



MEETING OF THE CITY COUNCIL
CITY OF UNIVERSITY CITY
CITY HALL, Fifth Floor
6801 Delmar Blvd., University City, Missouri 63130
Monday, January 8, 2024
6:30 p.m.

AGENDA

A. MEETING CALLED TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. PROCLAMATIONS (Acknowledgement)

none

E. APPROVAL OF MINUTES

1. December 11, 2023 Study Session Minutes
2. December 11, 2023 Meeting Minutes
3. December 20, 2023 Special Meeting Minutes

F. APPOINTMENTS to BOARDS AND COMMISSIONS

none

G. SWEARING IN TO BOARDS AND COMMISSIONS

1. Dennis Hoppe was sworn in to the Library Board on December 19, 2023 in the Clerk's office.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

***Request to Address the Council Forms are located on the ledge just inside the entrance.
Please complete and place the form in the basket at the front of the room.***

The public may also submit written comments must be received no later than 12:00 p.m. the day of the meeting. Comments may be sent via email to: councilcomments@ucitymo.org, or mailed to the City Hall – 6801 Delmar Blvd. – Attention City Clerk. Such comments will be provided to City Council prior to the meeting. Comments will be made a part of the official record and made accessible to the public online following the meeting. Please note, when submitting your comments, a name and address must be provided. Please also not if your comment is on an agenda or non-agenda item. If a name and address are not provided, the provided comment will not be recorded in the official record.

I. COUNCIL COMMENTS

J. PUBLIC HEARINGS

1. TXT 23-04: Public Hearing for a Zoning Ordinance text amendment to amend sections 400.760, 400.780, 400.1190, and 400.2130 in the zoning code.
2. REZ 23-02: Public Hearing for a Map Amendment from Core Commercial (CC) to Planned Development - Mixed-Use (PD-M) for properties located at 6630, 6640, 6650, 6654 Delmar Boulevard.
3. Liquor License – First Watch Restaurants – 8658 Olive Blvd.

K. CONSENT AGENDA (1 voice vote required)

1. Liquor License – First Watch Restaurants – 8658 Olive Blvd.
2. Westgate -STP-5402(616), Construction Agreement
3. Annual Tree Trimming Project - PR24-04

L. CITY MANAGER'S REPORT – (voice vote on each item as needed)

1. SDG Housing Partners - Parkview Place Apartments
2. Comprehensive Plan Acceptance and Approval (with amendments)
3. University Hills Neighborhood Improvement District (NID)

M. UNFINISHED BUSINESS (2nd and 3rd readings – roll call vote required)

1. **BILL 9532** - AN ORDINANCE AMENDING ZONING CODE SECTIONS 400.760.D, 400.780.E, 400.1190.B AND 400.2130 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING OR APPLICABLE TO PLANNED DEVELOPMENTS, BY ADDING PROVISIONS ON MINIMUM OFF-STREET PARKING AND LOADING SPACES IN ALL PLANNED DEVELOPMENT DISTRICTS ("PD"), AND PROVISIONS ON FLOOR AREA RATIOS, MINIMUM PERIMETER BUFFER AREAS AND SETBACKS AND SCREENING IN PLANNED DEVELOPMENT - MIXED USE DISTRICTS ("PD-M")
2. **BILL 9533** - AN ORDINANCE AMENDING SECTION 400.070 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO THE OFFICIAL ZONING MAP, BY AMENDING SAID MAP SO AS TO CHANGE THE CLASSIFICATION OF PROPERTY AT 6630-6654 DELMAR BOULEVARD FROM CORE COMMERCIAL DISTRICT ("CC") TO PLANNED DEVELOPMENT - MIXED USE DISTRICT ("PD-M").
3. **BILL 9534** - AN ORDINANCE APPROVING A FINAL PLAT FOR A MAJOR SUBDIVISION OF A TRACT OF LAND TO BE KNOWN AS "LOCAL UNIVERSITY CITY."

N. NEW BUSINESS

Resolutions (voice vote required)

Resolutions

1. **Resolution 2024-01** – Preliminary Plan Approval – Adoption of a Resolution to approve the Preliminary Development Plan for Local University City, also known as the Subtext Development.

Bills (Introduction and 1st reading - no vote required)

2. **BILL 9535** – AN ORDINANCE AMENDING ZONING CODE SECTION 400.1260 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO FENCE MATERIALS, BY ADDING PROVISIONS PROHIBITING TARP FENCES IN RESIDENTIAL AND PUBLIC ACTIVITY IN RESIDENTIAL AND PUBLIC ACTIVITY ("PA") ZONING DISTRICTS.

O. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions
3. Boards, Commissions and Task Force minutes
4. Other Discussions/Business

P. CITIZEN PARTICIPATION (continued if needed)

Q. COUNCIL COMMENTS

R. EXECUTIVE SESSION (roll call vote required)

Motion to go into a Closed Session according to Missouri Revised Statutes 610.021 (1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives or attorneys.

S. ADJOURNMENT

The public may also observe via:

Live Stream via YouTube:

https://www.youtube.com/channel/UCyN1EJ_-Q22918E9EZimWoQ

Posted January 5, 2024

STUDY SESSION
Permanent Structures in Front Yards
&
Comprehensive Plan Update - Session Number 2
CITY HALL, Fifth Floor
6801 Delmar Blvd., University City, Missouri 63130
Monday, December 11, 2023
5:00 p.m.

AGENDA

1. MEETING CALLED TO ORDER

At the Study Session of the City Council of University City held on Monday, December 11, 2023, Mayor Terry Crow, called the meeting to order at 5:00 p.m.

In addition to the Mayor, the following members of Council were present:

Councilmember Stacy Clay
Councilmember Aleta Klein
Councilmember Steven McMahon
Councilmember Jeffrey Hales
Councilmember Dennis Fuller
Councilmember Bwayne Smotherson

Also in attendance were City Manager, Gregory Rose; City Attorney, John F. Mulligan, Jr., Director of Planning and Development, John Wagner, Senior Planner, Mary Kennedy, and Planning Commission Chair, Peggy Holly.

2. CHANGES TO REGULAR AGENDA

None

3. PERMANENT STRUCTURES IN FRONT YARDS

Mr. Rose stated Council is being asked to provide direction regarding the execution of codes governing permanent children's recreational equipment in front yards.

Dr. Wagner stated this discussion has to do with the items pictured in the front yard of 1457 Forest Green Court. Under Zoning Code Section 400.1040(a) (2), children's recreational equipment is permitted within the rear yard setback only.

So, the question being posed to Council is: are these two playhouses located in the front yard "*structures or portions of structures*" within the meaning of the Zoning Code?

- If they are not deemed to be structures or a portion thereof, then there is no setback violation in the front or rear yard.
- If they are considered structures, then they would not be permitted in the front yard.
 - To prohibit such items from being located in a front yard, a Zoning Code Text Amendment
 - would be required.

Mr. Rose stated staff is seeking confirmation that their interpretation regarding this Section of the Code is consistent with the intent of this policy or direction from Council on how the Code should be interpreted.

Councilmember Smotherson posed the following questions to Dr. Wagner:

Q. How is staff interpreting this Code?

A. *Staff does not consider the two playhouses to be the type of structures identified in the Ordinance.*

Q. Does that mean they would be permitted in the front yard?

A. Yes.

Councilmember Smotherson stated that even though there are no specifications regarding front yards, the Code is pretty clear that children's recreational equipment is only permitted within the rear yard setback. And he believes it's worded that way because typically children's play equipment is located in a backyard. He stated in this case, the playhouses seem to be permanent, so according to the Code, they should be considered a structure. Dr. Wagner stated the uncertainty arises because, unlike a swing set, they are temporary in the sense that they are plastic and can be moved. Councilmember Smotherson stated the problem is that they are not being moved.

Councilmember Klein stated she does not think Council needs to start over-regulating its citizens. And telling them that they cannot put moveable structures in parts of their yard would be imposing too much control. She stated she thinks the spirit of the law is designed to generate good relationships among neighbors by providing them with the opportunity to work out any problems they might have. Not that the City should become the mechanism for resolving private disputes that are not prevalent throughout multiple neighborhoods. So, she does not believe Council's involvement in this isolated problem would be a good idea.

Councilmember Clay asked what an Ordinance regulating something like this would be comprised of? Dr. Wagner stated that he would have to work with Mr. Mulligan to develop the language and definitions for children's recreational equipment. Councilmember Clay stated there may be instances where certain types of equipment would be appropriate in a front yard so he does not think the regulation should be too restrictive. Dr. Wagner stated what he noticed in this particular case, is that when you step out of their back door the yard quickly begins to descend, making it somewhat difficult for them to utilize it for recreational equipment.

Mr. Rose stated he believes the direction would be for staff to draft a policy that identifies a comprehensive list of children's recreational equipment that should not be installed in a front yard.

Mr. Mulligan stated the context here is setbacks, and setbacks are linked to structures, which are defined in the Code as anything constructed or erected with a fixed location on the ground or attached to something having or requiring a fixed location on the ground.

Under this rule, you would normally not think of a plastic playhouse as being a structure. Therefore, if Council is interested in regulating this type of equipment you might consider doing so through the Property Maintenance Code. Here, you would need to define what shall not be on the premises, any prohibited locations, and a period of time for how long these items can remain in those prohibited locations. So, if you decide to go down that road it would require some thought and perhaps, further discussions.

Councilmember Hales stated he searched the minutes to determine if he could find a reference to this type of policy question and was unable to find anything of this nature. But Mr. Mulligan's explanation altered his thought process to now believe that this is a slippery slope. There are all kinds of things in people's front yards; especially during this time of year. So, in his opinion, a complaint coming from one party, in one neighborhood, on one street, does not meet the threshold that should even warrant Council's intervention.

Mr. Rose stated the only purpose of this discussion was to obtain Council's guidance on whether staff should pursue the introduction of a code change that would clarify this issue.

Councilmember McMahon agreed with Councilmember Hales. When you start trying to define children's recreational equipment or what can and cannot be in someone's front yard, you will be going down a slippery slope. Some neighbors might take offense to bikes or skateboards left in the front yard. So, it's a personal preference, not a health and safety issue.

Councilmember Fuller stated that based on the definition of a structure these are clearly portable pieces of recreational equipment that are used in numerous City facilities; churches, clinics, and childcare centers. So, he thinks Council should be guided by the Code's definition.

Councilmember Smotherson stated what he would like to make clear is that this complaint is not just from one individual, but several elderly residents who have lived in this neighborhood for years; accepted and followed the rules, and simply want their new neighbors to follow those same rules. And even though he would agree that based on the Code's definition this equipment would not typically be construed as a structure, it is permanent because it has remained in this front yard for four years. He stated these are the issues he believes his colleagues are missing and that need to be addressed by clarifying this Section of the Code and enforcing it.

Mayor Crow stated he does not believe the Council is overlooking or missing anything; they are simply disagreeing with the proposition that this should be considered a structure. So, while you can certainly make an argument about permanency, most would probably say that a toy; no matter how long it sits there, is not permanent. Mayor Crow stated in his opinion, this is a dispute among neighbors that frankly, does not rise to the level of asking Council to expend City resources on.

4. COMPREHENSIVE PLAN UPDATE - SESSION NUMBER 2

Mr. Rose stated this presentation is intended to be the final briefing on the Comprehensive Plan Update.

Dr. Wagner stated tonight's update will be focused on the following:

- Goals, objectives, and actions
- Character-based approach to land use
- Implementation
- Evaluating fiscal and staffing impacts
- Discussion

Goals

There are a total of 112 action items and 42 are discussed in the presentation.

Goal A - Preserve and Enhance Great Places; 21 actions

- Focuses primarily on physical development, existing character, neighborhoods, and sustainable development
- Community engagement and technical analysis findings:
 - ✓ Current zoning code focuses on the separation of uses
 - ✓ Disproportionate challenges with vacancies in the 3rd Ward
 - ✓ Tree canopy is strong in neighborhoods, weak in commercial areas
 - ✓ Older building stock
 - ✓ Impact of private subdivisions; helps preserve character and identity, but can contribute to a disconnected community

Mayor Crow asked if the disproportionate vacancies in the 3rd Ward referred to rentals or owner-occupied homes? Dr. Wagner stated this reference mainly refers to homes, but there are a few commercial areas along Olive. Mayor Crow asked if the homes were owner-occupied or rentals? Dr. Wagner stated they are probably leaning more toward vacant rentals.

Action Step: Use proactive measures to promote development that aligns with the plan

- 1) Update the zoning code to support the implementation of this plan.
- 2) Encourage mixed-use communities where people enjoy easy access to jobs and services in connection with the Future Character and Land Use map.

Action Step: Proactively manage vacancies

- 1) Prioritize City control of vacant parcels (those either suitable for development or those identified with potential to alleviate flooding) when possible, such as land banking.
 - ✓ *Infill development*
 - ✓ *Lot sales to property owners (Mow-to-Own program)*
 - ✓ *Reuse for stormwater mitigation (detention basins)*
- 2) Strengthen the City's existing vacant building registration program.

Action Step: Create attractive, cohesive, compact, and diverse residential areas throughout the City

- 1) Encourage residential infill and redevelopment to restore and/or create more vibrant, walkable neighborhoods.
- 2) Promote neighborhood activity nodes in parts of the city where there are currently not many.

Action Step: Remove barriers that limit vibrant commercial and mixed-use districts and support neighborhood-scale commercial

- 1) Revise car-oriented standards such as parking minimums, to encourage alternatives to car-based transportation, especially in higher-density, mixed-use areas.
- 2) Revise dimensional regulations (e.g., height, setbacks) and permitted uses in the zoning code to allow more compact development in mixed-use areas

Goal B - Advance Shared Prosperity; 17 actions

- Focuses on access to economic and wealth-building opportunities, building on economic development strengths
- Community engagement and technical analysis findings:
 - ✓ Household incomes vary greatly by neighborhood
 - ✓ Stark disparities in residential property value
 - ✓ About 50/50 owner vs. renter population
 - ✓ Sales tax performance and residential population are related
 - ✓ Existing TIF districts are a great opportunity for making investments in the community

Action Step: Build upon existing development momentum

- 1) Focus development attention on the creation of catalyst areas; Markets at Olive
- 2) Facilitate and encourage mixed-use residential development across from Heman Park on the north side of Olive Boulevard

Mr. Rose stated he would like a clear understanding of whether this Plan prohibits rezoning the City-owned parcel at Olive and Midland, or prevents Council from pursuing some form of economic development? Dr. Wagner stated he believes that this parcel is listed on the Land Use Map as a green space. So, while the Comprehensive Plan is a stalwart guide, in his opinion, there is nothing in it that would prohibit Council from rezoning this parcel for development as long as it is not deemed to be in a floodplain.

Action Step: Leverage incentives to support desired economic development in key locations

- 1) Develop a transparent policy for providing municipal incentives that promote the goals of this plan
- 2) Improve the City's fiscal resilience by diversifying land uses and development

Action Step: Strengthen and support the labor force and entrepreneurship

- 1) Partner with national and regional workforce development agencies and the University City School District to implement workforce development strategies.
- 2) Improve the City's fiscal resilience by diversifying land uses and development

Goal C - Connect Community; 22 actions

- Focuses on improving mobility, walkability, social cohesion, and increasing civic involvement
- Community engagement and technical analysis findings:
 - ✓ The street grid was designed to support a larger population than we have today
 - ✓ 47% of traffic crashes on Olive result in an injury, compared to 27% in the rest of University City; work with MoDOT to create a Road Diet
 - ✓ Many gaps in sidewalk network and bicycle lanes/trails, but we have good plans to improve these networks
 - ✓ Transit routes have low-frequency

Action Step: Create "equity of mobility" within University City

- 1) Implement a street and sidewalk repair and improvement program
- 2) Identify and prioritize low-cost improvements at key locations that are currently unsafe for those getting around without a car
- 3) Complete the Centennial Greenway as a full contiguous trail through University City

Action Step: Encourage walking and biking as legitimate modes of transportation

- 1) Increase housing supply in locations with potential for good access by biking and walking so those without vehicles can live in areas already served by these modes
- 2) Create demonstration projects and events that showcase small-scale safety improvements

Action Step: Support and coordinate with regional initiatives that improve connectivity, including public transit

- 1) Collaborate with MODOT to reconfigure Olive Boulevard to improve pedestrian and bicyclist safety and an improved environment for businesses in the corridor

Action Step: Encourage civic participation, mentoring, and volunteerism

- 1) Create a youth involvement initiative to empower University City's youth in conjunction with U City schools, churches, and other community organizations
- 2) Establish a volunteer Community Leadership or Neighborhood Liaison program

Goal D - Leverage Assets; 14 actions

- Actions capitalize on the City's diversity, rich history, and amenities
- Community engagement and technical analysis findings:
 - ✓ Historic preservation efforts are concentrated in the southeast corner of the City
 - ✓ Most residents are within a ¼ mile of a U City park, and almost all are within a ½ mile, but there's a desire to provide more recreational activities evenly throughout the City
 - ✓ Community facilities are also located evenly throughout the City

Action Step: Enhance the community's parks and recreational facilities to meet the needs of all residents.

- 1) Update the University City Parks Master Plan to include a maintenance management plan for parks, prioritizing strategic investment in maintenance, programming, and naturalized spaces
- 2) Create Safe Routes to Parks and Safe Routes to Schools plans to improve pedestrian and bicycle access

Action Step: Enhance the experience for visitors to University City.

- 1) Improve gateway locations and neighborhood nodes with landscaping, amenities, signage, public art, or other features; both ends of Olive & Delmar
- 2) Continue to expand and promote the Explore U City website, per the 2021 Economic Development Strategy

Goal E - Strengthen Livability; 20 actions

- Increasing and improving housing options across all neighborhoods, proactively addressing flood mitigation
- Community engagement and technical analysis findings:
 - ✓ Flood damage and risk threatens the livability of the community
 - ✓ Medium- to high-intensity land cover; (impermeable surface)
 - ✓ Existing property maintenance regulations need to be strengthened to improve livability
 - ✓ Activity nodes; (areas of small commercial activity that integrate amenities and services in neighborhoods) are cherished by the community, and there is a desire to plan for new nodes in neighborhoods that lack them

Action Step: Protect each neighborhood's distinctive character while supporting compatible new developments.

- 1) Evaluate short-term rental regulations; currently prohibited
- 2) Investigate establishing and/or supporting an existing community development entity(s) to address housing affordability, vacancy, maintenance, and stability in University City

Action Step: Promote housing variety and affordability to support a range of household types, lifestyles, and demographic group needs.

- 1) Develop and plan for allowing Accessory Dwelling Units (ADUs)
- 2) Modernize or remove definitions of family or household relationships in the zoning ordinance to reflect changing household composition and lifestyles
- 3) Promote housing variety and affordability to support a range of household types, lifestyles, and demographic group needs
- 4) Protect non-homeowner citizens (renters) through such measures as:
 - ✓ *Improving the rental inspection program to ensure safe, habitable, and fair housing*
 - ✓ *Creating a renter protection program*
 - ✓ *Adopting a source of income discrimination ordinance*

Action Step: Address stormwater management through proactive, regional flood mitigation planning.

- 1) Discourage additional new development in flood-prone areas and restrict any new development within the floodplain
- 2) Incrementally convert high-flood risk areas into open spaces that are designed to accommodate stormwater, provided that maintenance and security can be addressed
- 3) Encourage the use of Low Impact Development (LID) strategies to reduce stormwater runoff and improve water quality
- 4) Consider requiring disclosure of flood history for rentals and home purchases, as suggested by SEMA, possibly as part of the occupancy permit

Mr. Rose noted that some of the language within this section seems to imply that the Mayor and Council will adopt recommendations from the Stormwater Commission and the Housing and Third Ward Revitalization Task Force, when in reality, neither set of recommendations have ever been presented to Council for review. Therefore, with the assistance of Mr. Mulligan, his intent would be to modify this language in a manner that does not anticipate Council's intentions, but assets their option to approve the recommendations once they have been presented for review.

Dr. Wagner agreed that the way the Comprehensive Plan is currently written presumes that the recommendations have already been adopted, and should be revised.

Mr. Rose asked Mr. Mulligan if Council could approve these modifications to the language when it considers the Plan Update since it was included in the original plan they adopted, or if there was a requirement for it to go back to the Planning Commission first? Mr. Mulligan stated the Charter does not prohibit Council from making recommendations or revisions to the Commission's approved Plan, but the best practice may be to send it back to the Plan Commission for further consideration.

Mr. Rose stated since there is no legal requirement, he intends to expedite the approval process by putting it on the Council's Agenda with a recommendation that they modify the language during their considerations.

Dr. Wagner asked Mr. Rose if he wanted to include these modifications with some of the other changes that have to be made by the Commission, like Olive/Midland? Mr. Rose stated that they could be. Dr. Wagner stated the intent is to conduct a virtual meeting with the Commission before Council's January 22nd Meeting.

Mr. Rose stated if it is acceptable to the Mayor and Council, his intent is to recommend that the Commission modify the language to reflect that Council can approve the Stormwater Master Plan and Task Force recommendations as presented.

Mr. Mulligan informed Mr. Rose that his recommendation should include the Flood Mitigation Plan; E.3.2, the Stormwater Master Plan; E.3.1, and the Task Force Plan; E.1.2.

Mr. McMahon stated he also noticed that Council is being asked to adopt a Source of Income Discrimination Ordinance. However, after the H.R. Commission presented its recommendation to Council the Ordinance was never introduced because of the pushback received from landlords who did not want to be told how they had to run their businesses. So ultimately, the process was circumvented.

Mayor Crow stated before any decision is made, a review of those meeting minutes might be helpful in adding a little background on this Ordinance.

Goal F - Improve Collaboration; 18 actions

- Improving effectiveness, collaboration, and communication within the government, with the community, and with external partners
- Community engagement and technical analysis findings:
 - ✓ U City has more boards and commissions than is typical for a City of its size
 - ✓ Enrollment in public schools reflects the City's racial segregation and can exacerbate inequities
 - ✓ A high amount of institutional, nonprofit, and governmental property ownership
 - ✓ Wash U is the largest property owner in U City by assessed value, but the University has a higher share of its landholdings in St. Louis City and unincorporated County

Action Step: Improve communication and cooperation with adjacent communities.

- 1) Collaborate with neighboring communities to strengthen connections and advance shared development opportunities along borders.

Dr. Wagner stated he and Ms. Kennedy have met with their counterparts in Olivette and Creve Coeur to talk about Olive Boulevard.

Action Step: Strengthen the partnership with The School District of University City to enhance the reputations of both the City and District.

- 1) Evaluate the assets and infrastructure of the City and The School District of University City to determine where resources can be leveraged by both
- 2) Establish a joint branding strategy for The School District of University City and the City of University City.

Action Step: Develop additional partnerships with Washington University to address areas of mutual interest.

- 1) Establish a more deliberate partnership with Washington University focused on strategic, mutually beneficial developments and investments in the Loop

Action Step: Improve intra-governmental coordination and cooperation.

- 1) Evaluate options for technology platforms to improve collaboration and sharing of information across City departments
- 2) Conduct a review of all City boards and commissions to ensure adequate, but not duplicative, responsibilities, and sufficient staffing capacity

Ms. Kennedy stated all of the items presented by Dr. Wagner referred to policies, programs, and potential projects the City could engage in to work towards the goals that were outlined. But another important component of a Comprehensive Plan is a future Land Use Map. This map creates a guide for the City to evaluate changes to the Zoning Code or the rezoning of specific properties to make sure it is moving in the direction agreed upon within the Plan. Another important component of development is the physical characteristics, which can have a significant impact on how people embrace that property.

Future Character and Land Use Map

Future Character & Land Use Map is a tool for guiding future development:

- To assist the Plan Commission, Council, and staff will review development proposals so that future development conforms to the desired character in different parts of the City
- To provide guidance to developers regarding the City's expectations for quality and characteristics of development
- To provide predictability for residents, business owners, and others with respect to the kind of development they can expect to be approved by the City
- To provide a common, citywide understanding of *where* and *how* University City should change over time
- To serve as a foundation for zoning code changes and design guidelines, including the possibility of additional zoning standards that better regulate the physical form and the quality of the public realm

Land Use vs. Character

Land Use

1. Focuses on uses; (residential, commercial, etc.), not type and quality of development
2. Building form, street patterns, and other aspects of the look and feel of places are not defined
3. Encourages a separation of land uses in the zoning code

Character

1. Reflects not just the use but also the qualities of a place; (look and feel)
2. Outlines the intent for how properties are treated; (building form, land uses, etc.)
3. Can be a basis for form-based standards in the zoning code

 ***The Loop is a great example of a mixed-use neighborhood***

 ***A form-based code focuses on character; i.e., size, setbacks, and architectural standards***

Same Land Use, Different Character

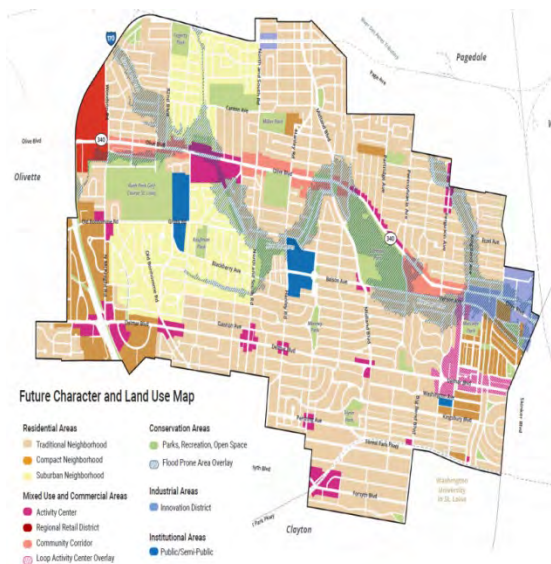
- Two images of multi-family developments with diverse character
 - ✓ One development is located closer to the street, allowing residents to feel a sense of connection
 - ✓ The other development is setback further from the street with a circular driveway which diminishes that sense of connection



Same Land Use, Different Character

- Two images of office buildings with diverse character





Displays existing land uses

- ✚ **Primarily residential, consisting of traditional, suburban, compact, and activity-center characteristics**
- ✚ **Within those character types is a description of the appropriate types of land uses, the form, and the quality of development that each area should take on**

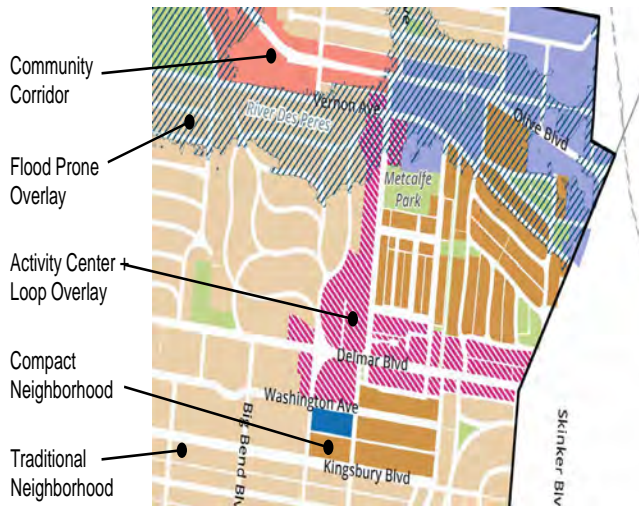
Mr. Rose posed the following questions to Ms. Kennedy:

Q. Is this map recommending that the City rezone properties without the approval of property owners?

A. No, it does not recommend the rezoning of properties. Its purpose is to provide the City with a guide to determine whether a proposed rezoning for a permitted use reflects the intent of the Plan.

Q. Does the map propose zoning changes for any parcels along the Olive Boulevard Corridor that are a part of this Plan or future Zoning Code Updates?

A. No. The vast majority of land uses for Olive are commercial, with a few medium-density residential areas and mixed-use developments. The character types provide a better description of when these uses are appropriate.



City Council Work Session University City Comprehensive Plan Update

Community Corridor: A smaller scale commercial when compared to regional scale commercial districts like the Markets at Olive.

Flood Prone Overlay: Since existing buildings within this floodplain have significantly contributed to issues with flooding, the Plan recommends that the City use a sharper pencil when looking at future developments; perhaps, by developing higher standards than those currently being imposed by MSD.

Loop Overlay: The Loop overlay reflects a much denser environment than other mixed-use areas in the City, like the ones at Vernon and Midland.

Compact Neighborhood: A denser residential end-use, i.e., four-story apartments, duplexes, and 20 to 60-unit apartments.

Traditional Neighborhood: The vast majority of land use in the City reflects different needs for each resident, i.e., single-family homes, duplexes, and accessory dwelling units. The Plan recommends taking corrective measures to preserve these areas.

Ms. Kennedy stated even though they are places people love, streets like Delmar and North and South are non-conforming and do not reflect the City's character. The Plan recommends the need to strike a balance when attempting to achieve compliance with infill development opportunities and neighborhood nodes that are closer to the street, denser, have mixed-uses, and activity centers.

Character types define dimensional qualities in addition to land uses

BUILDING BLOCKS

Height Range	1-5 stories
Building Form	Variety of types from freestanding buildings to attached. Civic uses may have varying building form and placement to accommodate their functions.
Building Setback	0-10 feet (generally consistent within a block). Greater setbacks for civic uses are appropriate.
Open Space	Plazas, pocket parks, formal parks, trails, and greenways. Public realm (space between buildings and streets) acts as open space.
Streets	Gridded street pattern with short, walkable block lengths and wide sidewalks; crosswalks, traffic calming measures, and other streetscape amenities.
Parking	Shared surface parking located behind buildings; on-street parking.
Mobility	Walking, biking, transit, automobile

Traditional Neighborhood

Photos of each character type can be found within the Plan

- Most prevalent character type
- Primarily single-family, but also incorporates “missing middle” along major corridors and near activity nodes
- Preserve existing neighborhood character
- Infill development must complement and enhance

Compact Neighborhood

- Areas where denser residential exists; Avenir; Crown Center; senior living
- Loop - North & South Delmar & I-170
- Encourage more mixing of uses to improve walkability
- Primary uses: Multi-family, Specialty Residential; (Senior Living, etc.)
 - ✓ Allowing renters in high-quality residential developments can be beneficial to the City and business owners
- Secondary uses: Neighborhood Commercial

Community Corridor

- Smaller-scale commercial development along Olive
- Provide services and amenities to nearby neighborhoods
- Promote connectivity and a more walkable pattern; Road Diet
- Primary uses: Community/Neighborhood Commercial, Office, Civic/Institutional
- Secondary uses: Multi-family, Open Space

Activity Center

- Mixed-use areas that integrate places to live, work, and shop
- Existing: Loop, neighborhood nodes; (e.g., Delmar & Midland)
- Future: Olive (between 81st and Mt. Olive/Groby), Olive (north of Heman Park)
- Consolidate surface parking
- Improve connectivity

Ms. Kennedy stated although there is a desire to have them, these types of mixed-use areas were not integrated into existing neighborhoods located in the 3rd Ward. There is, however, a potential to use parts of Olive where the north and south connections are safe.

Flood Prone Overlay

- Within FEMA floodplains or that have previously been prone to flooding
- Focus on policies, programs, and projects to reduce future flood risk
- Minimize new development
- Utilize low-impact development strategies

Loop Activity Center Overlay

- Promote higher density, infill development, and redevelopment
- Buildings up to 10 stories

Framework Map

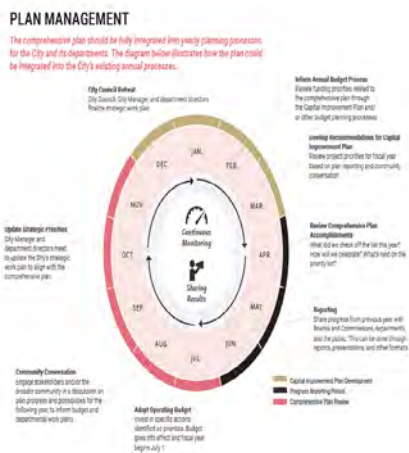
Separate from the Future Land Use and Character Map, this map takes two previously designed plans and prioritizes them along places that have existing activity centers.

1. Synthesizes previous pedestrian and bicycle plans
 - ✓ St. Louis County Action Plan for Walking and Biking; completed in 2021
 - ✓ U City's Pedestrian and Bicycle Master Plan; completed in 2013

2. Prioritizes routes that connect to important destinations
 - ✓ Schools
 - ✓ Neighborhood nodes
 - ✓ Parks
 - ✓ City Facilities
3. Complements the FCLU Map
4. Designed to guide Capital Improvement Plans

Ms. Kennedy stated despite the difficulties associated with a lack of existing commercial developments; this map also identifies potential neighborhood nodes north of Olive.

Implementation



How staff intends to look at managing the plan going forward.

Dr. Wagner stated the Commission and staff will develop a timeline for putting an Implementation Plan together.

Evaluating Fiscal and Staffing Impacts

Dr. Wagner stated it is important that the fiscal impacts of the Plan be reviewed to make sure there are no surprises. So, he will be working with the City Manager to draft an RFP for a consultant to look at both issues.

Mr. Rose stated he intends to present the Comprehensive Plan to Council for final consideration after the revisions have been made by the Planning Commission.

And whenever it is deemed necessary, a fiscal impact analysis will also be conducted on the Stormwater Master Plan, the Housing and Third Ward Revitalization Plan, and any new plans that come to fruition.

Councilmember Clay asked if staff had a sense of the population size this Plan is predicated on? Dr. Wagner stated this issue has come up numerous times, and generally speaking, he thinks it contemplates servicing the same population that exists today. Mr. Clay stated this Plan extends far into the future, and the one thing that concerns him is that as it moves forward there may be fewer people and fewer resources to draw from. Today, it's conceptual, and while U City seems to have leveled off, the truth is we are seeing precipitous drops in birthrates throughout the metropolitan area. So, that might be something to think about as you move forward into the implementation phase. Dr. Wagner stated there may be ways to address the so-called "silver tsunami", by looking at ways to keep our seniors in the community, either by living with their children or in a senior housing complex.

Councilmember Smotherson questioned whether the Plan provided any action steps on how to proactively manage vacant properties? An excellent example is the building that housed Seafood City; how long should we allow that to remain vacant? Dr. Wagner stated the Plan does not preclude Council from taking specific actions. And something he has thought about is strengthening some of the Ordinances to accelerate some of the actions that can be taken.

Ms. Holly stated the creation of this Plan has been the focus of the Plan Commission for two years. They are a dedicated group of remarkably intelligent and knowledgeable commissioners, who have spent a lot of time studying history, policies, and examples of best practices from successful communities around the country. So, after listening to some of the discussions about several of the overarching issues like demographic trends and long-term expectations, she would like to note a couple of things:

- The prior Plan adopted in 2005, talked very specifically about making major updates to the Comprehensive Plan every five years. It is time for an update.
- The prior Plan also encouraged new housing developments with mixed uses and supported pedestrian-oriented activities; which was Priority No. 4 on a scale of 1 to 4. And yet, in 2023, U City High School students told the Commission that it was not safe to bike to school because their streets were not user-friendly. The current Plan puts that goal squarely in front of the community. It's time for us to accept responsibility for a comprehensive view of our streets, transportation, and housing.
- By reviewing St. Louis County's current tax database the Commission learned that in 2022 mixed-use properties within U City were valued at approximately 40% higher than commercial properties on a per-acre basis. That led them to the conclusion that compact neighborhoods, community corridors, and activity centers proposed by the Plan have the potential to increase property values.
- The Commission also conducted significant research regarding the City's history of flooding. That research uncovered MSD's reports of flooding that went back to 1957, and presentations dating back to 2014 that were made to this Council. So, the addition of impermeable surfaces in close proximity to the River des Peres has put a lot of folks in the way of nature.

Ms. Holly stated the Plan is not perfect; it is not a revision of the zoning code, and it is not a simple restructuring of the 2005 Plan, it is truly comprehensive in the sense that it addresses traffic, parks, walking, cycling, stormwater, and zoning. But like any plan, it is only as good as the commitment to implement it. No one is clairvoyant, and the future will undoubtedly bring circumstances that no one today, could have foreseen. But that does not mean you should stop planning and striving to implement those plans. We do the best we can until we know better. So, it's time for U City to commit to implementing this Plan.

Dr. Wagner stated he is aware that the Land Use Map might be somewhat overwhelming, so if Council would prefer, he could look into getting a 3 x 4 foot copy that each member could hang on the wall.

5. ADJOURNMENT

Mayor Crow thanked everyone for this presentation and adjourned the Study Session at 6:26 p.m.

LaRette Reese
City Clerk, MRCC

MEETING OF THE CITY COUNCIL
CITY OF UNIVERSITY CITY
CITY HALL, Fifth Floor
6801 Delmar Blvd., University City, Missouri 63130
Monday, December 11, 2023
6:30 p.m.

AGENDA

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held on Monday, December 11, 2023, Mayor Terry Crow called the meeting to order at 6:34 p.m.

B. ROLL CALL

In addition to the Mayor, the following members of Council were present:

Councilmember Stacy Clay
Councilmember Aleta Klein
Councilmember Steven McMahon
Councilmember Jeffrey Hales
Councilmember Dennis Fuller
Councilmember Bwayne Smotherson

Also in attendance were City Manager, Gregory Rose, and City Attorney, John F. Mulligan, Jr.

C. APPROVAL OF AGENDA

Hearing no changes to the Agenda, Councilmember Hales moved to approve, it was seconded by Councilmember Klein, and the motion carried unanimously.

D. PROCLAMATIONS - (Acknowledgement)

None

E. APPROVAL OF MINUTES

1. November 27, 2023, Meeting Minutes were moved by Councilmember Fuller, it was seconded by Councilmember Hales, and the motion carried unanimously with the exception of Councilmember McMahon.

F. APPOINTMENTS TO BOARDS AND COMMISSIONS

1. Dennis Hoppe is nominated to the Library Board as a fill-in by Councilmember Aleta Klein, it was seconded by Councilmember Smotherson and the motion carried unanimously.
2. Karen Bernstein is nominated to the School District to the Economic Development Retail Sales Tax Board, replacing George Lenard, by Mayor Crow, it was seconded by Councilmember Smotherson and the motion carried unanimously.
3. Matthew Bellows is nominated to the School District for reappointment to the Economic Development Retail Sales Tax Board by Mayor Crow, it was seconded by Councilmember Hales and the motion carried unanimously.

G. SWEARING IN TO BOARDS AND COMMISSIONS

None

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed) Scott Regan (written)
Procedures for submitting comments for Citizen Participation and Public Hearings:
Request to Address the Council Forms are located on the ledge just inside the entrance.
Please complete and place the form in the basket at the front of the room.

Written comments must be received **no later than 12:00 p.m. on the day of the meeting.** Comments may be sent via email to: councilcomments@ucitymo.org, or mailed to the City Hall – 6801 Delmar Blvd. – Attention City Clerk. Such comments will be provided to City Council prior to the meeting. Comments will be made a part of the official record and made accessible to the public online following the meeting.

Please note that when submitting your comments, a **name and address must be provided.** Please also note whether your comment is on an agenda or a non-agenda item. If a name and address are not provided, the comment will not be recorded in the official record.

Tom Sullivan, 751 Syracuse, U City, MO

Mr. Sullivan stated as the New Year approaches he thinks Council should consider the efficiencies in City services that are not being addressed.

- Non-functional streetlights throughout the City
- The entrance to the parking lot at Kingsland near Delmar is in disarray
- The Kingsland median from Delmar to Vernon is in disarray
- Failure to regularly sweep City streets
- The appearance of the Loop
- Utility wires hanging down in various parts of the City
- Repair of The Loop North sidewalk
- The deteriorating fountain at Lewis Park
- The deteriorating banks around the pond at Lewis Park
- Numerous park benches need to be repainted
- Excessive vacancies in The Loop

Mr. Sullivan stated when the Costco development was being discussed the main driver was the unique way it would fund revitalization of the 3rd Ward. And while the 3rd Ward Housing and Revitalization Task Force has been meeting for some time to provide a framework for how these funds should be spent, several of its members believe they are being under-utilized and have expressed concerns about their intended purpose. A consultant and ambassadors have been hired; a logo and sweatshirt have been designed; surveys are constantly being handed out; Phase I activities are concluded; Phase II has begun, and Phase III is scheduled to start in February, yet after fourteen months there has not been one single improvement in the 3rd Ward.

A couple of months ago, U City's Former Community Development Director, Rosalyn Williams, said the City is renegeing on its promise of 10 million dollars of TIF funding for this Ward. She said, "*The sleight of hand by the City Manager will forego housing value recovery and wealth generation for residents of the ward.*" So, it seems like the revitalization of the 3rd Ward is another area Council needs to keep a close watch on in the New Year.

I. COUNCIL COMMENTS

J. PUBLIC HEARINGS

1. Public Hearing: Liquor License for Wallis Petroleum (On the Run), 7360 Forsyth

Mayor Crow opened the Public Hearing at 6:40 p.m., and after acknowledging that no written or oral requests to speak had been received, the hearing was closed at 6:40 p.m.

- K. CONSENT AGENDA - (1 voice vote required)**
1. Liquor License – Wallis Petroleum (On the Run) - 7360 Forsyth
 2. Barracuda Network Defense Agreement
 3. EDRST Funding Request - LSBDD
 4. Record Scanning Project – HR Files

Councilmember McMahon moved to approve Items 1 through 4 of the Consent Agenda, it was seconded by Councilmember Hales and the motion carried unanimously.

- L. CITY MANAGER’S REPORT - (Voice vote on each item as needed)**
None
- M. UNFINISHED BUSINESS - (Roll call vote required on 2nd and 3^d readings)**
None
- N. NEW BUSINESS**
- Resolutions - (Voice vote required)**
Resolutions
None
- Bills - (No vote required on introduction and 1st reading)**
None

- O. COUNCIL REPORTS/BUSINESS**
1. Boards and Commission appointments needed
 2. Council liaison reports on Boards and Commissions
 3. Boards, Commissions, and Task Force minutes
 4. Other Discussions/Business

- P. CITIZEN PARTICIPATION (continued if needed)**
Frank Ollendorff, 8128 Cornell Court, U City, MO

Mr. Ollendorff stated he hopes tonight's comments regarding the Olive Boulevard Streetscape Plan will be more successful than his previous remarks.

In 1999 the City's Comprehensive Plan recognized that completion of The Loop was a great success and that the City's next major project should be Olive Boulevard. Council's instruction to the City Manager was to make the development of a plan for the infrastructure on Olive his number one priority and to find the funds to install sidewalks, trees, and pedestrian lighting modeled after The Loop. Funding was obtained through the receipt of two federal grants totaling 1 million dollars each. When approximately 20% of the work was completed, the City manager recommended, and Council, along with its residents adopted the concept of establishing an Economic Development Retail Sales Tax to complete the project. Council's commitment to issue a municipal bond and use the EDRST to complete Olive Boulevard passed with a 2 to 1 vote, and an example of the work that was performed can be seen at the Aldi's site, Costco site, and the intersection of Hanley and Olive.

As a result of these actions, Mr. Ollendorff stated he would urge Council to advise staff that this continues to be their number one priority and direct them to move forward with this project. (Mr. Ollendorff provided Council with copies of the minutes related to the establishment of EDRST funds and the Olive Design Guidelines adopted in 2009.)

- Q. COUNCIL COMMENTS**

Councilmember Smotherson stated as a regular guest of Centennial Commons he is disappointed by the lack of progress being made to bring this facility back to being fully operational. Nowadays, this once vibrant facility has almost become irrelevant because people have started patronizing other facilities with saunas, whirlpools, and steam rooms.

And even though these kinds of amenities are not a part of the City's plans, he hopes that next year any repairs or aesthetic improvements that do not fall under FEMA will be on the staff's agenda so that after the lower level and gym are repaired there will be no reason; barring a natural disaster, for it to be closed again. He then wished everyone a happy holiday.

Mayor Crow acknowledged Councilmember Clay's birthday and thanked him for being in attendance.

R. EXECUTIVE SESSION - (Roll call vote required)

Motion to go into a Closed Session according to Missouri Revised Statutes 610.021 (1) Legal actions, causes of action, or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives or attorneys.

Councilmember Hales moved to close the Regular Session and go into a Closed Session, it was seconded by Councilmember McMahon.

Roll Call Vote Was:

Ayes: Councilmember Klein, Councilmember McMahon, Councilmember Hales, Councilmember Fuller, Councilmember Smotherson, Councilmember Clay, and Mayor Crow.

Nays: None.

S. ADJOURNMENT

Mayor Crow thanked everyone for their participation and closed the Regular Session at 6:52 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 7:23 p.m.

LaRette Reese
City Clerk, MRCC

Subject: FW: Compliments

From: Scott Ragan <ragan@att.net>
Sent: Friday, December 8, 2023 11:33 AM
To: Council Comments Shared <councilcomments@ucitymo.org>
Subject: Fw: Compliments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I know you receive your share of complaints during the Citizen Participation segment of council meetings, so thought I would send a few compliments.

1. As I reach my senior years, I've become more attentive to maintaining my physical (and mental!) health, and feel the facilities at Centennial Commons have helped me achieve that goal. The equipment is always well maintained and available and the staff is friendly, so thank you for keeping this facility available to citizens at a reasonable cost!
Related to this, it would be great for the community to receive an update on whether the lower level and gymnasium will ever be restored and re-opened. Last I heard we were waiting for FEMA funds to be made available, but now wonder if that source has dried up.
2. It's the services that keep our citizens happy, and leaf collection is no exception. Watching the crews accompanying the trucks doing the collection, I've been repeatedly impressed at how thorough they are with a very routine task. I've seen them pull leaves down from residents' yards, from under cars, etc. Please commend the individual or team who manages this service because they have found a way to keep the collection teams engaged and very thorough in doing their job.

Scott Ragan

7922 Gannon Ave.

314-974-5853

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF UNIVERSITY CITY
VIA VIDEOCONFERENCE
Wednesday, December, 2023
5:30 p.m.

AGENDA

A. MEETING CALLED TO ORDER

At the Special Session of the City Council of University City held virtually on Monday, December 20, 2023, Mayor Terry Crow called the meeting to order at 5:30 p.m.

B. ROLL CALL

In addition to the Mayor, the following members of Council were present:

Councilmember Stacy Clay
Councilmember Aleta Klein
Councilmember Steven McMahon
Councilmember Jeffrey Hales

Also in attendance were City Manager, Gregory Rose, and City Attorney, John F. Mulligan, Jr

C. APPROVAL OF AGENDA

Hearing no changes to the Agenda, Councilmember McMahon moved to approve, it was seconded by Councilmember Clay, and the motion carried unanimously.

D. PROCLAMATIONS (Acknowledgement)

None

E. APPROVAL OF MINUTES

None

F. APPOINTMENTS to BOARDS AND COMMISSIONS

None

G. SWEARING IN TO BOARDS AND COMMISSIONS

None

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

The public may also submit written comments must be received no later than 12:00 p.m. the day of the meeting. Comments may be sent via email to: councilcomments@ucitymo.org, or mailed to the City Hall – 6801 Delmar Blvd. – Attention City Clerk. Such comments will be provided to City Council prior to the meeting. Comments will be made a part of the official record and made accessible to the public online following the meeting. Please note, when submitting your comments, a name and address must be provided. Please also not if your comment is on an agenda or non-agenda item. If a name and address are not provided, the provided comment will not be recorded in the official record.

I. COUNCIL COMMENTS

J. PUBLIC HEARINGS

K. CONSENT AGENDA (1 voice vote required)

1. MS Office 365 Renewal

Councilmember Hales moved to approve Item 1 of the Consent Agenda, it was seconded by Councilmember Klein and the motion carried unanimously.

L. CITY MANAGER'S REPORT – (voice vote on each item as needed)

M. UNFINISHED BUSINESS (2nd and 3rd readings – roll call vote required)

None

N. NEW BUSINESS

Resolutions (voice vote required)

None

Bills (Introduction and 1st reading - no vote required)

Introduced by Councilmember Klein

1. **BILL 9532** - AN ORDINANCE AMENDING ZONING CODE SECTIONS 400.760.D, 400.780.E, 400.1190.B AND 400.2130 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING OR APPLICABLE TO PLANNED DEVELOPMENTS, BY ADDING PROVISIONS ON MINIMUM OFF-STREET PARKING AND LOADING SPACES IN ALL PLANNED DEVELOPMENT DISTRICTS ("PD"), AND PROVISIONS ON FLOOR AREA RATIOS, MINIMUM PERIMETER BUFFER AREAS AND SETBACKS AND SCREENING IN PLANNED DEVELOPMENT - MIXED USE DISTRICTS ("PD-M")

Introduced by Councilmember Hales

2. **BILL 9533** - AN ORDINANCE AMENDING SECTION 400.070 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO THE OFFICIAL ZONING MAP, BY AMENDING SAID MAP SO AS TO CHANGE THE CLASSIFICATION OF PROPERTY AT 6630-6654 DELMAR BOULEVARD FROM CORE COMMERCIAL DISTRICT ("CC") TO PLANNED DEVELOPMENT - MIXED USE DISTRICT ("PD-M").

Introduced by Councilmember McMahon

3. **BILL 9534** - AN ORDINANCE APPROVING A FINAL PLAT FOR A MAJOR SUBDIVISION OF A TRACT OF LAND TO BE KNOWN AS "LOCAL UNIVERSITY CITY."

O. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions
3. Boards, Commissions and Task Force minutes
4. Other Discussions/Business

P. CITIZEN PARTICIPATION (continued if needed)

Q. COUNCIL COMMENTS

R. EXECUTIVE SESSION (roll call vote required)

Motion to go into a Closed Session according to Missouri Revised Statutes 610.021 (1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives or attorneys.

Councilmember Hales moved to close the Regular Session and go into a Closed Session, it was seconded by Councilmember Clay.

Roll Call Vote Was:

Ayes: Councilmember Klein, Councilmember McMahon, Councilmember Hales, Councilmember Clay, and Mayor Crow.

Nays: None.

S. ADJOURNMENT

Mayor Crow thanked everyone for their participation and closed the Special Session at 5:35 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 6:01 p.m.

LaRette Reese
City Clerk, MRCC

**CITY OF UNIVERSITY CITY COUNCIL MEETING
AGENDA ITEM**



NUMBER: <i>For City Clerk Use</i>	PH20240108-01
---	----------------------

SUBJECT/TITLE: TXT 23-04: Public Hearing for a Zoning Ordinance text amendment to to amend sections 400.760, 400.780, 400.1190, and 400.2130 in the zoning code.			
PREPARED BY: John L. Wagner		DEPARTMENT / WARD Planning and Development	
AGENDA SECTION:	Public Hearing	CAN ITEM BE RESCHEDULED?	no
CITY MANAGER'S RECOMMENDATION OR RECOMMENDED MOTION: NA			
FISCAL IMPACT: N/A			
AMOUNT:		ACCOUNT No.:	
FROM FUND:		TO FUND:	
EXPLANATION: N/A			

STAFF COMMENTS AND BACKGROUND INFORMATION: N/A
--

CIP No.	
RELATED ITEMS / ATTACHMENTS: Attached is the notice from Missouri Lawyers Media, indicating that the notice was published in their December 22, 2023 publication.	

LIST CITY COUNCIL GOALS (5): Economic Development, Community Quality of Life.			
RESPECTFULLY SUBMITTED:	City Manager, Gregroy Rose	MEETING DATE:	January 8, 2024

1400 S. Highway Drive,
Fenton,MO, 63026,USA
314-421-1880, <https://molawyersmedia.com/news/st-louis/>

PROOF OF PURCHASE

COPY FOR YOUR RECORDS ONLY, THIS IS NOT AN INVOICE OR AFFIDAVIT OF PUBLICATION

ADVERTISER

University City, City Of,Account ID 64741
6801 Delmar Blvd,
St. Louis,MO,631303104

Please Read Carefully

The Countian (St Louis) is not responsible for errors or omissions after the First Run Date. If any errors exist in your ad, please contact us at **314-421-1880**.
Attorney's placing legal advertisements are responsible for payment of same.

Purchase Order #:
Insertion Order #: 2566592
Placement: The Countian (St Louis)
Index: Government
Category: Hearings and Minutes
First Issue: 12/22/2023
Last Issue: 12/22/2023
of Insertions: 1
Net Charge: \$23.80
Payments/Credits: \$0.00
Amount Due: \$23.80
Affidavit Reference: TXT-23-04

Notice of Public Hearing (Case Number: TXT-23-04)

Notice is hereby given that the City Council of University City will hold a public hearing on **Monday, January 8, 2024, at 6:30 pm in the 5th Floor Council Chambers at City Hall, 6801 Delmar Blvd**, to consider TXT-23-04, an application for a Text Amendment by Subtext Acquisitions, LLC to amend Sections 400.760, 400.780, 400.1190, and 400.2130 of the city's zoning code. Please contact John Wagner, Director of Planning and Development of 314-505-8501 with questions about the petition. All interested parties are invited to attend.

2566592 County Dec. 22, 2023

*** Changes to this order may result in pricing changes ***

**CITY OF UNIVERSITY CITY COUNCIL MEETING
AGENDA ITEM**



NUMBER: <i>For City Clerk Use</i>	PH20240108-02
---	----------------------

SUBJECT/TITLE:
REZ 23-02: Public Hearing for a Map Amendment from Core Commercial (CC) to Planned Development - Mixed-Use (PD-M) for properties located at 6630, 6640, 6650, 6654 Delmar Boulevard.

PREPARED BY: John L. Wagner	DEPARTMENT / WARD Planning and Development
---------------------------------------	--

AGENDA SECTION: Public Hearing	CAN ITEM BE RESCHEDULED? no
--	---------------------------------------

CITY MANAGER'S RECOMMENDATION OR RECOMMENDED MOTION:
NA

FISCAL IMPACT:
N/A

AMOUNT:		ACCOUNT No.:	
----------------	--	---------------------	--

FROM FUND:		TO FUND:	
-------------------	--	-----------------	--

EXPLANATION:
N/A

STAFF COMMENTS AND BACKGROUND INFORMATION:
N/A

CIP No.	
----------------	--

RELATED ITEMS / ATTACHMENTS:
Attached is the notice from Missouri Lawyers Media, indicating that the notice was published in their December 22, 2023 publication.

LIST CITY COUNCIL GOALS (5):
Economic Development, Community Quality of Life.

RESPECTFULLY SUBMITTED: City Manager, Gregroy Rose	MEETING DATE: January 8, 2024
--	---

1400 S. Highway Drive,
Fenton,MO, 63026,USA
314-421-1880, <https://molawyersmedia.com/news/st-louis/>

PROOF OF PURCHASE

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ADVERTISER

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Purchase Order #:	
Insertion Order #:	2566594
Placement:	The Countian (St Louis)
Index:	Government
Category:	Hearings and Minutes
First Issue:	12/22/2023
Last Issue:	12/22/2023
# of Insertions:	1
Net Charge:	\$32.13
Payments/Credits:	\$0.00
Amount Due:	\$32.13
Affidavit Reference:	REZ-23-02

Ad Proof

Notice of Public Hearing (Case Number: REZ-23-02)

Notice is hereby given that the City Council of University City will hold a public hearing on **Monday, January 8, 2024, at 6:30 pm in the 5th Floor Council Chambers at City Hall, 6801 Delmar Blvd**, to consider REZ-23-02, an application for a Zoning Map Amendment to rezone four parcels located at 6630, 6640, 6650, and 6654 Delmar Boulevard from Core Commercial District (CC) to Planned Development - Mixed-Use District (PD-M). The applicant is Subtext Acquisitions, LLC. The proposal is to develop a seven-story, mixed-use apartment building with 329 dwelling units, and retail and restaurant spaces on the ground floor. Please contact John Wagner, Director of Planning and Development of 314-505-8501 with questions about the petition. All interested parties are invited to attend.
2566594 County Dec. 22, 2023

*** Changes to this order may result in pricing changes ***

**CITY OF UNIVERSITY CITY COUNCIL MEETING
AGENDA ITEM**



NUMBER: <i>For City Clerk Use</i>	PH20240108-03
---	----------------------

SUBJECT/TITLE: Liquor License - First Watch Restaurants, Inc., dba First Watch #1003 - 8658 Olive Blvd. 63132			
PREPARED BY: Keith Cole - Director of Finance		DEPARTMENT / WARD Finance / All	
AGENDA SECTION:	Public Hearing	CAN ITEM BE RESCHEDULED?	Yes
CITY MANAGER'S RECOMMENDATION OR RECOMMENDED MOTION: N/A			
FISCAL IMPACT: None			
AMOUNT:	N/A	ACCOUNT No.:	N/A
FROM FUND:	N/A	TO FUND:	N/A
EXPLANATION: First Watch Restaurants, Inc. (#1003) has applied for All Kinds of Intoxicating Liquor, By the Drink, Retail liquor license, including Sunday Liquor License.			

STAFF COMMENTS AND BACKGROUND INFORMATION: The Applicant / Managing Officer is David Ernst. A background check / investigation by the Police Department revealed no disqualifying information. Department Approval has been granted from all necessary departments. Recommendations from University City citizens were obtained. The applicant is relying on five-sevenths vote by the Council to approve license. A current Certificate of No Sales Tax Due issued by the Missouri Department of Revenue was received relative to the business. 2022 personal property tax record for the applicant indicates payment of taxes. Current voter registration documentation for the applicant was provided.

CIP No.	
RELATED ITEMS / ATTACHMENTS: N/A	

LIST CITY COUNCIL GOALS (S): N/A			
RESPECTFULLY SUBMITTED:	City Manager, Gregory Rose	MEETING DATE:	January 8, 2024

**CITY OF UNIVERSITY CITY COUNCIL MEETING
AGENDA ITEM**



NUMBER: <i>For City Clerk Use</i>	CA20240108-01
---	----------------------

SUBJECT/TITLE:
Liquor License - First Watch Restaurants, Inc., dba First Watch #1003 - 8658 Olive Blvd. 63132

PREPARED BY: Keith Cole - Director of Finance	DEPARTMENT / WARD Finance / All
---	---

AGENDA SECTION: Consent Item	CAN ITEM BE RESCHEDULED? Yes
--	--

CITY MANAGER'S RECOMMENDATION OR RECOMMENDED MOTION:
City Manager recommends the approval of the Liquor License

FISCAL IMPACT:
Liquor License Fee - \$750

AMOUNT: N/A	ACCOUNT No.: N/A
-----------------------	----------------------------

FROM FUND: N/A	TO FUND: N/A
--------------------------	------------------------

EXPLANATION:
First Watch Restaurants, Inc. (#1003) has applied for All Kinds of Intoxicating Liquor, By the Drink, Retail liquor license, including Sunday Liquor License.

STAFF COMMENTS AND BACKGROUND INFORMATION:
The Applicant / Managing Officer is David Ernst. A background check / investigation by the Police Department revealed no disqualifying information. Department Approval has been granted from all necessary departments. Recommendations from University City citizens were obtained. The applicant is relying on five-sevenths vote by the Council to approve license. A current Certificate of No Sales Tax Due issued by the Missouri Department of Revenue was received relative to the business. 2022 personal property tax record for the applicant indicates payment of taxes. Current voter registration documentation for the applicant was provided.

CIP No.	
----------------	--

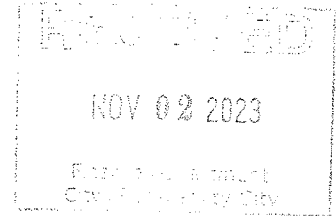
RELATED ITEMS / ATTACHMENTS:
1. Application for Liquor License
2. Inter-Office Memorandum Report from the Police Department

LIST CITY COUNCIL GOALS (S):
Prudent Fiscal Management

RESPECTFULLY SUBMITTED: City Manager, Gregory Rose	MEETING DATE: January 8, 2024
--	---



CITY OF UNIVERSITY CITY
APPLICATION FOR LIQUOR LICENSE
 University City Municipal Code, Chapter 600 Section 600.060



INSTRUCTIONS: Read each question carefully. Make certain that each question is answered completely and correctly before you submit this application. If you need additional space, use the additional sheet provided at the end of this application. If a question does not apply to you, write N/A in the space, do not leave any blank fields. Submit all documents as requested. **PLEASE PRINT CLEARLY.**

Please note that this application may only be completed and filed by a sole proprietor, corporate officer, managing partner, or managing officer of the business applying for this license.

AN APPLICANT IS NOT PERMITTED TO OPERATE UNTIL LICENSE IS ISSUED ◊

Applications must be accompanied by a non-refundable application filing fee of \$25.00

Type of license requested- separate license shall be obtained for each of the following classes of sales:
 (Please check each classification that applies)

- | | | | |
|-------------------------------------|-----|---|----------|
| <input checked="" type="checkbox"/> | 2- | All kinds of intoxicating liquor, by the drink, retail. | \$450.00 |
| <input type="checkbox"/> | 4- | CLUB: All kinds of intoxicating liquor, by the drink, retail | 200.00 |
| <input type="checkbox"/> | 5- | Malt liquor not in excess of 5% alcohol wholesaler to wholesaler | 75.00 |
| <input type="checkbox"/> | 6- | Intoxicating liquor not in excess of 22% alcohol wholesaler to wholesaler | 150.00 |
| <input type="checkbox"/> | 7- | Malt liquor not in excess of 5% alcohol wholesaler to retailer | 150.00 |
| <input type="checkbox"/> | 8- | Intoxicating liquor not in excess of 22% alcohol wholesaler to retailer | 300.00 |
| <input type="checkbox"/> | 9- | Malt liquor in excess of 3.2% and not in excess of 5% alcohol, by the package, retail | 75.00 |
| <input type="checkbox"/> | 10- | Malt liquor in excess of 3.2% and not in excess of 5% alcohol, by the drink, retail. | 75.00 |
| <input type="checkbox"/> | 11- | Malt liquor not in excess of 5% beer and 14% wine, by the drink, retail | 75.00 |
| | 12- | Intoxicating liquor not more than 22%, by the package, retail | 75.00 |
| | 13- | Intoxicating liquor of all kinds, wholesaler to wholesaler | 375.00 |
| <input type="checkbox"/> | 14- | Intoxicating liquor of all kinds, wholesaler to retailer | 750.00 |
| <input type="checkbox"/> | 15- | Intoxicating liquor of all kinds, by the package, retail | 150.00 |
| <input checked="" type="checkbox"/> | | Sunday Liquor License | 300.00 |

I. BUSINESS APPLYING FOR LICENSE:

A. BUSINESS NAME AND TYPE

First Watch Restaurants, Inc.
DBA: First Watch #1003

- Sole Owner
- Partnership
- Corporation
- Limited Liability Company

B. DESCRIPTION OF PREMISES AND ADDRESS:

DESCRIPTION: Single story restaurant with interior (4,100 SF) and exterior (605 SF) dining and bar areas.

ADDRESS: 8658 Olive Blvd., St. Louis, MO 63132

HOURS OF OPERATION: 7 days per week, 7 a.m. – 2:30 p.m.

C. PHONE:

(314) 339-7608

II. MANAGING OFFICER:

A. NAME: (LAST)

Ernst

(FIRST)

David

(MIDDLE INITIAL)

A.

B. ADDRESS, CITY & ZIP CODE:

532 Goldwood Dr., Ballwin, MO 63021

C. PHONE:

(314) 591-8379

D. DATE OF BIRTH:

F. BUSINESS PHONE: (IF DIFFERENT FROM ABOVE)

(314) 591-8379

G. PREVIOUS ADDRESS: (IF NOT AT PRESENT ADDRESS FOR 5 YEARS OR MORE)

N/A

H. IF FOREIGN BORN, PLEASE STATE COUNTRY, PLACE AND STATE OF NATURALIZATION:

N/A

I. MISSOURI RESIDENT SINCE: (MONTH & YR)

08/1988

K. TOWNSHIP:

Ballwin

L. COUNTY:

St Louis

M. CURRENT BUSINESS OR OCCUPATION OF APPLICANT:

Managing Officer for First Watch

N. NAME OF CORPORATION, PARTNERSHIP OR CLUB: (IF APPLICABLE)

First Watch Restaurants, Inc.

FOR PARTNERSHIP OR LIMITED PARTNERSHIP

NUMBER OF MEMBERS: N/A

A2. STATE NAMES, ADDRESSES, PHONE NUMBERS AND DATES OF BIRTH OF ALL PARTNERS: (USE PAGE 7 IF NECESSARY)

N/A

FOR CORPORATION OR LIMITED LIABILITY COMPANY

NUMBER OF MEMBERS: 4

A3. STATE NAMES, ADDRESSES, PHONE NUMBERS AND DATES OF BIRTH OF ALL OFFICERS, DIRECTORS AND STOCKHOLDERS OWNING 1% OR MORE INTEREST IN THE CORPORATION OR MEMBERS OF A LIMITED LIABILITY COMPANY. (USE PAGE 7 IF NECESSARY)

Please see attached.

OTHER PERSONS

NUMBER OF MEMBERS: N/A

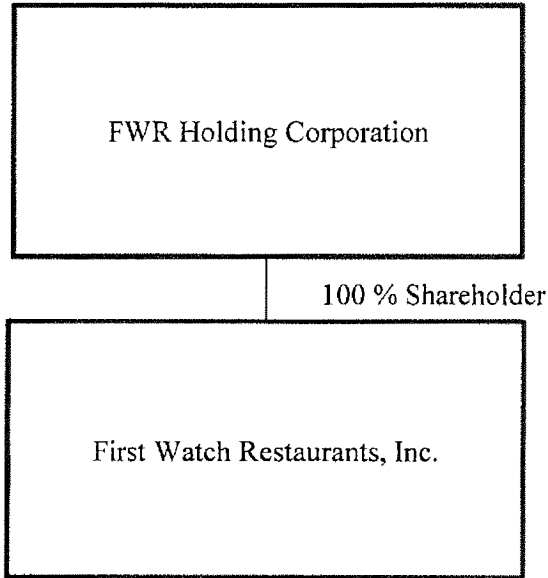
A4. LIST NAMES, ADDRESSES, PHONE NUMBERS AND DATES OF BIRTH FOR ALL OTHER PERSONS WHO HAVE AN INTEREST IN THE BUSINESS FOR WHICH LICENSE IS REQUESTED. (USE PAGE 7 IF NECESSARY)

N/A

B4. IN WHAT TYPE OF BUSINESS IS EACH OF THE ABOVE PERSONS ENGAGED: (USE PAGE 7 IF NECESSARY)

N/A

**First Watch Restaurants, Inc.
Ownership Chart**



Name	Title	Stock %
Christopher A. Tomasso	President, CEO, Director	0%
Henry M. Hope, III	Chief Financial Officer	0%
Jay A. Wolszczak	Chief Legal Officer	0%

Names	Address	Phone	DOB
Christopher A. Tomasso	7467 Cabbage Plam Ct Sarasota, FL 34241	(941) 907-9800	5/25/1970
Henry M. Hope, III	1646 Oak St Sarasota, FL 34236	(941) 907-9800	3/17/1961
Jay A. Wolszczak	16027 Topsail Ter. Lakewood Ranch, FL 34202	(941) 907-9800	9/19/1968

III. OTHER INFORMATION	
A. IS APPLICANT A QUALIFIED VOTER IN THE STATE OF MISSOURI? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	B. IS APPLICANT AN ASSESSED, TAX PAYING CITIZEN IN THE STATE OF MISSOURI? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
C. HAS APPLICANT PREVIOUSLY HELD A LIQUOR LICENSE OF ANY TYPE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (IF YES, EXPLAIN, SEE ITEM D)	D. EXPLAIN (WHEN, WHERE?) First Watch Restaurants, Inc. holds alcohol licenses throughout MO and other US states.
E. HAS APPLICANT, OR ANY EMPLOYEE, OR PROPOSED EMPLOYEES, EVER BEEN DENIED A LIQUOR LICENSE, OR HAD A LICENSE TO SELL LIQUOR REVOKED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (IF YES, EXPLAIN, SEE ITEM F)	F. EXPLAIN (WHEN, WHERE?) N/A
G. HAS APPLICANT EVER BEEN EMPLOYED IN ANY CAPACITY BY A BUSINESS WITH A BEER, WINE OR LIQUOR LICENSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (IF YES, EXPLAIN, SEE ITEM H)	H. EXPLAIN (WHEN, WHERE?) First Watch Restaurants, Inc. holds alcohol licenses throughout MO and other US states.
I. HAS THE APPLICANT, EMPLOYEE, OR PROPOSED EMPLOYEE EVER BEEN CONVICTED OF A VIOLATION OF ANY LAW REGULATING, CONTROLLING, OR PROHIBITING THE SALES OR MANUFACTURING OF INTOXICATING LIQUOR? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (IF YES, EXPLAIN. USE PAGE 7 IF NECESSARY)	
J. HAS ANY DISTILLER, WHOLESALER, WINE MAKER, BREWER OR ANY EMPLOYEE, OR AGENT THEREOF, HAVE OR PROPOSE TO HAVE, ANY FINANCIAL INTEREST IN THE BUSINESS TO WHICH THIS APPLICATION APPLIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (IF YES, EXPLAIN. USE PAGE 7 IF NECESSARY)	
K. INDICATE THE TYPE OF BUSINESS, IF ANY, APPLICANT PROPOSES TO CONDUCT ON PREMISES IN ADDITION TO SALE OF INTOXICATING LIQUOR: <input checked="" type="checkbox"/> RESTAURANT _____ <input type="checkbox"/> ROOM _____ <input type="checkbox"/> OTHER (PLEASE EXPLAIN) _____	
L. STATE ESTIMATE OF ANNUAL SALES VALUE: FOOD \$ <u>1,425,000</u> OTHER (INCLUDING LIQUOR) \$ <u>1,500,000</u>	
M. IS THERE A SCHOOL, CHURCH, SYNAGOGUE, PUBLIC PARK OR PLAYGROUND WITHIN ONE HUNDRED FIFTY (150) FEET OF THE PROPOSED BUSINESS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (IF YES, STATE THE NAME AND APPROXIMATE DISTANCES):	
N. IS THE APPLICANT INDEBTED TO ANY PERSON FOR MONEY OR PROPERTY, TO BE USED IN THE LICENSED BUSINESS? (IF YES, STATE AMOUNT OF INDEBTEDNESS AND TO WHOM IT IS OWED.) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	AMOUNT OWED: \$
	NAME:
	ADDRESS, CITY, STATE, & ZIP:
	PHONE: Pending
	OCCUPATION:

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

Comes now David A. Ernst of lawful age, being first duly sworn upon oath, deposes and says that he or she: (1) is the sole proprietor, corporate officer, managing partner, or managing officer of the business applying for this license, (2) is authorized to make this application, (3) has read this application and understands same, (4) knows the contents of this application, (5) swears that the answers and statements contained in this application are true and correct, and (6) on behalf of the applicant, agrees to comply with all laws of the City of University City and the State of Missouri relevant to the applicant's business.

David A. Ernst

SIGNATURE OF APPLICANT/MANAGING OFFICER

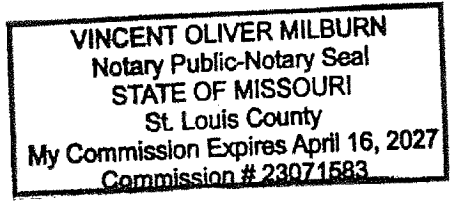
SUBSCRIBED AND SWORN TO BEFORE ME ON THIS DAY 23 OF October 2023

NOTARY PUBLIC

Vincent Oliver Milburn

MY COMMISSION EXPIRES:

April 16, 2027



THIS SECTION FOR CITY USE ONLY

APPROVALS:

Police Chief _____	Date: _____
Comments: _____	
Community Development _____	Date: _____
Comments: _____	
City Manager _____	Date: _____
Comments: _____	

IV. SUNDAY LIQUOR LICENSE

If application is for Sunday liquor license, complete the following section:

Under the provisions of Chapter 600, Section 600.260 of the Municipal code of the City of University City, application is hereby made for a license to sell intoxicating liquor between the hours of 9:00 A.M. and midnight on Sundays.

A. APPLICANT NAME: (LAST)	(FIRST)	(MIDDLE INITIAL)
Ernst	David	A.

B. BUSINESS NAME: First Watch #1003	PHONE NUMBER: (314) 591-8379
--	---------------------------------

Type of Liquor License held or applied for:

- 1-2 All kinds of intoxicating liquor, by the drink, retail
- 9 Malt liquor in excess of 3.2% not in excess 5% alcohol, by the package, retail
- 10 Malt liquor in excess of 3.2% not in excess 5% alcohol, by the drink, retail
- 11 Malt liquor not in excess of 5% beer and 14% wine, by the drink, retail
- 12 Intoxicating liquor not more than 22%, by the package, retail
- 15 Intoxicating liquor of all kinds, by the package, retail

For the purpose of obtaining said Sunday Liquor license: applicant states that at least fifty percent (50%) of the gross income of the restaurant bar at the above location is derived from the sale of prepared meals or food consumed on the premises, or which has an annual gross income of at least two hundred seventy-five thousand dollars (\$275,000.00) from the sale of prepared meals or food.

Signature of Applicant 

Title of Applicant
Managing Officer

Date 10/23/2023

V. RECOMMENDATIONS- COMPLETE IF APPLYING FOR LICENSE TYPE 2, 10, OR 11

Five recommendations are required for Applicants petitioning for a license to sell intoxicating liquor by the drink at retail under section 600.060 of University City Municipal Code.

Each of the following recommendations is to be filled in and signed by a credible resident citizen of University City, vouching for the character of the applicant.

1) Date: 12/6/2023 Na me: JOEL JACOBSEN
Location of University City real property taxed in your name: 6848 BARTMER AVE.
How long have you known applicant? 14 YRS Are you related? NO
Are you aware of any reason to refuse applicant a license to sell intoxicating liquor? NO
Do you vouch for applicant's moral character and reputation? YES
Phone Number: (303) 596-4923 Signature: [Signature]

2) Date: 12/6/23 Na me: Petra LEAZINI
Location of University City real property taxed in your name: 8304 Fullerton Ave. 63132
How long have you known applicant? 12 years Are you related? NO
Are you aware of any reason to refuse applicant a license to sell intoxicating liquor? NO
Do you vouch for applicant's moral character and reputation? YES
Phone Number: 314-269-3118 Signature: [Signature]

3) Date: 12/7/2023 Na me: DAN KLOTZER
Location of University City real property taxed in your name: 648 VASSAR AVE.
How long have you known applicant? 10 years Are you related? NO
Are you aware of any reason to refuse applicant a license to sell intoxicating liquor? NO
Do you vouch for applicant's moral character and reputation? YES
Phone Number: (314) 616-7111 Signature: [Signature]

4) Date: 12-08-2023 Na me: STACY HEARN
Location of University City real property taxed in your name: 8346 ORCHARD
How long have you known applicant? 1 WEEK Are you related? NO
Are you aware of any reason to refuse applicant a license to sell intoxicating liquor? NO
Do you vouch for applicant's moral character and reputation? YES
Phone Number: 314-680-7190 Signature: [Signature]

5) Date: 12/10/2023 Na me: Mike Foss
Location of University City real property taxed in your name: ~~7471~~ 7471 Kingsbury Blvd 63132
How long have you known applicant? 4 years Are you related? NO
Are you aware of any reason to refuse applicant a license to sell intoxicating liquor? NO
Do you vouch for applicant's moral character and reputation? YES
Phone Number: 314-602-2792 Signature: [Signature]

6801 Delmar Blvd University City,
MO 63130 Tel: (314) 505-
8544
Fax: (314) 863-0921

VI. PETITION- COMPLETE IF APPLYING FOR LICENSE TYPE 2, 10, OR 11

Under Chapter 600, Section 600.080, a petition must be submitted in favor of the license. **Please Note:** In the absence of valid petitions, the city council must have a five-sevenths vote to approve the license.

The undersigned taxpaying citizens, record owners of property within a radius of 200 feet of the primary public entrance of the premises in which the applicant proposes to sell intoxicating liquor, **and** owners occupying or conducting a business on the main or surface floor of buildings within such radius, hereby approve the foregoing application, and consent to the issuance to the applicant of a license to sell intoxicating liquor by the drink, to be consumed on the premises where sold:

NAME

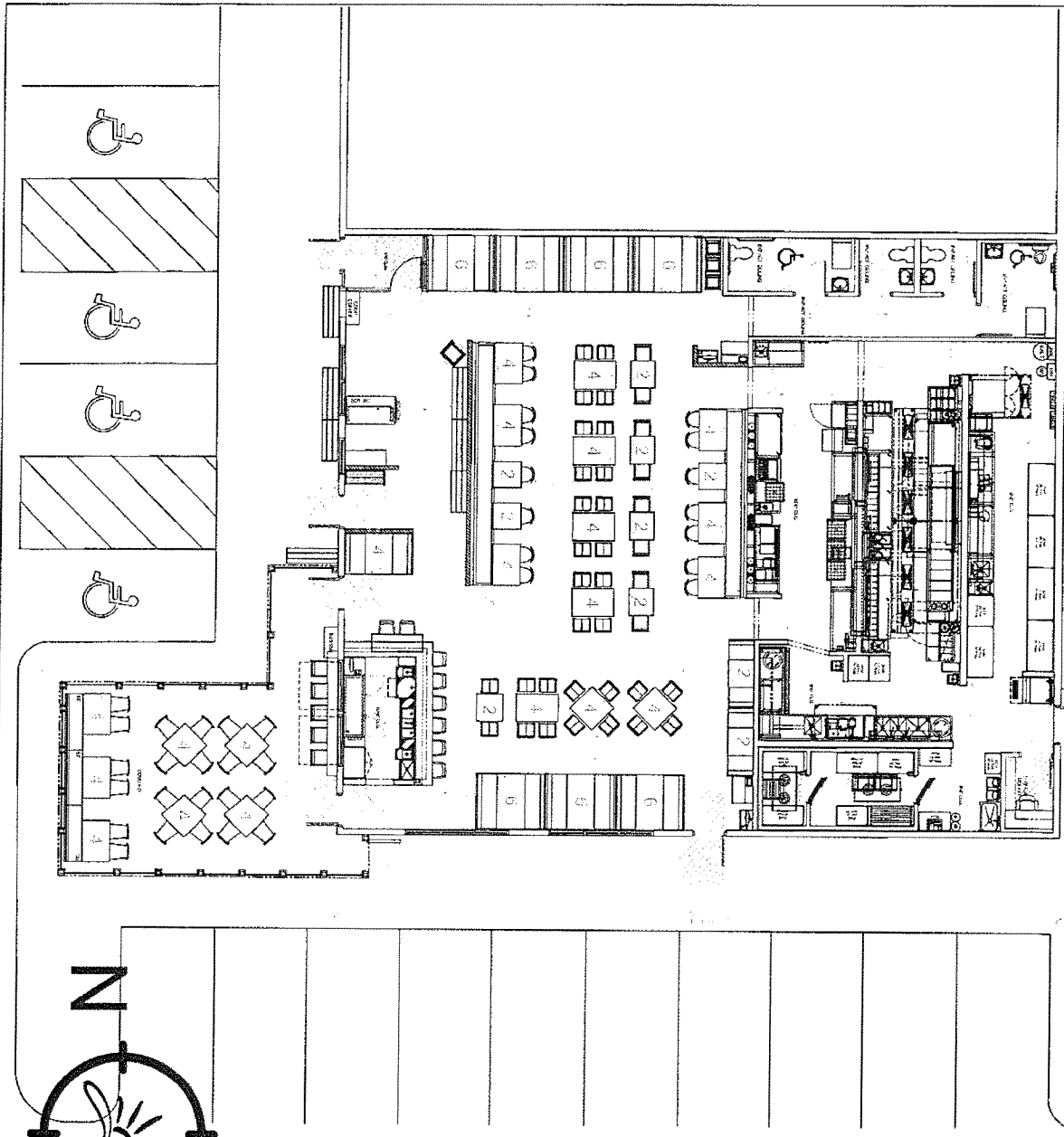
ADDRESS

Petition will not be completed.

(Attach additional sheet if necessary)



NOTE:
 ALL SQUARE FOOTAGE CALCULATIONS
 AND FUTURE PLACEMENT ARE
 APPROXIMATE. ARCHITECT TO
 COORDINATE WITH FIELD VERIFIED
 DIMENSIONS PRIOR TO CONSTRUCTION.



WAIT SEAT TABULATION

INTERIOR ONLY	ACTUAL	UNITS	SEATS
CLASSIC 4 BENCH (2 SEATS EA)	1	2	
CLASSIC 5 BENCH (3 SEATS EA)	2	6	
CHAIR W/ ARMS (1 SEAT EA)	X	X	
CHAIR W/O ARMS (1 SEAT EA)	X	X	
LOVE SEAT (3 SEATS EA)	X	X	
TOTAL:	3	8	

INTERIOR TABLE TABULATION

	ACTUAL	FIRST WATCH BRAND MIN.
2-TOPS	2	4
30x32 BOOTHS	2	4
30x32 FREE	8	16
4-TOPS	14	56
6-TOPS	7	42
8-TOPS	X	X
BAR	1	8
COMMUNITY	X	X
TOTAL:	32	128

EXTERIOR TABLE TABULATION

	ACTUAL	RANGE
TABLE SEATS	7	31
TABLE SEATS		
TOTAL:	7	31

MISCELLANEOUS ITEMS

	YES	NO	SOFT. OF SHELVES
DOUBLE DISH MACHINE	X		
WALK-IN SIZE: 9'-0" x 18'-6"	X		132 sq ft

SQUARE FOOT TABULATION

	ACTUAL	RANGE
LEASEABLE SF	4,200 SF	3,400-3,800 SF
DINING	1,840 SF	
KITCHEN/OFFICE	1,458 SF	1,200-1,300 SF
RESTROOM	316 SF	275-300 SF
HOST	185 SF	235-250 SF
VESTIBULE	38 SF	
BAR	222 SF	
TO GO	41 SF	
PATIO	605 SF	



FIRST WATCH
THE DAYTIME CAFE

UNIVERSITY CITY, MO
TEST FIT LAYOUT

SK-4
FLOOR PLAN









TAXATION DIVISION
PO BOX 3666
JEFFERSON CITY, MO 65105-3666



Missouri
DEPARTMENT OF REVENUE

Telephone: 573-751-9268
Fax: 573-522-1265
E-mail: taxclearance@dor.mo.gov

FIRST WATCH RESTAURANTS INC
8725 PENDERY PL STE 201
BRADENTON, FL 34201-2140

DATE: 12/07/2023
VALID THROUGH: 03/06/2024
UNIVERSITY CITY

CERTIFICATE OF NO TAX DUE

MISSOURI ID: 19289499
Notice Number 2044192263

To Whom It May Concern: The Department of Revenue, State of Missouri, certifies the above listed taxpayer has filed all required returns and paid all sales or withholding tax due, including penalties and interest, and does not owe any sales and withholding tax, as of December 6, 2023. This review does not include returns that are not required to be filed as of this date or that have been filed but not yet processed by the Department.

This statement only applies to sales and withholding tax due and is not to be construed as limiting the authority of the Director of Revenue to assess, or pursue collection of liabilities resulting from final litigation, default in payment of any installment agreement entered into with the Director of Revenue, any successor liability that may become due in the future, or audits or reviews of the taxpayer's records as provided by law.

THIS CERTIFICATE REMAINS VALID FOR 90 DAYS FROM THE ISSUANCE DATE.

TAXATION DIVISION



Inter-office Memo



Date: 11/22/2023

TO: Colonel Hampton, Chief of Police DSN 391
FROM: Lieutenant Shawn Whitley DSN 372
SUBJECT: 8658 Olive BLVD (Liquor License Application)
CC:

Business

First Watch Restaurant Inc.
First Watch Store #1003
8658 Olive BLVD.
University City MO. 63132

Applicant/Owner

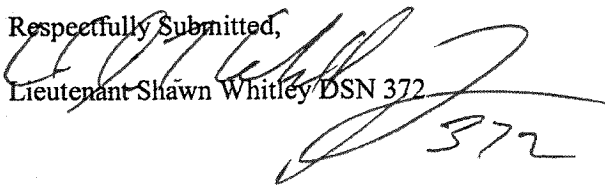
Applicant: David Ernst (Managing Officer of First Watch)
Home Address: 532 Goldwood Dr.
Baldwin MO. 63021

D.O.B:
SSN: N/A
Phone: 314-591-8679

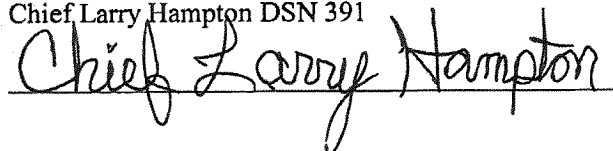
Sir,

I have reviewed the findings of the investigation completed by Detective Nodari concerning the liquor license application submitted by, **First Watch, located at 8658 Olive Blvd, University City, MO 63132.** Det. Nodari's investigation was thorough and revealed no cause for a denial for a City of University Liquor License as applied for by David Ernst of First Watch.

Respectfully Submitted,


Lieutenant Shawn Whitley DSN 372

Chief Larry Hampton DSN 391


Chief Larry Hampton

**CITY OF UNIVERSITY CITY COUNCIL MEETING
AGENDA ITEM**



NUMBER: <i>For City Clerk Use</i>	CA20240108-02
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SUBJECT/TITLE:

Westgate-STP-5402(616), Construction Agreement

PREPARED BY: Darin Girdler, Director of Public Works	DEPARTMENT / WARD Public Works/Ward 3
--	---

AGENDA SECTION: Consent	CAN ITEM BE RESCHEDULED? Yes
-----------------------------------	--

CITY MANAGER'S RECOMMENDATION OR RECOMMENDED MOTION:
City Manager recommends approval of the agreement with Ranieri Construction and authorization to execute to contract contained in Council's packet

FISCAL IMPACT:
\$1,076,588.96 (City Share: \$329,318.44 Federal Share: \$747,270.52)

AMOUNT:	\$1,076,588.96	ACCOUNT No.:	12-40-90_8080
----------------	----------------	---------------------	---------------

FROM FUND:		TO FUND:	
-------------------	--	-----------------	--

EXPLANATION:
Westgate is a federally funded STP project. The City advertised for bids for this project and received four (4) responsive bids and all bidders were pre-qualified with MoDOT. The lowest bid of \$848,848.51 was received from Sweetens Concrete Services, LLC but was rejected by MoDOT, due to not fulfilling (DBE) goal for this project. The second lowest bid of \$1,076,588.96 was received from Raineri Construction and was approved by MoDOT.

STAFF COMMENTS AND BACKGROUND INFORMATION:
The City applied for the funding of this project a few years ago and was granted a Surface Transportation Program Grant to make improvements to Westgate from Delmar Blvd. to Olive Blvd. The proposed improvements include new ADA compliant sidewalks and curb ramps, new roadway resurfacing, new paved approaches, improved pavement marking, shared use bicycle markings, improved signage, and other appurtenances.

CIP No.	
----------------	--

RELATED ITEMS / ATTACHMENTS:
1. Contract
2. Construction Bid Concurrence

LIST CITY COUNCIL GOALS (5):
Preserve and improve public street-sidewalk Infrastructure

RESPECTFULLY SUBMITTED:	City Manager, Gregroy Rose	MEETING DATE:	January 8, 2024
--------------------------------	----------------------------	----------------------	-----------------

CONTRACT AGREEMENT

THIS AGREEMENT, made and entered into by and between the City of University City, (hereinafter referred to as the Owner) and Raineri Construction, LLC of St. Louis, MO (herein referred to as the Contractor).

WITNESSETH: That for and in consideration of the acceptance of Contractor's bid and the award of this contract to said Contractor by the Owner and in further consideration of the agreements of the parties herein contained, to be well and truly observed and faithfully kept by them, and each of them, it is agreed between the parties as follows, to wit:

The Contractor at its own expense hereby agrees to do or furnish all labor, materials, and equipment called for in the proposal designated and marked: Westgate Avenue Improvements, Federal Project #STP-5402 (616).

and agrees to perform all the work required by the contract as shown on the plans and specifications. The "Notice to Contractor," "Plans," "Proposal," "Contract Bond," "Acknowledgment," "Notice to Proceed", and all change orders are made a part hereof as fully as set out herein.

It is understood and agreed that, except as may be otherwise provided for by "Job Special Provisions," "General Provisions," and "Supplemental Specifications," included in the Proposal, the work shall be done in accordance with the most current "Missouri Standard Specifications for Highway Construction" and "Missouri Standard Plans for Highway Construction", including all revisions to these documents, which are part and parcel of this contract, and are incorporated in this contract as fully and effectively as if set forth in detail herein.

The Contractor further agrees that it is fully informed regarding all of the conditions affecting the work to be done, and labor and materials to be furnished for the completion of this contract, and that its information was secured by personal investigation and research and not from any estimates of the Owner; and that it will make no claim against the Owner by reason of estimates, tests, or representation of any officer, agent, or employees of the Owner.

The said Contractor agrees further to begin work not later than the authorization date in the Notice to Proceed and to complete the work within the time specified in the proposal or such additional time as may be allowed by the engineer under the contract.

The work shall be done to complete satisfaction of the Engineer of the Owner and, in case the Federal Government or any agency thereof is participating in the payment of the cost of construction of the work, shall also be subject to inspection and approval at all times by the proper agent or agents of such government agency.

The parties hereto agree that this contract in all things shall be governed by the laws of the State of Missouri.

The Contractor agrees that it will comply with all federal and state laws and regulations and local ordinances and that it will comply and cause each of its subcontractors, if any, to comply with all federal and state laws and federal regulations and directives pertaining to nondiscrimination against any person on the ground of race, color, religion, creed, sex, age, ancestry, or national origin in connection with this contract, including procurement of materials and lease of equipment therefore, in accordance with the special provisions on that subject attached hereto, incorporated in and made a part of the contract.

The Contractor expressly warrants that it has employed no third person to solicit or obtain this contract on its behalf, or to cause or procure the same to be obtained upon compensation in any way contingent, in whole or in part, upon such procurement; and that it has not paid, or promised or agreed to pay, to any third person, in consideration of such procurement, or in compensation for services in connection therewith, any brokerage, commission, or percentage upon the amount receivable by it hereunder, and that it has not, in estimating the contract price demanded by it, included any sum by reason of any such brokerage, commission, or percentage, and that all moneys payable to it hereunder are free from obligation to other entities for services rendered, or supposed to have been rendered, in the procurement of this contract. Contractor further agrees that any breach of this warranty shall constitute adequate cause for the annulment of this contract by the Owner, and the Owner may retain to its own use from any sums due or to become due hereunder an amount equal to any brokerage, commission, or percentage so paid, or agreed to be paid.

Under penalty of perjury under the laws of the United States and/or false declaration under the laws of Missouri, and any other applicable state or federal laws, the Contractor Signatory certifies that the Contractor and its officials, agents, and employees have neither directly nor indirectly entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding in connection with this contract, and that the Contractor intends to do the work with its own bonafide employees or subcontractors and did not bid for the benefit of another contractor.

The Owner agrees to pay the Contractor in the manner and in the amount provided in the said Standard Specifications and Proposals.

IN WITNESS WHEREOF, the parties hereunto have hereunto set their hands and affixed their seals, this 5th day of January, 2024.

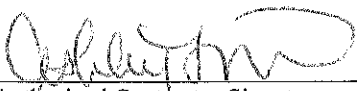
City of University City, acting by and through
Terry Crow

By _____
Mayor, City of University City

ATTEST: (SEAL)

Attest Person Title Here and Printed Name

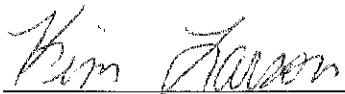
Raineri Construction, LLC

By  _____
Authorized Contractor Signature

Ashley L. Raineri, President

Printed Name of Signatory

ATTEST: (SEAL)

 _____
Attest Person Title Here and Printed Name
Kim Larsen, Payroll Manager



City of University City
Department of Public Works
6801 Delmar Blvd. University City, Missouri 63130 314-505-8560

November 30, 2023

Mr. Bill Gabler
Local Programs Design Liaison
MoDOT – St. Louis
1590 Woodlake Drive
Chesterfield, MO 63017
William.Gabler@modot.mo.gov
lpasubmit@modot.mo.gov

Re: FHWA Construction Bid Concurrence Request
City of University City, MO
Westgate Avenue Improvements
Federal Project No. STP-5402 (616)

Dear Mr. Gabler:

A previous concurrence in award submittal was made on 10/8/2023 to MoDOT. After MoDOT's review, a Concurrence in Rejection was sent from MoDOT to the City of University City on 11/29/2023, rejecting the bid from the low bidder, Sweetens Concrete Services, LLC.

The City of University City, Missouri is now requesting FHWA concurrence to award the contract for Federal Project No. STP-5402 (616) to the second low bidder, Raineri Construction, a St. Louis, Missouri, MoDOT certified contractor. The total bid (requested award amount) was **\$1,076,588.96**. No addendums were issued for this contract. The bid opening was held on September 8th, 2023, at 10:00 am. There were four (4) responsive bids, and all bidders were pre-qualified with MoDOT.

The lowest bid of \$848,848.51 was received from Sweetens Concrete Services, LLC and was rejected. The second lowest bid of \$1,076,588.96 was received from Raineri Construction.

The Disadvantaged Business Enterprise (DBE) goal for this project is 14%. Raineri Construction, the second low bidder, is showing a DBE participation of 14.15%.

Please find the enclosed back-up information for your use and distribution:

- From Raineri Construction, the second low bidder and who the concurrence in award is requested for:
 - Completed Anti-Collusion Statement
 - Completed Itemized Bid Form
 - Completed DBE form
 - Signed E-Verify Affidavit and Memorandum of Understanding (MOU)
 - Bid Bond



City of University City
Department of Public Works
6801 Delmar Blvd. University City, Missouri 63130 314-505-8560

Once the concurrence is received, the City of University City will execute the City-Contractor Agreement. A pre-construction meeting with the City, Contractor, MoDOT, utilities, and CMT will be scheduled at the City of University City's office. MoDOT previously approved the construction phase service contract (included in the original ESC) between the City of University City and CMT and the City will be seeking FHWA reimbursement for those costs.

If you have any questions or need additional information to expedite the FHWA concurrence, please do not hesitate to call me at (314) 505-8565. The concurrence is requested as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "Eugene Kuelker".

Eugene Kuelker, P.E.
Project Manager II
City of University City, Missouri

Enclosures

Westgate Avenue Improvements
Federal Project #STP-5402 (616)

City of University City, MO
6801 Delmar Boulevard
University City, MO 63130

REQUEST FOR BID

BID OF

MoDOT Vendor Number (if required) 0012416

Bidder Name Raineri Construction

Bidder Address 1300 Hampton Ave. Suite 100
St. Louis, MO 63139

FOR
CONSTRUCTING OR IMPROVING

Westgate Avenue Improvements

**Westgate Avenue, from Delmar Boulevard to Olive Boulevard
University City, St. Louis County, Missouri**

January 2023

NOTICE TO CONTRACTORS

Sealed bids, addressed to the City of University City, 6801 Delmar Boulevard, University City, MO 63130 for the proposed work will be received by the City of University City until 10:00 am (prevailing local time) on September 8th, 2023, at the office of the Administrative Services Department, 1st Floor, 6801 Delmar Blvd., University City, MO 63130 and at that time will be publicly opened. Bids should be delivered to: Eugene Kuelker.

(1) **PROPOSED WORK:** The proposed work, hereinafter called the work, includes:

Improving Westgate Avenue from Delmar Boulevard to Olive Boulevard with new ADA compliant sidewalks and curb ramps, new roadway resurfacing, new paved approaches, improved pavement marking, shared use bicycle markings, improved signage, and other appurtenances.

(2) **COMPLIANCE WITH CONTRACT PROVISIONS:** The bidder, having examined and being familiar with the local conditions affecting the work, and with the contract, contract documents, including the current version of the Missouri Highways and Transportation Commission's "Missouri Standard Specifications for Highway Construction," and "Missouri Standard Plans for Highway Construction", their revisions, and the request for bid, including appendices, the special provisions and plans, hereby proposes to furnish all labor, materials, equipment, services, etc., required for the performance and completion of the work. All references are to the Missouri Standard Specifications for Highway Construction, as revised, unless otherwise noted.

The following documents are available on the Missouri Department of Transportation web page at www.modot.mo.gov under "Business with MoDOT" "Standards and Specifications". The effective version shall be determined by the letting date of the project.

General Provisions & Supplemental Specifications

Supplemental Revisions to Missouri Standard Plans
For Highway Construction (if applicable)

These supplemental bidding documents contain all current revisions to the bound printed versions and have important legal consequences. It shall be conclusively presumed that they are in the bidder's possession, and they have been reviewed and used by the bidder in the preparation of any bid submitted on this project. For Drainage work, Metropolitan St. Louis Sewer District (MSD) Specifications for Sewers and Drainage Facilities, Latest Edition, shall be followed.

Please note that within the above-listed documents, the term "Commission" shall be replaced with the term, "City of University City", and the term "Engineer" is a reference to the Engineer of Record from Crawford, Murphy and Tilly, Inc.

The contracting authority for this contract is the City of University City, MO.

(3) **PERIOD OF PERFORMANCE:** If the bid is accepted, the bidder agrees that work shall be diligently prosecuted at such rate and in such manner as, in the judgment of the engineer, is necessary for the completion of the work within the time specified as follows in accordance with Sec 108:

Completion Date: July 15, 2024

(4) **LIQUIDATED DAMAGES:** The bidder agrees that, should the bidder fail to complete the work in the time specified or such additional time as may be allowed by the engineer under the contract, the amount of liquidated damages to be recovered in accordance with Sec 108 shall be as follows:

Liquidated damages per day \$1,100

(5) **BID GUARANTY:** The bidder shall submit a Bid Guaranty meeting the requirements of Section 102 of the Missouri Standard Specifications for Highway Construction (if applicable). A sample project bid bond form is included in the bid book. The bidder shall mark the box below to identify the type of Bid Guaranty.

Paper Bid Bond
Cashier's Check

(6) **CERTIFICATIONS FOR FEDERAL JOBS:** By signing and submitting this bid, the bidder makes the certifications appearing in Sec. 102.18.1 (regarding affirmative action and equal opportunity), Sec. 102.18.2 (regarding disbarment, eligibility, indictments, convictions, or civil judgments), Sec. 102.18.3 (regarding anti-collusion), and Sec. 102.18.4 (regarding lobbying activities). Any necessary documentation is to accompany the bid submission, as required by these sections. As provided in Sec. 108.13, the contracting authority may terminate the contract for acts of misconduct, which includes but is not limited to fraud, dishonesty, and material misrepresentation or omission of fact within the bid submission.

(7) **ANTIDISCRIMINATION:** The Contracting Authority hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, businesses owned and controlled by socially and economically disadvantaged individuals will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, creed, sex, age, ancestry, or national origin in consideration for an award.

(8) **FEDERAL AND STATE INSPECTION:** The Federal Government is participating in the cost of construction of this project. All applicable Federal laws, and the regulations made pursuant to such laws, shall be observed by the contractor, and the work will be subject to the inspection of the appropriate State or Federal Agency in the same manner as provided in Sec 105.10 of the Missouri Standard Specifications for Highway Construction with all revisions applicable to this bid and contract.

(9) **PREVAILING WAGE (FEDERAL AND STATE):** This contract requires payment of the prevailing hourly rate of wages for each craft or type of work required to execute the contract as determined by the Missouri Department of Labor and Industrial Relations, and requires adherence to a schedule of minimum wages as determined by the United States Department of Labor. For work performed anywhere on this project, the contractor and the contractor's subcontractors shall pay the higher of these two applicable wage rates. The applicable state wage rates for this contract are detailed in "Annual Wage Order No. 30", that is attached to this bidding document. The applicable federal wage rates for this contract are the effective Davis-Bacon federal wage rates posted the tenth day before the bid opening date and are attached herein.

These supplemental bidding documents have important legal consequences. It shall be conclusively presumed that they are in the bidder's possession, and they have been reviewed and used by the bidder in the preparation of any bid submitted on this project.

(10) **WORKER ELIGIBILITY REQUIREMENTS:** Execution of the construction contract for this project is dependent upon the awarded bidder providing an Affidavit of Compliance AND E-Verify Memorandum-of-Understanding (MOU) between the bidder and Department of Homeland Security to the Contracting Authority as required by section 285.530 RSMo. The cover page and signature page of the E-Verify MOU and the Affidavit must be submitted prior to award of this contract.

A sample Affidavit of Compliance can be found at the Missouri Attorney General's website at the following link:

https://ago.mo.gov/docs/default-source/pdf-forms/affidavit_of_compliance.pdf?sfvrsn=2

All bidders must also be enrolled in the E-Verify Program, and include their MOU prior to contract execution. Bidders who are not enrolled will need to go to the following website link and select "Enroll in the Program" to get started. After completing the program, they will receive their E-Verify MOU with Department of Homeland Security. This document will need to be printed out and kept on file so that a copy can be attached to the Affidavit of Compliance.

http://www.dhs.gov/files/programs/gc_1185221678150.shtm

This requirement also applies to subcontractors and contract labor, but this contract only requires submittal of the verification documents for the prime contractor. It is the prime contractor's responsibility to verify the worker eligibility of their subcontractors in order to protect their own company from liability as required by section 285.530 RSMo.

(11) **OSHA TEN HOUR TRAINING REQUIREMENTS:** Missouri Law, 292.675 RSMO, requires any awarded contractor and its subcontractor(s) to provide a ten-hour Occupational Safety and Health Administration (OSHA) Construction Safety Program (or a similar program approved by the Missouri Department of Labor and Industrial Relations as a qualified substitute) for their on-site employees (laborers, workmen, drivers, equipment operators, and craftsmen) who have not previously completed such a program and are directly engaged in actual construction of the improvement (or working at a nearby or adjacent facility used for construction of the improvement). The awarded contractor and its subcontractor(s) shall require all such employees to complete this ten-hour program, pursuant to 292.675 RSMO, unless they hold documentation on their prior completion of said program. Penalties, for Non-Compliance include contractor forfeiture to the Contracting Authority in the amount of \$2,500, plus \$100 per contractor and subcontractor employee for each calendar day such employee is employed beyond the elapsed time period for required program completion under 292.675 RSMO.

(12) **BUY AMERICA REQUIREMENTS:** Construction contracts shall assure compliance with Section 165 of the Surface Transportation Assistance Act of 1982, Section 337 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, 23 CFR 635.410, and the Bipartisan Infrastructure Law (2021) Build America, Buy America Act Publication L. No. 117-58 regarding Buy America provisions on the procurement of foreign products and materials. On all contracts involving Federal-aid, all products of iron, steel, or a coating of steel which are incorporated into the work must have been manufactured in the United States. Construction materials consisting primarily of non-ferrous metals, plastic and polymer-based products, glass, lumber, or drywall also require Buy America certification. Cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives are excluded from this requirement. In addition, manufactured products are currently exempted under the 1983 waiver from FHWA. The Contracting Authority may allow minimal amounts of these materials from foreign sources, provided the cost does not exceed 0.1 percent of the contract sum or \$2,500, whichever is greater. The Contractor certifies that these materials are of domestic origin. Additional information regarding the "Buy America" requirements can be found at:

<https://www.fhwa.dot.gov/construction/cqit/buyam.cfm>

(13) **ADDENDUM ACKNOWLEDGEMENT:** The undersigned states that the all addenda (if applicable) have been received, acknowledged and incorporated into their bid, prior to submittal. For paper bids, staple addenda to the bid in the appropriate part of the bid.

(14) **SIGNATURE AND IDENTITY OF BIDDER:** The undersigned states that the following provided information is correct and that (if not signing with the intention to bind themselves to become the responsible and sole bidder) they are the agent of, and they are signing and executing this, as the bid of

Raineri Construction

_____, which is the correct LEGAL NAME as stated on the contractor questionnaire (if applicable).

a) The organization submitting this bid is a(n) (1) individual bidder, (2) partnership, (3) joint venturer (whether individuals or corporations, and whether doing business under a fictitious name), or (4) corporation. Indicate by marking the appropriate box below.

sole individual

partnership

joint venture

corporation, incorporated under laws of state of _____.

b) If the bidder is doing business under a fictitious name, indicate below by filling in the fictitious name

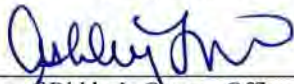
Executed by bidder this 8th day of September 2023.

THE BIDDER CERTIFIES THAT THE BIDDER AND ITS OFFICIALS, AGENTS, AND EMPLOYEES HAVE NEITHER DIRECTLY NOR INDIRECTLY ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FREE COMPETITIVE BIDDING IN CONNECTION WITH THIS BID, AND THAT THE BIDDER INTENDS TO PERFORM THE WORK WITH ITS OWN BONAFIDE EMPLOYEES AND SUBCONTRACTORS, AND DID NOT BID FOR THE BENEFIT OF ANOTHER CONTRACTOR.

THE BIDDER ACKNOWLEDGES THAT THIS IS AN UNSWORN DECLARATION, EXECUTED UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES AND/OR FALSE DECLARATION UNDER THE LAWS OF MISSOURI, AND ANY OTHER APPLICABLE STATE OR FEDERAL LAWS. THE FAILURE TO PROVIDE THIS CERTIFICATION IN THIS BID MAY MAKE THIS BID NON-RESPONSIVE, AND CAUSE IT TO BE REJECTED.

THE BIDDER CERTIFIES THAT THE BIDDER'S COMPANY KNOWINGLY EMPLOYS ONLY INDIVIDUALS WHO ARE AUTHORIZED TO WORK IN THE UNITED STATES IN ACCORDANCE WITH APPLICABLE FEDERAL AND STATE LAWS AND ALL PROVISIONS OF MISSOURI EXECUTIVE ORDER NO. 07-13 FOR CONTRACTS WITH THE CONTRACTING AUTHORITY.

Check this box ONLY if the bidder REFUSES to make any or all of these certifications. The bidder may provide an explanation for the refusal(s) with this submittal.

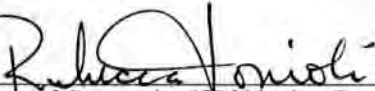


Signature of Bidder's Owner, Officer, Partner or Authorized Agent

Ashley Raineri / President

Please print or type name and title of person signing here

Attest:



Secretary of Corporation if Bidder is a Corporation

Affix Corporate Seal (If Bidder is a Corporation)

NOTE: If bidder is doing business under a fictitious name, the bid shall be executed in the legal name of the individual, partners, joint ventures, or corporation, and registration of fictitious name filed with the secretary of state, as required by sections 417.200 to 417.230 RSMo. If the bidder is a corporation not organized under the laws of Missouri, it shall procure a certificate of authority to do business in Missouri, as required by section 351.572 et seq RSMo. A certified copy of such registration of fictitious name or certificate of authority to do business in Missouri shall be filed with the Missouri Highways and Transportation Commission, as required by the standard specifications.

(15) **TRAINEES:** By submitting this bid, the bidder certifies that the bidder is familiar with the Training Provision in the Missouri Highways and Transportation Commission's "General Provisions and Supplement Specifications" which are available on the Missouri Department of Transportation web page at www.modot.mo.gov under "Business with MoDOT" "Standards and Specifications". The number of trainee hours provided under this contract will be 0 slots at 1000 hours per slot or 0 hours.

(16) **SUBCONTRACTOR DISCLOSURE:** Requirements contained within Sec 102.7.8 of the Missouri Standard Specification for Highway Construction shall be waived for this contract.

(17) **PROJECT AWARD:** This project will be awarded to the lowest, responsive, responsible bidder.

(18) **MATERIALS INSPECTIONS:** All technicians who perform, or are required by the FHWA to witness, such sampling and testing shall be deemed as qualified by virtue of successfully completing the requirements of EPG 106.18 Technician Certification Program, for that specific technical area.

(19) **PRIME CONTRACTOR REQUIREMENTS:** The limitation in Sec 108.1.1 of the Missouri Standard Specifications for Highway Construction that "the contractor's organization shall perform work amounting to not less than

40 percent of the total contract cost" is waived for this contract. Instead, the less restrictive terms of the Federal Highway Administration's rule at Title 23 Code of Federal Regulations (CFR) § 635.116(a) shall apply, so that the contractor must perform project work with its own organization equal to and not less than 30 percent of the total original contract price. Second-tier subcontracting will not be permitted on this contract. All other provisions in Sec 108.1.1 et seq. of the Missouri Standard Specifications for Highway Construction shall remain in full force and effect, and shall continue to govern the contractor and its subcontractors, in accordance with the provisions of Title 23 CFR § 635.116.

(20) SALES AND USE TAX EXEMPTION: City of University City, a tax exempt entity, will furnish a Missouri Project Exemption Certificate as described in Section 144.062 RSMo to the awarded contractor who in turn may use the certificate to purchase materials for a specific project performed for the tax exempt entity. Only the materials and supplies incorporated or consumed during the construction of the project are exempt. The certificate will be issued to the contractor for a specific project for a defined period of time.

(21) (a) ACCEPTANCE OF PROVISION FOR PRICE ADJUSTMENT FOR FUEL: Bidders have the option to accept the provision for Price Adjustment for Fuel in accordance with Sec. 109.14 . The bidder must mark the box below for those items of work in which they choose to accept the provision. No price adjustments will be made, due to fuel price changes, for bidders who do not accept this provision.

- | | | |
|---|--|---|
| <input type="checkbox"/> Excavation Production | <input type="checkbox"/> Asphalt Production | <input type="checkbox"/> Asphalt Hauling |
| <input type="checkbox"/> Concrete Paving Production | <input type="checkbox"/> Concrete Paving Hauling | <input type="checkbox"/> Aggregate Base Hauling |

(b) ACCEPTANCE FOR PROVISION FOR ASPHALT CEMENT PRICE INDEX, SEAL COAT PRICE INDEX, UNDERSEAL PRICE INDEX OR UBAWS MEMBRANE PRICE INDEX: Bidders have the option to accept the provision for Asphalt Cement Price Index, Seal Coat Price Index, Underseal Price Index and/or UBAWS Membrane Price Index in accordance with the General Provisions. The bidder must mark each box below if they choose to accept the provision. The Asphalt Cement Provision applies only to projects that have a quantity of asphalt wet ton mix pay items or converted square yard quantity over 1,000 tons, the Seal Coat Provision applies only to projects that have a quantity that exceeds 50,000 square yards, the Underseal Provision applies only to any projects that have a quantity that exceeds 10,000 gallons, and the UBAWS Membrane provision applies only to projects that have a quantity that exceeds 5,000 square yards. The above quantity limits apply to an individual project or any number of projects in the contract combination.

- | | | | |
|---|------------------------------------|------------------------------------|---|
| <input type="checkbox"/> Asphalt Cement | <input type="checkbox"/> Seal Coat | <input type="checkbox"/> Underseal | <input type="checkbox"/> UBAWS Membrane |
|---|------------------------------------|------------------------------------|---|

WESTGATE AVENUE IMPROVEMENTS

STP-5402 (616)

BID FORM

City of University City
6801 Delmar Boulevard
University City, MO 63130

In accordance with the invitation to bid for the Westgate Avenue Improvements for the City of University City subject to conditions and requirements of the Agreement, and the specifications, which so far as they relate to the Proposal are made a part of it, the undersigned herewith proposes to provide and perform such work for the sum below: (Any Items Not Listed In Pay Items Shall Be Considered Incidental To Construction)

BASE BID PACKAGE					
PAY ITEM NO.	PAY ITEM DESCRIPTION	UNIT	PRICE (\$)/UNIT	QUANTITY	COST (\$)
PARTICIPATING ITEMS					
ROADWAY ITEMS					
202-20.10	REMOVAL OF IMPROVEMENTS	L.S.	\$125,510.00	1	\$125,510.00
207-10.00	LINEAR GRADING CLASS 1	STA.	\$1,601.04	23.5	\$37,624.44
304-05.04	TYPE 5 AGGREGATE FOR BASE (4 IN. THICK)	S.Y.	\$10.79	3386	\$36,534.94
401-12.09	BITUMINOUS PAVEMENT MIXTURE PG64-22 (BP-1)	TONS	\$123.25	854	\$105,255.50
407-10.05	TACK COAT	GAL	\$0.01	789	\$7.89
502-11.08	CONCRETE PAVEMENT (8 IN. NON-REINFORCED)	S.Y.	\$121.59	324.6	\$39,468.11
603-99.02	ADJUST TO GRADE WATER VALVE	EACH	\$550.00	25	\$13,750.00
603-99.02	ADJUST TO GRADE CLEANOUT	EACH	\$550.00	7	\$3,850.00
604-20.20	ADJUSTING BASIN OR INLET	EACH	\$1,320.00	7	\$9,240.00
604-20.10	ADJUSTING MANHOLE	EACH	\$1,320.00	1	\$1,320.00
604-99.02	ADJUST TO GRADE PULL BOX	EACH	\$1,620.00	2	\$3,240.00
604-99.02	ADJUST TO GRADE COMMUNICATIONS MANHOLE	EACH	\$2,750.00	2	\$5,500.00
604-99.02	ADJUST TO GRADE HANDHOLE	EACH	\$1,320.00	2	\$2,640.00
608-10.12	TRUNCATED DOMES	S.F.	\$14.91	348.5	\$5,196.14
608-99.05	PAVED APPROACH, 8 IN. (EXPOSED AGGREGATE)	S.Y.	\$131.44	638.4	\$83,911.30

608-99.05	CONCRETE SIDEWALK, 5 IN. (EXPOSED AGGREGATE)	S.Y.	\$74.13	2065.2	\$153,093.28
608-99.05	CONCRETE CURB RAMP (EXPOSED AGGREGATE)	S.Y.	\$233.15	309.2	\$72,089.98
608-99.05	VARIABLE HEIGHT STEPS	S.Y.	\$459.09	22.1	\$10,145.89
609-10.10	CONCRETE CURB (6 IN. HEIGHT AND UNDER) TYPE S	L.F.	\$38.59	2174	\$83,894.66
609-99.03	INTEGRAL CURB (6 IN. HEIGHT AND UNDER) TYPE A (EXPOSED AGGREGATE)	L.F.	\$23.74	265	\$6,291.10
614-99.02	REPLACE INLET TOP	EACH	\$1,540.00	4	\$6,160.00
616-10.05	CONSTRUCTION SIGNS	S.F.	\$7.56	504	\$3,810.24
616-10.25	CHANNELIZER (TRIM LINE)	EACH	\$25.92	120	\$3,110.40
616-10.98A	CHANGEABLE MESSAGE SIGN W/O COMMUNICATION INTERFACE, CONTRACTOR FURNISHED/RETAINED	EACH	\$3,780.00	2	\$7,560.00
618-10.00	MOBILIZATION	L.S.	\$79,991.69	1	\$79,991.69
619-10.00	PAVEMENT EDGE TREATMENT	L.F.	\$4.77	562	\$2,680.74
620-80.64A	TEMPORARY RAISED PAVEMENT MARKER	EACH	\$27.50	80	\$2,200.00
622-10.01	COLDMILLING BITUMINOUS PAVEMENT FOR REMOVAL OF SURFACING (3 IN. THICK OR LESS)	S.Y.	\$3.15	7079	\$22,298.85
627-40.00	CONTRACTOR FURNISHED SURVEYING & STAKING	L.S.	\$2,700.00	1	\$2,700.00
806-10.07A	CURB INLET CHECK	EACH	\$156.60	9	\$1,409.40
806-10.16	SEDIMENT REMOVAL	C.Y.	\$88.64	27.5	\$2,437.60
806-10.19	SILT FENCE	L.F.	\$4.86	1853	\$9,005.58
901-99.01	POT HOLING UTILITY FACILITIES	L.S.	\$3,616.80	1	\$3,616.80
Roadway Pay Items Subtotal					\$945,544.52

STRIPING ITEMS					
620-00.42	PREFORMED THERMOPLASTIC PAVEMENT MARKING, 12 IN WHITE, YIELD LINE TRIANGLES	EACH	\$48.60	9	\$437.40
620-60.00C	4 IN. WHITE STANDARD WATERBORNE PAVEMENT MARKING PAINT, TYPE P BEADS	L.F.	\$0.97	1,971	\$1,911.87
620-60.01C	4 IN. YELLOW STANDARD WATERBORNE PAVEMENT MARKING PAINT, TYPE P BEADS	L.F.	\$3.24	798	\$2,585.52
620-61.24A	24 IN. WHITE STANDARD WATERBORNE PAVEMENT MARKING PAINT, TYPE P BEADS	L.F.	\$9.72	622	\$6,045.84
620-70.01	PAVEMENT MARKING REMOVAL	L.F.	\$1.08	80	\$86.40
620-99.02	WHITE STANDARD PAVEMENT MARKING PAINT, SHARROW SYMBOL	EACH	\$91.80	17	\$1,560.60
620-99.02	WHITE STANDARD WATERBORNE PAVEMENT MARKING PAINT, LEFT/RIGHT ARROW	EACH	\$91.80	4	\$367.20
620-99.03	6 IN. WHITE STANDARD WATERBORNE PAVEMENT MARKING PAINT, TYPE P BEADS	L.F.	\$4.32	594	\$2,566.08
Striping Pay Items Subtotal					\$15,560.91
SIGNAL ITEMS					
902-99.01	LOOP DETECTORS (REMOVE AND REPLACE)	L.S.	\$3,920.40	1	\$3,920.40
Signal Pay Items Subtotal					\$3,920.40
SIGNING ITEMS					
903-12.50A	U-CHANNEL POST, 3 LB	L.F.	\$12.02	367	\$4,411.34
903-50.04A	SH - FLAT SHEET	S.F.	\$34.47	51	\$1,757.97
903-99.02	RELOCATED SIGN	EACH	\$550.00	26	\$14,300.00
Signing Pay Items Subtotal					\$20,469.31
LANDSCAPING ITEMS					
803-10.00A	TURF TYPE TALL FESCUE SODDING	S.Y.	\$21.60	307	\$6,631.20
Landscaping Pay Items Subtotal					\$6,631.20

NON-PARTICIPATING ITEMS (ROADWAY ONLY)					
IMPORTANT - THE PRICE(\$)/UNIT BELOW MUST BE THE SAME AS IN THE ABOVE SECTION					
304-05.04	TYPE 5 AGGREGATE FOR BASE (4 IN. THICK)	S.Y.	\$10.79	137	\$1,478.23
401-12.09	BITUMINOUS PAVEMENT MIXTURE PG64-22 (BP-1)	TONS	\$123.25	219.6	\$27,065.70
407-10.05	TACK COAT	GAL	\$0.01	203	\$2.03
502-11.08	CONCRETE PAVEMENT (8 IN. NON-REINFORCED)	S.Y.	\$121.59	134.5	\$16,353.86
604-20.20	ADJUSTING BASIN OR INLET	EACH	\$1,320.00	2	\$2,640.00
609-10.10	CONCRETE CURB (6 IN. HEIGHT AND UNDER) TYPE S	L.F.	\$38.59	631	\$24,350.29
619-10.00	PAVEMENT EDGE TREATMENT	L.F.	\$4.77	37	\$176.49
620-00.42	PREFORMED THERMOPLASTIC PAVEMENT MARKING, 12 IN WHITE, YIELD LINE TRIANGLES	EACH	\$48.60	14	\$680.40
620-60.01C	4 IN. YELLOW STANDARD WATERBORNE PAVEMENT MARKING PAINT, TYPE P BEADS	L.F.	\$3.24	13	\$42.12
620-61.24A	24 IN. WHITE STANDARD WATERBORNE PAVEMENT MARKING PAINT, TYPE P BEADS	L.F.	\$9.72	175	\$1,701.00
620-99.02	WHITE STANDARD PAVEMENT MARKING PAINT, SHARROW SYMBOL	EACH	\$91.80	6	\$550.80
620-99.03	6 IN. WHITE STANDARD WATERBORNE PAVEMENT MARKING PAINT, TYPE P BEADS	L.F.	\$4.32	182	\$786.24
622-10.01	COLDMILLING BITUMINOUS PAVEMENT FOR REMOVAL OF SURFACING (3 IN. THICK OR LESS)	S.Y.	\$3.15	2430	\$7,654.50
806-10.07A	CURB INLET CHECK	EACH	\$156.60	4	\$626.40
806-10.16	SEDIMENT REMOVAL	C.Y.	\$88.64	4	\$354.56
Non-Participating Items (Roadway Only) Pay Items Subtotal					\$84,462.62

ROADWAY ITEMS TOTAL (\$): \$945,544.52

STRIPING ITEMS TOTAL (\$): \$15,560.91

SIGNAL ITEMS TOTAL (\$): \$3,920.40

SIGNING ITEMS TOTAL (\$): \$20,469.31

LANDSCAPING ITEMS TOTAL (\$): \$6,631.20

NON-PARTICIPATING (ROADWAY ONLY) ITEMS TOTAL (\$): \$84,462.62

GRAND TOTAL (\$): \$1,076,588.96

BID BOND

KNOW ALL PERSONS BY THESE PRESENTS, that we Raineri Construction, LLC

as principal and Fidelity and Deposit Company of Maryland

as surety, are held and firmly bound unto the (City of University City)^{Missouri} in the penal sum of Five Percent of the amount bid

Dollars (\$ 5% Amt Bid) to be paid to the commission to be credited to the state road fund, the principal and surety binding themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Scaled with our seals and dated this September 8, 2023

THE CONDITION OF THIS OBLIGATION is such that

WHEREAS the principal is submitting herewith a bid to the commission on route(s) Westgate Avenue from DImar Blvd to Olive Blvd. with new ADA Compliant Sidewalks and Curb Ramps & Appurtenances in St. Louis County(ies), project (s) STP-5402 (616)

for construction or improvement of state highway as set out in said bid;

NOW THEREFORE, if the commission shall accept the bid of the principal and if the principal shall properly execute and deliver to the commission the contract, contract bond, and evidence of insurance coverage in compliance with the requirements of the bid, the specifications, and the provisions of section 227.100 RSMo, to the satisfaction of the commission, then this obligation shall be void and of no effect, otherwise to remain in full force and effect.

In the event the said principal shall, in the judgment of the commission, fail to comply with any requirement as set forth in the preceding paragraph, then the state of Missouri, acting by and through the commission, shall immediately and forthwith be entitled to recover the full penal sum above set out, together with court costs, attorney's fees, and any other expense of recovery.

The principal and surety hereby certify that the document is the original or a verbatim copy of the bid bond form furnished by the Commission, in accordance with Sec 102.9 of the Missouri Standard Specifications for Highway Construction.

Raineri Construction, LLC

Principal

SEAL

By [Signature]
Signature

Fidelity and Deposit Company of Maryland

Surety

SEAL

By [Signature]
Signature of Attorney in Fact

Susan M. Stefanski, Attorney in-Fact

NOTE: This bond must be executed by the principal, and by a corporate surety authorized to conduct surety business in the state of Missouri.

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 8th day of September, 2023



Brian M. Hodges, Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way Schaumburg, IL
60196-1056
www.reportsfclaims@zurichna.com
800-626-4577

**ZURICH AMERICAN INSURANCE COMPANY COLONIAL
AMERICAN CASUALTY AND SURETY COMPANY FIDELITY
AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **Robert D. Murray, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint, **Taffra S. HOLMAN, Dennis W. LUTZ, Barbara J. LEMM, Susan M. STEFANSKI and Dennis D. FLATNESS, all of St. Louis, Missouri, EACH**, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 3rd day of April, A.D. 2019.



**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

By: *Robert D. Murray*
Vice President

By: *Dawn E. Brown*
Secretary

**State of Maryland
County of Baltimore**

On this 3rd day of April, A.D. 2019, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2019

AFFIDAVIT of COMPLIANCE

Section 285.530.2

State of Missouri) ss

County of St. Louis)

Now this 8th day of September, 2023, the undersigned,

being first duly sworn, deposes and says:

1. I am more than 18 years of age.
2. I make this affidavit from my personal knowledge of the facts stated herein or upon information and facts available to me as a duly authorized owner, partner, corporate or LLC officer or Human Relations Director of Raineri Construction LLC
(name of Corporation, LLC, sole proprietorship or partnership)
3. I am authorized to make this affidavit on behalf of Raineri Construction LLC
(name of business entity, same as above)
4. I state and affirm that Raineri Construction LLC is enrolled and is
(name of business entity, same as above)
currently participating in E-Verify, a federal work authorization program or another equivalent electronic verification of work authorization program operated by the United States Department of Homeland Security under the Immigration Reform and Control Act of 1986.
5. Further, Raineri Construction LLC does not knowingly employ
(name of business entity, same as above)

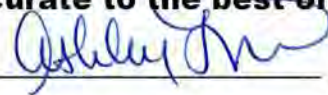
any person who is an unauthorized alien.

6. Further, Raineri Construction LLC has performed an electronic
(name of business entity, same as above)
verification check as described above on all workers hired since
January 1, 2009 or obtained documents required for completion of a
federal I-9 form before it began participating in e-verify.

7. Attached to this affidavit is a true and accurate copy of this
company's Memorandum of Understanding with the United States
concerning the use of e-verify.

I certify under penalty of perjury that the statements above are
complete, true and accurate to the best of my knowledge and belief.

Ashley Raineri



Authorized Agent, Partner, Owner or Officer

*If business has a Human Relations Director or equivalent that person
must sign as an affiant as well.*

I certify under penalty of perjury that the statements above
are complete, true and accurate to the best of my knowledge and
belief.

Brad Plein

Human Relations Director

*This form is promulgated pursuant to 15CSR 60-15-.020. Use of this form
is not required but the Attorney General has deemed this affidavit
sufficient in form to satisfy the requirements of section 285.540, RSMo.,
Supp. 2008.*

FURTHER THE AFFIANT SAYETH NOT

Ashley Raineli
(Signature)

On this 8th day of September in the year 2023, before me, Kim Larson
a Notary Public in and for said State, personally appeared Ashley Raineli, known to me
to be the person who executed the within affidavit, and acknowledged to me that he/she executed the
same for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the
county and State aforesaid, the day and year first above written.

Kim Larson
Notary Public

My Commission Expires:

2/17/24



KIM LARSON
My Commission Expires
February 17, 2024
Jefferson County
Commission #12382791

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THE E-VERIFY PROGRAM FOR EMPLOYMENT VERIFICATION MEMORANDUM OF UNDERSTANDING

ARTICLE I

PURPOSE AND AUTHORITY

This Memorandum of Understanding (MOU) sets forth the points of agreement between the Department of Homeland Security (DHS) and **Raineri Construction, LLC** (Employer) regarding the Employer's participation in the Employment Eligibility Verification Program (E-Verify). This MOU explains certain features of the E-Verify program and enumerates specific responsibilities of DHS, the Social Security Administration (SSA), and the Employer. E-Verify is a program that electronically confirms an employee's eligibility to work in the United States after completion of the Employment Eligibility Verification Form (Form I-9). For covered government contractors, E-Verify is used to verify the employment eligibility of all newly hired employees and all existing employees assigned to Federal contracts.

Authority for the E-Verify program is found in Title IV, Subtitle A, of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104-208, 110 Stat. 3009, as amended (8 U.S.C. § 1324a note). Authority for use of the E-Verify program by Federal contractors and subcontractors covered by the terms of Subpart 22.18, "Employment Eligibility Verification", of the Federal Acquisition Regulation (FAR) (hereinafter referred to in this MOU as a "Federal contractor") to verify the employment eligibility of certain employees working on Federal contracts is also found in Subpart 22.18 and in Executive Order 12989, as amended.

ARTICLE II

FUNCTIONS TO BE PERFORMED

A. RESPONSIBILITIES OF SSA

1. SSA agrees to provide the Employer with available information that allows the Employer to confirm the accuracy of Social Security Numbers provided by all employees verified under this MOU and the employment authorization of U.S. citizens.
2. SSA agrees to provide to the Employer appropriate assistance with operational problems that may arise during the Employer's participation in the E-Verify program. SSA agrees to provide the Employer with names, titles, addresses, and telephone numbers of SSA representatives to be contacted during the E-Verify process.
3. SSA agrees to safeguard the information provided by the Employer through the E-Verify program procedures, and to limit access to such information, as is appropriate by law, to individuals responsible for the verification of Social Security Numbers and for evaluation of the E-Verify program or such other persons or entities who may be authorized by SSA as governed by the Privacy Act (5 U.S.C. § 552a), the Social Security Act (42 U.S.C. 1306(a)), and SSA regulations (20 CFR Part 401).

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4. SSA agrees to provide a means of automated verification that is designed (in conjunction with DHS's automated system if necessary) to provide confirmation or tentative nonconfirmation of U.S. citizens' employment eligibility within 3 Federal Government work days of the initial inquiry.

5. SSA agrees to provide a means of secondary verification (including updating SSA records as may be necessary) for employees who contest SSA tentative nonconfirmations that is designed to provide final confirmation or nonconfirmation of U.S. citizens' employment eligibility and accuracy of SSA records for both citizens and aliens within 10 Federal Government work days of the date of referral to SSA, unless SSA determines that more than 10 days may be necessary. In such cases, SSA will provide additional verification instructions.

B. RESPONSIBILITIES OF DHS

1. After SSA verifies the accuracy of SSA records for aliens through E-Verify, DHS agrees to provide the Employer access to selected data from DHS's database to enable the Employer to conduct, to the extent authorized by this MOU:

- Automated verification checks on alien employees by electronic means, and
- Photo verification checks (when available) on employees.

2. DHS agrees to provide to the Employer appropriate assistance with operational problems that may arise during the Employer's participation in the E-Verify program. DHS agrees to provide the Employer names, titles, addresses, and telephone numbers of DHS representatives to be contacted during the E-Verify process.

3. DHS agrees to provide to the Employer a manual (the E-Verify User Manual) containing instructions on E-Verify policies, procedures and requirements for both SSA and DHS, including restrictions on the use of E-Verify. DHS agrees to provide training materials on E-Verify.

4. DHS agrees to provide to the Employer a notice, which indicates the Employer's participation in the E-Verify program. DHS also agrees to provide to the Employer anti-discrimination notices issued by the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), Civil Rights Division, U.S. Department of Justice.

5. DHS agrees to issue the Employer a user identification number and password that permits the Employer to verify information provided by alien employees with DHS's database.

6. DHS agrees to safeguard the information provided to DHS by the Employer, and to limit access to such information to individuals responsible for the verification of alien employment eligibility and for evaluation of the E-Verify program, or to such other persons or entities as may be authorized by applicable law. Information will be used only to verify the accuracy of Social Security Numbers and employment eligibility, to enforce the Immigration and Nationality Act (INA) and Federal criminal laws, and to administer Federal contracting requirements.

7. DHS agrees to provide a means of automated verification that is designed (in conjunction with SSA verification procedures) to provide confirmation or tentative

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nonconfirmation of employees' employment eligibility within 3 Federal Government work days of the initial inquiry.

8. DHS agrees to provide a means of secondary verification (including updating DHS records as may be necessary) for employees who contest DHS tentative nonconfirmations and photo non-match tentative nonconfirmations that is designed to provide final confirmation or nonconfirmation of the employees' employment eligibility within 10 Federal Government work days of the date of referral to DHS, unless DHS determines that more than 10 days may be necessary. In such cases, DHS will provide additional verification instructions.

C. RESPONSIBILITIES OF THE EMPLOYER

1. The Employer agrees to display the notices supplied by DHS in a prominent place that is clearly visible to prospective employees and all employees who are to be verified through the system.

2. The Employer agrees to provide to the SSA and DHS the names, titles, addresses, and telephone numbers of the Employer representatives to be contacted regarding E-Verify.

3. The Employer agrees to become familiar with and comply with the most recent version of the E-Verify User Manual.

4. The Employer agrees that any Employer Representative who will perform employment verification queries will complete the E-Verify Tutorial before that individual initiates any queries.

A. The Employer agrees that all Employer representatives will take the refresher tutorials initiated by the E-Verify program as a condition of continued use of E-Verify, including any tutorials for Federal contractors if the Employer is a Federal contractor.

B. Failure to complete a refresher tutorial will prevent the Employer from continued use of the program.

5. The Employer agrees to comply with current Form I-9 procedures, with two exceptions:

- If an employee presents a "List B" identity document, the Employer agrees to only accept "List B" documents that contain a photo. (List B documents identified in 8 C.F.R. § 274a.2(b)(1)(B)) can be presented during the Form I-9 process to establish identity.) If an employee objects to the photo requirement for religious reasons, the Employer should contact E-Verify at 888-464-4218.
- If an employee presents a DHS Form I-551 (Permanent Resident Card) or Form I-766 (Employment Authorization Document) to complete the Form I-9, the Employer agrees to make a photocopy of the document and to retain the photocopy with the employee's Form I-9. The employer will use the photocopy to verify the photo and to assist DHS with its review of photo non-matches that are contested by employees. Note that employees retain the right to present any List A, or List B and List C, documentation to complete the Form I-9. DHS may in the future designate other documents that activate the photo screening tool.

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6. The Employer understands that participation in E-Verify does not exempt the Employer from the responsibility to complete, retain, and make available for inspection Forms I-9 that relate to its employees, or from other requirements of applicable regulations or laws, including the obligation to comply with the antidiscrimination requirements of section 274B of the INA with respect to Form I-9 procedures, except for the following modified requirements applicable by reason of the Employer's participation in E-Verify: (1) identity documents must have photos, as described in paragraph 5 above; (2) a rebuttable presumption is established that the Employer has not violated section 274A(a)(1)(A) of the Immigration and Nationality Act (INA) with respect to the hiring of any individual if it obtains confirmation of the identity and employment eligibility of the individual in compliance with the terms and conditions of E-Verify; (3) the Employer must notify DHS if it continues to employ any employee after receiving a final nonconfirmation, and is subject to a civil money penalty between \$550 and \$1,100 for each failure to notify DHS of continued employment following a final nonconfirmation; (4) the Employer is subject to a rebuttable presumption that it has knowingly employed an unauthorized alien in violation of section 274A(a)(1)(A) if the Employer continues to employ an employee after receiving a final nonconfirmation; and (5) no person or entity participating in E-Verify is civilly or criminally liable under any law for any action taken in good faith based on information provided through the confirmation system. DHS reserves the right to conduct Form I-9 compliance inspections during the course of E-Verify, as well as to conduct any other enforcement activity authorized by law.

7. The Employer agrees to initiate E-Verify verification procedures for new employees within 3 Employer business days after each employee has been hired (but after both sections 1 and 2 of the Form I-9 have been completed), and to complete as many (but only as many) steps of the E-Verify process as are necessary according to the E-Verify User Manual. The Employer is prohibited from initiating verification procedures before the employee has been hired and the Form I-9 completed. If the automated system to be queried is temporarily unavailable, the 3-day time period is extended until it is again operational in order to accommodate the Employer's attempting, in good faith, to make inquiries during the period of unavailability. In all cases, the Employer must use the SSA verification procedures first, and use DHS verification procedures and photo screening tool only after the SSA verification response has been given. Employers may initiate verification by notating the Form I-9 in circumstances where the employee has applied for a Social Security Number (SSN) from the SSA and is waiting to receive the SSN, provided that the Employer performs an E-Verify employment verification query using the employee's SSN as soon as the SSN becomes available.

8. The Employer agrees not to use E-Verify procedures for pre-employment screening of job applicants, in support of any unlawful employment practice, or for any other use not authorized by this MOU. Employers must use E-Verify for all new employees, unless an Employer is a Federal contractor that qualifies for the exceptions described in Article II.D.1.c. Except as provided in Article II.D, the Employer will not verify selectively and will not verify employees hired before the effective date of this MOU. The Employer understands that if the Employer uses E-Verify procedures for any purpose other than as authorized by this MOU, the Employer may be subject to appropriate legal action and termination of its access to SSA and DHS information pursuant to this MOU.

9. The Employer agrees to follow appropriate procedures (see Article III. below) regarding tentative nonconfirmations, including notifying employees of the finding, providing written referral instructions to employees, allowing employees to contest the finding, and not taking

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adverse action against employees if they choose to contest the finding. Further, when employees contest a tentative nonconfirmation based upon a photo non-match, the Employer is required to take affirmative steps (see Article III.B. below) to contact DHS with information necessary to resolve the challenge.

10. The Employer agrees not to take any adverse action against an employee based upon the employee's perceived employment eligibility status while SSA or DHS is processing the verification request unless the Employer obtains knowledge (as defined in 8 C.F.R. § 274a.1(l)) that the employee is not work authorized. The Employer understands that an initial inability of the SSA or DHS automated verification system to verify work authorization, a tentative nonconfirmation, a case in continuance (indicating the need for additional time for the government to resolve a case), or the finding of a photo non-match, does not establish, and should not be interpreted as evidence, that the employee is not work authorized. In any of the cases listed above, the employee must be provided a full and fair opportunity to contest the finding, and if he or she does so, the employee may not be terminated or suffer any adverse employment consequences based upon the employee's perceived employment eligibility status (including denying, reducing, or extending work hours, delaying or preventing training, requiring an employee to work in poorer conditions, refusing to assign the employee to a Federal contract or other assignment, or otherwise subjecting an employee to any assumption that he or she is unauthorized to work) until and unless secondary verification by SSA or DHS has been completed and a final nonconfirmation has been issued. If the employee does not choose to contest a tentative nonconfirmation or a photo non-match or if a secondary verification is completed and a final nonconfirmation is issued, then the Employer can find the employee is not work authorized and terminate the employee's employment. Employers or employees with questions about a final nonconfirmation may call E-Verify at 1-888-464-4218 or OSC at 1-800-255-8155 or 1-800-237-2515 (TDD).

11. The Employer agrees to comply with Title VII of the Civil Rights Act of 1964 and section 274B of the INA by not discriminating unlawfully against any individual in hiring, firing, or recruitment or referral practices because of his or her national origin or, in the case of a protected individual as defined in section 274B(a)(3) of the INA, because of his or her citizenship status. The Employer understands that such illegal practices can include selective verification or use of E-Verify except as provided in part D below, or discharging or refusing to hire employees because they appear or sound "foreign" or have received tentative nonconfirmations. The Employer further understands that any violation of the unfair immigration-related employment practices provisions in section 274B of the INA could subject the Employer to civil penalties, back pay awards, and other sanctions, and violations of Title VII could subject the Employer to back pay awards, compensatory and punitive damages. Violations of either section 274B of the INA or Title VII may also lead to the termination of its participation in E-Verify. If the Employer has any questions relating to the anti-discrimination provision, it should contact OSC at 1-800-255-8155 or 1-800-237-2515 (TDD).

12. The Employer agrees to record the case verification number on the employee's Form I-9 or to print the screen containing the case verification number and attach it to the employee's Form I-9.

13. The Employer agrees that it will use the information it receives from SSA or DHS pursuant to E-Verify and this MOU only to confirm the employment eligibility of employees as

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authorized by this MOU. The Employer agrees that it will safeguard this information, and means of access to it (such as PINS and passwords) to ensure that it is not used for any other purpose and as necessary to protect its confidentiality, including ensuring that it is not disseminated to any person other than employees of the Employer who are authorized to perform the Employer's responsibilities under this MOU, except for such dissemination as may be authorized in advance by SSA or DHS for legitimate purposes.

14. The Employer acknowledges that the information which it receives from SSA is governed by the Privacy Act (5 U.S.C. § 552a(i)(1) and (3)) and the Social Security Act (42 U.S.C. 1306(a)), and that any person who obtains this information under false pretenses or uses it for any purpose other than as provided for in this MOU may be subject to criminal penalties.

15. The Employer agrees to cooperate with DHS and SSA in their compliance monitoring and evaluation of E-Verify, including by permitting DHS and SSA, upon reasonable notice, to review Forms I-9 and other employment records and to interview it and its employees regarding the Employer's use of E-Verify, and to respond in a timely and accurate manner to DHS requests for information relating to their participation in E-Verify.

D. RESPONSIBILITIES OF FEDERAL CONTRACTORS

1. The Employer understands that if it is a Federal contractor subject to the employment verification terms in Subpart 22.18 of the FAR it must verify the employment eligibility of any "employee assigned to the contract" (as defined in FAR 22.1801) in addition to verifying the employment eligibility of all other employees required to be verified under the FAR. Once an employee has been verified through E-Verify by the Employer, the Employer may not reverify the employee through E-Verify.

a. Federal contractors not enrolled at the time of contract award: An Employer that is not enrolled in E-Verify as a Federal contractor at the time of a contract award must enroll as a Federal contractor in the E-Verify program within 30 calendar days of contract award and, within 90 days of enrollment, begin to use E-Verify to initiate verification of employment eligibility of new hires of the Employer who are working in the United States, whether or not assigned to the contract. Once the Employer begins verifying new hires, such verification of new hires must be initiated within 3 business days after the date of hire. Once enrolled in E-Verify as a Federal contractor, the Employer must initiate verification of employees assigned to the contract within 90 calendar days after the date of enrollment or within 30 days of an employee's assignment to the contract, whichever date is later.

b. Federal contractors already enrolled at the time of a contract award: Employers enrolled in E-Verify as a Federal contractor for 90 days or more at the time of a contract award must use E-Verify to initiate verification of employment eligibility for new hires of the Employer who are working in the United States, whether or not assigned to the contract, within 3 business days after the date of hire. If the Employer is enrolled in E-Verify as a Federal contractor for 90 calendar days or less at the time of contract award, the Employer must, within 90 days of enrollment, begin to use E-Verify to initiate verification of new hires of the contractor who are working in the United States, whether or not assigned to the contract. Such verification of new hires must be initiated within 3 business days after the date of hire. An Employer enrolled as a Federal contractor in E-Verify must initiate verification of each employee assigned to the

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contract within 90 calendar days after date of contract award or within 30 days after assignment to the contract, whichever is later.

c. Institutions of higher education, State, local and tribal governments and sureties: Federal contractors that are institutions of higher education (as defined at 20 U.S.C. 1001(a)), State or local governments, governments of Federally recognized Indian tribes, or sureties performing under a takeover agreement entered into with a Federal agency pursuant to a performance bond may choose to only verify new and existing employees assigned to the Federal contract. Such Federal contractors may, however, elect to verify all new hires, and/or all existing employees hired after November 6, 1986. The provisions of Article II.D, paragraphs 1.a and 1.b of this MOU providing timeframes for initiating employment verification of employees assigned to a contract apply to such institutions of higher education, State, local and tribal governments, and sureties.

d. Verification of all employees: Upon enrollment, Employers who are Federal contractors may elect to verify employment eligibility of all existing employees working in the United States who were hired after November 6, 1986, instead of verifying only those employees assigned to a covered Federal contract. After enrollment, Employers must elect to do so only in the manner designated by DHS and initiate E-Verify verification of all existing employees within 180 days after the election.

e. Form I-9 procedures for Federal contractors: The Employer may use a previously completed Form I-9 as the basis for initiating E-Verify verification of an employee assigned to a contract as long as that Form I-9 is complete (including the SSN), complies with Article II.C.5, the employee's work authorization has not expired, and the Employer has reviewed the information reflected in the Form I-9 either in person or in communications with the employee to ensure that the employee's stated basis in section 1 of the Form I-9 for work authorization has not changed (including, but not limited to, a lawful permanent resident alien having become a naturalized U.S. citizen). If the Employer is unable to determine that the Form I-9 complies with Article II.C.5, if the employee's basis for work authorization as attested in section 1 has expired or changed, or if the Form I-9 contains no SSN or is otherwise incomplete, the Employer shall complete a new I-9 consistent with Article II.C.5, or update the previous I-9 to provide the necessary information. If section 1 of the Form I-9 is otherwise valid and up-to-date and the form otherwise complies with Article II.C.5, but reflects documentation (such as a U.S. passport or Form I-551) that expired subsequent to completion of the Form I-9, the Employer shall not require the production of additional documentation, or use the photo screening tool described in Article II.C.5, subject to any additional or superseding instructions that may be provided on this subject in the E-Verify User Manual. Nothing in this section shall be construed to require a second verification using E-Verify of any assigned employee who has previously been verified as a newly hired employee under this MOU, or to authorize verification of any existing employee by any Employer that is not a Federal contractor.

2. The Employer understands that if it is a Federal contractor, its compliance with this MOU is a performance requirement under the terms of the Federal contract or subcontract, and the Employer consents to the release of information relating to compliance with its verification responsibilities under this MOU to contracting officers or other officials authorized to review the Employer's compliance with Federal contracting requirements.

ARTICLE III

REFERRAL OF INDIVIDUALS TO SSA AND DHS

A. REFERRAL TO SSA

1. If the Employer receives a tentative nonconfirmation issued by SSA, the Employer must print the tentative nonconfirmation notice as directed by the automated system and provide it to the employee so that the employee may determine whether he or she will contest the tentative nonconfirmation.
2. The Employer will refer employees to SSA field offices only as directed by the automated system based on a tentative nonconfirmation, and only after the Employer records the case verification number, reviews the input to detect any transaction errors, and determines that the employee contests the tentative nonconfirmation. The Employer will transmit the Social Security Number to SSA for verification again if this review indicates a need to do so. The Employer will determine whether the employee contests the tentative nonconfirmation as soon as possible after the Employer receives it.
3. If the employee contests an SSA tentative nonconfirmation, the Employer will provide the employee with a system-generated referral letter and instruct the employee to visit an SSA office within 8 Federal Government work days. SSA will electronically transmit the result of the referral to the Employer within 10 Federal Government work days of the referral unless it determines that more than 10 days is necessary. The Employer agrees to check the E-Verify system regularly for case updates.
4. The Employer agrees not to ask the employee to obtain a printout from the Social Security Number database (the Numident) or other written verification of the Social Security Number from the SSA.

B. REFERRAL TO DHS

1. If the Employer receives a tentative nonconfirmation issued by DHS, the Employer must print the tentative nonconfirmation notice as directed by the automated system and provide it to the employee so that the employee may determine whether he or she will contest the tentative nonconfirmation.
2. If the Employer finds a photo non-match for an employee who provides a document for which the automated system has transmitted a photo, the employer must print the photo non-match tentative nonconfirmation notice as directed by the automated system and provide it to the employee so that the employee may determine whether he or she will contest the finding.
3. The Employer agrees to refer individuals to DHS only when the employee chooses to contest a tentative nonconfirmation received from DHS automated verification process or when the Employer issues a tentative nonconfirmation based upon a photo non-match. The Employer will determine whether the employee contests the tentative nonconfirmation as soon as possible

Company ID Number: 213136

after the Employer receives it.

4. If the employee contests a tentative nonconfirmation issued by DHS, the Employer will provide the employee with a referral letter and instruct the employee to contact DHS through its toll-free hotline (as found on the referral letter) within 8 Federal Government work days.

5. If the employee contests a tentative nonconfirmation based upon a photo non-match, the Employer will provide the employee with a referral letter to DHS. DHS will electronically transmit the result of the referral to the Employer within 10 Federal Government work days of the referral unless it determines that more than 10 days is necessary. The Employer agrees to check the E-Verify system regularly for case updates.

6. The Employer agrees that if an employee contests a tentative nonconfirmation based upon a photo non-match, the Employer will send a copy of the employee's Form I-551 or Form I-766 to DHS for review by:

- Scanning and uploading the document, or
- Sending a photocopy of the document by an express mail account (furnished and paid for by DHS).

7. The Employer understands that if it cannot determine whether there is a photo match/non-match, the Employer is required to forward the employee's documentation to DHS by scanning and uploading, or by sending the document as described in the preceding paragraph, and resolving the case as specified by the Immigration Services Verifier at DHS who will determine the photo match or non-match.

ARTICLE IV

SERVICE PROVISIONS

SSA and DHS will not charge the Employer for verification services performed under this MOU. The Employer is responsible for providing equipment needed to make inquiries. To access the E-Verify System, an Employer will need a personal computer with Internet access.

ARTICLE V

PARTIES

A. This MOU is effective upon the signature of all parties, and shall continue in effect for as long as the SSA and DHS conduct the E-Verify program unless modified in writing by the mutual consent of all parties, or terminated by any party upon 30 days prior written notice to the others. Any and all system enhancements to the E-Verify program by DHS or SSA, including but not limited to the E-Verify checking against additional data sources and instituting new verification procedures, will be covered under this MOU and will not cause the need for a supplemental MOU that outlines these changes. DHS agrees to train employers on all changes made to E-Verify through the use of mandatory refresher tutorials and updates to the E-Verify User Manual. Even without changes to E-Verify, DHS reserves the right to require employers to take

Company ID Number: 213136

mandatory refresher tutorials. An Employer that is a Federal contractor may terminate this MOU when the Federal contract that requires its participation in E-Verify is terminated or completed. In such a circumstance, the Federal contractor must provide written notice to DHS. If an Employer that is a Federal contractor fails to provide such notice, that Employer will remain a participant in the E-Verify program, will remain bound by the terms of this MOU that apply to non-Federal contractor participants, and will be required to use the E-Verify procedures to verify the employment eligibility of all newly hired employees.

B. Notwithstanding Article V, part A of this MOU, DHS may terminate this MOU if deemed necessary because of the requirements of law or policy, or upon a determination by SSA or DHS that there has been a breach of system integrity or security by the Employer, or a failure on the part of the Employer to comply with established procedures or legal requirements. The Employer understands that if it is a Federal contractor, termination of this MOU by any party for any reason may negatively affect its performance of its contractual responsibilities.

C. Some or all SSA and DHS responsibilities under this MOU may be performed by contractor(s), and SSA and DHS may adjust verification responsibilities between each other as they may determine necessary. By separate agreement with DHS, SSA has agreed to perform its responsibilities as described in this MOU.

D. Nothing in this MOU is intended, or should be construed, to create any right or benefit, substantive or procedural, enforceable at law by any third party against the United States, its agencies, officers, or employees, or against the Employer, its agents, officers, or employees.

E. Each party shall be solely responsible for defending any claim or action against it arising out of or related to E-Verify or this MOU, whether civil or criminal, and for any liability wherefrom, including (but not limited to) any dispute between the Employer and any other person or entity regarding the applicability of Section 403(d) of IIRIRA to any action taken or allegedly taken by the Employer.

F. The Employer understands that the fact of its participation in E-Verify is not confidential information and may be disclosed as authorized or required by law and DHS or SSA policy, including but not limited to, Congressional oversight, E-Verify publicity and media inquiries, determinations of compliance with Federal contractual requirements, and responses to inquiries under the Freedom of Information Act (FOIA).

G. The foregoing constitutes the full agreement on this subject between DHS and the Employer.

H. The individuals whose signatures appear below represent that they are authorized to enter into this MOU on behalf of the Employer and DHS respectively.



Company ID Number: 213136

To be accepted as a participant in E-Verify, you should only sign the Employer's Section of the signature page. If you have any questions, contact E-Verify at 888-464-4218.

Employer Raineri Construction, LLC

Ashley Raineri

Name (Please Type or Print)

Title

Electronically Signed

Signature

05/13/2009

Date

Department of Homeland Security – Verification Division

USCIS Verification Division

Name (Please Type or Print)

Title

Electronically Signed

Signature

05/13/2009

Date

Company ID Number: 213136

Information Required for the E-Verify Program

Information relating to your Company:

Company Name: Raineri Construction, LLC

Company Facility Address: 5400 Devonshire Ave

Saint Louis, MO 63109

Company Alternate
Address:

County or Parish: SAINT LOUIS CITY

Employer Identification

Number: 20019207

North American Industry
Classification Systems

Code: 236

Parent Company: _____

Number of Employees: 20 to 99

Number of Sites Verified

for: 1

Are you verifying for more than 1 site? If yes, please provide the number of sites verified for in each State:

- MISSOURI 1 site(s)

Company ID Number: 213136

Information relating to the Program Administrator(s) for your Company on policy questions or operational problems:

Name: **Stuart R Wilson**
Telephone Number: **(314) 667 - 5913 ext. 404404** Fax Number: **(314) 667 - 5638**
E-mail Address: **swilson@rainericonstruction.com**

Name: **Ashley L Raineri**
Telephone Number: **(314) 667 - 5913 ext. 403** Fax Number: **(314) 667 - 5638**
E-mail Address: **ashley@rainericonstruction.com**

Name: **Anthony P Raineri**
Telephone Number: **(314) 667 - 5913 ext. 402402** Fax Number: **(314) 667 - 5638**
E-mail Address: **tony@rainericonstruction.com**

Project No. STP-5402(616)

DBE and non-DBE Subcontractor Reporting Form:

MoDOT and its subrecipients are recipients of federal funds and are required by 49 CFR 26.11, to provide data about its DBE program. The information shall consist of the names of all subcontractors used and considered for the contract bid. The information listed below shall only include the names of both DBE and non-DBE companies. MoDOT will then contact the DBEs and non-DBE companies and request additional information including their current year of gross receipts and number of years in business. The information provided by the prime bidders shall not include any bid quote pricing regardless of whether the subcontractor was used or not. This information shall be submitted by 4:00 p.m. on the 3rd working day after the bid opening. This form shall be submitted to:

City of University City

DBE/non-DBE Subcontractors Used

Hillsdale Demolition

Site System Landscaping

ATK

Petro Logistics

Robin Lynne Trucking

SRM Construction Materials and Supply

DBE/non-DBE Subcontractor Quotes Received

Midwest Turf

Hillsdale Demolition

Site System Landscaping

ATK

Petro Logisitics

Robin Lynne Trucking

SRM Construction Materials and Supply

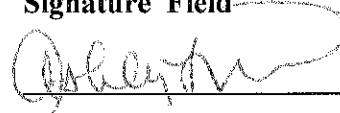
Representative: Ashley Raineri

Title: President

Company Name: Raineri Construction

Date: 09/08/2023

Signature Field



DBE Identification Submittal Form

(For Local Program Agency (LPA) Projects)

Job Number: STP-5402 (616)

Route: Westgate Avenue Improvements

County: St. Louis County

Prime Contractor: Raineri Construction

Contract Amount: \$1,076,588.96

Identification of Participating DBE's: Provide the requested information below for each DBE participating on the project. All bidders must submit this information with your bid or to City of University City, Attn: Eugene Kuelker, no later than 4:00 p.m. on the 3rd working day after the bid opening. E-mail transmittal is permitted. The e-mail address for submittal is ekuelker@ucitymo.org. Contact MoDOT's External Civil Rights Division (ECR) at (573) 526-2978 for questions and assistance on completion. **This page of this document must be received for each DBE utilized on the project.**

All information must be provided.

If awarded the contract for this project, the undersigned will use the following DBE to perform or furnish the work, supplies, and/or services as shown below:

DBE Name: Hillsdale Demolition Address: 2006 Lucas & Hunt Rd. St. Louis, MO 63121

(A) Line No.	(B) Dollar Value of DBE Work** (Unit Price x Quantity of the Item in (A), or Lump Sum)	(C) Dollar value applicable to DBE Goal** (100%, 60%)	(D) Dollar amount applicable to DBE Goal (B x C)	(E) Percent of total contract amount for line item (D / total contract amount)	Add or Remove Lines	
622-10.01	\$ 27,847.60	100.00%	\$ 27,847.60	2.6%	-	+
618-10.00	\$ 800.00	100.00%	\$ 800.00	.07%	-	+
					-	+
					-	+
					-	+
					-	+
					-	+
					-	+
					-	+
					-	+
					-	+
					-	+
DBE Total: \$ 28,647.60				Total % 2.70%		

**Cannot exceed contract amount for given item of work
 Trucking services credited at 100% if the DBE owns the trucks or is leasing from a DBE firm
 Allowed amount of participation will be in accordance with 49 CFR Part 26.
 Brokered services will only receive credit for fees.

Respectfully submitted:

Raineri Construction
 Company Name (Prime Contractor)

Ashley Raineri / President
 Name / Title


 Signed (Prime Contractor)

DBE Identification Submittal Form

(For Local Program Agency (LPA) Projects)

Job Number: STP-5402 (616)

Route: Westgate Avenue Improvements

County: St. Louis County

Prime Contractor: Raineri Construction

Contract Amount: \$1,076,588.96

Identification of Participating DBE's: Provide the requested information below for each DBE participating on the project. All bidders must submit this information with your bid or to City of University City, Attn: Eugene Kuelker, no later than 4:00 p.m. on the 3rd working day after the bid opening. E-mail transmittal is permitted. The e-mail address for submittal is ekuelker@ucitymo.org. Contact MoDOT's External Civil Rights Division (ECR) at (573) 526-2978 for questions and assistance on completion. **This page of this document must be received for each DBE utilized on the project.**

All information must be provided.

If awarded the contract for this project, the undersigned will use the following DBE to perform or furnish the work, supplies, and/or services as shown below:

DBE Name: Site System Landscaping, LLC Address: 233 Markoe Ave. Wentzville, Missouri 63385

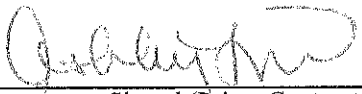
(A) Line No.	(B) Dollar Value of DBE Work** (Unit Price x Quantity of the Item in (A), or Lump Sum)	(C) Dollar value applicable to DBE Goal** (100%, 60%)	(D) Dollar amount applicable to DBE Goal (B x C)	(E) Percent of total contract amount for line item (D / total contract amount)	Add or Remove Lines	
618-10.00	\$ 5,000.00	100.00%	\$ 5,000.00	.46%	-	+
806-10.07A	\$ 1,305.00	100.00%	\$ 1,305.00	.12%	-	+
806-10.19	\$ 8,338.50	100.00%	\$ 8,338.50	.77%	-	+
803-10.00A	\$ 6,140.00	100.00%	\$ 6,140.00	.57%	-	+
					-	+
					-	+
					-	+
					-	+
					-	+
					-	+
					-	+
DBE Total: \$ 20,783.50				Total % 1.93%		

**Cannot exceed contract amount for given item of work
 Trucking services credited at 100% if the DBE owns the trucks or is leasing from a DBE firm
 Allowed amount of participation will be in accordance with 49 CFR Part 26.
 Brokered services will only receive credit for fees.

Respectfully submitted:

Raineri Construction
 Company Name (Prime Contractor)

Ashley Raineri / President
 Name / Title


 Signed (Prime Contractor)

DBE Identification Submittal Form

(For Local Program Agency (LPA) Projects)

Job Number: STP-5402 (616)

Route: Westgate Avenue Improvements

County: St. Louis County

Prime Contractor: Raineri Construction

Contract Amount: \$1,076,588.96

Identification of Participating DBE's: Provide the requested information below for each DBE participating on the project. All bidders must submit this information with your bid or to City of University City, Attn: Eugene Kuelker, no later than 4:00 p.m. on the 3rd working day after the bid opening. E-mail transmittal is permitted. The e-mail address for submittal is ekuelker@ucitymo.org. Contact MoDOT's External Civil Rights Division (ECR) at (573) 526-2978 for questions and assistance on completion. **This page of this document must be received for each DBE utilized on the project.**

All information must be provided.

If awarded the contract for this project, the undersigned will use the following DBE to perform or furnish the work, supplies, and/or services as shown below:

DBE Name: ATK Safety Supplies Address: 6352 Cedar Springs Rd. Cedar Hill, MO 63016

(A) Line No.	(B) Dollar Value of DBE Work** (Unit Price x Quantity of the Item in (A), or Lump Sum)	(C) Dollar value applicable to DBE Goal** (100%, 60%)	(D) Dollar amount applicable to DBE Goal (B x C)	(E) Percent of total contract amount for line item (D / total contract amount)	Add or Remove Lines	
616-10.05	\$ 3,528.00	100.00%	\$ 3,528.00	.33%	-	+
616-10.25	\$ 2,880.00	100.00%	\$ 2,880.00	.27%	-	+
616-10.98	\$ 7,000.00	100.00%	\$ 7,000.00	.65%	-	+
620-00.42	\$ 405.00	100.00%	\$ 405.00	.04%	-	+
620-60.00	\$ 1,773.90	100.00%	\$ 1,773.90	.16%	-	+
620-60.01	\$ 718.20	100.00%	\$ 718.20	.07%	-	+
620-61.24A	\$ 4,976.00	100.00%	\$ 4,976.00	.46%	-	+
620-70.01	\$ 80.00	100.00%	\$80.00	.007%	-	+
620-99.02	\$1,445.00	100.00%	\$1,445.00	.13%	-	+
620-99.02	\$340.00	100.00%	\$340.00	.03%	-	+
DBE Total: \$ 23,146.10				Total % 2.20%		

**Cannot exceed contract amount for given item of work
 Trucking services credited at 100% if the DBE owns the trucks or is leasing from a DBE firm
 Allowed amount of participation will be in accordance with 49 CFR Part 26.
 Brokered services will only receive credit for fees.

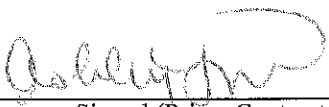
Respectfully submitted:

Raineri Construction

Company Name (Prime Contractor)

Ashley Raineri / President

Name / Title



Signed (Prime Contractor)

DBE Identification Submittal Form

(For Local Program Agency (LPA) Projects)

Job Number: STP-5402 (616)

Route: Westgate Avenue Improvements

County: St. Louis County

Prime Contractor: Raineri Construction

Contract Amount: \$1,076,588.96

Identification of Participating DBE's: Provide the requested information below for each DBE participating on the project. All bidders must submit this information with your bid or to City of University City, Attn: Eugene Kuelker, no later than 4:00 p.m. on the 3rd working day after the bid opening. E-mail transmittal is permitted. The e-mail address for submittal is ekuelker@ucitymo.org. Contact MoDOT's External Civil Rights Division (ECR) at (573) 526-2978 for questions and assistance on completion. **This page of this document must be received for each DBE utilized on the project.**

All information must be provided.

If awarded the contract for this project, the undersigned will use the following DBE to perform or furnish the work, supplies, and/or services as shown below:

DBE Name: ATK Safety Supplies Address: 6352 Cedar Springs Rd. Cedar Hill, MO 63016

(A) Line No.	(B) Dollar Value of DBE Work** (Unit Price x Quantity of the Item in (A), or Lump Sum)	(C) Dollar value applicable to DBE Goal** (100%, 60%)	(D) Dollar amount applicable to DBE Goal (B x C)	(E) Percent of total contract amount for line item (D / total contract amount)	Add or Remove Lines	
620-99.03	\$ 2,376.00	100.00%	\$ 2,376.00	.22%	-	+
620-00.42	\$ 630.00	100.00%	\$ 630.00	.06%	-	+
620-80.01C	\$ 39.00	100.00%	\$ 39.00	.004%	-	+
620-61.24A	\$ 1,575.00	100.00%	\$ 1,575.00	.15%	-	+
620-99.02	\$ 510.00	100.00%	\$ 510.00	.05%	-	+
620-99.03	\$ 728.00	100.00%	\$ 728.00	.07%	-	+
					-	+
					-	+
					-	+
					-	+
DBE Total: \$ 5,858.00				Total % 0.54%		

**Cannot exceed contract amount for given item of work
 Trucking services credited at 100% if the DBE owns the trucks or is leasing from a DBE firm
 Allowed amount of participation will be in accordance with 49 CFR Part 26.
 Brokered services will only receive credit for fees.

Respectfully submitted:

Raineri Construction
 Company Name (Prime Contractor)

Ashley Raineri / President
 Name / Title


 Signed (Prime Contractor)

DBE Identification Submittal Form

(For Local Program Agency (LPA) Projects)

Job Number: STP-5402 (616)

Route: Westgate Avenue Improvements

County: St. Louis County

Prime Contractor: Raineri Construction

Contract Amount: \$1,076,588.96

Identification of Participating DBE's: Provide the requested information below for each DBE participating on the project. All bidders must submit this information with your bid or to City of University City, Attn: Eugene Kuelker, no later than 4:00 p.m. on the 3rd working day after the bid opening. E-mail transmittal is permitted. The e-mail address for submittal is ekuelker@ucitymo.org. Contact MoDOT's External Civil Rights Division (ECR) at (573) 526-2978 for questions and assistance on completion. **This page of this document must be received for each DBE utilized on the project.**

All information must be provided.

If awarded the contract for this project, the undersigned will use the following DBE to perform or furnish the work, supplies, and/or services as shown below:

DBE Name: Petro Logistics, LLC Address: 910 S. Kirkwood Rd. #120 Kirkwood, MO 63122

(A) Line No.	(B) Dollar Value of DBE Work** (Unit Price x Quantity of the Item in (A), or Lump Sum)	(C) Dollar value applicable to DBE Goal** (100%, 60%)	(D) Dollar amount applicable to DBE Goal (B x C)	(E) Percent of total contract amount for line item (D / total contract amount)	Add or Remove Lines	
401-12.09	\$ 26,668.00	60.00%	\$ 16,000.00	1.5%	-	+
		0.00%			-	+
					-	+
					-	+
					-	+
					-	+
					-	+
					-	+
					-	+
					-	+
					-	+
					-	+
DBE Total: \$ 16,000.00				Total % 1.50%		

**Cannot exceed contract amount for given item of work
 Trucking services credited at 100% if the DBE owns the trucks or is leasing from a DBE firm
 Allowed amount of participation will be in accordance with 49 CFR Part 26.
 Brokered services will only receive credit for fees.

Respectfully submitted:

Raineri Construction
 Company Name (Prime Contractor)

Ashley Raineri / President
 Name / Title


 Signed (Prime Contractor)

DBE Identification Submittal Form

(For Local Program Agency (LPA) Projects)

Job Number: STP-5402 (616)

Route: Westgate Avenue Improvements

County: St. Louis County

Prime Contractor: Raineri Construction

Contract Amount: \$1,076,588.96

Identification of Participating DBE's: Provide the requested information below for each DBE participating on the project. All bidders must submit this information with your bid or to City of University City, Attn: Eugene Kuelker, no later than 4:00 p.m. on the 3rd working day after the bid opening. E-mail transmittal is permitted. The e-mail address for submittal is ekuelker@ucitymo.org. Contact MoDOT's External Civil Rights Division (ECR) at (573) 526-2978 for questions and assistance on completion. **This page of this document must be received for each DBE utilized on the project.**

All information must be provided.

If awarded the contract for this project, the undersigned will use the following DBE to perform or furnish the work, supplies, and/or services as shown below:

DBE Name: Robin Lynne Trucking Address: 3000 Barrett Station Road St. Louis, MO 63122

(A) Line No.	(B) Dollar Value of DBE Work** (Unit Price x Quantity of the Item in (A), or Lump Sum)	(C) Dollar value applicable to DBE Goal** (100%, 60%)	(D) Dollar amount applicable to DBE Goal (B x C)	(E) Percent of total contract amount for line item (D / total contract amount)	Add or Remove Lines	
202-20.10	\$ 36,800.00	100.00%	\$ 36,800.00	3.4%	-	+
207-10.00	\$ 6,210.00	100.00%	\$ 6,210.00	.58%	-	+
304-05.04	\$ 10,120.00	100.00%	\$ 10,120.00	.94%	-	+
619-10.00	\$ 460.00	100.00%	\$ 460.00	.04%	-	+
806-10.16	\$ 920.00	100.00%	\$ 920.00	.09%	-	+
304-05.04	\$ 460.00	100.00%	\$ 460.00	.04%	-	+
					-	+
					-	+
					-	+
					-	+
DBE Total: \$ 54,970.00				Total % 5.10%		

**Cannot exceed contract amount for given item of work
 Trucking services credited at 100% if the DBE owns the trucks or is leasing from a DBE firm
 Allowed amount of participation will be in accordance with 49 CFR Part 26.
 Brokered services will only receive credit for fees.

Respectfully submitted:

Raineri Construction
 Company Name (Prime Contractor)

Ashley Raineri / President
 Name / Title


 Signed (Prime Contractor)

DBE Identification Submittal Form

(For Local Program Agency (LPA) Projects)

Job Number: STP-5402 (616)

Route: Westgate Avenue Improvements

County: St. Louis County

Prime Contractor: Raineri Construction

Contract Amount: \$1,076,588.96

Identification of Participating DBE's: Provide the requested information below for each DBE participating on the project. All bidders must submit this information with your bid or to City of University City, Attn: Eugene Kuelker, no later than 4:00 p.m. on the 3rd working day after the bid opening. E-mail transmittal is permitted. The e-mail address for submittal is ekuelker@ucitymo.org. Contact MoDOT's External Civil Rights Division (ECR) at (573) 526-2978 for questions and assistance on completion. **This page of this document must be received for each DBE utilized on the project.**

All information must be provided.

If awarded the contract for this project, the undersigned will use the following DBE to perform or furnish the work, supplies, and/or services as shown below:

DBE Name: SRM Construction Material Address: 4926 Church Road Centreville, IL 62207


(A) Line No.	(B) Dollar Value of DBE Work** (Unit Price x Quantity of the Item in (A), or Lump Sum)	(C) Dollar value applicable to DBE Goal** (100%, 60%)	(D) Dollar amount applicable to DBE Goal (B x C)	(E) Percent of total contract amount for line item (D / total contract amount)	Add or Remove Lines	
609-99.03	\$ 1,980.00	100.00%	\$ 1,980.00	0.18%	-	+
		0.00%			-	+
					-	+
					-	+
					-	+
					-	+
					-	+
					-	+
					-	+
					-	+
					-	+
					-	+
DBE Total:				Total % 0.18%		

**Cannot exceed contract amount for given item of work
 Trucking services credited at 100% if the DBE owns the trucks or is leasing from a DBE firm
 Allowed amount of participation will be in accordance with 49 CFR Part 26.
 Brokered services will only receive credit for fees.

Respectfully submitted:

Raineri Construction
 Company Name (Prime Contractor)

Ashley Raineri / President
 Name / Title


 Signed (Prime Contractor)

**CITY OF UNIVERSITY CITY COUNCIL MEETING
AGENDA ITEM**



NUMBER: <i>For City Clerk Use</i>	CA20240108-03
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SUBJECT/TITLE:
Annual Tree Trimming Project - PR24-04

PREPARED BY: Darin Girdler, Director of Public Works	DEPARTMENT / WARD Forestry/All
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AGENDA SECTION: Consent	CAN ITEM BE RESCHEDULED? Yes
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CITY MANAGER'S RECOMMENDATION OR RECOMMENDED MOTION:
City Manager recommends approval to sign the contract with Gamma Tree Experts as the lowest responsible bidder.

FISCAL IMPACT:
The lowest bid out of four (4) is \$139,835.00 from Gamma Tree Experts. The budgeted capital item for this project is \$200,000.

AMOUNT: \$139,8356.00	ACCOUNT No.:
---------------------------------	---------------------

FROM FUND:	TO FUND:
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EXPLANATION:
The City sought bids for this project and received four (4) responses (bid tabulation attached).

STAFF COMMENTS AND BACKGROUND INFORMATION:
This is part of our annual and ongoing tree trimming throughout the City whereby the contractors focus on various areas of the community on a rotating basis. This contract will focus on the area between North & South to Pennsylvania and Balson north to the City Limits.

CIP No.	PR24-04
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RELATED ITEMS / ATTACHMENTS:
Recommendation.
Bid Tabulation

LIST CITY COUNCIL GOALS (5):
Community Quality of Life Amenities

RESPECTFULLY SUBMITTED: City Manager, Gregroy Rose	MEETING DATE: January 8, 2024
--	---



Department of Public Works and Parks

6801 Delmar Boulevard, 3rd Floor, University City, Missouri 63130, Phone: (314) 505-8619, Fax: (314) 862-0694

To: Darin Girdler Director of Public Works; Todd Strubhart-Deputy Director of Parks and Forestry

From: Jacob Kaiser- Forestry Supervisor

Recommendation for Annual Tree Trimming Project PR24-04

The city received four (4) bids for the Annual Tree Trimming Project. Gamma Tree Expert Company was the lowest bid at \$139,835.00. This price comes in at \$60,065 under budget for the project.

I am recommending that the city award the project to the Gamma Tree Expert Company as they were the lowest responsible bidder for the project. Bid Tabulations are attached to this Recommendation.

TREE TRIMMING PROJECT

PRF 24-04

BID TABULATION 12/19/23

COMPANY	BASE BID	BID BOND
1 GAMMA TREE Ex pents	\$139,835.00	✓
2 MONSTER Tree Servic	\$ 176,245.00	✓
4 ARBOR MASTER	\$ 516,752.42	✓ Notary From Bank
3 CTC Disaster Response	\$ 427,335.00	✓

THE CITY INTENDS TO AWARD THE BID TO THE MOST RESPONSIVE, RESPONSIBLE BIDDER SUBMITTING THE LOWEST BEST BID. THE CITY RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS, AND TO WAIVE ANY IRREGULARITIES IN THE BEST INTEREST OF THE CITY.

City Representative

Jayot Kaiser

Witness

Joe A. [Signature]

12-19-23

[Signature]

12/19/23

**CITY OF UNIVERSITY CITY COUNCIL MEETING
AGENDA ITEM**



NUMBER: <i>For City Clerk Use</i>	CM20240108-01
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SUBJECT/TITLE:
SDG Housing Partners - Parkview Place Apartments

PREPARED BY: Brooke A. Smith	DEPARTMENT / WARD General Administration
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AGENDA SECTION: City Manager's Report	CAN ITEM BE RESCHEDULED? Yes
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CITY MANAGER'S RECOMMENDATION OR RECOMMENDED MOTION:
City Manager asks the Council to receive a presentation from SDG Housing Partners on their plans for the Parkview Place Apartments.

FISCAL IMPACT:
None

AMOUNT:		ACCOUNT No.:	
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FROM FUND:		TO FUND:	
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EXPLANATION:
SDG Housing Partners requested a letter of support for a proposed project at Parkview Place Apartments.

STAFF COMMENTS AND BACKGROUND INFORMATION:
SDG Housing Partners contacted the City requesting a letter of support for tax credits for a proposed project at Parkview Place Apartments. Prior to agreeing to provide a letter of support, City Manager Rose thought it important that SDG Housing present their plans for the Parkview Place Apartments to the Council. Representatives will be present at Monday night's meeting to introduce themselves and discuss their plans for the apartment complex.

CIP No.	
----------------	--

RELATED ITEMS / ATTACHMENTS:
Presentation

LIST CITY COUNCIL GOALS (5):
Encourage High Quality Growth

RESPECTFULLY SUBMITTED: City Manager, Gregroy Rose	MEETING DATE: January 8, 2024
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SDG | HOUSING PARTNERS

Proposed Project:
PARKVIEW PLACE APARTMENTS
701 Westgate Avenue

Prepared For:
UNIVERSITY CITY CITY COUNCIL

Presented By:
SDG HOUSING PARTNERS

JANUARY 2024



EXPERIENCE

- SDG Housing Partners was founded to preserve and renovate affordable housing communities throughout the nation. The SDG team is driven by a passion to redesign communities to the highest standards with both residents and the surrounding community's needs in mind.
- The principals of SDG Housing Partners have completed over 30 acquisitions and rehabilitations of affordable housing properties across five different states. Cathedral Square Towers, a 156-unit affordable senior community located in Downtown Kansas City, is the company's most recent completed project.



SDG | HOUSING PARTNERS

EXPERIENCE

- The SDG team possesses the expertise and understanding of complex affordable housing regulations necessary to acquire, finance, redevelop, and operate affordable housing communities. Additionally, SDG has relationships with best-in-class industry partners to ensure properties are receive high quality renovations and operate above industry standards.



EXPERIENCE

Recent Properties

Ramblewood Apartments

Clarksville, TN

112 Unit, Section 8, Family Apartments

Margaret Robertson Apartments

Nashville, TN

100 Unit, Section 8, Senior Apartments

Cathedral Square Towers

Kansas City, Missouri

156 Unit, Section 8, Senior Apartments

Columbus Park Plaza

Kansas City, Missouri

56 Unit, Section 8, Senior Apartments



EXECUTIVE TEAM

RICK SIEBERT, MANAGING DIRECTOR

Mr. Siebert is an expert in structuring, acquiring, and renovating HUD Section 8 apartment properties utilizing FHA/HUD debt combined with Tax Exempt Bond financing and Federal Low Income Housing Tax Credits. With a background in architecture, Mr. Siebert ensures that his projects are renovated with the highest attention to detail which consistently results in housing of superior quality.

Before founding SDG Housing Partners, Mr. Siebert was the Chief Financial Officer and Principal at Thomas Safran and Associates (TSA) where he was ultimately responsible for all Acquisition and Renovation projects within TSA. While at TSA Mr. Siebert oversaw over 400 million dollars of real estate transactions and development or renovation of over 2,000 residential units.

Prior to TSA, Mr. Siebert was a Development Manager at Playa Capital Company LLC, the master developer of Playa Vista, a 1,087-acre urban infill project with 5,842 residential units and 4 million sq. feet of commercial and motion picture studio space. During his tenure at Playa Capital Company Mr. Siebert was a member of the entitlement team of Phase 2 "the Village" of Playa Vista; composed of a 111-acre subdivision with 2,600 dwelling units and 200,000 s.f. of retail space.

SDG | HOUSING PARTNERS

EXECUTIVE TEAM

LON BOOHER, DEVELOPMENT PARTNER

Mr. Booher is a Partner at SDG Housing Partners, Mr. Booher is the primary point of contact for our design and construction teams. With an extensive background in architecture, construction management, and real estate development, Mr. Booher has a primary focus on multi-family and Historic Tax Credit re-development.

Prior to joining SDG, Mr. Booher was managing member of a pioneer design/build firm located in Kansas City, Missouri. He successfully executed over 30 million dollars of design/build contracts consisting of residential, hospitality, and office space. 70 percent of these projects utilized federal and state historic tax credits with his team facilitating the development group's design approval by the National Park Service along with IRS construction cost certification requirements.

During this tenure, Mr. Booher has personally participated in the re-development of a 35,000 sq.ft. historic pre-prohibition brewery, several successful commercial projects in the historic "Westside" neighborhood of Kansas City, and the oldest standing hotel in downtown Kansas City. The latter receiving both the Kansas City Economic Development Corporation Cornerstone Award and the Preserve Missouri award from the Missouri Preservation Society in Jefferson City.

SDG | HOUSING PARTNERS

Project Highlights

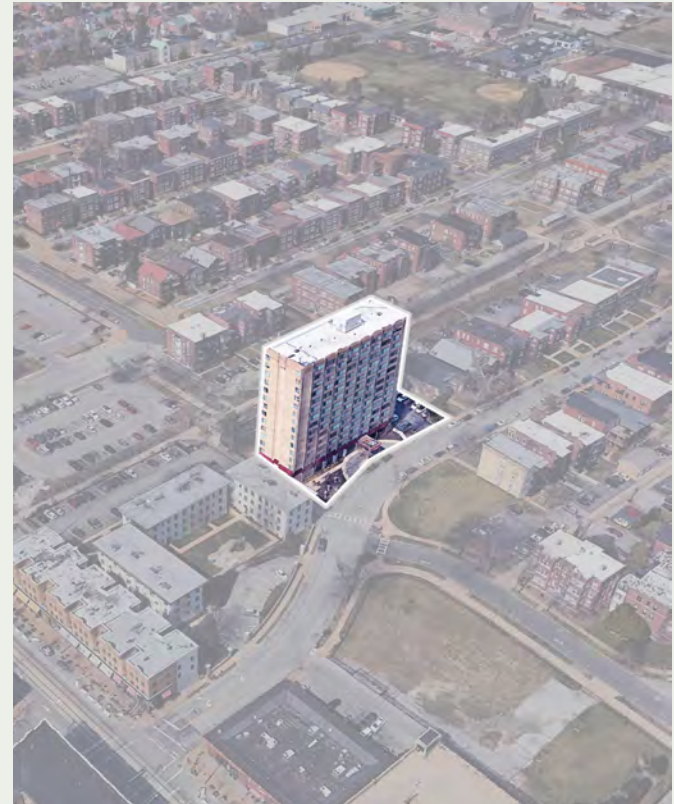
- 156 Senior Apartments (55+)
 - 117 One-Bedrooms
 - 39 Studios
- 100% HAP/LIHTC
- Built in 1972; Renovated 2004
 - 14 Story Building
 - Elevators Available
 - Historic Registration in Process
- Financing
 - Federal 4% Low Income Housing Tax Credits
 - Federal Historic Tax Credits
- Estimated Construction \$10,000,000
 - Approximately \$64,000 per unit
- Timeline
 - Construction Start Q4 2024
 - Completion Q4 2025



PROPOSED RENOVATIONS

Building Upgrades

- Clean and refurbish exterior concrete
- Removal of red stripe at first/second floor
- Installation of new LED light fixtures throughout property
- Upgraded security system
- New elevator cabs and elevator life/safety upgrades
- New insulated windows at units to match historic profile
- New insulated storefront system at 1st floor to match historic profile
- Refurbish Porte Cochere
- New roof installation
- Electrical system upgrades as necessary



**Final Scope of Work dependent upon historic preservation requirements*

PROPOSED RENOVATIONS

Site Work

- New site gates with pedestrian access utilizing key fobs
- New motorized driveway gate
- Install lush landscaping around property
- Resident gardens
- New outdoor gathering areas with fire-pit, barbeque, and activity area
- Update sidewalks and parking to full ADA compliance



**Final Scope of Work dependent upon historic preservation requirements*

PROPOSED RENOVATIONS

Common Areas

- New ADA compliant mailboxes
- Game room with billiards, shuffleboard, etc.
- Upgraded TV lounge area
- New fitness areas including yoga and Pilates room
- Library with new computer workstations
- Remodeled common kitchen with energy efficient appliances
- Amenity areas to be secured with key fob access
- Dog wash station



**Final Scope of Work dependent upon historic preservation requirements*

PROPOSED RENOVATIONS

Unit Interiors

- New energy efficient appliances including range and refrigerator
- New window coverings
- New door hardware
- Paint and Flooring replacements
- New lighting with LED light fixtures
- New plumbing fixtures including low flow shower heads, toilets, and shut off valves
- New countertops and cabinets in kitchens and bathrooms
- New cultured marble countertops
- New HVAC controls in all units
- Upgrade 5% of units to full ADA accessibility
- Upgrade 2% of units to full Audio/Visual accessibility
- New In-Unit WIFI (free to residents)

**Final Scope of Work dependent upon historic preservation requirements*

SDG | HOUSING PARTNERS

BEFORE AND AFTER EXAMPLE



Cathedral Square Towers
Kansas City, Missouri
156 Senior Apartments

SDG | HOUSING PARTNERS

BEFORE AND AFTER EXAMPLE



Cathedral Square Towers
Kansas City, Missouri
156 Senior Apartments

SDG | HOUSING PARTNERS

BEFORE AND AFTER EXAMPLE



Cathedral Square Towers
Kansas City, Missouri
156 Senior Apartments

SDG | HOUSING PARTNERS

BEFORE AND AFTER EXAMPLE



Cathedral Square Towers
Kansas City, Missouri
156 Senior Apartments

SDG | HOUSING PARTNERS

BEFORE AND AFTER EXAMPLE



Columbus Park Plaza
Kansas City, Missouri
56 Senior Apartments

SDG | HOUSING PARTNERS

BEFORE AND AFTER EXAMPLE



Columbus Park Plaza
Kansas City, Missouri
56 Senior Apartments

SDG | HOUSING PARTNERS

BEFORE AND AFTER EXAMPLE



La Villa Puente
La Puente, California
121 Family Apartments



SDG | HOUSING PARTNERS

BEFORE AND AFTER EXAMPLE



La Villa Puente
La Puente, California
121 Family Apartments

OUR COMMITMENTS

- **Preserve Affordability**; current residents and current affordability will remain. New HAP contract and affordable housing land use restriction agreement to extend affordability for low-income seniors in University City.
- **Renovate Parkview Place** to fully address short and long-term maintenance needs to the highest standard, with minimal disturbance to tenants.
- **Safeguard the Historic Significance** of this landmark property in St. Louis, ensuring its lasting contribution to the city's unique character.
- **Remain transparent** with University City officials and all public stakeholders throughout the renovation process, as a true partner and proud long-term owner and steward of this historic building.
- **Maintain and operate** Parkview Place Apartments to create a legacy of high-quality, affordable senior housing.
- **Ensure on-site Management** remains committed to delivering essential social services to the senior residents of these communities, ensuring they can age in dignity and comfort.



Thank You

SDG | HOUSING PARTNERS

**CITY OF UNIVERSITY CITY COUNCIL MEETING
AGENDA ITEM**



NUMBER: <i>For City Clerk Use</i>	CM20240108-02
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SUBJECT/TITLE: Comprehensive Plan with Amendments			
PREPARED BY: John L. Wagner		DEPARTMENT / WARD Planning and Development	
AGENDA SECTION:	City Manager Report	CAN ITEM BE RESCHEDULED?	yes
CITY MANAGER'S RECOMMENDATION OR RECOMMENDED MOTION: City Manager recommends approval of the amended Comprehensive Plan with one modification; the word "considering" be amended to "exploring" relative to an income discrimination ordinance. And provide direction on intergrating an annual review of projects listed in the Comprehensive Plan with the creation of the annual work plan			
FISCAL IMPACT: N/A			
AMOUNT:		ACCOUNT No.:	
FROM FUND:		TO FUND:	
EXPLANATION: N/A			

STAFF COMMENTS AND BACKGROUND INFORMATION: The Plan Commission approved the changes as presented, with one exception. In Item #1, the Commission added back into the Plan the provision regarding a source of income discrimination ordinance for Goal E.2.5 that was previously removed, although it changed one word, replacing "Adopting" with "Considering," as follows: iii. Considering a source of income discrimination ordinance. This amendment is noted on Page 1 of the marked-up version of the Staff Report.
--

CIP No.	
RELATED ITEMS / ATTACHMENTS: Attached are the Plan Commission Transmittal Letter and the Staff Report from the December 6, 2023 Plan Commission meeting - amended to include for the City Council the Plan Commission's recommendation. A marked-up version and a "clean" version of the amendments are included for the Council's information.	

LIST CITY COUNCIL GOALS (5): Economic Development, Encourage High-quality Growth, Improved Infrastructure,	
RESPECTFULLY SUBMITTED:	City Manager, Gregroy Rose
MEETING DATE:	January 8, 2024



Plan Commission

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

December 27, 2023

Ms. LaRette Reese
City Clerk
City of University City
6801 Delmar Boulevard
University City, MO 63130

RE: Comprehensive Plan - Amendments

Dear Ms. Reese,

At a special meeting on December 27, 2023, at 3:00 p.m. held virtually via Zoom, the Plan Commission considered amendments to the Comprehensive Plan as suggested by the City Council and the City Manager.

By a vote of 6 to 0, the Plan Commission recommended approval of the Comprehensive Plan amendments as presented, with one exception. On page 1 of the Staff Report, original language was added to Goal E.2.5 dealing with an income discrimination ordinance, changing "Adopting" to "Considering," as follows:

- iii. Considering a source of income discrimination ordinance.

Sincerely,

Margaret Holly, Chairperson
University City Plan Commission

Comprehensive Plan Revisions

December 22, 2023

During the November 13 and December 11, 2023 study sessions, the City Council, Mayor, and City Manager provided feedback on the comprehensive plan. The City Council, Mayor, and City Manager requested several revisions to the plan. Staff has worked with the Plan Commission to address those requests and propose revised text. In the document below, each revision includes a description, proposed language, and background/justification for the revision.

Item #1 – Related to Source of Income Discrimination Ordinance

Original language in black text, proposed revisions in red text below:

- E.2.5** Protect non-homeowner citizens (renters) through such measures as:
- i. Improving the rental inspection program to ensure safe, habitable, and fair housing.
 - ii. Creating a renter protection program.
 - iii. **Adopting Exploring a source of income discrimination ordinance.**

Item #2 – Related to the forthcoming Storm Water Master Plan

Original language in black text, proposed revisions in red text below:

E.3.1 Implement a Storm Water Master Plan or take such measures as directed by the City Council, which may include recommendations by the Commission on Stormwater Issues, and engage the Plan Commission in updates to the City's Code.

The Commission on Storm Water Issues is in the process of creating a Storm Water Master Plan, which may recommend and prioritize certain stormwater mitigation projects for the City, as well as changes to standards in codes related to site coverage, impervious surface specifications, etc. These code changes may require that future development in the city occur in a resilient manner that avoids worsening the city's flooding challenges. Grants and other funding/bonding will be needed for more buyouts. It will be critical for the Commission on Storm Water Issues to design a Master Plan that is consistent with and supports the other goals and vision of this plan.

Background/Justification:

Minor Edits: The second sentence in the paragraph is proposed to be removed is duplicative of the action text. Bonding was spelled incorrectly.

The commission on stormwater issues has not completed the Storm Water Master plan. The action item states that the city should implement the recommendations. However, it is possible that the recommendations are in some way: not aligned with the community vision outlined in the Comp plan, not allowed under existing current city or county law, or not fiscally appropriate given city resources.

The proposed revision provides additional direction to the Commission on Stormwater issues to design a Master Plan that is consistent with and supports the goals of Comprehensive Plan. City council should feel comfortable adopting the plan if it meets the goals in the Comprehensive Plan. Council should expect that the Master Plan will explicitly highlight the Master Plan's alignment with Comprehensive plan.

Item #3 – Related to the forthcoming Flood Mitigation Plan

Original language in black text, proposed revisions in red text below:

E.3.2 Implement a flood mitigation plan for the River Des Peres and its tributaries or take such measures as directed by the City Council, which may include recommendations by the Commission on Stormwater Issues.

Mitigation of flooding in University City will require a complex combination of engineering and policy measures. The flood mitigation plan that is currently underway is taking a holistic look at how flooding can be mitigated and may include specific recommendations for action to be taken. Implementation of the plan will require cooperation between the City and State and Federal agencies.

Item #4 – Related to the forthcoming Housing & Third Ward Revitalization Task Force Plan.

Original language in black text, proposed revisions in red text below:

E.1.2 Implement a Housing and Third Ward Revitalization plan or take such measures as directed by the City Council, which may include recommendations by the Housing and Third Ward Revitalization Task Force. The redevelopment agreement for the Market at Olive includes a TIF District that dedicates \$10 million to the Third Ward neighborhoods, and \$5 million to the Olive corridor. The funds are allocated to housing stock improvements, vacant property acquisitions, homeownership efforts, streetscaping and revitalization efforts on Olive, and other initiatives developed in accordance with the work of the Housing and Third Ward Revitalization Task Force. The Task Force’s work commenced during the time frame in which this comprehensive plan was being conducted and will be completed after the comprehensive plan is adopted. The Task Force should prioritize recommendations that are consistent with and support the other goals and vision of this plan.

Background/Justification:

The Housing and Third Ward Revitalization Task Force has not completed the Housing and Third Ward plan. The action item states that the city should implement the recommendations. However, it is possible that the recommendations are in some way: not aligned with the community vision outlined in the Comp plan, not allowed under existing current city or county law, or not fiscally appropriate given city resources.

The proposed revision provides additional direction to the Housing and Third Ward Revitalization Task Force issues to design a Plan that is consistent with the Comprehensive Plan and for the City council to adopt the plan if it meets the relevant goals related to 3rd ward outlined in the Comprehensive Plan. Council should expect that the Task force plan will explicitly highlight the alignment with Comprehensive plan.

Background/Justification:

As written the Comprehensive Plan to does explicitly assign a responsible party for proposing metrics for each action item, a date as to when these metrics should be defined, and the frequency in the metrics should be updated and provided to City Council. Metrics are essential for accountability, efficacy of the policy, and ultimately tracking progress of achieving the goals of the community.

Item #5 – Related to the Future Character and Land Use Map

Proposed revision to the map described below:

The properties at the northwest and southeast corners of Olive and Midland (outlined in red in the below map) should be changed from “Parks, Recreation, and Open Space” to “Community Corridor”.



Item #6 – Related to traffic crash data on Olive Boulevard

Original language in black text, proposed revisions in red text below:

In University City, 31% of traffic crashes on Olive result in an injury, compared to 19% in the rest of University City.

Background/Justification:

During the December 11, 2023 Council Study Session, Mayor Crow asked for clarification on the above figures related to traffic crashes. Staff reevaluated the data and found that these figures were inaccurately described. Of the 987 traffic crashes on Olive Boulevard between 2013 and 2023, 466 people were injured (47%). However, multiple people can be injured in one accident. Staff found that of those 987 crashes, 310 resulted in personal injuries (31%). Of all other 4,512 crashes in University City that occurred during that time frame, 878 resulted in personal injury (19%).

Comprehensive Plan Revisions

December 22, 2023

During the November 13 and December 11, 2023 study sessions, the City Council, Mayor, and City Manager provided feedback on the comprehensive plan. The City Council, Mayor, and City Manager requested several revisions to the plan. Staff has worked with the Plan Commission to address those requests and propose revised text. In the document below, each revision includes a description, proposed language, and background/justification for the revision.

Item #1 – Related to Source of Income Discrimination Ordinance

Original language in black text, proposed revisions in red text below:

- E.2.5** Protect non-homeowner citizens (renters) through such measures as:
- i. Improving the rental inspection program to ensure safe, habitable, and fair housing.
 - ii. Creating a renter protection program.
 - iii. ~~Adopting a source of income discrimination ordinance.~~²⁴

Item #2 – Related to the forthcoming Storm Water Master Plan

Original language in black text, proposed revisions in red text below:

E.3.1 ~~Implement the Commission on Storm Water Issues' Master Plan recommendations and engage the Plan Commission in updates to the City's code.~~ Implement a Storm Water Master Plan or take such measures as directed by the City Council, which may include recommendations by the Commission on Stormwater Issues, and engage the Plan Commission in updates to the City's Code. ~~Implement the Commission on Storm Water Issues' Master Plan recommendations and engage the Plan Commission in updates to the City's code.~~ The Commission on Storm Water Issues is in the process of creating a Storm Water Master Plan, which ~~will~~ may recommend and prioritize certain stormwater mitigation projects for the City, as well as changes to standards in codes related to site coverage, impervious surface specifications, etc. These code changes ~~will~~ may require that future development in the city occur in a resilient manner that avoids worsening the city's flooding challenges. Grants and other funding/~~binding~~ bonding will be needed for more buyouts. It will be critical for the Commission on Storm Water Issues to design a Master Plan that is consistent with and supports the other goals and vision of this plan. ~~to be consulted in any updates to the City codes.~~

Background/Justification:

Minor Edits: The second sentence in the paragraph is proposed to be removed is duplicative of the action text. Bonding was spelled incorrectly.

The commission on stormwater issues has not completed the Storm Water Master plan. The action item states that the city should implement the recommendations. However, it is possible that the recommendations are in some way: not aligned with the community vision outlined in the Comp plan, not allowed under existing current city or county law, or not fiscally appropriate given city resources.

The proposed revision provides additional direction to the Commission on Stormwater issues to design a Master Plan that is consistent with and supports the goals of Comprehensive Plan. City council should feel comfortable adopting the plan if it meets the goals in the Comprehensive Plan. Council should expect that the Master Plan will explicitly highlight the Master Plan's alignment with Comprehensive plan.

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E.3.2 Implement a flood mitigation plan for the River Des Peres and its tributaries or take such measures as directed by the City Council, which may include recommendations by the Commission on Stormwater Issues. ~~Implement the flood mitigation plan for the River Des Peres and its tributaries, as recommended by the Commission on Storm Water Issues.~~

Mitigation of flooding in University City will require a complex combination of engineering and policy measures. The flood mitigation plan that is currently underway is taking a holistic look at how flooding can be mitigated and ~~will~~ may include specific recommendations for action to be taken. Implementation of the plan will require cooperation between the City and State and Federal agencies.

Item #4 – Related to the forthcoming Housing & Third Ward Revitalization Task Force Plan.

Original language in black text, proposed revisions in red text below:

E.1.2 Implement a Housing and Third Ward Revitalization plan or take such measures as directed by the City Council, which may include recommendations by the Housing and Third Ward Revitalization Task Force. ~~Implement the recommendations of the Housing and Third Ward Revitalization Task Force.~~

The redevelopment agreement for the Market at Olive includes a TIF District that dedicates \$10 million to the Third Ward neighborhoods, and \$5 million to the Olive corridor. The funds are allocated to housing stock improvements, vacant property acquisitions, homeownership efforts, streetscaping and revitalization efforts on Olive, and other initiatives developed in accordance with the work of the Housing and Third Ward Revitalization Task Force. The Task Force's work commenced during the time frame in which this comprehensive plan was being conducted and will be completed after the comprehensive plan is adopted. The Task Force should prioritize recommendations that are consistent with and support the other goals and vision of this plan.

Background/Justification:

The Housing and Third Ward Revitalization Task Force has not completed the Housing and Third Ward plan. The action item states that the city should implement the recommendations. However, it is possible that the recommendations are in some way: not aligned with the community vision outlined in the Comp plan, not allowed under existing current city or county law, or not fiscally appropriate given city resources.

The proposed revision provides additional direction to the Housing and Third Ward Revitalization Task Force issues to design a Plan that is consistent with the Comprehensive Plan and for the City council to adopt the plan if it meets the relevant goals related to 3rd ward outlined in the Comprehensive Plan. Council should expect that the Task force plan will explicitly highlight the alignment with Comprehensive plan.

Background/Justification:

As written the Comprehensive Plan to does explicitly assign a responsible party for proposing metrics for each action item, a date as to when these metrics should be defined, and the frequency in the metrics should be updated and provided to City Council. Metrics are essential for accountability, efficacy of the policy, and ultimately tracking progress of achieving the goals of the community.

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Proposed revision to the map described below:

The properties at the northwest and southeast corners of Olive and Midland (outlined in red in the below map) should be changed from “Parks, Recreation, and Open Space” to “Community Corridor”.



Item #6 – Related to traffic crash data on Olive Boulevard

Original language in black text, proposed revisions in red text below:

In University City, 3147% of traffic crashes on Olive result in an injury, compared to 1927% in the rest of University City.

Background/Justification:

During the December 11, 2023 Council Study Session, Mayor Crow asked for clarification on the above figures related to traffic crashes. Staff reevaluated the data and found that these figures were inaccurately described. Of the 987 traffic crashes on Olive Boulevard between 2013 and 2023, 466 people were injured (47%). However, multiple people can be injured in one accident. Staff found that of those 987 crashes, 310 resulted in personal injuries (31%). Of all other 4,512 crashes in University City that occurred during that time frame, 878 resulted in personal injury (19%).

**CITY OF UNIVERSITY CITY COUNCIL MEETING
AGENDA ITEM**



NUMBER: <i>For City Clerk Use</i>	CM20240108-03
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SUBJECT/TITLE:
University Hills Neighborhood Improvement District (NID)

PREPARED BY: Gregory Rose, City Manager	DEPARTMENT / WARD: General Administration
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AGENDA SECTION: City Manager's Report	CAN ITEM BE RESCHEDULED? Yes
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CITY MANAGER'S RECOMMENDATION OR RECOMMENDED MOTION:
City Manager recommends extension of Resolution 2009-01 to December 31, 2025 and authorization to release all remaining balances consistent with the State Statue and City Ordinances governing the University Hills Neighborhood Improvement District.

FISCAL IMPACT:

AMOUNT:		ACCOUNT No.:	
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FROM FUND:		TO FUND:	
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EXPLANATION:
The Subdivision Trustees have requested that the City Council amend Resolution 2009-1 so as to extend the deadline to December 31, 2025, allow the Maintenance Fund balance to be used for any improvement work within the scope of the NID, listed above, and release the funds to them. (See November 20, 2023 letter attached.)

STAFF COMMENTS AND BACKGROUND INFORMATION:
see attached staff report

CIP No.	
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RELATED ITEMS / ATTACHMENTS:
Staff Report
Subdivision Trustees letter dated November 20, 2023

LIST CITY COUNCIL GOALS (S):

RESPECTFULLY SUBMITTED: City Manager, Gregroy Rose	MEETING DATE: January 8, 2024
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AGENDA ITEM – STAFF REPORT

MEETING DATE: January 8, 2024
DEPARTMENT: City Manager's Office
AGENDA ITEM TITLE: University Hills Neighborhood Improvement District (NID)

ADDITIONAL BACKGROUND INFORMATION:

The University Hills Neighborhood Improvement District (NID) was established by Resolution 2006-7 (11/6/2006). The general nature of the proposed improvement was described in Resolutions 2006-7 and 2009-1 (2/23/2009) and was based on the description in the Petition for the Creation of a Neighborhood Improvement District filed by owners of record of more than two-thirds by area of all real property in the NID.

The proposed improvement was approved by the City Council and included: -

- Repair and replacement of curbs, gutters and driveway aprons that were significantly damaged, non-functional or exhibit more than minor cracks, as determined by the Subdivision Trustees;
- Patching, repair and replacement of interface between the street and concrete curbs, gutters and driveway aprons in connection with the repair and replacement of such curbs, gutters and driveway aprons and in other areas where crumbling street interface exists, as determined by the Subdivision Trustees;
- Select street patching, repair and resurfacing of depressions, fatigue failure, street crowning and rutting, as determined by the Subdivision Trustees;
- Application of a new layer of chip seal to all streets, as determined by the Subdivision Trustees;
- Management and supervision of construction of the above improvements, and maintenance of the improvements during the construction period, is to be performed by the Subdivision Trustees;
- Application of a future second layer of chip seal to all streets to be performed by the Subdivision Trustees, which application shall occur after payment in full of all assessments against real property within the neighborhood improvement district but within a maximum time frame of 15 years; and
- Establishment of a maintenance fund for the benefit of the Subdivision Trustees to provide for the application of a second layer of chip seal to all streets, which application shall occur after payment in full of all assessments against real property within the neighborhood improvement district but within a maximum time frame of 15 years.

The NID improvement was performed and all assessments against the real property have been paid. There is a balance of \$23,914.83 in the University Hills Neighborhood Improvement District (NID) Maintenance Fund.

The Finance Department has custody of the funds. The Subdivision Trustees have informed the City that the balance is insufficient to apply a second layer of chip seal and therefore they will not be able to perform the work by the February 23, 2024 deadline in Resolution 2009-1 (2/23/2009). The Subdivision Trustees have requested that the City Council amend Resolution 2009-1 so as to extend the deadline to December 31, 2025, allow the Maintenance Fund balance to be used for any improvement work within the scope of the NID, listed above, and release the funds to them. (See November 20, 2023 letter attached.)

Section 67.473 RSMo, applicable to neighborhood improvement districts, provides in part: "Upon completion of an improvement, the balance remaining in the fund or account established for such improvement, if any, shall be credited against the amount of the original assessment, and with respect to property owners that have prepaid their assessments in accordance with section 67.473. the amount of each such credit shall be refunded to the appropriate property owner..."

Therefore, to the extent funds in the Maintenance Fund are not used, they must be refunded to the property owners of the approximately 265 lots in the NID. There is nothing in the Missouri Neighborhood Improvement District Act that specifically addresses whether the funds in the Maintenance Fund may be used for another purpose or whether the deadline may be extended.

The signed NID Petition provided that application of a future second layer of chip seal from funds in the Maintenance Fund "shall occur" within 15 years, notice to the public of that improvement was given and a public hearing was held on February 26, 2007. Thereafter, construction of the improvement was completed in accordance with the approved plans and specifications, and the final cost was computed and assessed against the property owners, including a Maintenance Fund in the amount of \$23,914.83. Resolution 2009-1 (2/23/2009).

7777 Bonhomme Ave., Unit 2001
St. Louis, MO 63130

November 20, 2023

The City Clerk and Council of the City of University City, Missouri
6801 Delmar Blvd.
University City, MO 63130

Dear City Clerk Lurette Reese and Council Members:

The Trustees of University Hills Subdivision respectfully request that Resolution 2009-01 (The University Hills 2009 Neighborhood Improvement District) be amended in the following manner. We ask that Section 2. g) be amended to expand the allowed use of the maintenance fund released after payment in full of all assessments to include all items within the original scope of Resolution 2009-01 including, but not limited to, repair and replacement of curbs, gutters and driveway aprons that exhibit more than minor cracks and street patching, repair and resurfacing of depressions, fatigue failure, street crowning and rutting. We further request that Section 2. f) be removed from Resolution 2009-01. The Trustees additionally request that the allowed timeframe for use of such maintenance fund and performance of this work be extended from February 23, 2024 to December 31, 2025.

Upon approval of this resolution, we respectfully request that the amounts held in the maintenance fund established by Resolution 2009-01 be released to the University Hills Subdivision Trustees for use in accordance with the amended Resolution 2009-01.

We thank you for your consideration.

Sincerely,

Susan Murray
susan@susanmurrayrealtor.com



Megan Nickolai
megannickolai@gmail.com



Jan Whitney
jan@janwhitney.com

**CITY OF UNIVERSITY CITY COUNCIL MEETING
AGENDA ITEM**



NUMBER: <i>For City Clerk Use</i>	UB20240108-01
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SUBJECT/TITLE: TXT 23-04 – Application for a Zoning Text Amendment to amend sections 400.760, 400.780, 400.1190, and 400.2130 in the zoning code.			
PREPARED BY: John L. Wagner		DEPARTMENT / WARD Planning and Development	
AGENDA SECTION:	Unfin Bus - Bill 9532	CAN ITEM BE RESCHEDULED?	yes
CITY MANAGER'S RECOMMENDATION OR RECOMMENDED MOTION: I recommend approval of the four text amendments, as reflected in the attached letter from the developer if they intend to meet our parking standards (see attached). The letter from Subtext was received after the Planning Commission considered the proposed text amendments.			
FISCAL IMPACT: N/A			
AMOUNT:		ACCOUNT No.:	
FROM FUND:		TO FUND:	
EXPLANATION: N/A			

STAFF COMMENTS AND BACKGROUND INFORMATION: At the Plan Commission meeting on December 6, 2023, the Plan Commission voted unanimously to approve the first three (3) of the four text amendments in TXT 23-04. The fourth amendment, relative to Section 400.2130G, was not recommended for approval by the Plan Commission, affirming the October 25, 2023, recommendation on Section 400.2130G.
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CIP No.	
RELATED ITEMS / ATTACHMENTS: Attached are the Letter from Subtext, the Plan Commission Transmittal Letter, Staff Report from the December 6, 2023 Plan Commission meeting - amended to include for the City Council the Plan Commission's recommendation, and a Draft Ordinance.	

LIST CITY COUNCIL GOALS (5): Economic Development, Encourage High-quality Growth, Improved Infrastructure,	
RESPECTFULLY SUBMITTED:	City Manager, Gregroy Rose
MEETING DATE:	January 8, 2024

DECEMBER 15, 2023

SPECIAL MEETING REQUEST

subtext

3000 LOCUST ST.
ST. LOUIS, MO 63103
(314) 502-1020
SUBTEXTLIVING.COM

VIA EMAIL: grose@ucitymo.org

The City of University City, Missouri
6801 Delmar Boulevard
St. Louis, Missouri 63130
Attn: Gregory Rose, City Manager

Re: TXT-23-04; REZ-23-02; SUB-23-02

Dear City Manager,

Please allow this letter to express Subtext Acquisitions, LLC (the "Applicant")'s support in approving the following text amendment to the City's Zoning Code that allows for procedural flexibility in obtaining the necessary approvals to provide parking for planned district developments:

New Section 400.2130.G. Planned Developments. Exceptions in this Section authorized under the conditional use procedure may be authorized for planned developments under the planned development procedure in Article IV, Division 11 of this Chapter, and the same exception standards and maximum reductions in parking and loading spaces shall apply under either procedure and may be adjusted by the City Council to the same extent allowed under Section 400.2700.D.2 for conditional uses.

The Plan Commission, on December 6, 2023, recommended a text amendment that in addition to procedural flexibility allows for modifications to current off-street parking requirements through the planned development procedure. Please note that Subtext agrees to comply with the parking calculations and requirements as set forth in the current Zoning Code for its development of 6630-6654 Delmar Boulevard (the "Site"), so the Plan Commission's recommendation on such modifications is not needed nor requested by the Applicant.

The Applicant respectfully requests the immediate introduction of legislation adopting the above new Section 400.2130.G at a special meeting held before the end of the year, so that the City Council may consider final passage of such legislation at its meeting on January 8, 2024. The Applicant also respectfully requests that at the same special meeting, the City Council introduce legislation amending the Zoning Map for the Site (REZ 23-02) and approving a final plat for lot consolidation at the Site (SUB-23-02), as recommended by the Plan Commission on October 25, 2023, and that a resolution approving the preliminary development plan for the Site be introduced at the special meeting or on January 8, 2024 (REZ 23-02) and passed on January 8, 2024, as recommended by Plan Commission on December 6, 2023.



Plan Commission

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

December 6, 2023

Ms. LaRette Reese
City Clerk
City of University City
6801 Delmar Boulevard
University City, MO 63130

RE: Zoning Text Amendment – TXT 23-04

Dear Ms. Reese,

At a regularly scheduled meeting on December 6, 2023, at 6:30 p.m. in the 5th Floor Council Chambers at City Hall (6801 Delmar Boulevard) the Plan Commission considered the application of Subtext Acquisitions, LLC for a Zoning Text Amendment to amend sections 400.760, 400.780, 400.1190, and 400.2130 in the zoning code.

The Plan Commission voted unanimously to approve the first three (3) of the four text amendments in TXT 23-04. The fourth amendment, relative to Section 400.2130G, was not recommended for approval by the Plan Commission, affirming the October 25, 2023 recommendation on Section 400.2130G.

Sincerely,

Margaret Holly, Chairperson
University City Plan Commission

MEMO (UPDATED FOR DECEMBER 6, 2023)

Updates to this staff report are indicated in bold, blue text

City Council

Meeting Date	December 20, 2023 (Presented October 25, 2023 and December 6, 2023)
File Number	TXT-23-04
Council District	n/a
Applicant	Subtext Acquisitions, LLC
Request	Approval of Text Amendment to sections 400.760, 400.780, 400.1190, and 400.2130 in the zoning code

Comprehensive Plan Conformance:

Yes No No reference

Staff Recommendation:

Approval Approval with Conditions Denial

Attachments:

- A. Proposed Text Amendment (**only Section 400.2130 is attached to this revised memo, since the other Sections in the amendment are not affected**)

Request

The applicant, Subtext Acquisitions, LLC, is requesting approval of a text amendment to various sections of the zoning code. A recommendation and action are needed in advance of Plan Commission and City Council recommendation of REZ-23-02, an application for Planned Development – Mixed-Use. Below is a summary of each provision proposed to be amended and the purpose:

- **400.760(D)** – This subsection describes the permitted uses for Planned Development – Mixed-Use (PD-M). Currently, there is no provision for allowing elevator-type dwellings with a floor area ratio (FAR) of greater than three (3.0). The applicant is concurrently proposing a mixed-use development (PD-M) with elevator-type dwellings and an overall FAR of 3.69. The proposed text amendment would allow elevator-type dwellings with an FAR of greater than 3.0 to be designated as permitted uses only through the PD-M procedure. The Plan Commission and City Council will retain their authority to evaluate the appropriateness of the use and intensity and determine whether to approve or deny, or approve with conditions, the use and intensity.
- **400.780(E)** – This subsection describes the dimensional regulations for Planned Development – Mixed-Use (PD-M). The proposed amendment would allow the Plan Commission and City Council to waive perimeter buffer requirements (which can be up to 50 feet wide) for PD-M developments specifically in the Delmar Loop, when deemed appropriate. This proposed amendment recognizes that requiring such buffers can be burdensome for development in the Delmar Loop, where space

is limited, and that the buffers are not compatible with the character of the Delmar Loop. The proposed amendment also defines the Delmar Loop for the purposes of the subsection.

- **400.1190(B)** – This subsection requires an increase in setbacks (10') and screening (privacy fence) when residential developments or multi-family developments abut commercial uses. The proposed amendment would allow the Plan Commission and City Council to waive the increased setback and screening for developments in the Delmar Loop when deemed appropriate. Similar to the above reasoning, this proposed amendment recognizes that requiring increased setbacks and screening in the Delmar Loop is not consistent with the character of existing development in the Delmar Loop. The proposed amendment also defines the Delmar Loop for purposes of the subsection.
- **400.2130** – This section sets forth various exceptions to the minimum off-street parking requirements. The proposed amendment allows the Plan Commission and City Council to modify the parking requirements for developments going through the Planned Development procedure without also requiring a Conditional Use Permit (CUP). As currently written, most of the exceptions in 400.2130 can only be granted with a CUP, even if a proposed development is already going through the Planned Development process. The amendment would also allow the Plan Commission and City Council to approve greater modification of parking requirements based on evidence provided by the applicant, including industry data and analysis of parking demands for the specific uses. While Planned Developments requesting modification to the parking requirements would not be required to obtain a CUP for a parking reduction, they would still be required to meet the CUP review criteria.

The proposed text amendment has been revised (see attached) to change this provision, which would allow greater modification from the parking requirements beyond what is currently allowed in the code. Instead, this provision will simply allow existing parking reductions in Section 400.2130 to be authorized under the Plan Development procedure. Currently, the code only allows some of these reductions through the Conditional Use Permit procedure.

Process – Required City Approvals

Plan Commission. Section 400.3180 of the zoning code requires that the Plan Commission report to the City Council its recommendation on any application after receipt of the staff review report. The Zoning Administrator shall forward a copy of the Plan Commission's recommendation to the Historic Preservation Commission.

City Council. Section 400.3190 of the zoning code requires that text amendment applications be reviewed by City Council for final decision, subsequent to a recommendation from Plan Commission. The City Council shall hold a public hearing before acting on any application for amendment.

Plan Commission Meeting

At the Plan Commission meeting on December 6, 2023, the Plan Commission voted unanimously to approve the first three (3) of the four text amendments in TXT 23-04. The fourth amendment, relative to Section 400.2130G, was not recommended for approval by the Plan Commission, affirming the October 25, 2023, recommendation on Section 400.2130G.

Amend Section 400.760.D:

D. Planned Development — Mixed Use (PD-M).

1. Permitted land uses and developments shall be established in the conditions of the ordinance adopted by the City Council governing the particular planned development — mixed use district. Specific uses shall include those uses designated as permitted, accessory, or conditional uses in any of the residential districts, and/or in the "LC", "GC" and "CC" commercial districts.
2. In addition to those uses included in Subsection (D)(1) of this Section, the following uses may be designated as permitted uses and established as such in the ordinance governing the particular planned development — mixed use district:
 - a. Attached single-family dwellings;
 - b. Patio dwellings;
 - c. Zero lot line residential developments;
 - d. Dwellings, elevator-type, with a F.A.R. greater than three (3).
3. It is anticipated that the above uses will be combined in order to qualify as "PD-M" district.

Amend Section 400.780.E:

- E Planned Development — Mixed Use (PD-M). "PD-M" developments shall incorporate the regulations set forth in both Subsections dealing specifically with "PD-R" and "PD-C" developments, **except that the minimum perimeter buffer area may be reduced or not required if the "PD-M" development is on Delmar Boulevard between Kingsland Avenue and the eastern municipal limits, the broadly described boundaries of the University City Loop special business district established in Section 120.900.** If an unresolved conflict between those regulations occurs (such as between common open space versus site coverage), the applicant shall set forth the reasons for such discrepancy and the proposed resolution. Any discrepancies between the two (2) sets of regulations and the resolution thereof shall be set forth in the map amendment ordinance and/or the resolution approving the development. The resolution thereof shall be pursuant to staff recommendation or as set forth by the Plan Commission in the map amendment ordinance.

Amend Section 400.1190.B:

- B. In situations where a residential subdivision (more than three (3) lots) or other multiple dwelling unit development is constructed on a site that is abutting or adjacent to commercial or an "IC" zoned lot, the developer of the residential subdivision or development shall provide the following increase in setbacks and screening:
1. The minimum setback for the principal residential buildings shall be increased by ten (10) feet along the common property line separating the residential and commercial or "IC" Zoning District. A permanent buffer strip of a minimum of ten (10) feet shall be established adjacent to and parallel to said common property line(s). This strip shall be

indicated on the approved subdivision plat and/or development plan and annotated with the following statement: "This strip is reserved for landscape screening. The placement of buildings or other structures hereon is prohibited."

2. Within this buffer strip, there shall be a landscaped area planted with one (1) evergreen tree for every twenty (20) lineal feet of common property line. In addition, combinations of canopy trees, ornamental trees and shrubs shall be provided as approved by the Zoning Administrator, provided that such landscaping will effectively screen the non-residential uses from the view of the abutting residential zoned properties.
3. In addition, there shall be placed at the property line a neat, clean and maintained sight-proof fence or wall having a minimum height of six (6) feet, but not more than eight (8) feet.

The setbacks and screening in this Subsection may be reduced or not required under the planned development procedure in Article IV, Division 11 of this Chapter provided the development is on Delmar Boulevard between Kingsland Avenue and the eastern municipal limits, the broadly described boundaries of the University City Loop special business district established in Section 120.900.

Add Section 400.2130.G:

- G. Planned Developments. Exceptions in this Section authorized under the conditional use procedure may be authorized for planned developments under the planned development procedure in Article IV, Division 11 of this Chapter, and the same exception standards shall apply under either procedure and may be adjusted the City Council to the same extent allowed under Section 400.2700.D.2 for conditional uses.

Staff Recommendation

Staff recommends approval of the text amendment as amended above.

INTRODUCED BY:

DATE:

BILL NO.: 9532

ORDINANCE NO.:

AN ORDINANCE AMENDING ZONING CODE SECTIONS 400.760.D, 400.780.E, 400.1190.B AND 400.2130 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING OR APPLICABLE TO PLANNED DEVELOPMENTS, BY ADDING PROVISIONS ON MINIMUM OFF-STREET PARKING AND LOADING SPACES IN ALL PLANNED DEVELOPMENT DISTRICTS ("PD"), AND PROVISIONS ON FLOOR AREA RATIOS, MINIMUM PERIMETER BUFFER AREAS AND SETBACKS AND SCREENING IN PLANNED DEVELOPMENT - MIXED USE DISTRICTS ("PD-M").

WHEREAS, Chapter 400 (Zoning Code) of the University City Municipal Code divides the City of University City, Missouri (City) into several zoning districts and establishes standards therein to which land, buildings, structures and their uses must conform; and

WHEREAS, in a meeting held on December 6, 2023, the City Plan Commission examined Zoning Code text amendments to Sections 400.760.D, 400.780.E, 400.1190.B and 400.2130 that added provisions on minimum off-street parking and loading spaces in all Planned Development Districts ("PD"), and provisions on floor area ratios, minimum perimeter buffer areas and setbacks and screening in Planned Development - Mixed Use Districts ("PD -M"), and recommended to the City Council that the text amendments to Sections 400.760.D, 400.780.E, 400.1190.B be approved and the text amendment to Section 400.2130 not be approved; and

WHEREAS, due notice of a public hearing to be held by the City Council in the City Council Chambers at City Hall at 6:30 p.m. on January 8, 2024, was duly published on December 22, 2023 in the St. Louis Countian, a newspaper of general circulation within the City; and

WHEREAS, the public hearing was held at the time and place specified in said notice, and all suggestions or objections concerning the text amendments to the Zoning Code of the City were duly heard and considered by the City Council.

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

Section 1. Zoning Code Sections 400.760.D, 400.780.E and 400.1190.B of the University City Municipal Code, relating or applicable to planned developments, are hereby amended by adding provisions therein, so that said Sections, as so amended, shall read as follows:

Section 400.760 Permitted Uses:

D. Planned Development — Mixed Use (PD-M).

1. Permitted land uses and developments shall be established in the conditions of the ordinance adopted by the City Council governing the particular planned development — mixed use district. Specific uses shall include those uses designated as permitted, accessory, or conditional uses in any of the residential districts, and/or in the "LC", "GC" and "CC" commercial districts.

2. In addition to those uses included in Subsection (D)(1) of this Section, the following uses may be designated as permitted uses and established as such in the ordinance governing the particular planned development — mixed use district:
 - a. Attached single-family dwellings;
 - b. Patio dwellings;
 - c. Zero lot line residential developments;
 - d. Dwellings, elevator-type, with a F.A.R. greater than three (3).
3. It is anticipated that the above uses will be combined in order to qualify as "PD-M" district.

Section 400.780 Density and Dimensional Regulations and Performance Standards:

- E. Planned Development — Mixed Use (PD-M). "PD-M" developments shall incorporate the regulations set forth in both Subsections dealing specifically with "PD-R" and "PD-C" developments, except that the minimum perimeter buffer area may be reduced or not required if the "PD-M" development is on Delmar Boulevard between Kingsland Avenue and the eastern municipal limits, the broadly described boundaries of the University City Loop special business district established in Section 120.900. If an unresolved conflict between those regulations occurs (such as between common open space versus site coverage), the applicant shall set forth the reasons for such discrepancy and the proposed resolution. Any discrepancies between the two (2) sets of regulations and the resolution thereof shall be set forth in the map amendment ordinance and/or the resolution approving the development. The resolution thereof shall be pursuant to staff recommendation or as set forth by the Plan Commission in the map amendment ordinance.

Section 400.1190 Screening Between Non-Residential and Residential Zoning Districts:

- B. In situations where a residential subdivision (more than three (3) lots) or other multiple dwelling unit development is constructed on a site that is abutting or adjacent to commercial or an "IC" zoned lot, the developer of the residential subdivision or development shall provide the following increase in setbacks and screening:
 1. The minimum setback for the principal residential buildings shall be increased by ten (10) feet along the common property line separating the residential and commercial or "IC" Zoning District. A permanent buffer strip of a minimum of ten (10) feet shall be established adjacent to and parallel to said common property line(s). This strip shall be indicated on the approved subdivision plat and/or development plan and annotated with the following statement: "This strip is reserved for landscape screening. The placement of buildings or other structures hereon is prohibited."
 2. Within this buffer strip, there shall be a landscaped area planted with one (1) evergreen tree for every twenty (20) lineal feet of common property line. In addition, combinations of canopy trees, ornamental trees and shrubs shall be provided as approved by the Zoning Administrator, provided that such landscaping will effectively screen the non-residential uses from the view of the abutting residential zoned properties.
 3. In addition, there shall be placed at the property line a neat, clean and maintained sight-proof fence or wall having a minimum height of six (6) feet, but not more than eight (8) feet.

The setbacks and screening in this Subsection may be reduced or not required under the planned development procedure in Article IV, Division 11 of this Chapter provided the development is on Delmar Boulevard between Kingsland Avenue and the eastern municipal limits, the broadly described boundaries of the University City Loop special business district established in Section 120.900.

Section 2. Zoning Code Section 400.2130 of the University City Municipal Code, relating or applicable to planned developments, is hereby amended by adding Subsection G therein, which shall read as follows:

- G. Planned Developments. Exceptions in this Section authorized under the conditional use procedure may be authorized for planned developments under the planned development procedure in Article IV, Division 11 of this Chapter, and the same exception standards and maximum reductions in parking and loading spaces shall apply under either procedure and may be adjusted by the City Council to the same extent allowed under Section 400.2700.D.2 for conditional uses.

Section 3. This ordinance shall not be construed so as to relieve any person, firm or corporation from any penalty incurred by the violation of Sections 400.760.D, 400.780.E, 400.1190.B or 400.2130 of the University City Municipal Code, nor bar the prosecution of any such violation.

Section 4. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to the penalties provided in Section 400.2570 of the University City Municipal Code.

Section 5. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED and ADOPTED this 8th day of January, 2024.

Mayor

ATTEST:

City Clerk

CERTIFIED TO BE CORRECT AS TO FORM:

City Attorney

**CITY OF UNIVERSITY CITY COUNCIL MEETING
AGENDA ITEM**



NUMBER: <i>For City Clerk Use</i>	UB20240108-02
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SUBJECT/TITLE: REZ 23-02– Application for a Zoning Map Amendment and approval of a Preliminary Development Plan for Subtext Acquisitions, LLC at 6630, 6640, 6650, 6654 Delmar Boulevard.			
PREPARED BY: John L. Wagner		DEPARTMENT / WARD Planning and Development	
AGENDA SECTION:	Unfin Bus - Bill 9533	CAN ITEM BE RESCHEDULED?	yes
CITY MANAGER'S RECOMMENDATION OR RECOMMENDED MOTION: City Manager recommends approval. Subtext developers submitted a letter indicating their intention to meet our parking standards. The letter was received after the Planning Commission considered the amendments.			
FISCAL IMPACT: N/A			
AMOUNT:		ACCOUNT No.:	
FROM FUND:		TO FUND:	
EXPLANATION: N/A			

STAFF COMMENTS AND BACKGROUND INFORMATION: At the Plan Commission meeting on December 6, 2023, the Plan Commission did not take any action on REZ 23-02, affirming the October 25, 2023, meeting decision. The Commission also did not take action on the Preliminary Development Plan at the December 6, 2023 meeting, again affirming its October 25, 2023 meeting decision regarding the Preliminary Development Plan. Since the Plan Commission meeting on December 6, 2023, the Applicant has agreed to comply with the City's parking regulations and have proposed a new Section 400.2130G. See attached letter from Subtext to the City Manager dated December 15, 2023.

CIP No.	
RELATED ITEMS / ATTACHMENTS: Attached are the Plan Commission Transmittal Letter, Staff Report from the December 6, 2023 Plan Commission meeting - amended to include for the City Council the Plan Commission's recommendation, Preliminary Development Plan, and a Draft Ordinance and the letter from Subtext to the City Manager dated December 15, 2023.	

LIST CITY COUNCIL GOALS (5): Economic Development, Encourage High-quality Growth, Improved Infrastructure,	
RESPECTFULLY SUBMITTED:	City Manager, Gregroy Rose
MEETING DATE:	January 8, 2024



Plan Commission

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

December 6, 2023

Ms. LaRette Reese
City Clerk
City of University City
6801 Delmar Boulevard
University City, MO 63130

RE: Zoning Map Amendment – Subtext Acquisitions, LLC (REZ 23-02)

Dear Ms. Reese,

At a regularly scheduled meeting on October 25, 2023 at 975 Pennsylvania Avenue (Community Center) and on December 6, 2023, at 6:30 p.m. in the 5th Floor Council Chambers at City Hall (6801 Delmar Boulevard), the Plan Commission considered the application of Subtext Acquisitions, LLC for a Zoning Map Amendment for 6630, 6640, 6650, 6654 Delmar Boulevard (a.k.a. The Commerce Bank Site), and to further consider approval of a Preliminary Development Plan.

By a vote of 6 to 0, the Plan Commission did not take any action on REZ 23-02 at the December 6, 2023 meeting, affirming the October 25, 2023, meeting decision. The Commission also did not take action on the Preliminary Development Plan at the December 6, 2023, meeting, again affirming its October 25, 2023 meeting decision regarding the Preliminary Development Plan.

Sincerely,

A handwritten signature in blue ink, reading "Margaret Holly".

Margaret Holly, Chairperson
University City Plan Commission

STAFF REPORT (UPDATED FOR DECEMBER 6, 2023)
Updates to this staff report are indicated in bold, blue text

City Council

Meeting Date	December 20, 2023 (Presented October 25, 2023 and December 6, 2023)
File Number	REZ-23-02
Council District	1
Location	6630, 6640, 6650, 6654 Delmar Boulevard
Applicant	Subtext Acquisitions, LLC
Property Owner	6630, 6650 Delmar Blvd: Commerce Bank 6640, 6654 Delmar Blvd: Washington University in St. Louis
Request	Map Amendment from Core Commercial (CC) to Planned Development – Mixed-Use (PD-M) and to further consider approval of a Preliminary Development Plan

Comprehensive Plan Conformance:

Yes No No reference

Staff Recommendation:

Approval Approval with Conditions Denial

Attachments:

- A. Application
- B. Property Owner Authorizations
- C. Narrative
- D. Site Plans
- E. Geotechnical Report
- F. Architectural Plans & Renderings
- G. Landscape Plans
- H. Traffic Impact Study
- I. Parking Sufficiency Memo
- J. **Exhibit A – Parking Analysis**

Applicant Request

The applicant, Subtext, LLC, is requesting a Map Amendment rezoning from Core Commercial (CC) to Planned Development Mixed-Use (PD-M) and further approval of a Preliminary Development Plan for a mixed-use development at 6630-6654 Delmar Boulevard. The development would include 329 dwelling units and approximately 8,000 square feet of retail/restaurant space.

Existing Property

The subject property consists of four parcels located at 6630, 6640, 6650, and 6654 Delmar Boulevard. There are two existing commercial buildings on the property, one of which is a one-story former Commerce Bank retail location with additional retail and restaurant tenant space. The Commerce Bank building was originally built in 1953, according to St. Louis County Assessor data. The other existing building is the former Craft Alliance building, built in 1930. Commerce Bank owns a majority of the property (6630 and 6650 Delmar), and Washington University owns the Craft Alliance site (6640 Delmar) and the small parcel adjacent to it (6654 Delmar). Both buildings on the property are vacant, and remaining areas of the parcels are occupied by parking lots. There is on-street parking available on three sides of the property (Delmar, Leland, and Loop South).

The entire property is zoned Core Commercial (CC) and consists of 1.98 acres. Neither of the existing buildings are designated historic sites nor is any part of the property in a historic district. However, the site is within 300 feet of three historic districts: University City Civic Complex Historic District (Local), Delmar Loop – Parkview Gardens Historic District (National), and Parkview Historic District (Local). When properties are within 300 feet of a historic district, the code requires building permits to be forwarded to the Historic Preservation Commission for interpretation, advice and recommendations. No part of the property is within a floodplain.

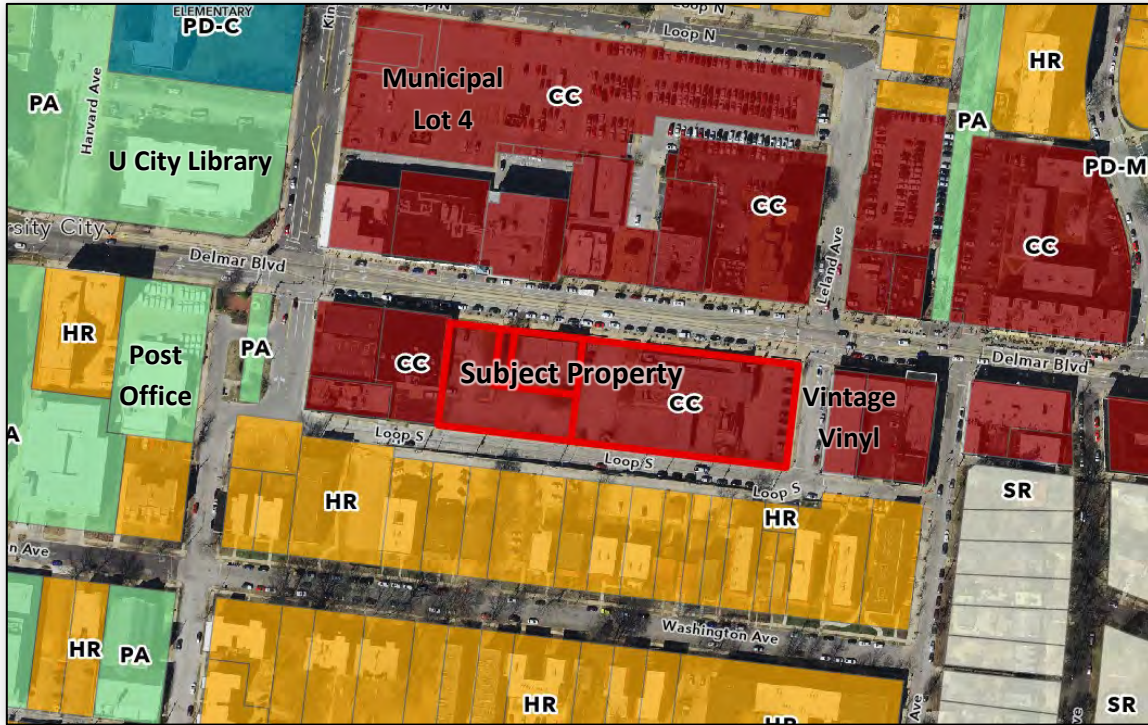


Existing Zoning & Land Use		Surrounding Zoning & Land Use	
Existing Zoning:	Core Commercial (CC)	North:	Core Commercial (CC); Elevator apartments, restaurant, retail
Existing Land Use:	Vacant (formerly occupied by bank, retail, and restaurant)	East:	Core Commercial (CC); Retail, restaurant, and office
Proposed Zoning:	Planned Development – Mixed-Use (PD-M)	South:	High Density Residential (HR); Elevator apartments, garden apartments, attached single-family, single-family

Proposed Land Use: Mixed-use: residential (elevator apartments, townhomes), retail, restaurant

West: Core Commercial (CC); Retail, restaurant

Surrounding Zoning



Analysis

Land Use and Zoning

The proposed development includes 329 dwelling units, 3,644 square feet of restaurant space, and 4,466 square feet of retail space. Of the 329 dwelling units, 319 are elevator-type dwellings on the floors above ground level: 54 studios, 49 one-bedroom units, 140 two-bedroom units, and 76 three-bedroom units. The remaining ten dwelling units are two-story town-house dwellings with two bedrooms and two bathrooms each, with direct access from the ground level and internal access from inside the building.

The above uses are considered permitted uses in the Planned Development – Mixed-Use District per §400.760(D). However, the zoning code does not currently address elevator-type dwellings that exceed a floor area ratio (FAR) of 3.0. As currently proposed, the overall FAR of the mixed-use building is 3.69. Therefore, a Text Amendment would be required to permit an elevator-type dwelling with an FAR greater than 3.0 (see concurrently proposed TXT-23-04).

Dimensional Regulations

PD-M developments are subject to the dimensional regulations set forth for Planned Development – Residential (PD-R) and Planned Development – Commercial (PD-C), and if there is an unresolved conflict between the PD-R and PD-C regulations, those discrepancies are required to be explained and a resolution proposed. In addition, there are relevant dimensional regulations in Article V, Division 4 (Supplementary Residential Development Standards) and Article V, Division 6 (Landscaping and Screening Requirements). The proposed PD-M development meets the dimensional regulations in the code sections listed above, with two exceptions that are described below.

1. Conflict with Perimeter Buffer Requirements per §400.780(C)(6)(b) and §400.780(D)(4)

PD-R and PD-C developments require perimeter buffers in certain situations. PD-R developments require a 30-foot-wide buffer when abutting a commercial or industrial use or zoning district. Abutting is defined in Article II Definitions as *“having a common border with, or being separated from such a common border by a right-of-way or easement for a street, alley, pedestrian way, utilities or storm drainage.”* By this definition, the proposed PD-M development abuts commercial uses and zoning districts at its west, north, and east property lines. Therefore, the 30-foot-wide buffer would be required along those three sides of the property. Additionally, PD-C developments require a 50-foot-wide buffer when abutting a residential zoning district. Therefore, the proposed PD-M development would require a 50-foot-wide buffer along its south property line where it abuts a High Density Residential (HR) zoning district, with the Loop South right-of-way in between. These buffers require dense landscaping and screening between the abutting uses/zoning districts.

With the above requirements, the development would require buffers on all four sides of the property, decreasing the buildable area of the property from 86,297 square feet of total lot area to 39,227 square feet of buildable lot area (54.5% reduction). It is staff’s opinion that these buffers are not appropriate for the proposed development for three reasons. First, the required buffers are not consistent with the existing character of the Delmar Loop and abutting properties. Second, requiring a 30-foot-wide buffer at the north and east property lines (fronting Delmar and Leland) with landscaping and permanent screening from the “abutting” commercial uses across Delmar and Leland, would block visibility into the proposed ground floor retail and restaurant storefronts. This screening would have adverse impacts on maintaining and promoting an active streetscape that supports retail and restaurant businesses. Finally, the buffers would significantly limit buildable area and could potentially threaten the economic feasibility of redeveloping the subject property.

Therefore, a Text Amendment is recommended to address these perimeter buffer conflicts (see concurrently proposed TXT-23-04).

2. Conflict with Landscaping & Screening Requirements per §400.1190(B)(1)

Article V, Division 6 (Landscaping and Screening Requirements) of the zoning code requires an increase in setbacks (10-foot increase) and screening (dense evergreen tree plantings and a minimum 6-foot-tall privacy fence) when multi-family developments abut commercial zoning districts. It is staff’s opinion that these requirements are not appropriate for the proposed development for similar reasons described above for the perimeter buffer conflict.

Therefore, a Text Amendment is recommended to address these increased landscaping and screening conflicts (see concurrently proposed TXT-23-04).

Finally, Article V, Division 4 (Supplementary Residential Development Standards) sets forth additional dimensional regulations for elevator-type dwellings and town-house dwellings. A few of the standards set forth in this Division of the zoning code are not met by the proposed development. However, deviation from the strict application of these supplementary residential standards is permitted under the provisions of a planned development per §400.1110. The purpose of planned development districts is to:

“provide a means of achieving greater flexibility in development of land in a manner not always possible in conventional zoning districts; to encourage a more imaginative and innovative design of projects; to promote a more desirable community environment; and to retain maximum control over both the design and future operation of the development.” (§400.720(A))

Off-Street Parking Requirements

Without any of the reductions allowed in the zoning code, the proposed development requires a total of 699 parking spaces, 607 of which are required for the residential uses, 20 for visitors of the building's residents, 49 for the restaurant use, and 23 for the retail use. The applicant is requesting a reduction in the required number of parking spaces to a total of 379 parking spaces (1 per dwelling unit plus 50 spaces for the retail, restaurant, and visitor parking combined).

As currently written in the zoning code, reductions in parking (or exceptions to the minimum number of required parking spaces) can be granted through a few provisions. These include when a development is within 500 feet of a transit stop/station (10% reduction); shared parking arrangements (when different uses have different peak parking periods); when public parking is allocated for the development (with a fee per parking space allocated); and/or through Conditional Use Permit (up to 20% reduction).

In late 2019, the Plan Commission recommended, and City Council approved, the removal of a provision exempting redevelopments (including the construction of new buildings) in the Core Commercial (CC) zoning district from meeting the minimum number of required parking spaces. The original intent of this provision was to encourage redevelopment in the Delmar Loop and promote a walkable environment. When the provision was removed, the intent was to "effectively address the negative impacts of excessive on-street parking demands" (staff memo to City Council). Since 2019, no new construction redevelopments have been approved in the Delmar Loop. This trend may be a sign that the City's parking standards can be a deterrent in the Delmar Loop, where space is tight and the proximity of restaurants, shops, and entertainment venues, and overall walkable environment are one of its main attractions.

The existing provisions for parking reduction are not sufficient to approve the proposed number of parking spaces (329 ~~329~~ 379). Therefore, a Text Amendment would be necessary to permit the proposed reduction in parking spaces (see proposed TXT-23-04). TXT-23-04 would create a provision that allows modification of the off-street parking requirements through the Planned Development procedure if the modification meets the conditional use permit review criteria set forth in §400.2710. The applicant has included with their application a parking sufficiency memo from CBB Transportation Engineers stating that the proposed number of parking spaces meets the average parking demand. This opinion is based on parking demand data from the Institute of Traffic Engineers (ITE) Parking General Manual for the proposed uses.

Since the October 25, 2023 meeting, the City hired two transportation engineering firms to review the results of the Parking Sufficiency Memo (attached to this staff report) which was prepared by the applicant's consultant. Both firms confirmed that the methodology in the Parking Sufficiency Memo is sound and advised that 425 parking spaces is sufficient for the proposed development.

In addition, the viability of the Preliminary Development Plan recommended on 10/25/23 relative to the recommended provisions in TXT-23-04 related to parking requirements has become problematic. The proposed development must comply with the existing parking requirements and existing provisions for parking reductions outlined in Section 400.2130. TXT-23-04 has been amended (see separate staff report) to reflect this, and additional analysis has been provided on the authorized parking reductions (see Exhibit A, attached to this staff report).

It is staff's opinion that the CUP review criteria (400.2710) and the General Standards for approval of a development plan (400.780(A)) are satisfied for the requested modification to the parking requirements, and that the reduction in the required parking would be appropriate, given the following:

- CBB Transportation Engineer's parking sufficiency memo (attached)
- Good access to public transportation:

- 14-minute walk to University City-Big Bend MetroLink Station (Blue Line)
- 15-minute walk to Delmar Loop MetroLink station (Red Line)
- 0-minute walk to bus stop for MetroBus Route 97 (connections to Downtown St. Louis and Downtown Clayton)
- 4-minute walk to bus stop for MetroBus Route 5 (connections to Washington University facilities)
- Highly walkable location (Walk Score of 90 – “Walker’s Paradise”)
- Bicycle friendly location (Bike Score of 70 – “Very Bikeable”)
- Regional and national trends towards more flexible parking requirements, especially in denser, mixed-use environments. For example, neighborhoods such as Forest Park Southeast in St. Louis limit how much off-street parking a developer can build to one space per dwelling unit (regardless of the number of bedrooms), with the intent of encouraging density and foot traffic to support businesses, amenities, and services in the neighborhood.

Bicycle Parking

The proposed development appears to provide sufficient off-street bicycle parking spaces per §400.2145. A dedicated bicycle storage room is provided on the ground floor with direct access from the sidewalk along Leland Avenue.

Loading

Off-street loading spaces have been provided per the requirements set forth in §400.2150.

Site Coverage

Planned Development – Commercial (PD-C) developments are limited to a site coverage of 70%, but if the proposed development can demonstrate compliance with four or more of the performance criteria set forth in §400.780(D)(2), site coverage can be increased to 90% maximum. The proposed development has 86.6% site coverage. Site coverage is defined in the zoning code as “the area of the site which is covered by buildings, driveways, parking lots, loading areas, but excluding open spaces, plazas, pedestrian circulation, and buffer areas.” The applicant has demonstrated compliance with the following criteria:

- Install storm drainage detention facilities underground
- Providing for screened loading and unloading areas
- Providing for mixed-use developments that include community facilities that further the goals, objectives and policies of the Comprehensive Plan
- Demonstration of a development using innovative architectural, site planning and land use design and of such quality as to set an excellent example for subsequent development or redevelopment projects

2005 Comprehensive Plan

The future land use map of the Comprehensive Plan identifies the subject property as “Mixed-Use/Transit Oriented Development”. The intended land uses for this category include a combination of commercial, professional and/or residential uses should occur or be encouraged. Land use activities in “Mixed-Use/Transit Oriented Development” should be neighborhood serving or community serving; mixed uses may be a single building, a group of buildings or a multiple block district. The proposed use of the subject property is consistent with the purpose and intent of this land use category.

2023 Comprehensive Plan

The 2023 Comprehensive Plan was unanimously adopted by the Plan Commission by resolution on September 27, 2023. Once approved by the City Council, the 2023 Comprehensive Plan will go into full effect and will replace the 2005 Comprehensive Plan. The proposed development furthers the 2023 plan’s

emphasis on encouraging denser, mixed-use development, particularly in Activity Centers, and reducing parking requirements where appropriate. The future character and land use map of the 2023 plan identifies the subject property as an “Activity Center” and is within the “Loop Activity Center Overlay”. The uses and character of the proposed development are consistent with both place types.

Previously Held Public Meetings for the Proposed Development

Below is a summary of previously held public meetings and events to obtain feedback on the proposed development from City Boards & Commissions and neighboring residents.

- July 26, 2023 – Plan Commission working session
- August 11, 2023 – Community open-house event
- September 19, 2023 – Community open-house event
- September 27, 2023 – Plan Commission working session
- October 10, 2023 – Loop Special Business District Board meeting
- October 11, 2023 – Traffic Commission meeting

Plan Commission Meeting

At the Plan Commission meeting on December 6, 2023, the Plan Commission did not take any action on REZ 23-02, affirming the October 25, 2023, meeting decision. The Commission also did not take action on the Preliminary Development Plan at the December 6, 2023 meeting, again affirming its October 25, 2023 meeting decision regarding the Preliminary Development Plan.

Staff Recommendation

Staff recommends approval of the Map Amendment and Preliminary Development Plan as presented in the attached documents, with the following conditions:

1. The recommendation is contingent upon City Council approval of TXT-23-04.
2. **The development shall be subject to the standards set forth in 400.590(C) through 400.590(F).**
3. **The recommendation of the Preliminary Development Plan is contingent upon the City verification of the parking analysis prior to the Preliminary Development Plan being presented to City Council.**
4. **A reduction in the number of parking spaces is approved, from 699 to 461 required spaces, per analysis in Exhibit A, attached to this staff report, with the following conditions:**
 - a. **All 461 parking spaces shall be made available to all uses within the development. In the event some spaces are restricted for a particular use, the development must comply with the shared parking table requirements to reflect that some of the spaces will not be shared among all uses.**
 - b. **The applicant shall satisfy the 461 required parking spaces by either providing all the required spaces on-site, or by paying to the City a fee for pro rata share of the cost of constructing and maintaining Municipal Lot No. 4.**
 - c. **In the event the final development plan has changes to the Preliminary Development Plan that affect the minimum number required by Chapter 400, Article VII, the minimum number shall increase or decrease accordingly.**

LOCAL UNIVERSITY CITY

A TRACT OF LAND BEING PART OF LOTS 6-11 AND 15 AND PART OF LOTS 5, 12-14 OF ROSEDALE HEIGHTS AS RECORDED IN PLAT BOOK 2, PAGE 60 UNIVERSITY CITY, ST. LOUIS COUNTY, MISSOURI

PRELIMINARY DEVELOPMENT PLAN/PLAT

ABBREVIATIONS	
C.O.	- CLEANOUT
DB	- DEED BOOK
E	- ELECTRIC
FL	- FLOWLINE
FT	- FEET
FND.	- FOUND
G	- GAS
M.H.	- MANHOLE
N/F	- NOW OR FORMERLY
PL	- PLAT BOOK
PC	- PAGE
P.V.C.	- POLYVINYL CHLORIDE PIPE
R.B.	- RADIAL BEARING
R.C.P.	- REINFORCED CONCRETE PIPE
SQ.	- SQUARE
T	- TELEPHONE CABLE
V.C.P.	- VETRIFIED CLAY PIPE
W	- WATER
(88'W)	- RIGHT-OF-WAY WIDTH

LEGEND	
	BENCH MARK
	FOUND IRON ROD
	FOUND IRON PIPE
	RIGHT OF WAY MARKER
	UTILITY POLE
	SUPPORT POLE
	UTILITY POLE WITH LIGHT
	LIGHT STANDARD
	ELECTRIC METER
	ELECTRIC MANHOLE
	ELECTRIC PEDESTAL
	ELECTRIC SPLICE BOX
	GAS DRP
	GAS METER
	GAS VALVE
	TELEPHONE MANHOLE
	TELEPHONE PEDESTAL
	TELEPHONE SPLICE BOX
	CABLE TV PEDESTAL
	FIRE HYDRANT
	FIRE DEPARTMENT CONNECTION
	WATER MANHOLE
	WATER METER
	WATER VALVE
	POST INDICATOR VALVE
	CLEAN OUT
	STORM MANHOLE
	GRATED MANHOLE
	STORMWATER INLET
	GRATED STORMWATER INLET
	SANITARY MANHOLE
	TREE
	BUSH
	TRAFFIC SIGNAL
	PARKING METER
	STREET SIGN
	SPRINKLER
	MAIL BOX



SITE INFORMATION

OWNER UNDER CONTRACT = SUBTEXT ACQUISITIONS, LLC
 SITE ACREAGE = 1.98 Acres ±
 SITE ADDRESS = 6630, 6640, 6650 and 6654 Delmar Blvd.
 ZIP CODE = 63130
 LOCATOR No. = 18H411713, 18H412466, 18J620923, 18J621166
 FIRE DISTRICT = University City
 SCHOOL DISTRICT = University City
 SEWER DISTRICT = Metropolitan St. Louis Sewer District
 WATER SERVICE = Missouri-American Water Company
 GAS SERVICE = Spire
 ELECTRIC SERVICE = Ameren UE
 PHONE SERVICE = At&t
 EXISTING ZONING = CORE COMMERCIAL
 PROPOSED ZONING = PLANNED DEVELOPMENT
 FIRM = 29189C0218K

SHEET INDEX

- C1.0 TITLE SHEET
- C2.0 EXISTING ALTA SURVEY
- C3.0 PRELIMINARY DEVELOPMENT PLAN
- C4.0 SITE SECTIONS
- C5.0 EXISTING RUNOFF MAP
- C6.0 PROPOSED RUNOFF MAP

TOTAL TRACT DESCRIPTION

A tract of land being part of lots 5 through 15 of Rosedale Heights, a subdivision according to the plat thereof as recorded in Plat Book 2, Page 60 of the St. Louis County records, located in US Survey 378, Township 45 North, Range 6 East of the Fifth Principal Meridian, University City, St. Louis County, Missouri being more particularly described as follows:

Beginning at the intersection of south right-of-way line of Delmar Boulevard, 80 feet wide, as established by Book 3811, Page 382 of above said records with the west right-of-way line of Leland Ave, 55 feet wide; thence along said west right-of-way line, South 03 degrees 00 minutes 32 seconds West, 164.34 feet to its intersection with the north right-of-way line of a South Loop Street, 55 feet wide; thence along said right-of-way line, North 87 degrees 14 minutes 00 seconds West, 525.11 feet to the east line of a tract of land as conveyed to BST Delmar, LLC by instrument recorded in Book 19826, Page 1172 of above said records; thence along said east line, North 03 degrees 00 minutes 32 seconds East, 164.34 feet to the south right-of-way line of above said Delmar Boulevard; thence along said right-of-way line, South 87 degrees 14 minutes 0 seconds East, 525.11 feet to the POINT OF BEGINNING.

Containing 86,294 square feet or 1.981 acres, more or less.

PARKING REQUIREMENTS:

RESTAURANT: 3,644 S.F. (1 SPACE PER 75 S.F.) = 49 REQUIRED

RETAIL: 4,466 S.F. (1 SPACE PER 200 S.F.) = 23 REQUIRED

RESIDENTIAL: 103: 1 BEDS (1.5 SPACE PER BED) = 155 REQUIRED
 226: 2 BED OR GREATER (2 SPACE PER BED) = 452 REQUIRED

VISITORS: 1 SPACE PER 6 UNITS FOR THE FIRST 30 UNITS
 AND 1 SPACE PER 20 UNITS THEREAFTER FOR = 20 REQUIRED

TOTAL PARKING SPACES REQUIRED = 699 SPACES
 TOTAL PARKING SPACES REQUIRED CODE ALLOWABLE REDUCTIONS = 461 SPACES
 TOTAL PARKING SPACES PROVIDED = 379 SPACES

GROSS FLOOR AREAS:

RETAIL: 8,110 S.F.
 RESIDENTIAL: 309,862 S.F.
 GARAGE: 122,657 S.F.

TOTAL GSF: 317,972 S.F. (INCLUDING GARAGE = 440,629 S.F.)

F.A.R. = $\frac{317,972 \text{ S.F.}}{(1.98 \text{ Ac.})(43,560 \text{ S.F.})} = 3.69$

FLOOD MAP INFORMATION:

SUBJECT PROPERTY LINES WITHIN FLOOD ZONE X (AREAS OF MINIMAL FLOOD HAZARD) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP NUMBER 2981C0218K, AN UNPRINTED MAP.

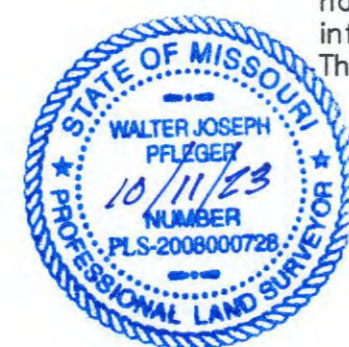
EXISTING SITE RESOURCES SUMMARY TABLE		
NATURAL RESOURCE	PRESENCE?	ADDITIONAL INFORMATION
WETLANDS	NO	NONE IDENTIFIED ON SITE.
STREAMS AND FLOODPLAIN	NO	FLOOD ZONE X (AREAS OF MINIMAL FLOOD HAZARD) PER FEMA MAP NUMBER: 2981C0218K, AN UNPRINTED MAP
KARST	NO	NONE IDENTIFIED ON SITE.
PONDS	NO	NONE IDENTIFIED ON SITE.

SURVEYOR'S CERTIFICATION

This is to certify that Stock and Associates Consulting Engineers, Inc. has prepared this Preliminary Development Plan/Plat from record survey information only and does not represent a property boundary survey. The existing and proposed subdivision are shown hereon.

STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC.
 L.S. No. 222-D

By: *Walter Joseph Pfeiffer*
 Walter Joseph Pfeiffer, Missouri P.L.S. No. 2008000728



CONTRACTOR NOTE:
 PRIOR TO OBTAINING A CONSTRUCTION PERMIT FROM THE METROPOLITAN ST. LOUIS SEWER DISTRICT, THE CONTRACTOR SHALL BE REQUIRED TO PROVIDE THE DISTRICT WITH A COPY OF AN EXECUTED CERTIFICATE OF INSURANCE INDICATING THAT THE PERMITTEE HAS OBTAINED AND WILL CONTINUE TO CARRY COMMERCIAL GENERAL LIABILITY AND COMPREHENSIVE AUTO LIABILITY INSURANCE. THE REQUIREMENTS AND LIMITS SHALL BE AS STATED IN THE "RULES AND REGULATIONS AND ENGINEERING DESIGN REQUIREMENTS FOR SANITARY AND STORMWATER DRAINAGE FACILITIES", SECTION 10.090 (ADDENDUM).

UTILITY NOTE:
 UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS, RECORDS AND INFORMATION, AND, THEREFORE DO NOT NECESSARILY REFLECT THE ACTUAL EXISTENCE, NON-EXISTENCE, SIZE, TYPE, NUMBER, OR LOCATION OF THESE FACILITIES, STRUCTURES AND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ALL UNDERGROUND FACILITIES, STRUCTURES, AND UTILITIES, EITHER SHOWN OR NOT SHOWN ON THESE PLANS. THE UNDERGROUND FACILITIES, STRUCTURES, AND UTILITIES SHALL BE LOCATED IN THE FIELD PRIOR TO ANY GRADING, EXCAVATION OR CONSTRUCTION OF IMPROVEMENTS. THESE PROVISIONS SHALL IN NO WAY ABSOLVE ANY PARTY FROM COMPLYING WITH THE UNDERGROUND FACILITY SAFETY AND DAMAGE PREVENTION ACT, CHAPTER 319 RSMO.

ST. LOUIS COUNTY BENCHMARK

BENCHMARK # 14264
 NOV29 Elev = 542.02
 "Standard Table" stamped 1234 75 S.L.C. set in north end of [concrete wall for] window well [16.5' north of the main or] east entrance to Trinity Presbyterian Church; at intersection of Kingsland Avenue and Washington Avenue [54' west of the centerline of Kingsland Avenue and 134' south of the centerline of Washington Avenue].

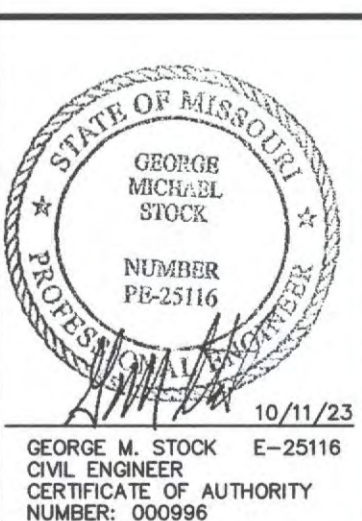
SITE BENCHMARK

ELEV = 526.29
 CUT CROSS AS SHOWN HEREON.

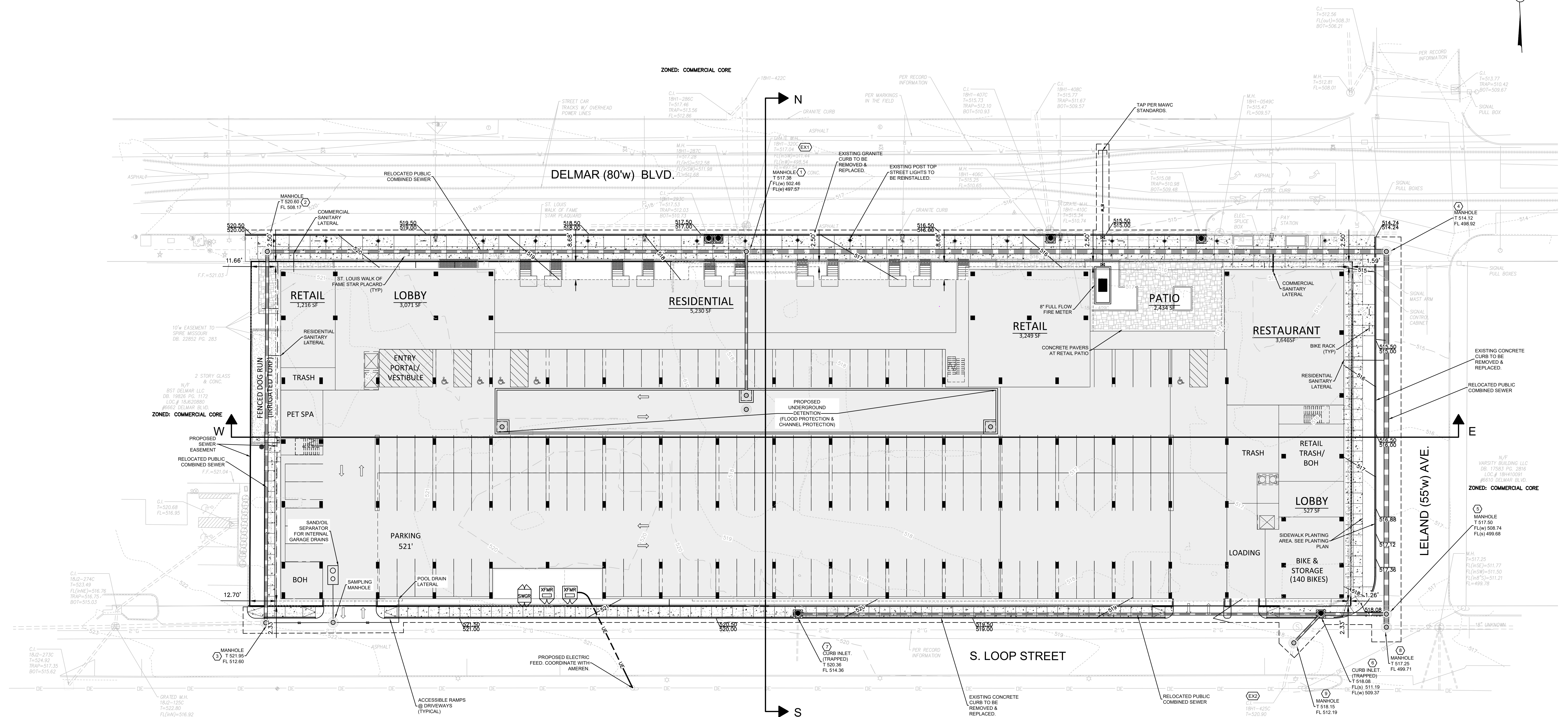
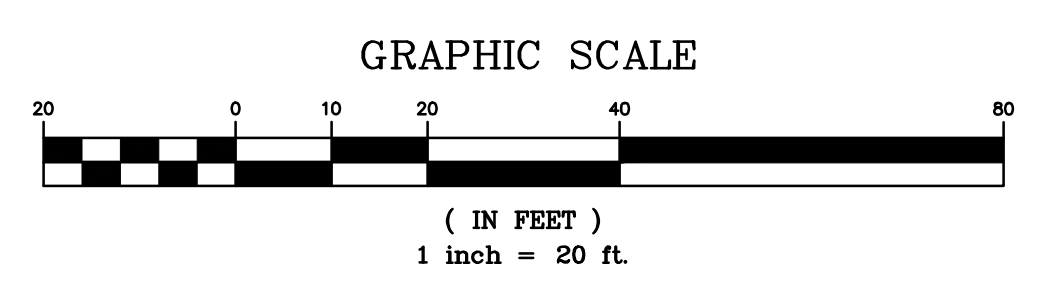
PREPARED FOR:
 SUBTEXT ACQUISITIONS, LLC
 3000 LOCUST STREET
 ST. LOUIS, MO 63103
 C/O RYAN BUMB

PREPARED BY:
STOCK & ASSOCIATES
 Consulting Engineers, Inc.
 257 Chesterfield Business Parkway
 St. Louis, MO 63015 PH: (636) 530-9100 FAX: (636) 530-9100
 e-mail: general@stockinc.com
 Web: www.stockinc.com

PRELIMINARY DEVELOPMENT PLAN/PLAT FOR:
LOCAL UNIVERSITY CITY
 DELMAR BOULEVARD & LELAND AVENUE
 UNIVERSITY CITY, MO 63130



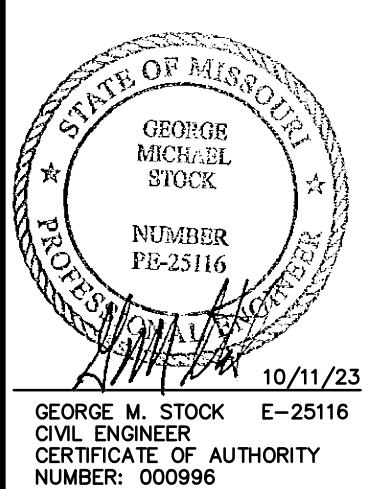
REVISIONS:	
DATE	BY
10/11/23	J.E.B.
10/11/23	G.M.S.
NO. OF SHEETS	NO. OF SHEETS
221-6681.4	221-6681.4
BASE MAP #	BASE MAP #
18-1, 18-1	18-1, 18-1
S.L.C. HAT #	S.L.C. HAT #
XXXX	XXXX
HAT S.U.P. #	HAT S.U.P. #
XX-XXX-XX	XX-XXX-XX
MO-XXXXXX	MO-XXXXXX
SHEET TITLE:	TITLE SHEET
SHEET NO.:	C1.0



PRELIMINARY DEVELOPMENT PLAN FOR:

LOCAL UNIVERSITY CITY

DELMAR BOULEVARD & LELAND AVENUE
UNIVERSITY CITY, MO 63130



10/11/23

GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

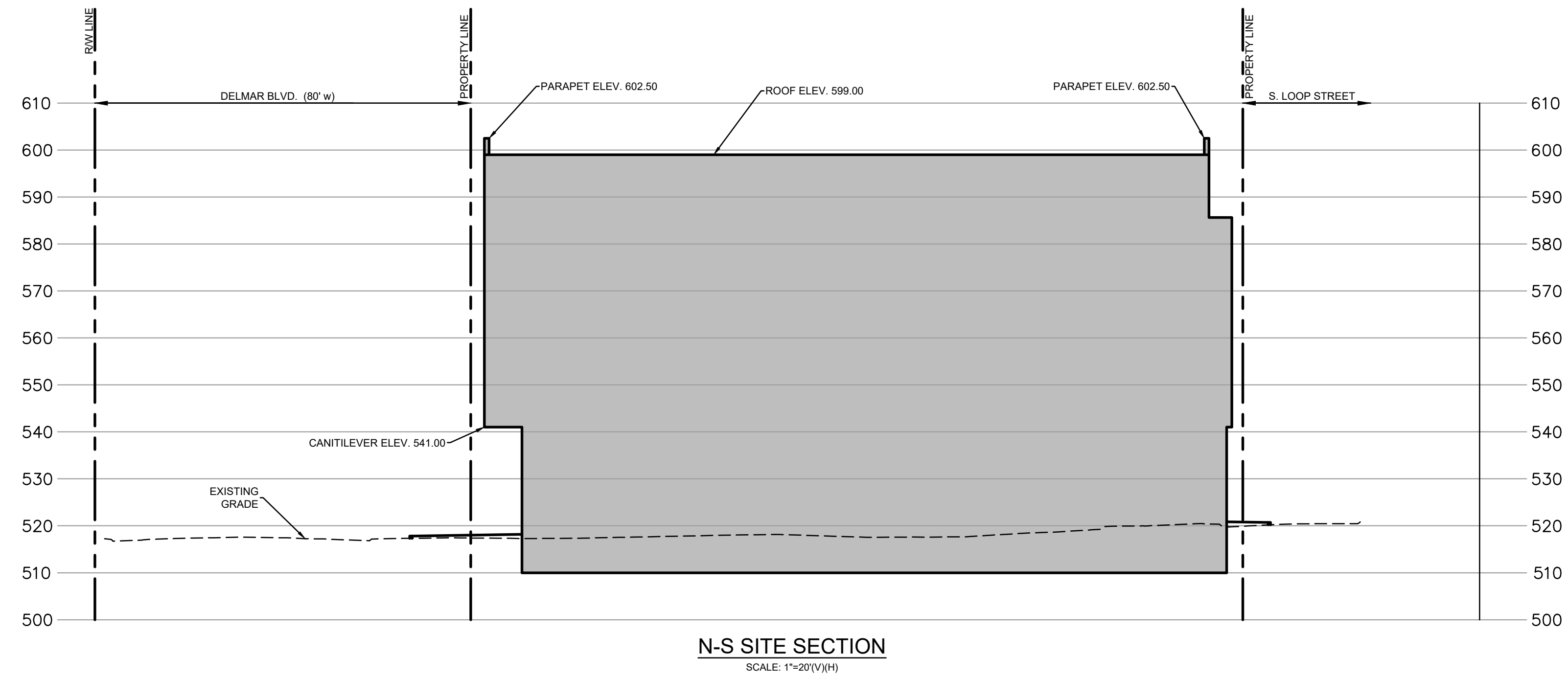
REVISIONS:

NO.	DATE	DESCRIPTION
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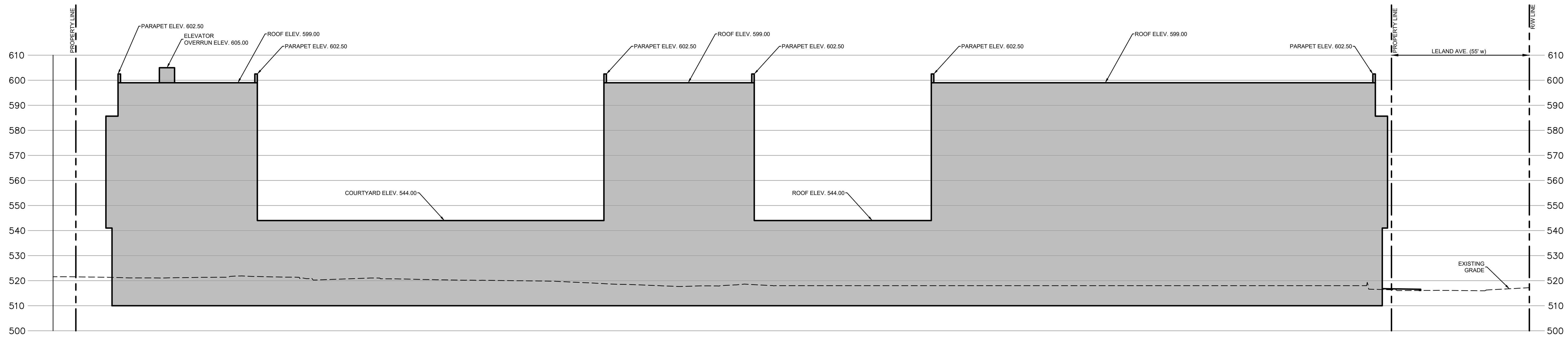
DRAWN BY: J.E.B. CHECKED BY: G.M.S.
DATE: 10/11/23 JOB NO: 221-6681.4
K.S. CONCRETE BASE MAP #
230NCPB-00058 18-H, 18-J
S.L.C. MAT # MAT SUP. #
XXXX XXXX

SHEET TITLE:
PRELIMINARY DEVELOPMENT PLAN

SHEET NO.:
C3.0



N-S SITE SECTION
SCALE: 1"=20'(V/H)



E-W SITE SECTION
SCALE: 1"=20'(V/H)

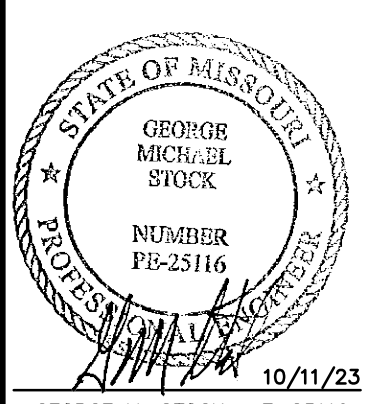
PREPARED BY:



PRELIMINARY DEVELOPMENT PLAN/PLAT FOR:

LOCAL UNIVERSITY CITY

DELMAR BOULEVARD & LELAND AVENUE
UNIVERSITY CITY, MO 63130



GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

REVISIONS:

DATE:	10/11/23	JOB NO.:	221-6681.4
S.L.C. #:	230NCPB-00058	BASE MAP #:	18-H, 18-J
M.D.N.R. #:	MO-XXXXXX	HMT SUP. #:	XX-XXXX-XX

SHEET TITLE:

SITE SECTIONS

SHEET NO.:

C4.0

INTRODUCED BY: _____

DATE: _____

BILL NO.: 9533

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 400.070 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO THE OFFICIAL ZONING MAP, BY AMENDING SAID MAP SO AS TO CHANGE THE CLASSIFICATION OF PROPERTY AT 6630-6654 DELMAR BOULEVARD FROM CORE COMMERCIAL DISTRICT ("CC") TO PLANNED DEVELOPMENT - MIXED USE DISTRICT ("PD-M").

WHEREAS, Chapter 400 (Zoning Code) of the University City Municipal Code divides the City of University City, Missouri (City) into several zoning districts and establishes standards therein to which land, buildings, structures and their uses must conform; and

WHEREAS, in a meeting held on October 25, 2023, the City Plan Commission examined an amendment of the Official Zoning Map of the City which changes the classification of property at 6630-6654 Delmar Boulevard from Core Commercial District ("CC") to Planned Development - Mixed Use District ("PD-M"), and recommended to the City Council that the amendment be approved; and

WHEREAS, due notice of a public hearing to be held by the City Council in the City Council Chambers at City Hall at 6:30 p.m. on January 8, 2024, was duly published on December 22, 2023 in the St. Louis Countian, a newspaper of general circulation within the City; and

WHEREAS, the public hearing was held at the time and place specified in said notice, and all suggestions or objections concerning the amendment of the Official Zoning Map of the City were duly heard and considered by the City Council.

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

Section 1. Section 400.070 of the University City Municipal Code, relating to the Official Zoning Map, is hereby amended by amending the Official Zoning Map illustrating the zoning districts established pursuant to Section 400.070, for property at 6630-6654 Delmar Boulevard, so as to change the classification of said property from Core Commercial District ("CC") to Planned Development - Mixed Use District ("PD-M"). The following land uses and developments may be permitted in said PD-M District, subject to approval of a final development plan: retail stores, banks, restaurants, elevator-type dwellings and town-house dwellings.

Section 2. The property at 6630 Delmar, totaling approximately 1.981 acres, is more fully described with a legal description, attached hereto, marked "Exhibit A" and made a part hereof.

Section 3. By Resolution No. 2023-___, the City Council approved a preliminary development plan known as "Local University City," and authorized the preparation of a final development plan. A final development plan and plat must be approved by the City Council prior to the issuance of any building permits in connection with the development. A landscape plan shall be submitted for review and approval with the final development plan. The number of dwelling units shall not exceed 329.

Section 4. This ordinance shall not be construed so as to relieve any person, firm or corporation from any penalty incurred by the violation of Section 400.070 of the University City Municipal Code, nor bar the prosecution of any such violation.

Section 5. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to the penalties provided in Section 400.2570 of the University City Municipal Code.

Section 6. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED and ADOPTED this _____ day of _____, 2024.

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY

EXHIBIT A – LEGAL DESCRIPTION FOR REZONING

A tract of land being part of lots 5 through 15 of Rosedale Heights, a subdivision according to the plat thereof as recorded in Plat Book 2, Page 60 of the St Louis County records, located in US Survey 378, Township 45 North, Range 6 East of the Fifth Principal Meridian, University City, St. Louis County, Missouri being more particularly described as follows:

Beginning at the intersection of south right-of-way line of Delmar Boulevard, 80 feet wide, as established by Book 3811, Page 352 of above said records with the west right-of-way line of Leland Ave, 55 feet wide; thence along said west right-of-way line, South 03 degrees 00 minutes 32 seconds West, 164.34 feet to its intersection with the north right-of-way line of a South Loop Street, 55 feet wide; thence along said right-of-way line, North 87 degrees 14 minutes 00 seconds West, 525.11 feet to the east line of a tract of land as conveyed to BST Delmar, LLC by instrument recorded in Book 19826, Page 1172 of above said records; thence along said east line, North 03 degrees 00 minutes 32 seconds East, 164.34 feet to the south right-of-way line of above said Delmar Boulevard; thence along said right-of-way line, South 87 degrees 14 minutes 0 seconds East, 525.11 feet to the POINT OF BEGINNING.

Containing 86,294 square feet or 1.981 acres, more or less.

DECEMBER 15, 2023

SPECIAL MEETING REQUEST

subtext

3000 LOCUST ST.
ST. LOUIS, MO 63103
(314) 502-1020
SUBTEXTLIVING.COM

VIA EMAIL: grose@ucitymo.org

The City of University City, Missouri
6801 Delmar Boulevard
St. Louis, Missouri 63130
Attn: Gregory Rose, City Manager

Re: TXT-23-04; REZ-23-02; SUB-23-02

Dear City Manager,

Please allow this letter to express Subtext Acquisitions, LLC (the "Applicant")'s support in approving the following text amendment to the City's Zoning Code that allows for procedural flexibility in obtaining the necessary approvals to provide parking for planned district developments:

New Section 400.2130.G. Planned Developments. Exceptions in this Section authorized under the conditional use procedure may be authorized for planned developments under the planned development procedure in Article IV, Division 11 of this Chapter, and the same exception standards and maximum reductions in parking and loading spaces shall apply under either procedure and may be adjusted by the City Council to the same extent allowed under Section 400.2700.D.2 for conditional uses.

The Plan Commission, on December 6, 2023, recommended a text amendment that in addition to procedural flexibility allows for modifications to current off-street parking requirements through the planned development procedure. Please note that Subtext agrees to comply with the parking calculations and requirements as set forth in the current Zoning Code for its development of 6630-6654 Delmar Boulevard (the "Site"), so the Plan Commission's recommendation on such modifications is not needed nor requested by the Applicant.

The Applicant respectfully requests the immediate introduction of legislation adopting the above new Section 400.2130.G at a special meeting held before the end of the year, so that the City Council may consider final passage of such legislation at its meeting on January 8, 2024. The Applicant also respectfully requests that at the same special meeting, the City Council introduce legislation amending the Zoning Map for the Site (REZ 23-02) and approving a final plat for lot consolidation at the Site (SUB-23-02), as recommended by the Plan Commission on October 25, 2023, and that a resolution approving the preliminary development plan for the Site be introduced at the special meeting or on January 8, 2024 (REZ 23-02) and passed on January 8, 2024, as recommended by Plan Commission on December 6, 2023.

DECEMBER 15, 2023

SPECIAL MEETING REQUEST

subtext

PAGE 2

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ryan Bumb', with a long horizontal stroke extending to the right.

Ryan Bumb
Development Manager
Subtext Acquisitions, LLC

c.c. John Mulligan, Esq., City Attorney
Rob Klahr, Esq., Counsel for Subtext

**CITY OF UNIVERSITY CITY COUNCIL MEETING
AGENDA ITEM**



NUMBER: <i>For City Clerk Use</i>	UB20240108-03
---	----------------------

SUBJECT/TITLE: SUB 23-02 – Application for a Application for a Major Subdivision - Consolidation Plat for 6630-6654 Delmar Boulevard.			
PREPARED BY: John L. Wagner		DEPARTMENT / WARD Planning and Development	
AGENDA SECTION:	Unfin Bus - Bill 9534	CAN ITEM BE RESCHEDULED?	yes
CITY MANAGER'S RECOMMENDATION OR RECOMMENDED MOTION: I concur with the Planning Commission's recommendation.			
FISCAL IMPACT: N/A			
AMOUNT:		ACCOUNT No.:	
FROM FUND:		TO FUND:	
EXPLANATION: N/A			

STAFF COMMENTS AND BACKGROUND INFORMATION:
The Plan Commission considered the Consolidation Plat for the Subtext development at the October 25, 2023 meeting. Staff indicated that the Final Plat meets all requirements of Sections 405.165 and 405.380 of the Subdivision and Land Development Regulations and recommended approval. The plat to consolidate the five (5) lots into one lot was approved unanimously by the Plan Commission.

CIP No.	
RELATED ITEMS / ATTACHMENTS: Attached are the Plan Commission Transmittal Letter, Staff Report from the October 25, 2023 Plan Commission meeting - amended to include for the City Council the Plan Commission's recommendation, and a Draft Ordinance.	

LIST CITY COUNCIL GOALS (5): Economic Development, Encourage High-quality Growth, Improved Infrastructure,	
RESPECTFULLY SUBMITTED:	City Manager, Gregroy Rose
MEETING DATE:	January 8, 2024



Plan Commission

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

October 25, 2023

Ms. LaRette Reese
City Clerk
City of University City
6801 Delmar Boulevard
University City, MO 63130

RE: Major Subdivision – Record Plat (SUB 23-02)

Dear Ms. Reese,

At a regularly scheduled meeting on October 25 25, 2023, at 6:30 p.m. at 975 Pennsylvania Avenue (Community Center), the Plan Commission considered the application of Subtext Acquisitions, LLC for Final Plat Approval of a proposed major subdivision for 6630-6654 Delmar Boulevard.

By a vote of 7 to 0, the Plan Commission recommended approval of said major subdivision.

Sincerely,

Margaret Holly, Chairperson
University City Plan Commission



Department of Community Development
6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

STAFF REPORT

City Council

MEETING DATE: December 20, 2023

FILE NUMBER: SUB 23-02

COUNCIL DISTRICT: 1

Location: 6630-6654 Delmar Boulevard

Applicant: Subtext, LLC

Request: Major Subdivision – Lot Consolidation

Existing Zoning: “CC” Core Commercial

Proposed Zoning: “PD-M” District (via REZ 23-02)

Existing Land Use: Vacant, commercial

Proposed Land Use: Multi-family residential, Elevator Apartments

Surrounding Zoning and Land Use:

North: CC – Core Commercial

East: CC – Core Commercial

South: HR – High Density Residential

West: CC – Core Commercial

COMPREHENSIVE PLAN CONFORMANCE

Yes No No reference

STAFF RECOMMENDATION

Approval Approval with Conditions Denial

ATTACHMENTS

A. Preliminary Plat

Existing Property and Applicant Request

The subject property is 1.981 acres in size. There are five (5) parcels that are proposed to be consolidated into a single lot to accommodate the Subtext Multi-family development.

Staff Review

Staff reviewed this as part of the “Major Subdivision” process identified in Section 405.165 of the Subdivision regulations.

Analysis

Staff has determined that the Plat meets all requirements of 405.380 of the Subdivision and Land Development Regulations.

Conclusion/Recommendation

The proposal meets the intent of all Zoning Code and Subdivision Regulation requirements for a Final Plat. Thus, staff recommends approval of the proposed Major Subdivision.

Plan Commission Meeting

At the Plan Commission meeting on October 25, 2023, the Plan Commission voted unanimously to approve SUB 23-02.

INTRODUCED BY: _____

DATE: _____

BILL NO.: 9534

ORDINANCE NO.

AN ORDINANCE APPROVING A FINAL PLAT FOR A MAJOR SUBDIVISION OF A TRACT OF LAND TO BE KNOWN AS "LOCAL UNIVERSITY CITY."

WHEREAS, an application was submitted by Subtext Acquisitions, LLC for the approval of a final subdivision plat of a tract of land at 6630-6654 Delmar Boulevard to be known as "Local University City"; and

WHEREAS, at its meeting on October 25, 2023, the University City Plan Commission reviewed the final plat for the major subdivision and determined that the final plat is in substantial compliance with the requirements of the University City Municipal Code and recommended to the City Council approval of the final plat; and

WHEREAS, the final plat for the major subdivision application, including all required documents submitted therewith, is before the City Council for its consideration.

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

Section 1. Attached, marked "Exhibit A", and made a part hereof is a final subdivision of a tract of land to be known as "Local University City."

Section 2. It is hereby found and determined that the final plat for the major subdivision is in full compliance with the University City Municipal Code, including Sections 405.380 and 405.390. Accordingly, the final plat for the major subdivision marked "Exhibit A" is hereby approved.

Section 3. The City Clerk is hereby directed to endorse upon the final plat for the major subdivision the approval of the City Council under the hand of the City Clerk and the seal of the City of University City.

Section 4. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED and ADOPTED this 8th day of January, 2024.

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY

Exhibit A

**CITY OF UNIVERSITY CITY COUNCIL MEETING
AGENDA ITEM**



NUMBER: <i>For City Clerk Use</i>	NB20240108-01
---	----------------------

SUBJECT/TITLE: Preliminary Plan Approval – Adoption of a Resolution to approve the Preliminary Development Plan for Local University City, also known as the Subtext Development.			
PREPARED BY: John L. Wagner		DEPARTMENT / WARD Planning and Development	
AGENDA SECTION:	New Business - Res 2024-01	CAN ITEM BE RESCHEDULED?	yes
CITY MANAGER'S RECOMMENDATION OR RECOMMENDED MOTION: City Manager concurs with the Plan Commission and recommends approval.			
FISCAL IMPACT: N/A			
AMOUNT:		ACCOUNT No.:	
FROM FUND:		TO FUND:	
EXPLANATION: N/A			

STAFF COMMENTS AND BACKGROUND INFORMATION: The Preliminary Development Plan was approved by the Plan Commission on October 25, 2023 with the Map Amendment for REZ 23-02.

CIP No.	
RELATED ITEMS / ATTACHMENTS: Attached are the Plan Commission Transmittal Letter, Draft Resolution 2024-01 and the Preliminary Development Plan.	

LIST CITY COUNCIL GOALS (5): Economic Development, Encourage High-quality Growth, Improved Infrastructure,	
RESPECTFULLY SUBMITTED:	City Manager, Gregroy Rose
MEETING DATE:	January 8, 2024



Plan Commission

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

October 25, 2023

Ms. LaRette Reese
City Clerk
City of University City
6801 Delmar Boulevard
University City, MO 63130

RE: Preliminary Plan Approval –Subtext (REZ 23-02)

Dear Ms. Reese,

At a regularly scheduled meeting, on October 25, 2023, at 6:30 p.m. at 975 Pennsylvania Avenue (Community Center), the Plan Commission considered the above-referenced application by Subtext Acquisitions, LLC to approve a resolution for “Preliminary Plan” approval of the “Local University City” development.

By a vote of 7 for and 0 against, the Plan Commission recommended approval of said resolution.

Margaret Holly, Chairperson
University City Plan Commission

RESOLUTION 2024-01

WHEREAS, Section 400.850 of the University City Zoning Code requires that a preliminary development plan be approved by the City Council by adoption of a resolution approving said preliminary development plan, with conditions as may be specified and authorizing the preparation of the final development plan. Section 400.760 of the Zoning Code requires that the permitted land uses and developments shall be established in the conditions of the ordinance adopted by the City Council governing the particular Planned Development-Mixed Use District (PD-M”).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

The City Council hereby authorizes the preparation of the final development plan for a development at 6630, 6640, 6650 and 6654 Delmar Boulevard for a mixed-use development to be known as “Local University City.” The development shall be developed with the following conditions:

1. The building and property shall be developed, constructed and maintained in compliance with the Preliminary Development Plan/Plat dated October 11, 2023, attached hereto, marked “Exhibit A,” made a part hereof, and hereby approved. The footprint and general layout, and the height and mass, shall be as shown in the Preliminary Development Plan/Plat.
2. The land uses and developments shall comply with the Zoning Map amendment for the development site, Ordinance No. _____, simultaneously approved. Permitted land uses and developments are retail stores, banks, restaurants, elevator-type dwellings and town-house dwellings.
3. The maximum number of dwelling units shall be 329.
4. Accessible pedestrian ways shall be provided from the public sidewalk to each building.
5. A landscaping plan shall be submitted for review and approval by the Zoning Administrator prior to issuance of a building permit.
6. Lighting standards and illumination levels shall meet the requirements in Zoning Code Section 400.2110.
7. Bicycle racks shall be provided in accordance with Zoning Code Section 400.2145.
8. A detailed construction traffic and parking plan shall be submitted to the Zoning Administrator for review and approval with the Site Plan.
9. Off-street parking and loading requirements shall be provided as required by Chapter 400, Article VII of the University City Zoning Code.
10. A lot consolidation shall be completed and the final plat recorded prior to the issuance of a building permit.

11. Approval of the Preliminary Development Plan shall be valid for a period of two years from the date of City Council approval. A final development plan shall be submitted within the said two-year period per Zoning Code Sections 400.860 and 400.870.

PASSED and ADOPTED this 8th day of January, 2024

Mayor

ATTEST

City Clerk

Exhibit A

LOCAL UNIVERSITY CITY

A TRACT OF LAND BEING PART OF LOTS 6-11 AND 15 AND PART OF LOTS 5, 12-14 OF ROSEDALE HEIGHTS AS RECORDED IN PLAT BOOK 2, PAGE 60 UNIVERSITY CITY, ST. LOUIS COUNTY, MISSOURI

PRELIMINARY DEVELOPMENT PLAN/PLAT

ABBREVIATIONS	
C.O.	- CLEANOUT
DB	- DEED BOOK
E	- ELECTRIC
FL	- FLOWLINE
FT	- FEET
FRD.	- FOUND
G	- GAS
M.H.	- MANHOLE
N/F	- NOW OR FORMERLY
PL	- PLAT BOOK
PC	- PAGE
P.V.C.	- POLYVINYL CHLORIDE PIPE
R.B.	- RADIAL BEARING
R.C.P.	- REINFORCED CONCRETE PIPE
SQ.	- SQUARE
T	- TELEPHONE CABLE
V.C.P.	- VETRIFIED CLAY PIPE
W	- WATER
(88'W)	- RIGHT-OF-WAY WIDTH

LEGEND	
	BENCH MARK
	FOUND IRON ROD
	FOUND IRON PIPE
	RIGHT OF WAY MARKER
	UTILITY POLE
	SUPPORT POLE
	UTILITY POLE WITH LIGHT
	LIGHT STANDARD
	ELECTRIC METER
	ELECTRIC MANHOLE
	ELECTRIC PEDESTAL
	ELECTRIC SPLICE BOX
	GAS DRP
	GAS METER
	GAS VALVE
	TELEPHONE MANHOLE
	TELEPHONE PEDESTAL
	TELEPHONE SPLICE BOX
	CABLE TV PEDESTAL
	FIRE HYDRANT
	FIRE DEPARTMENT CONNECTION
	WATER MANHOLE
	WATER METER
	WATER VALVE
	POST INDICATOR VALVE
	CLEAN OUT
	STORM MANHOLE
	GRATED MANHOLE
	STORMWATER INLET
	GRATED STORMWATER INLET
	SANITARY MANHOLE
	TREE
	BUSH
	TRAFFIC SIGNAL
	PARKING METER
	STREET SIGN
	SPRINKLER
	MAIL BOX



SITE INFORMATION

OWNER UNDER CONTRACT = SUBTEXT ACQUISITIONS, LLC
 SITE ACREAGE = 1.98 Acres ±
 SITE ADDRESS = 6630, 6640, 6650 and 6654 Delmar Blvd.
 ZIP CODE = 63130
 LOCATOR No. = 18H411713, 18H412466, 18J620923, 18J621166
 FIRE DISTRICT = University City
 SCHOOL DISTRICT = University City
 SEWER DISTRICT = Metropolitan St. Louis Sewer District
 WATER SERVICE = Missouri-American Water Company
 GAS SERVICE = Spire
 ELECTRIC SERVICE = Ameren UE
 PHONE SERVICE = At&t
 EXISTING ZONING = CORE COMMERCIAL
 PROPOSED ZONING = PLANNED DEVELOPMENT
 FIRM = 29189C0218K

SHEET INDEX

- C1.0 TITLE SHEET
- C2.0 EXISTING ALTA SURVEY
- C3.0 PRELIMINARY DEVELOPMENT PLAN
- C4.0 SITE SECTIONS
- C5.0 EXISTING RUNOFF MAP
- C6.0 PROPOSED RUNOFF MAP

TOTAL TRACT DESCRIPTION

A tract of land being part of lots 5 through 15 of Rosedale Heights, a subdivision according to the plat thereof as recorded in Plat Book 2, Page 60 of the St. Louis County records, located in US Survey 376, Township 45 North, Range 6 East of the Fifth Principal Meridian, University City, St. Louis County, Missouri being more particularly described as follows:

Beginning at the intersection of south right-of-way line of Delmar Boulevard, 80 feet wide, as established by Book 3811, Page 382 of above said records with the west right-of-way line of Leland Ave, 55 feet wide; thence along said west right-of-way line, South 03 degrees 00 minutes 32 seconds West, 164.34 feet to its intersection with the north right-of-way line of a South Loop Street, 55 feet wide; thence along said right-of-way line, North 87 degrees 14 minutes 00 seconds West, 525.11 feet to the east line of a tract of land as conveyed to BST Delmar, LLC by instrument recorded in Book 19826, Page 1172 of above said records; thence along said east line, North 03 degrees 00 minutes 32 seconds East, 164.34 feet to the south right-of-way line of above said Delmar Boulevard; thence along said right-of-way line, South 87 degrees 14 minutes 0 seconds East, 525.11 feet to the POINT OF BEGINNING.

Containing 86,294 square feet or 1.981 acres, more or less.

PARKING REQUIREMENTS:

RESTAURANT: 3,644 S.F. (1 SPACE PER 75 S.F.) = 49 REQUIRED

RETAIL: 4,466 S.F. (1 SPACE PER 200 S.F.) = 23 REQUIRED

RESIDENTIAL: 103: 1 BEDS (1.5 SPACE PER BED) = 155 REQUIRED
 226: 2 BED OR GREATER (2 SPACE PER BED) = 452 REQUIRED

VISITORS: 1 SPACE PER 6 UNITS FOR THE FIRST 30 UNITS
 AND 1 SPACE PER 20 UNITS THEREAFTER FOR = 20 REQUIRED

TOTAL PARKING SPACES REQUIRED = 699 SPACES
 TOTAL PARKING SPACES REQUIRED CODE ALLOWABLE REDUCTIONS = 461 SPACES
 TOTAL PARKING SPACES PROVIDED = 379 SPACES

GROSS FLOOR AREAS:

RETAIL: 8,110 S.F.
 RESIDENTIAL: 309,862 S.F.
 GARAGE: 122,657 S.F.

TOTAL GSF: 317,972 S.F. (INCLUDING GARAGE = 440,629 S.F.)

F.A.R. = $\frac{317,972 \text{ S.F.}}{(1.98 \text{ Ac.})(43,560 \text{ S.F.})} = 3.69$

FLOOD MAP INFORMATION:

SUBJECT PROPERTY LINES WITHIN FLOOD ZONE X (AREAS OF MINIMAL FLOOD HAZARD) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP NUMBER 2981C0218K, AN UNPRINTED MAP.

EXISTING SITE RESOURCES SUMMARY TABLE		
NATURAL RESOURCE	PRESENCE?	ADDITIONAL INFORMATION
WETLANDS	NO	NONE IDENTIFIED ON SITE.
STREAMS AND FLOODPLAIN	NO	FLOOD ZONE X (AREAS OF MINIMAL FLOOD HAZARD) PER FEMA MAP NUMBER: 29189C0218K, AN UNPRINTED MAP
KARST	NO	NONE IDENTIFIED ON SITE.
PONDS	NO	NONE IDENTIFIED ON SITE.

SURVEYOR'S CERTIFICATION

This is to certify that Stock and Associates Consulting Engineers, Inc. has prepared this Preliminary Development Plan/Plat from record survey information only and does not represent a property boundary survey. The existing and proposed subdivision are shown hereon.

STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC.
 L.S. No. 222-D

By: *Walter Joseph Pfeiffer*
 Walter Joseph Pfeiffer, Missouri P.L.S. No. 2008000728



CONTRACTOR NOTE:
 PRIOR TO OBTAINING A CONSTRUCTION PERMIT FROM THE METROPOLITAN ST. LOUIS SEWER DISTRICT, THE CONTRACTOR SHALL BE REQUIRED TO PROVIDE THE DISTRICT WITH A COPY OF AN EXECUTED CERTIFICATE OF INSURANCE INDICATING THAT THE PERMITTEE HAS OBTAINED AND WILL CONTINUE TO CARRY COMMERCIAL GENERAL LIABILITY AND COMPREHENSIVE AUTO LIABILITY INSURANCE. THE REQUIREMENTS AND LIMITS SHALL BE AS STATED IN THE "RULES AND REGULATIONS AND ENGINEERING DESIGN REQUIREMENTS FOR SANITARY AND STORMWATER DRAINAGE FACILITIES", SECTION 10.090 (ADDENDUM).

UTILITY NOTE:
 UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS, RECORDS AND INFORMATION, AND, THEREFORE DO NOT NECESSARILY REFLECT THE ACTUAL EXISTENCE, NON-EXISTENCE, SIZE, TYPE, NUMBER, OR LOCATION OF THESE FACILITIES, STRUCTURES AND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ALL UNDERGROUND FACILITIES, STRUCTURES, AND UTILITIES, EITHER SHOWN OR NOT SHOWN ON THESE PLANS. THE UNDERGROUND FACILITIES, STRUCTURES, AND UTILITIES SHALL BE LOCATED IN THE FIELD PRIOR TO ANY GRADING, EXCAVATION OR CONSTRUCTION OF IMPROVEMENTS. THESE PROVISIONS SHALL IN NO WAY ABSOLVE ANY PARTY FROM COMPLYING WITH THE UNDERGROUND FACILITY SAFETY AND DAMAGE PREVENTION ACT, CHAPTER 319 RSMO.

ST. LOUIS COUNTY BENCHMARK

BENCHMARK # 14264
 NOV29 Elev = 542.02
 "Standard Table" stamped 1234 75 S.L.C. set in north end of [concrete wall for] window well [16.5' north of the main or] east entrance to Trinity Presbyterian Church; at intersection of Kingsland Avenue and Washington Avenue [54' west of the centerline of Kingsland Avenue and 134' south of the centerline of Washington Avenue].

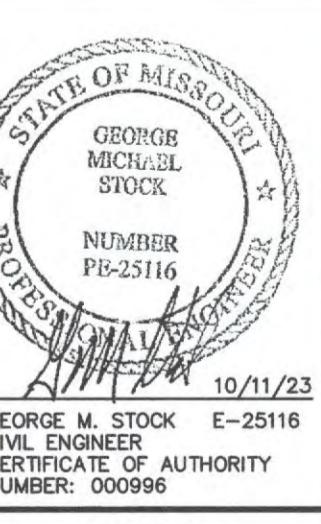
SITE BENCHMARK

ELEV = 526.29
 CUT CROSS AS SHOWN HEREON.

PREPARED FOR:
 SUBTEXT ACQUISITIONS, LLC
 3000 LOCUST STREET
 ST. LOUIS, MO 63103
 C/O RYAN BUMB

PREPARED BY:
STOCK & ASSOCIATES
 Consulting Engineers, Inc.
 257 Chesterfield Business Parkway
 St. Louis, MO 63015 PH: (636) 530-9100 FAX: (636) 530-9100
 e-mail: general@stockand.com
 Web: www.stockand.com

PRELIMINARY DEVELOPMENT PLAN/PLAT FOR:
LOCAL UNIVERSITY CITY
 DELMAR BOULEVARD & LELAND AVENUE
 UNIVERSITY CITY, MO 63130

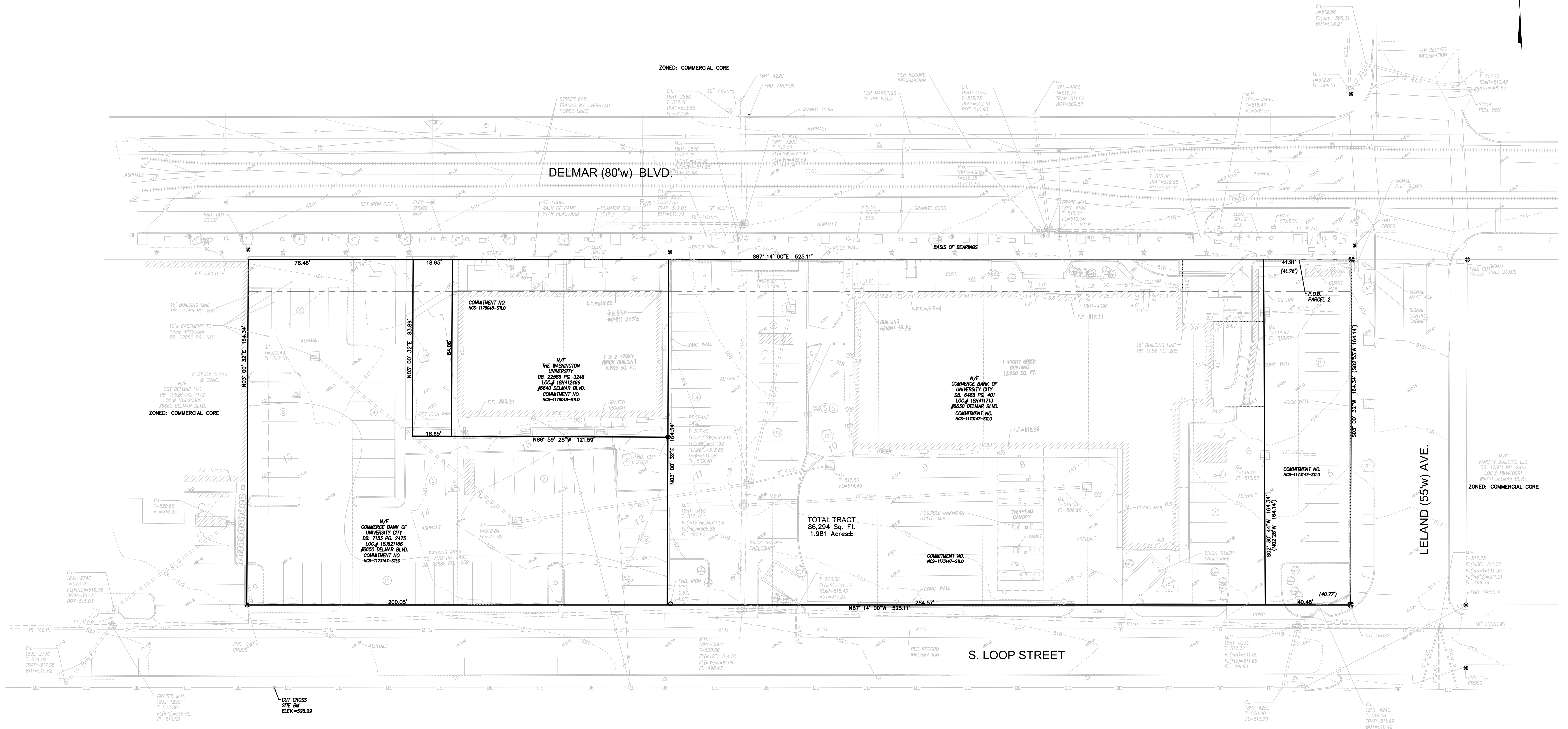
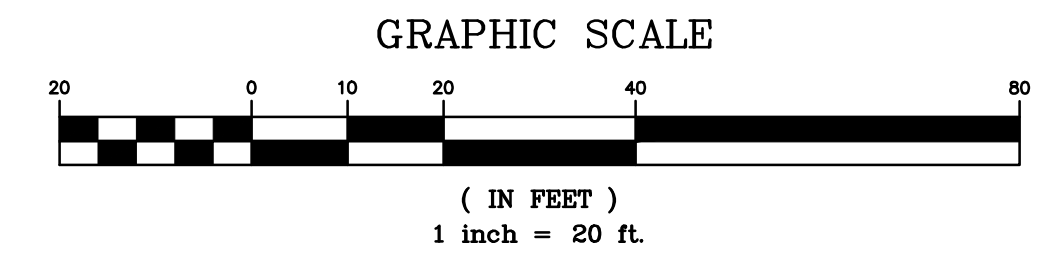


10/11/23

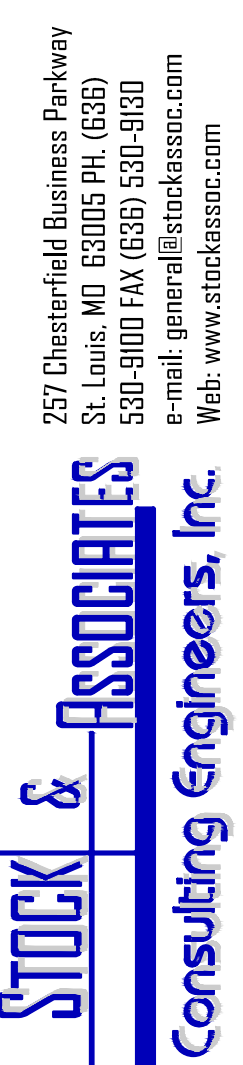
REVISIONS:	
DATE	BY
10/11/23	J.E.B.
NO. OF REVISIONS	DESCRIPTION
0	

DRAWN BY: J.E.B. CHECKED BY: G.M.S.
 JOB NO: 221-6681.4
 U.S.D. CONGRIT: BASE MAP # 18-H, 18-J
 S.L.C. HAT # XXXX HAT S.U.P. # XX-XXX-XX
 MODEL # MO-XXXXXXX
 SHEET TITLE: TITLE SHEET
 SHEET NO.: C1.0

Exhibit A

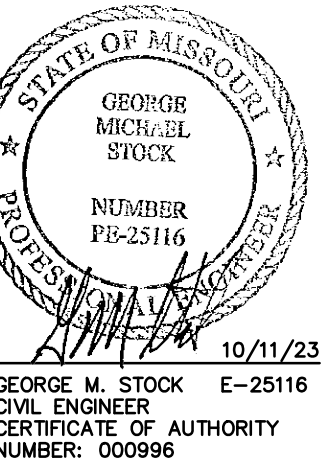


PREPARED BY:



PRELIMINARY DEVELOPMENT PLANPLAT FOR:

LOCAL UNIVERSITY CITY
DELMAR BOULEVARD & LELAND AVENUE
UNIVERSITY CITY, MO 63130



10/11/23

GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

REVISIONS:

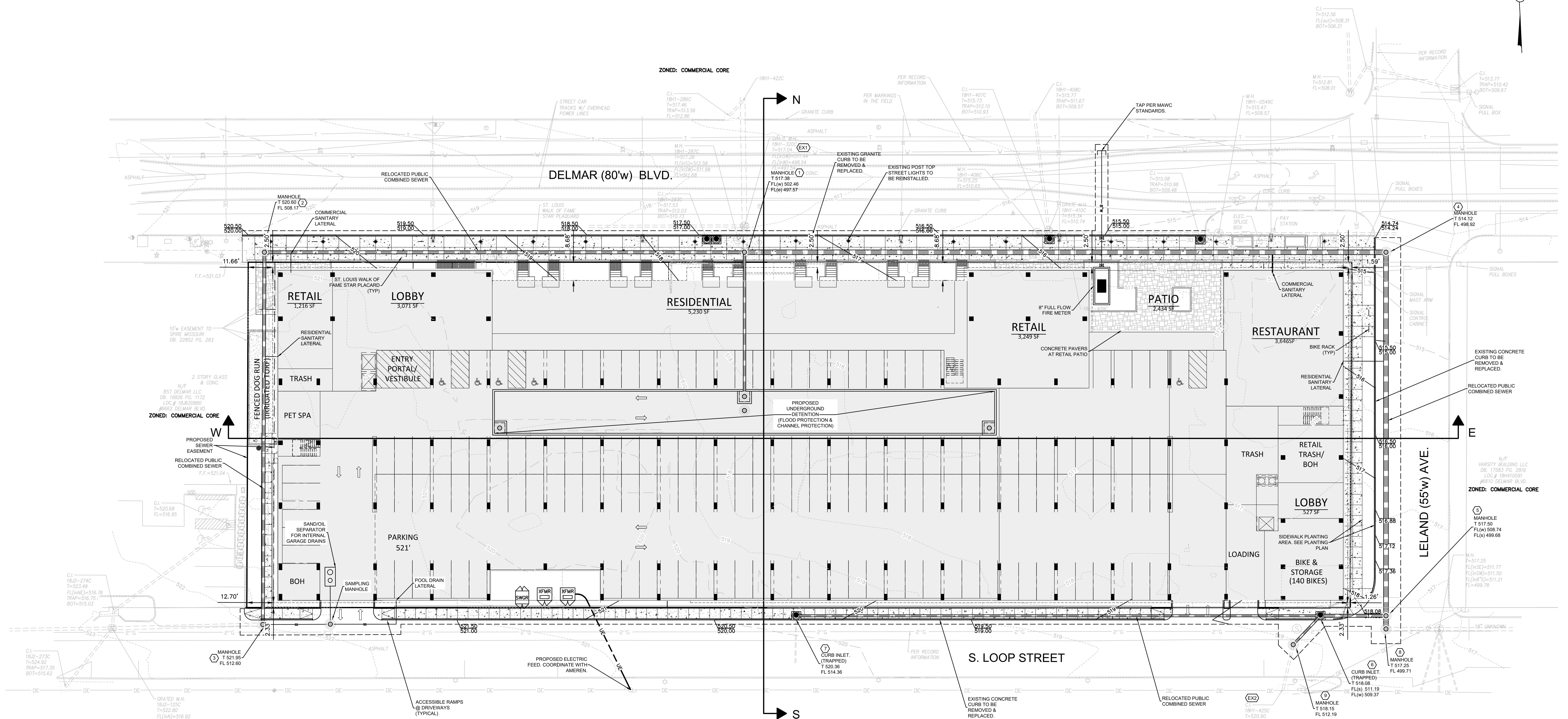
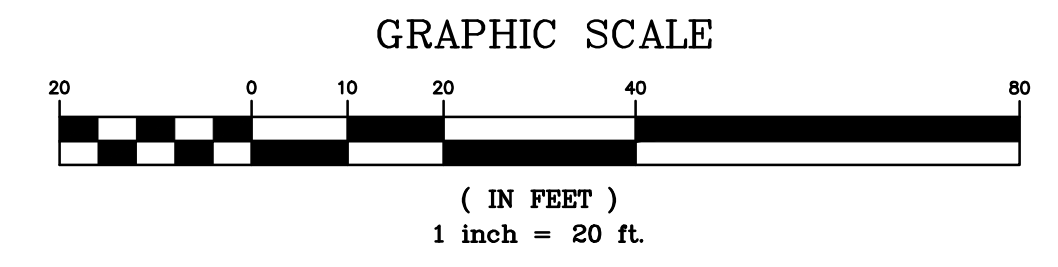
NO.	DATE	DESCRIPTION

DRAWN BY: J.E.B.	CHECKED BY: G.M.S.
DATE: 10/11/23	JOB NO: 221-6681.4
SCALE: AS SHOWN	BASE MAP: 18-H, 18-J
S.L.C. MAT # XXXX	MAT SUP. XX-XXX-XX
M.D.N.R. # MO-XXXXXX	

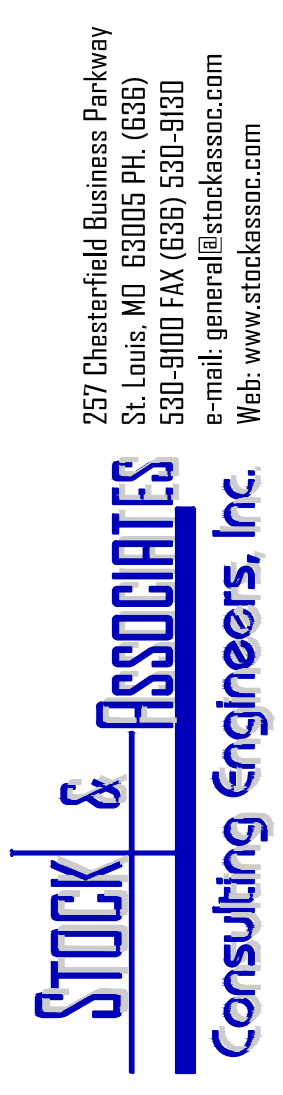
SHEET TITLE:
EXISTING ALTA
SURVEY

SHEET NO.:
C2.0

Exhibit A

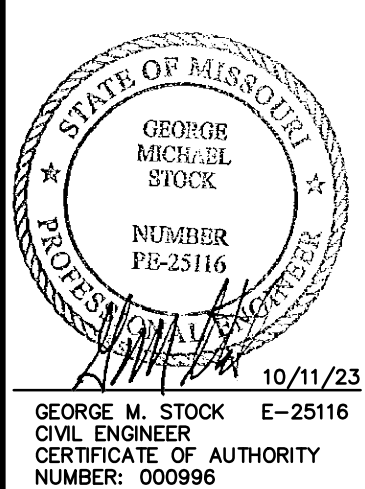


PREPARED BY:



PRELIMINARY DEVELOPMENT PLAN FOR:

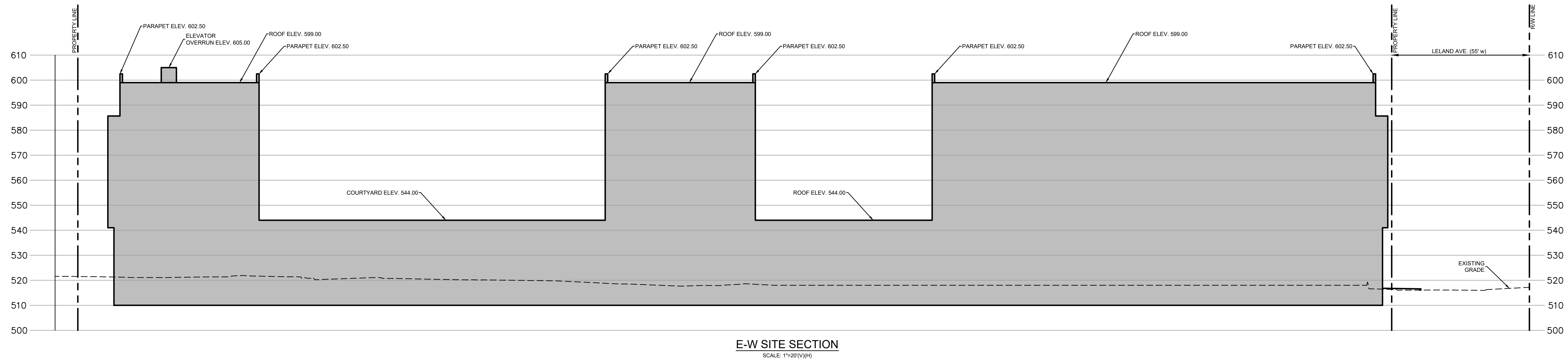
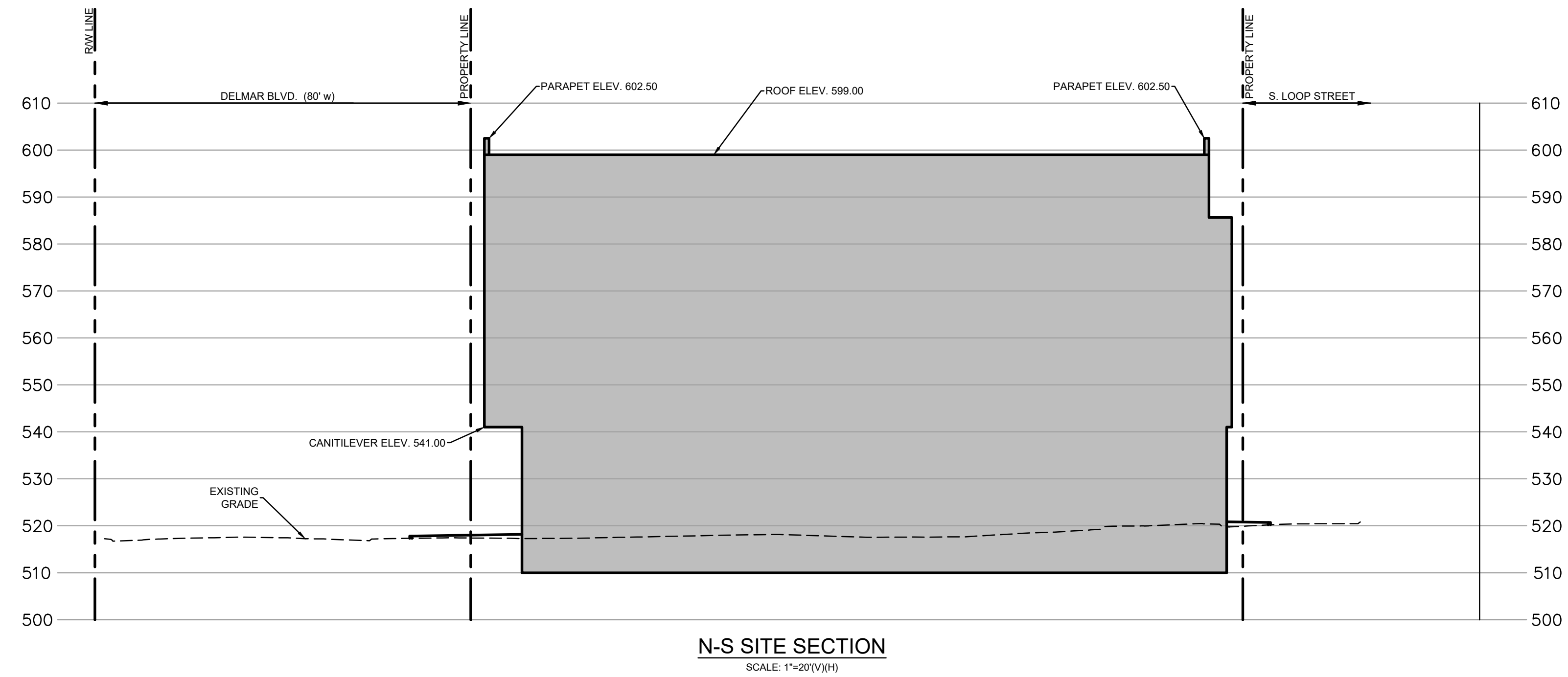
LOCAL UNIVERSITY CITY
DELMAR BOULEVARD & LELAND AVENUE
UNIVERSITY CITY, MO 63130



REVISIONS:

DRAWN BY: J.E.B.	CHECKED BY: G.M.S.
DATE: 10/11/23	JOB NO: 221-6681.4
K.S. CONCRETE 230NCPB-00058	BASE MAP: 18-H, 18-J
S.L.C. MAT # XXXX	MAT SUP. # XX-XXXX-XX
M.D.N.R. # MO-XXXXXX	
SHEET TITLE: PRELIMINARY DEVELOPMENT PLAN	
SHEET NO.: C3.0	

Exhibit A

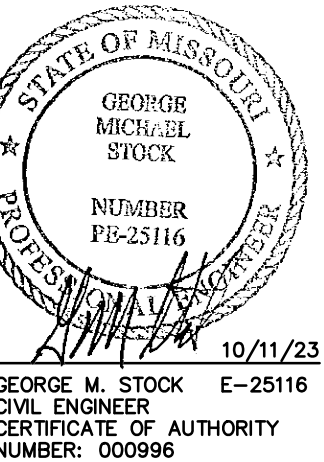


PREPARED BY:



PRELIMINARY DEVELOPMENT PLAN/PLAT FOR:

LOCAL UNIVERSITY CITY
DELMAR BOULEVARD & LELAND AVENUE
UNIVERSITY CITY, MO 63130



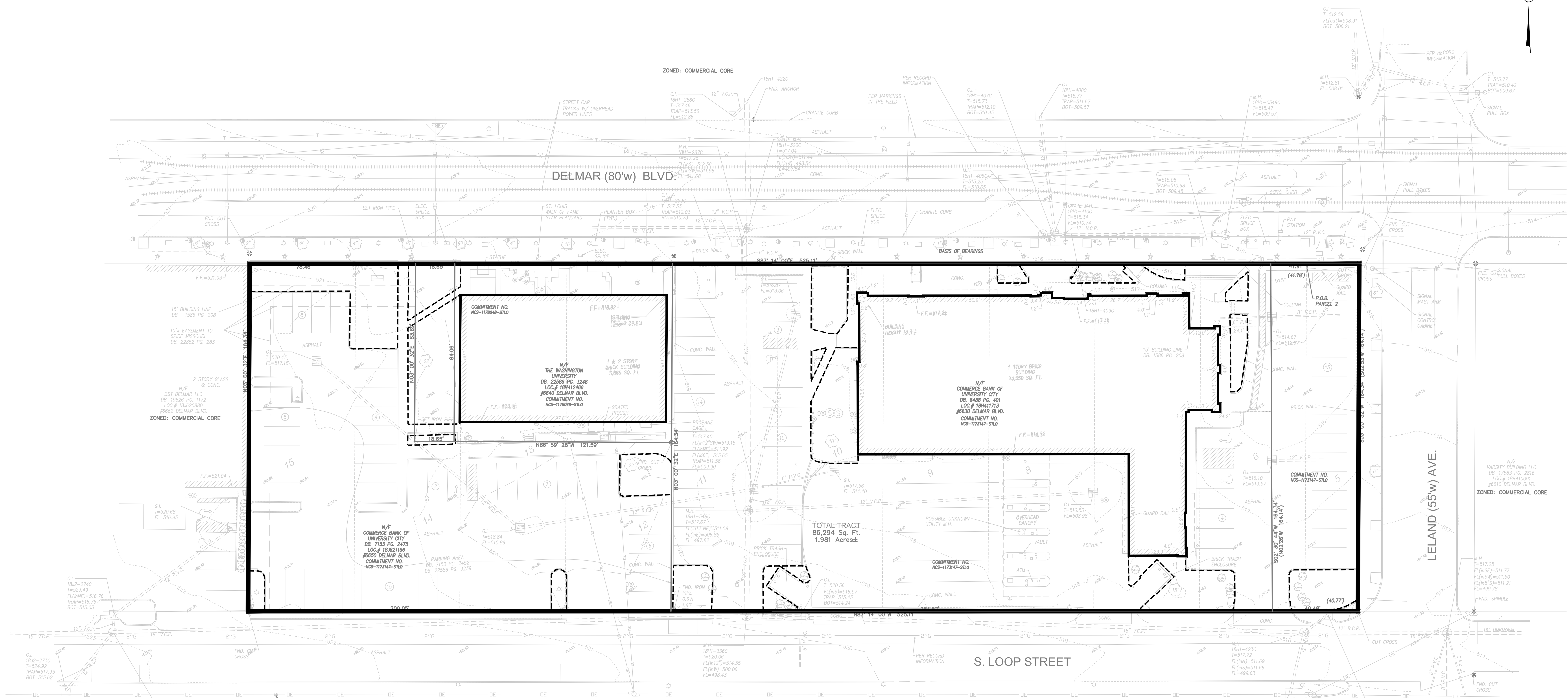
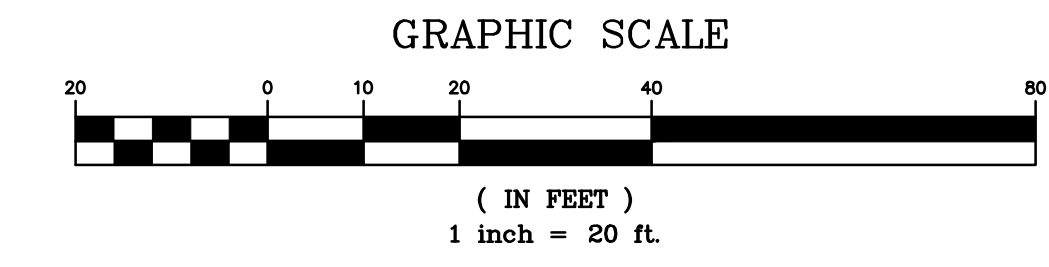
REVISIONS:

DRAWN BY: J.E.B.	CHECKED BY: G.M.S.
DATE: 10/11/23	JOB NO: 221-6681.4
K.S. CONCRETE 230NCPB-00058	RISE MAP # 18-H, 18-J
S.L.C. MAT # XXXX	MAT SUP. # XX-XXXX-XX
M.D.N.R. # MO-XXXXXXX	

SHEET TITLE:
SITE SECTIONS

SHEET NO.:
C4.0

Exhibit A



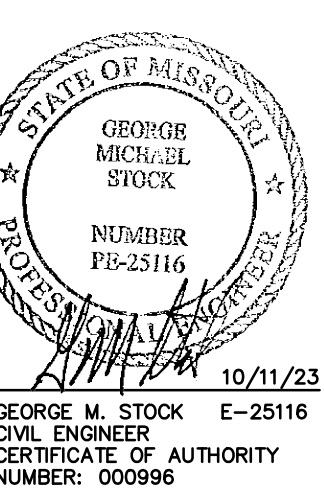
PRE-DEVELOPED RUNOFF: 20-yr; 20-min STORM

PAVEMENT = 1.33 Ac x 3.70 cfs/Ac = 4.92 cfs
 ROOF = 0.45 Ac x 6.00 cfs/Ac = 2.70 cfs
 GRASS = 0.20 Ac x 1.78 cfs/Ac = 0.36 cfs

TOTAL EXISTING RUNOFF = 7.98 c.f.s.

PREPARED BY:
STOCK & ASSOCIATES
 Consulting Engineers, Inc.

PRELIMINARY DEVELOPMENT PLAN/PLAT FOR:
LOCAL UNIVERSITY CITY
 DELMAR BOULEVARD & LELAND AVENUE
 UNIVERSITY CITY, MO 63130



DATE: 10/11/23	JOB NO: 221-6681.4
DESIGNER: J.E.B.	CHECKED BY: G.M.S.
DRAWN BY: J.E.B.	DATE: 10/11/23
PROJECT: 230NCPB-00058	REVISION: 18-H, 18-J
SHEET NO: XXXX	DATE: 10/11/23
SHEET TITLE: EXISTING RUNOFF MAP	
SHEET NO: C5.0	

**CITY OF UNIVERSITY CITY COUNCIL MEETING
AGENDA ITEM**



NUMBER: <i>For City Clerk Use</i>	NB20240108-02
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SUBJECT/TITLE: TXT 23-05 – Application for a Zoning Text Amendment to amend the City’s Fence Regulations to prohibit tarps to be used as fence material.			
PREPARED BY: John L. Wagner		DEPARTMENT / WARD Planning and Development	
AGENDA SECTION:	New Business Bill 9535	CAN ITEM BE RESCHEDULED?	yes
CITY MANAGER’S RECOMMENDATION OR RECOMMENDED MOTION: City Manager concurs with the Plan Commission and recommends approval.			
FISCAL IMPACT: N/A			
AMOUNT:		ACCOUNT No.:	
FROM FUND:		TO FUND:	
EXPLANATION: N/A			

STAFF COMMENTS AND BACKGROUND INFORMATION: At the Plan Commission meeting on December 6, 2023, the Plan Commission voted unanimously to approve TXT 23-05 as presented.

CIP No.	
RELATED ITEMS / ATTACHMENTS: Attached are the Plan Commission Transmittal Letter, Staff Report from the December 6, 2023 Plan Commission meeting - amended to include for the City Council the Plan Commission's recommendation, and a Draft Bill 9535.	

LIST CITY COUNCIL GOALS (5): Encourage High-quality Growth	
RESPECTFULLY SUBMITTED:	City Manager, Gregroy Rose
MEETING DATE:	January 8, 2024



Plan Commission

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

December 6, 2023

Ms. LaRette Reese
City Clerk
City of University City
6801 Delmar Boulevard
University City, MO 63130

RE: Zoning Text Amendment – TXT 23-05

Dear Ms. Reese,

At a meeting on December 6, 2023, at 6:30 p.m. in the 5th Floor Council Chambers at City Hall (6801 Delmar Boulevard) the Plan Commission considered the application of the City of University City to amend Section 400.1260 of the Zoning Ordinance to prohibit tarps to be used as fence material.

By a vote of 6 to 0, the Plan Commission recommended approval of the Zoning Text Amendment.

Sincerely,

A handwritten signature in blue ink, reading "Margaret Holly".

Margaret Holly, Chairperson
University City Plan Commission



MEMO
City Council

Meeting Date	January 8, 2024
File Number	TXT 23-05
Council District	n/a
Applicant	City of University City
Request	Approval of Text Amendment to amend the City's Fence Regulations to prohibit tarps to be used as fence material.

Comprehensive Plan Conformance:
 Yes No No reference

Staff Recommendation:
 Approval Approval with Conditions Denial

Attachments:
A. N/A

Zoning Code Text Proposed to be Amended

Section 400.1260, Fence Materials, consists of subsections A and B, as outlined below. The proposed amendment is in bold red type.

Division 7, Fence Regulations

Section 400.1260 Fence Materials.

- A. Except as otherwise provided for in Subsection (B) of this Section, fence material shall be that which is designed and intended for use in fence installations, including decorative masonry (e.g., brick, stone, or textured and pigmented concrete). All fences shall be maintained in a structurally sound condition and otherwise in a neat and clean appearance.
- B. Barbed or razor wire **or tarps or tarp-like material** shall not constitute any part of a fence in any residential or "PA" zoning district. In all other districts, barbed or razor wire may be attached to the fence, above six (6) feet.

Staff Analysis

It is the City's intention with this Text Amendment to strengthen the fence regulations by prohibiting a tarp or similar type material to be used as fence material, either as a fence itself or incorporated into an existing fence, such as a chain link fence. See Figure 1 for an example of the type of material the amendment seeks to prohibit.



Figure 1. Fence material proposed to be prohibited through TXT 23-05.

Plan Commission Meeting

At the Plan Commission meeting on December 6, 2023, the Plan Commission voted unanimously to approve TXT 23-05 as presented.

Staff Recommendation

Staff recommends approval of the Text Amendment, TXT 23-05.

INTRODUCED BY:

DATE:

BILL NO.: 9535

ORDINANCE NO.:

AN ORDINANCE AMENDING ZONING CODE SECTION 400.1260 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO FENCE MATERIALS, BY ADDING PROVISIONS PROHIBITING TARP FENCES IN RESIDENTIAL AND PUBLIC ACTIVITY IN RESIDENTIAL AND PUBLIC ACTIVITY (“PA”) ZONING DISTRICTS.

WHEREAS, Chapter 400 (Zoning Code) of the University City Municipal Code divides the City of University City, Missouri (City) into several zoning districts and establishes standards therein to which land, buildings, structures and their uses must conform; and

WHEREAS, in a meeting held on December 6, 2023, the City Plan Commission examined a Zoning Code text amendment to Section 400.1260 by adding provisions prohibiting tarp fences in residential and public activity (“PA”) zoning districts; and

WHEREAS, due notice of a public hearing to be held by the City Council in the City Council Chambers at City Hall at 6:30 p.m. on January 22, 2024, was duly published on January 7, 2024 in the St. Louis Countian, a newspaper of general circulation within the City; and

WHEREAS, the public hearing was held at the time and place specified in said notice, and all suggestions or objections concerning the text amendment to the Zoning Code of the City were duly heard and considered by the City Council.

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

Section 1. Zoning Code Section 400.1260 of the University City Municipal Code, relating to fence materials, is hereby amended by adding provisions prohibiting tarp fences in residential and public activity (“PA”) zoning districts, so that said Section, as so amended, shall read as follows:

Section 400.1260. Fence Materials.

- A. Except as otherwise provided for in Subsection (B) of this Section, fence material shall be that which is designed and intended for use in fence installations, including decorative masonry (e.g., brick, stone, or textured and pigmented concrete). All fences shall be maintained in a structurally sound condition and otherwise in a neat and clean appearance.
- B. Barbed or razor wire, or tarp or similar material, shall not constitute any part of a fence in any residential or "PA" zoning district. In all other districts, barbed or razor wire may be attached to the fence, above six (6) feet.

Section 2. This ordinance shall not be construed so as to relieve any person, firm or corporation from any penalty incurred by the violation of Section 400.1260 of the University City Municipal Code, nor bar the prosecution of any such violation.

Section 3. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to the penalties provided in Section 400.2570 of the University City Municipal Code.

Section 4. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED and ADOPTED this 22nd day of January, 2024.

Mayor

ATTEST:

City Clerk

CERTIFIED TO BE CORRECT AS TO FORM:

City Attorney