



REPORT TO PLANNING & ZONING COMMISSION

CITY OF MARYLAND HEIGHTS

APPLICATION NUMBER: PDP22-0002

APPLICATION (PROJECT) NAME: MARYLAND HEIGHTS APARTMENTS

APPLICANT: KBG, Inc.
9339 Caddyshack Circle, St. Louis, MO 63127

PROPERTY OWNER NAME: KBG, Inc. (under contract)
9339 Caddyshack Circle, St. Louis, MO 63127

APPLICANT'S REQUEST: Rezoning from "NU" Non-Urban District and "PDM" Planned District—Manufacturing to "MXD" Mixed Use District for multi-family residential and future service retail uses

SITE LOCATION: South side of Route 141 at Golfport Drive

ADDRESSES: 3205-3257 and 12000 Creve Coeur Mill Road, 1 Golfport Drive

PARCEL/LOCATOR NUMBERS: 13Q610032, 13Q640073, 13Q620042, 13Q620053, and 13Q340016

EXISTING ZONING DISTRICT: "NU" Non-Urban District and "PDM" Planned District—Manufacturing

TOTAL SITE AREA: 81.66 acres

PLANNING AREA: MARYLAND PARK LAKE DISTRICT

PUBLIC HEARING DATES: November 23, 2021, January 11, 2022, January 25, 2022

REPORT DATE: January 19, 2022

CASE MANAGER: Michael Zeek, AICP

RECOMMENDATION **APPROVAL**



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DESCRIPTION OF EXISTING SITE CONDITIONS

The site is approximately 82 acres in area and includes five parcels (3205, 3250, 3257, and 12000 Creve Coeur Mill Road and 1 Golfport Drive). Portions of the Creve Coeur Mill right-of-way are also shown, which will be vacated subsequent to the rezoning effort. The two parcels along Route 141 are vacant. The center two parcels are developed with a golf driving range (*Golfport of Maryland Heights*). The southernmost parcel is agricultural.



REFER TO FIGURE 1

NEIGHBORHOOD CONDITIONS/LAND USE

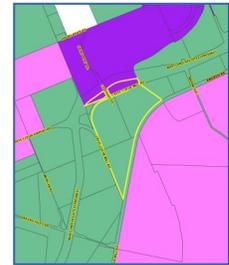
North of the site, across Route 141, is the *Maryland Heights Commerce Center* property, currently importing fill material under an approved grading permit. Further north is the *Sportport International* sports complex. East and southeast of the site, across the railroad tracks, is Creve Coeur Lake Memorial Park. Southwest of the site, across Creve Coeur Mill Road, is agricultural land. West of the site, across Route 141, is agricultural land and Creve Coeur Airport.



REFER TO FIGURE 2

ZONING CONTEXT

The subject properties are zoned “NU” Non-Urban District and “PDM” Planned District—Manufacturing. The golf driving range operates under a Conditional Use Permit. *Maryland Heights Commerce Center* to the north is zoned “PDM” Planned District—Manufacturing. Creve Coeur Lake Memorial Park and Creve Coeur Airport are zoned “MXD” Mixed Use District. Other adjoining properties are zoned “NU” Non-Urban District.



REFER TO FIGURE 3

REFER TO APPENDIX—SUPPLEMENTAL MAPS AND EXHIBITS



EXISTING CONDITIONS MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Future business park (grading ongoing)	“PDM”	Across Route 141
East	Park	“MXD”	Across railroad tracks
South	Park and agricultural	“MXD” and “NU”	Park is across railroad tracks
West	Agricultural and airport	“NU” and “MXD”	Airport is across Route 141

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ZONING REQUEST

The applicant requests to rezone the tract to “MXD” Mixed Use District to construct multi-family residential units with future service retail uses along the Route 141 frontage. The multi-family residential units would be developed in four phases:

- Phase I: 276 units
- Phase II: 156 units
- Phase III: 168 units
- Phase IV: 175 units and 22 attached units

The development would feature a central clubhouse and common area with a pool, fitness center, conference rooms, co-working spaces, and an entertainment room. Further details are included in the applicant’s narrative and plans, included in the appendix of this report for reference.





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PREVIOUS PLANNING COMMISSION ACTION

A public hearing on the Conceptual Development Plan was held on November 23, 2021. The Planning Commission agreed with the City Planner's findings that the project is generally consistent with the Comprehensive Plan. The Commission adopted Resolution 2021-16 approving the Conceptual Development Plan. The resolution contains the following findings:

- 1. The project is generally consistent with the future land use policies of the Comprehensive Plan, subject to the review of a Preliminary Development Plan.*
- 2. The project is generally consistent with the transportation policies, stormwater management policies, and open space and parks goals and policies of the Comprehensive Plan, subject to review of additional details on the Preliminary Development Plan, including a traffic study.*
- 3. The project is consistent with the building design standards but inconsistent with the parking regulations, although the applicant is requesting a reduction of 17% based on their parking study. Consistency with the landscaping and lighting standards of the Zoning Code would be determined during the Preliminary Development Plan review process.*
- 4. Overall, the project is generally consistent with the Comprehensive Plan, subject to the review of a Preliminary Development Plan.*

ANALYSIS

The next step in the Planned District process is the review and approval of a Preliminary Development Plan. The purpose of this step is to consider additional information to determine consistency with the Zoning Code and to draft an ordinance for consideration by the Planning Commission and City Council. The draft ordinance contains provisions to guide the future development and use of the site. As the appropriateness of the project at this location was already determined during the Conceptual Development Plan stage, this report will concentrate on more notable requirements of the draft ordinance. Please read the draft ordinance in its entirety as this report does not discuss every condition.

PERMITTED USES

The draft ordinance allows a mix of multi-family residential and commercial uses. Uses permitted in the "C-2" General Commercial District are permitted. Additionally, the ordinance permits some uses typically conditional in the "C-2" District including restaurants and outdoor restaurant seating, recreational goods rental, and fitness and recreational sports centers. Staff included these uses with certain limitations (see Section 3.VIII, Use Limitations, of the draft ordinance) given the site's location along Route 141 and in proximity to Creve Coeur Lake Memorial Park. Other conditional uses in the "C-2" District, such as uses with drive-through facilities, would require a Conditional Use Permit. For clarity, the ordinance also includes a number of accessory uses for the multi-family residential clubhouse such as convenience stores, snack bars, fitness centers, and electric vehicle charging stations.

PLAN SUBMITTAL REQUIREMENTS

The draft ordinance includes requirements for review and approval of a Final Development Plan, also known as the Concept Plan, and site improvement plans. The purpose of the Concept Plan is to depict all phases of multi-family residential construction to understand the development in its totality and to ensure proper relationships between the phases. An Amended Concept Plan is required for future service retail development and/or subsequent multi-family residential phases that are substantially different from the previously approved Concept Plan. Site improvement plans (construction documents) are required for each phase of construction prior to issuance of building permits.

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ACCESS AND ROADWAY IMPROVEMENTS

The draft ordinance basically requires the developer to satisfy all requirements of the Missouri Department of Transportation (MoDOT) and the City Engineer. This includes sufficient turn lane capacity on Golfport Drive, potential signal timing improvements, and a right-of-way dedication on Creve Coeur Mill Road. The ordinance also requires a ten foot sidewalk/bikeway internal to the development along its primary street and running along the east side of Creve Coeur Mill Road for eventual connection off-site to the Creve Coeur Lake Memorial Park trail system. Any direct connection to the trail system internal to the development, rather than via a public street, is subject to the review and approval of the St. Louis County Department of Parks and Recreation and railroad company. St. Louis County objected to such connection during their review of the Conceptual Development Plan.

BUILDING DESIGN

Buildings must satisfy the Building Design Standards of the Zoning Code. Additionally, common materials, colors, and design elements are required to create architectural continuity throughout the development. The draft ordinance also requires buildings to incorporate design measures to prevent bird collisions with glazed surfaces, similar to previously approved developments in this area.

SIGNS

Signs must be in accordance with the Sign Regulations of the Zoning Code. However, the developer has the option of submitting a Sign Package for the review and approval of the City Planner, rather than the Planning Commission for additional flexibility. If the Planning Commission is uncomfortable with this approach, the condition could be revised to require their approval instead.

LANDSCAPING

The applicant's concept landscaping plan depicts trees to be planted in the multi-family residential portion of the development as well as bio-retention plantings and native plantings along the edge of the large proposed stormwater area in the southern portion of the site. The plan shows over 500 trees to be planted within the development. The draft ordinance requires compliance with the Landscaping Design Standards of the Zoning Code and:

1. City Planner review and approval of the overall quantity of landscaping for each phase. The City Planner may take features such as hardscaped areas, water features, seating and gathering areas, public art, and irrigation into consideration. The City Planner's decisions may be appealed to the Planning Commission.
2. An emphasis upon native plantings to the greatest extent practical.
3. Designing and landscaping the stormwater management area in the southern portion of the District to mimic natural conditions to the greatest extent practical.
4. At least one canopy tree per 40 lineal feet along the north side of the southernmost internal street (between the multi-family residential dwellings and Creve Coeur Lake Memorial Park) to ensure that it is planted like a public street and to add tree cover between the buildings and the park. Staff would note that existing plant material within the park and the railroad tracks at a higher elevation provide some screening benefit (see photos in the appendix).
5. Common landscape plantings and elements throughout the District to create a sense of continuity.

LIGHTING

Lighting must be in accordance with the Lighting Design Standards of the Zoning Code. The applicant's Preliminary Development Plan is consistent with these standards with an average illumination of approximately 1.5 footcandles. The distance of the proposed lighting to the park (over one hundred feet at



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the closest point but over 200 feet on average) and the limited brightness of the shielded lighting would effectively mitigate concerns over lighting impacts.

STORMWATER MANAGEMENT

In a nutshell, stormwater management must satisfy all requirements of the Howard Bend Levee District and Metropolitan St. Louis Sewer District (MSD). Full buildout of the development is predicated upon a stormwater pump station to be constructed by the Howard Bend Levee District. Easements to be dedicated to the Levee District for stormwater conveyance must be shown on the Concept Plan. MSD requires Best Management Practices such as bio-retention basins and permeable pavement to treat and infiltrate stormwater.

MULTI-FAMILY RESIDENTIAL

The draft ordinance sets forth height and distance limitations for the multi-family residential buildings along with specific provisions for accessory buildings, pedestrian connectivity, parking, fences, and screening of trash receptacles. The Zoning Code typically limits the amount of covered parking for multi-family residential developments, but the draft ordinance allows the City Planner to waive these limitations for structures which include solar panels, to incentivize their use. With regard to parking, the Zoning Code typically requires 1.5 spaces per one-bedroom unit for multi-family residential dwellings and an additional parking space for each additional bedroom. The applicant submitted a parking analysis prepared by their traffic consultant, *Lochmueller Group*, justifying a decrease in parking for the proposed garden-style apartments. Staff concurs with the findings of this analysis based on observations of other similar developments in the City. The draft ordinance allows the City Planner to determine the appropriate number of parking spaces in each phase of development to ensure sufficient parking. The review must be based upon industry standards and best practices published by the Urban Land Institute (ULI) and Institute of Transportation Engineers (ITE). In no case may the total number of parking spaces provided be less than one (1) space per bedroom.

SERVICE RETAIL

The draft ordinance requires adequate sidewalk connections between the multi-family residential and service retail portions of the development, including denoted paths across parking lots (with different material, texture, and/or color) to promote pedestrian safety. Site layout conditions are also included to break up the site to avoid long strips of buildings or parking along the Route 141 frontage and to cluster buildings around open space or stormwater management areas to the extent practical.

PLANNED DISTRICT LIMITATIONS

The draft ordinance gives the developer one year to submit the Concept Plan and four years to commence construction. If no construction is commenced within four years, the Planning Commission can revisit the Planned District Ordinance to ensure its continued appropriateness. Also, staff would note that the ordinance grants the developer the right to appeal decisions made by the City Planner or City Engineer to the Planning Commission for recommendation to City Council.

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OVERALL FINDINGS AND RECOMMENDATION

FINDINGS

- a. The proposed plan is in substantial conformance with the approved Conceptual Development Plan;
- b. The proposed plan is in substantial compliance with the policies of the Comprehensive Plan;
- c. The proposed plan is in the interest of the public health, safety, and welfare by allowing the redevelopment of the property with residential and commercial uses as directed by the Comprehensive Plan as further restricted by the conditions of the draft ordinance;
- d. The plan meets the standards and intent of all regulations regarding public facilities and public spaces;
- e. The proposed plan meets the criteria of all land use categories proposed under the plan; and
- f. The proposed plan meets all regulatory standards and design goals for all applicable elements, except where modifications are warranted, as specified in the draft ordinance.

RECOMMENDATION

The City Planner recommends that this application for a Planned District be approved by the Planning Commission and that the draft ordinance attached hereto be recommended for adoption by the City Council.

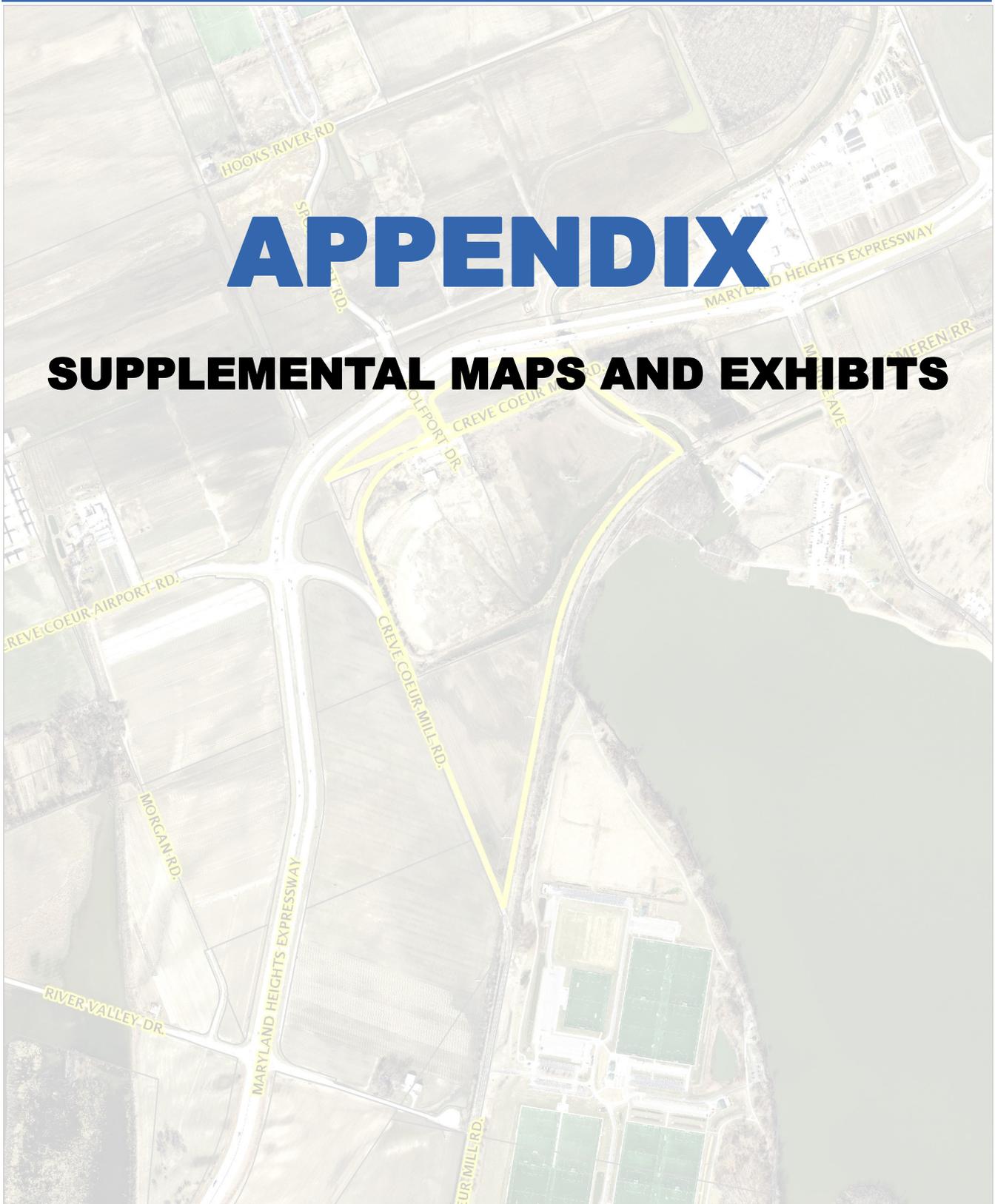

Michael Zeek, AICP
City Planner



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APPENDIX

SUPPLEMENTAL MAPS AND EXHIBITS



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FIGURE 1 - SUBJECT SITE



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AGRICULTURAL	INDUSTRIAL	RESIDENTIAL (MFD)	UTILITY
BUSINESS	INSTITUTIONAL	RESIDENTIAL (SFD)	VACANT LAND
COMMERCIAL	RECREATIONAL	TRANSPORTATION	

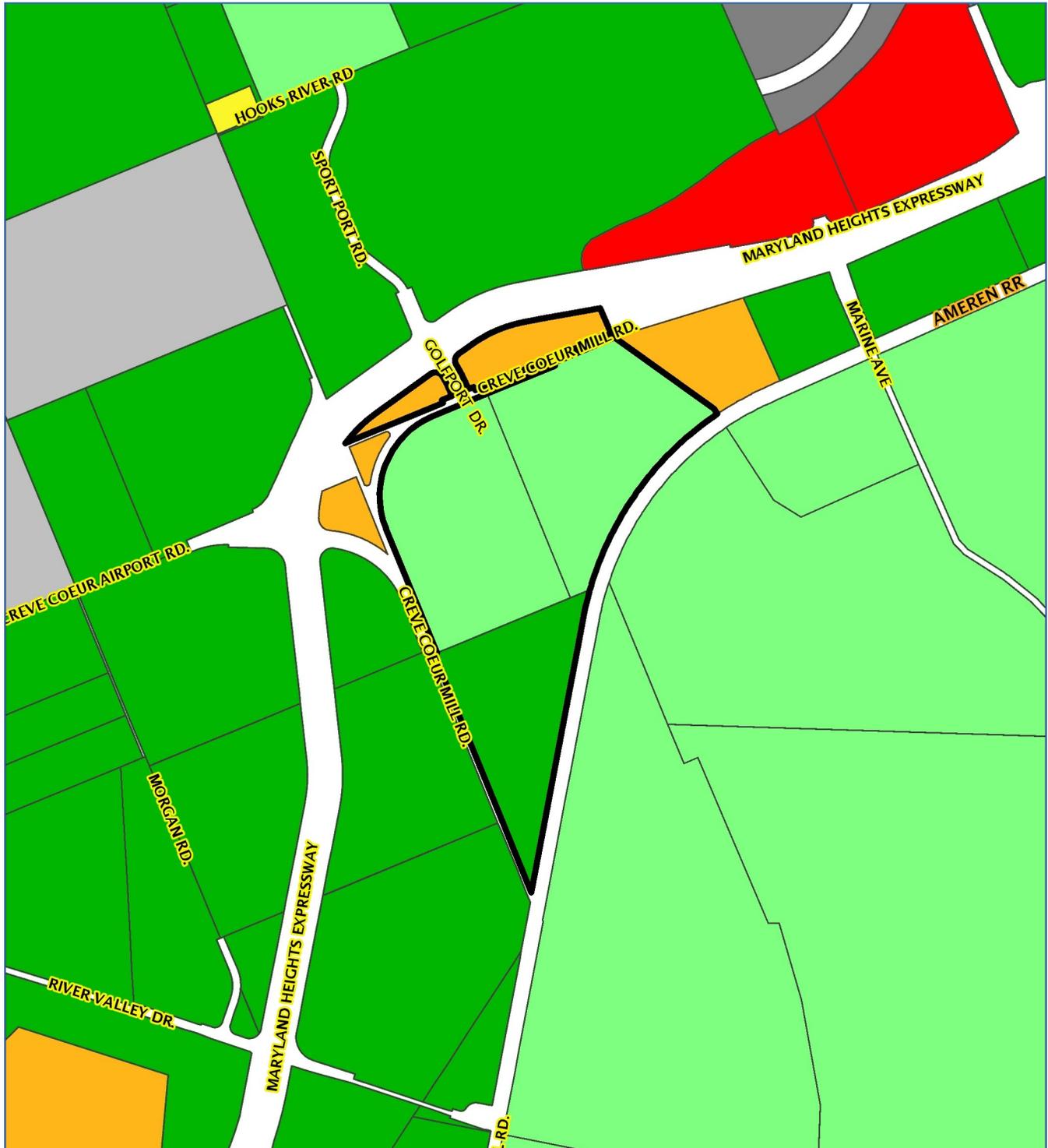


FIGURE 2 - EXISTING LAND USE

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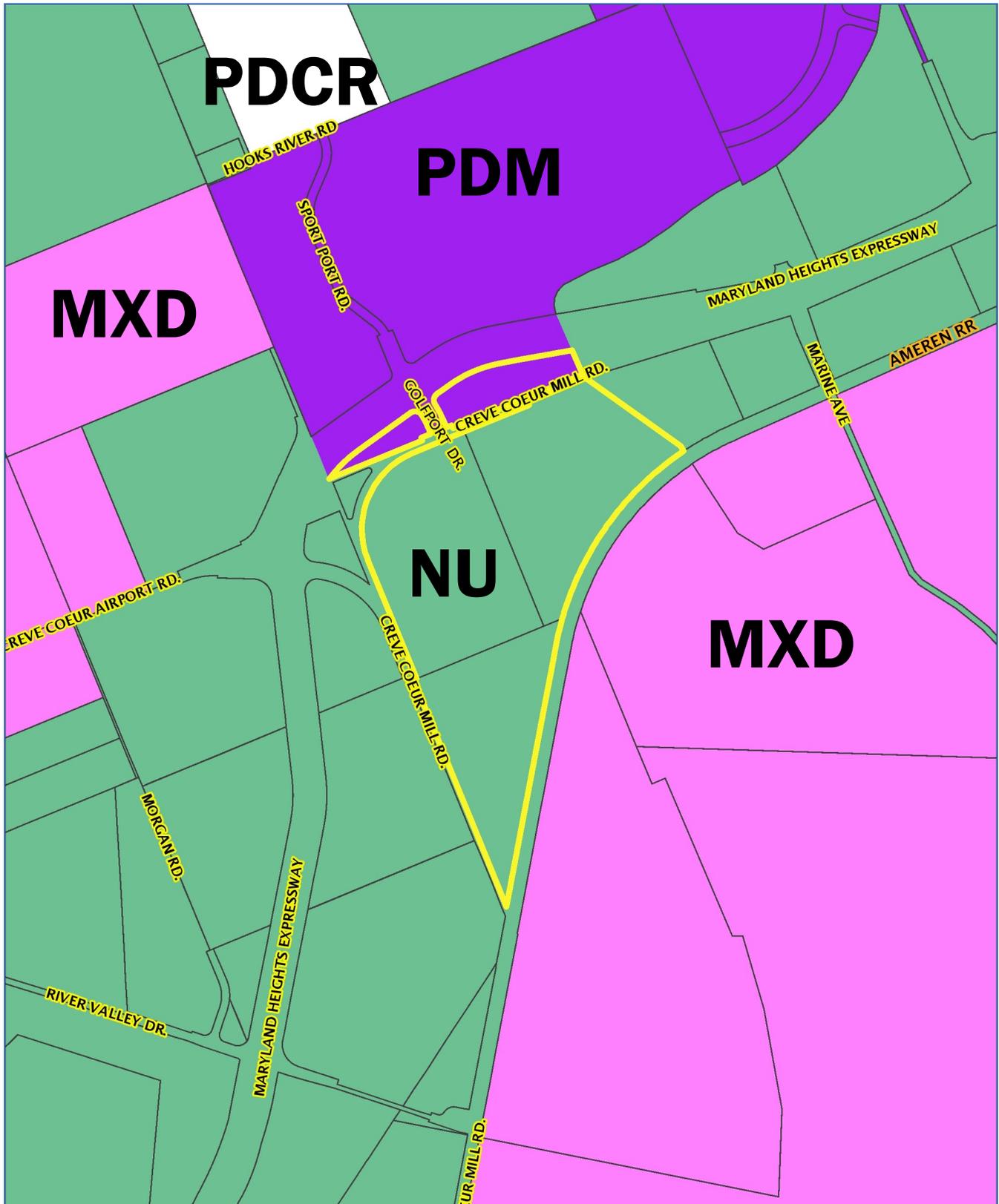


FIGURE 3 - ZONING MAP



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October, 12, 2021



ARCHITECTURE
INTERIOR DESIGN
ENGINEERING
PLANNING

Maryland Heights Apartments Narrative

The Maryland Heights Apartments project is proposed to be developed on the property at 3250 Creve Coeur Mill Road and 1 Golfport Dr. Maryland Heights, MO 63146. The gross acreage is 82.2 acres. The property sits north of Creve Coeur Lake adjacent to Highway 141. The property is currently zoned "NU" non-urban development for single family homes or agriculture. The proposed development is requesting a planned development Mixed Use Districts (MXD) - Planned developments involving a mixture of uses which could include both residential and nonresidential uses. The proposed development will include 4-phases of multifamily development, and two areas of commercial development adjacent to highway 141.

The first phase of the development will be a 13.8 acre multifamily development of seven garden style apartment buildings centered around a functional common area and amenity building. The amenity building will have a pool, fitness center, conference rooms, co-working spaces, and an entertainment room.

This walkable development will engage with the existing infrastructure of walkable/bikeable paths around the Creve Coeur Lake with paths connecting from the proposed development. Crossing over the proposed detention area. This buffer area between the Creve Coeur lake paths and the proposed development will serve as a natural amenity with places to sit and enjoy the views and wildlife and views of the lake.

The proposed development will provide water quality for the site in bio-retention basins meeting current MSD design criteria. A portion of the site will be regraded and provide compensatory storage for the development, meeting current Howard Bend Levee District and City of Maryland Heights requirements, and MSD design criteria. Part of our water retention system is intermixed throughout the parking areas as retention swales planted in accordance with current standards.

A total of 1,330 parking spaces are proposed for the 775 apartments, resulting in a total overall parking ratio of 1.72 spaces per unit. Phase I will include 500 parking spots for a total of 276 units with a parking ratio of 1.81. This total overall parking ratio is in line with other developments around the St. Louis County area; and in reference to our Transportation and Parking assessment by Lochmeuller Group, the proposed development would easily meet the parking demand in their assessment. We are requesting approval for a modified ratio from the existing parking requirements in Maryland Heights code.

168 N. MERAMEC AVENUE, SUITE. 200 ST. LOUIS, MO 63105-3758 P: 314.678.1448
DENVER ▲ KANSAS CITY ▲ ST. LOUIS ▲ ATLANTA

EXHIBIT A - APPLICANT'S NARRATIVE

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Overall Narrative
October, 12, 2021
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The apartment buildings will be built with quality building materials that reflect the nature of the surrounding natural features. This style will be cohesive throughout the future phases of development of the property. A mixture of brick, composite board/ siding, and steel and wood details give this a development a unique architectural design to the typical garden style apartments found in the St. Louis area.

Should you have any questions, please do not hesitate to call.

Sincerely yours,

ROSEMANN & ASSOCIATES, P.C.

Taylor Williamson

DENVER ▲ KANSAS CITY ▲ ST. LOUIS ▲ ATLANTA

EXHIBIT A - APPLICANT'S NARRATIVE (CONT.)



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DEVELOPMENT SCHEDULE:

LAND USE CATEGORY:

MULTIFAMILY RESIDENTIAL SERVICE RETAIL

TOTAL LAND USE: 82.3 ACRES

PERCENTAGE OF LAND USE:

53% MULTIFAMILY RESIDENTIAL

26% RETAIL

27% DETENTION

6% INFRASTRUCTURE

GROSS FLOOR AREA: 294,908 SF = 6.77 ACRES

PERCENTAGE OF OPEN SPACE: 85%



APARTMENTS

PHASE 1 - 276 UNITS PHASE 3 - 168 UNITS

(72) 1 BED/1 BATH
(72) 1 BED + DEN/1 BATH
(42) 2 BED + DEN/2 BATH
(12) 3 BED/2 BATH

PARKING

1.5X = 1 BED UNITS
2X = 2 BED UNITS
2X = 3 BED UNITS

RECOMMENDED - 480
PROVIDED - 500
PARKING RATIO - 1.81

PHASE 2 - 156 UNITS

1 BED - 84 (54%)
1 BED - 60 (40%)
3 BED - 12 (9%)

PARKING

1.5X = 1 BED UNITS
2X = 2 BED UNITS
2X = 3 BED UNITS

RECOMMENDED - 270
PROVIDED - 271
PARKING RATIO - 1.74

PHASE 4 - 175 UNITS

1 BED - 115 (65%)
2 BED - 60 (34%)

PARKING

1.5X = 1 BED UNITS
2X = 2 BED UNITS

RECOMMENDED - 263
PROVIDED - 265
PARKING RATIO - 1.51

VILLAS - 22 UNITS
2 BED - 22 (100%)

PARKING PROVIDED

SITE PLAN
KBC - MARYLAND HEIGHTS APARTMENTS
MARYLAND HEIGHTS EXPY - MARYLAND HEIGHTS, MO 63043

1 SITE PLAN
1" = 200'

S1



EXHIBIT B - PRELIMINARY DEVELOPMENT PLAN (SUMMARY)

REPORT TO PLANNING & ZONING COMMISSION

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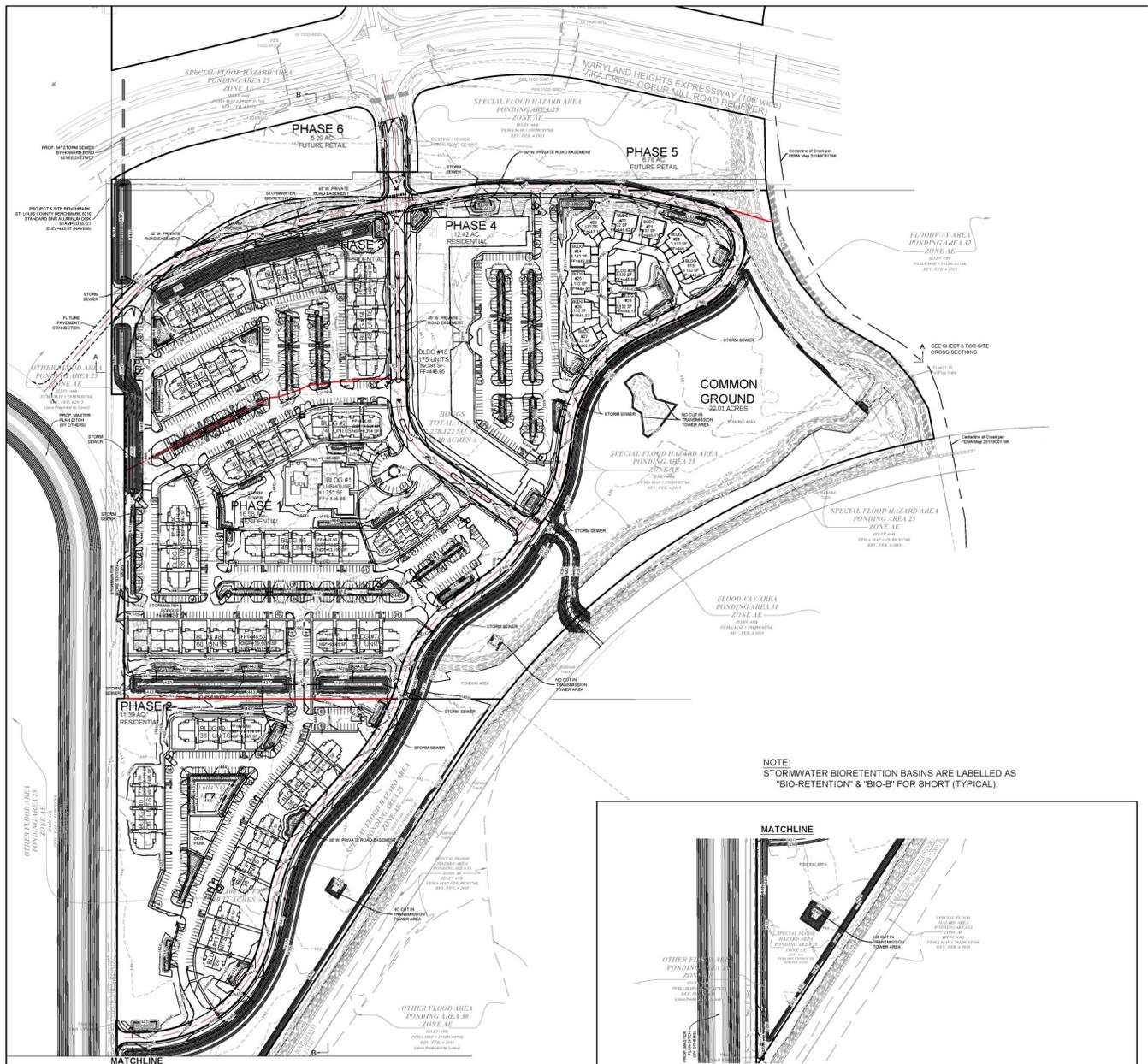


EXHIBIT C - PRELIMINARY DEVELOPMENT PLAN (CIVIL)



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Site viewed from the air, looking south



This photograph is a view from Creve Coeur Lake Memorial Park, looking northwest. The utility pole is approximately 100 feet from the park boundary and the closest proposed building is another 200 feet beyond.

PHOTOGRAPHS



This is a view from Creve Coeur Lake Memorial Park, looking west/northwest through a gap in the typical plant material along the railroad on the northwest side of the park.

PHOTOGRAPHS (CONT.)

BILL NO.

ORDINANCE NO. 2022-DRAFT

**AN ORDINANCE ENACTING AN “MXD” MIXED USE DISTRICT FOR MARYLAND HEIGHTS APARTMENTS ON APPROXIMATELY 82 ACRES LOCATED ON GOLFPORT DRIVE AND CREVE COEUR MILL ROAD AT ROUTE 141
(Petition of KBG, Inc.)**

WHEREAS, Public Hearings were held before the Planning Commission regarding the proposed Mixed Use District; and

WHEREAS, the Planning Commission has found that the Conceptual Development Plan of the proposed Mixed Use District is consistent with the Comprehensive Plan; and

WHEREAS, the Planning Commission has found that the Preliminary Development Plan advances the purpose and intent of the Comprehensive Plan and Zoning Code; and

WHEREAS, the Planning Commission has recommended approval of regulatory standards to guide the future development of the Mixed Use District; and

WHEREAS, the City Council has reviewed the recommendation of the Commission and has determined that the proposed ordinance is in the best interest of the City.

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

Section 1: The zoning of real estate in the City of Maryland Heights for approximately 82 acres of land on Golfport Drive and Creve Coeur Mill Road at Route 141, as more specifically described in Exhibit “A” attached hereto, is zoned "MXD" Mixed Use District to be carried out in accordance with this Ordinance. This zoning shall be recorded on the Official Zoning Map of the City.

Section 2: Purpose

The purpose of this Mixed Use District (“the District”) is to establish a development consisting of a mix of multi-family residential and service retail uses. These uses shall be laid out in an integrated fashion with a focus on pedestrian connectivity and quality open space. The District shall be constructed in a series of coordinated phases, but each phase must be able to function independently within the District until integrated with the next phase.

Section 3: This zoning is subject to all applicable City ordinances (unless otherwise specified), and the conditions that follow:

I. PERMITTED, CONDITIONAL, AND ACCESSORY USES

- A. The following uses shall be permitted, subject to further limitations under this ordinance:
 - 1. Multi-family residential dwellings (Land Use Code [LUC] #1540)
 - 2. All uses permitted in the “C-2” General Commercial District.
 - 3. All uses contained in the Food Services and Drinking Places category (LUC #722) except for those with drive-through services, which shall require a Conditional Use Permit.
 - 4. Recreational Goods Rental (LUC #532292).

5. Fitness and Recreational Sports Centers (LUC #713940).
 6. Sewage Pressure Control and Pumping Stations (LUC #221321), subject to the screening requirements of this ordinance.
- B. All uses conditional in the “C-2” General Commercial District shall require a Conditional Use Permit in accordance with Article 5, Conditional Use Permits, of the Zoning Code.
- C. The following accessory uses shall be allowed in conjunction with the multi-family residential dwellings:
1. Convenience Stores (LUC #445120).
 2. Motion Picture and Video Exhibition (LUC #51213).
 3. Real Estate Property Managers (LUC #53131).
 4. Recreational Goods Rental (LUC #532292).
 5. Private Mail Centers (LUC #561431).
 6. Privately-Owned Parks (LUC #712191).
 7. Fitness and Recreational Sports Centers (LUC #713940).
 8. Snack and Nonalcoholic Beverage Bars (LUC #722515).
 9. Electric vehicle charging stations.
 10. Other related accessory uses, subject to the review and approval of the City Planner.

II. FINAL DEVELOPMENT (CONCEPT) PLAN REQUIREMENTS

- A. Within twelve (12) months of approval of the District and prior to the approval of site improvement plans for multi-family residential development, a Concept Plan shall be submitted to the City Planner for review and approval. Where due cause is shown by the applicant, this time interval may be extended by the City Planner.
- B. The Concept Plan shall depict all potential phases of the multi-family residential development.
- C. The Concept Plan shall be generally consistent with the Preliminary Development Plan. Substantial deviations may be subject to the review and approval of the Planning Commission at the City Planner’s discretion.
- D. An Amended Concept Plan shall be required for:
1. Service retail development; and/or
 2. Each subsequent phase(s) of multi-family residential development if the City Planner determines that the proposed site design is substantially different from that shown on the previously approved Concept Plan. Said plan shall show the currently proposed phase(s) of development as well as the approved/constructed improvements within previous phases.
- E. The Concept Plan, and any Amended Concept Plan, shall meet the requirements of Section 25-6.10, Final Development Plan, of the Zoning Code.
- F. Within fifteen (15) days from the approval of the Concept Plan, and prior to the issuance of any building permit, the property owner shall record a copy of the approved Concept Plan, and any subsequent amendments thereto, with the St. Louis County Recorder of Deeds. Upon written request, this time period may be extended by the City Planner. An electronic copy of the recorded plan shall be provided to the Department of Community Development.

III. SITE IMPROVEMENT PLANS REQUIREMENTS

- A. Site improvement plans shall be required for each phase of development for the review and approval of the City Planner and City Engineer.

- B. Plan review shall be in accordance with Article 4, Site Plan Review, of the Zoning Code.
- C. No building permits shall be issued prior to approval of the site improvement plans for that particular phase.
- D. Prior to approval of the site improvement plans, verification of required approvals from the Metropolitan St. Louis Sewer District (MSD), Howard Bend Levee District, Patonville Fire Protection District, Missouri Department of Natural Resources (MoDNR), and any other applicable jurisdictional authorities and utility providers shall be received by the City Planner and City Engineer.

IV. GENERAL DEVELOPMENT REQUIREMENTS

A. Access and Roadway Improvements

- 1. The developer shall satisfy the requirements of MoDOT with regard to access to/from Route 141 including, but not limited to, adequate storage for turning movements onto and off the roadway and signal timing improvements along the corridor.
- 2. Access to/from Golfport Drive and Creve Coeur Mill Road shall be subject to the review and approval of the City Engineer.
- 3. The developer shall dedicate twenty (20) feet of additional right-of-way for Creve Coeur Mill Road along the western frontage of 12000 Creve Coeur Mill Road.
- 4. The developer shall ensure flood free access to Creve Coeur Mill Road, subject to the review and approval of the City Engineer.
- 5. All private streets shall meet the requirements of Article 6, Subdivision Design Standards, of the Subdivision Code. Improvements shall be in accordance with City standards and St. Louis County design criteria as determined appropriate by the City Engineer.
- 6. The developer shall provide a ten (10) foot sidewalk/bikeway internal to the development along the primary internal street and along the east side of Creve Coeur Mill Road to facilitate an off-site connection with the Creve Coeur Lake Memorial Park trail system, subject to the review and approval of the City Engineer.
- 7. Direct connection to the Creve Coeur Lake Memorial Park trail system shall be subject to the review and approval of the St. Louis County Department of Parks and Recreation and the railroad company.

B. Building Design – Buildings shall be designed and constructed in accordance with Article 13, Building Design Standards, of the Zoning Code. Additionally:

- 1. Common materials, colors, and design elements shall be used to create architectural continuity throughout the District, subject to the review and approval of the City Planner.
- 2. To the maximum extent practical, buildings shall incorporate design measures such as low-reflectivity glass, exterior shading, indoor window treatments, and/or other measures to prevent bird collisions with glazed surfaces.

C. Structure Setbacks – No structures, except dumpster enclosures, fences, walls, light standards, signage or other structures as otherwise approved on the Concept Plan shall be located within the following setbacks:

- 1. Fifteen (15) feet from any roadway right-of-way.

2. Fifteen (15) feet from any private roadway easement, except along the southernmost internal street where a twenty-five (25) foot setback shall be required.
 3. Fifteen (15) feet from any other limits of the District.
 4. No structure setbacks from internal property lines are required, but distances between grouped multi-family residential buildings are required in accordance with Section 3.V.B, Distance Between Grouped Buildings, of this ordinance.
- D. Parking Setbacks - No parking space or internal access drive, excluding points of ingress and egress, shall be located within the following setbacks.
1. Fifteen (15) feet from any roadway right-of-way.
 2. Fifteen (15) feet from any private roadway easement, except along the southernmost internal street where a twenty-five (25) foot setback shall be required.
 3. Ten (10) feet from any other limits of the District.
 4. No structure setbacks from internal property lines are required.
- E. Signs - Signs shall be in accordance with Article 15, Sign Regulations, of the Zoning Code except that a sign package for each Phase may be submitted to the City Planner for review and approval prior to issuance of sign permits.
- F. Landscaping – Landscaping shall be provided for all proposed improvements in accordance with Article 16, Landscaping Design Standards, of the Zoning Code except as follows:
1. The overall quantity of landscaping for each Phase shall be determined by the City Planner on the site improvement plans. The City Planner may take features such as hardscaped areas, water features, seating and gathering areas, public art, and irrigation into consideration. The City Planner’s decision may be appealed to the Planning Commission in accordance with Section 3.X, Rights of Appeal, of this ordinance.
 2. An emphasis shall be placed upon native plantings to the greatest extent practical.
 3. The stormwater management area in the southern portion of the District shall be designed and landscaped to mimic natural conditions to the greatest extent practical.
 4. The north side of the southernmost internal street (between the multi-family residential dwellings and Creve Coeur Lake Memorial Park) shall be planted such that the number of canopy trees is not less than one (1) per forty (40) lineal feet.
 5. Common landscape plantings and elements shall be used throughout the District to create a sense of continuity.
- G. Environmental Standards - Every use, activity, process or operation on the site shall comply with Article 17, Environmental Standards, of the Zoning Code.
- H. Exterior Lighting
1. Exterior lighting shall be in accordance with Article 18, Lighting Design Standards, of the Zoning Code.
 2. Lighting/photometric plans shall be submitted for review and approval in conjunction with the site improvement plans for each Phase of development.

I. Utilities and Mechanical Equipment

1. Any new permanent electrical, telephone, data transmission and distribution lines shall be installed underground within the District, subject to the review and approval of Ameren and other applicable utility providers.
2. Mechanical equipment, pump stations, utility boxes, meters, and similar items shall be screened in accordance with the provisions of Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Above Ground Utilities, of the Zoning Code.

J. Stormwater Management

1. Adequate provisions shall be made for stormwater management, in accordance with the specifications and standards of the Howard Bend Levee District and MSD.
2. All easements to be dedicated to the Howard Bend Levee District for full build out shall be shown on the Concept Plan.
3. All maintenance of common ground water features and water quality features shall be the responsibility of the developer and if transferred to a third party, the developer shall notify the Howard Bend Levee District of the transfer by mail.
4. The adjacent gravity culvert and pumped discharges located at the southeast corner of the District (adjacent to Creve Coeur Creek) shall be abandoned upon installation of the culvert under Route 141. Details specific to the method of abandonment are to be reviewed and approved by the Levee District.
5. The minimum required storage on the site shall be as identified in the current effective stormwater master plan, subject to the review and approval of the Howard Bend Levee District.
6. The developer shall properly inform tenants that the property is located in a levee-protected area and provide them with any adopted Emergency Contingency Plans.
7. Post-construction Best Management Practices (BMP's) shall be required, subject to the review and approval of MSD. Stormwater management facilities and site design strategies shall be applied such that the extents of the project's disturbed areas are managed. The District is considered new development and volume reducing BMP's shall be required.
8. Underground BMPs are only allowed in residential projects by special municipal request and a lack of other technical options.

K. Sanitary Sewers

1. Sanitary sewer facilities shall be provided in accordance with the requirements of MSD.
2. Public sanitary sewers shall be extended to serve each lot.
3. Sanitary flow estimates shall be provided for the review and approval of MSD. These shall include the estimated average daily and peak flow rates. These estimates are needed to determine the sanitary requirements for the District. Sanitary improvements, including pump station upgrades may be required based on the flow rates provided.
4. MSD would prefer that this project connect to the Howard Bend #2 sanitary pump station. Upgrades may be required.
5. If the developer elects to discharge to Howard Bend #3 Pump Station, upgrades shall be required.

6. Connection to the P-718 or P-717 force main shall not be permitted.
7. The swimming pool shall not discharge to the sanitary sewer except for the filter backwash per MSD standards.
8. A permit may be required from the Department of Natural Resources.
9. Offsite easements may be required.
10. New encroachments shall not be permitted.
11. Easements shall be required to allow for future public sewer extensions to adjacent tracts.

V. **MULTI-FAMILY RESIDENTIAL DWELLINGS**

A. **Building Height**

1. No multi-family residential building shall exceed fifty (50) feet above finished grade.
2. No non-residential building (clubhouse or accessory building) shall exceed twenty-five (25) feet above finished grade.

B. **Distance Between Grouped Buildings**

1. In addition to the required setbacks, the minimum distances contained in Table 1, Distance Between Grouped Buildings, shall be required between each multi-family residential building:

TABLE 1. DISTANCE BETWEEN GROUPED BUILDINGS	
Building Orientations	Minimum Distance
Front to front	Fifty (50) feet
Back to back	Fifty (50) feet
Side to side	Twenty (20) feet
Front to side	Thirty-five (35) feet
Back to side	Thirty-five (35) feet
Corner to corner	Fifteen (15) feet

2. In applying the above standards, the front of the building shall mean that face of the building having the greatest length with the rear being that face opposite the front. The side is the face having the smallest dimension. If the building has equal dimensions, the City Planner shall determine the faces.
 3. Row house or villa style buildings shall be separated by a minimum distance of ten (10) feet.
- C. Accessory Buildings – Accessory buildings shall be in accordance with Section 25-11.7.D.15, Accessory Buildings – Covered Parking, or Section 25-11.7.D.16, Accessory Buildings and Structures – Other, of the Zoning Code as applicable. However, the City Planner may waive the coverage limitations specified by these Sections for covered parking or accessory buildings which include solar panels.
- D. Pedestrian Connectivity – Sidewalks shall be provided throughout the District in locations subject to the approval of the City Planner and City Engineer on the Concept Plan and site improvement plans.
- E. Parking & Loading - Off-street parking and loading spaces shall be provided in accordance with

Article 14, Parking and Loading Regulations, of the Zoning Code except the total number of parking spaces for each phase shall be determined by the City Planner to ensure sufficient parking. Said review shall be based upon industry standards and best practices published by the Urban Land Institute (ULI) and Institute of Transportation Engineers (ITE). In no case shall the total number of parking spaces provided be less than one (1) space per bedroom.

- F. Fences – Fences shall be in accordance with Section 25-12.6, Fences, of the Zoning Code pertaining to “R” Residential Districts.
- G. Trash and Recycling Receptacles. Centralized trash and recycling collection areas of sufficient number and size to serve the residents within the development shall be provided. Said receptacles (dumpsters) shall meet the requirements of Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

VI. SERVICE RETAIL

A. Pedestrian Connectivity

- 1. Sidewalks shall be provided throughout the District. Said sidewalks shall provide adequate connections between the residential and retail portions of the District, subject to the approval of the City Planner and City Engineer on the Concept Plan and site improvement plans.
- 2. The City Planner may require denoted walkways within parking areas consisting of a contrasting surface treatment or color for the following purposes:
 - a. To encourage pedestrian safety by clearly denoting the safest path of travel.
 - b. To alert motorists to pedestrian activity.
 - c. To eliminate the need to walk across lawn or landscaped areas to reach the buildings.

B. Site Layout – Sites shall be designed in the following manner, subject to the review and approval of the City Planner on the Amended Concept Plan and site improvement plans:

- 1. Buildings shall be arranged in both parallel and perpendicular fashion to Route 141 to avoid a long strip of buildings running parallel to Route 141.
- 2. Parking areas shall be interspersed between buildings to avoid long, uninterrupted parking areas along Route 141.
- 3. To the maximum extent practical, buildings shall be clustered around stormwater management areas and other open space.
- 4. To the maximum extent practical, buildings shall incorporate plazas and outdoor seating areas oriented toward stormwater management and other open space.

C. Building Height - No building shall exceed fifty (50) feet above finished grade.

D. Parking & Loading - Off-street parking and loading spaces shall be provided in accordance with Article 14, Parking and Loading Regulations, of the Zoning Code. Additionally:

- 1. The outside storage or parking of vehicles unrelated to the permitted uses on the site shall be prohibited.

E. Outdoor Storage - No outside storage of materials or equipment shall be permitted, other than refuse or recycling placed within enclosures meeting the requirements of Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities, of the Zoning Code.

VII. MAINTENANCE

- A. The District shall be maintained in accordance with the Maryland Heights Municipal Code.
- B. The landscaped areas shall be maintained in accordance with landscaping depicted on the site improvement plans. Plant materials shall be replaced or replanted as determined by annual inspection of the site by the City Planner or his/her assigns.
- C. Maintenance and snow plowing of private streets shall be the sole responsibility of the property owners or trustees forever.

VIII. USE LIMITATIONS

The following limitations shall be placed upon certain permitted uses:

- A. Multi-Family Dwellings
 - 1. A maximum of eight hundred (800) multi-family units shall be permitted.
 - 2. No single-family dwellings on fee simple lots shall be permitted.
- B. Fitness and Recreational Sports Centers
 - 1. Prior to an occupancy permit for any proposed fitness and recreational sports center, the applicant shall submit an operational plan for the review and approval of the City Planner. Said plan shall include:
 - a. Hours of operation;
 - b. Total square footage;
 - c. Square footage of open activity rooms;
 - d. Square footage of athletic courts;
 - e. Number of exercise stations or machines;
 - f. Number of members;
 - g. Number of faculty/staff; and
 - h. Number and location of parking spaces devoted to this use.
 - 3. The operational plan shall demonstrate compliance with the parking requirements of this ordinance. Failure to adequately demonstrate compliance will result in the denial of an occupancy permit.
 - 4. Tournaments or other large events may require a Special Event License in accordance with the Municipal Code.
- C. Restaurants
 - 1. Prior to an occupancy permit for any proposed restaurant or prior to expansion of existing restaurants by seats or floor area, the applicant shall submit an operational plan for the review and approval of the City Planner. Said plan shall include:
 - a. A written statement describing the typical operation of the restaurant including a description of the ordering and service process and the anticipated ratio of carry-out versus dine-in service.
 - b. A typical floor plan or floor plans.
 - c. Daily hours of operation;
 - d. Number of employees;
 - e. Number of tables and seats;

- f. Square footage allotted to pool tables, darts, video games and similar recreational activities;
- g. Square footage allotted to queuing, waiting, or other areas where patrons may stand;
- h. Lineal feet of bar frontage; and
- i. Number and location of parking spaces devoted to this use.

2. The operational plan shall demonstrate compliance with the parking requirements of this ordinance. Failure to adequately demonstrate compliance will result in the denial of an occupancy permit.

D. Outdoor Restaurant Seating

1. The location of outdoor seating areas shall be reviewed and approved by the City Planner on the site improvement plans.
2. The design of the outdoor seating areas including, but not limited to, hardscaping, landscaping, and fencing shall be reviewed and approved by the City Planner on the site improvement plans.
3. A minimum five (5) foot wide pedestrian walkway aisle shall be maintained at all times through or adjacent to the outer edge of any outdoor dining area.
4. Outdoor dining areas shall be separated and protected from vehicular traffic by decorative fencing, bollards, and/or curbs, as approved by the City Planner on the site improvement plans.
5. With the exception of incidental signage, no signage or other form of advertising shall be allowed in the outdoor dining area.

IX. PLANNED DISTRICT LIMITATIONS

- A. Failure to Commence Construction – Unless otherwise stated in the development conditions, substantial work or construction within the District shall commence within four (4) years of the effective date of the District, unless such time period is extended through appeal to and approval by the Planning Commission. If no extension of time is received or granted within six (6) months subsequent to the four (4) year period following the effective date of this Ordinance, the Planning Commission shall review the changes in the Zoning Map brought by the District. If the Commission finds said changes to be inappropriate, the Commission shall recommend to the City Council that the map be revised in accordance with the procedures for changes and amendments. As used in this section, substantial work or construction shall include final grading for roadways necessary for first approved plat or phase of construction and commencement of installation of sanitary and storm sewers as applicable.
- B. Failure to Submit Final Development Plan – In the event the Final Development (Concept) Plan is not submitted within the time limits specified in this Ordinance, the Planning Commission shall review any changes in the Zoning Map brought by the District. If the Commission finds said changes to be inappropriate, the Commission shall recommend to the City Council that the map be revised in accordance with the procedures for changes and amendments.
- C. Extension of Development Schedule – The developer, at any time, may apply to the Planning Commission for an extension of the development schedule. Such extension shall be acted upon by the Planning Commission. Each extension granted shall not exceed twelve (12) months in duration.
- D. Failure to Comply with Ordinance – Failure to comply with this Ordinance shall be enforced in accordance with Article 10, Administration and Enforcement, of the Zoning Code. Any default or failure to comply with this Ordinance by a developer in one Phase shall not impact another developer to proceed with another phase including, but not limited to, permits for other such phase.

X. RIGHTS OF APPEAL

In the event of a disagreement between any developer and the City Planner and/or the City Engineer as to the criteria or conditions set forth in this ordinance and/or the Zoning Code, such disagreement shall be submitted to the Planning Commission for recommendation to the City Council, which shall make the decision on such disagreement, provided the developer shall have the right to appeal such decision pursuant to the City of Maryland Heights Zoning Code and to pursue any other available legal or equitable remedy.

XI. AMENDMENTS

The conditions of this Mixed Use District Ordinance may be modified or amended in accordance with Section 25-6.12, Procedure to Modify Planned District Standards and Regulations, of the Zoning Code with the exception that a modification or amendment may be initiated by:

- A. The owner/developer of the subject phase;
- B. The owner under contract of the subject phase; or
- C. The authorized representative of the owner/developer of the subject phase.

Section 4: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED BY THE CITY COUNCIL THIS ____ DAY OF _____ 2022.

MAYOR/PRESIDING OFFICER

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2022.

MAYOR

ATTEST:

CITY CLERK

Exhibit A
Legal Description

A tract of land being Lot C & D of FIRST PARK LOT CONSOLIDATION, a Resubdivision according to the plat thereof recorded in Plat Book 356, Pages 317 and 318 of the St. Louis County Records and part of Lots 12, 13, 14, 15, 16, 17, 18 and 19 of SAMUEL BONNER'S SUBDIVISION OF CREVE COEUR LAKE PLACE, a Subdivision according to the plat thereof recorded in Plat Book 2 Page 23 of the St. Louis County Records, situated in U. S. Survey 3094, Township 46 North, Range 5 East in the City of Maryland Heights, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a point on the West line of Lot 11 of said Samuel Bonner's Subdivision of Creve Coeur Lake Place at its intersection with the Southwesterly prolongation of the Northern right-of-way line of Creve Coeur Mill Road, being fifteen (15) feet perpendicular distant Northwest of Centerline; thence Northeasterly, along said Southwesterly prolongation, North 67 degrees 53 minutes 00 seconds East, 3.49 feet to its intersection with a point on curve on the Southern line of property conveyed to the City of Maryland Heights, for the establishment of Maryland Heights Expressway (also known as Creve Coeur Mill Road Reliever), 250 feet wide, by deed recorded in Deed Book 13212, Page 2514 of the St. Louis County Records; thence Northeasterly, along a curve to the right having a radius of 830.00 feet and an arc distance of 259.56 feet (North 45 degrees 35 minutes 41 seconds East, 258.50 feet on its chord) to a point of tangency; thence North 54 degrees 33 minutes 13 seconds East, 425.81 feet to a point of curvature; thence Southeasterly, continuing along the Southern line of said property conveyed to the City of Maryland Heights and the Western line of property conveyed to the City of Maryland Heights by deed recorded in Deed Book 13212, Page 2504 of the St. Louis County Records, along a curve to the right having a radius of 50.00 feet and an arc distance of 82.75 feet (South 78 degrees 02 minutes 03 seconds East, 73.62 feet on its chord) to a point of compound curvature; thence Southeasterly, along a curve to the right having a radius of 695.00 feet and an arc distance of 102.85 feet (South 26 degrees 22 minutes 57 seconds East, 102.75 feet on its chord) to a point on curve; thence South 21 degrees 54 minutes 10 seconds East, 32.49 feet to a point; thence North 67 degrees 53 minutes 00 seconds East, 110.00 feet to its intersection with a point on the Eastern line of property conveyed to the City of Maryland Heights by deed recorded in Deed Book 13212, Page 2493 of the St. Louis County Records, thence Northwesterly, along the Eastern line thereof, North 21 degrees 54 minutes 10 seconds West, 32.08 feet to a point on curve; thence Northwesterly, along a curve to the left having a radius of 805.00 feet and an arc distance of 136.26 feet (North 26 degrees 57 minutes 42 seconds West, 136.10 feet on its chord) to a point of compound curvature; thence Northeasterly, along a curve to the right having a radius of 50.00 feet and an arc distance of 75.37 feet (North 11 degrees 22 minutes 17 seconds East, 68.43 feet on its chord) to a point of tangency; thence Northeasterly, continuing along the Eastern line thereof and the Southern line of property conveyed to the City of Maryland Heights by deed recorded in Deed Book 13212, Page 2500 and Correction Deed recorded in Deed Book 17575, Page 1955 of the St. Louis County Records, North 54 degrees 33 minutes 13 seconds East, 82.80 feet to a point of curvature; thence Northeasterly, along a curve to the right having a radius of 829.93 feet and an arc distance of 369.70 feet (North 67 degrees 18 minutes 55 seconds East, 366.65 feet on its chord) to a point of tangency; thence Northeasterly, continuing along the Southern line of said property conveyed to the City of Maryland Heights, as aforementioned, North 80 degrees 04 minutes 36 seconds East, 484.36 feet to its intersection with a point on the Eastern line of said Lot C; thence Southeasterly, along the Eastern line of said Lot C, South 23 degrees 12 minutes 17 seconds East, 165.22 feet to its intersection with a point on the Northern line of Creve Coeur Mill Road, variable width; thence Southeasterly, crossing Creve Coeur Mill Road, thirty (30) feet wide, South 28 degrees 17 minutes 55 seconds East, 30.18 feet to a point; thence Southeasterly, departing the South right-of-way line of said Creve Coeur Mill Road, along the West boundary line of a creek known as Discharge by instrument recorded in Deed Book 17755, Page 501 of the St. Louis County Records the following courses and distances: South 32 degrees 07 minutes 07 seconds East, 144.77 feet; South 52 degrees 07 minutes 07 seconds East, 130.00 feet; South 62 degrees 07 minutes 07 seconds East; 120.00 feet; South 82 degrees 07 minutes 07 seconds East, 190.00 feet; South 62 degrees 07 minutes 07 seconds East, 100.00 feet; South 52 degrees 07 minutes 07 seconds East, 90.00 feet; South

32 degrees 50 minutes 58 seconds East, 83.11 feet to its intersection with a point on curve on the North line of a one-hundred (100) foot wide railroad right-of-way conveyed to St. Louis Southwestern Railway Company by deed recorded in Deed Book 7289, Page 1114 of the St. Louis County Records; thence Southwesterly, along a curve to the left having a radius of 1960.08 feet, and an arc distance of 1589.92 feet (South 34 degrees 09 minutes 26 seconds West, 1546.69 feet on its chord) to a point of tangency; thence Southwesterly, continuing along the West line of said property conveyed to Southwestern Railway Company, South 10 degrees 55 minutes 10 seconds West, 1836.22 feet to its intersection with a point on the Southeastern right-of-way line of said Creve Coeur Mill Road, thirty (30) feet wide; thence Northwesterly, along the Southeastern right-of-way line of said Creve Coeur Mill Road, being 15.00 feet perpendicular distant Northeast of the Centerline thereof, North 22 degrees 07 minutes 00 seconds West, 1600.21 feet to its intersection with a point on the South line of property conveyed to William A. Rutledge Real Estate Company by deed recorded in Deed Book 108, Page 226 of the St. Louis County Records; thence Northeasterly, along the South line thereof, North 67 degrees 58 minutes 00 seconds East, 20.00 feet to the Southeast corner of property conveyed to St. Louis County, Missouri, for the widening of Creve Coeur Mill Road, by instrument recorded in Deed Book 7666, Page 2347 of the St. Louis County Records, thence Northeasterly, along the East line of said property conveyed to St. Louis County, Missouri, North 22 degrees 07 minutes 00 seconds West, 830.72 feet to a point of curvature; thence Southwesterly, departing the eastern line thereof, South 67 degrees 53 minutes 00 seconds West, 35.00 feet to its intersection with a point on the Centerline of said Creve Coeur Mill Road; thence Northwesterly, along the Centerline thereof, North 22 degrees 07 minutes 00 seconds West, 587.96 feet to the point of beginning and containing 82.52 acres, more or less (3,594,550 square feet).

EXCEPTING THEREFROM

A tract of land conveyed to the City of Maryland Heights, Missouri, by deed recorded in Deed Book 12751, Page 1964 of the St. Louis County Records, being part of Lot 12 of Samuel Bonner's Subdivision of Creve Coeur Lake Place' according to the plat thereof recorded in Plat Book 2, Page 23 of the St. Louis County Records, situated in U.S. Survey 3094, Township 46 North, Range 5 East, in the City of Maryland Heights, St. Louis County, Missouri, being more particularly described as follows:

Beginning at the Northwestern corner of property conveyed to the City of Maryland Heights, Missouri, as aforementioned; thence Northeasterly, along the Southern Right-of-Way line of Creve Coeur Mill Road, North 67 degrees 53 minutes 00 seconds East, 243.83 feet to a point of curvature; thence Southeasterly, along a curve to the right having a radius of 20.00 feet and an arc distance of 52.26 feet (South 37 degrees 15 minutes 28 seconds East, 38.61 feet on its chord) to a point of reverse curvature on the Northwestern Right-of-Way line of Relocated Creve Coeur Mill Road; thence Southwesterly, along said Northwestern Right-of-Way line, along a curve to the left having a radius of 602.96 feet and an arc distance of 309.77 feet (South 22 degrees 53 minutes 00 seconds West, 306.38 feet on its chord) to a point of curvature; thence Southwesterly, along a curve to the right having a radius of 20.00 feet and an arc distance of 52.26 feet (South 83 degrees 01 minute 27 seconds West, 38.61 feet on its chord) to a point of tangency in the Eastern Right-of-Way line of Creve Coeur Mill Road, thirty (30) feet wide; thence Northwesterly, along the Eastern Right-of-Way line thereof, North 22 degrees 07 minutes 00 seconds West, 243.83 feet to the point of beginning and containing 0.86 acres, more or less (37,418 square feet).