

**ORDINANCE #65575**  
**Board Bill No. 140**  
**Floor Substitute**

An ordinance approving a Development Plan for 500-30 and 538-64 DeBalivere Ave. and 5685-61 Kingsbury Ave. Area ("Area") after finding that the Area is a blighted, insanitary, undeveloped industrial area as defined in Sections 100.310 (2), (11), (18) of the Revised Statutes of Missouri, 1988, as amended, (the "Statute" being Sections 100.300 to 100.620 inclusive), in the City of St. Louis ("City") containing a description of the boundaries of said blighted area, attached hereto and incorporated herein as Exhibit "A", 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 May 28, 2002, 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 no property in the Area 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 property within 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 no real estate tax abatement; and 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 Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for the 500-30 and 538-64 DeBalivere Ave. and 5685-61 Kingsbury Ave. Area "Area" dated May 28, 2002, consisting of a Title Page, a Table of Contents Page, and thirteen (13) numbered pages attached hereto and incorporated herein as Exhibit "B" ("Plan"); and

WHEREAS, under the provisions of the Statute, 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 Planning Commission 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 Planning Commission of the facts and is fully aware of the conditions in the Area; and

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

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

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

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

WHEREAS, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a development project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, age, sexual orientation, 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, 1994, as amended, (the "Statute" being Sections 100.300 to 100.620 inclusive) described in Exhibit "A", attached hereto and incorporated herein, known as the 500-30 and 538-64 DeBalivere Ave. and 5085-61 Kingsbury Ave. 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 May 28, 2002, (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 not acquire any property in the Area by the exercise of eminent domain.

**SECTION NINE.** The property within the Area is currently partially occupied. All eligible occupants displaced by the 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, sexual orientation, or physical handicap in the sale, lease, or rental of any property or improvements erected or to be erected in the Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which 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 Business Enterprise ("MBE") and Women's Business Enterprise ("WBE") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBE's and WBE's established by the City.
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997.
- (e) To comply with the requirements of Ordinance No. 60275 of the City;
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction 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 term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control, interest in capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control, interest in capital and earnings commensurate with their percentage of ownership.

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

**SECTION FOURTEEN.** A Developer may not seek ad valorem tax abatement benefits.

**SECTION FIFTEEN.** Any proposed modification which will substantially change the Plan, shall be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Plan. The Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the PIEA, provided that such revisions shall be effective only upon the consent of the Planning Commission. 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.** That this Ordinance being necessary for the immediate preservation of the public health, welfare and safety, it is hereby declared to be an emergency measure within the meaning of the Charter of the City of St. Louis, and shall become effective immediately upon its passage and approval by the Mayor.

**EXHIBIT "A"**

**500-30, 538-64 DEBALIVIERE AVENUE AND 5685-61 KINGSBURY  
AVENUE AREA  
LEGAL DESCRIPTION**

**PARCEL A:**

Beginning at the intersection of the North Line of Kingsbury Place, 100.00 feet wide, with the East Line of DeBaliviere Avenue, 100.00 feet wide; thence along said East Line, North 7degrees 08 minutes 04 seconds East, 250.00 feet to a point, said point being the southwest corner of a tract of land conveyed to Andrew E. Newman and Eric H. Steele by instrument recorded in Book 16M, page 953 of the St. Louis City Records; thence Eastwardly and parallel to the North line of Kingsbury Place, South 83 degrees 01 minutes 04 seconds East, 148.11 feet to a point; thence North 7 degrees 14 minutes 03 seconds East, 46.28 feet to a point; thence North 82 degrees 58 minutes 39 seconds West, 48.48 feet to a point; thence North 7 degrees 53 minutes 46seconds East, 0.33 feet to a point; thence North 83 degrees 09 minutes 07 seconds West, 23.88 Feet to a point; thence North 7 degrees 37 minutes 10 seconds East, 48.92 feet to a point; thence North 83 degrees 13 minutes 32 seconds West, 76.08 feet to a point on the East line of DeBaliviere Avenue; thence along said East line, North 7 degrees 14 minutes 03 seconds East, 274.04 feet to a point being 250 feet South of the South line of Delmar Boulevard; thence Eastwardly and parallel to the South line of Delmar Boulevard, South 83 degrees 01 minutes 02 seconds East, 148.42 feet to a point; thence Southwardly and parallel to the East line of DeBaliviere Avenue, south 7 degrees 14 minutes 03 seconds West, 149.00 feet to a point; thence Eastwardly and parallel to the South line of Delmar Boulevard, South 83 degrees 01 minutes 02 seconds East, 112.23 feet to a point; thence Southwardly and parallel to the East line of DeBaliviere Avenue, South 7 degrees 14 minutes 03 seconds West, 55.58 feet to a point; thence Eastwardly and parallel to the North line of Kingsbury Place, South 83 degrees 01 minutes 04 seconds East, 1.60 feet to a point; thence Southwardly and parallel to the East line of DeBaliviere Avenue, South 7 degrees 14 minutes 03 seconds West, 414.69 feet to the North line of Kingsbury Place; thence along said North line of Kingsbury Place, North 83 degrees 01 minutes 04 seconds West, 262.25 feet to the point of beginning and containing 3.094 Acres (134,762 Square Feet) more or less. Less and Excepting therefrom a tract of land (tract 2) conveyed to Bonneville International Corporation according to instrument recorded in Book 1658, page 6212 of the City of St. Louis Records.

The results of said Survey and Resubdivision are shown on this plat. Survey and Resubdivision was executed in accordance with the requirements for Urban Property as defined by the Missouri Minimum Standards For Property Boundary Surveys, established by the Missouri Board for Architects, Professional Engineers and Land Surveyors 4 CSR 30-16. Bearings Based on the Missouri Coordinate System 1983, East Zone and have been established by ground traverse from STATION CSL-10 AND CSL-10A (Grid Azimuth 274 degrees 14'50") as published in THE GEOGRAPHICAL REFERENCED SYSTEM OF THE CITY OF ST. LOUIS, MISSOURI 1990-1993, PAGE 72.

**EXHIBIT "B"**  
**Form: 06/3/02**

BLIGHTING STUDY AND PLAN  
FOR THE  
**500-30, 538-64 DEBALIVIERE AVENUE AND 5685-61 KINGSBURY AVENUE AREA**  
PROJECT #5106  
PLANNED INDUSTRIAL EXPANSION AUTHORITY  
OF THE CITY OF ST. LOUIS  
May 28, 2002  
MAYOR  
FRANCIS SLAY

**BLIGHTING STUDY AND PLAN FOR**  
**500-30, 538-64 DEBALIVIERE AVENUE AND 5685-61 KINGSBURY AVENUE AREA**

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

1. DELINEATION OF BOUNDARIES

The 500-30, 538-64 DeBaliviere Avenue and 5685-61 Kingsbury Avenue Area ("Area") encompasses approximately 3.11 acres in the DeBaliviere Place neighborhood of the City of St. Louis ("City") and is located in a block bounded by Delmar Blvd. on the north, DeBaliviere Avenue on the west, Kingsbury Avenue on the south and Clara Avenue on the east.

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

2. GENERAL CONDITION OF THE AREA

The Area comprises three parcels in City Block 5618 and is in fair condition. The physical conditions within the Area are shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition" means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that is under-utilized. "Poor Condition" means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 8.1% unemployment rate for the City as of January, 2002. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area.

There are currently approximately 45 jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the Area include school/institutional uses, and vacant land.

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

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area is primarily used for residential and commercial.

Residential density for the surrounding neighborhoods is approximately 16.56 persons per acre.

5. CURRENT ZONING

The Area is zoned "E" Multiple-Family Dwelling and "H" Commercial Districts pursuant to the Zoning Code of the City, which is incorporated in this Plan by reference and is subject to a conditional use permit, a copy of which is attached hereto as Exhibit "F" and incorporated by reference (the "CUP").

6. FINDING OF BLIGHT

The property within the Area is partially occupied and in fair condition (as defined in Section A(2) above). The existence of deteriorated property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 100.300 et seq. of the Revised Statutes of Missouri (the Planned Industrial Expansion Authority Law).

**B. PROPOSED DEVELOPMENT AND REGULATIONS**

1. DEVELOPMENT OBJECTIVES

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

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area is institutional uses permitted in Areas designated "E" Multiple-Family Dwelling and (including any and all uses contemplated in the CUP) "H" Commercial Districts by the City of St. Louis Zoning Code. Developers authorized by the Planned Industrial Expansion Authority of the City of St. Louis ("PIEA") to develop property in the Area (hereafter referred to as "Developer") shall not be permitted to use said property for the following:

pawn shops, adult bookstores, x-rated movie houses, massage parlors or health spas, auto and truck dealers (new or used), storefront churches, pinball arcades, pool halls, secondhand or junk shops, tattoo parlors, truck or other equipment rentals requiring outside storage, blood donor facilities, free standing package liquor stores, check cashing centers, any use (except for financial institutions or pharmacies) that utilizes a sales or service window or facility for customers who are in cars, or restaurants that sell products to customers who are in cars or who consume the sold products in cars parked on the restaurant premises, or sell products through a sales window to customers who are in cars or to pedestrians outside the building for immediate consumption by the customer either on or off the premises, automobile service or stations.

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

3. PROPOSED ZONING

The zoning for the Area can remain "E" Multiple-Family Dwelling and "H" (and as permitted by the CUP) Commercial Districts. 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

Approximately 2 to 4 new permanent jobs will be created if the Area is developed in accordance with this Plan. The exact number of jobs created will depend upon the specific nature of the proposed development.

6. CIRCULATION

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

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

7. BUILDING AND SITE REGULATIONS

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

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

8. URBAN DESIGN

**a. Urban Design Objectives**

The property shall be developed so it is an attractive institutional/commercial structure within the surrounding neighborhoods.

**b. Urban Design Regulations**

Any rehabilitated structure shall maintain its original architectural design intent.

**c. Landscaping**

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

9. PARKING REGULATIONS

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

Surface parking shall not extend beyond the established building line. Surface parking along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2-1/2) feet high on planting and maintained at three and one-half (3-1/2) feet high at maturity. Three percent (3%) of the interior of all parking

lots containing more than twenty-five (25) spaces shall be landscaped with trees, at least two and one-half (2-1/2) inch caliper in size on planting. The trees shall be planted on islands, the largest dimension of which shall be at least five (5) feet, planted with low lying ground cover or other plant material.

10. SIGN REGULATIONS

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

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

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

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

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

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

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

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required other than those contemplated on-site improvements to the Area. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Developer.

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 two (2) 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 Planned Industrial Expansion Authority Law of Missouri.

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

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 Developer.

2. PROPERTY ACQUISITION

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

3. PROPERTY DISPOSITION

If the PIEA acquires property in the Area, it may sell or lease the property to a Developer who shall agree to develop such property in accordance with this Plan and the contract between such Developer and the PIEA. Any property acquired by the PIEA and sold to a Redeveloper will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 100.410, R.S. Mo. (1988) as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

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

**E. COOPERATION OF THE CITY**

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

**F. TAX ABATEMENT**

A Developer *may not* seek real estate tax abatement.

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

1. LAND USE

The Developer shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale or occupancy of the Area. Notwithstanding the foregoing, Developer may limit admissions to any school, which Developer may own or operate to individual

students whose ages fall between the ages 10 and 21.

2. CONSTRUCTION AND OPERATIONS

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

3. LAWS AND REGULATIONS

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

4. ENFORCEMENT

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

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

**H. MODIFICATIONS OF THIS PLAN**

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

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

**I. DURATION OF REGULATION AND CONTROLS**

The regulation and controls set forth in this Plan shall be in full force and effect for the greater of sixteen (16) years or so long as any revenue bonds issued by the Planned Industrial Expansion Authority pertaining to the Area remain outstanding.

**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"**

**500-30, 538-64 DEBALIVIERE AVENUE AND 5685-61 KINGSBURY  
AVENUE AREA  
LEGAL DESCRIPTION**

**PARCEL A:**

Beginning at the intersection of the North Line of Kingsbury Place, 100.00 feet wide, with the East Line of DeBaliviere Avenue, 100.00 feet wide; thence along said East Line, North 7degrees 08 minutes 04 seconds East, 250.00 feet to a point, said point being the southwest corner of a tract of land conveyed to Andrew E. Newman and Eric H. Steele by instrument recorded in Book 16M, page 953 of the St. Louis City Records; thence Eastwardly and parallel to the North line of Kingsbury Place, South 83 degrees 01 minutes 04 seconds East, 148.11 feet to a point; thence North 7 degrees 14 minutes 03 seconds East, 46.28 feet to a point; thence North 82 degrees 58 minutes 39 seconds West, 48.48 feet to a point; thence North 7 degrees 53 minutes 46seconds East, 0.33 feet to a point; thence North 83 degrees 09 minutes 07 seconds West, 23.88Feet to a point; thence North 7 degrees 37 minutes 10 seconds East, 48.92 feet to a point; thence North 83 degrees 13 minutes 32 seconds West, 76.08 feet to a point on the East line of DeBaliviere Avenue; thence along said East line, North 7 degrees 14 minutes 03 seconds East, 274.04 feet to a point being 250 feet South of the South line of Delmar Boulevard; thence Eastwardly and parallel to the South line of Delmar Boulevard, South 83 degrees 01 minutes 02 seconds East, 148.42 feet to a point; thence Southwardly and parallel to the East line of DeBaliviere Avenue, south 7 degrees 14 minutes 03 seconds West, 149.00 feet to a point; thence Eastwardly and parallel to the South line of Delmar Boulevard, South 83 degrees 01 minutes 02 seconds East, 112.23 feet to a point; thence Southwardly and parallel to the East line of DeBaliviere Avenue, South 7 degrees 14 minutes 03 seconds West, 55.58 feet to a point; thence Eastwardly and parallel to the North line of Kingsbury Place, South 83 degrees 01 minutes 04 seconds East, 1.60 feet to a point; thence Southwardly and parallel to the East line of DeBaliviere Avenue, South 7 degrees 14 minutes 03 seconds West, 414.69 feet to the North line of Kingsbury Place; thence along said North line of Kingsbury Place, North 83 degrees 01 minutes 04 seconds West, 262.25 feet to the point of beginning and containing 3.094 Acres (134,762 Square Feet) more or less. Less and Excepting therefrom a tract of land (tract 2) conveyed to Bonneville International Corporation according to instrument recorded in Book 1658, page 6212 of the City of St. Louis Records.

The results of said Survey and Resubdivision are shown on this plat. Survey and Resubdivision was executed in accordance with the requirements for Urban Property as defined by the Missouri Minimum Standards For Property Boundary Surveys, established by the Missouri Board for Architects, Professional Engineers and Land Surveyors 4 CSR 30-16. Bearings Based on the Missouri Coordinate System 1983, East Zone and have been established by ground traverse from STATION CSL-10 AND CSL-10A (Grid Azimuth 274 degrees 14'50") as published in THE GEOGRAPHICAL REFERENCED SYSTEM OF THE CITY OF ST. LOUIS, MISSOURI 1990-1993, PAGE 72.

See attached Exhibits B, C & D

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

**EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES**

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

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

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

The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, rental, use or occupancy of any property, or any

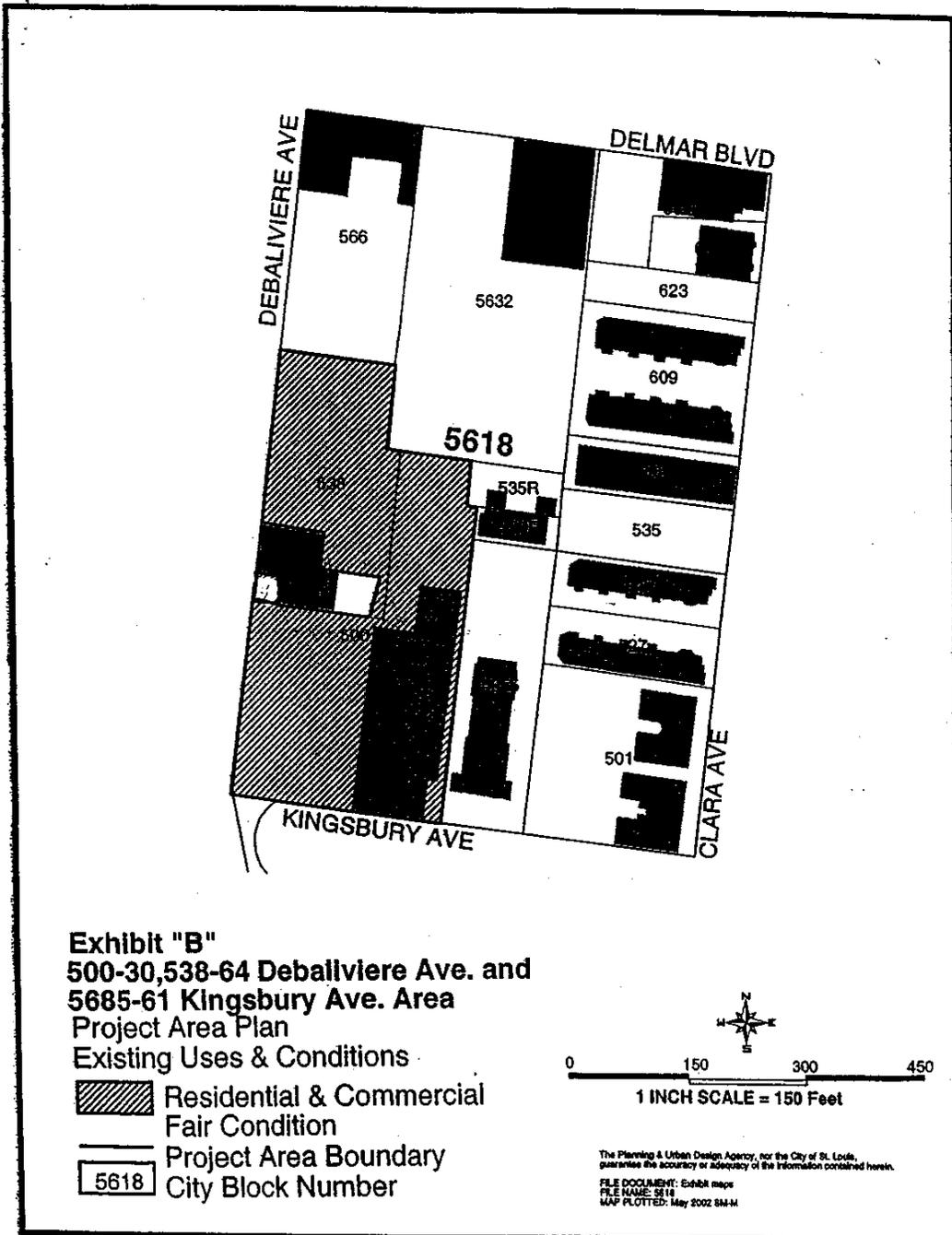
improvements erected or to be erected in the Area or any part thereof, and those covenants shall run with the land and shall be enforceable by the LCRA, the City, and the United States of America, as their interests may appear in the project.

The Redeveloper shall fully comply (and ensure compliance by "anchor tenants") with the provisions of St. Louis City Ordinance #60275 which is codified at Chapter 3.90 of the Revised Ordinances of the City of St. Louis.

**Approved: July 19, 2002**

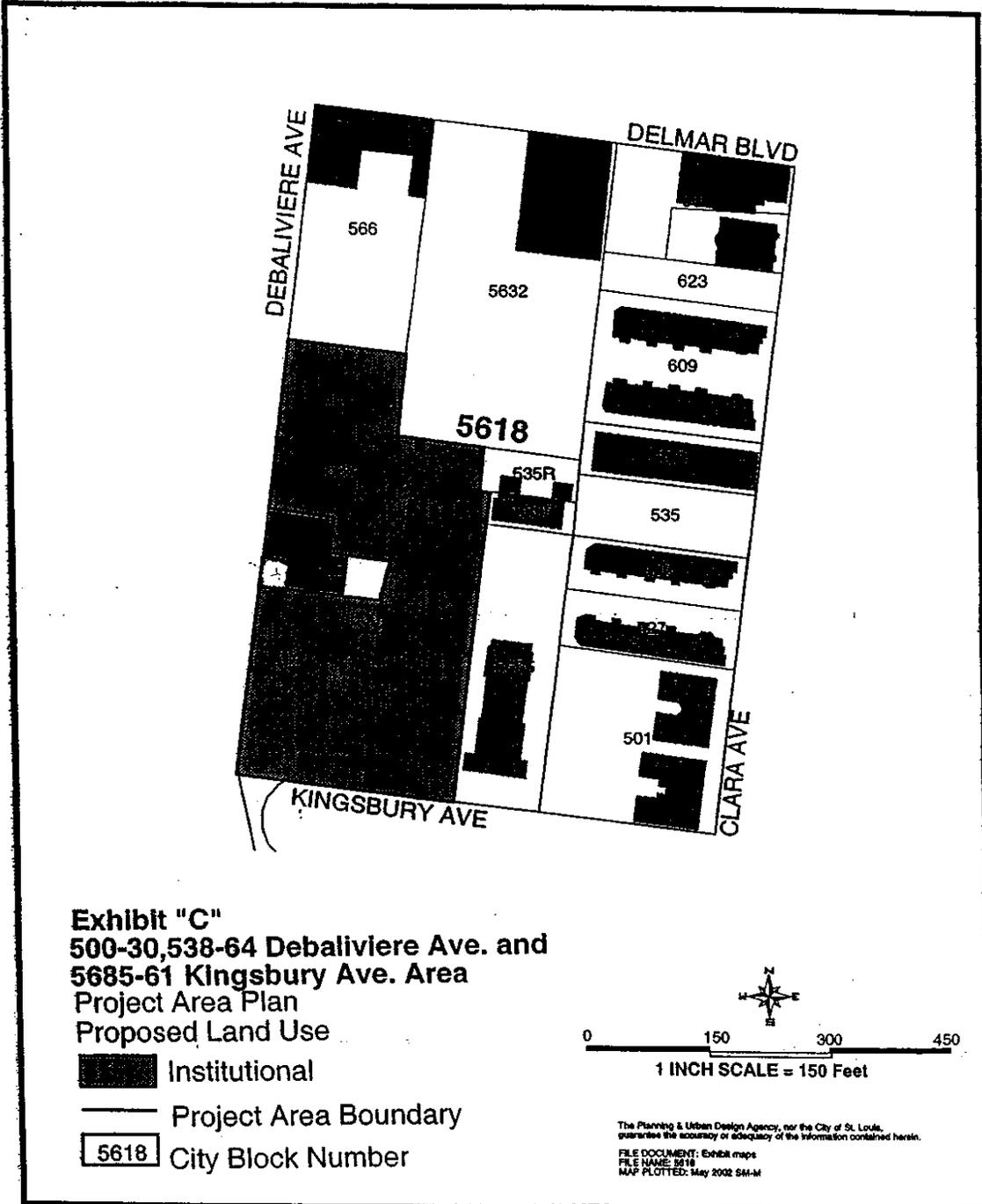
ORDINANCE NO. 65575 - EXHIBIT B

65575



ORDINANCE NO. 65575 - EXHIBIT C

65575 30



ORDINANCE NO. 65575 - EXHIBIT D

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