# AGENDA REVIEW MEETING
# CHESTERFIELD CITY COUNCIL
# VIRTUAL MEETING VIA ZOOM
# MONDAY, DECEMBER 7, 2020
# 6:15PM
# https://zoom.us/j/93407938500
# 312 626 6799
# Webinar ID: 934 0793 8500

**I. Appointments**

**A. Board of Adjustment – Brendan Block**

**B. Bill No. 3321 – City Attorney (First & Second Reading)**

**II. Planning and Public Works Committee** – Chairperson Dan Hurt, Ward III

**A. Bill No. 3319 - Public Street Acceptance - Warwick on White Road Subdivision** An ordinance pertaining to the acceptance of Warwick Gate Drive and Whetherly Landing as public streets in the City of Chesterfield **(Second Reading) Planning & Public Works Committee recommends approval.**

**B. Bill No. 3320 - COVID-19 Ordinance Extension** An ordinance granting the City Administrator and Director of Planning the authority to suspend the application or enforcement of ordinances as necessary to support the reopening of businesses across the City of Chesterfield and protect the public health, safety, and general welfare during this period**. (Second Reading) Planning & Public Works Committee recommends approval.**

**C. Downtown Chesterfield Category C, Lot A (WILDHORSE) - Sign Package** A request for a Sign Package to establish sign criteria for a 7.3 acre tract of land located northeast of the intersection of Wild Horse Creek Road and Old Chesterfield Road. (**Voice Vote) Planning Commission recommends approval, as submitted. Planning & Public Works Committee recommends approval, as amended.**

**D. Bill No. 3322 - P.Z. 06-2020 15310 Conway Road (SMS Group)** An ordinance repealing City of Chesterfield Ordinance 2463 and replacing it with an ordinance amending the development criteria for a 1.49 acre "PC" Planned Commercial District located at the southwest corner of the intersection of Chesterfield Parkway East and Conway Road (P.Z. 06-2020 15310 Conway Road {SMS Group, LLC} 18S310557). **(First Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**

**E. Next Meeting – December 10, 2020 (5:30pm)**

**III. Finance and Administration Committee** – Chairperson Barb McGuinness, Ward I

**A. Citizen of the Year Selection Committee**

**B. Bill No. 3323 – Political Signs**

**IV. Parks, Recreation and Arts Committee** – Chairperson Michelle Ohley, Ward IV

**V. Public Health and Safety Committee** – Chairperson Ben Keathley, Ward II

**VI. Report from the City Administrator & Other Items Requiring Action by City Council** – Mike Geisel

**VII. Other Legislation**

**A. Bill No. 3324 - Upper Kehrs Mills, Lots 1 and 2 – Boundary Adjustment Plat** An ordinance providing for the approval of a Boundary Adjustment Plat for a tract of land totaling 10.3 acres zoned "NU" Non-Urban District located east of Kehrs Mill Road and north of Bottlebrush Court (19U530457).**(First & Second Readings) Department of Planning recommends approval**

**B. Bill No. 3325 – Brandywine NID Bonds (First & Second Reading) (Roll Call Vote)**

**VIII. Unfinished Business** – Mayor Bob Nation

**IX. New Business** – Mayor Bob Nation

**X. Adjournment**

***NOTE:*** *City Council will consider and act upon the matters listed above and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.*

***Notice*** *is hereby given that the City Council may also hold a closed meeting for the purpose of dealing with matters relating to one or more of the following: legal actions, causes of action, litigation or privileged communications between the City's representatives and its attorneys (RSMo 610.021(1) 1994; lease, purchase or sale of real estate (RSMo 610.021(2) 1994; hiring, firing, disciplining or promoting employees with employee groups (RSMo 610.021(3)1994; Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups (RSMo 610.021(9) 1994; and/or bidding specification (RSMo 610.021(11) 1994.*

# AGENDA
# CITY COUNCIL MEETING
# VIRTUAL MEETING VIA ZOOM
# MONDAY, DECEMBER 7, 2020
# 7:00PM

**https://zoom.us/j/96933101708**
**312 626 6799**
**Webinar ID: 969 3310 1708**

**I. CALL TO ORDER** – Mayor Bob Nation

**II. PLEDGE OF ALLEGIANCE** – Mayor Bob Nation

**III. MOMENT OF SILENT PRAYER** – Mayor Bob Nation

**IV. ROLL CALL** – City Clerk Vickie McGownd

**V. APPROVAL OF MINUTES** – Mayor Bob Nation

**A. City Council Meeting Minutes** – November 16, 2020

**B. Public Hearing Minutes** – November 16, 2020

**VI. INTRODUCTORY REMARKS** – Mayor Bob Nation

**A. Thursday, December 10, 2020 – Planning & Public Works (5:30pm)**

**B. Monday, December 14, 2020 – Planning Commission (7pm)**

**C. Tuesday, December 15, 2020 – Candidate Filing Opens (8am)**

**D. Thursday, December 24, 2020 – City Hall Closed – Christmas Eve**

**E. Friday, December 25, 2020 – City Hall Closed – Christmas Day**

**F. Monday, January 4, 2021 – City Council (7pm)**

**VII. COMMUNICATIONS AND PETITIONS** – Mayor Bob Nation

## VIII. APPOINTMENTS – Mayor Bob Nation

**A. Board of Adjustment Nominee – Brendan Block**

**B. Bill No. 3321 – City Attorney (First & Second Reading)**

## IX. COUNCIL COMMITTEE REPORTS

**A. Planning and Public Works Committee** – Chairperson Dan Hurt, Ward III

1. **Bill No. 3319 - Public Street Acceptance - Warwick on White Road Subdivision** An ordinance pertaining to the acceptance of Warwick Gate Drive and Whetherly Landing as public streets in the City of Chesterfield **(Second Reading) Planning & Public Works Committee recommends approval.**

2. **Bill No. 3320 - COVID-19 Ordinance Extension** An ordinance granting the City Administrator and Director of Planning the authority to suspend the application or enforcement of ordinances as necessary to support the reopening of businesses across the City of Chesterfield and protect the public health, safety, and general welfare during this period**. (Second Reading) Planning & Public Works Committee recommends approval.**

3. **Downtown Chesterfield Category C, Lot A (WILDHORSE) - Sign Package** A request for a Sign Package to establish sign criteria for a 7.3 acre tract of land located northeast of the intersection of Wild Horse Creek Road and Old Chesterfield Road. (**Voice Vote) Planning Commission recommends approval, as submitted. Planning & Public Works Committee recommends approval, as amended.**

4. **Bill No. 3322 - P.Z. 06-2020 15310 Conway Road (SMS Group)** An ordinance repealing City of Chesterfield Ordinance 2463 and replacing it with an ordinance amending the development criteria for a 1.49 acre "PC" Planned Commercial District located at the southwest corner of the intersection of Chesterfield Parkway East and Conway Road (P.Z. 06-2020 15310 Conway Road {SMS Group, LLC} 18S310557). **(First Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**

5. **Next Meeting – December 10, 2020 (5:30pm)**

**B. Finance and Administration Committee** – Chairperson Barb McGuinness, Ward I

1. **Citizen of the Year Selection Committee**

2. **Bill No. 3323 – Political Signs**

**C. Parks, Recreation and Arts Committee** – Chairperson Michelle Ohley, Ward IV

**D. Public Health and Safety Committee** – Chairperson Ben Keathley, Ward II

## X. REPORT FROM THE CITY ADMINISTRATOR – Mike Geisel

## XI. OTHER LEGISLATION

**A. Bill No. 3324 - Upper Kehrs Mills, Lots 1 and 2 – Boundary Adjustment Plat**
An ordinance providing for the approval of a Boundary Adjustment Plat for a tract of land totaling 10.3 acres zoned "NU" Non-Urban District located east of Kehrs Mill Road and north of Bottlebrush Court (19U530457). **(First & Second Readings) Department of Planning recommends approval**

**B. Bill No. 3325 – Brandywine NID Bonds (First & Second Reading) (Roll Call Vote)**

## XII. UNFINISHED BUSINESS – Mayor Bob Nation

## XIII. NEW BUSINESS – Mayor Bob Nation

## XIV. ADJOURNMENT

***Public comment will be available to users logging in online. Public comment will also be available to users calling in to the meeting; however, you must call (636) 537-6716 no later than 5:00 p.m. on the day of the meeting to inform the City Clerk of the telephone number you will be calling in from.***

***Members of the public may also submit comments for this meeting by calling (636) 537-6716 and leaving a message or by emailing vmcgownd@chesterfield.mo.us no later than 5:00 p.m. on the day of the meeting. Comments left over voicemail and emailed in will be read at the meeting.***

# RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL
OF THE CITY OF CHESTERFIELD
AT 690 CHESTERFIELD PARKWAY WEST

## NOVEMBER 16, 2020

The meeting was called to order at 7 p.m.

Mayor Bob Nation led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

A roll call was taken with the following results:

| PRESENT | ABSENT |
|---|---|
| Mayor Bob Nation | |
| Councilmember Mary Monachella | |
| Councilmember Barbara McGuinness | |
| Councilmember Ben Keathley | |
| Councilmember Mary Ann Mastorakos | |
| Councilmember Dan Hurt | |
| Councilmember Michael Moore | |
| Councilmember Tom DeCampi | |
| Councilmember Michelle Ohley | |

## APPROVAL OF MINUTES

The minutes of the November 2, 2020 City Council meeting were submitted for approval. Councilmember Moore made a motion, seconded by Councilmember Mastorakos, to approve the November 2, 2020 City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the November 2, 2020 Executive Session were submitted for approval. Councilmember Keathley made a motion, seconded by Councilmember Monachella, to approve the November 2, 2020 Executive Session minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## INTRODUCTORY REMARKS

Mayor Nation announced that the next meeting of City Council is scheduled for Monday, December 7, at 7 p.m.

## COMMUNICATIONS AND PETITIONS

Ms. Susan Piazza, Republic Services, stated that she was available to answer questions if called upon. Councilmember McGuinness and Councilmember Monachella expressed concern about Ladue Trails yard waste not being completely picked up on the previous Friday.

## APPOINTMENTS

There were no appointments.

## COUNCIL COMMITTEE REPORTS AND ASSOCIATED LEGISLATION

### Planning/Public Works Committee

Councilmember Dan Hurt, Chairperson of the Planning/Public Works Committee, made a motion, seconded by Councilmember Monachella, to fund the Snow Removal Reimbursement Program for the 2020-2021 winter season with a fund transfer from the General Fund – Fund Reserve in the amount of $167,071. A roll call vote was taken with the following results: Ayes – Keathley, Ohley, Monachella, DeCampi, McGuinness, Moore, Mastorakos and Hurt. Nays – None. Whereupon Mayor Nation declared the motion passed.

Councilmember Hurt made a motion, seconded by Councilmember Moore, to fund the 2021 Emerald Ash Borer Program with a fund transfer from the General Fund – Fund Reserve in the amount of $475,000. A roll call vote was taken with the following results: Ayes – McGuinness, Keathley, Hurt, Monachella, DeCampi, Ohley, Moore and Mastorakos. Nays – None. Whereupon Mayor Nation declared the motion passed.

Councilmember Hurt made a motion, seconded by Councilmember Monachella, to authorize the purchase of a replacement emergency generator for the Public Works Facility, using $58,800 of existing budgeted funds. A roll call vote was taken with the following results: Ayes – Monachella, Moore, DeCampi, Keathley, McGuinness, Mastorakos, Ohley and Hurt. Nays – None. Whereupon Mayor Nation declared the motion passed.

Councilmember Hurt made a motion, seconded by Councilmember DeCampi, to authorize the City Administrator to enter into a funding agreement with the Monarch-Chesterfield Levee District in the amount of $101,000 for earthwork related to the Monarch-Chesterfield Levee Trail. Funding for this work is to be reimbursed by the Chesterfield Valley Transportation Development district. Discussion ensued. There was general support for the earthwork, but several Councilmembers expressed concern about the potential for eminent domain and easement acquisition. A roll call vote was taken with the following results: Ayes – Monachella, McGuinness, Moore, Mastorakos, Keathley, Ohley, DeCampi and Hurt. Nays – None. Whereupon Mayor Nation declared the motion passed.

Bill No. 3319 Pertains to the acceptance of Warwick Gate Drive and Whetherly Landing as public streets in the City of Chesterfield **(First Reading) Planning & Public Works Committee recommends approval**

Councilmember Hurt made a motion, seconded by Councilmember Ohley, for the first reading of Bill No. 3319. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3319 was read for the first time.

Bill No. 3320 Grants the City Administrator and Director of Planning the authority to suspend the application or enforcement of ordinances as necessary to support the reopening of businesses across the City of Chesterfield and protect the public health, safety, and general welfare during this period **(First Reading) Planning & Public Works Committee recommends approval**

Councilmember Hurt made a motion, seconded by Councilmember Ohley, for the first reading of Bill No. 3320. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3320 was read for the first time.

Councilmember Hurt announced that the next meeting of this Committee is scheduled for Thursday, November 19, at 5:30 p.m.

**Finance and Administration Committee**

Councilmember Barbara McGuinness, Chairperson of the Finance and Administration Committee, made a motion, seconded by Councilmember Moore, to approve a proposed resolution adopting the FY2021 budget as recommended by the Finance and Administration Committee of the Whole. A roll call vote was taken with the following results: Ayes – Mastorakos, Hurt, McGuinness, DeCampi, Monachella, Keathley, Ohley and Moore. Nays – None. The motion was declared passed and the successful resolution became Chesterfield Resolution No. 464.

Councilmember McGuinness announced that the next meeting of this Committee is scheduled for Monday, November 30, at 4:00 p.m.

## Parks, Recreation & Arts Committee

Councilmember Michelle Ohley, Chairperson of the Parks, Recreation & Arts Committee, indicated that she had no action items this evening.

## Public Health & Safety Committee

Councilmember Ben Keathley, Chairperson of the Public Health & Safety Committee, indicated that he had no action items this evening.

## REPORT FROM THE CITY ADMINISTRATOR

Councilmember Mastorakos made a motion, seconded by Councilmember Keathley, to approve a proposed resolution declaring the Brandywine Neighborhood Improvement District complete and authorizing the levy of special assessments on the benefitted properties. A roll call vote was taken with the following results: Ayes – Mastorakos, Monachella, DeCampi, Ohley, McGuinness, Hurt, Keathley and Moore. Nays – None. The motion was declared passed and the successful resolution became Chesterfield Resolution No. 465.

City Administrator Mike Geisel reported that The Factory, located at 17105 North Outer 40 Road, has requested a new liquor license for retail sale of all kinds of intoxicating liquor by the drink, to be consumed on premise, and Sunday sales. Mr. Geisel reported that, per City policy, this application has been reviewed and is now recommended for approval by both the Police Department and Planning & Development Services. Councilmember Ohley made a motion, seconded by Councilmember Keathley, to approve issuance of a new liquor license to The Factory. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## OTHER LEGISLATION

There was no other legislation.

## UNFINISHED BUSINESS

There was no unfinished business.

## NEW BUSINESS

There was no new business.

## ADJOURNMENT

There being no further business to discuss, Mayor Nation adjourned the meeting at 8:04 p.m.

Mayor Bob Nation

ATTEST:

Vickie McGownd, City Clerk

APPROVED BY CITY COUNCIL: _____

# RECORD OF PROCEEDING

## PUBLIC HEARING OF THE CITY COUNCIL
## OF THE CITY OF CHESTERFIELD
## 690 CHESTERFIELD PARKWAY WEST

## NOVEMBER 16, 2020

Mayor Nation called the Public Hearing to order at 6:45 p.m. Councilmembers McGuinness, Monachella, Mastorakos, Keathley, Hurt, Moore, Ohley and DeCampi were in attendance, along with approximately ten attendees/members of the Press.

Section 3 of Ordinance No. 10 requires the City Administrator to prepare and submit a budget for City Council to consider/adopt, prior to January 1 of each year. Section 4 of Ordinance No. 10 requires that a Public Hearing be held prior to the adoption of the budget. This budget presentation satisfies all requirements of Ordinance No. 10.

Mayor Nation recognized Finance Director Jeannette Kelly who noted that the budget has been created around the City's Mission Statement. The initial budget was submitted to Council and two budget workshops followed on October 6 and October 27.

Ms. Kelly stated that each department reviewed their respective budget, delaying expenditures wherever possible in anticipation of reduced revenues due to the pandemic. Budgeted revenues for FY2021 are estimated at $37.6 million in the four major funds. This is $1.5 million below the FY2020 adopted budget. Budgeted expenditures for FY2021 are estimated at $35.9 million which is $1.5 million below the FY2020 adopted budget. The proposed FY2021 budget provides for $1.6 million net revenues over expenditures for the four major funds.

Ms. Kelly noted that the FY2021 budget includes estimated compensation for proposed step increases for the Fraternal Order of Police (FOP) – currently in negotiations – as well as a 2.5% merit pool increase for non-FOP employees effective July 1, 2021.

## Capital Improvement Sales Tax Fund

The Capital Improvement Sales Tax Fund is self-sufficient since it is funded from the ½ cent sales tax, approved in 1996, as Propositions "R" and "S." Ms. Kelly stated that the City only receives 85% of the total money it gets from the ½ cent sales tax, due to a statutory requirement that the City share 15% of the total with the St. Louis County sales tax pool.

Ms. Kelly reported that revenues in the Capital Improvement Sales Tax Fund are budgeted at $5.4 million in FY2021 compared to $5.7 million in the FY2020 adopted budget. Proposed expenditures for FY2021 are budgeted at $4.9 million for capital projects and improvements.

The Capital Improvement Sales Tax Fund Reserve balance is estimated to be $63,904 as of December 31, 2020. Based on the proposed FY2021 budget, the Capital Improvement Sales Tax Fund Reserve is estimated to have an ending balance of $546,184 as of December 31, 2021 (an increase of $482,280). The City does not generally intend to carry a fund balance in this fund; however, the balance is affected by timing of projects.

## Parks Sales Tax Fund

Ms. Kelly stated that the passage of Proposition" P", in November 2004, resulted in the creation of a Parks Sales Tax Fund, which funds all parks and recreation activities. The Parks Fund is supported by a ½ cent sales tax and, unlike the General Fund Sales Tax and the Capital Improvement Sales Tax, the City receives 100% of the revenues from this tax.

City Council has previously earmarked $3.5 million to pre-pay Parks debt service. A portion of these funds is used to provide uniform debt service payments of approximately $2.8 million annually in the years 2021 through 2025.

Ms. Kelly reported that revenues in the Parks Sales Tax Fund are budgeted at $6.4 million in FY2021 compared to $6.7 million in the FY2020 adopted budget. Proposed expenditures for FY2021 are $110,824 less than FY2020.

The Parks Sales Tax Fund Reserve balance is estimated to be $1.9 million as of December 31, 2020. Based on the proposed FY2021 budget, the Parks Sales Tax Fund Reserve, with reduced revenues and expenditures due to the pandemic, is estimated to have an ending balance of $1.9 million as of December 31, 2021. As a reminder, the 40% reserve policy does not apply to this fund.

## Public Safety Fund

Ms. Kelly explained that the Public Safety Fund was created in FY2018 and acts as a net zero fund balance budget. Budgeted sales tax revenues for FY2021 are 6% lower than the FY2020 adopted budget and 5% lower than FY2019 actual budget. By fund

definition, revenues equal expenditures; therefore, any shortfall of revenues is funded by a transfer from the General Fund. This transfer amount is estimated to be $8.2 million in FY2021 ($848,000 higher than FY2019 actual).

**General Fund**

City Council has previously earmarked $2.5 million to pre-pay City Hall debt which fully funds the last two years of debt service.

Ms. Kelly reported that revenues in the General Fund are projected to total $20 million in FY2021 (5.7% lower than the FY2020 budget). Expenditures for FY2021 are projected to total $18.8 million. With reduced revenues and expenditures due to the pandemic, the ending fund balance for FY2021 is estimated to be $10 million. Ms. Kelly reminded Council that this fund balance reflects the anticipated Coronavirus Aid, Relief and Economic Security (CARES) funding of $3.3 million as well as the $3.9 million cash contribution for Downtown Chesterfield "Fairgrounds" land acquisition and refunding of Certificates of Participation Series 2014 debt in FY2020.

The General Fund – Fund Reserve balance is estimated to be $929,638 over the 40% policy threshold as of December 31, 2020. Based on the proposed FY2021 budget, the General Fund – Fund Reserve is estimated to have an ending balance of $10 million as of December 31, 2021. If Council approves funding of the FY2021 Emerald Ash Borer and Snow Removal Reimbursement programs, the unreserved General Fund – Fund Reserve balance is projected to be $9.3 million ($1.8 million above the 40% policy threshold) as of December 31, 2021.

**ADJOURNMENT**

There being no public discussion or comment, Mayor Nation adjourned the meeting at 6:58 p.m.

_____

Mayor Bob Nation

ATTEST:

_____

Vickie McGownd, City Clerk

City of Chesterfield
Excess Checks (=> $5,000)
November 2020

| DATE | CHECK # | VENDOR | DESCRIPTION | CHECK AMT | FUND |
|---|---|---|---|---|---|
| 11/6/2020 | 46275 | AQUATIC CONTROL INC | 5HP POWER UNIT, FLOW STRAIGHTERER, PPE CABLE, CABLE ASSY, LABOR, | $ 7,443.50 | 119 |
| 11/6/2020 | 46276 | COLLECTOR OF REVENUE | MONARCH LEVEE TAXES-17891 N OUTER 40 RD | 37,446.67 | 119 |
| 11/6/2020 | 62109 | COLLECTOR OF REVENUE | 2020 LEVEE TAX BILLS FOR: 165 PUBLIC WORKS DRIVE; 17526 EDISON AVE; 17159 EDISON AVE A; 18490 OUTLET BLVD; 545 WAREDENBERG RD; 18770 OLIVE STREET RD; 690 CHESTERFIELD PKWY WEST RD; 16838 CHESTERFIELD AIRPORT RD; AND 18774 OLIVE STREET RD | 21,554.52 | 001 |
| 11/6/2020 | 62111 | DELTA DENTAL OF MISSOURI | NOV 2020 DENTAL INSURANCE-LOW & HIGH | 13,638.27 | 001 |
| 11/6/2020 | 62115 | ENERGY PETROLEUM CO. | #2 ULTRA LS DIESEL - PARKS, NO LEAD 87 OCT RFG - PARKS, NL PLUS 89 OCT RFG (7,216.0) | 11,080.48 | 001 |
| 11/6/2020 | 62119 | GREG GLANDT ROOFING, INC. | PWF ROOF REPLACEMENT-EQUIPMENT & MATERIAL STORAGE BLDGS | 62,893.80 | 120 |
| 11/6/2020 | 62123 | J. M. MARSCHUETZ | BRANDYWINE NID PROJECT | 20,524.51 | 120 |
| 11/6/2020 | 62124 | J. M. MARSCHUETZ | 2020 SELECTIVE SLAB REPLACEMENT PROJECT B | 19,976.12 | 120 |
| 11/6/2020 | 62137 | ST. LOUIS AREA HEALTH INSURANCE TRUST-MEDICAL | NOV 2020 HEALTH INSURANCE | 193,791.11 | 001 |
| 11/6/2020 | 62139 | THE HARTFORD-PRIORITY ACCOUNTS | NOV 2020 LIFE INSURANCE | 10,433.15 | 001 |
| 11/6/2020 | 62141 | TREASURER-ST. LOUIS COUNTY | POLICE COMMUNICATIONS OCT 2020 | 16,260.38 | 121 |
| 11/12/2020 | 62149 | AMERICAN READY MIX CO. | 2018-2019 CONCRETE | 5,316.50 | 001 |
| 11/12/2020 | 62153 | CONTRACTORS & MUNICIPAL | FALL SWEEP 10/5-10/28/2020 | 11,975.00 | 001 |
| 11/12/2020 | 62171 | LANDMARK SIGN COMPANY LLC | POLE BANNERS 2020 | 11,075.77 | 001 |
| 11/12/2020 | 62190 | TOPE PLUMBING | 204 RIVER BEND - SEWER REPAIR | 6,201.00 | 110 |
| 11/12/2020 | 62191 | TOPE PLUMBING | 128 SAYLESVILLE - SEWER REPAIR | 5,004.00 | 110 |
| 11/12/2020 | 62198 | BACKSTOPPERS | DISTRIBUTION TO BACKSTOPPERS | 21,436.00 | 001 |
| 11/19/2020 | 62200 | AMCON MUNICIPAL CONCRETE, LLC | 2020 SIDEWALK REPLACEMENT-B | 47,947.26 | 120 |
| 11/19/2020 | 62203 | AMEREN MISSOURI | 690 CHESTERFIELD PKWY W-0627147004 | 7,617.09 | 001 |
| 11/19/2020 | 62211 | CLAYMONT DEVELOPMENT, L.L.C. | LCE RELEASE - FIENUP FARMS, LOTS 202,203,204,205,206,210.... | 18,000.00 | 808 |
| 11/19/2020 | 62224 | HORNER & SHIFRIN INC. | DESIGN SERVICES-EBERWEIN PARK | 9,233.55 | 120 |
| 11/19/2020 | 62231 | LOU FUSZ DODGE | POLICE VEHICLE-DODGE DURANGO PURSUIT AWD | 30,343.00 | 121 |
| 11/19/2020 | 62233 | MCBRIDE & SON HOMES, INC. | LCE RELEASE-FIENUP FARMS, LOTS 9,12,17,18,23,36,67,69,76 | 13,500.00 | 808 |
| 11/19/2020 | 62250 | ZUMWALT CORPORATION | 14' OVERHEAD ROLLING DOOR | 8,215.00 | 001 |
| 11/25/2020 | 62277 | MICHAEL AND JENNIFER CODY | GRADING SURETY RELEASE-226 FICK FARM ROAD, G-109-20 | 5,000.00 | 808 |
| 11/25/2020 | 62295 | THE GRAVILLE LAW FIRM, LLC | MAY/JUNE/JULY 2020 PROFESSIONAL SERVICES | 82,611.00 | 001 |
| | | | | $ 698,517.68 | |

Respectfully submitted by,
John Hughes, Assistant Finance Director

Fund Legend

| | |
|---|---|
| General Fund | 001 |
| Sewer lateral fund | 110 |
| Parks | 119 |
| Capital Improvements | 120 |
| Public Safety | 121 |
| Trust & Agency | 808 |

# AGENDA REVIEW – MONDAY 12/7/2020 – 6:15 PM

An AGENDA REVIEW meeting has been scheduled to start at **6:15 PM, on Monday, December 7, 2020.**

**Please note:**
**There are two separate meetings, each of which will require a separate login and each will have distinct, different login invitations.** This is necessary in order to provide full and complete transparency for both meetings.

We will have to initially log in to our Work Session meeting at 6:15 p.m. After conducting the routine work session per our normal processes, we will close that meeting and move into our regular meeting prior to 7 PM. These meetings generally allow users to log in up to 15 minutes prior to the actual meeting.

Please let me know, ASAP, if you will be unable to attend this meeting.

## UPCOMING MEETINGS/EVENTS

**A. Thursday, December 10, 2020 – Planning & Public Works (5:30pm)**

**B. Monday, December 14, 2020 – Planning Commission (7pm)**

**C. Tuesday, December 15, 2020 – Candidate Filing Opens (8am)**

**D. Thursday, December 24, 2020 – City Hall Closed – Christmas Eve**

**E. Friday, December 25, 2020 – City Hall Closed – Christmas Day**

**F. Monday, January 4, 2021 – City Council (7pm)**

## APPOINTMENTS

Mayor Nation has nominated Brendan Block for appointment to the Board of Adjustment. The BOA is a statutory committee. As such, Mayor Nation has made the nomination and City Council is requested to vote, to express their consent to Mr. Block's appointment. A voice vote is required.

Mayor Nation has nominated Chris Graville for re-appointment as the Chesterfield City Attorney. Accordingly, Bill #3321 has been prepared and is in your packet for consideration and action. Two readings are requested, since Ordinance #2928 specifically indicates that Mr. Graville's initial term shall end not later than December 6th, 2020.

If you have any questions or require additional information, please contact me prior to Monday's meeting.

City of Chesterfield

**DATE:** **November 30, 2020**

**TO:** **Michael O. Geisel, City Administrator**

**FROM:** **Vickie McGownd, City Clerk**

**SUBJECT:** **Statutory Committee Appointment**

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Mayor Nation intends to nominate the following individual for appointment at the December 7, 2020 City Council meeting:

**Board of Adjustment**

Brendan Block
1272 Fienup Lake Drive
Chesterfield, MO 63005
314-324-1240
bblocklawstl@gmail.com
Ward IV
New term expires 12/7/25

Please add this appointment to the December 7 City Council agenda.

**BILL NO. 3321** **ORDINANCE NO. _____**

# AN ORDINANCE RE-APPOINTING CHRISTOPHER GRAVILLE AS CITY ATTORNEY

**WHEREAS**, Interim City Attorney Christopher Graville was appointed as the City's Interim City Attorney by Resolution 423 on April 20th, 2016 to serve at the pleasure of the Mayor and City Council until an attorney was named to represent the City; and

**WHEREAS**, Christopher Graville was appointed as the City's City Attorney by Ordinance 2928 on December 5th, 2016 to serve at the pleasure of the Mayor and City Council for a term designated to expire not later than December 6th, 2020; and

**WHEREAS**, The Mayor has nominated Christopher Graville for re-appointment as the City Attorney, to serve at the pleasure of the Mayor and City Council for a term expiring not later than December 6th, 2024 pursuant to the power and authority vested in the Mayor to appoint positions granted to him pursuant to Section 77.330 R.S.Mo, and pursuant to Chesterfield City Code section 120.160 and Section 77.370 R.S.Mo.; and

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

**Section 1.** Christopher Graville shall assume the position of City Attorney, to serve at the pleasure of the Mayor and City Council. Said appointment shall become effective immediately and the term of appointment shall terminate not later than December 6th, 2024.

**Section 2.** Terms and conditions of Mr. Graville's appointment are unchanged from the "Agreement" incorporated into Ordinance 2928.

**Section 3.** The Mayor is authorized to execute the Agreement.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS 7th DAY OF DECEMBER, 2020.

_____ _____

PRESIDING OFFICER MAYOR – BOB NATION

ATTEST:

_____

VICKIE MCGOWND, CITY CLERK

First Reading Held: _____

## PLANNING AND PUBLIC WORKS COMMITTEE

**Chair: Councilmember Hurt**
**Vice-Chair: Councilmember Ohley**

**The Planning and Public Works Committee has the following action items for the December 7th, 2020 City Council Meeting.**

**Bill No. 3319 - Public Street Acceptance - Warwick on White Road Subdivision** An ordinance pertaining to the acceptance of Warwick Gate Drive and Whetherly Landing as public streets in the City of Chesterfield **(Second Reading) Planning & Public Works Committee recommends approval.**

**Bill No. 3320 - COVID-19 Ordinance Extension** An ordinance granting the City Administrator and Director of Planning the authority to suspend the application or enforcement of ordinances as necessary to support the reopening of businesses across the City of Chesterfield and protect the public health, safety, and general welfare during this period**. (Second Reading) Planning & Public Works Committee recommends approval.**

**Downtown Chesterfield Category C, Lot A (WILDHORSE) - Sign Package** A request for a Sign Package to establish sign criteria for a 7.3 acre tract of land located northeast of the intersection of Wild Horse Creek Road and Old Chesterfield Road. (**Voice Vote) Planning Commission recommends approval, as submitted. Planning & Public Works Committee recommends approval, as amended.**

**Bill No. 3322 - P.Z. 06-2020 15310 Conway Road (SMS Group)** An ordinance repealing City of Chesterfield Ordinance 2463 and replacing it with an ordinance amending the development criteria for a 1.49 acre "PC" Planned Commercial District located at the southwest corner of the intersection of Chesterfield Parkway East and Conway Road (P.Z. 06-2020 15310 Conway Road {SMS Group, LLC} 18S310557). **(First Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**

**NEXT MEETING**

The next meeting of the Planning & Public Works Committee is scheduled for Thursday, December 10, 2020, at 5:30 pm.

If you have any questions or require additional information, please contact Director of Planning - Justin Wyse, Director of Public Works – Jim Eckrich, or me prior to Monday's meeting.

# MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Mike Knight, Assistant City Planner

SUBJECT: Planning & Public Works Committee Virtual Meeting Summary Thursday, November 19, 2020

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A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held virtually via Zoom on Thursday, November 19, 2020.

In attendance were: **Chair Dan Hurt,** (Ward III), **Councilmember Mary Monachella** (Ward I), **Councilmember Mary Ann Mastorakos** (Ward II), and **Councilmember Michelle Ohley** (Ward IV).

Also in attendance were: Mayor Bob Nation; Councilmember Michael Moore (Ward III); Planning Commission Chair Merrell Hansen; Mike Knight, Assistant City Planner; Chris Dietz, Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:31 p.m.

## I. APPROVAL OF MEETING SUMMARY

### A. Approval of the November 5, 2020 Committee Meeting Summary

**Councilmember Ohley made a motion to approve the Meeting Summary of November 5, 2020.** The motion was seconded by Councilmember Monachella and **passed by a voice vote of 4-0.**

## II. UNFINISHED BUSINESS

There was no unfinished business.

## III. NEW BUSINESS

### A. Board of Adjustment Nominee Interview

Chair Hurt introduced Brendan Block.

Brendan Block stated that he is a St. Louis native. His family moved to Fienup Farms last September. He is committed to living in Chesterfield as his law office is located in Chesterfield. He wants to serve Chesterfield in any way that he can and feels that his legal expertise will be beneficial to the Board of Adjustment Committee.

Councilmember Monachella inquired as to whether Mr. Block had any experience with zoning issues. Mr. Block replied that he took a class in real estate law during law school but he does not have a lot of experience with zoning. However, he is familiar with basic zoning laws, eminent

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domain, variances and setbacks. He believes that his attention-to-detail skills would be most helpful in this position.

In response to Councilmember Ohley's questions, Mr. Block replied that he specializes in criminal defense, traffic law, estate planning and contract drafting and negotiation. He added that he loves living in Fienup Farms noting that Chesterfield is a great place to raise a family and every convenience is located within five to ten minutes.

**Councilmember Ohley made a motion to forward the Board of Adjustment nomination of Brendan Block to City Council with a recommendation to approve.** The motion was seconded by Councilmember Mastorakos and **passed by a voice vote of 4-0.**

**B. POWER OF REVIEW: Downtown Chesterfield Category C, Lot A (WILDHORSE) Sign Package:** A request for a Sign Package to establish sign criteria for a 7.3-acre tract of land located northeast of the intersection of Wild Horse Creek Road and Old Chesterfield Road. (Ward 2)

**STAFF PRESENTATION**

Mike Knight, Assistant City Planner, explained that Section 405.04.050 of the City Code defines a series of standard signage in which City Staff can approve. If a development wishes to seek flexibility from the standard signage requirements, they must submit a request for a sign package. Great Lakes Capital has requested a sign package for Lot A of Downtown Chesterfield.

The project was reviewed by the Planning Commission on November 9, 2020 at which time the sign package was approved 7-1. Power of Review was then called on November 10, 2020.

**DISCUSSION**

Chair Hurt pointed out that there were primarily two issues that came up during the Planning Commission meeting: the number of proposed signs for the restaurant and the size of the monument sign fronting I-64. Chair Hurt requested that these two issues be discussed separately.

Councilmember Mastorakos stated that she called Power of Review because of the proposed location for two of the restaurant signs. She is opposed to the restaurant sign on the north façade and the east façade of the building because the signs would be located on a residential building. She believes that this would set a precedent and she is not sure that this is a precedent that the City wants to make. The sign on the north side of the building would be above two windows that would be residential. She would also prefer that the sign on the east side of the building be relocated on top of the actual tenant structure rather than on the apartment building. She realizes the applicant is looking for identification for the restaurant and the City does wants the restaurant to succeed; however, she did not think that the residential buildings should be adorned with restaurant advertising signs. If in the future the restaurant would leave, then the City would be setting a precedent for the future tenant to be able to put signs on residential buildings. Commercial signage on residential buildings may again come up with the development of Wildhorse Village and Chesterfield Mall. Councilmember Monachella concurred.

**Councilmember Mastorakos made a motion to amend the Downtown Chesterfield Category C, Lot A (Wildhorse) Sign Package to exclude the restaurant (Ruth Chris) tenant sign on the north façade of the building and to relocate the restaurant (Ruth Chris) tenant sign from the east façade of the multi-family building to the east façade of the restaurant tenant space.** The motion was seconded by Councilmember Monachella.



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**Discussion after the Motion**

Mr. Rich Obertino, TR,i Architects, stated that this is the first mixed-use building in Chesterfield. In reality, they are not putting signs on the 'apartment building' or 'retail building' as this is considered all one building. When uses are intermingled within a building such as this, one must be creative with the placement of signs. Since a restaurant is being placed inside an apartment building, they have found it very difficult to restrict themselves to the sign requirements. They are trying to put signs in places that are easily seen so patrons know what is inside the building; otherwise there is the possibility that they will drive by not knowing that this is a mixed-use building. While the restaurant does not have frontage on the north, it is hoped that Council would not prohibit them from having a sign there. He pointed out that if this were a free-standing 15,000 sq. ft. building, there would be signs on multiple sides of the building. The restaurant is integrated into the multi-use building and they feel they should not be penalized by not being able to identify themselves. The sign on the east side of the building has been placed higher because if it were lower, it would be on the outdoor dining space for the restaurant, which would not be very conducive to outdoor dining.

Chair Hurt agreed that signage is very important to retail, however, with the advent of GPS, signage is not as significant as it used to be. He further stated that the Stoney River Steak House is attached to the Drury Inn. If the City was to allow signage on different tenant spaces to uses that were attached to each other, then the Stoney River sign could be placed on top of the Drury. Mr. Knight confirmed that they could request the same. Chair Hurt commented that the retail community wants signage as high and as large as possible, but that is what Chesterfield is trying to keep under control.

Mr. Jeff Tegethoff, Owner, Developer of Wild Horse Village, then spoke and stated that this development would not have happened if not for Ruth's Chris. The building was designed around the restaurant. Before the property was purchased, there was an agreement with Ruth's Chris to design the whole building around them. He pointed out that across the street, there is a very large back-lit Dierberg's sign. If Dierberg's were to move and another tenant takes their place, they could place a sign on the building as well. This site is not much different than an office building where there are multiple users and only one tenant has their sign on the building. They want the building to be known as the "Ruth's Chris Building."

Regarding the sign on the east façade, Mr. Tegethoff pointed out that it is not conducive to put the sign on the tenant space and also allow for outdoor dining. The metal panels located there are not conducive to mounting signs on. He also feels that this is a very tasteful location for the sign noting that it is set back and the public will think it is Ruth's Chris' wall anyway. The sign is not dramatically out of place, and it is the desired place for where the sign can be located.

Councilmember Monachella stated that Ruth's Chris is a very well-known restaurant like Dominic's in Clayton, which is located at the bottom of a high-rise. At that location, there is only a monument sign out front and one around the corner where the parking lot is. This restaurant can be located quite easily so she does not see the need for the additional signage. Mr. Tegethoff replied that a large percentage of Ruth's Chris' business is driven by office users and from out of town visitors who do not identify with Ruth's Chris. Dominic's is a smaller, local operator that probably does one-tenth of the revenue that Ruth's Chris does. This site was chosen because of the visibility from a number of angles. Visible, clear signage will spark someone's interest and that is critical to the restaurant's success. This might be the largest Ruth's Chris restaurant in the County and they intend for this to be the number one performing Ruth's Chris in the country.

Councilmember Ohley stated that the proposed signage is fine noting that this is a new development and the future of Chesterfield. She feels that the City has the opportunity to make this particular site a one-of-a-kind, stand-out location.

**The above motion to amend the Sign Package passed by a voice vote of 3-1**, with Councilmember Ohley voting nay.

The Committee then discussed the monument sign facing I-64. Mr. Knight presented a slide depicting the location of the sign. He stated the sign is 120 ft. in length, which is approximately 14 parking spots. The maximum height is 10 ft. which tapers down to about 2 ft. in both directions. The signage area is 240 sq. ft.

Chair Hurt stated that the Planning Commission addressed the sign area during the Planning Commission meeting. He pointed out that frequently monument signs list multiple tenants but this particular monument will only say "Wildhorse." Typically, monument signs along I-64 are 50 or 60 sq. ft. This one is basically 5 times larger and has only one word. If the ownership were to change, the monument sign could include other tenants, however, the City cannot control content of the sign. Even more concerning is the size of the sign area. He would prefer that the sign area be at least half the size. Councilmember Monachella concurred and stated that if "Wildhorse" is the only word on the sign, then it should be reduced in size.

Councilmember Ohley again stated that the City has an opportunity to make this development unique. She feels that the sign is very tasteful and would look very attractive next to the berm.

In response to Councilmember Mastorakos' question, Mr. Knight provided information on other signs within the City for comparison.

**Councilmember Monachella made a motion to amend Downtown Chesterfield Category C, Lot A (Wildhorse) Sign Package to reduce the content size of the monument sign to 120 square feet.** The motion was seconded by Chair Hurt.

Councilmember Ohley stated that you cannot compare signs located on buildings to signs located at ground level. This monument sign will be located at a corner by a highway exit and the development needs recognition. Since this is the City's first multi-use development, she feels caution is needed in what the City is trying to regulate. She noted that things are changing, and what was good in the past may no longer be appropriate.

Mayor Nation stated that the City is extraordinarily fortunate to have this marquee development at a prime location that is directly adjacent to an interstate highway. It is common sense that the investors want to take advantage of the visibility, within good taste and within the City's guidelines. The City has to allow them every opportunity to be successful.

Chair Hansen stated that the Planning Commission discussed all the same issues, but they ultimately felt comfortable with the treatment of the signage. This is the City's first mixed-use building. It is very different and unique, and this is a good location for it.

Mr. Tegethoff explained that the monument sign is not for one development. There are essentially two developments within Wildhorse. This is a 99-acre planned development. This is the grand entry for a brand. It is his passion and mission to bring a world-class development to Chesterfield and St. Louis County. He is investing over $600 million dollars in this development, and pointed out that there is no other comparable development in Chesterfield, St. Louis County or the state of Missouri. He has delivered on his promise to bring Chesterfield a world-class building, a world-

class development and world-class vision for not just one building but a 99-acre planned development. He stated that to this point he has funded the entire building without any incentives from the City. They are creating a lifestyle and a brand and this is an opportunity for Chesterfield to plant a flag and say we mean serious business.

**The above motion to reduce the content size of the monument sign failed by a voice vote of 1-3** with Councilmembers Mastorakos, Ohley and Hurt voting nay.

**Councilmember Ohley made a motion to forward Downtown Chesterfield Category C, Lot A (Wildhorse) Sign Package, as amended, to City Council with a recommendation to approve.** The motion was seconded by Councilmember Mastorakos.

**Discussion after the Motion**
Mr. Knight clarified that the previously approved amended motion was to eliminate the restaurant sign on the north façade (Interstate I-64), and to move the restaurant sign on the east façade off the multi-family building and on the east façade of the restaurant tenant space.

**The above motion passed by a voice vote of 3-1** with Councilmember Ohley voting nay.

**[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on Downtown Chesterfield Category C, Lot A (Wildhorse Sign Package.]**

C. **P.Z. 06-2020 15310 Conway Road (SMS Group)**: A request to repeal and replace Ordinance 2463 to establish a new "PC" Planned Commercial District to modify development criteria for a tract of land totaling 1.492 acres located at the southwest corner of the intersection of Chesterfield Parkway East and Conway Road (18S310557). (Ward 2)

**STAFF PRESENTATION**
Chris Dietz, Planner, stated this is a request to amend the governing ordinance and to establish a new "PC" Planned Commercial District in order to modify development criteria for the site by changing structure and parking setback requirements and to update the list of permitted uses to reflect the same permitted uses for the adjacent site at 15320 Conway Road.

A Public Hearing was held on September 30, 2020. Several issues were raised including parking setbacks, landscape buffers, open space, building design, and public art. These issues have since been addressed and on November 9, the Planning Commission unanimously approved the Ordinance Amendment.

Mr. Dietz then presented a PowerPoint depicting the requested uses, structure setbacks and parking setbacks relative to 15320 Conway Road, the adjacent building.

**DISCUSSION**
Chair Hurt pointed out that there was discussion regarding the public art at the Planning Commission. It was suggested that the public art be located on the east side of the building as it would be more visible for traffic exiting the highway. Planning Commission Chair Merrell Hansen confirmed that the Commission was comfortable with the requested uses. She stated that this is a well-trafficked area, and while not knowing what the art piece would be, she suggested that the art could be suitable for a highly visible location.

**Councilmember Mastorakos made a motion to forward P.Z. 06-2020 15310 Conway Road (SMS Group) to City Council with a recommendation to approve.** The motion was seconded by Councilmember Ohley and **passed by a voice vote of 4-0.**

**Note: One Bill, as recommended by the Planning Commission, will be needed for the December 7, City Council Meeting. See Bill #**

**[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 06-2020 15310 Conway Road (SMS Group).]**

## IV. OTHER

As the City begins to move forward with the updated Comprehensive Plan, Planning Commission Chair Merrell Hansen suggested that the Ordinance germane to landscaping be looked at again. Because landscaping was such an important topic of the residents, she felt she should mention it. Mr. Knight explained that there is an landscape architect on the Architectural Review Board and as part of their process, they review all landscape plans before they are presented to the Planning Commission. The City's arborist also reviews landscape plans and Staff verifies that tree preservation is maintained. Mr. Knight stated that he would speak to Justin Wyse, Director of Planning about the best process to move forward with what the chair is looking to accomplish, and work to understand more specific information on what is needed and what areas need to be reviewed.

Councilmember Mastorakos agreed and stated that the City cannot keep going forward with business as usual. She pointed out that that the residents have been very vocal on greenspace, landscaping and loss of trees as this is very important to them. It is not just a matter of trees, but the whole green effect on the City. She is in favor of closer examination of what the Comprehensive Plan dictates and what the City has in place.

## V. ADJOURNMENT

The meeting adjourned at 7:00 p.m.

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BILL NO. __3319_____ ORDINANCE NO. _____

**AN ORDINANCE PERTAINING TO THE ACCEPTANCE OF WARWICK GATE DRIVE AND WHETHERLY LANDING AS PUBLIC STREETS IN THE CITY OF CHESTERFIELD**

WHEREAS, the City of Chesterfield has approved the construction of Warwick Gate Drive and Whetherly Landing; and

WHEREAS, the streets were intended to be public streets and were therefore constructed to the design standards of the Department of Public Works of the City of Chesterfield.

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

Section 1. The following streets are hereby accepted by the City of Chesterfield for future care and maintenance:

| | |
|---|---|
| (1) Warwick Gate Drive: | Approximately 955 feet; from White Road to Private Road Book 365, Page 319 |
| (2) Whetherly Landing: | Approximately 375 feet; from Warwick Gate Drive to Cul-de-Sac Book 365, Page 319 |

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2020.

_____ _____

PRESIDING OFFICER MAYOR

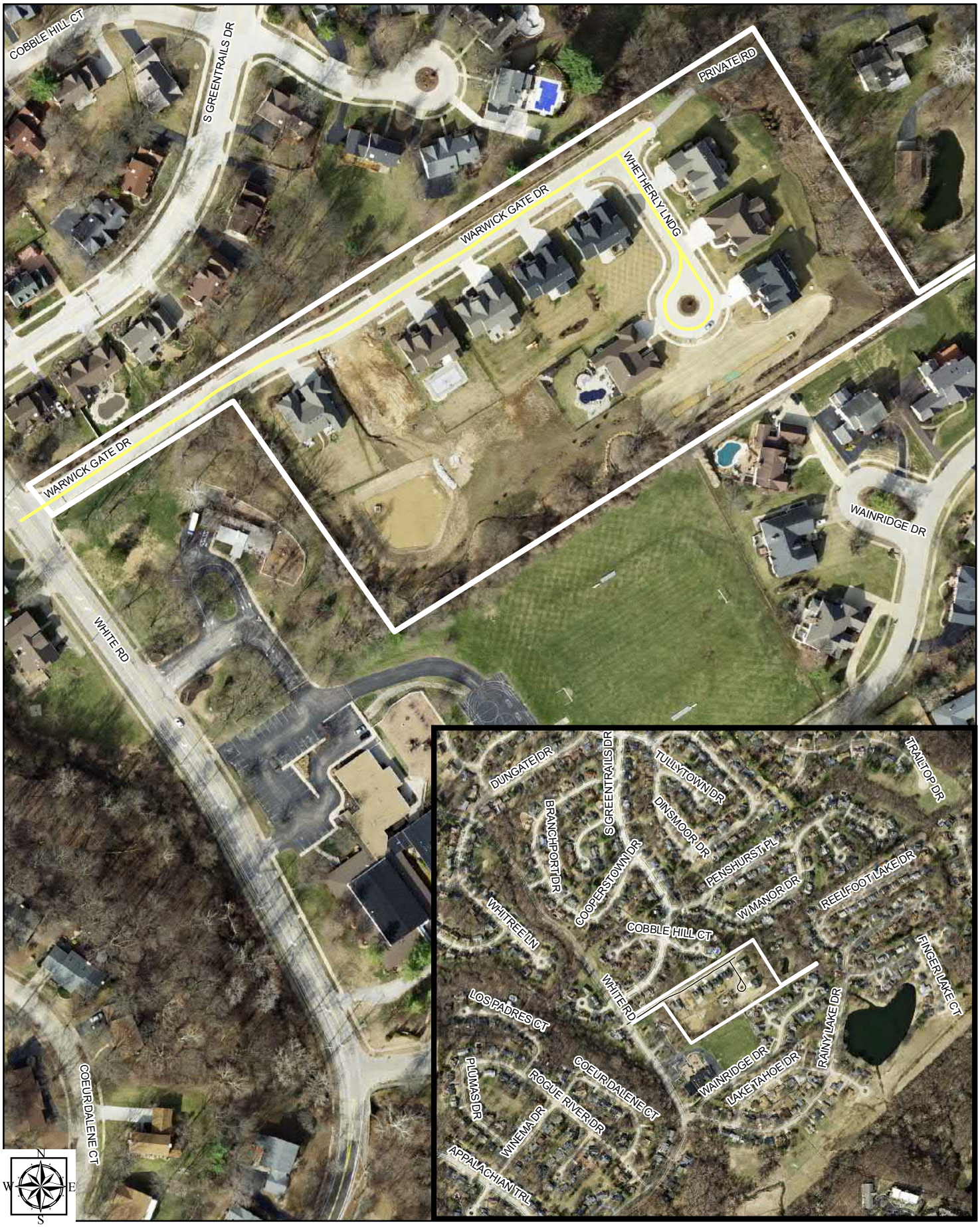
ATTEST:

_____

CITY CLERK

FIRST READING HELD:
11/16/2020

# Public Street Acceptance - Warwick on White Subdivision



**BILL NO. 3320** **ORDINANCE NO._____**

**AN ORDINANCE GRANTING THE CITY ADMINISTRATOR AND DIRECTOR OF PLANNING THE AUTHORITY TO SUSPEND THE APPLICATION OR ENFORCEMENT OF ORDINANCES AS NECESSARY TO SUPPORT THE REOPENING OF BUSINESSES ACROSS THE CITY OF CHESTERFIELD AND PROTECT THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE DURING THIS PERIOD.**

**WHEREAS,** on March 11, 2020, the World Health Organization declared a pandemic due to Coronavirus 2019 ("COVID-19"), and on March 13, 2020, a State of Emergency was declared in the State of Missouri by Governor Michael L. Parson and in St. Louis County by County Executive Sam Page in response to the COVID-19 pandemic; and

**WHEREAS**, the COVID-19 pandemic will have a negative and potentially devastating impact on the economic viability of many residents and businesses due to business closures, stay at home orders, and other restrictions resulting from the response to the pandemic; and

**WHEREAS,** the State of Missouri has recognized the need of businesses to reopen, so too the City of Chesterfield recognizes the need of its businesses to remain viable and supports the governor's Phase I to lift the state's restrictions effective May 4, 2020; and

**WHEREAS,** the pandemic continues and the City recognizes that businesses continue to adapt to protect the health and safety of their employees and the public while still providing critical economic activity; and

**WHEREAS**, the City desires to allow reasonable, temporary situations that allow the Department of Planning and other City departments to respond to changing conditions that allow for mass testing and the phased re-opening of businesses within the City of Chesterfield in a rapidly changing time.

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

**Section 1.** The City Administrator and Director of Planning, or their designee, are granted the authority to suspend the enforcement and application of ordinances identified in this ordinance and any other ordinance as deemed necessary to protect the public health, safety, and general welfare and to assist local businesses and residents.

The due dates, fees, charges, requirements or processes related to the items identified below may be suspended, extended, or waived as may be

necessary to protect the public health, safety, and general welfare and to assist residents, visitors, and businesses as deemed appropriate.

1. Temporary suspension of various development criteria, including but not limited to:
   a. Temporary Sign regulations;
   b. Temporary structure regulations;
   c. Parking requirements;
   d. Other development criteria in Chapter 31 of the City Code (Unified Development Code) and/or site specific ordinances.
2. Acceptance of digital seal/signature requirements for guarantees (bonds and sureties).
3. Temporary suspension of business license renewal fees.
4. Temporary suspension of renewal of liquor license fees.

**Section 2.** The City Council retains the right to review and withdraw approval for any action authorized under this ordinance by vote of a majority of City Council members.

**Section 3.** Any applicant requesting temporary relief under this ordinance may appeal the decision of the Director of Planning to the City Council who may affirm, reverse, or modify the decision.

**Section 4.** This Ordinance is a temporary ordinance due to the State of Emergency declared in Missouri and St. Louis County as a result of the COVID-19 pandemic and the serious threat to the public health, safety, and general welfare the pandemic poses to residents, visitors, and businesses within the City of Chesterfield, Missouri.

**Section 5.** This Ordinance shall be in full force and effect from and after its passage and approval and shall remain in full force and effect until June 30, 2021 unless repealed or otherwise extended by the City Council of the City of Chesterfield.

Passed and approved this _____day of _____, 2020.

_____ _____

PRESIDING OFFICER Bob Nation, MAYOR

ATTEST:

_____

Vickie McGownd, CITY CLERK

FIRST READING HELD: 11/16/2020

# Memorandum
## Department of Planning

**To:** Michael O. Geisel, City Administrator

**From:** Justin Wyse, Director of Planning JW

**Date:** December 7, 2020

**RE:** **Downtown Chesterfield Category C, Lot A (WILDHORSE) Sign Package:** A request for a Sign Package to establish sign criteria for a 7.3 acre tract of land located northeast of the intersection of Wild Horse Creek Road and Old Chesterfield Road.

**Summary**

Great Lakes Capital has submitted a request for a Comprehensive Sign Package for a 7.3 acre tract of land located northeast of the intersection of Wild Horse Creek Road and Old Chesterfield Road. In accordance with the Unified Development Code (UDC), if approved, the proposed Sign Package would serve as the site specific sign regulations for the property.

The purpose of a sign package is to provide comprehensive and complementary signage. City Code states that "in order to encourage superior design, quality and character, comprehensive sign packages allow for specialized review of signs and flexibility from standard signage requirements." The Unified Development Code in Section 405.04.050 defines a series of permitted signs in which city staff can approve for a development within the City. In the event a development would like to seek flexibility from standard signage requirements as stated above, they may submit a request for a sign package in accordance to Section 405.04.050.

The project was reviewed by the City of Chesterfield Planning Commission on Monday November 9, 2020. At that meeting, the Commission made a motion to approve the sign package as submitted by the applicant. The motion passed by a vote of (7-1).

Power of Review was called in accordance to Section 405.02.200 of the Unified Development Code on November 10, 2020.

On November 19th, the sign package request was brought before the Planning and Public Works Committee for review and recommendation. The Committee made a motion to approve the sign package as submitted with an amendment that the restaurant sign depicted on the eastern façade be located on the restaurant tenant space vs the multi-family building and the restaurant sign on the north façade be removed. The motion was approved as amended by a voice vote of (3-1).

The sign package submittal contains sign criteria for one 7.3 acre lot that has one mixed-use building. The building contains 188 multi-family units, a 15,462 square foot

restaurant and 11,813 square feet of retail. The building has frontage on both Wild Horse Creek Road and I-64 (Figure 1).

The request contains both wall signage and a free standing monument sign. The wall signage in the request is categorized by each use within the mixed-use building (commercial, restaurant, and residential). All wall signs will be internally lit signs on an aluminum raceway. If approved, an amendment to the approved Amended Site Development Section Plan would be required to facilitate the placement of the monument sign and the associated grading. A full description of the applicant's request, site history, and staff analysis pertaining to how the request relates to the standard signage in the City's Unified Development Code may be found in the November 9th Planning Commission report attached to this document.

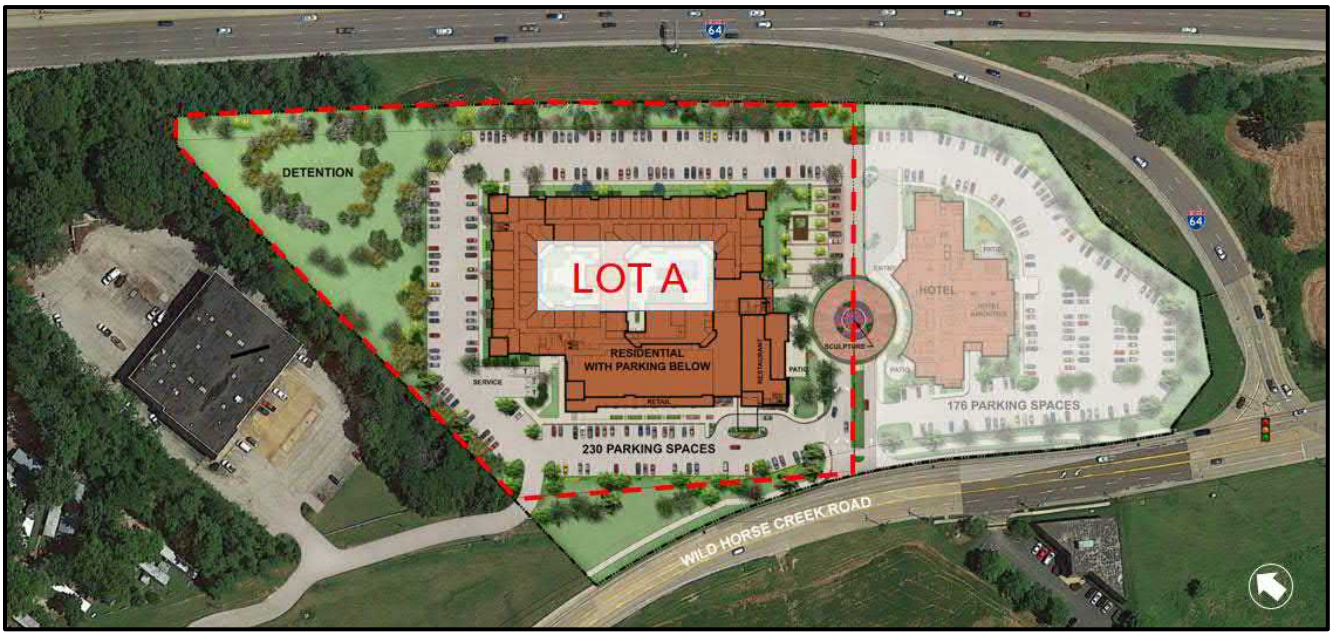



Figure 1: Subject Site Aerial

Attachments: November 19, 2020 Planning and Public Works Committee Memo
November 9, 2020 Planning Commission Staff Report
Sign Package Submission

III. B

# Memorandum
## Department of Planning

**To:** Planning and Public Works Committee

**From:** Mike Knight, Assistant City Planner JMK

**Date:** November 19, 2020

**RE:** **Downtown Chesterfield Category C, Lot A (WILDHORSE) Sign Package:** A request for a Sign Package to establish sign criteria for a 7.3 acre tract of land located northeast of the intersection of Wild Horse Creek Road and Old Chesterfield Road.

**Summary**

Great Lakes Capital has submitted a request for a Comprehensive Sign Package for a 7.3 acre tract of land located northeast of the intersection of Wild Horse Creek Road and Old Chesterfield Road. In accordance with the Unified Development Code (UDC), if approved, the proposed Sign Package would serve as the site specific sign regulations for the property.

The purpose of a sign package is to provide comprehensive and complementary signage. City Code states that "in order to encourage superior design, quality and character, comprehensive sign packages allow for specialized review of signs and flexibility from standard signage requirements." The Unified Development Code in Section 405.04.050 defines a series of permitted signs in which city staff can approve for a development within the City. In the event a development would like to seek flexibility from standard signage requirements as stated above, they may submit a request for a sign package in accordance to Section 405.04.050.

The project was reviewed by the City of Chesterfield Planning Commission on Monday November 9, 2020. At that meeting, the Commission made a motion to approve the sign package as submitted by the applicant. The motion passed by a vote of (7 to 1).

Power of Review was called in accordance to Section 405.02.200 of the Unified Development Code on November 10, 2020. After review by the Planning and Public Works Committee, a final recommendation is forwarded to the City Council. The City Council will then take appropriate action relative to the proposal.

The sign package submittal contains sign criteria for one 7.3 acre lot that has one mixed-use building. The building contains 188 multi-family units, a 15,462 square foot restaurant and 11,813 square feet of retail. The building has frontage on both Wild Horse Creek Road and I-64 (Figure 1).

The request contains both wall signage and a free standing monument sign. The wall signage in the request is categorized by each use within the mixed-use building (commercial, restaurant, and residential). All wall signs will be internally lit signs on

an aluminum raceway. If approved, an amendment to the approved Amended Site Development Section Plan would be required to facilitate the placement of the monument sign, the associated grading and potential necessary easements. A full description of the applicant's request, site history, and staff analysis pertaining to how the request relates to the standard signage in the City's Unified Development Code may be found in the November 9th Planning Commission report attached to this document.

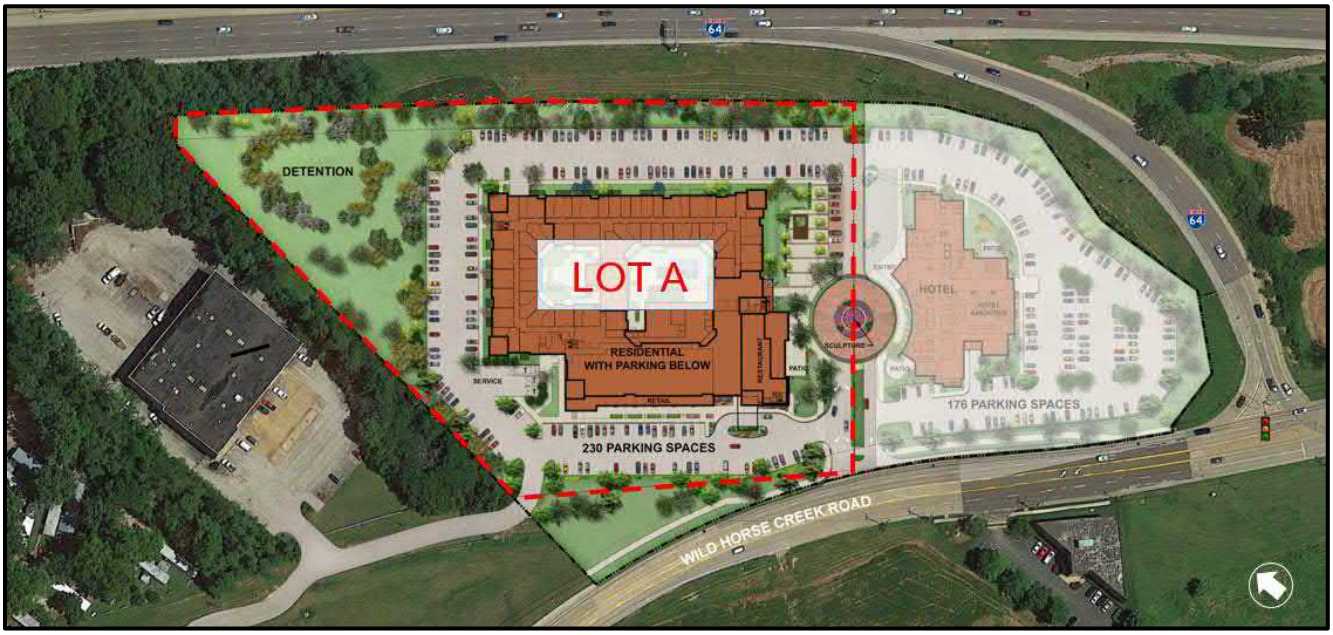



Figure 1: Subject Site Aerial

Attachments: November 9, 2020 Planning Commission Staff Report
Sign Package Submission

VII.A

City of Chesterfield

690 Chesterfield Pkwy W ● Chesterfield MO 63017-0760
Phone: 636-537-4000 ● Fax 636-537-4798 ● www.chesterfield.mo.us

# Planning Commission Staff Report

**Project Type:** Sign Package

**Meeting Date:** November 9, 2020

**From:** Mike Knight, Assistant City Planner *JMK*

**Location:** A 7.3 acre tract of land located northeast of the intersection of Wild Horse Creek Road and Old Chesterfield Road.

**Description:** **Downtown Chesterfield Category C, Lot A (WILDHORSE) Sign Package:** A request for a Sign Package to establish sign criteria for a 7.3 acre tract of land located northeast of the intersection of Wild Horse Creek Road and Old Chesterfield Road.

## PROPOSAL SUMMARY

Great Lakes Capital has submitted a request for a Comprehensive Sign Package for a 7.3 acre tract of land located northeast of the intersection of Wild Horse Creek Road and Old Chesterfield Road. In accordance with the Unified Development Code (UDC), if approved, the proposed Sign Package would serve as the site specific sign regulations for the property.

The purpose of a sign package is to provide comprehensive and complementary signage. City Code states that "in order to encourage superior design, quality and character, comprehensive sign packages allow for specialized review of signs and flexibility from standard signage requirements." The Unified Development Code in Section 405.04.050 defines a series of permitted signs in which city staff can approve for a development within the City. In the event a development would like to seek flexibility from standard signage requirements as stated above, they may submit a request for a sign package in accordance to Section 405.04.050. The following report discusses the history of the subject site requesting the sign package, an overview of the applicant's request, followed by staff analysis on how this submission relates to the standard signage requirements in the City's Unified Development Code.

## SITE HISTORY

On March 19th, 2008, the City of Chesterfield City Council approved Ordinance 2449. This ordinance amended the previous governing zoning ordinance of the City of Chesterfield by changing the boundaries of multiple zoning districts into one 99 acre "PC&R" Planned Commercial & Residence District known as Downtown Chesterfield.

City of Chesterfield Ordinance 2449 created one PC&R district that defined specific development criteria into three specific categories. The three categories were labeled as Category A, Category B, and Category C. They were also defined by location having specific category standards.

On November 5th, 2018, City Council approved Ordinance 3023. This ordinance amendment had two main objectives. The first was to incorporate and re-zone a 0.4 acre Non-Urban "NU" parcel to the "PC&R" District. The second was to amend the development criteria of the governing ordinance in which separate Concept Plans would be submitted by defined Category vs. for the entire District. It essentially allows for 2 phases of development within Downtown Chesterfield.

**In February of 2019, the Site Development Section Plan for Lot A of Category C was approved which allowed for a development of a mixed-use building containing residential units, retail, and a restaurant. Lot A is seeking a comprehensive sign package within this request.**

Most recently in August of 2020, the City of Chesterfield City Council approved Ordinance 3114 which is the current governing ordinance for the subject site.

Below is an aerial of the subject site (Figure 1), that identifies Lot A (in red) with an overlay of the color site plan that was approved in February of 2019. The site plan contains the one mixed-use building that is currently under construction.

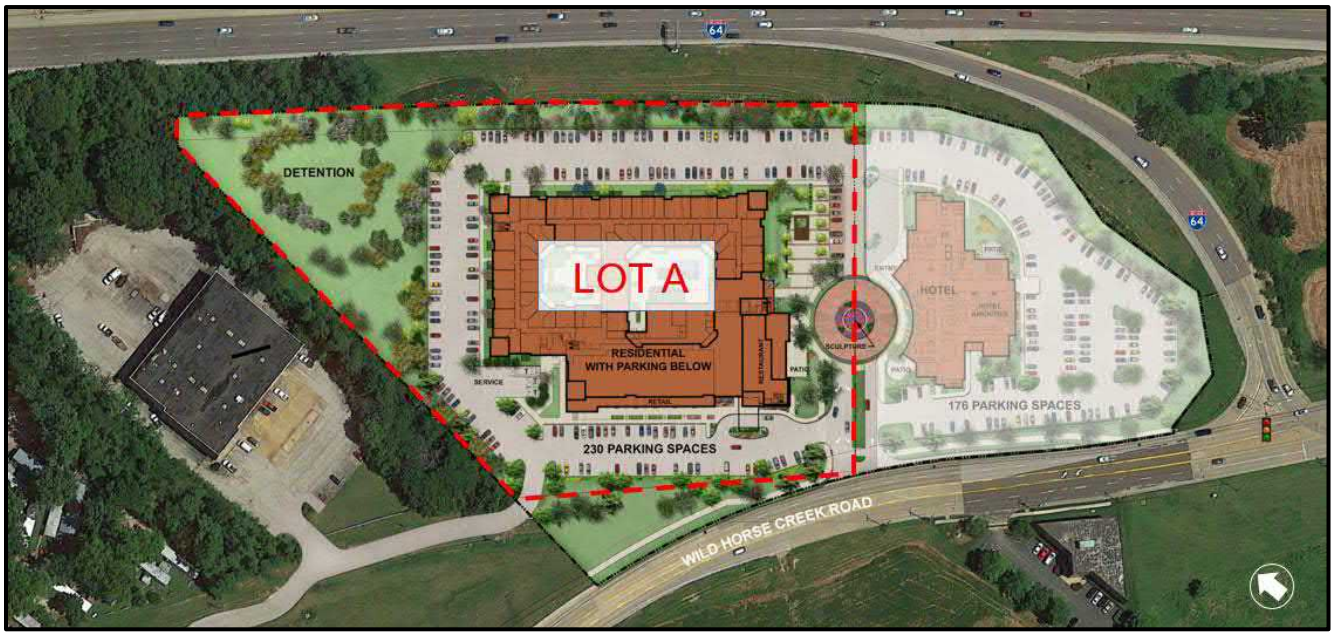



*Figure 1: Aerial Site Photo*

## SUBMITTAL OVERVIEW

The sign package submittal contains sign criteria for one 7.3 acre lot that has one mixed-use building. The building contains 188 multi-family units, a 15,462 square foot restaurant and 11,813 square feet of retail. The building has frontage on both Wild Horse Creek Road and I-64 (Figure 1).

The request contains both wall signage and a free standing monument sign. The wall signs in the request are categorized by each use within the mixed-use building (commercial, restaurant, and residential). All wall signs will be internally lit signs on an aluminum raceway.

**Commercial: Wall Signs**

This request includes signage for all of the individual commercial tenants facing Wild Horse Creek Road. There are currently 6 commercial spaces. The sign criteria established within the sign package is that each commercial tenant space would be allowed one sign in which the outline area of each sign shall not exceed (5%) of the wall area of the business on which the sign is attached. Below is a table of what the 5% calculation would be for each tenant space in the current configuration.

| Tenant | Quantity | Wall Area (SF) | 5% Calculation (SF) |
|---|---|---|---|
| Suite 101 | 1 | 1,033 | 52 |
| Suite 102 | 1 | 588 | 29 |
| Suite 103 | 1 | 584 | 29 |
| Suite 104 | 1 | 584 | 29 |
| Suite 105 | 1 | 584 | 29 |
| Suite 106 | 1 | 1,189 | 59 |
| Total | 6 | 4,562 | 228 |

*Table 1: Commercial Wall Signage*

**Important Note:**
The table represents current conditions, thus if Suite 102 and 103 became 1 tenant space they would solely be permitted (1) sign that is 5% of the combined total wall area.

**Eastern End Cap Tenant (Restaurant): Wall Signs**

The end cap tenant of the mixed-use building is currently a restaurant. The sign package is requesting three signs for this specific tenant. The sign criteria established for the restaurant space would be for one (94) SF sign to be on a specific location on the north façade of the mixed-use building, one (94) SF sign located on the east façade, and one sign to be located on the south facade not to exceed (5%) of the wall area of which the sign is attached to. Below is a table displaying the requested restaurant signs.

| Façade | Quantity | Wall Area (SF) | Sign (SF) |
|---|---|---|---|
| North | 1 | NA | 94 |
| East | 1 | NA | 94 |
| South | 1 | 1,116 | 56 |
| Total | 3 | NA | 244 |

*Table 2: Eastern End Cap Tenant (Restaurant) Signage*

**Important Note:**
Wall size is "NA" as the designated signs are not located on the restaurant wall area. Discussed more in Staff Analysis.

**Residential: Wall Signs**

One sign is being requested for the multi-family building. The sign outline area is 66 SF and located above the office of the multi-family building on the eastern façade.

**Mixed-Use Building: Monument Sign**

There is one free standing monument sign being proposed for the mixed-use building. The outline area of the sign is 240 SF attached to a stone retaining wall facing Interstate 64. The sign is at maximum 10' above grade and 120' in length. The sign will be illuminated by ground mounted LED light fixtures with foundation plantings consisting of perennials.

Below is an image staff created to understand the location of all 11 proposed signs for Lot A within Category C of Downtown Chesterfield.

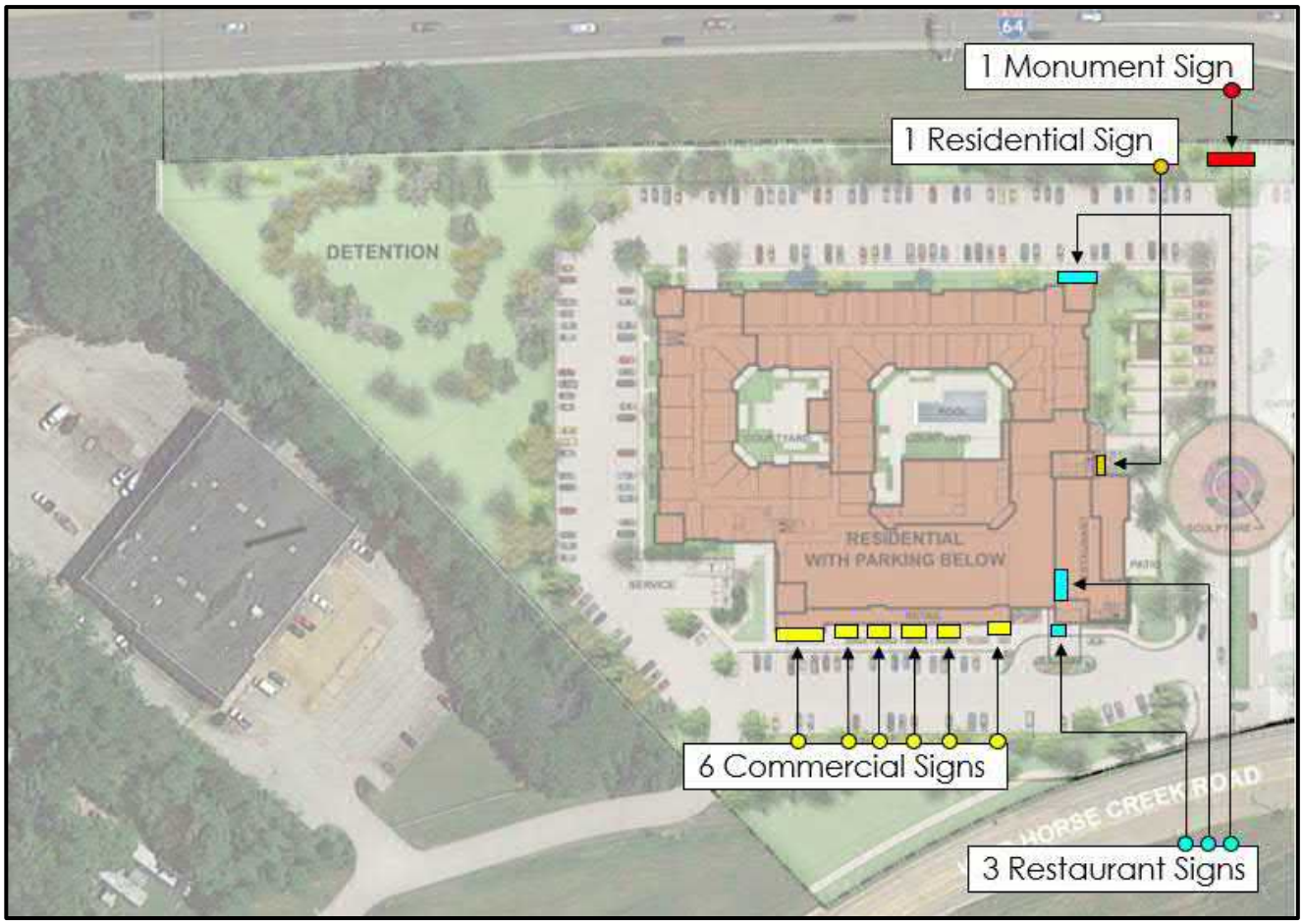



*Figure 2: Proposed Signage Location for Lot A (Location purposes only, not scale of individual signs)*

## STAFF ANALYSIS

Section 405-01-050 of the Unified Development Code states: Consideration of flexibility in sign criteria is based on a number of review factors, including, but not limited to, the physical impact of the proposed comprehensive sign package, the quality of the proposed comprehensive sign package, and mitigation of unfavorable conditions such as excessive signs, light spillover from signs, height, and other related conditions and potentially negative impacts.

Section 405-01-050 of the Unified Development Codes also states the standard monument sign criteria for mixed use subdivisions with (10 units) or more. This section of code also states the standard wall signage for multi-tenant buildings. The following is a summary of both monument and wall signage in accordance to the UDC followed by staff input on how the request relates to the standard sign criteria.

**Monument: Mixed-Use Building**

The Unified Development Codes states *"Mixed use subdivisions of ten 10 units or more that are less than twenty (20) acres shall be permitted a subdivision identification sign at each main entrance to the*

*subdivision. Such sign shall not exceed fifty (50) square feet in outline area per face, nor extend more than six (6) feet above the average existing finished grade at the base of the sign or elevation of the adjacent street, whichever is higher. A mixed use subdivision identification sign shall be located within an easement on any platted lot or on common ground of subdivision."*

**Monument: Mixed-Use (Staff Input)**

As outlined above, the lot is permitted one monument/ identification sign to not exceed 50 square feet in outline area and not to exceed 6 feet in height, located at the main entrance to the site. The proposed sign is 240 square feet and shall not exceed 10 feet in height, located facing Interstate 64. It is important to note that the base on which the sign is attached is being proposed at 120' in length with a variable height being constructed into the grade of the site. Below (Figure 3) is an image of the sign. The base is constructed out of natural stone boulders and illuminated by ground mounted LED light fixtures.

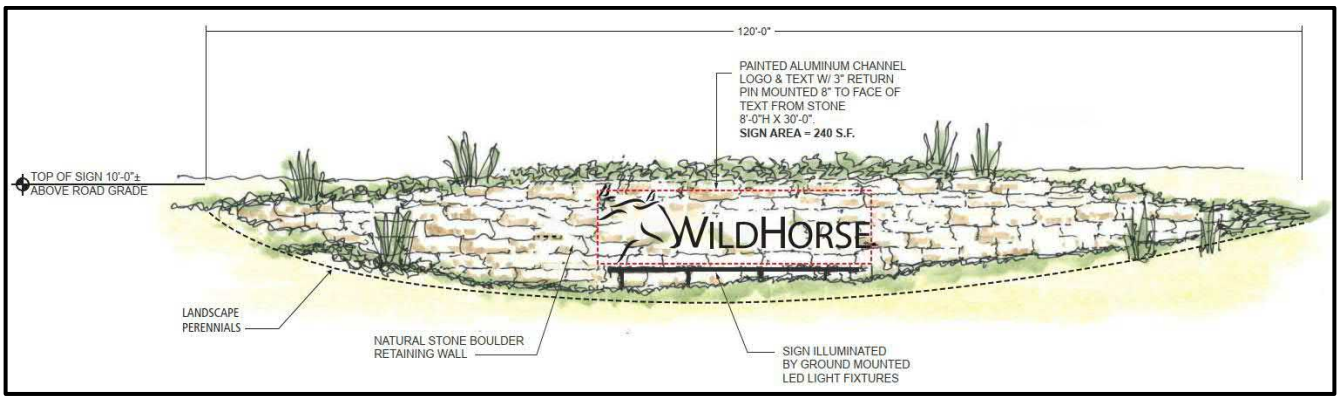



*Figure 3: Proposed Monument Sign*

If Planning Commission were to approve the sign package with the monument as presented, the applicant would be required to amend the approved Site Development Section Plan to include the sign and amend the approved Landscape Plan as it depicts plantings in the same location.

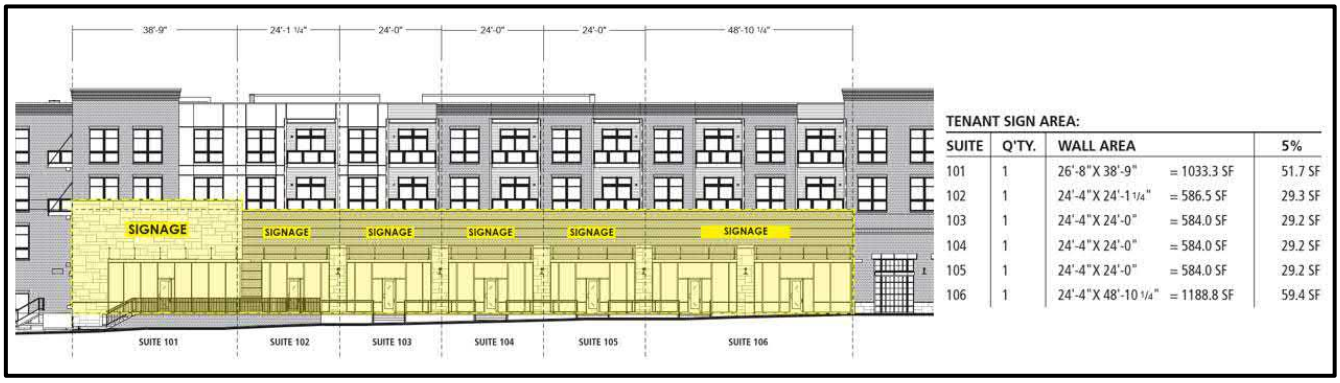
The monument sign is being proposed along Interstate 64. This is the first mixed-use building in the City of Chesterfield that includes both residential and non-residential occupancies. Staff completed an inventory via a recent field inspection of the existing monument signs along Interstate 64. Although there are numerous commercial signs that front the Interstate, there are only two residential subdivision signs designed to be seen (Schoettler Village Apartments and Delmar Gardens) from the Interstate.

**Wall Signs: Commercial**

The Unified Development Code states: *"Each business occupying a tenant space have no more than one (1) attached business sign on any two (2) walls of a building that are exterior walls of the particular building or tenant space. The outline area of each sign shall not exceed five percent (5%) of the wall area of the business on which said sign is attached. No business sign shall exceed three hundred (300) square feet in outline area."* As previously stated, there are currently 6 commercial spaces in which sign criteria is established within the sign package.

**Wall Signs: Commercial (Staff Input)**

The request by the applicant is essentially the same as what is stated above in code. There are currently 6 suites in which signage could be located above the door of each tenant space not to exceed 5% of the wall area of the tenant space. Below (Figure 4) is an image depicting the current tenant configuration and the allowable tenant signage.




TENANT SIGN AREA:

| SUITE | Q'TY. | WALL AREA | | 5% |
|---|---|---|---|---|
| 101 | 1 | 26'-8"X 38'-9" | = 1033.3 SF | 51.7 SF |
| 102 | 1 | 24'-4"X 24'-1 1/4" | = 586.5 SF | 29.3 SF |
| 103 | 1 | 24'-4"X 24'-0" | = 584.0 SF | 29.2 SF |
| 104 | 1 | 24'-4"X 24'-0" | = 584.0 SF | 29.2 SF |
| 105 | 1 | 24'-4"X 24'-0" | = 584.0 SF | 29.2 SF |
| 106 | 1 | 24'-4"X 48'-10 1/4" | = 1188.8 SF | 59.4 SF |

*Figure 4: Proposed Commercial Signs*

**Wall Signs: Restaurant**

The Unified Development Code states: *"Each business occupying a tenant space have no more than one (1) attached business sign on any two (2) walls of a building that are exterior walls of the particular building or tenant space. The outline area of each sign shall not exceed five percent (5%) of the wall area of the business on which said sign is attached. No business sign shall exceed three hundred (300) square feet in outline area."*

**Wall Signs: Restaurant (Staff Input)**

To comply with the standard signage within the Unified Development Code above, the restaurant could have up to (2) signs, one on the tenant space wall area of the south elevation and one on the tenant space wall area of the east elevation. The maximum outline area of the sign on the south elevation would be 55.8 SF and the maximum outline area of the sign on the east façade would be roughly 175 SF.

The applicant is requesting 3 signs (south, east, and north elevations) that can be used solely by the restaurant end cap tenant space. The south elevation sign is to be located on the tenant wall no more than 5% of the tenant wall area that the sign is on. The east and north elevation signs are both located not on the restaurant's wall area, but on the multi-family residential building wall facades. The allowable signage is not a percentage of wall area, but is being requested at no more than 94 SF in outline area.

Staff is unaware of any other building currently within the City of Chesterfield in which a restaurant sign is located on another tenant's wall area.

Figure 5 on the following page provides the specific locations for signage on the east and north facades of the multi-family building dedicated to the end cap tenant restaurant. Also on Figure 5 is the wall

area of the south facade of the restaurant in which the end cap tenant restaurant would be allowed 5% of the wall area to have one sign.

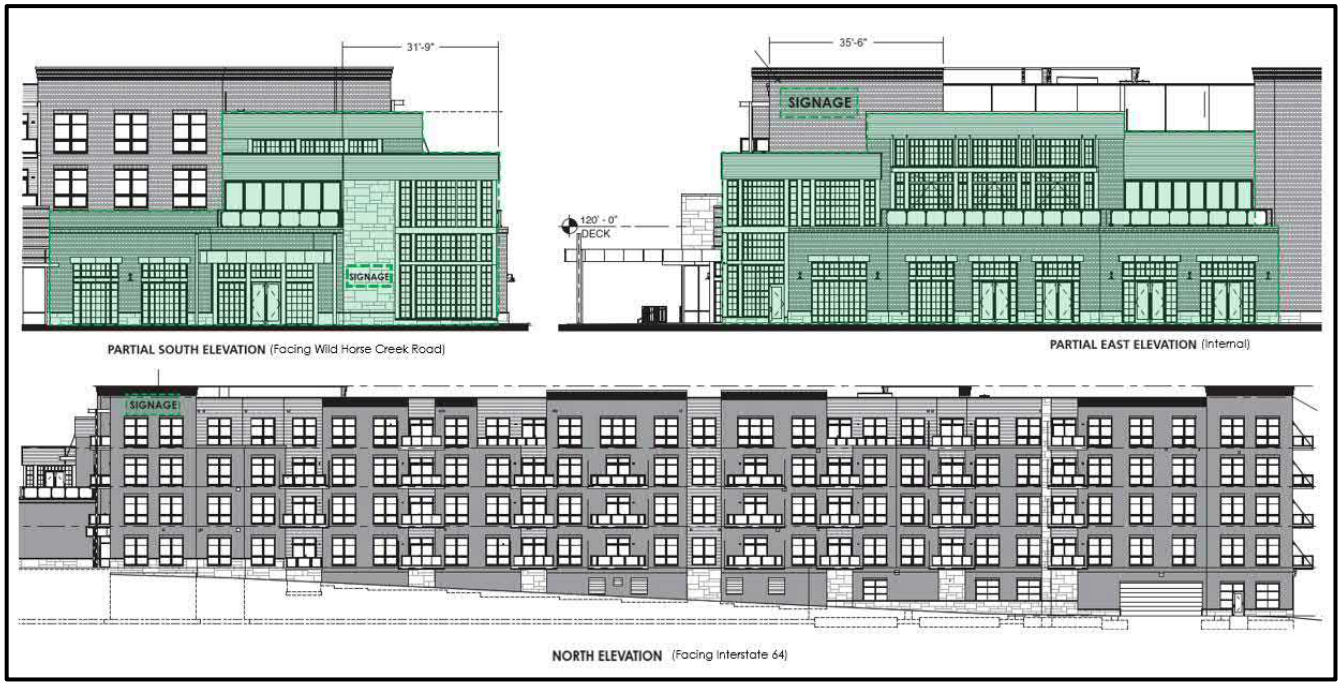



*Figure 5: Proposed End Cap Restaurant Signs*

**Wall Signs: Residential (Staff Input)**

The applicant is requesting one sign be allowed above the office on the east façade of the multi-family residential building. The Unified Development Code does not have standard wall signage for residential buildings. The applicant is requesting one sign that is 66 square feet in the location directly above the office door as seen below (Figure 6).

*Figure 6: Residential Wall Sign*

## Category C Signage Concept Plan

In February of 2019, a Signage Concept Plan was approved for Category C of Downtown Chesterfield. The concepts proposed within the signage concept plan are intended to promote a consistent approach to signage. It is important to note that the signage concept plan does not provide a conceptual location or quantity of signs, but provides consistency in the construction of the signs themselves. There are four examples of potential signs (2 wall and 2 site signage) that can be used (Figure 7). The applicant's proposal conforms to the Category C Signage Concept Plan.

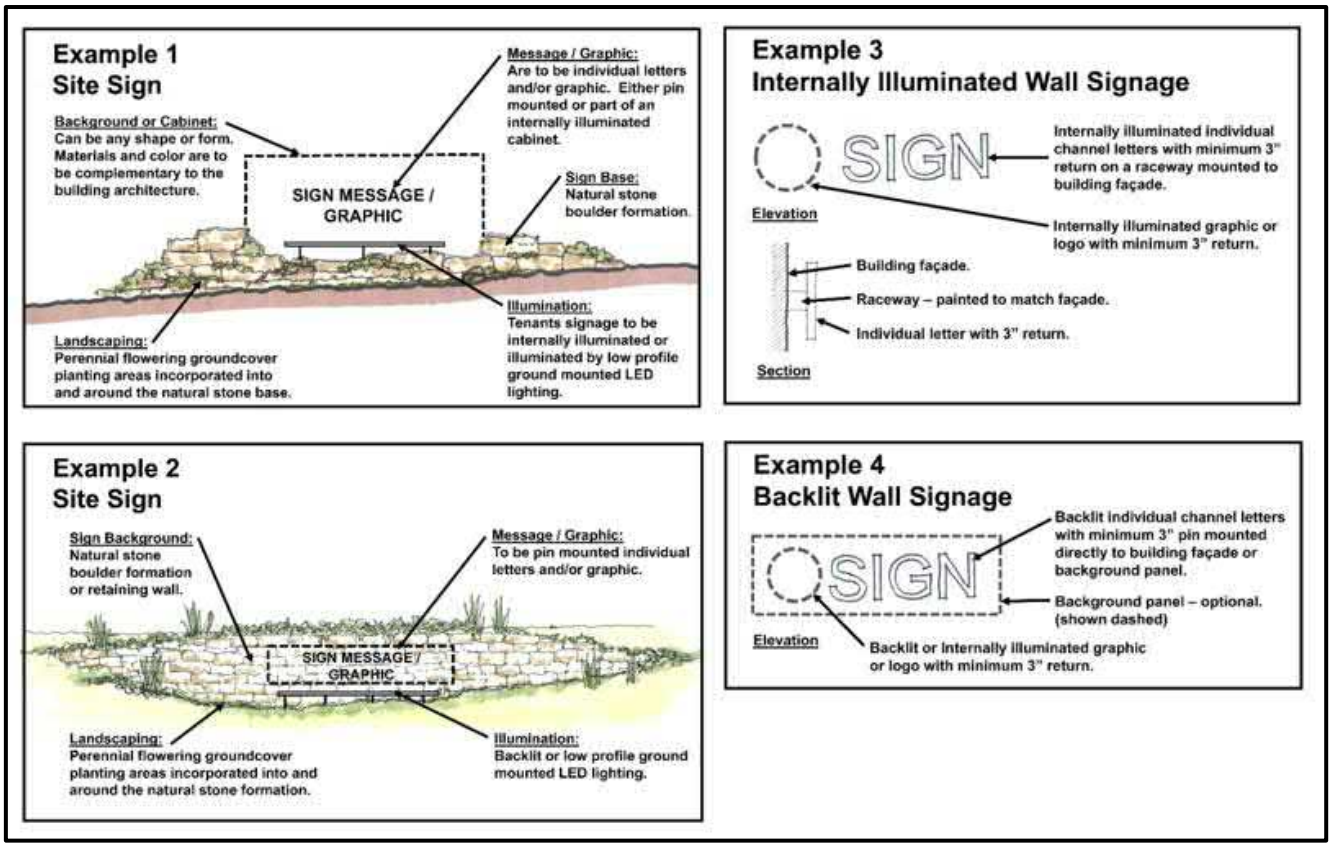



*Figure 7: Examples in Category C Signage Concept Plan*

## NARRATIVE STATEMENT

The applicant provided the required narrative statement in conjunction with the sign package. Within the narrative, the applicant states that all signage within the development shall be in conformance with the comprehensive sign package. It states that all tenants, businesses, and owners within the development shall receive a copy of the Comprehensive Sign Package from the owner at the time of lease/sale, and any signage not specifically identified within the Comprehensive Sign Package shall conform to the Unified Development Code.

## STAFF RECOMMENDATION

Staff has reviewed the Sign Package request and found that it meets the requirements to be presented to the Planning Commission for review, and staff recommends action. Please note, any amendments to the provisions of the approved Sign Package would require review and approval by the Planning Commission.

## MOTION

The following options are provided to the Planning Commission for consideration relative to this application:

1) "I move to approve (or deny) the sign package for Downtown Chesterfield Category C, Lot A (WILDHORSE).

2) "I move to approve the Sign Package for Downtown Chesterfield Category C, Lot A (WILDHORSE) with the following conditions …" (Conditions may be added, eliminated, altered or modified).

Attachments: Proposed Sign Package

To Whom It May Concern:

The purpose of the sign program is to give a consistent and uniformed feel for the building and tenants. The feel of the property is one of class. All signage will fall into the guidelines laid out here in the sign program. All non-conforming signage will be removed and tenant's expense.

General Notes - **General Notes:**

1. This Master Sign Criteria shall be strictly enforced, and any non-conforming signs installed by Owner shall be removed by the Owner or its contractor at Owner's sole cost and expense within ten (10) days of Owner's receipt of written notice from the Board of Directors or the City of Chesterfield.
2. All signage within the development shall be in conformance with the Comprehensive Sign Package
3. All tenants, businesses, owners within the development shall receive a copy of the Comprehensive Sign Package from the owner at the time of lease/sale
4. Each Owner shall submit to the Board of Directors and the City of Chesterfield, for approval, two (2) copies of the detailed shop drawing of Owner's proposed sign, in conformance with this Master Sign Criteria. Such submittals shall include, but not be limited to, pertinent dimensions, details and color callouts.
5. The tenant shall submit to owner for review and approval all drawings and descriptions relating to tenant signs. Tenant at tenant's sole cost and expense, shall submit all plans to all governmental authorities for approval and permitting.
6. Tenant's sign contractor must: (1) must have a current, in-force license from the State of Missouri to fabricate signs, (2) must carry current, in-force general liability insurance of not less than $1 million and (3) must carry current, in-force workman's compensation insurance. Tenant is to be named as additional insured for both general liability and workman's compensation insurance. All work shall be of excellent quality. The City of Chesterfield and/or the ownership reserves the right to reject any work determined to be of inferior quality by the City of Chesterfield and/or the ownership or the project architect, in their sole and absolute determination.
7. Ownership in its sole and absolute discretion, reserves the right to disapprove any sign that may conflict with the overall appearance of the building.
8. Any Signage not specifically identified in the Comprehensive Sign Package shall conform to Section 04-05 of the Unified Development Code.

# WILDHORSE

**16511 Wild Horse Creek Road, Chesterfield, Missouri 63017**

APPLICANT
**Great Lakes Capital**
112 W Jefferson Boulevard, Suite 200
South Bend, Indiana 46601

PROPERTY OWNERS
**RGA-Pearl GLC Wildhorse, LP**
**WILD HORSE HOTEL, LLC.**

PROJECT MANAGER
**Integrated Signs**
1160 Pioneer Way, Suite M
El Cajon, California 92020

LEGAL DESCRIPTION
**APN#:**
18S430248, 18T640095, 18T640204, 18T640215, 18T640303, 18T640314, 18T640325

ZONING: "PC&R" PLANNED COMMERCIAL & RESIDENCE (ORD. #3023)

LOT SIZE: 7.306± ACRES

SUBDIVISION: WILDHORSE

COUNTY: SAINT LOUIS

SHEET INDEX


1 Cover Sheet / Owner Info
2 Master Sign Program Guidelines
3 Site plan
4 Floor plan
5 Identification ID sign
6 North & East Elevation
7 South & West Elevation
8 Restaurant Signage
9 Commercial Signage
10 Tenant ID Signage
11 Section Details
12 Door graphics


# Great Lakes Capital -

MASTER SIGN PROGRAM

Project Location:
16511 Wildhorse Creek Road
Chesterfield, Missouri 63017

Project No.: **200450-10**

Salesman: Aaron Clippinger

Designer: Arnulfo Melchor

Date: February 20, 2020

Scale: as noted

Revision:
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# MASTER SIGN PROGRAM

## 16511 Wild Horse Creek Road, Chesterfield, Missouri 63017

The purpose of this Master Sign Criteria is to establish the minimum sign standards necessary to ensure coordinated proportional exposure for all tenants.

**General Notes:**

A) This Master Sign Criteria shall be strictly enforced and any non-conforming signs installed by Owner shall be removed by the Owner or its contractor at Owner's sole cost and expense within ten (10) days of Owner's receipt of written notice from the Board of Directors or the City of Chesterfield.

B) All Owners signage shall be consistent with ordinances and sign criteria required by the city of Chesterfield.

C) Each Owner shall submit to the Board of Directors and the City of Chesterfield, for approval, two (2) copies of the detailed shop drawing of Owner's proposed sign, in conformance with this Master Sign Criteria. Such submittals shall include, but not be limited to, pertinent dimensions, details and color call-outs.

D) The tenant shall submit to owner for review and approval all drawings and descriptions relating to tenant signs. Tenant at tenant's sole cost and expense, shall submit all plans to all governmental authorities for approval and permitting.

E) Tenant's sign contractor must: (1) must have a current,in-force license from the State of Missouri to fabricate signs, (2) must carry current,in-force general liability insurance of not less than $1 million and (3) must carry current, in-force workman's compensation insurance. Tenant is to be named as additional insured for both general liability and workman's compensation insurance. All work shall be of excellent quality. The City of Chesterfield and/or the ownership reserves the right to reject any work determined to be of inferior quality by the City of Chesterfield and/or the ownership or the project architect, in their sole and absolute determination.

F) All signs and their installation must comply with all local building and electrical codes and any government authority which has jurisdiction over signs. Tenant and tenant's contractor shall independently investigate all local or City of Chesterfield sign ordinances. Owner shall not be liable to tenant for any requirements not covered in this Master Sign Criteria.

G) Ownership in its sole and absolute discretion, reserves the right to disapprove any sign that may conflict with the overall appearance of the building.

H) The City of Chesterfield, in it's sole and absolute discretion, reserves the right to disapprove any sign that may conflict with the overall appearance of the building.

**Doorway & window Signage:**

A) Tenant is allowed to have door and window signs for business hours, tenant name and address, not to exceed 4 sq. ft. of glazing area. Lettering not to exceed six (6) inches in letter height.

**Business front Signage:**

A) Tenants are to have Halo-lit or Face-lit channel logo/letters mounted on aluminum raceway for business frontage wall signs.

B) Cabinet sign & Blade signs:
Cabinet signs and blade signs are allowed within Section Area "C" pending review and approval by the City of Chesterfield through the Concept Sign Package process. Unique design, superior quality and appropriateness of the proposed cabinet or blade sign will be the primary consideration.

C) The City of Chesterfield and /or owner may require reduction of any sign based upon aesthetics of the building elevation, and upon the sole discretion of the City of Chesterfield and/or the owner.

D) Tenant ID sign restrictions:

| Sign Type: | Description: | Sign Area: |
|---|---|---|
| "C" | Identification ID Sign. | 240 sq. ft. |
| "E.1" | Building Tenant ID Signage. | 66 sq. ft. |
| "F.1" | Restaurant Tenant Wall Signage. | 94 sq. ft. |
| "F.2" | Restaurant Tenant Wall Signage. | Per City Ordinace Section 31-04-05f3 (a)- |
| "G" | Commercial Tenant Wall Cignage. | Per City Ordinace Section 31-04-05 |
| "K" | Door Graphics. | 4 sq. ft. |

E) Tenant Sign Content and colors:
All tenants signage shall consist solely of Tenant's trade name, logo and recognization trademark insignia. Tenants will be permitted to use their corporate colors. The landlord encourages the tenants to consider these colors when choosing design colors; Sign colors should be selected to provide sufficient contrast againts building background colors and/or should be compatible with and complement building background colors. The owner and/or the City of Chesterfield reserves any and all rights to deny any color(s).

**Prohibited Signs:**

- No sign shall project above or below the sign-able area as defined herein.
- Wall signs may not project above the top of a parapet, the roof line at the wall, or roof line.
- Sign painted directly on a building surface will not be permitted.
- No animated, flashing or audible signs are permitted.
- Exposed skeleton neon applied directly to fascia element.
- No exposed tubing or lamps are permitted.
- No cabinet signs will be allowed in this center. Logo module boxes may be permitted with owner and City of Chesterfield approval only.
- Sign contractor shall provide necessary fastening and bracing to securely install sign (for wind loads, etc.) to conform to local and City of Chesterfield building codes.

Great Lakes Capital -

MASTER SIGN PROGRAM

Project Location:
16511 Wildhorse Creek Road
Chesterfield, Missouri 63017

Project No.: 200450-10

Salesman: Aaron Clippinger

Designer: Arnulfo Melchor

Date: February 20, 2020

Scale: as noted

Revision:

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**PROPERTY OWNER:**
RGA - PEARL GLC WILDHORSE, LP

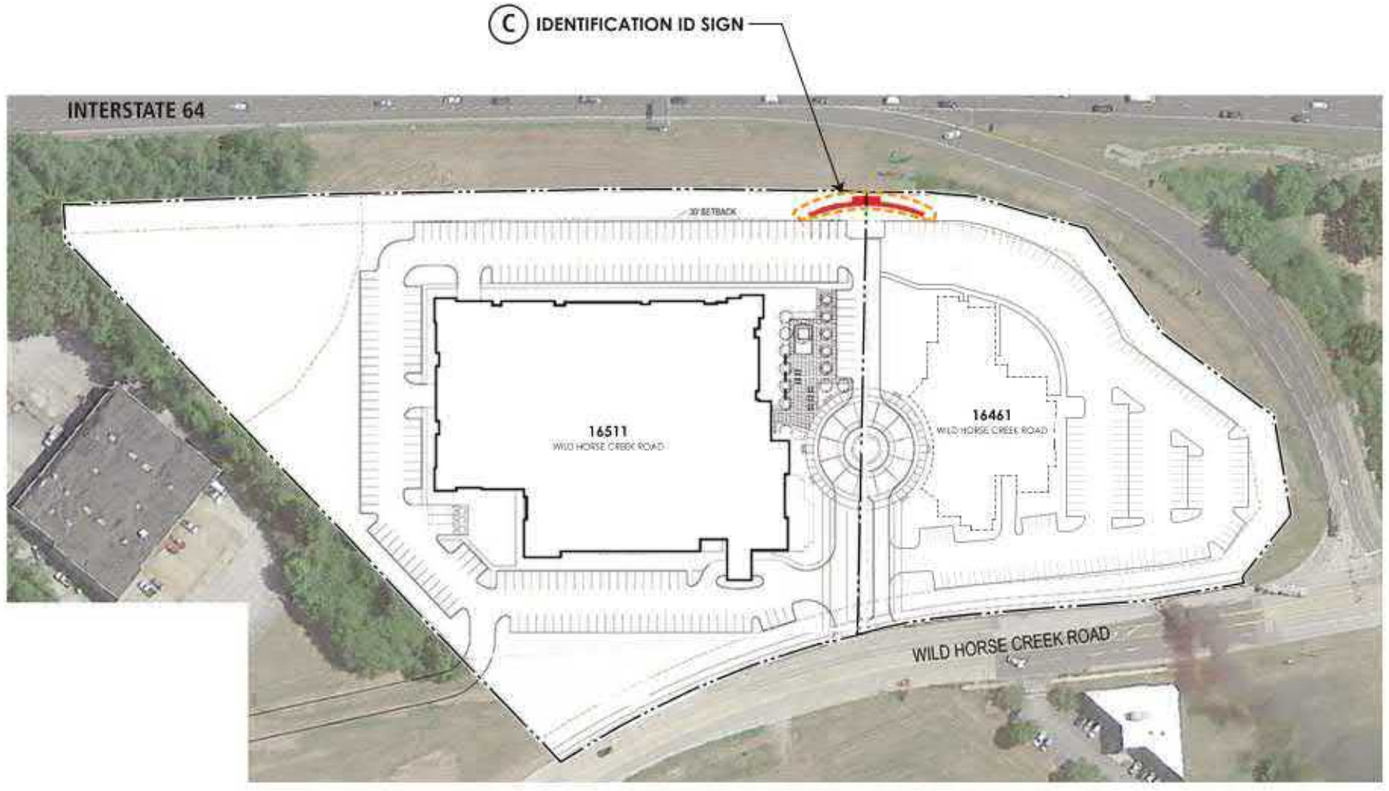
**ADDRESS:**
16511 WILD HORSE CREEK ROAD
CHESTERFIELD, MISSOURI 63005

**LEGAL DESCRIPTION:**
APN#: 18S430248, 18T640095, 18T640204, 18T640215, 18T640303, 18T640314, 18T640325
ZONING: "PC&R" PLANNED COMMERCIAL & RESIDENCE (ORD. #3023)
LOT SIZE: 7.306± ACRES
SUBDIVISION: WILDHORSE
COUNTY: SAINT LOUIS

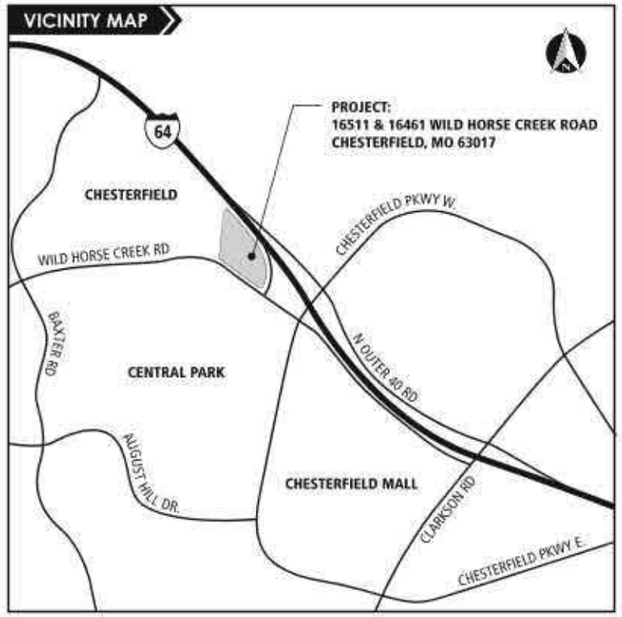
**PROPERTY OWNER:**
WILD HORSE HOTEL, LLC
9333 N. MERIDIAN ST.
INDIANAPOLIS, IN 46260

**ADDRESS:**
16461 WILD HORSE CREEK ROAD
CHESTERFIELD, MISSOURI 63005

**LEGAL DESCRIPTION:**
APN#: 18S430248, 18T640095, 18T640204, 18T640215, 18T640303, 18T640314, 18T640325
ZONING: "PC&R" PLANNED COMMERCIAL & RESIDENCE (ORD. #3023)
LOT SIZE: 3.474± ACRES
SUBDIVISION: WILDHORSE
COUNTY: SAINT LOUIS




## SITE PLAN
SCALE: 1"=160'-0"




## LEGEND

| SIGNAGE: | | SIGN AREA: |
|---|---|---|
| C | IDENTIFICATION ID SIGN. | 240 SQ. FT. |
| E.1 | BUILDING TENANT ID SIGNAGE. | 66 SQ. FT. |
| F.1 | RESTAURANT TENANT WALL SIGNAGE. | 94 SQ. FT. |
| F.2 | RESTAURANT TENANT WALL SIGNAGE. | PER CITY ORDINANCE SECTION 31-04-05f3 (A)- |
| G | COMMERCIAL TENANT WALL SIGNAGE. | PER CITY ORDINANCE SECTION 31-04-05 |
| K | DOOR GRAPHICS. | 4 SQ. FT. |

**KEY - LANDSCAPE PLAN**
------ LANDSCAPE PERENNIALS.

**SEE NEXT SHT. FOR ENLARGED. FLOOR PLAN & SIGNAGE LOCATION.**

# Great Lakes Capital -

MASTER SIGN PROGRAM

Project Location:
16511 Wildhorse Creek Road
Chesterfield, Missouri 63017

Project No.: **200450-10**
Salesman: Aaron Clippinger
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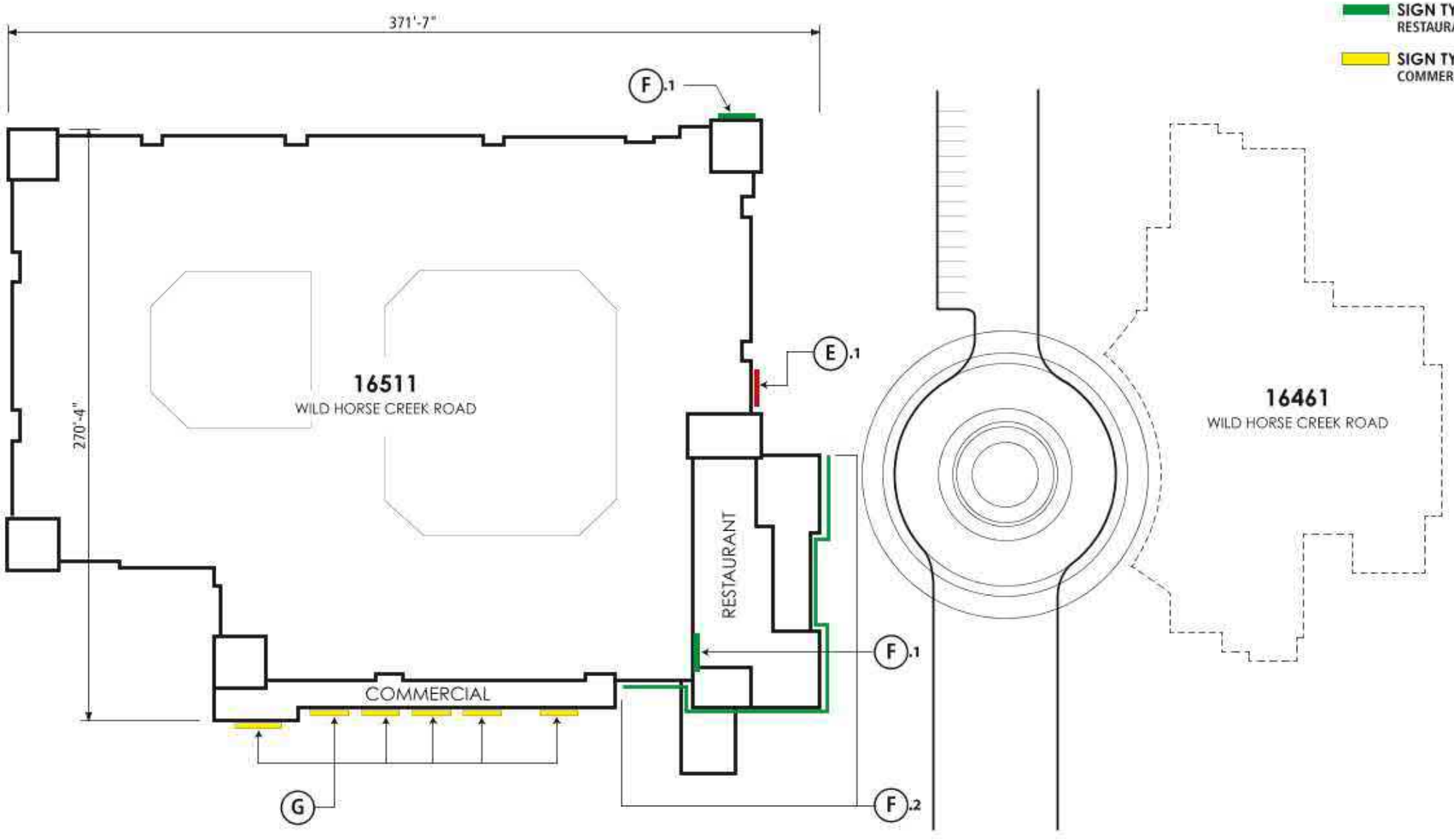


## FLOOR PLAN

SCALE: 1"=60'-0"

### LEGEND

| SIGNAGE: | | SIGN AREA: |
|---|---|---|
| C | IDENTIFICATION ID SIGN. | 240 SQ. FT. |
| E.1 | BUILDING TENANT ID SIGNAGE. | 66 SQ. FT. |
| F.1 | RESTAURANT TENANT WALL SIGNAGE. | 94 SQ. FT. |
| F.2 | RESTAURANT TENANT WALL SIGNAGE. | PER CITY ORDINANCE SECTION 31-04-05f3 (A)- |
| G | COMMERCIAL TENANT WALL SIGNAGE. | PER CITY ORDINANCE SECTION 31-04-05 |
| K | DOOR GRAPHICS. | 4 SQ. FT. |

### KEY

**SIGN TYPE E:**
**ADDITIONAL WALL SIGNS** - (SEE SHT. 6)

**SIGN TYPE F:**
**RESTAURANT TENANT SIGN** - (SEE SHT. 8)

**SIGN TYPE G:**
**COMMERCIAL TENANT SIGN** - (SEE SHT. 9).

# Great Lakes Capital -

MASTER SIGN PROGRAM

Project Location:
16511 Wildhorse Creek Road
Chesterfield, Missouri 63017

Project No.: **200450-10**

Salesman: Aaron Clippinger

Designer: Arnulfo Melchor

Date: February 20, 2020

Scale: 1"=60'-0"

Revision:

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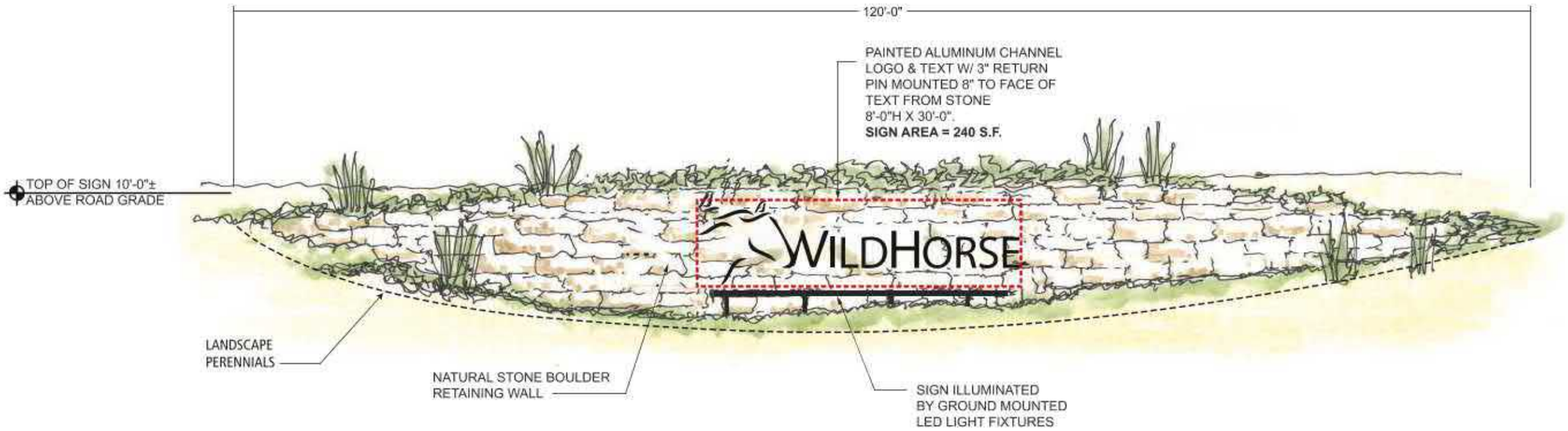


## Ⓒ IDENTIFICATION SIGN

SCALE: 3/32"=1'-0"

# Great Lakes Capital -

MASTER SIGN PROGRAM

Project Location:

16511 Wildhorse Creek Road
Chesterfield, Missouri 63017

Project No.: **200450-10**

Salesman: Aaron Clippinger

Designer: Arnulfo Melchor

Date: February 20, 2020

Scale: 3/32"=1'-0"

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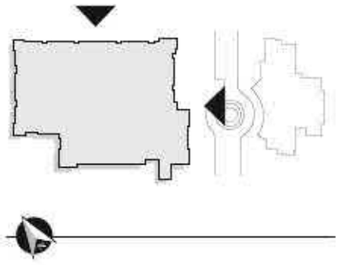
NORTH ELEVATION

EAST ELEVATION



## NORTH & EAST ELEVATION

SCALE: 1"=30'-0"

# Great Lakes Capital -

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Date: February 20, 2020

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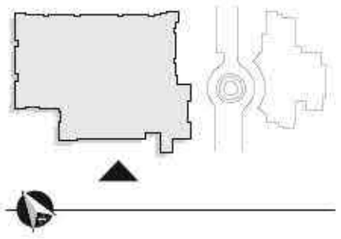
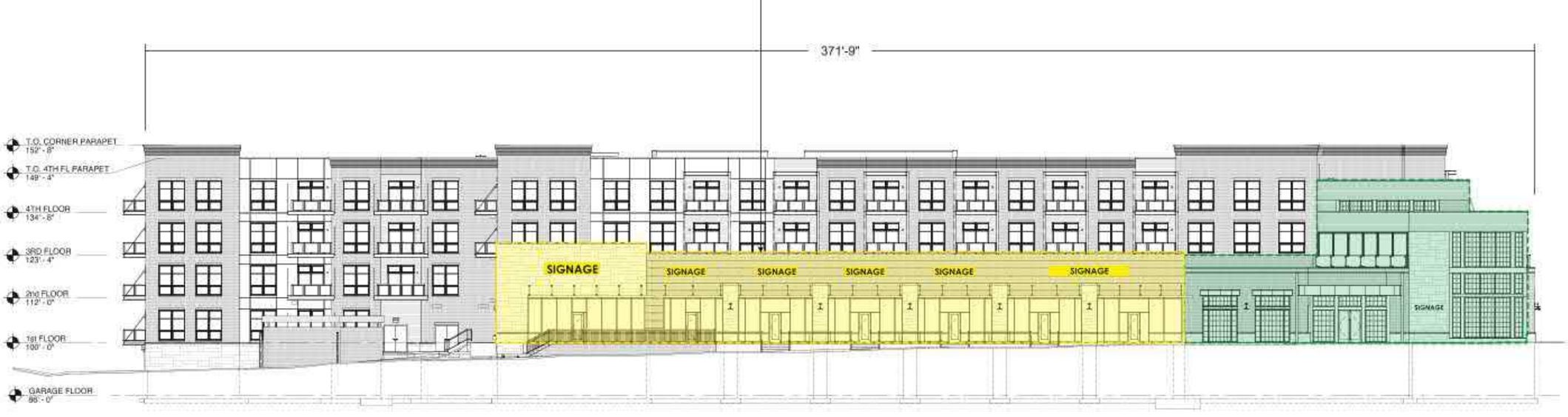


**G** **COMMERCIAL LEASE AREA**
SIGNAGE FOR INDIVIDUAL COMMERCIAL TENANTS ARE TO COMPLY WITH THE CITY OF CHESTERFIELD SIGN CODE - SECTION 31-04-05 SIGN REQUIREMENTS.
**(SEE SHT. 9)**




SOUTH ELEVATION

## SOUTH ELEVATION

SCALE: 1"=30'-0"

# Great Lakes Capital -

MASTER SIGN PROGRAM

Project Location:
16511 Wildhorse Creek Road
Chesterfield, Missouri 63017

Project No.: **200450-10**

Salesman: Aaron Clippinger

Designer: Arnulfo Melchor

Date: February 20, 2020

Scale: 1"=30'-0"

Revision: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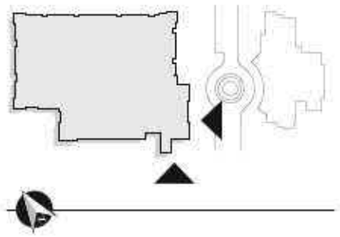


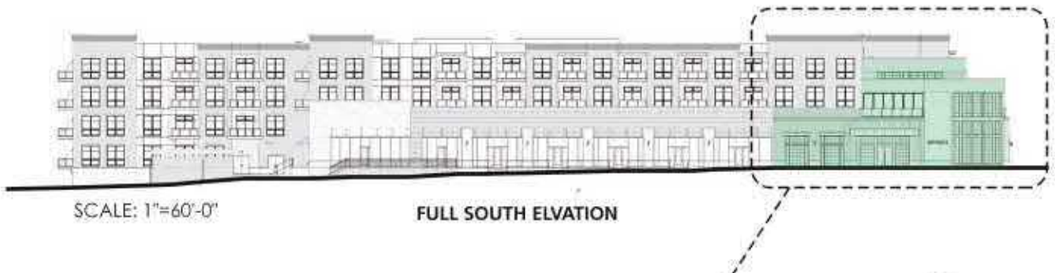
**TENANT SIGN AREA:**

| F.2 | Q'TY. | WALL AREA | 5% CALC. |
|---|---|---|---|
| SOUTH ELEVATION | 1 | 31'-9" X 35'-2 = 1116.3 SF | 55.8 SF |

**(F).2 RESTAURANT LEASE AREA**
THIS SIGN AREA ALLOWED FOR WALL SIGNAGE IS TO BE CALCULATED PER CITY SIGN ORDINANCE
SECTION 31-04-05f3 (A) -

RESTAURANT TENANT WALL SIGNAGE IS TO BE ALLOWED TO BE LOCATED ON THE PORTIONS OF THE BUILDING, BUT NOT EXCEED THE OVERALL ALLOWED AREA FOR THE RESTAURANT TENANT.

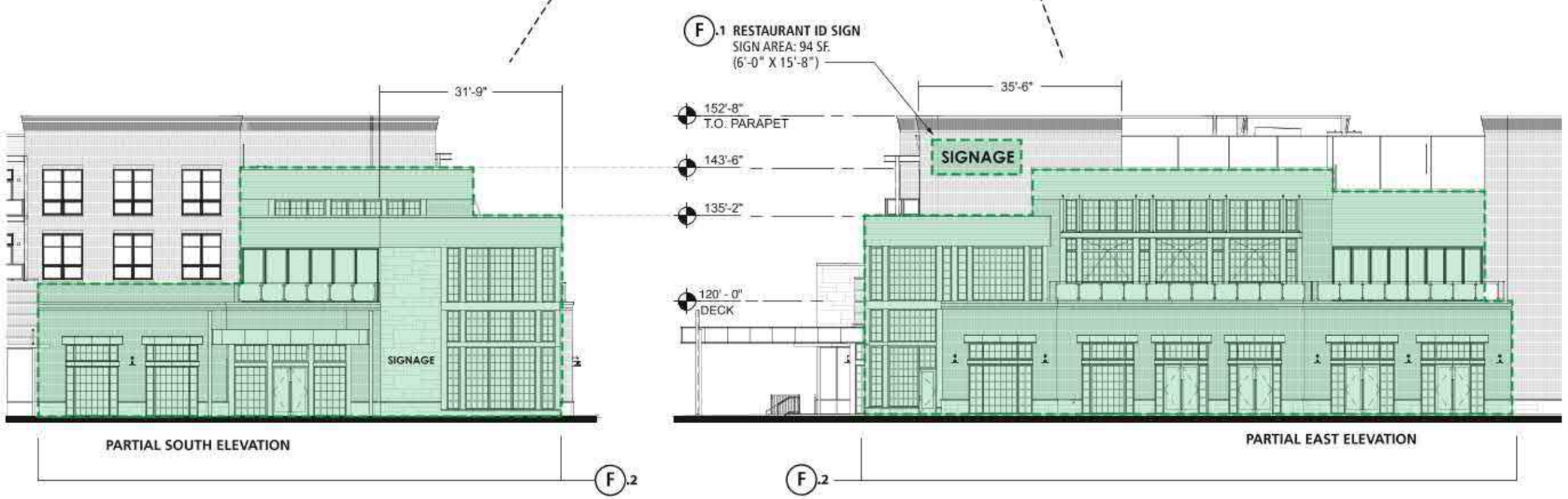
**NOTE:**
THE OUTLINE AREA OF EACH TENANT SIGN SHALL NOT EXCEED FIVE PERCENT (5%) OF THE WALL AREA OF THE BUSINESS ON WHICH SAID SIGN IS ATTACHED.



SCALE: 1"=60'-0"

**FULL SOUTH ELVATION**

**FULL EAST ELEVATION** SCALE: 1"=60'-0"




**PARTIAL SOUTH ELEVATION**

(F).2

**PARTIAL EAST ELEVATION**

(F).2

## RESTAURANT LEASE SIGN AREA - SOUTHEAST CORNER ELEVATION

SCALE: 1"=20'-0"

# Great Lakes Capital -

MASTER SIGN PROGRAM

Project Location:
16511 Wildhorse Creek Road
Chesterfield, Missouri 63017

Project No.: **200450-10**

Salesman: Aaron Clippinger

Designer: Arnulfo Melchor

Date: February 20, 2020

Scale: as noted

Revision:
3 AR-added sign @ east elev 07.24.20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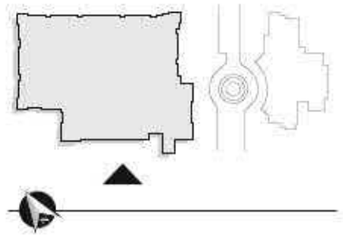


SCALE: 1"=60'-0"

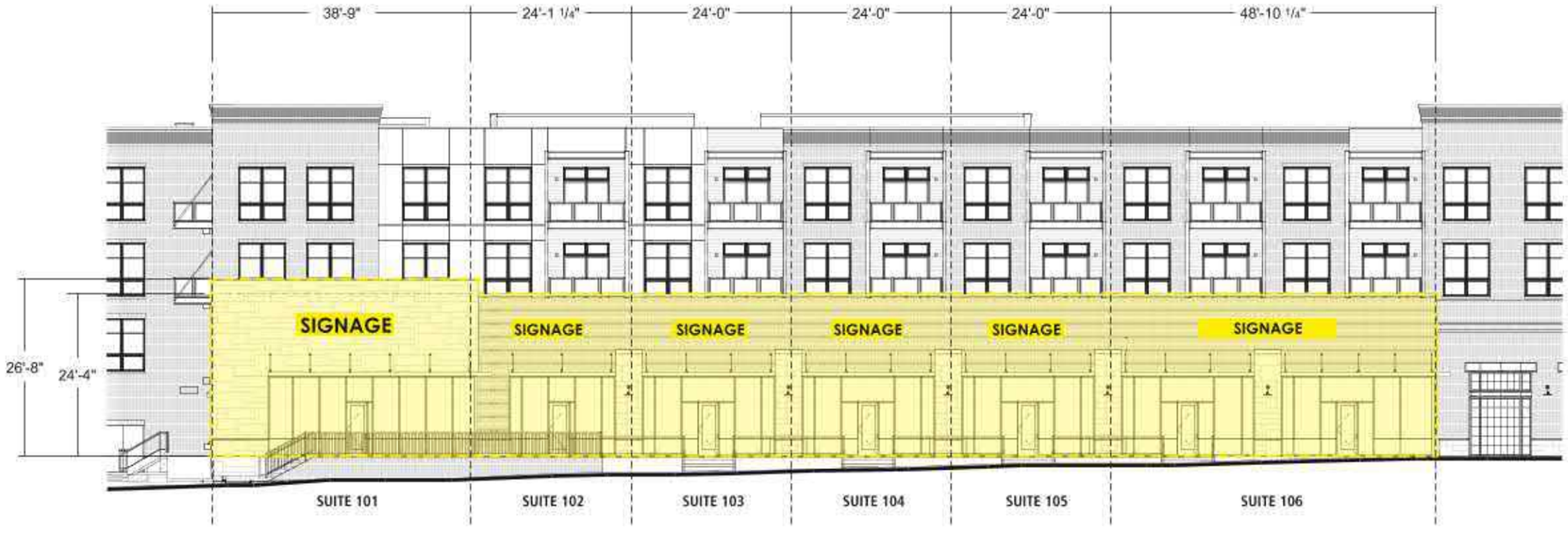
FULL SOUTH ELEVATION

Ⓖ **COMMERCIAL LEASE AREA**
SIGNAGE FOR INDIVIDUAL COMMERCIAL TENANTS ARE TO COMPLY WITH THE CITY OF CHESTERFIELD SIGN CODE - SECTION 31-04-05 SIGN REQUIREMENTS.

**NOTE:**
THE OUTLINE AREA OF EACH TENANT SIGN SHALL NOT EXCEED FIVE PERCENT (5%) OF THE WALL AREA OF THE BUSINESS ON WHICH SAID SIGN IS ATTACHED.

**TENANT SIGN AREA:**

| SUITE | Q'TY. | WALL AREA | | 5% CALC. |
|---|---|---|---|---|
| 101 | 1 | 26'-8"X 38'-9" | = 1033.3 SF | 51.7 SF |
| 102 | 1 | 24'-4"X 24'-1 1/4" | = 586.5 SF | 29.3 SF |
| 103 | 1 | 24'-4"X 24'-0" | = 584.0 SF | 29.2 SF |
| 104 | 1 | 24'-4"X 24'-0" | = 584.0 SF | 29.2 SF |
| 105 | 1 | 24'-4"X 24'-0" | = 584.0 SF | 29.2 SF |
| 106 | 1 | 24'-4"X 48'-10 1/4" | = 1188.8 SF | 59.4 SF |




PARTIAL SOUTH ELEVATION

## COMMERCIAL LEASE SIGN AREA - SOUTH ELEVATION

SCALE: 1"=20'-0"

# Great Lakes Capital -

MASTER SIGN PROGRAM

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Project No.: **200450-10**

Salesman: Aaron Clippinger

Designer: Arnulfo Melchor

Date: February 20, 2020

Scale: as noted

Revision:

| | | |
|---|---|---|
| 9 | AR-revised sign area | 10.19.20 |


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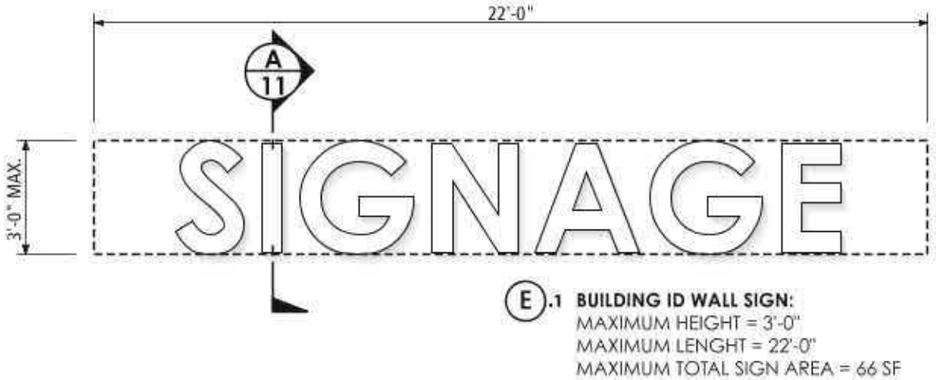
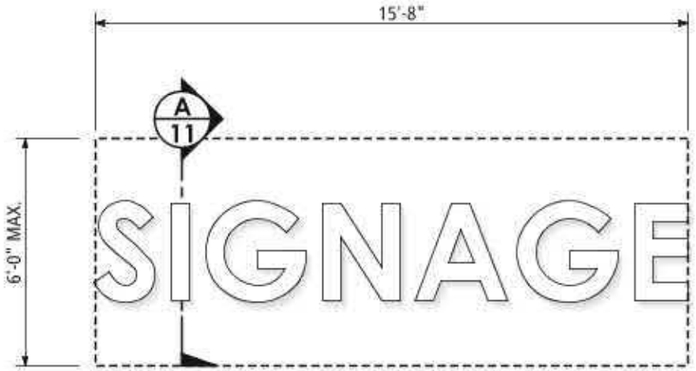



E.1 **BUILDING ID WALL SIGN:**
MAXIMUM HEIGHT = 3'-0"
MAXIMUM LENGHT = 22'-0"
MAXIMUM TOTAL SIGN AREA = 66 SF




F.1 **BUILDING ID WALL SIGN:**
MAXIMUM HEIGHT = 6'-0"
MAXIMUM LENGHT = 15'-8"
MAXIMUM TOTAL SIGN AREA = 94 SF

## HALO-LIT OR FACE-LIT CHANNEL LOGO/LETTERS ON ALUMINUM RACEWAY

SCALE: 1/4" = 1'-0"

**OPTION "A" - FACE-LIT CHANNEL LOGO/LETTERS:**

CONSTRUCTION -
(3" DP.) FABRICATED ALUMINUM CHANNEL LOGO & LETTERS W/ 3/16" THK. ACRYLIC FACES & 3/4" TRIMCAP EDGES.
COLORS -
AS PER CUSTOMER COLOR STANDARDS.
ILLUMINATION -
LOW VOLTAGE LED ILLUMINATION.
INSTALL -
LETTERS SURFACE MOUNTED TO ALUMINUM RACEWAY.

RACEWAY:
.090" THK. FABRICATED ALUMINUM RACEWAY PAINTED TO MATCH BUILDING COLOR. MOUNTED TO BUILDING WALL (VERIFY METHOD OF ATTACHMENT).

**OPTION "B" - HALO-LIT CHANNEL LOGO/LETTERS:**

CONSTRUCTION -
(3" DP.) FABRICATED ALUMINUM REVERSE CHANNEL LOGO & LETTERS W/ 3/16" THK. CLEAR POLYCARBONATE BACKS.
COLORS -
AS PER CUSTOMER COLOR STANDARDS.
ILLUMINATION -
LOW VOLTAGE LED HALO-ILLUMINATION.
INSTALL -
LOGO/LETTERS PEGGED-OFF FROM ALUMINUM RACEWAY.

RACEWAY:
.090" THK. FABRICATED ALUMINUM RACEWAY PAINTED TO MATCH BUILDING COLOR. MOUNTED TO BUILDING WALL (VERIFY METHOD OF ATTACHMENT).

**NOTES:**

- NO EXPOSED TUBING OR LAMPS.
- LETTERS OR GRAPHICS NOT TO HANG OVERSIDE OF RACEWAY.
- COLORS SUBJECT TO LL APPROVAL.
- CUSTOM LOGO & SECOND LINE OF COPY IS ALLOWED WITHIN ALLOWABLE SIGN AREA GUILELINES.
- SIGN CONTRACTOR SHALL PROVIDED NECESSARY.
- FASTENING AND BRACING TO SECURELY INSTALL SIGN (FOR WIND LOADS, ETC.) TO CONFORM TO LOCAL AND CITY OF CHESTERFIELD BUILDING CODES.

**CABINET SIGN & BLADE SIGNS:**

CABINET SIGNS AND BLADE SIGNS ARE ALLOWED WITHIN SECTION AREA "C" PENDING REVIEW AND APPROVAL BY THE CITY OF CHESTERFIELD THROUGH THE CONCEPT SIGN PACKAGE PROCESS. UNIQUE DESIGN, SUPERIOR QUALITY AND APPROPRIATENESS OF THE PROPOSED CABINET OR BLADE SIGN WILL BE THE PRIMARY CONSIDERATION.

# Great Lakes Capital -

MASTER SIGN PROGRAM

Project Location:
16511 Wildhorse Creek Road
Chesterfield, Missouri 63017

Project No.: **200450-10**

Salesman: Aaron Clippinger
Designer: Arnulfo Melchor
Date: February 20, 2020
Scale: 1/4"=1'-0"

Revision:

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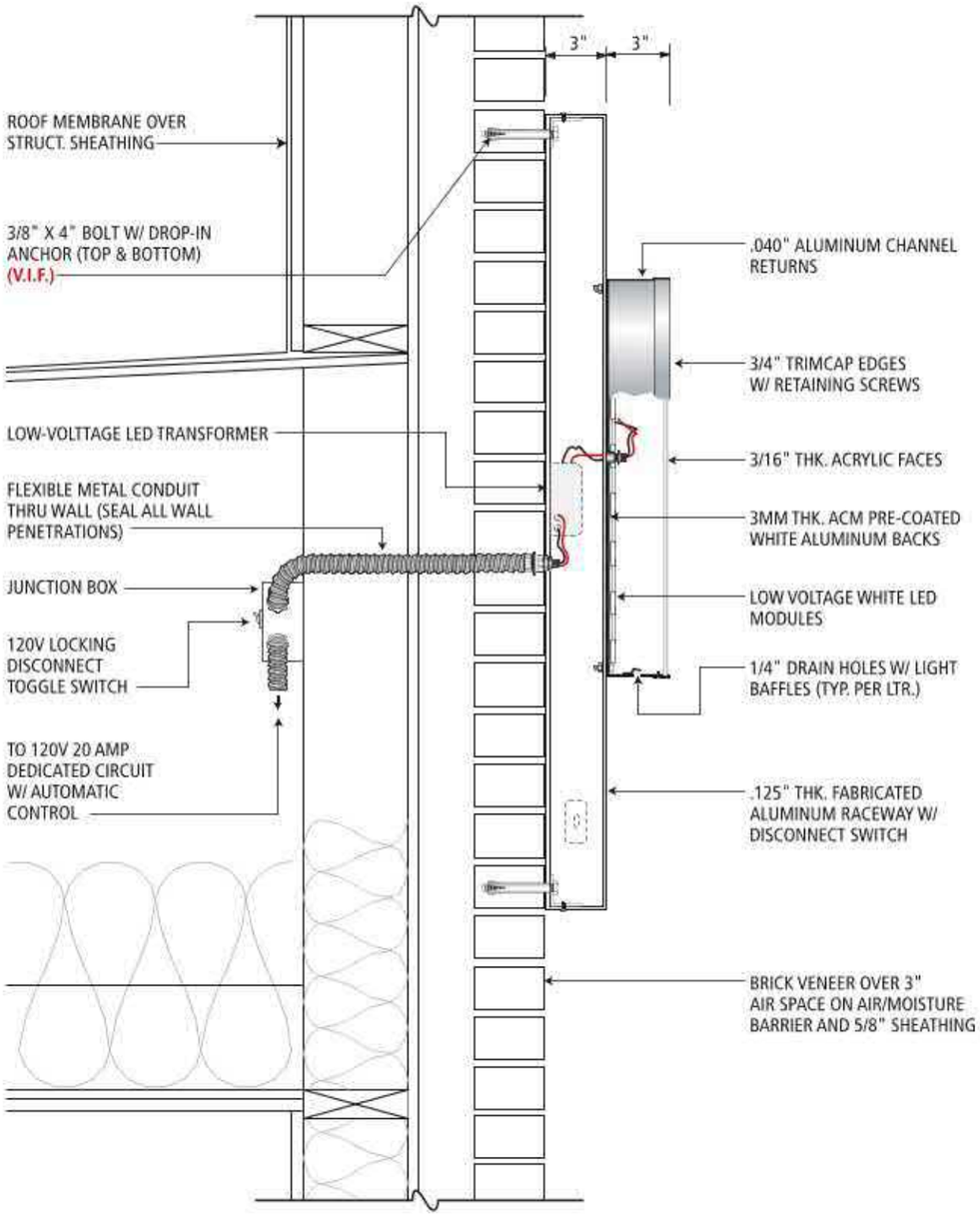
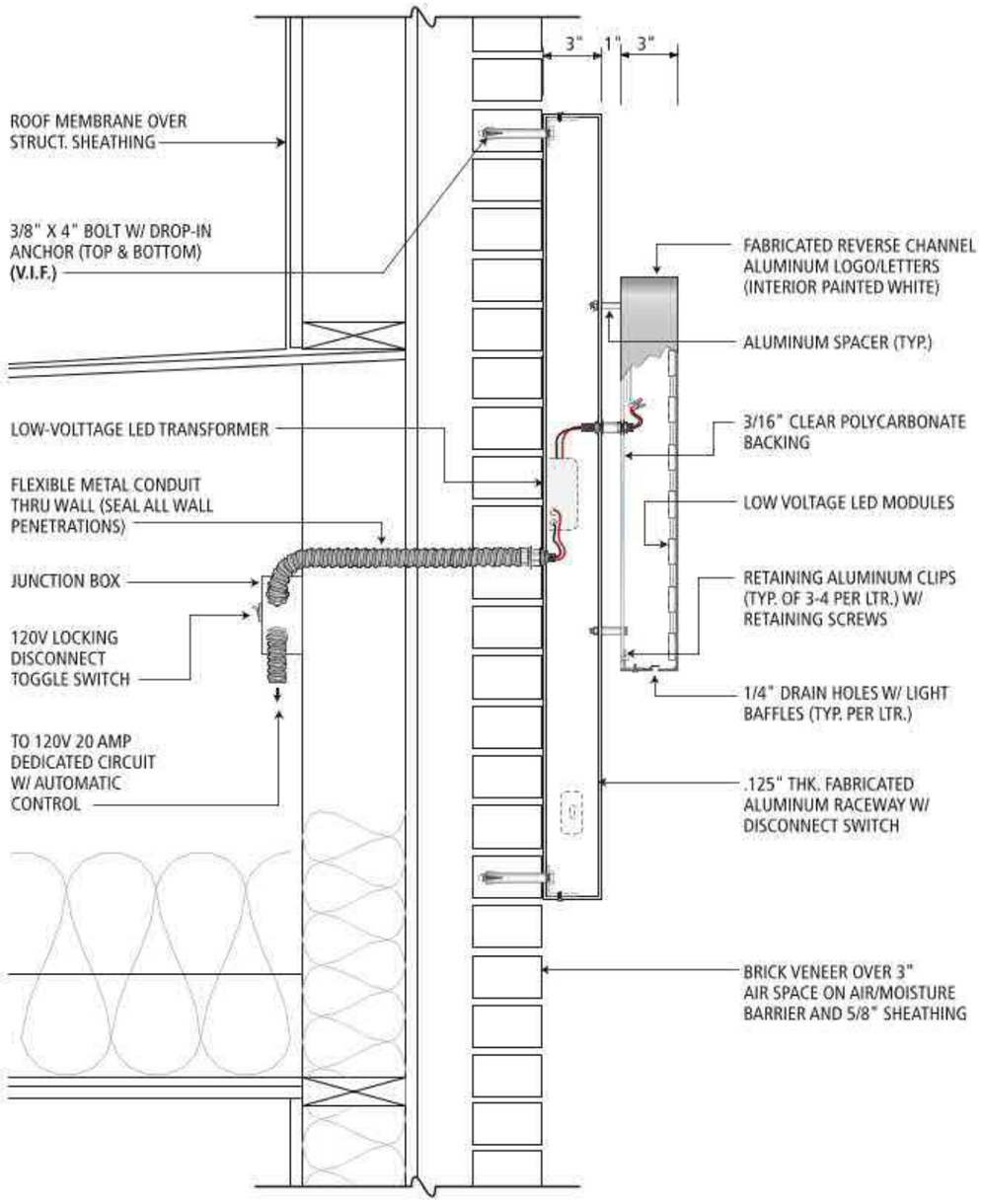



**OPTION "A" - FACE-LIT LOGO/LETTERS (SECTION DETAIL)** (A)

SCALE: 1 1/2" = 1'-0"




**OPTION "B" - HALO-LIT LETTERS (SECTION DETAIL)** (A)

SCALE: 1 1/2" = 1'-0"

## SECTION DETAIL & SIGN CONSTRUCTION

SCALE: 1 1/2" = 1'-0"

# Great Lakes Capital -

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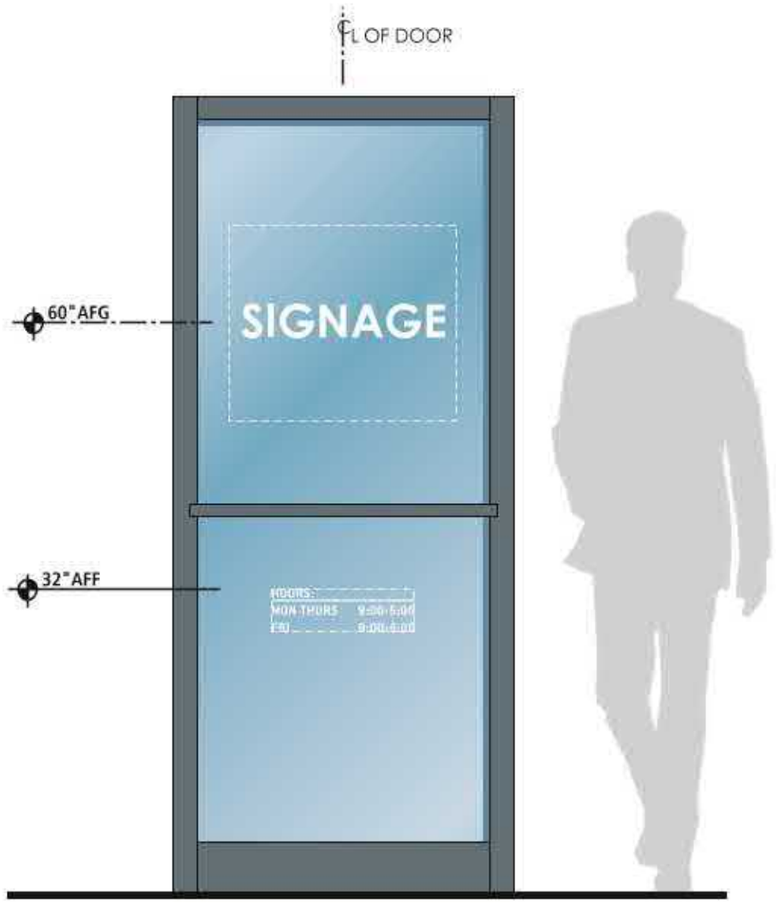


## K DOOR GRAPHICS

SCALE: 3/4" = 1'-0"

**DOOR GRAPHICS SPECIFICATIONS :**

LETTERSTYLE ARE ACCEPTABLE. UPPER OR LOWER CASE COPY IS PERMITTED. ALL TRADEMARKED LOGO WILL BE PERMITTED TO USE THEIR REGISTERED LOGO.

**NOTES-**

- COLORS SUBJECT TO LL APPROVAL.
- SIGN DESIGN, INCLUDING SIZES, TYPESTYLE, COLOR & LOGOS ARE SUBJECTS TO LANDLORD & CITY APPROVAL.

**SIZE RESTRICTION:**

- GRAPHICS ON THE DOOR TO BE LIMITED TO 4 SQ. FT.
- LETTERING NOT TO EXCEED 6" IN HEIGHT

# Great Lakes Capital -

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# Memorandum
## Department of Planning

**To:** Michael O. Geisel, City Administrator

**From:** Justin Wyse, Director of Planning JW

**Date:** December 7, 2020

**RE:** **P.Z. 06-2020 15310 Conway Road (SMS Group):** A request to repeal and replace Ordinance 2463 to establish a new "PC" Planned Commercial District to modify development criteria for a tract of land totaling 1.492 acres located at the southwest corner of the intersection of Chesterfield Parkway East and Conway Road (18S310557).

**Summary**

Sean Sortor, on behalf of SMS Group, has submitted an Ordinance Amendment petition for 15310 Conway Rd. The petition requests to change the development criteria for the site by changing structure and parking setback requirements and to update the list of permitted uses to accommodate the future development of a commercial building. The current ordinance will be repealed and replaced to reflect current language of the Unified Development Code.

A Public Hearing was held on September 30, 2020, where several issues were raised. On November 9, 2020, the Planning Commission recommended approval of the new planned district ordinance by a vote of 8 to 0.

On November 19, 2020, City of Chesterfield Planning and Public Works Committee forwarded the project to City Council with a recommendation of approval by a vote of 4-0. The first reading for this petition will be held at the December 7, 2020 City Council meeting.

Attached to this report, please find a copy of the Attachment A, November 9, 2020 Staff Report, Narrative Statement, Preliminary Development Plan, and Tree Stand Delineation.

Attachments: Attachment A
November 9, 2020 Staff Report
Narrative Statement
Preliminary Development Plan
Tree Stand Delineation

Figure 1: Subject Site Aerial

**BILL NO.** 3322 **ORDINANCE NO.**_____

**AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE 2463 AND TO ESTABLISH A NEW "PC" PLANNED COMMERCIAL DISTRICT FOR A 1.49 ACRE TRACT OF LAND LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF CHESTERFIELD PARKWAY EAST AND CONWAY ROAD (P.Z. 06-2020 15310 Conway Road {SMS Group, LLC} 18S310557).**

**WHEREAS,** the petitioner, SMS Group LLC, has requested a new planned district ordinance to establish new development criteria for a 1.49 acre tract of land located at the southwest corner of the intersection of Chesterfield Parkway East and Conway Road; and,

**WHEREAS,** a Public Hearing was held before the Planning Commission on September 30, 2020; and,

**WHEREAS,** the Planning Commission, having considered said request, recommended approval of the planned district; and,

**WHEREAS,** the Planning and Public Works Committee, having considered said request, recommended approval of the request; and,

**WHEREAS,** the City Council, having considered said request voted to approve the ordinance amendment request.

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

**Section 1.** City of Chesterfield Ordinance 2463 is hereby repealed and the City of Chesterfield Unified Development Code and Official Zoning District Map, which are part thereof, are hereby amended by establishing a "PC" Planned Commercial District designation for 1.49 acres located at 15310 Conway Road and as described as follows:

A tract of land being part of Fractional Section 10, Township 45 North, Range 4 East, situated in the City of Chesterfield, St. Louis County, Missouri and being further described as follows:

Beginning at the intersection of the Southern line of Conway Road as widened by instrument recorded in Deed Book 8572, page 2404 of

the St. Louis County Records with the Eastern line of property conveyed to Raymond L. and Dorothy M. Laux by instrument recorded in Deed Book 2307, page 70 of the St. Louis County Records; thence along said Southern line of Conway Road, being a curve to the left having a radius of 746.20 feet an arc distance of 77.73 feet (chord of North 86 degrees 51 minutes 20 seconds East, 77.69 feet) to a point of tangent; thence North 83 degrees 52 minutes 17 seconds East, 166.16 feet to a point; thence along a curve to the right having a radius of 35.00 feet and an arc distance of 54.80 feet (chord of South 51 degrees 16 minutes 40 seconds East, 49.37 feet) to a point; thence along a curve to the right having a radius of 698.94 feet and an arc distance of 263.80 feet (chord of South 04 degrees 23 minutes 09 seconds West, 262.24 feet) to a point on the North line of State Route 40TR (Interstate 64 ); thence along said North line, North 70 degrees 04 minutes 17 seconds West, 262.65 feet to a point on the East line of Laux, as aforementioned; thence along said East line, North 04 degrees 31 minutes 39 seconds West, 181.39 feet to the point of beginning. Said tract contains 64,853 square feet (1.489 acres) more or less.

**Section 2.** The preliminary approval, pursuant to the City of Chesterfield Unified Development Code is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendation to the City Council, which are set out in the Attachment 'A' and the preliminary plan indicated as Attachment 'B' which is attached hereto as and made part of.

**Section 3.** The City Council, pursuant to the petition filed by SMS Group, LLC, in P.Z. 06-2020, requesting the rezoning embodied in this ordinance, and pursuant to the recommendation of the City of Chesterfield Planning Commission that said petition be granted and after a public hearing, held by the Planning Commission on the 30th day of September 2020, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

**Section 4.** This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Article 8 of the City of Chesterfield Unified Development Code.

**Section 5.** This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2021

_____ _____

PRESIDING OFFICER Bob Nation, MAYOR

ATTEST:

_____

Vickie McGownd, CITY CLERK

FIRST READING HELD: 12/07/2020

ATTACHMENT A

**All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.**

## I. SPECIFIC CRITERIA

### A. PERMITTED USES

1. The uses allowed in this Planned Commercial "PC" District shall be:

   a. Art Gallery

   b. Art Studio

   c. College/University

   d. Financial Institution (No Drive-Through)

   e. Museum

   f. Office - Dental

   g. Office - General

   h. Office – Medical

   i. Recreational Facility

   j. Veterinary Clinic

2. The above uses in this PC District shall be restricted as follows:

   a. Recreational Facility uses shall be limited to gymnastics, dance, cheer and group fitness and athletic training.

   b. Office—Medical uses shall have a 24-hour limit on patient boarding.

3. Hours of Operation.

   a. Hours of operation for this Planned Commercial "PC" District shall not be restricted.

4. Telecommunication siting permits may be issued for wireless telecommunications facilities per the requirements of the City Code.

**B. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS**

1. Floor Area

   a. Total building floor area shall not exceed 15,000 square feet.

2. Height

   a. The maximum height of the building, exclusive of roof screening, shall not exceed thirty (30) feet.

3. Building Requirements

   a. A minimum of forty percent (40%) open space is required for this development.

   b. This development shall have a maximum F.A.R. of .55.

**C. SETBACKS**

1. Structure Setbacks

   No building or structure, other than: a freestanding project identification sign, trash enclosures, light standards, or flag poles will be located within the following setbacks:

   a. Twenty-five (25) feet from the right-of-way of Conway Road on the northern boundary of the Planned Commercial "PC" District.

   b. Sixty (60) feet from the right-of-way of Chesterfield Parkway East on the eastern boundary of the Planned Commercial "PC" District.

   c. Five (5) feet from the western boundary of the Planned Commercial "PC" District.

   d. Ten (10) feet from the southern boundary of the Planned Commercial "PC" District.

2. Parking Setbacks

   No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks:

DRAFT

a. Ten (10) feet from the right-of-way of Conway Road on the northern boundary of the Planned Commercial "PC" District.

b. Twenty-Five (25) feet from the right-of-way of Chesterfield Parkway East on the eastern boundary of the Planned Commercial "PC" District.

c. Five (5) feet from the western boundary of the Planned Commercial "PC" District.

d. Five (5) feet from the southern boundary of the Planned Commercial "PC" District.

**D. PARKING AND LOADING REQUIREMENTS**

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.

2. Parking lots shall not be used as streets.

3. No construction related parking shall be permitted within right of way of Conway Road, Chesterfield Parkway or on any other existing roadways. All construction related parking shall be confined to the development.

**E. LANDSCAPE AND TREE REQUIREMENTS**

1. The development shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.

2. Landscape buffers shall be required for this development as follow:

   a. Ten (10) feet from the right-of-way of Conway Road on the northern boundary of the Planned Commercial "PC" District.

   b. Twenty-Five (25) feet from the right-of-way of Chesterfield Parkway East on the eastern boundary of the Planned Commercial "PC" District.

   c. Five (5) feet from the southern boundary of the Planned Commercial "PC" District.

**F. SIGN REQUIREMENTS**

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are

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reviewed and approved by the City of Chesterfield Planning Commission.

2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield for sight distance considerations prior to installation or construction.

**G. LIGHT REQUIREMENTS**

Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.

**H. ARCHITECTURAL**

1. The development shall adhere to the Architectural Review Standards of the City of Chesterfield Code.

2. Trash enclosures: All exterior trash areas will be enclosed with a minimum six (6) foot high sight-proof enclosure complemented by adequate landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Chesterfield on the Site Development Plan.

**I. ACCESS/ACCESS MANAGEMENT**

1. Access to the development shall be as shown on the Preliminary Site Plan and adequate sight distance shall be provided, as directed by the City of Chesterfield.

2. If adequate sight distance cannot be provided at the access location(s), acquisition of right-of-way, reconstruction of pavement and other off-site improvements may be required to provide the required sight distance as required by the City of Chesterfield.

3. Provide a cross access easement(s) to 15320 Conway Road, as may be necessary to allow joint utilization of the shared entrance drive.

4. Access to this development from Chesterfield Parkway East shall not be permitted.

5. Northbound left turns from Chesterfield Parkway East to westbound Conway are currently prohibited and will not be permitted under existing geometric conditions and I-64 ramp location.

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**J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION**

1. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield. No gate installation will be permitted on public right-of-way.

2. If a gate is installed on a street in this development, the streets within the development, or that portion of the development that is gated, shall be private and remain private forever.

3. Provide a 5-foot-wide sidewalk, conforming to ADA standards, along Conway Road. The sidewalk shall provide for future connectivity to adjacent developments and/or roadway projects. The sidewalk may be located within right-of-way or on private property within a 6-foot-wide sidewalk access easement dedicated to the City of Chesterfield. Sidewalk construction and maintenance shall be the responsibility of the property owner.

4. Provide an ADA compliant pedestrian route from the sidewalk along Conway Road to the site.

5. Obtain approvals from the City of Chesterfield for locations of proposed curb cuts and access points, areas of new dedication, and roadway improvements.

6. A sidewalk conforming to Saint Louis County ADA standards shall be provided adjacent to Chesterfield Parkway East, as directed by the Saint Louis County Department of Transportation.

7. Road improvements shall be completed prior to the issuance of an occupancy permit. Delays due to utility relocation and adjustments do not constitute a cause to allow occupancy prior to completion of road improvements.

8. Prior to Special Use Permit issuance by the Saint Louis County Department of Transportation, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit, shall be established with the Saint Louis County Department of Transportation to guarantee completion of the required roadway improvements.

**K. TRAFFIC STUDY**

1. Provide a traffic study as directed by St. Louis County and the City of Chesterfield. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance,

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traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield. The developer's additional road improvement obligation shall be as determined by the approved study.

2. Provide a sight distance evaluation report, as required by the City of Chesterfield, for the proposed entrance. If adequate sight distance cannot be provided at the access location, acquisition of right-of-way, reconstruction of pavement, including correction to the vertical alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield and/or the Missouri Department of Transportation.

**L. POWER OF REVIEW**

The development shall adhere to the Power of Review Requirements of the City of Chesterfield Code.

**M. STORM WATER**

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or connected to an adequate piped system.

2. Detention/retention and channel protection measures are to be provided in each watershed as required by the City of Chesterfield. The storm water management facilities shall be operational prior to paving of any driveways or parking areas in non-residential development or issuance of building permits exceeding sixty percent (60%) of approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on the Site Development Plan(s).

3. Storm sewers shall be as approved by the Metropolitan St. Louis Sewer District and the City of Chesterfield.

4. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or to the existing piped system adjacent to Conway Road.

5. Detention/retention and channel protection measures are to be provided in each watershed as required by the Metropolitan St. Louis Sewer District. The storm water management facilities shall be operational prior to paving of any driveways or parking areas. The

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location and types of storm water management facilities shall be identified on all Site Development Plans.

6. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the City of Chesterfield and the Metropolitan St. Louis Sewer District.

7. Offsite storm water shall be picked up and piped to an adequate natural discharge point. Such bypass systems must be adequately designed.

8. Locations of site features such as lakes and detention ponds must be approved by the City of Chesterfield and the Metropolitan Saint Louis Sewer District.

9. Formal MSD review, approval, and permits are required.

10. MSD considers this project to be part of a larger common plan of development with 15320 Conway, 19MSD-00205.

11. Post-construction BMPs will be required. Stormwater Management facilities and site design strategies shall be applied such that the extents of the projects disturbed areas are managed. The site is considered new development; volume reducing BMP's will be required.

12. Project is located in a release rate watershed. If the differential runoff exceeds 5 CFS, for the entire common plan of development, the release rates will be in effect for this project.

13. Flood protection volume may be required based on site and common plan of development differential.

14. Channel protection volume will be required for this project if additional flood protection volume is required.

15. The developer will be required to provide a 100-year overland flow path.

16. The petitioner shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will affect Missouri Department of Transportation (MODOT) right-of-way.

17. Easements will be required over existing sewers.

18. New encroachments will not be allowed.

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**N. SANITARY SEWER**

1. Sanitary sewers shall be as approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.

2. Sanitary flow estimates must be provided. These shall include the estimated average daily and peak flow rates. These estimates are needed to determine the sanitary requirements for the site. Sanitary improvements may be required based on the flow rates provided.

3. This project will connect to the sewer extension proposed under 19MSD-00205. That project is not approved by MSD. The sanitary connection will not be allowed until 19MSD-00205 has construction approval or a letter is provided from the developer and drain layer for 19MSD-00205.

4. Public sanitary sewers must be extended to serve this development.

5. The developer is proposing a low-pressure sanitary system. When this project is completed, a common force main will be created. Modeling of the common force main system will be required including possible expansion to adjacent properties.

**O. GEOTECHNICAL REPORT**

Prior to Site Development Plan approval, the developer shall provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the City of Chesterfield. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Development Plans and Improvement Plans.

**P. MISCELLANEOUS**

1. All off-site easements necessary for installation of proposed improvements, utilities, and grading must be in place prior to acceptance of improvement plans and/or issuance of a grading permit.

2. Any work within Missouri Department of Transportation (MODOT) right-of-way will require a MODOT permit.

3. Utilities shall be installed underground.

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4. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City Code shall be required where applicable.

5. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development as directed by the City of Chesterfield. Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

6. Prior to record plat approval, the developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the out boundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the United States Public Land Survey Corners, as necessary.

7. Retaining walls along public right of way shall be private and remain private forever and shall be located such that it is not necessary to support any public improvements.

8. Prior to final release of subdivision construction deposits, the developer shall provide certification by a registered land surveyor that all monumentation depicted on the record plat has been installed and United States Public Land Survey Corners have not been disturbed during construction activities or that they have been reestablished and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program, as necessary.

9. Public Art installations shall be required in the locations depicted on the Preliminary Site Plan attached hereto as “Attachment B”.

## II. GENERAL CRITERIA

### A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

The Site Development Plan shall include, but not be limited to, the following:

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.

2. Outboundary plat and legal description of property.

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3. Density calculations.

4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.

5. Provide open space percentage for overall development including separate percentage for each lot on the plan.

6. Provide Floor Area Ratio (F.A.R.).

7. A note indicating all utilities will be installed underground.

8. A note indicating signage approval is a separate process.

9. Depict the location of all buildings, size, including height and distance from adjacent property lines, and proposed use.

10. Specific structure and parking setbacks along all roadways and property lines.

11. Indicate location of all existing and proposed freestanding monument signs.

12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.

13. Floodplain boundaries.

14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, significant natural features, such as wooded areas and rock formations, and other karst features that are to remain or be removed.

15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.

16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.

17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.

18. Address trees and landscaping in accordance with the City of Chesterfield Code.

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19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.

20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.

21. Provide comments/approvals from the appropriate Fire District, Monarch Levee District, Spirit of St. Louis Airport, Metropolitan St. Louis Sewer District (MSD) and the Missouri Department of Transportation.

22. Compliance with Sky Exposure Plane.

23. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

## III. TRUST FUND CONTRIBUTION

The developer shall be required to contribute a Traffic Generation Assessment (TGA) to the Chesterfield Village Road Trust Fund (No. 554). This contribution shall not exceed an amount established by multiplying the required parking spaces by the following rate schedule:

### A. ROADS

| Type of Development | Required Contribution |
|---|---|
| General Office | $777.11/parking space |
| General Retail | $2,331.45/parking space |
| Loading Space | $3,815.12/parking space |

(Parking spaces as required by the City of Chesterfield Code.)

If types of development proposed differ from those listed, rates shall be provided by the Saint Louis County Department of Transportation.

If a portion of the improvements required herein are needed to provide for the safety of the traveling public, their completion as a part of this development is mandatory.

Allowable credits for required roadway improvements will be awarded as directed by the Saint Louis County Department of Transportation and the City of Chesterfield. Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

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Traffic Generation Assessment contributions shall be deposited with Saint Louis County Department of Transportation. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by Saint Louis County Department of Transportation or prior to the issuance of building permits in the case where no Special Use Permit is required. If development phasing is anticipated, the developer shall provide the Traffic Generation Assessment contribution prior to the issuance of building permits for each phase of development. Funds shall be payable to Treasurer, Saint Louis County.

If this development is located within a trust fund area established by Saint Louis County, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development shall be retained in the appropriate trust fund.

The developer is advised that utility companies will require compensation for relocation of their facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

The amount of all required contributions, if not submitted by January 1, 2021, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the Saint Louis County Department of Transportation.

Trust Fund contributions shall be deposited with St. Louis County in the form of a cash escrow prior to the issuance of building permits.

## IV. RECORDING

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

## V. ENFORCEMENT

**A.** The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.

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**B.** Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.

**C.** Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.

**D.** Waiver of Notice of Violation per the City of Chesterfield Code.

**E.** This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.

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VIII.A.

690 Chesterfield Pkwy W ● Chesterfield MO 63017-0760
Phone: 636-537-4000 ● Fax 636-537-4798 ● www.chesterfield.mo.us

# Planning Commission Staff Report

**Project Type:** Ordinance Amendment

**Meeting Date:** November 9, 2020

**From:** Chris Dietz, Planner

**Location:** 15310 Conway Road

**Description:** **P.Z. 06-2020 15310 Conway Road (SMS Group)**: A request to repeal and replace Ordinance 2463 to establish a new "PC" Planned Commercial District to modify development criteria for a tract of land totaling 1.492 acres located at the southwest corner of the intersection of Chesterfield Parkway East and Conway Road (18S310557).

## PROPOSAL SUMMARY

SMS Group has submitted a request for an Ordinance Amendment to modify the development criteria for a tract of land located in the southeast corner of the intersection of Conway Road and Chesterfield Parkway East.

These changes include updating the permitted uses, as well as modifications to parking and structure setbacks. These changes are intended to reflect the development criteria language of the ordinance governing the adjacent parcel to the west, located at 15320 Conway Rd.

*Figure 1: Subject Site Aerial*

This neighboring parcel was rezoned from "R3" Residence District to a "PC" Planned Commercial District by the same applicant in 2017. The applicant is now requesting this Ordinance Amendment to this site to closely align with the development criteria of this adjoining PC district to create a consistent development between the two properties.

A Public Hearing was held on September 30, 2020 in which several issues were raised by Planning Commission. The applicant has provided an updated proposal for Planning Commission's consideration including a response to each of these issues.

## HISTORY OF SUBJECT SITE

Prior to the incorporation of the City of Chesterfield, this site was rezoned from "R3"—Residence District by St. Louis County. On May 21, 2007 the City rezoned the property to "PC" Planned Commercial District via Ordinance Number 2361. This ordinance was later repealed in 2008 to update the legal description and development criteria for this parcel. These changes were intended to accommodate a Site Development Plan application that was filed simultaneously for a 27,000 square-foot, three (3) story bank building, but was put on hold indefinitely. Today, the site is still governed under the provisions of Ordinance 2463.

## LAND USE AND ZONING

The land use and zoning for the properties surrounding the subject site are as follows:

| Direction | Zoning | Land Use |
|---|---|---|
| North | "PC"—Planned Commercial | Hotel |
| South | "C8"—Planned Commercial | Office |
| East | "NU"—Non-Urban | Senior Living Facility |
| West | "PC"—Planned Commercial | Vacant (Development Pending) |

## COMPREHENSIVE PLAN

The City of Chesterfield Comprehensive Land Use Map delineates the subject site at the eastern edge of the City Center (Corporate Village) land use designation. The Comprehensive Plan states that the City Center (Corporate Village) supports the ability to concentrate employment opportunities in the City on normal workdays, which generally supports office and technology. Policies regarding the City Center (Corporate Village) that are applicable to this request include:

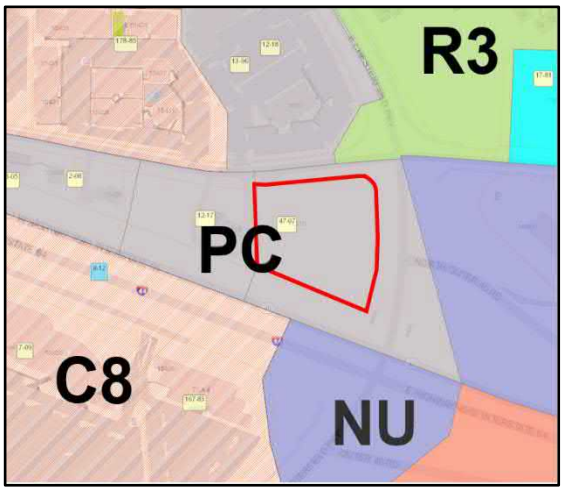


*Figure 2: Zoning Map*

*Figure 3: Land Use Map*

- **Connectivity** - Establish an interconnected network of walkable and bikeable streets that connects one or more surrounding neighborhoods to the employment centers.
- **Open Space** - Accommodate small parks, gathering places and community gardens; preserve tree stands; and help reduce stormwater runoff.
- **Public Art** - Incorporated into new construction and re-development projects.
- **Pedestrian Experience** - Buildings should be constructed closer to the roadways to enhance the pedestrian experience.

## PUBLIC HEARING

A Public Hearing was held on September 30, 2020 in which several issues were raised by Planning Commission. In light of these issues, the applicant has since provided an updated proposal, provided a resubmission to the City and has provided a response to each issue raised during the Public Hearing.

## ISSUES RAISED

- **Issue:** Setbacks—Planning Commission expressed their concern that the proposed parking setbacks along Conway Road do not reflect those for the hotel development across the street.

  **Response:** The applicant has made changes to the proposed setbacks relating to the northern and eastern boundaries along Conway Rd. and Chesterfield Parkway, respectively. The plan now reflects a northern boundary parking setback extended from five feet (5') to ten feet (10') to match that of the hotel development across the street. The eastern boundary parking setback has also been extended from the previous request of thirteen feet (13') to twenty-five feet (25'). These figures are updated in the parking setback table below:

| Parking Setbacks | Existing, to be Repealed | Proposed | 15320 Conway Rd. |
|---|---|---|---|
| Conway Rd. | 18' | ~~5'~~ 10' | 5' |
| I-64 | 18' | 5' | 5' |
| East | 13' | ~~13'~~ 25' | 5' |
| West | 10' | 5' | 5' |

*Table 1. Parking Setbacks*

- **Issue:** Landscape Buffers—Because of the high visibility of the site from Chesterfield Parkway, Planning Commission noted that landscaping must be closely reviewed and expressed concern about the reduction of Landscape Buffers to match parking setbacks.

  **Response:** By doubling the parking setbacks along Conway and Chesterfield Parkway, the applicant has increased the area of Landscape Buffer to the same depths of 10' along Conway Rd. and 25' along Chesterfield Parkway. Figure 4 shows the revised Landscape Buffers that align with parking setbacks in and around the subject site.

*Figure 4: Updated Landscape Buffers*

- **Issue:** Open Space—The proposal presented at the Public Hearing requested a reduction of open space from 40% to 35%.

  **Response:** The applicant has since removed the request for a reduction in Open Space and has expressed that they are comfortable with leaving the Open Space Requirement at 40% as is currently required under the existing ordinance.

- **Issue:** Building Design—Due to the building's close proximity to I-64 and Chesterfield Parkway, it was noted that the building should be well-designed and substantially reviewed at the Site Development Plan stage to ensure that it reflects the character of the City Center (Corporate Village).

  **Response:** The Applicant has expressed their intent to have the future building feature an aesthetically-pleasing design on all sides of the building, and has stated that the surrounding developments will be taken into consideration to create a cohesive design throughout the area.

- **Issue:** Public Art—The location and visibility of Public Art was discussed, with a suggestion to possibly relocate the designated Public Art Area to the east side of the proposed building.

  **Response:** The Applicant has acknowledged the need and desire for Public Art to be visible to the public. They have indicated that they will review the best location for the public artwork in conjunction with a comprehensive landscape plan at time of Site Development Plan submittal to balance the visibility with design and with the artwork itself.

## STAFF ANALYSIS

Since the September 30, 2020 Public Hearing, the applicant's request has changed to modify only two (2) sections of the development criteria: Permitted uses and setback requirements. An explanation of each request is provided below.

**Request #1: Permitted Uses**

The first change would update the permitted uses for this "PC" District to align with those of the adjacent site. During the September 30, 2020 Public Hearing, the Specialized Private School use was discussed. The applicant has since removed the use from the list of proposed uses associated with this petition. The table below shows the differences between the proposed uses and the current permitted uses for the site.

| Current Permitted Uses Language: | Proposed Permitted Uses Language: | Permitted Uses for 15320 Conway Rd. |
|---|---|---|
| • Office or Office buildings<br>• One (1) Parking Garage<br>• Financial Institutions | • Art Gallery<br>• Art Studio<br>• College/University<br>• Financial Institution (No Drive-Through)<br>• Museum<br>• Office - Dental<br>• Office - General<br>• Office – Medical<br>• Recreational Facility*<br>• Veterinary Clinic<br>• ~~Specialized Private School~~ | • Art Gallery<br>• Art Studio<br>• College/University<br>• Financial Institution (No Drive-Through)<br>• Museum<br>• Office - Dental<br>• Office - General<br>• Office – Medical<br>• Recreational Facility**<br>• Veterinary Clinic |

** Limited to gymnastics facility, dance, cheer, fitness center, group fitness or athletic training.*
***Limited to gymnastics facility, fitness center.*

**Request #2: Setbacks**

The current setbacks were established to accommodate the Preliminary Development Plan for the previously proposed office building. Similar to the permitted uses, the applicant intends to change the setback requirements. The following table demonstrates the change between the current and proposed structure setbacks for the subject site, as well as the existing structure setbacks of 15320 Conway Rd.:

| Structure Setbacks | Existing | Proposed | 15320 Conway Rd. |
|---|---|---|---|
| Conway Rd. | 86' | 25' | 20' |
| I-64 | 50' | 10' | 10' |
| East | 20' | 60' | 20' |
| West | 60' | 5' | 20' |

*Table 2. Structure Setbacks*

The UDC has specific requirements for thirty (30) foot landscape buffers along collector and arterial roadways, which would be required along the north, south and east of this property. If these parking

setbacks are approved at a distance less than thirty (30) feet, these landscape buffers and parking setbacks will essentially become one-and-the-same and will be reflected in the development criteria language of the new ordinance.

## PRELIMINARY PLAN

A Preliminary Plan has been submitted in conjunction with this request and depicts the proposed changes to the development criteria listed in the Attachment A section of the governing ordinance. The plan depicts an approximately 13,500 square-foot commercial building located toward the southern end of the site with proposed parking and structure setbacks illustrated as well. The site will have access to Conway Rd. via a cross-access easement on the property to the west. A Tree Stand Delineation has also been provided with the Preliminary Plan. The applicant intends to clear-cut existing tree canopy on site and proposes to provide mitigation in the form of additional plantings on site. This request will be reviewed in conjunction with a Site Development Plan once one is submitted.

Staff has completed its review and has no further comments regarding this petition. A draft version of the Attachment A, Issues Response Letter, Narrative Statement, Preliminary Development Plan, Survey, and Tree Stand Delineation are attached for further consideration.

Attachments:
- Draft Attachment "A"
- Issues Response Letter
- Project Narrative
- Preliminary Development Plan
- Tree Stand Delineation

# 15310 Conway Project Narrative

I am writing with our requested amendments to the current zoning ordinance for the property located at 15310 Conway Rd in Chesterfield, which is approximately 1.49 acres. Our intent is to develop this area of Conway Road and make an attractive entrance into the City of Chesterfield.

This property is in an area that will require large infrastructure and site expenditures. The sewer is 850' away from the proposed site, the water and gas mains are located on the north side of Conway Rd, the electric transformer's (2) must be upgraded, the roadway will require curb and gutter, along with storm sewers that will need to be installed and connected. This site will require a large quantity of fill dirt to bring the parking and building pad up to a reasonable grade. In order to build a building that justifies the costs of development and create a design that is an overall benefit to Chesterfield. We do have a few amendment requests to the current zoning/ordinance guidelines. We are asking for these due to the above described unique circumstances of this property and to align this property with the property adjoining to the west (15320 Conway Rd). We believe that these requests will not change the master plan for the area or the overall aesthetics negatively but will be a net positive to the City when completed. Our goal is to enhance the overall look and usability of this section of Conway Rd in the most responsible manner possible.

The proposed max building height is 30' and the proposed floor area ratio (FAR) is .55.

The tree canopy on the site will need to be cleared. We intend to mitigate this with plantings that will be included within the landscape plan. After an arborist review of the current species of trees it was found that most trees fell into the "undesirable" category. Our mitigation plan will provide for a new tree canopy of desirable species that meet the City's guidelines.

**AMENDMENT REQUEST 1 - GENERAL DESCRIPTION OF USE**

We are looking to amend the zoning of this property to similar zoning in the area and in coordination with the Master Plan. The proposed uses are:

- **Public/Recreational** - Art gallery, art studio, rec-center or recreational facility (limited to gymnastics, dance, cheer, group fitness and athletic training), museum
- **Office** – General, dental or medical
- **Service** –Financial institution – no drive-thru, veterinary clinic
- **Educational** – College/University

**AMENDMENT REQUEST 2 – PARKING/BUILDING SETBACKS AND LANDSCAPE BUFFER**

We are requesting setbacks that are in line with those of the adjoining property to the west located at 15320 Conway. This request is needed to best utilize the property and provide a cohesive development with the adjoining property. We are requesting the following setbacks:

**Building/Parking Setback and Landscape Buffer**

- Northern Boundary of Conway Rd
  - Building Setback - 25'
  - Parking Setback – 10'
  - Landscape Buffer – 10'
- Southern Boundary off Highway 64
  - Building Setback - 10'
  - Parking Setback – 5'
  - Landscape Buffer – 5'
- Eastern Boundary off Chesterfield Parkway
  - Building Setback - 60'
  - Parking Setback – 25'
  - Landscape Buffer – 25' to match the 25' easement that is existing
- Western Boundary adjoining 15320 Conway Rd

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City of Chesterfield
Oct 21 2020
Department of Public Services

- Building Setback - 5’
- Parking Setback – 5’ to match 15320 Conway Rd
- No Landscape buffer between properties

**AMENDMENT REQUEST 3 - OPEN SPACE**
We request to keep the current Ordinance language on the open space at 40%

We believe these requests are consistent with the surrounding developments and allow for proper utilization of the site. We have been in contact with the owner of the property to the west to collectively work to bring in the utilities to these parcels.

**SUMMARY**
In conclusion, we are asking for modifications to the existing zoning ordinance to align more closely with that of the adjoining property to the west (15320 Conway Rd). This will allow for a unified development across the two parcels of ground. Being a 35+ year resident of Chesterfield and owning several businesses in the area I am very excited to continue development for this section of Conway Rd. I look forward to working with the City to bring this development to fruition and create an aesthetically pleasing entrance into Chesterfield at this site!

Thank you all for you time and please do not hesitate to contact me at (314) 575-2594 or via email at sean@seansortor.com.

Sincerely,

Sean Sortor
Owner/Manager
SMS Group LLC

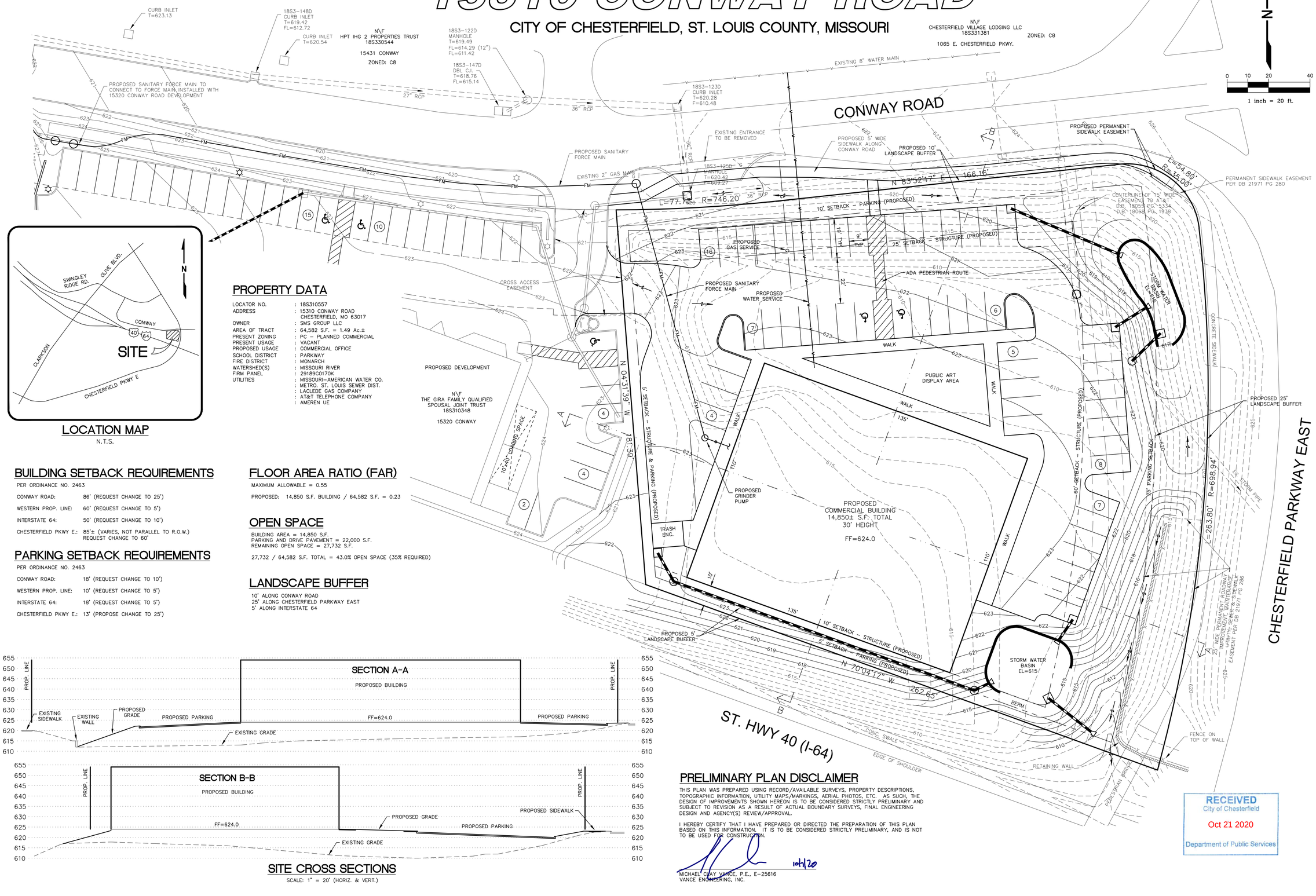
PRELIMINARY PLAN

# 15310 CONWAY ROAD

## CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

**CITY OF CHESTERFIELD**

**PLANNED DISTRICT ORDINANCE ATTACHMENT B**







LOCATION MAP

N.T.S.

## PROPERTY DATA

| | | |
|---|---|---|
| LOCATOR NO. | : | 18S310557 |
| ADDRESS | : | 15310 CONWAY ROAD CHESTERFIELD, MO 63017 |
| OWNER | : | SMS GROUP LLC |
| AREA OF TRACT | : | 64,582 S.F. = 1.49 Ac.± |
| PRESENT ZONING | : | PC – PLANNED COMMERCIAL |
| PRESENT USAGE | : | VACANT |
| PROPOSED USAGE | : | COMMERCIAL OFFICE |
| SCHOOL DISTRICT | : | PARKWAY |
| FIRE DISTRICT | : | MONARCH |
| WATERSHED(S) | : | MISSOURI RIVER |
| FIRM PANEL | : | 29189C0170K |
| UTILITIES | : | MISSOURI–AMERICAN WATER CO.<br>METRO. ST. LOUIS SEWER DIST.<br>LACLEDE GAS COMPANY<br>AT&T TELEPHONE COMPANY<br>AMEREN UE |

## BUILDING SETBACK REQUIREMENTS

PER ORDINANCE NO. 2463

| | |
|---|---|
| CONWAY ROAD: | 86' (REQUEST CHANGE TO 25') |
| WESTERN PROP. LINE: | 60' (REQUEST CHANGE TO 5') |
| INTERSTATE 64: | 50' (REQUEST CHANGE TO 10') |
| CHESTERFIELD PKWY E.: | 85'± (VARIES, NOT PARALLEL TO R.O.W.) REQUEST CHANGE TO 60' |

## PARKING SETBACK REQUIREMENTS

PER ORDINANCE NO. 2463

| | |
|---|---|
| CONWAY ROAD: | 18' (REQUEST CHANGE TO 10') |
| WESTERN PROP. LINE: | 10' (REQUEST CHANGE TO 5') |
| INTERSTATE 64: | 18' (REQUEST CHANGE TO 5') |
| CHESTERFIELD PKWY E.: | 13' (PROPOSE CHANGE TO 25') |

## FLOOR AREA RATIO (FAR)

MAXIMUM ALLOWABLE = 0.55

PROPOSED: 14,850 S.F. BUILDING / 64,582 S.F. = 0.23

## OPEN SPACE

BUILDING AREA = 14,850 S.F.
PARKING AND DRIVE PAVEMENT = 22,000 S.F.
REMAINING OPEN SPACE = 27,732 S.F.

27,732 / 64,582 S.F. TOTAL = 43.0% OPEN SPACE (35% REQUIRED)

## LANDSCAPE BUFFER

10' ALONG CONWAY ROAD
25' ALONG CHESTERFIELD PARKWAY EAST
5' ALONG INTERSTATE 64




SITE CROSS SECTIONS

SCALE: 1" = 20' (HORIZ. & VERT.)

## PRELIMINARY PLAN DISCLAIMER

THIS PLAN WAS PREPARED USING RECORD/AVAILABLE SURVEYS, PROPERTY DESCRIPTIONS, TOPOGRAPHIC INFORMATION, UTILITY MAPS/MARKINGS, AERIAL PHOTOS, ETC. AS SUCH, THE DESIGN OF IMPROVEMENTS SHOWN HEREON IS TO BE CONSIDERED STRICTLY PRELIMINARY AND SUBJECT TO REVISION AS A RESULT OF ACTUAL BOUNDARY SURVEYS, FINAL ENGINEERING DESIGN AND AGENCY(S) REVIEW/APPROVAL.

I HEREBY CERTIFY THAT I HAVE PREPARED OR DIRECTED THE PREPARATION OF THIS PLAN BASED ON THIS INFORMATION. IT IS TO BE CONSIDERED STRICTLY PRELIMINARY, AND IS NOT TO BE USED FOR CONSTRUCTION.

10/1/20

MICHAEL CLAY VANCE, P.E., E-25616
VANCE ENGINEERING, INC.

RECEIVED
City of Chesterfield
Oct 21 2020
Department of Public Services

THE WORK PREPARED BY OR UNDER THE DIRECTION OF THE ENGINEER AND REPRESENTED BY THIS PLAN AND DATED SIGNATURE IS LIMITED TO SITEWORK ITEMS AS DEFINED BY MISSOURI STATUTES: PAVING, SEWERS, AND OTHER IMPROVEMENTS AS SHOWN ON PLANS. PURSUANT TO 327.411 RSMo, NO RESPONSIBILITY IS ASSUMED FOR SERVICES NOT RENDERED, INCLUDING, BUT NOT LIMITED TO, PREPARATION OF SHOP RECOMMENDATIONS, UTILITY DISTRIBUTION PLANS, ARCHITECTURAL PLANS, CONSTRUCTION METHODS AND SCHEDULING, ANY, AND ALL ELEMENTS (INCLUDING RETAINING WALLS): NOT SHOWN ON THE PLANS. ALL SERVICES NOT RENDERED, INCLUDING, BOUNDARY, TOPOGRAPHIC, AND UTILITY SURVEYS, ARE OR REPORTS, PLAT OR PLAN ITEMS, ETC. AUTHENTICATED BY SIGNATURE, AND DATE, AS THE ENGINEER.


SMS Group LLC
1717 Wilson Avenue
Chesterfield, MO 63005

Vance Engineering, Inc.
10537 Lackland Road
St. Louis, MO 63114
P: 314.427.1800

VANCE ENGINEERING, INC.
MISSOURI STATE CERTIFICATE OF AUTHORITY NO. 2003022194


15310 CONWAY ROAD

PRELIMINARY PLAN

PRELIMINARY

MICHAEL CLAY VANCE, P.E.
E-25616

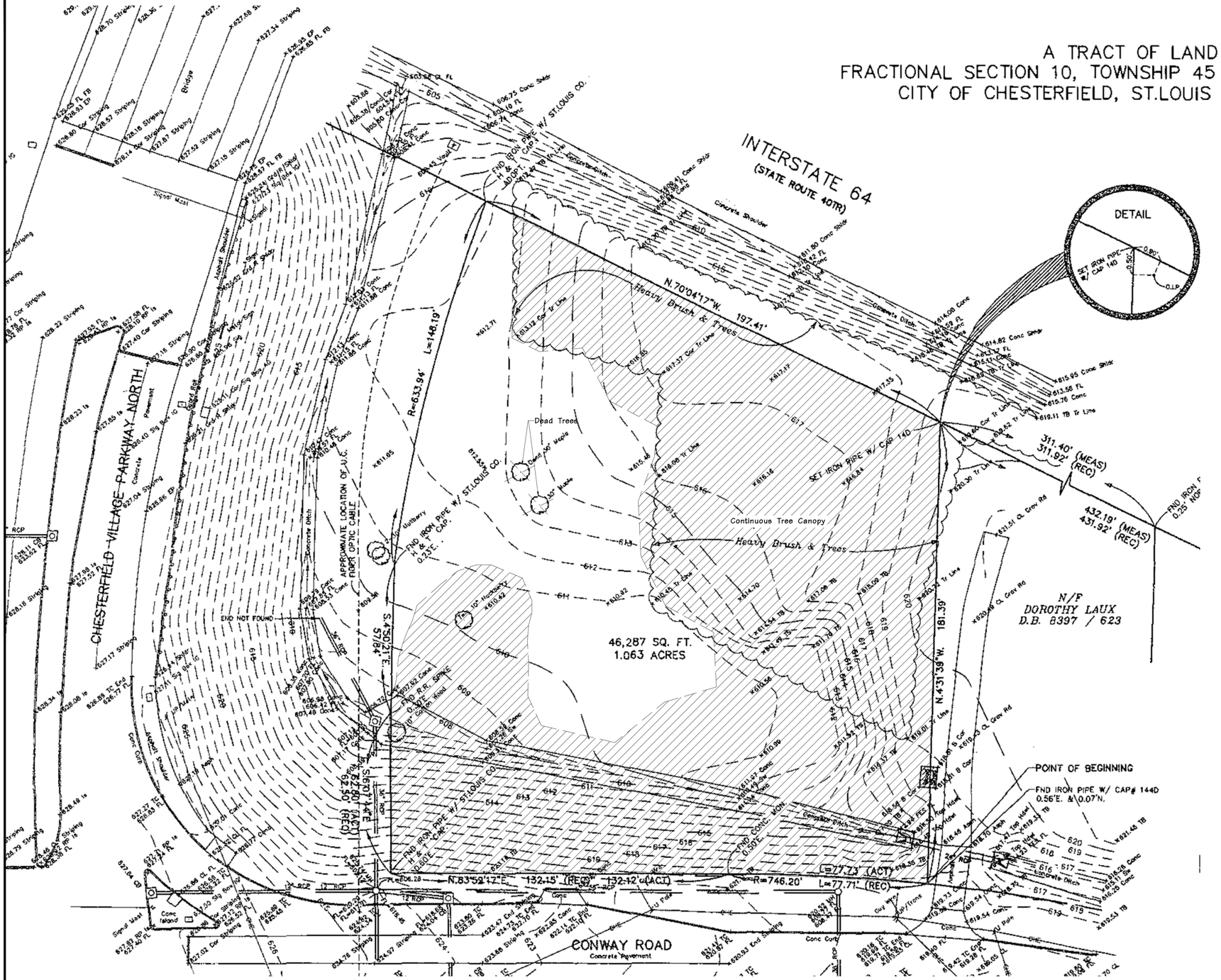
REVISED

09/21/20 SETBACKS
10/07/20 SETBACKS, CITY

20103
08/12/20
1 / 1

COPYRIGHT 2020

# A TRACT OF LAND IN
# FRACTIONAL SECTION 10, TOWNSHIP 45 NORTH, RANGE 4 EAST
# CITY OF CHESTERFIELD, ST.LOUIS COUNTY MISSOURI




## Tree Stand Delineation Plan

SCALE 1"=20'-0"

**Tree Stand Delineation Narrative**

The overall Lot comprises a total of 1.06 Ac and has a total of 33,750.8 sq ft of Tree Canopy. Tree Stand Delineation map was completed by field inspection completed on July 7, 2020. The tree canopy is made up of mulberry, Cotton Wood, Ailanthus and Bradford Pear. The understory is comprised of honeysuckle, grape vines, and poison ivy

No Monarch, state champion or rare trees were found on the site.

**LEGEND**

- Individual Tree Location
- Dead Tree
- continuous Tree Canopy

Tree Stand Delineation Prepared
under direction of Dennis Greene of
Happy Tree Service
Certified Arborist IL-0414-A

Dennis Greene

Base Map Provided by: Vance Engineering, Inc.

**Prepared For:**
SMS Group LLC
1717 Wilson Avenue
Chesterfield, MO. 63005

Douglas A. DeLong, Landscape Architect LA-81

Consultants:

15310 Conway Road
Chesterfield, MO.

SMS Group, LLC

Revisions:

| Date | Description | No. |
|---|---|---|
| 10/22/20 | City Comments | 1 |

Drawn: BAD
Checked: DAD


DeLong Landscape Architecture, LLC
7620 West Bruno Ave
St. Louis, MO. 63117
(314) 346-4856
delong.la@gmail.com
Missouri State Certificate of Authority: #2013000145


Sheet Title: Tree Stand Delineation

Sheet No: TSD

Date: 8/10/2020
Job #: 205.001

## FINANCE AND ADMINISTRATION COMMITTEE

Chair: Councilmember McGuinness
Vice-Chair: Councilmember Moore

**The Finance and Administration Committee has the following action items for the December 7th, 2020 City Council Meeting.**

**Citizen of the Year Selection Committee -** At their November 30th meeting, the F&A Committee recommended that the Citizen of the Year selection Committee be re-defined in order to create a committee that is continuously involved, engaged, and is perpetually refreshed. The selection committee is to be reconstituted primarily with members of active City Committees, as an adjunct assignment for the Chair or the Chair's committee designee on an annual basis.

As we approach the end of each year, the Chair of the following committees would be asked to serve, or to designate a committee member to serve on the Citizen of the Year Selection Committee.

- Planning Commission
- Parks, Recreation and Arts Citizen Committee
- Board of Adjustment
- Architectural Review Board
- Finance and Administration Citizens Advisory Group
- Police Personnel Board
- MIS Citizens Advisory Committee
- Citizens Committee for the Environment
- Chesterfield Historic Landmarks and Preservation Committee
- Member at Large, appointed by the Mayor
- Two (2) Members – the two available, most recent prior recipients of the Citizen of the Year Award

The sole purpose and function for this selection committee is to review submitted nominations and to determine the annual recipient, subject to final approval by the City Council. As is currently the case, City Staff would provide administrative support, as well as media and web solicitations of nominees.

**Bill No. 3323 – Political Signs -** At their November 30th meeting, the F&A Committee recommended that the current restrictions relative to political signage be amended to clarify the intent of the requirement to remove the signs within a time period after the election. A proposed bill has been created for Council's consideration at Monday's meeting.

However, City Attorney Chris Graville and Planning Director Justin Wyse have expressed a need to thoroughly review and recommend updates to the entire set of signage requirements. Accordingly, City Attorney Graville and City Staff recommend that City Council direct a comprehensive review of the sign regulations, including the Planning Commission, after which any recommended changes would be forwarded to the Planning and Public Works Committee and then to the full Council for consideration.

Mike Geisel

City Administrator

690 Chesterfield Pkwy W

Chesterfield MO 63017

Phone 636-537-4711

Fax 636-537-4798

# OFFICE OF THE CITY ADMINISTRATOR

TO: Mayor and City Council

Date: 12/01/2020

RE: Citizen of the Year selection committee (revised per F&A committee recommendation 11/30/2020)

As you may recall, the Finance and Administration directed staff to prepare recommendations for updating the Citizen of the Year selection committee. Please refer to the enclosed materials from the 11/18/2019 F&A Committee meeting as well as the meeting minutes. The primary problem with the originally defined composition of this committee, was while it reflected appointments from the Council originally, there was not a mechanism to ensure that the membership was reflective of the elected officials on an ongoing basis. There was not any mechanism to keep the membership up to date and current. Further, the members of this committee were given very limited, singular direction and purpose. There was no ongoing purpose, engagement or interactivity with the City. Accordingly, the connection with the City, in awarding the annual Citizen of the Year, could become tenuous and disjointed.

In order to create a committee that is continuously involved, engaged, and is perpetually refreshed, I recommend that the selection committee be reconstituted primarily with members of active City Committees, as an adjunct assignment for the chair or their designee on an annual basis.

As we approach the end of each year, the Chair of following committees would be asked to serve, or to designate a committee member to serve on the Citizen of the Year Selection Committee to determine the annual award.

Planning Commission
Parks, Recreation and Arts Citizen Committee
Board of Adjustment
Architectural Review Board
Finance and Administration Citizens Advisory Group
Police Personnel Board
MIS Citizens Task Force
Citizens Committee for the Environment (added by F&A Committee)
Chesterfield Historic Landmarks and Preservation Committee (added by F&A Committee)

In addition, to broaden the scope of potential nominees and encourage community involvement, the Mayor would nominate a member at large to the selection committee. Finally, the two, most recent available prior recipients of the Citizen of the Year Award would complete the committee, for a total of 12 members.

The sole purpose and function for this selection committee is to review submitted nominations and to determine the annual recipient, subject to final approval by the City Council. As is currently the case, City Staff would provide administrative support, as well as media and web solicitations of nominees.

I look forward to discussing this recommendation with the F&A Committee members.

**BILL NO. 3323** **ORDINANCE NO. _____**

# AN ORDINANCE AMENDING THE CITY OF CHESTERFIELD SIGN REGULATIONS

**WHEREAS**, Article 4, Section 405.04.050 of the Chesterfield City Code provides sign requirements; and

**WHEREAS**, Article 4, Section 405.04.050.G.4 addresses political sign requirements; and

**WHEREAS**, The Finance and Administration Committee reviewed the political sign requirements and recommended an amendment to clarify the language defining the time which such signs are required to be removed.

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

**Section 1.** Article 4, Section 405.04.050.G.4 shall be amended as follows:

Political Signs: political campaign signs announcing the candidates seeking public political office and other pertinent data. The maximum area for any one (1) sign shall be eight (8) square feet, with a total area of sixteen (16) square feet permitted for each lot or unit. These signs shall be erected only on private property and shall be removed within seven (7) days after ***(INSERT THE WORDS the date of)*** the election **(DELETE THE WORDS ~~*for which they were made)*~~**.

**Section 2.** Amended Article 4, Section 405.04.050.G.4 shall now read:
Political Signs: political campaign signs announcing the candidates seeking public political office and other pertinent data. The maximum area for any one (1) sign shall be eight (8) square feet, with a total area of sixteen (16) square feet permitted for each lot or unit. These signs shall be erected only on private property and shall be removed within seven (7) days after the date of the election.

**Section 3.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS _____ DAY OF _____ 2020.

_____ _____
PRESIDING OFFICER MAYOR – BOB NATION

ATTEST:

_____
VICKIE MCGOWND, CITY CLERK

First Reading Held: _____

# PARKS, RECREATION AND ARTS COMMITTEE

Chair: Councilmember Ohley
Vice Chair: Councilmember Moore

The Parks, Recreation & Arts Committee met on Tuesday, December 1st, 2020. Unfortunately, due to the insufficient time to transcribe meeting minutes and to compile the agenda packet for this meeting ensuring that the public is fully informed, **action on those items is to be deferred until the next regularly scheduled City Council meeting.**

The following items were on the agenda.

- Chesterfield Family Aquatic Center Updates
- Independent Sponsorship
- Municipal Planning Grant Discussion for Central Park
- Day Tripper Senior Bus program
- Recycle flyer information was presented at the Trustee Symposium and highlighted in the Fall/Winter Citizen.
- Fireworks are being planned at the CVAC for 2021.

## NEXT MEETING

The next meeting of the Parks, Recreation and Arts Committee has not yet been scheduled.

If you have any questions or require additional information, please contact Parks, Recreation and Arts Director Thomas McCarthy or me prior to Monday's meeting.

## PUBLIC HEALTH AND SAFETY COMMITTEE

Chair: Councilmember Keathley
Vice Chair: Councilmember DeCampi

There are no Public Health and Safety items scheduled on the agenda for this meeting.

### NEXT MEETING

As of this date, we are attempting to schedule the next meeting of the Public Health and Safety Committee. But a final and firm meeting date has not yet been scheduled.

If you have any questions or require additional information, please contact Chief Ray Johnson or me prior Monday's meeting.

## REPORT FROM THE CITY ADMINISTRATOR & OTHER ITEMS REQUIRING ACTION BY CITY COUNCIL

I have no action items to report for Monday's meeting.

## OTHER LEGISLATION

**Bill No. 3324 - Upper Kehrs Mills, Lots 1 and 2 – Boundary Adjustment Plat**
An ordinance providing for the approval of a Boundary Adjustment Plat for a tract of land totaling 10.3 acres zoned "NU" Non-Urban District located east of Kehrs Mill Road and north of Bottlebrush Court (19U530457). **(First & Second Readings) Department of Planning recommends approval**

**Bill No. 3325 – Brandywine NID Bonds (First & Second Reading) (Roll Call Vote)**
As discussed at the last City Council meeting, the Brandywine Neighborhood Improvement Project has been completed and final costs determined. As such, per the City's process and statutory requirements, the City is required to pass an ordinance to enter into the associated debt, for which the City will annually invoice the property owners for principal and interest. An Ordinance is proposed for your consideration at Monday's meeting, authorizing and directing the issuance, sale and delivery of taxable neighborhood improvement district limited general obligation bonds (Brandywine project), series 2020, of the City Of Chesterfield, Missouri; prescribing the form and details of said bonds; providing for the levy and collection of annual assessments for the purpose of paying the principal of and interest on the bonds as they become due; and authorizing certain other documents and actions in connection therewith.

Due to the small principal amount for this specific bond issuance, the City of Chesterfield utilized a Request for Terms private placement process instead of our typical debt sale process used with Certificates of Participation. Seventeen local banking institutions were solicited to serve as a direct lender of the taxable Neighborhood Improvement District, Limited General Obligation bond issue to (1) purchase and construct road improvements to the Brandywine Neighborhood Improvement District and (2) pay certain closing costs for the transaction.

After reviewing the five proposals received by the November 10, 2020 deadline, First State Bank was selected for the best terms and conditions. Bid interest rates ranged from 2.875% fixed for twenty years (First State Bank) to 3.25% with All-in TIC between 3.80% (First State Bank) and 4.63%.

## UNFINISHED BUSINESS

There are no "Unfinished Business" action items scheduled on the agenda for this meeting.

## NEW BUSINESS

# Memorandum
## Department of Planning

**To:** Michael O. Geisel, City Administrator

**From:** Justin Wyse, Director of Planning JW

**Date:** December 7, 2020

**RE:** **Upper Kehrs Mill (Lots 1 and 2) BAP:** A Boundary Adjustment Plat for a tract of land totaling 10.3 acres zoned "NU" Non-Urban District located east of Kehrs Mill Road and north of Bottlebrush Court (19U530457).

**Summary**

Volz Inc., on behalf of Benjamin Vacca, has submitted a request for a Boundary Adjustment Plat for Lots 1 and 2 of the residential property located east of Kehrs Mill Road and north of Bottlebrush Court.

The purpose of this request is to remove the common lot line between the two lots, creating one (1) consolidated lot. The resulting lot will comply with all requirements for the "NU" Non-Urban District.

Attached to the legislation, please find a copy of the Boundary Adjustment Plat.

Figure 1: Subject Site Aerial

**BILL NO.** 3324 **ORDINANCE NO.**_____

**AN ORDINANCE PROVIDING FOR THE APPROVAL OF A BOUNDARY ADJUSTMENT PLAT FOR A TRACT OF LAND TOTALING 10.3 ACRES ZONED "NU" NON-URBAN DISTRICT LOCATED EAST OF KEHRS MILL ROAD AND NORTH OF BOTTLEBRUSH COURT (19U530457).**

**WHEREAS,** Volz Inc., on behalf of Benjamin Vacca, has submitted for review and approval a Boundary Adjustment Plat for the above referenced property located east of Kehrs Mill Road and north of Bottlebrush Court; and,

**WHEREAS,** the purpose of said Boundary Adjustment Plat is to remove a lot line between two lots to consolidate the property into one parcel zoned "NU" Non-Urban District known as Parcel A; and,

**WHEREAS,** the Department of Planning has reviewed the Boundary Adjustment Plat in accordance with the Unified Development Code of the City of Chesterfield and has found it to be in compliance with all applicable ordinances and has forwarded said Boundary Adjustment Plat to the City Council.

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

**Section 1.** The Boundary Adjustment Plat which is attached hereto as "Exhibit 1" and made part hereof as if fully set out herein is hereby approved; the owner is directed to record the plat with the St. Louis County Recorder of Deeds Office.

**Section 2.** The Mayor and City Clerk are authorized and directed to evidence the approval of the said Boundary Adjustment Plat by affixing their signatures and the official seal of the City of Chesterfield as required on the said document.

**Section 3.** The Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2020.

_____ _____

PRESIDING OFFICER Bob Nation, MAYOR

ATTEST:

_____

Vickie McGownd, CITY CLERK

# UPPER KEHRS MILL BOUNDARY ADJUSTEMENT PLAT OF ADJUSTED LOTS 1 & 2

## A TRACT OF LAND ADJUSTED LOTS 1 AND 2 OF "UPPER KEHRS MILL - LOTS 1 & 2 BOUNDARY ADJUSTMENT PLAT" IN U.S. SURVEY 886 AND SECTION 18 TOWNSHIP 45 NORTH - RANGE 4 EAST CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI ZONED "NU" NON-URBAN DISTRICT

RECEIVED
City of Chesterfield
Oct 29 2020
Department of Public Services

CITY OF CHESTERFIELD
EXHIBIT 1

The following list of metric coordinates are referenced to the Missouri Coordinate System 1983 (MCS83), East Zone by G.P.S. Real Time Kinematic Survey tied to the MoDOT GNSS Network Station MOOF (O'Fallon). The Relative Positional Tolerance of said coordinates is less than fifty parts per million.

To convert plat bearing system to state plane bearings, plat bearings must be rotated 00°11'09" in a clockwise direction.

Station Name: MOOF (O'Fallon, MO)
Northing: 324131.158
Easting: 232983.467
Grid Factor Used for Project: 0.999913709
1 Meter = 3.2808333 Feet

| PT. NO. | NORTHING | EASTING |
|---|---|---|
| 100 | 312023.6300 | 240168.9092 |
| 101 | 312062.5182 | 240154.7563 |
| 102 | 312131.5603 | 240110.1261 |
| 103 | 312256.9879 | 239981.3236 |
| 104 | 312263.1769 | 239975.2904 |
| 105 | 312263.8568 | 239976.0251 |
| 106 | 312255.8663 | 240017.1135 |
| 107 | 312279.0691 | 240056.7330 |
| 108 | 312284.5562 | 240093.2496 |
| 109 | 312268.4025 | 240124.2718 |
| 110 | 312271.3037 | 240160.9374 |
| 111 | 312218.2284 | 240245.7394 |
| 112 | 312211.9893 | 240271.3516 |
| 113 | 312211.1202 | 240308.2114 |
| 114 | 312100.7724 | 240305.7581 |
| 115 | 312052.2383 | 240170.0646 |




Adjusted Lot 1

A tract of land being Adjusted Lot 1 of "Upper Kehrs Mill – Lots 1 & 2 Boundary Adjustment Plat", a subdivision according to the plat thereof recorded in Plat Book 363 page 415 of the St. Louis County Records, in U.S. Survey 886 and Section 18, Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

Beginning at the Southeast corner of said Adjusted Lot 1; thence along the South line of said Adjusted Lot 1, South 70 degrees 08 minutes 00 seconds West 472.85 feet to the original centerline of Kehrs Mill Road, 40 feet wide, now vacated; thence South 02 degrees 07 minutes 37 seconds West 93.94 feet along said original centerline to the East line of Kehrs Mill Road, 60 feet wide, said point being distant 30 feet perpendicular distance Northeast of the centerline of Kehrs Mill Road as established by St. Louis County Department of Highways and Traffic Project No. AR-349; thence Northwardly along said East line of Kehrs Mill Road, 60 feet wide, the following courses and distances: North 20 degrees 11 minutes 03 seconds West 135.78 feet, along a curve to the left whose radius point bears North 44 degrees 03 minutes 13 seconds East 545.00 feet from the last mentioned point a distance of 272.03 feet, North 45 degrees 56 minutes 47 seconds West 589.89 feet to a point; thence leaving said Kehrs Mill Road, 60 feet wide, North 35 degrees 10 minutes 26 seconds East 457.60 feet to the North line of said Adjusted Lot 1; thence South 58 degrees 08 minutes 40 seconds East 293.63 feet, South 76 degrees 29 minutes 43 seconds East 86.49 feet and South 88 degrees 50 minutes 07 seconds East 120.97 feet to the East line of said Lot 1; thence Southwardly along said East line South 01 degrees 05 minutes 16 seconds West 362.15 feet to the point of beginning and containing 7.302 Acres.

Adjusted Lot 2

A tract of land being part of Adjusted Lot 2 of "Upper Kehrs Mill – Lots 1 & 2 Boundary Adjustment Plat", a subdivision according to the plat thereof recorded in Plat Book 363 page 415 of the St. Louis County Records, in U.S. Survey 886 and Section 18, Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

Beginning at the Northwest corner of said Adjusted Lot 2, said point being on the former Northeast line of Kehrs Mill Road as established by Road Dedication Plat recorded in Plat Book 246 page 59 of the St. Louis County Records, now vacated by St. Louis County Ordinance No. 23,689, recorded in Book 18059 page 2246 of the St. Louis County Records; thence Eastwardly along the North line of said Adjusted Lot 2 the following courses and distances: South 79 degrees 10 minutes 51 seconds East 137.34 feet, North 59 degrees 27 minutes 33 seconds East 150.65 feet, North 81 degrees 16 minutes 07 seconds East 121.16 feet, South 62 degrees 40 minutes 45 seconds East 114.76 feet and North 85 degrees 17 minutes 24 seconds East 120.68 feet to the Northwest corner of said Lot 1; thence along the Northeast line of said Lot 1 South 58 degrees 08 minutes 40 seconds East 34.61 feet to a point; thence leaving said Northeast line South 35 degrees 10 minutes 26 seconds West 457.60 feet to the Northeast line of Kehrs Mill Road, 60 feet wide, said point being distant 30 feet perpendicular distance Northeast of the centerline of Kehrs Mill Road as established by St. Louis County Department of Highways and Traffic Project No. AR-349; thence Northwestwardly along said Northeast line of Kehrs Mill Road, 60 feet wide, the following courses and distances: North 45 degrees 56 minutes 47 seconds West 493.91 feet, along a curve to the right whose radius point bears North 44 degrees 03 minutes 13 seconds East 545.00 feet from the last mentioned point a distance of 28.36 feet and North 47 degrees 02 minutes 07 seconds East 3.28 feet to the point of beginning and containing 3.004 Acres.

H:\CAD\22100-22199\22160\Plats\Consolidtion Plat.dgn

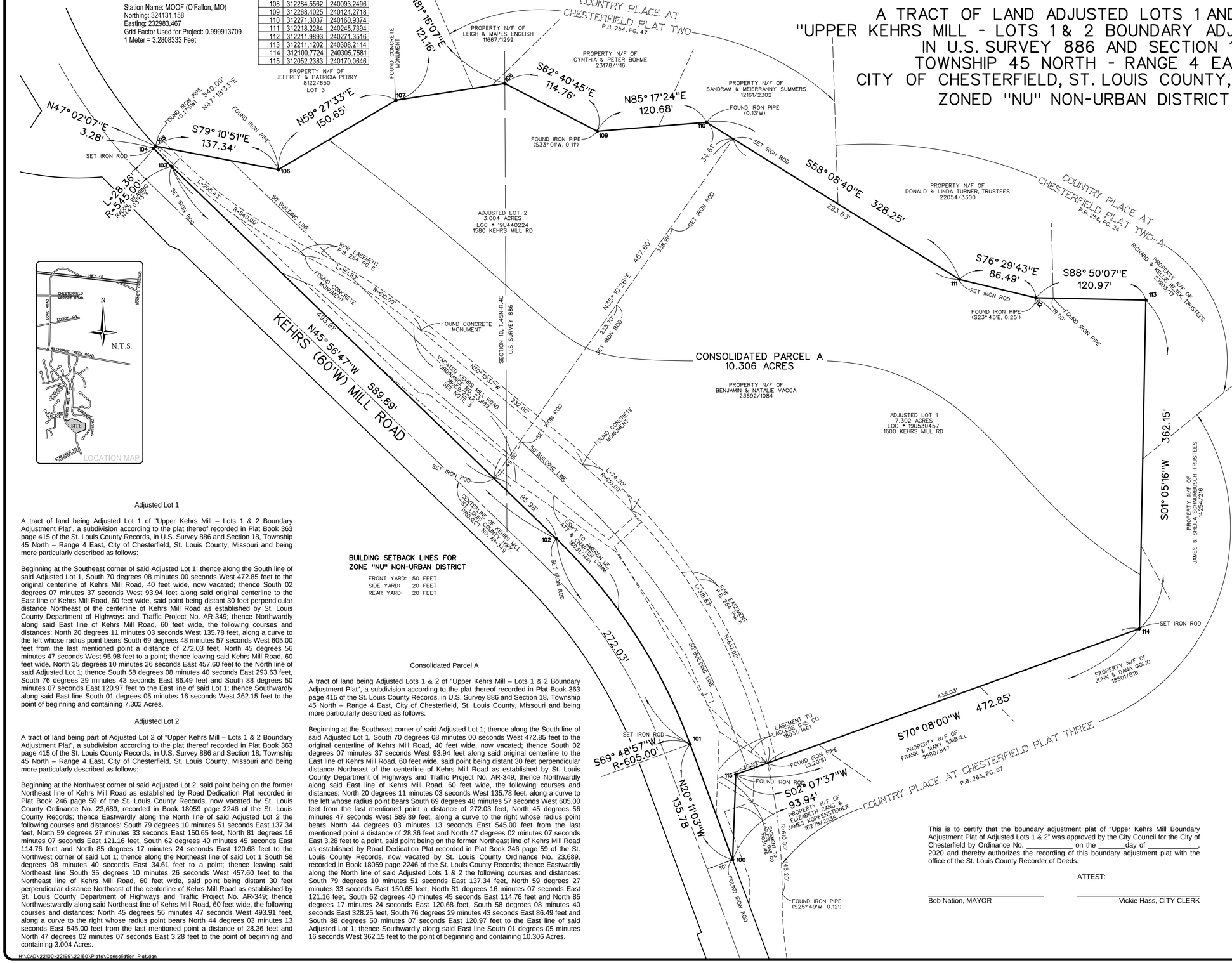
**BUILDING SETBACK LINES FOR ZONE "NU" NON-URBAN DISTRICT**

FRONT YARD: 50 FEET
SIDE YARD: 20 FEET
REAR YARD: 20 FEET

Consolidated Parcel A

A tract of land being Adjusted Lots 1 & 2 of "Upper Kehrs Mill – Lots 1 & 2 Boundary Adjustment Plat", a subdivision according to the plat thereof recorded in Plat Book 363 page 415 of the St. Louis County Records, in U.S. Survey 886 and Section 18, Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

Beginning at the Southeast corner of said Adjusted Lot 1; thence along the South line of said Adjusted Lot 1, South 70 degrees 08 minutes 00 seconds West 472.85 feet to the original centerline of Kehrs Mill Road, 40 feet wide, now vacated; thence South 02 degrees 07 minutes 37 seconds West 93.94 feet along said original centerline to the East line of Kehrs Mill Road, 60 feet wide, said point being distant 30 feet perpendicular distance Northeast of the centerline of Kehrs Mill Road as established by St. Louis County Department of Highways and Traffic Project No. AR-349; thence Northwardly along said East line of Kehrs Mill Road, 60 feet wide, the following courses and distances: North 20 degrees 11 minutes 03 seconds West 135.78 feet, along a curve to the left whose radius point bears South 69 degrees 48 minutes 57 seconds West 605.00 feet from the last mentioned point a distance of 272.03 feet, North 45 degrees 56 minutes 47 seconds West 589.89 feet, along a curve to the right whose radius point bears North 44 degrees 03 minutes 13 seconds East 545.00 feet from the last mentioned point a distance of 28.36 feet and North 47 degrees 02 minutes 07 seconds East 3.28 feet to a point, said point being on the former Northeast line of Kehrs Mill Road as established by Road Dedication Plat recorded in Plat Book 246 page 59 of the St. Louis County Records, now vacated by St. Louis County Ordinance No. 23,689, recorded in Book 18059 page 2246 of the St. Louis County Records; thence Eastwardly along the North line of said Adjusted Lots 1 & 2 the following courses and distances: South 79 degrees 10 minutes 51 seconds East 137.34 feet, North 59 degrees 27 minutes 33 seconds East 150.65 feet, North 81 degrees 16 minutes 07 seconds East 121.16 feet, South 62 degrees 40 minutes 45 seconds East 114.76 feet and North 85 degrees 17 minutes 24 seconds East 120.68 feet, South 58 degrees 08 minutes 40 seconds East 328.25 feet, South 76 degrees 29 minutes 43 seconds East 86.49 feet and South 88 degrees 50 minutes 07 seconds East 120.97 feet to the East line of said Adjusted Lot 1; thence Southwardly along said East line South 01 degrees 05 minutes 16 seconds West 362.15 feet to the point of beginning and containing 10.306 Acres.




We, the undersigned owners of the tract of land herein platted and further described in the foregoing surveyor's certificate have caused the same to be surveyed and consolidated in the manner shown on this plat, which shall hereafter be known as **"Upper Kehrs Mill Boundary Adjustment Plat of Adjusted Lots 1 & 2"**

It is hereby certified that all existing easements are shown on this plat as of the time and date of recording of this plat.

IN WITNESS WHEREOF, I have signed and sealed the foregoing this _____ day of _____, 2020.

**Benjamin Vacca** **Natalie Vacca**

STATE OF MISSOURI )
) SS
COUNTY OF ST. LOUIS )

On this _____ day of _____, 2020, before me personally appeared who **Benjamin Vacca** and **Natalie Vacca** to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have signed and sealed the foregoing the day and year first above written.

My Commission Expires:

Notary Public

Notes:

1. Bearing system adopted from "Upper Kehrs Mill" as recorded in Plat Book 254 page 6.
2. A title commitment was not provided. Property may be subject to additional easements of record, if any.
3. The vacated right-of-way of Kehrs MIll Road is subject to reservations of utility easements to the Metropolitan St. Louis Sewer District, AmerenUE, Laclede Gas Company, Charter Communications and AT&T per instrument recorded in Book 18059 page 2246.

We, Volz Inc., have during September 2020, by order of Benjamin and Natalie Vacca, made, a survey and Boundary Adjustment Plat of "A tract of land being Adjusted Lots 1 and 2 of 'Upper Kehrs Mill – Lots 1 & 2 Boundary Adjustment Plat', in U.S. Survey 886 and Section 18, Township 45 North - Range 4 East, City of Chesterfield, St. Louis County, Missouri". The results of said survey are represented on this plat. This survey was executed in compliance with the current standards for property boundary surveys of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects and the Missouri Department of Agriculture and meets the accuracy requirements set forth for Urban Property.

Eric J. Kirby
Professional Land Surveyor
Mo. P.L.S. #2005000074

This is to certify that the boundary adjustment plat of "Upper Kehrs Mill Boundary Adjustment Plat of Adjusted Lots 1 & 2" was approved by the City Council for the City of Chesterfield by Ordinance No. _____ on the _____day of _____, 2020 and thereby authorizes the recording of this boundary adjustment plat with the office of the St. Louis County Recorder of Deeds.

ATTEST:

Bob Nation, MAYOR Vickie Hass, CITY CLERK

STATE OF MISSOURI
ERIC J. KIRBY
NUMBER PLS-2005000074
10/27/20
PROFESSIONAL LAND SURVEYOR

Eric J. Kirby
Professional Land Surveyor
Mo. P.L.S. #2005000074


VOLZ
Incorporated
10849 Indian Head Ind'l. Blvd.
St. Louis, Missouri 63132
314.426.6212 main - 314.890.1250 fax
WWW.VOLZINC.COM


1600 Kehrs Mill Rd.
Chesterfield, MO 63005

Sheet 1 of 1
22160-01

MISSOURI CORPORATE CERTIFICATES OF AUTHORITY:
NO. 19 EXPIRES: DECEMBER 31, 2021 - LAND SURVEYING
NO. 203 EXPIRES: DECEMBER 31, 2021 - ENGINEERING

**ORDINANCE**

**OF**

**CITY OF CHESTERFIELD, MISSOURI**

**ADOPTED**

**DECEMBER 7, 2020**

**AUTHORIZING**

**$985,000**
**TAXABLE NEIGHBORHOOD IMPROVEMENT DISTRICT LIMITED GENERAL OBLIGATION BONDS**
**(BRANDYWINE PROJECT)**
**SERIES 2020**

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF TAXABLE NEIGHBORHOOD IMPROVEMENT DISTRICT LIMITED GENERAL OBLIGATION BONDS (BRANDYWINE PROJECT), SERIES 2020, OF THE CITY OF CHESTERFIELD, MISSOURI; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.**

---

**WHEREAS,** the City of Chesterfield, Missouri (the "City"), is a third class city and political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri; and

**WHEREAS,** pursuant to Article III, Section 38(c) of the Constitution of Missouri, and Sections 67.453 to 67.475, inclusive, of the Revised Statutes of Missouri, named the Neighborhood Improvement District Act (the "Act"), and all other provisions of the laws of the State of Missouri applicable thereto, by proceedings duly had, the City Council of the City has duly created a neighborhood improvement district, known as the Brandywine Neighborhood Improvement District (the "District") and has authorized and undertaken a neighborhood improvement district project known as the "Brandywine Neighborhood Improvement District Project" (the "Project"), generally consisting of replacement of streets and parking areas with the boundaries of the proposed District; and

**WHEREAS**, pursuant to Resolution No.465 adopted on November 16, 2020, the City declared the Project completed and ordered that assessments be made against the benefitted properties, all as described in such resolution; and

**WHEREAS,** it is hereby found and determined that is in the best interest of the City to authorized the issuance and delivery of the City's Neighborhood Improvement District Limited General Obligation Bonds (Brandywine Project), Series 2020 to pay or reimburse the costs of the Project and the costs of issuing the Bonds;

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

## ARTICLE I

## DEFINITIONS

**Section 101. Definitions of Words and Terms.** In addition to words and terms defined elsewhere herein, the following words and terms as used in this Ordinance shall have the following meanings:

**"Act"** means Article III, Section 38(c) of the Constitution of Missouri, and Sections 67.453 to 67.475, inclusive, of the Revised Statutes of Missouri.

**"Bond Counsel"** means Armstrong Teasdale LLP, St. Louis, Missouri, or other attorneys or firm of attorneys with a nationally recognized standing in the field of municipal bond financing selected by the City.

**"Bond Payment Date"** means any date on which the principal of or interest on any Bond is payable.

**"Bond Register"** means the books for the registration, transfer and exchange of Bonds kept at the office of the Paying Agent.

**"Bondowner," "Owner"** or **"Registered Owner"** when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register.

**"Bonds"** means the $985,000 Taxable Neighborhood Improvement District Limited General Obligation Bonds (Brandywine Project), Series 2020, authorized and issued by the City pursuant to this Ordinance.

**"Business Day"** means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its banking operations.

**"Code"** means the Internal Revenue Code of 1986, as amended.

**"Debt Service Fund"** means the fund by that name referred to in **Section 501** hereof.

**"Defaulted Interest"** means interest on any Bond that is payable but not paid on any Interest Payment Date.

**"Defeasance Obligations"** means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) the obligations are rated in the highest rating category by Moody's Investors Service, Inc. (presently "Aaa") or Standard & Poor's Ratings Services (presently "AAA").

**"City"** means the City of Chesterfield, Missouri, and any successors or assigns.

**"District"** means the Brandywine Neighborhood Improvement District formed by the City after a petition by owners of more than 2/3 by area of all real property located in the District was filed with the City as required by the Act

**"Interest Payment Date"** means the Stated Maturity of an installment of interest on any Bond.

**"Maturity"** when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or otherwise.

**"Ordinance"** means this Ordinance adopted by the governing body of the City, authorizing the issuance of the Bonds, as amended from time to time in accordance with the terms hereof.

**"Outstanding"** means, when used with reference to Bonds, as of any particular date of determination, all Bonds theretofore authenticated and delivered hereunder, except the following Bonds:

(a) Bonds theretofore cancelled by the Paying Agent or delivered to the Paying Agent for cancellation;

(b) Bonds deemed to be paid in accordance with the provisions of **Section 701** hereof; and

(c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.

**"Paying Agent"** means the Finance Director of the City, and any successors or assigns.

**"Permitted Investments"** means any of the following securities, if and to the extent the same are at the time legal for investment of the City's funds:

(a) United States Government Obligations;

(b) bonds, notes or other obligations of the State of Missouri, or any political subdivision of the State of Missouri, that at the time of their purchase are rated in either of the two highest rating categories by a nationally recognized rating service;

(c) repurchase agreements with any bank, bank holding company, savings and loan association, trust company, or other financial institution organized under the laws of the United States or any state, that are continuously and fully secured by any one or more of the securities described in clause (a) or (b) above and that have a market value, exclusive of accrued interest, at all times at least equal to the principal amount of such repurchase agreement and are held in a custodial or trust account for the benefit of the City;

(d) obligations of the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Financing Bank, the Federal Intermediate Credit Corporation, Federal Banks for Cooperatives, Federal Land Banks, Federal Home Loan Banks, Farmers Home Administration and Federal Home Loan Mortgage Corporation;

(e) certificates of deposit or time deposits, whether negotiable or nonnegotiable, issued by any bank or trust company organized under the laws of the United States or any state, provided that such certificates of deposit or time deposits shall be either (1) continuously and fully insured by the Federal Deposit Insurance Corporation, or (2) continuously and fully secured by such securities as are described above in clauses (a) through (c), inclusive, which shall have a market value, exclusive of accrued interest, at all times at least equal to the principal amount of such certificates of deposit or time deposits; and

(f) money market mutual funds (1) that invest in Government Obligations or that are registered with the federal Securities and Exchange Commission (SEC), meeting the requirements of Rule 2a-7 under the Investment Company Act of 1940, and (2) that are rated in either of the two highest categories by a nationally recognized rating service.

**"Person"** means any natural person, corporation, limited liability company, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

**"Project"** means the neighborhood improvement district project described in the recitals of this Ordinance.

**"Purchaser"** means First State Bank of St. Charles, MO, as the initial purchaser of the Bonds.

**"Record Date"** for the interest payable on the Bonds on any Interest Payment Date means the 30th day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

**"Redemption Date"** when used with respect to any Bond to be redeemed means the date fixed for such redemption pursuant to the terms of this Ordinance.

**"Redemption Price"** when used with respect to any Bond to be redeemed means the price at which such Bond is to be redeemed pursuant to the terms of this Ordinance, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

**"Special Assessments"** means the amounts paid pursuant to the Act by the property owners located within the District representing their allocable share of the costs of the Project**.**

"**Special Assessments Fund**" means the fund by that name referred to in **Section 501.**

**"Special Record Date"** means the date fixed by the Paying Agent pursuant to **Section 204** hereof for the payment of Defaulted Interest.

**"Stated Maturity"** when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Ordinance as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

**"United States Government Obligations"** means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payments on obligations issued or guaranteed by the United States of America (including the interest component of obligations of the Ordinance Funding Corporation) or securities that represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial or trust account for the benefit of the City.

## ARTICLE II

## AUTHORIZATION OF BONDS

**Section 201. Authorization of Bonds**. There shall be issued and hereby are authorized and directed to be issued the City's Taxable Neighborhood Improvement District Limited General Obligation Bonds (Brandywine Project), Series 2020 (the "Bonds"), in the original principal amount of $985,000, for the purpose of paying costs of the Project and paying costs related to the issuance of the Bonds.

**Section 202. Description of Bonds.** The Bonds shall consist of one fully registered bond without coupons, numbered 1, in the aggregate principal amount of the Bonds. The Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be substantially in the form set forth in **Exhibit A** attached hereto, and shall be subject to registration, transfer and exchange as provided in **Section 205** hereof.

All of the Bonds shall be dated the date of issuance and delivery thereof, shall become due in the amounts on the Stated Maturities, subject to redemption and payment prior to their Stated Maturities as provided in **Article III** hereof, and shall bear interest at the rates per annum, as follows:

**TERM BONDS**

| Stated Maturity December 15 | Principal Amount | Annual Rate of Interest |
|---|---|---|
| 2040 | $985,000 | 2.875% |

The Bonds shall bear interest at the above-specified rates (computed on the basis of a 365-day year) from the date thereof or from the most recent Interest Payment Date to which interest has been paid or duly provided for, payable semiannually on June 15 and December 15 in each year, beginning on December 15, 2021.

**Section 203. Designation of Paying Agent.** The Finance Director of the City is hereby designated as the City's paying agent for the payment of principal of and interest on the Bonds and as bond registrar with respect to the registration, transfer and exchange of Bonds (the "Paying Agent").

The City will at all times maintain a Paying Agent meeting the qualifications herein described for the performance of the duties hereunder. The City reserves the right to appoint a successor Paying Agent by (i) filing with the Paying Agent then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent and appointing a successor, and (ii) causing notice of the appointment of the successor Paying Agent to be given by first class mail to each Bondowner. The Paying Agent may resign upon giving written notice by first class mail to the City and the Bondowners not less than 60 days prior to the date such resignation is to take effect. No resignation or removal of the Paying Agent shall become effective until a successor acceptable to the City has been appointed and has accepted the duties of the Paying Agent.

Every Paying Agent appointed hereunder shall be (a) the Finance Director of the City, or (b) at all times be a commercial banking association or corporation or trust company located in the State of Missouri organized and doing business under the laws of the United States of America or of the State of Missouri, authorized under such laws to exercise trust powers and subject to supervision or examination by federal or state regulatory authority.

The Paying Agent shall be paid its fees and expenses for its services in connection with the Bonds.

**Section 204. Method and Place of Payment of Bonds.** The principal of and interest on the Bonds shall be payable in any coin or currency of the United States of America that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal of each Bond shall be paid at Maturity by check or draft to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the payment office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Registered Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register, or (b) in the case of an interest payment to any Registered Owner of $500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Registered Owner upon written notice signed by such Registered Owner given to the Paying Agent by such Registered Owner, not less than 5 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States), ABA routing number and account name and account number to which such Registered Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Registered Owner of such Bond on the relevant Record Date and shall be payable to the Registered Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed

as hereinafter specified in this paragraph. The City shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, by first class mail, postage prepaid, to each Registered Owner of a Bond entitled to such notice at the address of such Registered Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

**Section 205. Registration, Transfer and Exchange of Bonds.** The City covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Paying Agent as herein provided. Each Bond when issued shall be registered in the name of the owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the payment office of the Paying Agent, the Paying Agent shall transfer or exchange such Bond for a new Bond or Bonds in any authorized denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange. Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Paying Agent, duly executed by the Registered Owner thereof or by the Registered Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Paying Agent shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The City shall pay the fees and expenses of the Paying Agent for the registration, transfer and exchange of Bonds provided for by this Ordinance and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees and expenses of the Paying Agent, are the responsibility of the Registered Owners of the Bonds. If any Registered Owner fails to provide a correct taxpayer identification number to the Paying Agent, then the Paying Agent may make a charge against such Registered Owner sufficient to pay any governmental charge required to be paid as a result of such failure and, in compliance with Section 3406 of the Code, the charge may be deducted by the Paying Agent from amounts otherwise payable to such Registered Owner hereunder or under the Bonds.

The City and the Paying Agent shall not be required to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the City of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to **Section 204** of this Ordinance.

The City and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on said Bond and for all other purposes. All payments so made to any such Registered Owner or upon the Registered Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Paying Agent, the Bond Register may be inspected and copied by the Registered Owners of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Registered Owners whose authority is evidenced to the satisfaction of the Paying Agent.

**Section 206. Execution, Registration, Authentication and Delivery of Bonds.** Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be signed by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor and City Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the State Auditor of Missouri as provided by law, and, when duly executed and registered, to deliver the Bonds to the Paying Agent for authentication.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form set forth in **Exhibit A** to this Ordinance, which shall be manually executed by an authorized officer or employee of the Paying Agent, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Ordinance or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Paying Agent. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Ordinance. Upon authentication, the Paying Agent shall deliver the Bonds to or upon the order of the Purchaser upon payment of the purchase price of the Bonds plus accrued interest thereon to the date of their delivery.

**Section 207. Mutilated, Destroyed, Lost and Stolen Bonds.** If (a) any mutilated Bond is surrendered to the Paying Agent or the Paying Agent receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Paying Agent such security or indemnity as may be required by the Paying Agent, then, in the absence of notice to the Paying Agent that such Bond has been acquired by a bona fide purchaser, the City shall execute and the Paying Agent shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the Paying Agent, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the City and the Paying Agent may require the payment by the Registered Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the City, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds.

**Section 208. Cancellation and Destruction of Bonds Upon Payment.** All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate describing the Bonds so cancelled and shall file an executed counterpart of such certificate with the City.

**Section 209. [Reserved].**

**Section 210. Sale of Bonds.** The Bonds are being sold to the Purchaser at a price equal to $985,000, representing 100% of the principal amount thereof.

## ARTICLE III

## REDEMPTION OF BONDS

**Section 301. Redemption of Bonds**.

**(a) Optional Redemption.** At the option of the City, Bonds may be called for redemption and payment prior to maturity in whole or in part at any time at the redemption price of 100% of the principal amount thereof, plus accrued interest thereon to the redemption date.

(b) **Mandatory Sinking Fund Redemption**. The Bonds are subject to mandatory redemption and payment prior to maturity pursuant to the mandatory redemption requirements of this Ordinance on December 15 in each of the years and in the amounts set forth below, at 100% of the principal amount thereof plus accrued interest to the redemption date, without premium:

| **Date** | **Principal** |
|---|---|
| 12/15/2021 | $35,000 |
| 12/15/2022 | 40,000 |
| 12/15/2023 | 40,000 |
| 12/15/2024 | 40,000 |
| 12/15/2025 | 40,000 |
| 12/15/2026 | 45,000 |
| 12/15/2027 | 45,000 |
| 12/15/2028 | 45,000 |
| 12/15/2029 | 45,000 |
| 12/15/2030 | 50,000 |
| 12/15/2031 | 50,000 |
| 12/15/2032 | 50,000 |
| 12/15/2033 | 50,000 |
| 12/15/2034 | 55,000 |
| 12/15/2035 | 55,000 |
| 12/15/2036 | 55,000 |
| 12/15/2037 | 60,000 |
| 12/15/2038 | 60,000 |
| 12/15/2039 | 60,000 |

| | | |
|---|---|---|
| 12/15/2040 * | 65,000 |

*Final maturity

At its option, to be exercised on or before the 45th day next preceding any mandatory Redemption Date, the District may: (1) deliver to the Paying Agent for cancellation Bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any Bonds subject to mandatory redemption on said mandatory Redemption Date from any Registered Owner thereof, whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the District under this Section for any Bonds subject to mandatory redemption on said mandatory Redemption Date which, prior to such date, have been redeemed (other than through the operation of the mandatory redemption requirements of this subsection (b)) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this subsection (b). Each Term Bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the District to redeem Bonds of the same Stated Maturity on such mandatory Redemption Date, and any excess of such amount shall be credited on future mandatory redemption obligations for Bonds of the same Stated Maturity in chronological order, and the principal amount of Bonds of the same Stated Maturity to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the District intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the District will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with respect to such mandatory redemption payment.

(c) **Special Mandatory Redemption.** The Bonds are subject to special mandatory redemption and payment prior to the stated maturity thereof, in whole or in part on February 15, 2021, in inverse order of maturity, including mandatory sinking fund redemptions with respect to term bonds, in an amount equal to the amount of special assessments that are prepaid (if any) by January 31, 2021, rounded down to the nearest $1,000.

**Section 302. Selection of Bonds to Be Redeemed.**

(a) The Paying Agent shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Paying Agent at least 45 days prior to the Redemption Date of written instructions of the City specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. If the Bonds are refunded more than 90 days in advance of such Redemption Date, any escrow agreement entered into by the City in connection with such refunding shall provide that such written instructions to the Paying Agent shall be given by the City or on behalf of the City not more than 90 days prior to the Redemption Date. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in **Section 303** are met. The foregoing provisions of this paragraph shall not apply to the mandatory redemption of Bonds hereunder, and Bonds shall be called by the Paying Agent for redemption pursuant to such mandatory redemption requirements without the necessity of any action by the City and whether or not the Paying Agent holds moneys available and sufficient to effect the required redemption.

(b) Bonds shall be redeemed only in the principal amount of $1,000 or any integral multiple thereof. When less than all of the Outstanding Bonds are to be redeemed, such Bonds shall be redeemed in such amounts for such Stated Maturities as selected by the City, and Bonds of less than a full Stated

Maturity shall be selected by the Paying Agent in $1,000 units of principal amount in such equitable manner as the Paying Agent may determine.

(c) In the case of a partial redemption of Bonds by lot or such other method selected by the Paying Agent, when Bonds of denominations greater than $1,000 are then Outstanding, then for all purposes in connection with such redemption each $1,000 of face value shall be treated as though it were a separate Bond of the denomination of $1,000. If it is determined that one or more, but not all, of the $1,000 units of face value represented by any Bond are selected for redemption, then upon notice of intention to redeem such $1,000 unit or units, the Registered Owner of such Bond or the Registered Owner's duly authorized agent shall present and surrender such Bond to the Paying Agent (1) for payment of the Redemption Price and interest to the Redemption Date of such $1,000 unit or units of face value called for redemption, and (2) for exchange, without charge to the Registered Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Registered Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of the $1,000 unit or units of face value called for redemption (and to that extent only).

**Section 303. Notice and Effect of Call for Redemption.** Unless waived by any Registered Owner of Bonds to be redeemed, official notice of any redemption shall be given by the Paying Agent on behalf of the City by mailing a copy of an official redemption notice by first class mail at least 30 days prior to the Redemption Date to the State Auditor of Missouri, the Purchaser of the Bonds and each Registered Owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register.

All official notices of redemption shall be dated and shall contain the following information:

(a) the Redemption Date;

(b) the Redemption Price;

(c) if less than all Outstanding Bonds of a maturity are to be redeemed, the identification number, stated maturity and, in the case of partial redemption of any Bonds, the respective principal amounts of the Bonds to be redeemed;

(d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and

(e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal payment office of the Paying Agent.

The failure of any Registered Owner to receive notice given as heretofore provided or a defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on that date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified,

and from and after the Redemption Date (unless the City defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Registered Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

## ARTICLE IV

## SECURITY FOR AND PAYMENT OF BONDS

**Section 401. Security for the Bonds.** The Bonds and the interest thereon will constitute a valid and legally binding indebtedness of the City, payable both as to principal and interest from the Special Assessments to be assessed on real property within the District benefited by the Project and if not so paid, to the extent required, from the current income and revenues and surplus funds or other legally available funds of the City. The faith, credit and resources of the City are irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due; provided that the City may not impose any new or increased ad valorem property tax to pay the principal of or interest on the Bonds without the voter approval required by the constitution and laws of the State of Missouri.

**Section 402. Levy of Special Assessments.** The unpaid Special Assessments for the Project financed by the issuance of the Bonds, together with interest thereon, shall be and are hereby levied and assessed upon the properties benefitted for the purpose of producing amounts for the payment of such principal and interest as the same become due and payable in each year.

**Section 403. Collection of Special Assessments.** The Special Assessments referred to above shall be levied and collected at the same time and in the same manner as the ad valorem taxes of the City are levied and collected. The proceeds derived from the Special Assessments shall be deposited in the Special Assessments Fund, shall be kept separate and apart from all other funds of the City and shall be used solely as described in **Article V** hereof.

If at any time the Special Assessments are not collected in time or in an amount to pay the principal of or interest on the Bonds when due, the Finance Director is hereby authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when Special Assessments are collected to the extent such Special Assessments are available. Unpaid Special Assessments shall accrue interest at the rate of 7% per annum until paid.

## ARTICLE V

## ESTABLISHMENT OF FUNDS; DEPOSIT AND APPLICATION OF MONEYS

**Section 501. Establishment of Funds.** There have been or shall be established in the treasury of the City and shall be held and administered by the City the following separate funds:

(a) Special Assessments Fund.
(b) Debt Service Fund.
(c) Project Fund.

**Section 502. Deposit of Bond Proceeds; Application of Moneys in the Project Fund.** The net proceeds received from the sale of the Bonds shall be deposited simultaneously with the delivery of the Bonds shall be paid to the City and deposited in the Project Fund, and shall be disbursed by the City to pay costs of the Project and of issuing the Bonds, including the fees of attorneys, financial consultants, accountants, others employed to render professional services and other costs, fees and expenses incurred in connection with the issuance of the Bonds.

**Section 503. Special Assessments Fund.** The City covenants and agrees that from and after the delivery of the Bonds, and continuing as long as any of the Bonds remain Outstanding hereunder, all of the Special Assessments collected with respect to the Project shall as and when received be paid and deposited into the Special Assessments Fund. The Special Assessments shall be segregated and kept separate and apart from all other moneys, revenues, funds and accounts of the City and shall not be commingled with any other moneys, revenues, funds or accounts of the City. The Special Assessments Fund shall be administered and applied solely for the purposes and in the manner provided in this Ordinance.

**Section 504. Application of Moneys in the Special Assessments Fund.** Moneys in the Special Assessments Fund shall be applied as follows:

(a) 3 days prior to each Interest Payment Date, the City shall transfer from the Special Assessments Fund to the Debt Service Fund such amounts as are on deposit in the Special Assessments Fund, up to the Debt Service Requirements of the Bonds on said Interest Payment Date;

(b) After payments pursuant to subsection (a) to provide for the Debt Service Requirements on the Bonds on the next Interest Payment Date, any remaining moneys in the Special Assessments Fund shall be applied to the extent necessary for the purposes and in the amounts as follows:

*First*, for transfer to the Debt Service Fund, an amount sufficient for payment of any fees and expenses which are due and owing to the Paying Agent or the City, upon delivery to the City of an invoice for such amounts; and

*Second*, for transfer to the Debt Service Fund, an amount sufficient for the payment of the principal of and accrued interest on Bonds which are subject to redemption on a Redemption Date.

**Section 505. Application of Moneys in Debt Service Fund.** All amounts paid and credited to the Debt Service Fund shall be expended and used by the City for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Paying Agent. The Finance Director is authorized and directed to withdraw from the Debt Service Fund sums sufficient to pay both principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner that ensures the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Paying Agent will become due. If, through the lapse of time or otherwise, the Registered Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance and shall be held in trust by the Paying Agent for the benefit of the Registered Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Fund after the retirement of the Bonds and all other indebtedness of the City shall be transferred and paid into the general fund of the City.

**Section 506. Deposits and Investment of Moneys.** Moneys in each of the funds created by and referred to in this Ordinance shall be deposited in a bank or banks or other legally permitted financial institutions located in the State of Missouri that are members of the Federal Deposit Insurance Corporation. All such deposits shall be continuously and adequately secured by the financial institutions holding such deposits as provided by the laws of the State of Missouri. All moneys held in the funds created by this Ordinance shall be kept separate and apart from all other funds of the City so that there shall be no commingling of such funds with any other funds of the City.

Moneys held in any fund referred to in this Ordinance may be invested in Permitted Investments in accordance with this Ordinance; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any fund shall accrue to and become a part of such fund.

**Section 507. Nonpresentment of Bonds.** If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the City to the Registered Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Registered Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Ordinance or on, or with respect to, said Bond. If any Bond is not presented for payment within one year following the date when such Bond becomes due at Maturity, the Paying Agent shall repay to the City without liability for interest thereon the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the City, and the Registered Owner thereof shall be entitled to look only to the City for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the City shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

**Section 508. Payments Due on Days other than Business Days.** In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be

made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for a period after such Bond Payment Date.

## ARTICLE VI

## REMEDIES

**Section 601. Remedies.** The provisions of this Ordinance, including the covenants and agreements herein contained, shall constitute a contract between the City and the Registered Owners of the Bonds, and the Registered Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Registered Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Registered Owner or Owners against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Ordinance or by the constitution and laws of the State of Missouri;

(b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Registered Owners of the Bonds.

**Section 602. Limitation on Rights of Bondowners.** The covenants and agreements of the City contained herein and in the Bonds shall be for the equal benefit, protection and security of the legal owners of any or all of the Bonds. All of the Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest or date of Maturity as provided in this Ordinance. No one or more Bondowners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Registered Owners of such Outstanding Bonds.

**Section 603. Remedies Cumulative.** No remedy conferred herein upon the Bondowners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Registered Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies consequent thereon. No delay or omission of any Bondowner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Registered Owners of the Bonds by this Ordinance may be enforced and exercised from time to time and as often as may be deemed expedient. If any suit, action or proceedings taken by any Bondowner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any

reason, or has been determined adversely to such Bondowner, then, and in every such case, the City and the Registered Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Bondowners shall continue as if no such suit, action or other proceedings had been brought or taken.

## ARTICLE VII

## DEFEASANCE

**Section 701. Defeasance.** When any or all of the Bonds or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Ordinance and the pledge of the City's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Ordinance if there has been deposited with the Paying Agent, or other commercial bank or trust company authorized to do business in the State of Missouri and having full trust powers, at or prior to the Stated Maturity of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of said Bonds and/or interest accrued to the Stated Maturity or if default in such payment has occurred on such date, then to the date of the tender of such payments. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the City, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Registered Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or other bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Ordinance.

## ARTICLE VIII

## MISCELLANEOUS PROVISIONS

**Section 801. [Reserved].**

**Section 802. Annual Audit.** Annually, promptly after the end of the fiscal year, the City will cause an audit to be made of its funds and accounts for the preceding fiscal year by a certified public accountant or firm of certified public accountants.

Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the City Clerk, and a duplicate copy of the audit shall be mailed to the Purchaser. Such audits shall at all times during the usual business hours be open to the examination and inspection by any Registered Owner of any of the Bonds, or by anyone acting for or on behalf of such Registered Owner.

As soon as possible after the completion of the annual audit, the governing body of the City shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Ordinance, the City shall promptly cure such deficiency.

A copy of each annual audit will be mailed to the Purchaser and, upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Bondholder or prospective Bondholder.

**Section 803. Amendments.** The rights and duties of the City and the Bondowners, and the terms and provisions of the Bonds or of this Ordinance, may be amended or modified at any time in any respect by ordinance of the City with the written consent of the Registered Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Registered Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the City Clerk, but no such modification or alteration shall:

(a) extend the maturity of any payment of principal or interest due upon any Bond;

(b) effect a reduction in the amount which the City is required to pay as principal of or interest on any Bond;

(c) permit preference or priority of any Bond over any other Bond; or

(d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Ordinance.

Any provision of the Bonds or of this Ordinance may, however, be amended or modified by ordinance duly adopted by the governing body of the City at any time in any legal respect with the written consent of the Registered Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Bondowners, the City may amend or supplement this Ordinance for the purpose of curing any formal defect, omission, inconsistency or ambiguity therein or in connection with any other change therein which is not materially adverse to the security of the Bondowners.

Every amendment or modification of the provisions of the Bonds or of this Ordinance, to which the written consent of the Bondowners is given, as above provided, shall be expressed in an ordinance adopted by the governing body of the City amending or supplementing the provisions of this Ordinance and shall be deemed to be a part of this Ordinance. A certified copy of every such amendatory or supplemental ordinance, if any, and a certified copy of this Ordinance shall always be kept on file in the office of the City Clerk and shall be made available for inspection by the Registered Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Ordinance, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental ordinance or of this Ordinance will be sent by the City Clerk to any such Bondowner or prospective Bondowner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the City Clerk a copy of the ordinance of the City hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Registered Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The City shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Ordinance which affects the duties or obligations of the Paying Agent under this Ordinance.

**Section 804. Notices, Consents and Other Instruments by Bondowners.** Any notice, consent, request, direction, approval or other instrument required by this Ordinance to be signed and executed by the Bondowners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Bondowners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, other than the Assignment of the ownership of the Bond, if made in the following manner, shall be sufficient for any of the purposes of this Ordinance, and shall be conclusive in favor of the City and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Registered Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Ordinance, Bonds owned by the City shall be disregarded and deemed not to be Outstanding under this Ordinance, except that, in determining whether the Bondowners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Bondowners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Bondowners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the City.

**Section 805. [Reserved].**

**Section 806. Further Authority.** The officers of the City, including the Mayor, the City Administrator, the Finance Director and City Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

**Section 807. Parties Interested Herein.** Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City, the Paying Agent and the Registered Owners of the Bonds, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation thereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City, the Paying Agent and the Registered Owners of the Bonds.

**Section 808. Severability.** If any section or other part of this Ordinance, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

**Section 809. Governing Law.** This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

**Section 810. [Reserved].**

**Section 811. Effective Date.** This Ordinance shall take effect and be in full force from and after its adoption by the City Council.

**Section 812. Electronic Transactions.** The parties agree that the transaction described herein may be conducted and related documents may be stored by electronic means.

[Remainder of this page intentionally left blank]

**ADOPTED** by the City Council of the City of Chesterfield, Missouri, this _____ day of _____, 2020.

(SEAL)

_____
Bob Nation, Mayor

ATTEST:

_____
Vickie McGownd, City Clerk

**EXHIBIT A**
**TO ORDINANCE**

**FORM OF BOND**

**UNITED STATES OF AMERICA**
**STATE OF MISSOURI**

**Registered** **Registered**
**No. __** **$_____**

**CITY OF CHESTERFIELD, MISSOURI**
**TAXABLE NEIGHBORHOOD IMPROVEMENT DISTRICT LIMITED GENERAL OBLIGATION BONDS**
**(BRANDYWINE PROJECT)**
**SERIES 2020**

| Interest Rate | Maturity Date | Dated Date |
|---|---|---|
| 2.875% | _____ __ ____ | _____, 20___ |

**REGISTERED OWNER:** **FIRST STATE BANK OF ST. CHARLES, MO**

**PRINCIPAL AMOUNT:** **NINE HUNDRED EIGHTY FIVE THOUSAND DOLLARS**

**THE CITY OF CHESTERFIELD, MISSOURI** a third class City and political subdivision of the State of Missouri (the "City"), for value received, hereby acknowledges itself to be indebted and promises to pay to the registered owner shown above, or registered assigns, the principal amount shown above on the maturity date shown above and to pay interest thereon at the interest rate per annum shown above (computed on the basis of a 365-day year) from the Dated Date shown above or from the most recent interest payment date to which interest has been paid or duly provided for, payable semiannually on June 15 and December 15 in each year, beginning on December 15, 2021, until said principal amount has been paid.

The principal of this Bond shall be paid at maturity by check or draft to the person in whose name this Bond is registered at the maturity date thereof, upon presentation and surrender of this Bond at the office of the City Clerk of the City of Chesterfield, Missouri (the "Paying Agent"). The interest payable on this Bond on any interest payment date shall be paid to the person in whose name this Bond is registered on the registration books maintained by the Paying Agent at the close of business on the Record Date for such interest, which shall be the 30th day (whether or not a business day) of the calendar month next preceding the interest payment date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or (b) in the case of an interest payment to any Registered Owner of $500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Registered Owner upon written notice signed by such Registered Owner given to the Paying Agent by such Owner, not less than 5 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States), ABA routing number and account name and account number to which such Registered Owner wishes to have such transfer directed. The principal of and interest on the Bonds shall be payable by check or draft in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

This Bond is one of an authorized series of bonds of the City designated "Taxable Neighborhood Improvement District Limited General Obligation Bonds (Brandywine Project), Series 2020," aggregating the principal amount of $985,000 (the "Bonds") issued by the City for the purpose of funding the costs of a neighborhood improvement district project as described in the ordinance of the City authorizing the issuance of the Bonds (the "Ordinance") and proceedings duly and legally had by the governing body of the City. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the Ordinance.

The Bonds and the interest thereon will constitute a valid and legally binding indebtedness of the City, payable both as to principal and interest from the Special Assessments to be assessed on real property within the District benefited by the Project and if not so paid, to the extent required, from the current income and revenues and surplus funds or other legally available funds of the City. The faith, credit and resources of the City are irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due; provided that the City may not impose any new or increased ad valorem property tax to pay the principal of or interest on the Bonds without the voter approval required by the constitution and laws of the State of Missouri.

The Bonds are subject to optional redemption prior to maturity as provided in the Ordinance.

The Bonds are subject to mandatory redemption prior to maturity as provided in the Ordinance.

The Bonds are subject to special mandatory redemption prior to maturity as provided in the Ordinance.

The Bonds are issuable in the form of one fully registered Bond without coupons in the aggregate principal amount thereof.

This Bond may be transferred or exchanged, as provided in the Ordinance, only on the Bond Register kept for that purpose at the payment office of the Paying Agent, upon surrender of this Bond together with a written instrument of transfer or authorization for exchange satisfactory to the Paying Agent duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any authorized denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance and upon payment of the charges therein prescribed. The City and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payments due hereon and for all other purposes.

The proceedings relating to the issuance of the Bonds have been presented to and filed with the State Auditor of Missouri, who has examined the same and has issued a certificate that such proceedings comply with the laws of the State of Missouri and that the conditions of the Ordinance under which the Bonds were ordered to be issued have been complied with.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Ordinance until the Certificate of Authentication hereon has been executed by the Paying Agent.

**IT IS HEREBY CERTIFIED AND DECLARED** that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the Bonds have existed, happened and been performed in due time, form and manner as required by law; and that the total indebtedness of

the City, including this Bond and the series of which it is one, does not exceed any constitutional or statutory limitation.

**IN WITNESS WHEREOF, THE CITY OF CHESTERFIELD, MISSOURI** has caused this Bond to be executed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk and its official seal to be affixed or imprinted hereon.

**CERTIFICATE OF AUTHENTICATION**

This Bond is one of the Bonds of the issue described in the within-mentioned Ordinance.

Registration Date: _____

**FINANCE DIRECTOR,**
**CITY OF CHESTERFIELD, MISSOURI,**
Paying Agent

By _____
Authorized Signatory

**CITY OF CHESTERFIELD, MISSOURI**

By: _____
Mayor

(SEAL)

ATTEST:

_____
City Clerk

**ASSIGNMENT**

**FOR VALUE RECEIVED,** the undersigned hereby sells, assigns and transfers unto

_____

Print or Type Name, Address and Social Security Number
or other Taxpayer Identification Number of Transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ agent to transfer the within Bond on the Bond Register kept by the Paying Agent for the registration thereof, with full power of substitution in the premises.

Dated: _____

_____

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular.

Signature Guaranteed By:

_____

(Name of Eligible Guarantor Institution as defined by SEC Rule 17 Ad-15 (17 CFR 240.17 Ad-15))

By _____

Title: _____