

**MARCH 9, 2016**

Posted 2:00 p.m., Wednesday, March 2, 2016

**7:00 P.M. CITY OF ELLISVILLE – PLANNING AND ZONING COMMISSION**

I. Call to Order – Chairman Hoffman

II. Pledge of Allegiance

III. Roll Call

IV. Approval of Agenda

V. Approval of Minutes – February 10, 2016 [Pages 3-5](#)

VI. Public Hearings

- 1) The Planning and Zoning Commission will discuss and consider City initiated petitions for Text Amendments to Title IV, Land Use, Chapter 400: Zoning Regulations pertaining to the following: (1) R-1 Single-Family Residential Zoning District area requirements; (2) Board of Zoning Adjustment; and (3) building setback requirements in commercial zoning districts. **To be delivered under separate cover.**

Action on Petition #16-03-01

- 2) The Planning and Zoning Commission will discuss and consider the petitions of Gambrill Gardens, LLC for amendment to C-5 Planned Commercial District, for amendment to an existing conditional use permit, and for approval of associated site development plan, to allow the construction and operation of additions to the Gambrill Gardens Retirement Complex, at the location known and numbered as 1 Strecker Road, within the C-5 Planned Commercial Zoning District of the City of Ellisville, Missouri. **Waiting on additional documentation from applicant.**

Action on Petition #16-03-02

VII. Petitions for Recommendations

- 1) Petition of Chick-Fil-A for consideration of a conditional use permit and associated site development plan to allow the construction and operation of a restaurant with drive-through at the location known and numbered as 304 Clarkson Road, within the C-3 Commercial Zoning District of the City of Ellisville, Missouri. [Pages 7-79 and plans](#)

Action on Petition #16-03-03

- 2) Petition of Chris Greer for consideration of a conditional use permit to allow the operation of a microbrewery with liquor sales, at the location known and numbered as 16050 Manchester Road, within the C-3 Commercial Zoning District. [Pages 81-94](#)

Action of Petition #16-03-04

- 3) Petition of Lee Allen, on behalf of Old State Investments, Inc., for consideration of a conditional use permit to allow the construction and use of a structure in excess of 30 feet, at the location known and numbered as 525 Old State Road, within the M-1 Light Industrial Zoning District. [Pages 95-118 and drawings](#)

Action of Petition #16-03-05

- 4) Petition of McBride Bluebird LLC for consideration of a Boundary Adjustment Plat (Partial Lot 60 Klamberg Lane), Lot Split Plat (Partial Lot 104 Jacob Lane) and Subdivision Plat authorizing a new 20 lot single family residential subdivision known as the Arbors at Bluebird Park on a tract of land totaling 8.79 acres. [Pages 119-132 and drawings](#)

Action of Petition #16-03-06

#### VIII. Adjournment

Respectfully submitted,



LEIGH A. DOHACK  
City Clerk



# City of Ellisville

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## PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

Meeting Date: February 10, 2016

### TABLE OF CONTENTS

1. Approval of Agenda
2. Approval of Minutes: January 13, 2016
3. Petitions
  - A. Petition #16-02-01: Request of Great Southern Bank for approval of a Conditional Use Permit Amendment to allow the transfer of operation/ownership of the existing financial institution and drive-through facilities located at 10 Old State Road (formerly 16062 Manchester Road) within the C-3 Commercial Zoning District.
4. Adjournment

DRAFT

**PLANNING AND ZONING COMMISSION MEETING SUMMARY**

Chairman Hoffman called the meeting to order at 7:00 p.m. Commissioner McGrath led the Pledge of Allegiance. Other Commissioners present were: Gundlach, Sanborn, Reel, Boggs, and Ellebrecht. Commissioner Sticksel arrived at 7:05 p.m. Commissioner Turner was absent. A quorum was present for the meeting.

Also present were City Planner Hood, Assistant City Attorney Parnell, and Council Member McGrath.

**1. APPROVAL OF AGENDA**

A motion was made by Commissioner Reel to approve the Agenda, as written, and was seconded by Commissioner Ellebrecht. The votes were as follows:

<b><u>Vote Call</u></b>	<b><u>Aye</u></b>	<b><u>Abstain</u></b>	<b><u>Nay</u></b>	<b><u>Absent</u></b>
<b>Suzanne Gundlach</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Greg Sanborn</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Sandie McGrath</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Linda Reel</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Curtis Boggs</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Carl Hoffman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Chris Turner</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>John Ellebrecht</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Nanci Sticksel</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**2. APPROVAL OF MINUTES**

A motion was made by Commissioner Reel to approve the January 13, 2016, Regular Meeting Minutes, as written, and was seconded by Commissioner Ellebrecht. Hearing no questions or discussions, the votes were as follows:

<b><u>Vote Call</u></b>	<b><u>Aye</u></b>	<b><u>Abstain</u></b>	<b><u>Nay</u></b>	<b><u>Absent</u></b>
<b>Suzanne Gundlach</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Greg Sanborn</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Sandie McGrath</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Linda Reel</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Curtis Boggs</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Carl Hoffman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Chris Turner</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>John Ellebrecht</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Nanci Sticksel</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3. PETITION**

**Petition #16-02-01: Request of Great Southern Bank for approval of a Conditional Use Permit Amendment to allow the transfer of operation/ownership of the existing financial institution and drive-through facilities located at 10 Old State Road (formerly 16062 Manchester Road) within the C-3 Commercial Zoning District.**

Planner Hood stated the applicant is requesting transfer the CUP authorizing the transfer of ownership and operation of the bank from Fifth Third Bank to Great Southern Bank.

Discussion ensued between Commissioners regarding the recommendations. The applicant stated they are in agreement.

Commissioner Ellebrecht moved to deem minor and approve, subject to the following condition(s):

1. Applicant installs a bike rack; and
2. Applicant agrees to color/stripe pedestrian crosswalks through the parking lot from the front door to existing sidewalks along Manchester Road and Old State Road; and
3. Applicant agrees to color/stripe a pedestrian walkway across the curb cut along Old State Road; and
4. Applicant agrees to comply with all current regulations pertaining to financial institutions; and
5. Applicant agrees to coordinate with City staff and install new/replace existing street lights along Manchester Road abutting the subject property to match the new median light poles; and
6. Property owner agrees to coordinate with staff and provide an easement for a future upgraded bus shelter.

The motion was seconded by Commissioner Sticksel. The votes were as follows:

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
<b>Suzanne Gundlach</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Greg Sanborn</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Sandie McGrath</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Linda Reel</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Curtis Boggs</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Carl Hoffman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Chris Turner</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>John Ellebrecht</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Nanci Sticksel</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

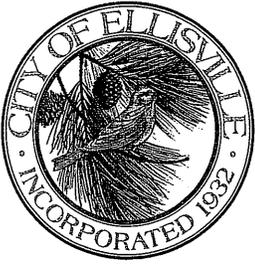
**4. ADJOURNMENT**

Chairman Hoffman adjourned the meeting at 7:11 p.m.

Respectfully Submitted,

Angie Shoemate

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# City of Ellisville

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## Memo

To: Carl Hoffman, Chairman and Members of the Planning and Zoning Commission  
From: Ada Hood, City Planner *AH*  
Meeting  
Date: March 9, 2016  
Re: Request of Chick-fil-A for a Conditional Use Permit to allow the operation of a drive-through facility in association with a new restaurant located at 304 Clarkson Road within the C-3 Commercial Zoning District.

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### BACKGROUND

The applicant is requesting consideration of a Conditional Use Permit to allow the operation of a drive-through facility associated with a new Chick-fil-A restaurant. As per Section 400.290(C) of the zoning code, drive-through facilities are conditionally permitted within the C-3 commercial zoning district. The site has been vacant for approximately a decade and the building was torn down shortly after it became vacant.

### SITE PLAN

The subject site is located at the southeast corner of the Clarkson Clayton Shopping Center and has street frontage on all four sides. The subject site measures 1.23 acres in size and a new 4,877 square foot building will be constructed at the north end of the lot. The drive through facility will wrap around the north end of the building and feature two stacking lanes with capacity to queue 17-19 cars between the entrance to the drive through and the order boards. Additionally, the drive through facility will have capacity for another 9 cars between the order boards and the pick-up window. The City's third party traffic consultant has reviewed the site plan and the recommendations are below:

1. Careful consideration should be given to sight distance obstructions when planning future aesthetics enhancements, such as berms, fencing and landscaping, to ensure that these improvements do not obstruct the view of entering and exiting traffic at the site drives with Clarkson/Clayton Center. It is generally recommended that all improvements higher than 3 ½ feet above the elevation of the nearest pavement edge be held back at least 20 feet from the traveled roadway.
2. Given the relatively tight turning radius for motorists heading westbound on Ozark Trail Drive desiring to essentially make a U-turn into the proposed site, it is recommended that the civil engineer provide a drawing depicting the AUTOTURN analysis of this movement to ensure

- that motorists can stay within their lane.
3. The provision of a southbound right-turn lane on Clarkson Road at Oregon Trail Drive should be considered.
  4. The provision of a southbound right-turn lane on Clarkson Road at Ozark Trail Drive should be considered.
  5. It is recommended that the eastbound approach of Ozark Trail Drive at Clarkson Road be striped to provide two 12 foot lanes exiting and one lane entering (a minimum of 15 feet wide). This may require reworking the landscaping island in the middle of Ozark Trail Drive.

The City can require mitigation measures (as recommended by the City's traffic consultant) be implemented in the future if traffic becomes an issue. Access to the restaurant will be via two cuts along Clarkson Clayton Center Drive. The applicant will provide 61 parking spaces, while 57 parking spaces are required by Code.

Parking lot light poles will be limited to 20 feet in height. The applicant has indicated that bike racks will be installed, but were not depicted on the site plan. The trash enclosure is located at the south end of the lot. As per Section 505.150, "All enclosures shall conform to all yard line and setback requirements for principal and accessory structures with the following exceptions: may be allowed within rear or side building setback if the location is zoned commercial and abuts another commercial property or if the enclosure can be built within a retaining wall system." Research has revealed that the setbacks for the shopping center are 15 feet (see page 6 of the Indentures for Clarkson Clayton Center, attached herein). Therefore, the trash enclosure will need to be relocated to comply with the 15 foot setback requirement.

The applicant will install new sidewalks along Clarkson Clayton Center Drive, Ozark Trail and Oregon Trail. There is an existing sidewalk along Clarkson Road. The applicant has suggested that these new sidewalks be used by pedestrians in lieu of pedestrian crosswalks through the parking lot, as required by Section 400.490.I.2, which states, "All new development, except detached single-family and duplex uses, shall comply with the following pedestrian access requirements. *From buildings to sidewalks and transit facilities.* Provide pedestrian walkways designed to minimize walking distance from the primary entrances to all buildings to the abutting right-of-way, pedestrian walkway and transit facilities pursuant to the applicable standard in Subsection (1)(3) of this Section. *Through parking areas.* All parking lots which contain more than twenty-five (25) stalls must include pedestrian walkways through the parking lot to the main building entrance or a central location. The walkways must meet the development standards pursuant to Subsection (1)(3) of this Section." Staff recommends the applicant incorporate colored and stamped concrete across the (1) drive-through exit; (2) the entrance drives along Clarkson Clayton Drive; and (3) across the parking lot to serve as partial pedestrian walkways.

City staff has recommended that new street lights be installed along Clarkson Road, similar to those installed at the McDonald's restaurant. The applicant has indicated they do not intend to install the street lights. Additionally, staff has requested the applicant install a public art piece. The applicant has indicated they do not intend to install a public art piece, but they will install the City logo on a 40-foot high pole sign.

The City's third party landscape architect is currently reviewing the landscape plans and his report will be provided to you as soon as it is available.

## **CONDITIONAL USE**

The applicant is requesting consideration of a Conditional Use Permit to allow the operation of a drive through facility associated with a new Chick-fil-A restaurant. As per Section 400.290(C) of the zoning code drive-through facilities are conditionally permitted within the C-3 commercial zoning district. The subject site does not abut residential. The hours of operation will be from 6:00 AM to 10:30 PM Monday through Saturday. The proposed use will always be closed on Sunday. The applicant has indicated that a Phase 1 environmental assessment has not been prepared.

## **IMPACT**

Staff recommends that the Planning and Zoning Commission waives the public hearing. The Planning and Zoning Commission must determine whether an environmental impact report is required.

## **RECOMMENDATION**

Staff recommends that the Planning and Zoning Commission consider the following conditions as part of a favorable recommendation to the City Council:

1. That the Commission waives the public hearing as one is scheduled at the City Council level; and
2. That the Commission determines whether an environmental report is required; and
3. That the applicant agrees to comply with all applicable landscape requirements and all recommendations made by the City's Third Party Landscape Architect; and
4. That the applicant and property owner agree to implement traffic recommendations #1, #2 and #5, as part of the project; and
5. That the property owner agrees to implement traffic study recommendations #3 and #4 in the future, if traffic volumes and circulation issues warrant them, as determined by the City Council; and
6. That the applicant secures ARB approval; and
7. That the applicant depicts bike racks on the site plan; and
8. That the applicant relocates the trash enclosure to comply with the 15-foot setback requirement; and
9. That the applicant buries all utility lines providing service to the building; and
10. That the applicant incorporates colored and stamped concrete across the (1) drive-through exit; (2) the entrance drives along Clarkson Clayton Drive; and (3) across the parking lot to serve as partial pedestrian walkways; and
11. That the property owner installs new street lights along Clarkson Road, similar to those installed at the McDonald's restaurant; and
12. That the applicant considers a public art piece/city logo located elsewhere on-site, other than on the 40-foot high pole sign, and
13. That the applicant pays \$500 in fees associated with the zoning applications.



# City of Ellisville

One Weis Avenue  
Ellisville, MO 63011  
(636) 227-9660 FAX: (636) 227-9486

RECEIVED  
FEB 29 2016  
City of Ellisville

## APPLICATION COVER SHEET

*(please type or print)*

**ALL APPLICABLE SECTIONS OF APPLICATION MUST BE COMPLETE AND CONSISTENT WITH SUBMITTED MATERIALS**

Property Address: 304 Clarkson Road

Project Description: Construction of a 4,877 Sq. Ft. Quick Service Restaurant With Drive-Thru Facility

### PART A: PARTIES IN INTEREST

The full legal name of each party listed below (partnership, corporation, etc.) is required for review of the application(s). Having different individuals represent an Applicant at different meetings during the review process may result in unnecessary confusion and delay. Consequently, in the interest of promoting clarity, a consistency, and expediency, the City requests all Applicants, at the time of filing their Application, to identify a primary or principal APPLICANT (either attorney or non-attorney; corporations should see Notice below) who can be expected to attend each of the meetings during the Petition review process.

#### Notice to Applicants

In matters which qualify as contested cases under Section 536.010(2) R.S.Mo. corporations may not be represented by non-attorneys when the Council sits as an administrative tribunal. Non-attorney representation in such matters may constitute the practice of law under Section 484.010 R.S.Mo. All Applicants are cautioned to consult with an attorney prior to undertaking non-attorney representation.

Name and Title of APPLICANT: Chick-fil-A; Jason Hill, Development Manager

Address: 5200 Buffington Road, Atlanta, GA 30349

Phone

Number: 404-684-8530 Email jason.hill@cfacorp.com

Name of Business Owner(s) - if different than above: Same as above

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email \_\_\_\_\_

Name of Property Owner(s) - if different than above: Clarkson Clayton Associates, A Joint Venture

Address: 300 Ozark Trail Drive, Ellisville, MO 63011

Phone Number: \_\_\_\_\_ Email \_\_\_\_\_

Name of Architect, Landscape Architect, Planner or Engineer: HR Green, Inc.; John Choinka

Address: 16020 Swingley Ridge Road, Suite 205, Chesterfield, MO 63017

Phone Number: 636-812-4220 Email jchoinka@hrgreen.com

Revised: August 25, 2014



**PART B: SITE DESCRIPTION**

Legal Address of Property: 154 Charlton Road Locator No: 23F210123

Lot No: 1 Block No: N/A Current Zoning: C1

Current Use of Site: Vacant

Proposed Use of Site: Quick Service Restaurant With Drive Thru Facility

**PART C: APPLICATIONS FILED** (List the applications you will submit (i.e. Conditional Use Permit, Site Plan, etc.). A Letter addressed to the City must be submitted. The letter should completely describe who, what, why, where and when.

**PART D: AUTHORIZATION (FULL LEGAL NAME IS REQUIRED)**

Signature of Applicant (Required): \_\_\_\_\_ Date: \_\_\_\_\_

Title/Interest in Property: Clayton Peyton Center Associate

Signature of Property Owner (Required): Norbert Alan Meth on 2/25/2016

Title/Interest in Property: Managing General Partner of CA



# City of Ellisville

One Weis Avenue  
Ellisville, MO 63011  
(636) 227-9660 FAX: (636) 227-9486

## APPLICATION FOR SITE PLAN REVIEW

*(please type or print)*

ALL APPLICABLE SECTIONS OF APPLICATION MUST BE COMPLETE.  
APPLICATION MUST BE CONSISTENT WITH SUBMITTED MATERIALS.  
PLANS MUST BE FOLDED TO APPROXIMATELY 8 1/2 x 11 or 8 1/2 x 14 IN SIZE. A \$50.00 APPLICATION FEE MUST ACCOMPANY THIS APPLICATION

Property Address: 304 CLARKSON ROAD  
Applicant: CHICK-FIL-A

### PART A: SITE DEVELOPMENT

Briefly describe the intended project and use: FAST SERVICE RESTAURANT

Is the intended use: Permitted \_\_\_\_\_ Conditionally Permitted:  Part of a Planned Development: \_\_\_\_\_

Total Square Footage of Site: 53709.5 Total Square Footage of Building(s): 4877 SF

Ratio of Total Square Footage of Building(s) to Total Square Footage of Site: \_\_\_\_\_

Building Lot Coverage: 0.091 Total Impervious Lot Coverage: \_\_\_\_\_

Setbacks: Required: NONE Provided: NONE

Buffer Landscape: Required: NONE Provided: NONE

Parking Lot Landscape: Required: SEE L.S. PLAN Provided: SEE L.S. PLAN

Fence: Required: N/A Location: \_\_\_\_\_ Type/Material: \_\_\_\_\_ Height: \_\_\_\_\_

Wall (Screen/Sound): Required: N/A Location: \_\_\_\_\_ Type/Material: \_\_\_\_\_ Height: \_\_\_\_\_

Public Art or Benefit Provided: N/A Describe: \_\_\_\_\_

Briefly describe the disposal of Trash, Delivery and Loading for Operation (Location and Hours):  
SEE SITE PLAN - NONE PEAK HOURS

*Architectural review is required for any exterior renovation or façade changes. If any of these items are part of the project, complete an Architectural Review Board Application.*

### PART B: PERFORMANCE STANDARDS

All land, buildings and uses must comply with the following performance standards. Other project or use specific factors may be regulated to protect the public health, welfare and safety as well as to protect the character of the neighborhood.

**Vibration.** Will the use be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located, excluding vehicular traffic unrelated to the subject use? YES

**Noise.** Will the use be so operated that the maximum volume of sound or noise generated does not exceed seventy (70) decibels at any point on the lot line of the lot on which the use is located? YES

**Odor.** Will the use be so operated that no offensive or objectionable odor is perceptible at any point on the lot line of the lot on which the use is located? YES

**Smoke.** Will the use be so operated that no smoke from any source shall be emitted of a greater density than the density described as No. 1 on the Ringelmann Chart as published by the United States Bureau of Mines? YES

**Toxic gases.** Will the use be so operated that there is no emission of toxic, noxious or corrosive fumes or gases? Emission of dirt, dust, fly ash and other forms of particulate matter. Emission of dirt, dust, fly ash and other forms of particulate matter shall not exceed eighty-five hundredths (85/100) pounds per one thousand (1,000) pounds of gases of which amount not to exceed five-tenths (5/10) pounds per one thousand (1,000) pounds of gases shall be of such size as to be retained on a three hundred twenty-five (325) mesh U.S. Standard Sieve. In the case of emission of fly ash or dust from a stationary furnace or combustion, device these standards shall apply to a condition of fifty (50) percent excess air on the stack at full load, which standards shall be varied in proportion to the deviation of the percentage of excess air from fifty (50) percent. Will the project comply with this standard? YES

**Air pollution.** Every form of objectionable odors, smoke, toxic gases, particulate matter such as dirt, dust, fly ash, must be restricted to specific low levels of emissions as set forth in Ord. No. 3347 of St. Louis County Code titled; Air Pollution Control Code, Chapter 612, as amended from time to time. Will the project/use comply with this standard? YES

**Radiation.** Every amount of radioactive emissions must be restricted to that considered safe by the Federal Radiation Board Standards, as amended from time to time. Will the use/project comply with this standard? YES

**Operations, heat and glare.** Every operation producing intense glare or heat must be enclosed so that they are imperceptible at any lot line without instruments. Will the project/use comply with this standard? YES

**Additional Standards applicable to all new restaurants and fast food restaurants, and upon change of ownership of existing restaurants and fast food restaurants, with the exception of Bar B Que Restaurants as defined in Section 30-18: (Ord. #2288, Sect. 2, 11-18-99)**

**Grease extraction efficiency:** Exhaust system shall have grease extraction efficiency of at least 90% as tested by an approved agency. Will the use/project comply with this standard? YES

**Maintenance:** Equipment shall be maintained at intervals as recommended by the manufacturer and property maintenance performed in accordance with manufacturer's instructions. Will the use/project comply with this standard? YES

**Cleaning:** Hoods, grease removal devices, fans, ducts and other appurtenances shall be cleaned to bare metal at frequent intervals prior to surfaces becoming heavily contaminated with grease or oily sludge. Will the use/project comply with this

standard? YES

**PART C: STORM WATER QUALITY PROTECTION STANDARDS:**

All development and redevelopment must comply with storm water quality protection standards. To the maximum extent feasible, the development plan should preserve and/or protect existing natural resource areas that facilitate pollutant removal and reduce runoff.

1. Can land disturbance be minimized? No
2. Can additional greenspace be preserved? No
3. Can proposed development be located in already developed areas? YES
4. Can stormwater be captured and infiltrated into the ground? YES
5. Can stormwater be captured and reused for irrigation or décor? No
6. Could permeable surface materials be used to promote infiltration and limit runoff? YES
7. Can land disturbance be restricted to less sensitive areas? YES
8. Is the development located outside the 100 year flood plain? YES
9. Is the development located outside the stream bank setback buffer? YES
10. Does the development warrant engineering channel protection controls (because of size or stream bank erosion problems)? YES
11. Does the development plan avoid sensitive areas? YES
12. Does the site development plan utilize stormwater credits? No
13. Does the site development plan show structural BMPs? What is the acreage of drainage to the BMP? Will the BMP be above or below ground? YES, 1.1 BAC, Below
14. Who will be responsible for maintaining storm water controls? Are the structural BMP shown on the plan appropriate for the entity or person responsible for maintenance? CHICK-FIL-A
15. Is over 1 acre of impervious area being added? YES
16. Is the development tributary to any existing basins that need to be upgraded? No

**PART D: ENVIRONMENTAL STATEMENT**

Will the proposed request will not adversely impact the environment?: No

Has a Phase I Assessment or Phase II Environmental Report/Study been prepared in association with this request? No (Yes or No) If yes, please submit a copy of the report/study with this application.

By filing this application you acknowledge and are aware that the City may require a partial or comprehensive environmental assessment, impact analysis, or report, in conformity with Chapter 415, Environmental Report of the Land Use Regulations, at any time during the application or approval process.

**PART E: CHECKLIST**

- Existing and proposed (1) Site Plan, (2) Landscaping Plan and (3) Natural Resources Plan. Scale may be 1"= 20'-0".
- Five full size copies of plans must be submitted initially for staff review. Additional plan sets will be required later to forward to the Planning and Zoning Commission and/or City Council.
- Boundary Map showing all boundaries, existing setbacks and other physical features.
- Location map showing north arrow.



City of Ellisville

One Weis Avenue  
Ellisville, MO 63011  
(636) 227-9660 FAX: (636) 227-9486

RECEIVED

FEB 17 REC'D

APPLICATION FOR  
CONDITIONAL USE PERMIT

City of Ellisville

(please type or print)

ALL APPLICABLE SECTIONS OF APPLICATION MUST BE COMPLETE.  
APPLICATION MUST BE CONSISTENT WITH SUBMITTED MATERIALS.  
THIRTY-ONE (31) SETS OF SIGNED & SEALED DRAWINGS PLANS MUST BE FOLDED TO  
APPROXIMATELY 8 1/2 x 11 or 8 1/2 x 14 IN SIZE. A \$350.00 APPLICATION FEE AND \$50.00  
PUBLIC HEARING DEPOSIT MUST ACCOMPANY THIS APPLICATION

Property Address: 304 CLARKSON ROAD  
Applicant: CHICK-FIL-A

PART A: BUILDING CONSTRUCTION

Estimated Cost of Construction: \$1,300,000 No. of Stories: 1  
Total Square Footage of Site: 53709.5 Total Square Footage of Building(s): 4877 SF  
Ratio of Total Square Footage of Building(s) to Total Square Footage of Site: 0.091  
Building(s) Height(s): 25'9" Number of Floors: 1  
Total Number of Available Parking Spaces: 61  
Number of Parking Spaces as Required by the Zoning Ordinance: 37  
Describe the Reason for Requesting a Conditional Use Permit: DRIVE THRU RESTAURANT

Briefly describe the disposal of Trash, Delivery and Loading for Operation (Location and Hours): SEE PLAN; OFF PEAK HOURS

Architectural review is required for any exterior renovation or facade changes. If any of these items are part of the project, complete an Architectural Review Board Application.

PART B: AMENDING AN EXISTING CONDITIONAL USE PERMIT

Please describe the proposed amendment: N/A

Please describe why the proposed amendment is necessary: N/A

**PART C: MULTI-TENANT/MIXED USE**

Total Square Footage of: Retail: - Residential: - Office: - Other: 4877  
How Many Dwelling Units Will Result From The Project: None Square Footage Per Unit: N/A  
Number of Floors Retail: 0 Residential: 0 Office: 0 Other: 1  
Total Number of Parking Spaces: Retail - Residential: - Office: - Other: 41

Provide a tabulation of the total square footage of the site and what percentage and amount of square footage will be reserved for off-street parking, open spaces, parks, etc.

Intended Use:	Square Footage	Percentage
<u>RESTAURANT</u>	<u>4877</u>	<u>100%</u>

**PART D-1: RESTAURANTS**

Briefly describe the type and character of the operation: FAST SERVICE RESTAURANT

Hours of Operation: \_\_\_\_\_

Will a liquor license be requested? Yes \_\_\_\_\_ No X If yes, which type: \_\_\_\_\_

Square Footage of Proposed Use: 4877 No. of seats: 134 INSIDE 22 OUTSIDE

Number of Parking Spaces: 41 No. Employees: 15 Valet Parking? Yes \_\_\_\_\_ No ✓

Location of Parking Facilities: SEE SITE PLAN

If restaurant is to offer deliveries, please describe this operation: \_\_\_\_\_

Does the restaurant intend to participate in a recycling program? Yes ✓ No \_\_\_\_\_

**PART D-2: OUTDOOR DINING/SEATING**

Please provide a copy of survey showing building line, property line, right-of-way line, proposed seating plan and landscaping.

Seating only? Or full service? SEMI FULL Square Footage of Patio: 600 SF

Same Menu (Yes/No): YES Same Hours (Yes/No): YES

No. Tables: 7 No. Seats: 22 No. Umbrellas: 4 Logo on Umbrellas: YES  
 Description of Furniture: TABLES & BENCHES  
 Description and proposed location of Pedestrian Barrier: N/A  
 Description of Landscaping: SEE LANDSCAPE PLAN  
 Description of Lighting: SEE PILOTO METRIC PLAN

**PART E-1: TELECOMMUNICATION INSTALLATIONS**

Location of Antenna(s): N/A Type of Antenna(s): N/A  
 No. of Antenna(s): N/A Dimension(s): N/A  
 Location of cabinets(s): N/A Type of cabinets(s): N/A  
 No. of cabinets(s): N/A Dimension(s): N/A  
 Location of wiring/cable: N/A Type of wiring/cable: N/A  
 Lineal Feet: N/A How will wiring/cable be screened: N/A  
 Location of screening/ Type of screening(s)  
 Enclosures: N/A enclosures: N/A  
 Dimension(s): N/A Color/Description:  
 Will any illumination be used: By what method: N/A

**PART E-2: LEASE AND MAINTENANCE**

Fully executed lease: 2 How long is lease for: SEE LEASE AGREEMENT Any Easements: Describe:  
 Yes / No CFA Yes / No  
 Who will provide any maintenance: Describe:

**PART F: ENVIRONMENTAL STATEMENT**

Will the proposed request adversely impact the environment?: no (Yes or No)

Has a Phase I Assessment or Phase II Environmental Report/Study been prepared in association with this request?  
no (Yes or No) If yes, please submit a copy of the report/study with this application.

By filing this application you acknowledge and are aware that the City may require a partial or comprehensive environmental assessment, impact analysis, or report, in conformity with Chapter 415, Environmental Report of the Land Use Regulations, at any time during the application or approval process.

**PART G: CRITERIA**

It shall be the responsibility of the applicant to clearly establish that the following criteria are met: (Respond Yes or No). Please be sure to respond to all questions (a-r).

- do** a. Will the use have any negative effect upon traffic conditions.
  - (1) In the event that the proposed commercial use or building is a motor vehicle oriented business as defined by Section 400.430(A)(2), traffic impact consideration screening procedures as set forth in Section 400.430(A)(4) shall be considered by the Council in determining whether there is a negative effect upon traffic conditions, in addition to any other evidence adduced pursuant to the permit procedure.
  - (2) In the event that the proposed use or building is a multi-family development as defined by Section 400.430 (B)(2), traffic impact consideration screening procedures as set forth in Section 400.430(B)(4) shall be considered by the Council in determining whether there is a negative effect upon traffic conditions, in addition to any other evidence adduced pursuant to the permit procedure.
- do** b. Will the use substantially increase fire hazards?
- do** c. Will the use adversely affect the character of the neighborhood?
- do** d. Will the use adversely affect the general welfare of the community?
- do** e. Will the use overtax the sewage or public utilities?
- do** f. Will the use adversely affect or overtax Police or other City services?
- do** g. Will the use be the highest and best use of the location applied for?
- do** h. Will the use adversely affect the financial condition of the City including any adverse impact upon utilities, property, and sales tax?
- do** i. Will the use have a substantial negative impact on the environment?
- do** j. Is the proposed use compatible with surrounding uses and with the surrounding neighborhood?
- do** k. Is the comparative size, floor area and mass of the proposed use and/or proposed structure appropriate and reasonable in relation to adjacent structures and buildings on surrounding properties and in the surrounding neighborhood?
- do** l. Will the use adversely affect the neighborhood in terms of water runoff, noise transfer or heat generation due to significant amount of hard surfaced areas for buildings, sidewalk, drives, parking and service areas?
- do** m. Will the frequency and duration of various indoor and outdoor activities and special events associated with the proposed use have a deleterious impact on the surrounding area?
- do** n. Will the use be likely to remain in existence for a reasonable length of time and not become vacant or unused?
- do** o. Does the use involve the presence of unusual, single-purpose structures or components of a temporary nature?
- do** p. Does the proposed use comply with the standards of good planning practices?
- do** q. Have sufficient measures been taken or will be taken by the applicant that would negate, to an acceptable level, potentially adverse impacts, as determined by the City Council?
- do** r. Will the use comply with all other applicable provisions of Chapter 400, including performance standards as set forth in Section 400.170?

**PART H: CHECKLIST**

- Five full size copies of plans must be submitted initially for staff review. Additional plan sets (31 copies) will be required later to forward to the Planning and Zoning Commission and/or City Council.

BILL NO. 899

ORDINANCE NO. 876

BILL INTRODUCED BY ALDERMAN Leisinger

AN ORDINANCE PROVIDING FOR A CHANGE IN ZONING CLASSIFICATION OF A TRACT OF LAND IN THE CITY OF ELLISVILLE FROM RESIDENTIAL TO BUSINESS, AUTHORIZING A CHANGE IN THE ZONING MAP OF THE CITY ACCORDINGLY, AUTHORIZING THE ISSUANCE OF CONDITIONAL USE PERMITS PURSUANT TO CHAPTER 32 OF THE CODE OF THE CITY OF ELLISVILLE, MISSOURI, FOR THE OPERATION OF A UNIFIED SHOPPING CENTER IN THE BUSINESS DISTRICT OF THE CITY OF ELLISVILLE.

WHEREAS, a Petition has been filed requesting a change in the zoning classification of land hereinafter described from residential to business, and,

WHEREAS, public notice of a public hearing of said Petition by the Planning and Zoning Commission was duly published according to applicable ordinances of the City of Ellisville, and,

WHEREAS, on the 11th day of January, 1978, an open and public hearing was duly held by the Planning and Zoning Commission on said Petition pursuant to said legal notice, and,

WHEREAS, all persons present at said hearing were given an opportunity to be heard, and were heard, and,

WHEREAS, the Planning and Zoning Commission made its recommendations and report to the Board of Aldermen recommending that said property be rezoned from residential to business, and,

WHEREAS, public notice of a public hearing of said Petition by the Board of Aldermen was duly published according to applicable ordinances of the City of Ellisville, and,

WHEREAS, on the 1st day of February, 1978, an open and public hearing was duly held by the Board of Aldermen on said Petition pursuant to said legal notice, and,

WHEREAS, all persons present at said hearing were given an opportunity to be heard, and were heard, and,

WHEREAS, the Board of Aldermen, having fully considered the Petition for rezoning and the public hearing held thereon, finds that the rezoning of said property from residential to business is in the best interest of the City of Ellisville and also in the best interest of the public health, safety and welfare of the citizens of said city, and,

WHEREAS, an application for seven conditional use permits has been filed by N.P. Sandbothe and E.C. Keeven requesting issuance of conditional use permits to construct and operate a unified shopping center on a parcel of property zoned for such business uses and hereinafter legally described, and,

WHEREAS, public notice of a public hearing of said application by the Planning and Zoning Commission was published, and,

WHEREAS, on the 11th day of January, 1978, an open and public hearing was duly held by the Planning and Zoning Commission on said application pursuant to said notice, and,

WHEREAS, all persons present at said hearing were given an opportunity to be heard and were heard, and,

WHEREAS, the Planning and Zoning Commission made its recommendation and report to the Board of Aldermen recommending that seven conditional use permits be issued, along with the unified shopping center, and,

WHEREAS, public notice of a public hearing of said Application by the Board of Aldermen was duly published according to applicable ordinances of the City of Ellisville, and,

WHEREAS, all persons present at said hearing were given an opportunity to be heard and were heard, and,

WHEREAS, the Board of Aldermen, having fully considered the application for the seven conditional use permits along with the unified shopping center and the public hearings held thereon finds and determines that such buildings and uses will not (1) substantially increase traffic hazards or congestion, (2) substantially increase fire hazards, (3) adversely affect the character of the neighborhood, (4) adversely affect the general welfare of the community, or (5) overtax the sewerage or public utilities, and,

WHEREAS, the Board of Aldermen of the City of Ellisville has found and determined that the procedures for amendment of its Zoning Ordinance and the issuance of conditional use permits as contained and set forth in Chapter 32 of the Code of the City of Ellisville, Missouri, have been complied with in all respects in these matters.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ELLISVILLE, STATE OF MISSOURI, AS FOLLOWS:

Section One: The Code of the City of Ellisville, Missouri, and more particularly Chapter 32 thereof is hereby amended by rezoning the following legally described property from residential district to business district:

(33) A tract of land \*\*\* (Legal Description to follow)

Section Two: The zoning map of the City of Ellisville shall be changed so that said property legally described in Section One above will now appear on the City's zoning map as Business District property for development under Sections 32-19 and 32-20 of Chapter 32 of the Code of the City of Ellisville, Missouri.

Section Three: Conditional use permits pursuant to the provisions of Chapter 32-20 of the Code of the City of Ellisville, Missouri, is hereby granted to N.P. Sandbothe and E.C. Keeven for the construction and operation of a unified shopping center on the tract of ground as described in paragraph one of this Ordinance.

Section Four: Conditional use permits shall be issued to N.P. Sandbothe and E.C. Keeven for the construction and operation of a unified shopping center including all permitted uses as defined in Section 32-19 and seven conditional uses as defined in sub section 10, 14, 15, and 24 of Section 32-20, but limited to one gasoline and oil only service station; three restaurants including the serving of alcoholic beverages; one supermarket, which may contain a restaurant in conjunction with said supermarket; one bank and one savings and loan association at 320 Clarkson Road in the City of Ellisville, Missouri under certain conditions as contained in the ordinance and in compliance with all other ordinances of the City of Ellisville relating to conditional uses and permitted use permits.

Section Five: That N.P. Sandbothe and E.C. Keeven shall prior to the issuance of occupancy permit and license for any use, dedicate to the City, State or County and pave all additional roadways on Clarkson and Clayton Roads as contained in Exhibit "A" (Site Plan) as attached thereto and made a part of this ordinance, all in conformity with the requirements of the City Code of the

Roads the entire length of the property as described in Section One of this Ordinance; maintain adequate screening at the west of said property a 50 feet buffer area and on the south side a 20 foot buffer area.

It is a condition of the conditional use permits or any one conditional use permit that said screening as described above shall be the responsibility of N.P. Sandbothe and E.C. Keeven or their successors or assigns to maintain said screening at all times so that said screening is kept free of debris and maintained with healthy growth in conformity with the ordinances of the City of Ellisville.

Section Nine: That the issuance of the conditional use permit to the N.P. Sandbothe and E.C. Keeven does not grant authority for the construction of a sign and that any such signs constructed or to be constructed and operated by the unified shopping center, which will be limited to three signs, identifying the center only, will be by a sign permit issued by the Building Commissioner in accordance with Chapter 26 of the Municipal Code of the City of Ellisville.

Section Ten: That N.P. Sandbothe and E.C. Keeven will construct said project in accordance with the site plan presented to the Board of Aldermen at their June 7, 1978 meeting, and as shown on Exhibit "A" attached hereto, subject only to change as required in Section eight of this ordinance.

Section Eleven: That N.P. Sandbothe and E.C. Keeven will construct the site improvement as the project is developed except that all improvements on Clarkson and Clayton Road will be as defined in Section Five and Eight of this Ordinance, all other occupancy permits and licenses will be issued as site improvements to the licensee are completed.

Section Twelve: That N. P. Sandbothe and E. C. Keeven will modify the site plan as referred to in section five as Exhibit "A" so that only three building site will abut Charkson Road and that only two of the three building site will have an entrance or exit on Clarkson Road.

The two entrances and exits will be directly across from Field Avenue and the southern entrance and exit to Maple Tree Shopping Center, respectively.

The modification will allow only one entrance or exit into each building site and will be on the south property line at least 100 feet west of Clarkson Roads west right-of-way line.

It is a condition of this ordinance that the three building sites abutting Clarkson Road with be the conditional uses of

- a) Bank or Saving and Loan on Lot Three
- b) Gasoline and Oil Service Station only on Lot Two.
- c) Sit Down Resturant on Lot One.

Section Thirteen: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

This Bill No. 899 having been read and duly considered and voted upon three times was finally passed on this 2<sup>nd</sup> day of August, 1978.

CITY OF ELLISVILLE

BY William O. Jones  
Mayor

ATTEST:

Walter W. Smith  
City Clerk

LEGAL DESCRIPTION

Clayton and Clarkson

A tract of land being part of Lot 7 of "Springer and Boylan's Subdivision of the Wilson Farm", a Subdivision according to the plat thereof recorded in Plat Book 10, Page 60 of the St. Louis City (former County) Records, in Section 32, Township 45 North, Range 4 East, St. Louis County, Missouri, and described as follows:

Beginning at a point on the Western line of Clarkson Road, 60 feet wide, at its intersection with the Southern line of Clayton Road, 40 feet wide; thence along said Western line of Clarkson Road South 1 degree 49 minutes East, 185.04 feet to an angle point therein; thence continuing along said road line South 0 degrees 14 minutes West, 668.58 feet to its intersection with the Northern line of property described in Deed to St. Louis County Library District Board recorded in Book 5594, Page 479 of the St. Louis County Records; thence leaving said road line and running along said Northern line South 89 degrees 28 minutes West, 484.05 feet to the Northwestern corner thereof; thence along the Western line of said property South 0 degrees 14 minutes West, 450.00 feet to its intersection with the Northern line of Springer Avenue, 50 feet wide; thence along said Northern road line South 89 degrees 28 minutes West 836.70 feet to its intersection with the Western line of Lot 7 of "Springer and Boylan's Subdivision of the Wilson Farm", as aforementioned; thence along said Western lot line North 0 degrees 08 minutes 30 seconds East, 1299.16 feet to its intersection with the Southern line of Clayton Road, as aforementioned; thence along said road line North 89 degrees 16½ minutes East, 1316.27 feet to the point of beginning and containing 34.47 Acres, more or less.

April 7, 1977



INDENTURES FOR CLARKSON CLAYTON CENTER

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PREAMBLE

INDENTURES FOR CLARKSON CLAYTON CENTER

Indentures, Protective Conditions, Covenants, Restrictions, Reservations and Easements affecting property of Clarkson Clayton Development Co. of the County of St. Louis, State of Missouri, hereinafter described and known as Clarkson Clayton Center more particularly described per Exhibit "A" attached hereto and made a part hereof by reference.

This Declaration made this \_\_\_\_\_ day of \_\_\_\_\_, 1977, by Clarkson Clayton Development Co., hereinafter called the Grantor.

WITNESSETH:

WHEREAS, Grantor is the owner of the real property hereinafter described in this Declaration, and is desirous of subjecting the real property described herein to these indentures, protective conditions, covenants, restrictions, reservations, easements and servitudes hereinafter set forth and hereinafter referred to as "Indentures", each and all of which is and are for the benefit of said property and for each owner thereof, and the Grantor hereunder, and shall inure to the benefit of and pass with said property and each and every parcel thereof, and shall apply to and bind the successors in interest and any owner thereof.

NOW, THEREFORE, Clarkson Clayton Development Co., hereby declares that the real property described and referred to herein is and shall be held, transferred, sold, conveyed and occupied subject to these Indentures.

SECTION I

DEFINITION OF TERMS

Definitions of terms used herein are set forth in Exhibit "B" attached hereto and made a part hereof by reference.

SECTION II

PROPERTY SUBJECT TO THESE INDENTURES

The real property which is, and shall be held, conveyed, transferred, occupied and sold subject to the indentures, protective conditions, covenants, restrictions, reservations, plats, liens and easements previously recorded or set forth herein is located in the City of Ellisville, State of Missouri, and more particularly described per Exhibit "A" attached hereto and made a part hereof by reference.

SECTION III

GENERAL PURPOSES

These indentures are for the mutual benefit and protection of the property owners of Clarkson Clayton Center which has been established as a commercial and office center where nature and man are integrated. Clarkson Clayton Center is designed to be attractive to people, promote investment escalation, provide a pleasant environment for people and business and a proper balance of community facilities, including open space, landscape and circulation systems and guarantee proper maintenance and quality up-keep within the Center. To insure that Clarkson Clayton Center develops according to these intended purposes, goals, quality, and general character, these protective and design indentures have been promulgated.

SECTION IV

TRUSTEES

A. Membership

There is hereby established the Clarkson Clayton Center Board of Trustees, which shall consist of three (3) Trustees, who shall serve without remuneration for two (2) year terms. Grantor shall, before January 1, 1978, designate the three (3) Trustees and shall designate a chairman from the constituency of the Board of Trustees to serve until a chairman is selected by said Board as provided in Paragraph H, below. So long as fifty percent (50%) or more of the developable land area subject to these indentures is owned by the Grantor, the three (3) Trustee positions shall be filled by appointment by the Grantor. So long as five percent (5%) but less than fifty percent (50%) of the developable land area subject to these indentures is owned by the Grantor, two (2) Trustee positions shall be filled by appointment by it and one (1) Trustee position shall be filled by election by the purchasers of developable land area subject to these indentures. So long as one percent (1%) but less than five percent (5%) of the developable land area subject to these indentures is owned by the Grantor, one (1) Trustee position shall be filled by appointment by it and two (2) Trustee positions shall be filled by election by the purchasers of developable land area subject to these indentures. If less than one percent (1%) of the developable land area subject to these indentures is owned by Grantor, all of the Trustee positions shall be filled by election by the purchasers of developable land area subject to these indentures.

B. Qualifications

To qualify to fill a Trustee position, a person shall be twenty-one (21) years of age; a resident of the City of St. Louis or the Counties of St. Louis or St. Charles, Missouri; and an owner, an officer of an owner, or the duly appointed representative of an owner of assessable property in Clarkson Clayton Center.

C. Voting Rights

In all elections to fill Trustee positions, only owners of assessable property shall have the right to vote. Such vote shall be in person or by written proxy and shall be allocated on the basis of one vote for each twenty-five dollars (\$25.00) or major fraction thereof, of the general assessment due and paid hereunder during the preceding calendar year for each trustee position to be filled. For purposes of determining voting rights under this provision ownership status and the general assessment paid shall be established as of close of business on December 31st of the year preceding the election.

D. Term of Office

The terms of office of each Trustee shall be two (2) years, and shall run from September 1 through the last day of August of the second year, and thereafter until his successor shall be elected or appointed as provided herein.

E. Election of Trustees

Election or appointment of Trustees as provided in Paragraph A, supra, shall be accomplished at the annual general meeting specified in Paragraph G, below. Each candidate for Trustee nominated for and elected or appointed to the Board of Trustees shall be qualified as per Paragraphs A and B, supra. Each vacancy shall be filled by a separate election or appointment. Election of Trustees shall be by majority vote of those present and voting in person or by proxy. Cumulative voting shall be prohibited.

#### F. Vacancies

Whenever any one or more of the said Trustees shall die, be unable to act, resign, or shall cease to have an interest in the above described property as an owner, an officer of an owner, or a representative of an owner, their position as Trustee shall automatically be vacated. At the next meeting of the Board of Trustees, Grantor or the remaining Trustees, as appropriate, shall appoint an additional Trustee or Trustees who shall meet the provisions of Paragraphs A and B, supra, to fill the vacant Trustee position or positions for the remainder of the unexpired terms.

#### G. General Meeting

An annual general meeting of all owners of assessable property within Clarkson Clayton Center shall occur during the first full week of September of each year and written notice as to date, time and location of such meeting shall be mailed to each owner of the assessable property at least seven (7) days in advance by the Chairman of the Board of Trustees. In addition, the Chairman shall, within fifteen (15) days, call a general meeting of all owners of assessable property within Clarkson Clayton Center upon receipt of a written petition signed by owners of assessable property representing thirty percent (30%) of the total true value of all assessable property subject to these indentures.

#### H. Duties and Powers

Two (2) Trustees shall constitute a quorum except for purposes of filling vacancies in the office of the Trustees for which purpose of two thirds (2/3) of the then qualified Trustees shall constitute a quorum. Actions of the Board shall be by majority vote of those Trustees in attendance at any meeting at which there is a quorum present. At the annual general meeting of all owners of assessable property within Clarkson Clayton Center, the Board of Trustees shall elect a Chairman from its members and said Chairman shall have voting rights equal to each of the other Trustees and shall have signature authority to promulgate actions of the Board of Trustees. The Board of Trustees shall also promulgate operating procedures for the conduct of its affairs.

1. Meetings. Meetings of the Board of Trustees may be called at any time by the Chairman or shall be called by the Chairman upon request of a majority of the other Trustees.

2. Authority and Obligations. The Board of Trustees established under these indentures shall have the right, power and authority to carry out the general purposes of Clarkson Clayton Center as enumerated in Section III, supra; in the interest of public health and safety and for the general welfare of the property owners of Clarkson Clayton Center to adopt and promulgate rules and regulations to interpret and implement the provisions of these indentures and to designate requirements applicable for the enforcement of these indentures as hereinafter set forth; to have jurisdiction, control, possession, and supervision of the property, assessments, funds, and activities as set forth in this Section and elsewhere in these indentures or as may hereafter be placed under its jurisdiction in the manner herein provided, to maintain, operate, reconstruct, and improve any and all structures, facilities, improvements, and lands of Clarkson Clayton Center in which the Board of Trustees has any interest and which are for the common use of Clarkson Clayton Center as a comprehensive planned commercial development and to make additions, betterments, and extensions thereto; to enter into contracts as may be necessary or desirable to carry out the provisions of these indentures to include entering into long term contracts which may extend beyond the term of the particular Board of Trustees which entered into such contracts; to protect the public health and welfare by preventing or abating the pollution of Clarkson Clayton Center; and to have all the rights, privileges and jurisdiction necessary or proper for carrying such powers into execution. Any enumeration of powers else-

where in these indentures shall augment rather than restrict the meaning of or exclude other powers comprehended in this general grant of rights, power and authority. Further, this general grant shall permit the Board of Trustees to make variances to these indentures when in the opinion of the Board of Trustees, such variances are in the best interests of the Clarkson Clayton Center property owners, but such variances will be in accord with the language and intent of Section III hereof; to contract for professional services which, in the judgment of the Board of Trustees, will provide an effective and advantageous means of insuring the area within Clarkson Clayton Center of adequate and proper environmental protection; to promulgate rules and regulations governing the use of and conduct within the lake and other public areas within Clarkson Clayton Center; and to set the date, time, and location for the annual general meeting. In consideration of the above rights, powers and authority, the Board of Trustees shall have the duty, responsibility and obligation to maintain, operate, improve and reconstruct as necessary the Clarkson Clayton Center storm water control and retention basin system. In discharging the above responsibilities, the Board of Trustees may appoint one or more individuals to represent the Board of Trustees in administering and enforcing those responsibilities specifically delegated to them by the Board of Trustees.

3. Levy of Assessments.

a. General and Special Assessments. For the purpose of carrying out the general obligations and powers of the Board of Trustees as set forth in these Indentures, an annual general assessment is hereby levied upon and against the owners of the herein defined assessable property and against the assessable property itself. This general assessment shall be an annual charge of \_\_\_\_\_ per square foot of the assessable property within Clarkson Clayton Center. This general assessment may be with the written consent of the owners of assessable property representing two thirds (2/3) of the true value of the assessable property subject to these indentures, provided, however, that so long as the Grantor owns more than fifty percent (50%) of the true value of the assessable property subject to these indentures, the general assessment may be increased only with the written consent of the owners of assessable property representing three fourths (3/4) of the true value of the assessable property subject to these indentures. Additionally, the Board of Trustees may, by majority vote, levy special assessments to carry out its general obligations and powers for all stated purposes enumerated in Paragraphs 5a (2) through 5a (5) inclusive, below; but the total of such special assessments, if levied, shall be limited to an amount equal to or less than the general assessment in any one calendar year.

b. Notices of Assessments. Notices of all assessments may be given by certified mail, return receipt requested, addressed to the last known or usual post office address of the holder of legal title of the assessable property and deposited with the United States Postal Service with postage prepaid and said notice shall be considered given when mailed, or may be given by posting a brief notice of the assessment upon the assessable property itself.

4. Loans and Revenue Bonds. The Board of Trustees shall have the right, power and authority to secure loans at a competitive interest rate at the time the loan is secured or the revenue bonds are sold in order to obtain funds for the purpose of carrying out the general objectives of these indentures and for the uses as enumerated in Paragraph 5a, below; and to irrevocably pledge, commit and promise to levy special assessments as provided in Paragraph 3a, supra, as the same may be necessary to provide funds for retirement of loans should funds from the general assessment be inadequate to retire such loans.

5. Procedures and Limitations. All assessments shall be made in the manner heretofore set forth and subject to the following procedures and limitations, to wit:

a. Use of Funds. All funds received by the Board of Trustees shall be used to provide for, maintain, operate and improve the environmental qualities within Clarkson Clayton Center. Specifically, funds may be expended to:

(1) Maintain, operate, improve, and reconstruct the storm water control and retention basin system (lake).

(2) Maintain, operate and improve streets, roads, or drives within Clarkson Clayton Center which have been dedicated to and accepted by the Board of Trustees.

(3) Provide for, maintain, operate and improve those Clarkson Clayton Center public facilities such as parks and lakes or ponds; lighting of streets and public areas; landscaping, graphic and circulation systems, street medians; and other improvements which in the opinion of the Board of Trustees specifically relates to the enhancement of the overall quality of life in Clarkson Clayton Center in accordance with the letter and intent of Section III.

(4) Provide for and operate an internal security system to include acquisition of or contracting for personnel, devices, equipment and services to protect property in Clarkson Clayton Center.

(5) Provide for and operate the administrative procedures for these indentures to include administrative staff requirements and expenses, liability and other insurance and retirement of debts.

b. Limitations. General assessment funds shall first be used to maintain, operate, improve and reconstruct the storm water control and retention basin system (lake) and the Board of Trustees shall establish escrow funds as they deem necessary for future extraordinary maintenance, operation and improvement expenses. After sufficient funds have been provided for the operation and maintenance of the storm water control and retention basin system (lake), remaining funds may be expended for other uses permitted in Paragraph a, supra.

#### I. Ownership of Land

The Board of Trustees may, at their sole discretion, accept any interest in real or personal property from any property owner who may wish to donate such interest in such property to the Board of Trustees. If otherwise permitted by law the Board of Trustees may sell, lease, rent, develop, grant, or dedicate to public use or any appropriate utility company or public authority any such interest it may require. The consideration of any sale, lease, rental or grant and the condition of any dedication to any party, private or public, shall include the assumption of the obligation to operate, maintain, improve and reconstruct as necessary the property or facility by the party grantee accepting such dedication.

### SECTION V

#### GENERAL COVENANTS

Clarkson Clayton Center has been established as a commercial and office center and all covenants as described in this section are intended to insure compliance with the general purposes and objectives as set forth in Section III and upon which Clarkson Clayton Center has been founded.

A. Uses

Except as modified below, all uses authorized under ordinance enacted by the City of Ellisville establishing the Commercial District and any specific zoning changes, amendments, or supplements thereto, which authorize the uses permitted in said planned district and provide for such development and use as designated in said district as may be specifically related to a particular activity or complex within a planned district shall be authorized hereunder except:

1. Non-Compatible Uses. Non-compatible adjacent uses; noxious or other offensive trades and activities; anything which may be an annoyance or nuisance as the same are, or may in the future be, defined by applicable law, or which may negatively affect the environment including olfactory, air, water, noise, vibration and visual pollutants shall be prohibited.
2. Service Station/Car Wash. The character of any service station/car wash permitted shall be self service or full service. Any car wash facility shall include on site water recycle facilities. The sale of, leasing of, storage of autos, trucks, trailers or equipment is prohibited.

B. Review and Approval

For the benefit of all the property owners of Clarkson Clayton Center, all development within the Park shall, before being undertaken be reviewed and approved in writing by the Board of Trustees according to the following criteria: planning, architecture, engineering, landscaping, lighting and environmental considerations both as they apply to the specific building site and to the entire Clarkson Clayton Center. After receipt of completed detailed plans and specifications showing the planning, architecture, engineering, landscaping, lighting and environmental considerations including but without being limited to the shape, size, color, design, materials, location, paving, and pedestrian and vehicular circulation, the Board of Trustees shall review each project to be developed in Clarkson Clayton Center and shall approve or disapprove the project with these indentures and any amendments or supplements thereto. The review and written approval of the Board of Trustees shall take place before construction is commenced on any project and shall be completed within forty-five (45) days from receipt of complete plans and specifications by the Board of Trustees. The Board of Trustees are empowered at the expense of the property owner concerned to abate and compel the removal of any construction commenced without the approval herein provided for. Any additions to or changes in use from those shown on plans and specifications previously approved by the Board of Trustees shall constitute a new project and shall require the review and approval of the Board of Trustees pursuant to this paragraph.

C. Building Lines and Heights

1. Building Lines. Building, parking and loading setback lines shall conform to all City of Ellisville ordinances for the specific planned use district enumerated in Paragraph A, supra, and to recorded plats, drainage easements, recorded easements, and other easements established by these indentures. In addition, except as modified below, all buildings, structures, equipment storage facilities, fences, and facing existing and proposed dedicated streets, roads and highways shall be a minimum of thirty feet (30') from the street, road or highway right of way. On building sites adjacent to the lake, buildings, structures and other improvements may be constructed within or over the lake drainage easements to be recorded in the St. Louis County Records if specific written approval is granted by the Board of Trustees. Construction or location of outside storage areas, fences, paved vehicular areas and equipment within the lake drainage easements is prohibited. All buildings, structures, equipment and outside storage areas shall be a minimum of fifteen feet (15') from the side and rear property lines and building lines is to be used for landscaped areas, lawns, walks, offstreet parking or loading areas as permitted under these indentures.

2. Building Heights. Building heights shall conform to all City of Ellisville ordinances for the commercial use district enumerated in Paragraph A, supra. The maximum height of any building to be constructed in Clarkson Clayton Center, including any penthouse or rooftop mechanical equipment, shall be limited to five (5) stories of sixty feet (60').

D. Building Materials and Construction

It is the intent of these indentures that all buildings and other structures within Clarkson Clayton Center shall be constructed of equally attractive exterior faces of high quality materials. In its review the Board of Trustees shall evaluate the construction standards and use of building materials for all proposed buildings and structures based on this intent to insure that they are in conformance with the general objectives of Clarkson Clayton Center as enumerated in these indentures. Specific materials which shall be excluded include exposed nonarchitecturally treated concrete block and exposed galvanized sheet metal. Other exposed metal panels and concrete block, if permitted, shall be architecturally finished in a manner approved by the Board of Trustees. It is further the intent of these indentures that exterior mechanical and electrical equipment to include roof top equipment shall be so placed or screened that, in the opinion of the Board of Trustees, the predominant design lines of the building or structure continue without visual distraction or interruption. If the function of the building or structure dictates placement of such equipment in such a manner or location that the building exterior walls themselves are unable to screen the equipment from view of a passenger in an automobile traveling along adjacent existing and proposed streets, roads, highways or internal drives, they shall be separately screened using materials compatible with the approved building materials and the height of such screening shall be equal to the height of the equipment to be screened. Accessory building, enclosures, appurtenant structures to, or intrusions from any building or structure shall be of similar or compatible materials, design and construction.

E. Building Material Colors

Part of the overall concept of Clarkson Clayton Center is to visually unify the entire Center. To attain this objective, it is the design intent that the color of exterior materials used in the construction of all buildings, enclosures and appurtenant structures shall present a warm earth tone appearance. Specific exceptions may be granted and the final approval of building material colors is vested with the Board of Trustees.

F. Landscaping

The quality of the Clarkson Clayton Center environment is dependent to a large degree on the overall landscaping system of which the specific landscaping program for each individual building project is an integral part.

1. General. Each building project shall include landscaping and the landscaping plan shall be submitted for review and approval to the Board of Trustees prior to installation.
2. Specific. In addition to the above general requirements, each specific building project shall include a minimum of one (1) three and one-half inch (3 1/2") caliper hardwood or evergreen tree for each thirty linear feet (30') of existing and proposed street, road and highway frontage to be planted between the right of way and the building line or any paved area except entry drives, if such be between the right of way and the building line; (2) a minimum of one (1) two and one-half inch (2 1/2") caliper hardwood or evergreen tree for each two thousand (2,000) square feet of paved area, one half of which must be planted in islands within the paved area with the remainder planted along the perimeter within ten (10) feet of the paved area; (3) and in addition, a minimum of ten (10) hardwood or evergreen trees at least four

feet (4') in height for each one (1) acre of land developed. Tree pockets within a parking area shall be protected by nonmountable, solid curbing. For those building sites abutting the western and southern property lines of Clarkson Clayton Center, one-half (1/2) of the hardwood or evergreen trees specified in (3), supra, may be planted in the landscaped setback areas. Preservation of existing trees in excess of four inch (4") caliper shall be considered equal to placement of new trees. All undeveloped portions of the building site shall be sodded or seeded and fertilized. All landscaping required by this paragraph shall be planted within three (3) months after issuance of an occupancy permit for any portion of the building project.

#### G. Land and Landscaping Maintenance

It shall be the duty of the owner of each and every building site in Clarkson Clayton Center to keep and maintain, including necessary cutting, watering, fertilizing, aerating, spraying, pruning, weeding and replacement of the lawns, groundcovers, trees, shrubbery, vines and landscaping beds on his building site to include all easements within that site. Fertilizing and spraying for control of insects and fungus shall be accomplished in such a manner as to avoid contamination to the drainage system. All live trees shall be preserved unless written consent to remove such trees has been granted by the Board of Trustees. Any planted landscaping which dies or becomes unsightly shall be replaced within (3) months. On vacant building sites the owner shall keep the grass or weeds cut to a height below twelve inches (12"). In the event any such owner fails to comply with these provisions within five (5) working days after written notice from the Board of Trustees, the Trustees shall have the right to enter the parcel in question and, at the expense of the property owner concerned, correct all discrepancies so noted in the same manner as provided in Paragraph J, below.

#### H. Lakes and Drainage System

The Clarkson Clayton Center lake contributes measurably to the overall cohesiveness and aesthetic appeal of the entire community; but more importantly it serves an essential engineering purpose as an integral part of the storm water control system. It is incumbent upon each and every property owner within Clarkson Clayton Center to respect the design and area of the lake and drainage structures and channels and it shall be the property owner's responsibility to insure that sufficient protective measures have been taken before, during and after construction to prevent any and all debris from entering the drainage structures, channels and lake. Particular attention shall be given to erosion control and the prevention of the introduction of dirt, sand, mud or silt into the drainage facilities. Each property owner shall be responsible for maintenance of the drainage easements, channels, structures and lake on his property and shall insure that these areas are kept free of trash and refuse and that the grass in these areas is maintained at a height of less than six inches (6"). Any discharge of liquid or solid industrial or commercial waste or sanitary waste into the interior drainage facilities from any building site within Clarkson Clayton Center is expressly prohibited. Specific precautions shall be taken to exclude or prevent petroleum products, polluting type fertilizers, insecticides, herbicides, rock salt and other snow and ice melting chemicals from entering the storm sewer and interior drainage system from building sites, highways, streets, and roads. If any owner fails to comply with these provisions, the Board of Trustees is empowered to correct all violations at the expense of the property owner concerned the same as provided in Paragraph B (1) Section VI below.

#### I. Condition of Premises

Each property owner in Clarkson Clayton Center shall carefully maintain his property and all structures, buildings, appurtenances, screening fences, parking areas and drives and lighting thereof, drainage channels, structures and lake, signs, and other improvements of whatever nature thereon in a safe, clean and wholesome manner and in first

class condition and repair at all times. If any such owner fails to maintain his property in accordance with the standards herein described, the Board of Trustees shall notify said owner in writing of discrepancies and request correction thereof within thirty (30) days. If the property owner fails to correct all discrepancies so noted within the thirty (30) days, the Trustees shall have the right to enter upon the land or building site in question and, at the expense of the property owner concerned, correct said discrepancies using due diligence in making such repairs as if the Board of Trustees was the owner of the property. If due to extraordinary circumstances, the property owner is unable to complete such maintenance and repairs within the thirty (30) days and so notifies the Board of Trustees in writing setting forth the reasons why additional time is requested, the Board of Trustees may, at its discretion, extend the time period. If the Board of Trustees is compelled to correct the discrepancies, at reasonable cost of such maintenance and repairs shall be assessed against and become a lien on the property concerned and shall be billed to the property owner by certified mail and shall be due and payable within ten (10) days after posting. If said account remains unpaid for thirty (30) days, it shall be considered delinquent and the lien shall become collectable the same as provided in Paragraph B, Section VI of these indentures.

J. Signs

All exterior signs within Clarkson Clayton Center shall contribute to the overall cohesiveness of the community and the achievement of the Clarkson Clayton Center objectives as stated in Section III. To this end all signs, permanent or temporary, which are visible from the exterior of a building shall require the written approval of the Board of Trustees both as to design and location before erection. In its review, the Board of Trustees shall consider the design criteria set forth below and whether the proposed location and construction would obstruct views, create visual interference or create a safety hazard. Any sign erected without such written approval shall be removed by the Board of Trustees or their designee if the violator fails to do so within ten (10) days after notification by certified mail that he is in violation of these indentures.

1. Permanent Signs

a. General. Except as modified below, signing shall be limited to one permanent exterior sign per building site. All permanent exterior signs except for directional signs shall display only the name and address of the building or the name, address and logo type of the firm or firms occupying the building. Permanent exterior signs may be affixed to the building facade or erected as free standing monuments. Free standing signs including directional signs may be double faced if the two faces are parallel, directly opposite and face opposite directions. With the written approval of the Board of Trustees essential directional signs may be placed at the entry and exit of parking, receiving, shipping and loading areas. Moving signs, roof top signs and signs extending above the roof line or protruding at an angle from the face of the building to which affixed are prohibited. All permanent exterior signs shall be in harmony with the style, color, materials, and construction of the building to which it refers.

b. Size. Except for directional signs, the maximum area of any permanent exterior building sign affixed to the building shall be limited to either five percent (5%) of the building facade facing existing and proposed streets, roads and highways or ninety (90) square feet, whichever is the lesser. The area of a sign shall be calculated using the outside dimensions of a rectangle whose edges coincide with the highest and the lowest letter height and logo type and the first and last letter width and logo type. In addition, the maximum height of lettering and logo type shall be limited to twenty-four inches (24") for permanent exterior signs affixed to a

building. Free standing permanent exterior signs other than directional signs shall be allowed a maximum letter and logo type height of twelve inches (12"). The maximum face area on each face of free standing permanent exterior signs shall be limited to forty (40) square feet excluding the mounting posts. The top of the sign, however, shall have a maximum height of seven feet (7') above the level of the street, road or highway upon which the building fronts.

c. Illumination. Exterior signs may be illuminated provided that such illumination is white in color and is constant in nature, specifically excluding traveling and flashing illumination of any kind. All illumination shall be of a non apparent source with a maximum intensity of two hundred (200) foot lamberts. Backlighted signs may use illumination other than white in color, but all illumination for backlighted signs shall be contained within the area of the sign. All electrical transformers, conduit, crossovers, raceways, ballast boxes and sign cabinets required for any sign shall be totally hidden from view.

d. Directional Signs. Certain informational and directional signing within Clarkson Clayton Center is necessary to avoid confusion and traffic congestion. Accordingly, the Board of Trustees shall develop an overall signing plan for Clarkson Clayton Center which shall include specifications and standards for information and directional type signing. The style, design, size, construction, color and location of all such signs shall be consistent with the standards and specifications as contained in this overall signing plan. Such signs shall be free standing and mounted on painted metal posts with the top of the sign four feet six inches (4'6") above the level of the street. They shall have a maximum face area on each face of four (4) square feet, a maximum letter height of four inches (4") and, if desired, a logo type with a maximum height of five inches (5").

## 2. Temporary Signs.

a. General. Paper signs, stickers, transfers, signs painted on, affixed to, and visible through the windows, doors and exterior walls of a building and other signs of a temporary character or purpose, regardless of the composition of the sign or materials used therefor, are expressly prohibited except as specified below. All temporary signs authorized by the Board of Trustees shall be maintained in a sightly and well kept condition at all times and shall be removed by the Board of Trustees or their designee if the property owner fails to correct unsightly conditions within ten (10) days after notification by certified mail to do so.

b. Construction Signs. Upon written approval of the Board of Trustees, a temporary wood, metal or plastic sign may be allowed during the construction of a building project. Such signs shall be either single or double-faced with each face having a maximum area of sixty-five (65) square feet for building sites up to five (5) acres and one hundred thirty (130) square feet for building sites in excess of five (5) acres. All signs permitted under this provision shall be removed immediately upon issuance of an occupancy permit for any building constructed on the site.

c. Sale and Lease Signs. Upon written approval of the Board of Trustees, a temporary wood, metal, or plastic sign may be erected on a developed lot to offer the property for sale or lease. The style, design, size, construction, color and location of all such signs shall be specified by the Board of Trustees in accordance with the overall Clarkson Clayton Center signing plan. One (1) such sign shall be authorized for lots with a street frontage of four hundred feet (400') or less and one (1) additional sign shall be authorized for each additional four hundred feet (400') or major fraction thereof, of street frontage.

3. Modifications.

a. General. Signs identifying the Clarkson Clayton Center; the Grantor; the main entrances to Clarkson Clayton Center; required traffic signs, and other directional signing within the community which is the direct responsibility of the Board of Trustees are exempt from these restrictions. Such signs, however, shall correspond with the letter and intent of Section III of these indentures and shall be for the overall betterment of the entire Clarkson Clayton Center.

b. Multiple Tenant Office Buildings. Upon written approval of the Board of Trustees, tenants within multiple tenant office buildings may have individual permanent exterior signs, subject to the above restrictions, provided the tenant has independent direct access from all exits of his space to the outside without going through a public lobby, corridor, mall or atrium. All permanent exterior signs permitted under this provision shall be a maximum of six inches (6") in height, affixed to the building facade or screening wall, and of the same letter style and color as the other signs on the building and building site.

c. Multiple Tenant Retail Commercial Buildings. Upon written approval of the Board of Trustees, retail tenants within multiple tenant retail commercial buildings may have individual permanent exterior signs, subject to the above restrictions, provided the tenant has independent direct access from all exits of his space to the outside without going through a public lobby, corridor, mall or atrium. All permanent exterior signs permitted under this provision shall be permitted a maximum height of lettering and logo type as follows:

<u>Retail Commercial Area</u>	<u>Maximum Height of Letter and Logo Type</u>	<u>Maximum Number of Permanent Signs Allowed</u>
25,000 s.f. or more	30"	2*
10,000 s.f. to 24,999 s.f.	18"	2*
5,000 s.f. to 9,999 s.f.	12"	1
under 5,000 s.f.	9"	1

\*Only one permanent sign shall be allowed for each building face.

Signs under a canopy, balcony or building overhang within an interior or exterior public lobby, plaza, mall, atrium or corridor may be permitted if approved in writing by the Board of Trustees. The location, size and design of all such signs shall be similar in order to present a uniform, neat and orderly appearance. For each public entrance to a retail commercial establishment one non-illuminated small scale signature sign in block letters with a maximum lettering size of two inches (2") which may include store hours, may be painted on the entrance door or glass show window immediately adjacent to the entrance door. Permanent and temporary free standing signs within an interior or exterior public lobby, plaza, mall, atrium or corridor are prohibited except that upon written permission of the Board of Trustees directional signs, directories and signs referring to the commercial complex as a whole may be permitted.

K. Parking

Employee, customer, owner and tenant parking shall be the responsibility of the property owners and they shall provide all necessary parking facilities entirely on their property unless otherwise permitted by mutual parking easements. Parking on streets and roads within Clarkson Clayton Center is expressly prohibited. All parking areas and drives shall be paved with an impervious surface equal to asphalt or concrete and shall be maintained by the owner in a sightly and well-kept condition. The Board of Trustees shall further be empowered to prohibit parking where in their opinion it constitutes a hazard or causes congestion or inconvenience.

L. Off-Street Loading

Provision for handling all freight or deliveries shall be totally within the building site. All loading and freight areas shall be paved with an impervious surface equal to asphalt or concrete and shall be, in the opinion of the Board of Trustees, adequately screened from view from adjacent building sites and existing and proposed streets, roads and highways with screening walls, earth berms, plant material, or any combination thereof.

M. Fences

All fencing within Clarkson Clayton Center shall be approved in writing by the Board of Trustees prior to erection. Only fencing materials compatible with the building materials used to construct other structures on the building site shall be permitted. Wire fencing, if permitted, shall be, in the opinion of the Board of Trustees, adequately screened from view from all lakes, existing and proposed streets, road and highways, and contiguous building sites by earth berms or plant material or both. Fencing within any drainage easement is prohibited.

N. Outside Storage and Equipment

Prior specific written approval from the Board of Trustees shall be required before merchandise, materials, equipment, supplies and products may be displayed, sold, stored or permitted to remain on the building site outside a permanent structure. Outdoor displays, sales or storage, if permitted, shall be permitted only where such storage is, in the opinion of the Board of Trustees, adequately screened from view by the building walls, screening walls, earth berms, plant material, or any combination thereof and such storage shall be confined to the specific locations approved in writing by the Board of Trustees. This provision shall also apply to bulk storage of liquids, petroleum products, refuse containers and all outside equipment to include electrical, heating, ventilating and air conditioning equipment.

O. Waste and Refuse

All waste materials and refuse shall be removed from all building sites within Clarkson Clayton Center as required by appropriate City of Ellisville ordinances. Prior to removal from the building site, temporary outside storage of waste materials and refuse shall be allowed if stored within completely enclosed containers. Such containers shall be screened from view in accordance with Paragraphs M and N, supra. Refuse shall be removed with sufficient frequency so as to eliminate health and safety hazards.

P. Exterior and Interior Lighting

The concept of exterior lighting in Clarkson Clayton Center is to provide generally low light levels within the paved and landscaped areas and high light the buildings themselves. In order to achieve this concept, exterior lighting on all building sites shall be limited to signs and security and safety illumination of parking lots, access drives and walks, building entrances, loading areas and service areas and exterior lighting of overall building surfaces. Exterior lighting plans for each building site shall be submitted for review and approval by the Board of Trustees prior to installation. All exterior lighting within Clarkson Clayton Center shall be accomplished by using nonapparent source fixtures with a maximum intensity equal to or less than a four hundred (400) watt mercury vapor lamp. All exterior and interior lighting visible from the exterior of a building shall be white in color and constant in nature, specifically excluding traveling, flashing and intermittent illumination of any kind and shall be so arranged or shielded as to avoid glare and reflection onto adjacent existing and proposed streets, roads, highways, lake and building sites. Pole mounted exterior fixtures shall be limited to a maximum height of twenty four feet (24'). Special decorative lighting during the Christmas Holiday Season is encouraged and may be allowed upon written approval of the Board of Trustees.

Q. Sanitary Sewerage Treatment

The sanitary sewerage treatment system serving Clarkson Clayton Center is operated by the City of Ellisville or its successor. Each purchaser of property within Clarkson Clayton Center specifically agrees to abide by the rules and regulations of said sewer district and to either directly or reimburse Grantor if Grantor has previously paid for sewerage connection fees, all charges for pretreatment, if any, and all service charges assessed by said sewer district.

R. Right to Repurchase

If, after the expiration of one (1) year from the date of closing of a sale for any building site within Clarkson Clayton Center the purchaser fails to begin in good faith the construction of an acceptable and approved building project upon said building site in accordance with all provisions of these indentures, and diligently pursue the completion of the construction of such building project, Grantor may after said one (1) year period, at its option, require the Purchaser to reconvey the building site, free and clear from all liens and encumbrances exclusive of these indentures, and at such time Grantor shall refund to the Purchaser the original purchase price and enter into possession of said building site. Upon written request, Grantor may extend in writing the time period in which such building project must be initiated.

S. Right to Resubdivide

Once a building site has been purchased from the Grantor, its successors and assigns, such building site shall be considered as a single unit and further subdivision or sale, lease or renting of a portion of the building site is prohibited unless written approval is given by the Board of Trustees.

T. Maintenance Easement

Grantor hereby grants to the Board of Trustees a nonexclusive easement so that they, their designees or employees shall have the right, license, permission and consent to free and unrestricted access upon and across all real property in Clarkson Clayton Center for the purposes of maintenance, repair, operation and improvement of all interior drainage facilities, channels and lake with the understanding that the Board of Trustees, their designees or employees shall respect any and all approved prior and existing uses of said property. In consideration of the above right, license, permission, and consent the Board of Trustees agrees to indemnify the Grantor, its successors or assigns against claim for personal injury and property damage.

SECTION VI

DURATION AND ENFORCEMENT

A. Duration of Indentures

Each of the conditions, covenants, indentures, restrictions and reservations herein contained shall continue and be binding upon the Grantor and upon its successors and assigns and upon each of them, and all parties and persons claiming under Grantor in perpetuity, provided that any time the owners of two-thirds (2/3) of the true value of the assessable property in Clarkson Clayton Center may, be written declaration signed and acknowledged by them and recorded in the St. Louis County Records, alter, amend, extend, supplement, add to, or terminate such restrictions, conditions, covenants and indentures, provided that such alteration, extensions, supplement, addition, amendment, or termination shall insure provisions for the perpetual operation and maintenance of the interior drainage system as enumerated herein. The Board of Trustees are granted the right and authority to alter, amend, extend, supplement, add to or terminate all or part of these Indentures, if such be authorized by these Indentures or required to comply with the rules of any governmental agency or law, whether Federal, State, or local.

## B. General Enforcement

The indentures herein set forth and the covenants and conditions shall operate as indentures running with the land into whosoever hands the above described property, or any part thereof shall come, and all provisions shall be enforceable at the suit of any property owner thereof, the Grantor, or the Board of Trustees. The failure of a property owner, the Grantor, or the Board of Trustees to enforce any of the covenants herein set forth, at the time of violation, shall in no event be deemed to be a waiver of their right to do so to any subsequent violation.

1. Violations. In the event that any property owner violates criteria set forth in these Indentures or any amendments or supplements thereto, the Grantor or the Board of Trustees shall take all action reasonably necessary at the expense of the property owner concerned to correct such violations. These indentures specifically reserve to the Grantor and the Board of Trustees, or persons acting in their behalf the right and license, to enter upon any property with men, equipment, materials and other necessary articles, all without being guilty of trespass or subject to any liability or damages, to complete such work as is necessary to correct said violations. In the event that such corrective action is necessary or in the event that in the opinion of the Grantor or the Board of Trustees it shall be necessary to secure the services of an attorney to enforce any provision of these indentures, then the cost of such work and/or the fee of such attorney and all other costs in connection shall be assessed against and paid by the owner of the assessable property which is the subject of the proceedings. Such assessment shall become a lien on the property concerned and be billed to the property owner by certified mail and shall be due and payable within ten (10) days after posting. If said assessment remains unpaid for thirty (30) days, it shall be considered delinquent and the Board of Trustees shall record necessary documents in the St. Louis County Records setting forth such lien on property in question and the lien shall be collectable the same as provided in Paragraph 3, below.

2. Non-Payment of Assessment. Every assessment made pursuant to these indentures shall become a lien on the assessable property against which levied and shall be due and payable within thirty (30) days after notice is given as provided in Paragraph H 3 c, Section IV, supra. If said assessments remain unpaid after thirty (30) days, they shall be considered delinquent and shall bear interest at the rate of ten percent (10%) per annum compounded annually until paid. The Board of Trustees may record necessary documents in the St. Louis County Records setting forth such lien on the property in question and the lien and reasonable attorney's fees and all other costs in connection with any contemplated or actual legal proceedings in connection with such collection shall be collectable as provided in Paragraph 3 below. The Board of Trustees shall, upon full payment, cancel or release said assessable property from the lien of the delinquent assessment by executing, acknowledging and recording, at the expense of the owner of the assessable property affected, a release of such lien for the delinquent assessment with respect to the assessable property affected. The lien of all assessments levied and recorded, as herein provided, shall take precedence over any and all mortgages and deeds of trust or any other liens placed on any of the property herein described after these indentures have been recorded in the St. Louis County Records, or those filed prior to such recording if same have been subordinated to these Indentures.

3. Collection of Delinquent Assessment. Every owner, purchaser, and person holding title to assessable property in Clarkson Clayton Center hereby acknowledges, understands, and agrees that in the event an assessment made against their assessable property becomes delinquent for any reason, the Board of Trustees shall institute and prosecute any legal proceedings at law and/or in equity, or

both, against said owner, or person holding title to the assessable property for which the assessment is delinquent, to compel such payment with interest, cost of suits, and reasonable attorney's fees attending the recovery of the delinquent payments. Said assessable property for which the assessment shall be delinquent, shall at all times on occasion of such delinquency be liable to be sold under the order or decree of any court of competent jurisdiction under appropriate legal or equitable proceedings in the like manner as if the amount so due and unpaid with interest, costs and reasonable attorney's fees was secured by Deed of Trust on such assessable property, to the end that out of the proceeds of such sale the said amounts so delinquent be raised and paid, with interest, costs and reasonable attorney's fees. The purchaser or purchasers, however, at any such sale shall take subject to these indentures and to all of the created or granted, in the same manner and to the same extent as if said property owners had sold said assessable property from the lien of the particular delinquent assessment on account of which said sale occurred.

C. Liability of Trustees

Each of the Trustees hereunder shall be responsible only for his own wrongful acts and willful default and not one Trustee for the other or others, and no Trustee herein shall ever be held personally liable for injury to persons or property by reason of any act or acts of commission or omission by said Trustees respectively or collectively. The Trustees shall not be liable in damages to anyone submitting plans for approval or making any other request of the Trustees, or to any owner, lessee or sublessee of property in Clarkson Clayton Center by reason of mistake in judgment, negligence or nonfeasance of itself, its agents or employees, arising out of or in connection with the approval or disapproval, or failure to approve any plans or other requests. The Board of Trustees is authorized to employ counsel and pay expenses of litigation to defend suits brought against said Trustees whether as Trustees or individually by reason of any such act or acts set forth herein. The Board of Trustees is also authorized to purchase liability insurance protecting themselves both as Trustees and as individuals.

D. Transfer of Property

Any sale, transfer or conveyance of ownership, or lease of property shall include in the sale, transfer or conveyance, or lease documents a provision that the purchaser or lessee acknowledges, understands, and agrees to be bound by the conditions, covenants, indentures, restrictions, reservations, and easements herein set forth. All sales or transfers or conveyances of ownership shall be reported by the holder of title upon completion of the transaction to the Board of Trustees by certified mail indicating the property involved, the seller and the purchaser. Failure to notify the Board of Trustees of such transaction shall cause an encumbrance to run with the property concerned until such encumbrance is relieved from the property by the giving of said notice to the Board of Trustees.

E. Invalidation of Part

In the event any of the conditions, covenants, indentures, restrictions, reservations, and easements contained in this instrument or any part thereof should be declared void or for any reason unenforceable, the validity and binding effect of the others shall be unimpaired and unaffected and the same shall remain in full force and effect.

F. Interpretation

As a matter of understanding and convenience for purposes of interpretation and enforcement, these indentures are to be interpreted for the mutual benefit and protection of the property owners of Clarkson Clayton Center which intent is set forth in Section III, General Purposes of these indentures.

G. Captions

The captions, section numbers and article letters appearing in these indentures are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such sections or articles of these indentures nor in any way modify or affect these indentures.

H. Governmental and Agency Regulations

Each and every parcel of land in Clarkson Clayton Center shall be subject to all present applicable laws, ordinances, rules and regulations and orders of the United States Government, the State of Missouri, and City of Ellisville which shall specifically include Ellisville Ordinance 7513 as enumerated in Paragraph A, Section V, supra.

IN WITNESS WHEREOF, the parties have hereunto subscribed their signatures the day and year first above written.

CLARKSON-CLAYTON DEVELOPMENT CO.

\_\_\_\_\_  
N. P. Sandbothe

\_\_\_\_\_  
E. C. Keeven

ATTEST:

\_\_\_\_\_  
Secretary

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

On this \_\_\_\_ day of \_\_\_\_\_, 1977, before me appeared N. P. Sandbothe and E. C. Keeven, to me known to be the persons who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at \_\_\_\_\_, the day and year first above written.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
  
\_\_\_\_\_

EXHIBIT "A"

DESCRIPTION OF PROPERTY

A tract of land being part of Lot 7 of "Springer and Boylan's Subdivision of the Wilson Farm", a Subdivision according to the plat thereof recorded in Plat Book 10, Page 60 of the St. Louis City (former County) Records, in Section 32, Township 45 North, Range 4 East, St. Louis County, Missouri, and described as follows:

Beginning at a point on the Western line of Clarkson Road, 60 feet wide, at its intersection with the Southern line of Clayton Road, 40 feet wide; thence along said Western line of Clarkson Road South 1 degree 49 minutes East, 185.04 feet to an angle point therein; thence continuing along said road line South 0 degrees 14 minutes West, 668.58 feet to its intersection with the Northern line of property described in Deed to St. Louis County Library District Board recorded in Book 5594, Page 479 of the St. Louis County Records; thence leaving said road line and running along said Northern line South 89 degrees 28 minutes West, 484.05 feet to the Northwestern corner thereof; thence along the Western line of said property South 0 degrees 14 minutes West, 450.00 feet to its intersection with the Northern line of Springer Avenue, 50 feet wide; thence along said Northern road line South 89 degrees 28 minutes West, 836.70 feet to its intersection with the Western line of Lot 7 of "Springer and Boylan's Subdivision of the Wilson Farm", as aforementioned; thence along said Western lot line North 0 degrees 08 minutes 30 seconds East, 1299.16 feet to its intersection with the Southern line of Clayton Road, as aforementioned; thence along said road line North 89 degrees 16 1/2 minutes East, 1316.27 feet to the point of beginning and containing 34.47 Acres, more or less.

EXHIBIT "B"

DEFINITION OF TERMS

"Clarkson Clayton Center" shall mean the real property which is subject to these indentures pursuant to Section II.

"Grantor" shall mean Clarkson Clayton Development Co., its successors and assigns unless the context indicates otherwise.

"Owner or Owners" shall mean the person(s), partnership(s), corporation(s), governmental entities, educational or religious institutions, or other legal entities in whom fee simple title to developable land in Clarkson Clayton Center is vested as shown in the St. Louis County Records, but where the building site is subject to a 99 year lease renewable forever, the lessee shall for purposes of these indentures be considered the owner. Owners of developable land shall have the right, privilege, obligation, duty responsibility, liability and burden to abide by all provisions of these indentures to include payment of general and special assessments for support of Clarkson Clayton Center facilities as defined in Paragraph H, Section IV, herein.

"Building Site" shall mean any lot, developed lot, tract, tracts, or portions thereof of real property including real property subject to recorded easements as set forth in the deed conveying title to the property upon which a building or buildings and appurtenant structures may be erected.

"Improvements" shall mean results of any monies expended or placed in escrow to be spent on a building site with the exception of maintenance of the properties.

"Developable Land" shall mean any and all land within Clarkson Clayton Center which is available for development as a commercial or office building site and shall exclude all highway, street, and road rights of way and all property dedicated to and accepted by or in which title is held by the Board of Trustees.

"Assessable Property" shall mean any and all real property in Clarkson Clayton Center which is developable land or a building site and all improvements situated within the legal boundaries of said developable land or building site as recorded in the St. Louis County Records.

"Building Line or Lines" shall mean the minimum distance which buildings and out buildings shall be set back from the property lines.

"Lot" shall mean any lot within the Clarkson Clayton Center property as the same shall appear on any recorded subdivision plat.

"Developed Lot" shall mean any lot with street, utility and drainage improvements which is ready to receive a building.

"Shall" and "May". For purposes of this indenture "shall" is meant to be a mandatory term or provision; "may" is meant to be a conditional or permissive term or provision.

INTRODUCED BY MAYOR SMITH AND COUNCIL MEMBERS  
COMPTON, SCHNEIDER, ANDERSON, NOVAK, NORWOOD & KHOURY

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO THE ST. LOUIS COUNTY LIBRARY DISTRICT TO ALLOW THE CONSTRUCTION AND OPERATION OF ADDITIONS TO THE DANIEL BOONE LIBRARY, 300 CLARKSON ROAD WITHIN THE C-3 COMMERCIAL ZONING DISTRICT**

WHEREAS, a public hearing has been held by the Council of the City of Ellisville on July 6, 1994, pursuant to Chapter 30 of the Municipal Code of the City of Ellisville, for issuance of a Conditional Use Permit to the St. Louis County Library District to allow the construction and operation of additions to the Daniel Boone Library at a location numbered 300 Clarkson Road; and

WHEREAS, all persons present at such hearing were given an opportunity to be heard and were heard; and

WHEREAS, a copy of the proposed Ordinance has been made available for public inspection prior to its consideration by the Council; and

WHEREAS, the Council finding that the project (1) would not adversely affect traffic conditions, (2) would not substantially increase fire hazards, (3) would not adversely affect the character of the neighborhood, (4) would not adversely affect the general welfare of the community, (5) would not overtax the sewage or public utilities, (6) would not adversely affect or overtax Police or other City services, (7) would be the highest and best use of the location applied for, (8) would not adversely affect the financial condition of the City including an adverse impact upon utility, property and sales tax, (9) would not have a substantial negative impact on the environment, and (10) would comply with all applicable provisions of Chapter 30, Zoning, including performance standards as set forth in Section 30-14.

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

**SECTION 1:** The issuance of a Conditional Use Permit pursuant to the provisions of Chapter 30 of the Municipal Code of the City of Ellisville is hereby authorized to the St. Louis County Library

District to allow the construction and operation of additions at a location numbered 300 Clarkson Road, under certain conditions herein contained.

**SECTION 2:** The St. Louis County Library District, acknowledges that said additions shall be constructed in accordance with site plans and building plans dated May 19, 1994.

**SECTION 3:** Issuance of a Conditional Use Permit to the St. Louis County Library District does not constitute authority to construct or operate any signage, and any sign constructed or operated at 300 Clarkson Road shall be authorized by a sign permit issued by the Building Commissioner in conformity with Chapter 21 of the Municipal Code of the City of Ellisville.

**SECTION 4:** The St. Louis County Library District agrees to pay third party plan review costs, including, but not limited to, site plan review.

**SECTION 5:** The St. Louis County Library District ensures that all outside lighting is backshielded to transmit light only to subject property and to prevent excess lighting infiltration onto any adjacent property.

**SECTION 6:** The St. Louis County Library District, shall install and maintain steel doors with a deadbolt system at all rear entrances of said building within one (1) year from the effective date of this Ordinance. To provide security and safe emergency egress from all parts of said building, said steel doors and deadbolt systems shall comply with B.O.C.A. Basic/National Building Codes, as amended, and the Metro West Fire Protection District regulations, as amended, as to design standards and installation.

**SECTION 7:** Petitioner shall provide for the discharge of stormwater from said property in a manner satisfactory to Metropolitan Sewer District and as approved by the City Engineer.

**SECTION 8:** The St. Louis County Library District, acknowledges that this permit shall be null and void if construction does not commence within twelve (12) months from the effective date of this Ordinance.

**SECTION 9:** The St. Louis County Library District, agrees to conform to all Ordinances, Statutes and Fire regulations applicable to the C-3 Commercial District of the City of Ellisville.

**SECTION 10:** This ordinance shall be in full force and effect from and after its passage and approval by the Council.

This Bill No. 2055 having been read by title or in full two times prior to passage and having been duly considered and voted upon was finally passed and approved this 6th day of July, 1994.

First Reading votes:

DATE: 7-6-94

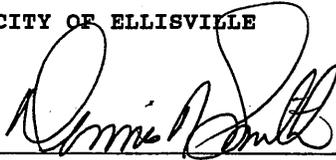
	AYE	NAY	ABSTAIN
COMPTON	<u>X</u>		
SCHNEIDER	<u>X</u>		
ANDERSON	<u>X</u>		
NOVAK	<u>X</u>		
NORWOOD		<u>ABSENT</u>	
KHOURY	<u>X</u>		
SMITH	<u>X</u>		

Second Reading votes:

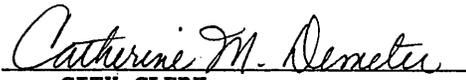
DATE: 7-6-94

	AYE	NAY	ABSTAIN
COMPTON	<u>X</u>		
SCHNEIDER	<u>X</u>		
ANDERSON	<u>X</u>		
NOVAK	<u>X</u>		
NORWOOD		<u>ABSENT</u>	
KHOURY	<u>X</u>		
SMITH	<u>X</u>		

CITY OF ELLISVILLE

  
 \_\_\_\_\_  
 MAYOR

ATTEST:

  
 \_\_\_\_\_  
 CITY CLERK

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO THE JONES COMPANY CUSTOM HOMES, INC. TO ALLOW THE CONSTRUCTION AND OPERATION OF A MULTI-FAMILY COMPLEX ON APPROXIMATELY 8 ACRES, LOTS 6, 7, AND 8 WITHIN THE CLARKSON/CLAYTON CENTER, WITHIN THE R-2 PLANNED RESIDENTIAL ZONING DISTRICT**

**WHEREAS**, a public hearing has been held by the Planning and Zoning Commission of the City of Ellisville on November 28, 2001, pursuant to Chapter 30 of the Municipal Code of the City of Ellisville, for issuance of a Conditional Use Permit to The Jones Company Custom Homes, Inc. to allow the construction of a multi-family complex consisting of thirty-eight (38) single family attached villas on Lots 6, 7, and 8 within the Clarkson/Clayton Center on the south side of Ozark Trail; and

**WHEREAS**, a public hearing has been held by the Council of the City of Ellisville on February 20, 2002, pursuant to Chapter 30 of the Municipal Code of the City of Ellisville, for issuance of a Conditional Use Permit to The Jones Company Custom Homes, Inc. to allow the construction of a multi-family complex consisting of thirty-eight (38) single family attached villas on Lots 6, 7, and 8 within the Clarkson/Clayton Center on the south side of Ozark Trail; and

**WHEREAS**, all persons present at such hearing were given an opportunity to be heard and were heard; and

**WHEREAS**, a copy of the proposed Ordinance has been made available for public inspection prior to its consideration by the Council; and

**WHEREAS**, the Council finding that the project (1) would not adversely affect traffic conditions, (2) would not substantially increase fire hazards, (3) would not adversely affect the character of the neighborhood, (4) would not adversely affect the general welfare of the community, (5) would not overtax the sewage or public utilities, (6) would not adversely affect or overtax Police or other City services, (7) would be the highest and best use of the location applied for, (8) would not adversely affect the financial condition of the City including an adverse impact upon utility, property and sales tax, (9) would not have a substantial negative impact on the environment, and (10) would comply with all applicable provisions of Chapter 30, Zoning, including performance standards as set forth in Section 30-14.

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

(02-25-02)

(c) The developer, until such time that the homeowners association is established, shall be responsible for: snow and ice control, and maintenance of the private street, sidewalks, sight proof fence, landscape buffer, storm water detention basin and its surrounding area, and all other common areas. Said control and maintenance shall become the responsibility of the homeowners association when established;

(d) Temporary buildings or trailers may be used as construction offices, field office or for storage of materials to be used in connection with the development, provided that said temporary structures are approved by the City Engineer;

(e) Temporary sales office may be established in a display dwelling unit or temporary structure, provided that said temporary structure is approved by the Architectural Review Board;

(f) No temporary buildings or trailers shall at any time be located closer than fifty (50) feet to a property line of any adjacent property, notwithstanding the required setbacks of the zoning district in which such temporary building or trailer is located;

(g) Landscape buffer is to be installed in compliance with a landscape plan approved by the city's third party landscape consultant and is to be no less than (fifty) 50' from the west property line and no less than (thirty) 30' from the south property line;

(h) A wooden sight proof fence six (6) feet high is to be installed within the landscape buffer on west and south, the exact location to be determined and approved by the City Engineer;

(i) No construction equipment or materials shall at any time be stored closer than one hundred (100) feet to an occupied residential lot;

(j) Due to proximity of tract to a large number of single family residences, construction activities, including, but not limited to excavation and erection of structures, shall only be conducted from Monday through Friday between the hours of 7:00 am to 7:00 p.m.;

(k) Interior sidewalks to connect to Wren Trail; and

(l) Stop signs to be posted at street entrance to both Clarkson Pines and Ozark Trails.

**SECTION 5:** A grading permit is required prior to any grading on the site pursuant to Section 30-78 of the Municipal Code of the City of Ellisville. No change in watersheds shall be permitted. Interim storm water drainage control in the form of siltation control measures is required.

**SECTION 6:** The Jones Company Custom Homes, Inc. shall provide adequate temporary off-street parking for construction employees within thirty (30) days of issuance of a grading permit. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud

from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

**SECTION 7:** If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual, such as rye or sudan grasses, shall be utilized to retard erosion.

**SECTION 8:** Failure to comply with any or all the conditions of this ordinance shall be adequate cause of revocation of permits by issuing City departments or elected/appointed Boards/Councils.

**SECTION 9:** The City Engineer of the City of Ellisville, Missouri, shall enforce the conditions of Ellisville.

**SECTION 10:** The Jones Company Custom Homes, Inc. shall provide for the discharge of storm water from said property in a manner satisfactory to Metropolitan Sewer District and as approved by the City Engineer.

**SECTION 11:** The Jones Company Custom Homes, Inc. agrees to pay third party plan review costs, including, but not limited to, site plan review, traffic studies and landscape plan review.

**SECTION 12:** The Jones Company Custom Homes, Inc. ensures that all outside lighting is backshielded to transmit light only to subject property and to prevent excess lighting infiltration onto any adjacent property.

**SECTION 13:** The Jones Company Custom Homes, Inc. shall comply with B.O.C.A. Basic/National Building Codes, as amended, and the Metro West Fire Protection District regulations, as amended.

**SECTION 14:** The Jones Company Custom Homes, Inc. acknowledges that this conditional use permit shall be null and void if (a) construction does not commence within twelve (12) months from the effective date of this Ordinance and (b) construction is not substantially completed within twenty-four (24) months of commencing construction. The Council may grant extensions not exceeding one hundred eighty (180) days each, upon written application, without notice or hearing. Extensions will be granted for delays resulting from labor disputes and/or weather factors.

**SECTION 15:** The Jones Company Custom Homes, Inc. agrees to conform to all Ordinances, Statutes and Fire regulations applicable to the R-2 Planned Residential District of the City of Ellisville.

**SECTION 16:** This ordinance shall be in full force and effect from and after its passage and approval by the Council.

This Bill No. 2654 having been read by title or in full two times prior to passage and having been duly considered and voted upon was finally passed and approved this 6th day of March, 2002.

First Reading votes:

Second Reading votes:

DATE: 3-6-02

DATE: 3-6-02

	AYE	NAY	ABSTAIN		AYE	NAY	ABSTAIN
KNAPP	<u>X</u>				<u>X</u>		
JAMES	<u>X</u>				<u>X</u>		
ALLEN	<u>X</u>				<u>X</u>		
LACAILLE		<u>ABSENT</u>				<u>ABSENT</u>	
MURPHY	<u>X</u>				<u>X</u>		
BUENTE	<u>X</u>				<u>X</u>		
KHOURY	<u>X</u>				<u>X</u>		

ATTEST:

CITY OF ELLISVILLE

Catherine Demeter  
CITY CLERK

[Signature]  
MAYOR

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO DIERBERG'S MARKET TO ALLOW THE EXPANSION OF THE EXISTING GROCERY AT 1312 CLARKSON CLAYTON CENTER, APPROVING A BOUNDARY ADJUSTMENT PLAT, AUTHORIZING THE VACATION OF A PORTION OF A PUBLIC USE EASEMENT KNOWN AS OZARK TRAIL, AND AMENDING ORDINANCES #876, #1918 AND #2491.**

**WHEREAS**, Dierberg's Market has requested approval of a Boundary Adjustment Plat for properties situated at the Clarkson Clayton Center, 300 Clarkson Road, and Villas at Kensington which has been found to comply with Subdivision and Zoning Ordinances, and which contemplates the vacation of a portion of a public use easement known as Ozark Trail; and

**WHEREAS**, Dierberg's Market has further petitioned for a conditional use permit to allow a 16,500 sq. ft. expansion of the existing grocery at 1312 Clarkson Clayton Center; and

**WHEREAS**, a public hearing was held by the Council of the City of Ellisville on December 17, 2008 pursuant to Title IV, Land Use, of the Municipal Code of the City of Ellisville, for approval of a conditional use permit to allow a 16,500 sq. ft. expansion of the existing grocery at 1312 Clarkson Clayton Center within the C-3 Commercial Zoning District; and

**WHEREAS**, all persons present at such hearing were given an opportunity to be heard and were heard; and

**WHEREAS**, the Council finding that the project (1) would not adversely affect traffic conditions, (2) would not substantially increase fire hazards, (3) would not adversely affect the character of the neighborhood, (4) would not adversely affect the general welfare of the community, (5) would not overtax the sewage or public utilities, (6) would not adversely affect or overtax Police or other City services, (7) would be the highest and best use of the location applied for, (8) and would not adversely affect the financial condition of the City including an adverse impact upon utility, property and sales tax, (9) would not have a substantial negative impact on the environment, and (10) would comply with all applicable provisions of Title IV, Land Use; and

WHEREAS, a copy of the proposed Ordinance has been made available for public inspection prior to its consideration by the Council.

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

**SECTION 1:** Subject to final approval by City Staff, the Boundary Adjustment Plat of properties situated at the Clarkson Clayton Center, 300 Clarkson Road, and Villas at Kensington as filed with the City of Ellisville and dated October 3, 2008, as revised October 31, 2008, is hereby approved. The City Clerk is hereby authorized and directed to evidence approval of said boundary adjustment plat hereof by signing same and affixing the Seal of the City of Ellisville thereon for recording by Dierberg's Market.

**SECTION 2:** On submission of a vacation plat approved by City Staff, the Mayor and City Clerk are authorized and directed to execute same and to take all other steps necessary for recording by Dierberg's Market and so effect the vacation of a portion of a public use easement known as Ozark Trail, as contemplated in the approved boundary adjustment plat.

**SECTION 3:** The issuance of a Conditional Use Permit pursuant to the provisions of Title IV, Land Use, of the Municipal Code of the City of Ellisville is hereby authorized to Dierberg's Market to allow a 16,500 sq. ft. expansion of the existing grocery at 1312 Clarkson Clayton Center within the C-3 Commercial Zoning District under certain conditions.

**SECTION 4:** Said facility shall be constructed in accordance with approved site development plans dated November 3, 2008; and landscape plans dated November 28, 2008.

**SECTION 5:** The approvals granted pursuant to Sections 1 through 3 hereof are contingent on the Applicant's satisfaction of the following:

- A. Install light standards and street trees along the north side of Ozark Trail to the rear of the grocery; and
- B. Install a sidewalk along the north side of Ozark Trail at such time a sidewalk is installed on abutting property on either side; and
- C. All areas designated for trash disposal and/or compaction shall be enclosed with permanent masonry structures with a siteproof gate.
- D. Secure Architectural Review Board approval for the appearance, design and materials for said expansion.

**SECTION 6:** A downward adjustment in the number of required parking spaces is approved for the Clarkson Clayton Center and required parking is reduced by 208 parking spaces, pursuant to Title IV, Land Use, Chapter 400, Section 490(M), of the Municipal Code of the City of Ellisville.

**SECTION 7:** Section Ten of Ordinance #876, authorizing the construction of the Clarkson Clayton Center, a unified shopping center, is hereby amended with the addition of the following:

“Pursuant to Ordinance No. 2926, the site plan is amended to reflect the re-alignment of Ozark Trail and the expansion of Dierberg’s Market as set out in the site plan dated November 3, 2008.”

**SECTION 8:** Section 2 of Ordinance #1918, authorizing the construction of the Daniel Boone Library, is hereby amended with the addition of the following:

“Pursuant to Ordinance No. 2926, the site plan is amended to reflect the re-alignment of Ozark Trail as set out in the site plan dated November 3, 2008.”

**SECTION 9:** Section 2 of Ordinance #2491, authorizing the construction of the Villas at Kensington, a multi-family complex, is hereby amended with the addition of the following:

“Pursuant to Ordinance No. 2926, the site plan is amended to reflect the re-alignment of Ozark Trail as set out in the site plan dated November 3, 2008. By this amendment the City Council correspondingly approves a reduction in the Villas at Kensington open space requirements, as permitted by Section 400.220(F)(2) of the Municipal Code, to approximately 39%, and Section 15 of this Ordinance is amended accordingly.”

**SECTION 10:** Dierberg’s Market shall conform to all Ordinances, Statutes and Fire regulations applicable to the C-3 Commercial District of the City of Ellisville.

**SECTION 11:** This Conditional Use Permit shall not be valid for a period longer than twelve (12) months from the effective date of this ordinance unless within such period a building permit is obtained and construction is commenced and pursued diligently toward completion. The Council may grant extensions not exceeding one hundred twenty (120) days each, upon written application, without notice or hearing.

**SECTION 12:** This ordinance shall be in full force and effect from and after its passage and approval by the Council.

This Substitute Bill No. 3117 having been read by title or in full two times prior to passage and having been duly considered and voted upon was finally passed and approved this 7th day of January, 2009.

First Reading votes Sub. Bill #3117:

Second Reading votes Sub. Bill #3117:

DATE: 1-7-09

DATE: 1-7-09

AYE NAY ABSTAIN

AYE NAY ABSTAIN

COMPTON	<u>X</u>
ANGLIN	<u>X</u>
LACAILE	<u>X</u>
COOK	<u>X</u>
PAVLACK	<u>X</u>
MURRAY	<u>X</u>
PIRRELLO	<u>X</u>

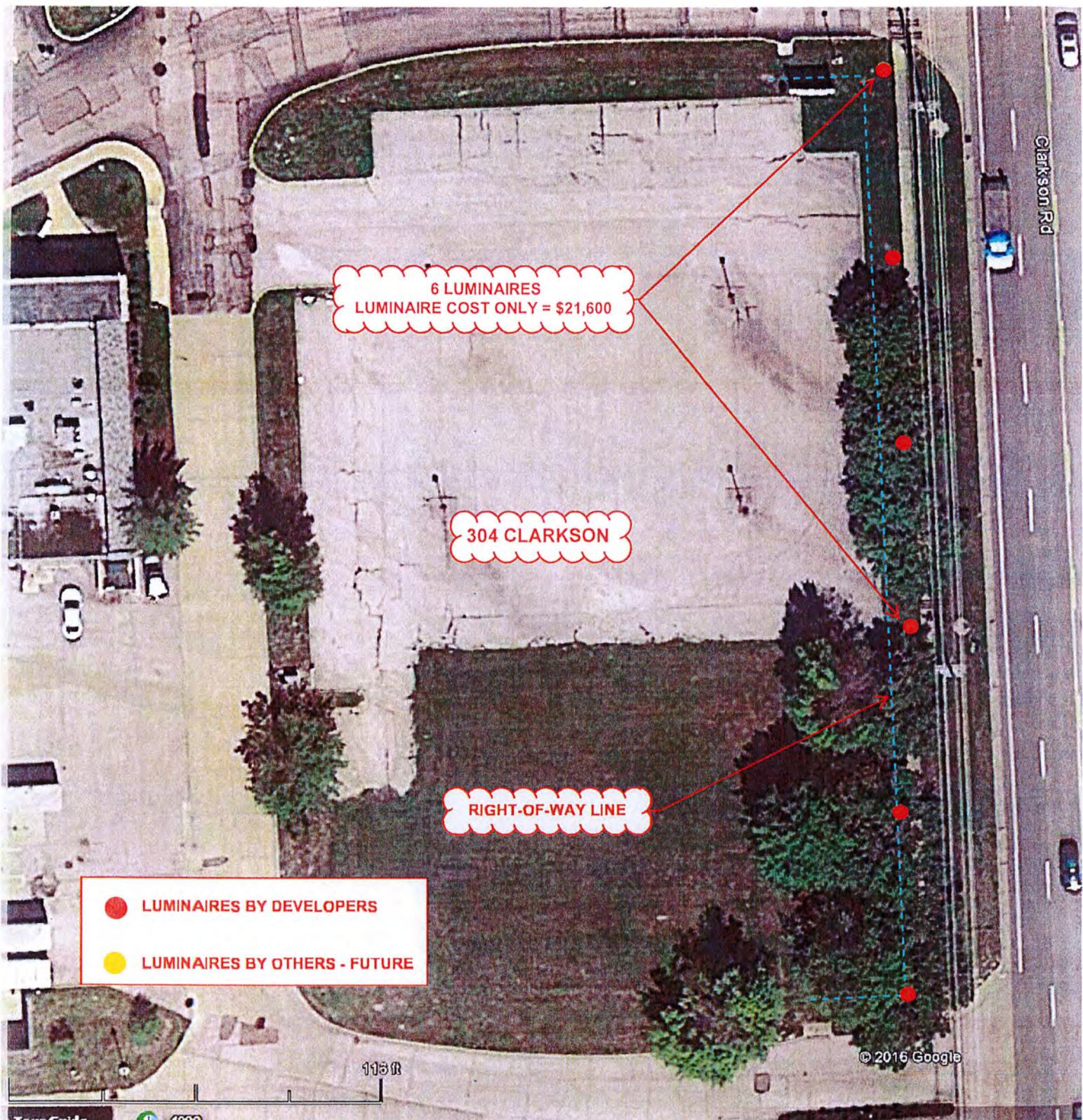
<u>X</u>

ATTEST:

CITY OF ELLISVILLE

  
CITY CLERK

  
MAYOR



# CITY OF ELLISVILLE

## ST. LOUIS COUNTY

# SIDEWALK LUMINAIRE GUIDELINES

## COMMERCIAL DISTRICT

The installation of sidewalk luminaires within the commercial district promotes a walkable, inviting and safe environment encouraging a feeling of community and destination. This is a segment of the envisioned long term enhancement objectives promoting the economic vitality and sustainability of the corridor.

1. Luminaires will generally be located 1 to 3 feet behind the sidewalk.
2. Luminaires will be located on private property or public right-of-way depending upon the location of the sidewalk.
3. Luminaires located on public right-of-way will require coordination and permitting with MoDOT by the developer.
4. Energy and metering will be supplied to luminaires from the developer's project.
5. The developer will provide a lighting plan with a luminaire schedule, photometric layout (independent of any general site photometric layout), typical luminaire/foundation installation detail and electrical plan.
6. A minimum of 1 foot-candle coverage is required for a sidewalk located across the property frontage abutting a public or private street within a commercial zoning district or as determined by the city.
7. Luminaires will be uniformly spaced not to exceed 60 feet between units and no more than 15 feet from a curb cut sidewalk crossing.
8. Luminaires will be manufactured by Sternberg Lighting meeting the following specifications.



<b>POLE</b>	Model: 5200 (52) Height: 12 ft. (12) fluted tapered 6-4 inch, 6063-T5 aluminum allow Shaft Type: (ETFP6-4) Color: Black (BK)
<b>FIXTURE</b>	Type: (A850) Old Town series acorn Mounting: (T) or (TL) twist-lock Configuration: (PT) Lens: (WP) white polycarbonate vandal resistant
<b>FITTER</b>	Type: (5PT) 356 cast aluminum
<b>BULB OPTION I - METAL HALIDE :</b>	
	Ballast: (150MHP) 150 watts Voltage: selected by developer Socket: (MED) medium Optic: (RE5)
<b>BULB OPTION II - LED (XRLED):</b>	
	Driver: (MDL21) 96 watts Color Temp: (45) 4500 K LED's: (12L) number of LED's Optic: (T5)

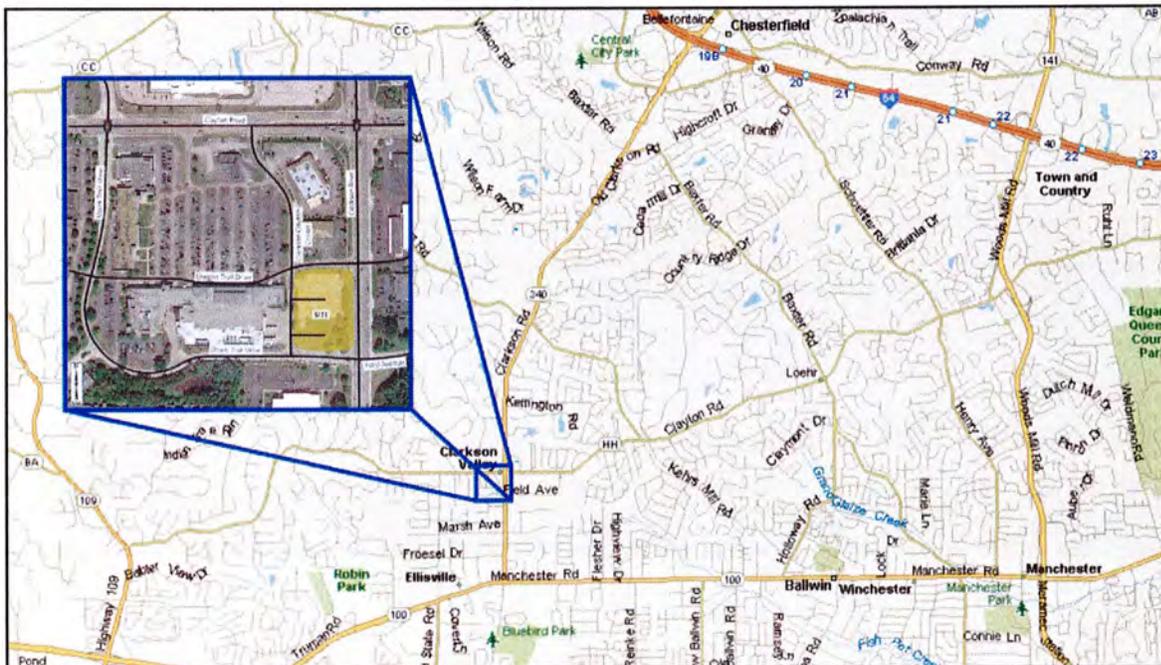
February 29, 2016

Ms. Ada Hood, AICP  
City Planner  
City of Ellisville  
One Weis Avenue  
Ellisville, Missouri 63011

RE: Traffic Impact Study  
Proposed Chick-fil-A Restaurant  
Ellisville, Missouri  
CBB Job No. 007-11-23

Dear Ada:

As requested, CBB has completed a traffic impact study pertaining to the proposed Chick-fil-A restaurant with drive-through located in the northwest quadrant of the intersection of Clarkson Road and Ozark Trail Drive in Ellisville, Missouri. The subject property is essentially an outlot to the existing Clarkson/Clayton Center, which is anchored by Dierberg's. The location of the site in relation to the surrounding road system is depicted in **Figure 1**.



**Figure 1: Project Location Map**





Figure 3: Site Location with respect to the Clarkson/Clayton Center

The following intersections were included in the study:

- Clarkson Road and Ozark Trail Drive;
- Clarkson Road and Oregon Trail Drive;
- Ozark Trail Drive and Clarkson/Clayton Center Drive; and
- Oregon Trail Drive and Clarkson/Clayton Center Drive.

The following analysis scenarios were considered:

- Existing; and
- Forecasted (Existing plus Proposed Development).

The following report presents the methodology and findings relative to the Existing and Forecasted conditions.



## EXISTING CONDITIONS

**Area Roadway System:** **Clarkson Road** is a major north-south arterial that bisects the City of Ellisville. This roadway is comprised of two travel lanes in each direction with a center two-way left-turn lane (TWLTL) and has a posted speed of 35 miles per hour (mph). The Missouri Department of Transportation (MoDOT) controls Clarkson Road. Sidewalk is provided along both sides of the road. During the PM peak hour Clarkson Road, immediately north of Ozark Trail, carries approximately 3,425 vehicles per hour (vph). Traffic volumes on Clarkson Road are predominantly north during the morning hours and south during the evening hours as a result of the commuter patterns in the area.

**Ozark Trail Drive** is comprised of one lane in each direction. According to traffic counts, Ozark Trail adjacent to the proposed site carries approximately 160 vph during the PM peak hour, typically the heaviest hour of the day. Sidewalk is provided along the south side of the road. The posted speed is 20 mph.

**Oregon Trail Drive** is comprised of one lane in each direction. According to traffic counts, Oregon Trail adjacent to the proposed site carries approximately 330 vph during the PM peak hour. Sidewalks are not provided along the road.

**Field Avenue** is comprised of one lane in each direction, though separate left- and right-turn lanes are marked at the approach to Clarkson Road. The traffic volumes on Field Avenue are very low as it is a dead-end street that provides access to approximately 31 homes. Sidewalks are not provided along the road.

The intersections of Oregon Trail and Ozark Trail/Field Avenue are side-street STOP controlled with Oregon Trail and Ozark Trail/Field Avenue stopping at Clarkson Road. Although not striped, both Oregon Trail and Ozark Trail at Clarkson Road are wide enough to accommodate separate left- and right-turn lanes. During field observations, motorists on Ozark Trail were observed utilizing the approach as a two lane approach.

The intersections of Ozark Trail and Oregon Trail at Clarkson/Clayton Center are side-street STOP controlled with Clarkson/Clayton Center required to stop at Ozark Trail and at Oregon Trail.

**Existing Traffic Volumes:** In order to establish existing traffic conditions, manual traffic counts were conducted at the following intersections during the midday (12:00 - 2:00 p.m.) and afternoon (4:00 - 6:00 p.m.) peak periods the first week of February 2016 (local public school calendars were referenced to ensure that the data was collected during normal school operations):

- Clarkson Road and Ozark Trail Drive;
- Clarkson Road and Oregon Trail Drive;



- Ozark Trail Drive and Clarkson/Clayton Center Drive; and
- Oregon Trail Drive and Clarkson/Clayton Center Drive.

The existing midday and PM peak hour traffic volumes are summarized in **Figure 4**.

Based on the traffic data collected, the midday peak hour occurred between 12:00 and 1:00 p.m. and the afternoon peak hour occurred between 5:00 and 6:00 p.m. Given the traffic characteristics in the area and the anticipated trip generation for the proposed development, the peak periods identified would represent a “worst-case scenario” with regards to the traffic impact. That is, if traffic operations are acceptable during the weekday commuter peak hours, it can be reasoned that conditions would be acceptable throughout the remainder of the day.

**Existing Observations:** Based on the field observations during the midday and PM peak hours, there is a heavy, steady flow of traffic on Clarkson Road during the PM peak hours, with moderate to heavy traffic during the midday peak hour. The northbound queues on Clarkson Road at Clayton Road routinely queue back to Oregon Trail Drive and occasionally past Oregon Trail Drive during the PM peak hour. Queues were less during the midday peak hour, with no observed queues past Oregon Trail Drive.

During the PM peak hour, only one vehicle attempted to turn left from Oregon Trail Drive onto Clarkson Road. It appears that patrons of the shopping center have learned that it is very difficult to turn left out of the center on Clarkson Road and are using alternate routes. During the PM peak hour, eight vehicles attempted to turn left from Ozark Trail Drive onto Clarkson Road with an average measured delay of approximately 50 seconds per vehicle. A couple of motorists desiring to turn left from Field Avenue onto Clarkson Road ended up turning right and then turning into the shopping center to then turn around and head back south on Clarkson Road.

Given that Clarkson Road is still fairly busy during the midday peak hour, the left turns from Oregon Trail and Ozark Trail are still very low as patrons of the center utilize alternate routes. The six vehicles turning left from Oregon Trail and the three vehicles turning left from Ozark Trail experienced moderate delays trying to complete their maneuver.

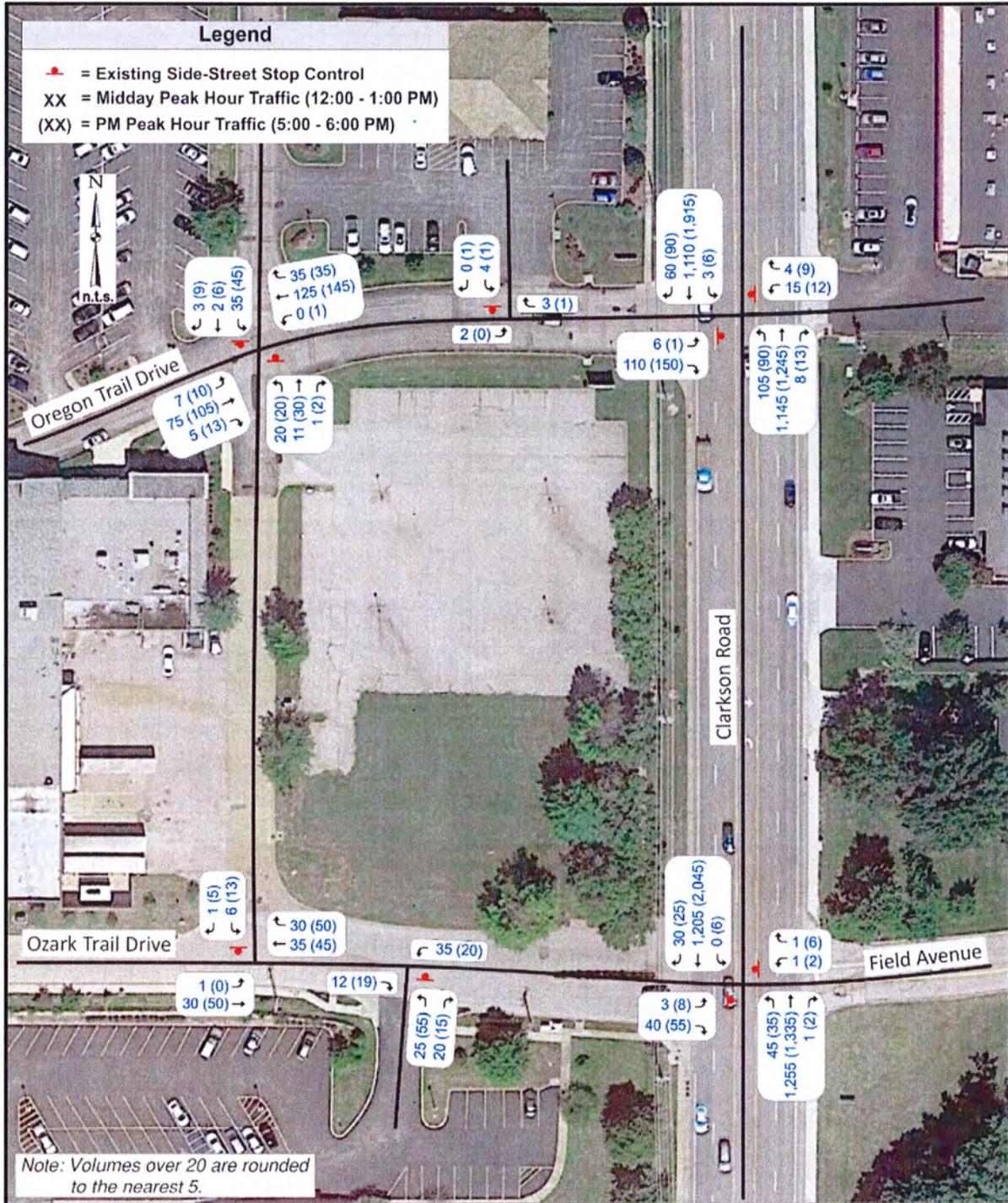


Figure 4: Existing Traffic Volumes



## PROPOSED SITE

**Proposed Land Use:** Based on the previously referenced site plan, a 4,877 square foot Chick-fil-A restaurant with drive-through is proposed on the currently vacant outlot in the southeast corner of the Clarkson/Clayton Center. The drive-through lanes for the proposed Chick-fil-A will have dual order boards and are shown on the site plan to accommodate approximately 26 vehicles. Fifty-nine parking spaces are proposed on the site, included three ADA parking spaces.

**Site Access:** Access to the outlot is proposed via two drives off Clarkson/Clayton Center between Ozark Trail Drive and Oregon Trail Drive. The proposed drives would be located approximately 70 feet and 210 feet north of Ozark Trail Drive, respectively, measured centerline to centerline.

Careful consideration should be given to sight distance obstructions when planning future aesthetics enhancements, such as berms, fencing and landscaping, to ensure that these improvements do not obstruct the view of entering and exiting traffic at the site drives with Clarkson/Clayton Center. It is generally recommended that all improvements higher than 3 ½ feet above the elevation of the nearest pavement edge be held back at least 20 feet from the traveled roadway.

**Site Plan Review:** In general, the site plan and traffic flow for the proposed Chick-fil-A restaurant is acceptable. Given the relatively tight radius for motorists heading westbound on Ozark Trail Drive desiring to essentially make a u-turn into the proposed site, it is recommended that the civil engineer provide a drawing depicting the AUTOTURN analysis of this movement to ensure that motorists can stay within their lane.

As shown in Figure 2, the storage for the drive-through would accommodate up to 26 vehicles. Based on recent observations at three area Chick-fil-A restaurants, the maximum queue was between 15 and 24 vehicles during the midday peak hour and 10 to 21 vehicles during the PM peak hour. As such, the drive-through storage of 26 vehicles is reasonable.

Based on the City of Ellisville's Parking Code, the Chick-fil-A restaurant is required to provide a minimum of 54 parking spaces but no more than 79 parking spaces. Currently, the site plan shows 59 parking spaces, which meets the City's code. Based on recent observations at three area Chick-fil-A restaurants, an average of 54 parking spaces are provided. During our observations of area Chick-fil-A locations, the parking lots were nearly fully occupied for most of the midday peak hour.

**MVOB Review:** In consideration of the City of Ellisville's Motor Vehicle Oriented Business (MVOB) ordinance, although the proposed Chick-fil-A would qualify as Motor Vehicle Oriented Businesses, it is not necessarily a "freestanding use" (as defined by the MVOB ordinance). Therefore, in our opinion, the City's MVOB screening criteria would not be applicable in this case since the proposed Chick-fil-A would be located within an outparcel of the



Clayton/Clarkson shopping center and they would share access via the existing drives serving the shopping center. There are no new access drives proposed on Clarkson Road, Oregon Trail Drive, or Ozark Trail Drive.

**Trip Generation:** As a primary step in this analysis, forecasts were prepared to estimate the amount of traffic that the proposed development would generate during the weekday midday and PM peak periods. These forecasts were based upon information provided in the *Trip Generation Manual*, 9<sup>th</sup> Edition, published by the Institute of Transportation Engineers (ITE), as well as local traffic data collected at area Chick-fil-A restaurants. This manual, which is a standard resource for transportation engineers, is based on a compilation of nationwide studies documenting the characteristics of various land uses. Specifically, ITE Code 934 (Fast-Food Restaurant with drive-through) was used for the proposed development. **Table 1** provides a summary of the trip generation estimate based on ITE data for the proposed Chick-fil-A restaurant.

**Table 1: Trip Generation Estimate – ITE Method**

Land Use	Size	Weekday Midday Peak Hour			Weekday PM Peak Hour		
		In	Out	Total	In	Out	Total
Fast-Food w/Drive-Through (ITE Land Use 934)	4,877 sf	120	110	230	85	75	160
	Pass-By Trips	55	55	110	40	40	80
	New Trips	65	55	120	45	35	80

Based on our local experience with the area Chick-fil-A restaurants, Chick-fil-A generates significantly higher trips than a typical fast-food restaurant when compared to ITE. As such, CBB collected traffic counts at three area Chick-fil-A restaurants to supplement the traffic data currently on file. **Table 2** provides a summary of the traffic count data collected and the anticipated trips based on the local sites.

As shown in the tables, the local traffic data for area Chick-fil-A restaurants results in approximately twice as many trips as a typical fast-food restaurant. In discussions with representatives for Chick-fil-A, they anticipate the Ellisville location to generate approximately 345 trips during the midday peak hour and 240 trips during the PM peak hour, or 50% more than ITE estimates. However, based on the local data collected, it is recommended that an average of the local Chick-fil-A sites be used for the trips generation resulting in a trip generation estimate of 405 trips during the midday peak and 265 trips during the PM peak.



Table 2: Trip Generation Estimate – Area Chick-fil-A Rate Method

Location	Data Date	Weekday Midday Peak Hour			Weekday PM Peak Hour		
		In	Out	Total	In	Out	Total
Des Peres	August 2011	261	234	495	123	188	311
Brentwood	January 2016	223	238	461			
St. Peters	February 2016	161	143	304	154	153	307
Sunset Hills	February 2016	244	223	467	146	131	277
Arnold	February 2016	153	140	293	125	95	220
Average for Local Sites		208	196	404	137	142	279
Site Trips Used in Analysis		210	195	405	140	125	265
<b>Pass-By Trips</b>		<b>100</b>	<b>100</b>	<b>200</b>	<b>65</b>	<b>65</b>	<b>130</b>
<b>New Trips</b>		<b>110</b>	<b>95</b>	<b>205</b>	<b>75</b>	<b>60</b>	<b>135</b>

Additionally, some of the trips to the site will not be primary trips. Instead, nationwide studies have found that a large percentage of convenience-oriented trips are “pass-by” trips, or vehicles already present on Clarkson Road and/or Clayton Road that turn into the site as part of a longer trip. Those trips would not increase traffic on Clarkson Road or Clayton Road, but they would increase the turning movements at the access drives along Clarkson and Clayton Roads serving the Clayton/Clarkson Center. The actual percentage of traffic that is attributable to pass-by depends upon the nature of the use, the time of day and the traffic volume on the adjacent street. Therefore, the statistical information provided in the *Trip Generation Handbook, A Recommended Practice*, published by the Institute of Transportation Engineers (March 2001), was utilized to determine the estimate of pass-by traffic. Based on this data, a pass-by percentage of 50% was used during the peak hours.

Consequently, the proposed Chick-fil-A would be expected to attract a total of approximately 200 and 130 trips from traffic already utilizing the surrounding roadway system during the midday and PM peak hours, respectively. In turn, the site would generate a total of 205 new trips during the midday peak hour and 135 new trips during the PM peak hour. However, it is important to clarify that all of the trips to and from the site (405 trips during the midday peak hour and 265 trips during the PM peak hour) would be new turning movements at the intersections serving the Clarkson/Clayton shopping center.



Should the proposed Chick-fil-A in Ellisville generate trip levels closer to those anticipated by Chick-fil-A, the forecasted traffic operations discussed in the subsequent sections would be slightly better than shown. However, should the proposed Chick-fil-A in Ellisville generate trip levels closer to the Des Peres and Sunset Hills locations, the forecasted traffic operations discussed in the subsequent sections could be worse than shown.

**Trip Distribution:** The site-generated trips were then assigned into and out of the site based upon an estimated directional distribution. Based upon the existing travel patterns, the surrounding area and roadway network, and the proximity to similar uses, it is anticipated that the distribution of site-generated trips would be as follows:

- To/from the north via Clarkson Road..... 25%
- To/from the south via Clarkson Road ..... 35%
- To/from the east via Clayton Road ..... 25%
- To/from the west via Clayton Road..... 15%

The pass-by trips were assigned in accordance with the existing traffic volumes on Clarkson Road and Clayton Road. The site-generated trips, including the new trips and pass-by trips, for the weekday midday and PM peak hours are shown in **Figure 5**.

**Forecasted (Existing plus Development) Traffic Volumes:** The assigned traffic volumes (Figure 5) resulting from the trip distribution for the proposed development were then added to the existing traffic volumes (Figure 4) to determine the total volumes in the forecasted scenario. The forecasted traffic volumes, or existing plus site trips, for the midday and PM peak hours are shown in **Figure 6**.



Figure 5: Site-Generated Trips

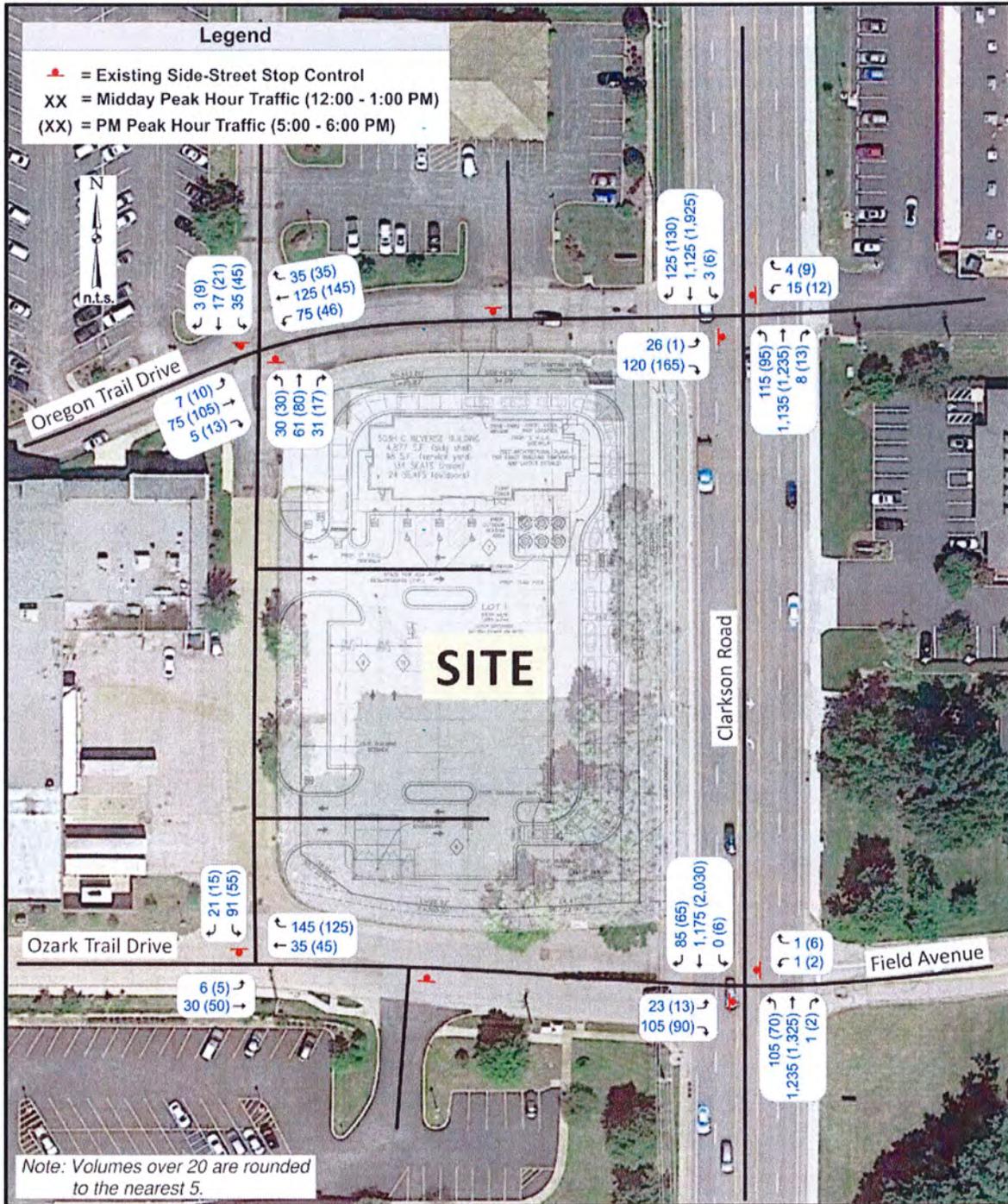


Figure 6: Forecasted Traffic Volumes



**2016 TRAFFIC ANALYSIS**

**Study Procedures:** The existing and forecasted operating conditions were analyzed using SYNCHRO 8, a macro-level analytical traffic flow model. SYNCHRO is based on study procedures outlined in the *Highway Capacity Manual*, published by the Transportation Research Board. This manual, which is used universally by traffic engineers to measure roadway capacity, establishes six levels of traffic service: Level A ("Free Flow"), to Level F ("Fully Saturated"). Levels of service (LOS) are measures of traffic flow, which consider such factors as speed, delay, traffic interruptions, safety, driver comfort, and convenience. Level C, which is normally used for highway design, represents a roadway with volumes ranging from 70% to 80% of its capacity. However, Level D is often considered acceptable for peak period conditions in urban and suburban areas.

The thresholds that define level of service at an intersection are based upon the type of control used (i.e., whether it is signalized or unsignalized) and the calculated delay. For signalized and all-way stop intersections, the average control delay per vehicle is estimated for each movement and aggregated for each approach and then the intersection as a whole. At intersections with partial (side-street) stop control, delay is calculated for the minor movements only since motorists on the main road are not required to stop.

Level of service is directly related to control delay. At signalized intersections, the level of service criteria differ from that at unsignalized intersections primarily because varying transportation facilities create different driver expectations. The expectation is that a signalized intersection is designed to carry higher traffic volumes, and consequently may experience greater delay than an unsignalized intersection. **Table 3** summarizes the thresholds used in the analysis for signalized and unsignalized intersections.

**Table 3: Level of Service Thresholds**

Level of Service (LOS)	Control Delay per Vehicle (sec/veh)	
	Signalized Intersections	Unsignalized Intersections
A	≤ 10	0-10
B	> 10-20	> 10-15
C	> 20-35	> 15-25
D	> 35-55	> 25-35
E	> 55-80	> 35-50
F	> 80	> 50



**Operating Conditions:** The study intersections were evaluated using the methodologies described above. **Table 4** summarizes the results of this analysis, which reflects the existing and forecasted operating conditions and average delay for the study intersections during the weekday midday and PM peak hours. Although not striped, both Oregon Trail and Ozark Trail at Clarkson Road are wide enough to accommodate separate left- and right-turn lanes. Based on field observations, Ozark Trail was often utilized as a two lane approach, while Oregon Trail was typically utilized as a single lane approach and was analyzed as such.

**Table 4: Operating Conditions Summary**

Intersection / Approach	Midday Peak Hour		PM Peak Hour	
	Existing Conditions	Forecasted Conditions	Existing Conditions	Forecasted Conditions
<b>Clarkson Road and Oregon Trail (Side-Street STOP)</b>				
Eastbound Oregon Trail Approach	B (11.1)	C (16.2)	B (13.1)	B (13.4)
Westbound Shopping Plaza Approach	E (40.1)	E (42.7)	E (41.6)	E (44.7)
Northbound Clarkson Road Left-Turn	B (11.8)	B (12.8)	C (23.8)	D (26.9)
Southbound Clarkson Road Left-Turn	B (11.6)	B (11.5)	B (12.0)	B (11.9)
<b>Clarkson Road and Ozark Trail/Field Avenue (Side-Street STOP)</b>				
Eastbound Ozark Trail Approach	B (11.0)	B (14.5)	C (17.9)	C (19.5)
Left-Turn	C (24.7)	D (31.4)	F (64.7)	F (74.4)
Right-Turn	B (10.0)	B (10.8)	B (11.1)	B (11.5)
Westbound Field Avenue Approach	C (24.9)	D (30.3)	C (20.7)	C (23.6)
Left-Turn	E (35.7)	E (46.6)	E (39.0)	F (50.9)
Right-Turn	B (14.2)	B (14.1)	B (14.5)	B (14.5)
Northbound Clarkson Road Left-Turn	B (11.7)	B (12.9)	C (21.2)	D (25.6)
Southbound Clarkson Road Left-Turn	B (12.2)	B (12.1)	B (12.5)	B (12.4)
<b>Oregon Trail and Clarkson/Clayton Center (Side-Street STOP)</b>				
Eastbound Oregon Trail Approach	A (<1.0)	A (<1.0)	A (<1.0)	A (<1.0)
Westbound Oregon Trail Approach	A (<1.0)	A (2.7)	A (<1.0)	A (1.8)
Northbound Clarkson/Clayton Approach	B (10.6)	B (13.5)	B (11.7)	B (14.3)
Southbound Clarkson/Clayton Approach	B (10.6)	B (14.4)	B (11.6)	B (14.5)
<b>Ozark Trail and Clarkson/Clayton Center (Side-Street STOP)</b>				
Eastbound Ozark Trail Approach	A (<1.0)	A (1.3)	A (<1.0)	A (<1.0)
Westbound Ozark Trail Approach	Free Flow	Free Flow	Free Flow	Free Flow
Southbound Clarkson/Clayton Approach	A (8.9)	B (10.0)	A (9.1)	A (9.8)

X (XX.X) - Level of Service (Vehicular delay in seconds per vehicle)

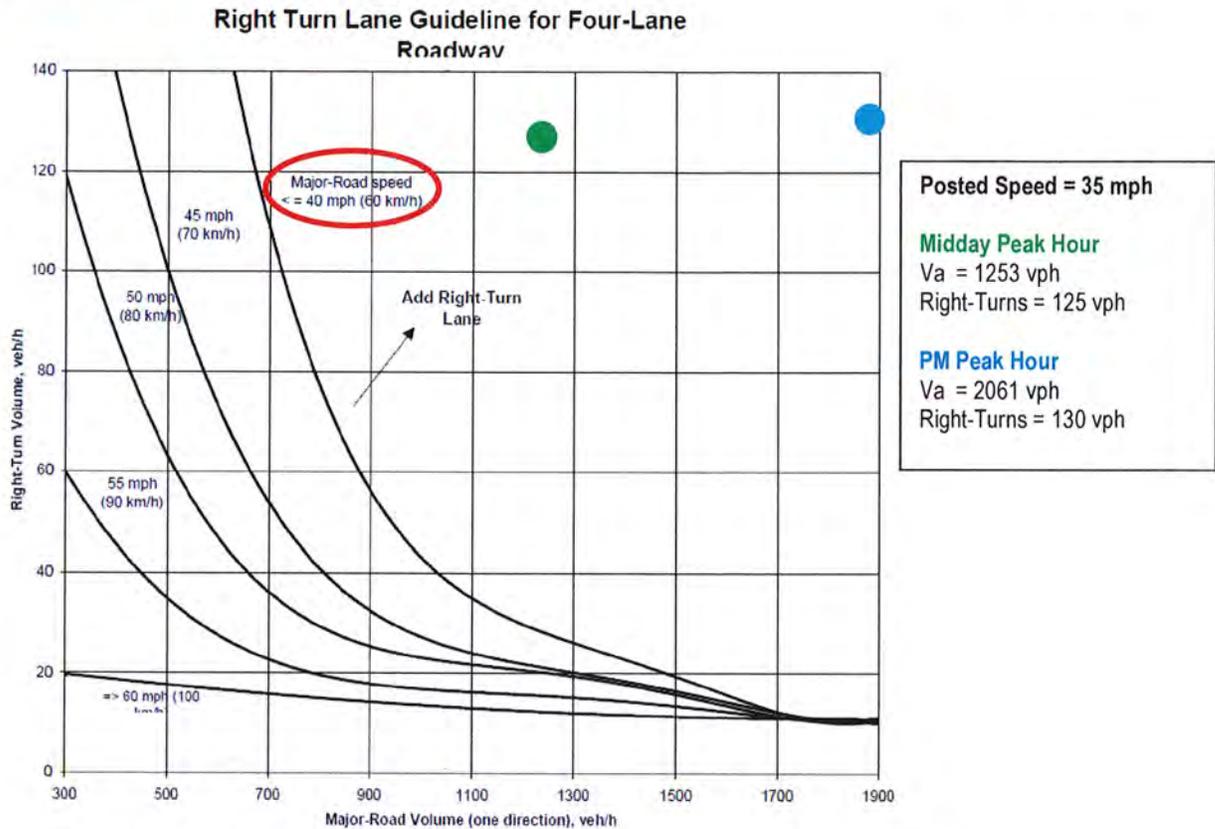


Clarkson Road and Oregon Trail Drive: As shown in Table 4, the proposed Chick-fil-A would not have a significant impact on the overall traffic conditions at the intersection of Clarkson Road and Oregon Trail Drive. While a marginal number of trips were assumed to turn left onto Clarkson Road from Oregon Trail Drive during the midday peak hour, if delays are longer than acceptable to patrons of the Chick-fil-A, they can easily continue north through the shopping center and then make a right-turn on Clayton Road to then continue north on Clarkson Road or east on Clayton Road. Given the fact that there are no motorists currently trying to turn left onto Clarkson Road from Oregon Trail Drive during the PM peak hour, no Chick-fil-A trips were assigned to this movement either. The movement most impacted by the proposed Chick-fil-A at the Clarkson Road and Oregon Trail Drive intersection is the southbound right-turn movement which would increase by 65 trips and 40 trips, respectively during the midday and PM peak hours. However, since the southbound right-turn is a free-flow movement, it is not expected to have a significant impact.

The need for a southbound right-turn lane on Clarkson Road at Oregon Trail Drive was evaluated based on criteria in MoDOT's Access Management Guidelines (AMG). The guideline consider auxiliary lanes an asset in promoting safety and improved traffic flow at relatively high conflict locations. **Figure 7** graphically illustrates the right-turn evaluation assuming the forecasted traffic volumes during the weekday midday and PM peak hours. A right-turn lane should be considered when the plotted point lies to the right of the 45 mph line (currently posted 35 mph on Clarkson Road) on the graph. As depicted, a southbound right-turn lane should be considered on Clarkson Road at Oregon Trail Drive.

Considering the proximity to the traffic signal at Clayton Road and the fact that southbound motorists are accelerating from the signal, it would be favorable to provide a separate southbound right-turn lane at Oregon Trail Drive to allow motorists to slow down within the right-turn lane and make their maneuver. However, it is acknowledged that very few of the existing driveways along Clarkson Road are served by right-turn lanes, and ultimately, any requirement for a right-turn lane would be dictated by MoDOT.

Clarkson Road and Ozark Trail Drive/Field Avenue: As shown in Table 4, the proposed Chick-fil-A would have a more notable impact on the overall traffic conditions at the intersection of Clarkson Road and Ozark Trail Drive/Field Avenue as compared to Oregon Trail Drive. Again only a marginal number of trips were assumed to turn left onto Clarkson Road from Ozark Trail Drive during the midday and PM peak hours since very few motorists attempt to make these turns today. As mentioned previously, if delays are longer than acceptable to patrons of the Chick-fil-A, they can easily continue north through the shopping center or around Ozark Trail Drive to Clayton Road to then continue north on Clarkson Road or east on Clayton Road. The movements most impacted by the proposed Chick-fil-A at the Clarkson Road and Ozark Trail Drive intersection are the southbound right-turn movement which would increase by 55 trips and 40 trips, the eastbound right-turn movement which would increase by 65 trips and 35 trips, and the northbound left-turn movement which would increase by 60 trips and 35 trips, respectively during the midday and PM peak hours.



**Figure 7: Southbound Right-Turn Lane Evaluation – Clarkson Road at Oregon Trail Drive**

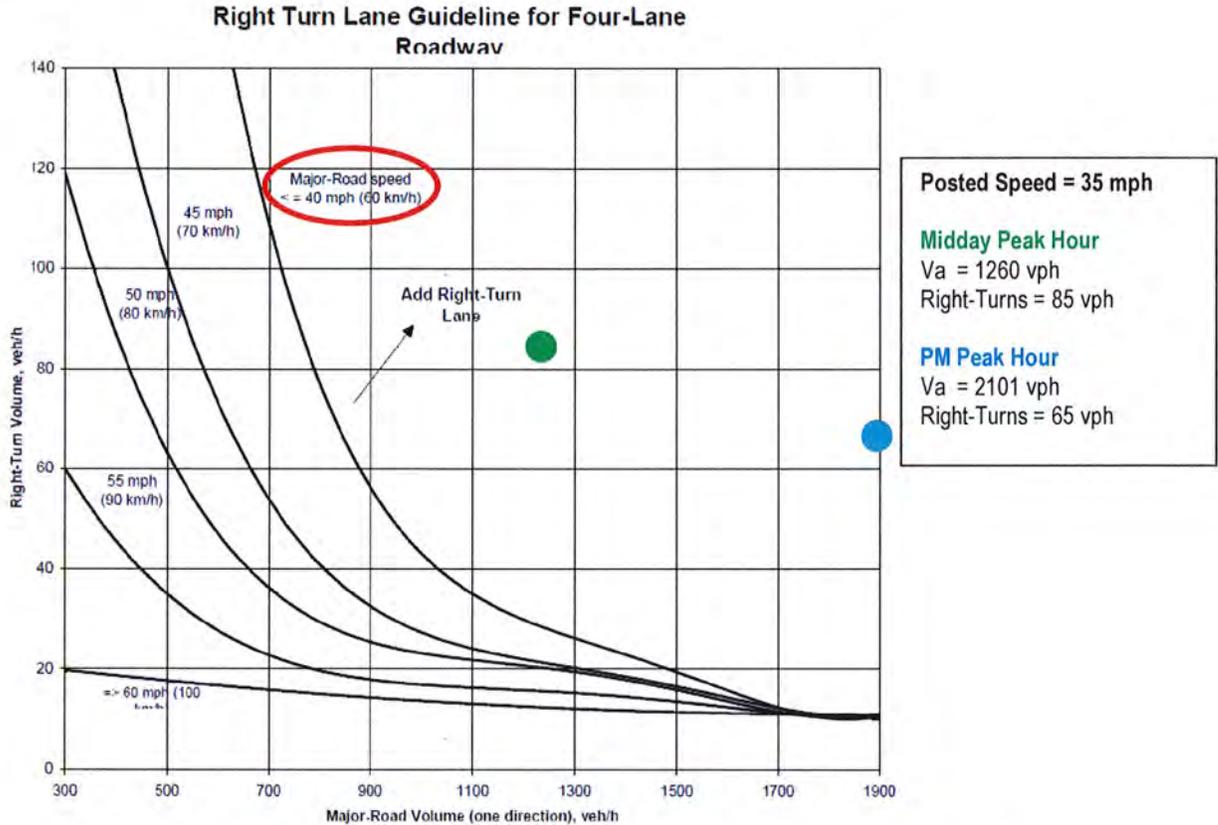
Although no additional traffic is forecasted on Field Avenue, the additional northbound left-turn vehicles on Clarkson Road will occupy the center left-turn lane while waiting to make their left-turn onto Ozark Trail. This, in turn, restricts the ability for motorists to turn left out of Field Avenue since they currently utilize the center two-way left-turn lane to make a two-stage left-turn movement. Although there are very few motorists exiting Field Avenue, the presence of the Chick-fil-A will make it more difficult for those motorists to exit Field Avenue.

As shown in Table 4, the left-turn movements exiting Ozark Trail Drive and Field Avenue are forecasted to operate at LOS F. However, longer delays are not unusual during the peak hours for stop controlled access points along major arterial roadways such as Clarkson Road.

As mentioned previously, the eastbound approach of Ozark Trail Drive at Clarkson Road was analyzed with separate left- and right-turn lanes although it is not currently marked as such. It is recommended that Ozark Trail be striped to provide two 12 foot lanes exiting and one lane entering (a minimum of 15 feet wide). This may require reworking the landscaping island in the middle of Ozark Trail Drive.



The need for a southbound right-turn lane on Clarkson Road at Ozark Trail Drive was also evaluated based on criteria in MoDOT's AMG. **Figure 8** graphically illustrates the right-turn evaluation assuming the forecasted traffic volumes during the weekday midday and PM peak hours. As depicted, a southbound right-turn lane should be considered on Clarkson Road at Ozark Trail Drive. Again, it is acknowledged that very few of the existing driveways along Clarkson Road are served by right-turn lanes, and ultimately, any requirement for a right-turn lane would be dictated by MoDOT.



**Figure 8: Southbound Right-Turn Lane Evaluation – Clarkson Road at Ozark Trail Drive**

Clarkson/Clayton Center and Oregon Trail Drive: As shown in Table 4, the intersection of Clarkson/Clayton Center Road and Oregon Trial Drive is forecasted to operate at LOS A or B for all movements during the peak hours.

Clarkson/Clayton Center and Ozark Trail Drive: As shown in Table 4, the intersection of Clarkson/Clayton Center Road and Ozark Trial Drive is forecasted to operate at LOS A or B for all movements during the peak hours.



## SUMMARY

CBB completed the preceding study to assess the traffic impacts associated with the proposed Chick-fil-A restaurant located within the Clarkson/Clayton shopping center in the southwest quadrant of the intersection of Clarkson Road and Clayton Road in Ellisville, Missouri.

### Summary of Recommendations and Items to Consider:

1. Careful consideration should be given to sight distance obstructions when planning future aesthetics enhancements, such as berms, fencing and landscaping, to ensure that these improvements do not obstruct the view of entering and exiting traffic at the site drives with Clarkson/Clayton Center. It is generally recommended that all improvements higher than 3 ½ feet above the elevation of the nearest pavement edge be held back at least 20 feet from the traveled roadway.
2. Given the relatively tight turning radius for motorists heading westbound on Ozark Trail Drive desiring to essentially make a u-turn into the proposed site, it is recommended that the civil engineer provide a drawing depicting the AUTOTURN analysis of this movement to ensure that motorists can stay within their lane.
3. The provision of a southbound right-turn lane on Clarkson Road at Oregon Trail Drive should be considered.
4. The provision of a southbound right-turn lane on Clarkson Road at Ozark Trail Drive should be considered.
5. It is recommended that the eastbound approach of Ozark Trail Drive at Clarkson Road be striped to provide two 12 foot lanes exiting and one lane entering (a minimum of 15 feet wide). This may require reworking the landscaping island in the middle of Ozark Trail Drive.

We trust that the information provided is useful in your review of the proposed Chick-fil-A in the Clarkson/Clayton shopping center in Ellisville, Missouri. If additional information is desired, please feel free to contact me in our St. Louis office at 314-878-6644, extension 41 or [swhite@cbbtraffic.com](mailto:swhite@cbbtraffic.com).

Sincerely,

Shawn Lerai White, P.E., PTOE  
Senior Traffic Engineer



# City of Ellisville

One Weis Avenue  
Ellisville, Missouri 63011  
(636) 227-9660 FAX: (636) 227-9486

## Development Proposal Staff Review

**To:** Bill Schwer, Attorney Restovich, John Collins, John, Calvert, Fire Marshall Phipps, CBB, MoDOT, Terraspec

**Copy:** Leigh Dohack

**From:** Ada Hood, City Planner

**Developer:**

**Applications:** CUP, Site Development Plan and ARB applications

**DUE BY:** Please return plans and comments by **NOON, Monday, February 22, 2016**

.....

Please review the attached plans and return the plans with your comments to my attention prior to the date above. If you have no comments, please indicate so in writing below and forward to my attention.

**Comments:**

George and Cindy- will need PH notice for City Council only (please send to Leigh asap)

- ~ Floor Plan: arrow is upside down
- ~ Is trash enclosure within setback? move or retaining wall system
- ~ (4) decorative streetlights?
- ~ shows pole sign / maybe point out ARB required and maybe will consider if it is an art piece element to it

Thanks

## Ada Hood

---

**From:** Dave Phipps  
**Sent:** Monday, February 22, 2016 4:11 PM  
**To:** Ada A. Hood A. I. C. P. (ahood@ellisville.mo.us)  
**Subject:** Chick-fil-a, and Gambrill Gardens

Ada,  
The Bureau has reviewed the above mention site development plans and there no additional fire district requirements.

David E. Phipps  
Fire Marshal  
Metro West Fire Protection District  
(636) 821-5806

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# City of Ellisville

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## Memo

To: Chairman Carl Hoffman and Members of the Planning and Zoning Commission

From: Ada Hood, City Planner *OH*

Meeting

Date: March 9, 2016

Re: Petition of Chris Greer for a Conditional Use Permit to allow the operation of a microbrewery and liquor sales at 16050 Manchester Road within the C-3 Commercial Zoning District

---

### BACKGROUND/SUMMARY

The applicant is requesting approval of a Conditional Use Permit to allow the operation of a microbrewery and liquor sales. The subject site features an existing 1 story building with a full basement and a covered loading dock area. As per Section 400.290.C, a microbrewery/wine boutique is an establishment where beer, ale or wine is produced and packaged for distribution, on or off premises, limited to 15,000 barrels per year of beer or ale and 5,000 cases per year of wine. The applicant is also proposing to feature a tasting room and dining area. Pre-cooked snacks, sandwiches and similar items will be sold for eating on premise. Seating will be available indoors and outdoors on the covered loading dock. The applicant has indicated that up to 4 tables with 20 chairs may be located in the outdoor area. No umbrellas or music are proposed outdoors. The hours of operation will be from 12 noon to 10 PM seven days per week. The proposed use will occupy 13,524 square feet, which includes the main floor, the loading dock area and the basement. Section 400.290. D limits the amount of storage to a maximum of 40% of the floor area. The applicant is proposing storage in the basement and has agreed to limit the storage to comply with the Zoning Code.

The rear yard abuts residential along the rear property line. A 25 foot building setback and landscape buffer are required. The applicant or property owner will have to verify that 25 feet of landscape buffer exists between the rear property line and the existing building and parking lot. Additionally, a landscape survey should be prepared to ascertain that the required plantings are installed and maintained within the required buffer, as follows:

When the rear or side yard of a commercial or industrial use lot abuts any residential zoning district, a minimum of a twenty-five (25) foot landscaped buffer area shall be established and maintained along all rear and side property lines or as is required by specific zoning district requirements, whichever is greater. The buffer area shall contain evergreen plant material, as specified by the City Planner, with a minimum height of six (6) feet, planted on ten (10) foot centers. A fence located within the buffer shall be provided and maintained as required by Section 400.360 unless otherwise specified by the Council. Landscaped buffer areas required by

this Section may be located within the rear yard where allowed. When commercial abuts commercial, landscaping shall be required along the side and rear yard in the following manner: a minimum of one (1) deciduous tree per every sixty (60) linear feet of side and rear yard; and a minimum of one (1) flowering ornamental tree per every seventy (70) linear feet of side and rear yard; and a minimum of four (4) evergreen and/or deciduous shrubs clustered at sixty (60) foot intervals of side and rear yard.

Additionally, a sight proof fence is required along the rear property line. The applicant or property owner will have to replace the existing chain link fence (with slats) with a wood or vinyl sight-proof fence. The City Council may consider requiring a block wall (similar to that required of the bank at 10 Old State Road) to help with sound mitigation.

Based on the square footage of the proposed use (13,524 square feet), a total of 189 minimum to 271 maximum parking spaces are required (the use is most similar to a sit down restaurant), based on the required calculation of 'Minimum of 14.0 spaces per 1,000 square feet gross floor area and a maximum of 20.0 spaces per 1,000 square feet gross floor area':

Main Floor 5,484 square feet

Loading Area/Outdoor Seating 1,350 square feet

Basement 6,690 square feet

Please note, the parking calculation must include the basement area, which makes up for ½ of the required parking. However, at this time the basement will only be partially used for the walk-in freezer, barrel aging area and some storage. The applicant will provide 45 parking spaces and requests a downward adjustment from the City Council. Additionally, the applicant may lose a few more parking spaces to accommodate the required landscaping within the parking area. The code requires 800 square feet of landscaped area within the parking area (based on 31-40 parking spaces), including 5 ornamental trees.

The applicant must secure a waiver from the City Council pertaining to the front yard planting strip, which appears to be deficient in width, especially along Covert Lane.

G. A planting strip measuring a minimum of twenty (20) feet in width shall be established and maintained within the required front yard along the street side adjacent to the property line. A minimum ratio of one (1) three (3) inch caliper shade tree or three (3) two (2) inch caliper grouped ornamentals, as specified by the City Planner, shall be furnished for each fifty (50) feet of linear front footage, e.g., every fifty (50) feet: one (1) large three (3) inch caliper shade tree or three (3) two (2) inch caliper ornamentals. These standards are minimum requirements.

Additional understory shrubs or ground cover material is encouraged. This planting strip must also contain an effectively landscaped visual screen, eighteen (18) to twenty-four (24) inches in height at the time of installation, for at least eighty percent (80%) of the vehicular use area frontage with not less than either a double row hedge thirty-six (36) inches on center or a single row hedge thirty (30) inches on center.

1. For existing buildings a planting strip measuring a minimum of twenty (20) feet in width shall be established and maintained within the required front yard. A minimum ratio of one (1) three (3) inch caliper shade tree or three (3) two (2) inch caliper grouped ornamentals, as specified by the City Planner, shall be furnished for each fifty (50) feet of linear front footage, e.g., every fifty (50) feet: One (1) large three (3) inch caliper shade tree or three (3) two (2) inch caliper

ornamentals. These standards are minimum requirements. Additional understory shrubs or ground cover material is encouraged.

The applicant should install a bike rack. Additionally, the applicant should provide at least 2 ADA compliant parking spaces. Pedestrian walkways through the parking lot to the front door are recommended, as is a pedestrian connection from the parking lot to the sidewalk along Manchester Road and Covert Lane. Staff also recommends the City Council require the installation of new street lights (to match those at McDonald's and Jimmy Johns) along Manchester Road. Cross access to the property to the east should be provided and installed.

The applicant will have to install a trash enclosure with sight proof gates. The green canopy at the front entrance and the glass atrium along the front façade are in disrepair and should be removed or replaced.

**IMPACT**

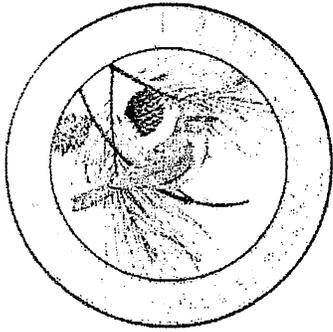
The Commission should consider requiring necessary mitigation measures for any negative impacts onto abutting residential.

**RECOMMENDATION**

Staff recommends the Planning and Zoning Commission forwards a positive recommendation subject to the following conditions:

1. That the Commission waives the public hearing as one will be held at the City Council level; and
2. That the applicant complies with the maximum beer production limits (15,000 barrels per year of beer or ale and 5,000 cases per year of wine ); and
3. That the applicant secures ARB approval for the outdoor seating area furniture and façade changes associated with the canopy and glass atrium, if applicable; and
4. That there be no music in the outdoor seating area; and
5. That the hours of operation are limited from 12 noon to 10PM seven days per week; and
6. That the applicant complies with the limits on the amount of storage to a maximum of 40% of the gross floor area; and
7. That a landscape plan is prepared and submitted for approval by the City's third party landscape architect; and
8. That the rear yard 25 foot landscape buffer is verified or waived by the City Council; and
9. That the required plantings within the 25 foot buffer are verified and installed, or waived by the City Council; and
10. That the existing chain link fence is replaced with a sight proof wood or vinyl fence or block wall, if a block wall is deemed appropriate by the City Council; and
11. That the City Council grants a downward adjustment of the number of required parking spaces. The applicant is to provide 40-45 parking spaces, including at least 2 ADA compliant parking spaces, instead of the required 189 to 271 parking spaces. One of the ADA compliant parking spaces shall be van accessible. The ADA compliant parking spaces shall be connected to an accessible route to the front of the building including an ADA accessible ramp and access aisle from the parking lot to the sidewalk along the front of the building; and
12. That the applicant installs the required landscaping within the parking area, 800 square feet of landscaped area, including 5 ornamental trees; and
13. That the City Council grants a waiver from the required front yard planting strip to allow less

- than 20 feet width. However, the street trees and plantings should still be installed; and
14. The applicant installs a bike rack; and
  15. The applicant installs a pedestrian walkway through the parking lot to the front door, and a pedestrian connections from the parking lot to the sidewalks along Manchester Road and Covert Lane; and
  16. That the property owner installs new street lights (to match those at McDonald's and Jimmy Johns) along Manchester Road; and
  17. That the property owner provides a cross access easement and install a connection to the property to the east; and
  18. That the property owner installs a trash enclosure with sight proof gates; and
  19. That the property owner agrees to coordinate with staff to remove or replace existing wall packs and install light poles to properly illuminate the parking lot; and
  20. That the green canopy at the front entrance and the glass atrium along the front façade are removed, repaired or replaced.



RECEIVED

City of Ellisville

FEB 28 2016

One Weis Avenue  
Ellisville, MO 63011

City of Ellisville

(636) 227-9660 FAX: (636) 227-9486

**APPLICATION COVER SHEET**

(please type or print)

ALL APPLICABLE SECTIONS OF APPLICATION MUST BE COMPLETE  
AND CONSISTENT WITH SUBMITTED MATERIALS

Property Address: 16050 Manchester Road, Ellisville Mo 63011

Project Description: Greer Brewing - Microbrewery with tasting room

**PART A: PARTIES IN INTEREST**

The full legal name of each party listed below (partnership, corporation, etc.) is required for review of the application(s). Having different individuals represent an Applicant at different meetings during the review process may result in unnecessary confusion and delay. Consequently, in the interest of promoting clarity, consistency, and expediency, the City requests all Applicants, at the time of filing their Application, to identify a primary or principal APPLICANT (either attorney or non-attorney; corporations should see Notice below) who can be expected to attend each of the meetings during the Petition review process.

**Notice to Applicants**

In matters which qualify as contested cases under Section 536.010(2) R.S.Mo. corporations may not be represented by non-attorneys when the Council sits as an administrative tribunal. Non-attorney representation in such matters may constitute the practice of law under Section 484.010 R.S.Mo. All Applicants are cautioned to consult with an attorney prior to undertaking non-attorney representation.

Name and Title of APPLICANT: Chris Greer (owner/head brewer)

Address: 15573 Highcroft Drive Chesterfield, Mo 63017

Phone Number: 636-346-3979 Email: cjgreer75@gmail.com

Name of Business Owner(s) - if different than above: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Name of Property Owner(s) - if different than above: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Name of Architect, Landscape Architect, Planner or Engineer: Carlos A Escudero C.E.C + Design

Address: 925 N. Taylor Avenue Kirkwood, Mo 63122

Phone Number: 314-607-6197 Email: carlosecudero@sbcglobal.net

Revised: August 25, 2014

**PART B: SITE DESCRIPTION**

Legal Address of Property: 16050 Manchester Road Locator No.: \_\_\_\_\_

Lot No.: \_\_\_\_\_ Block No.: \_\_\_\_\_ Current Zoning: C3

Current Use of Site: Vacant building; this was the old ED'S Lawn and Garden Shop

Proposed Use of Site: Microbrewery for the production of ales/lagers to be served on premise with snacks. Light distribution in west lawn area

**PART C: APPLICATIONS FILED** (List the applications you will submit (i.e. Conditional Use Permit, Site Plan, etc.). A Letter addressed to the City must be submitted. The letter should completely describe who, what, why, where and when.

Conditional Use permit

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PART D: AUTHORIZATION (FULL LEGAL NAME IS REQUIRED)**

Signature of Applicant (Required): Christopher J. Shen Date: 2/24/16

Title/Interest in Property: \_\_\_\_\_

Signature of Property Owner (Required): See emend Date: \_\_\_\_\_

Title/Interest in Property: \_\_\_\_\_



RECEIVED

FEB 19 2016

CITY OF ELLISVILLE

# City of Ellisville

One Weis Avenue  
Ellisville, MO 63011  
(636) 227-9660 FAX: (636) 227-9486

## APPLICATION FOR CONDITIONAL USE PERMIT

(please type or print)

ALL APPLICABLE SECTIONS OF APPLICATION MUST BE COMPLETE.  
APPLICATION MUST BE CONSISTENT WITH SUBMITTED MATERIALS.  
THIRTY-ONE (31) SETS OF SIGNED & SEALED DRAWINGS PLANS MUST BE FOLDED TO  
APPROXIMATELY 8 1/2 x 11 or 8 1/2 x 14 IN SIZE. A \$350.00 APPLICATION FEE AND \$50.00  
PUBLIC HEARING DEPOSIT MUST ACCOMPANY THIS APPLICATION

2:10 pm  
KA.  
PAID  
\$350  
CK#1135

Property Address: 16050 Manchester Road, Ellisville, Mo

Applicant: Christopher J. Greer Greer Brewing 636-346-3979  
Cjgreer75@gmail

### PART A: BUILDING CONSTRUCTION

Estimated Cost of Construction: \$100,000 No. of Stories: 1

Total Square Footage of Site: 39,207 Total Square Footage of Building(s): 11,900

Ratio of Total Square Footage of Building(s) to Total Square Footage of Site: 31% of site

Building(s) Height(s): 14' Number of Floors: 1 floor with basement

Total Number of Available Parking Spaces: 26 current spots, possibility of 19 extra

Number of Parking Spaces as Required by the Zoning Ordinance: ? dependent on zoning review

Describe the Reason for Requesting a Conditional Use Permit: Applicant is looking to open a small Brewery with tasting room

Briefly describe the disposal of Trash, Delivery and Loading for Operation (Location and Hours): 1-2 deliveries per week before 12:00pm at Towne Rocks (3 available)  
Dumpster will be located @ back area picked up AM

Architectural review is required for any exterior renovation or facade changes. If any of these items are part of the project, complete an Architectural Review Board Application. No facade changes being made

### PART B: AMENDING AN EXISTING CONDITIONAL USE PERMIT

Please describe the proposed amendment: \_\_\_\_\_

Please describe why the proposed amendment is necessary: \_\_\_\_\_

**PART C: MULTI-TENANT/MIXED USE**

Total Square Footage of: Retail: 3000 Residential: \_\_\_\_\_ Office: \_\_\_\_\_ Other: 907 light industrial brewing

How Many Dwelling Units Will Result From The Project: \_\_\_\_\_ Square Footage Per Unit: \_\_\_\_\_

Number of Floors Retail: 1 Residential: \_\_\_\_\_ Office: \_\_\_\_\_ Other: Basement storage

Total Number of Parking Spaces: Retail \_\_\_\_\_ Residential: \_\_\_\_\_ Office: \_\_\_\_\_ Other: \_\_\_\_\_

Provide a tabulation of the total square footage of the site and what percentage and amount of square footage will be reserved for off-street parking, open spaces, parks, etc.

Intended Use:	Square Footage	Percentage
<u>tasting room / retail</u>	<u>3,233 SF</u>	<u>28%</u>
<u>Brewing / light industrial</u>	<u>917 SF</u>	<u>8%</u>
<u>Warehousing / storage</u>	<u>6,462 SF</u>	<u>55% Basement</u>

**PART D-1: RESTAURANTS**

Briefly describe the type and character of the operation: Serving pre-cooked snacks like cheese/meat trays, making sandwiches. Not cooking raw food.

Hours of Operation: 12:00pm - 10:00pm

Will a liquor license be requested? Yes  No \_\_\_\_\_ If yes, which type: Microbrewer to serve on premise

Square Footage of Proposed Use: 3476 No. of seats: 113

Number of Parking Spaces: 45 No. Employees: 5-7 Valet Parking? Yes \_\_\_\_\_ No

Location of Parking Facilities: Current parking with additional spots being added inside fenced-in loading area

If restaurant is to offer deliveries, please describe this operation: No deliveries

Does the restaurant intend to participate in a recycling program? Yes  No \_\_\_\_\_

**PART D-2: OUTDOOR DINING/SEATING**

Please provide a copy of survey showing building line, property line, right-of-way line, proposed seating plan and landscaping.

Seating only? Or full service? yes Square Footage of Patio: \_\_\_\_\_

Same Menu (Yes/No): yes Same Hours (Yes/No): yes

No. Tables: 5 No. Seats: 20 No. Umbrellas: 0 Logo on Umbrellas: n/a

Description of Furniture: old barnwood - per AEB approval.

Description and proposed location of Pedestrian Barrier: none

Description of Landscaping: \_\_\_\_\_

Description of Lighting: \_\_\_\_\_

**PART E-1: TELECOMMUNICATION INSTALLATIONS**

Location of Antenna(s): \_\_\_\_\_ Type of Antenna(s): \_\_\_\_\_

No. of Antenna(s) : \_\_\_\_\_ Dimension(s): \_\_\_\_\_

Location of cabinets(s): \_\_\_\_\_ Type of cabinets(s):: \_\_\_\_\_

No. of cabinets(s) : \_\_\_\_\_ Dimension(s): \_\_\_\_\_

Location of wiring/cable: \_\_\_\_\_ Type of wiring/cable: \_\_\_\_\_

Lineal Feet : \_\_\_\_\_ How will wiring/cable be screened: \_\_\_\_\_

Location of screening/ \_\_\_\_\_ Type of screening(s) \_\_\_\_\_

Enclosures: \_\_\_\_\_ enclosures: \_\_\_\_\_

Dimension(s): \_\_\_\_\_ Color/Description: \_\_\_\_\_

Will any illumination be used : \_\_\_\_\_ By what method : \_\_\_\_\_

**PART E-2: LEASE AND MAINTENANCE** *Lease is dependent on CUP approval*

Fully executed lease: NO How long is lease for: 10 years Any Easements: No Describe: \_\_\_\_\_  
Yes / No Yes / No

Who will provide any maintenance: Lessee Describe: NNN lease

**PART F: ENVIRONMENTAL STATEMENT**

Will the proposed request adversely impact the environment?: No (Yes or No)

Has a Phase I Assessment or Phase II Environmental Report/Study been prepared in association with this request?  
No (Yes or No) If yes, please submit a copy of the report/study with this application.

By filing this application you acknowledge and are aware that the City may require a partial or comprehensive environmental assessment, impact analysis, or report, in conformity with Chapter 415, Environmental Report of the Land Use Regulations, at any time during the application or approval process.

## PART G: CRITERIA

It shall be the responsibility of the applicant to clearly establish that the following criteria are met: (Respond Yes or No). Please be sure to respond to all questions (a-r).

- No a. Will the use have any negative effect upon traffic conditions.
- (1) In the event that the proposed commercial use or building is a motor vehicle oriented business as defined by Section 400.430(A)(2), traffic impact consideration screening procedures as set forth in Section 400.430(A)(4) shall be considered by the Council in determining whether there is a negative effect upon traffic conditions, in addition to any other evidence adduced pursuant to the permit procedure.
- (2) In the event that the proposed use or building is a multi-family development as defined by Section 400.430 (B)(2), traffic impact consideration screening procedures as set forth in Section 400.430(B)(4) shall be considered by the Council in determining whether there is a negative effect upon traffic conditions, in addition to any other evidence adduced pursuant to the permit procedure.
- No b. Will the use substantially increase fire hazards?
- No c. Will the use adversely affect the character of the neighborhood?
- No d. Will the use adversely affect the general welfare of the community?
- No e. Will the use overtax the sewage or public utilities?
- No f. Will the use adversely affect or overtax Police or other City services?
- Yes g. Will the use be the highest and best use of the location applied for?
- No h. Will the use adversely affect the financial condition of the City including any adverse impact upon utilities, property and sales tax?
- No i. Will the use have a substantial negative impact on the environment?
- Yes j. Is the proposed use compatible with surrounding uses and with the surrounding neighborhood?
- Yes k. Is the comparative size, floor area and mass of the proposed use and/or proposed structure appropriate and reasonable in relation to adjacent structures and buildings on surrounding properties and in the surrounding neighborhood?
- No l. Will the use adversely affect the neighborhood in terms of water runoff, noise transfer or heat generation due to significant amount of hard surfaced areas for buildings, sidewalk, drives, parking and service areas?
- No m. Will the frequency and duration of various indoor and outdoor activities and special events associated with the proposed use have a deleterious impact on the surrounding area?
- Yes n. Will the use be likely to remain in existence for a reasonable length of time and not become vacant or unused?
- No o. Does the use involve the presence of unusual, single-purpose structures or components of a temporary nature?
- Yes p. Does the proposed use comply with the standards of good planning practices?
- Yes q. Have sufficient measures been taken or will be taken by the applicant that would negate, to an acceptable level, potentially adverse impacts, as determined by the City Council?
- Yes r. Will the use comply with all other applicable provisions of Chapter 400, including performance standards as set forth in Section 400.170?

## PART H: CHECKLIST

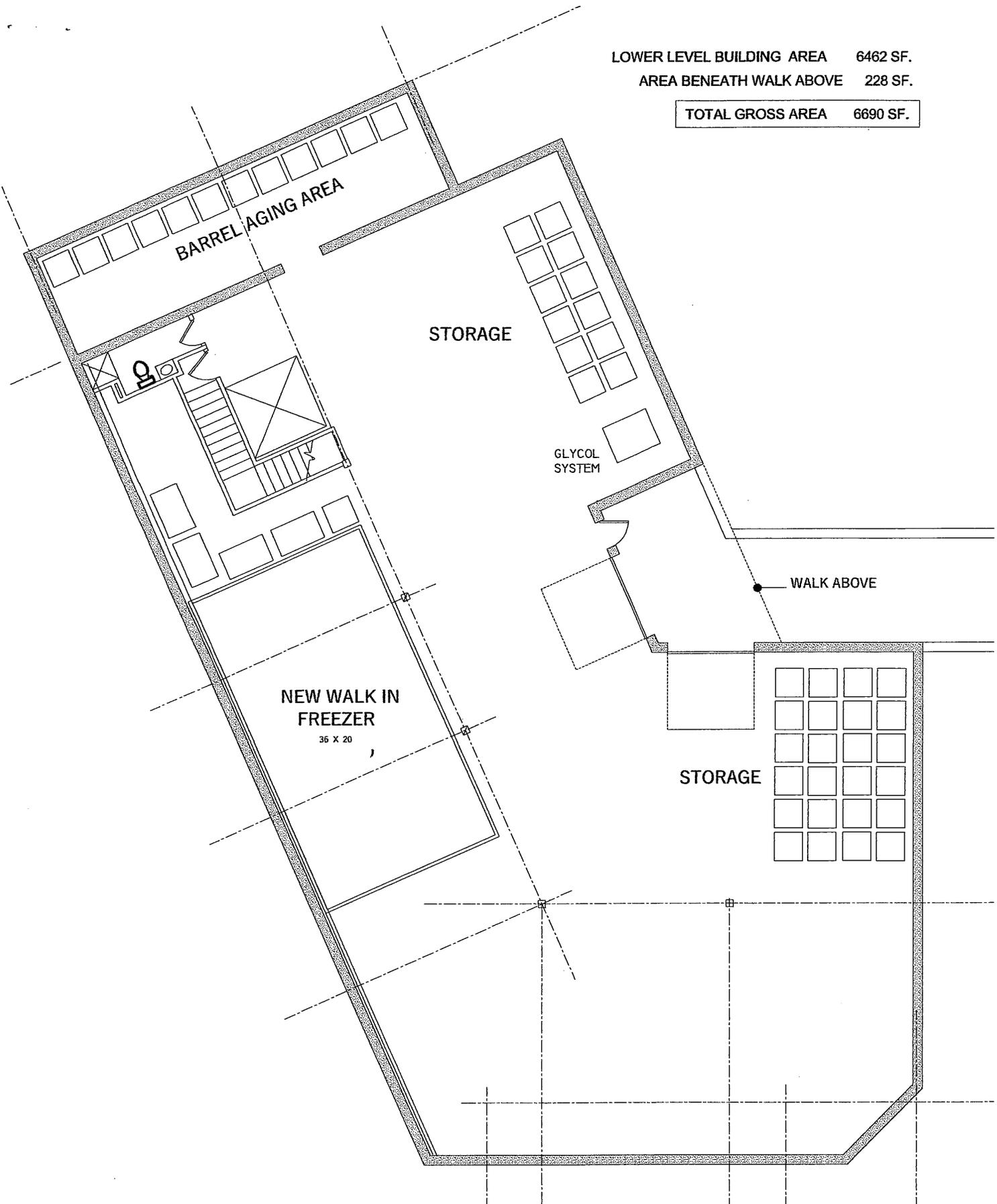
\_\_\_\_\_ Five full size copies of plans must be submitted initially for staff review. Additional plan sets (31 copies) will be required later to forward to the Planning and Zoning Commission and/or City Council.



LOWER LEVEL BUILDING AREA 6462 SF.

AREA BENEATH WALK ABOVE 228 SF.

TOTAL GROSS AREA 6690 SF.



# LOWER LEVEL FLOOR PLAN

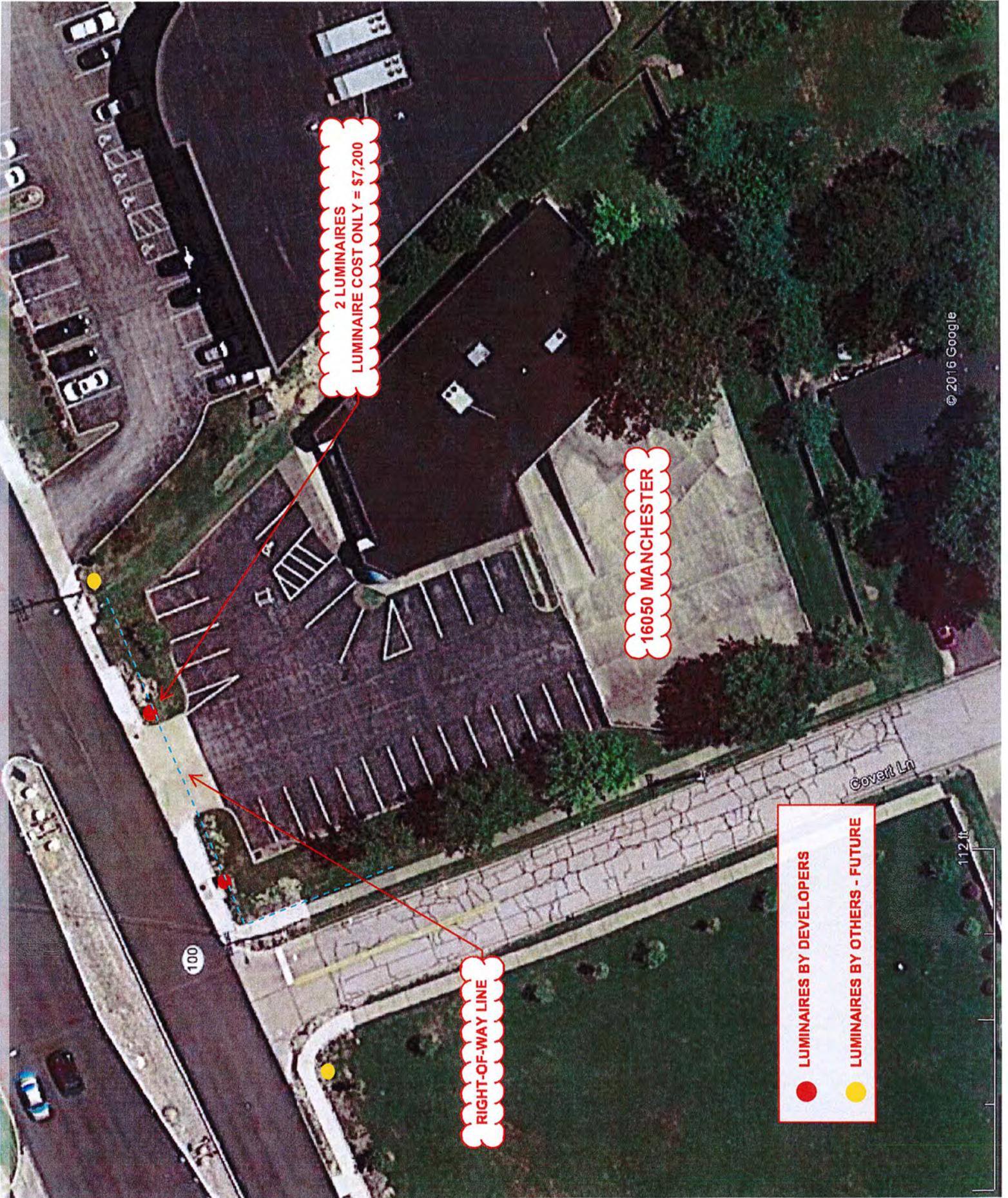
16050 MANCHESTER ROAD ELLISVILLE MO 63011

NORTH



0 4' 8' 16'

SCALE:



2 LUMINAIRES  
LUMINAIRE COST ONLY = \$7,200

16050 MANCHESTER

RIGHT-OF-WAY LINE

- LUMINAIRES BY DEVELOPERS
- LUMINAIRES BY OTHERS - FUTURE

© 2015 Google

112 ft

# CITY OF ELLISVILLE

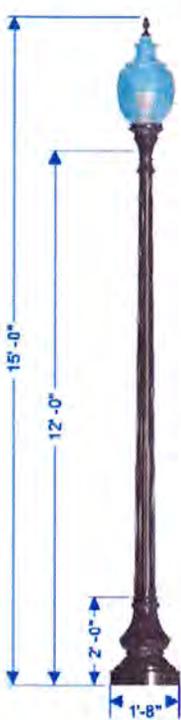
## ST. LOUIS COUNTY

# SIDEWALK LUMINAIRE GUIDELINES

## COMMERCIAL DISTRICT

The installation of sidewalk luminaires within the commercial district promotes a walkable, inviting and safe environment encouraging a feeling of community and destination. This is a segment of the envisioned long term enhancement objectives promoting the economic vitality and sustainability of the corridor.

1. Luminaires will generally be located 1 to 3 feet behind the sidewalk.
2. Luminaires will be located on private property or public right-of-way depending upon the location of the sidewalk.
3. Luminaires located on public right-of-way will require coordination and permitting with MoDOT by the developer.
4. Energy and metering will be supplied to luminaires from the developer's project.
5. The developer will provide a lighting plan with a luminaire schedule, photometric layout (independent of any general site photometric layout), typical luminaire/foundation installation detail and electrical plan.
6. A minimum of 1 foot-candle coverage is required for a sidewalk located across the property frontage abutting a public or private street within a commercial zoning district or as determined by the city.
7. Luminaires will be uniformly spaced not to exceed 60 feet between units and no more than 15 feet from a curb cut sidewalk crossing.
8. Luminaires will be manufactured by Sternberg Lighting meeting the following specifications.



<b>POLE</b>	Model: 5200 (52) Height: 12 ft. (12) fluted tapered 6-4 inch, 6063-T5 aluminum allow Shaft Type: (ETFP6-4) Color: Black (BK)
<b>FIXTURE</b>	Type: (A850) Old Town series acorn Mounting: (T) or (TL) twist-lock Configuration: (PT) Lens: (WP) white polycarbonate vandal resistant
<b>FITTER</b>	Type: (5PT) 356 cast aluminum
<b>BULB OPTION I - METAL HALIDE :</b>	
	Ballast: (150MHP) 150 watts Voltage: selected by developer Socket: (MED) medium Optic: (RE5)
<b>BULB OPTION II - LED (XRLED):</b>	
	Driver: (MDL21) 96 watts Color Temp: (45) 4500 K LED's: (12L) number of LED's Optic: (T5)



# City of Ellisville

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## Memo

To: Carl Hoffman, Chairman and Members of the Planning and Zoning Commission  
From: Ada Hood, City Planner *OH*  
Meeting  
Date: March 9, 2016  
Re: Request of Lee Allen for a Conditional Use Permit to allow a building addition in excess of 30 feet in height located at 525 Old State Road within the M-1 Light Industrial Zoning District.

---

### **BACKGROUND**

On November 18, 2015, the City Council approved a lot consolidation plat authorizing 517, 525 and part of 541 Old State Road to be consolidated into one lot. The lot consolidation has been recorded in compliance with the City's approval. The applicant is now proposing to add a one-story addition to accommodate an office use. The existing building measures 5,980 square feet in size, while the addition will measure 11,756 square feet in size, for a total building size of 17,736 square feet. The proposed addition will be a single story in height with a finished lower level. As per Section 400.090, building height is defined as follows:

The vertical distance measured from the lowest exposed point of the building or structure to the highest point of the building or structure.

As proposed the overall building height will be 32 feet. Therefore, as per Section 400.320.G, a conditional use permit is required, as follows:

The maximum height for any structure in this district is two (2) stories or thirty (30) feet. Any structure in excess of two (2) stories or thirty (30) feet will not be allowed except as a conditional use.

### **SITE PLAN**

The subject site is located on the west side of Old State Road and abuts industrial on all three sides. Setback requirements are typically 15 feet to the rear and sides. However, as the building measures 32 feet in height, the building must be setback at least 32 feet from all property lines, which it is. According to the documents submitted the existing fence along the rear property line will be removed. The applicant has not indicated whether a new fence will be installed.

### **Parking/Access**

The proposed use is a general office use, therefore a traffic impact study was not required. The applicant is proposing to provide 57 parking spaces, while 53 parking spaces is the minimum required. The applicant is proposing circulation around the building which will flow with minimal negative

impact. However, staff is recommending approval from St. Louis County for the entrance drive throat depth, to ascertain traffic does not back up on Old State Road.

#### Landscape

The City's third party landscape architect has reviewed the plans and found the plans to be deficient. The report is attached for your review.

#### Lighting

The submitted plans do not show lighting for the parking lot, however, lighting will be required. Site lighting should be limited to 20 feet maximum in height. Additionally, all light fixtures should be fully shielded and comply with city standards.

#### Exterior Storage

The applicant is proposing to continue exterior storage in a gravel area in the rear of the property. The Code requires that all areas not used for building or parking be sodded or landscaped, unless otherwise approved by the City Council. If exterior storage is allowed, then a fence should be required along the rear and partial side property lines to help screen the exterior storage from view.

#### **CONDITIONAL USE**

Conditional uses are uses that have been deemed allowed in the district, but which may result in possible negative impacts. The conditional use permit process allows the City the opportunity to identify potential negative impacts and require appropriate mitigation.

The applicant is requesting consideration of a Conditional Use Permit to allow the proposed addition to exceed 30 feet in height. The proposed addition will feature a walk out basement on the back side and that is the only reason the height will exceed 30 feet. The proposed addition should not pose negative impacts to abutting properties.

#### **IMPACT**

Staff recommends that the Planning and Zoning Commission waives the public hearing as one will be held at the City Council level. The applicant did not submit a Phase 1 environmental assessment.

#### **RECOMMENDATION**

Staff recommends that the Planning and Zoning Commission consider the following conditions as part of a favorable recommendation to the City Council:

In addition to the improvements illustrated in the plans:

1. That the Planning and Zoning Commission waives the public hearing at the Commission level, as one will be held at the City Council level; and
2. That the Commission determines an environmental impact report is not required; and
3. That the applicant secures approval from St. Louis County for the access to the site and throat depth of the access drive; and
4. That the applicant provides a deceleration lane into the property, if deemed necessary by St. Louis County; and
5. That the light poles not exceed 20 feet in height and that fixtures are fully shielded; and
6. That the applicant secures ARB approval; and
7. That the applicant obtains approval of the landscaping plan from the city's third party landscape architect; and
8. That the applicant secures approval from the City Council to allow the gravel area in the rear of the property to remain for use as an exterior storage area; and

9. If storage is allowed, then a fence should be required along the rear and partial side property lines to help screen the exterior storage area from view; and
10. Additional landscaping may be required along the front property line to fully screen the exterior storage area from view; and
11. That the applicant obtains approval from St. Louis County Department of Transportation for all work within Old State Road right-of-way; and
12. That the applicant obtains approval from the Metropolitan St. Louis Sewer District including drainage areas maps, pre developed and post drainage area maps, storm water easements, storm profiles, bmp drainage area map, water quality maintenance agreements, etc.; and
13. That the applicant obtains approval, including temporary slope construction licenses, for any work conducted on adjacent property; and
14. That the applicant obtains a Land Disturbance Permit from the Missouri Department of Natural Resources; and
15. That the applicant submits a Storm Water Pollution Prevention Plan, prior to permit issuance and provides weekly erosion control inspection reports to the city in an electronic format; and
16. That the applicant installs “inverted U” type bike racks; and
17. That the applicant prepares and submits a photometric parking lot lighting plan for approval by the City Engineer; and
18. That the applicant secures approval from MWFPD and Missouri American Water Company for the location of all fire hydrant locations, water mains, etc.; and
19. That the applicant installs a guard rail along sections of the rear retaining wall; and
20. That the applicant installs a sidewalk along the front of the property; and
21. That the applicant provides pedestrian walkways within the parking lot, including a pedestrian path from the sidewalk along Old State Road to the parking lot, in compliance with code requirements; and
22. That the applicants installs a masonry trash enclosure, or provides appropriate documentation that the enclosure is not required; and
23. That the applicant provides Engineer’s cost estimate of the site improvements (Excel format if possible). This document will be used to establish the escrow. Once the cost estimate is approved, the owner will need to establish an escrow via a bond or irrevocable letter of credit.



# City of Ellisville

One Weis Avenue  
Ellisville, MO 63011  
(636) 227-9660 FAX: (636) 227-9486

RECEIVED  
FEB 17 2014  
City of Ellisville

## APPLICATION COVER SHEET

(please type or print)

ALL APPLICABLE SECTIONS OF APPLICATION MUST BE COMPLETE  
AND CONSISTENT WITH SUBMITTED MATERIALS

Property Address: 525 OLD STATE ROAD - ELLISVILLE, MO 63021

Project Description: 1 STORY ADDITION & RENOVATIONS TO EXISTING OFFICE BLDG.

### PART A: PARTIES IN INTEREST

The full legal name of each party listed below (partnership, corporation, etc.) is required for review of the application(s). Having different individuals represent an Applicant at different meetings during the review process may result in unnecessary confusion and delay. Consequently, in the interest of promoting clarity, a consistency, and expediency, the City requests all Applicants, at the time of filing their Application, to identify a primary or principal APPLICANT (either attorney or non-attorney; corporations should see Notice below) who can be expected to attend each of the meetings during the Petition review process.

#### Notice to Applicants

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Name and Title of APPLICANT: LEE ALLEN, PRESIDENT (OLD STATE INVESTMENTS, INC.)

Address: 525 OLD STATE RD - ELLISVILLE, MO 63021

Phone Number: 636.391.1117 Email lee.allen@roofing.net

Name of Business Owner(s) - if different than above: N/A

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email \_\_\_\_\_

Name of Property Owner(s) - if different than above: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email \_\_\_\_\_

Name of Architect, Landscape Architect, Planner or Engineer: JIM EDGAR, ARCHITECT, L.L.C.

Address: 16874 STATE HIGHWAY N, MARTHAVILLE, MO 63357

Phone Number: 314.809.8882 Email jim.edgar@centurylink.net

Revised: August 25, 2014

**PART B: SITE DESCRIPTION**

Legal Address of Property: S2S : OLD STATE RD. Locator No.: SEE LOT CONSOLIDATION PART  
Lot No.: — Block No.: — Current Zoning: M1 - LIGHT INDUSTRIAL  
Current Use of Site: BUSINESS |

Proposed Use of Site: BUSINESS

**PART C: APPLICATIONS FILED (List the applications you will submit (i.e. Conditional Use Permit, Site Plan, etc.). A Letter addressed to the City must be submitted. The letter should completely describe who, what, why, where and when.**

- APPLICATION COVER SHEET
- APPLICATION FOR ARCHITECTURAL REVIEW
- APPLICATION FOR SITE PLAN REVIEW
- CUP application

**PART D: AUTHORIZATION (FULL LEGAL NAME IS REQUIRED)**

Signature of Applicant (Required): [Signature] Date: 2-16-16  
Title/Interest in Property: OWNER  
Signature of Property Owner (Required): [Signature] Date: 2-16-16  
Title/Interest in Property: OWNER



**City of Ellisville**  
 One Weis Avenue  
 Ellisville, MO 63011  
 (636) 227-9660 FAX: (636) 227-9486

**RECEIVED**  
 FEB 17 2014  
 City of Ellisville

**APPLICATION FOR SITE PLAN  
 REVIEW**

**PAID**  
 \$50  
 CK# 006946

(please type or print)

**ALL APPLICABLE SECTIONS OF APPLICATION MUST BE COMPLETE.  
 APPLICATION MUST BE CONSISTENT WITH SUBMITTED MATERIALS.  
 PLANS MUST BE FOLDED TO APPROXIMATELY 8 1/2 x 11 or 8 1/2 x 14 IN SIZE. A \$50.00  
 APPLICATION FEE MUST ACCOMPANY THIS APPLICATION**

Property Address: 525 OLD STATE RD. - ELLISVILLE, MO 63021

Applicant: LEE ALLEN, PRESIDENT OLD STATE INVESTMENTS, INC.

**PART A: SITE DEVELOPMENT**

Briefly describe the intended project and use: 1 STORY ADDITION TO EXIST. OFFICE BLDG.

Is the intended use: Permitted  Conditionally Permitted: \_\_\_\_\_ Part of a Planned Development: \_\_\_\_\_

Total Square Footage of Site: 118,479 SQ. FT. (2.72 AC.) Total Square Footage of Building(s): 17,736 G.S.F. (MAIN & LOWER LEVEL)

Ratio of Total Square Footage of Building(s) to Total Square Footage of Site: 13.2 to 1 (MAIN WL = 8,987 G.S.F.)

Building Lot Coverage: 47% Total Impervious Lot Coverage: 55,712 SQ. FT.

Setbacks: Required: 15' SIDE & REAR Provided: 15' SIDE & REAR

Buffer Landscape: Required: TO BE VERIFIED Provided: SEE MASTER SITE PLAN

Parking Lot Landscape: Required: \_\_\_\_\_ Provided: SEE MASTER SITE PLAN

Fence: Required: \_\_\_\_\_ Location: \_\_\_\_\_ Type/Material: \_\_\_\_\_ Height: \_\_\_\_\_

Wall (Screen/Sound): Required: \_\_\_\_\_ Location: \_\_\_\_\_ Type/Material: \_\_\_\_\_ Height: \_\_\_\_\_

Public Art or Benefit Provided: \_\_\_\_\_ Describe: \_\_\_\_\_

Briefly describe the disposal of Trash, Delivery and Loading for Operation (Location and Hours):

*Architectural review is required for any exterior renovation or facade changes. If any of these items are part of the project, complete an Architectural Review Board Application.*

**PART B: PERFORMANCE STANDARDS**

Revised: July 25, 2014

TO BE DETERMINED



standard?

**PART C: STORM WATER QUALITY PROTECTION STANDARDS:**

All development and redevelopment must comply with storm water quality protection standards. To the maximum extent feasible, the development plan should preserve and/or protect existing natural resource areas that facilitate pollutant removal and reduce runoff.

1. Can land disturbance be minimized? ?
2. Can additional greenspace be preserved? ?
3. Can proposed development be located in already developed areas? ?
4. Can stormwater be captured and infiltrated into the ground? YES
5. Can stormwater be captured and reused for irrigation or décor? ?
6. Could permeable surface materials be used to promote infiltration and limit runoff? T.S.D.
7. Can land disturbance be restricted to less sensitive areas? ?
8. Is the development located outside the 100 year flood plain? YES
9. Is the development located outside the stream bank setback buffer? NA
10. Does the development warrant engineering channel protection controls (because of size or stream bank erosion problems)? NA
11. Does the development plan avoid sensitive areas? ?
12. Does the site development plan utilize stormwater credits? ?
13. Does the site development plan show structural BMPs? What is the acreage of drainage to the BMP? Will the BMP be above or below ground? ?
14. Who will be responsible for maintaining storm water controls? Are the structural BMP shown on the plan appropriate for the entity or person responsible for maintenance? ?
15. Is over 1 acre of impervious area being added? NO
16. Is the development tributary to any existing basins that need to be upgraded? NO

**PART D: ENVIRONMENTAL STATEMENT**

Will the proposed request will not adversely impact the environment?: NO

Has a Phase I Assessment or Phase II Environmental Report/Study been prepared in association with this request?  
NO (Yes or No) If yes, please submit a copy of the report/study with this application.

By filing this application you acknowledge and are aware that the City may require a partial or comprehensive environmental assessment, impact analysis, or report, in conformity with Chapter 415, Environmental Report of the Land Use Regulations, at any time during the application or approval process.

**PART E: CHECKLIST**

- Existing and proposed (1) Site Plan, (2) Landscaping Plan and (3) Natural Resources Plan. Scale may be 1"= 20'-0".
- Five full size copies of plans must be submitted initially for staff review. Additional plan sets will be required later to forward to the Planning and Zoning Commission and/or City Council.
- Boundary Map showing all boundaries, existing setbacks and other physical features.
- Location map showing north arrow.



# City of Ellisville

One Weis Avenue  
Ellisville, MO 63011  
(636) 227-9660 FAX: (636) 227-9486

## APPLICATION FOR CONDITIONAL USE PERMIT

(please type or print)

ALL APPLICABLE SECTIONS OF APPLICATION MUST BE COMPLETE.  
APPLICATION MUST BE CONSISTENT WITH SUBMITTED MATERIALS.  
THIRTY-ONE (31) SETS OF SIGNED & SEALED DRAWINGS PLANS MUST BE FOLDED TO  
APPROXIMATELY 8 1/2 x 11 or 8 1/2 x 14 IN SIZE. ~~AT \$350.00 APPLICATION FEE AND \$50.00~~  
~~PUBLIC HEARING DEPOSIT MUST ACCOMPANY THIS APPLICATION~~

Property Address: 525 OLD STATE ROAD - ELLISVILLE, MO 63021

Applicant: LEE ALLEN, PRESIDENT, OLD STATE INVESTMENTS, INC.

### PART A: BUILDING CONSTRUCTION

Estimated Cost of Construction: \$600,000.00 No. of Stories: (1) STORY w/ LOWER LEVEL WALK-OUT

Total Square Footage of Site: 118,479 SQ. FT. Total Square Footage of Building(s): 17,736 G.S.F.  
(2.72 ACRES) (INCLUDE LOWER LEVEL)

Ratio of Total Square Footage of Building(s) to Total Square Footage of Site: 18.2 TO 1

Building(s) Height(s): 32' w/ FROM LOWER LEVEL Number of Floors: (2) TWO

Total Number of Available Parking Spaces: 57

Number of Parking Spaces as Required by the Zoning Ordinance: MIN. 52, MAX. 58

Describe the Reason for Requesting a Conditional Use Permit: PROPOSED ADDITION'S HIGHEST POINT IS APPROX. 2' HIGHER THAN THE REQUIRED MAX. OF BDI

Briefly describe the disposal of Trash, Delivery and Loading for Operation (Location and Hours): ---

Architectural review is required for any exterior renovation or façade changes. If any of these items are part of the project, complete an Architectural Review Board Application.

### PART B: AMENDING AN EXISTING CONDITIONAL USE PERMIT

Please describe the proposed amendment: N/A

Not Applicable

Please describe why the proposed amendment is necessary: \_\_\_\_\_

**PART C: MULTI-TENANT/MIXED USE**

Total Square Footage of: Retail: \_\_\_\_\_ Residential: \_\_\_\_\_ Office: \_\_\_\_\_ Other: \_\_\_\_\_

How Many Dwelling Units Will Result From The Project: \_\_\_\_\_ Square Footage Per Unit: \_\_\_\_\_

Number of Floors Retail: \_\_\_\_\_ Residential: \_\_\_\_\_ Office: \_\_\_\_\_ Other: \_\_\_\_\_

Total Number of Parking Spaces: Retail \_\_\_\_\_ Residential: \_\_\_\_\_ Office: \_\_\_\_\_ Other: \_\_\_\_\_

Provide a tabulation of the total square footage of the site and what percentage and amount of square footage will be reserved for off-street parking, open spaces, parks, etc.

<u>Intended Use:</u>	<u>Square Footage</u>	<u>Percentage</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

**PART D-1: RESTAURANTS**

Briefly describe the type and character of the operation: \_\_\_\_\_

Hours of Operation: \_\_\_\_\_

Will a liquor license be requested? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, which type: \_\_\_\_\_

Square Footage of Proposed Use: \_\_\_\_\_ No. of seats: \_\_\_\_\_

Number of Parking Spaces: \_\_\_\_\_ No. Employees: \_\_\_\_\_ Valet Parking? Yes \_\_\_\_\_ No \_\_\_\_\_

Location of Parking Facilities: \_\_\_\_\_

If restaurant is to offer deliveries, please describe this operation: \_\_\_\_\_

Does the restaurant intend to participate in a recycling program? Yes \_\_\_\_\_ No \_\_\_\_\_

**PART D-2: OUTDOOR DINING/SEATING**

Please provide a copy of survey showing building line, property line, right-of-way line, proposed seating plan and landscaping.

Seating only? Or full service? \_\_\_\_\_ Square Footage of Patio: \_\_\_\_\_

Same Menu (Yes/No): \_\_\_\_\_ Same Hours (Yes/No): \_\_\_\_\_

NOT APPLICABLE

No. Tables: \_\_\_\_\_ No. Seats: \_\_\_\_\_ No. Umbrellas: \_\_\_\_\_ Logo on Umbrellas: \_\_\_\_\_

Description of Furniture: \_\_\_\_\_

Description and proposed location of Pedestrian Barrier: \_\_\_\_\_

Description of Landscaping: \_\_\_\_\_

Description of Lighting: \_\_\_\_\_

**PART E-1: TELECOMMUNICATION INSTALLATIONS**

Location of Antenna(s): \_\_\_\_\_ Type of Antenna(s): \_\_\_\_\_

No. of Antenna(s) : \_\_\_\_\_ Dimension(s): \_\_\_\_\_

Location of cabinets(s): \_\_\_\_\_ Type of cabinets(s): \_\_\_\_\_

No. of cabinets(s) : \_\_\_\_\_ Dimension(s): \_\_\_\_\_

Location of wiring/cable: \_\_\_\_\_ Type of wiring/cable: \_\_\_\_\_

Lineal Feet : \_\_\_\_\_ How will wiring/cable be screened: \_\_\_\_\_

Location of screening/ \_\_\_\_\_ Type of screening(s) \_\_\_\_\_

Enclosures: \_\_\_\_\_ enclosures: \_\_\_\_\_

Dimension(s): \_\_\_\_\_ Color/Description: \_\_\_\_\_

Will any illumination be used : \_\_\_\_\_ By what method : \_\_\_\_\_

**PART E-2: LEASE AND MAINTENANCE**

Fully executed lease: \_\_\_\_\_ How long is lease for: \_\_\_\_\_ Any Easements: \_\_\_\_\_ Describe: \_\_\_\_\_  
Yes / No Yes / No

Who will provide any maintenance: \_\_\_\_\_ Describe: \_\_\_\_\_

**PART F: ENVIRONMENTAL STATEMENT**

Will the proposed request adversely impact the environment?: \_\_\_\_\_ (Yes or No)

Has a Phase I Assessment or Phase II Environmental Report/Study been prepared in association with this request?  
\_\_\_\_\_ (Yes or No) If yes, please submit a copy of the report/study with this application.

By filing this application you acknowledge and are aware that the City may require a partial or comprehensive environmental assessment, impact analysis, or report, in conformity with Chapter 415, Environmental Report of the Land Use Regulations, at any time during the application or approval process.

## PART G: CRITERIA

It shall be the responsibility of the applicant to clearly establish that the following criteria are met: (Respond Yes or No). Please be sure to respond to all questions (a-r).

- NO a. Will the use have any negative effect upon traffic conditions.
- (1) In the event that the proposed commercial use or building is a motor vehicle oriented business as defined by Section 400.430(A)(2), traffic impact consideration screening procedures as set forth in Section 400.430(A)(4) shall be considered by the Council in determining whether there is a negative effect upon traffic conditions, in addition to any other evidence adduced pursuant to the permit procedure.
- (2) In the event that the proposed use or building is a multi-family development as defined by Section 400.430 (B)(2), traffic impact consideration screening procedures as set forth in Section 400.430(B)(4) shall be considered by the Council in determining whether there is a negative effect upon traffic conditions, in addition to any other evidence adduced pursuant to the permit procedure.
- NO b. Will the use substantially increase fire hazards?
- NO c. Will the use adversely affect the character of the neighborhood?
- NO d. Will the use adversely affect the general welfare of the community?
- NO e. Will the use overtax the sewage or public utilities?
- NO f. Will the use adversely affect or overtax Police or other City services?
- YES g. Will the use be the highest and best use of the location applied for?
- NO h. Will the use adversely affect the financial condition of the City including any adverse impact upon utilities, property and sales tax?
- NO i. Will the use have a substantial negative impact on the environment?
- YES j. Is the proposed use compatible with surrounding uses and with the surrounding neighborhood?
- YES k. Is the comparative size, floor area and mass of the proposed use and/or proposed structure appropriate and reasonable in relation to adjacent structures and buildings on surrounding properties and in the surrounding neighborhood?
- NO l. Will the use adversely affect the neighborhood in terms of water runoff, noise transfer or heat generation due to significant amount of hard surfaced areas for buildings, sidewalk, drives, parking and service areas?
- NO m. Will the frequency and duration of various indoor and outdoor activities and special events associated with the proposed use have a deleterious impact on the surrounding area?
- YES n. Will the use be likely to remain in existence for a reasonable length of time and not become vacant or unused?
- YES o. Does the use involve the presence of ~~unusual~~, single-purpose structures or components of a temporary nature?
- YES p. Does the proposed use comply with the standards of good planning practices?
- YES q. Have sufficient measures been taken or will be taken by the applicant that would negate, to an acceptable level, potentially adverse impacts, as determined by the City Council?
- YES r. Will the use comply with all other applicable provisions of Chapter 400, including performance standards as set forth in Section 400.170?

## PART H: CHECKLIST

\_\_\_\_\_ Five full size copies of plans must be submitted initially for staff review. Additional plan sets (31 copies) will be required later to forward to the Planning and Zoning Commission and/or City Council.



Thursday, February 25, 2016

Ms. Ada Hood, A.I.C.P.  
Director of Planning and Community Development  
City of Ellisville  
1 Weis Avenue  
Ellisville, Mo 63011

Re: Landscape Plan Review #1  
Allen Roofing Building Addition - 525 Old State Rd.  
terraspec Job No. 11003.28

Dear Ms. Hood:

Per your request we have performed a review of the Landscape Plan for the above referenced project and submit for consideration the following comments. The minimum requirements, as stated in the City's Code, along with notes pertaining to proposed plan compliance and/or deficiencies are indicated for each section.

Please note that the plans submitted for landscape review did not include a landscape plan. Some proposed landscaping was indicated on the "Master Site Plan" Sheet MSP, but that plan does not meet the minimum requirements set forth in the City's Code.

Drawing Requirements:

1. Submit a bona fide landscape plan that indicates, by note or keyed graphic representation, how ground surfaces are to be treated (ie lawn, mulch, pavement, etc.), show proposed elements that may impact the plantings (ie light poles, drainage structures, retaining walls, etc.) and identify all proposed plant material. The plan should also include a Plant Schedule that, at a minimum, shows; Botanical Names, Common Names, Quantities, and Planting Size for each plant type. In addition, the landscape plan should include planting details.
2. Place the following notes on the landscape plan:
  - A. Irrigation—All landscape areas shall be irrigated to properly establish and maintain lawns and plant material with a minimum of overspray and without significant potential for causing erosion.
  - B. Maintenance—All landscape areas shall be maintained in a clean and healthy condition and all dead plants shall be removed within thirty (30) days and replaced within sixty (60) days of removal, weather permitting, with plants of equivalent size.
  - C. All planting islands, peninsulas and/or medians shall have debris removed and shall be backfilled with at least 2' of clean topsoil.

Minimum Requirements per City regulations  
Section 400.480—Landscaping and Landscape Buffers

A. Planting Strip along street frontage (Sec. 400.480, paragraph G)

Code Requirement:

Planting Strip:

20' minimum width planting strip along street frontage containing:

Trees:

1 - 3" cal. Shade Tree / 50 lf **or**  
3 - 2" cal. Ornamental Trees (grouped) / 50 lf

Shrubs (provide 80% screen of Vehicular Use Area)

18"-24" shrubs (planted size) at 36" on center (double row-staggered) **or**  
18"-24" shrubs (planted size) at 30" on center (single row)

LAND PLANNING RECREATION PLANNING AND DESIGN LANDSCAPE ARCHITECTURE  
5030 GRIFFIN ROAD ST LOUIS, MISSOURI 63128 (314) 984-8211

Site Requirements/Proposal/Deficiency:

Street Frontage Planting Strip (Approx. 250 lf actual plantable frontage along Old State Road):

- Required - 20' min. width
- Proposed - Variable width strip (13'-17')
- Deficiency - 3'-7'

Trees:

- Required - (5) 3" Shade Trees or (15) 2" Ornamental Trees
- Proposed - (1) 20" cal. Existing Shade Tree indicated to remain
- Deficiency - (4) 3" Shade Trees or (12) 2" Ornamental Trees

Shrubs:

- Required - (80) shrubs at 30" oc. to screen 80% of VUA
- Proposed - (0) shrubs
- Deficiency - (80) shrubs

**Additions necessary to meet minimum requirements:**

- **No additional Planting Strip Width recommended. Screening and street tree requirements can be achieved within the reduced areas.**
- **(4) additional Shade Trees or**
- **(12) additional Ornamental Trees**
- **(80) additional Shrubs**

B. Commercial to Commercial Landscape Buffer (Sec. 400.480, paragraph F)

Code Requirement:

Bufferyard: (approx. 453 lf - North, 322 lf - South and 328 lf - West) containing:  
10' minimum width planting strip along property line containing:

Trees

- 1 - Shade Tree / 60 lf (Min. 2 1/2" cal. Recommended) and
- 1 - Ornamental Tree / 70 lf (Min. 1 1/2" cal. Recommended)

Shrubs

- 4 - Shrubs (evergreen or deciduous) / 60 lf - clustered (18" ht. Recommended)

North Property Line

Site Requirements/Proposal/Deficiency:

Bufferyard Planting Strip (Approx. 453 lf):

- Required - 10' min. width
- Proposed - Variable width strip (4'-13')
- Deficiency - 6' in area between proposed parallel parking and off-site driveway

Trees:

- Required - (7) 2 1/2" Shade Trees and (6) 1 1/2" Ornamental Trees
- Proposed - (1) Shade Tree (no size indicated)
- Deficiency - (6) 2 1/2" Shade Trees and (6) 1 1/2" Ornamental Trees

Shrubs:

- Required - (30) shrubs
- Proposed - (0) shrubs
- Deficiency - (30) shrubs

**Additions necessary to meet minimum requirements:**

- **No additional Planting Strip Width recommended. Planting requirements can be achieved within the reduced area.**
- **(6) additional Shade Trees and**
- **(6) additional Ornamental Trees**
- **(30) additional Shrubs**



South Property Line

Site Requirements/Proposal/Deficiency:

Bufferyard Planting Strip (Approx. 323 lf):

Required - 10' min. width

Proposed - 7' width

Deficiency - 3' in area between proposed parking and property line

Trees:

Required - (5) 2 1/2" Shade Trees and (5) 1 1/2" Ornamental Trees

Proposed - (0) Trees

Deficiency - (5) 2 1/2" Shade Trees and (5) 1 1/2" Ornamental Trees

Shrubs:

Required - (21) shrubs

Proposed - (0) shrubs

Deficiency - (21) shrubs

**Additions necessary to meet minimum requirements:**

- **No additional Planting Strip Width recommended. Planting requirements can be achieved within the reduced area.**
- **(5) additional Shade Trees and**
- **(5) additional Ornamental Trees**
- **(21) additional Shrubs**

West Property Line

Site Requirements/Proposal/Deficiency:

Bufferyard Planting Strip (Approx. 328 lf):

Required - 10' min. width

Proposed - Unknown

Deficiency - 10' along entire property line

Trees:

Required - (5) 2 1/2" Shade Trees and (5) 1 1/2" Ornamental Trees

Proposed - (0) Trees

Deficiency - (5) 2 1/2" Shade Trees and (5) 1 1/2" Ornamental Trees

Shrubs:

Required - (21) shrubs

Proposed - (0) shrubs

Deficiency - (21) shrubs

**Additions necessary to meet minimum requirements:**

- **Provide 10' wide planting strip along entire property line.**
- **(5) additional Shade Trees and**
- **(5) additional Ornamental Trees**
- **(21) additional Shrubs**

C. Vehicular Use Area. (Sec. 400.480, paragraph E)

Code Requirement:

Landscape Space:

Minimum Landscaped Area per Table

Minimum width - 6' (plantable area)

Minimum square footage /area - 50 sf (plantable area)

Trees

Minimum Number of Shade Trees per Table (Min. 2 1/2" cal. Recommended)

Site Requirements/Proposal/Deficiency:

Landscape Space Required based on 50+ Proposed Parking Spaces Excluding Service Yard Area:

Required - 1200 sf min. area designated to landscaping

Proposed - 1200+ sf

Deficiency - No Area Deficiency but little to no landscape within landscape space indicated.



Trees:

Required - (7) 2 1/2" Shade Trees  
Proposed - (1) Shade Tree (no size indicated)  
Deficiency - (6) 2 1/2" Shade Trees

**Additions necessary to meet minimum requirements:**

- No additional Landscape Space required within the VUA.
- (6) additional Shade Trees

- Additional Comments and Recommendations

1. Plant materials proposed, for the most part, are hardy in the St. Louis area. The plan would greatly benefit from more variety.
2. Has this project been submitted to MSD for review? It appears that at least half of this 3+/- acre site is being disturbed by new construction. MSD normally requires water quality basin(s) for any disturbance over 1 acre.

If there are any questions or additional information is required, please don't hesitate to contact this office.

Sincerely,  
terraspec



Kenneth J. Keitel, PLA, ASLA  
Landscape Architect



## Ada Hood

---

**From:** Dave Phipps  
**Sent:** Thursday, February 25, 2016 2:24 PM  
**To:** Ada Hood  
**Subject:** RE: Review

Ada,  
I have reviewed the plans for 525 Old State there are no additional requiremnts from the fire district

David E. Phipps  
Fire Marshal  
Metro West Fire Protection District  
(636) 821-5806

**From:** Ada Hood [mailto:ahood@ellisville.mo.us]  
**Sent:** Thursday, February 25, 2016 11:34 AM  
**To:** Dave Phipps <daveph@metrowest-fire.org>; Kenneth Keitel <kjkeitel@terraspecstl.com>; jknoll@stlouisco.com  
**Subject:** Review

Please review the attached plans and submit comment asap.

Kind Regards,



Ada A. Hood, AICP  
City Planner  
City of Ellisville  
1 Weis Avenue  
Ellisville, MO 63011  
636-227-9660 office  
314-799-1162 mobile  
636-227-9486 fax

## Ada Hood

---

**From:** John Collins  
**Sent:** Wednesday, February 24, 2016 10:04 AM  
**To:** Ada Hood  
**Cc:** Bill Schwer  
**Subject:** RE: 2 of 2- 525 Old State Rd. - Allen Roofing & Siding - Addition and Renovation ARB Submittal - 2.16.16 (1fo2 e-mails)

Ada,

The following are my review comments regarding the Allen Roofing and Siding site plan dated February 16, 2016:

- It will be necessary to obtain approval of the landscaping plan from the city's third party landscape planner.
  - It will be necessary to obtain approval from St. Louis County Department of Transportation for all work within Old State Road right-of-way.
  - It will be necessary to obtain approval from the Metropolitan St. Louis Sewer District including drainage areas maps, pre developed and post drainage area maps, storm water easements, storm profiles, bmp drainage area map, water quality maintenance agreements, etc.
  - It will be necessary to obtain approval, including temporary slope construction licenses, for any work conducted on adjacent property.
  - It will be necessary to obtain a Land Disturbance Permit from the Missouri Department of Natural Resources.
  - It will be necessary to submit a Storm Water Pollution Prevention Plan including providing weekly erosion control inspection reports to the city in an electronic format.
  - It will be necessary to include "inverted U" type bike racks.
  - Provide a photometric parking lot lighting plan.
  - It will be necessary to obtain approval from Metro West Fire Protection District and Missouri American Water Company for the location of all fire hydrant locations, water mains, etc.
  - It will be necessary to install a guard rail along sections of the rear retaining wall.
  - It will be necessary to install a sidewalk along the front of the property.
  - It will be necessary to provide pedestrian walkways within the parking lot.
  - It will be necessary to provide a masonry trash enclosure.
  - Consider pedestrian path from sidewalk along Old State Road to parking lot.
1. Provide Engineer's cost estimate of the site improvements (Excel format if possible). This document will be used to establish the escrow. Once the cost estimate is approved, the owner will need to establish an escrow via a bond or irrevocable letter of credit.

## Ada Hood

---

**From:** James Edgar, Jr.  
**Sent:** Thursday, February 25, 2016 10:20 AM  
**To:** Ada Hood  
**Cc:** Lee Allen; Lauren Strutman; carold@lsa-stl.com  
**Subject:** Re: 525 Old State Rd. - Allen Roofing & Siding - Addition and Renovation ARB Submittal - 2.16.16 (1fo2 e-mails)

Hi Ada ...

I spoke to Lee yesterday ... he is going to leave the "Service Yard" gravel / "as is" ... if there are any changes in the future ... we will be sure to let you know ...

Is there anything else I / we need to do in preparation for next Wednesday's "ARB" meeting ?

Sincerely ...

**Jim Edgar**  
Project Manager

**OLD STATE INVESTMENTS, INC.**

525 Old State Road  
Ellisville, MO 63021

636.391.1117 - Office

636.391.5999 - Fax

314.803.8882 - Cell

[jedgar@arooling.net](mailto:jedgar@arooling.net) - e-mail

<http://www.arooling.net> - Website

On Wed, Feb 24, 2016 at 10:49 AM, Ada Hood <[ahood@ellisville.mo.us](mailto:ahood@ellisville.mo.us)> wrote:

Jim-

Will the gravel storage area be paved? lmk

Kind Regards,



Ada A. Hood, AICP

City Planner

City of Ellisville

## Chapter 400. Zoning Regulations

### Article VI. Light Industrial Zoning District

#### Section 400.320. "M-1" Light Industrial Zoning District.

[R.O. 2005 §30-56; CC 1997 §30-56; Ord. No. 2266 §6, 7-1-1998; Ord. No. 2481 §7, 2-6-2002; Ord. No. 2751 §2, 3-1-2006; Ord. No. 2932 §9, 2-4-2009; Ord. No. 2948 §§3—4, 7-15-2009]

- A. *Purpose.* The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Section, are the regulations in the "M-1" Light Industrial Zoning District. The purpose of this district is to provide for industrial development of integrated design in appropriate locations to serve the community. Such development shall be laid out as a unit according to an approved plan as provided by one (1) of the procedures established to accomplish such purpose. The provisions contained in this Section are applicable only to "M-1" Light Industrial Zoning District uses unless specifically otherwise indicated.
- B. *Permitted Uses.*
- Aerobic exercise facility.
  - Alarm monitoring service.
  - Appliance/building component sales or service.
  - Auto parts and accessory shops.
  - Barbershop, beauty parlor and cosmetic services.
  - Bicycle sales and repair.
  - Boarding kennel (as per Section **400.325**).  
[Ord. No. 3131 §1, 10-16-2013]
  - Bookstore/newsstand.
  - Bottling and packaging works.
  - Building component sales and fabrication.
  - Buildings and yards for contractor's business, equipment, materials and supplies.
  - Business clerical service.
  - Business, professional and technical training.
  - Card and gift shop.
  - Computer hardware, software and supplies.
  - Convenience store.
  - Dance lesson studio.
  - Diet/nutrition center.
  - Dog day care (as per Section **400.325**).  
[Ord. No. 3131 §1, 10-16-2013]
  - Dry cleaning/laundry/dyeing establishment and service.
  - Electronic/radio and television sales and service.
  - Eye care facility.

Fabric store.  
Facility for repair of major or minor appliances, personal articles or furniture, excluding furniture stripping.  
Florist.  
Food/beverage specialty shop.  
Gasoline/service station.  
General office and medical office.  
Grocery store.  
Gymnasium, indoor swimming pool, indoor public or private handball, squash and racquetball courts and indoor and unlighted outdoor public or private tennis courts.  
Hardware store.  
Heating and cooling sales office (excluding component fabrication).  
Hobby/arts and crafts store.  
Home and office maintenance services.  
Hotel/motel.  
Lawn and garden shop including equipment sales and service.  
Manufacturing, fabrication, assembly, processing or packaging of any commodity from semi-finished materials, except explosives or flammable gases or liquids.  
Mini-shop as defined in Section **400.090**.  
Municipal open air market.  
Musical instruments, sales and rental.  
Nursery/greenhouse.  
Outdoor dining without table service.  
Parking lot/garage.  
Pet shop.  
Pharmacy.  
Photography studio/film processing, photo sales and service.  
Print shop—An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint or offset printing equipment, including publishing, binding and engraving.  
Public building—City.  
Public park.  
Research laboratory/facility.  
Restaurant, cafeteria, catering service.  
Retail sales.  
Sales of wall or floor coverings, fixtures, furniture and upholstery.  
Sales of wearing apparel/jewelry.  
Sales, renting or repair of equipment and vehicles used by business, individuals, industry and agriculture, excluding the wholesale or retail sale or repair of new or used automobiles and passenger vans.  
School.  
Shoe repair.  
Sporting goods store.  
Tailoring.  
Tanning, exercise facility.  
Toy store.  
  
Travel agency.  
Trucking terminal.

Utility facility or substation.  
Video cassettes, rental and sales.  
Warehousing or wholesaling of manufactured goods, except explosives or flammable liquids.  
Wholesale bakery.

C. *Conditional Uses.*

Adult entertainment businesses or establishments.  
All permitted uses exceeding fifty thousand (50,000) square feet in gross floor area.  
Animal clinic/hospital/grooming (excluding kennels or stables).  
Any retail sales business not set forth as a permitted use, exclusive of manufacturing or light industrial uses as determined by the Planning Director.  
Cell towers.  
Check-cashing/short-term loan establishment.  
Church or other non-denominational place of worship.  
Day care center.  
Drive-through.  
Financial institution.  
Firearms sales establishment.  
Firing/shooting range.  
Hospital.  
Liquor sales in conjunction with permitted uses and conditional uses.  
Multi-tenant retail building.  
Museum.  
Nursing home facility.  
Outdoor dining with table service.  
Post office.  
Private, civic, fraternal or charitable club.  
Recreation facility, public or private.  
Retirement complex.  
School, college (other than public).  
Shopping center.

D. *Accessory Uses.*

1. Accessory buildings and uses customarily incidental to the above uses.
2. No materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon, unless such materials are stored behind the building lines and the area in which they are stored is screened from the street view and approved in writing by the City Planner. Fuel oil storage tanks as part of the heating equipment of any establishment shall be permitted only if located underground. Bulk storage of all liquids, including gasoline or petroleum products on the outside of buildings, shall not be permitted.

- E. *Parking Requirements.* No motor vehicle licensed in excess of eighteen thousand (18,000) pounds gross vehicle weight may be parked or allowed to otherwise stand or idle in this zoning district unless said vehicle is owned, leased or controlled by the entity authorized to operate at the location where said vehicle is to be parked. No trailer, storage or hauling portion of a truck or of any other motor vehicle may be parked or allowed to otherwise stand or operate in this zoning district unless said vehicle is owned, leased or controlled by the entity authorized to operate at the location where said vehicle is to be parked.

F. *Area Requirements.*

1. *Minimum lot area.* One (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
2. *Minimum depth of front building line.* One hundred ten (110) feet from the center line of the road right-of-way or in conformance with Subsection **(F)(5)**, whichever is greater.  
[Ord. No. 3210 §4, 2-18-2015]
3. *Minimum width of side yard.* Fifteen (15) feet, except when a change in zoning causes the side of a lot to abut a residential lot and/or residential use already in existence at the time of the change in zoning where there shall be a side yard of not less than one hundred fifty (150) feet or in conformance with Subsection **(F)(5)**, whichever is greater.  
[Ord. No. 3210 §4, 2-18-2015]  
*Exception:* The side yard setback for properties bordering the Tartan Green subdivision shall be one hundred fifty (150) feet.
4. *Minimum depth of rear yard.* Fifteen (15) feet, except when a change in zoning causes the rear of a lot to abut a residential lot and/or residential use already in existence at the time of the change in zoning where there shall be a rear yard of not less than one hundred fifty (150) feet or in conformance with Subsection **(F)(5)**, whichever is greater. Landscaped buffer areas required by Section **400.480** may be located within the rear yard.  
[Ord. No. 3210 §4, 2-18-2015]  
*Exception:* The rear yard setback for properties bordering the Tartan Green subdivision shall be one hundred fifty (150) feet. Landscaped buffer areas required by Section **400.480** may be located within the rear yard.
5. *Total setback.* All buildings shall be set back from all property lines a distance not less than equal to the height of the structure.
6. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot. In no case shall the front yard depth be less than established for that street.
7. Where lots have a double frontage, the required front yard shall be provided on both streets.
8. *Building/structure height setback.* A building or structure shall be set back from the rear yard line at least one (1) foot for each foot of height when abutting a residential zoning district or in conformance with other area requirements contained in this Subsection, whichever is greater.

G. *Height Requirements.*

1. The maximum height for any structure in this district is two (2) stories or thirty (30) feet. Any structure in excess of two (2) stories or thirty (30) feet will not be allowed except as a conditional use.
2. The maximum height of church and temple spires and steeples is seventy-five (75) feet, provided that the building is set back from all yard lines at least one (1) foot for each foot of height or in conformance with Subsection **(F)**, whichever is greater.

H. *Site Design Requirements.*

1. A planned district light industrial development shall be designed as a whole, unified single project in compliance with the requirements of this Chapter and if built in stages, each shall conform with the approved plan.

2. Any part of the project area not used for buildings or other structures or for parking, loading or access ways shall be landscaped with grass, ground cover, trees, shrubs and pedestrian walks.
3. Continuing maintenance of all required screen plantings, as shown on the approved plan, shall be a requisite of conformance for the "M-1" Light Industrial Zoning District.
4. One (1) monument sign with identification of a planned district light industrial development may be erected into the approved development in conformance with regulation contained within Chapter **410**, Signs and Advertising Devices of this Code. Signs may be lighted or unlighted but shall not contain flashing, moving or intermittent illumination.
5. All development, improvements and uses in this district shall comply with all applicable regulations contained in Article **VIII**, Site Design and Parking Requirements of this Code.



# City of Ellisville

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## Memo

To: Carl Hoffinan, Chairman and Members of the Planning and Zoning Commission

From: Ada Hood, City Planner 

Meeting

Date: March 9, 2016

Re: Petition of McBride Bluebird LLC requesting approval of a Boundary Adjustment Plat (Partial Lot 60 Klamberg Lane), Lot Split Plat (Partial Lot 104 Jacob Lane) and Subdivision Plat authorizing a new 20 lot single family residential subdivision known as the Arbors at Bluebird Park on a tract of land totaling 8.8875 acres.

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### SUMMARY

The subject site is located at the south end of Klamberg Lane and includes two existing lots, 69 and 75 Klamberg Lane, and part of 60 Klamberg Lane and part of 104 Jacob Lane. In September 2015, the City Council approved a rezoning of the subject lots on Klamberg Lane from R-1 to R-2 Planned Residential. Additionally, the City Council approved the associated site development plan allowing up to 20 single family residential lots.

The applicant is now requesting approval of the subdivision plat, as well as a boundary adjustment plat for part of the property located at 60 Klamberg Lane and a lot split for part of the property located at 104 Jacob Lane. Recall, the applicant completed a transfer of jurisdiction, to transfer part of 104 Jacob Lane from Ballwin into Ellisville.

#### Boundary Adjustment Plat

The applicant is proposing a boundary adjustment associated with the property at 60 Klamberg Lane. More specifically, the applicant will transfer a strip of land measuring 25 feet in depth from the south side of 60 Klamberg Lane and add this strip of land to the overall subdivision. A total area of 2,994 square feet will be transferred from 60 Klamberg Lane to 69 Klamberg Lane.

The process for approval of a Boundary Adjustment Plat requires City Council approval via an ordinance. A recommendation from the Planning and Zoning Commission and a public hearing are not required.

### Lot Split Plat

The applicant is proposing a lot split associated with the property at 104 Jacob Lane. More specifically, the applicant will divide 104 Jacob Lane, so that the new lot line will line up with the new corporate boundary between Ellisville and Ballwin. The lot created (located within Ellisville's jurisdiction) will measure 26,296 square feet in size.

The process for approval of the proposed Lot Split Plat requires a recommendation from the Planning and Zoning Commission and City Council approval via an ordinance. A public hearing is not required. However, the City of Ballwin will also have to approve the Lot Split Plat.

### Subdivision Plat

The applicant is proposing to subdivide the entire area (including the partial lots: 60 Klamburg Lane and 104 Jacob Lane), measuring 8.79 acres in size, into 20 lots. As proposed, the lot sizes will range from 8,500 to 13,854 square feet in size. The proposed setbacks are:

Front Yard – 20 feet minimum

Side Yard- 5 feet minimum

Rear Yard – 15 feet minimum

The Engineering Department has determined that the subdivision plat is consistent with the site development plan approved by the City Council in September 2015. The process for approval of a Subdivision Plat requires a Commission recommendation and Council approval via an ordinance. A public hearing is not required for the plat.

### **IMPACT**

As per Section 405.160, all plats must meet the following criteria as determined by the Planning and Zoning Commission and/or the City Council:

1. Consistency with the Comprehensive Plan;
2. Compatibility of lot size and density;
3. Creation of a lot which provides adequate dimensions to construct improvements of similar size and nature to the surrounding area;
4. Creation of a lot which is in compliance with the area and frontage requirements (no flag lots), as specified in Chapter 400, Zoning Regulations, and provides for an orderly pattern of development;
5. Promotion of a creative approach to the use of land and related physical facilities resulting in better site layout and development;
6. Preservation and enhancement of desirable site characteristics, such as natural topography, vegetation and geologic features and the prevention of soil erosion;

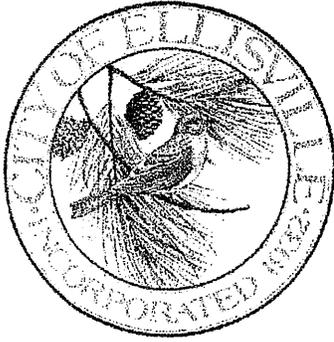
7. Enhancement of water quality;
8. Elimination of incompatible land configurations;
9. Consistency with good planning practices;
10. Compliance with all applicable codes, ordinances, and standards.

The Commission previously determined an environmental impact report was not needed.

**RECOMMENDATION**

Staff recommends the Planning and Zoning Commission forwards a favorable recommendation on the Lot Split and Subdivision Plats, subject to the following conditions:

1. That the City Council approves the proposed Boundary Adjustment Plat associated with 60 Klamberg Lane; and
2. That the applicant secures City of Ballwin approval for the Lot Split associated with 104 Jacob Lane; and
3. That the applicant rezones 104 Jacob Lane (Partial Lot), to R-2 Planned Residential to be consistent with the City's previous approval of the overall subdivision and associated site development plan; and
4. That the applicant adds a note to Lots 1 and 2, limiting building height to single story homes, only.



# City of Ellisville

One Weis Avenue  
Ellisville, MO 63011  
(636) 227-9660 FAX: (636) 227-9486

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MAR - 1 2016

City of Ellisville

## APPLICATION COVER SHEET

(please type or print)

ALL APPLICABLE SECTIONS OF APPLICATION MUST BE COMPLETE  
AND CONSISTENT WITH SUBMITTED MATERIALS

Property Address: 6A-75 Klamberg Lane (Partial) 104 Jacob Ln  
600 Klamber  
Project Description: 20 lot residential subdivision

### PART A: PARTIES IN INTEREST

The full legal name of each party listed below (partnership, corporation, etc.) is required for review of the application(s). Having different individuals represent an Applicant at different meetings during the review process may result in unnecessary confusion and delay. Consequently, in the interest of promoting clarity, consistency, and expediency, the City requests all Applicants, at the time of filing their Application, to identify a primary or principal APPLICANT (either attorney or non-attorney; corporations should see Notice below) who can be expected to attend each of the meetings during the Petition review process.

#### Notice to Applicants

In matters which qualify as contested cases under Section 536.010(2) R.S.Mo. corporations may not be represented by non-attorneys when the Council sits as an administrative tribunal. Non-attorney representation in such matters may constitute the practice of law under Section 484.010 R.S.Mo. All Applicants are cautioned to consult with an attorney prior to undertaking non-attorney representation.

Name and Title of APPLICANT: McBride Klamberg, LLC 63017  
Address: 16091 Swingley Ridge Road, Suite 300, Chesterfield, MO  
Phone Number: 314-336-0225 Email: jba@sley@mcbridehomes.com

Name of Business Owner(s) - if different than above: \_\_\_\_\_  
Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Name of Property Owner(s) - if different than above: Ronnie, Imogene, David & Patricia Hopper  
Address: 216 Spooners Mill Drive, Ballwin, MO 63011  
Phone Number: 314-575-2728 Email: rhopperj@aol.com

Name of Architect, Landscape Architect, Planner or Engineer: Sterling  
Address: 5055 New Baumgartner Road, St. Louis, MO 63129  
Phone Number: 314-487-0440 Email: mboerding@sterling-eng-sur.com

Revised: August 25, 2014

**PART B: SITE DESCRIPTION**

Legal Address of Property: 75 Klamburg Lane Locator No.: 231330174

Lot No.: \_\_\_\_\_ Block No.: \_\_\_\_\_ Current Zoning: R2 PRD

Current Use of Site: Single Family Residential

Proposed Use of Site: 20 lot residential subdivision

**PART C: APPLICATIONS FILED (List the applications you will submit (i.e. Conditional Use Permit, Site Plan, etc.). A Letter addressed to the City must be submitted. The letter should completely describe who, what, why, where and when.**

- Record plat
- Boundary Adjustment Plat
- Lot Split Plat

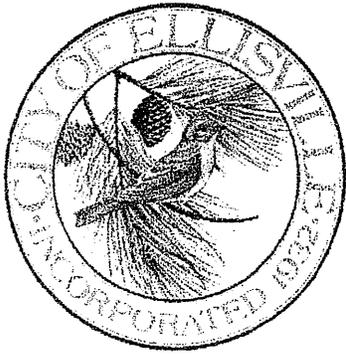
**PART D: AUTHORIZATION (FULL LEGAL NAME IS REQUIRED)**

Signature of Applicant (Required): Jennifer Dausky Date: 3-1-16

Title/Interest in Property: Project Manager, Mobile Bluebird, LLC

Signature of Property Owner (Required): Jennifer Dausky Date: 3-1-16

Title/Interest in Property: Project Manager, Mobile Bluebird, LLC



# City of Ellisville

One Weis Avenue  
Ellisville, MO 63011  
(636) 227-9660 FAX: (636) 227-9486

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MAR - 2 2016

City of Ellisville

## APPLICATION FOR SUBDIVISION, LOT CONSOLIDATION, BOUNDARY ADJUSTMENT OR CONDOMINIUM PLAT

pd \$400  
ck

(please type or print)

ALL APPLICABLE SECTIONS OF APPLICATION MUST BE COMPLETE. APPLICATION MUST BE CONSISTENT WITH SUBMITTED MATERIALS. PLANS MUST BE FOLDED TO APPROXIMATELY 8 1/2 x 11 or 8 1/2 x 14 IN SIZE. A \$400.00 APPLICATION FEE AND \$50 PUBLIC HEARING DEPOSIT MUST ACCOMPANY THIS APPLICATION

Property Address: 104 Jacob Lane - @ Klamberg Lane - 75 Klamberg Lane  
Applicant: McBride Bluebird, LLC

### PART A: LOT INFORMATION - 75 Klamberg Lane

#### EXISTING LOT

#### PROPOSED LOT

Lot size: 8.8875 AC  
Topography: slipping east to west  
Existing Zoning: R-2 PRD

No. Lots: 20 Lot Size(s): 8520 SF - 13,854 SF  
Topography: slipping east to west

#### Water features/creeks/wetland and stormwater detention

Existing: NA  
Proposed: detention basins, bioretention facilities, sheetflow to buffer

#### Layout of streets, right of way widths and street names:

Existing: NA  
Proposed: extension of Klamberg Lane - 40' ROW

#### Location and width of pedestrian ways and easements:

Existing: NA  
Proposed: 12' wide asphalt trail and sidewalks

#### Location of all utilities:

Existing: East side of Klamberg Lane  
Proposed: East side of Klamberg Lane

Setbacks:

Existing: NA - newly annexed

Proposed: 20' front, 5' side, 15' rear

**PART B: STORM WATER QUALITY PROTECTION STANDARDS:**

All development and redevelopment must comply with storm water quality protection standards. To the maximum extent feasible, the development plan should preserve and/or protect existing natural resource areas that facilitate pollutant removal and reduce runoff.

- 1. Can land disturbance be minimized? YES - as shown
- 2. Can additional greenspace be preserved? YES - as shown
- 3. Can proposed development be located in already developed areas? NA
- 4. Can stormwater be captured and infiltrated into the ground? YES - as shown
- 5. Can stormwater be captured and reused for irrigation or décor? NO
- 6. Could permeable surface materials be used to promote infiltration and limit runoff? NO
- 7. Can land disturbance be restricted to less sensitive areas? NA
- 8. Is the development located outside the 100 year flood plain? YES
- 9. Is the development located outside the stream bank setback buffer? YES
- 10. Does the development warrant engineering channel protection controls (because of size or stream bank erosion problems)? NO
- 11. Does the development plan avoid sensitive areas? NA
- 12. Does the site development plan utilize stormwater credits? sheet flow to buffer
- 13. Does the site development plan show structural BMPs? What is the acreage of drainage to the BMP? Will the BMP be above or below ground? see improvement plans.
- 14. Who will be responsible for maintaining storm water controls? Are the structural BMP shown on the plan appropriate for the entity or person responsible for maintenance? HOA
- 15. Is over 1 acre of impervious area being added? YES
- 16. Is the development tributary to any existing basins that need to be upgraded? NO

**PART C: LOT CONSOLIDATION PLAT**

EXISTING LOT(S)

PROPOSED LOT

Lot size: \_\_\_\_\_

Lot Size: \_\_\_\_\_

Lot size: \_\_\_\_\_

Topography: \_\_\_\_\_

Description of change: \_\_\_\_\_

**PART D: BOUNDARY ADJUSTMENT PLAT - 60 Klarnberg Lane / 04 Jacob Lane**

EXISTING LOT(S)

PROPOSED LOT(S)

Lot sizes: lot 1 - 0.448 ac.

Lot Size(s): Adj. lot 1 - 0.3793 ac

Lot sizes: Parcel A - 0.808 ac.

Lot Size(s): Adj. Parcel A - 0.8767 ac.

Lot sizes: lot 2 - 4.996 ac.

Lot Size(s): lot 1 - 4.3959 ac / lot 2 - 0.6037 ac

Topography: slipping north to south / slipping west to east

Description of change: No topography change. / No topography change.

**PART E: CONDOMINIUM PLAT**

<i>Unit Number</i>	<i>Unit Size (S.F.)</i>	<i>Legal Address</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Is a copy of the indentures submitted? yes / no Have the indentures been approved by the City? yes / no

**PART C: ENVIRONMENTAL STATEMENT**

Will the proposed request will not adversely impact the environment?: It will not.

Has a Phase I Assessment or Phase II Environmental Report/Study been prepared in association with this request?

Yes (Yes or No) If yes, please submit a copy of the report/study with this application.

By filing this application you acknowledge and are aware that the City may require a partial or comprehensive environmental assessment, impact analysis, or report, in conformity with Chapter 415, Environmental Report of the Land Use Regulations, at any time during the application or approval process.

**PART D: CHECKLIST (submit only applicable items)**

\_\_\_\_\_ Five full size copies of plans must be submitted initially for staff review. Additional plan sets will be required later to forward to the Planning and Zoning Commission and/or City Council.

\_\_\_\_\_ Name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the City.

\_\_\_\_\_ Location by section, town, range or by other legal description and small scale map showing location. Municipal, township and county.

\_\_\_\_\_ Names and addresses of the owner, subdivider, surveyor and designer of the plat.

\_\_\_\_\_ North point, graphic scale, date of preparation, total acreage

\_\_\_\_\_ Property lines, layout of platted streets, location and width of proposed pedestrian ways, utility easements showing right-of-way widths, minimum front and side street building setback lines indicating dimensions. and names of streets.

\_\_\_\_\_ Areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

\_\_\_\_\_ Permanent buildings and other structures, existing sewers, water mains, culverts or other underground facilities.

\_\_\_\_\_ Topography showing lakes, watercourses, swamp areas and contour at vertical intervals of not more than two (2) feet unless steep terrain enables five-foot contours to adequately portray the land conditions; contour lines shall be shown by means of dashed lines on the preliminary plat and shall be numbered to the United State Geological datum

**SPONSORED BY: COUNCIL MEMBER VOSS**  
**INTRODUCED BY: COUNCIL MEMBER VOSS**

**BILL NO. 3433**  
**ORDINANCE NO. 3236**

**AN ORDINANCE APPROVING A PETITION BY RONNIE D. HOPPER FOR A CHANGE OF ZONING OF A TRACT OF LAND TOTALING APPROXIMATELY 8.291 ACRES LOCATED AT 60 (PARTIAL), 69 & 75 KLAMBERG LANE FROM "R-1" SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT TO "R-2" PLANNED RESIDENTIAL ZONING DISTRICT TO ALLOW A NEW SINGLE-FAMILY DETACHED HOME RESIDENTIAL SUBDIVISION WITH 20 LOTS, INCLUDING 2 LOTS WITHIN THE JURISDICTION OF THE CITY OF BALLWIN.**

**WHEREAS**, Ronnie D. Hopper ("Petitioner") submitted the following petitions to obtain approval for a new residential subdivision with 20 single-family homes, to be known as Arbors at Bluebird Park: a petition for a change in zoning classification of a tract of land totaling approximately 8.291 acres located at 60 (partial), 69 & 75 Klamberg Lane, and described more particularly by Exhibit A, attached hereto and incorporated herein by reference (the "Property"), from "R-1" Single Family Residential Zoning District to "R-2" Planned Residential Zoning District and approval of planned residential development, and a petition for approval of a site development plan, attached hereto as Exhibit B and incorporated herein by reference (the "Site Development Plan"); and

**WHEREAS**, a public hearing was held by the Planning and Zoning Commission on August 12, 2015 pursuant to Title IV, Land Use, of the Ellisville Municipal Code regarding Petition #15-08-02, consisting of Petitioner's petitions for change in zoning of the Property and approval of planned residential development, and approval of the Site Development Plan; and

**WHEREAS**, on August 13, 2015, the Planning and Zoning Commission forwarded a positive recommendation regarding Petition #15-08-02 to the Council; and

**WHEREAS**, on August 14, 2015, the City received a protest petition complying with Section 400.050(C)(1) against any change in zoning of 69 and 75 Klamberg Lane from the "R-1" Single Family Residential Zoning District, thereby imposing a requirement that approval of any change in zoning of 69 and 75 Klamberg Lane from the "R-1" Single Family Residential Zoning District be made by a favorable vote of two-thirds (2/3) of all the members of the Council;

**WHEREAS**, a public hearing was held by the City Council on September 8, 2015 pursuant to Title IV, Land Use, of the Ellisville Municipal Code regarding the petitions for change in zoning of the Property, approval of planned residential development, and approval of the Site Development Plan; and

**WHEREAS**, all persons present at all public hearings were given an opportunity to be heard and were heard; and

**WHEREAS**, the Council finds that the Property is suitable for a residential development with 20 single-family homes, provided that Petitioner obtains all necessary approvals to transfer jurisdiction of the Property currently located in the City of Ballwin to the City of Ellisville; and

**WHEREAS**, the Arbors at Bluebird Park development will be laid out and developed as a unit, is appropriate under the approved Site Development Plan and conditions to approval of the Site Development Plan, complies with the City of Ellisville's Comprehensive Plan, including dwelling unit density, is consistent with good planning practices, and is compatible with permitted developments and uses in adjoining districts; and

**WHEREAS**, the Council finds it is appropriate to waive the setback and lot size requirements for the Arbors at Bluebird Park development, so long as Petitioner deposits a sum of money equal to ten percent (10%) of the market value of the Property in its unimproved state as required by Section 400.220(F)(4) of the Ellisville Municipal Code; and

**WHEREAS**, the Council finds that an environmental report is not required; and

**WHEREAS**, pursuant to Section 400.220(I), the Council, after consideration of the effect of the proposed development upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the public health, safety and general welfare, finds that additional site design requirements which may be more restrictive than otherwise contained in the "R-2" Planned Residential Zoning District regulations; and

**WHEREAS**, the Council finds that the project (1) would not adversely affect traffic conditions, (2) would not substantially increase fire hazards, (3) would not adversely affect the character of the neighborhood, (4) would not adversely affect the general welfare of the community, (5) would not overtax the sewage or public utilities, (6) would not adversely affect or overtax Police or other City services, (7) would be the highest and best use of the location applied for, (8) would not adversely affect the financial condition of the City including an adverse impact upon utility, property and sales tax, (9) would not have a substantial negative impact on the environment, (10) is compatible with surrounding uses and the surrounding neighborhood, (11) the comparative size, floor area and mass of the proposed use and/or proposed structure are appropriate and reasonable in relation to adjacent structures and buildings on surrounding properties and in the surrounding neighborhood, (12) would not adversely affect the neighborhood in terms of water runoff, noise transfer or heat generation due to significant amount of hard surfaced areas for buildings, sidewalk, drives, parking and service areas, (13) the frequency and duration of various indoor and outdoor activities and special events associated with the proposed use will not have a deleterious impact on the surrounding area, (14) is likely to remain in existence for a reasonable length of time and not become vacant or unused and does not involve the presence of unusual, single-purpose structures or components of a temporary nature, (15) complies with the standards of good planning practices, (16) sufficient measures have been or will be taken to negate, to an acceptable level, any potentially adverse impacts, and (17) would comply with all applicable provisions of Title IV, Land Use; and

**WHEREAS**, a copy of the proposed ordinance was available for public inspection prior to consideration by the Council; and

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

**SECTION 1:** The zoning classification of the tract of land totaling approximately 8.291 acres located at 60 (partial), 69 & 75 Klamberg Lane in the City of Ellisville, Missouri, and described more particularly by Exhibit A, attached hereto and incorporated herein by reference (the "Property"), is hereby changed from "R-1" Single-Family Residential Zoning District to "R-2" Planned Residential Zoning District.

**SECTION 2:** The zoning map of the City of Ellisville shall be changed so that the Property will now appear on the City zoning map as "R-2" Planned Residential Zoning District.

**SECTION 3:** The planned development of the Property is hereby approved, subject to: (a) those additional revisions directed by the City Council as of the date of the passage and approval of this Ordinance, and (b) the conditions and requirements of this Ordinance. The planned development shall be known as the Arbors at Bluebird Park.

**SECTION 4:** The Site Development Plan attached hereto and incorporated herein by reference as Exhibit B is hereby approved, subject to the conditions and requirements of this Ordinance, together with the following required modifications:

1. The number of lots shall be reduced from 21 to 20;
2. The average size of the lots shall be increased as set forth in Section 6 of this Ordinance;
3. Addition of landscaping as set forth in Section 6 of this Ordinance;
4. The common ground buffer shall be increased to thirty (30) feet; and
5. Relocation of the walking trail as directed by Staff.

**SECTION 5:** The minimum lot size and setback requirements are hereby waived for the Arbors at Bluebird Park planned development approved by this Ordinance. The minimum lot sizes and setbacks shall be as depicted on the Site Development Plan. This waiver shall not apply to any resubdivision of the Property or any development of the Property other than the Arbors at Bluebird Park planned development approved by this Ordinance.

**SECTION 6:** The approvals and waivers granted herein are contingent upon satisfaction of the following additional requirements and conditions, in addition to all other applicable regulations:

1. Petitioner shall prepare and submit a Boundary Adjustment Plat for 60 and 69 Klamberg Lane for City approval; and
2. The rezoning of 60 Klamberg Lane approved herein is contingent upon approval of the aforementioned Boundary Adjustment Plat; and

3. The planned development lot sizes shall be between 8,500 and 16,400 square feet in size; and
4. Petitioner shall pay a sum of money equal to ten percent (10%) of the market value of the Property in its unimproved state as required by Section 400.220(F)(4) of the Ellisville Municipal Code; and
5. Each home shall include a two car garage, at minimum; and
6. Petitioner shall install a four (4) foot sidewalk along both sides of the new street depicted on the Site Development Plan and a tree lawn between the sidewalk and new street depicted on the Site Development Plan; and
7. All streets lights shall be decorative in nature and shall not exceed sixteen (16) feet in height; and
8. Building height shall be limited to 2.5 stories or thirty-five (35) feet, excluding basements; and
9. The minimum setbacks are as follows:
  - a. Front Yard: twenty (20) feet (excluding lots 10 and 11 as depicted on the Site Development Plan)
  - b. Side Yard: five (5) feet; and
  - c. Rear Yard: fifteen (15) feet.
10. Petitioner shall submit a landscape plan and obtain approval of said landscape plan from the City's third-party landscape architect; and
11. All retaining walls proposed by Petitioner shall be constructed of split-face block or superior product, neutral in color, and subject to staff approval; and
12. All storm water outfall structures shall feature aesthetically appealing surface/skin; and
13. Petitioner shall coordinate with staff to develop and construct a trail easement and eight (8) foot asphalt trail connector to Bluebird Park; and
14. Petitioner shall coordinate with staff and the City's third-party traffic consultant to develop the best and safest design for the taper of the street at and near the intersection of Klamberg Lane and Carol Lane; and
15. The new street depicted on the Site Development Plan shall be built to the following detail: seven (7) inch p.c. concrete, with three (3) inch type 5 aggregate, four (4) inches of one (1) inch clean aggregate with geotextile fabric around entire aggregate base including underneath rolled curb and gutter; and

16. Petitioner shall coordinate with staff and MSD to address and implement the best solution for the following concerns of the MCD:
- a. To preserve the tree line as proposed, tree protection should be twice the height of the trees at the line (e.g., 100 feet protection for 50 foot tree). No grading should occur within this tree protection zone. If the developer wishes to grade within this zone, we recommend hiring a consulting forester to write a tree protection plan and monitor operations to ensure the plan is followed.
  - b. The detention basin in Section A-A has potential to cause erosion. This basin drain should be piped directly to the creek channel, at approx. 624 ft. elevation.
  - c. Recommendation to seed the detention basin slopes with native grass such as little bluestem (*Schizachyrium scoparium*) and forb species rather than the typical fescue. The basin itself could be seeded with a native wet prairie mix. This practice would provide additional storm water control and wildlife benefit.
  - d. The proposed retaining wall will concentrate sheet flow of run-off into concentrated flow at the wall drain locations. This will cause erosion and gully formation on the hillside. We question the need for a retaining wall. The setbacks for houses on Lots 10 and 11 could be relaxed, placing the homes closer to the street and avoiding building on the steep slope. The City Council may choose to relax the front yard setbacks for Lots 10 and 11 or the applicant may develop an alternate solution, if one is feasible.
  - e. Roof gutters in Section B-B should be piped to the front of the homes and drain toward the common ground/ water quality swale in order to minimize erosion on the hillside at the back of the lots.
  - f. The wooded common ground area may be a source of invasive plants such as bush honeysuckle (*Lonicera maacldi*) and callery pear (*Pyrus calleryana*), impacting current invasive plant management on the Conservation Area property. Home Owners Association fees and structure should be designed to manage the common ground areas as native woodlands including management of invasive plant species.
17. Petitioner shall obtain approval of ordinances from both the City of Ellisville and the City of Ballwin authorizing the transfer of jurisdiction of Lots 20 and 21 from Ballwin to Ellisville; and
18. Petitioner shall require that the first two lots in the Arbors at Bluebird planned development adjacent to the homes on Oak Hill be limited to the construction of ranch (single-story) model homes only.
19. Petitioner shall obtain approval to zone Lots 20 and 21 as "R-2" Planned Residential Zoning District, subject to the same conditions as set forth herein, and shall submit a revised Site Development Plan with the modifications required by

this Section and Section 4 of this Ordinance, which shall be substituted as Exhibit B to this Ordinance upon approval by the Council; and

- 20. Petitioner shall obtain approval of a Subdivision Plat for the Property allowing twenty (20) lots; and
- 21. Petitioner shall coordinate with staff and the City's third-party traffic consultant to assess traffic impacts from the Property all the way to Manchester Road and shall obtain a report of said assessment.

**SECTION 7:** This Ordinance shall be in full force and effect after its passage and approval of the Council.

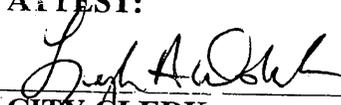
This Bill No. 3433 having been read by title or in full two times prior to passage and having been duly considered and voted upon was finally passed and approved this 21<sup>st</sup> day of October, 2015.

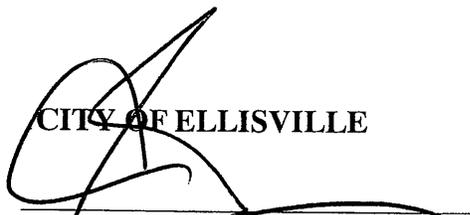
First Reading votes:  
DATE: 10/07/2015

Second Reading votes:  
DATE: 10/21/2015

	AYE	NAY	ABSTAIN
MCGRATH		X	
VOSS	X		
BAKER	X		
CAHILL	X		
DUFFY	X		
POOL		X	
PAUL	X		

	AYE	NAY	ABSTAIN
		X	
	X		
	X		
	X		
	X		
			Absent
	X		

ATTEST:  
  
CITY CLERK

  
CITY OF ELLISVILLE  
MAYOR ADAM Q. PAUL

Approved as to legal content and form:

  
City Attorney