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**AGENDA
CITY OF CREVE COEUR
CITY COUNCIL MEETING
300 N NEW BALLAS ROAD
Monday, July 22, 2013
7:00 PM**

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

COMMENTS FROM THE GENERAL PUBLIC

(Citizens are asked to limit comments to three minutes and to complete a speaker card)

ACCEPTANCE OF AGENDA

ANNOUNCEMENTS

The City Council meets the 2nd and 4th Monday of each month

6:00 p.m. – 7:00 p.m. – Work Session

7:00 p.m. – Regular Meeting of the City Council

1. CONSENT AGENDA

a. Council Minutes dated July 8, 2013

b. Resolution No. 1068 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of A Contract Increase With Grove Design Group, LLC, For Engineering Services Related To The Graeser Road Resurfacing Project For The Amount Of \$5,039.30.

Summary: City staff recommends the approval of a supplemental agreement with Grove Design Group to cover the cost to develop right-of-way and easement documents for sidewalk improvements related to the Graeser Road Resurfacing Project.

c. Resolution No. 1069 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of An Agreement With The City Of Chesterfield, Under The Cooperative Salt Program, For Purchasing 1,000 Tons Of Salt For An Amount Of \$41,890.00.

Summary: The approval of this agreement will allow the city to complete the purchase of deicing salt from the Salt Co-op.



CITY OF CREVE COEUR – AGENDA
CITY COUNCIL MEETING
Monday, July 22, 2013
7:00 PM

BILLS PAYABLE REPORT

For Information Only

Summary: A report of bills payable dated July 17, 2013 in the amount of \$545,429.51 has been provided for Council review. No vote is required.

UNFINISHED BUSINESS

NEW BUSINESS

- 2. Bill No. 5432 - An Ordinance Amending Chapter 405.D.2.A Of The Zoning Code Of The City Of Creve Coeur, Missouri To Increase The Maximum Density And Increase The Maximum Floor Area Ratio That May Be Requested For Any Planned Residential Development Proposal. First Reading**

Summary: An application by Joe Nicpon, on behalf of Terra West Apartments, Inc., has been submitted to increase the maximum density, from 20 to 40 units per acre, and increase the maximum floor area ratio (FAR), from 0.4 to 0.6, that may be requested for any planned residential development (PRD) proposal within a Planned Zoning district. The Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to the Planned Zoning regulations of the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code, and recommended approval on July 15, 2013.

- 3. Bill No. 5433 - An Ordinance Amending Chapter 405.D Commercial Design Development Procedure (CDD) Of The Zoning Code Of The City Of Creve Coeur, Missouri To Allow The City Council To Approve Modifications To Maximum And Minimum Setbacks Within A CDD And To Document Such Approvals On The Site Concept Plan. First Reading**

Summary: An application by Garrick R. Hamilton, on behalf of The Koman Group, L.L.C., has been submitted to allow the City Council to approve modifications to maximum and minimum setbacks within a CDD and to document such approvals on the site concept plan. The Planning and Zoning Commission reviewed and voted 2-3 against the setback modification and voted 5 - 0 recommending approval of the subject amendment regarding documentation on site concept plans at its meeting on Monday July 15, 2013.



CITY OF CREVE COEUR – AGENDA
CITY COUNCIL MEETING
Monday, July 22, 2013
7:00 PM

4. Bill No. 5434 - An Ordinance To Amend Ordinance No. 3017 By Eliminating The Prior Use Restrictions For The Property Known As Shoppes At Questover, Addressed As 12528-12536 Olive Boulevard. First Reading

Summary: An application was made by Daniel Burke, of Armstrong Teasdale, LLP, on behalf of Altus-Questover, property owner, to modify the zoning ordinance of 12528-12536 Olive Boulevard to be consistent with that of other “GC” General Commercial Districts. Ordinance No. 3017 approved the rezoning and site development plan of the property in 2004, and included a condition requiring a deed restriction against certain uses for the property beyond those permitted in other “GC” General Commercial zoning districts. The property owner believes the imposed restrictions interfere with appropriate uses of the shopping center. Planning and Zoning recommended approval at its meeting on July 15, 2013.

5. Bill No. 5435 - An Ordinance Amending Chapter 405.820, Article VII Off-Street Parking And Loading Regulations Of The Zoning Ordinance Of The Code Of Ordinances Of The City Of Creve Coeur, Missouri To Revise The Minimum Parking Requirement Of Hair, Nails And Skin Care Services. First Reading

Summary: An application has been submitted by Daniel Burke, of Armstrong Teasdale, LLP, on behalf of Altus-Questover, property owner of the Shoppes at Questover, for a text amendment to revise Section 405.820(H)(2)(b) of the Required Off-Street Parking of the City Code of Ordinances regarding hair, nails, and skin care services to four (4) spaces per 1,000 sq. ft. of floor area to be consistent with the parking requirements for retail and office uses. The Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to the off-street parking regulations of the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code. Planning and Zoning recommended approval at its meeting of July 15, 2013.

6. Bill No. 5436 - An Ordinance Authorizing The Issuance Of A New Conditional Use Permit For A 2,668 Square-Foot Restaurant Located At 12536 Olive Boulevard Within The Shoppes At Questover Shopping Center. First Reading



CITY OF CREVE COEUR – AGENDA
CITY COUNCIL MEETING
Monday, July 22, 2013
7:00 PM

Summary: An application was submitted by Michael Serra, of the Crevco Pizza LLC dba Jet's Pizza, for a conditional use permit for a 2,668 square-foot restaurant, with takeout and delivery service, at 12536 Olive Boulevard, Suite D, located within the Shoppes at Questover Shopping Center. Under Section 405.210 Table A, all restaurants in the "GC", General Commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits.

7. Bill No. 5437 - An Ordinance Authorizing The Installation Of One (1) Fire Hydrant For Mosley Manor Court Located 220 Feet East Of The Intersection Of Mosley Road And Mosley Manor Court In The City Of Creve Coeur, Missouri. First Reading

Summary: Request of the Creve Coeur Fire District and Missouri American Water to allow for the installation of a fire hydrant on Mosley Manor Court.

8. Bill No. 5438 - An Ordinance Amending Title VI, Chapter 635, Section 635.060 Of The Code Of Ordinances Of The City Of Creve Coeur, Missouri, To Reduce The Business License And Occupation Tax Rate For Electric Service To Residential Properties. First Reading

Summary: Council Member Rhoades is proposing legislation for a reduction in utility tax rates.

9. Bill No. 5439 - An Ordinance Amending The 2006 Defined Contribution Plan For Employees Of The City Of Creve Coeur Hired On Or After June 1, 2006 By Increasing City Contributions Effective August 16, 2013. First Reading

Summary: An ordinance increasing the City's contributions to the Defined Contribution Plan effective August 16, 2013.

10. Bill No. 5440 - An Ordinance To Amend Chapter 135 Of The Municipal Code Of The City Of Creve Coeur, Missouri To Enact A New Section Relating To Court Costs. First Reading

Summary: This ordinance ensures that the Creve Coeur Municipal Court is collecting all costs which are required by law.

11. Bill No. 5441 - An Ordinance Amending Title I, Chapter 130, Section 130.080 Of The Code Of Ordinances Of The City Of Creve Coeur,



CITY OF CREVE COEUR – AGENDA
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Missouri, Pertaining To Political Activities Of City Employees. First Reading

Summary: This ordinance will bring Creve Coeur Code of Ordinances in compliance with enacted legislation relative to political activity of first responders pursuant to 2013 Missouri House Bill 307, Section 67.145 RSMo.

BUSINESS FROM THE MAYOR and CITY COUNCIL

BUSINESS FROM CITY ADMINISTRATOR

Pursuant to Section 610.022 RSMo., the City Council could, at any time during the meeting, vote to close the public meeting and move to closed session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under Section 610.021(1) RSMo. and/or personnel matters under Section 610.021(13) RSMo. And/or employee matters under Section 610.021(3) RSMo. and/or real estate matters under Section 610.021(2) or other matters as permitted by Chapter 610.

Posted: _____ posted 7/18/13
Deborah Ryan, MPCC
City Clerk



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL MEETING
300 N NEW BALLAS ROAD
Monday, July 08, 2013
7:00 PM**

CALL MEETING TO ORDER

A regular meeting of the City Council of the City of Creve Coeur was called to order by Mayor Glantz at the Creve Coeur Government Center, 300 N New Ballas Road on Monday, July 8, 2013.

PLEDGE OF ALLEGIANCE

Mayor Glantz led the Pledge of Allegiance.

INVOCATION

Mayor Glantz gave the invocation.

ROLL CALL

Mayor Glantz	Mayor
Mrs. Kramer	Council Member Ward I
Mr. Kreuter	Council Member Ward I
Mrs. Lawrence	Council Member Ward II
Mr. Wang	Council Member Ward II
Mr. Hoffman	Council Member Ward III
Mrs. Rhoades	Council Member Ward IV
Mr. Saunders	Council Member Ward IV

* - ABSENT: Council Member D'Alfonso, Ward III

COMMENTS FROM THE GENERAL PUBLIC

(Citizens are asked to limit comments to three minutes and to complete a speaker card)

ACCEPTANCE OF AGENDA

Council Member Wang moved, seconded by Council Member Kramer to accept the agenda as presented, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member Rhoades – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

ANNOUNCEMENTS



CITY OF CREVE COEUR – MINUTES
CITY COUNCIL MEETING
Monday, July 08, 2013
7:00 PM

The City Council meets the 2nd and 4th Monday of each month
6:00 p.m. – 7:00 p.m. – Work Session
7:00 p.m. – Regular Meeting of the City Council

1. CONSENT AGENDA

Council Member Hoffman moved, seconded by Council Member Saunders to approve the consent agenda as presented.

a. Council Minutes dated June 24, 2013

b. The Creve Coeur Arts Commission is requesting approval of the in-kind donation of \$2,000 for the use of the AMC Creve Coeur 12 Theater for the Silver Screen Series.

Mayor Glantz called the question for the approval of the consent agenda as presented, with the vote upon such motion being as follows, to-wit:

Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Rhoades – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

BILLS PAYABLE REPORT

For Information Only

Summary: A report of bills payable dated July 2, 2013 in the amount of \$468,789.88 has been provided for Council review. No vote is required.

Mr. Perkins stated that he had exercised his right as a property owner in the City by submitting a claim under the sewer lateral program.

UNFINISHED BUSINESS

2. Bill No. 5422 - An Ordinance To Amend And Adopt The 2009 International Building Code As The City's New Building Code For Commercial Structures. Final Reading and Passage

City Clerk read Bill No. 5422 for the final time.

Council Member Wang moved, seconded by Council Member Kreuter to approve Bill No. 5422.



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Monday, July 08, 2013
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Steve Unser, Chief Building Inspector stated the only change that has been made to the IBC is the effective date from July 1 to August 1, 2013. At the May 28th Council meeting, the Building Division staff was asked to have a meeting with the Building Code Board of Appeals and HBA representatives whom had specific comments/questions about the 2009 IRC. The meeting was held on June 25 and the HBA recommendations were discussed. At the meeting the Building Code Board of Appeals voted not to accept the recommendations. Mr. Kutta was also present at the meeting and he had two recommendations which were discussed at length. The Building Code Board of Appeals recommended that Mr. Kutta and staff meet and find an agreeable solution for both parties. Section M1503.4 was amended as agreed upon by Mr. Kutta and the city.

Council Member Rhoades moved, seconded by Council Member Saunders to amend Bill No. 5422 to change the effective date to August 1, 2013, with the vote upon such motion being as follows, to-wit:

Council Member Rhoades – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Mayor Glantz called the question for the approval of Bill No. 5422 as amended, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member Rhoades – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried. Amended Bill No. 5422 becomes Ordinance No. 5310.

**3. Bill No. 5423 - An Ordinance To Adopt The 2009 International Energy Conservation Code As The City's New Energy Conservation Code.
Final Reading and Passage**

City Clerk read Bill No. 5423 for the final time.



CITY OF CREVE COEUR – MINUTES
CITY COUNCIL MEETING
Monday, July 08, 2013
7:00 PM

Council Member Saunders moved, seconded by Council Member Hoffman to approve Bill No. 5423.

Council Member Rhoades moved, seconded by Council Member Saunders to amend Bill No. 5423 to change the effective date to August 1, 2013, with the vote upon such motion being as follows, to-wit:

Council Member Rhoades – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Sue Baseley, Chair of the Climate Action Task Force stated the Climate Action Task Force sent a letter to Council Members recommending the approval the IEC Code as this will assist in lowering greenhouse gasses. This is what the Climate Action Task Force was tasked to do by the Council years ago.

Mayor Glantz called the question for the approval of Bill No. 5423 as amended, with the vote upon such motion being as follows, to-wit:

Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Rhoades – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried. Amended Bill No. 5423 becomes Ordinance No. 5311.

**4. Bill No. 5424 - An Ordinance To Amend And Adopt The 2009
International Residential Code For One- And Two-Family Dwellings
As The City's New Residential Building Code. Final Reading and
Passage**

City Clerk read Bill No. 5424 for the final time.



CITY OF CREVE COEUR – MINUTES
CITY COUNCIL MEETING
Monday, July 08, 2013
7:00 PM

Council Member Saunders moved, seconded by Council Member Hoffman to approve Bill No. 5424 with change as noted by Mr. Unser.

Council Member Rhoades moved, seconded by Council Member Saunders to amend Bill No. 5424 to change the effective date to August 1, 2013, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member Rhoades – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Council Member Rhoades thanked Steve Unser and staff for the extra effort on the approval of these ordinances.

Mayor Glantz called the question for the approval of Bill No. 5424 as amended, with the vote upon such motion being as follows, to-wit:

Council Member Rhoades – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried. Amended Bill No. 5424 becomes Ordinance No. 5312.

5. Bill No. 5429 - An Ordinance Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of A Maintenance Agreement With The Missouri Highways And Transportation Commission For The Maintenance Of Illuminated Street Name Signs On Traffic Signals Located In The MoDOT Right-Of-Way At Conway Road And South New Ballas Road. Final Reading and Passage

City Clerk read Bill No. 5429 for the final time.



CITY OF CREVE COEUR – MINUTES
CITY COUNCIL MEETING
Monday, July 08, 2013
7:00 PM

Robert Kent resident of 13084 Fern Trails Lane asked if installing the illuminated street name signs is going to be a policy, a onetime event or is there something with this intersection.

Mark Perkins stated when signal equipment is being replaced the city and MoDOT are attempting to replace the street signs with the new illuminated signs as they are more visible at night. This is a high volume intersection and was intended to be a part of the Mercy improvements, although they are being installed a year later.

Mayor Glantz called the question for the approval of Bill No. 5429, with the vote upon such motion being as follows, to-wit:

Council Member Rhoades – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried. Bill No. 5429 becomes Ordinance No. 5313.

NEW BUSINESS

6. Bill No. 5431 - An Ordinance Authorizing The Issuance Of A New Conditional Use Permit For A 2,837 Square-Foot, Limited-Service, Ultimate Zoup Restaurant, Located At 810 North New Ballas Road, And Containing An Emergency Clause. First Reading

City Clerk read Bill No. 5431 for the first time.

Council Member Hoffman moved, seconded by Council Member Kramer for a second reading of Bill No. 5431.

Paul Langdon made a brief presentation regarding this application.

Greg Yawitz, property owner of 9200 Olive Blvd was present on behalf of the applicant, and stated the emergency reading is being requested due to lack of quorum at the Planning and Zoning meeting and deadlines for contracts that need to be met.

Mayor Glantz called the question for the approval of the second reading of Bill No. 5431, with the vote upon such motion being as follows, to-wit:

Council Member Kramer – Aye
Council Member Lawrence – Aye



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Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Rhoades – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

City Clerk read Bill No. 5431 for the second time.

Council Member Wang moved, seconded by Council Member Hoffman for the final passage of Bill No. 5431 on emergency basis as described, with the vote upon such motion being as follows, to-wit:

Council Member Rhoades – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried. Bill No. 5431 becomes Ordinance No. 5314.

7. Resolution No. 1066 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of An Agreement With St. Louis County Regarding A Community Development Block Grant For Ada Compliant Improvements To The Creve Coeur Government Center.

City Clerk read Resolution No. 1066.

Mark Perkins stated this is an annual grant and is limited to \$20,000. This year's grant will be used to replace the Tappmeyer House lift system and a series of ramps for ADA accessibility.

Council Member Hoffman moved, seconded by Council Member Kramer to approve Resolution No. 1066, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member Rhoades – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye



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7:00 PM

Council Member Lawrence – Aye

Council Member Kramer – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

8. Resolution No. 1067 - A Resolution Approving An Amendment To The Agreement For Legal Services Of Curtis, Heinz, Garrett, & O'Keefe, Carl J. Lumley, City Attorney And Leland B. Curtis, Assistant City Attorney.

Mr. Lumley stepped down from the dais.

City Clerk read Resolution No. 1067.

Mark Perkins stated Carl Lumley has been the City Attorney since 2003 and there has not been an adjustment to his contract since 2009.

Council Member Rhoades stated she greatly appreciates Mr. Lumley's expertise that he provides to Council and the city.

Council Member Wang moved, seconded by Council Member Kramer for the approval of Resolution No. 1067, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye

Council Member Wang – Aye

Council Member Rhoades – Aye

Council Member Saunders – Aye

Council Member Hoffman – Aye

Council Member Lawrence – Aye

Council Member Kramer – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Mr. Lumley returned to the dais.

BUSINESS FROM THE MAYOR and CITY COUNCIL

9. Residential Utility Tax Rates

Council Member Rhoades stated as she mentioned at the last Council meeting there are two different versions of the proposed ordinance. One is a permanent reduction and the other is a temporary reduction for a few years as the Council decides. Council Member Rhoades stated her strong personal preference would be for a modest permanent reduction so that it would be fairer between residential and commercial. The IRS doesn't allow for residents to claim utility tax on their taxes and commercial businesses are allowed to write off the taxes each year.



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Council Member Hoffman asked if we vote to decrease, would it then require a vote of the people to increase later if necessary.

Carl Lumley stated no.

Mark Perkins stated his perspective on this would be to look at our five year projection and take a temporary reduction and have it automatically revert instead of having the Council take action.

Council Member Rhoades stated her preference would be to have a permanent reduction of 1.5% which would affect the city budget by about \$186,000. Recent utility increases have been substantial and feels that some relief are due to the residents. If there is a need for a revenue source later then an increase in commercial taxes should be sought.

Council Member Hoffman asked what has been the increase in revenues to the city in response to the Ameren UE utility increases over the last few years.

Dan Smith stated the five year projection indicates a reduction in gross receipts tax and staff has not tracked the increases over the past few years.

Council Member Rhoades suggested increasing the commercial by .5% and it would cover most of the residential reduction.

Council Member Hoffman stated it would be helpful to have information to look at the projections over the next three to five years.

Dan Smith stated he doesn't believe we are going to be able to get the projected increases from Ameren for the next three to five years.

Council Member Lawrence asked if we could at least get the last five to ten years.

Council Member Kramer stated there is a Townhall meeting schedule for Ward I and it would be helpful to know the impact it would have on the residents.

Council Member Saunders stated in doing the math, it would be about \$24 per residence.

Robert Kent resident of 13084 Fern Trails Lane said he would like to see the city run as a zero gain and would like to see a permanent 2% decrease in the utility tax and expect to bring this subject up every time one of the utilities increases their rates.

Council Member Rhoades stated in the big picture of looking at the city having a surplus budget and it is deceptive to look at \$24 per household as insignificant. The tax rate continues to move forward and it is cumulative so it will make a difference as taxes continue to rise.

BUSINESS FROM CITY ADMINISTRATOR

10. Olive Boulevard TDD New Ballas Lighting



CITY OF CREVE COEUR – MINUTES
CITY COUNCIL MEETING
Monday, July 08, 2013
7:00 PM

Mark Perkins stated part of the TDD project was to install lighting along New Ballas Road. Matt Wohlberg on behalf of the city is serving as project manager. This project is a minor element of the project that the TDD agreed to complete many years ago.

Matt Wohlberg stated we visited this issue about three years ago and recently sought and received opinions and recommendation of the Planning and Zoning Commission regarding the style of lights to be installed as there is now an additional option available. Matt Wohlberg displayed the two different styles available. Planning and Zoning recommended the purchase and installation of the Herwig lights with the caveat that the Olive median replica lights be installed if the Council decided to appropriate funding for them. This light was favored over the other as the light hung over the sidewalk instead of directly on top of the pole.

Council Member Saunders asked if there was any question to replace one of the newly installed lights if one were damaged, since they will be custom.

Matt Wohlberg stated that is the reasoning for going through the presentation again and if the city wants to go with the custom lighting or if Council concurs with P & Z to go with regular lighting.

Council agreed to go with P & Z decision and the non-custom lighting.

Robert Kent resident of 13084 Fern Trails Lane stated last he heard the TDD had \$800,000 to bury the telephone poles from 270 to Ballas Road and asked where this project came from.

Matt Wohlberg stated staff is currently working with Ameren and they are in the final design phase of the burial project and hope to have by next month their proposal so that the City can see the scope and projected costs. The lighting project was an original project of the TDD.

Mark Perkins stated this project was included in an agreement between the TDD and property owners back when they agreed to be part of the TDD. The budget is limited to lower cost projects.

11. Space Needs Analysis - Government Center Renovations

Mark Perkins stated this item was included in our CIP for making improvements to the Government Center and include improvements for security, accessibility and space needs. Staff has begun moving along with the project.

Jim Heines stated the Government Building is a converted old school building originally built in 1947. After the city purchased it the construction of the building was gutted and abatement completed for lead and asbestos. In 2008, the city looked into remodeling the Council Chambers, unfortunately that was about the time we had a significant downturn in the economy. An energy audit was completed for Creve Coeur buildings and in 2009 the city began replacing some of the vital equipment in the building which had met its life expectancy. These improvements resulted in significant savings due to improved energy efficiency and reduced



CITY OF CREVE COEUR – MINUTES
CITY COUNCIL MEETING
Monday, July 08, 2013
7:00 PM

maintenance. Other energy improvements were made in the buildings and netted significant savings for the city by reducing energy consumption and maintenance costs.

Council Member Rhoades stated all of the studies and audit muddies the water and it is confusing with all of the projects going on and makes it unclear as to what the focus is.

Mark Perkins stated improvements are scheduled for the Dielmann Center and the energy improvements are scheduled for the Government Center. A needs assessment will assist in prioritizing. The hope is to have the Regional Parks Commission Grant funds pay for Dielmann Center improvements. The focus of this discussion was intended to be the space needs study for the Government Center. Staff put the energy audit in the packet so that Council knows the intent on pursuing some of the energy audit projects.

Council Member Lawrence asked what the payback schedule for the incentives is.

Jim Heines stated the incentives are usually rebates or a onetime check.

Council Member Lawrence stated after the rebates the City will spend a very nominal amount in comparison to the savings that will be taking place in energy costs.

Council Member Hoffman asked about the city looking into solar panels for electricity.

Jim Heines stated it wouldn't serve the building completely but could offset.

Council Member Rhoades stated the broader picture here is how are we going to use the buildings over the years and the larger question is when do we remodel and when to we pursue other options.

Mark Perkins stated that is a good point and we would like to have a consultant to review our needs, lay out the scope of the project and include what we would like to see. We are not sure what we are looking at right now.

Council Member Rhoades stated the best Council work session we had was a tour of the building. Since we have several changes on the dais it would be a good idea to do again soon.

Council Member Saunders stated it would be helpful to get some outside input from residents or committee/board members.

Sue Baseley, Climate Action Task Force stated the Climate Action Task Force has been working on the energy audit for years and this is what they were tasked to do.

Mark Perkins stated staff will complete the RFQ for the space needs analysis and get it out.

Council Member Hoffman moved, seconded by Council Member Kramer to adjourn at 8:31 p.m., with the vote upon such motion being as follows, to-wit:



CITY OF CREVE COEUR – MINUTES
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Monday, July 08, 2013
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Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Rhoades - Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Submitted by:

Deborah Ryan
City Clerk

Barry Glantz
Mayor

RESOLUTION NO. 1068

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AUTHORIZING THE EXECUTION OF A CONTRACT INCREASE WITH GROVE DESIGN GROUP, LLC, FOR ENGINEERING SERVICES RELATED TO THE GRAESER ROAD RESURFACING PROJECT FOR THE AMOUNT OF \$5,039.30.

WHEREAS, the City Council of the City of Creve Coeur authorized the pursuit of federal grant funding for the resurfacing of Graeser Road through Resolution 947 and later authorized the execution of a federal grant agreement for the project through Ordinance 5274;

WHEREAS, the City has been awarded federal grant funding through the Surface Transportation Program (STP) to assist with the cost of designing and constructing the improvements to Graeser Road;

WHEREAS, Grove Design Group, LLC, was determined by City staff to be the best qualified firm to complete the design services necessary for the improvements to Graeser Road, and the City Council of the City of Creve Coeur authorized the execution of a contract between Grove Design Group, LLC, and the City through the passage of Resolution 1046 on February 11, 2013;

WHEREAS, Supplemental Agreement #1, for the sum of \$5,039.30, has become necessary in order to secure easements for sidewalk updates, and the net resulting cost increase will exceed 10% of the original contract sum;

WHEREAS, Chapter 140 of the Municipal Code of the City of Creve Coeur states that contract increases to professional services contracts must be presented to the City Council of the City of Creve Coeur for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CREVE COEUR, AS FOLLOWS:

Section 1. The Contract change order between **Grove Design Group, LLC**, and the City regarding the Graeser Road Resurfacing Project, attached hereto as "Supplemental Agreement No. 1 to Engineering Services Contract" and referred to herein as "Exhibit A," with a **sum of \$ 5,037.30**, is hereby approved and the City Administrator is hereby authorized and directed to enter into and execute that Contract change order. The Contract change order as executed shall be in substantially the form of "Exhibit A," with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Resolution. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient, or proper in order to carry out the intent of this Resolution, the matters herein authorized, and the rights and duties of the City under the Contract.

Section 2. The execution of the Contract change order described above and attached hereto as "Exhibit A" shall be contingent upon the approval of the Missouri Department of Transportation (MoDOT), as MoDOT approval of the Contract change order is required for the obligation of funding for the STP grant for the Graeser Road project. Should MoDOT refuse or otherwise fail to approve the Contract change order in

RESOLUTION NO. 1068

substantially the form of "Exhibit A," authorization to execute this Contract change order may, at the discretion of the City Administrator, be rescinded, and the Contract change order shall become void.

Adopted this 22nd day of July, 2013.

Barry Glantz
Mayor

Attest:

Deborah Ryan
City Clerk

EXHIBIT A

SUPPLEMENTAL AGREEMENT NO. 1 TO ENGINEERING SERVICES CONTRACT

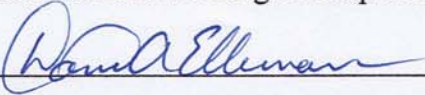
This Supplemental Agreement is made part of an agreement dated February 14, 2013 between the City of Creve Coeur, Missouri and Grove Design Group LLC for design and construction inspection of project STP-5526(638). The purpose of this Supplemental Agreement is to provide exhibits suitable for obtaining temporary construction and permanent sidewalk easements, roadway dedication documents, and to amend the Period of Service for the Design Phase. Due to the unforeseen right of way acquisition phase, PS&E Approval by MODOT shall be completed on February 28, 2014, rather than September 30, 2013. These additional services shall be in an amount not to exceed five thousand thirty-nine dollars and thirty cents (\$5,039.30) without further authorization. The total design phase services shall be in an amount not to exceed fifty thousand six hundred sixty-six dollars and ninety-seven cents (\$50,666.97). Attachment A outlines the cost breakdown for this Supplemental Agreement.

Supplement Agreement No. 1 accepted as defined herein:

OWNER: City of Creve Coeur

ENGINEER: Grove Design Group LLC

BY: _____

BY: 

TITLE: _____

TITLE: Project Manager

DATE: _____

DATE: 7/16/13

ATTEST:

BY: _____

BY: 

TITLE: _____

TITLE: PRESIDENT

DATE: _____

DATE: 7/16/2013

Executed by the City on the ____ day of ____, 2013.

ATTACHMENT A
SUPPLEMENTAL AGREEMENT NO. 1
JUNE 17, 2013

ADDITIONAL DESIGN PHASE SERVICES

	<u>Hours</u>	<u>Rate</u> <u>(Salary Only)</u>	<u>Cost</u>
<i>Preliminary Design</i>			
Principal	10	31.25	312.50
Project Manager	23	41.00	943.00
Engineer II	12	31.25	375.00
Engineer I	0	24.25	0.00
<i>Final Design</i>			
Principal	0	31.25	0.00
Project Manager	0	41.00	0.00
Engineer II	0	31.25	0.00
Engineer I	0	24.25	0.00
<i>Bidding</i>			
Principal	0	31.25	0.00
Project Manager	0	41.00	0.00
Engineer II	0	31.25	0.00
Engineer I	0	24.25	0.00
SUBTOTAL	45	36.23	1,630.50
<i>Payroll Overhead (Est. at 60.00% X SUBTOTAL)</i>			978.30
<i>General and Admin. Overhead (Est. at 100.00% X SUBTOTAL)</i>			1,630.50
TOTAL LABOR & OVERHEAD			4,239.30
<i>Fixed Fee (0.00% X TOTAL LABOR & OVERHEAD)</i>			0.00
TOTAL LABOR, OVERHEAD & FIXED FEE			4,239.30
<i>Other Direct Costs</i>			0.00
<i>Subcontract Pass-Through Costs</i>			
Surveying	Sabur, Inc.		800.00
TOTAL SUPPLEMENTAL AGREEMENT NO. 1			5,039.30
Design Phase Summary:			
Original Agreement			45,627.67
Supplemental Agreement No. 1			5,039.30
Total			50,666.97



DEPARTMENT OF PUBLIC WORKS STAFF MEMORANDUM

DATE: July 17, 2013

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works

FROM: Matt Wohlberg, P.E., City Engineer

SUBJECT: Review and Recommendation of Supplemental Agreement #1
Graeser Road Resurfacing Project STP-5526(638)

A change order, in the form of a supplemental agreement, has become necessary for the design services related to the Graeser Road Resurfacing Project. This change order is required to receive the approval of the City Council, because its value exceeds 10% of the original contract amount.

Graeser Road Resurfacing Project

The Graeser Road Resurfacing Project will involve both the replacement of the top layer of asphalt pavement on Graeser Road between Ladue Road and Olive Boulevard and sidewalk improvements and updates to bring the existing sidewalk into substantial compliance with the current accessibility regulations. This project is currently being designed and is expected to be constructed during the spring and summer of 2014.

Reason for Supplemental Agreement

Through the site survey and the development of the preliminary plans for the project, Grove Design Group (Grove), the City's engineering consultant for the project, found that the existing easements and/or right of way did not provide sufficient space to construct or maintain the necessary updates to the Graeser Road sidewalk. In general, the insufficient right of way was found at intersections, and small sidewalk easements and construction easements will be sought from the adjacent property owners. More area will be sought at Wyndtop Lane (a private street) where the proposed sidewalk would otherwise pass through private property and at First Community Credit Union (10950 Olive Boulevard) where a significant area of the parking lot will need to be repaved to achieve the necessary grades for the sidewalk.

Staff did not feel that it would be correct to include right-of-way acquisition into the original design services contract for two reasons. First, a sidewalk already existed along Graeser Road, and adequate right of way or easements was implied. Second, the scope of these services would have been an estimate that could have only been verified by the site survey and preliminary design. The contract value would have been too high or a supplemental agreement would have been necessary anyway.

Right-of-way services were included in the general scope of services sought for the project in order to streamline the process to include them through a supplemental agreement, as is the current case.

Cost Summary

The additional services needed to develop the necessary right of way and easement documents are included in Supplemental Agreement #1 for the not-to-exceed price of \$ 5,039.30. The original contract amount was for \$ 45,627.67. Therefore, Supplemental Agreement #1 represents an increase of 11.0% in the contract value.

City staff understands that such an increase to a professional services contract must be approved by the City Council in order to comply with the City's purchasing policy.

Recommendation

City staff has found this estimate to be reasonable and the alternatives to be ill advised. For example, it appears unlikely that another firm could perform these services for less. Furthermore, hiring a different firm would require the City to issue a new request for qualifications for these services, which could take months to complete.

City staff recommends the approval of the proposed supplemental agreement for the design services and direct expenses associated with the necessary sidewalk easements and right of way.

RESOLUTION NO. 1069

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE CITY OF CHESTERFIELD, UNDER THE COOPERATIVE SALT PROGRAM, FOR PURCHASING 1,000 TONS OF SALT FOR AN AMOUNT OF \$41,890.00.

WHEREAS, it is necessary to supplement the City's salt reserve in order to keep our streets safe during the winter months; and

WHEREAS, the City provides safe public rights of way for its commercial and residential communities; and

WHEREAS, the City participates in a Cooperative Salt Program with the City of Chesterfield to obtain the lowest price based on high volume purchasing; and

WHEREAS, these goods have been competitively bid per the requirements outlined in the City of Creve Coeur Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, AS FOLLOWS:

Section 1: The Agreement between City of Chesterfield and the City of Creve Coeur to purchase 1,000 tons of salt for an amount of \$41,890.00 is hereby approved and the execution is hereby authorized. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Resolution, the matters herein authorized, and the rights and duties of the City under the Agreement.

Adopted this 22nd day of July, 2013.

Barry Glantz
Mayor

Attest:

Deborah Ryan, MPCC
City Clerk



DEPARTMENT OF PUBLIC WORKS OFFICE MEMO

DATE: July 12, 2013

TO: Mark C. Perkins, City Administrator

FROM: Jim Heines, Director of Public Works

SUBJECT: Annual De-icing Salt Purchase from the Salt Co-op Program

For approximately 15 years, the city has participated in a Salt Co-op group to purchase road salt. The Salt Co-op is a group of cities in the St. Louis area who have joined together to purchase salt in a bulk order to obtain a better pricing. The group is headed by the City of Chesterfield who performs the bidding process as well as managing the program including the accounting and payments for the bulk salt deliveries by barge. Public Works staff was required to commit to a quantity of de-icing salt in May of 2013 so the Salt Co-op could bid specific quantities to obtain a lower price.

Recently, the Salt Co-op opened bids for winter and spring salt purchases. The results of the bid revealed the unit cost to be equal to last year's purchase (\$41.89 per ton). Delivery costs also remained the same at \$7.73 per ton.

Due to the amount of salt we used last year, our salt dome is about 50% full. For this reason, Public Works staff has ordered 700 tons for the fall delivery (Nov. -Dec.). and 300 tons delivery in the spring (Jan.-March) for an annual total of 1000 tons.

The cost to purchase 1000 tons of salt for FY14 is \$41,890 and delivery is \$7,730 for a total of \$49,620. Council approved \$82,000.00 in the FY14 budget for salt purchase, delivery and snow fighting related supplies in account number 01-31-41-7310. The purchase and delivery of this material is within the budgeted amount.

Public Works staff recommends approving the purchase of 1000 tons of de-icing salt from the Salt Co-op. Payments are to be made to the City of Chesterfield for an amount of \$41,890. If the salt purchase is approved, Public Works staff will submit a Purchase Order request for the cost of the delivery in the amount of \$7,730 to the City Administrator for approval.



City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, Missouri 63141
(314) 432-6000
www.creve-coeur.org

DATE: July 17, 2013

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance

SUBJECT: Bills Payable

For your information and transmittal to the City Council, is a list of bills payable dated July 17, 2013 in the amount of \$545,429.51.



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

7/17/2013

NO DEPT - NO DIV

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
02001	0		071113	11-Jul-13	BAKER, MICHELLE	REFUND O/P DOG PARK FEE	01-00-00-4415	15.00
00080	0		4684115	03-Jul-13	DIERBERGS	PRISONER MEALS	01-00-00-2410	26.53
00080	0		7170100	03-Jul-13	DIERBERGS	CREDIT FOR SALES TAX CHARGED	01-00-00-2410	-1.14
00364	0	P001556	062813	28-Jun-13	GULF STATES DISTRIBUTORS	8000 ROUNDS AE40R3 FEDERAL .40	01-00-00-2411	2,120.00
02003	0		072213	02-Jul-13	PUGH, MIKE	SEWER LATERAL REPAIR REIMB	02-00-00-1901	1,560.00
00065	2001		070213	02-Jul-13	SOMA PROPERTIES LLC	SEWER LATERAL REPAIR REIMB	02-00-00-1901	2,440.00
00092	0		49747	03-Jul-13	ST LOUIS COUNTY	ST LOUIS COUNTY HOUSING CHRGS	01-00-00-2410	30.00
Sum of Invoices								6,190.39



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

7/17/2013

LEGISLATIVE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00019	0		93469	30-Jun-13	CURTIS, HEINZ, GARRETT & O'KEEFE	LEGAL FEES-CITY ATTY JUNE 2013	01-11-12-6201	10,736.00
02004	0		30828A 1	27-Jun-13	DOCUMENT & NETWORK TECHNOLOGIES, INC.	50% PAYMENT-DOCUMENT SCANNING	01-11-13-6202	3,848.94
01000	0		070813	30-Jun-13	SULLIVAN PUBLICATIONS	QTRLY CODE BOOK UPDATES	01-11-13-6203	2,545.00
Sum of Invoices								17,129.94



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

7/17/2013

Administration

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01120	0		063013	30-Jun-13	ASI	FLEX PLAN ADMIN FEES-JUNE 2013	01-12-11-6203	181.90
00053	0		78716	30-Jun-13	MERCY CORPORATE HEALTH	PRE-EMPLOYMENT PHYSICAL	01-12-11-6271	95.00
00053	0		77716	20-Jun-13	MERCY CORPORATE HEALTH	PRE-EMPLOYMENT PHYSICAL	01-12-11-6271	95.00
01048	0		9707494150 GF	30-Jun-13	VERIZON WIRELESS	CELL PHONES JUNE 2013	01-12-11-6253	52.02
Sum of Invoices								423.92



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

7/17/2013

IT

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00073	0	P001687	DJ13579	08-Jul-13	CDW-G	10 VIEWSONIC VA2448M-LED MONIT	01-12-51-7331	1,699.90
01083	0	P001704	139248	01-Jul-13	CIVIC PLUS	ANNUAL FEE FOR HOSTING AND SUP	01-12-51-6213	7,686.00
00050	0		INV0029973	30-Jun-13	REJIS	LEWEB LOGON ISSUES	01-12-51-6213	41.50
Sum of Invoices								9,427.40



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

7/17/2013

FINANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00655	0		01150352 7/13	15-Jul-13	AICPA	ANNUAL DUES-D. SMITH	01-13-11-6262	225.00
01048	0		9707494150 GF	30-Jun-13	VERIZON WIRELESS	CELL PHONES JUNE 2013	01-13-11-6253	52.02
Sum of Invoices								277.02



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

7/17/2013

MUNICIPAL COURT

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00779	0	P001653	INV00011403	31-Jan-13	AMERICAN TRAFFIC SOLUTIONS	CAMERA FEES-JAN 2013	01-13-14-6248	45,115.00
00779	0	P001653	INV00012542	31-May-13	AMERICAN TRAFFIC SOLUTIONS	CAMERA FEES-MAY 2013	01-13-14-6248	43,369.00
00779	0	P001653	INV0012243	30-Apr-13	AMERICAN TRAFFIC SOLUTIONS	CAMERA FEES-APRIL 2013	01-13-14-6248	27,966.00
00045	0		657466940001	25-May-13	OFFICE DEPOT	LOCKING 4DR LATERAL FILE CAB	01-13-14-9503	479.99
00166	0		528348	15-Jun-13	OFFICEMAX	AIR PURIFIER FOR COURT OFFICE	01-13-14-7304	215.99
01169	0		3203257833	29-Jun-13	STAPLES ADVANTAGE	PRINTER STAND-BOOKING ROOM	01-13-14-6202	134.99
Sum of Invoices								117,280.97



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

7/17/2013

INTERDEPARTMENTAL

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00447	0		547244	27-Jun-13	THE DANIEL & HENRY CO.	13-14 PUB OFFICIALS INS.	01-13-15-6222	25,847.00
00447	0		547264	27-Jun-13	THE DANIEL & HENRY CO.	13-14 PROPERTY INS RENEWAL	01-13-15-6226	58,255.00
00077	0		3530476	20-Jun-13	QUILL	TONER	01-13-15-7312	423.56
01169	0		3202795728	22-Jun-13	STAPLES ADVANTAGE	TONER	01-13-15-7312	442.48
Sum of Invoices								84,968.04



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

7/17/2013

ICE ARENA

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01644	0		96729	28-Jun-13	AA KEY & LOCK SERVICE	KEYS	06-14-31-6203	32.50
00080	0		7360-116-5	28-Jun-13	DIERBERGS	BIRTHDAY CAKE	06-14-31-7304	21.99
00867	0	P001629	22146	13-Jun-13	MURPHY	REPLACE ARMSTRONG 15HP GLYCOL	06-14-31-6211	3,076.36
01048	0		9707494150	30-Jun-13	VERIZON WIRELESS	CELL PHONE JUNE 2013	06-14-31-6253	52.02
Sum of Invoices								3,182.87



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

7/17/2013

GOLF MAINTENANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00013	0		1763-210748	17-May-13	CARQUEST AUTO PARTS	BATTERY & BELT E260	06-14-32-6210	95.60
00141	0		100698	26-Jun-13	ELECTRO BATTERY	BATTERY FOR JOHN DEERE	06-14-32-6210	119.27
00081	0		9175204800	24-Jun-13	GRAINGER	MARKING PAINT, CABLE TIES	06-14-32-6212	13.88
00175	0		910471-00	26-Jun-13	MTI DISTRIBUTING, INC.	WHEEL & SHAFT FOR TORO 1000	06-14-32-6211	77.44
00173	0		IN112077	14-Jun-13	SUPREME TURF PRODUCTS	FUNGICIDE FOR GREENS	06-14-32-7303	549.50
00173	0		IN112098	20-Jun-13	SUPREME TURF PRODUCTS	LIQUID NITROGEN FOR GREENS	06-14-32-7303	80.00
00173	0		IN112094	18-Jun-13	SUPREME TURF PRODUCTS	FUNGICIDES FOR GREENS	06-14-32-7303	700.00
00173	0		IN112154	22-Jun-13	SUPREME TURF PRODUCTS	HERBICIDE FOR PONDS	06-14-32-7303	75.00
Sum of Invoices								1,710.69



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

7/17/2013

PRO SHOP

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00116	0		3335	20-Jun-13	SAM'S CLUB	GENERAL SUPPLIES	06-14-33-7304	32.51	
Sum of Invoices									32.51



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

7/17/2013

SNACK BAR

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00084	0	P001579	3828167517	28-Jun-13	COCA-COLA	SODA FOR RESALE (8317)	06-14-34-8317	658.82
00116	0		7251	26-Jun-13	SAM'S CLUB	WATER FOR RESALE	06-14-34-8317	14.94
00116	0		3335	20-Jun-13	SAM'S CLUB	FOOD FOR RESALE	06-14-34-8315	62.42
00116	0		3335	20-Jun-13	SAM'S CLUB	SNACKS FOR RESALE	06-14-34-8319	219.89
Sum of Invoices								956.07



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

7/17/2013

BUILDING MAINTENANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01644	0		97182	28-Jun-13	AA KEY & LOCK SERVICE	KEYS FOR CITY HALL	01-16-11-6212	85.00
01550	0		452-6254311	02-Jul-13	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (7/2/13)	01-16-11-7308	7.92
01550	0		452-6280164	09-Jul-13	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (7/8/13)	01-16-11-7308	7.92
01448	0	P001474	701060	01-Jul-13	BUILDINGSTARS	CLEANING SERVICE FOR CITY HALL	01-16-11-6212	1,420.00
01448	0	P001474	701060	01-Jul-13	BUILDINGSTARS	CLEANING SERVICE FOR POLICE DE	01-16-11-6212	1,350.00
00117	0		2034572	11-Jul-13	HOME DEPOT	BUILDING SUPPLIES	01-16-11-6212	92.27
00117	0		2034572	11-Jul-13	HOME DEPOT	HAMMER DRILL, COMPACT DRILL	01-16-11-7302	308.00
01048	0		9707494150 GF	30-Jun-13	VERIZON WIRELESS	CELL PHONES JUNE 2013	01-16-11-6253	32.30
00054	0		02010374	02-Jul-13	WALTER KNOLL FLORIST	ATRIUM FLORAL MAINT-AUG 2013	01-16-11-6212	80.00
Sum of Invoices								3,383.41



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

7/17/2013

POLICE-ADMIN

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01310	0		13100	12-Jul-13	A1 BARCODE SYSTEMS	ANNUAL SOFTWARE SUPPORT	01-21-11-6211	335.16
00195	0	P001628	061513	15-Jun-13	ALARM 24, INC.	1 KEY CARD READER CHIEF'S OFFI	01-21-11-9503	949.98
00195	0	P001628	061513	15-Jun-13	ALARM 24, INC.	1 KEY CARD READER WORKSTATION	01-21-11-9503	1,010.00
00195	0	P001628	061513	15-Jun-13	ALARM 24, INC.	1 KEY CARD READER SOUTH OVERHE	01-21-11-9503	1,753.99
00195	0	P001628	061513	15-Jun-13	ALARM 24, INC.	1 KEY CARD READER NORTH OVERHE	01-21-11-9503	534.50
00195	0	P001628	061513	15-Jun-13	ALARM 24, INC.	1 KEY CARD READER OUTSIDE PEDE	01-21-11-9503	155.47
01068	0		109020	09-Jul-13	DNT	REC ROOM COPIER QTRLY MAINT.	01-21-11-6213	238.05
00125	0		295452-01	28-Jun-13	LEON UNIFORM	LT. RETIREMENT ITEMS	01-21-11-7306	119.50
00045	0		661392720001	28-Jun-13	OFFICE DEPOT	OFFICE SUPPLIES CHIEFS OFFICE	01-21-11-9501	15.67
01378	0		04659	30-Jun-13	PERSONNEL EVALUATION INC.	(9)PERSONNEL EVAL PROFILES	01-21-11-6203	180.00
00092	0	P001689	49983	08-Jul-13	ST LOUIS COUNTY	C.A.R.E. CONTRACT-JULY 2013	01-21-11-6202	23.91
01169	0		8026122206	29-Jun-13	STAPLES ADVANTAGE	OFFICE SUPPLIES CHIEF'S OFFICE	01-21-11-9501	52.23
02005	0		032613	26-Mar-13	STOTLER, CHRISTINA	TUITION REIMBURSEMENT	01-21-11-6261	1,866.50
01048	0		9707494150 GF	30-Jun-13	VERIZON WIRELESS	CELL PHONES JUNE 2013	01-21-11-6253	84.32
01436	0	P001707	14-002	01-Jul-13	WEST CENTRAL DISPATCH CENTER	FY 14 BASE FEE	01-21-11-6202	100,000.00
01436	0	P001707	14-002	01-Jul-13	WEST CENTRAL DISPATCH CENTER	FY 14 1ST QTR UTILIZATION FEE	01-21-11-6202	82,896.00
00091	0	P001688	211981	01-Jul-13	WIRELESS USA	ANNUAL MAINT CONTRACT-RADIOS	01-21-11-6211	1,569.96
00091	0		212064	25-Jun-13	WIRELESS USA	ANTENNA & CHARGE GUARD CAR 3	01-21-11-6211	292.56
Sum of Invoices								192,077.80



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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POLICE-INVESTIGATIONS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00094	0		164875	12-Jul-13	FIRESTONE	CAR 2415 3000 MILE SERVICE	01-21-21-6210	22.99
01358	0	P001696	224225	01-May-13	LEADS ONLINE	ANNUAL LEADSONLINE TOTALTRACK	01-21-21-6202	792.00
01228	0		1432814-20130630	30-Jun-13	LEXISNEXIS	JUNE USER FEES	01-21-21-6202	185.65
00273	0		T1306011	02-Jul-13	ST LOUIS UNIVERSITY	TOXICOLOGY LABORATORY SVCS	01-21-21-6202	200.00
01048	0		9707494150 GF	30-Jun-13	VERIZON WIRELESS	CELL PHONES JUNE 2013	01-21-21-6253	193.80
Sum of Invoices								1,394.44



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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POLICE-PATROL

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01821	0		308335	05-Jul-13	ALL STAR DODGE CHRYSLER JEEP	CAR 2405 3000 ML SVS, SEATBLT	01-21-22-6210	39.94
01821	0		307492	20-Jun-13	ALL STAR DODGE CHRYSLER JEEP	CAR 2403 3000 ML SVS. LEFT REAR AXLE SEAL	01-21-22-6210	38.03
00891	0		1210	16-May-13	ANDY'S MOTORCYCLE REPAIR	MOTOR 2420 VARIOUS REPAIRS	01-21-22-6210	818.95
00007	0		379-621157	03-Jul-13	BATTERIES PLUS - 270	24 AA AND 24 AAA BATTERIES	01-21-22-7302	19.20
00295	0	P001627	1576845	27-Jun-13	CARDIAC SCIENCE	14 #9131-001 ADULT ELECTRODES	01-21-22-6271	448.00
00295	0	P001627	1576845	27-Jun-13	CARDIAC SCIENCE	12 #9730-002 PEDIATRIC	01-21-22-6271	888.00
01403	0		17996	15-Jul-13	CRIMEREPORTS.COM	CRIME RPTS ANNUAL SUB RENEWAL	01-21-22-6202	396.00
00096	0		135550	01-Jul-13	EVS	REPLACE LPR CAMERA ANTENNA	01-21-22-6211	20.00
00096	0	P001657	135548	30-Jun-13	EVS	1 EA CHARGE GUARD FOR CAR 2410	01-21-22-6210	89.00
00096	0	P001657	135546	30-Jun-13	EVS	CHANGEOVER FOR CAR 2411	01-21-22-6210	1,011.51
00096	0	P001657	135547	30-Jun-13	EVS	CHANGEOVER FOR CAR 2402	01-21-22-6210	80.00
00096	0	P001657	135549	30-Jun-13	EVS	CHANGEOVER FOR CAR 2407	01-21-22-6210	456.51
00096	0	P001657	135549	30-Jun-13	EVS	CHANGEOVER FOR CAR 2407	01-21-22-6210	998.49
00094	0		164815	10-Jul-13	FIRESTONE	CAR 2419 3000 MILE SERVICE	01-21-22-6210	22.99
00094	0		164824	10-Jul-13	FIRESTONE	CAR 2404 3000 MILE SERVICE	01-21-22-6210	22.99
00094	0		164303	24-Jun-13	FIRESTONE	CAR 2424 REAR BRAKES, 3000 MILE	01-21-22-6210	294.26
00045	0		07092013	09-Jul-13	OFFICE DEPOT	(2) OFFICE CHAIRS	01-21-22-9504	485.98
00266	0		248260	10-Jul-12	SUNTRUP	CAR 24 WIPER SWITCH ASSY.	01-21-22-6210	297.35
01048	0		9707494150 GF	30-Jun-13	VERIZON WIRELESS	CELL PHONES JUNE 2013	01-21-22-6253	362.44
01931	0	P001637	4REINV0001397	20-May-13	WATCH GUARD VIDEO	7 EA IN-CAR VIDEO SYSTEMS	01-21-22-9503	34,490.00
01931	0	P001637	4REINV0001398	20-May-13	WATCH GUARD VIDEO	SERVER/SOFTWARE FOR IN-CAR VID	01-21-22-9503	15,455.00

Sum of Invoices 56,734.64



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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PUBLIC WORKS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01048	0		9707494150 GF	30-Jun-13	VERIZON WIRELESS	2013	01-31-11-6253	368.63
01048	0		9706533940	13-Jun-13	VERIZON WIRELESS	6/13/13	01-31-11-6253	40.01
Sum of Invoices								408.64



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

7/17/2013

STREETS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00131	0		9910983819	30-Jun-13	AIRGAS	WELDING GAS/TANKS	01-31-41-7307	51.85
01550	0		452-6280162	09-Jul-13	ARAMARK UNIFORM SERVICES	MOP RENTAL (7/9/13)	01-31-41-6212	8.91
01550	0		452-6254309	02-Jul-13	ARAMARK UNIFORM SERVICES	MOP RENTAL (7/2/13)	01-31-41-6212	8.91
01550	0		452-6280162	09-Jul-13	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (7/9/13)	01-31-41-7308	43.00
01550	0		452-6254309	02-Jul-13	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (7/2/13)	01-31-41-7308	43.00
01980	0		620368	02-Jul-13	BLUE CHIP EXTERMINATING	PEST CONTROL AT SHOP-JULY 2013	01-31-41-7301	26.00
00693	0		267891	20-Jun-13	BMC ENTERPRISES, INC.	CONCRETE FOR REPAIRS	01-31-41-7305	356.72
00712	0		P10626	24-Jun-13	BOBCAT COMPANY	WIRE HARNESS FOR MILLER	01-31-41-6211	231.05
00010	0		929621	02-Jul-13	BRANNEKY HARDWARE	BLEACH	01-31-41-7301	4.78
00013	0		1763-213172	10-Jul-13	CARQUEST AUTO PARTS	MINI LAMPS FOR TRUCKS	01-31-41-6210	11.80
00013	0		1763-213175	10-Jul-13	CARQUEST AUTO PARTS	CARB CLEANER	01-31-41-6210	40.68
00013	0		1763-213098	08-Jul-13	CARQUEST AUTO PARTS	OIL FILTER	01-31-41-6210	2.62
00013	0		1763-213122	09-Jul-13	CARQUEST AUTO PARTS	BATTERY LOAD TESTER	01-31-41-6210	59.59
00013	0		1763-213259	11-Jul-13	CARQUEST AUTO PARTS	PARTS FOR EXHAUST ON 2-TON	01-31-41-6210	19.52
00013	0		1763-212792	01-Jul-13	CARQUEST AUTO PARTS	GREASE GUNS	01-31-41-6211	109.97
00011	0		29031891	08-Jul-13	CARTER-WATERS LLC	SUPPLIES FOR CONCRETE WORK	01-31-41-7305	130.77
00099	0		1307355	30-Jun-13	CEEKAY SUPPLY	WELDING GAS/TANKS	01-31-41-7307	62.10
01393	0		81460	30-Jun-13	COMMERCIAL PUMPING SERVICES	HYDROJET CATCH BASINS/PIPES	01-31-41-7305	1,027.50
00141	0		100942	05-Jul-13	ELECTRO BATTERY	BATTERIES-TRUCK 312	01-31-41-6210	218.68
00141	0		100782	01-Jul-13	ELECTRO BATTERY	CREDIT-JUNK RETURN	01-31-41-6210	-9.00
00141	0		100781	01-Jul-13	ELECTRO BATTERY	BATTERIES FOR TRUCK 202	01-31-41-6210	200.74
00049	0		35838.	09-Jul-13	EMPLOYEE STAFFING GROUP	TEMP PERSONNEL FOR W/E 7/7/13	01-31-41-6207	1,185.60
00117	0		5025471	08-Jul-13	HOME DEPOT	1 PALLET CONCRETE MIX	01-31-41-7305	198.70
01136	0		65264566	01-Jul-13	JOHN DEERE LANDSCAPES	WEED KILLER	01-31-41-6211	158.47
00789	0		418185	10-Jul-13	K&K SUPPLY	LATEX GLOVES	01-31-41-7308	84.00
00209	0	P001671	176224/1	26-Jun-13	KIRKWOOD MATERIAL SUPPLY	BOULDERS AND LANDSCAPE SUPPLIE	01-31-41-7303	2,065.13
01831	0		2146	17-Jun-13	KURTZ NURSERY & TOPSOIL CO.	TOPSOIL FOR SHOP SUPPLY	01-31-41-6212	124.00
00156	0		56511	08-Jul-13	L & C TRUCK REPAIR, INC.	REPAIRS TO TRUCK 305	01-31-41-6210	528.05
00786	0		0457635-IN	30-Jun-13	NEUMAYER EQUIPMENT COMPANY	REPAIRS TO GAS PUMPS & TRAININ	01-31-41-6211	1,732.64



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

STREETS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00865	0	P001642	236601.	24-Jun-13	OUTDOOR SOLUTIONS	GROUNDS MAINT OLIVE/270	01-31-41-6212	1,450.00
00047	0		R28863	30-Jun-13	PAT KELLY EQUIPMENT	AIR COMPRESSOR RENTAL 6/17-7/1	01-31-41-6266	699.98
00110	0		315093	03-Jul-13	RICMAR INDUSTRIES	CHEMICALS FOR STREETS/PARKS	01-31-41-7301	208.94
00492	0	P001675	149795	28-Jun-13	TOMASOVIC GREENHOUSE	PERENIALS FOR OLIVE & BALLAS	01-31-41-7303	13,697.97
01048	0		9707494150 GF	30-Jun-13	VERIZON WIRELESS	CELL PHONES JUNE 2013	01-31-41-6253	122.00
00104	0		S18129	09-Jul-13	VERMEER	CHIPPER REPAIR	01-31-41-6211	507.95
00311	0		574407	03-Jul-13	WEBER CHEVROLET	REPLACE AIR BAG LIGHT SENSOR	01-31-41-6210	465.14
Sum of Invoices								25,877.76



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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HEALTH & WELFARE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01836	0		80591	01-May-13	CRITTER CONTROL	ANIMAL REMOVAL	01-31-42-6214	209.00
01048	0		9707494150 GF	30-Jun-13	VERIZON WIRELESS	CELL PHONES JUNE 2013	01-31-42-6253	32.30
Sum of Invoices								241.30



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

7/17/2013

PARKS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550	0		452-6280162	09-Jul-13	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (7/9/13)	01-31-43-7308	43.00
01550	0		452-6254309	02-Jul-13	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (7/2/13)	01-31-43-7308	43.00
01980	0		620368	02-Jul-13	BLUE CHIP EXTERMINATING	PEST CONTROL AT SHOP-JULY 2013	01-31-43-7301	26.00
00010	0		930039	10-Jul-13	BRANNEKY HARDWARE	BRASS FITTINGS FOR WATER PUMP	01-31-43-6212	14.48
00010	0		929959	10-Jul-13	BRANNEKY HARDWARE	PARTS FOR WATER PUMP	01-31-43-6212	4.58
00010	0		929960	10-Jul-13	BRANNEKY HARDWARE	CREDIT MEMO-MDSE RETURN	01-31-43-6212	-14.48
00455	0		6522	26-Jun-13	CHECKER BAG COMPANY	TRASH BAGS FOR PARKS	01-31-43-6212	319.00
00127	0		01 1097628	24-Jun-13	ERB EQUIPMENT COMPANY	AIR FILTER-JOHN DEERE 5200	01-31-43-6211	18.62
00127	0		01 1097925	26-Jun-13	ERB EQUIPMENT COMPANY	PARTS FOR SKIDSTEER	01-31-43-6211	16.72
00127	0		01 1097713	24-Jun-13	ERB EQUIPMENT COMPANY	HITCH PINS	01-31-43-6211	21.68
00560	0		69724	26-Jun-13	HUMMERT INTERNATIONAL	SPRAYER PARTS	01-31-43-6211	51.49
01136	0		65264566	01-Jul-13	JOHN DEERE LANDSCAPES	IRRIGATION PARTS	01-31-43-7301	176.50
01636	0		0347-000157564	30-Jun-13	JOHNNY ON THE SPOT	RENTAL UNITS	01-31-43-6266	163.00
00789	0		418185	10-Jul-13	K&K SUPPLY	LATEX GLOVES	01-31-43-7308	84.00
01831	0		2146	17-Jun-13	KURTZ NURSERY & TOPSOIL	TOPSOIL FOR SHOP SUPPLY	01-31-43-6212	124.00
00865	0	P001646	236601	24-Jun-13	OUTDOOR SOLUTIONS	ROW MOWING JUNE 2013	01-31-43-6212	161.64
00865	0	P001646	236601	24-Jun-13	OUTDOOR SOLUTIONS	ROW MOWING JUNE 2013	01-31-43-6212	725.68
00110	0		315093	03-Jul-13	RICMAR INDUSTRIES	CHEMICALS FOR STREETS/PARKS	01-31-43-7301	208.94
00593	0	P001641	18009	29-Jun-13	THE GREENWOOD GROUP	PARKS MOWING FOR JUNE 2013	01-31-43-6212	1,916.00
00593	0	P001641	18009	29-Jun-13	THE GREENWOOD GROUP	PARKS MOWING FOR JUNE 2013	01-31-43-6212	4,524.00
01048	0		9707494150 GF	30-Jun-13	VERIZON WIRELESS	CELL PHONES JUNE 2013	01-31-43-6253	37.68
00109	0		450875	08-Jul-13	WESTPORT POOLS	CHEMICALS FOR SPLASHPAD	01-31-43-7301	305.96
00109	0		450742	27-Jun-13	WESTPORT POOLS	SPLASH PAD CHEMICALS	01-31-43-7301	251.73
Sum of Invoices								9,223.22



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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COMMUNITY DEVELOPMENT - PLANNING

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00213	0		070213-1	02-Jul-13	MCLAUGHLIN COURT REPORTING SVC	CRT RPRTR P&Z 7/1/13	01-32-11-6202	78.00
00213	0		062113-1	21-Jun-13	MCLAUGHLIN COURT REPORTING SVC	CRT RPRTR FOR BOA 6/20/13	01-32-11-6202	75.00
00303	0		10338628	19-Jun-13	MISSOURI LAWYERS MEDIA	PUB HRG NOTICE FOR P&Z	01-32-11-6260	32.48
00303	0		10338631	19-Jun-13	MISSOURI LAWYERS MEDIA	P&Z PUB HRG NOTICE-TERRA WEST	01-32-11-6260	35.96
00303	0		10338606	19-Jun-13	MISSOURI LAWYERS MEDIA	P&Z PUB HRG NOTICE-TEXT AMEND	01-32-11-6260	34.80
00303	0		10338601	19-Jun-13	MISSOURI LAWYERS MEDIA	P&Z PUB HRG NOTICE-SHOPPES AT	01-32-11-6260	31.32
00303	0		10338610	19-Jun-13	MISSOURI LAWYERS MEDIA	P&Z PUB HRG NOTICE-JET'S PIZZA	01-32-11-6260	44.08
00303	0		10338596	19-Jun-13	MISSOURI LAWYERS MEDIA	P&Z PUB HRG NOTICE-TEXT AMEND	01-32-11-6260	33.64
00303	0		10338615	19-Jun-13	MISSOURI LAWYERS MEDIA	P&Z PUB HRG NOTICE-SETBACK REQ	01-32-11-6260	37.12
01048	0		9707494150 GF	30-Jun-13	VERIZON WIRELESS	CELL PHONES JUNE 2013	01-32-11-6253	149.23
01048	0		9706036163	04-Jun-13	VERIZON WIRELESS	INSP TABLETS 5/5-6/3/13	01-32-11-6253	112.03
Sum of Invoices								663.66



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

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COMMUNITY DEVELOPMENT - BUILDING

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00112	0		42571	27-Jun-13	MPS	INSPECTION REQUESTS	01-32-61-7304	324.00	
01048	0		9707494150 GF	30-Jun-13	VERIZON WIRELESS	CELL PHONES JUNE 2013	01-32-61-6253	204.07	
Sum of Invoices									528.07



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

7/17/2013

CAPITAL IMPROVEMENTS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01976	0	P001670	55885	12-Jun-13	ALL OUTDOORS, INC.	REPAIR BREACH IN #5 POND DAM	02-61-71-9506-13107	3,732.00
01806	0		75287	25-Jun-13	EASTERN MISSOURI CONCRETE	CONCRETE REPLACEMENT-CONWAY LK	02-61-71-9510-13602	356.70
00049	0		35822	30-Jun-13	EMPLOYEE STAFFING GROUP	TEMP PERSONNEL FOR W/E 6/30/13	02-61-71-9510-13601	1,620.00
00049	0		35838	09-Jul-13	EMPLOYEE STAFFING GROUP	TEMP PERSONNEL W/E 7/7/13	02-61-71-9510-14601	2,062.66
00368	0		2-310-97409	20-Jun-13	FEDEX	SHIPPING BID PKG & PLANS	02-61-71-9510-13602	37.94
00023	0		334417	26-Jun-13	FRED WEBER	ASPHALT FOR STREET REPAIRS	02-61-71-9510-13601	177.00
00023	0		334798	27-Jun-13	FRED WEBER	MATERIAL FOR MICROPREP WORK	02-61-71-9510-13601	295.00
00023	0		334799	27-Jun-13	FRED WEBER	MATERIAL FOR MICROPREP WORK	02-61-71-9510-13601	295.00
00023	0		335003	28-Jun-13	FRED WEBER	MATERIAL FOR MICROPREP WORK	02-61-71-9510-13601	413.00
00023	0		336830	09-Jul-13	FRED WEBER	MATERIAL FOR CONCRETE JOINTS	02-61-71-9510-14601	236.00
00023	0		336091	03-Jul-13	FRED WEBER	MATERIAL FOR MICROPREP WORK	02-61-71-9510-14601	177.00
01908	0	P001633	PAY #4	29-Jun-13	GROVE DESIGN GROUP LLC	DESIGN SVCS GRAESER RD RESURFA	02-61-71-9510-13707	3,914.45
Sum of Invoices								13,316.75
GRAND TOTAL OF ALL INVOICES								545,429.51

AN ORDINANCE AMENDING CHAPTER 405.D.2.a OF THE ZONING CODE OF THE CITY OF CREVE COEUR, MISSOURI TO INCREASE THE MAXIMUM DENSITY AND INCREASE THE MAXIMUM FLOOR AREA RATIO THAT MAY BE REQUESTED FOR ANY PLANNED RESIDENTIAL DEVELOPMENT PROPOSAL

WHEREAS, an application by Joe Nicpon, on behalf of Terra West Apartments, Inc., has been submitted to increase the maximum density, from 20 to 40 units per acre, and increase the maximum floor area ratio (FAR), from 0.4 to 0.6, that may be requested for any planned residential development (PRD) proposal within a Planned Zoning district; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to the Planned Zoning regulations of the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday July 15, 2013, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of 5-0 recommended approval of the subject amendments at its meeting on Monday July 15, 2013; and,

WHEREAS, notice of said public hearing had previously been published at least 15 days prior to the hearing in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur and otherwise posted and published in accordance with the Zoning Ordinance; and,

WHEREAS, all persons who presented themselves at said meeting and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City Council; and the Bill was read by title in open meeting two times before final passage by the City Council; and,

WHEREAS, the City Council being fully informed finds that amending the City Code of Ordinances would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest.

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri as follows:

SECTION 1: Section 405.390.D.2.a, Planned Residential Development (PRD), paragraph (2) is hereby repealed and a new paragraph (2) is enacted in lieu thereof, as follows:

D.2 *Types of planned zoning districts.*

a. *Planned residential development (PRD).*

- (2) Housing densities may not exceed six (6) units per acre for new single-family residential nor forty (40) units per acre for new multi-family residential. For the purpose of calculating density, acreage shall not include areas located in a 100-year floodplain.

SECTION 2: Section 405.390.D.2.a, Planned Residential Development (PRD), paragraph (4) is hereby repealed and a new paragraph (4) is enacted in lieu thereof, as follows:

D.2 *Types of planned zoning districts.*

a. *Planned residential development (PRD).*

- (4) The floor area ratio (FAR) shall not exceed six-tenths (0.6). However, where a proposed district includes pre-existing buildings that are found to otherwise satisfy the overall purpose and intent of this Chapter, the FAR may be waived so long as the building coverage does not exceed thirty-three percent (33%) of the site area and the sky exposure plane requirement is met.

SECTION 3: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2013.

SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2013.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



**APPLICATION TO PLANNING AND ZONING COMMISSION
#13-024 FOR A TEXT AMENDMENTS TO THE PLANNED RESIDENTIAL
DEVELOPMENT (PRD) DISTRICT REGULATIONS TO ALLOW FOR AN
INCREASE IN DENSITY AND FLOOR AREA RATIO (FAR)**

FOR THE MEETING OF: July 15, 2013

LOCATION: Any subsequently approved PRD.

REQUEST:

Joe, Nicpon, of Terra West Apartments, has applied to amend Sections 405.390(D)(2)(a)(2) and (4) of the Creve Coeur Zoning Code to increase the maximum density from 20 units to 40 units per acre and increase the maximum FAR from 0.4 to 0.6, respectively.

The proposed text amendment will allow the applicant to seek approval of the rezoning and redevelopment of the 7.07 acres at 10545 Old Olive Street Road (formerly Hamilton Christian Church) as a multi-family planned residential development with a commercial component along Old Olive Street Road.

ADDITIONAL INFORMATION:

The planned zoning districts were approved in 2008, originally in an attempt to rezone the downtown condominiums to a zoning category that was not primarily commercial (Core Business). Since that time, no new projects have been approved with Planned Residential Development (PRD) zoning.

APPLICANT: Joe Nicpon
Terra West Apartments, Inc.
5091 Baumgartner Road
St. Louis, MO 63129

REPORT PREPARED BY:


Paul Langdon, AICP
Director of Community Development

7.12.2013
Date

Key Issues:

- Is this a reasonable exercise of zoning authority?
- Does the request further or implement the goals of the Comprehensive Plan?
- Is the request consistent with the purpose of the Planned Zoning Districts and the Zoning Code?

Comp. Plan References

- Goals and Strategies
- Design Guidelines
- Commerce Center Action Area

Zoning Code References

- Section 405.390(D)(2)(a) Planned residential development (PRD)

ATTACHMENTS: Draft Ordinance
Public Comments in Opposition (4)

BACKGROUND

The Planned Zoning Districts (“PRD” Planned Residential Development and “PCD” Planned Commercial Development) were adopted in 2008 in an effort to provide the condominiums along Coeur de Royale Drive and Sarah Lane a zoning designation that was not primarily commercial (they had been zoned “CB” Core Business). At the time, the City had never had a true planned zoning process, only the “Design Development” procedures that had very limited discretion since they were, essentially, overlayed on existing districts. As such, a lot of time was spent simply coming to understand how such districts are best used and what limitations should be placed on their use.

Planned districts are a form of flexible zoning that, when mutually agreed upon by the City and the developer, can allow the most interesting and challenging projects. Ideally, they should be used only for those projects that cannot be accommodated by the conventional districts but can offer some unique aspects that the Planning Commission and City Council find to be of particular value to the community. In other words, their flexibility should be balanced by high expectations.

In the 2008 deliberations, the Planning Commission and City Council had specific discussions about the housing density and floor area ratio (FAR) that should be allowed in the PRD. Initially, the FAR was not limited but the density was limited to 20 dwelling units/acre. An FAR of 0.6 was first proposed, but it was ultimately lowered to 0.4 in response to concerns of the Council that 0.6 would allow too much building bulk on a given site. Since approval, the only PRD approved has been the one initially sought for the condominiums.

The applicant is wishing to develop a mixed-use, mixed-residential development on a former church site (Hamilton Church) on Old Olive Boulevard. A large site, the property has CB district commercial development on one side, and single-family attached and detached housing on the other. After considering a variety of residential and commercial options, the applicant believes that a low-rise combination of all these uses is the best concept for this site and that a PRD is the most effective way of regulating the project. However, to do so, they will require greater flexibility in the PRD regulations. Specifically, they have applied to have the PRD density increased from 20 to 40 dwelling units/acre and the FAR raised from 0.4 to 0.6. The FAR is the ratio of gross building floor area to site area. For example, a 10,000 square-foot building on a 10,000 square-foot site has a FAR of 1. The same building on a 20,000 square-foot site has a FAR of 0.5.

It should be noted that the applicant’s early concepts are not designed to these standards; they are designed to both a lower density and FAR. However, in discussions with City staff, they realized that the planned zoning district lacks flexibility and have requested standards that would grant such flexibility.

COMPREHENSIVE PLAN AND DESIGN GUIDELINES ANALYSIS

With any text amendment, the analysis must first evaluate whether or not the proposal will result, generally, in development that is consistent with the Comprehensive Plan. Given that the entire conception of the PRD (and PCD) is to allow projects only if they demonstrate strong agreement with the goals of the Comprehensive Plan, the zoning should, by extension, be an effective implementation of the Comprehensive Plan.

At the time of their initial development, the following statement was made in a staff report:

Floor Area Ratio (FAR). It is the purpose of a planned district to remain flexible so that amenities that may be highly desired by the community can be provided by developers while keeping the project financially viable. However, it was pointed out that certain conditions will never be tolerated by the community and the PZD should respond to those limits. The first of these is FAR. This numerical balancing of building height and coverage is expressed as a ratio of gross floor area to gross site area. In the residential districts that are most similar to what would be expected in a PRD (C, D, and AR), the maximum FAR is 0.4. (Staff report on Application 08-029, dated August 28, 2008)

The question before the City raised by this application is whether or not an FAR above 0.4 will, in fact, "...never be tolerated by the community." Indeed, at various times, some residents in the city have spoken out against higher density developments and the Comprehensive Plan does state:

Community Image and Identity

4. *Maintain the City's strong low-density residential image and character. (p.23)*

However, there are existing residential developments with higher floor area ratios (King's Landing: 1.28; Summit Lofts: 1.25 originally, subsequently reduced to 0.89, Ballas Condominiums: 0.7). There are also many condominium projects in the city where the FAR was not determined at the time of construction, but it is clear by inspection that they exceed an FAR of 0.4 (Coeur de Royale, Golfview). It should also be repeated from the 2008 staff report that an FAR of 0.4 is allowed in the C, D, and AR single-family districts. Although there was concern about keeping PRD developments fully compatible with the low-density single-family residential areas, it is difficult to conclude that limiting the PRD to the same FAR will provide the kind of development flexibility that is necessary to attract the type of creative, mixed-use projects for which the planned zoning district was created. Indeed, it is likely that most residents would be opposed to such developments in the single-family residential portions of the city, but approving them in those locations would be contrary to the Comprehensive Plan and the land use pattern established by the Zoning Map.

Questions of density are not as clearly spelled out in the planning history or the Comprehensive Plan. The applicant is proposing a maximum allowed density of 40 units per acre within a PRD, while the "CB" Core Business district allows 20 units per acre by right and sets no limits with the approval of a conditional use permit. The "AR" Attached Single-family Residential district allows a maximum of 6 units per acre. Within the city, multi-family developments exist at a variety of densities. Mill Crossing, on the west end of Olive Boulevard, is 13.8 units per acre while King's Landing, in the core business area, was approved for 170 units on 3.17 acres, or 53.6 units per acre. On Old Olive Street Road, Carriage House condominiums are 23 units per acre. Clearly, there are locations appropriate to a wide variety of densities.

In the portions of the city that are not dominated by low-density residential (designated Core Business District and Commerce Center in the Comprehensive Plan), the following goals appear in the Comprehensive Plan:

Commerce Center-Residential Preservation and Economic Development

3. *Encourage the redevelopment of the area between Olive Boulevard and Old Olive west of Lindbergh Boulevard with uses that will serve and complement business park users and their employees. Improve the quality of this development through enforcement of the City's*

*Design Guidelines, and ensure that redevelopment plans include the “green line” park.
(p.70)*

Central Business District – Residential Preservation and Economic Development

6. *Create a master plan or a redevelopment plan for the town center area within the Central Business District...Specifically, this master plan or redevelopment plan should have the following components:*

- **Mix of Uses** – *It is desirable that the Central Business District include a mix of uses, including retail, entertainment, cultural activities, office, residential, and civic uses, but the mix of these uses will be determined based on the market analysis.*
- **Density of Development** – *the density of development in this area should also be determined based upon a market analysis. In Central Business District 1, 2, and 3, the City should encourage higher densities and floor area ratios i.e., 4-5 story buildings (or taller in some areas) and floor area ratios of 3.0 instead of the current 1.25, to the extent feasible from a marketing and compatibility standpoint. Density in Central Business District 4 and 5 should remain lower, since they are transition areas and serve as buffers between the residential neighborhoods and areas of higher density.*

To quote from the staff report of March 18, 2013 referencing the proposed apartment complex on Old Olive Boulevard (within the Commerce Center planning area):

Most of this area has been languishing. The Parcel 1 property has remained vacant, and the church down the street at 10545 Old Olive Street Road is closing after their Easter Service at the end of the month. The current business climate is not moving toward more small scale retail development and the lack of connectivity across Lindbergh Boulevard does not lend itself to further commercial redevelopment along Old Olive Street Road. The inclusion of new residential units in the area would offer a complementary use to the businesses, particularly in the nearby life-science industries, were many of the employees prefer to live within walking or biking distance from work, and/or within a walking distance to the existing retail and commercial developments. Providing new quality residential units in this area appears to meet with the intent of the Comprehensive Plan and could spur on further redevelopment efforts that would also support the existing commercial and retail developments.

Taking all of these points together, there are places in the city where higher development intensities were foreseen by the Comprehensive Plan and the subsequent 10 years have shown that such development is either successful or sought by the development community. Staff believe that the important point, relative to the Comprehensive Plan, is that the city is diverse enough to accommodate a broad range of housing densities and, subject to the many other design limits and expectations in the planned zoning districts, the PRD can, on a site specific basis, allow higher densities and still satisfy the goals of the Comprehensive Plan. That is not to say that high densities are always desired or appropriate, but such is the intended function of a planned district that it can be tailored to a specific set of circumstances.

ZONING CODE ANALYSIS

Furtherance of the Purposes of the Code

Changes to the Zoning Code must also be consistent with the purposes of the code, in general, and the particular regulatory section, in particular. The purposes of the Zoning Code are:

1. To protect, provide for and promote the public safety, health, convenience, comfort, morals, prosperity and general welfare of the residents of the City of Creve Coeur, Missouri.

2. To encourage the most appropriate use of land, to conserve and enhance the value of property, to provide adequate open spaces for light and air, to prevent undue concentration of population, to avoid excessive congestion of streets, to secure safety from fire, flood and other dangers and to assist in the provision of adequate community utilities and facilities such as transportation, water, sewage, schools, parks and other amenities in the City of Creve Coeur.
3. To guide the future growth and further development of the City within the spirit and intent of the Comprehensive Plan or current land use plan with variations requiring public disclosure and rational.
4. To protect and conserve the value of buildings and improvements and to minimize the adverse impact of development on adjoining or nearby properties.
5. To establish a beneficial relationship between the uses of land and buildings and the public street system; to require the proper location and design of streets and building lines; and to make adequate provision for pedestrian traffic circulation.
6. To encourage the wise use and management of natural resources; to provide adequate and safe recreational areas; to maintain the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features; to minimize the pollution of air, ponds and streams; to ensure the adequacy of stormwater drainage and detention facilities.

Unlike a conventional zoning district where certainty in the outcome is one of the key characteristics of the district, the specific standards in a given planned zoning district are inherently difficult to predict. As indicated from their very creation, planned districts should be flexible in concept and then each unique approval honed to ensure that the purposes of the Zoning Code are being followed at a given location. It is certainly possible that approval of a development in one location would not meet those purposes, but in another location, it would. Ultimately, staff believe that as long as the district requires that the City carefully undertake a public comparison between the project and the Zoning Code and requires documentation of the decision, the purposes of the Zoning Code are met.

Effect in Practice

If the amendments are approved, it is possible that a PRD will get approved in the future that has a density of 40 dwelling units per acre and a FAR of 0.6. This would not be the highest density nor the highest FAR in the city and would have to be balanced against the high design and public benefit expectations set by the defined approval process. The city will still be predominantly low-density residential development and none of the usual efforts to protect residences through buffers and traffic control are diminished if the application is approved. On the other hand, any proposed project that does approach or reach these limits of density and FAR will, in its context, have visual and functional impacts that will need to be considered and mitigated before any approval can be granted.

CONCLUSION

Unlike conventional zoning districts that establish the larger context in which a project is approved, a planned development (residential in this case) must respond to the context around it. To be able to do this, the Zoning Code must provide sufficient flexibility in the development standards for a project to address that context and remain economically viable. Both the proposed FAR and residential density are below standards approved for other developments in the city but are greater than the majority of developments in the city. Both provide a degree of flexibility but are not effectively unlimited. Some residents have spoken for and against these proposals and the Planning Commission is aware of specific projects, both on Old Olive Street Road, that would be built to similar limits.

Finally, Staff believe that simply allowing flexibility is not tantamount to changing the character of the city and these proposals do represent sound planning practice for the following reasons:

- There are several developments in the city that already exceed the standards being proposed and those projects do not appear to have harmed the character of the community.
- There are few locations where a PRD can even meet the eligibility criteria so there will be few applications to begin with.
- The extensive list of design expectations and required community benefit will preclude any PRD from being developed below community standards or not in general conformance with the goals of the Comprehensive Plan and Purposes of the Zoning Code.

Ultimately, the Planning Commission and City Council must weigh these considerations and answer the question that remains from 2008 about whether or not these proposals are beyond anything the community will tolerate. If the answer is “yes” and the Commission and Council members believe these standards can never be accepted, then the request should be denied. If “no,” meaning the members believe these proposals can be accommodated in some locations within the community, then the request should be approved.

ACTION AND MOTION

If the Planning and Zoning Commission believe that the amendments accomplish the purposes of the Comprehensive Plan and Zoning Code as proposed, then they should support a motion on the attached draft ordinance. Whether or not the members of the Commission support any request, the motion should be made in the affirmative and then votes cast “yea” or “nay” on that motion. The following is an example motion for this application:

“I move to recommend approval of the draft text amendment ordinance attached to the July 15, 2013, staff report on Application #13-024 to increase the maximum allowable density from 20 to 40 units per acre and FAR from 0.4 to 0.6 within a PRD, Sections 405.390.D.2.a(2) and 405.390.D.2.a(4) of the Zoning Code, as discussed by the Planning Commission this day.” (Modifications must be made by preceding motion).

If the members wish to vote on the density and FAR amendments separately, the following is an example motion:

“I move to recommend approval of the proposed [density]/[FAR] text amendment to [Sections 405.390.D.2.a(2)]/[405.390.D.2.a(4)], discussed in the staff report on Application #13-024, and direct staff to prepare the appropriate draft ordinances as discussed by the Planning Commission this day.”

APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

Langdon. Paul

To: Langdon. Paul
Subject: RE: Planning and Zoning Meeting on July 15

From: Aris Woodham
Sent: Friday, July 12, 2013 3:45 PM
To: Langdon. Paul
Subject: Planning and Zoning Meeting on July 15

Paul, hello. I live in Carriage House Condominiums at 942 Guelbreth but will not be able to attend the P and Z meeting on Monday. I did want to communicate my opposition to the proposed zoning changes on the agenda for Old Olive. In particular, the doubling of the unit density maximum (from 20 to 40) would have a particularly nasty effect on the area, rendering it unpleasantly congested and crowded. I doubt this is what Creve Coeur wants for its eastern border. Please communicate my opposition to the appropriate individuals on the Commission.

Thank you,
Aris Woodham

Subject: FW: Planning and Zoning re Text Amendments

Good evening,

My name is Kelly Mueller. I am a Creve Coeur homeowner (and voter) - from a family that has owned residences in Creve Coeur since 1960. I'm currently President of the Briarcliff Condominium Association (Olive/Spoede). Our property is adjacent to the Hamilton Christian Church property on Old Olive.

As you might imagine, our owners are concerned about the possible development of the church property - especially if that development is allowed double the number of units per acre than has ever been allowed in Creve Coeur. Our Association Board has voted unanimously to oppose this zoning change, and every member who was at an owners meeting last night also stood against it.

Our questions are many. Here are a few. We hope you will give these serious consideration if/when these changes come to you for a vote. (Yes, we will be in attendance at the Planning and Zoning meeting Monday evening.)

1. How does this increased number of residential properties impact MSD? Will the runoff water be directed *to* our property?...or away from it?
2. How will this proposed development affect the traffic in the area of Old Olive and Olive?
3. Has the other apartment development (further east on Olive - on the south side of the street) been approved? How many units will *that* development be adding to this area?
4. As taxpayers in the School District of the City of Ladue, how might this proposed development impact the enrollment at Spoede School and other district buildings?
5. How exactly do you believe this will **HELP** our community as a whole? If we haven't allowed that many units per acre before, what compelling reason do we have to change now - and change by **DOUBLING** it? Who benefits? (Certainly **NOT** the current Creve Coeur residents!)
7. If we (Briarcliff owners) are taxed at the "single family" rates, how can you change laws for us but **NOT** for other 'single family' residences? Will the tax structure also be changed to separate us from "single family"?

Thank you for your consideration of our concerns.

Kelly Mueller
1010 Thoreau Court, Unit 107
kelly46@me.com
314-993-2535

Subject: FW: Reaction to public hearing notification

From: Peggy Shepley [<mailto:pegsshepley@att.net>]
Sent: Monday, July 08, 2013 3:27 PM
To: wwkelly@ci.creve-coeur.mo.us
Cc: pegsshepley@att.net
Subject: Reaction to public hearing notification

Dear Whitney Kelly,

I am an owner at Briarcliff Condominiums, specifically at 1054 King Henry Court Creve Coeur, Mo. 63146.

I am opposed to changing the density of the property that is just east of us. I do not want more buildings nor do I want greater density than now exists.

I have relied on my family's knowledge of City Planning. My brother who is a PHD in City Planning and Noise Pollution has a significant reputation in his field. Educated at Westminster College, as well as University of Pennsylvania he has been on the faculty at Georgia Tech as well as Emory and Fla. Institute of Technology. Respected around the world his word is law. My background has taught me to bow to those who are well informed and in this situation my brother who has been Dean and Vice Chairman is tops in his field.

Please consider my letter as a genuine effort to make those who make quick decisions to take time and show respect for those who are informed and deeply committed to making the right moves to improve the quality of life here in St. Louis.

Peggy Shepley

Peggy Shepley

Dielmann Sotheby's International Realty

8301 Maryland Ave. Ste. 100

St. Louis, MO 63105

Home Office: 314.872.3222

Main Office: 314.725.0009

Cell: 314.277.4661

Fax: 314.872.7111



Mr. Louis L. Meyers
1032 King Henry Ct.
Saint Louis, MO 63146

314-993-6561

7/10/13

Dear Ms. Kelly:

I am in complete opposition to any apartment project planned for the 10545 Old Olive St. Rd. especially since the developer wants to increase the maxium density from 20 units to 40 units per acre.

This will create noise & disruption during construction & permanently with children playing & climbing up & down the soon to be constructed series of replacement tie walls in August.

This will affect every resident in King Henry Ct. whose units back up to the tie walls.

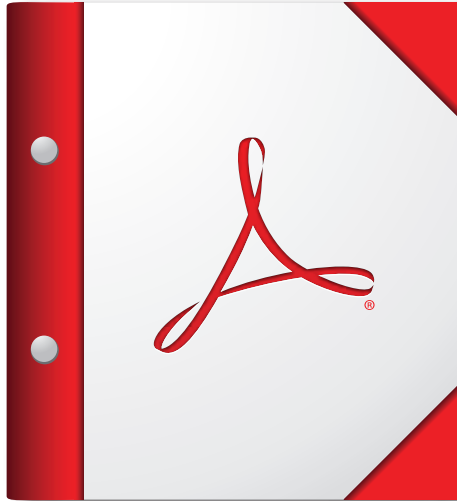
This was a problem in the past before the large bushes grew to prevent such activity & will take years for large, barrier bushes to grow.

Thank you.

Sincerely,



Louis L. Meyers



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Get Adobe Reader Now!

Langdon. Paul

From: Creve Coeur Voter [editor@crevecoeurvoter.com]
Sent: Sunday, July 14, 2013 4:20 PM
To: Langdon. Paul
Subject: #13-024

Paul-

I am opposed to the increase in maximum density of a PRD. While the staff report makes valid arguments in support of the change, my recollection of the original discussion of the limit when the PZD approach was approved includes at least one factor not addressed. There was a concern that existing single family properties could be aggregated and converted to a PRD. That being the case, or at least a possibility, retaining the limit would help ensure that the quality of resulting housing stock would live up to the expectations of the surrounding residential areas. I believe that was a factor which influenced the Council to reduce the limit. This problem is reflected in the opposition of the Briarcliff residents and would be even more problematic in other parts of the city.

There seems to be a recurrent theme that projects are "not economically viable" unless Creve Coeur relaxes its standards to accommodate developers. I do not believe this. I would suggest that Creve Coeur retain an independent expert to render an opinion on such contentions.

Please add to the record.

David Caldwell



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, JULY 15, 2013
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, July 15, 2013, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: *Mr. Tim Madden, Chair*
 Dr. Michael Barton
 Mr. James Faron
 Mr. Charles Pullium
 Mr. Gene Rovak

OTHERS PRESENT: *Mr. Carl Lumley, City Attorney*
 Mr. Paul Langdon, Director of Community Development
 Ms. Whitney Kelly, AICP, City Planner
 Ms. Julie Lowery, Recording Secretary

2. NEW BUSINESS

A. PUBLIC HEARING

Application #13-024: Text Amendments to the Planned Residential Development (PRD) District Regulations to allow for an increase in density and floor area ratios (FAR).

Applicant/Agent: Joe Nicpon
 Terra West Apartments, Inc.
 5091 Baumgartner Road
 St. Louis, MO 63129

Mr. Brad Goss, SmithAmundsen, 120 S. Central Avenue, representing Terra West LLC, explained he is seeking the text amendment to proceed with a mixed used project, using Planned Residential zoning on a 7 acre tract of ground. Mr. Goss said the property is presently the site of the Hamilton Christian Church. Mr. Goss said he has no site plan to present as this is just for the text amendment. Mr. Goss showed an illustration of the site and explained the zoning surrounding the property, which is a mixture of residential and commercial. Mr. Goss explained the proposal would be 161 luxury apartments, ranging in rent from \$1,200-\$1,800, including one, two, and three bedroom options, and also have a commercial component of 4,000-8,000 square feet that would support the project (i.e. coffee shop, yogurt establishment, or Edward Jones). Mr. Goss said the target market is people who have significant disposable income, yet do not want to own a home. Mr. Goss said they

anticipate people coming to the city who are interested in the life sciences industry, working with Monsanto, and eventually leaving at some point. Mr. Goss also stated he did not think the apartment would be family oriented or for people with families. Mr. Goss showed pictures of the site from all street angles and directional views, as well as showing a preliminary site plan and elevations. Mr. Goss said the text amendment includes an increase to the floor area ratio from .4 to .6.

Dr. Barton asked why this location, why not where the city center would be? Mr. Goss stated this is one of the only larger sites left in Creve Coeur and it is in the perfect setting with the mixture of residential and commercial. Mr. Goss also said it serves as a catalyst for the Old Olive Corridor.

Mr. Faron asked what is the FAR on the project. Mr. Goss said they would not be seeking .6 and the project is still conceptual, things can be changed. Mr. Faron also asked if the applicant was willing to work with MSD in regards to run-off. Mr. Goss said yes and explained MSD has changed their regulations and have a zero run-off rule. Mr. Goss added that conceptually MSD has approved the underground storm water detention. Mr. Faron wanted to know if a traffic study would be completed, to which Mr. Goss said there would. Lastly, Mr. Faron wanted to know if there would be any buffering changes, and Mr. Goss said they would not be touching the Briarcliff retaining wall.

Ms. Kelly Mueller, 1010 Thoreau Court, spoke in opposition of the project. Ms. Mueller also submitted a letter to the Mayor and Council. Ms. Mueller is concerned with doubling the units per acre.

Ms. Linda Rezny, 104 Graeser Acres, spoke in opposition of the project. Ms. Rezny does not believe the changes coincide with the current residents. Ms. Rezny said she thinks this is spot zoning.

Mr. Ollie Fischer, 953 N. Spoede Road, spoke in opposition of the project. Mr. Fischer asked the Commission to not allow profit over quality of life.

Ms. Leslie Des Roches, 942 N. Spoede Road, wanted to know how high the buildings that are being proposed?

Mr. Langdon explained there has been too much talk about a site that does not exist yet, and the issue being considered is a text amendment to the Planned Residential District and to floor area ratio. Mr. Langdon explained zoning districts and what Planned Residential Zoning is.

Mr. Langdon addressed a couple of items that were discussed, one being the school district. Mr. Langdon said he has talked to the Ladue School District and they are not concerned about overloading schools, at this point. Mr. Langdon also said he has spoken with Danforth, Helix Center, and Monsanto they know people who are looking for rental housing at a higher level in this area and would like to see these projects move forward. Lastly, Mr. Langdon said single-family status, saying that when you put a number of units together (typically more than 4) it is considered multi-family housing.

Mr. Pullium wanted to know if the commercial aspect of the proposal is already allowed. Mr. Langdon said the front 200 feet of this property is zoned General Commercial and the rest is

zoned County R-3, which is county zoning that was not changed when this area was annexed into the city.

Mr. Goss addressed some concerns stating they are not doubling the units per acre and they do not want to use the maximum density proposed. Also, MSD has zero tolerance for run-off and that will not be an issue. Mr. Goss said the project fits the city because of the context of the site. Mr. Goss said with 7 acres of land you can do creative planning and it fits into a larger area with plant science. Lastly, Mr. Goss explained there is not a final design for this building and it would be 45-50 feet and four-stories high and may not even be visible from Briarcliff.

Mr. Pullium asked about the height of the building and Mr. Langdon said it is 24 feet at its peak and cross sections will be drawn as a requirement to evaluate height of building versus the slope and effect on adjacent housing.

There being no further comments, City Attorney, Mr. Carl Lumley, presented the exhibits for the record and the public hearing was closed.

(This ends the Public Hearing; see verbatim transcript for further information)

Mr. Faron motioned to recommend approval of the draft text amendment ordinance attached to the July 15, 2013, staff report on Application #13-024 to increase the maximum allowable density from 20 to 40 units per acre and FAR from 0.4 to .06 within a PRD, Sections 405.390.D.2.a(2) and 405.390.D.2.a(4) of the Zoning Code, as discussed by the Planning Commission this day. Dr. Barton seconded the motion with the resultant vote as follows:

Dr. Barton said he supports the project and just because you approve something does not mean it is allowed or a specific project has been passed. Dr. Barton gave Enclave at Bellerive as an example and also the Thompson property on Ladue.

Dr. Barton – aye
Mr. Pullium – aye

Mr. Faron – aye
Chair - aye

Mr. Rovak – aye

3. ADJOURNMENT

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 9:42 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



city
of

CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

July 16, 2013

Mr. Brad Goss
SmithAmundsen
120 S Central Ave, Suite 700
St. Louis, MO 63105

Re: Application #13-024: Text amendment to Planned Residential Development (PRD)
District Regulations to allow for an increase in density and floor area ratio (FAR)

Mr. Goss:

The Planning and Zoning Commission, at its meeting of July 15, 2013, reviewed your request for text amendments to the Planned Residential Development (PRD) District Regulations to allow for an increase in density and floor area ratio (FAR).

By unanimous vote, the Planning Commission recommends approval of the text amendments, subject to the conditions contained in the draft ordinance (see attached). The first reading of the draft ordinance by the City Council is scheduled for Monday, July 22nd, 2013. You or a representative should plan to be in attendance to speak for the request.

If you have any questions, please contact the Planning Division staff (872-2501) as soon as possible. Note that significant changes to the draft ordinance may require that the matter be returned to the Planning and Zoning Commission prior to City Council approval.

Sincerely,

CITY OF CREVE COEUR

Timothy Madden, Chairman
Planning & Zoning Commission

TM:jl

Cc: M.C. Perkins, City Administrator
J. Heines, Director of Public Works
S. Unser, Chief Building Official

AN ORDINANCE AMENDING CHAPTER 405.D COMMERCIAL DESIGN DEVELOPMENT PROCEDURE (CDD) OF THE ZONING CODE OF THE CITY OF CREVE COEUR, MISSOURI TO ALLOW THE CITY COUNCIL TO APPROVE MODIFICATIONS TO MAXIMUM AND MINIMUM SETBACKS WITHIN A CDD AND TO DOCUMENT SUCH MODIFICATIONS ON THE SITE CONCEPT PLAN.

WHEREAS, an application by Garrick R. Hamilton, on behalf of The Koman Group, L.L.C., has been submitted to allow the City Council to approve modifications to maximum and minimum setbacks within a CDD and to document such approvals on the site concept plan; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri voted on separate motions for the two proposed amendments; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to the Commercial Design Development Procedures of the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday July 15, 2013, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of 2-3, recommended against approval of the amendment affecting the modification of setbacks in Section 405.450.D.1, paragraph c at its meeting on Monday July 15, 2013; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of 5-0, recommended approval of the amendment affecting the documentation of setback modifications on the Site Concept Plan, instead of the Final Subdivision Plat, in Section 405.450.D.1, paragraph c, at its meeting on Monday July 15, 2013; and,

WHEREAS, notice of said public hearing had previously been published at least 15 days prior to the hearing in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur and otherwise posted and published in accordance with the Zoning Ordinance; and,

WHEREAS, all persons who presented themselves at said meeting and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City Council; and the Bill was read by title in open meeting two times before final passage by the City Council; and,

WHEREAS, the City Council being fully informed finds that amending the City Code of Ordinances would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest.

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri as follows:

SECTION 1: Section 405.450.D.1, paragraph c is hereby repealed and a new paragraph c is enacted in lieu thereof, as follows:

D. *Commercial Designed Development Procedure.*

1. *Planned commercial developments and campuses.*

- c. *Setbacks.* The minimum and maximum setback requirements as set out in the regulations for the commercial zoning district within which the site is located may be modified by the City Council and, if so modified, shall be set out on the site concept plan to be submitted in accordance with Chapter 405.1080.D, *Site Concept Plans*.

SECTION 2: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2013.

SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2013.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



city of CREVE COEUR

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MEMO TO CITY ADMINISTRATOR AND CITY COUNCIL

Meeting Date: July 22, 2013

Subject: Text Amendment For Documentation Of Commercial Design Development (CDD) Approvals

From: Paul Langdon, Community Development Director

BACKGROUND

On July 15, 2013, the Planning and Zoning Commission conducted a public hearing on two text amendments to the CDD procedures (specifically Section 405.450.D.1, paragraph c), that would: 1. allow the Council to modify any setbacks in a CDD that are otherwise required by the underlying zoning district; and 2. to document any approved modifications of the site concept plan instead of the final plat. The staff report presented a draft ordinance that reflected the requested changes, but it also pointed out that the Commission may wish to divide the request into separate motions since one could be approved or denied without affecting the other. The Commission acted in this manner, voting to not recommend the requested setback-related amendment, and voting to recommend the documentation amendment. As such, staff have attached hereto an ordinance that reflects the different motions made by the Planning Commission in the "Whereas" statements, but includes both proposed amendments. If the Council wishes to agree with the Commission on the setback modification amendment and not approve it, they should support a motion to delete those references from the draft ordinance prior to the final vote on the documentation (second) amendment, notwithstanding the following discussion.

INCREASED SCOPE OF THE AMENDMENT

In addition to suggesting the separate motions, the staff report also recommended that, if acceptable, the documentation change should be broadened to include any CDD approvals on the site concept plan. However, the motion made did not state this broadening and only referenced the amendment, "...attached to the staff report..." As stated above, the attached amendment was only to the one paragraph. Staff still believe that if this one paragraph is changed, all of the similar paragraphs should be changed to avoid confusion with future CDD approvals. To accomplish this, the following shows the revised section from the amendment ordinance with substitutions and deletions noted:

SECTION 1: Section 405.450.D., Commercial Designed Development (CDD) Procedure, is hereby repealed and a new Section 405.450.D is enacted in lieu thereof, as follows:

D. *Commercial Designed Development Procedure.* This Section provides a zoning procedure for planned commercial developments and campuses by allowing applicable

zoning regulations to be applied to the entire area of a planned development or campus area instead of individual phases, lots or buildings.

1. *Planned commercial developments and campuses.* The City Council may by ordinance grant a commercial designed development, after recommendation of the Planning and Zoning Commission, when it finds that the commercial designed development proposal is consistent with good planning practice, consistent with good site landscape planning, is not detrimental to the existing and permitted uses in the surrounding area, is deemed desirable to promote the public interests and purposes of the Zoning Code and is in accordance with the following criteria:
 - a. *Site concept plan.* The planned commercial development shall be a minimum of ten (10) acres in size and adhere to a site concept plan as per Section 405.1080 of the Zoning Ordinance. Such plan shall be submitted to the Planning and Zoning Commission and if required by the zoning ordinance, the Creve Coeur City Council.
 - b. *Gross acreage.* The lot sizes within the development may vary from those required by the regulations for the commercial zoning district within which the site is located, however the overall bulk regulations may not be increased. The minimum land area for permitted and conditional uses may be reduced by the City Council and, if so reduced, shall be set out on the site concept plan submitted in accordance with Section 405.1080 of the Zoning Ordinance and as required above, and the subdivision plat to be submitted in accordance with Chapter 410, Subdivision and Development of Land.
 - c. *Setbacks.* The minimum setback requirements as set out in the regulations for the commercial zoning district within which the site is located may be reduced by the City Council and, if so reduced, shall be set out on the site concept plan submitted in accordance with Section 405.1080 of the Zoning Ordinance and as required above ~~subdivision plat to be submitted in accordance with Chapter 410, Subdivision and Development of Land.~~
 - d. *Site coverage.* The maximum site coverage requirements, as set out in the regulations for the commercial zoning district within which the site is located, may be increased on individual lots by the City Council, however, the overall site coverage cannot be exceeded. Any increase shall be set out on the site concept plan submitted in accordance with Section 405.1080 of the Zoning Ordinance and as required above ~~subdivision plat to be submitted in accordance with Chapter 410, Subdivision and Development of Land.~~
 - e. *Floor area ratio.* The maximum floor area ratio (FAR) requirements, as set out in the regulations for the commercial zoning district within which the site is located, may be increased on individual lots by the City Council, however, the overall density cannot be exceeded. Any increase shall be set out on the site concept plan submitted in accordance with Section 405.1080 of the Zoning Ordinance and as required above ~~subdivision plan to be submitted in accordance with Chapter 410, Subdivision and Development of Land.~~
2. *Trust indentures.* As part of the commercial designed development procedure and the applicable subdivision plat, trust indentures shall be recorded tying each individual lot or phase to the conditions of the approved site concept plan in perpetuity, unless otherwise modified or amended by

- the City of Creve Coeur. The trust indentures shall be submitted in accordance with Chapter 410, Subdivision and Development of Land.
3. *Procedure.*
 - a. *Application.* The granting of a commercial designed development may be initiated by the filing of an application by one (1) or more of the owners or authorized representatives of the owners of the property sought to be used for the commercial designed development proposal. Such application shall be submitted pursuant to and accompanied by a site concept plan submitted in accordance with Section 405.1080 of the Zoning Ordinance and a subdivision plat in accordance with Chapter 410, Subdivision and Development of Land including, but not limited to, the following information: The outboundaries of the property; the location, use and proposed improvements to all common land and streets; the total area of the property; and the proposed boundary lines of all lots showing the area and width of each lot.
 - b. *Review.* Such subdivision plat shall be reviewed by the Planning and Zoning Commission and a report and recommendation thereon made to the City Council for its approval in accordance with the voting, nature and fee provisions of Section 405.1080: Site Concept, Site Development And Minor Site Plan Approval and Chapter 410, Subdivision and Development of Land.
 4. *Tree conservation.* Any development proposed as a commercial designed development shall provide for the conservation of existing trees and existing tree masses on the site. The percentage of trees and tree masses preserved during development shall exceed the minimum standards of the subdivision regulations (shall exceed twenty-five percent (25%) of the existing trees and twenty-five percent (25%) of the existing tree mass areas).

If the City Council wishes to accept the Commission's recommendation only, the attached draft ordinance is sufficient. If, however, the Council wishes to broaden the scope of the documentation amendment but deny the setback amendment, as suggested by staff above, the following motion is recommended prior to a vote on the amending ordinance:

"I move to substitute the amending language in Section 1 of Bill No. _____ with the language proposed by staff in their Memo to the City Administrator and City Council, dated July 22, 2013."

If the Council has any further questions, or comments, Staff will be available during the meeting.



**APPLICATION TO PLANNING AND ZONING COMMISSION #13-017 FOR A
TEXT AMENDMENT TO THE COMMERCIAL DESIGN DEVELOPMENT
PROCEDURE TO ALLOW THE CITY COUNCIL THE DISCRETION TO
MODIFY MAXIMUM AND MINIMUM FRONT BUILDING SETBACKS AND
DOCUMENT THE APPROVAL ON THE SITE CONCEPT PLAN**

FOR THE MEETING OF: July 15, 2013

LOCATION: All commercial districts.

REQUEST:

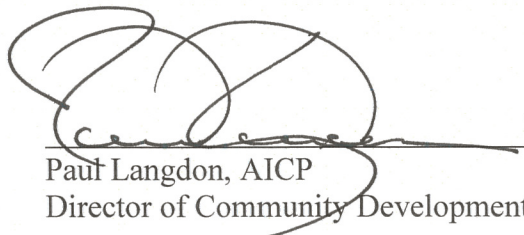
Garrick R. Hamilton, of The Koman Group, has applied to amend Section 405.450(D)(1)(c) of the Zoning Code to allow the City Council to increase maximum setbacks allowed for developments within CDD projects. Currently, only the minimum setback requirements for the commercial zoning district within which the site is located may be reduced by the City Council. The application will also have such decisions documented on the site concept plan instead of the subdivision plat.

ADDITIONAL INFORMATION:

If approved, the Applicant intends to seek approval of a site development plan for a 25,490 sq. ft. retail grocery store with a building setback from Olive Boulevard of 127 feet, and 110 feet from City Place Drive (Ref.: Application #13-019).

APPLICANT: Garrick R. Hamilton
The Koman Group, L.L.C.
6 CityPlace Drive, Suite 430
Creve Coeur, MO 63141

REPORT PREPARED BY:


Paul Langdon, AICP
Director of Community Development

7/11/2013
Date

Key Issues:

- Is this a reasonable exercise of zoning authority?
- Is this consistent with the purposes of the CDD regulations and the Zoning Code?
- Does this implement the goals of the Comprehensive Plan?

Comp. Plan References

- Goals and Strategies
- Design Guidelines

Zoning Code References

- Section 405.450.D
Commercial Design
Development Procedure
- Section 405.370 "CB"
Core Business District

ATTACHMENTS: Draft Ordinance

BACKGROUND

The CityPlace campus has developed and evolved over many years. One of the key regulations that guided that development has been the “CDD” Commercial Designed Development Procedure (Section 405.450.D) in concert with the underlying “CB” Core Business zoning district. To date, the primary use of the CDD has been to apply a campus wide coverage value that exceeds the “CB” Core Business standard of 70% on individual lots in recognition of a variety of factors including the large open space on the north side of the campus and the use of large fountains in front of several buildings. Although some of the specific regulations of the CB district have changed over the years, the CDD procedure appears to have been used to only modify the site coverage regulations. For the development of the final vacant lot on the campus, located at the northeast corner of CityPlace Drive and Olive Boulevard, the applicant has proposed a variety of plans over the years, the most recent of which received full site development plan approval in January 2007. Unfortunately, the developer was never able to complete that project.

Every proposal has followed the regulations of the CB zoning district except where the CDD procedure allowed an increase in the site coverage. However, the CDD regulations would also allow (upon City Council approval):

- a reduction in lot sizes.
- an increase in site coverage for individual lots but not the overall campus.
- an increase in floor area ratio for individual lots but not the overall campus.
- a reduction in the minimum front setback.

The latter of these is the subject of this application. The applicant has developed a site plan that relies upon a front setback of 110 feet from CityPlace Drive and 127 feet from Olive Boulevard where the CB district requires at least 50% of the building elevation along CityPlace Drive to be setback a maximum of 15 feet and all of the building façade to be a maximum of 80 feet from Olive Boulevard. In all instances, the first 10 feet are to be reserved for sidewalk and landscape. As noted above, the CDD regulations do contemplate a reduction in the minimum front setback (10 feet), but they do not allow the maximum setback to be increased. Consequently, the applicant is requesting an amendment to the text of the CDD that would allow such an increase to be approved. If done, they will follow with a site development plan application for the project with the setbacks identified above. The applicant has also proposed that any setback approvals under a CDD be documented on the site concept plan rather than the subdivision plat as is currently required.

It should be noted that although the CityPlace CDD is the only CDD approved in the city at present, and therefore there is a tendency to think of this application as a CityPlace-specific request, it could affect other areas of the city where a 10 acre commercial project is possible. At the same time, the CB district is the only one that currently has a maximum setback so a discussion of the implications of increasing a maximum setback within a CDD is really focused on the implications for the CB districts in the city.

COMPREHENSIVE PLAN AND DESIGN GUIDELINES ANALYSIS

With any text amendment, the analysis must first evaluate whether or not the proposal will result, generally, in development that is consistent with the Comprehensive Plan. There are few goals that speak to such specific standards as setbacks, however, the section on general “Goals and Strategies” states:

Community Image and Identity

1. Improve the quality of commercial development by strengthening the Design Guidelines to provide more detailed guidance regarding building orientation, connectivity, and compatibility with adjacent residential development, as well as illustrations of desired development patterns. (p.23)

Key to this general goal is the emphasis on the application of the Design Guidelines to building orientation and connectivity since these are both related to setbacks. The Guidelines state:

B. Streetscape/Pedestrian Orientation

1. High quality, pedestrian scale and walkable areas are the objective. Site and building design should address pedestrian needs and develop creative approaches to improving pedestrian interest, access and enjoyment.
2. Avoid spatial gaps and interruptions along the “streetscape” caused by parking or other non-pedestrian elements, such as building gaps, driveways and service entries. Continuous pedestrian activity is strongly encouraged.

If a building is setback more than 80 feet, it can hardly be a creative approach to improving pedestrian interest and it will certainly cause a gap in the streetscape. If there were a variety of redevelopment opportunities within the Core Business district (the only district with a maximum setback), one could propose that many subsequent projects could then be tailored to the larger setback, but such opportunities are few in number. Instead, the majority of the properties are already developed to a setback of 80 feet or less and that substantially increasing this number now will most certainly cause the type of streetscape gaps and breaks in the development pattern that are discouraged by the Design Guidelines and the Comprehensive Plan. It should also be noted that there are no statements that advocate for larger setbacks and more expansive separations from the pedestrian environment, only the opposite.

Regarding the change in documentation of setback modifications, there is no connection to or departure from the Comprehensive Plan and, therefore, there are no concerns with that one change.

ZONING CODE ANALYSIS

Furtherance of the Purposes of the Code

Changes to the Zoning Code must also be consistent with the purposes of the code, in general, and the particular regulatory section, in particular. The purposes of the Zoning Code are:

1. To protect, provide for and promote the public safety, health, convenience, comfort, morals, prosperity and general welfare of the residents of the City of Creve Coeur, Missouri.
2. To encourage the most appropriate use of land, to conserve and enhance the value of property, to provide adequate open spaces for light and air, to prevent undue concentration of population, to avoid excessive congestion of streets, to secure safety from fire, flood and other dangers and to assist in the provision of adequate community utilities and facilities such as transportation, water, sewage, schools, parks and other amenities in the City of Creve Coeur.
3. To guide the future growth and further development of the City within the spirit and intent of the Comprehensive Plan or current land use plan with variations requiring public disclosure and rational.
4. To protect and conserve the value of buildings and improvements and to minimize the adverse impact of development on adjoining or nearby properties.
5. To establish a beneficial relationship between the uses of land and buildings and the public street system; to require the proper location and design of streets and building lines; and to make adequate provision for pedestrian traffic circulation.
6. To encourage the wise use and management of natural resources; to provide adequate and safe recreational areas; to maintain the natural beauty and topography of the City and to ensure appropriate

development with regard to these natural features; to minimize the pollution of air, ponds and streams; to ensure the adequacy of stormwater drainage and detention facilities.

It is difficult to draw any conclusions from statements “1” and “2” above given that they encompass the broadest range of zoning purposes. The proposal could enhance purpose “6” since greater flexibility in the placement of a building might increase options that would spare natural resources on a site. This could lead to some concerns, however, that are discussed below under “Effect in Practice.” As stated above, the proposal is not fully supported by the Comprehensive Plan and so it is not fully in keeping with statement “3.” Finally, “4” and “5” go to very site specific concerns and there is nothing inherently conflicting between the proposal and those statements, save for the following. The value of an area is based upon a variety of factors, but one of them is the overall quality of design and cohesiveness of the neighborhood in which it is located. Urban areas, for example, achieve their vitality and value because they built in a consistently compact form. This is why cohesive, coordinated site planning is sound planning practice. Along Olive Boulevard, between the I-270 interchange and Craig Road, for example, the City has sought to keep the setbacks with the current limitations of the CB and GC (General Commercial) districts and the majority of the developments are setback 80 feet or less. There are several, however, that exceed 80 feet. If this is exacerbated by further setback departures under the CityPlace CDD, cohesiveness is further eroded and this cannot, as a matter of sound planning practice, represent a positive for other properties or a beneficial relationship between the buildings and the street system.

Turning to the specifically affected sections of the Code, Section 405.450.D, Commercial Designed Development Procedure states in the preamble that a CDD may be approved by the Council, “...when it finds that the commercial designed development proposal is consistent with good planning practice, consistent with good site landscape planning, is not detrimental to the existing and permitted uses in the surrounding area, is deemed desirable to promote the public interests and purposes of the Zoning Code...” As stated above, the concept of pushing buildings back from the street has never been embraced as good planning and, where it inevitably is done only to create a larger, more obvious parking lot, it is not consistent with good landscape planning. Further, and given how many developments have worked with the City to keep their front setbacks as short as can be mutually agreed upon, one must also ask what message is sent to those development owners when an exception is suddenly granted to a project only because the owner and tenant do not prefer to do the same as the others before them. Indeed, even the applicant has made such efforts in the past. So, while one might debate whether or not the detriment is in the form of traffic or decreased values, Staff suggest that the detriment is also in the damage to the working relationship that the City must maintain with all of its commercial residents, not just the one that prefers not to make the same adjustments that so many others have made beforehand.

It is fair to say that the requested change, whereby any setback modifications that are approved are noted on the site concept plan instead of the subdivision plat, is of only minor consequence to the purposes of the Zoning Code except, perhaps, that documenting them this way probably makes more clear the relationship between the development that has warranted the modification and the approved setback. Any time that zoning regulations are made more clear and connected to the development that arises from them, there is a benefit to the public. The only change staff suggest in this regard is that *any* changes allowed under a CDD be noted on the site concept plan, not just the setback.

Effect in Practice

The applicant asserts that the proposed change merely provides the City with the flexibility to consider a broader range of possibilities; to more carefully customize an approval to the conditions at hand. If a given project is set too far back, the argument goes, then the City can simply deny the site development plan. If this were in the context of a stand-alone planned-zoning district, staff would agree. Planned zoning relies upon flexibility and the well-considered decision of the Planning Commission and City Council to match a proposal to its larger context. In the case of the CDD, however, the issue of front setback should not be considered a freely debatable point. Front setback is a key site planning standard that is calibrated to match the overall purpose or context of the underlying zoning district. In the instance of the CB zoning district, which is the only district where this amendment would be in play, the context is already established as one of a higher density and a more urban land use pattern than the lesser commercial districts (GC for example). That is why the current language does not permit an increase in the maximum setback; to do so is contrary to the context already established by the district. The effect in practice, then, is not simply to provide simple flexibility, it is to provide an opportunity for a site design standard to move in the opposite direction intended by the current language which, in turn, allows a given project to step out of the context in which it is supposed to be a part. This does not represent the kind of certainty that pre-determined zoning districts are supposed to provide. If a project is so unique or on such an unusual lot that those certain standards are not workable, then a planned zoning district or a variance are the appropriate paths to approval.

The simpler matter here is the documentation of any setback modifications on the site concept plan instead of the subdivision plat. Since the public and the staff typically start with project drawings when trying to answer questions of development limits, it makes sense to note the modified setback (or any other modification, see above) on the site concept plan.

CONCLUSION

Staff believe that the setback proposal allows a significant departure from the underlying context of the CB zoning district and, as such, does not represent good zoning practice. Other options are available for truly unique projects or site conditions that do not risk weakening a pre-existing district. Staff believe the proposed change in documentation from the subdivision plat to the site concept plan is appropriate and should be extended to all modifications allowed under the CDD procedure. Although this represents a mixed opinion, a draft ordinance showing only the proposed amendments is attached for discussion purposes.

ACTION AND MOTION

If the Planning and Zoning Commission believe that the amendments accomplish the purposes of the Comprehensive Plan and Zoning Code as proposed, then they should support a motion on the attached draft ordinance. Whether or not the members of the Commission support any request, the motion should be made in the affirmative and then votes cast “yea” or “nay” on that motion. The following is an example motion for this application:

“I move to recommend approval of the draft text amendment ordinance attached to the July 15, 2013, staff report on Application #13-017 to amend Section 405.450.D., paragraph “1.c” to allow an increase in a maximum setback under a Commercial Design Development Procedure and require documentation on the site concept plan as discussed by the Planning Commission this day.” (Modifications must be made by preceding motion).

If the members wish to vote on the setback and documentation amendments separately, the following is an example motion:

“I move to recommend approval of the proposed [setback]/[documentation] text amendment to Section 405.450.D, Commercial Design Development Procedure, discussed in the staff report on Application #13-017, and direct staff to prepare the appropriate draft ordinance, as discussed by the Planning Commission this day.”

APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

Langdon. Paul

From: Creve Coeur Voter [editor@crevecoeurvoter.com]
Sent: Sunday, July 14, 2013 4:03 PM
To: Langdon. Paul
Subject: #13-017

Paul-

I support your conclusion that this proposed text amendment does not represent good zoning practice. It would appear that the project could be constructed under the current rules by changing the placement of the building and parking lot, while retaining the intended character of the district. If not, the conflict could be addressed in another way as you suggest.

Also, I am concerned that the procedure, which allows approval by a simple majority of the City Council, minimizes the role of the P&Z Commission. For example, it could be approved even with a negative recommendation of P&Z. Would a requirement for a positive recommendation from P&Z and/or a super-majority vote of the Council conflict with state law or case law?

Please add to the record.

David Caldwell

Langdon. Paul

To: espanolts@aol.com
Subject: RE: The Fresh Market

From: Espanolts [<mailto:espanolts@aol.com>]
Sent: Wednesday, July 17, 2013 3:12 PM
To: Langdon. Paul
Subject: Fwd: The Fresh Market

Mr. Langdon,

Now I remember why Dierbergs actually went ahead and designed their innovative below ground parking structure in Des Peres.

According to a CC patch article, it was to provide their customers in Des Peres with the added convenience of avoiding any type of inclement weather - heat, cold, rain, snow, ice etc. Dierbergs apparently views it as a competitive advantage in an upscale market like Des Peres.

So the same marketing strategy should apply to TFM in CC.

TFM could use an innovative below ground parking structure to reduce their Olive Street offset by perhaps 50%, hopefully bringing them into compliance with the permitting process. This parking innovation should also help TFM's bottom line, long term, by enabling them to siphon off more customers from their 4 nearby rivals, Dierbergs and Schnucks. So TFM need not focus exclusively on the up-front costs associated with a below ground parking structure. They can also be encouraged to view it as a strategic investment in their future. Or perhaps the marketing effort should be directed towards The Koman Group. Either way, that way TKG gets a stronger tenant for their City Place 6 property.

Thanks,

Tom Sharp

Langdon. Paul

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Thanks,

Tom Sharp



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, JULY 15, 2013
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, July 15, 2013, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: ***Mr. Tim Madden, Chair***
 Dr. Michael Barton
 Mr. James Faron
 Mr. Charles Pullium
 Mr. Gene Rovak

OTHERS PRESENT: ***Mr. Carl Lumley, City Attorney***
 Mr. Paul Langdon, Director of Community Development
 Ms. Whitney Kelly, AICP, City Planner
 Ms. Julie Lowery, Recording Secretary

2. NEW BUSINESS

A. PUBLIC HEARING

Application #13-017: A request for a text amendment to the Commercial Design Development procedure to allow the City Council the discretion to modify maximum and minimum front building setbacks and document the approval on the site concept plan.

Applicant/Agent: Garrick R. Hamilton
 The Koman Group, L.L.C.
 6 CityPlace Drive, Suite 430
 Creve Coeur, MO 63141

Mr. Mark Rubin, The Koman Group, 6 CityPlace, explained he is seeking approval of a text amendment to empower the Commission and City Council with planning tools when considering a Commercial Design District. Mr. Rubin said they are not asking for an exception, just for the ability to present a site plan at the next Planning and Zoning meeting. Mr. Rubin also shared the project would be to develop and construct a new Fresh Market grocery store. Mr. Rubin said Fresh Market is a luxury grocery store that rivals Whole Foods and that they are new to the St. Louis market. In addition to Creve Coeur proposed location, Fresh Market has also announced plans for another location in Clayton, MO. Mr. Rubin clarified the requested setbacks are 104 feet from the future right-of-way on Olive Boulevard or 110 feet to the curb, as the staff report has those numbers at 127 feet. Mr. Rubin also stated on CityPlace Drive they are proposing 87 feet from the CityPlace right-of-way or 95 feet to

the curb, as opposed to the 110 feet in staff's report. Mr. Rubin stated he believes the project would generate foot traffic from CityPlace, not Olive Boulevard. Mr. Rubin said pushing the building back only helps the orientation and connectivity in relation to the CityPlace campus. In addition, Mr. Rubin said the site plan contemplates creating continuity between the Fresh Market site with CityPlace retail, directly to the west of the proposed site, as well as CityPlace office buildings. Mr. Rubin said the corridor along Olive Boulevard is a thorough mixture of building setbacks, ranging from hundreds of feet to ten feet. Mr. Rubin showed an illustration of buildings and how they vary in setbacks along Olive Boulevard from Craig Road to Ballas Road. Mr. Rubin said they would like to enhance density where it is appropriate; however staff is not in favor of the proposed design because of traffic flow problems, parking issues, and access issues. Finally, Mr. Rubin said the tenant is not willing to accept orientation that pushes the building forward; they have other stores where this concept was implemented and those stores under perform.

Mr. Gary Feder, Husch Blackwell LLP, 190 Carondelet Plaza, commented that even though much of the site plan was discussed, the measure before the Commission is extremely narrow, it is a text amendment and strictly procedural.

Mr. Pullium asked if it is a narrow change, how it consistent with current is zoning? Mr. Feder replied it does not apply to the underlying CB zoning, it only relates to the CDD procedure.

Mr. Faron asked if any other CDD district in Creve Coeur would be susceptible to this change going forward, although there are no other CDD districts at this time. Mr. Feder said it is true, if there was another CDD, but CityPlace is the only one at this time.

There was some discussion around the Fresh Market site that is proposed in Clayton, and Mr. Faron stated that site was more conducive to what Creve Coeur was trying to achieve with the Comprehensive Plan and Downtown Plan, and that seems to be more in line with a pedestrian oriented direction that Creve Coeur is seeking. Mr. Feder disagrees with the staff's conclusions and feels they mostly deal with the "CB" district and there is a lot of discussion on impact of the "CB" or "GC" properties.

Mr. Rovak asked the applicant if a precedent is being set by approving this application. Mr. Feder replied if the Commission were to recommend approval, the 80 foot setback is still part of the "CB" district it does not change. Dr. Barton asked to hear the input from staff in regards to setbacks.

Mr. Langdon, Director of Community Development, stated this application brings an interesting situation. Mr. Langdon said he always encourages the Commission and City Council to look at text amendments in the broadest terms, however this is the only CDD in town, and they are asking for an amendment that affects only one standard which exists in one district, which is maximum setback. Mr. Langdon also pointed out there has never been a decision on a text amendment based solely on one project or tenant and their one desire for a site. Mr. Langdon addressed the examples Koman provided of setbacks along Olive Boulevard and said the majority are 80 feet or less and believes that 80 feet should stay the standard. Mr. Langdon said the City's perspective is that if the project were so unique in some way or the property was so unusual there would be alternatives, but there just is not.

Mr. Pullium asked what the effect of denying the request would have, and Mr. Langdon replied it still moves to City Council.

There being no further comments, City Attorney, Mr. Carl Lumley, presented the exhibits for the record and the public hearing was closed.

(This ends the Public Hearing; see verbatim transcript for further information)

Mr. Faron motioned to recommend approval of the draft text amendment ordinance attached to the July 15, 2013, staff report on Application #13-017 to amend Section 405.450.D., paragraph “1.c” to allow an increase in a maximum setback under a Commercial Design Development Procedure and require documentation on the site concept plan as discussed by the Planning Commission this day. Dr. Barton seconded the motion with the resultant vote as follows:

Mr. Pullium – aye
Dr. Barton – nay

Mr. Rovak – nay
Chair – aye

Mr. Faron – nay

Mr. Faron motioned to recommend approval of the draft text amendment ordinance attached to July 15, 2013 staff report on Application #13-017 to amend Section 405.450.D., paragraph “1.c”, to allow and require documentation on the concept plan as discussed by the Planning Commission this day. Mr. Pullium seconded the motion with the resultant vote as follows:

Dr. Barton – aye
Mr. Rovak – aye

Mr. Faron – aye
Chair – aye

Mr. Pullium – aye

Mr. Langdon clarified a text amendment requires four affirmative votes for a positive recommendation and this application only received two, so it is a negative recommendation moving to City Council on July 22, 2013.

3. ADJOURNMENT

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 9:42 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



city
of

CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

July 16, 2013

Mr. Mark Rubin
The Koman Group, L.L.C.
6 CityPlace Drive, Suite 430
Creve Coeur, MO 63141

Re: Application #13-017: Text amendment to Commercial Design Development procedure

Mr. Rubin:

The Planning and Zoning Commission, at its meeting of July 15, 2013, reviewed your requests for text amendments to the Commercial Design Development procedure to allow the City Council the discretion to modify maximum front building setbacks and to allow the documentation of such approvals on the site concept plan.

By a vote of 2 ayes and 3 nays, the Planning Commission does not recommend approval of the text amendment allowing the modification of maximum front setbacks. By an unanimous vote, the Planning Commission does recommend approval of the text amendment allowing the documentation of any modifications on the site concept plan instead of the final plat. Both requests will be presented to the City Council on Monday, July 22nd, 2013. You or a representative should plan to be in attendance to speak for the requests.

If you have any questions, please contact the Planning Division staff (872-2501) as soon as possible. Note that significant changes to the draft ordinance may require that the matter be returned to the Planning and Zoning Commission prior to City Council approval.

Sincerely,

CITY OF CREVE COEUR


Timothy Madden, Chairman
Planning & Zoning Commission

TM:jl

Cc: M.C. Perkins, City Administrator
S. Unser, Chief Building Official

PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

MONDAY, JULY 15, 2013

7:00 P.M.

APPLICATION 13-017

THOSE IN ATTENDANCE:

Mr. Tim Madden, Chair

Mr. Michael Barton

Mr. James Faron

Mr. Charles Pullium

Mr. Gene Rovak

Mr. Carl Lumley, City Attorney

Mr. Paul Langdon, AICP, Director of Community Development

Ms. Whitney Kelly, AICP, City Planner

Ms. Julie Lowery, Recording Secretary

McLaughlin Court Reporting Services, Inc.

Deborah K. McLaughlin, RPR, MO-CCR #314, IL-CSR, KS-CCR
4772 Gatesbury Drive
St. Louis, MO 63128
(314) 487-2259

CHAIRMAN MADDEN: That'll move us to Public Hearing Application No. 13-017, a request for a text amendment to the Commercial Design Development procedure to allow the City Council the discretion to modify maximum and minimum front building setbacks and document the approval on the site concept plan.

Anybody that might be commenting on this, we need you to come up and be sworn in.

(Speakers were sworn in by the court reporter.)

CHAIRMAN MADDEN: Would you please state your name and address for the record.

MR. MARK RUBIN: Good evening, Mr. Chairman and Members of the Planning and Zoning Commission.

My name is Mark Rubin with The Koman Group located at 6 CityPlace Drive, Creve Coeur, Missouri 63141.

I'm here to request your approval of a text amendment before you.

As noted in the staff's report, this text amendment request is merely to empower the Commission and Council with typical planning tools when considering a Commercial Design District.

We're not asking for an exception at this point. We're merely asking for the ability to present our site plan at the next Planning Commission Meeting.

In order for you to better evaluate our proposed

text amendment tonight, we're going to share a little more information about the project than what's traditionally shared at this point during a text amendment proposal.

The proposed project is to develop and construct a new Fresh Market. Fresh Market, if you're not familiar, is a luxury grocery store that rivals Whole Foods.

Fresh -- Fresh is -- they're new to the St. Louis market. In addition to the Creve Coeur location, they've announced plans for another location in the City of Clayton at the corner of Hanley and Clayton Road, which is the old Schnucks site.

For starters, as a point of clarification to our request, as opposed to the requested set -- our requested setbacks are as follows. They're 104 feet from the future right-of-way on Olive Boulevard and to the face of our building canopy or 110 feet to the curb.

In staff's report, we just wanted to point this out, it's noted as 127 feet.

Also on CityPlace Drive, we're proposing 87 feet from the CityPlace right-of-way, or 95 feet to the curb. And staff's report it actually notes that it's 110 feet.

Further noted in staff's report, the question is to be asked, whether or not this development meets the goals of the community and its image identity and whether or not the site plan improves the quality of commercial

development as how it relates to the orientation and connectivity.

The Comprehensive Plan does not focus on developments proximity to Olive Boulevard, but rather to improving pedestrian interest, access and enjoyment.

The overwhelming majority of pedestrians visiting our site will be coming from CityPlace, not from Olive -- not from Olive Boulevard.

Olive Boulevard is heavily vehicle trafficked, yet has nominal pedestrian traffic, whereas, CityPlace community does have a -- has a fair amount of foot traffic.

Pushing the building back only helps the orientation and connectivity as to how the project relates to the -- to the CityPlace campus.

In addition, the site plan contemplates creating continuity between the Fresh Market site with CityPlace Retail directly to the west of the proposed site, as well as our office buildings.

The corridor along Olive Boulevard is a thorough mixture of building setbacks, from hundreds of feet in the case of Dierbergs, to as little as potentially 10 feet along Olive.

We engaged Arcturis Architects, who's -- who's involved in the project, to do a setback study. I will

qualify to you, the scaling was done off of public maps, and -- as we did not have access to all the latest and greatest survey information, so, therefore, there -- there is a plus or minus tolerance to be -- to be considered in some of the -- the estimated setbacks that I'm going to point out to you.

I think -- I think what you'll -- what I'm going to demonstrate here -- I need to maybe kind of zoom this, little hard to see -- too hard to see. So the site in the center is representation of our proposed project, the Fresh Market. And what we did is we -- we had Arcturis estimate for us what the present setback, what it looks like along, specifically, from Craig really out to Ballas.

And what we -- what we discovered is you have a really -- you've got quite -- quite a variance.

As I stated with Dierbergs, we're estimating is approximately in excess of 500 feet back from Olive Boulevard, and Dierbergs is -- is up here. And then as we work our way westerly, there's -- we have examples of CityPlace East, which is on the south side of Olive, that is approximately about 94 feet setback off of Olive.

There's a Scott Property Office Building, which is also on the south side, which is right -- it's right in here, it is -- it's approximately 90 feet back. Trader Joe's sits approximately 122 feet. We believe on average, CityPlace

Retail, and that's -- that is really -- CityPlace Retail, which falls just to the west right here of our proposed development, what we've attempted to do here, in order to maintain continuity, is to really hold that surface line, which we think is the best way to create harmony among both the CityPlace Complex, the CDD District, as well as what we have in our immediate kind of adjoining neighboring properties.

Couple other examples are AT&T, which is across the street, which -- which is about 99 feet, and Aldi's sits back as much as 143 feet.

Couple -- lastly, the -- the examples of St. Luke's and CVS developments that were constructed within the last two years, the location of these is -- is approximately -- it's -- it's approximately about the same setback as what we are proposing.

We do believe that sound planning principles would actually agree with the location, the building that -- that we proposed.

We've investigated a number of alternative locations for the building, as staff does note in the report. This is nothing new for us. We would like to enhance density where appropriate, however, they were all inferior to the proposed design for a variety of reasons.

Number one, the increased impact of traffic on

Olive Boulevard in the event that we pull -- if we were to pull this proposed project up closer to that stretch of Olive, it would create -- it would create traffic flow problems.

In addition, we'd have insufficient parking on the front of our site to accommodate our user public. And as well as we would create a very problematic and difficult turning aspect for loading for our -- for our proposed loading dock area. Trucks would be forced to do, potentially, either three-point turns in Olive Boulevard or on CityPlace Drive.

And so the mechanics of that, they just don't provide the ability for us to move this site any closer.

Finally, our tenant has stated it is not willing to accept the building orientation that pushes the building forward. They have other stores where this concept has been implemented, and those stores consistently underperform.

Further, grocers in the immediate area have much better visibility, in the cases of Aldi's and Dierbergs, and their setback from the right-of-way is significantly more than what we're proposing.

We're -- we're -- we're -- we -- we want you all to ask yourselves if -- if we should be required to abide by a less standard.

The fact remains that St. Louis County is by and large a destination based retail marketplace. And having both highly visible and easily accessible parking is paramount to the viability and the success for most retail uses.

As we proposed, this would be a great asset for this site, as well as Creve Coeur.

We encourage the Planning & Zoning Commission to give us the opportunity to present this development in its entirety at the Planning and Zoning -- at the next Planning and Zoning Commission.

You have anything you want to add?

MR. GARY FEDER: Mr. Chairman, my name is Gary Feder. I'm an attorney with the law firm of Husch Blackwell at 190 Carondelet Plaza in Clayton.

We are outside counsel to Koman on real estate matters. I think Mr. Rubin has given a very detailed presentation.

Just by way of brief comment, we just want to really emphasize what I think is fairly obvious, which is even though you've seen an awful lot about this site plan, the measure that's before the Commission tonight is extremely narrow. It is a text amendment.

We, obviously, wanted to be totally transparent and talk about the project, but the reality is that this

particular matter is strictly a -- a textual amendment to a procedural ordinance, and it deals specifically with the CDD procedure, the Commercial Design Development procedure, which over -- theoretically could apply in other places in the City of Creve Coeur. Really only does apply to this project, to CityPlace.

And, simply, all it's asking the Commission to do is give the City Council, at such time as this matter comes before you and the City Council, the ability to look at the issue of maximum setback.

So there is no request tonight of the Commission in any way that you are modifying the setback, the maximum setback. It is not an amendment to the CB Ordinance.

This is, again, a unique situation. You have the underlying CB Ordinance, and then you have, essentially, the -- the CDD as an overlay, and it is -- it is really limited just to that procedure, and merely gives the right going forward to consider whether to extend that maximum, and it does no more than that.

So with that in mind, we would ask for your approval so that this matter can come forward, and then the Commission and the Council can actually evaluate the site plan when it is in front of you, but it is not tonight.

So, again, this is a very narrow procedural

matter, and we think it's an appropriate one.

The -- the CDD was -- was applied by the City to CityPlace in order to create some flexibility. It is, in essence, a Planned District, even though it's not denominated as such, but the effect of the base district with the overlay on top of it, essentially, is a Planned District, and in that kind of district there should be the discretion to vary or modify both minimum and maximum setbacks, and that is all we're asking you to do is to allow that possibility to occur.

Thank you.

CHAIRMAN MADDEN: Any questions?

MR. PULLIUM: I -- I have a question.

Sir, if you don't mind. The -- this is a narrow -- this is a narrow change that you're asking for, as I think is what you were just mentioning.

How -- how is this change that you're asking for consistent with, I guess, with the existing zoning where so many other people have relied on the zoning as it currently exists? I mean isn't -- isn't this an exception? Aren't we asking that exceptions be made?

MR. GARY FEDER: Well, it, again, only -- it does not apply to the CB underlying zone, except in a situation in which this overlay district, essentially, the CDD procedure has been placed on top of that zoning.

That's the only situation -- had we -- were we seek some amendment to the underlying zoning, the CB District, we would have requested a -- an amendment to a different part of your text.

So it does not apply. It doesn't change the CD underlying zoning, except in this one instance, which is where there is a CDD procedure, and that's -- that's all it relates to.

MR. PULLIUM: Thank you.

CHAIRMAN MADDEN: Any other questions?

Mr. Faron.

MR. FARON: So related to that, any other CDD District that we would have in Creve Coeur would be susceptible to this change then going forward, though we don't have any others, but it would be --

MR. GARY FEDER: It is true that if there was another CDD, to the extent this provision relates to this CDD procedure, it would allow, in that situation, the Council the ability to modify the minimum or maximum setback.

MR. FARON: Could I ask, I mean do you have access to our staff report? I'm sure we're going to hear from our staff right now.

If you've looked at it or read it, to me I've gone over it thoroughly, and it seems to be considerable

contradiction between your perspective on what you're trying to do and what we're trying to do maybe staff wise and Comprehensive Plan wise.

I mean without going through all the issues, I would love to see what the other options were and how the other options wouldn't pertain to our existing setback, and -- and going further, in Clayton, is that building that, you know where the old Schnucks is, is that going to be retrofit --

MR. MARK RUBIN: It is.

And, once again, perfect example where you have parking out in front and yet the building sits back.

Yes, it is been proposed as a retrofit.

MR. FARON: Oh, but, so when you say parking out in front, are we talking about Clayton and Hanley right there?

MR. MARK RUBIN: Correct.

MR. FARON: But the building's right up on the street, isn't it?

MR. MARK RUBIN: No, it's set back quite a bit from Hanley.

MR. FARON: It is set back?

MR. MARK RUBIN: Oh, yeah, you have at least three rows, would you agree, if not four of parking in front on Hanley.

MR. FARON: I mean to me, correct me if
someone --

MR. LANGDON: That building sets a distance from
Hanley, but the front door faces Clayton Road, and it's
very close to Clayton Road.

MR. FARON: To me --

MR. GARY FEDER: Well, my office is in Clayton.
I live right around the corner from the Schnucks site.

I would agree, on Clayton Road the existing
building is quite close to Clayton. On Hanley Road, it is
quite a distance from Hanley Road. And there is a
considerable parking field on Hanley. It's a corner site
so, and it -- and it is correct --

MR. FARON: So you --

MR. GARY FEDER: Excuse me -- it is correct that
I'm also familiar with that -- with what Fresh Market
intends on that site, and it is their plan, essentially,
to retrofit the site without changing the footprint.

MR. FARON: I mean I'm very familiar with the
site, and I, you know, it's kind of more conducive to what
we're trying to do with our Downtown Plan, our
Comprehensive Plan, in way that building sits on that
site.

And, I guess Clayton, there is considerable
parking in front on the Hanley side. The Clayton side it

seems to butt right up to it, and curious as to how you're going to work the loading there and the other issues.

That seems to be more in plan with a human scale of pedestrian oriented direction that we're trying to kind of do throughout Olive. And I know there's other examples that refute that. But I don't know exactly when all those were put into place, if it's decades ago or not.

But, again, it's just -- there's a lot of different perspectives coming from you related to what I see in the staff report and what we've kind of had in front of us over the last few years that I've been on the Commission so.

Again, I'll let you continue, with --

MR. GARY FEDER: Well, with reference, certainly, I did read the staff report from Mr. Langdon very closely.

And we -- I do disagree with his -- some of his conclusions.

I think most of them, in my opinion, is that they focus on the CD District, and there's a lot of discussion about impact on CD properties or GC properties in terms of setback.

And I think it, frankly, does not put enough emphasis on the fact that this is different from many of the properties he discusses, because this is within

CityPlace, and this is the only property to which the CDD procedure applies.

And there's very little discussion about that. There's a suggestion that where this -- that this would be more appropriate for dealing with in a Planned District, and that's why I made the earlier point that I believe this is a Planned District.

It's not denominated as such, but the impact, and it's one of a kind where you have a CD District with this procedure over-layed on top of it, essentially, creates a Planned District, and in most Planned Districts, as Mr. Rubin said in his earlier comments, and I think you're aware, there's usually a fair amount of discretion for the City Council to evaluate the plan and modify or not modify, same way with the Plan Commission setbacks as you see fit.

But, again, we're not here tonight asking for any specific -- in fact, we're not here with a site plan for Fresh Market.

We're here strictly with a text amendment to allow there to be sufficient discretion, so that we can come forward with a site plan.

If we don't have the discretion, we can't really come forward with our site plan, because it's, essentially, prohibited.

MR. FARON: The particular settings or restrictions now would prohibit you coming forward with something of an option?

MR. GARY FEDER: With the plan that Fresh Market wishes to pursue on this site.

MR. FARON: And both setbacks would be maybe not as much as we had seen here initially in the report, but still considerable of 90 feet on CityPlace?

MR. MARK RUBIN: Not in comparison to a bunch of the existing buildings that exist along that frontage.

I don't think we're asking for anything that would be inconsistent with any sort of prevailing pattern that exists there presently.

CHAIRMAN MADDEN: Mr. Rovak.

MR. ROVAK: I think we maybe don't really -- should be after the -- once it's proposed and we're in discussion about it, but I mean we, as you pointed out, we have two issues, and one really isn't on the table.

The one issue that's being brought up now is strictly from -- from the applicant's viewpoint, one of flexibility, which in general is a good thing.

But the whole concept, the idea of a certain type of plan in general is to form guidelines under which subsequent plans and actual applications will be guided, and there's going to be principles that set those as to

how they're done.

The fact that a lot of things existing depart from that, really go to the fact that a lot of those were, we won't call them grandfathered, but they were in existence prior to this being set up, and so there was a dance to accommodate, obviously, everything that was already there, but put in place some guidelines as to how things were going to develop in the future.

So, again, it's not a -- it's not a zoning plan, but it is a requirement, and it gives us the framework by which to judge things that are then applied.

So I, while I like the idea of allowing ourselves to be more flexible, I wonder if that isn't really exactly what we were trying to restrict, so that we wouldn't be judging everything ad hoc.

Each thing that would come about, we would then try to look at it in a vacuum. The whole idea was to fit into a framework, which we had determined was what we felt was beneficial to the area and its development. So I guess that flexibility is a two-edged sword, but I'm not sure it's what we really -- really want.

MR. GARY FEDER: If I could just in response, Mr. Rovak.

I think were the Commission to recommend this, the 80-foot setback, that maximum setback is still part of

the CB District, the underlying zone, that doesn't change. You haven't commented in any way as to whether you think that's appropriate or inappropriate.

All that happens here is because it's not in the CB, but also has this overlay, that it's allowing really for the issue to be looked at and to be modified if there's a decision by the City to do so.

It does no more than that. It doesn't change the 80-foot setback, maximum setback, it's still there, it's unchanged. And it's still part of your perspective as you consider this plan. You and the Council can modify, recognizing that that is the underlying maximum setback, but it gives this applicant an opportunity to be heard on that issue and it doesn't do any more than that.

CHAIRMAN MADDEN: Dr. Barton.

MR. BARTON: Well, I think it would be helpful for me to hear some comment from Paul, cause I remember -- remember we had, you know, the City's gone back and forth on these setbacks, and there's not a clear strategy.

I remember when, you know, the Genovese Jeweler and that bank next door, you know, those -- that was during the era when we were trying to get a real close setback, and we're trying to get everything close to Olive, and kind of get, you know, parking behind and that was in vogue.

Then we got so much push back, that we kind of relooked at that and said, okay, maybe we can push the buildings back a little bit and then kind of come up with a compromise.

So, you know, I don't think there's any real strict rules on that that really work, and so there's -- you know, there's part of me that says, well, maybe it does make sense for the Council to be -- have some flexibility, because there isn't any magic setback that seems to -- to be correct for every part of the -- of the City.

So maybe, you know, maybe Paul could expand on that for us and then we could continue with our questions.

CHAIRMAN MADDEN: Paul.

MR. LANGDON: Good evening, Mr. Chairman, Members of the Commission, Paul Langdon, Director of Community Development for the City of Creve Coeur.

This is an interesting situation because on one hand, as it's been pointed out by the applicant, we're talking about a text amendment, which I always encourage the Commission, and, ultimately the Council, to think of in the broadest terms, and yet we only have one CDD in town.

And then to put an even finer point on it, they're asking for an amendment that affects only one

standard, which exists in only one district, which is maximum setback.

So it really comes down to a very discreet question that has been pointed out.

On the other hand, I don't think that we have ever based a decision on a text amendment based solely on one project, based solely on one tenant, and their one desire for this site.

I think that where a project has indicated that we should look at a question, we then broaden that question out beyond the current and look at the what ifs.

And then we have to look at the whole district. We have to look at where we have a maximum setback and where it might become an effect; where we might have a problem. And that's where I start to lose some of the faith in granting the -- the request.

It is true that Olive Boulevard has a variety of setbacks. I did check, using the City's JS, which is built to survey grade so accurate within roughly 3 feet. The -- the distance between, from what I can tell from the aerial, the front of each building, 90 degrees perpendicular, that is to the right-of-way edge, and which is how we measure setback, not at an angle, which is shown here, it would be measured straight down, as an example, more like what you see on these others.

And the majority are less than 80 feet, 80 feet or less. We have some of the more recent ones, like CVS, that were -- were set right on that line. That was a point of debate with CVS. They wanted it 20 feet more than that, and the City stood on its ground on the 80 feet.

So I think that we have a fairly varied past, but the majority goes with the ordinance as it exists today.

And I think when you're talking about where are we headed and what are we doing, look to very recent request across the road at the old Reuther property. There is an applicant that initially wanted to be further back than the existing buildings, and, fortunately, this aerial shows the Reuther property, which is right here. They wanted to be further back than this. They were in the 100-foot range. But because, like a lot of car dealerships, they wanted all of their product in front.

We spoke to them about the interest of the City in trying to improve Olive Boulevard; that we've always worked, to the extent we could, to bring buildings up to the street as far as we can. Indeed, even Koman was looking to be instrumental in that effort five, ten years ago, with the proposals for -- for this site and this combined site and the McDonald's site to try and bring the

buildings to the street.

We were looking -- we -- we had a very difficult time getting CityPlace -- what was called CityPlace North at the time, which is this same property, approved by the City Council with a 15-foot setback because perhaps that was too close.

And now we have a tenant that says, no, 80 feet's too close.

So I don't feel comfortable, as the City Planner, who is entrusted with taking the long view, with saying as soon as 2007, we were fighting for 15 feet and now we're questioning whether 80 feet is too close.

There has been no precipitous change on Olive Boulevard. There's been no change to the Core Business District. There's been no change to the Comprehensive Plan. We have stood on this ground since 2002, and I think we should continue to do so.

Now, does that mean that 80 feet is okay versus 60 feet versus 15 feet, I don't know, and I don't think anybody else knows, and that's why the 80 feet is there. There is flexibility in the Core Business District. It's not that we're not providing some flexibility, it's just not as much flexibility as this particular tenant wants to achieve.

Maybe it's more the landowner than the tenant, I

don't know, but I'm going to paint the tenant with this brush.

I think that when we look at the other properties, and the comment was made that, wow, look at Dierbergs and Aldi's and how much better their sites are and they're way further back than this site.

Well, the interesting thing is Dierbergs requested, and it was approved, the variance for that sign that they have on the front of their building, which is, I believe, on the order of 300 square feet -- 400 square feet, so that they would have visibility from Olive.

On top of that, they were approved for a common sign plan to install two monument signs right on the street with tenant information on them to improve visibility.

So I don't think Dierbergs would agree that being 500 feet back from Olive is exactly good visibility.

When Aldi's was moving in, they attempted to modify their building with an architectural device that would put their maximum building sign higher on the building than the old Borders sign was. Why? Because they felt that the building did not have sufficient visibility. So I think that they would disagree that being further back is better.

The last time I checked, the closer you were to

the street, the more visible you were. People could see the product you have inside the store through the windows. People can see the signs. People can see more detail.

And visibility and detail is really what this is all about. Olive Boulevard is supposed to be the commerce core of the City.

In 2002, and, frankly, you can go all the way back to the '69 Comprehensive Plan, if you like, it's spoken to the need to appeal to the more small town, if you will, a more pedestrian friendly, a slower-speed vehicle environment, which means bringing the buildings closer to the street.

We have always stood on that ground. Always. The Comp Plan, I think in 2002, was less precise about it because we were going through this exercise of, well, maybe we're pushing too hard, but we weren't sure. But it certainly didn't back away.

It references the design guidelines. The designs should push, the pedestrian environment should push that the green-lined parks should be a part of it. Everything about it was about the feel from Olive Boulevard. Not the feel from CityPlace 6. Not the feel from the center of the office park. But the feel from Olive Boulevard. That the planning was directed towards the street, and that's where the standard comes from.

The CDD was created in an environment where it could have altered the maximum setback. The CB District existed before the CDD language did. And yet that choice wasn't made at the time, and I think it was well considered at the time because the feeling was that the flexibility was already sufficient; that granting more would be contrary to the whole purpose of the district.

And let's remember that this Core Business District expands well beyond even Olive Boulevard. It faces arterials on Ballas in particular, and there is an environment there that is supposed to be established by that Core Business District.

If at any opportunity a tenant comes along and says, oh, I can't work with that, and the City has to face that question time and again, then, essentially, we've thrown the standard out of the window.

You have to draw a line in the sand somewhere, and I think that line was 80 feet.

Finally, I think that the City's perspective is that if we were talking about a project that was so unique in some way or that the property was so unusual and so difficult to develop in some way, there would be alternatives available to this property owner.

The CityPlace campus could, in fact, be rezoned to an actual Planned Zoning District, which is a true

zoning district, which would incorporate the plan into the ordinance that approves it that would give them certainty, would give us certainty, and they would be able to move forward in that way. That's a much larger effort though, and they didn't want to undertake that.

If the property was so difficult, they could have applied for a variance. It has one depression at the back, a minor depression, that's it, otherwise, it's flat, it's green, it's got streets on three sides, so it has plenty of access. It's not unusual or in any way challenged property.

Frankly, they've developed much more challenging properties elsewhere in the CityPlace campus without need of a variance.

So I would suggest that this is really a matter of convenience. I know that this has been a difficult site for them to develop. I understand that this would be an excellent tenant, not only for them, but, frankly, for the City.

This is the point of sale area for the City. Sales tax is important in these areas for the City, but I don't think we should compromise something we've been trying to achieve for many, many, many years, and without any basis other than one tenant doesn't like it.

That's all I have. I'd be happy to answer any

questions.

CHAIRMAN MADDEN: Any questions?

MR. PULLIUM: I have a question. I think you sort of answered it, but I'm not sure.

What -- what is the effect of -- of denying this motion? What's the effect on their plan that they've already stated?

MR. LANGDON: From Planning Commission it moves to the City Council. They could evaluate it with the Planning Commission's recommendation in mind, whether it's positive or negative. Their vote is subject to a simple majority.

If they were to support the Commission's recommendation, if that is a negative, then the applicant will go back to their tenant and explain that they have to work with an 80-foot maximum setback.

If they are unable to reconcile that with that tenant, then that deal probably fails.

CHAIRMAN MADDEN: Any other questions?

Mr. Faron.

MR. FARON: If the applicant was to address one of the sites, would they have the option to go to Board of Adjustment for a variance on the other setback, or is this all or none for, say, you know, Olive frontage and CityPlace frontage?

MR. LANGDON: Well, the setback applies from any frontage, so you have a -- a triple fronted lot, which is not particularly common. I would look -- and on CityPlace Drive and the connector street, which are the side and the back, 15 feet would be the maximum setback. The 80 feet is -- is an allowance for Olive Boulevard only.

Once you've placed all those setbacks on the site, if that created a -- an area that you simply couldn't reasonably fill with the building, so that you were sort of stretching a building to reach these maximum setbacks, you might be able to put together a case for a variance.

Again, though, that becomes centered on one instance, one building, whereas, large buildings occur and could fill the site.

So I'm not saying it's not doable; I'm not saying it's easy either.

MR. FARON: But addressing the Olive setback wouldn't, say, put the CityPlace setback at an advantage if they would -- would abide by what Olive is stating and were given some leeway on the 15-foot setback from CityPlace, that would have to go to Board of Adjustment or in a variance would have to be proposed?

MR. LANGDON: Right. Board of Adjustment handles variances exclusively.

MR. FARON: I guess, trying to throw some other options out there, like you said, the tenant would definitely be more than welcomed. We'd love to have them for sure. I mean I don't know if this is the right path to take to achieve that, but just seeing what other options are out there. That's why I ask it.

CHAIRMAN MADDEN: Any other questions?

Is there anybody in the audience, question, comment?

That'll close our public hearing then.

MR. LUMLEY: Offer the following exhibits into the record of this public hearing: Documentation in possession of the City Clerk reflecting the notice to the public regarding the hearing, the staff's report, the City's Code of Ordinances and Charter, the City's Comprehensive Plan, the public file regarding the application including all communications received to date, and, additionally, the applicant's -- that's not in your application, is it?

MR. MARK RUBIN: Is not.

MR. LUMLEY: Including the applicant's diagram reflecting the aerial view with various setbacks.

(This ends the public hearing.)

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

I, Deborah K. McLaughlin, Registered Professional Reporter, Missouri Certified Court Reporter, Illinois Certified Shorthand Reporter and Kansas Certified Court Reporter, do hereby certify that I reported the Planning and Zoning public hearing stenographically and later reduced to typewriting; and that this is a true and accurate transcript of the public hearing.

_____, RPR, MO-CCR, IL-CSR, KS-CCR

Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR

**AN ORDINANCE TO AMEND ORDINANCE NO. 3017 BY ELIMINATING THE
PRIOR USE RESTRICTIONS FOR THE PROPERTY KNOWN AS SHOPPES
AT QUESTOVER, ADDRESSED AS 12528-12536 OLIVE BOULEVARD**

WHEREAS, an application was made by Daniel Burke, of Armstrong Teasdale, LLP, on behalf of Altus-Questover, property owner, to modify the zoning ordinance of 12528-12536 Olive Boulevard to be consistent with that of other "GC" General Commercial Districts; and,

WHEREAS, Ordinance No. 3017 approved the rezoning and site development plan of the property in 2004, that included a condition requiring a deed restriction against certain uses for the property beyond those permitted in other "GC" General Commercial zoning districts; and,

WHEREAS, The property owner believes the imposed restrictions interfere with appropriate uses of the shopping center; and,

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, July 15, 2013, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application; and

WHEREAS, notice of said public hearing had been previously published at least 15 days prior to the hearing, in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur and otherwise posted and published in accordance with the Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a 5-0 vote, recommended approval of the rezoning, subject to conditions, at its meeting on July 15, 2013; and

WHEREAS, all parties desiring to be heard, either for or against said application, were given an opportunity to be heard, and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the Council; and this Bill having been read by title in open meeting two times before final passage by the City Council, and

WHEREAS, the City Council being fully informed finds that rezoning the property would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest and in good zoning practice;

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, St. Louis County, Missouri, as follows:

Section 1: Section 2 of Ordinance No. 3017 shall be amended to eliminate subsection 2.

Section 2: Applicant shall record an amended deed restriction that substitutes the affected subdivisions in the place of the City. Upon approval of the form of amended deed restriction by the City Attorney, the City Administrator and City Clerk are authorized to sign the amended deed restriction on behalf of the City.

Section 3: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter and upon satisfaction of the conditions stated above.

BILL NO. 5434

ORDINANCE NO. _____

ADOPTED THIS ____ DAY OF _____, 2013.

SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2013.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

**APPLICATION TO PLANNING AND ZONING COMMISSION
#13-016 FOR THE REZONING OF 12528-12536 OLIVE BOULEVARD,
SHOPPES OF QUESTOVER, TO MODIFY THE PRIOR "GC" GENERAL
COMMERCIAL ZONING REGULATIONS**

FOR THE MEETING OF: Monday, July 15, 2013

LOCATION: 12528-12536 Olive Boulevard

REQUEST: Daniel Burke, of Armstrong Teasdale, LLP, on behalf of Altus-Questover, property owner, has submitted a request to modify the zoning of 12528-12536 Olive Boulevard to be consistent with that of other "GC" General Commercial Districts. The Applicant is seeking to remove the additional restrictions to enable a separate application for Jet's Pizza Restaurant (Ref: Application #13-009), as well as allow the property owner to pursue new uses for the vacant tenant spaces.

ADDITIONAL INFORMATION: Ordinance #3017 approved the rezoning of the property to the GC District in 2004, and included additional restrictions regarding certain uses including limiting restaurants to 25% of the building square footage, and prohibited Amusement and Recreation Services that included physical fitness facilities, yoga instruction, judo, martial arts instruction, bridge clubs, dance studios, and other forms of sports and recreation under the 1987 Standard Industrial Classification (SIC). Because the ordinance references specific uses to be restricted, changing those uses within the deed restriction requires amending the ordinance.

Key Issues:

- Is this a reasonable exercise of zoning authority?
- Does the request impact the existing surrounding uses?
- Does the request further or implement the goals of the Comprehensive Plan?

Comp. Plan References

- West Olive Corridor Action Area

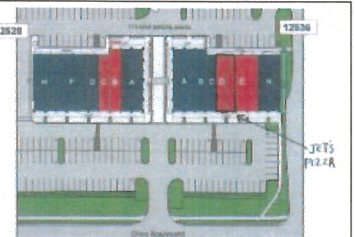
Zoning Code References

- Section 405.210: Regulation of Uses
- Section 405.360: "GC" General Commercial District
- Section 405.470: Conditional Uses

APPLICANT: Daniel Burke
Armstrong Teasdale LLP
7700 Forsyth Blvd., Suite 1800
St. Louis, MO 63105

**PROPERTY
OWNER:**

Altus Properties, LLC
1610 Des Peres Road, Ste 320
St. Louis, MO 63131



REPORT PREPARED BY:

Whitney Kelly
Whitney Kelly, AICP

7/12/2013
Date

ATTACHMENTS: Draft Ordinance
Ordinance #3017
Section 405.210, Table A: Permitted and Conditional Uses

PROPERTY HISTORY

The Shoppes of Questover, located on 3.82 acres at 12528 and 12536 Olive Boulevard, was rezoned to “GC” General Commercial in 2004 (Ordinance #3017) and the property was developed per the site development plan along with the rezoning in 2005 and generally meets with the GC District development standards for “small retail/restaurants and specialty shops” that was consistent with the goals and objectives of the Comprehensive Plan. (The Applicant’s application materials state that the property has GC and MX zoning on the property however, this is not technically accurate as both buildings are zoned GC).

In the effort to relieve the neighboring subdivision fears of certain types of auto-oriented uses on the site, the property owner at that time, with the rezoning, deed restrictions against such uses. Ordinance #3017 codified these restrictions and included the following condition:

SECTION 2: As per Section 26-115 of the Zoning Ordinance, the approval of said rezoning request is subject to the property being developed in accordance to the Site Development Plan, revision received July 26, 2004, by the Department of Community Development or as further revised as required and approved by the City of Creve Coeur, and subject to the following conditions:

2. A deed restriction shall be placed on the subject properties, which prohibits the following uses on the properties:
 - a) Drive-in sales of goods or services
 - b) Gasoline Service Stations
 - c) Automotive Dealers
 - d) Motion Picture Theaters
 - e) Amusement and Recreation Services
 - f) Residential Care

Said deed restriction shall further restrict Eating and Drinking Establishments, a Conditional Use in the “GC” district, by the following:

- a) Eating and Drinking Establishment(s) shall be located on sites of not less than 2.0 acres;
- b) Eating and Drinking Establishment(s) shall be located on the ground floor of the structure;
- c) Eating and Drinking Establishments shall not occupy more than 25% of the approved building square footage for the building footprint and a single eating establishment shall not exceed 3,500 square feet in size;
- d) Each Eating and Drinking Establishment shall have a minimum of sixteen (16) seats for dining; and
- e) Eating and Drinking Establishment(s) shall not provide drive-thru or drive-up services to patrons. “Drive-thru” and “drive-up” shall mean service to on-premise patrons who do not enter the restaurant/patio area, but, rather receive service through a drive-up window and/or receive food service in their automobiles.

However, those uses categorized at the time by Standard Industrial Classification (SIC) under Amusement and Recreation Services included a wide range of uses, including, but not limited to physical fitness facilities, dance studios and schools, yoga instruction, judo instruction, karate instruction, and other forms of physical fitness activities, normally allowed as either permitted or conditional uses in the GC District. According to the subdivision trustees, many of these uses were not intended to be excluded.

The Applicant contends that imposing restrictions above those of other GC Districts interfere with appropriate uses of the shopping center. Potential tenants, such as a yoga studio and a kickboxing facility, were prohibited from locating within the center leaving tenant spaces vacant

for several years. Therefore, the property owners have submitted an application for to amend the prior ordinance to be consistent with other GC Districts in the City.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Retail-Heritage Shopping Center	“CB” Core Business District / Un-incorporated St. Louis County “C 8” Planned Commercial District	Olive Boulevard
South	Residential-Questover Place and Questover Crossing	“B” Single Family Residential / “AR” Attached Single Family Residential	NA
East	Retail Shopping Center	“GC” General Commercial District	NA
West	Veterinarian Office-Creve Coeur Animal Hospital	“GC” General Commercial District	NA

COMPREHENSIVE PLAN REVIEW

The subject site is located within the West Olive Corridor Action Area of the Comprehensive Plan. The West Olive Corridor possesses a mix of residential and commercial structures but has an overall commercial character.

The Comprehensive Plan promotes a “neighborhood business concept” for the area roughly between Tempo Drive and Barnes West Drive. According to the “Vision” and the “Residential Preservation and Economic Development” sections of the West Olive Corridor, development should coexist with adjacent residential neighborhoods and impacts of commercial development on neighborhoods should be mitigated. The planning context speaks to neighborhood scale development and a departure from auto-oriented development. The Shoppes at Questover was developed as a neighborhood commercial center under the GC District standards to consist of “small retail/restaurants and specialty shops.” Allowing for the full list of uses that are permitted or conditional, under Table A, would not alter the character of the development. To re-iterate, the deed restrictions were not done as a direct concern with the Comprehensive Plan, only as a way to address the concerns of the adjacent subdivision.

ZONING REVIEW

The purpose and intent of the “GC” General Commercial District is to accommodate, by site development plan, convenience retail shopping and services and offices which are freestanding or part of small-scale planned commercial developments which are compatible in scale and intensity of use with adjacent residential uses. The property was developed with this goal to provide a mix of neighborhood retail, personal services, low impact uses, with small-scale restaurant services. Since it was, in fact, built this way, allowing for a mix of uses within the center that is consistent with all of the permitted and conditional uses for the GC District will not alter the development character of the Shoppes at Questover.

The restriction’s intent was to limit auto-oriented, regional developments in the area at a time when such development opportunities were common. As the redevelopment of the area has occurred and the character of the development was established through the site planning and architecture, maintaining the deed restrictions with references to the SIC no longer functions in

the manner it was intended and negatively impacts this development versus other neighborhood commercial centers in the GC District.

Also, the conversion from the 1987 SIC to the 2012 North American Industrial Classification System (NAICS) allowed the City to separate out and refine uses more distinctly from the larger categories, through the listing of permitted and conditional uses and those that are not allowed, in Table A. For those uses that are already known to have potential impact; the City reviews them on an individual basis through the conditional use permit process on a case-by-case basis, that specifically looks at the site characteristics.

Where the deed restriction prohibited amusement and recreation services at this location, elsewhere in the City, yoga instruction (NAICS#511699 All Other Miscellaneous Schools and Instruction) and aerobic dance and exercise centers, athletic club facilities, physical fitness (NAICS #713940 Fitness and Recreational Sports Centers) are permitted uses, and judo, karate, and other martial arts (NAICS #611620 Sports and Recreation Instruction) are conditional uses. The deed restriction also limits eating and drinking places to 25% of the building square footage, where the GC District has no such limit.

Thus, maintaining the deed restrictions with references to the SIC no longer functions in the manner it was intended, and negatively impacts this development versus other neighborhood commercial centers. However, where there are certain conditions and/or specific uses that the subdivision would not like to see within the shopping center, amending the ordinance does not prevent the subdivision trustees from directly negotiating with the property owner to amend the deed restriction, it just removes the City from that discussion.

CONCLUSION

The GC District was set up to promote the development of small scale neighborhood services for adjacent residents. The character of the development is established through the site development plan review process where quality of the development is examined against the intent of the Comprehensive Plan and Design Guidelines. As individual tenants within a building come and go, the impact on the site would not significantly alter the character. Table A provides for a variety of uses that are appropriate for the GC District, or allow for further review under the conditional use permit process, therefore maintaining the deed restrictions against those unintended uses is unnecessary and outdated when the intent of the requirement has already been fulfilled by the larger development, and leaves the property owner at a disadvantage to other properties in the City.

ACTION

If the Planning and Zoning Commission finds the attached draft ordinance for the technical rezoning of the property to be in conformance with the purposes and regulations of the Comprehensive Plan and Zoning Code, it should vote on a recommendation to the City Council. Any changes to the draft ordinance should be discussed and made by separate actions.

MOTION

The following is an example of an appropriate motion for this application:

“I move to recommend approval of Application #13-016 to amend Ordinance No. 3017 for the property addressed as 12528-12536 Olive Boulevard as indicated in the draft

ordinance attached to the staff report prepared for the meeting of July 15, 2013”
(conditions may be added, eliminated, or modified by preceding motion).

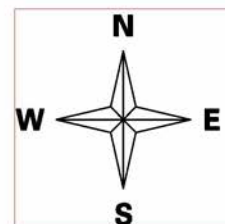
APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 3: AERIAL PHOTO



APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 07/10/2013
	Description: View of the building at 12536 Olive Boulevard looking south at the entrance into the Shoppes at Questover Center.
	Description: View looking southeast from the northwest corner of the property. Note the available parking throughout the center.
	Description: View looking southwest from at the building at 12536 Olive Boulevard.



Description: View looking southwest from the northeast corner of the property at both building of the Shoppes at Questover. Note the available parking throughout the center.



Description: View looking northeast from the rear property line at the building at 12536 Olive Boulevard. Note the available parking.



Description: View looking north from the rear property line at the building at 12536 Olive Boulevard. Note the available parking.

BILL NUMBER 3297**ORDINANCE NUMBER 3017**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CREVE COEUR AS DESCRIBED IN ORDINANCE NO. 1903 TO REZONE APPROXIMATELY 0.76 ACRES OF LAND FROM 'MX', MIXED USE DISTRICT TO 'GC', GENERAL COMMERCIAL DISTRICT FOR THE PROPERTY ADDRESSED AS 12528 OLIVE BOULEVARD AND PART OF THE PROPOSED SHOPPES AT QUESTOVER DEVELOPMENT WHICH IS LOCATED ON A 3.82 ACRE TRACT OF LAND ADDRESSED AS 12528 & 12536 OLIVE BOULEVARD, A TRACT OF LAND IN U.S. SURVEY 1923, TOWNSHIP 45 NORTH, RANGE 5 EAST, CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI, BEING PART OF LOT 2 OF QUEST OVER SUBDIVISION, A SUBDIVISION RECORDED IN PLAT BOOK 51, PAGE 83 OF THE ST. LOUIS COUNTY RECORDS

WHEREAS, Noles Properties has submitted an application to rezone 0.76 acres of land addressed as 12528 Olive Boulevard for the Shoppes at Questover development, which is proposed on the properties at 12528 and 12536 Olive Boulevard, and

WHEREAS, in accordance to Section 26-115 of the Zoning Ordinance, the applicant has submitted a Site Development Plan to the Department of Community Development, and

WHEREAS, On Monday, August 2, 2004, the Planning and Zoning Commission reviewed the rezoning request and accompanying Site Development Plan and by unanimous vote, of those present (4-0), recommended approval to rezone the property from 'MX' Mixed Use District to 'GC' General Commercial on the condition that the property be developed in accordance with the approved Site Development Plan, revision received July 26, 2004, by the Department of Community Development or as further revised as required by the City of Creve Coeur, and

WHEREAS, the City Council of the City of Creve Coeur, Missouri, held a Public Hearing thereon at the Creve Coeur Government Center on August 23, 2004, beginning at 7:00 p.m. or immediately following the close of the previous Public Hearing, after having given fifteen (15) days prior public notice of the time, place and purpose of said hearing by publication in the St. Louis Countian on August 6, 2004, and in the West County Journal on August 8, 2004, newspapers of general circulation in the City of Creve Coeur and after other written notice was given all according to the provisions of law made and provided for such notices and hearings, and

WHEREAS, all persons who presented themselves at said Public Hearing and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public hearing prior to its consideration by the City Council; and this Bill having been read by title in open meeting three times before final passage by the City Council, and

WHEREAS, the City Council being fully informed finds that rezoning the properties would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest and in good zoning practice,

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, St. Louis County, Missouri, as follows:

SECTION 1: The Official Zoning Map of the City of Creve Coeur as described and defined in Ordinance No. 1903, Creve Coeur Zoning Ordinance shall be amended to and rezone 0.76 acres of land addressed as 12528 Olive Boulevard from 'MX' Mixed Use District to 'GC' General Commercial District described as follows:

A tract of land in U.S. Survey 1923, Township 45 North, Range 5 East, City of Creve Coeur, St. Louis County, Missouri, being part of Lot 2 of Quest over Subdivision, a subdivision recorded in Plat Book 51, Page 83 of the St. Louis County records; all of adjusted Lot 1 of the Boundary adjustment plat of part of Lot 1 of Quest over Subdivision, a boundary adjustment plat recorded in Plat Book 296 Page 8 of said records; a tract of land described in deed to William L. and Mildred A. Frein recorded in Book 10867, page 371 and part of the Creve Coeur Branch

of the Missouri Pacific Railroad Right-of-Way, 100.00 feet wide, described in deed to Union Electric Company recorded in Book 6354 Page 1740 and together described as follows:

Beginning at the point of intersection of the east line of Lot 2 of Questover Subdivision, aforesaid, with the south line of Olive Boulevard, 145.00 feet wide, said beginning point being the southeast corner of that part of Lot 2 described in deed to the State of Missouri recorded in Book 6780 Page 1329; thence along the east line of said Lot 2, South 29 degrees 36 minutes 00 seconds west 330.60 feet to a point 36.00 feet north of the southeast corner of Lot 2, thence north 60 degrees 24 minutes 00 seconds west and parallel to the south line of said Lot 2, 100.00 feet to a point, thence south 58 degrees 39 minutes 17 seconds west 41.18 feet to a point on the south line of Lot 1 of Questover Subdivision, said point being 20.00 feet west of the southeast corner of Lot 1; thence south 29 degrees 36 minutes 00 seconds west 136.84 feet to a point on the centerline of the former Creve Coeur Branch of the Missouri Pacific Railroad, 100.00 feet wide; thence along said centerline the following: North 41 degrees 33 minutes 00 seconds west 99.81 feet, north 37 degrees 51 minutes 00 seconds west 198.00 feet, north 33 degrees 51 minutes 00 seconds west 2.99 feet to a point in the direct prolongation south of the west line of adjusted Lot 1, aforesaid, thence along said prolongation line and along the west line of said adjusted Lot 1, also being the east line of a tract described in deed to Raymond and June Rogers recorded in Book 6849 Page 496, North 29 degrees 36 minutes 00 seconds east 393.52 feet to the south line of Olive Boulevard; thence along said south line, south 60 degrees 27 minutes 30 seconds east 400.00 feet to the point of beginning.

SECTION 2: As per Section 26-115 of the Zoning Ordinance, the approval of said rezoning request is subject to the property being developed in accordance to the Site Development Plan, revision received July 26, 2004, by the Department of Community Development or as further revised as required and approved by the City of Creve Coeur, and subject to the following conditions:

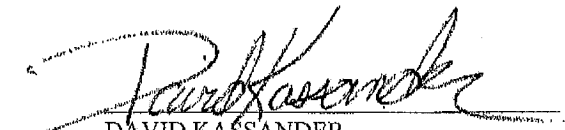
1. The approval of said rezoning request is subject to the property being developed in accordance to the Site Development Plan, received July 26, 2004, by the Department of Community Development or as further revised as required and approved by the City of Creve Coeur.
2. A deed restriction shall be placed on the subject properties, which prohibits the following uses on the properties:
 - a) Drive-in sales of goods or services
 - b) Gasoline Service Stations
 - c) Automotive Dealers
 - d) Motion Picture Theaters
 - e) Amusement and Recreation Services
 - f) Residential Care
 - g) Automotive Repair, Service and ParkingSaid deed restriction shall further restrict Eating and Drinking Establishments, a Conditional Use in the "GC" district, by the following:
 - a) Eating and Drinking Establishment(s) shall be located on sites of not less than 2.0 acres;
 - b) Eating and Drinking Establishment(s) shall be located on the ground floor of the structure;
 - c) Eating and Drinking Establishments shall not occupy more than 25% of the approved building square footage for the building footprint and a single eating establishment shall not exceed 3,500 square feet in size;
 - d) Each Eating and Drinking Establishment shall have a minimum of sixteen (16) seats for dining; and
 - e) Eating and Drinking Establishment(s) shall not provide drive-thru or drive-up services to patrons. "Drive-thru" and "drive-up" shall mean service to on-premise patrons who do not enter the restaurant/patio area, but, rather receive service through a drive-up window and/or receive food service in their automobiles.Said deed restriction shall be submitted to the City Attorney for review and approval prior to recording.
3. The applicant shall submit a cross access easement for the proposed cross access drive, as shown on the site development plan received by the Department of Community Development on July 26, 2004, to the City Attorney for review and approval prior to recording. The easement shall not include access to properties to the east of the subject tract or provide direct or indirect access to Questover Lane.
4. The applicant shall submit site and grading plans to construct an access drive from the Creve Coeur Animal Hospital to Barnes West Drive for review and approval by the Department of Public Works.

5. The applicant shall construct a 6-foot wide sidewalk along Olive Boulevard frontage. If said sidewalk has been constructed by the City at the time of development, the applicant shall provide a sidewalk contribution to cover the cost of sidewalk construction, as shown in the estimated cost of construction for the West Olive Enhancement Plan and as directed by the Department of Public Works.
6. The applicant shall grade the area south of the parking lot in the manner presented on the conceptual landscape plan, which includes the construction of the retaining wall and the preservation of trees. These changes shall be included on the Site Development Plan, prior to adoption of the rezoning.
7. The proposed retaining wall shall be constructed of a colored keystone block.
8. Additional trash areas shall be located near the area specified on the site development plan only. Trash receptacles may not be placed south of the easternmost building.
9. The applicant shall provide lighting specification for any lighting proposed with the plan to the Department of Community Development for review and approval.
10. The applicant shall provide Building Plans for review and approval by the Building Division.
11. The applicant shall provide Site Improvement Plans for review and approval by the Department of Public Works.
12. The applicant shall provide a Final Landscape Plan for review and approval as directed by the Department of Community Development and in compliance with Section 26-62 of the Zoning Ordinance.

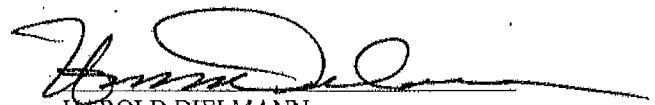
SECTION 3: As set forth in Section 26-115 of the Zoning Ordinance of the City of Creve Coeur, Site Development Plans approved by the City of Creve Coeur shall be valid for a period of up to one (1) year from the date its approved. After the eighth year, a Site Concept Plan will no longer be valid unless an extension is granted. The City of Creve Coeur may grant one, one (1) year extension prior to the expiration of the Site Concept Plan upon written request of the applicant submitted to the City at least 180 days prior to the expiration date and granted prior to the expiration date.

SECTION 4: This Ordinance shall be in full force and effect upon the expiration of fifteen (15) days after adoption by the City Council and the signing thereof the Mayor.

ADOPTED THIS 27th DAY OF September, 2004.


DAVID KASSANDER
PRESIDENT OF CITY COUNCIL

APPROVED THIS 27th DAY OF September, 2004.


HAROLD DIELMANN
MAYOR

ATTEST:


LAVERNE COLLINS, CMC
CITY CLERK

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
221121	Electric Bulk Power Transmission and Control														C
221122	Electric Power Distribution	C	C	C	C	C	C	C	C	C	C	C	C	C	C
221310	Water Supply and Irrigation Systems														C
221320	Sewage Treatment Facilities														C
236115	New Single-Family Housing Construction (except For-Sale Builders)														C
236116	New Multifamily Housing Construction (except For-Sale Builders)														C
236117	New Housing For-Sale Builders														C
236118	Residential Remodelers														C
236210	Industrial Building Construction														C
236220	Commercial and Institutional Building Construction														C
237110	Water and Sewer Line and Related Structures Construction														C
237120	Oil and Gas Pipeline and Related Structures Construction														C
237130	Power and Communication Line and Related Structures Construction														C
237210	Land Subdivision														C
237310	Highway, Street, and Bridge Construction (Management Office Only)													P	P
238150	Glass and Glazing Contractors														C
238210	Electrical Contractors and Other Wiring Installation Contractors														C
238220	Plumbing, Heating, and Air-Conditioning Contractors														C
238310	Drywall and Insulation Contractors														C
238320	Painting and Wall Covering Contractors														C
238330	Flooring Contractors														C
238340	Tile and Terrazzo Contractors														C
238350	Finish Carpentry Contractors														C
238390	Other Building Finishing Contractors														C
238990	All Other Specialty Trade Contractors														C
311351	Chocolate and Confectionery Manufacturing from Cacao Beans														P
311352	Confectionery Manufacturing from Purchased Chocolate										P	P	P	P	P
311340	Nonchocolate Confectionery Manufacturing										P	P	P		P
311811	Retail Bakeries										P	P	P	P	P
311812	Commercial Bakeries														P
311813	Frozen Cakes, Pies, and Other Pastries Manufacturing														P
311821	Cookie and Cracker Manufacturing														P
311824	Dry Pasta, Dough, and Flour Mixes Manufacturing from Purchased Flour														C
311830	Tortilla Manufacturing														C
311911	Roasted Nuts and Peanut Butter Manufacturing														P
311919	Other Snack Food Manufacturing														P
311920	Coffee and Tea Manufacturing														P
311942	Spice and Extract Manufacturing														C

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
312111	Soft Drink Manufacturing														P
312112	Bottled Water Manufacturing														P
312113	Ice Manufacturing														C
312120	Breweries														C
312130	Wineries														C
312140	Distilleries														C
313220	Narrow Fabric Mills and Schiffli Machine Embroidery														P
313310	Textile and Fabric Finishing Mills														P
313320	Fabric Coating Mills														P
314120	Curtain and Linen Mills														P
314910	Textile Bag and Canvas Mills														P
314999	All Other Miscellaneous Textile Product Mills														C
315210	Cut and Sew Apparel Contractors														P
315220	Men's and Boys' Cut and Sew Apparel Manufacturing														P
315240	Women's, Girls', and Infants' Cut and Sew Apparel Manufacturing														P
315280	Other Cut and Sew Apparel Manufacturing														P
315990	Apparel Accessories and Other Apparel Manufacturing														P
316210	Footwear Manufacturing														P
316992	Women's Handbag and Purse Manufacturing														P
316998	All Other Leather Good and Allied Product Manufacturing														P
321113	Sawmills														
321114	Wood Preservation														
321211	Hardwood Veneer and Plywood Manufacturing														C
321212	Softwood Veneer and Plywood Manufacturing														C
321213	Engineered Wood Member (except Truss) Manufacturing														C
321214	Truss Manufacturing														C
321219	Reconstituted Wood Product Manufacturing														C
321911	Wood Window and Door Manufacturing														C
321912	Cut Stock, Resawing Lumber, and Planing														C
321918	Other Millwork (including Flooring)														C
321920	Wood Container and Pallet Manufacturing														C
321991	Manufactured Home (Mobile Home) Manufacturing														C
321992	Prefabricated Wood Building Manufacturing														C
321999	All Other Miscellaneous Wood Product Manufacturing														C
322211	Corrugated and Solid Fiber Box Manufacturing														C
322212	Folding Paperboard Box Manufacturing														P
322219	Other Paperboard Container Manufacturing														P
322220	Paper Bag and Coated and Treated Paper Manufacturing														C

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

Use Code	2012 NAICS Title	ZONING DISTRICTS													
		A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
322230	Stationery Product Manufacturing														C
322291	Sanitary Paper Product Manufacturing														C
322299	All Other Converted Paper Product Manufacturing														C
323111	Commercial Printing (except Screen and Books)														P
323113	Commercial Screen Printing														P
323117	Books Printing														P
323120	Support Activities for Printing														P
325220	Artificial and Synthetic Fibers and Filaments Manufacturing									C					C
325411	Medicinal and Botanical Manufacturing									C					C
325412	Pharmaceutical Preparation Manufacturing									C					C
325413	In-Vitro Diagnostic Substance Manufacturing									C					C
325414	Biological Product (except Diagnostic) Manufacturing									C					C
325991	Custom Compounding of Purchased Resins														P
325992	Photographic Film, Paper, Plate, and Chemical Manufacturing														P
325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing														P
326111	Plastics Bag and Pouch Manufacturing														C
326112	Plastics Packaging Film and Sheet (including Laminated) Manufacturing														C
326113	Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing														P
326121	Unlaminated Plastics Profile Shape Manufacturing														P
326122	Plastics Pipe and Pipe Fitting Manufacturing														P
326130	Laminated Plastics Plate, Sheet (except Packaging), and Shape Manufacturing														P
326140	Polystyrene Foam Product Manufacturing														P
326150	Urethane and Other Foam Product (except Polystyrene) Manufacturing														P
326160	Plastics Bottle Manufacturing														P
326191	Plastics Plumbing Fixture Manufacturing														P
326199	All Other Plastics Product Manufacturing														P
326212	Tire Retreading														C
326291	Rubber Product Manufacturing for Mechanical Use														P
326299	All Other Rubber Product Manufacturing														P
327110	Pottery, Ceramics, and Plumbing Fixture Manufacturing														P
327211	Flat Glass Manufacturing														P
327212	Other Pressed and Blown Glass and Glassware Manufacturing														P
327213	Glass Container Manufacturing														P
327215	Glass Product Manufacturing Made of Purchased Glass														P
332114	Custom Roll Forming														P
332117	Powder Metallurgy Part Manufacturing														P

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
332215	Metal Kitchen Cookware, Utensil, Cutlery, and Flatware (except Precious) Manufacturing														P
332216	Saw Blade and Handtool Manufacturing														P
332311	Prefabricated Metal Building and Component Manufacturing														P
332312	Fabricated Structural Metal Manufacturing														P
332313	Plate Work Manufacturing														P
332321	Metal Window and Door Manufacturing														P
332322	Sheet Metal Work Manufacturing														P
332323	Ornamental and Architectural Metal Work Manufacturing														P
332410	Power Boiler and Heat Exchanger Manufacturing														P
332420	Metal Tank (Heavy Gauge) Manufacturing														P
332431	Metal Can Manufacturing														P
332439	Other Metal Container Manufacturing														P
332510	Hardware Manufacturing														P
332613	Spring Manufacturing														P
332618	Other Fabricated Wire Product Manufacturing														P
332710	Machine Shops														P
332721	Precision Turned Product Manufacturing														P
332722	Bolt, Nut, Screw, Rivet, and Washer Manufacturing														P
332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers														P
332813	Electroplating, Plating, Polishing, Anodizing, and Coloring														P
332911	Industrial Valve Manufacturing														P
332912	Fluid Power Valve and Hose Fitting Manufacturing														C
332913	Plumbing Fixture Fitting and Trim Manufacturing														P
332919	Other Metal Valve and Pipe Fitting Manufacturing														P
332991	Ball and Roller Bearing Manufacturing														P
332992	Small Arms Ammunition Manufacturing														C
332993	Ammunition (except Small Arms) Manufacturing														C
332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing														C
332996	Fabricated Pipe and Pipe Fitting Manufacturing														P
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing														C
333111	Farm Machinery and Equipment Manufacturing														C
333112	Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing														C
333120	Construction Machinery Manufacturing														P

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
333131	Mining Machinery and Equipment Manufacturing														P
333132	Oil and Gas Field Machinery and Equipment Manufacturing														P
333241	Food Product Machinery Manufacturing														P
333242	Semiconductor Machinery Manufacturing														P
333243	Sawmill, Woodworking, and Paper Machinery Manufacturing														P
333244	Printing Machinery and Equipment Manufacturing														P
333249	Other Industrial Machinery Manufacturing														P
333314	Optical Instrument and Lens Manufacturing														P
333316	Photographic and Photocopying Equipment Manufacturing														P
333318	Other Commercial and Service Industry Machinery Manufacturing														P
333413	Industrial and Commercial Fan and Blower and Air Purification Equipment Manufacturing														P
333414	Heating Equipment (except Warm Air Furnaces) Manufacturing														P
333415	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing														P
333511	Industrial Mold Manufacturing														C
333514	Special Die and Tool, Die Set, Jig, and Fixture Manufacturing														P
333515	Cutting Tool and Machine Tool Accessory Manufacturing														P
333517	Machine Tool Manufacturing														P
333519	Rolling Mill and Other Metalworking Machinery Manufacturing														P
333611	Turbine and Turbine Generator Set Units Manufacturing														P
333612	Speed Changer, Industrial High-Speed Drive, and Gear Manufacturing														P
333613	Mechanical Power Transmission Equipment Manufacturing														P
333618	Other Engine Equipment Manufacturing														P
333911	Pump and Pumping Equipment Manufacturing														P
333912	Air and Gas Compressor Manufacturing														C
333913	Measuring and Dispensing Pump Manufacturing														P
333921	Elevator and Moving Stairway Manufacturing														P
333922	Conveyor and Conveying Equipment Manufacturing														P
333923	Overhead Traveling Crane, Hoist, and Monorail System Manufacturing														P
333924	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing														P

Chapter 405, Table A, Permitted and Conditional Uses

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		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
333991	Power-Driven Handtool Manufacturing														C
333992	Welding and Soldering Equipment Manufacturing														P
333993	Packaging Machinery Manufacturing														P
333994	Industrial Process Furnace and Oven Manufacturing														P
333995	Fluid Power Cylinder and Actuator Manufacturing														P
333996	Fluid Power Pump and Motor Manufacturing														P
333997	Scale and Balance Manufacturing														P
333999	All Other Miscellaneous General Purpose Machinery Manufacturing														C
334111	Electronic Computer Manufacturing														P
334112	Computer Storage Device Manufacturing														P
334118	Computer Terminal and Other Computer Peripheral Equipment Manufacturing														P
334210	Telephone Apparatus Manufacturing														P
334220	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing														P
334290	Other Communications Equipment Manufacturing														P
334310	Audio and Video Equipment Manufacturing														P
334412	Bare Printed Circuit Board Manufacturing														P
334413	Semiconductor and Related Device Manufacturing														P
334416	Capacitor, Resistor, Coil, Transformer, and Other Inductor Manufacturing														P
334417	Electronic Connector Manufacturing														P
334418	Printed Circuit Assembly (Electronic Assembly) Manufacturing														P
334419	Other Electronic Component Manufacturing														P
334510	Electromedical and Electrotherapeutic Apparatus Manufacturing							C							P
334511	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing														P
334512	Automatic Environmental Control Manufacturing for Residential, Commercial, and Appliance Use														P
334513	Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables														P
334514	Totalizing Fluid Meter and Counting Device Manufacturing														P
334515	Instrument Manufacturing for Measuring and Testing Electricity and Electrical Signals														P
334516	Analytical Laboratory Instrument Manufacturing							C							P
334517	Irradiation Apparatus Manufacturing														P

Chapter 405, Table A, Permitted and Conditional Uses

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Use Code	2012 NAICS Title	ZONING DISTRICTS													
		A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
334519	Other Measuring and Controlling Device Manufacturing														P
334613	Blank Magnetic and Optical Recording Media Manufacturing														P
334614	Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing										P	P	P	P	
335110	Electric Lamp Bulb and Part Manufacturing														P
335121	Residential Electric Lighting Fixture Manufacturing														P
335122	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing														P
335129	Other Lighting Equipment Manufacturing														P
335210	Small Electrical Appliance Manufacturing														P
335221	Household Cooking Appliance Manufacturing														P
335222	Household Refrigerator and Home Freezer Manufacturing														P
335224	Household Laundry Equipment Manufacturing														P
335228	Other Major Household Appliance Manufacturing														P
335311	Power, Distribution, and Specialty Transformer Manufacturing														P
335312	Motor and Generator Manufacturing														P
335313	Switchgear and Switchboard Apparatus Manufacturing														P
335314	Relay and Industrial Control Manufacturing														P
335911	Storage Battery Manufacturing														P
335912	Primary Battery Manufacturing														P
335932	Noncurrent-Carrying Wiring Device Manufacturing														P
335991	Carbon and Graphite Product Manufacturing														P
335999	All Other Miscellaneous Electrical Equipment and Component Manufacturing														P
336111	Automobile Manufacturing														C
336112	Light Truck and Utility Vehicle Manufacturing														C
336120	Heavy Duty Truck Manufacturing														C
336211	Motor Vehicle Body Manufacturing														C
336212	Truck Trailer Manufacturing														C
336213	Motor Home Manufacturing														C
336214	Travel Trailer and Camper Manufacturing														C
336310	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing														C
336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing														P
336330	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing														C
336340	Motor Vehicle Brake System Manufacturing														C
336350	Motor Vehicle Transmission and Power Train Parts Manufacturing														C

Chapter 405, Table A, Permitted and Conditional Uses

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		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
336360	Motor Vehicle Seating and Interior Trim Manufacturing														P
336390	Other Motor Vehicle Parts Manufacturing														C
336411	Aircraft Manufacturing														C
336412	Aircraft Engine and Engine Parts Manufacturing														C
336413	Other Aircraft Parts and Auxiliary Equipment Manufacturing														P
336414	Guided Missile and Space Vehicle Manufacturing														C
336415	Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing														C
336419	Other Guided Missile and Space Vehicle Parts and Auxiliary Equipment Manufacturing														C
336510	Railroad Rolling Stock Manufacturing														C
336611	Ship Building and Repairing														
336612	Boat Building														C
336991	Motorcycle, Bicycle, and Parts Manufacturing														C
336992	Military Armored Vehicle, Tank, and Tank Component Manufacturing														C
336999	All Other Transportation Equipment Manufacturing														C
337110	Wood Kitchen Cabinet and Countertop Manufacturing														C
337121	Upholstered Household Furniture Manufacturing														C
337122	Nonupholstered Wood Household Furniture Manufacturing														C
337124	Metal Household Furniture Manufacturing														C
337125	Household Furniture (except Wood and Metal) Manufacturing														C
337127	Institutional Furniture Manufacturing														C
337211	Wood Office Furniture Manufacturing														C
337212	Custom Architectural Woodwork and Millwork Manufacturing														C
337214	Office Furniture (except Wood) Manufacturing														C
337215	Showcase, Partition, Shelving, and Locker Manufacturing														C
337910	Mattress Manufacturing														C
337920	Blind and Shade Manufacturing														P
339112	Surgical and Medical Instrument Manufacturing														P
339113	Surgical Appliance and Supplies Manufacturing							C				C	C		P
339114	Dental Equipment and Supplies Manufacturing							C							P
339115	Ophthalmic Goods Manufacturing							C							P
339116	Dental Laboratories							P					C	C	P

Chapter 405, Table A, Permitted and Conditional Uses

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		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
339910	Jewelry and Silverware Manufacturing														P
339920	Sporting and Athletic Goods Manufacturing														P
339930	Doll, Toy, and Game Manufacturing														P
339940	Office Supplies (except Paper) Manufacturing														P
339950	Sign Manufacturing										C	C	C	C	C
339991	Gasket, Packing, and Sealing Device Manufacturing														P
339992	Musical Instrument Manufacturing														P
339993	Fastener, Button, Needle, and Pin Manufacturing														P
339994	Broom, Brush, and Mop Manufacturing														P
339995	Burial Casket Manufacturing														P
339999	All Other Miscellaneous Manufacturing														C
423110	Automobile and Other Motor Vehicle Merchant Wholesalers														C
423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers														P
423130	Tire and Tube Merchant Wholesalers														C
423140	Motor Vehicle Parts (Used) Merchant Wholesalers														C
423210	Furniture Merchant Wholesalers														P
423220	Home Furnishing Merchant Wholesalers														P
423310	Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers														P
423320	Brick, Stone, and Related Construction Material Merchant Wholesalers														P
423330	Roofing, Siding, and Insulation Material Merchant Wholesalers														P
423390	Other Construction Material Merchant Wholesalers														P
423410	Photographic Equipment and Supplies Merchant Wholesalers														P
423420	Office Equipment Merchant Wholesalers														P
423430	Computer and Computer Peripheral Equipment and Software Merchant Wholesalers														P
423440	Other Commercial Equipment Merchant Wholesalers														P
423450	Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers														P
423460	Ophthalmic Goods Merchant Wholesalers														P
423490	Other Professional Equipment and Supplies Merchant Wholesalers														P
423510	Metal Service Centers and Other Metal Merchant Wholesalers														P
423520	Coal and Other Mineral and Ore Merchant Wholesalers														
423610	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers														P

Chapter 405, Table A, Permitted and Conditional Uses

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		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
423620	Household Appliances, Electric Housewares, and Consumer Electronics Merchant Wholesalers														P
423690	Other Electronic Parts and Equipment Merchant Wholesalers														P
423710	Hardware Merchant Wholesalers														P
423720	Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers														P
423730	Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers														P
423740	Refrigeration Equipment and Supplies Merchant Wholesalers														P
423810	Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers														P
423820	Farm and Garden Machinery and Equipment Merchant Wholesalers														P
423830	Industrial Machinery and Equipment Merchant Wholesalers														P
423840	Industrial Supplies Merchant Wholesalers														P
423850	Service Establishment Equipment and Supplies Merchant Wholesalers														P
423860	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers														P
423910	Sporting and Recreational Goods and Supplies Merchant Wholesalers														P
423920	Toy and Hobby Goods and Supplies Merchant Wholesalers														P
423930	Recyclable Material Merchant Wholesalers														P
423940	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers														P
423990	Other Miscellaneous Durable Goods Merchant Wholesalers														P
424110	Printing and Writing Paper Merchant Wholesalers														P
424120	Stationery and Office Supplies Merchant Wholesalers														P
424130	Industrial and Personal Service Paper Merchant Wholesalers														P
424210	Drugs and Druggists' Sundries Merchant Wholesalers														P
424310	Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers														P
424320	Men's and Boys' Clothing and Furnishings Merchant Wholesalers														P
424330	Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers														P
424340	Footwear Merchant Wholesalers														P

Chapter 405, Table A, Permitted and Conditional Uses

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		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
424410	General Line Grocery Merchant Wholesalers														P
424420	Packaged Frozen Food Merchant Wholesalers														P
424430	Dairy Product (except Dried or Canned) Merchant Wholesalers														P
424440	Poultry and Poultry Product Merchant Wholesalers														P
424450	Confectionery Merchant Wholesalers														P
424460	Fish and Seafood Merchant Wholesalers														P
424470	Meat and Meat Product Merchant Wholesalers														P
424480	Fresh Fruit and Vegetable Merchant Wholesalers														P
424490	Other Grocery and Related Products Merchant Wholesalers														P
424510	Grain and Field Bean Merchant Wholesalers														P
424520	Livestock Merchant Wholesalers														P
424610	Plastics Materials and Basic Forms and Shapes Merchant Wholesalers														P
424690	Other Chemical and Allied Products Merchant Wholesalers														C
424810	Beer and Ale Merchant Wholesalers														P
424820	Wine and Distilled Alcoholic Beverage Merchant Wholesalers														P
424910	Farm Supplies Merchant Wholesalers														P
424920	Book, Periodical, and Newspaper Merchant Wholesalers														P
424930	Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers														P
424940	Tobacco and Tobacco Product Merchant Wholesalers														P
424950	Paint, Varnish, and Supplies Merchant Wholesalers														P
424990	Other Miscellaneous Nondurable Goods Merchant Wholesalers														P
425110	Business to Business Electronic Markets								P		P	P	P	P	P
425120	Wholesale Trade Agents and Brokers								P				P	P	P
441110	New Car Dealers												C	C	C
441120	Used Car Dealers														C
441210	Recreational Vehicle Dealers														C
441222	Boat Dealers											C	C	C	C
441228	Motorcycle, ATV, and All Other Motor Vehicle Dealers														C
441310	Automotive Parts and Accessories Stores										C	C	C	C	C
441320	Tire Dealers												C		C
CC442100	All Drive-In and Drive-Through Services (excluding Food Services)											C	C	C	C
442110	Furniture Stores										P	P	P	P	C
442210	Floor Covering Stores										P	P	P	P	C
442291	Window Treatment Stores										P	P	P	P	P
442299	All Other Home Furnishings Stores										C	C	P	P	P

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
443141	Household Appliance Stores										C	C	P	P	P
443142	Electronics Stores										P	P	P	P	P
444110	Home Centers											C	C	C	P
444120	Paint and Wallpaper Stores										C	P	P	P	P
444130	Hardware Stores										P	P	P	P	P
444190	Other Building Material Dealers											C	C	C	P
444210	Outdoor Power Equipment Stores										C	C	C	P	P
444220	Nursery, Garden Center, and Farm Supply Stores										C			C	P
445110	Supermarkets and Other Grocery (except Convenience) Stores										C	P	P	P	P
445120	Convenience Stores								C		C	C	C	C	C
445210	Meat Markets										P	P	P	P	P
445220	Fish and Seafood Markets														P
445230	Fruit and Vegetable Markets										P	P	P	P	P
445291	Baked Goods Stores										P	P	P	P	P
445292	Confectionery and Nut Stores										P	P	P	P	P
445299	All Other Specialty Food Stores										P	P	P	P	P
445310	Beer, Wine, and Liquor Stores										P	P	P	P	P
446110	Pharmacies and Drug Stores							P	P		P	P	P	P	P
446120	Cosmetics, Beauty Supplies, and Perfume Stores										P	P	P	P	P
446130	Optical Goods Stores										P	P	P	P	P
446191	Food (Health) Supplement Stores							P			P	P	P	P	P
446199	All Other Health and Personal Care Stores										P	P	P	P	P
447110	Gasoline Stations with Convenience Stores										C	C	C	C	C
447190	Other Gasoline Stations											C	C	C	C
448110	Men's Clothing Stores										P	P	P	P	C
448120	Women's Clothing Stores										P	P	P	P	C
448130	Children's and Infants' Clothing Stores										P	P	P	P	C
448140	Family Clothing Stores										P	P	P	P	C
448150	Clothing Accessories Stores										P	P	P	P	C
448190	Other Clothing Stores										P	P	P	P	P
448210	Shoe Stores										P	P	P	P	P
448310	Jewelry Stores										P	P	P	P	C
448320	Luggage and Leather Goods Stores										P	P	P	P	C
451110	Sporting Goods Stores (except those exclusively engaged in the sale of firearms and ammunition)										C	C	P	P	P
451120	Hobby, Toy, and Game Stores										P	P	P	P	P
451130	Sewing, Needlework, and Piece Goods Stores										P	P	P	P	P
451140	Musical Instrument and Supplies Stores										P	P	P	P	P
451211	Book Stores										P	P	P	P	P
451212	News Dealers and Newsstands								P		P	P	P	P	P
452111	Department Stores (except Discount Department Stores)										C	C	C	C	P
452112	Discount Department Stores										C	C	C	C	P
452910	Warehouse Clubs and Supercenters											C	C	C	P
452990	All Other General Merchandise Stores								C		C	C	C	C	P
453110	Florists							P			P	P	P	P	P
453210	Office Supplies and Stationery Stores							P	P		P	P	P	P	P

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		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
453220	Gift, Novelty, and Souvenir Stores							P			P	P	P	P	P
453310	Used Merchandise Stores (No building materials, outside sales, exchange or drop-off of used goods).										P	P	P	P	P
453910	Pet and Pet Supplies Stores										P	P	P	P	P
453920	Art Dealers										P	P	P	P	P
453930	Manufactured (Mobile) Home Dealers														C
453991	Tobacco Stores										P	P	P	P	P
453998	All Other Miscellaneous Store Retailers (except auction houses, pool and hot tub sales/supplies and cemetary memorial dealers)										P	P	P	P	P
454111	Electronic Shopping										P	P	P	P	P
454112	Electronic Auctions													P	P
454113	Mail-Order Houses														P
454210	Vending Machine Operators														P
454310	Fuel Dealers														C
454390	Other Direct Selling Establishments										P	P	P		
481112	Scheduled Freight Air Transportation														P
481219	Other Nonscheduled Air Transportation											P		P	
484110	General Freight Trucking, Local														C
484121	General Freight Trucking, Long-Distance, Truckload														C
484122	General Freight Trucking, Long-Distance, Less Than Truckload														C
484210	Used Household and Office Goods Moving														C
484220	Specialized Freight (except Used Goods) Trucking, Local														C
484230	Specialized Freight (except Used Goods) Trucking, Long-Distance														C
485111	Mixed Mode Transit Systems														C
485112	Commuter Rail Systems														C
485113	Bus and Other Motor Vehicle Transit Systems														C
485119	Other Urban Transit Systems														P
485210	Interurban and Rural Bus Transportation												C	C	C
485310	Taxi Service														C
485320	Limousine Service														P
485410	School and Employee Bus Transportation														C
485510	Charter Bus Industry											C			C
485991	Special Needs Transportation											C			C
485999	All Other Transit and Ground Passenger Transportation											C			C
486110	Pipeline Transportation of Crude Oil														C
486210	Pipeline Transportation of Natural Gas														C
486910	Pipeline Transportation of Refined Petroleum Products														C
486990	All Other Pipeline Transportation														C
488190	Other Support Activities for Air Transportation														P
488410	Motor Vehicle Towing														C

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P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
488490	Other Support Activities for Road Transportation														C
488510	Freight Transportation Arrangement														P
488991	Packing and Crating														P
488999	All Other Support Activities for Transportation														P
491110	Postal Service								P			P	P	P	P
492110	Couriers and Express Delivery Services														P
492210	Local Messengers and Local Delivery														P
493110	General Warehousing and Storage														C
493120	Refrigerated Warehousing and Storage														C
493130	Farm Product Warehousing and Storage														
493190	Other Warehousing and Storage														
511110	Newspaper Publishers								P		P	P		P	P
511120	Periodical Publishers								P	P	P	P		P	P
511130	Book Publishers								P		P	P		P	P
511140	Directory and Mailing List Publishers								P		P	P		P	P
511191	Greeting Card Publishers								P		P	P		P	P
511199	All Other Publishers								P		P	P		P	P
511210	Software Publishers								P	P	P	P	P	P	P
512110	Motion Picture and Video Production											C	C	C	P
512120	Motion Picture and Video Distribution											P	P	P	P
512131	Motion Picture Theaters (except Drive-Ins)											C	C	C	
512191	Teleproduction and Other Postproduction Services												P	P	
512199	Other Motion Picture and Video Industries												P	P	
512210	Record Production								P	P			P	P	P
512220	Integrated Record Production/Distribution														P
512230	Music Publishers								P	P			P	P	P
512240	Sound Recording Studios								C			C	C	C	P
512290	Other Sound Recording Industries								C			C	C	C	P
515111	Radio Networks								C			C	C	C	C
515112	Radio Stations								C			C	C	C	C
515120	Television Broadcasting								C			C	C	C	C
515210	Cable and Other Subscription Programming								C			C	C	C	C
517110	Wired Telecommunications Carriers								C	C		C		C	C
517210	Wireless Telecommunications Carriers incl. Freestanding Antenna Facilities (except Satellite)	C	C	C	C	C	C	C	C	C	C	C	C	C	C
517410	Satellite Telecommunications								C	C			C		C
517911	Telecommunications Resellers								C			P		P	P
517919	All Other Telecommunications								C				C		C
CC517929	Roof-Mounted Communication Equipment	C					C	C	C	C	C	C	C	C	C
518210	Data Processing, Hosting, and Related Services								P	P		P		P	P
519110	News Syndicates								P			P		P	P
519120	Libraries and Archives						P		P	P	P	P	P	P	P
519130	Internet Publishing and Broadcasting and Web Search Portals								P	P	P	P	P	P	P
519190	All Other Information Services								P	P		P		P	P
521110	Monetary Authorities-Central Bank								P			P		P	P
522110	Commercial Banking						C		C		C	C	C	C	C

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		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
522120	Savings Institutions						C		C		C	C	C	C	C
522130	Credit Unions						C		C		C	C	C	C	C
522190	Other Depository Credit Intermediation								C			C		C	C
522210	Credit Card Issuing								P		P	P	P	P	
522220	Sales Financing								P		P	P	P	P	P
522291	Consumer Lending								P		P	P	P	P	P
522292	Real Estate Credit								P		P	P	P	P	P
522293	International Trade Financing								P		P	P	P	P	P
522294	Secondary Market Financing								P		P	P	P	P	P
522298	All Other Nondepository Credit Intermediation (incl. Pawnshops)														
522310	Mortgage and Nonmortgage Loan Brokers								P			P		P	
522320	Financial Transactions Processing, Reserve, and Clearinghouse Activities								P			P	P	P	
522390	Other Activities Related to Credit Intermediation								P			P	P	P	
523110	Investment Banking and Securities Dealing								P			P	P	P	
523120	Securities Brokerage								P		P	P	P	P	
523130	Commodity Contracts Dealing								P		P		P	P	
523140	Commodity Contracts Brokerage								P		P		P	P	
523210	Securities and Commodity Exchanges								P		P	P	P	P	
523910	Miscellaneous Intermediation								P			P		P	
523920	Portfolio Management								P		P	P	P	P	
523930	Investment Advice								P		P	P	P	P	
523991	Trust, Fiduciary, and Custody Activities								P			P	P	P	
523999	Miscellaneous Financial Investment Activities								P			P	P	P	
524113	Direct Life Insurance Carriers								P			P	P	P	
524114	Direct Health and Medical Insurance Carriers								P			P	P	P	
524126	Direct Property and Casualty Insurance Carriers								P			P	P	P	
524127	Direct Title Insurance Carriers								P			P	P	P	
524128	Other Direct Insurance (except Life, Health, and Medical) Carriers								P			P	P	P	
524130	Reinsurance Carriers								P			P	P	P	
524210	Insurance Agencies and Brokerages								P		P	P	P	P	
524291	Claims Adjusting								C		C	C	C	C	C
524292	Third Party Administration of Insurance and Pension Funds								P			P	P	P	
524298	All Other Insurance Related Activities								P			P	P	P	
525110	Pension Funds								P			P	P	P	
525120	Health and Welfare Funds								P			P	P	P	
525190	Other Insurance Funds								P			P	P	P	
525910	Open-End Investment Funds								P			P	P	P	
525920	Trusts, Estates, and Agency Accounts								P			P	P	P	
525990	Other Financial Vehicles								P			P	P	P	
531110	Lessors of Residential Buildings and Dwellings								P			P	P	P	
531120	Lessors of Nonresidential Buildings (excpet Miniwarehouses)								P		P	P	P	P	P
531190	Lessors of Other Real Estate Property								P			P	P	P	

Chapter 405, Table A, Permitted and Conditional Uses

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		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
531210	Offices of Real Estate Agents and Brokers								P		P	P	P	P	
531311	Residential Property Managers								P			P	P	P	
531312	Nonresidential Property Managers								P			P	P	P	
531320	Offices of Real Estate Appraisers								P			P	P	P	
531390	Other Activities Related to Real Estate								P			P	P	P	
532111	Passenger Car Rental											C	C	C	
532112	Passenger Car Leasing											C	C	C	
532120	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing												C	C	C
532210	Consumer Electronics and Appliances Rental										C	C	C	C	C
532220	Formal Wear and Costume Rental										P	P	P	P	C
532230	Video Tape and Disc Rental										P	P	P	P	C
532291	Home Health Equipment Rental										P	P	P	P	C
532292	Recreational Goods Rental										P	P	P	P	P
532299	All Other Consumer Goods Rental										C	C	C		C
532310	General Rental Centers										C	C	C	C	C
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing														P
532412	Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing														C
532420	Office Machinery and Equipment Rental and Leasing										P		P	P	P
532490	Other Commercial and Industrial Machinery and Equipment Rental and Leasing														P
533110	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)								P			P		P	
541110	Offices of Lawyers								P			P	P	P	P
541120	Offices of Notaries								P			P	P	P	P
541191	Title Abstract and Settlement Offices								P		P	P	P	P	P
541199	All Other Legal Services								P			P		P	P
541211	Offices of Certified Public Accountants								P			P	P	P	P
541213	Tax Preparation Services								P			P	P	P	P
541214	Payroll Services								P			P	P	P	P
541219	Other Accounting Services								P			P	P	P	P
541310	Architectural Services								P			P	P	P	P
541320	Landscape Architectural Services											P	P	P	P
541330	Engineering Services								P			P	P	P	P
541340	Drafting Services								P			P	P	P	P
541350	Building Inspection Services								P			P	P		P
541360	Geophysical Surveying and Mapping Services								P			P	P	P	P
541370	Surveying and Mapping (except Geophysical) Services								P			P	P	P	P
541380	Testing Laboratories								P	P		P	P	P	P
541410	Interior Design Services								P				P	P	P
541420	Industrial Design Services								P			P	P	P	P
541430	Graphic Design Services								P			P	P	P	P
541490	Other Specialized Design Services								P			P		P	P
541511	Custom Computer Programming Services								P			P		P	P

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		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
541512	Computer Systems Design Services								P			P	P	P	P
541513	Computer Facilities Management Services								P	P		P	P	P	P
541519	Other Computer Related Services								P			P	P	P	P
541611	Administrative Management and General Management Consulting Services								P			P		P	P
541612	Human Resources Consulting Services								P			P		P	P
541613	Marketing Consulting Services							P	P			P	P	P	P
541614	Process, Physical Distribution, and Logistics Consulting Services								P			P		P	P
541618	Other Management Consulting Services								P			P	P	P	P
541620	Environmental Consulting Services								P	P		P	P	P	P
541690	Other Scientific and Technical Consulting Services								P	P		P	P	P	P
541711	Research and Development in Biotechnology								P	P					
541712	Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology)								P	P					
541720	Research and Development in the Social Sciences and Humanities								P	P				P	
541810	Advertising Agencies								P			P	P	P	P
541820	Public Relations Agencies								P			P	P	P	P
541830	Media Buying Agencies								P			P	P	P	P
541840	Media Representatives								P			P	P	P	P
541850	Outdoor Advertising								P			P	P	P	P
541860	Direct Mail Advertising								P				P	P	P
541870	Advertising Material Distribution Services								P			P	P	P	P
541890	Other Services Related to Advertising								P			P	P	P	P
541910	Marketing Research and Public Opinion Polling								P			P	P	P	P
541921	Photography Studios, Portrait										P	P	P	P	P
541922	Commercial Photography											P	P	P	P
541930	Translation and Interpretation Services								P			P		P	P
541940	Veterinary Services										P	P	P	P	P
541990	All Other Professional, Scientific, and Technical Services								P			P	P	P	P
551111	Offices of Bank Holding Companies								P		P	P	P	P	P
551112	Offices of Other Holding Companies								P		P	P	P	P	P
551114	Corporate, Subsidiary, and Regional Managing Offices								P	P		P	P	P	P
CC561100	Business Enterprise Center (as defined in Chapter 405.120, Definition of Terms)													P	
561110	Office Administrative Services								P			P	P	P	P
561210	Facilities Support Services														P
561311	Employment Placement Agencies								P			C	C	C	P
561312	Executive Search Services								P			P	P	P	P
561320	Temporary Help Services								P			P	P	P	P
561330	Professional Employer Organizations								P			P	P	P	C
561410	Document Preparation Services								P	P		P	P	P	P
561421	Telephone Answering Services								C			C		C	P
561422	Telemarketing Bureaus and Other Contact Centers								C			C		C	C

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		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
561431	Private Mail Centers										P	P	P	P	C
561439	Other Business Service Centers (including Copy Shops)								P		P	P	P	P	P
561440	Collection Agencies								P			P	P	P	P
561450	Credit Bureaus								P			P	P	P	P
561491	Repossession Services														C
561492	Court Reporting and Stenotype Services								P			P	P	P	P
561499	All Other Business Support Services								P		P	P	P	P	P
561510	Travel Agencies								P		P	P	P	P	P
561520	Tour Operators								P			P		P	P
561591	Convention and Visitors Bureaus								P			P		P	P
561599	All Other Travel Arrangement and Reservation Services								P			P	P	P	P
561611	Investigation Services										P	P	P	P	P
561612	Security Guards and Patrol Services														C
561613	Armored Car Services														C
561621	Security Systems Services (except Locksmiths)								C			C	C	C	P
561622	Locksmiths										P	P	P	P	P
561710	Exterminating and Pest Control Services														P
561730	Landscaping Services														C
561740	Carpet and Upholstery Cleaning Services														P
561790	Other Services to Buildings and Dwellings														P
561910	Packaging and Labeling Services										C	C	C		P
561920	Convention and Trade Show Organizers								P			P		P	P
561990	All Other Support Services								C			C	C	C	P
562998	All Other Miscellaneous Waste Management Services														C
611110	Elementary and Secondary Schools	C	C	C	C	C	P								
611210	Junior Colleges						P		C		C	C	C	C	C
611310	Colleges, Universities, and Professional Schools						P	P	C	C	C	C	C	C	C
611410	Business and Secretarial Schools								C			C	C	C	C
611420	Computer Training								C			C	C	C	C
611430	Professional and Management Development Training								C			C	C	C	C
611511	Cosmetology and Barber Schools											C	C	C	C
611513	Apprenticeship Training								P			P	P	P	P
611519	Other Technical and Trade Schools								C					C	C
611610	Fine Arts Schools											C	C	C	P
611620	Sports and Recreation Instruction											C	C	C	P
611630	Language Schools								P					P	P
611691	Exam Preparation and Tutoring								P		P	P	P	P	P
611692	Automobile Driving Schools											C	C	C	C
611699	All Other Miscellaneous Schools and Instruction								P			P	P	P	P
611710	Educational Support Services								P			P	P	P	P
621111	Offices of Physicians (except Mental Health Specialists)							P	P		P	P	P	P	P
621112	Offices of Physicians, Mental Health Specialists							P	P		P	P	P	P	P
621210	Offices of Dentists							P	P		P	P	P	P	P

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Use Code	2012 NAICS Title	ZONING DISTRICTS													
		A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
621310	Offices of Chiropractors							P	P		P	P	P	P	P
621320	Offices of Optometrists							P	P		P	P	P	P	P
621330	Offices of Mental Health Practitioners (except Physicians)							P	P		P	P	P	P	P
621340	Offices of Physical, Occupational and Speech Therapists, and Audiologists							P	P		P	P	P	P	P
621391	Offices of Podiatrists							P	P		P	P	P	P	P
621399	Offices of All Other Miscellaneous Health Practitioners							P	P		P	P	P	P	P
621410	Family Planning Centers							P	C			C	C	C	C
621420	Outpatient Mental Health and Substance Abuse Centers							P					C		
621491	HMO Medical Centers							P	P			P	P	P	P
621492	Kidney Dialysis Centers							P	P			P	P	P	P
621493	Freestanding Ambulatory Surgical and Emergency Centers							P	P			P	P	P	P
621498	All Other Outpatient Care Centers							P					C		P
621511	Medical Laboratories							P					C	P	P
621512	Diagnostic Imaging Centers							P					C	P	P
621610	Home Health Care Services							P				P	P	P	P
621910	Ambulance Services												C		P
621991	Blood and Organ Banks							P							P
621999	All Other Miscellaneous Ambulatory Health Care Services							P					C	C	
622110	General Medical and Surgical Hospitals							P							
622210	Psychiatric and Substance Abuse Hospitals							P							P
622310	Specialty (except Psychiatric and Substance Abuse) Hospitals							P							
623110	Nursing Care Facilities (Skilled Nursing Facilities)						C	C				C	C	C	
623210	Residential Intellectual and Developmental Disability Facilities (Subject to 405.450.B)	P	P	P	P	P	C	C				P			
623220	Residential Mental Health and Substance Abuse Facilities							P				C			
623311	Continuing Care Retirement Communities						C	C				C	C	C	
623312	Assisted Living Facilities for the Elderly						C	C				C	C	C	
623990	Other Residential Care Facilities (Subject to 405.450.B), excluding boot/disciplinary camps and halfway group homes.	P	P	P	P	P	C	C				C	C	C	
624110	Child and Youth Services							P						P	P
624120	Services for the Elderly and Persons with Disabilities						C	P	C			P	P	P	
624190	Other Individual and Family Services							P	P			P	P	P	P
624210	Community Food Services											C	C		P
624221	Temporary Shelters							C				C	C		C
624229	Other Community Housing Services											C	C		P
624230	Emergency and Other Relief Services											C	C		C
624310	Vocational Rehabilitation Services												P		C
624410	Child Day Care Services	C	C	C	C	C	C	C	C	C	C	C	C	C	C
711110	Theater Companies and Dinner Theaters								C	C	C	C	C	C	C
711120	Dance Companies											C	C	C	C
711130	Musical Groups and Artists											C	C	C	C

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
711190	Other Performing Arts Companies											C	C	C	C
711211	Sports Teams and Clubs											C	C	C	C
711212	Racetracks														C
711219	Other Spectator Sports											C	C	C	C
711310	Promoters of Performing Arts, Sports, and Similar Events with Facilities							C				C	C	C	C
711320	Promoters of Performing Arts, Sports, and Similar Events without Facilities							P				P	P	P	
711410	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures							P				P	P	P	P
711510	Independent Artists, Writers, and Performers							C				C	C	C	
712110	Museums											C	C	C	
712120	Historical Sites	C	C	C	C	C	C	C	C	C	C	C	C	C	
712130	Zoos and Botanical Gardens											C	C	C	
712190	Nature Parks and Other Similar Institutions	C	C	C	C	C						C	C	C	
713110	Amusement and Theme Parks							P				C	C	C	
713120	Amusement Arcades										C	C	C	C	
713290	Other Gambling Industries											C	C	C	C
713910	Golf Courses and Country Clubs	C	C	C	C	C									
713940	Fitness and Recreational Sports Centers	C	C	C	C	C			C	C		P	P	P	P
713950	Bowling Centers											C	C	C	
713990	All Other Amusement and Recreation Industries (except gun and shooting clubs)	C	C	C	C	C						C	C	C	P
721110	Hotels (except Casino Hotels) and Motels						C		C			C	C	C	
CC721130	Sexually-Oriented Businesses (subject to Article VIII-A of Chapter 405)														P
721191	Bed-and-Breakfast Inns	C	C	C	C	C									
721310	Rooming and Boarding Houses						C	C							
722310	Food Service Contractors											C	C	C	C
722320	Caterers											C	C	C	C
722330	Mobile Food Services										C	C	C	C	C
722410	Drinking Places (Alcoholic Beverages)										C	C	C	C	C
722511	Full-Service Restaurants								C		C	C	C	C	C
722513	Limited-Service Restaurants								C		C	C	C	C	C
722514	Cafeterias, Grill Buffets, and Buffets						C		C		C	C	C	C	C
722515	Snack and Nonalcoholic Beverage Bars								C	C	C	C	C	C	C
811111	General Automotive Repair												C		C
811112	Automotive Exhaust System Repair												C		C
811113	Automotive Transmission Repair												C		C
811118	Other Automotive Mechanical and Electrical Repair and Maintenance												C		C
811121	Automotive Body, Paint, and Interior Repair and Maintenance														C
811122	Automotive Glass Replacement Shops												C		C
811191	Automotive Oil Change and Lubrication Shops												C	C	C
811192	Car Washes												C		C
811198	All Other Automotive Repair and Maintenance												C		C
811211	Consumer Electronics Repair and Maintenance										C	C	C		C

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
811212	Computer and Office Machine Repair and Maintenance								P		P	P	P	P	P
811213	Communication Equipment Repair and Maintenance														P
811219	Other Electronic and Precision Equipment Repair and Maintenance												P		P
811310	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance														P
811411	Home and Garden Equipment Repair and Maintenance														P
811412	Appliance Repair and Maintenance												P		P
811420	Reupholstery and Furniture Repair												C		P
811430	Footwear and Leather Goods Repair										P	P	P	P	P
811490	Other Personal and Household Goods Repair and Maintenance														C
812111	Barber Shops										P	P	P	P	P
812112	Beauty Salons										P	P	P	P	C
812113	Nail Salons										P	P	P	P	C
812191	Diet and Weight Reducing Centers										C	C	P	P	C
812199	Other Personal Care Services (except escort services, massage parlors, steam baths, tattoo parlors and Turkish baths)										C	C	C	C	C
812210	Funeral Homes and Funeral Services	C					C				C	C	C	C	
812220	Cemeteries not associated with a place of worship and all Crematories	C					C					C			
812320	Drycleaning and Laundry Services (except Coin-Operated) provided that facility (1) Meets all fire code regulations, and (2) Has a valid permit from the St. Louis County Air Pollution Control Program.										P	P	P	P	
812331	Linen Supply														P
812332	Industrial Launderers														P
812910	Pet Care (except Veterinary) including only Pet Spas (as defined in Section 405.120) Services										P	P	P		P
812921	Photofinishing Laboratories (except One-Hour)														P
812922	One-Hour Photofinishing										P	P	P	P	
812930	Parking Lots and Garages												C	C	P
812990	All Other Personal Services										C	C	C	C	P
813110	Religious Organizations, Incl. Retreat Houses	C	C	C	C	C	C	C	C	C	C	C	C	C	C
813211	Grantmaking Foundations								P		P	P	P	P	P
813212	Voluntary Health Organizations								P			P		P	P
813219	Other Grantmaking and Giving Services								P			P		P	P
813311	Human Rights Organizations								P			P		P	P
813312	Environment, Conservation and Wildlife Organizations	C	C	C	C	C			P			P		P	P
813319	Other Social Advocacy Organizations	C	C	C	C	C			P			P	P	P	P
813410	Civic and Social Organizations	C	C	C	C	C			P			P		P	C
813910	Business Associations	C	C	C	C	C			P			P		P	P

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
813920	Professional Organizations								P			P	P	P	C
813930	Labor Unions and Similar Labor Organizations								P			P	P	P	C
813940	Political Organizations								P			P	P	P	P
813990	Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)	C	C	C	C	C			P			P	P	P	P
814110	Private Households	P	P	P	P	P	P							C	
921110	Executive Offices								P	P		P	P	P	C
921120	Legislative Bodies								P	P		P	P	P	
921130	Public Finance Activities								P			P	P	P	P
921140	Executive and Legislative Offices, Combined								P	P		P	P	P	P
921190	Other General Government Support								P	P		P	P	P	P
922110	Courts								P				P	P	P
922120	Police Protection						P	P	P	P		P	P	P	P
922130	Legal Counsel and Prosecution								P	P		P	P	P	
922140	Correctional Institutions														P
922150	Parole Offices and Probation Offices												P		
922160	Fire Protection						P		P	P		P	P	P	
922190	Other Justice, Public Order, and Safety Activities							C	C	C		C	C	C	P
923110	Administration of Education Programs							P	P			P	P	P	P
923120	Administration of Public Health Programs							P	P			P	P	P	
923130	Administration of Human Resource Programs (except Education, Public Health, and Veterans' Affairs Programs)							P	P			P	P	P	
923140	Administration of Veterans' Affairs							P	P			P	P	P	
924110	Administration of Air and Water Resource and Solid Waste Management Programs								P			P	P	P	
924120	Administration of Conservation Programs								P			P	P	P	
925110	Administration of Housing Programs								P			P	P	P	
925120	Administration of Urban Planning and Community and Rural Development								P			P	P	P	
926110	Administration of General Economic Programs								P			P	P	P	
926120	Regulation and Administration of Transportation Programs								P			P	P	P	
926130	Regulation and Administration of Communications, Electric, Gas, and Other Utilities								P			P	P	P	
926140	Regulation of Agricultural Marketing and Commodities								P			P	P	P	
926150	Regulation, Licensing, and Inspection of Miscellaneous Commercial Sectors								P			P	P	P	P
927110	Space Research and Technology								P			P	P	P	P
928110	National Security								P			P	P	P	P
928120	International Affairs								P			P	P	P	P



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, JULY 15, 2013
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, July 15, 2013, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: *Mr. Tim Madden, Chair*
 Dr. Michael Barton
 Mr. James Faron
 Mr. Charles Pullium
 Mr. Gene Rovak

OTHERS PRESENT: *Mr. Carl Lumley, City Attorney*
 Mr. Paul Langdon, Director of Community Development
 Ms. Whitney Kelly, AICP, City Planner
 Ms. Julie Lowery, Recording Secretary

2. NEW BUSINESS

A. PUBLIC HEARING

Application #13-016: Rezoning of 12528-12536 Olive Boulevard, Shoppes at Questover, to modify the prior “GC” General Commercial Zoning Regulations.

Applicant/Agent: Daniel Burke
 Armstrong Teasdale LLP
 7700 Forsyth Blvd., Suite 1800
 St. Louis, MO 63105

Property Owner: Altus Properties, LLC
 1610 Des Peres Road, Suite 320
 St. Louis, MO 63131

Mr. John Diehl, Armstrong Teasdale, 7700 Forsyth Boulevard, explained the request is to modify the prior “GC” General Commercial Zoning Regulations. Mr. Diehl stated the applicant is seeking to remove additional restrictions placed on this property in order to enable a separate application for a Jet’s Pizza restaurant, as well as to allow the property owner to pursue new uses for the vacant tenant spaces. Mr. Diehl explained back in 2004, the City approved an application that included restrictions regarding certain uses, which included limiting restaurants to 25% of the buildings square footage and prohibited amusement and recreation services, which at the time included physical fitness facilities, yoga instruction, judo, martial arts instruction, bridge club, dance studios, and other forms of sports recreation. Mr. Diehl said because the ordinance restricts specific uses changing those uses within the

deed restriction requires amending the ordinance that was previously passed. Mr. Diehl stated the applicant feels the restrictions interfere with the potential uses that could go in the center and the restriction is not consistent with other “GC” areas in Creve Coeur. Mr. Diehl said there is a favorable recommendation from staff. Also, Mr. Diehl said the applicant is agreeable to restricting future restaurant use to no more than 40% and to allow some of the recreational uses described earlier.

Mr. Faron asked if the worries from the past, in regards to auto center applications, is still prohibited. Mr. Diehl stated that was correct.

Mr. Steven Kling Jr., Jenkins & Kling P.C., 150 N. Meramec Avenue, representing the trustees of the Questover Place, Manors of Questover, and Questover Crossing subdivisions, first gave a little history of the area and showed an illustration. In the illustration, Mr. Kling pointed out what is considered the West Corridor and explained the history of the zoning and why it was rezoned with restrictions. Mr. Kling showed on the illustration how the property adjoined to residential, hence the deed restrictions that preserve prior zoning of the “MX” district protections. Mr. Kling pointed out the draft ordinance proposes to remove the restriction from the ordinance and leave it to the subdivision and the developer to work the restrictions out, however Mr. Kling says just removing the ordinance does not change the restriction of record against the property and as currently written the subdivisions are not a party to that restriction, so they cannot amend it without being substituted and the city agrees.

Ms. Kelly clarified the writing of the ordinance and stated that Staff wants this property to be zoned the same as every other “GC” General Commercial District. Ms. Kelly said that Staff does recommend approval of this application.

Mr. Pullium asked for clarification of what the Commission is reviewing because the neighborhood and applicant have already agreed to terms and conditions. Mr. Langdon said all parties are in agreement of where this application needs to be in the end, it is the wording in the ordinance that needs some changing.

Mr. Lumley, City Attorney, said the deed restriction is between the City and the property owner, so there would have to be some form of authorization in the ordinance for some representative of the City to sign a new form of that deed restriction. Mr. Lumley stated his recollection of the history of this was if it was strictly in a deed restriction the City is not a party to it. Mr. Lumley also said that he recalls the property owner did not want to leave the subdivision to have a say-so, which left them out of being a party to the restrictions, and the subdivision did not want to just leave it to the contractual rights of a restriction, that is why they asked for it in the ordinance.

Me. Diehl said they would like to amend the ordinance to provide authorization for the City’s consent to substitute the deed restriction, which will be executed between the parties, to place upon the properties and make that a condition of the actual rezoning.

Mr. Rovak motioned to recommend approval of the rezoning at 12528-12536 Olive Boulevard, Shoppes at Questover, to modify the prior “GC” agreement, subject to the condition that the ordinance embodies the requirement of a future agreement between the property owner and the representative of the subdivisions that would except the changes described in detailed. Dr. Barton seconded the motion with the resultant vote as follows:

Dr. Barton – aye
Mr. Rovak – aye

Mr. Faron – aye
Chair - aye

Mr. Pullium – aye

There being no further comments, City Attorney, Mr. Carl Lumley, presented the exhibits for the record and the public hearing was closed.

(This ends the Public Hearing; see verbatim transcript for further information)

3. ADJOURNMENT

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 9:42 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



city
of

CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

July 16, 2013

Mr. John Diehl
Armstrong Teasdale
7700 Forsyth Blvd., Suite 1800
St. Louis, MO 63105

Re: Application #13-016: Rezoning to modify prior "GC" General Commercial Zoning Regulations
Shoppes at Questover – 12528-12536 Olive Boulevard

Mr. Diehl:

The Planning and Zoning Commission, at its meeting of July 15, 2013, reviewed your request to rezone 12528-12536 Olive Boulevard, Shoppes at Questover, to remove the use restrictions in the prior "GC" General Commercial rezoning approval.

By unanimous vote, the Planning Commission recommends approval of the rezoning for the Shoppes at Questover, subject to the conditions contained in the draft ordinance (see attached). The first reading of the draft ordinance by the City Council is scheduled for Monday, July 22nd, 2013. You or a representative should plan to be in attendance to speak for the request.

If you have any questions, please contact the Planning Division staff (872-2501) as soon as possible. Note that significant changes to the draft ordinance may require that the matter be returned to the Planning and Zoning Commission prior to City Council approval.

Sincerely,

CITY OF CREVE COEUR

Timothy Madden, Chairman
Planning & Zoning Commission

TM:jl

Cc: M.C. Perkins, City Administrator
S. Unser, Chief Building Official

**AN ORDINANCE AMENDING CHAPTER 405.820, ARTICLE VII OFF-STREET PARKING
AND LOADING REGULATIONS OF THE ZONING ORDINANCE OF THE CODE OF
ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI TO REVISE THE MINIMUM
PARKING REQUIREMENT OF HAIR, NAILS AND SKIN CARE SERVICES**

WHEREAS, an application has been submitted by Daniel Burke, of Armstrong Teasdale, LLP, on behalf of Altus-Questover, property owner of the Shoppes at Questover, for a text amendment to revise Section 405.820(H)(2)(b) of the Required Off-Street Parking of the City Code of Ordinances regarding hair, nails, and skin care services to four (4) spaces per 1,000 sq. ft. of floor area to be consistent with the parking requirements for retail and office uses; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to the off-street parking regulations of the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, July 15, 2013, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of 5-0 recommended approval of the subject amendments at its meeting on Monday, July 15, 2013; and,

WHEREAS, notice of said public hearing had previously been published at least 15 days prior to the hearing in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur and otherwise posted and published in accordance with the Zoning Ordinance; and,

WHEREAS, all persons who presented themselves at said meeting and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City Council; and the Bill was read by title in open meeting two times before final passage by the City Council; and,

WHEREAS, the City Council being fully informed finds that amending the City Code of Ordinances would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest.

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri as follows:

SECTION 1: Section 405.820(H)(2)(b) of Required Off-Street Parking Spaces, of the Zoning Ordinance, of the City of Creve Coeur's Code of Ordinances shall be amended as follows:

Section 405.820 Required Off-Street Parking Spaces.

H. Services.

2. Personal and laundry services (NAICS 812).

b. Hair, nail and skin care services, ~~barber shops, beauty salons, nail salons, and other personal care services~~ (NAICS 81211). ~~Three and one-half (3.5) spaces per barber, beautician and/or manicurist~~

BILL NO. 5435

ORDINANCE NO. _____

~~station or one (1) space per one hundred (100) square feet of floor area, whichever is greater. Four (4) parking spaces per one thousand (1,000) square feet of floor area.~~

SECTION 2: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2013.

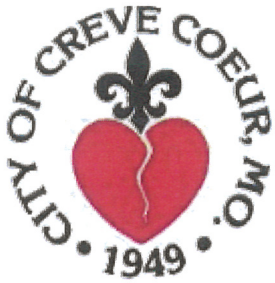
SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2013.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



city of CREVE COEUR

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**APPLICATION TO PLANNING AND ZONING COMMISSION
#13-022 FOR A TEXT AMENDMENT TO SECTION 405.820 REQUIRED
OFF-STREET PARKING FOR HAIR, NAIL AND SKIN CARE SERVICES TO
FOUR SPACES PER 1,000 SQ. FT. OF FLOOR AREA**

FOR THE MEETING OF: July 15, 2013

LOCATION: City-wide

REQUEST: Daniel Burke, of Armstrong Teasdale, LLP, on behalf of Altus-Questover, property owner, has submitted a request for a text amendment to revise Section 405.820(H)(2)(b) of the Required Off-Street Parking for hair, nails, and skin care services to four (4) spaces per 1,000 sq. ft. of floor area to be consistent with the parking requirements of retail an office uses.

ADDITIONAL INFORMATION: Current parking requirements for hair, nails, and skin care services is three and one-half (3.5) spaces per barber, beautician and/or manicurist station or one (1) space per one hundred (100) square feet of floor area, whichever is greater.

Key Issues:

- Is this a reasonable exercise of zoning authority?
- Does the request reflect current best practices?
- Does the request further or implement the goals of the Comprehensive Plan?

Comp. Plan References

- Residential Neighborhoods
- East Olive Corridor
- West Olive Corridor
- Central Business District
- Design Guidelines

Zoning Code References

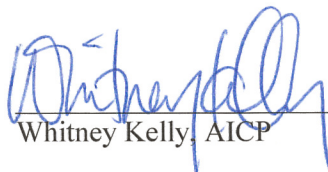
- Section 405.820 Required Off-Street Parking Spaces

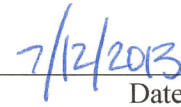
APPLICANT: Daniel Burke
Armstrong Teasdale LLP
7700 Forsyth Blvd., Suite 1800
St. Louis, MO 63105

**PROPERTY
OWNER:**

Altus Properties, LLC
1610 Des Peres Road, Ste 320
St. Louis, MO 63131

REPORT PREPARED BY:


Whitney Kelly, AICP


Date

ATTACHMENTS: Draft Ordinance

INTRODUCTION

The Shoppes at Questover, located on 3.82 acres at 12528 and 12536 Olive Boulevard, was rezoned to “GC” General Commercial in 2004 (Ordinance #3017) and the property was developed per the site development plan for two buildings that total approximately 25,000 sq. ft. with 173 parking spaces. The development consists of “small retail/restaurants and specialty shops.” At the time, the site plan was reviewed under the prior general parking requirements for shopping centers of “4 spaces per 1,000 sq. ft. of floor area unless the proposed mix of land uses in the shopping center requires a higher number, in which case the higher number shall be required”. Where a minimum parking at 4 spaces per 1,000 sq. ft. of floor area for the buildings would be 120 spaces, the additional 53 spaces was included to account for possible restaurants uses.

As the mix of tenants within the center changes, the constant parking calculations needed for a conditional use permit can vary from year to year. Market conditions have moved away from small scale retail uses to more service oriented businesses, thereby affecting the overall parking required. When the current parking requirement for hair, nails, and skin care services far exceeds the actual need, and is so out of character with the parking requirements of other retail and office uses, it becomes difficult to fill vacant tenant spaces. The current parking rate for retail and office uses are 4 spaces per 1,000 sq. ft. of floor area, when those of salon services can require 2.5 to six times that per the following:

Section 405.820 Required Off-Street Parking Spaces.

- H. Services.
- 2. Personal and laundry services (NAICS 812).
 - b. Hair, nail and skin care services, barber shops, beauty salons, nail salons, and other personal care services (NAICS 81211). Three and one-half (3.5) spaces per barber, beautician and/or manicurist station or one (1) space per one hundred (100) square feet of floor area, whichever is greater.

Therefore, the applicant is seeking a text amendment to revise the parking rate for hair, nails and skin care services to be consistent to that of general retail and office uses, to read as follows:

Section 405.820 Required Off-Street Parking Spaces.

- H. Services.
- 2. Personal and laundry services (NAICS 812).
 - b. Hair, nail and skin care services (NAICS 81211). Four (4) parking spaces per one thousand (1,000) square feet of floor area.

DISCUSSION

Comprehensive Plan Review

The Comprehensive Plan doesn't provide any guidance regarding parking demand. However, one could infer that the often referenced “green line” park and the encouragement of pedestrian facilities and bicycle accommodations along Olive Boulevard within the East Olive and West Olive Corridor, would lend itself to more green spaces and minimum parking surface area for commercial development. Further, the Residential Neighborhoods section includes a recommendation that new development or redevelopment be compatible with the character of the surrounding neighborhood with regard to lot frontage, building setbacks, building lines, building scale and lot coverage (Page 45).

Within the Central Business District Action area, recommendations for Residential Preservation and Economic Development include:

- Mix of Uses - It is desirable that the Central Business District include a mix of uses, including, retail, entertainment, cultural activities, office, residential, and civic uses, but the mix of these uses will be determined based on the market analysis. (p. 81)

However, when the minimum parking required exceeds the actual use of the property because the Off-Street Parking Regulations require a cumulative accounting of all of the uses, it makes it difficult for property owners to achieve the mix of uses and scale of development called for in the Comprehensive Plan and sought by the market.

The Design Guidelines provide further direction specific to the visual impact of large parking surfaces, by encouraging high quality landscaping that accentuates the building and site, softens the effects of parking area and enhances the quality of life of the City (Page 15). More specifically, Chapter 5/ Miscellaneous, includes the following recommendations:

G. Parking

1. The design of off-street parking areas should limit vast open area of asphalt parking spaces, especially in the front of commercial buildings. Parking lots need to be broken up into small palatable spaces interconnected by landscaped pedestrian linkages. These linkages should be separate pedestrian walkways buffered with landscaping
4. Parking structure/lot design should minimize glare, reflection and visual impact of a large number of cars. Decorative elements, such as fences and walls, wall extensions, planting or topographic features should be utilized to screen parking and loading area.

The intent of these recommendations is so that parking areas do not so overload the site and lead to unattractive and environmentally harmful developments. However, when minimum parking required is based on the maximum theoretical needed of spaces for each use, it makes these recommendations difficult to achieve for any project. Therefore, the request to lower the parking standard would be consistent with the Comprehensive Plan and Design Guidelines.

Zoning Review

Currently, the parking requirements for the general mix of uses within a shopping center are:

Section 405.820 Required Off-Street Parking Spaces.

B. General Parking Requirements.

1. *Shopping centers designed for restaurant, retail uses and personal service establishments in NAICS 442, 443, 444, 445, 446, 448, 451, 452, 453 shall provide the combined total parking spaces for each use, less a fifteen percent (15%) reduction in the total number of parking spaces required.*
4. *General offices including professional, governmental or institutional except as specifically enumerated in this Article: For buildings less than fifteen thousand (15,000) square feet, four (4) stalls per one thousand (1,000) square feet of gross leasable floor area. For buildings greater than fifteen thousand (15,000) square feet, three and three-tenths (3.3) stalls per one thousand (1,000) square feet of gross leasable floor area.*

- F. Wholesale And Retail Trade (NAICS 42, 44-45, 49 722).
4. General retail establishments (general merchandise, food, apparel and accessories and miscellaneous retail stores) (NAICS 443, 445, 446, 448, 451, 452, and 453). Four (4) parking spaces per one thousand (1,000) square feet of floor area.
 5. Food services and drinking places (NAICS 722).
 - a. One (1) parking space per every three (3) seats of maximum occupancy recorded under the conditional use permit plus one (1) parking space per every two hundred fifty (250) square feet of total building floor area plus one (1) parking space per each eight (8) seats in an outdoor seating area.
 - b. Small restaurant facilities which offer only carry-out/delivery service and/or a seating capacity of sixteen (16) or fewer persons shall provide parking spaces at the ratio required for basic retail uses; provided such small restaurant facilities shall not be freestanding or provide drive-through, drive-up or curb service facilities.
- H. Services.
2. Personal and laundry services (NAICS 812).
 - b. Hair, nail and skin care services, barber shops, beauty salons, nail salons, and other personal care services (NAICS 81211). Three and one-half (3.5) spaces per barber, beautician and/or manicurist station or one (1) space per one hundred (100) square feet of floor area, whichever is greater.

The Applicant contends that the required parking for hair, nails, and skin care services exceeds the actual practice for these uses and artificially inflates the number of parking spaces required in such a manner as to prohibit other uses. As the aerial photo of the Shoppes at Questover below, as well as the site photos in Appendix 4 with Application #13-009 and #13-016, show the existing parking available is not being fully utilized:



The following table demonstrates the impact of changing the parking requirement on the property:

Tenant	Use	Size (sq.ft.)	Parking Regulations	# of spaces*	Revised 4 spaces / 1,000 sq. ft. for Salons **
La Salsa	Restaurant	2,928 (+74 indoor seats, 40 outdoor seats)	1/3 seats in C.U.P., 1/8 outdoor seats, + 1/250 sq.ft.	41.38	41.38
Performance Eyecare	Retail	1,732	4/1000 sq.ft.	6.93	6.93
Great Clips	Hair Salon	1,157	3.5/station or 1/100 sq.ft.	11.57	4.64
Jet's Pizza	Restaurant	2,668 (+40 indoor seats, 16 outdoor seats)	1/3 seats in C.U.P., 1/8 outdoor seats, + 1/250 sq.ft.	26.00	26.00
Vacant	Retail	2,668	4/1000 sq.ft.	10.67	10.67
Metro Hair	Hair Salon	2,840	3.5/station or 1/100 sq.ft.	28.4	11.36
Gulf Shores	Restaurant	2,928 (+87 indoor seats, 80 outdoor seats)	1/3 seats in C.U.P., 1/8 outdoor seats, + 1/250 sq.ft.	50.71	50.71
Vacant	Retail	1,450	4/1000 sq.ft.	5.8	5.8
NY Subs	Restaurant	1,281 (16 seats)	4/1000 sq.ft. when ≤ 16 seats	10.46	10.46
Amor Nails	Nail Salon	1,334	3.5/station or 1/100 sq.ft.	13.34	5.32
American Dental	Dental Office	4,002	4/1000 sq.ft.	16.01	16.01
Massage Envy	Personal Service Salon	2,840	3.5/station or 1/100 sq.ft.	28.4	11.36
Total Building:		25,160	Total:	249.67	200.64
15% Reduction			Total Required:	213	171
Total Parking Available On-Site: 173					

* Represent the number of spaces required under the current ordinance at 1 space per 100 sq. ft. of floor area. The number of stations for the salons was not provided.

** Represents the parking spaces required per the proposed text amendment for Hair Nail and Skin Care Services

Effect in Practice

In surveying other cities, parking rates for the specific use can range anywhere from 1 space per 500 sq. ft. of floor area, to 3 spaces per chair or station. Further, the trend is to require even less parking, particularly for shopping centers where parking demand is much more fluid than stand-alone uses. The parking demand is best controlled by the operator through the scheduling of clients and staff. There are very few stand-alone salons, due to the limited development opportunity, and therefore the chance of chronic parking problem is very slim.

CONCLUSION

The City's Off-Street Parking Requirements do not provide an accurate representation of the parking needs for shopping centers which is much more fluid than the cumulative accounting of each use, and ultimately leads to development standards that are inconsistent with the goals and objectives of the Comprehensive Plan and Design Guidelines. Where the standards for Hair, Nail, and Skin Care Services is so far out of character with every other retail and office use requirement, adjusting this one use allows for a greater flexibility in the mix of uses within a center, as well as allows for a more appropriate standard for a stand-alone salons, where the management of appointments and staff, and thus the parking needed, is best managed by the business.

ACTION

If the Planning Commission believes all of their questions have been addressed, a recommendation to the City Council must be voted upon. The following would be a suitable motion for this application:

"I move to recommend approval of Application #13-022 for the text amendment to the off-street parking requirement for hair, nail, and skin care services as described in the staff report for the meeting of July 15, 2013."

APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, JULY 15, 2013
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, July 15, 2013, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: *Mr. Tim Madden, Chair*
 Dr. Michael Barton
 Mr. James Faron
 Mr. Charles Pullium
 Mr. Gene Rovak

OTHERS PRESENT: *Mr. Carl Lumley, City Attorney*
 Mr. Paul Langdon, Director of Community Development
 Ms. Whitney Kelly, AICP, City Planner
 Ms. Julie Lowery, Recording Secretary

2. NEW BUSINESS

A. PUBLIC HEARING

Application #13-022: Text amendment to Section 405.820 Required Off-Street Parking for hair, nails, and skin care services to four spaces per 1,000 sq. ft. of floor area.

Applicant/Agent: Daniel Burke
 Armstrong Teasdale LLP
 7700 Forsyth Blvd., Suite 1800
 St. Louis, MO 63105

Property Owner: Altus Properties, LLC
 1610 Des Peres Road, Suite 320
 St. Louis, MO 63131

Mr. John Diehl, Armstrong Teasdale, 7700 Forsyth Boulevard, explained the request is to reduce the parking requirements, because the current parking requirements lead to excess pavement and asphalt. Mr. Diehl stated the curb requirements are out of line with other retail service type uses.

Mr. Steven Kling Jr., Jenkins & Kling P.C., 150 N. Meramec Avenue, representing the trustees of the Questover Place, Manors of Questover, and Questover Crossing subdivisions, stated for the record the information provided by Mr. Diehl is accurate.

There being no further comments, City Attorney, Mr. Carl Lumley, presented the exhibits for the record and the public hearing was closed.

(This ends the Public Hearing; see verbatim transcript for further information)

Mr. Faron motioned to recommend approval of Application #13-022 for the text amendment to the off-street parking requirement for hair, nail, and skin care services as described in the staff report for the meeting of July 15, 2013. Dr. Barton seconded the motion with the resultant vote as follows:

Mr. Rovak – aye
Dr. Barton – aye

Mr. Pullium – aye
Chair – aye

Mr. Faron – aye

3. **ADJOURNMENT**

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 9:42 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



city
of

CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

Mr. John Diehl
Armstrong Teasdale
7700 Forsyth Blvd., Suite 1800
St. Louis, MO 63105

Re: Application #13-022: Text amendment to Section 405.820
Required Off-Street Parking for hair, nails, and skin care services to four spaces per 1,000 sq. ft.
of floor area

Mr. Diehl:

The Planning and Zoning Commission, at its meeting of July 15, 2013, reviewed your request for a text amendment to Section 405.820 Required Off-Street Parking for hair, nail, and skin care services to four spaces per 1,000 sq. ft. of floor area.

By unanimous vote, the Planning Commission recommends approval of the text amendment, subject to the conditions contained in the draft ordinance (see attached). The first reading of the draft ordinance by the City Council is scheduled for Monday, July 22nd, 2013. You or a representative should plan to be in attendance to speak for the request.

If you have any questions, please contact the Planning Division staff (872-2501) as soon as possible. Note that significant changes to the draft ordinance may require that the matter be returned to the Planning and Zoning Commission prior to City Council approval.

Sincerely,

CITY OF CREVE COEUR

Timothy Madden, Chairman
Planning & Zoning Commission

TM:jl

Cc: M.C. Perkins, City Administrator
G. Eidman, Chief of Police
S. Unser, Chief Building Official

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE
PERMIT FOR A 2,668 SQUARE-FOOT RESTAURANT LOCATED AT 12536 OLIVE
BOULEVARD WITHIN THE SHOPPES AT QUESTOVER SHOPPING CENTER**

WHEREAS, under Section 405.210 Table A, all restaurants in the “GC”, General Commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, an application was submitted by Michael Serra, of the Crevco Pizza LLC dba Jet’s Pizza, for a conditional use permit for a 2,668 square-foot restaurant, with takeout and delivery service, at 12536 Olive Boulevard, Suite D, located within the Shoppes at Questover Shopping Center; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, July 15, 2013, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(2); and

WHEREAS, notice of publication for said public hearing had been previously published at least 15 days prior to the hearing, in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a 5-0 vote, recommended approval of the conditional use permit, subject to the conditions contained herein, at its meeting on July 15, 2013; and

WHEREAS, all parties desiring to be heard, either for or against said application, were given an opportunity to be heard, and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the Council; and this Bill having been read by title in open meeting two times before final passage by the City Council, and

WHEREAS, the City Council finds that the application and evidence presented clearly indicate that the proposed conditional use, when subject to certain conditions set forth herein:

1. Will contribute to and promote the community welfare and convenience at the specific location.
2. Will not cause substantial injury to the value of neighboring property.
3. Meets the applicable provisions of the City’s Comprehensive Plan and any applicable neighborhood or sector plans and complies with other applicable zoning district regulations and provisions of this Chapter, unless good cause exists for deviation therefrom.
4. Will be compatible with the surrounding area and thus will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent users or on community facilities or services.

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, St. Louis County, Missouri, as follows:

Section 1: A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a restaurant located at 12536 Olive Boulevard, within the Shoppes at

Questover Shopping Center, in the "GC" General Commercial zoning district, whose legal description is as follows:

Lot A of Questover Subdivision, A subdivision in St. Louis County, Missouri, as per the Questover Consolidation Plat, Recorded in Plat Book 353, Page 34 of the St. Louis County Records.

Section 3: The Conditional Use Permit granted shall be subject to all applicable statutes, ordinances, rules and regulations, and the following conditions:

1. The conditional use permit shall be for the operation of 2,668 square-foot, dine-in, with take-out and delivery, restaurant at 12536 Olive Boulevard, Suite D.
2. Seating is limited to a maximum 40 indoor seats and 16 outdoor seats. A minimum four foot wide, unobstructed and clear pedestrian path must be maintained at all times if outdoor seating is placed adjacent to the building.
3. Hours of operation shall not exceed 11:00 am to 10:00 pm, Sunday through Thursday and 11:00 am to 11:00 pm Friday and Saturday. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
4. The owner of the property shall address all outstanding property maintenance violations on the property to the satisfaction of the Chief Building Official prior to the issuance of any final Certificate of Occupancy for the restaurant permitted by this ordinance.
5. There shall be no outdoor storage or placement of any materials or equipment.
6. Employee parking, delivery and company vehicles shall be parked in the rear parking area behind the building line or as far from the public right-of-way as possible.
7. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
8. The restaurant shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
9. Any mechanical equipment installed for the restaurant shall be properly screened with materials approved by the Zoning Administrator.
10. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
11. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
12. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.
13. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written

BILL NO. 5436

ORDINANCE NO. _____

confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

Section 4: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 3 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

Section 5: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2013.

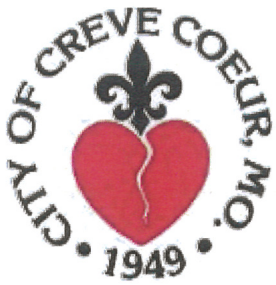
SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2013.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



city of CREVE COEUR

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**APPLICATION TO PLANNING AND ZONING COMMISSION
#13-009 CONDITIONAL USE PERMIT FOR APPROVAL OF A
CONDITIONAL USE PERMIT FOR JET'S PIZZA RESTAURANT WITHIN
THE SHOPPES AT QUESTOVER SHOPPING CENTER**

FOR THE MEETING OF: July 15, 2013

LOCATION: 12536 Olive Boulevard, Suite D

REQUEST: Michael Serra submitted a request for a conditional use permit for a 2,668 square foot dine-in restaurant, with 40 indoor and 16 outdoor seats, and take-out and delivery. The location is within the Shoppes at Questover Shopping Center. The Applicant is not proposing any changes to the exterior of the building or site. The property is zoned "GC" General Commercial District. Limited-Service Restaurants (NAICS 722513) are permitted by conditional use permit in the "GC" General Commercial District.

ADDITIONAL INFORMATION: Approval of the CUP is contingent upon approval of two separate applications for the rezoning of the property to eliminate some City imposed use restrictions (Ref: Application #13-016), and a text amendment to revise unrelated off-street parking requirements (Ref: Application #13-022). The use restriction limits restaurants to 25% of the building square footage, where no such limitation is provided in GC zoning districts.

Key Issues:

- Does the request integrate with the existing surrounding uses?
- Does the request further or implement the goals of the Comprehensive Plan?

Comp. Plan References

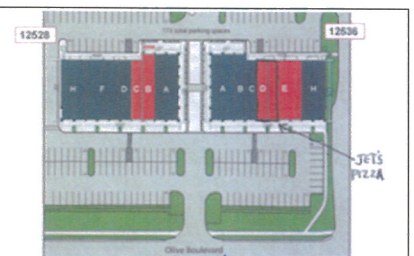
- West Olive Corridor Action Area

Zoning Code References

- Section 405.210: Regulation of Uses
- Section 405.360: "GC" General Commercial District
- Section 405.820 Required Off-Street Parking Spaces
- Section 405.550: Environmental Performance Standards

APPLICANT: Michael Serra
Crevco Pizza LLC dba Jet's Pizza
19694 Westchester Drive
Clinton Twp, MI 48038

PROPERTY OWNER: Kelly Diehl
Altus Properties, LLC
1610 Des Peres Road, Ste 320
St. Louis, MO 63131



REPORT PREPARED BY:

Whitney Kelly
Whitney Kelly, AICP

7/12/2013
Date

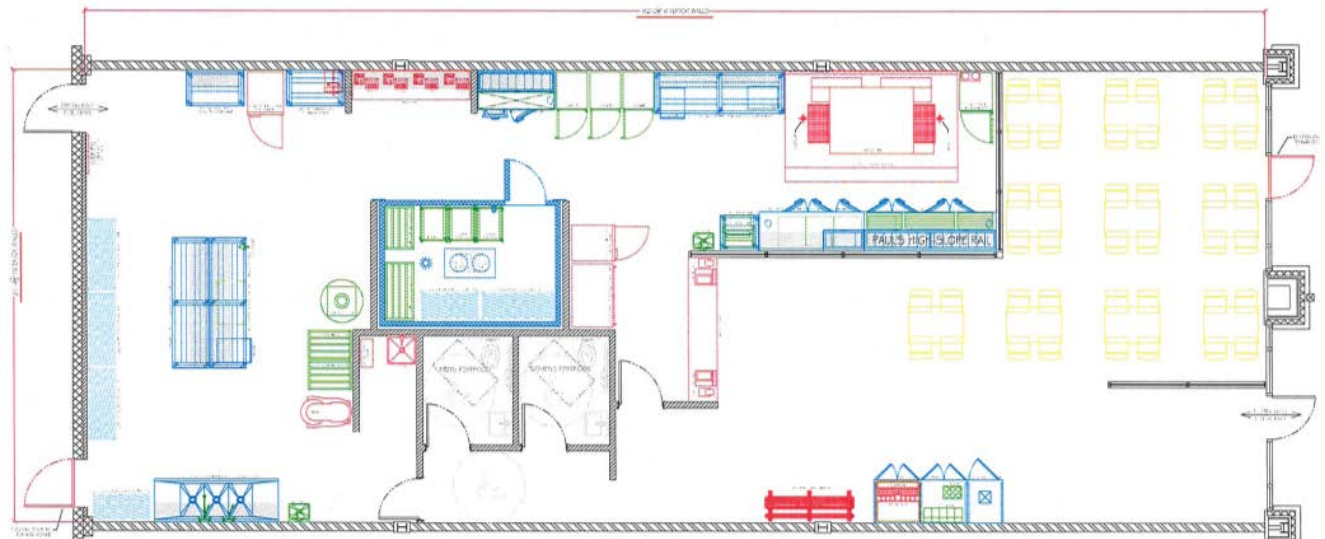
ATTACHMENTS: Applicant's Materials
Draft Ordinance
Public Comments received by July 12, 2013

PROPERTY HISTORY

The Shoppes at Questover, located on 3.82 acres at 12528 and 12536 Olive Boulevard, was rezoned to "GC" General Commercial in 2004 (Ordinance #3017) and the property was developed per the site development plan. Included with the rezoning, Ordinance #3017 provided further restrictions on the property that includes "Eating and Drinking Establishments shall not occupy more than 25% of the approved building square footage for the building footprint and a single eating establishment shall not exceed 3,500 square feet in size, and shall be on sites of not less than two acres". Section 405.470(14) Food Services and Drinking Places (NAICS 722) of the Zoning Ordinance does not apply an acreage requirement for properties within the "GC" General Commercial District. Limitations of restaurants to building square footage only applies to restaurants in the "CB", "PO", "PC" and "LI" Districts that are located within a retail or office building, provided that such restaurants do not collectively occupy more than forty percent (40%) of the building square footage. Therefore, the property owners have submitted an application for the technical rezoning of the property to eliminate the additional restrictions to be consistent with other "GC" General Commercial Districts in the City, in order to fill the remaining vacancies within the center (ref. Application #13-016).

Jet's Pizza is seeking approval for a second location in the City within the western building of 12536 Olive Boulevard. The proposed 2,668 square foot will increase restaurant space to 40% of the building's square footage. The Applicant is not proposing any changes to the exterior of the building or site. Approval of the conditional use permit is contingent upon the approval of two separate applications to eliminate the additional restrictions on the property, and revise the off-street parking requirements, discussed further under Zoning Review.

Below is a close-up of the floor plan for Jet's Pizza:



LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Retail-Heritage Shopping Center	"CB" Core Business District / Un-incorporated St. Louis County "C 8" Planned Commercial District	Olive Boulevard
South	Residential-Questover Place and Questover Crossing	"B" Single Family Residential / "AR" Attached Single Family Residential	NA
East	Retail Shopping Center	"GC" General Commercial District	NA
West	Veterinarian Office-Creve Coeur Animal Hospital	"GC" General Commercial District	NA

COMPREHENSIVE PLAN REVIEW

The subject site is located within the West Olive Corridor Action Area of the Comprehensive Plan. The West Olive Corridor possesses a mix of residential and commercial structures but has an overall commercial character.

The Comprehensive Plan promotes a "neighborhood business concept" for the area roughly between Tempo Drive and Barnes West Drive. According to the "Vision" and the Residential Preservation and Economic Development" sections of the West Olive Corridor, development should coexist with adjacent residential neighborhoods and impacts of commercial development on neighborhoods should be mitigated. Particular attention is paid to the Questover subdivisions, which are located south of the subject site. The planning context speaks to neighborhood scale development and a departure from auto-oriented development. Moreover, the business establishments in this area would consist of "small retail/restaurants and specialty shops." The addition of a new restaurant within the proposed center would be consistent with the mix of uses in the area.

ZONING REVIEW

Restaurants are permitted with conditions in all commercial zoning districts within the city, and the applicant is leasing an existing tenant space in a development that has a mix of retail and restaurant uses. No changes to the exterior of the building or site are proposed so no site development plan review is required. Restaurants in the GC District are not limited to a minimum acreage requirement, nor limited to a percentage of square footage of the building. Therefore, review of the request per the Zoning Ordinance is limited to the parking analysis.

Parking

Parking regulations for restaurants are discussed under Section 405.820(F)(5) Required Off-Street Parking Spaces. As indicated earlier, the property owner has also submitted an application for a text amendment to revise the required parking for Hair, Nail, and Skin Care Services. The following table shows the parking calculations for the entire center, with the far right column indicating the parking calculations with the proposed change for Hair Nail and Skin Care Services to that of 4 spaces per 1,000 sq. ft. of floor area (refer to Application #13-022 for further information):

Tenant	Use	Size (sq.ft.)	Parking Regulations	# of spaces*	Revised Per App. 13-022**
La Salsa	Restaurant	2,928 (+74 indoor seats, 40 outdoor seats)	1/3 seats in C.U.P., 1/8 outdoor seats, + 1/250 sq.ft.	41.38	41.38
Performance Eyecare	Retail	1,732	4/1000 sq.ft.	6.93	6.93
Great Clips	Hair Salon	1,157	3.5/station or 1/100 sq.ft.	11.57	4.64
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Vacant	Retail	2,668	4/1000 sq.ft.	10.67	10.67
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Amor Nails	Nail Salon	1,334	3.5/station or 1/100 sq.ft.	13.34	5.32
American Dental	Dental Office	4,002	4/1000 sq.ft.	16.01	16.01
Massage Envy	Personal Service Salon	2,840	3.5/station or 1/100 sq.ft.	28.4	11.36
Total Building:		25,160	Total:	249.67	200.64
15% Reduction			Total Required:	213	171
Total Parking Available On-Site: 173					

* Represent the number of spaces required under the current ordinance. 1 space per 100 sq. ft. of floor area. The number of stations for the salons was not provided.

** Represents the parking spaces required per the proposed text amendment for Hair Nail and Skin Care Services

Note that the CUPs for La Salsa and Gulf Shores Restaurants did not include outdoor seating. The number shown is from an on-site count by the property owner. Future amendments to the corresponding conditional use permits may be necessary. The number is included here to provide an accurate accounting of the existing conditions. The Applicant submitted a site plan indicating that there are 173 parking spaces available on site, thus a regulatory surplus of 2 parking spaces should Application #13-022 receive approval. A condition of approval includes that all employee parking, and delivery and company vehicles shall be parked in the rear (south) parking area.

Noise and Smells

Public comment received at the time of writing the staff report, include a concern for increase in noise and smells. The draft ordinance includes the usual condition that the restaurant shall use a tempered makeup air system in order to reduce cooking smells, as required per the Building Code. Section 405.550(2) Noise requires that sound levels and impulsive type noises shall

comply with the St. Louis County noise standards as established and enforced by the St. Louis County Noise Abatement Office of the Department of Community Health and Medical Care. These are the usual and customary regulations applied throughout the city.

RECOMMENDATION

Based on the above analysis, the request for a conditional use permit meets all of the applicable requirements of the Comprehensive Plan and the Zoning Ordinance. Conditions listed below are the usual and customary conditions for restaurants which are included in the draft ordinance:

1. The conditional use permit shall be for the operation of 2,668 square-foot, dine-in, with take-out and delivery, restaurant at 12536 Olive Boulevard, Suite D, subject to the approval of a text amendment regarding the off-street parking for Hair, Nails, and Other Personal Care Services, and the rezoning of the property to allow for such use above 25% of the total building square footage.
2. Seating is limited to a maximum 40 indoor seats and 16 outdoor seats. A minimum four foot wide, unobstructed and clear pedestrian path must be maintained at all times if outdoor seating is placed adjacent to the building.
3. Hours of operation shall not exceed 11:00 am to 10:00 pm, Sunday through Thursday and 11:00 am to 11:00 pm Friday and Saturday. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
4. The owner of the property shall address all outstanding property maintenance violations on the property to the satisfaction of the Chief Building Official prior to the issuance of any final Certificate of Occupancy for the restaurant permitted by this ordinance.
5. There shall be no outdoor storage or placement of any materials or equipment.
6. Employee parking, delivery and company vehicles shall be parked in the rear parking area behind the building line or as far from the public right-of-way as possible.
7. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
8. The restaurant shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.

ACTION

If the Planning and Zoning Commission finds the attached draft conditional use permit ordinance to be in conformance with the purposes and regulations of the Comprehensive Plan and Zoning Code, it should vote on a recommendation to the City Council. Any changes to the draft ordinance should be discussed and made by separate actions.

MOTION

The following is an example of an appropriate motion for this application:

"I move to recommend approval of Application #13-009 for a Conditional Use Permit for Jet's Pizza restaurant located at 12536 Olive Boulevard Suite D, subject to the conditions contained in the draft ordinance attached to the staff report prepared for the meeting of July 15, 2013" (conditions may be added, eliminated, or modified by preceding motion).

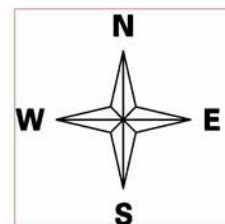
APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 3: AERIAL PHOTO



APPENDIX 4: SITE PHOTOGRAPHS

Photo Date: 07/10/2013



Description: View of the building at 12536 Olive Boulevard looking south at the entrance into the Shoppes at Questover Center.



Description: View looking southeast from the northwest corner of the property. Note the available parking throughout the center.



Description: View looking southwest at the building at 12536 Olive Boulevard.



Description: View looking southwest from the northeast corner of the property at both building of the Shoppes at Questover. Note the available parking throughout the center.



Description: View looking northeast from the rear property line at the building at 12536 Olive Boulevard. Note the available parking.



Description: View looking north from the rear property line at the building at 12536 Olive Boulevard. Note the available parking.

city
of

CREVE COEUR

PLANNING DIVISION

300 North New Ballas Road Creve Coeur, Missouri 63141

Tel. (314) 872-2501 • Fax (314) 872-2505

PLANNING AND ZONING COMMISSION AGENDA APPLICATION CONDITIONAL USE PERMIT

PLEASE COMPLETE FRONT AND BACK PAGES

Applicant:	Applicant's Representative (if applicable):
<u>Michael Serra</u> Name <u>CCP Pizza LLC dba Jet's Pizza</u> Company (if applicable) <u>19694 Westchester Dr.</u> Address <u>Clinton Twp., MI 48038</u> Address <u>Telephone # 313-520-8493</u> Telephone # <u>Fax #</u> Fax # <u>Email: mserra@serraproduce.com</u> Email <u><i>Michael Serra</i></u> Applicant's Signature	<u>Tony Giarratano</u> Name <u>Lord Partners</u> Company (if applicable) <u>214 S. Bemiston Ave ^{Suite} 25</u> Address <u>St. Louis, MO 63105</u> Address <u>Telephone # 314-276-2352</u> Telephone # <u>Fax #</u> Fax # <u>Email: tonyg@lordpartners.com</u> Email <u><i>Tony Giarratano</i></u> Applicant's Representative's Signature

Property Information:	Owner's Acknowledgement (if different from applicant):
<u>12536 Olive Blvd Suite D</u> Address <u>Creve Coeur, MO 63141</u> Address <u>The Shoppes at Questover</u> Development Name (if any) <u>Mixed Use District</u> Current Zoning <u>Prior CUP Approvals (if known)</u> Prior CUP Approvals (if known)	<u>Kelly Diehl</u> Name <u>Altus Properties LLC</u> Company (if applicable) <u>1610 Des Peres Rd, Ste 320</u> Address <u>St Louis, MO 63131</u> Address <u>Telephone # 314-569-5000</u> Telephone # <u>Fax # 314-569-5059</u> Fax # <u>Email: cblake@altusproperties.com</u> Email <u><i>Kelly Diehl</i></u> Owner's Signature

Description of Requested Use (attach additional sheets as needed)

General Description of Business: Take-out, dine-in, and delivery
pizza restaurant specializing in deep dish square
pizza, salads, and subs.

Gross Floor Area – Existing and Proposed: 2,668 SF

Number of Seats (for restaurant only): 40

Number of Employees at the busiest shift: 8

Hours of Operation: SUN-THURS 11AM-10PM, FRI-SAT 11AM-11PM

Current or Most Recent Use of the Property: personal fitness

Will the applicant apply for a liquor license: Yes _____ No ✓

- All delivery ~~vehicles~~ vehicles will be parked in rear of building, as far away
 from Olive Blvd. as possible.

Rationale

Please describe in detail, on an attached sheet, the reasons why you believe the request for a conditional use permit should be approved and what steps are being taken to lessen any impacts on surrounding residences and businesses. An explanation of the building and landscape designs (if changes are proposed) should also be included.

Submittal Checklist

- | | |
|---|---|
| ☐ Rationale | ☐ Building elevations for new construction |
| ☐ Site plan | ☐ Photographs of existing structures |
| ☐ Access and parking plan; (may be shown on site plan) | ☐ Materials samples |
| ☐ Landscape plan | ☐ Fees: \$250 (non-refundable) |
| ☐ Floor plan | ☐ \$2000 (refundable deposit) |
| ☐ Electronic copies of all materials | ☐ Other items as requested by staff |

Preferred Public Hearing Date: Monday, May 6th, 2013.

****See attached schedule and confirm available meeting dates with Planning Division staff****

Office Use Only

____ All Sections Complete

____ All Documents, incl. e-Copies

____ Fees Paid

Received By: _____

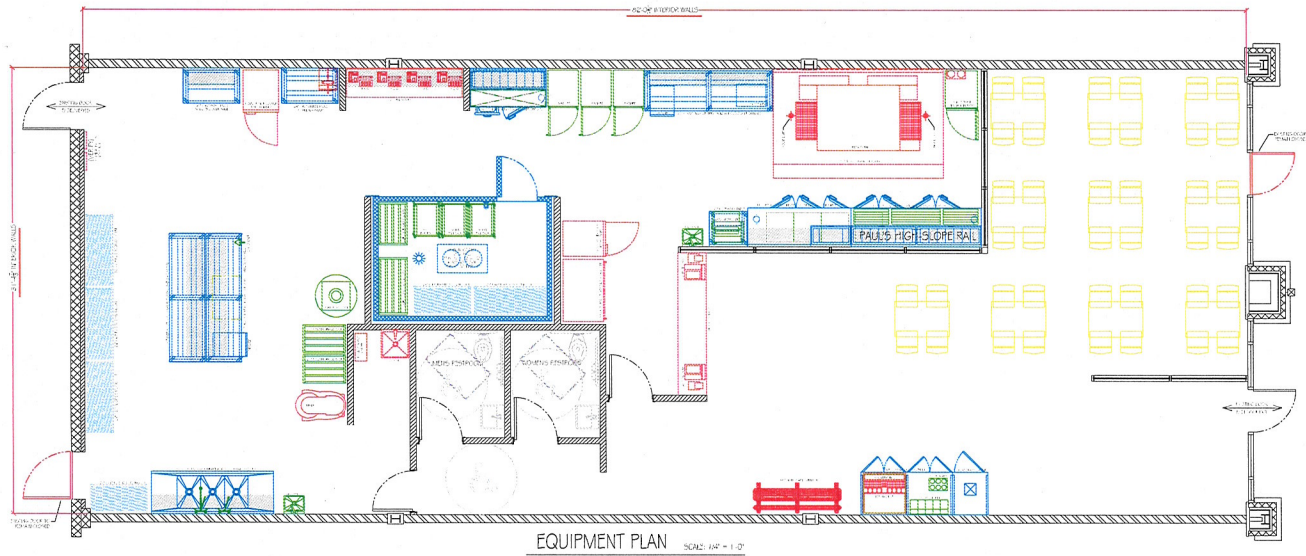
Date: _____

Paul Langdon, AICP, Planning Director

Whitney Kelly, AICP, City Planner

Julie Lowery, Administrative Assistant (872-2501)

Revised: 11/11



NOTE: NEED TO VERIFY EXACT LOCATION OF DOORS,
WALLS & WINDOWS

FLOOR AREA: 2668 SQ. FT.
SEATING: (40) PERSONS

PLAN APPROVED FOR EQUIPMENT

DATE:

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INC.

16575 23 MILE ROAD
MACOMB TWP., MI 48042
PHONE: (586) 786-6766
FAX: (586) 786-6890

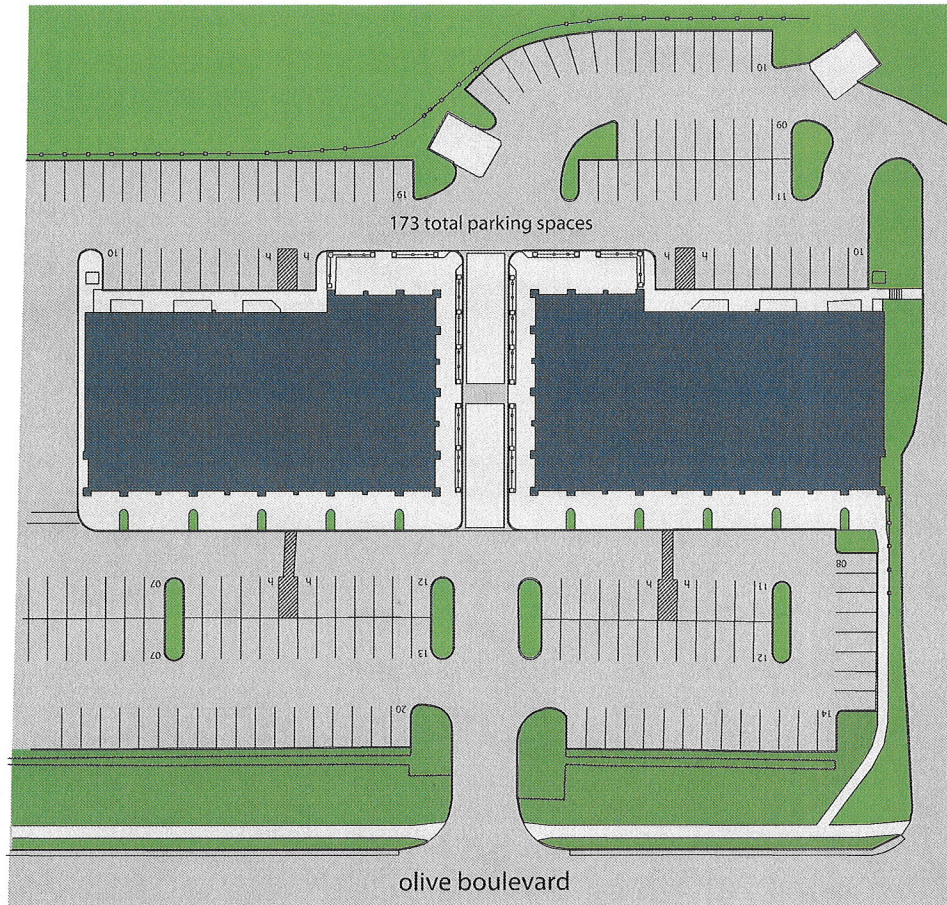
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REVISIONS		
DATE	ITEM	BY

**LET'S
PIZZA**
12536 OLIVE BLVD.
CREVE COEUR, MO #2

DRAWN BY: PC
DATE: 3/29/2013
A.S.I. PROJECT FILE

SHEET NO:
EQ-1



Shoppes at Questover

12528 Olive Boulevard
Creve Coeur, Missouri 63141



Shoppes at Questover



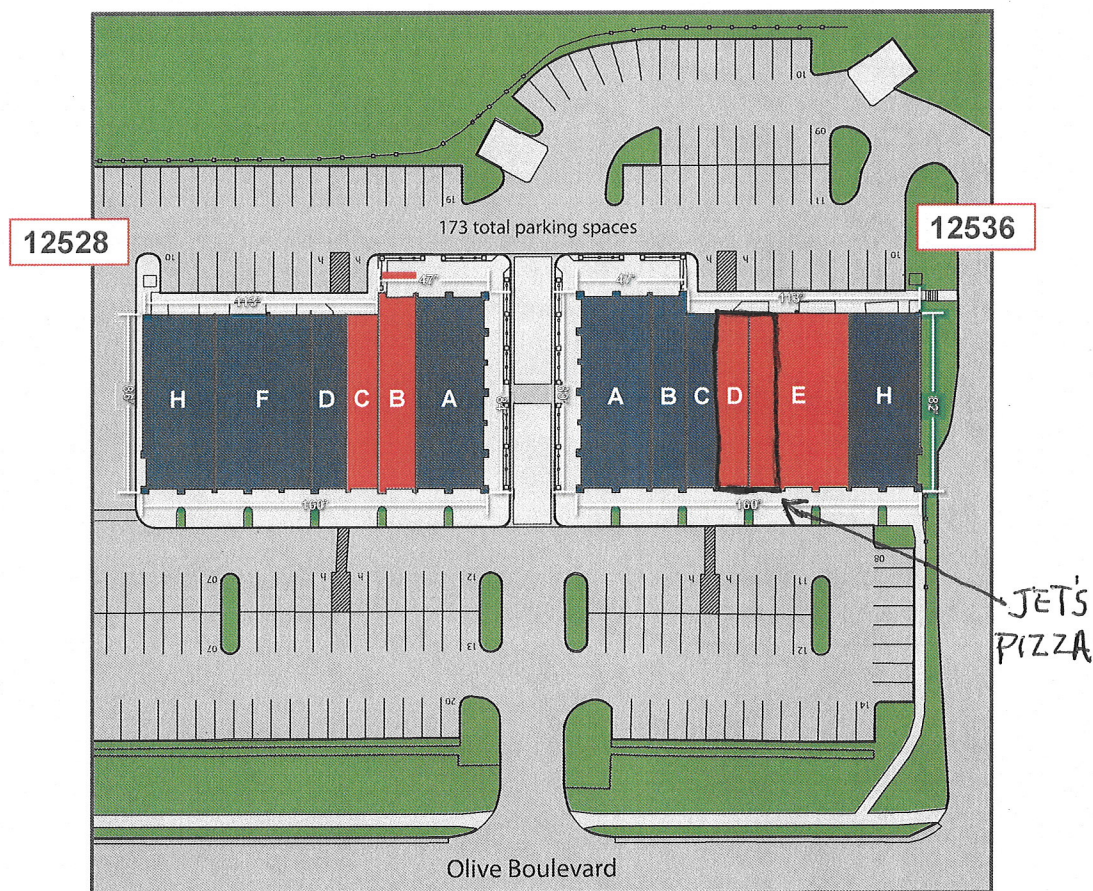
12536 Olive Blvd.

UNIT	TENANT	SF
A	La Salsa	2,928
B	Performance Eyecare	1,732
C	Great Clips	1,157
D	Available Space	1,334
E	Available Space	4,002
H	Metro Design Studio	2,840

12528 Olive Blvd.

UNIT	TENANT	SF
A	Gulf Shores	2,928
B	Available Space	1,450
C	Available Space	1,281
D	Amor Nails & Spa	1,334
F	American Dental	4,002
H	Massage Envy	2,840

● Available Space



From: [Susie Frank](#)
To: [Kelly Whitney](#)
Subject: Fwd: Jet restaurant
Date: Monday, July 01, 2013 10:16:55 AM

Sent from my iPad

Begin forwarded message:

From: Susie Frank <sfrank18@charter.net>
Date: July 1, 2013, 7:01:54 AM CDT
To: "wkrilly@ci.creve-coeur.mo.us" <wkrilly@ci.creve-coeur.mo.us>
Subject: Jet restaurant

Just to let you know that we are totally against another restaurant in Questover shoppes. We have enough noise from the other restaurants. Plus, the restaurants behind us do not keep their dumpsters closed which causes bus and rodents in our neighborhood. The excess of food businesses is hurting our subdivision and creve coeur.

Charlie and Susie frank
12511 Questover ct.
Thank you.

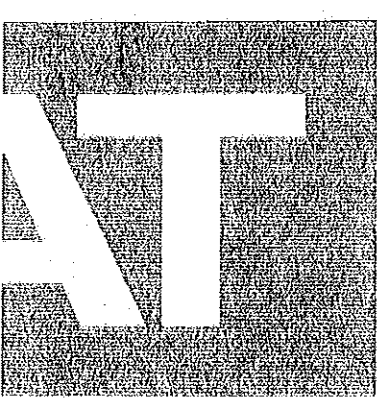
Sent from my iPad

From: mishaan@aol.com
To: [Kelly, Whitney](#)
Subject: Opposition to pizza restaurant
Date: Monday, July 01, 2013 8:32:54 AM

We live at 12503 Questover Court. For some time we've been concerned by strong odors emanating from the several eateries at Shoppes of Questover, sometimes quite overpowering. In view of this we would like to express our opposition to locating yet more eateries there, this time a pizza restaurant. We are therefore requesting that Creve Coeur not approve this addition. We are the easternmost condo in our cul-de-sac, and several others are closer to Shoppes, for them the problem is even worse.

Please make our objection known to those responsible. Thank you very much for your consideration,

Roberto & Estha Picciotto
12503 Questover Court
St. Louis, MO 63141
(314) 317-9968



John J. Diehl, Jr.

Direct T 314.259.4788 F 314.612.2398

jdiehl@armstrongteasdale.com

MISSOURI KANSAS ILLINOIS NEVADA SHANGHAI

July 12, 2013

Nicole Navarre
Stephen L. Kling, Jr.
Jenkins & Kling, P.C.
150 North Meramec Avenue
Suite 400
Clayton, Missouri 63105

Re: Altus-Questover - Jet's Pizza

Dear Nicole and Steve:

Our firm serves as counsel for the applicants identified below. Please allow this correspondence to serve as a memorialization of our recent email correspondence and agreements relating to the various Zoning Applications (the "Applications") pending with the City of Creve Coeur submitted by Altus-Questover ("Altus") and CCP Pizza, LLC d/b/a Jet's Pizza ("Jet's Pizza") as it relates to the Shoppes at Questover, 12528-12536 Olive Boulevard, Creve Coeur, Missouri 63141 (the "Property").

Your clients, Questover Place Subdivision, The Manors at Questover Subdivision and Questover Crossing Subdivision will support the rezoning application submitted by Altus, the text amendment for salon parking submitted by Altus, and the conditional use permit application submitted by Jet's Pizza, and Altus/Jet's Pizza will agree (and incorporate such agreement in the Applications) the following terms and conditions:

1. A modification of the Declaration of Restrictive Covenant recorded against the Property (the "Declaration") and City of Creve Coeur Ordinance #3017 (the "Ordinance") with respect to limitation on the percentage of building square footage of the Property for Eating and Drinking Establishments from twenty five percent (25%) to forty percent (40%), an increase in the individual maximum square footage for individual establishments from three thousand five hundred (3,500) to five thousand (5,000) square feet, and a reduction in the minimum seating for dining from sixteen (16) to ten (10) seats;
2. The provision of the Declaration and the Ordinance relating to entertainment codes will remain in effect except that provision prohibiting uses such as a Title Boxing fitness (or similar) type of operations will be removed; and
3. All other restrictions regarding the Property will remain in full force and effect. (All of the foregoing restrictions will be included in the amended and restated declaration discussed below with a consent by all mortgagees of record).

4. A text amendment to allow a modification of the parking requirements in the "GC" zoning district for salon parking of four (4) spaces per one thousand (1,000) square feet.
5. The submitted conditional use permit for Jet's Pizza, provided no outdoor music is permitted.

In addition, Altus will agree to promptly remediate certain landscaping issues at the Property as requested by your clients which include:

1. Removing dead trees along the basin area;
2. Removing a dead tree behind Questover Crossings Unit 12558 closest to the fence; and
3. Removing a nearly dead evergreen on the side of Questover Crossings unit 12566.

It is our understanding that outreach has already been made with the appropriate contact on this issue to facilitate this immediately.

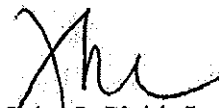
Altus will execute and cause to be recorded upon final approval by the City of the Applications, an amended and restated Declaration (the "Amended Declaration") to reflect this understanding which will be incorporated in the amendment to the zoning ordinance for the Property requested by Altus. A draft of the proposed Amended Declaration accompanies this correspondence. Altus will cause all mortgage lenders for the Property to execute or otherwise consent to the Amended Declaration by a recorded document in connection with the recording of the Amended Declaration.

We understand that that your clients are relying upon this letter agreement and the execution of the Amended Declaration in their decision to support the Applications as modified herein. A copy of this letter and the Amended Declaration will be submitted to the Planning and Zoning Commission of the City of Creve Coeur prior to the public hearing on July 15, 2013.

If this correspondence meets with your client's understanding of the proposed resolution of this matter, please countersign this correspondence.

Thank you for your cooperation and courtesy in bringing this matter to a mutually satisfactory resolution.

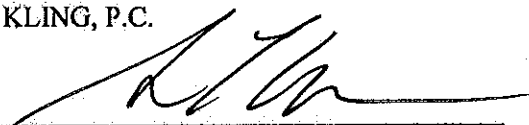
Very truly yours,



John J. Diehl, Jr.
JJD/slp

Consented to and agreed to this 12 day of July, 2013

JENKINS & KLING, P.C.

By: 

Stephen L. Kling, Jr.

Attorneys for Questover Place Subdivision, The Manors at
Questover Subdivision and Questover Crossings Subdivision.



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, JULY 15, 2013
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, July 15, 2013, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: **Mr. Tim Madden, Chair**
 Dr. Michael Barton
 Mr. James Faron
 Mr. Charles Pullium
 Mr. Gene Rovak

OTHERS PRESENT: **Mr. Carl Lumley, City Attorney**
 Mr. Paul Langdon, Director of Community Development
 Ms. Whitney Kelly, AICP, City Planner
 Ms. Julie Lowery, Recording Secretary

2. NEW BUSINESS

A. PUBLIC HEARING

Application #13-009: Approval of a Conditional Use Permit for Jet's Pizza Restaurant located at 12536 Olive Boulevard, Suite D, within the Shoppes at Questover Shopping Center.

Applicant/Agent: Michael Serra
Creveco Pizza LLC dba Jet's Pizza
19694 Westchester Drive
Clinton Twp, MI 48038

Property Owner: Altus Properties, LLC
1610 Des Peres Road, Suite 320
St. Louis, MO 63131

Mr. John Diehl, Armstrong Teasdale, 7700 Forsyth Boulevard, explained the request is to operate a restaurant, which will have dine-in, delivery, and take-out services. Mr. Diehl explained it will have 40 indoor seats and 16 outdoor seats and it will be the second location for Jet's Pizza in Creve Coeur. Mr. Diehl said the applicant is agreeable to the conditions contained in the staff report.

Mr. Faron asked if there were concerns about smell and noise from the applicant.

Mr. Steven Kling Jr., Jenkins & Kling P.C., 150 N. Meramec Avenue, representing the trustees of the Questover Place, Manors of Questover, and Questover Crossing subdivisions, said on June 4, 2013 there was an email sent to all the trustees and outlined the proposal. Mr. Kling said they sent a second email out to all the trustees asking for final objections and there were none.

There being no further comments, City Attorney, Mr. Carl Lumley, presented the exhibits for the record and the public hearing was closed.

(This ends the Public Hearing; see verbatim transcript for further information)

Dr. Barton motioned to recommend approval of Application #13-009 for a Conditional Use Permit for Jet's Pizza restaurant located at 12536 Olive Boulevard Suite D, subject to the conditions contained in the draft ordinance attached to the staff report prepared for the meeting of July 15, 2013. Mr. Faron seconded the motion with the resultant vote as follows:

Dr. Barton – aye
Mr. Rovak – aye

Mr. Faron – aye
Chair – aye

Mr. Pullium – aye

3. **ADJOURNMENT**

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 9:42 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



city
of

CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 872-2500/872-2501 • Fax (314) 872-2505 • Relay MO 1-800-735-2966
www.creve-coeur.org

July 16, 2013

Mr. Michael Serra
Creveco Pizza LLC dba Jet's Pizza
19694 Westchester Drive
Clinton Twp, MI 48038

Re: Application #13-009: Conditional Use Permit for Jet's Pizza
12536 Olive Boulevard, Suite D – Shoppes at Questover

Mr. Serra:

The Planning and Zoning Commission, at its meeting of July 15, 2013, reviewed your request for a new conditional use permit for Jet's Pizza, a restaurant to be located at 12536 Olive Boulevard.

By unanimous vote, the Planning Commission recommends approval of the new conditional use permit for Jet's Pizza, subject to the conditions contained in the draft ordinance (see attached). The first reading of the draft ordinance by the City Council is scheduled for Monday, July 22nd, 2013. You or a representative should plan to be in attendance to speak for the request.

If you have any questions, please contact the Planning Division staff (872-2501) as soon as possible. Note that significant changes to the draft ordinance may require that the matter be returned to the Planning and Zoning Commission prior to City Council approval.

Sincerely,

CITY OF CREVE COEUR

Timothy Madden, Chairman
Planning & Zoning Commission

TM:jl

Cc: M.C. Perkins, City Administrator
G. Eidman, Chief of Police
S. Unser, Chief Building Official

BILL No 5437

ORDINANCE No. _____

AN ORDINANCE AUTHORIZING THE INSTALLATION OF ONE (1) FIRE HYDRANT FOR MOSLEY MANOR COURT LOCATED 220 FEET EAST OF THE INTERSECTION OF MOSLEY ROAD AND MOSLEY MANOR COURT IN THE CITY OF CREVE COEUR, MISSOURI.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR MISSOURI AS FOLLOWS:

SECTION 1: The Missouri American Water Company, shall in accordance with the terms of franchise contract, Ordinance No. 165, between the City of Creve Coeur and the Missouri American Water Company, install one (1) public fire hydrant in the City of Creve Coeur at the following location, to-wit:

One (1) new public fire shall be installed on the south side of Mosley Manor Court, approximately 220 ft. east of the intersection of Mosley Road and Mosley Manor Court.

SECTION 2: All of said work shall be done under the supervision of the City Council or its proper representative, and for the purpose of this ordinance, the Missouri American Water Company is hereby given permission to make all necessary excavations for the proper execution of said work.

SECTION 3: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2013

SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2013

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN
CITY CLERK



Creve Coeur FIRE PROTECTION DISTRICT

Administrative Center • 11221 Olive Boulevard • St. Louis, Missouri 63141-7652
Office (314) 432-5570 • Fax (314) 432-2367

July 5, 2013

Ms. Debbie Ryan
City Of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

Re: Fire hydrant ordinance for Villas on Mosley.

Dear Ms. Ryan:

Please prepare an ordinance authorizing the Missouri American Water Company to install one new fire hydrant:

- One (1) – new public fire hydrant shall be installed on the south side of Mosley Manor Ct., approximately 220 ft. east of the intersection of Mosley Rd. and Mosley Manor Ct.

There will be an extension of an 8-inch water main from the existing public fire main on Mosley Rd. to the proposed public fire hydrant on Mosley Manor Ct

The fire flow requirements for this fire hydrant will be 1000 gpm with a 20 psi residual pressure.

Please forward copies of the ordinance to Missouri American Water Company and the Creve Coeur Fire Protection District. If you need additional information, please contact me at 314-432-5570, fax – 314-432-2367 or email – aoestereich@ccfire.org.

Yours in Fire Safety:

Arthur K. Oestereich
Fire Marshal

Cc: Susan Moynihan – Missouri American Water Company
Jim Piper – Volz Engineering

AN ORDINANCE AMENDING TITLE VI, CHAPTER 635, SECTION 635.060 OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI, TO REDUCE THE BUSINESS LICENSE AND OCCUPATION TAX RATE FOR ELECTRIC SERVICE TO RESIDENTIAL PROPERTIES.

WHEREAS, the City receives tax revenues to fund its operations from a variety of sources; and

WHEREAS, the City Council has determined that it is appropriate to reduce the business license and occupation tax rate for electric service to residential properties;

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri as follows:

SECTION 1: Section 635.060, Tax Levied, of the City of Creve Coeur's Code of Ordinances shall be amended to read as follows:

TITLE VI: BUSINESS AND OCCUPATION

CHAPTER 635: PUBLIC UTILITIES

SECTION 635.060: TAX LEVIED

Every person now or hereafter engaged in the business of supplying electricity or electric service for compensation for any purpose in the City shall pay to the City, as a license or occupation tax, seven percent (7%) of the gross receipts from such business in the City, except that the tax rate applicable to gross receipts received for service to "single family dwellings" and "multi-family dwellings" as those terms are defined by Section 405.120 of the City's Code of Ordinances shall be 5.5 percent (5.5%).

SECTION 2: This ordinance shall become effective on October 1, 2013 in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2013.

Dr. Scott Saunders
President of the City Council

APPROVED THIS ____ DAY OF _____, 2013.

Barry Glantz
Mayor

Attest:

Deborah Ryan
City Clerk



MEMORANDUM

DATE: July 17, 2013

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance

SUBJECT: Electrical Gross Receipts Tax Rate

Per a request from City Council an ordinance has been placed on the agenda for July 22nd reducing the current electric gross receipts from 7.0% to 5.5% on residential customers. At the last meeting, City Council requested some additional information regarding this proposal.

1. The proposed reduction will provide savings to residential customers as follows:

<u>Average Monthly Electric Bill</u>	<u>Annual Tax Saving due to 1.5% reduction</u>	<u>Annual Tax Saving due to 1% reduction</u>
\$100	\$18	\$12
\$150	\$27	\$18
\$200	\$36	\$24

2. The estimated revenue reduction to the City based on a 1.5% residential rate reduction is \$186,312. The estimated revenue reduction based on a 1% rate cut is \$124,208.
3. Below is a history of our total electric Gross Receipts Collections, including both residential and non-residential:

<u>Year</u>	<u>Amount</u>	<u>Percent Annual Increase/(Decrease) From Prior Year</u>
2013	\$3,096,347	2.1%
2012	\$3,031,195	6.6%
2011	\$2,843,899	22.1%
2010	\$2,329,768	(.8)%
2009	\$2,348,697	4.4%
2008	\$2,248,196	6.6%
2007	\$2,108,223	
Avg. Annual Increase 2007 – 2013:		7.8%
2004	\$1,347,929	(3.6)%
2003	\$1,397,679	(7.5)%
2002	\$1,510,945	5.5%
2001	\$1,432,597	4.2%
2000	\$1,374,724	1.3%
1999	\$1,357,687	
Avg. Annual Increase 1999 – 2004:		0%

(Notes: Does not include years 2005 and 2006 which were impacted by rate increases.
The rate prior to FY 2005 was 4.5%.)

4. Revised 5-year budget projections from FY 2014 based upon a 1.5% rate reduction are attached. The proposed reduction will not have a significant impact on the 5-year projections for the General Fund, as staff anticipated the possible reduction in electric taxes by freezing the projected revenue at \$3,150,000 through FY 2018.

In summary it appears that a reduction in the residential electric gross receipts tax to 5.5% will save the average residential customer approximately \$18 - \$36 annually.

It should be noted, however, that the City's fund balance is projected to decrease substantially over the next five years, from \$13.4 million to \$8.6 million, as a result of the anticipated pay-off of Millennium Park, additional payments to the Pension Fund to reduce our unfunded liability, and additional street projects.

I would be pleased to respond to any questions.

**GENERAL FUND
FINANCIAL PROJECTIONS**

REVISED WITH ELECTRIC GRT REDUCTION OF 1.5% FOR RESIDENTIAL

The General Fund is used to account for all activities associated with the general government of the City and funds all services except those services attributed to the Capital Improvement Fund, Employees Retirement Fund, Municipal Enterprise Fund, Conway Neighborhood Improvement District Fund and Sewer Lateral Fund.

Fiscal year 2012-13 budget revenues and transfers-in to the General Fund are estimated to be more than budgeted expenditures and transfers by \$1,286,116. This is primarily due to higher than anticipated Revenues from sales tax and utility tax revenue and cost saving measures.

The 2014 General Fund budget anticipates a \$2,660,946 deficit including transfers. The decrease in fund balance is primarily due to the decision to transfer additional Funds to retire Milenium Park Debt and additional funding for the Pension Plan. This additional funding is projected to continue for the 5 years. Operating Revenues exceed expenses thru FY 17.

The following table and graph show the position of the general fund balance (cash basis) over the next five years, based on information available at June 30, 2013 and incorporates the following assumptions:

- Assumes 2013-14 base year.
- Photo enforcement program revenues are equal to expenses for 5 year projections. beyond this date. Operating revenues will increase approximately 1% from FY 15 through FY 18.
- Operating expenditures will increase 3.0% for contractual services & 2.5% for commodities annually.
- Salary Expenditures will increase at 3.2% in FY 14, 3.0% in 15 and, 4.0% in FY 16, 17, and 18. Benefits and Welfare will increase at 5.5 % annually (excluding Pension). Pension will decrease in 2014 by \$50,000.
- Pension payments will be increased by \$300,000 annually above the actuarially projected amount.
- Residential Property Tax Rates will be maintained at the current reduced level.
- **Electric Gross Receipts tax is reduced 1.5% for Residential Customers and Revenues are projected to increase 2% annually**
- Assumes no loan repayment to the General Fund by Enterprise Fund after FY 2013.

	<u>FY 2012-13</u>	<u>FY 2013-14</u>	<u>FY 2014-15</u>
Balance, Beginning of year	\$ 12,058,676	\$ 13,344,792	\$ 10,683,846
Revenues	16,241,387	16,217,739	16,417,365
Expenditures	-14,648,808	-15,428,685	-15,719,331
Operating transfers – In	148,537	0	0
Operating transfers – Out(Enterprise)	-55,000	0	0
Operating transfers – Out(Capital)	-400,000	-3,150,000	-400,000
Operating transfers – Out(Pension)	\$ -	\$ (300,000)	\$ (300,000)
Ending Fund Balance (cash basis)	\$ 13,344,792	\$ 10,683,846	\$ 10,681,880
	<u>FY 2015-16</u>	<u>FY 2016-17</u>	<u>FY 2017-18</u>
Balance, Beginning of year	\$10,681,880	\$10,357,629	\$ 9,691,830
Revenues	16,636,305	16,873,644	17,115,773
Expenditures	-16,225,556	-16,769,443	-17,328,612
Operating transfers – In	0	0	0
Operating transfers – Out(Enterprise)	-35,000	-70,000	-90,000
Operating transfers – Out(Capital)	-400,000	-400,000	-400,000
Operating transfers – Out(Pension)	-300,000	-300,000	-300,000
*Ending Fund Balance (cash basis)	\$ 10,357,629	\$ 9,691,830	\$ 8,688,990



MEMORANDUM

DATE: July 3, 2013

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance

SUBJECT: Electric Utility Rate Decrease

Finance staff has been requested to determine the amount of lost revenue should the electric utility gross receipts tax rate be reduced. For FY 13 the electric gross receipts tax generated \$3,096,347. It is projected that this figure would have increased 4% during budget year FY 14 primarily due to a January 2013 rate increase. This would make the projected number approximately \$3,220,200 for FY 14.

Past history has shown that the gross receipts revenue generated averages 27% from residential and 73% from non-residential. Based on these numbers the following would be revenue lost should a reduction in the gross receipts tax rate for electric occurs.

Reduction	Residential	Non-Residential
.50%	62,104	167,910
1.0%	124,208	335,820
2.0%	248,416	671,640

In addition the following information should be noted. According to Ameren some apartments or condominiums may be classified as non-residential and therefore not receive any reduction if it applies only to residential service. These appear to be the exception rather than the rule. Secondly, since electric utility gross receipt taxes increase over time the lost revenues due to the reduction will increase over time.

For your information I have still not heard from the water company or Laclede Gas concerning the billing distribution between residential and non-residential. I will continue to pursue this matter.

I would recommend that the city avoid adjusting the telecom tax rate if possible. We currently have over 70 telecom companies paying gross receipts tax to the City. Therefore ensuring compliance with the rate changes would be a difficult task.

I would be happy to respond to any questions.

MUNICIPAL UTILITY TAX RATES

Sep-11

<u>City</u>	Res <u>Elec</u>	Comm <u>Elec</u>	Res <u>Gas</u>	Comm <u>Gas</u>	Res <u>Water</u>	Comm <u>Water</u>	Res <u>Phone</u>	Comm <u>Phone</u>
Ballwin	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00
Brentwood	0.00	7.50	0.00	8.00	0.00	8.00	0.00	8.00
Chesterfield	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00
Clayton	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00
Crestwood	5.70	7.00	6.00	7.00	6.00	7.00	6.00	6.00
Creve Coeur	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00
Des Peres	3.37	3.37	4.00	4.00	5.00	5.00	5.00	5.00
Ellisville	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00
Frontenac	0.50	8.00	0.50	8.00	0.50	8.00	0.50	8.00
Glendale	9.00	9.00	9.00	9.00	9.00	9.00	9.00	9.00
Kirkwood	7.50	7.50	7.50	7.50	7.50	7.50	7.50	7.50
Ladue	6.90	6.90	7.00	7.00	7.00	7.00	7.00	7.00
Manchester	4.00	4.00	5.00	5.00	5.00	5.00	5.00	5.00

<u>City</u>	Res <u>Elec</u>	Comm <u>Elec</u>	Res <u>Gas</u>	Comm <u>Gas</u>	Res <u>Water</u>	Comm <u>Water</u>	Res <u>Phone</u>	Comm <u>Phone</u>
Maplewood	9.00	9.00	9.00	9.00	9.00	9.00	9.00	9.00
Maryland Heights	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50
Olivette	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
Overland	6.00	6.00	6.00	6.00	6.00	6.00	6.00	6.00
Richmond Heights	5.63	5.63	6.00	6.00	6.00	6.00	6.00	6.00
St. Louis	4.00	10.00	4.00	10.00	10.00	10.00	10.00	10.00
Shrewsbury	7.25	7.25	7.25	7.25	7.25	7.25	7.25	7.25
Town & Country	0.00	6.75	0.00	7.00	0.00	7.00	0.00	7.00
University City	9.00	9.00	9.00	9.00	9.00	9.00	9.00	9.00
Webster Groves	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00
Wildwood	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00
St. Louis County	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00

NOTES

St. Louis County is limited by law to a maximum of 5% on all services, earmarked for police service.

Bold Cities have different rates for commercial and residential

BILL NO. 5439

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2006 DEFINED CONTRIBUTION PLAN
FOR EMPLOYEES OF THE CITY OF CREVE COEUR HIRED ON OR AFTER JUNE 1, 2006
BY INCREASING CITY CONTRIBUTIONS EFFECTIVE AUGUST 16, 2013

WHEREAS, in 2006 the City established a new defined contribution plan for employees hired on and after June 1, 2006; and

WHEREAS, the foregoing plan allows the City to amend the plan from time to time; and

WHEREAS, the City Council has determined that it is in the best interests of the City and its employees to increase City contributions effective August 16, 2013; and

WHEREAS, the City has complied with Section 105.675 R.S.Mo. regarding a prepared statement of cost;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AS FOLLOWS:

Section 1

The Creve Coeur, MO 2006 Employees' Money Purchase Plan and Trust Adoption Agreement (Plan 106148) is hereby amended effective August 1, 2013 to increase the Employer Contribution rate for each Participant during the first six years of service (affecting contributions for years of service two through six) to 8% of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) and to increase the Employer Contribution rate for each Participant after six years of service to 9% of Earnings for the Plan Year (subject to the limitations of Article V of the Plan), provided that Mandatory Participant Contributions are required to be eligible for Employer Contribution rate shall remain 8%. For the portion of the current plan year prior to August 1, 2013, contributions shall be made at the previously authorized rates and contributions at the new rates shall only be made at the previously authorized rates and contributions at the new rates shall only be made relative to Earnings earned on and after August 16, 2013. The City Administrator and City Clerk are hereby authorized to sign any necessary Adoption Agreement on behalf of the City to implement this Ordinance. The City Administrator is hereby directed to continue to implement the Plan, including as hereby amended.

Section 2

This Ordinance shall become effective pursuant to Section 3.11(G) of the City Charter.

ADOPTED THIS _____ DAY OF _____, 2013.

SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

ADOPTED THIS _____ DAY OF _____, 2013.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



MEMORANDUM

DATE: July 18, 2013

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance

SUBJECT: Increased City Contribution to Defined Contribution (DC) Retirement Plan

On June 1, 2006 the City closed its Defined Benefit Employee Retirement Fund to new employees. Any employee hired after June 1, 2006 became eligible to participate in the Defined Contribution 401 Plan. At that time the City agreed to contribute 7% of the employee's base salary until the employee was fully vested after six years of service. After six years the City agreed to contribute an additional 1% if the employee agrees to contribute 2%.

City staff reviewed the Plan during FY 2013 and felt that an increase in the City's contribution was needed to make the plan more competitive with similar plans in other cities. Some cities contribute a higher percentage than Creve Coeur and many cities make the contribution based upon gross pay which includes such additional items as bonuses, overtime and other forms of compensation. As a result of this analysis, funds were included in the FY 2014 budget for a 1% increase in contribution by the City. It is estimated that the first year cost of this change will be approximately \$21,500. It should be noted that as more employees become eligible for the plan in the future this cost will increase significantly.

Staff recommends approval of the Bill authorizing a 1% increase in the city's contribution to the Defined Contribution Plan which became effective June 1, 2006. I have attached a recent copy of other city DC plans and the cost statement for the proposed increase required by State Statute.

I would be pleased to respond to any questions.

Area Defined Contribution Plans

2013

Ballwin - General employees

6.5% on Gross for 2013

Ballwin - PD

9.4 % on Gross for 2013

Note: Ballwin has converted to a Defined Benefit (DB) plan. Rate changes annually based on actuary.

Chesterfield

8% on Gross. Unchanged since last survey.

Creve Coeur

Current: 7% of base salary until fully vested (6 years of service). 8% of base salary after fully vested if employee contributes 2%.

Proposed: 8% of base salary until fully vested (6 years of service). 9% of base salary after fully vested if employee contributes 2%.

Des Peres Civilian or PD

7% plus 50% match if employee contributes up to 4%. Max city contribution 9%.

Based on Gross wages. Employees can contribute up to the legal max.

They do pay SS.

Florissant

Old plan:

8% City and 2% add'l city if employee contributes 2% for first 10 years.

After 10 years 9% with add'l 2% if employee contributes 2%

Effective Dec 2010

6% city with add'l 2% if employee contributes 4%

One year wait. Fully vested @ 7yrs.

They are looking to go back to the 8/2/2

They pay on Gross wages. They do pay SS.

Kirkwood - Civilian

6.5% on Gross. They Pay SS.

Kirkwood - Fire and PD

12.7% on Gross (% includes SS equivalent). Do not pay SS.

Manchester Employee plan

5% on Gross. Unchanged since last survey.

They pay SS.

Webster - Fire and PD

City contributes 11.2% of Gross. Employee 3.5%. No SS paid.

Webster - general employees

City contributes 5.5% of Gross. Employees 3.5%. They pay SS.

Participation is immediate. Fully vested at 5 yrs.

June 7, 2013

Mr. Dan Smith
Director of Finance
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

Dear Dan:

You have requested assistance with the proposed change in the City of Creve Coeur Employees' Money Purchase Pension Plan. The City proposes to increase the City's contribution from 7% of covered pay to 8% of covered pay, following an employee's attainment of one year of service. The 50% City matching contribution up to a 2% of pay contribution made by employees who are fully vested remains, so the maximum City contribution would increase from 8% to 9% of covered payroll. That would constitute a substantial change in the plan as defined in Missouri statutes, because the increase is greater than 0.25% of payroll. The Plan is a defined contribution plan. You have requested from Buck a prepared statement in accordance with Missouri Statute Section 105.665.

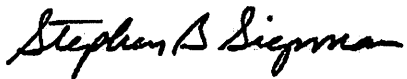
As you have noted, Section 105.665 seems to be referring to a defined benefit plan change, and not a defined contribution plan change. However, the section does not state that it applies only to defined benefit plans. Below is my best interpretation of how to respond to the various items listed in 105.665.2:

1. There is no normal cost since this is not a defined benefit plan. The City will contribute 8% of covered pay for eligible employees, plus a match of 50% of the first 2% of pay contribution made by fully vested Plan participants.
2. There are no unfunded accrued liabilities since it is a defined contribution plan, and therefore no contribution is required to reduce any unfunded accrued liability.
3. The total contribution as the sum of 1 and 2 would not be applicable. The City contributes as outlined in 1.
4. The City pays the contributions in accordance with the description in 1.
5. The proposed changes will not add any unfunded obligations because this is a defined contribution plan. The increased non-elective contribution will be funded by the City each pay period.
6. The City's contribution commitment will be increased by the proposed changes.

7. The existing account balances in the Plan will not be impaired by the proposed changes.
8. No assumptions are required to be made, the increase is 1% of covered pay, and the City agrees to make the additional contribution.
9. While no assumptions are used to determine the matters reported herein because the plan is a defined contribution plan, we certify the results determined herein are reasonable.
10. N/A
11. The initial annual additional cost is estimated to be \$21,500.

If you have any questions, please let me know.

Sincerely,



Stephen B. Siepman, F.S.A.
Principal, Retirement Consulting Actuary

hnh

AN ORDINANCE TO AMEND CHAPTER 135 OF THE MUNICIPAL CODE OF THE CITY OF CREVE COEUR, MISSOURI TO ENACT A NEW SECTION RELATING TO COURT COSTS.

WHEREAS, Section 479.260, RSMo. and Chapter 488, RSMo. provide for the assessment and collection of court costs on cases filed with the municipal court of the City of Creve Coeur; and

WHEREAS, the City of Creve Coeur wishes to ensure that its municipal court is collecting all costs which are required by law;

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri, as follows:

SECTION 1: Section 135.240 of Article I of Chapter 135 of the Municipal Code of the City of Creve Coeur, Missouri is hereby repealed and a new Section 135.240 is hereby enacted in lieu thereof, to read as follows:

TITLE I.	GOVERNMENT CODE
CHAPTER 135.	MUNICIPAL COURT
ARTICLE I.	IN GENERAL
SECTION 135.240.	COURT COSTS – GENERALLY

- A. In addition to any fine that may be imposed by the Municipal Judge, there shall be assessed as costs in all cases the following:
 - 1. Costs of court in the amount of twelve dollars (\$12.00).
 - 2. Actual costs assessed against the City by the County Director of Justice Services for apprehension or confinement in the County Jail pursuant to Section 221.070, RSMo.
 - 3. In addition to any other costs of Court pursuant to Section 488.5336, RSMo., an assessment of two dollars (\$2.00) on all ordinance violations (including infractions, moving and non-moving traffic violations), but excluding cases dismissed by the Court or when the costs are to be paid by the City, such additional assessment to be used for the training of Law Enforcement Officers.
 - 4. Pursuant to the authority granted by Section 488.607, RSMo., an assessment of an additional Court cost of two dollars (\$2.00) on all ordinance violations, except when the proceedings or defendant have been dismissed by the Court or when costs are to be paid by the City. Such costs shall be collected by the Clerk of the Court

and disbursed by the City Council for the purpose of providing operating expenses for shelters for battered persons as defined by Sections 455.200 et seq., RSMo.

5. In addition to any other costs of Court pursuant to Section 488.5336 RSMo., an assessment of one dollar (\$1.00) on all ordinance violations (including infractions, moving and non-moving traffic violations), but excluding cases dismissed by the Court or when the costs are to be paid by the City, such additional assessment to be used for the Peace Officer's Standards and Training Commission (P.O.S.T.) fund created by Section 590.178, RSMo.
6. In addition to any other costs of Court pursuant to Sections 488.5339 and 595.045, RSMo., an assessment of seven dollars fifty cents (\$7.50) on all ordinance violations (including infractions, moving and non-moving traffic violations), except when the proceedings or defendant have been dismissed by the Court or when the costs are to be paid by the City, such additional assessment to be used for the Crime Victims' Compensation Fund.
7. Upon plea of guilty or a finding of guilty for an offense of violating the provisions of municipal ordinances involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the City Police Department pursuant to Section 488.5334, RSMo., for the reasonable costs associated with the arrest, including the cost of any chemical test made under Chapter 577, RSMo., to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody. The Police Department may establish a schedule of such costs, but the Court may order the costs reduced if it determines them to be excessive.
8. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court, other costs, such as for the issuance of a warrant, a commitment or a summons, as provided before the Associate Circuit Judge in criminal prosecutions and any and all other costs, assessments and surcharges as required by applicable law.
9. Other fees as determined by the Court, including letter fees, warrant letter fees, credit card fine fees and probation deterrent fees.

10. A surcharge of two dollars (\$2.00) pursuant to the provisions of Section 488.5026, RSMo., shall be collected in all cases, except where the proceeding is dismissed by the Court or when the costs are to be paid by the City. All fees collected pursuant to this Subsection shall be transmitted monthly to the Finance Director of the City of Creve Coeur for deposit into the Inmate Security Fund. All funds collected pursuant to this Subparagraph shall be used only to acquire, develop, maintain, repair, and replace biometric verification systems and information sharing systems to ensure that inmates, prisoners or detainees in a holding cell facility or other detention facility or area which holds persons detained only for a shorter period of time after arrest or after being formally charged can be properly identified upon booking and tracked within the local law enforcement administration system, criminal justice administration system, or the local jail system, and to pay for any expenses related to detention, custody and housing and other expenses for inmates, prisoners and detainees.
 11. There shall be assessed as costs a surcharge in the amount of one hundred dollars (\$100.00) on all petitions for expungement filed under the provisions of Section 610.140, RSMo. in the Municipal Court. Such surcharge shall be collected and disbursed by the clerk of the court as provided by Sections 488.010 to 488.020, RSMo. Moneys collected from this surcharge shall be payable to the City's General Fund.
- B. No refund shall be required for overpayments of Court costs of five dollars (\$5.00) or less, nor shall the Clerk be required to pursue unpaid amounts less than five dollars (\$5.00) as provided in Section 488.014, RSMo.

SECTION 2: This ordinance shall become effective in accordance with Section 3.11(g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2013.

DR. SCOTT SAUNDERS
PRESIDENT OF CITY
COUNCIL

APPROVED THIS ____ DAY OF _____, 2013.

ATTEST:

BARRY GLANTZ, MAYOR

DEBORAH RYAN,
CITY CLERK

**AN ORDINANCE AMENDING TITLE I, CHAPTER 130, SECTION 130.080 OF THE CODE
OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI, PERTAINING TO
POLITICAL ACTIVITIES OF CITY EMPLOYEES.**

WHEREAS, pursuant to 2013 Missouri House Bill 307, Section 67.145 RSMo has been enacted relative to political activity of first responders; and

WHEREAS, the City of Creve Coeur, Missouri, wishes to update its Code of Ordinances to comply with Section 67.145 RSMo;

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri, as follows:

SECTION 1: Section 130.080, Political Activities of City Employees, of the City of Creve Coeur's Code of Ordinances shall be amended by adding a new subsection G.5, as follows:

TITLE I: GOVERNMENT CODE

CHAPTER 130: CODE OF CONDUCT

SECTION 160.010: POLITICAL ACTIVITIES OF CITY EMPLOYEES

SECTION 130.080: POLITICAL ACTIVITIES OF CITY EMPLOYEES

A. Application. The provisions of this Section apply to all full-time and part-time employees of the City in both classified and unclassified positions.

B. Hatch Act Restrictions. Employees engaged in activities which are funded in whole or part by Federal funds may have the additional restrictions of the Hatch Act and may be prohibited from taking an active part in City, County, State or national elections. The City Administrator is responsible for maintaining a listing of positions subject to the Hatch Act.

C. Permitted Political Activities Of City Employees. Activities listed in this Section are permitted for City employees on their own time. These activities apply to County, State and national elections and to municipal elections outside the City. These activities are not permitted while the employee is on duty, on any City property or in a uniform normally identified with the City.

D. Each employee, including an employee engaged in an activity financed through Federal funds, may:

1. Register and vote in any election.
2. As an individual, privately and publicly express an opinion on political subjects and candidates except as modified in Subsection (D)(8) below.
3. Be a member of a political party and participate in its activities consistent with this regulation.

4. Sign a political nomination, initiative, referendum or recall petition as an individual, except for City elective positions or propositions.

5. Make a financial contribution to a political party, group or candidate except for elective positions or propositions in the City.

6. Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum or issue of a similar character not pertaining to the City.

7. Display bumper stickers, signs, posters or pamphlets on private property for the endorsement of candidates or issues, except for elective positions and propositions regarding the City.

8. In City municipal elections, register, vote and express privately an opinion on candidates and propositions.

E. Additional Permitted Activities. In addition, an employee who is not engaged in an activity supported by Federal funds may:

1. Take an active part in the management of political campaigns, except for elective offices and propositions within the City.

2. Directly or indirectly solicit, receive or account for funds for a partisan political purpose except as prohibited by this regulation.

3. Solicit votes in support of, or in opposition to, a partisan or party office.

4. Initiate or circulate partisan nominating or recall petitions.

5. Serve as a delegate, alternate or proxy to a political party convention.

6. Drive voters to the polls on behalf of a political party or partisan candidate except for City municipal elections.

7. Endorse or oppose a partisan candidate for public office or political party office in a political advertisement, broadcast, campaign literature or similar material.

F. Prohibited Activities.

1. Employees covered by the Hatch Act are prohibited from engaging in those activities listed in Subsection (E) above.

2. No employee may use any official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office or directly or indirectly coerce, attempt to coerce, command or advise another official or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for

political purposes.

3. No employee shall engage in political activities involving City municipal elections except as expressly permitted in Subsections (C) and (E) above.

4. While bumper stickers, signs and posters may be displayed on private vehicles parked in a City employee parking area, such materials, as well as pamphlets and buttons, may not be otherwise displayed on City vehicles, City property or by an employee on a City work site.

5. Activities prohibited for an individual employee are also prohibited for groups or organizations of employees, even though the specific activities are being performed by a non-employee as a representative of the employee group.

6. Activities permitted in Subsections (C) and (E) above are prohibited when an employee is on duty, including break periods. They are also prohibited on City property and when an employee is in uniform normally identified with the City.

7. An employee shall not use an official City title or make reference to employment with the City in political advertisements, endorsements or speeches.

8. An employee shall not be a candidate for, or serve as, an officer of a political party or partisan club whether local, State or national.

G. Candidate For Elective Office.

1. A City employee may seek election to a partisan political office. Such employee shall be placed on an unpaid leave of absence from the time a declaration of candidacy is made until the completion of the elective process. During this leave of absence, the employee shall not use an official City title in political campaigning other than in a biographical description of the employee's experience nor shall official authority be used to affect the result of the election. If elected to political office and such office is clearly inconsistent, incompatible, in conflict with or inimical to duties as a City employee, the employee shall terminate City employment prior to assuming the elected position.

2. An employee may be a candidate for a non-partisan board such as, but not limited to, a school board or a library board or fire district, while retaining active City employment and, if elected, may retain the City position.

3. An employee who declares an intent to become a candidate by circulating or authorizing the circulation of a nominating petition for elective office of the City shall be placed on immediate unpaid leave and shall not exercise any of the duties of his/her position. Such unpaid leave shall continue until the conclusion of the elective process. Should the employee win said election, the employment shall be terminated when he/she is sworn into office.

4. An employee subject to the provisions of the Hatch Act may not be a candidate for partisan elective office.

5. Pursuant to Section 67.145 RSMo., and notwithstanding the other provisions of this Section 130.080, a police officer employed by the City may engage in any otherwise lawful political activity while off duty and not in uniform, may be a candidate for elected or appointed public office if otherwise lawful without having to go on unpaid leave, and may hold elected or appointed office subject to termination of employment as required by the provisions of subsections G.1. and G.3.

SECTION 2: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2013.

DR. SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2013.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK