

St. Louis City Ordinance 62593

FLOOR SUBSTITUTE

BOARD BILL NO. [91] 369

INTRODUCED BY ALDERMAN JOSEPH RODDY

An ordinance finding that a blighted, insanitary, undeveloped industrial area as defined in Sections 100.310 (2), (11), (18) of the Revised Statutes of Missouri, 1986, as amended, (the "Statute" being Sections 100.300 to 100.620 inclusive), exists in the City of St. Louis ("City") and containing a description of the boundaries of said blighted area, attached hereto and incorporated herein as Exhibit "A", known as the Papin/S. Theresa Area ("Area"); finding that industrial development and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Blighting Study and Plan dated December 17, 1991 for the Area, incorporated herein by attached Exhibit "B"; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that property in the Area located at 3526 Papin St., 3528-34 Papin St., and 3540 Papin St. may be acquired by the Planned Industrial Expansion Authority of the City of St. Louis ("PIEA") through the exercise of eminent domain; finding that the Area is partially occupied and that the Developer shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there should be available a ten (10) year tax abatement; pledging cooperation of the Board of Aldermen ("Board") and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan and containing an emergency clause.

WHEREAS, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting or other conditions in the Area which retard the provision of housing accommodations; or because there is a predominance of buildings and improvements in the Area, which, by reason of dilapidation, deterioration, and or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, high density of population and overcrowding of buildings or land, are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime; or because the Area, by reason of defective and inadequate street layout or location of physical

improvements, obsolescence and inadequate subdivision and platting, contains vacant parcels of land not used economically, or contains structures whose operation is not economically feasible, or contains intermittent commercial and industrial structures in a primarily industrial and commercial area, or contains insufficient space for the expansion and efficient use of land for industrial plants and commercial uses amounting to conditions which retard economic or social growth, result in economic waste and social liabilities and represent an inability to pay reasonable taxes; or because of the existence of a combination of such conditions in the Area or other conditions which endanger life or property by fire or other causes, the Area constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in the present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

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

WHEREAS, there is a need for the PIEA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a "Project", as described in said Statute, pursuant to plans by or presented to the PIEA in accordance with Section 100.400.1(4); and

WHEREAS, the PIEA has recommended such a plan to the Community Development Commission ("CDC") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for Papin/S. Theresa Area" dated December 17, 1991, consisting of a Title Page, a Table of Contents Page, and fourteen (14) numbered pages attached hereto and incorporated herein as Exhibit "B" ("Plan"); and

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

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

WHEREAS, the PIEA and the CDC have made and presented to this Board the studies and statements required to be made and submitted by Section 100.400 and this Board has been fully apprised by the PIEA and the CDC of the facts and is fully aware of the conditions in the Area; and

WHEREAS, the Plan has been presented and recommended by the PIEA and the CDC to this Board for review and approval; and

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

WHEREAS, this Board has duly considered the reports, recommendations and certifications of the PIEA and the CDC; and

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

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

WHEREAS, in accordance with the requirements of Section 100.400 of the Statute, this Board advertised that a public hearing would be held by this Board on the Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

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

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

SECTION ONE. There exists within the City of St. Louis ("City") a blighted, insanitary, or undeveloped industrial area, as defined by Sections 100.310 (2), (11), and (18) of the Revised Statutes of Missouri, 1986, as amended, (the "Statute" being Sections 100.300 to 100.620 inclusive) described in Exhibit "A", attached hereto and incorporated herein, known as the Papin/S. Theresa Area ("Area").

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

SECTION THREE. The Area qualifies as an industrial development area in need of industrial development under the provisions of the Statute, and the Area is blighted as defined in Sections 100.310 (2), (11), (18).

SECTION FOUR. The Blighting Study and Plan for the Area, dated December 17, 1991 (Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Plan with the Minutes of this meeting.

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

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

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

SECTION EIGHT. The Plan for the Area provides that the Planned Industrial Expansion Authority of the City of St. Louis ("PIEA") may acquire only the property located at 3526 Papin St., 3528-34 Papin St., and 3540 Papin St. by the exercise of eminent domain.

SECTION NINE. The Area is currently partially occupied but no relocation is anticipated. In the unlikely event that some relocation is required, all eligible occupants displaced by the developer ("Developer" being defined in Section Twelve, below) for the implementation of this Plan shall be given relocation assistance by the Developer at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies. In addition, the Developer shall provide timely notice of development activities to all occupants.

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

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

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

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

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

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the PIEA and the Plan, bona fide minority and women subcontractors and material suppliers will be solicited and fairly considered for subcontractors and purchase orders by the general contractor and other subcontractors under the general construction contracts let directly by the Developer;
- (c) To be bound by the conditions and procedures regarding the utilization of minority and women business enterprises established by the Community Development Commission of the City of St. Louis ("CDC");
- (d) To adhere to the requirements of the Executive Orders of the Mayor of the City, dated December 6, 1984 and January 10, 1990;
- (e) To comply with the requirements of Ordinance No. 60275 of the City;

(f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing minority and women subcontractors and material supplier participation in the construction pursuant to the Plan. The Developer will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and

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

The terms "minority contractor" or "minority material supplier" shall mean a business enterprise at least fifty-one percent (51%) of which is owned and controlled by members of minorities. The terms "members of a minority" or "minority" mean Black Americans, Native Americans, Hispanic Americans, Asians, Pacific Islanders and other protected classes.

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

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

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

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

The Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the PIEA, provided that such modification shall be effective only upon the consent of the CDC. Changes which are not substantial are those that do not go to the crux of the Plan.

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

SECTION SEVENTEEN. This Ordinance, being necessary for the immediate preservation of public health, safety and general welfare, shall be and is hereby declared to be an emergency measure within the meaning of Article IV, Section 20, of the Charter of The City of St. Louis, and as such shall take effect immediately upon its approval by the Mayor.

EXHIBIT "B"
FORM: 12/21/91

BLIGHTING STUDY AND PLAN
FOR
THE PAPIN/S. THERESA AREA
PROJECT # 102
PLANNED INDUSTRIAL EXPANSION AUTHORITY
OF THE CITY OF ST. LOUIS
December 17, 1991
MAYOR
VINCENT C. SCHOEMEHL, JR.
BLIGHTING STUDY AND PLAN FOR
THE PAPIN/S. THERESA AREA

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A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The Papin/S. Theresa Area (the "Area") is located within the Midtown neighborhood, and is situated between the boundaries of S. Grand Blvd. on the west, Papin St. on the north, S. Theresa Ave. on the east and Chouteau Ave. on the south. The Area encompasses approximately 1.5 acres of the Central Industrial Corridor blighted March 11, 1981 by Ordinance 58249.

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

2. GENERAL CONDITION OF THE AREA

The Area includes three buildings on five parcels in City Block 2213; two parking lots, and several vacant lots. The addresses included are 3501-15 Chouteau Ave. and 3502-40 Papin St. The Area is in fair to poor condition. The physical conditions within the Area are shown on Exhibit "B" (Project Area

Plan). For the purpose of this Plan, fair condition means property that is generally structurally sound but suffers from inadequate maintenance and upkeep. Poor condition means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate an 10.6% unemployment rate for the City of St. Louis as of August, 1991. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area, although there are no residents within the Area.

There are currently 23 jobs within the Area.

3. PRESENT LAND USE AND DENSITY OF THE AREA

Existing land use within the Area includes the following: a restaurant/nightclub and related parking; an unoccupied single story, single family building on a lot sized 25' x 135'; a vacant two-story, brick commercial building on a lot sized 25' x 135'; several vacant lots.

The land use is shown on Exhibit "B".

4. PRESENT LAND USE OF SURROUNDING PROPERTIES

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

Residential density for the surrounding neighborhoods is approximately 5.51 persons per acre.

5. CURRENT ZONING

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

6. FINDING OF BLIGHT

The property within the Area is partially occupied and in fair to poor condition (as those terms are defined in Section A(2) above). Therefore, it is affirmed that the Area is blighted as determined by Ordinance 58249.

B. PROPOSED DEVELOPMENT AND REGULATIONS

1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan is to facilitate the development of the Area into an industrial/commercial use or related parking.

The development activity proposed by this Plan contemplates the demolition of the existing buildings in poor condition and the development of an industrial/commercial use or related parking.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are industrial uses permitted in areas zoned "J" Industrial District by the City of St. Louis Zoning Code. Redevelopers contracting with the Planned Industrial Expansion Authority of the City of St. Louis ("PIEA") to develop property in the Area (hereafter referred to as "Redeveloper") shall not be permitted to use said property for any use not allowed in the "J" Industrial District.

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

3. PROPOSED ZONING

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

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973), and the "Economic Development Strategy" (1978). Any specific proposal to the PIEA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THIS AREA

Five to ten new jobs may be created in the Area as a result of industrial /commercial expansion and development of related parking.

6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area.

The layouts, levels and grades of all public rights-of-way may remain unchanged.

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

7. BUILDING AND SITE REGULATIONS

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

8. URBAN DESIGN

a. Urban Design Objectives

The intent is to remove the vacant and dilapidated structures and expand industrial/commercial uses and provide attractive, well-landscaped related parking.

b. Urban Design Regulations

After demolition of the buildings, the property shall be grassed and well maintained as an interim use with effective litter and weed control retaining healthy, existing trees and shrubs, or developed as follows:

(1) Taking into account the location of the property within an industrial/warehousing complex, well considered, low rise structures with attendant on-site parking and service areas and landscaping would be appropriate. Exterior finish materials of finished masonry, wood, metal or a combination would be suitable.

Any outdoor storage shall be opaquely screened from public view.

(2) Landscaping

The property shall be well landscaped. Perimeter street trees of at least 2-1/2 inches in caliper shall be planted in tree wells or, preferably, a tree lawn with trees generally on 25 feet centers. These trees shall be a non-ornamental type approved by the City Forestry Division.

(3) Fencing

Decorative metal, masonry or chain link fencing which generally is non-barbed and has a black, matte finish is acceptable. The specific height and location of fencing shall be respectful of structures to be constructed while addressing site safety and security needs.

(4) Maintenance

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

9. PARKING REGULATIONS

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

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

10. SIGN REGULATIONS

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

New wall signs shall not obstruct any architectural building elements, shall be placed only on the fronts of buildings or on those sides of the buildings fronting on public or private streets, shall project no more than eighteen (18) inches from the face of the building, shall not extend above the second floor window sill of the structure, and the total sign area shall be the lesser of either fifty (50) square feet or ten percent (10%) of the ground floor wall surface fronting on such streets. Only one sign per business per wall facing on a public or private street shall be permitted.

Canvas awnings with signs are permitted, provided they are compatible with the overall design and architectural details of the building upon which they are to be placed. Signage on awnings is limited to awning apron. In no case shall signage be allowed on both an awning apron and a building for the same business.

A ground or monument sign per use may be permitted provided it does not exceed ten (10) feet in height nor exceed twenty-five (25) square feet per side, and provided the PIEA confirms that such a sign is required based upon the use, location or siting of the structure .

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

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

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

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

12. PUBLIC IMPROVEMENTS

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

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

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

safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

C. PROPOSED SCHEDULE OF DEVELOPMENT

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

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

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

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

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

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

2. PROPERTY ACQUISITION

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The PIEA may acquire, by exercise of eminent domain, or otherwise, properties located at 3526 Papin St., 3528-34 Papin St. and 3540 Papin St. (identified as Parcels 1, 3 and 4 on Exhibit "D"). All other properties in the Area may not be acquired by PIEA through the use of eminent domain.

3. PROPERTY DISPOSITION

If PIEA acquires property in the Area, it may sell or lease such property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the PIEA. Any property acquired by the PIEA and sold to a Redeveloper will be sold at not less than its fair value, as determined by an independent appraiser, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

The properties within the Area are currently partially occupied. All eligible occupants displaced as a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies. In addition, timely notice of development activities shall be provided to all occupants.

E. COOPERATION OF THE CITY

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

F. TAX ABATEMENT

A Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement for a total period of up to ten (10) from the commencement of such tax abatement, in accordance with the following provisions of the Plan:

If property in the Area is sold by the PIEA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the PIEA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property. All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall

continue to use such property as provided in this Plan and in any contract with the PIEA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS

1. LAND USE

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

2. CONSTRUCTION AND OPERATIONS

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

3. LAWS AND REGULATIONS

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

4. ENFORCEMENT

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

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

H. MODIFICATIONS OF THIS PLAN

Where a proposed modification will substantially change this Plan, the modification must be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on

the use of eminent domain, to the availability of tax abatement, to the boundaries of the Area, or other items which alter the nature or intent of this Plan.

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

I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five (25) years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

J. EXHIBITS

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

K. SEVERABILITY

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

EXHIBIT "A"

THE PAPIN/S. THERESA AREA LEGAL DESCRIPTION

Lots 1 through 16 and lots 27 through 32 in Block No. 6 of Market Street and Chouteau Subdivision, and in Block No. 2213 of the City of St. Louis, more specifically described as follows: Beginning at the point of intersection of the north line of Chouteau Ave. (80' wide) and the west line of South Theresa Ave. (80' wide); thence northwardly along the said west line of South Theresa across all intersecting alleys to its point of intersection with the south line of Papin Street (60' wide); thence westwardly along said south line of Papin Street approximately 411 feet to its point of intersection with the west line of property now, or formerly, owned by Patrick A. and Elaine M. Hazzard; thence southwardly along said west property line to its point of

intersection with the north line of an east-west 20 foot wide alley in City Block 2213; thence eastwardly along said south alley line approximately 260 feet to its point of intersection with the northward prolongation of the west line of property now, or formerly, owned by Lita Biondo; thence southwardly along said northward prolongation and said west property line to its point of intersection with the north line of Chouteau Ave.; thence eastwardly along said north line of Chouteau Ave. approximately 128 feet 7 inches to its point of intersection with the west line of South Theresa Ave., the point of beginning.

INSERT EXHIBITS "B" "C" "D"

--Not Available in Electronic Format--

EXHIBIT "E"

FORM: 6/25/91

EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES

In any contract for work in connection with the redevelopment of any property in the Area, the Developer (which term shall include Developer, any designees, successors and assigns thereof, and any entity formed to implement the project of which the Developer is a general partner), its contractors and subcontractors will include a clause requiring compliance with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination, the Executive Orders of the Mayor of the City of St. Louis dated December 6, 1984 and January 10, 1990, and all guidelines herein.

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

In the redevelopment of the Area, there shall be maximum utilization of bona fide minority business enterprises ("MBE's") and women business enterprises ("WBE's" and, together with "MBE's", disadvantaged business enterprises or "DBE's"). The Developer will set a minimum goal of twenty-five percent (25%) MBE participation and five percent (5%) WBE participation under these guidelines. In the event the Developer fails to attain that goal, the Developer may be required to show good cause therefor; however, this requirement will be deemed to have been met when documentation evidences that all available resources (i.e. DBE suppliers, contractors, and subcontractors) willing to perform the work or provide the supplies--at a price which (i) is within the range requested by non- DBE's; or (ii) if higher than that

requested by non-DBE's, is attributable to the effects of past discrimination--have been exhausted.

For purposes of this section, the term "minority business enterprise" (or "MBE") means a business at least fifty-one percent (51%) of which is owned and controlled by minority group members. The term "women business enterprise" (or "WBE") means a business at least fifty-one percent (51%) of which is owned and controlled by females.

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

The Developer agrees that if the redevelopment of the Area creates permanent jobs, it shall enter into an Employment Plan with the Saint Louis Agency on Training and Employment (SLATE) and the PIEA for referral of Jobs Training Partnership Act (JTPA) eligible individuals. Said plan shall specify the number of jobs to be covered by the Employment Plan, the target date for referrals to begin, and the procedure for referral.

| Legislative History | | | | |
|----------------------------|--------------------|------------------|-----------------|-------------------|
| 1ST READING | REF TO COMM | COMMITTEE | COMM SUB | COMM AMEND |
| 02/28/92 | 02/28/92 | HUDZ | 03/19/92 | |
| 2ND READING | FLOOR AMEND | FLOOR SUB | PERFECTN | PASSAGE |
| 03/20/92 | | | 03/27/92 | 03/31/92 |
| ORDINANCE | VETOED | | VETO OVR | |
| 62593 | | | | |