

In light of the current public health crisis and the Federal, State and County Emergency Declarations, and in accord with the provisions of Sec. 610.020, RSMo., the Board of Aldermen recognizes that it would be dangerous and impractical, if not impossible, for its meeting to be physically accessible to the public. The Board also recognizes the need for the public's business to be attended to in order to protect the public health, safety and welfare. In order to balance both the need for continuity of government and protection of the health and safety of our residents, business persons and employees, this meeting of the Board of Aldermen will not be open to public attendance in person. The meeting will be accessible by the public in real time ONLY by an audio conference call. Instructions to phone into the meeting: (1) Dial 1-660-236-1593; (2) Enter Conference ID 548 626 332#

Persons interested in making their views known on any matter on the agenda should send an email with their comments to the City Clerk at jfrazier@claytonmo.gov. All comments received will be distributed to the entire Board at or before the meeting.

Thank you for your understanding and patience as we all try to get through these difficult and dangerous times.

**CITY OF CLAYTON BOARD OF ALDERMEN
TUESDAY, MARCH 24, 2020
CITY OF CLAYTON POLICE DEPARTMENT
COURTROOM, 1ST. FL.
10 S. BRENTWOOD BOULEVARD
7:00 P.M.**

ROLL CALL

MINUTES – March 10, 2020

PUBLIC REQUESTS & PETITIONS

REPORT FROM THE CITY MANAGER

1. Ordinance – To enact emergency measures to protect the public health. (Bill No. 6786)
2. Ordinance – To approve an amendment to Table III-E of the Parking Regulations. (Bill No. 6787)
 - *To consider approving an amendment to Schedule III of the Title III Traffic Code by adding locations on Aberdeen Place, University Lane, and Wydown Boulevard for residential parking restrictions.*

UNFINISHED BUSINESS

1. Ordinance – To approve a petition requesting the formation of the 7730 Bonhomme Community Improvement District (CID). (Bill No. 6782.1) – *2nd Reading*
 - *To consider a petition request submitted by Silverwest-I Clayton LLC for the formation of a CID.*
2. Ordinance – To approve rezoning from an HDC High Density Commercial District to a Planned Unit Development for 8049 Forsyth Boulevard. (Bill No. 6783.1) *2nd Reading*
 - *To consider approving a proposed rezoning and related Planned Unit Development (PUD) to be granted to Forsyth Acquisitions, LLC & Commerce Bank for a mixed-use development to be known as Forsyth Pointe.*

ADJOURNMENT

Subject to a motion duly made in open session and a roll call vote pursuant to Section 610.022 the Board of Aldermen may also hold a closed meeting, with a closed vote and record for one or more of the reasons as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, negotiation of a contract pursuant to Section 610.021(12) RSMO., proprietary information pursuant to Section 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO.

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
March 10, 2020
7:00 p.m.

Minutes

Mayor Harris called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Mark Winings, Joanne Boulton, Rich Lintz, Ira Berkowitz, Bridget McAndrew, and Susan Buse.

Mayor Harris
City Manager Gipson
City Attorney O’Keefe

Motion made by Alderman Lintz to approve the February 25, 2020 minutes. Alderman Boulton seconded.

Motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER APPROVING THE ESTABLISHMENT OF THE 7730 BONHOMME COMMUNITY IMPROVEMENT DISTRICT

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that Silverwest-I Clayton LLC (the “Developer”), which is an affiliate of Denver-based Silverwest Hotels, intends to redevelop the property located at 7730 Bonhomme into first-class hotel consisting of approximately 268 rooms, and featuring a new rooftop pool, restaurant and bar, fitness center with panoramic views, and approximately 17,000 square feet of event space. As part of this project, the Developer anticipates potential significant improvements or additions to the infrastructure and public spaces associated with the hotel, including, but not limited to, the parking garage, streetscape improvements, porte cochere, sidewalks and landscaping. To assist in financing this redevelopment, the Developer has petitioned the City to create a Community Improvement District (the “CID”) on the hotel pursuant to the Community Improvement District Act, Sections 67.1401 to 67.1571, RSMo. (the “CID Act”). The CID will impose an additional 1% sales tax on hotel and other retail sales for up to 30 years. The CID will use the sales tax revenues to pay for certain eligible project costs, \$2,900,000. The proposed ordinance approves the petition to establish the CID; appoints a Board of Directors for the CID; and directs the City Clerk to notify the Department of Economic Development that the CID has been established (as required by the CID Act).

The petition to establish the CID defines the basic scope of the CID, including its boundaries and its ability to seek voter approval of the aforementioned CID sales tax (in this case, the CID Act

provides that the only qualified voter to vote on these matters is the sole property owner within the CID, which is currently the Developer). If the attached ordinance is passed, the CID will be established as a separate political subdivision and will be a separate legal entity from the City.

The CID will be governed by a six-member board of directors appointed by the Mayor with the consent of the Board of Aldermen. Under state law, only registered voters residing within the CID and the authorized representatives of property owners within the CID may be appointed to the Board of Directors. In this case, the Developer is the sole property owner within the CID and has designated the five voting persons named in the attached ordinance to be considered for appointment to the board of directors. In addition, the City of Clayton City Manager or the manager's designee will be a non-voting board member.

John Jokus, Attorney, Husch Blackwell, representative for the developer and Patrick Maze, Partner, Silverwest-I, Clayton LLC, addressed the Board to answer questions.

In response to the Board's questions, Mr. Jokus provided a summary of the project, explaining the five-year plan (required by Statute) and tax revenues as detailed in the Petition.

Mayor Harris closed the public hearing.

Alderman Winings introduced Bill No. 6782, an ordinance to approve a petition requesting the formation of the 7730 Bonhomme Community Improvement District to be read by title for the first time. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No. 6782, first reading, an Ordinance of the City of Clayton, Missouri, Approving a Petition Requesting the Creation of the 7730 Bonhomme Community Improvement District; Establishing the District as a Political Subdivision of the State of Missouri; Directing the City Clerk to Notify the Missouri Department of Economic Development of the Creation of the District; Authorizing Certain Actions in Connection Therewith; and Containing a Severability Clause by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6782 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Mr. Jokis addressed the Board requesting that the Board hold the 2nd reading at the next (March 24, 2020) Board meeting.

Motion made by Alderman Winings to withdraw the motion. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings recused himself from the meeting.

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER APPROVING A REZONING AND A PLANNED UNIT DEVELOPMENT FOR FORSYTH POINTE DEVELOPMENT AT 8001-8049 FORSYTH BOULEVARD

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a public hearing to solicit input regarding a proposed rezoning and related Planned Unit Development (PUD) to be granted to Forsyth Acquisitions, LLC & Commerce Bank for a mixed-use development to be known as Forsyth Pointe. The properties are currently addressed 8001-8049 Forsyth Boulevard.

The subject site is 90,904 square feet and is located on the north side of Forsyth Boulevard between North Brentwood Boulevard and North Meramec Avenue. The eastern two-thirds of the site (8001-8027 Forsyth) has a zoning designation of High Density Commercial (HDC) and the property addressed 8049 Forsyth has a zoning designation of Planned Unit Development (PUD). The properties with a zoning designation of HDC are also located in the Downtown Core Overlay District. The site is currently developed as a surface parking lot and two-story office buildings and a former restaurant and is surrounded by office and retail uses.

Scott Haley, U.S. Capital Development, addressed the Board introducing members of the team: Jim Koman, 8027 Forsyth Acquisitions, LLC, Chuck Kim, CFO, Commerce Bank, Tom Novak, General Counsel, Commerce Bank, and Denny Holzer, Design & Facilities, Commerce Bank. Architectural team is Chris Cedargreen, Cedar Green Architects, Jeff Ryan, Christner, and George Stock, Stock & Associates.

Mr. Haley addressed the Board stating that they, U.S. Capital Development, Commerce Bank, and Mr. Chapman (Barry-Wehmiller) have all been actively working together along with the City staff to do this project and to satisfy the master plan.

Chris Cedargreen addressed the Board pointing out some of the plans for “pulling” green (landscape) plans from Shaw Park and integrate it into the building project by having “planters” on all levels, widening sidewalks, adding an “arcade”; adding a texture quality at the base of the building, a green roof, and to bring socialization on the street. He added that the building will be LEED Silver standard.

In response to the Board’s questions, Mr. Cedargreen stated that the terrace will be located on the 7th level; they will select indigenous cold weather plants; charging stations will be accessible to the public; as part of the PUD they are meeting the LEED Silver requirements.

Alderman Buse recommended that they consider obtaining the LEED certification and possibly looking at benchmarking as they move forward.

Alderman Buse commented that in reference to the wider sidewalks the garage has various areas of access that will discourage pedestrian traffic and asked that they are cognizant as they figure the (sidewalk) placements and the street parking, otherwise it could defeat what they are trying to accomplish.

In response to Alderman Boulton’s question regarding the parking study, City Manager Gipson explained that the parking study was performed July 2019 and only deals with Phase 1 of the project, however it does set out through the shared parking manual the ratios that are used for this type of project.

Alderman Berkowitz inquired as to getting a better visual of the terrace.

Jeff Leonard addressed the Board inquiring as to the 40 public parking spaces and the 1,000 tenant parking spaces in the garage. He asked if the 1,000 spaces would also be open to the public in the evenings after the tenants have left for the day.

Mr. Cedargreen stated that the 40 spaces are dedicated for public use during the day at market rate; and the 1,000 tenant spaces would be available for public use at market rate in the evenings and weekends.

Aldermen Berkowitz and Boulton inquired as to the City requirement of free parking at night and on the weekends and if it was included in the contract. Gary Carter, Director of Economic Development will research.

Alderman Boulton recommends that the points for the open space for the public use is reduced to three points and not remain at four points. She is also concerned that there is not enough information about public art.

Mr. Cedargreen stated that both Commerce Bank and Jim Koman are committed to working with the Public Art Advisory Committee (PAAC) to commission and obtain art to satisfy the City's requirements. As of today, they have not chosen an artist or any pieces of art.

Alderman Boulton expressed concern for the points for the below ground parking and recommend a reduction in those points.

Alderman Berkowitz commented that he is glad that the project is going forward, and that tonight is all about discussion and raising all these points and wanting to make them meaningful while trying to get through the process. He also inquired about the entertainment venue but is not sure what it is they are doing and asked for more clarity.

Mr. Cedargreen stated that Arts and Entertainment agreement defines what they are required to do, they will be very diligent on doing that to make sure its attractive for the City. Working with several groups on various concepts and they are committed to make the 4,000 square feet exactly what is defined in the agreement.

Alderman Lintz provided a brief summary of the Plan Commission discussions.

Mayor Harris closed the public hearing.

Alderman Boulton introduced Bill No. 6783, an ordinance to approve rezoning from HDC High Density Commercial District to a Planned Unit Development for 8049 Forsyth Blvd. to be read by title for the first time. Alderman Lintz seconded.

City Attorney O'Keefe reads Bill No. 6783, first reading, an Ordinance Providing for the Rezoning of Certain Property Located at 8049 Forsyth Boulevard, 8015, 8019, 8023, 8025, 8027 Forsyth Boulevard and 8001 Forsyth Boulevard and 15 North Meramec Avenue From High Density Commercial Located in the Downtown Core Overlay District and Planned Unit Development District to a Planned Unit Development District to be Known as the Forsyth Pointe PUD; Providing for the change in the Zoning Map of the City of Clayton, Missouri; Approving a Planned Unit Development for the Property at 8049 Forsyth Boulevard, 8015, 8019, 8023, 8025, 8027 Forsyth Boulevard and 8001 Forsyth Boulevard and 15 North Meramec Avenue; and Other Actions Related Thereto by title only.

Alderman Berkowitz commented that four points on the public open space is high and that it would be approximately 15 hours out of the year that the public can use the space. He recommends assigning a lower point value for that benefit.

Motion made by Alderman Boulton to amend Bill No. 6783 to reduce the points awarded for open space for public use from four to three. Alderman Lintz seconded.

The motion passed 6-Ayes – 1-Nay (Mayor Harris) on a voice vote.

Motion made by Alderman Boulton to amend Bill No. 6783 reducing the points awarded for the underground parking from five to three points. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz to amend Bill No. 6783 to keep the points at five but require the additional input of the PAAC in the selection and working with a consultant in an administrative role in selecting the artist and siting. Alderman Boulton.

The motion passed 6-Ayes to 1-Nay (Alderman Berkowitz) on a voice vote.

The motion to approve the first reading of Bill No. 6783 as amended passed 6 – Ayes to 1 - Nay (Alderman Berkowitz) on a voice vote.

AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO THE CONTRACT WITH CHIODINI ARCHITECTS FOR ROOF DESIGN SERVICES FOR THE SHAW PARK ALL-SEASON RECREATION COMPLEX PROJECT

Alderman Winings rejoined the meeting.

City Manager Gipson reported that the original contract for the Shaw Park All-Season Recreation Complex entered into by the City of Clayton with Chiodini Architects did not anticipate the inclusion of a roof. As a result, we are proposing an amendment to the contract for fees associated with Design and Construction of the cover for the facility. Chiodini proposes a percentage fee for the total construction cost of the roof. The architect's fee is 8.5% of the construction cost of the additional features. The current estimated cost is approximately \$4 million the actual dollar amount of the fee will vary depending on what the final contract cost turns out to be.

On Monday, March 16, 2020 is returning to the Architectural Review Board with a modified design for approval. Once that approval is received, we will be prepared to issue Demolition and Site Work Bid Packages within two weeks of that approval. Construction could begin as early as April.

Alderman Winings introduced Bill No. 6784, an ordinance to approve an amendment to the contract with Chiodini Architects to be read by title for the first time. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No. 6784, first reading, an Ordinance Approving an Amendment to the Contract with Chiodini Architects for the Shaw Park All-Season Recreation Complex Project by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6784 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6784, an ordinance to approve an amendment to the contract with Chiodini Architects to be read by title for the second time. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6784, second reading, an Ordinance Approving an Amendment to the Contract with Chiodini Architects for the Shaw Park All-Season Recreation Complex Project by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6643 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A 1ST QUARTER AMENDMENT TO THE FISCAL YEAR 2020 BUDGET

Janet Watson, Finance Director reported that as part of the quarterly budget review, staff is presenting for the Board’s consideration the first amendment to the Fiscal Year 2020 (FY20) budget. Most of this amendment consists of projects or equipment that was budgeted last year but will now occur or be completed in FY20, and for the issuance of the 2019 Special Obligation Refunding (Refinancing) and Center of Clayton Improvement Bonds. The proposed amendment is summarized in the table below:

<u>ALL FUNDS</u>	FY 2020 Original Budget	1st Quarter Amendment Requested	FY 2020 Budget After Amendment	% Change
Beginning Fund Balance	\$35,290,180		\$35,290,180	
Revenues	\$55,642,711	\$10,929,388	\$66,572,099	19.6%
Expenditures	\$59,567,850	\$13,871,077	\$73,438,927	23.3%
Net Change		(\$2,941,689)		
Ending Fund Balance	\$31,365,041		\$28,423,352	

Alderman Winings introduced Bill No. 6785, an ordinance to approve FY2020 1st Quarter Budget amendment to be read by title for the first time. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6785, first reading, an Ordinance Amending the Fiscal Year 2020 Budget and Appropriating Funds Pursuant Thereto by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6785 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6785, an ordinance to approve FY2020 1st Quarter Budget amendment to be read by title for the second time. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6785, second reading, an Ordinance Amending the Fiscal Year 2020 Budget and Appropriating Funds Pursuant Thereto by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6644 of the City of Clayton.

MOTION – TO APPROVE THE DESTRUCTION OF RECORDS IN ACCORDANCE WITH THE MISSOURI SECRETARY OF STATE RECORDS RETENTION SCHEDULE

City Manager Gipson reported that As the Board is aware, it is the recommended guideline of the Secretary of State to formally approve the disposition of records at the Board of Alderman level, and to include a list which describes the record series including quantity to be disposed, the manner of destruction and destruction date; the list is as follows:

Fire Department – 2011-2017

- ambulance narcotic logs
- narcotic safe logs
- received narcotic forms from pharmacy narcotic purchases

** NOTE: the last two years of records will be retained which has been approved by the Drug Enforcement Agency and the Missouri Bureau of Narcotics and Dangerous Drugs.*

Based on the Board’s past discussions, staff has reviewed the records to assure that the retention schedules set forth by the Secretary of State have been satisfied, and that these records are no longer needed by staff.

In following the Board’s request that a method of disposal be procured that assures maximum security/confidentiality of the records, the City has arranged for a company to come to City Hall and shred the records on-site. This will occur in a timely manner upon approval of the motion by the Board of Aldermen.

Motion made by Alderman Winings to approve the disposal of records as listed in the Board report. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Other

Chief Jones provided a brief report on the COVID-19 pandemic and how they are working closely with St. Louis County and the State of Missouri. He noted that the City is in very good shape on supplies and preparedness.

City Manager Gipson reported on the following:

1. The City has an updated Infection Control Policy currently in place (just updated a couple of months ago); the County and other areas are looking at as a model – KUDOS to the Fire Department.
2. The City's Critical Incident Response Team is active.
3. The Communications Team is ready to make sure any messaging that goes out is coordinated and vetted; been meeting on a regular basis on these topics to make sure we are ready to communicate to the public if needed.
4. Met today with Janet Watson and the HR staff to talk about operational issues; information will go out tomorrow to the employees.

With regard to the possibility of an infected person who may have come to The Center, that information would come from the County because a positive test would end up being sent to the Center for Disease Control (CDC), the State, and the County. From his understanding the County, would be the entity to put together the trail or movements of the infected individual. If the City is notified that an individual is presumptive positive and has been to any of our facilities than we will go with the Internal Operations Plan. We are actively making sure we have contingency plans in place so that we can continue to operate.

Alderman Boulton reported on the following:

- Community Equity Commission (CEC) – held its first meeting; free publicity resulted in a nice audience participation; group is amazing.

City Manager Gipson reported on the following:

- Ice Arena project going back to Plan Commission on March 16.
- Forsyth Project received architectural approval.
- Two houses – Stratford (tabled) and Kingsbury (approved).
- Friday BOA Session scheduled for March 20th – looking to find an alternative date; Discussions: H3, retreat, and Alderman Lintz added the shared scooters on the streets.

Alderman Berkowitz reported on the following:

- All That Glitters – great success.

Alderman Buse added that the CEC was very effective, comfortable and understood their role.

Mayor Harris reported on the following:

- CEC

There being no further business the meeting adjourned at 9:30 p.m.

Mayor

ATTEST:

DRAFT



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER (*DG*)
JUNE FRAZIER, CITY CLERK
DATE: MARCH 24, 2020
SUBJECT: ORDINANCE – ENACTING EMERGENCY MEASURES TO PROTECT THE
PUBLIC HEALTH DURING THE CORONAVIRUS PANDEMIC CRISIS

Considering the current public health crisis and the Federal, State and County Emergency Declarations caused by the Coronavirus (“Covid 19”) pandemic this health crisis has put the lives and well-being of every Clayton resident at risk. That risk is markedly increased by social proximity and interaction with members of the public.

The professional guidance of the Centers for Disease Control and emergency health restrictions promulgated by St. Louis County require that the City revise many of its practices and procedures during the present crisis.

The Clayton Charter authorizes the City to adopt health, sanitary and safety regulations and provide for their enforcement. Therefore, the attached ordinance is brought to you tonight for your consideration.

Recommendation: To approve the ordinance.

BILL NO. 6786

ORDINANCE NO.

AN ORDINANCE ENACTING EMERGENCY MEASURES TO PROTECT THE PUBLIC HEALTH DURING THE CORONAVIRUS PANDEMIC CRISIS

WHEREAS, a state of emergency exists in the City of Clayton by reason of the public health crisis caused by the Coronavirus (“Covid 19”) pandemic; and

WHEREAS, this health crisis puts the lives and well-being of every Clayton resident at risk, and that risk is markedly increased by social proximity and interaction with members of the public; and

WHEREAS, the Clayton Charter authorizes the City to adopt health, sanitary and safety regulations and provide for their enforcement (Charter, Art. II, Sec. 15(4)); to prohibit and suppress all practices, conduct and other things whatsoever apt to be detrimental to the health, safety, security convenience and welfare of the inhabitants of the city and to abate all nuisances (Charter, Art. II, Sec 15(19)); do all things necessary or expedient for promoting the safety, security, health and welfare of the city and its inhabitants (Charter, Art. II, Sec 15(20)), and to enact, adopt and enforce all ordinances, rules and regulations, do all things and exercise all governmental and municipal authority necessary appropriate or convenient protect the public health safety and welfare (Charter, Art. II, Sec 15(38)); and

WHEREAS, the Clayton City Manager has general supervision over all the officers and affairs of the city and is charged to comply with the ordinances of the city, including this ordinance, and the laws of the State of Missouri (City Code, Sec. 110.010); and

WHEREAS, the professional guidance of the Centers for Disease Control and emergency health restrictions promulgated by St. Louis County require that the City revise many of its practices and procedures during the present crisis; and

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WHEREAS, it is prudent and in the best interest of the health and safety of the residents of Clayton that there be a streamlined and efficient process for implementation of further adjustments in regulations, procedures and practices in a timely manner so as to respond to the rapidly evolving health crisis;

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

Section One.

The Mayor of the City of Clayton, as presiding officer for meetings of the Board of Aldermen (Charter, Art. II. Sec. 2), is hereby authorized to establish temporary procedures for calling and conducting meetings of the Board of Aldermen including determining the timing, location, physical presence of members and the public, alternative public access to meetings, the manner by which public testimony and input shall be received, and other aspects of conducting such meetings which the Mayor may find to be safe and appropriate in light of the current health crisis. All ordinances or other municipal regulations in conflict with the procedures and practices thus established are hereby suspended until further action by the Board of Aldermen.

Section Two.

The City Manager is authorized to temporarily suspend enforcement of any ordinances, resolutions, policies, procedures or practices of the City and to adopt interim temporary alternative measures, regulations, standards, practices, policies and procedures which the City Manager determines to be reasonably necessary to protect the public health against the current pandemic while still preserving the general health, safety and welfare of the City as a whole and its residents and businesses. This authority shall include, but not be limited to, matters relating to:

- (a) duties of city employees and personnel and workplace regulations, rules, standards, procedures and practices;
- (b) public and employee access to City buildings, facilities and property;
- (c) the time, location and manner by which meetings of all boards, commissions, advisory bodies and public governmental bodies of

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- the city shall be conducted, taking care to comply with all requirements of the Missouri Open Meetings and Records Act;
- (d) zoning, traffic and other regulations relating to deliveries to and by businesses located in the City;
 - (e) zoning and other regulations relating to signage (so that information of importance to the public and economic health of the community can be made known);
 - (f) purchasing procedures and the expeditious acquisition of critical supplies and services;
 - (g) reallocation of appropriated funds and suspension of purchases, service contracts or improvement projects as determined by the City Manager to be prudent, reasonable or necessary in order to protect the City finances and the City's ability to sustain critical public services during a potentially protracted and widespread public crisis, and
 - (h) any similar matters which the City Manager deems to be critical to success of the City's critical public health and safety responsibilities.

Section Three.

In addition, the City Manager is hereby authorized and directed to take such actions as may be reasonably necessary or appropriate to carry out the temporary procedures, suspensions, waivers and other adjustments and changes specified in this Ordinance or determined by the City Manager to be prudent or beneficial to carry out the purposes of this Ordinance.

Section Four.

All ordinances of the City of Clayton which are contrary to or in conflict with any of the temporary alternative measures, regulations, standards, practices, policies and procedures which the City Manager determines to be reasonably necessary to protect the public health are hereby suspended for so long as such alternative measures, etc. are in effect.

Section Five.

It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof

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and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section Six.

This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

Passed by the Board of Aldermen this _____ day of _____, 2020.

Mayor

Attest:

City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
GARY CARTER, DIRECTOR OF ECONOMIC DEVELOPMENT
DATE: MARCH 24, 2020
SUBJECT: ORDINANCE – AMENDING TABLE III-E OF THE PARKING REGULATIONS
IN TITLE III OF THE CITY CODE

The attached ordinance amends Schedule III of the Title III Traffic Code by adding locations on Aberdeen Place, University Lane, and Wydown Boulevard for residential parking restrictions.

The currently signed restriction on these sections indicates that parking is limited to one hour between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday, except by valid resident and visitor permit. The proposed change would retain the same restrictions but add these sections to the regulatory ordinance in Table III-E.

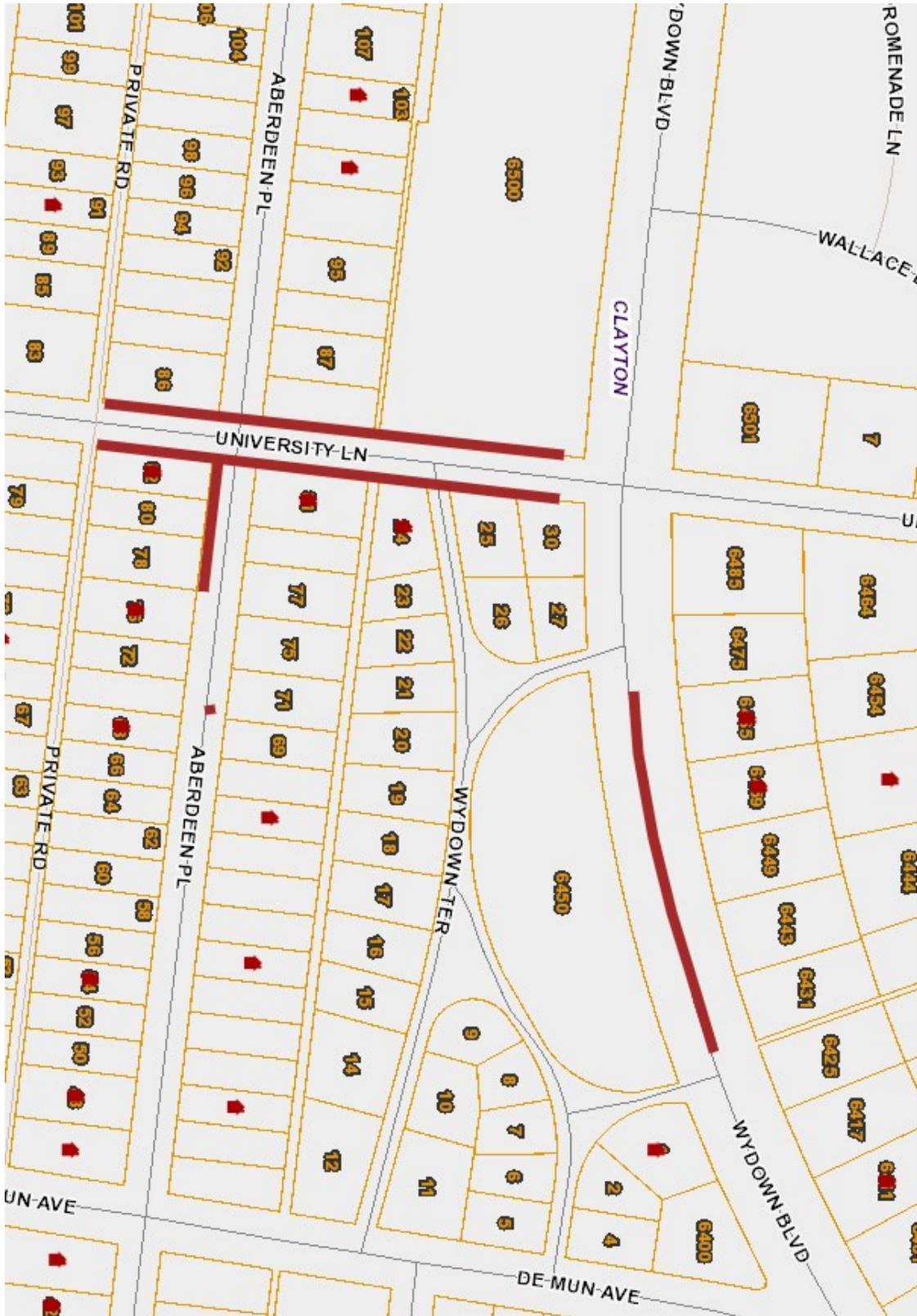
The portions of these streets being requested to be added to Table III-E are as follows:

Wydown Boulevard - On the southside of the street 75ft from the west line of the east entrance to Wydown Terrace to a point 510 ft from the west line of the east entrance to Wydown Terrace.

University Lane - On the west side of the street 30ft from the south line of Wydown to the east/west alley between Arundel and Aberdeen. And on the east side of the street 30 ft from the south line of Wydown to the east/west alley between Arundel and Aberdeen.

Aberdeen Place - On the South side of street from University Dr to a point 188 feet east of University.

STAFF RECOMMENDATION: To approve the ordinance enact the specified parking restrictions for Aberdeen Place, University Lane, and Wydown Boulevard.



BILL NO. 6786

ORDINANCE NO. _____

AN ORDINANCE AMENDING TABLE III-E OF SCHEDULE III OF TITLE III OF THE CLAYTON CITY CODE RELATING TO PARKING RESTRICTIONS.

WHEREAS, the City provides parking spaces on City streets and property for the convenience of residents, motorists and visitors; and

WHEREAS, it is important to regulate parking to adequately balance parking demands and availability of parking spaces as reasonably as possible; and

WHEREAS, it is the intent of the Board of Alderman to revise parking restrictions on Aberdeen Place, University Lane and Wydown Boulevard to accommodate as hereinafter provided.

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

Section 1. Section A of Table III-E of Schedule III of Title III of the Municipal Code of the City of Clayton, Missouri, is hereby amended by the addition of the following locations where the specified restriction is to become applicable, to wit:

Schedule III. Parking Restrictions

Table III-E. One-Hour Residential Parking Zones, 8:00 A.M. To 5:00 P.M. Weekdays.

- A. [The following streets or parts of streets are designated as residential parking zones where parking is restricted to one (1) hour between 8:00 A.M. and 5:00 P.M. except on Saturdays, Sundays and holidays and further except by valid resident and visitor permit:]

Location

[**NOTE:** Other locations listed in Section A are not altered, amended or affected in any way by this amendment and remain in full force and effect. For that reason, these locations are not set forth here in full.]

Aberdeen Place:

On the South side of street from University Dr. to a point 188 feet east of University Dr.

University Lane:

On the west side of the street 30 feet from the south line of Wydown to the east/west alley between Arundel and Aberdeen.

Wydown Boulevard:

On the southside of the street 75 feet from the west line of the east entrance to Wydown Terrace to a point 510 ft from the west line of the east entrance to Wydown Terrace.

Section 2. This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

Passed this 24th day of March 2020.

Mayor

Attest:

City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN

FROM: DAVID GIPSON, CITY MANAGER
GARY CARTER, ECONOMIC DEVELOPMENT DIRECTOR

DATE: MARCH 24, 2020

SUBJECT: ORDINANCE – ESTABLISHING THE 7730 BONHOMME COMMUNITY
IMPROVEMENT DISTRICT – 2ND READING

A public hearing was held on March 10, 2020 with the first reading, approved by the Board of Aldermen. An overview (included below) of the request was provided at that meeting, therefore we are here tonight for the 2nd reading of the proposed ordinance.

OVERVIEW

Silverwest-I Clayton LLC (the “Developer”), which is an affiliate of Denver-based Silverwest Hotels, intends to redevelop the property located at 7730 Bonhomme into first-class hotel consisting of approximately 268 rooms, and featuring a new rooftop pool, restaurant and bar, fitness center with panoramic views, and approximately 17,000 square feet of event space. As part of this project, the Developer anticipates potential significant improvements or additions to the infrastructure and public spaces associated with the hotel, including, but not limited to, the parking garage, streetscape improvements, porte cochere, sidewalks and landscaping. To assist in financing this redevelopment, the Developer has petitioned the City to create a Community Improvement District (the “CID”) on the hotel pursuant to the Community Improvement District Act, Sections 67.1401 to 67.1571, RSMo. (the “CID Act”). The CID will impose an additional 1% sales tax on hotel and other retail sales for up to 30 years. The CID will use the sales tax revenues to pay for certain eligible project costs, \$2,900,000. The attached ordinance:

- Approves the petition to establish the CID;
- Appoints a Board of Directors for the CID; and
- Directs the City Clerk to notify the Department of Economic Development that the CID has been established (as required by the CID Act).

APPROVAL OF CID PETITION AND APPOINTMENT OF BOARD OF DIRECTORS:

The petition to establish the CID defines the basic scope of the CID, including its boundaries and its ability to seek voter approval of the aforementioned CID sales tax (in this case, the CID Act provides that the only qualified voter to vote on these matters is the sole property owner within the CID, which is currently the Developer). If the attached ordinance is passed, the CID will be established as a separate political subdivision and will be a separate legal entity from the City.

The CID will be governed by a six-member board of directors appointed by the Mayor with the consent of the Board of Aldermen. Under state law, only registered voters residing within the CID and the authorized representatives of property owners within the CID may be appointed to the Board of Directors. In this case, the Developer is the sole property owner within the CID and has designated the five voting

persons named in the attached ordinance to be considered for appointment to the board of directors. In addition, the City of Clayton City Manager or the manager's designee will be a non-voting board member.

NOTIFICATION TO DEPARTMENT OF ECONOMIC DEVELOPMENT:

The CID Act requires the City Clerk to report the creation of the CID to the Department of Economic Development. The attached ordinance will authorize the City Clerk to make such notification.

Recommendation: To approve the ordinance.

BILL NO. 6782

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CLAYTON, MISSOURI, APPROVING A PETITION REQUESTING THE CREATION OF THE 7730 BONHOMME COMMUNITY IMPROVEMENT DISTRICT; ESTABLISHING THE DISTRICT AS A POLITICAL SUBDIVISION OF THE STATE OF MISSOURI; DIRECTING THE CITY CLERK TO NOTIFY THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT OF THE CREATION OF THE DISTRICT; AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH; AND CONTAINING A SEVERABILITY CLAUSE

WHEREAS, the Community Improvement District Act, Sections 67.1401 to 67.1571 of the Revised Statutes of Missouri, as amended (the “**Act**”), authorizes the governing body of any municipality, upon a proper petition requesting the formation and after a public hearing, to adopt an ordinance establishing a community improvement district; and

WHEREAS, on February 19, 2020, Silverwest-I Clayton LLC filed a petition (the “**Petition**”), a copy of which is set forth as **Exhibit A**, attached hereto and incorporated herein by reference, with the City Clerk of the City of Clayton, Missouri (the “**City**”) pursuant to the Act, which proposed the formation of the 7730 Bonhomme Community Improvement District (the “**District**”) provide a mechanism to carry out or finance, within the District, (i) the acquisition, reconstruction or construction of any public improvements authorized by the Act, including, but not limited to, parking lots, garages or facilities, streetscape improvements, sidewalks, or ramps and (ii) the provision of services authorized by the Act, including, but not limited to, security, economic development, planning, tourism, cleaning or maintenance (collectively, the “**District Project**”); and

WHEREAS, on February 21, 2020, the City Clerk verified that the Petition complied with the Act and set a public hearing with all proper notice being given in accordance with the Act; and

WHEREAS, on March 10, 2020, the Board of Aldermen held a public hearing at which all persons interested in the formation of the District were allowed an opportunity to speak and at which time the Board of Aldermen heard all protests and received all endorsements; and

WHEREAS, the Board of Aldermen finds that notice of the establishment of the District has been duly given and the public hearing thereon has been held in which all reasonable protests, objections and endorsements have been heard, all in accordance with Section 67.1431 of the Act; and

WHEREAS, the Board of Aldermen further finds that the Petition to establish the District is proper in that it meets all of the requirements of Section 67.1421 of the Act.

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

SECTION 1. Establishment of District. There is hereby created within the City the 7730 Bonhomme Community Improvement District as a political subdivision of the State of Missouri, having the powers and purposes set forth in the Petition. The District shall include the contiguous tract of real estate described in the Petition, shall be governed by a board of directors consisting of six (6) total directors, five (5) voting directors and one (1) non-voting director, appointed by the City and shall have authority to impose a sales and use tax not exceeding one percent (1%). The City hereby appoints the initial Board of Directors of the District to initial terms of office, as follows:

Evan Welsh	4 year term
Terry Anderson	4 year term
Jennifer Metz	2 year term
Taylor Umscheid	2 year term
Andrew Hargis	2 year term

In addition, the non-voting Director shall be the City Manager of the City of Clayton or the Manger’s designee from time to time. By its execution of the Petition, the Petitioner has designated the City Manager of the City of Clayton (or the Manager’s designee from time to time) as a legally authorized representative of such Petitioner, as the owner of District Property, and intends that such designation shall run with the land comprising the District Property so long as the District exists.

SECTION 2. Term. The District shall be in existence for such period of time as is required to repay any notes, bonds or other obligations it issues, but not to exceed 30 years from the date of this Ordinance.

SECTION 3. Missouri Department of Economic Development Report. The City Clerk is hereby directed to prepare and file with the Missouri Department of Economic Development the report specified in Section 67.1421.6 of the Act.

SECTION 4. Further Actions Authorized. The officers and agents of the City are hereby authorized and directed, to take such further action, and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION 5. Severability Clause. It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

SECTION 6. Effective Date. This ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

Passed by the Board of Aldermen this 10TH day of March 2020.

Mayor

Attest:

City Clerk

EXHIBIT A

PETITION

[On file with the Office of the City Clerk]



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN

FROM: DAVID GIPSON, CITY MANAGER
SUSAN ISTENES, AICP, DIRECTOR OF PLANNING & DEV. SERVICES

DATE: MARCH 24, 2020

SUBJECT: ORDINANCES - REZONING & A PLANNED UNIT DEVELOPMENT FOR FORSYTH POINTE DEVELOPMENT AT 8049 FORSYTH BOULEVARD, 8015, 8019, 8023, 8025, 8027 FORSYTH BOULEVARD AND 8001 FORSYTH BOULEVARD AND 15 NORTH MERAMEC AVENUE

This is the second public hearing to solicit input regarding a proposed rezoning and related Planned Unit Development (PUD) to be granted to Forsyth Acquisitions, LLC & Commerce Bank for a mixed-use development to be known as Forsyth Pointe. The first public hearing was held on March 10, 2020.

The subject site is 90,904 square feet and is located on the north side of Forsyth Boulevard between North Brentwood Boulevard and North Meramec Avenue. The eastern two-thirds of the site (8001-8027 Forsyth) has a zoning designation of High Density Commercial (HDC) and the property addressed 8049 Forsyth, has a zoning designation of Planned Unit Development (PUD). The properties with a zoning designation of HDC are also located in the Downtown Core Overlay District. The site is currently developed as a surface parking lot and two-story office buildings and a former restaurant and is surrounded by office and retail uses.

REZONING

Planned Unit Developments are a distinct zoning district and therefore, an application to rezone the subject property from PUD, HDC and Downtown Core Overlay, to a Planned Unit Development District (PUD) was filed by the developer.

PROJECT DESCRIPTION

The applicant proposes to demolish the existing parking lot and structures and construct two mixed use commercial/office towers and a parking garage. The west tower (Tract A) will have approximately 11,484 square feet of ground floor retail space and 226,152 square feet of office space and is proposed to be 14-stories in height. The east tower (Tract C) will have approximately 6,571 square feet of ground floor retail space and 267,591 square feet of office space and is proposed to be 16 stories in height. Structured parking will be developed on Tract B, providing 1,257 parking spaces including 40 spaces available for public parking. Approximately 2 levels of the structured parking will be underground on the east side of the project for a total of 7 stories in height. On the top of the parking structure, a roof top terrace garden is proposed. Access to the parking structure on site is proposed from the existing east-west alley off Brentwood Boulevard.

PLANNED UNIT DEVELOPMENT

This project seeks relief from certain development standards that are set forth in the current zoning district (HDC and PUD) and other requirements of the Downtown Core Overlay (DTO) District. The current required development standards and the proposed modifications to those standards are identified in the table below. The number of requested modifications to the development standards that are required by the design of the project drive the amount of public benefits the developer is required to provide in terms of a point scale that is set forth in Section 405.1380 of the Zoning Regulations. The following table represents the developer requested code alternatives that will require a waiver from the zoning regulations.

Requested Code Alternatives requiring a Waiver

Development Standard	Requirement	Proposed	Waiver Required
Height (PUD)	22 stories or 253.8 feet	18 stories or 240 feet	No
Height (DTO)	7 stories or 90 feet (maximum)	18 stories or 240 feet	Yes
Building Setback (PUD)	5 feet at second story	14'4" lobby setback on the Western façade. The design includes a 13' lobby setback on the Eastern façade	No
Building Setback (DTO)	15 feet at 3 rd story or 30 feet above grade, along elevations with street frontage, excluding alleys where height is exceeded through PUD	Building setbacks are shown on the Conceptual PUD plan. A waiver will be required for building setbacks above 3 rd story, as building line extends to property line above 2 nd floor.	Yes
Floor Area Ratio (FAR PUD)	12.67	5.625	No
Floor Area Ratio (FAR DTO)	3 (maximum)	5.625	Yes
Setback (rear PUD)	0	0	No
Setback (rear DTO)	15 feet (minimum)	0	Yes
Setback (front PUD)	0	20 Feet	No
Setback (front DTO)	none	20 Feet	No
Setback (side)	none	12 Feet	No
Ground Floor Uses (DTO)	Retail, personal care, or similar	Retail, Bank lobby	No
Ground Floor Uses (PUD)	Retail	Retail, office lobby	No
Parking (automobile)	Retail discrepancy	1,257 spaces	No
Parking (bicycle)	12 racks (minimum)	Minimum of 14	No

DTO = Downtown Overlay District
PUD = Planned Unit Development

MASTER PLAN:

The site is in the Park View District, as identified in the Downtown Master Plan. The vision for the Park View District is to “create a neighborhood along the park that takes advantage of the valuable views of Shaw Park

and transforms the urban edge of the park into an active street life environment with sports, culture and entertainment venues.” The proposed development will be urban in character and will maintain a consistent street wall along the street frontage. The proposed uses and design will increase pedestrian activity levels and activate the corners of Brentwood Boulevard and Meramec Boulevard with new retail establishments. Staff is of the opinion that the proposed development is consistent with the Downtown Master Plan.

PUBLIC BENEFITS

A PUD must provide public benefits to the surrounding neighborhoods and to the City above and beyond what can be reasonably achieved by application of the zoning provisions applicable to the underlying zoning district. The Board of Aldermen may approve alternatives to the zoning regulations, subdivision regulations or design standards applicable to the property proposed to be rezoned to a planned unit development, in exchange for developer provided public benefits, as authorized in Section 405.1380. Section 405.1380(B) (1-15), characterizes those public benefits that are considered appropriate examples of benefits and Table 405.1390.1 assigns each listed benefit a maximum point value. All planned unit developments shall provide at least one (1) public benefit or combination of public benefits that total at least ten (10) points beyond those additional points required for any desired code alternatives, even if no code alternative is requested. The project must also provide at least five (5) public benefits points for each code alternative required. Public benefits are not limited to those outlined in Section 405.1380(B)(1-15), and a developer may propose different public benefits in their application for PUD rezoning per 405.1380(B)(16). For this project there are four (4) code alternatives required (as shown on the prior page) requiring twenty (20) public benefit points in addition to the ten (10) points required for any PUD approval. Thus, for this project to be approved as submitted a minimum of **30 points must be obtained. The table below represents the discussion/decisions rendered by the Board of Aldermen at the March 10, 2020 meeting.**

Code Section	Public Benefit	BOA Points Awarded	Analysis
405.1380(B)(1)	Architectural Significance	3	The building will include a 16-foot-high street level arcade that lifts the building podium and is clad with a composition of thin angular fins that include color treatments to artfully modulate and create texture to the podium. The garage is screened with angular fins and complimented with vertical landscaped areas including the podium corners of Meramec and Brentwood
405.1380(B)(3)	New Public Infrastructure	3	The development will incorporate as much as 14’ setback at the corners of Forsyth & Brentwood, and Forsyth & Meramec which will enhance the pedestrian experience and include landscaped planters, and outdoor seating. This setback is in addition to the existing 12’ city sidewalks, which will be reconstructed as part of the development and brought up to City standards
405.1380(B)(6)	Protection or addition of Green Infrastructure	4	The building’s garden terrace will include a green roof system that filters stormwater runoff. The building will also include solariums filled with natural plants and trees at both corners of the podium, as well as in the center of the podium.
405.1380(B)(7)	Dedication of land to City	0	Developer will widen alley at the north side of the building to 24 feet
405.1380(B)(8)	Below Grade Parking	3	286 below grade parking spaces will eliminate the massing of the parking structure and provide 40 public parking spaces for retail

			visitors. The below grade parking structure will also provide parking spaces for the tenants
405.1380(12)	Public Art	5	The buildings will include public art pieces at both the western and eastern tower open entry areas. Both development parties are committed to incorporating meaningful and lasting art into the ground floor areas. Owners of the west and east towers shall hire a consultant for the selection of public art/sculptures.
405.1380(B)(13)	Open space for public	3	Garden terrace located on the top floor of the parking structure will be a truly unique amenity to the property and the City of Clayton. As part of its agreement with the City of Clayton, the Developer will open the garden terrace up for a minimum of 4 public events each year, such as the movie nights, Parties in the Park, and Fall Fest. The garden terrace will include a platform/stage for music, movies, and performances, seating areas, and a trellis feature. The garden terrace will be visible from the upper floors of all nearby buildings and will create a seamless "green" connection to Shaw Park.
405.1380(B)(15)	Enhancement of Streetscape	0	Streetscape along Forsyth, Brentwood and Meramec Avenues will be brought up to current standards by providing 3 additional Parking Pay Stations, bicycle parking near retail areas, updated traffic controller and pedestrian access controls.
405.1380(B)(16)	Any other public benefit	4	Art/Ent Venue at ground level of west tower which may house a restaurant, bar, nightclub or theater
405.1380(B) (16)	Any other public benefit	5	Electric vehicle charging stations will be provided at each level of the garage.
TOTAL		30	Required: 30 points

Point analysis:

- 1) **405.1380(B)(1) Architectural Significance:** *Constructing buildings exhibiting Architectural distinction and significance that would make the development unique.*

Applicants response: The building will include a 16-foot-high street level arcade that lifts the building podium and is clad with a composition of thin angular fins that include color treatments to artfully modulate and create texture to the podium. The garage is screened with angular fins and complimented with vertical landscaped areas including the podium corners of Meramec and Brentwood.

Staff Analysis: The architecture of the buildings provides some unique features such as the solariums at each building's corners, and the arcades and the landscaped areas on the building frontages. The building design is respectful of the views of and adjacency to Shaw Park, as set forth in the Park View District of the Downtown Master Plan. While the tower buildings provide some areas of distinction, the overall design is representative of typical podium style buildings with a monolithic, horizontal form that is not articulated in any manner. The appearance is also greatly influenced by the lengthy extent of the open-air parking garage façade on Forsyth Avenue.

- 2) **405.1380(3) Provision of new or enhanced public infrastructure:** *greater than the minimum code requirements or as required as a result of a traffic, parking or similar study, and including, but not limited to, the establishment of onsite common areas (exclusive of yards as defined herein), streets, curbs, sidewalks, sanitary sewers, stormwater sewers, landscape buffers, lighting and public parking.*

Applicants response: The development will incorporate as much as 14-foot setback at the corners of Forsyth and Brentwood, and Forsyth and Meramec which will enhance the pedestrian experience and include landscaped planters, and outdoor seating. This setback is in addition to the existing 12-foot-wide City sidewalks, which will be reconstructed as part of the development and brought up to City standards

Staff Analysis: The proposed arcade design provides an enhanced, sheltered walkway for pedestrians. The proposed street furniture and planter boxes enhances the street side public space. Points cannot be awarded for bringing sidewalks and streetscape up to City required standards.

- 3) **405.1380(B)(6) Protection and addition of green infrastructure.** *Projects which provide and protect green infrastructure such as planned and managed networks of open spaces (including parks) and features that use natural means such as vegetation to capture, store and infiltrate stormwater runoff (including bioswales, green roofs, and rain gardens).*

Applicant's response: The building's garden terrace will include a green roof system that filters stormwater runoff. The building will also include solariums filled with natural plants and trees at both corners of the podium, as well as in the center of the podium.

Staff Analysis: It's unclear at this time how the rooftop water management system will function, however, the rooftop garden is consistent with natural means to capture, store and infiltrate stormwater.

- 4) **405.1380(B)(7) Dedication of land to the City for purposes of widening or improving the adjoining right-of-way.**

Applicant's response: Developer will widen alley at the north side of the building to 24 feet.

Staff Analysis: Points cannot be received for City requirements such as planting city street scape or widening an alley, per 405.1380.B.3. The developer notes that they had purchased the parking lot from the City including the 4 feet along the east/west alley that they will be required to dedicate to the City for alley widening. For that reason, they have requested points for the dedication. However, for this project, the City is also vacating a portion of the east/west alley and a building will be constructed over what will be a former alley. Typically, when alleys are vacated the property formerly comprised of the alley is split down the middle and given to the adjoining property owner's (assuming there is more than one). The area of dedication via widening equals 1,070 square feet. The area of vacation equals 4,400 square feet. Therefore, staff believes points are not warranted. Additionally, widening the alley to 24 feet is a city minimum standard that is required of all developments in similar situations, therefore, no points can be awarded.

- 5) **405.1380(B)(8) Below Grade Parking.** *Inclusion of a below grade parking facility with spaces specifically available and designated for public parking and located underneath the proposed development.*

Applicant's response: 286 below grade parking spaces will eliminate the massing of the parking structure and provide 40 public parking spaces for retail visitors. The below grade parking structure will also provide parking spaces for the tenants. Including below grade parking will eliminate the massing of the parking structure and will provide parking spaces

for the tenants of the East and West Tower.

Staff Analysis: The parking structure is primarily located above grade and its location is contradictory to the Downtown Overlay District which directs parking towards the center of the site as opposed to street frontages. 286 spaces of the proposed 1,257 is approximately 23 percent of the total number of spaces that will be located below grade (per the developer) which equates to less than two stories below grade. The proposed garage does provide 40 spaces for public parking.

- 6) **405.1380(B)(12) Public Art.** *A significant form of public art in any media that has been planned and executed with the intention of being staged on private property, outside, which is accessible to the public.*

Applicant's response: The buildings will include public art pieces at both the western and eastern tower open entry areas. Both development parties are committed to incorporating meaningful and lasting art into the ground floor areas. Owners of the western tower will commission an artist for public art/sculpture.

Staff response: The intent of the code is for Art to be externally located and available to the public. Not enough information has been provided by the applicant to consider point values. Points may be possible if the design and location is indoors but is visible and accessible to the public from the street and sidewalk. Applicant has revised the first submittal which now indicates that the owners of the western tower will commission an artist for public art/sculpture. More detailed information will be necessary in order to accurately assess points.

- 7) **405.1380(B)(13) Garden terrace.** *An appropriate amount of open space is provided and available for active or passive use by the public such as courtyards, grassed areas, patios, landscaped spaces.*

Applicant's response: A garden terrace located on the top floor of the parking structure will be a truly unique amenity to the property and the City of Clayton. As part of its agreement with the City of Clayton, the Developer will open the garden terrace up for a minimum of 4 public events each year, such as the movie nights, Parties in the Park, and Fall Fest. The garden terrace will include a platform/stage for music, movies, and performances, seating areas, and a trellis feature. The garden terrace will be visible from the upper floors of all nearby buildings and will create a seamless "green" connection to Shaw Park.

Staff Analysis: The garden terrace has limited access to the public and is elevated from the street, therefore access to the terrace, use of the terrace and views of the terrace are for the most part, private. However, it is a positive amenity from the standpoint of preserving green and open areas and to break up the typical concrete massing of the top of a parking garage.

- 8) **405.1380(B) (16)** *Any other public benefit which is determined by the Board of Aldermen to meet the purpose and objectives set forth in Section 405.1360.*

Applicant's response: An Arts and Entertainment venue is planned for at ground level of the West Tower which may house a restaurant, bar, nightclub, or theater. Electric vehicle charging stations will be installed on all parking levels.

Staff Analysis: Full points awarded.

CRITERIA FOR APPROVAL

The approval criteria are set forth in Section 405.1410 and are designed to achieve the objectives as set forth in Section 405.1360 of the Zoning Code. The Plan Commission may recommend, and the Board of Aldermen may adopt modifications to the requirements contained in Chapter 405.010 et. seq. titled Zoning Regulations as amended and Chapter 415.010 et. seq. titled Subdivision Regulations as amended, as part of its consideration and approval of a planned unit development to the Board of Aldermen approval, approval with conditions or denial of the development plan. In considering and acting upon development plans, landscape plans and other applicable plans, the Plan Commission shall take the following objectives into consideration through the planned unit development process:

Downtown Master Plan

- 1) *The proposed development is in harmony with general purposes and intent of Chapter 405 of the Municipal Code and is compatible with and implements the planning goals and objectives of the City as set forth in the City's Master Plans;*
 - >> The site is in the Park View District, as identified in the Downtown Master Plan. The vision for the Park View District is to "create a neighborhood along the park that takes advantage of the valuable views of Shaw Park and transforms the urban edge of the park into an active street life environment with sports, culture and entertainment venues."
 - >> The proposed development will be urban in character and will maintain a consistent street wall along the street frontage. The proposed uses and design will increase pedestrian activity levels and activate the corners of Brentwood Boulevard and Meramec Boulevard with new retail establishments. Staff is of the opinion that the proposed development is consistent with the Downtown Master Plan.

Open Space and Landscaping

- 2) *The quality and quantity of public and common open space and landscaping provided are consistent with higher standards of design and amenities expected of a PUD. Common spaces are adequate in size and design to accommodate public use:*
 - >> Criteria met. The proposed landscape enhancements to the street scape, the building and the roof top garden coupled with the arcade design of the building along the street frontages will provide amenities to both pedestrians, occupants of the building and the general public, to a certain extent.

External Circulation

- 3) *Streets, sidewalks, pedestrian ways, bike paths, off-street parking and loading as appropriate to the planned land uses are provided and meet the City of Clayton standards. They will not unduly interfere with the safety and capacity of adjacent streets, or other means of access to the site.*
 - >> Criterial met. The proposed parking, streets, access points and loading zones are appropriate to the type and extent of development proposed.

Internal Circulation

- 4) *The internal circulation system of the proposed development encourages safe movement for vehicles and pedestrians and provides public access to green areas and open space preserved on site which are designated for public use.*
- >> Criterial met. The internal circulations systems provide for safe movements of pedestrians and vehicles. Public access to green areas is limited to those landscape enhancements that are planned for the streetscape and to a limited extent, the proposed solariums inside the buildings.

Design

- 5) *The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable zoning district and subdivision regulations.*
- >> Criteria met. The proposed project is compatible with surrounding developments in terms of intensity of land use and makes more efficient use of land than the existing low rise, two story office uses. The project represents a redevelopment of ½ of an existing City block which allows for integrated design as opposed to redevelopment of individual lots with separate buildings.

Utilities

- 6) *Existing or proposed utility services are adequate for the proposed development.*
- >> Criterial met. Adequate utility services are available for the proposed development.

Buffering

- 7) *Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.*
- >> Criteria met. Surrounding land uses are similar in nature and scale. The closest residential property is one block to the north and across Maryland Avenue. There is an existing office building which provides a buffer between the proposed project and the residential property to the north.

Natural Features

- 8) *The design of the project is as consistent as practical with the preservation of natural features of the site such as stands of mature trees, steep slopes, natural drainage ways, or other area of sensitive or valuable environmental character. The topography of the property is preserved to the greatest extent possible.*
- >> The topography of the property is preserved to the greatest extent possible. There are no other existing natural features of the site.

Site Layout and Land Use

- 9) *The proposed site layout and uses are compatible with the neighborhood surrounding the proposed development and the City as a whole.*
- >> The proposed layout of the site and the land uses overall, are compatible with the neighborhood and the proposed development and the City as a whole. Adjacent land uses

include a Special Development District with office/commercial to the west and office/retail uses to the north, east and south.

Compliance with all other applicable codes and ordinances.

The proposed development complies with all other codes and ordinances.

Architectural Preservation

10) The proposed development preserves buildings which are architecturally or historically significant or contribute to the character of the City.

>> The existing site is developed with a surface parking lot and a few smaller buildings that are not historically significant or contribute to the character of the City.

Points

11) The proposed development provides the required number of points to the extent outlined in Section 405.1380.

>> See analysis above. The developer has achieved the minimum amount of points required by Code.

Public Welfare

12) The PUD will not be detrimental to the public health, safety or general welfare.

>> Provided the development is built in accordance with the zoning ordinance, this PUD ordinance, the approved site plan and all applicable building and safety codes, the PUD should not be detrimental to the public health, safety or general welfare.

Traffic & Parking

Garage access is proposed along the northern elevation, from the east-west alley. A comprehensive analysis of the traffic and parking studies outlined in the staff report to the Plan Commission dated December 18, 2017, is provided as back up to this summary report.

Plan Commission Consideration

The Plan Commission considered this request at their meeting of February 18, 2020, and voted to recommend approval of the rezoning and Planned Unit Development to the Board of Aldermen subject to the following conditions:

1. The applicant shall provide public art located outside of the building at the northeast corner of Forsyth Boulevard and Brentwood Boulevard and the northwest corner of Meramec Avenue and Brentwood Boulevard. Public Art shall be approved by the Public Art Advisory Commission (PAAC). revise all applications and/or the plans to accurately list the building and use square footages prior to the issuance of a Building Permit.

Summary of Changes since the March 10, 2020 Board of Aldermen meeting:

During the first public hearing held on March 10, 2020, the Board discussed the recommended point values and made the following changes to the values:

1. Points awarded pursuant to 405.1380(B)(8) Below Grade Parking: The Board reduced the recommended staff value of 5, to 3. Only 23 percent of the total number of parking spaces were located

underground, therefore the Board felt the intent of the public benefit was marginally met.

2. Points awarded pursuant to 405.1380(B)(13) Open space for public: The Board reduced the recommended staff value of 4, to 3 for the following reasons: Access to the proposed open space by the general public was limited to 4 times per year; the location of the open space was not at ground level and the type of open space (roof top, limited access) did not fully represent the intent of the ordinance. which in the opinion of the Board, was to provide open space in a manner that was more park like in nature and was open to the general public.

The amended point values are reflected in the attached Ordinance of Adoption and represent the 30 points the Board decided to award the developer at the March 10, 2020 hearing.

The following changes have also been made as noted below:

1.The legal description of the subject property has been attached and is identified as Exhibit A in the ordinance.

2. The Site Plans and Architectural Drawings (which were previously two separate documents at the March 10 meeting), have been combined into one document and are identified as Exhibit B in the ordinance.

3. The PUD document is now referenced as Exhibit C in the ordinance,

4. The PUD document was amended as follows:

- a. Content references were changed from “exhibits” to “sections”
- b. The Arts and Entertainment venue description was enhanced to mirror that which was in the agreement between the developer and the City.
- c. The requirement that the developer hire an art consultant to assist with artist selection and location of public art was added to the PUD document, “Planning and Zoning,” number 4 and to the public benefit table.
- d. The legal description has been added to the PUD document.
- e. Section B of the PUD document was modified for clarification purposes; because the buildings are attached, there are no internal setbacks (structure to structure).
- f. Conditions pursuant to payment into the City Forestry fund were added to the PUD document.
- g. The requirement for 40 public parking spaces were enhanced to reflect that the parking spaces will be free to the public on evenings and weekends.

Recommendation: To approve the rezoning and Planned Unit Development Ordinances per the commitments and conditions contained within the ordinance and the exhibits attached thereto.

BILL NO. 6783.1

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE REZONING OF CERTAIN PROPERTY LOCATED AT 8049 FORSYTH BOULEVARD, 8015, 8019, 8023, 8025, 8027 FORSYTH BOULEVARD AND 8001 FORSYTH BOULEVARD AND 15 NORTH MERAMEC AVENUE FROM HIGH DENSITY COMMERCIAL LOCATED IN THE DOWNTOWN CORE OVERLAY DISTRICT AND PLANNED UNIT DEVELOPMENT DISTRICT TO A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS THE FORSYTH POINTE PUD; PROVIDING FOR THE CHANGE IN THE ZONING MAP OF THE CITY OF CLAYTON, MISSOURI; APPROVING A PLANNED UNIT DEVELOPMENT FOR THE PROPERTY AT 8049 FORSYTH BOULEVARD, 8015, 8019, 8023, 8025, 8027 FORSYTH BOULEVARD AND 8001 FORSYTH BOULEVARD AND 15 NORTH MERAMEC AVENUE; AND OTHER ACTIONS RELATED THERETO

WHEREAS, Chapter 405, Article X “Planned Unit Development”, Section 405.1360 “Purpose Statement” of the City’s Land Use Code states that “Planned Unit Developments are a distinct zoning district”; and

WHEREAS, on December 9, 2019, a request for the rezoning of property known as 8049 Forsyth Boulevard, 8015, 8019, 8023, 8025, 8027 Forsyth Boulevard and 8001 Forsyth Boulevard and 15 North Meramec Avenue from High Density Commercial located in the Downtown Overlay District and Planned Unit Development to a Planned Unit Development District was received from 8027 Forsyth Acquisitions, LLC; and

WHEREAS, 8027 Forsyth Acquisitions, LLC, (the “Developer”) submitted an application for approval of a mixed-use planned unit development plan on December 9, 2019 (the “Development Plan”) for use of the property known and numbered as 8049 Forsyth Boulevard, 8015, 8019, 8023, 8025, 8027 Forsyth Boulevard and 8001 Forsyth Boulevard and 15 North Meramec Avenue (the “Site”) for the development of a two mixed use structures and a parking garage. The two towers will contain a mix of uses consisting of retail, entertainment, commercial, restaurant and office. The two mixed use towers contain approximately nine-hundred sixty – five thousand sixty-one square feet (965,061) of floor area. Parking is provided in an adjacent parking garage with 1,250 parking spaces; forty (40) of which are for public use. The east-west alley adjacent to the property will also be widened to 24 feet through a right-of-way dedication; and

WHEREAS, on March 3, 2020, the Plan Commission recommended that the proposed rezoning and development plan be approved by the Board of Aldermen; and

WHEREAS, after notice required by law and ordinance, a Public Hearing was held before the Board of Aldermen of the City of Clayton on March 10, 2020 and March 24, 2020 to consider the request and recommendation; and

WHEREAS, upon due consideration, this Board of Aldermen finds and determines that good planning practice, those elements of the City’s comprehensive plan applicable to the

area in question, and the public health, safety, morals and general welfare would be best served if the subject Property is rezoned as hereinafter provided and if the development plan referenced below is adopted as hereinafter provided.

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

Section 1. The zoning classification of the property located at 8049 Forsyth Boulevard, 8015, 8019, 8023, 8025, 8027 Forsyth Boulevard and 8001 Forsyth Boulevard and 15 North Meramec Avenue, more fully described as follows, is hereby changed from High Density Commercial (HDC) and Planned Unit Development (PUD) and the Downtown Core Overlay District to a Planned Unit Development District, to wit:

Property known and numbered as 8049 Forsyth Boulevard, 8015, 8019, 8023, 8025, 8027 Forsyth Boulevard and 8001 Forsyth Boulevard and 15 North Meramec Avenue as more fully described in Exhibit A, attached hereto and incorporated herein by reference

Section 2. The zoning map described in Chapter 405, Section 405.060. "Zoning Map" of the Code of Ordinances of the City of Clayton is hereby revised to be consistent with the rezoning approved in Section 1 of this Ordinance.

Section 3. Findings and Development Plan Approval

The Development Plan dated March 19, 2020, Exhibit B attached hereto and made part of this Ordinance, as submitted by Forsyth Acquisitions, LLC, (the "Developer") for the Project and Exhibit C, the Planned Unit Development Document is hereby approved, this Board having found and determined that the Project, as set forth in the aforesaid Development Plans and documents, furthers the following objectives as specified in Chapter 405, Section 405.1400:

- The proposed development is in harmony with general purposes and intent of Chapter 405 of the Municipal Code and is compatible with and implements the planning goals and objectives of the City;
- Streets or other means of access to the proposed development meet City of Clayton standards and are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets;
- The internal circulation system of the proposed development encourages safe movement for vehicles and pedestrians;
- Existing or proposed utility services are adequate for the proposed development;
- Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;
- Architecture and building materials are consistent with the design of the development and compatible with the adjacent neighborhood;
- Landscaping is appropriate with the scale of the development and consistent with any applicable City codes, ordinances and standards.
- The proposed materials, design and uses are compatible with the neighborhood surrounding the proposed development or the City as a whole.
- The proposed development complies with all other applicable codes and ordinances.

In addition, the Board of Aldermen hereby finds and determines that the Developer has satisfied the requirements of Section 405.1380 to provide sufficient public benefits to (a) warrant approval of a planned development and (b) allow alternative standards in lieu of the four following zoning requirements which would otherwise be applicable to the subject property, to wit: the height limitation, building setback, floor area ratio and rear setback requirements of the Downtown Overlay District. The Board's finding as to satisfaction of the requirements of Section 405.1380 is based on the Board's determination that the Plan is entitled to the following points for the following public benefits:

Code Section	Public Benefit	Points Awarded	Analysis
405.1380(B)(1)	Architectural Significance	3	The building will include a 16-foot-high street level arcade that lifts the building podium and is clad with a composition of thin angular fins that include color treatments to artfully modulate and create texture to the podium. The garage is screened with angular fins and complimented with vertical landscaped areas including the podium corners of Meramec and Brentwood
405.1380(B)(3)	New Public Infrastructure	3	The development will incorporate as much as 14' setback at the corners of Forsyth & Brentwood, and Forsyth & Meramec which will enhance the pedestrian experience and include landscaped planters, and outdoor seating. This setback is in addition to the existing 12' city sidewalks, which will be reconstructed as part of the development and brought up to City standards
405.1380(B)(6)	Protection or addition of Green Infrastructure	4	The building's garden terrace will include a green roof system that filters stormwater runoff. The building will also include solariums filled with natural plants and trees at both corners of the podium, as well as in the center of the podium.
405.1380(B)(7)	Dedication of land to City	0	Developer will widen alley at the north side of the building to 24 feet
405.1380(B)(8)	Below Grade Parking	3	286 below grade parking spaces will eliminate the massing of the parking structure and provide 40 public parking spaces for retail visitors. The below grade parking structure will also provide parking spaces for the tenants
405.1380(12)	Public Art	5	The buildings will include public art pieces at both the western and eastern tower open entry areas. Both development parties are committed to incorporating meaningful and lasting art into the ground floor areas. Owners of the west and east towers shall hire a consultant for the selection of public art/sculptures.
405.1380(B)(13)	Open space for public	3	Garden terrace located on the top floor of the parking structure will be a truly unique amenity to the property and the City of Clayton. As part of its agreement with the City of Clayton, the Developer will open the garden terrace up for a minimum of 4 public events each year, such as the movie nights, Parties in the Park, and Fall Fest. The garden terrace will include a platform/stage for music, movies, and performances, seating areas, and a trellis feature. The garden terrace will be visible from the upper floors of all nearby buildings and will create a seamless "green" connection to Shaw Park.

405.1380(B)(15)	Enhancement of Streetscape	0	Streetscape along Forsyth, Brentwood and Meramec Avenues will be brought up to current standards by providing 3 additional Parking Pay Stations, bicycle parking near retail areas, updated traffic controller and pedestrian access controls.
405.1380(B)(16)	Any other public benefit	4	Art/Ent Venue at ground level of west tower which may house a restaurant, bar, nightclub or theater
405.1380(B)(16)	Any other public benefit	5	Electric vehicle charging stations will be provided at each level of the garage.
TOTAL		30	Required: 30 points

Section 4. The approval of the Development Plan by this Board of Aldermen is hereby subject to the development commitments and conditions set forth in Exhibit C, attached hereto.

Section 5. Implementation

The City Manager is hereby authorized and directed to take all such actions as may be necessary and proper (or to cause the same to be taken) in order to implement the approval of the Final Development Plan authorized by this Ordinance.

Section 6. Effective Date

This Ordinance shall be in full force and effect from and after the date of its passage and adoption by the Board of Alderman.

Adopted this 24th day of March 2020.

Mayor

ATTEST:

Exhibit A

Legal Description

Lots 1, 2, 3, 4, 5 and part of Lot 6 of Block 4 of the Town (now City) of Clayton, as recorded in Plat Book 1, Page 7, located In US Survey 1918, Township 45 North, Range 6 East, City of Clayton, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a found cross located at the intersection of the east right-of-way line of Brentwood Boulevard, 90 feet wide with the south right-of-way line of a 20 feet wide Alley, said point also being the northwest corner a above said Lot 1, thence the south right-of-way line of the 20 feet wide Alley and its extension, South 83 degrees 58 minutes 43 seconds East, 427.78 feet to its intersection with the west right-of-way line of Meramec Avenue, said point also being the northeast corner of above said Lot 10 thence along the east line of said Lot 10 also being the west right-of-way line above said Meramec Avenue, South 06 degrees 04 minutes 18 seconds West, 212.70 feet; to the southeast corner of said Lot 10, said point also being located on the north right-of-way line of Forsyth Boulevard, 80 feet wide; thence along said right-of-way line, North 83 degrees 58 minutes 43 seconds West, 140.00 feet the southeast corner of a 20 feet wide Alley; thence crossing said Alley, North 83 degrees 55 minutes 42 seconds West, 20.00 feet the southwest corner thereof; thence continuing along the north right-of-way line of above said Forsyth Boulevard, North 83 degrees 58 minutes 43 seconds West, 267.78 feet to a found cross located at the intersection of said north right-of-way line and the east right-of-way line of above said Brentwood Boulevard; thence along said east right-of-way line, North 06 degrees 04 minutes 18 seconds East, 212.68 feet to the POINT OF BEGINNING.

Containing 90,983 square feet or 2.089 acres, more or less.

FORSYTH POINTE
A
PLANNED UNIT DEVELOPMENT (PUD)

REGULATIONS AND SUPPORTING MASTER PLAN GOVERNING THE FORSYTH POINTE, A PLANNED UNIT DEVELOPMENT PURSUANT TO THE PROVISIONS OF THE CITY OF CLAYTON LAND USE REGULATIONS.

DATE REVIEWED BY PLAN COMMISSION **MARCH 3, 2020**

DATE APPROVED BY BOARD OF ALDERMEN _____

ORDINANCE NUMBER _____

AMENDMENTS AND REPEAL _____

LIST OF SECTIONS

SECTION A	PERMITTED AND ACCESSORY USES
SECTION B	DEVELOPMENT STANDARDS
SECTION C	LEGAL DESCRIPTION (AT TIME OF APPLICATION FOR PUD)
SECTION D	PUBLIC BENEFITS
SECTION E	DEVELOPMENT COMMITMENTS
SECTION F	PUD MASTER DEVELOPMENT PLAN
SECTION G	BOUNDARY SURVEY

SECTION A PERMITTED AND ACCESSORY USES

FORSYTH POINTE PUD

Consistency Statement:

The property is in the Park View District as identified in the Downtown Clayton Master Plan. The vision of the Park View District is “high and mid-rise buildings along the eastern and northern edges of Shaw Park that capitalize on the exceptional views of and adjacency to the park.” The proposed development and design create an active pedestrian-oriented street environment along Forsyth Boulevard and Brentwood Boulevard.

Development of the Forsyth Pointe Mixed Use Planned Unit Development (PUD) shall be in accordance with the contents of this ordinance and applicable sections of the Land Use Code and City Master Plan in effect at the time of issuance of any development order, such as but not limited to, Subdivision Plat, Site Plan, Demolition Permit, Building per, to which such regulations related. Where these regulations fail to provide developmental standards, then the provision of the most similar district shall apply.

Permitted Uses Identified in the PUD Plans as Tracts A and C:

A. Principal Uses and structures:

Pursuant to Section 405.3290 of the City of Clayton Land Use Code, all uses identified as Permitted Uses by right for the “HDC” District in effect at the time of building permit application.

Additionally, the following Principal uses shall be allowable:

A. Arts and Entertainment venue at ground level of West Tower which shall be used for cultural, entertainment, and/or recreation uses including, but not limited to, uses such as an art gallery, a theater, a music venue, a movie theater, a night club (with or without food service) providing live entertainment on a continuing or frequent basis.

Accessory Uses Identified in the PUD Plans as Tracts A and C (East and West Tower):

A. Permitted Accessory Buildings or Uses:

Any subordinate building or use customarily incidental to and located on the same lot occupied by the main building or use, subordinate in area, extent or purposes to the main building, limited to and contributing to the comfort, convenience or necessity of the occupants of the main building.

Permitted Uses Identified in the PUD Plans as Tract B (Parking Garage).

A. Off street Parking

B. Retail

C. Restaurant

D. Any accessory use customarily associated with and incidental to the Principal uses allowable in the PUD Tract B.

SECTION B DEVELOPMENT STANDARDS

All facilities shall be constructed in accordance with the approved Site Plan, Architectural Plans, Subdivision Plat and all applicable State and local laws, codes and regulations applicable to this PUD. Except where specifically noted or stated otherwise, the standards and specifications of the City of Clayton Zoning Regulations and Subdivisions Regulations shall apply to this project. The developer, his/her successor and assigns shall be responsible for the commitments outlined in this document.

Development Standards

Development Standard	Requirement
Height	18 stories or 240 feet
Building Setback	14'4" lobby setback on the Western façade of the tower (Tract A) and a 13' lobby setback on the Eastern façade of the tower (Tract B)
Floor Area Ratio	5.625
Setback (rear)	0 feet
Setback (front)	20 feet
Setback (side)	12 feet
Setback (internal)	0 feet
Parking (automobile)	1,257 spaces
Parking (bicycle)	14 racks
Ground Floor Uses	Commercial, Retail, Restaurant, Entertainment, Lobby

SECTION C

LEGAL DESCRIPTION
 FORSYTH POINTE PUD (Prior to rezoning and replat)

Address	Parcels	Square Footage
8049 Forsyth Boulevard	Parcels 1-7	56,952
8027 Forsyth Boulevard	Parcel 4	
8025 Forsyth Boulevard	Parcel 3	
8019 Forsyth Boulevard	Parcel 2	
8015 Forsyth Boulevard	Parcel 1	
8001 Forsyth Boulevard	Parcel 8-10	26,138
15 N. Meramec Avenue	Parcel 11	3,640
Alley		4,174
TOTAL SQUARE FOOTAGE		90,904

TOTAL TRACT

Lots 1, 2, 3, 4, 5 and part of Lot 6 of Block 4 of the Town (now City) of Clayton, as recorded in Plat Book 1, Page 7, located In US Survey 1918, Township 45 North, Range 6 East, City of Clayton, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a found cross located at the intersection of the east right-of-way line of Brentwood Boulevard, 90 feet wide with the south right-of-way line of a 20 feet wide Alley, said point also being the northwest corner a above said Lot 1, thence the south right-of-way line of the 20 feet wide Alley and its extension, South 83 degrees 58 minutes 43 seconds East, 427.78 feet to its intersection with the west right-of-way line of Meramec Avenue, said point also being the northeast corner of above said Lot 10 thence along the east line of said Lot 10 also being the west right-of-way line above said Meramec Avenue, South 06 degrees 04 minutes 18 seconds West, 212.70 feet; to the southeast corner of said Lot 10, said point also being located on the north right-of-way line of Forsyth Boulevard, 80 feet wide; thence along said right-of-way line, North 83 degrees 58 minutes 43 seconds West, 140.00 feet the southeast corner of a 20 feet wide Alley; thence crossing said Alley, North 83 degrees 55 minutes 42 seconds West, 20.00 feet the southwest corner thereof; thence continuing along the north right-of-way line of above said Forsyth Boulevard, North 83 degrees 58 minutes 43 seconds West, 267.78 feet to a found cross located at the intersection of said north right-of-way line and the east right-of-way line of above said Brentwood Boulevard; thence along said east right-of-way line, North 06 degrees 04 minutes 18 seconds East, 212.68 feet to the POINT OF BEGINNING.

Containing 90,983 square feet or 2.089 acres, more or less.

SECTION D PUBLIC BENEFITS

A PUD must provide public benefits to the surrounding neighborhoods and to the City above and beyond what can be reasonably achieved by application of the zoning provisions applicable to the underlying zoning district. The Developer has committed to providing the following public benefits:

Code Section	Public Benefit	Comments
405.1380(B)(1)	Architectural Significance	The building will include a 16-foot-high street level arcade that lifts the building podium and is clad with a composition of thin angular fins that include color treatments to artfully modulate and create texture to the podium. The garage is screened with angular fins and complimented with vertical landscaped areas including the podium corners of Meramec and Brentwood
405.1380(B)(3)	New Public Infrastructure	The development will incorporate as much as 14' setback at the corners of Forsyth & Brentwood, and Forsyth & Meramec which will enhance the pedestrian experience and include landscaped planters, and outdoor seating. This setback is in addition to the existing 12' city sidewalks, which will be reconstructed as part of the development and brought up to City standards
405.1380(B)(6)	Protection or addition of Green Infrastructure	The building's garden terrace will include a green roof system that filters stormwater runoff. The buildings will also include sky gardens, open air outdoor areas on the tower buildings and parking garage structure which will be filled with natural plants and trees.
405.1380(B)(7)	Dedication of land to City	Developer will widen alley at the north side of the building to 24 feet
405.1380(B)(8)	Below Grade Parking	286 below grade parking spaces will eliminate the massing of the parking structure and provide 40 public parking spaces for retail visitors. The below grade parking structure will also provide parking spaces for the tenants
405.1380(12)	Public Art	The buildings will include public art/sculpture at both the western and eastern towers, outdoors and accessible to the public at the corners or in a location otherwise approved by the Public Art Advisory Commission and the Architectural Review Board. The developer shall hire an art consultant to assist with the selection of an artist(s) and the proposed locations of the public art the developer has committed to in the PUD.
405.1380(B)(13)	Open space for public	A garden terrace will be located on the top floor of the parking structure. As part of its agreement with the City of Clayton, the Developer will open the garden terrace up for a minimum of 4 public events each year, such as the movie nights, Parties in the Park, and Fall Fest. The garden terrace will include a platform/stage for music, movies, and performances, seating areas, and a landscaping feature. The garden terrace will be visible from the upper floors of all nearby buildings and will create a seamless "green" connection to Shaw Park.
405.1380(B)(15)	Enhancement of Streetscape	Streetscape along Forsyth, Brentwood and Meramec Avenues will be brought up to current standards by providing 3 additional Parking Pay Stations, bicycle parking near retail areas, updated traffic controller and pedestrian access controls.

405.1380(B)(16)	Any other public benefit	Art/Entertainment venue at ground level of west tower which may house a restaurant, bar, nightclub or theater
405.1380(B) (16)	Any other public benefit	Electric vehicle charging stations will be provided at each level of the garage.

SECTION E

**DEVELOPMENT COMMITMENTS/CONDITIONS OF APPROVAL:
FORSYTH POINTE PUD**

The development of this PUD shall be subject to and governed by the following conditions:

1. TRANSPORTATION

- A. The Developer Shall compensate the City for the cost to optimize the adjacent traffic signals from initial occupancy until full occupancy. The City of Clayton shall manage the signal optimization, post construction, and determine the frequency at which optimizations are needed.
- B. All deliveries to the site shall occur in the designated loading zones; no deliveries will be made from the alley or the adjacent streets.
- C. A minimum of 40 parking spaces for general public use shall be provided within the garage and maintained for the life of the project. Those spaces shall be free to the public on evenings and weekends.
- D. The Public Works Department and City Boards shall determine which improvements should be installed as part of this project, or whether an Escrow Agreement should be executed to cover costs to install the configuration of the City's choice at a later date. All details of the Escrow Agreement to be determined by the City of Clayton.

2. ENVIRONMENTAL/LANDSCAPE

The development of this PUD shall be subject to and governed by the following conditions:

- 1. The location and size of the proposed Landscape Planters located in the Public right-of-way (sidewalk) are subject to the approval of the Public Works Department and require a right-of-way permit, prior to their installation.
- 2. The proposed Landscape Planters located in the public right-of-way are intended to be an enhancement to the design and appearance of the project. Their removal or relocation shall be subject to mutual agreement between the City and the developer or property owner, and should they be removed or replaced, an adequate substitute for property enhancement shall be agreed upon by the City and the developer or property owner. All right-of way planters and plantings contained therein, shall be maintained in good and live condition by the developer/property owner.
- 3. All Landscape plantings located on the green walls, within the sky gardens, landscape planters and beds, and the garage rooftop outdoor space shall be planted with plantings that will retain year-round greenery. Maintenance of the plantings shall be the responsibility of the developer or property owner.
- 4. The developer shall pay into the Forestry Fund any deficient amounts for tree removal/replacement per Code, prior to the issuance of a Building Permit for construction.

3. PLANNING/ZONING

The development of this PUD shall be subject to and governed by the following conditions:

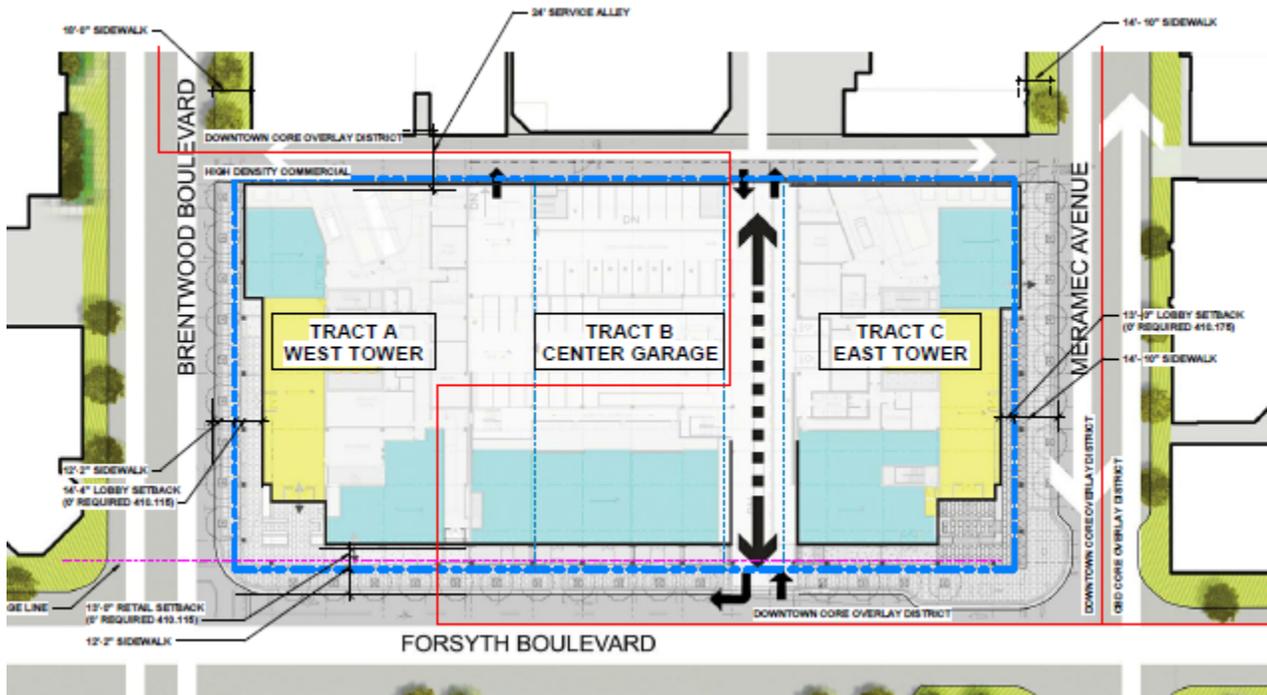
1. Prior to the issuance of a building permit, the Developer shall submit a subdivision plat to consolidate the existing lots into one parcel for development.
2. All signage shall comply with Chapter 425. Signage, unless a separate sign district specifically for this project is developed and approved by the Architectural Review Board.
3. Lighting facilities shall comply with applicable City codes and shall be arranged in a manner which will protect roadways and neighboring properties from direct glare or other interference.
4. The developer shall hire an art consultant to assist with the selection of an artist(s) and the proposed locations of the public art the developer has committed to in the PUD.

4. MISCELLANEOUS

- A. Issuance of a development permit by the City does not in any way create any rights on the part of the applicant to obtain a permit from a local, state or federal agency and does not create any liability on the part of the City for issuance of the permit if the applicants fails to obtain requisite approval or fulfill the obligations imposed by a local, state or federal agency or undertakes actions that result in a violation of local, state or federal law.
- B. All other applicable local, state or federal permits must be obtained before commencement of the development.
- C. The project shall be constructed substantially in accordance with the approved Site Plan, Architectural Plans approved by the Plan Commission and Architectural Review Board, Plan set dated February 24, 2020 and March 2, 2020.
- D. The approved development plan and Planned Unit Development Ordinance shall be recorded with St. Louis County and proof of recording submitted to the City prior to the issuance of a Building Permit.
- E. Section F, below, PUD Master Development Plan illustrates the proposed development and is conceptual in nature. Proposed tract, lot or land use boundaries shall not be construed to be final and may be varied at any subsequent approval phase such as platting or site development plan application.
- F. All necessary easements, dedications or other instruments shall be granted by Developer and/or Owner(s) of property described in Section C, above, to insure the continued operation and maintenance of all service utilities and all common areas in the project.

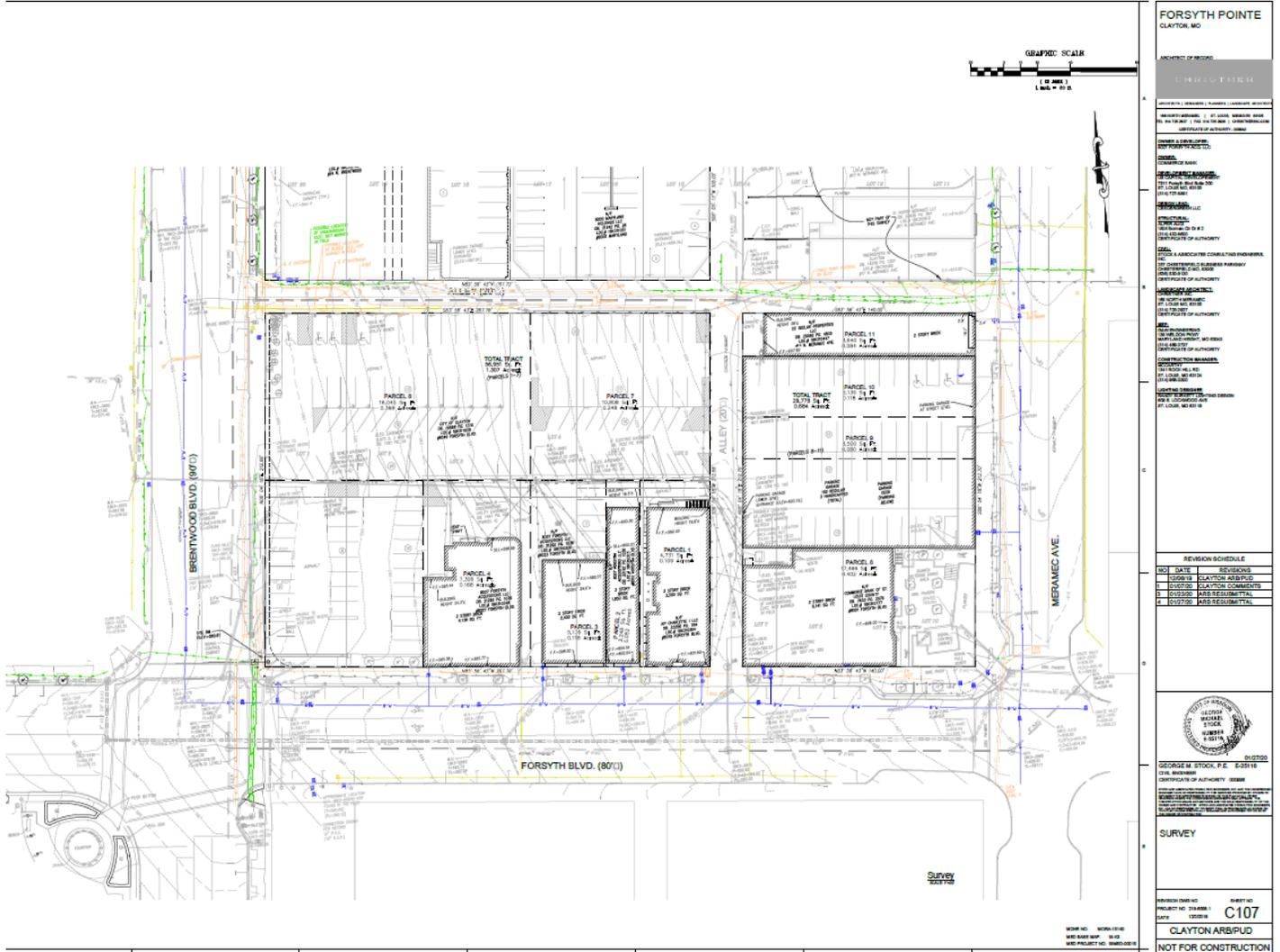
SECTION F PUD MASTER DEVELOPMENT PLAN (BELOW)

PUD MASTER DEVELOPMENT PLAN



SECTION G BOUNDARY SURVEY (BELOW)

Boundary Survey



FORSYTH POINT
CLAYTON, MO

GRAPHIC SCALE
1" = 100'

REVISION SCHEDULE

NO.	DATE	REVISIONS
1	02/28/18	CLAYTON APPROVAL
2	03/02/18	CLAYTON COMMENTS
3	03/05/18	PRELIMINARY
4	03/08/18	PRELIMINARY

REVISION SCHEDULE

NO.	DATE	REVISIONS
1	02/28/18	CLAYTON APPROVAL
2	03/02/18	CLAYTON COMMENTS
3	03/05/18	PRELIMINARY
4	03/08/18	PRELIMINARY

GEORGE M. STOCK, P.E.
0102020
CIVIL ENGINEER
CLAYTON, MISSOURI

SURVEY

REVISION DATE NO. SHEET NO.
PROJECT NO. DRAWING NO. DATE
C107

NOT FOR CONSTRUCTION