

2 AN ORDINANCE ESTABLISHING AND CREATING A PLANNED UNIT
3 DEVELOPMENT DISTRICT FOR CITY BLOCKS 141, 144, 145, 556.04,
4 557, 581 & 583.04 TO BE KNOWN AS THE “BOTTLE DISTRICT
5 PLANNED UNIT DEVELOPMENT DISTRICT”; AND CONTAINING A
6 SEVERABILITY CLAUSE.

7 WHEREAS, the City of St. Louis, Missouri (the “City”), is a body corporate and a
8 political subdivision of the State of Missouri, duly created, organized and existing under and by
9 virtue of its charter, the Constitution and laws of the State of Missouri; and

10 WHEREAS, the zoning ordinance of the City of St. Louis authorizes the establishment
11 and creation of Planned Unit Development Districts (“PUDs”), a special zoning "overlay" tool
12 authorizing the appropriate development of residential or commercial uses, or the combination
13 thereof, in the best interests of the City and to provide for a scale and flexibility of development
14 which could not otherwise be achieved through the existing single-use zoning districts, without
15 detriment to neighboring properties; and

16 WHEREAS, on June 7, 2006, at the regular June meeting of the Planning Commission
17 of the City of St. Louis, a Sketch Plan submitted as a request for Planned Unit Development
18 District designation by The Ghazi Company, LLC (the “Developer”) for property under their
19 control in City Blocks 141, 144, 145, 556.04, 557, 581 & 583.04 and legally described herein
20 and depicted on **Exhibit A** (“Property”) was presented as attached hereto as **Exhibit B** (the
21 “Original Sketch Plan”); and

1 **WHEREAS**, on July 5, 2006, at the regular July meeting of the Planning Commission of
2 the City of St. Louis, the Sign Criteria attached hereto as **Exhibit C** (the “Sign Criteria”) was
3 presented by the Developer; and

4 **WHEREAS**, the Property was previously zoned “J” Industrial District; and

5 **WHEREAS**, pursuant to Ordinance No. _____ [Board Bill No. 128], the Board
6 of Aldermen rezoned the Property from “J” Industrial District to “T” Central Business District;
7 and

8 **WHEREAS**, the Planning Commission has reviewed said Original Sketch Plan and the
9 Sign Criteria and determined compatibility with the City’s Strategic Land Use Plan and other
10 applicable zoning and redevelopment regulations established for the proposed Planned Unit
11 Development District; and

12 **WHEREAS**, the Planning Commission made all requisite findings as required by
13 26.80.050 of the Revised Code of the City of St. Louis, approved and adopted said Original
14 Sketch Plan by Resolution No. PDA-104-06-PUD with two conditions, approved and adopted
15 said Sign Criteria by Resolution No. PDA-104-06-APUD, and has provided a copy of said
16 resolutions to the Board of Aldermen; and

17 **WHEREAS**, on July 5, 2006, the Housing, Urban Development and Zoning Committee
18 of the Board of Aldermen held a public hearing regarding the PUD request and received
19 comments from all interested persons in accordance with 26.92.040 of the Revised Code of the
20 City of St. Louis; and

1 **WHEREAS**, as part of said public hearing, the Developer did request a modification to
2 the Original Sketch Plan to allow for the construction of buildings not to exceed Seven Hundred
3 (700) feet in height above grade (the Original Sketch Plan as so modified, the “Final Sketch
4 Plan”).

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

6 **SECTION ONE. Findings of Fact.** The Board of Aldermen of the City of St. Louis
7 does hereby find and determine that: (i) the Bottle District Planned Unit Development District, as
8 submitted by the Developer, with the consent of BDP, L.L.C., and recommended by the City of
9 St. Louis Planning Commission encourages appropriate development; (ii) the Bottle District
10 Original Sketch Plan and Sign Criteria approved by the Planning Commission and the Final
11 Sketch Plan are in the best interest of the City of St. Louis; (iii) the Bottle District Original
12 Sketch Plan and Sign Criteria recommended by the Planning Commission and Final Sketch Plan
13 accomplishes the purposes set forth in 26.80.050.A of the Revised Code of the City of St. Louis;
14 and (iv) the Bottle District Original Sketch Plan and Sign Criteria recommended by the Planning
15 Commission and Final Sketch Plan meet the conditions set forth in 26.80.050.E of the Revised
16 Code of the City of St. Louis.

17 **SECTION TWO. Requirements Regarding Development Plan.** The Sketch Plan is
18 the first step in the approval of a project seeking to be developed within and in accordance with
19 the rules pertaining to a Planned Unit Development District. At a later time, the Developer
20 submits for review by the Planning Commission a Development Plan for a portion of, or all, of
21 the area included in the Planned Unit Development District. This Development Plan is compared
22 for conformity with the approved Sketch Plan by the Planning Commission. The Planning

1 Commission in making its recommendation to the Developer and the Board of Aldermen
2 regarding the Original Sketch Plan, included two conditions within the recommendation as
3 follows: (1) the Zoning Administrator shall approve signs and issue sign permits in accordance
4 with specific sign criteria to be approved by the Planning Commission; and (2) the height of
5 structures within the PUD shall not exceed Seven Hundred Fifty (750) feet above mean sea level.
6 The Planning Commission approved the specific sign criteria for the Bottle District PUD on July
7 5, 2006 by Resolution PDA-104-06-APUD (as defined hereinabove, the “Sign Criteria”), a copy
8 of which is attached hereto as **Exhibit C** and on file with the Zoning Administrator. The terms
9 and provisions of the Sign Criteria are incorporated herein by reference and made a part of this
10 Ordinance as if fully set forth herein.

11 In addressing the requirements set forth in Section 26.80.050.H of the Revised Code of
12 the City of St. Louis pertaining to Development Plan Standards, the submittal of the
13 Development Plan for the Bottle District Planned Unit Development District shall be governed
14 by the open space depicted on the Bottle District Sketch Plan (attached hereto as **Exhibit B**).
15 The 20% minimum open space requirement set forth in Section 26.80.050.H.5 of the Revised
16 Code of the City of St. Louis is hereby waived (the “Open Space Waiver”).

17 **SECTION THREE. Establishment and Creation of Bottle District Planned Unit**
18 **Development District.** The Bottle District Planned Unit Development District, as proposed in
19 the Final Sketch Plan, is hereby approved and adopted with the Sign Criteria, the Open Space
20 Waiver and the following two conditions: (1) the Zoning Administrator shall approve signs and
21 issue sign permits in accordance with the Sign Criteria; and (2) the height of structures within the
22 PUD shall not exceed Seven Hundred (700) feet above grade. There is hereby created a Planned

1 Unit Development District, containing approximately fifteen acres, to be known as the Bottle
2 District Planned Unit Development District for the real property described below:

3 A tract of land situated in the City of St. Louis, and the State of Missouri, being
4 all of City Blocks 145 and 557; and part of City Blocks 141, 144, 556W, 581,
5 583W; and part of Carr Street, 50 feet wide; part of Biddle Street, 50 feet wide;
6 part of O'Fallon Street, 60 feet wide, and part of Sixth Street, 60 feet wide; and
7 being more particularly described as follows: BEGINNING at the intersection of
8 the North right-of-way of Carr Street, 60 feet wide at this intersection, and the
9 East right-of-way line of Seventh Street, 60 feet wide, said intersection being the
10 Southwest corner of City Block 145; thence along the Western line of said City
11 Block 145, North 14 Degrees 46 Minutes 50 Seconds East, a distance of 359.50
12 feet to the Northwest corner of said City Block 145; thence across Biddle Street,
13 North 14 Degrees 36 Minutes 53 Seconds East, a distance of 50.00 feet to the
14 Southwest corner of City Block 557; thence along the Western line of said City
15 Block 557, North 14 Degrees 36 Minutes 53 Seconds East, a distance of 381.16
16 feet to the Northwest corner of said City Block 557; thence across O'Fallon Street,
17 North 14 Degrees 36 Minutes 53 Seconds East, a distance of 60.00 feet to the
18 Southwest corner of City Block 581; thence along the Western line of said City
19 Block 581 and the Western line of City Block 583W, North 14 Degrees 44
20 Minutes 18 Seconds East, a distance of 600.20 feet to the intersection of said
21 Western line of City Block 583W and the Western right-of-way line of the Mark
22 Twain Expressway, a.k.a. Interstate Route 70; thence along said Western right-of-
23 way line as follows: South 30 Degrees 10 Minutes 58 Seconds East, a distance of

1 181.42 feet; South 14 Degrees 40 Minutes 40 Seconds West, a distance of 51.54
2 feet; South 75 Degrees 15 Minutes 42 Seconds East, a distance of 76.84 feet;
3 South 46 Degrees 02 Minutes 06 Seconds East, a distance of 20.00 feet; South 12
4 Degrees 05 Minutes 06 Seconds West, a distance of 55.00 feet; thence South 75
5 Degrees 16 Minutes 38 Seconds East, a distance of 25.09 feet; South 18 Degrees
6 12 Minutes 23 Seconds East, a distance of 37.76 feet; South 14 Degrees 40
7 Minutes 43 Seconds West, a distance of 323.74 feet to the Southeast corner of
8 said City Block 581 and the North line of said O'Fallon Street; thence along said
9 North line, South 75 degrees 16 minutes 38 seconds East, a distance of 129.94
10 feet; across said O'Fallon Street South 05 Degrees 17 Minutes 20 Seconds East, a
11 distance of 64.60 feet; South 09 Degrees 40 Minutes 23 Seconds West, a distance
12 of 126.61 feet; South 75 Degrees 26 Minutes 38 Seconds East, a distance of 20.07
13 feet; thence North 09 Degrees 40 Minutes 23 Seconds East, a distance of 31.37
14 feet; South 05 Degrees 17 Minutes 20 Seconds East, a distance of 304.01 feet;
15 across Biddle Street, South 01 Degrees 35 Minutes 12 Seconds East, a distance of
16 58.96 feet; South 05 Degrees 14 Minutes 44 Seconds East, a distance of 59.60
17 feet; 52.42 feet along the arc of a curve to the right, with a radius of 150.00 feet,
18 through a central angle of 20 degrees 01 minutes 21 seconds, with a chord that
19 bears South 04 Degrees 45 Minutes 56 Seconds West, a distance of 52.15 feet to
20 the Western right-of-way line of Broadway, width varies, said Western right-of-
21 way line also being the Eastern line of City Block 144; thence along said Eastern
22 line, South 14 Degrees 46 Minutes 37 Seconds West, a distance of 233.59 feet;
23 thence across Carr Street, South 13 Degrees 49 Minutes 37 Seconds West, a

1 distance of 62.00 feet to the Northeast corner of City Block 141; thence along the
2 Eastern line of said City Block 141, South 14 Degrees 57 Minutes 28 Seconds
3 West, a distance of 165.84 feet; thence 117.50 feet along the arc of a curve to the
4 right, with a radius of 75.00 feet, through a central angle of 89 degrees 45 minutes
5 59 seconds, with a chord that bears South 59 Degrees 50 Minutes 28 Seconds
6 West, a distance of 105.85 feet to the Southern line of said City Block 141; thence
7 along said South line of City Block 141, North 75 Degrees 16 Minutes 33
8 Seconds West, a distance of 180.09 feet; thence 23.52 feet along the arc of a curve
9 to the right, with a radius of 15.00 feet, through a central angle of 89 degrees 51
10 minutes 24 seconds, with a chord that bears North 30 Degrees 20 Minutes 50
11 Seconds West, a distance of 21.19 feet to the Western line of said City Block 141;
12 thence along said Western line of City Block 141 North 14 Degrees 34 Minutes
13 52 Seconds East, a distance of 225.59 feet to the Northwest corner of said City
14 Block 141; thence across Carr Street, North 14 Degrees 46 Minutes 37 Seconds
15 East, a distance of 50.00 feet to the Southwest corner of said City Block 144;
16 thence across Sixth Street, North 75 Degrees 16 Minutes 22 Seconds West, a
17 distance of 60.00 feet to the Southeast corner of said City Block 145; thence along
18 the Southern line of said City Block 145, North 75 Degrees 16 Minutes 22
19 Seconds West, a distance of 270.33 feet to the point of beginning, Containing
20 15.00 Acres.

21 **SECTION FOUR. Severability Clause.** It is hereby declared to be the intention of the
22 Board of Aldermen that each and every part, section and subsection of this Ordinance shall be
23 separate and severable from each and every other part, section and subsection hereof and that the

1 Board of Aldermen intends to adopt each said part, section and subsection separately and
2 independently of any other part, section and subsection. In the event that any part, section or
3 subsection of this Ordinance shall be determined to be or to have been unlawful or
4 unconstitutional, the remaining parts, sections and subsections shall be and remain in full force
5 and effect, unless the court making such finding shall determine that the valid portions standing
6 alone are incomplete and are incapable of being executed in accord with the legislative intent.

EXHIBIT A

Depiction of Property

EXHIBIT B

Bottle District Original Sketch Plan

EXHIBIT C

Bottle District Sign Criteria (“Criteria”)

SECTION ONE. Definitions. For purposes of these Criteria only, the following terms shall have the following definitions and associated requirements:

1. **Bottle District:** The Bottle District Planned Unit Development District.
2. **Construction Sign:** For purposes of these Criteria only, a Construction Sign is a Sign, visible from the public right-of-way, that advertises or identifies only the following: investors, financiers, lenders, construction, remodeling, rebuilding, development, sale, lease or rental of facilities (the “Permitted Construction Activities”) located or to be located in the Bottle District. Construction Signs may only advertise or identify the Permitted Construction Activities related to any part of a particular phase of the development for a time period of twenty-four months following the issuance of a building permit for any part of such phase of the development. For purposes of these Criteria only, “building permit” shall not include a permit limited to grading and site preparation operations. A Construction Sign may also be a Sign that advertises or identifies investors and contractors involved in the construction, remodeling or development of facilities in the Bottle District. A Construction Sign may also include political, social, public service or other noncommercial messages.
3. **Graphic:** A device comprised of any words, symbols, numerals, shapes or forms and any combination thereof, designed to convey identity, meaning or express feeling.
4. **On-Premises Sign:** For purposes of these Criteria only, an On-Premises Sign shall be defined as follows: A Sign approved by the Planning Commission of the City of St. Louis as part of a Program for Graphics, which Sign is used for identification purposes, which directs attention to a business or profession conducted within the Bottle District which may also refer to goods or services produced, offered for sale or obtained at such premises, and which may also include political, social, public service or other noncommercial messages.

5. **Program for Graphics:** A creative incentive and plan for a unified visual statement that integrates the design of graphics with the design of the building on which they will be displayed or with the surrounding area.

6. **Sign.** Any graphic, including its supporting structure, frame, electrical and all other accessory components, which is located outside of an enclosed building or any graphic displayed on or within three (3) feet of the interior of a window which is visible from the exterior.

SECTION TWO. Requirements for Program for Graphics.

1. **Submission Requirements:** The owners of property in the Bottle District may submit a Program for Graphics to the Planning Commission of the City of St. Louis that complies with the requirements of these Criteria. Such proposed Program for Graphics shall contain a visual representation of the illumination, size, height, placement, and location of the graphics proposed for display but need not include references to the content, proposed tenants or users of any sign. Such proposed Program for Graphics may be submitted with a development plan package to the Planning Commission of the City of St. Louis pursuant to the Bottle District Planned Unit Development District Ordinance or may be submitted in building phases, provided that each such submission shall include all signage elements for the phase of buildings and site improvements proposed for construction in such Phase.

2. **Standards for Approval:** The Planning Commission of the City of St. Louis shall approve a Program for Graphics for all or any phase of the Bottle District if the Planning Commission finds that the graphics visually represented in the Program for Graphics are:

- a. consistent with the purposes and requirements of these Criteria; and
- b. compatible with the theme, visual quality, and overall character of Bottle District Planned Unit Development; and
- c. appropriately related in size, shape, materials, illumination, and character to the function and architectural character of the building or premises on which they will be displayed,

and do not create a nuisance for any existing adjacent residential, highway or hotel activities.

If the Program for Graphics is approved in phases, the Planning Commission shall also take into account the partial Program for Graphics for any previously approved phase in approving any subsequent phase.

SECTION THREE. Requirements for Display of Graphics: No graphics shall be displayed within the Bottle District unless such graphics are On-Premises Signs as defined herein and Construction Signs as defined herein, which On-Premises Signs and Construction Signs comply with a Program for Graphics approved by the Planning Commission of the City of St. Louis pursuant to these Criteria. The requirements contained in the Criteria shall supercede and replace the regulations for signs in the City's Zoning Code.

SECTION FOUR. Permitted Sign Types

1. **Areas, Heights and Location:** All Signs within the boundaries of the Bottle District shall conform to these Sign Criteria and to the existing Chapter 26.68, Comprehensive Sign Control Regulations, of the Revised Code of the City of St. Louis (hereinafter "Sign Ordinance"), except that the additional On-Premises Sign types and locations listed in Section 4.2 herein shall be also be expressly permitted in the District and there shall be no maximum height or area for signs except that no Sign shall be higher than 700 feet above grade, provided that such Signs are included in a Program for Graphics approved by the Planning Commission of the City of St. Louis subsequent to the Planning Commission's adoption of these Criteria and meet the requirements of these Criteria. All Signs must be designed and installed in accordance with all applicable codes and ordinances, other than the Sign Ordinance and Zoning Code. Allowable Sign types include any and all detached, attached, projecting and/or roof On-Premises Signs and Construction Signs. On-Premises Signs and Construction Signs may extend up to 100 feet above and/or beyond the roof or parapet but in no event shall exceed 700 feet above grade;

2. **Allowable Signs:** Allowable Sign types include all On-Premises Signs permitted in the I Central Business District zoning district. In addition, the following types of On-Premises Signs shall also be permitted in the Bottle District Planned Unit Development if such On-Premises Signs are included in a Program for Graphics approved by the Planning Commission of the City of St. Louis:

- Computer programmable L.E.D. systems with full-color, full-matrix display,
 - Full color outdoor video display,
 - Blade projecting Signs,
 - Decorative Signs and banners,
 - Fabricated letters, symbols and/or logos,
 - Message centers including scrolling ticker tape type moving and/or flashing messages,
 - Signs with movable parts,
 - Marquee Signs,
 - Movie posters, Signs and/or banners,
 - Changeable copy Signs,
 - Movie type projected images from either direct projection or rear screen projection,
 - Digitally printed vinyl wall Signs wrapped around a supporting structure,
 - Three dimensional “figurative” Signs,
 - Exposed neon, and
 - Murals/artwork.
- a. Wall Signs may cover up to 100% of any wall;
- b. No additional area limitation shall apply to wall Signs and there is no additional maximum area per wall or tenant;
- c. Wall Signs may be located on any exterior building wall and/or any interior atrium/gallery wall;

- d. Wall Signs may extend up to 100 feet above and/or beyond the parapet or roofline of the building (provided that in no event shall Signs exceed 700 feet above grade);
- e. Signs may cover all or part of an individual window or all windows;
- f. Signs may extend from the building face;
- g. There shall be no limit on the maximum Sign area of individual projecting Signs;
- h. A projecting Sign, wall Sign, or combination of both may be located on any building wall;
- i. Up to eight monolithic style monument Signs of up to 50 feet in height may be placed within the required setbacks, provided that such Signs shall not block the sidewalk;
- j. All Signs may be internally or externally lit by any means and at any times;
- k. All Signs may be temporary or permanent;
- l. Signs may be in a fixed location or movable;
- m. Artwork, such as but not limited to murals, may be temporarily or permanently painted onto the building façade(s) or digitally printed on an acrylic or vinyl type material and applied directly onto the building façade(s);
- n. Signage shall be allowed for identification of buildings and facilities within buildings;
- o. Any Sign upon which the copy relates to upcoming or pending tenant sales events or building space leasing matters is subject to the standard Sign provisions outlined in the Sign Ordinance rather than these “Optional” provisions;
- p. Although building or site lighting is not considered Signs under the Sign Ordinance, these Criteria recognize that lighting will be a key design element for the project. Any type of lighting, such as but not limited to accent lighting, Tivoli type lighting, neon lights, flashing and/or scrolling lights, colored lights, attached lighting, major or minor projecting lighting, light beams of any color and lamp post lighting may be utilized on the Site, provided, however, that all such lighting shall conform to the provisions of Sections Five and Six of these Criteria, shall conform to all applicable

City codes other than the Sign Code and the Zoning Code and shall not be allowed if the Traffic Division of the City of St. Louis makes a determination that any such lighting color, location, or design resembles or conflicts with traffic control devices. Any lighting on the site shall not be calculated as a part of the maximum allowable wall Sign above. In addition, year-round decorative lighting may be attached to trees on the site and/or within abutting rights-of-ways subject to any necessary approval from the appropriate governmental entity.

SECTION FIVE. Signs Requiring Approval of the Missouri Department of Transportation. Notwithstanding any of the foregoing, any Sign regulated by the Missouri Department of Transportation shall require a permit or approval from such Department, in addition to a permit issued by the Building Division of the City of St. Louis. The Building Division shall not issue any permits for any Sign so regulated unless and until such Department has issued a permit or approval for such Sign.

SECTION SIX. Signs Requiring Encroachment Permits. Notwithstanding any of the foregoing, any Sign that encroaches into the public right-of-way shall require an encroachment permit issued by the City of St. Louis Board of Public Service in accordance with procedures and requirements promulgated by such Board of Public Service, in addition to a Sign permit issued by the Building Division of the City of St. Louis. The Building Division shall not issue any permits for any Sign so regulated unless and until such Board has approved an encroachment permit or approval for such Sign.

SECTION SEVEN. Amendments to Signs and Programs for Graphics and Associated Signs. The property owner or its authorized representative shall submit a written request to amend a Program for Graphics previously approved by the Planning Commission (“Amendment”) to the Zoning Administrator. The Zoning Administrator shall then evaluate the proposed Amendment for consistency with the nature of the originally approved Program for Graphics. If the Zoning Administrator determines that the proposed Amendment is consistent with the originally approved Program for Graphics, the Zoning Administrator shall approve said Amendment. If the Zoning Administrator determines that the proposed Amendment is not consistent with the originally approved Program for Graphics, the Zoning

Administrator shall submit the proposed Amendment to the Planning Commission for its review in accordance with Section 2.2 of the Criteria. For purposes of this Section, any proposed Amendment which does not deviate by more than 15% in size from the originally approved sign included in the Program for Graphics and does not substantially change the shape of the originally approved sign in the Program for Graphics shall be deemed to be consistent with the originally approved Program for Graphics.