



**REGULAR MEETING
AGENDA
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
JULY 25, 2022
7:00 PM**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMENTS FROM THE GENERAL PUBLIC

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*

CONSENT AGENDA

- 1. Approval of July 11, 2022 City Council Regular Meeting Minutes**

BILLS PAYABLE REPORT

For Information Only

Invoices Paid Listing

Summary: For your information and transmittal to the City Council, attached is a list of paid invoices from July 7, 2022 through July 20, 2022 in the amount of \$1,089,404.89.

UNFINISHED BUSINESS

- 2. Bill No. 6017- an Ordinance Repealing Ordinance Number 5250 and Authorizing the Issuance of a New Conditional Use Permit for the Operation of a 10 Screen Movie Theater, 10 Lane Bowling Alley, Ropes Course and Full-Service Dining for B&B Theaters Within the West Park Development Located at 12657 Olive Boulevard. Final Reading and Passage.**

Summary: Dennis McIntire, of B&B Theaters, has submitted a request to amend the conditional use permit to allow for an interior remodel to add a 10-lane bowling alley and ropes course in the existing movie theater space of the former AMC Theater located within the West Park Center. The property is located at the northeast corner of Olive Boulevard and Whispering Pines Drive, within the West



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Park Development, and is zoned “CB” Core Business District. The Planning and Zoning Commission recommended approval of the new CUP.

- 3. Bill No. 6019- an Ordinance of the City Council of the City of Creve Coeur, Missouri Authorizing the Execution of an Stp-Urban Program Agreement with the Missouri Highways and Transportation Commission to Enable the City to Construct the Craig Road Improvements Project. Final Reading and Passage.**

Summary: City staff recommends that the City execute an STP-Urban Program Agreement with the Missouri Highways and Transportation Commission (MoDOT) in order to accept federal grant funding assistance for asphalt pavement resurfacing, intersection improvements, sidewalk, and pedestrian improvements to Craig Road.

NEW BUSINESS

- 4. Bill No. 6020- an Ordinance Authorizing the Issuance of a New Conditional Use Permit for a 3,049 Square-Foot Eating and Drinking Establishment, for Timothy’s the Restaurant, Located at 12710 Olive Boulevard, Within the Bellerive Plaza Complex. First Reading.**

Summary: Steven Manns, of Timothy’s restaurant, has submitted an application for a Conditional Use Permit for Timothy’s at 12710 Olive Boulevard within Bellerive Plaza in the “GC” General Commercial Zoning District. Timothy’s has 72 indoor seats and 22 outdoor seats and is a conditional use per NAICS 722511 Full-Service Restaurants. The applicant is also seeking approval to install an awning with removable wall panels to enclose the outdoor seating in the colder months resulting in 94 indoor seats. Timothy’s is a currently operating full-service restaurant that is able to operate without a conditional use permit under Zoning Code Section 405.210 *Regulation of Uses* due to its restaurant use at the time of incorporation in 1995. Once a change to the use is proposed, a conditional use permit is required. NAICS 722511 Full-Service Restaurants are permitted as conditional uses with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission. The Planning and Zoning Commission recommended approval of the proposal on July 18, 2022.

- 5. Bill No. 6021- an Ordinance Approving a Text Amendment to Modify the Front Yard Setback Requirements in the CB-Core Business District for Parcels Located North of Olive Boulevard. First Reading.**

Summary: WooYoung Kim, with Lamar Johnson Collaborative, on behalf of Jason Gray, First Bank, property owner at 11901 Olive Boulevard, has submitted a Text Amendment application to revise Section 405.370.E.4.a(1) of the Zoning Code to modify the front yard setback requirements for parcels located within the



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“CB”-Core Business District, north of Olive Boulevard. Currently, the maximum front yard setback is 15 feet for all properties located within the “CB” District for streets other than frontage on Olive Boulevard, with a minimum of fifty percent (50%) of the building elevation parallel to the street right-of-way. The proposed text amendment would establish a minimum front yard setback of 10-feet for parcels in the “CB” District, located north of Olive Boulevard. The maximum setback requirement of 80-feet for Olive Boulevard frontage would not be affected by this proposed amendment. The Planning and Zoning Commission reviewed and recommended approval at its meeting on July 18, 2022.

- 6. Resolution No. 1601- a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Execution of the Necessary Documents for Submitting the Project Proposal Application and Later for Executing an Agreement for a Grant-In-Aid from the Federal Transportation Improvement Program Grant Commission through the Transportation Alternatives Program for the Fernview Drive Sidewalks Project.**

Summary: Transportation Alternatives Program grant application authorization to fund the Fernview Sidewalk project.

APPOINTMENTS

- 7. Recommended Appointments to the Energy & Environment and Horticulture, Ecology, and Beautification Committees.**

BUSINESS FROM MAYOR AND CITY COUNCIL

- 8. *Council Liaison Reports***

BUSINESS FROM CITY ADMINISTRATOR

- 9. September 26, 2022 Council Meeting.**

Summary: Discuss moving the Monday, September 26, 2022 Council meeting to Wednesday, September 28, 2022.

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



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610.021(3) RSMo. and/or real estate matters under Section 610.021(2) or other matters as permitted by Chapter 610.

Posted: _____ posted 07/21/2022
Kellie Henke
City Clerk



**REGULAR MEETING
MINUTES
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7:00 PM**

CALL TO ORDER

A regular meeting of the City Council of the City of Creve Coeur was called to order by Mayor Robert Hoffman at the City Council Chamber, 300 North New Ballas Rd, City of Creve Coeur Government Center, Creve Coeur, MO 63141 on Monday, July 11, 2022 at 7:00 PM.

PLEDGE OF ALLEGIANCE

Mayor Hoffman led the Pledge of Allegiance.

ROLL CALL

Council Member, Ward 1 Mark Manlin
Council Member, Ward 1 Heather Silverman
Council Member, Ward 2 Tim Carney
Council Member, Ward 2 Nicole Greer
Council Member, Ward 3 Sari Neudorf- via Zoom
Council Member, Ward 3 David Hoffman
Council Member, Ward 4 Joseph Martinich
Council Member, Ward 4 Dan Tierney
Mayor Robert Hoffman

COMMENTS FROM THE GENERAL PUBLIC

No one requested to speak.

ACCEPTANCE OF THE AGENDA

To accept the agenda as amended

Council President Martinich requested to move item 9 to item 3A.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joseph Martinich, Council Member, Ward 4
SECONDER:	Heather Silverman, Council Member, Ward 1
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion to approve agenda as amended carried.



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ANNOUNCEMENTS

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6:00 p.m. - 7:00 p.m. - Work Session

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

CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Tierney, Council Member, Ward 4
SECONDER:	Heather Silverman, Council Member, Ward 1
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

1. Approval of June 27, 2022 City Council Regular Meeting Minutes

2. Bayer CropScience Donation of Used Office Furniture

The vote on the motion being 8 ayes and 0 nays, motion carried.

BILLS PAYABLE REPORT

For Information Only

Invoices Paid Listing

Summary: For your information and transmittal to the City Council, attached is a list of paid invoices from June 23, 2022 through July 6, 2022 in the amount of \$117,594.59.

UNFINISHED BUSINESS

3. Bill No. 6016- an Ordinance Amending Ordinance Number 2003 Authorizing Exterior Alterations to the Restaurant Space for Lion's Choice Located at 12010 Olive Boulevard. Final Reading and Passage.

City Clerk read Bill No. 6016 for the final time.



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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Heather Silverman, Council Member, Ward 1
SECONDER:	Dan Tierney, Council Member, Ward 4
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried. Bill No. 6016 becomes Ordinance No. 5788.

3A. Free Little Art Gallery

Lisa Hilton, Chair of the Arts committee, discussed the recommended proposal for the installation of a Free Little Art Gallery in Millennium Park to promote public art and inspire creativity.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Tierney, Council Member, Ward 4
SECONDER:	Mark Manlin, Council Member, Ward 1
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried

NEW BUSINESS

4. Bill No. 6017- an Ordinance Repealing Ordinance Number 5250 and Authorizing the Issuance of a New Conditional Use Permit for the Operation of a 10 Screen Movie Theater, 10 Lane Bowling Alley, Ropes Course and Full-Service Dining for B&B Theaters Within the West Park Development Located at 12657 Olive Boulevard. First Reading.

City Clerk read Bill No. 6017 for the first time.

Director of Community Development Jason Jaggi provided an overview of the application and stated the Planning and Zoning Commission recommended approval with conditions at the July 5, 2022 meeting.

Council Member Manlin asked if this type of facility has been implemented in other markets, to which Dennis McIntire, 912 North Forest Lane, Liberty, MO, with B&B Theaters stated, yes. There are two other locations in Iowa and Virginia and new sites in Nebraska and Texas. Mr. McIntire stated re-purposing movie theaters is the future of this industry.

Council Member Tierney confirmed there will be interior changes only.

Council Member Carney confirmed that bar and restaurant services will be for patrons using the facility.



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Council Member Martinich expressed his concerns with overflow parking at the auxiliary lot on Whispering Pines.

Mr. McIntire stated both the main and auxiliary lots are owned by the theater and all development in West Park is subject to a parking agreement which allows customers of the theater to park anywhere in West Park. Mr. McIntire stated to ultimate goal is to end the use of the auxiliary lot. Mr. Jaggi noted that an amendment to the conditional use permit may be required at that time.

RESULT: FIRST READING

Next: 7/25/2022 7:00 PM

5. Bill No. 6018- an Ordinance Approving a Text Amendment to the Conditional Use Standards Within Section 405.470.A.14 of the Zoning Code Pertaining to Food Services and Drinking Places with Drive-Through Services. First Reading.

City Clerk read Bill No. 6018 for the first time.

Director of Community Development Jason Jaggi gave a presentation regarding the text amendment and proposed changes (See Exhibit A).

Council Member Martinich stated the proposed changes appear to be administratively recommended requests rather than made by residents. Mr. Jaggi stated that the current regulations present administrative challenges. In addition, the current regulations are extremely restrictive.

Council Member Tierney asked if the recent increase of restaurants in multi-family residential developments is due to a desire to have a drive- through, to which Mr. Jaggi stated the current trend is to have mixed use units with a multi- family component within the same building or site.

Council Member Tierney stated already established multi- family residential buildings could follow the current ordinance and then new multi-family residential can follow the proposed ordinance. Mr. Jaggi stated he did not consider a grandfather provision because he thought multi- family residential, existing, or new, should be treated the same.

Council Member Martinich stated he agreed with Mr. Tierney and discussed the need to protect and treat single family and multi- family residential the same. Protecting only the single-family residents with adjacent property issues may cause problems.

Council Member Silverman stated multi- family and single family residential should not be the same on all levels.

Council Member Tierney asked to see a drawing or map of what properties may be affected by the proposed ordinance.



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Mr. Jaggi stated that more definition and clarification is needed for the words abut and adjacent; currently they are open to interpretation. Both a traffic and acoustic study would both be required.

Council Member Martinich asked who performs the traffic study, to which Mr. Jaggi stated an independent traffic engineer is hired by the applicant. The city's traffic consultant will review the results of the applicant's traffic study. The city does not have an independent acoustic engineer; however, the applicant is responsible for hiring one.

Council Member Manlin asked if there is code in place that establishes a noise threshold, to which Mr. Jaggi stated the current ordinance allows for a maximum of 60 decibels. Mr. Manlin stated it would be important to know the distance from the drive-through to the residence because the decibel level diminishes as the residence moves farther away.

Council Member Silverman stated the noise ordinance, enforced by St. Louis County, threshold is 60 decibels at the property line.

Mr. Jaggi stated the ordinance is more restrictive as the threshold is measured to the property line versus where the residence is positioned on the lot.

Mr. Jaggi provided an overview of the existing and proposed revisions.

Council Member Carney stated he is concerned that the revised ordinance does not meet the comprehensive plan goal of encouraging neighborhood focused businesses and walkability in the east olive corridor, to which Mr. Jaggi stated this ordinance is for the entire city and not specific areas.

Council Member Martinich stated the details of implementation are being discussed, however he is unsure if there has been a conclusion of whether or not to allow more drive-throughs in the city. Mr. Martinich recommended a work session to further discuss, which Council Member Hoffman agreed.

Council Member Tierney stated he does not want to limit new developments within the city and is interested to see how the revised ordinance could impact each ward individually.

Mr. Jaggi provided a summary of the presentation and Mayor Hoffman opened the floor to the public for general comments.

Linda Rezny, resident of 104 Graeser Acres, stated she has liked council's questions and comments tonight and appreciates the want to protect multi-family residential. Ms. Rezny stated the, distance between a drive-through facility and single-family residential adjacencies is too close, 60 decibels is too loud, and a grandfather provision may be a good idea.



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Shawn Rimerman, business owner and resident of 1023 Executive Parkway, stated additional drive- throughs will increase traffic and cause difficulties for traveling emergency services. Mr. Rimerman stated he appreciates the city having an independent traffic study engineer, however stated an independent acoustic engineer is necessary.

Zoe Lemcovitz, resident 605 Graeser Road, stated the Ordinance does need some revising, however she does not support adding more drive throughs and easing restrictions. Ms. Lemcovitz stated the current drive throughs are undesirable and agreed that 60 decibels for a drive thru is too loud.

City Administrator Mark Perkins stated minor changes of the current ordinance are necessary as it is prescriptive, non- functional and tends to lead to poor design choices. Mr. Perkins agreed that additional discussion is necessary to determine if the city wants- drive throughs or not; further direction from council is needed.

Council Member Manlin asked if the ordinance could be separated between adjacent to residential and non-residential, to which Council Member Silverman agreed and stated any difference in restrictions between multi- family and single- family residential should also be determined.

City Attorney Carl Lumley indicated an amendment could be created that eliminates the adjacent to residential provision; only vote on the non-adjacent for now if that is council preference.

Council Member Carney stated adjacency to residential needs to be clarified, to which Council Member Silverman agreed.

Council Member Silverman made a motion, seconded by Council Member Martinich, to defer the second reading to the September 12, 2022 council meeting so that a work session can be held in August.

RESULT:	DEFER TO SEPTEMBER 12, 2022 [UNANIMOUS] Next: 9/12/2022 7:00 PM
MOVER:	Heather Silverman, Council Member, Ward 1
SECONDER:	Joseph Martinich, Council Member, Ward 4
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

6. Bill No. 6019- an Ordinance of the City Council of the City of Creve Coeur, Missouri Authorizing the Execution of an Stp-Urban Program Agreement with the Missouri Highways and Transportation Commission to Enable the City to Construct the Craig Road Improvements Project.

City Clerk read Bill No. 6019 for the first time.

City Administrator Mark Perkins discussed the recommended agreement with Missouri Highways and Transportation Commission for Craig Road improvements.



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RESULT: FIRST READING

Next: 7/25/2022 7:00 PM

7. Resolution No. 1600- a Resolution of the City Council of the City of Creve Coeur, Missouri Authorizing the Issuance of a Purchase Order to Compass Minerals, Under the Cooperative Salt Program, for Purchasing 1100 Tons of Salt for an Amount of \$86,207.00.

City Clerk read Resolution No. 1600.

City Administrator Mark Perkins provided an overview of the recommended purchase and stated ice ban will be purchased separately.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Heather Silverman, Council Member, Ward 1
SECONDER:	Dan Tierney, Council Member, Ward 4
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.

BUSINESS FROM MAYOR AND CITY COUNCIL

Council Liaison Reports

Mayor Hoffman thanked those who participated in Mayors for Meals. 454 pounds of food was collected which will provide 371 meals.

BUSINESS FROM CITY ADMINISTRATOR

No Business from City Administrator.

ADJOURN

9. Adjourn

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Heather Silverman, David Hoffman
AYES:	Manlin, Silverman, Carney, Greer, Neudorf, Hoffman, Martinich, Tierney

The vote on the motion being 8 ayes and 0 nays, motion carried.

The meeting adjourned at 8:40 PM.



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Submitted by:

Kellie Henke
City Clerk

Robert Hoffman
Mayor



City Council
July 11, 2022

**Application #22-008: Text Amendment to Conditional
Use Permit Standards for Drive Through Restaurants
Zoning Code Section 405.470.A.14**

Jason W. Jaggi, AICP Director of Community Development

BACKGROUND

- **Current drive-through ordinance adopted in 2014.**
 - **Lowered min. lot size to 2 acres for sites abutting residential.**
 - **3 acres for other sites with numerous standards under each scenario with a Conditional Use Permit.**
- **Pre-2014, ordinance required drive-throughs to have a minimum lot size of 3-acres with a Conditional Use Permit. No other requirements.**
- **Currently, 3 restaurants with drive-throughs in the City of Creve Coeur: McDonald's, St. Louis Bread Company, Panda Express.**

CURRENT ORDINANCE REVIEW

- **P&Z and City Council—Dec. 6, 2021, Joint Work Session. 2022 Planning implementation priorities.**
- **Goals:**
 - **Alleviate onerous restrictions.**
 - **Maintain high standards.**
 - **Minor revisions throughout—focus on sites not adjacent to residential**
- **Address Feedback:**
 - **Difficult to administer. Ordinance requirements are not guidelines—must be fully met.**
 - **Strict requirements limit ability for flexibility on individual sites to consider character and constraints**
 - **May not be producing desirable results.**

- **Questions on Background/Reasons for Review**

COMPREHENSIVE PLAN REVIEW

- **High level, city-wide planning document—does not address drive-through restaurants directly**
- **Not directed at one area of the City—applies to all commercial and light industrial districts**

COMPREHENSIVE PLAN REVIEW

- **Chapter 3: Objectives and Strategies:**
 - **Emphasizes pedestrian accessibility and walkability within a mix of uses and high quality design (Strategies 1.1, 1.3, and 1.9)**
 - **Recognizes need to be responsive to changing consumer preferences (Strategy 3.2)**
 - **Mitigate impact of non-residential uses such as lighting, noise and trash on adjacent residential uses (Strategy 2.7) and protect residential areas from negative encroachment with non-residential uses**
- **Amendments: implements broader goals of Comp Plan while achieving appropriate balance and necessary regulations.**

EXISTING DRIVE-THROUGHS IN CREVE COEUR



McDonald's 11521 Olive Boulevard

- Internal site. 1.06 acres. Located within City Place CDD
- Built in 2007. 4,336 SF, 65 indoor, 8 outdoor seats.

EXISTING DRIVE-THROUGHS IN CREVE COEUR



St. Louis Bread Co. 447 North New Ballas Rd.

- Adjacent to residential. Within a multi-tenant retail building. First application under 2014 ordinance.
- Drive-thru opened in 2015. 5,162 SF, 135 indoor, 47 outdoor seats

EXISTING DRIVE-THROUGHS IN CREVE COEUR



Panda Express 10445 Olive Boulevard

- Within the Creve Coeur Pavilion Center. First free-standing application under 2014 ordinance.
- Drive-through opened in 2018. 2,600 SF, 62 indoor, 16 outdoor seats

REVIEW PROCESS TIMELINE

- **December 6, 2021 P&Z City Council Work Session—agreed to review drive-through ordinance.**
- **February 7, 2022 P&Z Work Session**
- **March 7, 2022 P&Z Work Session**
- **April 25, 2022 City Council Update**
- **May 16, 2022 P&Z Public Hearing**
- **June 6, 2022 P&Z Public Hearing**
- **June 20, 2022 P&Z Meeting (recommend approval of draft ordinance)**
- **July 11, 2022 City Council review**

EXISTING AND PROPOSED REVISIONS—OVERVIEW

- Allowed in **MX, GC, CB, PO, PC** and **LI** zoning districts with a Conditional Use Permit (Sec. 405.470.A.14). **No change**
- Maintains two separate standards: Adjacent to residential and not adjacent to residential. Changed: **Single Family Residential**
 - **CB District** allows multi-family uses by right
 - Multi-family developments are transitional land uses most commonly located within and adjacent to commercial zoning districts
 - Standards for multi-family living are not the same as single family
 - Ordinance maintains requirement for all drive-throughs to submit a traffic study and acoustic study for review of impacts.

EXISTING AND PROPOSED REVISIONS—OVERVIEW

- Focus on site design standards:
 - Minimum size of buildings and seating
 - Location of service windows and menu boards
 - Location of stacking lanes
 - Landscaping/screening requirements
- Other clarifications

EXISTING AND PROPOSED REVISIONS—ABUT SINGLE FAMILY RESIDENTIAL

- **Changed: Amended to apply only to abutting Single Family residential.**
- **Min. site size: 2 acres. No change.**
- **Limited to one restaurant with no more than 2 service windows, 2 order facilities and 2 stacking lanes. No change.**
- **Must be located on rear or 1 end of multi-tenant retail building with a building frontage of**

EXISTING AND PROPOSED REVISIONS—ABUT SINGLE FAMILY RESIDENTIAL

- **Drive-through order facility and service window on or adjacent to a wall not facing a street, unless otherwise approved, screened from ground-floor level of adjacent residences within 200-feet of the facility by solid barrier or topographic change. Changed: prohibits drive through window or order facility from being adjacent to a primary street. Allowed on secondary streets but with landscape screening required as viewed from the street.**
- **The drive-through restaurant must be min. 2,400 SF in size, 55 indoor seats. Changed: Eliminate minimum size and number of indoor seats. Unenclosed outdoor dining exempt from additional off-street parking requirements (1 space per 8 seats)**

EXISTING AND PROPOSED REVISIONS—ABUT SINGLE FAMILY RESIDENTIAL

- Drive-through order facility and service window no closer than 50-feet from any residential use. **No change.**
- Designated stacking lane no less than 190-feet long, 9'x19' feet dimension with vehicle escape route. **No change.**
- Entrance to stacking lane min. 50-feet from the nearest point on the property line across nearest vehicular entrance. **No change.**
- The designated stacking lane cannot cross between building and principal street frontage. **Changed: allows stacking lanes to cross between building and primary street frontage but must be screened with landscaping**

EXISTING AND PROPOSED REVISIONS—ABUT SINGLE FAMILY RESIDENTIAL

- Traffic study to review internal circulation and off-street impacts required. **No change.**
- Order facility required to utilize automatic volume control. **No change.**
- Acoustical study to verify order facility and service window will not produce sounds exceeding 60dB at the property line for adjacent residential uses. **No change**

- Questions on Adjacent to Single Family Residential Section

EXISTING AND PROPOSED REVISIONS—ABUT NON-SINGLE FAMILY RESIDENTIAL

- **Changed: Applies to abutting Single Family Residential only**
- **Min. site size: 3 acres totaling 1 or more lots in a coordinated development with shared access and two or more buildings, 1 of which has a min. building frontage of 200-feet. All buildings shall be designed with similar materials and design elements aesthetically complementary to each other. **Changed: 2 buildings includes proposed drive-through. Changed: minimum size of other building to 10,000 square feet.****
- **One drive-through restaurant per site. No more than 2 service windows, 2 order facilities, 2 stacking lanes. **No change.****
- **Drive-through order facility and service window cannot face a street, unless otherwise approved. **Changed: Allow order facility and service window on secondary streets with landscaped screening.****

EXISTING AND PROPOSED REVISIONS—ABUT NON-SINGLE FAMILY RESIDENTIAL

- Drive-through restaurant to have pedestrian-oriented landscape adjacent to building equal to 50% of the floor area of the building. **Changed: Eliminated percentage. Still require landscaping and ped-oriented features such as: landscaping adjacent to building, outdoor seating areas, and pedestrian connections within the site. Exempt additional off-street parking for unenclosed outdoor seating areas.**
- If drive-through is freestanding, provide 8-foot wide planting strip on two sides of building. **Changed: Eliminated. Covered in prior provision—no specific dimensions.**

EXISTING AND PROPOSED REVISIONS—ABUT NON-SINGLE FAMILY RESIDENTIAL

- Minimum size of restaurant is 2,500 square feet with min. 55 indoor seats. **Changed: Reduced min. size to 2,000 SF. 55 seats min. seats remain.**
- Any service areas, including but not limited to, trash receptacles, compactors, transformers, outdoor cooking, refrigeration equipment, and utility connections must be fully enclosed. Such elements are to appear as part of the building as much as possible. **Changed: Simplify that these components must be enclosed.**
- Stacking lane min. 190-feet, 9x19 dimensions, provide for vehicular escape. **No Change.**
- Entrance to stacking lane min. 50-feet from the nearest point on the property line across nearest vehicular entrance. **No change**
- The designated stacking lane cannot cross between building and principal street frontage. **Changed: allows stacking lanes to cross between building and primary street frontage but must be screened with landscaping**

EXISTING AND PROPOSED REVISIONS—ABUT NON-SINGLE FAMILY RESIDENTIAL

- Traffic study to review internal circulation and off-street impacts required. **No change.**
- Order facility required to utilize automatic volume control. **No change.**
- Acoustical study to verify order facility and service window will not produce sounds exceeding ambient daytime levels at property lines. **No change**

SUMMARY

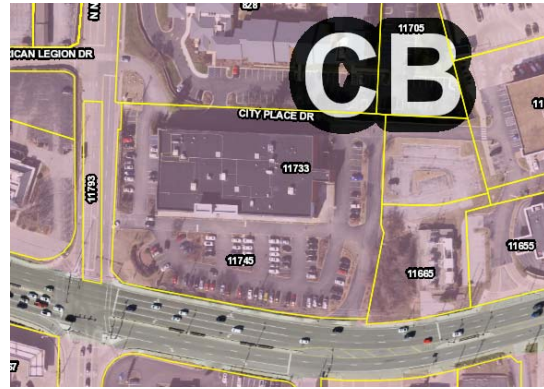
- **Summary of significant amendments:**
 - Abutting residential only applies to Single Family Residential
 - Allows drive-through stacking lanes to cross in between building and primary street frontage with landscaped screening
 - Allows order facilities on secondary frontages with landscaped screening
 - Eliminates requirement for additional off-street parking for outdoor seating
 - For sites not abutting to Single Family Residential:
 - Clarified one existing building in addition to the drive through.
 - Changed qualifying building from 200-feet of frontage to min. 10,000 square feet.
 - Reduced min. size of restaurant from 2,500 SF to 2,000 SF.

SUMMARY

- **Other considerations:**
 - **P&Z recommended approval with additional condition that the minimum number of seats (55) be reviewed for possible reduction.**
 - **Keeping the limitation on the max. number of order facilities and drive-thru lanes. Defer to site plan/CUP review?**
 - **Drive-thru facilities and single family residential adjacencies. Increase minimum distance of the use from adjacent single family residential uses? Currently 50-feet.**

- **Questions and Next Steps**

EXAMPLES OF ELIGIBLE LOCATIONS* (NOT ABUTTING SINGLE FAMILY RESIDENTIAL)



EXAMPLES OF ELIGIBLE LOCATIONS* (NOT ABUTTING SINGLE FAMILY RESIDENTIAL)



EXAMPLES OF ELIGIBLE LOCATIONS* (EXISTING DEVELOPMENTS ABUTTING SINGLE FAMILY RESIDENTIAL)



EXAMPLES OF ELIGIBLE LOCATIONS* (EXISTING DEVELOPMENTS ABUTTING SINGLE FAMILY RESIDENTIAL)





MEMORANDUM

DATE: July 20, 2022

TO: Mark Perkins, City Administrator

FROM: Lori Obermoeller, Director of Finance

SUBJECT: Invoices Paid Listing

For your information and transmittal to the City Council, attached is a list of paid invoices from July 7, 2022 through July 20, 2022 in the amount of \$1,089,404.89.



Creve Coeur, MO

Council Report of invoices Paid Listing

By Fund

Payment Dates 7/7/2022 - 7/20/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
Fund: 01 - GENERAL FUND							
ST LOUIS AREA HEALTH INSURANCE TRUST-MEDICAL		0722	06/20/2022	GROUP HEALTH JUL 22	01-2211	64135	95,077.23
EQUITABLE FINANCIAL LIFE INSURANCE COMPANY		1318290	06/13/2022	DENTAL JUL 22	01-2213	64115	5,123.81
FIDELITY SECURITY LIFE INSURANCE COMPANY		165330014	06/22/2022	VISION JUL 22	01-2218	64117	936.71
ELITE PHYSICAL THERAPY		23BL REFUND	07/13/2022	REFUND OVERPAYMENT BUSINESS LICENSE 1002258	01-4402	64114	14.40
MISSOURI DEPARTMENT OF REVENUE		CVC JUN 22	07/11/2022	CRIME VICTIMS COMPENSATION FUND FEES (CVC) JUN 22	01-2413	64090	67.50
MISSOURI DEPARTMENT OF REVENUE		CVC JUN 22	07/11/2022	MISC POLICE FUND REVENUE JUN 22	01-4604	64090	-3.33
EXCEL UTILITY CONTRACTOR		EX43205	06/27/2022	REFUND EXCAVATION PERMIT 43205 - PRIVATE STR	01-4420	64080	500.00
MISSOURI DEPARTMENT OF REVENUE		POST JUN 22	07/11/2022	POST COMMISSION FUND JUN 22	01-2412	64089	11.00
AARON D CALLAHAN		22JUN INS REFUND	06/30/2022	REFUND HEALTH INS EE & ER PORTION	01-2211	64145	306.14
MICHAEL R STELL		22JUN INS REFUND	06/30/2022	REFUND HEALTH INS EE & ER PORTIONS	01-2211	64153	306.14
NATHAN N GORDEN		22JUN INS REFUND	06/30/2022	REFUND HEALTH INS EE & ER PORTIONS	01-2211	64156	306.14
MICHAEL R STELL		22JUN INS REFUND	06/30/2022	REFUND DENTAL INS	01-2213	64153	14.57
NATHAN N GORDEN		22JUN INS REFUND	06/30/2022	REFUND DENTAL INS EE & ER PORTIONS	01-2213	64156	14.57
WASHINGTON NATIONAL INS CO		P2238555	07/01/2022	CANCER/INTENSIVE CARE JUL 22	01-2215	64218	437.70
							103,112.58
							103,112.58
Department: 11 - LEGISLATIVE SERVICES							
Division: 12 - MAYOR AND CITY COUNCIL							
MUNICIPAL LEAGUE OF METRO ST. LOUIS		2023 DUES	07/08/2022	MUNICIPAL LEAGUE DUES 7/1/22-6/30/23	01-11-12-6262	64127	4,820.00
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	01-11-12-5243	64136	48.28
Division 12 - MAYOR AND CITY COUNCIL Total:							4,868.28

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Payment Dates: 7/7/2022 - 7/20/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
Division: 13 - CITY CLERK							
GRANICUS LLC		153490	07/01/2022	CIVIC STREAMING JUL 22	01-11-13-6213	64118	367.50
GRANICUS LLC		153490	07/01/2022	AGENDA AND MINUTES JUL 22	01-11-13-6213	64118	578.20
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	01-11-13-5243	64136	73.72
CIVIC PLUS		234138	07/15/2022	HISTORICAL FILE IMPORT	01-11-13-6203	64179	2,625.00
MISSOURI CCFO		FY23 DUES	07/13/2022	FY23 MUNICIPAL MEMBERSHIP DUES	01-11-13-6262	64144	35.00
ASSOCIATION EASTERN DIVIS							
MISSOURI CCFO		JUL 22 LUNCH	07/01/2022	MEMBERSHIP LUNCH ON 7/21/22 HENKE	01-11-13-6264	64143	16.00
ASSOCIATION EASTERN DIVIS							
Division 13 - CITY CLERK Total:							3,695.42
Department 11 - LEGISLATIVE SERVICES Total:							8,563.70
Department: 12 - ADMINISTRATION							
Division: 10 - LEGAL							
CURTIS HEINZ GARRETT AND OKEEFE PC		167336-167340	07/05/2022	RETAINER MEETINGS AND CONSULTATION	01-12-10-6201	64075	4,500.00
CURTIS HEINZ GARRETT AND OKEEFE PC		167336-167340	07/05/2022	MUNICIPAL PROSECUTION NON-RETAINER	01-12-10-6201	64075	345.00
CURTIS HEINZ GARRETT AND OKEEFE PC		167336-167340	07/05/2022	PROSECUTING ATTORNEY ASSISTANT	01-12-10-6201	64075	285.00
CURTIS HEINZ GARRETT AND OKEEFE PC		167336-167340	07/05/2022	NON-RETAINER GENERAL	01-12-10-6201	64075	2,223.00
CURTIS HEINZ GARRETT AND OKEEFE PC		167336-167340	07/05/2022	MUNICIPAL PROSECUTION RETAINER	01-12-10-6201	64075	2,500.00
TUETH KEENEY COOPER MOHAN & JACKSTADT PC		88619	07/12/2022	PROFESSIONAL SERVICES RENDERED JUN 22	01-12-10-6201	64166	1,734.00
Division 10 - LEGAL Total:							11,587.00
Division: 11 - ADMINISTRATIVE							
MISSOURI MUNICIPAL LEAGUE		10505047	06/29/2022	MCMA CA FY23 DUES	01-12-11-6262	64126	150.00
PREFERRED RESOURCE NETWORK, INC.		10629	06/15/2022	EMPLOYEE ASISTANCE PROGRAM FY23 1ST QTR	01-12-11-6203	64131	948.30
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	01-12-11-5243	64136	432.44
MERCY CORPORATE HEALTH		637203	07/01/2022	PRE-EMPLOYMENT DOT SCREENING WITH PHYSICAL	01-12-11-6271	64084	115.00
MERCY CORPORATE HEALTH		637955	07/01/2022	PRE-EMPLOYMENT SCREENING	01-12-11-6271	64084	60.00
MERCY CORPORATE HEALTH		638019	07/01/2022	PRE-EMPLOYMENT SCREENING	01-12-11-6271	64084	60.00
MERCY CORPORATE HEALTH		638403	07/01/2022	PRE-EMPLOYMENT SCREENING WITH PHYSICAL	01-12-11-6271	64084	120.00
MERCY CORPORATE HEALTH		639074	07/01/2022	PRE-EMPLOYMENT PHYSICAL	01-12-11-6271	64084	60.00

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Payment Dates: 7/7/2022 - 7/20/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
MERCY CORPORATE HEALTH		639491	07/01/2022	PRE-EMPLOYMENT SCREENING	01-12-11-6271	64084	60.00
MERCY CORPORATE HEALTH		639872	07/01/2022	PRE-EMPLOYMENT SCREENING DOT	01-12-11-6271	64084	115.00
ASI		A000178626067X4	06/30/2022	HRA & FSA ADMIN FEES JUL 22	01-12-11-6203	64068	388.50
SWIFT PRINT COMMUNICATIONS	PO00201-R2	000010634	06/01/2022	RESIDENTIAL NEWLETTER PRINTING FY22 JUN 22	01-12-11-6203	64162	96.08
SWIFT PRINT COMMUNICATIONS	PO00201-R2	000010634	06/01/2022	RESIDENTIAL NEWLETTER PRINTING FY22 JUN 22	01-12-11-6203	64162	1,802.92
SWIFT PRINT COMMUNICATIONS	PO00201-R2	000011124	07/07/2022	Residential Newsletter Printing FY23 JUL 22	01-12-11-6203	64212	1,899.00
T MOBILE USA		971998911-20220620	06/21/2022	CITY PHONES ADMIN 5/21/22-6/20/22	01-12-11-6253	64163	49.48
PAYLOCITY CORPORATION		INV1109525	07/20/2022	COBRA ADMINISTRATION	01-12-11-6203	64205	58.85
						Division 11 - ADMINISTRATIVE Total:	6,415.57
Division: 14 - MUNICIPAL COURT							
RICOH USA, INC		106291091	06/29/2022	COURT COPIER LEASE 6/18/22-7/17/22	01-12-14-6213	64096	259.33
AMERICAN STAMP AND MARKING PRODUCTS INC		1724414	06/28/2022	COURT STAMPS	01-12-14-7304	64066	157.85
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	01-12-14-5243	64136	146.40
ODP BUSINESS SOLUTIONS LLC		250523800001	06/23/2022	COURT BROCHURE HOLDER	01-12-14-7304	64093	62.50
ODP BUSINESS SOLUTIONS LLC		250524060001	06/24/2022	COURT FRAMES	01-12-14-7304	64093	20.99
ODP BUSINESS SOLUTIONS LLC		250524062001	06/24/2022	COURT FILE CART AND ORGANIZER	01-12-14-7304	64093	29.68
STEVEN E SOKOLIK		JUN 22 CASE 1	06/30/2022	COURT APPOINTED PUBLIC DEFENDER JUN 22 CASE 1	01-12-14-6201	64101	91.66
STEVEN E SOKOLIK		JUN 22 CASE 2	06/30/2022	COURT APPOINTED PUBLIC DEFENDER JUN 22 CASE 2	01-12-14-6201	64101	87.50
MARY LEIGHTON BRUNTRAGER		FY22 REIMBURSEMENT	07/13/2022	REIMBURSE OUT OF POCKET EXPENSES MMACJA CONFERENCE	01-12-14-6265	64151	395.39
MARY LEIGHTON BRUNTRAGER		JUDGE JUN 22	07/19/2022	PROVISIONAL JUDGE 6/22 VIRTUAL 6/23 IN PERSON	01-12-14-6201	64151	500.00
						Division 14 - MUNICIPAL COURT Total:	1,751.30
						Department 12 - ADMINISTRATION Total:	19,753.87
Department: 13 - FINANCE							
Division: 11 - ADMINISTRATIVE							
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	01-13-11-5243	64136	299.54

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Payment Dates: 7/7/2022 - 7/20/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
T MOBILE USA		971998911-20220620	06/21/2022	CITY PHONES FIN 5/21/22-6/20/22	01-13-11-6253	64163	24.74
Division 11 - ADMINISTRATIVE Total:							324.28
Division: 15 - INTERDEPARTMENTAL							
CHARTER COMMUNICATION		0353198070122	07/01/2022	350 N NEW BALLAS PD PRI FIBER 7/1/22-7/31/22	01-13-15-6253	64107	1,465.82
ST LOUIS AREA HEALTH INSURANCE TRUST-MEDICAL		0722	06/20/2022	GROUP HEALTH JUL 22	01-13-15-5230	64135	15,913.96
ST LOUIS AREA HEALTH INSURANCE TRUST-MEDICAL		0722	06/20/2022	GROUP HEALTH JUL 22	01-13-15-5230	64135	-200.00
MYRLYNN HENLEY		109	07/01/2022	TAI CHI INSTRUCTION 7/19/22-9/8/22	01-13-15-6272	64128	300.00
AZAVAR AUDIT SOLUTIONS		155898	06/30/2022	SALES TAX SAVINGS FROM SPECTRUM PD FIBER 3198	01-13-15-6253	64069	16.84
AZAVAR AUDIT SOLUTIONS		155898	06/30/2022	SALES TAX SAVINGS FROM SPECTRUM GARAGE 5116	01-13-15-6255	64069	14.46
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	01-13-15-6220	64136	43,049.00
ODP BUSINESS SOLUTIONS LLC		248298962001	06/30/2022	TONER	01-13-15-7312	64093	73.87
WUSSLER BUSINESS FORMS INC		5098	07/06/2022	BUSINESS CARDS - ALPASIAN & RIES	01-13-15-7312	64142	165.22
RSC INSURANCE BROKERAGE INC		9732	07/13/2022	FY23 PO LIABILITY INSURANC	01-13-15-6220	64132	40,255.00
CHARTER COMMUNICATION		0403845070822	07/08/2022	300 N NEW BALLAS CITY HALL TV WIFI 7/8/22-8/7/22	01-13-15-6253	64175	203.94
WEST CENTRAL DISPATCH CENTER		23-1	07/01/2022	1ST QUARTER REGIS ACCESS AND FIBER FEES	01-13-15-6213	64219	745.00
WEST CENTRAL DISPATCH CENTER		23-1	07/01/2022	1ST QUARTER CHARTER INTERNET FIBER FEES	01-13-15-6253	64219	800.00
ODP BUSINESS SOLUTIONS LLC	PO00655-R1	246434142001	07/05/2022	TONER & SUPPLY ROOM STOCK	01-13-15-7312	64203	2,980.47
ODP BUSINESS SOLUTIONS LLC	PO00655-R1	248298952001	07/05/2022	SUPPLY ROOM STOCK	01-13-15-7312	64203	59.97
ODP BUSINESS SOLUTIONS LLC	PO00655-R1	248298960001	07/01/2022	DESK ORGANIZER	01-13-15-7312	64203	27.89
ODP BUSINESS SOLUTIONS LLC	PO00655-R1	248298984001	07/01/2022	TONER	01-13-15-7312	64203	921.56
ODP BUSINESS SOLUTIONS LLC	PO00655-R1	250524071001	07/06/2022	(4) METAL FRAMES	01-13-15-7312	64203	96.76
AT&T		314 983-2705 076 0 7/7/22	07/07/2022	MONITOR LINE ICE ARENA 7/7/22-8/6/22	01-13-15-6253	64172	90.76
RSC INSURANCE BROKERAGE INC		9876	07/13/2022	FY23 CYBER POLICY RENEWA	01-13-15-6220	64209	12,070.00

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Payment Dates: 7/7/2022 - 7/20/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
RSC INSURANCE BROKERAGE INC		9877	07/13/2022	FY23 PROPERTY POLICY RENEWAL	01-13-15-6226	64209	59,471.78
Division 15 - INTERDEPARTMENTAL Total:							178,522.30
Division: 51 - MIS OPERATIONS							
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	01-13-51-5243	64136	82.02
THE NEWBERRY GROUP, INC.		BC01-283-1	06/21/2022	FY23 BARRACUDA SECURITY AWARENESS TRAINING	01-13-51-6213	64139	1,500.00
CHARTER COMMUNICATION		0403845070822	07/08/2022	300 N NEW BALLAS CITY HALL TV WIFI 7/8/22-8/7/22	01-13-51-6213	64175	87.98
WINNING TECHNOLOGIES, INC.	PO00518-R1	25928	07/01/2022	IT Management Consultants JUL 22	01-13-51-6202	64220	3,200.00
T MOBILE USA		971998911-20220620	06/21/2022	CITY PHONES TEMP MIS 5/21/22-6/20/22	01-13-51-6213	64163	55.07
T MOBILE USA		971998911-20220620	06/21/2022	CITY PHONES MIS 5/21/22- 6/20/22	01-13-51-6253	64163	24.74
CDW LLC		BG16432	07/05/2022	(8) VIEWSONIC MONITORS	01-13-51-7331	64174	1,235.12
CDW LLC		BG23384	07/05/2022	(2) APPLE IPAD AIR	01-13-51-7331	64174	1,187.04
Division 51 - MIS OPERATIONS Total:							7,371.97
Department 13 - FINANCE Total:							186,218.55
Department: 14 - COMMUNITY SERVICES							
Division: 11 - ADMINISTRATIVE							
CARL SCHAEFER		100	07/01/2022	ROCK OPERA BAND LIVE CONCERT 7/14/22	01-14-11-6202	64106	1,100.00
ASHLEY R JELOVIC		100	06/30/2022	AMERICAN GIRL CAMP JUN 22	01-14-11-6202	64067	160.00
BEGINNERS WORLD TENNIS		102	06/14/2022	TENNIS PROGRAM INSTRUCTION JUN 22	01-14-11-6202	64070	987.00
RICOH USA, INC		106270416	06/17/2022	DRC METER READS 6/12/22- 7/11/22	01-14-11-6213	64097	43.66
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	01-14-11-5243	64136	1,104.19
NATIONAL RECREATION AND PARK ASSOCIATION		FY23 DUES	07/01/2022	FY23 NRPA MEMBERSHIP	01-14-11-6262	64129	175.00
CITY OF BRENTWOOD		RESERVATION 10513	03/01/2022	BAND WAGON RENTAL CONCERT ON 7/14/22	01-14-11-6266	64111	800.00
VIA PARTNERSHIP LLP	PO00637-R1	1068	07/06/2022	Venable Park Memorial Consultant 1ST PAYMENT	01-14-11-6221	64216	3,250.00
MYRLYNN HENLEY		110	07/19/2022	TAI CHI INSTRUCTION 7/12/22-9/1/22	01-14-11-6202	64199	1,260.00
HOME DEPOT CREDIT SERVICES		5100094	06/01/2022	STEAKS FROM PW FOR HEART TO HEART 5K RUN	01-14-11-6281	64150	90.86

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Payment Dates: 7/7/2022 - 7/20/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
NIEWALD CARPET CLEANING LLC		71322	07/13/2022	DRC CARPET CLEANING	01-14-11-6203	64201	381.27
Division 11 - ADMINISTRATIVE Total:							9,351.98
Department 14 - COMMUNITY SERVICES Total:							9,351.98
Department: 16 - MUNICIPAL FACILITIES MAINTENANCE							
Division: 11 - ADMINISTRATIVE							
ST LOUIS COUNTY TREASURE		002929-09-22	07/01/2022	FY23 ELEVATOR INSPECTION	01-16-11-6211	64138	71.00
NEW SYSTEM CARPET AND BUILDING CARE LTD		095960	07/01/2022	CITY HALL MAINTENANCE / CLEANING / BLDG SUPPLIES	01-16-11-6212	64092	579.37
MISSOURI AMERICAN WATER CO		1017-210013915103 7/1/22	06/30/2022	300 N NEW BALLAS RD DOM 5/28/22-6/29/22	01-16-11-6254	64088	1,454.67
BRAUER SUPPLY CO		1563517	07/06/2022	MICROGUARD HEPA AIR FILTER	01-16-11-6211	64105	1,680.00
DOUGLAS VENTURES LLC		207221208-66	07/01/2022	JANITORIAL SERVICES MONTHLY CONTRACT JUN 2	01-16-11-6212	64113	1,980.00
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	01-16-11-5243	64136	2,149.73
WALTER KNOLL FLORIST		INV5703	06/01/2022	PLANT MAINTENANCE JUL 2	01-16-11-6212	64141	80.00
HOME DEPOT CREDIT SERVICES		9342919	06/07/2022	BLDG MAINTENANCE CITY HALL	01-16-11-6212	64150	273.86
T MOBILE USA		971998911-20220620	06/21/2022	CITY PHONES BLDG MAINT 5/21/22-6/20/22	01-16-11-6253	64163	24.74
WALTER KNOLL FLORIST		INV6037	07/01/2022	PLANT MAINTENANCE AUG 22	01-16-11-6212	64217	80.00
Division 11 - ADMINISTRATIVE Total:							8,373.37
Department 16 - MUNICIPAL FACILITIES MAINTENANCE Total:							8,373.37
Department: 21 - POLICE							
Division: 11 - ADMINISTRATIVE							
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	01-21-11-5243	64136	12,246.86
ENERGY PETROLEUM CO		153835	05/13/2022	REGULAR FUEL @ PW GARAGE	01-21-11-7307	64149	487.84
ENERGY PETROLEUM CO		173884	07/12/2022	REGULAR FUEL @ PW GARAGE	01-21-11-7307	64184	1,199.13
WEST CENTRAL DISPATCH CENTER		23-1	07/01/2022	1ST QUARTER BASE FEE	01-21-11-6202	64219	26,240.00
WEST CENTRAL DISPATCH CENTER		23-1	07/01/2022	1ST QUARTER UTILIZATION FEES	01-21-11-6202	64219	129,945.00
MISSOURI POLICE CHIEFS ASSOCIATION		3931	06/02/2022	MEMBERSHIP RENEWAL THROUGH 8/31/23-HARTMAN	01-21-11-6262	64196	225.00
MERCY CORPORATE HEALTH		637542	06/30/2022	PRE-EMPLOYMENT SCREENING -NEW POLICE APPLICANT	01-21-11-6271	64152	746.93

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
MERCY CORPORATE HEALTH		638558	06/30/2022	PRE-EMPLOYMENT SCREENING -NEW POLICE APPLICANT	01-21-11-6271	64152	696.00
MERCY CORPORATE HEALTH		638696	06/30/2022	PRE-EMPLOYMENT SCREENING -NEW POLICE APPLICANT	01-21-11-6271	64152	81.49
T MOBILE USA		971998911-20220620	06/21/2022	CITY PHONES POLICE 5/21/22-6/20/22	01-21-11-6253	64163	62.07
T MOBILE USA		972253619-20220620	06/21/2022	PD PHONES AND TABLETS PD ADMIN 5/21/22-6/20/22	01-21-11-6253	64164	84.73
T MOBILE USA		972253619-20220620	06/21/2022	PD PHONES AND TABLETS PD ADMIN 5/21/22-6/20/22	01-21-11-6253	64164	-58.10
VERIZON WIRELESS SERVICES LLC		9910407322	07/04/2022	TABLETS AND AIRCARDS PD ADMIN 7/5/22-8/4/22	01-21-11-6253	64215	320.08
MARCO HOLDINGS LLC		INV10120678	07/04/2022	CHIEFS OFFICE COPIER MAIN	01-21-11-6213	64191	80.30
MARCO HOLDINGS LLC		INV10130160	07/07/2022	RECORDS ROOM COPIER 7/11-10/10/2022	01-21-11-6213	64191	110.10
						Division 11 - ADMINISTRATIVE Total:	172,467.43
Division: 21 - INVESTIGATION							
MISSOURI CRIME PREVENTION ASSOCIATION		2022-2023MEMBER	07/13/2022	NEW INDIVIDUAL MEMBERSHIP FEE-W SCHULT	01-21-21-6262	64125	35.00
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	01-21-21-5243	64136	13,072.28
ENERGY PETROLEUM CO		153835	05/13/2022	REGULAR FUEL @ PW GARAGE	01-21-21-7307	64149	507.11
ENERGY PETROLEUM CO		173884	07/12/2022	REGULAR FUEL @ PW GARAGE	01-21-21-7307	64184	687.46
LEADSONLINE, LLC		326843	07/01/2022	7/1/22-6/30/23 LEADSONLINE CHARTER SVC	01-21-21-6202	64190	1,642.00
T MOBILE USA		972253619-20220620	06/21/2022	PD PHONES AND TABLETS PD INVESTIG 5/21/22-6/20/22	01-21-21-6253	64164	-25.01
T MOBILE USA		972253619-20220620	06/21/2022	PD PHONES AND TABLETS PD INVESTIG 5/21/22-6/20/22	01-21-21-6253	64164	100.02
HAWK ANALYTICS INC		INV25420	06/01/2022	INVESTIGATOR CELLHAWK SUBSCRIPTION 9-1-22-8-31-2	01-21-21-6203	64186	2,995.00
						Division 21 - INVESTIGATION Total:	19,013.86
Division: 22 - PATROL							
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	01-21-22-5243	64136	71,111.79
ENERGY PETROLEUM CO		153835	05/13/2022	REGULAR FUEL @ PW GARAGE	01-21-22-7307	64149	18,461.13
ENERGY PETROLEUM CO		173884	07/12/2022	REGULAR FUEL @ PW GARAGE	01-21-22-7307	64184	13,818.36
HOME DEPOT CREDIT SERVICES		2902167	06/24/2022	(5) EQUIPMENT BOXES	01-21-22-9503	64150	169.75

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
T MOBILE USA		972253619-20220620	06/21/2022	PD PHONES AND TABLETS PD PTRL 5/21/22-6/20/22	01-21-22-6253	64164	-103.41
T MOBILE USA		972253619-20220620	06/21/2022	PD PHONES AND TABLETS PD PTRL 5/21/22-6/20/22	01-21-22-6253	64164	218.28
DEFENDER PRODUCT SOLUTIONS, LLC		DPS-22-142	07/14/2022	REPLACE (4) EMERGENCY LIGHTS & BRACKETS	01-21-22-6210	64180	630.00
						Division 22 - PATROL Total:	104,305.90
						Department 21 - POLICE Total:	295,787.19
Department: 31 - PUBLIC WORKS							
Division: 11 - ADMINISTRATIVE							
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	01-31-11-5243	64136	1,765.05
DREXEL TECHNOLOGIES INC		INV81425	06/28/2022	COPIER	01-31-11-6213	64077	77.44
T MOBILE USA		971998911-20220620	06/21/2022	LEASE/MAINTENANCE JUN 2 CITY PHONES PW ADMIN	01-31-11-6253	64163	123.70
INFO TECH, INC.		INV92172	07/05/2022	5/21/22-6/20/22 APPIA SOFTWARE LICENSE RENEWAL FY23	01-31-11-6203	64189	6,000.00
						Division 11 - ADMINISTRATIVE Total:	7,966.19
Division: 41 - STREET MAINTENANCE							
JOHNNY ON THE SPOT #347		0347-000254301	06/30/2022	PORTA JOHNS JUN 22	01-31-41-6266	64083	612.35
CHARTER COMMUNICATION		0420922062522	06/25/2022	996 E RUE DE LA BANQUE TV/WIFI 6/25/22-7/24/22	01-31-41-6253	64109	98.76
HUMAN RESOURCE STAFFIN		1001069877	07/08/2022	PW TEMPORARY EMPLOYEE W/E 7/3/22	01-31-41-6207	64121	1,073.57
MISSOURI AMERICAN WATER CO		1017-210041135520 6/27/2	06/27/2022	6 BEACON HILL LN IRRIG 5/19/22-6/17/22	01-31-41-6254	64086	106.59
MISSOURI AMERICAN WATER CO		1017-210041135520 6/27/2	06/27/2022	533 N NEW BALLAS RD IRRCTR IS 5/17/22-6/15/22	01-31-41-6254	64086	29.42
MISSOURI AMERICAN WATER CO		1017-210041135520 6/27/2	06/27/2022	198 N NEW BALLAS RD IRRIG 5/17/22-6/15/22	01-31-41-6254	64086	31.40
MISSOURI AMERICAN WATER CO		1017-210041135520 6/27/2	06/27/2022	160 N NEW BALLAS RD IRRIG 5/17/22-6/15/22	01-31-41-6254	64086	18.20
MISSOURI AMERICAN WATER CO		1017-210041135520 6/27/2	06/27/2022	1030 N LINDBERGH BLVD 5/12/22-6/10/22	01-31-41-6254	64086	18.20
MISSOURI AMERICAN WATER CO		1017-210041135520 6/27/2	06/27/2022	11915 OLIVE BLVD 5/17/22- 6/15/22	01-31-41-6254	64086	45.41
MISSOURI AMERICAN WATER CO		1017-210041135520 6/27/2	06/27/2022	740 N NEW BALLAS RD IRR1ST IS 5/17/22-6/15/22	01-31-41-6254	64086	65.73
MISSOURI AMERICAN WATER CO		1017-210041135520 6/27/2	06/27/2022	451 N NEW BALLAS RD IRR3RD IS 5/17/22-6/15/22	01-31-41-6254	64086	34.70
MISSOURI AMERICAN WATER CO		1017-210041240477 6/24/2	06/24/2022	333 S NEW BALLAS RD IRRIG 5/20/22-6/20/22	01-31-41-6254	64087	51.81
MISSOURI AMERICAN WATER CO		1017-210041240477 6/24/2	06/24/2022	298 N NEW BALLAS RD 5/20/22-6/20/22	01-31-41-6254	64087	494.77

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
MISSOURI AMERICAN WATER CO		1017-210041240477 6/24/2	06/24/2022	599 S NEW BALLAS RD IRRIG 5/20/22-6/20/22	01-31-41-6254	64087	160.11
MISSOURI AMERICAN WATER CO		1017-210041240477 6/24/2	06/24/2022	631 S NEW BALLAS RD IRRIG 5/24/22-6/22/22	01-31-41-6254	64087	97.40
NEW FRONTIER MATERIALS LLC		12564345	06/14/2022	FERNGATE / FERNPARK PATC	01-31-41-7305	64091	362.69
NEW FRONTIER MATERIALS LLC		12567726	06/24/2022	HEZEL PATCH	01-31-41-7305	64091	227.25
NEW FRONTIER MATERIALS LLC		12568666	06/28/2022	FALAISE / MEADOWGREEN PATCH	01-31-41-7305	64091	452.68
NEW FRONTIER MATERIALS LLC		12569182	06/29/2022	FALAISE PATCH	01-31-41-7305	64091	360.87
NEW FRONTIER MATERIALS LLC		12570039	07/01/2022	FALAISE PATCH	01-31-41-7305	64130	368.48
NEW FRONTIER MATERIALS LLC		12571327	07/07/2022	MEADOW GREEN PLACE PATCH	01-31-41-7305	64130	557.79
ABSTENENCIA GENTRY		1261-2000012658	07/04/2022	EXCEL- PW TEMPORARY EMPLOYEE W/E 7/3/22	01-31-41-6207	64102	1,159.20
CEE KAY SUPPLY INC		1663821	06/30/2022	TANK RENTAL JUN 22	01-31-41-7307	64073	59.92
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	01-31-41-5243	64136	20,650.05
CHUCKS BOOTS		22-1804	07/11/2022	BOOTS BRISCOE, PARKER, FAITH	01-31-41-7308	64110	479.97
RUSH TRUCK CENTER		3028361040	07/01/2022	CHIPPER TRUCK AIR CHAMBER	01-31-41-6210	64133	112.50
ARAMARK UNIFORM SERVICES		6170022916	07/05/2022	UNIFORM SERVICE- PW SHO	01-31-41-7308	64103	80.81
CRAFCO INC		9402730356	06/30/2022	POT HOLE PATCH BAG MIX	01-31-41-7305	64074	1,867.60
HUMAN RESOURCE STAFFIN		1001069948	07/14/2022	PW TEMPORARY EMPLOYEE W/E 7/10/22	01-31-41-6207	64188	360.36
POMP'S TIRE SERVICE, INC.		1240032841	07/19/2022	TIRES FOR 215	01-31-41-6210	64206	854.70
NEW FRONTIER MATERIALS LLC		12572087	07/11/2022	MEADOW GREEN PATCH	01-31-41-7305	64200	366.63
NEW FRONTIER MATERIALS LLC		12572518	07/12/2022	CROSS GREEN PATCH	01-31-41-7305	64200	362.94
NEW FRONTIER MATERIALS LLC		12573410	07/14/2022	MEADOW GREEN PATCH	01-31-41-7305	64200	643.68
ABSTENENCIA GENTRY		1261-2000012670	07/11/2022	EXCEL- PW TEMP EMPLOYEE W/E 7/10/22	01-31-41-6207	64169	927.36
OREILLY AUTOMOTIVE STORES INC		1388-417170	07/13/2022	BRAKE LUBE	01-31-41-6210	64204	16.49
ENERGY PETROLEUM CO		153835	05/13/2022	REGULAR FUEL @ PW GARAGE	01-31-41-7307	64149	3,061.97
ENERGY PETROLEUM CO		154820	05/20/2022	DIESEL FUEL @ PW GARAGE	01-31-41-7307	64149	6,815.60
ENERGY PETROLEUM CO		173884	07/12/2022	REGULAR FUEL @ PW GARAGE	01-31-41-7307	64184	1,414.35

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
ENERGY PETROLEUM CO		173890	07/13/2022	DIESEL FUEL @ PW GARAGE	01-31-41-7307	64184	3,213.10
MCCONNELLS OF ST LOUIS INC		2207-061095	07/15/2022	SS1 ASPHALT	01-31-41-7305	64192	149.95
CHUCKS BOOTS		22-1766	07/06/2022	BOOTS EASTON & BLACK	01-31-41-7308	64178	262.46
CHUCKS BOOTS		22-1841	07/14/2022	BOOTS FOGG, MEESE, GOETTER, THEDFORD & CARPENTER	01-31-41-7308	64178	605.16
AARON D CALLAHAN		22JUN INS REFUND	06/30/2022	REFUND HEALTH INS EE & ER PORTION	01-31-41-5230	64145	-260.22
MICHAEL R STELL		22JUN INS REFUND	06/30/2022	REFUND HEALTH INS EE & ER PORTIONS	01-31-41-5230	64153	-260.22
MICHAEL R STELL		22JUN INS REFUND	06/30/2022	REFUND DENTAL INS	01-31-41-5233	64153	-9.68
ALTEC INDUSTRIES INC		51019428	06/30/2022	BUCKET TRACK SERVICE	01-31-41-6210	64147	6,019.64
ARAMARK UNIFORM SERVICES		6170025589	07/12/2022	UNIFORM SERVICE- PW SHO	01-31-41-7308	64171	78.38
ARAMARK UNIFORM SERVICES		6170028266	07/19/2022	UNIFORM SERVICE- PW SHO	01-31-41-7308	64171	119.20
T MOBILE USA		971998911-20220620	06/21/2022	CITY PHONES STREETS 5/21/22-6/20/22	01-31-41-6253	64163	123.70
Division 41 - STREET MAINTENANCE Total:							54,543.78
Division: 42 - HEALTH/WELFARE							
ST LOUIS COUNTY TREASURE		144207	06/29/2022	MOSQUITO SPRAYING & RODENT ABATEMENT	01-31-42-6216	64161	2,583.50
Division 42 - HEALTH/WELFARE Total:							2,583.50
Division: 43 - PARKS MAINTENANCE							
JOHNNY ON THE SPOT #347		0347-000254301	06/30/2022	PORTA JOHNS JUN 22	01-31-43-6266	64083	612.35
CHARTER COMMUNICATION		0420922062522	06/25/2022	996 E RUE DE LA BANQUE TV/WIFI 6/25/22-7/24/22	01-31-43-6253	64109	32.92
HUMAN RESOURCE STAFFIN		1001069877	07/08/2022	PW TEMPORARY EMPLOYEE W/E 7/3/22	01-31-43-6207	64121	357.86
MISSOURI AMERICAN WATER CO		1017-210013559299 6/24/2	06/24/2022	12301 CONWAY RD 5/24/22- 6/22/22	01-31-43-6254	64085	18.20
MISSOURI AMERICAN WATER CO		1017-210041135520 6/27/2	06/27/2022	902 MASON RD 5/18/22- 6/16/22	01-31-43-6224	64086	15.50
MISSOURI AMERICAN WATER CO		1017-210041240477 6/24/2	06/24/2022	11370 ST PAUL ST PARK 5/24/22-6/22/22	01-31-43-6254	64087	61.92
MISSOURI AMERICAN WATER CO		1017-210041240477 6/24/2	06/24/2022	203 TOWNSEND ST 5/24/22- 6/22/22	01-31-43-6254	64087	52.92
MISSOURI AMERICAN WATER CO		1017-210041240477 6/24/2	06/24/2022	10620 COUNTRY VIEW DR 5/24/22-6/22/22	01-31-43-6254	64087	57.80
RACHEL C BALLARD		10689	06/30/2022	EMERGENCY TREE REMOVAL	01-31-43-6212	64095	2,700.00
ABSTENENCIA GENTRY		1261-2000012658	07/04/2022	EXCEL- PW TEMPORARY EMPLOYEE W/E 7/3/22	01-31-43-6207	64102	386.40
CEE KAY SUPPLY INC		1663821	06/30/2022	TANK RENTAL JUN 22	01-31-43-7307	64073	19.98

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
MCCONNELLS OF ST LOUIS INC		2206-059791	06/28/2022	VOLLEY BALL NET FOR MALCOLM PARK	01-31-43-6212	64122	247.00
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	01-31-43-5243	64136	5,331.49
CHUCKS BOOTS		22-1804	07/11/2022	BOOTS SCHOO, KAMMERER	01-31-43-7308	64110	344.94
RUSH TRUCK CENTER		3028361040	07/01/2022	CHIPPER TRUCK AIR CHAMBER	01-31-43-6210	64133	37.50
AT&T		314 579-0412 739 1 7/1/22	07/01/2022	SECURITY LINES TAPPMAYER JUL 22	01-31-43-6224	64104	191.16
ARAMARK UNIFORM SERVICES		6170022916	07/05/2022	UNIFORM SERVICE- PW SHO	01-31-43-7308	64103	26.94
HUMAN RESOURCE STAFFIN		1001069948	07/14/2022	PW TEMPORARY EMPLOYEE W/E 7/10/22	01-31-43-6207	64188	120.12
SITEONE LANDSCAPE SUPPLY HOLDING, LLC		121514538-001	07/18/2022	ROUNDUP WEED KILLER	01-31-43-6212	64210	327.13
POMP'S TIRE SERVICE, INC.		1240032841	07/19/2022	TIRES FOR 215	01-31-43-6210	64206	284.90
ABSTENENCIA GENTRY		1261-2000012670	07/11/2022	EXCEL- PW TEMP EMPLOYEE W/E 7/10/22	01-31-43-6207	64169	309.12
OREILLY AUTOMOTIVE STORES INC		1388-417170	07/13/2022	BRAKE LUBE	01-31-43-6210	64204	5.50
MUNIE OUTDOOR SERVICES	PO00302-R1	15377	05/02/2022	PARKS MAINTENANCE SERVICES APR 22	01-31-43-6212	64154	3,841.65
ENERGY PETROLEUM CO		153835	05/13/2022	REGULAR FUEL @ PW GARAGE	01-31-43-7307	64149	252.33
MUNIE OUTDOOR SERVICES	PO00302-R1	15753	05/31/2022	PARKS MAINTENANCE SERVICES MAY 22	01-31-43-6212	64154	3,398.55
MUNIE OUTDOOR SERVICES	PO00302-R1	16130	06/30/2022	PARKS MAINTENANCE SERVICES JUN 22	01-31-43-6212	64154	806.00
MUNIE OUTDOOR SERVICES	PO00302-R1	16130	06/30/2022	PARKS MAINTENANCE SERVICES JUN 22	01-31-43-6212	64154	4,512.10
ENERGY PETROLEUM CO		173884	07/12/2022	REGULAR FUEL @ PW GARAGE	01-31-43-7307	64184	578.84
ENERGY PETROLEUM CO		173890	07/13/2022	DIESEL FUEL @ PW GARAGE	01-31-43-7307	64184	1,071.04
CHUCKS BOOTS		22-1766	07/06/2022	BOOTS EASTON & BLACK	01-31-43-7308	64178	87.49
CHUCKS BOOTS		22-1841	07/14/2022	BOOTS FOGG, MEESE, GOETTER, THEDFORD & CARPENTER	01-31-43-7308	64178	201.72
HOME DEPOT CREDIT SERVICES		2613458	06/24/2022	DOOR HANDLE FOR TAPPMAYER	01-31-43-6224	64150	38.42
HOME DEPOT CREDIT SERVICES		3074321	06/03/2022	WRENCH SET FOR PARKS TOOLBOX	01-31-43-7302	64150	49.97
ALTEC INDUSTRIES INC		51019428	06/30/2022	BUCKET TRACK SERVICE	01-31-43-6210	64147	2,006.54
ARAMARK UNIFORM SERVICES		6170025589	07/12/2022	UNIFORM SERVICE- PW SHO	01-31-43-7308	64171	26.13
ARAMARK UNIFORM SERVICES		6170028266	07/19/2022	UNIFORM SERVICE- PW SHO	01-31-43-7308	64171	39.74

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
TIMBERCREEK EQUIPMENT CO LLC		854842	07/19/2022	CHAINSAW BAR AND CHAIN	01-31-43-6211	64214	167.40
T MOBILE USA		971998911-20220620	06/21/2022	CITY PHONES TAPMEYER 5/21/22-6/20/22	01-31-43-6224	64163	17.92
T MOBILE USA		971998911-20220620	06/21/2022	CITY PHONES PARKS 5/21/22-6/20/22	01-31-43-6253	64163	24.74
Division 43 - PARKS MAINTENANCE Total:							28,662.23
Department 31 - PUBLIC WORKS Total:							93,755.70
Department: 32 - COMMUNIITY DEVELOPMENT							
Division: 11 - ADMINISTRATIVE							
MCLAUGHLIN COURT REPORTING SERVICES INC		070622-1	07/06/2022	P&Z 22-013 PUBLIC HEARING ON 7/5/22	01-32-11-6202	64123	92.30
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	01-32-11-5243	64136	218.04
HORNER AND SHIFRIN INC		66080	07/11/2022	GIS HOSTING 7/1/22-6/30/2	01-32-11-6203	64120	5,000.00
MISSOURI LAWYERS MEDIA		745466504	07/06/2022	PZ 7/1/22 PUBLIC NOTICE - 12710 OLIVE BLVD	01-32-11-6260	64195	58.00
MISSOURI LAWYERS MEDIA		745466505	07/06/2022	PZ 7/1/22 PUBLIC NOTICE - 11901 OLIVE BLVD	01-32-11-6260	64195	66.12
T MOBILE USA		971998911-20220620	06/21/2022	CITY PHONES PLNING 5/21/22-6/20/22	01-32-11-6253	64163	24.74
Division 11 - ADMINISTRATIVE Total:							5,459.20
Division: 61 - BUILDING DEPARTMENT							
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	01-32-61-5243	64136	14,057.59
PERALES AE LAWN CARE INC		080351	06/18/2022	HIGH WEEDS/GRASS 815 ARIEGE DR	01-32-61-6215	64159	405.00
PERALES AE LAWN CARE INC		080352	06/18/2022	HIGH WEEDS/GRASS 12541 MASON FOREST	01-32-61-6215	64159	480.00
PERALES AE LAWN CARE INC		080353	06/18/2022	HIGH WEEDS/GRASS 1068 FERNVIEW	01-32-61-6215	64159	70.00
T MOBILE USA		971998911-20220620	06/21/2022	CITY PHONES BLDG 5/21/22-6/20/22	01-32-61-6253	64163	197.92
VERIZON WIRELESS SERVICES LLC		9910407322	07/04/2022	TABLETS AND AIRCARDS BLDG 7/5/22-8/4/22	01-32-61-6253	64215	320.08
Division 61 - BUILDING DEPARTMENT Total:							15,530.59
Department 32 - COMMUNIITY DEVELOPMENT Total:							20,989.79
Fund 01 - GENERAL FUND Total:							745,906.73
Fund: 02 - CAPITAL IMPROVEMENT FUND							
Department: 61 - CIP							
Division: 71 - CIP							
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	02-61-71-5243	64136	-68.73

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NAVIGATE BUILDING SOLUTIONS LLC	PO00641	2445	07/20/2022	GOVERNMENT CENTER RENOVATIONS JUN 22	02-61-71-9501	64157	1,127.00
VOGEL SHEET METAL & HEATING INC	PO00630	J002507	03/21/2022	REPLACEMENT OF HAIL DAMAGED COPING	02-61-71-9501	64167	29,744.00
Division 71 - CIP Total:							30,802.27
Department 61 - CIP Total:							30,802.27
Fund 02 - CAPITAL IMPROVEMENT FUND Total:							30,802.27
Fund: 05 - PARK & STORMWATER FUND							
Department: 61 - CIP							
Division: 71 - CIP							
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	05-61-71-5243	64136	5,079.92
ST LOUIS COUNTY TREASURE	PO00652	144707	07/13/2022	Removal of the log cabins at Conway Park	05-61-71-9506	64211	52,800.00
Division 71 - CIP Total:							57,879.92
Department 61 - CIP Total:							57,879.92
Fund 05 - PARK & STORMWATER FUND Total:							57,879.92
Fund: 06 - MUNICIPAL ENTERPRISE FUND							
CALLAWAY GOLF SALES COMPANY		934510645	03/22/2022	GOLF APPAREL INVENTORY	06-1628	64071	125.58
CALLAWAY GOLF SALES COMPANY		934566755	04/01/2022	GOLF BALL INVENTORY	06-1625	64071	88.14
CALLAWAY GOLF SALES COMPANY		934880884	05/19/2022	GOLF APPAREL INVENTORY	06-1628	64071	633.02
							846.74
							846.74
Department: 14 - COMMUNITY SERVICES							
Division: 31 - ICE ARENA							
CHARTER COMMUNICATION		0136635062122	06/21/2022	11400 OLDE CABIN 6/21/22-7/20/22	06-14-31-6255	64108	92.81
MISSOURI AMERICAN WATER CO		1017-210041135520	6/27/22	11400 OLDE CABIN RD ICE ARENA 5/17/22-6/15/22	06-14-31-6254	64086	713.28
RICOH USA, INC		106270416	06/17/2022	DRC METER READS 6/12/22-7/11/22	06-14-31-6213	64097	43.67
AZAVAR AUDIT SOLUTIONS		155898	06/30/2022	SALES TAX SAVINGS FROM SPECTRUM ICE ARENA 6635	06-14-31-6255	64069	0.38
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	06-14-31-5243	64136	5,981.96
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	06-14-31-6220	64136	1,542.00
MISSOURI AMERICAN WATER CO		1017-210013831861	7/5/22	11400 OLDE CABIN FIRE SERVICE 7/2/22-8/1/22	06-14-31-6254	64194	58.29

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
MURPHY COMPANY	PO00593	200965	11/30/2021	Fall PM Work by Murphy Company 11/1/21-10/31/22	06-14-31-6211	64155	11,938.00
DOUGLAS VENTURES LLC		205565001-356	05/01/2022	DRC CUSTODIAN SERVICES MAY 22	06-14-31-6203	64148	1,625.00
DOUGLAS VENTURES LLC		207565001-325	07/01/2022	DRC CUSTODIAN SERVICES JUL 22	06-14-31-6203	64183	1,625.00
MURPHY COMPANY	PO00594	214599	07/07/2022	Monthly Walk-Thrus JUN 22	06-14-31-6211	64155	814.55
MURPHY COMPANY	PO00594	215175	07/14/2022	Monthly Walk-Thrus JUL 22	06-14-31-6211	64198	814.55
ADVERTISING PREMIUM SALES INC		2214-1	07/11/2022	STAFF SHIRTS DRC	06-14-31-7308	64146	344.29
NATHAN N GORDEN		22JUN INS REFUND	06/30/2022	REFUND HEALTH INS EE & ER PORTIONS	06-14-31-5230	64156	-260.22
NATHAN N GORDEN		22JUN INS REFUND	06/30/2022	REFUND DENTAL INS EE & ER PORTIONS	06-14-31-5233	64156	-9.68
DEKA SERVICE		25806420	07/05/2022	REPAIR HVAC IN DIELMAN WEST OF DRC	06-14-31-6212	64181	621.78
ARAMARK UNIFORM SERVICES		6170025595	07/12/2022	MOPS DRC	06-14-31-7301	64171	15.27
RHINE PARACO GAS OF ST LOUIS		633466	05/26/2022	OLY PROPANE	06-14-31-7307	64160	80.91
CHEM AQUA INC		7849991	07/01/2022	WATER TREATMENT JUL 22	06-14-31-6211	64177	763.20
T MOBILE USA		971998911-20220620	06/21/2022	CITY PHONES ICE RINK 5/21/22-6/20/22	06-14-31-6253	64163	24.74
RSC INSURANCE BROKERAGE INC		9877	07/13/2022	FY23 PROPERTY POLICY RENEWAL	06-14-31-6226	64209	21,888.48
						Division 31 - ICE ARENA Total:	48,718.26
Division: 32 - GOLF MAINTENANCE							
ERB TURF EQUIPMENT INC		01-79535	06/09/2022	ROLLER ROD END	06-14-32-6211	64079	68.71
MISSOURI AMERICAN WATER CO		1017-210041135520 6/27/2	06/27/2022	11400 OLDE CABIN RD GOLF MAINT 5/17/22-6/15/22	06-14-32-6254	64086	3,887.27
SITEONE LANDSCAPE SUPPLY HOLDING, LLC		121141149-001	07/07/2022	TURFPLEX FERTILIZER FOR GREENS	06-14-32-7303	64134	340.00
ENERGY PETROLEUM CO		152050RB	05/24/2022	UNLEADED GAS AND DIESEL FUEL	06-14-32-7307	64078	1,991.46
INTERNATIONAL SPORTS TURF RESEARCH CENTER		220218	06/01/2022	ISTRC SOIL ANALYSIS	06-14-32-6202	64082	1,485.00
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	06-14-32-5243	64136	1,821.64
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	06-14-32-6220	64136	958.00
HELENA CHEMICAL CO.		235277586	07/05/2022	ARISTOCRACY, ORBIX, SPEED ZONE	06-14-32-7303	64119	1,165.00
ENERGY PETROLEUM CO		173001	07/06/2022	REGULAR AND DIESEL FUEL @ DRC	06-14-32-7307	64184	2,229.85
HOME DEPOT CREDIT SERVICES		6022493	06/10/2022	MIX OIL	06-14-32-6211	64150	41.64

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Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
HOME DEPOT CREDIT SERVICES		6022493	06/10/2022	CONCRETE SCREWS	06-14-32-6212	64150	30.98
HOME DEPOT CREDIT SERVICES		9015778	06/27/2022	POLY SCOOP, PARAWEDGE, PLIERS, GLOVES	06-14-32-7302	64150	194.37
T MOBILE USA		971998911-20220620	06/21/2022	CITY PHONES GOLF MAINT 5/21/22-6/20/22	06-14-32-6253	64163	24.74
RSC INSURANCE BROKERAGE INC		9877	07/13/2022	FY23 PROPERTY POLICY RENEWAL	06-14-32-6226	64209	437.45
R&R PRODUCTS, INC.		CD2696509	07/12/2022	TIRES FOR JD 2500E	06-14-32-6211	64207	208.40
GREENSPRO INC		INV0048380	07/11/2022	SECURE AND VELISTA FUNGICIDES	06-14-32-7303	64185	938.50
GREENSPRO INC		INV0048400	07/12/2022	MAXTIMA FUNGICIDE FOR GREENS	06-14-32-7303	64185	429.52
ADVANCED TURF SOLUTIONS INC		SO1024288	07/14/2022	GOLD STANDARD PHOSPHITE FOR GREENS	06-14-32-7303	64170	436.48
Division 32 - GOLF MAINTENANCE Total:							16,689.01
Division: 33 - PRO-SHOP							
CHARTER COMMUNICATION		0136635062122	06/21/2022	11400 OLDE CABIN 6/21/22-7/20/22	06-14-33-6255	64108	39.77
ERIC SAXTON		10	07/11/2022	SUMMER 2022 GOLF CAMP #2 7/6/22-7/9/22	06-14-33-6202	64116	750.00
RICOH USA, INC		106270416	06/17/2022	DRC METER READS 6/12/22-7/11/22	06-14-33-6213	64097	43.67
AZAVAR AUDIT SOLUTIONS		155898	06/30/2022	SALES TAX SAVINGS FROM SPECTRUM PRO SHOP 6635	06-14-33-6255	64069	0.39
ADVERTISING PREMIUM SALES INC		1567-1	04/27/2022	TOURNAMENT SHIRTS	06-14-33-7304	64065	345.50
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	06-14-33-5243	64136	1,132.75
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	06-14-33-6220	64136	632.00
PATTONVILLE SCHOOL DISTRICT		8253	06/24/2022	GOLF CLUB SCORE CARDS	06-14-33-7304	64094	850.00
CALLAWAY GOLF SALES COMPANY		928606463	01/22/2018	FY18 REBATE CREDIT	06-14-33-8324	64071	-104.00
CALLAWAY GOLF SALES COMPANY		930415239	05/14/2019	FY19 APPAREL EXPENSE	06-14-33-8325	64071	643.80
CALLAWAY GOLF SALES COMPANY		930460142	05/24/2019	FY19 RETURN APPAREL	06-14-33-8325	64071	-626.88
CALLAWAY GOLF SALES COMPANY		930908609	10/11/2019	FY20 APPAREL EXPENSE	06-14-33-8325	64071	153.50
CALLAWAY GOLF SALES COMPANY		930942591	10/25/2019	FY20 GOLF BALLS EXPENSE	06-14-33-8324	64071	108.00
CALLAWAY GOLF SALES COMPANY		931166430	01/21/2020	FY20 REBATE CREDIT	06-14-33-8324	64071	-126.00

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Payment Dates: 7/7/2022 - 7/20/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
CALLAWAY GOLF SALES COMPANY		931584831	06/15/2020	FY20 GOLF BALLS EXPENSE	06-14-33-8324	64071	895.26
CALLAWAY GOLF SALES COMPANY		931626374	06/22/2020	FY20 GOLF BALLS EXPENSE	06-14-33-8324	64071	116.49
CALLAWAY GOLF SALES COMPANY		931629893	06/22/2020	FY20 RETURN GOLF BALLAS	06-14-33-8324	64071	-835.26
CALLAWAY GOLF SALES COMPANY		931834655	08/08/2020	FY21 APPAREL EXPENSE	06-14-33-8325	64071	63.30
CALLAWAY GOLF SALES COMPANY		932002631	09/16/2020	FY21 GOLF BALLS EXPENSE	06-14-33-8324	64071	116.49
CALLAWAY GOLF SALES COMPANY		932273079	11/17/2020	FY21 GOLF BALLS EXPENSE	06-14-33-8324	64071	116.49
CALLAWAY GOLF SALES COMPANY		932740560	03/10/2021	FY21 GOLF BALLS EXPENSE	06-14-33-8324	64071	116.49
CALLAWAY GOLF SALES COMPANY		933249837	05/21/2021	FY21 GOLF BALLS EXPENSE	06-14-33-8324	64071	123.12
CALLAWAY GOLF SALES COMPANY		933352805	06/08/2021	FY21 RETURN GOLF BALLAS	06-14-33-8324	64071	-7.12
CALLAWAY GOLF SALES COMPANY		934173355	01/21/2022	FY22 REBATE CREDIT	06-14-33-8324	64071	-89.00
T N T INC	PO00634	360054	07/02/2022	Yearly rental golf cart lease JUL 22	06-14-33-9503	64213	4,280.00
T N T INC		360181	06/22/2022	REPAIR TO 3 GOLF CARTS	06-14-33-6210	64165	239.00
RSC INSURANCE BROKERAGE INC		9877	07/13/2022	FY23 PROPERTY POLICY RENEWAL	06-14-33-6226	64209	1,904.86
Division 33 - PRO-SHOP Total:							10,882.62
Division: 34 - FOOD SERVICES							
D AND D DISTRIBUTORS LLP		089249	06/15/2022	BAGS FOR ICE	06-14-34-8321	64076	160.00
RL MUELLER NATIONAL DIST INC		111149A	06/07/2022	FOOD FOR RESALE	06-14-34-8315	64098	160.20
RL MUELLER NATIONAL DIST INC		111149A	06/07/2022	SNACKS FOR RESALE	06-14-34-8319	64098	160.05
RL MUELLER NATIONAL DIST INC		111288A	06/27/2022	SNACKS FOR RESALE	06-14-34-8319	64098	322.20
D AND D DISTRIBUTORS LLP		192770	07/01/2022	BEER FOR RESALE	06-14-34-8316	64112	879.85
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	06-14-34-5243	64136	155.22
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	06-14-34-6220	64136	36.00
ABLE VENDING REPAIR		6/24/22 SERVICE	06/24/2022	VENDING MACHINE COIN JAM REPAIR	06-14-34-6211	64064	60.00
HEARTLAND COCA-COLA BOTTLING COMPANY LLC		6006212480	06/30/2022	BEVERAGE FOR RESALE	06-14-34-8317	64081	537.00
SHOWME BEVERAGES		W-69722	06/24/2022	BEER FOR RESALE	06-14-34-8316	64100	122.00
RL MUELLER NATIONAL DIST INC		111430A	07/08/2022	FOOD FOR RESALE	06-14-34-8315	64208	53.95

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Payment Dates: 7/7/2022 - 7/20/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
RL MUELLER NATIONAL DIST INC		111430A	07/08/2022	SNACKS FOR RESALE	06-14-34-8319	64208	113.00
RL MUELLER NATIONAL DIST INC		111430A	07/08/2022	PAPER TOWELS & FUEL SURCHARGE	06-14-34-8321	64208	43.40
HEARTLAND COCA-COLA BOTTLING COMPANY LLC		6006212549	07/14/2022	BEVERAGE FOR RESALE	06-14-34-8317	64187	766.14
ARAMARK UNIFORM SERVICES		6170025595	07/12/2022	SODA TOWELS DRC	06-14-34-7301	64171	11.65
RSC INSURANCE BROKERAGE INC		9877	07/13/2022	FY23 PROPERTY POLICY RENEWAL	06-14-34-6226	64209	348.15
DEPARTMENT OF REVENUE		LIQ LICENSE FY23	07/07/2022	LIQUOR LICENSE GOLF BEER WINE 9/1/22-8/31/23	06-14-34-6202	64182	1.00
DEPARTMENT OF REVENUE		LIQ SUNDAY FY23	07/07/2022	LIQUOR LICENSE GOLF SUNDAY 9/1/22-8/31/23	06-14-34-6202	64182	1.00
Division 34 - FOOD SERVICES Total:							3,930.81
Department 14 - COMMUNITY SERVICES Total:							80,220.70
Fund 06 - MUNICIPAL ENTERPRISE FUND Total:							81,067.44
Fund: 11 - SEWER LATERAL FUND							
Department: 61 - CIP							
Division: 93 - SEWER LATERAL							
ST LOUIS AREA INSURANCE TRUST		2207	06/24/2022	FY23 WORK COMP, POLICE & GENERAL LIABILITY	11-61-93-5243	64136	305.77
Division 93 - SEWER LATERAL Total:							305.77
Department 61 - CIP Total:							305.77
Fund 11 - SEWER LATERAL FUND Total:							305.77
Fund: 16 - DEBT SERVICE-POLICE BLDG.							
Department: 61 - CIP							
Division: 71 - CIP							
UMB BANK NA		BDS SRS 2017	07/01/2022	FY23 INTEREST ON GO BOND SERVICE 2017	16-61-71-8410	64140	123,828.13
Division 71 - CIP Total:							123,828.13
Department 61 - CIP Total:							123,828.13
Fund 16 - DEBT SERVICE-POLICE BLDG. Total:							123,828.13
Fund: 19 - PUBLIC SAFETY FUND							
Department: 21 - POLICE							
Division: 23 - COUNTY PUBLIC SAFETY-PROP P							
ST LOUIS COUNTY TREASURE		002929-09-22	07/01/2022	FY23 ELEVATOR INSPECTION	19-21-23-6211	64138	59.00
MISSOURI AMERICAN WATER CO		1017-210041135520 6/27/2	06/27/2022	350 N NEW BALLAS RD DETC	19-21-23-6254	64086	-0.60
AZAVAR AUDIT SOLUTIONS		155898	06/30/2022	SALES TAX SAVINGS FROM SPECTRUM PD 1802	19-21-23-6255	64069	0.87

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Payment Dates: 7/7/2022 - 7/20/2022

Vendor Name	Purchase Order Number	Payable Number	Payable Date	Description (Item)	Account Number	Payment Number	Amount
SAMS CLUB		9862317193	06/07/2022	SUPPLIES FOR PD LOUNGE AND EOC	19-21-23-7304	64099	269.91
SAMS CLUB		9864335472	06/13/2022	SUPPLIES FOR PD LOUNGE AND EOC	19-21-23-7304	64099	-8.92
SAMS CLUB		9864335472	06/13/2022	SUPPLIES FOR PD LOUNGE AND EOC	19-21-23-7304	64099	230.16
CHARTER COMMUNICATION		0371802062522	06/25/2022	SPECTRUM BUSINESS VOICE	19-21-23-6253	64176	279.93
CHARTER COMMUNICATION		0371802062522	06/25/2022	SPECTRUM TV AND INTERNE	19-21-23-6255	64176	246.30
NEW SYSTEM CARPET AND BUILDING CARE LTD		095455	05/23/2022	SUPPLIES FOR 350 N NEW BALLAS	19-21-23-6212	64158	113.96
ENERGY PETROLEUM CO		154821	06/08/2022	DIESEL FUEL FOR 350 N NEW BALLAS-PD	19-21-23-7307	64149	1,882.28
ZAGARRI HOLDINGS INC		2022CCPD-02	06/27/2022	ANNUAL PUBLIC SAFETY RF SURVEY 1/1-12/31/2022	19-21-23-6211	64221	2,500.00
NORTHWESTERN UNIVERSTI		20351	05/19/2022	SCHOOL OF POLICE STAFF AND COMMAND	19-21-23-6261	64202	4,400.00
DOUGLAS VENTURES LLC		207221207-65	07/01/2022	350 N NEW BALLAS - JULY MONTH CONTRACT	19-21-23-6212	64183	1,530.00
AUTHORIZED ELEVATOR		28417	07/01/2022	350 N NEW BALLAS-JULY MAINT CONTRACT	19-21-23-6211	64173	75.00
HOME DEPOT CREDIT SERVICES		2905570	06/24/2022	SLIDE ON DOOR SWEEP/STO	19-21-23-7302	64150	41.94
MISSOURI AMERICAN WATER CO		3905773-07-22	07/05/2022	350 N NEW BALLAS RD - 7/2-8/1/22	19-21-23-6254	64193	107.52
WIEGMANN ASSOCIATES		75019	06/24/2022	PREV MAINT-350 N NEW BALLAS RD	19-21-23-6211	64168	1,150.00
WIEGMANN ASSOCIATES		75062	06/27/2022	SCV CALL 350 N NEW BALLA	19-21-23-6212	64168	375.00
WIEGMANN ASSOCIATES		75091	06/28/2022	SVC CALL 350 N NEW BALLAS RD	19-21-23-6212	64168	200.00
RSC INSURANCE BROKERAGE INC		9877	07/13/2022	FY23 PROPERTY POLICY RENEWAL	19-21-23-6226	64209	34,038.28
MISSOURI STATE HIGHWAY PATROL		CRASHRECTAP	05/04/2022	8/22-9/2/22 CRASH RECONSTRUCTION SCHOOL-TAPELLA	19-21-23-6265	64197	1,062.00
MISSOURI STATE HIGHWAY PATROL		CRASHRECZUCK	05/04/2022	08/22-9/2/22 CRASH RECONSTRUCTION SCHOOL ZUCKERMAN	19-21-23-6265	64197	1,062.00

Division 23 - COUNTY PUBLIC SAFETY-PROP P Total: 49,614.63

Department 21 - POLICE Total: 49,614.63

Fund 19 - PUBLIC SAFETY FUND Total: 49,614.63

Grand Total: 1,089,404.89

Report Summary

Fund Summary

Fund	Payment Amount
01 - GENERAL FUND	745,906.73
02 - CAPITAL IMPROVEMENT FUND	30,802.27
05 - PARK & STORMWATER FUND	57,879.92
06 - MUNICIPAL ENTERPRISE FUND	81,067.44
11 - SEWER LATERAL FUND	305.77
16 - DEBT SERVICE-POLICE BLDG.	123,828.13
19 - PUBLIC SAFETY FUND	49,614.63
Grand Total:	1,089,404.89

Account Summary

Account Number	Account Name	Payment Amount
01-11-12-5243	WORKERS COMPENSATI	48.28
01-11-12-6262	DUES MEMBERSHIPS &	4,820.00
01-11-13-5243	WORKERS COMPENSATI	73.72
01-11-13-6203	PROFESSIONAL SERVICE	2,625.00
01-11-13-6213	OFFICE EQUIPMENT MAI	945.70
01-11-13-6262	DUES MEMBERSHIPS &	35.00
01-11-13-6264	IN TOWN MEETINGS	16.00
01-12-10-6201	LEGAL AND ACCOUNTIN	11,587.00
01-12-11-5243	WORKERS COMPENSATI	432.44
01-12-11-6203	PROFESSIONAL SERVICE	5,193.65
01-12-11-6253	TELEPHONE	49.48
01-12-11-6262	DUES MEMBERSHIPS &	150.00
01-12-11-6271	MEDICAL SUPPLIES	590.00
01-12-14-5243	WORKERS COMPENSATI	146.40
01-12-14-6201	LEGAL AND ACCOUNTIN	679.16
01-12-14-6213	OFFICE EQUIPMENT MAI	259.33
01-12-14-6265	TRAVEL & CONFERENCE	395.39
01-12-14-7304	GENERAL SUPPLIES	271.02
01-13-11-5243	WORKERS COMPENSATI	299.54
01-13-11-6253	TELEPHONE	24.74
01-13-15-5230	HOSPITAL AND MEDICAL	15,713.96
01-13-15-6213	OFFICE EQUIPMENT MAI	745.00
01-13-15-6220	LIABILITY INSURANCE	95,374.00
01-13-15-6226	PROPERTY INSURANCE (	59,471.78
01-13-15-6253	TELEPHONE	2,577.36
01-13-15-6255	CABLE TV AND INTERNE	14.46
01-13-15-6272	EMPLOYEE RELATIONS	300.00
01-13-15-7312	OFFICE SUPPLIES	4,325.74
01-13-51-5243	WORKERS COMPENSATI	82.02

Account Summary

Account Number	Account Name	Payment Amount
01-13-51-6202	TECHNICAL AND PERSO	3,200.00
01-13-51-6213	OFFICE EQUIPMENT MAI	1,643.05
01-13-51-6253	TELEPHONE	24.74
01-13-51-7331	COMPUTER HARDWARE	2,422.16
01-14-11-5243	WORKERS COMPENSATI	1,104.19
01-14-11-6202	TECHNICAL AND PERSO	3,507.00
01-14-11-6203	PROFESSIONAL SERVICE	381.27
01-14-11-6213	OFFICE EQUIPMENT MAI	43.66
01-14-11-6221	VENABLE PARK EXPENSE	3,250.00
01-14-11-6262	DUES MEMBERSHIPS &	175.00
01-14-11-6266	EQUIPMENT RENTAL	800.00
01-14-11-6281	5K RUN EXPENSES	90.86
01-16-11-5243	WORKERS COMPENSATI	2,149.73
01-16-11-6211	EQUIPMENT MAINTENA	1,751.00
01-16-11-6212	BUILDING AND GROUND	2,993.23
01-16-11-6253	TELEPHONE	24.74
01-16-11-6254	WATER AND SEWER	1,454.67
01-21-11-5243	WORKERS COMPENSATI	12,246.86
01-21-11-6202	TECHNICAL AND PERSO	156,185.00
01-21-11-6213	OFFICE EQUIPMENT MAI	190.40
01-21-11-6253	TELEPHONE	408.78
01-21-11-6262	DUES MEMBERSHIPS &	225.00
01-21-11-6271	MEDICAL SUPPLIES	1,524.42
01-21-11-7307	GASOLINE, PROPANE &	1,686.97
01-21-21-5243	WORKERS COMPENSATI	13,072.28
01-21-21-6202	TECHNICAL AND PERSO	1,642.00
01-21-21-6203	PROFESSIONAL SERVICE	2,995.00
01-21-21-6253	TELEPHONE	75.01
01-21-21-6262	DUES MEMBERSHIPS &	35.00
01-21-21-7307	GASOLINE, PROPANE &	1,194.57
01-21-22-5243	WORKERS COMPENSATI	71,111.79
01-21-22-6210	VEHICLE MAINTENANCE	630.00
01-21-22-6253	TELEPHONE	114.87
01-21-22-7307	GASOLINE, PROPANE &	32,279.49
01-21-22-9503	EQUIPMENT	169.75
01-2211	HEALTH INSURANCE	95,995.65
01-2213	DENTAL INSURANCE PAY	5,152.95
01-2215	INTENSIVE CARE/CANCE	437.70
01-2218	VISION CARE	936.71
01-2412	PEACE OFFICER AND STA	11.00
01-2413	CVC - CRIME VICTIMS C	67.50
01-31-11-5243	WORKERS COMPENSATI	1,765.05

Account Summary

Account Number	Account Name	Payment Amount
01-31-11-6203	PROFESSIONAL SERVICE	6,000.00
01-31-11-6213	OFFICE EQUIPMENT MAI	77.44
01-31-11-6253	TELEPHONE	123.70
01-31-41-5230	HOSPITAL AND MEDICAL	-520.44
01-31-41-5233	DENTAL INSURANCE	-9.68
01-31-41-5243	WORKERS COMPENSATI	20,650.05
01-31-41-6207	TEMP PROFESSIONAL SE	3,520.49
01-31-41-6210	VEHICLE MAINTENANCE	7,003.33
01-31-41-6253	TELEPHONE	222.46
01-31-41-6254	WATER AND SEWER	1,153.74
01-31-41-6266	EQUIPMENT RENTAL	612.35
01-31-41-7305	STREET & SIDEWALK MA	5,720.56
01-31-41-7307	GASOLINE, PROPANE &	14,564.94
01-31-41-7308	WEARING APPAREL AND	1,625.98
01-31-42-6216	LARVACIDING	2,583.50
01-31-43-5243	WORKERS COMPENSATI	5,331.49
01-31-43-6207	TEMP PROFESSIONAL SE	1,173.50
01-31-43-6210	VEHICLE MAINTENANCE	2,334.44
01-31-43-6211	EQUIPMENT MAINTENA	167.40
01-31-43-6212	BUILDING AND GROUND	15,832.43
01-31-43-6224	TAPPMAYER HOUSE MAI	263.00
01-31-43-6253	TELEPHONE	57.66
01-31-43-6254	WATER AND SEWER	190.84
01-31-43-6266	EQUIPMENT RENTAL	612.35
01-31-43-7302	SMALL TOOLS	49.97
01-31-43-7307	GASOLINE, PROPANE &	1,922.19
01-31-43-7308	WEARING APPAREL AND	726.96
01-32-11-5243	WORKERS COMPENSATI	218.04
01-32-11-6202	TECHNICAL AND PERSO	92.30
01-32-11-6203	PROFESSIONAL SERVICE	5,000.00
01-32-11-6253	TELEPHONE	24.74
01-32-11-6260	ADVERTISING	124.12
01-32-61-5243	WORKERS COMPENSATI	14,057.59
01-32-61-6215	WEED CUTTING AND TR	955.00
01-32-61-6253	TELEPHONE	518.00
01-4402	OCCUPATIONAL LICENSE	14.40
01-4420	BUILDING PERMITS	500.00
01-4604	POLICE MISC REVENUE	-3.33
02-61-71-5243	WORKERS COMPENSATI	-68.73
02-61-71-9501	BUILDINGS AND IMPRO	30,871.00
05-61-71-5243	WORKERS COMPENSATI	5,079.92
05-61-71-9506	PARK DEVELOPMENT PR	52,800.00

Account Summary

Account Number	Account Name	Payment Amount
06-14-31-5230	HOSPITAL AND MEDICAL	-260.22
06-14-31-5233	DENTAL INSURANCE	-9.68
06-14-31-5243	WORKERS COMPENSATI	5,981.96
06-14-31-6203	PROFESSIONAL SERVICE	3,250.00
06-14-31-6211	EQUIPMENT MAINTENA	14,330.30
06-14-31-6212	BUILDING AND GROUND	621.78
06-14-31-6213	OFFICE EQUIPMENT MAI	43.67
06-14-31-6220	LIABILITY INSURANCE	1,542.00
06-14-31-6226	PROPERTY INSURANCE (	21,888.48
06-14-31-6253	TELEPHONE	24.74
06-14-31-6254	WATER AND SEWER	771.57
06-14-31-6255	CABLE TV AND INTERNE	93.19
06-14-31-7301	CHEMICALS & CLEANING	15.27
06-14-31-7307	GASOLINE, PROPANE &	80.91
06-14-31-7308	WEARING APPAREL AND	344.29
06-14-32-5243	WORKERS COMPENSATI	1,821.64
06-14-32-6202	TECHNICAL AND PERSO	1,485.00
06-14-32-6211	EQUIPMENT MAINTENA	318.75
06-14-32-6212	BUILDING AND GROUND	30.98
06-14-32-6220	LIABILITY INSURANCE	958.00
06-14-32-6226	PROPERTY INSURANCE (	437.45
06-14-32-6253	TELEPHONE	24.74
06-14-32-6254	WATER AND SEWER	3,887.27
06-14-32-7302	SMALL TOOLS	194.37
06-14-32-7303	HORTICULTURAL SUPPLI	3,309.50
06-14-32-7307	GASOLINE, PROPANE &	4,221.31
06-14-33-5243	WORKERS COMPENSATI	1,132.75
06-14-33-6202	TECHNICAL AND PERSO	750.00
06-14-33-6210	VEHICLE MAINTENANCE	239.00
06-14-33-6213	OFFICE EQUIPMENT MAI	43.67
06-14-33-6220	LIABILITY INSURANCE	632.00
06-14-33-6226	PROPERTY INSURANCE (	1,904.86
06-14-33-6255	CABLE TV AND INTERNE	40.16
06-14-33-7304	GENERAL SUPPLIES	1,195.50
06-14-33-8324	MERCHANDISE-GOLF BA	430.96
06-14-33-8325	MERCHANDISE-APPAREL	233.72
06-14-33-9503	EQUIPMENT	4,280.00
06-14-34-5243	WORKERS COMPENSATI	155.22
06-14-34-6202	TECHNICAL AND PERSO	2.00
06-14-34-6211	EQUIPMENT MAINTENA	60.00
06-14-34-6220	LIABILITY INSURANCE	36.00
06-14-34-6226	PROPERTY INSURANCE (	348.15

Account Summary

Account Number	Account Name	Payment Amount
06-14-34-7301	CHEMICALS & CLEANING	11.65
06-14-34-8315	SANDWICHES AND HOT	214.15
06-14-34-8316	BEER	1,001.85
06-14-34-8317	COFFEE,TEA & SOFT DRI	1,303.14
06-14-34-8319	SNACKS	595.25
06-14-34-8321	MISCELLANEOUS SUPPLI	203.40
06-1625	GOLF BALLS	88.14
06-1628	GOLF - APPAREL	758.60
11-61-93-5243	WORKERS COMPENSATI	305.77
16-61-71-8410	DEBT INTEREST PAYMEN	123,828.13
19-21-23-6211	EQUIPMENT MAINTENA	3,784.00
19-21-23-6212	BUILDING AND GROUND	2,218.96
19-21-23-6226	PROPERTY INSURANCE (	34,038.28
19-21-23-6253	TELEPHONE	279.93
19-21-23-6254	WATER AND SEWER	106.92
19-21-23-6255	CABLE TV AND INTERNE	247.17
19-21-23-6261	EDUCATION & TRAINING	4,400.00
19-21-23-6265	TRAVEL & CONFERENCE	2,124.00
19-21-23-7302	SMALL TOOLS	41.94
19-21-23-7304	GENERAL SUPPLIES	491.15
19-21-23-7307	GASOLINE, PROPANE &	1,882.28
	Grand Total:	1,089,404.89

Project Account Summary

Project Account Key	Payment Amount
None	1,032,227.89
0141116221E	3,250.00
10222E	1,127.00
205E	52,800.00
	Grand Total:
	1,089,404.89

BILL NO. 6017

ORDINANCE NO. _____

**AN ORDINANCE REPEALING ORDINANCE NUMBER 5250 AND AUTHORIZING THE
ISSUANCE OF A NEW CONDITIONAL USE PERMIT FOR THE OPERATION OF A 10
SCREEN MOVIE THEATER, 10 LANE BOWLING ALLEY, ROPES COURSE AND FULL-
SERVICE DINING FOR B&B THEATERS WITHIN THE WEST PARK DEVELOPMENT
LOCATED AT 12657 OLIVE BOULEVARD**

WHEREAS, under Section 405.370(C), motion picture theatres, except drive-ins, bowling centers, other amusement and recreation industries, and full-service dining 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 #5250, was approved by the City Council on May 29, 2012, for the operation of a 55,000 sq. ft. 16-screen motion picture theatre with a maximum seating of 1,035; and

WHEREAS, an application was submitted by Dennis McIntire, of B&B Theaters, to amend the conditional use permit to allow for modification to the existing theaters to reduce the movie screens to 10 movie screens, and to accommodate a 10-lane bowling alley, a ropes course and full service restaurant; and

WHEREAS, restaurant use will be for the entertainment patrons only, and therefore does not generate additional customer parking demand; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Tuesday, July 5, 2022, beginning at 6:00 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(2); and

WHEREAS, notice of publication for said public hearing had been previously published at least 15 days prior to the hearing, in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a 6-0 vote, recommended approval of the request, subject to the conditions contained herein, at its meeting on July 5, 2022; and

WHEREAS, all parties desiring to be heard, either for or against said application, were given an opportunity to be heard, and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the Council; and this Bill having been read by title in open meeting two times before final passage by the City Council, and

WHEREAS, the City Council finds that the application and evidence presented clearly indicate that the proposed conditional use, when subject to certain conditions set forth herein:

1. 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. 6017

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 therefrom.
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: Ordinance #5250 is hereby repealed.

Section 2: A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a 10-screen theater, 10-lane bowling alley, ropes course and full-service dining located at 12657 Olive Boulevard, in the "CB" Core Business zoning district, within the West Park development, whose legal description is as follows:

PARCEL NO.1.

TRACT A: Adjusted Lot IT A of West Park according to the boundary adjustment plat thereof recorded in Plat Book 342, Pages 36 and 37.

TRACT B: Adjusted Parcel 3 of Adjusted Parcels 1, 2 and 3 of U.S. Survey 1923, according to the boundary adjustment plat thereof recorded in Plat Book 344, Page 7 of the St. Louis County Records and survey affidavit recorded in Book 10900, Page 2215.

PARCEL NO.2:

Easement rights appurtenant to Parcel No. 1 under the Restated Declaration of Covenants, Easements and Restrictions recorded on March 27, 1996 as Daily No. 1071, said easement rights being in, through, over and upon the following described property:

EASEMENT TRACT NO.1: Adjusted Lot III A of West Park, according to the boundary adjustment plat thereof recorded in Plat Book 342, Pages 36 and 37.

EASEMENT TRACT NO.2: Lot III B of West Park, according to the plat thereof recorded in Plat Book 284 pages 1 and 2 of the St. Louis County Records, as amended by surveyor's affidavit recorded in Book 8674, page 1811.

EASEMENT TRACT NO.3: Lot II B of West Park, according to the plat thereof recorded in Plat Book 284 pages 1 and 2 of the St. Louis County Records, as amended by Surveyor's Affidavit recorded in Book 8674, Page 1811.

EASEMENT TRACT NO.4: Adjusted Lot 1 of West Park, according to the boundary adjustment plat thereof recorded in Plat Book 342, Pages 36 and 37.

PARCEL NO.3:

Easement rights appurtenant to Parcel No. 1 under Cross Easement and Restriction Agreement recorded in Book 10779, Page 2231, said easement rights being in, through, over and upon the following described property:

EASEMENT TRACT NO.1: Lot 1 of Parkway, according to the plat thereof recorded in Plat Book 73 page 49 of the St. Louis County Records, EXCEPTING THEREFROM that part taken for the widening of Olive Street Road.

EASEMENT TRACT NO.2: Lot 2 of Parkway, according to the plat thereof

BILL NO. 6017

ORDINANCE NO. _____

recorded in Plat Book 73, Page 49 of the St. Louis County Records, EXCEPTING THEREFROM that part conveyed to the State of Missouri, by the instrument recorded in Book 6746, Page 1625. Said Easement Tracts No.1 and 2 now known as Adjusted Lot A of Boundary Adjusted Plat of Lots 1 and 2 of Parkway Subdivision according to the plat thereof recorded in Plat Book 342 page 65, EXCEPTING THEREFROM that part conveyed to St. Louis County by instrument recorded in Book 10807, Page 1963.

Section 3: The Conditional Use Permit granted shall be subject to all applicable statutes, ordinances, rules and regulations, and the following conditions:

1. The Conditional Use Permit shall be for the operation of 55,000 square foot 10 screen movie theater, 10 Lane Bowling Alley, Ropes Course and Full-Service Dining for B&B theater at 12657 Olive Boulevard.
2. Maximum theatre seating permitted is limited to 622.
3. Maximum square footage of the kitchen is 1,670 square feet, and bar area (including three beverage stations) is 3,377 square feet.
4. Bar area shall be for ticketed patrons only.
5. Hours of operation shall be 10:00 a.m. to 12:00 a.m. seven days a week.
6. Additional business hours may be permitted with the Zoning Administrator's approval.
7. If the parking lot across Whispering Pines Drive in St. Louis County is removed from the available parking count for the movie theater, an amendment must be made to the Conditional Use Permit to account for the reduced amount of available parking.
8. Off-street parking requirements will be calculated as a hybrid follows:
 - 1 space for every 3 seats, 1 space for each employee at time of busiest shift as indicated at time of the application for the conditional use permit, 1 space per 150 square feet of amusement and recreational floor area, and 5 spaces per bowling lane.
9. All signs and banners shall be in conformance with Article VII, Sign Regulations, of the Zoning Code.
10. The kitchen shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
11. Any mechanical equipment installed for the site shall be properly screened with approved materials.
12. The floor plan for the theater shall be filed with the Creve Coeur Zoning Administrator showing the type and location of all equipment, furniture and other information which may be requested by the building official.
13. There shall be no outdoor storage or placement of any materials or equipment used in conjunction with the theatre.
14. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
15. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
16. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period:
 - (1) a building permit is obtained and construction is begun; or
 - (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The

BILL NO. 6017

ORDINANCE NO. _____

City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.

17. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

Section 4: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 2 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

Section 5: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2022.

JOSEPH MARTINICH
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2022.

DR. ROBERT HOFFMAN
MAYOR

ATTEST:

KELLIE HENKE
CITY CLERK

BILL NO. 5366ORDINANCE NO. 5250

**AN ORDINANCE REPEALING ORDINANCES NUMBER 1612 AND 1707 AND
AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE PERMIT FOR A 16
SCREEN AMC MOTION PICTURE THEATER, WITH IN-THEATER DINING SERVICE
WITHIN THE WEST PARK DEVELOPMENT LOCATED AT 12657 OLIVE BOULEVARD**

WHEREAS, under Section 405.370(C), eating and drinking places and motion picture theatres, except drive-in, 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 #1612, was approved by the City Council on November 22, 1993, and ordinance #1707 was approved by the City Council on April 10, 1995, for the operation of a 55,000 sq. ft. 16-screen motion picture theatre with a maximum seating of 2,992; and

WHEREAS, an application was submitted by Tammy Korte, of ArcVision, on behalf of Kevin M. Connor, American Multi-Cinema, Inc., to amend the conditional use permit to allow for in-theater dining and bar service; and

WHEREAS, restaurant use will be for the movie theater patrons only, and therefore does not generate additional customer parking demand; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, April 16, 2012, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(2); and

WHEREAS, notice of publication for said public hearing had been previously published at least 15 days prior to the hearing, in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a 6 - 0 vote, recommended approval of the request, subject to the conditions contained herein, at its meeting on April 16, 2012; and

WHEREAS, all parties desiring to be heard, either for or against said application, were given an opportunity to be heard, and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the Council; and this Bill having been read by title in open meeting two times before final passage by the City Council, and

WHEREAS, the City Council finds that the application and evidence presented clearly indicate that the proposed conditional use, when subject to certain conditions set forth herein:

1. Will contribute to and promote the community welfare and convenience at the specific location.
2. Will not cause substantial injury to the value of neighboring property.
3. Meets the applicable provisions of the City's Comprehensive Plan and any applicable neighborhood or sector plans and complies with other applicable zoning district regulations and provisions of this Chapter, unless good cause exists for deviation therefrom.

BILL NO. 5366ORDINANCE NO. 5250

4. Will be compatible with the surrounding area and thus will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent users or on community facilities or services.

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

Section 1: Ordinance #1612 and Ordinance #1707 are hereby repealed.

Section 2: A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a 16-screen theater with full service dining located at 12657 Olive Boulevard, in the "CB" Core Business zoning district, within the West Park development, whose legal description is as follows:

PARCEL NO.1.

TRACT A: Adjusted Lot IT A of West Park according to the boundary adjustment plat thereof recorded in Plat Book 342, Pages 36 and 37.

TRACT B: Adjusted Parcel 3 of Adjusted Parcels 1, 2 and 3 of U.S. Survey 1923, according to the boundary adjustment plat thereof recorded in Plat Book 344, Page 7 of the St. Louis County Records and survey affidavit recorded in Book 10900, Page 2215.

PARCEL NO.2:

Easement rights appurtenant to Parcel No. 1 under the Restated Declaration of Covenants, Easements and Restrictions recorded on March 27, 1996 as Daily No. 1071, said easement rights being in, through, over and upon the following described property:

EASEMENT TRACT NO.1: Adjusted Lot III A of West Park, according to the boundary adjustment plat thereof recorded in Plat Book 342, Page: 36 and 37.

EASEMENT TRACT NO.2: Lot III B of West Park, according to the plat thereof recorded in Plat Book 284 pages 1 and 2 of the St. Louis County Records, as amended by surveyor's affidavit recorded in Book 8674 page 1811.

EASEMENT TRACT NO.3: Lot II B of West Park, according to the plat thereof recorded in Plat Book 284 pages 1 and 2 of the St. Louis County Records, as amended by Surveyor's Affidavit recorded in Book 8674, Page 1811.

EASEMENT TRACT NO.4: Adjusted Lot 1 of West Park, according to the boundary adjustment plat thereof recorded in Plat Book 342, Pages 36 and 37.

PARCEL NO.3:

Easement rights appurtenant to Parcel No. 1 under Cross Easement and Restriction Agreement recorded in Book 10779, Page 2231, said easement rights being in, through, over and upon the following described property:

EASEMENT TRACT NO.1: Lot 1 of Parkway, according to the plat thereof recorded in Plat Book 73 page 49 of the St. Louis County Records, EXCEPTING THEREFROM that part taken for the widening of Olive Street Road.

EASEMENT TRACT NO.2: Lot 2 of Parkway, according to the plat thereof recorded in Plat Book 73, Page 49 of the St. Louis County Records, EXCEPTING THEREFROM that part conveyed to the State of Missouri, by the instrument recorded in Book 6746, Page 1625. Said Easement Tracts No.1 and 2 now known as Adjusted Lot A of Boundary Adjusted Plat of Lots 1 and 2 of Parkway Subdivision according to the plat thereof recorded in Plat Book 342 page 65, EXCEPTING THEREFROM that part conveyed to St. Louis County by instrument recorded in Book 10807, Page 1963.

BILL NO. 5366ORDINANCE NO. 5250

Section 3: The Conditional Use Permit granted shall be subject to all applicable statutes, ordinances, rules and regulations, and the following conditions:

1. The Conditional Use Permit shall be for the operation of 55,000 square foot 16 screen, AMC theater with full service dining, at 12657 Olive Boulevard.
2. Maximum theatre seating permitted is limited to 1035.
3. Maximum square footage of the kitchen is 1,670 square feet, and bar area (including three beverage stations) is 1,425 square feet.
4. Bar area shall be for ticketed patrons only.
5. Hours of operation shall be 9:30 a.m. to 2:30 a.m. seven days a week.
6. Additional business hours may be permitted with the Zoning Administrator's approval.
7. Off-street parking requirements will be calculated as a combination of seating and employees, as follows:
 - 1 space for every 3 seats, and 1 space for each employee at time of busiest shift as indicated at time of the application for the conditional use permit.
8. All signs and banners shall be in conformance with Article VII, Sign Regulations, of the Zoning Code.
9. The kitchen shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
10. Any mechanical equipment installed for the site shall be properly screened with approved materials.
11. The floor plan for the theater shall be filed with the Creve Coeur Zoning Administrator showing the type and location of all equipment, furniture and other information which may be requested by the building official.
12. There shall be no outdoor storage or placement of any materials or equipment used in conjunction with the theatre.
13. No video games shall be permitted at any location within the theatre.
14. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
15. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
16. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.
17. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

BILL NO. 5366ORDINANCE NO. 5250

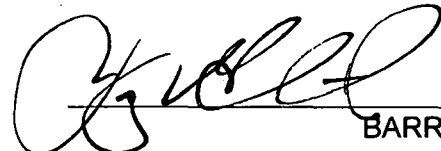
Section 4: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 2 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

Section 5: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

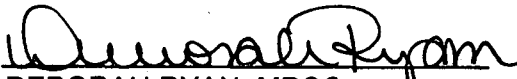
ADOPTED THIS 29th DAY OF May, 2012.


ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS 29th DAY OF May, 2012.


BARRY GLANTZ
MAYOR

ATTEST:


DEBORAH RYAN, MPCC
CITY CLERK



300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539
www.crevecoeurmo.gov

APPLICATION TO PLANNING AND ZONING COMMISSION
#22-013: CONDITIONAL USE PERMIT - TO REPEAL ORDINANCE 5250
AND ISSUE A NEW CUP FOR THE OPERATION OF A 10-SCREEN MOVIE
THEATER, 10 LANE BOWLING ALLEY, ROPES COURSE WITH FULL-
SERVICE DINING FOR B&B THEATERS LOCATED AT 12657 OLIVE
BOULEVARD

FOR THE MEETING OF: July 5, 2022

LOCATION: 12657 Olive Boulevard in the CB Core Business District

REQUEST: Dennis McIntire, of B&B Theaters, has submitted a request to amend the conditional use permit to allow for an interior remodel for a 10-screen movie theater, 10-lane bowling alley and ropes course with full service dining in the existing movie theater space of the former AMC Theater located within the West Park Center. The property is located at the northeast corner of Olive Boulevard and Whispering Pines Drive, within the West Park Development, and is zoned "CB" Core Business District.

ADDITIONAL INFORMATION:

All motion picture theaters and eating and drinking establishments are permitted by issuance of conditional use permit in the "CB" Core Business District per Section 405.370. Ordinance 5250 authorized the conditional use permit to operate a 1,035 seat, 16-screen motion picture theater in the West Park Development and requires that any enlargement, extension, expansion, 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.

Key Issues:

- Does the request integrate with the existing use?
- Does the request further the goals and/or implement the Comprehensive Plan?
- Is the request consistent with the required findings for a conditional use permit?

Creve Coeur 2030 Comprehensive Plan References

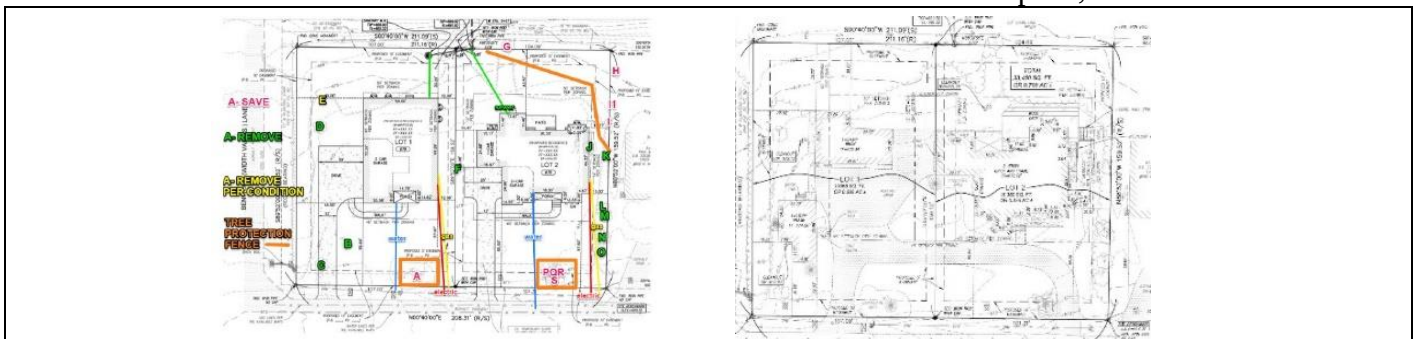
- MU-Mixed Use Type District
- Design Guidelines

Zoning Code References

- Section 405.210 Regulation of Uses
- Section 405.370 "CB" Core Business District
- Section 405.470 Conditional Uses
- Section 405.820 Required Off-Street Parking Spaces

APPLICANTS: Dennis McIntire
B&B Theaters
PO Box 129
Liberty, MO 64069

REPRESENTATIVE: Jim Klausman
Klayton Properties, LLC
3024 SW Wanamaker Road,
Suite 300
Topeka, KS 66614



REPORT PREPARED BY: Bethany L. Moore, City Planner

ATTACHMENTS: Applicant's Materials received June 1, 2022
Draft Ordinance
Ordinance 5250

BACKGROUND AND PROPOSAL REQUEST

In 2012 (Ordinance No. 5250), the City Council authorized a conditional use permit to operate a 16-screen motion picture theatre in the West Park Development, located on the northeast corner of Olive Boulevard and Whispering Pines Drive. Ordinance 5250 repealed Ordinances 1612 and 1707 and authorized the issuance of a new conditional use permit to allow for a 16-screen 55,000 square foot motion picture theater with a maximum of 1,035 seats within the building, alteration of the use to include a 1,670 sq. ft. kitchen, a 400 sq. ft. bar area with a maximum of 20 seats, and three beverage stations for a total of 727 sq. ft., and conversion of the traditional stadium seating into 8 theatres with “Fork & Screen” seating, and 8 theatres with “Cinema Suites” seating for dining services. Only ticket holders for a movie were able to utilize the bar area (with a maximum of 20 seats).

The current proposal is to renovate the existing theater complex for a mix of entertainment uses including a 10-screen movie theater, 10-lane bowling alley, ropes course and full-service dining. 6 of the existing movie theater auditoriums would be removed to make room for the new uses. Auditoriums #15 and #16 will be demolished and reconfigured into a single large auditorium with a 70' screen, 197 heated recliner seats, with upgraded sound and projection, to be branded B&B Grand Screen. Auditoriums #9, #10, #11, #12, #13, and #14 will stay structurally the same but will get new heated recliner seating and upgrades to sound and projection. Auditoriums #6, #7 and #8 seating platforms will be demolished, and a new riser system will be installed to incorporate B & B Theatres concept auditoriums. Those auditoriums would be branded ScreenPlay, Lyric and MX4D and would feature updated seating, sound, and projection. Auditoriums #1, #2, #3, #4 and #5 will be demolished to make room for the entertainment center that will feature bowling, family arcade and overhead ropes course. The removal of 6 theaters and the restructuring of the remaining 10 theaters will reduce the overall movie theater seats from 1,035 approved per Ord. 5250 to 622 seats with the current proposal. As part of the renovation process the existing concession stand will be demolished, and a new concession and bar area will be built as a connection to the new entertainment center. Cosmetic changes to most of the lobby, all restrooms, kitchen, mezzanine, and support areas are also proposed but the overall floor plans for these areas will not change. The applicant is not proposing any changes to the site, or exterior of the building.

Because of the seating changes to the existing movie theater use, the addition of the 10-lane bowling alley, the ropes course recreational area, and the enlargement of the dining and bar area, Staff is recommending a repeal of the existing ordinance and a replacement with a new conditional use permit.

OCCUPANT LOAD - AUDITORIA

AUDITORIA FIXED SEAT COUNTS (FOR REF ONLY)

	AREA NAME	AREA	FUNCTION	SEATS
01	Grand Screen	4488 SF	ASSEMBLY, FIXED SEATS	197
02	Lyric	1466 SF	ASSEMBLY, FIXED SEATS	49
03	Auditorium	1481 SF	ASSEMBLY, FIXED SEATS	45
04	MX4D	1407 SF	ASSEMBLY, FIXED SEATS	49
05	Auditorium	1372 SF	ASSEMBLY, FIXED SEATS	37
06	Screen Play	2042 SF	ASSEMBLY, FIXED SEATS	46
07	Auditorium	2964 SF	ASSEMBLY, FIXED SEATS	81
08	Max Relax	1443 SF	ASSEMBLY, FIXED SEATS	32
09	Auditorium	1390 SF	ASSEMBLY, FIXED SEATS	37
10	Auditorium	1777 SF	ASSEMBLY, FIXED SEATS	49
				622

OCCUPANT LOAD - ENTERTAINMENT CENTER

	AREA NAME	AREA	FUNCTION	SEATS / LANES
103	Bar	1516 SF	ASEMBLY, UNCONCENTRATED	70
105	Lounge	1541 SF	ASEMBLY, UNCONCENTRATED	53
106	Concierge	156 SF	BUSINESS AREAS	NA
107	Bowling	6695 SF	BOWLING CENTERS	10 LANES
108	Arcade	3236 SF	ASEMBLY, UNCONCENTRATED	NA
109	Redemption	280 SF	ASEMBLY, UNCONCENTRATED	NA
109a	Redemption Storage	80 SF	SERVICE SPACE	NA
110	Party Room	320 SF	ASEMBLY, UNCONCENTRATED	22

Figure 1. Individual use information for B&B Theaters proposed uses.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Multi-Family Residential	St. Louis County	N/A
South	Hospital and Office Building	“PH” Planned Hospital District, “CB” Core Business District	Olive Boulevard (hospital)
East	Office Building	“CB” Core Business	NA
West	Retail	St. Louis County	Whispering Pines Drive

COMPREHENSIVE PLAN REVIEW

The subject property is part of the West Olive Corridor in the Mixed-Use District place type. This place type accommodates the suburban development pattern typical of the majority of Creve Coeur’s existing commercial and retail development, while providing public realm enhancements to improve visual character of the Olive Boulevard corridor. Over time, this place type encourages a further diversification of land uses, including multi-family residential and mixed-use development. The proposed expansion of the use to family activities in conjunction with the theatre provides a unique and new amenity to City and County residents. The proposed use is integrated into the existing facility, with no modification to the exterior of the building or

site. Since there are no known concerns with the existing development, it appears that the request meets with the Goals and Objectives of the Comprehensive Plan.

ZONING REVIEW

Theatres are permitted with conditions in the “GC” General Commercial and “CB” Core Business districts, restaurants are permitted with conditions in all commercial zoning districts within the city, bowling centers are conditional uses in “PC” Planned Community “GC” and “CB” districts, and all other amusement and recreation industries are conditional uses in “A”, “B” “C” and “D” Single Family Residential districts, “AR” Attached Single Family Residential district, “PC” “GC” “CB” districts and a permitted use in “LI” Light Industrial district. The current conditional use permit for the theatre requires that any enlargement, extension, expansion, 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, expansion or alteration may be issued. As the applicant is not proposing any changes to the site or exterior of the building, the only key zoning discussion point is a review of the required off-street parking.

Parking:

Off-street parking regulations for multi-plex motion picture theaters are discussed under Section 405.820(6)(b):

6. *Motion pictures (SIC Code 78).*
 - b. *Multi-plex motion picture theaters. One (1) space per four (4) seats. Except, however, that such theaters may have their parking modified by the provisions of Section 405.800(G)(3) or for multi-plex theaters located with shopping centers containing over twenty-five thousand (25,000) square feet of floor area which provide at least six (6) parking spaces per one thousand (1,000) square feet of floor area or multi-plex theaters located with shopping centers over fifty thousand (50,000) square feet of floor area which provide at least five (5) parking spaces per one thousand (1,000) square feet of floor area may provide parking according to the following standards:*

Gross Retail Area	Parking Standard
25,000--49,999	1 space per 5 seats
50,000--79,999	1 space per 6 seats
80,000--99,999	1 space per 7 seats
100,000 square feet and larger	1 space per 8 seats

Off-street parking regulations for Other Amusement and Recreation Industries and Bowling Centers are discussed under Section 405.820 (7)(b) and (c):

7. *b. Fitness and recreational sports centers (NAICS 71394), and all other amusement and recreation industries (NAICS 713990). One (1) space per one hundred fifty (150) square feet of floor area.*
- c. Bowling centers (NAICS 71395). Five (5) spaces per lane.*

Parking provided on site includes 214 spaces in the area for the AMC Theater, and 218 spaces on the lot west of Whispering Pines Drive in unincorporated St. Louis County; for a total of 432 spaces. In 1996, the Property owners of West Park Development entered into an agreement for evening-only shared parking with the office and retail developments and the movie theater, as part of the site development plan approval. Taken together, 1,130 spaces are available for the theater in the evening.

The previous conditional use permit for the theatre indicated a total of 1,035 seats. This proposal will reduce the seating to 622 (approximately 60%). Given a parking requirement as a theater at 1 space per 4 seats, the total number of parking spaces required would be 156 spaces.

However, as the proposed concept also includes the use and expansion of the existing full-service restaurant, a review of the parking under the eating and drinking category was also taken into consideration. Parking regulations for restaurants are discussed under Section 405.820(F)(5) Required Off-Street Parking Spaces:

One (1) parking space per every three (3) seats of maximum occupancy recorded under the conditional use permit plus one (1) parking space per every two hundred fifty (250) square feet of total building floor area plus one (1) parking space per each eight (8) seats in an outdoor seating area.

Thus, the required parking would be 49 spaces for the seating total of 145 for the bar, lounge, and party room and 220 spaces for the total building floor area of 55,000 sq. ft., for a total of 269 spaces required. Normally, the inclusion of the floor area in the calculation is to account for the number of employees working, in addition to the patron seating.

However, the restaurant and bar functions completely overlap with the movie theater viewing, so the calculations of the parking needed for both restaurant and theatre seating does not represent an accurate accounting for the proposed concept. The applicant has indicated that the number of employees working during its peak shift will be 50 people, which is not accounted for in the theater requirement and grossly overestimated by the restaurant requirement. Therefore, per the modified parking count used in the previous conditional use permit to address this overlap, Staff recommends that the parking required be based on a hybrid of the seating and number of employees, as follows:

1 space for every 3 seats; and 1 space for each employee at time of busiest shift.

Thus, the total number of parking spaces required is 306 spaces for the movie theater and full-service restaurant uses. Staff also recommends that the required number of spaces for the ropes course/arcade area be calculated using only the square footage required for this use and not the entire square footage of the building. The multiple uses would overestimate the needed parking for a 320 square foot area for the Other Amusement and Recreation Industries use that will be available only to the movie theater patrons who are accounted for in the hybrid parking count for that use. This parking calculation would bring the required parking down from 367 spaces needed under the calculation for 1 space per 150 square feet of floor area for the 55,000 square feet of gross floor space down to 3 spaces for the actual floor space required for the ropes course/arcade of 320 square feet.

The total required parking for all uses using the modified parking count and rounding up would be 360, well within the total number of available parking spots on site of 412 between the 194 parking spaces exclusively for B&B Theaters use and the 218 spaces in the parking lot across Whispering Pines in St. Louis County. Therefore, staff does not anticipate a problem with the parking available for the use. If at any time, the parking lot in St. Louis County across Whispering Pines Drive is removed from use for available parking, the Conditional Use Permit will have to be amended and a parking count for the entire West Park Center will have to be calculated to include the new use and the reduced parking count.

Parking Requirements for B&B Theaters Uses Per Zoning Code			
Use	Size	Parking Regulations	# of spaces
Multi-Plex Motion Picture Theater (NAICS 512131)	55,000 Sq. Ft. Gross	1 space per 4 seats	156
Bowling Centers (NAICS 713950)	10 Lanes	5 spaces per lane	50
Other Amusement and Recreation Industries (NAICS 713990)	55,000 Sq. Ft.	1 space per 150 square feet of floor area	367
Full-Service Restaurant	55,000 Sq. Ft. Gross	1 space per 3 seats AND 1 space per 250 feet of total building floor area	49 AND 220
Total Required Parking Spaces			639

Figure 2. Parking count as totaled per Zoning Code requirement for each individual use.

Parking Requirements for B&B Theaters Uses Per Modified Parking Count			
Use	Size	Parking Regulations	# of spaces
Multi-Plex Motion Picture Theater (NAICS 512131)	55,000 Sq. Ft. Gross	1 space per 3 seats	208
Bowling Centers (NAICS 713950)	10 Lanes	5 spaces per lane	50
Other Amusement and Recreation Industries (NAICS 713990)	320 Sq. Ft.	1 space per 150 square feet of floor area	3
Full-Service Restaurant	55,000 Sq. Ft. Gross	1 space per 3 seats AND 1 space per employee at time of busiest shift	49 AND 50
Total Required Parking Spaces			360

Figure 3. Parking count as totaled per Zoning Code requirement for each individual use.

RECOMMENDATION

Based on the above analysis, the request for a conditional use permit meets all of the requirements of the Comprehensive Plan and Zoning Ordinances. Staff recommends approval subject to the conditions below which are included in the draft ordinance:

1. The Conditional Use Permit shall be for the operation of 55,000 square foot 10 screen movie theater, 10 Lane Bowling Alley, Ropes Course and Full-Service Dining for B&B theater at 12657 Olive Boulevard.
2. Maximum theatre seating permitted is limited to 622.
3. Maximum square footage of the kitchen is 1,670 square feet, and the bar area (including lounge and party room) is 3,377 square feet.
4. Bar area shall be for ticketed patrons only.
5. Hours of operation shall be 10:00 a.m. to 12:00 a.m. seven days a week.
6. Additional business hours may be permitted with the Zoning Administrator's approval.
7. If the parking lot across Whispering Pines Drive in St. Louis County is removed from the available parking count for the movie theater, an amendment must be made to the Conditional Use Permit to account for the reduced amount of available parking.
8. Off-street parking requirements will be calculated as a hybrid follows:
 - 1 space for every 3 seats, 1 space for each employee at time of busiest shift as indicated at time of the application for the conditional use permit, 1 space per 150 square feet of amusement and recreational floor area, and 5 spaces per bowling lane.

ACTION

If the Planning and Zoning Commission finds the attached draft conditional use permit ordinance to be in conformance with the purposes and regulations of the Comprehensive Plan and Zoning Code, it may vote on a recommendation to the City Council. Any changes to the draft ordinance should be discussed and made by separate actions.

Motion

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

"I move to recommend approval of Application #22-013 for a Conditional Use Permit for a 10-screen Movie Theater, 10 Lane Bowling Alley, Ropes Course and Full-Service Dining for B&B Theaters at 12657 Olive Boulevard, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of July 5, 2022" (conditions may be added, eliminated, or modified by preceding motion).

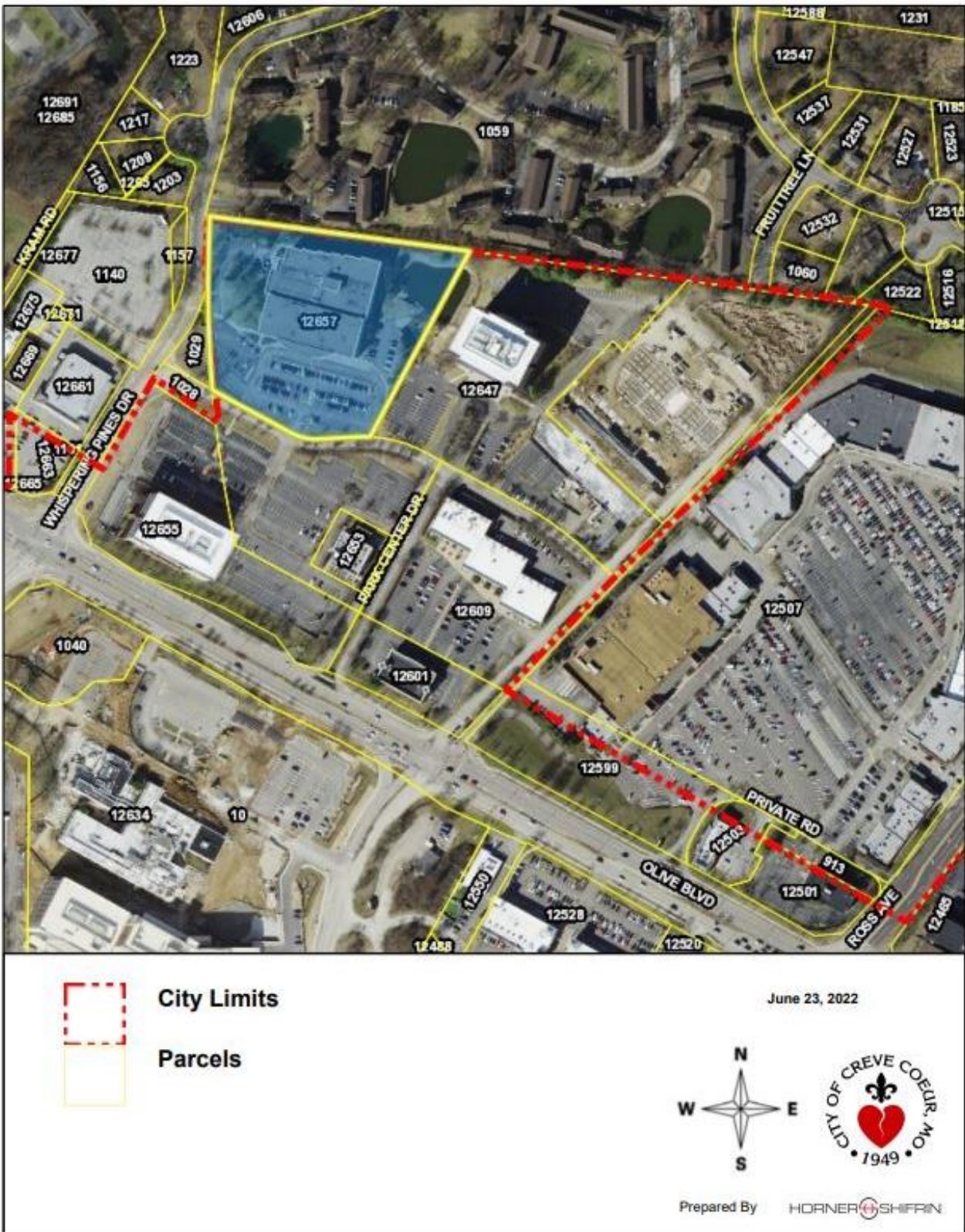
APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

APPENDIX 3: AERIAL PHOTO



APPENDIX 4: SITE PHOTOGRAPHS

Photo Date: 06/24/2022



Description: Parking lot across Whispering Pines Drive in St. Louis County in disrepair.



Description: View of the property looking northeast from the entrance.

OWNER INFORMATION

OWNER:
B&B THEATERS

DEVELOPER ADDRESS:

PROJECT ADDRESS:

FIRE DEPARTMENT: RED OAK FIRE DEPARTMENT

LOCAL JURISDICTION: RED OAK TEXAS BUILDING & STANDARDS COMMISSION

INDOOR OCCUPANCY: 2,114
OUTDOOR OCCUPANCY: 627
TOTAL OCCUPANCY: 2,741

CODE ANALYSIS

APPLICABLE CODES:

2015 INTERNATIONAL BUILDING CODE
2015 INTERNATIONAL ENERGY CONSERVATION CODE
2015 INTERNATIONAL MECHANICAL CODE (BY ST. LOUIS COUNTY DEPARTMENT OF PUBLIC WORKS)
2015 INTERNATIONAL PLUMBING CODE (BY ST. LOUIS COUNTY DEPARTMENT OF PUBLIC WORKS)
2014 NATIONAL ELECTRIC CODE (BY ST. LOUIS COUNTY DEPARTMENT OF PUBLIC WORKS)
2010 ADA
2012 NFPA 101 LIFE SAFETY CODE

CHAPTER 3 USE AND OCCUPANCY CLASSIFICATION
ASSEMBLY, GROUP A-1

CHAPTER 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY
--

CHAPTER 5 GENERAL BUILDING HEIGHTS AND AREAS [TABLE 503, SECTION 506 & SECTION 507]

GROUP A	TYPE IIB
ALLOWABLE HEIGHT / STORIES	75FT / 3 STORIES
ACTUAL HEIGHT / STORIES	35FT 4IN / 2 STORIES
ALLOWABLE AREA	UNLIMITED SF PER 507.11
ACTUAL AREA	62,908 SF

CHAPTER 6 TYPE OF CONSTRUCTION

IIB, FULLY SPRINKLERED

FIRE RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS [IBC 601]:	RATING
BUILDING ELEMENT	
PRIMARY STRUCTURAL FRAME	0 HR
BEARING WALLS	
EXTERIOR	0 HR
INTERIOR	0 HR
NONBEARING WALLS	
EXTERIOR	0 HR
INTERIOR	0 HR
FLOOR CONSTRUCTION AND ASSOCIATED	0 HR
ROOF CONSTRUCTION AND ASSOCIATED	0 HR
FIRE RESISTANCE RATING REQUIREMENT FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE [IBC 602]:	
GROUP A	0 HR

CHAPTER 7 FIRE AND SMOKE PROTECTION FEATURES

MAXIMUM AREA OF EXTERIOR OPENINGS [IBC 705.8]	DEGREE OF OPENING PROTECTION	ALLOWABLE AREA
FIRE SEPARATION DISTANCE		
10 TO <15'	UNPROTECTED, SPRINKLERED	45%
15 TO <20'	UNPROTECTED, SPRINKLERED	75%
20 TO <25'	UNPROTECTED, SPRINKLERED	NO LIMIT
25 TO <30'	UNPROTECTED, SPRINKLERED	NO LIMIT

CHAPTER 9 FIRE PROTECTION SYSTEMS

AUTOMATIC SPRINKLER SYSTEM PER 903.2.1.1
AUTOMATIC SPRINKLER SYSTEM, COMMERCIAL COOKING OPERATIONS PER 903.2.11.5
FIRE EXTINGUISHERS TO BE PROVIDED IN ACCORDANCE WITH THE IFC
NFPA 10 REQUIRED SMOKE DETECTORS TO BE PROVIDED
EMERGENCY ALARM COMMUNICATION SYSTEM
VOICE SYSTEM REQUIRED PER IBC 907.5.2.2
ALL PROVIDED AND INSTALLED BY GENERAL CONTRACTOR

CHAPTER 10 MEANS OF EGRESS

2 MEANS OF ACCESSIBLE EGRESS PROVIDED FOR ALL ROOMS WITH GREATER THAN 50 OCCUPANTS.
MINIMUM OCCUPANT LOAD TO BE POSTED IN CONSPICUOUS LOCATION.

EGRESS WIDTH PER OCCUPANT SERVED [IBC 1005], WITH SPRINKLER:
STAIRWAYS 2 INCHES PER OCC.
OTHER EGRESS COMPONENTS .15 INCHES PER OCC.

SPACES WITH ONE EXIT OR EXIT ACCESS DOORWAY [IBC 1015]	MAX. OCC. LOAD
OCCUPANCY A-1	49

EXIT ACCESS TRAVEL DISTANCES [IBC 1016.2]
OCCUPANCY A, WITH SPRINKLER: 250' OR LESS

ASSEMBLY AISLE WIDTH [1028.9.1 ITEM 2]
THIRTY-SIX INCHES FOR AISLE STAIRS HAVING SEATING ON ONLY ONE SIDE.

CHAPTER 29 PLUMBING SYSTEMS - INDOOR

MEN: 564
LAVS 1 PER 200 = 3 REQ'D 8 PROVIDED
WATER CLOSETS 1 PER 125 = 5 REQ'D 8 PROVIDED + 11 URINALS

WOMEN: 564
LAVS 1 PER 200 = 3 REQ'D 8 PROVIDED
WATER CLOSETS 1 PER 65 = 9 REQ'D 20 PROVIDED

DRINKING FOUNTAINS 1 PROVIDED (WATER AVAILABLE UPON REQUEST)

OTHER 1 SERVICE SINK REQ.

OCCUPANT LOAD - FIRST FLOOR

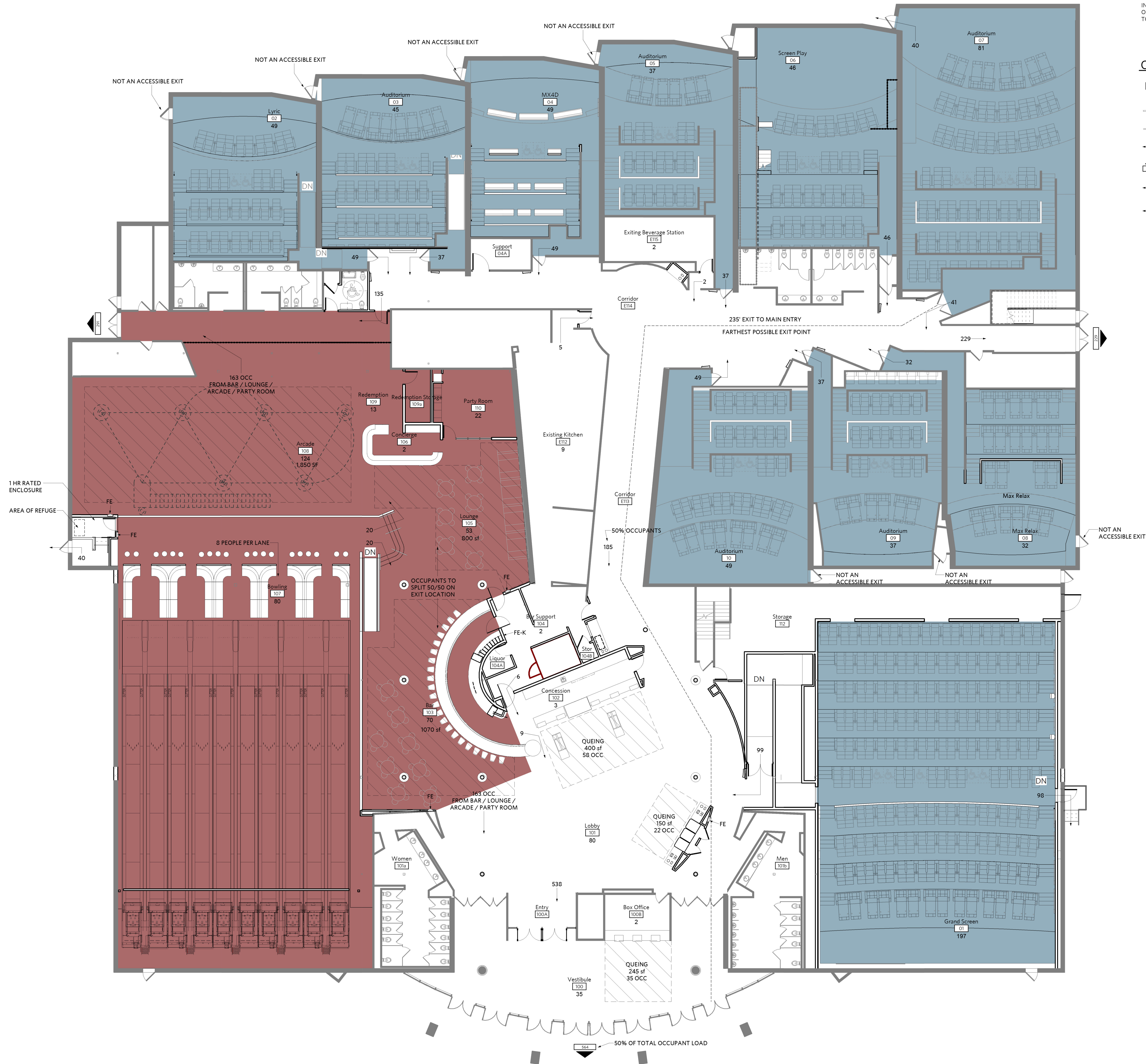
	AREA NAME	AREA	FUNCTION	OCC.
01	Grand Screen	4488 SF	ASSEMBLY, FIXED SEATS	197
02	Lyric	1466 SF	ASSEMBLY, FIXED SEATS	49
03	Auditorium	1481 SF	ASSEMBLY, FIXED SEATS	45
04	MX4D	1407 SF	ASSEMBLY, FIXED SEATS	49
04A	Support	112 SF	ACCESSORY STORAGE, MECH. ROOM	
05	Auditorium	1372 SF	ASSEMBLY, FIXED SEATS	37
06	Screen Play	2042 SF	ASSEMBLY, FIXED SEATS	46
07	Auditorium	2964 SF	ASSEMBLY, FIXED SEATS	81
08	Max Relax	1443 SF	ASSEMBLY, FIXED SEATS	32
09	Auditorium	1390 SF	ASSEMBLY, FIXED SEATS	37
10	Auditorium	1777 SF	ASSEMBLY, FIXED SEATS	49
100	Vestibule	1505 SF	(none)	35
100A	Entry	126 SF	(none)	
100B	Box Office	170 SF	BUSINESS AREAS	2
101	Lobby	3614 SF	ASSEMBLY, UNCONCENTRATED	80
101a	Women	546 SF	(none)	
101b	Men	549 SF	(none)	
102	Concession	335 SF	BUSINESS AREAS	3
103	Bar	1516 SF	ASSEMBLY, UNCONCENTRATED	70
104	Bar Support	462 SF	KITCHENS, COMMERCIAL	2
104A	Liquor	40 SF	ACCESSORY STORAGE, MECH. ROOM	
104B	Star	16 SF	ACCESSORY STORAGE, MECH. ROOM	
105	Lounge	1541 SF	ASSEMBLY, UNCONCENTRATED	53
106	Concierge	156 SF	BUSINESS AREAS	2
107	Bowling	6695 SF	BOWLING CENTERS	80
107A	Exit	113 SF	(none)	
108	Arcade	3236 SF	ASSEMBLY, UNCONCENTRATED	124
109	Redemption	280 SF	ASSEMBLY, UNCONCENTRATED	13
109A	Redemption Storage	80 SF	SERVICE SPACE	
110	Party Room	320 SF	ASSEMBLY, UNCONCENTRATED	22
111	Family	87 SF	(none)	
111a	Jan	12 SF	(none)	
112	Storage	1294 SF	ACCESSORY STORAGE, MECH. ROOM	
E112	Existing Kitchen	1606 SF	KITCHENS, COMMERCIAL	9
E113	Corridor	718 SF	(none)	
E114	Corridor	2469 SF	(none)	
E115	Exiting Beverage Station	300 SF	KITCHENS, COMMERCIAL	2
E116	Men	106 SF	(none)	
E117	Women	192 SF	(none)	
E118	Men	199 SF	(none)	
E119	Women	108 SF	(none)	
				1119

OCCUPANT LOAD - AUDITORIA

AUDITORIA FIXED SEAT COUNTS (FOR REF ONLY)	AREA NAME	AREA	FUNCTION	SEATS
01	Grand Screen	4488 SF	ASSEMBLY, FIXED SEATS	197
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10	Auditorium	1777 SF	ASSEMBLY, FIXED SEATS	49
				622

OCCUPANT LOAD - ENTERTAINMENT CENTER

ENTERTAINMENT CENTER	AREA NAME	AREA	FUNCTION	SEATS / LANES
103	Bar	1516 SF	ASEMBLY, UNCONCENTRATED	70
105	Lounge	1541 SF	ASEMBLY, UNCONCENTRATED	53
106	Concierge	156 SF	BUSINESS AREAS	NA
107	Bowling	6695 SF	BOWLING CENTERS	10 LANES
108	Arcade	3236 SF	ASEMBLY, UNCONCENTRATED	NA
109	Redemption	280 SF	ASEMBLY, UNCONCENTRATED	NA
109A	Redemption Storage	80 SF	SERVICE SPACE	NA
110	Party Room	320 SF	ASEMBLY, UNCONCENTRATED	22



B&B WEST OLIVE

12657 Olive Blvd
Creve Coeur, MO 63141



REV 01
ISSUE PERMIT SET
DATE 05.10.2022

LIFE SAFETY PLANS

A001



B&B Theatres

Bringing Hollywood to
Your Hometown Since 1924

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June 22, 2022

Bethany Moore
City Planner
City of Creve Coeur Missouri
300 N New Ballas Road
Creve Coeur MO 63141

Re: Application #22-013: B&B Theatres Conditional Use Permit

Ms. Moore

Thank you for reviewing B & B Theatres' application and for the comment letter dated June 13. The additional information requested is contained in this response letter and the included supporting documents.

Below is a chart breaking out the various properties that make up the West Park Center Campus. The total campus has approximately 1185 total parking spaces. All six properties entered into a Restated Declaration of Covenants, Easements and Restrictions that was recorded March 27, 1996 as Daily No 1071 in Book 10780, Page 197 according to St. Louis County records. This document includes language for a Passage and Parking easement between all parties that allows theatre customers to park on the adjoining lots. Included as a separate document is a site plan for the West Park Center Campus which hopefully helps to clarify the parking situation.

West Park Center Campus Parking Matrix						
Lot	Use	Parking	Cinema Owned Parking	Cross Access Easement Parking	Cinema & Cinema Adjacent Parking	Cinema & Cinema Adjacent Parking w/o Auxiliary Lot
Parcel 1, Tract I Adjusted Lot IIA	Cinema / Entertainment Main	214	214		214	214
Parcel 1, Tract II Adjusted Parcel 3	Cinema / Entertainment Auxiliary	218	218		218	
Parcel 2, Tract I Adjusted Lot IIIA	Office Buildings	64		64	64	64
Parcel 2, Tract III Lot IIB	Office Buildings	135		135		
Parcel 2 Tract II Lot IIIB	Office Building	0		0		0
Parcel 2, Tract IV Adjusted Lot I	Office Building/Restaurant/Retail	698		698	276	276
		1329	432	897	772	554

Also requested was a total number of theatre seats proposed and that information is below. Since the proposed changes to the facility includes additional concepts (bowling, family arcade, ropes course, lounge), we have also included information for the Entertainment Center. Included as a separate document is a floor plan of the facility with this information included.

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109a	Redemption Storage	80 SF	SERVICE SPACE	NA
110	Party Room	320 SF	ASEMBLY, UNCONCENTRATED	22

To determine the parking requirements for the remodeled building we reviewed Chapter 405 Article VII: Off-Street Parking and Loading Requirements of the City of Creve Coeur. The ordinance clearly specifies requirements for most components of the facility and that chart is shown below. Obviously, Creve Coeur City Staff would determine the exact requirements but we believe we are close in our calculations. Calculations for the theatre, bowling, party room, bar and lounge were straight forward. We were not sure if arcade, redemption store and ropes course should be classified as Food Services and Drinking Places or General Retail Establishments but since the ratios are the same (one parking space per 250 square feet versus 4 parking spaces per 1000 feet) the actual classification may not matter.

Use	Zoning Ordinance	Classification		Parking Ratio	Parking Spaces Need
Cinema	405.820 (H)(6)(b)	Multi-Plex Motion Picture Theatre	622 seats	1:4 seats	155.50
Bowling Lanes	405.820 (H)(7)(c)	Bowling Center	10 Lanes	5:1 lanes	50
Bar	405.820 (F)(5)(a)	Food Services and Drinking Places	70 seats	1:3 seats	23.33
Bar	405.820 (F)(5)(a)	Food Services and Drinking Places	1516 sq. ft.	1:250 sq. ft	6.06
Lounge	405.820 (F)(5)(a)	Food Services and Drinking Places	53 seats	1:3 seats	17.67
Lounge	405.820 (F)(5)(a)	Food Services and Drinking Places	1541 sq. ft	1:250 sq. ft	6.16
Party Room	405.820 (F)(5)(a)	Food Services and Drinking Places	22 seats	1:3 seats	7.33
Party Room	405.820 (F)(5)(a)	Food Services and Drinking Places	320 sq. ft	1:250 sq. ft	1.28
Redemption Store	405.820 (F)(5)(a)	Food Services and Drinking Places	280 sq. ft	1:250 sq. ft	1.12
Arcade	405.820 (F)(5)(a)	Food Services and Drinking Places	320 sq. ft.	1:250 sq. ft	1.28
Ropes Course	405.820 (F)(5)(a)	Food Services and Drinking Places	320 sq. ft.	1:250 sq. ft	1.28
					271.02
				Rounded To	271*

* This interpretation would be the strictest interpretation of Chapter 405 of the Creve Coeur Zoning Ordinance

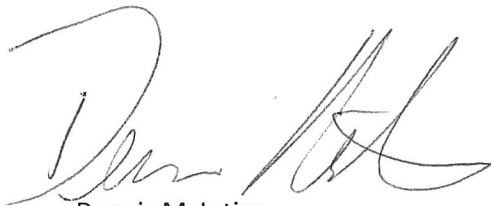
As noted on the chart, we believe that this is the strictest interpretation of the ordinance. Even with the strict interpretation of the requirements however, the parking spaces controlled directly by the theatre exceeds the requirement.

On the request for information, there was a question about information on new exterior mechanical equipment. The existing equipment has been tested and all are in good working condition and so at this time there is no plan for new equipment.

There was also reference to potential sign changes. There are internal conversations about adding additional signage, but no decision has been made. Thank you for including the West Park Master Sign Plan; our sign company is using its design criteria to design potential sign options. It is understood that any changes that exceed the Master Plan criteria will require amending the plan.

Thank you again for your help on this project. Please let me know if there is additional information needed.

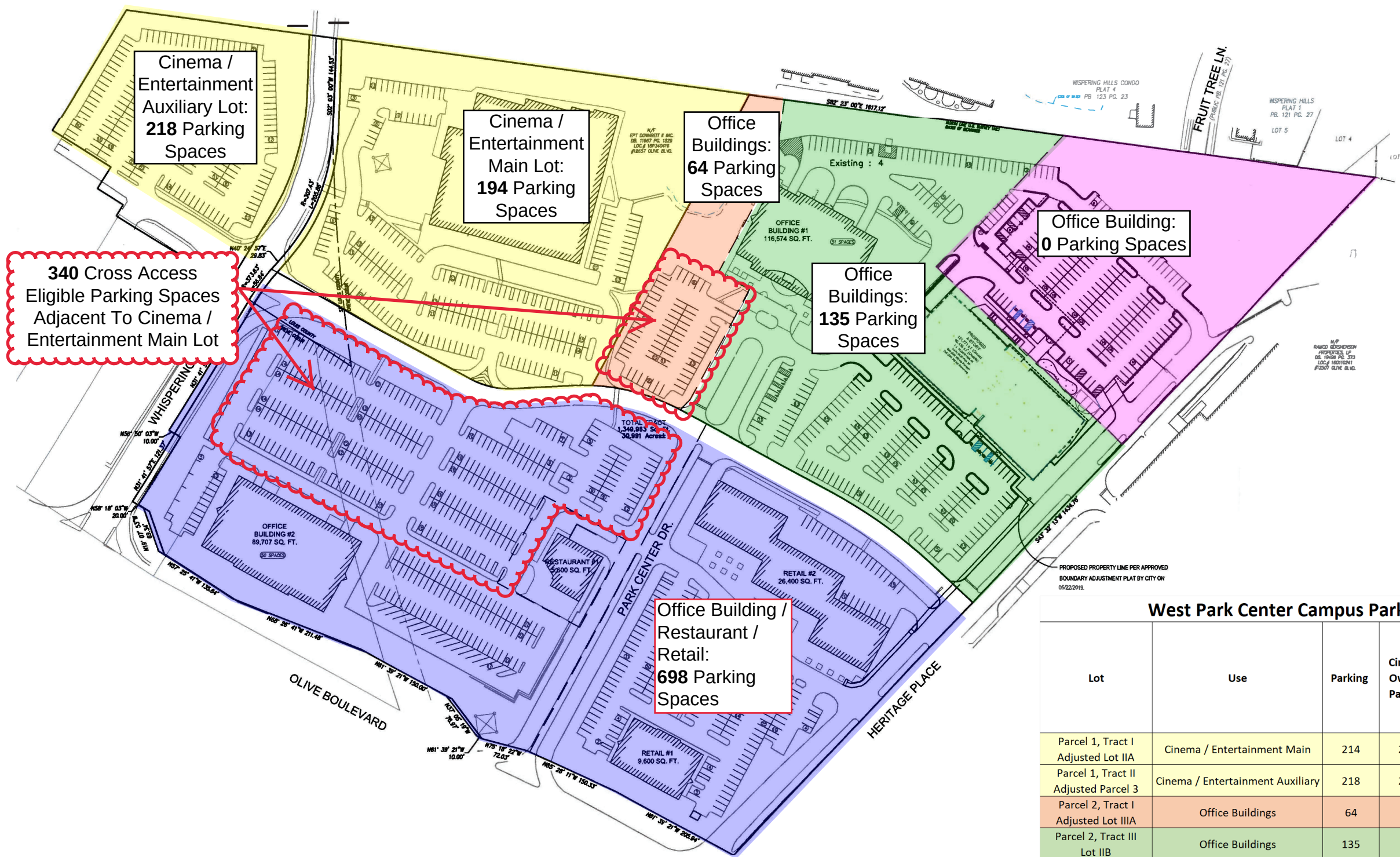
Sincerely

A handwritten signature in black ink, appearing to read 'Dennis McIntire', with a stylized, cursive script.

Dennis McIntire
Executive Director of Strategic Development and Innovation

CAMPUS PLAN
FOR
WEST PARK CENTER

A TRACT OF LAND BEING LOTS IIB, AND IIIB OF WEST PARK AS RECORDED IN PLAT BOOK 284, PAGES 1 AND 2 AND ADJUSTED LOT IIIA OF BOUNDARY ADJUSTMENT PLAT OF LOTS I, IIA, AND IIIA WEST PARK AS RECORDED IN PLAT BOOK 342 PAGE 36, LOCATED IN TOWNSHIP 45 AND 46 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI



West Park Center Campus Parking Matrix						
Lot	Use	Parking	Cinema Owned Parking	Cross Access Easement Parking	Cinema & Cinema Adjacent Parking	Cinema & Cinema Adjacent Parking w/o Auxiliary Lot
Parcel 1, Tract I Adjusted Lot IIA	Cinema / Entertainment Main	214	214		214	214
Parcel 1, Tract II Adjusted Parcel 3	Cinema / Entertainment Auxiliary	218	218		218	
Parcel 2, Tract I Adjusted Lot IIIA	Office Buildings	64		64	64	64
Parcel 2, Tract III Lot IIB	Office Buildings	135		135		
Parcel 2 Tract II Lot IIIB	Office Building	0		0		0
Parcel 2, Tract IV Adjusted Lot I	Office Building/Restaurant/Retail	698		698	276	276
		1329	432	897	772	554

WEST PARK
IN U.S. SURVEY 1923, TOWNSHIP 45 & 46 NORTH, RANGE 5 EAST
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI

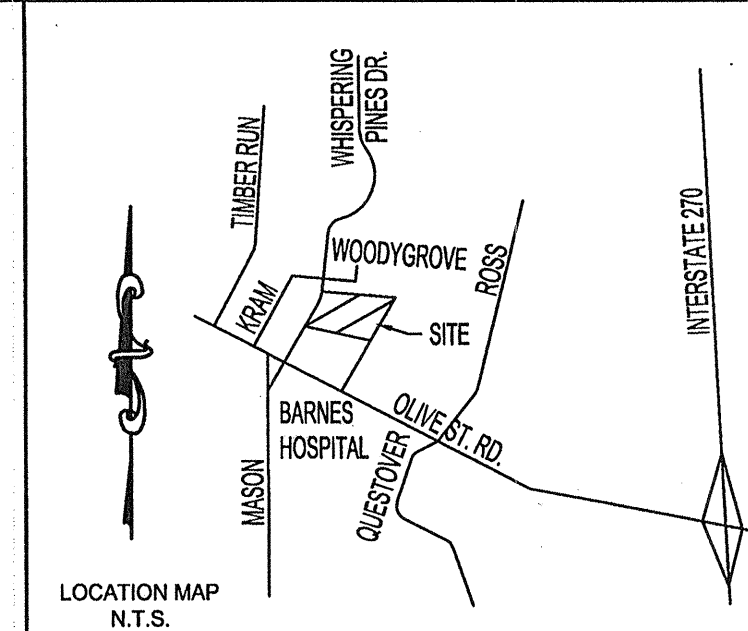
N/F
Carol & Duane
6, PG. 0502

N/F
HW Associates LP
DB. 8676, PG. 1060

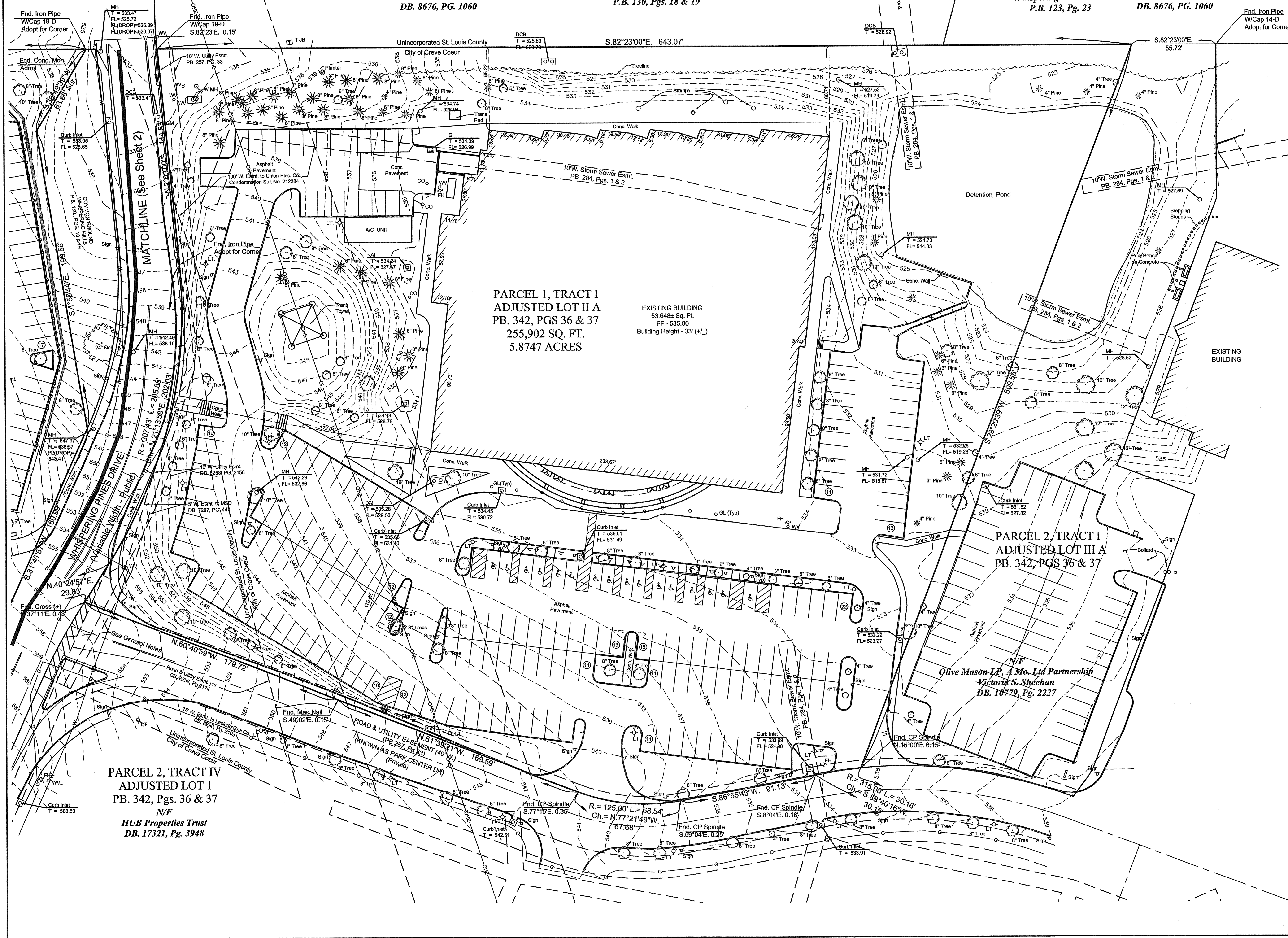
Whispering Hills Plat 5
P.B. 130, Pgs. 18 & 19

Whispering Hills Plat 4
P.B. 123, Pg. 23

N/F
HW Associates LP
DB. 8676, PG. 1060



the clayton engineering company, inc.
ENGINEERS - SURVEYORS - PLANNERS
11823 WESTLINE INDUSTRIAL DRIVE
ST. LOUIS, MO 63141
63141 862-2888 FAX: 63141 862-8888
A Missouri Professional Engineering Corporation (License No. 000697)

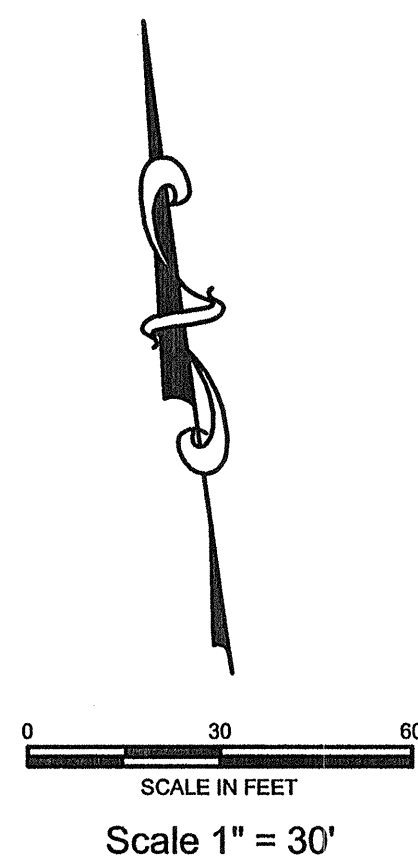


ABBREVIATIONS

AI	Area Inlet	L	Length of Curve
Asph	Asphalt	LI	Light
BM	Benchmark	MH	Manhole
CB	Catch Basin	N/F	Now or Formerly
ChB	Chord Bearing	OHE	Overhead Electric
CI	Curb Inlet / Catch Inlet	OHW	Overhead Wires
CL or E	Centerline	OIP	Old Iron Pipe
CO	Cleanout	PG	Page
Conc	Concrete	PB	Plat Book
DB	Deed Book	PL	Property Line
DCB	Double Catch Basin	Pmt	Pavement
DCI	Double Curb Inlet	R	Radius
EM	Electric Meter	ROW	Right-of-Way
ESMT	Easement	Sig	Signal/Traffic
EP	Edge of Pavement	SW	Swale
EW	Edge of Water	TC	Top of Curb
Fd	Found	TJB	Telephone Junction Box
FES	Flared End Section	TMH	Telephone Manhole
FF	Finished Floor	Trans	Transformer
FH	Fire Hydrant	Typ	Typical
FL	Flowline/Gutter	UGE	Underground Electric
Fnd	Found	UGT	Underground Telephone
GI	Grate Inlet	UP	Utility Pole
GL	Ground Light	UP/TRANS	Utility Pole w/Transformer
GM	Gas Meter	UP/LT	Utility Pole w/Light
GV	Gas Valve	UMH	Utility Manhole
Gr MH	Grate Manhole	WM	Water Meter
GW	Guy Wire	WMH	Water Manhole
IP	Iron Pipe	WV	Water Valve

LEGEND

---	- Contour Major
- - -	- Contour Minor
+ 500.00	- Spot Elevation
-OHW-	- Overhead Wires (E, T, C, etc.)
-UGE-	- Underground Electric Line
-UGT-	- Underground Telephone Line
-G-	- Gas Line
-T-	- Telephone Line
-W-	- Water Line
-X-	- Fence Line
-O-	- Utility Pole
-C-	- Cleanout
-M-	- Manhole
-S-	- Sign
-V-	- Valve/Meter
-F-	- Fire Hydrant
-L-	- Light Standard



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MISSOURI ONE-CALL SYSTEM INC.

Underground facilities, structures & utilities have been plotted from available surveys, records & information, and therefore, do not necessarily reflect the actual existence, nonexistence, size, type, number of, or location of these facilities, structures, & utilities.

The Contractor shall be responsible for verifying the actual location of all underground facilities, structures, & utilities, either shown or not shown on these plans. The underground facilities, structures, & utilities shall be located in the field prior to any grading, excavation or construction of improvements. These provisions shall in no way absolve any party from complying with the Underground Facility Safety and Damage Prevention Act, Chapter 319, RSMo.

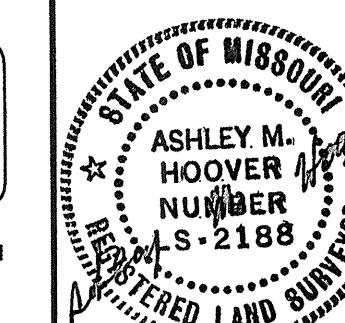
The signed and sealed original of this drawing is on file at the offices of The Clayton Engineering Company, Inc. The signed and sealed original is the official document and shall take precedence over any digital version.

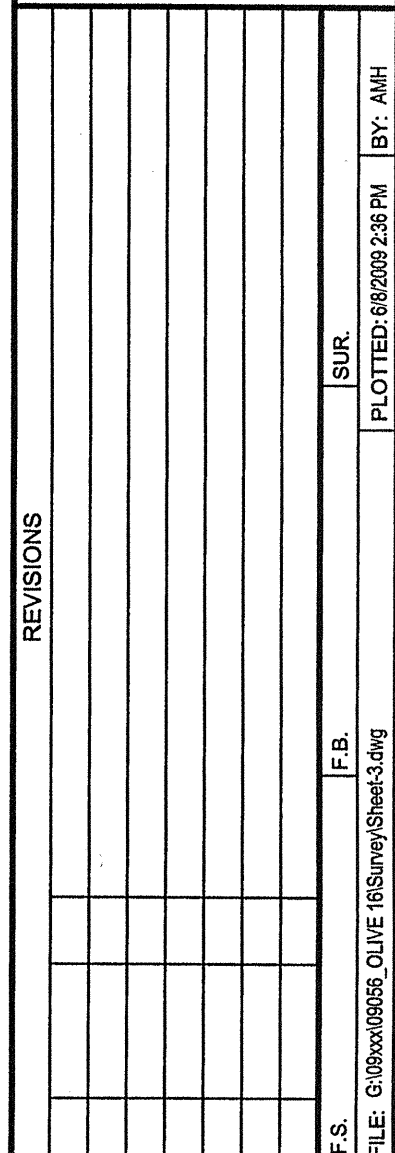
REVISIONS	DATE	BY	DESCRIPTION
1	6/04/09	AMH	Misc.

ACUMEN DEVELOPMENT, LLC
4600 S. Syracuse St., Suite 1450
Denver, CO 80237

ALTA/LAND TITLE SURVEY
12657 Olive Blvd.
St. Louis, MO 63141

Designed
Drawn JML/DEO
Checked
Date 06/01/09
Project Number 09056
Sheet Number 1 of 3





ACUMEN DEVELOPMENT, LLC
4600 S. Syracuse St. Suite 1450
Denver, Co. 80237

ALTA/ACSM LAND TITLE SURVEY
West Park
St. Louis, Missouri

Prepared for:	
	
Designed _____	
Drawn _____	
Checked _____	
Date _____	
Project Number 09056	
Sheet Number 3 of 3	

CODE REVIEW

OWNER INFORMATION

OWNER:
B&B THEATERS

DEVELOPER ADDRESS:

PROJECT ADDRESS:

FIRE DEPARTMENT: RED OAK FIRE DEPARTMENT
& STANDARDS COMMISSION

LOCAL JURISDICTION: RED OAK TEXAS BUILDING
& STANDARDS COMMISSION

INDOOR OCCUPANCY: 2,114
OUTDOOR OCCUPANCY: 627
TOTAL OCCUPANCY: 2,741

CODE LEGEND

101
XX AREA TAG W/
OCCUPANT LOAD

1 HOUR RATED

EXIT ACCESS

XX EXIT ACCESS LOAD

EXIT LOAD

SEMI-RECESSED FIRE
EXTINGUISHER CABINET
W/ SLB EXTINGUISHER
WALL MOUNTED 1.8
GAL TYPE K WET FIRE
EXTINGUISHER

FE-K

CODE ANALYSIS

APPLICABLE CODES:

2015 INTERNATIONAL BUILDING CODE
2015 INTERNATIONAL ENERGY CONSERVATION CODE
2015 INTERNATIONAL MECHANICAL CODE (BY ST. LOUIS COUNTY DEPARTMENT OF PUBLIC WORKS)
2015 INTERNATIONAL PLUMBING CODE (BY ST. LOUIS COUNTY DEPARTMENT OF PUBLIC WORKS)
2014 NATIONAL ELECTRIC CODE (BY ST. LOUIS COUNTY DEPARTMENT OF PUBLIC WORKS)
2010 ADA
2012 NFPA 101 LIFE SAFETY CODE

CHAPTER 3 USE AND OCCUPANCY CLASSIFICATION

ASSEMBLY, GROUP A-1

CHAPTER 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

--

CHAPTER 5 GENERAL BUILDING HEIGHTS AND AREAS [TABLE 503, SECTION 506 & SECTION 507]

GROUP A	TYPE IIB
ALLOWABLE HEIGHT / STORIES	75FT / 3 STORIES
ACTUAL HEIGHT / STORIES	35FT 4IN / 2 STORIES
ALLOWABLE AREA	UNLIMITED SF PER 507.11
ACTUAL AREA	62,908 SF

CHAPTER 6 TYPE OF CONSTRUCTION

IIB, FULLY SPRINKLERED

FIRE RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS [IBC 601]:

BUILDING ELEMENT	RATING
PRIMARY STRUCTURAL FRAME	0 HR
BEARING WALLS	0 HR
EXTERIOR	0 HR
INTERIOR	0 HR
NONBEARING WALLS	0 HR
EXTERIOR	0 HR
INTERIOR	0 HR
FLOOR CONSTRUCTION AND ASSOCIATED	0 HR
ROOF CONSTRUCTION AND ASSOCIATED	0 HR

FIRE RESISTANCE RATING REQUIREMENT FOR EXTERIOR WALLS BASED ON FIRE
SEPARATION DISTANCE [IBC 602]:

GROUP A 10'-X-30' 0 HR

CHAPTER 7 FIRE AND SMOKE PROTECTION FEATURES

MAXIMUM AREA OF EXTERIOR OPENINGS [IBC 705.8]

FIRE SEPARATION DISTANCE	DEGREE OF OPENING PROTECTION	ALLOWABLE AREA
10 TO <15'	UNPROTECTED, SPRINKLERED	45%
15 TO <20'	UNPROTECTED, SPRINKLERED	75%
20 TO <25'	UNPROTECTED, SPRINKLERED	NO LIMIT
25 TO <30'	UNPROTECTED, SPRINKLERED	NO LIMIT

CHAPTER 9 FIRE PROTECTION SYSTEMS

AUTOMATIC SPRINKLER SYSTEM PER 903.2.1.1
AUTOMATIC SPRINKLER SYSTEM, COMMERCIAL COOKING OPERATIONS PER 903.2.11.5
FIRE EXTINGUISHERS TO BE PROVIDED IN ACCORDANCE WITH THE IFC
NFPA 10 REQUIRED SMOKE DETECTORS TO BE PROVIDED
EMERGENCY ALARM COMMUNICATION SYSTEM
VOICE SYSTEM REQUIRED PER IBC 907.5.2.2
ALL PROVIDED AND INSTALLED BY GENERAL CONTRACTOR

CHAPTER 10 MEANS OF EGRESS

2 MEANS OF ACCESSIBLE EGRESS PROVIDED FOR ALL ROOMS WITH GREATER THAN 50 OCCUPANTS.
MINIMUM OCCUPANT LOAD TO BE POSTED IN CONSPICUOUS LOCATION.

EGRESS WIDTH PER OCCUPANT SERVED [IBC 1005]: WITH SPRINKLER:
STAIRWAYS 2 INCHES PER OCC.
OTHER EGRESS COMPONENTS .15 INCHES PER OCC.

SPACES WITH ONE EXIT OR EXIT ACCESS DOORWAY [IBC 1015]
OCCUPANCY MAX. OCC. LOAD
A-1 49

EXIT ACCESS TRAVEL DISTANCES [IBC 1016.2]
OCCUPANCY A, WITH SPRINKLER: 250' OR LESS

ASSEMBLY AISLE WIDTH [1028.9.1 ITEM 2]
THIRTY-SIX INCHES FOR AISLE STAIRS HAVING SEATING ON ONLY ONE SIDE.

CHAPTER 29 PLUMBING SYSTEMS - INDOOR

MEN: 564
LAVS 1 PER 200 = 3 REQ'D 8 PROVIDED
WATER CLOSETS 1 PER 125 = 5 REQ'D 8 PROVIDED + 11 URINALS

WOMEN: 564
LAVS 1 PER 200 = 3 REQ'D 8 PROVIDED
WATER CLOSETS 1 PER 65 = 9 REQ'D 20 PROVIDED

DRINKING FOUNTAINS 1 PROVIDED (WATER AVAILABLE UPON REQUEST)

OTHER 1 SERVICE SINK REQ.

OCCUPANT LOAD - FIRST FLOOR

RESTAURANT	AREA NAME	AREA	FUNCTION	OCC.
01	Grand Screen	4488 SF	ASSEMBLY, FIXED SEATS	197
02	Lyric	1466 SF	ASSEMBLY, FIXED SEATS	49
03	Screen Play	1468 SF	ASSEMBLY, FIXED SEATS	37
04	MX4D	1407 SF	ASSEMBLY, FIXED SEATS	49
04A	Support	112 SF	ACCESSORY STORAGE, MECH. ROOM	
05	Auditorium	1372 SF	ASSEMBLY, FIXED SEATS	37
06	Auditorium	2083 SF	ASSEMBLY, FIXED SEATS	62
07	Auditorium	2964 SF	ASSEMBLY, FIXED SEATS	81
08	Max Relax	1443 SF	ASSEMBLY, FIXED SEATS	32
09	Auditorium	1390 SF	ASSEMBLY, FIXED SEATS	37
10	Auditorium	1777 SF	ASSEMBLY, FIXED SEATS	49
100	Vestibule	1585 SF	(none)	35
100A	Entry	126 SF	(none)	
100B	Box Office	170 SF	BUSINESS AREAS	2
101	Lobby	3614 SF	ASEMBLY, UNCONCENTRATED	80
101a	Women	546 SF	(none)	
101b	Men	549 SF	(none)	
102	Concession	335 SF	BUSINESS AREAS	3
103	Bar	1516 SF	ASEMBLY, UNCONCENTRATED	70
104	Bar Support	462 SF	KITCHENS, COMMERCIAL	2
104A	Liquor	40 SF	ACCESSORY STORAGE, MECH. ROOM	
104B	Stor	16 SF	ACCESSORY STORAGE, MECH. ROOM	
105	Lounge	1541 SF	ASEMBLY, UNCONCENTRATED	53
106	Concierge	156 SF	BUSINESS AREAS	2
107	Bowling	6695 SF	BOWLING CENTERS	80
107A	Exit	113 SF	(none)	
108	Arcade	3239 SF	ASEMBLY, UNCONCENTRATED	124
109	Redemption	280 SF	ASEMBLY, UNCONCENTRATED	13
109a	Redemption Storage	80 SF	SERVICE SPACE	
110	Party Room	320 SF	ASEMBLY, UNCONCENTRATED	22
111	Storage	1294 SF	ACCESSORY STORAGE, MECH. ROOM	
E112	Existing Kitchen	1606 SF	KITCHENS, COMMERCIAL	9
E113	Corridor	718 SF	(none)	
E114	Corridor	2526 SF	(none)	
E115	Exiting Beverage Station	300 SF	KITCHENS, COMMERCIAL	2
E116	Men	186 SF	(none)	
E117	Women	192 SF	(none)	
E118	Men	199 SF	(none)	
E119	Women	188 SF	(none)	

1127

B&B WEST OLIVE

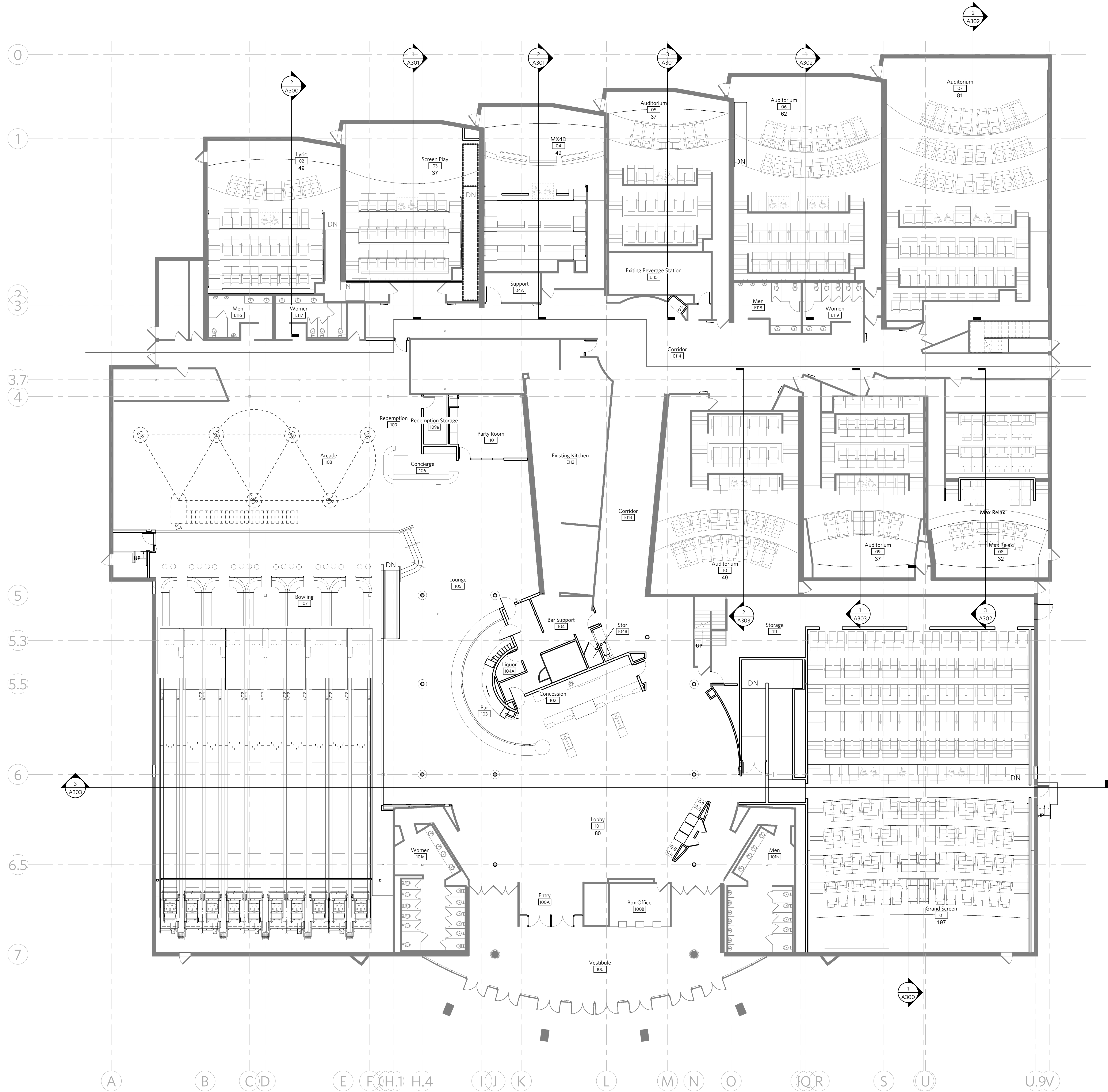
12657 Olive Blvd
Creve Coeur, MO 63141



REV ISSUE DATE
PERMIT SET 05.10.2022

LIFE SAFETY PLANS

A001



1 Floor Plan
3/32" = 1'-0"

B&B WEST OLIVE

12657 Olive Blvd
Creve Coeur, MO 63141



REV	ISSUE	DATE
	PERMIT SET	05.10.2022

OVERALL FLOOR PLAN

A100



SHEET LEGEND	
33	REPRESENTS THE NUMBER OF OCCUPANTS
R = 33"	REPRESENTS REQUIRED EGRESS WIDTH
P = 33"	REPRESENTS PROVIDED EGRESS WIDTH

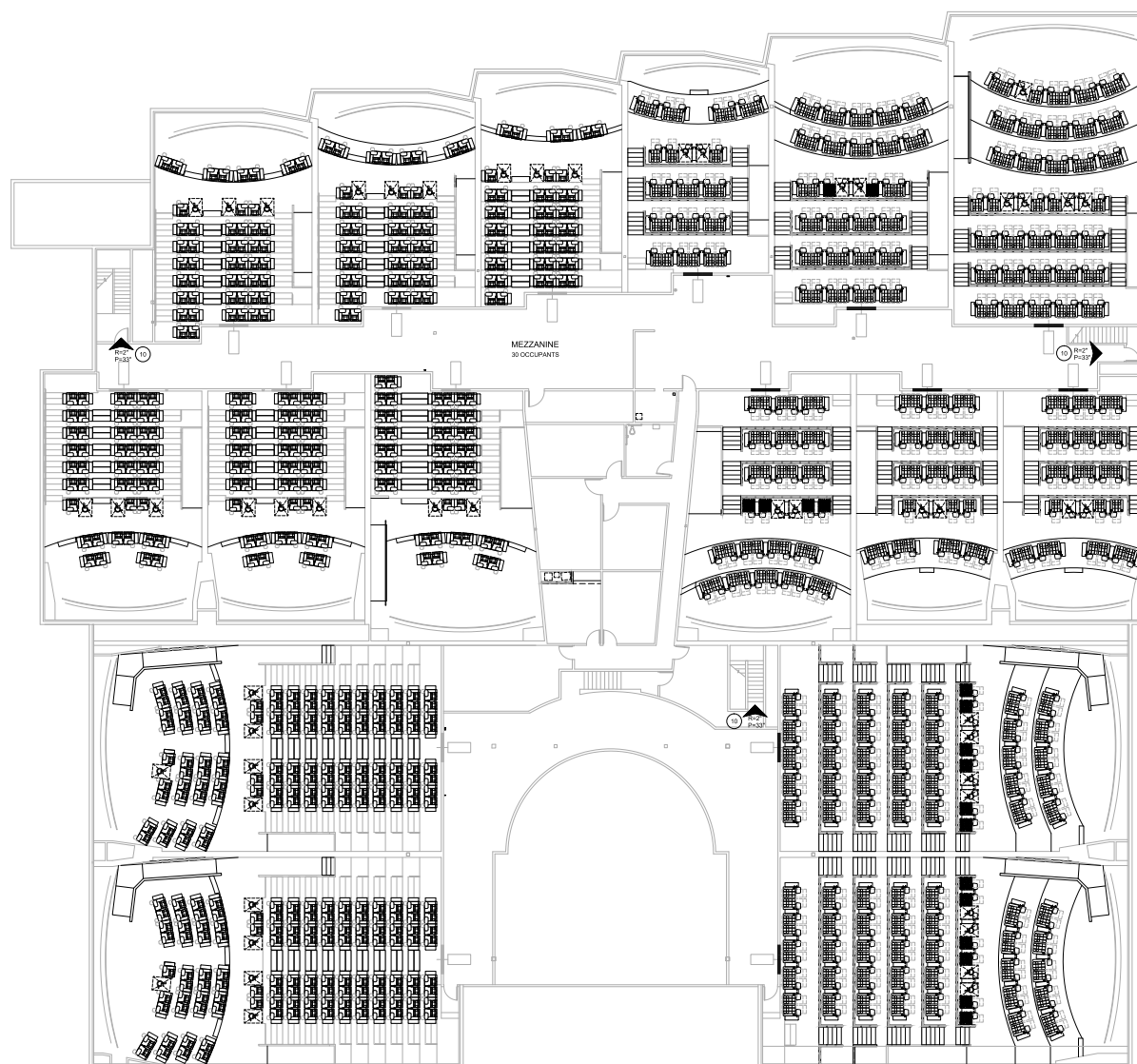
[illegible]

ONLY LICENSED ABO	CHECKED BY:
	DRAWN BY:
	DOCUMENT DATE:

OCCUPANCY LOAD = (SQUARE FOOTAGE) / (OCCUPANCY LOAD FACTOR)
OCCUPANCY LOAD FACTOR = REFER TO OCCUPANCY LOAD FACTOR TABLE 1004.1
REQUIRED EGRESS WIDTH = (OCCUPANCY LOAD) x (EGRESS WIDTH FACTOR)
EGRESS WIDTH FACTOR = 0.20 INCHES TABLE 1005.1

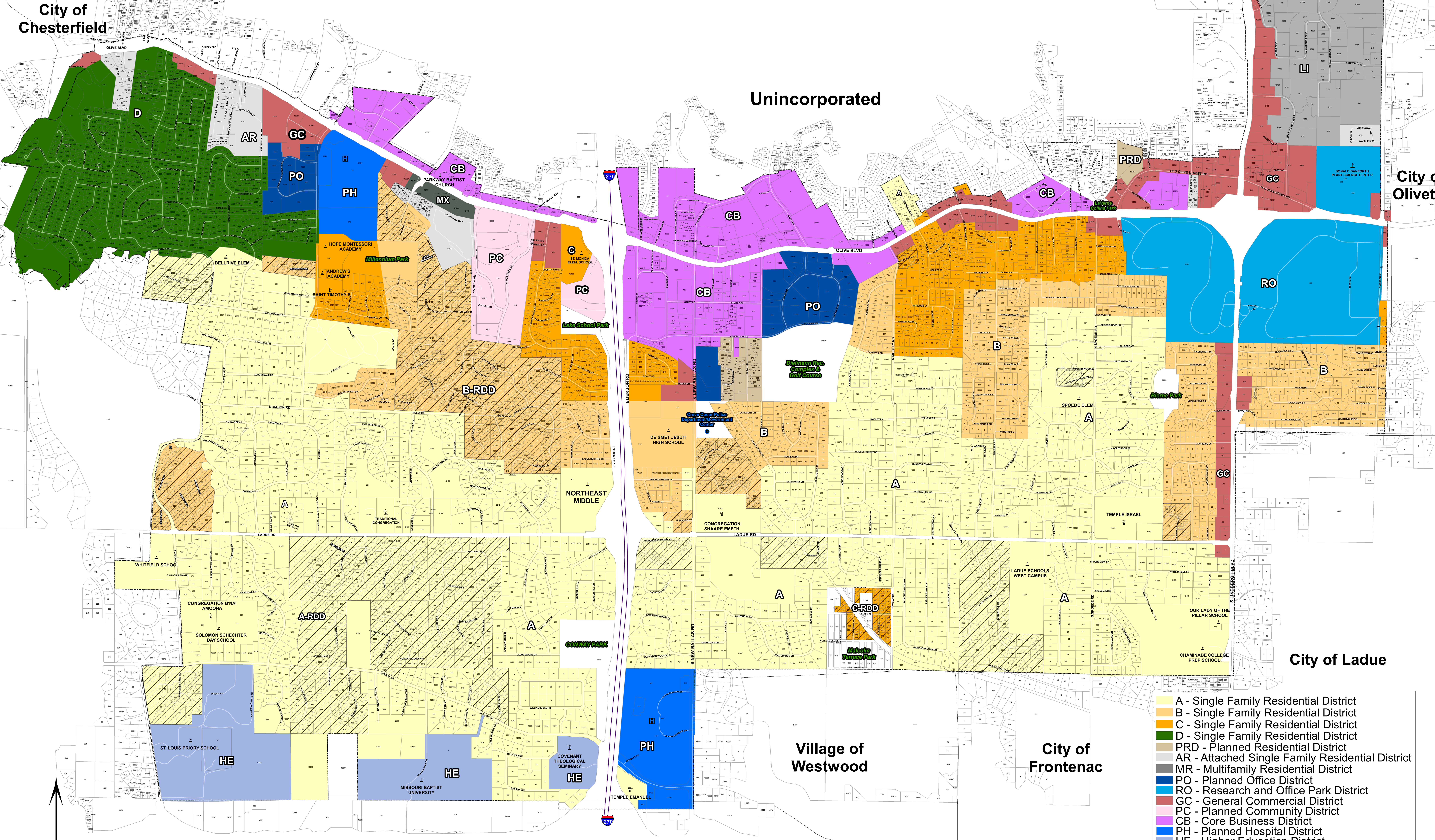
OCCUPANCY		EGRESS WIDTH		EGRESS WIDTH	
AREA	AREA SQ. FT.	OCCUPANCY LOAD	WIDTH FACTOR	REQUIRED WIDTH	PROVIDED WIDTH
MEZZANINE	8738 S.F.	8738/600 =	x 0.20	= 6"	99"
	TOTAL	= 30 OCCUPANTS		= 6"	99"

33 R = 33" P = 33"	REPRESENTS THE NUMBER OF OCCUPANTS REPRESENTS REQUIRED EGRESS WIDTH REPRESENTS PROVIDED EGRESS WIDTH
---	---



1 EGRESS PLAN
3/32"=1'-0"

City of Creve Coeur, Missouri Zoning Map



City of Chesterfield

City of Olivette

City of Ladue

City of Frontenac

City of Town and Country

Village of Westwood

City of Creve Coeur, Missouri

1949

Prepared By:
HORNER SHIFFRIN
Date: 9/20/2019

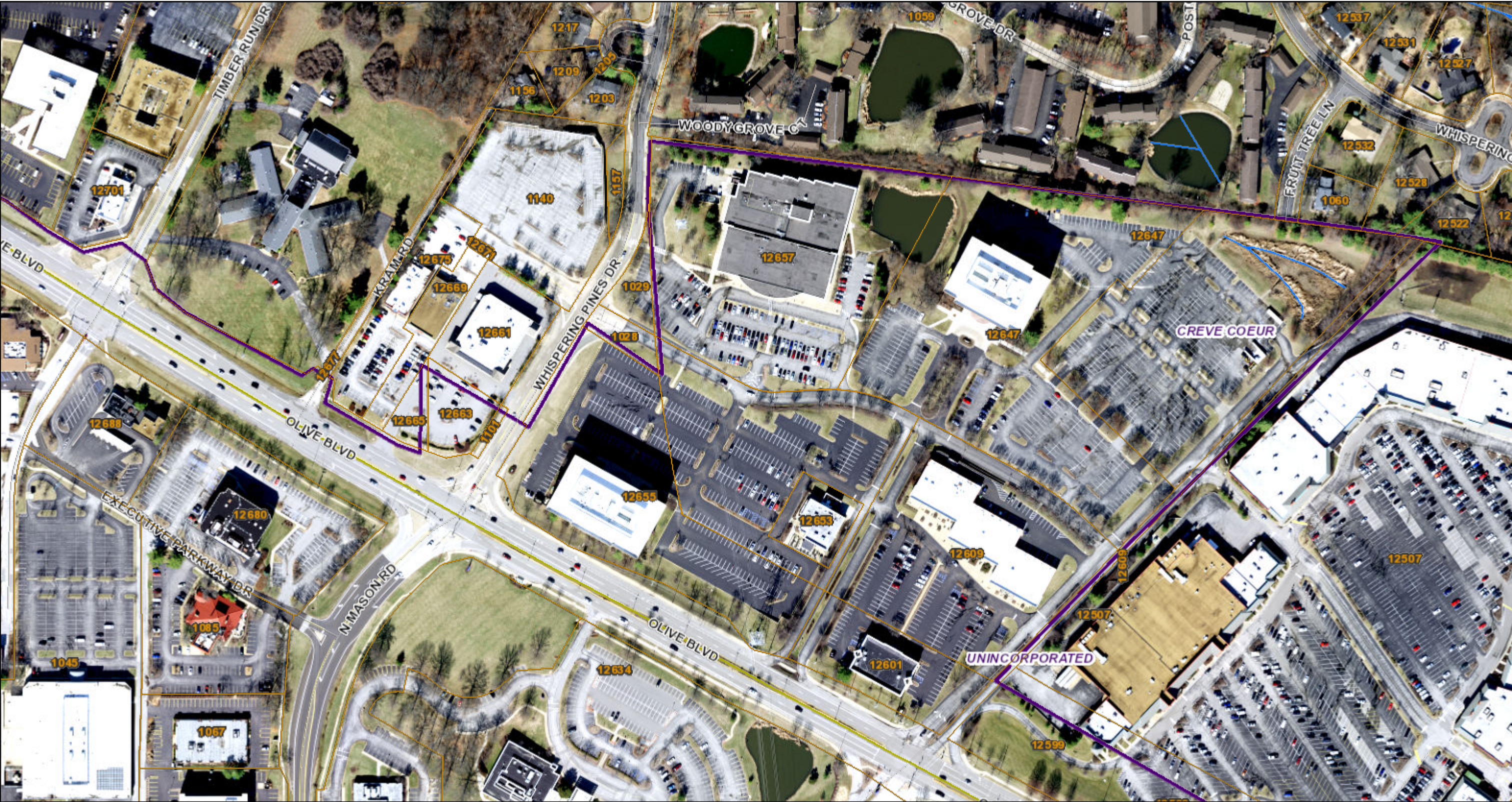
Adopted by the City Council as the official zoning map of the City of Creve Coeur, Missouri
Ordinance No. 5658 Date September 9, 2019

0 750 1,500 2,250 3,000
Feet

SCALE: 1" = 500'

A - Single Family Residential District
B - Single Family Residential District
C - Single Family Residential District
D - Single Family Residential District
PRD - Planned Residential District
AR - Attached Single Family Residential District
MR - Multifamily Residential District
PO - Planned Office District
RO - Research and Office Park District
GC - General Commercial District
PC - Planned Community District
CB - Core Business District
PH - Planned Hospital District
HE - Higher Education District
LI - Light Industrial District
MX - Mixed Use District
A-RDD - Single Family Residential Design Development Procedure
B-RDD - Single Family Residential Design Development Procedure
C-RDD - Single Family Residential Design Development Procedure

St. Louis County Map



5/31/2022, 12:41:33 PM

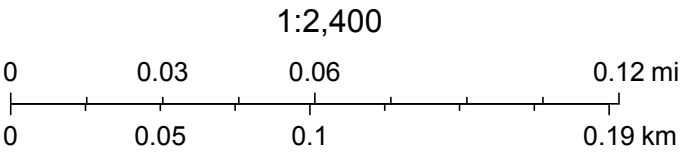
- Image
- Blue: Band_3

Red: Band_1

Green: Band_2

Other Flood Areas (0.2% Annual Chance)

Special Flood Hazard Areas (1% Annual Chance)



St. Louis County GIS Service Center



















1 PLANNING AND ZONING COMMISSION MEETING

2 CITY OF CREVE COEUR, MISSOURI

3 300 NORTH NEW BALLAS ROAD

4 TUESDAY, JULY 5, 2022

5 6:00 P.M.

6
7 PUBLIC HEARING

8 APPLICATION NO. 22-013

9
10 THOSE IN ATTENDANCE:

11 Ms. Julie LaBonte, Chairwoman

12 Ms. Muriel Hall

13 Mr. Larry Potashnick

14 Ms. Rhonda O'Brien

15 Mr. Thomas Buelter

16 Ms. Marjorie Richter

17 Mr. Carl Lumley, City Attorney

18 Mr. Jason Jaggi, Director of Community Development

19 Ms. Bethany L. Moore, City Planner

20 Ms. Megan Waller Administrative Supervisor/Recording
21 Secretary

22 McLaughlin Court Reporting Services, Inc.

23 Deborah K. McLaughlin, RPR, MO-CCR #314, IL-CSR, KS-CCR
24 4772 Gatesbury Drive
25 St. Louis, MO 63128
(314) 974-1199

1 CHAIRWOMAN LABONTE: We'll call the meeting to
2 order 6:03.

3 Okay. So we'll take roll call first.

4 Muriel is absent so far.

5 Larry is absent.

6 Mr. Wang, absent.

7 Ms. O'Brien?

8 MS. O'BRIEN: Here.

9 CHAIRWOMAN LABONTE: Mr. Buelter?

10 MR. BUELTER: Here.

11 CHAIRWOMAN LABONTE: Ms. Richter?

12 MS. RICHTER: Here.

13 CHAIRWOMAN LABONTE: Mr. Lumley?

14 MR. LUMLEY: Here.

15 CHAIRWOMAN LABONTE: Mr. Jaggi?

16 MR. JAGGI: Present.

17 CHAIRWOMAN LABONTE: Ms. Moore?

18 MS. MOORE: Present.

19 CHAIRWOMAN LABONTE: And, Ms. Waller?

20 MS. WALLER: Present.

21 CHAIRWOMAN LABONTE: Thank you.

22 Hi, Larry.

23 MR. POTASHNICK: Present.

24 CHAIRWOMAN LABONTE: Thank you.

25 (Ms. Hall is now present.)

1 CHAIRWOMAN LABONTE: We'll move on to New
2 Business.

3 Our first item is Public Hearing Application
4 22-013: Conditional Use Permit to Repeal Ordinance 5250
5 and Issue a New CUP for the Operation of a 10-Screen Movie
6 Theater, Ten Lane Bowling Alley, Ropes Course with
7 Full-Service Dining for B&B Theaters Located at 12657
8 Olive Boulevard.

9 (Mr. Jaggi, Ms. Moore and Mr. Dennis McIntire
10 were sworn in by the court reporter.)

11 MR. MCINTYRE: My name is Dennis McIntire, 912
12 North Forest Lane, Liberty, Missouri, and I am the
13 executive director of Strategic Development and Innovation
14 for B&B Theaters.

15 We are working with the -- the new landowner to
16 remodel the existing West Olive 16. The idea is to -- to
17 gut four of the auditoriums and turn it into a family
18 entertainment center with bowling, arcade, an increased
19 size bar, and then also then along with that two
20 auditoriums will be demo'ed and, basically, turned 90
21 degrees, so that -- so we could -- we could get a bigger
22 auditorium, a bigger screen.

23 And along with that there would be three, I'm
24 99 percent sure, three new concepts added to the building
25 on the movie-going experience.

1 One would be an amusement park ride seat
2 auditorium that has the movie running through the seat, so
3 when a car turns right, the seat turns right, and it gives
4 you this 4D effect.

5 The other one would be a screen play, which is a
6 auditorium that has a playground in it for the kids to get
7 their wiggles out before -- before showtime.

8 And the third is a rentable venue called The
9 Lyric, which dates back to 1924, our first theater in
10 Salsbury, Missouri.

11 B&B Theaters is the fifth largest theater chain
12 in the US, largest privately held, and we operate 56
13 locations across twelve states.

14 In the St. Louis metro area we operate
15 Wentzville, Wildwood and Festus, and excited to have Creve
16 Coeur as our -- as our fourth.

17 So, the reason for the application is the
18 original building was designed to be a movie theater in
19 2012. It was re-imagined as a dine-in movie theater, and
20 so it went through another conditional use permit at that
21 time.

22 Now with us doing a lot of the other work in
23 there, including the family entertainment center, a new
24 conditional use permit was required.

25 And I -- at this point, I -- unless you guys

1 have questions, we'll turn it over to staff for comment.

2 The -- the biggest issue, I guess, biggest issue
3 is the parking requirements. And currently there are 418
4 parking stalls between the two lots; the one directly in
5 the front of the theater and the one across Whispering
6 Pines.

7 Under this new use, staff has calculated it to
8 need 360 spaces, so we can easily capture all of our
9 parking inside of what is existing, and we, obviously,
10 have all of West Park in their -- their 1500 parking
11 spaces available to us under a cross-access easement, so.

12 If there's any questions or -- I'm assuming
13 staff will jump in.

14 CHAIRWOMAN LABONTE: Thank you.

15 MS. MOORE: Bethany Moore for the City of Creve
16 Coeur.

17 This is Application 22-13. It is the
18 conditional use permit to repeal Ordinance 5250, which was
19 the previous ordinance from 2012 for the operation of a
20 10-screen movie theater with ten lane bowling, ropes
21 course and full-service dining for the B&B Theaters
22 located at 12657 Olive Boulevard.

23 And the request is to repeal the existing
24 conditional use permit for a new conditional use permit
25 because there are so many new uses proposed.

1 The -- there's a -- the bowling alley and the
2 ropes course, as well as the existing full-service bar and
3 restaurant.

4 There will be an overall reduction in the number
5 of movie theater seats. Existing there are 1,035. And
6 under the new conditional use permit that will go down to
7 622. They are removing six theaters for the addition of
8 the -- the additional conditional uses. Excuse me.

9 This is in the Core Business District, and there
10 are no exterior alterations proposed with this.

11 And here is a look at the plan. So this one
12 here on your left, this is existing. Here are the 16
13 theaters existing, and then this is the entry area with
14 the kitchen and the bar.

15 And then the plan here on your right, this is
16 the proposed.

17 These are the existing theaters where they will
18 have the -- the concepts that he was discussing for the
19 different kinds of movie experiences.

20 And then this right here is the bigger theater.
21 They combined two of them here for -- into one, so that's
22 why we're down to ten instead of sixteen.

23 And then here is the five-lane bowling alley --
24 or excuse me -- the ten-lane bowling alley.

25 And then this area here is the ropes course and

1 recreation area. And then there is the new bar, kitchen
2 area at the entrance.

3 The other spaces, such as the bathrooms and
4 the -- the hallways and whatnot, those are not being
5 touched in this proposal.

6 And this is the existing parking. This is the
7 parking for the complex as a whole for the West Park
8 Center.

9 These portions here in yellow, those are the
10 ones that we are discussing. Those are the ones that are
11 directly related to the movie theater use. And that is a
12 total of 412 parking spaces available exclusively for
13 B&B's use.

14 That would be the parking directly around the
15 building.

16 And then this parking lot here is across
17 Whispering Meadows, and it is in St. Louis County, but it
18 is included in their parking for a total of 412.

19 And then this is the parking requirement table
20 for the uses. So for the different uses we have the
21 recreation area, the bowling center, the multiplex movie
22 theater and then the full-service bar and restaurant.

23 So, for those uses if we did a -- a -- per the
24 Zoning Code and we combined all those uses on top of each
25 other, the required parking would be 639 spaces, which is

1 much larger than would be needed for a use like this,
2 especially when all those conditional uses would be going
3 on at the same time with the same patrons.

4 So because of this, we have suggested a hybrid
5 of the parking requirements to limit it to one space for
6 every three seats. One space for each employee at the
7 busiest shift, and one space for 150 square feet of
8 recreation area, one space per lane for -- five spaces per
9 lane of bowling, and then one space per three seats and
10 one space -- oh, including the employee busiest shift.

11 So, altogether that hybrid model brings us down
12 to 360 required parking spaces and they have 412, so they
13 are under their parking requirement.

14 And then part of the conditions of approval for
15 their conditional use permit would be that the parking lot
16 across Whispering Pines that is in St. Louis County, if
17 that were ever to be taken out of their parking
18 requirement, they would have to come back to the Planning
19 and Zoning Commission to readjust that parking.

20 They also have an agreement with the West Park
21 complex as a whole to use some of that parking, so then we
22 would have to do calculations to factor that in to make
23 sure they have enough parking for all the various uses
24 there they were to lose that additional parking across
25 Whispering Pines. And then also the off-street parking

1 requirement would be calculated according to that hybrid
2 model that I said.

3 And any questions? No.

4 MS. O'BRIEN: I --

5 MS. MOORE: Yes.

6 MS. O'BRIEN: -- have a question.

7 I was reading some of the detail, and it said
8 when you were factoring your hybrid model that, like, for
9 example, the bar, you would have to have a ticket to the
10 movie, or I wasn't exactly sure --

11 MS. MOORE: The bar and restaurant would be for
12 the patrons of the movie theater, yes.

13 MS. O'BRIEN: Okay.

14 So what if somebody was bowling, would that also
15 be --

16 MS. MOORE: Yes. Sorry. For the --

17 MS. O'BRIEN: Okay.

18 MS. MOORE: -- for the patrons --

19 MS. O'BRIEN: Whoever was using --

20 MS. MOORE: Yes.

21 MS. O'BRIEN: -- the whole facility?

22 MS. MOORE: Yes.

23 MS. O'BRIEN: And what about there's one space
24 that can be rented out. Was there one?

25 MR. MCINTYRE: So there's an auditorium that can

1 be rented out. It will act as a traditional movie theater
2 unless somebody rents that room out.

3 VOICE: Oh.

4 MR. MCINTYRE: So it truly acts like its own
5 theater.

6 There is a birthday party room in the back of
7 the -- of the arcade, as well, that can be rented out.

8 MS. MOORE: So those seats were calculated in
9 the parking.

10 MS. O'BRIEN: And those are factored in as well?

11 MS. MOORE: Yes.

12 MS. O'BRIEN: Okay.

13 MS. MOORE: No more questions?

14 CHAIRWOMAN LABONTE: Any other questions?

15 Do we have a motion?

16 Oh.

17 MR. JAGGI: Members of the public.

18 CHAIRWOMAN LABONTE: Are there any members from
19 the public that would like to speak regarding this topic?

20 MR. LUMLEY: Ready?

21 CHAIRWOMAN LABONTE: Yes.

22 MR. LUMLEY: I'd like to offer the following
23 exhibits into the record of this public hearing;
24 documentation in possession of the City Clerk reflecting
25 the notice that's been provided to the public, the staff

1 report in this matter, the City Code of Ordinances and
2 Charter, the City Comprehensive Plan and the public file
3 regarding this application.

4 (The Public Hearing was closed at 6:56 p.m.)

5 oOo

6
7 STATE OF MISSOURI)
8) SS
9 COUNTY OF ST. LOUIS)

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

17
18
19 Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR

20 Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR
21
22
23
24
25

BILL NO. 6019

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AUTHORIZING THE EXECUTION OF AN STP-URBAN PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO ENABLE THE CITY TO CONSTRUCT THE CRAIG ROAD IMPROVEMENTS PROJECT.

WHEREAS, the City of Creve Coeur strives to maintain its pavement infrastructure for the sake of its residents; and

WHEREAS, the City has been awarded grant funding under the federal Surface Transportation Program (STP) to assist with the cost of asphalt pavement resurfacing, intersection improvements, sidewalk, and pedestrian improvements to Craig Road between Olive Boulevard and Old Ballas Road; and

WHEREAS, the attached "Exhibit One" is an agreement between the City and the Missouri Highways and Transportation Commission regarding the responsibilities and requirements of the STP-Urban Grant Program.

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

SECTION 1. The STP-Urban Program Agreement, between the Missouri Highways and Transportation Commission and the City, regarding the construction of asphalt pavement, intersection improvements, sidewalk, and pedestrian improvements to Craig Road, attached hereto and referred to herein as the "Program Agreement," is hereby approved and the City Administrator is authorized to execute same on behalf of the City and the City Clerk is authorized and directed to attest thereto. The Agreement as executed shall be substantially in the form of the Program Agreement, 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. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the Program Agreement.

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

BILL NO. 6019

ORDINANCE NO. _____

ADOPTED THIS ____ DAY OF _____ 2022.

JOE MARTINICH
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____ 2022.

DR. ROBERT HOFFMAN
MAYOR

ATTEST:

KELLIE HENKE
CITY CLERK

EXHIBIT ONE

CCO Form: FS11
 Approved: 07/96 (KMH)
 Revised: 03/17 (MWH)
 Modified:

CFDA Number: CFDA #20.205
 CFDA Title: Highway Planning and Construction
 Award name/number: STP-5563(603)
 Award Year: 2024
 Federal Agency: Federal Highway Administration, Department of Transportation

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION STP-URBAN PROGRAM AGREEMENT

THIS STP-URBAN AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Creve Coeur, St. Louis County, Missouri (hereinafter, "City").

WITNESSETH:

WHEREAS, the Fixing America's Surface Transportation Act (FAST) 23 U.S.C. §133, authorizes a Surface Transportation Program (STP) to fund transportation related projects; and

WHEREAS, the City desires to construct certain improvements, more specifically described below, using such STP funding; and

WHEREAS, those improvements are to be designed and constructed in compliance with the provisions of this Agreement.

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

(1) PURPOSE: The purpose of this Agreement is to grant the use of STP funds to the City. The improvement contemplated by this Agreement and designated as Project STP-5563(603) involves:

Resurfacing, full depth pavement repair, and upgrade sidewalks.

The City shall be responsible for all aspects of the construction of the improvement.

(2) LOCATION: The contemplated improvement designated as Project STP-5563(603) by the Commission is within the city limits of Creve Coeur, Missouri. The general location of the improvement is shown on an attachment hereto marked "Exhibit A" and incorporated herein by reference. More specific descriptions are as follows:

Craig Road from Olive Road (MO 340) to Old Ballas Road.

(3) REASONABLE PROGRESS POLICY: The project as described in this agreement is subject to the reasonable progress policy set forth in the Local Public Agency (LPA) Manual and the final deadline specified in Exhibit B attached hereto and incorporated herein by reference. In the event, the LPA Manual and the final deadline within Exhibit B conflict, the final deadline within Exhibit B controls. If the project is within a Transportation Management Area that has a reasonable progress policy in place, the project is subject to that policy. If the project is withdrawn for not meeting reasonable progress, the City agrees to repay the Commission for any progress payments made to the City for the project and agrees that the Commission may deduct progress payments made to the City from future payments to the City.

(4) LIMITS OF SYSTEM: The limits of the surface transportation system for the City shall correspond to its geographical area as encompassed by the urban boundaries of the City as fixed cooperatively by the parties subject to approval by the Federal Highway Administration (FHWA).

(5) ROUTES TO BE INCLUDED: The City shall select the high traffic volume arterial and collector routes to be included in the surface transportation system, to be concurred with by the Commission, subject to approval by the FHWA. It is understood by the parties that surface transportation system projects will be limited to the said surface transportation system, but that streets and arterial routes may be added to the surface transportation system, including transfers from other federal aid systems.

(6) INVENTORY AND INSPECTION: The City shall:

(A) Furnish annually, upon request from the Commission or FHWA, information concerning conditions on streets included in the STP system under local jurisdiction indicating miles of system by pavement width, surface type, number of lanes and traffic volume category.

(B) Inspect and provide inventories of all bridges on that portion of the federal-aid highway systems under the jurisdiction of the City in accordance with the Federal Special Bridge Program, as set forth in 23 U.S.C. §144, and applicable amendments or regulations promulgated thereunder.

(7) CITY TO MAINTAIN: Upon completion of construction of this improvement, the City shall accept control and maintenance of the improved street and shall thereafter keep, control, and maintain the same as, and for all purposes, a part of the City street system at its own cost and expense and at no cost and expense whatsoever to the Commission. Any traffic signals installed on highways maintained by the Commission will be turned over to the Commission upon completion of the project for maintenance. All

obligations of the Commission under this Agreement shall cease upon completion of the improvement.

(8) INDEMNIFICATION:

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

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

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

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The City shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

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

(9) CONSTRUCTION SPECIFICATIONS: Parties agree that all construction under the STP for the City will be constructed in accordance with current MoDOT design criteria/specifications for urban construction unless separate standards for the surface transportation system have been established by the City and the Commission subject to the approval of the FHWA.

(10) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in the United States

Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit C. Wherever the term "the contractor" or words of similar import appear in these sections, the term "the City" is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(11) ACQUISITION OF RIGHT OF WAY: With respect to the acquisition of right of way necessary for the completion of the project, City shall acquire any additional necessary right of way required for the project and in doing so agrees that it will comply with all applicable federal laws, rules and regulations, including 42 U.S.C. 4601-4655, the Uniform Relocation Assistance and Real Property Acquisition Act, as amended and any regulations promulgated in connection with the Act. However, upon written request by the City and the written acceptance by the Commission, the Commission shall acquire right of way for the City. Upon approval of all agreements, plans and specifications by the Commission and the FHWA, the commission will file copies of said plans in the office of the county clerk: and proceed to acquire by negotiation and purchase or by condemnation any necessary right of way required for the construction of the improvement contemplated herein. All right of way acquired by negotiation and purchase will be acquired in the name of City, and the City will pay to grantors thereof the agreed upon purchase prices. All right of way acquired through condemnation proceedings will be acquired in the name of the State of Missouri and subsequently released to the City. The City shall pay into court all awards and final judgments in favor of any such condemnees. The City shall also reimburse the Commission for any expense incurred by the Commission in acquiring said right of way, including but not limited to the costs of surveying, appraisal, negotiation, condemnation, and relocation assistance benefits. Unless otherwise agreed to in writing the Commission shall have the final decision regarding the settlement amount in condemnation.

(12) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. All federally funded projects are required to have a project end date. Any costs incurred after the project end date are not eligible for reimbursement. The federal share for this project will be 80 percent not to exceed \$960,000. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs

associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(13) PERMITS: The City shall secure any necessary approvals or permits from the Federal Government and the State of Missouri as required to permit the construction and maintenance of the contemplated improvements.

(14) TRAFFIC CONTROL: The plans shall provide for handling traffic with signs, signal and marking in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

(15) WORK ON STATE RIGHT OF WAY: If any contemplated improvements for Project STP-5563(603) will involve work on the state's right of way, the City will provide reproducible final plans to the Commission relating to such work.

(16) DISADVANTAGED BUSINESS ENTERPRISES (DBEs): At time of processing the required project agreements with the FHWA, the Commission will advise the City of any required goals for participation by DBEs to be included in the City's proposal for the work to be performed. The City shall submit for Commission approval a DBE goal or plan. The City shall comply with the plan or goal that is approved by the Commission and all requirements of 49 C.F.R. Part 26, as amended.

(17) NOTICE TO BIDDERS: The City shall notify the prospective bidders that disadvantaged business enterprises shall be afforded full and affirmative opportunity to submit bids in response to the invitation and will not be discriminated against on grounds of race, color, sex, or national origin in consideration for an award.

(18) PROGRESS PAYMENTS: The City may request progress payments be made for the herein improvements as work progresses but not more than once every two weeks. Progress payments must be submitted monthly. All progress payment requests must be submitted for reimbursement within 90 days of the project completion date for the final phase of work. The City shall repay any progress payments which involve ineligible costs.

(19) PROMPT PAYMENTS: Progress invoices submitted to MoDOT for reimbursement more than thirty (30) calendar days after the date of the vendor invoice shall also include documentation that the vendor was paid in full for the work identified in the progress invoice. Examples of proof of payment may include a letter or e-mail from the vendor, lien waiver or copies of cancelled checks. Reimbursement will not be made on these submittals until proof of payment is provided. Progress invoices submitted to MoDOT for reimbursement within thirty (30) calendar days of the date on the vendor invoice will be processed for reimbursement without proof of payment to the vendor. If the City has not paid the vendor prior to receiving reimbursement, the City must pay the vendor within two (2) business days of receipt of funds from MoDOT.

(20) OUTDOOR ADVERTISING: The City further agrees that the right of way provided for any STP improvement will be held and maintained inviolate for public highway or street purposes, and will enact and enforce any ordinances or regulations necessary to prohibit the presence of billboards or other advertising signs or devices and the vending or sale of merchandise on such right of way, and will remove or cause to be removed from such right of way any sign, private installation of any nature, or any privately owned object or thing which may interfere with the free flow of traffic or impair the full use and safety of the highway or street.

(21) FINAL AUDIT: The Commission will perform a final audit of project costs. The United States Government shall reimburse the City, through the Commission, any monies due. The City shall refund any overpayments as determined by the final audit.

(22) AUDIT REQUIREMENT: If the City expend(s) seven hundred fifty thousand dollars (\$750,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with 2 CFR Part 200. A copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Subject to the requirements of 2 CFR Part 200, if the City expend(s) less than seven hundred fifty thousand dollars (\$750,000) a year, the City may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(23) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006: The City shall comply with all reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 C.F.R. Part 170.

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

(25) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

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

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

(28) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

- (A) To the City:
300 North New Ballas Road
Creve Coeur, MO 63141
- (B) To the Commission:
1590 Woodlake Drive
Chesterfield, MO 63017

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(29) NONDISCRIMINATION ASSURANCE: With regard to work under this Agreement, the City agrees as follows:

(A) Civil Rights Statutes: The City shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and §2000e, et seq.), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, et seq.). In addition, if the City is providing services or operating programs on behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

(B) Administrative Rules: The City shall comply with the administrative rules of the United States Department of Transportation relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (49 C.F.R. Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) Nondiscrimination: The City shall not discriminate on grounds of the race, color, religion, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. §21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a

subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the City of the requirements of this Agreement relative to nondiscrimination on grounds of the race, color, religion, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the United States Department of Transportation as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the City fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the City complies; and/or
2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include the provisions of paragraph (29) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The City will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the City may request the United States to enter into such litigation to protect the interests of the United States.

(30) ACCESS TO RECORDS: The City and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the FHWA and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the City receives reimbursement of their final invoice from the Commission.

(31) CONFLICT OF INTEREST: The City shall comply with conflict of interest policies identified in 23 CFR 1.33. A conflict of interest occurs when an entity has a financial or personal interest in a federally funded project.

(32) MANDATORY DISCLOSURES: The City shall comply with 2 CFR 200.113 and disclose, in a timely manner, in writing all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City on _____(DATE).

Executed by the Commission on _____(DATE).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF CREVE COEUR

By _____

Title _____

Title _____

ATTEST:

ATTEST:

By _____

Secretary to the Commission

Title _____

Approved as to Form:

Approved as to Form:

By _____

Commission Counsel

Title _____

Ordinance No:_____

Exhibit A - Location of Project



Exhibit B – Project Schedule

Project Description: STP-5563(603) Craig Road

PROJECT DEVELOPMENT SCHEDULE <i>Note: many stages can occur concurrently.</i>			
Activity Description	Start Date (MM/YYYY)	Finish Date (MM/YYYY)	Time Frame (Months)
Receive notification letter	10/2021	10/2021	1
Execute agreement (project sponsor and DOT)	11/2021	01/2022	3
Engineering services contract submitted and approved*	N/A	N/A	N/A
Obtain environmental clearances (106, CE2, T&E, etc.)	11/2022	03/2023	5
Public meeting/hearing	01/2024	01/2024	1
Develop and submit preliminary plans	08/2022	02/2023	7
Preliminary plans approved	03/2023	04/2023	2
Develop and submit right-of-way plans	04/2023	06/2023	3
Review and approval of right-of-way plans	07/2023	10/2023	4
Submit and receive approval for notice to proceed for right-of-way acquisition (A-Date)*	10/2023	11/2023	2
Right-of-way acquisition	12/2023	05/2024	6
Utility coordination	09/2022	09/2024	24
Develop and submit PS&E	02/2024	07/2024	6
District approval of PS&E/advertise for bids*	07/2024	09/2024	3
Submit and receive bids for review and approval	11/2024	01/2025	3
Project implementation/construction	03/2025	06/2025	4
* Finish date must match fiscal year for each milestone shown in bold text .			

*Note: the dates established in the schedule above will be used in the applicable ESC between the sponsor agency and consultant firm.

**Schedule dates are approximate as the project schedule will be actively managed and issues mitigated through the project delivery process. The Award Date or Planning Study Date deliverable is not approximate and requires request to adjust.

Exhibit C - Required Contract Provisions

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. **EEO Officer:** The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. **Dissemination of Policy:** All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. **Recruitment:** When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. **Personnel Actions:** Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. **Training and Promotion:**

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar

with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b.(1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-

Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly

rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

- (1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
- (2) the prime contractor remains responsible for the quality of the work of the leased employees;
- (3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and
- (4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is

evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this

covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

* * * * *

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

**ATTACHMENT A - EMPLOYMENT AND MATERIALS
PREFERENCE FOR APPALACHIAN DEVELOPMENT
HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS
ROAD CONTRACTS**

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.



DEPARTMENT OF PUBLIC WORKS STAFF MEMORANDUM

DATE: July 6, 2022

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works

FROM: Kevin Mulligan, P.E., Civil Engineer

SUBJECT: Recommendation to Execute Program Agreement
Craig Road Improvement Project STP-5563(603)

City staff recommends that the City execute an STP-Urban Program Agreement with the Missouri Highways and Transportation Commission (MoDOT) in order to accept federal grant funding assistance for asphalt pavement resurfacing, intersection improvements, sidewalk, and pedestrian improvements to Craig Road.

Project Summary

The Craig Road Improvement Project will involve asphalt resurfacing, replacement of the sidewalk on the east side of the road, installation of a new sidewalk along the west side of the road, replacement of the rolled curb and gutter with vertical curb and gutter, safety improvements to the intersections at Office Parkway and Olde Cabin Road, and installation of pedestrian crossings at the intersections. Easements and right of way are expected to be necessary along the project limits.

Project Schedule

Projects that follow the process laid out by MoDOT for grant-funded projects generally have three phases: design, right-of-way acquisition, and construction.

- Design (FY2023-FY2025). The design for this project is scheduled to begin during the fall of 2022 and is expected to last through the summer of 2024. This phase of the project will be fully funded by the City.
- Right-of-Way Acquisition (FY2024). Easements appear to be necessary from eight of the twelve properties along the project limits. No right-of-way appears to be necessary. This phase is planned for fall 2023 through summer 2024. The federal grant will reimburse the City up to 80% of the costs associated with easement and right of way acquisition.
- Construction (FY2025). Construction of this project is scheduled for the spring and summer of 2025. The federal grant will reimburse the City up to 80% of the cost to construct the project.

The anticipated schedule for the project is listed in detail in Exhibit B (page 12) of the Program Agreement.

Project Cost and Grant Reimbursement

The program agreement establishes the amount of reimbursement for the project at 80% of right of way/easement acquisition and construction costs, up to an amount of \$960,000.00. The total cost of the project is expected to be \$1.35 million, making the City's share \$390,000, or approximately 29% of the total cost.

The estimated cost of each phase of the project and the amount of grant funding awarded for that phase are outlined below:

Project Stage	Fiscal Year	Total Cost	Grant Funding	City Funding
Design	FY2023-FY2025	\$ 150,000	\$ 0	\$ 150,000
Right of Way	FY2024	\$ 100,000	\$ 80,000	\$ 20,000
Construction	FY2025	\$ 1,100,000	\$ 880,000	\$ 220,000
	Total	\$ 1,350,000	\$ 960,000	\$ 390,000

Recommendation

The City has benefitted from federal grants to improve most of its major roads in the recent past. Staff finds this grant program to be a good opportunity for the City, and recommends that the City enter into the program agreement with MoDOT in order to take advantage of this program for the benefit of Craig Road.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AUTHORIZING THE EXECUTION OF A STP-URBAN PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO ENABLE THE CITY TO CONSTRUCT THE CRAIG ROAD IMPROVEMENTS PROJECT.

WHEREAS, the City of Creve Coeur strives to maintain its pavement infrastructure for the sake of its residents; and

WHEREAS, the City has been awarded grant funding under the federal Surface Transportation Program (STP) to assist with the cost of asphalt pavement resurfacing, intersection improvements, sidewalk, and pedestrian improvements to Craig Road between Olive Boulevard and Old Ballas Road; and

WHEREAS, the attached "Exhibit One" is an agreement between the City and the Missouri Highways and Transportation Commission regarding the responsibilities and requirements of the STP-Urban Grant Program.

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

SECTION 1. The STP-Urban Program Agreement, between the Missouri Highways and Transportation Commission and the City, regarding the construction of asphalt pavement, intersection improvements, sidewalk, and pedestrian improvements to Craig Road, attached hereto and referred to herein as the "Program Agreement," is hereby approved and the City Administrator is authorized to execute same on behalf of the City and the City Clerk is authorized and directed to attest thereto. The Agreement as executed shall be substantially in the form of the Program Agreement, 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. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the Program Agreement.

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

ADOPTED THIS ____ DAY OF _____ 2022.

JOE MARTINICH
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____ 2022.

ROBERT HOFFMAN
MAYOR

ATTEST:

KELLIE HENKE
CITY CLERK

BILL NO. 6020

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE
PERMIT FOR A 3,049 SQUARE-FOOT EATING AND DRINKING ESTABLISHMENT,
FOR TIMOTHY'S THE RESTAURANT, LOCATED AT 12710 OLIVE BOULEVARD,
WITHIN THE BELLERIVE PLAZA COMPLEX**

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

WHEREAS, Steven Manns, of Timothy's the Restaurant, submitted an application for a new conditional use permit for an existing 3,049 square foot restaurant, Timothy's, with 94 indoor seats, at 12710 Olive Boulevard, within the Bellerive Plaza complex; and,

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, July 18, 2022, beginning at 6:00 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(2); and,

WHEREAS, notice of publication for said public hearing had been previously published at least 15 days prior to the hearing, in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a 5-0 vote, recommended approval of the conditional use permit, subject to the conditions contained herein, at its meeting on July 18, 2022; and,

WHEREAS, all parties desiring to be heard, either for or against said application, were given an opportunity to be heard, and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the Council; and this Bill having been read by title in open meeting two times before final passage by the City Council, and

WHEREAS, the City Council finds that the application and evidence presented clearly indicate that the proposed conditional use, when subject to certain conditions set forth herein:

1. Will contribute to and promote the community welfare and convenience at the specific location.
2. Will not cause substantial injury to the value of neighboring property.
3. Meets the applicable provisions of the City's Comprehensive Plan and any applicable neighborhood or sector plans and complies with other applicable zoning district regulations and provisions of this Chapter, unless good cause exists for deviation therefrom.
4. Will be compatible with the surrounding area and thus will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent users or on community facilities or services.
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.

BILL NO. 6020

ORDINANCE NO. _____

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

Section 1: A Conditional Use Permit is authorized to be issued pursuant to Section 3 hereof for the operation of a restaurant located at 12710 Olive Boulevard, in the "GC" General Commercial zoning district, within the Bellerive Plaza complex, whose legal description is as follows:

LOT 1 OF "BELLERIVE EXECUTIVE PARK PLAT TWO" IN U.S. SURVEY 1923 TOWNSHIP 45 AND 46 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN. CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 164 PAGE 62 OF THE ST LOUIS COUNTY RECORDS.

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

1. The Conditional Use Permit shall be for the operation of an approximately 3,049 square foot Full Service Restaurant establishment, NAICS 722511, at 12710 Olive Boulevard, within Bellerive Plaza.
2. Maximum seating permitted is limited to 94 indoor seats. The Zoning Administrator may authorize additional indoor or outdoor seating, based upon a complete review of the parking for Bellerive Plaza to ensure zoning code compliance.
3. Hours of operation shall be 4:00 p.m. to 10:00 p.m., seven days a week. Additional business hours may be permitted with the Zoning Administrator's approval including, but not limited to, the catering of special events.
4. Employee vehicles, delivery and company vehicles shall be parked in front of the buildings and as far from the public right-of-way as possible.
5. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code and require permit approval.
6. A building permit in substantial conformance with the submitted plans for the awning as part of Application #22-016 shall be submitted for review.
7. The removable side panels for the awning shall be used in the colder months for additional enclosed seating (which are included in the 94 seat count) and removed in the warmer months for outdoor patio seating.
8. Any future enlargement, extension, expansion, or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
9. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
10. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained, and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.

BILL NO. 6020

ORDINANCE NO. _____

11. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

Section 3: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 2 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

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

ADOPTED THIS ____ DAY OF _____, 2022.

JOSEPH MARTINICH
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2022.

DR. ROBERT HOFFMAN
MAYOR

ATTEST:

KELLIE HENKE
CITY CLERK



city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141

(314) 432-6000 • Fax (314) 872-2539

NOTICE OF PUBLIC HEARING

APPLICATION TO PLANNING AND ZONING COMMISSION #22-016: APPLICATION FOR A CONDITIONAL USE PERMIT FOR TIMOTHY'S THE RESTAURANT LOCATED AT 12710 OLIVE BOULEVARD WITHIN BELLERIVE PLAZA

FOR THE MEETING OF: Monday, July 18, 2022, 6:00 PM.

LOCATION: 12710 Olive Boulevard (see attached map). Zoned GC General Commercial District.

REQUEST: Steven Manns, of Timothy's restaurant, has submitted an application for a Conditional Use Permit for Timothy's at 12710 Olive Boulevard within Bellerive Plaza in the "GC" General Commercial Zoning District. Timothy's has 72 indoor seats and 22 outdoor seats and is a conditional use per NAICS 722511 Full-Service Restaurants. The applicant is also seeking approval to install an awning with removable wall panels to enclose the outdoor seating in the colder months.

ADDITIONAL INFORMATION: Timothy's is a currently operating full-service restaurant that is able to operate without a conditional use permit under Zoning Code Section 405.210 *Regulation of Uses* due to its restaurant use at the time of incorporation in 1995. Once a change to the use is proposed, a conditional use permit is required. NAICS 722511 Full-Service Restaurants are permitted as conditional uses with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission.

Key Issues:

- Does the request further the goals and/or implement the Comprehensive Plan?
- Is the request consistent with the required findings for a conditional use permit?
- Does the request follow the Design Guidelines?

Creve Coeur 2030 Plan References

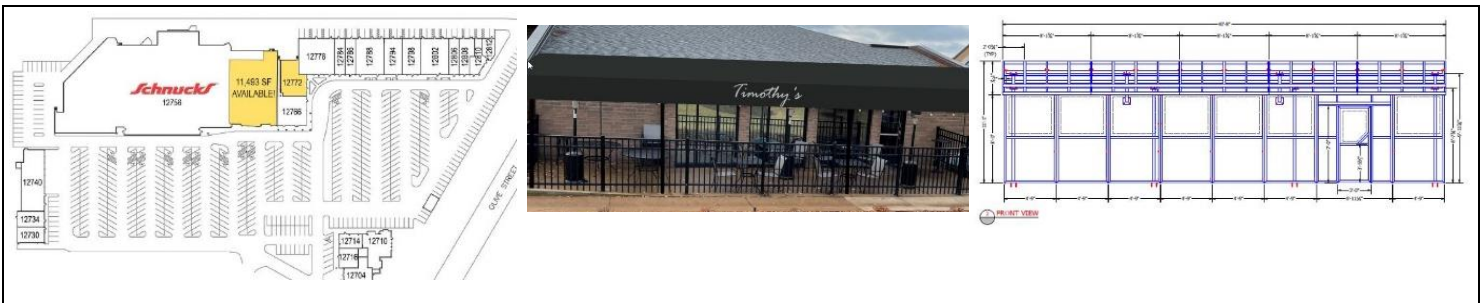
- MU-Mixed Use District
- Design Guidelines

Zoning Code References

- Section 405.210: Regulation of Uses
- Section 405.360: GC-General Commercial District
- Section 405.470: Conditional Use Permit
- Section 405.820: Required Off-Street Parking Spaces
- Section 405.1070: Conditional Use Permits.

APPLICANT: Steven Manns
Timothy's
12710 Olive Boulevard
Creve Coeur, MO 63141

PROPERTY OWNER: MCW RD Bellerive Plaza, LLC
25 N. Brentwood Boulevard
St. Louis, MO 63105



REPORT PREPARED BY: Bethany Moore, City Planner
DATE: 7/12/2022
ATTACHMENTS: Applicant's Materials received June 17, 2022
Draft Ordinance

BACKGROUND:

Bellerive Plaza shopping center, located south of Olive Boulevard and west of Mason Road, was approved and constructed in 1980 in compliance with St. Louis County zoning regulations. The property was annexed by the City of Creve Coeur in 1996, and subsequently zoned "GC" General Commercial. The center consists of three buildings, housing approximately 21 tenant spaces, including the anchor of a Schnucks Supermarket, and totals 115,207 square feet. Bellerive Plaza currently has 19 tenants and two retail vacancies. The overall development is legally pre-existing, with non-conforming site coverage. The existing uses at the time of incorporation are allowed to continue as if approved per Section 405.210 (A)(2) which states:

2. Conditional uses. No conditional use, as designated within this Chapter, shall hereafter be established unless such use has been approved pursuant to the provisions of Section **405.470**. Any existing use which was a permitted use prior to the adoption of this Chapter and which is designated as a conditional use by this Chapter may continue as if it were approved as a conditional use.

Timothy's the Restaurant has been operating at the subject property since 2021 and the tenant space has been continuously used as a restaurant use since before the shopping center was incorporated. Most recently the subject property housed the Olive Street Café. There are currently 72 indoor seats and 22 outdoor seats on an uncovered patio facing Olive Boulevard. No change to the number of seats is requested but the request to construct an awning with removable side panels would change the parking count for the outdoor seating as it would be considered indoor seating for several months out of the year. This change in parking requirements and the addition of the awning is what triggers the need for a Conditional Use Permit at this location when it was previously allowed to operate without one per Section 405.210.

PROJECT DESCRIPTION

The Applicant is seeking approval for the construction of an attached awning to cover the outdoor seating on the patio area facing Olive Boulevard. The awning would include removable panels in order to enclose the outdoor seating in the colder months and the panels would be removed in the warmer months. Due to the enclosed nature of the seating, staff has determined that the additional patio seating should be calculated at the rate of indoor parking at 1 parking space required per 3 seats instead of 1 parking space required per 8 seats. This change in seating and parking requirements requires that a Conditional Use Permit be applied for at this location where none was required before due to the existing nature of the restaurant use at the time of incorporation in 1995 with no changes in that time. A new conditional use permit for the existing Timothy's Restaurant, a fine dining restaurant serving a selection of small plates, salads, dinner entrees and desserts to be consumed on the premises at any of the 72 indoor seats and 22 outdoor seats. The proposed restaurant is 3,049 square feet and no additional changes beyond the awning to the exterior of the building or the site are proposed in association with this application. The restaurant will operate from 4:00 pm to 10:00 pm 7 days week and will have up to 8 employees during the busiest hours of operation.

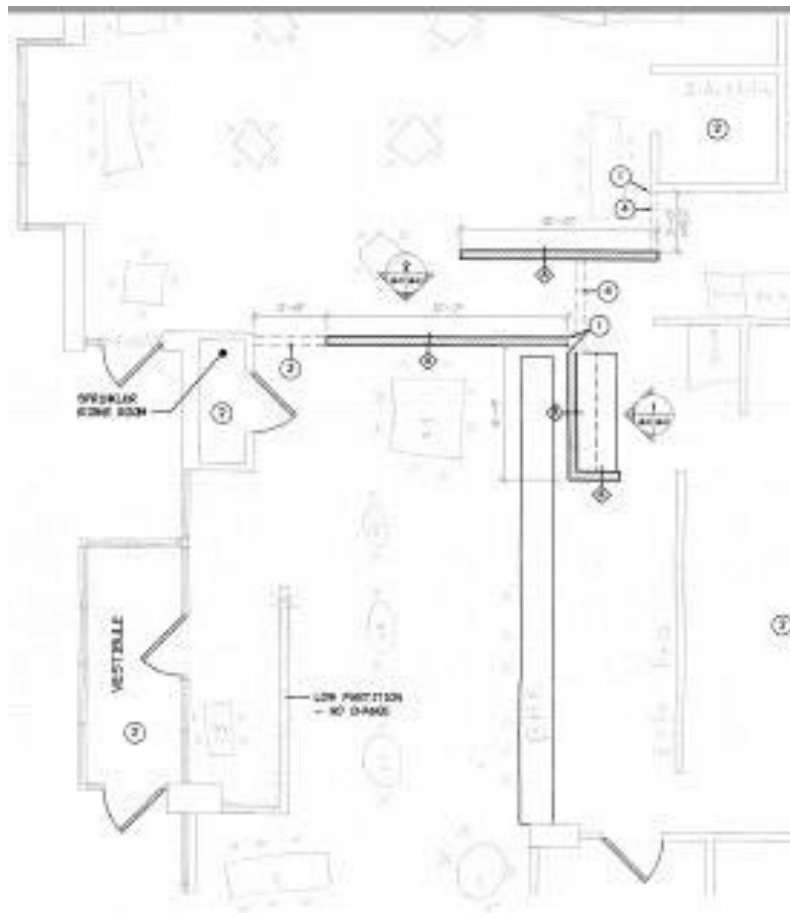


Figure 1: Timothy's Interior Seating with 72 Indoor Seats.

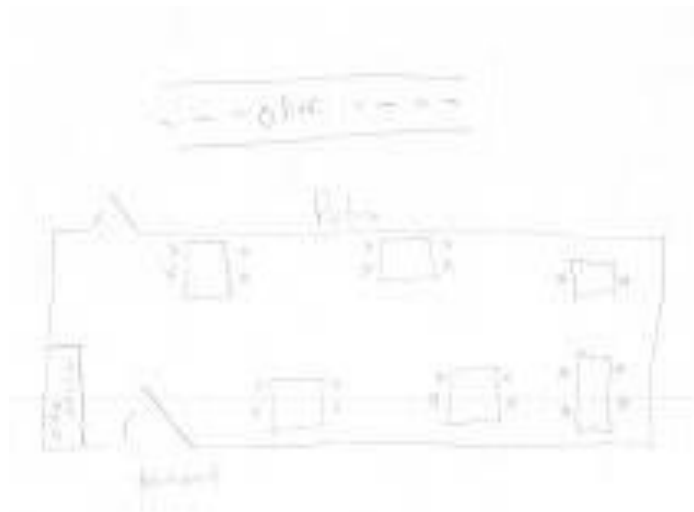


Figure 2: Timothy's Outdoor Patio Seating with 22 Outdoor Seats.

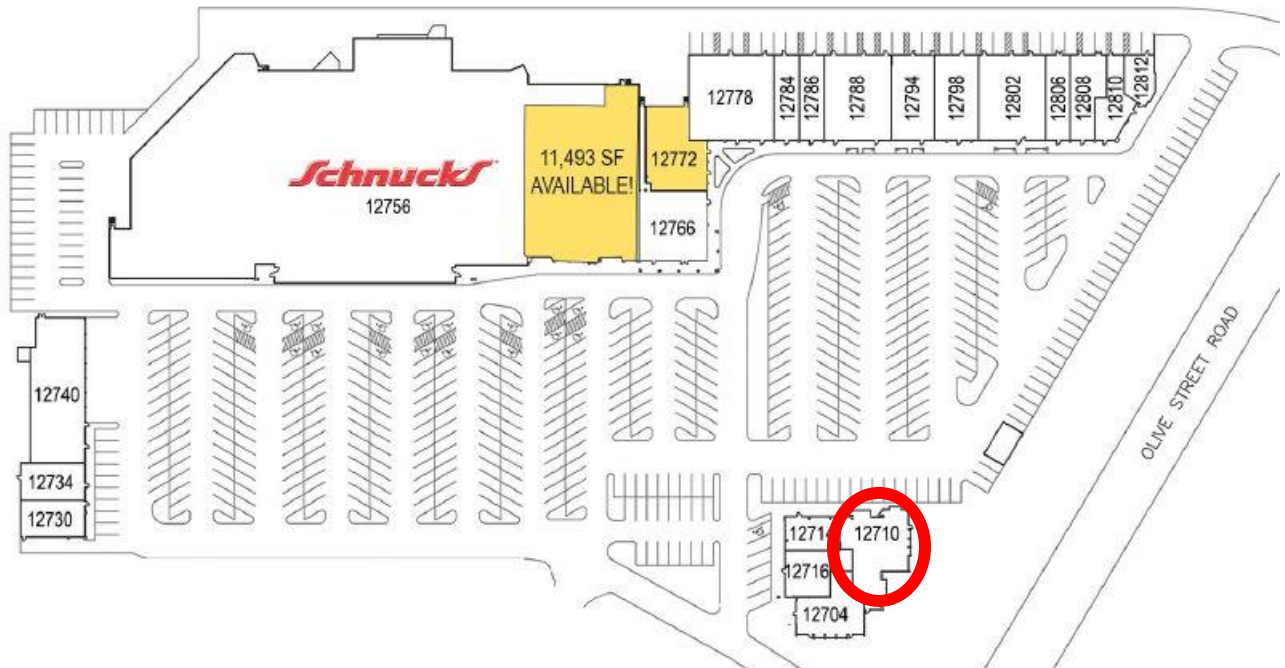


Figure 3: Timothy's Location within Bellerive Plaza.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Commercial	Unincorporated St. Louis County	Olive Boulevard
South	Office	PO-Planned Office	N/A
East	Bank	GC-General Commercial	Bellerive Plaza
West	Residential	AR-Attached Single-Family Residential	N/A

COMPREHENSIVE PLAN REVIEW

Creve Coeur 2030 Plan

The *Creve Coeur 2030 Plan* includes the overall goal for Placemaking & Community Identity by creating mixed-use, walkable districts (p. 45), and the long-term Economic Growth & Community Services goal of providing community services, amenities, and experiences necessary to leverage and capture the changing consumer preferences for more lifestyle centers (p. 47). The subject property is located within the West Olive Corridor Mixed-use District (MU) Place type that has a vision to create a visually-distinctive and regionally-recognized commercial corridor that improves walkable and bikeable access to retail and service businesses for the “day-to-day” use of Creve Coeur’s residents and workers. The MU Place type supports the development of a variety of medium-density commercial, retail, office, institutional, dining, community services, and multi-family residential within a suburban context. These land uses are supported primarily through vehicular access with improved walkability, pedestrian connections to adjacent neighborhoods, and beautifully landscaped street frontages. (p. 82). The applicant is an existing tenant in the space within a retail building in Bellerive Plaza. The proposal for the awning covered patio area is in line with the recommendations of the Comprehensive Plan’s vision for West Olive to promote plentiful outdoor public dining amenities with a beautifully-landscaped primary street frontage (p.86). Therefore, the use within the Plaza is consistent with the Comprehensive Plan as much as this proposal can be.

DESIGN GUIDELINES REVIEW

The Design Guidelines provide specific guidelines for restaurants which states that outdoor seating areas and fencing should be compatible and of an attractive design that is integrated with the main building's architecture (p. 11).

The proposed awning will have an aluminum frame with steel posts and substructure. The visible steel posts and substructure will be painted black. The awning material will be a black fabric. The permanent awning will be bolted to the building in the same location as the existing Timothy's sign. The removable side enclosure panels are also of the same black fabric material on the bottom half of the panels with the top half of the panels having clear plastic "windows" for outdoor visibility.

The location of the awning will be at the rear of the building and partially visible from the parking lot. Due to the location of the building within the Bellerive Plaza complex, the awning enclosure will be visible from Olive Boulevard. Given that the area is already fenced in and used for outdoor seating with landscaping between the patio and Olive Boulevard staff does not have concern with its visibility. If the Planning and Zoning Commission has a concern about the visibility of the awning enclosure from Olive Boulevard, discussion of additional landscaping is encouraged. The condition of approval to allow the construction of the awning with the removable sides panels has been added. If the Planning and Zoning Commission deems it necessary to limit the use of the removable side panels, such limitations should be discussed and made by a separate motion.

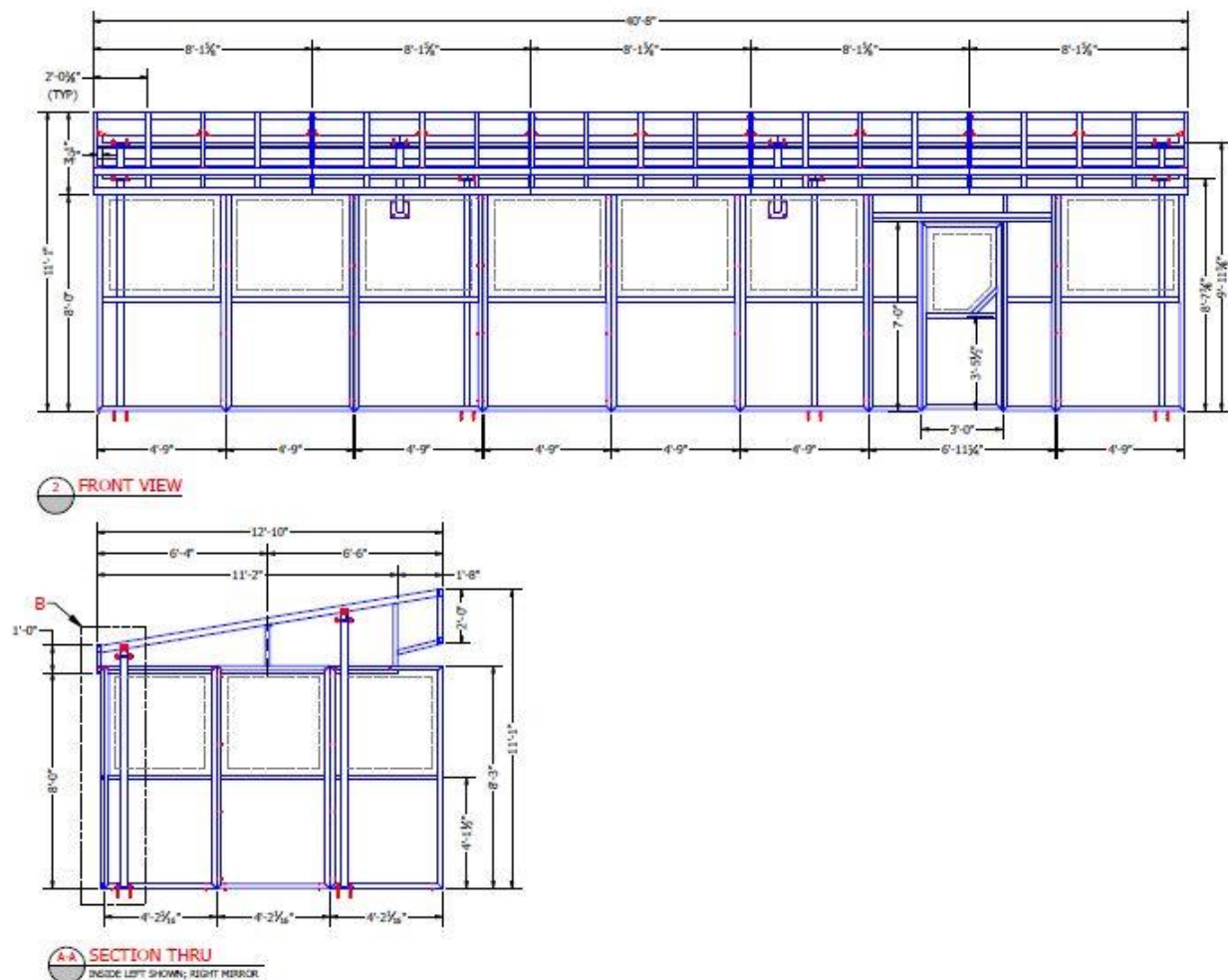


Figure 4: Proposed Fabric Awning.



Figure 5: Mockup Image of Proposed Fabric Awning.

ZONING REVIEW

NAICS 722511 Full-Service Restaurants are permitted as conditional uses with review and approval by the City Council upon the recommendation of the Planning and Zoning Commission in all of the commercial districts of the City. The entire Bellerive Plaza complex is 11.13 acres with approximately 115,252 square feet of retail space. The proposal is for 3,049 square feet thus representing roughly 2.7% of the complex's square footage.

Parking:

Parking regulations for restaurants are discussed under Section 405.820(F)(5)(a) Required Off-Street Parking Spaces requires one (1) parking space per every three (3) seats of maximum occupancy recorded under the conditional use permit plus one (1) parking space per every two hundred fifty (250) square feet of total building floor area plus one (1) parking space per each eight (8) seats in an outdoor seating area. Multi-tenant retail shopping centers designed for restaurant, retail uses and personal service establishments may combine the total parking spaces for each use, less a fifteen percent (15%) reduction in the total number of parking spaces required, per Section 405.820(B)(1).

The proposed use is a full-service restaurant, serving both dine-in and carryout customers with an existing count of 72 indoor seats and 22 outdoor seats. The existing 22 outdoor seats will be counted using the same parking calculation equation as the indoor seats given that the proposed awning will include removable side panels that will enclose the area for much of the year. Thus, the total number of seats is 94 at 1 parking space per 3 seats. The majority of the other existing restaurant spaces do not have Conditional Use Permits as the tenant space was occupied as a restaurant use before Bellerive Plaza was incorporated into the City of Creve Coeur in 1995 and per Section 405.210 (A)(2) were able to continue operating as if they had one. Due to these pre-existing conditions, seating counts for the restaurants to determine required parking for each use is not documented. Staff relied on estimates provided by each restaurant for the parking table.

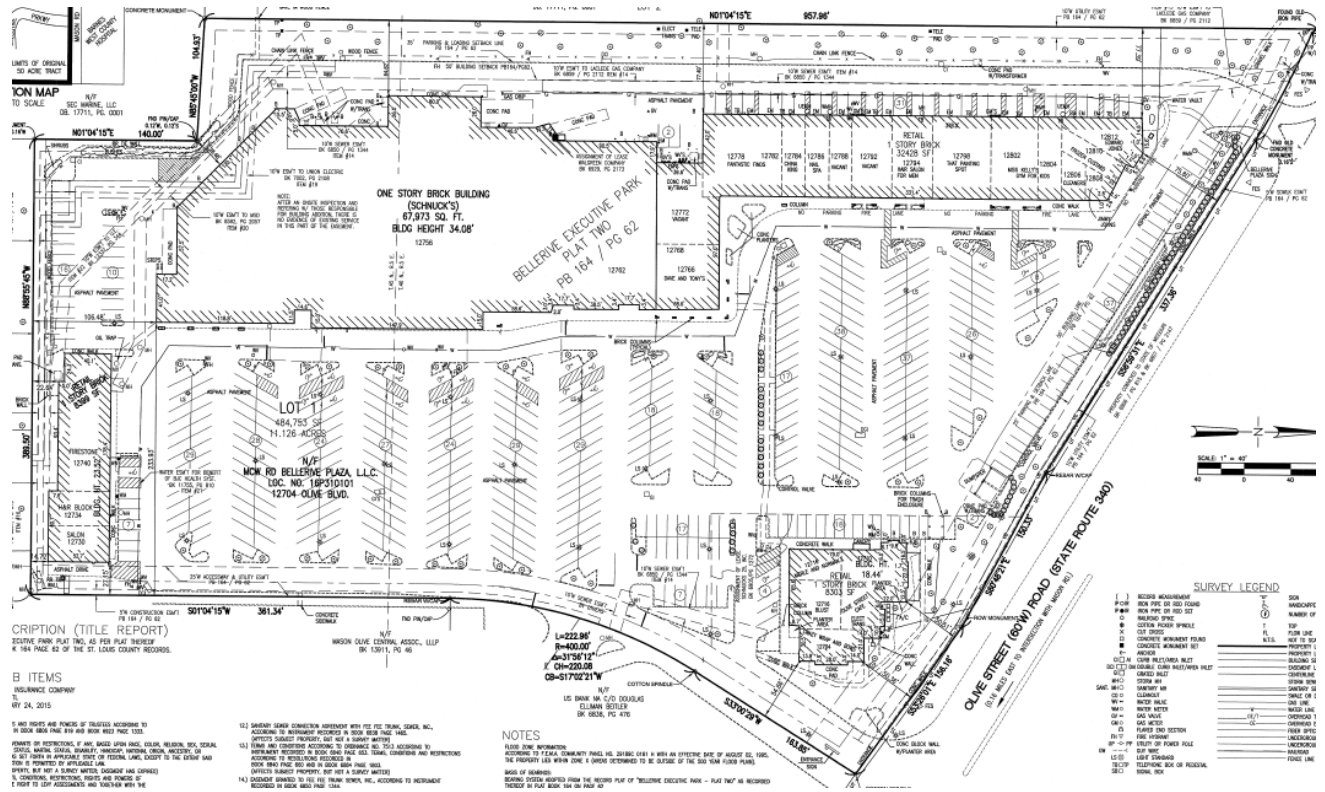


Figure 6: Parking for Bellerive Plaza showing 527 spaces.

Below is the current parking table for the entire center based on existing uses and seating estimates for restaurant uses:

Tenant	Use	Size (sq. ft.)	Parking Regulations	# of spaces
12704 – Crazy Bowls and Wraps*	Restaurant (Approx. 36 indoor seats and 10 outdoor seat)	2,615	1/3 estimated seats, + 1/8 outdoor seats, + 1/250 sq. ft..	25
12710 – Timothy's Restaurant	Restaurant (72 indoor seats and 22 enclosed patio seats)	3,049	1/3 seats in C.U.P. + 1/250 sq. ft..	45
12714 – Merle Norman	General Retail	1,215	4/1000 sq. ft.	5
12716 – Blust's Jewelry	Jewelry Store	1,290	4/1000 sq. ft.	5
12730 – EarthWise Pet Supply	Pet and Pet Supplies Stores	1,500	4/1000 sq. ft.	6
12734 – H&R Block	Tax Preparation Services	1,500	4/1000 sq. ft.	6
12740 – Firestone Tire	General Automotive Repair	4,230	1/300 sq. ft + 1/service bay	21
12756 – Schnucks	Super Markets and Other Grocery (Except Convenience) Stores	56,492	4/1000 sq. ft	226
12766 – Dave and Tony's *	Restaurant (Approx. 64 indoor seats)	3,154	1/3 estimated seats + 1/250 sq. ft.	35
12771 – Vacant		2,950	4/1000 sq. ft	12
12778 – Fantastic Finds	Used Merchandise Store	4,877	4/1000 sq. ft.	20
12784 – China King*	Restaurant < 16 seats	1,400	4/1000 sq. ft.	6

12786 – Nail Spa	Services – Nail Salon	1,470	4/1000 sq. ft.	6
12788 – Elite Physical Therapy	Offices of Physical, Occupational and Speech Therapists and Audiologists	3,780	4/1000 sq. ft.	16
12794 – Hair Saloon for Men	Barber Shop	2,450	4/1000 sq. ft.	10
12798 – That Painting Spot	General Retail	2,491	4/1000 sq. ft.	10
12802 – Miss Kelly's Gym	Fitness and Recreational Sports Centers	3,816	1/150 sq. ft.	26
12806 – Gateway Coffee	Restaurant < 16 seats	1,400	4/1000 sq. ft.	6
12808 – Jimmy John's*	Restaurant < 16 seats	1,730	4/1000 sq. ft.	7
12810 – Silky's*	Restaurant < 16 seats	1,435	4/1000 sq. ft.	6
12812 – Edward Jones	Investment Advice	960	4/1000 sq. ft.	4
Sub-total:				503
Minus 15% Reduction				76
Total # of Parking Spaces Required:				427
Total Available On-site:				527
Excess Parking:				100

*Denotes restaurant locations where seating count was provided by the restaurant to staff as no Conditional Use Permit for the locations are existing.

OTHER REVIEW ITEMS

Trash for the restaurant will utilize the existing dumpster located beside the building. The dumpster enclosure is in good repair.

RECOMMENDED CONDITIONS FOR APPROVAL

Based on the above analysis, the request for a conditional use permit appears to meet all of the requirements of the Zoning Ordinances and is not inconsistent with the goals and objectives of the Comprehensive Plan. If the Planning and Zoning Commission finds the attached draft conditional use permit ordinance to be in conformance with the purposes and regulations of the Comprehensive Plan and Zoning Code, it may vote on a recommendation to the City Council. Any changes to the draft ordinance should be discussed and made by separate actions.

1. The Conditional Use Permit shall be for the operation of an approximately 3,049 square foot Full Service Restaurant establishment, NAICS 722511, at 12710 Olive Boulevard, within Bellerive Plaza.
2. Maximum seating permitted is limited to 94 indoor seats. The Zoning Administrator may authorize additional indoor or outdoor seating, based upon a complete review of the parking for Bellerive Plaza to ensure zoning code compliance.
3. Hours of operation shall be 4:00 p.m. to 10:00 p.m., seven days a week. Additional business hours may be permitted with the Zoning Administrator's approval including, but not limited to, the catering of special events.
4. Employee vehicles, delivery and company vehicles shall be parked in front of the buildings and as far from the public right-of-way as possible.
5. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code and require permit approval.
6. A building permit in substantial conformance with the submitted plans for the awning as part of Application #22-016 shall be submitted for review.

7. The removable side panels for the awning shall be used in the colder months for additional enclosed seating and removed in the warmer months for outdoor patio seating.
8. Any future enlargement, extension, expansion, or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
9. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
10. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained, and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.
11. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

ACTION

If the Planning and Zoning Commission finds the attached draft conditional use permit ordinance to be in conformance with the purposes and regulations of the Comprehensive Plan and Zoning Code, it may vote on a recommendation to the City Council. Any changes to the draft ordinance should be discussed and made by separate actions.

MOTION

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

“I move to recommend approval of a Conditional Use Permit for Timothy's the Restaurant located at 12710 Olive Boulevard, within Bellerive Plaza, subject to the conditions discussed in the Staff Report and Draft Ordinance for the meeting of July 18, 2022” (conditions may be added, eliminated, or modified by preceding motion).

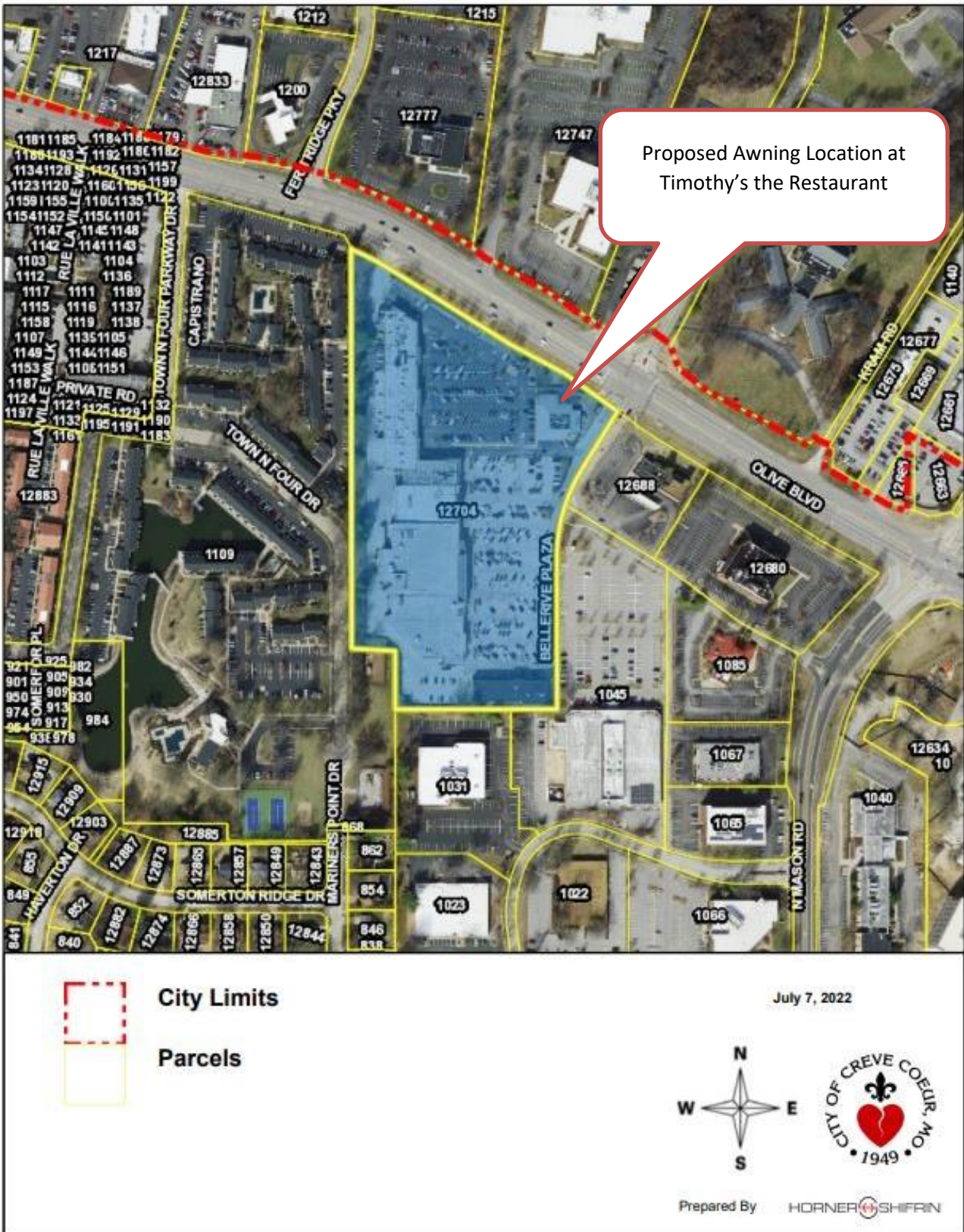
APPENDIX 1: COMPREHENSIVE PLAN, INCLUDING DESIGN GUIDELINES

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

APPENDIX 2: ZONING CODE

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

APPENDIX 3: AERIAL PHOTO



APPENDIX 4: SITE PHOTOGRAPHS

Photo Date: 7/8/2022



Description:
View from
the parking
lot looking
towards
Timothy's
Restaurant.



Description:
Existing patio
area where
proposed
fabric awning
and
removable
panels will be
built.

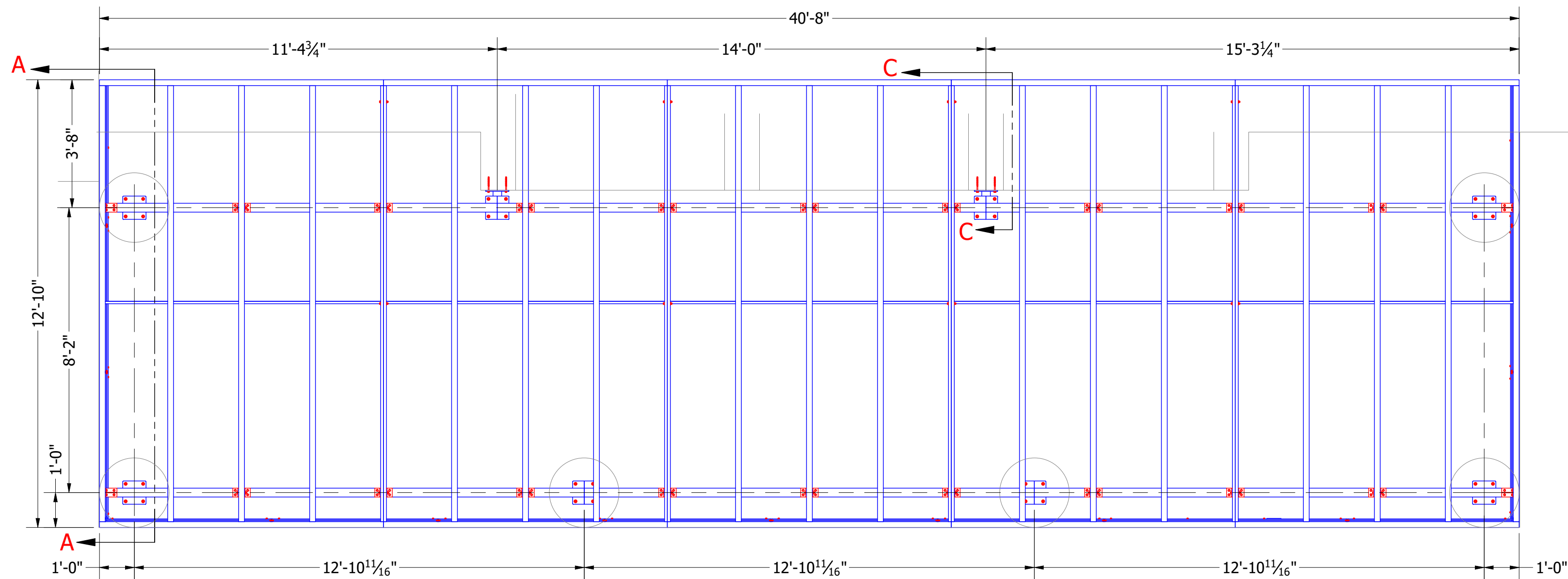


Description:
View of patio
area looking
towards the
patio area
with Olive
Boulevard to
the rear.

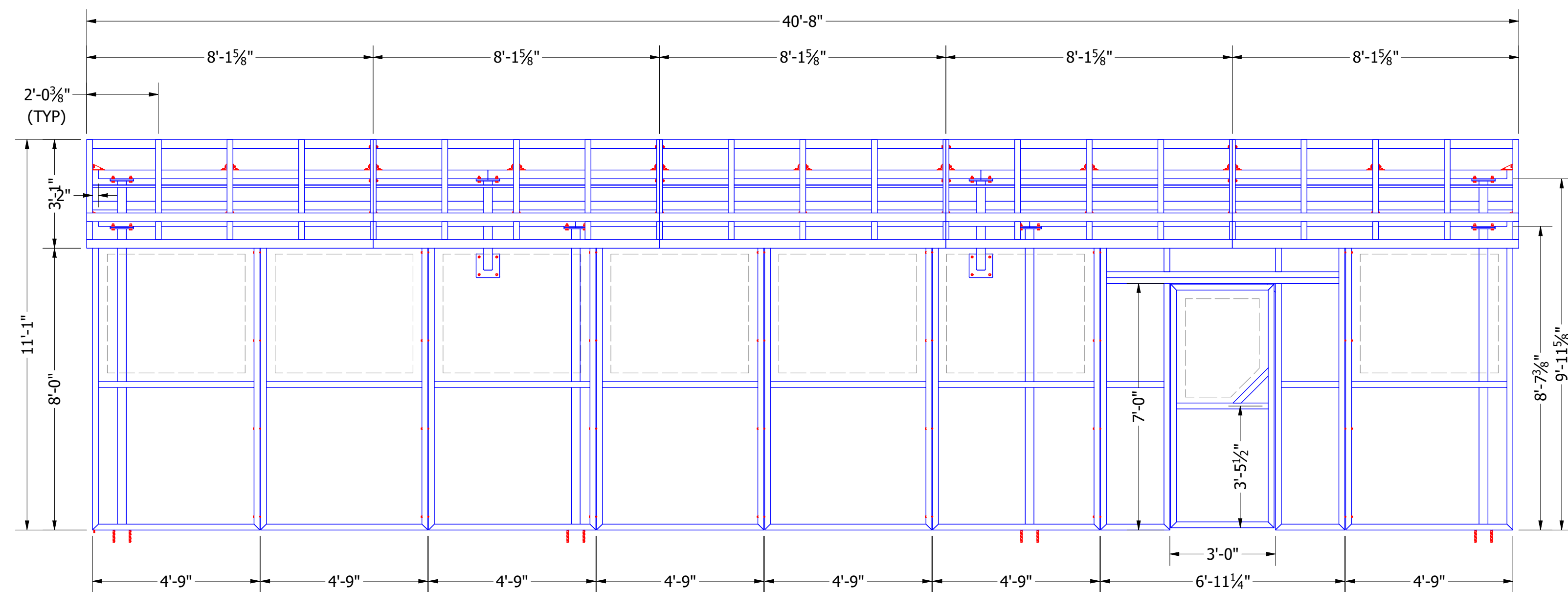
We are asking for a conditional use permit in order to enclose our patio so that it may be used year a round. We have a lot of customers that want to be seated in an outdoor environment so in order to achieve this we find it necessary to enclose the patio to protect our customers from inclement weather.

The enclosure should have no impact on surrounding residences and businesses.

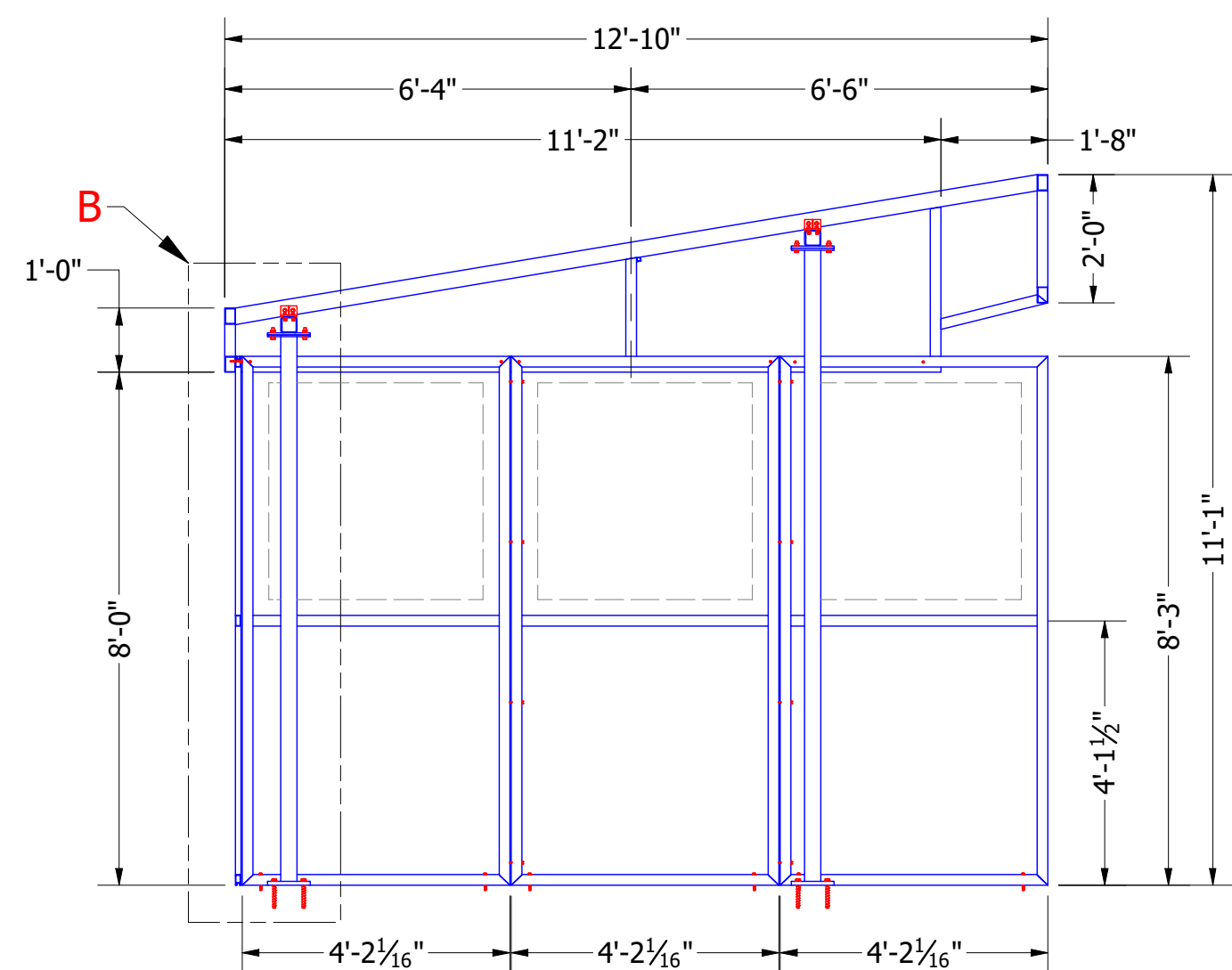
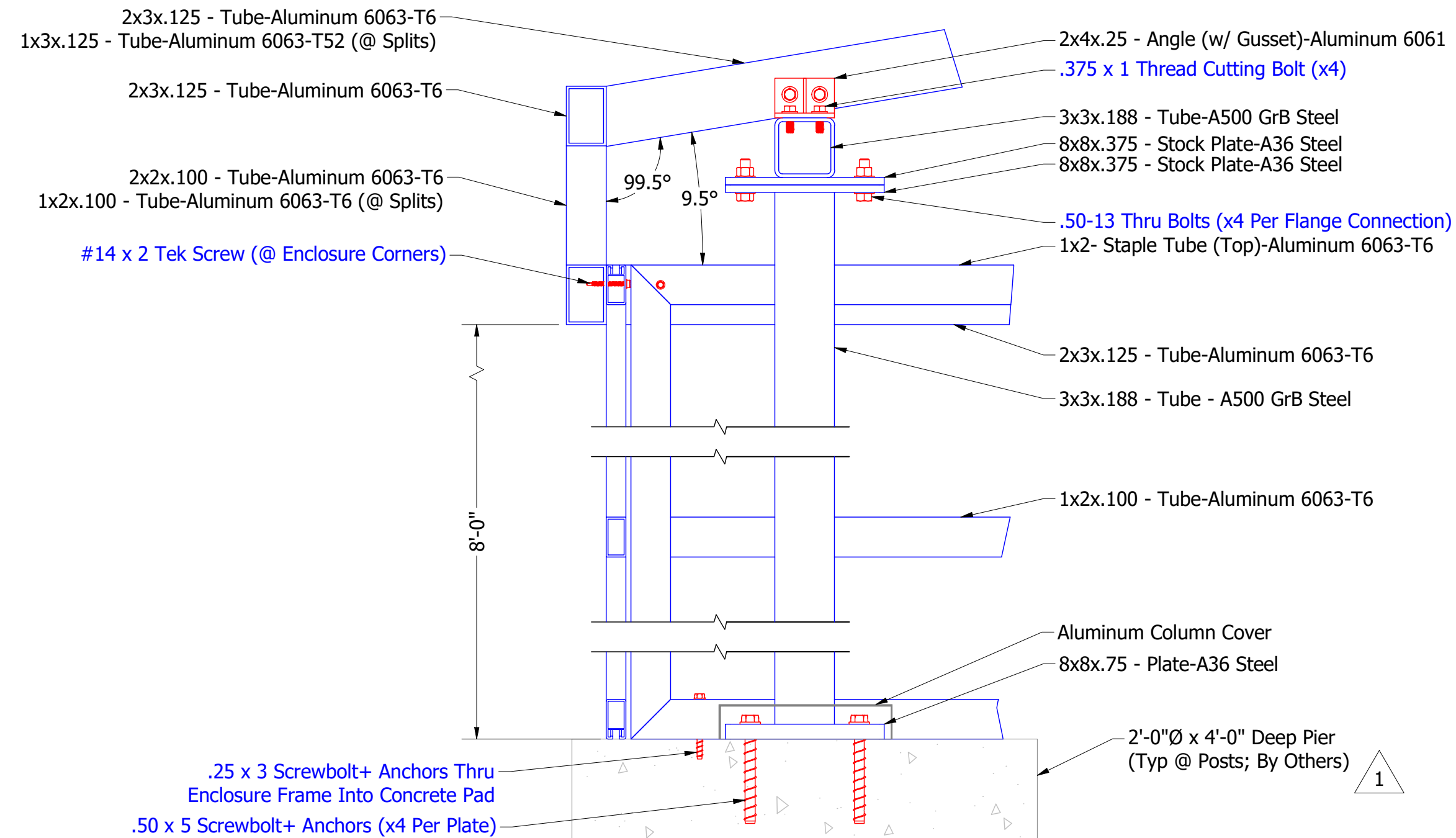
The building and landscape designs are included in the site plan.



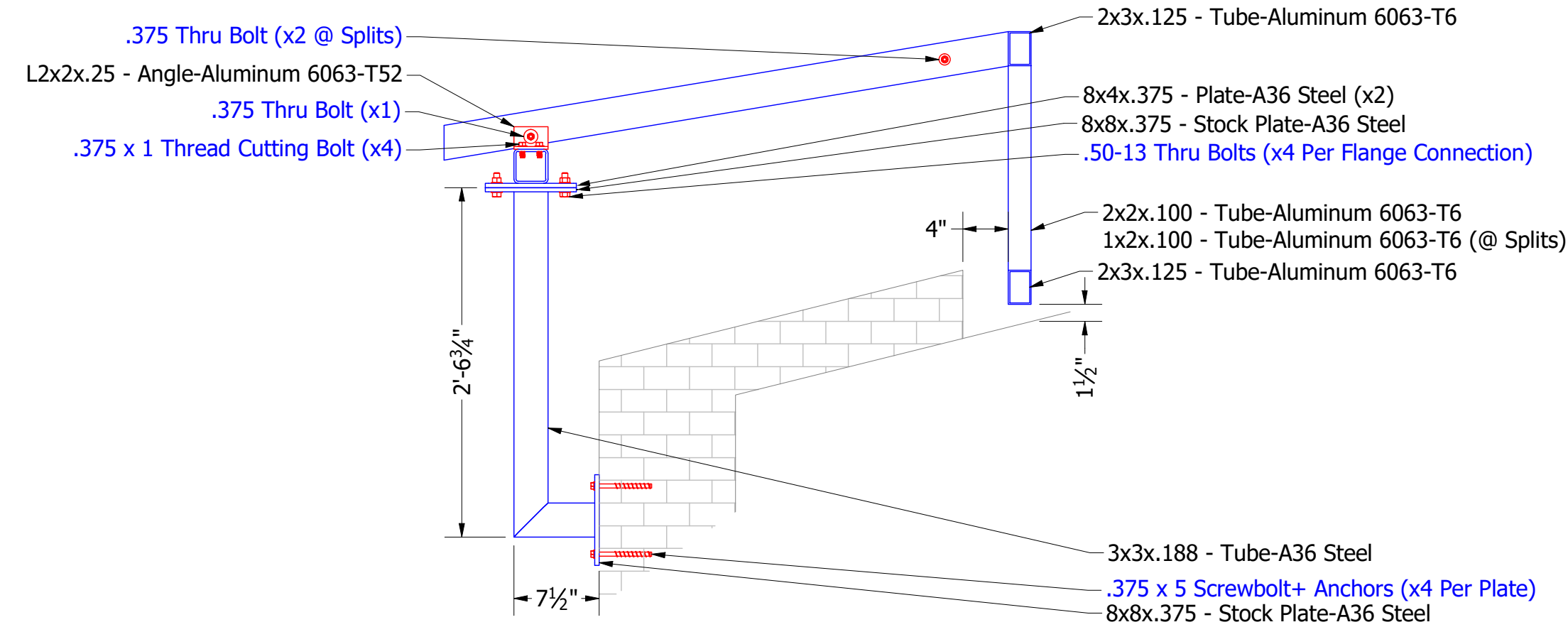
1 PLAN VIEW



2 FRONT VIEW

A-A SECTION THRU
INSIDE LEFT SHOWN; RIGHT MIRROR

B-B SECTION VIEW



C-C SECTION VIEW

NOTE:

- (1) LFS-TR CANOPY REQUIRED
- (16) SEASONAL PANEL ENCLOSURES REQUIRED
- FABRIC TO BE: **TBD**
- ALL ALUMINUM FRAMING TO BE UNPAINTED
- STEEL POSTS AND SUBSTRUCTURE TO BE PAINTED - **TBD**

HARDWARE NOTES:

- DOOR DOES NOT LOCK
- (3) 3" X 3" STEEL HINGES REQUIRED (ZORO #G0780333)
- (1) 4 7/8" POLISHED ZINC STEEL DOOR PULL REQUIRED (ZORO #G1042081)
- (1) DOOR CLOSER REQUIRED AT TOP OF DOOR (GLOBAL TC201ADA-AL)



5/27/22

CASE
Engineering Inc.

796 Merus Court
St. Louis, MO 63026
T 636.349.1600
F 636.349.1730
CERTIFICATE OF AUTHORITY NO. 001498

LAWRENCE FABRIC AND CASE ENGINEERING ARE NOT RESPONSIBLE FOR MEANS OF CONSTRUCTION AND STRENGTH OF THE WALL. ALL DEFLECTION, BLOCKING, AND WALL MEMBERS SHALL BE THE RESPONSIBILITY OF THE ENGINEER OF RECORD FOR THE BUILDING STRUCTURE. CANOPY REACTIONS ARE PROVIDED IN STRUCTURAL CALCULATION PACKET PROVIDED BY CASE ENGINEERING.

LAWRENCE FABRIC & METAL STRUCTURES An Employee Owned Company Your Imagination Is Our Vision		CUSTOMER TIMOTHY'S 12710 OLIVE ST LOUIS, MO 63141		REV	SHEET
3509 Tree Court Industrial Blvd. St. Louis, Missouri 63122 636.861.0100 636.861.0150 fax	DWG NO. 13826	DRAWN BY B-E-	DATE 5/26/2022	1	1 OF 1
THIS DRAWING IS THE PROPERTY OF LAWRENCE FABRIC AND METAL STRUCTURES INC. AND MAY NOT BE REPRODUCED WITHOUT PERMISSION.	LFS NO. 51230	PTT MANAGER J-MARET	SCALE NTS	SIZE D	
GENERAL DIMENSIONS IN BLACK INSTALLATION NOTES IN BLUE CUT LENGTHS IN RED FIELD ALL FRACTIONAL DIMENSIONS TO NEAREST 1/16"					

BELLERIVE PLAZA

1 2 7 5 6 Olive Blvd - Creve Coeur, MO 63141



PROPERTY HIGHLIGHTS

- Anchored by **Schnucks**, with additional attached and detached retail
- Excellent positioning along a well established retail and residential corridor. Impressive area demographics
- Neighborhood shopping center with a great variety of retailers to serve most consumer needs

PROPERTY DETAILS

- Center Size: 115,252 sf
- Available Suites: 12772 2,950 sf 12756 11,493 sf

Demographics	1 mile	3 mile	5 mile
Population	9,440	56,002	127,481
Avg HH Income	\$132,089	\$135,787	\$144,050



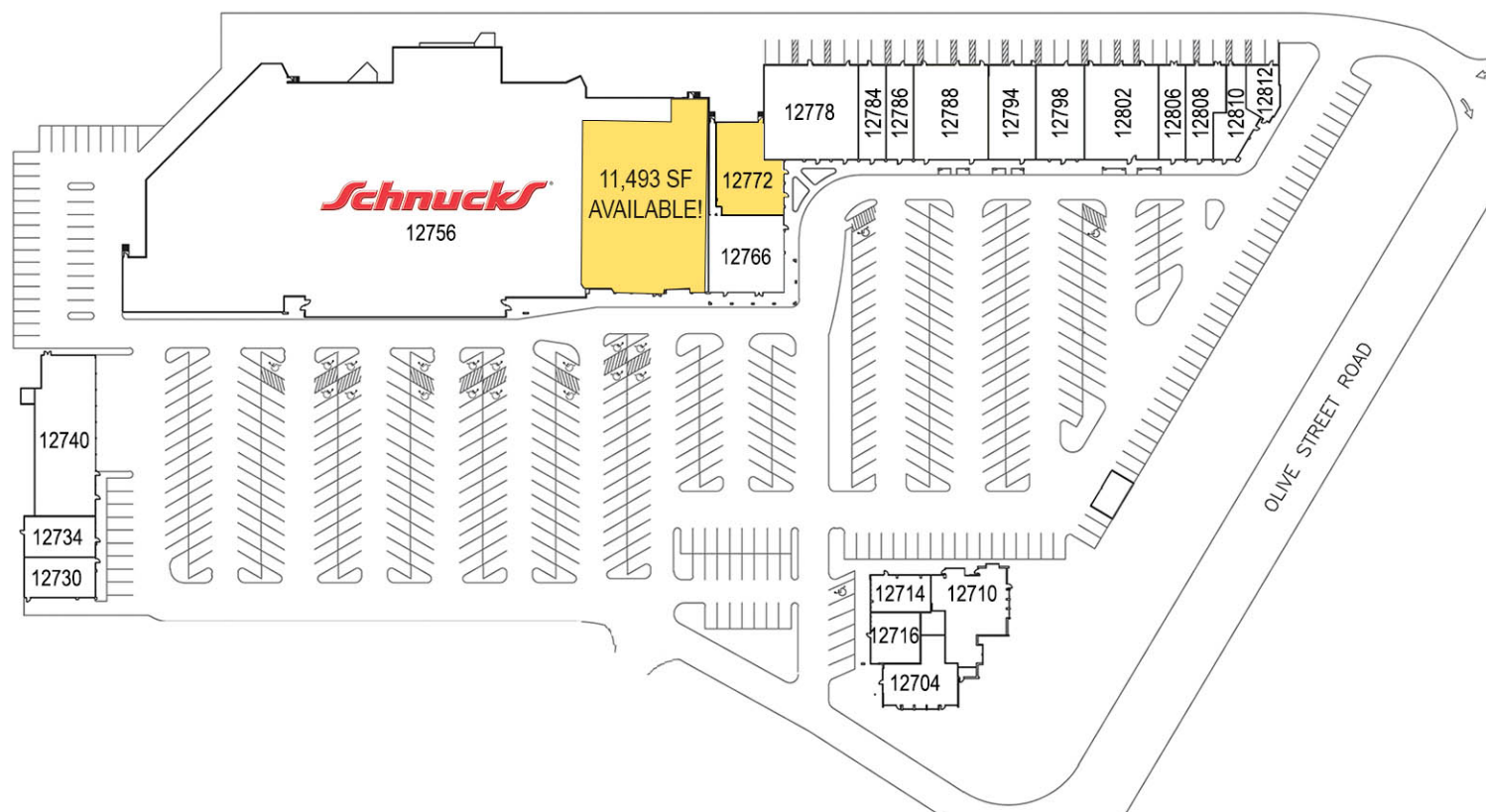
Mark Pearl 314.994.4050 mpearl@descogroup.com

25 N Brentwood Blvd
St. Louis, MO 63105
314.994.4444
descogroup.com

The
DESCO
Group

BELLERIVE PLAZA

1 2 7 5 6 Olive Blvd - Creve Coeur, MO 63141



CENTER SIZE 115,252 SF

AVAILABLE SPACE

12772	2,950 sf	12756	11,493 sf
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CURRENT RETAILERS

12704	Crazy Bowls & Wraps	2,615 sf
12710	Timothy's Restaurant	3,049 sf
12714	Merle Norman	1,215 sf
12716	Blust's Jewelry	1,290 sf
12730	EarthWise Pet Supply	1,500 sf
12734	H&R Block	1,500 sf
12740	Firestone Tire	4,230 sf
12756	Schnucks	56,492 sf
12766	DJM Restaurants	3,154 sf
12778	Fantastic Finds	4,877 sf
12784	China King	1,400 sf
12786	Nail Spa	1,470 sf
12788	Elite Physical Therapy	3,780 sf
12794	Hair Saloon for Men	2,450 sf
12798	That Painting Spot	2,491 sf
12802	Miss Kelly's Gym	3,816 sf
12806	Gateway Coffee	1,400 sf
12808	Jimmy John's	1,730 sf
12810	Silky's	1,435 sf
12812	Edward Jones	960 sf

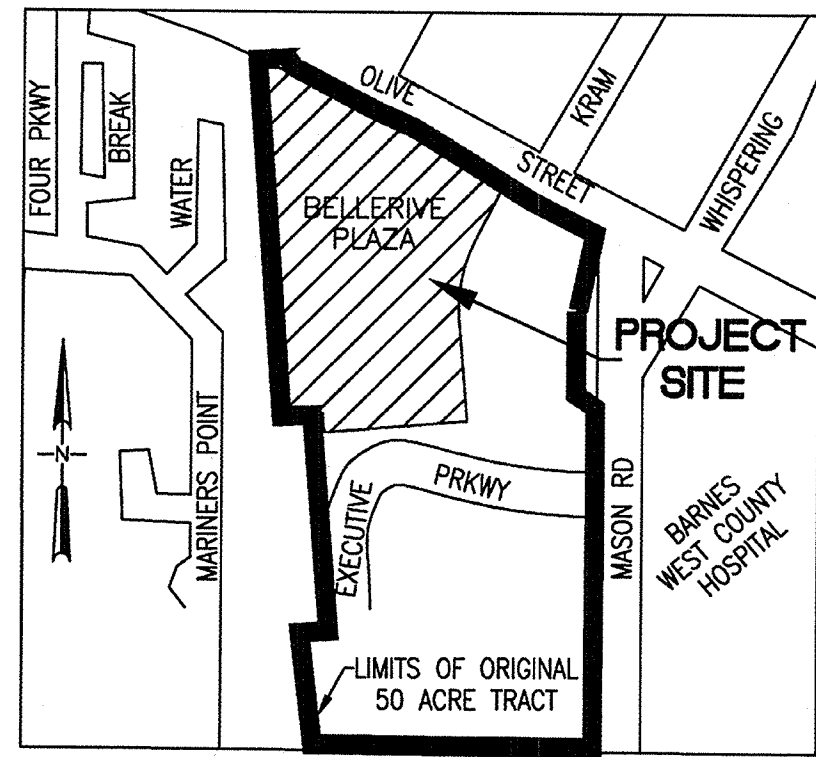
Mark Pearl 314.994.4050 mpearl@descogroup.com

25 N Brentwood Blvd
St. Louis, MO 63105
314.994.4444
descogroup.com

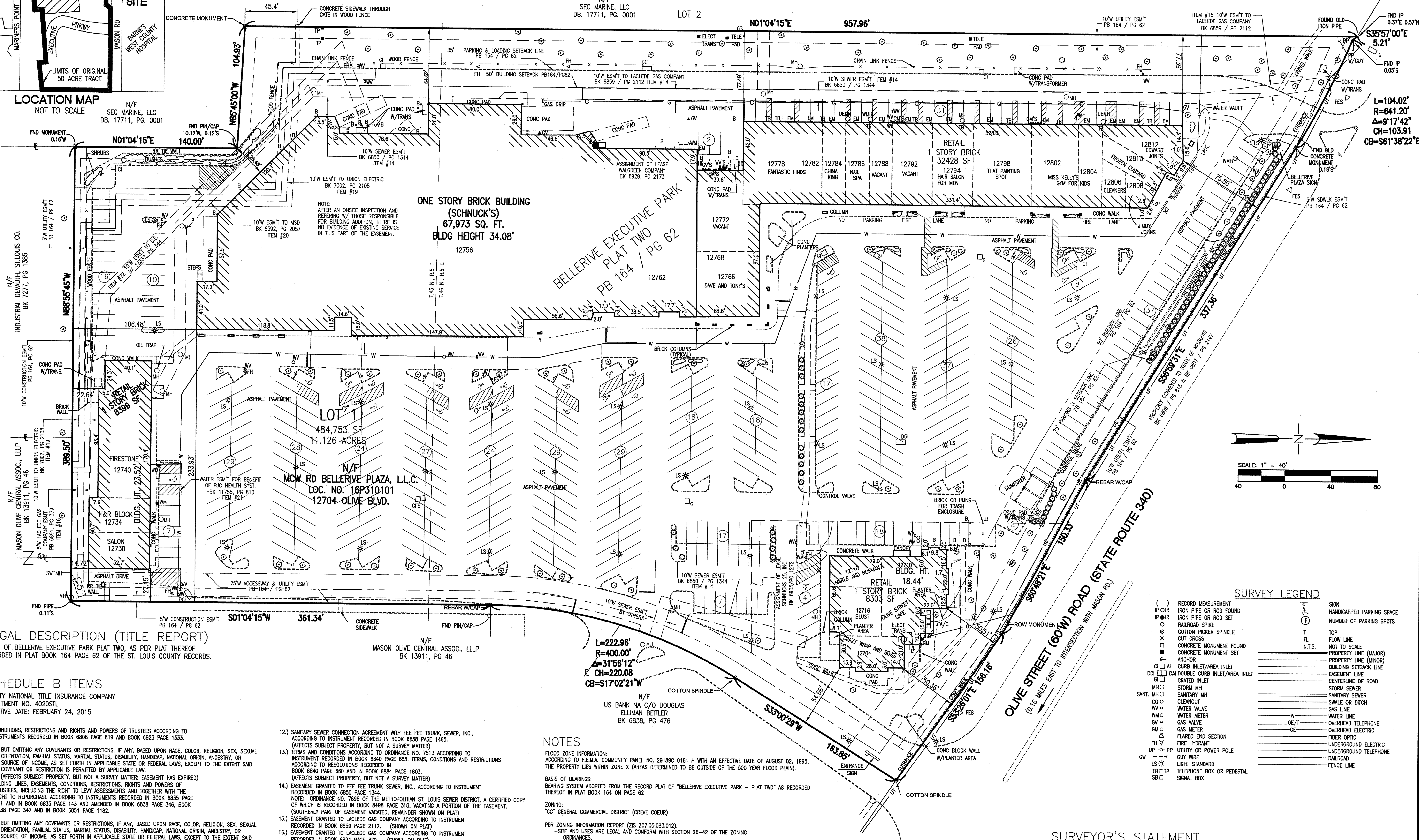
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ALTA/ACSM LAND TITLE SURVEY

LOT 1 OF "BELLERIVE EXECUTIVE PARK PLAT TWO"
IN U.S. SURVEY 1923 TOWNSHIP 45 AND 46 NORTH, RANGE 5 EAST
OF THE 5TH PRINCIPAL MERIDIAN
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI



LOCATION MAP
NOT TO SCALE



LEGAL DESCRIPTION (TITLE REPORT)
LOT 1 OF BELLERIVE EXECUTIVE PARK PLAT TWO, AS PER PLAT THEREOF
RECORDED IN PLAT BOOK 164 PAGE 62 OF THE ST. LOUIS COUNTY RECORDS.

SCHEDULE B ITEMS

FIDELITY NATIONAL TITLE INSURANCE COMPANY
COMMITMENT NO. 402051L
EFFECTIVE DATE: FEBRUARY 24, 2015

8.) CONDITIONS, RESTRICTIONS AND RIGHTS AND POWERS OF TRUSTEES ACCORDING TO INSTRUMENTS RECORDED IN BOOK 6806 PAGE 819 AND BOOK 6923 PAGE 1333.

BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW.

9.) BUILDING LINES, EASEMENTS, CONDITIONS, RESTRICTIONS, RIGHTS AND POWERS OF TRUSTEES, INCLUDING THE RIGHT TO LEVY ASSESSMENTS AND TOGETHER WITH THE RIGHT TO REFINANCE ACCORDING TO INSTRUMENTS RECORDED IN BOOK 6835 PAGE 121 AND IN BOOK 6835 PAGE 143 AND AMENDED IN BOOK 6838 PAGE 346, BOOK 6838 PAGE 347 AND IN BOOK 6851 PAGE 1182.

BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW.

NOTE: BY INSTRUMENT RECORDED IN BOOK 6839 PAGE 2027, DESCO INVESTMENT COMPANY HAS IMPOSED THE PROPERTY DESCRIBED IN SCHEDULE A HEREOF TO LIMITED ENFORCEMENT RIGHTS OF THE ABOVE INDENTURES.

10.) MAINTENANCE AGREEMENT FOR ROADWAYS ACCORDING TO INSTRUMENT RECORDED IN BOOK 6838 PAGE 348. (AFFECTS SUBJECT PROPERTY, BUT NOT A SURVEY MATTER)

11.) AGREEMENT WITH FEE FEE TRUNK SEWER, INC., AS TO TREATMENT AND DISPOSAL OF SANITARY SEWAGE WITH PROVISIONS FOR ASSESSMENTS, ACCORDING TO INSTRUMENT RECORDED IN BOOK 6838 PAGE 1461.

12.) SANITARY SEWER CONNECTION AGREEMENT WITH FEE FEE TRUNK, SEWER, INC., ACCORDING TO INSTRUMENT RECORDED IN BOOK 6838 PAGE 1465.

13.) TERMS AND CONDITIONS ACCORDING TO ORDINANCE NO. 1513 ACCORDING TO INSTRUMENT RECORDED IN BOOK 6840 PAGE 653. TERMS, CONDITIONS AND RESTRICTIONS ACCORDING TO RESOLUTIONS RECORDED IN BOOK 6840 PAGE 650 AND IN BOOK 6884 PAGE 1803.

14.) EASEMENT GRANTED TO FEE FEE TRUNK SEWER, INC., ACCORDING TO INSTRUMENT RECORDED IN BOOK 6850 PAGE 1344.

15.) EASEMENT GRANTED TO LACLEDE GAS COMPANY ACCORDING TO INSTRUMENT RECORDED IN BOOK 6859 PAGE 2112. (SHOWN ON PLAT)

16.) EASEMENT GRANTED TO LACLEDE GAS COMPANY ACCORDING TO INSTRUMENT RECORDED IN BOOK 6891 PAGE 379. (SHOWN ON PLAT)

17.) TERMS AND PROVISIONS OF THE DEVELOPMENT PLAT RECORDED IN PLAT BOOK 172 PAGE 98 AND PLAT BOOK 172 PAGE 99. (AFFECTS SUBJECT PROPERTY, TERMS AND PROVISIONS ON PLAT ARE ELIGIBLE AND NON PLOTTABLE)

18.) EASEMENT GRANTED TO UNION ELECTRIC COMPANY ACCORDING TO INSTRUMENT RECORDED IN BOOK 7002 PAGE 2108. (SHOWN ON PLAT)

19.) EASEMENT GRANTED TO METROPOLITAN ST. LOUIS SEWER DISTRICT ACCORDING TO INSTRUMENT RECORDED IN BOOK 6892 PAGE 2057. (SHOWN ON PLAT)

20.) EASEMENT AGREEMENT BY AND BETWEEN DESCO INVESTMENT COMPANY, L.L.C., B/C HEALTH SYSTEM AND MASON OLIVE ASSOCIATES, ACCORDING TO INSTRUMENT RECORDED IN BOOK 11755 PAGE 810. (EASEMENT TO ADD WATER LINE AND HYDRANT FOR BENEFIT OF ADJACENT PROPERTY, SHOWN ON PLAT)

21.) EASEMENT GRANTED TO UNION ELECTRIC COMPANY D/B/A AMEREN UE BY INSTRUMENT RECORDED IN BOOK 12332 PAGE 344. (SHOWN ON PLAT)

NOTES

FLOOD ZONE INFORMATION:
ACCORDING TO F.E.M.A. COMMUNITY PANEL NO. 29189C 0161 H WITH AN EFFECTIVE DATE OF AUGUST 02, 1995, THE PROPERTY LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE OF THE 500 YEAR FLOOD PLAIN).

BASIS OF BEARINGS:

BEARING SYSTEM ADOPTED FROM THE RECORD PLAT OF "BELLERIVE EXECUTIVE PARK - PLAT TWO" AS RECORDED THEREOF IN PLAT BOOK 164 ON PAGE 62

ZONING:

"GC" GENERAL COMMERCIAL DISTRICT (CREVE COEUR)

PER ZONING INFORMATION REPORT (ZIS 207.05.083012):

- SITE AND USES ARE LEGAL AND CONFORM WITH SECTION 28-42 OF THE ZONING ORDINANCES.

- A VARIANCE WAS ISSUED ALLOWING UP TO 45 PARKING SPACES FOR AN EATING AND DRINKING ESTABLISHMENT.

MINIMUM LOT SIZE 21,780 S.F.

MAXIMUM HEIGHT 3 STORIES OR 45 FEET

SETBACKS:

FRONT 50 FEET

REAR 15 FEET

SIDE 15 FEET (ABUTTING WEST PROPERTY LINE)

12 FEET (ABUTTING EAST PROPERTY LINE)

PARKING SPACES:

503 SPACES (REGULAR)

24 SPACES (HANDICAP)

527 SPACES

CEMETERIES:

NO OBSERVABLE EVIDENCE OF ANY PRE-EXISTING CEMETERIES

SURVEY LEGEND

()	RECORD MEASUREMENT	()	SIGN
IP OR	IRON PIPE OR ROD FOUND	()	HANDICAPPED PARKING SPACE
IP OR	IRON PIPE OR ROD SET	()	NUMBER OF PARKING SPOTS
+	RAILROAD SPIKE	T	TOP
+	COTTON PICKER SPINDLE	FL	FLOW LINE
+	CUT CROSS	N.T.S.	NOT TO SCALE
+	CONCRETE MONUMENT FOUND		PROPERTY LINE (MAJOR)
+	CONCRETE MONUMENT SET		PROPERTY LINE (MINOR)
+	ANCHOR		BUILDING SETBACK LINE
+	CURB INLET/AREA INLET		EASEMENT LINE
+	DAI DOUBLE CURB INLET/AREA INLET		CENTERLINE OF ROAD
+	GRATED INLET		STORM SEWER
+	STORM MH		SANITARY SEWER
+	SANITARY MH		SWALE OR DITCH
+	CLEANOUT		GAS LINE
+	WATER VALVE		WATER LINE
+	WATER METER		OVERHEAD TELEPHONE
+	GAS VALVE		OVERHEAD ELECTRIC
+	GAS METER		FIBER OPTIC
+	FLARED END SECTION		UNDERGROUND ELECTRIC
+	FIRE HYDRANT		UNDERGROUND TELEPHONE
+	UTILITY OR POWER POLE		RAILROAD
+	GUY WIRE		FENCE LINE
+	LIGHT STANDARD		
+	OBSTACLE BOX OR PEDESTAL		
+	SIGNAL BOX		

SURVEYOR'S STATEMENT

TO: USR-DESCO BELLERIVE PLAZA, LLC F/K/A MCW-RD BELLERIVE PLAZA, LLC, A DELAWARE LIMITED LIABILITY COMPANY (OWNER)(CLIENT)
BANK OF AMERICA, N.A., AS ADMINISTRATIVE AGENT FOR CERTAIN LENDERS (LENDER)
FIDELITY NATIONAL TITLE INSURANCE COMPANY (TITLE INSURANCE COMPANY)

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS AND INCLUDES ITEMS 1, 2, 3, 4, 6(B), 7A, 7(B)(1), 7(C), 8, 9, 10(A), 11(B), 13, 14, 16, 17, 18, 19, 20(A), AND 21 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MARCH 24, 2015.

6-10-15
DATE

Christine M. Beasley
SURVEYOR

CHRISTINE M. BEASLEY, PLS
MISSOURI LAND SURVEYOR NO. 2002014096
EXPIRATION DATE: DECEMBER 31, 2016
KDS MO. CORPORATE LIC# 000078, EXP. 12-31-18

ALTA/ACSM LAND TITLE SURVEY
BELLERIVE PLAZA

Kuhmann design Group, Inc.
66 Progress Parkway
St. Louis, Missouri 63043-3706
Tel: 314.434.8898 Fax: 314.434.8280
St. Louis, MO • Belleville, IL

KdG

DISCLAIMER OF RESPONSIBILITY

I hereby specify that the documents intended to be authorized by my seal are limited to this sheet, and I hereby disclaim any responsibility for all other drawings, specifications, estimates, reports or other documents or instruments relating to or intended to be used for any part or parts of the architectural or engineering project or survey.



Christine M. Beasley
SURVEYOR

MISSOURI ARCHITECTURAL CORPORATION CERTIFICATE LIC. NO.: 000216
MISSOURI PROFESSIONAL ENGINEERING CORPORATION CERTIFICATE LIC. NO.: 000255
MISSOURI PROFESSIONAL LAND SURVEY CORPORATION CERTIFICATE LIC. NO.: 000078

NO.	DATE	ATTY COMMENTS
1	6/2/15	ATTY COMMENTS
2	6/9/15	ATTY COMMENTS

PROJECT NO.	CONTRACT NO.
150043	0004
DRAWN	CHECKED
JPB	CMB

DATE: MARCH 2015

ALTA/ACSM LAND TITLE SURVEY

SHEET 1 OF 1

S1

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Timothy's

Schnuck's

Timothy's
RESTAURANT
27th Ave

Timothy's
RESTAURANT
27th Ave





BILL NO. 6021

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 405.370 OF THE ZONING ORDINANCE OF THE CITY OF CREVE COEUR, MISSOURI TO MODIFY THE FRONT YARD SETBACK REQUIREMENTS IN THE "CB" CORE BUSINESS DISTRICT FOR PARCELS LOCATED NORTH OF OLIVE BOULEVARD

WHEREAS, Section 405.370.E.4.a provides the front yard setback regulations for the "CB" Core Business District; and

Deleted: s

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to such setback requirements for a portion of the CB-Core Business Zoning District 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 Monday, July 18, 2022, beginning at 6:00 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 5-0 recommended approval of the subject amendments as set forth herein at its meeting on Monday, July 18, 2022; and,

Deleted:

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:

SECTION 1: Section 405.370.E.4(a) "CB" Core Business District regulations of the Zoning Ordinance, of the City of Creve Coeur's Code of Ordinances shall be amended as follows:

SECTION 405.370: "CB" Core Business District

E. 4. Yard and setback requirements.

a.

- (1) ~~Maximum~~ Front yard for parcels south of Olive Boulevard. A minimum of fifty percent (50%) of the building elevation parallel to the street right-of-way shall be located a maximum of fifteen (15) feet from the right-of-way established by the adopted site development plan for the "CB" Core Business District. In the event that the planned right-of-way is greater than the present right-of-way, the required setback shall be measured from a line located a distance equal to one-half (½) the

BILL NO. 6021

ORDINANCE NO. _____

width of the planned right-of-way from the centerline of the present right-of-way. The provisions of Section 405.240 shall prevail where applicable on major streets or highways. In every instance, the first ten (10) feet of the front yard setback from the right-of-way, excluding the building placement, shall be provided with and maintained with sidewalks, unless improved sidewalks exist in the abutting public right-of-way, and with landscaping including, but not limited to, deciduous street trees at regular intervals.

- (2) Front yard for parcels north of Olive Boulevard. No building or structure shall be located closer than ten (10) feet from a public right-of-way. The provisions of Section 405.240 shall prevail where applicable on major streets and highways. In every instance, the first ten (10) feet of the front yard setback from the right-of-way shall be provided with and maintained with sidewalks, unless improved sidewalks exist in the abutting public right-of-way, and with landscaping including, but not limited to, deciduous street trees at regular intervals.

- (2) (3) ~~Maximum~~ Front yard for Olive Boulevard frontage. A building or structure shall be located a maximum of eighty (80) feet from established Olive Boulevard right-of-way. The provisions of Section 405.240 shall prevail if they are stricter than the requirements of this district. In every instance, a minimum setback of ten (10) feet of the front yard setback from the right-of-way, excluding building placement, shall be provided with and maintained with sidewalks, unless improved sidewalks exist in the abutting public right-of-way, and with landscaping including, but not limited to, deciduous street trees at regular intervals.

Deleted: parcels fronting

Deleted: the first

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

ADOPTED THIS ____ DAY OF _____, 2022.

JOSEPH MARTINICH
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2022.

DR. ROBERT HOFFMAN
MAYOR

ATTEST:

KELLIE HENKE
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 #22-015: TEXT AMENDMENT TO MODIFY THE FRONT YARD SETBACK REQUIREMENTS IN THE CB-CORE BUSINESS DISTRICT FOR PARCELS LOCATED NORTH OF OLIVE BOULEVARD

FOR THE MEETING OF: Monday, July 18, 2022, 6:00 P.M.

LOCATION: CB-Core Business District, North of Olive Boulevard

REQUEST: WooYoung Kim, Lamar Johnson Collaborative, on behalf of Jason Gray, First Bank, has submitted a Text Amendment application to revise Section 405.370.E.4.a(1) of the Zoning Code to modify the front yard setback requirements for parcels located within the “CB”-Core Business District, north of Olive Boulevard. Currently, the maximum front yard for all properties located within the “CB” District that do not front Olive Boulevard, with a minimum of fifty percent (50%) of the building elevation parallel to the street right-of-way is 15-feet. The proposed text amendment would establish a minimum front yard setback of 10-feet for parcels in the “CB” District, located north of Olive Boulevard. The maximum setback requirement of 80-feet for parcels fronting Olive Boulevard would not be affected by this proposed amendment. If approved, the applicant intends to seek approval of a conditional use permit and site development plan for a new 4-story, approximately 85,000 square feet office building with drive-through ATM banking services at 11901 Olive Boulevard to serve as the new headquarters for First Bank.

ADDITIONAL INFORMATION: Text Amendments to the Zoning Ordinance require a public hearing and review by the Planning and Zoning Commission with final approval by the City Council.

APPLICANT: Jason Gray
First Bank
11901 Olive Boulevard
Creve Coeur, MO 63141

**APPLICANT’S
REPRESENTATIVE:**

WooYoung Kim
Lamar Johnson Collaborative
2199 Innerbelt Business Center
Dr.
St. Louis, MO 63114

REPORT PREPARED BY: Jason W. Jaggi, AICP, Director of Community Development

DATE: July 13, 2022

ATTACHMENTS: Draft Ordinance; Prior approved ordinances modifying front yard setbacks.

Key Issues:

- Are the changes consistent with the purposes of the Zoning Code?
- Are the changes consistent with the objectives and strategies of the Comprehensive Plan?

Creve Coeur 2030 Comprehensive Plan References

- Chapter 4, Section 3. Creve Coeur’s Downtown and Central Business District

Zoning Code References

- Section 405.370.E.4a(1) Yard and Setback Requirements. Maximum Front Yard.

BACKGROUND

Prior to 1999, the minimum front yard setback requirements in the CB-District were 15-feet. If parking was to be located in front of the building, a minimum front yard setback of 50-feet was required. In an effort to promote buildings located closer to the street with parking facilities in the rear, the City amended the code in 1999, through Ordinance No. 2030 which established maximum front yard setbacks for properties within the CB-Core Business District and the MX-Mixed Use District. The maximum front yard setback for both districts was as follows: 15-feet with a minimum of 50 percent of the building elevation parallel to the street right-of-way. This requirement applied to all front yard setbacks adjacent to a street.

In 2004, Ordinance No. 2296 was approved to relax the front yard setbacks in the CB and MX districts for parcels fronting Olive Boulevard. In the MX District, the maximum front yard setback on Olive Blvd. was changed to 85-feet and in the CB District the maximum front yard setback on Olive Blvd. was changed to 80-feet. These revisions applied only to parcels fronting Olive Boulevard and, in the case of corner lots, is applied to the Olive frontage only. The front yard setback on all other streets remains at 15-foot maximum for at least 50 percent of the building frontage.

As shown in Figure 1, below, the MX District is confined to one area of the City, on the south side of Olive Blvd., between Tempo and Questover Lane.

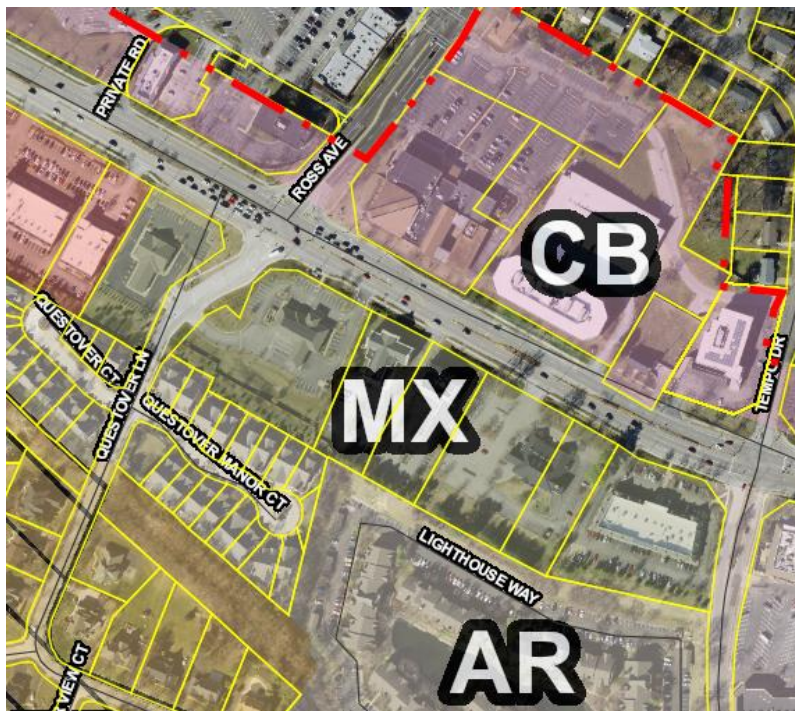


Figure 1: Zoning Map section showing MX-Mixed Use District properties, shown in light gray.

The CB District is focused on the central business district area of the city, centered on Olive and North New Ballas but is also located on the north side of Olive, west of Interstate 270; on the north side of Olive within the East Olive Corridor and near Olive and Old Olive, centered on the Creve Coeur Pavilion development.



Figure 2: Zoning Map of CB-Core Business District properties west of I-270, shown in light pink.

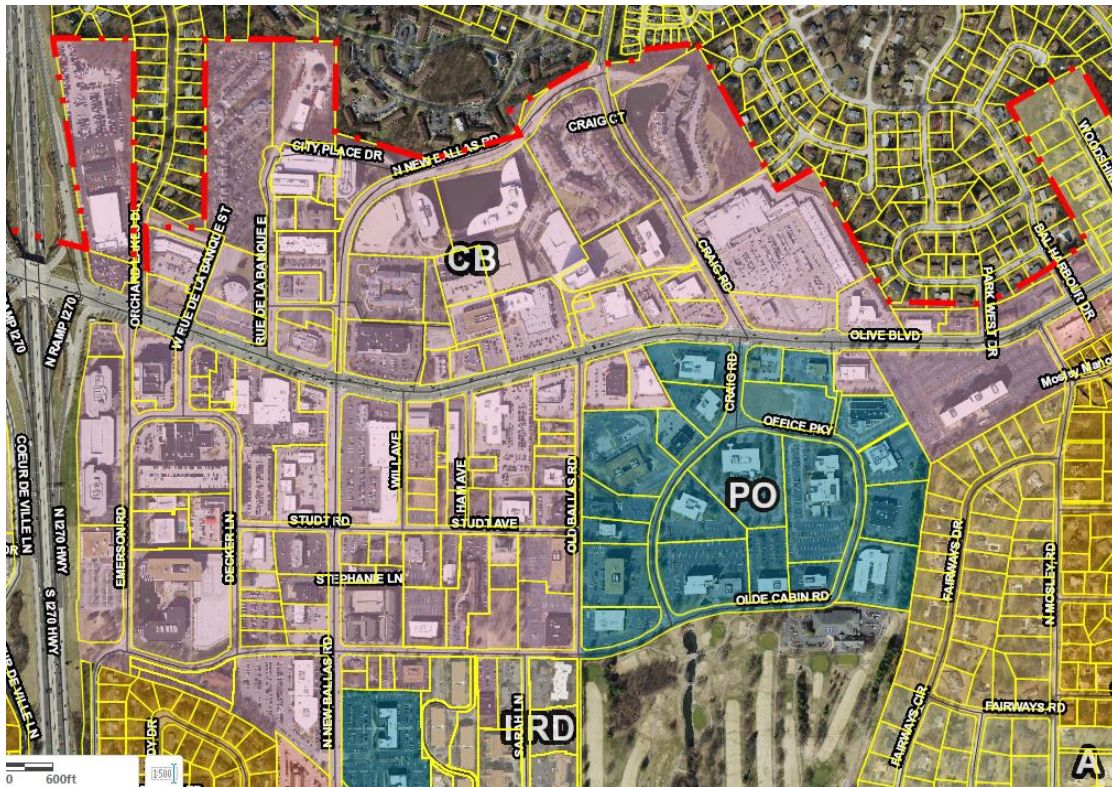


Figure 3: Zoning Map of CB-Core Business District properties, CBD area east of I-270, shown in light pink.



Figure 4: Zoning Map of CB-Core Business District properties east of I-270 and CBD, shown in light pink.

AMENDMENT REQUEST

The applicants represent First Bank which is located at 11901 Olive Blvd. on the north side of Olive, between West and East Rue de La Banque streets. The applicants intend to raze the existing building and construct a new building at this location to serve as the new First Bank corporate headquarters. The preliminary plans for the site show a new, four-story office building positioned within 80-feet of the Olive Boulevard property line with limited surface parking to the west of the building and greenspace/bio-retention areas located to the west of the building. To the rear of the building is a single level parking deck to serve the new building. The preliminary plans are attached for reference purposes only to provide context for the requested amendment. Following this text amendment request, First Bank intends to submit an application for this new development to begin the staff review process.

The submitted amendment is to revise the required front yard setbacks within the CB-Core Business District for areas north of Olive Boulevard. The amendment would apply to all front yard setbacks, except for those frontages adjacent to Olive Boulevard, where the 80-foot maximum setback would remain in place.

The submitted amendment to the front yard setbacks in the CB District would eliminate the *15-foot maximum* setback and establish a *10-foot minimum* setback for properties located north of Olive Boulevard and replace it with a traditional minimum setback of 10-feet (mirroring the GC-General Commercial District standards) as follows:

SECTION 405.370: “CB” Core Business District

E. Dimensional Regulations

4. Yard and setback requirements

a.

(1). *Maximum front yard.* For parcels located south of Olive Boulevard, a minimum of fifty percent (50%) of the building elevation parallel to the street right-of-way shall be located a maximum of fifteen (15) feet from the right-of-way established by the adopted site development plan for the “CB” Core Business District.

Minimum front yard. For parcels located north of Olive Boulevard, no building or structure shall be located closer than ten (10) feet from the right-of-way.

In the event that the planned right-of-way is greater than the present right-of-way, the required setback shall be measured from a line located a distance equal to one-half (½) the width of the planned right-of-way from the centerline of the present right-of-way. The provisions of Section 405.240 shall prevail where applicable on major streets or highways. In every instance, the first ten (10) feet of the front yard setback from the right-of-way, excluding the building placement, shall be provided with and maintained with sidewalks, unless improved sidewalks exist in the abutting public right-of-way, and with landscaping including, but not limited to, deciduous street trees at regular intervals.

As previously stated, the 80-foot *maximum* setback for the Olive Boulevard frontages would not be affected by this revision. The revision would apply to all other front yard setbacks zoned CB-Core Business District, north of Olive Boulevard.

COMPREHENSIVE PLAN REVIEW

Properties zoned CB-Core Business District fall within several Community Place Type Districts as identified in the *Creve Coeur 2030 Comprehensive Plan*. CB-zoned properties are located within the Mixed-Use District (MU), Central Business District (CBD), Community Center District (CC) and Mixed-Use Innovation Campus District (MUIC) Community Place Types (p. 58-59). Community Place Types represent the geographic framework for the plan to guide the appropriate physical development within specific areas of the City (p.54).

The MU District is the largest which includes the CBD and many commercially zoned properties on Olive, west of I-270. The CBD district is the next largest area of CB zoned properties that encompasses both sides of Olive Blvd. east of I-270 to west of Craig Road. The remaining properties near Olive and Old Olive in and around the Creve Coeur Pavilion center are located within the MUIC District which is coterminous with the 39 North District (p 58-59).



- | | |
|---|--|
|  | I - Countryside Estate (CR) |
|  | II - Estate Neighborhood 2 (ER-2) |
|  | III - Estate Neighborhood 1 (ER-1) |
|  | IV - Suburban Neighborhood 2 (SR-2) |
|  | V - Suburban Multi-Family Neighborhood 1 (SR-1) |
|  | VI - Civic (CV) |
|  | VII - Campus (CP) |
|  | VIII - Neighborhood Commercial District (NC) |
|  | IX - Mixed-Use District (MU) |
|  | IX.A - Central Business District (CBD) |
|  | X - Community Center District (CC) |
|  | XI - Mixed-Use Innovation Campus District (MUIC) |

As a component of the vision within each of these Place Types, a Frontage Plan is provided with development recommendations arranged by primary, secondary or service streets. For CB-zoned properties within the MU District north of Olive, the primary streets are Olive Boulevard, North New Ballas and Craig Road. Secondary streets are E Rue de la Banque and City Place Drive (p.83). For CB-zoned properties within the MUIC District, the primary streets are Olive and secondary streets are Old Olive (p.97). For each Place Type, the recommendations include establishing uniform setbacks on primary and secondary streets for a consistent appearance.

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Downtown Community Center District is located south of Olive Boulevard where a coordinated mixed use town center development remains the vision.

The submitted text amendment would remove the 15-foot maximum front setback that is in place along all street frontages, except along Olive for properties north of Olive. The maximum setback of 80-feet which contributes to the vision of an urban thoroughfare along Olive would not be affected.

Maintaining a regulation that provides a maximum front yard setback is consistent with the frontage recommendations contained in the plan to promote uniform setbacks. On the other hand, the application of a strict 15-foot maximum setback throughout the entire CB District is very challenging to implement given the large extent of land zoned CB and the wide variety of the land uses and existing conditions within this zoning district. While supported generally by the comprehensive plan, staff believes that this regulation as currently written and applied is too restrictive and is not an effective method to implement the comprehensive plan.

ANALYSIS

As previously discussed, the applicant has submitted this text amendment in advance of an application for a new corporate office building located within the CB zoning district. As a text amendment that would apply to all affected properties within the CB district, the City's review should be conducted in this context without focusing solely on the anticipated project.

As shown in Figures 2-4, the CB District covers many areas of the City. This amendment is limited to areas north of Olive Blvd., zoned CB. To the west of I-270, the amendment would appear to have the least impact, as most of these properties front Olive with very little frontage on other streets. East of I-270, the primary streets are North New Ballas and Craig Road. With a few exceptions, most of these properties contain large, well-functioning developments that would not be anticipated for redevelopment in the near future. Other secondary streets in this area are W and E Rue de La Banque and Orchard Lakes. The areas zoned CB further east are limited to either private streets or Old Olive. Overall, the north side of Olive has greater variation in the existing development patterns.

Staff conducted a review of projects that have been approved in the CB District after the maximum setback was established in 1999 includes the following:

- Fresh Market (currently vacant) at 11557 Olive within City Place
- CVS, 11560 Olive
- Land Rover/Jaguar, 11654 Olive
- Vanchi Building 844 N New Ballas Court
- Vanguard Heights Apartment Building, 10362 Old Olive Blvd.

The review reveals that modifications to the front yard setbacks were required for all of them. In association with the review of the former Fresh Market site, a text amendment was approved to allow City Council to modify the setbacks within the Commercial Design Development (CDD) procedure. This site along with the remainder of City Place is governed under the CDD procedure which is similar in function to a planned development district where some variation to the strict standards of the zoning code can be permitted. The Fresh Market site has three street frontages and contains a single use building. In the case of Fresh Market, the 80-foot setback from Olive was maintained but the 15-foot maximum setback from the other frontages were modified.

Similar to the Fresh Market, the CVS project was approved with a greater setback along Old Ballas Road. The Vanchi Building received a variance from the 15-foot setback from East Rue de la Banque. The Vanguard Heights project received a variance from the 80-foot setback requirement along Olive but maintained the 15-foot setback along Old Olive. The Plaza Land Rover/Jaguar project also did not fully

meet the 15-foot setback requirement and was approved with a greater setback on the Ham Road frontage based on a conceptual future widening of this road.

CONCLUSION AND ACTION

The comprehensive plan recommends uniform setbacks as part of the frontage plan for each Place Type. The existing regulation certainly contributes to this recommendation; however, the current maximum front setback of 15-feet represents a very restrictive approach and applies to a large area of the City which, as demonstrated in this report, has proven to be ineffective in its implementation. Since the City established maximum setbacks in 1999, the zoning code has been amended twice to pull back from this approach. In 2004, the setbacks were relaxed for Olive Boulevard and in 2013, an amendment was approved to allow the City Council to modify the setbacks for Commercial Design Development (CDD) districts affecting City Place, which occupies a significant portion of the CB zoning district. A review of the files reveals that most of the new developments that have been approved in the CB District required setback modifications.

The remaining provision to uphold a maximum setback is now being requested for review and modification in advance of an application for a substantial new development in the CB-District. The requested code amendment to remove the maximum setback approach in favor of a traditional minimum setback approach represents a significant change in the City's development standards. Staff is of the opinion that maintaining a maximum front setback at 15-feet covering a large extent of the City will continue to present challenges for implementation throughout the CB District as it has been in the past. Perhaps more achievable would be to apply this standard to a specific portion of the City, such as south of Olive in support of a Town Center type of development. Further, the 80-foot maximum setback along Olive Boulevard, as the primary commercial thoroughfare in Creve Coeur, should be maintained which has been effectively implemented and is appreciably less restrictive than the code section being discussed. For these reasons and after discussions with staff, the applicant has submitted the amendment to apply only to areas north of Olive Boulevard where the land use patterns are not as conducive to maintaining this standard.

Staff will present maps of the CB District's development patterns and will review past projects in the district at the meeting to assist the Commission in its review.

MOTION

If the Planning and Zoning Commission believes the proposed changes to the front yard setback requirements for parcels within the CB-District north of Olive Boulevard are appropriate, the following would be a suitable motion for this application:

“I move to recommend approval of the text amendment to modify the Front Yard Setback requirements in the CB-Core Business District for Parcels Located North of Olive Boulevard as regulated in Section 405.370.E.4.a(1) of the Zoning Code as shown on the attached draft ordinance.”

If the Commission requests additional information by the applicant and/or staff, for further review, the following would be an appropriate motion:

“I move to continue the text amendment request associated with Application #22-015 to the meeting of August 1, 2022”

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

*Planning and Zoning Commission
July 18, 2022*

*Application #22-015: CB Front Setbacks TA
Page 9*

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

BILL NUMBER. 2095
ORDINANCE NUMBER. 2030

**AN ORDINANCE TO AMEND SECTION 26-40.5 (d) 1, SECTION
26-43.5 (d) 1 AND SECTION 26-26.2 OF THE CODE OF
ORDINANCES OF THE CITY OF CREVE COEUR RELATING
TO THE MINIMUM FRONT YARD SETBACK
REQUIREMENTS IN THE MX, MIXED USED DISTRICT AND
THE CB, CORE BUSINESS DISTRICT AND SETBACK
REQUIREMENTS IN CERTAIN STREETS AND RIGHTS-OF-
WAY**

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

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for a revision of the provisions of Ordinance Number 1903, relating to front yard setback requirements in the MX, Mixed Use District and the CB, Core Business District in order to encourage the building placement closer to the street and encourage the placement of parking lots behind buildings or in the rear of the property, and

WHEREAS, the Planning and Zoning Commission has discussed modifying setbacks for structures within commercial districts through the implementation of a maximum setback a building or structure may be placed from the right-of-way rather than continuing the traditional minimum setback requirement which tends to encourage the placement of parking in front of buildings and the building location in the rear of the site, and

WHEREAS, the intent of these changes is to move buildings closer to the street, enhance the City's streetscape, provide for pedestrian orientation and eliminate parking along the roadway, and

WHEREAS, the Planning and Zoning Commission reviewed and unanimously recommended approval of the subject text amendment at its meeting on Tuesday, September 21, 1999, and

WHEREAS, the City Council of the City of Creve Coeur, Missouri, also being cognizant of a need for these changes in the zoning regulations, held a Public Hearing thereon at the Creve Coeur Government Center on October 11, 1999, beginning at 7:30 p.m. or immediately following the close of the previous Public Hearing, after having given fifteen (15) days prior public notice of the time, place and purpose of said hearing by publication in the St. Louis Countian on September 24, 1999, and in the West County Journal on October 4, 1999, newspapers of general circulation in the City of Creve Coeur and after other written notice was given all according to the provisions of law made and provided for such notices and hearings, and

WHEREAS, all persons who presented themselves at said Public Hearing 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 hearing prior to its consideration by the City 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 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 and in good zoning practice.

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

SECTION 1: The building setback requirements of the MX, Mixed Use District under Section 26-40.5 (d) 1 shall be amended by enacting a new Section 26-40.5 (d) 1 as follows:

MX, Mixed Use District
 26-40.5 (d) *Yard and setback requirements*

1. *Maximum front yard:* A minimum of 50% of the building elevation parallel to the street right-of-way must be located fifteen (15) feet from a road right-of-way. The provisions of Section 26-26 shall prevail if they are stricter than the requirements of this district. In every instance, this fifteen (15) foot front yard shall be provided with and maintained with sidewalks, unless improved sidewalks exist in the abutting public right-of-way, and with landscaping including, but not limited to, deciduous street trees at regular intervals.

SECTION 2: The building setback requirements of the CB, Core Business District under Section 26-43.5 (d) 1 shall be amended by enacting a new Section 26-43.5 (d) 1 as follows:

CB, Core Business District
 26-43.5 (d) *Yard and setback requirements*

1. *Maximum front yard:* A minimum of 50% of the building elevation parallel to the street right-of-way must be located fifteen (15) feet from the right-of-way established by the adopted Site Development Plan for the CB, Core Business District. In the event that the planned right-of-way is greater than the present right-of-way width, the required setback shall be measured from a line located a distance equal to one-half (1/2) the width of the planned right-of-way from the center line of the present right-of-way. The provisions of Section 26-26 shall prevail where applicable on major streets or highways. In every instance, the first ten (10) feet of the front yard setback from the right-of-way, excluding the building placement, shall be provided with and maintained with sidewalks, unless improved sidewalks exist in the abutting public right-of-way, and with landscaping including, but not limited to, deciduous street trees at regular intervals.

SECTION 3. The setback requirements on certain streets and rights-of-way under Section 26-26.2 shall be amended by enacting a new Section 26-26.2 as follows:

Section 26-26.2 Setback Requirements on Certain Streets and Rights-of-Way

- (a) No building or structure shall be located further from a major street or highway in the City of Creve Coeur than provided for by the standards specified below:
 - 1. *Arterial street or highway (Ballas Road, Lindbergh Boulevard and Olive Boulevard):* Forty (40) feet setback from the center line of said arterial street or highway plus the permitted setback distance established in the zoning district. The Planning and Zoning Commission may increase the distance measured from the centerline of an arterial street or highway to ensure a consistent right-of-way along such a thoroughfare or if a road expansion is projected in an adopted land use plan.
 - 2. *Major collector streets (Conway, Ladue, Old Olive Street, Warson, Spoede, Graeser, Mason, Mosley, Shulte, Craig, Emerson, Old Ballas and Ross Roads, and Cross Creek, Decker, Trojan and Tempo Drives):* Thirty (30) feet setback from the center line of said major collector street plus the permitted setback distance established in the zoning district. The Planning and Zoning Commission may increase the distance measured from the centerline of

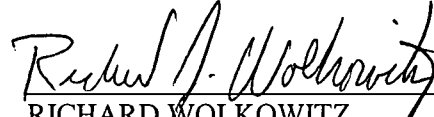
a major collector street to ensure a consistent right-of-way along such a thoroughfare or if a road expansion is projected in an adopted land use plan.

- (b) In every instance, the first ten (10) feet of the front yard setback from the right-of-way shall be provided with and maintained with sidewalks, unless sidewalks exist in the abutting public right-of-way, and with landscaping including, but not limited to deciduous street trees at regular intervals.

SECTION 4. BE IT FURTHER ORDAINED THAT all ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 5. BE IT FURTHER ORDAINED THAT this ordinance shall become effective fifteen (15) days from adoption and approval in accordance with Section 3.11 (G) of the City Charter.

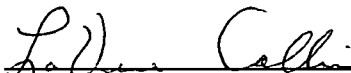
ADOPTED THIS 25 DAY OF October, 1999


RICHARD WOLKOWITZ
PRESIDENT OF CITY COUNCIL

APPROVED THIS 25 DAY OF October, 1999


ANNETTE KOLIS MANDEL
MAYOR

ATTEST:


LAVERNE COLLINS, CMC
CITY CLERK

BILL NUMBER 3267**ORDINANCE NUMBER 2296**

**AN ORDINANCE TO AMEND SECTION 26-40.5(d)1 AND
SECTION 26-43.5(d)1 OF THE ZONING ORDINANCE OF THE
CITY OF CREVE COEUR TO AMEND THE FRONT YARD
SETBACK REGULATIONS FOR PARCELS FRONTING OLIVE
BOULEVARD IN THE MX MIXED USE AND CB CORE
BUSINESS DISTRICTS**

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for a revision of the provisions of Ordinance Number 1903, Section 26-40.5(d)1 and Section 26-43.5(d)1 "Yard and Setback Requirements" by replacing the section with revised language herein;

WHEREAS, the Planning and Zoning Commission reviewed and unanimously recommended approval of the subject amendment at its meeting on Monday, May 17, 2004, and

WHEREAS, pursuant to Article 9, 26-113 *Zoning Changes and Amendments*, a Public Hearing was held by the City Council on Monday, May 24, 2004, at 7:00 PM, and continued on Monday, June 28, 2004 at 7:00 PM.

WHEREAS, at least fifteen (15) days prior to the Public Hearing a public notice indicating the time, place and purpose of said Public Hearing was published in the St. Louis Countian on May 7, 2004, and in the West County Journal on May 9, 2004, newspapers of general circulation in the City of Creve Coeur and after other written notice was given to all according to the provisions of law made and provided for such notices and hearings, 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 (3) 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 and in good zoning practice.

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

SECTION 1: Sections 26-40.5(d)1 and 26-43.5(d)1 of the Zoning Ordinance shall be replaced with the following language:

MX, Mixed Use - Section 26-40.5(d)1.

Maximum front yard: A building or structure shall be located a maximum of eighty-five (85) feet from established right-of-way. The provisions of Section 26-26 shall prevail if they are stricter than the requirements of this district. In every instance, a fifteen (15) foot front yard shall be provided with and maintained with sidewalks, unless improved sidewalks exist in the abutting public right-of-way, and with landscaping including but not limited to deciduous street trees at regular intervals.

CB, Core Business – Section 26-43.5(d)1.a.

Maximum front yard: A minimum of fifty (50) per cent of the building elevation parallel to the street right-of-way **shall be located a maximum of fifteen (15) feet** from the right-of-way established by the adopted Site Development Plan for the CB, Core Business District. In the event that the planned right-of-way is greater than the present right-of-way, the required setback shall be measured from a line located a distance equal to one-half ($\frac{1}{2}$) the width of the planned right-of-way from the centerline of the present right-of-way. The provisions of Section 26-26 shall prevail where applicable on major streets or highways. In every instance, the first ten (10) feet of the front yard setback from the right-of-way, excluding the building placement, shall be provided with and maintained with sidewalks, unless improved sidewalks exist in the abutting public right-of-way, and with landscaping including, but not limited to, deciduous street trees at regular intervals.

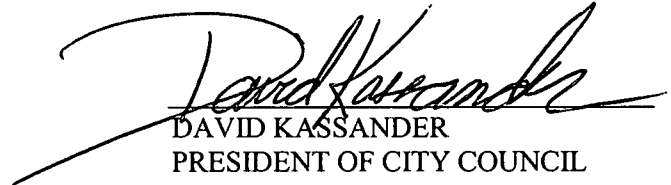
CB, Core Business - Section 26-43.5(d)1.b.

Maximum front yard for parcels fronting Olive Boulevard: A building or structure shall be located a maximum of eighty (80) feet from established right-of-way. The provisions of Section 26-26 shall prevail if they are stricter than the requirements of this district. In every instance, the first ten (10) feet of the front yard setback from the right-of-way, excluding building placement, shall be provided with and maintained with sidewalks, unless improved sidewalks exist in the abutting public right-of-way, and with landscaping including but not limited to deciduous street trees at regular intervals.

SECTION 2. All ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 3. This ordinance shall become effective fifteen (15) days from adoption and approval in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS 12th DAY OF July, 2004


DAVID KASSANDER
PRESIDENT OF CITY COUNCIL

APPROVED THIS 12th DAY OF July, 2004


HAROLD DIELMANN
MAYOR

ATTEST:


LAVERNE COLLINS, CMC
CITY CLERK

BILL NO. 5433ORDINANCE NO. 5314

AN ORDINANCE AMENDING CHAPTER 405.D COMMERCIAL DESIGN DEVELOPMENT PROCEDURE (CDD) OF THE ZONING CODE OF THE CITY OF CREVE COEUR, MISSOURI TO ALLOW THE CITY COUNCIL TO APPROVE MODIFICATIONS TO MAXIMUM AND MINIMUM SETBACKS WITHIN A CDD AND TO DOCUMENT SUCH MODIFICATIONS ON THE SITE CONCEPT PLAN.

WHEREAS, an application by Garrick R. Hamilton, on behalf of The Koman Group, L.L.C., has been submitted to allow the City Council to approve modifications to maximum and minimum setbacks within a CDD and to document such approvals on the site concept plan; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri voted on separate motions for the two proposed amendments; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to the Commercial Design Development Procedures 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 Monday July 15, 2013, beginning at 7:00 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 2-3, recommended against approval of the amendment affecting the modification of setbacks in Section 405.450.D.1, paragraph c at its meeting on Monday July 15, 2013; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of 5-0, recommended approval of the amendment affecting the documentation of setback modifications on the Site Concept Plan, instead of the Final Subdivision Plat, in Section 405.450.D.1, paragraph c, at its meeting on Monday July 15, 2013; 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:

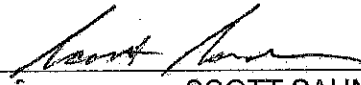
SECTION 1: Section 405.450.D.1, paragraph c is hereby repealed and a new paragraph c is enacted in lieu thereof, as follows:

BILL NO. 5433ORDINANCE NO. 5314D. *Commercial Designed Development Procedure.*1. *Planned commercial developments and campuses.*

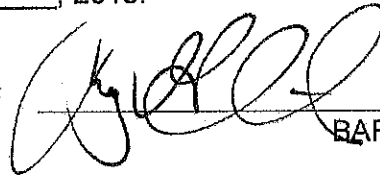
- c. *Setbacks.* The minimum and maximum setback requirements as set out in the regulations for the commercial zoning district within which the site is located may be modified by the City Council and, if so modified, shall be set out on the site concept plan to be submitted in accordance with Chapter 405.1080.D, *Site Concept Plans*.

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

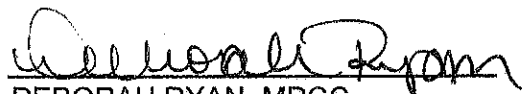
ADOPTED THIS 12 DAY OF August, 2013.


SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS 12 DAY OF August, 2013.


BARRY GLANTZ
MAYOR

ATTEST:


DEBORAH RYAN, MPCC
CITY CLERK

city
of

CREVE COEUR

File # _____

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

TEXT AMENDMENT APPLICATION

PLEASE COMPLETE FRONT AND BACK PAGES

<i>Applicant:</i>	<i>Applicant's Representative (if applicable):</i>
Jason Gray	WooYoung Kim
<i>Name</i>	<i>Name</i>
First Bank	Lamar Johnson Collaborative
<i>Company (If Applicable)</i>	<i>Company (If Applicable)</i>
11901 Olive Boulevard	2199 Innerbelt Business Center Dr.
<i>Address</i>	<i>Address</i>
Creve Coeur, MO 63141	St. Louis, MO 63114
<i>Address</i>	<i>Address</i>
Telephone # 618-641-2155	Telephone # 314-592-5682
<i>Telephone #</i>	<i>Telephone #</i>
Fax # _____	Fax # _____
<i>Fax #</i>	<i>Fax #</i>
Email: Jason.Gray@fbol.com	Email: kimw@theljc.com
<i>Email</i>	<i>Email</i>

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 6:30 P.M. on Monday, July 18, 2022.

Applicant's Signature

June 8, 2022

Date

Applicant's Representative's Signature

June 8, 2022

Date

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

We are respectfully requesting a text amendment to the City Ordinance Section 405.370 "CB" Core Business District, subsection E4.a.(1) "Maximum front yard".

The request is associated with a future development proposed at 11901 Olive Boulevard, which has frontage on Olive Boulevard and two secondary streets.

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

Section 405.370 "CB" Core Business District, Subsection E4.a.(1)

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

(see attached sheet)

Office Use Only

_____ **Proposed Ordinance Language**

Received By: _____

_____ **Fees Paid**

_____ **Written Justification**

Date: _____

Lamar Johnson Collaborative

Mr. Jason Jaggi
Director of Community Development
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, Mo 63141

June 6, 2022

Regarding: Request for Text Amendment – Proposed Ordinance Language Future
Development at 11901 Olive Boulevard

Dear Mr. Jaggi,

We are respectfully requesting a text amendment to the city ordinance Section 405.370 “CB” Core Business District, subsection E4.a.(1) “Maximum front yard”. The request is associated with a future development proposed at 11901 Olive Boulevard. Below is the proposed ordinance language which is being submitted as supplemental information to our Text Amendment Application.

Proposed Ordinance Language
“CB” Core Business District
Section 405.370 E.4.a (1) Yard and setback requirements

- (1) *Maximum front yard. For parcels located south of Olive Boulevard, a* minimum of fifty percent (50%) of the building elevation parallel to the street right-of-way shall be located a maximum of fifteen (15) feet from the right-of-way established by the adopted site development plan for the “CB” Core Business District.
Minimum front yard. For parcels located north of Olive Boulevard, no building or structure shall be located closer than ten (10) feet from the right-of-way.

In the event that the planned right-of-way is greater than the present right-of-way, the required setback shall be measured from a line located a distance equal to one-half ($\frac{1}{2}$) the width of the planned right-of-way from the centerline of the present right-of-way. The provisions of Section 405.240 shall prevail where applicable on major streets or highways. In every instance, the first ten (10) feet of the front yard setback from the right-of-way, excluding the building placement, shall be provided with and maintained with sidewalks, unless improved sidewalks exist in the abutting public right-of-way, and with landscaping including, but not limited to, deciduous street trees at regular intervals.

Sincerely,



WooYoung Kim

PRELIMINARY - REFERENCE ONLY

Site Development Plan

CREVE COEUR OFFICE BUILDING

LAKE HOUSE FARM SUBDIVISION IN SECTION 3, TOWNSHIP 45 NORTH, RANGE 5 EAST
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI

PAUL K. BOYER, P.E., E-26258
PROFESSIONAL ENGINEER
CSC LICENSE NO. 2003004674

10820 Sunset Office Drive
Suite 200
St. Louis, Missouri 63127
314.729.1400
Fax: 314.729.1404
www.cedc.net

CEDC
CIVIL ENGINEERING
DESIGN CONSULTANTS

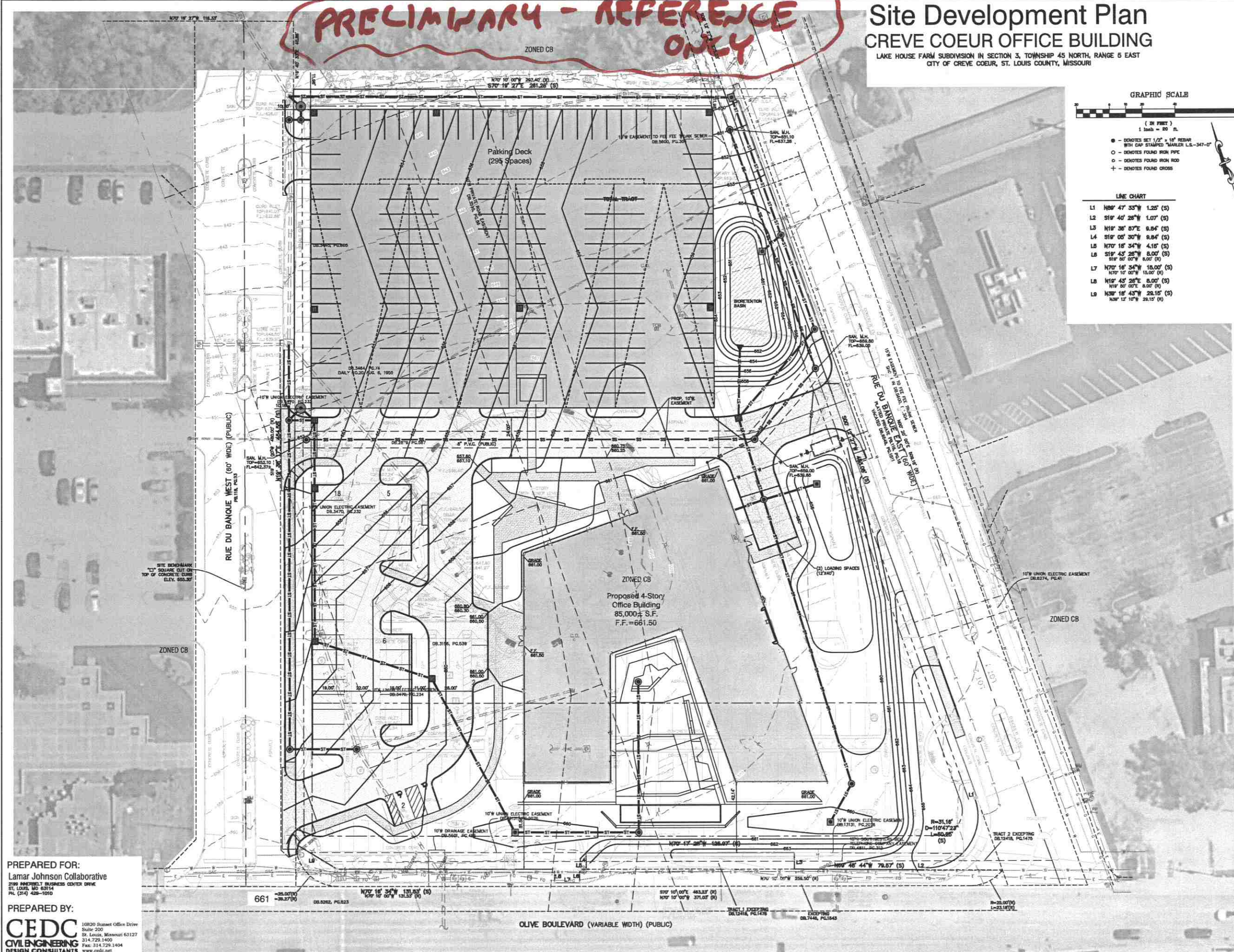
GRAPHIC SCALE

(IN FEET)
1 inch = 80 ft.

● - DENOTES SET 1/2" x 10" REBAR
WITH CAP STAMPED "MAJLER L.S.-347-0"
○ - DENOTES FOUND IRON PIPE
○ - DENOTES FOUND IRON ROD
+ - DENOTES FOUND CROSS

LINE CHART

L1	N89° 47' 33" W	1.25' (S)
L2	S18° 40' 28" W	1.07' (S)
L3	N18° 38' 07" E	8.84' (S)
L4	S18° 05' 30" W	8.84' (S)
L5	N70° 16' 54" W	4.15' (S)
L6	S18° 43' 28" W	8.00' (S)
L7	N70° 16' 54" W	15.00' (S)
L8	N18° 43' 28" E	8.00' (S)
L9	N38° 15' 43" W	23.15' (S)
	N38° 12' 10" W	23.15' (N)



PREPARED FOR:
Lamar Johnson Collaborative
2189 IMPERIAL BUSINESS CENTER DRIVE
ST. LOUIS, MO 63114
PL (314) 428-1010

PREPARED BY:
CEDC
CIVIL ENGINEERING
DESIGN CONSULTANTS

10820 Sunset Office Drive
Suite 200
St. Louis, Missouri 63127
314.729.1400
Fax: 314.729.1404
www.cedc.net

SITE DEVELOPMENT PLAN
CREVE COEUR OFFICE BUILDING
11901 OLIVE BLVD.
CREVE COEUR, MO 63141

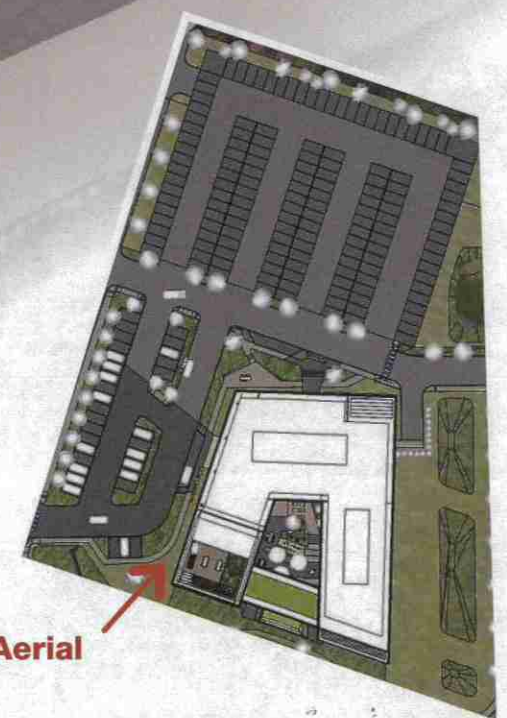
Proj. # 2186		
No.	Description	Date

PRELIMINARY
SITE PLAN

C2

PRELIMINARY- REFERENCE ONLY

Aerial



Aerial

KEY

PRELIMINARY - REFERENCE ONLY

Overall
Site Plan



FIRST BANK

Lamar Johnson
Collaborative TM
© 2021



Presentation Agenda

Project Overview

- First Bank's Vision and Plan
- Site Plan
- Overall Building Design

Text Amendment Proposal

- Current Setback Requirement
- Challenges on the Site
- Proposed Setback

Project Overview

First Bank

Guiding Principles

First Bank Vision

To help family-owned businesses, their families and employees thrive through the generations.

Project Key Objectives

- Execute a consolidation of existing business units into a single headquarters building
- Create a timeless, enduring building that expresses the underlying family's personal connection with the city and region
- The design-build team should seek to create something of local, regional and national recognition
- Create highly functional, contemporary, best in class corporate office environment incorporating future flexibility in both space and use
- The project is a long term hold for the owner that should thoroughly evaluate and balance first, operating, and life cycle costs
- Project execution excellence includes delivery on time and on budget
- Build a work environment that fosters a strong culture and further advances our efforts to be one of the most desirable companies to work for.

Drone
Views



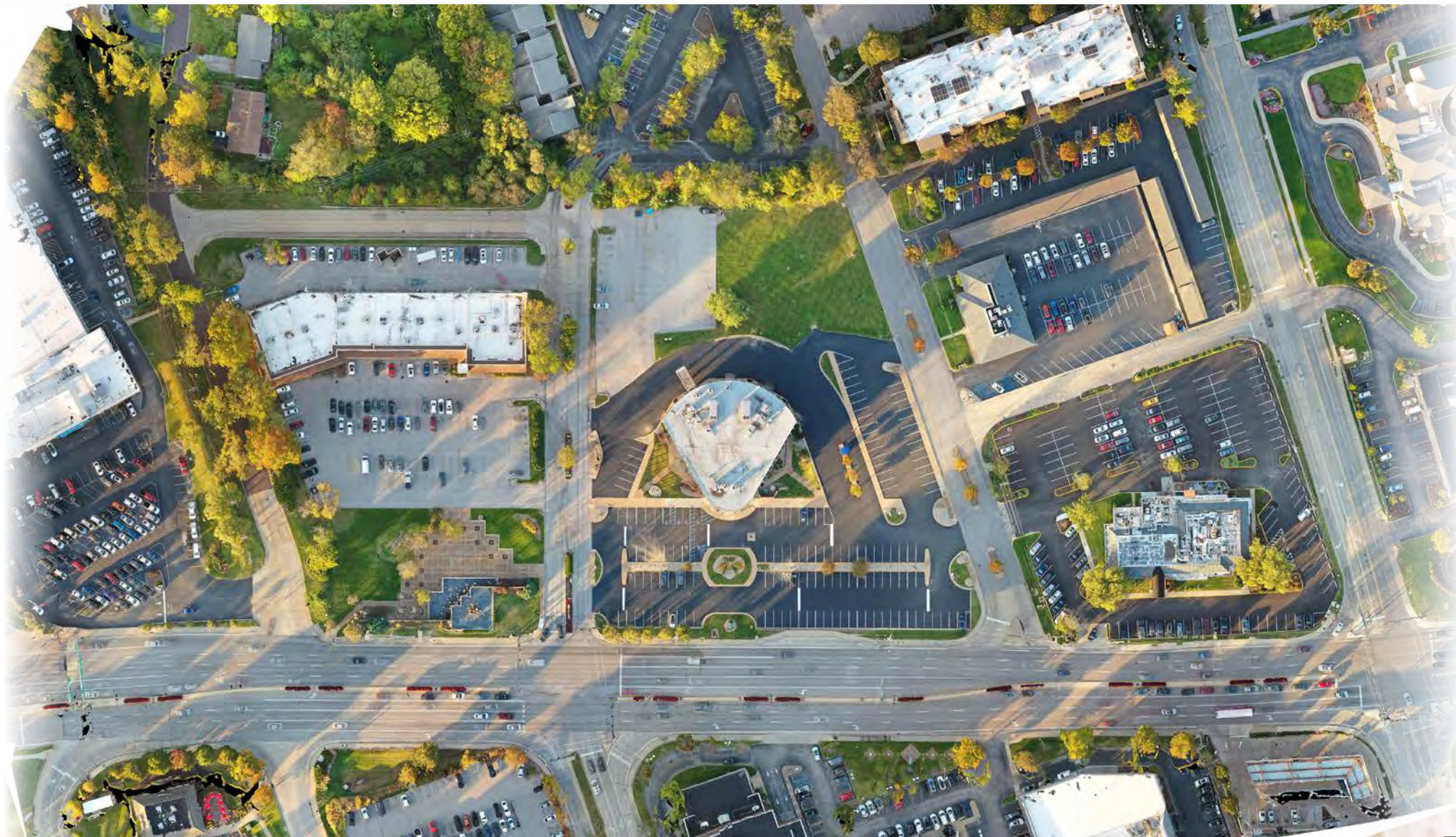
Looking South



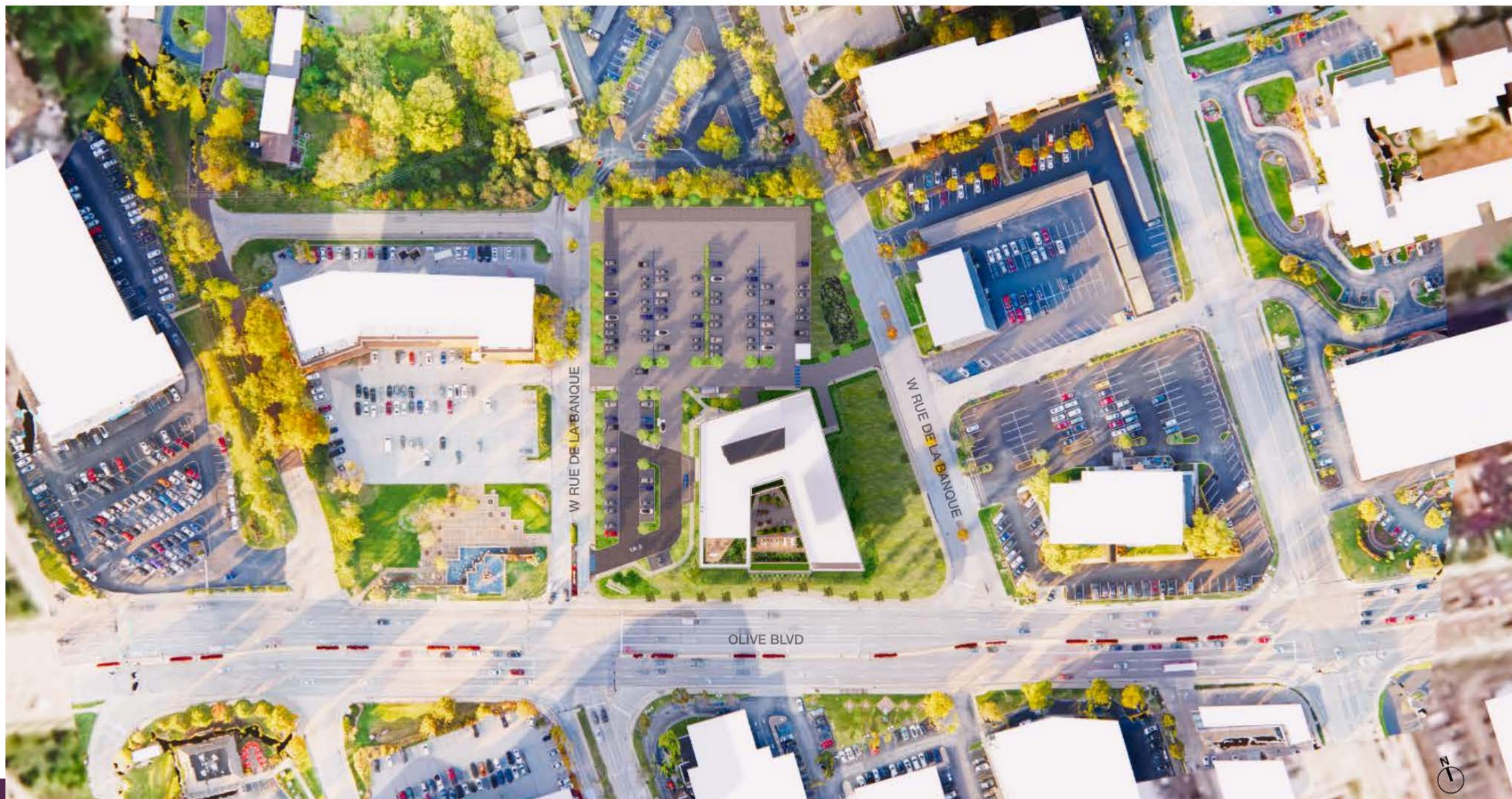
Looking North

Overall

Existing Site



Overall
Site Plan



Aerial



KEY

Lamar
Collabo

First Bank

Building Exterior



First Bank

Building Exterior



View from Olive - Looking West
Building Exterior



Site Framework
Courtyard





Guest Experience
Branch Bank & Affluent Client



Communicating Stair
Innovation Hub

Pre-Function Space
Boardroom Suite

Site Framework

4th Floor Terrace

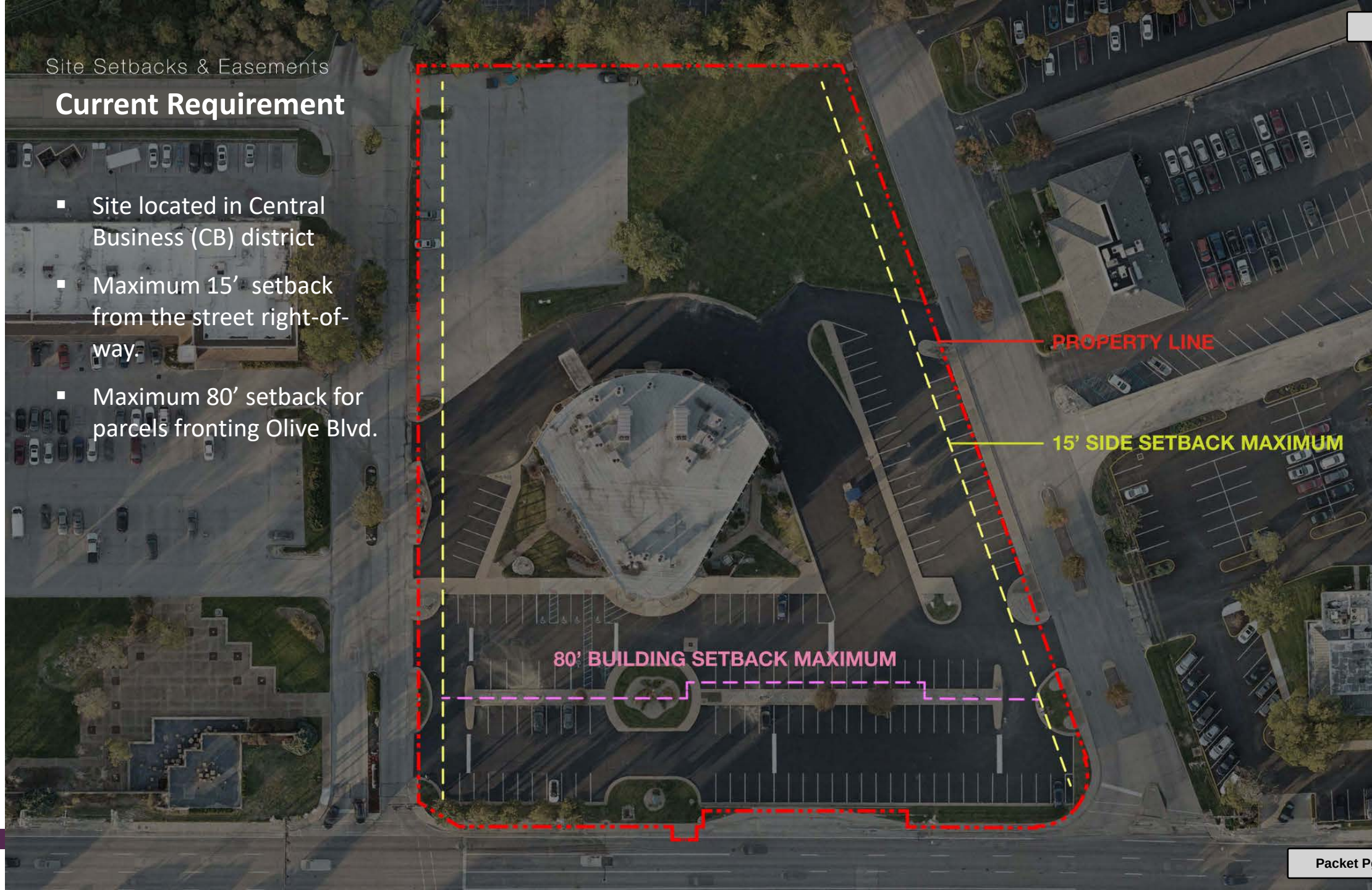


Text Amendment Proposal

Site Setbacks & Easements

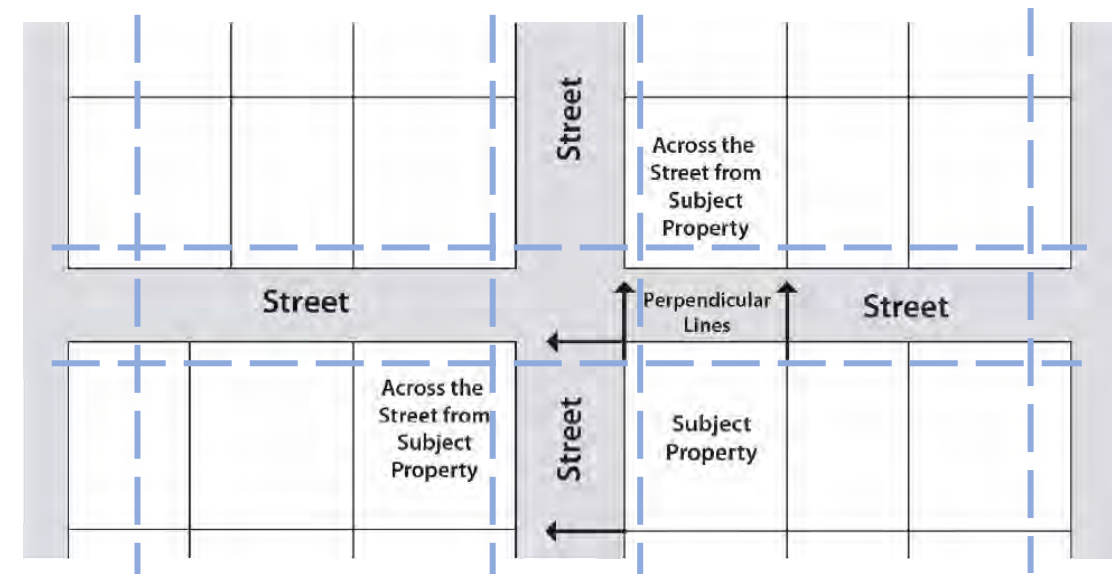
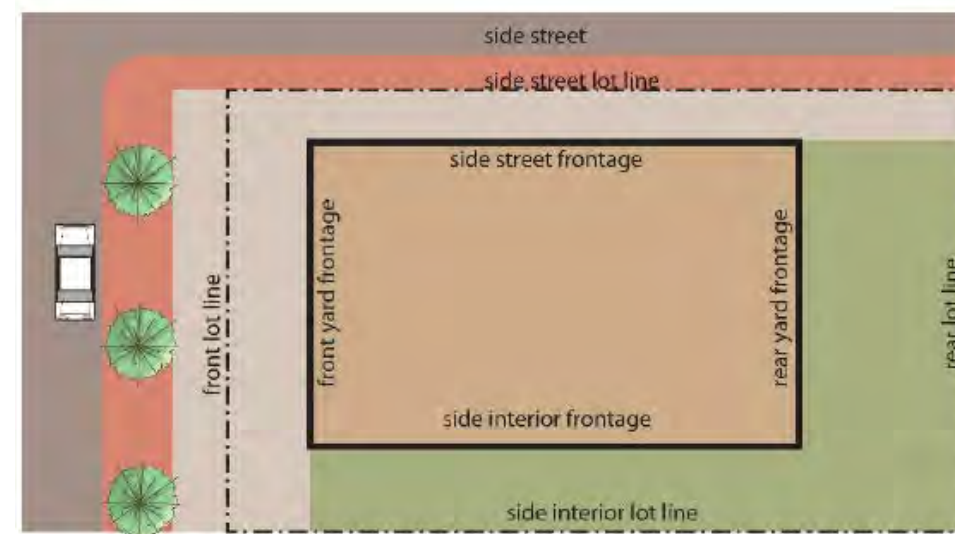
Current Requirement

- Site located in Central Business (CB) district
- Maximum 15' setback from the street right-of-way.
- Maximum 80' setback for parcels fronting Olive Blvd.



Maximum Setback

- Typically, Urban lots are smaller and have only one front yard street
- Most effective in small parcels in city blocks up to two front yard streets

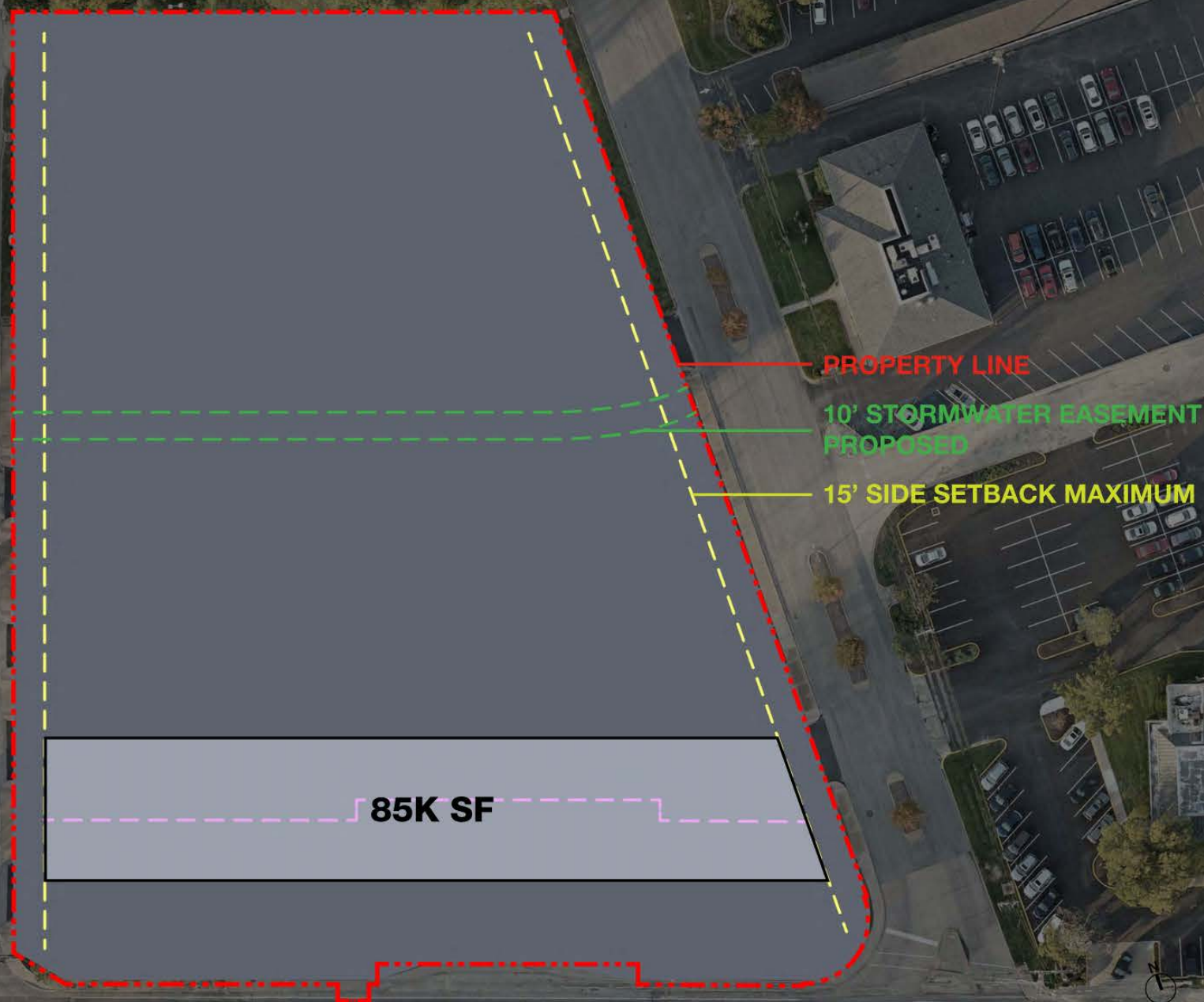


Site Setbacks & Easements

Limitations

- The lot size is too large with 400' of street frontage on Olive
- The lot is bounded by three streets defined as front yard
- The setback requirements are too strict for the lots on north of Olive

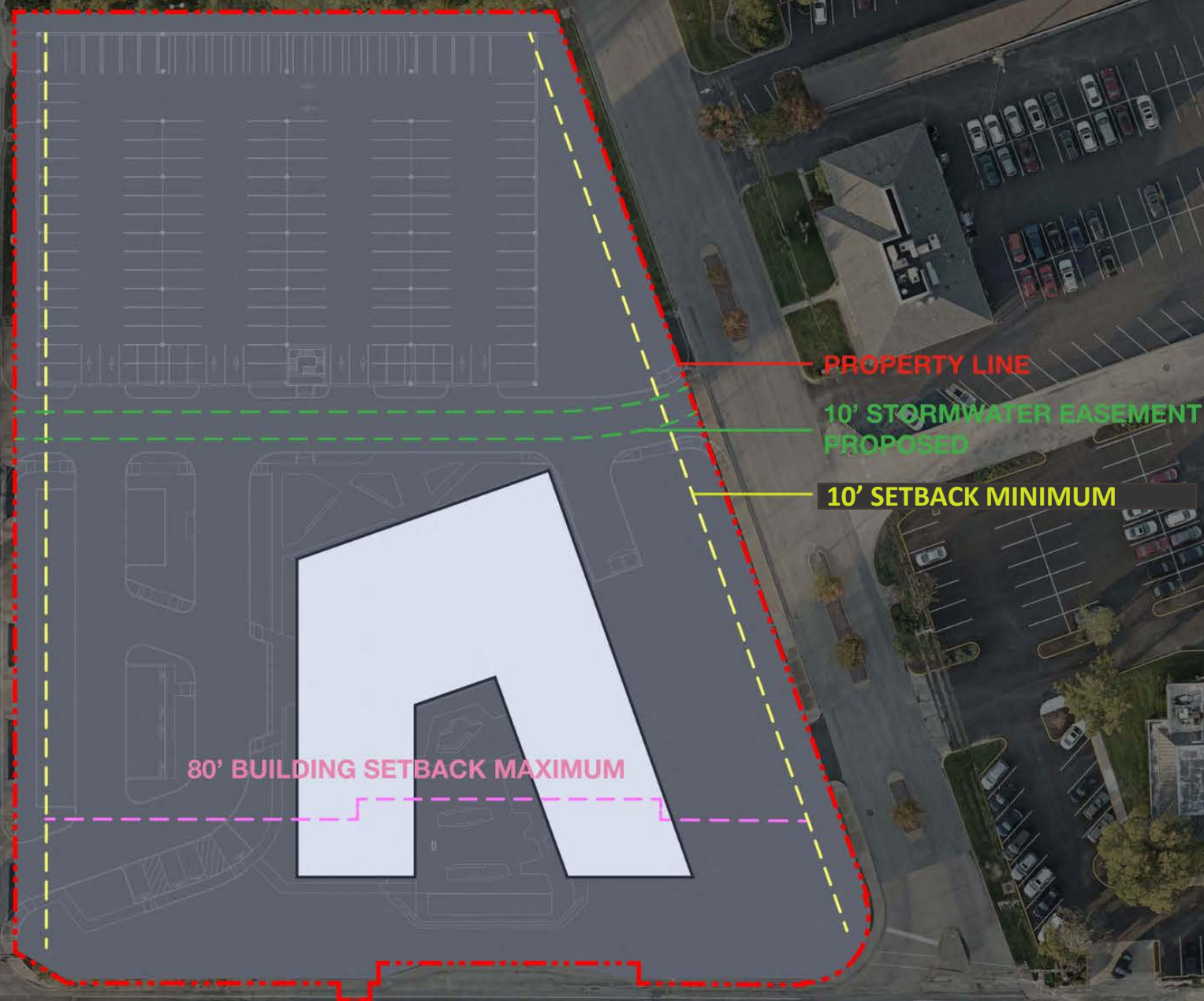
These challenges will make the future development harder on the larger lots on north of Olive Blvd.



Site Setbacks & Easements

Proposed Plan

- Olive Blvd. setback remains same
- Only applied to the north of Olive Blvd.
- Align with General Commercial District – 10' Min Setback



SITE PLAN



First Bank

View from Olive Blvd





Planning and Zoning Commission July 18, 2022

Application #22-015: Text Amendment to Modify Front Yard Setback Requirements in the CB-Core Business District for Parcels North of Olive Boulevard Section 405.300.E.4.a.

Jason Jaggi, AICP Director of Community Development

BACKGROUND

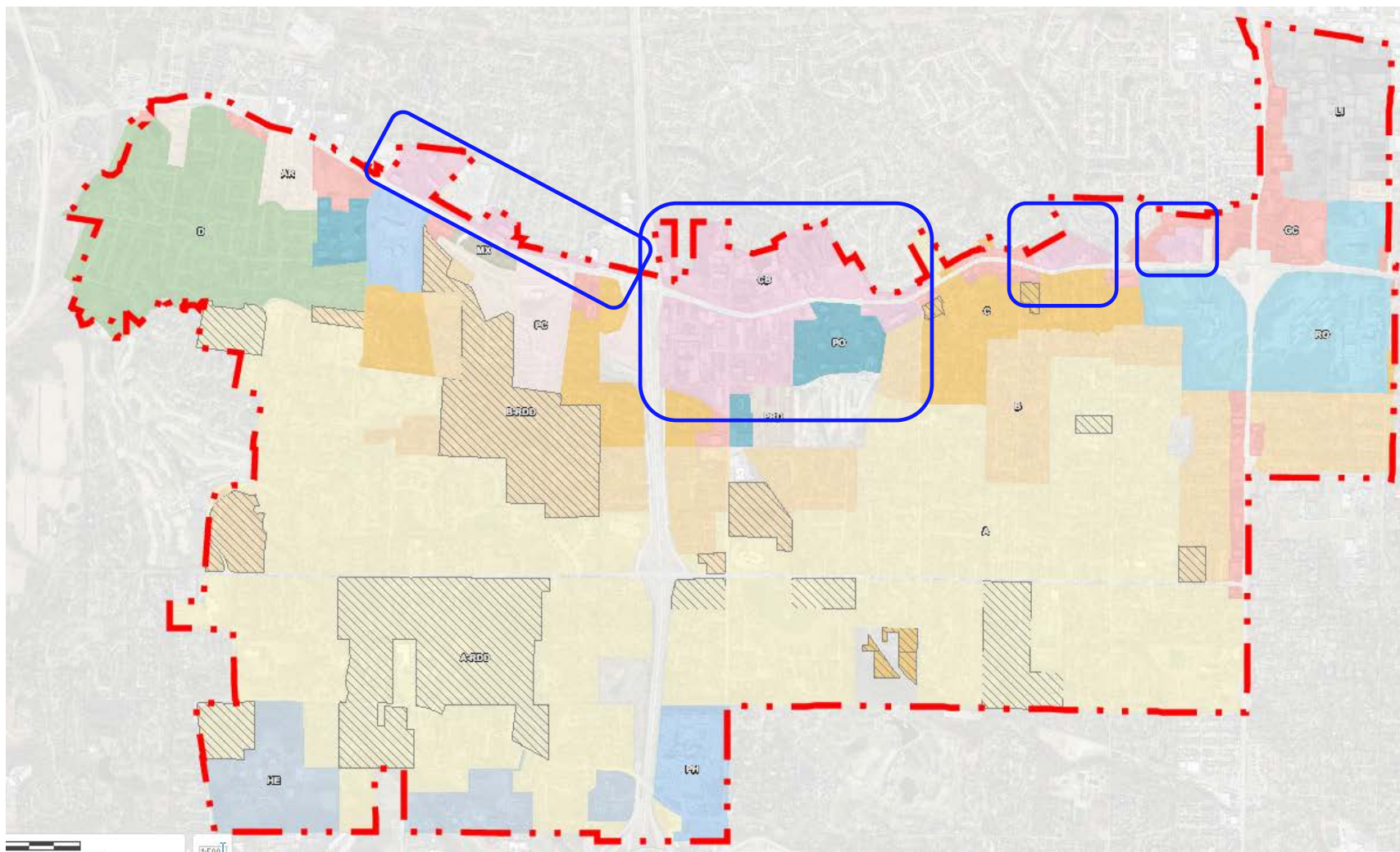
- Requested amendment to change front yard setback requirements in **CB-Core Business Zoning District**, properties north of **Olive Blvd.**
- Applicant is **First Bank**—request in association with a proposed new **HQ building at 11901 Olive Boulevard.**



BACKGROUND

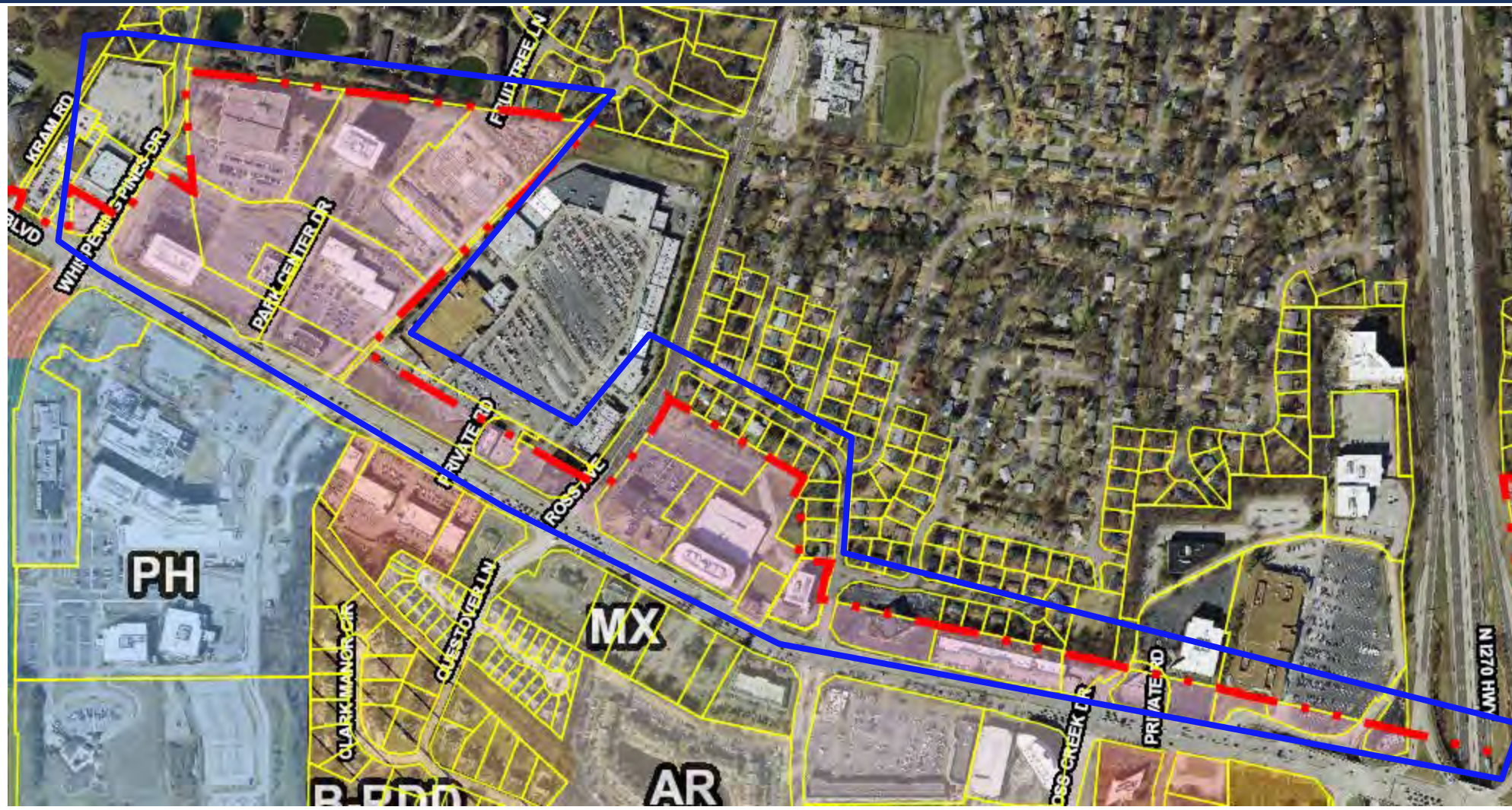
- **Prior to 1999: 15-foot minimum setback requirement; parking located in front of building, 50-feet minimum—all of CB District.**
- **1999: changed to 15-foot maximum setback with 50% of building frontage for all of CB-District.**
- **2004: changed setbacks for properties fronting Olive Blvd. to 80-foot maximum. All other properties required to follow 15-feet maximum (50% of building frontage).**
- **2013: Ordinance change to allow City Council to modify setbacks for properties within a Commercial Design District-CDD (City Place Development)**

LOCATION OF CB-CORE BUSINESS DISTRICT

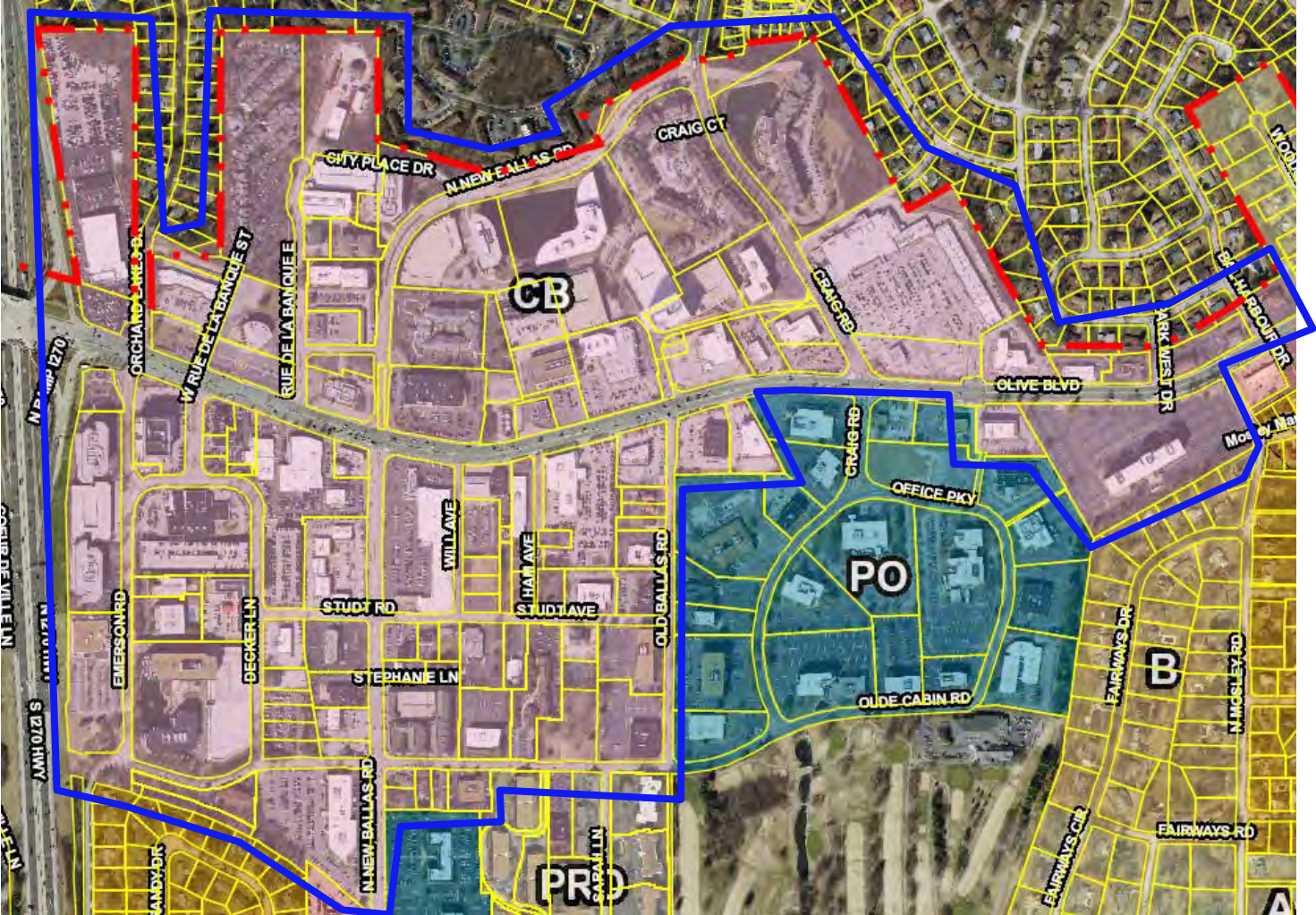


- Olive Boulevard, north side, west of I-270
- Olive Boulevard/N. New Ballas, east of I-270
- North side of Olive Boulevard, west of Spode Rd
- North side of Olive Boulevard, Creve Coeur Pavilion Center area

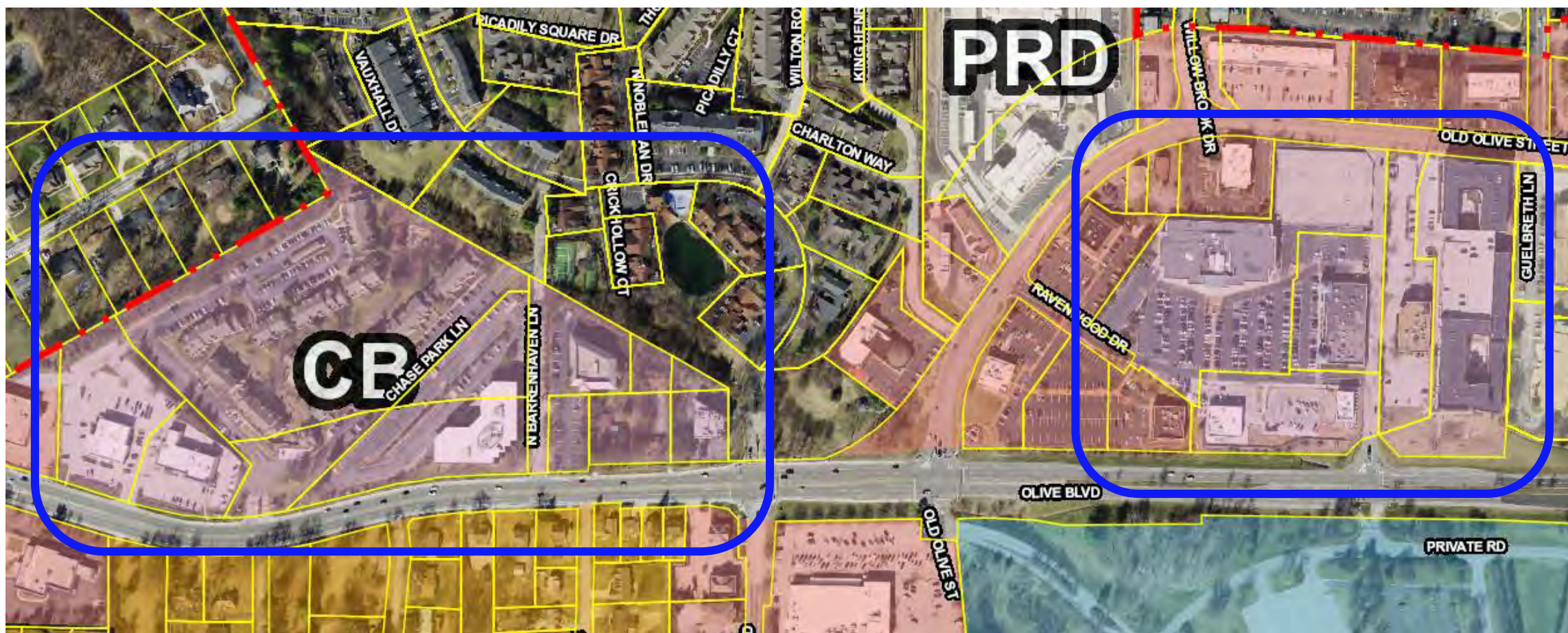
CB-CORE BUSINESS DISTRICT—WEST OF I-270



CB-CORE BUSINESS DISTRICT—EAST OF I-270



CB-CORE BUSINESS DISTRICT—EAST OF I-270



AMENDMENT REQUEST

- **Section 405.370.E. 4.Yard and Setback Requirements—CB Zoning District**
 - **Remove 15-foot maximum setback for CB-zoned properties on the north side of Olive Boulevard that do not front Olive Boulevard**
 - **Establish 10-foot minimum setback (same as General Commercial District)**
 - **Maintain above provision for properties south of Olive Boulevard**
 - **Maintain 80-foot maximum setback for yard areas fronting Olive Boulevard.**

AMENDMENT REQUEST

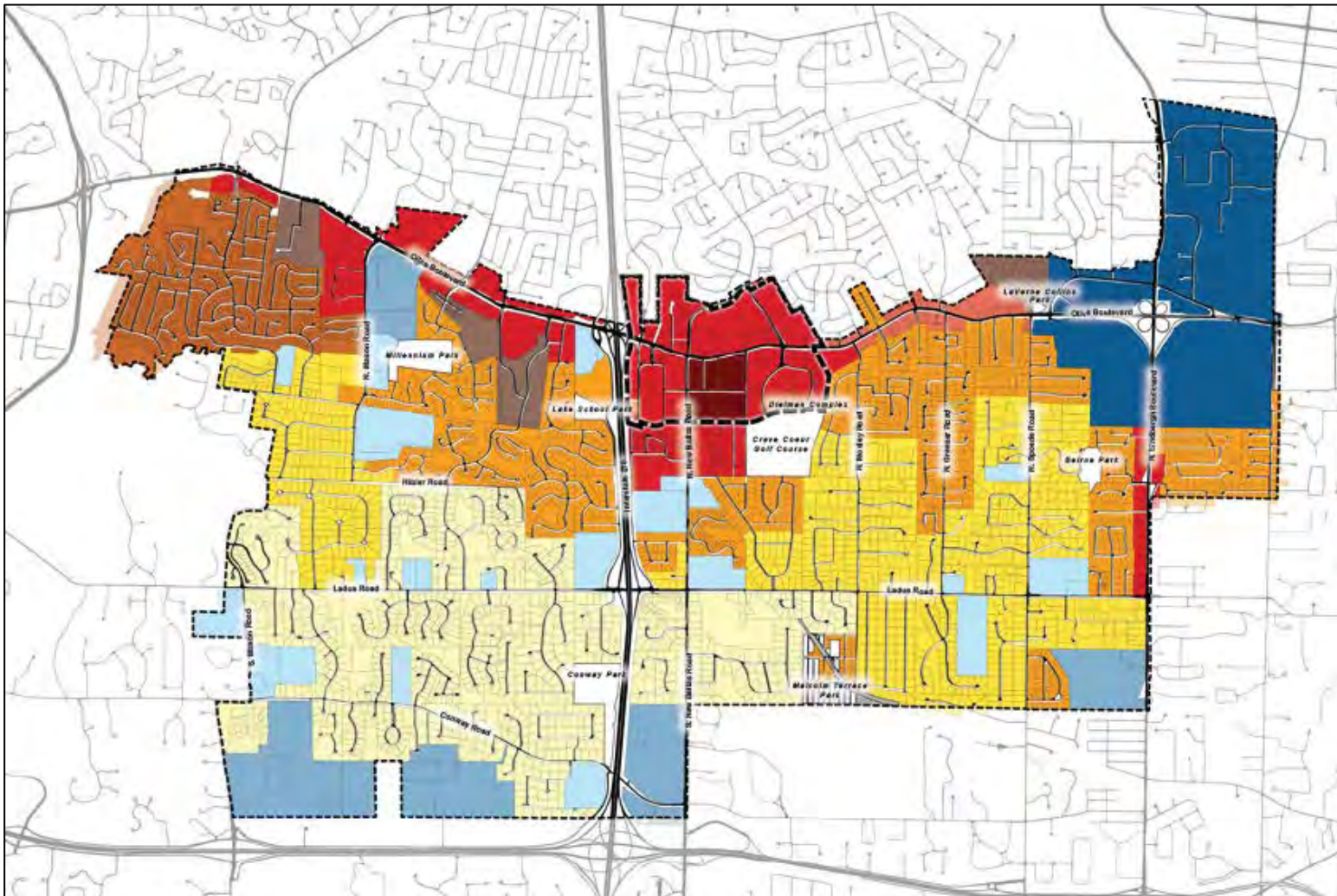
- SECTION 405.370: “CB” Core Business District
- 4. Yard and setback requirements.
- a.

(2) Front yard for parcels north of Olive Boulevard. No building or structure shall be located closer than ten (10) feet from a public right-of-way. The provisions of Section 405.240 shall prevail where applicable on major streets and highways. In every instance, the first ten (10) feet of the front yard setback from the right-of-way shall be provided with and maintained with sidewalks, unless improved sidewalks exist in the abutting public right-of-way, and with landscaping including, but not limited to, deciduous street trees at regular intervals.

COMPREHENSIVE PLAN REVIEW

- **Creve Coeur 2030 utilizes Place Types as the geographic framework.**
- **CB Zoning District is located in 4 Place Types**
 - **Mixed-Use District (MU)**
 - **Central Business District (CBD)**
 - **Community Center District (CC)**
 - **Mixed-Use Innovation Campus District (MUIC)**

COMPREHENSIVE PLAN REVIEW



4.1. COMMUNITY PLACE TYPE DISTRICTS

- | | |
|--|--|
|  | I - Countryside Estate (CR) |
|  | II - Estate Neighborhood 2 (ER-2) |
|  | III - Estate Neighborhood 1 (ER-1) |
|  | IV - Suburban Neighborhood 2 (SR-2) |
|  | V - Suburban Multi-Family Neighborhood 1 (SR-1) |
|  | VI - Civic (CV) |
|  | VII - Campus (CP) |
|  | VIII - Neighborhood Commercial District (NC) |
|  | IX - Mixed-Use District (MU) |
|  | IX.A - Central Business District (CBD) |
|  | X - Community Center District (CC) |
|  | XI - Mixed-Use Innovation Campus District (MUIC) |

COMPREHENSIVE PLAN REVIEW

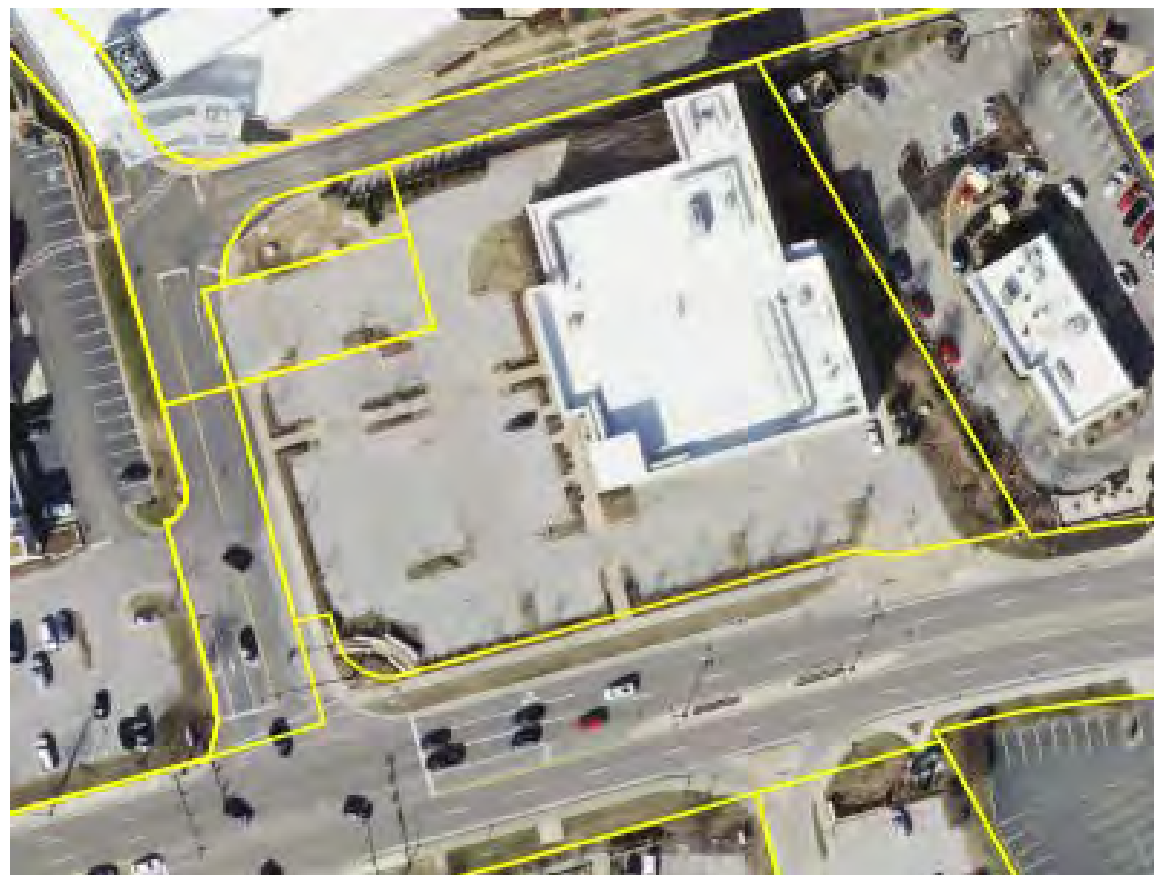
- **Frontage Plan**—recommends City review setbacks to promote uniform building frontages on primary and secondary streets
- **Existing 15-foot setback** is generally consistent with this recommendation.
- **Constraints:**
 - Existing regulation is too restrictive to be applied in such a broad manner
 - Prior setback code amendments in **CB District** suggest not an effective regulation
 - Staff recommends narrower application—focus on south of **Olive, Community Center District** along with other standards

ANALYSIS

- **Not practical—difficult to administer such a strict setback requirement in many areas of CB-District.**
- **Doesn't take into account larger blocks and properties sizes in CB-District.**
- **While still difficult, development patterns are more conducive south of Olive—Community Center (downtown/town center area)**
- **Five projects in the CB District have received relief from front yard setback requirements**

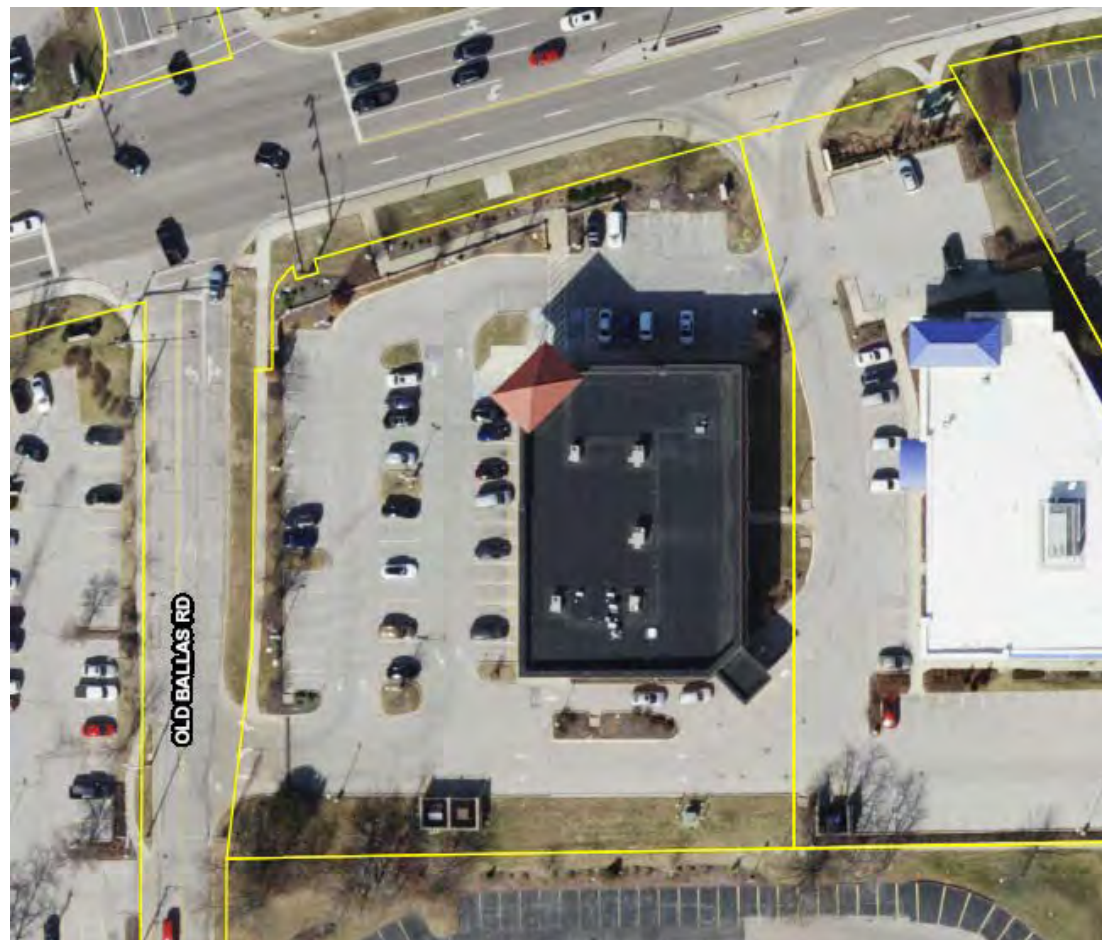
ANALYSIS

- **Former Fresh Market, 11557 Olive within City Place**
- **Text Amendment to allow City Council to modify setbacks within CDD developments (City Place campus)**



ANALYSIS

- **CVS, 11557 Olive**
- **Reduction in maximum setback along Old Ballas allowed**



ANALYSIS

- **Plaza Land Rover/Jaguar, 11654 Olive**
- **Reduction in maximum setback along Ham due to ROW dedication and widening**



ANALYSIS

- **Vanchi Building, 844 N New Ballas Ct.**
- **Variance granted by Board of Adjustment for Rue de La Banque frontage**



ANALYSIS

- **Vanguard Heights,
10362 Old Olive**
- **Variance granted by
Board of Adjustment for
Olive frontage; Old Olive
frontage met**



CONCLUSION

- **Comprehensive plan recommends uniform setbacks for each Place Type.**
 - **CB-District encompasses 4 different Place Types**
- **15-foot maximum front yard setback is too restrictive and not practical in its application for the entirety of the CB-district.**
- **CB-zoned areas north of Olive do not lend themselves to this form of regulation**
- **Prior amendments to reduce or modify setback requirements suggest ineffective regulation**
- **Maintain 80-foot max. setback along Olive—successful implementation.**
- **Further review for areas south of Olive—particularly the Downtown Area.**

RESOLUTION NO. 1601

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, AUTHORIZING THE EXECUTION OF THE NECESSARY DOCUMENTS FOR SUBMITTING THE PROJECT PROPOSAL APPLICATION AND LATER FOR EXECUTING AN AGREEMENT FOR A GRANT-IN-AID FROM THE FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM GRANT COMMISSION THROUGH THE TRANSPORTATION ALTERNATIVES PROGRAM FOR THE FERNVIEW DRIVE SIDEWALKS PROJECT.

WHEREAS, the City Council deems it necessary and recognizes the need to expand its existing sidewalk network for providing pedestrian connections to serve the citizens of Creve Coeur as well as those in the metropolitan area, and

WHEREAS, the City Council recognizes this Transportation Alternatives Program (TAP) Grant as an excellent opportunity to improve Fernview Drive for the benefit of the community,

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

1. That a grant application shall be made under the TAP Grant Program for a grant-in-aid to assist with a substantial portion of the costs to improve new sidewalks on Fernview Drive between Olive Boulevard and Gallagher Road, and the connecting street network of Fernway Lane, Ferngate Lane, Ferntrails Drive, Ferntop Lane, and Gallagher Road.
2. That the project proposal described herein be prepared and submitted to the TAP Grant Commission for reimbursement.
3. The City Council hereby authorizes the City Administrator to sign and execute the necessary documents for forwarding the project proposal application for a grant-in-aid under the TAP Grant Commission.
4. If awarded, the City of Creve Coeur will enter into an agreement or contract with the TAP Grant Commission regarding said grant.

Adopted this 25th day of July, 2022.

Dr. Robert Hoffman
Mayor

Attest:

Kellie Henke
City Clerk

STAFF MEMORANDUM

DATE: July 20, 2022

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works

FROM: Sinan Alpaslan, P.E., City Engineer

SUBJECT: Recommendation for Transportation Alternatives Program (TAP) Application
Fernview Sidewalk Expansion

City staff recommends submitting an application for grant funding to complete the right-of-way acquisition and construction services for the Fernview Sidewalk Expansion project. The estimated cost of these services is \$236,851 (right-of-way) and \$656,326 (construction) for a total project cost of \$893,177.

Background

A Transportation Alternatives Program (TAP) grant application round is available until August 19, 2022 for this project. Due to the pedestrian connections this project provides for the many subdivisions to the east and west of Fernview Drive, and the fact that the City previously used similar Federal grant funding under a Surface Transportation Program (STP) for resurfacing Fernview Drive, the project is anticipated to run a higher chance of approval by the Metropolitan Planning Agency East-West Gateway Council of Governments. A concept plan for the project has been developed over the past two years with the help of TWM Engineering and public input received for a phased approach to the project. An update to City Council after the most recent Public Open House meeting of June 7, 2022 is attached for reference.

Scope of Project

The proposed project will include construction of new sidewalks on Fernview Drive between Olive Boulevard and Gallagher Road, as well as side street connections of the area sidewalk network on Fernway Lane, Ferngate Lane, Ferntrails Drive, Ferntop Lane, and Gallagher Road.

Current Grant Proposal

The proposed grant application combines the two phases of the project into one in the interest of making the sidewalk connections fully usable immediately after the project implementation. The project eligibility for a grant depends on the overall cost of the project compared to the benefit scores it achieves and it is the staff's opinion that combining the two phases of the project will provide the highest benefit for the cost. The project design will be funded locally and the right-of-way acquisition and construction expenses are slated to be 80% reimbursed by the Transportation Alternatives Program, if the project is selected for approval. The right-of-way funding will be available in Federal Fiscal Year 2024 and construction funding in 2025.

Financing

For the proposed grant funding request, the City will be obligated to pay an application fee of \$3,572.71. This is calculated at 0.5% of the Federal grant dollar amount requested in the application.

Funding for the Fernview sidewalk project design and implementation has been identified as a Streets and Sidewalks project under the Capital Fund in FY2024 and 2025 of the CIP. The proposed dollar amounts are listed at \$185,000 and \$160,000 for FY2024 and 2025, respectively. If the grant application is successful, the funding per the CIP should be sufficient to fund the design and the local match of the grant commitment; however, a portion of the FY2024 funding may need to be moved up to meet the grant schedule.

Recommendation

Staff recommends completing and submitting a Transportation Alternatives Program (TAP) grant application for the Fernview Sidewalk Expansion project for a total project cost of \$893,177, 80% of which (\$714,541.60) will be grant funded.

Attachments: Fernview Sidewalk Concept Plan and Public Input Update to City Council
Resolution for Fernview Sidewalk Grant Application



DEPARTMENT OF PUBLIC WORKS STAFF MEMORANDUM

DATE: June 22, 2022

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works

FROM: Jim Heines, Director of Public Works

SUBJECT: Fernview Sidewalk Concept Plan and Results of Open House and Public Comments

Background

Fernview Drive is a minor collector roadway that extends south from Olive Boulevard near the western City limits. Fernview Drive eventually becomes Bellerive Estates Drive, and the route that is Fernview Drive, Bellerive Estates Drive, and Mason Manor Road serves as the principal route for much of the residential portion of Ward 4.

Many of the subdivisions to the east and west of Fernview Drive were constructed with sidewalks, but Fernview Drive itself has no sidewalks along it. Even though Fernview has shoulders, Fernview acts as a north-south barrier for pedestrians. The attached map illustrates this gap in the sidewalk network that Fernview Drive creates.

Several of the goals and action items in the City's Strategic Plan and comments received from citizens during the preparation of the capital improvement plan have called for more sidewalks and increased connectivity within the City. Fernview Drive, with its sidewalk networks around it, and the potential to connect several neighborhoods, appears to be an appropriate and effective location to consider adding a sidewalk.

Concept Plan and Public Input

Over the past two years, the city has contracted with TWM Engineering to complete concept plans to determine the best potential route for sidewalks. To keep it manageable we broke the project into two phases. Phase 1 was the sidewalk along Fernview Dr. and the second phase was to make connections to the sidewalks on all of the side streets.

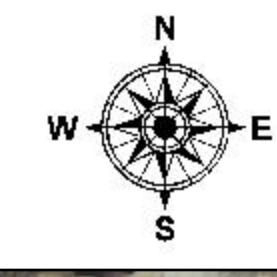
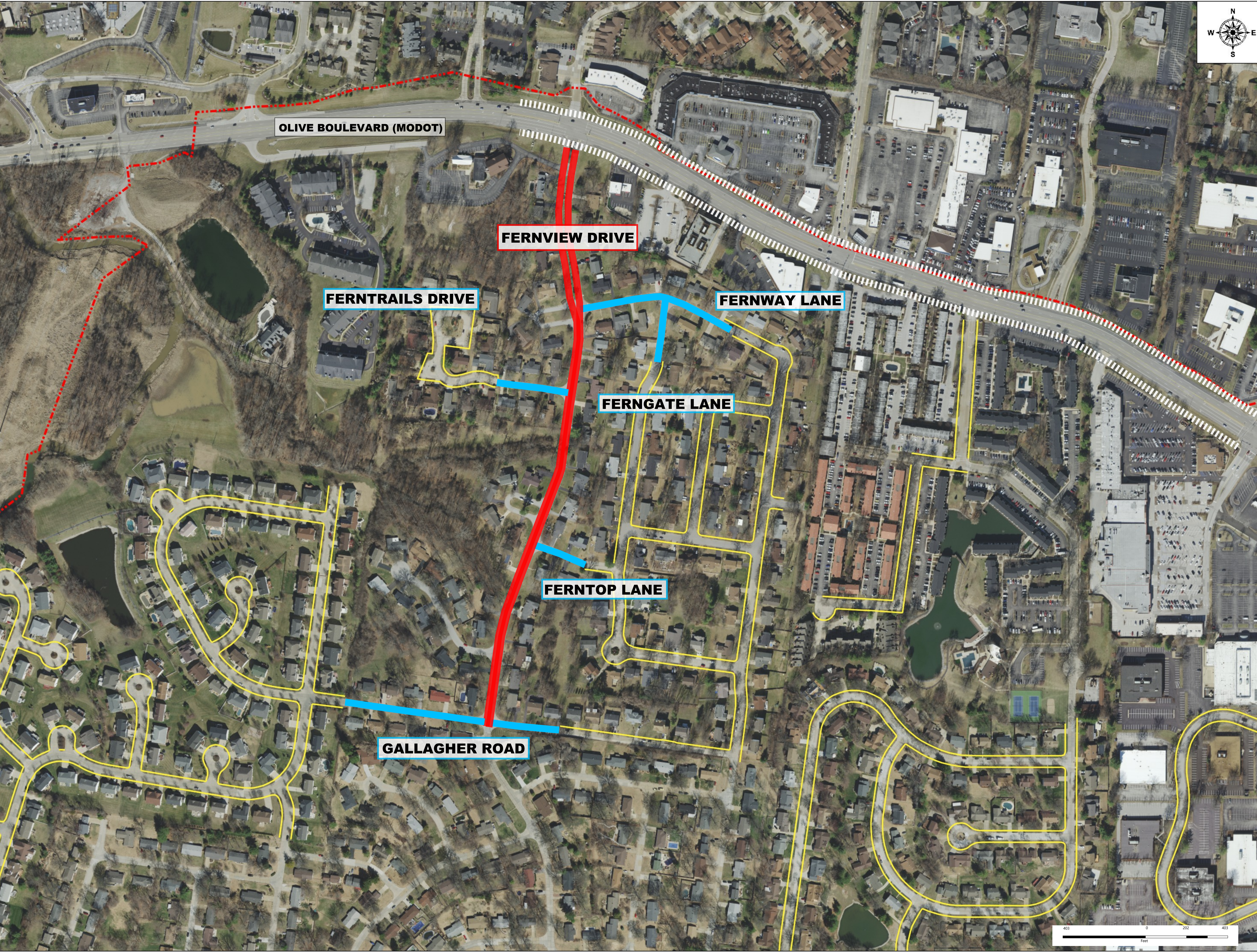
The city held Public Open House meetings after each phase was completed to obtain public input which allowed us to make revisions to the drawings in response to resident's concerns. Most recently, on Tuesday, June 7, 2022, we held another Public Open House meeting to present the final concept plan for the project. We had 14 residents attend the meeting and provide comments to Ward 4 Council members, staff, and our consulting engineer. In addition to the open house, we posted the concept plan on the city's website with electronic comment forms available for the

residents who were unable to attend the meeting on June 7, 2022. After the meeting, we received written comments and emails from residents which have been attached for your convenience.

Grant Opportunities

As you are aware, we typically apply for grants to provide funding for the construction of road and sidewalk projects. Transportation Alternative Project (TAP) grants are federally funded and are designed to help supplement the cost of pedestrian, bicycle, metro bus/train projects. These projects can reimburse up to 80% of the cost of the project if the applicant is successful. Unfortunately, the availability of these grants is somewhat sporadic, not like STP grants which are available every year.

We were recently informed that there will be a round of TAP Grant available this summer. Applications are due on August 19, 2022. Staff feels that this would be a good project application and if the council is in support of pursuing sidewalks on Fernveiw Dr. we will begin preparing a grant application for this project.

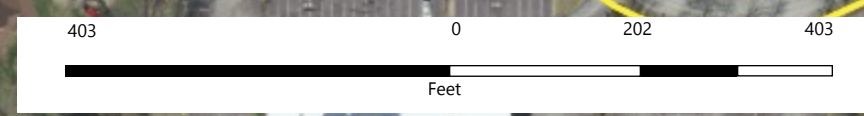


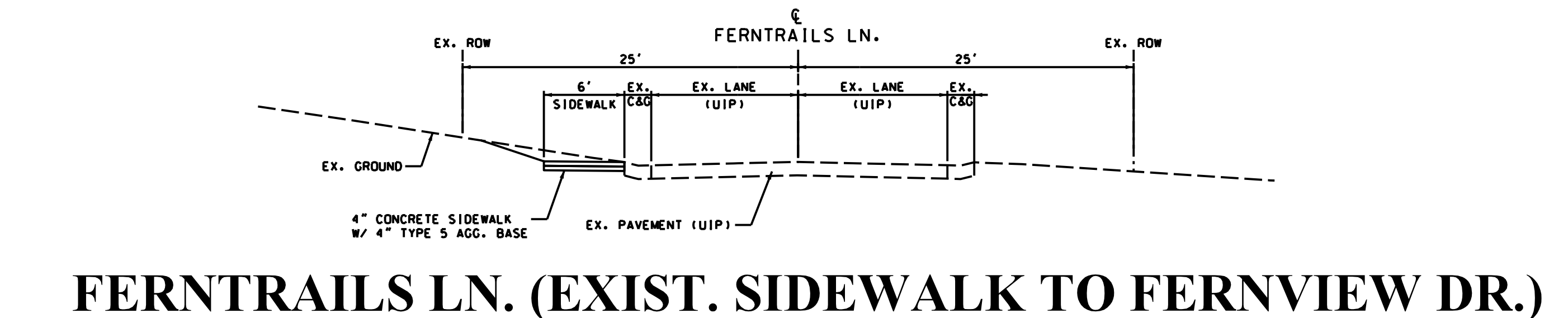
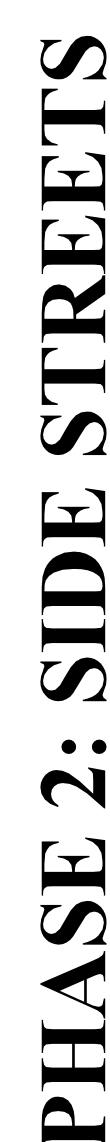
Fernview Sidewalk Study

LEGEND

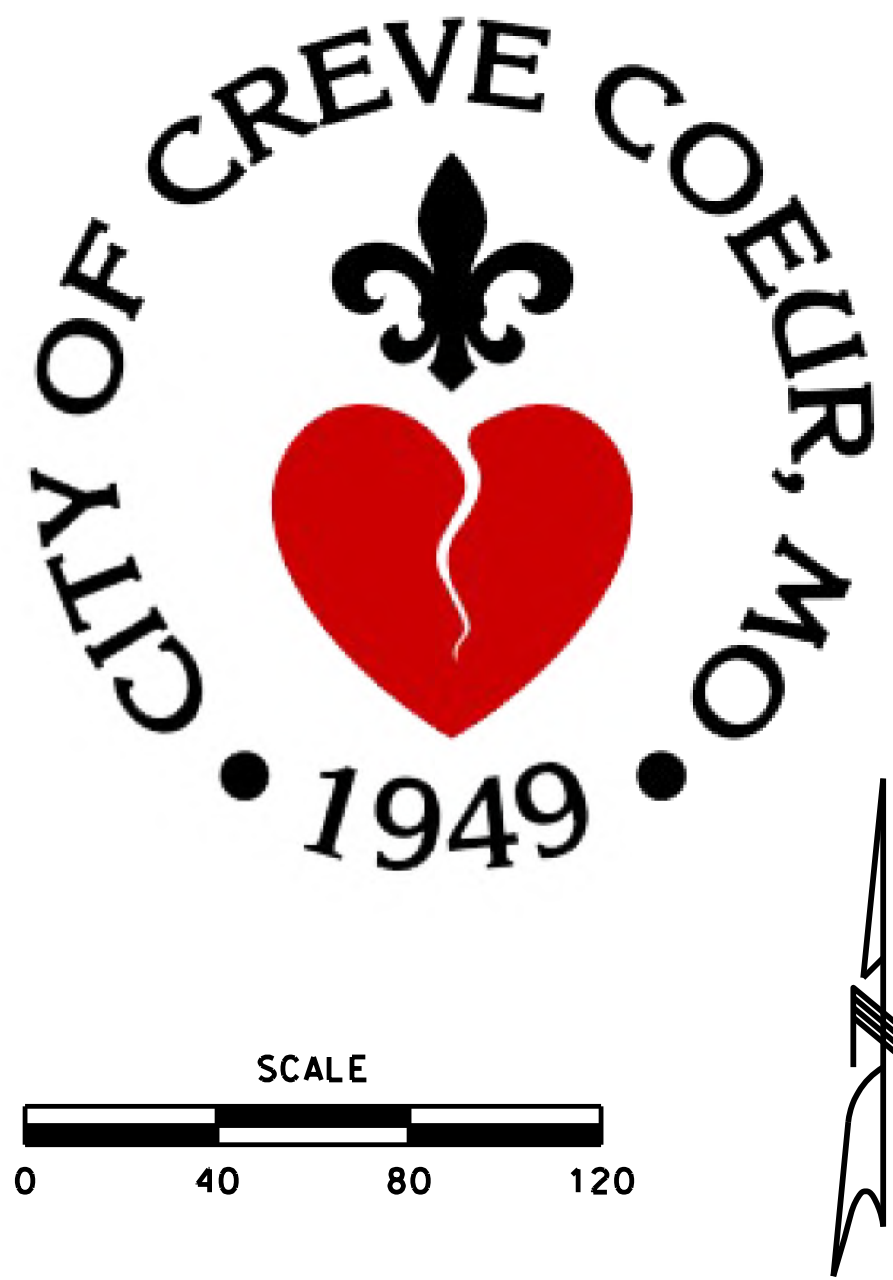
- City Limits
- Existing City Sidewalks
- Fernview Sidewalk Study Area (Phase 1)
- Fernwood Sidewalk Connection Study Locations (Phase 2)
- Planned Olive Sidewalk Improvements (MoDOT)

December 14, 2021



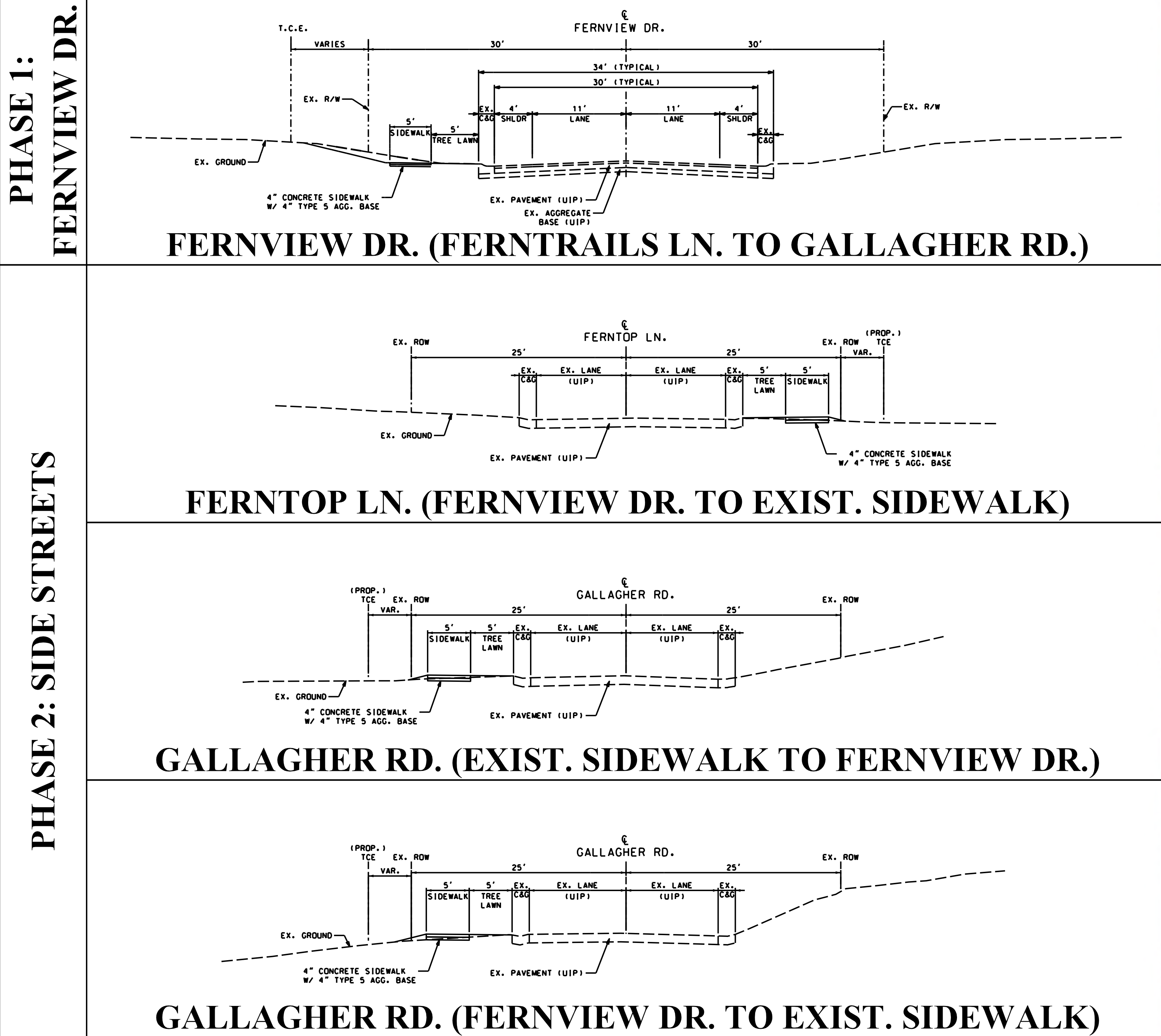


NOTE: THIS PROJECT IS FOR SIDEWALK CONSTRUCTION ONLY AND NO RESURFACING WORK IS EXPECTED



LEGEND

- EXISTING RIGHT OF WAY LINE
- PROPOSED CONCRETE SIDEWALK - PHASE 1
- PROPOSED CONCRETE SIDEWALK - PHASE 2
- PROPOSED DRIVEWAY
- GRASS / TREE LAWN



NOTE: THIS PROJECT IS FOR SIDEWALK CONSTRUCTION ONLY AND NO RESURFACING WORK IS EXPECTED.



Memorandum

To: City Council

From: Nominating Committee

Date: 7/14/2022

Re: Recommendations for appointments to HEB and EE

The Nominating Committee met on Monday, July 11, 2022 at 6:45 p.m. and recommend the following appointments.

Horticulture, Ecology and Beautification Committee

- Rachel Eilbott – appoint to a 3-year term (exp 6/30/2025)

Energy and Environment

- Saranya Konala – appoint to fill an unexpired term (exp 6/30/2023)
- Donna Spence- appoint to a 3-year term (exp 6/30/2025)



**MINUTES OF A MEETING
OF THE NOMINATING COMMITTEE
Monday, July 11, 2022
6:45 P.M.**

A meeting of the Nominating Committee was held on Monday, July 11, 2022 starting at 6:45 p.m.

Mayor Hoffman called the meeting to order to consider appointments to committees, boards and commissions pursuant to the requirements of Section 4.4(i) of the Creve Coeur City Charter.

ENERGY AND ENVIRONMENT

The Nominating Committee consisted of:

Mayor Hoffman

Council President Martinich

Mayor Hoffman stated there are vacancies available on Energy and Environment committee; two applications were received from Donna Spence and Saranya Konala.

Council President Martinich moved, seconded by Mayor Hoffman to appoint Saranya Konala to fill an unexpired term which expires June 30, 2023, and appoint Donna Spence to a three- year term which expires June 30, 2025, the vote upon such motion being as follows, to-wit:

Council President Martinich – Aye

Mayor Hoffman – Aye

The vote on the motion being 2 ayes and 0 nays, motion carried.

HORTICULTURE, ECOLOGY, AND BEAUTIFICATION

The Nominating Committee consisted of:

Mayor Hoffman

Council President Martinich

Mayor Hoffman stated there is one vacancy on the Horticulture, Ecology, and Beautification Committee; one application was received by Rachel Eilbott.

Council President Martinich, seconded by Mayor Hoffman to appoint Rachel Eilbott to a three- year term which expires June 30, 2025, the vote upon such motion being as follows, to-wit:

Council President Martinich – Aye

Mayor Hoffman – Aye

The vote on the motion being 2 ayes and 0 nays, motion carried.

The Nominating Committee meeting adjourned at 6:47 p.m.



**MINUTES OF A MEETING
OF THE NOMINATING COMMITTEE
Monday, July 11, 2022
6:45 P.M.**

Attest:

Kellie Henke
City Clerk

Dr. Robert Hoffman
Mayor