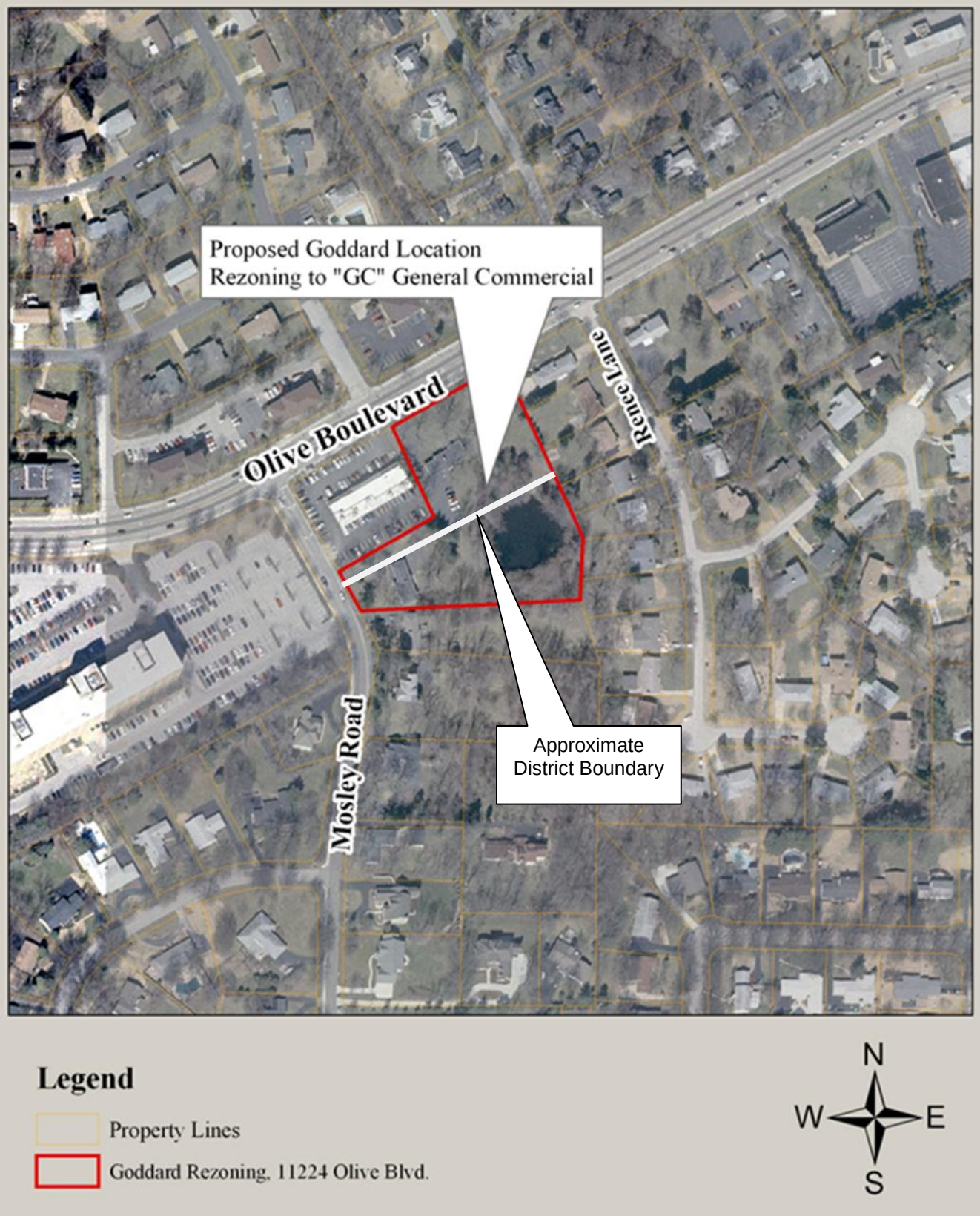
APPENDIX 1: COMPREHENSIVE PLAN

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



APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 07/26/2012
	Description: View of the subject property from Olive Boulevard.
	Description: View looking north from the subject property at the commercial structure across Olive Boulevard.
	Description: View of the residential structure to the east of the subject property that has been converted to a commercial use.

	Description: View looking east at the Mosley Square Shopping Center from the subject property.
	Description: View of the home at 843 Mosley Road that will be torn down.
	Description: View looking northeast towards the Fire District offices and a residential structure that was converted to a commercial use across Olive Boulevard.

	Description: View looking northwest at the commercial uses across Olive Boulevard

GENERAL NOTES:

THIS SITE IS IN THE FOLLOWING DISTRICTS:

METROPOLITAN ST. LOUIS SEWER DISTRICT
CREVE COEUR FIRE PROTECTION DISTRICT
PARKWAY SCHOOL DISTRICT
CREVE COEUR CREEK WATERSHED

THIS SITE IS IN THE FOLLOWING UTILITY SERVICE AREAS:

AMEREN UE
LACLEDE GAS COMPANY
MISSOURI AMERICAN WATER COMPANY
CHARTER COMMUNICATIONS (CABLE TV)
AT&T TELEPHONE COMPANY

1. SANITARY SEWER CONNECTION SHALL BE APPROVED BY METROPOLITAN ST. LOUIS SEWER DISTRICT.
2. STORMWATER MANAGEMENT IMPROVEMENTS SHALL BE DESIGNED PURSUANT TO THE CITY OF CREVE COEUR STANDARDS AND METROPOLITAN ST. LOUIS SEWER DISTRICT REQUIREMENTS AND DISCHARGE AT AN ADEQUATE NATURAL DISCHARGE POINT. SINKHOLES ARE NOT ADEQUATE NATURAL DISCHARGE POINTS.
3. THE LOCATION OF STORM AND SANITARY SEWER IMPROVEMENTS ARE APPROXIMATE ONLY. ACTUAL LOCATIONS SHALL BE DETERMINED BY FIELD CONDITIONS AND SHALL BE INDICATED ON THE IMPROVEMENT PLANS.
4. GRADING AND DRAINAGE SHALL BE PER CITY OF CREVE COEUR STANDARDS AND METROPOLITAN ST. LOUIS SEWER DISTRICT REQUIREMENTS
5. LANDSCAPING WILL BE PROVIDED AS REQUIRED BY CITY OF CREVE COEUR.
6. SLOPE SHALL NOT EXCEED 3 (HORIZONTAL) : TO 1 (VERTICAL), UNLESS SUPPORTED BY GEOTECHNICAL REPORT AND APPROVED BY THE CITY OF CREVE COEUR STANDARDS.
7. SETBACKS AND BUFFERS FOR GC ZONING PER CITY CODE OF ORDINANCES.
8. SITE COVERAGE FOR GC ZONING IS 63% MAXIMUM EXCLUDING SIDEWALKS AND PLAYGROUNDS.
9. THE PROPOSED LIGHT STANDARDS SHALL BE IN COMPLIANCE TO THE CITY OF CREVE COEUR'S LIGHTING CODE.
10. THE UNDERGROUND UTILITIES SHOWN HEREIN WERE PLOTTED FROM AVAILABLE INFORMATION AND DO NOT NECESSARILY REFLECT THE ACTUAL EXISTENCE, NONEXISTENCE, SIZE, TYPE, NUMBER OR LOCATION OF THESE OR OTHER UTILITIES. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ALL UNDERGROUND UTILITIES SHOWN OR NOT SHOWN AND SHALL BE LOCATED IN EXCAVATION OR CONSTRUCTION OF IMPROVEMENTS IN THE FIELD PRIOR TO ANY GRADING. THESE PROVISIONS SHALL IN NO WAY ABSOLVE ANY PARTY FROM COMPLYING WITH THE UNDERGROUND FACILITY SAFETY AND DAMAGE PREVENTION ACT, CHAPTER 319, RSMO.

PROJECT NOTES:		
LOCATOR NO. AND ADDRESS:	842 MOSLEY ROAD – LOC #17N 51 0654 11224 OLIVE BOULEVARD	
OWNEOF RECORD:	SIMS DANIEL T & DIANE R H/W 12554 CLARK MANOR CIR SAINT LOUIS, MO 63141	
PREPARED BY:	VOLZ INCORPORATED 10849 INDIAN HEAD IND'L. BLVD. ST. LOUIS, MISSOURI 63132 314.426.6212	VOLZ Incorporated
PREPARED FOR:	BROWNSTONE PROPERTIES, LLC 635 TRADE CENTER BLVD. CHESTERFIELD, MO 63005 636.537.3636	
AREA OF SITE:	60,898 S.F. = 1.40 ACRES	
EXISTING ZONING:	C - SINGLE FAMILY RESIDENTIAL DISTRICT	
PROPOSED ZONING:	GC – GENERAL COMMERCIAL	
PROPOSED USES:	SCHOOL – EARLY CHILDHOOD DEVELOPMENT TOTAL ACRES:	
STORMWATER MANAGEMENT CALCULATIONS:	EXISTING MPERVIOUS:	+/- 18 % PI=1.95 10,675 SF (0.25 Ac)
	PROPOSED IMPERVIOUS:	+/- 55 % PI=2.67 33,494 SF (0.77 Ac)
	DIFFERENTIAL RUNOFF:	1.40 ACRES (2.67 – 1.95) = 1.01 cfs
	WATER QUALITY (WQV):	SITE DISTURBANCE = 1.40 Ac (MORE THAN 1.0 ACRE – REQUIRED)
	CHANNEL PROTECTION CPV):	SITE = 1.40 Ac (LESS THAN 5.0 ACRES)
	FLOOD PROTECTION (QP):	DIFF. RUNOFF = 1.01 cfs (LESS THAN 2cfs)
	THUS, WATER QUALITY IS REQUIRED, BUT NO CHANNEL PROTECTION OR FLOOD PROTECTION IMPROVEMENTS ARE REQUIRED.	
PARKING CALCULATIONS:	1.5 SPACES PER STAFF PERSONS SPACES REQUIRED 1.5 SPACES X 21 STAFF = 32 SPACES	TOTAL PARKING SPACES PROPOSED = 39 SPACES (2 HANDICAP SPACES)
SITE COVERAGE:	63% MAX. IMPERVIOUS ALLOWED	
	AREA OF SITE:	1.40 ACRES = 60,898 S.F.
	IMPERVIOUS AREA:	0.77 ACRES = 33,494 S.F. (55%)
	GREEN SPACE:	0.63 ACRES = 27,404 S.F. (45%)
FLOOR AREA RATIO:	TBD = FAR (40% ALLOWED)	
TREE PRESERVATION:	EX. TREE MASS = 530 S.F. - PROP. TO SAVE = 530 S.F. (100%) EX. INDIVIDUAL TREES = 39 - PROP. TO SAVE = 10 (25%) THUS, WE ARE SATISYING THE CITY TREE PRESERVATION REQUIREMENT OF 25% OR MORE.	

CALL MISSOURI ONE CALL SYSTEMS INC. TWO FULL WORKING DAYS IN ADVANCE OF STARTING

WORK.MISSOURI
ONE-CALL 1-800-344-7483

THE UNDERGROUND UTILITIES SHOWN HEREIN WERE PLOTTED FROM AVAILABLE INFORMATION AND DO NOT NECESSARILY REFLECT THE ACTUAL EXISTENCE, OR NONEXISTENCE, SIZE, TYPE, NUMBER, OR LOCATION OF THESE OR OTHER UTILITIES. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ALL UNDERGROUND UTILITIES IN THE FIELD, SHOWN OR NOT SHOWN, PRIOR TO ANY GRADING, EXCAVATION, OR CONSTRUCTION OF IMPROVEMENTS. THESE PROVISIONS SHALL IN NO WAY ABSOLVE ANY PARTY FROM COMPLYING WITH THE UNDERGROUND FACILITY SAFETY AND DAMAGE PREVENTION ACT, CHAPTER 319, RSMO.

H:\CAD\10900-10999\10998\Planning\SDP\SDP.dgn

BY ORDER OF BROWNSTONE PROPERTIES, L.L.C., WE HAVE PREPARED A PRELIMINARY PLAT, THE RESULTS OF WHICH ARE CURRENTLY REPRESENTED ON THIS DRAWING, WHICH IS A PRELIMINARY PLAT – NOT FOR CONSTRUCTION – AND WAS PREPARED FOR THE SOLE LIMITED PURPOSE OF PROVIDING A CONCEPT FOR THE PROPOSED DEVELOPMENT OF THE TRACT AND IS INTENDED ONLY FOR THE PRELIMINARY USE OF GOVERNMENTAL REVIEWING AUTHORITIES FOR THE PURPOSE OF OBTAINING APPROVAL OF A CONCEPT AND IS SUBJECT TO SUCH COMMENTS, RECOMMENDATIONS OR REVISIONS AS MAY BE DEEMED NECESSARY OR APPROPRIATE IN FURTHERANCE OF SUCH PURPOSES.

IN PREPARATION OF THIS PLAN, NO GRADING BALANCES HAVE BEEN DONE AND THIS CONCEPT PLAN IS SUBJECT TO THAT WHICH A MORE DETAILED EVALUATION MAY INDICATE. SOILS AND SUBSURFACE INFORMATION HAVE NOT BEEN TAKEN INTO ACCOUNT. BOUNDARY LINES SHOWN ARE PER BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED BY VOLZ, INC. INTERSECTION SITE DISTANCE HAS NOT BEEN EXAMINED. THE CAPACITY AND AVAILABILITY OF UTILITIES ARE TAKEN FROM AVAILABLE INFORMATION WITHOUT VERIFICATION. THE UNDERSIGNED DISCLAIMS RESPONSIBILITY FOR THE ACCURACY OF THE AFORESAID MATTERS AND/OR DILIGENCE THAT WOULD BE NECESSARY TO ADDRESS ALL OTHER ISSUES OF DEVELOPMENT.

STATE OF MISSOURI
DANIEL ROBERT KOZIATEK
NUMBER PE-2004017198
PROFESSIONAL ENGINEER
7/13/12

DANIEL R KOZIATEK, P.E.
PROFESSIONAL ENGINEER
PE-2004017198

STATE OF MISSOURI
ERIC J. KIRBY
NUMBER PLS-2005000074
PROFESSIONAL LAND SURVEYOR
7/13/12

ERIC J. KIRBY, P.L.S.
PROF. LAND SURVEYOR
MO P.L.S. #2005000074

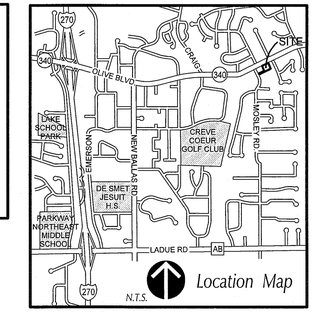
Survey Description:

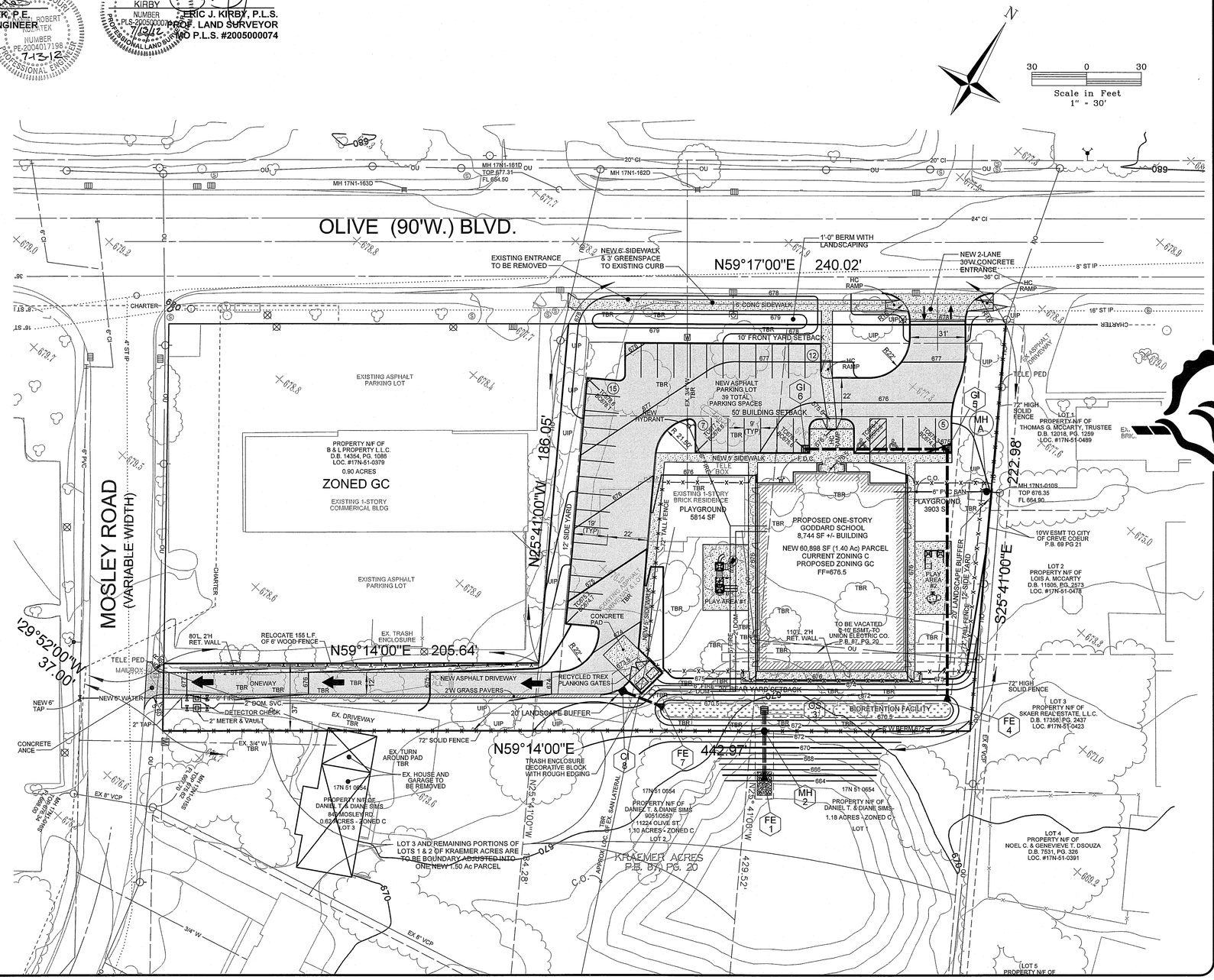
A tract of land being part of Lots 1, 2 and 3 of "Kraemer Acres", a subdivision according to the plat thereof recorded in Plat Book 87 page 20 of the St. Louis County Records, in U.S. Survey 1962, Township 45 North - Range 5 East, City of Creve Coeur, St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the Southeast right-of-way line of Olive Street Road, 90 feet wide, and the West line of Lot 1 of "Wir-Don Meadows", a subdivision according to the plat thereof recorded in Plat Book 69 page 21 of the St. Louis County Records; thence Southwardly along said West line of Lot 1 and the West line of Lots 2 and 3 of said "Wir-Don Meadows" South 25 degrees 41 minutes 00 seconds East 222.98 feet to a point; thence South 59 degrees 14 minutes 00 seconds West 442.97 feet to a point in the East line of Mosley Road, variable width; thence Northwardly along said East line of Mosley Road, variable width, North 29 degrees 52 minutes 00 seconds West 37.00 feet to the Westernmost corner of aforesaid Lot 3 of "Kraemer Acres"; thence Northeastwardly along the Northwest line of said Lot 3 North 59 degrees 14 minutes 00 seconds East 205.64 feet to a point in the West line of aforesaid Lot 2 of "Kraemer Acres"; thence Northwardly along said West line of Lot 2 North 25 degrees 41 minutes 00 seconds West 186.05 feet to a point in the aforesaid Southeast right-of-way line of Olive Street Road; thence Northeastwardly along said Southeast right-of-way line North 59 degrees 17 minutes 00 seconds East 240.02 feet to the point of beginning and containing 1.40 acres according to calculations by Volz Incorporated on June 28, 2012.

Legend

SYMBOL	DESCRIPTION
	BUILDING LINE
	EXISTING SANITARY SEWER
	PROPOSED SANITARY SEWER
	EXISTING STORM SEWER
	PROPOSED STORM SEWER
	EXISTING CONTOUR
520	PROPOSED CONTOUR
	EXISTING TREE LINE
	PROPOSED TREE LINE
	TREES TO REMAIN





BROWNSTONE PROPERTIES, LLC
635 TRADE CENTER BLVD. CHESTERFIELD, MO 63005

VOLZ Incorporated
10849 INDIAN HEAD IND'L. BLVD.
ST. LOUIS, MISSOURI 63132
314.426.6212 MAIN
314.426.6215 FAX
www.volzinc.com

11224 Olive Blvd.
Creve Coeur, MO 63141

THE Goddard School FOR EARLY CHILDHOOD DEVELOPMENT

SITE DEVELOPMENT PLAN/ PRELIMINARY PLAT

10998-1

REVISIONS
1 07-13-2012

EAST ELEVATION

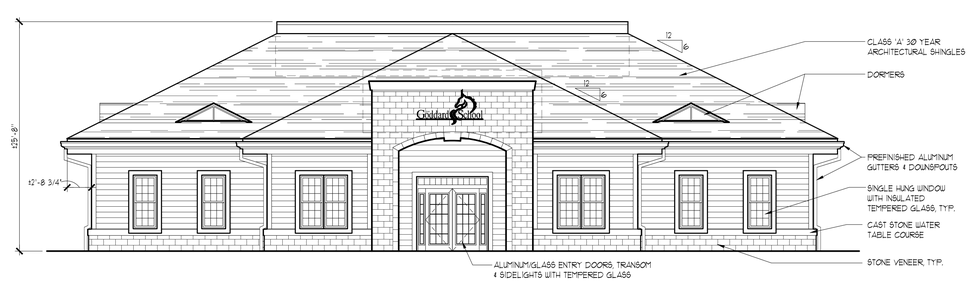
1/8"=1'-0"

SOUTH ELEVATION

1/8"=1'-0"

WEST ELEVATION

1/8"=1'-0"



NORTH ELEVATION (FRONT)

1/8"=1'-0"

THE ARCHITECT'S SEAL AFFIXED TO THIS SHEET INDICATES THAT THE NAMED ARCHITECT HAS PREPARED OR DIRECTED THE PREPARATION OF THE WORK SHOWN ON THIS SHEET. OTHER DRAWINGS AND DOCUMENTS, NOT BEARING THE SEAL, WERE NOT PREPARED OR REVIEWED OR PREPARED BY OR THE RESPONSIBILITY OF THE UNDERSIGNED.

Proposed New Facility for...

THE Goddard School
FOR EARLY CHILDHOOD DEVELOPMENT
Quality That Lasts A Lifetime

Olive Boulevard
Creve Coeur, Missouri 63141

ISSUE DATES

CITY SUBMITTAL	06-18-12
CITY SUBMITTAL	07-13-12

COPYRIGHT © 2012 DAVID W. DIAL ARCHITECTS, P.C.

A.J. Brown, Inc.
construction services

DAVID W. DIAL ARCHITECTS, P.C.
425 South Woodsmill Road
Suite 290
Chesterfield, Missouri 63017
Phone (314) 439-9353
Fax (314) 439-9373

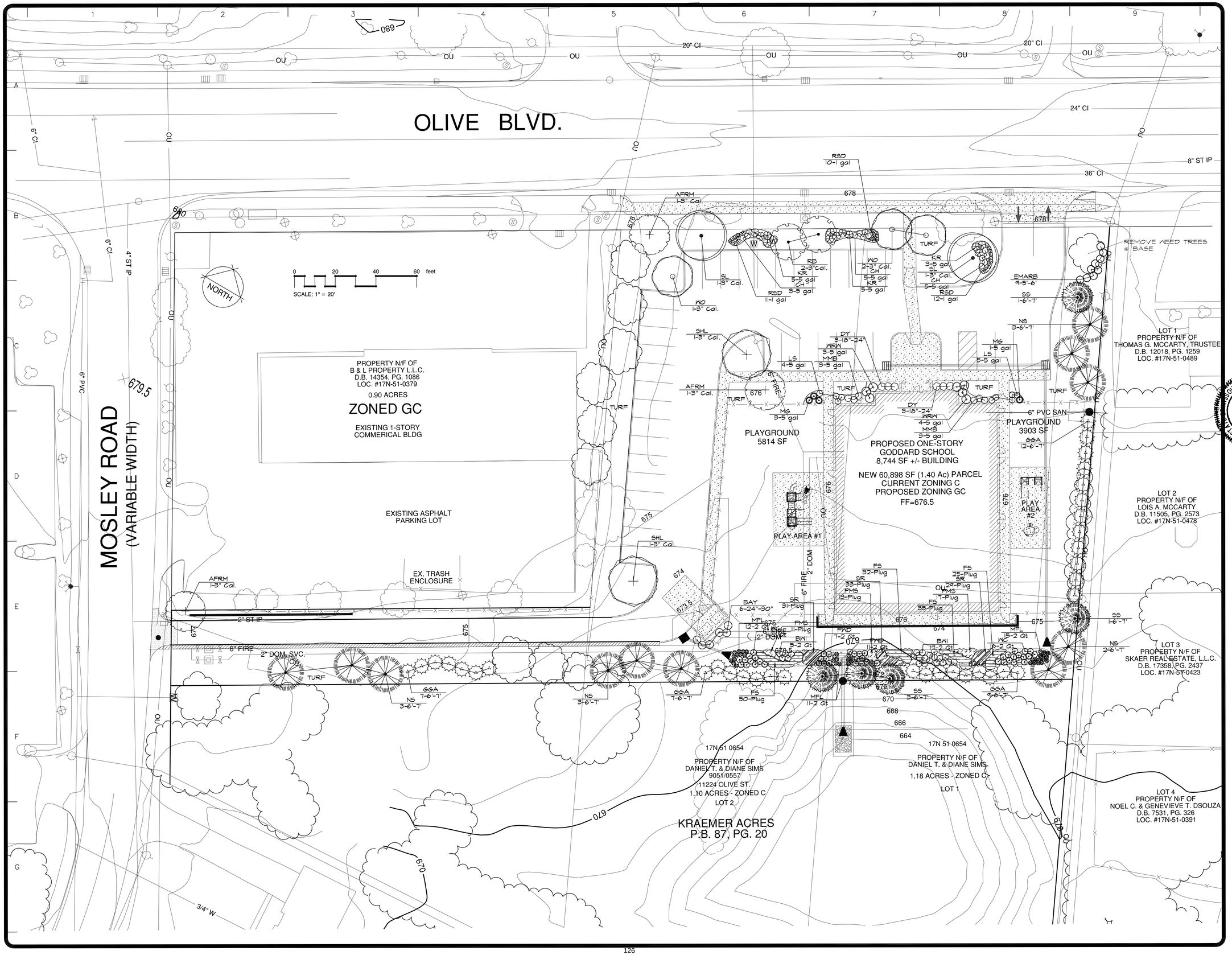
SHEET NUMBER:

A1 of 1

BUILDING ELEVATIONS

PROJECT NUMBER: 12130 DATE: 07-13-12

The Goddard School



REVISIONS	BY

landscape TECHNOLOGIES

67 Jacobs Creek Drive
St. Charles, Missouri 63304
MO Landscape Architecture Corporation #2006000152

(636) 928-1250
Fax: (636) 928-4563

RANDALL K. MARDIS
MISSOURI LANDSCAPE ARCHITECT #000009
DATE: 7/11/12

STATE OF MISSOURI
MARDIS
NUMBER
019
REGISTERED LANDSCAPE ARCHITECT

PLANTING PLAN FOR THE PROPOSED

Goddard School

11224 OLIVE BLVD. CREVE COEUR, MISSOURI 63141

DRAWN	R. MARDIS
CHECKED	RKM
DATE	7/11/12
SCALE	1"=20'-0"
JOB No.	2011-151
SHEET	L-1

OF TWO SHEETS

PLANT SCHEDULE

TREES	QTY	COMMON NAME / BOTANICAL NAME	SIZE
SL	2	Silver Linden / Tilia tomentosa	3" Cal.
WO	3	Willow Oak / Quercus phellos	3" Cal.
AFRM	3	'Autumn Flame' Maple / Acer rubrum 'Autumn Flame'	3" Cal.
SHL	2	'Skyline' Locust / Gleditsia triacanthos 'Skyline'	3" Cal.
EVERGREEN TREES	**QTY**	**COMMON NAME / BOTANICAL NAME**	**SIZE**
EMARB	9	Emerald Arborvitae / Thuja occidentalis 'Emerald'	5'-6'
GGA	35	Green Giant Arborvitae / Thuja plicata 'Green Giant'	6'-7'
NS	11	Norway Spruce / Picea abies	6'-7'
SS	5	Serbian Spruce / Picea omorika	6'-7'
FLOWERING TREES	**QTY**	**COMMON NAME / BOTANICAL NAME**	**SIZE**
RB	2	Redbud / Cercis canadensis	3"Cal.
SHRUBS	**QTY**	**COMMON NAME / BOTANICAL NAME**	**SIZE**
CH	13	China Boy/Girl Holly / Ilex meserveae 'China Boy/Girl' TM	5 gal
DY	6	Dense Yew / Taxus media 'Densiformis'	18"-24"
LS	9	Limemound Spirea / Spiraea bumalda 'Limemound' TM	5 gal
MMB	6	Morris Midget Boxwood / Buxus microphylla japonica 'Morris Midget'	5 gal
BAY	6	Northern Bayberry / Myrica pensylvancia	24"-30"
WRW	7	Wine & Roses Weigela / Weigela florida 'Wine & Roses'	5 gal
ANNUALS/PERENNIALS	**QTY**	**COMMON NAME / BOTANICAL NAME**	**SIZE**
RSD	33	Red Stella Daylily / Hemerocallis hybrid 'Red Stella'	1 gal
FORBS	**QTY**	**COMMON NAME / BOTANICAL NAME**	**SIZE**
BWI	22	Blue Wild Indigo / Baptisia australis	2 Qt
MFL	38	Monkeyflower / Mimulus ringens	2 Qt
PWD	18	Pickerel Weed / Pontederia cordata	2 Qt
WC	27	Wild Canna / Thalia dealbata	2 Qt
GRASSES	**QTY**	**COMMON NAME / BOTANICAL NAME**	**SIZE**
MG	4	Maiden Grass / Miscanthus sinensis 'Gracillimus'	5 gal
ROSES	**QTY**	**COMMON NAME / BOTANICAL NAME**	**SIZE**
KR	13	Knockout Rose / Rosa 'Knockout'	5 gal
NATIVE GRASSES	**QTY**	**COMMON NAME / BOTANICAL NAME**	**SIZE**
	271 sf	Fringed Sedge / Carex crinita	Plug @ 18" oc
	77 sf	Palm Sedge / Carex muskingumensis	Plug @ 18" oc
	177 sf	Soft Rush / Juncus effusus	Plug @ 18" oc

LANDSCAPE REQUIREMENTS:

ONE (1) STREET TREE PER 30' OF FRONTAGE
240.02 LF FRONTAGE; THEREFORE, 8 TREES REQUIRED & PROVIDED

ONE (1) TREE PER 100' OF PARKING ROW
135.00 LF PARKING ROW; ONE EXISTING TREE TO BE RETAINED & ONE ADDED

425 SQ. FT. OF INTERIOR PARKING GREEN SPACE IS REQUIRED / 1,320 SQ. FT. IS PROVIDED (45% GREEN SPACE IS PROVIDED THROUGHOUT SITE)

IN-GROUND, AUTOMATIC IRRIGATION SYSTEM IS REQUIRED AND WILL BE PROVIDED AS A CONDITION OF DEVELOPMENT (By Others)

LANDSCAPE GUIDELINE SPECS:

GENERAL:

1.) All natural vegetation shall be maintained where it does not intertere 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.
2.) 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.
3.) 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).
4.) 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.
5.) 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.
6.) 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.
7.) Provide single-stem trees unless otherwise noted in plant schedule.
8.) All plant material shall comply with the recommendations and requirements of ANSI Z60.1 "American Standards for Nursery Stock".
9.) 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.
10.) 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.
11.) 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. Mynafi 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:

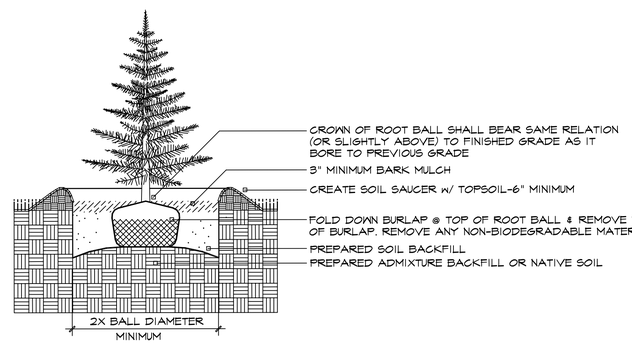
1.) Provide stakes and deadmen of sound, new hardwood, free of knotholes and defects.
2.) Tree wrap tape shall be 4" minimum, designed to prevent borer damage and winter freezing. Additionally, only 3-ply tying material shall be used.

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 30 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.

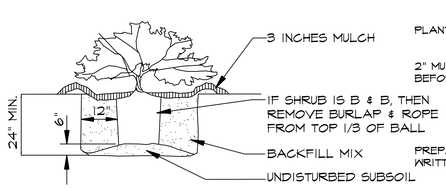
WARRANTY:

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.



EVERGREEN TREE PLANTING

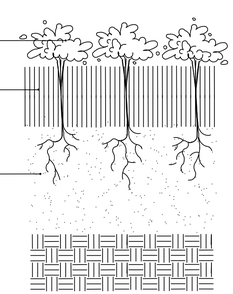
N.T.S.



NOTE: USE SHREDDED BARK MULCH ONLY

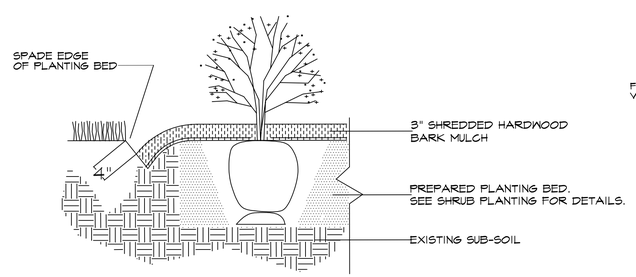
SHRUB PLANTING

N.T.S.



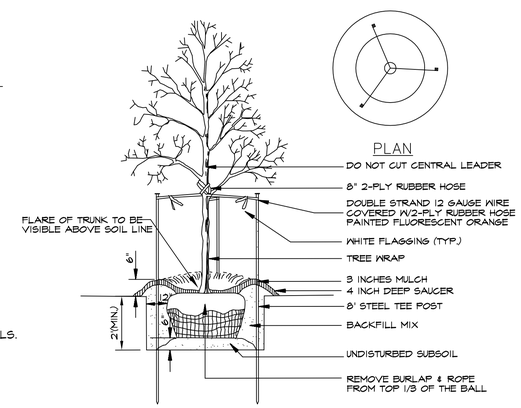
PERENNIAL / ANNUAL PLANTING

N.T.S.



SPADE-CUT EDGE DETAIL

N.T.S.



NOTE: USE SHREDDED BARK MULCH ONLY

DECIDUOUS TREE PLANTING

N.T.S.

REVISIONS	BY

landscape TECHNOLOGIES
67 Jacobs Creek Drive
St. Charles, Missouri 63304
MO Landscape Architectural Corporation #2006000152
(636) 928-1250
Fax: (636) 928-4563

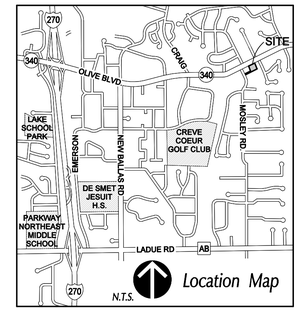
RANDALL K. MARDIS
MISSOURI LANDSCAPE ARCHITECT #000014
DATE: 7/11/12

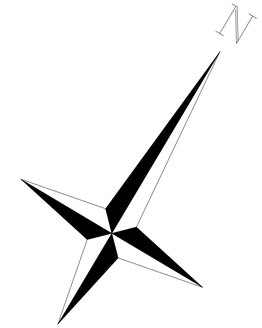
PLANTING PLAN FOR THE PROPOSED
Goddard School
11224 OLIVE BLVD. CREVE COEUR, MISSOURI 63141

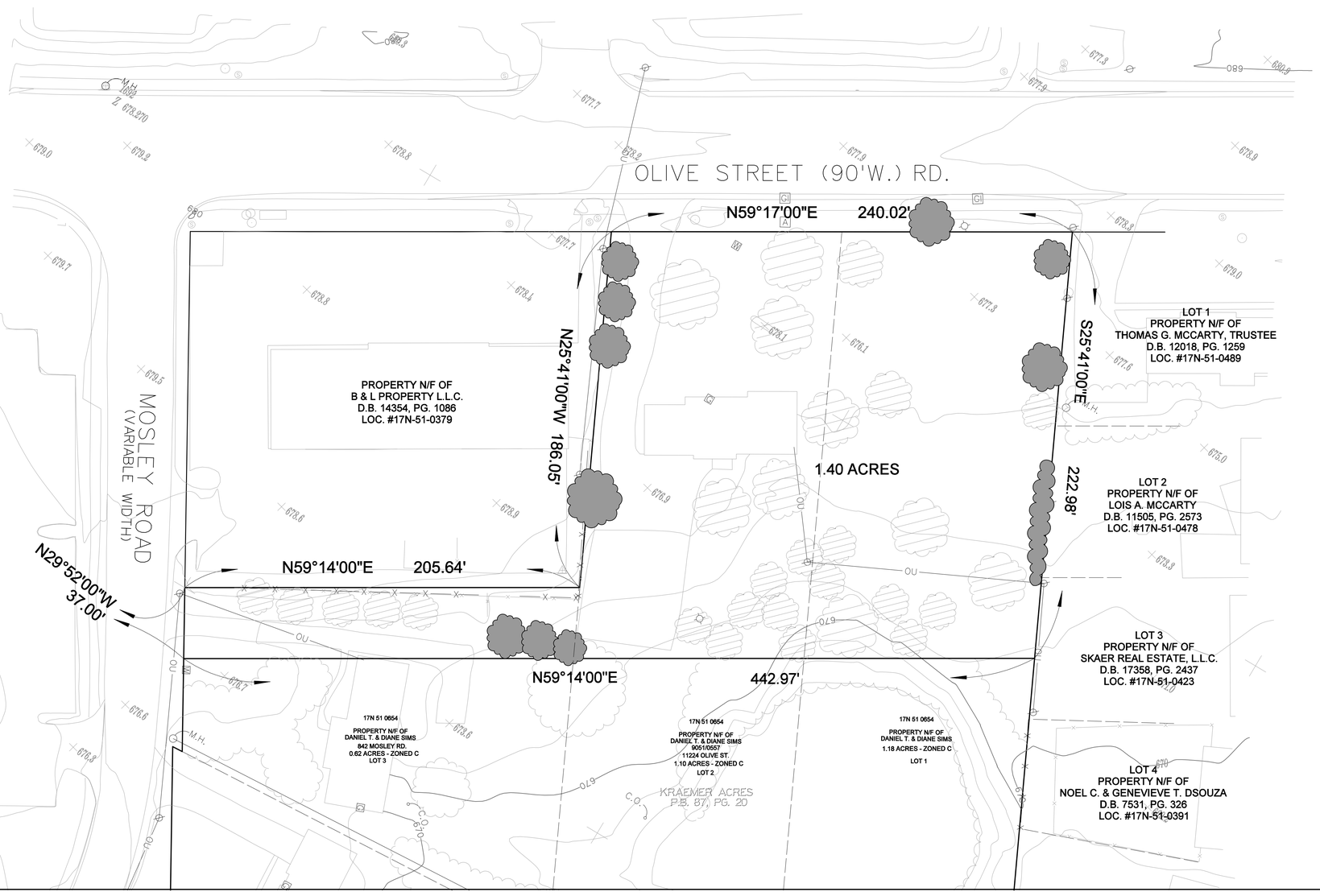
DRAWN	R. MARDIS
CHECKED	RKM
DATE	7/11/12
SCALE	N.A.
JOB No.	2011-151
SHEET	L-2
OF TWO SHEETS	

APPROXIMATE COUNT ON 10/22/2007 (CHECKED ON 06/12/2012)
INDIVIDUAL TREES: 2 - 8" DIA OR LARGER

TREE CENSUS			LEGEND	REQUIRED TO SAVE	SAVED	LEGEND
EXISTING TREE MASS:	0.01 ACRES	530 SF		25% = 132.50 SF	530 SF	
INDIVIDUAL TREES: 8" DIA. OR MORE	0.41 ACRES 39 TREES	17,768 SF		25% = 10 TREES	10 TREES	
TOTAL EXISTING TREES:	0.42 ACRES	18,298 SF				







H:\CAD\10900-10999\10998\Planning\SDP\tree census.dgn

BROWNSTONE PROPERTIES, LLC
635 TRADE CENTER BLVD, CHESTERFIELD, MO 63005

VOLZ Incorporated
10846 INDIAN HEAD IND. BLVD.
ST. LOUIS, MISSOURI 63132
314.428.6212 MAIN
314.890.1250 FAX
www.volzinc.com

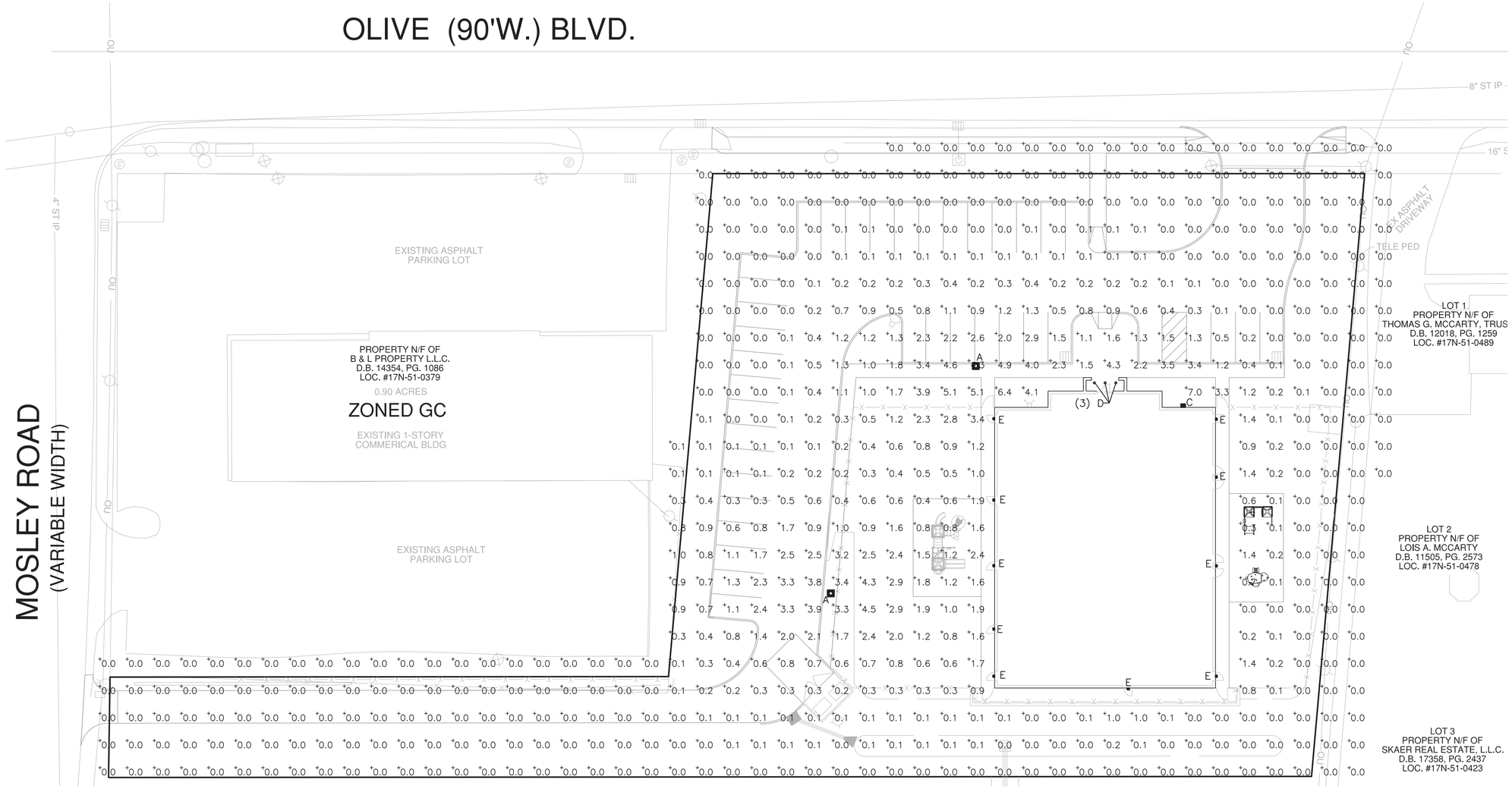
11224 Olive Blvd.
Creve Coeur, MO 63141

THE Goddard School FOR EARLY CHILDHOOD DEVELOPMENT

TREE CENSUS
TREE PRESERVATION PLAN

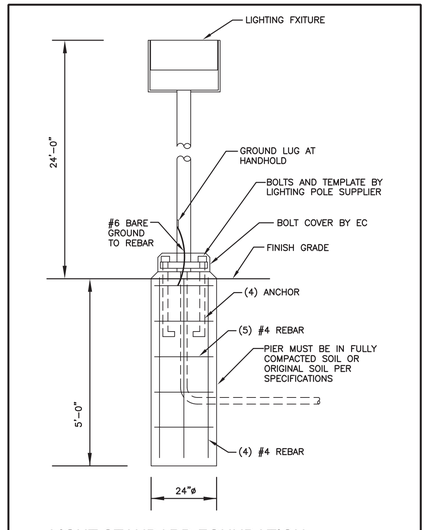
10998-1

REVISIONS
06-18-2012
1



1 PH1 PHOTOMETRIC PLAN
SCALE: 1" = 20'-0"

LUMINAIRE SCHEDULE								
Symbol	Label	Qty	Catalog Number	Description	Lamp	Lumens	LLF	Watts
	A	2	GSM-XX-250-MP-XX-2S-FG	MEDIUM ARCHITECTURAL AREA LUMINAIRE – TYPE II DISTRIBUTION	250 WATT PULSE-START CLEAR ED-28 HORIZONTAL BURN	22000	0.81	283
	C	1	IMT-150-MP-XX-3S	IMPACT ELITE MEDIUM WALL SERIES – TRAPEZOID	150W MH	12000	0.81	150
	D	3	C6142E-6180LI1	PORTFOLIO 6 IN RECESSED FLUORESCENT DOWNLIGHT WITH SEMI SPECULAR PRIMARY REFLECTOR AND SPECULAR SECONDARY REFLECTOR WITH PRISMATIC LENS AND MODIFIED SOCKET BRACKET	4 PIN TTT COMPACT FLUORESCENT LAMP	3200	0.91	48
	E	10	CFWP-FC-42-E	LUMARK WAL-PAK FLUORESCENT WALL MOUNTED FIXTURE WITH FULL CUTOFF DOOR WITH CLEAR GLASS	4 PIN GX24Q-4 T4 TRIPLE TWIN TUBE 42W COMPACT FLUORESCENT LAMP	3200	0.91	47.9



LIGHT STANDARD FOUNDATION
SCALE: NONE

MEP Engineer:
Ædifica case engineering
Ædifica Case Engineering
796 Meramec Court
St. Louis, MO 63026
T 636. 349.1600
F 636. 349.1730
Corporation Certificate of Authority No: E2000155319-D

Proposed New Facility for...

Creve Coeur, Missouri 631

THE Goddard School
FOR EARLY CHILDHOOD DEVELOPMENT
Quality That Lasts A Lifetime

ISSUE DATES
PRELIMINARY 06-19-12

COPYRIGHT © 2012 DAVID W. DIAL ARCHITECTS, P.C.

DAVID W. DIAL ARCHITECTS, P.C.
14368 Manchester Road
Suite 300
Manchester, Missouri 63011
Phone (636) 230-0400
Fax (636) 230-0402
www.dialarchitects.com

SHEET NUMBER:
PH-1

PROJECT NUMBER: --- DATE: - -12

McGRAW-EDISON®

energy solutions

Catalog #		Type
Project		
Comments		Date
Prepared by		

DESCRIPTION

Galleria's beauty and versatility make it an excellent choice for roadway and general area lighting applications. An aesthetic reveal in the formed aluminum housing gives the Galleria a distinctive look while a variety of mounting options and lamp wattages provide maximum flexibility.

Galleria's superior light distributions makes it the optimum choice for almost any small, medium or large area lighting application.

SPECIFICATION FEATURES

Construction
HOUSING: Formed aluminum housing with stamped reveal has interior-welded seams for structural integrity and is finished in premium TGIC polyester powder coat. U.L. listed and CSA certified for wet locations. DOOR: Formed aluminum door has heavy-duty hinges, captive retaining screws and is finished in premium TGIC polyester powder coat. (Spider mount unit has steel door.)

Electrical
BALLAST TRAY: Ballast tray is hard-mounted to housing interior for cooler operation.

Optical
REFLECTOR: Choice of 14 high efficiency optical systems utilizing horizontal and vertical lamp orientations. Optional high efficiency segmented optical systems constructed of premium 95% reflective anodized aluminum sheet. Optical segments are rigidly mounted inside a thick gauge aluminum housing for superior protection. All segment faces are clean of rivet heads, tabs or other means of attachment which may cause streaking in the light distribution. Standard with mogul-base socket. All optical modules feature quick disconnect wiring plugs and are field rotatable in 90° increments. LENS: Convex tempered glass lens or flat glass.

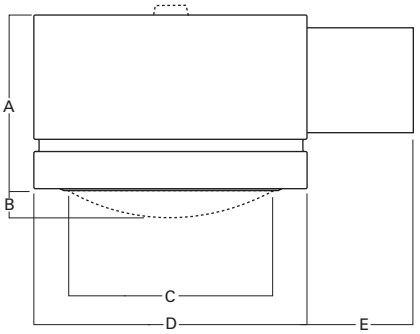
Mounting
Extruded aluminum arm includes internal bolt guides allowing for easy positioning of fixture during assembly. Specify arm-included mounting for contractor-friendly single carton packaging of housing and arm.

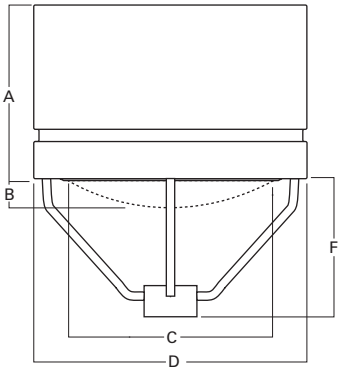
GSS/GSM/GSL
GALLERIA SQUARE

70 - 1000W
Pulse Start Metal Halide
High Pressure Sodium
Metal Halide

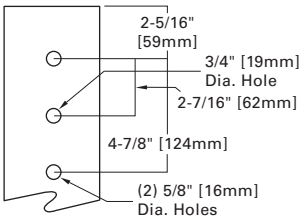
ARCHITECTURAL AREA LUMINAIRE

DIMENSIONS





ARM DRILLING



Fixture	A	B	C	D	E	F
GSS	9-1/4"	1-1/2"	12-7/8"	15-5/8"	6" or 9"	3-1/4"
	235mm	38mm	327mm	397mm	152mm or 229mm	337mm
GSM	11"	3-1/2"	19-1/4"	21-3/4"	6" or 14"	15" or 16"
	279mm	89mm	480mm	552mm	152mm or 356mm	381mm or 406mm
GSL	14-1/2"	4-1/4"	25-7/8"	27"	6" or 14"	18-3/4" or 19-3/4"
	368mm	108mm	657mm	686mm	152mm or 356mm	476mm or 502mm

NOTE: Top cap used on GSM with 1000W flat glass vertically lamped optics only.

DARK SKY COMPLIANT FCO Full Cutoff

NOTE: In all flat glass configurations only.

WATTAGE TABLE

Fixture	Lamp Type	Wattage
GSS (Galleria Small)	Pulse Start Metal Halide (MP)	70, 100, 150W
	High Pressure Sodium (HPS)	70, 100, 150W
	Metal Halide (MH)	175W
GSM (Galleria Medium)	Pulse Start Metal Halide (MP)	70, 100, 150, 175, 200, 250, 320, 350, 400, 450, 750, 875, 1000W
	High Pressure Sodium (HPS)	70, 100, 150, 250, 400, 750, 1000W
	Metal Halide (MH)	175, 250, 400, 1000W
GSL (Galleria Large)	Pulse Start Metal Halide (MP)	250, 320, 350, 400, 450, 750, 1000W
	High Pressure Sodium (HPS)	250, 400, 750, 1000W
	Metal Halide (MH)	250, 400, 1000W

ENERGY DATA

CWA Ballast Input Watts
150W MP HPF (185 Watts)
175W MP HPF (198 Watts) G
250W MP HPF (283 Watts) G
250W HPS HPF (295 Watts)
400W MP HPF (452 Watts) G
400W HPS HPF (457 Watts)
750W MP HPF (820 Watts)
1000W MH HPF (1080 Watts)
1000W HPS HPF (1100 Watts)

EPA
Effective Projected Area: (Sq. Ft.)
[Without Arm]
GSS: 1.20 **GSM**: 2.40 **GSL**: 3.90
[Spider Mount]
GSS: 1.53 **GSM**: 2.86 **GSL**: 4.45

SHIPPING DATA

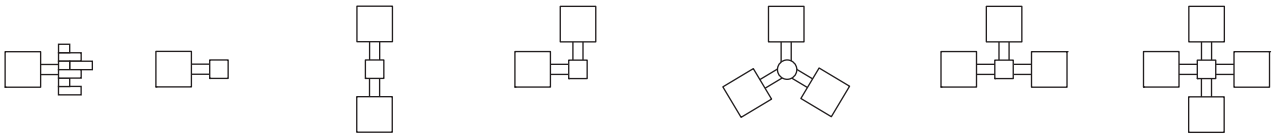
Approximate Net Weight:
36 lbs. (16 kgs.)
79 lbs. (36 kgs.)
88 lbs. (40 kgs.)

ISO SYSTEMS CERTIFIED

ADH082575 pc
2010-10-22 13:03:12

MOUNTING CONFIGURATIONS

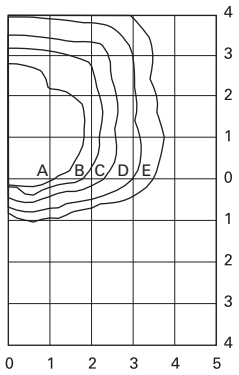
Wall Mount | **Arm Mount Single** | **Arm Mount 2 @ 180°** | **Arm Mount 2 @ 90°** | **Arm Mount 3 @ 120°** (Round Pole Only) | **Arm Mount 3 @ 90°** | **Arm Mount 4 @ 90°**



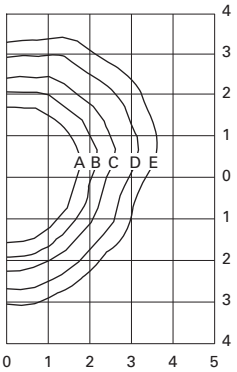
E.P.A. TABLE

	Single [w/arm where applicable]	**2 @ 180°**	**2 @ 90°**	**3 @ 120°**	**3 @ 90°**	**4 @ 90°**
GSS	1.7	3.4	3.4	4.6	4.6	5.2
GSM	2.9	5.8	6.8	9.2	9.2	10.4
GSL	4.4	8.8	9.8	13.7	13.7	15.6

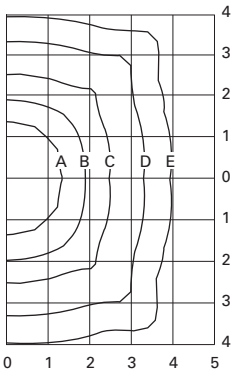
PHOTOMETRICS



GSM-XX-1000-MH-SL-FG
1000-Watt MH
110,000-Lumen Clear Lamp
Spill Light Eliminator
Flat Glass



GSM-XX-1000-MH-3V-FG
1000-Watt MH
110,000-Lumen Clear Lamp
Type III Vertical
Flat Glass



GSM-XX-1000-MH-AS-SG
1000-Watt MH
110,000-Lumen Clear Lamp
Area Square
Flat Glass

Footcandle Table

Select mounting height and read across for footcandle values of each isofootcandle line. Distance in units of mounting height.

Mounting Height	**Footcandle Values for Isofootcandle Lines** A	B	C	D	E
1000W [SL] / 400W [AR]					
25'	2.88	1.44	0.72	0.29	0.14
30'	**2.00**	**1.00**	**0.50**	**0.20**	**0.10**
35'	1.46	0.73	0.37	0.15	0.07
1000W [3V/AS]					
30'	3.50	2.00	1.00	0.50	0.20
35'	2.60	0.73	0.37	0.18	0.07
40'	**2.00**	**1.00**	**0.50**	**0.20**	**0.10**

ORDERING INFORMATION

Sample Number: GSM-AM-400-MP-MT-3V-SG-BK-L

Product Family
GSS=Galleria Square Small
GSM=Galleria Square Medium
GSL= Galleria Square Large

Mounting Method
AM= Arm Mount[1]
AIR= Arm Included for[2] Round Pole
AIS= Arm Included for[2] Square Pole
SM1= Spider Mount[3] (2 3/8" OD Tenon)
SM2= Spider Mount (3" OD Tenon)
SM3= Spider Mount[4] (3 1/2" OD Tenon)

Lamp Wattage [5]
MP
70=70W
100=100W
150=150W
175= 175W
200= 200W
250= 250W
320= 320W
350= 350W
400= 400W[6]
450= 450W
750= 750W
875= 875W
1000= 1000W[7]
HPS
70= 70W
100= 100W
150= 150W
250=250W
400=400W
750=750W
1000=1000W[7]
MH [8]
175=175W
250=250W
400=400W
1000=1000W[7]

Lamp Type
MP=Pulse Start Metal Halide
HPS=High Pressure Sodium
MH= Metal Halide[8]

Voltage [9]
120= 120V
208= 208V
240= 240V
277= 277V
347= 347V
480= 480V
MT= Multi-Tap[10]
TT= Triple-Tap[10]
5T= 5-Tap[11]

Distribution
Horizontal Lamp
1F=Type I Formed[12]
2F=Type II Formed
2S=Type II Segmented[13]
3F= Type III Formed
3S= Type III Segmented[13]
4S= Type IV Segmented[13]
5S= Type V Segmented[13]
FT= Forward Throw
SL= Spill Light Eliminator[14]
CA= Cutoff Asymetric with EHS [15]
Vertical Lamp
AR= Area Round
AS= Area Square[15]
3V= Type III Vertical[15]
RW= Rectangular Wide[15, 16]

Lens Type
FG= Flat Glass[17]
SG=Sag Glass

Color [18]
AP=Grey
BZ=Bronze
BK=Black
WH=White
DP= Dark Platinum
GM= Graphite Metallic

Options [19]
F= Single Fuse (120, 277 or 347V)
FF= Double Fuse (208, 240 or 480V)
L= Lamp Included
EM= Quartz Restrike w/[20] Delay
Q= Quartz Restrike[20]
R= NEMA Twistlock Photocontrol Receptacle
EHS= External Adjustable House Side Shield
HS= House Side Shield[21, 22]
VS=Vandal Shield[23]

Accessories [24]
GSM-EXTHS=External House Side Shield - 2.24 EPA
GSL-EXTHS=External House Side Shield - 2.46 EPA
MA1004XX=14" Arm for Square Pole. 1.0 EPA[15]
MA1005XX=6" Arm for Square Pole. 0.5 EPA[15]
MA1006XX= Direct Mount Kit for Square Pole[15]
MA1007XX= 14" Arm for Round Pole. 1.0 EPA[15]
MA1008XX= 6" Arm for Round Pole. 0.5 EPA[15]
MA1009XX= Direct Mount Kit for Round Pole[15]
MA1021XX= 6" Arm for Square Pole. 0.5 EPA[3]
MA1022XX= 6" Arm for Round Pole. 0.5 EPA[3]
MA1023XX= 9" Arm for Square Pole. 0.5 EPA[3]
MA1024XX= 9" Arm for Round Pole. 0.5 EPA[3]
MA1029XX= Wall Mount Bracket with 10" Arm
MA1046XX= Wall Mount Bracket[3]
MA1208XX= 11 1/2" Arm and Round Pole Adapter - . 0.8 EPA
OA1066XX= Mast Arm Adapter
MA1010XX= Single Tenon Adapter for 3 1/2" O.D. Tenon
MA1011XX= 2@180° Tenon Adapter for 3 1/2" O.D. Tenon
MA1012XX=3@120° Tenon Adapter for 3 1/2" O.D. Tenon
MA1013XX=4@90° Tenon Adapter for 3 1/2" O.D. Tenon
MA1014XX=2@90° Tenon Adapter for 3 1/2" O.D. Tenon
MA1015XX=2@120° Tenon Adapter for 3 1/2" O.D. Tenon
MA1016XX=3@90° Tenon Adapter for 3 1/2" O.D. Tenon
MA1017XX=Single Tenon Adapter for 2 3/8" O.D. Tenon
MA1018XX=2@180° Tenon Adapter for 2 3/8" O.D. Tenon
MA1019XX=3@120° Tenon Adapter for 2 3/8" O.D. Tenon
MA1045XX=4@90° Tenon Adapter for 2 3/8" O.D. Tenon
MA1048XX=2@90° Tenon Adapter for 2 3/8" O.D. Tenon
MA1049XX=3@90° Tenon Adapter for 2 3/8" O.D. Tenon
MA1060=House Side Shield for GSS (Field Installed)[25]
MA1061=House Side Shield for GSM (Field Installed)[25]
MA1062=House Side Shield for GSL (Field Installed)[25]
OA/RA1016=NEMA Twistlock Photocontrol - Multi-Tap
OA/RA1027=NEMA Twistlock Photocontrol - 480V
OA/RA1201=NEMA Twistlock Photocontrol - 347V

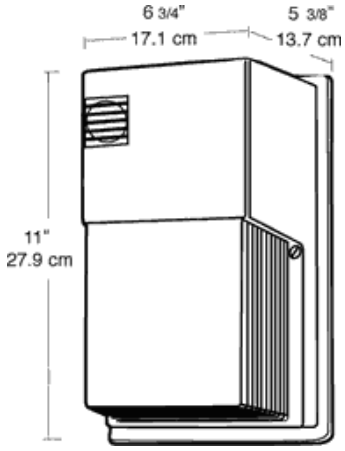
Notes:
1. Arm not included. See Accessories.
2. Arm length varies based on housing size: 9" for GSS, 11-1/2" for GSM and 14" for GSL.
3. Available on GSS housing only.
4. Available on GSL housing only.
5. Standard with medium-base sockets in GSS housing. Mogul-base sockets in GSM and GSL housings. Wattage availability varies by housing size - see Wattage Table.
6. Requires reduced envelope ED-28 lamp when used with GSM housing and flat glass vertically lamped optics.
7. Requires reduced envelope BT-37 lamp when used with GSM housing.
8. 175, 250 and 400W MH available for non-US markets only.
9. Products also available in non-US voltages and 50Hz for international markets. Consult factory for availability and ordering information.
10. Multi-Tap ballast is 120/208/240/277V wired 277V. Triple-Tap ballast is 277/347/480V wired 347V.
11. 5-Tap ballast is 120/2008/240/277/480V wired 480V. Only available in 400-1000W.
12. Medium housing fixture only.
13. Maximum wattage on segmented optical distributions is 400W. 400W Metal Halide lamp must use reduced envelope ED-28 lamp. Not available in GSL housing.
14. Must use reduced envelope lamp, not available in GSL housing.
15. Available on GSM and GSL housings only.
16. RW optic not available with flat glass.
17. 1000W GSL with flat glass requires BT-37 lamp and is not available in AS, RW, SL or 3V distributions.
18. Other finish colors available, including a full line of RAL color matches. Consult your Cooper Lighting Representative.
19. Add as suffix in the order shown.
20. Quartz options not available with SL optics.
21. House side shield not available with 5S, RW, AS, AR, SL and CA optics.
22. Not available in 1000W.
23. Arm mount only, 400W Maximum.
24. Order separately, replace XX with color suffix.
25. Compatible with sag lens vertical optics only.

WPTF42/PC2

28 thru 42 watt compact fluorescent Tallpack. Vandal resistant polycarbonate housing. Heavy die-cast aluminum back plate with 1/2" bottom and back conduit opening. Factory installed 120V photocell with bypass cap included. Operating temperature 28w (-20 deg. F), 26, 32 & 42w(0 deg. F). Lamp supplied.

Color: Bronze

Weight: 4.5 lbs



Lamp Info

Type:	42W Triple
Watts:	42
Shape/Size:	N/A
Base:	N/A
ANSI:	N/A
Hours:	10,000
Lamp Lumens:	3,000
Efficacy:	65 LPW

Ballast Info

Type:	Elec HPF QT
120V:	0.38
208V:	0.3
240V:	0.2
277V:	0.17
Input Watts:	46W
Efficiency:	91%

Technical Specifications

UL Listing:
Suitable for wet locations

Reflector:
Die formed aluminum for wide light distribution. Moveable Glare Shield for field adjustable light control slanted slightly downward for more light on the job

Ballast Housing:
Stamped steel painted white

Back Plate:
Heavy die cast aluminum. 1/2" bottom conduit knockout. Knockouts for mounting to 3" or 4" junction boxes

Housing and Refractor:
Vandal resistant polycarbonate molded refractor. Die cast aluminum back plate

Ballast Minimum Starting Temperature:
0 F

Patents:
The unique RAB Tallpack is protected by U.S. Patent D569,029; China Patent ZL200730149211.2; Taiwan Patent D124,864 and Canada Patent D121,993

Country of Origin:
Designed by RAB in New Jersey and assembled in the USA by IBEW Local 3

Buy American Act Compliant:
This product is a COTS item manufactured in the United States, and is compliant with the Buy American Act.

Recovery Act (ARRA) Compliant:
This product complies with the 52.225-21 "Required Use of American Iron, Steel, and Manufactured Goods-- Buy American Act-- Construction Materials (October 2010)

Trade Agreements Act Compliant:
This product is a COTS item manufactured in the United States, and is compliant with the Trade Agreements Act.

GSA Schedule:
This product is suitable for listing on the GSA Schedule of the US General Services in accordance with FAR Subpart 25.4

Copyright ©2012 RAB Lighting, Inc. All Rights Reserved

DESCRIPTION

The IMPACT Elite Trapezoid full cutoff wall luminaire makes an ideal complement to site design. Rugged construction and full cutoff classified optics provide facade and security lighting for light restricted zones surrounding schools, office complexes, apartments, and recreational facilities. UL/cUL Listed for wet locations in down mount applications and damp locations in up mounted applications.

McGRAW-EDISON®

energy solutions

		Type
Catalog #		
Project		
Comments		Date
Prepared by		

SPECIFICATION FEATURES

Construction

Durable two-piece die-cast aluminum housing and removable hinged door frame envelopes the optical enclosure from nature's elements. 1/8" clear, heat and impact resistant tempered flat glass lens combined with molded silicone gasket seals the integrated optical assembly to ensure peak optical performance. Captive stainless steel hardware secures the removable hinged door allowing for ease of installation and maintenance.

Electrical

Integral hard mount electrical components are safely secured and grounded within the die-cast aluminum housing for optimal heat sinking and extended component life. All wiring is extended through a silicone grommet at the back of the housing to prevent entry of debris, moisture, dust and insects. UL listed high power factor ballasts are Class H insulation rated [metal halide: 150, 175, 200, 250, 320, 350, 400W [-30°C /-20°F], [high pressure sodium: 250, 400W [-40°C/-40°F]. High efficiency ballasts are available in a multitude of voltage configurations. Compact fluorescent high power factor ballasts are Class P insulation rated for 120V-277V and have a starting temperature of -18°C / 0°F.

Optical Systems

Custom engineered highly reflective anodized aluminum reflectors provide high efficiency Type II, Type III and Type IV distributions. All Impact Wall Series reflectors classify as IESNA full cutoff in downlight only applications. Optional silk screened house-side flat glass shield provides decreased wall brightness. Optical assemblies are offered standard with horizontal medium or mogul-based metal halide [MH/MP], high pressure sodium [HPS] or energy efficient 4-pin compact fluorescent [CF] lamps. Available 10% or 30% uplight options allow for architectural highlighting of building details.

Mounting

Impact Elite's "Hook-N-Lock" gasketed and zinc plated rigid universal mounting assembly fits directly to a 4" junction box or wall. The "Hook-N-Lock" system allows for fast installation and mounting in both traditional downlighting [wet location] or inverted uplighting [damp location only] mounting positions.

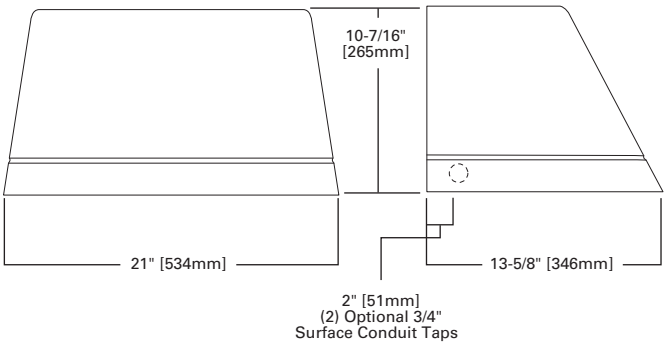
Finish

Housing and door are protected with 5-stage premium TGIC polyester powder coat paint. Premium TGIC powder coat finishes withstand extreme climate changes while providing optimal color and gloss retention over the fixture's installed life. Standard colors include black, bronze, grey, white, dark platinum and graphite metallic. RAL and custom color matches available. Consult McGraw-Edison Architectural Colors Brochure for complete selection.

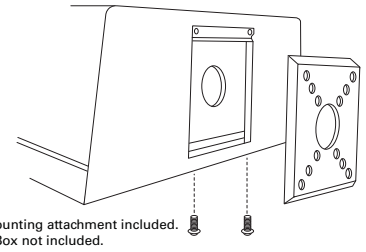
IMT
IMPACT ELITE MEDIUM TRAPEZOID

150 - 400W
Pulse Start Metal Halide
Metal Halide
High Pressure Sodium
32 - 120W
Compact Fluorescent

FULL CUTOFF WALL MOUNT LUMINAIRE



HOOK-N-LOCK MOUNTING



iMPACT™

DARK SKY COMPLIANT | FCO Full Cutoff

NOTE: In downlight applications only.

TECHNICAL DATA

UL1598 Listed, CUL Listed
Down Mounted - Wet Location
Up Mounted - Damp Location
25°C Ambient Temperature,
40°C w/HA Option
EISA Compliant Ⓔ

ENERGY DATA

High Reactance Ballast Input Watts
150W MP HPF (185 Watts)
250W HPS HPF (300 Watts)
400W HPS HPF (465 Watts)

CWA Ballast Input Watts
200W MP CWA (227 Watts) Ⓔ
250W MP CWA (283 Watts) Ⓔ
320W MP CWA (365 Watts) Ⓔ
350W MP CWA (400 Watts) Ⓔ
400W MP CWA (452 Watts) Ⓔ

Electronic Ballast Input Watts
32W CF HPF (36 Watts)
42W CF HPF (46 Watts)
57W CF HPF (59 Watts)
60W CF HPF (70 Watts)
70W CF HPF (75 Watts)
85W CF HPF (98 Watts)
120W CF HPF (139 Watts)

SHIPPING DATA

Approximate Net Weight:
42 lbs. (19 kgs.)

ORDERING INFORMATION

Sample Number: IMT-250-MP-MT-3S-GM

Product Family

IMT=Impact Elite Medium Trapezoid

Lamp Wattage [1]

MP

150=150W
200=200W
250=250W
320= 320W
350= 350W
400= 400W

HPS

250= 250W
400= 400W

MH [2]

175= 175W[2]
250= 250W[2]
400= 400W[2]

CF

57= (1) 57W
60= (1) 60W
64= (2) 32W
70= (1) 70W
84=(2) 42W
85=(1) 85W
96=(3) 32W
114=(2) 57W
120=(1) 120W
126=(3) 42W

Lamp Type

MP=Pulse Start Metal Halide
HPS=High Pressure Sodium
MH=Metal Halide[2]
CF= Compact Fluorescent

Voltage [3]

120= 120V
208= 208V
240= 240V
277= 277V
347= 347V[3]
480= 480V
DT= Dual-Tap[4]
MT= Multi-Tap[4]
TT= Triple-Tap[3, 4]
E1= Electronic 120-277V[3]

Distribution

HID

3S=Type III Segmented
4S=Type IV Segmented

CF

2S= Type II Segmented[5]
4S= Type IV Segmented[5]

Color [6]

AP= Grey
BZ= Bronze
BK= Black
WH= White
DP= Dark Platinum
GM= Graphite Metallic

Options

F=Single Fuse,Specify Voltage (120, 277 or 347V)[7]
FF=Double Fuse, Specify Voltage (208, 240 or 480V)[7]
L= Lamp Included
HA= 40 Degrees C High Ambient[8]
SC= Surface Conduit entry Taps (2) 3/4" NPT[9]
CSW= Circuit Switching[10]
FR= Frosted Lens[11]
P= Button Type Photocontrol (120V, 208, 240, or 277V)[7, 12]
TR= Tamper Resistant Fasteners
UPL10= 10% Uplight
UPL30= 30% Uplight[13]
DIM= CF Dimming Ballst (CF Lamp/Must Specify Number of Lamps)[14]
HS= House Side Shield Glass[15]
Q= Quartz Restrike T4 Lamp[16, 17]
EM= Emergency Quartz Restrike T4 Lamp w/ Time Delay Relay[16, 17]
EM/SC=Emergency Separate Circuit T4 Lamp[16, 17, 18]
QMR=Quartz Restrike MR16 Lamp[17, 19]
2QMR=Quartz Restrike w/ (2) MR16 Lamps[17, 19]
2QMR/SC=Quartz Restrike (1) MR16 Lamp and (1) Emergency Separate Circuit MR16 Lamp[17, 18, 19]
EMMR=Emergency Quartz Restrike MR16 Lamp w/ Time Delay Relay[17, 19]
2EMMR=Emergency Quartz Restrike with (2) MR16 Lamps w/Time Delay Relay[17, 19]
2EMMR/SC=Emergency Quartz Restrike with Time Delay Relay (1) MR16 and (1) MR16 Emergency Separate Circuit Lamp[17, 18, 19]
EM/SC/MR=Emergency Separate Circuit MR16 Lamp[17, 18, 19]
2EM/SC/MR=Emergency Separate Circuit with (2) MR16 Lamps[17, 18, 19]
EM/SC/12V=Emergency Separate Circuit 12V Low Voltage (1) MR16 Lamp[17, 18, 20]
2EM/SC/12V=(2) Emergency Separate Circuit MR16 Lamps (12V)[17, 18, 20]
EMI40=Emergency Cold Temperature (UL924 Listed) Power Pack -18 degrees C / 0 degrees F, (1) CF Lamp[7, 21]
2EIM40=Emergency Cold Temperature (UL924 Listed) Power Pack -18 degrees C/0 degrees F, (2) CF lamps with Back Box matching housing finish.[7, 22]
CFEM= Emergency CF Power Pack (UL924 Listed) (1) CF Lamps, 0 Degrees C/32 Degrees F[7, 23]
2CFEM= Emergency CF Power Pack (UL924 Listed) , 0 Degrees C/32 Degrees F, (2) CF Lamps, with Back Box matching housing finish.[7, 24]

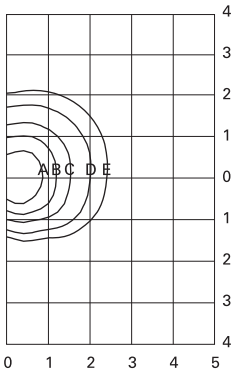
Accessories [25]

WG/ITM= Wire Guard[26]
VS/ITM= Vandal Resistant Shield[27]

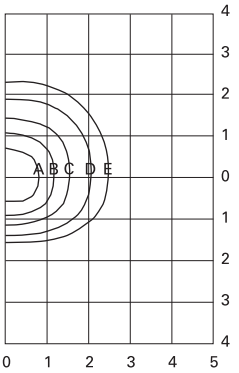
Notes:

1. All HID Metal Halide lamps are mogul-base, reduced envelope ED-28 except 200W Pulse Start Metal Halide is T15. All HID High Pressure Sodium lamps are mogel-base ED-18.
2. 175, 250 and 400W MH available for non-US markets only.
3. Products also available in non-US voltages and 50HZ for international markets. 88% Efficient EISA Compliant MP Fixtures not available in 347V and TT Voltages. Electronic E1 only available with CF source. Consult your Cooper Representative for availability and ordering information.
4. Dual-Tap ballast is 120/277V wired 277V. Multi-Tap ballast is 120/208/240/277V wired 277V. Triple-Tap ballast is 120/277/347V wired 347V.
5. Type II - 60, 64, 70, 84, 85, 96, 114 or 126W CF only. Type IV - 60, 85, 120W CF only. In cold temperatures, compact fluorescent lamps produce lower illumination levels.
6. Add as suffix.
7. Must specify voltage.
8. Rated for 40°C for 250W and below fixture. Not available with CF lamps.
9. Not available in Type IV 320V through 400W. Not available in Type III with PE 320W through 400W. 175-250W requires thru-wire rating of 120°C, 320-400W requires rating of 140°C
10. Each ballast independently wired. Available on 96, 114, or 126W CF wattages.
11. Not available with 320W thru 400W or 114 or 126W CF options.
12. Not available with SC option teamed with 320-400W. Not available with 480V.
13. Type III only. Not available with CF lamps.
14. Specify CF option 96 or 126W, not available with HS, FR, or VS options. Must specify number of lamps.
15. Not available with 320 thru 400W.
16. (1) 120W Lamp, 150W maxinum quartz lamp. Utility power may need to cycle to allow HID lamp to cool in warm climates.
17. Emergency lamps supplied by others.
18. Leads out of the back of the unit for auxillary power.
19. (1) or (2) 120V Lamps. GU10 base, 50W maximum each. Lamps supplied by others.
20. Power supplied by low voltage DC source (supplied by others). (1) or (2) 12V bi-pin socket GU5.3 base. 12V 35W maximum.
21. Specify 120 or 277V, (-18°C) minimum temperature, not available with UP10 or CSW option, 57W CF maximum.
22. Specify 120 or 277V, (-18°C minimum,operates (2) 32W 4-pin lamps or less, not available with UPL10 or CSW option, (lamps supplied by others).
23. Specify 120 or 277V, (0°C) minimum temperature, not available with UPL10 or CSW option, 57W CF maximum.
24. Specify 120 or 277V, (0°C minimum, operates (2) 32W 4-pin lamps or less, not available with UPL10 or CSW option, (lamps supplied by others).
25. Order separately.
26. Not available with VS option.
27. Not available with 320 thru 400W. Not available with wire guard.

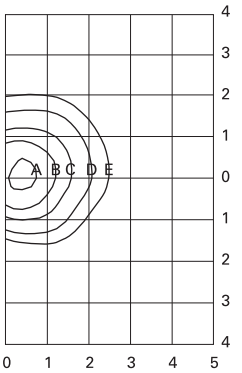
PHOTOMETRICS (Complete IES files available at www.cooperlighting.com)



IMT-126-CF-XX-2S
126-Watt CF
[3] 9,600-Lumen Clear Lamp
Type II



IMT-114-CF-XX-2S
114-Watt CF
[2] 8,600-Lumen Clear Lamp
Type II

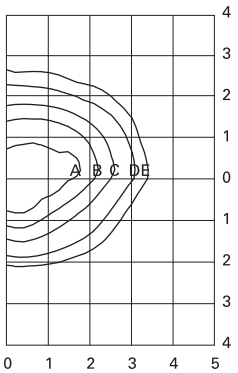


IMT-85-CF-XX-2S
85-Watt CF
6,000-Lumen Clear Lamp
Type II

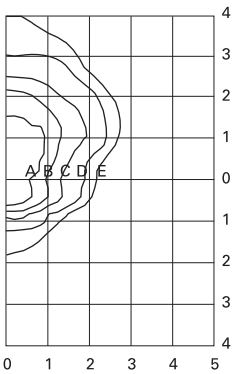
FOOTCANDLE TABLE

Select mounting height and read across for footcandle values of each isofootcandle line. Distance in units of mounting height.

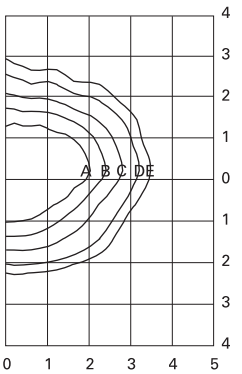
Mounting Height	Footcandle Values for Isofootcandle Lines				
	A	B	C	D	E
126-CF-2S / 114-CF-2S / 85-CF-2S					
18'	2.46	1.23	0.62	0.25	0.12
20'	**2.00**	**1.00**	**0.50**	**0.20**	**0.10**
25'	1.28	0.64	0.32	0.13	0.06



IMT-150-MP-XX-3S
150-Watt MP
14,000-Lumen Clear Lamp
Type III



IMT-150-MP-XX-4S
150-Watt MP
14,000-Lumen Clear Lamp
Type IV

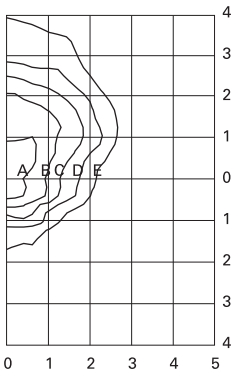


IMT-250-MP-XX-3S
250-Watt MP
23,750-Lumen Clear Lamp
Type III

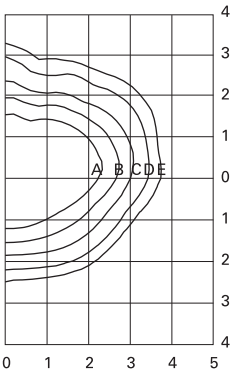
FOOTCANDLE TABLE

Select mounting height and read across for footcandle values of each isofootcandle line. Distance in units of mounting height.

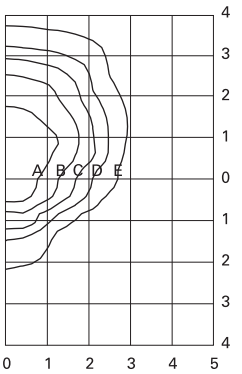
Mounting Height	Footcandle Values for Isofootcandle Lines				
	A	B	C	D	E
150-MP-3S / 150-MP-4S / 250-MP-3S					
18'	2.46	1.23	0.62	0.25	0.12
20'	**2.00**	**1.00**	**0.50**	**0.20**	**0.10**
25'	1.28	0.64	0.32	0.13	0.06



IMT-250-MP-XX-4S
250-Watt MP
23,750-Lumen Clear Lamp
Type IV



IMT-400-MP-XX-3S
400-Watt MP
40,000-Lumen Clear Lamp
Type III



IMT-400-MP-XX-4S
400-Watt MP
40,000-Lumen Clear Lamp
Type IV

FOOTCANDLE TABLE

Select mounting height and read across for footcandle values of each isofootcandle line. Distance in units of mounting height.

Mounting Height	Footcandle Values for Isofootcandle Lines				
	A	B	C	D	E
400-MP-3S					
18'	2.46	1.23	0.62	0.25	0.12
20'	**2.00**	**1.00**	**0.50**	**0.20**	**0.10**
25'	1.28	0.64	0.32	0.13	0.06
250-MP-4S / 400-MP-4S					
18'	6.15	2.46	1.23	0.62	0.25
20'	**5.00**	**2.00**	**1.00**	**0.50**	**0.20**
25'	3.20	1.28	0.64	0.32	0.13

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 8, 2012

Mr. Ned Amos
Cardinal Plumbing and Construction
10452 Willowdale Drive
Saint Louis, MO 63146

Re: Application #12-021: New conditional use permit
China King Restaurant – 12784 Olive Boulevard

Mr. Amos:

The Planning and Zoning Commission, at its meeting of August 6, 2012, reviewed your request for a new conditional use permit for China King Restaurant located at 12784 Olive Boulevard within the Schnucks Bellerive Plaza Shopping Center.

By unanimous vote, the Planning Commission recommends approval of the new conditional use permit for China King Restaurant, subject to the conditions contained in the draft ordinance (see attached). The first reading of the draft ordinance by the City Council is scheduled for Monday, August 13th, 2012. You or a representative should plan to be in attendance to speak for the request.

If you have any questions, please contact the Planning Division staff (872-2501) as soon as possible. Note that significant changes to the draft ordinance may require that the matter be returned to the Planning and Zoning Commission prior to City Council approval.

Sincerely,

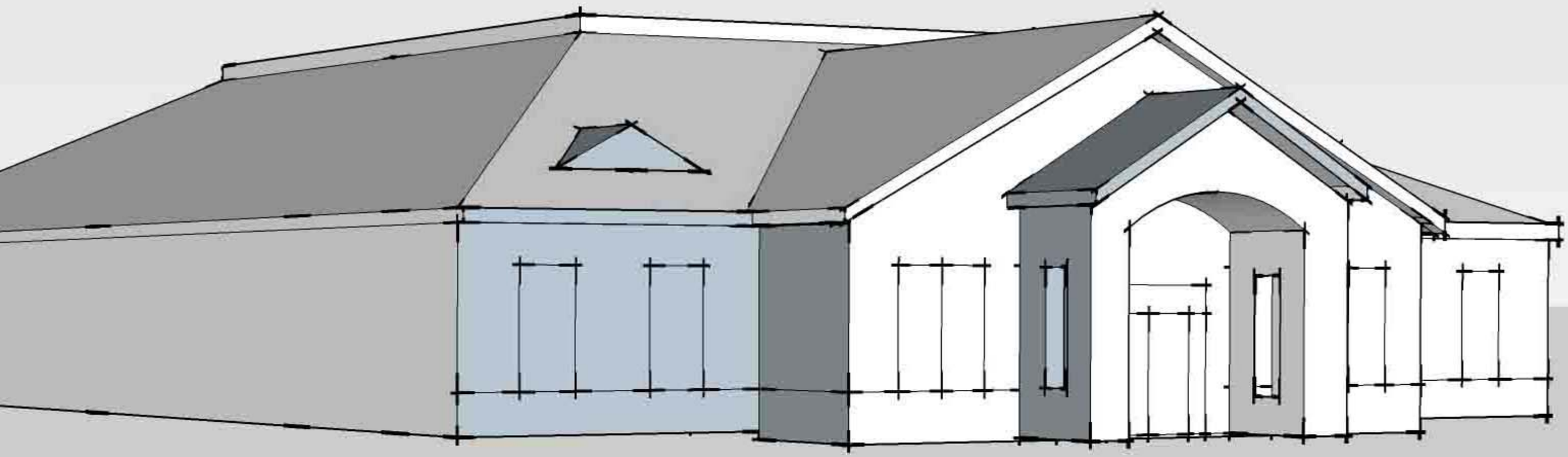
CITY OF CREVE COEUR

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

Goddard School



PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

MONDAY, AUGUST 6, 2012

7:00 P.M.

THOSE IN ATTENDANCE:

Mr. Gary Eberhardt, Chair
Dr. Michael Barton
Mr. James Faron
Ms. Cynthia Kramer
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 EBERHARDT: The Creve Coeur Planning & Zoning Commission for Monday, August 6th will come to order.

I'd like to begin by calling the roll.

Dr. Michael Barton?

MR. BARTON: Here.

CHAIRMAN EBERHARDT: James Faron?

MR. FARON: Present.

CHAIRMAN EBERHARDT: Ken Howard, absent. Cynthia Kramer, absent. Tim Madden, absent.

Jim Schnarr?

MR. SCHNARR: Present.

CHAIRMAN EBERHARDT: Carl Lumley, our City Attorney?

MR. LUMLEY: Present.

CHAIRMAN EBERHARDT: Paul Langdon, our Director of Community Development?

MR. LANDGDON: Present.

CHAIRMAN EBERHARDT: Ms. Whitney Kelly, City Planner?

MR. KELLY: Present.

CHAIRMAN EBERHARDT: And, Ms. Julie Lowery, Recording Secretary?

MS. LOWERY: Present.

(Cynthia Kramer is now present.)

2

CHAIRMAN EBERHARDT: Okay.

The next item on the agenda will be a public hearing being Public Hearing No. 12-019, Application For Subdivision and Rezoning from C-Single Family Residential to GC, General Commercial, and Site Development Plan for the Development of a Goddard School For Early Childhood Development at 11224 Olive Boulevard.

The applicant's representative is Andrew Brown from Brownstone Properties.

Yes, sir.

MR. BROWN: That would be me.

CHAIRMAN EBERHARDT: Would -- now anyone else be testifying, please come up, be sworn in before you make your presentation.

(Speakers were sworn in by the court reporter.)

CHAIRMAN EBERHARDT: Mr. Brown, you have the floor.

MR. BROWN: Okay. Members of the Commission, thank you for considering our application.

This is the second time in a year that we stand before you making a very similar request. The first time was on the Masonic Temple a block and a half to the east.

Unfortunately, that project didn't close. They had a changing of the board, and the new board wanted to stay in Creve Coeur and didn't want to sell the building,

so we're starting over. We found a very nice site at Olive and Mosley.

And the Goddard School -- I'd like to keep this brief because I'm sure a lot of you have heard this presentation before. The Goddard School is a premier childcare development program. It's a great school. It's out of King of Prussia, Pennsylvania. We identified a need in the Creve Coeur area to provide childcare services. There's a need. We want to fill the need.

We're applying for the subdivision -- the -- the site plan approval and a -- a -- and a zoning change from Single-Family to Commercial.

The staff report is very thorough. We worked a long time with the staff to, hopefully, work out most of -- most of the items.

We have an entrance off of Olive. It's a two-way entrance, and we have a single-entrance off of

Mosley.

We met with MoDOT. They've reviewed this. They approve it.

The entrance off of Mosley makes the condition very safe to make a left turn onto Olive. We're trying to direct mothers and their children to the stoplight and not have traffic making a left turn out onto Olive.

We've prepared a buffer along the -- the back

4

property and the east property line that consists of very heavy landscaping. It'll be very attractive along the green corridor along Olive, and to the east there's a -- a fence, and to the south there's an abundance of landscaping. The City has asked 20 percent of that landscaping to be moved upfront.

There's two playgrounds, one to the east and one to the west; 39 parking spaces.

The architecture of the school is -- it's not prototypical to Goddard. The size of the building is similar. They're all approximately 8500 square feet. And we have an architectural board. Everything on the board is correct except for, Paul, you'll notice the fence is white vinyl, and I know that's a -- that's something that Paul doesn't like, and we discussed that we wanted to do a black metal, so that's -- that's incorrect on -- on the board.

I have representatives from Goddard corporate, the local Goddard operator, who operates several successful schools, the architect, the civil engineer, and we would welcome the opportunity to answer or field any questions that you may have.

CHAIRMAN EBERHARDT: Thank you.

Are there any other representatives of the Goddard School who want to make any additional part of the

5

presentation, or just here to answer questions? Okay.

City staff -- City staff? Whitney, would -- Ms. Kelly. I mean --

MR. KELLY: Good evening. Whitney Kelly, City Planner for the City of Creve Coeur.

As the applicant indicated, this is almost the exact same project that we looked for at the Rose Hill Masonic Temple. We have just moved a little further west.

It is in with the same Comprehensive Plan accretionary of East Olive Corridor, which recommends as properties redevelop they maintain commercial with residential character. Given that the daycare facility is already a conditional use allowed within residential districts, we find that this use is appropriate for this district, and for the continuation of the GC district and to the east of this area.

The project will tear down the existing home at 11224 Olive Boulevard, as well as the property along -- as the home at 842 Mosley.

And as the -- as Andrew indicated, it is of a traditional schoolhouse design.

The new district boundary will split the property in two, and this part here will become the General Commercial District, and this property will be combined with the property to the south and maintain the

6

C-Single Family Residential District.

The proposed development does meet with the

Comprehensive Plan design guidelines, however, we -- as we discussed in the staff report, we found that the entry element on the front of the home was kind of commercial in nature and didn't fit in with the overall design, and we have discussed this with the applicant, and they agreed.

They have submitted a rendering of a direction that moves the element into the compliance with the design guidelines, however, they were not able to get as full rendering drawings at the time of the staff report, and so we just included a condition that be done prior -- for our approval prior to any building permits being issued.

The zoning of the District GC, the purpose and the intent as provided in the Zoning Code is for the convenience, retail and services which is compatible with adjacent residential districts.

And it is important to note that this allows for a buffer that is not currently allowed for the C-Single Family District. The home that will be torn down along Olive Boulevard is being used as a conditional use under the special permit condition that allows for homes to be converted into commercial use. This does not provide such a buffer, whereas the GC District does.

And while we find this use to be compatible with

7

the Comprehensive Plan and the neighborhood character of the GC District, we also have to feel comfortable that all uses within the GC District is fitting in with the character of the area.

And given that the commercial will continue to expand along Olive Boulevard, and it provides a certain number of protections of the residential neighborhoods to

the south, we do find that this is an appropriate expansion of the GC District.

There were -- there are -- the applicant is proposing to provide 39 parking spaces on site, and the Code provides for 32 spaces, so they are meeting all of the Zoning Code requirements of the district.

And if you have any other questions.

CHAIRMAN EBERHARDT: The landscaping, was that an issue as well?

MR. KELLY: Oh, sorry.

We did find that the landscaping was well-designed, however, it is focused at the back of the building between the site proof fence and the building, which loses much of the value of providing such the landscaping.

It is a little lacking along Olive Boulevard to meet with the green line park effect that is required for this district, this area of Olive Boulevard.

8

Therefore, we have included a condition that 20 percent of the plantings along this area just be relocated along the front to meet with that intent.

CHAIRMAN EBERHARDT: Was there also a staff recommendation concerning the trash enclosure?

MR. KELLY: Yes, sir. All accessory buildings and structures must have -- must maintain the same architectural standard as the main building, and, therefore, we have also included that as a condition as they did not provide elevations of those structures so.

CHAIRMAN EBERHARDT: Okay. Thank you, Ms. Kelly.

MR. FARON: I had a couple questions.

CHAIRMAN EBERHARDT: Sure.

MR. FARON: I -- the first about the -- so we're going to approach the green line issue of the Comprehensive Plan to move that 20 percent to the --

MR. KELLY: Uh-huh.

MR. FARON: -- front and accomplish that.

As has the other submittal months ago brought up a lot of, you know, concerns about the sidewalk in front.

MR. KELLY: Correct.

MR. FARON: Are we going to agree to leave the sidewalk as it is into the Mosley Square Shopping Center or are we going to try to pull that back like we did?

9

MR. KELLY: No, the site plan does show that it is being pulled back from the street and in compliance with the pedestrian plan. They're moving it, but you can see -- jaggs out right there.

MR. FARON: I couldn't really. So what's the buffer, is there like a 3 feet then a sidewalk then 6 feet to parking?

MR. KELLY: Yes, you can see it's approximately 3 feet and then a 5 foot sidewalk.

MR. FARON: Okay.

MR. KELLY: And then the landscaping along here.

MR. FARON: So the intent was to continue that approach along that part of Olive all the way down to Mary Meadows, and eventually when this all possibly goes --

MR. KELLY: Right. As projects redevelop further down Olive, we would be able to match up with this sidewalk and continue it down.

MR. FARON: And I believe, you can correct me if

I'm wrong, that's pretty much what I was asking for on the previous site, right, that matches --

MR. KELLY: Correct.

MR. FARON: -- kind of the request there, okay.

And third question, on that new entrance, is the material the same, is it a veneer stone there, I guess is -- I saw the geometry of it, but I guess the material is

10

going to be the same as what the -- the fully rendered elevation looks like just with the hip roof instead of the flat roof?

MR. KELLY: No, we did talk about a variation in the materials to be consistent with the design, and if you'd like to make a recommendation, we can have the applicant consider that.

MR. FARON: What, stone off the table?

MR. KELLY: No. You want to address the --

MR. BROWN: On the elevation?

MR. KELLY: Yeah.

MR. BROWN: Or the front elevation, the line there?

MR. KELLY: Correct.

MR. BROWN: Well, right now we're proposing to have it as stone.

MR. FARON: Just with the different design at the roof, basically?

MR. BROWN: Yeah, you know, if the City would urge us to go away with that, then we would -- we would like to comply with whatever.

MR. FARON: I would say I personally like that in that fashion. But I mean I guess we're open to other options, maybe brick or something that's residential, but,

25 obviously, it's not going to be an east system or

11

1 whatever, whatnot. Just curious when I saw the elevation
2 showing the different design, just had a question about
3 the materials, the finished look, so thank you.
4 MR. BARTON: Mr. Chairman.
5 CHAIRMAN EBERHARDT: Sure. Excuse me.
6 MR. BARTON: Just clarification, you had an
7 exhibit there with a white line across it?
8 MR. KELLY: Uh-huh.
9 MR. BARTON: What would be the disposition of
10 the land to the south of the white line?
11 MR. KELLY: The GC District is 1.4 acres, and I
12 believe the area to the south is 1.5.
13 Is that correct? So.
14 MR. BARTON: And what ultimately will become of
15 that land? Is that --
16 MR. KELLY: It's going to be combined with the
17 property -- included in your staff report is a motion
18 to -- for a boundary adjustment to combine it with the
19 property to the south, and it would be C-Single Family
20 Residential.
21 MR. BARTON: I see.
22 CHAIRMAN EBERHARDT: Any other questions from
23 the Commission Members?
24 Anyone in the audience wish to address the issue
25 or ask questions?

12

1 Please.
2 State your name and address for the record,
3 please.

MR. CALDWELL: David Caldwell, 257 Brooktrail Court.

This seems like a good project, but I do have a couple of comments.

One is this application reiterates what has been said before, and that is the need to address this whole area of Olive in a broader context better than a lot by lot.

The -- the idea that so long as it looks like a house it's okay is kind of anachronistic.

What's important is that we get the highest level of development along here, and it all has an appropriate buffer for the residential areas, and I don't argue about the buffer in this case, but I do worry that continuing to rely on a case -- lot by lot addressing of this is not the best way to achieve the best development and the -- and the fastest development of this area.

And that we need to address it in the Comprehensive Plan and get that -- get the buffer requirements established for the whole area along Olive in this area -- in this part of the City.

Now, I do have one specific question with

13

respect to this project.

The staff report lists the section about vehicular access is limited to no more than one per access -- per street, and the sharing of vehicular access between properties to minimize the number of curb-cuts is encouraged. This is the issue of cross access, which always comes up along here in these applications.

While I don't argue that cross access is necessarily the best answer for this particular lot, I

would ask staff to explain what rationalization has been used to not say anything about that requirement in this conditional -- in this permit, and particularly with respect to the lot to the east, would any cross access or requirement be required if that lot to the east was developed in the future?

CHAIRMAN EBERHARDT: Does someone from staff want to respond to Mr. Caldwell's question?

MR. LANDGDON: Mr. Chairman, we did look at it with the property, and we have talked with the property owners to the west.

There's really two things that -- that come to bear here in the case of the applicant because of the particular use that they have in mind, which is childcare.

They have, I would say, unique security concerns, not only from vehicular safety and cars crossing

14

through the property who may not even realize that it's a childcare, but also from a monitoring of the traffic, who's on the property and who's coming in, but then you also have the property owner to the west is simply unwilling to grant the cross access. It is a partnership arrangement that owns it. The partners don't all agree, but the prevailing group says no access will be granted.

As far as what could happen down the road if the residential corner on Renee were to redevelop, you know, at this point I would see that as well down the road, and it may be something that we can address at the time if the childcare has gone away, but so long as it's a childcare, I don't think that property owner manager will be willing to grant cross access either.

So normally we do pursue it. We did pursue it here. And we don't have willingness on any of the parties involved, so it's -- it's sort of a stopped issue at this point.

CHAIRMAN EBERHARDT: Any further questions or comments from anyone, Commission or otherwise?

Mr. Lumley, would you -- we'll close the public hearing now and ask you to read the items into -- that go into the record.

MR. LUMLEY: Thank you.

The following exhibits are offered into the

record of this public hearing: Documentation in possession of the City Clerk reflecting the notice that was provided to the public regarding this hearing, the staff's report regarding the application and materials presented this evening, the City's Code of Ordinances and Charter, the City's Comprehensive Plan, and the public file regarding the application.

CHAIRMAN EBERHARDT: Thank you.

(The public hearing was closed.)

BILL NO. 5381 **ORDINANCE NO. _____**

AN ORDINANCE APPROVING A MASTER SIGNAGE PLAN PURSUANT TO SECTION 405.950.6 OF THE CITY OF CREVE COEUR'S CODE OF ORDINANCES FOR THE CONGREGATION B'NAI AMOONA AND SAUL MIROWITZ JEWISH COMMUNITY SCHOOL CAMPUS LOCATED AT 324 S. MASON ROAD

WHEREAS, an application was submitted by the Summit Sign and Graphics, on behalf of Saul Mirowitz Jewish Community School for a Master Signage Plan for the Congregation B'Nai Amoona and Saul Mirowitz Jewish Community School campus located on 324 S. Mason Road, pursuant to Section 405.950.6 of the City of Creve Coeur's Code of Ordinances, to include new signage throughout the campus; and

WHEREAS, the boundaries of the Master Signage Plan will be for the entire development including all existing and proposed signage as demonstrated in the Plan dated August 8, 2012 and attached as Exhibit 1; and

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on July 16, 2012, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and

WHEREAS, notice of said public hearing had previously been 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, all persons who presented themselves at said meeting and desiring to be heard were given an opportunity to be heard; and

WHEREAS, the Planning and Zoning Commission reviewed and by an 5-0 vote recommended approval of the Plan subject to certain conditions at its meeting on Monday, August 6, 2012; and

WHEREAS, a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City 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 approving the Plan subject to certain conditions 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.

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

Section 1: A Master Sign Plan is approved for the Congregation B'Nai Amoona & Saul Mirowitz Jewish Community School campus pursuant to Section 405.950.6 in the "A" Single Family Residential zoning district whose legal description is as follows:

> Parcel Number 1:
> A tract of land In Section B, T 45N, R 5 E, being part of a larger tract conveyed to P. William Hoffman by deed recorded in Book 782, Page 292, SL Louis County Records and described as:

Beginning at a point in the eastern line of tract described by the above mentioned deed, distant N 01° 09' 00" W, 348.30 ft from Its Intersection with the northern line of Conway Road, 60 ft wide; thence along the eastern line of tract so convoyed, N 01° 09' 00" W, 720.55 ft to a point, hence along the western line of tract conveyed to said F. William Hoffman by above mentioned deed S 01° 09' 00" E, 869.56 ft to a point and thence S 89° 04' 00" E, 720.69 ft to the place of beginning.

Parcel Number 2:
A tract of land in Section b, T 45 N R 5 E, and being part of the larger tract conveyed to Leo Hoffman by deed recorded In Book 782, Page 291, SL Louis County Records, and described as:

Beginning at an Iron pipe in the eastern line of Mason Road, 40 ft wide, being In the northern line of the tract conveyed to Clarence WJ Hoffman and wife, by deed recorded In Book 3540, Page 2 of the SL Louis County Records; thence along the northern line of tract so conveyed, N 86° 42' 30" E, 335.08 ft to an iron pipe at northwestern comer of tract conveyed in last mentioned deed; thence along the east line of tract conveyed in last mentioned deed S 03° 17' 30" E, 260.00 ft. to the southeast comer thereof; thence N 86° 42' 30' E, 378.25 ft to a point In the eastern line of tract conveyed to Leo Hoffmann by the first above mentioned deed, thence along the east line of tract so conveyed N 0I° 09' 00" W, 869.56 ft. to a point; thence N 89° 29' 00" W, 286.20 ft to a concrete monument; thence N 00° 25' 00" W, 50.00 ft. to the southeast comer of tract conveyed to Ronald E. Hoffmann by deed recorded In Book 3544; Page 200 of the SL Louis County Records, and thence along the south line of tract so conveyed N 89° 29' 00" W, 463.57 ft to a concrete monument in the east line of Mason Road, 40 ft wide, and thence along said eastern line S 03° 17' 30" E, 708.64 ft to the place of beginning EXCEPTING THEREFROM the west 15.00 feet conveyed to ST. Louis County, MO for the widening of Mason Road by deed recorded In Book 7255, Page 2416.

Parcel Number 4:
A tract of land in Lot 2 of the Subdivision of Melvina Smith's Estate in the E 1/2 of the SE 1/4 of Section B, T .45 N, R 05 E, and described as follows:

Beginning at the northwest comer of said Lot 2; thence S 01° 09' 00" E, along the west line of said Lot 2, 815.97 ft to the northwest comer of a tract conveyed to Jacobs Bair by deed recorded In Deed Book 20, Page 436 of St. Louis County Records; thence S 88° 38' 00" E, along the north line of said Bair property, 104.38 ft to the northeast comer of said Bair property; thence N 01° 09' 00" W, along the northward north line of said Lot 2; thence N 89° 29' 00" W, along the north line of said Lot 2, 104.32 ft to the point of beginning.

Parcel Number 5:
A tract of land in Section B, T 45 N, R 05 E, St. Louis County, Missouri, and described as follows:

Beginning at a point in the eastern line of Mason Road, 40 ft wide, said point being the northwestern comer of property conveyed to Southern Missouri District Council of the Assemblies of God by deed recorded In Book 6711, Page 57 of the St. Louis County Records; thence along said road line N 03° 17' 00" W, 270.00 ft to its intersection with

the northern line of property conveyed to Clarence WJ Hoffmann and wide by deed recorded in Book 4574, Page 232 of the St. Louis County Records; thence along said Hoffmann's northern line N 86° 43" 00' E, 335.08 ft to the northeast comer thereof; thence along said Hoffmann's eastern line S 03° 17' 00" E, 260.00 ft to the southeastern comer thereof, said point being an angle point In the northern line of property conveyed to Southern Missouri District Council of the Assemblies of God, as aforementioned; thence along said northern line N 86° 43' 00" E, 28.42 ft to a point thence leaving said northern line and running S 03° 17' 00" E, 135.00 feet to a point; thence leaving said point and running S 86° 43' 00" W, 363.50 ft to a point in the eastern line of Mason Road, as aforementioned; thence along said road line N 03° 17' 00" W, 125.00 ft to the point of beginning.

SECTION 2: Such approval of the Master Signage Plan for the Congregation B'Nai Amoona & Saul Mirowitz Jewish Community School campus shall be subject to the following conditions:

1. The applicant shall submit sign permit and/or building permit applications for proposed signs referred to in the Master Sign Plan that currently do not possess a sign permit.
2. The applicant shall follow the Master Signage Plan dated August 8, 2012 for all new or altered signage on the campus, as approved by the City of Creve Coeur. The location, size, shape, color, type, and design of each sign shall not substantively depart from the Master Sign Plan, unless approved by the City of Creve Coeur.
3. Light pole banners are not permitted.
4. No additional permanent signage is allowed for the campus. Permitted temporary banners are allowed as provided under Section 405.940(E).

SECTION 3: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2012.

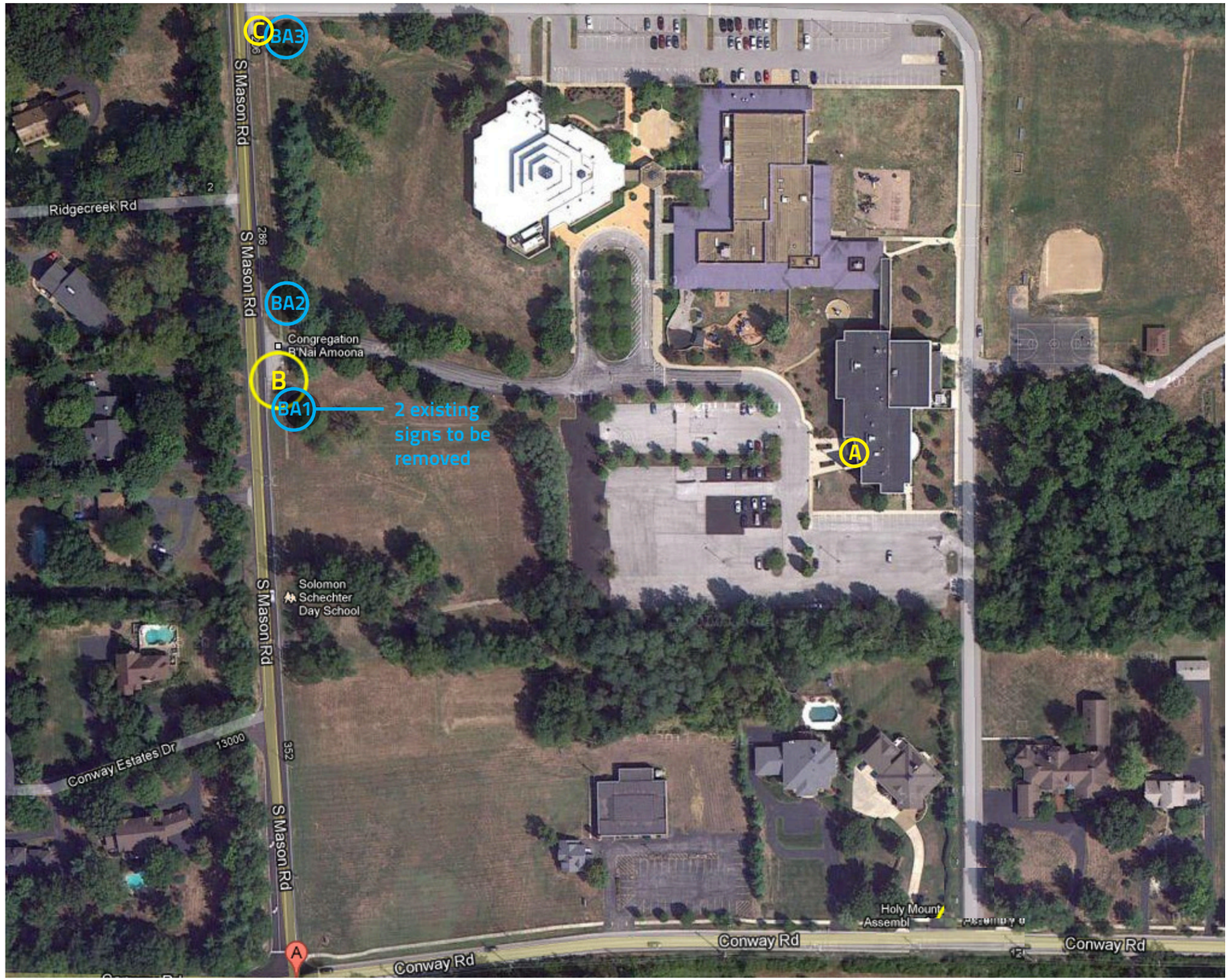
_____
ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

_____
BARRY GLANTZ
MAYOR

ATTEST:

_____
DEBORAH RYAN, MRCC
CITY CLERK



Proposed New Signage

A **Custom Fabricated Sign**
- located at front entrance

B **Post and Panel Sign System-**
located at Mason Rd entrance

C **Post and Panel Sign System-**
located North side at Mason Rd

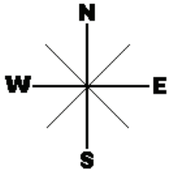
Existing Signage

BA1 **B'Nai Amoona**
2 signs slated for removal
1-purple sign, 1- blade sign
located South side of entrance
at Mason Rd.

BA2 **B'Nai Amoona-**
Concrete Monument Sign
located North side of entrance
at Mason Rd.

BA3 **B'Nai Amoona-**
1 sign slated for removal
Sanctuary Identification Sign
located North side at Mason Rd.

Please go to page 2-5 for specific Details of Signage



SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 8/08/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

City of Creve Coeur, Missouri
Saint Louis County

Date _____

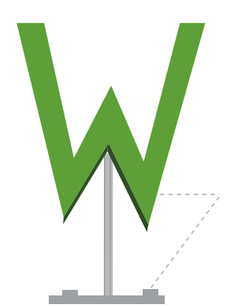
Proposed New Signage

Ⓐ Custom Fabricated Sign
- located at front entrance

TOTAL QTY: 1

12" Flat Cut Metal Letters
-Letters Stud-Mounted to Awning
-.125" Flat Cut Out Aluminum letters
-Painted-edges painted
-to have nutserts welded on backs
with 1/4" x 4" all threads

Color Details



Welded contstruction
-Letters Welded to steel beam
-Reverse channel letters (estimated 2" deep)
- Non Illuminated w/ aluminum backs
-1/4" Nutserts with 6" long all thread
-Painted 4 different colors (matthew's paint finish)
-Mounted on square tube pedestals with 6"
mounting platesrts with 6" long all thread

SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 8/08/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

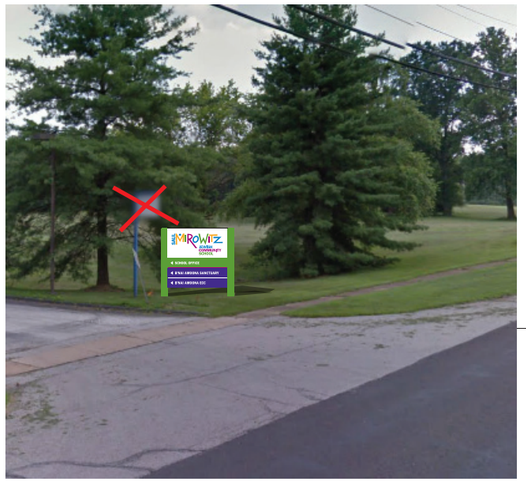
City of Creve Coeur, Missouri
Saint Louis County

Date _____

Proposed New Signage

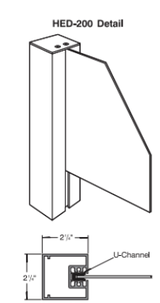
(B) Post and Panel Sign System- located at SouthMason Rd. entrance

TOTAL QTY: 1



Color Details

Frameless Post & Panel Sign System
-Double Post aluminum
-Single Face aluminum face
-Painted 4 different colors (matthew's paint finish)
-24" below ground extension of pole for installation



SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 8/08/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

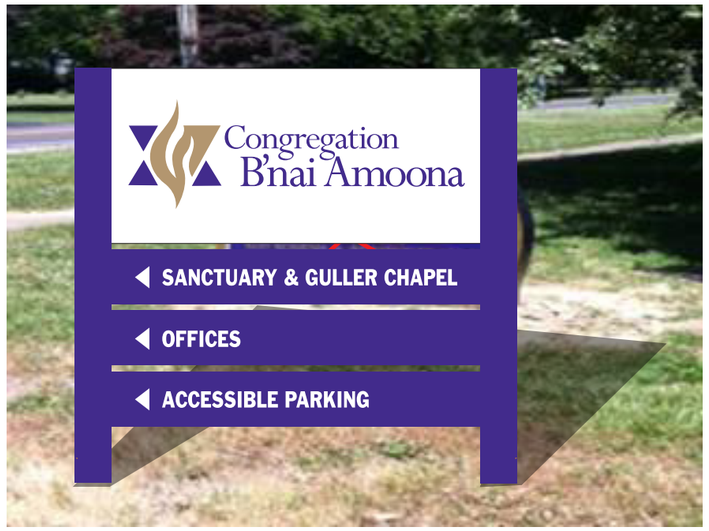
City of Creve Coeur, Missouri
Saint Louis County

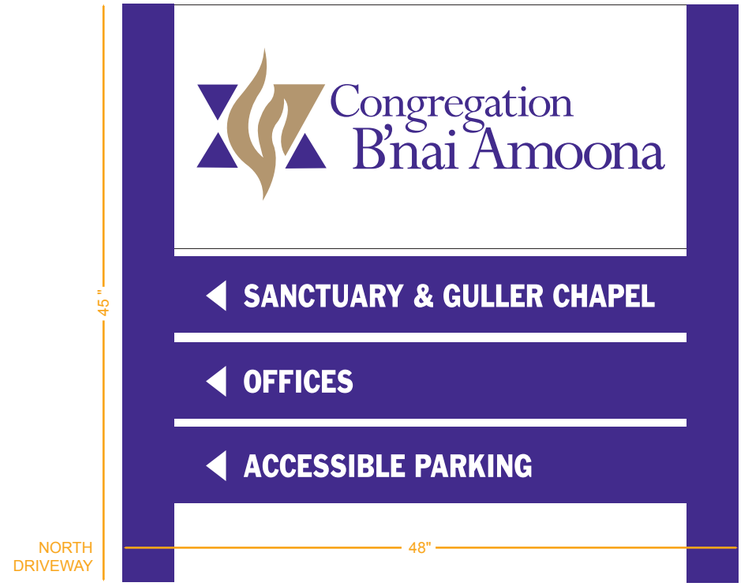
Date _____

Proposed New Signage

Ⓒ Post and Panel Sign System- located at North Mason Rd. entrance

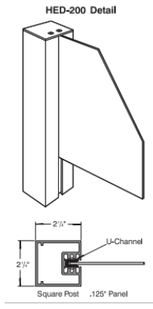
TOTAL QTY: 1





Color Details

Frameless Post & Panel Sign System
-Double Post aluminum
-Single Face aluminum face
-Painted 4 different colors (matthew's paint finish)
-24" below ground extension of pole for installation



SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 8/08/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

City of Creve Coeur, Missouri
Saint Louis County

Date _____

Existing Signage

BA1 **B'Nai Amoona** **TOTAL QTY: 2**
2 signs slated for removal

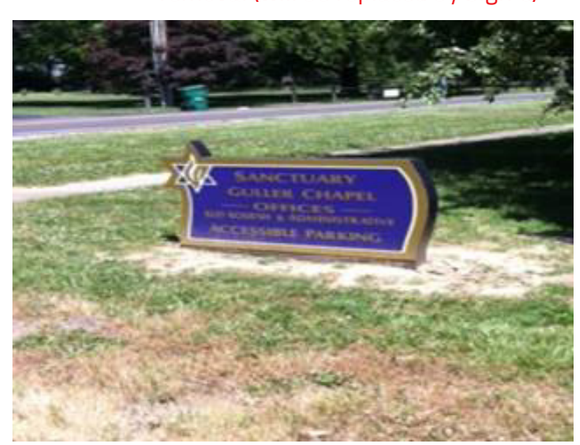
1-purple sign, 1- blade sign
located South side of entrance
at Mason Rd.

BA2 **B'Nai Amoona-**
Concrete Monument Sign **TOTAL QTY: 1**

located North side of entrance
at Mason Rd. - WILL REMAIN

BA3 **B'Nai Amoona-**
Sanctuary Identification Sign **TOTAL QTY: 1**

located North side at Mason Rd. - Slated for
removal (will be replaced by Sign C)



SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 8/08/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

City of Creve Coeur, Missouri
Saint Louis County

Date _____

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

MEMO TO CITY ADMINISTRATOR AND CITY COUNCIL

Meeting Date: August 27, 2012

Subject: MASTER SIGNAGE PLAN FOR THE CONGREGATION B'NAI AMOONA AND SAUL MIROWITZ JEWISH COMMUNITY SCHOOL CAMPUS LOCATED AT 324 S. MASON ROAD

Memo Prepared by: Whitney Kelly, AICP
City Planner

Attached: Revised Draft Ordinance

The Planning and Zoning Commission recommended draft ordinance for the Master Signage Plan for the Congregation B'Nai Amoona & Saul Mirowitz Jewish Community School campus included a condition that no other signs would be permitted which would include any future temporary signs. The School has indicated that they would like to utilize temporary banners, therefore in consideration of the revisions to the Sign Ordinance under consideration at the Planning and Zoning Commission, attached is a revision draft ordinance with a revised to allow temporary banners, as underlined:

SECTION 2: Such approval of the Master Signage Plan for the Congregation B'Nai Amoona & Saul Mirowitz Jewish Community School campus shall be subject to the following conditions:

1. The applicant shall submit sign permit and/or building permit applications for proposed signs referred to in the Master Sign Plan that currently do not possess a sign permit.
2. The applicant shall follow the Master Signage Plan dated August 8, 2012 for all new or altered signage on the campus, as approved by the City of Creve Coeur. The location, size, shape, color, type, and design of each sign shall not substantively depart from the Master Sign Plan, unless approved by the City of Creve Coeur.
3. Light pole banners are not permitted.
4. No additional <u>permanent</u> signage is allowed for the campus. <u>Permitted temporary banners are allowed as provided under Section 405.940(E).</u>

The Council should also be aware that the Planning and Zoning Commission is currently reviewing comprehensive changes to the City's Sign Regulations. One of the proposed changes includes revisions to the permitted signage allowed for institutions in residential districts, specifically the use of temporary banners. Currently, institutions may have a temporary sign for up to 6 months of the year but, due to the length of time and that these institutions are in residential districts, residents have complained that they are up too long. Commission members have included a revised standard that is similar to the non-residential standards in that banners would be allowed for 30 days per permit and 3 permits per year to coincide with the spring and fall enrollment periods, plus one special event. The proposed revision the Sign Regulations under consideration would be as follows:

E. *Institutional Uses In Residential Districts*.

1. Institutional uses in residential districts such as schools and places of worship shall be allowed one (1) permanent sign not exceeding twelve (12) square feet in size, except, however, that any such use which has a minimum of two (2) street frontages which each exceed three hundred (300) lineal feet shall be permitted two (2) such signs. The permanent sign may be a bulletin board sign with manually-changeable copy or may be an on-premises permanent sign. ~~In addition, such uses shall be permitted one (1) temporary sign not exceeding twelve (12) square feet in size, provided that the display of such sign shall be limited to a period of ninety (90) days and a minimum of ninety (90) days shall elapse prior to posting another temporary sign on the premises.~~
2. Institutional uses in residential district may be permitted one (1) temporary sign not exceeding twelve (12) square feet in size, provided that the display of such sign shall be limited to three (3) times per year for up to thirty (30) days each period. A separate sign permit shall be required for each event.

If any of the Council Members have any questions or concerns, Planning Division Staff will be available to answer any questions.

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 #12-018 FOR APPROVAL OF A MASTER SIGN PLAN FOR THE SAUL MIROWITZ & B'NAI AMOONA CAMPUS AT 324 S. MASON ROAD

FOR THE MEETING OF: August 6, 2012

LOCATION: 324 S. Mason Road

REQUEST: Congregation B'Nai Amoona and Saul Mirowitz Jewish Community School (formerly the Solomon Schechter Day School), has submitted a revised request for approval of a Master Sign Plan to allow for new signs on the campus that include new building sign for the school, and two new directional signs along Mason Road, replacing the existing signs.

ADDITIONAL INFORMATION: The 32.8 acre campus is located at 324 S. Mason Road (see attached map) at the northeast corner of S. Mason Road and Conway Road and is zoned "A" Single Family Residential District Section 405.950.6 Master Signage Plans allows for consideration of a comprehensive plan of signage subject to the recommendation of the Planning and Zoning Commission and approval of the City Council for residentially-zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres.

Key Issues:
- Consistency in design, materials, and siting
- Visual clutter
- Protection of pedestrian and vehicular traffic safety from the proliferation of signs.

Comp. Plan References
- Design Guidelines

Zoning Code References
- Article VIII Sign Regulations
- 405.940 Signs in Residential Districts
- 405.950.6-Master Signage Plans

APPLICANT: Patty Bloom
Director of Admissions
and Marketing
Saul Mirowitz Jewish
Community School

REPORT PREPARED BY: Whitney Kelly, AICP, City Planner — 8/3/2012 Date

ATTACHMENTS: Applicant's revised materials
Draft Ordinance
Staff Report from July 16, 2012 P & Z Commission Meeting

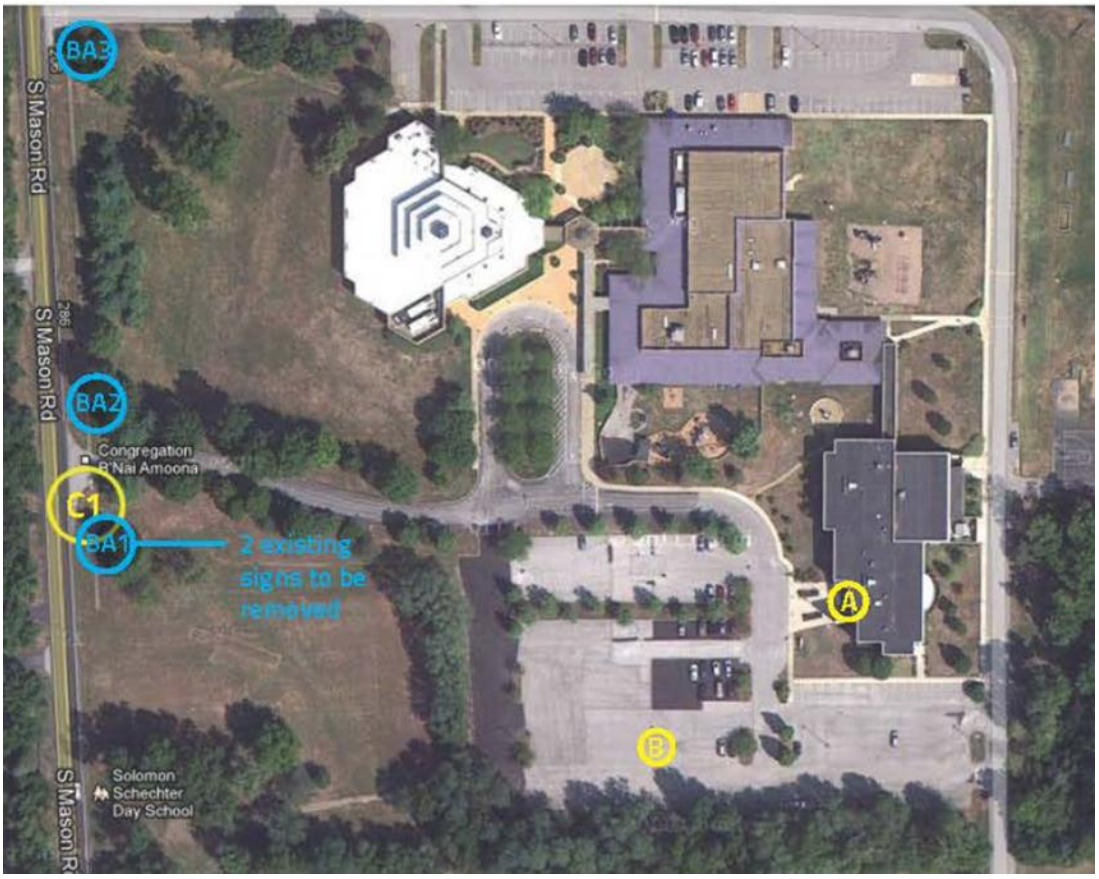
BACKGROUND

B'nai Amoona Congregation received approval for a site development plan and conditional use permit for the Solomon Schechter Day School in 1999. The 32.8 acre campus is located at 324 S. Mason Road at the northeast corner of S. Mason Road and Conway Road and is zoned "A" Single Family Residential District.

Saul Mirowitz Jewish Community School, which is leasing the former the Solomon Schechter Day School space, submitted a request for approval of a Master Sign Plan to allow for new signs on the campus. During the July 16th Planning and Zoning Commission meeting, Commission members continued the discussion to the August 6th, so that the applicant could revise the plan to address concerns with the proposal's lack of conformity with the zoning code requirements.

REVISED MASTER SIGN PLAN PROPOSAL

The applicants have revised the directional signage at the north, identified as BA3 in the prior plan, and south entrance, identified as C1 on the prior plan map below, along Mason Road to provide for a unifying design elements of the signs, and will not pursue the light-pole banners for the south parking lot.

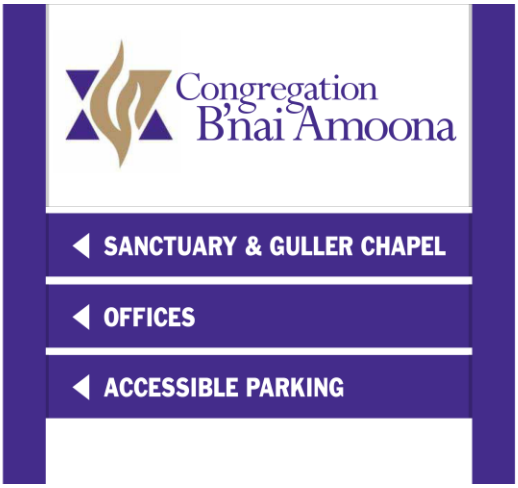


Map of sign locations at the B'Nai Amoona Congregation & Saul Mirowitz Jewish Community Day School

Therefore, the new signs include a 68.6 square-foot Saul Mirowitz sign placed over the entrance canopy of the school, and the 20 square-foot tag line for "Jewish Community School" attached to the face of the canopy (as pictured below).

Building Signage (A)

Two new 4 feet high, 15 square-foot, parking direction signs along Mason Road at the north and south entrances have been redesigned to appear as follows:



The existing ground sign for the B'nai Amoona along S. Mason Road, will remain.

CONCLUSION AND ACTION

With these changes, Staff find the request to be consistent with the intent of the Master Sign Plan, and the Design Guidelines, and requirements of Article VIII, Sign Regulations of the Zoning Ordinance. If the Commission members finds the attached draft ordinance to be in conformance with the purposes and regulations of the Zoning Code, it should vote on a recommendation to the City Council for approval. Action on the proposal will come in the form of a recommendation of approval, approval with conditions, or denial. The following is an example of an appropriate motion for this application:

> "I move to recommend approval of the Master Signage Plan for the B'Nai Amoona/Saul Mirowitz Campus, submitted with Application #12-018, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of August 6, 2012" (conditions may be added, eliminated, or modified by preceding motion)

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.

SAUL MIROWITZ JEWISH COMMUNITY SCHOOL

◀ SCHOOL OFFICE

◀ B'NAI AMOONA SANCTUARY

◀ B'NAI AMOONA ECC

Congregation B'nai Amoona

◀ SANCTUARY & GULLER CHAPEL

◀ OFFICES

◀ ACCESSIBLE PARKING

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 #12-018 FOR APPROVAL OF A MASTER SIGN PLAN FOR THE SAUL MIROWITZ & B'NAI AMOONA CAMPUS AT 324 S. MASON ROAD

FOR THE MEETING OF: July 16, 2012

LOCATION: 324 S. Mason Road

REQUEST: Congregation B'Nai Amoona and Saul Mirowitz Jewish Community School (formerly the Solomon Schechter Day School), has submitted a request for approval of a Master Sign Plan to allow for new signs on the campus that include light pole banners, new building sign, and directional signage. The 32.8 acre campus is located at 324 S. Mason Road (see attached map) at the northeast corner of S. Mason Road and Conway Road and is zoned "A" Single Family Residential District

ADDITIONAL INFORMATION: Section 405.950.6 Master Signage Plans allows for consideration of a comprehensive plan of signage subject to the recommendation of the Planning and Zoning Commission and approval of the City Council for residentially-zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres.

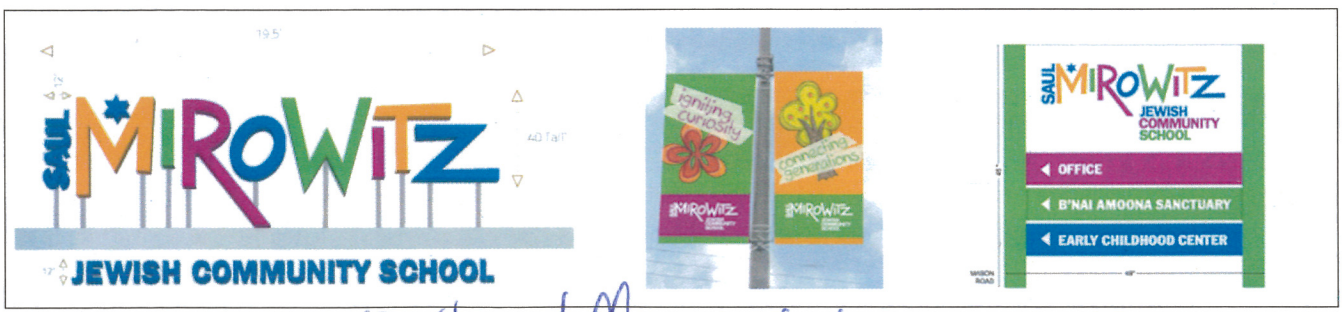
Key Issues:
- Consistency in design, materials, and siting
- Visual clutter
- Protection of pedestrian and vehicular traffic safety from the proliferation of signs.

Comp. Plan References
- Design Guidelines

Zoning Code References
- Article VIII Sign Regulations
- 405.940 Signs in Residential Districts
- 405.950.6-Master Signage Plans

APPLICANT: Patty Bloom
Director of Admissions and Marketing
Saul Mirowitz Jewish Community School

APPLICANT'S REPRESENTATIVE: Andy Hrdlicka
Summit Sign and Graphics
330 Southport Drive
Columbia, Illinois 62236



REPORT PREPARED BY: Whitney Kelly 7/12/2012

Whitney Kelly, AICP — Date
City Planner

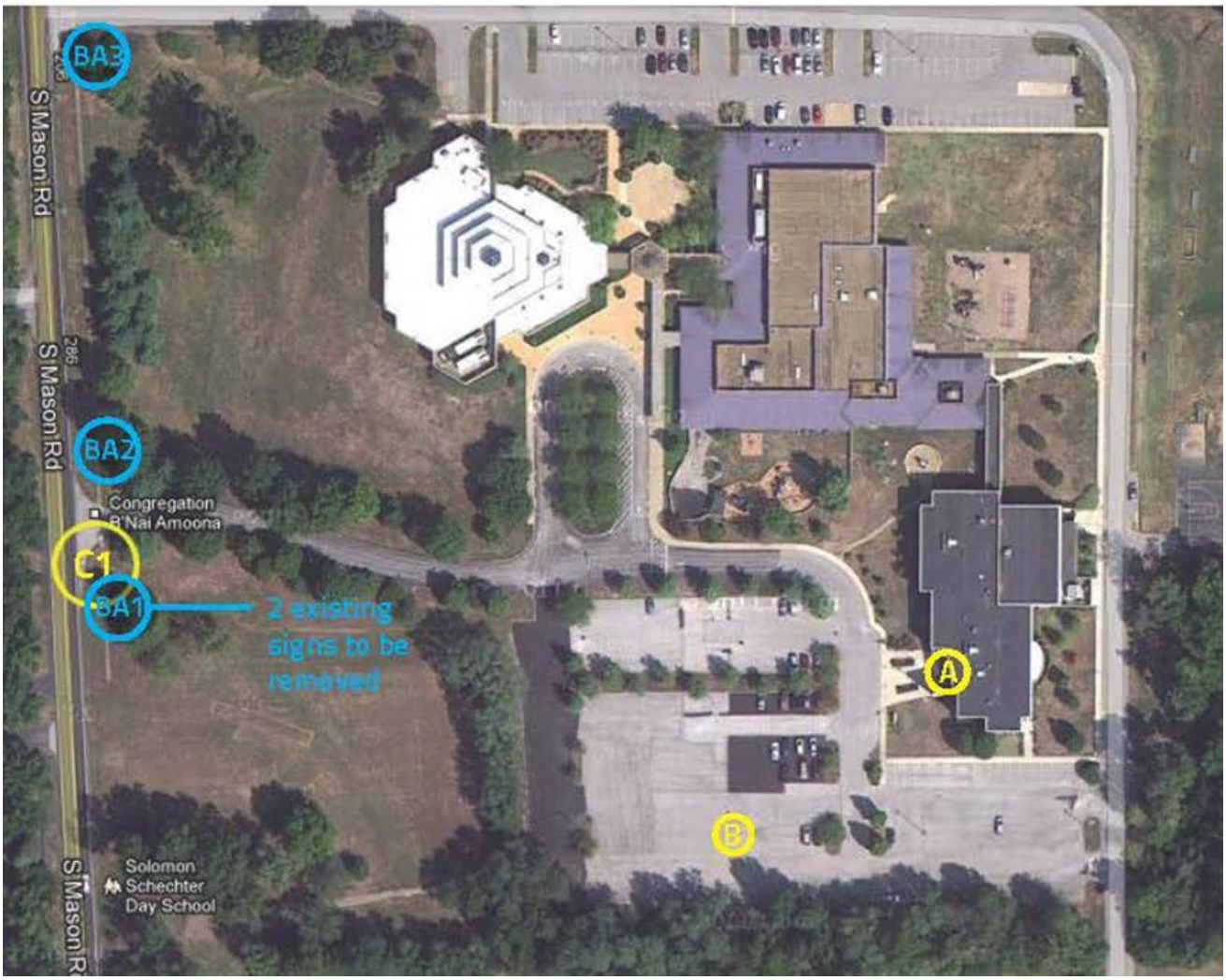
ATTACHMENTS: Draft Ordinance
Applicants Materials, received June 11, 2012

BACKGROUND

B'Nai Amoona Congregation received approval for a Site Development Plan and Conditional Use Permit for the Solomon Schechter Day School in 1999. The 32.8 acre campus is located at 324 S. Mason Road at the northeast corner of S. Mason Road and Conway Road and is zoned "A" Single Family Residential District.

MASTER SIGN PLAN PROPOSAL

Andy Hrdlicka of Summit Sign and Graphics, on behalf of Congregation B'Nai Amoona and Saul Mirowitz Jewish Community School (formerly the Solomon Schechter Day School), has submitted a request for approval of a Master Sign Plan to allow for new signs on the campus that include light pole banners, new building signage, and directional signage, along with maintaining the existing ground sign for B'Nai Amoona Congregation (identified as BA2 on the map below and pictured) and the parking direction sign for the north entrance (identified as BA3 on the map below and pictured).



Map of sign locations at the B'Nai Amoona Congregation & Saul Mirowitz Jewish Community Day School

Existing Ground sign to remain (BA2)

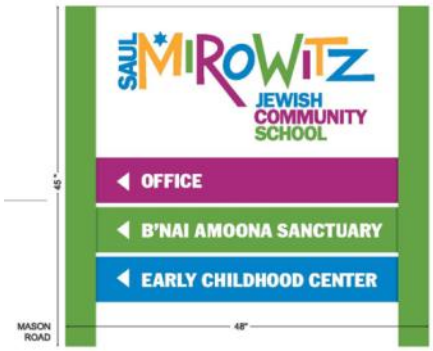
Existing parking direction sign to remain (BA3)

New signs include a 68.6 square foot Saul Mirowitz sign placed over the entrance canopy of the school, and the 20 square foot tag line for Jewish Community School attached to the face of the canopy (as pictured below)

Building Signage (A)

The applicant is also proposing to add 10 light pole banners, located in the south parking lot (identified as B on the map above and shown below), and to replace the existing parking direction sign for the south entrance with a new 15 square foot parking direction sign along Mason Road (identified as C1 and shown below).

Example of the light pole graphics located in the south parking area (B)



New parking direction sign along Mason Road (C1)

Existing parking direction sign to be removed (BA1) and replaced with the above proposed sign

LAND USE AND ZONING OF SURROUNDING PROPERTIES
The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Residential	"A" Single Family Residential	NA
South	Residential	"A" Single Family Residential	NA
East	Residential	"A" Single Family Residential	NA
West	Residential	City of Town and County	S. Mason Road

COMPREHENSIVE PLAN REVIEW
The Comprehensive Plan does not provide much direction in sign review, except recommend that they City ensure that non-residential development is compatible with adjacent residential development (page 23).

The Design Guidelines offer further recommendations in reviewing signs, by recommending that sign plans include a consistency of materials, siting, and design, while allowing for individual identification. Specifically, all signs are to be architecturally integrated and complement their surroundings in terms of size, shape, color, texture and lighting. Signs are to complement the overall design of the building and are not to be designed to be in visual competition with other signs in the area. New signs proposed for existing buildings should provide a compatible appearance with other building signage. Where no sign program exists there should be an attempt to bring in a unifying element (such as size). (Chapter 5, page 17)

The purpose of the master sign plan is to ensure that the overall design themes for signs are incorporated throughout the campus setting in a comprehensive manner, but to also allow for different tenant identification beyond what the existing sign regulations allow. As the proposed signs are within a residential setting and will have a greater visual impact on the surrounding community, a unifying design theme is critical to meet with the intent of the Design Guidelines and the Comprehensive Plan. Having competing signs on one campus creates visual clutter. The proposed signs provide no unifying theme with the existing signs on the campus, nor do they relate to the surrounding residential development. The use of inconsistent materials, particularly

with the competing parking direction signs and the ground sign along Mason Road, as well as the light pole banners concentrated on one side of the campus, visually divides the campus when it should be tying it together. Therefore the proposed Master Sign Plan for the B'Nai Amoona/Saul Mirowitz Campus is inconsistent with the Comprehensive Plan and the Design Guidelines.

ZONING CODE REVIEW

All signs within the City are regulated under Article VIII of the Zoning Ordinance. The purpose of the Sign Regulations are to encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic appearance of the City and to facilitate and improve pedestrian and vehicular traffic safety, and to lessen confusion and visual clutter caused by a proliferation of signs competing for attention. Signs in residential districts are limited to 12 square feet for wall signs, and light pole banners are limited to non-residential districts. Relevant sections of the Sign Regulations are below:

Article VIII SIGN REGULATIONS OF THE ZONING ORDINANCE

Section 405.940 SIGNS IN RESIDENTIAL DISTRICTS

E. Institutional Uses In Residential Districts.

1. Institutional uses in residential districts such as schools and places of worship shall be allowed one (1) permanent sign not exceeding twelve (12) square feet in size, except, however, that any such use which has a minimum of two (2) street frontages which each exceed three hundred (300) lineal feet shall be permitted two (2) such signs. The permanent sign may be a bulletin board sign with changeable copy or may be an on-premises permanent sign. In addition, such uses shall be permitted one (1) temporary sign not exceeding twelve (12) square feet in size, provided that the display of such sign shall be limited to a period of ninety (90) days and a minimum of ninety (90) days shall elapse prior to posting another temporary sign on the premises.
2. Low monument signs. An institutional use occupying a site of at least thirty thousand (30,000) square feet may also be permitted a single, low monument sign used primarily for identification or as a bulletin board sign, provided such sign contains not more than twelve (12) square feet of sign area per face with not more than two (2) faces, is not more than six (6) feet in total height above the elevation of the centerline of the adjacent right-of-way or the adjacent finish grade, is set back at least ten (10) feet from the right-of-way of said fronting street or highway, is not located within the site distance triangle described in Section 405.670 of this Chapter and the site meets one (1) of the following criteria:
   a. The site has at least three hundred (300) feet of frontage on a street or highway other than Lindbergh Boulevard; or
   b. The site has at least two hundred (200) feet of frontage on Lindbergh Boulevard.
3. Campus monument sign. An institutional use occupying a site in excess of five (5) acres may, by filing a plan with the Zoning Administrator, have a single, freestanding, on-premises permanent sign identifying the institutional campus or complex in accordance with the following standards:
   a. Maximum sign area. Sixty (60) square feet.

b. Maximum area per sign face. Twenty-four (24) square feet.
c. Maximum height. Six (6) feet above prevailing base grade.
d. Setback from right-of-way. Fifteen (15) feet.

4. Parking direction signs. One (1) freestanding parking direction sign, which may be internally illuminated subject to Section 405.930(F) shall be permitted for every one hundred fifty (150) parking spaces with not more than two (2) sign faces, provided the sign does not exceed fifteen (15) square feet in gross sign area per face, the sign height does not exceed four (4) feet in height and no portion of the sign shall extend into the public right-of-way. The sign shall be placed within the parking lot and may contain the name and logo of the institution in addition to messages providing directional information.

However, the Master Signage Plan allows for deviation from the sign regulations on large campuses in order to provide for a more consistent program as to ensure convenience to the visitor, user or occupant of the development while not adding to street clutter or otherwise detracting from the planned unit nature of the development. All signs shall be in scale and harmonious with the development and provide an overall design them throughout the campus in a comprehensive manner.

6. *Master signage plans*--"CB" Core Business District, "PH" Planned Hospital District, "HE" Higher Education District and residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres). The provisions set forth in the preceding Sections 405.910, et seq., shall be applicable as stated therein to signs accessory to uses in "CB" Core Business District, "PH" Planned Hospital District and "HE" Higher Education District and signs accessory to residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres). However, in keeping with the intent to allow flexibility in the design of planned developments and campuses, the following options may be applicable to signs accessory to uses in the "CB" Core Business District, "PH" Planned Hospital District and "HE" Higher Education District and signs accessory to residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres):
   a. As an alternative, signs may be permitted in accordance with a Comprehensive Plan of signage subject to the recommendation of the Planning and Zoning Commission and approval of the City Council following a public hearing conducted in accordance with the provisions of Sections 405.1060(D)(3) and 405.1120 of the Zoning Code. The Comprehensive Plan of signage shall show the location, size, height and extent of all proposed signs, as well as the nature of the information to be displayed on the signs. In addition, the geographic limits of the area to be covered by the Comprehensive Plan of signage must be shown.
   b. In addition, a plan for off-site directional signs in commercial districts which identify commercial centers and institutional campuses may be recommended by the Planning and Zoning Commission and approved by the City Council following a public hearing conducted in accordance with the provisions of Sections 405.1060(D)(3) and 405.1120 of the Zoning Code. The plan for off-site signs shall show the location, size, height and extent of all signs encompassed within the signage plan, as well as the nature of the information to be displayed on each sign. All such signs shall be located within the "CB" Core Business District,

"PH" Planned Hospital District or "HE" Higher Education District. Off-site signage is not permitted in residential districts.

c. Any application submitted pursuant to Subsection (6)(a) or (b) above may be made by any property owner, owner of an easement, lessee, contract purchaser or their agent. Such application shall be accompanied by a statement setting forth the names of the record owners of the properties upon which such signs are proposed to be located and the notarized agreement of each record owner to the placement of such signs on their property. When an application requests permission to erect a sign on property owned by someone other than the applicant, then such application shall be accompanied by a written and notarized statement signed by the record owners of such properties which indicates their endorsement of the application.

d. The above-cited signage options shall be exercised in accordance with the standards for all planned developments as set forth in Section 405.1080. All proposed signs shall be in scale and harmonious with the development and shall be so located and sized as to ensure convenience to the visitor, user or occupant of the development while not adding to street clutter or otherwise detracting from the planned unit nature of the development and the purposes of architectural and urban design elements.

The proposed B'Nai Amoona/Saul Mirowitz Campus Master Sign Plan is inconsistent with the intent of the Zoning Code provision for master sign plan as there is no unifying comprehensive approach to the campus setting and the residential character of the zoning district, as outlined in the Design Guidelines discussion above.

CONCLUSION AND ACTION

It is Staff's opinion that the absence of a unifying element is inconsistent with the intent of the Master Sign Plan, and the Design Guidelines. However, if the Planning and Zoning Commission believe the Master Sign Plan proposal for the B'Nai Amoona/Saul Mirowitz Campus is consistent with the purpose and requirements of Article VIII, a recommendation to the City Council for approval is necessary. Action on the proposal will come in the form of a recommendation of approval, approval with conditions, or denial. The following is an example of an appropriate motion for this application:

> "I move to recommend approval of the Master Signage Plan for the B'Nai Amoona/Saul Mirowitz Campus, submitted with Application #12-018, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of July 16, 2012" (conditions may be added, eliminated, or modified by preceding motion).

If the Commission members wish to defer the recommendation to the following meeting to allow the applicant to modify the designs to be consistent with the Design Guidelines and the Master Sign Plan provision, the following is an example of an appropriate motion:

> "I move to recommend deferral of the Master Signage Plan for the B'Nai Amoona/Saul Mirowitz Campus, submitted with Application #12-018, until the August 2nd meeting date to allow the applicant to address the concerns raised in the staff report for the meeting of July 16, 2012"

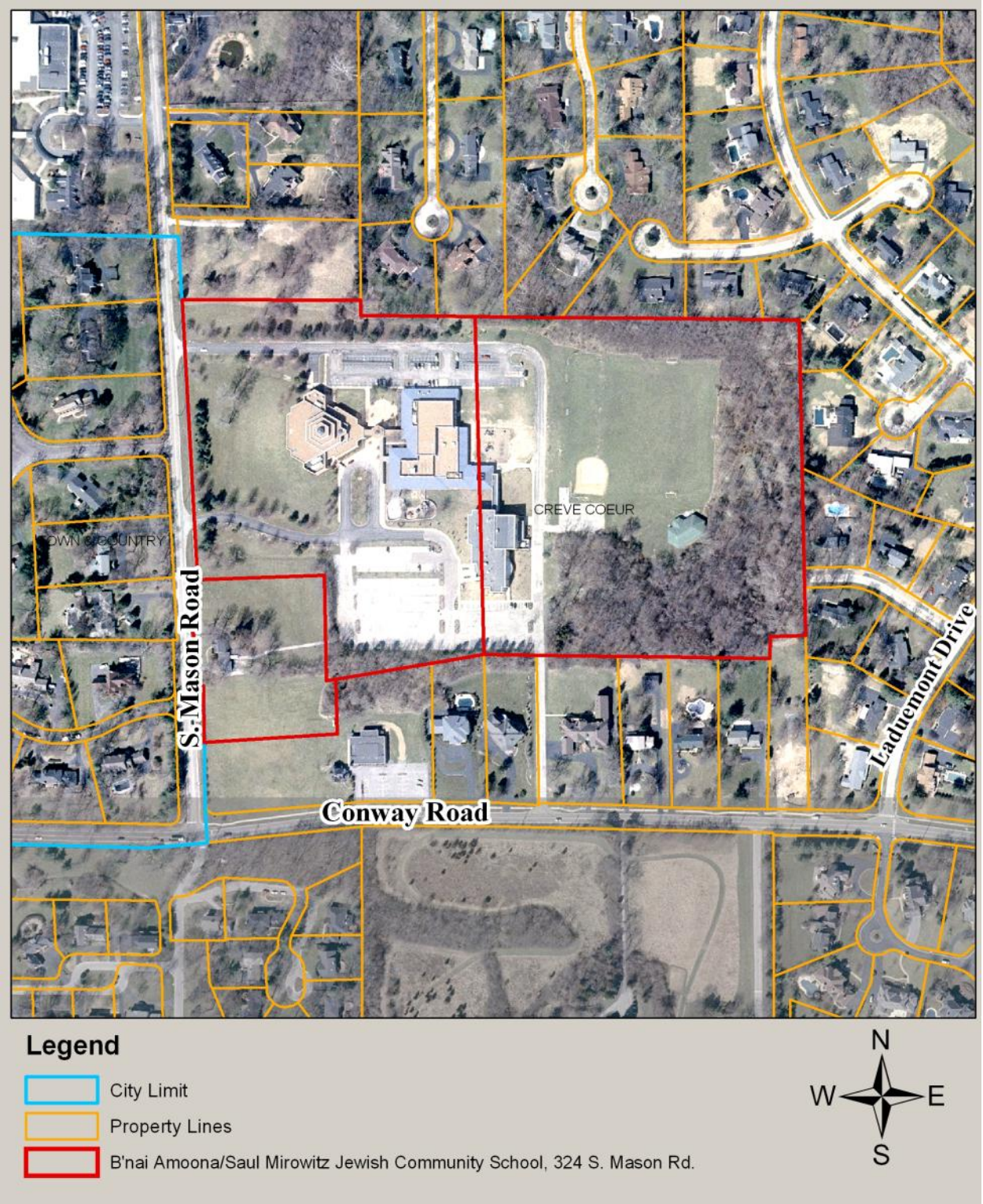
APPENDIX 1: COMPREHENSIVE PLAN

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.

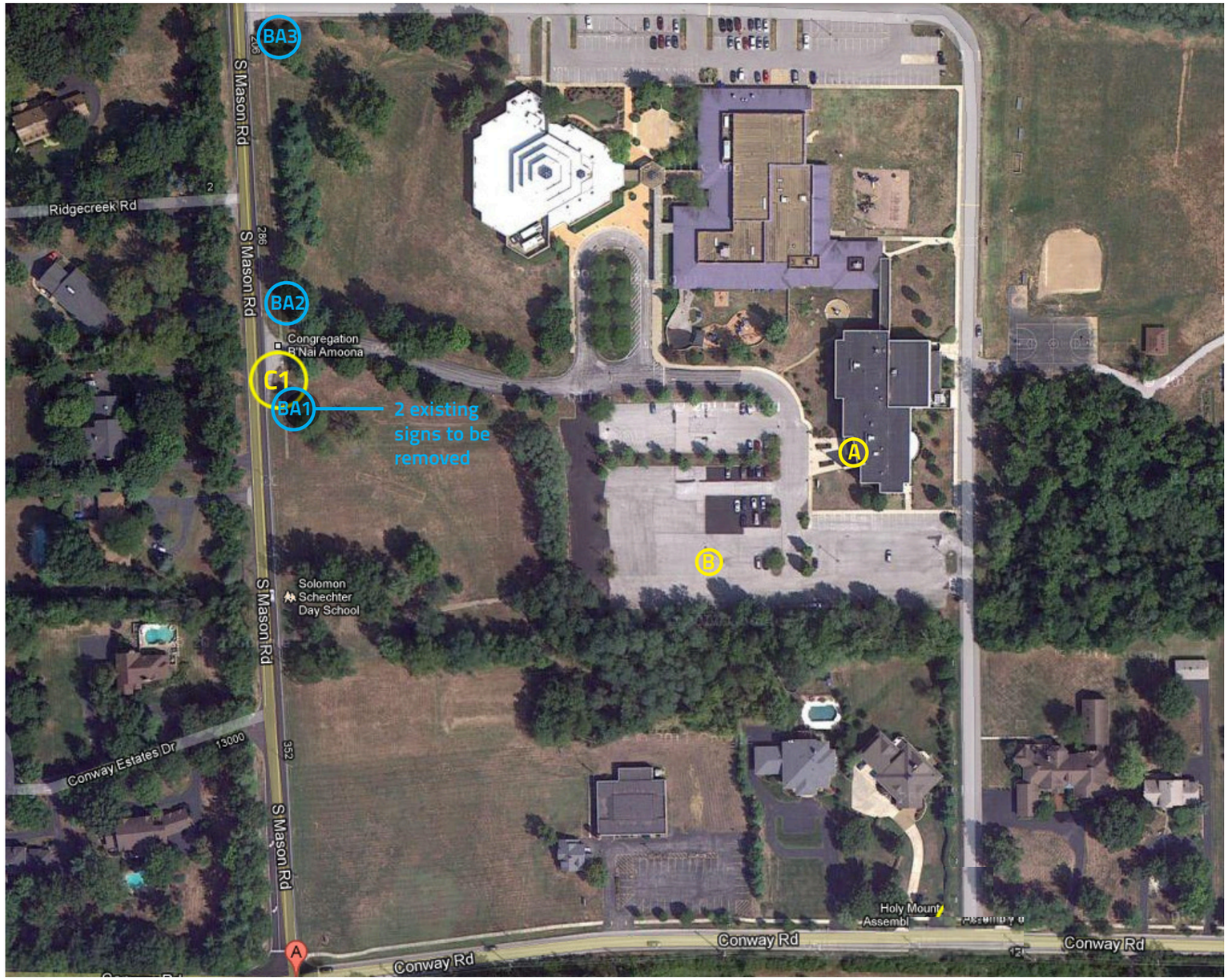
APPENDIX 3: AERIAL PHOTO



APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 07/09/2012 and 7/12/2012
	Picture of the existing school building where the proposed building signage will be located.
	View of the existing ground monument sign that is proposed to remain.
	View of the existing parking direction sign at the north entrance along Mason Road that is proposed to remain.

	View of illegal temporary signs at the north entrance.
	View of the illegal temporary banner within the south parking lot.
	View of the pole sign proposed for removal at the south entrance from Mason, along with the low parking direction sign that matches the one at the north entrance. (Note: approval of the existing, low parking direction sign required removal of the pole sign. In other words, the pole sign will need to be removed either way.)

	View looking south along Mason Road, from the southern entrance into the campus.
	View looking north along Mason Road at the southern entrance into the campus.



Proposed New Signage

A Custom Fabricated Sign
- located at front entrance

B Pole Banners
- located on light posts in parking lot

C1 Post and Panel Sign System-
located at Mason Rd entrance

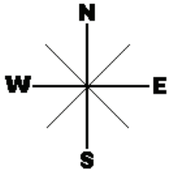
Existing Signage

BA1 B'Nai Amoona
2 signs slated for removal
1-purple sign, 1- blade sign located South side of entrance at Mason Rd.

BA2 B'Nai Amoona-
Concrete Monument Sign
located North side of entrance at Mason Rd.

BA3 B'Nai Amoona-
Sanctuary Identification Sign
located North side at Mason Rd.

Please go to page 2-5 for specific Details of Signage



SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 6/05/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

City of Creve Coeur, Missouri
Saint Louis County

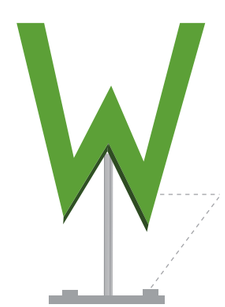
Date _____

Proposed New Signage

Ⓐ Custom Fabricated Sign
- located at front entrance

TOTAL QTY: 1

Color Details



12" Flat Cut Metal Letters
-Letters Stud-Mounted to Awning
-.125" Flat Cut Out Aluminum letters
-Painted-edges painted
-to have nutserts welded on backs
with 1/4" x 4" all threads

Welded contstruction
-Letters Welded to steel beam
-Reverse channel letters (estimated 2" deep)
- Non Illuminated w/ aluminum backs
-1/4" Nutserts with 6" long all thread
-Painted 4 different colors (matthew's paint finish)
-Mounted on square tube pedestals with 6"
mounting platesrts with 6" long all thread

SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 6/05/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

City of Creve Coeur, Missouri
Saint Louis County

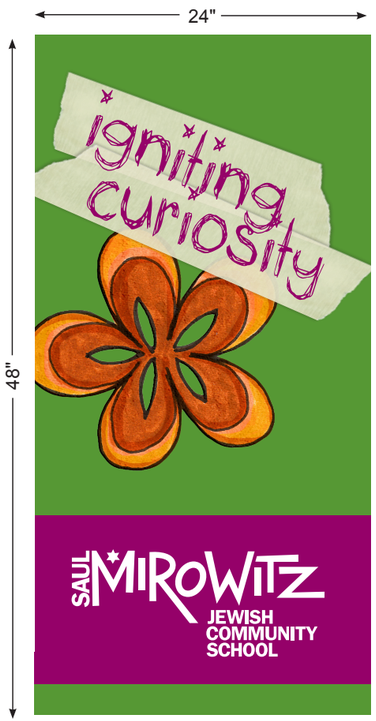
Date _____

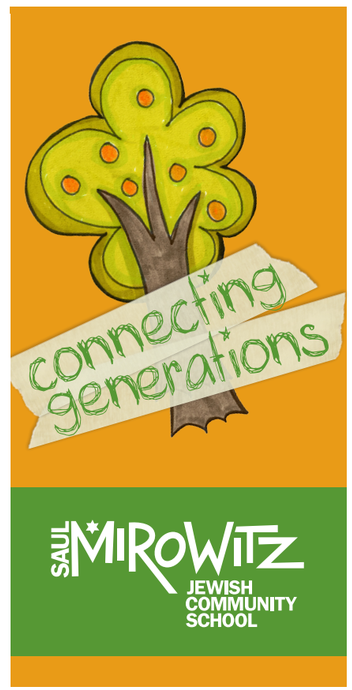
Proposed New Signage

Ⓑ Pole Banners
- located on light posts in parking lot

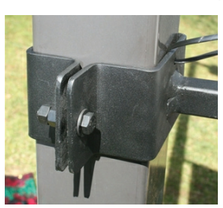
TOTAL QTY: 10 (5 of each color)

These designs will alternate on each side of the pole





Vinyl Banners
-Durable 13 oz scrim vinyl (extra strong)
-Digitally Printed and Double-sided
-Mounted with two way iron straight arm brackets to light poles



SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 6/05/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

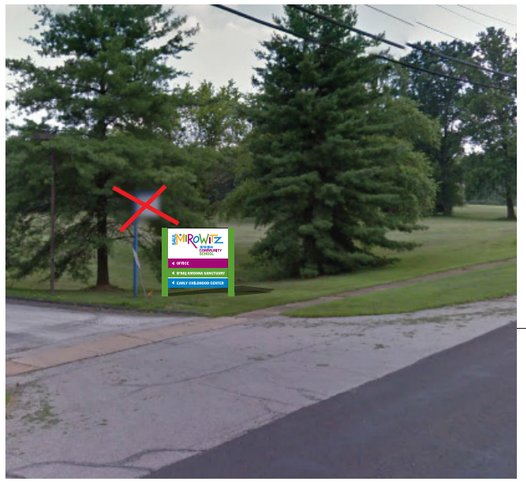
City of Creve Coeur, Missouri
Saint Louis County

Date _____

Proposed New Signage

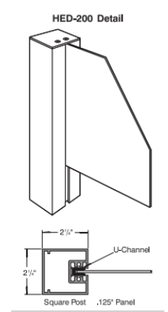
C1 Post and Panel Sign System-
located at Mason Rd. entrance

TOTAL QTY: 1



Color Details

Frameless Post & Panel Sign System
-Double Post aluminum
-Single Face aluminum face
-Painted 4 different colors (matthew's paint finish)
-24" below ground extension of pole for installation



SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 6/05/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

City of Creve Coeur, Missouri
Saint Louis County

Date _____

Existing Signage

BA1 **B'Nai Amoona** **TOTAL QTY: 2**
2 signs slated for removal

1-purple sign, 1- blade sign
located South side of entrance
at Mason Rd.

BA2 **B'Nai Amoona-** **TOTAL QTY: 1**
Concrete Monument Sign

located North side of entrance
at Mason Rd. - WILL REMAIN

BA3 **B'Nai Amoona-** **TOTAL QTY: 1**
Sanctuary Identification Sign

located North side at Mason Rd. -
WILL REMAIN

SUMMIT SIGN + GRAPHICS
330 Southport Drive | Columbia, IL 62236
P 618.281.2639 | F 618.281.8703
summitsignandgraphics.com

Contacts
andy@summitsignandgraphics.com
abby@summitsignandgraphics.com
Drawn by: Abby Wiese

Permit Drawing

Project: Saul Mirowitz Jewish Community School Exterior Signage

Client: 501 Creative
Contact: Patty Bloom
Date: 6/05/2012
Revision:
348 South Mason 63141
(Corner of Mason and Conway Road)

Notes: Drawings are not to scale and are for visual purposes only. These are not production files and are also permitting purposes only.

City of Creve Coeur, Missouri
Saint Louis County

Date _____

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 7, 2012

Ms. Patty Bloom
Director, Admissions and Marketing
324 S. Mason Road
Creve Coeur, MO 63141

Re: Application #12-018: Application for approval of a master sign plan
Saul Mirowitz and B'Nai Amoona Campus – 324 S. Mason Road

Ms. Bloom:

The Planning and Zoning Commission, at its meeting of August 6, 2012, reviewed your request for a master sign plan for the Saul Mirowitz/B'Nai Amoona Campus at 324 S. Mason Road.

By unanimous vote, the Planning Commission recommends approval of the Master Sign Plan for the Saul Mirowitz/B'Nai Amoona Campus, subject to the conditions contained in the draft ordinance (see attached). The first reading of the draft ordinance by the City Council is scheduled for Monday, August 13th, 2012. You or a representative should plan to be in attendance to speak for the request.

If you have any questions, please contact the Planning Division staff (872-2501) as soon as possible. Note that significant changes to the draft ordinance may require that the matter be returned to the Planning and Zoning Commission prior to City Council approval.

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 - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, JULY 16, 2012
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 16, 2012, 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

OTHERS PRESENT: ***Mr. Carl Lumley, City Attorney***
Mr. Paul Langdon, Director of Community Development
Ms. Whitney Kelly, AICP, City Planner

A. PUBLIC HEARING
Application #12-018: Request for approval of a Master Sign Plan for the Congregation B'Nai Amoona & Saul Mirowitz Jewish Community School Campus at 324 S. Mason Road.

Applicant/Agent: Patty Bloom
Director of Admissions and Marketing
Saul Mirowitz Jewish Community School
Applicant's Representative: Andy Hrdlicka
Summit Sign and Graphics
330 Southport Drive
Columbia, IL 62236

Ms. Whitney Kelly, City Planner, presented the application submitted by Saul Mirowitz Jewish Community School, for a Master Sign Plan. Ms. Kelly explained they are seeking a new wall sign, 10 light pole banners located in the south parking lot, replacement of an existing parking directional sign on Mason Road, and maintenance of the existing sign and low ground sign. Staff finds that all the signs are in competition with each other, are not compliant with the City's Comprehensive Plan nor the design guidelines, and therefore does not recommend approval of this request.

Ms. Kramer disclosed, for the record, that she is a longstanding member of the Congregation B'Nai Amoona and believes that the Mirowitz School is what is really being presented and looked at, and that she is not connected with it.

Mr. Mark Bluestone, Board Member of the Saul Mirowitz Jewish Community School, addressed the Commission stating B'Nai Amoona and Saul Mirowitz School are two different organizations. Saul Mirowitz Jewish Community School is a tenant of B'Nai Amoona, making them different organizations, different missions, different boards, and serving different clients. That being said, what B'Nai Amoona and the school are proposing is to try and provide each organization with its own identity represented through its parking directional signs. Mr. Bluestone gave an illustrated presentation and pointed out B'Nai Amoona is willing to give up one of their signs at one of the entrances. As for the on-building sign, Mr. Bluestone stated that, while the building is in a residential area, the site is large and surrounded by trees, thus making the sign only visible once one pulls into the campus. Addressing the parking lot signage, Mr. Bluestone feels it will not affect the homes around the campus.

Mr. Eberhardt asked why Saul Mirowitz School could not create a sign similar to the existing B'Nai Amoona sign, but with their information on it. Mr. Bluestone replied, by being a tenant on such a large campus, they wanted to be able to represent the uniqueness of their organization and not be forced into the identity of an existing, unrelated organization.

Ms. Kramer asked Ms. Kelly what made this request fall under the Master Sign Plan. Ms. Kelly explained the original sign permit application included a wall sign that is larger than what the code allows. In response, staff advised the school that they would have to modify their permit applications or they could pursue a Master Sign Plan.

Mr. Carl Lumley, City Attorney, asked if the existing campus has a Master Sign Plan, and Ms. Kelly replied no they do not. Mr. Lumley then asked if there was a representative that can explain whether the school's lease is specific just to the building with access paths or does it parcel the real estate into two components. Mr. Michael Samis, Executive Director, B'Nai Amoona, 324 South Mason Road, explained that it is a land lease only on the property; however they do share in the common area of maintenance. Saul Mirowitz pays a percentage based on square footage of the total campus.

Mr. Faron asked about signage on Conway Road and Ms. Kelly replied that such signs would be located off-site because the property does not include Conway frontage, only a leased access drive, and the City does not allow off-site signage.

Chairman Madden asked the applicant if they would like another chance to meet with Staff and work on a compromise for the sign plan. Mr. Bluestone stated they would like to do so.

Mr. David Caldwell, 257 Brooktrail Court, spoke in favor of the applicant's request.

(This ends the Public Hearing; see verbatim transcript for further information)

Mr. Faron moved to recommend deferral of the Master Signage Plan for the B'Nai Amoona/Saul Mirowitz Campus, submitted with Application #12-018, until the August 6th

meeting date to allow the applicant to address the concerns raised in the staff report for the meeting of July 16, 2012. Mr. Eberhardt seconded the motion with resultant vote as follows:

Mr. Eberhardt – aye	Mr. Faron – aye	Ms. Kramer – aye
Mr. Schnarr – aye	Chair - aye	

2. 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 9:10 p.m.

_____
Timothy Madden, Chair

_____
Julie Lowery, Recording Secretary

PLANNING AND ZONING COMMISSION PUBLIC HEARING
CITY OF CREVE COEUR, MISSOURI
300 NORTH NEW BALLAS ROAD
MONDAY, JULY 16, 2012
7:00 P.M.

THOSE IN ATTENDANCE:
Mr. Tim Madden, Chair
Dr. Michael Barton
Mr. Gary Eberhardt, Vice Chair
Mr. James Faron
Ms. Cynthia Kramer
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

CHAIRMAN MADDEN: Like to call to order the Planning Zoning Commission Meeting for the City of Creve Coeur, Missouri for Monday July 16th, 2012.
We'll start with roll call.
Dr. Michael Barton?
MR. BARTON: Present.
CHAIRMAN MADDEN: Mr. Gary Eberhardt?
MR. EBERHARDT: Present.
CHAIRMAN MADDEN: Mr. James Faron?
MR. FARON: Present.
CHAIRMAN MADDEN: I don't see Mr. Howard or Ms. Kramer.
Mr. Jim Schnarr?
MR. SCHNARR: Present.
CHAIRMAN MADDEN: Carl Lumley, our City Attorney?
MR. LUMLEY: Present.
CHAIRMAN MADDEN: Paul Langdon, our Director of Community Development?
MR. LANGDON: Present.
CHAIRMAN MADDEN: Whitney Kelly, our City Planner?
MS. KELLY: Present.
CHAIRMAN MADDEN: And Julie Lowery, our Recording Secretary?
MS. LOWERY: Present.

oOo

CHAIRMAN MADDEN: Okay. That'll move us to B, Public Hearing Application No. 12-018: Request for approval of Master Sign Plan for the Congregation B'nai Amoona & Saul Mirowitz Jewish Community School Campus at 324 South Mason Road.

Anybody that'll be commenting on this or handling it, if you could come up and get sworn in, I'd appreciate it.

(Speakers were sworn by the court reporter.)

MR. LANGDON: Mr. Chair, I think Whitney is presenting this one.

CHAIRMAN MADDEN: Pardon me?

MR. LANGDON: I think Whitney is presenting this one.

CHAIRMAN MADDEN: Okay, Whitney.

MS. KELLY: Good evening. Whitney Kelly, City Planner for the City of Creve Coeur.

The representatives of B'nai Amoona & Saul Mirowitz has submitted an application for a campus Master Sign Plan.

The 32-acre campus is located on just south of

0056

Mason Road and north of Conway and is zoned Residential District.

The Zoning Code requires that a Master Sign Plan in a Residential District requires 20 acres at a minimum.

The Saul Mirowitz is leasing the former Solomon Schechter Day School space.

The Master Sign Plan calls for a comprehensive approach to all signs on campus and, therefore, we must look at all of the signs within the campus, both for the B'nai Amoona and the Saul Mirowitz School.

They are asking to have a new wall sign over the existing canopy. It's approximately 68 square feet for this portion and an additional 20 square feet for this portion.

They are asking for ten light-pole banners to be located within the south parking lot.

MR. LANGDON: Ms. Kelly, need to zoom the imagine out, so we can all see the --

MS. KELLY: Oh, sorry.

They are asking to replace an existing parking directional signs on Mason Road with this current design, and then maintain the existing design, as well as the low ground sign.

Staff finds that these signs are all in competition with each other and is noncompliant with the

0057

Comprehensive Plan nor the Design Guidelines nor with the intent of the Zoning Code.

The Comprehensive Plan and the Design Guidelines recommend that a sign plan include a consistency of all materials and design throughout the campus.

I have repeatedly -- all of these ground signs along Mason Road compete with each other, and there is no consistent design between any of them.

I have repeatedly asked the applicant just to revise these two or just to revise this one or this one, so that there is a consistency within the design, while allowing for the tenant identification and the information needed for public direction.

As they have wished to proceed with their design

as proposed, staff cannot recommend approval at this time.
We've also further discussed that the Residential District does not currently allow light-pole banners, and at a very minimum, they could revise their plan to provide light-pole banners throughout the campus that with a consistent design on all of it for tenant identification.
Any questions?
CHAIRMAN MADDEN: Cynthia.
MS. KRAMER: I just wanted to make a disclosure, for the record, that I am actually a longstanding member

0058

of Congregation B'nai Amoona, so I believe we're looking at more the Mirowitz School, which I'm not connected with, but I did want to go ahead and put that on the public record.
CHAIRMAN MADDEN: Thank you.
Anybody else have a question?
Okay. Do they have a representative here or --
MR. BLUESTONE: Yes.
CHAIRMAN MADDEN: Okay.
MR. BLUESTONE: Hi. Good evening. My name is Mark Bluestone, I'm a board member of the Saul Mirowitz Jewish Community School.
I want to thank the Commission for the opportunity to speak this evening, as well as the Planning Department for all the work. I know a lot of time has gone into this conversation.
We believe that -- well, really the first thing I'd like to talk about is the consistency of design.
We have two completely different organizations here. The Saul Mirowitz Jewish Community School is a tenant of B'nai Amoona; different organizations; different missions; different boards. We serve different clients, and really what we have is a landlord tenant relationship.
We understand the City's desire for consistency in design and materials for a signage plan. And what

0059

B'nai Amoona and the school have -- are proposing is to try to provide for the ability for each organization to have its own identity represented through its parking directional signs by B'nai Amoona's willingness to give up a sign.
Something that was not clear, I believe in the presentation, and I want to see if I have this -- I don't have the same exact graphic, but you were shown -- at a little disadvantage here. Let me try it this way, if it's okay.
At present there are signs with B'nai Amoona's identity at each of the street entrances to the campus.
What B'nai Amoona and the school agree upon, with, of course, the City's permission, is for B'nai Amoona to abandon one of their entrances; to remove their sign from that entrance, and to, instead, since it's the entrance closest to the school, to allow the school to replace their sign with the sign that we're proposing, which is a parking directional sign, which falls within the City's, I believe it is 15 square feet of area with the top being not more than 4 feet high.
It's a sign that represents the character of the school, and we were hoping that by B'nai Amoona removing their identification signs from that entrance, replacing with ours, it reduces the visual clutter, because the next

0060

B'nai Amoona sign, the next parking identification sign for B'nai Amoona, would be approximately 300 feet down the road.

So I think that that's pretty significant in terms of number of feet, especially considering the conversation that I just heard tonight with some -- some lesser footages.

What we've tried to do with the directional signage that -- that we propose, which is that center sign there, is create something that's clean, that's safe, that's easy to identify 300 feet from the next nearest B'nai Amoona parking directional sign.

We believe that causes it to not have excessive visual clutter. We also believe that the sign will promote good traffic management within the site, because people will clearly know which entrance to use for the school, because the sign is with our brand, and which entrance to use for B'nai Amoona.

We do believe that that's a safety issue because by having vehicles, which are going in to pick up children in an area where there are many children, following a prescribed path rather than people being confused by similar signage and entering different ways and driving different directions, we believe we can also provide a safer environment for the children that way. So that's

0061

our thoughts on the sign.

Again, removing a B'nai Amoona sign; replacing it with the Saul Mirowitz Jewish Community sign. The two signs are approximately 300 feet apart. We're hoping that that solves the clutter issue.

Regarding the on-building sign, I think the -- our -- our feeling is that the -- the site is, although in a residential area, the site is -- it's a very large one; it's -- it's 32 acres, and it's completely surrounded by trees, fairly dense trees. The sign that would go on the building, I don't believe would be visible from Mason Road. It would be visible only when you drive onto the campus, which is completely surrounded by trees. It's also set into the building. The architecture of the building is such that the building actually comes out beyond the sign and reduces the angle of view for the sign. So really it's visible by people driving directly towards the building.

Regarding the parking lot signage, again, within an area that's completely surrounded by trees. It's not affecting homes around it. We had not thought of the idea of extending banners to other areas of the campus. I think that would be something that we'd have to talk about with B'nai Amoona, but it's certainly something that could be considered on our part.

0062

I believe that concludes my comments.

But thank you.

CHAIRMAN MADDEN: Any questions?

Mr. Eberhardt.

MR. EBERHARDT: Question. Sir, why would it not be possible to have a sign similar to the existing signs, but with your logo and your information on it, but that the structure of the sign, the general design of the sign itself wouldn't be too dissimilar from what's there at the moment?

MR. BLUESTONE: Well --
MR. EBERHARDT: Why would that not work for you?
MR. BLUESTONE: That's a good question. Thank you.
It's our hope that, as a tenant of that large campus, that we would be able to represent the uniqueness of our organization and not be forced to come under the identity of a -- a previously existing and unrelated organization. That -- that would be our hope.
We also think it'll be very readily identifiable just because of it containing design cues that are consistent with our advertising, and allow people to know very easily the direction for parking, the direction for access, and then really they don't even have to read the sign or slow down on Mason Road or go past it and turn

0063

around or anything that could promote a traffic issue.
CHAIRMAN MADDEN: Thank you.
MR. BLUESTONE: Okay.
CHAIRMAN MADDEN: Cynthia.
MS. KRAMER: I have a question for Whitney actually.
So can I just understand what kicked this into the Master Design Plan?
MS. KELLY: The Master -- is when they submitted an application or wanted us to look at the wall sign that is larger than what the Code currently requires, Institution and Residential Districts limit wall signs to 12 square feet. They are looking at approximately 107 square feet.
So in order to even consider that, it prompted the Master Sign Plan, and that they threw in the light-pole banners, which are also not permitted in that Residential District.
A minimum of 20 acres is required for any campus with -- institution in a Residential District for a Master Sign Plan, and, therefore, as they are a lease of the B'nai Amoona property we have to consider all of the signage on the property whether they're two different entities or not.
MS. KRAMER: Thank you, Whitney.

0064

So I -- I guess my thoughts on this is, you know, I think this is incredibly exciting and -- and awesome.
I do know that we're charged though with the bigger picture of not just this instance.
So I think my concern, and I'm -- I'm still a little bit fuzzy on, so, for instance, if you drive into the -- the other driveway, you cannot wrap around to the school anymore --
MR. BLUESTONE: You --
MS. KRAMER: -- or you can?
MR. BLUESTONE: You can wrap around the school.
MS. KRAMER: So, truthfully, there's just people will -- could realistically just use the wrong driveways anyway.
So I guess what I'm kind of a little bit curious about is the discussions you've had that it looks like there's a request to have a much larger wall sign; there's a request to have banners that weren't done before; there's a request to have us sort of look at the fact that these signs are not cohesive when, in fact, it is a Master

Plan Design property cause it is really falling underneath this particular zoning.

So I'm just trying to see, did -- were -- were there any options that were brought to the City that we

0065

don't -- aren't aware of that were compromises on your part? Cause I'm also confused if you're thinking that perhaps the banners could be expanded, if it's in terms of branding, you'd actually be moving from one side of the campus to the other. So I just want to make sure that there's a consistency here because I would say to you that while I understand everything, I do look at those two signs and they're so vastly different, that from a design standpoint, not just of this particular issue, but of an overarch in Creve Coeur ordinance issue, it just leads me to kind of wonder where the compromise is and -- and brings up a concern.

MR. BLUESTONE: Uh-huh. I -- I understand your concerns. Thank you.

As far as expanding the -- the parking lot signs, that's not something that I'd heard before, or to my knowledge, it may have been brought to the school, but I've not heard it.

I think that we would -- it would probably make more sense to, from a compromise position, to not use parking banners rather than expand them throughout the entire campus. I --

MS. KRAMER: But I don't think those are seen by the street anyway.

So I think what I'm asking is if -- if it was

0066

the wall sign that kicked in the issue with the signs at the entrance, because that kicked in the Master Design Plan --

MR. BLUESTONE: Uh-huh.

MS. KRAMER: -- then it seems like there's been this kind of let's see how we can make this work, and really it seems the big issue at this point are the signs at the entrance, so have there been any submissions of anything that would be a little bit more --

MR. BLUESTONE: There -- there has -- there has not been a submission other than the -- the sign that was created by the -- the agency that we've retained, and we're hoping that the -- in light of the fact that it's a relatively small sign and that it is 300 feet from the next B'nai Amoona sign, we're hoping that the City would recognize the unique nature of the two different organizations.

I think a compromise has been made significantly by B'nai Amoona being willing to abandon one entrance and to remove their sign, so we're not really looking to add a sign, we're looking to swap a sign.

MS. KRAMER: No, I think we're discussing the designs of the site. So is B'nai Amoona willing to revise their sign to be closer in line with your sign?

MR. BLUESTONE: I don't know the answer to that.

0067

I think that's a -- a conversation that we'd have to have.

I mean they have a longstanding tradition in their community with -- with their signage, so I'm not -- I'm not certain what their -- I can't speak for them is what I'm saying.

CHAIRMAN MADDEN: Mr. Faron.

MR. FARON: Yeah, I'd just like to reiterate.
When I see those sanctuary signs, I'll say off of Mason there, they tend to lead me to the sanctuary, that seems to be the natural sanctuary entrance.
Can the Conway side be dictated as the -- the school entrance, where the more colorful educational signage would be more consistent maybe with --
MR. BLUESTONE: That's also a great question.
We entered, and speaking towards compromise, when we entered the merger discussions, and when we began looking at how we could identify the school, there was a lot of conversation given to the Conway side and how we could make use of that.
And I've been led or told really to -- to understand that that's not possible that because of the nature of that access, because of, I guess, a relationship with the property owner for -- I guess that's just an easement, that it's not possible to put a sign there at all. That's something that we did want, but I'm told that

0068

we can't have one.
MR. FARON: Don't know the particulars over there, but would seem that would be a more natural location for that signage.
I don't have a problem with the -- the colorful signage, but in combination with the B'nai Amoona, the -- the more legacy signage, it's --
MR. BLUESTONE: Yeah.
MR. FARON: -- it's quite a contrast there, and I see you say 300 feet, but I guess BA 1, 2 and 3 are going to all exist, right, so aren't we talking about a sign on each side of that entrance there?
MR. BLUESTONE: We're talking, there's two -- there's two -- two main entrances to B'nai Amoona off of Mason. Each one has a -- a street sign and each street sign, I believe, is different, I'm not 100 percent sure about that, but I think it's two different streets.
Is that right? Street -- the names of the streets where the green identifying street signs are going into the B'nai Amoona Campus?
Yeah, I believe that they're two different street signs. They're approximately 300 --
VOICE IN AUDIENCE: Only one's named.
MR. BLUESTONE: Only one is named, okay.
They're approximately 300 feet apart.

0069

There would not -- at -- there would not be an entrance that had both a B'nai Amoona and a school directional sign. B'nai Amoona's willing to move their directional sign.
MR. FARON: The -- the top monument there, could there be a school signage added to that somehow to keep in character with that design right there, cause I would assume that's the entrance that's closer to the school than the one further to the north?
MR. BLUESTONE: It is.
MR. FARON: And I mean -- and not having a problem with the signage on the building or the -- the signage on the parking lot, which you can't really see, it's just that that contrast, as you go along Olive, even the original sign that you are going to take out, to me looks like a -- maybe it's a considerable expense, but in comparison to the concrete and the legacy sign there,

it's -- it looks a little out of proportion, out of place, and out of, you know, context I'd say. But just wanting to ask some of those questions.

If the school signage could be moved to Conway. I know there's some issues that you bought up, but and if there can be some discussion to add some signage to the B'nai Amoona sign, that's the top photo there, that would direct you to the school without putting something that is

0070

that colorful and kind of a little more education driven in -- in conflict with the more sanctuary sign and religious application, I think, for signage so.

MR. BLUESTONE: I appreciate your comments.

MR. FARON: Thank you.

MS. KELLY: Sir, I would -- I just want to clarify that the Code prohibits any off-premise sign, and as they do not own that entrance along Conway, it would not be a permitted sign.

MR. FARON: By adding on to that?

MS. KELLY: By adding a sign along Conway. It's not a -- it's a prohibited sign, as it would be an off-premise sign.

MS. KRAMER: Could -- could -- can I ask one more question?

MS. KELLY: Sure.

MS. KRAMER: Do we have precedent on -- I understand definitely the challenge also because it is a tenant situation, so while I understand the branding issue, how has that manifested itself in other places in the City?

MS. KELLY: The best example we have is the City Place sign, and I did forward these pictures to the applicant as a guideline of what we would be seeking for.

But you can see here two different signs. You

0071

can see where the tenants are identified on this one. This is a second ground sign. And then you have the parking direction sign here. And as well as a monument sign for the City Place Retail Center.

They were all created to have a similar format, a similar design element and were of similar materials, and it received approval through a Master Sign Plan by the City Council.

But it allowed for specific tenant identification that were leasing office space within all those entities, and, therefore, it was able to work together. And it's a similar style that we're seeking or reason that we're seeking for this Master Plan Sign as well.

CHAIRMAN MADDEN: Mr. Lumley has some questions.

MR. LUMLEY: Is the -- the existing campus -- am I correct that it's not taking advantage of a Master Sign Plan?

MS. KELLY: It did not receive prior approval for a Master Sign Plan, correct.

They are seeking now a Master Sign Plan to allow for the new Saul Mirowitz sign.

MR. LUMLEY: Is the -- is there anyone here that can explain whether the school's lease is specific just to the building with access paths or is it actually -- does

0072

it delineate separate -- basically parceling the real estate into two components?

MS. KELLY: I actually did get a copy of the lease, and it is for the building with use of the parking lot and providing for signage.

MR. LUMLEY: So, for example, the school won't have responsibility for the grounds at the -- in the area at Mason and the entrance. That's still going to be the Congregation's responsibility?

MS. KELLY: Correct, as far as I can read.

If there's someone from the Congregation.

MR. LUMLEY: If somebody could clarify that.

CHAIRMAN MADDEN: Could you please come forward, and state your name and address, please.

And you need to be sworn in too, sir.

(Mr. Samis was sworn by the court reporter.)

MR. SAMIS: My name is Michael Samis. I'm the executive director of B'nai Amoona, so my work address is 324 South Mason Road in Creve Coeur.

So to answer your question the -- you're correct that it is a land lease only on the property, but they do share in the common area of maintenance. They pay a percentage based on the square footage that they -- of the total campus. They -- I think it's about 26 percent. So they do have a share of the expense of the upkeep of the

0073

property.

MR. LUMLEY: But in terms of the actual upkeep, the Congregation's going to be doing that through their contractor --

MR. SAMIS: That's correct.

MR. LUMLEY: You haven't said this part of the ground is --

MR. SAMIS: No.

MR. LUMLEY: -- up to you?

MR. SAMIS: No.

CHAIRMAN MADDEN: Thank you.

MR. FARON: Could I ask staff, do we know or is there any explanation of the limitations for the Conway entrance for signage? Do we know what the -- the issues are in terms of putting signage there? Are we up to speed on that staff wise?

MS. KELLY: Yes, we don't allow off premise signs, and they do not have -- own the property for that entrance along Conway.

They have an easement for a residence property to -- to allow the access point, but they do not own it.

MR. FARON: Okay.

MS. KELLY: And the Code prohibits any off premise signs.

MR. FARON: And across the street, Priory owns

0074

that property around their Conway entrance?

CHAIRMAN MADDEN: We'll make a deal with you.

MR. FARON: I believe. Yeah, okay.

Thanks, Whitney.

CHAIRMAN MADDEN: Let me just ask staff and Carl, would it be better to let them meet with staff and maybe come up with something that might meet their approval or should we just have a vote?

MR. LUMLEY: I mean that's -- I believe the question is what the Commission feels comfortable doing.

CHAIRMAN MADDEN: But we can do either one? Okay.

Paul.

MR. LANGDON: That's what I was going to say. Essentially, it's in your hands. If you feel like the discussion is exhausted, then you can go to a vote. And if you want to offer something in terms of an opportunity to the applicant, because you're concerned, then you would vote to -- to continue.

CHAIRMAN MADDEN: Can you come forward again, please.

Just so we have this on the record.

MR. FARON: I agree.

CHAIRMAN MADDEN: Would you like to meet with staff again some -- in the near future here and try to

0075

work out a compromise on the sign?

MR. BLUESTONE: May I confer with the president of our board for just a moment?

CHAIRMAN MADDEN: Sure.

MR. BLUESTONE: Thank you.

Yes, we would like to have an opportunity to work cooperatively with the Planning Department to see if we can come up with something that makes senses.

CHAIRMAN MADDEN: Is there anybody else in the audience that wishes to speak on this before we close? Okay.

MR. CALDWELL: I will.

CHAIRMAN MADDEN: Oh, okay.

Mr. Caldwell. You need to be sworn in, I think since it's a different one.

MR. LUMLEY: He was sworn in.

CHAIRMAN MADDEN: Okay. That counts. Okay.

MR. CALDWELL: Well, I didn't know how you were going to do this procedurally. I didn't think my comments were really a part of the public hearing, but if it comes to a vote, I would support the applicant because I -- I see this as a technical issue. This doesn't really fit into the ordinance, so there should be some flexibility, I think.

I don't see anybody complaining about the sign.

0076

I mean neighbors, anybody else. The property owner's not complaining about the sign. I'm not complaining about the sign. I think that there's room for -- for flexibility here, and I would encourage it.

CHAIRMAN MADDEN: Thank you.

MR. LUMLEY: Mr. Chairman, I offer the following exhibits into the record of this public hearing: Documentation in possession of the City Clerk reflecting the notice that was provided to the public regarding this hearing; the staff report developed regarding the application; the City's Code of Ordinances and Charter, and the City's Comprehensive Plan, the public file regarding the application.

CHAIRMAN MADDEN: And that will close the public hearing.

(Public hearing was closed.)

0077

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

I, Deborah K. McLaughlin, Registered Professional Reporter, Missouri Certified Court Reporter, Illinois Certified Shorthand Reporter and Kansas Certified Court Reporter, do hereby certify that I reported the Planning and Zoning Public Hearing stenographically and later reduced to typewriting; and that this is a true and accurate transcript of the public hearing.

_____, RPR, MO-CCR, IL-CSR, KS-CCR
Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR

BILL NO. 5383 **ORDINANCE NO. _____**

AN ORDINANCE AMENDING THE DEFINED BENEFIT RETIREMENT PLAN FOR EMPLOYEES OF THE CITY OF CREVE COEUR

WHEREAS, the City Council adopted Ordinance No. 1474 on August 26, 1991 which adopted an amended and restated Defined Benefit Retirement Plan for Employees of the City of Creve Coeur (the "Plan"); and

WHEREAS, the City Council over the years has periodically amended the Plan and by Ordinance No. 2131, adopted June 11, 2001, amended and restated the Plan; and

WHEREAS, pursuant to Section 9.02 of the Plan, the City Council, subject to certain exceptions, reserves the right to amend the Plan from time to time; and

WHEREAS, the City Council has determined to amend the Plan to comply with the Heroes Earnings Assistance and Relief Tax Act of 2008 and the Pension Protection Act of 2006 effective as provided herein and make other minor clarifications;

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

Section 1. The Defined Benefit Retirement Plan for Employees of the City of Creve Coeur is hereby amended, as follows:

1. Section 1.02 is amended to read as follows effective July 1, 2008:

1.02 Actuarial Equivalent or Actuarial Equivalence means a benefit which is of equal value at the date of determination to the benefit for which it is to be substituted. For all purposes other than lump sum benefits, Actuarial Equivalence shall be based upon an interest rate of eight percent (8%) and a mortality table constructed from eighty-five percent (85%) of the male rates and fifteen percent (15%) of the female rates from the 1971 Group Annuity Mortality Table.

For lump sum benefits, Actuarial Equivalence shall be based on the annual rate of interest on 30-year Treasury securities, as specified by the Secretary of Treasury, for the second month preceding the Plan Year in which the determination is made. For lump sum benefits, Actuarial Equivalence shall also be based on the 1983 Group Annuity Mortality Table converted to a unisex basis by assuming fifty percent (50%) males. Effective for distributions with annuity starting dates on and after July 1, 2008. Actuarial Equivalence shall be based on the applicable interest rate and applicable mortality table. Applicable interest rate means the interest rate prescribed under Code Section 417(e)(3)(C) (as it reads effective on and after January 1, 2008) as in effect for the second month prior to the calendar year in which the determination is made and the applicable mortality table means the mortality table prescribed under Code section 417(e)(3)(B) (as it reads effective on and after January 1, 2008).

2. Section 2.06 is amended to read as follows effective January 1, 2007:

2.06 Uniform Services Employment and Reemployment Rights Act of 1994. Notwithstanding any provision of this Plan to the contrary, effective December 12, 1994 contributions,

Benefits and Credited Service with respect to qualified military service will be provided in accordance with Section 414(u) of the Code. Effective January 1, 2007, in the case of a Participant who dies while performing qualified military service (as defined in Code section 414(u) and any related legislation or guidance) and while his reemployment rights are protected by the Uniformed Services Employment and Reemployment Rights Act of 1994, for purposes of determining eligibility for any additional benefits to which a Participant's survivors would have become entitled if he had been employed by the Employer on his date of death (including computation of a Participant's vested percentage, but excluding benefit accruals relating to the period of such qualified military service) such Participant will be deemed to have resumed employment prior to his or her death and then to have terminated employment on account of death.

3. A new Section 6.05 is added to read as follows effective January 1, 2007:

6.05 Mandatory Survivor Benefits on Behalf of Participants Who Die In Qualified Military Service. Effective January 1, 2007, the death benefit paid with respect to a Participant who dies in Qualified Military Service shall be determined as provided in Section 2.06.

4. Section 7.01(d) is amended to read as follows effective July 1, 2008:

(d) For purposes of applying the adjustments required under Code section 415(b)(2), the "applicable interest rate" is the annual rate of interest on 30-year Treasury Securities as specified by the Commissioner of Internal Revenue for the second month preceding the first day of the calendar quarter in which the determination is made and "applicable mortality table" is the table prescribed by the Secretary of the Treasury as described in Code section 415(b)(2)(E)(v). Applicable interest rate means the interest rate prescribed under Code Section 417(e)(3)(C) (as it reads effective on and after January 1, 2008) as in effect for the limitation year in which the determination is made and the applicable mortality table means the mortality table prescribed under Code section 417(e)(3)(B) (as it reads effective on and after January 1, 2008).

5. Section 9.06(a)(3) is amended to read as follows effective July 1, 2009:

(3) Twenty percent (20%) of the Employee's first fifty thousand dollars ($50,000) of average annual compensation (within the meaning of Treasury Regulation Section 1.415(c)-2(d)(4), averaged over five (5) years) multiplied by the number of years between the commencement of the Restricted Period and the earliest of the following dates whichever may be applicable:

6. Section 11.06 is amended to read as follows effective January 1, 2007:

11.06 Direct Rollover. This section applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distribution, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(1) Eligible Rollover Distribution means any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated Beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the Code; and for distributions made before January 1, 2002, any portion of any distribution that is not includable in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).

(2) Eligible Retirement Plan means an individual retirement account described in section 408(a) of the Code, an individual retirement annuity described in section 408(b) of the Code, an annuity plan described in section 403(a) of the Code, an annuity contract described in Section 403(b) of the Code, an eligible plan under Section 457(b) of the Code that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state that agrees to separately account for amounts transferred into such plan from this Plan, or a qualified trust described in Section 401(a) of the Code, that accepts the distributee's eligible rollover distribution.

Effective January 1, 2008, the term eligible retirement plan shall also include a Roth IRA as described in IRC Section 408A. Effective January 1, 2010, for the purpose of a distribution to a distributee who is a non-spouse beneficiary, eligible retirement plan shall only include an individual retirement account described in Code section 408(a), an individual retirement annuity described in IRC Section 408(b), or a Roth IRA described in IRC Section 408A (collectively, "IRA") that is established on behalf of the non-spouse beneficiary and that will be treated as an inherited IRA pursuant to the provisions of IRC Sections 402(c)(11) and 408(d)(3)(C)(ii).

(3) Distributee means an Employee or former Employee. In addition, the Employee's or former Employee's surviving Spouse and the Employee's or former Employee's Spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in section 414(p) of the Code, are distributees with regard to the interest of the Spouse or former spouse. Notwithstanding any provision of this Section to the contrary, effective as of January 1, 2010, the term distributee shall also include a non-spouse beneficiary of a deceased Participant.

(4) Direct Rollover means a payment by the Plan to the eligible retirement plan specified by the distributee.

Section 2: Section 3.02 is clarified to read as follows:

3.02 Early Retirement Benefit***.***

(a) In lieu of his Normal Retirement Benefit, a Participant who [has] RETIRES AFTER attainING[ed] his Early Retirement Age may elect to receive a monthly Early Retirement Benefit

commencing on his Early Retirement Date equal to his Accrued Benefit as of his Early Retirement Date, reduced so that the benefit will be the Actuarial Equivalent to his benefit as if payable starting at his Normal Retirement Date.

(b) A Participant who [has] RETIRES AFTER attaining[ed] his Unreduced Early Retirement Age may elect to receive a monthly Early Retirement Benefit commencing on his Unreduced Early Retirement Date equal to his Accrued Benefit as of such Unreduced Early Retirement Date. There shall be no reduction for commencement of such benefits prior to the Participant's Normal Retirement Date.

Section 3: This Ordinance shall become effective pursuant to the provisions of Section 3.11(g) of the Charter.

ADOPTED THIS ____ DAY OF _____, 2012.

_____
ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

_____
BARRY GLANTZ
MAYOR

ATTEST:

_____
DEBORAH RYAN, MPCC
CITY CLERK

Memorandum

To: Mark Perkins, City Administrator

From: Daniel Smith, Finance Director

Date: 8/23/12

Re: Amendment of Section 3.02 of the City of Creve Coeur Employee Pension Plan

---

I have discussed Section 3.02 of the Employee Pension Plan with our attorney. Although it is clear what the intent of those sections is, we both feel the current language should be clarified. The proposed amendment would clarify that both early retirement and unreduced early retirement are available to participants after attaining the required dates.

I would be pleased to respond to any questions.

AMENDMENT TO THE
DEFINED BENEFIT RETIREMENT PLAN FOR EMPLOYEES OF
THE CITY OF CREVE COEUR

WHEREAS, the City Council adopted Ordinance No. 1474 on August 26, 1991 which adopted an amended and restated Defined Benefit Retirement Plan for Employees of the City of Creve Coeur (the "Plan"); and

WHEREAS, the City Council over the years has periodically amended the Plan and by Ordinance No. 2131, adopted June 11, 2001, amended and restated the Plan; and

WHEREAS, pursuant to Section 9.02 of the Plan, the City Council, subject to certain exceptions, reserves the right to amend the Plan from time to time; and

WHEREAS, the City Council has determined to amend the Plan- to comply with the Heroes Earnings Assistance Act of 2008 and the Pension Protection Act of 2006 effective as provided herein;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, THAT THE PLAN IS AMENDED EFFECTIVE UPON ADOPTION BY THE CITY COUNCIL.

1. Section 1.02 is amended to read as follows effective July 1, 2008:

1.02 Actuarial Equivalent or Actuarial Equivalence means a benefit which is of equal value at the date of determination to the benefit for which it is to be substituted. For all purposes other than lump sum benefits, Actuarial Equivalence shall be based upon an interest rate of eight percent (8%) and a mortality table constructed from eighty-five percent (85%) of the male rates and fifteen percent (15%) of the female rates from the 1971 Group Annuity Mortality Table.

For lump sum benefits, Actuarial Equivalence shall be based on the annual rate of interest on 30-year Treasury securities, as specified by the Secretary of Treasury, for the second month preceding the Plan Year in which the determination is made. For lump sum benefits, Actuarial Equivalence shall also be based on the 1983 Group Annuity Mortality Table converted to a unisex basis by assuming fifty percent (50%) males. Effective for distributions with annuity starting dates on and after July 1, 2008. Actuarial Equivalence shall be based on the applicable interest rate and applicable mortality table. Applicable interest rate means the interest rate prescribed under Code Section 417(e)(3)(C) (as it reads effective on and after January 1, 2008) as in effect for the second month prior to the calendar year in which the determination is made and the applicable mortality table means the mortality table prescribed under Code section 417(e)(3)(B) (as it reads effective on and after January 1, 2008).

2. Section ——2.06 is amended to read as follows effective January 1, 2007:

2.06 Uniform Services Employment and Reemployment Rights Act of 1994. Notwithstanding any provision of this Plan to the contrary, effective December 12, 1994 contributions, Benefits and Credited Service with respect to qualified military service will be provided in

accordance with Section 414(u) of the Code. Effective January 1, 2007, in the case of a Participant who dies while performing qualified military service (as defined in Code section 414(u) and any related legislation or guidance) and while his reemployment rights are protected by the Uniformed Services Employment and Reemployment Rights Act of 1994, for purposes of determining eligibility for any additional benefits to which a Participant's survivors would have become entitled if he had been employed by the Employer on his date of death (including computation of a Participant's vested percentage, but excluding benefit accruals relating to the period of such qualified military service) such Participant will be deemed to have resumed employment prior to his or her death and then to have terminated employment on account of death.

Formatted: Font: (Default) Arial, 11 pt

3. A new Section 6.05 is added to read as follows effective January 1, 2007:

6.05 Mandatory Survivor Benefits on Behalf of Participants Who Die In Qualified Military Service. Effective January 1, 2007, the death benefit paid with respect to a Participant who dies in Qualified Military Service shall be determined as provided in Section 2.06.

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

4. Section 7.01(d) is amended to read as follows effective July 1, 2008:

(d) For purposes of applying the adjustments required under Code section 415(b)(2), the "applicable interest rate" is the annual rate of interest on 30-year Treasury Securities as specified by the Commissioner of Internal Revenue for the second month preceding the first day of the calendar quarter in which the determination is made and "applicable mortality table" is the table prescribed by the Secretary of the Treasury as described in Code section 415(b)(2)(E)(v). Applicable interest rate means the interest rate prescribed under Code Section 417(e)(3)(C) (as it reads effective on and after January 1, 2008) as in effect for the limitation year in which the determination is made and the applicable mortality table means the mortality table prescribed under Code section 417(e)(3)(B) (as it reads effective on and after January 1, 2008).

Formatted: Font: 11 pt, Underline

5. Section 9.06(a)(3) is amended to read as follows effective July 1, 2009:

(3) Twenty percent (20%) of the Employee's first fifty thousand dollars ($50,000) of average annual compensation (within the meaning of Treasury Regulation Section 1.415(c)-2(d)(4), averaged over five (5) years) multiplied by the number of years between the commencement of the Restricted Period and the earliest of the following dates whichever may be applicable:

6. Section 11.06 is amended to read as follows effective January 1, 2007:

11.06 Direct Rollover. This section applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distribution, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(1) Eligible Rollover Distribution means any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated Beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the Code; and for distributions made before January 1, 2002, any portion of any distribution that is not includable in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).

(2) Eligible Retirement Plan means an individual retirement account described in section 408(a) of the Code, an individual retirement annuity described in section 408(b) of the Code, an annuity plan described in section 403(a) of the Code, an annuity contract described in Section 403(b) of the Code, an eligible plan under Section 457(b) of the Code that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state that agrees to separately account for amounts transferred into such plan from this Plan, or a qualified trust described in Section 401(a) of the Code, that accepts the distributee's eligible rollover distribution.

Effective January 1, 2008, the term eligible retirement plan shall also include a Roth IRA as described in IRC Section 408A. Effective January 1, 2010, for the purpose of a distribution to a distributee who is a non-spouse beneficiary, eligible retirement plan shall only include an individual retirement account described in Code section 408(a), an individual retirement annuity described in IRC Section 408(b), or a Roth IRA described in IRC Section 408A (collectively, "IRA") that is established on behalf of the non-spouse beneficiary and that will be treated as an inherited IRA pursuant to the provisions of IRC Sections 402(c)(11) and 408(d)(3)(C)(ii).

(3) Distributee means an Employee or former Employee. In addition, the Employee's or former Employee's surviving Spouse and the Employee's or former Employee's Spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in section 414(p) of the Code, are distributees with regard to the interest of the Spouse or former spouse. Notwithstanding any provision of this Section to the contrary, effective as of January 1, 2010, the term distributee shall also include a non-spouse beneficiary of a deceased Participant.

(4) Direct Rollover means a payment by the Plan to the eligible retirement plan specified by the distributee.

THIS AMENDMENT shall take effect on the date of its adoption as indicated below.

CITY OF CREVE COEUR

Date: _____ By _____

City Administrator

ATTEST:

_____

Secretary

MEMORANDUM

DATE: August 7, 2012

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance DPS

SUBJECT: Amendment to Pension Plan to Comply With Federal Law

We have been informed by Steve Siepman, our actuary, that our current Defined Benefit Employee Pension Plan needs to be amended to comply with federal law. As you can see from the attached memo from Mr. Siepman the amendments to the plan will likely have no effect on the benefits to the participants.

I have also attached a redlined copy of the proposed legislation to highlight the actual changes to the plan.

Since the proposed changes are required by the federal law staff recommends approval.

You will note there is a small penalty for late implementation of these changes. Since Buck Consultants is responsible for monitoring these changes, they will absorb this cost.

I would be happy to respond to any questions.

Pls prepare a cover memo. We will also need an ordinance amending the plan, perhaps Debbie can prepare one.

Thanks,

From: Smith, Daniel N
Sent: Monday, July 30, 2012 2:01 PM
To: Perkins, Mark C.
Subject: FW: Required Retirement Plan amendment

Mark here is an amendment to the Pension plan required by the IRS. Since Buck should have notified the City they will pay the late fee to bring us into compliance. This needs to be on the next agenda. Thanks. DNS

Daniel N. Smith, CPA, CPFO
Director Of Finance
City of Creve Coeur
300 N. New Ballas Rd.
Creve Coeur, Missouri 63141
314-872-2519
dsmith@ci.creve-coeur.mo.us

From: Siepman, Stephen [mailto:Stephen.Siepman@buckconsultants.com]
Sent: Monday, July 30, 2012 9:18 AM
To: Smith, Daniel N
Subject: Required Retirement Plan amendment

Dan,

Attached is an amendment to the City's Retirement Plan making a number of changes as required by law. Also attached is a red-line version that clarifies what is being added or changed.

By way of explanation, recent federal law changes indicate these revisions to the Plan document:

1. The use of interest rates for determining small lump sum benefits and related to maximum benefit limitations (Sections 1.02 and 7.01(d)).
2. HEART Act changes with regard to participants who enter the military and die while in the military (Sections 2.06 and 6.05).
3. Change in regulation reference for distributions in case of plan termination (Section 9.06(a)(3)).
4. Modifications in eligible rollover provisions (Section 11.06).

I believe we have discussed these items briefly in the past. There is no practical impact on the Plan's funding or costs as a result of this amendment. It is highly unlikely that any participant is going to have a benefit small enough to be cashed out is a lump sum. The only type of Plan distribution that can be rolled over is a lump sum distribution, so the rollover provisions are not likely to have any practical applicability. The only practical impact would be if a Plan participant enters the military and dies while serving. The probability of that actually occurring is extremely low, so we do not recognize any additional Plan liability for the possibility it might occur. If it actually happened, the death benefits would be determined as if the person were actively employed with the City at the time of death. No benefit service credit would be granted for the time served in the military.

Finally, this amendment should have been adopted by the City no later than June 30, 2012. I apologize that we failed to notice that deadline and are providing it to you late. The IRS offers a Voluntary Compliance Program (VCP) that allows these types of oversights to be corrected for a modest user fee. When the amendment has been adopted, we will guide you through the VCP filing process and ask that you pay the fee. Of course, we will credit you the amount of the fee on an invoice so that the City will have no obligation whatsoever for correcting the late amendment.

If you have any questions, please let me know. Thanks.

Steve Siepman
Buck Consultants
231 S. Bemiston, Suite 400
St. Louis, MO 63105
314.719.2529 Phone
314.725.2724 Fax
stephen.siepman@buckconsultants.com
www.buckconsultants.com

Please consider the environment before printing this email

CONFIDENTIALITY NOTICE: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

If you have received this message by mistake, please notify the City of Creve Coeur Information Systems Manager(314-442-2069)and delete this message from your system. All email to and from the City are checked for viruses. Although this e-mail and any attachment(s) are believed to be free of any virus, worm, or other digital illness or defect that might affect any computer system that receives and opens this message, it is the responsibility of the recipient to make sure that it is free from any virus or other defect. The City does not accept, and specifically disclaims, any responsibility or liability for any loss or damage arising from the receipt or use of this message, and any attachment(s) in any way.

BILL No. _5384___ **ORDINANCE No. _____**

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR SPECTRUM RETIREMENT COMMUNITIES, LOT 1, CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI

WHEREAS, an application was submitted by Spectrum Retirement Communities, LLC, for a conditional use permit of a 43,254 square foot, 4-story, 90-unit assisted living facility, at 693 Decker Lane; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, August 6, 2012, 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)(2); and

WHEREAS, the public hearing was continued on August 20, 2012, to allow for supplemental mailing of notices to adjacent property owners within 300 feet of the subject property regarding the application; 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 5-0 votes, recommended approval of the conditional use permit, subject to the conditions contained herein, and related subdivision, at its meeting on August 20, 2012; 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

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

SECTION 1: Spectrum Retirement Communities Subdivision Plat, described as part of adjusted Lot A of the “Boundary Adjustment Plat of Part of Lots 7, 8, 9, and 15 of the Lake House Farm subdivision and all of Trojan Place Addition” as recorded in Plat Book 348 pages 58 and 59, as heretofore submitted by Marler Surveying Company, Inc., and more particularly described as follows:

> All that part of Adjusted Lot A of the "Boundary Adjustment Plat of Part of Lots 7, 8, 9 and 15 of the Lake House Farm Subdivision and all of Trojan Place Addition" as recorded in Plat Book 348 Pages 58 and 59 of the St. Louis County records, described as follows:
>
> Beginning at the northeast corner of said Adjusted Lot A, also on the West line of Decker Lane;

Thence along said West line of Decker Lane South 00 Degrees 15 Minutes 54 Seconds West a distance of 303.94 feet to the South line of said Adjusted Lot A;

Thence along said South line of said Adjusted Lot A South 89 Degrees 27 Minutes 57 Seconds West a distance of 227.09 feet to the East line of Amendment No. 1, the Summit Lofts, a Condominium as recorded in Plat Book 355 Page 141 of the St. Louis County records;

Thence along said East line of Amendment No. 1, the Summit Lofts, a Condominium North 00 Degrees 30 Minutes 00 Seconds West a distance of 304.05 feet to the North line of the aforesaid Adjusted Lot A;

Thence along said North line of Adjusted Lot A North 89 Degrees 30 Minutes 00 Seconds East a distance of 231.15 feet to the point of beginning and containing 69,647 square feet or 1.60 acres, more or less,

is hereby approved subject to the following conditions:

1. The applicant shall provide two paper copies and one electronic copy of the recorded plat to the City of Creve Coeur.

SECTION 2: Such approval of the Plats for the resubdivision of the property shall be endorsed on said Plat as indicated in Section 1 hereof under the hand of the City Clerk, and the seal of the City of Creve Coeur, Missouri shall be affixed thereto.

SECTION 3: This ordinance shall become effective as an emergency measure in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2012.

_____
ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

_____
BARRY GLANTZ
MAYOR

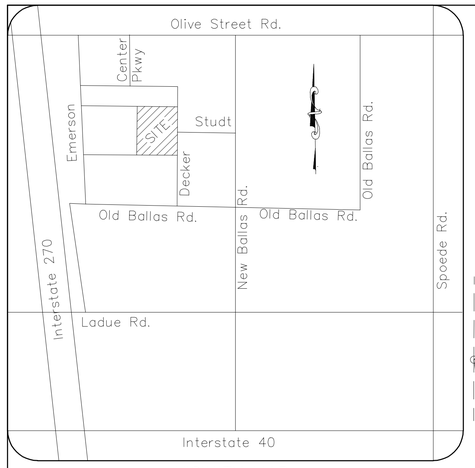
ATTEST:

_____
DEBORAH RYAN, MRCC
CITY CLERK

SPECTRUM RETIREMENT COMMUNITIES SUBDIVISION PLAT

PART OF ADJUSTED LOT A OF THE "BOUNDARY ADJUSTMENT PLAT OF PART OF LOTS 7, 8, 9 AND 15 OF THE LAKE HOUSE FARM SUBDIVISION AND ALL OF TROJAN PLACE ADDITION" AS RECORDED IN PLAT BOOK 348 PAGES 58 AND 59

CITY OF CREVE COEUR
ST. LOUIS COUNTY, MISSOURI



VICINITY MAP
NOT TO SCALE

0 20 40
SCALE:
1 inch = 20 ft.

BASIS OF BEARING:
PLAT BOOK 350 PAGE 649-652

● – DENOTES SET 1/2" x 18" REBAR WITH CAP STAMPED "MARLER L.S. -347-D"
○ – DENOTES FOUND 1/2" IRON PIPE

N/F
ASBURY AUTOMOTIVE ST. LOUIS LLC
LOC. # 17061-2393
D.B. 17222 PG. 3957

Found 1/2" Iron Rod with Cap "L.S. 14-D" N 87°44' W 0.41'

N 00°15'55" E 283.84' (R & S)

Found 1/2" Rebar with Cap "L.S. 347-D"

N 89°30'00" E 231.15' (R & S)

Found 1/2" Rebar with Cap "L.S. 347-D"

30.00' (S)
Found Cross

S 89°30'00" W 319.76' (R & S)
10.13'
59.81'
Found 1/2" Iron Pipes
Found 1/2" Rebar with Cap "L.S. 347-D"

12' Easement (12805/540)

Vacated per D.B. 8775 Pg. 353 reserving any Easement Rights for Utility Companies (Plat Book 116 Page 17)

N 00°30'00" W 304.05' (R & S)

LOT 1
69,647 SQ. FT.
1.60 ACRES±

N/F
FIFTH THIRD BANK
LOC. # 17033-1782
D.B. 19524 PG. 1243

15' Easement (12805/540)

S 00°15'54" W 303.94' (R & S)

DECKER LANE (VARIABLE WIDTH)

AMENDMENT NO. 1, THE SUMMIT LOFTS, A CONDOMINIUM PLAT BOOK 355 PAGE 141

EMERSON AVE. (VARIABLE WIDTH)

Found 1/2" Rebar with Cap "L.S. 347-D"
Found Cross 3.07' West

S 89°27'57" W 323.32' (R & S)

Found 1/2" Rebar with Cap "L.S. 347-D"

8' Easement (12805/540)

Found 1/2" Iron Pipe with Cap "L.S. 14-D"

S 89°27'57" W 227.09' (R & S)

N/F
I&G DIRECT REAL ESTATE 18, LP
LOC. # 17033-1210
D.B. 17681 PG. 2739
PLAT BOOK 283 PAGE 82

S00°15'21"W 258.21' (R)
S00°34'25"W 258.21' (S)

Found 1/2" Iron Pipe with Cap "L.S. 14-D"

THE UNDERSIGNED, OWNERS OF THE TRACT OF LAND HEREIN PLATTED AND FURTHER DESCRIBED IN THE FOREGOING SURVEYOR'S CERTIFICATE HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED IN THE MANNER SHOWN ON THIS PLAT, WHICH SUBDIVISION SHALL HEREINAFTER BE KNOWN AS "SPECTRUM RETIREMENT COMMUNITIES"

IN WITNESS HEREON, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL THIS _____ DAY OF_____, 2012.

SPECTRUM RETIREMENT COMMUNITIES, LLC

_____

STATE OF MISSOURI)
) S.S.
ST. LOUIS COUNTY)

ON THIS _____ DAY OF _____, 2012, BEFORE ME PERSONALLY APPEARED _____ TO ME KNOWN, WHO, BEING BY ME DULY SWORN, DID SAY THAT HE IS THE _____ OF _____ _____, A CORPORATION OF THE STATE OF MISSOURI, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS AND _____ FURTHER ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR FIRST ABOVE WRITTEN.
MY COMMISSION EXPIRES: _____

_____
NOTARY PUBLIC

THE UNDERSIGNED HOLDER OR LEGAL OWNER OF NOTES SECURED BY DEED IN BOOK _____ PAGE _____ OF THE ST. LOUIS COUNTY LAND RECORDS JOINS IN AND APPROVES IN EVERY DETAIL THIS SUBDIVISION PLAT. IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HAND AND AFFIXED OUR CORPORATE SEAL THIS _____ DAY OF _____ 2012.

_____

STATE OF MISSOURI)
) S.S.
ST. LOUIS COUNTY)

ON THIS _____ DAY OF _____, 2012, BEFORE ME PERSONALLY APPEARED _____ TO ME KNOWN, WHO, BEING BY ME DULY SWORN, DID SAY THAT HE IS THE _____ OF _____ _____, A CORPORATION OF THE STATE OF MISSOURI, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS AND _____ FURTHER ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR FIRST ABOVE WRITTEN.
MY COMMISSION EXPIRES: _____

_____
NOTARY PUBLIC

I, PAUL LANGDON, THE DIRECTOR OF COMMUNITY DEVELOPMENT FOR CITY OF CREVE COEUR, MISSOURI DO HEREBY CERTIFY THAT THE PLAT OF SPECTRUM RETIREMENT COMMUNITIES WAS APPROVED BY THE CITY OF CREVE COEUR PLANNING DIVISION, THIS ____ DAY OF _____, 2012, AND HEREBY AUTHORIZE THE RECORDING OF THIS PLAT WITH THE OFFICE OF THE ST. LOUIS COUNTY RECORDER OF DEEDS, AS PER ORDINANCE NO. _____.

_____
PAUL LANGDON, DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF CREVE COEUR, MISSOURI

_____
DEBORAH RYAN, CITY CLERK
CITY OF CREVE COEUR, MISSOURI

SURVEYOR'S STATEMENT

THIS IS TO CERTIFY TO **SPECTRUM RETIREMENT COMMUNITIES, LLC**, WE HAVE DURING THE MONTH OF JULY 2012, PERFORMED A BOUNDARY RETRACEMENT SURVEY AND PREPARED A SUBDIVISION PLAT FOR PART OF ADJUSTED LOT A OF THE "BOUNDARY ADJUSTMENT PLAT OF PART OF LOTS 7, 8, 9 AND 15 OF THE LAKE HOUSE FARM SUBDIVISION AND ALL OF TROJAN PLACE ADDITION" AS RECORDED IN PLAT BOOK 348 PAGES 58 AND 59 OF THE ST. LOUIS COUNTY RECORDS AND THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS DRAWING:
THAT THE SAID SURVEY WAS EXECUTED IN COMPLIANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS SET FORTH BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES DIVISION OF GEOLOGY AND LAND SURVEY (10 CSR 30-2.070) AND THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS (4 CSR 30-16.070), EFFECTIVE 12/30/94, AND LAST REVISED OCTOBER OF 2003. (URBAN CLASS PROPERTY)

IN WITNESS WHEREOF, I HAVE SIGNED AND SEALED THE FOREGOING THIS _____ DAY OF _____, 2012.

NO TITLE COMMITMENT WAS PROVIDED TO THE LAND SURVEYOR AT THE TIME OF THIS SURVEY.

MARLER SURVEYING COMPANY INC.
MISSOURI CORP. NO. L.S. 347-D

By: _____
MARTY L. MARLER
MISSOURI PLS# 2501

THIS PLAT CONTAINS 1.60± ACRES

JOB NO. 1206-162	MARLER SURVEYING COMPANY, INC.	DEPUTY C.B.
DRWN BY: M.S.B.	11402 GRAVOIS RD., STE. 200 ST. LOUIS, MO 63126 (314) 729-1001 PH. (314) 729-1044 FAX 110 WEST MAIN STREET, SULLIVAN, MO (573) 468-4684 PH. (573) 860-8606 FAX email: marler@marlersurveying.net	CHK'D BY: M.L.M.

BILL NO. 5385 **ORDINANCE NO. _____**

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE PERMIT FOR A 43,254 SQUARE-FOOT, ASSISTED LIVING, HOME FOR THE AGED, WITH HEALTH CARE INCIDENTAL, FACILITY LOCATED AT 693 DECKER LANE IN THE "CB" CORE BUSINESS DISTRICT

WHEREAS, under Section 405.370(C), "CB" Core Business District, assisted living facilities are classified as a "home for the aged, with health care incidental" by the Zoning Code which requires the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, an application was submitted by Spectrum Retirement Communities, LLC, for a conditional use permit of a 43,254 square foot, 4-story, 90-unit assisted living facility, at 693 Decker Lane; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, August 6, 2012, 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)(2); and

WHEREAS, the public hearing was continued on August 20, 2012, to allow for supplemental mailing of notices to adjacent property owners within 300 feet of the subject property regarding the application; 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 5-0 votes, recommended approval of the conditional use permit, subject to the conditions contained herein, and related subdivision, at its meeting on August 20, 2012; and

WHEREAS, the City Council has approved the related subdivision by Ordinance No._____; 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: A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a 90-unit assisted living facility (home for the aged, with health care incidental) located at 963 Decker Lane, in the "CB" Core Business zoning district, whose legal description is as follows:

All that part of Adjusted Lot A of the "Boundary Adjustment Plat of Part of Lots 7, 8, 9 and 15 of the Lake House Farm Subdivision and all of Trojan Place Addition" as recorded in Plat Book 348 Pages 58 and 59 of the St. Louis County records, described as follows:

Beginning at the northeast corner of said Adjusted Lot A, also on the West line of Decker Lane;

Thence along said West line of Decker Lane South 00 Degrees 15 Minutes 54 Seconds West a distance of 303.94 feet to the South line of said Adjusted Lot A;

Thence along said South line of said Adjusted Lot A South 89 Degrees 27 Minutes 57 Seconds West a distance of 227.09 feet to the East line of Amendment No. 1, the Summit Lofts, a Condominium as recorded in Plat Book 355 Page 141 of the St. Louis County records;

Thence along said East line of Amendment No. 1, the Summit Lofts, a Condominium North 00 Degrees 30 Minutes 00 Seconds West a distance of 304.05 feet to the North line of the aforesaid Adjusted Lot A;

Thence along said North line of Adjusted Lot A North 89 Degrees 30 Minutes 00 Seconds East a distance of 231.15 feet to the point of beginning and containing 69,647 square feet or 1.60 acres, more or less.

Section 2: The Conditional Use Permit granted shall be subject to all applicable statutes, ordinances, rules and regulations, and the following conditions:

1. The Conditional Use Permit shall be for a 43,254 square-foot assisted living, residential care facility with a maximum of 90 resident beds at 693 Decker Lane.
2. The applicant is required to submit a Site Improvement Permit application, showing all exterior improvements, as required by Section 420.070 of the Land Disturbance Code. The permit application shall be in substantial conformance with the "Site Development Plan," dated August 22, 2012 as bound together and submitted in conjunction with Application #12-022 by Paul Boyer, of CEDC, Civil Engineering Design Consultants.
3. The applicant is required to submit a Building Permit application, as required by Article II of the Building Code. Exterior elevations shall be in substantial conformance with the "Exterior Elevations" dated July 27, 2012, as bound together and submitted in

conjunction with Application #12-022 by Paul Boyer, of CEDC, Civil Engineering Design Consultants.

4. The Final Landscape Plan shall be in substantial conformance with the "Planting Plan" by Landscape Technologies dated July 6, 2012, except where additional plantings shall be provided along the ground floor main dining elevation between the Decker Lane entrance and the outdoor patio, to meet with the intent of the Design Guidelines for the Zoning Administrator's approval.
5. All exterior plans shall demonstrate grading and stormwater protection of the existing parking garage for the property to the west, and shall indicate that the exiting requirements for the garage per Building Code requirements are not impeded by the development of the assisted living facility, consistent with the drawing attached hereto as Exhibit A. Additionally, improvements shall be installed to preserve the privacy of the pool are of the adjoining Summit Lofts property consistent with the drawing attached hereto. The applicant shall either complete such improvements regarding that parking garage and privacy screening or reimburse the owners thereof for the cost of such improvements prior to the issuance of an occupancy permit for the assisted living facility.
6. In recognition of a pre-existing Metropolitan St. Louis Sewer District (MSD) easement adjacent to the Decker Lane right-of-way, the front setback for the assisted living facility may be a maximum of 17 feet in accordance with Section 405.240, Setback and Building Lines, of the Zoning Ordinance.
7. Prior to issuance of any building permits, the applicant shall prepare and record the final subdivision plat as approved by the City Council and indentures requiring maintenance of the underground stormwater basin together with the adjoining Summit Lofts property, as approved by the City Attorney.
8. Off-street parking requirements shall be calculated as one parking space per every two resident beds. Because this parking determination is driven by the unique demands of an assisted living facility, no other use shall be made of the property without the approval of the City Council.
9. Accessory structures, including the generator and dumpster enclosure, and the supporting structure of the ground monument shall be of materials consistent with the main building.
10. All lighting shall be in conformance with Section 405.680, Lighting, of the Zoning Code
11. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
12. The kitchen facility shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
13. Any mechanical equipment installed for the site shall be properly screened with approved materials.
14. 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.
15. 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.
16. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained and the use of the building

commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.

17. 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.

Section 3: 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 4: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2012.

_____
ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

_____
BARRY GLANTZ
MAYOR

ATTEST:

_____
DEBORAH RYAN, MRCC
CITY CLERK

Exhibit A

SITE DEVELOPMENT PLAN
FOR
SPECTRUM RETIREMENT COMMUNITIES

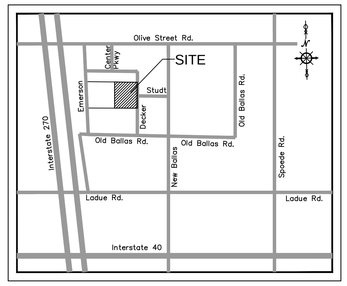
ALL THAT PART OF ADJUSTED LOT A OF THE "BOUNDARY ADJUSTMENT PLAT OF PART OF LOTS 7, 8, 9 AND 15 OF THE LAKE HOUSE FARM SUBDIVISION AND ALL OF TROJAN PLACE ADDITION" AS RECORDED IN PLAT BOOK 348 PAGES 58 AND 59 OF THE ST. LOUIS COUNTY RECORDS
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI

LEGEND

EXISTING CONTOURS	433
PROPOSED CONTOURS	433
EXISTING STORM SEWER	
PROPOSED STORM SEWER	
EXISTING SANITARY SEWER	
PROPOSED SANITARY SEWER	
RIGHT-OF-WAY	
EASEMENT	
CENTERLINE	
EXISTING TREE	18"
EXISTING SPOT ELEVATION	× 433.28
PROPOSED SPOT ELEVATION	433.28
SWALE	
TO BE REMOVED	T.B.R.
TO BE REMOVED & RELOCATED	T.B.R.& R.
TO BE USED IN PLACE	U.I.P.
TO BE ADJUSTED	T.B.A.
BACK OF CURB	B.C.
FACE OF CURB	F.C.
WATER MAIN	W W
GAS MAIN	G G
UNDERGROUND TELEPHONE	T T
OVERHEAD WIRE	O.H. O.H.
UNDERGROUND ELECTRIC	E E
FIRE HYDRANT	
POWER POLE	
WATER VALVE	WV
LIGHT STANDARD	

ABBREVIATIONS

N	NORTH
S	SOUTH
E	EAST
W	WEST
CONC	CONCRETE
ASPH	ASPHALT
PB	PLAT BOOK
DB	DEED BOOK
PG	PAGE
SF	SQUARE FEET
AC	ACRES
ELEV	ELEVATION
FF	FINISH FLOOR
FL	FLOWLINE
PVC	POLYVINYL CHLORIDE PIPE
RCP	REINFORCED CONCRETE PIPE
STM	STORM
SAN	SANITARY
(S)	SAVE
(R)	REMOVE
(T.B.R.)	TO BE REMOVED
(T.B.R.&R.)	TO BE REMOVED AND REPLACED



LOCATION MAP
NOT TO SCALE

PROPERTY DATA

OWNER	= FIFTH THIRD BANK
OWNER UNDER CONTRACT	= SPECTRUM RETIREMENT COMMUNITIES, LLC
SITE ADDRESS	= 693 DECKER LANE CREVE COEUR, MO 63141
LOCATOR NUMBER	= 170331782
SITE AREA	= 1.60 ± ACRES
ZONING	= "CB" CORE BUSINESS DISTRICT
FIRE DISTRICT	= CREVE COEUR FIRE DISTRICT
SCHOOL DISTRICT	= PARKWAY SCHOOL DISTRICT
WATER SHED	= DEER CREEK
FEMA MAP	= FIRM 29189C0162 H, AUG. 2, 1995 UNSHADED ZONE X
MSD BASE MAP	= 17-0

UTILITIES / AGENCIES

ELECTRIC COMPANY = AMERENUE – DORSETT
DISTRICT 12121 DORSETT ROAD
ST. LOUIS, MO 63043 PH.
(314) 344-9575

PHONE COMPANY = AT&T
402 NORTH THIRD STREET ST.
CHARLES, MO 63301 PH. (636)
949-4228

GAS COMPANY = LACLEDE GAS COMPANY
720 OLIVE STREET ROOM
1408 ST. LOUIS, MO 63101
PH. (314) 342-0686

WATER COMPANY = MISSOURI AMERICAN WATER COMPANY
1050 RESEARCH BLVD.
ST. LOUIS, MO 63132
PH. (314) 996-2464

CABLE TELEVISION = CHARTER COMMUNICATIONS, INC.
MAPPING & DESIGN DEPARTMENT
941 CHARTER COMMONS
CHESTERFIELD, MO 63017 PH.
(636) 220-2174

FIRE DISTRICT = CREVE COEUR FIRE PROTECTION DISTRICT
11221 OLIVE BOULEVARD
ST. LOUIS, MISSOURI 63141
PH. (314) 432-5570
FAX: (314) 432-2367
ATTN: MR. ART OESTEREICH, FIRE MARSHAL

LEGAL DESCRIPTION

All that part of Adjusted Lot A of the "Boundary Adjustment Plat of Part of Lots 7, 8, 9 and 15 of the Lake House Farm Subdivision and all of Trojan Place Addition" as recorded in Plat Book 348 Pages 58 and 59 of the St. Louis County records, described as follows:

Beginning at the northeast corner of said Adjusted Lot A, also on the West line of Decker Lane;

Thence along said West line of Decker Lane South 00 Degrees 15 Minutes 54 Seconds West a distance of 303.94 feet to the South line of said Adjusted Lot A;

Thence along said South line of said Adjusted Lot A South 89 Degrees 27 Minutes 57 Seconds West a distance of 227.09 feet to the East line of Amendment No. 1, the Summit Lofts, a Condominium as recorded in Plat Book 355 Page 141 of the St. Louis County records;

Thence along said East line of Amendment No. 1, the Summit Lofts, a Condominium North 00 Degrees 30 Minutes 00 Seconds West a distance of 304.05 feet to the North line of the aforesaid Adjusted Lot A;

Thence along said North line of Adjusted Lot A North 89 Degrees 30 Minutes 00 Seconds East a distance of 231.15 feet to the point of beginning and containing 69,647 square feet or 1.60 acres, more or less.

End of Description

BENCHMARKS

MSD BENCHMARK– 13-59– 676.98' – "L" ON THE SOUTHEAST CORNER OF CONCRETE STEP, 1' EAST AND 0.4' SOUTH OF THE SOUTH SIDE OF DOOR ENTRANCE TO OFFICE OF SERVICE STATION; SOUTHWEST CORNER OLIVE STREET ROAD AND BALLAS ROAD.

SITE BENCHMARK
ELEV. – 644.28' – CROSS AT THE CENTERLINE OF DECKER LANE AT THE INTERSECTION OF THE CENTERLINE OF STUDT LANE, AS SHOWN ON SURVEY.

INDEX

SDP-1	TITLE SHEET
SDP-2	SITE DEVELOPMENT PLAN
A1.02	SITE DETAILS
	SCHEMATIC ELEVATIONS
	PERSPECTIVES
A3.10-A3.40	FLOOR PLANS
L-1, L-2	PLANTING PLAN
LP-1	PHOTOMETRIC PLAN
LP-2	LIGHTING DETAILS

GENERAL NOTES

1.) 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. THE CONTRACTOR SHALL BE ON RECORD WITH THE MISSOURI ONE CALL SYSTEM. ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.

2.) ALL ELEVATIONS ARE BASED ON BENCHMARK INFORMATION SHOWN.

3.) BOUNDARY AND TOPOGRAPHIC SURVEY BY MARLER SURVEYING COMPANY.

4.) ALL MATERIALS AND METHODS OF CONSTRUCTION TO MEET THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF CREVE COEUR, ST. LOUIS COUNTY DEPARTMENT OF HIGHWAYS AND TRAFFIC AND M.S.D.

5.) ALL GRADED AREAS SHALL BE PROTECTED FROM EROSION BY EROSION CONTROL DEVICES AND/OR SEEDING AND MULCHING AS REQUIRED BY THE CITY OF CREVE COEUR.

6.) GRADING CONTRACTOR SHALL INSTALL SILTATION CONTROL PRIOR TO STARTING THE GRADING. ADDITIONAL SILTATION CONTROL DEVICES SHALL BE INSTALLED AS DIRECTED BY ST. LOUIS COUNTY DEPARTMENT OF HIGHWAYS AND TRAFFIC.

7.) ALL FILLS AND BACKFILLS SHALL BE MADE OF SELECTED EARTH MATERIALS, FREE FROM BROKEN MASONRY, ROCK, FROZEN EARTH, RUBBISH, ORGANIC MATERIAL AND DEBRIS.

8.) GRADING CONTRACTOR SHALL KEEP EXISTING ROADWAYS CLEAN OF MUD AND DEBRIS AT ALL TIMES.

9.) PROPOSED CONTOURS SHOWN ARE FINISHED ELEVATIONS ON PAVED AREAS.

10.) ALL GRADING AND DRAINAGE TO BE IN CONFORMANCE WITH THE THE CITY OF CREVE COEUR, ST. LOUIS COUNTY AND M.S.D.

11.) SEEDING, SODDING, MULCHING AND PLANTINGS FOR ALL DISTURBED AREAS SHALL BE SPECIFIED ON THE LANDSCAPE PLAN.

12.) SIDEWALKS ALONG THE ACCESSIBLE ROUTE SHALL NOT HAVE A SLOPE EXCEEDING 1'V:20'H. SLOPES GREATER THAN 1'V:20'H MUST BE DESIGNED AS A RAMP. SIDEWALKS TO BE CONSTRUCTED TO ST. LOUIS COUNTY ADA STANDARDS.

13.) SIDEWALKS, CURB RAMPS, RAMPS 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. IF ANY CONFLICT OCCURS BETWEEN THE ADAA GUIDELINES AND THE INFORMATION ON THE PLANS, THE ADAA GUIDELINES SHALL TAKE PRECEDENCE AND THE CONTRACTOR SHALL NOTIFY THE PROJECT ENGINEER PRIOR TO ANY CONSTRUCTION.

14.) NO GRADE SHALL EXCEED 3:1 SLOPE UNLESS APPROVED BY GEOTECHNICAL ENGINEER

15.) STORM WATER SHALL BE DISCHARGED AT AN ADEQUATE NATURAL DISCHARGE POINT. SINKHOLES ARE NOT ADEQUATE NATURAL DISCHARGE POINTS.

16.) ALL LANDSCAPED AREAS TO BE FILLED WITH A MINIMUM OF 6" OF TOPSOIL.

17.) ALL LANDSCAPED AREAS DISTURBED BY OFF-SITE WORK SHALL BE IMMEDIATELY SEEDED OR SODDED, AS DIRECTED BY THE CITY OF CREVE COEUR UPON COMPLETION OF WORK IN THE AREA AFFECTED.

18.) 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.

19.) ALL SEWER CONSTRUCTION AND MATERIALS TO BE IN ACCORDANCE WITH THE METROPOLITAN ST. LOUIS SEWER DISTRICT STANDARD CONSTRUCTION SPECIFICATIONS FOR SEWER AND DRAINAGE FACILITIES, 2009.

20.) ALL ROOFTOP EQUIPMENT SHALL BE SCREENED FROM VIEW.

21.) MAXIMUM STRUCTURE HEIGHT PER ZONING SECTION 405.370(E):
ALLOWABLE: NO BUILDING OR STRUCTURE SHALL EXCEED FOUR (4) STORIES OR SIXTY (60) FEET IN HEIGHT.
PROPOSED: 4-STORIES, HEIGHT=48'

22.) MAXIMUM SITE COVERAGE PER ZONING SECTION 405.370(E)
ALLOWABLE: THE AMOUNT OF GROSS SITE AREA COVERED BY BUILDINGS AND STRUCTURES, SURFACE PARKING, PAVEMENT FOR AUTOMOBILE CIRCULATION OR PERMITTED EXTERIOR BUSINESS SERVICES, STORAGE, MERCHANDISE DISPLAY, REPAIR OR PROCESSING SHALL NOT EXCEED SIXTY-THREE PERCENT (63%) OF THE SITE.
PROPOSED: BUILDING FOOTPRINT = 0.49± Ac.
SURFACE PARKING + PVMT. FOR AUTOMOBILE CIRCULATION = 0.51± Ac.
TOTAL =1.00± Ac.
*EXCLUDES PEDESTRIAN WALKS, SEATING AREAS, AND GRASS-CRETE PAVERS
SITE COVERAGE % = 1.00/1.60 x 100%
= 62.50% < 63%

23.) FLOOR AREA RATIO
ALLOWABLE: CLASS 2 DEVELOPMENTS SHALL NOT EXCEED A FLOOR AREA RATIO OF ONE (1.0) (ONE (1) SQUARE FOOT OF FLOOR AREA PER SQUARE FOOT OF SITE).
PROPOSED: GROSS FLOOR AREA = 43,254 S.F. (GROSS LEASABLE FLOOR AREA)
TOTAL SITE AREA = 69,647 S.F.
F.A.R. = 43,254/69,647
= 0.62 < 1.0

24.) YARD AND SETBACK REQUIREMENTS PER ZONING SECTION 405.370(E):
MAXIMUM FRONT YARD:
A MINIMUM OF FIFTY PERCENT (50%) OF THE BUILDING ELEVATION PARALLEL TO THE STREET RIGHT-OF-WAY SHALL BE LOCATED A MAXIMUM OF FIFTEEN (15) FEET FROM THE RIGHT-OF-WAY ESTABLISHED BY THE ADOPTED SITE DEVELOPMENT PLAN FOR THE "CB" CORE BUSINESS DISTRICT.

SIDE YARD = 10 FT.
REAR YARD = 10 FT.

25.) SITE LIGHTING SHALL COMPLY WITH THE ORDINANCE REQUIREMENTS PER SECTION 405.680(B)(4) WHICH STATES THAT 'LIGHTING SHALL NOT BE CAST UPON AN ADJACENT PROPERTY OR RIGHT-OF-WAY NOR SHALL GLARE BE EMITTED FROM AN ILLUMINANT SOURCE.' FIXTURES SHALL BE DUSK-TO-DAWN FIXTURES.

26.) LANDSCAPING SHALL COMPLY WITH THE ORDINANCE REQUIREMENTS PER SECTION 405.540.

27.) PARKING REQUIREMENTS PER SECTION 405.820:
PARKING REQUIRED: NURSING AND PERSONAL CARE FACILITIES (SIC CODE 8050). ONE (1) SPACE PER TWO (2) PATIENT BEDS.
NUMBER OF UNITS = 90
SPACES REQIRED = 90/2 = 45 SPACES

PARKING PROVIDED: 45 SPACES

28.) TENANT SIGNAGE IS REVIEWED UNDER A SEPARATE PERMIT PROCESS AND ANY APPROVAL OF THE PROJECT DOES NOT CONSTITUTE APPROVAL FOR ANY SIGNAGE SHOWN ON THESE DRAWINGS.

PREPARED FOR:
SPECTRUM RETIREMENT COMMUNITES, LLC
200 SPRUCE STREET, SUITE 200
DENVER, COLORADO 80230
PHONE (303) 360-8812
FAX (303) 360-8814

PREPARED BY:
CEDC
CIVIL ENGINEERING
DESIGN CONSULTANTS
11402 Gravois Road
Suite 100
Saint Louis, Missouri 63126
314.729.1400
Fax: 314.729.1404
www.cedc.net

PAUL K. BOYER, P.E. E-28258
CIVIL ENGINEER
CEDC LICENSE NO.: 2003004674

CEDC
CIVIL ENGINEERING
DESIGN CONSULTANTS
11402 Gravois Road
Suite 100
Saint Louis, MO 63126
314.729.1400
Fax: 314.729.1404
www.cedc.net

Site Development Plan for
SPECTRUM RETIREMENT COMMUNITIES
693 Decker Lane
Creve Coeur, Missouri

Proj. # 1193

No.	Description	Date
	Submittal	07/06/12
	City Comments	07/26/12
	City Comments	08/22/12

TITLE SHEET

DRAWING NO.
SDP-1

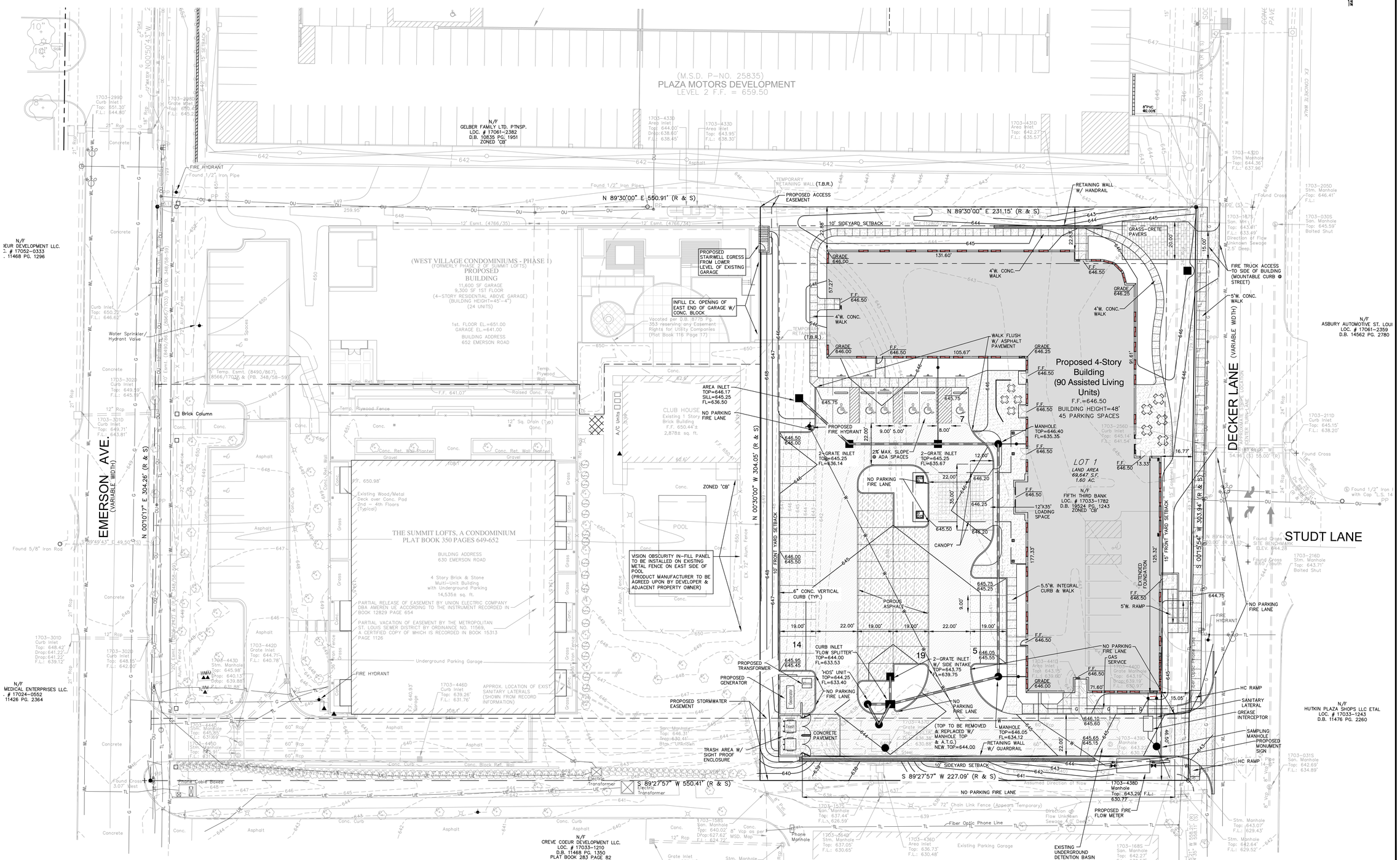
SITE DEVELOPMENT PLAN

FOR

SPECTRUM RETIREMENT COMMUNITIES

PART OF ADJUSTED LOT A OF BOUNDARY ADJUSTMENT PLAT OF PART OF LOT 5, 7, 8, 9, AND 15 OF THE LAKEHOUSE FARM SUBDIVISION AND ALL OF TROJAN PLACE ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 348 PAGES 58–59
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.



PAUL K. BOYER, P.E. E–28258
CIVIL ENGINEER
CEDC LICENSE NO.: 2003004674

CEDC
CIVIL ENGINEERING
DESIGN CONSULTANTS
11402 Gravois Road
Suite 100
Saint Louis, MO 63126
314.729.1400
Fax: 314.729.1404
www.cedc.net

Site Development Plan for
SPECTRUM RETIREMENT COMMUNITIES
693 Decker Lane
Creve Coeur, Missouri

Proj. # 1193	
No. Description	Date
Submittal	07/06/12
City Comments	07/26/12
City Comments	08/22/12

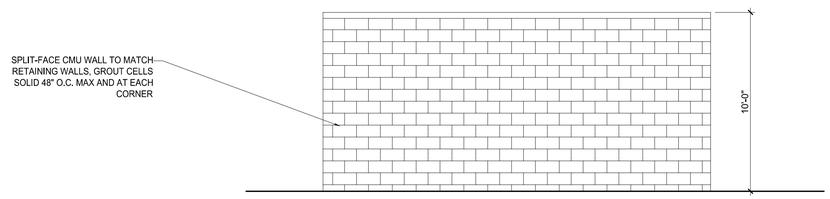
SITE DEVELOPMENT PLAN

DRAWING NO.

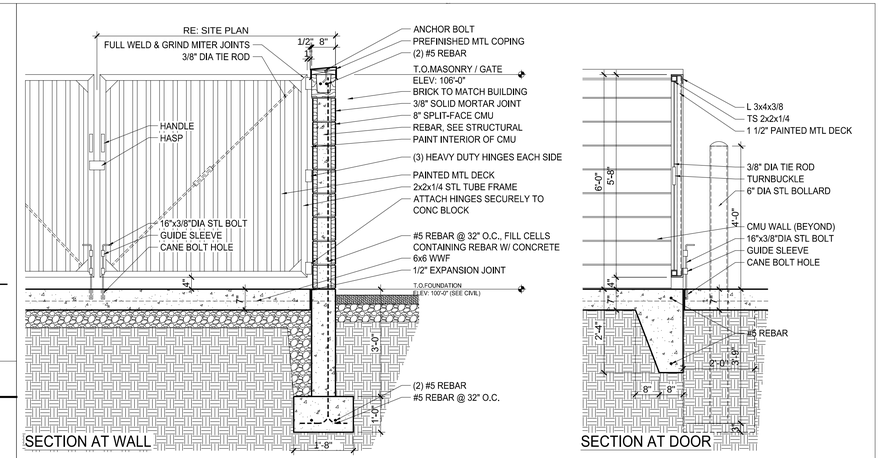
SDP-2

VESSEL
ARCHITECTURE & DESIGN

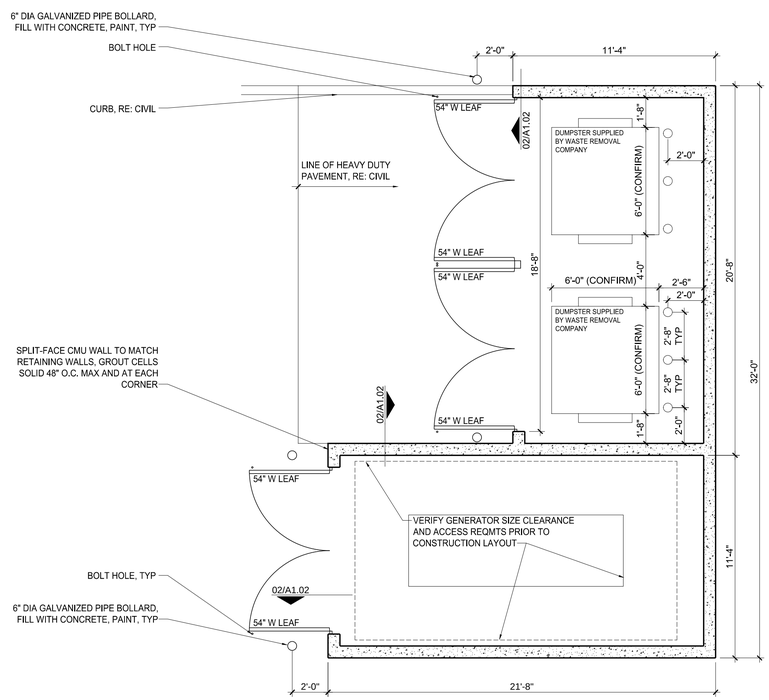
SPECTRUM



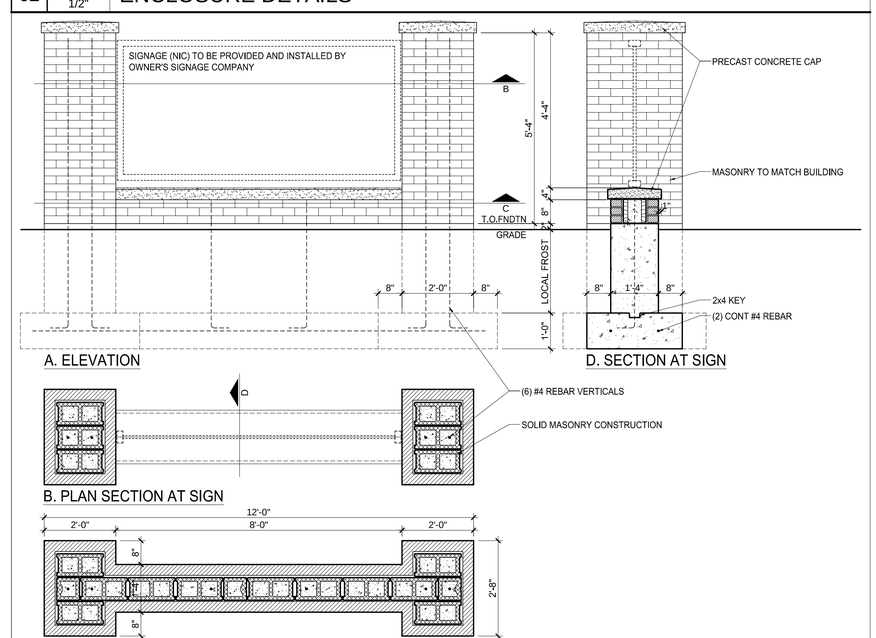
05 A1.02 1/4" DUMPSTER AND GENERATOR ELEVATION



02 A1.02 1/2" ENCLOSURE DETAILS



04 A1.02 1/4" DUMPSTER AND GENERATOR ENCLOSURE PLAN



01 A1.02 1/2" MONUMENT SIGN

SPECTRUM ASSISTED LIVING COMMUNITY

Creve Coeur, Missouri

SITE DETAILS

A1.02

Front Elevation (West)

SCALE: 1/8"=1'-0"
0 4' 8' 16' 32'

Rear Elevation (East)

North Elevation

SCALE: 1/16"=1'-0"
0 8' 16' 32' 64'

South Elevation

SCALE: 1/16"=1'-0"
0 8' 16' 32' 64'

SPECTRUM
RETIREMENT COMMUNITIES, LLC

VESSEL
ARCHITECTURE & DESIGN

SCHEMATIC ELEVATIONS

Spectrum Senior Living - Creve Coeur, Missouri

Revised July 25, 2012

aerial from South

aerial from North

SPECTRUM
RETIREMENT COMMUNITIES, LLC

VESSEL
ARCHITECTURE & DESIGN

SCHEMATIC PERSPECTIVE RENDERINGS

Spectrum Senior Living - Creve Coeur, Missouri

July 25, 2012

VESSEL
ARCHITECTURE & DESIGN

SPECTRUM

SPECTRUM
ASSISTED LIVING
COMMUNITY

Creve Coeur, Missouri

LEVEL 1
FLOOR PLAN

SCALE: 1" = 10'-0"
0 5' 10' 20'
N

A3.10

VESSEL
ARCHITECTURE & DESIGN

SPECTRUM

SPECTRUM
ASSISTED LIVING
COMMUNITY

Creve Coeur, Missouri

LEVEL 2
FLOOR PLAN

SCALE: 1" = 10'-0"
0 5' 10' 20'

N

A3.20

VESSEL
ARCHITECTURE & DESIGN

SPECTRUM

SCALE: 1" = 10'-0"
0 5' 10' 20'

SPECTRUM
ASSISTED LIVING
COMMUNITY

Creve Coeur, Missouri

LEVEL 3
FLOOR PLAN

A3.30

VESSEL
ARCHITECTURE & DESIGN

SPECTRUM

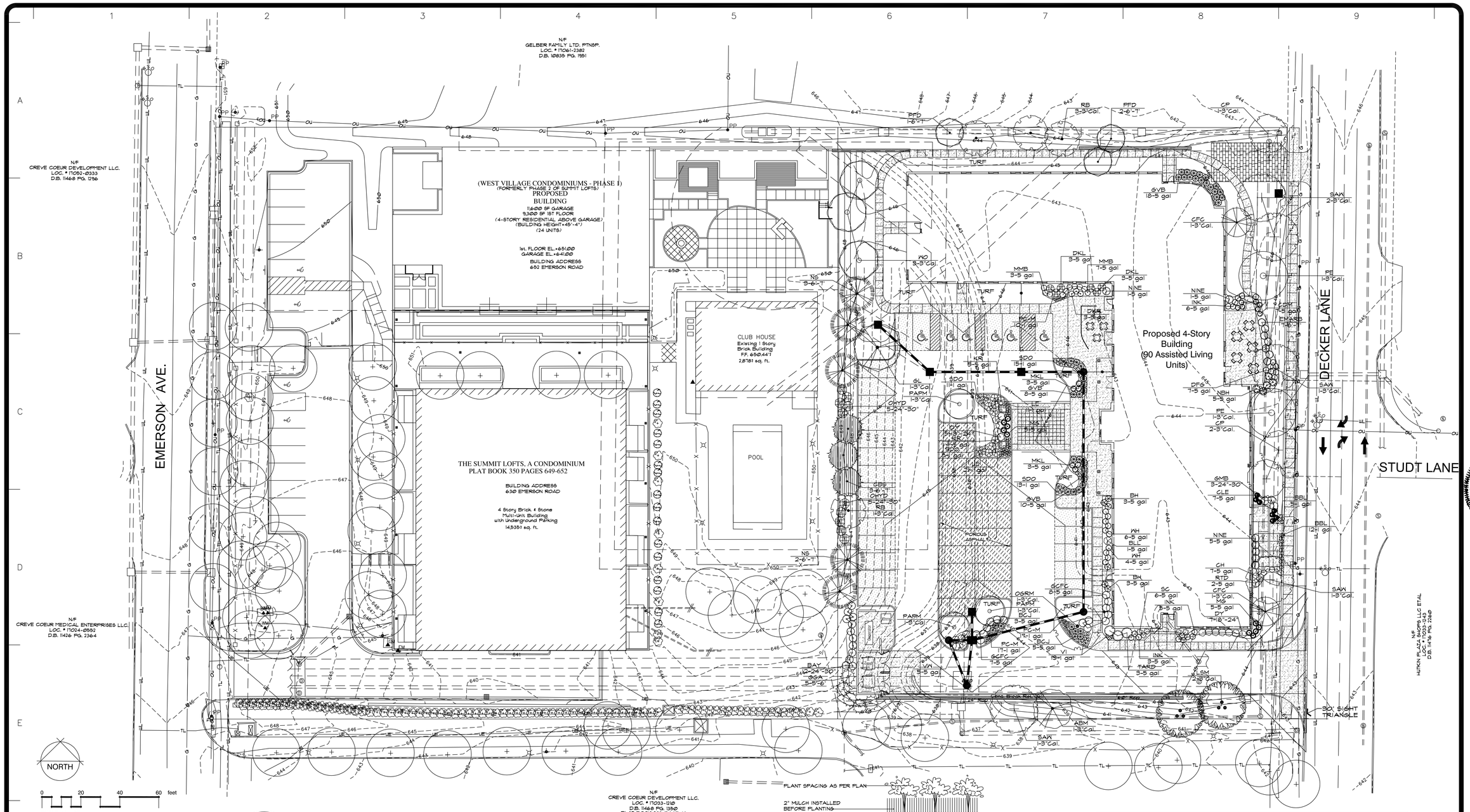
SCALE: 1" = 10'-0"
0 5' 10' 20'

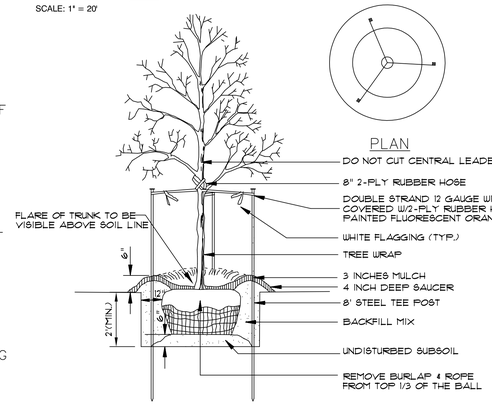
SPECTRUM
ASSISTED LIVING
COMMUNITY

Creve Coeur, Missouri

LEVEL 4
FLOOR PLAN

A3.40

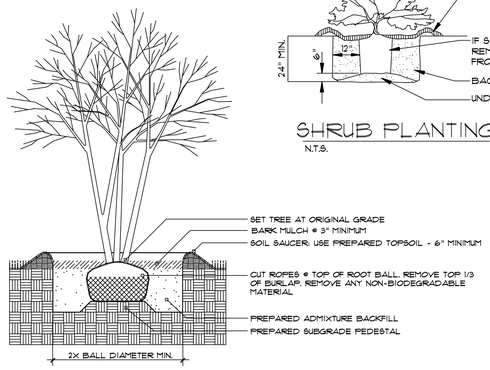




NOTE: USE SHREDDED BARK MULCH ONLY

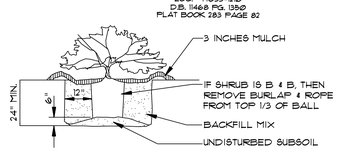
DECIDUOUS TREE PLANTING

N.T.S.



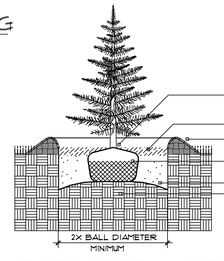
MULTI-STEM TREE PLANTING

N.T.S.



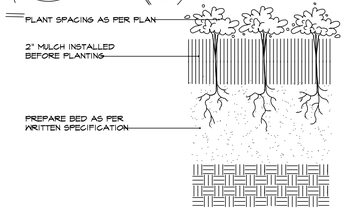
SHRUB PLANTING

N.T.S.



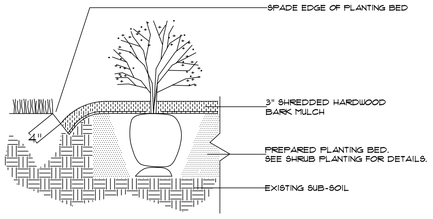
EVERGREEN TREE PLANTING

N.T.S.



PERENNIAL / ANNUAL PLANTING

N.T.S.



SPADE-CUT EDGE DETAIL

N.T.S.

LANDSCAPE REQUIREMENTS:

ONE (1) STREET TREE PER 30' OF FRONTAGE OR PART THEREOF
303.94 LF FRONTAGE ALONG DECKER LN; THEREFORE, 11 TREES REQUIRED & PROVIDED

ONE (1) TREE PER 100' OF PARKING ROW OR PART THEREOF
405.00 LF PARKING ROW; THEREFORE, 5 TREES REQUIRED & PROVIDED

1,296 SQ. FT. (0.03 ACRES) OF PARKING LOT GREEN SPACE IS PROVIDED (28.75% GREEN SPACE IS PROVIDED THROUGHOUT SITE)

IN-GROUND, AUTOMATIC IRRIGATION SYSTEM IS REQUIRED AND WILL BE PROVIDED AS A CONDITION OF DEVELOPMENT (By Others)

REVISIONS	BY

landscape TECHNOLOGIES
67 Jacobs Creek Drive
St. Charles, Missouri 63304
(636) 928-1250
Fax: (636) 928-4563
MO Landscape Architectural Corporation #2006008752

RANDALL W. MARDIS NUMBER 019 REGISTERED LANDSCAPE ARCHITECT STATE OF MISSOURI

RANDALL W. MARDIS
MISSOURI LANDSCAPE ARCHITECT #000019
DATE: 7/6/12

PLANTING PLAN FOR THE PROPOSED
Spectrum Retirement Community
693 DECKER LANE CREVE COEUR, MISSOURI 63141

DRAWN	R. MARDIS
CHECKED	RWM/GJB
DATE	7/6/12
SCALE	1"=20'-0"
JOB No.	2012-143
SHEET	L-1

OF TWO SHEETS

PLANT SCHEDULE

TREES	QTY	COMMON NAME / BOTANICAL NAME	SIZE
ABM	1	Autumn Blaze Maple / Acer x freemanii 'Jeffersred'	3"Cal.
GL	1	Greenspire Littleleaf Linden / Tilia cordata 'Greenspire'	3"Cal.
LSM	2	Legacy Sugar Maple / Acer saccharum 'Legacy'	3"Cal.
PAPM	3	Paperbark Maple / Acer griseum	3"Cal.
PE	2	Pioneer Elm / Ulmus 'Pioneer'	3"Cal.
SAW	5	Sawtooth Oak / Quercus acutissima	3"Cal.
WO	3	Willow Oak / Quercus phellos	3"Cal.
OGRM	1	'October Glory' Maple / Acer rubrum 'October Glory'	3"Cal.
EVERGREEN TREES	QTY	COMMON NAME / BOTANICAL NAME	SIZE
CBS	3	Colorado Blue Spruce / Picea pungens 'Glauca'	6'-7'
EMARB	7	Emerald Arborvitae / Thuja occidentalis 'Emerald'	6'-7'
GGA	5	Green Giant Arborvitae / Thuja plicata 'Green Giant'	5'-6'
NS	5	Norway Spruce / Picea abies	6'-7'
FLOWERING TREES	QTY	COMMON NAME / BOTANICAL NAME	SIZE
CP	3	Chanticleer Pear / Pyrus calleryana 'Chanticleer'	3"Cal.
CFC	2	Coralburst Crabapple / Malus 'Coralburst'	3"Cal.
PFD	3	Pink Flowering Dogwood / Cornus florida rubra	6'-7'
RB	4	Redbud / Cercis canadensis	3"Cal.
SHRUBS	QTY	COMMON NAME / BOTANICAL NAME	SIZE
RTD	2	Bailey's Red-twig Dogwood / Cornus sericea 'Cardinal'	5 gal
BLL	1	Bloomerang Lilac / Syringa x 'Penda'	5 gal
BCJ	8	Blue Chip Juniper / Juniperus horizontalis 'Blue Chip'	5 gal
BH	6	Blue Holly / Ilex meserveae 'Blue Princess/Prince' TM	5 gal
GMB	3	Boxwood / Buxus x 'Green Mountain'	24"-30"
CDM	7	Cherry Dazzle Myrtle / Lagerstroemia 'GAMAD 1'	5 gal
CH	7	China Boy/Girl Holly / Ilex meserveae 'China Boy/Girl' TM	5 gal
INK	14	Compact Inkberry / Ilex glabra 'Compacta'	5 gal
DY	12	Dense Yew / Taxus media 'Densiformis'	18"-24"
NINE	7	Diabolo Purple Ninebark / Physocarpus opulifolius 'Diabolo' TM	5 gal
DKL	6	Dwarf Korean Lilac / Syringa meyeri 'Palibin'	5 gal
VW	5	Dwarf Variegated Weigelia / Weigela florida 'Variegata Nana'	5 gal
GCFC	15	Golden Charm False Cypress / Chamaecyparis pisifera filifera 'Golden Charm'	5 gal
GVB	36	Green Velvet Boxwood / Buxus 'Green Velvet'	5 gal
MKL	6	Miss Kim Lilac / Syringa patula 'Miss Kim'	5 gal
MMB	10	Morris Midget Boxwood / Buxus microphylla japonica 'Morris Midget'	5 gal
NBH	5	Nikko Blue Hydrangea / Hydrangea macrophylla 'Nikko Blue'	5 gal
BAY	12	Northern Bayberry / Myrica pensylvancia	24"-30"
OHYD	10	Oakleaf Hydrangea / Hydrangea quercifolia	24"-30"
WH	10	Red Sprite Winterberry / Ilex verticillata 'Red Sprite'	5 gal
SC	6	Sugartina Clethra / Clethra alnifolia 'Crystalina'	5 gal
TARD	3	Tardiva Hydrangea / Hydrangea paniculata 'Tardiva'	5 gal
CLE	7	'Hummingbird' Summersweet / Clethra alnifolia 'Hummingbird'	5 gal
ANNUALS/PERENNIALS	QTY	COMMON NAME / BOTANICAL NAME	SIZE
BBL	17	Big Blue Liriope / Liriope muscari 'Big Blue'	1 gal
LE	32	Lamb's Ears / Stachys byzantina 'Silver Carpet'	1 gal
PC-M	44	Purple Coneflower / Echinacea purpurea 'Magnus'	1 gal
SDO	47	Stella de Oro Daylily / Hemerocallis hybrid 'Stella de Oro'	1 gal
VI	13	Variegated Iris / Iris pallida 'Variegata'	1 gal
GRASSES	QTY	COMMON NAME / BOTANICAL NAME	SIZE
DFG	7	Dwarf Fountain Grass / Pennisetum alopecuroides 'Hameln'	5 gal
MG	10	Maiden Grass / Miscanthus sinensis 'Gracillimus'	5 gal
ROSES	QTY	COMMON NAME / BOTANICAL NAME	SIZE
DKR	3	Double Knockout Rose / Rosa hybrids 'Double Knockout'	5 gal
KR	9	Knockout Rose / Rosa 'Knockout'	5 gal

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.
2.) 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.
3.) 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).
4.) 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.
5.) 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.
6.) 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.
7.) Provide single-stem trees unless otherwise noted in plant schedule.
8.) All plant material shall comply with the recommendations and requirements of ANSI Z60.1 "American Standards for Nursery Stock".
9.) 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.
10.) 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.
11.) 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. Mirafi 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 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.

REVISIONS	BY

landscape TECHNOLOGIES
67 Jacobs Creek Drive
St. Charles, Missouri 63304
(636) 928-1250
Fax: (636) 928-4563
MO Landscape Architectural Corporation #2006008782

STATE OF MISSOURI
RANDALL W. MARDIS
NUMBER 019
REGISTERED LANDSCAPE ARCHITECT

RANDALL W. MARDIS
MISSOURI LANDSCAPE ARCHITECT #000019
DATE: 7/6/12

PLANTING PLAN FOR THE PROPOSED
Spectrum Retirement Community
693 DECKER LANE CREVE COEUR, MISSOURI 63141

DRAWN	R. MARDIS
CHECKED	RAM/GJB
DATE	7/6/12
SCALE	N.A.
JOB No.	2012-143
SHEET	L-2

OF TWO SHEETS

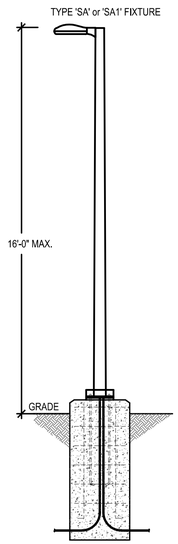
PHOTOMETRIC PLAN

Spectrum
Retirement Communities, LLC

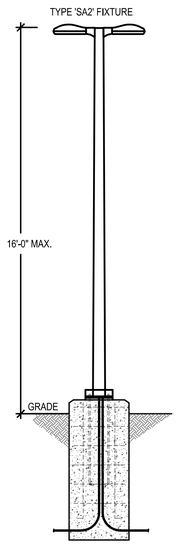
693 Decker Lane, Creve Coeur, MO 63141

LUMINAIRE SCHEDULE

	Label	Catalog Number	Description	Lamp	Lumens	LLF	Watts
	SA	ANS100MPXXXXSL	SMALL ARCHITECTURAL AREA LUMINAIRE SPILL LIGHT ELIMINATOR	100WATT MP CLEAR ED-17	8500	1.00	100
	SA1	ANS100MPXXXX4S	SMALL ARCHITECTURAL AREA LUMINAIRE TYPE IV DISTRIBUTION	100 WATT MP CLEAR ED17	8500	1.00	100
	SA2	ANS100MPXXXX4S	SMALL ARCHITECTURAL AREA LUMINAIRE TYPE IV DISTRIBUTION	100 WATT MP CLEAR ED17	8500	1.00	200
	SD	C6042-6080LI3G	PORTFOLIO 6 IN RECESSED DOWNLIGHT WITH CLEAR TRIM	CF42DT/E/IN/827 42 WATTS 3200 LUMENS TTT	3200	1.00	45
	SD1	QD9-9950LI	HALO 9" DIA DOWNLIGHT WITH SPECULAR REFLECTOR DIFFUSE LENS	85 WATTS 6000 LUMENS QL INDUCTION LIGHTING SYSTEM	6000	1.00	90
	WP	PLIP-X-26/32/42-E	IMPACT WITH 42 WATT CFL LAMP WITH CLEAR GLASS AND SEMI-SPECULAR REFLECTOR	CF42DT/E/IN/827 42 WATTS 3200 LUMENS	3200	1.00	50



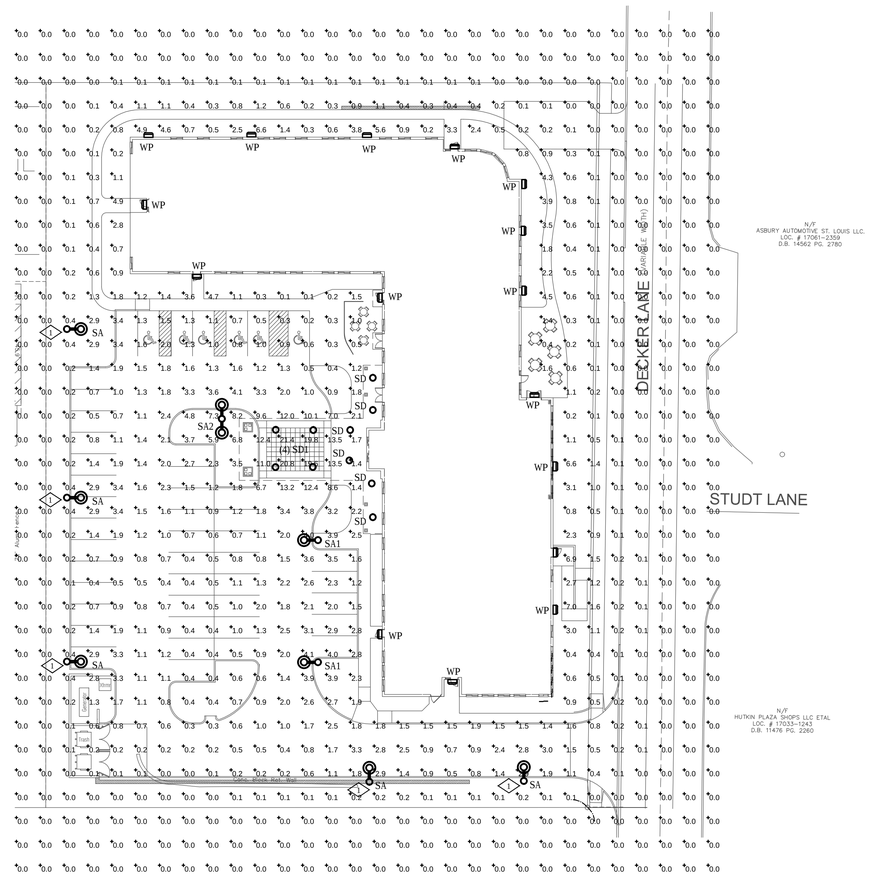
3 TYPE 'SA' and 'SA1' POLE DETAIL
SCALE: NTS



2 TYPE 'SA2' POLE DETAIL
SCALE: NTS

NOTE:

1. POLES MUST BE LOCATED 5 FEET FROM TIRE STOPS OR BE INSTALLED ON CONCRETE BASES 30" ABOVE THE PARKING SURFACE, ADJUST POLE HEIGHTS AS REQUIRED TO COMPLY WITH FIXTURE HEIGHT LIMITS.
2. MATCH EXISTING DEVELOPMENT STANDARD POLE HEIGHTS AS REQUIRED, FIELD VERIFY PRIOR TO ANY WORK OR ORDERING OF MATERIALS AND INFORM ENGINEER OF ANY DISCREPANCY.



1 LIGHTING PHOTOMETRIC PLAN
SCALE: 1" = 30'-0"

LIGHTING CALCULATION STATISTICS SUMMARY:

	AVERAGE	MAXIMUM	MINIMUM	MAX/MIN	AVG/MIN
OVERALL SITE:	0.5fc	21.4fc	0.0fc	NA	NA
PARKING/PAVED AREAS:	1.5fc	4.5fc	0.3fc	15:1	5:1

PHOTOMETRY PLAN GENERAL NOTES:

1. VALUES SHOWN ARE MAINTAINED HORIZONTAL ILLUMINANCE VALUES MEASURED AT GRADE
2. SITE LIGHTING DESIGN HAS BEEN COMPLETED TO PRODUCE EVEN ILLUMINATION OF PARKING AND PAVED AREAS WITH MINIMAL GLARE ONTO ADJACENT PROPERTIES.

◇1 PHOTOMETRY PLAN KEYED NOTES:

1. PROVIDE HOUSE-SIDE SHIELD ON LIGHT FIXTURE TO LIMIT LIGHT PROJECTED TOWARDS PROPERTY LINE.

SITE LIGHTING DESIGN HAS BEEN COMPLETED TO CONFORM TO THE CITY OF CREVE COEUR DESIGN REVIEW GUIDELINES, CHAPTER 5, PART B. LIGHTING.

SPECTRUM RETIREMENT COMMUNITIES
LP-1 PHOTOMETRIC PLAN

REVISION BLOCK		
REV	DATE:	COMMENT:
1	7/6/12	ORIGINAL SUBMITTAL
2	7/25/12	REVISION

LIGHTING DETAILS

Spectrum
Retirement Communities, LLC

693 Decker Lane, Creve Coeur, MO 63141

PORTFOLIO™

Catalog #		Type	SD
Project			
Comments		Date	
Prepared by			

DESCRIPTION

Low brightness 6" aperture reflector for use with 26W and 32W Triple Twin Tube 4-pin lamps. The deeply regressed lens provides superb shielding in comparison to shallow lenses. Reflector trim eliminates brightness at higher angles. Choice of lens types for various aesthetics. Standard features include low iridescent finish on all reflector colors to eliminate "rainbowing". One electronic ballast operates all 26W and 32W triple lamps. Venting ensures maximum lamp life and lumen output. Adjustable socket locks lamp into optimal position and cannot be disturbed by normal maintenance. Medium beam, wide beam, lens and open wall wash reflectors are interchangeable within the same housing.

SPECIFICATION FEATURES

A ... Reflector
.050 thick aluminum, in a one piece spun macrofocal parabolic contour. Available in a variety of Alzak® finishes. Positive reflector mounting pulls trim tight to ceiling. Available with White or Black Baffle.

B ... Lens
Choice of tempered fresnel, prismatic, diffuse, or clear glass lenses or molded prismatic acrylic, opal diffuser or clear UV stabilized acrylic. Lens is fixed to lower reflector.

C ... Trim Ring Options
Self flanged or molded white trim ring.

D ... Socket Cap
One piece vented and finned die cast aluminum cap for maximum thermal performance.

E ... Housing Mounting Frame
One piece precision die cast aluminum 1 1/2" deep collar accommodates varying dimensions of ceiling materials.

F ... Universal Mounting Bracket
Accepts 1/2" EMT, C Channel, T bar fasteners, and bar hangers. Adjusts 5° vertically from above or below ceiling.

G ... Conduit Fittings
Die cast screw tight connectors.

H ... Junction Box
Listed for eight #12AWG (four in, four out) 90°C conductors feed through branch wiring. 1/2" and two 3/4" pry outs. Positioned to allow straight conduit runs. Access to junction box by removing reflector.

I ... Socket
4 pin G×24q3/4 base with fatigue free stainless steel lamp spring ensures positive lamp retention.

J ... Electronic Ballast
Electronic ballast provides full light output and rated lamp life. Provides flicker free and noise free operation and starting. End of lamp life protection is standard.

Labels
cULus listed, standard wet label.

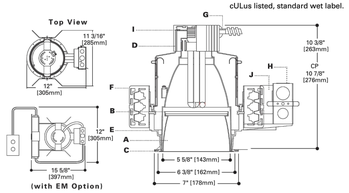
C6042 6081/80

26W, 32W TTT
Compact Fluorescent

6" LENSED DOWNLIGHT

Energy Data
26W Triple 4-pin
Ballast: Electronic
120V Input Watts: 29, Line Amps: 0.10
277V Input Watts: 29, Line Amps: 0.10
Power Factor: >.99, THD: <10%:
Min Starting Temp.: -10°C (15°F)
Sound Rating: A
32W Triple 4-pin
Ballast: Electronic
120V Input Watts: 36, Line Amps: 0.32
277V Input Watts: 36, Line Amps: 0.16
Power Factor: >.99, THD: <10%:
Min Starting Temp.: -10°C (15°F)
Sound Rating: A
32W Triple 4-pin
Ballast: Dimming
120V Input Watts: 36, Line Amps: 0.31
277V Input Watts: 37, Line Amps: 0.13
Power Factor: >.95, THD: <20%:
Min Starting Temp.: 10 °C (50°F)
Sound Rating: A

NOTES: Accessories should be ordered separately. For additional options please consult factory. Alzak is a registered trademark of Aluminum Company of America.



ORDERING INFORMATION

Sample Number: Complete unit consists of housing, ballast and trim.

Housing
C60- 6" CF Vertical

Wattage
42- (1) 26W or 32W TTT Lamp

Ballast
E- 120/277V 50/60 Hz Electronic
3E- 347V 50/60 Hz Electronic
1D26- 26W 120V Dimming, Lutron Compact SE
2D26- 26W 277V Dimming, Lutron Compact SE
1D32- 32W 120V Dimming, Lutron Compact SE
2D32- 32W 277V Dimming, Lutron Compact SE
EDR26- DeRated Wattage Label, 26W
EDR32- DeRated Wattage Label, 32W

Options
CP- Chicago Plenum
EM- Emergency Module with remote test switch

Trims
6081- Self Flanged
6080- Molded Trim Ring, White

Finish
LI- Low Iridescent Clear
H- Haze
WMH- Warm Haze
G- Gold
WH- Wheat
W- Gloss White
GP- Graphite
GPH- Graphite Haze
K- Cognac
KH- Cognac Haze
BB- Black Baffle (6080 only)
WB- White Baffle (6080 only)

Lens
1- Prismatic Lens
2- Diffuse Lens
3- Clear Lens
1G- Prismatic Glass
2G- Diffuse Glass
3G- Clear Glass
4G- Fresnel Glass

Option
WF- White Painted Flanged (Self Flanged only)

Accessories
HS20- C Channel Bar Hangers, 20" Long, Pair
HS50- C Channel Bar Hangers, 50" Long, Pair
FKS- 5 Amp Field Installable Fuse Kit 300V Max
RMB-22- Wood Joist Bar Hanger, 22" Long, Pair
HSAS- Slope Adapter for 6" Aperture Housings, Specify Slope

COOPER Lighting
www.cooperlighting.com

Specifications and Dimensions subject to change without notice.
Consult your representative for additional options and finishes.

ADP040641
10/27/2008 3:49:59 PM

PORTFOLIO™

Catalog #		Type	SD1
Project			
Comments		Date	
Prepared by			

DESCRIPTION

A 9" diameter open downlight utilizing the QL induction lamp. This lamp is rated for 100,000 hours of life, has color rendering equal to compact fluorescent, and no color shift throughout its life. Lamp color is 3000K. The scale of the luminaire is well suited to large architectural spaces with taller ceiling heights that would normally pose maintenance concerns.

SPECIFICATION FEATURES

A ... Reflector
Spun 0.040" aluminum. Available in a variety of Alzak® finishes. Springs pull trim tight to ceiling. Reflector provides 55° cutoff optics to lamp and lamp image.

B ... Trim Ring
Self flanged or molded white trim ring.

C ... Housing
One piece die-cast 1-1/2" deep collar. Housing is painted optical matte black to eliminate stray light.

D ... Mounting Bars
Pre-installed telescoping mounting bars are suitable for T-bar ceilings or wood joists, 24" O.C.

E ... Conduit Fittings
Die-cast screw-tight connectors.

F ... Junction Box
U.L. listed for eight #12 (four in, four out) at 90°C pull through branch wiring. Five 1/2" and two 3/4" knockouts provided. Access to junction box through panel on side of housing.

G ... Electronic System
All items for operation of the induction lamp-generator and antenna can be serviced through the aperture.

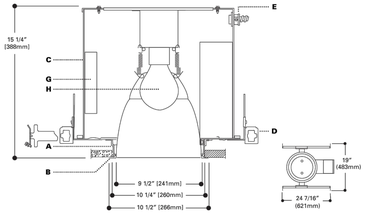
H ... Lamp
QL induction lamp is shipped from factory with each fixture.

Labels
cULus listed, C.S.A. certified, standard damp label, IBEW union made.

QD9
9951/9950

85W QL
Induction lamp

9-1/2" OPEN DOWNLIGHT



ENERGY DATA

Lamp: 120V 85W QL
Input Watts: 87
Operating Current: 0.75:

Lamp: 277V 85W QL
Input Watts: 88
Operating Current: 0.40:

Power Factor 0.9
Sound Rating: A
Min. Starting Temp.: -20°C/-4°F

NOTES:
Alzak is a registered trademark of Aluminum Company of America.

ORDERING INFORMATION: Complete unit consists of housing, ballast and trim.

QD9

Housing	Lamp	Ballast	Trims	Finish	Options	Accessories
QD9=(1) 85W Vertical Induction Lamp	**8530**=(1) 85W QL Lamp, 3000K (included with fixture) **8540**=(1) 85W QL Lamp, 4000K (included with fixture)	**1E**=120V Electronic Ballast **2E**=277V Electronic Ballast	**9950**=Molded Trim Ring, White **9951**=Self-Flanged	**LI**=Low Iridescent Clear **H**=Haze **G**=Gold **WH**=Wheat **WMH**=Warm Haze **W**=Gloss White **GP**=Graphite **GPH**=Graphite Haze **K**=Cognac **KH**=Cognac Haze	**WF**=White Painted Flanged (Self Flanged only)	**H277**=Step Down Transformer, 300VA Max **FKS**=5 Amp Field Installable Fuse Kit, 300VA Max

COOPER Lighting
www.cooperlighting.com

Specifications and Dimensions subject to change without notice.
Consult your representative for additional options and finishes.

ADP012587
11/19/2009 11:41:52 AM

McGRAW-EDISON®

Catalog #		Type	WP
Project			
Comments		Date	
Prepared by			

DESCRIPTION

The IMPACT Elite Quarter Sphere cutoff wall luminaire makes an ideal complement to site design. Rugged construction and full cutoff classified optics provide facade and security lighting for light restricted zones surrounding schools, office complexes, apartments, and recreational facilities. U.L. and cUL Listed for wet locations in down mount applications and damp locations in up mounted applications.

SPECIFICATION FEATURES

Construction
Two-piece die-cast aluminum housing and removable hinged door frame nests securely for precise tolerance control and repeatability. Hinged door frame inset for clean mating with housing surface and secured via two (2) captive stainless steel fasteners. Optional tamper resistant torx head fasteners (TR) offer vandal resistant access to the electrical compartment. 1/8" clear, heat and impact resistant tempered flat glass lens combined with molded silicone gasket to seal the integrated optical assembly while ensuring peak optical performance.

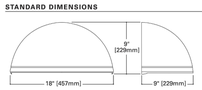
Electrical
Integral hard mount electrical components are secured and grounded within the die-cast aluminum housing for optimal heat sinking and extended component life. Minimum starting temperatures are -40°C (-40°F) for HPS and -30°C (-22°F) for MP. Compact fluorescent luminaires feature electronic universal 120-277V high efficiency 50/60Hz ballast with -18°C (-0°F) minimum starting temperature. Available in 50-175W HID or 26-84W CF. Emergency power pack available for 26-84W CF.

Optical
Premium anodized 95% reflective aluminum optical assemblies provide high efficiency Type II distribution. Optional silk screened house side flat glass shield provides decreased wall brightness. All Impact Elite Wall Series luminaires classify as IESNA full cutoff in downlight applications.

Mounting
Gasketed and zinc plated rigid steel mounting attachment fits directly to 4" j-box or wall with the Impact Elite "Hook-N-Lock" system for fast installation and mounting in both traditional downlighting [wet location] or inverted uplighting [damp location] mounting positions. Secured via two [2] captive corrosion resistant allen head set screws concealed from view, but accessible from bottom of fixture.

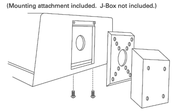
Finish
Housing and door are protected with 5-stage premium TGIC polyester powder coat paint. Premium TGIC powder coat finishes withstand extreme climate changes while providing optimal color and gloss retention over the fixture's installed life. Standard colors include black, bronze, grey, white, dark platinum and graphite metallic. RAL and custom color matches available. Consult McGraw-Edison Architectural Colors Brochure for complete selection.

STANDARD DIMENSIONS

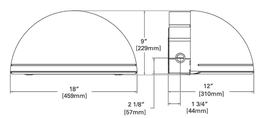


HOOK-N-LOCK MOUNTING

(Mounting attachment included. J-Box not included.)



DIMENSIONS WITH BACK BOX



iMPACT™

ISS
IMPACT ELITE
QUARTER SPHERE

50 - 175W
Pulse Start Metal Halide
Metal Halide
High Pressure Sodium
26 - 84W
Compact Fluorescent

FULL CUTOFF
WALL MOUNT LUMINAIRE

DARK SKY COMPLIANT FCO Full Cutoff

NOTE: In downlight applications only.

TECHNICAL DATA
UL1598 Listed, CUL Listed
25°C Maximum Ambient Temperature
External Supply Wiring 90°C Minimum
Down Mounted—Wet Location
Up Mounted—Damp Location

ENERGY DATA
High Resistance Ballast Input Watts
50W HPS HPF (66 Watts)
50W MH HPF (72 Watts)
70W HPS HPF (91 Watts)
70W MH HPF (90 Watts)
100W HPS HPF (130 Watts)
100W MH HPF (129 Watts)
150W HPS HPF (190 Watts)
150W MH HPF (185 Watts)

CWA Ballast Input Watts
175W MH HPF (210 Watts)

Electronic Ballast Input Watts
26W CF HPF (29 Watts)
32W CF HPF (36 Watts)
42W CF HPF (46 Watts)
52W CF HPF (55 Watts)

SHIPPING DATA
Approximate Net Weight:
18 lbs. (8 kgs.)

USA

ADH100163 pc
2011-03-24 11:05:45

COOPER Lighting
www.cooperlighting.com

Ⓔ STREETWORKS™

Catalog #		Type	SA,SA1,SA2
Project			
Comments		Date	
Prepared by			

DESCRIPTION

ICON's gentle curves and sleek profile create a shape that is beyond common. Designed to sustain a lifetime of tough environmental conditions, ICON's precisely engineered die-cast aluminum housing utilizes an IP65 rated gasketing strategy combined with a seamless 5-stage polyester powder coat finish to seal out performance degrading contaminants. Environmental and legislative challenges continue to propagate as the public awareness of lighting in the environment expands. ICON responds to these evolving design trends by offering targeted solutions for full cutoff compliance, spill light control, and path of egress illumination, while merging the latest in high efficiency lamp technologies.

SPECIFICATION FEATURES

Construction
HOUSING: Heavy wall, die-cast aluminum housing maintains a nominal .125 wall thickness for precise tolerance control and repeatability in manufacturing. DOOR: Heavy wall, die-cast aluminum door maintains a nominal .125 wall thickness. Continuous silicone gasketing provides an IP65 fixture rating. Tooless entry to housing is provided via two (2) recess mounted button style latches. Captive hinging is fully concealed.

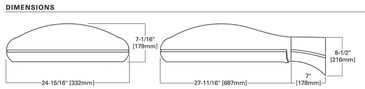
Electrical
ELECTRICAL TRAY: Ballast and related electrical components are mounted to a reinforced one-piece tooless release power tray. Electrical quick disconnects allow tray to be completely removed from housing providing ample hand and tool room for attachment of luminaire during installation. SOCKET: Features mogul-base socket for HID lamp sources.

Optical
LENS: Impact-resistant 1/8" thick tempered clear or optional frosted flat glass for concealment of lamp image. OPTICAL SYSTEMS: Choice of five (5) high efficiency segmented optical systems constructed of premium 95% reflective anodized aluminum sheet. Optical segments are rigidly mounted inside a thick gauge aluminum housing for superior protection. All segment faces are clean of rivet heads, tabs, or other means of attachment which may cause streaking in the light distribution. All reflector modules feature tooless removal, quick disconnect wiring plugs, and are tooless field rotatable in 90° increments.

Mounting
UPSWEEP ARM: Manufactured of heavy wall cast aluminum. Internal bolts guides provided for positioning arm to housing and pole. LINEAR ARM: Manufactured of heavy wall extruded aluminum. Arm features internal bolt guides for positioning arm to housing and pole. STRUCTURAL MOUNT: Die-cast aluminum cleat factory mounted and finished in luminaire color. Stainless steel structural rod measures 1/2" in diameter and is provided in luminaire finish or optional natural finish. Product functions in conjunction with linear arm. Poles provided pre-drilled for suspension mount applications. STRUCTURAL WALL MOUNT: Die-cast cleat factory mounted to luminaire and finished in luminaire color. Stainless steel structural rod measures 1/2" in diameter and is provided in luminaire finish or optional natural finish. Wall bracket works in conjunction with linear arm.

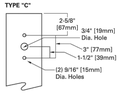
Finish
Housing and arm finished in premium TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. Standard colors include black, bronze, grey, white, dark platinum, and graphite metallic.

DIMENSIONS



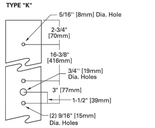
ARM DRILLING

TYPE "C"



STRUCTURAL MOUNT

TYPE "K"



COOPER Lighting
www.cooperlighting.com

ANM
ICON MEDIUM

150 - 400W
Pulse Start Metal Halide
High Pressure Sodium
Metal Halide

ARCHITECTURAL
AREA LUMINAIRE

DARK SKY COMPLIANT FCO Full Cutoff

CERTIFICATIONS
IP65 Rated
UL 1598
CSA Listed
25°C Ambient
3G Vibration Tested

EPA
Effective Projected Area:
Single 1.09
Single Structural 1.11

SHIPPING DATA
Approximate Net Weight:
53 lbs. (24.09 kgs.)

USA

ADW090406 pc
2010-06-03 11:34:13

SPECTRUM RETIREMENT COMMUNITIES
LP-2 LIGHTING DETAILS

REVISION BLOCK		
REV	DATE:	COMMENT:
1	7/6/12	ORIGINAL SUBMITTAL
2	7/25/12	REVISION

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 #12-022 FOR THE SUBDIVISION AND CONDITIONAL USE PERMIT OF AN ASSISTED LIVING FACILITY FOR SPECTRUM RETIREMENT COMMUNITIES FOR THE PROPERTY LOCATED AT 693 DECKER LANE

FOR THE MEETING OF: August 6, 2012

LOCATION: 693 Decker Lane

REQUEST:
Spectrum Retirement Communities, LLC, has submitted an application for the subdivision and conditional use permit of a 43,254 square foot, 4-story, 90-unit assisted living facility, at 693 Decker Lane. The property is zoned "CB" Core Business District.

ADDITIONAL INFORMATION:
Assisted living facilities are classified as a "home for the aged, with health care incidental" by the Zoning Code which requires approval of a conditional use permit in the "CB" Core Business District.

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 "CB" Core Business Commercial?
- Does the request with the required findings for a conditional use permit?

Comp. Plan References
- Central Business District
- Design Guidelines

Zoning Code References
- Section 405.370 "CB" General Core Business District
- Section 405.820, Required Off-Street Parking Spaces
- Section 405.1070, Conditional Use Permits

APPLICANTS: Spectrum Retirement LLC
200 Spruce Street, Suite 200
Denver CO, 80230

APPLICANTS REPRESENTATIVE: Paul Boyer
Civil Engineering Design Consultants, Inc.
11402 Gravois Rd., Suite 100
St. Louis, MO 63126

REPORT PREPARED BY:

Whitney Kelly, AICP, City Planner — 8/3/2012 Date

ATTACHMENTS:
Applicant's Materials Submitted July 26, 2012
Subdivision Plat
Draft Ordinance

INTRODUCTION
Spectrum Retirement Communities, LLC, has submitted an application for the subdivision of 1.6 acres in the "CB" Core Business District at 693 Decker Lane along with a conditional use permit of a 43,254 square foot, 4-story, 90-unit assisted living facility. The property is located between the Plaza Motors structured parking deck to the north and the parking deck for the office development to the south. Assisted living facilities are classified as a "home for the aged, with health care incidental" by the Zoning Code which requires approval of a conditional use permit in the "CB" Core Business District.

The subject property was originally included as the location of the third, 4-story building of Summit Lofts Condominium complex that received approval in 2004. However this phase of the project was never completed and the property has remained vacant since that time.

LAND USE AND ZONING OF SURROUNDING PROPERTIES
The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Plaza Motors	"CB" Core Business District	NA
South	Office	"CB" Core Business District	NA
East	Plaza Motors, and Hutkin Development Company offices	"CB" Core Business District	Decker Lane
West	Residential, Summit Lofts Condominium	"CB" Core Business District	NA

COMPREHENSIVE PLAN REVIEW
The subject property is located in the Key Property Area 1 in the Central Business District that is bounded by I-270 to the west, Old Ballas Road to the east and south, and Olive Boulevard to the north. The Comprehensive Plan encourages redevelopment that incorporates design elements including "human scale" storefronts and the majority of off-street parking located behind or beside buildings, or within strategically placed parking structures (page 87).

The site development plan shows that the building is oriented to the street with parking behind it. There are pedestrian connections throughout the site, and outdoor dining along Decker Lane. Thus the project meets with the intent of the Comprehensive Plan.

DESIGN GUIDELINES REVIEW
The Design Review Guidelines provide specific direction for the redevelopment of properties:

Chapter 1 for Site Layout
A. Physical Features and Site Relationships
3. Size, design, and orientation of buildings should be sensitive to existing terrain, existing buildings, and the surrounding area. Design outdoor spaces to be sensitive to views, climate, solar angles, and the nature of outdoor activities that could occur in conjunction with the project.
B. Streetscape/Pedestrian Orientation
1. High Quality, pedestrian scale and walkable area are the objective. Site and building design should address pedestrian needs and develop creative approached to improving pedestrian interest, access, and enjoyment
2. Avoid spatial gaps and interruptions along the "streetscape" caused by parking or other non-pedestrian elements, such as building gaps, driveways and service entries. Continuous pedestrian activity is strongly encouraged.

3. Pedestrian open spaces, such as covered walkways, courtyards, and plazas, are encouraged, as is the development of open and attractive passageways between buildings and adjoining developments.
4. Plazas, courtyards, landscaping, public art and similar amenities or public assembly areas that are accessible and visible from the street are strongly encouraged.
5. Solid, blank walls and other "dead" or dull spaces at the street level should be avoided. Visually interesting building facades and activities should be maintained and/or established to engage pedestrian interest, such as primary entrances and display windows. Outdoor seating and dining area that face the street are encouraged.
6. Building frontages should provide at least one (1) public entrance from the street. Frontage design and signage locations should be coordinated with streetscape landscaping and street trees. Active building fronts with large window openings at ground level with transparent, non-reflective, minimally tinted glass are strongly encouraged.
11. Vehicular access is limited with no more than one (1) access per street frontage. The sharing of vehicular access between properties to minimize the number of curb cuts is encourages.
13. All sidewalks should conform to the City of Creve Coeur Pedestrian Plan.
C. Pedestrian and Vehicular Circulation
3. Access, general circulation, separation of pedestrian and vehicular traffic, and design of parking areas should be safe and convenient, while not detracting, from the design of the building and adjacent properties. Direct access from the street and from parking areas to the principal structure should be provided.
4. Circulation systems should be designed to avoid conflicts between vehicular, bicycle and pedestrian traffic. Pedestrian circulation should take precedence over vehicular circulation. In order to emphasize conflict points and improve pedestrian safety and visibility, the use of textured or tinted materials for pedestrian crossings should be utilized where pedestrian circulation paths cross a vehicular route.
5. Pedestrian linkages between uses in commercial development should be provided and emphasized.

The site development plan provides for a new sidewalk connecting with the existing sidewalk at the north and south property line. The design of the sidewalk along Decker Lane is 5 feet in width, and approximately 3 feet from the curb. This is consistent with the Pedestrian Plan for Decker Lane which is identified as a secondary street type. Pedestrian circulation is also provided throughout the site consistent with the Design Guidelines for Site Layout.

Chapter 2 / Building
A. General Architectural Guidelines
1. The City of Creve Coeur strongly encourages interesting, articulated and high quality structures. Long or continuous wall planes should be avoided. Buildings should exhibit detail and elements appropriate for pedestrian view.
2. Defined outdoor spaces including courtyards, patios, plazas, covered walkways, arcades, colonnades, gardens, trellised area and similar activity centers, should be incorporated into the building design.
3. Building surfaces two(2) stories high or more or 60 feet in length should be relieved with changes of wall plane that provide strong shadow or visual interest.
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 that is 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.*
4. *Special attention and detail should be given to the design of buildings at street level. Design elements at street level that attract pedestrians and reinforce street activity are strongly encouraged. Varied and interesting building facades are key to creating a "pedestrian oriented" place. Streets with monotonous and unarticulated buildings, which are not conducive to pedestrian activity and make walking less appealing, are strongly discouraged.*

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.*

E. Materials/Colors

1. *Materials should have good architectural character, be durable, and be selected for their compatibility with adjoining buildings 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.*

F. Building Services

1. *Services and trash or utility areas should be positioned to minimize view and visual impact. Building equipment and utilities are to be located, designed and/or screened to minimize visual impact on public streets, surface parking lots and neighboring properties.*

Further, the Design Guidelines provide additional recommendations based on the "use" of the structure for multiple-family, attached residential developments. While the proposed use is not in the strict sense a multi-family development, the development of the building functions in much the same way. Therefore analysis of the recommendations is also included:

Chapter 3 / "Use" Specific Guidelines

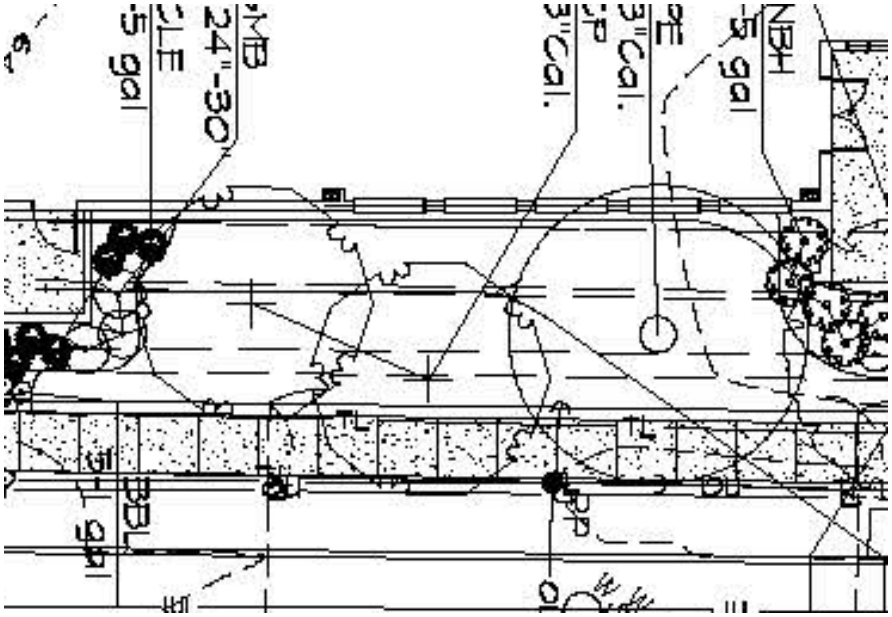
D. Multiple-Family/Attached Residential Development

1. *New multiple-family residential developments are encouraged to respect the scale and character of any adjacent residential neighborhood. Attention to views, building scale and orientation, proximity to adjacent uses, location of driveways, noise, lighting, topography and landscape should be respected.*
2. *Building facades should be articulated by using color, arrangement or change in materials to emphasize the façade elements. The planes of the exterior walls may be varied in height, depth, or direction. Extremely long facades should be designed with sufficient building articulation and landscaping to avoid a monotonous or overpowering institutional appearance.*
3. *Individual dwelling units should be architecturally expressed. Such expression shall help reduce the apparent scale of the building and shall increase the feeling of individual identity of each unit.*

Overall the design of the building meets with the Design Guidelines. The applicant is utilizing tan and red brick and manufactured stone throughout the building that is similar in color to the existing Summit Loft buildings, and the darker brick on the Plaza Motors garage structure. While the main entrance of the building is located along the west elevation to provide safe arrival of vehicles at the front door, pedestrian features such as large windows at the dining area and an outdoor patio along Decker Lane are provided. The area designated for the ground floor dining is centered on the vehicular approach from Studt Lane. The applicants have made an attempt to create additional presence at this point with the use of manufactured stone.

Below is a close up view of the section of the east façade referenced:

While these elements are most effective at a distance, Staff believes that a greater connection to the pedestrian corridor that also adds focus to the view from Studt Lane would better fulfill the Design Guidelines. The applicant has indicated that the programmatic requirements would not allow for easy changes to that portion of the elevation of the building. However, landscaping in this area could be effective. The current design provides little small-scale plantings in this area (see below). Therefore, in consideration of design costs of bringing this side of the building forward to meet with the intent of the Design Guidelines, Staff has included a condition of approval for a revised landscape plan to add pedestrian scale planting along the windows and flag pole that add to the presence along the street in compliance with the Design Guidelines.



Close-up of Landscape Plan in the area identified as the ground floor Main Dining area

Landscape Design Guidelines:
The Design Guidelines recommendations for the landscape design are as follows:

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.*
2. *There should be a consistency of landscape design throughout a development. Different landscape themes may be used to heighten the distinction between spaces, and to strengthen a sense of movement and space, but such themes should be internally consistent*
3. *The design of a landscape plan should aid and direct vehicular and pedestrian circulation and encourage pedestrian interaction.*
6. *Parking areas, traffic-ways and parking structures are to be enhanced with landscaped spaces containing trees, tree groupings, and shrubbery or other landscape enhancements, including berms.*
8. *Landscaped areas are to be maximized and balanced throughout the site. Tree and shrub plantings should be grouped together to create strong accent points with the site plan.*
9. *Landscape plans should incorporate all site elements, such as outdoor lighting, signage, trash receptacles and fencing.*
10. *The scale and nature of landscape materials are to be appropriate to the site and/or the structure. Large-scale landscaping generally should complement large-scale buildings. Landscaping of sites on major streets should include large-scale trees.*

Staff finds that the landscaping is well designed throughout most of the site and incompliance with the Design Guidelines and the Zoning Code requirements, except as discussed above, where additional landscaping is needed to provide interest and focus to the area aligns with the end point of Studt Ave. A condition of approval has been included for this revision.

ZONING REVIEW
The property is zoned "CB" Core Business District. Section 405.370(C)(m) includes Residential care, homes for the aged, with health care incidental as a conditional use.

Development Regulations

Section 405.370: "CB" CORE BUSINESS DISTRICT

D. Site Concept And Site Development Plan Required. Site concept and site development plan approval by the Planning and Zoning Commission shall be required for all proposed developments within the "CB" District as provided for in Section 405.1080.

E. Dimensional Regulations. The following area and yard regulations apply in the "CB" Core Business District.

2. *Lot size requirements.*
   - a. *Minimum lot area. The permitted use of any given site or lot shall be determined by the size of the site or lot under single ownership or other common legal control as prescribed in Section 405.370(B). In no event shall any lot or site be developed or improved which has an area of less than one-half (½) acre (twenty-one thousand seven hundred eighty (21,780) square feet) in single ownership.*
   - b. *Minimum lot width. One hundred (100) feet.*
   - c. *Minimum lot depth. One hundred (100) feet.*
3. *Building bulk regulations.*
   - a. *Maximum structure height. No building or structure shall exceed four (4) stories or sixty (60) feet in height.*

b. Maximum site coverage.

(1) The amount of gross site area covered by buildings and structures, surface parking, pavement for automobile circulation or permitted exterior business services, storage, merchandise display, repair or processing shall not exceed sixty-three percent (63%) of the site.

(2) The Planning and Zoning Commission may, in its discretion, allow the permitted coverage to be increased as a bonus (not to exceed the 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 provision of:

(a) Special pedestrian facilities and features such as fountains, seating areas and outdoor recreation amenities;

(b) Objects of art or beautification; statuary or other unique visual features;

(c) Burial of overhead transmission lines and removal of utility poles.

c. Maximum floor area ratio. Class 1 developments shall not exceed a floor area ratio (FAR) of twenty-five hundredths (.25) (one (1) square foot of gross building floor area per four (4) square feet of site area). Class 2 developments shall not exceed a floor area ratio of one (1.0) (one (1) square foot of floor area per square foot of site).

4. Yard and setback requirements.

a. (1) Maximum front yard. A minimum of fifty percent (50%) of the building elevation parallel to the street right-of-way shall be located a maximum of fifteen (15) feet from the right-of-way established by the adopted site development plan for the "CB" Core Business District. In the event that the planned right-of-way is greater than the present right-of-way, the required setback shall be measured from a line located a distance equal to one-half (½) the width of the planned right-of-way from the centerline of the present right-of-way. The provisions of Section 405.240 shall prevail where applicable on major streets or highways. In every instance, the first ten (10) feet of the front yard setback from the right-of-way, excluding the building placement, 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.

(2) Maximum front yard for parcels fronting Olive Boulevard. A building or structure shall be located a maximum of eighty (80) feet from established right-of-way. The provisions of Section 405.240 shall prevail if they are stricter than the requirements of this district. In every instance, the first ten (10) feet of the front yard setback from the right-of-way, excluding building placement, 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. Ten (10) feet.

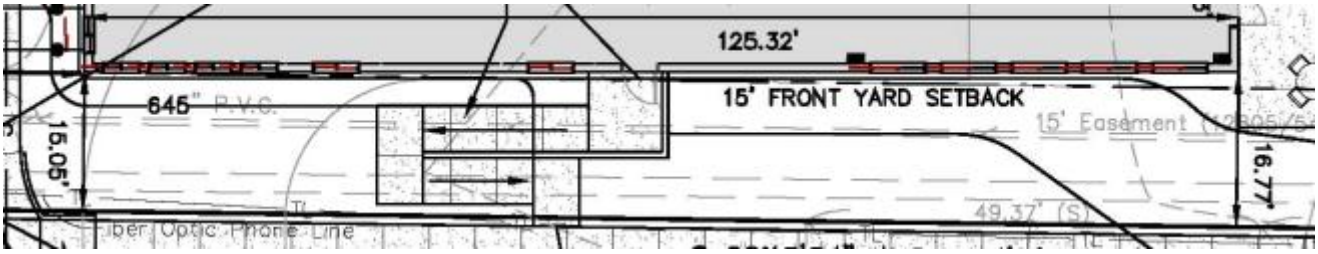
c. Minimum rear yard. Ten (10) feet.

d. Buffer yards. Notwithstanding the provisions of Sections 405.370(E)(4)(b) and 405.370(E)(4)(c) above, any tract or site abutting a single-family residential zoning district shall provide a buffer yard of fifty (50) feet on all sides that abut or adjoin the single-family district. The setback for buildings exceeding three (3)

> *stories or forty-five (45) feet in height shall be increased to two hundred (200) feet. An additional two (2) feet of buffer yard shall be provided for every foot of building height exceeding forty-five (45) feet. The buffer area resulting from these setback requirements 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.*

The site meets the minimum requirements above regarding lot dimensions and site coverage. The new lot is 1.6 acres, with proposed site coverage of 62.5%. Lot depth is 227.09 feet along the south property line and lot width is 303.94. The building is 4-stories, with the highest element at 48 feet above grade, and a F.A.R of 0.62.

However, the plans indicate that the south corner is located 15.05 feet from the property line, and the northern corner of the bump out is at 16.77 feet from the property line, which is inconsistent with the maximum setback requirement that 50% of the building must be within 15 feet from the right-of-way. Below is a detail of this section of the building, and the perspective of the building façade that provides a view of the building facade:



This section of the building is 125.32 feet of 216.93 feet (or 58%) of the width of the building. The Applicant's representative has indicated that this section can be revised to meet with the maximum setback requirement. Given this, staff recommends a condition of approval that includes that the building plans be revised to meet this requirement.

The grading of the property at the northwest property line includes accommodating the existing Summit Lofts garage egress door, and retaining wall. Originally the building on this proposed site included tying into the underground parking of the other buildings at this location. The existing door and plywood wall were allowed as a temporary measure until the second half of Summit Lofts was constructed. Obviously, that never happened. Spectrum Retirement Communities has indicated that they will coordinate with Summit Lofts to develop a solution for finishing the wall and exit door, per Building Code requirements, and the site plans indicate a retaining wall to prevent stormwater issues. A condition of approval includes that the final site development plan show that all Building Code exiting issues regarding the Summit Lofts garage are not blocked by this development..

Landscaping Review
The Zoning Code regulates landscaping through Section 405.540 *Landscaping*. As discussed above under the Design Guidelines review, the proposed landscaping is well designed throughout most of the site and meets with the minimum requirements of the Zoning Code. Plans indicate that of the 20,641 sq. ft. of parking lot and drive aisle on site, 1,236 sq. ft. of green space has been provided, where the Code requires a minimum of 589.7sq.ft. Eleven trees are provided along Decker Lane per the requirement of one street tree for every 30 feet of frontage, and 5 trees provided to meet the requirement of one tree per 100 linear feet of parking row.

Parking Requirements
The City of Creve Coeur does not have an existing assisted living facility aside from the single floor of rooms within the much larger Hallmark development on Craig Road. As such, there has never been a

need to fully investigate the parking requirements for such a use beyond a simple read of the Zoning Code text. However, staff has uncovered several concerns in the process of analyzing this application:

1. The 1987 SIC aggregates several disparate uses together under one code (Major Group 83, Social Services) that includes childcare, residential care for various groups (including assisted living for the elderly), job training facilities and conventional social service agencies.
2. Functionally, the above grouping of uses is quite varied, from unique facilities like childcare and assisted living homes, to school-like facilities and to traditional office building settings. Clearly, these uses do not all create similar parking demands.
3. Section 405.820, Required Off-Street Parking Spaces, separates childcare parking as a unique class, but then leaves all other uses under "Social Services" and applies a conventional office parking requirement (1 space per 300 square feet of floor area) even though residential care facilities do not operate in this fashion and would be incorrectly assessed an absurd amount of parking (145 spaces) relative to the true demand based upon experience. This is not a usable parking standard for assisted living facilities.
4. Under the 1987 SIC and Section 405.820 of the current Zoning Code, nursing and personal care facilities are placed in Major Group 80, Health Services, and assigned an appropriate parking demand of one space for every two resident beds.
5. The 2002 NAICS takes a more operational approach and categorizes nursing care in the same group as all other residential care and places social services in a completely different category that is primarily other offices uses.
6. If the NAICS approach is used to determine parking demand for assisted living, then the nursing and personal care facilities standard would appear to be the correct standard to use, rather than an office parking standard.
7. The effort to convert the Zoning Code from SIC use designations to NAICS designations is already begun and will correct the apparent over-sight in the Zoning Code.

With these facts and interpretations in mind, Staff believes that the current Zoning Code standards fail to recognize assisted living as a unique use and, therefore, do not contain a parking requirement for assisted living, only childcare and office-based social services. Absent a directly applicable standard, the next nearest and appropriate standard is that used for nursing care. This is borne out by the trend in the NAICS definitions, the City's experience with the true parking demands at Hallmark, and the applicant's experience on the many facilities they already operate.

Applying the one space per two beds standard yields a parking requirement of 45 for the proposed facility where 45 parking spaces are provided. Based on this interpretation, sufficient parking appears to be provided but a condition of approval is included that limits the number of resident beds and establishes the appropriate parking requirement. If the members of the Planning Commission are concerned that the interpretation is flawed and more parking should be provided, they should discuss off-site parking arrangements with the applicant or reducing the size of the building as there is insufficient site area to provide any more parking spaces with the current building floor area.

Photometric Plan
The applicant has submitted a photometric plan that indicates that all lighting is downcast and fully shielded, and not cast upon an adjacent property or right-of-way in compliance with Section 405.680 of the Zoning Code. Site lighting usage will be from dusk to dawn. The properties to the north and south are parking garages; therefore staff does not foresee a problem with the lighting.

Signage
The drawings show a low monument sign. All signage is approved under a separate review process and any approval of the rezoning and site development plan does not constitute approval of the signage shown on the drawings. However, the supporting structure of the sign can be reviewed with the Design Guidelines, which is of materials consistent with the main building.

Subdivision
The new 1.6 acre lot meets with all of the district requirements in the "CB" Core Business District.

SUMMARY AND RECOMMENDED CONDITIONS OF APPROVAL
Conditions discussed within the staff report which are included in the draft ordinance include:

- The Conditional Use Permit shall be for a 43,254 square-foot assisted living, residential care facility with a maximum of 90 resident beds at 693 Decker Lane.
- The applicant is required to submit a Site Improvement Permit application, showing all exterior improvements, as required by Section 420.070 of the Land Disturbance Code. The permit application shall be in substantial conformance with the "Site Development Plan," dated July 26, 2012 as bound together and submitted in conjunction with Application #12-022 by Paul Boyer, of CEDC, Civil Engineering Design Consultants, except that the plans shall be revised to indicate that 50% of the building setback is at a maximum of 15 feet from the property line along Decker Lane per zoning district regulations.
- The applicant is required to submit a Building Permit application, as required by Article II of the Building Code. Exterior elevations shall be in substantial conformance with the "Exterior Elevations" dated July 27, 2012, as bound together and submitted in conjunction with Application #12-022 by Paul Boyer, of CEDC, Civil Engineering Design Consultants.
- Landscape Plan shall be revised to provide additional plantings along the ground floor main dining elevation between the Decker Lane entrance and the outdoor patio, to meet with the intent of the Design Guidelines for the Zoning Administrator's approval.
- All exterior plans shall demonstrate grading and stormwater protection of the existing parking garage for the property to the west, and shall indicate that the exiting requirements for the garage per Building Code requirements, are not impedded by the development of the assisted living facility.
- Off-street parking requirements shall be calculated as one parking space per every two resident beds.
- Accessory structures, including the generator and dumpster enclosure, and the supporting strucure of the ground monument shall be of materials consistent with the main building.

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 are example motions for this application:

> "I move to approve the site development plan and conditional use permit ordinance attached to the staff report on application #12-022, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of August 6, 2012." (Conditions may be added, eliminated, or modified by preceding motion).

An additional motion is needed for the subdivision of the property:

> "I move to recommend approval of the final subdivision plat for Spectrum Retirement Communities as presented during the August 6, 2012 Planning and Zoning Commission Meeting date." (Other conditions may be added, eliminated, altered, and modified by prior motion).

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

APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 07/27/2012
	Description: View of the property looking west where Studt Avenue ends at Decker Lane. Summit Lofts Condominium is in the background.
	Description: View looking northwest from across Decker Lane at the neighboring development. (Parking garage for Plaza Motors).
	Description: View looking southwest from across Decker Lane at the neighboring development. (Parking garage and office development in the background.)

	Description: View looking east from the south east corner of the subject property to the single story office development across Decker Lane.
	Description: View looking east from the northeast corner of the subject project to Plaza Motors garage parking and ground floor.
	Description: View of the temporary measures at the Summit Lofts parking garage.

	Description: View looking north from the south corner of the subject property along Decker Lane.
	Description: View looking south from the south corner of the subject property along Decker Lane.

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 #12-022 FOR THE SUBDIVISION AND CONDITIONAL USE PERMIT OF AN ASSISTED LIVING FACILITY FOR SPECTRUM RETIREMENT COMMUNITIES FOR THE PROPERTY LOCATED AT 693 DECKER LANE

FOR THE MEETING OF: August 20, 2012

LOCATION: 693 Decker Lane

REQUEST:
Spectrum Retirement Communities, LLC, has submitted an application for the subdivision and conditional use permit of a 43,254 square foot, 4-story, 90-unit assisted living facility, at 693 Decker Lane. The property is zoned "CB" Core Business District.

ADDITIONAL INFORMATION:
Assisted living facilities are classified as a "home for the aged, with health care incidental" by the Zoning Code which requires approval of a conditional use permit in the "CB" Core Business District.

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 "CB" Core Business Commercial?
- Does the request with the required findings for a conditional use permit?

Comp. Plan References
- Central Business District
- Design Guidelines

Zoning Code References
- Section 405.240 Setback and Building Lines
- Section 405.370 "CB" General Core Business District
- Section 405.820, Required Off-Street Parking Spaces
- Section 405.1070, Conditional Use Permits

APPLICANTS: Spectrum Retirement LLC
200 Spruce Street, Suite 200
Denver CO, 80230

APPLICANTS REPRESENTATIVE: Paul Boyer
Civil Engineering Design Consultants, Inc.
11402 Gravois Rd., Suite 100
St. Louis, MO 63126

REPORT PREPARED BY:

Whitney Kelly, AICP, City Planner — 8/16/2012 Date

ATTACHMENTS:
Applicant's letter dated August 13, 2012
Subdivision Plat
Draft Ordinance
Staff Report from August 6, 2012 Planning and Zoning Commission
Public Comment received August 16, 2012

PARKING DISCUSSION FOLLOW-UP

In response to the concerns raised during the public hearing on August 6th, Spectrum Retirement Communities, LLC, has submitted a letter for further information on the parking requirements of their other locations around the country. The parking summary table provided by Spectrum indicates that the average amount of parking provided at their facilities is 0.52 spaces per bed.

In addition, Staff reviewed several communities around the country for parking requirements for assisted living facilities. While not all of the Zoning Codes reviewed listed assisted living centers as a particular use, it would be categorized in the larger group of a group care home, or institutional home. Below is the list of communities reviewed:

Riverside, CA:	1 space for every 3 beds
Seattle, WA:	Assisted living facilities:1 space for each 4 assisted living units; plus 1 space for each 2 staff members on-site at peak staffing time; plus 1 barrier-free passenger loading and unloading space
Indianapolis, IN:	0.5 spaces per unit, plus 1 parking space per/6 units for visitors, plus one space per each employee on duty during peak work shift
Davis , CA:	Group care homes: two spaces if six or fewer clients, three spaces if twelve or fewer clients, and one per three beds if more than twelve clients. Rest home, sanatorium, convalescent home or hospital: one space for each three beds.
Renton, WA:	1 space per unit, plus dedicated parking spaces for facility fleet
Broomfield, CO:	0.5 spaces per unit
Carbondale, IL:	1 space per 3 beds
Clayton, MO:	Sanitarium, nursing home or institutional home. One (1) parking space for each four (4) beds.
Rock Hill, MO:	Hospitals and similar institutions. 1space for every 8 beds.

Further, the Institute of Transportation of Engineers Parking Generation Manual, 3rd edition (2004), has a parking ratio of 0.5 spaces per dwelling unit for assisted living centers. In 2007, the Pennsylvania Housing Research Center completed a study for residential development standards that included recommended parking rates. Their recommended parking rate of 1 space for every 3 residents for assisted living facilities was based on data from 12 sites in mostly suburban settings [Illinois (1), Virginia (1), California (2), New Jersey (3), and New York (5) (studies were conducted between 1988 and 2002)].

Therefore, based on these new findings that mostly require one space for every two or more beds, the prior analysis of the use, the upcoming change in classification under the NAICS, and the applicants stated requirements based on experience, staff believe the parking rate for nursing and personal care facilities at 1 space for every 2 beds should provide adequate parking on site. If the applicant finds that they require more parking in the future, they will have the option to seek approval of an off-site parking agreement with the parking garage to the south.

COORDINATION WITH SUMMIT LOFTS/WEST VILLAGE CONDOMINIUMS

The letter referenced above also states that the applicants have been meeting with the Summit Lofts board to develop an agreement to close up the garage wall, maintain a fire exit, and grade out the northwest corner of the Spectrum property for safe exiting. Further, they are working with the condominium board to design a mutually-acceptable landscape buffer, that increases privacy for the Summit Lofts pool. Since it appears that a solution is at hand, but not yet finalized, the attached draft ordinance contains the same prior requirement for coordination with the condominiums.

NOTIFICATION FOLLOW-UP

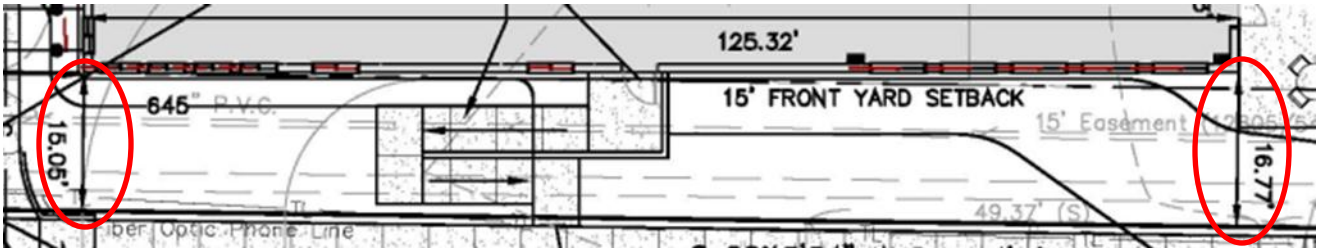
Staff sent out follow-up notification to all of the owners of the adjacent condominiums and commercial properties within 300 feet of the subject property. The addresses were taken from the St. Louis County online property owner information database – this is the most current information available. Other than a resident of Summit Lofts expressing an interest in locating at the new facility and submitting an email in support for the project, no other comments have been received. Information has remained available on the City's website (follow the "Current Planning Projects" link from the Planning Division page), in recent editions of the City newsletter and on a sign posted along the Decker Lane frontage.

ZONING DISTRICT SETBACK REQUIREMENT

At the prior meeting, Staff included a recommendation that the final site development plan reposition the building such that 50% of the building is within 15 feet of the property line. During the meeting, however, the applicant indicated that a 15-foot wide MSD easement within this area may prevent the location of the building closer to the road. It is likely that the easement will consistently affect all of the setbacks along Decker Lane. To address such situations, Section 405.240, *Setback and Building Lines*, of the Zoning Ordinance allows the Planning and Zoning Commission to increase the distance to ensure a consistent right-of-way along such a thoroughfare or if a road expansion is projected in an adopted land use plan. The section reads as follows:

> *SECTION 405.240: SETBACKS AND BUILDING LINES*
> *A. Purposes. The purposes of the setback lines provided for in this Chapter are to establish safe and clear rights-of-way and to provide adequate light, air and open space in conformity with buildings now in existence.*
> *B. Setback Requirements On Certain Streets And Rights-Of-Way.*
> *1. No building or structure shall be located further from a major street or highway in the City of Creve Coeur than provided for by the standards specified below:*
> *b. Major collector streets (Conway, Ladue, Old Olive Street, Warson, Spoede, Graeser, Mason, Mosley, Shulte, Craig, Emerson, Old Ballas and Ross Roads and Cross Creek, Decker, Trojan and Tempo Drives): Thirty (30) feet setback from the centerline of said major collector street plus the permitted setback distance established in the zoning district. The Planning and Zoning Commission may increase the distance measured from the centerline of a major collector street to ensure a consistent right-of-way along such a thoroughfare or if a road expansion is projected in an adopted land use plan.*

Given that the easement runs the entire length of the street and adjacent parking garages vary in setback from 12 to 30 feet, the condition of the Ordinance has been revised to specifically approve the setback at the proposed location as shown below.



If the Commission members wish to see the building moved closer to the right-of-way, a motion to modify the condition will be needed.

SUMMARY AND RECOMMENDED CONDITIONS OF APPROVAL

Based on the discussions within the staff reports of both August 6th and 20th, the following conditions are included in the draft ordinance along with the customary CUP requirements:

- The Conditional Use Permit shall be for a 43,254 square-foot assisted living, residential care facility with a maximum of 90 resident beds at 693 Decker Lane.

- The applicant is required to submit a Site Improvement Permit application, showing all exterior improvements and landscaping, as required by Section 420.070 of the Land Disturbance Code. The permit application shall be in substantial conformance with the "Site Development Plan," dated July 26, 2012 as bound together and submitted in conjunction with Application #12-022 by Paul Boyer, of CEDC, Civil Engineering Design Consultants and the Landscape Plan.
- The applicant is required to submit a Building Permit application, as required by Article II of the Building Code. Exterior elevations shall be in substantial conformance with the "Exterior Elevations" dated July 27, 2012, as bound together and submitted in conjunction with Application #12-022 by Paul Boyer, of CEDC, Civil Engineering Design Consultants.
- The Final Landscape Plan shall be in substantial conformance with the "Planting Plan" by Landscape Technologies dated July 6, 2012, except where additional plantings shall be provided along the ground floor main dining elevation between the Decker Lane entrance and the outdoor patio, to meet with the intent of the Design Guidelines for the Zoning Administrator's approval.
- All exterior plans shall demonstrate grading and stormwater protection of the existing parking garage for the property to the west, and shall indicate that the exiting requirements for the garage per Building Code requirements, are not impeded by the development of the assisted living facility.
- In recognition of a pre-existing Metropolitan St. Louis Sewer District (MSD) easement adjacent to the Decker Lane right-of-way, the front setback for the assisted living facility may be a maximum of 17 feet in accordance with Section 405.240, *Setback and Building Lines*, of the Zoning Ordinance.
- Off-street parking requirements shall be calculated as one parking space per every two resident beds.
- Accessory structures, including the generator and dumpster enclosure, and the supporting strucure of the ground monument shall be of materials consistent with the main building.

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 are example motions for this application:

> "I move to approve the site development plan and conditional use permit ordinance attached to the staff report on application #12-022, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of August 20, 2012." (Conditions may be added, eliminated, or modified by preceding motion).

An additional motion is needed for the subdivision of the property:

> "I move to recommend approval of the final subdivision plat for Spectrum Retirement Communities as presented during the August 20, 2012, Planning and Zoning Commission Meeting date." (Other conditions may be added, eliminated, altered, and modified by prior motion).

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.

SPECTRUM
RETIREMENT COMMUNITIES, LLC

August 13, 2012

Mr. Paul Langdon, Community Development Director
City of Creve Coeur
300 N. New Ballas Rd.
Creve Coeur, MO 63141

Re: Spectrum Retirement Communities, 693 Decker Lane

Dear Mr. Langdon:

We appreciate the Planning & Zoning Commission's consideration of our application on August 6. Thank you for the opportunity to provide more information to the city prior to our next hearing on August 20. We understand that there are three issues of concern, which are addressed below.

1. **Parking Count:** Adequate parking is critical to the satisfaction of our residents, their families, and our team members. It is even more critical for the first impression of prospective residents who are visiting our community for the first time. As such, we are very careful in determining the appropriate amount of parking spaces that provides everyone a space while not creating empty asphalt. Please consider the attached summary of parking counts at our existing assisted living communities. We are also beginning to speak with owners of nearby parking lots and parking garages for use on the rare occasions (e.g. Mother's Day) when additional parking might be a concern.

2. **Summit Lofts Garage:** We have spoken with the Summit Lofts board about the best solution to this issue, and we are meeting with the board this evening, August 13. Attached is a sketch of the proposed solution to close up the garage wall, maintain a fire exit, and grade out the northwest corner of the Spectrum property to create a landscape buffer between the two properties.

3. **Summit Lofts Pool Privacy:** As with the garage, we have spoken with the Summit Lofts board to create a privacy fence for their pool, either by constructing a new privacy fence between their pool and our parking lot, or by modifying the east side of their existing fence to create more privacy.

Thank you for your consideration of the above items. We look forward to our next meeting with the Planning & Zoning Commission, and look forward to being a member of the Creve Coeur community.

Sincerely,

Michael Longfellow, Sr. Vice President of Construction & Development

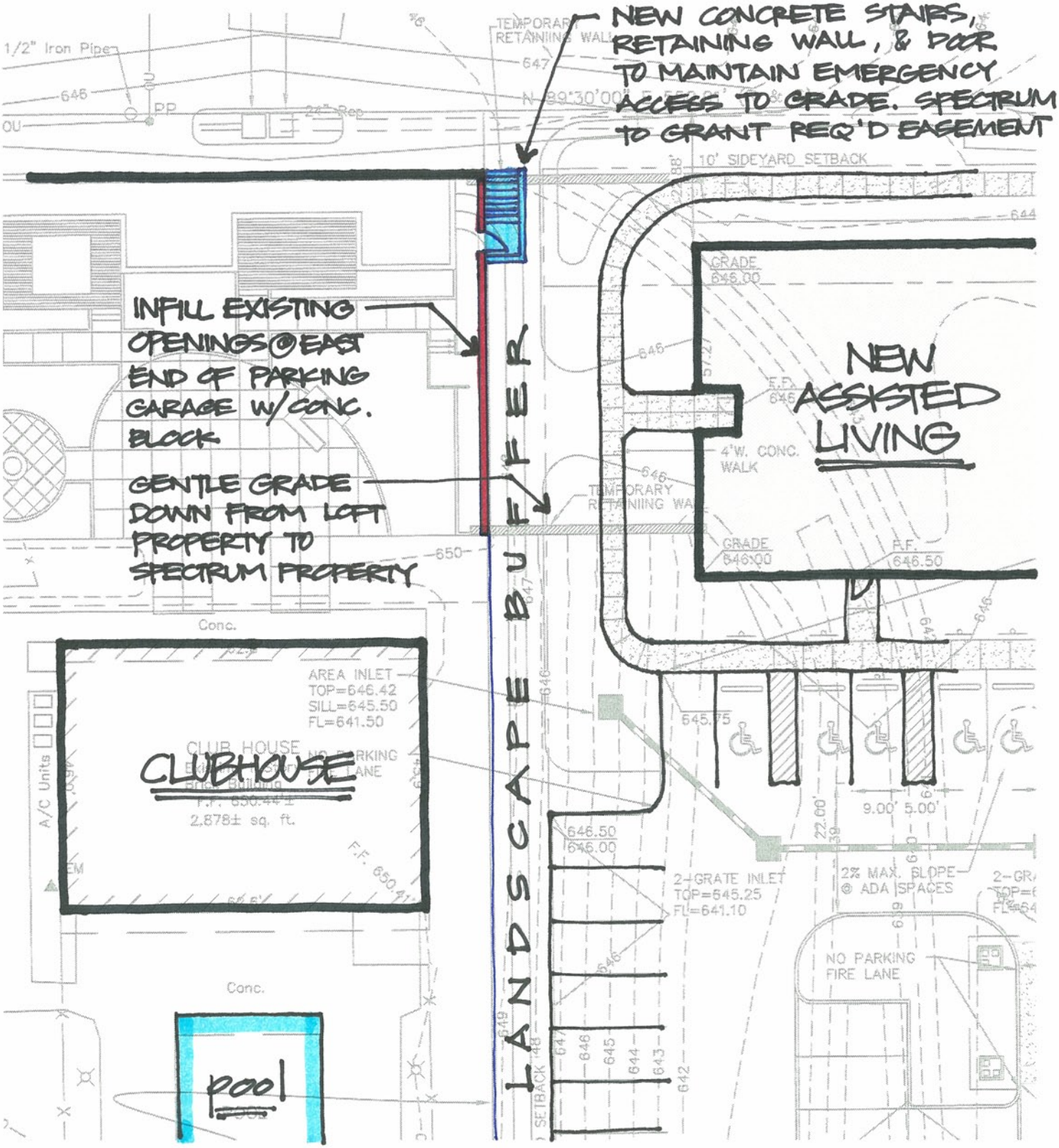
Cc: Whitney Kelly, City of Creve Coeur

Enclosures: Parking Summary, Sketch Plan for Summit Lofts

SPECTRUM
RETIREMENT COMMUNITIES, LLC

Parking Summary at Assisted Living Communities

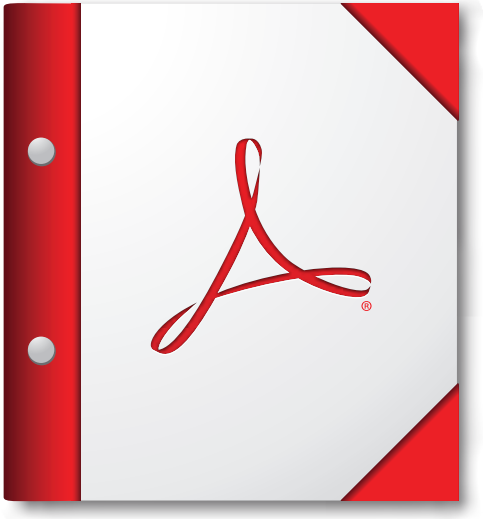
Property Name	Location	Property Type	Number of Beds	Parking Spaces	Ratio (spaces per bed)
Cedar Village	Salem, OR	AL w/Memory Care	75	36	0.48
Redwood Heights	Salem, OR	Assisted Living	80	37	0.46
Pheasant Point	Molalla, OR	AL w/Memory Care	57	34	0.60
Ocean Ridge	Coos Bay, OR	Assisted Living	81	33	0.41
Ocean Crest	Coos Bay, OR	AL w/Memory Care	61	25	0.41
Clearwater Springs	Vancouver, WA	Assisted Living	80	37	0.46
Lincoln Meadows	Parker, CO	Independent + Assisted	213	133	0.62
Park Meadows	Overland Park, KS	Independent + Assisted	221	96	0.43
Palos Verdes	Peoria, AZ	Independent + Assisted	144	71	0.49
Three Oaks	Cary, IL	AL w/Memory Care	94	54	0.57
Westview at Ellisville	Ellisville, MO	AL w/Memory Care	82	48	0.59
Southview	Affton, MO	AL w/Memory Care	104	68	0.65
TOTALS			**1,292**	**672**	**0.52**



SPECTRUM
RETIREMENT COMMUNITIES, LLC

Garage/Grading Modifications
at boundary between subject property
and Summit Lofts property

August 13, 2012



For the best experience, open this PDF portfolio in Acrobat X or Adobe Reader X, or later.

Get Adobe Reader Now!

PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

MONDAY, AUGUST 6, 2012

7:00 P.M.

THOSE IN ATTENDANCE:

Mr. Gary Eberhardt, Chair
Dr. Michael Barton
Mr. James Faron
Ms. Cynthia Kramer
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

1

CHAIRMAN EBERHARDT: The Creve Coeur Planning &

Zoning Commission for Monday, August 6th will come to order.

I'd like to begin by calling the roll.

Dr. Michael Barton?

MR. BARTON: Here.

CHAIRMAN EBERHARDT: James Faron?

MR. FARON: Present.

CHAIRMAN EBERHARDT: Ken Howard, absent.

Cynthia Kramer, absent. Tim Madden, absent.

Jim Schnarr?

MR. SCHNARR: Present.

CHAIRMAN EBERHARDT: Carl Lumley, our City Attorney?

MR. LUMLEY: Present.

CHAIRMAN EBERHARDT: Paul Langdon, our Director of Community Development?

MR. LANDGDON: Present.

CHAIRMAN EBERHARDT: Ms. Whitney Kelly, City Planner?

MR. KELLY: Present.

CHAIRMAN EBERHARDT: And, Ms. Julie Lowery, Recording Secretary?

MS. LOWERY: Present.

(Cynthia Kramer is now present.)

CHAIRMAN EBERHARDT: The next item on the agenda will be our third public hearing, No. 12-022, Application for the Subdivision and Conditional Use Permit of an Adjusted -- an Assisted -- excuse me -- Living Facility for the Spectrum Retirement Communities for the property located at 693 Decker Lane.

Will those people that will be speaking about this issue come and be sworn in, please.

(Speakers were sworn by the court reporter.)

CHAIRMAN EBERHARDT: Okay. Is Mr. Boyer here for the presentation? Is he the representative for the applicant?

Mr. Boyer. Please state your name and address for the record.

MR. BOYER: My name is Paul Boyer. I'm with Civil Engineering Design Consultants with an office at 11402 Gravois Road, St. Louis 63126.

I appreciate the opportunity to be here tonight, Mr. Chairman and Members of the Commission.

We're here on behalf of Spectrum Retirement Communities.

With me tonight also is Mike Longfellow. He's with Spectrum. And then also the architect, Brian Van Winkle and Pete Schwartz with Vessel Architecture.

I'll just -- I'll jump right in, and I'll turn

it over to Mike to talk little more detail about Spectrum.

2 Basically what we're here tonight, we are
3 requesting -- we are requesting site plan approval for,
4 see if I get this -- a four-story senior living facility.
5 There's 90 assisted living units proposed with this
6 development.
7 If you're familiar with the site, it's on the
8 west side of Decker Lane, and to the west of this
9 development is Summit Lofts and West Village Condominiums;
10 to the north it's Plaza Motor, is the parking garage for
11 Plaza Motors, and then south there's another parking
12 garage, which is affiliated with the business -- the
13 office building there.
14 Again, it's a four-story building, 90 assisted
15 living units. We have a single access proposed off of
16 Decker Lane. There's 45 parking spaces proposed for this
17 development.
18 We meet the zoning requirements for that, and we
19 are also meeting the site coverage as well.
20 There's some unique instances with this site
21 where, and staff has pointed this out, where the original
22 Summit Lofts and West Village Condominiums was intended to
23 be expanded, and they had future phases for this
24 development.
25 When that did not follow through, Spectrum came

1 in and they're proposing this development.
2 There's a unique circumstance where there's an

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

3 open access garage, if you're familiar with the site, that
4 we have begun discussions with the adjacent property
5 owner, and they are represented here tonight as well, as
6 far as coordinating our development with them.
7 Another unique feature of this development,
8 there is an underground detention basin. Originally when
9 this site was developed, it was developed for one regional
10 detention basin, which is buried 60 inch diameter pipes,
11 which run across the development, so we will have storm
12 water maintenance agreement with that.
13 Part of our petition also is -- is to plat this
14 lot. The overall tract, including the Lofts is
15 3.48 acres. We are taking 1.6 acres of that development.
16 The storm water detention does cross property
17 lines, so we will be doing an agreement with that as well.
18 We find we are in keeping with the overall --
19 the intended use for this facility.
20 At this time I can turn it over to Mike to talk
21 a little bit more about Spectrum and their developments.
22 Then, again, Brian Van Winkle is here. He can
23 talk about the facade of the building.
24 CHAIRMAN EBERHARDT: State your name and
25 address, sir.

25

1 MR. LONGFELLOW: My name is Mike Longfellow with
2 Spectrum Retirement Communities, 200 Spruce Street,
3 Denver, Colorado 8013 -- or excuse me -- 80230.

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

4 I am in charge of all the construction
5 development for Spectrum Retirement, and I just want to
6 give a little bit of background, as Paul said, on who we
7 are and what we do.
8 We are an owner, developer and operator of
9 senior housing, independent living, assisted living and
10 memory care.
11 I always like to point out that not only are we
12 a developer, but we're also operators, and that's really
13 what we do.
14 My team is basically here to serve the operating
15 group in our company, so we don't build these and flip
16 these. We build these and operate them. Become long-term
17 citizens and long-term neighbors in the communities that
18 we go into.
19 To drive the point home to its conclusion, I
20 guess, there are about -- we have about 1200 employees at
21 Spectrum Retirements, and eight of us are in development,
22 and the other 1192 are in operations.
23 So that's -- that's really what the company is
24 all about is -- is operating these facilities.
25 Based in Denver. We have 24 properties

26

1 currently operating in ten states. Three of those are
2 here in the St. Louis area; there's one in Crestwood,
3 there is one in Ellisville that just opened, and then we
4 have one down in Washington. We also have another one

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

5 under construction just about ready to be completed and
6 opened in the Affton area. And on top of that, we have
7 four additional ones under construction and lots more in
8 development.
9 We're a private company. We're well-funded. We
10 have good private equity partners and good lending
11 partners with several different banks. All conventional
12 financing. No HUD. And we've, across our entire
13 portfolio, excluding the two that we now have in lease,
14 we're 95 percent occupied.
15 So in the -- in any industry, I think that's
16 good. In senior housing, that's -- that's an excellent
17 record and, certainly, I -- it's not so much what we
18 design, as our operating group deserves the credit for
19 that, but that, I think, is very important to point out to
20 know that with the funding that we have and with the
21 operational history that we have and the -- and the -- the
22 partnerships that we have with banks, our intent is to get
23 approved and get building and get opened as soon as
24 possible.
25 We have -- we have yet to leave a half-built

27

1 building or half empty lot and we don't intend to.
2 So this is a very good time for senior housing
3 to be developed. The need is, frankly, off the charts,
4 both nationally and in this area.
5 St. Louis is a, in general, is a community we

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

6 feel very strongly about, as evidenced by our presence
7 here already. One of our two principals of our company is
8 from St. Louis originally; grew up here. And so we know
9 the area very well. Our architecture firm is based here.
10 And Creve Coeur is -- is an area that we've had
11 in our sights for a while. We feel very strongly about
12 Creve Coeur in specific and in the surrounding area.
13 In terms of what we build, Paul already talked
14 about the basics of what we're proposing. This is
15 assisted living and memory care. No independent living in
16 this. Ninety units.
17 And the only thing really that I want to point
18 out, in addition, just to give a general flavor for any of
19 you who don't know about assisted living and memory care
20 in its current state versus 20 or 30 years ago, is that
21 these are very high-end facilities; a lot of common areas;
22 very high amenities.
23 The two most important things that we provide in
24 our communities are dining and activities. Everything
25 else that we do with the units and all the nice design

28

1 that our architects and engineers do, everything is
2 secondary to dining and activities.
3 And so the large dining spaces that we have, and
4 we have more than one of them in the building, and then
5 our activities programs are all supported by the multiple
6 amenities basis that we provide as well.

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

7 So that's the overview of Spectrum. I could --

8 I could go on for hours, but want to, I think, open it up

9 for questions at this point and with anything that you

10 have as far as the architecture and engineering, and we do

11 have the full team here, so we can, I think, answer

12 anything you have.

13 Thank you.

14 CHAIRMAN EBERHARDT: Okay. Are you going to

15 make one more presentation or do we -- are we free to ask

16 questions?

17 MR. LONGFELLOW: I think -- I think we're done.

18 CHAIRMAN EBERHARDT: Okay. Thank you.

19 First of all, any questions from the Members of

20 the Commission?

21 Mr. Langdon.

22 MR. LANDGDON: Mr. Chair, if I may jump in here.

23 I just want to ask the applicant to explain a

24 little more about the type of residents.

25 As you know, this has been advertised as an

29

1 assisted living facility, and you just mentioned memory

2 care.

3 MR. LONGFELLOW: Uh-huh.

4 MR. LANDGDON: Perhaps for everyone's benefit,

5 could you explain if those are functionally the same or is

6 this more of a nursing care or -- because it does make a

7 difference.

8 MR. LONGFELLOW: Absolutely. Thank you for the
9 question.
10 The memory care is, basically, it's assisted
11 living. It's a component within our assisted living where
12 the level of care is the same level. It's not skilled
13 nursing at this point, but, basically, the care that's
14 provided by our caregivers really focuses on those with
15 dementia.
16 In this case, it would be on the second floor.
17 It is a more secured area of the building, just, you know,
18 because of any potential issues with wandering, but it is
19 not skilled nursing, and it's considered assisted living,
20 you know, as far as state license is concerned.
21 MR. LANDGDON: Thank you.
22 MR. SCHNARR: And when you come up with 45
23 spaces, you're assuming -- that's half the number of units
24 you have, correct?
25 MR. LONGFELLOW: Correct. Yes. And from our

30

1 operational history, 45 spaces in this case or one for two
2 units is ample without over parking or having lots of
3 empty space.
4 We -- the numbers on parking are difficult to
5 pin down from -- from jurisdiction to jurisdiction as we
6 go around the country.
7 Typically, it's not provided for in -- in the
8 parking requirements.

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

9 Denver -- the City of Denver actually just
10 completely revamped its zoning code, and it's one of the
11 first cities that we've seen that addresses assisted
12 living in a very comprehensive way. And, interestingly,
13 their parking requirement ended up .5 per unit, which is
14 what we've basically argued for every place that we've
15 been that does not have parking requirements.
16 We've -- we've had to argue for more, and we've
17 actually had to argue for less. There are times where
18 cities have wanted us to have one per unit or even more
19 and sometimes it's .25. So .5 is something that we feel
20 very good about. And being under parked is a -- is a
21 serious problem for us, and especially for the adult
22 children who are coming to visit their parents, so we
23 certainly want to avoid that.
24 CHAIRMAN EBERHARDT: Thank you.
25 MR. FARON: Just a question, if I could, please.

31

1 CHAIRMAN EBERHARDT: Please.
2 MR. FARON: So the -- the extremes of the care
3 would be on the second floor. Beyond the memory care,
4 there wouldn't be any other kind of level of care that
5 would go above that?
6 MR. LONGFELLOW: Correct. That's -- yeah, just
7 to get a general sense of plan. The first -- the ground
8 floor is primarily common area. There are only ten or
9 twelve units. Second floor is all memory care, and then

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

10 the third and fourth floor are all assisted living units.

11 MR. FARON: So that first floor services

12 activities and things of that nature, entrance. So, okay,

13 third and fourth floor just assisted living, and so second

14 floor just more security -- secure area. Okay. Thank

15 you.

16 MR. SCHNARR: What is the opportunity for

17 additional parking on Sundays, for example, when the

18 parents [sic] come. Is it going to be a problem?

19 MR. LONGFELLOW: Typically what we've done, I

20 mean, unfortunately, we would like for parking to be a

21 bigger problem because that means more visitors are coming

22 in on a daily basis.

23 There are really only two holidays out of the

24 year where we ever have any sort of issue, Christmas being

25 one, but -- and Easter can be, but really the single

32

1 biggest day of the year for us is Mother's Day.

2 And -- and what we've done, typically, is we've

3 entered into an agreement or talked to a nearby shopping

4 center, sometimes schools, places that aren't necessarily

5 as busy on -- on a -- or on the holiday, and -- and then

6 shuttled over.

7 We do have, one thing I did not mention is that

8 we do have a community van and also a community car. And

9 that's one of the ways that we really try to cut down on

10 traffic into and out of the facility.

11 Really in this particular product type, the
12 traffic in and out, the parking requirements are really
13 made up almost entirely of visitors and then staff.
14 The number of trips generated is surprisingly
15 low, but the Mother's Day is the big one.
16 CHAIRMAN EBERHARDT: Dr. Barton.
17 MR. BARTON: Can you elaborate a little bit more
18 on the criteria that allows a person to meet independent
19 living versus, you know --
20 MR. LONGFELLOW: Versus assisted and memory?
21 MR. BARTON: Assisted versus skilled nursing?
22 MR. LONGFELLOW: Absolutely. The -- with
23 independent living that's really more of a lifestyle
24 choice, I mean and I'm oversimplifying a little bit, but
25 this is, I think, generally the -- the divisions.

33

1 It's really a lifestyle choice where very little
2 assistance is needed. Assistance with activities of daily
3 living, we refer to them as ADLs in the industry, and
4 those activities of daily living can consist of dressing
5 assistance, eating assistance, medications, toileting,
6 bathing. And so in independent living, really what we are
7 providing are senior apartments. They typically have full
8 kitchens, even though we still do have with -- in an
9 independent living facility, we still have central dining
10 and a central commercial kitchen providing the meals for
11 them.

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

12 But in -- with assisted living, once that
13 threshold is crossed, we are actually providing care and
14 assistance of daily living in the community.
15 So those kinds of things that I just mentioned,
16 with medication, assistance and eating, and, you know,
17 even -- even escorting people to and from meals, that sort
18 of thing, that is what distinguishes independent living
19 from assisted living.
20 In terms of -- and then memory care would just
21 basically be a subset of that assisted living level. And,
22 again, there the care -- the assistance with ADLs is just
23 more focused on people with memory issues.
24 Skilled nursing really is when it comes down to
25 more medical -- medical care, and people who aren't --

34

1 people who tend to be less ambulatory.
2 And so in terms of the medical assistance that's
3 provided, that's really the -- what divides assisted
4 living from skilled nursing is that no actual, you know,
5 skilled nursing is -- is provided at this facility.
6 MR. BARTON: And are your residents free to come
7 and go? Are they -- will we expect to see them walking
8 out on the sidewalks?
9 MR. LONGFELLOW: They -- they are free to come
10 and go with assisted living. They are -- they are heavily
11 monitored, so it's not as if we don't at any time know
12 where they are, and they're kind of just wandering in and

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

13 out.

14 Memory care is -- is a secured facility. And

15 memory care, I mean it's kind of a monolithic term for a

16 very un-monolithic issue, but because some -- there are

17 some people who -- who oppose kind of a wandering problem

18 or a flight risk, but at the assisted living level, we --

19 it is not lockdown; it is not a secured facility.

20 But -- but really all of the traffic in and out

21 of the building is through the front door of this, and

22 that's staffed 24 hours, and so the comings and goings of

23 our residents are -- are monitored, but not restricted.

24 MR. BARTON: Do you anticipate any need for

25 additional signage in the area to, you know, in terms of

35

1 pedestrian crossing or anything in terms of cautionary

2 signage?

3 MR. LONGFELLOW: We typically don't or we

4 haven't really had to.

5 In this -- I can't really think of anything in

6 this specific situation that would -- that would warrant

7 that.

8 You know, in terms of people moving around the

9 site, we have -- we always have sidewalks and walking

10 paths around the site, so that they can -- so that they

11 can freely move around.

12 Typically, there are caregivers with them.

13 But -- but I don't see anything, you know, if we were

14 right on Olive, I think maybe we would be a little bit
15 more concerned, but this actually -- this site, we feel,
16 suits us very well in that regard.
17 CHAIRMAN EBERHARDT: Thank you.
18 MR. FARON: Mr. Chairman.
19 CHAIRMAN EBERHARDT: Anything further? I'm
20 sorry, go ahead.
21 MR. FARON: Related to that, so the patio area,
22 the dining area outside, that's going to be landscaped, I
23 guess, a bit more?
24 MR. LONGFELLOW: It will.
25 MR. FARON: At least it's not on the west side

36

1 of the building in the sun --
2 MR. LONGFELLOW: Right.
3 MR. FARON: -- but so there is going to be some
4 kind of buffer there to the street and sidewalk.
5 The second question, have you been -- have you
6 discussed any additional parking overflow with the other
7 -- Plaza Motors or the -- the strip center across the
8 street, or even Summit Lofts, has that ever come up at all
9 or have they confronted doing that?
10 MR. LONGFELLOW: We haven't discussed any
11 specific agreements yet with any of the neighbors, and --
12 but that's something that we actually typically are
13 marketing in outreach folks are the ones who oftentimes
14 deal with, you know, they look around the community and

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

15 look at who would be available, or -- and I think all of
16 those would make sense, certainly, Plaza Motors being
17 right there --
18 MR. FARON: Sure.
19 MR. LONGFELLOW: -- would be very convenient for
20 us.
21 MR. FARON: There's a parking lot too across
22 from you that's more business hour oriented.
23 And then the last question, is there any access
24 to Summit Lofts, or are you just kind of north and east on
25 the -- the face of your building? You don't -- you can't

37

1 get into Summit Lofts in terms of vehicular traffic or
2 even pedestrian traffic in any of the residence --
3 MR. LONGFELLOW: Correct, we're --
4 MR. FARON: Just on that corner basically?
5 MR. LONGFELLOW: -- just dividing it, yes.
6 MR. FARON: Thank you, Mike.
7 MR. LONGFELLOW: Okay.
8 CHAIRMAN EBERHARDT: Anyone else on the
9 Commission?
10 Mr. Langdon or Ms. Kelly, do you have comments?
11 MR. KELLY: Good evening. Whitney Kelly, City
12 Planner.
13 The applicants have asked for a subdivision and
14 a conditional use permit for a 43,425 square foot
15 four-story 90-unit assisted living facility.

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

16 As you're aware, this was a property was
17 originally considered as part of the Summit Lofts, however
18 that did not move forward.
19 The Comp Plan discusses various elements
20 regarding the design of the facility and that there should
21 be human scale storefronts with parking located behind or
22 beside the building and with the parking oriented towards
23 the street.
24 This would be the Decker Lane view right here.
25 This is the interior view, north elevation and the south

38

1 elevation.
2 We find that it does meet with the overall
3 intent of the design guidelines, however there are a few
4 points that we need to discuss.
5 We found that Studt Avenue would have direct
6 viewpoint from right here along Decker Lane. We found
7 that the -- this area needed more focus in order to
8 fulfill the design guidelines, create a focal street view
9 along this area.
10 Due to the operational constraints by the
11 applicant, they can't really bring that forward, so we are
12 suggesting that the landscaping, in this area
13 particularly, provide some pedestrian scale for the --
14 those that would be walking along the sidewalk. There are
15 sidewalk connections throughout the building -- throughout
16 the site, and we find that that would further the intent

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

17 of the design guidelines, as well as meet with the
18 operational needs of the applicant.
19 The Zoning District also requires that
20 50 percent of the building setback be within 15 feet, and
21 right now they're showing this to be 15.5 at this corner
22 and 16.7 at this corner. And this area would be roughly
23 58 percent of the building width.
24 They have indicated that they can shift that
25 over a foot or two to meet with this requirement, and,

39

1 therefore, we have included a condition for that for staff
2 approval.
3 Again, the existing Summit Loft garage was
4 granted temporary measures until the garage extension
5 could be completed, and that was not done.
6 Therefore, we have required that the applicant
7 provide some grading and some sort of retaining wall to
8 work within the Building Code requirements so not to
9 create any storm water or egress problems for the Summit
10 Loft development.
11 We really did look at the parking thoroughly per
12 the Code. And in 1987, the SIC Code list the uses as --
13 this use as a social service, but it left it in the same
14 category as conventional office requiring one space for
15 every 300 square feet of floor area or 145 spaces.
16 As the applicant has indicated, that is way
17 outside the bounds of their needs. So we have looked at

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

18 the nursing and personal care, which is calculated at one

19 space per every two resident beds.

20 As we have started the discussion of

21 transitioning over from the SIC to the NAICS, they revised

22 this category assisted living within the same category as

23 residential care, and this would fix that problem in their

24 code at that time.

25 So, therefore, we are -- we would specify to

40

1 utilize nursing and personal care standard of one space

2 for every two beds.

3 This is still in excess of what the actual

4 parking needs of the applicant has indicated, as well as

5 our experience with Hallmark off of Craig Road.

6 Therefore, with 90 units, one space for every

7 two beds requires 45 spaces, and they have provided 45

8 spaces on the site.

9 If you're uncomfortable with this

10 interpretation, you should discuss further-off site

11 requirements as a condition for parking arrangements with

12 the applicant.

13 If you have any other questions.

14 CHAIRMAN EBERHARDT: Commission Members, any

15 questions?

16 Just one question, and maybe the -- the

17 applicant needs to answer.

18 How many staff people will likely be staffing

19 this -- forget about residents for the moment -- what --

20 what -- and I'm looking this -- at this from a parking

21 requirement, what is your typical staffing?

22 MR. LONGFELLOW: The -- the max staff number at

23 changeover would be approximately 22. It's -- so --

24 MR. SCHNARR: So 22 and 45 spaces is going to be

25 taken up by --

41

1 MR. LONGFELLOW: Yeah, that would be the maximum

2 at one time at the shift change. Typically, like

3 overnight, it's eight at the most, but at the -- at the

4 shift change, you know, around ten o'clock in the morning

5 there would be that -- that one time where there would be

6 as many as 22 staff members.

7 CHAIRMAN EBERHARDT: So only half left during

8 the daytime hours for -- for visitors, essentially?

9 MR. LONGFELLOW: Yeah, which, again,

10 unfortunately, that's more than enough typically.

11 It's very, very rare that between visitors and

12 potential that -- that we would even come close to that

13 number.

14 MR. SCHNARR: Well, how is your living space

15 apportioned? How many are just apartments where, for

16 example, a retired couple would live and how many are this

17 full staff nursing?

18 MR. LONGFELLOW: Well, the -- with assisted

19 living, very very few residents would -- would have a car,

20 and, in fact, it's almost not -- no memory care residents

21 would have a car at all.

22 MR. SCHNARR: Right, I understand that.

23 MR. LONGFELLOW: Right.

24 MR. SCHNARR: But the assisted living, my

25 experience in this area has been primarily with Friendship

42

1 out in Chesterfield, and everybody in an assisted living

2 apartment has a car. They don't drive too well, but they

3 have --

4 MR. LONGFELLOW: Right. Right.

5 MR. SCHNARR: -- they have a car.

6 MR. LONGFELLOW: Yeah.

7 CHAIRMAN EBERHARDT: They don't have licenses,

8 but they have cars.

9 MR. BARTON: Just for clarification, do you --

10 do you intend that the mean is eleven employees and at

11 shift change you have 22 parking spots being taken up, but

12 then it drops back down to eleven?

13 MR. LONGFELLOW: Yeah, correct.

14 MR. BARTON: So it's a temporary period, about a

15 half hour or so --

16 MR. LONGFELLOW: Yeah.

17 MR. BARTON: -- that 22 spots are taken up.

18 Okay.

19 CHAIRMAN EBERHARDT: Thank you.

20 MR. BOYER: If I may, not to change the subject,

21 but I want to interject one thing as far as the condition.

22 The 15 foot setback along the front of the

23 property, there's actually -- it's a -- there's a 15 foot

24 sewer easement, so our intention is to meet the City's

25 requirement, but that would be subject to MSD's review and

43

1 approval.

2 There's a sanitary sewer which runs right along

3 that 15 foot, so they may ask us for a foot or slightly

4 buffers -- typically as long as we're outside the

5 easement, we're okay, but I just wanted to caveat that

6 that we're going to be subject to MSD's review.

7 CHAIRMAN EBERHARDT: Anything further,

8 Ms. Kelly?

9 MR. KELLY: No, sir.

10 CHAIRMAN EBERHARDT: Okay. We have some people

11 who -- in the audience who have given speaker cards.

12 Carl Bolm, 63 -- excuse me -- 630 Emerson. Is

13 Carl here?

14 MR. BOLM: I'll defer to be last, please.

15 CHAIRMAN EBERHARDT: Okay.

16 Tom Prince.

17 MR. PRINCE: Yes, sir.

18 CHAIRMAN EBERHARDT: If you state your name and

19 address for the record, please.

20 MR. PRINCE: I will. My name is Tom Prince. I

21 live at 630 Emerson Road, Unit No. 201.

22 I'm here speaking as a member of the board of
23 trustees of Summit Loft Property Owners Association.
24 And we're here in a neutral position this
25 evening. We are going to ask the Commission to delay any

44

1 approval of any application, and for this reason. We want
2 to be good neighbors. We -- this project, we think, could
3 probably be the best project that's leftover to go in --
4 into the area.
5 When we moved into the Summit Lofts, we thought
6 we were getting four more high-end condominium units, but
7 it didn't work out that way.
8 We just found out about this project about two
9 weeks ago when I looked out my back porch, and noticed
10 some guys over there with a heavy drilling rig taking core
11 samples, about two weeks ago. I walked over to talk to
12 them, and they didn't have a clue what was going in there.
13 So we have begun to -- one of them said, yes,
14 sir, I think it's a parking lot. I believe that's what
15 it's going to be is a parking lot. Well, it was early
16 Sunday morning, they were making a lot of noise, that's
17 all I know.
18 But anyway we began to snoop around and finally
19 got wind that there was a hearing tonight of some sort.
20 So about four o'clock this afternoon I came up to find
21 out, at the direction of the board, to find out what was
22 going on. And we found out that, yes, there's a hearing

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

23 and there's also a vote for approval.

24 We hadn't yet met with these gentlemen. I'm

25 talking about four this afternoon, we hadn't heard one

45

1 word from these guys -- and these are great guys. I'm not

2 begrudging them, but we just hadn't talked to them.

3 So we got on the phone and called them, and they

4 were kind enough to come over to our building.

5 And I'm going to show you where we live and try

6 to bring some -- some perspective to this whole project,

7 if I can.

8 And they were kind enough to come over and talk

9 with us, and we felt really good about the meeting. We

10 felt good about these guys. But there are probably, as a

11 result of that meeting, more questions that have -- that

12 are to be asked for us and answered than were, in fact,

13 answered.

14 Just to kind of give you an idea, if I can

15 figure out this high-end equipment here, this is a

16 swimming pool. I hate to wake up one morning about

17 six o'clock and have one of the memory assisted people

18 doing aerobics in our pool. And so, you know, I say that

19 kind of tongue-in-cheek, but it's a real serious problem

20 is our swimming pool. And so we've begun to have some

21 conversations, but there's been no resolution yet about

22 how do we properly buffer this area between their building

23 and our area.

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

24 There is some landscape. They've got a great
25 landscape plan. They showed us -- I don't know a Juniper

46

1 from a come-here or sick-um, but they said they got some
2 nice Juniper and trees going in, but we want to have some
3 conversation about proper buffer for safety, the pool, for
4 site.
5 If you just step it off, their parking lot, when
6 you see it on paper like this, doesn't look like it's very
7 close, but when you get out there actually on site, their
8 parking lot is pretty darn close to our swimming pool and
9 our area there where we have folks who like to sunbathe
10 and -- and enjoy themselves in this private property that
11 they bought into when they thought right next to them was
12 going to be other condominium units and not assisted
13 living units.
14 And then we have the notion of -- of site.
15 We're going to be looking out at -- at a parking lot
16 that's right now set for 45 cars. I hope that's enough
17 parking, but, you know, what are the employees going to
18 do, take a bus? There's nothing wrong with public
19 transit, by the way, I'm all for public transit, but in
20 this case, I don't think you'll see a bus running by here.
21 And, by the way, someone mentioned that there's
22 a parking lot across the street. Well, I walk around this
23 block, you know, this is a big -- big circle, big loop
24 here in our town. And I walk around this block every day.

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

25 Four times is a mile. And that parking lot across the

1 street, when business hours closes, they chain that sucker
2 up. You couldn't get a semi in there. So that parking
3 lot's not going to be accessible to anybody who wants to
4 park there.
5 And then there's another issue in that area over
6 there, and as it relates to ingress and egress, and
7 that -- Decker is a three lane road. The middle lane has
8 been taken over by Plaza Motors, and they use it as an
9 unloading dock, which is an issue for another day.
10 But they've got trucks there seven days a week
11 four o'clock in the morning unloading fancy cars. And
12 that's going to be a big issue that -- that -- that kind
13 of comes into play here now.
14 There's an issue of landscaping. I talked about
15 that already.
16 Oh, drainage, I want really to be sure and
17 mention drainage cause this is a drainage nightmare,
18 this -- this property is.
19 I just learned this afternoon, these guys were
20 telling us about it, and I appreciate them telling us
21 about it, but there's shared underground drainage between
22 our piece of ground that Summit Lofts and West Village sit
23 on. And, by the way, our board serves both Summit Lofts
24 and West Village Lofts, so we're speaking for about 45
25 property owners and voters in this fine community when we

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

get up here and address this board tonight, none of whom knew anything about this until today. So, you know, you think we might, as members of our board of trustees, have an obligation to find out, well, how is this drainage going to work, are we going to have -- you know, is it a good plan, is it not a good plan. We don't know. We haven't had the opportunity to talk to anybody yet.

And then up in -- does it show up -- up in this area right up here, this is really a problem. It's -- this is where our underground garage makes its way into the light of day, only it was intended to continue -- in the original zoning and in the original plan that was approved by the City, it was intended to continue as an underground garage all the way through these two buildings over here. But today it just kind of crops up, and it's an eyesore, it's a drainage sore, you know, and to top things off, at the very end of it there's a fire escape door that's required by the fire code. And if we don't deal with that, if that's not dealt with, and you just drain this thing -- if you grade this so that everything drains down towards that -- that eyesore where the fire escape door is, it's going to drain right to it and be on the same grade. You know, I wonder if that's going to impede with the fire escape that's required to be there coming out of our garage.

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

We -- we talked about that today, and we made some great progress on it, and I appreciate it, but we didn't get it resolved. We don't know how that's going to sort itself out. Remember, we only met with them at 5:30 today. We made great progress in thirty minutes, but you can only do so much. You can't ride a horse that fast.

Let's see, what else have I got.

Light protection. We're a residence. All the buildings around us are office buildings, but we're residents, we tend to want to go to sleep at night.

And we're concerned, although they had a great answer for this, but we're concerned that the lights in the parking garage are going to provide some light invasion into our properties.

Now, they did a great job. They've got some sort of lumens plan or something that shows where lights are going to be blocked off, and they're not going to be coming over on our property and what have you, and that sounds good. We'd like -- we'd like to be able to study on it just a little bit, make sure that that's -- that we don't have a problem with that.

And I know we can't dictate things. It's a free world. They're going to get the property and they can do things, but we want to be good neighbors and they want to be good neighbors. We just need a little bit of -- little

bit of time here to sort through some of these issues.

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

2 And there's some other things. Proper buffering
3 for site, sound and safety. You know, worry about our
4 swimming pool. I know there's a way that we can block it
5 off, but, you know, we're concerned about that cause right
6 now it's accessible. Granted, there's a lock on the gate,
7 but it's still -- still an issue that we're concerned
8 about.
9 So, having said all of that, we want to be good
10 neighbors; we want to work with these guys; we're
11 delighted to see progress in our community. We think that
12 Spectrum will do a great job, but we would ask that the
13 Commission delay approval, if you are about to take a
14 vote. I haven't had the time to even to figure out if
15 you're about to take a vote on anything. But if you are
16 about to take a vote, we would ask that you delay it for
17 some time to give us the opportunity because we, you know,
18 we're not a mile away. We're right there. These folks
19 are in our backyard. I mean they're like becoming part of
20 us, and we're becoming part of them, whether we like it or
21 not, we're going to be living together for a long time,
22 and we'd like to have the opportunity to sort through some
23 of these issues.
24 Thank you very much. I appreciate it.
25 Carl, did you have anything of value?

51

1 MR. BOLM: If I may.
2 CHAIRMAN EBERHARDT: Please.

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

MR. PRINCE: Thank you very much.

MR. EBERHARDT: Thank you.

MR. BOLM: Thank you for your time and what you do for our community.

CHAIRMAN EBERHARDT: Name and address, please.

MR. BOLM: Sure. Good evening. My name is Carl Bolm, and I'm also on the board of directors and trustees, and reside at 630 Emerson.

I think Tom hit on most all the points. I just wanted to reiterate, but Planning & Zoning said is that we were not -- when we bought into these units, there wasn't going to be a parking lot there, street lights there, street cars, dumpster, nothing looking out over our pool area. Everything was to be underground. Underground parking. No cars, no lights. Underground dumpster.

That did not happen, but that too is not, I don't feel, our problem to then be -- suffer the consequences if there are any, but I think there's a plan.

I too met, along with Tom, with these gentlemen. I think with proper planning, some type of privacy fence on the outside of our existing fence, yeah, all pools have to be fenced. Tonight's a good example when we're trying to get in there, the lock was not working, we couldn't get

52

in. Many times the lock does not shut. It's got a gate on the side that faces the development.

We have to go back to our board and to our

4 people and explain what's going on here.

5 Heavy landscaping, and I mean heavy, not five,

6 ten years from now when it finally grows up, but heavy

7 landscaping that you can't see through now and -- and

8 immediately.

9 A privacy fence that does two things; no

10 headlights and -- and -- coming in the, you know, in the

11 nighttime or the early mornings, and blocking the visual

12 of all the -- the streets would -- would definitely be a

13 welcome to this development.

14 Again, they're free to come and go. It's not a

15 lockdown facility, hence, for the fence.

16 And I might also add, it's interesting, but

17 Plaza had to put up a privacy fence between us and Plaza

18 and the parking garage because we've had that fail before

19 and they've had to do that, so that is part of what we

20 have on the north side of our building.

21 The drainage and the fire marshal, that'll also

22 be addressed through Planning & Zoning, I'm sure. That's

23 all I have.

24 Thank you.

25 CHAIRMAN EBERHARDT: Thank you.

53

1 Anyone else?

2 Yes, ma'am.

3 MS. BERRY: I'm not sworn in.

4 CHAIRMAN EBERHARDT: Were you sworn in, I --

5 MS. BERRY: No, sir.

6 CHAIRMAN EBERHARDT: Well, would you then be

7 sworn in, please.

8 (Speaker was sworn in by the court reporter.)

9 MS. BERRY: My name is Lynn Berry, 626 Graeser

10 Road.

11 I hadn't planned on speaking this evening, but I

12 was just curious, if you're going to have all these people

13 doing ADLs in the morning, feeding people, are you going

14 to have an in-home therapy, agency people coming in, which

15 will need additional parking, cause you only have eleven

16 in place, you have 90 people?

17 MR. LONGFELLOW: Yeah, I can answer that.

18 MS. BERRY: That's all.

19 CHAIRMAN EBERHARDT: Thank you.

20 MR. LONGFELLOW: That -- to answer your

21 question, ma'am, that -- those ADLs are taken care of

22 by -- by caregivers in-house.

23 There are sometimes some instances where

24 individual residents will contract with -- with outside

25 agency people, but in this case, we would expect them to

54

1 be -- to be cared for by the caregivers.

2 The ratios that we have, as far as the

3 caregivers per resident, that's something that we're used

4 to, that we have, and in terms of, for instance,

5 showering, bathing assistance, that sort of thing, that's

6 on a very staggered schedule.

7 And so from a staffing perspective, we feel

8 comfortable with that as far as the caregiver ratio per

9 resident.

10 In terms of responding to our potential future

11 neighbors at Summit Lofts, I felt like our conversations,

12 our meeting, went very well.

13 Our preference would be to keep moving with the

14 timeframe we have with a vote for approval this evening.

15 Understanding that the conditions that were discussed

16 this, I think -- I think with the exception of the privacy

17 fence, are covered by the conditions that are already

18 recommended by staff in terms of the resolution of the

19 issue at the northwest corner.

20 And in terms of the privacy fence, we are very

21 willing to work with Summit Lofts and with the City on --

22 on providing a privacy fence there.

23 And whatever the, you know, whatever the

24 preferred material and height would be, but we have no

25 issue with that whatsoever, so -- and understanding,

55

1 again, that they would have another opportunity at City

2 Council, our preference would be to -- to keep moving, if

3 we could, and, again, that those conditions are, we feel

4 like are already provided for except for the fence.

5 CHAIRMAN EBERHARDT: Thank you.

6 Mr. Caldwell. Were you sworn in?

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

7 MR. CALDWELL: Yes.

8 CHAIRMAN EBERHARDT: That's good. Thank you.

9 MR. CALDWELL: I just want to speak to a minor

10 point, and that is with regard to the setback on the -- on

11 Decker.

12 If I read it -- heard it correctly, staff is

13 asking for more landscaping on -- in that area, but less

14 area to put the landscaping in.

15 And so it seems like that a little bit of a

16 conflict there. And that the -- that 15 foot, it seems to

17 be kind of a robotic adherence to the Code, and it would

18 seem to be a possibility for the tradeoff that the

19 Commission might consider to not worry so much about the

20 15 foot zero inches than being more to get the type of

21 landscaping and appearance that is desired for that visual

22 effect coming in from Studt.

23 Thank you.

24 CHAIRMAN EBERHARDT: Thank you.

25 Anyone else have a comment in the audience?

56

1 Staff, any further information -- excuse me,

2 yes, sir, were you sworn in?

3 MR. GELLMAN: Marvin Gellman.

4 CHAIRMAN EBERHARDT: Were you sworn in,

5 Mr. Gellman?

6 MR. GELLMAN: No.

7 CHAIRMAN EBERHARDT: Would you now be sworn in,

please.

MR. GELLMAN: Okay.

(Speaker was sworn in by the court reporter.)

CHAIRMAN EBERHARDT: State your name and address, please.

MR. GELLMAN: Marvin Gellman, 12 Sackston Woods, Creve Coeur 63141.

How big is that lot? How many square foot?

MR. BOYER: It's 1.6 acres.

MR. GELLMAN: That's -- Hallmark has 200 units on about 10 acres, and there's a big parking lot for 200. 45 is not enough for even the people living in it.

My mother lived at Hallmark -- on McKnight Place. They had two cars and they lived there. This is not enough parking. This is way too much building for not 2 acres even.

And I know the people in the apartments and the original building this gentleman was talking about,

they've had problems the whole life over there.

And I think we're opening up a big can of worms with 90 people talking to the City complaining about Plaza Motors.

Have they talked to Plaza Motors about what they think? Have you talked to Plaza Motors?

MR. LONGFELLOW: No, sir.

MR. GELLMAN: What they think?

9 MR. LONGFELLOW: No, sir.

10 MR. GELLMAN: Well, it's a good idea because I

11 own the lease, the ground, and most -- most of Plaza, not

12 all of it, not the 5 acres, but there's a good idea to

13 look at Plaza Motors, cause you're -- they got a big

14 business there on -- on about 7, 8 acres, 10 acres, and

15 you got 1.78. Don't make sense. Thank you.

16 CHAIRMAN EBERHARDT: Thank you, Mr. Gellman.

17 Anyone else have any comments?

18 Any further staff or reports?

19 MR. LANDGDON: Mr. Chair, just to maybe provide

20 a little more information on some of the issues that have

21 been raised.

22 I was dismayed to hear about the potential

23 notice problem, and so we did some investigating into why

24 Summit Lofts apparently did not receive enough notice.

25 And, basically, what we have is a timing issue in terms of

58

1 when our address list was last compiled and when Summit

2 Lofts began to get occupied.

3 Notices did go out to occupied -- well,

4 addresses at Summit Lofts, but either those owners have

5 not spoken up, or they have since moved and just were not

6 aware of it. So we did advertise through all the other

7 venues. There's a sign on the property. There is notice

8 on the City website. There was notice in St. Louis

9 Countian. But it does appear that not that many of the

10 current residents received the direct mailing. But we
11 did -- did use the methods that are required of us by the
12 Zoning Code.
13 Regarding the -- the parking. You know, as the
14 applicant testified, most cities, and this would be one of
15 them, doesn't have a well-exercised code on assisted
16 living parking. We're relying on observations of the use
17 of parking at Hallmark, and then, otherwise, relying on
18 a -- on a interpretation of the Zoning Code for a
19 regulation. Just because a regulation is met, doesn't
20 mean that the need is met.
21 On the other hand, regulations often
22 overestimate. Traditionally in parking, there has been a
23 severe over assumption on parking, and we've started to
24 cut that back to avoid vacant asphalt sitting there
25 collecting heat.

59

1 But if you want to look into it further, if you
2 would like us to look into it further, we can do that and
3 try to get a -- a more state of the art number that is
4 independent of the applicant's testimony.
5 Regarding the storm drainage by the garage. The
6 condition that's in the draft ordinance is, I would say,
7 fairly broad because we don't know all the issues. We did
8 identify with the applicant that we thought there -- there
9 probably would be a problem based on their initial design.
10 I see they've already begun to change that

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

11 design to try to allow for it, but I will agree that we
12 still don't know what the final solution is relative to
13 that parking garage.
14 I do want to make it clear, however, that fixing
15 the parking garage itself is not up to the applicant.
16 That parking garage is owned by the residents of Summit
17 Lofts and West Village, and if they don't like their
18 private wall then it is their responsibility to address
19 it.
20 If they can come to terms with this applicant
21 tonight on some joint solution, then that is between those
22 property owners, but it is not the obligation of the
23 applicant to fix that parking garage. They, however,
24 cannot create an effect where they are harming that
25 property, neither as a matter of good business nor as a

60

1 condition of a -- nor as a requirement of the conditional
2 use permit.
3 Regarding the light. The Zoning Code does have
4 a operational standard that no light be spilled from one
5 property to another beyond 1 foot candle. Anything less
6 than 1 foot candle is barely appreciable as light. The --
7 the glow of the city is a base somewhere between a half
8 and a quarter of a foot candle, so one is kind of the
9 cutoff line.
10 If they build a light system that does not
11 perform as well as the photometric study that they have

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

12 provided, then we will hold up approval of the final
13 project until we get that compliance. It is a
14 requirement. The light must be confined. If their
15 photometric plan is flawed, then we'll deal with it when
16 we get to the end of the project.
17 Obviously, that creates a significant incentive
18 for the property owner to get it right the first time.
19 They do not want to change it after it's installed.
20 Regarding security for the property. They've
21 mentioned -- the applicant has mentioned their willingness
22 to install a privacy fence. I don't see any issue with
23 that, and if the Planning Commission believes it's a good
24 addition, then you should add that as a condition of
25 approval.

61

1 Regarding the use of the turn lane on Decker by
2 Plaza Motors, that is actually an approved use of the
3 street. When the parking garage was approved, that was a
4 condition or an allowance provided at the time because of
5 the property limitations that Plaza Motors faces. It was
6 felt that the turn lane on a fairly low volume street
7 represented the best alternative to a proper truck court,
8 so as odd as it is, and, frankly, not something that I'm
9 thrilled with either, it is something they are allowed to
10 do.
11 The only other issue is buffering of the pool
12 with landscape. You know, we just actually talked about

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

13 this with the Goddard School. When you combine a privacy
14 fence with limited land area, I'm not sure how much thick
15 landscaping really does. One, you can't get it very
16 thick, and two, the fence largely addresses the problem.
17 But, certainly, we will pursue landscape as much
18 as we can in that area if that is a concern of the
19 Commission.
20 Finally, regarding the front setback, the
21 Section 405.240 allows the Planning Commission to adjust
22 front setbacks for consistent right of way.
23 The parking garages are very close to the
24 street. The reality is we're talking about a foot or less
25 in terms of adjusting this building one way or the other,

62

1 either to meet the 15 feet or to provide them the space to
2 leave the building where it is and not have to deal with
3 MSD.
4 Frankly, I defy most of us in this room to spot
5 a foot or less from any distance out in the field.
6 So if the Planning Commission wishes to approve
7 the plan, then I strongly suggest that we add that as a
8 condition to the approval to say that you are specifically
9 allowing the front setback in consideration of consistent
10 right of way.
11 That's all I have, sir.
12 CHAIRMAN EBERHARDT: Thank you, Mr. Langdon.
13 Anyone else? Mr. Gellman.

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

14 MR. GELLMAN: I just want to make the -- isn't

15 there a requirement for parking for employees? There's a

16 lot of employees in 98 -- I mean 90 units.

17 CHAIRMAN EBERHARDT: I think Mr. Langdon tried

18 to address that issue, Mr. Gellman.

19 MR. GELLMAN: Okay. Thank you.

20 CHAIRMAN EBERHARDT: Thank you.

21 Anyone else have comments?

22 Is there anyone that has a -- the public hearing

23 is closed.

24 MR. LUMLEY: Well, my recommendation is that you

25 leave it open.

63

1 CHAIRMAN EBERHARDT: Okay.

2 MR. LUMLEY: It's apparent that we had some --

3 some degree of deficiency in our public notice, and it

4 sounds like there might be some more detailed information

5 that might come forward.

6 My suggestion is that you defer it to provide

7 better notice to comply with those requirements.

8 CHAIRMAN EBERHARDT: And to continue the public

9 hearing at another time.

10 Is there anyone who would like to comment on

11 Mr. -- yes, Cynthia.

12 MS. KRAMER: Right. So two questions.

13 For the pool issue, what's really the purview of

14 the Commission with regard to that?

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

15 MR. LANDGDON: When you say the pool issue what
16 exactly are you speaking to?
17 MS. KRAMER: Well, with regard to the buffering,
18 you know, making sure that someone can't get into the pool
19 and --
20 MR. LANDGDON: The conditional use permit
21 process requires the finding that the proposal will not
22 create a hazard or harm to adjacent property or to the
23 users of the proposal. So if the Commission feels like
24 there is a security and/or privacy issue here, then you
25 can certainly ask the applicant to, one, demonstrate their

1 solution to those issues, and then, two, engage them in
2 other solutions if you don't feel like it's sufficient.
3 MS. KRAMER: And then one more question, please,
4 if I may.
5 CHAIRMAN EBERHARDT: Sure.
6 MS. KRAMER: With regard to the parking, and I
7 do want to say I'm glad to see that everyone feels very
8 well that everyone can sort of work together on these
9 issues, and it looks like there's, you know, definitely
10 moving in the right direction.
11 But I guess my question would be, particularly
12 with regard to the issues of the parking, how much is
13 actually needed, and I do understand how it -- you -- that
14 information may not be where we'd like it at this point.
15 So have there been any findings of any of the

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

16 other assisted living residences in the surrounding
17 community or perhaps any of the other properties that are
18 currently held by the applicant?
19 MR. LANDGDON: We have not investigated the
20 applicant's other properties. I assume their testimony is
21 honest in that regard. But the -- and that's all I'm
22 going to say on that.
23 The experience that we have in town is limited
24 to Hallmark. It's the only other assisted living
25 facility. Less than half their parking is currently

65

1 built. The rest of it is so-called phantom parking. And
2 a lot of that existing parking lot goes unused most of the
3 time. So there is not a heavy demand for parking there.
4 In prior communities that I have worked, the one
5 bed -- one parking space for two beds is the common
6 standard.
7 City of Denver has adopted that standard, so I
8 think that's what we'll find is the most common, but I
9 would say our research is not exhausted.
10 MS. KRAMER: And just let the record show that I
11 was not questioning whether there was honest testimony.
12 It was merely a question just in terms of there was
13 something brought forth from the community that perhaps it
14 would be good to just sort of --
15 MR. LANDGDON: And we can look at the size of
16 those facilities and amount of parking.

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

17 MS. KRAMER: But I would never -- never say

18 that.

19 MR. FARON: I would second that facility we're

20 looking is just one floor is assisted living, right, the

21 Hallmark --

22 MR. LANDGDON: Yes, sir.

23 MR. FARON: -- and is probably a good soundboard

24 for that. Okay. Thank you.

25 CHAIRMAN EBERHARDT: Dr. Barton.

66

1 MR. BARTON: So just the terms of clarification.

2 The -- what's your policy with regards to the --

3 your occupants, I mean assuming you would have -- how many

4 occupants would there be at peak occupation -- or

5 occupancy, how many residents?

6 MR. LONGFELLOW: We would have -- excuse me. We

7 have 90 units so.

8 MR. BARTON: And 90 units, and that's one bed

9 per unit?

10 MR. LONGFELLOW: Correct. Yes.

11 MR. BARTON: And what's your policy with respect

12 to cars? Do -- do you discourage them from having cars?

13 MR. LONGFELLOW: Yes.

14 MR. BARTON: I mean having -- I preface that

15 with, you know, having had that conversation with my

16 father, that was the hardest conversation we ever had and

17 that they --

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

18 MR. LONGFELLOW: Yeah.

19 MR. BARTON: Giving up that car is the hardest

20 thing to do, and it's the hardest conversation a son can

21 have with his dad is taking the keys away.

22 MR. LONGFELLOW: Right.

23 MR. BARTON: So sometimes, you know, it's

24 helpful if there is a policy at a place where you wanted

25 to move that they discourage cars, you know, dad, mom, if

67

1 you want to move here, you probably need to give up the

2 car because parking is a premium, that sort of thing.

3 But then, again, it might be that that might be

4 something that they look for in where they move to is that

5 they can keep their car, knowing that it's just going to

6 be parked and they won't drive it --

7 MR. LONGFELLOW: Right.

8 MR. BARTON: -- and giving it up for the

9 long-term.

10 But can you enlighten us, and for the record, as

11 to what your policy is with parking and cars and --

12 MR. LONGFELLOW: Yes. The -- and thank you for

13 the question.

14 The -- the -- our policy, basically, is to

15 actively discourage it, but we do not outright restrict.

16 We don't prohibit the use of cars. But do we actively

17 discourage, yes.

18 And -- and -- and part of the way we do that

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

19 is -- is by encouraging the use of our -- of our community
20 car and our community van with activities.
21 We have a program called Medical Concierges.
22 And the idea behind that is that the -- is that with the
23 Medical Concierges, they actually help to get the
24 residents to and from, specifically, their doctors'
25 appointments.

68

1 Part of the reason for that or really the focus
2 of that is that so when the adult children do visit their
3 parents, they're not spending all their time shuttling
4 them back and forth to doctors' offices, but instead they
5 actually have meaningful visiting time in the community or
6 around the community.
7 With the community van, we have a lot of
8 organized activities. We, of course, try to engage the
9 greater community of Creve Coeur and the surrounding areas
10 with community centers, schools, et cetera, and so that's
11 a -- that's a big part of what we do with operation is
12 outreach, and so we use the community van extensively in
13 that regard.
14 MR. BARTON: So being in assisted living
15 facility, I mean most of these people probably shouldn't
16 be driving --
17 MR. LONGFELLOW: Correct.
18 MR. BARTON: -- ideally.
19 MR. LONGFELLOW: Ideally, yes.

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

20 MR. BARTON: And your experience, you know, for
21 the record, at other properties, how many people drive,
22 what percentage of your occupants drive and what
23 percentage of them have cars that just sit?
24 MR. LONGFELLOW: You know, I don't have an exact
25 percentage that I could give you this evening.

69

1 It varies, certainly a little bit by community
2 and by part of the country. But the most common problem
3 we have is -- is empty asphalt.
4 And -- and, in fact, I do have another
5 representative from Spectrum here tonight who could attest
6 to it.
7 We've actually had issues with that lately where
8 we've -- where the amount of asphalt that we have and that
9 we have to maintain than for no other reason than just to
10 have that many parking spaces is difficult at times to --
11 to swallow.
12 But we would not want to, frankly, we would not
13 want to go less or much less than .5 per unit, but we
14 would prefer not to go more on this site. Actually it
15 would -- it would prove a hardship to do so.
16 But, and I say that, our most common problem is
17 dealing with empty asphalt. We, frankly, just haven't had
18 problems with -- with under parking. And the one time
19 that we added parking, it was completely proactive, and it
20 was at an independent living, not an assisted living

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

21 facility cause they really are two completely different

22 products from --

23 CHAIRMAN EBERHARDT: One of the ways actively

24 discouraging use would be to charge parking.

25 Is there a charge -- an additional charge if

70

1 someone has a car?

2 MR. LONGFELLOW: There is not a charge for --

3 for taking up parking spaces.

4 In the -- on the properties where we have

5 garages or where we have carports, we do charge for those

6 spaces, but, then again, that's actually not a good

7 comparison or statement because that's independent living

8 only.

9 So if we were up here proposing independent

10 living, I grant you it would be an entirely different

11 conversation, but at assisted living, it really is just --

12 has not been an issue for us.

13 MR. LUMLEY: Just to clarify the question about

14 units. So you don't have any double occupancy?

15 MR. LONGFELLOW: We do not, no. No, I mean it's

z

16 the number of beds and the number of units.

17 CHAIRMAN EBERHARDT: Okay.

18 MS. KRAMER: Mr. Chair.

19 CHAIRMAN EBERHARDT: Ms. Kramer.

20 MS. KRAMER: Just two more quick questions.

21 Sorry. Thank you so much.

22 So does your community transportation also take
23 the residents shopping if they need? I would imagine that
24 would probably be one of the most important things to
25 them?

71

1 MR. LONGFELLOW: Yeah, it is. And that's one of
2 the most popular activities and outings is certainly
3 shopping.
4 So they would -- and that would be a big one.
5 MS. KRAMER: So you do provide that?
6 MR. LONGFELLOW: Yes, we do.
7 MS. KRAMER: Okay. And then the second question
8 is, so do you have plans to reach out to your neighbors
9 with regard to parking issues in case there's the over --
10 you know, it does become an issue --
11 MR. LONGFELLOW: We do.
12 MS. KRAMER: -- like on Mother's Day?
13 MR. LONGFELLOW: And that's something that we
14 typically do. We haven't done it yet, and honestly we
15 haven't done it -- we typically don't do it this early in
16 the process, because we don't know if we're at reality
17 yet.
18 So we don't like to start outreach in any sense
19 before we know that the project is real. But -- but that
20 is something that we've done, whether it's independent
21 living or assisted living, and we've always had success
22 because, again, with community van, the ability to

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

23 shuttle, we can go a little bit farther afield than across

24 the street. I mean if there's a shopping center and,

25 obviously, there are several shopping centers in

1 relatively close proximity, that's worked very well.

2 There have been instances where we've gone a couple miles.

3 And it's been fine.

4 Again, on Mother's Day, I mean I'd like to say

5 we have 300 visitors, but we don't. We have maybe 30

6 people or 40 people instead of the dozen or so we can

7 accommodate easily on site. It's not like the shuttle's

8 speeding back and forth thirty times. I'd like to say

9 that's the case, but it's not.

10 MS. KRAMER: Thank you.

11 CHAIRMAN EBERHARDT: Any other questions from

12 Commission Members?

13 I have just a general comment, and that is to

14 say, based on the -- the information from Mr. Prince and

15 Mr. Bolm and on the information that -- and on the

16 suggestion from Mr. Lumley, for reasons of -- is one space

17 for every two units, every two beds, appropriate? Maybe,

18 but I don't think that -- I think it's been indicated that

19 the indications are that's probably okay, but we're not

20 sure and maybe that could look at -- maybe that could be

21 looked at a little more closely.

22 And, two, the site-proof fence between the --

23 the new facility and the -- and the existing apartment

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

24 building, I think there are site-proof fences and there

25 are site-proof fences. I think there can be different

1 materials, different densities, different all sorts of

2 things, and I think the residents across the street have

3 a -- or across the back pool certainly ought to have an

4 opportunity to explore a little further with -- with the

5 developer.

6 And, finally, I think if -- Mr. Lumley also

7 indicated that there's some question as to whether there

8 was timely notice or adequate notice, I guess.

9 For all of those reasons, I certainly would

10 favor a postponement until the next meeting, but that's --

11 that's my opinion.

12 So does anyone have a motion to make?

13 MR. BARTON: On advice of counsel, I would move

14 to --

15 CHAIRMAN EBERHARDT: Pardon?

16 MR. BARTON: On advice of counsel, I would move

17 to suspend -- to table it until the next meeting.

18 CHAIRMAN EBERHARDT: One made the motion to

19 table, is there a second?

20 MR. BOYER: Could I interject?

21 CHAIRMAN EBERHARDT: Yes. Go ahead.

22 MR. BOYER: I'm not sure when would the next

23 Planning Commission meeting cause if it's a month it would

24 pose a hardship.

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

25 CHAIRMAN EBERHARDT: Two weeks.

1 MR. LANDGDON: Two weeks.

2 CHAIRMAN EBERHARDT: Two weeks.

3 MR. FARON: I would second --

4 MR. SCHNARR: If we do table, it gives our staff

5 the opportunity to work on what I see as three major

6 problems. One is parking code. If they -- if we adopt

7 the new parking code, we're in compliance with the code.

8 There is no old code so.

9 The privacy fence issue at the pool, I have

10 mixed emotions about that.

11 And the drainage plan, you know, if it's going

12 to dump into their -- their garage, then we have to make

13 sure that doesn't happen.

14 But beyond that, if we can solve those three

15 problems, I think we're in pretty good shape.

16 MR. LANDGDON: We will do our best.

17 CHAIRMAN EBERHARDT: Question is can we solve

18 them tonight.

19 MR. SCHNARR: Well, I can.

20 CHAIRMAN EBERHARDT: Anyway, we have a motion.

21 Do we have a second?

22 MR. FARON: I would second Dr. Barton's motion.

23 CHAIRMAN EBERHARDT: We have a motion, a second.

24 Any further discussion before we vote on the

25 motion to table for two weeks until the next Planning &

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

Zoning Commission?

Call for a vote.

MR. BARTON: Just for clarification --

CHAIRMAN EBERHARDT: Sure.

MR. BARTON: -- would that be able to go to Council then the following week?

MR. LANDGDON: Yes, sir, if -- if it receives a Planning Commission recommendation on the 20th, then it would, in all likelihood, it would go to the City Council on the 27th.

CHAIRMAN EBERHARDT: All right. The motion has been made and seconded to table until the next Planning & Zoning meeting.

Mr. Schnarr?

MR. SCHNARR: Aye.

CHAIRMAN EBERHARDT: Ms. Kramer?

MS. KRAMER: Aye.

CHAIRMAN EBERHARDT: Mr. Faron?

MR. FARON: Aye.

CHAIRMAN EBERHARDT: Mr. -- Dr. Barton?

MR. BARTON: Aye.

CHAIRMAN EBERHARDT: Chair votes aye.

Thank you all.

MR. LANDGDON: Mr. Chair, just to clarify for everyone's benefit, the public hearing is still open --

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

CHAIRMAN EBERHARDT: Is still open.

MR. LANDGDON: -- on that item.

We will contact St. Louis County to try to get a up-to-date mailing list, or perhaps the gentlemen present tonight can provide us the current list of owners in the Summit Lofts and West Village, and we'll get supplemental notice out to them this week.

CHAIRMAN EBERHARDT: Okay. The -- that closes our public hearings.

(Public hearing was closed.)

STATE OF MISSOURI)

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

) SS
COUNTY OF ST. LOUIS)

I, Deborah K. McLaughlin, Registered Professional Reporter, Missouri Certified Court Reporter, Illinois Certified Shorthand Reporter and Kansas Certified Court Reporter, do hereby certify that I reported the Planning and Zoning Public Hearing stenographically and later reduced to typewriting; and that this is a true and accurate transcript of the public hearing.

_____, RPR, MO-CCR, IL-CSR, KS-CCR
Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR

file:///M|/Project%20Files/Spectrum%20Retirement/PZ%20080612%20%20Public%20Hearing%20Transcript.txt[8/17/2012 10:15:33 AM]

PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

MONDAY, AUGUST 20, 2012

7:00 P.M.

THOSE IN ATTENDANCE:

Mr. Tim Madden, Chair
Mr. Gary Eberhardt
Mr. James Faron
Mr. Ken Howard
Ms. Cynthia Kramer
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: Like to call to order the Planning Zoning Commission Meeting for the City of Creve Coeur, Missouri for Monday, August 20, 2012.

We'll start with role call.

Dr. Barton? Don't see him.

Mr. Gary Eberhardt?

MR. EBERHARDT: Present.

CHAIRMAN MADDEN: Mr. James Faron?

MR. FARON: Present.

CHAIRMAN MADDEN: Mr. Ken Howard?

MR. HOWARD: Present.

CHAIRMAN MADDEN: Ms. Cynthia Kramer?

MS. KRAMER: Present.

CHAIRMAN MADDEN: Don't see Mr. Schnarr.

Mr. Carl Lumley, our City Attorney?

MR. LUMLEY: Present.

CHAIRMAN MADDEN: Paul Langdon, our Director of Community Development?

MR. LANDGDON: Present.

CHAIRMAN MADDEN: Whitney Kelly, our City Planner?

MR. KELLY: Present.

CHAIRMAN MADDEN: And Judy [sic] Lowery, our Recording Secretary?

MS. LOWERY: Present.

CHAIRMAN MADDEN: We'll move to Number 5, Unfinished Business. No. 12-022 public hearing -- we're continuing the public hearing for application for the subdivision and conditional use permit of an assisted living facility for Spectrum Retirement Communities for the property located at 693 Decker Lane.

Everybody's here for Spectrum?

Is it Michael Longfellow? If you come forward, please, state your name, address for the record.

(Mr. Longfellow was sworn by the court reporter.)

CHAIRMAN MADDEN: Before we go on, is there anybody else that may want to comment on this? If you all come up and get sworn in now, it'll be a lot easier, I think. I'm sorry I forgot.

(The speakers were sworn by the court reporter.)

CHAIRMAN MADDEN: Thank you, all.

And, Mr. Longfellow.

MR. LONGFELLOW: All right. My name is Mike Longfellow. I'm with Spectrum Retirement Communities, 200 Spruce Street, Suite 200, Denver, Colorado 80230.

Since our last hearing, there were a few things that we wanted to address that -- that came up as concerns in the last hearing.

And we had sent a letter to Mr. Langdon

addressing these issues. But one is on the parking count, we had provided some additional information in terms of, basically, a survey of our existing communities, the number of spaces versus the number of units that we have that we feel supports our current proposal of .5 spaces per unit.

Also, in relation to the Summit Lofts, we have spoken with the Summit Lofts, met with their Board. And regarding the issue at the northeast corner of their property, this is a little rolled here, but, this area here, what we have talked with them about, essentially, is solving the situation by moving their existing door to the far northeast corner of their garage. We would then associated retaining wall and stairs coming out of that garage. In fact, I can put the sketch, just kind of memorializes our understanding with Summit Lofts.

And so this is the northeast corner of their

garage. Thank you very much. So new concrete stairs, retaining wall and door. Infill the existing openings in that garage with concrete block and then grading it out flat.

We really feel like this is going to create the best situation, the best solution, not only for the Summit Lofts' existing condition, but also for our development, so that we don't have a retaining wall and a hole going

4

down to that -- going down, basically, to their garage level.

But we're going to be able -- it's going to give us the opportunity to, essentially, grade that area out naturally and put landscaping on there, so that we don't, essentially, lose landscaping space that we would if we had to maintain the current situation, the current grades as they are.

So I think this is really a win/win situation. We certainly feel that it is. And I think -- hopefully Summit -- the Summit Lofts Board does as well.

Those are really -- oh, also, the -- I'm sorry, the other thing was the privacy fence and the concern about privacy with the swimming pool. We've spoken with them about paying for some sort of privacy screen, whether it's an actual new fence, second fence or somehow modifying their existing swimming pool enclosure.

So those are the things that we've spoken with them about and committed to is addressing the situation at the northeast corner and then also the privacy screen.

And that -- in terms of new information from the last hearing, that's -- that's what has happened.

CHAIRMAN MADDEN: Are there any questions up here for Mr. Longfellow?

Is there anybody in the audience who would like

5

to make a comment or ask a question?

First I'll call, this one person did fill out a card, Linda Rezny.

MS. REZNY: I'm going to have to have somebody plug in my computer, so it'll show up over there, and if you like, while somebody's doing that, the next person to speak.

CHAIRMAN MADDEN: Okay. Who else would want -- yes, sir, come forward, state your name and address, please.

MR. PRINCE: Thank you for extending the meeting last week.

My name is Tom Prince. I'm a member of the Board of Trustees of Summit Lofts. And I will say that we -- the City did a great job in getting notice out to the residents of Summit Lofts, and we appreciate the effort made there. And if we were in error in terms of the listing of residents or what have you, we'll -- we hope to correct that, and we appreciate the effort of the City in getting that done.

Also appreciate the efforts of Spectrum in meeting with us. Once everybody met everybody, they were gracious and met with us, basically, whenever we wanted to meet.

And we agree with the two resolutions; the one

6

dealing with our garage and the exit of the garage area there and the moving of the -- of the fire door and what

have you, and then the other with the privacy fence.

There is one matter that'll have to be done in the future, and that's the negotiation of a storm water agreement. But there's not going to be any problem getting that done. These guys are great guys to work with and they're going to be great neighbors in our -- in our city, and we appreciate the project of putting back behind our building, so thank you. We appreciate their efforts.

CHAIRMAN MADDEN: Thank you very much.

MR. FARON: Thank you.

CHAIRMAN MADDEN: Is there anybody else?

I guess that's it. We'll just wait on --

MR. LANDGDON: Mr. Chairman.

If I could just ask a quick question of the applicant or both gentlemen.

In terms of who's this -- this wall that's going in the garage, who's actually responsible for building those improvements? Are you saying that you will do it, Spectrum, or that the condominium association is agreeing to do it?

MR. PRINCE: As I understand that --

CHAIRMAN MADDEN: Could you come forward, sir, because we're recording this.

7

MR. PRINCE: Sure.

CHAIRMAN MADDEN: Sorry.

MR. PRINCE: Sorry.

Okay. As the agreement -- as we agreed to the agreement, the contract for getting it done will be in the name of Summit Lofts, and Spectrum will reimburse us for the expense that we incur in actually building the wall.

That was their preference. It doesn't matter to us one way or the other, but they felt more comfortable with. It's on our property, so it should be a contract in our name.

Candidly, I suspect we'll work with their contractor since he's going to be on site and already activated and mobilized and work with their contractor and get it done, but that's the way I understand it.

MR. LONGFELLOW: And I'm coming up just to agree with you on the record. So that's --

MR. PRINCE: We're best friends now.

MR. LONGFELLOW: Right. Yeah. That's -- that's what we've agreed to.

CHAIRMAN MADDEN: Okay. Thank you.

Are you ready?

MS. REZNY: Yes.

Linda Rezny, 104 Graeser Acres.

And what I've come to say is that Spectrum has

built some nice things, but this isn't one of their nicest things. This isn't their best proposal.

This is a picture of what they just built in Crestview, and if you notice, it's got a grassy space, a big wide sidewalk, a gazebo, and the -- some of the units have actual balconies instead of a metal railing in front of the windows to, you know, to give an architectural thing.

These are actually --

CHAIRMAN MADDEN: Ms. Rezny, could you use this.

MS. REZNY: I'm sorry. These are actual balconies that you walk out on.

Is this working for you?

CHAIRMAN MADDEN: Yes.

MS. REZNY: Okay. Okay. This is -- I'm sorry, I got ahead of myself.

Okay. I lost -- I lost Crestview's -- okay, that's what I was looking for. Okay. This is a -- this is another view showing how many of the units have actual usable little balconies or -- or patios on the first floor.

And this is a Crestview apartment. This is, let's see, this is a one bedroom, one bathroom, and it's got a little balcony. This is -- this is one of the nice things they have there.

9

And this is -- this is a Lincoln Meadows Studio B. Notice that it doesn't have a balcony, and it's a B.

All of the drawings, and I -- I believe this is correct, basically, the smaller units are A, B, C, and -- and it goes up. And in your plan here you have A, B, C, all the way up to G, okay. So -- so these are smaller, and -- and this doesn't have a balcony. This is in Fort Collins. This is more like the sort of thing that would be here instead of the one that you just saw.

I see, my thing is rearranging my numbers on me. Okay.

Let's see. I'm looking for the Crestview C. Okay. This -- this is a Crestview with a balcony.

Okay. This is an A, a much smaller unit. Okay. And it's in Fort Collins. It doesn't have a balcony, but it's actually bigger than some of the As here because it's got a -- this little bump out here gives it a big closet, and some of the As here just have that little, you know,

your little bedroom closet with the sliding doors in front of it that's -- that's just as deep as your hangers, okay.

So, basically, what I'm saying is that they have -- in Crestview they don't -- they don't go down to A. And they do have a lot of -- of balconies; they have a lot of grass; they have a place to walk when you go outside.

When a person would leave -- if you say, grandma, let's go out for a walk, okay, you can barely walk around the outside of the building continuously.

The sidewalks, as you have it planned, aren't actually going to connect to each other. And all you have to see through the window are -- as you walk around outside is the parking lot across the street, the parking garage.

The best view is from the back side where the people who are lucky enough to be on that side can look at the back of Summit Lofts, okay.

Basically, you're talking at the previous hearing about the building too far set back because they were wise enough to think there should be at least a little grass in front of the place, and you're saying that really doesn't belong in this neighborhood. And the problem is the whole thing doesn't belong in this neighborhood.

When they're paying a million dollars an acre, I think that they could do better with their money by buying cheaper, larger acreage where they have room for more amenities, and there's more than a good market in Creve Coeur for people who would be interested in actually putting their parents in a place like this.

25 If you really thought about it, would you want

11

1 to put grandma in a four-story straight-sided building
2 where there's no place to go.
3 And it's not just outside. In -- in my mind,
4 there's problems with having L-shaped building, especially
5 with Alzheimer's people. They want to walk and they want
6 to walk, and they don't want to walk down to the end of
7 the hall and they'll have no place to go. They want to
8 have things to do.
9 I know that's only one floor. Actually the
10 Alzheimer's rooms are even smaller than anything you saw
11 here. Okay. Those are on the plans that -- that you guys
12 have in front of you. Have you shown them last week, the
13 size of the rooms, okay, the Alzheimer's rooms are
14 unnecessarily small.
15 My father had Alzheimer's, and the -- the --
16 the -- he -- he started off at Parc Provence in the
17 basement, not in the nice part, okay, he started off in
18 the basement, and then we left and he was in a single room
19 in a -- in a group home, but it doesn't have to be that
20 small just because you have Alzheimer's. You should have
21 more than a bed and a closet.
22 At any rate, I think that there's a market for
23 it; that it's in the wrong place. There's a market for
24 something better. They know how to build something
25 better, and they would be happier if they did something

12

1 better in Creve Coeur, we would be happier if they did
2 something better in a different spot.
3 Anything else? Okay.

CHAIRMAN MADDEN: Thank you very much.

Is there anybody else?

Mr. Longfellow, would you come up and respond, please.

MR. LONGFELLOW: I -- well, I appreciate the comments and certainly the compliments on our Crestview facility here and in the St. Louis area, in Crestwood.

I feel like I'm, to some degree, defending one of my children against the other one here. They're all very, obviously, equally valuable in my eyes.

That being said, first of all, Crestview is an independent living only facility. There are only independent units, so by nature, those are going to be larger units. And that ties in -- in a different way, and certainly just from market conditions and market expectations, walk-out balconies are really a basic expectation in an independent living setting.

The -- the best thing I can say, I guess, about the quality of this development is that we are doing a very similar development right now in -- in the City of Denver.

It's the closest -- it's the closest site to our

home office. It's really a main and main sort of location in the greater Denver area, kind of like Olive and 270. It's interesting how -- how similar they are in that respect.

We are doing a similar -- while we custom design everything to every site, it's very important to say, but we're doing a very similar development there, and all I can tell you is the excitement in our office for that development, the quality of the development, the quality

of the design, is higher than we've ever -- than we've ever had in the office.

I'm trying to look around to see if there's anybody from Crestview here before I say this, but certainly we could not be happier with Crestview, but this in no way is going to play second fiddle to Crestview.

This is a, in our minds again, a very high-end development. It is a bit more urban in terms of how it's situated on the site. We're comfortable with that. Sidewalks that we have and the outdoor areas that we have, while somewhat smaller than what we have at Crestview, we're very comfortable with. The memory garden that we have in this -- in this particular space we feel comfortable with and the patio on the east side.

So I would say that this is absolute highest quality. I'm not going to say it's higher than Crestview,

14

but it's -- it's certainly, by no means, less than Crestview.

CHAIRMAN MADDEN: Thank you very much.

MS. REZNY: Okay. I've got the pictures of the -- of the -- I've got their drawing up there, okay, this is the third floor, correct. Okay, not the Alzheimer's floor. And you notice the numbers of As and Bs in there, okay, the small units.

And -- and those are the smallest units. And I'll scroll to the Alzheimer's. I'm not saying that these are all small because they're Alzheimer's, there's a lot of small units in the normal assisted living floor.

Okay. And those are the units on the Alzheimer's floor where it's -- it's kind of -- I don't

15 know how it's going to work out. There's a little alcove
16 that you go in and open the door, and each person has
17 their own bathroom and their own bedroom, but for some
18 reason there's a -- there's a single outside door there,
19 but their bedrooms actually have doors that close. But it
20 means all they really have is a bedroom and -- and -- and
21 a bathroom. And even Alzheimer's -- all Alzheimer's
22 people aren't blithering idiots. I think there's a market
23 for higher -- for Alzheimer's people who are capable of
24 doing a little bit more than this.
25 But, at any rate, I think you understand what

15

1 I'm saying.
2 CHAIRMAN MADDEN: Thank you Mrs. Rezny.
3 MS. REZNY: Thank you.
4 MR. LONGFELLOW: I'll respond just one more
5 thing here.
6 On the memory care floor. The goal in memory
7 care really is to do -- is to have our residents outside
8 of their rooms to the greatest extent possible for social
9 activities in our considerable activities programs that we
10 have.
11 And even though some of these units may be on
12 the smaller side, the fact that they have private
13 bedrooms, we have 100 percent private bedrooms and
14 100 percent private bathrooms. State of Missouri
15 regulation is no where near that, actually in terms of
16 what's -- what's required. And I don't know the exact
17 numbers, but it's one bath -- bathroom for every X number
18 of residents. So in terms of the, you know, the quality
19 of the accommodation that we have here, and, certainly,
20 within the industry where we are in the industry, we feel

very, very good about it.

You know, would it be a little bit more luxurious if the rooms were twice as big, well, perhaps, but especially with memory care, and, certainly, even with assisted living, the -- the care and the human element is,

and I'm a real estate guy, so it kind of pains me to say this, but that is more important than the real estate part of it.

So the activities programs that are happening in all the common areas that you see are -- are extremely important, especially on the memory care floor.

So, and again, on a market -- from a market standpoint, we feel 100 percent comfortable about what we're providing as far as unit size and height.

Thank you.

CHAIRMAN MADDEN: Thank you.

Mr. Lumley, do you have stuff you have to enter into the public hearing?

MR. LUMLEY: Offer the following exhibits into the record of the public hearing: Documentation in possession of the City Clerk reflecting the notice that was provided to the public regarding both sessions of the public hearing; staff's reports regarding the application; the materials presented tonight, including Ms. Rezny's photos and drawings. If it's possible if you could email those to the City --

MS. REZNY: Yeah.

MR. LUMLEY: -- to have in the file, as well as the drawing that was presented concerning the work to be done at the Summit Lofts garage; the City's Code of

17

Ordinances and Charter; the City's Comprehensive Plan; the public file regarding the application.

CHAIRMAN MADDEN: Okay. That'll officially close our public hearing.

(THE PUBLIC HEARING WAS CLOSED.)

18

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

I, Deborah K. McLaughlin, Registered Professional Reporter, Missouri Certified Court Reporter, Illinois

Certified Shorthand Reporter and Kansas Certified Court Reporter, do hereby certify that I reported the Planning and Zoning Public Hearing stenographically and later reduced to typewriting; and that this is a true and accurate transcript of the public hearing.

_____, RPR, MO-CCR, IL-CSR, KS-CCR
Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR

Memorandum

DATE: August 20, 2012
TO: Mark Perkins, City Administrator
FROM: Sharon Stott, Public Information Officer & Management Analyst

RE: St. Louis Audubon Society - Bring Conservation Home Program

Mitch Leachman, Executive Director of the St. Louis Audubon Society, presented to the Horticulture, Environment and Beautification Committee in July. The topic of Mr. Leachman's presentation was Audubon's Bring Conservation Home program for the purpose of seeking the City's endorsement or "sponsorship" of the program.

Below are some highlights about the Bring Conservation Home Program presentation:

- The Bring Conservation Home certification program encourages the restoration of native plant and animal habitat on urban properties by encouraging sustainable plantings, removal of invasive plant species and promotion of healthy habitat for birds, pollinators and native wildlife (*not deer*)
- Bring Conservation Home program is a voluntary, property owner paid-for certification program for small, private landowners in the greater St. Louis area
- The cost to homeowner's interested in participating in the program is $50 non-members; $25 members (sponsoring organizations). The program offers:
  - an on-site landscape assessment by trained Audubon habitat technicians to assess property landscape
  - a written assessment of property with recommendation on ways to improve habitat value a follow-up visit to verify compliance with initial habitat recommendations
  - a small (purchasable) yard sign highlighting the level of certification awarded once approved

The HEB Committee discussed and voted in support of the Bring Conservation Home Program for Creve Coeur residents at their meeting held on August 1, 2012.

The HEB recommends the City "sponsor" the program because it is consistent with the HEB Committee's assigned duties and responsibilities such as improving green space through sponsorship and education programs; promotion of sustainable/native landscapes; and discouraging use of invasive plants.

If approved, sponsorship of Bring Conservation Home program by the City of Creve Coeur would include publicizing the program to Creve Coeur residents through the resident newsletter (as space allows); and on the HEB Committee's page located in the city's website. In addition, the city would give permission to the St. Louis Audubon Society to use the City's logo in their Bring Conservation Home publications and in their presentations where they show the supporting organizations and communities. (For example, the Missouri Botanical Garden is a supporter.)

The cost to the City of Creve Coeur for sponsorship is nothing other than promotion. All Creve Coeur residents voluntarily participating in the program will receive the service for $25 (normally costs $50 for non-member).

Please let me know if the HEB Committee has your approval to move forward with sponsoring Bring Conservation Home or if you need any further information about this beneficial program.

Attachment: Bring Nature Home Presentation 07_09_12

Bring Conservation Home

Bring Conservation Home
A St. Louis Audubon Society Community Partnership

A St. Louis Audubon Society Community Partnership

BENEFITS OF *NATURESCAPING*

- Landscaping With Native Plants is *Naturescaping*
  - Less Watering—Lower Water Bill
  - More Tree Cover—Lower Electric (and perhaps Gas) Bill
  - Reduce Storm Runoff—Potential to Lower Sewer Bill
  - Less Grass to Mow—Cheaper Lawn Maintenance
  - Reduced Greenhouse Gas Emissions
  - Nature Experience at Your Own Home—Priceless
  - Reduced Pesticide/Herbicide Use
  - Potentially Higher Property Values

We Benefit From Natives

THE NEED

- Habitat Destruction Is The #1 Threat to Natural Areas
  - Less Than 10% of Missouri's Wetlands Remain
  - Less Than 1% of Missouri's Prairies Remain
  - Developed Land in St. Louis Grew 3-Fold Since 1960
  - Lawn is the Fastest Growing Land Cover in the U.S.
- Invasive Species Are The #2 Threat to Natural Areas
  - They Outcompete Natives and Degrade Habitat
  - 28 Plant Species Are Major Problem in Region
  - Bush Honeysuckle Is Taking Over St. Louis Open Space

Habitat Loss is Signature of Our Cities/Suburbs

THE NEED

- Stormwater Runoff Increases Flooding, Impairs Water
  - Suburban Lots Generate 3X the Runoff of Natural Woodland
  - Suburban Runoff Leading Cause of Drinking Water Pollution
- Developed Spaces Can Be Lethal To Wildlife
  - 100's of Millions of Birds/Mammals Killed by Cats Annually
  - Estimated 1 Billion Birds Killed Annually by Windows/Glass
- Our Connection With Nature is Strained, At Best
  - Kids' Outdoor Time Often Sporting Events
  - Suburbs Have Few Natural Areas

Our Cities/Suburbs Have Broad Impact on Our Environment

THE VISION

- A Mosaic of Private Nature Sanctuaries Across St. Louis
  - From the Smallest Yard to Large Commercial Lots
  - Foundation of Native Plants—Functional and Attractive
- Teams of Habitat Advisors Conduct "House Calls"
  - Giving Site-Specific Advice for Habitat Restoration
  - Cover Native & Invasive Plants, Water Conservation, and Other Stewardship Practices
  - Multi-Level Certification w/Many Options
- *Naturescaping* Becomes the New "Norm"
  - Our Nature Connection Begins At Home

Suburban Habitat Restoration

PROGRAM DESCRIPTION

- Landowner Must Commit to *Healthy Yard Pledge*
  - Reduce Pesticide Use
  - Conserve Water
  - Protect Water Quality
  - Remove Invasive Exotic Plants
  - Plant Native Species
  - Support Birds and Other Wildlife on Their Property
- On-Line Application Is Then Submitted
- Property is Scheduled for Site Visit
- Homeowner Pays Fee for Service
  - $25 if SLAS/Partner Member, $50 Otherwise

Bring Conservation Home

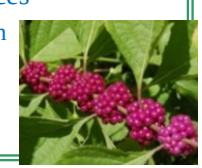
PROGRAM DESCRIPTION

- Habitat Advisors Tour Property & Interview Owner
  - Discuss Owner's Vision and Goals for the Property
  - Determine Site Characteristics—Moisture, Sunlight, Use, etc.
  - Inventory Existing Plants—Native and Exotic
  - Present Big-Picture Ideas to Improve Habitat Value
- Resource Packet Provided to Owner
- Written Recommendations Delivered in 7-14 Days
  - Outlines Steps to Achieve Certification at One of Three Levels
  - Most Steps Include Homeowner Options
- Owner Requests Follow-up
- Advisor Returns to Certify Site

PROGRAM ELEMENTS

Native Plants

- Native Plants Essential to Re-Creating Nature
  - They Evolved with Native Birds, Insects, etc.
  - Many Developed Special Relations, e.g. Monarch & Milkweed
- Native Plants Are Adapted to the Midwest Climate
  - Temperature Extremes from Winter to Summer
  - Very Wet Seasons with Dry Periods Too
  - Once Established They Require Very Little Maintenance
- Variety to Suit All Styles and Circumstances
  - Over 3,000 Native Plants Grow in Our Region
  - Sizes & Shapes Even for Formal Settings



"SUPERB" NATIVES

- Purple Coneflower
  - *Echinacea purpurea*
- Great for Bees & Butterflies
- Very Attractive
- Fall/Winter Food for Finches

"SUPERB" NATIVES

- Butterflyweed or Butterfly Milkweed
  - *Asclepias tuberosa*
- Butterfly Magnet
- Unique Color
- Larval Food for Monarch Butterflies

"SUPERB" NATIVES

- Celandine Poppy or *Stylophorum diphyllum*
- Early Nectar Source for Butterflies & Moths
- Shade Bed Favorite
- Spreads Slowly by Exploding Seed Capsules

"SUPERB" NATIVES

- Columbine or *Aquilegia canadensis*
- Unique and Attractive Flowers (leaves, too)
- Excellent Early Hummingbird Nectar Source
- Slow-spreading Shade Plant

"SUPERB" NATIVES

- Shining Blue Star or *Amsonia illustris*
- Star-Shaped Pale Blue Spring Flowers
- Great Nectar Source for Butterflies & Hummers
- Excellent Foliage Rest of Season
- "Shrubby" Plant Looks Great Anywhere

"SUPERB" NATIVES

"SUPERB" NATIVES

- Buttonbush
  - *Cephalanthus occidentalis*
- Butterfly & Hummingbird Food
- Very Unique Flower "Ball"
- Birds Eat Seed "Nutlets"
- Large Shrub

"SUPERB" NATIVES

- Fragrant Sumac
  - *Rhus aromatica*
- Spreading Shrub w/Red Fall Foliage
- Larval Food for Moths & Butterflies
- Summer Fruit for Birds

"SUPERB" NATIVES

- American Holly or *Ilex opaca*
- Evergreen Leaves Provide Winter Cover
- Winter Fruit for Songbirds
- Small, Wide Tree

PROGRAM ELEMENTS

Aggressive Non-Native Plants (Invasives)

- Invasive Plants Degrade Wildlife Habitat
  - Did Not Evolve with Native Plants & Animals
  - Often Have No Natural Enemies or Predators
  - Without Struggling to Survive, They Easily Outgrow Natives
- Invasives Often Unpalatable to Native Insects
  - Big Edge on Native Competitors as Noted Above
  - Native Animals That Eat Insects Must Hunt Elsewhere, And…
  - All Our Native Songbirds Require Insects to Feed Their Young
- ~800 Non-Natives Grow in Missouri
  - Fortunately Most Are Not Invasive
  - Experts Agreed On 28 For This Program

Native Plants are Food for Bird Food

Plant Use by Native Butterfly and Moth Caterpillars

Native Plants		Exotic Plants	
Oaks	518 species	Zinnias	6 species
Hickories	233 species	Peonies	3 species
Dogwoods	115 species	Marigolds	3 species
Asters	105 species	Boxwood	1 species
Viburnums	97 species	Day Lilies	0 species
Sumacs	54 species	Hostas	0 species
Violets	27 species	Monkey grass	0 species

Data Compiled by Tallamy and Others and Outlined in *Bringing Nature Home*, 2007.

INVASIVE PLANTS

Honeysuckles

INVASIVE PLANTS

Wintercreeper

PROGRAM ELEMENTS

Water Conservation

- Lawn Irrigation Is Expensive
  - Typical Suburban Home Uses 10,000 Gals a Year on the Lawn
  - Yet Native Shrubs, Trees & Wildflowers Often Require None
- Developed Landscapes Move Water Offsite Fast, but
  - A Natural Landscape Slows and Filters Rainwater
  - Rain Gardens & Rain Barrels Are Easy Ways to Imitate Nature
- Water Quality Improves Greatly with Native Landscapes
  - Pesticide Application Not Needed
  - Other Pollutants Are Filtered by Dense Foliage and Deep Roots

PROGRAM ELEMENTS

Water Conservation

- If You Must Water, Do So Wisely
  - Water in the Early Morning to Avoid Evaporation & Disease
  - Only When Needed—1 Inch Rain or Watering per Week
- Rain Gardens are Native Plant Stormwater Buffers
  - Shallow Depression Holds Runoff Until Plants/Soil Absorb
  - Designed Properly, They Are Dry w/in 7 Days—No Mosquitos
  - Diverse, Native Flowers and Sedges Make Attractive All Year
  - Best in Full Sun and ~10+ Feet From Structures
- Rain Barrels Also Reduce Runoff
  - Attach to Any Downspout
  - Best if You Do Supplemental Watering

PROGRAM ELEMENTS

Wildlife Stewardship

- Many Other Simple Steps Can Benefit Wildlife
  - Water Features for Birds and Other Wildlife
  - Artificial Nest Boxes for Birds, Bats and Beneficial Insects
  - Reduce Hazards to Birds and Other Small Animals
    - Free-Roaming Cats & Windows Kill Many Millions of Both Annually
  - Assist Research by Participating in Citizen Science
- Program Takes a Holistic Approach
  - Address Both Needs and Threats
  - Offer Breeding & Feeding Support
  - More Likely to Yield Functional Habitat

PROGRAM ELEMENTS

Follow-Up

- Goal is a Long-Term Relationship with Homeowner
  - Electronic Newsletter for Program
  - Special Recognition for Creativity, Diversity, Size and More
  - Backyard Habitat Tours of Certified Landscapes
  - Incentives/Discounts From Retailers for Plants & Supplies
  - Credit Toward Certification by Recruiting Others To Program
  - Neighborhood Block Parties to Improve/Certify Many Yards
- Maintenance of Habitat Motivated by Continued Contact
  - Owners Have Local Resource for Support
  - More Likely to Share Experience w/Others
- Invest in Owners—They Invest in Habitat

Bring Conservation Home

NEXT STEPS

- Develop Partnerships
  - MO American Water, MO Dept of Conservation in Place
  - RdPWC and Wild Ones—St. Louis Just Joined
  - MO CFE, MSD, STL SWCD, and Others In Progress
- Field Training of Habitat Advisors
- Continue Development of "Focus Communities"
- Establish Communications Vehicles
- Outreach and Marketing

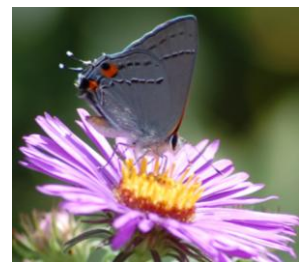
MISSOURI AMERICAN WATER

SUMMARY

- Bring Conservation Home is a Unique Habitat Program
  - On-Site Surveys, Unique Advice & Multi-Level Certification
  - Will Help Restore Habitat and At-Home Nature Connection
  - Also Benefits Water Quality and Stormwater Management
- Your Committee Can Help Us Realize Our Vision
  - Sign-up as a Partner Group
  - Refer Homeowners to the Program
  - Help Recruit Creve Coeur City Government as a Partner

Help Us Restore Wildlife Habitat
Across Our Suburban Community

Bring Conservation Home



THANK YOU

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 16, 2012

Les Steinberg
Steinberg & Steinberg, L.L.C.
655 Craig Road, Suite 338
St. Louis, Missouri 63141

RE: OGTDD

Dear Les:

I am writing in response to your July 5 letter regarding the outstanding bills of the OGTDD. In particular, you requested an amendment to the District Development Agreement allowing the District to make a one-time payment of administrative expenses, in excess of the annual cap placed on such payments by the Agreement.

The City Council and staff have considered your request. We do not believe that it would be feasible to amend the Agreement as you suggest, given the number of affected parties. Further, as all TDD sales tax revenues (other than those designated for annual administrative expenses) are dedicated to paying down the City's "A Series" notes, the proposal would burden the City by reducing the payments it is entitled to receive. The parties with unpaid balances were certainly aware that delays in payment could result from the annual cap that is included in the Agreement.

For these reasons, we do not feel it is in the best interests of the City to agree to requested change to the District Development Agreement or to otherwise provide financing for the OGTDD administrative expenses. The City has already enabled the District to avoid duplicative costs related to the defaulting subcontractor, and agreed to a reduced interest rate in connection with its purchase of the "A Series" notes. The City strongly encourages the TDD Board to proceed with the issuance of the new 'A Series" notes to take advantage of that interest rate reduction and also to keep future expenses to an absolute minimum. These steps will enable the District to pay all of its obligations more quickly.

Sincerely,

Mark Perkins
City Administrator, ICMA-CM

Cc: OGTDD Board of Directors
Mayor and City Council
Carl Lumley, City Attorney
Dan Smith, Director of Finance

To: The Honorable Barry Glantz, Mayor; Members of the Creve Coeur City Council
From: Director Les Steinberg, on behalf of the Olive/Graeser Transportation Development District Board of Directors
Date: 05 July 2012
RE: Olive/Graeser Transportation Development District

The Board of Directors of the Olive/Graeser Transportation Development District (the "**District**") respectfully requests that the Creve Coeur City Council (the "**City**") consider amending the District Development Agreement between the District, the City, and the property owners within the District, to allow the District to make a one-time payment of past due administrative expenses. These expenses would be added to the principal balance of the promissory notes held by the City and would bear interest at the rate charged under the promissory notes.

BACKGROUND

The District was established to fund infrastructure improvements within the District, including the realignment of the intersection and installation of a traffic signal at Olive Boulevard and Dautel Road. The District is compromised of several property owners that own commercial real estate near the intersection of Olive Boulevard and Dautel Road and is funded by a one percent sales tax collected from all businesses within the District.

On August 31, 2009 the City and the District executed a District Development Agreement which specifies certain obligations for the operations of the District and construction of the infrastructure improvements. The District Development Agreement was amended on August 31, 2009 to provide for Pace Creve-Coeur Associates, L.L.C.'s (the "**Developer**") purchase of property within the District and on August 17, 2010 to add additional property to the District. Among other things, the District Development Agreement establishes an annual cap on administrative expenses of the District of $15,000.00 for the first year, to be increased by three percent each year thereafter.

ISSUE

Whether intended or not, the $15,000.00 cost cap applies to all of the following: (i) directors' and officers' liability insurance (approximately $3,500.00 a year); (ii) accountants' fees for an outside audit (approximately $2,500.00 per year); and (iii) legal costs and expenses. The administrative costs cap in the District Development Agreement did not adequately take into consideration all of the expenses that would constitute administrative expenses, especially in the District's initial years while the transportation improvements were being completed. The District, like many property owner transportation development districts, relies upon its counsel to handle scheduling, running of meetings, preparation of minutes, resolutions, and monthly reports, and most other administration of the District. Development Dynamics, a management firm that handles the finances for many transportation development districts in Missouri, has found that operational costs for transportation development districts once the district gets past formation most commonly range from $25,000.00 to $45,000.00 per year. This range is notably above the cap imposed by the District Development Agreement, which covers other costs besides legal fees. While the Board anticipates having expenses fall within the cap in the future as the infrastructure improvements are now complete and fewer Board meetings are anticipated to be necessary, nonetheless there remains outstanding administrative costs incurred over the past years in the cumulative amount of approximately $37,000.00.

This $37,000.00 is owed by the District to two creditors, with approximately $20,000.00 payable to the Developer and approximately $17,000.00 payable to the District's general counsel. These costs were generally incurred from 2010 through 2012 and are attributable to additional administrative costs the District incurred due to additional meetings while the infrastructure improvements were being completed and additional legal expenses incurred in connection with claims asserted by certain subcontractors that were not paid by a contractor for the improvements.

PROPOSED RESOLUTION

The District Board of Directors proposes an amendment to the District Development Agreement for a one-time waiver of the administrative costs cap to allow payment of the past-due administrative expenses. The allowed expenses that exceed the administrative costs cap would then be added to the principal balance of the District's promissory note held by the City and bear interest at the rate charged under the note.

The District's Board of Directors has carefully examined each of its administrative costs and made adjustments going forward to help minimize these costs. The District has cancelled the outside audit now that the infrastructure improvements are complete in order to realize savings of $2,500.00 annually. In addition, now that the infrastructure improvements are complete, the District anticipates holding fewer meetings, which will help minimize legal fees. However, as the Developer has resigned as accountant for the District, there will be some additional administrative expenses that will be added to pay a replacement accountant for the District.

While the District's creditors, the Developer and the District's general counsel, have been patient and understanding of this issue while the District takes steps to resolve the past due bills, payments are long overdue and seriously delinquent. For example, the District's general counsel has not received any payments since August 2011 and payments to the Developer are similarly delinquent. If the District does not resolve this issue, these creditors could cease services and seek a judgment against the District and ultimately levy upon the District's money. This could leave no money in the District funds to pay ongoing administrative costs, including the premium for directors' and officers' insurance or the ability to engage legal counsel. Without this insurance or legal representation, many, if not all, of the members of the District Board of Directors would likely resign. Further, there is the risk that any levy against the sales tax would also reduce the amounts available to pay the City under the District's promissory notes or at least cause more legal fees to be incurred by the note holder. The District Board of Directors feels that it is in both the District's and the City's best interests to make a one-time correction of the administrative costs cap to resolve outstanding administrative costs incurred in the District's initial years while the transportation improvements were being constructed.

The District respectfully requests the City carefully consider agreeing to amend the District Development Agreement to allow the District to make a one-time correction of the administrative costs cap in order to pay delinquent administrative costs.