# REGULAR MEETING
# AGENDA
# CITY OF CREVE COEUR
# CITY COUNCIL
# 300 NORTH NEW BALLAS RD
# APRIL 25, 2016
# 7:00 PM

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**ROLL CALL**

**ACCEPTANCE OF CERTIFIED ELECTION RESULTS OF APRIL 5, 2016**

**Certified Election Results from April 5, 2016 Election**

**SWEARING IN OF THE NEWLY ELECTED AND RE-ELECTED OFFICIALS**

**COMMENTS FROM THE GENERAL PUBLIC**
**(Citizens are asked to limit comments to three minutes and to complete a speaker card)**

**ACCEPTANCE OF THE AGENDA**

**ANNOUNCEMENTS**

***The City Council meets the 2nd and 4th Monday of each month***
***6:00 p.m. - 7:00 p.m. - Work Session***
***7:00 p.m. - Regular Meeting of the City Council***

**However, the regularly scheduled meetings for Monday, May 9 and 23, 2016 will begin at 7:30 p.m. due to extended work sessions.**

1. **CONSENT AGENDA**

**a. Council Minutes Dated April 11, 2016**

**BILLS PAYABLE REPORT**

**For Information Only**

**Summary:** Attached is a bills payable listing dated April 20, 2016 in the amount of $466,238.26 for Council review. No vote is required.

**UNFINISHED BUSINESS**

2. **Bill No. 5587 - an Ordinance Vacating the Portion of Champeix Lane Situated Between Lots 23 and 24 of Bellecoeur Plat 4. Final Reading and Passage**
**Summary:** Jim Heines, Director of Public Works, has submitted an application to vacate excess right-of-way that was once a dead-end portion of Champeix Lane. The

roadway pavement in this portion of Champeix Lane was closed to traffic, in failed condition, and unused. The pavement was removed in 2013, and the area is currently grass. Deferred at the April 11, 2016 Council meeting.

3. **Bill No. 5589 - an Ordinance Amending Provisions of Chapter 160 of the Creve Coeur Code of Ordinances Regarding Attendance of Council Meetings by Videoconference and Other Electronic Means. Final Reading and Passage**
   **Summary:** This ordinance will allow Council Members to attend and participate in a Council meeting via videoconferencing in the event of an emergency as authorized by statute.

4. **Bill No. 5590 - an Ordinance Amending Title III of the Code of Ordinances, Schedule III, Table III-A, to Reflect a Reduction in Speed Limit from 45 Mph to 40 Mph for a Segment of Ladue Road (Route AB) Between Interstate 270 and the Western City Limit. Final Reading and Passage**
   **Summary:** Based on state safety study, the Police Department recommends reduction of speed limit on Ladue Road west of I-270 from 45 mph to 40 mph.

5. **Bill No. 5591 - an Ordinance Adopting Restatements of City Defined Contribution Plans. Final Reading and Passage**
   **Summary:** The ordinance will approve restatements of the City's three sec 401 Defined Contribution Plans to Comply with changes in law.

**NEW BUSINESS**

6. **Bill No. 5592 - an Ordinance Amending Provisions in Section 405.470 Conditional Uses, of Article VI Standards for Permitted, Accessory and Conditional Uses of the Zoning Ordinance of the Code of Ordinances of the City of Creve Coeur, Missouri, Regarding Multi-Family Uses in the "CB" Core Business District, to Decrease the Minimum Dwelling Unit Size from Seven Hundred Fifty (750) Square Feet to Six Hundred Fifty (650) Square Feet; to Decrease the Average Dwelling Unit Size from Nine Hundred (900) Square Feet to Eight Hundred Sixty (860) Square Feet; and to Replace the Requirement that Vehicular Parking be Underground or in a Basement Garage with Alternative Design Requirements. First Reading**
   **Summary:** George Stock of Stock & Associates on behalf of Michael Towerman of TriStar Property Acquisitions LLC has submitted a text amendment application to reduce the minimum dwelling unit size, reduce the average dwelling unit size, and eliminate the requirements for underground parking for multi-family developments within the CB Core Business District.

7. **Bill No. 5593 - an Ordinance Amending Conditional Use Permit Approved by Ordinance Number 2240 to Authorize Renovation to the Building Located at 11858 Olive Boulevard Within the Plaza Motors Campus for the Plaza BMW Dealership. First Reading**
   **Summary:** Brian DePouli, of Asbury Automotive Group, has submitted a request to amend the conditional use permit and site development plan for Plaza Motors to allow a service bay addition to the rear and showroom addition to the front as part of an exterior renovation of the Plaza BMW Dealership building located at 11858 Olive Boulevard.

8. **Resolution No. 1219 - a Resolution Authorizing the Execution of an Agreement for Professional Investment Advisory and Retirement Planning Services for the City of Creve Coeur.**
   **Summary:** Resolution authorizing the execution of an agreement for investment advisory and retirement planning services for the City of Creve Coeur.

## APPOINTMENTS

9. **Council Nomination and Vote for Council President**

## BUSINESS FROM MAYOR AND CITY COUNCIL

10. **Council Liaison Reports**

11. **Clothing Requirements for Restaurants**
    **Summary:** Mayor Glantz has requested discussion of this topic.

## BUSINESS FROM CITY ADMINISTRATOR

12. **Golf Course - Action Items**
    **Summary:** Staff has been working with the Walters Golf Management team after reviewing the operation assessment report. Staff is now ready to ask Council to consider three recommended action items.

**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 04/21/2016**
**Deborah Ryan, MPCC**
**City Clerk**

**City Council**
300 North New Ballas Rd
Creve-Coeur, MO 63141

**Debbie Ryan**
*City Clerk*
(314) 872-2517
www.creve-coeur.org/

Meeting: 04/25/16 07:00 PM
DOC ID: 1895

**DISCUSSION ITEM (ID # 1895)**

# Certified Election Results from April 5, 2016 Election

CITY OF CREVE COEUR
RUN DATE:04/18/16 09:54 AM

GENERAL MUNICIPAL ELECTION
ST. LOUIS COUNTY, MISSOURI
TUESDAY, APRIL 5, 2016

OFFICIAL FINAL RESULTS

| | TOTAL | PERCENT | | TOTAL | PERCENT |
|---|---|---|---|---|---|
| 01 = REGISTERED VOTERS - TOTAL | 12,619 | | 03 = VOTER TURNOUT - TOTAL | | 21.47 |
| 02 = BALLOTS CAST - TOTAL | 2,709 | | | | |

| | 01 | 02 | 03 |
|---|---|---|---|
| 0301 CC1 | 1211 | 166 | 13.71 |
| 0304 CC4,54 | 388 | 44 | 11.34 |
| 0309 CC9,11,16,21,28 | 1730 | 265 | 15.32 |
| 0310 CC10 | 215 | 44 | 20.47 |
| 0314 CC14 | 1452 | 287 | 19.77 |
| 0323 CC23 | 1290 | 461 | 35.74 |
| 0325 CC25 | 584 | 93 | 15.92 |
| 0330 CC30 | 129 | 12 | 9.30 |
| 0332 CC32,56 | 50 | 15 | 30.00 |
| 0333 CC33,48,58 | 793 | 256 | 32.28 |
| 0336 CC36,46 | 914 | 376 | 41.14 |
| 0349 CC49 | 619 | 85 | 13.73 |
| 0352 CC52 | 159 | 68 | 42.77 |
| 0355 CC55 | 411 | 139 | 33.82 |
| 1609 MHT9 | 1367 | 192 | 14.05 |
| 1650 MHT50 | 878 | 148 | 16.86 |
| 1651 MHT51 | 143 | 14 | 9.79 |
| 1653 MHT53 | 115 | 19 | 16.52 |
| 1655 MHT55 | 171 | 25 | 14.62 |

COUNCIL MEMBER CREVE COEUR WARD 1
(Vote for ) 1

| | VOTES | PERCENT |
|---|---|---|
| 01 = JAMES FARON | 652 | 95.32 |
| 02 = INVALID WRITE-IN | 32 | 4.68 |

| | 01 | 02 |
|---|---|---|
| 0323 CC23 | 260 | 13 |
| 0330 CC30 | 7 | 0 |
| 0332 CC32,56 | 9 | 0 |
| 0333 CC33,48,58 | 160 | 14 |
| 0336 CC36,46 | 216 | 5 |

COUNCIL MEMBER CREVE COEUR WARD 2
(Vote for ) 1

| | VOTES | PERCENT |
|---|---|---|
| 01 = TED RUZICKA | 468 | 97.30 |
| 02 = INVALID WRITE-IN | 13 | 2.70 |

| | 01 | 02 |
|---|---|---|
| 0304 CC4,54 | 22 | 0 |
| 0314 CC14 | 215 | 6 |
| 0325 CC25 | 73 | 1 |
| 0352 CC52 | 48 | 0 |
| 0355 CC55 | 95 | 6 |
| 1653 MHT53 | 15 | 0 |

COUNCIL MEMBER CREVE COEUR WARD 3
(Vote for ) 1

| | VOTES | PERCENT |
|---|---|---|
| 01 = ROBERT HOFFMAN | 351 | 97.77 |

| | | |
|---|---|---|
| 02 = INVALID WRITE-IN | 8 | 2.23 |

| | 01 | 02 |
|---|---|---|
| 0309 CC9,11,16,21,28 | 192 | 7 |
| 0310 CC10 | 31 | 1 |
| 1650 MHT50 | 115 | 0 |
| 1651 MHT51 | 13 | 0 |

| | VOTES | PERCENT |
|---|---|---|
| COUNCIL MEMBER CREVE COEUR WARD 4 | | |
| (Vote for ) 1 | | |
| 01 = SUE BASELEY | 295 | 95.78 |
| 02 = INVALID WRITE-IN | 13 | 4.22 |

| | 01 | 02 |
|---|---|---|
| 0301 CC1 | 98 | 4 |
| 0349 CC49 | 49 | 3 |
| 1609 MHT9 | 133 | 5 |
| 1655 MHT55 | 15 | 1 |

| | VOTES | PERCENT |
|---|---|---|
| CREVE COEUR - PROPOSITION B | | |
| **OUT OF STATE SALES TAX - CONTINUATION** | | |
| (Vote for ) 1 | | |
| 01 = YES | 2,056 | 81.01 |
| 02 = NO | 482 | 18.99 |

| | 01 | 02 |
|---|---|---|
| 0301 CC1 | 117 | 37 |
| 0304 CC4,54 | 39 | 3 |
| 0309 CC9,11,16,21,28 | 209 | 45 |
| 0310 CC10 | 31 | 11 |
| 0314 CC14 | 234 | 45 |
| 0323 CC23 | 337 | 75 |
| 0325 CC25 | 74 | 18 |
| 0330 CC30 | 9 | 2 |
| 0332 CC32,56 | 14 | 1 |
| 0333 CC33,48,58 | 176 | 64 |
| 0336 CC36,46 | 265 | 80 |
| 0349 CC49 | 63 | 18 |
| 0352 CC52 | 50 | 10 |
| 0355 CC55 | 111 | 18 |
| 1609 MHT9 | 156 | 28 |
| 1650 MHT50 | 122 | 20 |
| 1651 MHT51 | 12 | 2 |
| 1653 MHT53 | 16 | 1 |
| 1655 MHT55 | 21 | 4 |

WE, THE BOARD OF ELECTION COMMISSIONERS OF ST. LOUIS COUNTY, MISSOURI, ACTING AS THE VERIFICATION BOARD PURSUANT TO SECTION 115.507,RSMo, HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT ABSTRACT OF VOTES CAST FOR THE CANDIDATES AND ISSUES AT THE GENERAL MUNICIPAL ELECTION HELD IN ST. LOUIS COUNTY, MISSOURI, ON APRIL 5, 2016.
IN TESTIMONY WHEREOF, WE HAVE HEREUNTO SET OUR HAND AT OUR OFFICE IN MAPLEWOOD, ST. LOUIS COUNTY, MISSOURI, ON APRIL 19, 2016.

RICHARD H. KELLETT, CHAIRMAN

JOHN W. MAUPIN, SECRETARY

TRUDI MCCOLLUM FOUSHEE, COMMISSIONER

JOHN P. KING, COMMISSIONER

BOARD OF ELECTION COMMISSIONERS
SEAL
CITY OF ST. LOUIS MISSOURI

**City Council**
300 North New Ballas Rd
Creve-Coeur, MO 63141

**Debbie Ryan**
*City Clerk*
(314) 872-2517
www.creve-coeur.org/

Meeting: 04/25/16 07:00 PM
DOC ID: 1892

**COUNCIL MINUTES (ID # 1892)**

# Council Minutes Dated April 11, 2016

# REGULAR MEETING
# AGENDA
# CITY OF CREVE COEUR
# CITY COUNCIL
# 300 NORTH NEW BALLAS RD
# APRIL 11, 2016
# 7:30 PM

## CALL 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, March 28, 2016 at 7:30 p.m.

## PLEDGE OF ALLEGIANCE

Vincent Gloebel and Max Williams, honorary Mayors of the Day led the Pledge of Allegiance.

## INVOCATION

Mayor Glantz gave the invocation.

**PROCLAMATION** – Mayor Glantz presented Vincent Gloebel and Max Williams with proclamations recognizing them as Mayors for the Day.

## ROLL CALL

| | |
|---|---|
| Mr. Glantz | Mayor |
| Mr. Kreuter | Council Member Ward I |
| Mr. Wang | Council Member Ward II |
| Mrs. Lawrence | Council Member Ward II |
| Mr. Hoffman | Council Member Ward III |
| Mr. Saunders | Council Member Ward IV |
| Mrs. Baseley | Council Member Ward IV |

***** - Absent: Council Members D'Alfonso, Ward III and Kramer, Ward I

## COMMENTS FROM THE GENERAL PUBLIC

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

Michael Thomas resident of 154 Laduemont suggested that the city do a complete replacement of the streets in Laduemont instead of a refurbish/rehab because of the cost.

Gary Muck resident of 220 Townsend stated the slurry and chip/seal is not a good product and should not be used in the city limits. It is messy and causes the materials to break loose and collect on the side of the streets.

Ryan Madden resident of Laduemont stated there is water coming out of several locations on Laduemont streets and it isn't just coming from one area.

Dave Hilton resident of 323 Laduemont Drive stated he purchased his home in 2006 and the slab in front of his driveway was replaced shortly after he moved in. The water undermining the subsurface is a problem because now the sidewalk in front of his home is sinking as well as his yard.

# AGENDA
# CITY OF CREVE COEUR
# CITY COUNCIL
# 300 NORTH NEW BALLAS RD
# APRIL 11, 2016
# 7:30 PM

## ACCEPTANCE OF THE AGENDA

Council Member Saunders moved, seconded by Council Member Kramer to accept the agenda as presented, with the vote upon such motion as follows, to-wit:

Council Member Baseley – Aye
Council Member Wang – Aye
Council Member Saunders – Aye
Council Member Kreuter – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye

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

## ANNOUNCEMENTS

***The City Council meets the 2nd and 4th Monday of each month***
***6:00 p.m. - 7:00 p.m. - Work Session***
***7:00 p.m. - Regular Meeting of the City Council***

## PUBLIC HEARING - CAPITAL IMPROVEMENT PLAN FY17-FY21 PUBLIC HEARING

A presentation was made by Sharon Stott, Assist to the City Administrator, Matt Wohlberg, City Engineer and Mark Perkins, City Administrator regarding the CIP for FY17 – FY21.

The following people spoke during the hearing:
Sue Baseley
Ellen Lawrence
Jim Heines
Zach Thomason

There being no further comments, the City Attorney presented exhibits for the record and the public hearing was closed.

## 1. CONSENT AGENDA

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

**a. Council Minutes Dated March 28, 2016**
**b. Mercy Hospital Donation**

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

Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Kreuter – Aye
Council Member Baseley – Aye

Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Saunders – Aye

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

## BILLS PAYABLE REPORT

***For Information Only***

**Summary:** A report of bills payable dated April 6, 2016 in the amount of $256,523.00 has been provided for Council review. No vote is required.

## UNFINISHED BUSINESS

2. **Bill No. 5586 - Vacation of Excess Rights-Of-Way Along North New Ballas Road Extension. Final Reading and Passage**

City Clerk read Bill No. 5586 for the final time.

Council Member Hoffman moved, seconded by Council Member Lawrence to approve Bill no. 5586, with the vote upon such motion as follows, to-wit:

Council Member Kreuter – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Saunders – Aye
Council Member Wang – Aye
Council Member Baseley – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried. Bill No. 5586 becomes Ordinance No. 5464.

3. **Bill No. 5587 - an Ordinance Vacating the Portion of Champeix Lane Situated Between Lots 23 and 24 of Bellecoeur Plat 4. Final Reading and Passage**

City Clerk read Bill No. 5587 for the final time.

Council Member Hoffman moved, seconded by Council Member Baseley to approve Bill No. 5587.

Mark Perkins stated staff is requesting deferral of Bill No. 5587 for two weeks until the April 25, 2016 Council meeting to allow time for staff to notify adjoining property owners.

Council Member Hoffman moved, seconded by Council Member Saunders to defer Bill no. 5587 for two weeks, with the vote upon such motion as follows, to-wit:

Council Member Kreuter – Aye
Council Member Hoffman – Aye

Council Member Lawrence – Aye
Council Member Baseley – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye

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

## NEW BUSINESS

4. **Bill No. 5588 - an Ordinance of the City of Creve Coeur, Missouri, Authorizing and Directing the Department of Revenue to Continue Application and Collection of the Local Sales Tax on the Titling of Motor Vehicles, Trailers, Boats, and Outboard Motors that Were Purchased from a Source Other Than a Licensed Missouri Dealer and Containing an Emergency Clause. First Reading with Emergency Clause**

City Clerk read Bill No. 5588 for the first time.

Carl Lumley explained this Bill has an emergency clause due to the State reporting requirements.

Council Member Hoffman moved, seconded by Council Member Lawrence to allow for the second reading of Bill No. 5588, with the vote upon such motion as follows, to-wit:

Council Member Baseley – Aye
Council Member Wang – Aye
Council Member Saunders – Aye
Council Member Kreuter – Aye
Council Member Hoffman – Aye
Council Member Lawrence- Aye

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

City Clerk read Bill No. 5588 for the second time.

Council Member Saunders moved, seconded by Council Member Hoffman to approve Bill No. 5588, with the vote upon such motion as follows, to-wit:

Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Kreuter – Aye
Council Member Saunders – Aye
Council Member Wang – Aye
Council Member Baseley – Aye

The vote on the motion is 6 ayes and 0 nays, motion carried. Bill No. 5588 becomes Ordinance No. 5465.

# AGENDA
# CITY OF CREVE COEUR
# CITY COUNCIL
# 300 NORTH NEW BALLAS RD
# APRIL 11, 2016
# 7:30 PM

5. **Bill No. 5589 - an Ordinance Amending Provisions of Chapter 160 of the Creve Coeur Code of Ordinances Regarding Attendance of Council Meetings by Videoconference and Other Electronic Means. First Reading**

City Clerk read Bill No. 5589 for the first time.

Mark Perkins stated Council has discussed this issue at the last two Council meetings regarding allowing videoconferencing. Changes that were discussed at the last meeting have been incorporated into the final Bill, requiring 24 hour notice of need and limiting to, two times per calendar year but Council could vote to extend for individual circumstances.

6. **Bill No. 5590 - an Ordinance Amending Title III of the Code of Ordinances, Schedule III, Table III-A, to Reflect a Reduction in Speed Limit from 45 Mph to 40 Mph for a Segment of Ladue Road (Route AB) Between Interstate 270 and the Western City Limit. First Reading**

City Clerk read Bill No. 5590 for the first time.

Chief Eidman stated MoDOT reviewed Ladue Road and requested that the city reduce the speed limit due to no shoulders, limited site distance and traffic volume to make the roadway safer.

Council Member Hoffman stated he feels that Ladue traffic has far exceeded what the road was constructed for.

7. **Bill No. 5591 - an Ordinance Adopting Restatements of City Defined Contribution Plans. First Reading**

City Clerk read Bill No. 5591 for the first time.

Mark Perkins stated these are changes as required by Federal Law and will bring us into compliance.

8. **Resolution No. 1216 - Capital Improvement Program Fiscal Years 2017 through 2021.**

City Clerk read Resolution No. 1216.

Council Member Saunders moved, seconded by Council Member Hoffman to approve Resolution No. 1216, with the vote upon such motion as follows, to-wit:

Council Member Kreuter – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Baseley – Aye
Council Member Wang – Aye
Council Member Saunders – Aye

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

# AGENDA
# CITY OF CREVE COEUR
# CITY COUNCIL
# 300 NORTH NEW BALLAS RD
# APRIL 11, 2016
# 7:30 PM

**9. Resolution No. 1217 - a Resolution of the City Council of the City of Creve Coeur, Missouri Authorizing the Execution of a Contract with Intuition & Logic, for Engineering Services Related to the Dam Stabilization and Lake Silt Removal Project for the Not-To-Exceed Sum of $17,968.00.**

City Clerk read Resolution No. 1217.

Council Member Hoffman moved, seconded by Council Member Baseley to approve Resolution No. 1217.

Councilwoman Lawrence asked why staff recommends separating the stabilization of the dam from addressing voids in the concrete channel downstream of the dam.

Matt Wohlberg stated the intent of this separation is to stop the leaks with the dam stabilization so that the paths that the water is following can be inactive when they are filled. Staff felt that this would give a better chance of success.

Mayor Glantz called to question to approve Resolution No. 1217, with the vote upon such motion as follows, to-wit:

Council Member Saunders – Aye
Council Member Wang – Aye
Council Member Baseley – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Kreuter – Aye

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

**10. Resolution No. 1218 - a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Execution of Agreements Regarding the Donation of Funds, Site Improvements, Easement, and Loan of Artwork for Public Display of Artwork Related to Site Coverage and Development at the Shoppes at Westgate, 12410-12428 Olive Boulevard.**

City Clerk read Resolution No. 1218.

Council Member Saunders moved, seconded by Council Member Wang to approve Resolution No. 1218.

Jason Jaggi stated this is an agreement for placement of public art.

Council Member Lawrence stated this is a great piece.

Mayor Glantz called the question to approve Resolution No. 1218, with the vote upon such motion as follows, to-wit:

Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Kreuter – Aye

Council Member Saunders – Aye
Council Member Wang – Aye
Council Member Baseley – Aye

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

## BUSINESS FROM MAYOR AND CITY COUNCIL

### 11. Council Liaison Reports

Council Member Lawrence stated there was a Parks and Historic Preservation Committee meeting but there was not a quorum. Staff had general discussion and announced that concerts in the parks would be held the second Thursday in June, July and August.

## BUSINESS FROM CITY ADMINISTRATOR

### 12. Comprehensive Plan Update

Jason Jaggi reviewed what has already taken place in the process, and identified the issues and goals that have been identified. Mr. Jaggi also discussed the next steps. (Exhibit A)

### 13. Transmittal of Proposed Budget for Fiscal Year 2017

Mark Perkins distributed the Proposed Budget books to Council and stated that budget work sessions will begin in June.

Council Member Hoffman moved, seconded by Council Member Wang to go into Executive Session pursuant to Section 610.022 to discuss attorney-client and personnel matters at 9:07 p.m., with the vote upon such motion being as follows:

Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Kreuter – Aye
Council Member Saunders – Aye
Council Member Wang – Aye
Council Member Baseley – Aye

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

Council Member Saunders moved, seconded by Council Member Hoffman to adjourn Executive Session at 9:27 p.m., with the vote upon such motion being as follow, to-wit:

Council Member Baseley – Aye
Council Member Wang – Aye
Council Member Saunders – Aye
Council Member Kreuter – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye

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

# AGENDA
# CITY OF CREVE COEUR
# CITY COUNCIL
# 300 NORTH NEW BALLAS RD
# APRIL 11, 2016
# 7:30 PM

Council Member Hoffman moved, seconded by Council Member Kreuter to adjourn at 9:29 p.m., with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Hoffman – Aye
Council Member Lawrence - Aye
Council Member Wang – Aye
Council Member Baseley – Aye
Council Member Saunders – Aye

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

Submitted by:

| | |
|---|---|
| _____ | _____ |
| Deborah Ryan | Barry Glantz |
| City Clerk | Mayor |

# Bills Payable Listing

Attached is a bills payable listing dated April 20, 2016 in the amount of $466,238.26 for Council review. No vote is required.

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

**DATE:** April 20, 2016

**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 April 20, 2016 in the amount of $466,238.26.

# CITY OF CREVE COEUR
# ACCOUNTS PAYABLE LISTING

4/20/2016

NO DEPT - NO DIV

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 00188 | | 040416 209 | 04-Apr-16 | BECKWITH, EUNICE | SEWER LATERAL REPAIR REIMB | 02-00-00-1901 | 2,126.40 |
| | | | | | | Sum of Invoices | 2,126.40 |

# CITY OF CREVE COEUR
# ACCOUNTS PAYABLE LISTING

4/20/2016

LEGISLATIVE

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 00019 | P002226 | 116571 | 04-Apr-16 | CURTIS, HEINZ, GARRETT & O'KEEFE | FY16 CITY ATTORNEY LEGAL SVCS-MAR 2016 | 01-11-12-6201 | 13,631.05 |
| | | | | | | Sum of Invoices | 13,631.05 |

# CITY OF CREVE COEUR
# ACCOUNTS PAYABLE LISTING

4/20/2016

Administration

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 00005 | | 1687267 | 08-Apr-16 | AMERICAN STAMP | ENGRAVED NAME BADGES | 01-12-11-6202 | 28.00 |
| 00136 | | 3219 | 07-Apr-16 | CHAMBER OF COMMERCE CREVE COEUR/OLIVETTE | BRD OF DIR. MTG 4/7/16 | 01-12-11-6264 | 20.00 |
| 01997 | | 9655308 | 31-Mar-16 | EQUIFAX INFORMATION SERVICES | INFORMATION SERVICES | 01-12-11-6202 | 10.00 |
| 00667 | | INV-14978-V3S670 | 30-Mar-16 | IPMA-HR | ANNUAL DUES | 01-12-11-6262 | 75.00 |
| 00053 | | 319120 | 04-Apr-16 | MERCY CORPORATE HEALTH | DOT TESTING | 01-12-11-6271 | 82.00 |
| 00053 | | 319121 | 04-Apr-16 | MERCY CORPORATE HEALTH | DOT TESTING | 01-12-11-6271 | 52.00 |
| 00053 | | 319623 | 04-Apr-16 | MERCY CORPORATE HEALTH | PRE-EMPLOYMENT SCREENING | 01-12-11-6271 | 110.00 |
| 00053 | | 319002 | 04-Apr-16 | MERCY CORPORATE HEALTH | PRE-EMPLOYMENT SCREENING | 01-12-11-6271 | 110.00 |
| 02518 | | 3874 | 11-Apr-16 | PREFERRED RESOURCE NETWORK, INC. | EMPLOYEE TRAINING | 01-12-11-6203 | 500.00 |
| 02520 | P002264 | 69088 | 31-Mar-16 | SWIFT PRINT COMMUNICATIONS | NEWSLETTER PRINTING | 01-12-11-6203 | 1,959.00 |
| 1048 | | 9763007238 | 01-Apr-16 | VERIZON WIRELESS | CELL PHONES-MARCH 2016 | 01-12-11-6253 | 52.31 |
| | | | | | | Sum of Invoices | 2,998.31 |

# CITY OF CREVE COEUR
# ACCOUNTS PAYABLE LISTING

4/20/2016

IT

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 00073 | | CQJ0373 | 06-Apr-16 | CDW-G | IPAD FOR COUNCIL | 01-12-51-7331 | 512.18 |
| 02554 | | 41025 | 15-Apr-16 | COMMUNICATIONS TECHNOLOGIES, INC. | FIX MAYOR'S AUTO ATTENDANT | 01-12-51-6213 | 125.00 |
| 00401 | | 16-22820S | 11-Apr-16 | NSC DIVERSIFIED | FINANCE PRINTER CLEANING | 01-12-51-6213 | 100.00 |
| 00050 | | INV0047429 | 31-Mar-16 | REJIS | SECONDARY DNS, CONFIGURE IP RO | 01-12-51-6213 | 166.00 |
| 00070 | | I160407233 | 07-Apr-16 | TECH ELECTRONICS | MOVE CC LINE TO SNACK BAR AREA | 01-12-51-6213 | 252.45 |
| 02654 | P002409 | 0012153 | 14-Apr-16 | UMZUZU LLC | GOOGLE MONTHLY SUBSCRIPTION FE | 01-12-51-7331 | 1,160.00 |
| 02654 | | 0012173 | 15-Apr-16 | UMZUZU LLC | GOOGLE APPS-EMAIL ENCRYPTION | 01-12-51-7331 | 300.00 |
| 02654 | P002409 | 0012171 | 15-Apr-16 | UMZUZU LLC | FINAL PAY-"GO GOOGLE" | 01-12-51-7331 | 1,102.00 |
| 1048 | | 9763007238 | 01-Apr-16 | VERIZON WIRELESS | CELL PHONES-MARCH 2016 | 01-12-51-6253 | 162.30 |
| 1891 | P002331 | 14833 | 15-Apr-16 | WINNING TECHNOLOGIES | IT SERVICES-APRIL 2016 | 01-12-51-6202 | 4,400.00 |
| | | | | | | Sum of Invoices | 8,279.93 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

4/20/2016

FINANCE

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 00016 | | 033016 | 30-Mar-16 | COLLECTOR OF REVENUE | SALES TAX RPTS-FEB/MAR 2016 | 01-13-11-6202 | 40.00 |
| 01760 | | 126004 1/4 | 31-Mar-16 | GOVERNMENT FINANCE OFFICERS ASSOCIATION | ANNUAL DUES-SMITH | 01-13-11-6262 | 190.00 |
| 02496 | | 1997 | 29-Feb-16 | OPENGOV, INC. | ANNUAL FEE 2/20/16-2/19/17 | 01-13-11-6203 | 8,900.00 |
| 1048 | | 9763007238 | 01-Apr-16 | VERIZON WIRELESS | CELL PHONES-MARCH 2016 | 01-13-11-6253 | 122.91 |
| | | | | | | Sum of Invoices | 9,252.91 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

4/20/2016

MUNICIPAL COURT

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 00237 | P002358 | 4161664 | 24-Feb-16 | WORLD WIDE TECHNOLOGY | LAPTOP-ACCESS COURT SOFTWARE R | 01-13-14-9503 | 1,004.96 |
| | | | | | | Sum of Invoices | 1,004.96 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

4/20/2016

INTERDEPARTMENTAL

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 00014 | | 0215116 4/16 | 06-Apr-16 | CHARTER COMMUNICATIONS | SERVICE-SHOP 4/16 - 5/15/16 | 01-13-15-6255 | 84.79 |
| 00080 | | 8161-118-5 | 14-Apr-16 | DIERBERGS | FOOD FOR WELLNESS EVENT | 01-13-15-6272 | 7.98 |
| 00080 | | 0016-569-5 | 14-Apr-16 | DIERBERGS | CREDIT FOR RETURN | 01-13-15-6272 | -7.78 |
| 00080 | | 7683-118-5 | 14-Apr-16 | DIERBERGS | FOOD FOR WELLNESS EVENT | 01-13-15-6272 | 33.65 |
| 00045 | | 826038520002 | 25-Mar-16 | OFFICE DEPOT-BUSINESS DIV | DESKTOP STORAGE BINS | 01-13-15-7312 | 7.59 |
| 00045 | | 832241798001 | 01-Apr-16 | OFFICE DEPOT-BUSINESS DIV | INDEX CARDS, LABELS, ENVELOPES | 01-13-15-7312 | 34.59 |
| 00045 | | 831487269001 | 30-Mar-16 | OFFICE DEPOT-BUSINESS DIV | LABELS, FOLDERS, PAPER | 01-13-15-7312 | 47.07 |
| 02575 | P002287 | 2016-09 | 29-Mar-16 | RETIREMENT PLAN ADVISORS LLC | 401 AND 457 RETIREMENT PLAN | 01-13-15-6203 | 5,000.00 |
| 00116 | | 1403 | 14-Apr-16 | SAM'S CLUB | FOOD FOR WELLNESS EVENT | 01-13-15-6272 | 46.14 |
| 00116 | | 5541 | 14-Apr-16 | SAM'S CLUB | ITEMS FOR WELLNESS EVENT | 01-13-15-6272 | 146.52 |
| 01169 | | 3296737743 | 19-Mar-16 | STAPLES ADVANTAGE | REDACTION TAPE, STAPLES | 01-13-15-7312 | 36.04 |
| 1048 | | 9763007238 | 01-Apr-16 | VERIZON WIRELESS | HOT SPOT-MARCH 2016 | 01-13-15-6253 | 40.01 |
| 00075 | | 4243 | 08-Apr-16 | WUSSLER BUSINESS FORMS | BUSINESS CARDS-29 LOTS | 01-13-15-7312 | 1,001.37 |
| | | | | | | Sum of Invoices | 6,477.97 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

4/20/2016

ICE ARENA

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 01550 | | 310975302 | 12-Apr-16 | ARAMARK UNIFORM SERVICES | MOP RENTAL (4/12/16) | 06-14-31-7301 | 1.56 |
| 01550 | | 310975302 | 12-Apr-16 | ARAMARK UNIFORM SERVICES | UNIFORM RENTAL (4/12/16) | 06-14-31-7308 | 4.35 |
| 01550 | | 310950255 | 05-Apr-16 | ARAMARK UNIFORM SERVICES | MOP RENTAL (4/5/16) | 06-14-31-7301 | 1.56 |
| 01550 | | 310950255 | 05-Apr-16 | ARAMARK UNIFORM SERVICES | UNIFORM RENTAL (4/5/16) | 06-14-31-7308 | 4.35 |
| 00081 | | 9073081573 | 05-Apr-16 | GRAINGER | BATTERIES | 06-14-31-6212 | 32.34 |
| 00082 | | 0586367 | 31-Mar-16 | METROLIFT PROPANE | PROPANE FOR OLYMPIA | 06-14-31-7307 | 8.00 |
| 00082 | | 0592949 | 08-Apr-16 | METROLIFT PROPANE | PROPANE FOR OLYMPIA (4/8/16) | 06-14-31-7307 | 216.26 |
| 00434 | | 9422-3 | 13-Apr-16 | SHERWIN-WILLIAMS | PAINT FOR MEETING RMS/OFFICE | 06-14-31-7301 | 164.90 |
| 00711 | | 353706775 | 09-Mar-16 | TERMINIX | PEST CONTROL SERVICE | 06-14-31-6212 | 36.50 |
| 1048 | | 9763007238 | 01-Apr-16 | VERIZON WIRELESS | CELL PHONES-MARCH 2016 | 06-14-31-6253 | 52.31 |
| 01988 | | 50504 | 07-Apr-16 | WEBER FIRE AND SAFETY EQUIPT. CO. | ANNUAL EXTINGUISHER INSPECTION | 06-14-31-6212 | 318.00 |
| 01988 | | 50505 | 07-Apr-16 | WEBER FIRE AND SAFETY EQUIPT. CO. | SERVICE CALL | 06-14-31-6212 | 17.50 |
| | | | | | | Sum of Invoices | 857.63 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

4/20/2016

GOLF MAINTENANCE

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 00275 | | 0639074006 4/16 | 01-Mar-16 | AMERENUE | LAKE FOUNTAIN | 06-14-32-6250 | 11.12 |
| 00394 | | T-235306 | 11-Apr-16 | CHUCK'S BOOTS | WORK BOOTS FOR NEW EMPLOYEE | 06-14-32-7308 | 109.99 |
| 02042 | | 6219-276439 | 07-Apr-16 | CREATIVE AUTO TRIM | HYDRAULIC HOSE FOR LF 3400 | 06-14-32-6211 | 72.84 |
| 02187 | | 8816 | 29-Mar-16 | EARTH CITY SUPPLY LLC | 25 YDS MULCH | 06-14-32-6212 | 400.00 |
| 02187 | | 8822 | 01-Apr-16 | EARTH CITY SUPPLY LLC | 15 YDS MULCH | 06-14-32-6212 | 260.00 |
| 00042 | | 155476 | 01-Apr-16 | MPR SUPPLY | 9" ATRIUM GRATE | 06-14-32-6212 | 91.98 |
| 00173 | | IN133238 | 05-Apr-16 | SUPREME TURF PRODUCTS | FERTILIZER & GRASS SEED | 06-14-32-7303 | 425.00 |
| 00173 | | IN133042 | 30-Mar-16 | SUPREME TURF PRODUCTS | 4-SPEED XT HERBICIDE | 06-14-32-7303 | 390.00 |
| 00173 | | IN133041 | 30-Mar-16 | SUPREME TURF PRODUCTS | 18-9-18 GREENS FERTILIZER | 06-14-32-7303 | 370.30 |
| | | | | | | Sum of Invoices | 2,131.23 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

4/20/2016

PRO SHOP

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 00121 | | 926722334 | 29-Mar-16 | CALLAWAY GOLF | RENTAL GOLF CLUBS | 06-14-33-9503 | 364.36 |
| 00080 | | 7707-104-5 | 08-Apr-16 | DIERBERGS | MISC. SUPPLIES | 06-14-33-7304 | 57.45 |
| 00721 | | 19245 | 06-Apr-16 | PATTONVILLE SCHOOL DISTRICT | SCORECARDS | 06-14-33-7304 | 749.00 |
| 02666 | P002414 | CCGC 2016 2-CONS | 01-Feb-16 | SMITH & MITCHELL GOLF MANAGEMENT LLC | CONSULTING FEE | 06-14-33-6203 | 1,000.00 |
| 02666 | P002414 | CCGC 2016 3-CONS | 01-Mar-16 | SMITH & MITCHELL GOLF MANAGEMENT LLC | MONTHLY FEE-MARCH 2016 | 06-14-33-6203 | 2,000.00 |
| 02666 | P002414 | CCGC 2016 4-CONS | 01-Apr-16 | SMITH & MITCHELL GOLF MANAGEMENT LLC | MONTHLY FEE-APRIIL 2016 | 06-14-33-6203 | 2,000.00 |
| 02666 | P002414 | CCGC 2016 5-CONS | 01-May-16 | SMITH & MITCHELL GOLF MANAGEMENT LLC | MONTHLY FEE-MAY 2016 | 06-14-33-6203 | 1,000.00 |
| 02666 | P002414 | CCGC 2016 5-CONS | 01-May-16 | SMITH & MITCHELL GOLF MANAGEMENT LLC | MONTHLY FEE-MAY 2016 | 06-14-33-6203 | 1,000.00 |
| 00711 | | 353706775 | 09-Mar-16 | TERMINIX | PEST CONTROL SERVICE | 06-14-33-6212 | 36.50 |
| 01988 | | 50504 | 07-Apr-16 | WEBER FIRE AND SAFETY EQUIPT. CO. | ANNUAL EXTINGUISHER INSPECTION | 06-14-33-6212 | 318.00 |
| 01988 | | 50505 | 07-Apr-16 | WEBER FIRE AND SAFETY EQUIPT. CO. | SERVICE CALL | 06-14-33-6212 | 17.50 |
| | | | | | | Sum of Invoices | 8,542.81 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

4/20/2016

SNACK BAR

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 01550 | | 310975302 | 12-Apr-16 | ARAMARK UNIFORM SERVICES | WIPING TOWELS (4/12/16) | 06-14-34-7301 | 3.63 |
| 01550 | | 310950255 | 05-Apr-16 | ARAMARK UNIFORM SERVICES | WIPING TOWELS (4/5/16) | 06-14-34-7301 | 3.63 |
| 00080 | | 7707-104-5 | 08-Apr-16 | DIERBERGS | FOOD FOR RESALE | 06-14-34-8315 | 21.96 |
| 00080 | | 7707-104-5 | 08-Apr-16 | DIERBERGS | WINE FOR RESALE | 06-14-34-8316 | 88.04 |
| 00080 | | 7707-104-5 | 08-Apr-16 | DIERBERGS | MISC. SUPPLIES | 06-14-34-8321 | 7.78 |
| | | | | | | Sum of Invoices | 125.04 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

4/20/2016

BUILDING MAINTENANCE

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 01550 | | 310975301 | 12-Apr-16 | ARAMARK UNIFORM SERVICES | UNIFORM RENTAL (4/12/16) | 01-16-11-7308 | 4.38 |
| 01550 | | 31095025 | 05-Apr-16 | ARAMARK UNIFORM SERVICES | UNIFORM RENTAL (4/5/16) | 01-16-11-7308 | 4.38 |
| 01867 | | 19981 | 25-Mar-16 | AUTHORIZED ELEVATOR | REPLACE DIRECTION ARROW BUTTON | 01-16-11-6211 | 50.95 |
| 00081 | | 9076055012 | 07-Apr-16 | GRAINGER | TOILET SEATS | 01-16-11-6212 | 56.04 |
| 00117 | | 8631856 | 11-Mar-16 | HOME DEPOT | HDMI CABLE | 01-16-11-6212 | 61.48 |
| 00117 | | 3021986 | 05-Feb-16 | HOME DEPOT | PAINT, MISC. ITEMS | 01-16-11-6212 | 182.17 |
| 00164 | | 056652 | 07-Apr-16 | NEW SYSTEM CARPET & BUILDING CARE | TRASH CAN LINERS | 01-16-11-6212 | 252.00 |
| 00164 | | 056652-01 | 11-Apr-16 | NEW SYSTEM CARPET & BUILDING CARE | ANTIMICROBIAL SOAP | 01-16-11-7301 | 226.32 |
| 00567 | | 29225 | 07-Apr-16 | OAKLEY SERVICES, INC. | GENERATOR MAINTENANCE | 01-16-11-6211 | 1,023.75 |
| 00087 | | 56937 | 31-Mar-16 | SYSTEMAIRE | HEAT PUMP REPAIRS | 01-16-11-6212 | 1,545.40 |
| 00711 | | 353673494 | 30-Mar-16 | TERMINIX | PEST CONTROL SERVICE | 01-16-11-6212 | 74.00 |
| 1048 | | 9763007238 | 01-Apr-16 | VERIZON WIRELESS | CELL PHONES-MARCH 2016 | 01-16-11-6253 | 32.71 |
| 00054 | | 02320299 | 04-Apr-16 | WALTER KNOLL FLORIST | ATRIUM FLORAL SERVICE-MAY 2016 | 01-16-11-6212 | 80.00 |
| | | | | | | Sum of Invoices | 3,593.58 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

4/20/2016

POLICE-ADMIN

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 01068 | | AR65517 | 30-Mar-16 | DNT | REC ROOM QTRLY COPIER MAINT | 01-21-11-6213 | 114.31 |
| 02601 | | 1608 | 04-Apr-16 | GET EXPOSED GRAPHICS | (4) OUT OF SERVICE SIGNS | 01-21-11-7304 | 67.72 |
| 02171 | | 012805 | 05-Apr-16 | LOU'S GLOVES, INC. | (10) BOXES NITRILE GLOVES | 01-21-11-6271 | 74.00 |
| 1048 | | 9763007238 | 01-Apr-16 | VERIZON WIRELESS | CELL PHONES-MARCH 2016 | 01-21-11-6253 | 104.62 |
| | | | | | | Sum of Invoices | 360.65 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

4/20/2016

POLICE-INVESTIGATIONS

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 1048 | | 9763007238 | 01-Apr-16 | VERIZON WIRELESS | CELL PHONES-MARCH 2016 | 01-21-21-6253 | 162.05 |
| | | | | | | Sum of Invoices | 162.05 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

4/20/2016

POLICE-PATROL

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 00295 | P002345 | 1680402 | 24-Mar-16 | CARDIAC SCIENCE | 4 EA AED'S | 01-21-22-9503 | 5,180.00 |
| 02119 | | 231050 | 08-Apr-16 | DAVE SINCLAIR LINCOLN-MERCURY, INC. | CAR 2410 REPL LIC PLATE BULBS | 01-21-22-6210 | 21.76 |
| 02119 | | 231053 | 08-Apr-16 | DAVE SINCLAIR LINCOLN-MERCURY, INC. | MOUNT & BALANCE 2 TIRES ON RIM | 01-21-22-6210 | 48.80 |
| 02119 | | 228214 | 28-Dec-15 | DAVE SINCLAIR LINCOLN-MERCURY, INC. | MOUNT & BALANCE 2 TIRES ON RIM | 01-21-22-6210 | 25.00 |
| 00095 | | 315673 | 08-Apr-16 | DOBBS TIRE & AUTO | (2) TIRES | 01-21-22-6210 | 254.00 |
| 02387 | P002408 | 149839 RI | 04-Apr-16 | LASER TECHNOLOGY, INC | TRUE SPEED 100 LASER GUN | 01-21-22-9503 | 1,695.00 |
| 1048 | | 9763007238 | 01-Apr-16 | VERIZON WIRELESS | CELL PHONES-MARCH 2016 | 01-21-22-6253 | 325.31 |
| 00965 | | 625268 | 04-Apr-16 | VIP | (1) CHARGE GUARD | 01-21-22-6210 | 65.20 |
| 01590 | | 5551886 | 05-Apr-16 | WORLDPOINT ECC, INC. | AED/CPR MANUALS | 01-21-22-6271 | 193.95 |
| | | | | | | Sum of Invoices | 7,809.02 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

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PUBLIC WORKS

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 02169 | | 418866 | 31-Mar-16 | DREXEL TECHNOLOGIES, INC. | MONTHLY SVC FEE-PLOTTER | 01-31-11-6213 | 76.11 |
| 1048 | | 9763007238 | 01-Apr-16 | VERIZON WIRELESS | CELL PHONES-MARCH 2016 | 01-31-11-6253 | 281.66 |
| | | | | | | Sum of Invoices | 357.77 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

4/20/2016

STREETS

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 01550 | | 310975299 | 12-Apr-16 | ARAMARK UNIFORM SERVICES | MOP RENTAL (4/12/16) | 01-31-41-6212 | 4.19 |
| 01550 | | 310975299 | 12-Apr-16 | ARAMARK UNIFORM SERVICES | UNIFORM RENTAL (4/12/16) | 01-31-41-7308 | 56.36 |
| 01550 | | 310950252 | 05-Apr-16 | ARAMARK UNIFORM SERVICES | MOP RENTAL (4/5/16) | 01-31-41-6212 | 4.19 |
| 01550 | | 310950252 | 05-Apr-16 | ARAMARK UNIFORM SERVICES | UNIFORM RENTAL (4/5/16) | 01-31-41-7308 | 56.35 |
| 00712 | | P54073 | 31-Mar-16 | BOBCAT COMPANY | PARTS FOR BOBCAT | 01-31-41-6211 | 59.65 |
| 00826 | | 2308284 | 08-Apr-16 | CREST INDUSTRIES, INC. | VARIOUS TUBE CLAMPS | 01-31-41-7302 | 159.79 |
| 00826 | | 2308555 | 11-Apr-16 | CREST INDUSTRIES, INC. | SAFETY ITEMS | 01-31-41-7308 | 77.93 |
| 00049 | | 0000038746 | 06-Apr-16 | EMPLOYEE STAFFING GROUP | TEMP PERSONNEL W/E 4/3/16 | 01-31-41-6207 | 1,782.19 |
| 00049 | | 0000038729 | 29-Mar-16 | EMPLOYEE STAFFING GROUP | TEMP PERSONNEL W/E 3/27/16 | 01-31-41-6207 | 1,894.74 |
| 00127 | | 137494 | 06-Apr-16 | ERB EQUIPMENT COMPANY | BACKPACK SPRAYER | 01-31-41-6211 | 179.98 |
| 02402 | | 6219-276575 | 08-Apr-16 | HANDY AUTOMOTIVE | PARTS FOR TRK 313 | 01-31-41-6210 | 11.98 |
| 02402 | | 6219-275992 | 04-Apr-16 | HANDY AUTOMOTIVE | PARTS FOR TRK 313 | 01-31-41-6210 | 50.50 |
| 02402 | | 6219-276437 | 07-Apr-16 | HANDY AUTOMOTIVE | CHIPPER AIR FILTERS | 01-31-41-6211 | 73.00 |
| 01292 | | S1034180.001 | 05-Apr-16 | HOLT ELECTRICAL SUPPLIES | ITEMS FOR BALLAS IRRIG. REPAIR | 01-31-41-6211 | 191.25 |
| 02659 | | 0347-000188369 | 31-Mar-16 | JOHNNY ON THE SPOT #347 | 2 EA RENTAL UNITS | 01-31-41-6266 | 82.11 |
| 00789 | | 13863 | 13-Apr-16 | K&K SUPPLY | POWER WASHER RENTAL | 01-31-41-6266 | 766.16 |
| 00165 | | TI-0296389 | 04-Apr-16 | NEWMAN TRAFFIC SIGNS | STREET SIGNS | 01-31-41-7311 | 109.52 |
| 02671 | | 69876533 | 29-Mar-16 | SAFETY-KLEEN SYSTEMS, INC. | REMOVE USED OIL FROM SHOP | 01-31-41-6210 | 126.25 |
| 02671 | | 69876533 | 29-Mar-16 | SAFETY-KLEEN SYSTEMS, INC. | REMOVE USED OIL FROM SHOP | 01-31-41-6211 | 126.25 |
| 00092 | | 84129 | 05-Apr-16 | ST LOUIS COUNTY TREASURER | CONCRETE TESTING | 01-31-41-6202 | 66.00 |
| 00173 | | IN132846 | 24-Mar-16 | SUPREME TURF PRODUCTS | ROSE FERTILIZER-OLIVE MEDIANS | 01-31-41-7303 | 89.00 |
| 01882 | | 806116 | 06-Apr-16 | VANGUARD TRUCK CENTER OF ST. LOUIS | HOSES FOR TRK 313 | 01-31-41-6210 | 177.96 |
| 1048 | | 9763007238 | 01-Apr-16 | VERIZON WIRELESS | CELL PHONES-MARCH 2016 | 01-31-41-6253 | 84.72 |
| 00311 | | 1834765 | 11-Apr-16 | WEBER CHEVROLET | PUMP FOR TRUCK 313 | 01-31-41-6210 | 113.33 |
| | | | | | | Sum of Invoices | 6,343.40 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

4/20/2016

HEALTH & WELFARE

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 01836 | | 112015 | 05-Apr-16 | CRITTER CONTROL OF ST. LOUIS | DEAD ANIMAL REMOVAL-MAR 2016 | 01-31-42-6214 | 1,259.00 |
| 1048 | | 9763007238 | 01-Apr-16 | VERIZON WIRELESS | CELL PHONES-MARCH 2016 | 01-31-42-6253 | 32.41 |
| | | | | | | Sum of Invoices | 1,291.41 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

4/20/2016

PARKS

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 01550 | | 310975299 | 12-Apr-16 | ARAMARK UNIFORM SERVICES | UNIFORM RENTAL (4/12/16) | 01-31-43-7308 | 18.78 |
| 01550 | | 310950252 | 05-Apr-16 | ARAMARK UNIFORM SERVICES | UNIFORM RENTAL (4/5/16) | 01-31-43-7308 | 18.79 |
| 00712 | | P54073 | 31-Mar-16 | BOBCAT COMPANY | PARTS FOR BOBCAT | 01-31-43-6211 | 19.88 |
| 00010 | | 981449 | 08-Apr-16 | BRANNEKY HARDWARE | PARTS-BEACON HILL ISLAND BACKF | 01-31-43-6212 | 2.97 |
| 00010 | | 981158 | 04-Apr-16 | BRANNEKY HARDWARE | BACKFLOW PARTS-BALLAS ISLAND | 01-31-43-6212 | 18.97 |
| 00010 | | 981608 | 12-Apr-16 | BRANNEKY HARDWARE | BOLTS TO REPAIR FOUNTAIN-BEIRN | 01-31-43-6212 | 5.40 |
| 00010 | | 981197 | 06-Apr-16 | BRANNEKY HARDWARE | TRASH CAN, CHAIN, KEYS | 01-31-43-7302 | 63.69 |
| 00826 | | 2308339 | 08-Apr-16 | CREST INDUSTRIES, INC. | TOILET TISSUE FOR PARK RSTROOM | 01-31-43-6212 | 253.95 |
| 00826 | | 2308555 | 11-Apr-16 | CREST INDUSTRIES, INC. | SAFETY ITEMS | 01-31-43-7308 | 25.98 |
| 00826 | | 2308475 | 11-Apr-16 | CREST INDUSTRIES, INC. | AIR FRESHENERS-PARK RESTROOMS | 01-31-43-6212 | 152.40 |
| 00049 | | 0000038746 | 06-Apr-16 | EMPLOYEE STAFFING GROUP | TEMP PERSONNEL W/E 4/3/16 | 01-31-43-6207 | 594.07 |
| 00049 | | 0000038729 | 29-Mar-16 | EMPLOYEE STAFFING GROUP | TEMP PERSONNEL W/E 3/27/16 | 01-31-43-6207 | 631.58 |
| 00127 | | 137494 | 06-Apr-16 | ERB EQUIPMENT COMPANY | BACKPACK SPRAYER | 01-31-43-6211 | 60.00 |
| 00755 | | 28420 | 21-Jan-16 | FRY & ASSOCIATES | PARTS FOR SWINGS | 01-31-43-6212 | 103.68 |
| 02402 | | 6219-276575 | 08-Apr-16 | HANDY AUTOMOTIVE | PARTS FOR TRK 313 | 01-31-43-6210 | 3.99 |
| 02402 | | 6219-275992 | 04-Apr-16 | HANDY AUTOMOTIVE | PARTS FOR TRK 313 | 01-31-43-6210 | 16.84 |
| 02402 | | 6219-276437 | 07-Apr-16 | HANDY AUTOMOTIVE | CHIPPER AIR FILTERS | 01-31-43-6211 | 24.34 |
| 01292 | | S1034180.001 | 05-Apr-16 | HOLT ELECTRICAL SUPPLIES | ITEMS FOR BALLAS IRRIG. REPAIR | 01-31-43-6211 | 63.75 |
| 00117 | | 0185351 | 08-Apr-16 | HOME DEPOT | DOGWOOD FOR ARBOR DAY PLANTING | 01-31-43-6212 | 34.98 |
| 00117 | | 1021105 | 07-Apr-16 | HOME DEPOT | PARTS FOR SWINGS-MALCOLM TERR | 01-31-43-6212 | 60.75 |
| 02659 | | 0347-000188369 | 31-Mar-16 | JOHNNY ON THE SPOT #347 | 2 EA RENTAL UNITS | 01-31-43-6266 | 82.12 |
| 00557 | | 36498 | 12-Apr-16 | STANDARD REFRIGERATION | REGULATOR KIT-BEIRNE PK DRINKI | 01-31-43-6212 | 65.73 |
| 01882 | | 806116 | 06-Apr-16 | VANGUARD TRUCK CENTER OF ST. LOUIS | HOSES FOR TRK 313 | 01-31-43-6210 | 59.32 |
| 1048 | | 9763007238 | 01-Apr-16 | VERIZON WIRELESS | CELL PHONES-MARCH 2016 | 01-31-43-6253 | -21.80 |
| 00311 | | 1834765 | 11-Apr-16 | WEBER CHEVROLET | PUMP FOR TRUCK 313 | 01-31-43-6210 | 37.78 |
| | | | | | | Sum of Invoices | 2,397.94 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

4/20/2016

COMMUNITY DEVELOPMENT - PLANNING

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 00303 | | 742676033 | 30-Mar-16 | MISSOURI LAWYERS MEDIA | PUBLIG HRG NOTICE-P&Z | 01-32-11-6260 | 46.40 |
| 00303 | | 742676034 | 30-Mar-16 | MISSOURI LAWYERS MEDIA | PUBLIC HRG NOTICE-BOA | 01-32-11-6260 | 49.88 |
| 00045 | | 831203893001 | 29-Mar-16 | OFFICE DEPOT-BUSINESS DIV | WALL SIGN | 01-32-11-7304 | 11.99 |
| 00045 | | 831204036001 | 25-Mar-16 | OFFICE DEPOT-BUSINESS DIV | PENS, POST-IT NOTES | 01-32-11-7304 | 29.74 |
| 00045 | | 831204037001 | 25-Mar-16 | OFFICE DEPOT-BUSINESS DIV | PEN REFILLS | 01-32-11-7304 | 9.54 |
| 1048 | | 9763007238 | 01-Apr-16 | VERIZON WIRELESS | CELL PHONES-MARCH 2016 | 01-12-51-6253 | 144.63 |
| | | | | | | Sum of Invoices | 292.18 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

4/20/2016

COMMUNITY DEVELOPMENT - BUILDING

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 00005 | | 1687061 | 30-Mar-16 | AMERICAN STAMP | APPROVAL STAMP | 01-32-61-7304 | 56.69 |
| | | | | | | Sum of Invoices | 56.69 |

**CITY OF CREVE COEUR**
**ACCOUNTS PAYABLE LISTING**

4/20/2016

CAPITAL IMPROVEMENTS

| Vendor Number | Purchase Order | Invoice Number | Invoice Date | Vendor Name | Description | GL Account | Invoice Amount |
|---|---|---|---|---|---|---|---|
| 00010 | | 981359 | 08-Apr-16 | BRANNEKY HARDWARE | ITEMS FOR ALDEN BRIDGE REPAIR | 02-61-71-9509-16525 | 11.98 |
| 01524 | P002394 | FINAL PAY TREE | 15-Apr-16 | FENNELL, CHRISTOPHER | WINDOW TREE SHELTER DESIGN & | 02-61-71-9501-15103 | 2,500.00 |
| 00606 | P002176 | PAY #9 EMERSON | 15-Apr-16 | HORNER & SHIFRIN INC | EMERSON SIDEWALK IMPROVEMENT | 02-61-71-9510-15604 | 1,015.00 |
| 01333 | P002381 | PAY #1 2016 ROAD | 07-Apr-16 | M & H CONCRETE | FY16 ROADWAY RECONSTRUCTION PR | 02-61-71-9510-16709 | 384,780.40 |
| | | | | | | Sum of Invoices | 388,307.38 |

Grand Total All Invoices 466,238.26

**City Council**
300 North New Ballas Rd
Creve-Coeur, MO 63141

Meeting: 04/25/16 07:00 PM
Department: Public Works Department
Category: New Business
Prepared By: Jim Heines
Department Head: Jim Heines

**TABLED**

**ORDINANCE**

# Bill No. 5587 - an Ordinance Vacating the Portion of Champeix Lane Situated Between Lots 23 and 24 of Bellecoeur Plat 4. Final Reading and Passage

Jim Heines, Director of Public Works, has submitted an application to vacate excess right-of-way that was once a dead-end portion of Champeix Lane. The roadway pavement in this portion of Champeix Lane was closed to traffic, in failed condition, and unused. The pavement was removed in 2013, and the area is currently grass. Deferred at the April 11, 2016 Council meeting.

**BILL NO. __5587__ ORDINANCE NO. _____**

**AN ORDINANCE VACATING THE PORTION OF CHAMPEIX LANE SITUATED BETWEEN LOTS 23 AND 24 OF BELLECOEUR PLAT 4.**

**WHEREAS,** the subdivision plat known as Bellecoeur Plat 4 was recorded in St. Louis County in 1961, and included the dedication of a portion of Champeix Lane situated between Lots 23 and 24;

**WHEREAS,** the City has no need for that portion of Champeix Lane and has removed the pavement;

**WHEREAS,** the vacation of this portion of Champeix Lane was approved by the Planning & Zoning Commission at their meeting held on March 21, 2016;

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

**SECTION 1:** Pursuant to the provisions of Section 82.190 RSMo, the portion of Champeix Lane situated between Lots 23 and 24 of Bellecoeur Plat 4, as illustrated in the attached Exhibit A, is hereby vacated and the City Administrator is authorized to execute documents on behalf of the City as may be needed to effectuate the vacation and the City Clerk is authorized and directed to attest thereto. This vacation does not affect in any way the circular area of roadway situated northeast of Lots 23 and 24. The public right-of-way to be vacated shall be substantially as shown in Exhibit A, with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Ordinance and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Ordinance, and the matters herein authorized.

**SECTION 2:** This ordinance shall become effective pursuant to Section 3.11(g) of the City Charter.

Passed this ____ day of _____ 2016.

_____
David Kreuter
President of City Council

Approved this ____ day of _____ 2016.

_____
Barry Glantz
Mayor

Attest:

_____
Deborah Ryan, MPCC
City Clerk

# Proposed ROW Vacation - Champeix Lane

**EXHIBIT A**

Proposed ROW Vacation

0 25 50 75 100 125
Feet

N
W E
S

CITY OF CREVE COEUR, MO. 1949

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
## #16-008 VACATION OF EXCESS RIGHTS-OF-WAY ALONG NORTH NEW BALLAS ROAD AND CHAMPEIX LANE

**FOR MEETING OF:** Monday, March 21, 2016

**LOCATIONS:** The north side of North New Ballas Road Extension just west of Craig Road and the dead-end portion of Champeix Lane extending southwest from the northern traffic circle of Chasselle Lane.

**REQUEST:** Vacate the following unused portions of City rights-of-way:

1. along the north side of North New Ballas Road
2. the former dead-end section of Champeix Lane

**ADDITIONAL INFORMATION:** The unused portion of the North New Ballas Road Extension right-of-way was secured in May of 1989 for the construction of the North New Ballas Road Extension roadway and sidewalk project. It has been determined that this excess right-of-way is not necessary to maintain the road, sidewalk, or walls in the immediate area.

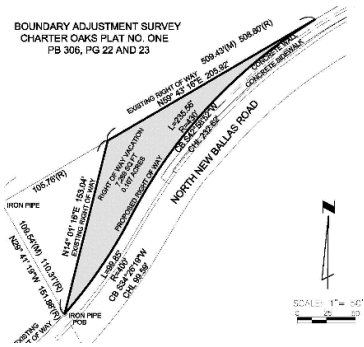
The dead-end section of Champeix Lane was constructed as part of the Belle Coeur subdivision in the 1960's. This section of Champeix Lane did not have any homes constructed along it, and it was closed to traffic with a chain across the roadway. The pavement of this section of Champeix Lane was removed and replaced with grass in 2013. This area is currently excess right-of-way that the City has mowed every two weeks.

Key Issues:
- Vacating the excess right-of-way along North New Ballas Road will create a non-conforming lot.
- Vacating the excess right-of-way of Champeix Lane will require a future boundary adjustment.

Comp. Plan References
- None

Zoning Code and Subdivision Code References
- Section 405.370: CB Core Business
- 405.230 Establishment of Size Dimension & Access Criteria

**APPLICANT:** Jim Heines
Director of Public Works
City of Creve Coeur



**REPORT PREPARED BY:** Jim Heines
**DATE:** 3/16/2016
**ATTACHMENTS:** Location Map; ROW Vacation Exhibit and Written Description

**RECOMMENDATION:** Based on the fact that these areas are unused and excess right-of-way along the north side of North New Ballas Road and along the dead-end section of Champeix Lane, and based upon the fact that the City does not require these lands to maintain its infrastructure, Public Works staff recommends that the City vacate its rights to the lands identified in the attached exhibits.

**MOTION:** The following is an example of an appropriate motion for this application:

> "I move to recommend the approval of Application #16-008 to vacate the portion of excess right-of-way located along the north side of the North New Ballas Road Extension and the portion of excess right-of-way along the dead-end section of Champeix Lane, as specifically identified in the exhibits attached to this submission."

city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 872-2500/872-2501 • Fax (314) 872-2505 • Relay MO 1-800-735-2966
www.creve-coeur.org

March 24, 2016

Matt Wohlberg
City of Creve Coeur
300 N New Ballas
Creve Coeur, MO63141

Re: Application #16-008: Vacation of Excess Rights-of- Way Along North New Ballas Road Extension and Champeix Lane

Mr. Wohlberg:

By unanimous vote, the Planning and Zoning Commission , at its meeting of March 21, 2016, approved your application to vacate the excess rights of way along North New Ballas Road Extension and Champeix Lane.

If you have any questions, please contact the Planning Division staff (314-872-2501) as soon as possible.

Sincerely,

CITY OF CREVE COEUR

Beth Kistner
City Administrator

BK:jjs

Cc: G. Eidman, Chief of Police
S. Unser, Chief Building Official

# DEPARTMENT OF PUBLIC WORKS
# STAFF MEMORANDUM

**DATE**: April 20, 2016

**TO**: Mark Perkins, City Administrator

**CC:** Belle Coeur Subdivision Trustees
Jim Heines, Director of Public Works

**FROM**: Matt Wohlberg, P.E., City Engineer

**SUBJECT**: Response from Adjacent Property Owners
Champeix Lane Excess Right of Way Vacation

---

I met with the property owners of 327 Chasselle Lane and 12808 Coulange Court on Friday, April 9, 2016, to discuss the proposed vacation of the City's right of way along the former dead-end section of Champeix Lane that lies between these two properties. They provided a mixed reaction to the proposal.

William and Leola Mitchell (12808 Coulange Court)

I met with Mr. Mitchell at his front door. He stated that he thought it was a good idea that the City removed the dead-end street as part of the Chasselle Lane reconstruction project. He was generally in favor of acquiring half of the Champeix Lane right of way, but he was wary of taking all of the right of way, as that might increase the cost to mow his lawn. Mr. Mitchell asked that we revisit the discussion following the actual vacation of the right of way.

Jeoung and Eun Ham (327 Chasselle Lane)

I met with Mrs. Ham at her front door, where we discussed the proposal. She said that she preferred to have the pavement of Champeix Lane in place and was disappointed that it was removed by the City. She stated that she and her husband would probably not want to obtain any of the vacated right of way. She left me a voice message later that evening to state that she had spoken with her husband and that they are not interested in the vacated right of way.

Should the City Council approve the vacation of the excess right of way of Champeix Lane, I would request a meeting with these residents and the subdivision trustees to review the situation. This meeting would be to clarify that the right of way was vacated and to facilitate discussion for how this right of way would be treated in the future.

**City Council**
300 North New Ballas Rd
Creve-Coeur, MO 63141

**SCHEDULED**

**ORDINANCE**

Meeting: 04/25/16 07:00 PM
Department: Legislative /City Clerk
Category: Litigation
Prepared By: Debbie Ryan
Department Head: Debbie Ryan

# Bill No. 5589 - an Ordinance Amending Provisions of Chapter 160 of the Creve Coeur Code of Ordinances Regarding Attendance of Council Meetings by Videoconference and Other Electronic Means. Final Reading and Passage

This ordinance will allow Council Members to attend and participate in a Council meeting via videoconferencing in the event of an emergency as authorized by statute.

**BILL NO. _5589__** **ORDINANCE No _____**

**AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 160 OF THE CREVE COEUR CODE OF ORDINANCES REGARDING ATTENDANCE OF COUNCIL MEETINGS BY VIDEOCONFERENCE AND OTHER ELECTRONIC MEANS.**

**WHEREAS,** the City Council of the City of Creve Coeur from time to time may need to take advantage of technology to assure that it can conduct public business in a timely manner; and

**WHEREAS**, recent changes in state law provide greater flexibility regarding such matters; and

**WHEREAS,** ordinance changes are required to implement that increased flexibility; 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.** Section 160.090 of the Code of Ordinances is hereby amended to read as follows:

# Chapter 160. Open Meetings and Records Policy

## Section 160.090. Journal of Meetings and Records of Voting.

[Ord. No. 5220 §3(Exh. A §12), 9-8-2011]

A journal or minutes of open~~ed~~ and closed meetings shall be taken and retained by each~~the~~ public governmental body of the City, including but not limited to a record of any votes taken at such meetings. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" or abstention~~abstinence~~ if not voting to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. Except as otherwise provided herein or in Section 160.095, ~~A~~all votes taken by roll call in meetings of ~~the~~ a public governmental body of the City~~City Council~~ shall be cast by members of the body~~Council~~ who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the City Council, due to an emergency of the City Council~~public body~~, with a quorum of the members physically present and in attendance and less than a quorum of the members (including the Mayor) participating via telephone, facsimile, Internet, or any other voice or electronic means besides videoconference pursuant to Section 160.095, the nature of the emergency of the City Council~~public body~~ justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all Council members and the Mayor were physically present and in attendance at the meeting.
[1]

*State Law References — As to similar provisions, §§610.015, 610.020, RSMo.*

**BILL NO. _5589__** **ORDINANCE No _____**

**SECTION 2.** A new Section 160.095 of the Code of Ordinances is hereby enacted to read as follows:

## Section 160.095. Meetings Using Videoconference Technology.

A. *Policy Statement.* While it is legally permissible for the Mayor and members of the City Council to attend meetings and vote via videoconference transmission, because it is good public policy for the Mayor and all Council members and for citizens to have the opportunity to conduct meetings face-to-face, members of the City Council and the Mayor should endeavor to be physically present at all meetings. The primary purpose of attendance by videoconference should be to allow meetings to occur when emergency circumstances would otherwise prevent the physical attendance of a quorum of the Council's members. A secondary purpose of attendance by videoconference should be to ensure that the Mayor and all members may participate in business of the City Council despite personal emergencies or constraints. All reasonable efforts should be expended to ensure that a quorum of the members of the City Council is physically present at the posted meeting place of the Council.

B. *Videoconference Defined.* For purposes of this Section, "videoconference" or "videoconferencing" shall refer to a means of communication where at least one elected official participates in a City Council meeting via an electronic connection made up of three components: (1) a live video transmission of the official not in physical attendance; (2) a live audio transmission allowing the official not in physical attendance to be heard by those in physical attendance; and (3) a live audio transmission allowing the official not in physical attendance to hear those in physical attendance at a meeting.

C. *Frequency Of Videoconference Attendance.* Unless otherwise approved by the Council members in physical attendance at a meeting, an elected official shall not attend more than two meetings via videoconference in a rolling twelve-month period.

D. *Notice of Intent to Attend By Videoconference.* In order to allow for any necessary technical arrangements, an elected official intending to attend a meeting by videoconference shall exert best efforts to notify the City Clerk at least 24 hours in advance of the posted starting time of the meeting. However, this provision shall be deemed waived if the City is reasonably able to make the necessary arrangements on shorter notice. In the event of limited capacity, videoconference communications shall be established for officials in the order in which they provided notice of intent to attend in such manner. Notwithstanding any such notice, unless otherwise determined by the Mayor and Council a meeting shall proceed on schedule regardless of any failure to establish videoconference communications.

E. *Physical Location.* The City shall provide at the City Council's regular meeting location communication equipment to facilitate videoconference attendance in accordance with this Section.

F. *Voting.* Elected officials attending a meeting of the City Council via videoconference shall be deemed present for purposes of participating in a vote to the same effect as those in physical attendance at a meeting. If any component of the videoconference communication fails during the meeting, as determined by the chairperson subject to appeal to the Council, the official attending the meeting by videoconference whose connection failed shall be deemed to have left the meeting immediately upon and for the duration of such failure. Unless the Council votes to recess or adjourn,

**BILL NO. _5589__** **ORDINANCE No _____**

or quorum is lost, the meeting shall continue. If the Council was in the act of voting, the voting may stop until all of the components of videoconference attendance are again restored and the videoconference participant's presence is again noted in the minutes, in the discretion of the chairperson of the meeting, subject to appeal to the Council.

G. *Closed Meetings.* In a meeting where an elected official is participating via videoconferencing and the meeting goes into a closed session, all provisions of Missouri law and City ordinances relating to closed sessions shall apply. Upon the Council's vote to close the meeting, it shall move to a closed room with videoconference capability or all members of the general public shall leave the equipped public meeting room. Likewise, an elected official participating via videoconferencing should ensure and confirm for the minutes, and unless otherwise stated it shall be presumed, that there are no unauthorized persons present at their location to see, hear, or otherwise communicate during the closed session.

H. *Minutes.* In any open or in closed session, the minutes taken should reflect the officials participating via videoconference or other electronic means, the officials in physical attendance, and officials, if any, absent.

I. *Emergency Meetings.* In addition to the provisions of Section 160.090, in the event that emergency circumstances prevent elected officials from physically attending in a timely manner, and the City has the necessary services and/or equipment in place, the Mayor and Council may meet and vote by videoconference without the requirement that a quorum be physically present in the same place. Examples of such emergency circumstances include, but are not limited to, war, riot, terrorism, widespread fire, or natural disaster such as earthquake, tornado, hurricane, flood or blizzard. To the extent reasonably possible in such circumstances, the City shall use reasonable efforts to cause a physical location to be provided and posted for public attendance and participation. The nature of the emergency shall be recorded in the minutes.

**SECTION 3.** This ordinance shall take effect in accordance with the provisions of section 3.11(g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2016.

_____

PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2016.

_____

BARRY GLANTZ
MAYOR

ATTEST:

_____

DEBORAH RYAN, MPCC
CITY CLERK

**City Council**
300 North New Ballas Rd
Creve-Coeur, MO 63141

**SCHEDULED**

**ORDINANCE**

Meeting: 04/25/16 07:00 PM
Department: Legislative /City Clerk
Category: Agreement
Prepared By: Debbie Ryan
Department Head: Debbie Ryan

# Bill No. 5590 - an Ordinance Amending Title III of the Code of Ordinances, Schedule III, Table III-A, to Reflect a Reduction in Speed Limit from 45 Mph to 40 Mph for a Segment of Ladue Road (Route AB) Between Interstate 270 and the Western City Limit. Final Reading and Passage

Based on state safety study, the Police Department recommends reduction of speed limit on Ladue Roard west of I-270 from 45 mph to 40 mph.

**BILL NO. __5590_____** **ORDINANCE NO. _____**

**AN ORDINANCE AMENDING TITLE III OF THE CODE OF ORDINANCES, SCHEDULE III, TABLE III-A, TO REFLECT A REDUCTION IN SPEED LIMIT FROM 45 MPH TO 40 MPH FOR A SEGMENT OF LADUE ROAD (ROUTE AB) BETWEEN INTERSTATE 270 AND THE WESTERN CITY LIMIT.**

**WHEREAS**, the City strives to provide safe streets for the traveling public; and

**WHEREAS,** a speed study was conducted by the state that evaluated a three-mile segment of Ladue Road (Rt. AB) from I-270 to Mo. 141; and

**WHEREAS,** the recommendation from the study is to reduce the speed limit by 5 miles per hour on that segment of Ladue Road (Rt. AB); and

**WHEREAS,** the study cites crash rates for that segment of the road over the statewide average, which qualifies that segment for a 10% reduction in speed limit; and

**WHEREAS**, upon review of the study, the Police department, and the Traffic Safety Unit concur with the recommendation to reduce the speed limit from 45 mph to 40 mph from .5 miles west of I-270 to the western city limit; and

**WHEREAS,** the City Council being fully informed finds that amending the City Code of Ordinances as provided herein 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.** Title III, Schedule III, Table III-.A of the City Code of Ordinances is amended to reduce the speed limit on Ladue Road (Rt AB) to reflect a speed limit of 40 mph from .5 miles west of I-270 to the western city limits. Accordingly, the entry on the Schedule for this segment of the road which currently states a speed limit of 45 mph is deleted, and the remaining entry on the Schedule for Ladue Road (Route AB) is revised to read:

| STREET | MAXIMUM SPEED LIMIT |
|---|---|
| | |
| Ladue Road (Route AB)<br>entire length | 40 mph |

ADOPTED THIS _____DAY OF _____, 2016.

_____
DAVE KREUTER
PRESIDENT OF CITY COUNCIL

APPROVED THIS ___ DAY OF _____, 2016

_____
BARRY GLANTZ, MAYOR

ATTEST:

_____
DEBORAH RYAN, CITY CLERK

# CREVE COEUR POLICE DEPARTMENT
# INTEROFFICE MEMO

DATE: March 2, 2016

TO: Chief Glenn Eidman, and Captain Tim Koncki

FROM: Lieutenant Jeffrey Hartman

SUBJECT: Recommended Changes to the Schedule of Ordinances

---

The police department is recommending a change to the schedule of ordinances and a change to the schedule of fines.

1) Reduce the speed limit on Ladue Road (Route AB) from 45 mph to 40 mph from .5 miles west of I-270 to the west city limit.

2) Addition of a fire lane ordinance to the schedule of fines for the parking lot located at 10420 Old Olive Street Road.

## Speed Limit Reduction

**Background**
A speed study was conducted by the state that evaluated a 3 mile stretch of Rt. AB (Ladue Road) from I-270 to MO 141. The recommendation from the study was to reduce the speed limit by 5 mph on that segment of Rt. AB (Ladue Road). The study formulated the "85$^{th}$ percentile speed" used for setting speed limits and factors used to determine prevailing speed. It summarized the results of the study by citing that crash rates for that the segment of Rt. AB, were over the statewide average. This qualifies that segment for a 10% reduction in speed.

**Police Department Recommendation**
Upon review of the study, the Traffic Safety Unit concurs with the recommendation to reduce the speed limit from 45 mph to 40 mph from .5 miles west of I-270 to the west city limit.

This change would require an update in the city Code of Ordinances, Chapter 320, Schedule III, Table III-A to reflect a speed limit of 40 mph for that segment of Rt. AB (Ladue Rd). The current "Maximum Speed Limit" for this segment of Rt. AB (Ladue Road) is listed as 45 mph in the Code of Ordinances.

# Fire Lane Ordinance

**Background**
Arthur Oestereich with the Creve Coeur Fire Protection District requested a fire lane be added to the City of Creve Coeur Schedule of Fines for the property located at 10420 Old Olive Street Road. The property owner agreed with the recommendation and agreed to establish a marked fire lane on the property.

**Police Department Recommendation**
The Creve Coeur Police Department Traffic Safety Unit agrees with the recommendation. The request appears to be in the best interest of public safety. Due to the limited space on the parking lot for emergency vehicles and the location fire hydrants, the fire lane would help to ensure the fire department has the area to park emergency equipment and have access to fire hydrants.

In order for a fire lane violation to be enforceable by the Police Department, the location of the fire lane must be properly marked and added to the city's Schedule of Fines found in City Code, Schedule X, Table X-A (Fire Lanes).

Respectfully Submitted,

Lt. JH, 485

Lt. Jeffrey Hartman, DSN 485

Attached: "Speed Study: Rt. AB from I-270 to MO 141"

# Speed Study:
# Rt. AB from I-270 to MO 141

## Introduction

The Traffic Department, per request, has evaluated a 3 mile segment of Rt. AB (Ladue Rd) from I-270 to MO 141 to determine if a reduced speed limit would be warranted.

## Existing Roadway and Traffic Conditions

Ladue Rd is a minor east-west two-lane highway. The posted speed limit from I-270 to MO 141 is 45 mph. This stretch of highway has one signalized intersection located at Mason Rd and multiple unsignalized intersections along with a number of private drives. The layout of the highway contains two moderate curves. However, one of these curves requires a reduced speed limit of 40 mph. The weighted average daily traffic for this section is estimated to be about 6,272 vehicles per day. A satellite photo of the roadway can be seen below.

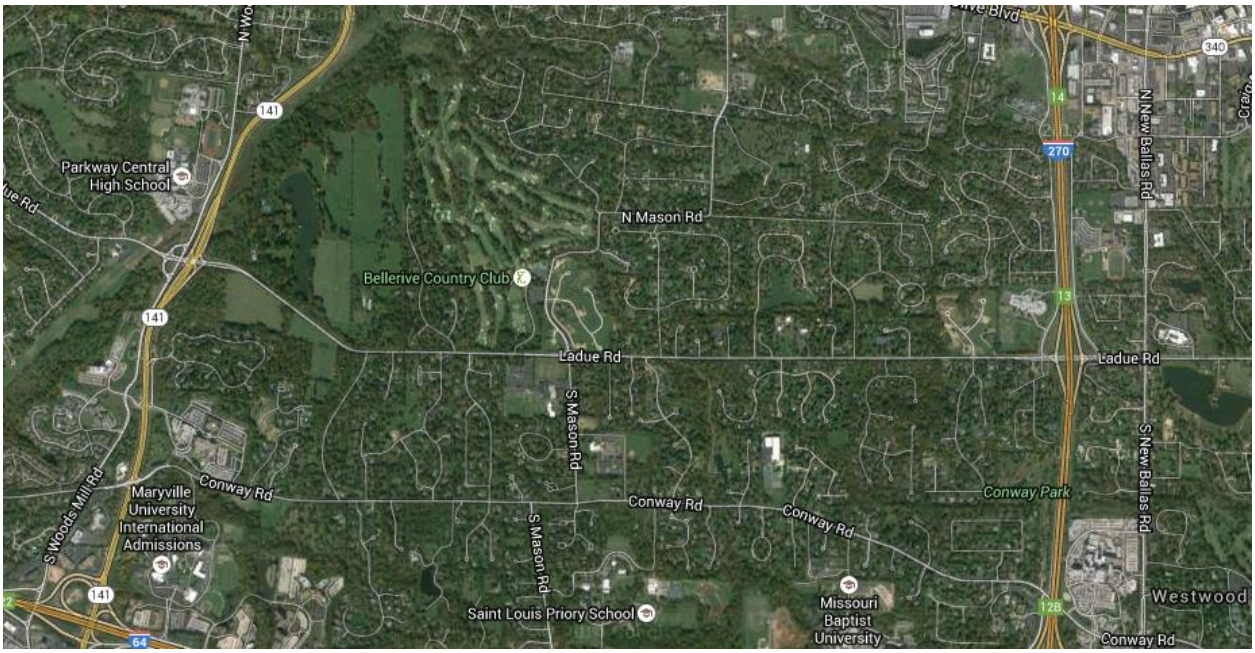



*Figure 1: Satellite Photo of Highway*

## Prevailing Speed Determination

The prevailing speed is used as the primary criteria for speed limit determination in incorporated and unincorporated areas. To determine the prevailing speed, the 85$^{th}$ percentile speed was used. This is based on the assumption that approximately 85 percent of drivers will drive at a speed that they judge to be safe and proper. The selected speed limit is chosen in 5 mph increments such that it will not exceed the established prevailing speed by more than 3 mph.

The selected speed limit may be less than the established prevailing speed when justified by other criteria. The following is an overview of how it applies to this particular stretch of Ladue Rd.

1) Accident Rate - If the accident rate within the zone of consideration is at least 50 percent higher than the statewide average accident rate for the same classification of highways, the 85th percentile speed may be reduced by 5-10 percent. In each of the last five years (2010-2014), the accident rate was over the statewide average. Most recently, in 2014, the statewide average rate was 193.83, while each section had a crash rate of 2,425.25, 1,720.25, 7682.16, 1,824.59, and 2,097.65, respectively. All five crash rates were high enough to warrant a 10% reduction of the 85th percentile speed.

2) Access to Driveways - If a high number of driveways exist within the zone, a 5-10 percent reduction of the 85th percentile speed may be justified. A Driveway Conflict Number is determined based on the number of private or field entrances, minor commercial entrances, and major commercial or industrial plant entrances within the zone. However, before a reduction can be made due to driveway density it must be determined if the accident reduction is statistically significant based on a Poisson Curve. All five segments were statistically significant; therefore, the access to driveways criteria will be used. Four of the five segments warranted a 10% reduction of the 85th percentile speed while the other one warranted a 5% reduction of the 85th percentile speed.

3) Traffic Control Devices – Sections of roadway consisting of a curvy or series of curves and turns and other geometric problems should be signed with the appropriate warning signs where it is customary to use these signs. Speed limit signs would not be considered where a warning sign is needed to advise the motorist of an approaching condition.

4) Pedestrian Traffic – Where sidewalks are not provided adjacent to the route and the total pedestrian traffic along the route exceeds 10 per hour for 3 hours of any 8-hour period, the prevailing speed may be reduced by 5 percent. There is very little sidewalk along all five segments and no segment has greater than 10 pedestrians per hour for 3 hours of any 8-hour period. Therefore, the pedestrian traffic warrant will not be applied.

5) Parking – Where parking is permitted adjacent to the traffic lane, the 85th percentile speed may be reduced by 5 percent. However, parking is not permitted within this stretch of Ladue Rd so the parking warrant does not apply.

## *Procedures for Obtaining Prevailing Speed Data*

A study was performed with HI-STAR units to measure the 85th percentile speed, which is defined as the speed at or below which 85 percent of vehicles are traveling. The speed of each passing vehicle was recorded over a 24-hour period in September of 2015. Five separate locations were used in the study in order to gain an accurate representation of the speeds traveled at and around the signalized intersection at Mason Rd and the interchanges at I-270 and MO 141. Each segment had a speed sensor installed in each through lane and the calculated 85th percentile speed was weighted based on the amount of traffic in each lane. The average 85th percentile speed for each location was 50 mph, 50 mph, 43 mph, 48 mph, and 45 mph, respectively.

## *Recommendations*

The 85th percentile speed, which is the base speed used for setting speed limits, for each location within the stretch of Ladue Rd under consideration was generally at or above the existing posted speed limit. However, the measured 85th percentile speed can be reduced, if conditions are met, in order to determine the prevailing speed. The prevailing speed is the final speed used for speed limits. The crash rates were over the statewide average, which qualifies each segment for a 10% reduction in the 85th percentile speed. The Driveway Conflict Number was determined to be statistically significant, therefore warranting a 10% reduction of the 85th percentile speed. These factors lead to a 10 mph reduction of the measured 85th percentile speed for two of the segments, a 5 mph reduction for another segment, and a 0 mph reduction for the other two segments. The reductions were averaged, showing that a reduction of the speed limit to 40 mph would be appropriate for all five segments. Therefore, it is recommended that the posted speed limit be reduced to 40 mph.

**City Council**
300 North New Ballas Rd
Creve-Coeur, MO 63141

**SCHEDULED**

**ORDINANCE**

Meeting: 04/25/16 07:00 PM
Department: Finance Department
Category: New Business
Prepared By: Sherry Hall
Department Head: Dan Smith

# Bill No. 5591 - an Ordinance Adopting Restatements of City Defined Contribution Plans. Final Reading and Passage

The ordinance will approve restatements of the City's three sec 401 Defined Contribution Plans to Comply with changes in law.

**AN ORDINANCE ADOPTING RESTATEMENTS OF CITY DEFINED CONTRIBUTION PLANS.**

**WHEREAS**, in 2001 the City adopted a defined contribution plan (107603) to authorize contributions for eligible employees, which plan excludes employees hired after June 1, 2006; and

**WHEREAS**, the City had previously adopted a defined contribution plan for the City Administrator (108026), as amended in 2008, and

**WHEREAS**, in 2006 the City established a defined contribution plan (106148) for eligible employees hired on and after June 1, 2006; and

**WHEREAS**, the foregoing plans allow the City to amend the plans from time to time; and

**WHEREAS**, the City Council has determined that it is in the best interests of the City and its employees to adopt restated plans to meet IRS requirements; and

**WHEREAS**, the City is not increasing benefit and, therefore, Section 105.675 R.S.Mo. does not require a statement of cost;

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

**SECTION 1.** The Adoption Agreement for the restated Creve Coeur, MO 2006 Employees' Money Purchase Plan and Trust Adoption Agreement (Plan 106148) attached hereto is hereby approved. The City Administrator and City Clerk are hereby authorized to sign the Adoption Agreement on behalf of the City and to otherwise implement this Ordinance. The City Administrator is hereby directed to continue to implement the Plan, including as hereby restated.

**SECTION 2.** The Adoption Agreement for the restated Creve Coeur, MO 2001 Employees' Money Purchase Plan and Trust Adoption Agreement (Plan 107603) attached hereto is hereby approved. The City Administrator and City Clerk are hereby authorized to sign the Adoption Agreement on behalf of the City and to otherwise implement this Ordinance. The City Administrator is hereby directed to continue to implement the Plan, including as hereby restated.

**SECTION 3.** The Adoption Agreement for the restated Creve Coeur, MO City Administrator Money Purchase Plan and Trust Adoption Agreement (Plan 108026 as amended 2008) attached hereto is hereby approved. The City Administrator and City Clerk are hereby authorized to sign the Adoption Agreement on behalf of the City and to otherwise implement this Ordinance. The City Administrator is hereby directed to continue to implement the Plan, including as hereby restated.

**SECTION 4.** This Ordinance shall become effective pursuant to Section 3.11(G) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2016.

_____
DAVID KREUTER
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2016.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, CITY CLERK

# MEMORANDUM

**DATE**: April 6, 2016

**TO**: Mark Perkins, City Administrator

**FROM**: Daniel Smith, Director of Finance

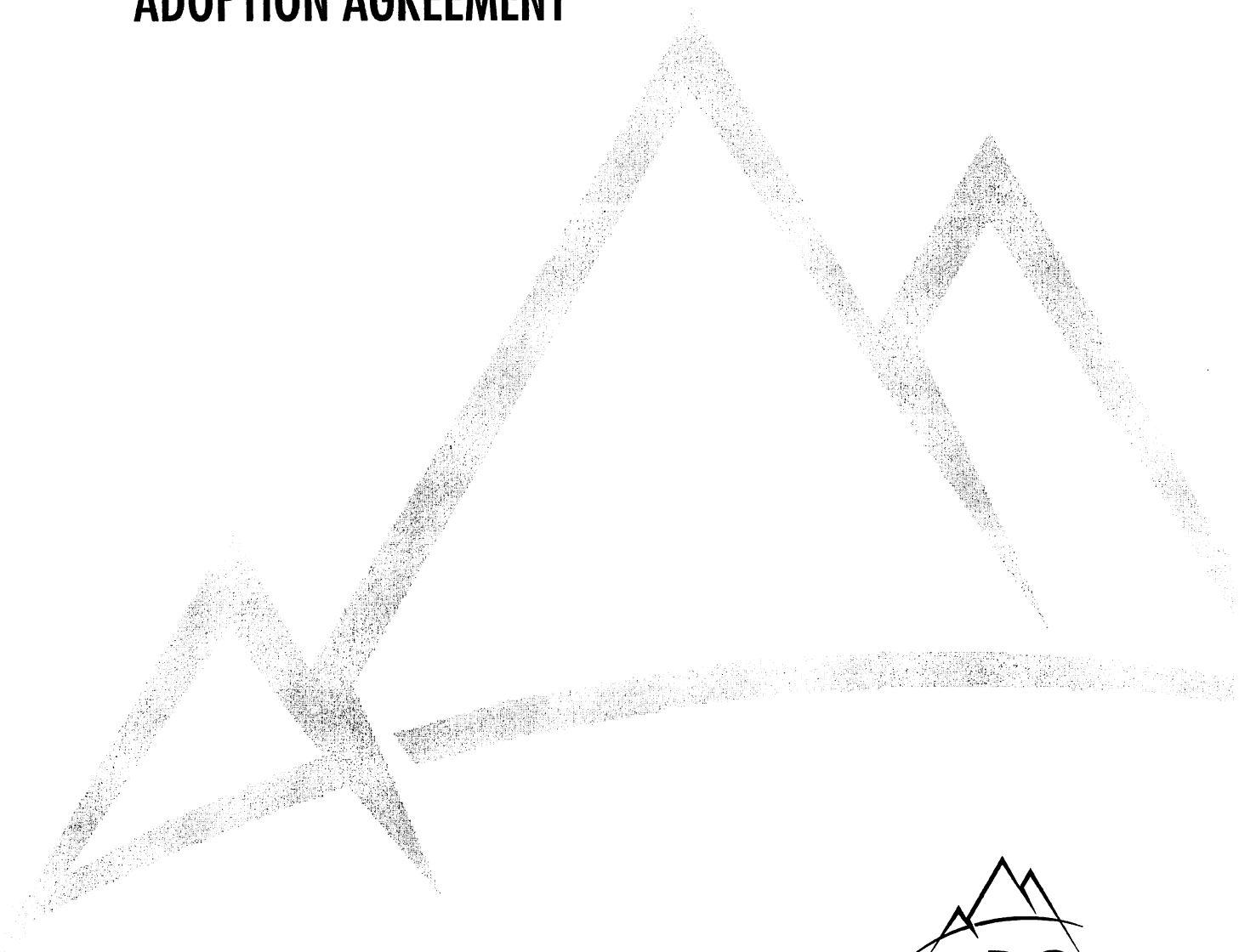
**SUBJECT**: Amendment to 401 Plans to Comply with IRS

We have been informed by ICMA that our three 401 Defined Contribution Plans for city employees need to be modified to comply with IRS regulations. Attached are the plan adoption agreements that include the required modifications. Staff recommends the legislation adopting the revised plan adoption agreements. We have checked with our actuary and the city's Defined Benefit 401 Pension Plan is classified under different rules and does not require modification at this time. To our knowledge the required changes do not impact the city's cost to fund the plan.

I would be pleased to respond to any questions.

ICMA RETIREMENT CORPORATION

# GOVERNMENTAL MONEY PURCHASE PLAN & TRUST ADOPTION AGREEMENT



ICMA RC

BUILDING PUBLIC SECTOR
RETIREMENT SECURITY

# ICMA RETIREMENT CORPORATION
# GOVERNMENTAL MONEY PURCHASE PLAN & TRUST
# ADOPTION AGREEMENT

Plan Number 107603 ___ ___

The Employer hereby establishes a Money Purchase Plan and Trust to be known as Creve Coeur MO 2001 Employees' Money Purchase Plan and Trust (the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust.

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

☑ Yes ☐ No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates:

Creve Coeur MO 2001 Employees' Money Purchase Pension Plan and Trust

**I. Employer:** CITY OF CREVE COEUR, Missouri

**II. Effective Dates**

☑ 1. **Effective Date of Restatement.** If this document is a restatement of an existing plan, the effective date of the Plan shall be January 1, 2007 unless an alternate effective date is hereby specified: _____

(Note: An alternate effective date can be no earlier than January 1, 2007.)

☐ 2. **Effective Date of New Plan.** If this is a new Plan, the effective date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified:

_____

3. **Special Effective Dates.** Please note here any elections in the Adoption Agreement with an effective date that is different from that noted in 1. or 2. above.

(Note provision and effective date.)

**III. Plan Year** will mean:

☑ The twelve (12) consecutive month period which coincides with the limitation year. (See Section 5.03(f) of the Plan.)

☐ The twelve (12) consecutive month period commencing on _____ and each anniversary thereof.

**IV. Normal Retirement Age shall be age** 55.0 **(not to exceed age 65).**

*Important Note to Employers*: Normal Retirement Age is significant for determining the earliest date at which the Plan may allow for in-service distributions. Normal Retirement Age also defines the latest date at which a Participant must have a fully vested right to his/her Account. There are IRS rules that limit the age that may be specified as the Plan's Normal Retirement Age. The Normal Retirement Age cannot be earlier than what is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed. An age under 55 is presumed not to satisfy this requirement, unless the Commissioner of Internal Revenue determines that the facts and circumstances show otherwise.

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good faith, reasonable determination will generally be given deference. A special rule, however, applies in the case of a plan where substantially all of the participants in the plan are qualified public safety employees within the meaning of section 72(t)(10)(B) of the Code, in which case an age of 50 or later is deemed not to be earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed.

## V. ELIGIBILITY REQUIREMENTS

1. The following group or groups of Employees are eligible to participate in the Plan:

___ All Employees
___ All Full Time Employees
___ Salaried Employees
___ Non union Employees
___ Management Employees
___ Public Safety Employees
___ General Employees
✓ Other Employees (Specify the group(s) of eligible employees below. Do not specify employees by name. Specific positions are acceptable.) ** _____

**All Full-time Employees whose initial employment began on or after July 1, 2001 and before the Effective Date, and all Full-time Employees whose initial employment began prior to July 1, 2001 who: (1) made a proper election under Section 3.01 or 4.01 or the Retirement Plan for Employees of the City to participate in the Plan or (2) were ineligible to make the foregoing election. The City Administrator shall not be eligible in this Plan. Any Participant in the DROP program established in Article XII of the Retirement Plan for Employees of the City of Creve Coeur shall not be eligible for an allocation of contributions under this Plan during the DROP participation period as defined in the Retirement Plan.

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer. The eligibility requirements cannot be such that an Employee becomes eligible only in the Plan Year in which the Employee terminates employment. **Note:** As stated in Sections 4.07 and 4.08, the Plan may, however, provide that Final Pay Contributions or Accrued Leave Contributions are the only contributions made under the Plan.

2. ~~The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be (write N/A if an Employee is eligible to participate upon employment)~~ N/A ~~.~~

~~If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.~~

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is N/A (not to exceed age 21. Write N/A if no minimum age is declared.)

## VI. CONTRIBUTION PROVISIONS

1. **The Employer shall contribute as follows:** (Choose all that apply, but at least one of Options A or B. If Option A is not selected, Employer must pick up Participant Contributions under Option B.)

**Fixed Employer Contributions With or Without Mandatory Participant Contributions.** (If Option B is chosen, please complete section C.)

☑ A. Employer Contributions. The Employer shall contribute on behalf of each Participant 3 % of Earnings or $ 0 for the Plan Year (subject to the limitations of Article V of the Plan).
Mandatory Participant Contributions
☐ are required ☑ are not required

to be eligible for this Employer Contribution.

☐ B. Mandatory Participant Contributions for Plan Participation.

Required Mandatory Contributions. A Participant is required to contribute (subject to the limitations of Article V of the Plan) the specified amounts designated in items (i) through (iii) of the Contribution Schedule below:

☐ Yes ☐ No

Employee Opt-In Mandatory Contributions. Each Employee eligible to participate in the Plan shall be given the opportunity to irrevocably elect to participate in the Mandatory Participant Contribution portion of the Plan by electing to contribute the specified amounts designated in items (i) through (iii) of the Contribution Schedule below for each Plan Year (subject to the limitations of Article V of the Plan):

☐ Yes ☐ No

Contribution Schedule.

(i) _____% of Earnings,
(ii) $ _____ , or
(iii) a whole percentage of Earnings between the range of _____ *(insert range of percentages between 1% and 20% inclusive (e.g., 3%, 6%, or 20%; 5% to 7%))*, as designated by the Employee in accordance with guidelines and procedures established by the Employer for the Plan Year as a condition of participation in the Plan. A Participant must pick a single percentage and shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

Employer "Pick up". The Employer hereby elects to "pick up" the Mandatory Participant Contributions[1] (pick up is required if Option A is not selected).

☐ Yes ☐ No ***("Yes" is the default provision under the Plan if no selection is made.)***

☐ C. Election Window (Complete if Option B is selected):
Newly eligible Employees shall be provided an election window of _____days (no more than 60 calendar days) from the date of initial eligibility during which they may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Participation in the Mandatory Participant Contribution portion of the Plan shall begin the first of the month following the end of the election window.

An Employee's election is irrevocable and shall remain in force until the Employee terminates employment or ceases to be eligible to participate in the Plan. In the event of re-employment to an eligible position, the Employee's original election will resume. In no event does the Employee have the option of receiving the pick-up contribution amount directly.

2. The Employer may also elect to contribute as follows:

☐ A. Fixed Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant ___% of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has contributed ____% of Earnings or $ _____. Under this option, there is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.

☐ B. Variable Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):

____ % of the Voluntary Participant Contributions made by the Participant for the Plan Year (not including Participant contributions exceeding ____% of Earnings or $ _____);

---

1 *Neither an IRS advisory letter nor a determination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are "picked up" by the Employer are not includable in the Participant's gross income for federal income tax purposes. Pick-up contributions are not mandated to receive private letter rulings; however, if an adopting employer wishes to receive a ruling on pick-up contributions they may request one in accordance with Revenue Procedure 2012-4 (or subsequent guidance).*

PLUS _____% of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Voluntary Participant Contributions exceeding in the aggregate ____% of Earnings or $ _____ ).

Employer Matching Contributions on behalf of a Participant for a Plan Year shall not exceed $ _____ or ____% of Earnings, whichever is ___ more or ___ less.

3. Each Participant may make a voluntary (unmatched), after tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan:

☐ Yes ☑ No ***("No" is the default provision under the Plan if no selection is made.)***

4. Employer contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

SEMI-MONTHLY

5. Participant contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

_____

6. In the case of a Participant performing qualified military service (as defined in Code section 414(u)) with respect to the Employer:

A. Plan contributions will be made based on differential wage payments:

☑ Yes ☐ No ***("Yes" is the default provision under the Plan if no selection is made.)***

If yes is selected, this is effective beginning January 1, 2009 unless another later effective date is filled in here:

_____

B. Participants who die or become disabled will receive Plan contributions with respect to such service:

☐ Yes ☑ No ***("No" is the default provision under the Plan if no selection is made.)***

If yes is selected, this is effective for participants who died or became disabled while performing qualified military service on or after January 1, 2007, unless another later effective date is filled in here:

_____

## VII. EARNINGS

Earnings, as defined under Section 2.09 of the Plan, shall include:

1. Overtime

   ☐ Yes ☑ No

2. Bonuses

   ☐ Yes ☑ No

3. Other Pay (specifically describe any other types of pay to be included below)

Earnings do not include commissions, expense allowances, pay in lieu of vacation, field training pay, acting pay, comp time paid or other similar items.

## VIII. ROLLOVER PROVISIONS

1. The Employer will permit rollover contributions in accordance with Section 4.12 of the Plan:

   ☑ Yes ☐ No ***("Yes" is the default provision under the Plan if no selection is made.)***

2. Direct rollovers by non-spouse beneficiaries are effective for distributions after 2006 unless the Plan delayed making them available. If the Plan delayed making such rollovers available, check the box below and indicate the later effective date in the space provided.

   ☐ Effective Date is _____.

   ***(Note: Plans must offer direct rollovers by non-spouse beneficiaries no later than plan years beginning after December 31, 2009.)***

## IX. LIMITATION ON ALLOCATIONS

If the Employer maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Section 5.02 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, the provisions of Section 5.02(a) through (e) of the Plan will apply unless another method has been indicated below.

☐ Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any excess amounts, in a manner that precludes Employer discretion.)

2. The Limitation Year is the following 12 consecutive month period: Calendar Year

3. Unless the Employer elects a delayed effective date below, Article 5 of the Plan will apply to limitations years beginning on or after July 1, 2007. _____

   ***(The effective date listed cannot be later than 90 days after the close of the first regular legislative session of the legislative body with authority to amend the plan that begins on or after July 1, 2007.)***

## X. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements and (2) the concurrence of the Plan Administrator. (For the blanks below, enter the applicable percent – from 0 to 100 (with no entry after the year in which 100% is entered), in ascending order.)

| Period of Service Completed | Percent Vested |
|---|---|
| Zero | 0 % |
| One | 20 % |
| Two | 40 % |
| Three | 60 % |
| Four | 80 % |
| Five | 100 % |
| Six | 100 % |
| Seven | 100 % |
| Eight | 100 % |
| Nine | 100 % |
| Ten | 100 % |

## XI. WITHDRAWALS AND LOANS

1. In-service distributions are permitted under the Plan after a participant attains (select one of the below options):

   ☐ Normal Retirement Age

   ☑ Age 70½ ***("70½" is the default provision under the Plan if no selection is made.)***

   ☐ Alternate age (after Normal Retirement Age): _____

   ☐ Not permitted at any age

2. A Participant shall be deemed to have a severance from employment solely for purposes of eligibility to receive distributions from the Plan during any period the individual is performing service in the uniformed services for more than 30 days.

   ☐ Yes ☑ No ***("Yes" is the default provision under the plan if no selection is made.)***

3. Tax-free distributions of up to $3,000 for the direct payment of qualifying insurance premiums for eligible retired public safety officers are available under the Plan.

   ☑ Yes ☐ No ***("No" is the default provision under the Plan if no selection is made.)***

4. In-service distributions of the Rollover Account are permitted under the Plan, as provided in Section 9.07.

   ☐ Yes ☑ No ***("No" is the default provision under the Plan if no selection is made.)***

5. Loans are permitted under the Plan, as provided in Article XIII of the Plan:

   ☐ Yes ☑ No ***("No" is the default provision under the Plan if no selection is made.)***

## XII. SPOUSAL PROTECTION

The Plan will provide the following level of spousal protection (select one):

☐ 1. Participant Directed Election. The normal form of payment of benefits under the Plan is a lump sum. The Participant can name any person(s) as the Beneficiary of the Plan, with no spousal consent required.

☑ 2. Beneficiary Spousal Consent Election (Article XII). The normal form of payment of benefits under the Plan is a lump sum. Upon death, the surviving spouse is the Beneficiary, unless he or she consents to the Participant's naming another Beneficiary. (***"Beneficiary Spousal Consent Election" is the default provision under the Plan if no selection is made.)***

☐ 3. QJSA Election (Article XVII). The normal form of payment of benefits under the Plan is a 50% qualified joint and survivor annuity with the spouse (or life annuity, if single). In the event of the Participant's death prior to commencing payments, the spouse will receive an annuity for his or her lifetime. (If C is selected, the spousal consent requirements in Article XII also will apply.)

## XIII. FINAL PAY CONTRIBUTIONS

The Plan will provide for Final Pay Contributions if either 1 or 2 below is selected.

The following group of Employees shall be eligible for Final Pay Contributions:

☐ All Eligible Employees

☐ Other: _____

**Final Pay shall be defined as (select one):**

☐ A. Accrued unpaid vacation

☐ B. Accrued unpaid sick leave

☐ C. Accrued unpaid vacation and sick leave

☐ D. Other *(insert definition of Final Pay – must be leave that Employee would have been able to use if employment had continued and must be bona fide vacation and/or sick leave)*:

_____

☐ 1. **Employer Final Pay Contribution.** The Employer shall contribute on behalf of each Participant _____ % of Final Pay to the Plan (subject to the limitations of Article V of the Plan).

☐ 2. **Employee Designated Final Pay Contribution.** Each Employee eligible to participate in the Plan shall be given the opportunity at enrollment to irrevocably elect to contribute ____ % (insert fixed percentage of final pay to be contributed) or up to _____% (insert maximum percentage of final pay to be contributed) of Final Pay to the Plan (subject to the limitations of Article V of the Plan).

Once elected, an Employee's election shall remain in force and may not be revised or revoked.

## XIV. ACCRUED LEAVE CONTRIBUTIONS

The Plan will provide for accrued unpaid leave contributions annually if either 1 or 2 is selected below.

The following group of Employees shall be eligible for Accrued Leave Contributions:

- ☐ All Eligible Employees
- ☐ Other: _____

**Accrued Leave shall be defined as (select one):**

- ☐ A. Accrued unpaid vacation
- ☐ B. Accrued unpaid sick leave
- ☐ C. Accrued unpaid vacation and sick leave
- ☐ D. Other (insert definition of accrued leave that is bona fide vacation and/or sick leave):

  _____

☐ 1. **Employer Accrued Leave Contribution.** The Employer shall contribute as follows (choose one of the following options):

- ☐ For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant the unused Accrued Leave in excess of _____ (insert number of hours/days/weeks (circle one)) to the Plan (subject to the limitations of Article V of the Plan).
- ☐ For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant _____% of unused Accrued Leave to the Plan (subject to the limitations of Article V of the Plan).

☐ 2. **Employee Designated Accrued Leave Contribution.**

Each eligible Participant shall be given the opportunity at enrollment to irrevocably elect to contribute _____% (insert fixed percentage of accrued unpaid leave to be contributed) or up to ____ % (insert maximum percentage of accrued unpaid leave to be contributed) of Accrued Leave to the Plan (subject to the limitations of Article V of the Plan). Once elected, an Employee's election shall remain in force and may not be revised or revoked.

**XV.** The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

**XVI.** The Employer understands that this Adoption Agreement is to be used with only the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust. This ICMA Retirement Corporation Governmental Money Purchase Plan and Trust is a restatement of a previous plan, which was submitted to the Internal Revenue Service for approval on April 2, 2012, and received approval on March 31, 2014.

The Plan Administrator hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 14.05 of the Plan or of the discontinuance or abandonment of the Plan. The Employer understands that an amendment(s) made pursuant to Section 14.05 of the Plan will become effective within 30 days of notice of the amendment(s) unless the Employer notifies the Plan Administrator, in writing, that it disapproves of the amendment(s). If the Employer so disapproves, the Plan Administrator will be under no obligation to act as Administrator under the Plan.

**XVII.** The Employer hereby appoints the ICMA Retirement Corporation as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN & TRUST.

The Employer hereby agrees to the provisions of the Plan and Trust.

**XVIII.** The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

**XIX.** An adopting Employer may rely on an advisory letter issued by the Internal Revenue Service as evidence that the Plan is qualified under section 401 of the Internal Revenue Code to the extent provided in applicable IRS revenue procedures and other official guidance.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this _____ day of _____, 20_____.

EMPLOYER

By: _____

Print Name: _____

Title: _____

Attest: _____

ICMA RETIREMENT CORPORATION
777 North Capitol St., NE Suite 600
Washington, DC 20002
800-326-7272

By: _____

Print Name: _____

Title: _____

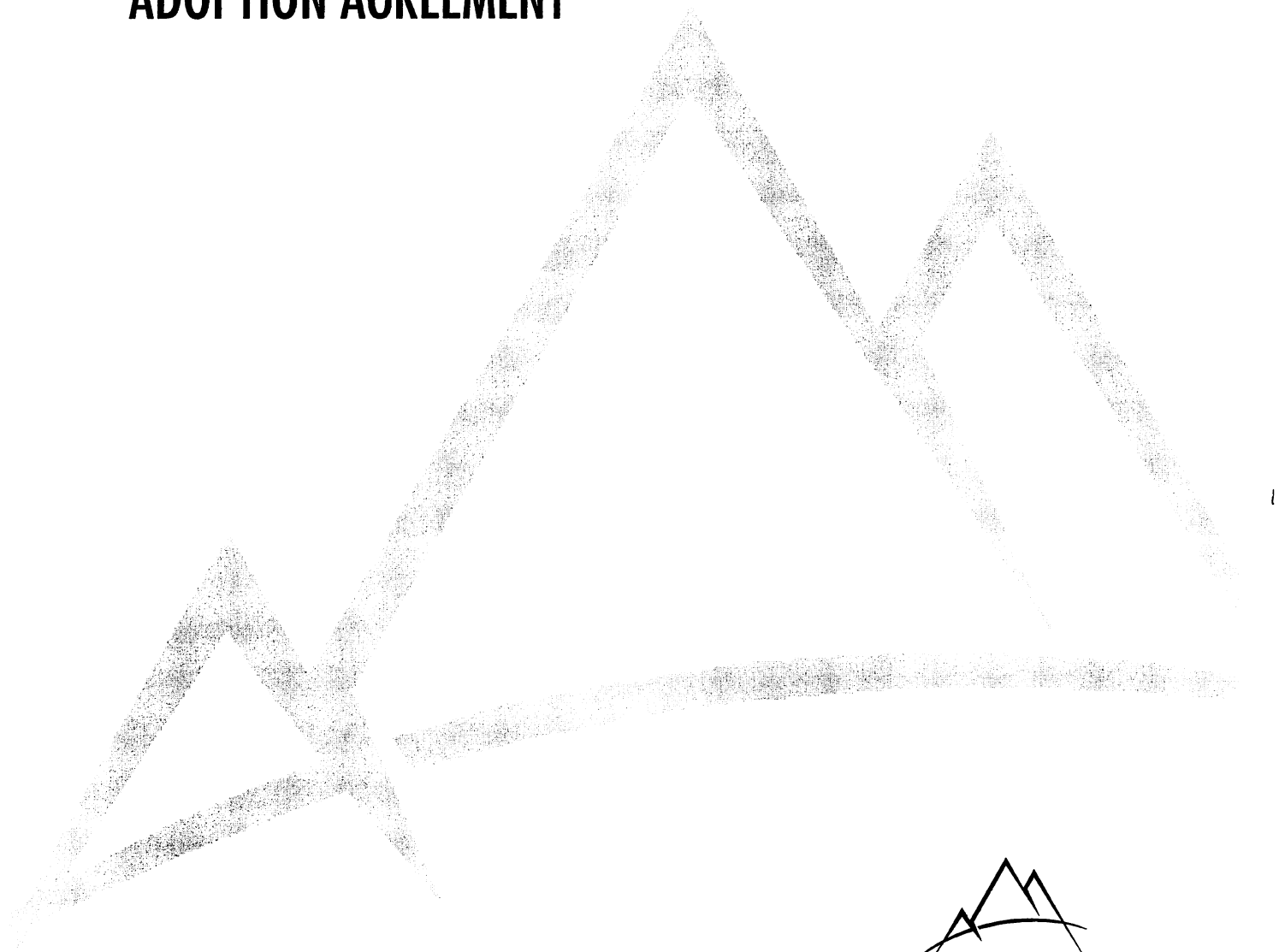
Attest: _____

ICMA RETIREMENT CORPORATION
777 NORTH CAPITOL STREET, NE | WASHINGTON, DC 20002-4240
800-669-7400
WWW.ICMARC.ORG

BRC000-214-21268-201405-W1303

ICMA RETIREMENT CORPORATION

# GOVERNMENTAL MONEY PURCHASE PLAN & TRUST ADOPTION AGREEMENT



ICMA RC

BUILDING PUBLIC SECTOR
RETIREMENT SECURITY

# ICMA RETIREMENT CORPORATION
# GOVERNMENTAL MONEY PURCHASE PLAN & TRUST
# ADOPTION AGREEMENT

Plan Number 106148 ___ ___

The Employer hereby establishes a Money Purchase Plan and Trust to be known as Creve Coeur MO 2006 Employee's Money Purchase Plan and Trust (the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust.

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

☑ Yes ☐ No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates:

Creve Coeur MO 2006 Employee's Money Purchase Plan and Trust

**I. Employer:** CITY OF CREVE COEUR

**II. Effective Dates**

☑ 1. **Effective Date of Restatement.** If this document is a restatement of an existing plan, the effective date of the Plan shall be January 1, 2007 unless an alternate effective date is hereby specified: _____

(Note: An alternate effective date can be no earlier than January 1, 2007.)

☐ 2. **Effective Date of New Plan.** If this is a new Plan, the effective date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified:

_____

3. **Special Effective Dates.** Please note here any elections in the Adoption Agreement with an effective date that is different from that noted in 1. or 2. above.

(Note provision and effective date.)

**III. Plan Year** will mean:

☑ The twelve (12) consecutive month period which coincides with the limitation year. (See Section 5.03(f) of the Plan.)

☐ The twelve (12) consecutive month period commencing on _____ and each anniversary thereof.

**IV. Normal Retirement Age shall be age** 55.0 **(not to exceed age 65).**

*Important Note to Employers*: Normal Retirement Age is significant for determining the earliest date at which the Plan may allow for in-service distributions. Normal Retirement Age also defines the latest date at which a Participant must have a fully vested right to his/her Account. There are IRS rules that limit the age that may be specified as the Plan's Normal Retirement Age. The Normal Retirement Age cannot be earlier than what is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed. An age under 55 is presumed not to satisfy this requirement, unless the Commissioner of Internal Revenue determines that the facts and circumstances show otherwise.

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good faith, reasonable determination will generally be given deference. A special rule, however, applies in the case of a plan where substantially all of the participants in the plan are qualified public safety employees within the meaning of section 72(t)(10)(B) of the Code, in which case an age of 50 or later is deemed not to be earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed.

## V. ELIGIBILITY REQUIREMENTS

1. The following group or groups of Employees are eligible to participate in the Plan:

___ All Employees
___ All Full Time Employees
___ Salaried Employees
___ Non union Employees
___ Management Employees
___ Public Safety Employees
___ General Employees
✓ Other Employees (Specify the group(s) of eligible employees below. Do not specify employees by name. Specific positions are acceptable.) All Full-Time Employees whose initial employment begins on or after the Effective Date (6-1-2006), except the City Administrator shall not be eligible to participate in the Plan.

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer. The eligibility requirements cannot be such that an Employee becomes eligible only in the Plan Year in which the Employee terminates employment. **Note:** As stated in Sections 4.07 and 4.08, the Plan may, however, provide that Final Pay Contributions or Accrued Leave Contributions are the only contributions made under the Plan.

2. The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be (write N/A if an Employee is eligible to participate upon employment) N/A.

If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is N/A (not to exceed age 21. Write N/A if no minimum age is declared.)

## VI. CONTRIBUTION PROVISIONS SEE ATTACHED REGARDING V1-3

1. **The Employer shall contribute as follows:** (Choose all that apply, but at least one of Options A or B. If Option A is not selected, Employer must pick up Participant Contributions under Option B.)

**Fixed Employer Contributions With or Without Mandatory Participant Contributions.** (If Option B is chosen, please complete section C.)

☐ A. Employer Contributions. The Employer shall contribute on behalf of each Participant _____% of Earnings or $ _____ for the Plan Year (subject to the limitations of Article V of the Plan).
Mandatory Participant Contributions
☐ are required ☐ are not required

to be eligible for this Employer Contribution.

☐ B. Mandatory Participant Contributions for Plan Participation.

Required Mandatory Contributions. A Participant is required to contribute (subject to the limitations of Article V of the Plan) the specified amounts designated in items (i) through (iii) of the Contribution Schedule below:

☐ Yes ☐ No

Employee Opt-In Mandatory Contributions. Each Employee eligible to participate in the Plan shall be given the opportunity to irrevocably elect to participate in the Mandatory Participant Contribution portion of the Plan by electing to contribute the specified amounts designated in items (i) through (iii) of the Contribution Schedule below for each Plan Year (subject to the limitations of Article V of the Plan):

☐ Yes ☐ No

Contribution Schedule.

(i) _____% of Earnings,
(ii) $ _____ , or
(iii) a whole percentage of Earnings between the range of _____ *(insert range of percentages between 1% and 20% inclusive (e.g., 3%, 6%, or 20%; 5% to 7%))*, as designated by the Employee in accordance with guidelines and procedures established by the Employer for the Plan Year as a condition of participation in the Plan. A Participant must pick a single percentage and shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

Employer "Pick up". The Employer hereby elects to "pick up" the Mandatory Participant Contributions[1] (pick up is required if Option A is not selected).

☐ Yes ☐ No ***("Yes" is the default provision under the Plan if no selection is made.)***

☐ C. Election Window (Complete if Option B is selected):
Newly eligible Employees shall be provided an election window of _____days (no more than 60 calendar days) from the date of initial eligibility during which they may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Participation in the Mandatory Participant Contribution portion of the Plan shall begin the first of the month following the end of the election window.

An Employee's election is irrevocable and shall remain in force until the Employee terminates employment or ceases to be eligible to participate in the Plan. In the event of re-employment to an eligible position, the Employee's original election will resume. In no event does the Employee have the option of receiving the pick-up contribution amount directly.

2. The Employer may also elect to contribute as follows:

☐ A. Fixed Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant ___% of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has contributed ____% of Earnings or $ _____. Under this option, there is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.

☐ B. Variable Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):

____ % of the Voluntary Participant Contributions made by the Participant for the Plan Year (not including Participant contributions exceeding ____% of Earnings or $ _____);

1 *Neither an IRS advisory letter nor a determination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are "picked up" by the Employer are not includable in the Participant's gross income for federal income tax purposes. Pick-up contributions are not mandated to receive private letter rulings; however, if an adopting employer wishes to receive a ruling on pick-up contributions they may request one in accordance with Revenue Procedure 2012-4 (or subsequent guidance).*

PLUS _____% of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Voluntary Participant Contributions exceeding in the aggregate ____% of Earnings or $ _____ ).

Employer Matching Contributions on behalf of a Participant for a Plan Year shall not exceed $ _____ or ____% of Earnings, whichever is ___ more or ___ less.

3. Each Participant may make a voluntary (unmatched), after tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan:

☐ Yes ☐ No ***("No" is the default provision under the Plan if no selection is made.)***

4. Employer contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

SEMI-MONTHLY

5. Participant contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

SEMI-MONTHLY

6. In the case of a Participant performing qualified military service (as defined in Code section 414(u)) with respect to the Employer:

A. Plan contributions will be made based on differential wage payments:

☑ Yes ☐ No ***("Yes" is the default provision under the Plan if no selection is made.)***

If yes is selected, this is effective beginning January 1, 2009 unless another later effective date is filled in here:

_____

B. Participants who die or become disabled will receive Plan contributions with respect to such service:

☐ Yes ☑ No ***("No" is the default provision under the Plan if no selection is made.)***

If yes is selected, this is effective for participants who died or became disabled while performing qualified military service on or after January 1, 2007, unless another later effective date is filled in here:

_____

## VII. EARNINGS

Earnings, as defined under Section 2.09 of the Plan, shall include:

1. Overtime

☐ Yes ☑ No

2. Bonuses

☐ Yes ☑ No

3. Other Pay (specifically describe any other types of pay to be included below)

Note, earnings do not include commissions, expense allowance, pay-in-lieu of vacation, field training pay, acting pay, comp time paid or other similar items.

## VIII. ROLLOVER PROVISIONS

1. The Employer will permit rollover contributions in accordance with Section 4.12 of the Plan:

☑ Yes ☐ No ***("Yes" is the default provision under the Plan if no selection is made.)***

2. Direct rollovers by non-spouse beneficiaries are effective for distributions after 2006 unless the Plan delayed making them available. If the Plan delayed making such rollovers available, check the box below and indicate the later effective date in the space provided.

☐ Effective Date is _____.

***(Note: Plans must offer direct rollovers by non-spouse beneficiaries no later than plan years beginning after December 31, 2009.)***

## IX. LIMITATION ON ALLOCATIONS

If the Employer maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Section 5.02 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, the provisions of Section 5.02(a) through (e) of the Plan will apply unless another method has been indicated below.

☐ Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any excess amounts, in a manner that precludes Employer discretion.)

2. The Limitation Year is the following 12 consecutive month period: Calendar year

3. Unless the Employer elects a delayed effective date below, Article 5 of the Plan will apply to limitations years beginning on or after July 1, 2007. _____

***(The effective date listed cannot be later than 90 days after the close of the first regular legislative session of the legislative body with authority to amend the plan that begins on or after July 1, 2007.)***

## X. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements and (2) the concurrence of the Plan Administrator. (For the blanks below, enter the applicable percent – from 0 to 100 (with no entry after the year in which 100% is entered), in ascending order.)

| Period of Service Completed | Percent Vested |
|---|---|
| Zero | 0 % |
| One | 0 % |
| Two | 20 % |
| Three | 40 % |
| Four | 60 % |
| Five | 80 % |
| Six | 100 % |
| Seven | 100 % |
| Eight | 100 % |
| Nine | 100 % |
| Ten | 100 % |

## XI. WITHDRAWALS AND LOANS

1. In-service distributions are permitted under the Plan after a participant attains (select one of the below options):

   ☐ Normal Retirement Age

   ☑ Age 70½ ***("70½" is the default provision under the Plan if no selection is made.)***

   ☐ Alternate age (after Normal Retirement Age): _____

   ☐ Not permitted at any age

2. A Participant shall be deemed to have a severance from employment solely for purposes of eligibility to receive distributions from the Plan during any period the individual is performing service in the uniformed services for more than 30 days.

   ☐ Yes ☑ No ***("Yes" is the default provision under the plan if no selection is made.)***

3. Tax-free distributions of up to $3,000 for the direct payment of qualifying insurance premiums for eligible retired public safety officers are available under the Plan.

   ☐ Yes ☑ No ***("No" is the default provision under the Plan if no selection is made.)***

4. In-service distributions of the Rollover Account are permitted under the Plan, as provided in Section 9.07.

   ☐ Yes ☑ No ***("No" is the default provision under the Plan if no selection is made.)***

5. Loans are permitted under the Plan, as provided in Article XIII of the Plan:

   ☐ Yes ☑ No ***("No" is the default provision under the Plan if no selection is made.)***

## XII. SPOUSAL PROTECTION

The Plan will provide the following level of spousal protection (select one):

☐ 1. Participant Directed Election. The normal form of payment of benefits under the Plan is a lump sum. The Participant can name any person(s) as the Beneficiary of the Plan, with no spousal consent required.

☑ 2. Beneficiary Spousal Consent Election (Article XII). The normal form of payment of benefits under the Plan is a lump sum. Upon death, the surviving spouse is the Beneficiary, unless he or she consents to the Participant's naming another Beneficiary. ***("Beneficiary Spousal Consent Election" is the default provision under the Plan if no selection is made.)***

☐ 3. QJSA Election (Article XVII). The normal form of payment of benefits under the Plan is a 50% qualified joint and survivor annuity with the spouse (or life annuity, if single). In the event of the Participant's death prior to commencing payments, the spouse will receive an annuity for his or her lifetime. (If C is selected, the spousal consent requirements in Article XII also will apply.)

## XIII. FINAL PAY CONTRIBUTIONS

The Plan will provide for Final Pay Contributions if either 1 or 2 below is selected.

The following group of Employees shall be eligible for Final Pay Contributions:

☐ All Eligible Employees

☐ Other: _____

**Final Pay shall be defined as (select one):**

☐ A. Accrued unpaid vacation

☐ B. Accrued unpaid sick leave

☐ C. Accrued unpaid vacation and sick leave

☐ D. Other *(insert definition of Final Pay – must be leave that Employee would have been able to use if employment had continued and must be bona fide vacation and/or sick leave)*:

_____

☐ 1. **Employer Final Pay Contribution.** The Employer shall contribute on behalf of each Participant _____ % of Final Pay to the Plan (subject to the limitations of Article V of the Plan).

☐ 2. **Employee Designated Final Pay Contribution.** Each Employee eligible to participate in the Plan shall be given the opportunity at enrollment to irrevocably elect to contribute ____ % (insert fixed percentage of final pay to be contributed) or up to _____% (insert maximum percentage of final pay to be contributed) of Final Pay to the Plan (subject to the limitations of Article V of the Plan).

Once elected, an Employee's election shall remain in force and may not be revised or revoked.

## XIV. ACCRUED LEAVE CONTRIBUTIONS

The Plan will provide for accrued unpaid leave contributions annually if either 1 or 2 is selected below.

The following group of Employees shall be eligible for Accrued Leave Contributions:

- ☐ All Eligible Employees
- ☐ Other: _____

**Accrued Leave shall be defined as (select one):**

- ☐ A. Accrued unpaid vacation
- ☐ B. Accrued unpaid sick leave
- ☐ C. Accrued unpaid vacation and sick leave
- ☐ D. Other (insert definition of accrued leave that is bona fide vacation and/or sick leave):

  _____

☐ 1. **Employer Accrued Leave Contribution.** The Employer shall contribute as follows (choose one of the following options):

- ☐ For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant the unused Accrued Leave in excess of _____ (insert number of hours/days/weeks (circle one)) to the Plan (subject to the limitations of Article V of the Plan).
- ☐ For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant _____% of unused Accrued Leave to the Plan (subject to the limitations of Article V of the Plan).

☐ 2. **Employee Designated Accrued Leave Contribution.**

Each eligible Participant shall be given the opportunity at enrollment to irrevocably elect to contribute _____% (insert fixed percentage of accrued unpaid leave to be contributed) or up to ____ % (insert maximum percentage of accrued unpaid leave to be contributed) of Accrued Leave to the Plan (subject to the limitations of Article V of the Plan). Once elected, an Employee's election shall remain in force and may not be revised or revoked.

**XV.** The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

**XVI.** The Employer understands that this Adoption Agreement is to be used with only the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust. This ICMA Retirement Corporation Governmental Money Purchase Plan and Trust is a restatement of a previous plan, which was submitted to the Internal Revenue Service for approval on April 2, 2012, and received approval on March 31, 2014.

The Plan Administrator hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 14.05 of the Plan or of the discontinuance or abandonment of the Plan. The Employer understands that an amendment(s) made pursuant to Section 14.05 of the Plan will become effective within 30 days of notice of the amendment(s) unless the Employer notifies the Plan Administrator, in writing, that it disapproves of the amendment(s). If the Employer so disapproves, the Plan Administrator will be under no obligation to act as Administrator under the Plan.

**XVII.** The Employer hereby appoints the ICMA Retirement Corporation as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN & TRUST.

The Employer hereby agrees to the provisions of the Plan and Trust.

**XVIII.** The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

**XIX.** An adopting Employer may rely on an advisory letter issued by the Internal Revenue Service as evidence that the Plan is qualified under section 401 of the Internal Revenue Code to the extent provided in applicable IRS revenue procedures and other official guidance.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this _____ day of _____, 20_____.

EMPLOYER

By: _____

Print Name: _____

Title: _____

Attest: _____

ICMA RETIREMENT CORPORATION
777 North Capitol St., NE Suite 600
Washington, DC 20002
800-326-7272

By: _____

Print Name: _____

Title: _____

Attest: _____

**UPDATED ATTACHMENT TO THE**
**CITY OF CREVE COEUR GOVERNMENT MONEY PURCHASE PLAN**
**AND TRUST ADOPTION AGREEMENT**

**PLAN 106148**
**Aug. 2013 (ORD. 5322)**

**Section VI.1. Fixed Employer Contributions With or Without Mandatory Participant Contributions.**

***A1. During the first six years of service,*** the Employer shall contribute on behalf of each Participant 8% of Earnings for the Plan Year (subject to the limitations of Article V of the Plan). ***Mandatory Participant Contributions.***

☐ are required
☒ are not required

to be eligible for this Employer Contributions.

***A2. After six years of service,*** the Employer shall contribute on behalf of each participant 8or 9% of Earnings for the Plan Year. (subject to the limitations of Article V of the Plan). ***Mandatory Participant Contributions.***

☒ are required
☐ are not required

to be eligible for total Employer Contributions of 9%, Absent such mandatory participant contributions, the Employer Contribution shall remain 8%.

***B.***

"Notwithstanding Section 4.03 of the Plan, each Employee eligible to participate in the Plan shall be given the opportunity to **irrevocably elect** to participate in the Mandatory Participant Contribution portion of the Plan by electing to contribute 0% to 2% of the Employee's Earnings to the Plan for each Plan Year (subject to the limitations of Article V of the Plan). The Employer shall "pick up" this contribution in accordance with Code section 414(h)(2). These contributions shall be accounted for in the Participant Contribution Account, and shall be nonforfeitable by the Participant at all times.

"Eligible Employees hired after November 1, 2008 shall be provided an election window of 60 days after completion of one year of service during which they may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Eligible Employees hired on or before November 1, 2008 shall be provided an election window of 60 days from November 1, 2009 during which they

may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Participation in Mandatory Participant Contribution portion of the Plan shall begin the first day of the first month after the Employee has completed six years of service.

"If the Employee does not make an election during the applicable election window, the election to participate in the Mandatory participant Contribution portion of the Plan may not be made in a later year.

"An Employee's election is irrevocable and shall remain in force until termination of employment or cessation of eligibility for participation in the Plan. In the event of re-employment to an eligible position, the Employee's original election will resume. In no event does the Employee have the option of receiving the pick-up contribution amount directly."

**Section VI.2. Each Participant may make a voluntary (unmatched), after-tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan.**

☐ **Yes** ☒ **No**

**Section VI.3. Employer contributions and Participant contributions shall be contributed to the Trust in accordance with the following payment schedule.**

Twice monthly

Eligible Participant is defined as:

☒ All Participants,

☐ Participants within __(insert number) years of Normal Retirement Age, or

BUILDING PUBLIC SECTOR
RETIREMENT SECURITY

ICMA RETIREMENT CORPORATION
777 NORTH CAPITOL STREET, NE | WASHINGTON, DC 20002-4240
800-669-7400
WWW.ICMARC.ORG

BRC000-214-21268-201405-W1303

ICMA RETIREMENT CORPORATION

# GOVERNMENTAL MONEY PURCHASE PLAN & TRUST ADOPTION AGREEMENT

ICMA RC

BUILDING PUBLIC SECTOR
RETIREMENT SECURITY

# ICMA RETIREMENT CORPORATION
# GOVERNMENTAL MONEY PURCHASE PLAN & TRUST
# ADOPTION AGREEMENT

Plan Number 108026 ___ ___

The Employer hereby establishes a Money Purchase Plan and Trust to be known as Creve Coeur City Administrator Money Purchase Plan and Trust (the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust.

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

☑ Yes ☐ No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates:

Creve Coeur City Administrator Money Purchase Plan and Trust

**I. Employer:** CITY OF CREVE COEUR

**II. Effective Dates**

☑ 1. **Effective Date of Restatement.** If this document is a restatement of an existing plan, the effective date of the Plan shall be January 1, 2007 unless an alternate effective date is hereby specified: _____

(Note: An alternate effective date can be no earlier than January 1, 2007.)

☐ 2. **Effective Date of New Plan.** If this is a new Plan, the effective date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified:

_____

3. **Special Effective Dates.** Please note here any elections in the Adoption Agreement with an effective date that is different from that noted in 1. or 2. above.

(Note provision and effective date.)

**III. Plan Year** will mean:

☐ The twelve (12) consecutive month period which coincides with the limitation year. (See Section 5.03(f) of the Plan.)

☑ The twelve (12) consecutive month period commencing on 01/01 and each anniversary thereof.

**IV. Normal Retirement Age shall be age** 55.0 **(not to exceed age 65).**

*Important Note to Employers*: Normal Retirement Age is significant for determining the earliest date at which the Plan may allow for in-service distributions. Normal Retirement Age also defines the latest date at which a Participant must have a fully vested right to his/her Account. There are IRS rules that limit the age that may be specified as the Plan's Normal Retirement Age. The Normal Retirement Age cannot be earlier than what is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed. An age under 55 is presumed not to satisfy this requirement, unless the Commissioner of Internal Revenue determines that the facts and circumstances show otherwise.

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good faith, reasonable determination will generally be given deference. A special rule, however, applies in the case of a plan where substantially all of the participants in the plan are qualified public safety employees within the meaning of section 72(t)(10)(B) of the Code, in which case an age of 50 or later is deemed not to be earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed.

## V. ELIGIBILITY REQUIREMENTS

1. The following group or groups of Employees are eligible to participate in the Plan:

___ All Employees
___ All Full Time Employees
___ Salaried Employees
___ Non union Employees
___ Management Employees
___ Public Safety Employees
___ General Employees
✓ Other Employees (Specify the group(s) of eligible employees below. Do not specify employees by name. Specific positions are acceptable.) City Administrator

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer. The eligibility requirements cannot be such that an Employee becomes eligible only in the Plan Year in which the Employee terminates employment. **Note:** As stated in Sections 4.07 and 4.08, the Plan may, however, provide that Final Pay Contributions or Accrued Leave Contributions are the only contributions made under the Plan.

2. The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be (write N/A if an Employee is eligible to participate upon employment) N/A.

If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is N/A (not to exceed age 21. Write N/A if no minimum age is declared.)

## VI. CONTRIBUTION PROVISIONS

1. **The Employer shall contribute as follows:** (Choose all that apply, but at least one of Options A or B. If Option A is not selected, Employer must pick up Participant Contributions under Option B.)

**Fixed Employer Contributions With or Without Mandatory Participant Contributions.** (If Option B is chosen, please complete section C.)

☑ A. Employer Contributions. The Employer shall contribute on behalf of each Participant 10 % of Earnings or $ 0 for the Plan Year (subject to the limitations of Article V of the Plan).
Mandatory Participant Contributions
☐ are required ☑ are not required

to be eligible for this Employer Contribution.

☐ B. Mandatory Participant Contributions for Plan Participation.

Required Mandatory Contributions. A Participant is required to contribute (subject to the limitations of Article V of the Plan) the specified amounts designated in items (i) through (iii) of the Contribution Schedule below:

☐ Yes ☐ No

Employee Opt-In Mandatory Contributions. Each Employee eligible to participate in the Plan shall be given the opportunity to irrevocably elect to participate in the Mandatory Participant Contribution portion of the Plan by electing to contribute the specified amounts designated in items (i) through (iii) of the Contribution Schedule below for each Plan Year (subject to the limitations of Article V of the Plan):

☐ Yes ☐ No

Contribution Schedule.

(i) _____% of Earnings,
(ii) $ _____ , or
(iii) a whole percentage of Earnings between the range of _____ *(insert range of percentages between 1% and 20% inclusive (e.g., 3%, 6%, or 20%; 5% to 7%))*, as designated by the Employee in accordance with guidelines and procedures established by the Employer for the Plan Year as a condition of participation in the Plan. A Participant must pick a single percentage and shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

Employer "Pick up". The Employer hereby elects to "pick up" the Mandatory Participant Contributions[1] (pick up is required if Option A is not selected).

☐ Yes ☐ No ***("Yes" is the default provision under the Plan if no selection is made.)***

☐ C. Election Window (Complete if Option B is selected):
Newly eligible Employees shall be provided an election window of _____days (no more than 60 calendar days) from the date of initial eligibility during which they may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Participation in the Mandatory Participant Contribution portion of the Plan shall begin the first of the month following the end of the election window.

An Employee's election is irrevocable and shall remain in force until the Employee terminates employment or ceases to be eligible to participate in the Plan. In the event of re-employment to an eligible position, the Employee's original election will resume. In no event does the Employee have the option of receiving the pick-up contribution amount directly.

2. The Employer may also elect to contribute as follows:

☐ A. Fixed Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant ___% of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has contributed ____% of Earnings or $ _____. Under this option, there is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.

☐ B. Variable Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):

____ % of the Voluntary Participant Contributions made by the Participant for the Plan Year (not including Participant contributions exceeding ____% of Earnings or $ _____);

1 *Neither an IRS advisory letter nor a determination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are "picked up" by the Employer are not includable in the Participant's gross income for federal income tax purposes. Pick-up contributions are not mandated to receive private letter rulings; however, if an adopting employer wishes to receive a ruling on pick-up contributions they may request one in accordance with Revenue Procedure 2012-4 (or subsequent guidance).*

PLUS _____% of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Voluntary Participant Contributions exceeding in the aggregate ____% of Earnings or $ _____ ).

Employer Matching Contributions on behalf of a Participant for a Plan Year shall not exceed $ _____ or ____% of Earnings, whichever is ___ more or ___ less.

3. Each Participant may make a voluntary (unmatched), after tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan:

☑ Yes ☐ No ***("No" is the default provision under the Plan if no selection is made.)***

4. Employer contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

SEMI-MONTHLY

5. Participant contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

_____

6. In the case of a Participant performing qualified military service (as defined in Code section 414(u)) with respect to the Employer:

A. Plan contributions will be made based on differential wage payments:

☑ Yes ☐ No (***"Yes" is the default provision under the Plan if no selection is made.)***

If yes is selected, this is effective beginning January 1, 2009 unless another later effective date is filled in here:

_____

B. Participants who die or become disabled will receive Plan contributions with respect to such service:

☐ Yes ☑ No ***("No" is the default provision under the Plan if no selection is made.)***

If yes is selected, this is effective for participants who died or became disabled while performing qualified military service on or after January 1, 2007, unless another later effective date is filled in here:

_____

## VII. EARNINGS

Earnings, as defined under Section 2.09 of the Plan, shall include:

1. Overtime

   ☐ Yes ☑ No

2. Bonuses

   ☐ Yes ☑ No

3. Other Pay (specifically describe any other types of pay to be included below)

## VIII. ROLLOVER PROVISIONS

1. The Employer will permit rollover contributions in accordance with Section 4.12 of the Plan:

   ☑ Yes ☐ No ***("Yes" is the default provision under the Plan if no selection is made.)***

2. Direct rollovers by non-spouse beneficiaries are effective for distributions after 2006 unless the Plan delayed making them available. If the Plan delayed making such rollovers available, check the box below and indicate the later effective date in the space provided.

   ☐ Effective Date is _____.

   ***(Note: Plans must offer direct rollovers by non-spouse beneficiaries no later than plan years beginning after December 31, 2009.)***

## IX. LIMITATION ON ALLOCATIONS

If the Employer maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Section 5.02 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, the provisions of Section 5.02(a) through (e) of the Plan will apply unless another method has been indicated below.

☐ Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any excess amounts, in a manner that precludes Employer discretion.)

2. The Limitation Year is the following 12 consecutive month period: Calendar Year

3. Unless the Employer elects a delayed effective date below, Article 5 of the Plan will apply to limitations years beginning on or after July 1, 2007. _____

   ***(The effective date listed cannot be later than 90 days after the close of the first regular legislative session of the legislative body with authority to amend the plan that begins on or after July 1, 2007.)***

## X. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements and (2) the concurrence of the Plan Administrator. (For the blanks below, enter the applicable percent – from 0 to 100 (with no entry after the year in which 100% is entered), in ascending order.)

| Period of Service Completed | Percent Vested |
|---|---|
| Zero | 100 % |
| One | 100 % |
| Two | 100 % |
| Three | 100 % |
| Four | 100 % |
| Five | 100 % |
| Six | 100 % |
| Seven | 100 % |
| Eight | 100 % |
| Nine | 100 % |
| Ten | 100 % |

## XI. WITHDRAWALS AND LOANS

1. In-service distributions are permitted under the Plan after a participant attains (select one of the below options):

   ☐ Normal Retirement Age

   ☑ Age 70½ ***("70½" is the default provision under the Plan if no selection is made.)***

   ☐ Alternate age (after Normal Retirement Age): _____

   ☐ Not permitted at any age

2. A Participant shall be deemed to have a severance from employment solely for purposes of eligibility to receive distributions from the Plan during any period the individual is performing service in the uniformed services for more than 30 days.

   ☐ Yes ☑ No ***("Yes" is the default provision under the plan if no selection is made.)***

3. Tax-free distributions of up to $3,000 for the direct payment of qualifying insurance premiums for eligible retired public safety officers are available under the Plan.

   ☑ Yes ☐ No ***("No" is the default provision under the Plan if no selection is made.)***

4. In-service distributions of the Rollover Account are permitted under the Plan, as provided in Section 9.07.

   ☐ Yes ☑ No ***("No" is the default provision under the Plan if no selection is made.)***

5. Loans are permitted under the Plan, as provided in Article XIII of the Plan:

   ☑ Yes ☐ No ***("No" is the default provision under the Plan if no selection is made.)***

## XII. SPOUSAL PROTECTION

The Plan will provide the following level of spousal protection (select one):

☐ 1. Participant Directed Election. The normal form of payment of benefits under the Plan is a lump sum. The Participant can name any person(s) as the Beneficiary of the Plan, with no spousal consent required.

☑ 2. Beneficiary Spousal Consent Election (Article XII). The normal form of payment of benefits under the Plan is a lump sum. Upon death, the surviving spouse is the Beneficiary, unless he or she consents to the Participant's naming another Beneficiary. ***("Beneficiary Spousal Consent Election" is the default provision under the Plan if no selection is made.)***

☐ 3. QJSA Election (Article XVII). The normal form of payment of benefits under the Plan is a 50% qualified joint and survivor annuity with the spouse (or life annuity, if single). In the event of the Participant's death prior to commencing payments, the spouse will receive an annuity for his or her lifetime. (If C is selected, the spousal consent requirements in Article XII also will apply.)

## XIII. FINAL PAY CONTRIBUTIONS

The Plan will provide for Final Pay Contributions if either 1 or 2 below is selected.

The following group of Employees shall be eligible for Final Pay Contributions:

☐ All Eligible Employees

☐ Other: _____

**Final Pay shall be defined as (select one):**

☐ A. Accrued unpaid vacation

☐ B. Accrued unpaid sick leave

☐ C. Accrued unpaid vacation and sick leave

☐ D. Other *(insert definition of Final Pay – must be leave that Employee would have been able to use if employment had continued and must be bona fide vacation and/or sick leave)*:

_____

☐ 1. **Employer Final Pay Contribution.** The Employer shall contribute on behalf of each Participant _____ % of Final Pay to the Plan (subject to the limitations of Article V of the Plan).

☐ 2. **Employee Designated Final Pay Contribution.** Each Employee eligible to participate in the Plan shall be given the opportunity at enrollment to irrevocably elect to contribute ____ % (insert fixed percentage of final pay to be contributed) or up to _____% (insert maximum percentage of final pay to be contributed) of Final Pay to the Plan (subject to the limitations of Article V of the Plan).

Once elected, an Employee's election shall remain in force and may not be revised or revoked.

## XIV. ACCRUED LEAVE CONTRIBUTIONS

The Plan will provide for accrued unpaid leave contributions annually if either 1 or 2 is selected below.

The following group of Employees shall be eligible for Accrued Leave Contributions:

- ☐ All Eligible Employees
- ☐ Other: _____

**Accrued Leave shall be defined as (select one):**

- ☐ A. Accrued unpaid vacation
- ☐ B. Accrued unpaid sick leave
- ☐ C. Accrued unpaid vacation and sick leave
- ☐ D. Other (insert definition of accrued leave that is bona fide vacation and/or sick leave):

  _____

☐ 1. **Employer Accrued Leave Contribution.** The Employer shall contribute as follows (choose one of the following options):

- ☐ For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant the unused Accrued Leave in excess of _____ (insert number of hours/days/weeks (circle one)) to the Plan (subject to the limitations of Article V of the Plan).
- ☐ For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant _____% of unused Accrued Leave to the Plan (subject to the limitations of Article V of the Plan).

☐ 2. **Employee Designated Accrued Leave Contribution.**

Each eligible Participant shall be given the opportunity at enrollment to irrevocably elect to contribute _____% (insert fixed percentage of accrued unpaid leave to be contributed) or up to ____ % (insert maximum percentage of accrued unpaid leave to be contributed) of Accrued Leave to the Plan (subject to the limitations of Article V of the Plan). Once elected, an Employee's election shall remain in force and may not be revised or revoked.

**XV.** The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

**XVI.** The Employer understands that this Adoption Agreement is to be used with only the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust. This ICMA Retirement Corporation Governmental Money Purchase Plan and Trust is a restatement of a previous plan, which was submitted to the Internal Revenue Service for approval on April 2, 2012, and received approval on March 31, 2014.

The Plan Administrator hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 14.05 of the Plan or of the discontinuance or abandonment of the Plan. The Employer understands that an amendment(s) made pursuant to Section 14.05 of the Plan will become effective within 30 days of notice of the amendment(s) unless the Employer notifies the Plan Administrator, in writing, that it disapproves of the amendment(s). If the Employer so disapproves, the Plan Administrator will be under no obligation to act as Administrator under the Plan.

**XVII.** The Employer hereby appoints the ICMA Retirement Corporation as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN & TRUST.

The Employer hereby agrees to the provisions of the Plan and Trust.

**XVIII.** The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

**XIX.** An adopting Employer may rely on an advisory letter issued by the Internal Revenue Service as evidence that the Plan is qualified under section 401 of the Internal Revenue Code to the extent provided in applicable IRS revenue procedures and other official guidance.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this _____ day of _____, 20_____.

EMPLOYER

By: _____

Print Name: _____

Title: _____

Attest: _____

ICMA RETIREMENT CORPORATION
777 North Capitol St., NE Suite 600
Washington, DC 20002
800-326-7272

By: _____

Print Name: _____

Title: _____

Attest: _____

BUILDING PUBLIC SECTOR
RETIREMENT SECURITY

ICMA RETIREMENT CORPORATION
777 NORTH CAPITOL STREET, NE | WASHINGTON, DC 20002-4240
800-669-7400
WWW.ICMARC.ORG

BRC000-214-21268-201405-W1303

**City Council**
300 North New Ballas Rd
Creve-Coeur, MO 63141

**SCHEDULED**

**ORDINANCE**

Meeting: 04/25/16 07:00 PM
Department: Planning Division
Category: New Business
Prepared By: Whitney Kelly
Department Head: Jason Jaggi

# Bill No. 5592 - an Ordinance Amending Provisions in Section 405.470 Conditional Uses, of Article VI Standards for Permitted, Accessory and Conditional Uses of the Zoning Ordinance of the Code of Ordinances of the City of Creve Coeur, Missouri, Regarding Multi-Family Uses in the "CB" Core Business District, to Decrease the Minimum Dwelling Unit Size from Seven Hundred Fifty (750) Square Feet to Six Hundred Fifty (650) Square Feet; to Decrease the Average Dwelling Unit Size from Nine Hundred (900) Square Feet to Eight Hundred Sixty (860) Square Feet; and to Replace the Requirement that Vehicular Parking be Underground or in a Basement Garage with Alternative Design Requirements. First Reading

George Stock of Stock & Associates on behalf of Michael Towerman of TriStar Property Acquisitions LLC has submitted a text amendment application to reduce the minimum dwelling unit size, reduce the average dwelling unit size, and eliminate the requirements for underground parking for multi-family developments within the CB Core Business District.

**BILL NO. _5592____** **ORDINANCE NO. _____**

**AN ORDINANCE AMENDING PROVISIONS IN SECTION 405.470 CONDITIONAL USES, OF ARTICLE VI STANDARDS FOR PERMITTED, ACCESSORY AND CONDITIONAL USES OF THE ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI, REGARDING MULTI-FAMILY USES IN THE "CB" CORE BUSINESS DISTRICT, TO DECREASE THE MINIMUM DWELLING UNIT SIZE FROM SEVEN HUNDRED FIFTY (750) SQUARE FEET TO SIX HUNDRED FIFTY (650) SQUARE FEET; TO DECREASE THE AVERAGE DWELLING UNIT SIZE FROM NINE HUNDRED (900) SQUARE FEET TO EIGHT HUNDRED SIXTY (860) SQUARE FEET; AND TO REPLACE THE REQUIREMENT THAT VEHICULAR PARKING BE UNDERGROUND OR IN A BASEMENT GARAGE WITH ALTERNATIVE DESIGN REQUIREMENTS.**

**WHEREAS,** an application by George Stock of Stock & Associates on behalf of Michael Towerman of TriStar Property Acquisitions, LLC, was submitted for a text amendment affecting the conditional use standards for multi-family uses within the CB Core Business District; and,

**WHEREAS,** Section 405.470(A)(31) requires dwelling units within the CB Core Business District to maintain a minimum dwelling unit size of seven hundred and fifty (750) feet and an average dwelling unit size of nine hundred (900) square feet and requires that a minimum of fifty percent (50%) of the required vehicular parking be located underground or beneath the building; and,

**WHEREAS,** the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to such restrictions of the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; 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 March 21, 2016 and April 18, 2016 beginning at 6:30 p.m., or immediately following the close of the previous public hearing; and,

**WHEREAS,** the Planning and Zoning Commission reviewed and, by a vote of 7-0 recommended approval of the subject amendments at its meeting on Monday, April 18, 2016; 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 otherwise posted and published in accordance with the Zoning Ordinance; and,

**WHEREAS,** all persons who presented themselves at said meeting and desiring to be heard 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 City Council; and the Bill was 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 amending the City Code of Ordinances 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:

**BILL NO. _5592____** **ORDINANCE NO. _____**

**SECTION 1**: Section 405.470 Conditional Uses of the Zoning Ordinance, of the City of Creve Coeur's Code of Ordinances shall be amended as follows:

SECTION 405.470(A): CONDITIONAL USES

31. Multi-family dwellings (conditional use in the "CB" district).
    a. Shall be located on sites of at least three (3) acres.
    b. The average dwelling unit size shall not be less than eight hundred sixty (860) square feet per unit and no unit shall be less than six hundred fifty (650) square feet.
    c. At a minimum, fifty percent (50%) of the required vehicular parking shall be provided within a parking garage or structure that is aesthetically integrated into and incorporates architectural features of the principal structure.

**SECTION 2:** This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2016.

_____

PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2016.

_____

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

**MEMO TO THE PLANNING & ZONING COMMISSION**

**Meeting Date:** April 18, 2016 (continued from March 21, 2016 meeting)

**Subject:** Application # 16-005: Text Amendment to Zoning Ordinance Regarding the Standards for a Conditional Use for Multi-Family Housing—Minimum and Average Unit Size and Underground/Basement Parking

**Applicant:** George Stock, PE, Stock & Associates Consulting on behalf of Michael Towerman, TriStar Properties Acquisitions, LLC.

**Memo Prepared by:** Jason W. Jaggi, AICP, Director of Community Development

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On March 21, 2016, the Planning and Zoning Commission voted to continue the discussion and public hearing on the application for a Zoning Ordinance text amendment that would amend the conditional use standards for multi-family housing in the CB-Core Business District as found in Section 405.470(A)(31). The application filed seeks to reduce the minimum unit size from 750 square feet to 650 square feet and the average unit size within the development from 900 square feet to 825 square feet and to eliminate the requirement that 50 percent of the required parking be located underground or in a basement garage.

The Commission continued this item and requested additional information regarding the overall impacts of allowing smaller unit sizes without lowering the quality of the project and the assurance of garages that receive the appropriate design treatments and placement on the site that would not detract from the overall quality of a project. In addition, the Commission requested staff to examine other municipalities' regulations to see if they restrict unit sizes.

The applicant has prepared a response letter that is attached for review which addresses the market aspects of such projects. In addition, the applicant has prepared a comparison table to show the unit sizes for recent "in-fill" multi-family projects in the metropolitan area and is proposing to increase the average unit size from 825 square feet as previously proposed to 860 square feet. The change results in a reduction of 40 square feet from current code requirement of 900 square feet for average unit size.

Staff has prepared the following additional information for the Commission's consideration:

**Minimum Unit Sizes**

Comparison with Other St. Louis County Municipalities

Staff researched the zoning ordinances of Clayton, Chesterfield, Brentwood, Des Peres, and University City and found that none of these cities require a minimum dwelling unit size for multi-family housing, although they do regulate density by limiting the number of units per acre or the minimum lot area for each unit. Richmond Heights has a minimum unit size of 750 square feet and average dwelling unit

size of 900 square feet as part of their Mixed Use Overlay Zoning District which only applies to a specific area of the City referred to as the Dale Avenue Mixed Use Overlay District which was developed as part of a redevelopment strategy. Other projects referenced by the applicant that are located in Richmond Heights (EVO and Allegro at the Boulevard) appear to have been approved through a planned development procedure where no such restrictions apply or were modified.

City of Creve Coeur Zoning Regulations Overview

The proposed text amendment only applies to multi-family developments within the CB-Core Business District and is not transferrable to other zoning districts. The CB District represents the City's mixed use commercial district which is intended to foster and promote a mixed-use environment of retail, service, office and residential uses. In regard to density, the City's zoning regulations do not place a cap on the maximum density of dwelling units within the CB District, except to require approval of a conditional use permit if the project contains dwelling units over 20 per acre. There are other development standards that apply to the CB District. They include a maximum floor area ratio of 1.0 (one square foot of floor area per square foot of site).

It is important to note that multi-family residential is part of the purpose of the CB District and any proposal for such a development must receive approval of a site development plan and must comply with minimum lot size, setbacks, and conform to the City's design guidelines and other controls. In addition, multi-family developments must provide 20 percent private open space per Section 405.710 of the Zoning Ordinance. All developments that proposed must first be reviewed and approved by the Planning and Zoning Commission and/or City Council, as applicable.

**Locational Requirements for Parking Garages**

The Commission was generally supportive of the proposed change but expressed concerns with the proposed modification to the code in regard to the removal of the requirement that underground or garage parking be provided for 50 percent of the required parking. To address this concern, the attached draft ordinance has been revised as follows:

405.470(A)(31) Conditional Uses:

*Existing Code:*

c. At a minimum, fifty percent (50%) of the required vehicular parking shall be provided underground or within a basement garage.

*Previously Proposed Revision (2-11-16):*

c. At a minimum, fifty percent (50%) of the required vehicular parking shall be provided within a parking garage or structure that is architecturally integrated into the residential building(s).

*Current Proposal:*

c. At a minimum, fifty percent (50%) of the required vehicular parking shall be provided within a parking garage or structure **that is aesthetically integrated into and incorporates architectural features of the principal structure.**

The proposed language emphasizes the need to design the garage to be compatible with the primary residential structure and to incorporate consistent architectural features into the design. Staff believes the new language addresses the prior concerns without requiring too much specificity into the design of individual projects.

**Summary**

The attached draft ordinance has been revised to decrease the average unit size from 900 square feet (existing code) to 860 square feet rather than 825 as originally proposed. The new minimum unit size remains unchanged at 650 square feet as proposed. The parking garage text has been revised to incorporate the general concept of having the garage be aesthetically designed and compatible with the residential building.

TRISTAR PROPERTIES

April 11, 2016

Mr. Jason Jaggi, AICP
Ms. Whitney Kelly, AICP
City of Creve Coeur
300 N. New Ballas Rd.
Creve Coeur, MO 63141

Re: West Park Apartments (proposed)

Dear Jason and Whitney:

As a follow-up to our meeting last week, and in anticipation of the next meeting of the Planning and Zoning Commission scheduled for April 18, I offer the following for consideration by staff and the Commission:

- The *expressly stated intent* of the Core Business Zone is to "relate the development of retail, office and multi-family residential uses". By definition, therefore, the multi-family projects within the Core Business Zone will be small sites that require vertical, and therefore more expensive forms of construction and associated high cost parking garages.

- High construction and land cost means that to deliver units at a rent that non-executive employees can afford, living units must be smaller than in sprawling areas. Yet, as described below, this is what the consumer prefers.

- Consumers that choose to locate in a Core Business Zone, as opposed to vast suburban sites with large amounts of green space incorporated into the project, have vastly different preferences:

    - The prefer relatively small living space and walking access to a wide variety of services such as cafes, restaurants, shopping and employment within a short walking distance of home.

    - Here, residents may walk to Dierbergs, Pastries of Denmark, AMC Theaters, have coffee and read the paper at Starbucks instead of at their kitchen table, debate politics at Breadco rather than in the

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lobby, workout at Club Fitness rather than in their living room, and walk to work at Mercy's medical facility at Olive and Mason as well as BJC West, associated medical buildings and companies located in the West Park office buildings.

- As evidenced by the attached matrix of other projects built recently in other business districts in the St. Louis Metropolitan area, their rapid lease-up rates and continued high occupancy levels, the consumer has demonstrated that the consumer desires smaller urban units in this type of environment. And, Applicant is asking for the same that Covington Realty Partners was granted at Vanguard Heights as shown on the attached matrix.

- Smaller units have become much more efficient with open floor plans, elimination of unnecessary space, smaller appliance requirements (flat screen TVs rather than consoles, etc.).

- Though one of the goals of urbanism is to encourage residents to leave the building, assemble in public places and patronize nearby retailers, urban projects are amenity rich (see attached photos], as will applicants project at West Park.

- The *expressed intent* of the Core Business District is, "to induce and ensure high quality future development through the use of site development plan approval procedures which provide for the specific consideration of access, parking, drainage, landscaping and design factors."

- Apartment owners are competing for tenants. It will be very difficult to attract and retain tenants if quality is absent.

- Bigger doesn't mean better in apartments, any more than it does in automobiles.

I hope the foregoing addresses points that you deem important and am available to provide any further information you may need.

Thank you for your consideration.

TriStar Property Acquisitions, LLC

Michael Towerman
Manager

3.5.d

Jason Jaggi <jjaggi@crevecoeurmo.gov>

# FW: concerns

3 messages

**Nancy Litzinger** <nancywl@sbcglobal.net> Sun, Apr 10, 2016 at 9:16 PM
To: "Jaggi, Jason" <jjaggi@ci.creve-coeur.mo.us>

Jason, sorry about my typo in the original email addresses –ended up going to a friend who works for BJC who just happened to be an alderman for his hometown in IL at one point!

---

**From:** Nancy Litzinger [mailto:nancywl@sbcglobal.net]
**Sent:** Sunday, April 10, 2016 2:04 PM
**To:** 'scott.saunders4@yahoo.com'; 'jjt1320@bjc.org'; 'wkelly@ci.creve-coeur.mo.us'; 'jheines@ci.creve-coeur.mo.us'
**Subject:** concerns

Lady & gentlemen: I'm writing in response to information in Ward IV Alderman Scott Saunders' most recent newsletter, which I welcome as good communication with constituents.

STREETS

My first concern relates to proposed resurfacing projects throughout the city based on a recent evaluation by a consulting firm. I'm disappointed that the corner of Cannes at Gascogne (in Bellerive Estates) isn't included in the recommended list of repairs over the next several years. There's a large area of damaged pavement at that junction; it's been that way for some time. At one point, it was patched but is in desperate need of complete resurfacing. I urge city staff to conduct a review so this SMALL project can receive appropriate attention during the massive, multi-year plan to improve Creve Coeur roadways.

MULTI FAMILY DEVELOPMENT

I'm also disturbed by the proliferation of high density apartments --those with approved decreased living space requirements. My previous questions about this enabled me to examine Kings Landing and the two developments under construction: The Vue and The Vanguard. While all three of these developments feel appropriate for the areas where they're located, I worry that increasing the number of such neighborhoods isn't beneficial for Creve Coeur in the long term. The West Park proposal puts lots of people and vehicles in an area that already has heavy traffic. And more cars on parking lots –even though these would not be directly on Olive – seems contrary to the vision for our city presented during the comprehensive plan meetings. Further, won't higher occupancy result in greater wear and tear on currently stressed public roads and facilities? I hope the leaders of Creve Coeur, both elected and staff, aren't letting a desire for additional taxable entities cloud their strategies for maintaining a community where quality residential life is a priority.

Thank you for considering my concerns.

3.5.d

Nancy Litzinger

764 Aramis Dr, Bellerive Estates, Ward IV

314-434-4162

---

**Jason Jaggi** <jjaggi@crevecoeurmo.gov> Mon, Apr 11, 2016 at 10:30 AM
To: Nancy Litzinger <nancywl@sbcglobal.net>, scott.saunders4@yahoo.com, Whitney Kelly <wkelly@crevecoeurmo.gov>, Jim Heines <jheines@crevecoeurmo.gov>

Ms. Litzinger,
Thank you for your e-mail. In response to your comments about the multi-family text amendment, the Planning and Zoning Commission continued this item to the April 18th meeting for more discussion. As you are aware, the text amendment was submitted to allow smaller units in the CB-Core Business District from 750 square feet to 650 square feet and lower the average unit size from 900 to 825 square feet. The text amendment would also still require structured parking for at least 50% of the required parking; however, they would not have to place it underground or beneath the building as currently required. These standards only apply in the CB district and the changes proposed are only for properties that are zoned CB-Core Business.

A few things to mention in response to your questions. The zoning code does not currently limit the density of multi-family developments within the CB District. For multi-family developments over 20 units an acre, a conditional use permit is required for approval by P&Z and City Council. For developments with 20 units an acre or less, they are permitted "by-right" with site development plan approval by the Planning and Commission. In terms of traffic impact, each multi-family development proposal will be required to submit a traffic impact study to determine the number of trips that will be generated by the residential development and its impact on the transportation system. As part of these studies, recommendations are provided to mitigate any traffic impacts to the current transportation system. The comprehensive plan process is indicating that large surface lots are generally not preferred and this text amendment would still require parking to be structured for at least half of the spaces which I believe is consistent with the discussions that have been occurring as part comprehensive plan update. For the Westpark development, this area of the site originally was contemplated as a multi-story office building with structured parking behind it. The surface parking lot that you see today in this area was not envisioned to be permanent.

I hope this e-mail provides you with additional information. As I mentioned earlier, the Commission continued the text amendment public hearing until the April 18th meeting. As such, you are more than welcome to attend this meeting and listen to the discussion and provide comments.

Thank you,
Jason
[Quoted text hidden]
--
Jason W. Jaggi, AICP
Director of Community Development
City of Creve Coeur, Missouri
300 North New Ballas Rd
Creve Coeur, MO 63141
314-872-2504

PLEASE NOTE MY NEW EMAIL ADDRESS:
jjaggi@crevecoeurmo.gov

www.creve-coeur.org

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**Nancy Litzinger** <nancywl@sbcglobal.net> Mon, Apr 11, 2016 at 1:20 PM
To: Jason Jaggi <jjaggi@crevecoeurmo.gov>, scott.saunders4@yahoo.com, Whitney Kelly

3.5.d

<wkelly@crevecoeurmo.gov>, Jim Heines <jheines@crevecoeurmo.gov>

Wish I could attend the 4/18 meeting; we will be out of town. Appreciate your thorough explanation. Guess I'll have to hope that P & Z and City Council will give very thoughtful consideration to development proposals that have such long-term impact and consequences for Creve Coeur residents as well as city services and thoroughfares. Thank you, Jason.

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**From:** Jason Jaggi [mailto:jjaggi@crevecoeurmo.gov]
**Sent:** Monday, April 11, 2016 10:31 AM
**To:** Nancy Litzinger; scott.saunders4@yahoo.com; Whitney Kelly; Jim Heines
**Subject:** Re: FW: concerns

[Quoted text hidden]

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| Project: | Minimum Unit Size | | Average Unit Size |
|---|---|---|---|
| Vanguard Heights - Creve Coeur | **651** | | 861 |
| 25 North Central - Clayton | **511** | | 838 |
| Ox Blue - Central West End | **540** | | 905 |
| EVO - Richmond Heights | **572** | | **842** |
| The Orion - Central West End | **634** | | 998 |
| Vanguard Crossing - U City | **625** | | 955 |
| Cortona at Forest Park - STL City | **575** | | **824** |
| Allegro - Richmond Heights | **525** | | 932 |
| Streets of St. Charles - St. Charles City | **537** | | **813** |
| Alinea - St. Louis County (270/Manch) | **590** | | 905 |
| | **576** | **<=average=>** | 887 |
| | **750** | **<=current ordinance=>** | 950 |
| West Park | **651** | **<=requested=>** | 861 |

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
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# APPLICATION TO PLANNING AND ZONING COMMISSION #16-005 FOR A TEXT AMENDMENT TO THE ZONING ORDINANCE SECTION 405.470(A)(31) REGARDING THE STANDARDS FOR A CONDITIONAL USE FOR MULTI-FAMILY HOUSING

**FOR THE PLANNING AND ZONING COMMISSION MEETING OF: Tuesday, February 16, 2016 at 6:30 P.M. (continued to March 21)**

**LOCATION:** "CB" Core Business District

**REQUEST:** George Stock, P.E. of Stock and Associates, on behalf of TriStar Property Acquisitions, LLC, has submitted an application for text amendments to Section 405.470(A)(31) Multi-Family Dwellings (conditional uses in the CB District) to decrease the minimum dwelling unit size from 750 square feet to 650 square feet; to reduce the average dwelling unit size from 900 square feet to 825 square feet; and, to eliminate the requirement that 50% of the required vehicular parking be underground or in a basement garage to allow appropriately designed and screened above-grade parking structures. These text amendments are in support of a possible new multi-family residential project at 12647 Olive Boulevard within the West Park Office development (see attached map).

**ADDITIONAL INFORMATION:** The proposed changes would allow the applicant to pursue approval of a conditional use permit for a multi-family residential development at 12647 Olive Boulevard within the West Park Office development.

Key Issues:
- Are the changes consistent with the purposes of the Zoning Code?
- Are the changes consistent with the purposes of the Comprehensive Plan?

Comp. Plan References
- NA

Zoning Code References
- Section 405.470 Conditional Uses

**APPLICANT:** Michael Towerman
TRiSTAR Property Acquisitions, LLC
13397 Lakefront Drive
Earth City, MO 63045

**APPLICANT'S REPRESENTATIVE:** George Stock
Stock & Associates Consulting Engineers, Inc.
257 Chesterfield Business Pkwy
Chesterfield, MO 63005

**REPORT PREPARED BY:**

February 11, 2016
Jason W. Jaggi, AICP — Date
Director of Community Development

**ATTACHMENTS:** Draft Ordinance
Public Comments

**BACKGROUND AND ZONING HISTORY**

George Stock of Stock & Associates on behalf of Michael Towerman of TriStar Property Acquisitions, has filed a text amendment to reduce the unit sizes for multi-family developments in the CB Core Business District and to eliminate the requirement that at least 50 percent of the required parking be provided below grade. The text amendment is being sought in advance of a potential multi-family development within the West Park Office development. According to the application filed, the following specific text amendment language is proposed:

> Section 405.470(A)(31)
> b. The average dwelling unit size shall not be less than eight hundred twenty five (825) square feet per unit and no unit shall be less than six hundred fifty (650) square feet.
> c. At a minimum, fifty percent (50%) of the required vehicular parking shall be provided within a parking garage or structure.

As multi-family developments in the CB District are conditional uses, the current applicable regulations as found in Section 405.470(A)(31) are as follows:

> Multi-family dwellings (conditional use in the "CB" district).
> a. Shall be located on sites of at least three (3) acres.
> b. The average dwelling unit size shall not be less than nine hundred (900) square feet per unit and no unit shall be less than seven hundred fifty (750) square feet.
> c. At a minimum, fifty percent (50%) of the required vehicular parking shall be provided underground or within a basement garage

A review of the City's prior zoning codes reveals that multi-family residential uses were allowable in the CB Core Business District since at least the 1983 Zoning Code when the CB Core Business District was created at which point they were listed as permitted uses on sites of at least one acre in size. The required off-street parking was 2 spaces per unit.

The next revision of the Zoning Code took place in 1994 which allowed multi-family residential as permitted uses in the CB District on sites of at least one acre but introduced a maximum density of 20 units per acre. The required off-street parking remained at 2 spaces per unit for all dwelling units.

The unit size and parking locational requirements in the CB Core Business District found in today's Zoning Code date back to 1997 when the Zoning Code was subject to a substantial revision. The 1997 Zoning Code also re-classified multi-family residential with a density of above 20 units per acre as a conditional use and introduced a scaled parking requirement which provided for a reduction in required off-street parking for multi-family uses with more than 50 units.

There have been many discrete amendments to the Zoning Code since 1997, but no complete re-writes of the code affecting the minimum unit size and parking locational requirements in the CB District have been made. In essence, these requirements have been in the code as written for nearly 20 years.

**COMPREHENSIVE PLAN ANALYSIS**

The 2002 Comprehensive Plan does not directly address the specific issues involved with this text amendment in regard to unit sizes and placement of parking for multi-family developments. However, the "Major Trends and Patterns Facing Creve Coeur" section acknowledges the presence of multi-family developments, which at the time, represented 40 percent of all housing

units. The Plan specifically references the notion that some may view this percentage as a negative, but that ultimately it should be viewed as a positive by providing the City with a diversity in housing stock. (p.12).

The Comprehensive Plan supports the mix of uses along most of the Olive Boulevard corridor. As an example, the West Olive Corridor section of the plan recognizes the diversity of uses within this area, including multi-family housing, which extends along Olive Boulevard west of I-270 to the western city limits. (p.61). In addition, the Central Business District section of the plan supports the vision of a mix of uses within this area, including residential. (p. 81).

The importance of quality design in association with commercial-type developments is a recurring theme throughout the Comprehensive Plan. The Plan encourages careful review of developments for compliance with the Design Guidelines, within the commercial corridors. (p.23). In regard to parking placement for multi-family developments, the Design Guidelines reference the Zoning Code requirements for underground or basement parking for at least 50 percent of the required parking. (p. 13, Section D.3.).

Overall, the Comprehensive Plan supports the diversity of housing within the City with special attention given to the quality of development. When viewed under this lens, the proposed changes would not violate the Comprehensive Plan goals. The lowering of the minimum unit sizes and removal of the requirement for underground parking for multi-family developments would allow for greater diversity of housing stock.

In the context of a Comprehensive Plan discussion, it should also be mentioned that the City is currently in the process of updating the existing Comprehensive Plan. Although not complete, it should be noted that the City's planning consultant has identified "Housing and Community Diversity" as one of nine community issues that have emerged from the process to date. The housing diversity issue involves supporting the development of varying housing types and community amenities that matches projected population growth and changes. In addition, one of the preliminary goals of the planning process to date describes the need to increase diversity of housing and providing residential opportunities to attract changing market demographics including senior citizens, young professionals, and young families. It should be emphasized that the Comprehensive Plan Update is not complete and is subject to much further review within the process; however, it is useful to recognize the preliminary issues and needs that are emerging from this process to date.

**ZONING ANALYSIS**

The purpose and intent of the CB Core Business District is to provide for a range of uses including retail, office, and multi-family uses servicing city-wide and sub-regional market areas through a coordinated development plan. Outside of the planned districts, the CB District is the only commercial zoning district that allows multi-family development. As previously mentioned, the Zoning Code, requires approval of a conditional use permit for multi-family residential development within the CB District subject to a minimum site size of 3 acres, minimum unit size of 750 square feet, average unit size of 900 square feet, and with at least 50 percent of the required parking to be provided underground or within basement parking below the building.

Minimum Unit Size

In addition to the CB District, the City's Zoning Code establishes minimum dwelling unit sizes for all residential uses within residential zoning districts. These include the single family residential districts (A, B, C, & D) as well as the AR Attached Residential District. The MX

Mixed Use District and the Planned Development Districts (PC Planned Community, PRD Planned Residential District) do not have a specific minimum dwelling unit size.

The reasoning behind establishing a minimum unit size in a Zoning Code most likely is associated with the thinking that a correlation exists between larger apartment units and a higher quality product. Establishing a minimum unit size could also affect the density of multi-family developments whereby establishing a certain minimum size would result in a less dense development. However, the most direct way to regulate density is to establish a maximum density ratio by limiting the number of dwelling units per acre or through a Floor Area Ratio (FAR) requirement that limits the amount of floor area based on the size of the site. In the case of a density calculation, the CB Zoning District currently provides for a FAR ratio limit of one (1) square foot of floor area per one (1) square foot of site (1.0 FAR). This amendment would not affect the FAR requirements in the CB District.

In the narrative in support of the text amendment, the applicant has referenced several more recent regional and local multi-family developments with individual unit sizes less than 750 feet and average unit sizes less than 900 square feet, including the Vue development at 10545 Old Olive Street Road and Vanguard Heights at 10362 Old Olive Street Road. It should be noted that the Vue was approved under the Planned Residential Development procedure which does not require minimum unit sizes. Staff researched the Vanguard Heights project which is located in the CB district and it was shown to comply with the minimum unit sizes during the review and approval process; however, the floorplan sheets that were submitted with the building permit showed unit sizes less than 750 square feet (651 square feet is the smallest unit). If this text amendment application is not approved, a variance from the Board of Adjustment would likely be required for the Vanguard Heights project. Although not referenced in the applicant's material, staff researched other multi-family developments in Creve Coeur and found that the following currently have units below 750 square feet and are located in the CB District:

- Kings Landing, 618 North New Ballas Road (minimum advertised unit size is 670 square feet)
- Waterford Downs, 11502 Craig Ct. (minimum advertised unit size is 721 square feet)

Although not in the CB District, Waterfront Crossing at 807 Cross Creek Drive and Cove West at 12400 Lighthouse Way have units that are below 750 square feet.

Staff consulted with the Chief Building Official and there are no building code issues that would come into play with the lowering of a minimum dwelling unit size for multi-family housing.

<u>Parking Placement for Multi-Family Housing</u>
The requirement that at least 50 percent of parking be below grade or underneath the building is a development standard relative to aesthetic preferences whereby the unsightly view of expansive areas of surface parking would be mitigated by requiring half of the parking to be placed below grade and therefore out of sight. The design objective associated with this requirement to minimize the view of parking structures and avoiding the proliferation of large expanses of surface parking should remain; however, the standard is very restrictive and does not allow the Commission to consider other means of achieving this objective. Other options include placing structured parking above grade but in a low visible area of the site, and creating architectural façades that effectively conceal and integrate the parking structure as part of the overall design. The amendment that is proposed would only eliminate the requirement that a large percentage of the required parking be placed below grade or underneath the building; the requirement for limiting surface parking for multi-family developments would remain.

In further demonstration of the difficulty in complying with this requirement, both the Kings Landing and the Vanguard Heights multi-family projects received variances from the Board of Adjustment to not require parking to be provided below grade. Reasons cited for the variances included the cost prohibition and the practical difficulty due to soils and engineering issues relative to below grade parking facilities.

Staff recommends that the text amendment for the parking be further specified to state the design intent that parking structures not be highly visible and be integrated as part of the overall design of the building.

If adopted, the relevant sections of the Zoning Code would be amended as follows:

405.470(A)(31)

Multi-family dwellings (conditional use in the "CB" district).

a. Shall be located on sites of at least three (3) acres.

b. The average dwelling unit size shall not be less than eight hundred twenty five (825) square feet per unit and no unit shall be less than six hundred fifty (650) square feet.

c. At a minimum, fifty percent (50%) of the required vehicular parking shall be provided within a parking garage or structure that is architecturally integrated into the residential building(s).

The draft ordinance incorporates these treatments for above grade structured parking. The specific details on how compliance will be met with these standards is best left to the determination of the Planning and Zoning Commission through the site development plan and conditional use review process for individual proposals.

**CONCLUSION**

Since the 1997 Zoning Code, multi-family developments in the CB District have been required to abide by a minimum unit size and place half of their required parking below grade. As demonstrated by recent projects in the City and in the region, these standards do not meet with the design of today's multi-family developments. Most new multi-family developments are built with varying unit sizes, ranging from efficiency units below 750 square feet to larger units approaching or exceeding 1,000 square feet. As mentioned by the applicant, these projects offer amenities and conveniences to their occupants such as interior lobbies and corridors, pools and spas, common event spaces, higher end finishes within the units, and covered parking. In exchange for these amenities, the unit sizes have been reduced but compensate by offering open floorplans and private outdoor spaces such as balconies or terraces. A review of similarly configured multi-family developments provided by the applicant does not suggest that allowing smaller units equates to a reduction in quality or desirability. Further, these types of developments are appropriate in the CB district which calls for more dense types of building forms.

The existing requirement for parking garages to be placed below grade creates considerable cost to the developer and while that alone should not be a factor in approving a change, it does raise the question of whether alternatives should be considered to achieve the objective of concealing parking structures when required only for multi-family projects when it is not specifically required for other types of development such as retail or office. Staff is of the opinion that removing the requirement that all multi-family parking in the CB District be underground is reasonable; however, the provision that at least 50 percent of the spaces be placed in structured

parking remain with emphasis on the design as an integral element of the development to avoid conspicuity.

**ACTION AND EXAMPLE MOTION**

If the Commission is supportive of the proposed changes including Staff's recommendation regarding the revised language to further clarify the location and design standards for parking garages in furtherance of the Design Guidelines and Comprehensive Plan, a motion should be made that incorporates these changes into a draft ordinance. Such a motion would be similar to the following:

> "I move to approve Application #16-005 for text amendments to the regulations in Section 405.470(A)(31) Conditional Uses for Multi-Family Uses within the CB Core Business zoning district with the revisions concerning the location and design of parking structures suggested by staff as provided in the draft ordinance provided with their report dated February 11, 2016."

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

**AN ORDINANCE AMENDING PROVISIONS IN SECTION 405.470 CONDITIONAL USES, OF ARTICLE VI STANDARDS FOR PERMITTED, ACCESSORY AND CONDITIONAL USES OF THE ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI, REGARDING MULTI-FAMILY USES IN THE "CB" CORE BUSINESS DISTRICT, TO DECREASE THE MINIMUM DWELLING UNIT SIZE FROM SEVEN HUNDRED FIFTY (750) SQUARE FEET TO SIX HUNDRED FIFTY (650) SQUARE FEET; TO DECREASE THE AVERAGE DWELLING UNIT SIZE FROM NINE HUNDRED (900) SQUARE FEET TO EIGHT HUNDRED TWENTY FIVE (825) SQUARE FEET; AND TO REPLACE THE REQUIREMENT THAT VEHICULAR PARKING BE UNDERGROUND OR IN A BASEMENT GARAGE WITH ALTERNATIVE DESIGN REQUIREMENTS.**

**WHEREAS,** an application by George Stock of Stock & Associates on behalf of Michael Towerman of TriStar Property Acquisitions, LLC, was submitted for a text amendment affecting the conditional use standards for multi-family uses within the CB Core Business District; and,

**WHEREAS,** Section 405.470(A)(31) requires dwelling units within the CB Core Business District to maintain a minimum dwelling unit size of seven hundred and fifty (750) feet and an average dwelling unit size of nine hundred (900) square feet and requires that a minimum of fifty percent (50%) of the required vehicular parking be located underground or beneath the building; and,

**WHEREAS,** the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to such restrictions of the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; 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 March 21, 2016 beginning at _____ p.m., or immediately following the close of the previous public hearing; and,

**WHEREAS,** the Planning and Zoning Commission reviewed and, by a vote of ___ recommended approval of the subject amendments at its meeting on March 21, 2016; 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 otherwise posted and published in accordance with the Zoning Ordinance; and,

**WHEREAS,** all persons who presented themselves at said meeting and desiring to be heard 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 City Council; and the Bill was 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 amending the City Code of Ordinances 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:

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

**SECTION 1**: Section 405.470 Conditional Uses of the Zoning Ordinance, of the City of Creve Coeur's Code of Ordinances shall be amended as follows:

SECTION 405.470(A): CONDITIONAL USES

31. Multi-family dwellings (conditional use in the "CB" district).
    a. Shall be located on sites of at least three (3) acres.
    b. The average dwelling unit size shall not be less than eight hundred twenty five (825) square feet per unit and no unit shall be less than six hundred fifty (650) square feet.
    c. At a minimum, fifty percent (50%) of the required vehicular parking shall be provided within a parking garage or structure that is architecturally integrated into the residential building(s).

**SECTION 2:** This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2016.

_____
DAVID KRUETER
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2016.

_____
BARRY GLANTZ
MAYOR

ATTEST:

_____
DEBORAH RYAN, MPCC
CITY CLERK

Stock Project No. 5715

*File #*_____

# city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
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## PLANNING AND ZONING COMMISSION AGENDA APPLICATION
## TEXT AMENDMENT

**PLEASE COMPLETE FRONT AND BACK PAGES**

| *Applicant:* | *Applicant's Representative (if applicable):* |
|---|---|
| Michael Towerman<br>*Name* | George M. Stock, P.E., President<br>*Name* |
| TRiSTAR Acquisitions, LLC<br>*Company (If Applicable)* | Stock & Associates Consulting Engineers, Inc.<br>*Company (If Applicable)* |
| 13397 Lakefront Drive<br>*Address* | 257 Chesterfield Business Parkway<br>*Address* |
| Earth City, MO 63045<br>*Address* | Chesterfield, MO 63005<br>*Address* |
| *Telephone #* (314) 805-3465 | *Telephone #* (636) 530-9100 |
| *Fax #* (314) 291-9191 | *Fax #* (636) 530-9130 |
| *Email:* michael.towerman@tristardevelopment.net | *Email:* george.stock@stockassoc.com |

***Applicant's Status (Indicate one):***

_____ City Official (Mayor, City Councilor, Planning Commissioner, Zoning Administrator)

__✓__ Private Party (Financial, contractual, or proprietary interest)

_____Other Governmental Interest (Jurisdiction: _____)

***The undersigned hereby requests to be placed on the Agenda for the Planning and Zoning Commission meeting at 7:00 P.M. on Monday,*** Feb. 15th and Tuesday, Feb. 16th ***, 20*** 15 ***.***

_____ _____

*Applicant's Signature* *Applicant's Representative's Signature*

_____ _____

Date Date

*File #*_____

***Description of Request (attach additional sheets as needed):***

(1) Allow the average dwelling unit size to be 825 s.f. and minimum dwelling unit size to be 650 s.f. for multi-family dwelling in the "CB" District by Conditional Use.

(2) Fifty Percent (50%) of required parking shall be provided in a parking garage or parking structure.

***Affected Section(s) of the Zoning or Subdivision Code:***

Section 405-470 Conditional Uses

***Proposed Ordinance Language (attach additional sheets as needed):***

Item 31b. - The average dwelling unit size shall not be less than eight hundred twenty five (825) square feet per unit and no unit shall be less than six hundred fifty (650) square feet.

Item 31c. At a minimum, fifty percent (50%) of the required vehicular parking shall be provided within a parking garage or parking structure.

| *Office Use Only* | |
|---|---|
| ____ **Proposed Ordinance Language** | Received By: |
| ____ **Fees Paid** | _____ |
| ____ **Written Justification** | Date:_____ |

*Paul Langdon, AICP, Director of Community Development*
*Whitney Kelly, AICP, City Planner*
*Jessica Stutte, Administrative Assistant (872-2501)*

**Revised: 3/2015**

No accessory structure, except those exempted by Section **405.630(A)**, shall be located within a front yard.

5. Accessory structures and uses shall be set back at least five (5) feet from the rear lot line.

6. Accessory structures and uses shall maintain the same side yard as is required for the principal structure located on the zoning lot, except that off-street parking, fences, walls and hedges may be located in the required side yard areas.

## Section 405.470. Conditional Uses.

[R.O. 2008 §26-52; Ord. No. 1903 §1, 11-24-1997; Ord. No. 1909 §2, 12-8-1997; Ord. No. 1957 §2, 10-12-1998; Ord. No. 1958 §§2 — 3, 10-12-1998; Ord. No. 2051 §§1 — 2, 2-28-2000; Ord. No. 2102 §1, 1-22-2001; Ord. No. 2202 §1, 12-9-2002; Ord. No. 2247 §1, 11-24-2003; Ord. No. 2289 §1, 6-28-2004; Ord. No. 4043 §1, 11-13-2006; Ord. No. 5007 §1, 10-22-2007; Ord. No. 5228 §2, 10-24-2011; Ord. No. 5236 §§1, 3, 12-12-2011; Ord. No. 5295 §1, 2-11-2013; Ord. No. 5300 §19, 4-22-2013]

A. Conditional uses allowed in zoning districts are as follows:

1. *Electric power distribution — (NAICS 221122) (conditional use in the "A", "B", "C", "D", "AR", "HE", "PH", "PO", "RO", "MX", "PC", "GC", "CB" and "LI" districts).* Shall provide a minimum six (6) foot high screen of evergreen plant material or wall between any structure exceeding three (3) feet in height, with the exception of utility poles and any adjacent residential or institutional use or any right-of-way or street.

2. *Retreat houses — (NAICS 813110) operated by non-profit or religious, fraternal or community service organizations including overnight accommodations for guests or members (conditional use in the "A", "B", "C", "D", "AR", "HE", "PH", "PO", "RO", "MX", "PC", "GC", "CB" and "LI" districts).*

   a. Shall be located on sites of at least three (3) acres.

   b. Overnight accommodations shall be limited to guests or members.

   c. The maximum capacity of such overnight guest facilities shall not exceed a ratio of four (4) overnight guests per acre of site occupied by the retreat house.

3. *Accessory retail sales — (NAICS 45299 all other general merchandise stores and NAICS 445120 convenience stores) (conditional use in the "PO" districts).*

   a. The floor area of retail uses shall not exceed twenty percent (20%) of the gross leasable floor area of any building.

   b. The combined floor area of all retail uses shall not exceed ten percent (10%) of the gross leasable floor area of a given planned development within the district.

   c. No signage relating to the retail use shall be allowed except within a building and such signage shall not be visible off the premises.

4. *Roof-mounted communication equipment (CC-517929) (conditional use in the "HE," "PH," "PO," "RO," "MX," "PC," "GC," "CB" and "LI" Districts).*
   [Ord. No. 5381 §3, 7-14-2014]

   a. Roof-mounted communication equipment shall not exceed fifteen (15) feet in height as measured from the roof of the building and shall meet the sky-exposure plane requirement in the applicable zoning district if applicable.

d. *Private usable open space.* Private usable open space shall be provided in accordance with the standards for all multi-family residential building or development described in Section **405.710**.

e. *Visual environment enhancement.* In the site development plan for any building or structure or any tract or tracts in the "AR" District, there shall be set aside a sum of money equal to not less than two percent (2%) of the proposed total construction cost, which sum shall be used for the erection, construction or installation of special or extraordinary walks, patios, fountains, pools, statuary, landscaping and other applicable objects of art or beautification upon such tract or tracts. There shall be specified on such site development plan an itemized cost estimate of such items including the manner in which the sum of money is to be used for this visual environment enhancement.

31. *Multi-family dwellings (conditional use in the "CB" district).*

a. Shall be located on sites of at least three (3) acres.

b. The average dwelling unit size shall not be less than nine hundred (900) square feet per unit and no unit shall be less than seven hundred fifty (750) square feet.

c. At a minimum, fifty percent (50%) of the required vehicular parking shall be provided underground or within a basement garage.

32. *Building or structure exceeding a floor area ratio of one (1.0), but not exceeding one and one-fourth (1.25) (conditional use in the "CB" district).*

a. All projects seeking a floor area ratio (FAR) exceeding one (1.0) shall be limited to a FAR of eight-tenths (0.8) for the office use portion of the building. The intent is to encourage projects that provide mixed-use developments and reduce peak hour vehicular congestion. All projects should incorporate uses that include, but not be limited to, restaurants, personal service providers and incidental retail and service establishments, that are oriented to both on- and off-site users.

# Section 405.480. Temporary Uses.

[R.O. 2008 §26-53; Ord. No. 4029 §1, 6-26-2006]

A. *Authorization.* Temporary uses are permitted as set forth in this Section **405.480** in connection with a principal use which is permitted within the applicable zoning district, upon issuance of all required permits.

B. *Permitted Temporary Uses And Structures.* A *"permitted temporary use or structure"* is any use or structure that complies with the definition of "temporary use" contained in Section **405.120** including, but not limited to, the following typical uses subject to the accompanying restrictions:

1. Outdoor grand opening events, outdoor sales and other sales or promotions requiring outdoor activity, display and/or sale of merchandise, subject to the following conditions:

a. The property is located within a non-residential zoning district or is an institutional use, including only schools and places of worship, within a residential district.

b. The use is accessory to the primary use of the principal site or buildings upon the site.

c. The duration of any single event is limited to three (3) days.

January 12, 2016

TriStar Property Acquisitions, LLC has requested the proposed text amendment to provide modern apartment homes in a submarket that has not had a new apartment product in many years. Since the last apartment project was built in the Olive Boulevard/west of I-270 submarket, renter preferences and design techniques have changed considerably.

Previously, suburban apartment occupants desired maximum square footage and community facilities in an open outdoor environment. Occupant interest and design concepts concurrently led to more of an urban product located in "suburban infill" areas within walking distance of a wide array of amenities. Like living in a large city, these suburban infill locations and urban style apartment units encourage occupants to spend less time in their individual units and more time in accessible common areas and amenities within walking distance.

Also impacting lifestyle is the advent of the Internet, laptop computers, iPads, smart phones, cloud computing and therefore mobility. An extension, in essence, of the famous quote, "Work is an activity, not a place"; the mantra of the Millennial generation. These apartment dwellers can work or read for pleasure with a lightweight laptop or iPad.

The suburban walk-up design lacked internal temperature controlled corridors and sprawled over many more acres than modern vertical buildings. The former required a hike to standard clubhouses and suburban type recreational facilities. The latter provides convenient access, via internal corridors and elevators, to common areas that feature high-end Internet cafes, club-like fitness facilities, outdoor living areas and resort pool and spa.

All the benefits of vertical construction led to increased cost per square foot for the apartment dweller. To offset this higher cost, designers found more efficient ways to floor plan units, enabling unit size to drop precipitously. Technological advances such as wall-mounted flat screen televisions, higher ceilings, open floor plans, bar-height islands (eliminating in-kitchen dining areas) and terraces helped make this possible.

These modern units have proliferated across the country. Recent St. Louis projects have trended this was as well, such as:

13397 Lakefront Drive, Suite 240 • Earth City, MO 63045 • phone 314.291.9999 • fax 314.291.9191 • www.tristarproperties.com

*The Cortona at Forest Park (Hampton and I-64), and its sequel starting this spring, to be called – minimum unit size of 650 square feet, average unit size of 671 square feet, The Encore – minimum unit of 572 square feet;

*The Residences of Sunset Ridge (I-270 and Manchester), under construction by TriStar - minimum unit size of 590 square feet;

*Allegra at the Boulevard (across from St. Louis Galleria) – minimum unit size of 525 square feet, average unit size of 730 square feet;

*Vanguard Crossing (Delmar and 170) – minimum unit size of 625 square feet, average unit size of 781 square feet;

*The Streets of St. Charles (I-70 and Fifth Street) – minimum unit size of 537 square feet, average unit size of 735 square feet;

*Vanguard Heights (under construction on Old Olive Street Road *in Creve Coeur*) - minimum unit size = *three one bedroom unit types ranging from 651 square feet to 675 square feet average unit size of 713 square feet*;

*Manhasset Village (under construction on Eager Road just west of Brentwood) - minimum unit size of 572 square feet;

*The Vu (under construction on Old Olive Street Road) – minimum unit size = *three one bedroom unit types ranging from 668 square feet to 695 square feet*; and

*The Orion (under construction in the Central West End) – minimum unit size of 634 square feet.

*All of these projects have units in the minimum range requested by TriStar Property Acquisitions, LLC.* Each of these project sponsors and the communities in which they are located have recognized consumer demand, *including the City of Creve Coeur.*

Here, TriStar Property Acquisitions, LLC proposes a very similar project so that residents can enjoy resort like amenities within the building, and the opportunity to walk easily to Dierbergs, many restaurants and other retailers, office buildings, Barnes West, Walgreens and the West Olive Cinema.

Accordingly, TriStar Property Acquisitions, LLC requests that Creve Coeur approve the requested text amendment so that those who desire to live on Olive Boulevard west of 270 can enjoy these benefits.

Thank you for your consideration.

## Jaggi, Jason

**From:** Braswell, Dave <dbraswell@covingtonrealtypartners.com>
**Sent:** Thursday, February 11, 2016 4:40 PM
**To:** Jaggi, Jason
**Subject:** Re: Multi-Family Text Amendment

Jason thanks for sending me this information. I support this amendment for the following reasons. Unit square footage should be a product of the market place demand and not dictated by an ordinance. Unit sizes vary by market across the country and what should drive this is the experience of the developer and his knowledge of the market.
Parking underground makes no sense in todays market. As you know this was an issue which we had to overcome for our project. Rents cannot support the cost of underground parking in the Creve Coeur market. It is difficult to build underground parking anywhere in the St. Louis rental market place.
I will not be available to attend the P&Z meeting on Tuesday evening, but please feel free to express my thoughts of support for the proposed amendment.
David Braswell
Covington Realty Partners
135 N. Meramec Ave., Suite 500
Clayton,MO 63105
dbraswell@covingtonrealtypartners.com
314-727-2424 x. 203

On Feb 8, 2016, at 3:33 PM, Jaggi, Jason <jjaggi@ci.creve-coeur.mo.us> wrote:

> David,
> I wanted to pass along the attached public notice in case you did not hear about this upcoming text amendment. The amendment has been filed by George Stock/TriStar Property Acquisitions to reduce the minimum dwelling unit size in the CB—Core Business District from 750 to 650 square feet, lower the average unit size from 900 to 825 square feet ,and eliminate the requirement that multi-family buildings provide at least 50 percent of required parking underground. The amendment, if approved, would allow for above ground structured parking if integral to the design of the building.
>
> This amendment may interest you since your project appears to have unit sizes less than 750 square feet in size and received a variance relative to the below-grade parking requirement. If you'd like to provide any comments, feel free to attend the P&Z meeting next Tuesday (2/16) or you can submit them in writing, and if received by noon on Friday, I will include them in the agenda packet.
>
> Thank you.
>
> **Jason W. Jaggi, AICP**
> Director of Community Development
> City of Creve Coeur
> 300 N. New Ballas Rd.
> Creve Coeur, MO 63141

(P) – 314-872-2504
(F) – 314-872-2505
jjaggi@ci.creve-coeur.mo.us
www.creve-coeur.org
<image001.jpg>

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----------<16-005PublicNoticeReduced.pdf>

## Jaggi, Jason

**From:** Nancy Litzinger <nancywl@sbcglobal.net>
**Sent:** Thursday, February 04, 2016 9:52 AM
**To:** Jaggi, Jason
**Cc:** ScottSaunders; Perkins, Mark C.
**Subject:** RE: planning question

Jason, thanks very much. This is most helpful. I'm not familiar with The Vue or Vanguard but Kings Landing seems totally appropriate for its location in the more commercial area of Creve Coeur. I plan to drive by the two other sites to get a feel for the neighborhoods where they're located. I'm just concerned about the long-term impact of making dwellings denser, possibly more affordable up-front but with possible unknown future consequences...including faster turnover, creating maintenance issues for the owner & city. In my subdivision (Bellerive Estates, Ward IV), there are road maintenance issues that are not a priority until they become dangerous/hazardous, I assume because of budget constraints. I haven't been able to attend any of the planning meetings yet -- addressing long-term vision for CC development -- but have the next (final) one on my calendar. Appreciate your very thorough explanation.

Nancy Litzinger

---

**From:** Jaggi, Jason [mailto:jjaggi@ci.creve-coeur.mo.us]
**Sent:** Wednesday, February 03, 2016 1:59 PM
**To:** 'nancywl@sbcglobal.net'
**Cc:** Perkins, Mark C.; ScottSaunders
**Subject:** RE: planning question

Ms. Litzinger,
I have been asked to respond to your questions in regard to the text amendment applications that have recently been filed by a developer in advance of a possible new multi-family residential development . The zoning text amendment application that has been filed seeks to lower the minimum dwelling unit size in the "CB—Core Business District" from 750 square feet to 650 square feet. In addition, the application seeks to lower the average unit size from 900 square feet to 825 square feet. Further, the application would eliminate the requirement that at least 50 percent of the required parking be placed underground or in a basement garage underneath the building. In lieu of providing the parking underground, the amendment would allow above grade structured parking if integral to the design of the building.

In response to your questions, the following are examples of developments in Creve Coeur that have unit sizes less than 900 square feet:

- The Vue (currently under construction 10545 Old Olive Street Rd.) has units that are approximately 670 square feet.
- Kings Landing Apartments (624 N New Ballas Rd.) has units that are approximately 670 square feet.
- The Vanguard (under construction at 10362 Old Olive St Road) has units that are approximately 650 square feet.

In regard to the below grade parking requirements, both the Vanguard project and Kings Landing were granted variances from this zoning code regulation by the Board of Adjustment. No recent multi-family projects have been developed in compliance with the underground parking requirement.

Please let me know if you have any further questions. I would also encourage you to attend the Planning and Zoning Commission public hearing which is scheduled for 6:30 p.m., February 16th at the Government Center. You can also send written comments that will be forwarded to the Commission and included as part of the record.

Thank you.

**Jason W. Jaggi, AICP**
Director of Community Development
City of Creve Coeur
300 N. New Ballas Rd.
Creve Coeur, MO 63141
(P) – 314-872-2504
(F) – 314-872-2505
jjaggi@ci.creve-coeur.mo.us
www.creve-coeur.org

**From:** Perkins, Mark C.
**Sent:** Tuesday, February 02, 2016 12:10 PM
**To:** Jaggi, Jason <jjaggi@ci.creve-coeur.mo.us>
**Subject:** FW: planning question

**From:** scott.saunders4@yahoo.com [mailto:scott.saunders4@yahoo.com]
**Sent:** Tuesday, February 02, 2016 11:24 AM
**To:** Perkins, Mark C. <MPerkins@ci.creve-coeur.mo.us>
**Cc:** Nancy Litzinger <nancywl@sbcglobal.net>
**Subject:** Re: planning question

Mark

Can you please answer or pass this on to the planning staff for response?

Thanks!

Scott

Sent from my iPhone

On Feb 2, 2016, at 11:18 AM, Nancy Litzinger <nancywl@sbcglobal.net> wrote:

> Scott, please forward this to the appropriate city staff for a response.
>
> I notice in the latest newsletter a request to diminish dwelling sizes and change parking requirements for a proposed multi-family development expansion at West Park. My questions are: how do the REQUESTED changes compare with other similar-type developments in Creve Coeur? And are there comparable dwelling/parking areas in CC?
>
> Thank you.
>
> Nancy Litzinger, Ward IV
> 764 Aramis Dr.
> nancywl@sbcglobal.net

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## Jaggi, Jason

**From:** ellen lawrence <ellenblawrence@yahoo.com>
**Sent:** Sunday, February 07, 2016 10:10 AM
**To:** Mayor-Council; Perkins, Mark C.; Jaggi, Jason
**Subject:** Fw: Multi-family Housing

**Follow Up Flag:** Follow Up
**Due By:** Sunday, February 07, 2016 10:30 AM
**Flag Status:** Completed

FYI

On Saturday, February 6, 2016 2:52 PM, John Headrick <j.headrick@hotmail.com> wrote:

Hi Ellen. I hope all is well and that 2016 is off to a great start for you and your family.

I'm writing to express my opposition to the proposed amendment to the zoning ordinance that would allow decreases in the minimum dwelling size for multi-family housing units as well as the elimination of the requirement for 50% underground parking. Sharon and I both are concerned about the rapid development of multi-family housing units in the City, and relaxing the quality standards for these developments in a further step in the wrong direction. The beauty and appeal of Creve Coeur is the diversity of single-family housing stock on large, green lots. I hope you'll support conservation of this valued asset and resist the trend toward more intensive development.

Best regards,
John

**WEST PARK II, LLC**
**WEST PARK I PINE VIEW, LLC**
c/o FULCRUM OPERATING COMPANY, LLC
8725 W. HIGGINS ROAD, SUITE 805
CHICAGO, ILLINOIS 60631
T: 312-589-6314
Email: tcox@fulcrumllc.com

February 12, 2016

***Via Email: wkelly@ci.creve-coeur.mo.us***
Ms. Whitney Kelly
City of Creve Coeur
300 North New Ballas Road
Creve Coeur, Missouri 63141

***Re: Application to Planning and Zoning Commission # 16-005***

Dear Ms. Kelly:

West Park II, LLC ("West Park II") is the owner of the property located at 12647 Olive Boulevard in Creve Coeur (the "Subject Property"). West Park I Pine View, LLC ("West Park I") is the owner of the property located at 12655 Olive Boulevard in Creve Coeur. These buildings are part of the development known as the West Park Office Development; West Park II and West Park I, collectively, represent a majority of the ownership of the West Park Office Development and its governing Association.

This letter serves as West Park II and West Park I's objection to the application submitted by Michael Towerman of TRiSTAR Property Acquisitions, LLC (the "Applicant"). The application requests zoning changes to the CB-Core Business District, consisting of text amendments to Section 405.470(A)(31) Multi-Family Dwellings (conditional uses in the CB District), concerning residential dwelling unit size and parking.

Mr. Towerman advised me today that he will be canceling the hearing set for February 16. I nevertheless am sending this letter, out of an abundance of caution, and for your information and file.

As stated in the Notice of Public Hearing and depicted on the map attached to that Notice, the proposed text amendments are purportedly in support of a possible new multi-family residential project at the Subject Property. As noted, the Subject Property is owned by West Park II, which acquired the property in 2015. It appears that the only reason for the proposed text amendments is to allow for a future residential development on the Subject Property by the Applicant. The problem is that the Applicant has no rights, contractual or otherwise, to construct any residential buildings on the Subject Property. West Park II has had no negotiations with the Applicant about conveying any portion of the Subject Property to the Applicant, or about partnering with the

Applicant in such a development. West Park II, West Park I, the West Park Office Development, and other property owners in the Core Business District should not be subjected to a change in zoning of their property pursuant to a request by an Applicant with no current interest in that property. Under these circumstances, the subject application is premature and should be denied on that basis or tabled for possible future consideration.

Thank you for your consideration of these facts, and this objection. Please feel free to contact me if you have any questions.

Sincerely,

WEST PARK II, LLC and
WEST PARK PINE VIEW, LLC

By: _____
Thomas L. Cox, their Authorized Agent

**WEST PARK II, LLC**
**WEST PARK I PINE VIEW, LLC**
c/o FULCRUM OPERATING COMPANY, LLC
8725 W. HIGGINS ROAD, SUITE 805
CHICAGO, ILLINOIS 60631
T: 312-589-6314
Email: tcox@fulcrumllc.com

March 16, 2016

***Via Email: wkelly@ci.creve-coeur.mo.us***
Ms. Whitney Kelly
City of Creve Coeur
300 North New Ballas Road
Creve Coeur, Missouri 63141

***Re: Application to Planning and Zoning Commission # 16-005***

Dear Ms. Kelly:

West Park II, LLC ("West Park II") is the owner of the property located at 12647 Olive Boulevard in Creve Coeur (the "Subject Property"). West Park I Pine View, LLC ("West Park I") is the owner of the property located at 12655 Olive Boulevard in Creve Coeur.

This will follow up on my letter of February 12, 2016, objecting to the application submitted by Mr. Towerman of TRiSTAR Property Acquisitions, LLC ("Applicant"), which seeks zoning changes to the CB-Core Business District concerning residential dwelling unit size and parking.

West Park II and West Park I take no position on the proposed amendment as it relates to the CB-Core Business District as a whole. However, the application states that the proposed changes would allow Applicant to pursue a multi-family residential development *at the Subject Property*. It remains the case that the Applicant has no rights, contractual or otherwise, to construct any residential buildings on the Subject Property. West Park II has had no negotiations with Applicant about conveying any of the Subject Property to Applicant, or about partnering with Applicant in such a development. Thus, any approval of the proposed text amendments should not be predicated on the belief that there will be a future residential development on the Subject Property.

Please feel free to contact me if you have questions.

Sincerely,

WEST PARK II, LLC and
WEST PARK I PINE VIEW, LLC

By: _____
Thomas L. Cox, their Authorized Agent

PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

MONDAY, MARCH 21, 2016

6:30 P.M.

PUBLIC HEARING NO. 16-005

THOSE IN ATTENDANCE:

Ms. Beth Kistner, Chair
Mr. Tim Carney
Mr. James Faron
Ms. Muriel Hall
Mr. Don Magruder
Mr. Charles Pullium
Mr. Gene Rovak
Mr. Carl Lumley, City Attorney
Mr. Jason Jaggi, Director of Community Development
Ms. Whitney Kelly, City Planner
Ms. Deborah McLaughlin, Recording Secretary
Ms. Jessica Stutte, Planning Assistant

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 KISTNER: Ready now for Public Hearing Application 16-005: Text Amendments to Section 405.470(A)(31) Relative to the Conditional Use Standards for Multi-Family Dwellings in the CB Core Business District.

Is there any staff members or members of the audience who want to speak to this, please come forward and be sworn in.

(The speakers were sworn in by the court reporter.)

CHAIRMAN KISTNER: You ready to begin, Mr. Stock?

MR. STOCK: Good evening, Madam Chairman, Members of the Commission, Mr. Lumley, Ms. McLaughlin.

For the record, my name's George Stock. I'm with Stock & Associates Consulting Engineers. I'm here to tonight -- my address is 257 Chesterfield Business Parkway, that's St. Louis 63005.

I'm here tonight on behalf of TriStar Property Acquisitions, LLC.

Joining me is Mr. Michael Towerman, principal with TriStar Property Acquisitions, LLC.

TriStar Property Acquisitions, LLC, has, under contract, two pieces of property, 12645 and 12649 Olive Boulevard.

Their intent going under contract on these particular pieces of property is to develop a residential apartment complex that addresses the West Park development, which is generally bound by Olive Street Road, to the south, Whispering Hills or Whispering Pines Subdivision to the north, Whispering Pines Drive to the west, and then the Heritage Place or the Dierbergs Shopping Center to the east.

Our request tonight is not just for that specific piece of property. Our request is -- is for amendments to the Core Business District that affects the entire City of Creve Coeur where the Core Business District exists.

And our request is relative to the conditional use permits, which is the residential apartments within that district, and specifically to Section 405.470(A)(31), which is multi-family dwellings. And our request is to decrease the minimum dwelling unit size from 750 square feet to 650 square feet, and then to reduce the average dwelling unit size from 900 square feet to 825 feet, and to eliminate the requirement that 50 percent of the required vehicular be underground or in a basement garage.

And allow for -- we're requesting to allow for appropriately designed screened above-grade parking structures.

And I think the request is really has been outlined in the attachment titled "TriStar Properties" dated January 12th, 2016, which was part of our application. I assume the Commission has copies of that.

There has been a change in the apartment community development since the code was last amended in 1997. And I'll read one paragraph from this letter that Mr. Towerman had put together, and it indicates that, "Suburban apartment occupants desired maximum square footage and community facilities in an open outdoor environment."

There is definitely been a change.

"Occupant interest and design concepts concurrently led to more of an urban product located in suburban infill."

The West Park would be one of those suburban infill areas.

"That are within walking distance to a wide array of amenities. Like living in a large city, these suburban infill locations and urban-style apartment units encourage occupants to spend less time in their individual units and more time in accessible common areas and amenities within walking distance."

And I think this is true within the City of Creve Coeur. The City of Creve Coeur has seen

applications and construction of apartment complexes perhaps more dominantly on the east side of 270, as opposed to the west side. It's been several years since apartment complex has been constructed west of Interstate 270 along the Olive Corridor. But in those developments there has been unit sizes smaller than what's outlined in the Core Business, and some cases it's because it's Planned Residential Development, which doesn't have a minimum unit size, or, perhaps, it's been through a variance procedure.

But not just in the City of Creve Coeur, but in the other abutting municipalities, the suburban areas of St. Louis County, we've seen those same apartment unit size get smaller.

And, again, the objective is not to increase the amount of density, the underlying ordinance has an FAR of one, which prohibits how much square footage you can construct, but rather to be more efficient and cost effective with the development of these apartments and be responsive to the persons renting.

The issue of the parking structure change, I think we're aware that on several projects within the City of Creve Coeur that the same challenges that we have on this particular piece of property, have been brought before the Board of Zoning Adjustment requesting hardships

in order to take that structured parking and put it vertical and address it architecturally with, perhaps, wrapping with the apartments around it, as opposed to be going below grade.

This particular site in West Park topography, there are no sinkholes on the property, so we're aware of the geotechnical challenges that are associated with putting that parking subterranean.

The staff report that Mr. Jaggi and Ms. Kelly put together was very thorough. It had identified a few of the projects that we had identified having these apartments smaller on the minimum size and the average size and the parking structures. They too identified those. Provided the Commission with a history of those projects, and how they were able to get to what our request is.

And, again, our request is not specific to this site. We are aware that the Commission is in receipt of two letters from the adjoining property owner. That particular property owner is -- is a representative of the office building, which is adjacent. I've had conversations with that particular property owner, and they have come to the conclusion they have no opinion relative to our request to the text amendment, but they are not supportive of the apartment project, at least at

this point.

And, again, we will be coming back before the Planning Commission with the application of the site development plan should we be successful in obtaining your recommendation for these text amendments, and then ultimately meet the City Council's approval of the same amendments.

I'm happy to answer any questions that you may have, or Mr. Towerman is here to answer any questions that you may have as well.

Thank you.

CHAIRMAN KISTNER: Questions?

When you talk about using various wrapping techniques on the garage, do you have any specific examples or --

MR. STOCK: Kings Landing would be an example on Ballas Road at the corner of, I guess it's Magna Carta, where you don't see the garage. The garage is actually interior. The apartments are built around the outside of the structure and the structure is vertical within that development.

CHAIRMAN KISTNER: And is that the kind of treatment that --

MR. STOCK: Either I think -- and I don't know all sides on Kings Landing, but I know from the few

streets that the apartments wrap. In many instances the wrap may occur on the two sides that face the street, and then on sides not facing the street, the parking garage may be exposed and in some cases the garage is then treated with architectural pre-cast panels to at least be somewhat consistent with the architecture of the apartment buildings.

CHAIRMAN KISTNER: Thank you.

Yes.

MR. ROVAK: Well, question, some of the examples cited, and maybe I have less problem with the parking, if it's, again, if the intent is followed, whether, you know, whether it's not placed underground.

But specifically citing Kings Landing -- and I may have this wrong because I think it took place after I had been gone from the Commission for a couple of years, but, and, please, somebody from staff tell me, although this was previous staff who's watched this happen, my understanding was that there was an approval of density in number of units. And that actually in construction and, basically, in -- in, I don't want to say opposition, but dis -- in disregard of the approval, additional units at smaller size were produced within the same building footprint that had originally been approved for larger and fewer units.

I've heard this from a number of people. Again, I'd be happy to take correction if I'm wrong, but that's kind of not a great example to cite if that's really what took place. If we really had -- we approved X number of units within this space, and instead X plus Y were built, and by time it was discovered and people tried to raise objections, it was a fait accompli, and, you know, was -- you know, it was water over the dam and nothing could really be done about it.

So, again, I call into question using that as an example.

The other, Waterford Downs, I'm not particularly familiar with other than, even in this -- the write-up it does say that those are not in the CB, so I don't know, again, how applicable these are.

So I guess my real question is do we want to go -- is it -- is it a larger question than just this particular text amendment or very often a text amendment. It does apply in general, but it's something we're looking at in terms of a specific applicant, but trying to generalize on it.

And I wonder if this particular thing should not be approached from the other way around. Do we need to approach and really get into the general question before we take the example of the one -- the one that's an

example and the purpose for the text amendment, do we really need to re-examine where we were and how those minimum sizes and densities were really approved and can we -- are we comfortable with departing from those?

So I guess --

CHAIRMAN KISTNER: I think that is our -- our purpose here.

MR. ROVAK: Yeah.

CHAIRMAN KISTNER: And I -- and I appreciate that this is coming as a text amendment.

MR. ROVAK: Right. Rather than trying to make an approval for a particular one --

CHAIRMAN KISTNER: Right.

MR. ROVAK: -- so I agree with that.

CHAIRMAN KISTNER: That I think this is the time and place --

MR. ROVAK: Yeah.

CHAIRMAN KISTNER: -- to talk about where this -- I share your concern that we're using bad compliance with our approved projects as examples for why we should then put it into, you know, change -- change our standards because nobody's following them. That -- that sort of bothers me inherently. It's worth to have that discussion a little more with staff.

I did have one other question.

I understand the desire in apartment complex to have various varying unit sizes to meet different price points. But does -- how would it suit to have if the -- the minimum was lower, but the average stayed the same where it is? So instead of reducing both the average and the smaller size, keep the average where it is, but allow more flexibility by lowering the smaller size, so that, you know, there was a variety.

MR. ROVAK: Like subdivision.

MR. STOCK: I think they're related. I mean if you lower the minimum size, then the average, you're going to have something larger in order to offset it.

CHAIRMAN KISTNER: Exactly.

MR. STOCK: Go back to Mr. Rovak. I had no idea that Kings Landing didn't follow the rules. That's not an example in our petition. That's one staff found.

So, but I think Kings Landing -- I had no idea. I mean I don't -- I don't believe -- that's -- that's not what we want to do. We want to come forward in response to the market. And some of the examples that we are listing are not all in Creve Coeur. Like the Cortona's in the City of St. Louis.

Again, it's -- it's not an urban setting, it's somewhat of a suburban setting, but it's got the smaller apartments.

The Residence at Sunset Ridge, which Mr. Towerman is the developer, is the old quarry property, so just down the street right here at Des Peres Road and 270. Those apartments that are going in there have a minimum size of 590 square feet.

The Allegra has -- by the Boulevard in Richmond Heights is 525 square feet.

Vanguard, which is in University City, is 625 square feet.

Vanguard Heights, which is under construction in the City of Creve Coeur, is 651, so I don't know that that one's finished.

CHAIRMAN KISTNER: Are those average?

MR. ROVAK: Are those minimums or are those averages?

MR. STOCK: That's minimum. So I'm -- I'm -- I'm hitting the minimum. But -- but when you do the minimum, the average comes down as well. So the averages are listed.

On, for example, Vanguard the average is then 713 square feet with the minimum 651.

I think the quality of the apartments are high-quality apartments. Again, people want less space. They're in their apartments less time. They want those common space amenities to be available to them.

So it's a -- it's a demographic that's -- that's -- that's changed.

I think, you know, the Comprehensive Plan of the City of Creve Coeur speaks to a diversity in housing. We're bringing that diversity forward. And -- and I think ours is more in response to the market. The apartments that are being constructed in Clayton and Creve Coeur. I mean just, basically, these municipalities with maybe Creve Coeur, you know, Chesterfield maybe being the western boundary, but coming in, Creve Coeur and then Richmond Heights, Brentwood, Clayton, University City, we're seeing the smaller units.

MR. ROVAK: A follow-up question then, based on what you said.

If not only the minimum size goes down, but the average size goes down, but, as you -- you mentioned, but maybe this is a trade-off if -- if not the average size, but if we look at the footprint of the entire development, so it's some of the things do not go into individual apartments, but some of that square footage goes into amenities and common use.

Maybe I overlooked it, I didn't see that hardwired into that -- into --

CHAIRMAN KISTNER: No.

MR. ROVAK: -- this text, but that would then

justify where you're going with that, if we could see some of that put into this text amendment.

So, again, we've got -- we've got 10,000 square feet to work with, okay. And it would have been X number of apartments of thousand square feet. Now we're going to say, no, we can go with 650, but we're also going to let the average shrink down. But then that begs the question, okay, but we still had this size to begin with, is some of what was lost -- or I should say what was regained by not having larger apartments, even on an average basis, is some of that regained in some tenant facility's common use. And I don't know that I'm qualified to say what those should be, whether they are interior gardens, whether they're rec areas or --

MR. STOCK: Which they have and can --

MR. ROVAK: But that's -- but that's what I'm saying. Should that not --

MR. STOCK: And I think we can. I think we can bring examples forward of those amenities and open spaces --

MR. ROVAK: Uh-huh.

MR. STOCK: -- that are now integrated within the apartment complex because they do all have that. They have the fitness centers --

MR. ROVAK: Uh-huh.

MR. STOCK: -- that are common to all the tenants; they have the pool; they -- they have office suites --

MR. ROVAK: Yeah.

MR. STOCK: -- within there. And so -- so there is a change, and I don't have those examples to bring to you, but I'm just looking, so it is a little bit disproportionate. So we're asking for 100 square feet less than the minimum, but then the average is 75 square feet.

So, you know, the percentages are not the same, so while they're related, they're not one for one.

I'm trying to figure out how to demonstrate that without bringing the apartment project in front of you.

MR. ROVAK: No, no, I'm just saying that I guess maybe this needs to be more -- more has to be put into the text that would deal specifically with amenities with --

MR. STOCK: Okay.

MR. ROVAK: -- trade-offs that come from reduced size of units, both in the -- in -- in the average and specifically minimums, and put into this text some of what those things would be.

Examples, you know, necessary, but, you know, not limited to, that -- that type of language, and then call out some -- some amount and some types of amenities

that would -- would make up for this loss in space in the unit size.

CHAIRMAN KISTNER: Mr. Magruder.

MR. MAGRUDER: If I understand correctly, this would apply to any construction in the future, and if that's true, then anything could happen and size doesn't necessarily mean increased quality, it just means different size.

The other issue that I'm concerned about is if this flies in the future, we're talking specifics here, but I don't know what specifics would be in the future.

And as far as the parking is concerned, that would, basically, making parking esthetically pleasing, would determine -- be determined by whatever we're building whenever we're building it.

MR. STOCK: Yeah, and I think, you know, because residential or the multi-dwellings falls under the conditional use in the Core Business, so we're talking about the Core Business, every project would have -- would be reviewed by the Planning Commission and approved by the City Council.

So the details of every project would have to be presented, and that includes the elevations and the architectural review of the facility as well. So you still have the power to review each project on a

case-by-case basis.

MR. CARNEY: I like what Gene's saying. I think the thing that's -- you worry about when you just lower the square footage is the quality and the overall development.

And I -- I see what you're saying with the amenities you have, and I think it makes sense to take just gross square footage of the project with all the common areas, hallways, work out facilities and so forth, and maybe divide that by the number of units, and come up with a number there that staff can speak to, what the average would be that way instead of just looking at the individual apartments themselves.

And when -- that way you get a quality development rather than just allowing someone to build a stripped down apartment complex with 650 square foot apartment.

MR. ROVAK: Same way with subdivision, which you've done several --

MR. STOCK: Right --

MR. ROVAK: -- which had very good use of space that wasn't somebody's lot, somebody's home lot, but was -- whether it was a trail or what, you know, some esthetic portion, common area.

CHAIRMAN KISTNER: But that's begged into the

actual requirement.

MR. ROVAK: Right. Well, that's what I'm thinking.

CHAIRMAN KISTNER: Right.

MR. ROVAK: We're talking about a new requirement, maybe we would have some -- some way of quantifying or -- or specifying what those things would be.

CHAIRMAN KISTNER: Ensuring that there would be some.

MR. ROVAK: Exactly. Yeah.

MR. FARON: Can I ask --

CHAIRMAN KISTNER: Mr. Faron.

MR. FARON: -- was there -- I thought there was examples of that mentioned in here. Maybe it's not specified in terms of the offset versus reducing the size of the unit.

MR. STOCK: Well, not in numbers. Not in percentages or square -- square feet.

It sounds like you're -- you're looking for a tangible --

MR. FARON: Is the FAR going to change?

MR. STOCK: No, the FAR --

MR. FARON: It will not change. Okay. So that -- okay. So -- and -- and kind of related to

yourself and the staff and probably -- I'm repeating things that we're all talking about here.

But the -- the violations, I'll say, I mean are those all attributable to the PRD or are some just in violation of what was agreed upon?

CHAIRMAN KISTNER: We may need to get the staff up to --

MR. FARON: Yeah. I mean that's --

CHAIRMAN KISTNER: I think we all have some questions about --

MR. FARON: I mean that, to me, that's one of the -- if we're allowing that to occur, it's hard probably for some of us to say, well, let's grant a deduction when we're already not sticking to a fine line with what we allow at this point even with the PRD.

The esthetics, and you kind of mentioned it, that would come back to the Planning and Zoning Commission in terms of the -- the wrap on the garage or anything else above ground, that would -- that would be in front of us and would have to go to Council.

Just like on Vanguard, I guess that process would be the same situation. That's what we encountered there.

At this point is the 50 percent parking, is that allowed at any height? I mean it can be topped down or

ground out. I mean I know you have to drive up to it. But we don't have any guide -- or regulations on going to the top with parking. I mean has there ever been any thought of limiting the parking to a certain height or percentage of the building, so you kind of at least can top that with -- with residential or amenities, instead of just having an enormous parking garage tagged on to one end of the development?

I don't know if we can manipulate the design, you know, principles of that in some way, shape or form instead of just allowing it to come off of grade and go up four or five stories.

I mean maybe -- I mean that would, again, come in front of us to kind of look at how that plays out in the overall design of the project.

So the -- the -- the property owner that we've been getting a lot of letters from, they don't actually -- they're an adjacent property owner, right? I'm just -- just want to get -- is it --

CHAIRMAN KISTNER: Do you have a question for Mr. --

MR. FARON: Well, he, I think, stated that, and I just want to make sure that's the case. There's a lot of information here that's a little hard to understand because it seems like there's a contentious competition

here in terms of what can be, now I hear that there's a contract involved, but, and that does back up to unincorporated.

MR. STOCK: It does back up to --

MR. FARON: Okay.

MR. STOCK: -- unincorporated.

But the office building is outlined in pink, and that is what the letter from Mr. Cox represents. That property is 12647 Olive Boulevard.

TriStar owns, or owner under contract, the two properties outlined in yellow, but the advertisement has 12647, which is the property.

Now it gets a little more complicated. Mr. Towerman has the rights to 12647 to develop that property as long as leaves that building with parking spaces and complies with the City's ordinances.

But I think what struck a cord with him was the notification that had his address on there and not the two properties that Mr. Towerman --

MR. FARON: Yeah, I know this is a separate thing. There really --

MR. STOCK: It's a separate thing, and we continue to work it out.

MR. FARON: Sure.

MR. STOCK: We got a softer letter. At least

the letter says no opinion to the text amendments.

MR. FARON: Right.

MR. STOCK: We're still having to --

MR. FARON: And you're willing to look at more in the specifics of what we're talking about in terms of --

MR. STOCK: I think -- yeah, I think we'll work with --

MR. FARON: -- average.

MR. STOCK: -- staff to understand a little bit of a trade-off as to a reduction in the minimum and average, and what in turn is the amenities that's offsetting that.

MR. FARON: Thank you, Mr. Stock.

CHAIRMAN KISTNER: Are we ready -- are you here prepared to speak to some of these questions? Do you want to speak first or do you want to just start answering?

MR. JAGGI: Thank you, Chair.

I guess some of the discussion --

CHAIRMAN KISTNER: State your name.

MR. JAGGI: Yeah.

Jason Jaggi, Director of Community Development, City of Creve Coeur.

Some of the discussion I've heard tonight is -- is central to the issue of, you know, why are we reducing

or why is it being considered to reduce the unit size, and then as well as the standard that we have right now that requires all parking to be underground.

These -- I want to remind the Commission that these standards are just for multi-family buildings in the Core Business District. That that's all this applies to. It's not citywide. It's not as open as we may want to think it is. It's specifically geared for multi-family projects in the Core Business District.

And there are two really standards that we're looking at this evening.

One is reducing by 100 square feet the minimum unit size, and the second is required underground parking for half of -- for half of the required parking spaces.

So as staff looked at the application, we thought, of course, not focusing on this particular project, that may or may not come about, but the broader issue of why these regulations are in place and what intent do they purport to serve.

And so the first take on that is that we looked at is the minimum unit size. That's a common number that you see around the various code of 750 square feet.

But it does not meet with the market of what's being built. What we have are two most recent apartment buildings, they do not meet this size. The one is The Vue

that was handled through a different procedure in terms of unit size, that's a Planned Residential District, which the City has ability, at a legislative stance, to alter that, to modify that in the ordinance. That's not available if you're not in a Residential Planned Development. We don't know where -- we don't have as much legislative authority to do that. It's just you have to follow the code.

So, and then the question with the Vanguard is throughout the approval process there are plans that showed the minimum unit size being followed.

However, Mr. Towerman brought to -- to our attention, as well as the Commission, in his analysis, that there are advertised units that are smaller than that.

And so what I think happened is when the plans came in for permitting there were floor plans that were shown with less square footage.

So that is an issue that's out there --

CHAIRMAN KISTNER: So you mean they showed them correctly, they were simply incorrectly approved?

MR. JAGGI: No, I think what happened was is that on the civil side of the plan there were -- there was some notation that was just taken out of -- the code was transcribed on the civil drawings, but when the permits

came in, the unusual floor plan, some of the units are a little bit lower than 750 --

CHAIRMAN KISTNER: They're actually --

MR. JAGGI: -- so --

CHAIRMAN KISTNER: -- a lot lower --

MR. JAGGI: Yeah.

CHAIRMAN KISTNER: -- they're 650.

MR. JAGGI: 650. So that's a separate issue.

But the reason why is, you know, why we're bringing it up, is the fact that there are examples out there, just from a general sense, there are examples out there where there's apartment buildings in town that have smaller units than our minimum is required.

So that -- that was the intent of -- of raising the issue in terms of picking some other projects.

Kings Landing, and I would just say for that, we weren't here for Kings Landing. I don't know what happened. I've heard a lot of different -- a lot of negative things about Kings Landing, in terms of maybe some architectural elevations that weren't -- that were approved, and units are coming up. I just can't speak to that.

But I can tell you really from our sense of how we looked at this is -- is the market and what's being built are not suburban-style multi-family units.

Okay. Have a different -- they're trying to attract a different demographic. There is a more focus on the amenities that are being provided within these buildings, and they're not small -- sprawling suburban-type developments.

So it did make some sense then to consider lowering that. There's just a different focus on the living area versus amenity package.

And the question that the Commission is discussing tonight is -- is, well, how can we regulate that if we're going to trade off some square footage in individual units, how can we require some other things that -- to make up for that.

And that's certainly a good question, but I'm not sure how you want -- how you would regulate that.

It's difficult to regulate that because all we have right now is we're just regulating the unit size, and that's really all we're talking about. We're not really talking about adding a whole bunch of other requirements to redevelop in the Core Business District.

And also the Core Business District is the -- the core -- it's the most intense commercial district that we have in the city, so that would support maybe looking at a little bit more, you know, smaller unit sizes in the sense of what's the mission of the Core Business District.

This text amendment does not affect any of the density requirements of the floor area ratio or required amounts of the parking. None of that is being affected by this -- by this text amendment.

In terms of the questions of the architectural suitability of the parking garages being underground, again, we referenced a couple projects that are more current, that were unable to meet that requirement. They went a different route to the Board of Adjustment and pleaded a case for a hardship and were successful.

But in my mind, if we're routing applicants to a -- to a variance process, there might be an issue with the code when more recent projects are unable to meet that requirement.

And, again, it goes back to the cost issue and to a feasibility issue as if we're going to require them to go underground, that's an expense that is not being met and won't be met. It's just very expensive to do that, geologically prohibitive, and just the cost of all the other cost factors, it's just hard to meet that requirement.

I think we can, and we have seen it, where if you have liner buildings that -- that front these garages, that they're placed more toward the middle of the building or toward the rear, something like that, you're really not

going to notice them visually all that much.

There's architectural ways to downplay the esthetic, you know, the esthetic value of a parking garage that's above ground.

So I think we can do it, and the Commission can work with that again to make sure these will do it, but not go so far as to require them to be underground.

So those are some of the comments that I have this evening, but you may have some other questions, I'd be happy to shed some light on.

CHAIRMAN KISTNER: Do you believe the code, the ordinance, text amendment for pertaining to the -- the garage includes any requirements or direction or stipulation as to how they would have to be built in order to meet our standards?

MR. JAGGI: Yeah, that's a good question. In fact, it's one that staff volleyed quite a bit back and forth on how what would be the appropriate way to, you know, to state that we don't want to see garages; that we don't want them to be emphasized and a design, we want them to kind of be somewhere else and not be visually present. So we just settled on the fact that it be architecturally integrated into the residential plan. And I think that's a statement that says there's an expectation that the -- the garage -- parking garage

structure for a multi-family project receive architectural elements that are consistent with the -- the entire project in and of itself.

So that was our approach with it. And we thought -- you know, we did look at thinking, well, what if you prohibit it along the street frontage, but then you get into the -- to the argument of, well, what's a street frontage and -- and all of that, so knowing that this Commission would be looking at that, and you'd be looking at something that was architectural integrated, we felt just kind of leaving it at that would probably be --

CHAIRMAN KISTNER: Mr. Pullium.

MR. PULLIUM: I'll try and ask my question as succinctly as I -- as I can.

Is there -- does a correlation exist between larger unit sizes and higher quality product?

MR. JAGGI: Does a correlation exist between a larger unit size and a higher quality product?

MR. PULLIUM: Yes.

MR. JAGGI: I don't believe there's a direct correlation.

MR. PULLIUM: Is there an indirect?

MR. JAGGI: I think you can have a -- I think you can have a -- a very nice multi-family development that has -- that has some units that are below 750 square

feet. And if you do have some of those, I think the outward appearance of the project, the site design and all the other exterior elements, would lead you to say that it's a either a nice project, based on the design and layout of a -- and architectural treatments of a building versus whether inside units are a little smaller than 750 square feet.

MR. PULLIUM: Aren't -- aren't you saying the -- I mean the staff report specifically says, the reason behind establishing the minimum unit size --

MR. JAGGI: Uh-huh.

MR. PULLIUM: -- and the current code was because whoever established it thought there was such a correlation?

MR. JAGGI: Right.

MR. PULLIUM: You're saying over the course of time it's your belief that that doesn't hold true?

MR. JAGGI: I wrote -- yeah, that was in the staff report because why would you have it. So my thought is that at the time when this was the required 750 square feet, there was -- there was a correlation that was trying to be established. However, I'm rejecting that -- that conclusion because I don't think there really is.

MR. PULLIUM: Right. And I'll follow up. And that may be true. I know there have been several

questions that have been posed tonight that center on the goal of keeping up that higher quality product.

So is there a different tool other than anything we've discussed tonight that would accomplish keeping the high-quality product, other than what's being proposed, which is moving it down -- well, what's in the proposed amendment.

Is there a better way of accomplishing that goal?

MR. JAGGI: Well, I think at the core of the issue tonight is -- is just -- all it is looking at is a unit size.

And I think it's difficult to say that the unit size, in and of itself, dictates everything else, you know, the merits of all the other aspects of a proposal that you would look at. It's just one little piece of a larger requirement that you would look at in terms of a -- to determine whether a multi-family project is a good project in the City of Creve Coeur designed appropriately, you know, all the other factors, has a good site design, mitigates traffic, all the other things that you would look at. This is just one small piece of that.

MR. PULLIUM: That is -- sorry. Just to finish this up.

It is just one small piece, but it's a small

piece where we're talking about getting rid of, and I just want to make sure that it's your opinion that we're still protected because of the other things that exist?

MR. JAGGI: I do. I agree with that.

MR. ROVAK: And I'll follow up with, and just, again, with my concern with it. And is this -- with this being passed --

MR. JAGGI: Uh-huh.

MR. ROVAK: -- is this our only bite at the apple? In other words, if we see something that then comes back, and has the smaller individual and average unit size, we're not going to be able to say, well, we thought it was going to come with more amenities or we thought it was going to include specifically this or that.

Will we then have the ability, unless it's a CUP, are we really going to have the ability to then make a condition that it have those amenities or --

MR. JAGGI: Well, I guess my -- my point would be is if a -- if a unit project came in and it said they were proposing 750 square feet, and now if we're going down to 650 square feet, how does that change affect the overall appropriateness of the development? Cause we're not regulating it in terms of how many amenities it must have and all of this. We're -- we're -- we're not regulating that now.

MR. ROVAK: No, but we're seeing a shift. So we're seeing a shift from a rigid interpretation of a minimum size --

MR. JAGGI: Yeah.

MR. ROVAK: -- and being that which governs.

And we are now saying, you know, that really isn't the all and the only, there are other things. We're looking at a new market. People have different expectations other than just the size of the unit. And I say that can be very valid.

MR. JAGGI: Uh-huh.

MR. ROVAK: But I think then along with that, if we embrace that, then is there not some -- is this not the time to then make it something other than just modifying that, or do we not yet, you know, at what time would we ever have the ability to call into question a much reduced footprint, a much reduced size, and then say, well, what can we get in return that really shows the quality of this particular development? What's it's going to provide to perspective tenants.

So, I, you know, and, therefore, to the market in general and, therefore, to peoples' perception of Creve Coeur in multi-family apartments that are -- so at what point are -- or would we -- would we be better off with a companion text amendment that would include these?

I'm just trying to see that we don't just get something shoved to the side with the expectation that there's something else out there, but that the something else out there never comes down the road.

That's -- that's my concern so.

CHAIRMAN KISTNER: Mr. Stock, did you want to --

MR. STOCK: I think the only comment I wanted to make is, you know, part of the efficiencies of the apartment is no different than homes.

You know, for example, when suburban apartments were built, TVs had a -- you know, they were 24-inches deep, you know, you had a curio case, and you had your TV, so you had a wall.

Apartments don't take that into account. They're assuming there's flat screens on the walls. So the bedrooms, the living spaces are smaller.

The kitchens are another example. The kitchen, there's not the kitchen and then there's the kitchen offset with a table in it. You have the island, the granite island that's used both for serving and sitting and eating. It's just the efficiencies that have made these apartments smaller. The cost of construction continues to go up.

The sites aren't suburban sites. Your Core Business is -- is infill. We're not having large

sprawling sites. We have to condense the buildings, so the buildings are condensed in size. Height, four stories. And, again, you're taking advantage of taking Core Business and making it a mixed-use. So you're putting a young professional that's -- work, lives, plays within there.

So -- so it's -- it -- the trade-off, while we can add the amenities about the fitness centers and what's there and the finishes, the finishes are much different than squared apartments. So while the 750 square feet, when that was passed, apartments weren't putting in granite both in the bathrooms and the kitchen. You have higher finishes within these units, which is a cost of construction.

So the whole dynamic has changed. And when we can bring examples of these apartment projects, you know, to the Commission so that you can see exterior, interior, as to what they'll be, so it's not just shrinking the square footage, the quality has gone up, the cost per square foot has gone up with these apartments and the finishes. And then we can give you fitness centers, and tell you about how much square feet we charge, and we'll show you photographs of what they look like.

CHAIRMAN KISTNER: But yet our regulations, our text, would only speak to --

MR. ROVAK: Right.

CHAIRMAN KISTNER: -- a small -- small --

MR. ROVAK: So we get -- we have the -- that's my concern.

MR. STOCK: But that's not bad. I think what we're saying, that's not bad. That's what we're -- we're building, you know, that's what the demographic --

CHAIRMAN KISTNER: But that's what you may be building in this one instance, but the text amendment applies everywhere.

I think I'm hearing, and pretty fairly unanimously that -- or not unanimously, but among several people, some discomfort only changing the sizes to be smaller to change, and I don't disagree with making a change on the garage, but with no other certainty or -- or detailed specifications that would make it -- would insure a design that was in some ways hidden or defining what integrated is.

It feels like we're simply lowering our standards --

MR. STOCK: Okay.

CHAIRMAN KISTNER: -- and not doing anything to balance or insure that very good high-quality granite countertop --

MR. STOCK: Uh-huh.

CHAIRMAN KISTNER: -- high fitness, you know, fitness center, projects are actually what we're going to get because all we're doing is taking those numbers and making them smaller, and that feels like we are diminishing, we are lowering one of the only criteria we have is a proxy for quality, but we're not adding in and we need to balance that out.

I'm speaking for some people --

MR. CARNEY: Yeah, and I don't think there would be a huge need for a project to -- I don't know what exactly this project is, but I mean if you look at the amenities of this project, I don't think we're asking them to build a 30,000 square foot facility outside of the apartments.

I mean it probably already meets what criteria the Board would be comfortable with.

MR. STOCK: Okay.

MR. CARNEY: My opinion. I don't know how hard it would be to write it into the text amendment.

CHAIRMAN KISTNER: I was wondering if -- if you all had done, and if not, if you could look at, some comparative ordinances in other -- looking in Clayton, maybe looking in, you know, comparable cities outside of St. Louis that might have similar -- want to have similar standards, and see whether they have come up with creative

ways to allow for the lower sizes, but insure that the overall quality and desirability was more locked in as opposed to up to the -- to the standard of the developer.

MR. JAGGI: We'd be happy to do that.

So if I'm hearing from the Commission, you want more information. You're not ready to act this evening. You would like to have some additional research information from staff on some of these issues.

So I think it would be helpful to us if we could summarize some of the information that you'd like staff to go back and provide, and we'd be happy to do that and continue the discussion.

MR. FARON: Could the number, I don't know if the six, you know, fifty is a magic number versus 700 or 850 versus the 825. Those numbers, are those market numbers that just seem to fall into the averages that we see in the adjacent communities?

I'm a little more curious about that. Maybe we don't --

MR. JAGGI: Okay.

MR. FARON: -- drop it back 100, we drop it back 50 to make it 700, and we drop it back from 900 to 850.

I mean it's a -- it's less, but it's still going in the direction that the applicant is pursuing.

And if in your pursuit, could you give us a bit

more clarity on why that -- or why those numbers are being presented, and maybe the applicant could address that, if they haven't already, if that's a magic number or if that relates to costs of the construction or what.

MR. MAGRUDER: I would like to see what you bring back to us with something that has more specific language.

MR. JAGGI: In terms of the garage issue?

MR. MAGRUDER: Both.

MR. JAGGI: Both.

MR. MAGRUDER: In other words, I don't have a big problem with -- with the size, and I don't have a big problem with the garage, but I have a big problem with the uncertainty about what this is going to look like. So if the language could be a little more specific, I might be a little more comfortable rather than -- am I making sense?

MR. JAGGI: Uh-huh. Yes.

CHAIRMAN KISTNER: Okay. Before we go on, I want to find out if there's anybody in the public in the audience tonight who wants to speak to this issue?

See none.

Do you have enough from us, Jason --

MR. JAGGI: Yes.

CHAIRMAN KISTNER: -- in terms of --

MR. JAGGI: Thank you very much. We will

provide some more information and come back for your consider -- for your consideration.

MR. LUMLEY: Are we going to decide whether you want to keep the public hearing open for actual testimony or if you're just continuing the matter? It's up to you. But if you want sworn presentations, I'd suggest that you continue the public hearing itself.

CHAIRMAN KISTNER: I think because we're going to potentially amend this text amendment, we should continue the public hearing.

Is there a motion to continue the public hearing then?

MR. ROVAK: So moved.

MR. CARNEY: Second.

CHAIRMAN KISTNER: Second?

MR. FARON: Second.

CHAIRMAN KISTNER: All right. Mr. Pullium?

MR. PULLIUM: Aye.

CHAIRMAN KISTNER: Mr. Rovak?

MR. ROVAK: Aye.

CHAIRMAN KISTNER: Mr. Faron?

MR. FARON: Aye.

CHAIRMAN KISTNER: Mr. Carney?

MR. CARNEY: Aye.

CHAIRMAN KISTNER: Ms. Hall?

MS. HALL: Aye.

CHAIRMAN KISTNER: Mr. Magruder?

MR. MAGRUDER: Aye.

CHAIRMAN KISTNER: Chair votes aye.

Public hearing is continued.

MR. STOCK: Thank you.

CHAIRMAN KISTNER: Thank you.

(The public hearing ended at 8:30 p.m.)

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

PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

MONDAY, APRIL 18, 2016

6:30 P.M.

PUBLIC HEARING NO. 16-005

PUBLIC HEARING NO. 16-012

THOSE IN ATTENDANCE:

Ms. Beth Kistner, Chair
Mr. Tim Carney
Mr. James Faron
Ms. Muriel Hall
Mr. Don Magruder
Mr. Charles Pullium
Mr. Gene Rovak
Mr. Carl Lumley, City Attorney
Mr. Jason Jaggi, Director of Community Development
Ms. Whitney Kelly, City Planner
Ms. Deborah McLaughlin, Recording Secretary
Ms. Jessica Stutte, Planning Assistant

McLaughlin Court Reporting Services, Inc.

Deborah K. McLaughlin, RPR, MO-CCR #314, IL-CSR, KS-CCR
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CHAIRMAN KISTNER: Good evening. We'll bring the meeting to order, Planning & Zoning Commission meeting of April 18th, 2016.

We'll start with our roll call.

Mr. Carney?

MR. CARNEY: Present.

CHAIRMAN KISTNER: Mr. Faron?

MR. FARON: Present.

CHAIRMAN KISTNER: Ms. Hall? She's absent.

Mr. Magruder?

MR. MAGRUDER: Here.

CHAIRMAN KISTNER: Mr. Pullium?

MR. PULLIUM: Present.

CHAIRMAN KISTNER: Mr. Rovak?

MR. ROVAK: Present.

CHAIRMAN KISTNER: City Attorney, Carl Lumley?

MR. LUMLEY: Present.

CHAIRMAN KISTNER: Director of Community Development, Jason Jaggi?

MR. JAGGI: Present.

CHAIRMAN KISTNER: City Planner, Whitney Kelly?

MS. KELLY: Present.

CHAIRMAN KISTNER: Recording Secretary, Deborah McLaughlin?

MS. MCLAUGHLIN: Present.

CHAIRMAN KISTNER: And Planning Assistant, Jessica Stutte?

MS. STUTTE: Here.

CHAIRMAN KISTNER: Okay.

We'll start with Unfinished Business.

Our first matter is a public hearing being continued.

Application No. 16-005: Text Amendments to Section 405.470(A)(31) Relative to Conditional Use Standards for Multi-Family Dwellings in the CB, Core Business District.

Good evening, Mr. Stock.

MR. STOCK: Good evening, Madam Chairman, Members of the Commission, Mr. Lumley. For the record, my name is George Stock, and I'm with Stock & Associates Consulting Engineers.

And I'm here tonight on behalf of TriStar Properties, and joining is Mr. Towerman.

This is a continuation of the Application 16-005, the public hearing we had on April 18th.

We're having a little bit of technical difficulty between the iPad and projector. So I do have hard copies of the PowerPoint, so what I'd like to do is just come up to the dais and pass those out, so that you have those.

CHAIRMAN KISTNER: Thank you. Okay. Certainly. Thank you for being so well prepared.

MR. STOCK: And I'll try to balance this best I can for the -- everybody that's in the audience.

But, basically, Application No. 16-005 was a text amendment to the zoning ordinance regarding the standards for conditional use for multi-family housing, specifically the minimum and average unit size and underground basement parking.

As I mentioned, the public hearing was continued from 3/21. Tonight is April 18th.

Our request was to reduce the minimum unit size from 750 to 650 square feet, and then reduce the average unit size from 900, and if you recall when we were last before you, our original petition was 825, we have amended that that the average size be 860 square feet.

And then the third item was to eliminate the requirement for 50 percent required parking be located underground or in the basement.

And our presentation follows a letter that Mr. Towerman had written on behalf of TriStar Properties identifying the rationale and trying to address some of those comments, questions that were raised by the Planning Commission at our last meeting.

And part of it is the Core Business Zone, which

is the district that we're asking for the amendment, is how -- how is it appropriate for our request. And I think part of it relates to the intent of the Core Business Zone, and relates to the development of retail, office, multi-family residential uses.

And by definition, multi-family products within the Core Business Zone will be small sites that require vertical, and, therefore, more expensive forms of construction and associated high costs of parking garages.

High construction and land costs means that to deliver the units that are rent that non-executive employees can afford, living units must be smaller than the sprawling areas. Yet, as described below, that is what the consumer prefers.

The charts below illustrate excess costs of the urban development translating in the higher rent, and, therefore, need for smaller units.

And as you look at this table, there's a comparison between suburban and then the Core Business District and the suburbs. And you look at the land costs, one in the suburbs, approximately 10,000 per unit versus 25,000.

The average cost of construction is -- ranges between 79,120, 107,500. Parking per unit ranges from just under 5,000 to 21,450.

Basically, your cost increase for building in the Core Business or an urban is approximately 164 percent versus suburban.

Now, that does correspond to higher rents. The average rent is $1.10, in the suburban, per square foot, and it's a $1.75, and so the rent increase is 159 percent increase from a suburban comparison.

The consumer that chooses to locate in the Core Business Zone as opposed to the vast suburban sites with large amounts of green space incorporated in the project have different preferences.

They generally prefer a relatively small living space and walking access to a wide variety of services, such as cafes, restaurants, shopping and employment within a short walking distance of home.

Here residents may walk to Dierbergs, Pastries of Denmark, AMC Theaters, have coffee and read the paper at Starbucks instead of at their kitchen table; debate politics at Bread Company rather than their lobby; work out at Club Fitness versus their living room, and walk to work at Mercy's medical facility at Olive and Mason, as well as BJC West County Hospital and associated medical buildings, as well as companies located within the West Park office building.

Again, the amendment is for the Core Business,

but a large amount of the City of Creve Coeur's Core Business is located on the aerial photograph, and I'm in the northwest portion of the City of Creve Coeur.

And what I previously described in West Park are those amenities that appeal to this type of urban living where you have office buildings, you have the amenities of restaurants, cafes, you have shopping all within walking distance.

On the south side, what was mentioned is you have the Mercy Medical Office Building, Urgent Care on the southwest corner of Mason Road, and you have the BJC health complex on the southeast portion.

So the Core Business is trying to create, by intent, that definition of retail, live and work, and you have a terrific example of that type of dense development located right here at West Park.

There was a question about researching other facilities in the other adjoining municipalities and how their size compared to our request.

And we've created this matrix below, and it identifies relatively newly constructed apartment communities, and some of those that are currently under construction. And just as a comparison, I'll just run down the chart. You can see the first column is the minimum unit size, and then the average unit size.

The first one is the Vanguard Heights in Creve Coeur, which has the minimum of 651 and the average of 861.

25 North Central in Clayton is currently under construction. That's the Opus development. It's got a minimum size of 511 and an average of 838.

The Ox Blue, which is in Central West End, minimum 540, average 905.

The Evo in Richmond Heights, 572 and 842.

The Orion in the Central West End, 634 and 998.

Vanguard Crossing, U City, 625, 955.

Cortona, which is Forest Park, 575, 824.

Allegro in Richmond Heights, 525, 932.

Streets of St. Charles 537, 813.

And Alinea within St. Louis County, this is the Quarry property, 590 and 905.

And when you look at the average of those, 576, 887, and the next line is the City of Creve Coeur's current ordinance, which is 750 and 950. And we talked at the last public hearing about how long that ordinance has been in place, and -- and, obviously, all the developments that we're listing here are probably within the last five years.

So it's generally the trend that we're going.

For West Park, our minimum size is 651. That

correlates to the 650 request, and then 861 is our average, and, therefore, we bumped up from what we were asking, 825 to 860. And that corresponds exactly with what the Vanguard Heights in Creve Coeur.

The smaller units have become much more efficient with open floor plans, elimination of unnecessary space, smaller appliance requirements, the flat screen TVs rather than consoles, et cetera.

One of the goals of urbanism is to encourage residents to leave the building, assemble in public places and patronize nearby retailers. Urban projects are amenity rich, as well as the Applicant's project at West Park.

So this is example of the -- some of the architecture of the newer projects, and kind of the direction things are going.

This is the 212 South Meramec project, much smaller than what we are proposing.

25 North Central, this is the Opus development. And this has structured parking as part of the project that's integrated into the building itself.

And talk a moment about how to address that.

This is Allegro at the Boulevard. And what trying to identify here are these higher rents, higher cost construction. The urban development is there was a

lot of concern about making things smaller and things being, perhaps, less quality. And I don't think that's the case. That's certainly not the case in any of these.

The finishes are anything but lower quality. They're high quality. And those people paying the rents that are opposed to buying a home and mortgage a 350,000, they're demanding the higher finishes.

The public -- kind of the open space as part of the patio.

Ox Blue. Again, this is a little bit taller. Retail on the first floor.

Yes.

CHAIRMAN KISTNER: Can I ask you about the Allegro, which you just went past?

MR. STOCK: Yes.

CHAIRMAN KISTNER: The Allegro average unit size, according to your chart, is 932. Correct? Which is --

MR. STOCK: I'm sorry.

CHAIRMAN KISTNER: -- higher than even the current minimum --

MR. STOCK: Right.

CHAIRMAN KISTNER: -- in Creve Coeur.

So I'm just trying to understand why you're offering this as a comparison.

MR. STOCK: Well, we were comparing those that are most recently constructed.

But, again, the Allegro, I think what we're trying to demonstrate is the finishes. That would be comparable to the finishes that we would have in the West Park.

CHAIRMAN KISTNER: But from an ordinance comparison perspective, this one would not compare to what's being proposed, correct?

MR. STOCK: I think the minimum size --

CHAIRMAN KISTNER: 525.

MR. STOCK: Yeah, it's 525 versus 932 on the average, so they do have the smaller, but they, obviously, have less. Smaller one-bedroom units than what we would be proposing in our mix.

So I think -- we didn't want to leave it out because it's relatively new. It does have substantially less than what the City of Creve Coeur's ordinance is for minimum unit size.

CHAIRMAN KISTNER: Okay. That was the minimum?

MR. STOCK: That's the minimum.

CHAIRMAN KISTNER: Okay. Thank you.

MR. FARON: Further question.

MR. STOCK: Yes.

MR. FARON: Related to that, it seems like these

comparisons show a pretty -- or a wider gap than small -- the large versus what you're proposing. Seems like that -- that decrease is not as, I guess, drastic as some of the other examples in terms of minimum size and then relate that to the overall average.

But I mean the variety or the variance there on -- on what we're proposing is slightly less than what we're seeing trend wise, and what you show in these examples, I would take from looking at all these numbers?

MR. STOCK: Yeah, well, I think when you look at some of the really small ones that are in the City of St. Louis, so more urban and, you know, we're urban-suburban a little bit, we don't have necessarily the density in West Park, that the density that exists, for example --

MR. FARON: Clayton.

MR. STOCK: -- Clayton, the City of St. Louis. You know, along Oakland Boulevard where the Cortona is located, there's higher density of buildings concentration there. And then they do have some larger units, but, certainly, the minimum's dropped down substantially lower, substantially another 100 square feet, 150 square feet below where we're at.

MR. FARON: What I see, like in some of the smaller minimums, it doesn't really adversely affect the

average. It almost is higher. It seems like a pretty good balance between if you have a lot of small units, you don't have a considerable amount of --

MR. STOCK: Average --

MR. FARON: -- loss in your average size for larger units.

MR. TOWERMAN: I'm Mike Towerman, the proposed developer of the project. And I was sworn in last time.

And so I thought maybe I could shed a little bit of light. George and I didn't talk about this question that you've raised, either of you.

So there are a couple of things at work here. One of them is the Allegro is the oldest of the projects on this page. It also has a completely separate garage, by the way. That's the one right across from the Galleria, so it's got retail and separate freestanding garage. So that one was designed differently, and it also, with being the oldest, reflects the trend the least.

There's some other things going on here too, which is one of the most difficult things about planning a project like this, is trying to figure out who your target audience is.

And once you try to figure out who your target audience is, you're going to design for that. And so I'll point out, and I guess my short answer, Beth, to your

question is, I wanted to show all of them, whether they were good for us or bad for us, I wanted to show all of them that I could come up with.

So, you know, yes, some of those are larger than what we request, in terms of the average, but I just wanted you to know that. I wouldn't want you to come back later and say, well, you guys didn't show us this, you didn't show us that.

And then I took an average because I thought that they were enough examples that we could look at kind of the average to see what might be appropriate for a text amendment.

But, nevertheless, in terms of the vast differences between them, so, for example, the most recent project on there, which isn't even out of the ground yet, would be, let's see, that would be -- I don't think we have it on there. We didn't have the information.

And that is right next to the Cortona there's going to be another one built called the --

MR. STOCK: Encore.

MR. TOWERMAN: -- Encore. I don't see it.

So Streets of St. Charles is still very new. That goes all the way down to 813 square feet on the average, while you'll see that a very new project, just finished The Orion in the Central West End. That's all

the way up to 998 on average. And the reason is the target audience. So in the case of the Orion, they're trying to attract, and they have attracted several ballplayers. They are attracting people who live out in the County, my partner included, he's not signed up, but he's looking at it, but he's coming out of a home in West County, a large home in West County, and he's not willing to give up that much space, but he wants that -- he wants to experience this urban thing as a renter before he decides to buy. And their units at the high end -- my partner has more money than I do -- $5,000 a month. So if you're going to charge $5,000 a month for your largest units, you're going to need to offer something like 998 square feet, or rents at the high end are going to be closer to $2,000 a month, so we don't need to offer as many square feet, as long as we offer a quality product.

Yes, sir.

MR. FARON: It seems like when you look at the minimum size, well, that's a lower quality on the other end or the average of the -- seems to me, I notice some smaller units here, but it's balanced with that average of a larger unit that kind of counterbalances the idea that, well, they're all going to be small, okay, but you're -- seem to be hitting a market where you have to offer a few small ones, kind of keep a little bit, keep that average

high because they want that --

MR. TOWERMAN: Yeah.

MR. FARON: -- bigger square footage.

MR. TOWERMAN: And some of that has to do, not only with size, but the number of bedrooms.

So, for example, we're building a project, it was the last one, Alinea at 270 and Manchester. We have hardly any three bedrooms because our belief is that we're going to get several corporate renters from Edward Jones, Charter Communications and that type of thing, and we're not going to get very many people with kids. So it's also a balance of one and two bedrooms in that case, say 50/50 pretty much, versus another project we have in St. Charles where our average unit size is 955 square feet, while this one is 905. And that's because we expect to get a fair number of three-bedroom renters with kids, a divorced parent with kids, a couple who moves in in between homes or something like that.

But I can tell you that our project in St. Charles cost us about $145,000 a unit to build, larger, 955 square feet on average. Our project at Manchester and 270, only 905 square feet, more like 195,000 a unit to build.

So, thereto, smaller does not mean less quality or less expensive. And the amenities that we're going to

have in the smaller project, the smaller units at 270 and Manchester, is truly, you can go see it soon, a resort style pool, spectacular clubhouse built into one of the buildings with a branded fitness center. All kinds of wonderful high-end amenities.

While in St. Charles, it's typical suburbia with a little clubhouse, a little pool, detached from the rest of the units.

It's just a whole different market orient -- marketing perspective, and, you know, targeted to a specific audience.

CHAIRMAN KISTNER: Mr. Rovak.

MR. ROVAK: Yeah, I have a question. I don't see addressed here, unless I just let it escape me, because one of the main points of the text amendment is, rather than modifying it, is elimination of the 50 percent requirement for underground or structured parking. But I don't see anything that addresses it. I mean is -- are we talking about rather than say necessarily underground, incorporate it into the, you can say structured parking, even if not underground.

How are we dealing with what is going to be the amount of surface parking that's going to be required, and what's it going to do in terms of our site?

I just didn't, like I say, I didn't see a lot

telling me what's going to happen.

MR. STOCK: Well, it's still going to meet the structured parking requirements, just the 50 percent required to be underground can be vertical, above ground.

And I think the language at the very last slide, No. 10, it's just -- the garage is esthetically integrated into and incorporates the architectural features of the principal structure. So it can't be just a pre-cast grade garage. It has to architecturally be integrated.

So I think staff has some language suggested in the staff report, and that's pretty much what we're identifying on here.

MR. ROVAK: Okay. So there's no downsizing or elimination of the amount of structured parking required --

MR. STOCK: Correct.

MR. ROVAK: -- only that it not necessarily be underground?

MR. STOCK: That's it.

MR. ROVAK: Thank you.

MR. FARON: Mr. Stock?

MR. STOCK: Yes.

MR. FARON: I had a question related to what you just mentioned about the parking.

So the change now is from, say, we have to have

an integrated kind of parking system to function with the overall kind of esthetic of the entire project, so the previous kind of take on this was that we could just clad that structure to look attractive, but be not in any way associated with the ongoing residential aspect of the project.

Now, you're -- you're saying that this all has to kind of tie together, and it can't just be made to look not like a parking garage, but -- but unrelated to the residential aspect of the building?

MR. STOCK: Well, I -- I think the language is integrated into and incorporates the architectural features of the principal. So that architectural purview is really the Planning Commission's, you know, when you go through the site plan review, you're going to look at the elevations, and you're going to decide if that's architecturally integrated. And I think that's the trade-off of allowing 50 percent of the required parking to not be subterrain, is that when you bring it up, it needs to architecturally blend with the architecture of the principal structure --

MR. FARON: Seems like the bar has been raised a little bit --

MR. STOCK: It has.

MR. FARON: -- to have it blend and be

associated with the entire project, but just to have it look like something other than a parking garage.

So you might have, you know, on some projects we do see the residential design, and then we see the parking garage, it is dressed up, but it doesn't sometimes relate. It can still stand out, even though it has panels on it to kind of hide the levels and stuff. But I kind of like -- and I'm sure staff can address a little light. I had a question about that, and how they all fight together.

I think what you said is -- is stated in what I assume is being offered, so, thank you for that explanation.

MR. CARNEY: I have a question. This may be for Mr. Stock or maybe to the other gentleman.

Does your rent per square foot for the larger units usually come out about the same as --

MR. TOWERMAN: No, that's an average.

MR. CARNEY: Okay. So the smaller units usually are more per square foot, a little bit higher?

MR. TOWERMAN: Uh-huh.

CHAIRMAN KISTNER: Sorry for all the interruptions.

You want to continue with your --

MR. STOCK: Well, I think you've been able to page through. I think, you know, for the benefit of those

in the audience, the majority of it was, again, a lot of questions were when you make it smaller, does it affect the quality, and I think what we're trying to demonstrate in these projects and these slides, as we go through it, doesn't show up very well here.

I don't know where I left off. But starting with the Cortona, a little bit of the -- these are the interior finishes of the common space within the Cortona.

West Park anticipates having that amenity space in the central core with the pool and the deck, fitness center. This is a perspective of that, day and night, at the Cortona.

The Encore. Again, this is the architecture, and we're getting into the similar design for West Park as far as scale. I'm not saying these are the architecture, but three, four-story building is what we're looking at at West Park.

I had shown you something in Clayton that was many stories tall, but this generally starts to put it in perspective of what we would be looking at at West Park.

Again, this would be a good example. This is the development at Richmond Heights along I-64 and Eager Road. It's under construction, Manhasset.

Again, this is the scale. And, again, the scale is not comparable with -- in West Park with the five-story

office buildings that are located there.

And these are the amenities, you know, rooms are smaller. There's space within the facilities that you can go that are common spaces.

This is the development -- Mr. Towerman's development at Des Peres Road and I-270, Manchester, Des Peres Road.

Again, you start to see some similarities with the Manhasset, and this is going to strike that scale that we'd be looking at West Park. Some of the units here have little balconies, patios that come out of the garden-style on the building.

And then, again, these were some of -- just the final comments we had, is, again, going back to the intended Core Business District to induce and ensure high quality development through the use of site development plan approval procedures, which provide for specific consideration of access parking, drainage, landscaping, design factors, all of which are subject to the Planning Commission's review, comment and approval.

Again, the apartment owners are competing for the tenants, and it's very difficult to attract and retain the tenants if the quality is -- is absent.

I think bigger doesn't mean better in the apartments. And, hopefully, you saw some of that in these

slides.

And then the last comment is really Item 3 of the request on the garage. We're coming out of the ground. How do you deal with the garage. But we are not asking for reduction in structured parking spaces, just above grade.

With that said, that really concludes our comments and remarks, and that's trying to listen to the comments and discussion at the last public hearing.

CHAIRMAN KISTNER: So one of the things at the last public hearing we had talked about was, although you spoke about a trade-off between the public amenities for less square footage, the -- there is no rule about the amount of public amenity offered so --

MR. STOCK: Right.

CHAIRMAN KISTNER: -- if I understand correctly, the -- the rules, as it were, would be limited to the square footage, and it would be the marketplace that would dictate or ensure that amenities were included, is that --

MR. STOCK: Correct.

CHAIRMAN KISTNER: -- correct?

MR. STOCK: I think -- I think there was some comments made from the dais that if we make the square footage should we have a percent of public space that's -- that's created, and we talked about it, and we didn't know

how to formulate that or how to regulate it.

I think we're responding to the market change in living and how people live. And I think we went a different approach, looking at the more recent ones with the square footage, construction, the land cost, and then, again, where your Core Business is and what does it offer.

Well, it offers all those amenities that's screened for residential. Has the retail; has the shops; has the coffee, and has the businesses.

And so we think that by reducing the minimum size and the average size is not going to compromise the quality of the project.

CHAIRMAN KISTNER: But if you -- if a developer under the same text amendment wanted to come in and simply build smaller and cheaper and undercut rents, and sort of offer a lower quality product, at least there's nothing in our ordinances that would prevent that?

MR. STOCK: Well, I think they could do that with the sizes as they are.

If somebody wanted to come in and build cheaper, I think they could do that, but I don't know that the Commission would allow them to build cheaper. Four sides of siding, you know, I don't think you would approve a plan because architecturally you still have that discretion.

CHAIRMAN KISTNER: On the exterior.

MR. STOCK: On the exterior, right.

CHAIRMAN KISTNER: Okay. Thank you.

MR. STOCK: Thank you.

CHAIRMAN KISTNER: Mr. Jaggi, are you --

MR. JAGGI: Thank you.

Chair Kistner, Members of the Commission, Jason Jaggi, Director of Community Development with the City of Creve Coeur.

I think I have a few comments tonight based on discussion, some of the questions the Commission had, I think it might be valuable for you to hear this evening.

First, I think we need to start out with what impacts do these two amendments have in terms to our current code requirements. And I would just point out that today we don't have any requirements for quality of project per se or amenities. We don't have any of that in our code today.

But that is something that the Commission does look at. So individual projects are reviewed for architectural compatibility, as per -- in terms of the site development plan. You will get to look at all that on an individual basis, and render a decision based on the compatibility of a project to the site and how -- how it's designed and how it looks, and in keeping with the City's

standards.

So there really is no change in terms of that now. So if a development came in, and they had the requirements of the minimum size requirements, you could potentially still have a -- a product that you wouldn't necessarily care for, that may not be everything you think it would be.

So there is no real connection between that today, and all this looks at is just to review those unit sizes somewhat to match more the market demand. And I think that's the -- that's the issue of discussion this evening is, is a market demand -- what -- what demographic or what are the buyers or renters in this case looking for in these types of units.

And they are looking at a more efficient layout, we think, based on some of these projects. They're looking at higher amenities that are being offered, and they're looking for infill suburban locations. And that -- that is our market right now. And we are not a market of sprawling apartment complexes. We just don't have the land for it, and we've already had some of that product offered here in Creve Coeur.

So our market is more of an infill, smaller site type development, and that fits what they were allowing, a little bit smaller of a unit to go in there.

The other thing I mentioned in terms of code context is that we do have multi-family projects must also comply with other standards that we have.

And I may have addressed some of the concerns or some of the thoughts that are expressed tonight.

And one of those is the private open space. Multi-family projects by code today have to provide at least 20 percent private open space, so that is -- that could be geared towards an amenity. And that's something that would apply to this project and any project going forward.

So that's already in the code, and, again, that provides an amenity -- an opportunity to provide amenities to the residents of these developments.

Another thing I would point out is that this amendment would also only apply to the CB District, Core Business, and is not a citywide amendment, so it's just in one zoning district in the city. And that zoning district does support the development of multi-family residential as a mixed use commercial district. It's the only commercial district, in fact, that even allows residential.

So in that context, again, allowing some smaller unit sizes, again, without -- without saying the whole building's going to be that -- have all those small units,

but a portion of it will, again, seems to fit with that as well.

And then I also mentioned that our Comprehensive Plan process that we're undertaking now is pointing out the need for diversified housing.

That Creve Coeur's housing stock, you know, we need to look at that from a diversity housing standpoint.

So, again, all of these do seem to support the text amendment.

We did take a look at some of the other municipalities, I think that was a question that was raised before. We only found one that regulates specific unit sizes within a multi-family development, and that was the City of Richmond Heights. But those regulations were confined to an overlay district in Richmond Heights, and were not applied, you know, it's not applied citywide.

All other cities we looked at on -- based on this list, they don't regulate minimum unit size. They do regulate density, but not individual unit size within a development.

In terms of the parking garage, what we heard last time was that the ordinance language that was proposed was a little too vague, and so I think then an attempt was made, at least by staff, looking at this, was to make two points and make them a little bit more --

emphasize the two issues here.

One is that -- that a parking garage, if it's going to be aboveground, and I know Mr. Stock mentioned this as well, is that the requirement is still to have structured parking at 50 percent.

But the standard that's being considered to reduce it is that be in basement garage or below grade, but at least half the parking will still have to be structured, which is in compliance with the City's Comprehensive Plan, Design Guidelines to eliminate vast areas of service parking. So that seems to be in line with our policy as well.

But the two points here is that a parking structure, if it's going to go above ground, one, it needs to be esthetically integrated into the development, so what that means is that it has to be designed to be compatible with the residential structure that it serves.

And then the other point with the provided language is that it should contain architectural features of the principal structure. Again, to emphasize that compatibility in the relationship between that parking structure and the building.

So that was the attempt to -- with trying to emphasize and add a little more language on the code section here.

I'd be happy to answer any questions you may have as well.

CHAIRMAN KISTNER: I just have one clarification about the Vanguard Heights.

MR. JAGGI: Yes.

CHAIRMAN KISTNER: The -- what was the average unit size and minimum unit size regulations that they were requiring?

MR. JAGGI: They were required, to my knowledge, there was no waiver given. They did receive a couple variances.

One was for the requirement the garage be placed underground. That was granted by the Board of Adjustment as a variance case.

In terms of the unit size, I'm not aware of any specific waiver that was granted as part of that project.

CHAIRMAN KISTNER: So then the requirement --

MR. JAGGI: So that would have been under the 7 -- 750 and 900 requirement.

CHAIRMAN KISTNER: So how -- I'm having a hard time understanding, and this is -- this is being shown as a project comparison to -- we should take into consideration, but I don't understand how -- how it ended that way and -- before we do anything to change our existing, I'd like to know how we ensure that if -- if the

current standards are revised that we won't get an average unit size of 750 with a smallest of 550.

MR. JAGGI: I understand your comment. And based on research in terms of how -- how did this get approved or how is it built this way.

The original civil drawing showed, I think it was our code section was copied on the civil drawing, the civil site plan. When it came in for permit, there were different floor plan. The floor plans for the structure didn't show smaller units. Those are not typically reviewed when you look at compliance with the plans.

It was just an oversight. And when you look at plans and you're trying to determine whether it meets the conditions of what was sent to P&Z, you don't typically look at every single sheet in the project.

So to answer your question, I think that's something we would be asking for upfront, and we'd be making sure that when the plans come in that the floor plan sizes are indicated, and that they meet with the requirements, and that's something we will be checking going forward.

CHAIRMAN KISTNER: Okay.

MR. CARNEY: Well, I guess my question was related to that. It looks like if this ordinance passed, all of the apartments in the Core Business District would

fit these new guidelines, we wouldn't have any other projects that were smaller than that at this point?

MR. JAGGI: That'd be correct, yes.

MR. FARON: Is the number that we're looking at for Vanguard, is that related to the variance of minimum size?

You remember when you were stating that they went in front of the Board of Adjustment for a variance related to the garage, but not related to the minimum size, that was an oversight.

I mean I think it's critical that we, on the front end, make sure that that's being followed.

Is there any kind of, I guess after, say, I guess after the project has been completed, to qualify that that has been done; that these sizes are correct and there isn't any kind of gray area there?

I mean the perception sometimes is difficult for us to hear from residents who say, well, this has happened before, maybe this is a gray area that needs to really be pinned down during, you know, initial permital submit -- permit submittal and after the fact once construction is done, there's some checks and balances after a project is completed or open for rental business.

MR. JAGGI: Yeah, Mr. Faron, I don't -- I don't disagree with that.

Unfortunately, I'm not in a position, I can't speak to that project, I wasn't here.

All I can tell you is result of my -- what was looked at, you know, and how that information was transmitted, and then how it got to be where it is today, and my findings are what I just told you, the plans that went through P&Z, the code section was on the site plan in terms of minimum unit sizes.

However, when the permits -- looking at the permit drawings, the floor plans, again, were prepared, they were deep within a very thick set of drawings, did show some of the units were small. So there's, obviously, something that, you know, we need to be looking a little bit more going forward.

And I certainly will tell you that that's something that we're going to do.

But, you know, I think, realizing that that -- that might -- that's a concern, when I knew it would be. But that's information that the applicant presented to us when -- when they approached us with this text amendment. And when that happened, that's when we began looking into it. And that's -- those are the results that I found in terms of how that got to be the way it is.

But when this comes, you know, if this moves forward, if it gets adopted, we will certainly be looking

at that, all of these code requirements for developments as they come in, we will do a better job of looking at permits when they're reviewed to make sure we're in compliance.

MR. ROVAK: I would suggest something to make that easier because that's not going to be easy on your part under anything in particular, I mean we're all experienced with large sets of plans. And maybe something as simple as putting the onus on the applicant when it goes, you know, something has gone through Planning Zoning, and it's gotten its approval. When it actually comes to permit applications, that could be something on the actual application checklist.

Specify what -- what differences are in these construction plans or in these permit plans that are significantly different, or what changes have been made from the already accepted plan approvals. Something to that nature that it has to be -- it isn't up to you to rifle through 43 or 65 sheets, but that the applicant will then have to state what changes have been made in between zoning approval and -- site and zoning approval and permit applications. And I think that would be -- I don't think anybody's going to risk lying under those kind of circumstances as long as they have to specify.

MR. JAGGI: And I think in this particular --

you definitely bring up good point.

In operation, that's something that I'm going to be looking at to determine what's the best way, so, you know, things like this don't fall through the cracks.

I can tell you in this case that I don't think the unit size ever came up. It wasn't necessarily an issue upfront. There was a drawing, again, that showed compliance. And I think it was something that you wouldn't necessarily seek out to see if there was something going on.

MR. ROVAK: Right. I'm not looking for blame. I'm just saying how do we --

MR. JAGGI: Yeah.

MR. ROVAK: -- you know, what's a practical way.

MR. JAGGI: But I mean we can always -- these are conditional uses, we can always include another condition that all unit sizes must be of a certain size, you know, staying in compliance with code.

That would, obviously, trigger a better review by staff when it's in the -- when it's in the permit approval, when it comes to P&Z and Council.

So I think there's other ways that staff -- we will be looking at that to try to not have this happen in the future.

CHAIRMAN KISTNER: Does anybody -- let's see,

are there members of the audience who wish to speak to this -- this matter?

I'd like to discuss the -- I'd like to have some more discussion on that issue, but I think for public hearing purposes on this text amendment, I think we've heard all the pertinent information.

Unless I hear from others of you, I think we're ready to close the public hearing after Mr. Lumley has submitted some exhibits.

MR. LUMLEY: Thank you.

I offer the following exhibits into the record of this public hearing: Documentation in possession of the City Clerk that reflect the public notice; the staff reports on this matter; Mr. Stock's PowerPoint printout from this evening, and the letter and chart that they submitted in support of the application; the Code of Ordinances and Charter, the Comprehensive Plan and the public file regarding the application.

CHAIRMAN KISTNER: Okay. That's it?

Then the public hearing is closed.

(The public hearing ended at 7:15 p.m.)

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 hearings 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

# Proposed West Park Apartments

## Creve Coeur, Missouri

April 18, 2016: Application #16-005: Text Amendment to Zoning Ordinance regarding the Standards for a Conditional Use for Multi-Family Housing – Minimum & Average Unit Size and Underground/Basement Parking. Continued Discussion/Public Hearing from 3/21/16

Request: Reduce minimum unit size from 750 s.f. to 650 s.f.
Reduce average unit size from 900 s.f. to 860 s.f.
Eliminate requirement for 50% required parking be located underground or in a basement.

## Project Team:

Mr. George Stock, P.E. – President - Stock & Associates Consulting Engineers, Inc.
Mr. Michael Towerman, Principal – TriStar Properties

# Proposed West Park Apartments

Pursuant to the last Planning and Zoning Commission, we offer the following:

1. The expressly stated intent of the Core Business Zone is to "relate the development of retail, office and multi-family residential uses." By definition, multi-family projects within the Core Business Zone will be small sites that require vertical and therefore more expensive forms of construction and associated high cost parking garages.
2. High construction and land cost means that to deliver units at a rent that non-executive employees can afford, living units must be smaller than in sprawling areas, yet, as described below this is what the consumer prefers. The charts below illustrates excess cost of urban development, translating into higher rents, and therefore, need for smaller units.

**Why Large Unit Sizes Can Outprice Consumers from the CBD**

| | Suburban | Core Business District in Suburbs |
|---|---|---|
| Land Cost Per Unit | $10,000 | $25,000 |
| Construction Cost Per Avg Unit (860 SF) | $79,120 | $107,500 |
| Parking Per Unit | $4,950 | $21,450 |
| Subtotal - Direct Cost of CBD | $94,070 | $153,950 |
| Excess Direct Cost of CBD | | **164%** |
| | | |
| Rent Required To Support Costs (Per SF/Mo) | $1.10 | $1.75 |
| Average SF | 860 | 860 |
| Monthly Rent | $946.00 | $1,505 |
| Rent Premium for CBD | | **159%** |

*The above represents "typical" costs based on TriStar's experience though costs range widely and are site specific*

# Proposed West Park Apartments

3. Consumers that choose to locate in a Core Business Zone, as opposed to vast suburban sites with large amounts of green space incorporated into the project, have vastly different preferences:
   - They prefer relatively small living space and walking access to a wide variety of services such as cafes, restaurants, shopping and employment within a short walking distance of home.

   - Here, residents may walk to Dierbergs, Pastries of Denmark, AMC Theaters, have coffee and read the paper at Starbucks instead of at their kitchen table, debate politics at Bread Co. rather than in the lobby, workout at Club Fitness versus their living room, and walk to work at Mercy's medical facility at Olive and Mason as well as BJC West Hospital and associated medical buildings and companies located in the West Park office buildings.

Aerial of Site in relation to previously mentioned amenities.

# Proposed West Park Apartments

4. As evidenced by the matrix below of other projects built recently in other business districts in the St. Louis Metropolitan area, their rapid lease-up rates and continued high occupancy levels, the consumer has demonstrated that the consumer desires smaller urban units in this type of environment. And, the Applicant is asking for the same that Covington Realty Partners was granted at Vanguard Heights as shown on the matric below.

| Project: | Minimum Unit Size | | Average Unit Size |
|---|---|---|---|
| Vanguard Heights - Creve Coeur | **651** | | 861 |
| 25 North Central - Clayton | **511** | | 838 |
| Ox Blue - Central West End | **540** | | 905 |
| EVO - Richmond Heights | **572** | | **842** |
| The Orion - Central West End | **634** | | 998 |
| Vanguard Crossing - U City | **625** | | 955 |
| Cortona at Forest Park - STL City | **575** | | **824** |
| Allegro - Richmond Heights | **525** | | 932 |
| Streets of St. Charles - St. Charles City | **537** | | **813** |
| Alinea - St. Louis County (270/Manch) | **590** | | 905 |
| | **576** | **<=average=>** | 887 |
| | **750** | **<=current ordinance=>** | 950 |
| West Park | **651** | **<=requested=>** | 861 |

# Proposed West Park Apartments

5. Smaller units have become much more efficient with open floor plans, elimination of unnecessary space, smaller appliance requirements (flat screen TVs rather than consoles, etc.)

6. Though one of the goals of urbanism is to encourage residents to leave the building, assemble in public places and patronize nearby retailers, urban projects are amenity rich, as will the Applicant's project at West Park.

# 212 South Meramec

## Street Perspective

# Day Perspective

# Night Perspective

# 25 North Central

EAST ELEVATION

WEST ELEVATION

NORTH ELEVATION
684'-0"
T.O. Elevator
/ Equipment
680'-0"
T.O. Parapet
677'-2"
T.O. Roof

SOUTH ELEVATION
684'-0"
T.O. Elevator
/ Equipment
680'-0"
T.O. Parapet
677'-2"
T.O. Roof

Central Coffee

# Allegro at the Boulevard

# Lobby

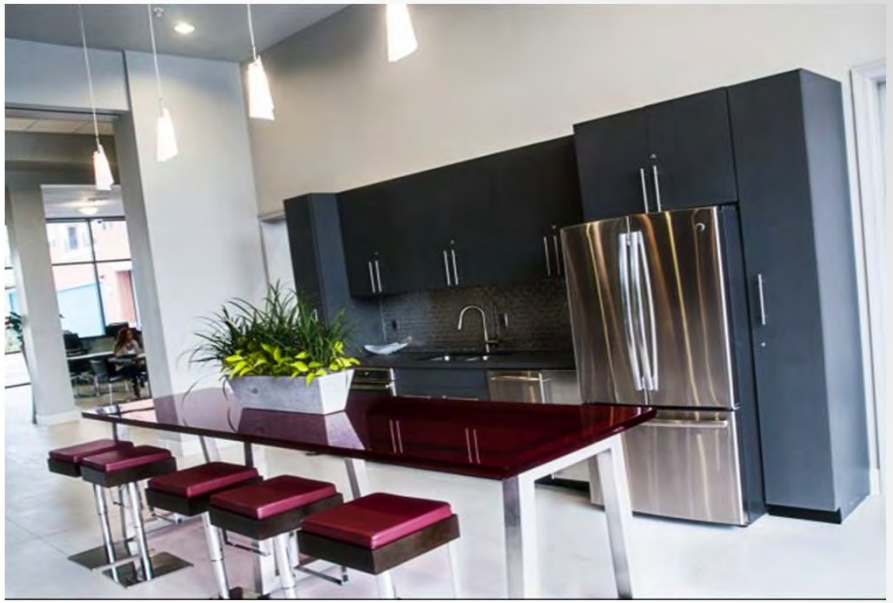
# Patio

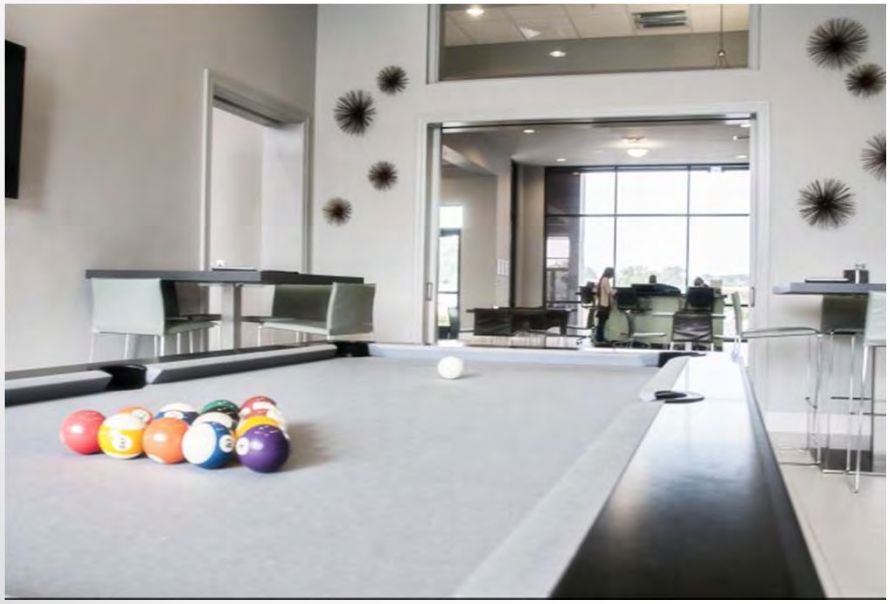
# Ox Blue

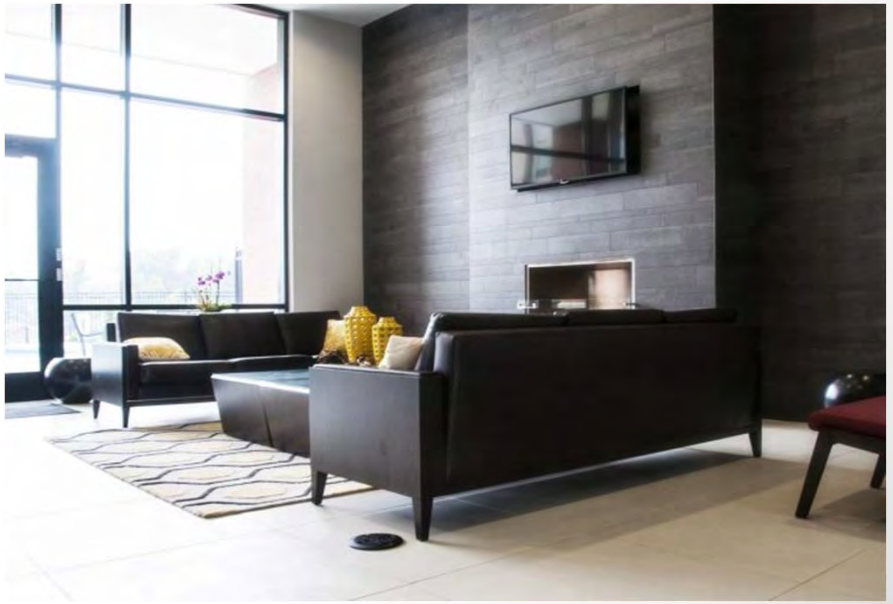
Retail

# Residences at Streets of St. Charles

RESIDENCES

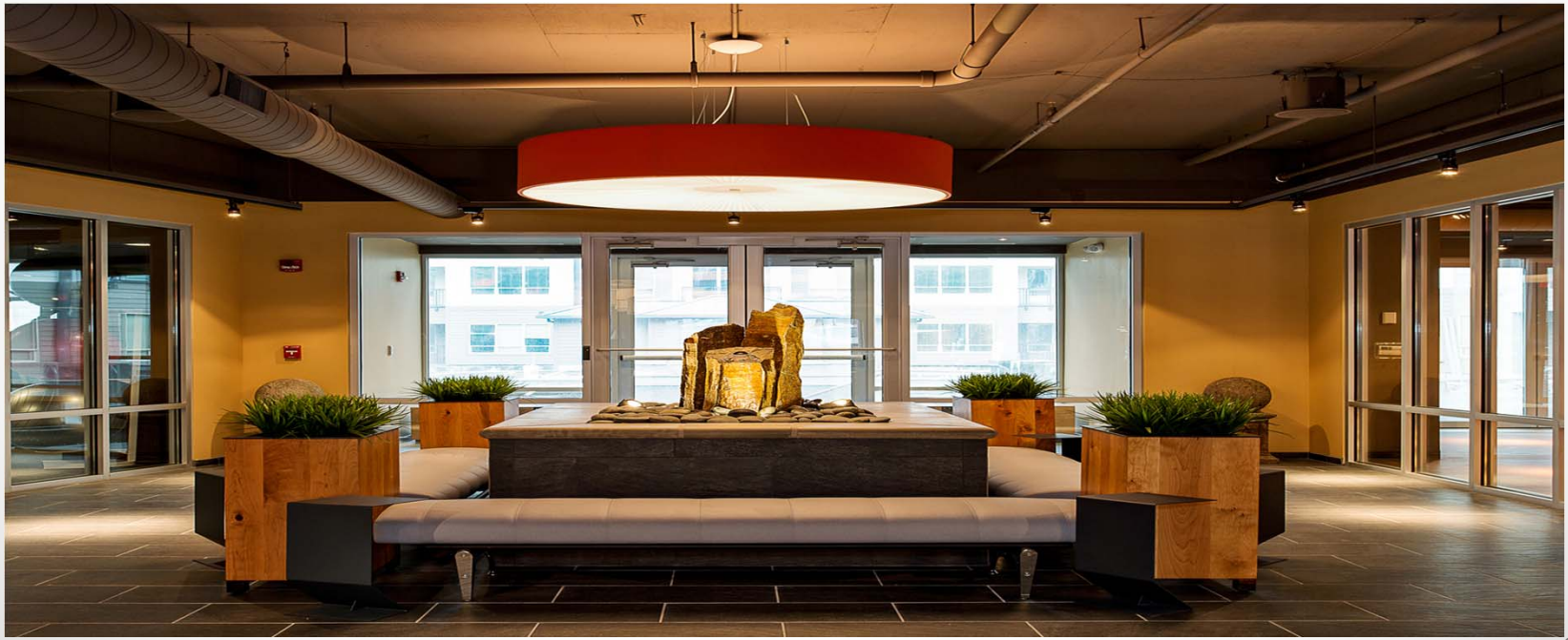






# The Cortona

# Lobby



# Pool – Day Perspective

# Pool – Night Perspective

# The Encore

# The Heights at Manhasset Village

# The Orion

# Proposed West Park Apartments

7. The expressed intent of the Core Business District is, "to induce and ensure high quality future development through the use of site development plan approval procedures which provide for the specific consideration of access, parking, drainage, landscaping and design factors."
8. Apartment owners are competing for tenants. It will be very difficult to attract and retain tenants if quality is absent.
9. Bigger doesn't mean better in apartments, any more than it does in automobiles.
10. Garage is aesthetically integrated into and incorporates architectural features of the principal structure.

**City Council**
300 North New Ballas Rd
Creve-Coeur, MO 63141

**SCHEDULED**

**ORDINANCE**

Meeting: 04/25/16 07:00 PM
Department: Planning Division
Category: New Business
Prepared By: Whitney Kelly
Department Head: Jason Jaggi

# Bill No. 5593 - an Ordinance Amending Conditional Use Permit Approved by Ordinance Number 2240 to Authorize Renovation to the Building Located at 11858 Olive Boulevard Within the Plaza Motors Campus for the Plaza BMW Dealership. First Reading

Brian DePouli, of Asbury Automotive Group, has submitted a request to amend the conditional use permit and site development plan for Plaza Motors to allow a service bay addition to the rear and showroom addition to the front as part of an exterior renovation of the Plaza BMW Dealership building located at 11858 Olive Boulevard.

**BILL NO. 5593** **ORDINANCE NO. _____**

**AN ORDINANCE AMENDING CONDITIONAL USE PERMIT APPROVED BY ORDINANCE NUMBER 2240 TO AUTHORIZE RENOVATION TO THE BUILDING LOCATED AT 11858 OLIVE BOULEVARD WITHIN THE PLAZA MOTORS CAMPUS FOR THE PLAZA BMW DEALERSHIP**

**WHEREAS**, under Section 405.370(C), new and used automotive dealers in the "CB", Commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

**WHEREAS**, conditional use permit ordinance #2240 was approved by the City Council on November 10, 2003, for the operation of a new and used automotive dealership for Plaza Motors pursuant to its current campus layout; and

**WHEREAS**, an application was submitted by Brian DePouli, of Asbury Automotive Group, to amend the conditional use permit and site development plan for Plaza Motors to allow a service bay addition to the rear and showroom addition to the front as part of an exterior renovation of the Plaza BMW Dealership building located at 11858 Olive Boulevard; and

**WHEREAS**, Section 405.1070 provides, in part, that any future enlargement or alteration in the use of the structure 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 or alteration may be issued; and

**WHEREAS,** a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, April 18, 2016, beginning at 6:30 p.m. or immediately following the close of the previous public hearing, on said application for the amendment to 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 7-0 vote, recommended approval of the request, subject to the conditions contained herein, at its meeting on April 18, 2016; 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 amended conditional use, when subject to certain conditions set forth herein:

1. Complies with all other applicable provisions of this Chapter including environmental performance standards presented in Section 405.550, the criteria in Section 405.470 and the standards of this Chapter in regard to yard and setback, parking and loading areas, screening and buffering, refuse, storage and service areas and signs.
2. Will contribute to and promote the community welfare and convenience at the specific location.

**BILL NO. __5593_____** **ORDINANCE NO. _____**

3. Will not cause substantial injury to the value of neighboring property.
4. 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 there from.
5. Will provide, if applicable, erosion control and on-site stormwater detention in accordance with the standards contained in this Chapter.
6. 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, Missouri, as follows:

**Section 1:** Section 2 of Ordinance Number 2240 shall be amended to include the renovation of the building located at 11858 Olive Boulevard for the Plaza BMW Showroom in accordance with the "Site Development Plan" and "Exterior Elevations," as prepared by Praxis3 Archtecture + Multidisciplinary Design and the "Master Planting Plan" as prepared by Landscape Technologes, respectively, submitted on April 11 2016 except as modified below, subject to the conditions set forth herein. Except as expressly amended by this Ordinance, all provisions of Ordinance 2240 shall remain in full force and effect.

1. The applicant is required to submit a Site Improvement Permit application, showing all exterior and landscape 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" and "Exterior Elevations," as prepared by Praxis3 Archtecture + Multidisciplinary Design and the "Master Planting Plan" as prepared by Landscape Technologes submitted April 11, 2016 as bound together and submitted in conjunction with Application #16-012 by Asbury Automotive Group.
2. Pedestrian pathways shall remain unobstructed and not impair pedestrian movement.
3. The maximum number of vehicles in the display area along Olive Boulevard shall be no more than eight vehicles and no more than four on either side of the sign. The fountain shall remain in working order, and vehicles shall not be displayed over that area.
4. The Landscape Plan shall be revised to mimic the curve on the east corner of the display plaza for the west corner subject to the Zoning Administrator's approval. Vegetation that is totally or predominantly dead and/or disfigured due to disease or injury shall be replaced as needed and in a prompt and workmanlike manner as dictated by accepted horticultural standards.
5. All lighting shall be downcast and fully shielded in compliance with Section 405.680, Lighting, of the Zoning Code.
6. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code, and the approved Master Sign Plan for the Plaza Motors Campus.
7. The owner of the property shall address any outstanding property maintenance violations on the property to the satisfaction of the Chief Building Official prior to the issuance of a final Certificate of Occupancy. 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.

**BILL NO. __5593_____** **ORDINANCE NO. _____**

8. 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.
9. 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.
10. 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 2:** The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue an amended 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 1 of this ordinance as well as previously imposed conditions. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

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

ADOPTED THIS ____ DAY OF _____, 2016.

_____

PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2016.

_____

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 #16-012 FOR A CONDITIONAL USE PERMIT AND SITE DEVELOPMENT PLAN FOR THE RENOVATION OF THE PLAZA BMW DEALERSHIP AT 11858 OLIVE BOULEVARD

**FOR THE MEETING OF:** Monday, April 18, 2016, 6:30 PM

**LOCATION:** 11858 Olive Boulevard, within the Plaza Motors Campus. Zoned CB-Core Business District.

**REQUEST:** Brian DePouli, of Asbury Automotive Group, has submitted a request to amend the conditional use permit and site development plan for Plaza Motors to allow a service bay addition to the rear and a showroom addition to the front as part of an exterior renovation of the Plaza BMW Dealership building located at 11858 Olive Boulevard. The existing façade for BMW was approved in 2005 by the Planning and Zoning Commission and City Council.

**ADDITIONAL INFORMATION:** New Car Dealers (NAICS 441110) are permitted as conditional uses with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission. Plaza Motors Company received a conditional use permit on February 13, 1989 for an automobile showroom sales and service facility at 11830 Olive Boulevard (Ordinance No. 1321). Amending Ordinances 1368, 1376, 1777, 2225 and 2240 (approved December 11, 1989, March 12 1990, and February 12, 1996, July 14, 2003, and November 10, 2003 respectively) allowed for the expansion of the original use to the current campus setting. In 2014, Ordinance 5411 amended Ordinance 2240 for the renovation of the Plaza Audi building.

Key Issues:
- Does the request still meet the criteria for a conditional use permit?
- Does the request further the goals and/or implement the Comprehensive Plan?

Comp. Plan References
- Goals and Strategies
- Central Business District
- Pedestrian Plan
- Design Guidelines

Zoning Code References
- Section 405.210: Regulation of Uses
- Section 405.370: "CB" Core Business District
- Section 405.470: Conditional Uses
- Section 405.1080 Site Development Plans

**APPLICANT:** Brian DePouli
Director of Construction and Facilities
Asbury Automotive Group
2905 Premiere Parkway, Suite 300
Duluth, GA 30097

**OWNER:** Asbury Automotive Group
2905 Premier Parkway
Duluth, GA 30097

**REPORT PREPARED BY:** Whitney Kelly, AICP, City Planner
**DATE:** April 14, 2016
**ATTACHMENTS:** Draft Ordinance
Applicant's submittal documents received April 11, 2016 and Photometric Plan received April 13, 2016
Ordinance 2240 and 5411

**PROJECT DESCRIPTION**

Plaza Motors is seeking to renovate the BMW space. The renovations will move the building closer toward Olive Boulevard and angle the façade to create a "landing strip" design as you enter the site that is a corporate requirement of BMW. The existing square building is 93.3 feet from Olive Boulevard at the east corner and 119.6 feet at the west corner. The proposed addition moves the building to approximately 91.13 feet at the eastern corner of the addition, and 91.08 feet at the western corner from Olive Boulevard. A new display plaza area to showcase the cars will be created along Olive Boulevard, and the fountains will be returned to working order, per the images below:

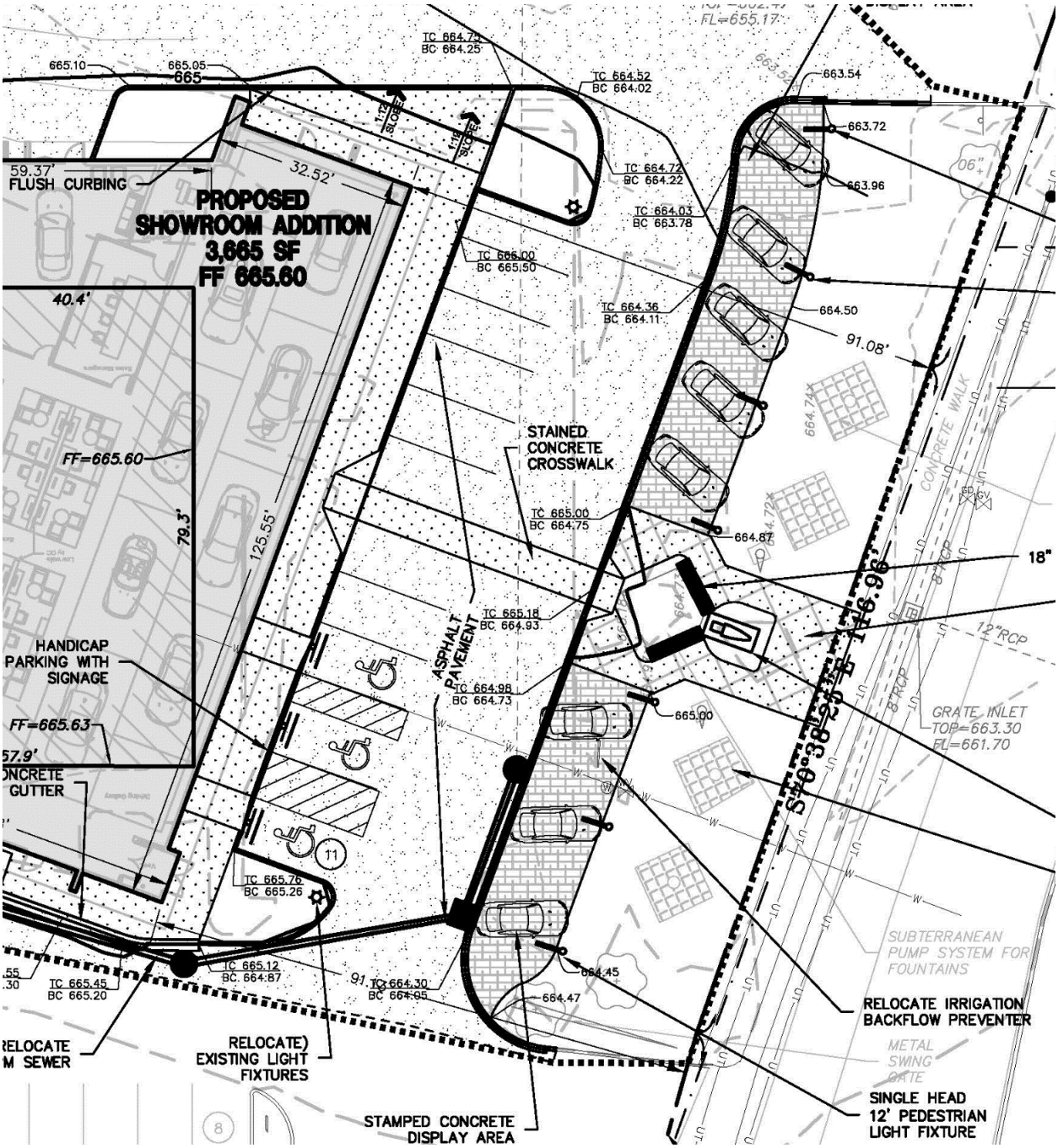



**Figure 1: Detail of Site Plan showing proposed new addition at the front with new display area**

The Applicant has indicated that the addition is to meet with BMW required layout, and elements have been incorporated to be unique to the site, such as incorporating existing brick details to be consistent with the overall campus, where BMW wanted a white stucco, and where the new white stucco has been included, it is done so on a lesser scale than the typical model. The front door would be relocated to the front, eastern corner of the building. The Applicant will maintain the existing brick for the remainder of the building, and the new service addition to the rear will be brick to match the existing building.

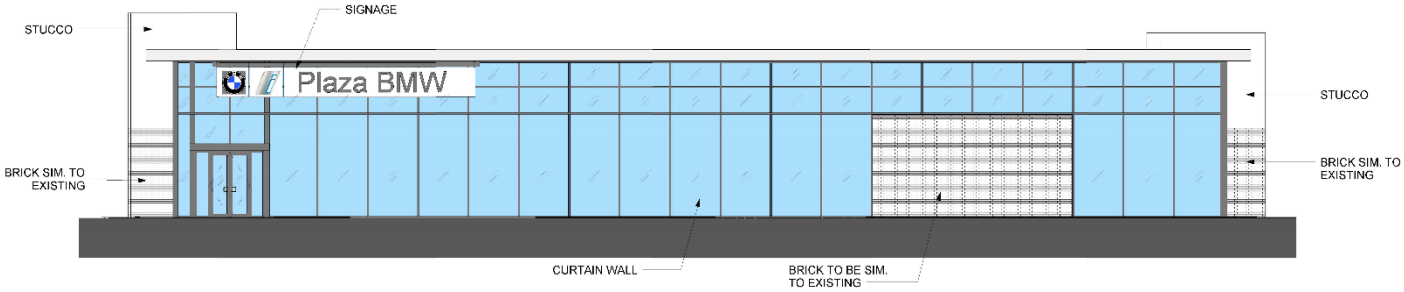



**Figure 2: North Elevation**

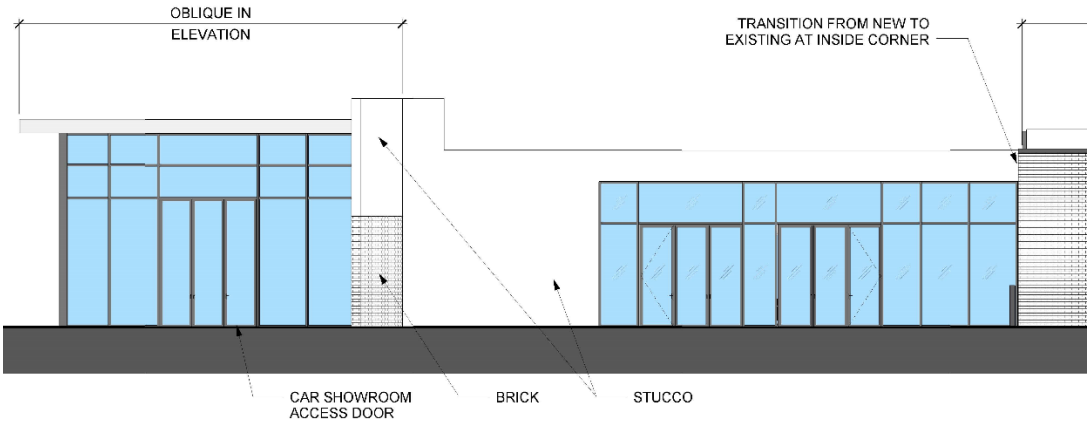



**Figure 3: Close-up of the West Elevation for the new front showroom addition**

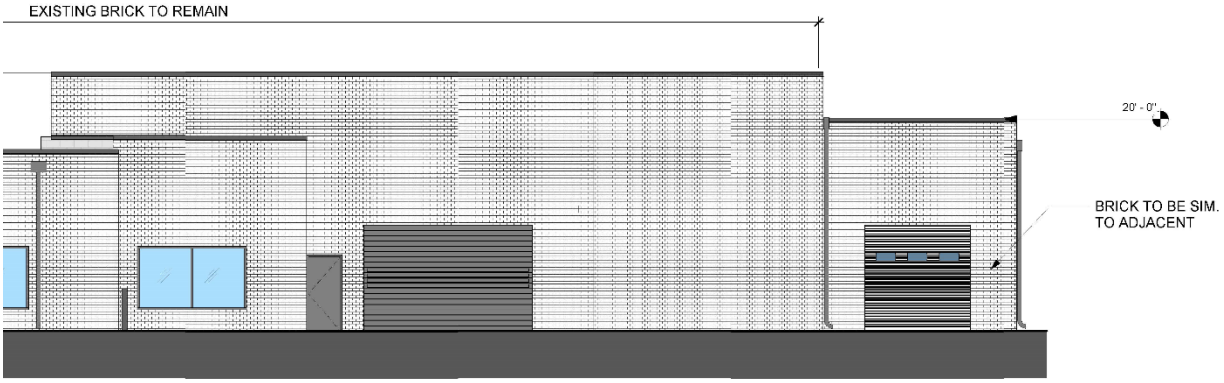



**Figure 4: Close-up of the East Elevation for the service addition**

The proposed changes will create an additional 2 square feet of greenspace, where the lot has a pre-existing nonconforming site coverage. New landscaping will be provided along the east and west corners of the building and along Olive Boulevard. The fountains will be restored with the display vehicles moved south onto a new display area on either side of the ground sign, further from Olive Boulevard.

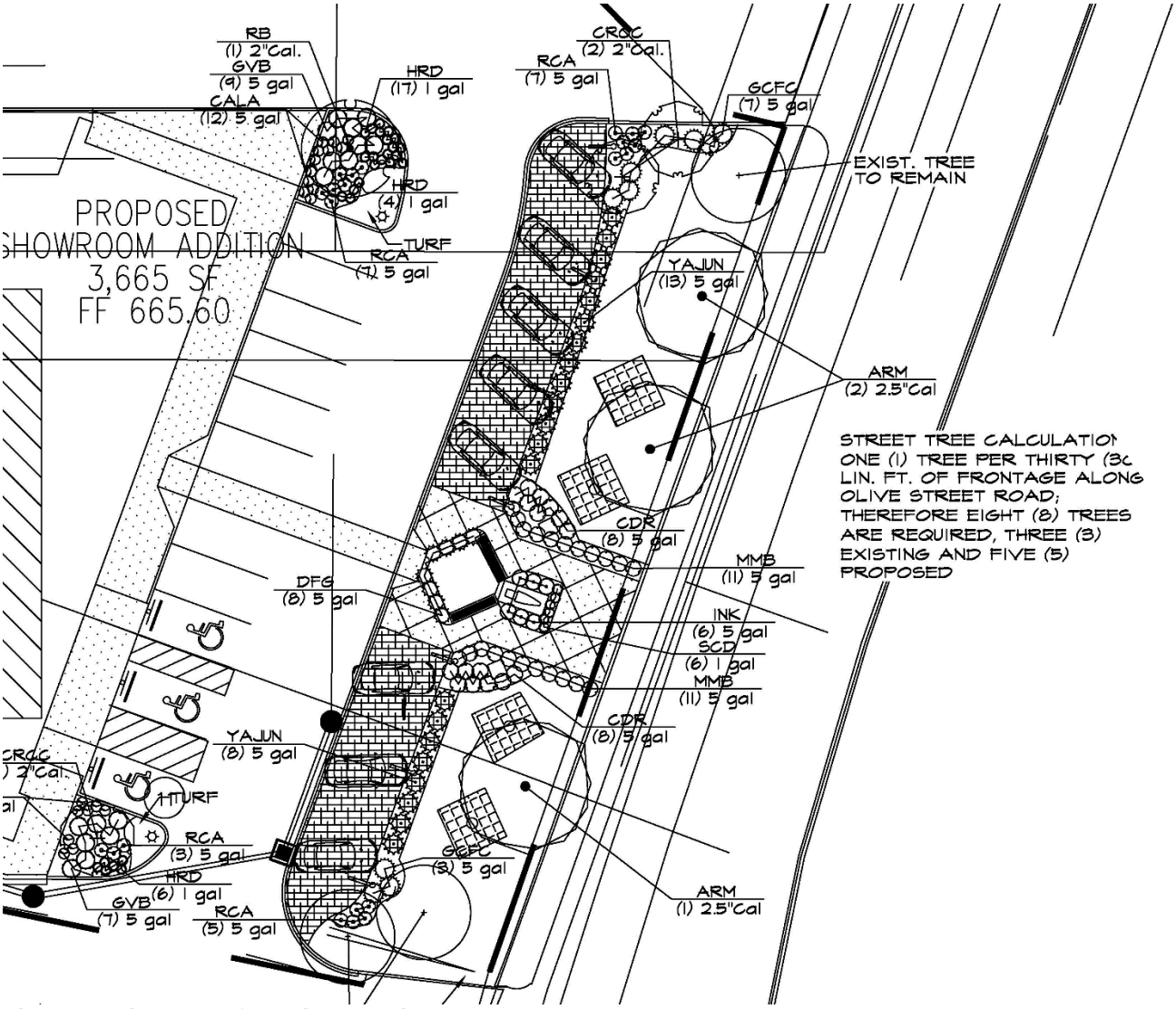



**Figure 5: Close-up of Landscape Plan**

**LAND USE AND ZONING OF SURROUNDING PROPERTIES**

The adjacent zoning and land uses are as follows:

| DIRECTION | USE | ZONED | SEPARATED BY |
|---|---|---|---|
| North | Commercial/ Retail | "CB" Core Business | Olive Boulevard |
| South | Commercial/ Retail/ Restaurants | "CB" Core Business | NA |
| East | Commercial/ Restaurants/ Gas Station | "CB" Core Business | N. New Ballas Road (partial) |
| West | Office/ Hotel/ Restaurant | "CB" Core Business | Decker Lane and Center Parkway Drive |

**COMPREHENSIVE PLAN DISCUSSION**
The subject property is located within the Central Business District that provides a mix of land uses including retail, office, residential, government, and park uses. The Plan recommends improving the appearance of Olive Boulevard through landscaping and streetscape and public amenities (page 22), and to create a symbolic focal point for the City. The recommendations include orienting the buildings toward Olive Boulevard, and improving the appearance of Olive Boulevard through streetscape improvements related to pedestrian facilities, landscaped medians, and other public amenities such as seating areas.(p.81 & 83).

The proposed changes includes increasing the pedestrian connections as much as the site will allow, and the building will create a bolder presence on the streetscape that is more appropriate for an entrance into the City. New landscaping along Olive Boulevard, the restoration of the fountains, moving the vehicle display area further from Olive and limiting the amount of parking at the west corner near the entrance onto the site, and changes to the front of the building moves the site towards these recommendations as much as the project and current site will allow.

*Design Guidelines*
The Design Guidelines recommend the use of natural materials and architectural consistency between all building elevations, and an overall sense of architectural continuity on all elevations. The use of false or decorative façade treatments is discouraged. Further, multiple buildings on the same site are to create a cohesive visual relationship between the buildings. Material and/or color changes at the outside corners of structures that give the impression of thinness and artificiality of the material are discouraged. The following summarizes the goals and discusses their applicability to the project:

1. The addition moves the building closer to Olive Boulevard and increases the pedestrian orientation by mimicking the angle of the road, by moving the outdoor cars further from Olive Boulevard, and by adding the pedestrian connection from the existing sidewalk into the site, bench seating near the fountains, and restoring the fountains, where the Design Guidelines recommend the use of fountains, art work, and landscaping and plaza spaces that are visible from the street.
2. As is often the case with automotive dealerships, corporate façade treatments are required. However, it is the unique use of these treatments that is generally the point of discussion during the review. The façade of the building utilizes the same brick material throughout the campus creating a more cohesive look between all of the buildings. The new stucco white element is used as an accent band at the proposed new wing wall to create a transition from the new addition to the existing building, and the architectural details all end at the inside corner of the building.

**Figure 6: Close-up of the proposed Exterior Rendering looking southwest.**

**Figure 7: Close-up of the proposed Exterior Rendering looking south.**

3. The windows dominate the façade, are large and transparent, and the entire storefront is well lit to create the open, attractive retail façade encouraged by the guidelines.
4. The building bulk will create a more substantial appearance on the site, and the multiple automotive lines within an integrated campus creates a more urban and unique environment than typically found at a dealership. Most of the open storage of vehicles onsite are to the sides and rear of the building in conformance with the Design Guidelines.
5. New pedestrian connections are provided adjacent to the building consistent with the Design Guidelines that recommend that sidewalks in front of commercial buildings should be a minimum of 10 feet and outdoor sales, dining or storage should not impair pedestrian movement. It further indicates that all sidewalks shall be buffered from the street, vehicular traffic and parking areas by a minimum three foot greenspace or landscape area. It calls for safe, clearly defined and direct access between buildings and from the principal building's entrance to the public sidewalk. While the pedestrian connection from Olive Boulevard does not lead to the door, it provides a greater link with the pedestrian amenities and a central focal point with the bench seating adjacent to the sign and fountains. The original request from BMW included a display vehicle in front of the brick wall adjacent to the building, but this was removed to meet with the requirements of the Zoning Ordinance and with the Design Guidelines. The sidewalk adjacent to the building is 10 feet to further meet with this recommendation.
6. New landscaping is provided adjacent to the building and along Olive Boulevard. It includes a mix of evergreens to provide year round interest and with the restoration of the fountain, furthers the site toward the "green line park". However, Staff has included a condition of approval to limit the number of display vehicles to eight as shown, or to have four cars on either side of the sign, to prevent the appearance of overcrowding, and to assure visibility of cars entering into the site. Staff also recommends that the west corner of the plaza area be revised for the Zoning Administrators approval to match the east curve as indicated below to create a consistent design.

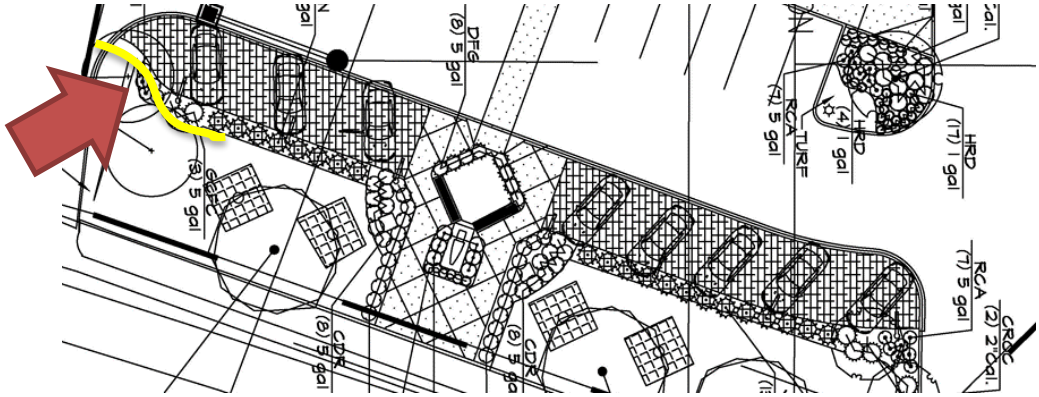


**Figure 8: Close-up of the proposed Landscaping along Olive Boulevard. The arrow indicates the curve in the display plaza that should be mimicked on the west side.**

As the Applicant has worked with the City on prior renovations to the campus, and as with those prior approvals, the use of the materials is a requirement of the auto-franchise, the Applicant has worked to create a unique setting for the City of Creve Coeur through the site design, bringing the building as far forward as possible, providing new landscaping and restoring the fountains, as well as incorporating existing materials to create a cohesive look for the campus. The angle of the building and the new landscape features creates interest for those traveling east and west along Olive Boulevard. Overall, it is the Staff opinion that, given the nature of the applicant's business, the proposed addition succeeds in meeting the Comprehensive Plan and Design Guidelines to a high degree.

**ZONING CODE DISCUSSION**

*Bulk Standards*

The proposal appears to meet all zoning district, site and building requirements, assuming the Planning Commission and City Council grant approval of the following:

*Site coverage*: As indicated above, the Plaza Motors Campus has a pre-existing non-conforming site coverage. It is important to note that site coverage in non-residential districts, includes areas covered by building, driveways, parking lots, loading area, but excludes landscaped and green spaces, plazas, pedestrian circulation and unpaved buffer areas. The existing greenspace to be removed is approximately 7,633 square feet, where 7,635 square feet of new greenspace is created. Thus, adding two square feet of new greenspace, per the drawings below:

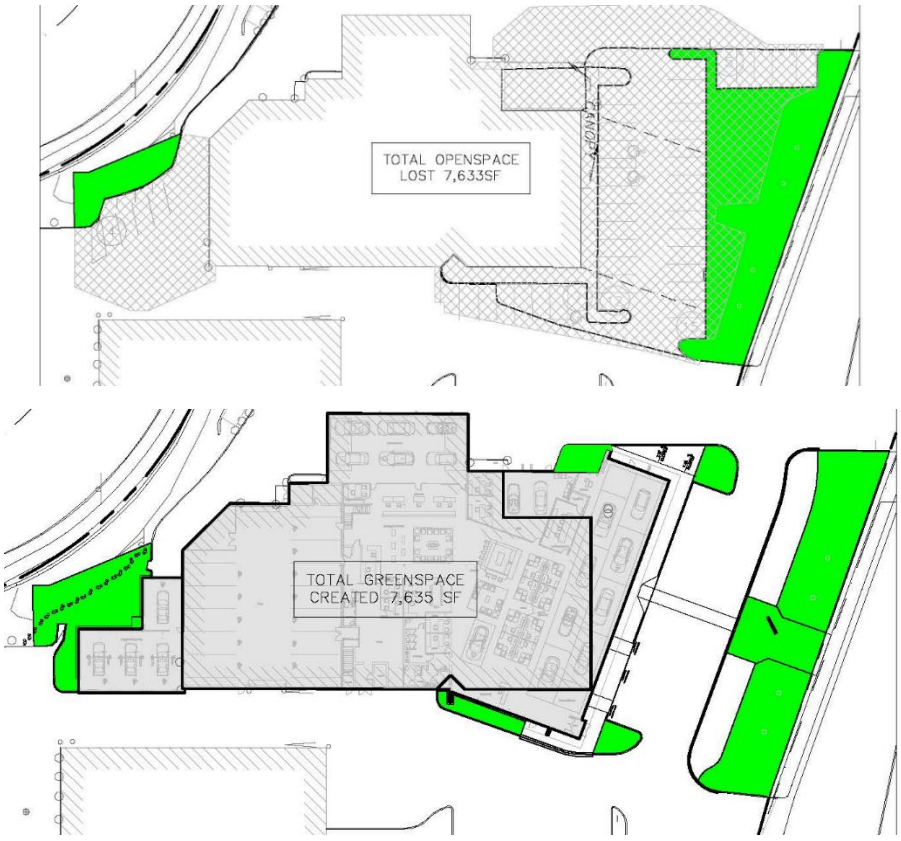



**Figure 9: Existing and Proposed Greenspace Calculations**

*Maximum front yard*: Section 405.370.E.4.a(2) requires that the maximum front yard setback fronting Olive shall be no more than 80 feet from the established right-of-way. The proposed addition will move the building closer to Olive Boulevard to approximately 91 feet, as the site is pre-existing nonconforming. It does move the building further in conformance with the Zoning Regulations and is a desirable improvement over existing conditions.

*Lighting:*
Section 405.680 of the City's Code of Ordinance regulates the lighting standards throughout the City and requires that all lights are downcast and fully shielded except by approval of the Planning and Zoning Commission. Details of the light fixtures for the new plaza area have not been provided, however a photometric plan submitted shows that it light will not be cast upon adjacent propriety. A condition of approval includes that all lighting shall be in compliance with Section 405.680.

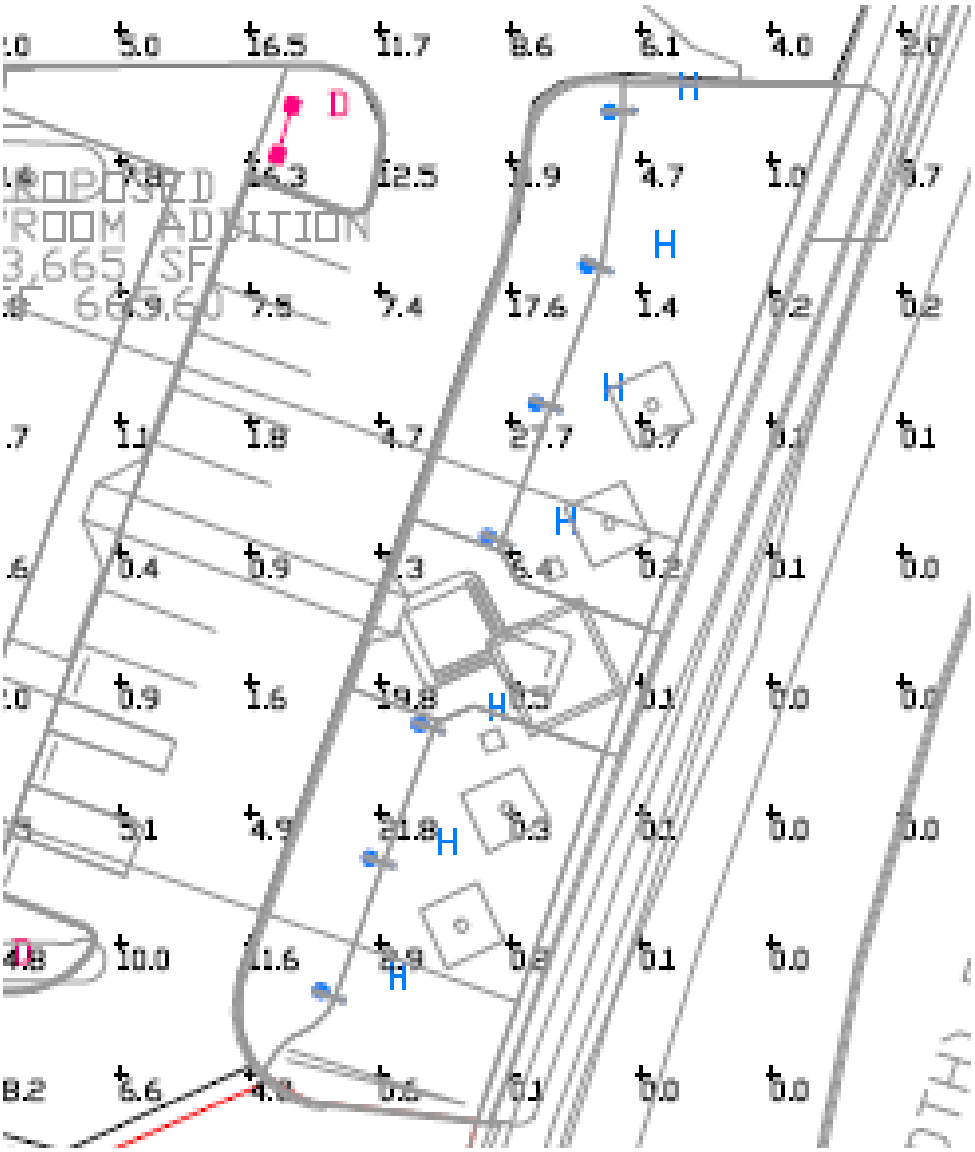



**Figure 10: Close-up of Photometric Plan emailed on 4-14-2016**

*Sidewalks*
Section 405.730 Sidewalks of the City's Zoning Code requires a minimum width of six feet for non-residential properties, and eight feet if used as a curbstop. As indicated above the walkway adjacent to the building is ten feet to meet with the recommendation of the Design Guidelines, and six feet from the display area to the front of the building in compliance with the Zoning Regulations. However, Staff has included a condition of approval that the pedestrian walkway adjacent to the building shall remain unobstructed and not impair pedestrian movement in furtherance of the Design Guidelines and Comprehensive Plan.

**SUMMARY AND ACTION**

Staff finds that the proposed improvements meet with the intent of the Comprehensive Plan and Design Guidelines as much as the existing conditions will allow. If the members of the Commission are satisfied that the project meets the intent of the Comprehensive Plan and Design Guidelines, then a recommendation to the City Council must be voted upon. Below are the recommended conditions of approval as discussed above:

- Section 2 of Ordinance Number 2240 shall be amended to include the renovation of the building located at 11858 Olive Boulevard for the Plaza BMW Showroom in accordance with the "Site Development Plan" and "Exterior Elevations," as prepared by Praxis3 Archtecture + Multidisciplinary Design and the "Master Planting Plan" as prepared by Landscape Technologes, respectively, submitted on April 11 2016 except as modified below.
- The applicant shall submit a Site Improvement Permit application, showing all exterior and landscape 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" and "Exterior Elevations," as prepared by Praxis3 Archtecture + Multidisciplinary Design and the "Master Planting Plan" as prepared by Landscape Technologes submitted April 11, 2016 as bound together and submitted in conjunction with Application #16-012 by Asbury Automotive Group.
- Pedestrian pathways shall remain unobstructed and not impair pedestrian movement.
- The maximum number of vehicles in the display area along Olive Boulevard shall be no more than eight vehicles and no more than four on either side of the sign. The fountain shall remain in working order, and vehicles shall not be displayed over that area.
- The Landscape Plan shall be revised to mimic the curve on the east corner of the display plaza for the west corner subject to the Zoning Administrator's approval. 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.
- All lighting shall be downcast and fully shielded in compliance with Section 405.680, Lighting, of the Zoning Code.
- All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code, and the approved Master Sign Plan for the Plaza Motors Campus.
- The owner of the property shall address any outstanding property maintenance violations on the property to the satisfaction of the Chief Building Official prior to the issuance of a final Certificate of Occupancy.

**MOTION**

If the Commission wishes to vote on a recommendation to the City Council based on the current proposal, the following would be an appropriate motion:

> "I move to recommend approval of an amendment to the conditional use permit for the Plaza Motors to allow for the Plaza BMW Showroom renovation and service addition as presented and according to the draft ordinance attached to the staff report on application #16-012, for the meeting of April 18, 2016." (Conditions in the draft ordinance may be added, eliminated, or modified by preceding motion)

---

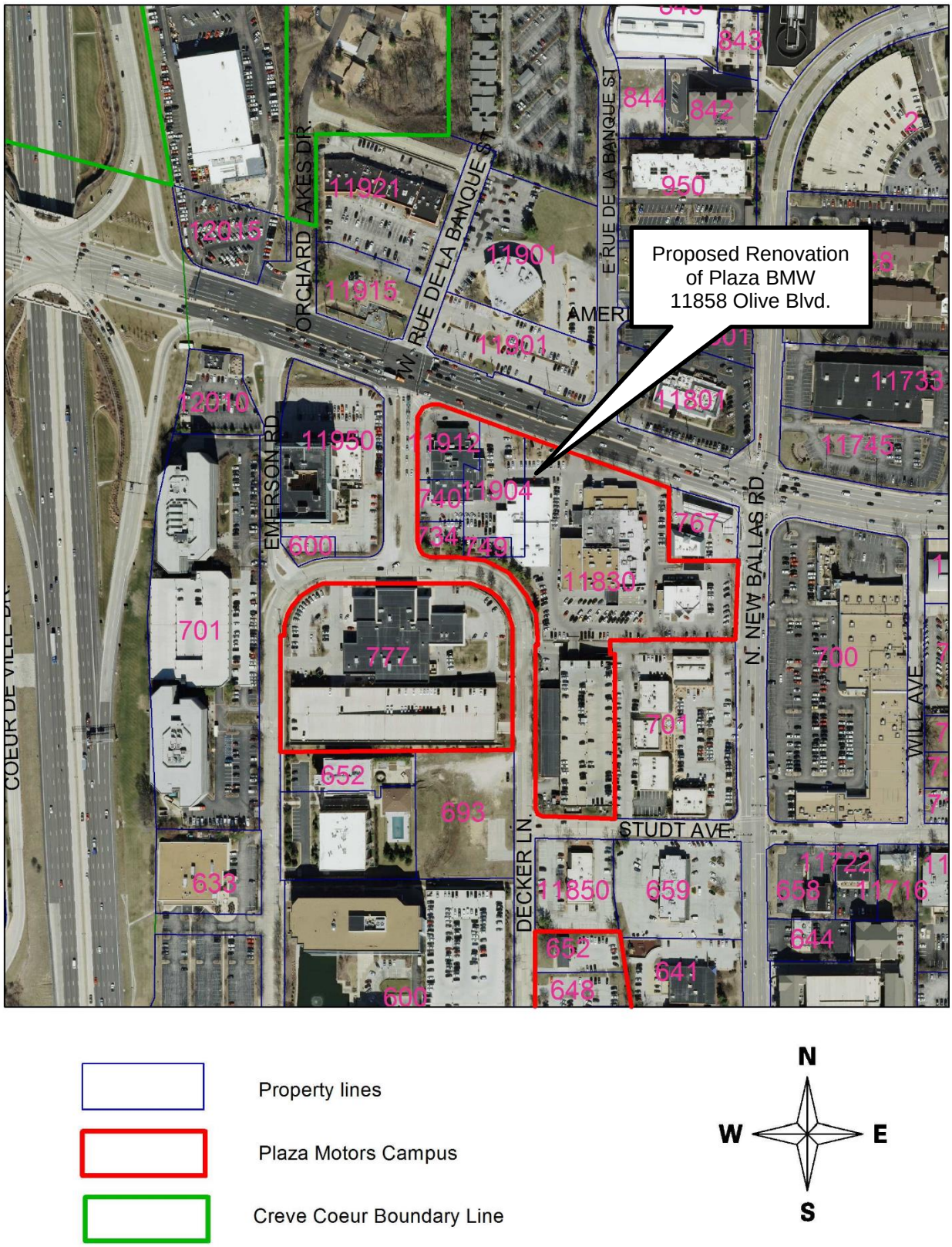
**APPENDIX 1: COMPREHENSIVE PLAN, INCLUDING DESIGN GUIDELINES**

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

**APPENDIX 2: ZONING CODE**

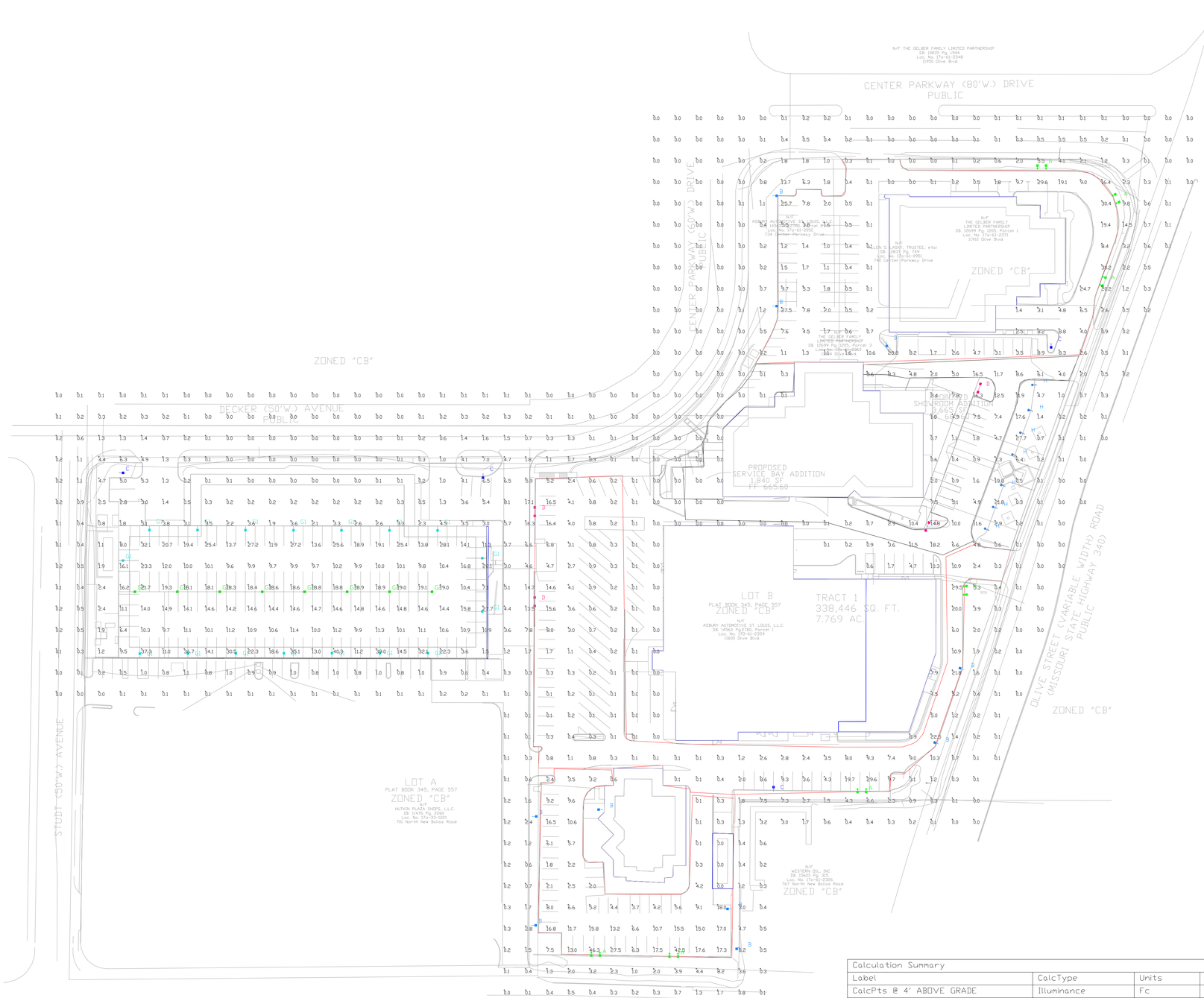
Included and attached by reference. See body of report for specific excerpts.

## APPENDIX 3: AERIAL PHOTOGRAPH

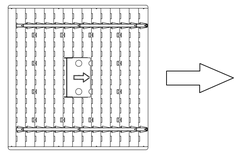


| **APPENDIX 4: SITE PHOTOGRAPHS** | Photo Date: 4/13/2016 |
|---|---|
| | Description: View of the BMW showroom at the west corner along Olive Boulevard |
| | Description: View looking east along Olive at the existing fountains, and the Plaza Audi Showroom. |

| | |
|---|---|
| | Description: View of the Plaza MBW showroom from across Olive Boulevard. |
| | Description: View of the rear service area, the proposed addition will be to the right of this area. |




# IMPORTANT

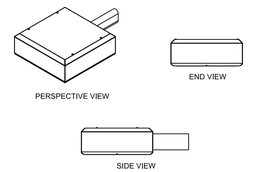


## ROTATED REFLECTOR

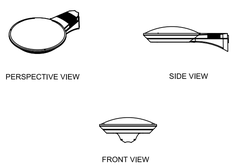
NOTE: Reflector MUST be field rotated by the CONTRACTOR to correspond with the direction indicated by the arrows on this layout.

EXAMPLE OF DIRECTIONAL ARROW

## XGBM
LED Crossover Area Light




## XENM3 SA
LED Area Light




| Calculation Summary | | | | | | | |
|---|---|---|---|---|---|---|---|
| Label | CalcType | Units | Avg | Max | Min | Avg/Min | Max/Min |
| CalcPts @ 4' ABOVE GRADE | Illuminance | Fc | 3.99 | 46.3 | 0.0 | N.A. | N.A. |
| AUDI LOT SUMMARY | Illuminance | Fc | 4.35 | 29.6 | 0.1 | 43.50 | 296.00 |
| BMW LOT SUMMARY | Illuminance | Fc | 4.42 | 18.2 | 0.0 | N.A. | N.A. |
| INFINITY LOT SUMMARY | Illuminance | Fc | 9.12 | 46.3 | 0.0 | N.A. | N.A. |
| MERCEDES-SMART CAR SUMMARY | Illuminance | Fc | 5.93 | 30.4 | 0.0 | N.A. | N.A. |
| PARKING GARAGE | Illuminance | Fc | 16.21 | 40.3 | 1.5 | 10.81 | 26.87 |

| Luminaire Schedule | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Symbol | Qty | Label | Arrangement | Description | LLF | Lumens/Lamp | Arr. Lum. Lumens | Arr. Watts |
| | 7 | A | ROTATED OPTICS | XGBM-FT-LED-HO-CW-D180 ROT-22' MH | 1.000 | N.A. | 58140 | 601.6 |
| | 10 | B | SINGLE | XGBM-FT-LED-HO-CW-SINGLE-ROT-22' MH | 1.000 | N.A. | 29070 | 300.8 |
| | 4 | C | SINGLE | XGBM-5-LED-HO-CW-SINGLE-22' MH | 1.000 | N.A. | 25464 | 300 |
| | 4 | D | D180° | XGBM-5-LED-HO-CW-D180-22' MH | 1.000 | N.A. | 50928 | 600 |
| | 17 | G1 | SINGLE | XGBM-FT-LED-HO-CW-SINGLE--18' MH | 1.000 | N.A. | 29070 | 300.8 |
| | 8 | G2 | SINGLE | XGBM-5-LED-HO-CW-SINGLE- 18' MH | 1.000 | N.A. | 25464 | 300 |
| | 7 | H | SINGLE | XENM3-SA-FT-LED-HO-CW-UE-SINGLE-12' MH | 1.000 | N.A. | 8659 | 108 |

Based on the information provided, all dimensions and luminaire locations shown represent recommended positions. The engineer and/or architect must determine the applicability of the layout to existing or future field conditions.

This lighting plan represents illumination levels calculated from laboratory data taken under controlled conditions in accordance with The Illuminating Engineering Society (IES) approved methods. Actual performance of any manufacturer's luminaires may vary due to changes in electrical voltage, tolerance in lamps/LED's and other variable field conditions. Calculations do not include obstructions such as buildings, curbs, landscaping, or any other architectural elements unless noted.

Total Project Watts
Total Watts = 19088.79

LSI Industries
10000 ALLIANCE RD. CINCINNATI, OHIO 45242 USA
(513) 793-3200 • FAX (513) 793-6023

LIGHTING PROPOSAL LD-127831-3

ASBURY PLAZA DEALERSHIP

| BY: smb | DATE: 6-2-15 | REV: 4/14/16 | SHEET 1 OF 1 |
|---|---|---|---|

SCALE: 1"=50' 0 50

PRAXIS3
architecture + multidisciplinary design

**PLAZA BMW**

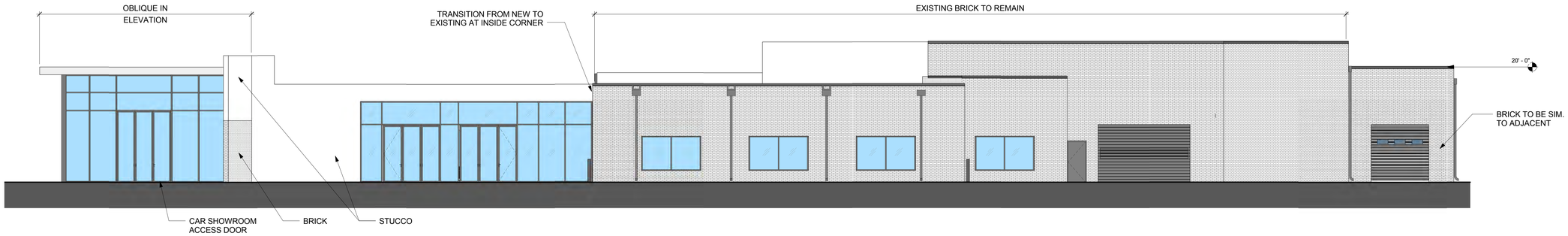
# First Floor Plan

Scale: 1/8" = 1'-0"

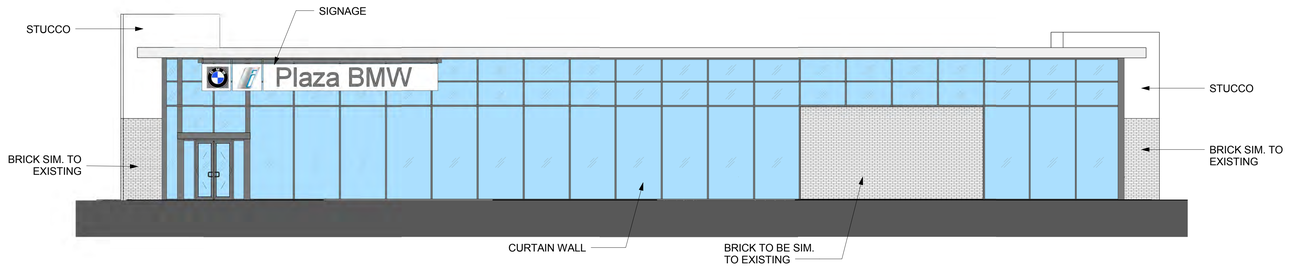
TRUE NORTH

04/08/2016

ASBURY
AUTOMOTIVE GROUP



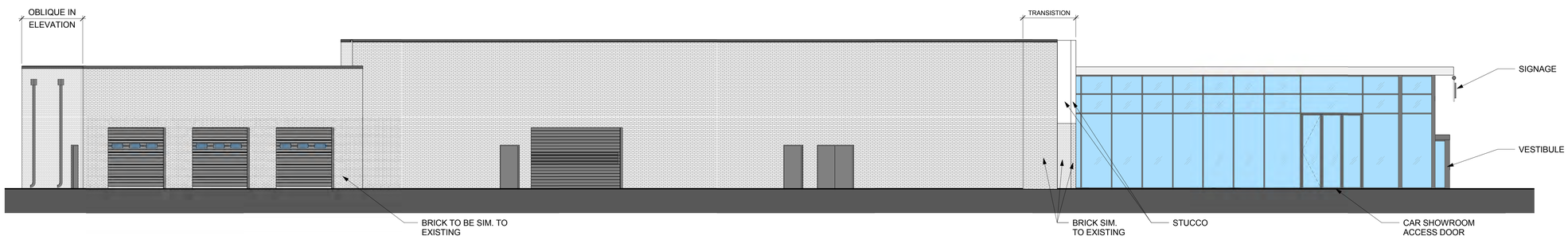

WEST ELEVATION




NORTH ELEVATION




SOUTH ELEVATION




EAST ELEVATION

PRAXIS3
architecture + multidisciplinary design

**PLAZA BMW**

# Exterior Elevations

Scale: 3/32" = 1'-0"

04/08/2016

ASBURY
AUTOMOTIVE GROUP

PRAXIS3
architecture + multidisciplinary design

**PLAZA BMW**

Exterior Rendering Looking West

04/08/2016

ASBURY
AUTOMOTIVE GROUP

PRAXIS3
architecture + multidisciplinary design

**PLAZA BMW**

Exterior Rendering Looking East

04/08/2016

ASBURY
AUTOMOTIVE GROUP

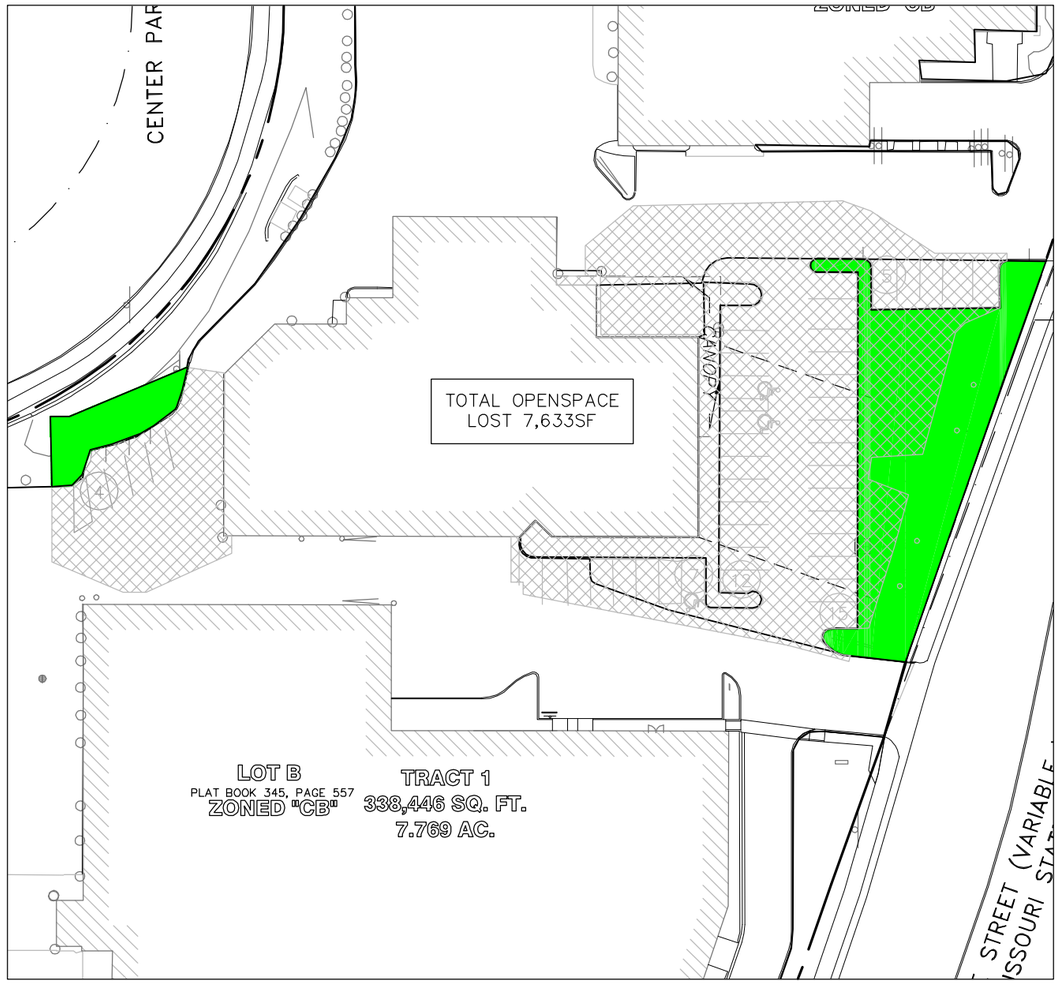
PRAXIS3
architecture + multidisciplinary design

**PLAZA BMW**

Exterior Rendering Looking South

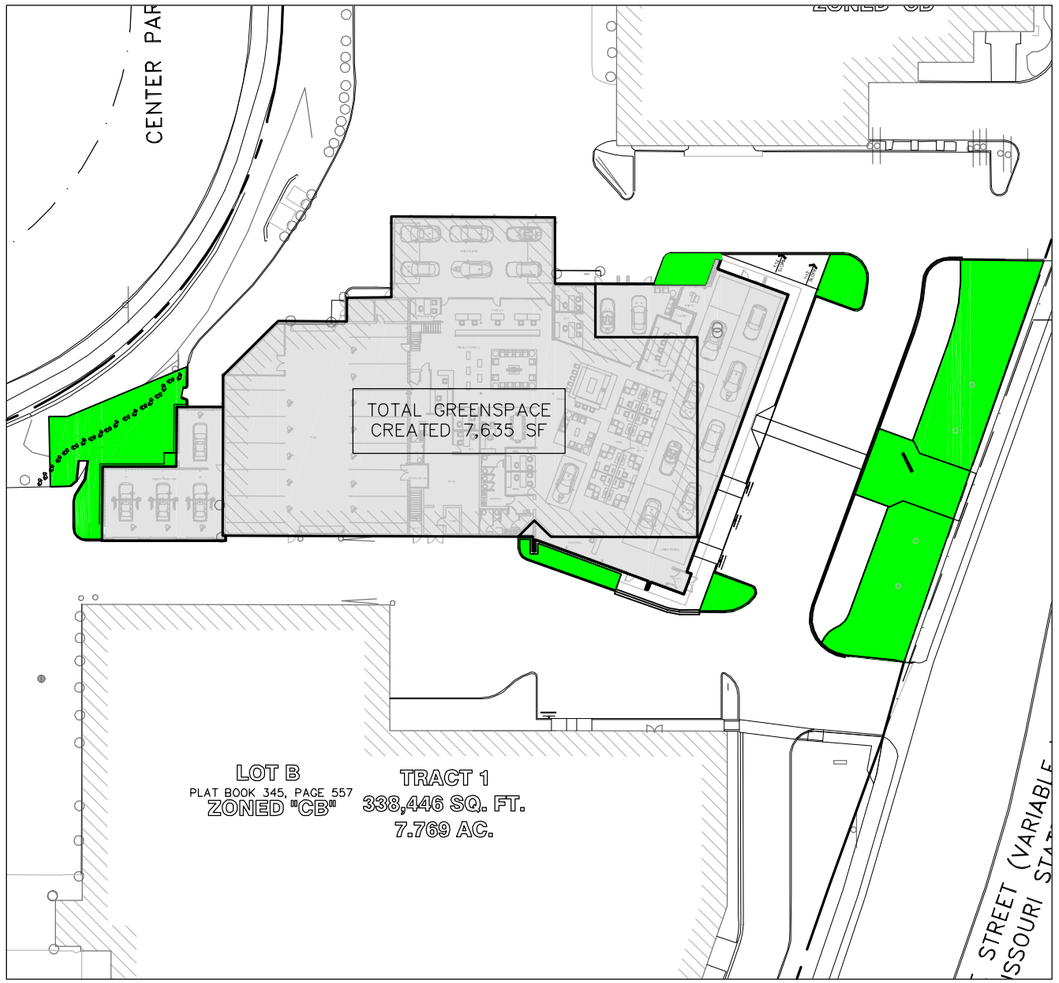
04/08/2016

ASBURY
AUTOMOTIVE GROUP




# 1 EXISTING OPENSPACE

SCALE 1"=60'




# 2 PROPOSED OPENSPACE

SCALE 1"=60'

GRIMES CONSULTING, INC.
*Civil Engineering & Surveying Services*
12300 OLD TESSON ROAD, SUITE 300D
ST. LOUIS, MO. 63128
PH. (314) 849-6100
FAX (314) 849-6010
www.grimesconsulting.com

| DRAWN BY: | DATE: | CHECKED BY: | DATE: | JOB NUMBER: | SHEET: |
|---|---|---|---|---|---|
| JLW | 3/24/16 | LJM | 3/24/16 | 2757B | 1 of 1 |

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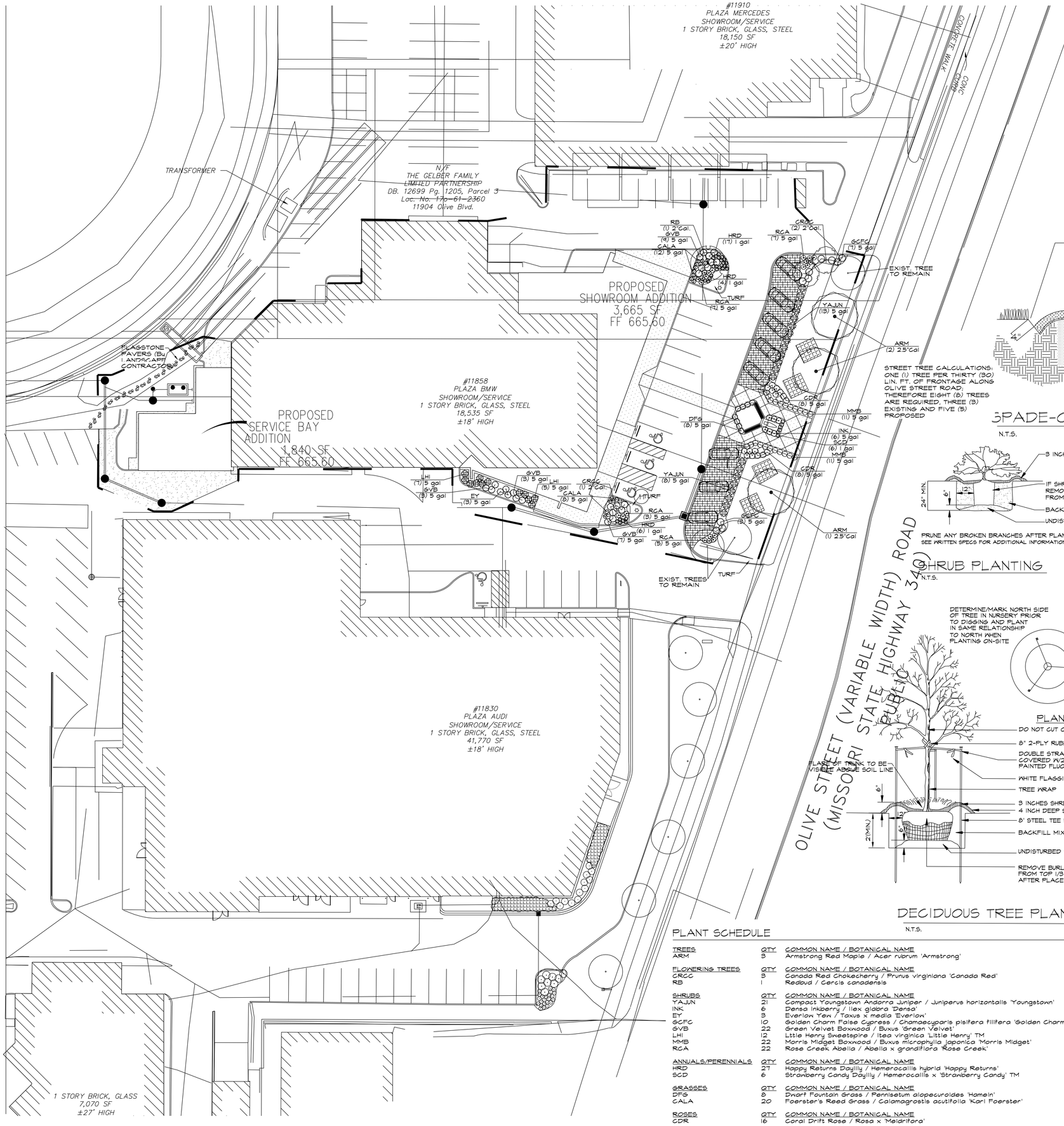
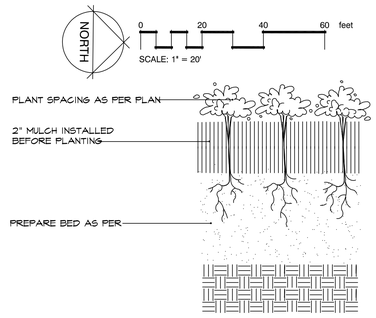
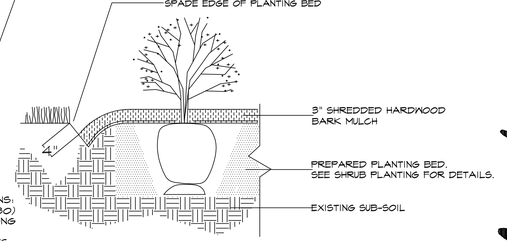
J:\2757\2757B\Engineering\SDP\2757 Site SDP-rev1.dwg\4/11/2016 11:35 AM\Jim Whisler



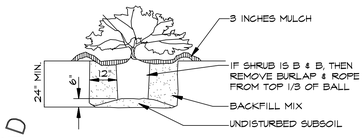

STREET TREE CALCULATIONS:
ONE (1) TREE PER THIRTY (30) LIN. FT. OF FRONTAGE ALONG OLIVE STREET ROAD; THEREFORE EIGHT (8) TREES ARE REQUIRED, THREE (3) EXISTING AND FIVE (5) PROPOSED




## PERENNIAL PLANTING
N.T.S.




## SPADE-CUT EDGE DETAIL
N.T.S.




PRUNE ANY BROKEN BRANCHES AFTER PLANTING, SEE WRITTEN SPECS FOR ADDITIONAL INFORMATION.

## SHRUB PLANTING
N.T.S.




## DECIDUOUS TREE PLANTING
N.T.S.

## PLANT SCHEDULE

| TREES | QTY | COMMON NAME / BOTANICAL NAME | SIZE |
|---|---|---|---|
| ARM | 3 | Armstrong Red Maple / Acer rubrum 'Armstrong' | 2.5"Cal |
| **FLOWERING TREES** | **QTY** | **COMMON NAME / BOTANICAL NAME** | **SIZE** |
| CRCC | 3 | Canada Red Chokecherry / Prunus virginiana 'Canada Red' | 2"Cal. |
| RB | 1 | Redbud / Cercis canadensis | 2"Cal. |
| **SHRUBS** | **QTY** | **COMMON NAME / BOTANICAL NAME** | **SIZE** |
| YAJUN | 21 | Compact Youngstown Ardorra Juniper / Juniperus horizontalis 'Youngstown' | 5 gal |
| INK | 6 | Densa Inkberry / Ilex glabra 'Densa' | 5 gal |
| EY | 3 | Everlow Yew / Taxus x media 'Everlow' | 15 gal |
| GCFC | 10 | Golden Charm False Cypress / Chamaecyparis pisifera filifera 'Golden Charm' | 5 gal |
| GVB | 22 | Green Velvet Boxwood / Buxus 'Green Velvet' | 5 gal |
| LHI | 12 | Little Henry Sweetspire / Itea virginica 'Little Henry' TM | 5 gal |
| MMB | 22 | Morris Midget Boxwood / Buxus microphylla japonica 'Morris Midget' | 5 gal |
| RCA | 22 | Rose Creek Abelia / Abelia x grandiflora 'Rose Creek' | 5 gal |
| **ANNUALS/PERENNIALS** | **QTY** | **COMMON NAME / BOTANICAL NAME** | **SIZE** |
| HRD | 27 | Happy Returns Daylily / Hemerocallis hybrid 'Happy Returns' | 1 gal |
| SCD | 6 | Strawberry Candy Daylily / Hemerocallis x 'Strawberry Candy' TM | 1 gal |
| **GRASSES** | **QTY** | **COMMON NAME / BOTANICAL NAME** | **SIZE** |
| DFG | 8 | Dwarf Fountain Grass / Pennisetum alopecuroides 'Hameln' | 5 gal |
| CALA | 20 | Foerster's Reed Grass / Calamagrostis acutifolia 'Karl Foerster' | 5 gal |
| **ROSES** | **QTY** | **COMMON NAME / BOTANICAL NAME** | **SIZE** |
| CDR | 16 | Coral Drift Rose / Rosa x 'Meidrifora' | 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 and sequencing with other site related work being performed by other contractors. Refer to additional 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 in Missouri).
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 ten (10) days 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.) All plant material shall comply with the recommendations and requirements of ANSI Z60.1 "American Standards for Nursery Stock".
8.) It shall be the contractor's responsibility to provide for inspection of the plant material by the Landscape Architect (or Owners' Representative) prior to acceptance. Landscape Architect may inspect plants before, during or after installation. Plants not conforming exactly to the plant list will not be accepted and shall be replaced at the landscape contractor's expense.
9.) All bids are to have unit prices listed. The Owner has the option to delete any portion of the contract prior to signing the contract or beginning work. This will be a unit price contract; quotes shall be valid for 12 months.
10.) Should auger equipment be utilized in excavating any plant pits, vertical sides of plant pits shall be scarified to avoid creation of "polished side walls" prior to plant material installation.
11.) All excess topsoil, rocks, debris and/or tainted soils shall be removed by the general contractor prior to point project is turned over to the landscape contractor to commence landscape installation.

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.

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. Landscape contractor shall be fully responsible for correcting all negative soil issues prior to plant installation. Killing and removal of all weeds shall be the responsibility of the landscape contractor as part of this task.
4.) Landscape contractor to apply pre-emergent herbicide to all planting beds upon completion of planting operations and before application of shredded bark mulch.

TURF:

1.) All disturbed lawn areas to be sodded with a high-quality Turf-Type Fescue. 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.) The turf contractor shall be responsible for protection of finished grade; restore and repair any erosion or water damage and obtain owners' approval prior to seeding or sod installation.
3.) Sod shall be cut as a uniform thickness of 3/4". No broken pieces, irregular pieces or torn pieces will be accepted.
4.) Any points carrying concentrated water loads and all slopes of 15% or greater shall be sodded.
5.) All sod shall be placed a maximum of 24 hours after harvesting.
6.) Reconstitution existing lawn areas damaged by Contractor's operations including equipment/material storage and movement of vehicles.
7.) Sod Contractor to ensure sod is placed below sidewalk and all paved area elevations to allow for proper drainage.

WARRANTY:

1.) All plant material (excluding ground cover, perennials and annuals) are to be warranted for a period of 12 months after complete installation of all landscape material 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.

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STATE OF MISSOURI
RANDALL W. MARDIS
NUMBER 019
REGISTERED LANDSCAPE ARCHITECT

RANDALL W. MARDIS
MISSOURI LANDSCAPE ARCHITECT #000019
DATE: 04-08-16

landscape TECHNOLOGIES
67 Jacobs Creek Drive
St. Charles, Missouri 63304
(636) 928-1250
Fax: (636) 220-3563
MO Landscape Architectural Corporation #2006005782

| Rev | Date | Comments |
|---|---|---|
| | | |
| | | |
| | | |

Client:
**Asbury Automotive Group**
200 SW 1st Avenue
Suite 1400
Ft. Lauderdale, FL 333301

Project:
# Plaza BMW Creve Coeur
11830 Olive Blvd.
Creve Coeur, MO 63141

Project Number: -
Grimes Project Number: 2757B

Site Key Plan:

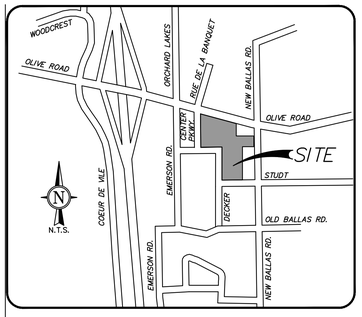
Sheet Title:
Master Planting Plan, Plant Schedule, Notes and Planting Details

Sheet Number:
L-1 of 1

RELEASED FOR CONSTRUCTION AND PERMIT

# SITE DEVELOPMENT PLAN
# PLAZA BMW

A TRACT OF LAND BEING PART OF LOT B OF "THE BOUNDARY ADJUSTMENT PLAT OF A TRACT OF LAND BEING PART OF LOTS 3 & 4 OF "STUDT'S HOME PLACE" LOT 7 OF THE LAKE HOUSE FARM SUBDIVISION AND PART OF VACATED DECKER LANE" PART LOTS 1, 2 & 3 OF LAKE HOUSE FARM PLAT NO. 2 PART OF LOTS 7 & 8 OF THE LAKE HOUSE FARM SUBDIVISION IN SECTION 3, TOWNSHIP 45 NORTH, RANGE 5 EAST IN THE CITY OF CREVE COEUR, THE COUNTY OF ST. LOUIS, MISSOURI



## LEGAL DESCRIPTION

A tract of land situated in the City of Creve Coeur, the County of St. Louis, and the State of Missouri, lying in part of Section 3, Township 45 North, Range 5 East, being part of Lot B of the Boundary Adjustment Plat of part of Lots 3 & 4 of 'Studt's Home Place', part of Lot 7 of the 'Lake House Farm Subdivision', and part of Vacated Decker Lane, said Boundary Adjustment filed for record in Plat Book 345 page 557 of the Land Records of said St. Louis County, Missouri, and part of Lot 7 of The Lake House Farm Subdivision as filed for record in Plat Book 9 page 74 of the land records of the City (former County) of St. Louis, and part of Lots 1, 2, and 3 of Lake House Farm Plat No. 2, a subdivision filed for record in Plat Book 43 page 16 of said Land records of St. Louis County, Missouri, and being more particularly described as follows:

BEGINNING at the Southeast corner of said Lot B, said corner being on the North right-of-way line of Studt Avenue, 50 feet wide; thence along said North right-of-way line of Studt Avenue, N89°04'W a distance of 163.94 feet to a point of curvature; thence 38.91 feet along the arc of a curve to the right, having a radius of 25.00 feet, through a central angle of 89°10'00", with a chord that bears N44°29'04"W a distance of 35.10 feet to a point of tangency on the East right-of-way line of Decker Lane, 50 feet wide; thence continuing along said East right-of-way line of Decker Lane, N00°05'56"E a distance of 389.19 feet; thence continuing along said East right-of-way line of Decker Lane S89°49'09"E a distance of 5.00 feet; thence continuing along said East right-of-way line of Decker Lane, N00°05'56"E a distance of 24.45 feet to a point of curvature; thence continuing along said East right-of-way line of Decker Lane, 282.74 feet along the arc of a curve to the left, having a radius of 180.00 feet, through a central angle of 90°00'00", with a chord that bears N44°54'04"W a distance of 254.56 feet to a point of tangency on the North right-of-way line of said Decker Lane; thence along said North right-of-way line of said Decker Lane, N89°54'04"W a distance of 66.85 feet to a point of curvature; thence 61.26 feet along the arc of a curve to the right, having a radius of 39.00 feet, through a central angle of 90°00'00", with a chord that bears N44°54'04"W a distance of 55.15 feet to a point of tangency on the East right-of-way line of Center Parkway Drive, 80 feet wide; thence along said East right-of-way line of Center Parkway Drive, N00°05'56"E a distance of 262.26 feet; thence continuing along said East right-of-way line of Center Parkway Drive, N89°40'21"E a distance of 1.47 feet; thence 97.57 feet along the arc of a curve to the right, having a radius of 50.88 feet, through a central angle of 109°52'22", with a chord that bears N54°25'26"E a distance of 83.30 feet to the Southern right-of-way line of Olive Street Road (Missouri State Route 340), width varies; thence along said Southern right-of-way line of Olive Street Road, S70°38'23"E a distance of 192.50 feet; thence continuing along said Southern right-of-way line of Olive Street Road, S70°38'25"E a distance of 116.96 feet; thence continuing along said Southern right-of-way line of Olive Street Road, S74°08'01"E a distance of 37.14 feet; thence S70°09'48"E a distance of 61.01 feet; thence continuing along said Southern right-of-way line of Olive Street Road, S70°45'53"E a distance of 91.84 feet to a point of curvature; thence continuing along said Southern right-of-way line of Olive Street Road, 62.91 feet along the arc of a curve to the left, having a radius of 2,920.93 feet, through a central angle of 01°14'02", with a chord that bears S71°22'54"E a distance of 62.91 feet to the intersection of said Southern right-of-way line of Olive Street Road and the West line of a tract of land conveyed to Western Oil, Inc. as described in Deed Book 15603 Page 315 of said Land records of St. Louis County, Missouri; thence leaving said Southern right-of-way line of Olive Street Road along said West line of the Western Oil, Inc. tract, S00°10'51"W a distance of 174.40 feet to the Southwest corner of said Western Oil, Inc. tract; thence along the South line of said Western Oil, Inc. tract, S89°49'09"E a distance of 159.73 feet to the intersection of said South line of said Western Oil, Inc. tract and the West right-of-way line of New Ballas Road, width varies; thence leaving said South line of said Western Oil, Inc. tract along said West right-of-way line of New Ballas Road, S02°06'51"W a distance of 69.94 feet to a point of curvature; thence continuing along said West right-of-way line of New Ballas Road, 118.62 feet along the arc of a curve to the left, having a radius of 2,905.00 feet, through a central angle of 02°20'22", with a chord that bears S00°56'40"W a distance of 118.61 feet to the intersection of said West right-of-way line of New Ballas Road and the North line of Lot A of said Boundary Adjustment Plat filed for record in Plat Book 345 page 55; thence leaving said West right-of-way line of New Ballas Road along said North line of Lot A, N89°49'09"W a distance of 204.60 feet; thence continuing along said North line of Lot A, S00°05'56"W a distance of 4.75 feet; thence continuing along said North line of Lot A, N89°49'09"W a distance of 94.46 feet to the Northwest corner of said Lot A; thence along the West line of said lot A, S00°05'56"W a distance of 28.37 feet; thence continuing along said West line of Lot A, S89°49'09"E a distance of 12.34 feet; thence continuing along said West line of Lot A, S00°05'56"W a distance of 392.17 feet to the point of beginning.

Containing 7.769 Acres.

PREPARED FOR:
**ASBURY AUTOMOTIVE GROUP**
CONTACT: BRAIN DEPOULI
2905 PREMIERE PARKWAY, SUITE 300
DULUTH, GA 30097
PH: (770)418-8343

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STATE OF MISSOURI
LEONARD J. MEERS
NUMBER E-28288
PROFESSIONAL ENGINEER

LEONARD J. MEERS
PROFESSIONAL ENGINEER
E-28288

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|---|---|---|
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| | | |
| | | |

Client:
**Asbury Automotive Group**
200 SW 1st Avenue
Suite 1400
Ft. Lauderdale, FL 333301

Project:
**Plaza BMW Creve Coeur**
11858Olive Blvd.
Creve Coeur, MO 63141

Project Number: -
Grimes Project Number: 2757B

Site Key Plan:

Sheet Title:
EXISTING SITE PLAN

Sheet Number:
**C1.0**

MSD BASE MAP 1702
MSD P-16463-05
LOC. NO. 170612359
ZIP CODE 63141

100% REVIEW SET

## PERTINENT DATA

| | |
|---|---|
| SITE ADDRESS | 11830–11912 OLIVE BLVD.<br>700–740 DECKER LN<br>ST. LOUIS, MO 63141 |
| LOCATOR NUMBER | 170 61 2359, 2360, 2371, 2372 0951 & 0952 |
| EXISTING ZONING | CORE BUSINESS DISTRICT |
| SITE AREA | 7.77 ACRES |
| WATER SHED | DEER CREEK |
| WATER DISTRICT | MISSOURI–AMERICAN WATER |
| FIRE DISTRICT | CREVE COEUR |
| SCHOOL DISTRICT | PARKWAY |
| SEWER DISTRICT | M.S.D. |
| GAS SERVICE | LACLEDE GAS |
| ELECTRIC SERVICE | AMEREN UE |
| PHONE SERVICE | AT&T |
| FEMA MAP NUMBER | 29189C0162H<br>DATE: AUGUST 2, 1995 |

## LOT COVERAGE

EXISTING LOT = 7.77 ACRES

PROPOSED LOT TOTAL = 338,446 SF (7.77 ACRES)
TOTAL BUILING/PARKING = 293,898 SF
TOTAL GRASS/SIDEWALK = 44,487 SF
PERCENT BUILDING/PARKING = 86.8%

BUILDING AREA = 136,770 SF
RATIO OF FLOOR AREA TO SITE AREA (FAR) = 40.4%

OPENSPACE LOST = 7,633 SF
OPENSPACE ADDED = 7,635 SF

## PARKING COUNT

| | |
|---|---|
| EXISTING PARKING STALLS | 685 SPACES |
| PARKING STALLS REMOVED | –9 SPACES |
| PARKING STALLS ADDED | +7 SPACES |
| TOTAL AFTER AUDI PARKING STALLS | 683 SPACES |
| PARKING STALLS REMOVED | –43 SPACES |
| PARKING STALLS ADDED | +11 SPACES |
| TOTAL AFTER BMW PARKING STALLS | 651 SPACES |

( IN FEET )
1 inch = 20 ft.

PREPARED FOR:
**ASBURY AUTOMOTIVE GROUP**
CONTACT: BRAIN DEPOUILI
2905 PREMIERE PARKWAY, SUITE 300
DULUTH, GA 30097
PH: (770)418–8343

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MSD BASE MAP 1702
MSD P–16463–05
LOC. NO. 170612359
ZIP CODE 63141

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STATE OF MISSOURI — LEONARD J. MEERS — NUMBER E–28288 — PROFESSIONAL ENGINEER
4/11/16
LEONARD J. MEERS
PROFESSIONAL ENGINEER
E–28288

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Project Number: -
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Site Key Plan:

Sheet Title:
SITE PLAN

Sheet Number:
**C2.0**

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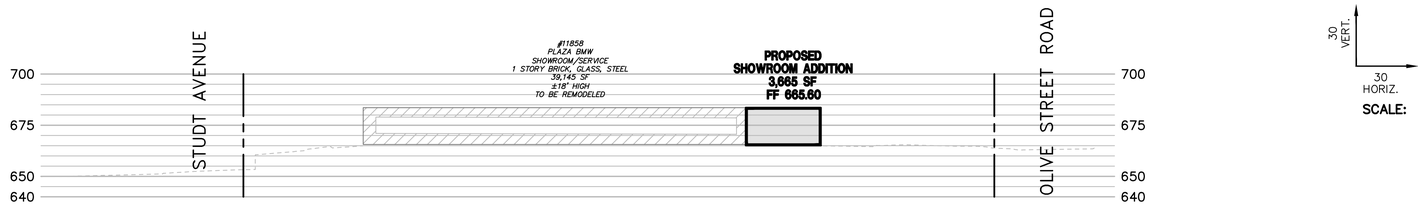
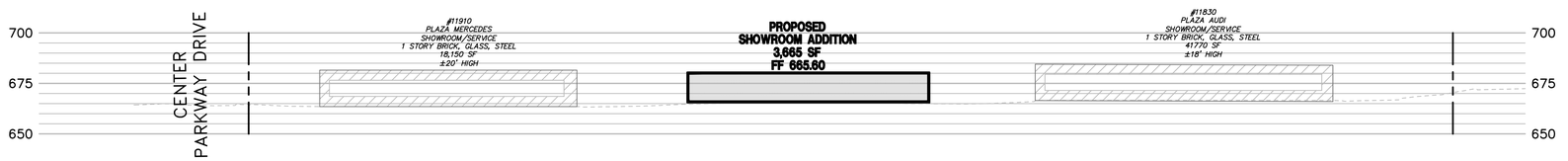



# SECTION A-A



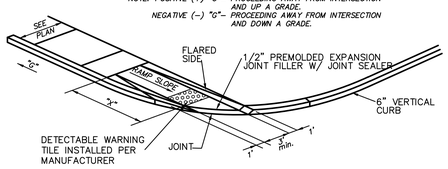

# SECTION B-B

## CURB RAMPS NOTES

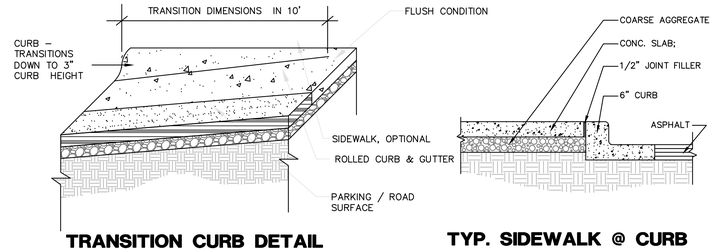
1. DO NOT SCALE DRAWING. FOLLOW DIMENSIONS.
2. SIDEWALKS AND SIDEWALK CURB RAMPS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THESE DETAILS AND THE CURRENT APPROVED "AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES" (ADAAG).
3. MINIMUM SIDEWALK WIDTH ALONG 6" VERTICAL CURB SHALL BE 5 FEET.
4. MAXIMUM SIDEWALK CROSS SLOPE 0.02"/FT.PROVIDE A LANDING AT THE TOP OF EACH STRAIGHT RAMP WHEN THE GRADE ALONG CURB ("G") IS GREATER THAN +2% AND LESS THAN +7%. FOR OTHER VALUES OF "G", INCLUDING ALL NEGATIVE (–) VALUES, NO LANDING IS REQUIRED.
5. IF INTEGRAL CONCRETE CURB IS CONSTRUCTED, STRIKE A DUMMY JOINT ACROSS BOTTOM OF RAMP AT CURB LINE.
6. A DETECTABLE WARNING CONSISTING OF TRUNCATED DOMES SHALL BE PLACED AT EACH CURB RAMP. IF CURB CUTS ARE USED TO ALLOW A CROSSWALK TO PASS THROUGH AN ISLAND THEN DETECTABLE WARNINGS SHALL BE PLACED AT EACH EXIT POINT FROM THE ISLAND.
7. THE DETECTABLE WARNING SHALL BE A PRE-MOLDED TILE CAST DIRECTLY INTO THE CONCRETE.
8. THE WARNING SURFACE SHALL CONTRAST VISUALLY WITH ADJOINING SURFACES, EITHER LIGHT ON DARK, OR DARK ON LIGHT.
9. THE DETECTABLE WARNING SHALL BE PLACED WITHIN 6 TO 8 INCHES OF THE CURB LINE.
10. THE DETECTABLE WARNING SHALL EXTEND 24 INCHES IN THE DIRECTION OF TRAVEL AND THE FULL WIDTH OF THE RAMP, LANDING, OR BLENDED TRANSITION.
11. TRANSITIONS FROM RAMPS TO WALKS, GUTTERS, OR STREETS SHALL BE FLUSH AND FREE OF ABRUPT CHANGES.

| "G" GRADE ALONG CURB (%) | "X" MIN. LENGTH OF RAMP SLOPE (L.F.) |
|---|---|
| NEGATIVE (–) VALUES | 6 |
| 0 TO +1 | 7 |
| +1.01 TO +2 | 8 |
| +2.01 TO +3 | 10 |
| +3.01 TO +4 | 12 |
| GREATER THAN +4 | 15 |

NOTE: POSITIVE (+) "G"– PROCEEDING AWAY FROM INTERSECTION AND UP A GRADE.
NEGATIVE (–) "G"– PROCEEDING AWAY FROM INTERSECTION AND DOWN A GRADE.

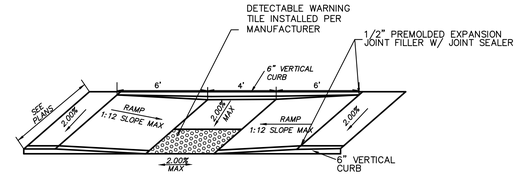



## STRAIGHT CURB RAMP (TYPE 2)

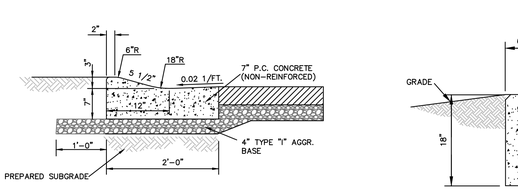



## TRANSITION CURB DETAIL

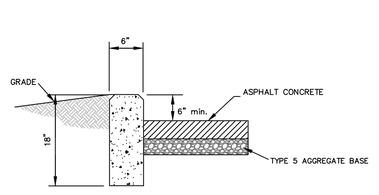
## TYP. SIDEWALK @ CURB




## PARALLEL CURB RAMP - 6" VERTICAL CURB (TYPE 10)

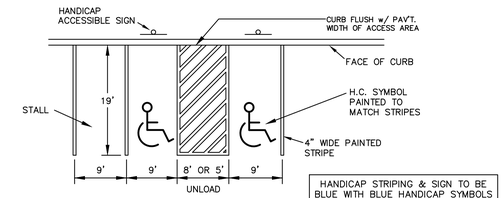



## ROLLED CURB AND GUTTER DETAIL




## 18" BARRIER CURB

NOTES:
1. ALL CONCRETE SHALL BE MIN. FC.=3000 P.S.I.
2. ALL REINFORCING STEEL SHALL BE GRADE 60.
3. ALL CONSTRUCTION MATERIALS AND METHODS OF CONSTRUCTION SHALL BE IN ACCORDANCE WITH ST. LOUIS COUNTY DEPARTMENT OF HIGHWAYS & TRAFFIC.
4. ANY UNSUITABLE SOIL (AS DETERMINED BY SOILS ENGINEER) BELOW STRUCTURE SHALL BE REMOVED AND REPLACED WITH SELECT EARTHEN MATERIAL COMPACTED IN PLACE WITH VIBRATORY TAMPER.
5. ALL EXPOSED CONCRETE EDGES TO HAVE 3/4" CHAMFER.
6. PROVIDE 1/2" EXPANSION JOINTS AT 20' CENTERS.

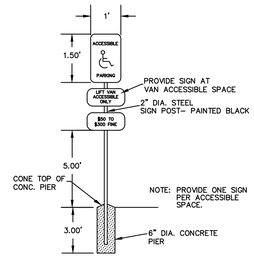



NOTE: ONE IN EVERY FOUR ACCESSIBLE SPACES, BUT NOT LESS THAN ONE, SHALL BE SERVED BY AN ACCESS AISLE A MINIMUM OF NINETY-SIX INCHES WIDE AND SHALL BE DESIGNATED "LIFT VAN ACCESSIBLE ONLY"

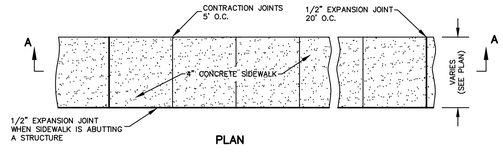
TYPICAL HANDICAP PARKING STALLS

HANDICAP STRIPING & SIGN TO BE BLUE WITH BLUE HANDICAP SYMBOLS ALL OTHER STRIPING TO BE WHITE (PAINT PER SPECIFICATIONS)

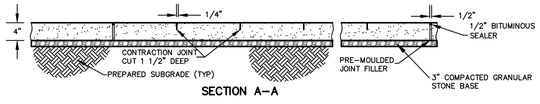
## HANDICAP PARKING DETAILS




## ACCESSIBLE PARKING SIGN




PLAN

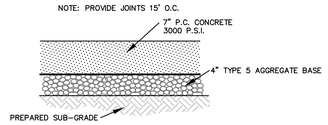



SECTION A–A

## DETAIL OF CONCRETE SIDEWALK

ALL SIDEWALKS TO BE CONSTRUCTED TO ST. LOUIS COUNTY ADA STANDARDS

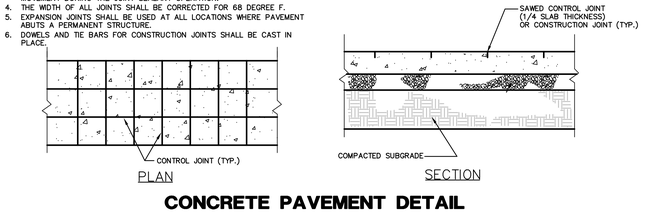
## ASPHALT PAVEMENT DETAIL



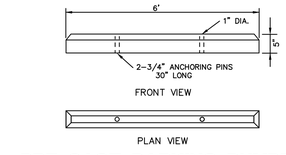

## CONCRETE PAVEMENT DETAIL

DUMPSTER PAD/ENTRANCE

NOTES:
1. LONGITUDINAL AND TRANSVERSE JOINTS SHALL BE SAWED AS INDICATED.
2. THE JOINT SEAL MANUFACTURER'S SPECIFICATIONS SHALL BE COMPATIBLE WITH THE JOINT CONFIGURATION. PROVIDE TYPICAL DETAILS FOR CONSTRUCTION & EXP. JTS.
3. FOR ALL JOINTS THE BACKER ROD MATERIAL SHALL BE COMPATIBLE WITH THE COLD POURED SEALANT AND SLIGHTLY OVERSIZED TO PREVENT MOVEMENT DURING THE JOINT SEALANT OPERATION.
4. THE WIDTH OF ALL JOINTS SHALL BE CORRECTED FOR 68 DEGREE F.
5. EXPANSION JOINTS SHALL BE USED AT ALL LOCATIONS WHERE PAVEMENT ABUTS A PERMANENT STRUCTURE.
6. DOWELS AND TIE BARS FOR CONSTRUCTION JOINTS SHALL BE CAST IN PLACE.




## CONCRETE PAVEMENT DETAIL




## PRE-CAST PARKING BUMPER

PREPARED FOR:
**ASBURY AUTOMOTIVE GROUP**
CONTACT: BRAIN DEPOULI
2905 PREMIERE PARKWAY, SUITE 300
DULUTH, GA 30097
PH: (770)418-8343

MSD BASE MAP 1702
MSD P–16463–05
LOC. NO. 170612359
ZIP CODE 63141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STATE OF MISSOURI
LEONARD J. MEERS
NUMBER E-28288
PROFESSIONAL ENGINEER
4/11/16
LEONARD J. MEERS
PROFESSIONAL ENGINEER
E–28288


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| | | |
| | | |

Client:
**Asbury Automotive Group**
200 SW 1st Avenue
Suite 1400
Ft. Lauderdale, FL 333301

Project:
# Plaza BMW Creve Coeur
11858Olive Blvd.
Creve Coeur, MO 63141

Project Number: -
Grimes Project Number: 2757B

Site Key Plan:

Sheet Title:
SITE SECTIONS

Sheet Number:
**C3.0**

100% REVIEW SET


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J:\2537\Plans\Plaza\LR-TitleBlock.dwg(2/5/2013 11:19 AM)Jim Whisler

**BILL NUMBER 3220**

**ORDINANCE NUMBER 2240**

**AN ORDINANCE TO REPEAL ORDINANCES 1862, 1777, 1376, 1368 AND 1321 AND TO AUTHORIZE A NEW ORDINANCE FOR THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE OPERATION OF AN AUTOMOBILE SALES AND SERVICE FACILITIES AND ALSO TO AUTHORIZE AUTOMOBILE LEASING FACILITIES BY THE PLAZA MOTORS COMPANY AT 11830 OLIVE BOULEVARD, IN THE 'CB' CORE BUSINESS DISTRICT, SUBJECT TO THE CONDITIONS HEREIN SETFORTH**

**WHEREAS,** application was made by Mr. Dan Tate, on behalf of the Plaza Motors Company, for a Conditional Use Permit and Site Development Plan for a proposed Lexus Dealership on the properties comprising five (5) acres between Emerson Road and Decker Lane, zoned CB, Core Business District, and

**WHEREAS**, Community Development staff recommended the repeal of all prior ordinances for Plaza Motors Company and the passage of a single ordinance for the entire Plaza Motors campus including the proposed Lexus Dealership, and

**WHEREAS**, under Section 26-43.3(f), automotive dealerships and 26-43.3(i) auto rental and leasing require the issuance of a Conditional Use Permit as defined under Section 26-114, and

**WHEREAS,** on October 7, 2003, the Planning and Zoning Commission of the City of Creve Coeur, by unanimous vote recommended approval of said application as per Section 26-114.4(b), and

**WHEREAS,** a Public Hearing was held by the Creve Coeur City Council on October 27, 2003 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 Article 9, Section 26-114 of Ordinance Number 1903 of the City of Creve Coeur, 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 on October 10, 2003 and in the West County Journal on October 12, 2003 newspapers of general circulation in the City of Creve Coeur, 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 three times before final passage by the City Council, and

**WHEREAS,** the City Council being fully informed finds that the granting of the application 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 conformance with good zoning practice.

Now, therefore, be it Ordained by the City Council of the City of Creve Coeur as follows:

**Section 1:** The Conditional Use Permit authorized shall be subject to all ordinances, rules and regulations of the City of Creve Coeur and is issued pursuant to Section 3 hereof for the inclusion of the property commonly know as the Plaza Motors campus, zoned CB, Core Business District, subject to the hereinafter stated conditions, for the campus with boundaries established by the amended Site Concept prepared by TRI Architekts, Inc. and received by the Department of Community Development on September 25, 2003.

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

1. This conditional use permit is for the operation of automobile sales and service facilities, SIC Code 5511, and automobile leasing facilities, SIC 7515.
2. The campus shall be developed in accordance with the approved Site Concept Plan prepared by TRI Architekts, Inc. and received by the Department of Community Development on October 16, 2003. Any future enlargement, extension, expansion or alteration in the use of the structures or campus, above and beyond the approved Site Concept Plan shall require approval 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 or alteration may be issued. Planned site development as shown on the approved Site Concept Plan shall be reviewed by City Council upon receipt of a recommendation by the Planning and Zoning Commission as required by Section 26-43.7(a) of the Zoning Ordinance.
3. The hours of operation shall not exceed 6:00 A.M. to 10:00 P.M.
4. All trash collection or dumpsters shall be properly screened from view as approved by the City of Creve Coeur.
5. Parking on the Plaza Motors Campus shall be restricted to the following:
   a) Parking shall be prohibited within 35 feet of the right-of-way along Center Parkway. The short-term staging of demonstration vehicles shall be allowed, providing that pavement markings and signage to delineate staging areas are installed, as directed by the Department of Community Development.
   b) Public parking shall be prohibited on internal driveways which are located between a line connecting the northeast corner of Building A (BMW/Cadillac showroom) and the northeast corner of Building B (Mercedes Benz showroom) and the Olive Boulevard right-of-way. The short-term staging of vehicles shall be allowed providing that pavement markings and signage to delineate staging areas are installed, as directed by the Department of Community Development.
   c) Parking for the short-term staging of vehicles shall be permitted on the internal drive between the service garage and the rear parking lot for Building "A" providing that pavement markings and signage to delineate staging areas are installed, as directed by the Department of Community Development.
   d) Low-level landscaping shall be installed in front of the customer parking area for Building "C" in order to screen parking spaces from Olive Boulevard.
   e) The loading and unloading of vehicles shall be permitted within the center lane of Decker Lane, a public street, between Studt Avenue and the private drive adjacent to the northern extent of the service garage provided that precautions are taken including, but not limited to, the placement of temporary traffic control markers and pavement markings near the work area. The city reserves the right to revoke permission to use the street for loading

purposes should an apparent and immediate threat to the general welfare and safety of the city's residents and visitors be determined. Revocation shall be directed by City Council upon the issuance of a temporary suspension order by the Creve Coeur Police Department. Should revocation occur, Plaza Motors shall be required to cease loading activity on Decker Lane immediately.

f) Public parking shall be prohibited in the parking structure. Only the storage of inventory vehicles shall occur on the top level parking structure.

g) The storage of damaged or wrecked vehicles shall not occur in the parking lot located at the northeast corner of Decker Lane and Old Ballas Road.

h) The parking lot on the northeast corner of the intersection of Old Ballas Road and Decker Lane shall be developed and maintained in accordance with the Site Development Plan prepared by Clayton Engineering Co. with an issue date of January 7, 1997 and a latest revision date of May 21, 1997.

i) Off-site accessory parking allowing Plaza Motors to park vehicles at Creve Coeur Corporate Center is approved by the Planning and Zoning Commission per Section 26-91.5 of the Zoning Ordinance. A copy of the agreement shall be reviewed by the City Attorney and thereafter recorded with the St. Louis County Recorder of Deeds. The applicant shall submit two (2) recorded copies of the agreement with the Department of Community Development.

6. Discarded automobiles parts are to be kept entirely within an enclosed trash collection area or inside the buildings.
7. No building is to be erected on the properties addressed 630-648 Decker Lane, which is currently a Plaza Motors parking area at the northeast corner of Decker Lane and Old Ballas Road, until the property addressed as 652 Decker Lane is added to the property assemblage.
8. Plaza Motors shall participate in the cost of the traffic signalization of that portion of the N. New Ballas and Studt Avenue intersection outside the boundaries of the former T.I.F. district by contributing $20,000.00.
9. All signage shall conform to the Plaza Motors Master Signage Plan (current or future). No pennants, fringes, lights, pin wheels, or other similar devices for attracting attention may be displayed at any time in connection with the operation of the business.
10. Parking lot lighting shall consist of full cut-off (73° cut-off angle), downcast fixtures with the illuminant source shielded from view, except architecturally significant lighting and lighting directed onto the building facades, as approved by the Planning and Zoning Commission.
11. All landscaping shall meet the Landscaping Guidelines, Section 26-62 of the Zoning Ordinance.
12. The use of existing outdoor speakers or a paging system shall be permitted. Outdoor speakers are not permitted on new facilities.
13. A copy of all herein attached conditions shall be furnished by the owner or petitioner to the operator(s) or manager(s) including successive operator(s), owner(s) or manager(s) who shall forward to the Zoning Enforcement Officer an acknowledgement that he or she has read and understood each of these conditions and agrees to comply therewith.
14. 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.

15. All conditions contained within this permit shall be posted upon the properties in such a manner that it is visible to the public and the operator of said facilities.
16. 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.

**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.

**Section 4:** This ordinance shall become effective 15 days after adoption by the City Council and the signing thereof by the Mayor.

Adopted by City Council this 10th day of November, 2003.

Beth Kistner
BETH KISTNER
PRESIDENT OF CITY COUNCIL

Approved this 10th day of November, 2003.

HAROLD DIELMANN
MAYOR

ATTEST:

LaVerne Collins
LAVERNE COLLINS, CMC
CITY CLERK

AMENDED BILL NO. 5533 ORDINANCE NO. 5411

**AN ORDINANCE AMENDING CONDITIONAL USE PERMIT APPROVED BY ORDINANCE NUMBER 2240 TO AUTHORIZE RENOVATIONS TO THE BUILDING LOCATED AT 11830 OLIVE BOULEVARD WITHIN THE PLAZA MOTORS CAMPUS FOR THE PLAZA AUDI DEALERSHIP**

**WHEREAS**, under Section 405.370(C), new and used automotive dealers in the "CB", Commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

**WHEREAS**, conditional use permit ordinance #2240 was approved by the City Council on November 10, 2003, for the operation of a new and used automotive dealership for Plaza Motors pursuant to its current campus layout; and

**WHEREAS**, an application was submitted by Jerry Patterson of Plaza Motors Company, on behalf of Asbury Automotive, Inc., to amend the conditional use permit to allow for the renovation of the building at 11830 Olive Boulevard for the same use; and

**WHEREAS**, Section 405.1070 states, in part, that any future enlargement or alteration in the use of the structure 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 or alteration may be issued; and

**WHEREAS,** a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, January 5, 2015, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application for the amendment to 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 7-0 vote, recommended approval of the request, subject to the conditions contained herein, at its meeting on January 5, 2015; 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 amended conditional use, when subject to certain conditions set forth herein:

1. Complies with all other applicable provisions of this Chapter including environmental performance standards presented in Section 405.550, the criteria in Section 405.470 and the standards of this Chapter in regard to yard and setback, parking and loading areas, screening and buffering, refuse, storage and service areas and signs.
2. Will contribute to and promote the community welfare and convenience at the specific location.
3. Will not cause substantial injury to the value of neighboring property.

4. 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 there from.
5. Will provide, if applicable, erosion control and on-site stormwater detention in accordance with the standards contained in this Chapter.
6. 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:** Ordinances Number 2240 is hereby amended as follows and all other conditions shall remain the same:

1. Section 2 of Ordinance Number 2240 shall be amended to include the renovation of the building located at 11830 Olive Boulevard for the Plaza Audi Showroom in accordance with the "Site Development Plan" prepared by Praxis3 Architecture + Multidisciplinary Design and submitted on December 8, 2014, the "Exterior Elevations - Alternate," prepared by Praxis3 Architecture + Multidisciplinary Design, dated January 8, 2014 and submitted on January 9, 2014, and also the "Master Planting Plan" prepared by Landscape Technologies and signed by Randall W. Mardis on December 4, 2014, except as modified below.
2. The applicant is required to submit a Site Improvement Permit application, showing all exterior and landscape 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" prepared by Praxis3 Architecture + Multidisciplinary Design and submitted on December 8, 2014, and the "Master Planting Plan" prepared by Landscape Technologies and signed by Randall W. Mardis on December 4, 2014 as bound together and submitted on December 8, 2014, in conjunction with Application #14-042 by Plaza Motor Company.
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 - Alternate" and "Details" both dated January 8, 2015, as bound together and submitted in conjunction with Application #14-041.
4. Vegetation that is totally or predominantly dead and/or disfigured due to disease or injury shall be replaced as needed and in a prompt and workmanlike manner as dictated by accepted horticultural standards.

**Section 2:** The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue an amended 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 1 of this ordinance as well as previously imposed conditions. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

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

**AMENDED BILL NO. 5533** **ORDINANCE NO. 5411**

ADOPTED THIS 26 DAY OF January, 2015.

Charlotte D'Alfonso
CHARLOTTE D'ALFONSO
PRESIDENT OF CITY COUNCIL

APPROVED THIS 26 DAY OF January, 2015.

BARRY GLANTZ
MAYOR

ATTEST:

Deborah Ryan
DEBORAH RYAN, MPCC
CITY CLERK

PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

MONDAY, APRIL 18, 2016

6:30 P.M.

PUBLIC HEARING NO. 16-005

PUBLIC HEARING NO. 16-012

THOSE IN ATTENDANCE:

Ms. Beth Kistner, Chair
Mr. Tim Carney
Mr. James Faron
Ms. Muriel Hall
Mr. Don Magruder
Mr. Charles Pullium
Mr. Gene Rovak
Mr. Carl Lumley, City Attorney
Mr. Jason Jaggi, Director of Community Development
Ms. Whitney Kelly, City Planner
Ms. Deborah McLaughlin, Recording Secretary
Ms. Jessica Stutte, Planning Assistant

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 KISTNER: Good evening. We'll bring the meeting to order, Planning & Zoning Commission meeting of April 18th, 2016.

We'll start with our roll call.

Mr. Carney?

MR. CARNEY: Present.

CHAIRMAN KISTNER: Mr. Faron?

MR. FARON: Present.

CHAIRMAN KISTNER: Ms. Hall? She's absent.

Mr. Magruder?

MR. MAGRUDER: Here.

CHAIRMAN KISTNER: Mr. Pullium?

MR. PULLIUM: Present.

CHAIRMAN KISTNER: Mr. Rovak?

MR. ROVAK: Present.

CHAIRMAN KISTNER: City Attorney, Carl Lumley?

MR. LUMLEY: Present.

CHAIRMAN KISTNER: Director of Community Development, Jason Jaggi?

MR. JAGGI: Present.

CHAIRMAN KISTNER: City Planner, Whitney Kelly?

MS. KELLY: Present.

CHAIRMAN KISTNER: Recording Secretary, Deborah McLaughlin?

MS. MCLAUGHLIN: Present.

CHAIRMAN KISTNER: Moving to new Business.

Our first item is also a public hearing. Application No. 16-012 for a Conditional Use Permit and Site Development Plan for the Renovation of the Plaza BMW Dealership at 11858 Olive Boulevard.

Anybody who wishes to speak -- is going to speak during this hearing, come forward to be sworn in.

(The speakers were sworn in.)

CHAIRMAN KISTNER: And as each one of you come forward, please give your name and address for the record.

MR. BOSTIC: My name's Stephen Bostic, and I'm with Brinkmann Constructors, and I am here on behalf of Asbury Automotive.

And we are here to apply for amendment to the conditional use permit for the Plaza BMW, which is located off of Olive Boulevard, up near the intersection of Olive and 270.

We've brought with us a list of PowerPoint slides here just showing what's our development plan that we are proposing to do, and we would like you guys to review and ask questions, and, obviously, get input from staff as well.

And we'll just begin by starting with the existing site plan.

The BMW dealership is adjacent to the new Plaza

Audi, that I'm sure you guys saw renovated this past year.

The proposed layout is on the upper end of the screen there with the new driveway and the extension of the showroom off of the front of the BMW building, and the addition of a service bay on the back side of the building.

We have provided an exhibit here for the green space requirements with calculations to follow here, but we've increased, I believe, by 2 square feet for green space on the property.

There's a landscape plan and some exhibits as well.

A floor plan of the building showing the general extension of the showroom off of the front and the addition of the three -- make that four service bays on the back side of the building, just for general knowledge.

We've provided a few elevations of the building showing the proposed matching existing brick to match the features on the current building, as well as some of the proposed features, such as the storefront and the smoothed white EIFS as an accent on the building.

Another rendering from -- this view would be from Olive Boulevard as you're traveling east on Olive.

Another rendering here to show some of the features upfront, as far as the landscaping, some of the

existing fountains and features that are on the front of the building.

That's the end of our visuals here.

Are there any questions?

CHAIRMAN KISTNER: Mr. Faron.

MR. FARON: So we've had recent discussion about materials that are presented in front of us. I would assume the blue that you show there is probably not the realistic representation on the elevations? These renderings are probably more realistic to what I see on your board?

MR. BOSTIC: That is correct.

MR. FARON: The -- the EIFS, or I guess, the stucco there, that's that vertical panel there at the back of the roof cornice --

MR. BOSTIC: Right.

MR. FARON: -- that runs around, is that like a metalized, like aluminum -- is that -- what type of banding is that going around the top of the --

MR. BOSTIC: Yes, so that's -- it's actually a stucco product, but it receives a smooth finish to simulate a -- a metal panel. And then we're tying it in, you can see on the -- on the -- in the left side of the screen there there's the -- the white EIFS to interface --

MR. FARON: Uh-huh.

MR. BOSTIC: -- the EIFS above with the existing brick below to tie it into the existing accent of the building.

MR. FARON: So that interface's the same material, it's just that you got a honed finish or a smoother finish on the -- the -- say the roof lining or the banding?

MR. BOSTIC: Correct. That is correct.

MR. FARON: So this -- the aluminum frame here, is that just for the complete storefront system --

MR. BOSTIC: That is correct.

MR. FARON: And this is, yeah, this is much more -- so I -- I would assume this is -- is this a different -- or a low E or an energy efficient storefront system for --

MR. BOSTIC: Yeah, it's an insulated storefront system. It's the typical insulated value that you're seeing in the commercial use, widespread across the country.

MR. FARON: Okay. I do like the integration of some of the brick. I mean we do try to promote saving or using existing brick. The Audi, you know, renovation is very attractive in that as well. I like how you tied that together, like some of the brick there, you know, from the front elevation off of Olive.

The -- so the back of the -- the four bays in back, those are -- are those of similar material in the back of this rail or is that --

MR. BOSTIC: Yes, those are all brick facade added to that addition.

So you could see three bays -- I'm sorry. The blue is your glass and the, looks like gray checkered is actually your exist -- your brick facade, and the intent is to match that on the back of the building as well.

MR. FARON: Fountain is going to be re, you know, functioning, I guess, that's part of it?

MR. BOSTIC: That is correct.

MR. FARON: Thank you.

MR. DEPOULI: The fountain is existing, and has not been functional.

MR. FARON: Sure.

MR. DEPOULI: We've got somebody coming to repair it this week, and should be operating next week.

MR. FARON: Thank you.

CHAIRMAN KISTNER: Mr. Carney.

MR. CARNEY: Yeah, I have a question on the landscape plan.

On the landscape plan here you show some, looks like little bushes in front of the stand -- concrete pad there. But in the pictures it looks like the cars are

going to be kind of presented there, I mean but there's no bushes in the picture. That would actually block the view of cars.

MR. WHISLER: And they're low height.

MR. CARNEY: They're very low height?

MR. WHISLER: Yeah, they're not going for, but, yeah, just low height.

MR. CARNEY: It will be easier --

CHAIRMAN KISTNER: Excuse me. Can you please give your name.

MR. WHISLER: Yeah, Jim Whisler with Grimes Consulting. I'm a civil designer.

MR. LUMLEY: Did the other speaker --

MR. DEPOULI: You need me to as well?

CHAIRMAN KISTNER: Yeah, please.

MR. DEPOULI: Brian -- Brian DePouli, Asbury Automotive Group, and I'm the owner of the project.

MR. CARNEY: But that area -- that stamped concrete design kind of like an outdoor showroom where put a garden in?

MR. DEPOULI: Yeah, the whole idea was sort of, if you go to -- look down at Jaguar Land Rover, and that --

MR. CARNEY: Uh-huh.

MR. DEPOULI: -- display area with pedestrian

and low level lights, it's -- we're incorporating that same sort of lighting there along low levels, landscaping in front of it.

CHAIRMAN KISTNER: Question for one of you.

The staff memo includes several recommendations. Have you all reviewed those and are you in agreement?

MR. DEPOULI: Yes, we're in agreement.

MR. FARON: One last question, if I could.

So the current wall, there's no access in that current wall? Only on the sides for vehicle access in and out? There's not a system to open that up and expose the showroom?

MR. DEPOULI: There's -- there's a set of man doors on the front --

MR. FARON: Man door --

MR. DEPOULI: -- for pedestrian.

MR. FARON: Right. Yeah.

MR. DEPOULI: But other than that --

MR. FARON: On the side --

MR. DEPOULI: -- you see that?

MR. FARON: Yeah.

MR. DEPOULI: To the left-hand side here. But other than that, there's no other access off the front and it does not open.

MR. FARON: Well, okay. Thank you.

CHAIRMAN KISTNER: Are there any other members of the audience that want to speak to this matter?

Okay. Further discussion?

Let's see, staff, do you have any comments to make?

MR. JAGGI: Yes, Chair Kistner, Members of the Commission, just a few comments here.

I would just kind of first give the Commission some background information.

When the applicant filed their site plan or had some earlier discussions with staff, they were looking at maintaining that existing parking lot in the front, and mostly concentrated on the building, which we -- we did like some of the design. It was bringing that building closer to Olive and more parallel, that's in keeping with our Design Guidelines and Comp Plan.

But in working with them, and they saw this very early, and really made, I think, some pretty good changes to the site plan, is they created a more formal display area in the front, similar to what we have down the street at Plaza, I believe it's Jaguar and Land Rover.

They've restored the fountains; they've increased the landscaping, and I think what we have is a project that's very much in compliance with the City's Design Guidelines and Comprehensive Plan to the extent

that they can give it as an existing building.

So this project has evolved over time, and we think it, by and large, it represents the City very well, and creates that continuity between the different dealership brands, and carries over a lot of the similar elements, and I think you're seeing a lot of that -- that relationship between the building, and we're pretty pleased with the outcome.

CHAIRMAN KISTNER: Any other comments before we wrap up the public hearing?

Mr. Lumley.

MR. LUMLEY: Thank you.

I'd offer the following exhibits into this public hearing record: Documentation in possession of the City Clerk reflecting the public notice; the staff's report; the City's Code of Ordinances and Charter, the City's Comprehensive Plan and the public file regarding the application.

CHAIRMAN KISTNER: Okay.

With that, our hearing on Application 16-012 is closed.

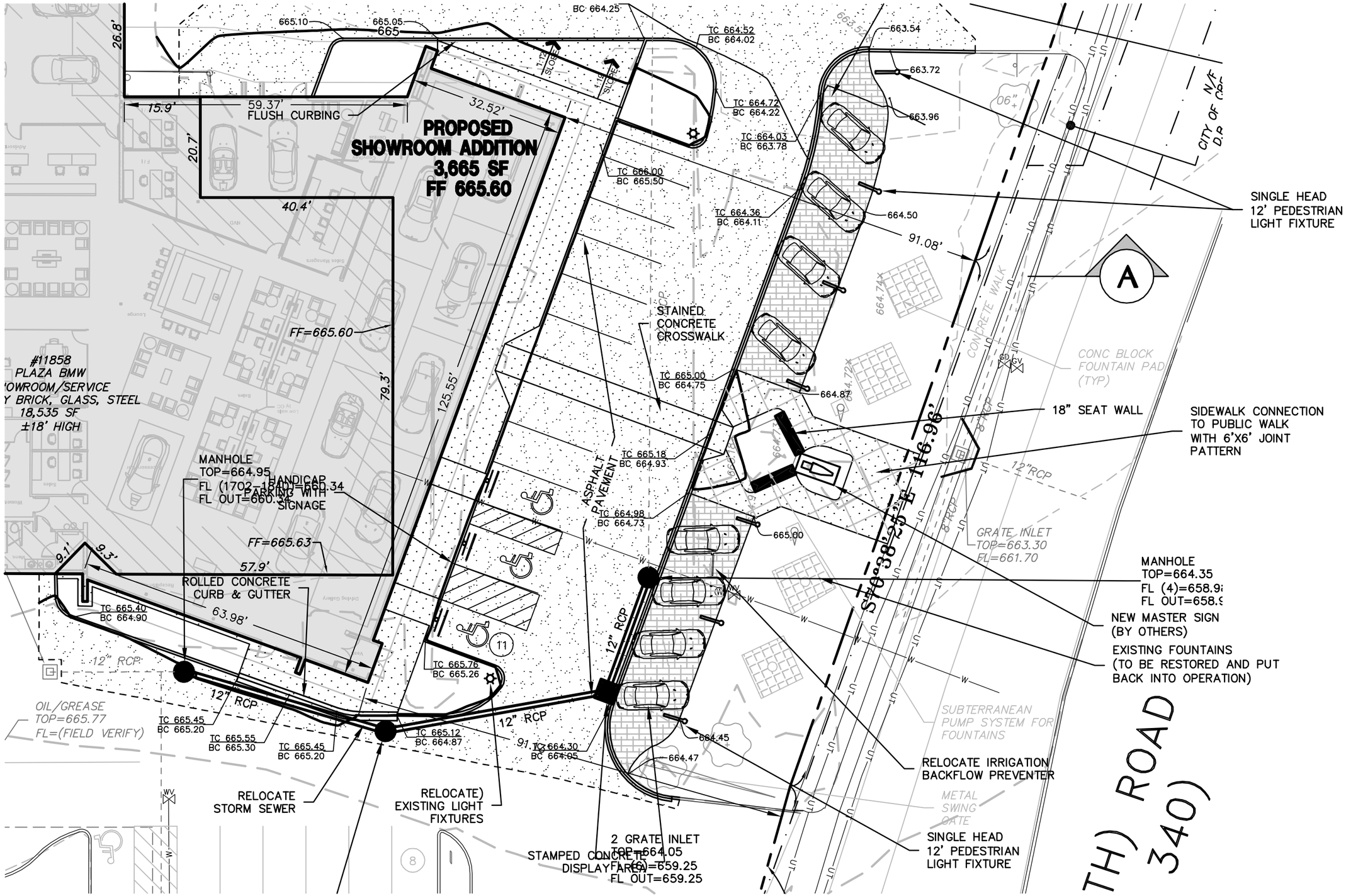
(The public hearing ended at 7:39 p.m.)

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 hearings 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


PROPOSED
SHOWROOM ADDITION
3,665 SF
FF 665.60
59.37'
FLUSH CURBING
15.9'
26.8'
20.7'
40.4'
32.52'
79.3'
125.55'
FF=665.60
#11858
PLAZA BMW
OWROOM/SERVICE
Y BRICK, GLASS, STEEL
18,535 SF
±18' HIGH
MANHOLE
TOP=664.95
FL (1702_18"D)=660.34
FL OUT=660.34
HANDICAP
PARKING WITH
SIGNAGE
FF=665.63
57.9'
ROLLED CONCRETE
CURB & GUTTER
9.1'
9.3'
63.98'
12" RCP
OIL/GREASE
TOP=665.77
FL=(FIELD VERIFY)
RELOCATE
STORM SEWER
RELOCATE)
EXISTING LIGHT
FIXTURES
STAINED
CONCRETE
CROSSWALK
ASPHALT
PAVEMENT
STAMPED CONCRETE
DISPLAY AREA
2 GRATE INLET
TOP=664.05
FL (4)=659.25
FL OUT=659.25
665.10
665.05
665
BC 664.25
TC 664.52
BC 664.02
TC 664.72
BC 664.22
TC 664.03
BC 663.78
TC 666.00
BC 665.50
TC 664.36
BC 664.11
TC 665.00
BC 664.75
TC 665.18
BC 664.93
TC 664.98
BC 664.73
TC 665.76
BC 665.26
TC 665.40
BC 664.90
TC 665.45
BC 665.20
TC 665.55
BC 665.30
TC 665.45
BC 665.20
TC 665.12
BC. 664:87
TC 664.30
BC 664:95
663.54
663.72
663.96
664.50
664.87
665.00
664.45
664.47
664.74
664.72
664.72
664.72

**City Council**
300 North New Ballas Rd
Creve-Coeur, MO 63141

**SCHEDULED**

**RESOLUTION**

Meeting: 04/25/16 07:00 PM
Department: Finance Department
Category: New Business
Prepared By: Sherry Hall
Department Head: Dan Smith

# Resolution No. 1219 - a Resolution Authorizing the Execution of an Agreement for Professional Investment Advisory and Retirement Planning Services for the City of Creve Coeur.

Resolution authorizing the execution of an agreement for investment advisory and retirement planning services for the City of Creve Coeur.

**RESOLUTION NO. 1219**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR PROFESSIONAL INVESTMENT ADVISORY AND RETIREMENT PLANNING SERVICES FOR THE CITY OF CREVE COEUR**

**WHEREAS**, THE CITY OF CREVE COEUR AND ITS EMPLOYEES WOULD BENEFIT FROM INVESTMENT ADVISORY SERVICES AND RETIREMENT PLANNING SERVICES FOR ITS RETIREMENT BENEFIT PLANS, AND

**WHEREAS**, THE CITY ISSUED A REQUEST FOR PROPOSAL (RFP) TO PROVIDE THOSE SERVICES, AND

**WHEREAS**, RETIREMENT PLAN ADVISORS (RPA) SUBMITTED A PROPOSAL MEETING ALL THE REQUESTED SERVICES, AND

**WHEREAS**, RETIREMENT PLAN ADVISORS HAS EXPERIENCE IN THESE AREAS IN THE PUBLIC SECTOR, AND

**WHEREAS**, THE CITY HAS DETERMINED THAT THE FEES OF 0.30% PER YEAR ON ALL PLAN ASSETS AS PROPOSED BY RETIREMENT PLAN ADVISORS ARE REASONABLE.

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

**SECTION 1**: The agreement between Retirement Plan Advisors and the City of Creve Coeur for professional investment advisory services and retirement planning services in connection with City retirement benefit plans attached hereto as **Exhibit 1** is hereby approved. The City Administrator is authorized to execute the agreement and the City Clerk is authorized to attest thereto. The agreement as executed shall be in the form attached hereto as **Exhibit 1** subject to final changes 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.

**SECTION 2**: This resolution shall take effect upon approval.

ADOPTED THIS 25TH DAY OF APRIL 2016.

BARRY GLANTZ
MAYOR

DEBORAH RYAN, MPCC
CITY CLERK

RPA
RETIREMENT PLAN ADVISORS

# RPA Group Retirement Plan Services
# Investment Advisory Services Agreement

## I. THE AGREEMENT:

This Investment Advisory Services Agreement ("Agreement") is entered into by and between the **City of Creve Coeur** ("Plan Sponsor") and **Retirement Plan Advisors, LLC** ("RPA", an Illinois Limited Liability Corporation), a registered investment advisor ("RIA"). The purpose of this Agreement is to provide consulting, plan design, investment advisory, and participant services to the Plan Sponsor.

The scope of the Agreement is limited to the Plan Sponsor's 401(a) Defined Contribution and 457(b) Plans (the "Plan") and is separate and distinct from other agreements relating to the plans, including recordkeeping, compliance, administration and investment product offerings.

## II. RPA REPRESENTATIONS:

RPA agrees to be deemed as a fiduciary, specifically within the meaning of sections 3(21) and 3(38) of ERISA, with respect to the investment advisory services provided to the Plan and/or its participants. RPA agrees to hold the Plan Sponsor harmless from damages, judgments, settlements, and reasonable defense costs resulting from any breach of these fiduciary duties, provided the Plan Sponsor notifies RPA promptly of the commencement of such action and cooperates as reasonably necessary in such defense.

### A. PLAN SERVICES

RPA agrees to:

1. Provide and maintain an Investment Policy Statement ("IPS") for the Plan.
2. Oversee transition to new plan recordkeeper if applicable.
3. Provide the initial selection of the plan investment menu (the "Menu") in accordance with the IPS.
4. Oversee transition of the Plan assets to the new Menu and recordkeeper, if applicable. The transition may include adding or deleting investment options and mapping assets, as well as other actions needed to implement desired Plan enhancements.
5. Monitor the Menu on an ongoing basis.
6. Remove and replace any investment options in the Menu that fail to meet the guidelines detailed in the IPS.
7. Provide written notice to the Plan Sponsor at least thirty (30) days prior to making Menu changes.
8. Provide reports to the Plan Sponsor semi-annually.

### B. PARTICIPANT SERVICES

RPA agrees to provide Participants with regular access to an RPA financial advisor(s) for:

1. On-site group and individual meetings.
2. Employee education and enrollment services;

3. Investment advisory services, including one-on-one retirement counseling, portfolio modeling, and personalized investment recommendations.

RPA will conduct quarterly onsite services visits covering all shifts and locations. Service visits will include group informational workshops covering plan basics as well as key financial concepts. Additionally, employees will be able to schedule one-on-one retirement counseling sessions.

RPA further agrees to schedule additional onsite services visits, up to once per month, on an as needed basis to ensure all employees are able to access the participant services. Creve Coeur employees may also schedule individual appointments at RPA's St. Peters office.

## III. PLAN SPONSOR REPRESENTATIONS:

Plan Sponsor agrees to:

1. Adopt an RPA approved IPS.
2. Grant limited power of attorney to RPA to, at its sole discretion:
    a. Create and maintain the Menu in compliance with the IPS; and
    b. Provide instructions to its Recordkeeper necessary to maintain the Menu. Such instructions may include, but are not limited to, the following:
        i. Add investment options.
        ii. Delete investment options.
        iii. Freeze investment options.
        iv. Map future contributions and/or assets from deleted and/or frozen investment options to one or more investment options in the Menu.
3. Provide employee census data to facilitate Plan marketing and outreach. Usage of data will be limited to promote Plan participation and utilization. Data will not be shared with any third parties.
4. Provide an adequate work area for RPA investment professional(s) during scheduled service visits.
5. Periodically disseminate communication and educational materials provided by RPA to employees.
6. Encourage eligible employees to meet with RPA investment professional(s) at work locations during work hours.

## IV. PLAN SPONSOR AUTHORIZES RECORDKEEPER TO:

1. Provide RPA full access to all Plan and participant data.
2. Execute all requests made by RPA in accordance with the language in Section III. 2. as if the instructions were directly from the Plan Sponsor. (Note: RPA's authority described in Section III. 2. specifically prohibits RPA from requesting and/or directing any distributions or withdrawals from the Plan.)
3. Direct all communications regarding the Menu to RPA.
4. Provide written notice to RPA prior to making any changes to the Plan's Menu. Changes include adding, deleting, merging, or freezing investment options.
5. Deduct the fee specified in Section V from participant accounts quarterly.

## V. RPA FEES:

RPA's fee for the services detailed in Section II: 30 basis points (0.30%) per year on all plan assets.

The fee is calculated based on quarter-end plan balances and billed quarterly in arrears. One half of the fee (15 basis points) will be deducted from participant accounts prorated based on individual account balance with the other half (15 basis points) being paid directly by the City of Creve Coeur.

Creve Coeur may, at its sole discretion, choose to have all or any part of RPA's paid from participant accounts.

## VI. GENERAL PROVISIONS:

1. This Agreement can only be modified by a written agreement signed by the persons authorized to sign agreements on behalf of each party.
2. *Contract Term and Termination.* The initial term of this agreement shall be three years beginning May 1, 2016, through April 30, 2019. The agreement shall automatically renew for an additional year at the end of the initial term and each year thereafter unless it is canceled by either party with thirty (30) days written notice. The City reserves the right to cancel the agreement during the initial term with 90 days written notice.
3. *Governing Law.* This Agreement shall be governed by and construed in accordance with the laws of the State of Illinois. The parties hereby submit to the jurisdiction of, and waive any venue objections to or against, federal or state courts of competent jurisdiction in Illinois.
4. *Indemnification by RPA.* RPA agrees to indemnify, defend and hold harmless the Plan Sponsor, its officers, directors, employees and agents from and against loss, damage or liability assessed against the Plan Sponsor or incurred by the Plan Sponsor arising out of or in connection with any claim, action or suit brought or asserted against the Plan Sponsor alleging or involving RPA's negligence or willful misconduct in the performance (or non-performance) of its services, duties and obligations under this Agreement, provided that (i) the Plan Sponsor has notified RPA promptly and in writing of the claim, action or suit; (ii) RPA has the right to assume the defense of such claim, action or suit with counsel selected by RPA and to compromise or settle such action, suit or claim (provided, however, that any such compromise or settlement shall not require action or non-action by the Plan Sponsor without its prior written consent, which shall not be unreasonably withheld); and (iii) RPA receives the Plan Sponsor's cooperation, at RPA's sole cost, in such defense. The provisions of this section shall survive any termination of this Agreement.

   RPA further agrees to specifically indemnify, defend and hold harmless the Plan Sponsor, its officers, directors, employees and agents from and against loss, damage or liability assessed against the Plan Sponsor or incurred by the Plan Sponsor arising out of or in connection with any investment recommendations made by RPA, its agents, employees and affiliates to the Plan Sponsor or its employees.
5. *Indemnification by the Plan Sponsor.* The Plan Sponsor agrees to indemnify, defend and hold harmless RPA, its affiliates, officers, directors, employees and agents from and against any and all loss, damage or liability assessed against RPA or incurred by RPA arising out of or in connection with any claim, action or suit brought or asserted against RPA alleging or involving the Plan Sponsor's negligence or willful misconduct in the performance (or non-performance) of its services, duties and obligations under this Agreement and/or the Plans'; provided that (i) RPA has notified the Plan Sponsor promptly and in

writing of the claim, action or suit; and (ii) the Plan Sponsor has the right to assume the defense of such claim, action or suit with counsel selected by the Plan Sponsor and to compromise or settle such action, suit or claim (provided, however, that any such compromise or settlement shall not require action or non-action by RPA without its prior written consent, which shall not be unreasonably withheld); and (iii) the Plan Sponsor receives RPA's cooperation, at the Plan Sponsor's sole cost, in such defense. The provisions of this section shall survive any termination of this Agreement.

6. *Arbitration.* The parties agree that any controversy, claim, or dispute that may arise between the Plan Sponsor and RPA, its Agents and/or any third party performing services for RPA and/or its Agents, including but not limited to any broker/dealer affiliated with RPA and/or its Agents, in connection with or arising out of this Investment Advisory Services Agreement ("Agreement") shall be submitted to and resolved by binding arbitration under the rules of the Financial Industry Regulatory Authority. The award of the arbitrators shall be final and binding on the parties, and judgment upon the award rendered by the arbitrators may be entered in any court having jurisdiction thereof. Plan Sponsor further understands that: (a) the parties are waiving their right to seek remedies in court, including the right to jury trial; (b) pre-arbitration discovery is generally more limited than and different from court proceedings; and (c) the arbitrator's award is not required to include factual findings for legal reasoning and any party's right to appeal or to seek modifications of rulings by the arbitrators is strictly limited.

7. *Entire Agreement.* This Agreement, along with the IPS, generally constitutes the entire agreement between the parties, merging all prior presentations, discussions and negotiations. This Agreement may be amended at any time, but only by written agreement signed by all parties.

8. It is expressly understood by the Plan Sponsor that the universe of investment options is limited to funds available through Recordkeeper's recordkeeping platform that meet the operational and pricing standards contracted for under the Plan.

9. RPA is NOT a fiduciary on any investment options added outside of the Menu Fund List that fail to meet our investment selection process in accordance with the IPS. This includes any investments held in a Self-Directed Brokerage Account (SDBA) option within the Plan.

10. All notices provided for herein shall be in writing and deemed delivered when received by:

    a. City of Creve Coeur
    300 North New Ballas Road
    Creve Coeur, MO 63141
    Attention: Mark Perkins, City Administrator or Daniel Smith, Director of Finance

    b. Retirement Plan Advisors
    105 W. Adams Street, Suite 2175
    Chicago, IL 60603
    Attention: Joshua Schwartz

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed by their authorized representatives.

Effective Date: _____

**PLAN SPONSOR**

By: _____ Date: _____

Print Name: _____ Title: _____

Email: _____

**RETIREMENT PLAN ADVISORS**

By: _____ Date: _____

Print Name: Joshua Schwartz Title: President

# MEMORANDUM

**DATE**: April 20, 2016

**TO**: Mark Perkins, City Administrator

**FROM**: Daniel Smith, Director of Finance

**SUBJECT**: Investment Advisory Services

City staff has discussed with City Council the use of professional advisory services to assist employees with their retirement plan investments and financial planning. Given the City offers a Defined Contribution retirement plan for employees it is essential that employees, receive assistance in maximizing their retirement plan investments. In addition, this program would provide assistance to employees in developing a comprehensive retirement plan from all sources including social security, pension and personal savings.

As part of this program staff developed a Request for Proposal (RFP) that requested assistance in evaluating retirement plan providers for our pension plans, both 401 and 457, and providing investment advisory services. The city received one proposal for these services. This proposal came from Retirement Plan Advisors (RPA), a firm which deals exclusively with public entities and services Chesterfield, Florissant and St. Louis County.

RPA has completed the plan evaluation phase, which will result in a substantially reduced fee for the participants in the retirement plans. Staff would like to proceed with the second part of the proposal which is to provide assistance to the city in operating the investment funds and provide investment advisory services to the participants. Some of the services provided in the second phase would be as follows:

1. Assist the city with choice of investment plan menu.
2. Monitor investment plan menu on an ongoing basis.
3. Provide reports to plan sponsor semi-annually on fund performance.
4. Assist with development of investment policy and monitor compliance.
5. Provide assistance to participants in plan including investment advisory services and retirement planning.

For providing these services RPA will charge an annual fee of .30% of the value of the funds. It is recommended that this fee be evenly split between the participants and the city. To provide funding for the city's share we have included $15,000 in the FY 2017 budget.

The city's retirement committee (comprised of city employees) has recommended approval of RPA for investment advisory services, but also recommends that the city pay the entire fee. Common industry practice is for employees to pay the fee, and in some cases the employer pays a portion, according to RPA. In very few instances does the employer pay the entire cost.

Only one proposal was received but staff feels the fee is reasonable given the high level of service, especially participant services, and the fact that RPA is assuming fiduciary responsibility for certain aspects of monitoring the funds offered and their performance.

The contract is three years with an automatic renewal clause. However, it can be cancelled at any time by the city with 90-day notice.

Staff recommends approval of the resolution which authorizes an agreement with RPA. We feel this provides city employees in the city's retirement plans with assistance to maximize their future retirement benefits.

I would be pleased to answer any questions.

**City Council**
300 North New Ballas Rd
Creve-Coeur, MO 63141

**SCHEDULED**

Meeting: 04/25/16 07:00 PM
Department: Legislative /City Clerk
Category: Appointment
Prepared By: Debbie Ryan
Initiator: Debbie Ryan
Sponsors:
DOC ID: 1893

**APPOINTMENT (ID # 1893)**

# Council Nomination and Vote for Council President

Council nominates and votes on a new Council President annually.

**City Council**
300 North New Ballas Rd
Creve-Coeur, MO 63141

**SCHEDULED**

Meeting: 04/25/16 07:00 PM
Department: City Administrator
Category: Report
Prepared By: Mark Perkins
Department Head: Carl Lumley

**STAFF REPORT**

# Clothing Requirements for Restaurants

Mayor Glantz has requested discussion of this topic.

**City Council**
300 North New Ballas Rd
Creve-Coeur, MO 63141

**Debbie Ryan**
*City Clerk*
(314) 872-2517
www.creve-coeur.org/

Meeting: 04/25/16 07:00 PM
DOC ID: 1891

**DISCUSSION ITEM (ID # 1891)**

# Golf Course - Action Items

# CITY OF CREVE COEUR

## MEMORANDUM

**Date:** April 21, 2016
**To:** Mark Perkins
**From:** Jason Valvero, Director of Recreation
**CC:** Tim Brinks, Assistant Director of Recreation
**Subject:** Golf Course - Implementation Items

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Staff has been working with the Walters Golf Management team after reviewing the operation assessment report. Staff is now ready to ask Council to consider the following recommended action items:

1. Create a separate golf website. The site will stand alone from the city's website and will be operated by a third party. The fee is $207 per month and the agreement will be for one year, with an option to renew annually. Total cost is $3,564 for the year.
2. Create a new tee sheet to implement Dynamic Pricing. The course will still use GolfNow and as a second booking engine, but the new tee sheet will allow us to collect and own the players data, email special events and promotions and conduct survey work. The new tee sheet is $50 per month and the agreement will be for one year, with an option to renew annually. Total cost is $600 for the year.
3. Create a Facebook page for the gold course. Staff will work with the City's PIO to keep a style and look similar to the City's other pages. There are no fees involved in this process.

The above items were discussed and recommended by the Golf Task Force on April 19, 2016. The task force views the items as necessary steps in moving forward toward our end goal of generating more rounds of golf per year and creating a more stable financial foundation.