
CITY OF CLAYTON BOARD OF ALDERMEN
EXECUTIVE SESSION – 6:00 P.M.
TUESDAY, NOVEMBER 26, 2024
CITY HALL CONFERENCE ROOM-ADMIN., 2ND FL
10 N. BEMISTON AVENUE
CLAYTON MO 63105

1. Legal (pursuant to Sections 610.021(1), RSMO)

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

NOTE: THE BOARD OF ALDERMEN MEETING WILL BE HELD **IN-PERSON**
AND VIRTUALLY VIA ZOOM (link is below).

Please note, individuals may attend in-person or virtually via Zoom. Doors will open 30 minutes prior to the start of each meeting.

Please click this URL to join. <https://us02web.zoom.us/j/88921834348>; Webinar ID: 889 2183 4348

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

**CITY OF CLAYTON BOARD OF ALDERMEN
TUESDAY, NOVEMBER 26, 2024 – 7:00 P.M.
CITY HALL COUNCIL CHAMBERS, 2ND FL
10 N. BEMISTON AVENUE
CLAYTON, MO 63105**

ROLL CALL

PUBLIC REQUESTS & PETITIONS

PUBLIC HEARING (cont'd)*

****NOTE: Due to the number of speakers anticipated and the Board business to be conducted, tonight's public hearing (for items #2, #3) will be combined and opened together. The Board has allotted one hour and 30 minutes to hear public comments.***

1. *Ordinance – An amendment to Chapter 410 of the Municipal Code to Add a New Article Establishing the “South 40 Overlay Zoning District”. (Bill No. 7044)
2. *Ordinance – An amendment to Chapter 410 of the Municipal Code to Add a New Article Establishing the “Big Bend Overlay Zoning District”. (Bill No. 7045)

CONSENT AGENDA

1. Minutes – November 12, 2024

CITY MANAGER REPORT

1. Ordinance – Authorizing the City Manager to execute an Encroachment Agreement with Park Tower Condominiums for the installation of the First Baptist Church Commemorative

Marker (Bill. No. 7046)

2. Ordinance - Approving two change orders with Byrne and Jones Construction for Construction at Remembrance Park. (Bill No. 7047)

ADJOURNMENT

Subject to a motion duly made in open session and a roll call vote pursuant to Section 610.022 the Board of Aldermen may also hold a closed meeting, with a closed vote and record for one or more of the reasons as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, negotiation of a contract pursuant to Section 610.021 (9)(12) RSMO., proprietary information pursuant to Section 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO.

Agenda topics may be added or deleted at any time prior to the Board of Aldermen meeting without further notice. To inquire about the status of agenda topics, call 290.8469. Individuals who require an accommodation (i.e., sign language, interpreter, listening devices, etc.) to participate in the meeting should contact the City Clerk at 290.8469 or Relay Missouri at 1.800.735.2966 (TDD) at least two working days prior to the meeting.



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN

FROM: DAVID GIPSON, CITY MANAGER
ANNA KRANE, AICP, DIRECTOR OF PLANNING & DEV. SERVICES

DATE: NOVEMBER 26, 2024

SUBJECT: PUBLIC HEARING AND ORDINANCE - AMENDING CHAPTER 410 BY THE ADDITION OF TWO NEW ARTICLES, ESTABLISHING THE SOUTH 40 OVERLAY AND THE BIG BEND OVERLAY

BACKGROUND

This request is to consider amending Chapter 410, of the Land Use Code, to establish a new overlay district to regulate a residentially focused university campus under Article XVI South 40 Overlay Zoning District and to establish a new overlay district to regulate an athletics focused university campus under Article XVII Big Bend Overlay Zoning District. The proposed text amendments would establish the definitions, regulations, and boundaries of each overlay district. In addition to the text amendments, this is a request to rezone the property address 6500 Forsyth Boulevard to be in the South 40 Overlay Zoning District and to rezone the western portion of the property addressed 801 Seminary Place to be in the Big Bend Overlay Zoning District. The four requests are addressed together in this report but represent separate items on the agenda and will require separate votes. Bill No. 7044 proposes establishing the South 40 Overlay District and associated rezoning. Bill No. 7045 proposes establishing the Big Bend Overlay District and associated rezoning.

A goal for the overlay district process is to connect staff, community members, and the institutions early. To facilitate a working relationship, staff has spent over a year hosting community meetings, neighborhood discussions, and individual meetings striving to enhance public engagement surrounding this project. The schedule of previous meetings, presentation recordings, and other informational documents can be viewed online under the project page at EngageClayton.com.

UPDATES

On November 12, 2024, the Board of Aldermen (BOA) held a public hearing regarding the proposed overlay districts. The BOA recessed the hearing to November 26, 2024, to allow for additional public comment and consideration of amendments. The BOA proposed a series of amendments and requested that staff draft revisions to the proposed Big Bend Overlay District. Bill No. 7045 was introduced at the meeting on November 12, 2024, and therefore, the BOA could vote to amend the Bill to include all revisions summarized below, some of the revisions, or

request different revisions. No changes were requested or proposed for the South 40 Overlay District.

The following table summarizes the amendments requested by the BOA and where in the draft the amendment is proposed. The redline draft follows the table.

Amendments proposed by BOA on 11/12/2024		Location of Amendment in Redline Draft
1	Amend purpose statement to include the goal of minimizing impact on, and protecting the residential character of, the surrounding neighborhoods.	Section 410.940
2	Prohibit Division 1 and Division 2 athletics.	Section 410.955.D
3	Remove allowance for a venue with 500 permanent seats.	Section 410.960.A.3
4	Reduce the maximum for events from 900 to 600 and retain the cap of two of these events at any time.	Section 410.955.F
5	Strengthen language around event permit requirements – it seems like the statement “not including university sponsored athletic events” provides potential for grey area. I’d suggest we	Section 410.955.E

	require event permits anytime they anticipate more than 500 people, although a NCAA D3 baseball or softball event could be excluded from the 10 event cap.	
6	Reduce the total number of venues from 6 to 5.	Section 410.960.A.4
7	Reduce the total number of outdoor playing surfaces from 5 to 4.	Section 410.960.A.4
8	Reduce building height to 50 feet overall and 40 feet when within 150 feet of a property line.	Section 410.960.B
9	Further reduce the retaining wall height from 10 feet to 8 feet on the perimeter of the property and require that walls are setback from the perimeter.	Section 410.960.E.10
10	Increase the depth of the retaining wall step from 4 feet to 8 feet when within 150 feet of the N, W, S boundary.	Section 410.960.G.5
11	Make noise start time for amplified noise match the	Section 410.980.A.4

	current restriction for motor driven lawn equipment.	
12	Extend the transition zone on the south boundary to align with existing tree protection area.	Section 410.960.F.2
13	Require a higher wall (10 feet tall) on the south boundary to reduce noise into Tuscany Park.	Section 410.975.D.9.b.2
14	Limit amplified noise to Friday and Saturday with later start time.	Section 410.980.A.4
15	Further refine the accessory uses list. Remove any graduation type activity, lectures, cultural events, etc.	conflicts with proposed amendment #19
16	Clarify the inning exemption for lights and noise – should be any inning underway at end time allowed can finish, not 10pm.	Section 410.960.D.3 (lighting) and Section 410.980.A.4 (noise)
17	Make sure the necessary protections for trees during construction activities are in place.	Section 410.960.F11, and Section 410.965.B
18	Any parking garage should	Section 410.975.D.6

	be completely below grade.	
19	All non-athletic or recreational accessory uses should be indoor only.	Section 410.955.C
20	Reduce the special event permit requirement from 500 to 250.	Section 410.955.E
21	Reduce the event capacity from 900 to 500.	conflicts with proposed amendment #4
22	Revise the permanent seat calculation to include pull-out bleachers.	Section 410.960.A.3
23	Remove any ability to have sports lighting poles over 80 feet tall.	Section 410.960.D.3.e
24	Revise the start time for lights and noise to be 8am or 9am for weekends.	Section 410.960.D.3.a
25	Decrease the seat capacity for all venues, except baseball and softball.	Section 410.960.A.3
26	Strengthen the overlay in terms of protecting neighborhood interests.	Section 410.950.A, and Section 410.985.A
27	Protect owls, hawks, and other wildlife.	Section 410.985.A.4

STAFF RECOMMENDATION

To hold a public hearing and approve the Ordinances with the desired amendments.

Article XVII Big Bend Overlay Zoning District

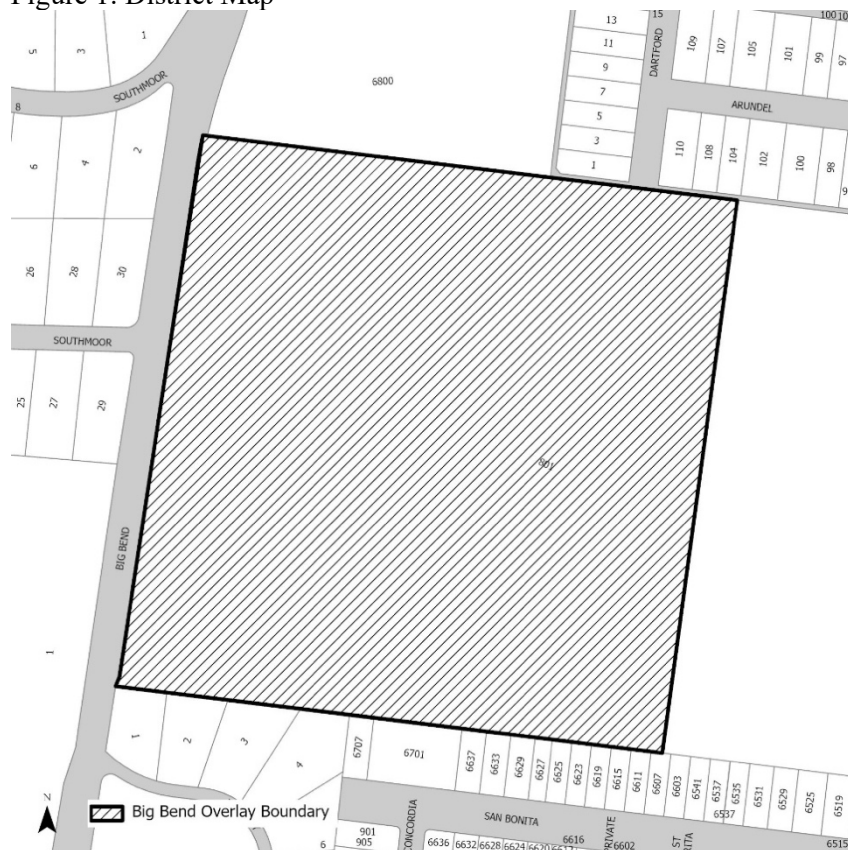
Section 410.940 Purpose Statement.

The Big Bend Overlay Zoning District (hereinafter known as the “Big Bend Overlay”) is intended to facilitate the use and development of campuses and facilities for university, seminary, and college uses, while minimizing impacts on and protecting the character of the surrounding residential neighborhoods. This area of the City has a unique concentration of advanced education uses that require careful consideration to balance educational, recreational, and residential needs of institutions with the character of adjacent low-density residential areas. The Big Bend Overlay is intended to modify the underlying zoning district regulations only to the extent specifically set forth in this Article. If not specifically modified in this Article, the regulations in effect in the underlying zoning district will remain in full force and effect.

Section 410.945 Location of Overlay District.

The Big Bend Overlay Zoning District generally includes the western parcel of the Concordia Seminary Campus. The official boundary of the Big Bend Overlay is as described in the district map exhibit hereunder.

Figure 1: District Map



Section 410.950 District Character and Criteria for Review.

- A. Development shall be compatible with the district character as established below.
 - 1. The western portion of the Concordia Seminary Campus is bordered by Fontbonne University, single-family dwellings, medium-low density multiple-family dwellings, and new and existing buildings associated with the eastern parcel of the existing Concordia

Seminary. The overall character of the district provides for a wide range of contextual building typologies, scales, and materials. Unlike the Concordia Seminary Campus, however, this district should not be reliant on specific stylistic conventions, but buildings should be designed with care and consideration for thoughtful architecture and durable materials that do not involve any diminution to the character of the district. This includes attention to scale, proportion, fenestration, massing, datums, rhythms and patterns, hierarchy, and balance.

2. Sustainable design principles ~~should~~shall inform the development of all new construction in terms of efficiency measures for energy, water, and waste.
 3. Site development ~~should~~shall focus on regeneration and restoration and incorporate best practices for stormwater management, including in the design of recreational and athletic playing surfaces.
 4. Site development and layout ~~should~~shall prioritize preservation of existing trees and topography.
 5. Site design ~~should~~shall integrate new facilities with the existing context, focus activity to the interior of the district, and minimize noise and light trespassing from the district.
 6. Planting ~~should~~shall rely on native and non-invasive species and, outside of competitive and non-competitive playing surfaces, largely feature non-turf areas and low maintenance landscape.
 7. Utilities and service functions ~~should~~shall be screened from adjacent residential properties and incorporated into the district to minimize visibility, noise, and impact.
 8. The Big Bend Overlay ~~should~~shall foster a built environment that is friendly to the presence of people who are living, learning, visiting, playing, and working in and around the district.
- B. Property within the Big Bend Overlay shall not be eligible for rezoning to a planned unit development or redevelopment per Chapter 405, Article X Planned Unit Development District.

Section 410.955 Uses Permitted.

The permitted uses and specific activity restrictions are outlined below.

- A. Mixed-Uses. Facilities and buildings consisting of multiple uses are permitted so long as all uses are allowed under the base zoning district and/or the Big Bend Overlay.
- B. Primary Uses. College and university uses are defined as the following and are permitted by right and subject to the Big Bend Overlay Zoning District regulations:
 1. Athletic and recreational facilities (indoor and outdoor).
 2. Playgrounds.
- C. Accessory Uses. Accessory uses shall be a subordinate building or use customarily incidental to the primary building or use, subordinate in area, extent or purposes to the primary building or use, and limited to and contributing to the comfort, convenience or necessity of the primary building or use. College and university accessory uses in support of primary uses in the district and defined as the following are permitted by right and subject to the Big Bend Overlay regulations:
 1. Administrative and faculty offices related to athletics or recreation.
 2. Athletic events including competition and practice.
 3. Band playing, and practice only when located indoors.
 4. Commencement, convocation and graduation exercises only when located indoors.
 5. Concessions facilities.
 6. Gymnasium, strength, and performance facilities.
 7. Health and medical care related to athletics or recreation.
 8. Parking lots and multi-level parking structures providing the parking necessary to support the primary uses on site.

9. Pickleball, only when played indoors.
 10. Musical performances only when conducted indoors.
 11. Student and campus lectures, speakers, and other cultural events only when located indoors.
 12. Restrooms, drinking fountains, and similar support buildings or structures.
 13. Temporary building or structures.
 14. Solar energy systems, building- or ground-mounted (subject to the provisions of Article XXVIII).
 15. Wind energy systems, building-mounted (subject to the provisions of Article XXVIII).
- D. Prohibited Uses. Uses not expressly listed in this Section as approved primary or accessory uses shall be prohibited. All permitted uses shall be provided for students, faculty, and employees of the university or patrons visiting the site to support university uses or patrons associated with an event hosted on the property. Uses providing services to the general public outside of events or activities associated with permitted primary and accessory uses shall be prohibited. Full university graduation ceremonies (conferring degrees in all or substantially all schools and programs), WILD, and ThurtenE shall be prohibited. NCAA Division I and Division II level athletics shall also be prohibited.
- E. Outdoor events and activities; ~~not including university sponsored athletic or athletic related events,~~ where anticipated attendance is ~~five-two~~ fifty (~~500~~250) people or more, shall require issuance of a special events permit in accordance with the City's event guidelines. A maximum of ten (10) special event permits may be issued each calendar year and university softball and baseball events shall not be included in the permit count maximum.
- F. The maximum number of attendees or participants for an outdoor event or activity shall be ~~nine~~ six hundred (~~900~~600) people. No more than two (2) outdoor events with ~~nine-six~~ six hundred (~~900~~600) attendees each shall be held at the same time.

Section 410.960 Development Standards.

- A. Coverage and Density.
1. There are no minimum lot widths or minimum lot area requirements within the Big Bend Overlay.
 2. No more than forty percent (40%) of the Big Bend Overlay area may be covered by impervious material, including structure footprints. For the purposes of this requirement, playing surfaces with synthetic surfaces and engineered draining systems for water quality and quantity to collect and infiltrate runoff shall be considered pervious.
 3. Venues or facilities for baseball or softball with spectator seating (indoor or outdoor) shall be designed with a maximum permanent seat capacity of three hundred (300) seats per facility. Venues or facilities for all other uses with spectator seating (indoor or outdoor) shall be designed with a maximum permanent seat capacity of two hundred (200) seats per facility. For the purposes of this calculation, permanent seats shall not include standing areas, ~~pull-out or moveable temporary~~ bleachers, foldable or collapsable seats, and/or other temporary seating.
 - a. ~~Maximum permanent seat capacity may be increased to five hundred (500) seats for one (1) indoor venue for facility.~~
 4. A maximum of ~~six-five~~ (~~65~~) total playing surfaces, including indoor and outdoor facilities, may be constructed on site. A maximum of ~~five-four~~ (~~54~~) outdoor playing surfaces may be constructed. For the purposes of this requirement, six connected tennis courts shall count as one playing surface and a multi-purpose field that combines and overlaps the playing surfaces for two or more sports, shall count as one playing surface.
- B. Height. Building height shall be limited to ~~sixty-five~~ fifty (~~65~~50) feet.

1. Buildings or portions of buildings located within one hundred fifty (150) feet of a property line shared with a non-institutional residential use shall have a maximum building height of ~~fifty-fourty~~ (450) feet.
 2. For new construction and additions, the proposed grade plane shall not deviate from the existing grade plane by more than six (6) feet without Site Plan Review approval per Chapter 405, Article VIII.
 3. Elevator and stair overruns, mechanical screening, renewable energy systems, and similar architectural features may exceed the building height maximum by up to fifteen (15) feet.
 4. Playing surfaces may only be located on the roof of a below grade or a partially below grade building when the playing surface elevation is not more than twelve (12) feet above the grade plane of the building.
 5. Accessory buildings shall be equal to or less than twenty-five (25) feet in height.
- C. Layout and Access.
1. Buildings shall be oriented in a manner that supports the general organization of the pedestrian and vehicular circulation throughout the district.
 2. Visible utilities and accessory structures should be minimized through screening, underground vaults, or incorporation into surrounding buildings.
 3. Parking shall be located interior to the Big Bend Overlay or within enclosed parking structures to the maximum extent feasible. Parking areas adjacent to residential uses shall be designed to provide screening of vehicle headlights and site lighting to prevent glare into residential property.
 4. Primary and secondary access points to the Big Bend Overlay shall be designed and located to minimize traffic through adjacent residential neighborhoods.
 - a. Primary vehicle access shall be limited to Big Bend Boulevard or the northern boundary.
 - b. Secondary vehicle access shall be limited to the eastern boundary or the westernmost six hundred fifty (650) feet of the northern boundary, only with consent of any adjoining property owner.
 - c. Vehicle access shall not be provided from Dartford Avenue or the Hillcrest neighborhood.
 - d. Access from San Bonita Avenue shall be limited to emergency access only.
 - e. Primary pedestrian and bicycle access shall be provided from Big Bend Boulevard with secondary access points permitted from all other district boundaries.
 1. Pedestrian and bicycle access from Dartford Avenue may be provided through the Big Bend Overlay to Concordia Seminary, with consent from Concordia Seminary; however, pedestrian and bicycle access to playing surfaces or facilities within the Big Bend Overlay may not traverse through the required northeast corner established tree growth area or be located within three hundred forty (340) feet of the northeast corner of the overlay boundary.
 5. Accessory buildings may be oriented toward any street or towards the interior of the Big Bend Overlay.
- D. Lighting.
1. General exterior lighting should take into account IES recommended levels for safety.
 2. The DarkSky International principles shall be used as a guideline and all playing surfaces and athletic fields shall be certified through the DarkSky Outdoor Sports Lighting Program.
 - a. Certification of DarkSky International OSL Compliant Design shall be provided to the Director of Planning and Development Services prior to construction.

- b. Certification of DarkSky International Compliant Installation shall be provided to the Director of Planning and Development Services within six months of project completion, with extensions for scheduling at the discretion of the City Manager or his/her designee.
 3. Section 405.360 Outdoor Lighting Standards shall apply, including the requirement for a photometric plan, with the following modifications:
 - a. Outdoor playing surface lighting is permitted after ~~7~~8:00 A.M. and until 9:30 P.M. University varsity level games may continue to the end of the inning that is underway before ~~10:00~~9:30 P.M. for baseball and softball.
 - b. Campus safety and circulation lighting is not limited to a time of day.
 - c. Outdoor playing surfaces, maximum horizontal light levels. The maximum horizontal light level defined as the average light level at grade along a property line shall not exceed 0.5 footcandles at the north, south and west property lines and 2.0 footcandles along the east property line.
 - d. The maximum uniformity ratio (maximum to minimum) shall be 2:1 on playing surfaces and 10:1 on remainder of the site.
 - e. Playing surface lighting poles shall be a maximum of eighty (80) feet in height. Lighting poles for internal roadways and parking shall not exceed twenty (20) feet in height.
 - ~~1. Light pole heights may be permitted to exceed the maximum heights by the Plan Commission when determined that the requested height increase would not result in additional lighting spillage or glare outside of the district boundary and when all other lighting standards are met.~~
- E. Setbacks. Setbacks for buildings, structures, and other improvements specifically listed shall be required as follows:
 1. There shall be no setback requirements from property lines that divide interior portions of the Big Bend Overlay. All required setbacks shall be established and measured from the district boundaries.
 2. Should there be any conflicts between the setbacks required herein and the transition zones required per Section 410.960.F, the required transition zone shall apply.
 3. From the western district boundary line, along Big Bend Boulevard, the minimum building setback is one hundred forty (140) feet. Surface parking shall also adhere to the western building setback.
 4. From the eastern district boundary line, along the edge of the Concordia Seminary Campus, the minimum building setback is ten (10) feet for buildings measuring thirty-five (35) feet or less in height and the minimum setbacks is fifty (50) feet for buildings measuring greater than thirty-five (35) feet in height. Surface parking shall not be confined by the eastern building setback and may be located up to the eastern district boundary.
 5. From the northern district boundary line, the minimum building setback is ten (10) feet. Surface parking shall not be confined by the northern building setback and shall be located a minimum of five (5) feet from the northern district boundary.
 6. From the southern district boundary line, the minimum building setback is ninety (90) feet. Surface parking shall also adhere to the southern building setback.
 7. Accessory buildings measuring two hundred (200) square feet or less in gross floor area shall be located a minimum of five (5) feet from the eastern district boundary line and a minimum of ten (10) feet from other district boundaries, unless a greater transition zone is required per Section 410.960.F.
 8. Basements and parking facilities that are completely underground shall be subject to the building setbacks outlined above.
 9. There shall not be any setback requirements for pedestrian paths, bicycle paths, or fences.

10. There shall not be any setback requirements for retaining walls, except for the following. Retaining walls with an exposed face greater than or equal to ~~ten-eight (108)~~ feet in height, ~~as measured from the base of the footing to the top of the wall,~~ that hold grade within the district boundary at a higher elevation than grade outside of the district boundary shall be located a minimum of ten (10) feet from the district boundaries. See Section 410.960.G for additional grading and retaining wall regulations.
 11. Outdoor Pplaying surfaces shall have the following setbacks, unless a greater transition zone is required per Section 410.960.F:
 - a. Playing surfaces at grade with lights shall be located a minimum of eighty (80) feet from ~~the north, west, and south~~ district ~~boundaries~~boundary. Playing surfaces without lights may be located a minimum of ten (10) feet from the north district boundary.
 - ~~a.b.~~ Playing surfaces at grade shall be located a minimum of ten (10) feet from the east district boundary.
 12. There shall not be any setback requirements for light poles providing lighting for wayfinding or security purposes. Light poles for playing surfaces shall be located a minimum of five (5) feet from any district boundary.
 13. Mechanical equipment shall be located a minimum of five (5) feet from any district boundary except where the district boundary abuts a residential neighborhood, and then mechanical equipment shall be a minimum of fifteen (15) feet from the boundary.
 14. Multiple buildings shall be allowed on one lot and there shall not be a minimum setback requirement between buildings within the Big Bend Overlay, however, this shall not modify or reduce any standards or requirements of the applicable Building Codes or Fire Codes adopted by the City.
- F. Transition Zones. Transition zones are buffer areas where buildings, structures, improvements and uses other than landscape, sidewalks, bicycle paths, utilities and infrastructure, or emergency access routes shall not be permitted. Transition zones shall be required as follows:
1. Transition zones shall not be altered by any setback requirement.
 2. A transition zone shall be required along the entire southern district boundary line measuring a minimum of ~~ninety-one hundred fifty (90150)~~ feet in depth.
 3. A transition zone shall be required along the easternmost four hundred ninety (490) feet of the northern boundary line of the district measuring a minimum of ninety (90) feet in depth.
 4. A transition zone shall be required on the northernmost two hundred ten (210) feet of the eastern boundary line of the district measuring a minimum of one hundred seventy (170) feet in depth.
 5. A transition zone shall be required along the entire western district boundary line measuring a minimum of one hundred forty (140) feet in depth. Driveways and accessory structures associated with the primary vehicle access point for the district may be located within the required western transition zone.
 - a. The required depth of the transition zone along the western district boundary may be reduced to align with the western property line of the parcel to accommodate widening of the right-of-way for road and or sidewalk infrastructure, however, the ending point (eastern edge of the zone) shall not change.
 6. Transition zones shall be planted with a variety of deciduous, coniferous, and evergreen shrubs and trees. New trees should be selected and located to provide future replacements of the existing large canopy trees as mature trees reach the end of their lives.
 7. Transition zones shall provide year-round solid/sight proof screening from the adjacent property at least six (6) feet in height. Screening may be achieved through use of plantings, fencing, a wall, or a combination thereof. Screening requirements may be met at any point within the required transition zone depth.

- a. Year-round screening shall not be required for the western boundary transition zone.
 - b. Walls and fences shall be located to avoid impact to existing tree critical root zones.
8. Light poles providing lighting for wayfinding or security purposes may be located anywhere within a required transition zone. Light poles for playing surfaces may encroach a maximum of five (5) feet into a required transition zone, measured to the centerline of the pole.
 9. Retaining walls shall not be located within a transition zone, except where necessary to support a vehicle, pedestrian, or bicycle access point, to maintain grade for existing plantings and trees that are to remain, or to raise the grade of the transition zone above the grade interior to the district.
 10. Driveways, sidewalks, and bicycle paths may connect to the outside of the district through a transition zone, but should not run within a transition zone parallel to the district boundary.
 - a. A shared use path for bicycles and pedestrians may run within the western transition zone parallel to the district boundary along Big Bend Boulevard.

Figure 2: Transition Zone Design



11. Transition zones shall not be used for staging or storing of materials related to construction activity.

G. Grading and Drainage.

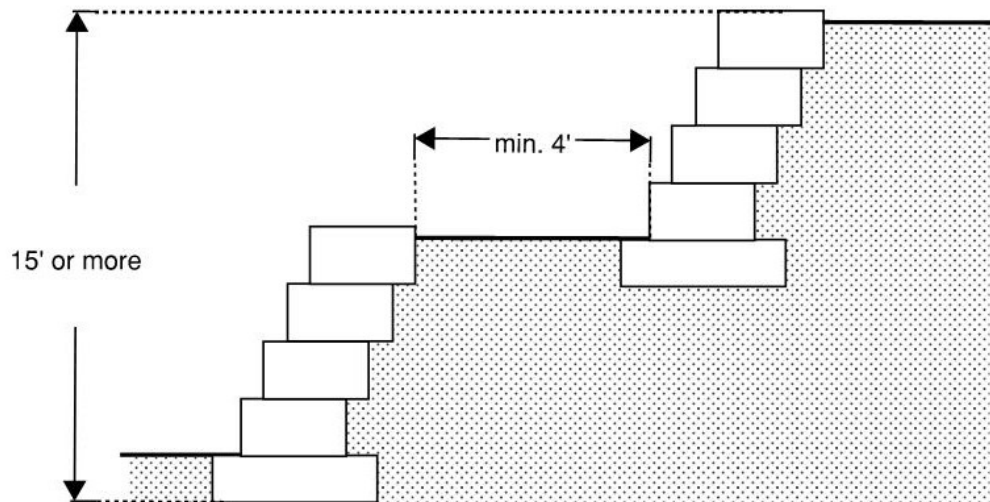
1. Development ~~should~~ shall follow and respect the topography at the perimeter of the site where it adjoins existing topography, including at the eastern edge of the district where it adjoins Concordia Seminary.
2. Large scale grading across the district shall incorporate a terracing plan to respect existing topographic conditions. The grade should not be lifted or reduced to create one elevation across the Big Bend Overlay.
3. Site drainage patterns shall be designed to prevent concentrated surface drainage from collecting on and flowing across adjacent lots, paths, walkways, sidewalks, and individual or stands of mature trees scheduled for protection and preservation.
4. The site shall be designed so as not to increase the amount of stormwater runoff that exits from the site other than through approved connections to Metropolitan Sewer District (MSD) facilities as approved by MSD.
5. Retaining walls shall be tiered or stepped to include landscaping to reduce the visual impact of the wall from adjacent property. A minimum of one step shall be required for every fifteen (15) feet of height (rise). The depth (run) of each step shall be a minimum of four (4) feet to allow and support plantings of shrubs and/or trees. The number of steps or

height of each step may vary, except walls within two hundred feet of non-affiliated residential property that face outside of the district shall have a maximum wall height of ten (10) feet.

a. Through Site Plan Review, the Plan Commission may increase the maximum wall height from fifteen (15) feet to no more than twenty (20) feet for a wall located interior of the district or a wall facing the interior of the district when it is determined that sufficient landscape and visual buffers or provided.

a.b. Retaining walls facing the outside of the district and located within two hundred (200) feet of property with non-affiliated residential uses shall have a maximum wall height of ten (10) feet and any required step shall have a minimum depth of eight (8) feet.

Figure 3: Retaining Wall Step Requirement



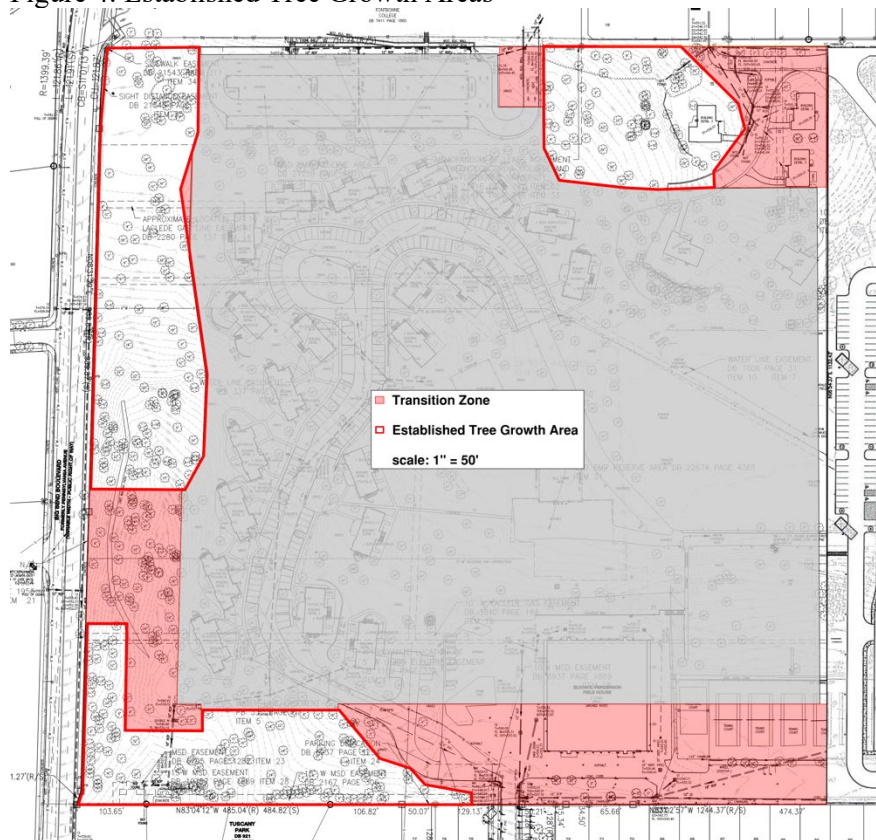
Section 410.965 Tree and Landscape Standards.

- A. All provisions of Chapter 405, Article XXX Trees and Landscaping Regulations shall apply with the following exception:
 - 1. The Big Bend Overlay is unique in that permitted uses include outdoor athletic and recreational playing surfaces. These uses require large tracts of unencumbered flat surfaces. Accordingly, the Big Bend Overlay shall maintain a minimum tree canopy coverage (determined in accordance with the standards set forth in Article XXX) of thirty percent (30%) with any removal of trees requiring replacement as necessary to maintain the minimum coverage whether or not tree replacement is associated with a development project requiring site plan review. Per the calculation method of Article XXX, deciduous and some evergreen species count toward canopy coverage. In order to emphasize the benefits of deciduous native canopy, a minimum of eighty percent (80%) of the required canopy coverage should be deciduous. There shall be no limit or requirement for the breakdown of canopy coverage above the minimum required.
 - 2. Preservation of existing mature trees within and adjacent to the Big Bend Overlay is a priority and tree protection documentation and measures shall be provided per Section 405.4080 for all construction activities.
- B. In addition to maintaining a tree canopy across the Big Bend Overlay, it is important to maintain and protect existing established tree growth areas. The established tree growth areas, as identified in the figure below, shall be protected from ~~excessive~~ regrading, tree removal, and construction

activity and shall be maintained so as to promote the health and life of the existing trees and new trees as necessary to supplement and replenish the area.

1. Retaining walls shall not be located within an established tree growth area, except where necessary to support a vehicle, pedestrian, or bicycle access point, or to maintain grade for existing plantings and trees that are to remain.
2. A vehicle access point may only be permitted within an established tree growth area along Big Bend Boulevard and any regrading and construction activity associated with such access point shall be severely limited to maintain the maximum number of existing trees and existing grade as possible.
3. Depth of the required tree growth areas along Big Bend Boulevard may only be reduced to accommodate widening of the right-of-way for road and/or sidewalk infrastructure.
4. While the priority for established tree growth areas is preservation of existing trees, these areas also represent ideal locations for planting of additional trees to support generational tree canopy.
- 3-5. Established tree growth areas shall not be used for staging or storage of construction materials or access points for construction activity.

Figure 4: Established Tree Growth Areas



Section 410.970 Off-Street Parking and Loading.

- A. The requirement for off-street parking in the Big Bend Overlay shall be determined as follows:
 1. A parking study shall be completed by a professional traffic and parking consultant to determine the appropriate parking requirements given the mixture of uses and parking design for the district. This parking study shall be used to analyze parking needs as development

- occurs for a period of five (5) years, at which time the City may elect to either require an updated parking study or extend the use of the existing study for a specified term. Proposed buildings or uses must be included in the study on file to be considered for approval.
- B. All loading and service areas shall be located interior to the site and screened from the district boundaries to the maximum extent feasible.
 - C. Parking Lot Design Standards
 - 1. All surface parking areas shall be designed with landscape and/or tree islands to reduce the environmental impacts of large, paved areas. A minimum of one (1) canopy tree shall be required for every fifteen (15) surface parking spaces. Trees shall be planted directly adjacent to or within the parking lot area to maximize the amount of shaded area within parking lots.
 - 2. Surface parking lots with photovoltaic systems or solar panel arrays used to cover parking spaces shall be exempt from the minimum number of trees required by Section 410.970.C.1, above.
 - 3. Use of permeable pavers or similar is strongly encouraged for surface parking spaces.

Section 410.975 Site Plan and Architectural Review.

- A. Procedure. For all applications considered by the Plan Commission and/or Architectural Review Board per the Site Plan Review and Architectural Review provisions outlined in this Section, written notification shall be sent by mail at least ten (10) days prior to the meeting date to the last known abode of the owners of properties within two hundred (200) feet of the Big Bend Overlay.
- B. Site Plan Review pursuant to the procedures and standards outlined in Chapter 405, Article VIII, is required for:
 - 1. New structure or building construction with a gross floor area of ten thousand (10,000) square feet or more.
 - 2. Any expansion or addition measuring ten thousand (10,000) square feet or more to an existing structure or building.
 - 3. Any expansion or addition which increases the footprint of the existing structure by fifty percent (50%) or more.
 - 4. Any new construction or addition where the proposed grade plane deviates from the existing grade plane by more than six (6) feet.
 - 5. Any new outdoor playing surface of more than twenty-eight hundred (2,800) square feet, or any expansion thereof in excess of one-third of its existing surface area.
 - 6. Any site work including grading or modifications to existing runoff patterns with a disturbance area equal to or greater than 0.5 acres or if determined by the Director of Planning and Development Services to involve significant or excessive changes to existing topography.
 - 7. All ground-mounted wind energy renewable systems pursuant to Article XXVIII; however, such systems may be reviewed in conjunction with the review of principal structures.
- C. Architectural Review Board review is required when Site Plan Review is required, for any new building or addition with a gross floor area of five thousand (5,000) square feet or more that is located within fifty (50) feet of a transition zone or district boundary, or for any accessory structure which is located within a setback as allowed per Section 410.950.E. Administrative architectural review by the City Manager or his/her designee shall be completed for all other exterior modifications or projects. At the discretion of the City Manager or his/her designee, any project may be elevated from administrative review to the Architectural Review Board.
- D. Architectural Standards. The following standards shall be applied to all development proposals and may only be modified through the process of Alternative Compliance outlined in Section 410.285.
 - 1. Buildings should be oriented in a manner to create necessary landscape, recreational, and

- outdoor social spaces appropriate to the district.
2. Buildings should be designed to work with and complement the existing topography while prioritizing accessibility.
 3. Building designs should incorporate variation in the façade, such as recesses and projections, or other architectural detailing in keeping with the district character identified in Section 410.940.
 4. Materials for use on building facades should be durable and establish a hierarchy of primary, secondary, and accent materials. High quality materials shall be used for all construction. Facades directly adjacent to or facing Big Bend Boulevard shall feature primary building materials of masonry such as brick and/or stone. Materials permitted by right in the Big Bend Overlay shall include anything permitted by the building code except for vinyl-based products.
 - a. Other materials including new materials which may be developed shall be permitted subject to review by the Architectural Review Board.
 - ~~5.~~ Buildings should contain window openings in the exterior façade and provisions for daylighting, as long as the openings do not conflict with the performance and activity on the interior.
 - ~~5.6.~~ Parking garages and parking structure shall be located and oriented to minimize visibility from adjacent non-affiliated residential property. The preferred design of parking structures shall be underground or partially below grade structure.
 - ~~6.7.~~ Equipment may include any exterior mechanical, plumbing, or electrical utilities or building service equipment, garbage cans, dumpsters, recycling bins, storage tanks, or other similar mechanical equipment utilized for building operations. Equipment located on grade shall not be located in a transition zone and shall be screened by fencing, garden walls, or landscaping. Equipment located on rooftops or other elevated locations shall be located a minimum of ten (10) feet from the roof edge and concealed from view by the use of parapet walls or other screening.
 - ~~7.8.~~ Photovoltaic systems shall be permitted on any roof with the Big Bend Overlay and are subject to regulations per Article XXVIII Renewable Energy Systems.
 - ~~8.9.~~ Walls and Fences.
 - a. Walls and fences may be used to establish edges of the Big Bend Overlay, to create outdoor spaces within the district, or to conceal parking or other utility structures and equipment.
 - b. Walls and fences may be a maximum height of eight (8) feet, unless otherwise permitted herein. The maximum height for walls or fences that provide screening of mechanical equipment or loading areas may be increased to the minimum height necessary to screen equipment or loading areas by the City Manager or his/her designee.
 1. Walls and fences located within ten (10) feet of Big Bend Boulevard shall be a maximum of five (5) feet in height and feature a decorative or ornamental design and be a maximum of sixty percent (60%) opaque unless an alternative height or design is approved by the Architectural Review Board. Walls shall be buffered with a mix of evergreen trees, ornamental trees, and shrubs adjacent to right-of-way and adjoining land uses.
 - ~~1.2.~~ A sound or noise wall measuring ten (10) feet in height shall be required along the south district boundary.
 - ~~2.3.~~ Fences, walls, and netting required for playing surfaces and recreation facilities shall be exempt from the fence and wall height maximums.
 - c. Materials permitted for walls and fences shall be compatible with primary building facades.

1. Materials for walls may include brick and stone masonry, tile masonry, concrete panels, concrete (cast-in-place or precast) and concrete block (split face or otherwise).
 2. Materials for fences may include metal (wrought iron, aluminum, steel, or similar), wood, or composite. Vinyl fencing shall not be permitted along the perimeter of the Big Bend Overlay but shall be allowed interior to the site.
 3. Fences, walls, and netting required for playing surfaces and recreation facilities shall be exempt from the foregoing materials requirements.
- d. Pedestrian gates shall be permitted in walls and fences, and shall be complementary with the materials of the wall or fence.

Section 410.980 Noise.

- A. The Big Bend Overlay shall adhere to Clayton Health, Safety and Welfare ordinances regarding noises (Chapter 215, Article XVI Noises) with the following adjustments:
1. No person shall use, cause to be used, or operate any amplified electronic device, speaker system, or amplified noise devise in such a manner as to create an unreasonably loud noise or so as to be plainly audible by another person located on an adjoining residential property. ~~before 7:00 A.M. or after 9:30 P.M.~~ University varsity level games may continue to the end of the inning for baseball and softball that is underway by 10:00 P.M.
 2. An acoustical study shall be required prior to installation of any amplified electronic devices or speaker systems installed for an outdoor facility. The amplified system shall be designed and located to minimize noise at the boundary of the district. The study shall ensure compliance with noise regulations and identify estimated changes in noise levels at the property lines from existing conditions.
 - a. The acoustical study shall be submitted to the City for review in conjunction with a required Building Permit, Site Plan Review Permit, or an Administrative/Architectural Review Permit.
 3. If amplified electronic devices or speakers are proposed, Aa primary speaker system plan shall be provided for each playing surface or exterior speaker system that identifies the location, type, projected angle, and controls of each speaker.
 - a. A secondary speaker system plan shall be provided for each playing surface that identifies the concentrated system to be available for smaller ~~events~~activities.
 4. Outdoor Aamplified electronic devices or speakers for noise, such as announcements and playing of music or similar, may be used or operated on the property from 9:00 A.M. to 6:00 P.M. on Sunday through Thursday and from 7:00 A.M. to 9:30 P.M. on Friday and Saturday for university-sanctioned athletic, club, or intramural, ~~or social~~ events as a part of the ~~sports-athletics~~ schedule and recreation curriculum. University-Amplified noise may continue for university varsity level games ~~may continue~~ to the end of the inning for baseball and softball that is underway by 6:00 P.M. Sunday through Thursday or by 10:009:30 P.M. Friday and Saturday.
 - a. For activities and events without audience or public participation such as practices and intramurals, the secondary speaker system plan shall be utilized.
 5. For noise generated from within the District, maximum noise levels measured at a district boundary abutting residential uses shall ~~be not exceed~~ sixty (60) dBA for steady noise and seventy (70) dBA for impulse noise.
 6. Noise impacts to adjacent residential uses resulting from mechanical and utility equipment shall be mitigated through use of appropriate strategies depending on the context of the equipment including, but not limited to, sound-proofing, enclosures, landscaping, or walls.

Section 410.985 Sustainability.

- A. The Big Bend Overlay shall incorporate and follow best practices for sustainable design of athletic and recreational uses including principles for playing surfaces, parking, and structures. In addition to sustainable guidelines referenced elsewhere in this code or other codes adopted by the City of Clayton when not in conflict with this code, the following standards shall be established for the district. Explanation of how each item below has been addressed shall be required as part of submission for permit review of any construction project, as applicable.:
1. Efforts shall be made to utilize on-site renewable energy sources such as solar and wind power.
 2. Efforts shall be made to incorporate best management practices for stormwater, grading, and drainage facilities such as inclusion of planted bioswales or bioretention areas and rain gardens.
 3. Native species of plants, flowers, shrubs, and trees shall be required for perennials and prioritized for annuals for use within the District.
 - ~~3.4.~~ Changes to natural areas of the District shall be minimized and efforts shall be made to enhance the natural habitat for local wildlife including owls, hawks, birds, and more.
 - ~~4.5.~~ New buildings shall be designed to meet the prevailing standards for new buildings on the Danforth Campus of Washington University in St. Louis at the time of permitting, but in no case shall buildings be designed to a standard less than that of LEED Silver (per 2024 LEED requirements). A similar or equivalent standard to that of LEED may be used. A higher standard may be obtained by the property owner but not required by the City. Buildings measuring less than five thousand (5,000) gross square feet in area shall be exempt from this requirement.
 - ~~5.6.~~ Best management practices (BMP) shall be used to ensure water quality of water runoff from synthetic turf playing surfaces is positively impacted. Appropriate BMPs shall be selected from the Metropolitan St. Louis Sewer District's BMP Toolbox or other BMPs specifically designed for synthetic turf playing surfaces that are accepted by the Metropolitan St. Louis Sewer District.

Section 410.990 Definitions and Calculations.

- A. As used in this Article, the following terms shall have the meanings indicated:
1. Building Height
The vertical distance, measured in feet, from the grade plane to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge of a gable, hip or gambrel roof.
 2. dBA
Weighted decibel (dBA) is a unit to measure sound as perceived by the human ear.
 3. Existing Grade Plane
A reference plane representing the average of the existing finished ground level prior to the commencement of any construction adjoining the proposed building footprint at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.
 4. Grade Plane

A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

5. Impulse Noise

Impulse noise is sound that is short in duration and not continuous or ongoing.

6. Playing Surface

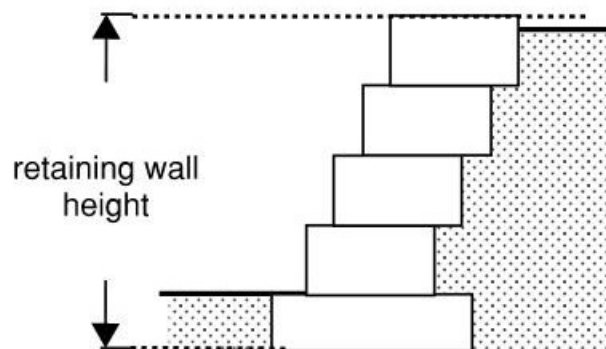
The land or area designed, maintained, and prepared for playing a game or competing in athletic activities. Playing surfaces shall include fields and courts covered in natural and/or synthetic material. Playing surfaces are considered an athletic and/or recreational facility.

7. Proposed Grade Plane

A reference plane representing the average of proposed finished ground level adjoining the proposed building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

8. Retaining Wall Height

Retaining wall height shall be measured from the base of the footing to the top of the wall.



9. Temporary Building

Refer to the definition of temporary structure found in the Building Code and Fire Code adopted by the City of Clayton.

BILL NO. 7044

ORDINANCE NO. _____

AN ORDINANCE TO SUBSTANTIALLY ENHANCE CLAYTON'S ABILITY TO REGULATE AND CONSTRAIN THE SPREAD OF INSTITUTIONAL LAND USES IN RESIDENTIAL AREAS OF THE CITY BY AMENDING CHAPTER 410 OF THE MUNICIPAL CODE TO ADD A NEW ARTICLE ESTABLISHING THE "SOUTH 40 OVERLAY ZONING DISTRICT", AND OTHER ACTIONS RELATED THERETO

WHEREAS, the City needs to enhance its ability to reasonably regulate the scale and characteristics of anticipated expansion and further development of the residentially-focused institutional land use known as the "South 40" area of Washington University in a way that strikes a fair balance between development the University wishes to undertake and the quality of life and peaceful enjoyment of their homes and neighborhoods which nearby residents are entitled to have protected; and

WHEREAS, on October 7, 2024, the Plan Commission held a public hearing, after due notice as provided by law, to solicit input regarding amendments to the City's Land Use regulations to establish the South 40 Overlay District and, by vote of 7-0 recommended approval of the proposed amendments to the Board of Aldermen; and

WHEREAS, On November 12, 2024, and on November 26, 2024, after due notice as provided by law, the Board of Aldermen held a public hearing for the purpose of receiving public comment on the question of the adoption of the provision hereinafter set forth; and

WHEREAS, the Board of Aldermen has determined that it is in the best interest of the City of Clayton to adopt the amendments hereinafter set forth and that such amendments best serve the public health, safety and welfare of the City and its residents;

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

Section 1.

Chapter 410 Overlay and Urban Design Districts of Title IV Land Use of the Code of Ordinances of the City of Clayton, Missouri, is hereby amended by the addition of one new Article and eleven new Sections, initially to be designated as Article XVI and Sections 410.885 through 410.935, to read as outlined in Exhibit A, attached hereto and incorporated herein by reference.

Section 2.

The zoning classification of the property located at 6500 Forsyth Boulevard, and more fully described in Exhibit B Legal Description, attached hereto and incorporated herein by reference, is hereby changed from R-2 Single-Family Dwelling District to R-2 Single Family Dwelling District and South 40 Overlay Zoning District.

Section 3.

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

Section 4.

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

Section 5.

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 6.

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

Section 7.

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

Passed by the Board of Aldermen on this 26th day of November 2024.

Mayor

Attest:

City Clerk

EXHIBIT A

Article XVI South 40 Overlay Zoning District

Section 410.885 Purpose Statement.

The South 40 Overlay Zoning District (hereinafter known as the “S40 Overlay”) is intended to facilitate the use and development of campuses and facilities for university and college uses. This area of the City has a unique concentration of advanced education uses that require careful consideration to balance educational, recreational, and residential needs of institutions with the character of adjacent low-density residential areas. The S40 Overlay is intended to modify the underlying zoning district regulations only to the extent specifically set forth in this Article. If not specifically modified in this Article, the regulations in effect in the underlying zoning district will remain in full force and effect.

Section 410.890 Location of Overlay District.

The S40 Overlay consists of the South 40 Campus of Washington University in St. Louis. The official boundary of the S40 Overlay is as described in the district map exhibit hereunder.

Figure 1: District Map



Section 410.895 District Character and Criteria for Review.

- C. Development shall be compatible with the district character as established below.
 1. The Danforth Campus of Washington University in St. Louis to the north and surrounding single-family residential neighborhoods to the east, south, and west of the S40 Overlay provide a wide range of contextual building typologies, scales, and

materials. Unlike the Danforth Campus, however, the S40 Overlay should not be reliant on specific stylistic conventions, but buildings should be designed with care and consideration for timeless architecture and durable, beautiful materials that harmonize with the surrounding brick, stone, and wood construction. New buildings should avoid neoclassicist or revivalist styles, and should address qualities and principles present in the surrounding contexts, including scale, proportion, fenestration, massing, datums, rhythms and patterns, hierarchy, and balance.

2. Sustainable design principles should inform the development of all new construction in terms of efficiency measures for energy, water, and waste.
 3. Site development should focus on regeneration and restoration. Non-recreation areas should rely on native and non-invasive species plantings, and largely feature non-turf areas and low maintenance landscape.
 4. Site development and layout should prioritize preservation of existing trees and topography.
 5. Site design should integrate new facilities with the existing context, focus activity to the interior of the S40 Overlay, and minimize noise and light trespassing from the S40 Overlay.
 6. Utilities and service functions should be screened from adjacent property and incorporated into the campus design to minimize visibility, noise, and impact.
 7. The S40 Overlay should foster a built environment that is friendly to the presence of people living, learning, visiting, and working.
- D. Property within the South 40 Overlay shall not be eligible for rezoning to a planned unit development or redevelopment per Chapter 405, Article X Planned Unit Development District.

Section 410.900 Uses Permitted.

The uses permitted and conditionally permitted are the same as outlined in the base zoning district, with the following modifications:

- G. Mixed-Uses. Facilities and buildings consisting of multiple uses are permitted so long as all uses are allowed under the base zoning district and/or the S40 Overlay.
- H. Primary Uses. College and university uses are defined as the following and are permitted by right and subject to the S40 Overlay regulations:
 1. Any use of the grounds or building or portion thereof that is used for the teaching of college and university classes, research facilities and administrative and operational facilities, or any similar function and use for collegiate and university educational and research purposes.
 2. Dormitories and residential halls providing housing for students, faculty, and staff.
 3. Detached multi-unit housing/multiple structures on a single parcel for the purpose of housing students, faculty, staff, visitors or other members of a college or university community.
- I. Accessory Uses. Accessory uses shall be a subordinate building or use customarily incidental to the primary building or use, subordinate in area, extent or purposes to the primary building or use, and limited to and contributing to the comfort, convenience or necessity of the primary building or use. College and university accessory uses in support of primary uses in the S40 Overlay and defined as the following are permitted by right and subject to the S40 Overlay Zoning District regulations:
 1. Catering facilities.
 2. Communications and media facilities.
 3. Dining or food service facilities.
 4. Exhibition, film and performance facilities including studios.

5. Health services including pharmacies, excluding hospitals, urgent care centers, or similar facilities that provide care and service to the general public.
 6. Library and study facilities.
 7. Nursery or greenhouse.
 8. Parking lots and multi-level parking structures.
 9. Places of religious worship.
 10. Recreation building, structure or grounds.
 11. Retail for the benefit of the campus community but not primarily serving patrons outside of the university.
 12. Short term lodging for educational, research, athletic or community benefit purposes including when school is not in regular session.
 13. Solar energy systems, building- or ground-mounted (subject to the provisions of Article XXVIII).
 14. Student and campus activity spaces.
 15. Student owned and/or managed retail operations for experiential learning purposes and/or for the benefit of the campus community but not primarily serving patrons outside of the university.
 16. Temporary buildings or structures.
 17. Restrooms, drinking fountains, and similar support buildings or structures.
 18. Wind energy systems, building-mounted (subject to the provisions of Article XXVIII).
- J. Prohibited Uses. Uses not expressly listed in this Section as approved primary or accessory uses shall be prohibited. All permitted uses shall be provided for students, faculty, and employees of the university or patrons visiting the site to support university uses or patrons associated with an event hosted on the property. Uses providing services to the general public outside of events or activities associated with permitted primary and accessory uses shall be prohibited. Full university graduation ceremonies (conferring degrees in all or substantially all schools and programs), WILD, and ThurtenE shall be prohibited.
- K. Outdoor events and activities where anticipated attendance of non-South 40 residents is five hundred (500) people or more shall require issuance of a special event permit in accordance with the City's event guidelines.

Section 410.905 Development Standards.

- A. Coverage and Density.
1. Lot coverage by impervious material, including structure footprints, shall be limited to a maximum of sixty (60) percent of the total S40 Overlay area.
 2. Structure footprints shall not occupy more than one-third of the total S40 Overlay area.
 3. Residential (dormitories) density limits for the S40 Overlay shall be calculated for the district in its entirety at a rate of ninety-four (94) beds per acre.
- B. Height. Building height shall be limited to sixty-seven (67) feet.
1. Buildings or portions of buildings located within one hundred fifty (150) feet of the southern district boundary shall have a maximum building height of fifty (50) feet.
 2. For new construction and additions, the proposed grade plane shall not deviate from the existing grade plane by more than six (6) feet without Site Plan Review approval per Chapter 405, Article VIII.
 3. Elevator and stair overruns, mechanical screening, renewable energy systems, and similar architectural features may exceed the building height maximum by up to fifteen (15) feet.
 4. Accessory buildings shall be equal to or less than twenty-five (25) feet in height
- C. Layout and Access.
1. Active portions of buildings and outdoor spaces should be generally oriented toward the interior of the S40 Overlay, except along Forsyth Boulevard, Big Bend Boulevard, or at

- permitted gateways providing vehicle and/or pedestrian access to the S40 Overlay.
2. Visible utilities and accessory structures should be minimized through screening, underground vaults, or incorporation into surrounding buildings.
 3. Parking shall be located interior to the S40 Overlay or within enclosed parking structures to the maximum extent feasible.
 4. Primary and secondary access points to the S40 Overlay shall be designed and located to minimize traffic through adjacent residential neighborhoods.
 - ~~b.c.~~ Primary access shall be limited to one vehicle access point along Forsyth Boulevard and one vehicle access point along Big Bend Boulevard.
 - ~~e.d.~~ Vehicle access along Wydown Boulevard shall be limited to one emergency access point only.
 - ~~d.e.~~ Vehicle access shall not be provided from Ellenwood Avenue.
 - ~~e.f.~~ Pedestrian and bicycle access points shall be provided from Forsyth Boulevard and adjacent to the intersection of Wydown Boulevard and Big Bend Boulevard. Secondary access points are permitted from all district boundaries.
 5. Accessory buildings may be oriented toward any street or towards the interior of the S40 Overlay.

D. Lighting.

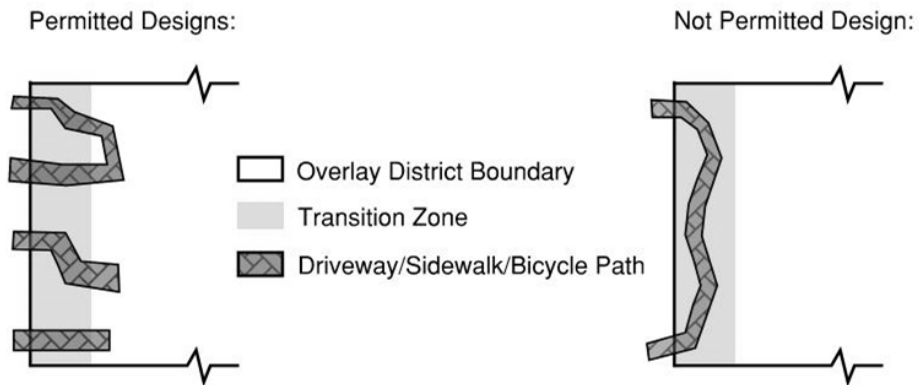
1. General exterior lighting shall be limited to maintaining IES recommended levels for safety.
2. The DarkSky International principles shall be used as a guideline and all playing surfaces shall be certified through the DarkSky Outdoor Sports Lighting Program.
 - a. Certification of DarkSky International OSL Compliant Design shall be provided to the Director of Planning and Development Services prior to construction.
 - b. Certification of DarkSky International Compliant Installation shall be provided to the Director of Planning and Development Services within six months of project completion, with extensions for scheduling at the discretion of the City Manager or his/her designee.
3. Section 405.360 Outdoor Lighting Standards shall apply to the S40 Overlay, with the following exceptions:
 - a. Emergency lighting throughout the S40 Overlay Zoning District may be installed to University Standards.
 - b. Outdoor playing surface lighting is permitted after 7:00 A.M. and until 9:30 P.M. University varsity level games may continue to the end of the inning that is underway before 10:00 P.M. for baseball and softball.
 - c. Standards for Lighting throughout the S40 Overlay Zoning District shall be as follows:
 - 1) The S40 Overlay District and structures shall conform to regulations as set forth under Section 405.360, Appendix A, "Residential Zoning Districts."
 - 2) All parking uses including lots and structures shall conform to regulations as set forth under Section 405.360, Appendix A, "Open Parking Structures and Parking Below a Building."
 - 3) All recreation and athletic uses shall conform to regulations as set forth under Section 405.360, Appendix A, "Private Recreation Use."
 - a. The maximum uniformity ratio (maximum to minimum) shall be modified to be 2:1 on playing surfaces and 10:1 on the remainder of the site.
 - 4) The Plan Commission shall have the authority to approve the application of the regulations as set forth under Section 405.360, Appendix A, "Commercial, Service, Downtown Clayton, Mixed uses including office

and retail/restaurant” to a specific use, building, or area to address documented safety and security issues.

4. Light fixtures existing as of the date of adoption of this Code may be used and maintained as currently operated and functioning. Any new or replacement lights shall comply with this Code.
- E. Setbacks. Setbacks for buildings, structures and other improvements specifically listed shall be required as follows:
1. There shall be no setback requirements from property lines that divide interior portions of the S40 Overlay. All required setbacks shall be established and measured from the district boundaries.
 2. Should there be any conflicts between the setbacks required herein and the transition zones required per Section 410.905.F, the required transition zone shall apply.
 3. From the northern district boundary, along Forsyth Boulevard, the minimum building setback is forty (40) feet. Surface parking shall also adhere to the northern building setback.
 4. From the southern district boundary, along Wydown Boulevard, the minimum building setback is sixty (60) feet. Surface parking shall also adhere to the southern building setback, except along the easternmost two hundred (200) feet of the southern boundary where surface parking may be located up to fifteen (15) feet from the southern district boundary with landscape screening located in the required setback
 5. From the western district boundary, along Big Bend Boulevard, the minimum building setback is fifty (50) feet. Surface parking shall also adhere to the western building setback.
 6. From the eastern district boundary, the minimum building setback is forty (40) feet, except where a greater transition zone is required per Section 410.905.F. Surface parking shall not be confined by the eastern building setback and may be located up to fifteen (15) feet from the eastern district boundary unless a greater transition zone is required per Section 410.905.F or along the southernmost two hundred (200) feet of the eastern boundary where surface parking may be located up to the district boundary.
 7. Setbacks for buildings greater than three stories or fifty-five (55) feet in height shall be a minimum of sixty (60) feet from any district boundary shared with non-institutional residential uses or shared with unaffiliated institutions. This shall not apply where the district boundary abuts a public street.
 8. Accessory buildings measuring two hundred (200) square feet or less in gross floor area shall be located a minimum of twenty (20) feet from the southern district boundary and a minimum of fifteen (15) feet from the northern, eastern, and western district boundaries unless a greater transition zone is required.
 9. Basements and parking facilities that are completely underground shall be subject to the building setbacks outlined above.
 10. There shall be no setback requirements for pedestrian paths, bicycle paths, or fences.
 11. There shall not be any setback requirements for retaining walls, except for the following. Retaining walls greater than or equal to ten (10) feet in height, as measured from the base of the footing to the top of the wall, that hold grade within the district boundary at a higher elevation than grade outside of the district boundary shall be located a minimum of ten (10) feet from the district boundaries. See Section 410.900.G for additional grading and retaining wall regulations.
 12. Playing surfaces at grade shall be located a minimum of five (5) feet from the northern and eastern district boundaries unless a greater transition zone is required per Section 410.960.F. Playing surfaces at grade shall adhere to the building setbacks from the western and southern district boundaries.

13. There shall not be any setback requirements for light poles providing lighting for wayfinding or security purposes. Light poles for playing surfaces may be located a minimum of five (5) feet from any district boundary.
 14. Mechanical equipment shall conform to the building setbacks.
 15. Multiple buildings shall be allowed on one lot and there shall not be a minimum setback requirement between buildings within the S40 Overlay, however, this shall not modify or reduce any standards or requirements of the applicable Building Codes or Fire Codes adopted by the City.
- F. Transition Zones. Transition zones are buffer areas where buildings, structures, improvements and uses other than landscape, sidewalks, bicycle paths, or emergency access routes shall not be permitted. Transition zones shall be required as follows:
1. Where the S40 Overlay abuts a site not located in the S40 Overlay that is improved and used as a single-family residence, a transition zone measuring thirty (30) feet in depth shall be required.
 - a. This provision shall not apply when the adjacent single-family property is separated from the S40 by a publicly owned street.
 - b. This provision shall not apply when the adjacent single-family property is under common ownership with S40, however, improvements to the transition zone will be required upon sale of either property.
 2. A transition zone shall be required along the southern district boundary, Wydown Boulevard, measuring a minimum of sixty (60) feet in depth, except for the easternmost two hundred (200) feet.
 3. Transition zones shall not be reduced by any setback requirement.
 4. Driveways and accessory structures associated with vehicle access points may be located within the associated required transition zones.
 5. Transition zones shall be planted with a variety of shrubs and trees and may also include a fence or wall.
 - a. A solid screen wall shall not be permitted within the transition zone along Wydown Boulevard.
 6. Light poles providing lighting for wayfinding or security purposes may be located anywhere within a required transition zone.
 7. Retaining walls shall not be located within a transition zone, except where necessary to support a vehicle, pedestrian, or bicycle access point, to maintain grade for existing plantings and trees that are to remain, or to raise the grade of the transition zone above the grade interior to the district.
 8. Driveways, sidewalks, and bicycle paths may connect to the outside of the district through a transition zone, but should not run within a transition zone parallel to the district boundary.

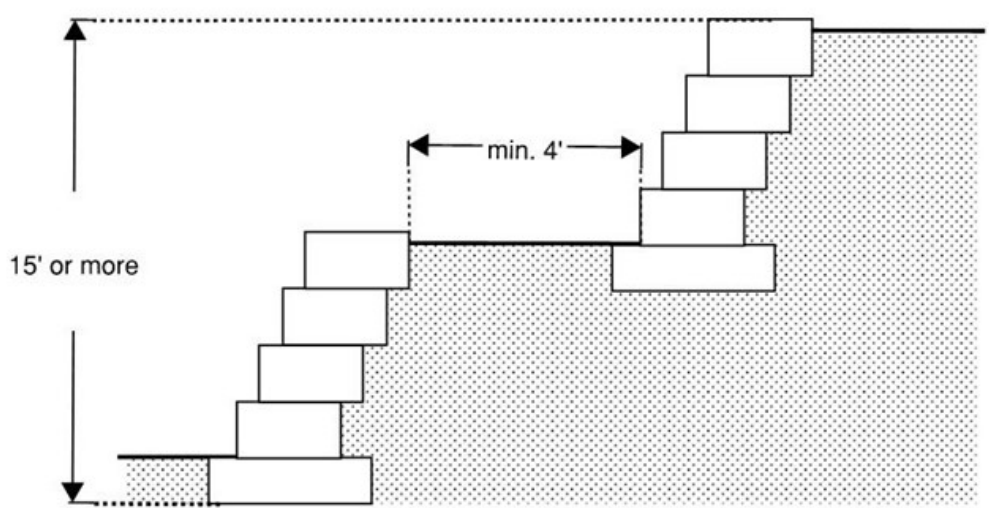
Figure 2: Transition Zone Design



G. Grading and Drainage.

1. New development should seek to restore more naturally graded topography than the current existing conditions; new development should promote restoration in a phased manner.
2. Large scale grading across the district shall incorporate a terracing plan to respect existing topographic conditions. The grade should not be lifted or reduced to create one elevation across the S40 Overlay.
3. Site drainage patterns should be designed to prevent concentrated surface drainage for collecting on and flowing across adjacent lots, paths, walks and sidewalks, and individual or stands of mature trees scheduled for protection and preservation.
4. The site shall be designed so as not to increase the amount of stormwater runoff that exits from the site other than through approved connections to Metropolitan Sewer District (MSD) facilities as approved by MSD.
5. Retaining walls fifteen (15) feet in height or greater shall be tiered or stepped to include landscaping to reduce the visual impact of the wall from adjacent property outside the S40 Overlay. The depth (run) of each step shall be a minimum of four (4) feet to allow and support plantings of shrubs and/or trees. A minimum of one step shall be required for every fifteen (15) feet of height. The number of steps or height (rise) of steps may vary, except walls within two hundred (200) feet of non-affiliated residential property that face outside of the district shall have a maximum wall height of ten (10) feet.
 - a. Through Site Plan Review, the Plan Commission may increase the maximum wall height per step from fifteen (15) feet to no more than twenty (20) feet for a wall located interior of the district or a wall facing the interior of the district when it is determined that sufficient landscape and visual buffers or provided.

Figure 3: Retaining Wall Step Requirement



Section 410.910 Tree and Landscape Standards.

- A. All provisions of Chapter 405, Article XXX Trees and Landscaping Regulations shall apply with the following exceptions:
 - 1. The S40 Overlay permits building and uses (such as recreational facilities) that may require large tracts of unencumbered surfaces. Accordingly, the S40 Overlay shall maintain a minimum tree canopy coverage (determined in accordance with the standards set forth in Article XXX) of twenty-five percent (25%) with any removal of trees requiring replacement as necessary to maintain the minimum coverage whether or not tree replacement is associated with a development project requiring site plan review.
 - 2. Approved trees shall be selected to maintain arboretum accreditation.
 - 3. Preservation of existing mature trees within and adjacent to the S40 Overlay is a priority and tree protection documentation and measures shall be provided per Section 405.4080 for all construction activities.

Section 410.915 Off-Street Parking and Loading.

- D. The requirement for off-street parking in the S40 Overlay shall be determined as follows:
 - 1. A parking study shall be completed by a professional traffic and parking consultant to determine the appropriate parking requirements given the mixture of uses and shared parking design for the campus. This parking study shall be used to analyze parking needs as development occurs for a period of five (5) years, at which time the City may elect to either require an updated parking study or extend the use of the existing study for a specified term.
 - 2. First year students housed in the S40 Overlay shall not be allowed to bring cars to campus.
 - 3. Bicycle parking shall be provided based on the combination of uses per Section 405.3670, unless modified under the required parking study.
- E. A minimum of one (1) loading dock space shall be provided for each campus dining facility that includes a food preparation area, or a similar use as determined by the Director of Planning and Development Services.
 - 1. All loading and service areas shall be located interior to the site and screened from the

public right-of-way.

2. The Director of Planning and Development services or his/her designee shall have the authority to permit a reduction in size to accommodate smaller vehicles if the proposed use is such that deliveries will be made by such vehicles.
- F. Parking Lot Design Standards
1. All surface parking areas shall be designed with landscape and/or tree islands to reduce the environmental impacts of large, paved areas. A minimum of one (1) canopy tree shall be required for every fifteen (15) surface parking spaces. Trees shall be planted directly adjacent to or within the parking lot area to maximize the amount of shaded area within parking lots.
 2. Surface parking lots with photovoltaic systems or solar panel arrays used to cover parking spaces shall be exempt from the minimum number of trees required by Section 410.970.C.1, above.
 3. Use of permeable pavers or similar is strongly encouraged for surface parking spaces.

Section 410.920 Site Plan Review and Architectural Review.

- E. Procedure. For all applications considered by the Plan Commission and/or Architectural Review Board per the Site Plan Review and Architectural Review provisions outlined in this Section, written notification shall be sent by mail at least ten (10) days prior to the meeting date to the last known abode of the owners of properties within two hundred (200) feet of the South 40 Overlay District.
- F. Site plan review pursuant to the procedures and standards outlined in Chapter 405, Article VIII, is required for:
1. New facility construction with a gross floor area of ten thousand (10,000) square feet or more.
 2. Any expansion or addition measuring ten thousand (10,000) square feet or more to an existing structure or building.
 3. Any expansion or addition which increases the footprint of the existing structure by fifty percent (50%) or more.
 4. Any new construction or addition where the proposed grade plane deviates from the existing grade plane by more than six (6) feet.
 5. Any new outdoor playing surface or recreational area of more than twenty-eight hundred (2,800) square feet, or any expansion thereof in excess of one-third of its existing surface area.
 6. Any new outdoor playing surface or recreational area or any expansion thereof in excess of one-third of its surface area.
 7. Any site work including grading or modifications to existing runoff patterns with a disturbance area equal to or greater than 0.5 acres or if determined by the Director of Planning and Development Services to involve significant or excessive changes to existing topography.
 8. All ground-mounted wind energy renewable systems pursuant to Article XXVIII; however, such systems may be reviewed in conjunction with the review of principal structures.
- G. Architectural Review Board review is required when site plan review is required, for any new building or addition with a gross floor area of five thousand (5,000) square feet or more that is located within fifty (50) feet of a front yard, or for any accessory structure which is located within a building setback as allowed per Section 410.905.E. Administrative architectural review by the City Manager or his/her designee shall be completed for all other exterior modifications or projects. At the discretion of the City Manager or his/her designee, any project may be elevated from administrative review to the Architectural Review Board.

- H. Architectural Standards. The following standards shall be applied to all development proposals and may only be modified through the process of Alternative Compliance outlined in Section 410.285.
1. Building Facades.
 - a. Building designs should incorporate variation in the façade, such as recesses and projections, or other architectural detailing in keeping with the district character identified in Section 410.895.
 - b. Materials for use on building facades should be high quality, durable, and establish a hierarchy of primary, secondary, and accent materials. Primary materials shall be masonry such as brick, terracotta, and/or stone and make up at least fifty percent (50%) of each façade not including window and door openings. Materials permitted by right in the S40 Overlay shall include anything permitted by the building code except for vinyl-based products.
 1. Other materials including new materials which may be developed shall be permitted subject to review by the Architectural Review Board.
 - c. Blank walls should be avoided, but may be permitted provided that they are complementary to the primary facades in organization and detailing.
 2. Roofs and Parapets.
 - a. The following materials shall be permitted on roofs: asphalt shingles, cedar shingles or shakes, slate shingles (natural or synthetic), concrete tiles, metal, single ply membranes, green roofs (intensive or extensive), and blue roofs.
 - b. Roof forms shall not be limited to any specific geometry, but should be designed in a manner that promotes timeless, durable architecture that is cohesive within the S40 Overlay and complementary of surrounding context.
 - c. Parapet walls should be constructed of the primary material of the wall to which they belong, or complementary to the primary facades.
 - d. Photovoltaic systems shall be permitted on any roof within the S40 Overlay.
 3. Windows and Doors.
 - a. Windows may be of aluminum, steel, wood, or fiberglass composite material and shall be of painted or anodized finish. Windows may contain opaque or transparent glazing.
 - b. Windows may be operable or fixed, but there shall be no minimum requirement for operable windows beyond what is required by Chapter 205, Article II Fire Prevention Code or Chapter 500 Building Codes and Building Regulations.
 - c. Doors may be of wood, clad wood, steel, or aluminum and shall be of painted or anodized finish. Doors may contain opaque or transparent glazing.
 4. Walls and Fences.
 - a. Walls and fences may be used to establish edges of the S40 Overlay, to create outdoor spaces within the district, or to conceal parking or other utility structures and equipment.
 - b. Walls and fences may be a maximum height of eight (8') feet. The maximum height for walls or fences that provide screening of mechanical equipment or loading areas may be increased to the minimum height necessary to screen equipment or loading areas by the City Manager or his/her designee.
 1. Walls and fences located within ten (10) feet of Wydown Boulevard, Forsyth Boulevard, or Big Bend Boulevard shall be a maximum of five (5) feet in height and feature a decorative or ornamental design and be a maximum of fifty percent (50%) opaque unless an alternative height or design is approved by the Architectural Review Board. Walls or fences shall be buffered with a mix of evergreen trees, ornamental trees, and shrubs adjacent to right-of-way and adjoining properties.

- c. Materials permitted for walls and fences shall be compatible with primary building facades.
 - 1. Materials for walls may include brick and stone masonry, tile masonry, concrete panels, concrete (cast-in-place or precast) and concrete block (split face or otherwise).
 - 2. Materials for fences may include metal (wrought iron, aluminum, steel, or similar), wood, or composite. Vinyl fencing shall not be permitted.
 - d. Pedestrian gates shall be permitted in walls and fences, and shall be complementary with the materials of the wall or fence.
5. Equipment.
- a. Equipment may include any exterior mechanical, plumbing, or electrical utilities or building service equipment, garbage cans, dumpsters, recycling bins, storage tanks, or other similar mechanical equipment utilized for building operations.
 - b. Equipment located on grade shall not be located within a transition zone and shall be screened by screening, walls, fences, or landscaping.
 - c. Equipment located on rooftops or other elevated locations shall be concealed from view by the use of parapet walls or screening.

Section 410.925 Noise.

- B. The S40 Overlay District shall adhere to Clayton Health, Safety and Welfare ordinances regarding noises (Chapter 215, Article XVI Noises) with the following adjustments:
- 1. No person shall use, cause to be used, or operate any amplified electronic device in such a manner as to create an unreasonably loud noise or so as to be plainly audible by another person located on an adjoining residential property before 7:00 A.M. or after 9:30 P.M. University varsity level games may continue to the end of the inning that is underway before 10:00 P.M. for baseball and softball.
 - 2. An acoustical study shall be required prior to installation of any amplified electronic devices or speaker systems installed for an outdoor facility. The amplified system shall be designed and located to minimize noise at the boundary of the district. The study shall ensure compliance with noise regulations and identify estimated changes in noise levels at the property lines from existing conditions.
 - a. The acoustical study shall be submitted to the City for review in conjunction with a required Building Permit, Site Plan Review Permit, or an Administrative/Architectural Review Permit.
 - 3. A primary speaker system plan shall be provided for each playing surface or exterior speaker system that identifies the location, type, projected angle, and controls of each speaker.
 - a. A secondary speaker system plan shall be provided for each playing surface that identifies the concentrated system to be available for smaller events.
 - 4. Amplified electronic devices for announcements and playing of music or similar may be used or operated on the property from 7:00 A.M. to 9:30 P.M. for university-sanctioned athletic, club, intramural, or social events as a part of the sports schedule and curriculum. University varsity level games may continue to the end of the inning that is underway before 10:00 P.M. for baseball and softball.
 - a. For activities and events without audience or public participation such as practices and intramurals, the secondary speaker system plan shall be utilized.
 - 5. For noise generated from within the District, maximum noise levels measured at the property line abutting residential shall be sixty (60) dBA for steady noise and seventy (70) dBA for repetitive impulse noise.
 - 6. Noise impacts to adjacent residential uses resulting from mechanical and utility

equipment shall be mitigated through use of appropriate strategies depending on the context of the equipment including, but not limited to, sound-proofing, enclosures, landscaping, or walls.

Section 410.930 Sustainability.

- B. The S40 Overlay Zoning District shall incorporate and follow best practices for sustainable design of athletic and recreational uses including principles for playing surfaces, parking, and structures. In addition to sustainable guidelines referenced elsewhere in this code or other codes adopted by the City of Clayton when not in conflict with this code, the following standards shall be established for the District:
1. Efforts shall be made to utilize on-site renewable energy sources such as solar and wind power.
 2. Efforts shall be made to incorporate best management practices for stormwater, grading, and drainage facilities such as inclusion of planted bioswales or bioretention areas and rain gardens.
 3. Native species of plants, flowers, shrubs, and trees shall be required for perennials and prioritized for annuals for use within the District.
 4. New buildings shall be designed to meet the prevailing standards for new buildings on the Danforth Campus of Washington University in St. Louis at the time of permitting, but in no case shall buildings be designed to a standard less than that of LEED Silver (per 2024 LEED requirements). A similar or equivalent standard to that of LEED may be used. A higher standard may be obtained by the property owner but not required by the City. Buildings measuring less than five thousand (5,000) gross square feet in area shall be exempt from this requirement.
 5. Best management practices (BMP) shall be used to ensure water quality of water runoff from synthetic turf playing surfaces is positively impacted. Appropriate BMPs shall be selected from the Metropolitan St. Louis Sewer District's BMP Toolbox or other BMPs specifically designed for synthetic turf playing surfaces that are accepted by the Metropolitan St. Louis Sewer District.

Section 410.935 Definitions and Calculations.

- B. As used in this Article, the following terms shall have the meanings indicated:
1. Building Height
The vertical distance, measured in feet, from the grade plane to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge of a gable, hip or gambrel roof.
 2. dBA
Weighted decibel (dBA) is a unit to measure sound as perceived by the human ear.
 3. Existing Grade Plane
A reference plane representing the average of the existing finished ground level prior to the commencement of any construction adjoining the proposed building footprint at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.
 4. Grade Plane

A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

5. Impulse Noise

Impulse noise is sound that is short in duration and not continuous or ongoing.

6. Playing Surface

The land or area designed, maintained, and prepared for playing a game or competing in athletic activities. Playing surfaces shall include fields and courts covered in natural and/or synthetic material. Playing surfaces are considered an athletic and/or recreational facility.

7. Proposed Grade Plane

A reference plane representing the average of proposed finished ground level adjoining the proposed building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

8. Retaining Wall Height

Retaining wall height shall be measured from the base of the footing to the top of the wall.

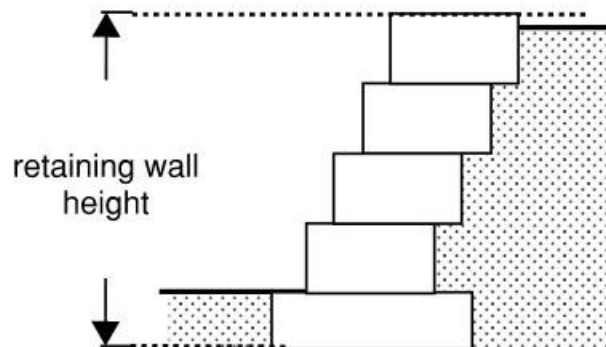


EXHIBIT B – LEGAL DESCRIPTION

Parcel 1 – A tract of land being part of Tesson Tract situated in U.S. Survey 378 St. Louis County, Missouri – Commencing at a point in South line Forsyth Boulevard, which point is 2,700 feet west of the intersection of the west line of Skinker Road with south line Forsyth Boulevard; running thence west along south line Forsyth Boulevard 1,408 feet 7 inches to east line of Pennsylvania Avenue, 60 feet wide; thence south along east line Pennsylvania Avenue 500 feet 5 inches to south line of Tesson Tract; thence east along south line Tesson Tract 1,425 feet $\frac{3}{4}$ inches; thence north and parallel to west line Skinker Road along the east line O’Neil Lot 500 feet $2\frac{3}{4}$ inches to south line Forsyth Boulevard, the place of beginning.

Parcel 2 – A tract of land in U.S. Survey 378, Township 45 North, Range 6 East, St. Louis County, Missouri – Commencing at intersection of the east line of Pennsylvania Avenue with north line of Wydown Boulevard; thence north along east line of Pennsylvania Avenue 913 feet $9\frac{1}{2}$ inches to south line of Tesson Tract; thence east with said line of Tesson Tract 1,402 feet $3\frac{1}{4}$ inches to northwest corner Thomas K Skinker Tract; thence south along the west line of said Skinker Tract 913 feet $1\frac{1}{4}$ inches to the north line of Wydown Boulevard; thence west along north line said Wydown Boulevard 1,442 feet $5\frac{3}{4}$ inches to the place of beginning.

BILL NO. 7045

ORDINANCE NO.

AN ORDINANCE TO SUBSTANTIALLY ENHANCE CLAYTON'S ABILITY TO REGULATE AND CONSTRAIN THE SPREAD OF INSTITUTIONAL LAND USES IN RESIDENTIAL AREAS OF THE CITY BY AMENDING CHAPTER 410 OF THE MUNICIPAL CODE TO ADD A NEW ARTICLE ESTABLISHING THE "BIG BEND OVERLAY ZONING DISTRICT", AND OTHER ACTIONS RELATED THERETO

WHEREAS, the City needs to enhance its ability to reasonably regulate the scale and characteristics of anticipated development of the athletics-focused institutional land use which Washington University wishes to undertake along Big Bend Boulevard in a way that strikes a fair balance between interests of the University and the quality of life and peaceful enjoyment of their homes and neighborhoods which nearby residents are entitled to have protected; and

WHEREAS, on October 7, 2024, the Plan Commission held a public hearing, after due notice as provided by law, to solicit input regarding amendments to the City's Land Use regulations to establish the South 40 Overlay District and, by vote of 7-0 recommended approval of the proposed amendments to the Board of Aldermen; and

WHEREAS, On November 12, 2024, and on November 26, 2024, after due notice as provided by law, the Board of Aldermen held a public hearing for the purpose of receiving public comment on the question of the adoption of the provision hereinafter set forth; and

WHEREAS, the Board of Aldermen has determined that it is in the best interest of the City of Clayton to adopt the amendments hereinafter set forth and that such amendments best serve the public health, safety and welfare of the City and its residents;

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

Section 1.

Chapter 410 Overlay and Urban Design Districts of Title IV Land Use of the Code of Ordinances of the City of Clayton, Missouri, is hereby amended by the addition of one new Article and eleven new Sections, initially to be designated as Article XVII and Sections 410.940 through 401.990, to read as outlined in Exhibit A, attached hereto and incorporated herein by reference.

Section 2.

The zoning classification of the western portion of the property located at 801 Seminary Place, and more fully described in Exhibit B Legal Description, attached hereto and incorporated herein by reference, is hereby changed from R-2 Single-Family Dwelling District to R-2 Single Family Dwelling District and Big Bend Overlay Zoning District.

Section 3.

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

Section 4.

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

Section 5.

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 6.

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

Section 7.

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

Passed by the Board of Aldermen on this 26th day of November 2024.

Mayor

Attest:

City Clerk

EXHIBIT A

Article XVII Big Bend Overlay Zoning District

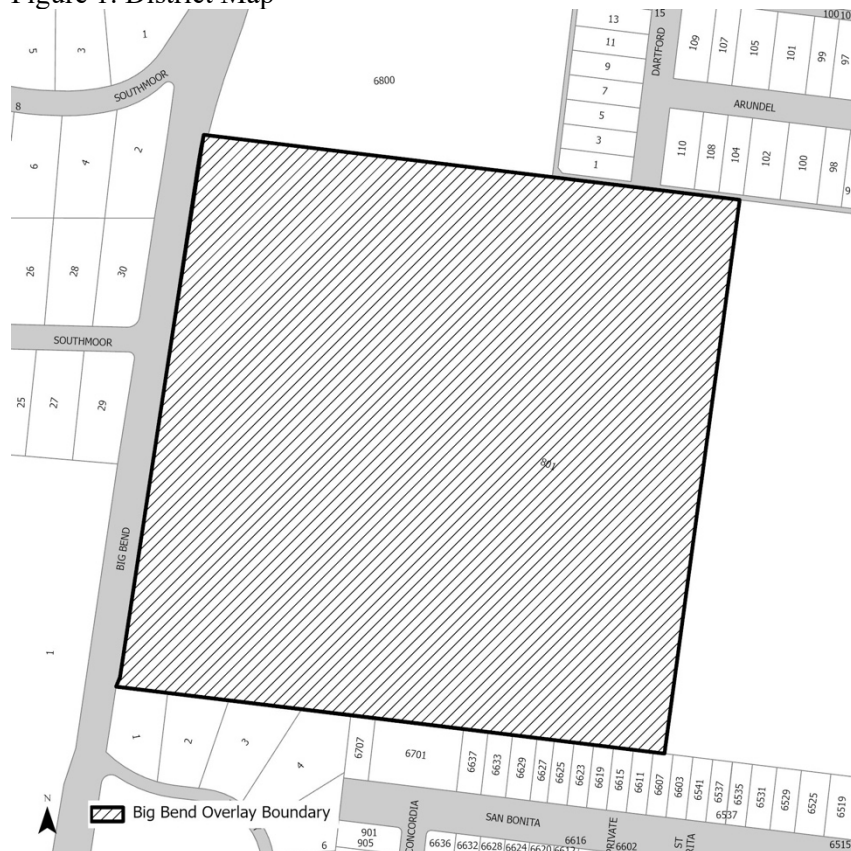
Section 410.940 Purpose Statement.

The Big Bend Overlay Zoning District (hereinafter known as the “Big Bend Overlay”) is intended to facilitate the use and development of campuses and facilities for university, seminary, and college uses. This area of the City has a unique concentration of advanced education uses that require careful consideration to balance educational, recreational, and residential needs of institutions with the character of adjacent low-density residential areas. The Big Bend Overlay is intended to modify the underlying zoning district regulations only to the extent specifically set forth in this Article. If not specifically modified in this Article, the regulations in effect in the underlying zoning district will remain in full force and effect.

Section 410.945 Location of Overlay District.

The Big Bend Overlay Zoning District generally includes the western parcel of the Concordia Seminary Campus. The official boundary of the Big Bend Overlay is as described in the district map exhibit hereunder.

Figure 1: District Map



Section 410.950 District Character and Criteria for Review.

A. Development shall be compatible with the district character as established below.

9. The western portion of the Concordia Seminary Campus is bordered by Fontbonne University, single-family dwellings, medium-low density multiple-family dwellings, and

new and existing buildings associated with the eastern parcel of the existing Concordia Seminary. The overall character of the district provides for a wide range of contextual building typologies, scales, and materials. Unlike the Concordia Seminary Campus, however, this district should not be reliant on specific stylistic conventions, but buildings should be designed with care and consideration for thoughtful architecture and durable materials that do not involve any diminution to the character of the district. This includes attention to scale, proportion, fenestration, massing, datums, rhythms and patterns, hierarchy, and balance.

10. Sustainable design principles should inform the development of all new construction in terms of efficiency measures for energy, water, and waste.
 11. Site development should focus on regeneration and restoration and incorporate best practices for stormwater management, including in the design of recreational and athletic playing surfaces.
 12. Site development and layout should prioritize preservation of existing trees and topography.
 13. Site design should integrate new facilities with the existing context, focus activity to the interior of the district, and minimize noise and light trespassing from the district.
 14. Planting should rely on native and non-invasive species and, outside of competitive and non-competitive playing surfaces, largely feature non-turf areas and low maintenance landscape.
 15. Utilities and service functions should be screened from adjacent residential properties and incorporated into the district to minimize visibility, noise, and impact.
 16. The Big Bend Overlay should foster a built environment that is friendly to the presence of people who are living, learning, visiting, playing, and working in the district.
- C. Property within the Big Bend Overlay shall not be eligible for rezoning to a planned unit development or redevelopment per Chapter 405, Article X Planned Unit Development District.

Section 410.955 Uses Permitted.

The permitted uses and specific activity restrictions are outlined below.

- A. Mixed-Uses. Facilities and buildings consisting of multiple uses are permitted so long as all uses are allowed under the base zoning district and/or the Big Bend Overlay.
- B. Primary Uses. College and university uses are defined as the following and are permitted by right and subject to the Big Bend Overlay Zoning District regulations:
 1. Athletic and recreational facilities (indoor and outdoor).
 2. Playgrounds.
- C. Accessory Uses. Accessory uses shall be a subordinate building or use customarily incidental to the primary building or use, subordinate in area, extent or purposes to the primary building or use, and limited to and contributing to the comfort, convenience or necessity of the primary building or use. College and university accessory uses in support of primary uses in the district and defined as the following are permitted by right and subject to the Big Bend Overlay regulations:
 1. Administrative and faculty offices related to athletics or recreation.
 2. Athletic events including competition and practice.
 3. Band playing, and practice only when located indoors.
 4. Commencement, convocation and graduation exercises only when located indoors.
 5. Concessions facilities.
 6. Gymnasium, strength, and performance facilities.
 7. Health and medical care related to athletics or recreation.
 8. Parking lots and multi-level parking structures.
 9. Pickleball, only when played indoors.

10. Musical performances only when conducted indoors.
 11. Student and campus lectures, speakers, and other cultural events.
 12. Restrooms, drinking fountains, and similar support buildings or structures.
 13. Temporary building or structures.
 14. Solar energy systems, building- or ground-mounted (subject to the provisions of Article XXVIII).
 15. Wind energy systems, building-mounted (subject to the provisions of Article XXVIII).
- D. Prohibited Uses. Uses not expressly listed in this Section as approved primary or accessory uses shall be prohibited. All permitted uses shall be provided for students, faculty, and employees of the university or patrons visiting the site to support university uses or patrons associated with an event hosted on the property. Uses providing services to the general public outside of events or activities associated with permitted primary and accessory uses shall be prohibited. Full university graduation ceremonies (conferring degrees in all or substantially all schools and programs), WILD, and ThurtenE shall be prohibited.
- E. Outdoor events and activities, not including university sponsored athletic or athletic related events, where anticipated attendance is five hundred (500) people or more shall require issuance of a special events permit in accordance with the City's event guidelines. A maximum of ten (10) special event permits may be issued each calendar year.
- F. The maximum number of attendees or participants for an outdoor event or activity shall be nine hundred (900) people. No more than two (2) outdoor events with nine hundred (900) attendees each shall be held at the same time.

Section 410.960 Development Standards.

- C. Coverage and Density.
1. There are no minimum lot widths or minimum lot area requirements within the Big Bend Overlay.
 2. No more than forty percent (40%) of the Big Bend Overlay area may be covered by impervious material, including structure footprints. For the purposes of this requirement, playing surfaces with synthetic surfaces and engineered draining systems to collect and infiltrate runoff shall be considered pervious.
 3. Venues or facilities with spectator seating (indoor or outdoor) shall be designed with a maximum permanent seat capacity of three hundred (300) seats per facility. For the purposes of this calculation, permanent seats shall not include standing areas, pull-out or moveable bleachers, foldable or collapsible seats, and/or other temporary seating.
 - a. Maximum permanent seat capacity may be increased to five hundred (500) seats for one (1) indoor venue for facility.
 4. A maximum of six (6) total playing surfaces, including indoor and outdoor facilities, may be constructed on site. A maximum of five (5) outdoor playing surfaces may be constructed. For the purposes of this requirement, six connected tennis courts shall count as one playing surface and a multi-purpose field that combines and overlaps the playing surfaces for two or more sports, shall count as one playing surface.
- D. Height. Building height shall be limited to sixty-five (65) feet.
1. Buildings or portions of buildings located within one hundred fifty (150) feet of a property line shared with a non-institutional residential use shall have a maximum building height of fifty (50) feet.
 2. For new construction and additions, the proposed grade plane shall not deviate from the existing grade plane by more than six (6) feet without Site Plan Review approval per Chapter 405, Article VIII.
 3. Elevator and stair overruns, mechanical screening, renewable energy systems, and similar architectural features may exceed the building height maximum by up to fifteen (15) feet.

4. Playing surfaces may only be located on the roof of a below grade or a partially below grade building when the playing surface elevation is not more than twelve (12) feet above the grade plane of the building.
5. Accessory buildings shall be equal to or less than twenty-five (25) feet in height.

C. Layout and Access.

1. Buildings shall be oriented in a manner that supports the general organization of the pedestrian and vehicular circulation throughout the district.
2. Visible utilities and accessory structures should be minimized through screening, underground vaults, or incorporation into surrounding buildings.
3. Parking shall be located interior to the Big Bend Overlay or within enclosed parking structures to the maximum extent feasible. Parking areas adjacent to residential uses shall be designed to provide screening of vehicle headlights and site lighting to prevent glare into residential property.
4. Primary and secondary access points to the Big Bend Overlay shall be designed and located to minimize traffic through adjacent residential neighborhoods.
 - a. Primary vehicle access shall be limited to Big Bend Boulevard or the northern boundary.
 - b. Secondary vehicle access shall be limited to the eastern boundary or the westernmost six hundred fifty (650) feet of the northern boundary, only with consent of any adjoining property owner.
 - c. Vehicle access shall not be provided from Dartford Avenue or the Hillcrest neighborhood.
 - d. Access from San Bonita Avenue shall be limited to emergency access only.
 - e. Primary pedestrian and bicycle access shall be provided from Big Bend Boulevard with secondary access points permitted from all other district boundaries.
 1. Pedestrian and bicycle access from Dartford Avenue may be provided through the Big Bend Overlay to Concordia Seminary, with consent from Concordia Seminary; however, pedestrian and bicycle access to playing surfaces or facilities within the Big Bend Overlay may not traverse through the required northeast corner established tree growth area or be located within three hundred forty (340) feet of the northeast corner of the overlay boundary.
5. Accessory buildings may be oriented toward any street or towards the interior of the Big Bend Overlay.

D. Lighting.

1. General exterior lighting should take into account IES recommended levels for safety.
2. The DarkSky International principles shall be used as a guideline and all playing surfaces and athletic fields shall be certified through the DarkSky Outdoor Sports Lighting Program.
 - a. Certification of DarkSky International OSL Compliant Design shall be provided to the Director of Planning and Development Services prior to construction.
 - b. Certification of DarkSky International Compliant Installation shall be provided to the Director of Planning and Development Services within six months of project completion, with extensions for scheduling at the discretion of the City Manager or his/her designee.
3. Section 405.360 Outdoor Lighting Standards shall apply, including the requirement for a photometric plan, with the following modifications:
 - a. Outdoor playing surface lighting is permitted after 7:00 A.M. and until 9:30 P.M. University varsity level games may continue to the end of the inning that is underway before 10:00 P.M. for baseball and softball.

- b. Campus safety and circulation lighting is not limited to a time of day.
 - c. Outdoor playing surfaces, maximum horizontal light levels. The maximum horizontal light level defined as the average light level at grade along a property line shall not exceed 0.5 footcandles at the north, south and west property lines and 2.0 footcandles along the east property line.
 - d. The maximum uniformity ratio (maximum to minimum) shall be 2:1 on playing surfaces and 10:1 on remainder of the site.
 - e. Playing surface lighting poles shall be a maximum of eighty (80) feet in height. Lighting poles for internal roadways and parking shall not exceed twenty (20) feet in height.
 - 1. Light pole heights may be permitted to exceed the maximum heights by the Plan Commission when determined that the requested height increase would not result in additional lighting spillage or glare outside of the district boundary and when all other lighting standards are met.
- E. Setbacks. Setbacks for buildings, structures, and other improvements specifically listed shall be required as follows:
1. There shall be no setback requirements from property lines that divide interior portions of the Big Bend Overlay. All required setbacks shall be established and measured from the district boundaries.
 2. Should there be any conflicts between the setbacks required herein and the transition zones required per Section 410.960.F, the required transition zone shall apply.
 3. From the western district boundary line, along Big Bend Boulevard, the minimum building setback is one hundred (100) feet. Surface parking shall also adhere to the western building setback.
 4. From the eastern district boundary line, along the edge of the Concordia Seminary Campus, the minimum building setback is ten (10) feet for buildings measuring thirty-five (35) feet or less in height and the minimum setbacks is fifty (50) feet for buildings measuring greater than thirty-five (35) feet in height. Surface parking shall not be confined by the eastern building setback and may be located up to the eastern district boundary.
 5. From the northern district boundary line, the minimum building setback is ten (10) feet. Surface parking shall not be confined by the northern building setback and shall be located a minimum of five (5) feet from the northern district boundary.
 6. From the southern district boundary line, the minimum building setback is eighty (80) feet. Surface parking shall also adhere to the southern building setback.
 7. Accessory buildings measuring two hundred (200) square feet or less in gross floor area shall be located a minimum of five (5) feet from the eastern district boundary line and a minimum of ten (10) feet from other district boundaries, unless a greater transition zone is required per Section 410.960.F.
 8. Basements and parking facilities that are completely underground shall be subject to the building setbacks outlined above.
 9. There shall not be any setback requirements for pedestrian paths, bicycle paths, or fences.
 10. There shall not be any setback requirements for retaining walls, except for the following. Retaining walls greater than or equal to ten (10) feet in height, as measured from the base of the footing to the top of the wall, that hold grade within the district boundary at a higher elevation than grade outside of the district boundary shall be located a minimum of ten (10) feet from the district boundaries. See Section 410.960.G for additional grading and retaining wall regulations.
 11. Playing surfaces at grade shall be located a minimum of eighty (80) feet from north, west, and south district boundaries, unless a greater transition zone is required per Section 410.960.F. Playing surfaces without lights may be located a minimum of ten (10) feet

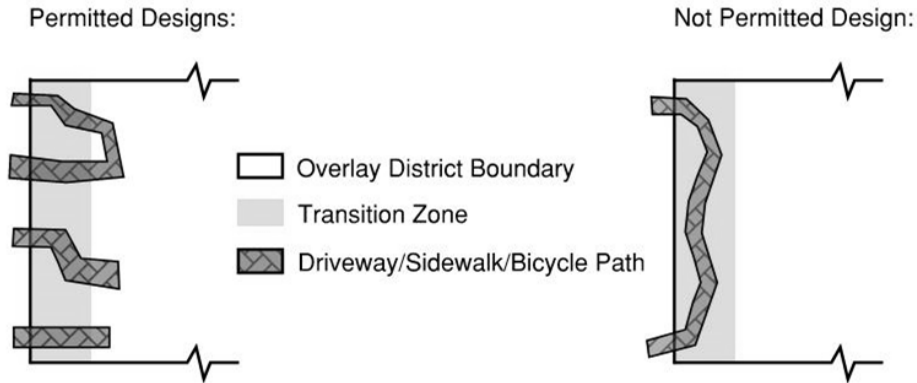
from the north district boundary, unless a greater transition zone is required. Playing surfaces at grade shall be located a minimum of ten (10) feet from the east district boundary, unless a greater transition zone is required per Section 410.960.F.

12. There shall not be any setback requirements for light poles providing lighting for wayfinding or security purposes. Light poles for playing surfaces shall be located a minimum of five (5) feet from any district boundary.
 13. Mechanical equipment shall be located a minimum of five (5) feet from any district boundary except where the district boundary abuts a residential neighborhood, and then mechanical equipment shall be a minimum of fifteen (15) feet from the boundary.
 14. Multiple buildings shall be allowed on one lot and there shall not be a minimum setback requirement between buildings within the Big Bend Overlay, however, this shall not modify or reduce any standards or requirements of the applicable Building Codes or Fire Codes adopted by the City.
- F. Transition Zones. Transition zones are buffer areas where buildings, structures, improvements and uses other than landscape, sidewalks, bicycle paths, utilities and infrastructure, or emergency access routes shall not be permitted. Transition zones shall be required as follows:
1. Transition zones shall not be altered by any setback requirement.
 2. A transition zone shall be required along the entire southern district boundary line measuring a minimum of ninety (90) feet in depth.
 3. A transition zone shall be required along the easternmost four hundred ninety (490) feet of the northern boundary line of the district measuring a minimum of ninety (90) feet in depth.
 4. A transition zone shall be required on the northernmost two hundred ten (210) feet of the eastern boundary line of the district measuring a minimum of one hundred seventy (170) feet in depth.
 5. A transition zone shall be required along the entire western district boundary line measuring a minimum of one hundred forty (140) feet in depth. Driveways and accessory structures associated with the primary vehicle access point for the district may be located within the required western transition zone.
 - a. The required depth of the transition zone along the western district boundary may be reduced to align with the western property line of the parcel to accommodate widening of the right-of-way for road and or sidewalk infrastructure, however, the ending point (eastern edge of the zone) shall not change.
 6. Transition zones shall be planted with a variety of deciduous, coniferous, and evergreen shrubs and trees. New trees should be selected and located to provide future replacements of the existing large canopy trees as mature trees reach the end of their lives.
 7. Transition zones shall provide year-round solid/sight proof screening from the adjacent property at least six (6) feet in height. Screening may be achieved through use of plantings, fencing, a wall, or a combination thereof. Screening requirements may be met at any point within the required transition zone depth.
 - a. Year-round screening shall not be required for the western boundary transition zone.
 - b. Walls and fences shall be located to avoid impact to existing tree critical root zones.
 8. Light poles providing lighting for wayfinding or security purposes may be located anywhere within a required transition zone. Light poles for playing surfaces may encroach a maximum of five (5) feet into a required transition zone, measured to the centerline of the pole.
 9. Retaining walls shall not be located within a transition zone, except where necessary to support a vehicle, pedestrian, or bicycle access point, to maintain grade for existing plantings and trees that are to remain, or to raise the grade of the transition zone above

the grade interior to the district.

10. Driveways, sidewalks, and bicycle paths may connect to the outside of the district through a transition zone, but should not run within a transition zone parallel to the district boundary.
 - a. A shared use path for bicycles and pedestrians may run within the western transition zone parallel to the district boundary along Big Bend Boulevard.

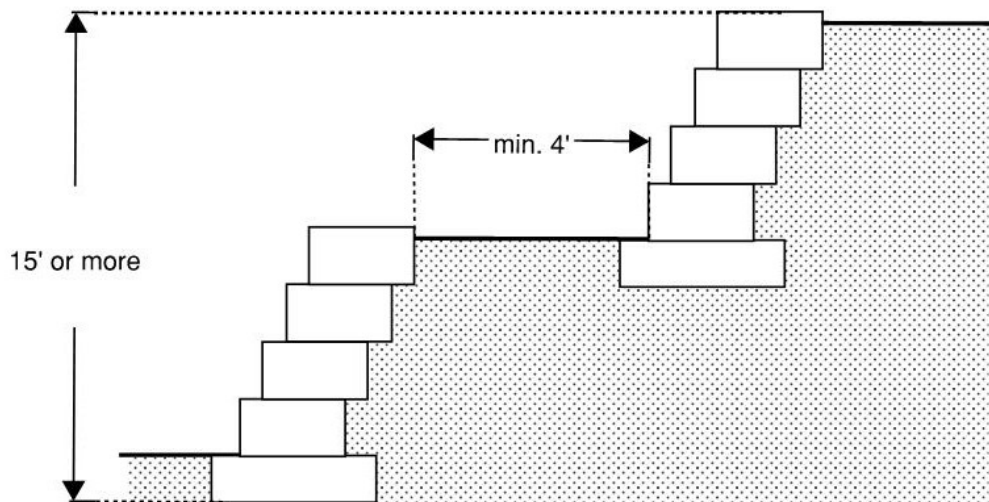
Figure 2: Transition Zone Design



G. Grading and Drainage.

1. Development should follow and respect the topography at the perimeter of the site where it adjoins existing topography, including at the eastern edge of the district where it adjoins Concordia Seminary.
2. Large scale grading across the district shall incorporate a terracing plan to respect existing topographic conditions. The grade should not be lifted or reduced to create one elevation across the Big Bend Overlay.
3. Site drainage patterns shall be designed to prevent concentrated surface drainage from collecting on and flowing across adjacent lots, paths, walkways, sidewalks, and individual or stands of mature trees scheduled for protection and preservation.
4. The site shall be designed so as not to increase the amount of stormwater runoff that exits from the site other than through approved connections to Metropolitan Sewer District (MSD) facilities as approved by MSD.
5. Retaining walls shall be tiered or stepped to include landscaping to reduce the visual impact of the wall from adjacent property. A minimum of one step shall be required for every fifteen (15) feet of height (rise). The depth (run) of each step shall be a minimum of four (4) feet to allow and support plantings of shrubs and/or trees. The number of steps or height of each step may vary, except for walls within two hundred feet of non-affiliated residential property that face outside of the district shall have a maximum wall height of ten (10) feet.
 - a. Through Site Plan Review, the Plan Commission may increase the maximum wall height from fifteen (15) feet to no more than twenty (20) feet for a wall located interior of the district or a wall facing the interior of the district when it is determined that sufficient landscape and visual buffers or provided.

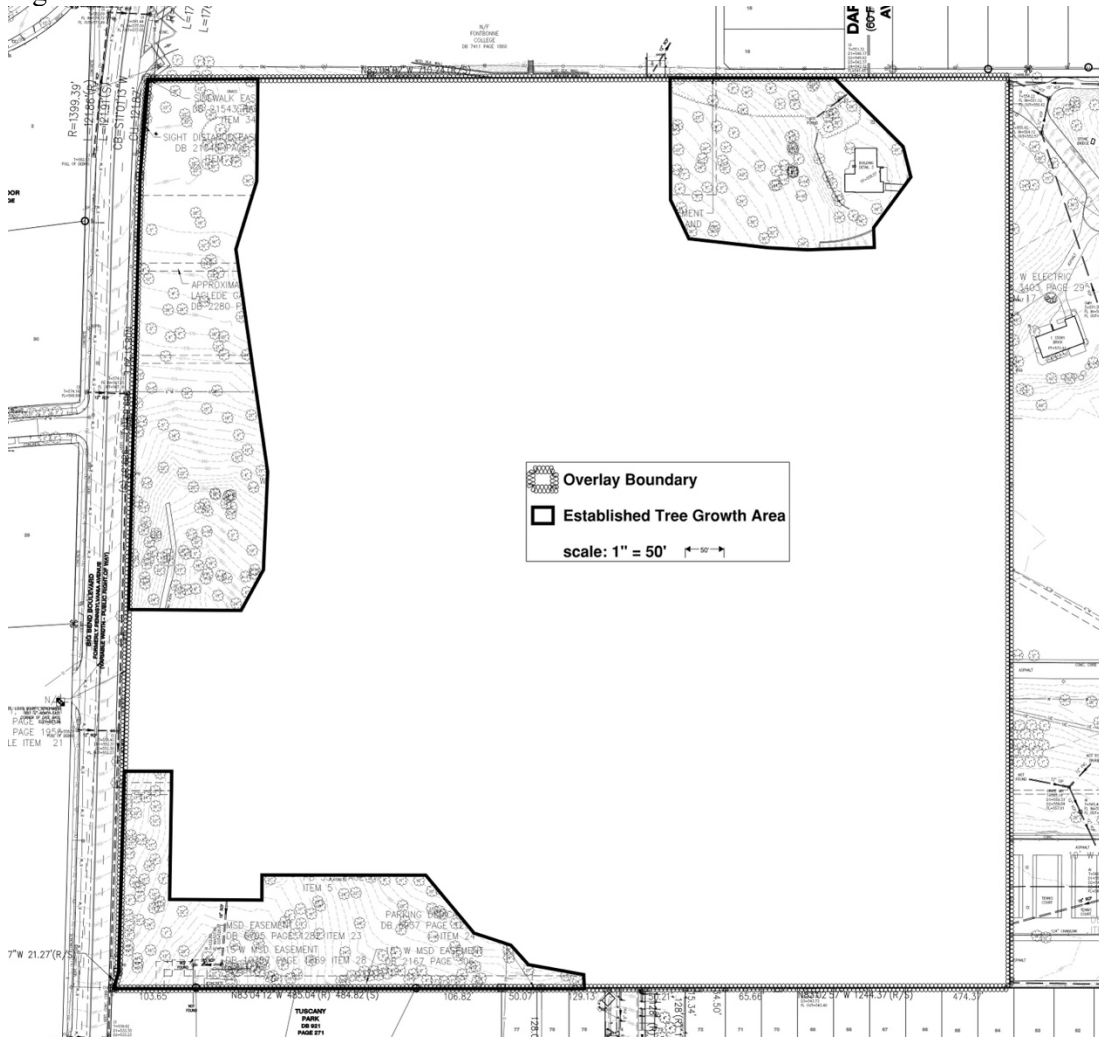
Figure 3: Retaining Wall Step Requirement



Section 410.965 Tree and Landscape Standards.

- C. All provisions of Chapter 405, Article XXX Trees and Landscaping Regulations shall apply with the following exception:
 - 3. The Big Bend Overlay is unique in that permitted uses include outdoor athletic and recreational playing surfaces. These uses require large tracts of unencumbered flat surfaces. Accordingly, the Big Bend Overlay shall maintain a minimum tree canopy coverage (determined in accordance with the standards set forth in Article XXX) of thirty percent (30%) with any removal of trees requiring replacement as necessary to maintain the minimum coverage whether or not tree replacement is associated with a development project requiring site plan review. Per the calculation method of Article XXX, deciduous and some evergreen species count toward canopy coverage. In order to emphasize the benefits of deciduous native canopy, a minimum of eighty percent (80%) of the required canopy coverage should be deciduous. There shall be no limit or requirement for the breakdown of canopy coverage above the minimum required.
 - 4. Preservation of existing mature trees within and adjacent to the Big Bend Overlay is a priority and tree protection documentation and measures shall be provided per Section 405.4080 for all construction activities.
- D. In addition to maintaining a tree canopy across the Big Bend Overlay, it is important to maintain and protect existing established tree growth areas. The established tree growth areas, as identified in Figure 3: Established Tree Growth Areas below, shall be protected from excessive regrading, tree removal, and construction activity and shall be maintained so as to promote the health and life of the existing trees and new trees as necessary to supplement and replenish the area.
 - 1. Retaining walls shall not be located within an established tree growth area, except where necessary to support a vehicle, pedestrian, or bicycle access point, or to maintain grade for existing plantings and trees that are to remain.
 - 2. A vehicle access point may only be permitted within an established tree growth area along Big Bend Boulevard and any regrading and construction activity associated with such access point shall be severely limited to maintain the maximum number of existing trees and existing grade as possible.
 - 3. Depth of the required tree growth areas along Big Bend Boulevard may only be reduced to accommodate widening of the right-of-way for road and/or sidewalk infrastructure.

Figure 4: Established Tree Growth Areas



Section 410.970 Off-Street Parking and Loading.

- A. The requirement for off-street parking in the Big Bend Overlay shall be determined as follows:
 - 1. A parking study shall be completed by a professional traffic and parking consultant to determine the appropriate parking requirements given the mixture of uses and parking design for the district. This parking study shall be used to analyze parking needs as development occurs for a period of five (5) years, at which time the City may elect to either require an updated parking study or extend the use of the existing study for a specified term. Proposed buildings or uses must be included in the study on file to be considered for approval.
- B. All loading and service areas shall be located interior to the site and screened from the district boundaries to the maximum extent feasible.
- C. Parking Lot Design Standards
 - 1. All surface parking areas shall be designed with landscape and/or tree islands to reduce the environmental impacts of large, paved areas. A minimum of one (1) canopy tree shall be required for every fifteen (15) surface parking spaces. Trees shall be planted directly adjacent to or within the parking lot area to maximize the amount of shaded area within parking lots.
 - 2. Surface parking lots with photovoltaic systems or solar panel arrays used to cover parking

spaces shall be exempt from the minimum number of trees required by Section 410.970.C.1, above.

3. Use of permeable pavers or similar is strongly encouraged for surface parking spaces.

Section 410.975 Site Plan and Architectural Review.

- A. Procedure. For all applications considered by the Plan Commission and/or Architectural Review Board per the Site Plan Review and Architectural Review provisions outlined in this Section, written notification shall be sent by mail at least ten (10) days prior to the meeting date to the last known abode of the owners of properties within two hundred (200) feet of the Big Bend Overlay.
- B. Site Plan Review pursuant to the procedures and standards outlined in Chapter 405, Article VIII, is required for:
 1. New structure or building construction with a gross floor area of ten thousand (10,000) square feet or more.
 2. Any expansion or addition measuring ten thousand (10,000) square feet or more to an existing structure or building.
 3. Any expansion or addition which increases the footprint of the existing structure by fifty percent (50%) or more.
 4. Any new construction or addition where the proposed grade plane deviates from the existing grade plane by more than six (6) feet.
 5. Any new outdoor playing surface of more than twenty-eight hundred (2,800) square feet, or any expansion thereof in excess of one-third of its existing surface area.
 6. Any site work including grading or modifications to existing runoff patterns with a disturbance area equal to or greater than 0.5 acres or if determined by the Director of Planning and Development Services to involve significant or excessive changes to existing topography.
 7. All ground-mounted wind energy renewable systems pursuant to Article XXVIII; however, such systems may be reviewed in conjunction with the review of principal structures.
- C. Architectural Review Board review is required when Site Plan Review is required, for any new building or addition with a gross floor area of five thousand (5,000) square feet or more that is located within fifty (50) feet of a transition zone or district boundary, or for any accessory structure which is located within a setback as allowed per Section 410.950.E. Administrative architectural review by the City Manager or his/her designee shall be completed for all other exterior modifications or projects. At the discretion of the City Manager or his/her designee, any project may be elevated from administrative review to the Architectural Review Board.
- D. Architectural Standards. The following standards shall be applied to all development proposals and may only be modified through the process of Alternative Compliance outlined in Section 410.285.
 1. Buildings should be oriented in a manner to create necessary landscape, recreational, and outdoor social spaces appropriate to the district.
 2. Buildings should be designed to work with and complement the existing topography while prioritizing accessibility.
 3. Building designs should incorporate variation in the façade, such as recesses and projections, or other architectural detailing in keeping with the district character identified in Section 410.940.
 4. Materials for use on building facades should be durable and establish a hierarchy of primary, secondary, and accent materials. High quality materials shall be used for all construction. Facades directly adjacent to or facing Big Bend Boulevard shall feature primary building materials of masonry such as brick and/or stone. Materials permitted by right in the Big Bend Overlay shall include anything permitted by the building code except for vinyl-based products.

- a. Other materials including new materials which may be developed shall be permitted subject to review by the Architectural Review Board.
- 5. Buildings should contain window openings in the exterior façade and provisions for daylighting, as long as the openings do not conflict with the performance and activity on the interior.
- 6. Equipment may include any exterior mechanical, plumbing, or electrical utilities or building service equipment, garbage cans, dumpsters, recycling bins, storage tanks, or other similar mechanical equipment utilized for building operations. Equipment located on grade shall not be located in a transition zone and shall be screened by fencing, garden walls, or landscaping. Equipment located on rooftops or other elevated locations shall be located a minimum of ten (10) feet from the roof edge and concealed from view by the use of parapet walls or other screening.
- 7. Photovoltaic systems shall be permitted on any roof with the Big Bend Overlay and are subject to regulations per Article XXVIII Renewable Energy Systems.
- 8. Walls and Fences.
 - a. Walls and fences may be used to establish edges of the Big Bend Overlay, to create outdoor spaces within the district, or to conceal parking or other utility structures and equipment.
 - b. Walls and fences may be a maximum height of eight (8) feet. The maximum height for walls or fences that provide screening of mechanical equipment or loading areas may be increased to the minimum height necessary to screen equipment or loading areas by the City Manager or his/her designee.
 - 1. Walls and fences located within ten (10) feet of Big Bend Boulevard shall be a maximum of five (5) feet in height and feature a decorative or ornamental design and be a maximum of sixty percent (60%) opaque unless an alternative height or design is approved by the Architectural Review Board. Walls shall be buffered with a mix of evergreen trees, ornamental trees, and shrubs adjacent to right-of-way and adjoining land uses.
 - 2. Fences, walls, and netting required for playing surfaces and recreation facilities shall be exempt from the fence and wall height maximums.
 - c. Materials permitted for walls and fences shall be compatible with primary building facades.
 - 1. Materials for walls may include brick and stone masonry, tile masonry, concrete panels, concrete (cast-in-place or precast) and concrete block (split face or otherwise).
 - 2. Materials for fences may include metal (wrought iron, aluminum, steel, or similar), wood, or composite. Vinyl fencing shall not be permitted along the perimeter of the Big Bend Overlay but shall be allowed interior to the site.
 - 3. Fences, walls, and netting required for playing surfaces and recreation facilities shall be exempt from the foregoing materials requirements.
 - d. Pedestrian gates shall be permitted in walls and fences, and shall be complementary with the materials of the wall or fence.

Section 410.980

Noise.

- A. The Big Bend Overlay shall adhere to Clayton Health, Safety and Welfare ordinances regarding noises (Chapter 215, Article XVI Noises) with the following adjustments:
 - 1. No person shall use, cause to be used, or operate any amplified electronic device in such a manner as to create an unreasonably loud noise or so as to be plainly audible by another

- person located on an adjoining residential property before 7:00 A.M. or after 9:30 P.M. University varsity level games may continue to the end of the inning for baseball and softball that is underway by 10:00 P.M.
2. An acoustical study shall be required prior to installation of any amplified electronic devices or speaker systems installed for an outdoor facility. The amplified system shall be designed and located to minimize noise at the boundary of the district. The study shall ensure compliance with noise regulations and identify estimated changes in noise levels at the property lines from existing conditions.
 - a. The acoustical study shall be submitted to the City for review in conjunction with a required Building Permit, Site Plan Review Permit, or an Administrative/Architectural Review Permit.
 3. A primary speaker system plan shall be provided for each playing surface or exterior speaker system that identifies the location, type, projected angle, and controls of each speaker.
 - a. A secondary speaker system plan shall be provided for each playing surface that identifies the concentrated system to be available for smaller events.
 4. Amplified electronic devices for announcements and playing of music or similar may be used or operated on the property from 7:00 A.M. to 9:30 P.M. for university-sanctioned athletic, club, intramural, or social events as a part of the sports schedule and curriculum. University varsity level games may continue to the end of the inning for baseball and softball that is underway by 10:00 P.M.
 - a. For activities and events without audience or public participation such as practices and intramurals, the secondary speaker system plan shall be utilized.
 5. For noise generated from within the District, maximum noise levels measured at a district boundary abutting residential shall be sixty (60) dBA for steady noise and seventy (70) dBA for impulse noise.
 6. Noise impacts to adjacent residential uses resulting from mechanical and utility equipment shall be mitigated through use of appropriate strategies depending on the context of the equipment including, but not limited to, sound-proofing, enclosures, landscaping, or walls.

Section 410.985 Sustainability.

- A. The Big Bend Overlay shall incorporate and follow best practices for sustainable design of athletic and recreational uses including principles for playing surfaces, parking, and structures. In addition to sustainable guidelines referenced elsewhere in this code or other codes adopted by the City of Clayton when not in conflict with this code, the following standards shall be established for the district:
 1. Efforts shall be made to utilize on-site renewable energy sources such as solar and wind power.
 2. Efforts shall be made to incorporate best management practices for stormwater, grading, and drainage facilities such as inclusion of planted bioswales or bioretention areas and rain gardens.
 3. Native species of plants, flowers, shrubs, and trees shall be required for perennials and prioritized for annuals for use within the District.
 4. New buildings shall be designed to meet the prevailing standards for new buildings on the Danforth Campus of Washington University in St. Louis at the time of permitting, but in no case shall buildings be designed to a standard less than that of LEED Silver (per 2024 LEED requirements). A similar or equivalent standard to that of LEED may be used. A higher standard may be obtained by the property owner but not required by the

City. Buildings measuring less than five thousand (5,000) gross square feet in area shall be exempt from this requirement.

5. Best management practices (BMP) shall be used to ensure water quality of water runoff from synthetic turf playing surfaces is positively impacted. Appropriate BMPs shall be selected from the Metropolitan St. Louis Sewer District's BMP Toolbox or other BMPs specifically designed for synthetic turf playing surfaces that are accepted by the Metropolitan St. Louis Sewer District.

Section 410.990 Definitions and Calculations.

A. As used in this Article, the following terms shall have the meanings indicated:

1. **Building Height**
The vertical distance, measured in feet, from the grade plane to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge of a gable, hip or gambrel roof.
2. **dba**
Weighted decibel (dba) is a unit to measure sound as perceived by the human ear.
3. **Existing Grade Plane**
A reference plane representing the average of the existing finished ground level prior to the commencement of any construction adjoining the proposed building footprint at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.
4. **Grade Plane**
A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.
5. **Impulse Noise**
Impulse noise is sound that is short in duration and not continuous or ongoing.
6. **Playing Surface**
The land or area designed, maintained, and prepared for playing a game or competing in athletic activities. Playing surfaces shall include fields and courts covered in natural and/or synthetic material. Playing surfaces are considered an athletic and/or recreational facility.
7. **Proposed Grade Plane**
A reference plane representing the average of proposed finished ground level adjoining the proposed building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.
8. **Retaining Wall Height**
Retaining wall height shall be measured from the base of the footing to the top of the wall.

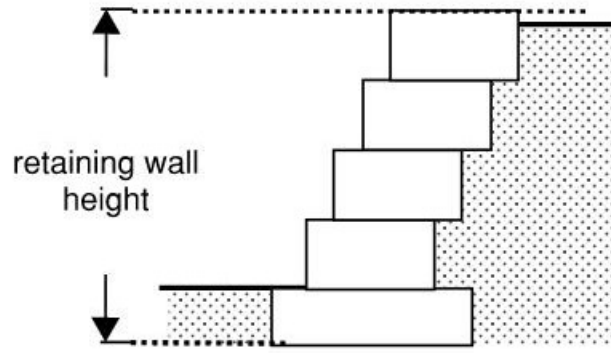


EXHIBIT B – LEGAL DESCRIPTION

A TRACT BEING PART OF LOT 2 OF THE PARTITION OF GRATIOT LEAGUE SQUARE SITUATION IN U.S. SURVEY 2037, TOWNSHIP 45 NORTH, RANGE 6 EAST, CITY OF CLAYTON, ST. LOUIS COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF BIG BEND (VARIABLE WIDTH, PUBLIC RIGHT OF WAY) AS RECORDED BY DEED IN BOOK 6772, PAGE 1954 OF THE ST. LOUIS COUNTY, MISSOURI RECORDER'S OFFICE WITH THE SOUTH LINE FLAND NOW OR FORMERLY OF FONTBONNE COLLEGE AS RECORDED BY DEED IN BOOK 7411, PAGE 1860 OF SAID RECORDER'S OFFICE;

THENCE ALONG SAID SOUTH LINE, AND THE SOUTH RIGHT OF WAY LINE OF AN ALLEY, BEING PART OF HILLCREST, A SUBDIVISION AS RECORDED IN PLAT BOOK 6, PAGE 76 OF SAID RECORDER'S OFFICE AND THE SOUTH LINE OF HILLCREST AMENDED PLAT, A SUBDIVISION AS RECORDED IN PLAT BOOK 6, PAGE 47 AND PLAT BOOK 10, PAGE 82 OF SAID RECORDER'S OFFICE, ALL BEING THE NORTH LINE OF LOT 2 OF THE PARTITION OF GRATIOT LEAGUE SQUARE, THE FOLLOWING COURSES AND DISTANCES: SOUTH 83 DEGREES 08 MINUTES 02 SECONDS EAST, A DISTANCE OF 370.56 FEET TO THE EAST LINE OF THE HEREINAFTER DESCRIBED LOT 2;

THENCE ALONG SAID EAST LINE, SOUTH 06 DEGREES 54 MINUTES 37 SECONDS WEST, A DISTANCE OF 1132.42 FEET TO THE NORTH LINE OF HI-POINTE ADDITION, A SUBDIVISION AS RECORDED IN PLAT BOOK 16 PAGE 48 OF SAID RECORDER'S OFFICE;

THENCE ALONG SAID NORTH LINE AND THE NORTH LINE OF TUSCANY PARK, A SUBDIVISION AS RECORDED BY DEED IN BOOK 921, PAGE 271 OF SAID RECORDER'S OFFICE, ALL BEING THE NORTH LINE OF LOT 3 OF THE PARTITION OF GRATIOT LEAGUE SQUARE, THE FOLLOWING COURSES AND DISTANCES: NORTH 83 DEGREES 02 MINUTES 57 SECONDS WEST, A DISTANCE OF 639.20 FEET; AND NORTH 83 DEGREES 04 MINUTES 12 SECONDS WEST, A DISTANCE OF 484.82 FEET TO THE EAST RIGHT OF WAY LINE OF THE AFOREMENTIONED BIG BEND BOULEVARD (FORMERLY PENNSYLVANIA AVENUE);

THENCE ALONG SAID EAST RIGHT OF WAY LINE, THE FOLLOWING COURSES AND DISTANCES: NORTH 24 DEGREES 56 MINUTES 47 SECONDS EAST, A DISTANCE OF 21.27 FEET; NORTH 08 DEGREES 31 MINUTES 29 EAST, A DISTANCE OF 989.87 FEET AND ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1,399.39 FEET, WITH A CENTRAL ANGLE OF 04 DEGREES 59 MINUTES 28 SECONDS, WHICH CHORD BEARS NORTH 11 DEGREES 01 MINUTES 13 SECONDS EAST, A CHORD DISTANCE OF 121.87 FEET, THROUGH AN ARC LENGTH OF 121.91 FEET TO THE POINT OF BEGINNING.

THE CITY OF CLAYTON

Board of Aldermen
In-Person and Virtual Meeting
November 12, 2024
7:07 p.m.

MINUTES

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

In-person: Bridget McAndrew, Susan Buse, Becky Patel, Gary Feder, Rick Hummell, Jeff Yorg, and Mayor Michelle Harris.

Staff: City Manager Gipson, City Attorney O’Keefe, Anna Krane, Director of Planning, and City Clerk Frazier.

PUBLIC REQUESTS AND PETITIONS

None

Mayor Harris announced that we will be holding a Public Hearing to consider a request for the following agenda items:

1. Resolution No. 2024-21 - A Conditional Use Permit for 801 Seminary Place
2. Bill No. 7044, An Ordinance for an amendment to Chapter 410 of the Municipal Code to Add a New Article Establishing the “South 40 Overlay Zoning District”
3. Bill No. 7045 – An Ordinance for an amendment to Chapter 410 of the Municipal Code to Add a New Article Establishing the “Big Bend Overlay Zoning District”.

All interested parties may provide comment to the Board. However, given that members of the public are likely to have diverse views and areas of concern, the Board asks the speakers to be respectful toward others. The Board also asks that speakers be mindful so as not to dominate the limited time for the public hearing which may preclude others from speaking.

Due to the number of speakers anticipated and the Board business to be conducted following the public hearing, the Board will hold the public hearing in two sessions – the first tonight and the second at the Board’s meeting on November 26. At each session, the Board has allotted one hour and 30 minutes to hear public comments.

Mayor Harris opening the Public Hearing and request proof of publication.

A PUBLIC HEARING AND A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR 801 SEMINARY PLACE

City Manager Gipson reported that this is a public hearing and subsequent resolution to consider a Conditional Use Permit (CUP) to allow the construction of new residences and parking on the Concordia Seminary campus. Conditional uses are those types of uses that are considered to be desirable, necessary, or convenient to the community but which by their nature can create additional traffic volume, parking demand beyond the development’s capacity, and/or a detrimental impact on adjacent or neighboring properties due to noise, pollutants or other characteristics

associated with that particular use. Institutional uses are permitted in this zoning district subject to approval of a Conditional Use Permit.

Mayor Harris closed the Public Hearing for Resolution No. 2024-21, A Conditional Use Permit for 801 Seminary Place.

Motion made by Alderman McAndrew to approve Resolution No. 2024-21, granting a Conditional Use Permit for 801 Seminary Place, Concordia Seminary. Alderman Buse seconded.

The motion passed unanimously on a voice vote.

A PUBLIC HEARING AND ORDINANCE - AMENDING CHAPTER 410 BY THE ADDITION OF TWO NEW ARTICLES, ESTABLISHING THE SOUTH 40 OVERLAY AND THE BIG BEND OVERLAY

Mayor Harris announced that the public hearing is open and requested proof of publication.

City Manager Gipson provided the Board with a PowerPoint presentation (*available in the City Clerk's office*) on the City's Code(s) regarding zoning, overlay districts, and conditional use permits, and the Comprehensive Plan as related to the proposed project.

Larry Mooney, 6366 Wydown Boulevard, addressed the Board requesting that they vote against the project.

Anne Martin, 5 Tuscany Park, addressed the Board expressing concerns on the proposed setbacks and the traffic study.

Kyle Johnson, 8500 Maryland, (virtual) addressed the Board expressing support for the project.

Jay Kanzler, 20 Southmoor Drive, addressed the Board inquiring as to a Board member voting that may have a conflict of interest due to a relationship with Washington University.

Alderman Feder responded by explaining that there are no concerns of a conflict of interest.

Jonathan Katz, 3 Tuscany Park, addressed the Board expressing concerns of the noise decibels and provided a suggestion to the Board.

Joan Downey, 9 Tuscany Park, addressed the Board requesting that they do not vote in favor of the project.

Jean Cowen, 1 Dartford Avenue, addressed the Board in opposition of the project.

Bill Reamus, Attorney with Cape Sokol, representing Marilyn Edison of 30 Southmoor, addressed the Board with concerns on the impact the project will have on Big Bend Boulevard and the change and character of the neighborhood.

John Hutkin, 11 Brentmoor Park, addressed the Board expressing distrust in the Board, support for Washington University, support of the conditional use permit, but not supportive of the proposed overlay.

Ben Uchitelle, 41 Crestwood Drive, (virtual) addressed the Board expressing that the overlay is a better purpose, better procedure for the future in respect to Washington University and he is supportive of the project.

David Edison, 30 Southmoor Drive, addressed the Board with concerns of increased population/traffic and policing challenges.

Bronco Marusic, 2 Tuscany Park, addressed the Board expressing support of the conditional use permit requirements and request that the Board “pause” on voting for the project.

Andrew Lieberman, 1 Southmoor Drive, addressed the Board expressing concern(s) regarding the traffic study and protection(s) for the neighborhood, traffic accidents on Big Bend, supportive of the conditional use permit process, non-supportive of the proposed overlay project.

Marie Bone, 28 Southmoor Drive, addressed the Board expressing concern(s) of increased traffic, population, noise, depreciation in property, and commented that the Fontbonne property i was not included in the overlay.

Josephine Weil, 3 Forest Ridge, addressed the Board stating that this is not a good deal, and she is not supportive of the proposed overlay.

Pauline Kim, 97 Arundel, addressed the Board stating that the current draft of the overlay does not sufficiently protect the residents/neighborhood and suggested some proposed amendments.

Angela Lieberman, 1 Southmoor Drive, addressed the Board expressing that she feels there is a lot of distrust and that she feels disrespected. She urged the Board to say no to the overlay district.

Jeff Leonard, 8038 Davis Drive, addressed the Board stating that he has worked with the Board and staff on the Comprehensive Plan, he expressed a high regard for each of them and maintains trust that they will listen and come up with the right conclusion and requests that the citizens show respect.

Carol Needham, 11 Tuscany Park, addressed the Board expressing thanks to the Board and staff and requesting that restrictions are included to protect the neighbors from excessive noise. She referenced the City’s noise ordinance.

Shelby Chagrin, 14 Southmoor Drive, addressed the Board requesting that they pause and not vote for the overlay at this time.

Jean Most, 35 Aberdeen, addressed the Board questioning if this is the right zoning and the potential impact on the historic neighborhoods and its 100-year-old home(s).

Tommy Castellano, 6461 San Bonita, addressed the Board sharing his thoughts about colleges being welcoming neighbors. He and his friends play soccer at CBC and are often told to leave the property. He would like Washington University to be as welcoming to the community as Concordia.

Susan Verdach, 7 Dartford, addressed the Board inquiring as to what future will be created with this decision. She expressed concerns of decreased property value, the loss of wildlife (birds, owls), and asked that the Board vote against the proposal.

Lily Katz, 3 Tuscany Park, addressed the Board expressing concerns that as Washington University buys up and secure(s) property eventually it will cut off part of Ward 3 from the rest of Clayton. She does not feel this is a good plan for that area.

Rand Sommer, 4 Tuscany Park, addressed the Board with suggestions to redo the studies on the noise decibels and expressed non-support of the proposed overlay project.

Jerry Lowder, 110 Arundel, (virtual) addressed the Board expressing opposition to the proposed overlay and requests that the Board vote against it.

Jeff Gershman, 6464 Cecil, addressed the Board inquiring if the discussion will be continued to the next meeting scheduled November 26, and requested consideration to postpone until the next meeting due to the Thanksgiving holiday.

Mayor Harris confirmed that the public hearing discussion will continue to the next Board meeting scheduled November 26.

Mayor Harris called for a five-minute break at 9:25 p.m.

Meeting re-adjourned at 9:30 p.m.

Alderman Patel expressed her thanks to everyone, staff, citizens, and Board. She briefly summarized all of the process(es) of getting to the issue before the Board tonight. She addressed areas of concerns and proposed the following amendments:

1. The purpose statement should include the goal of minimizing impact on and protecting the residential character of the surrounding neighborhoods.
2. An amendment to not allow division one or division 2 athletics.
3. Remove an allowance for a venue with 500 permanent seats.
4. Reduce the maximum number for events of 900 to 600 and retain the cap of 2 of these events at any time.
5. Strengthen the language around the events permit requirement. *"...not including university sponsored, athletic, related events..."* – too vague and suggests striking that language.
6. Reduce the total number of venues on the site from 6 to 5, and the total number of outdoor playing surfaces from 5 to 4.
7. Reduce the building height to 50 feet - this would still allow a use similar to the old CBC site if relocated.
8. Further reduce the building height within 150 feet of the property line to 40 feet; currently its 65, and 50, and suggests 50 and 40.
9. Reduce the retaining wall height from 10 to 8 feet on the perimeter of the property.
10. Increase the depth of the step between tiered retaining walls, increase from 4 to 8 feet within the perimeter of the boundary.
11. Extend the transition zone on the south boundary to align with the existing tree protection area along the north side of Tuscany Park; consider requiring a higher wall on the southern boundary.

Alderman Patel added that we got a letter from Matt Barton of the St. Louis Audubon Society, with a number of recommendations based on the proposed plan and upon their review she is pleased to report that we (the city) meet all of the recommendations that he had proposed.

Alderman Hummell shared his thoughts based on what he has learned through this process. Regarding the South 40 overlay there is not a lot of controversy because it is an area that is largely developed and there will not be a change in its use. Although the processes may be

similar, the proposed Big Bend overlay, a largely undeveloped site, the intention is to permit uses that do not already exist and are also inconsistent with the adjacent uses.

He believes that all landowners have the right to use their property consistent with the community's ordinances and regulations, if it's consistent with the applicable zoning. There are times when a permissible use of the land may not be adequately constrained by the existing law to mitigate the adverse effects a proposed project might have on the adjoining properties or the infrastructure of our community. The potential use at the Big Bend overlay site is clearly one of those times.

He recognizes that the existing zoning for institutional uses is inconsistent with how these sites are used and have been developed. His interest in studying and supporting the overlay district concept is to create stronger legal requirements and conditions that either recognize the existing use of a highly developed site like the South 40, or create strong requirements and restrictions for a largely undeveloped area such as Big Bend which he is hoping, the result is that there is greater expectations and assurances for all landowners - the owners of the subject sites, the owners of the adjoining sites, and future owners of all sites.

He expressed some concerns and questions about the process as it relates to the Big Bend overlay, 1) regarding the timing and impact; 2) adequately addressing the significant issues without a detailed site plan; 3) have we overreached with some requirements because we're contemplating development that might not even be feasible, due to the unique factors of the site; 4) doing things out of fear, and that maybe results in overregulating; 5) could this be premature; 6) for future development of the Big Bend site does the overlay district provide a stronger zoning benefit to the neighbors than the current CUP process. There has been lots of discussion on this and there is no consensus.

He wondered if the authority of the Plan Commission/ARB and the Board of Aldermen gets meaningfully diluted by adopting these overlay districts. And if so, how.

Does the creation of the overlay district somehow provide some kind of a pre-approval of site development that doesn't already exist today? And if so, does that risk outweigh the benefit of these legal standards, requirements, and expectations that we have outlined in the overlay districts.

His desire is to provide for the residents, and especially his constituents, the strongest and soundest legal protections that the city can afford them.

He stated that passing an ordinance in the form of an overlay district provides highly descriptive protections that do not currently exist and creates a very high bar that could bar any potential legal challenge that might arise in the future.

He has heard, loud and clear that many residents believe that the CUP process is superior, based on a belief that undesirable development could be stopped or severely constrained. While that may be true in some instances, however, his understanding is that the burden to constrain is much higher when contrasted with the overlay process. The struggle for him is that there is no site plan, and he is not opposed to the idea of a site plan being brought forward and looking at a conditional use permit. He feels that now is the time to consider the best protections we can offer to the residents and is concerned that failure to do so may have regrets down the road.

He proposed to add an additional amendment along with Alderman Patel's, to limit amplified noise to Fridays and Saturdays

Alderman McAndrew stated that she appreciates everybody's comments tonight. She expressed that she does not want to call this an athletic complex and reflected on the time when Washington University came to the city regarding the CBC site and Concordia proposed the

idea to move their housing closer to the Seminary campus and Washington University desiring to move their athletic fields closer to the South 40.

She pointed out that Washington University has proposed an idea(s) for moving the baseball and softball fields and possibly replacing the multi-use and an indoor building currently at the CBC site. She feels the proposed amendments heard tonight, reducing the number of attendees, reducing events, restricting the time, could do a lot and would add an additional amendment restricting events such as graduation/commencement exercises, student and campus lectures, speakers, and/or cultural events on this site since it has been just fine so far on the other parts of the campus, i.e. Danforth.

Alderman Buse stated that she appreciates the comments tonight, and throughout this whole process. She also those of who have recognized the amount of heart and effort that we put in here, and that we truly are your neighbors, and we truly do care, and we truly have been as transparent and as professional.

She expressed her thoughts on the overlay project reminding everyone that the subject area is private property owned by and potentially being leased by very important community members. We have certain rights and responsibilities as a city government to respect everybody who is a part of our community, and to respect those property rights.

The overlay district, as reviewed and discussed with our professional staff, who have been amazing through this whole process, feels that we will get more protections and in getting things that we all and you all have told us from sound, from density, and topography. If we put an overlay on the existing zoning as this development goes forward, and development is going to happen there, you have to realize that we want to not just protect but to enhance.

She explained that it comes down to the use of the property. At the time that the current zoning was put in place she suspects that the city at that time thought of a college campus with the dorms next to the field and the academic buildings - Washington University has certainly expanded since then beyond that with a national reputation, of its excellence. Concordia as well, has been such a wonderful neighbor in opening up its spaces for the entire community to use.

She feels that an athletic complex idea is not something we look forward to, and amendments suggested by her fellow alderpersons makes a lot of sense, and will serve everyone's needs in Clayton, into the future, and is consistent with our long-term comprehensive planning. Limiting the playing fields to apply to five playing surfaces, reducing the height of the buildings, capping the seating capacity

She commented that Washington University has always been phenomenal and quite the model with sustainability efforts, and that we do have those things in the overlay as well with the Dark Sky compliance and the lead certification.

She stated that as heard earlier we are aware of keeping as one community, and the use of the different campuses by us as open spaces and comfortable back and forth is something that I think is very valued.

She said that we have all been to events with the city or the school district, or something else that were hosted by either the Seminary or Fontbonne, or Washington University and I would like to keep that opportunity there, too, in the overlay. Not just only for Washington University but maybe more of a community event.

She commented regarding sustainability there is a preference for permeable pavers, and that impermeable coverage cannot be more than 60%. She suggests changing that impermeable coverage limit to 50%.

She supports limiting, the noise, and the amplification by days and hours, and questioned the timing of sports innings i.e. innings that are in play at 9:00 p.m. and adjust the restrictions back by an hour, or so.

Alderman Feder commented that there is a lot of things in life I know nothing about, but one thing I do know something about is zoning.

He again as stated earlier that in the past he has taught a one-week class at Washington University, a class in real estate law which includes one day on the subject of zoning; and he has been involved with a lot of zoning matters in his career.

He stated that he was also on the school board in the past and knows there are two things that he thinks people care more about and get more emotional about than anything and that's what affects their kids' school and what affects the area around their property. So, he fully appreciates the level of emotion that everybody in the community has brought to this and he hopes it will remain constructive and not personal.

He commented that someone said earlier that they are genuinely trying to do the right thing here and that it's not a question of who they like better Washington University or the city and he thinks all of us are just trying to figure out what's the best way to move forward.

He feels there are a few scenarios here worth thinking about; 1) if we don't pass the ordinance, what happens then. He feels that some people in the audience would like to believe that Washington University will sort of go away and the project will die. Which he feels is highly unrealistic, not only because of Concordia's involvement, but simply because in many ways this makes a lot of sense to Washington University, and I think they will go forward. and I believe, contrary to what many people think, that if this fails and we're paused, as the term has been used, he thinks, Washington University would be perfectly happy with going forward with the CUP application, in fact, would prefer it to the ordinance that is being pursued here.

He stated that if the ordinance is passed as it stands, even without the provisions suggested tonight, it has more restrictions as compared to the CUP process. At some point, possibly a year from now Washington University will come forward in front of the Plan Commission under the overlay and at that time they may decide to do "this and this" asking for flexibility of some of the restrictions to which we can then say there is no flexibility due to the restrictions set forth in the ordinance as a piece of legislation. The city has upfront decided on all of these regulations dealing across the board with what can be done.

He added that this would not be the "end of the line", because they would have to go before the the Plan Commission and the ARB. Many of us have been to plan commission meetings and know that we have a very rigid plan commission with a lot of very experienced people. He provided an example of an issue where the Plan Commission denied a request.

He believes in balance, and stated that as a former zoning attorney, strategically, if he were Washington University, he would not be disappointed.

He noted that if this issue was paused, Washington University would not be disappointed; if it was rejected, Washington University would be happy to go through the CUP process, because he believes Washington University will do better for itself in the CUP application process, because without the overlay the CUP basically has no regulations. They could start at ground zero with regulations that only apply to single family properties. they have their architects and their engineers, and they would come up with a plan. They would go through the list of everything that's supposed to be regulated in some fashion - traffic, buffering, etc. and they will come up with what they say are based on best practices and other projects and/or what they believe will mitigate all these potential negatives, and they will be less restrictive than what's in this ordinance. They will be more intrusive in terms of the property.

He said that under the CUP we will get a project that is much less desirable to the neighborhood, and he understands you (public) don't want us to tell you how we're trying to protect you, but genuinely, we are because we have no reason to do anything else. You are our constituents; Washington University isn't our constituent.

In his opinion this is the best route to go and again many of the recommendations made tonight and they are good suggestions, have just come up in the last few hours and he would be interested in what the staff thinks. Over the last four months this ordinance has gotten more restrictive every time it has been reissued, it is more restrictive than the one before, and he is certain to say that the next draft to be heard at the next meeting will be more restrictive than any we've ever had before.

He said that for some of you it doesn't matter how many restrictions we ever have. You will not be satisfied, but he hopes for many of them you will be, and he believes it's the best protection.

He said that he would like to see this move forward and believes it is the best way.

Alderman Yorg stated that he has struggled with this some and have listened to all the comments tonight and is trying to process how to factor those into his thinking.

He noted that he is a Washington University grad and played D3 baseball get what Washington University is, but he would also be remiss to not mention that he thinks a lot of the comments tonight have exposed a distrust of the parties including Washington University due to their lack of communication.

He feels that part of the challenge is thinking about this not just from a public policy standpoint, but also from a legal standpoint. There is a balance of both of those when you hear talk about the overlay versus a CUP.

He thinks an overlay from a judicial standpoint provides more ability for city to do what needs to be done to protect residents, but also felt that we should take additional time to review recently provided resident comments and input before moving forward.

He raised additional questions regarding traffic on Big Bend, the use(s) of Fontbonne property, and the R-2 Zoning.

City Manager Gipson provided explanations to Alderman Yorg's questions.

Alderman Yorg expressed his desire for some additional amendments; 1) if building a parking garage it should be constructed all underground (i.e. Danforth Campus garage); 2) require all campus lecture events to remain inside as Alderman McAndrew suggested; 3) agree with reducing the number of people to 600; 4) include the pull out bleachers as part of the permanent seating calculation; 5) decrease the height of the lights and/or limit the height of the lights to 80 feet; 6) limit the outdoor noise to begin at sporting events to 8 a.m. or 9 a.m.; and 7) create tree protection on Wydown Boulevard

Anna Krane, Director of Planning, provided explanations to Alderman Yorg's question regarding the tree protections.

Mayor Harris reminded everyone that this is a project reforming a space that is in collaboration between Washington University and Concordia Seminary. She wanted to emphasize that because she feels their collaborative effort is foundational to enabling them to work together. We have all seen what the pressure is on small universities and colleges, and she feels as a city government, we want to try to protect that entity, lest it go the way of Fontbonne or some other universities that are experiencing problems.

She emphasized that the plan, this overlay as it is now, with whatever details we change, the basic overlay does conform to our comprehensive plan. That plan was developed over a year with robust input from the entire community. The community said we want this to stay as an

institutional use which it is now as a university. It has sports facilities and housing, and we want it to stay - that is what our community told us.

She supports all the suggestions that were made and is eager to see how the staff can recommend incorporating those that make sense in an organized way.

She appreciates all the suggestions that were made, especially the suggestion by the young man and Ms. Katz on the openness and the shared use of all the school playgrounds, playing fields, the kids “cutting through” the properties and she challenges both Washington University, Concordia, and the city to try to look at the project in this regard. She noted a couple of examples; 1) the Centene University project where they fenced off access to the playground and that was not what the city or neighborhood wanted; 2) a new house in her own neighborhood that cut off access to a cut-through which was unfortunate.

She stated that overall, everybody here is earnestly trying to do what we think is best for the whole community, and the whole city of Clayton, including all our partners, and it's an opportunity with this overlay to set strong parameters to raise the bar as a starting line. To have any development that wants to be there we can start at a much higher place, a more restrictive place, a place with more trees, more bird sounds, better lighting, and all those things that are better than we would be starting off with under our current zoning – and she supports that effort.

She said it is great to be able to consider something strategically, in a holistic way for this entire property rather than one small project at a time and this could be a valuable thing for us going forward.

So with that being said, if there are no further comments from our board, would it be appropriate for me to make one concrete amendment at this time, or would I wait until the overlays are introduced?

to each overlay, and I can offer them separately if I should, to just strike the delayed effective date to immediately after.

Motion made by Alderman Patel to amend both ordinances, Bill No. 7044 and Bill No. 7045, to strike the delayed effective date from the ordinance. Alderman Buse seconded.

The motion passed unanimously on a voice vote.

Alderman McAndrew introduced Bill No. 7044, approving an Ordinance for an Amendment to Chapter 410 of the Municipal Code to Add a New Article Establishing the “South 40 Overlay Zoning District” as amended to be read for the first time by title only. Alderman Buse seconded.

City Attorney O’Keefe reads Bill No. 7044, first reading, an Ordinance to Substantially Enhance Clayton’s Ability to Regulate and Constrain the Spread of Institutional Land Uses in Residential Areas of the City by Amending Chapter 410 of the Municipal Code to Add a New Article Establishing the “South 40 Overlay Zoning District”, and Other Actions Related Thereto by title only.

The motion passed unanimously on a voice vote.

Alderman McAndrew introduced Bill No. 7045, approving an Ordinance for an Amendment to Chapter 410 of the Municipal Code to add a New Article Establishing the “Big Bend Overlay Zoning District” as amended to be read for the first time by title only. Alderman Buse seconded.

City Attorney O’Keefe reads Bill No. 7045, first reading, an Ordinance to Substantially Enhance Clayton’s Ability to Regulate and Constrain the Spread of Institutional Land Uses in Residential Areas of the City by Amending Chapter 410 of the Municipal Code to Add a New Article Establishing the “Big Bend Overlay Zoning District”, and Other Actions Related Thereto by title only.

The motion passed by 6 – Ayes; 1 Nay – Alderman Yorg.

Consent Agenda

1. Minutes – October 22, 2024
2. Resolution – Contract with Midwestern Higher Education Compact (MHEC) Cooperative for replacement hardware for the City’s VMware Clusters (Servers, Storage, and networking equipment). (Res. No. 2024-22)
3. Motion – Cancellation of the December 24, 2024, Board of Aldermen meeting.

Motion made by Alderman McAndrew to approve the Consent Agenda. Alderman Buse seconded.

The motion passed unanimously on a voice vote.

Motion made by Alderman McAndrew to adjourn the meeting. Alderman Buse seconded.

The motion passed unanimously on a voice vote.

There being no further discussion the Board adjourned at 10:40 p.m.

Mayor

ATTEST:

City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
ANDREA MUSKOPF, ASSISTANT CITY MANAGER
DATE: NOVEMBER 26, 2024
RE: ORDINANCE - AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENCROACHMENT AGREEMENT WITH PARK TOWER CONDOMINIUMS FOR THE INSTALLATION OF THE FIRST BAPTIST CHURCH COMMEMORATIVE MARKER

On October 8, 2024, the Mayor and Board of Aldermen approved a recommendation from the Mayor's Commemorative Landscape Task Force to commemorate the former First Baptist Church. It is proposed that the marker be placed perpendicular to the sidewalk along N. Brentwood Boulevard as shown in Exhibit A, which is located on Park Tower Condominiums property. To place the commemorative marker, the City must enter into an Encroachment Agreement with Park Tower Condominiums.

STAFF RECOMMENDATION: Approve the ordinance authorizing the City Manager to execute an Encroachment Agreement with Park Tower Condominiums for the installation of the First Baptist Church Commemorative Marker.

ORDINANCE NO. 7046

BILL NO. _____

ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENCROACHMENT AGREEMENT WITH PARK TOWER CONDOMINIUMS FOR THE INSTALLATION OF THE FIRST BAPTIST CHURCH COMMEMORATIVE MARKER

WHEREAS, the City of Clayton desires to commemorate the former First Baptist Church by installing a commemorative marker; and

WHEREAS, the City desires to place the historical marker on land owned by Park Tower Condominiums on N. Brentwood Boulevard; and

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

Section 1. The Board of Aldermen authorizes the City Manager to execute an Encroachment Agreement on behalf of the City with Park Tower Condominiums for the installation of the First Baptist Church Commemorative Marker in substantial conformity with the location shown on Exhibit A attached hereto and incorporated herein by this reference as if set out here in full, together with such document changes as shall be approved by the officers of the City executing same which are consistent with the provisions and intent of this legislation and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The Mayor, City Manager and other appropriate City officials are hereby authorized to execute the contracts and such additional documents and take any and all actions necessary, desirable, convenient or prudent in order to carry out the intent of this legislation.

Section 2. The City Manager is authorized to execute the Encroachment Agreement.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen.

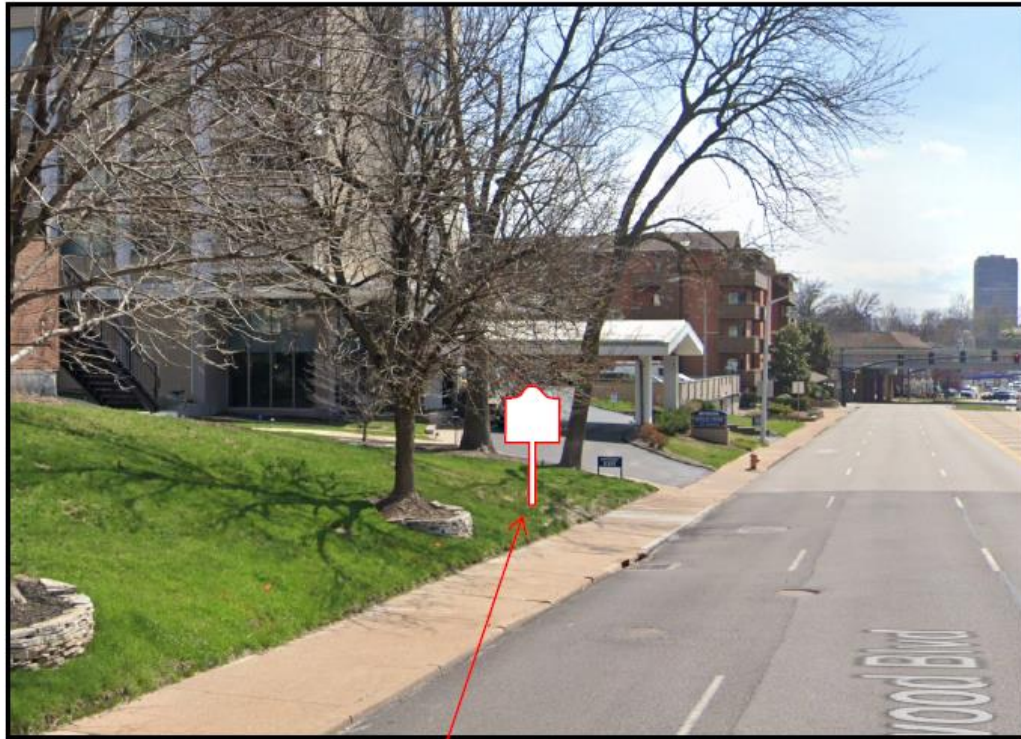
Passed this 26th day of November 2024.

Mayor

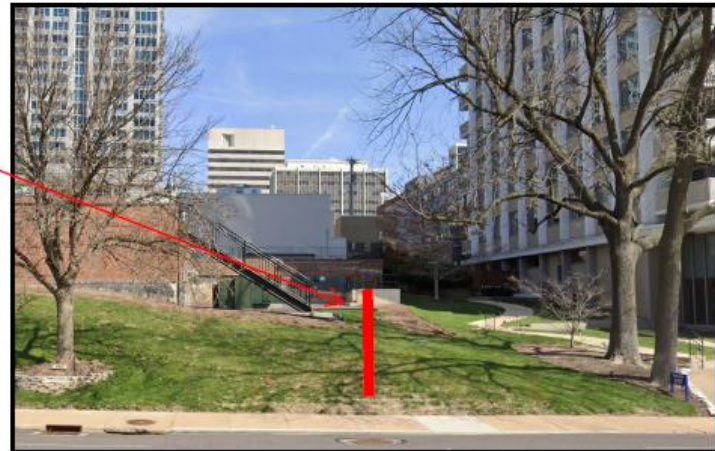
ATTEST:

City Clerk

**EXHIBIT A
ENCROACHMENT AREA**



Proposed Sign Location





City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR HARRIS; BOARD OF ALDERMEN
FROM: DAVID GIPSON, CITY MANAGER
TONI SIERING, DIRECTOR OF PARKS & RECREATION
DATE: NOVEMBER 26, 2024
SUBJECT: ORDINANCE – APPROVING TWO CHANGE ORDERS WITH BYRNE AND JONES CONSTRUCTION FOR CONSTRUCTION AT REMEMBRANCE PARK

In 2018, the City of Clayton acquired land at 7811 Maryland Avenue with the intent to create an urban park in Downtown Clayton, now known as Remembrance Park. Over the past six years, the project has been slow to progress, first due to the additional funding needed for the construction of the park, then due to multiple utility issues on site.

On March 14, 2023, the Board of Aldermen approved a contract with the low bidder on the project - Byrne and Jones Construction – in the amount of \$526,400, plus a \$26,300 contingency to construct Remembrance Park. Due to numerous utility issues at the future park, the allotted contingency for this project has been used. As the project nears completion, Byrne and Jones has submitted two change orders for approval, which will add an additional \$39,050 to the total project cost.

- Change Order #6 = \$32,550 - Restores water service to the park. The reason this cost is so high is because MO American Water was supposed to cap the water service at the sidewalk during the demolition of the house, but instead removed the line to the main. The main is located in the street on Maryland Ave.
- Change Order #7 = \$6,500 – Reconnects service to the streetlights on Maryland Ave.

After speaking with both the Operations Manager and the Project Manager on site, Byrne and Jones believes there should be no additional change orders. They also indicated that if any landscaping needed to be replaced in the spring (due to the timing of plantings this fall), Byrne and Jones would absorb those costs.

Should the additional change orders be approved, staff will notify Bryne and Jones to schedule work as soon as possible. Unfortunately, the City will have to rely on MO American Water for approval for the water line, which could take several weeks. Byrne and Jones will continue to work with the municipal contact at MO American Water to get this expedited as quickly as possible.

Recommendation: To approve the ordinance executing Change Order #6 in the amount of \$6,500 and Change Order #7 in the amount of \$32,550, totaling \$39,050 for the completion of Remembrance Park.

BILL NO. 7047

ORDINANCE NO. ____

AN ORDINANCE APPROVING TWO CHANGE ORDERS WITH BYRNE AND JONES CONSTRUCTION FOR CONSTRUCTION AT REMEMBRANCE PARK

WHEREAS, the Board of Aldermen believes that construction of a new park at 7811 Maryland Avenue (now known as Remembrance Park) will enhance the leisure and recreation program offered to our residents by the City of Clayton; and

WHEREAS, upon request and advertisement for bids, Byrne and Jones Construction was found to be the lowest responsive bidder for the Park on Maryland Avenue project; and

WHEREAS, the approved contingency of \$26,300 has been fully utilized; and

WHEREAS, there is additional utility work that remains to be completed so that the new park can fully serve the needs of Claytons residents and visitors;

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

Section 1. The Board of Aldermen approves on behalf of the City two change orders with Byrne and Jones Construction in the total amount of \$39,050 in substantial conformity with the terms shown on Exhibits A and B attached hereto and incorporated herein by this reference as if set out here in full, together with such document changes as shall be approved by the officers of the City executing same which are consistent with the provisions and intent of this legislation and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The Mayor, City Manager and other appropriate City officials are hereby authorized to execute the Agreement and such additional documents and take any and all actions necessary, desirable, convenient, or prudent in order to carry out the intent of this legislation.

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

Passed this 26th day of November 2024.

Mayor

ATTEST:

City Clerk



Byrne & Jones Construction
 13940 St. Charles Rock Road
 Saint Louis, Missouri 63044
 Phone: (314) 567-7997 Fax: (314) 567-1828
www.byrneandjones.com

Byrne & Jones Change Order					
Project Name:	Maryland Ave Park	Change Order Number:	6		
Customer:	City of Clayton	Date:	November 20th, 2024		
Contract Number:		Project Number:	2023.PK.64.101		
Project Manager:	Toni Siering	Project Manager:	Jack Kelly		
CHANGE ORDER #6					
<p><u>Water Service Installation</u></p> <ul style="list-style-type: none"> - 1" water service installed per MOAM Water \$ 32,550.00 - Includes street excavation and replacement with traffic control - Includes permits and inspections - Installation includes q year parts and labor warranty 					
CHANGE ORDER #6				\$ 32,550.00	
CHANGE ORDERS					
<u>B&J CO NUMBER</u>	<u>Date</u>	<u>DESCRIPTION</u>	<u>REJECTED</u>	<u>OPEN</u>	<u>APPROVED</u>
1	6/20/2023	Ameren Pole			\$1,550.00
2	12/1/2023	Electric Feed			\$9,300.00
3	3/14/2024	Pavers			\$2,770.00
4	5/28/2024	Move Electric Wire			\$7,317.00
5	10/16/2024	Inlet Rebuild			\$9,073.00
6	11/20/2024	Water Service Installation		\$32,550.00	
7	11/20/2024				
Change Order - Totals			\$0.00	\$32,550.00	\$30,010.00
Change Order Summary					
Original Contract Amount: \$526,400.00 Approved Change Orders: \$30,010.00 Total Contract Amount (Inc. CO's): \$556,410.00 Open Change Orders: \$32,550.00 Potential Contract Amount (Inc. Approved CO's & Open CO's): \$588,960.00					
NOTES:					

Signature: X Date: 11/20/2024

Signature: _____ Date: _____



Byrne & Jones Construction
 13940 St. Charles Rock Road
 Saint Louis, Missouri 63044
 Phone: (314) 567-7997 Fax: (314) 567-1828
www.byrneandjones.com

Byrne & Jones Change Order

Project Name: Maryland Ave Park Customer: City of Clayton Contract Number: Project Manager: Toni Siering	Change Order Number: 7 Date: November 20th, 2024 Project Number: 2023.PK.64.101 Project Manager: Jack Kelly
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CHANGE ORDER #7

Additional Electric Work for Street Lighting - directional bore to the street and provide new #8 gauge wire 120 volt circuit on a photo eye off the existing pedestal - pull circuit to street location - Clayton to set box or continue to existing lighting	\$ 6,500.00
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CHANGE ORDER #7 \$ **6,500.00**

CHANGE ORDERS

<u>B&J CO NUMBER</u>	<u>Date</u>	<u>DESCRIPTION</u>	<u>REJECTED</u>	<u>OPEN</u>	<u>APPROVED</u>
1	6/20/2023	Ameren Pole			\$1,550.00
2	12/1/2023	Electric Feed			\$9,300.00
3	3/14/2024	Pavers			\$2,770.00
4	5/28/2024	Move Electric Wire			\$7,317.00
5	10/16/2024	Inlet Rebuild			\$9,073.00
6	11/20/2024	Water Service Installation		\$32,550.00	
7	11/20/2024	Additional Electric Work for Street Lights		\$6,500.00	
Change Order - Totals			\$0.00	\$39,050.00	\$30,010.00

Change Order Summary

	Original Contract Amount:	\$526,400.00
	Approved Change Orders:	\$30,010.00
	Total Contract Amount (Inc. CO's):	\$556,410.00
	Open Change Orders:	\$39,050.00
	Potential Contract Amount (Inc. Approved CO's & Open CO's):	\$595,460.00

NOTES:

Signature: X Date: 11/20/2024

Signature: _____ Date: _____