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September 9, 2016

VIA EMAIL ONLY

Des Peres Board of Alderman

Re: Reliance Bank's drive thru CUP hearing on 9.12.2016

Dear Alderman,

I am a resident of Des Peres in the Harwood Hills neighborhood at 11709 Claychester Drive. I have been following the Reliance Bank high-volume drive through CUP application and the subsequent litigation. Recently, I have seen correspondence by city administrators stating that Reliance is making "significant changes" to address the board of alderman's basis for denying the CUP in 2015.

I will address the issues related to traffic and the apparent position being advocated by Des Peres administrators that changing the radius of the entrance curb will make a significant difference. Additionally, I will address alleviation of the legal fees involved as well as the ongoing appeal.

First, Des Peres' own traffic engineer's testified before the special master that this plan will cause a **"significant decrease in the level of safety"**. Keep in mind, this "significant decrease in the level of safety" is not only on Manchester Rd, but also on Harwood Rd., the entrance to a neighborhood with over 200 homes and a park. The engineer stated:

1. CUP is **"Likely to increase rear-end collisions on Manchester."** *citing* [Tr. 704:1-3]

The basis for the conclusion is: (1) the close proximity of the bank entrance to Harwood, (2) very heavy westbound traffic, and (3) sudden decelerations.

2. **"Left turns [...] degrade by two grade levels** from a level C condition to a level E" *citing* [Tr. 731:6 through 734:13] Frankly, this is really an F when fairly measured.

The basis for this conclusion includes (1) “7.5 seconds is needed to make a safe turn”; (2) “Lee Cannon counted 4 second gaps”; (3) 60 left turns in AM only 27 gaps” and (4) drivers will be forced to make “**quicker turns out than would be allowed** by the expected time gaps available **to make a safe turn.**”

3. “[S]tacking of cars onto Harwood [...] precipitous increase in turning movements [...] degradation of left turns [...] **corresponding and significant decrease in the level of safety.**” *citing* [Tr. 795-820.]

Reliance’s accommodations in no way address these concerns, particularly the left turn hazard from both the entrance of the bank and Harwood. Rounding out a curb does not affect these significant traffic issues.

Second, Des Peres administrators have stated a reason for the potential settlement with Reliance is to avoid further legal fees. If continued legal fees are the board’s deciding factor, I, along with attorney Mark Pedroli, are officially offering our legal services free of charge. We agree to continue the appeal to the Eastern District of Missouri and follow through with a writ of certiorari to the Missouri Supreme Court if necessary.

My firm has a history of successfully representing clients in the appellate court. Additionally, Mr. Pedroli has successfully argued before the State and Federal appellate courts and recently won before a State Supreme Court. **We will take this appeal on free of charge.**

Third, I believe the board may fear that if they do not support the settlement and Des Peres loses on appeal that Des Peres would be stuck with the original plan submitted by Reliance rather than the current amended plan. This is not true, even if Des Peres loses on appeal, the Board can still issue a CUP authorizing the amended Reliance plan and be in compliance with the court order.

The court order under appeal states the board must “issue a conditional use permit to Reliance Bank **consistent with** Reliance Bank’s plans for the proposed use presented to the Board of Alderman.” Therefore, if the appeal is lost the board will still have the option to approve a conditional use permit requiring the changes made in the current plans as they are consistent with the original plans for the proposed use.

Thank you for your attention to this matter and I am available anytime to discuss. My mobile number is (314) 753-6556.

Very truly yours,



Benjamin J. Sansone