

**ORDINANCE #67513**  
**Board Bill No. 28**  
**Floor Substitute**

An ordinance pursuant to Sections 479.011 and 82.487 RSMo, recommended by the Parking Commission; establishing an administrative adjudication system for municipal parking violations in the City of St. Louis;

**WHEREAS**, Section 479.011 RSMo enables the City of St. Louis to establish by ordinance an administrative adjudication system for parking and other nonmoving municipal code violations consistent with applicable state law, subject to practice, procedure and pleading rules established by the state supreme court, circuit court or municipal court;

**WHEREAS**, Section 82.487 RSMo provides in part that the Parking Commission on behalf of the City of St. Louis shall approve guidelines governing the issuance, collection, disposition and administrative adjudication of any parking violations in the City; and

**WHEREAS**, this ordinance has been recommended by the Parking Commission;

**BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:**

**SECTION ONE. Formation.** An Administrative Adjudication Unit, which shall serve as the administrative tribunal for parking ordinance violations as that term is used in Section 479.011 RSMo, shall establish and maintain an administrative system for adjudicating parking ordinance violations designated for administrative adjudication by ordinance. The Administrative Adjudication Unit shall operate under the supervision of the Parking Commission, subject to legal practice, procedure and pleading rules approved or recognized by the municipal court or another division of the circuit court, in the Parking Violations Bureau or another location approved by the Parking Commission.

**SECTION TWO. Jurisdiction.** The jurisdiction of the Administrative Adjudication Unit shall encompass all citations issued by the City of St. Louis and officers of the St. Louis Metropolitan Police Department for the violation of any ordinance relating to parking, as defined in City ordinances, including, but not necessarily limited to, violations of ordinances encompassed in City Code sections 17.16.210, 17.24.010, 17.24.020, 17.24.030, 17.24.040, 17.24.070, 17.24.080, 17.28.010, 17.30.020, 17.30.025, 17.30.070, 17.38.020, 17.62.020, 17.62.200, 17.70.010, 17.77.030 and 17.80.010 and any other codes designated for administrative adjudication by ordinance. The Administrative Adjudication Unit shall be responsible for the first level review and disposition of any parking citations that are contested and provide for the collection of any unpaid fines, penalties and costs associated with those parking citations.

**SECTION THREE. Review Process.** The administrative adjudication system shall provide for an effective and efficient adjudication process for individuals who wish to contest a citation for a violation of a code within the jurisdiction of the Administrative Adjudication Unit. The administrative adjudication process authorized herein shall ensure a fair, impartial and efficient review of contested municipal code violations, and shall afford the parties due process of law. This process shall provide a preliminary inquiry assessment and, for those individuals dissatisfied with the results of the preliminary inquiry assessment, an administrative hearing and, for those individuals dissatisfied with the results of the administrative hearing, a judicial hearing. A preliminary inquiry assessment shall entail an informal administrative process through which an individual may submit an inquiry and obtain information about the validity of a municipal code violation by mail, Internet or other means approved by the Parking Commission. The Parking Commission shall adopt policies and procedures for governing the administrative adjudication system. These policies and procedures shall document the manner in which the Administrative Adjudication Unit is to perform administrative adjudication activities, including, but not limited to, review rights and requirements, application and documentation submittal requirements, notification deadlines and forms, disposition policies, and appeal criteria and notification. In addition, all administrative hearings shall be conducted in accordance with the legal practice, pleading and procedure rules established by the municipal court, circuit court or Supreme Court.

**SECTION FOUR. Review Rights.** Any person issued a citation for violation of a City ordinance shall be advised on the citation of the right to request administrative adjudication. Any person wishing to contest a citation may first request a preliminary inquiry assessment of the citation with the Administrative Adjudication Unit, but there shall be no filing fee for such an assessment. Any person who desires an administrative hearing shall submit a formal request for said hearing accompanied by a written statement of the grounds for contesting the citation, and any other materials required by the prescribed administrative adjudication policies and procedures. The Parking Commission may also require an administrative hearing fee not to exceed twenty-five dollars (\$25.00) per contested violation, but said fee shall only be levied if the person contesting the violation is deemed liable for the violation. Any person's right to an administrative hearing shall expire if the Administrative Adjudication Unit does not receive a documented challenge to the municipal violation within thirty (30) calendar days after the issuance date of the citation, or by the close of business on the first day following such thirtieth day if it is a Saturday, Sunday or holiday. Failure to comply with the prescribed administrative adjudication policies and procedures shall result in the forfeiture of any fines and penalties paid in connection with the contested violation and be deemed an admission of liability for that violation.

**SECTION FIVE. Timing.** Administrative hearings shall be scheduled with reasonable promptness and any notice of an administrative hearing shall include the code violation type and nature, administrative hearing date and location and penalties for failing to appear at the hearing. Upon receipt of a valid request for an administrative hearing, the Administrative Adjudication Unit shall schedule the hearing, notify the applicant for the hearing (the contestant) and suspend, as of the date of the hearing request, the applicability of any Parking Commission policy which increases the penalty or any related costs for non-payment of the parking

violation fine being contested. Such suspension shall continue until the administrative adjudication process is concluded. If the person contesting the citation (the contestant) fails to appear at the scheduled administrative hearing, the suspension shall be terminated. The administrative hearing date may be extended once, for not more than ten business days, by contacting the Administrative Adjudication Unit and requesting said extension in accord with the prescribed administrative adjudication policies and procedures.

**SECTION SIX. Hearing Officers.** The Parking Commission shall approve a process for ensuring that qualified individuals conduct or preside over administrative hearings on behalf of the Administrative Adjudication Unit, including the appointment and removal of administrative hearing officers. As impartial and independent fact finders, administrative hearing officers may: hear testimony and review relevant evidence; preserve and authenticate hearing records and evidence; issue written findings of fact, decision, and order, including the fine, penalty or action with which the contestant must comply; and impose penalties and assess costs consistent with applicable state and local laws and rules. An administrative hearing officer shall be an attorney licensed to practice law in the State of Missouri or another individual meeting those requirements set forth in relevant state or local law. An administrative hearing officer shall possess sufficient competence to administratively adjudicate municipal code violations, including, but not necessarily limited to, experience in administrative law, familiarity with the rules of procedure for administrative hearings, and a working knowledge of the subject area of the municipal code violations that they will adjudicate. An administrative hearing officer's employment and compensation shall not, directly or indirectly, be linked to the amount of fines. Administrative hearing officers shall not be deemed members of the "classified service" of the City of St. Louis, as that term is used in the City Charter and all ordinances promulgated thereunder. The Parking Commission may establish additional policies and procedures for ensuring that administrative hearing officers demonstrate the objectivity and qualifications necessary to conduct fair, impartial and expeditious hearings.

**SECTION SEVEN. Evidence.** The formal rules of evidence shall not apply in any informal review or administrative hearing. Evidence, including hearsay, may be admitted only if it is the type of evidence commonly relied upon by reasonably prudent persons in the conduct of their affairs. The officer or person who issued the citation need not be present. The parking violation notice and related documentation in proper form, or a copy thereof, shall be prima facie evidence of the municipal code violation.

**SECTION EIGHT. Disposition.** Upon completing its review of the information submitted by the person contesting the citation, the administrative hearing officers of the Administrative Adjudication Unit shall determine in writing whether the contestant is liable or not liable for the violation. If the contestant is found not liable for the violation, the Administrative Adjudication Unit shall refund the filing fee or deposit (if any) and waive all violation fines and late payment penalties accrued to date. If the contestant is found liable for the violation, the Administrative Adjudication Unit shall keep the fines and penalties paid to date (if any), assess any violation fines and late payment penalties and other fees accrued to date, direct the collection of any unpaid fines and costs in accordance with Section 479.011 RSMo and reactivate other sanctions in accord with the prescribed administrative adjudication policies and procedures, but it shall not impose incarceration or any fine in excess of the amount allowed by law. The Administrative Adjudication Unit shall notify the person contesting the citation of its decision within ten (10) business days of the conclusion of the administrative hearing and, unless an appeal is filed, return any material submitted by the contestant at the earliest practical time. If the contestant fails to appear and is found liable by the administrative hearing officer, and requests a new administrative hearing in accordance with approved policies and procedures, the Administrative Adjudication Unit may set aside any finding and set a new administrative hearing date, but only if it determines that the failure to appear at the administrative hearing was for good cause. Any written determination of liability or non-liability for a code violation by the Administrative Adjudication Unit, or one of its hearing officers shall constitute a final decision for purposes of judicial review, subject to review under Chapter 536, RSMo.

**SECTION NINE. Judicial Hearing.** Contestants aggrieved by the determination of the Administrative Adjudication Unit may apply for a judicial review, subject to any application requirements set by the circuit court, but any person's right to a judicial review shall expire if the proper court does not receive a written request for a judicial review within thirty (30) calendar days of the Administrative Adjudication Unit's issuance of its written determination.

**SECTION TEN. Judgments.** Any sanction, fine or costs, or part thereof, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under chapter 536, RSMo, shall be a debt due and owing the City of St. Louis, and may be collected in accordance with applicable law. If a contestant fails to comply with a directive pertaining to the collection of unpaid fines, penalties, fees and costs issued under authority of the Administrative Adjudication Unit, any expenses incurred by the City of St. Louis to enforce the directive, including, but not limited to, court, administrative and vehicle storage costs, after they are fixed by the Administrative Adjudication Unit or a court of competent jurisdiction, shall be a debt due the City of St. Louis and may be collected in accordance with applicable law. Upon being recorded in the manner required by state law or the Uniform Commercial Code, a lien may be imposed on the real or personal property of any contestant found liable for a municipal code violation in the amount of any debt due the City under this section and enforced in the same manner as a judgment lien under a court of competent jurisdiction.

**SECTION ELEVEN. Fiscal.** All expenses of the Administrative Adjudication Unit shall be payable from the Parking Fund and General Fund in proportion to the relative share of parking citations heard, reviewed or adjudicated by the Administrative Adjudication Unit. All expenses of the Administrative Adjudication Unit, including compensation or fees for the administrative hearing officers, shall be subject to appropriation.

**SECTION TWELVE. Other.** Nothing contained in this section shall be construed to affect the validity of any other administrative adjudication systems authorized by local law and created by the City of St. Louis before April 1, 2007.

**SECTION THIRTEEN. Emergency Clause.** The passage of this ordinance, being deemed necessary for the immediate

preservation of the public peace, health and safety, is declared to be an emergency ordinance as provided for by Article IV, Sections 19 and 20 of the Charter of the City of St. Louis and shall be effective immediately upon the approval of the Mayor.

**Approved: June 11, 2007**

**ORDINANCE #67514**  
**Board Bill No. 30**

An ordinance approving a Redevelopment Plan for the 8024-8100 Water Street Area ("Area") after finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), containing a description of the boundaries of said Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Exhibit "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan dated February 20, 2007 for the Area ("Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that **no** property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain or otherwise; finding that the property within the Area is **occupied**, the Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available ten (10) year real estate tax abatement; and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

**WHEREAS**, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, there exist conditions which endanger life or property by fire or other causes and constitute an economic or social liability or a menace to the public health, safety, morals or welfare in the present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

**WHEREAS**, such conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by ordinary private enterprise without the aids provided in the Statute; and

**WHEREAS**, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a land clearance project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

**WHEREAS**, the LCRA has recommended such a plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for 8024-8100 Water Street Area," dated February 20, 2007 consisting of a Title Page, a Table of Contents Page, and thirteen (13) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("Plan"); and

**WHEREAS**, under the provisions of the Statute, and of the federal financial assistance statutes, it is required that this Board take such actions as may be required to approve the Plan; and

**WHEREAS**, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan in the Area; and

**WHEREAS**, the LCRA and the Planning Commission have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and this Board has been fully apprised by the LCRA and the Planning Commission of the facts and is fully aware of the conditions in the Area; and

**WHEREAS**, the Plan has been presented and recommended by LCRA and the Planning Commission to this Board for review and approval; and

**WHEREAS**, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to said general plan; and

**WHEREAS**, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

**WHEREAS**, the Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

**WHEREAS**, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a redevelopment project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap; and

**WHEREAS**, in accordance with the requirements of Section 99.430 of the Statute, this Board advertised that a public hearing would be held by this Board on the Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

**WHEREAS**, it is necessary that this Board take appropriate official action respecting the approval of the Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive, as amended) described in Exhibit "A", attached hereto and incorporated herein, known as the 8024-8100 Water Street Area.

**SECTION TWO.** The redevelopment of the above described Area, as provided by the Statute, is necessary and in the public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City.

**SECTION THREE.** The Area qualifies as a redevelopment area in need of redevelopment under the provision of the Statute, and the Area is blighted as defined in Section 99.320 of the Statute.

**SECTION FOUR.** The Blighting Study and Plan for the Area, dated February 20, 2007 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Plan with the Minutes of this meeting.

**SECTION FIVE.** The Plan for the Area is feasible and conforms to the general plan for the City.

**SECTION SIX.** The financial aid provided and to be provided for financial assistance pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Plan for the Area, and the proposed financing plan for the Area is feasible.

**SECTION SEVEN.** The Plan for the Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

**SECTION EIGHT.** The Plan for the Area provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") **may not** acquire any property in the Area by the exercise of eminent domain.

**SECTION NINE.** The property within the Area is **occupied**. All eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

**SECTION TEN.** The Plan for the Area gives due consideration to the provision of adequate public facilities.

**SECTION ELEVEN.** In order to implement and facilitate the effectuation of the Plan hereby approved it is found and determined that certain official actions must be taken by this Board and accordingly this Board hereby:

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan.

**SECTION TWELVE.** All parties participating as owners or purchasers of property in the Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, or rental of any property or improvements erected or to be erected in the Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

**SECTION THIRTEEN.** In all contracts with private and public parties for redevelopment of any portion of the Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises ("MBE's") and Women's Business Enterprises ("WBE's") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBE's and WBE's established by the City;

- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997.
- (e) To comply with the requirements of Ordinance No. 60275 of the City;
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and
- (g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control, interest in capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control, interest in capital and earnings commensurate with their percentage of ownership.

The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

**SECTION FOURTEEN.** The Redeveloper may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 2000, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District taxes which may be assessed for the property located in a Special Business District.

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which shall not include any Special Business District taxes which may be assessed for the property located in a Special Business District for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

**SECTION FIFTEEN.** Any proposed modification which will substantially change the Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Plan. The Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of the Plan.

**SECTION SIXTEEN.** The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

EXHIBIT "A"

8024-8100 Water Street AREA  
LEGAL DESCRIPTION

Parcel 1 C.B. 3158 WATER ST  
1.774 ACS  
SURVEY 3 ADDN  
S PT OF BLK & 1/2 VAC STREETS  
  
3158-00-00100  
8024 Water Street

Parcel 2 C.B. 3184 WATER ST  
177.03 FT X 295 FT  
BLK 61 BND S-143.03 FT N OF DAVIS  
& 1/2 VAC ST  
  
3184-00-00100  
8100 Water Street

EXHIBIT "B"  
Form 01/03/07

BLIGHTING STUDY AND PLAN  
FOR THE  
8024-8100 WATER STREET AREA  
PROJECT #1100  
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY  
OF THE CITY OF ST. LOUIS  
FEBRUARY 20, 2007

MAYOR  
FRANCIS G. SLAY

BLIGHTING STUDY AND PLAN FOR  
8024-8100 Water Street Area

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**EXHIBITS**

- "A" LEGAL DESCRIPTION
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- "E" EQUAL OPPORTUNITY AND NON-DISCRIMINATION GUIDELINES

**A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT**

1. DELINEATION OF BOUNDARIES

The 8024-8100 Water Street Area ("Area") encompasses approximately 2.97 acres in the Patch neighborhood of the City of St. Louis ("City") and is located on the east side of Water St. with Tesson St. to the north and Davis St. to the south.

The legal description of the Area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibit "B" ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises two parcels of City Block 3158. The Area is in fair condition. The physical conditions within the Area are shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition" means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that is under-utilized. "Poor Condition" means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 7.1 % unemployment rate for the City as of September, 2006. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area.

There are currently no jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the Area include an occupied warehouse/distribution building.

The land use, including the location of public and private uses, streets and other rights-of-way is shown on Exhibit "B".

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are primarily used for industrial purposes.

Residential density for the surrounding neighborhoods is approximately 4.59 persons per acre.

5. CURRENT ZONING

The Area is zoned "J" Industrial District, pursuant to the Zoning Code of the City, which is incorporated in this Plan by reference.

6. FINDING OF BLIGHT

The property within the Area is occupied and in fair condition (as defined in Section A(2) above). The existence of deteriorated property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.300 et seq. of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law).

**B. PROPOSED DEVELOPMENT AND REGULATIONS**

1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan is to facilitate the development of the Area into productive commercial uses.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area commercial uses permitted in Areas designated "J" Industrial District by the City of St. Louis Zoning Code. Redevelopers authorized by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to develop property in the Area (hereafter referred to as "Redeveloper") shall be permitted to use said property only for the above proposed purposes.

Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area.

3. PROPOSED ZONING

The zoning for the Area can remain "J" Industrial District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the Strategic Land Use Plan (2005). Any specific proposal to the LCRA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THIS AREA

Approximately 10 new jobs will be added to the existing 18 as a result of the proposed development.

6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

Each Redeveloper shall develop the Area in accordance with this Plan and the Redevelopment Agreement, and shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to meet

this requirement may result in suspension of tax abatement.

8. URBAN DESIGN

**a. Urban Design Objectives**

The properties shall be developed so they are an attractive commercial and residential assets to the surrounding neighborhood.

**b. Urban Design Regulations**

Rehabilitation shall respect the original exterior in terms of design and materials. Window and door shapes and detailing shall be compatible with the original design.

New construction shall be compatible in design with the surrounding neighborhood, if any, in terms of scale, materials, set back, profile and site layout.

**c. Landscaping**

The property shall be well landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. If necessary, sidewalks shall be notched to accommodate the trees.

Ornamental or shade trees should be provided in the front lawns along with evergreen accent shrubs.

Existing, healthy trees shall be retained, if feasible.

**d. Fencing**

Fencing in the front yards and facing side streets shall be limited to ornamental metal with black matte finish. Fencing behind the building line and not facing a street may be chain link with a black matte finish, or a good quality, privacy fence provided it is not wood stockade style.

9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

Surface parking shall not extend beyond the established building line. Surface parking along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2-1/2) feet high on planting and maintained at three and one-half (3-1/2) feet high at maturity. Three percent (3%) of the interior of all parking lots containing more than twenty-five (25) spaces shall be landscaped with trees, at least two and one-half (2-1/2) inch caliper in size on planting. The trees shall be planted on islands, the largest dimension of which shall be at least five (5) feet, planted with low lying ground cover or other plant material.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and contracts between the LCRA and the Redeveloper. A uniform signage plan must be prepared by the Redeveloper for the entire project. All new signs shall be restricted to those identifying the names and/or business of the person or firm occupying the premises.

New wall signs shall not obstruct any architectural building elements, and shall project no more than eighteen (18) inches from the face of the building: Upper Level signage shall be located just below or above the top floor windows facing in any direction regardless of street orientation, shall not exceed 2% of the area of the façade on which it appears nor have letters more than one foot in height for each ten foot (10') of building height provided that the maximum shall be ten foot (10') high letters (i.e. maximum sign letter height on a fifty foot (50') high building shall be five feet (5')). Pedestrian level signage shall be below the second floor window sill of a structure and/or above the store front windows or on the sides of building perpendicular to the street. The total pedestrian level signage per business per façade shall be the lessor of fifty (50) sq. ft. on ten percent (10%) of the ground floor façade area.

Canvas awnings with signs are permitted, provided they are compatible with the overall design and architectural details of the building upon which they are to be placed and are placed neatly within the window or door opening. Signage on awnings may be located on the sloping portion of the canvas awning, on the front of a canopy or on the awning valance. In no case shall signage be allowed on both an awning and a building for the same business. Logos and graphic elements may be up to ten (10) sq. ft. in size (depending on the size of the awning), while names or brand copy shall be in proportion to the size of the awning, but in no case shall lettering be more than twelve inches (12") high.

One ground or monument sign per use may be permitted provided it does not exceed ten (10) feet in height nor exceed fifty (50) square feet per side, and provided the LCRA confirms that such a sign is required based upon the use, location or siting of the structure.

Businesses having more than 40,000 square feet of ground floor area may have signs proportionately larger than the maximum size set out in this section, provided that the LCRA confirms that there is need based upon the use, location, or siting of the building.

Painted wall signs, roof signs, pole signs, moving signs, animated or flashing signs, or permanent or portable message board signs shall not be permitted in the Area, and no regular or mini billboards (free standing or mounted on structures) shall be erected or maintained in the area, except that construction and leasing signs may be maintained during construction and for a period of one (1) year after completion of improvements on any respective parcel or part thereof.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without the prior written approval of the LCRA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

**C. PROPOSED SCHEDULE OF DEVELOPMENT**

The implementation of this Plan shall take place in a single phase initiated within approximately one (1) years of approval of this Plan by ordinance and completed within approximately two (2) years of approval of this Plan by ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

**D. EXECUTION OF PROJECT**

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law of Missouri.

All costs associated with the development of the Area will be borne by the Redeveloper.

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper.

2. PROPERTY ACQUISITION

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire any property in the area through the exercise of eminent domain.

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the LCRA. Any property acquired by the LCRA and sold to a Redeveloper will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, R.S.Mo. (2000) as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

The property within the Area is currently occupied. If it should become occupied all eligible occupants displaced as

a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

**E. COOPERATION OF THE CITY**

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

**F. TAX ABATEMENT**

A Redeveloper may seek ten-(10) year real estate tax abatement pursuant to Sections 99.700 – 99.715, Revised Statutes of Missouri 2000, as amended, upon applications as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created.

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement, which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of this Plan

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property

**G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS**

1. LAND USE

The Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale or occupancy of the Area.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the City Guidelines for Maximum Utilization of Minority Enterprises dated January 1, 1981, as may be amended, and the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in a Contract between the LCRA and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration

of this Plan and any extension thereof.

All of the provisions of Section G shall be enforceable against the Redeveloper, its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

#### **H. MODIFICATIONS OF THIS PLAN**

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or other items which alter the nature or intent of this Plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of this Plan.

#### **I. DURATION OF REGULATION AND CONTROLS**

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

#### **J. EXHIBITS**

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

#### **K. SEVERABILITY**

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

#### **EXHIBIT "A"**

##### **8024-8100 Water Street AREA LEGAL DESCRIPTION**

Parcel 1	C.B. 3158 WATER ST 1.774 ACS SURVEY 3 ADDN S PT OF BLK & ½ VAC STREETS  <b>3158-00-00100</b> 8024 Water Street
Parcel 2	C.B. 3184 WATER ST 177.03 FT X 295 FT BLK 61 BND S-143.03 FT N OF DAVIS & ½ VAC ST  <b>3184-00-00100</b> 8100 Water Street

See attached Exhibits B, C & D

#### **EXHIBIT "E" FORM: 08/02/99**

#### **EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES**

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, any entity formed to implement the project of which the Redeveloper is affiliated), its contractors and subcontractors shall comply with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination (Laws). Moreover, the Redeveloper shall contractually require its contractors and subcontractors to comply with such laws.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances, regulations or these guidelines.

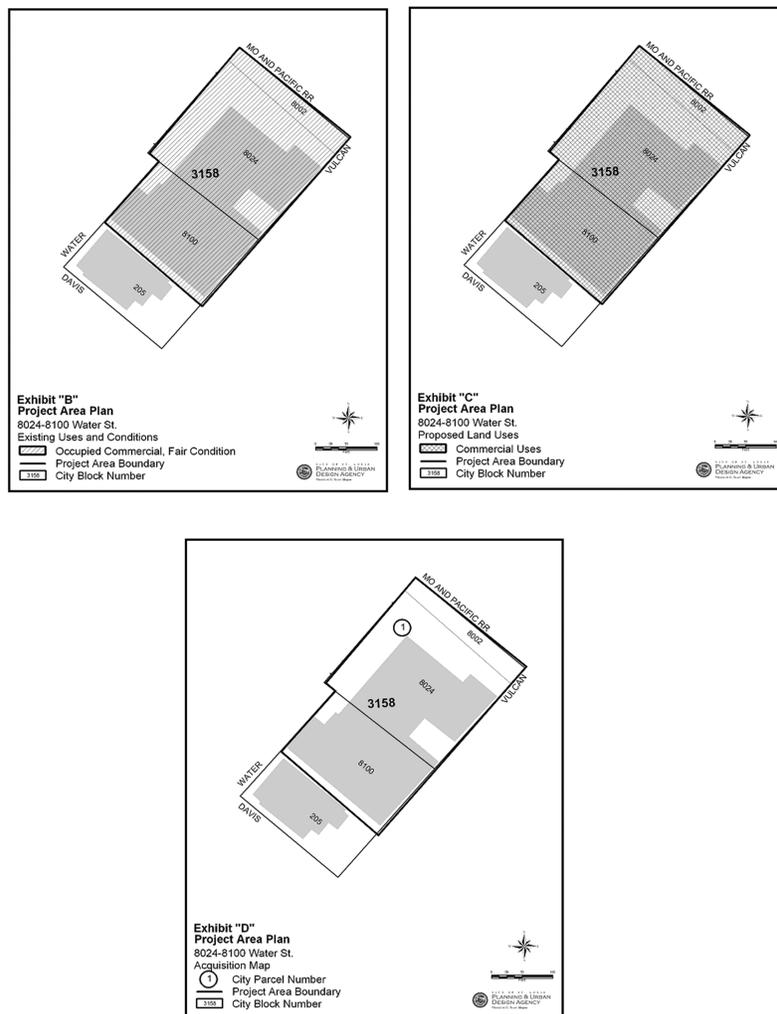
The Redeveloper shall fully comply with Executive Order #28 dated July 24, 1997 relating to minority and women-owned business participation in City contracts.

The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, rental, use or occupancy of any property, or any improvements erected or to be erected in the Area or any part thereof, and those covenants shall run with the land and shall be enforceable by the LCRA, the City, and the United States of America, as their interests may appear in the project.

The Redeveloper shall fully comply (and ensure compliance by "anchor tenants") with the provisions of St. Louis City Ordinance #60275 which is codified at Chapter 3.09 of the Revised Ordinances of the City of St. Louis.

**Approved: June 11, 2007**

**ORDINANCE NO. 67514 - EXHIBITS B, C & D**



**ORDINANCE #67515**  
**Board Bill No. 37**

An ordinance approving a Redevelopment Plan for the 7900 Van Buren Street Area ("Area") after finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), containing a description of the boundaries of said Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Exhibit "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan dated February 20, 2007 for the Area ("Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain or otherwise; finding that the property within the Area is occupied, the Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available ten (10) year real estate tax abatement; and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

**WHEREAS**, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, there exist conditions which endanger life or property by fire or other causes and constitute an economic or social liability or a menace to the public health, safety, morals or welfare in the present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

**WHEREAS**, such conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by ordinary private enterprise without the aids provided in the Statute; and

**WHEREAS**, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a land clearance project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

**WHEREAS**, the LCRA has recommended such a plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for 7900 Van Buren Street Area," dated February 20, 2007 consisting of a Title Page, a Table of Contents Page, and thirteen (13) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("Plan"); and

**WHEREAS**, under the provisions of the Statute, and of the federal financial assistance statutes, it is required that this Board take such actions as may be required to approve the Plan; and

**WHEREAS**, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan in the Area; and

**WHEREAS**, the LCRA and the Planning Commission have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and this Board has been fully apprised by the LCRA and the Planning Commission of the facts and is fully aware of the conditions in the Area; and

**WHEREAS**, the Plan has been presented and recommended by LCRA and the Planning Commission to this Board for review and approval; and

**WHEREAS**, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to said general plan; and

**WHEREAS**, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

**WHEREAS**, the Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

**WHEREAS**, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a redevelopment project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap; and

**WHEREAS**, in accordance with the requirements of Section 99.430 of the Statute, this Board advertised that a public hearing would be held by this Board on the Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

**WHEREAS**, it is necessary that this Board take appropriate official action respecting the approval of the Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive, as amended) described in Exhibit "A", attached hereto and incorporated herein, known as the 7900 Van Buren Street Area.

**SECTION TWO.** The redevelopment of the above described Area, as provided by the Statute, is necessary and in the public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City.

**SECTION THREE.** The Area qualifies as a redevelopment area in need of redevelopment under the provision of the Statute, and the Area is blighted as defined in Section 99.320 of the Statute.

**SECTION FOUR.** The Blighting Study and Plan for the Area, dated February 20, 2007 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Plan with the Minutes of this meeting.

**SECTION FIVE.** The Plan for the Area is feasible and conforms to the general plan for the City.

**SECTION SIX.** The financial aid provided and to be provided for financial assistance pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Plan for the Area, and the proposed financing plan for the Area is feasible.

**SECTION SEVEN.** The Plan for the Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

**SECTION EIGHT.** The Plan for the Area provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") may not acquire any property in the Area by the exercise of eminent domain.

**SECTION NINE.** The property within the Area is occupied. All eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

**SECTION TEN.** The Plan for the Area gives due consideration to the provision of adequate public facilities.

**SECTION ELEVEN.** In order to implement and facilitate the effectuation of the Plan hereby approved it is found and determined that certain official actions must be taken by this Board and accordingly this Board hereby:

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan.

**SECTION TWELVE.** All parties participating as owners or purchasers of property in the Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, or rental of any property or improvements erected or to be erected in the Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

**SECTION THIRTEEN.** In all contracts with private and public parties for redevelopment of any portion of the Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises ("MBE's") and Women's Business Enterprises ("WBE's") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBE's and WBE's established by the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997.
- (e) To comply with the requirements of Ordinance No. 60275 of the City;
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to

this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and

(g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control, interest in capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control, interest in capital and earnings commensurate with their percentage of ownership.

The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

**SECTION FOURTEEN.** The Redeveloper may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 2000, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District taxes which may be assessed for the property located in a Special Business District.

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which shall not include any Special Business District taxes which may be assessed for the property located in a Special Business District for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

**SECTION FIFTEEN.** Any proposed modification which will substantially change the Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Plan. The Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of the Plan.

**SECTION SIXTEEN.** The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

**EXHIBIT "A"**

**THE 7900 Van Buren street AREA  
LEGAL DESCRIPTION**

C.B. 3153 VAN BUREN ST  
8.889 ACRES  
SURVEY 3 OF CARONDELET

PT BLK 21, 22, 1, 44, 43, 65

3153-00-00-00301  
7900 Van Buren Street

**EXHIBIT "B"**  
**Form 01/18/07**

BLIGHTING STUDY AND PLAN  
FOR THE  
**7900 VAN BUREN STREET AREA**  
PROJECT #1110  
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY  
OF THE CITY OF ST. LOUIS  
FEBRUARY 20, 2007

MAYOR  
FRANCIS G. SLAY

**BLIGHTING STUDY AND PLAN FOR  
THE 7900 VAN BUREN STREET AREA**

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"A" LEGAL DESCRIPTION

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**A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT**

1. DELINEATION OF BOUNDARIES

The 7900 Van Buren Street Area ("Area") encompasses approximately 8.889 acres in the Patch Neighborhood of the City of St. Louis ("City") and is located on the east side of Van Buren St. with Primm St. to the north and Poepping St. to the south.

The legal description of the Area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibit "B" ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises one parcel of City Block 3153. The Area is in fair condition. The physical conditions within the Area are shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition" means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that is under-utilized. "Poor Condition" means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 7.0% unemployment rate for the City as of November, 2006. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the Area include an occupied industrial building.

The land use, including the location of public and private uses, streets and other rights-of-way is shown on Exhibit "B".

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are primarily used for residential purposes.

Residential density for the surrounding neighborhoods is approximately 4.59 persons per acre.

5. CURRENT ZONING

The Area is zoned "K" Unrestricted District pursuant to the Zoning Code of the City, which is incorporated in this Plan by reference.

6. FINDING OF BLIGHT

The property within the Area is occupied and in fair condition (as defined in Section A (2) above). The existence of deteriorated property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.300 et seq. of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law).

**B. PROPOSED DEVELOPMENT AND REGULATIONS****1. DEVELOPMENT OBJECTIVES**

The primary objective of this Plan is to facilitate the development of the Area into productive industrial uses.

**2. PROPOSED LAND USE OF THE AREA**

The proposed land uses for the Area are industrial uses permitted in Areas designated "K" Unrestricted District by the City of St. Louis Zoning Code. Redevelopers authorized by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to develop property in the Area (hereafter referred to as "Redeveloper") shall be permitted to use said property only for the above proposed uses.

Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area.

**3. PROPOSED ZONING**

The zoning for the Area can remain "K" Unrestricted District. All land coverage and building intensities shall be governed thereby.

**4. RELATIONSHIP TO LOCAL OBJECTIVES**

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Strategic Land Use Plan" (2005). Any specific proposal to the LCRA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

**5. PROPOSED EMPLOYMENT FOR THIS AREA**

Five new jobs will be created in this Area as a result of the proposed development.

**6. CIRCULATION**

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by ordinance.

**7. BUILDING AND SITE REGULATIONS**

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

Each Redeveloper shall develop the Area in accordance with this Plan and the Redevelopment Agreement, and shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to meet these requirements may result in suspension of tax abatement.

**8. URBAN DESIGN****a. Urban Design Objectives**

The property shall be developed so it is an attractive industrial asset to the surrounding neighborhood.

**b. Urban Design Regulations**

Rehabilitation shall respect the original exterior in terms of design and materials. Window and door shapes and detailing shall be compatible with the original design.

New construction shall be compatible in design with the surrounding neighborhood, if any, in terms of scale, materials, set back, profile and site layout.

**c. Landscaping**

The property shall be well landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. If necessary, sidewalks shall be notched to accommodate the trees.

Ornamental or shade trees should be provided in the front lawns along with evergreen accent shrubs.

Existing, healthy trees shall be retained, if feasible.

**d. Fencing**

Fencing in the front yards and facing side streets shall be limited to ornamental metal with black matte finish. Fencing behind the building line and not facing a street may be chain link with a black matte finish, or a good quality, privacy fence provided it is not wood stockade style.

9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

Surface parking shall not extend beyond the established building line. Surface parking along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2-1/2) feet high on planting and maintained at three and one-half (3-1/2) feet high at maturity. Three percent (3%) of the interior of all parking lots containing more than twenty-five (25) spaces shall be landscaped with trees, at least two and one-half (2-1/2) inch caliper in size on planting. The trees shall be planted on islands, the largest dimension of which shall be at least five (5) feet, planted with low lying ground cover or other plant material.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and contracts between the LCRA and the Redeveloper. A uniform signage plan must be prepared by the Redeveloper for the entire project. All new signs shall be restricted to those identifying the names and/or business of the person or firm occupying the premises.

New wall signs shall not obstruct any architectural building elements, and shall project no more than eighteen (18) inches from the face of the building: Upper Level signage shall be located just below or above the top floor windows facing in any direction regardless of street orientation, shall not exceed 2% of the area of the façade on which it appears nor have letters more than one foot in height for each ten foot (10') of building height provided that the maximum shall be ten foot (10') high letters (i.e. maximum sign letter height on a fifty foot (50') high building shall be five feet (5')). Pedestrian level signage shall be below the second floor window sill of a structure and/or above the store front windows or on the sides of building perpendicular to the street. The total pedestrian level signage per business per façade shall be the lessor of fifty (50) sq. ft. on ten percent (10%) of the ground floor façade area.

Canvas awnings with signs are permitted, provided they are compatible with the overall design and architectural details of the building upon which they are to be placed and are placed neatly within the window or door opening. Signage on awnings may be located on the sloping portion of the canvas awning, on the front of a canopy or on the awning valance. In no case shall signage be allowed on both an awning and a building for the same business. Logos and graphic elements may be up to ten (10) sq. ft. in size (depending on the size of the awning), while names or brand copy shall be in proportion to the size of the awning, but in no case shall lettering be more than twelve inches (12") high.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without the prior written approval of the LCRA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious

development that promotes the health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

**C. PROPOSED SCHEDULE OF DEVELOPMENT**

The implementation of this Plan shall take place in a single phase initiated within approximately one (1) year of approval of this Plan by ordinance and completed within approximately two (2) years of approval of this Plan by ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

**D. EXECUTION OF PROJECT**

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law of Missouri.

All costs associated with the development of the Area will be borne by the Redeveloper.

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper.

2. PROPERTY ACQUISITION

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire any property in the Area by the exercise of eminent domain.

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the LCRA. Any property acquired by the LCRA and sold to a Redeveloper will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, R.S.Mo. (2000) as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

The property within the Area is currently occupied. All eligible occupants displaced as a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

**E. COOPERATION OF THE CITY**

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

**F. TAX ABATEMENT**

A Redeveloper may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 – 99.715, Revised Statutes of Missouri 2000, as amended, upon applications as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created.

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement, which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of this Plan

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax exempt

because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property

#### **G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS**

##### **1. LAND USE**

The Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale or occupancy of the Area.

##### **2. CONSTRUCTION AND OPERATIONS**

A Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

##### **3. LAWS AND REGULATIONS**

A Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

##### **4. ENFORCEMENT**

All of the provisions of this Section G shall be incorporated in a Contract between the LCRA and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof.

All of the provisions of Section G shall be enforceable against the Redeveloper, its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

#### **H. MODIFICATIONS OF THIS PLAN**

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or other items which alter the nature or intent of this Plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of this Plan.

#### **I. DURATION OF REGULATION AND CONTROLS**

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

#### **J. EXHIBITS**

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

**K. SEVERABILITY**

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

**EXHIBIT "A"**

**THE 7900 Van Buren street AREA  
LEGAL DESCRIPTION**

C.B. 3153 VAN BUREN ST  
8.889 ACRES  
SURVEY 3 OF CARONDELET  
PT BLK 21, 22, 1, 44, 43, 65  
  
**3153-00-00-00301**  
7900 Van Buren Street

See attached Exhibits B, C & D

**EXHIBIT "E"  
FORM: 05/26/99**

**EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES**

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, any entity formed to implement the project of which the Redeveloper is affiliated), its contractors and subcontractors shall comply with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination (Laws). Moreover, the Redevelopment shall contractually require its contractors and subcontractors to comply with such laws.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances, regulations or these guidelines.

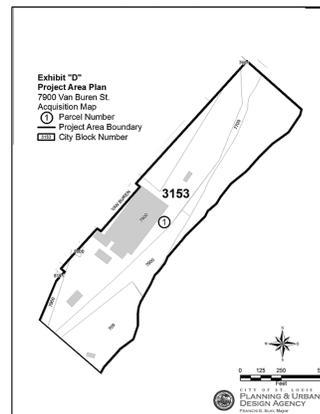
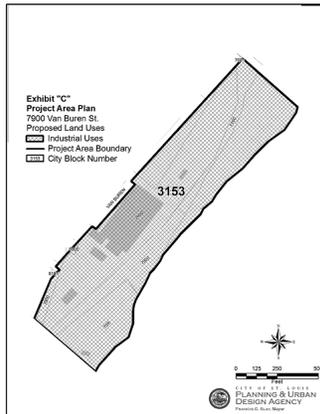
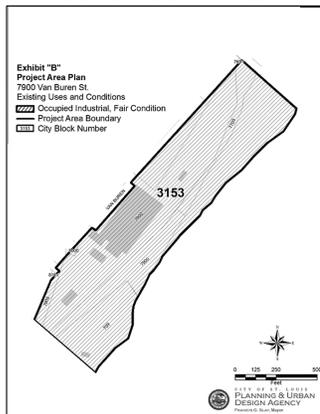
The Redevelopment shall fully comply with Executive Order #28 dated July 24, 1997 relating to minority and women-owned business participation in City contracts.

The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, rental, use or occupancy of any property, or any improvements erected or to be erected in the Area or any part thereof, and those covenants shall run with the land and shall be enforceable by the LCRA, the City, and the United States of America, as their interests may appear in the project.

The Redeveloper shall fully comply (and ensure compliance by "anchor tenants") with the provisions of St. Louis City Ordinance #60275 which is codified at Chapter 3.09 of the Revised Ordinances of the City of St. Louis.

**Approved: June 11, 2007**

**ORDINANCE NO. 67515 - EXHIBITS B, C & D**



**ORDINANCE #67516**  
**Board Bill No. 43**

An ordinance approving a Redevelopment Plan for the St. Louis/Burd/Maffitt/Clara Avenue Area ("Area") after finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), containing a description of the boundaries of said Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Exhibit "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan, dated March 27, 2007, for the Area ("Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain or otherwise; finding that the property within the Area is partially occupied. The Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available ten (10) year real estate tax abatement; and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

**WHEREAS**, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, there exist conditions which endanger life or property by fire or other causes and constitute an economic or social liability or a menace to the public health, safety, morals or welfare in the present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

**WHEREAS**, such conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by ordinary private enterprise without the aids provided in the Statute; and

**WHEREAS**, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a land clearance project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

**WHEREAS**, the LCRA has recommended such a plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for St. Louis/Burd/Maffitt/Clara Avenue Area," dated March 27, 2007, consisting of a Title Page, a Table of Contents Page, and thirteen (13) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("Plan"); and

**WHEREAS**, under the provisions of the Statute, and of the federal financial assistance statutes, it is required that this Board take such actions as may be required to approve the Plan; and

**WHEREAS**, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan in the Area; and

**WHEREAS**, the LCRA and the Planning Commission have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and this Board has been fully apprised by the LCRA and the Planning Commission of the facts and is fully aware of the conditions in the Area; and

**WHEREAS**, the Plan has been presented and recommended by LCRA and the Planning Commission to this Board for review and approval; and

**WHEREAS**, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to said general plan; and

**WHEREAS**, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

**WHEREAS**, the Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

**WHEREAS**, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a redevelopment project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap; and

**WHEREAS**, in accordance with the requirements of Section 99.430 of the Statute, this Board advertised that a public hearing would be held by this Board on the Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

**WHEREAS**, it is necessary that this Board take appropriate official action respecting the approval of the Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, 2000, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive, as amended) described in Exhibit "A", attached hereto and incorporated herein, known as the St. Louis/Burd/Maffitt/Clara Avenue Area.

**SECTION TWO.** The redevelopment of the above described Area, as provided by the Statute, is necessary and in the public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City.

**SECTION THREE.** The Area qualifies as a redevelopment area in need of redevelopment under the provision of the Statute, and the Area is blighted as defined in Section 99.320 of the Statute.

**SECTION FOUR.** The Blighting Study and Plan for the Area, dated March 27, 2007, ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Plan with the Minutes of this meeting.

**SECTION FIVE.** The Plan for the Area is feasible and conforms to the general plan for the City.

**SECTION SIX.** The financial aid provided and to be provided for financial assistance pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Plan for the Area, and the proposed financing plan for the Area is feasible.

**SECTION SEVEN.** The Plan for the Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

**SECTION EIGHT.** The Plan for the Area provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") may not acquire any property in the Area by the exercise of eminent domain.

**SECTION NINE.** The property within the Area is currently partially occupied. All eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

**SECTION TEN.** The Plan for the Area gives due consideration to the provision of adequate public facilities.

**SECTION ELEVEN.** In order to implement and facilitate the effectuation of the Plan hereby approved it is found and determined that certain official actions must be taken by this Board and accordingly this Board hereby:

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan.

**SECTION TWELVE.** All parties participating as owners or purchasers of property in the Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, or rental of any property or improvements erected or to be erected in the Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

**SECTION THIRTEEN.** In all contracts with private and public parties for redevelopment of any portion of the Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises ("MBE's") and Women's Business Enterprises ("WBE's") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBE's and WBE's established by the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997.
- (e) To comply with the requirements of Ordinance No. 60275 of the City;
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to

this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and

(g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control, interest in capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control, interest in capital and earnings commensurate with their percentage of ownership.

The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

**SECTION FOURTEEN.** The Redeveloper may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 2000, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created.

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

**SECTION FIFTEEN.** Any proposed modification which will substantially change the Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Plan. The Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of the Plan.

**SECTION SIXTEEN.** The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

**EXHIBIT "A"**

**CLARA/BURD/MAFFITT/ ST. LOUIS AVE. AREA  
LEGAL DESCRIPTION**

All of City Blocks 5254, 5255, 5256, 5257, and portions of City Blocks 5242 and 5280 in the City of St. Louis, more specifically described as follows:

Beginning at the point of intersection of the west line of Clara Ave. (58 ft. wide) and the westward prolongation of the north line of the east-west 15 foot wide alley in City Block 5242; thence eastwardly along said prolongation and said north alley line in City Block 5242 and City Block 5280 to its point of intersection with the east line of property owned by LRA known and numbered 5543 St. Louis Ave. (Parcel No. 52800003300); thence southwardly along said east property line to its point of intersecting with the north line of St. Louis Ave. (60 ft. wide); thence eastwardly along said north line of St. Louis Ave. to its point of intersection with the northward prolongation of the east line of Burd Ave. (60 ft. wide); thence southwardly along said northward prolongation and said east line of Burd Ave. across all intersecting streets and alleys to the point of intersection with the south line of Maffitt Ave. (45 ft. wide); thence westwardly along said south line of Maffitt Ave. across all intersecting streets and alleys to the point of intersection with the west line of Clara Ave. (58 ft. wide); thence northwardly along said west line of Clara Ave. across all intersecting streets and alleys to its point of intersection with the westward prolongation of the north line of 15 ft. wide east-west alley in City Block 5242, the point of beginning.

**EXHIBIT "B"  
Form: 03/20/07**

**BLIGHTING STUDY AND PLAN  
FOR THE  
ST. LOUIS/BURD/MAFFITT/CLARA AVE. AREA  
PROJECT # 1129  
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY  
OF THE CITY OF ST. LOUIS  
March 27, 2007**

**MAYOR  
FRANCIS G. SLAY**

**BLIGHTING STUDY AND PLAN FOR  
ST. LOUIS/BURD/MAFFITT/CLARA AVE. AREA**

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- "A" LEGAL DESCRIPTION
- "B" PROJECT AREA PLAN
- "C" PROPOSED LAND USE
- "D" ACQUISITION MAP
- "E" EQUAL OPPORTUNITY AND NON-DISCRIMINATION GUIDELINES

**A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT**

1. DELINEATION OF BOUNDARIES

The St. Louis/Burd/Maffitt/Clara Ave. Area ("Area") encompasses approximately 12.52 acres in the Wells-Goodfellow Neighborhood of the City of St. Louis ("City") and is located between Maffitt Ave. on the south, St. Louis Ave. on the north, Burd Ave. on the east, and Clara Ave. on the west.

The legal description of the Area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibit "B" ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises all of City Blocks 5254, 5255, 5256, 5257, and portions of City Blocks 5242 and 5280, and includes the following addresses: 5551-5575 Maffitt Ave., 5550-5574 and 5547-5577 Powers Ave., 5550-5568 and 5553-5577 Terry Ave., 5547-5581 and 5552-5578 St. Edward Ave., 5543-5577 and 5546-5578 St. Louis Ave., 2700, 2704, 2712, 2742, 2842 Clara Ave., and 2703, 2715, 2801, 2821 Burd Ave. The Area is in poor condition. The physical conditions within the Area are shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition" means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that is under-utilized. "Poor Condition" means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 7.0% unemployment rate for the City as of November, 2006. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area.

There are currently approximately no jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the Area include occupied houses, unoccupied houses, and vacant lots.

The land use, including the location of public and private uses, streets and other rights-of-way is shown on Exhibit "B".

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are primarily used for residential purposes.

Residential density for the surrounding neighborhoods is approximately 10.44 persons per acre.

5. CURRENT ZONING

The Area is zoned "A" Single-Family Dwelling District pursuant to the Zoning Code of the City, which is incorporated in this Plan by reference.

6. FINDING OF BLIGHT

The property within the Area is partially occupied and in poor condition (as defined in Section A(2) above). The existence of deteriorated property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.300 *et seq.* of the Revised Statutes of Missouri 2000, as amended (the Land Clearance for Redevelopment Authority Law).

**B. PROPOSED DEVELOPMENT AND REGULATIONS**

1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan is to facilitate the development of the Area into productive residential use.

2. PROPOSED LAND USE OF THE AREA

The proposed land use for the Area is residential use permitted in Areas designated "A" Single-Family Dwelling District by the City of St. Louis Zoning Code. Redevelopers authorized by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to develop property in the Area (hereafter referred to as "Redeveloper") shall be permitted to use said property only for the above proposed use.

Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area. The 2005 Strategic Land Use Plan designates it as a Neighborhood Development Area (NDA).

3. PROPOSED ZONING

The zoning for the Area can remain "A" Single-Family Dwelling District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Strategic Land Use Plan" (2005). Any specific proposal to the LCRA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THIS AREA

No new jobs will be created in the Area because the proposed development is residential.

6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban

Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

Each Redeveloper shall develop the Area in accordance with this Plan and the Redevelopment Agreement, and shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to meet this requirement may result in suspension of tax abatement.

8. URBAN DESIGN

**a. Urban Design Objectives**

The property shall be developed so it is an attractive residential asset to the surrounding neighborhood.

**b. Urban Design Regulations**

Rehabilitation shall respect the original exterior in terms of design and materials. Window and door shapes and detailing shall be compatible with the original design.

New construction shall be compatible in design with the surrounding neighborhood, if any, in terms of scale, materials, set back, profile, and site layout.

**c. Landscaping**

The property shall be well-landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, as determined by the Parks Department of the City depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. Existing, healthy trees and shrubs shall be retained, if feasible.

Ornamental or shade trees should be provided in the front lawns along with evergreen accent shrubs.

**d. Fencing**

Fencing in the front yards shall be limited to ornamental metal with a black matte finish. Fencing behind the building line and not facing a street may be chain link with a black matte finish, or a good quality privacy fence – provided it is not wood stockade style. Fencing facing a side street shall be ornamental metal or a good quality board fence up to six (6) feet in height – provided landscaping is provided between the fence and the sidewalk.

9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and contracts between the LCRA and the Redeveloper. All new signs shall be restricted to standard sale/lease signs.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without the prior written approval of the LCRA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

**C. PROPOSED SCHEDULE OF DEVELOPMENT**

The implementation of this Plan shall take place in a single phase initiated within approximately one (1) year of approval of this Plan by ordinance and completed within approximately three (3) years of approval of this Plan by ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

**D. EXECUTION OF PROJECT****1. ADMINISTRATION AND FINANCING**

The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law of Missouri.

All costs associated with the development of the Area will be borne by the Redeveloper.

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper.

**2. PROPERTY ACQUISITION**

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire any property by the exercise of eminent domain.

**3. PROPERTY DISPOSITION**

If the LCRA acquires property in the Area, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the LCRA. Any property acquired by the LCRA and sold to a Redeveloper will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, R.S.Mo. (2000) as amended, for uses in accordance with this Plan.

**4. RELOCATION ASSISTANCE**

The property within the Area is currently partially occupied. All eligible occupants displaced as a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

**E. COOPERATION OF THE CITY**

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

**F. TAX ABATEMENT**

A Redeveloper may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri 2000, as amended, upon application as provided therein. Such real estate tax abatement shall not include taxes collected for any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created.

In lieu of the ten (10) year abatement outlined above, a redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement, which shall not include taxes collected for any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of this Plan.

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during

which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

**G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS**

1. LAND USE

The Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale or occupancy of the Area.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the City Guidelines for Maximum Utilization of Minority Enterprises dated January 1, 1981, as may be amended, and the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in a Contract between the LCRA and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof.

All of the provisions of Section G shall be enforceable against the Redeveloper, its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

**H. MODIFICATIONS OF THIS PLAN**

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or other items which alter the nature or intent of this Plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of this Plan.

**I. DURATION OF REGULATION AND CONTROLS**

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

**J. EXHIBITS**

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

**K. SEVERABILITY**

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

**EXHIBIT "A"****CLARA/BURD/MAFFITT/ ST. LOUIS AVE. AREA  
LEGAL DESCRIPTION**

All of City Blocks 5254, 5255, 5256, 5257, and portions of City Blocks 5242 and 5280 in the City of St. Louis, more specifically described as follows:

Beginning at the point of intersection of the west line of Clara Ave. (58 ft. wide) and the westward prolongation of the north line of the east-west 15 foot wide alley in City Block 5242; thence eastwardly along said prolongation and said north alley line in City Block 5242 and City Block 5280 to its point of intersection with the east line of property owned by LRA known and numbered 5543 St. Louis Ave. (Parcel No. 52800003300); thence southwardly along said east property line to its point of intersecting with the north line of St. Louis Ave. (60 ft. wide); thence eastwardly along said north line of St. Louis Ave. to its point of intersection with the northward prolongation of the east line of Burd Ave. (60 ft. wide); thence southwardly along said northward prolongation and said east line of Burd Ave. across all intersecting streets and alleys to the point of intersection with the south line of Maffitt Ave. (45 ft. wide); thence westwardly along said south line of Maffitt Ave. across all intersecting streets and alleys to the point of intersection with the west line of Clara Ave. (58 ft. wide); thence northwardly along said west line of Clara Ave. across all intersecting streets and alleys to its point of intersection with the westward prolongation of the north line of 15 ft. wide east-west alley in City Block 5242, the point of beginning.

See attached Exhibit B, C & D

**EXHIBIT "E"  
FORM: 08/02/99****EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES**

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, any entity formed to implement the project of which the Redeveloper is affiliated), its contractors and subcontractors shall comply with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination (Laws). Moreover, the Redeveloper shall contractually require its contractors and subcontractors to comply with such laws.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances, regulations or these guidelines.

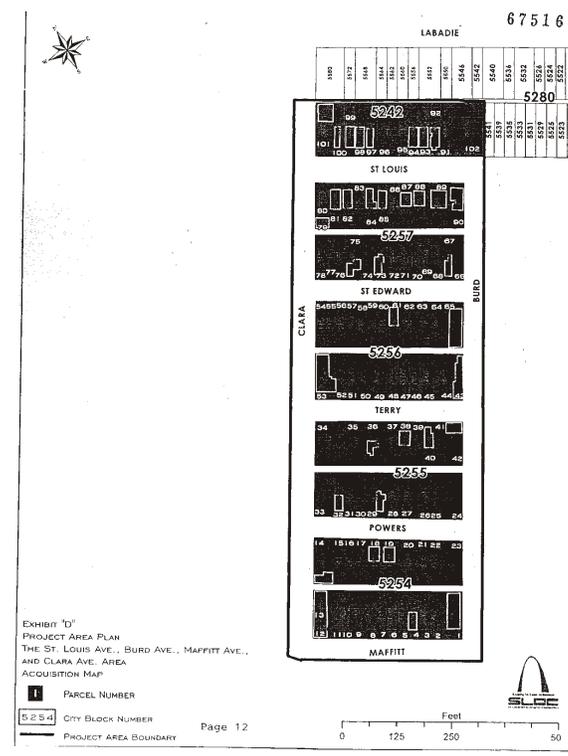
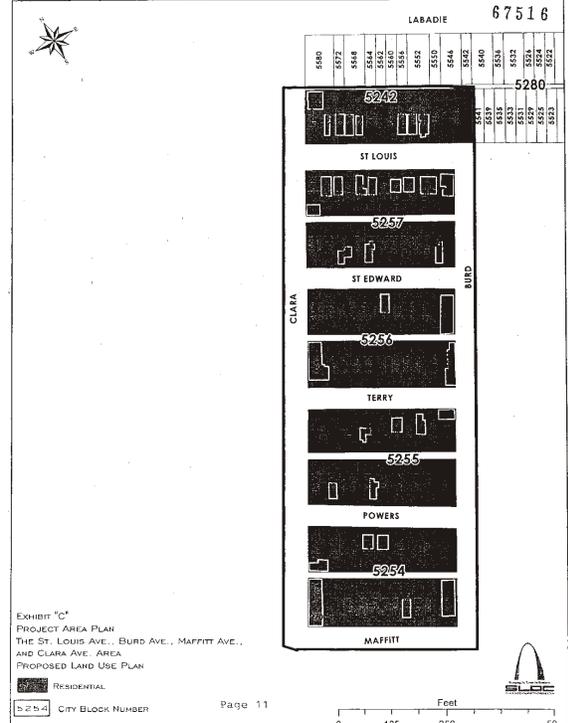
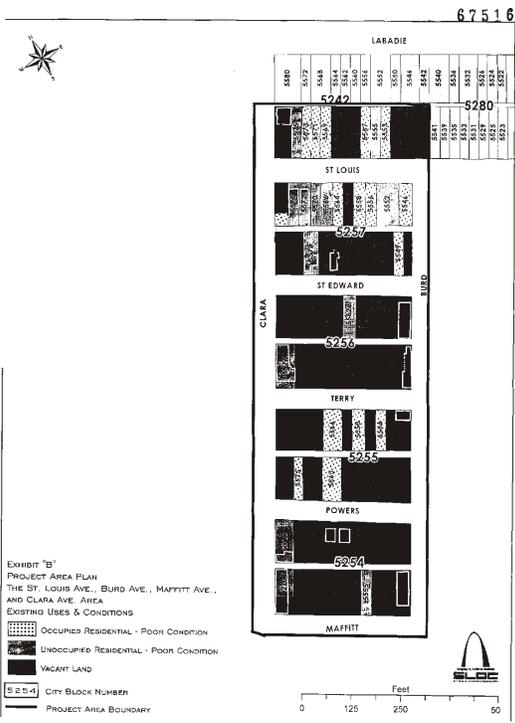
The Redeveloper shall fully comply with Executive Order #28 dated July 24, 1997 relating to minority and women-owned business participation in City contracts.

The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, rental, use or occupancy of any property, or any improvements erected or to be erected in the Area or any part thereof, and those covenants shall run with the land and shall be enforceable by the LCRA, the City, and the United States of America, as their interests may appear in the project.

The Redeveloper shall fully comply (and ensure compliance by "anchor tenants") with the provisions of St. Louis City Ordinance #60275 which is codified at Chapter 3.09 of the Revised Ordinances of the City of St. Louis.

**Approved: June 11, 2007**

ORDINANCE NO. 67516 - EXHIBIT B, C & D



**ORDINANCE #67517**  
**Board Bill No. 60**

An ordinance establishing and creating a Planned Unit Development District for a portion of City Block 3861 to be known as the "Cabanne Townhomes Planned Unit Development District".

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

**Whereas**, on April 4, 2007, at the regular April meeting of the Planning Commission of the City of St. Louis, a Sketch Plan submitted as a request for Planned Unit Development District designation by Building Investment Group LLC for property under their control in City Block 3861 (as shown in Exhibit "A") was presented; and

**Whereas**, the Planning Commission has reviewed said Sketch Plan and determined compatibility with the City's January 2005 Strategic Land Use Plan and other applicable zoning and redevelopment regulations established for the proposed Planned Unit Development District provided the subsequent Detailed Development Plan include documentation as to the details of the development; and

**Whereas**, the Planning Commission made all requisite findings as required by 26.80.050 of the Revised Code of the City of St. Louis and approved and adopted said Sketch Plan by Resolution No. PDA-059-07-PUD on April 4, 2007 with conditions and has provided a copy of the resolution to the Board of Aldermen;

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

**SECTION ONE. Findings of Fact**

The Board of Aldermen of the City of St. Louis hereby find and determine that: (i) the Cabanne Townhomes Planned Unit Development District, as submitted by Building Investment Group LLC and recommended by the City of St. Louis Planning Commission with four conditions, encourages appropriate development; (ii) the Cabanne Townhomes Sketch Plan approved with four conditions by the Planning Commission on April 4, 2007 is in the best interest of the City of St. Louis; (iii) the Cabanne Townhomes Sketch Plan with four conditions recommended by the Planning Commission accomplishes the purposes set forth in 26.80.050.A of the Revised Code of the City of St. Louis; and (iv) the Cabanne Townhomes Sketch Plan with four conditions recommended by the Planning Commission meets the conditions set forth in 26.80.050.E of the Revised Code of the City of St. Louis.

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

The Sketch Plan is the first step in the approval of a project seeking to be developed within and in accordance with the rules pertaining to a Planned Unit Development District. At a later time, the Developer submits for review by the Planning Commission a Detailed Development Plan for a portion of, or all, of the area included in the Planned Unit Development District. This Detailed Development Plan is compared for conformity with the approved Sketch Plan by the Planning Commission. The Planning Commission on April 4, 2007, in making its recommendation to the developer and the Board of Aldermen regarding the Cabanne Townhomes Sketch Plan, included four conditions within the recommendation regarding modifications to the presented Sketch Plan that are recommended to be included in the Detailed Development Plan. They are: 1) add fenestration to the building facades toward Cabanne typical of a front facade; 2) the landscape of the Development Plan give a substantial level of detail to the common ground landscaping toward Cabanne; 3) the landscape and site plan of the Development Plan explore ways to soften the amount of paved area between building fronts including reducing rear yards to 15 feet to capture green space and 4) modify the design of the rear building facades visible along Cabanne including building materials to make them sensitive to the surrounding neighborhood are included in subsequent Development Plans.

In addressing the requirements set forth in 26.80.050.H of the Revised Code of the City of St. Louis pertaining to Detailed Development Plan Standards, the submittal of the Detailed Development Plan for the Cabanne Townhomes Planned Unit Development District shall include documentation showing a minimum of 20% of the site in open space, but none of the open space shall be required to be public.

**SECTION THREE. Establishment and Creation of Cabanne Townhomes Planned Unit Development District.**

The Cabanne Townhomes Planned Unit Development District, as proposed in the Cabanne Townhomes Sketch Plan (attached hereto as Exhibit "B") is hereby approved and adopted as recommended by the Planning Commission. There is hereby created a Planned Unit Development District, containing approximately 1.0 acre, to be known as the Cabanne Townhomes Planned Unit Development District for the real property described below:

5842 Cabanne Avenue – 3861-00-00800

- Lots 9 and 10 in Block 7 of Cabanne Addition and in City Block 3861 of the City of St. Louis fronting 100 feet on the south line of Cabanne Avenue by a depth southwardly of 215 feet

5854 Cabanne Avenue – 3861-00-00700

- Lot 11 in Block 7 of Cabanne Addition and in City Block 3861 of the City of St. Louis fronting 50 feet on the south line of Cabanne Avenue by a depth southwardly of 215 feet

5858-5860 Cabanne Avenue – 3861-00-00600

- Lot 12 in Block 7 of Cabanne Addition and in City Block 3861 of the City of St. Louis fronting 50 feet on the south line of Cabanne Avenue by a depth southwardly of 215 feet to the north line of Lot 29 of Clemens Olive Street Addition.

**SECTION FOUR. Severability Clause.**

The provisions of this ordinance shall be severable. In the event that any provision of this ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

**SECTION FIVE. Emergency Clause.**

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

67517

### EXHIBIT A



**Current Zone**

- A Single Family Dwelling Dist
- B Two Family Dwelling Dist
- C Multiple Family Dwelling Dist
- D Multiple Family Dwelling Dist
- E Multiple Family Dwelling Dist
- F Neighborhood Commercial Dist
- G Local Commercial District
- H Area Commercial District
- I Central Business District
- J Industrial District
- K Unrestricted District
- L Jefferson Memorial District

**PUD Area**

- PUD Area
- Cabanne Townhomes PUD

PDA-059-07-PUD

PLANNING & URBAN DESIGN AGENCY

*Handwritten notes or signature*

## EXHIBIT "B"

**Planned Unit Development District  
Sketch Plan****For****Cabanne Townhomes PUD**5842-58 Cabanne Avenue  
City Block 3861

City of St. Louis Planning Commission

April 4, 2007

File No. PDA-059-07-PUD

**Arthur B. El-Amin  
Building Investment Group LLC**

At its April 4, 2007 meeting, the Planning Commission, in making its recommendation to the developer and the Board of Aldermen regarding the Cabanne Townhomes Sketch Plan, included four conditions within the recommendation regarding modifications to the presented Sketch Plan that are recommended to be included in the Development Plan. They are: 1) add fenestration to the building facades toward Cabanne typical of a front facade; 2) the landscape of the Development Plan give a substantial level of detail to the common ground landscaping toward Cabanne; 3) the landscape and site plan of the Development Plan explore ways to soften the amount of paved area between building fronts including reducing rear yards to 15 feet to capture green space and 4) modify the design of the rear building facades visible along Cabanne including building materials to make them sensitive to the surrounding neighborhood are included in subsequent Development Plans.

07517

TO THE CITY OF ST. LOUIS PLANNING COMMISSION  
PETITION FOR  
PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

PETITIONER'S NAME Building Investment Group, LLC  
CONTACT NAME (If above is a firm or organization) Arthur B. El-Amin  
ADDRESS 327 DeBaliviere Avenue, St. Louis, Missouri 63112  
ZIP CODE 63112 PHONE (314) 367-1674  
E-MAIL aelamin@buildinginvestmentgroup.com

Legal Description of Property Petitioned, including total acreage (use additional sheets if Necessary) See Attached

Parcel Number(s) (use additional sheets if necessary) 3861-00-00800 (parcel #1); 3861-00-00700 (parcel #2); 3861-00-00600 (parcel #3)

Address(es) including street(s) and street number(s) 5842 Cabanne Avenue (parcel #1); 5854 Cabanne Avenue (parcel #2); 5858-5860 Cabanne Avenue (parcel #3)

The following can be listed or mapped on additional sheets:

Present Zoning is B-2 Family Dwelling District(s) or a change has been

Requested for zoning to C Multiple Family Dwelling District(s).

The acreage of the property including streets and alley except boundary streets (to Nearest tenth of an acre) is One (1) Acre

Present Use of the Property Presently Vacant Residential Lots and Vacant Building

Proposed Use of the Property New Construction - 12 New Townhomes

Are you the owner of the property described? Yes

If not, what is your legal interest in the property? N/A

The owner(s)-of-record of the petitioned property according to City Of St. Louis Assessor's Records is(are) known as Building Investment Group, LLC

Arthur B. El-Amin  
Signature(s) of Petitioner(s)

3-26-07  
Date Filed

Parties of Interest (Fill in if applicable):

Project Engineer and/or Architect (if applicable) Name Claxton Consulting Engineers, Inc  
Address 6717 Olive Blvd, St. Louis, MO 63130 Phone (314) 727-4965

Project Engineer and/or Architect (if applicable) Name J. D. Whaley Architect, Inc.  
Address 1529 Old Highway 94 S. Ste 105, St. Charles, MO 63303 Phone (636) 946-6949

Developer and/or Builder (if other than petitioner) Name Same  
Address 327 DeBaliviere Avenue, St. Louis, MO 63112 Phone (314) 367-1674

City of St. Louis Planning and Urban Design Agency  
1015 Locust Street, Suite 1200, St. Louis, MO 63101

- 67517



SKETCH PLAN  
(Written)

Located in the 5800 block of Cabanne, this project will consist of twelve (12) attached townhomes - each offered with approximately 2,053 square feet of living space and two-car garages.

The townhomes will feature entry foyer, family/great room, dining room, 3 bedrooms, 2 1/2 bathrooms, 2<sup>nd</sup> floor laundry facility, double deck, kitchen with appliances (electric range, dishwasher and microwave), 1<sup>st</sup> floor masterbedroom and bath with double bowl vanity, corner tub, separate shower and walk-in closet. Optional features include - granite countertops, gas fireplace, hardwood & ceramic flooring, whirlpool tub, privacy fencing, Am-Fm CD Intercom System. The townhomes will also include a security alarm system and 10 year tax abatement.

Exterior features include decorative brick and masonry front with vinyl or hardboard sides and rear. 30 year architectural roof and attractive landscaping at front yard.

Construction financing for the project has been approved. The total construction cost is \$2,460,910.00 and is privately financed by St. Louis Bank (see attached loan approval). Construction funds are in place awaiting disbursement as the project progresses.

The project will be professionally marketed with a nationally recognized real estate firm and each unit will be affordably priced at \$259,900 (see attached marketing plan).

Building Investment Group, LLC is currently the owner of all three parcels of land included in the project. Development of the project is projected to commence immediately upon approval of the PUD and will be constructed in four phases - each phase will contain three housing units. Construction of the first phase will commence immediately upon approval of the PUD, with completion estimated 4 to 6 months from start of construction. Phase two will follow immediately upon completion of phase one, pending successful marketing results for the twelve town home units. Phase three and four will follow the same pattern with total project completion estimated October 2008.



67517



**DISBURSEMENT REQUEST AND AUTHORIZATION**

**Borrower:** BUILDING INVESTMENT GROUP LLC  
327 DEBALIVIERE AVENUE  
ST LOUIS, MO 63112

**Lender:** St. Louis Bank  
14323 South Outer Forty Road  
North Tower - First Floor  
Town and Country, MO 63017

**LOAN TYPE.** This is a Variable Rate Nondisclosable Draw Down Line of Credit Loan to a Limited Liability Company for \$2,460,910.00 due on October 2, 2008. The reference rate (Wall Street Journal Prime Rate, currently 8.250%) is added to the margin of 0.500%, resulting in an initial rate of 8.750.

**PRIMARY PURPOSE OF LOAN.** The primary purpose of this loan is for:

- Personal, Family, or Household Purposes or Personal Investment.
- Business (Including Real Estate Investment).

**SPECIFIC PURPOSE.** The specific purpose of this loan is: Increase loan originally to provide funds to construct 12 single family residential townhomes in the 5800 block of Cabanne Ave., St. Louis, Mo.

**DISBURSEMENT INSTRUCTIONS.** Borrower understands that no loan proceeds will be disbursed until all of Lender's conditions for making the loan have been satisfied. Please disburse the loan proceeds of \$2,460,910.00 as follows:

Undisbursed Funds:	\$2,361,461.11
Amount paid to others on Borrower's behalf:	\$3,576.64
\$3,576.64 to Integrity Land Title	
Other Disbursements:	\$95,857.25
\$95,857.25 Modify loan 432290 (current principal balance)	
Total Financed Prepaid Finance Charges:	\$15.00
\$15.00 Flood Certification	
<b>Note Principal:</b>	<b>\$2,460,910.00</b>

**FINANCIAL CONDITION.** BY SIGNING THIS AUTHORIZATION, BORROWER REPRESENTS AND WARRANTS TO LENDER THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT AND THAT THERE HAS BEEN NO MATERIAL ADVERSE CHANGE IN BORROWER'S FINANCIAL CONDITION AS DISCLOSED IN BORROWER'S MOST RECENT FINANCIAL STATEMENT TO LENDER. THIS AUTHORIZATION IS DATED FEBRUARY 16, 2007.

**BORROWER:**

BUILDING INVESTMENT GROUP LLC

By: COPY  
ARTHUR B EL-AMIN, MANAGING MEMBER of  
BUILDING INVESTMENT GROUP LLC

07517



Frank A. Williamson  
Alderman, 26th Ward

**BOARD OF ALDERMEN**  
CITY OF SAINT LOUIS  
MISSOURI

**COMMITTEES**  
Ways & Means  
Neighborhood Development  
Streets, Traffic & Refuse  
Transportation & Commerce  
Public Safety  
Parks & Environmental Matters

March 28, 2007

City of St. Louis  
Planning & Urban Design Agency  
1015 Locust Street, Suite 1200  
St. Louis, Missouri 63101

**RE: Cabanne Townhome Project**

Dear Committee Members:

The Building Investment Group has successfully developed and constructed several projects within the 26<sup>th</sup> Ward. Over the past eight years, the company has constructed more than forty (40) new homes in the ward, adding a substantial amount of improved real estate value to the area.

Currently the developers are planning to build 12 new town homes in the 5800 block of Cabanne Avenue. I fully support their plans for the Cabanne Townhome Project.

Also, I appreciate your expediency in processing the petition submitted for the Planned Unit Development District, so that they may avoid any delays in the project.

Please do not hesitate to contact my office should you have any questions or concerns.

With warmest regards, I am...

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Williamson".

Frank A. Williamson

67517

**WEST END COMMUNITY CONFERENCE**



724 N. Union Blvd. • St. Louis, Missouri 63108 (314) 367-7049

March 26, 2007

City Of St. Louis  
Planning & Urban Design Agency  
1015 Locust Street, Suite 1200  
St. Louis, MO 63101

**RE: Building Investment Group LLC/Cabanne Townhome Project**

Dear PUD Committee:

It is with great pleasure that The West End Community Conference acknowledges its support for the Cabanne Townhome Project, currently under development by Building Investment Group, LLC.

Building Investment Group, LLC has been developing projects in the 26<sup>th</sup> ward for a number of years and we are delighted to be of assistance. This firm has constructed quality homes that have added so much value to this ward; it is without doubt, that the Cabanne Project will enhance the ward even more.

Once again, West End Community Conference would like to extend its full support, in favor of the successful completion of the Cabanne Townhome Project.

Please do not hesitate to contact my office should you have any questions or concerns.

Thank you.

Respectfully Submitted,

- 67517



SKETCH PLAN  
(Map)

Building Investment Group, LLC proposes to construct twelve (12) new attached townhomes in the 5800 block of Cabanne Avenue.

The project is located in the West End (48) City Neighborhood - Ward 26, bounded by Goodfellow Boulevard on the East, Hamilton Boulevard on the West, Clemens Avenue on the South, and The Bi-State Row Railroad on the North. The project will be embedded within city blocks 3861 on the south and 3862 on the north and located between two major thoroughfares (Goodfellow Boulevard & Hamilton Boulevard).

The project is also in close proximity to parks, playgrounds, churches and other community amenities. Porter Park, Parkland Park and Ivory Perry Park surround the project within the same neighborhood. There is a newly refurbished playground just a half block east of the project. Forest Park and the popular Delmar Loop and The Pageant are all just minutes away.

The current topographic character of the land is typically flat with some existing structures and some vacant lots. The current housing stock can be characterized as a mixture of large multi-family dwelling units, several single family units and vacant residential lots & buildings (both single & multi-family). There are also two commercial parcels that were used as parking structures. The following summarizes the makeup:

- One Refurbished City Playground (Goodfellow/Cabanne Intersection-SE Corner)
- Three Occupied Multi-Family Dwelling Units(30+ Units)
- Two Occupied Multi-Family Dwelling Units(12+ Units)
- Three Vacant Multi-Family Dwelling Units
- Three Vacant Residential Lots
- Eight Occupied Single Family Dwelling Units
- Two Commercial Parcels
- Three New Single Family Homes

Building Investment Group, LLC is in the process of completing three new single family homes located at the intersection of Cabanne Avenue & Hamilton Boulevard. The Cabanne Townhomes would certainly enhance the residential make-up of the area. It would add the homeowner aspect to the multi-family community. Currently, all of the existing multi-family structures are rental units.



67517



SKETCH PLAN

(Map)

City Block 3861 Cabanne South Side Of Street



3861 Cabanne (Sketch) 3861 3861 3861



3861 Cabanne (Sketch) 3861 3861 3861



3861 Cabanne (Sketch) 3861 3861 3861



3861 Cabanne (Sketch) 3861 3861 3861



3861 Cabanne (Sketch) 3861 3861 3861



3861 Cabanne (Sketch) 3861 3861 3861



3861 Cabanne (Sketch) 3861 3861 3861



07517



SKETCH PLAN

(Map)

City Block 3862 - Cabanne North Side Of Street



5831 R. 5831 Cabanne (New Construction) Cabanne Hamilton, Ontario



5831 R. 5831 Cabanne (New Construction) Cabanne Hamilton, Ontario



5831 R. 5831 Cabanne (New Construction) Cabanne Hamilton, Ontario



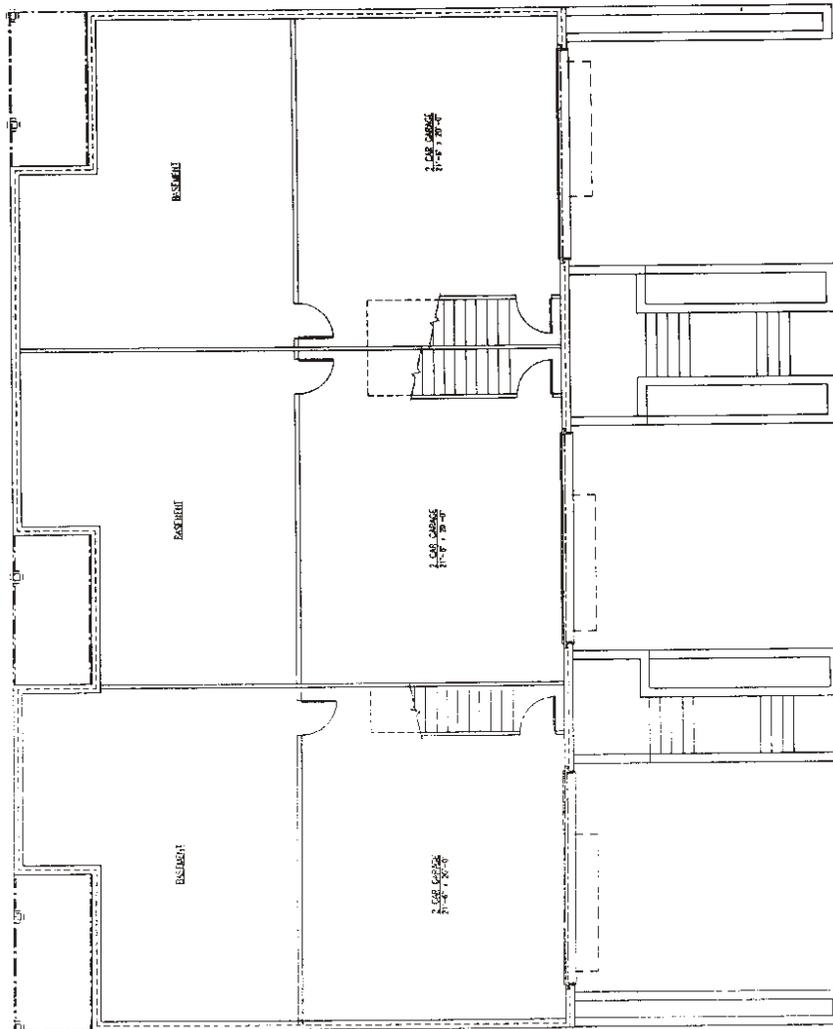
5831 R. 5831 Cabanne (New Construction) Cabanne Hamilton, Ontario



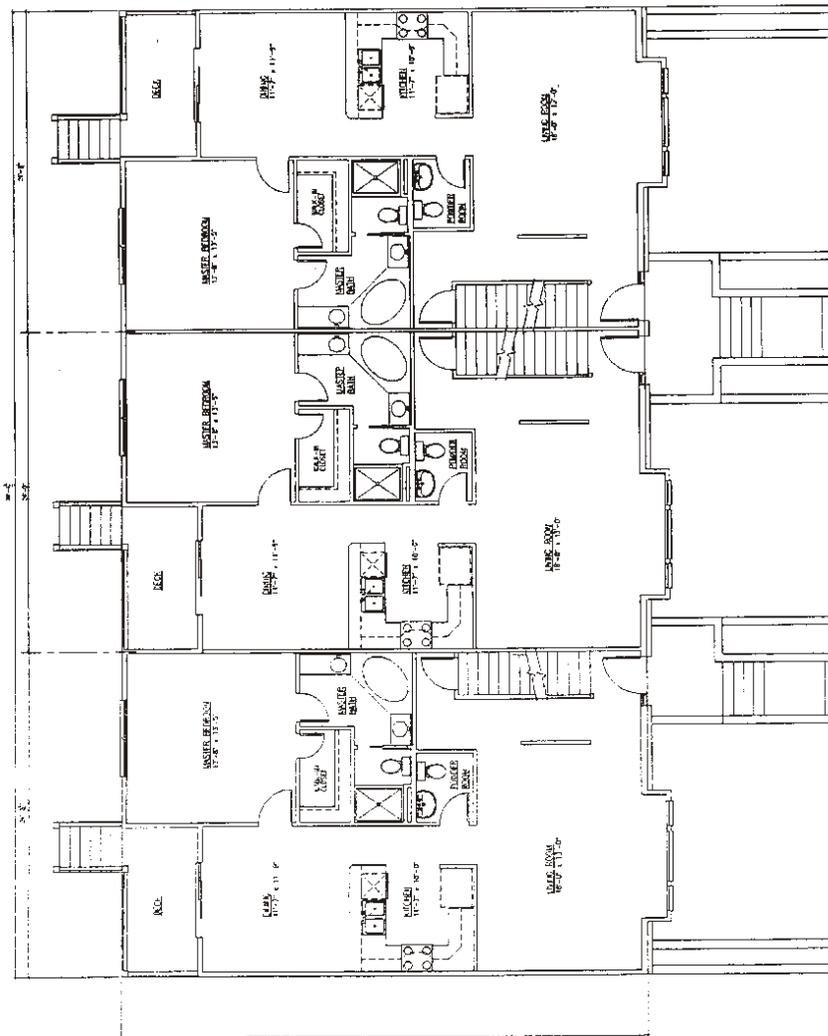
5831 R. 5831 Cabanne (New Construction) Cabanne Hamilton, Ontario



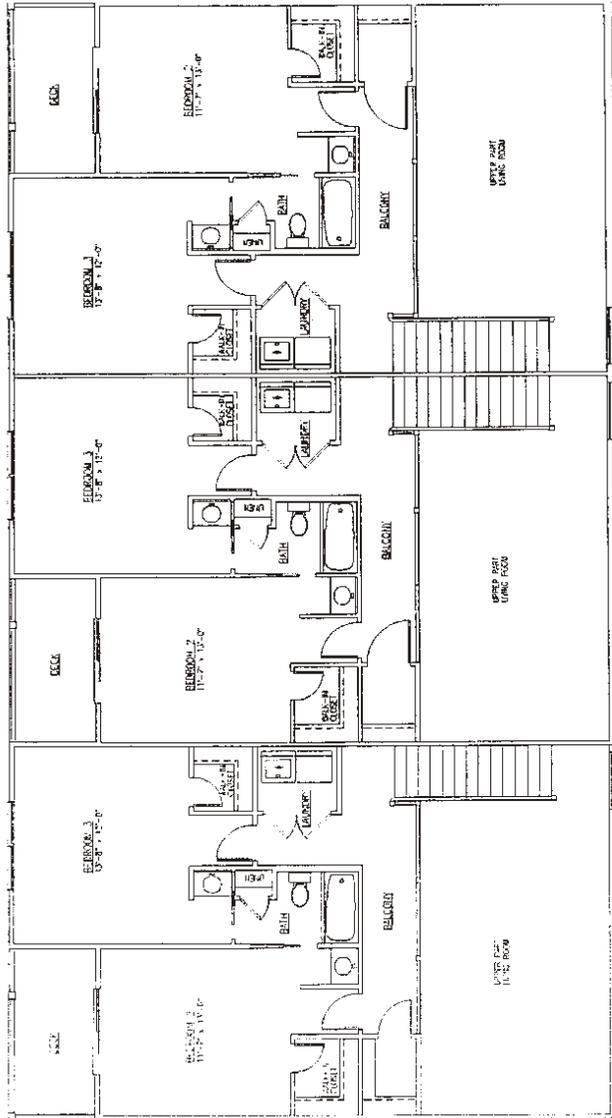
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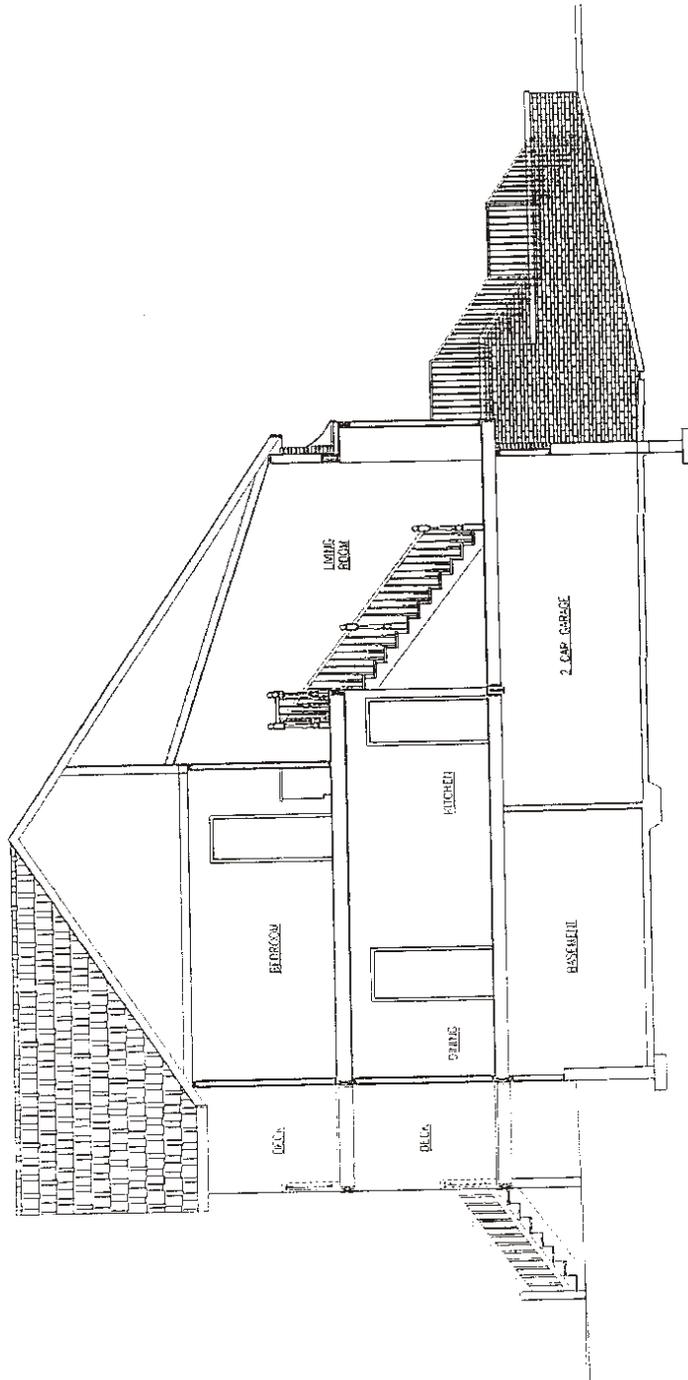
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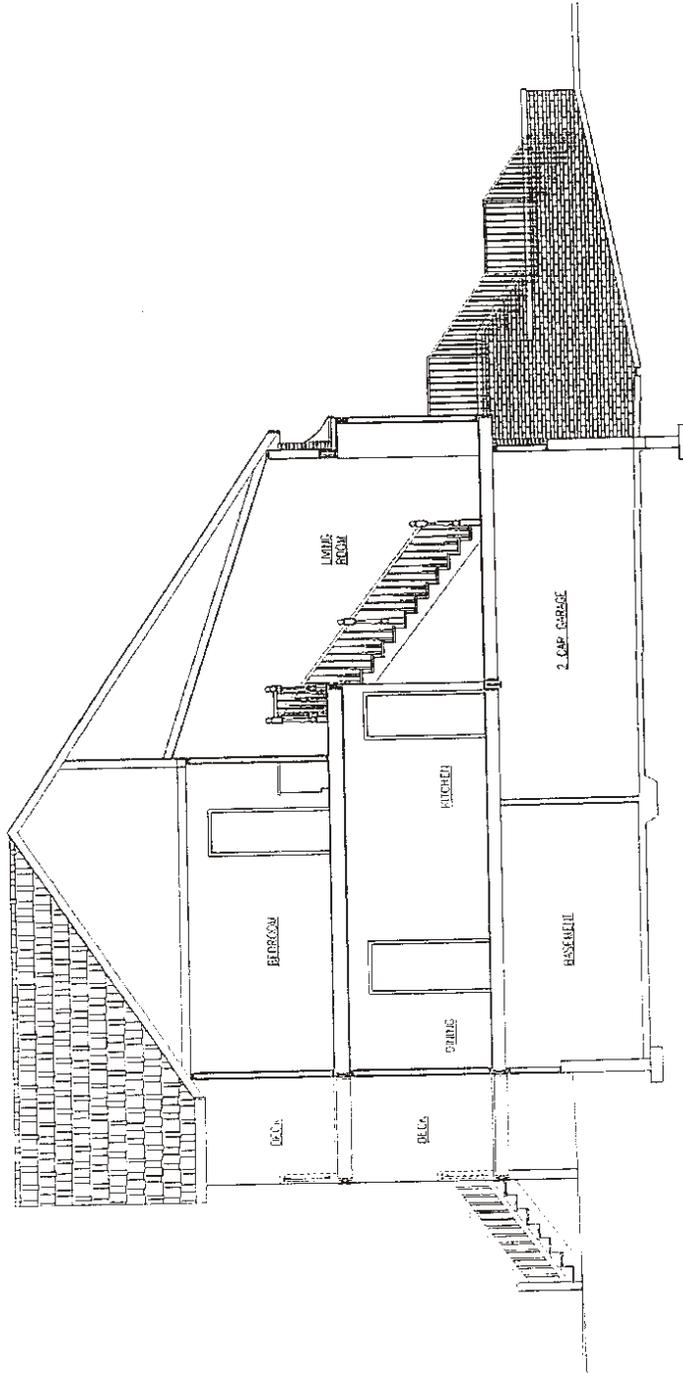
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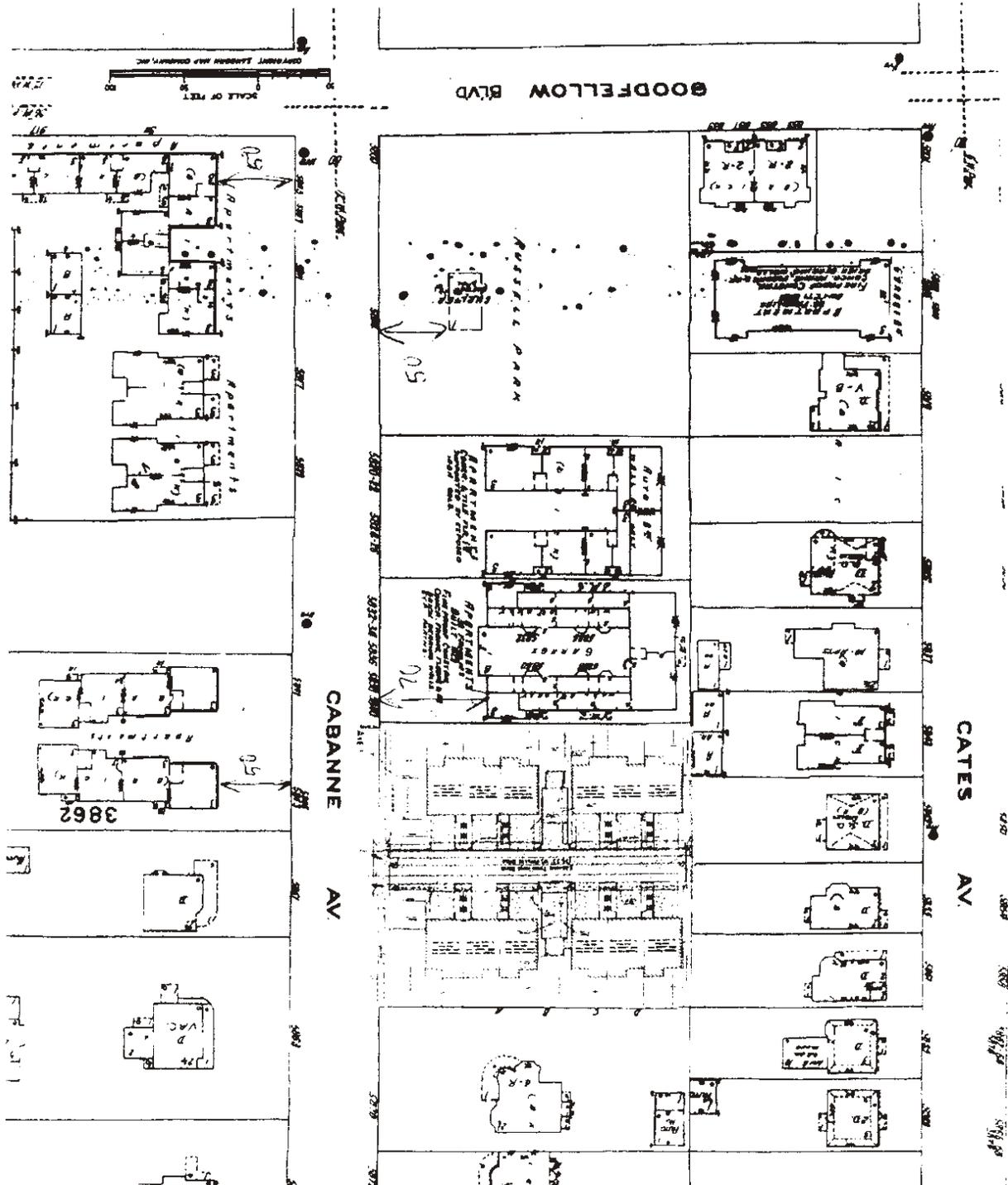
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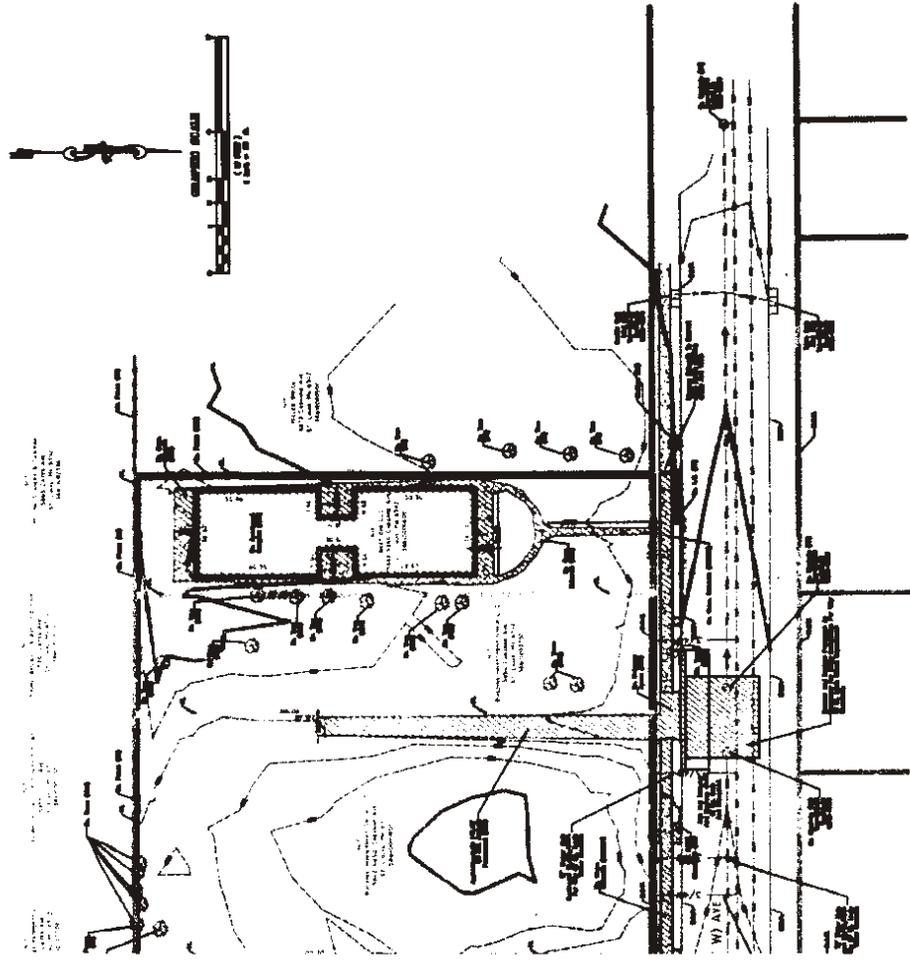
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CLAYTON CONSULTING ENGINEERS, INC. THE SITE CIVIL PORTAL PHONE 314-737-4885 FAX 314-737-4872 EMAIL CLAYTON@CCENGAAL.NET	Cabanne Town Homes 5842-5860 Cabanne Ave. St. Louis, MO 63112	Owner: Building Investment Group Arthur El-Amin 327 Daboll Drive St. Louis, MO 63112
	CIVIL DEMOLITION PLAN	

CITY BLOCK: 3861  
 BASE MAP: 18H  
 ZIP CODE: 63112  
 MSD #:



REVIEW SET NOT FOR CONSTRUCTION

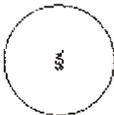




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 J. D. Whaley
   
 Architect, Inc.

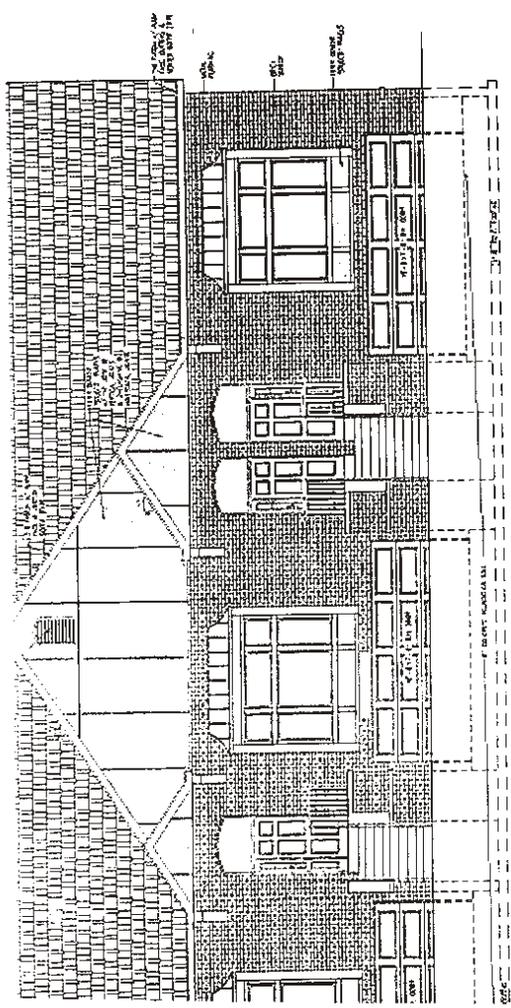
1827 6th Avenue, 21<sup>st</sup> S
   
 St. Louis, MO 63103
   
 (314) 742-8888



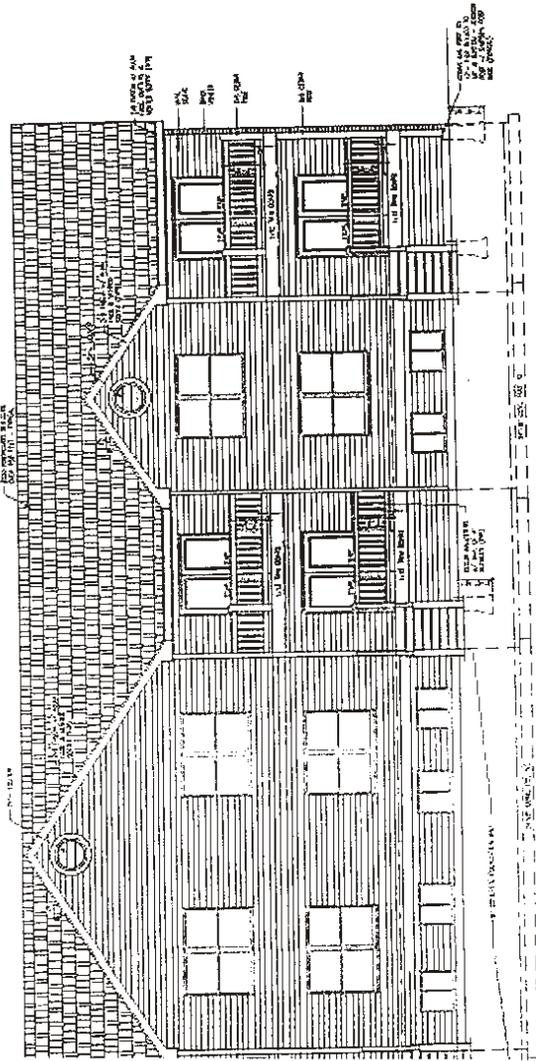
PROPOSED RESIDENCE FOR:
   
 327 DELAWARE BOULEVARD
   
 ST. LOUIS, MISSOURI

SHEET NO.
   
 DATE

© COPYRIGHT 2007, ALL RIGHTS RESERVED
   
 J. D. WHALEY ARCHITECT



FRONT ELEVATION

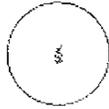


SIDE ELEVATION

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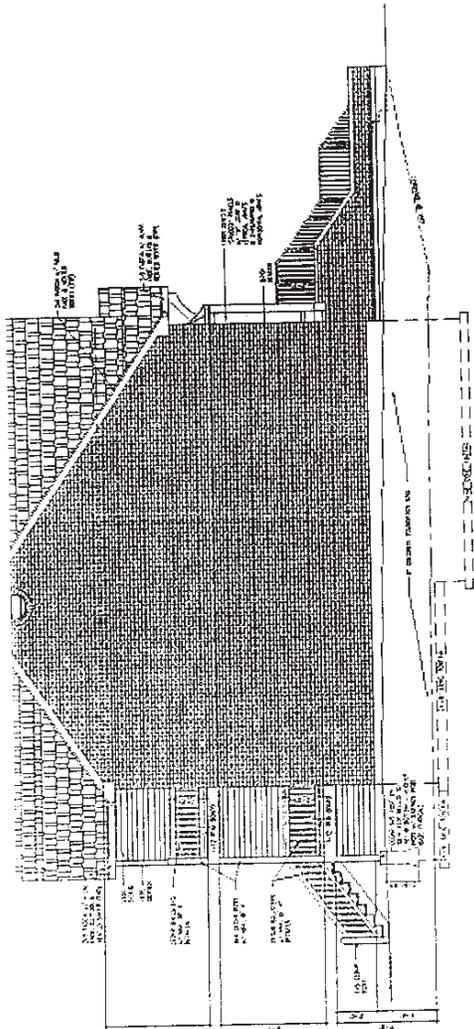
1629 Oak Grove, St. Louis  
Tel: 314-241-2200  
Fax: 314-241-2200  
www.jdwhaley.com



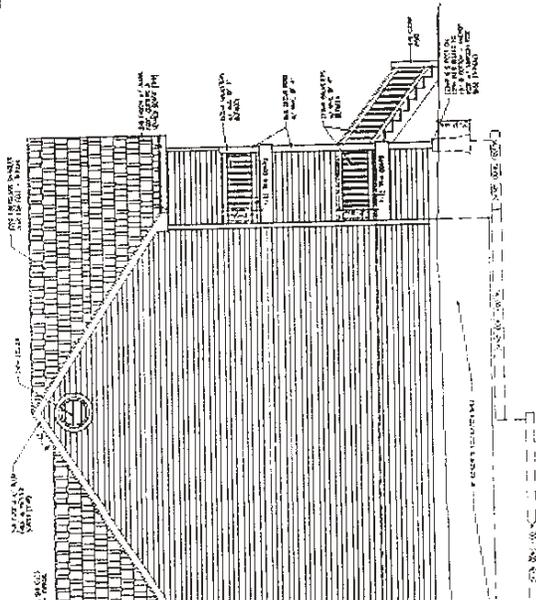
PROPOSED RESIDENCE FOR  
327 DEBUIRE BOULEVARD  
ST. LOUIS, MISSOURI

DATE: 08/27/07  
DRAWN BY: J. D. WHALEY  
SCALE: AS SHOWN

© Copyright 2007, J.D. Whaley  
All Rights Reserved



LEFT SIDE ELEVATION



Approved: June 11, 2007

**ORDINANCE #67518**  
**Board Bill No. 61**

An ordinance establishing and creating a Planned Unit Development District for a portion of City Block 4544 and 4545 to be known as the "5849 and 5860 Clemens Planned Unit Development District".

**Whereas**, the Planned Unit Development Plan previously approved for the location by Ordinance 66512 will not be constructed, and

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

**Whereas**, on April 4, 2007, at the regular April meeting of the Planning Commission of the City of St. Louis, a Sketch Plan submitted as a request for Planned Unit Development District designation by West End LLC for property under their control in City Block 4544 and 4545 (as shown in Exhibit "A") was presented; and

**Whereas**, the Planning Commission has reviewed said Sketch Plan and determined compatibility with the City's January 2005 Strategic Land Use Plan and other applicable zoning and redevelopment regulations established for the proposed Planned Unit Development District provided the subsequent Detailed Development Plan include documentation as to the details of the development; and

**Whereas**, the Planning Commission made all requisite findings as required by 26.80.050 of the Revised Code of the City of St. Louis and approved and adopted said Sketch Plan by Resolution No. PDA-058-07-REZ on April 4, 2007 with conditions and has provided a copy of the resolution to the Board of Aldermen;

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

**SECTION ONE. Findings of Fact**

The Board of Aldermen of the City of St. Louis hereby find and determine that: (i) the 5849 and 5860 Clemens Planned Unit Development District, as submitted by West End LLC and recommended by the City of St. Louis Planning Commission encourages appropriate development; (ii) the 5849 and 5860 Clemens Sketch Plan approved by the Planning Commission on April 4, 2007 is in the best interest of the City of St. Louis; (iii) the 5849 and 5860 Clemens Sketch Plan accomplishes the purposes set forth in 26.80.050.A of the Revised Code of the City of St. Louis; and (iv) the 5849 and 5860 Clemens Sketch Plan meets the conditions set forth in 26.80.050.E of the Revised Code of the City of St. Louis.

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

The Sketch Plan is the first step in the approval of a project seeking to be developed within and in accordance with the rules pertaining to a Planned Unit Development District. At a later time, the Developer submits for review by the Planning Commission a Detailed Development Plan for a portion of, or all, of the area included in the Planned Unit Development District. This Detailed Development Plan is compared for conformity with the approved Sketch Plan by the Planning Commission. The Planning Commission on April 4, 2007, in making its recommendation to the developer and the Board of Aldermen regarding the 5849 and 5860 Clemens Sketch Plan,

In addressing the requirements set forth in 26.80.050.H of the Revised Code of the City of St. Louis pertaining to Detailed Development Plan Standards, the submittal of the Detailed Development Plan for the 5849 and 5860 Clemens Planned Unit Development District shall include documentation showing a minimum of 20% of the site in open space, but none of the open space shall be required to be public.

**SECTION THREE. Establishment and Creation of 5849 and 5860 Clemens Planned Unit Development District.**

The 5849 and 5860 Clemens Planned Unit Development District, as proposed in the 5849 and 5860 Clemens Sketch Plan (attached hereto as Exhibit "B") is hereby approved and adopted as recommended by the Planning Commission. There is hereby created a Planned Unit Development District, containing approximately 1.33 acre, to be known as the 5849 and 5860 Clemens Planned Unit Development District for the real property described below:

5860 Clemens Avenue – 4544-00-00700

- Lot 26 of Clemens Place and in Block 4544 of the City of St. Louis, fronting 50 feet on the South line of said Lot.
- Lot 27 of Clemens Place and in Block 4544 of the City of St. Louis, fronting 50 on the South line of Clemens Avenue by a depth Southwardly of 185 feet to the dividing line of said Block.
- The Western part of Lot 28 of Clemens Place and in Block 4544 of the City of St. Louis, fronting 50 feet on the South line of Clemens Avenue by a depth Southwardly of 185 feet to the dividing line of said Block on which there is a width

of 48 feet 5 inches.

5849 Clemens Avenue – 4544-00-02100

- Lot 8, 9, and 10 in Clemens Addition, in Block 4545 of the City of St. Louis, Missouri, fronting 163.30 feet on the North line of Clemens Avenue by a depth northwardly of 185 feet.

**SECTION FOUR. Severability Clause.**

The provisions of this ordinance shall be severable. In the event that any provision of this ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

**SECTION FIVE. Emergency Clause.**

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

**EXHIBIT A**



<b>Current Zone</b>		PUD Area
A Single Family Dwelling Dist	G Local Commercial District	PDA-058-07-REZ
B Two Family Dwelling Dist	H Area Commercial District	
C Multiple Family Dwelling Dist	I Central Business District	 FRANCIS D. SLAY, Mayor
D Multiple Family Dwelling Dist	J Industrial District	
E Multiple Family Dwelling Dist	K Unrestricted District	
F Neighborhood Commercial Dist	L Jefferson Memorial District	

TO THE CITY OF ST. LOUIS PLANNING COMMISSION  
PETITION FOR  
PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

PETITIONER'S NAME West End LLC  
CONTACT NAME (If above is a firm/an organization) Tim Mottan  
ADDRESS 10449 St. Charles Rock Aa.  
ZIP CODE 63074 PHONE 314 427 4000  
E-MAIL Tim@CFUBATTEROTT.COM

Legal Description of Property Petitioned, including total acreage (use additional sheets if necessary) 5849 Clemens + 5860 Clemens

Parcel Number(s) (use additional sheets if necessary) SEE ATTACHED

Address(es) including street(s) and street number(s) \_\_\_\_\_

*The following can be listed or mapped on additional sheets:*

Present Zoning is \_\_\_\_\_ District(s) or a change has been requested for zoning to \_\_\_\_\_ District(s).

The acreage of the property including streets and alleys except boundary streets (to nearest tenth of an acre) is \_\_\_\_\_

Present Use of the Property Vacant School Bldgs

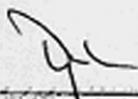
Proposed Use of the Property Residential Fee Simple Townhomes

Are you the owner of the property described? Yes

If not, what is your legal interest in the property? \_\_\_\_\_

The owner(s)-of-record of the petitioned property according to City of St. Louis

Assessor's Records is(are) known as West End LLC

  
Signature(s) of Petitioner(s) \_\_\_\_\_  
Date Filed \_\_\_\_\_

Parties of Interest (Fill in if applicable):

Project Engineer and/or Architect (if applicable) Name CDI - John Frank

Address 7751 Carondelet Ave Phone 314 863 5570

Developer and/or Builder (if other than petitioner) Name \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

City of St. Louis Planning and Urban Design Agency  
1015 Locust Street, Suite 1200, St. Louis, MO 63101

## PROPERTY LEGAL DESCRIPTIONS

**5849 CLEMENS****Parcel 4:**

Lots 8,9, and 10 in Clemens Place and in Block 4545 of the City of St. Louis, fronting 163.30 feet on the North line of Clemens Avenue, by a depth Northwardly of 185 feet.

**5860 CLEMENS****Parcel 1:**

Lot 26 of Clemens Place and in Block 4544 of the City of St. Louis, fronting 50 feet on the South line of Clemens Avenue, by a depth Southwardly of 185 feet to the South line of said Lot.

**Parcel 2:**

Lot 27 of Clemens Place and in Block 4544 of the City of St. Louis, fronting 50 feet on the South line of Clemens Avenue, by a depth Southwardly of 185 feet to the South line of said Lot.

**Parcel 3:**

The Western part of Lot 28 of Clemens Place and in Block 4544 of the City of St. Louis, fronting 50 feet on the South line of Clemens Avenue, by a depth Southwardly of 185 feet to the dividing line of said Block on which there is a width of 48 feet 3 inches.

## West End LLC

### Written development plan

The West End LLC has been re-vitalizing the West End area for the past five years. The members of the LLC are the West End Community Conference and Charles F Vatterott Construction Co. The project is in the 26<sup>th</sup> ward and encompasses the 5800 and 5700 blocks of Enright, Clemons and Cates, east and west of Goodfellow, north of Delmar. We have built over 30 new homes on these blocks and will build another 22 before we are completed with our efforts. Our homes, which are market rate, have been selling in excess of \$280,000. The community is part of a re-development agreement with the City and has Alderman Frank Williamson's approval.

In an effort to improve the community, with the help of the Alderman and the City of St. Louis, we have been able to acquire two former school sites on Clemons. These sites had been targeted for a community center that the residents did not want. Our efforts allowed us to purchase the site from the People's Health Clinic and include these two sites into our residential project. This is a use the residents are in support of.

We are proposing an attached, residential, market rate, fee simple ownership, for sale product. These plans were drawn by the Lawrence Group for our efforts in Gaslight Square. We have built three of these town homes at Gaslight and they have been very well received by the buying public. The price and architecture of these units will compliment the current products we are selling in West End Estates. The building is a two story, three unit town home product. We anticipate base prices in the \$260,000's to \$280,000's.

Our current construction lender is Meramec Valley Bank. They have agreed to continue to provide financing to the West End LLC on these additional properties.

We are asking for your support with our efforts to bring a residential, market rate, for sale housing product to this property. This will help us complete the re-vitalization of the community.

Pictures of PUD Area



5860 Clemens (Former Hamilton Branch 1) C.B. 4544



5860 Clemens (Former Hamilton Branch 1) C.B. 4544



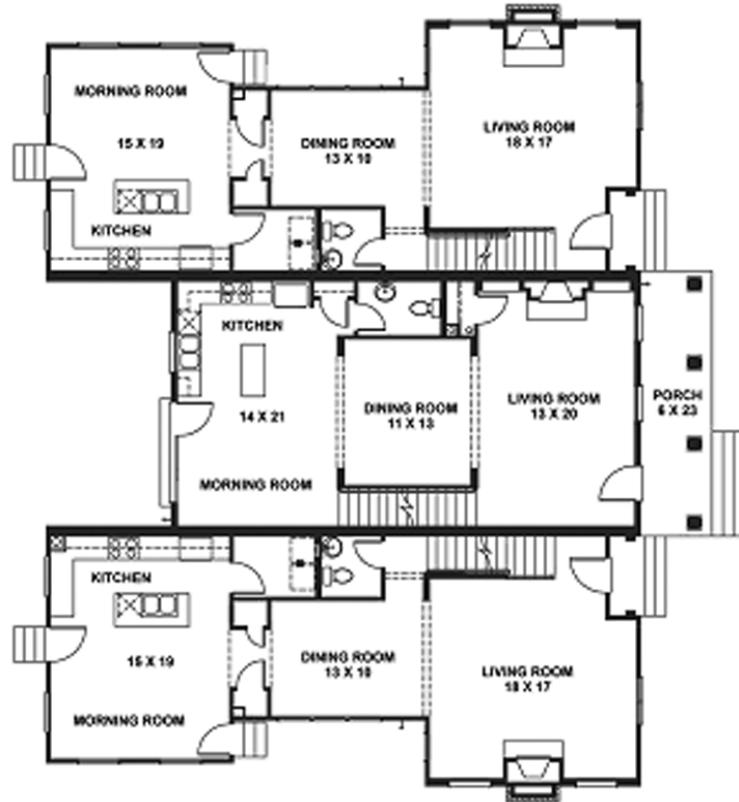
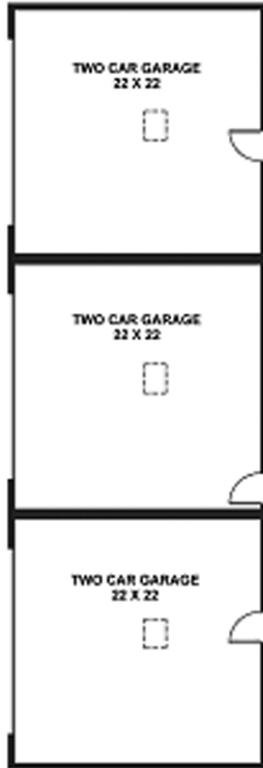
5849 Clemens (Former Hamilton Branch II) C.B. 4544



5849 Clemens (Former Hamilton Branch II) C.B. 4545



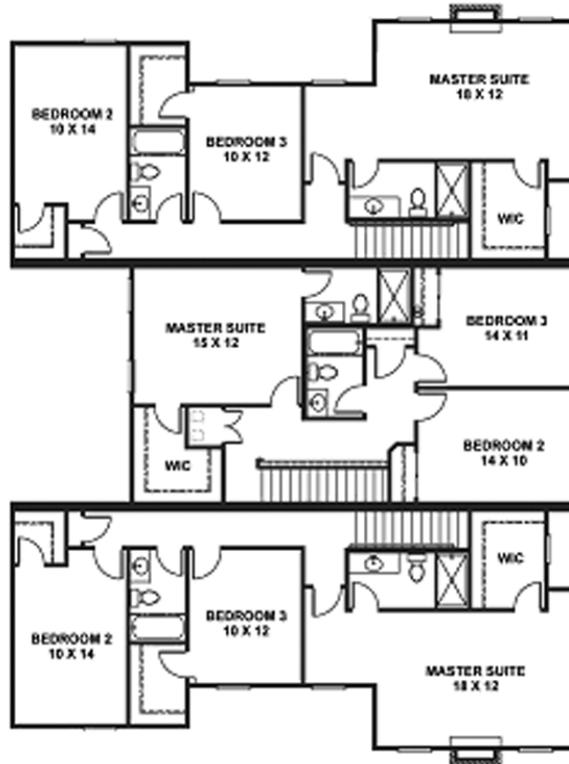
# MANSION



## FIRST FLOOR

ALL DIMENSIONS AND DRAWINGS ARE APPROXIMATE AND WILL VARY SLIGHTLY DURING CONSTRUCTION - SEE PLANS

# MANSION



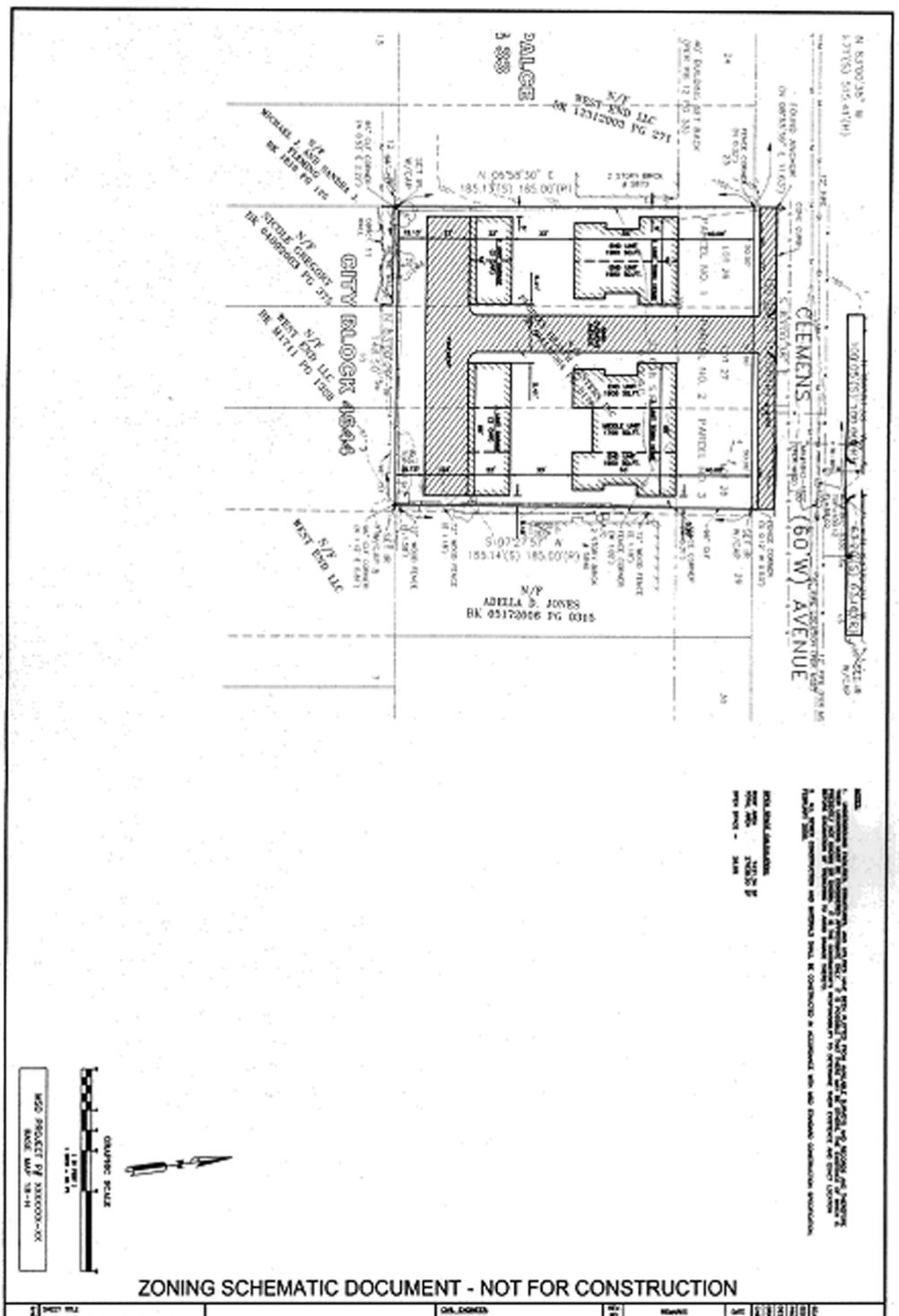
## SECOND FLOOR

ALL DIMENSIONS AND DRAWINGS ARE APPROXIMATE AND WILL VARY SLIGHTLY DURING CONSTRUCTION - SEE PLANS









Approved: June 11, 2007