

St. Louis City Ordinance 64027

FLOOR SUBSTITUTE

BOARD BILL NO. [96] 300

INTRODUCED BY ALDERMAN CRAIG SCHMID

An ordinance finding that a certain blighted area as defined in Section 99.320 of the Revised Statutes of Missouri, 1986, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), exists in the City of St. Louis ("City") and containing a description of the boundaries of said blighted area, attached hereto and incorporated herein as Exhibit "A", known as the Lemp Brewery Area ("Area"); finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan dated December 17, 1996 for the Area ("Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain; finding that the property within the Area is partially occupied and the Redeveloper shall be responsible for any relocation required by law of any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available tax abatement; and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

WHEREAS, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, there exist conditions which endanger life or property by fire or other causes and constitute an economic or social liability or a menace to the public health, safety, morals or welfare in the present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

WHEREAS, such conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with

effectively by ordinary private enterprise without the aids provided in the Statute; and

WHEREAS, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a land clearance project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

WHEREAS, the LCRA has recommended such a plan to the Community Development Commission ("CDC") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for Lemp Brewery Redevelopment Area," dated December 17, 1996 consisting of a Title Page, a Table of Contents, and ten (10) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("Plan"); and

WHEREAS, under the provisions of the Statute, and of the federal financial assistance statutes, it is required that this Board take such actions as may be required to approve the Plan; and

WHEREAS, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan in the Area; and

WHEREAS, the LCRA and CDC have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and this Board has been fully apprised by the LCRA and CDC of the facts and is fully aware of the conditions in the Area; and

WHEREAS, the Plan has been presented and recommended by LCRA and CDC to this Board for review and approval; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the City and CDC has advised this Board that the Plan conforms to said general plan; and

WHEREAS, this Board has duly considered the reports, recommendations and certifications of the LCRA and CDC; and

WHEREAS, the Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

WHEREAS, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a redevelopment project, including those relating to prohibitions against unlawful discrimination because of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in violation of applicable law; and

WHEREAS, in accordance with the requirements of Section 99.430 of the Statute, this Board advertised that a public hearing would be held by this Board on the Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

WHEREAS, it is necessary that this Board take appropriate official action respecting the approval of the Plan.

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

SECTION ONE. There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, 1986, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive) described in Exhibit "A", attached hereto and incorporated herein, known as the Lemp Brewery Area ("Area").

SECTION TWO. The redevelopment of the above described Area, as provided by the Statute, is necessary and in the public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City.

SECTION THREE. The Area qualifies as a redevelopment area in need of redevelopment under the provision of the Statute, and the Area is blighted as defined in Section 99.320 of the Statute.

SECTION FOUR. The Blighting Study and Plan for the Area, dated December 17, 1996 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Plan with the Minutes of this meeting.

SECTION FIVE. The Plan for the Area is feasible and conforms to the general plan for the City.

SECTION SIX. The financial aid provided and to be provided for financial assistance pertaining to the Area is necessary to enable the redevelopment

activities to be undertaken in accordance with the Plan for the Area, and the proposed financing plan for the Area is feasible.

SECTION SEVEN. The Plan for the Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

SECTION EIGHT. The Plan for the Area provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") shall have no authority to, and expressly may not and shall not acquire any property in the Area by the exercise of eminent domain.

SECTION NINE. The property within the Area is currently partially occupied. Redeveloper does not believe any such occupants qualify as eligible displaces entitled to relocation assistance under applicable law. However, if and to the extent such assistance is found to be required by applicable law, Redeveloper shall be solely responsible for providing relocation assistance to all eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Twelve, below), in accordance with all applicable federal, state and local laws, ordinances, regulations and policies, to the extent required thereby.

SECTION TEN. The Plan for the Area gives due consideration to the provision of adequate public facilities.

SECTION ELEVEN. In order to implement and facilitate the effectuation of the Plan hereby approved it is found and determined that certain official actions must be taken by this Board and accordingly this Board hereby:

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan.

SECTION TWELVE. The party designated as Redeveloper and who has entered into a Redevelopment Agreement with LCRA pursuant to which tax abatement shall be granted to the owners or purchasers of property in the Area

for redevelopment ("Redeveloper") shall agree for itself and its heirs, successors and assigns that they shall not unlawfully discriminate on the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in violation of applicable law in the sale, lease, or rental of any property or improvements erected or to be erected in the Area or any part thereof and this agreement shall be enforceable by the LCRA, the City and the United States of America.

SECTION THIRTEEN. To the extent permitted by law, pursuant to and as provided in a Redevelopment Agreement entered with LCRA for redevelopment of any portion of the Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises ("MBE's") and Women's Business Enterprises ("WBE's") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of minority and women business enterprises established by the Community Development Commission of the City ("CDC");
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated December 6, 1984, January 10, 1990 and March 31, 1992.
- (e) To comply with the requirements of Ordinance No. 60275 of the City;
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement; and
- (g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control, interest in

capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control, interest in capital and earnings commensurate with their percentage of ownership.

The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

SECTION FOURTEEN. The Redeveloper may seek ten (10) year tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 1986, as amended, upon application as provided therein.

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement for a total period of up to twenty-five (25) years from the commencement of such tax abatement, in accordance with the following provisions:

If an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property.

For the ensuing period of up to fifteen (15) years following the original period stated above, any such corporation shall pay taxes and payments in lieu of taxes

as provided above in an amount based upon fifty percent (50%) of the then normal assessment of the land and improvements. Thereafter any such corporation shall pay the full amount of taxes. All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said twenty-five (25) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in the Plan and in any contract with the LCRA. In no event shall such benefits extend beyond twenty-five (25) years after the redevelopment corporation shall have acquired title to the property.

SECTION FIFTEEN. Any proposed modification which will substantially change the Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Plan. The Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA provided that such revisions shall be effective only upon the consent of the CDC. Changes which are not substantial are those that do not go to the crux of the Plan. No modification may be made to the Plan without the prior written consent of the Redeveloper.

SECTION SIXTEEN. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

EXHIBIT B
PLAN

BLIGHTING STUDY AND PLAN

FOR

LEMP BREWERY AREA
 LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY
 OF THE CITY OF ST. LOUIS
 DECEMBER 17, 1996
 FREEMAN R. BOSLEY, JR.
 BLIGHTING STUDY AND PLAN FOR
 LEMP BREWERY AREA

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A. EXISTING CONDITIONS AND FINDING OF BLIGHT

1. DELINEATION OF BOUNDARIES

The Legal Description of the Lemp Brewery Area ("Area") is attached and labeled Exhibit "A" and the boundaries of the Area are delineated on Exhibit "B" (Project Area Plan).

The Area includes a triangular shaped property in the Marine Villa neighborhood of approximately 13.8 acres bounded on the north by Cherokee Street, on the southeast by South Broadway and on the west by Lemp Avenue.

2. GENERAL CONDITION OF THE AREA

The property is in fair to poor condition.

The physical condition of the property within the Area is shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition" means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that is under-utilized. "Poor Condition" means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 6.1% unemployment rate for the City as of October, 1996. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area.

There are currently approximately 80 jobs within the Area.

The Area consists of the following addresses: 3400 - 3530 Lemp Avenue, 3401 - 3533 South Broadway and 700 - 1824 Cherokee Street.

3. PRESENT LAND USE OF THE AREA

The property in the Area includes 23 structures, some of which are occupied.

All occupants other than Redeveloper are commercial occupants holding only month-to-month leases that can be terminated at any time by Redeveloper, or its affiliates. Redeveloper hopes to retain many of these tenants in other locations in the Area.

The land use, including the location of public and private uses, streets and other rights-of-way is shown on Exhibit "B" (Project Area Plan). This Area is within the Cherokee-Lemp Historic District, approved by Ordinance 59836 and amended by Board Bill 359, introduced January 1997, being Ordinance _____, to adopt new standards for the "Lemp Brewery Landmark Site," which is the Area. This Plan hereby incorporates all the Standards for the Lemp Brewery Landmark Site as outlined in such Board Bill 359, introduced January 1997, (the "Historic District Standards").

4. PRESENT LAND USE OF SURROUNDING PROPERTIES

The property to the west of the Area is used for residential, institutional and commercial purposes. The property to the north and south is used for residential purposes. The property to the east is used for industrial purposes.

Residential density for the surrounding neighborhoods is approximately 16.01 persons per acre.

5. CURRENT ZONING

The Area is currently zoned "J" Industrial District pursuant to the Zoning Code of the City of St. Louis which is incorporated in this Plan by reference.

6. FINDING OF BLIGHT

The property within the Area is partially occupied and in fair to poor condition (as defined in Section A(2) above). The existence of deteriorated property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.300 et seq. of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law).

B. PROPOSED REDEVELOPMENT AND REGULATIONS

1. DEVELOPMENT OBJECTIVES

The redevelopment activity proposed by this Plan is rehabilitated and new commercial, retail and other development such as: retail, office, restaurant, bar, brewery or brew pubs, entertainment uses, including without limitation, festivals and special events, art studios and design studios, residential uses, storage, light manufacturing, auction, and accessory uses to any of them. Existing tenant uses, including storage, may also be included.

The primary objective of this Redevelopment Plan is to facilitate development of this long underused Historic Area.

2. PROPOSED LAND USE OF THE AREA

The proposed land use within the Area is shown on the Proposed Land Use Plan, Exhibit "C" hereof. The proposed land use of the Area is commercial, retail and other use such as retail, office, restaurant, bar, brewery or brew pubs, entertainment uses, including without limitation, festivals and special events, art studios and design studios, residential uses, storage, light manufacturing, auction, and accessory uses to any of them. Existing tenant uses, including storage, may also be included. The Proposed Land Use Plan also shows that implementation of the Plan does not require that any public rights-of-way be changed.

Redevelopers contracting with LCRA to develop property in the Area and any other person or entity seeking an Occupancy Permit for a new use after the effective date of the ordinance approving this Plan shall not be permitted to use said property for the following: pawn shops, adult book stores, x-rated movie houses, massage parlors or health spas, auto and truck dealers (new or used), storefront churches, secondhand or junk shops (which prohibition shall not include sale of antiques or used building and/or architectural features or supplies), truck or other equipment rentals requiring outside storage, blood donor facilities, freestanding package liquor stores, check cashing centers, any use (except financial institutions) that utilize a sales or service window or facility for customers who are in cars or restaurants that sell products to customers who are in cars or sell products through a sales window to customers who are in cars for immediate consumption by the customer either on or off the premises, automobile service or stations, detailing or car washes, truck terminals, junk yards, telephones or ATM machines within 25 feet of the right-of-way of Cherokee, Lemp or South Broadway (unless not visible to pedestrians or vehicular traffic on Cherokee, Lemp or South Broadway), Car Lots, or any use that causes the emission of noxious odors or that presents a high potential for hazards to the general public.

Exhibits "D," "E," "F," and "G" hereto show a current proposal for demolishing and rehabilitating buildings, parking, perimeter improvements, and vehicular and pedestrian circulation. The development of the Area and the improvements shown on these Exhibits are expressly permitted and authorized for the Area, but are not required, and Redeveloper may make any modifications it deems necessary to the items shown on such Exhibits without requiring amendment to this Plan, provided that Redeveloper shall remain subject to the other provisions of this Plan, including the "Development Objectives" in item B above.

3. PROPOSED ZONING

The "J" Industrial zoning of the Area can remain unchanged.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are consistent with local objectives as defined by the General Plan of the City of St. Louis including the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973) and the "Economic Development Strategy" (1978). Any specific development proposal approved by the Authority for the Area will contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air and sound design and arrangement and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THIS AREA

Approximately 100 to 200 new permanent jobs will be created if the Area is fully developed in accordance with this Plan. The exact number, type and salary of jobs created will depend upon the specific nature of the proposed development.

6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation of the Project Area (and Exhibit G indicates a proposed, but not required, internal circulation). Implementation of this Plan does not require that any public rights-of-way be changed. The curb cuts shown on the Exhibits are expressly permitted by this Plan (but not required).

If the redeveloper designated by the Board of Commissioners of the Land Clearance for Redevelopment Authority of the City of St. Louis ("Authority" or "LCRA") deems it desirable for rights-of-way changes to be made, those changes will be subject to the review and approval of the City of St. Louis Department of Streets and all vacations of rights-of-way are subject to ordinance approval.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to the Building Code, Zoning District Regulations and applicable regulations of the Heritage and Urban Design Commission ("HUDC") of the City of St. Louis. The population densities, land coverage and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

All property shall be well landscaped, and will include street trees, as provided in Section 8(c) below.

The redeveloper entering a contract with LCRA (the "Redeveloper") shall develop the Area in accordance with the Plan and the Redevelopment Agreement, and shall maintain all structures, equipment, paved areas and landscaped areas controlled by the Redeveloper in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting.

Failure to meet these requirements may result in suspension of tax abatement by the LCRA, as more particularly provided in the contract between LCRA and the Redeveloper.

8. URBAN DESIGN

a. Urban Design Objectives

The intent is to rehabilitate the existing structures in the Area for development of commercial, entertainment and other uses, with some minor demolition, which shall require review by Heritage and Urban Design.

b. Urban Design Regulations

Any new construction or renovation shall be in compliance with the Historic District Standards.

c. Landscaping

The property shall be well-landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, depending upon tree type, utilities, curb cuts, etc., shall be provided along Cherokee Street, Broadway and Lemp, to the extent reasonably feasible (taking into account location of walls and improvements, change in grade and other factors); and except that no street plantings shall be required along the existing silos on Lemp south of Cherokee to the first curb cut from the corner.

d. Maintenance and Repair

The following maintenance and repair standards shall apply only to each portion of the Area commencing on the date that each such portion becomes subject to the abatement of real property taxes in the manner provided in this Plan, the Ordinance adopting this Plan, and the contract between Redeveloper and LCRA:

i) Any deteriorating or poorly maintained building facade must be repaired and repainted and weeds, litter and debris must be eliminated.

ii) Damaged fencing and cyclone or barbed wire fencing must be upgraded or replaced. Fencing along all areas visible to pedestrians or automobile traffic on Cherokee, Lemp, or South Broadway must be ornamental metal no higher than eight (8) feet, or must be brick, stone or other material approved by HUDC, or a combination thereof.

iii) Damaged sidewalks and walkways must be repaired or replaced.

9. PARKING REGULATIONS

On site parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including applicable HUDC requirements. This will provide for adequate vehicular parking for the Area.

Unless otherwise approved by LCRA and HUDC, and except for the alternative surface parking/festival courtyard (which is generally indicated on Exhibit G and which shall not be subject to the requirements of this paragraph), three percent 3% of the interior of all parking lots containing more than twenty-five (25) spaces shall be landscaped with trees at least 2-1/2 inch caliper in size on planting. Such trees shall be planted on islands, the largest dimension shall be at least five (5) feet, planted with low lying ground cover or other plant material.

Surface parking bordering public streets shall be buffered by 1) a continuous evergreen hedge at least 2 1/2 feet higher than the adjacent sidewalk elevation at planting and maintained at least 3 1/2 feet higher than the adjacent sidewalk at maturity, or 2) such other plantings, fencing, screening or buffering as may be approved by HUDC, such approval not to be unreasonably withheld.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, the Historic District Standards, this Redevelopment Plan ("Plan"), and contracts between the

Authority and Redeveloper. All new signs shall be consistent with a comprehensive sign program to be prepared by the Redeveloper.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use or sign permits shall be issued by the City of St. Louis without prior written approval of the Authority confirming conformance with this Plan.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewerage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper; except for improvements located in the public right-of-way, which shall be borne by the City (or the applicable utility provider at such provider's option).

If funds are made available to the Authority, the Authority will provide public improvements in the public right-of-way located in the Area, including but not limited to measures for the control for traffic, improvements to street lighting, street trees, and any other improvements which may enhance the implementation of this Plan, subject to the Redeveloper's approval.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

C. PROPOSED SCHEDULE OF DEVELOPMENT

The redevelopment of the Area is to be undertaken as market conditions permit. It is estimated that redevelopment will be initiated within one (1) year of approval of this Plan by ordinance and completed within twenty (20) years of approval of this Plan by ordinance; provided that: a) within three (3) years of approval of this Plan by ordinance, a total of at least fifty thousand (50,000) square feet of building space will be renovated and a festival courtyard will be constructed (and, as will be more particularly provided in a contract between LCRA and Redeveloper, failure to meet this building schedule may result in loss of tax abatement after 5 years) and b) within five (5) years of approval of this Plan by ordinance, a total of at least one hundred thousand (100,000) square feet of building space will be renovated (and, as will be more particularly provided in a contract between LCRA and Redeveloper, failure to meet this building schedule may result in loss of tax abatement after 10 years).

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law of Missouri. Redeveloper shall have complete control of the management and development of the Area, subject to LCRA's right to approve plans as provided in the redevelopment agreement for the Area between LCRA and the Redeveloper.

All costs associated with the development of this Area will be borne by the Redeveloper or its affiliates.

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper or its affiliates.

2. PROPERTY ACQUISITION

The Property Acquisition Map, "Exhibit H" attached, identifies all the property located in the Area. The Authority shall have no authority to, and expressly may not and shall not acquire any property by exercise of eminent domain.

3. PROPERTY DISPOSITION

Acquisition by the Authority of property in the Area by eminent domain is not necessary or permitted.

All or any portion of the property in the Area may, at the option of the current owner, LB Redevelopment, L.P., be transferred to Redeveloper, as a transferee either on its own behalf or as a nominee for LB Redevelopment, L.P.

Redeveloper may in turn convey all or any portion of such property to LB Redevelopment L.P. or to another entity(s).

4. RELOCATION ASSISTANCE

The property in the Area is currently partially occupied. The Redeveloper does not believe that any such occupants qualify as eligible displacees entitled to relocation assistance under applicable law. However, if and to the extent such assistance is found to be required by applicable law, the Redeveloper shall be solely responsible for providing relocation assistance to all eligible occupants displaced, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

E. COOPERATION OF THE CITY

The Authority and HUDC, by recommending approval of this Plan and of the Historic District Standards, and the City of St. Louis and its Board of Aldermen, by enacting an ordinance approving this Plan, pledge their cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

F. TAX ABATEMENT AND IN LIEU OF TAX PAYMENTS

If any redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based on the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, such corporation (or its successors in interest) shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property.

For the ensuing period of fifteen (15) years following the original period stated above, any such corporation (or its successors in interest) shall pay taxes and payments in lieu of taxes as provided above, in an amount based upon fifty percent (50%) of the then normal assessment of the land and improvements. Thereafter any such corporation (or its successors in interest) shall pay the full amount of taxes.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City of St. Louis, shall be distributed as all other property taxes.

Said partial tax relief and payments in lieu of taxes provisions, during up to said twenty-five (25) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the Authority. In no event shall such benefits extend beyond twenty-five (25) years after the redevelopment corporation shall have acquired title to the property.

Further, in lieu of the twenty-five year abatement outlined above a Redeveloper can seek ten year tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, upon application as provided therein.

From time to time, the owner of property in the Area (currently LB Redevelopment, L.P.) may (notwithstanding any subdivision rules or requirements of the Board of Public Service), at its option, transfer portions of the property to Redeveloper, whether in connection with anticipated or completed rehabilitation in the Area or construction of or on such portion of the property in the Area or otherwise. Redeveloper may, (upon completion of such rehabilitation or construction, or otherwise) convey such portions of the property in the Area to LB Redevelopment L.P. or to another entity.

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS

1. LAND USE

The Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale or occupancy of the Area in violation of applicable law.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area in violation of applicable law, and shall take such affirmative action as may be appropriate and required by law to afford equal opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including to the extent permitted by law, the Community Development Agency Guidelines for Maximum Utilization of Minority Enterprises dated January 1, 1981, as may be amended (provided that a copy of which shall be provided to Redeveloper by LCRA), and the "Equal Opportunity and Nondiscrimination Guidelines in Exhibit "I", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in a Redevelopment Agreement between the Authority and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of Section G shall be in effect until the expiration or termination of the tax abatement provided under Section F hereunder.

All of the provisions of Section G shall be enforceable against the Redeveloper, its heirs, successors or assigns, by the Authority, the City of St. Louis, or any agency of the State or the United States of America having jurisdiction.

H. MODIFICATIONS OF THIS PLAN

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or other items which alter the nature or intent of this Plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Community Development Commission of the City. Changes which are not substantial are those that do not go to the crux of this Plan.

No modification may be made to this Plan without the prior written consent of the Redeveloper.

I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five (25) years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods, unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, and except as provided in Section G (4) of this Plan.

J. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

K. SEVERABILITY

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

EXHIBIT "A"

LEGAL DESCRIPTION
LEMP BREWERY AREA

Beginning at the point of intersection of the north line of Cherokee Street (60 feet wide) and the west line of Lemp Avenue (60 feet wide); thence eastwardly along said north line of Cherokee Street across all intersecting streets and alleys to its point of intersection with the southeast line of Broadway (80 feet wide); thence southwestwardly along said southeast line of Broadway across all intersecting streets and alleys to its point of intersection with the west line of Lemp Avenue; thence northwardly along said west line of Lemp Street across all intersecting streets and alleys to its point of intersection with the north line of Cherokee Street, the point of beginning;

being City Block 1540, together with adjacent rights of way.

EXHIBIT "B"
PROJECT AREA PLAN

EXHIBIT "C"
PROPOSED LAND USE

EXHIBIT "D"
PROPOSED DEVELOPMENT

EXHIBIT "E"
PROPOSED PERIMETER IMPROVEMENTS

EXHIBIT "F"
PARKING FACILITIES

EXHIBIT "G"
PEDESTRIAN AND VEHICULAR CIRCULATION

EXHIBIT "H"
ACQUISITION MAP

EXHIBIT "I"
EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES

1. In any contract for work in connection with the redevelopment of any property in the Area, Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, and any entity formed to implement the project of

which the Redeveloper is a general partner), its contractors and subcontractors will include a clause requiring compliance with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination, the Executive Order of the Mayor of the City of St. Louis dated December 6, 1984, January 10, 1990, March 31, 1992 and all guidelines herein.

Redeveloper and its contractor will not contract or subcontract with any party known by Redeveloper to have been found in violation of any such laws, ordinances, regulations, or these guidelines.

2. In the redevelopment of the Area, there shall be maximum utilization of bona fide minority business enterprises ("MBE's") and women business enterprises ("WBE's" and, together with MBE's, "disadvantaged business enterprises" or "DBE's"). The Redeveloper will set a minimum goal of twenty-five percent (25%) MBE participation and five percent (5%) WBE participation under these guidelines. In the event the Redeveloper fails to attain that goal, the Redeveloper may be required to show good cause therefor; provided however, that this requirement will be deemed to have been met when documentation evidences that all available resources (i.e. DBE suppliers, contractors, and subcontractors) willing to perform the work or provide the supplies-- at a price which (i) is within the range requested by non-DBE's; or (ii) if higher than that requested by non-DBE's, is attributable to the effects of past discrimination--have been exhausted.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control and interest in capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control and interest in capital and earnings commensurate with their percentage of ownership.

Redeveloper agrees for itself and its successors and assigns, not to cause any unlawful discrimination on the part of the Redeveloper its successors or assigns upon the basis of race, color, religion, national origin, sex, marital status, age, sexual orientation or

physical handicap, in violation of applicable law, in the sale, lease rental, use or occupancy of any property, or improvements erected or to be erected in the Area or any part thereof, and those covenants shall be enforceable by the Authority, the City of St. Louis, and the United States of America, as their interests may appear in the project.

Legislative History					
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND	VOTE
12/20/96	12/20/96	HUDZ	01/22/97		
2ND READING	FLOOR AMEND	FLOOR SUB	VOTE	PERFECTN	PASSAGE
01/24/97				01/31/97	02/07/97
ORDINANCE	VETOED		VETO OVR		EFFECTIVE
64027					

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