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AGENDA
CITY OF CREVE COEUR
CITY COUNCIL MEETING
300 N NEW BALLAS ROAD
Monday, August 12, 2013
7:30 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

However, the regular session for Monday, August 26, 2013 will begin at 7:30 p.m. due to an extended work session with the Parks and Recreation Committee.

1. CONSENT ORDINANCE READINGS

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

2. CONSENT AGENDA

a. **Council minutes dated July 22, 2013**

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

c. **Resolution No. 1070 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Purchase Of A New 20 Cubic Yard Extreme Vac Leaf Vacuum From Key Equipment Co. For $36,725.00.**

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Summary: The approval of this purchase will allow staff to purchase a new Xtreme Leaf Vacuum to replace a 1999 Giant Vac Leaf Vacuum

d. **Resolution No. 1071 - A Resolution Authorizing the City of Creve Coeur to Purchase a 2013 Nissan NV 3500 HD SV Van from West County Nissan.**
Summary: Currently, the police department utilizes a 1995 Ford Econoline Breath Testing Van as a DWI enforcement and checkpoint tool. Recently, the Missouri Department of Transportation Highway Safety Division agreed to replace the aging DWI Van as part of a grant. The new BATVAN will include all after factory equipment and markings with an expected price of approximately $50,000.

BILLS PAYABLE REPORT

For Information Only
Summary: A report of bills payable dated August 8, 2013 in the amount of $310,764.67 has been provided for Council review. No vote is required.

UNFINISHED BUSINESS

3. **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. Final Reading and Passage**
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.

4. **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. Final Reading and Passage**

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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.

5. **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. Final Reading and Passage**
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.

6. **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. Final Reading and Passage**
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

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Comprehensive Plan and the purposes of the Zoning Code. Planning and Zoning recommended approval at its meeting of July 15, 2013.

7. **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. Final Reading and Passage**
   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.

8. **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. Final Reading and Passage**
   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.

9. **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. Final Reading and Passage**
   Summary: Council Member Rhoades is proposing legislation for a reduction in utility tax rates.

10. **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. Final Reading and Passage**
    Summary: An ordinance increasing the City's contributions to the Defined Contribution Plan effective August 16, 2013.

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, Missouri, Pertaining To Political Activities Of City Employees. Final Reading and Passage**

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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.

NEW BUSINESS

12. **Bill No. 5442 - An Ordinance Amending Chapter 405.370 "CB" Core Business District, Of The Zoning Ordinance Of The Code Of Ordinance Of The City Of Creve, Missouri To Modify The Height And Buffer Regulations As They Pertain To Adjacent Residential Development. First Reading**
Summary: An application by David Braswell, of Covington Realty Partners, Inc. has been submitted for a text amendment limiting the special height and buffer requirements in the "CB" District to properties adjacent to single-family residential development instead of single-family residential districts. The Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to the "CB" Core Business District 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. The Planning and Zoning Commission recommended approval of staff's alternative amendment on August 5, 2013.

13. **Bill No. 5443 - An Ordinance Amending Section 405.210 Table A Of The Code Of Ordinances Of The City Of Creve Coeur, Missouri. First Reading**
Summary: An application by the Director of Community Development, on behalf of the City of Creve Coeur, has been submitted for an amendment to the Zoning Code Table A, Permitted and Conditional Uses. The Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to the allowed permitted and conditional uses 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 Commission recommended approval on August 5, 2013.

14. **Bill No. 5444 - An Ordinance Of The City Council Of The City Of Creve Coeur, Missouri, Reestablishing And Making Public Previously Established Methods Of Disclosing Potential Conflicts Of Interest And Substantial Interests Pursuant To Section 105.485 Of The Revised Statutes Of Missouri. First Reading**
Summary: The City has previously established methods of disclosing potential conflicts of interest and substantial interest pursuant to Section 105.485 of the Revised Statutes of Missouri and codified such methods at Section 130.090 of

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the Code of Ordinances. The Statutes require the City to reestablish such matters by September 15, 2013.

15. **Bill No. 5445 - An Ordinance Authorizing The Installation Of Two (2) Fire Hydrants Near The New Plaza Motors Jaguar/Land Rover Dealership Located 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 two fire hydrants for the new Jaguar/Land Rover Dealership located on Olive Blvd.

16. **Resolution No. 1072 - A Resolution Approving A Building Exterior Renovation Plan For The Creve Coeur Shopping Center Located At 11921 Olive Boulevard.**
Summary: An application was submitted by Thomas L. Milford, of Drury Development Corporation, on behalf of 11921 Olive LLC, for approval of a minor site development plan for building façade changes to update the existing shopping center. Section 405.370 (G)(1) of the Municipal Code states that any development and/or redevelopment plans for properties within the area bounded by the City limit on the north, Olive Boulevard on the south, Craig Road on the east, and I-270 on the west, requires Planning and Zoning Commission and City Council review and approval. Planning and Zoning Commission recommended approval on August 5, 2013.

17. **Resolution No. 1073 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri, Authorizing The Execution Of A Contract With Intuition & Logic For Engineering Services Related To The Design And Permitting For The Dam, Detention Pond, And Channel Rehabilitation Project As Part Of The Stormwater Capital Improvements Program For The 2014 Fiscal Year For The Amount Of $84,573.00.**
Summary: City staff recommends that the City retain the engineering design services of Intuition & Logic to provide design options and construction documents for the repair of a breach that has formed in the dam at the south end of the detention area at the Creve Coeur Golf Course that addresses storm water needs for this part of the city.

BUSINESS FROM THE MAYOR and CITY COUNCIL

18. **Farmer's Market**

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Summary: Council Members Saunders, Lawrence and Hoffman have expressed an interest in initiating a farmer's market in Creve Coeur. This idea also was raised at the "For the Love of Creve Coeur" workshop in June.

BUSINESS FROM CITY ADMINISTRATOR

19. Food Trucks

Summary: At request of City Council, staff has reviewed our current regulations regarding mobile food vendors (food trucks) and has also conducted an informal community survey. Staff will summarize the survey and seek Council input and direction on a proposed trial program.

20. Fourth Quarter FY 2013 Financial Analyses

Summary: The 4th quarter 2013 results for the two major operating funds - the General Fund and the Municipal Enterprise Fund.

21. Executive Session

Summary: Requested for attorney-client communications, real estate and litigation.

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 8/8/13 3:30 p.m.
Deborah Ryan, MRCC
City Clerk

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MINUTES
CITY OF CREVE COEUR
CITY COUNCIL MEETING
300 N NEW BALLAS ROAD
Monday, July 22, 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 22, 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
Mrs. D'Alfonso	Council Member Ward III
Mr. Hoffman	Council Member Ward III
Mrs. Rhoades	Council Member Ward IV

* - ABSENT: Council Member Saunders, Ward IV

COMMENTS FROM THE GENERAL PUBLIC

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

Robert Kent resident of 13084 Fern Trails Lane stated the lights from Ballas west across 270 are in place and look wonderful at night. Ward 4 residents would not have any objection to having the lighting extended out to the western boundary for the city.

Lynn Berry resident of 626 Graeser Road read and presented a statement for the record regarding disclosure of campaign contributions. (Exhibit A)

George Cibulka resident of 808 Fernview expressed his concerns regarding the limb chipping program.

ACCEPTANCE OF AGENDA

Council Member Wang moved, seconded by Council Member Kreuter to accept the agenda as presented.

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Council Member Rhoades moved, seconded by Council Member Hoffman to move Item 2, Bill No. 5432 after Item 11 on the agenda at the request of the applicant, with the vote upon such motion being as follows, to-wit:

Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye

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

Council Member Rhoades moved, seconded by Council Member Kramer to approve the agenda 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 Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

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

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

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

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.**

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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.**

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 Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – 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.

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**

Item discussed after Item 11.

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**

Garrick Hamilton of Koman Group, 6 CityPlace Drive made a presentation regarding the application.

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Paul Langdon made a presentation regarding the application.

Council Member Lawrence stated she doesn't see many pedestrians that walk along Olive Blvd or cross it.

Paul Langdon stated there are not many that walk along Olive Blvd. The TDD's intent was to correct the open corridor issue along Olive Blvd but ran out of funding.

Council Member Wang stated in 2007 he brought up the issue of the open corridor and asked if there are plans to widen Olive Blvd.

Paul Langdon stated widening of Olive was not discussed in 2007. The new Plaza development is allowing for an additional lane if necessary in the future.

Lynn Berry resident of 626 Graeser Road stated if the building is allowed to exceed the building line along Olive it is going to look out of place from the other buildings.

Council Member Rhoades presented two e-mails for the record. (Exhibit B)

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

City Clerk read Bill No. 5434 for the first time.

Council Member Rhoades moved, seconded by Council Member Wang to amend the language in Section 2 of Bill No. 5434 to read: "Applicant shall record an amended and restated deed restriction that substitutes the affected subdivisions in the place of the City. Upon approval of the form of amended and restated deed restriction and any release of the existing deed restriction by the City Attorney, the City Administrator and City Clerk are authorized to sign the amended deed restriction or release of the existing deed restriction, as applicable, on behalf of the City."

John Diehl of Armstrong Teasdale of 7700 Forsyth Blvd representative of the applicant made a presentation regarding this application.

Paul Langdon made a presentation regarding the application.

Council Member Lawrence stated she received a complaint about unemptied dumpsters and sightings of rodents.

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Paul Langdon stated we will request the businesses to increase the dumpster pickup frequencies and unemptied dumpsters is a code issue and will have the Building Department visit the site.

Steven Kling, Jr of Jenkins and Kling and representative of Questover Subdivision indicated that the residents are in support of the application.

Mayor Glantz called the question for the approval of the amended language for Section 2 of Bill No. 5434, with the vote upon such motion being as follows, to-wit:

Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye

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

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**

City Clerk read Bill No. 5435 for the first time.

Council Member Rhoades moved, seconded by Council Member Hoffman to correct the spelling error in the first whereas in Bill No. 5435.

John Diehl of Armstrong Teasdale of 7700 Forsyth Blvd representative of the applicant made a presentation regarding this application.

Paul Langdon made a presentation regarding the application.

Steven Kling, Jr of Jenkins and Kling and representative of Questover Subdivision indicated that the residents are in support of the application.

Mayor Glantz called the question for the approval of the correction for Bill No. 5435, with the vote upon such motion being as follows, to-wit:

Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye

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Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

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

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 Clerk read Bill No. 5436 for the first time.

John Diehl of Armstrong Teasdale of 7700 Forsyth Blvd representative of the applicant made a presentation regarding this application and stated this is the second Jetz pizza location.

Paul Langdon made a presentation regarding the application.

Steven Kling, Jr. of Jenkins and Kling and representative of Questover Subdivision indicated that the residents are in support of the application with the outlined conditions as listed.

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**

City Clerk read Bill No. 5437 for the first time.

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**

City Clerk read Bill No. 5438 for the first time.

Mark Perkins stated information was included in the packet regarding the projected savings to individual residents as a result of this proposed reduction. In addition, staff responded to the Council's request at the last meeting to provide a history of electric utility gross receipts over the last thirteen years.

Robert Kent resident of 13084 Fern Trails Land thanked Council Member Rhoades for bringing this forward.

Council Member Hoffman asked of the three proposed reductions which one best serves the constituents.

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Council Member Rhoades stated the proposed ordinance is drafted at 5.5% and that is a reduction from 7% and she feels that is a reasonable approach for a start.

Council Member Kreuter stated at the recent Townhall Ward I meeting this topic was discussed and those residents in attendance told Ward I Council Members to keep the tax and spend it wisely.

Council Member D'Alfonso asked how many were in attendance.

Mark Perkins stated there were ten residents that signed in.

Council Member Kramer stated the next newsletter this issue will be in the Council Corner and she will continue to reach out for feedback.

Council Member D'Alfonso stated she sent out information to the Ward 3 residents regarding the proposed decrease and received positive responses for approval.

Council Member Rhoades stated she is proposing a reasonable decrease for the residents and the city. Going forward, she would hope, the elected officials would take a good hard look at the revenue stream overall and see where we want to be. The ratio of tax of residents versus commercial on utilities is something that deserves some careful thought and this is a step in the right direction. Residents shouldn't be penalized or subject to the same standards for utility taxes as commercial.

Robert Kent resident of 13084 Fern Trails Lane stated this only applies to electric for residents and this is a modest contribution to the residents.

Lynn Berry resident of 626 Graeser Road stated she was unable to attend the Ward I Townhall meeting, but had she attended she would have voiced her opinion in favor of the decrease.

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

City Clerk read Bill No. 5439 for the first time.

Mark Perkins stated that 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 contributed 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

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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, but the defined benefit plan will continue to phase out over time.

Council Member Lawrence asked what the additional cost estimate would be over the next 10 – 12 years.

Dan Smith stated it would be difficult to say as the city doesn't know when people are going to leave and when new people will come into the plan. What staff can do is give Council an estimate of what the cost would be at such point in time as maybe 80% of the employees are in the new plan and 100% of employees are in the plan.

Mark Perkins stated one of the reasons the city moved to a defined contribution plan is we actually do have more control and predictability. Staff can certainly look out 10 years and make an estimate.

Robert Kent resident of 13084 Fern Trails Lane stated he agrees with Council Member Lawrence and would to know what "substantial" will be in the future.

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

City Clerk read Bill No. 5440 for the first time.

Carl Lumley stated the red lining was removed during packet generation and for the Council's benefit the change is in subsection 11 regarding court costs for expungement.

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, Missouri, Pertaining To Political Activities Of City Employees. First Reading

City Clerk read Bill No. 5441 for the first time.

Mark Perkins stated pursuant to Missouri HB 307 a provision was passed at the State level which is triggering this amendment to our policy.

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

City Clerk read Bill No. 5432 for the first time.

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Brad Goss of Smith Almonson 120 S. Central representing the application made a presentation regarding this application.

Council Member Kreuter asked what is the applicant wanting the Council to change.

Brad Goss stated the request is to change the maximum density that is allowable for the Planned Residential District from 20 units to 40 units per acre and the maximum floor area ratio from .4 up to .6 and that is the specific text amendment. What it will allow the applicant to do is proceed with the proposed project which will not develop to those densities. It will exceed the 20 units per acre but will not go to the higher limit. By changing this will allow other projects in the city to come in as well.

Council Member Kreuter asked what other tracts of land in the city would this text amendment effect?

Brad Goss stated not many but a question better directed for Mr. Langdon.

Paul Langdon made a presentation regarding the application.

Council Member Hoffman stated he is viewing this and speaking from perspective of the residents that he represents in respect to Ladue Road. There are many churches and synagogues down the stretch of Ladue Road for the entire city and it is public record that two large synagogues are looking to combine off of Ladue Road. There are going to be other large tracts of land similar to Delmar Gardens possibly in the near future for development. Why are we not setting a different precedent, in this respect, which we didn't talk about setting on the Fresh Market proposal?

Paul Langdon stated because the Fresh Market proposal was as a practical matter a request to approve one project, not flexibility but an approval for one project. This instance is different in that it does not approval any project and this project will begin with an undetermined outcome. Beyond that staff was concerned and looking forward to that very question when creating the planned zoning districts. That is why there are so many criterions so we can use to analyze a project.

Council Member D'Alfonso stated all the properties along Ladue Road are zoned A and this property is multiple zoned and unzoned tracts and that is part of the difference.

Paul Langdon stated the first 200 feet of the property is general commercial and extended it is mostly commercial, which doesn't allow any residential.

Council Member D'Alfonso stated that explains the precedent part but switching to a 40 unity density is still a question.

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Paul Langdon stated he is the staff member that originally wrote the PRD and originally it didn't have any density standards or FAR standards. As initially drafted, it was as ultimately flexible as it could be. Staff would assess a project on its merits for aesthetic qualities and design values and not worry so much about the numbers. Council rejected the notion and tried to find a number and identify with similar projects located within the city. With this application, 40 was the number chosen as a place that we have still been, close to the Kings Landing density, and knew it would work for a real scenario.

Council Member Lawrence asked what is the FAR for this project and how many units per acre will there be.

Paul Langdon stated he doesn't believe it is entirely defined yet but anticipates it is in the mid-20 per acre as far as density.

Council Member Lawrence stated if the mid-20 is okay then she is still uncertain why we are suggesting doubling density. Council Member Lawrence asked what kind of traffic studies have been completed for this site.

Paul Langdon stated there is no formal project that has been prepared yet but the Vanguard project across the street has already completed one. This project doesn't fit within the current zoning and if they don't get over this hurdle then they are not going to do a traffic study.

The following residents spoke in opposition of the project due to traffic, density, run off, crime, and school overcrowding:

- Jim Poneta resident of 965 Crick Hollow
- Linda Rezny resident of 104 Graeser Road
- Elizabeth Link resident of 920 Guelbreth Lane

Brad Goss stated he would like to address the water runoff concern. Recently, MSD changed their requirements in compliance with the EPA consent decree. There is a zero run off requirement in respect to any project. Developers are required to capture all storm water coming off of any site. Developer is planning underground detention for the site. Traffic concerns are very legitimate and a traffic study will be completed if this project moves forward.

BUSINESS FROM THE MAYOR and CITY COUNCIL

BUSINESS FROM CITY ADMINISTRATOR

Council Member Hoffman moved, seconded by Council Member Kreuter to adjourn at 9:34 p.m., with the vote upon such motion being as follows, to-wit:

Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye

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Council Member Rhoades – Aye
Council Member D'Alfonso - 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	Barry Glantz
City Clerk	Mayor

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BILL NO. 5440 **ORDINANCE NO. _____**

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.

_____
BARRY GLANTZ, MAYOR

ATTEST:

_____
DEBORAH RYAN,
CITY CLERK

RESOLUTION NO. 1070

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AUTHORIZING THE PURCHASE OF A NEW 20 CUBIC YARD EXTREME VAC LEAF VACUUM FROM KEY EQUIPMENT CO., FOR $36,725.00

WHEREAS, the City Council of the City of Creve Coeur recognizes a need to provide quality equipment to city employees; and

WHEREAS, the City Council of the City of Creve Coeur recognizes a need to provide leaf collection service to the residents in the city; and

WHEREAS, this equipment has been competitively bid as required by 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 purchase of a new 2013 Extreme Vac SCL65TM20 leaf vacuum with an impeller upgrade from Key Equipment Co., for an amount of $36,725.00, is hereby approved. The purchase shall be consistent with the provisions and intent of this Resolution and necessary, desirable, convenient or proper in order to carry out the matters herein 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 12th day of August, 2013

_____
Barry Glantz
Mayor

Attest:

_____
Deborah Ryan, MPCC
City Clerk

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DEPARTMENT OF PUBLIC WORKS
OFFICE MEMO

DATE: July 31, 2013

TO: Mark C. Perkins, City Administrator,

FROM: Jim Heines, Director of Public Works

SUBJECT: FY 2014 Leaf Vacuum Purchase Recommendation

City Staff recently received proposals from 3 companies to purchase a new leaf vacuum. The results of the proposals is listed below:

Vendor	Brand	Model	Size	Diesel	Price
Key Equipment	Xtreme Vacuum	SCL65T20	20CY	yes	$36,725
American Road Co.	American Road	ALC17	17 CY	yes	$45,260
Woody's Municipal	Tarco	4020	20CY	yes	$52,195

The low bid was an Xtreme Vacuum from Key Equipment. The proposed vacuum is a diesel powered dual axel trailer unit with a 20 cubic yard capacity. This unit will match the units purchased by the city in FY 2013 and FY2014.

This purchase of this leaf vacuum will replace a 1999 model year leaf vacuum. Public Works staff plans to send the 1999 Giant Vac leaf vacuum to the St. Louis County Equipment Auction after we receive delivery of the new unit.

Recommendation

Public Works staff recommends purchasing a 2013 Extreme Vac SCL65TM 20 Cubic Yard Leaf Vacuum with an impeller upgrade from Key Equipment Co. for an amount of $36,725. There is $37,000 identified in the FY2014 Capital Equipment account # 02-61-71-9516 for this purchase.

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RESOLUTION NO. 1071

A RESOLUTION AUTHORIZING THE CITY OF CREVE COEUR TO PURCHASE A 2013 NISSAN NV 3500 HD SV VAN FROM WEST COUNTY NISSAN.

WHEREAS, in the interest of pubic safety, the police department was awarded a Breath Testing Vehicle in 1995 from the Missouri Department of Transportation for use in conducting Sobriety Checkpoints; and

WHEREAS, such a police vehicle will be replaced when it has been determined to have surpassed their life expectancy, or reached their maximum trade-in value as a reliable police unit; and

WHEREAS, the police department is requesting funds totaling $30,774.00 for the purchase of a 2013 Nissan NV 3500 HD SV van from West County Nissan, located at 14747 Manchester Road, Ballwin, Mo. 63011. Auto Trim will supply the equipment and installation of all after-market for the Breath Testing Van; and

WHEREAS, the Missouri Department of Transportation has awarded the Creve Coeur Police department a grant in the amount of $50,000.00 to purchase a new Breath Testing Vehicle; following the Missouri Department of Transportation Bid process, the City of Creve Coeur will make the initial purchase and be reimbursed by Missouri Department of Transportation through their Highway Safety Division; and

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

Section 1: The City of Creve Coeur is hereby authorized to enter into an agreement with West County Nissan to purchase a 2013 Nissan NV 3500 HD SV van for an amount of $30,774.00. The purchase shall be consistent with the provisions and intent of this Resolution and necessary, desirable, convenient or proper in order to carry out the matters herein 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.

Section 2: Be it further resolved that this Resolution shall become effective upon adoption by the City Council.

Adopted this 12th day of August, 2013

_____
Barry Glantz
Mayor

Attest:

_____
Deborah Ryan
City Clerk

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CREVE COEUR POLICE DEPARTMENT
INTEROFFICE MEMO

DATE: July 18, 2013

TO: Chief Eidman

FROM: Lt. Tim Koncki

SUBJECT: Breath Alcohol Testing Vehicle Purchase

Currently, the police department utilizes a 1995 Ford Econoline Breath Testing Van as a DWI enforcement and checkpoint tool. Recently, the Missouri Department of Transportation Highway Safety Division agreed to replace the aging DWI Van as part of a grant. The new BATVAN will include all after factory equipment and markings with an expected price of approximately $50,000. A new van will provide for greater mechanical reliability, increased functionality and more workspace. Additionally, the Missouri Department of Transportation has awarded the Creve Coeur Police department the entire funding for this purchase. The City will be asked to make the initial purchase and will be reimbursed for the purchase by Missouri Department of Transportation.

Per the replacement agreement, Missouri Department of Transportation received bids through a competitive process in accordance with the state's procurement plan for a 2013 Nissan NV3500 HD SV van.

In reviewing the bids, West County Nissan, located at 14747 Manchester Road, Ballwin, MO 63011 was awarded the contract after submitting a proposal for $30,575. Attached is a copy of Missouri Department of Transportation bid form/award and the Missouri Department of Transportation Standard Bid/Proposal Provisions. Possession and delivery of the van is expected to be by the end of September, 2013.

The cost of the van itself will be $30,774 (includes $199 dealer document fees); the purchase will be through West County Nissan. The outfitting of the BATVAN will be completed after market by Auto Trim, with the cost not to exceed $20,000.00 for the equipment and installation. The Police department anticipates that the Van will be operational in service by late September.

Respectfully,

Lt. Koncki 513

Lt. Tim Koncki

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BID FORM MISSOURI DEPARTMENT OF TRANSPORTATION
GENERAL SERVICES
P.O. BOX 270
JEFFERSON CITY, MO 65102

REQUEST NO.	3-130529RW
DATE	May 17, 2013

SEALED BIDS, SUBJECT TO THE ATTACHED CONDITIONS WILL BE RECEIVED AT THIS OFFICE UNTIL

2:00 PM, Local Time, May 29, 2013

AND THEN PUBLICLY OPENED AND READ FOR FURNISHING THE FOLLOWING SUPPLIES OR SERVICES.

QUOTATIONS TO BE BASED F.O.B. MISSOURI DEPARTMENT OF TRANSPORTATION
Submit net bid as cash discount stipulations will not be considered

FOB: ***See Below****

Delivery Time Frame:
Delivery by August 1, 2013*

DEFINITE DELIVERY DATE MUST BE SHOWN. SIGN AND RETURN BEFORE TIME SET FOR OPENING. **ALL BIDS MUST BE EXTENDED AND TOTALED.**

BUYER: Robin Warren, Sr. General Services Specialist **BUYER TELEPHONE:** 573-526-7929

The Missouri Department of Transportation is seeking bids for the following or a comparable model.

Bid award will be based on lowest responsive bid meeting the required specifications.

*****Initial purchase will be for City of Creve Coeur with possible additional purchases made by various locations within the state of Missouri. Delivery deadline of August 1, 2013 applicable to City of Creve Coeur order.**

ITEM NO.	SUPPLIES OR SERVICES MFG. NO. OR BRAND	UNIT PRICE
001	Nissan NV3500HD SV with High Roof and Rear View Monitor Automatic Transmission **(OR COMPARABLE MODEL)** If bidding a comparable model, include the make/model information below and include supporting documents of specifications, brochures, etc. with your bid response. Make_____ / Model_____	$30,575.00

Please indicate the percent (%) discount off Manufacturers Suggested Retail Prices (MSRP) for all available options for this model in your data book or price guides. 15.1 %

Bid Award
Bid award will be based on lowest overall bid meeting the required specifications for the high roof van.

Contract period will be from date of award through June 30, 2014, with up to two (2) additional one-year renewal options.

(SEE ATTACHED FOR CONDITIONS AND INSTRUCTIONS)

In compliance with the above invitation for bids, and subject to all conditions thereof, the undersigned bidder agrees to furnish and deliver any or all the items on which prices were quoted within days after receipt of formal purchase order.

Date:	5/29/13	**Firm Name:**	West County Nissan
Telephone No.:	636-394-0330	**Address:**	14747 Manchester Rd
Fax No.:	866-817-4700		Ballwin, MO 63011
E-Mail:	randyb@westcounty nissan.com	**By (Signature):**	[signature]
		Type/Print Name	Randy Baslee
		Title:	Commercial Sales Manager

Form E-103 (Rev. 11-04)

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VENDOR INFORMATION & PREFERENCE CERTIFICATION FORM

Vendor Information

All bidders must furnish ALL applicable information requested below

Vendor Name/Mailing Address: West County Nissan 14747 Manchester Rd Ballwin, MO 63011 Email Address: randyb@westcountynissan.com	**Vendor Contact Information (including area codes):** Phone #: 636-394-0330 Cellular #: 314-565-4490 Fax #: 866-817-4700
Printed Name of Responsible Officer or Employee: Randy Baslee	**Signature:**
For Corporations - State in which incorporated: Missouri	**For Others** - State of domicile:

If the address listed in the Vendor Name/Mailing Address block above is not located in the State of Missouri, list the address of Missouri offices or places of business:

*If additional space is required, please attach an additional sheet and identify it as **Addresses of Missouri Offices or Places of Business.***

M/WBE INFORMATION: List all certified Minority or Women Business Enterprises (**M/WBE**) utilized in the fulfillment of this bid. Include percentages for subcontractors and identify the M/WBE certifying agency:

M/WBE Name	Percentage of Contract	M/WBE Certifying Agency

*If additional space is required, please attach an additional sheet and identify it as **M/WBE Information***

Preference Certification

All bidders must furnish ALL applicable information requested below

GOODS/PRODUCTS MANUFACTURED OR PRODUCED IN USA: If any or all of the goods or products offered in the attached bid which the bidder proposes to supply to the MHTC are not manufactured or produced in the "United States", or imported in accordance with a qualifying treaty, law, agreement, or regulation, list below, by item or item number, the country other than the United States where each good or product is manufactured or produced.

Item (or item number)	Location Where Item is Manufactured or Produced
Nissan NV3500	Canton, MISSISSIPPI

*If additional space is required, please attach an additional sheet and identify it as **Location Products are Manufactured or Produced.***

MISSOURI SERVICE-DISABLED VETERAN BUSINESS: Please complete the following if applicable. Additional information may be requested if preference is applicable. See below definitions for qualification criteria:

Service-Disabled Veteran is defined as any individual who is disabled as certified by the appropriate federal agency responsible for the administration of veterans' affairs.

Service-Disabled Veteran Business is defined as a business concern:

a. Not less than fifty-one (51) percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than fifty-one (51) percent of the stock of which is owned by one or more service-disabled veterans; and
b. The management and daily business operations of which are controlled by one or more service-disabled veterans.

Veteran Information	Business Information
Service-Disabled Veteran's Name (Please Print)	Service-Disabled Veteran Business Name
Service-Disabled Veteran's Signature	Missouri Address of Service Disabled Veteran Business

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COOPERATIVE AGREEMENT NOTICE

The Department is interested in assisting Missouri governmental entities, etc. in purchasing equipment, various materials and supplies that meet the Highway and Transportation Department specifications.

Each bidder is asked to indicate below whether they would be willing to offer **Nissan NV3500HD SV or comparable model** listed in the attached "Request for Bid" for sale to these local political entities at the same bid price offered to this Department.

It is understood the Department will not issue purchase orders, accept delivery nor make payment for these items ordered by any of these agencies. It is further understood the price is based on the **Nissan NV3500HD SV or comparable model** meeting the Department specifications. Any added options, deletions, or extra freight costs would be negotiated between the local agency and the successful vendor.

Indicate below whether your company is willing to offer such cooperative purchasing for Missouri counties, cities or other political entities.

YES X NO _____

If the price varies throughout the state on Department bids because of different delivery destinations, please indicate the price f.o.b. your location that would be offered as described.

F.O.B. Location N/A

Indicate the deadline date that orders will be accepted. _____

COMPANY NAME _____

ADDRESS _____

PHONE NUMBER _____

SIGNATURE _____

TITLE _____

DATE _____

(Each vendor should complete the appropriate sections of their form and submit with their bid.)

Vehicle Detail

Order #: BM37909

,

Current Configuration
62613
2013 NV3500 V8 SV HR H3500
AUTO

QAK-K
glacier white , grey

	Invoice	MSRP
BASE	$31,234	$33,210
FLO floor mats	$74	$95
GL1 back glass with	$165	$190
MIR rear view monitor	$507	$595
SAB side and curtain	$339	$390
SGD splash guards	$116	$140
TOW tow package	$399	$460
50S 50 state emission	$0	$0
Destination & Handling Charge	$995	$995
Total	$33,829	$36,075

Vehicle Information

Order #:	BM37909	VIN:	1N6AF0LY0DN106068
Ordered On:	03/06/2013	Production Month:	04/2013
Rail Ship Date:		Manufacture Date:	04/20/2013
Rail Receive Date:		Shipping VPC:	
Wholesale Date:	04/24/2013	Status:	DLR
ETA:	04/27/13		
RDR Date:			
Dealer:	24-40006 HUMMEL'S NISSAN PERRY HUMMEL	Dealer Details:	515-253-0719 4770 MERLE HAY RD DES MOINES IA 50322

Close

33,075
-2500 Fleet
$30,575.00

MSRP
35,190
($4,615 Discount)

From: Scott.Jones@modot.mo.gov [mailto:Scott.Jones@modot.mo.gov]
Sent: Monday, August 05, 2013 2:30 PM
To: Koncki, Timothy
Cc: 'Christopher.Luebbert@modot.mo.gov'; William.WhitfieldJr@modot.mo.gov
Subject: Re: BATVAN Agreement / Contract

Tim,

This email is to confirm that the MoDOT Traffic and Highway Safety Division will reimburse Creve Coeur Police Department for the cost of the new BAT van and equipping it, to approximately $43,000.

I am creating a new contract for this and you should receive it by next week. Because of the different funding source, I need to create a new contract, as opposed to adding it to one of your current contracts.

Any questions let me know.

Scott

Scott Jones
Sr. System Management Specialist
MoDOT Traffic & Highway Safety Division
Office of Highway Safety
(573) 522-1341
Scott.Jones@modot.mo.gov

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STANDARD SOLICITATION PROVISIONS

a. The solicitation for the procurement of the supplies referenced therein, to which these "Standard Bid Provisions, General Terms and Conditions and Special Terms and Conditions" are attached, is being issued under, and governed by, the provisions of Title 7 – Missouri Department of Transportation, Division 10 – Missouri Highways and Transportation Commission, Chapter 11 – Procurement of Supplies, of the Code of State Regulations. The Missouri Highways and Transportation Commission (**MHTC**), acting by and through its operating arm, the Missouri Department of Transportation (**MoDOT**), draws the Bidder's attention to said 7 CSR 10-11 for all the provisions governing solicitation and receipt of bids/quotes and the award of the contract pursuant to this solicitation.

b. All bids/quotes must be signed with the firm name and by a responsible officer or employee. Obligations assumed by such signature must be fulfilled.

GENERAL TERMS AND CONDITIONS

Definitions

Capitalized terms as well as other terms used but not defined herein shall have the meaning assigned to them in section 7 CSR 10-11.010 Definition of Terms.

Nondiscrimination

a. The Contractor shall comply with all state and federal statutes applicable to the Contractor relating to nondiscrimination, including, but not limited to, Chapter 213, RSMo; Title VI and Title VII of Civil Rights Act of 1964 as amended (42 U.S.C. Sections 2000d and 2000e, *et seq.*); and with any provision of the "Americans with Disabilities Act" (42 U.S.C. Section 12101, *et seq*).
b. Sanctions for Noncompliance: In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, MHTC shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
   i. withholding of payments to the Contractor under the contract until the Contractor complies, and/or,
   ii. cancellation, termination or suspension of the contract, in whole or in part.

Contract/Purchase Order

a. By submitting a bid/quote, the Bidder agrees to furnish any and all equipment, supplies and/or services specified in the solicitation documents, at the prices quoted, pursuant to all requirements and specifications contained therein.
b. A binding contract shall consist of: (1) the solicitation documents, amendments thereto, and/or Best and Final Offer (BAFO) request(s) with any changes/additions, (2) the Contractor's bid response, and (3) the MHTC's acceptance of the bid by post-award contract or purchase order.
c. A notice of award does not constitute an authorization for shipment of equipment or supplies or a directive to proceed with services. Before providing equipment, supplies and/or services, the Contractor must receive a properly authorized notice to proceed and/or purchase order.

Applicable Laws and Regulations

a. The contract shall be construed according to the laws of the State of Missouri. The Contractor shall comply with all local, state, and federal laws and regulations related to the performance of the contract. The exclusive venue for any legal proceeding relating to or arising, out of the contract shall be in the Circuit Court of Cole County, Missouri.
b. The Contractor must be registered and maintain good standing with the Secretary of State of the State of Missouri, Missouri Department of Revenue, and other regulatory agencies, as may be required by law or regulations. Prior to the issuance of a purchase order and/or notice to proceed, the Contractor may be required to submit to MHTC a copy of their current Authority Certificate from the Secretary of State of the State of Missouri and/or a copy of their Certificate of No Tax Due from the Missouri Department of Revenue.
c. Prior to the issuance of a purchase order and/or notice to proceed, all **out-of-state** Contractors **providing services** within the state of Missouri must submit to MHTC a copy of their current Transient Employer Certificate from the Missouri Department of Revenue, in addition to a copy of their current Authority Certificate from the Secretary of State of the State of Missouri.

Executive Order:

The Contractor shall comply with all the provisions of Executive Order 07-13, issued by the Honorable Matt Blunt, Governor of Missouri, on the sixth (6th) day of March, 2007. This Executive Order, which promulgates the State of Missouri's position to not tolerate persons who contract with the state engaging in or supporting illegal activities of employing individuals who are not eligible to work in the United States, is incorporated herein by reference and made a part of this Agreement.

1) "By signing this Agreement, the Contractor hereby certifies that any employee of the Contractor assigned to perform services under the contract is eligible and authorized to work in the United States in compliance with federal law."
2) In the event the Contractor fails to comply with the provisions of the Executive Order 07-13, or in the event the Commission has reasonable cause to believe that the contractor has knowingly employed individuals who are not eligible to work in the United States in violation of federal law, the Commission reserves the right to impose such contract sanctions as it may determine to be appropriate, including but not limited to contract cancellation, termination or suspension in whole or in part or both.
3) The Contractor shall include the provisions of this paragraph in every subcontract. The Contractor shall take such action with respect to any subcontract as the Commission may direct as a means of enforcing such provisions, including sanctions for noncompliance.

Preferences

a. In the evaluation of bids/quotes, preferences shall be applied in accordance with 7 CSR 10-11.020(7). Contractors should apply the same preferences in selecting subcontractors. The attached document entitled **"VENDOR INFORMATION AND PREFERENCE CERTIFICATION FORM"** must be completed and returned with the solicitation documents.

b. Bidders are encouraged to obtain minority business enterprise (MBE) and women business enterprise (WBE) participation in this work through the use of subcontractors, suppliers, joint ventures, or other arrangements that afford meaningful participation for M/WBEs. Bidders are encouraged to obtain 10% MBE and 5% WBE participation.

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Cancellation of Contract

The MHTC may cancel the Contract at any time for a material breach of contractual obligations or for convenience by providing Contractor with written notice of cancellation. Should the MHTC exercise its right to cancel the contract for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the Contractor.

Bankruptcy or Insolvency

Upon filing for any bankruptcy or insolvency proceeding by or against the Contractor, whether voluntarily, or upon the appointment of a receiver, trustee, or assignee, for the benefit of creditors, the Commission reserves the right and sole discretion to either cancel the Agreement or affirm the Agreement and hold the Contractor responsible for damages.

Warranty

The Contractor expressly warrants that all equipment, supplies, and/or services provided shall: (1) conform to each and every specification, drawing, sample or other description which was furnished to or adopted by the MHTC, (2) be fit and sufficient for the purpose expressed in the solicitation documents, (3) be merchantable, (4) be of good materials and workmanship, and (5) be free from defect.

Status of Independent Contractor

The Contractor represents itself to be an independent Contractor offering such services to the general public and shall not represent itself or its employees to be an employee of the MHTC. Therefore, the Contractor shall assume all legal and financial responsibility for taxes, FICA, employee fringe benefits, workers' compensation, employee insurance, minimum wage requirements, overtime, etc., and agrees to indemnify, save and hold the MHTC, its officers, agents and employees harmless from and against any and all losses (including attorney fees) and damage of any kind related to such matters.

Non-Waiver

If one of the parties agrees to waive its right to enforce any term of this Contract, that party does not waive its right to enforce such term at any other time or to enforce any or all other terms of this Contract.

Indemnification

The Contractor shall defend, indemnify and hold harmless MHTC, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Contractor's performance of its obligations under the contract awarded pursuant to this solicitation.

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

DATE: August 7, 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 August 7, 2013 in the amount of $310,764.67.

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/7/2013

NO DEPT - NO DIV

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00084	0		3848327826	16-Jul-13	COCA-COLA	SODA FOR STREETS	01-00-00-4739	263.00
02013	0	P001737	SFT79888	28-Jul-13	NORTHEAST WISCONSIN TECH COLLEGE	2 ONLINE TASER INSTRUCTOR	01-00-00-2411	700.00
02013	0	P001737	SFT79888	28-Jul-13	NORTHEAST WISCONSIN TECH COLLEGE	1 ONLINE TASER INSTRUCTOR	01-00-00-2411	175.00
00116	0		3238	12-Jul-13	SAM'S CLUB	PRISONER MEALS	01-00-00-2410	89.22
00092	0		50247	16-Jul-13	ST LOUIS COUNTY	MENTAL HEALTH COURT FEES	01-00-00-2410	300.00
02015	0		050613	06-May-13	ST. LOUIS COUNTY TREASURER	TRAINING COURSE-COURSON	01-00-00-2414	100.00

Sum of Invoices *1,627.22*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/7/2013

LEGISLATIVE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00080	0		0521-181-5	22-Jul-13	DIERBERGS	FOOD FOR STAFF/COUNCIL	01-11-12-6264	15.56

Sum of Invoices *15.56*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/7/2013

Administration

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01447	0	P001708	19267	26-Jul-13	DIVERSIFIED PRINTING INC	10 STANDARD 8 PAGE NEWSLETTER	01-12-11-6203	1,058.00
01447	0	P001708	19246	11-Jul-13	DIVERSIFIED PRINTING INC	PRINTING OF JULY 2013 NEWSLETT	01-12-11-6203	1,058.00
01997	0		7986318	31-Jul-13	EQUIFAX INFORMATION SERVICES	CREDIT SERVICE	01-12-11-6202	23.44
00378	0		300000903	09-Jul-13	MISSOURI MUNICIPAL LEAGUE	MCMA FULL MEMBERSHIP	01-12-11-6262	75.00
01262	0	P001695	28558	09-Jul-13	SPECIALTY MAILING	NEWSLETTER HANDLING/MAILING	01-12-11-6203	225.15
00052	0		40448402 0813	24-Jul-13	ST LOUIS POST-DISPATCH	NEWSPAPER SUBSCRIPTION	01-12-11-6262	38.00

Sum of Invoices *2,477.59*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/7/2013

IT

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01536	0	P001741	R94785	24-Jun-13	AVG TECHNOLOGIES	RENEWAL AVG ANTI-VIRUS BUSINES	01-12-51-7332	1,854.53
00139	0	P001730	XJ68W6RK5	22-Jul-13	DELL	POWEREDGE R320 SERVER	01-12-51-7331	3,047.04
00139	0	P001714	XJ66DFTF2	16-Jul-13	DELL	1 84 B135 FCN LATITUDE E6530 M	01-12-51-7331	1,544.59
00139	0	P001714	XJ65WK574	14-Jul-13	DELL	2 84 B135 FCN LATITUDE 36530 M	01-12-51-7331	3,351.86
00050	0		INV0030053	15-Jul-13	REJIS	PIX FIREWALL MAINT	01-12-51-6213	21.24
00070	0		I130712312	12-Jul-13	TECH ELECTRONICS	MOVE 5 STATIONS, ADD 1 LINE	01-12-51-6213	723.04
01891	0	P001709	10542	15-Jul-13	WINNING TECHNOLOGIES, INC.	IT SERVICES-JULY 2013	01-12-51-6202	6,400.00
01891	0		10261	30-Apr-13	WINNING TECHNOLOGIES, INC.	IT SERVICES	01-12-51-6202	6,400.00
01891	0		10416	30-Jun-13	WINNING TECHNOLOGIES, INC.	IT SERVICES-JUNE 2013	01-12-51-6202	6,400.00

Sum of Invoices *29,742.30*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/7/2013

FINANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00005	0		1664571	28-Mar-13	AMERICAN STAMP	ENGRAVED SIGN	01-13-11-7304	13.50
00016	0		071513	15-Jul-13	COLLECTOR OF REVENUE	SALES TAX REPORT-JULY 2013	01-13-11-6202	20.00
01765	0		37766	30-Jun-13	REVENUE	SALES TAX REPORT-JUNE 2013	01-13-11-6202	35.00
00046	0		233006I	17-Jul-13	OFFICE ESSENTIALS	CLASSIFICATION FOLDERS	01-13-11-7304	113.74

Sum of Invoices *182.24*

8/7/2013

MUNICIPAL COURT

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date		Vendor Name	Description	GL Account	Invoice Amount
00050	0		INV0030052	15-Jul-13	REJIS		JULY SUBSCRIPTION FEES	01-13-14-6202	1,911.40

Sum of Invoices *1,911.40*

8/7/2013

INTERDEPARTMENTAL

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00051	0		20.21722	08-Jul-13	BCA, INC.	INSURANCE DEDUCTIBLE	01-13-15-6220	500.00
02014	0		76789	31-Jul-13	CARTRIDGE WORLD	TONER CART-BLDG DEPT	01-13-15-7312	205.00
00014	0	P001719	0215132 7/13 300	06-Jul-13	CHARTER COMMUNICATIONS	CABLE SVC AT GOVT. CENTER	01-13-15-6255	81.36
00255	0		42155	30-Jun-13	MISSOURI DIVISION OF EMPLOYMENT SECURITY	UMEMP BENEFITS 2ND QTR 2013	01-13-15-5244	9,335.49
00045	0		664420921001	10-Jul-13	OFFICE DEPOT	LAMINATE POUCHES/HIGHLIGHTERS	01-13-15-7312	38.07
00045	0		664420907001	10-Jul-13	OFFICE DEPOT	FILE & HANGING FOLDERS	01-13-15-7312	81.76
00045	0		667798882001	19-Jul-13	OFFICE DEPOT	FILE LABELS, PAPER	01-13-15-7312	66.60
00045	0		664322424001	09-Jul-13	OFFICE DEPOT	BINDERS	01-13-15-7312	22.72
00045	0		663853539001	03-Jul-13	OFFICE DEPOT	EXPANDING WALLETS-PUB WKS	01-13-15-7312	96.40
00045	0		661391187001	28-Jun-13	OFFICE DEPOT	STENO PADS, STORAGE BOXES	01-13-15-7312	77.34
00046	0	P001715	231310I	11-Jul-13	OFFICE ESSENTIALS	40 CASES 8 1/2 X 11 COPY PAPER	01-13-15-7312	1,337.20
00076	0		27171859	02-Aug-13	PEPSI-COLA	SODA-EMP LOUNGE	01-13-15-7304	517.88
00077	0		4012849	12-Jul-13	QUILL	INKJET CARTRIDGE-SHOP	01-13-15-7312	241.58
00077	0		4152718	18-Jul-13	QUILL	TONER-PD	01-13-15-7312	160.19
00077	0		4285331	24-Jul-13	QUILL	TONER-DETECTIVES	01-13-15-7312	417.26
00077	0		4216875	22-Jul-13	QUILL	ERGO KEYBOARD	01-13-15-7312	44.99
01169	0		3205461459	30-Jun-13	STAPLES ADVANTAGE	STORAGE BASKETS	01-13-15-7312	22.86
01169	0		3205461460	27-Jul-13	STAPLES ADVANTAGE	VARIOUS OFFICE SUPPLIES	01-13-15-7312	235.58
01169	0		3204552112	13-Jul-13	STAPLES ADVANTAGE	TONER, LABELS	01-13-15-7312	156.64
01169	0		3204552107	13-Jul-13	STAPLES ADVANTAGE	6 CS EA 8.5X14,11X17 PAPER	01-13-15-7312	544.50
01169	0		3204552108	08-Jul-13	STAPLES ADVANTAGE	VARIOUS OFFICE SUPPLIES	01-13-15-7312	277.18
01169	0		3204552109	08-Jul-13	STAPLES ADVANTAGE	SCREEN CLEANER	01-13-15-7312	12.27
01169	0		3204552110	08-Jul-13	STAPLES ADVANTAGE	ENVELOPES	01-13-15-7312	28.12
01169	0		3204552111	08-Jul-13	STAPLES ADVANTAGE	PAPER ROLLS FOR POS SYSTEM	01-13-15-7312	36.29
01169	0		3203807252	03-Jul-13	STAPLES ADVANTAGE	TONER CARTRIDGES	01-13-15-7312	126.75
01169	0		3203257835	28-Jun-13	STAPLES ADVANTAGE	CREDIT MEMO	01-13-15-7312	(12.68)
01169	0		3203257834	29-Jun-13	STAPLES ADVANTAGE	STICKY NOTES, DESK ACCESSORIES	01-13-15-7312	77.31
01169	0		3203257836	27-Jun-13	STAPLES ADVANTAGE	ENVELOPES, PENS, LABELS FOR PD	01-13-15-7312	162.17
01169	0		3203257838	28-Jun-13	STAPLES ADVANTAGE	TONER	01-13-15-7312	148.50
00447	0		548025	26-Jul-13	THE DANIEL & HENRY CO.	8/13-7/14 INTERNET INS RENEWAL	01-13-15-6220	1,768.00
00402	0	P001723	PERMIT 2963 7/13	16-Jul-13	UNITED STATES POSTAL SERVICE	10 MONTHS BULK POSTAGE-NEWSLET	01-13-15-6269	17,220.00
00075	0		3619	23-Jul-13	WUSSLER BUSINESS FORMS	BUSINESS CARDS	01-13-15-7312	228.00

Sum of Invoices *34,255.33*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/7/2013

COMMUNITY SERVICES

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01920	0	P001615	364	10-Jun-13	BIG RIVER RACE MANAGEMENT	TIMING SERVICES FOR 2013	01-14-11-6281	1,700.00
01920	0	P001615	373	20-Jun-13	BIG RIVER RACE MANAGEMENT	TIMING SERVICES FOR 2013	01-14-11-6281	275.00
01920	0		373.	20-Jun-13	BIG RIVER RACE MANAGEMENT	5K TIMING SERVICES	01-14-11-6281	525.00

Sum of Invoices 2,500.00

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/7/2013

ICE ARENA

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00272	0		452-6280165	09-Jul-13	ARAMARK	CLEANING SUPPLIES (07/09)	06-14-31-7301	0.88
00272	0		452-6280165	09-Jul-13	ARAMARK	UNIFORMS (07/09)	06-14-31-7308	3.96
00080	0		5124-126-5	06-Jul-13	DIERBERGS	B'DAY CAKE/PLATES	06-14-31-7304	27.99
00116	0		9411	28-Jun-13	SAM'S CLUB	FOLDING TABLES	06-14-31-9503	499.80

Sum of Invoices *532.63*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/7/2013

PRO SHOP

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01140	0		55345	30-Jun-13	ARCHWAY BOWLING & TROPHY	BALLS FOR RESALE	06-14-33-8324	90.00
00121	0		924558924	01-Jul-13	CALLAWAY GOLF	BALLS FOR RESALE	06-14-33-8324	776.94
00121	0		924558919	01-Jul-13	CALLAWAY GOLF	ORD	06-14-33-8324	51.48
00721	0		8582	19-Jul-13	PATTONVILLE SCHOOL DISTRICT	SCORE CARDS 1 OF 3 ORDERS	06-14-33-7304	741.00
00116	0		9410	28-Jun-13	SAM'S CLUB	PATIO UMBRELLAS	06-14-33-9503	459.44

Sum of Invoices *2,118.86*

8/7/2013

SNACK BAR

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00272	0		452-6280165	09-Jul-13	ARAMARK	WIPING TOWELS (07/09)	06-14-34-7301	4.40
00084	0	P001700	3848327827	16-Jul-13	COCA-COLA	SODA FOR RESALE (8317)	06-14-34-8317	714.14
00084	0		3848327827.	16-Jul-13	COCA-COLA	CUPS	06-14-34-8321	68.00
01263	0		56479	09-Jul-13	FROZEN DISTRIBUTION INC	SNACKS/ICE CREAM FOR RESALE	06-14-34-8319	144.50
00086	0		307121675	12-Jul-13	SYSCO FOOD	MISC ITEMS	06-14-34-7304	207.95
00086	0		307121676	12-Jul-13	SYSCO FOOD	FOOD FOR RESALE	06-14-34-8315	523.61
00086	0		307121676	12-Jul-13	SYSCO FOOD	SNACKS FOR RESALE	06-14-34-8319	171.65

Sum of Invoices *1,834.25*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/7/2013

BUILDING MAINTENANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00090	0		203-2340	08-Jul-13	AMERICAN WATER TREATMENT	QTRLY WATER TREATMENT	01-16-11-6212	494.44
01550	0		452-6331788	23-Jul-13	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (07/23)	01-16-11-7308	7.92
01550	0		452-6306002	16-Jul-13	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (07/16)	01-16-11-7308	7.92
01867	0		16293	13-Jul-13	AUTHORIZED ELEVATOR	REPAIR CITY HALL ELEVATOR	01-16-11-6212	135.00
00039	0		843816	23-Jul-13	INDUSTRIAL SOAP	TOWELS FOR CITY HALL	01-16-11-6212	759.75
00116	0		3238	12-Jul-13	SAM'S CLUB	LOUNGE SUPPLIES	01-16-11-7304	369.40
01987	0		051513-001	11-Jul-13	SCHUEPBACH ENTERPRISES, INC.	MINI BLINDS FOR PD	01-16-11-6212	90.00
00087	0		46903	28-Jun-13	SYSTEMAIRE	REPAIR HEAT PUMP	01-16-11-6212	288.00
01988	0		32528	16-Jul-13	CO.	INSPECT FIRE EXTINGUSHERS	01-16-11-6211	770.05

Sum of Invoices *2,922.48*

8/7/2013

POLICE-ADMIN

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00094	0		165042	17-Jul-13	FIRESTONE	CAR 2402 AIR BAG SENSOR PAD	01-21-11-6210	135.35
00094	0		165134	18-Jul-13	FIRESTONE	CAR 2412 3000 MILE SERVICE	01-21-11-6210	22.99
00153	0		07172013	17-Jul-13	KOBYLAREK, JUDY	(3) KEYS FOR 2013 EXPLORERS	01-21-11-7302	9.01
02007	0		248222	28-Jun-13	LEVENTHAL, JUDY	CARPET CLEANING	01-21-11-7304	110.00
01378	0		04985	15-Jul-13	PERSONNEL EVALUATION INC.	JV PERSON EVAL PROF SEARCH FEE	01-21-11-6202	5.00
00050	0	P001698	INV0030053.	15-Jul-13	REJIS	SUBSCRIPTION FEE-JULY 2013	01-21-11-6202	4,030.39
00050	0	P001697	INV0030053...	15-Jul-13	REJIS	ROUTER MAINT/SUPPORT, CHARTER	01-21-11-6202	855.00
00050	0		INV0030053	15-Jul-13	REJIS	LIVE SCAN CONNECTION	01-21-11-6202	50.00
00050	0		INV0030053	15-Jul-13	REJIS	IMDS ORACLE DB MAINT	01-21-11-6202	21.00
00050	0		INV0030053	15-Jul-13	REJIS	CICSO ASA 5505 MAINT	01-21-11-6202	20.77
00050	0	P001699	INV0030053..	15-Jul-13	REJIS	GLOBAL SOFTWARE SVC-JULY 2013	01-21-11-6213	1,102.50
00852	0		063013	23-Jul-13	ROMAS, JON	FBI-NAA MEETING FEES	01-21-11-6264	18.00
00116	0		2145	25-Jul-13	SAM'S CLUB	WATER & BRKFST BARS	01-21-11-7304	66.18
00093	0		6426	24-Jul-13	SOUTHWEST FAMILY TESTING	PSYCHOL EVAL FOR NEW OFFICER	01-21-11-6203	425.00
00093	0		6425	24-Jul-13	SOUTHWEST FAMILY TESTING	PSYCHOL EVAL FOR NEW OFFICER	01-21-11-6203	425.00
00093	0		6414	13-Jun-13	SOUTHWEST FAMILY TESTING	PSYCHOLOGICAL EVAL NEW OFFICER	01-21-11-6203	425.00
01726	0		78553	11-Jul-13	ST LOUIS COUNTY DOH	5000 VACATION/COMP FORMS	01-21-11-7304	99.00
01048	0		9708407992	18-Jul-13	VERIZON WIRELESS	AIR CARD MONTHLY FEES	01-21-11-6253	40.01

Sum of Invoices *7,860.20*

8/7/2013

POLICE-INVESTIGATIONS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00094	0		165541	29-Jul-13	FIRESTONE	CAR 2423 3000 MILE SERVICE	01-21-21-6210	22.99
00094	0		164908	12-Jul-13	FIRESTONE	CAR 2418 3000 MILE SERVICE	01-21-21-6210	22.99
00050	0		INV0030053	15-Jul-13	REJIS	IMDS ORACLE DB MAINT	01-21-21-6202	10.50

Sum of Invoices *56.48*

8/7/2013

POLICE-PATROL

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01821	0		308289	12-Jul-13	ALL STAR DODGE CHRYSLER JEEP	CAR 2408 BOLT & LINK CAMBERS	01-21-22-6210	848.07
01821	0		106051	17-Jul-13	ALL STAR DODGE CHRYSLER JEEP	(3) CHARGER SEAT BLT EXTENDERS	01-21-22-7302	85.47
00669	0		238976	15-Jul-13	APPLIED CONCEPTS-STALKER RADAR	REPAIR RADAR UNIT FROM CAR 11	01-21-22-6211	253.26
00007	0		379-600795-01	16-Jul-13	BATTERIES PLUS - 270	(1) KENWOOD WALKIE BATTERY	01-21-22-6211	69.95
00295	0		1580288	20-Jul-13	CARDIAC SCIENCE	(2) AED CARRY BAGS	01-21-22-6271	202.00
00095	0	P001660	241763	11-Jul-13	DOBBS TIRE & AUTO	4 P245/55/R18 GOODYEAR EAGLE	01-21-22-6210	496.80
00095	0	P001660	241763	11-Jul-13	DOBBS TIRE & AUTO	STATE TIRE FEE	01-21-22-6210	2.00
00095	0	P001716	241764	11-Jul-13	DOBBS TIRE & AUTO	8 P245/55/R18 GOODYEAR EAGLE	01-21-22-6210	993.60
00095	0	P001716	241764	11-Jul-13	DOBBS TIRE & AUTO	STATE TIRE FEE	01-21-22-6210	4.00
00096	0		135561	18-Jul-13	EVS	REMOVE VAULT, INSTALL SPARE	01-21-22-6210	126.56
00094	0		165658	01-Aug-13	FIRESTONE	CAR 2408 3000 MILE SERVICE	01-21-22-6210	22.99
00094	0		165008	16-Jul-13	FIRESTONE	PURCHASE TIRE & MOUNT 2 TIRES	01-21-22-6210	130.25
00094	0		165157	18-Jul-13	FIRESTONE	CAR 2406 3000 MILE SERVICE	01-21-22-6210	22.99
00094	0		165398	25-Jul-13	FIRESTONE	CAR 2410 3000 MILE SERVICE	01-21-22-6210	22.99
00094	0		165615	31-Jul-13	FIRESTONE	CAR 2407 3000 MILE SERVICE	01-21-22-6210	22.99
00094	0		165593	31-Jul-13	FIRESTONE	CAR 2411 3000 MILE & TPMS LT	01-21-22-6210	32.99
00608	0		81217	15-Jul-13	NORTHWEST TIRE & AUTO	HITCH EXTENDER & LOCK FOR CAR	01-21-22-6210	83.41
00118	0		14524	11-Jul-13	OLD STYLE BODY COMPANY	INSTALL FIRE PANEL ON CAR 11	01-21-22-6210	102.00
00118	0		14535	29-Jul-13	OLD STYLE BODY COMPANY	CAR 2405 REPAIR HOLE IN CRADLE	01-21-22-6210	369.60
00970	0		371358	17-Jul-13	O'REILLY AUTO PARTS	2 DOOR MOLDING/3 SPOT MIRROR	01-21-22-7302	15.45
00970	0		1852-372331	23-Jul-13	O'REILLY AUTO PARTS	7.5 AMP FUSES; ASST. SCREWS	01-21-22-7304	8.27
00050	0		INV0030053	15-Jul-13	REJIS	14 VERIZON DATA LINE	01-21-22-6253	686.00
00116	0		3238	12-Jul-13	SAM'S CLUB	(6) WINDSHIELD FLUID	01-21-22-6210	8.47
00266	0		248574	18-Jul-13	SUNTRUP	2 WHEELS, 2 TPMS SENSORS	01-21-22-6210	692.89
00091	0		212353	15-Jul-13	WIRELESS USA	(1) CHARGE GUARD	01-21-22-6210	112.42
00091	0		212794	24-Jul-13	WIRELESS USA	REPAIR 2 WALKIE TALKIES	01-21-22-6211	340.00

Sum of Invoices *5,755.42*

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
00394	0		11-4283	23-Jul-13	CHUCK'S BOOTS	BERAN	01-31-11-7308	120.00
00126	0		INV0199317	19-Jul-13	ROTOLITE	(COPIER)	01-31-11-6213	13.30
01048	0		9708205041	13-Jul-13	VERIZON WIRELESS	AIR CARD	01-31-11-6253	40.01

Sum of Invoices *173.31*

STREETS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01644	0		96567	14-May-13	AA KEY & LOCK SERVICE	LOCK REPAIR TRUCK #200	01-31-41-6210	143.70
01644	0		97181	02-Jul-13	AA KEY & LOCK SERVICE	LOCKS FOR FUEL TANK-GARAGE	01-31-41-6212	25.25
01550	0		452-6306000	16-Jul-13	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (07/16)	01-31-41-6212	8.91
01550	0		452-6331786	23-Jul-13	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (7/23)	01-31-41-6212	8.91
01550	0		452-6306000	16-Jul-13	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (07/16)	01-31-41-7308	43.00
01550	0		452-6331786	23-Jul-13	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (7/23)	01-31-41-7308	43.00
00102	0		754857	16-Jul-13	BEYERS LUMBER	CONCRETE SUPPLIES	01-31-41-7305	95.04
00693	0		269100	12-Jul-13	BMC ENTERPRISES, INC.	MATERIAL FOR CURB REPAIR	01-31-41-7305	599.28
00712	0		W04368	16-Jul-13	BOBCAT COMPANY	REPAIR ASPHALT MILLER SHOP	01-31-41-6211	745.53
00013	0		1763-213436	16-Jul-13	CARQUEST AUTO PARTS	GREASE FOR SHOP SUPPLY	01-31-41-6210	38.50
00013	0		1763-213608	19-Jul-13	CARQUEST AUTO PARTS	NEW GREASE GUN-SHOP	01-31-41-6210	85.02
00011	0		29033097	19-Jul-13	CARTER-WATERS LLC	CONCRETE REPAIR SUPPLIES	01-31-41-7305	279.44
00099	0		3542916	10-Jul-13	CEEKAY SUPPLY	WELDING SUPPLIES-GARAGE	01-31-41-7302	201.35
00099	0		1302303	30-Apr-13	CEEKAY SUPPLY	GAS RENTAL 4/1-4/30	01-31-41-7307	62.10
01427	0		77731	22-Jul-13	CONTRACTORS WELDING INC.	PART TO REPAIR TRUCK BED	01-31-41-6210	572.29
01466	0		40255647	16-Jul-13	CROSS MIDWEST TIRE	NEW TIRES FOR TRK #203	01-31-41-6210	624.12
01466	0		140044062	17-Jul-13	CROSS MIDWEST TIRE	SPARE WIRE FOR CHIPPER	01-31-41-6211	277.50
00049	0		35871 GF	23-Jul-13	EMPLOYEE STAFFING GROUP	TEMP HELP W/E 7/21/13	01-31-41-6207	1,419.62
00049	0		35853 GF	17-Jul-13	EMPLOYEE STAFFING GROUP	TEMP HELP FOR W/E 7/14/13	01-31-41-6207	1,771.23
00413	0		26294	12-Jul-13	FASTSIGNS	SIGN FOR GARAGE	01-31-41-7311	93.00
00023	0		337519	11-Jul-13	FRED WEBER	ASPHALT/STREET POTHOLE REPAIR	01-31-41-7305	236.00
00023	0		338124	15-Jul-13	FRED WEBER	ASPHALT FOR STREET REPAIR	01-31-41-7305	236.00
00023	0		337764	12-Jul-13	FRED WEBER	ASPHALT FOR STREET REPAIR	01-31-41-7305	413.00
00023	0		338085	15-Jul-13	FRED WEBER	ROCK FOR SHOP	01-31-41-7305	307.41
00023	0		340352	23-Jul-13	FRED WEBER	CONCRETE REPLACEMENT MATERIAL	01-31-41-7305	236.00
00023	0		338463	16-Jul-13	FRED WEBER	MATERIAL FOR CURB REPAIR	01-31-41-7305	354.00
00023	0		339513	19-Jul-13	FRED WEBER	ASPHALT MATERIALS	01-31-41-7305	354.00
00023	0		339158	18-Jul-13	FRED WEBER	ASPHALT MATERIAL	01-31-41-7305	354.00
00023	0		338819	17-Jul-13	FRED WEBER	ASPHALT MATERIAL	01-31-41-7305	236.00

STREETS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00789	0		418833	15-Jul-13	K&K SUPPLY	NEW HOSE FOR POWER WASHER	01-31-41-6211	68.25
01134	0		3076884	18-Jul-13	KIMBALL MIDWEST	GREASE FITTINGS FOR DUMB TRUCK	01-31-41-6210	74.38
01134	0		3060708	09-Jul-13	KIMBALL MIDWEST	DRILL BITS FOR SHOP INVENTORY	01-31-41-7302	329.35
00156	0		56723	24-Jul-13	L & C TRUCK REPAIR, INC.	REPAIR HYDRAULIC HOSE TRK #317	01-31-41-6210	263.43
02009	0		121451	20-Jul-13	LANDVATTER READY MIX, INC.	NEW BALLAS CURB REPAIR	01-31-41-7305	392.13
00411	0		104028	27-Jun-13	N.B. WEST CONTRACTING CO.	COLD MIX STREET REPAIR	01-31-41-7305	199.50
00165	0		TI-0264001	18-Jul-13	NEWMAN TRAFFIC SIGNS	ROLL UP SIGN STANDS	01-31-41-7311	535.62
00047	0		W36484	30-Jun-13	PAT KELLY EQUIPMENT	AIR COMP REPAIR	01-31-41-6211	742.49
00047	0		W36452	30-Jun-13	PAT KELLY EQUIPMENT	REPAIR AIR HAMMER	01-31-41-6211	485.89
00809	0		126520	09-Jul-13	RED BUD SUPPLY, INC.	GATORADE FOR STREET AND PARKS	01-31-41-7308	100.27
00110	0		315186	15-Jul-13	RICMAR INDUSTRIES	CURB PAINT - STREETS	01-31-41-7305	133.52
00609	0		S-8333	22-Jul-13	SUPERIOR EQUIPMENT CO., INC.	REPAIR ON GAS PUMP	01-31-41-6211	109.24
00492	0		150166	17-Jul-13	INC	PLANTS FOR WEST OLIVE ISLANDS	01-31-41-7303	604.50
01834	0		22482	19-Jul-13	TOTAL COMFORT	AC MAINTENANCE AT GARAGE	01-31-41-6211	245.00
00104	0		P45736	16-Jul-13	VERMEER	CHIPPER BLADES SHARPENING	01-31-41-6211	82.00

Sum of Invoices *14,228.77*

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HEALTH & WELFARE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00105	0	P001702	0346-015472642	30-Jun-13	REPUBLIC SERVICES	YEARLY TRASH SERVICE FOR	01-31-42-6214	1,847.21
00105	0	P001702	0346-015485806	15-Jul-13	REPUBLIC SERVICES	YEARLY TRASH SERVICE FOR	01-31-42-6214	83,382.20
00105	1/0/1900		0346-015379961	31-May-13	REPUBLIC SERVICES	CONDO SERVICE - JUNE 2013	01-31-42-6214	1,793.41
00105	0	P001702	0346-015485806	15-Jul-13	REPUBLIC SERVICES	YEARLY RECYCLING SERVICE FOR	01-31-42-6217	24,146.20

Sum of Invoices *111,169.02*

CITY OF CREVE COEUR
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PARKS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550	0		452-6306000	16-Jul-13	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (07/16)	01-31-43-7308	43.00
01550	0		452-6331786	23-Jul-13	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (7/23)	01-31-43-7308	43.00
00559	0		71300638	22-Jul-13	BARCO PRODUCTS CO.	PET LITTER BAGS-PARKS	01-31-43-6212	684.20
01591	0		1698	25-Jul-13	IMPERIAL FENCE	FENCE AT MILLENNIUM PARK	01-31-43-6212	963.00
00809	0		126520	09-Jul-13	RED BUD SUPPLY, INC.	GATORADE FOR STREET AND PARKS	01-31-43-7308	100.26
00110	0		315293	24-Jul-13	RICMAR INDUSTRIES	TOILET PAPER FOR PARKS	01-31-43-6212	248.08
00110	0		315131	10-Jul-13	RICMAR INDUSTRIES	TOILET PAPER/CHEMICALS PARKS	01-31-43-6212	126.53
00110	0		315131	10-Jul-13	RICMAR INDUSTRIES	TOILET PAPER/CHEMICALS PARKS	01-31-43-7301	359.98
00260	0		13132	23-Jul-13	TOTAL LOCK & SECURITY	HINGES & LATCH FOR SPLASH PAD	01-31-43-6212	468.00

Sum of Invoices *3,036.05*

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		072013-1	20-Jul-13	INC	7/15 P&Z MEET 5 PUB HEARINGS	01-32-11-6202	545.00
00303	0		10352276	10-Jul-13	MISSOURI LAWYERS MEDIA	PUB HRG NOTICE-P&Z MTG 8/5/13	01-32-11-6260	30.16
00303	0		10352286	10-Jul-13	MISSOURI LAWYERS MEDIA	PUB HRG NOTICE-P&Z 8/5/13	01-32-11-6260	35.96
00126	0		INV0199317	19-Jul-13	ROTOLITE	BOND PAPER (COPIER)	01-32-11-6213	13.30

Sum of Invoices *624.42*

CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

8/7/2013

COMMUNITY DEVELOPMENT - BUILDING

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00112	0		42609	11-Jul-13	MPS	JOBSITE CARDS	01-32-61-7304	346.00
00126	0		INV0199317	19-Jul-13	ROTOLITE	BOND PAPER (COPIER)	01-32-61-6213	13.30

Sum of Invoices *359.30*

8/7/2013

CAPITAL IMPROVEMENTS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01934	0	P001634	072613	26-Jul-13	LLC	CONSTRUCTION CONTRACT FOR LADU	02-61-71-9510-13605	42,261.50
02020	0		072913	29-Jul-13	CARISSIMI, DAVID	SEWER LATERAL REIMBURSEMENT	02-00-00-1901	1,560.00
01981	0	P001680	080213	30-Jun-13	E MEIER CONTRACTING	ASPHALT PATCHING IN THE LADUE	02-61-71-9510-13601	17,325.00
00049	0		35871	23-Jul-13	EMPLOYEE STAFFING GROUP	TEMP HELP W/E 7/21/13	02-61-71-9510-14601	2,038.32
00049	0		35853 CIP	17-Jul-13	EMPLOYEE STAFFING GROUP	TEMP HELP W/E 7/14/13	02-61-71-9510-14601	2,983.32
02010	0		071813	18-Jul-13	HARRIS, ROBERT	SEWER LATERAL REPAIR REIMB	02-00-00-1901	1,703.20
01357	0	P001643	080213	30-Jun-13	KUHLMANN DESIGN GROUP INC	PROFESSIONAL DESIGN SERVICES F	02-61-71-9510-13705	1,200.00
01847	0	P001669	080213	30-Jun-13	LIFT RITE, INC.	SIDEWALK MUDJACKING	02-61-71-9510-13601	18,060.00
00269	0		T427537	30-Jun-13	TERRACON	LADUE WOODS COURT QLTY ASSURA	02-61-71-9510-13601	250.50

Sum of Invoices *87,381.84*

GRAND TOTAL OF ALL INVOICES ***310,764.67***

BILL NO. __5432_____ **ORDINANCE NO. _____**

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

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 #13-024 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:

7.12.2013

Paul Langdon, AICP — Date
Director of Community Development

ATTACHMENTS: Draft Ordinance
Public Comments in Opposition (4)

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)

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 exists 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 f 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

Langdon. Paul

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

Langdon. Paul

Subject: FW: Reaction to public hearing notification

From: Peggy Shepley [mailto:pegshepley@att.net]
Sent: Monday, July 08, 2013 3:27 PM
To: wwkelly@ci.creve-coeur.mo.us
Cc: pegshepley@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.

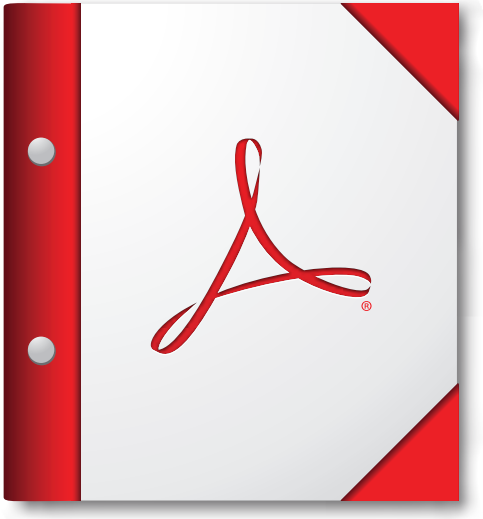
This will affect every resident in King Henry Ct. whose units back up to the tie walls.

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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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. Faron – aye	Mr. Rovak – aye
Mr. Pullium – aye	Chair - 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 M. Madden

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

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 13-024

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: Okay. G, another public hearing, Application No. 13-024: Text amendment to the Planned Residential Development District Regulations to allow for an increase in density and floor area ratio.

Everybody that may want to make a comment on this or has a question, please come forward and be sworn in, even if you're in the audience.

(The speakers were sworn by the court reporter.)

MR. BRAD GOSS: Mr. Chairman, my name is Brad Goss. I'm with the law firm SmithAmundsen, 1720 South Central, Suite 700, Clayton, Missouri 63105.

I'm representing Terra West, L.L.C. in connection with the requested text amendment to increase the minimum -- the maximum density and maximum floor area ratio in the Planned Residential Development District.

We are requesting this text amendment in order to allow us to proceed with a mixed-use project using Planned Residential Zoning on a 7-acre tract of ground located on Old Olive Boulevard, north of Olive and west of Lindbergh Boulevard.

The property is presently the site of the Hamilton Christian Church.

As this is only a text amendment, we really are not presenting a site plan to you tonight, but, again, I think it will be helpful if we were, for illustrative

purposes, went through some of the site plan issues for the site that we are proposing to bring forward in connection with the rezoning, if the text amendment is approved.

So I will go through the site plan. Still conceptual, obviously, we would have to come back to the Planning and Zoning Commission, the City Council for approval of the actual rezoning and the planned development if the text amendment is approved.

With respect to the site that is in question where the Hamilton Church is located, we have Mixed Zoning around us. The site contains Commercial Zoning and Residential Zoning to the east, and has Commercial Zoning to the south with its Core Business with the AMC Theater, the California Pizza Kitchen and the Bread Company complex; immediately to the west is the Waterway Carwash, and also residential with the Briar Cliff Condominiums, and then to the north of us is residential uses.

What we are proposing on this site will be a Planned Residential Development. As it is a Planned Residential Development, it is something that would be very much in the control of the City, as the plan itself has to be approved.

The project that we're proposing would consist of 161 luxury apartments that would rent from

1 approximately $1200 per unit to as much as $1800 per unit.
2 The units will consist of one, two and
3 three-bedroom units. The property will have a commercial
4 component to it of roughly 4,000 to 8,000 square feet of
5 space that would support the project itself.
6 So what we anticipate the kind of commercial use
7 would be a coffee shop, yogurt establishment or a Edward
8 Jones, that kind of ancillary supported use is what we
9 anticipate.
10 The target market for this project is people who
11 have significant disposable income, and yet do not want to
12 own a home. So what we would anticipate would be folks
13 who are coming to this city who are interested in the Life
14 Sciences industry, working with Monsanto, they're coming
15 into the city and be leaving the city at a certain point
16 in time.
17 Be kind of -- equivalent housing you'd see for
18 this project would be something you see in Clayton. The
19 project does not anticipate to be one that would be
20 family-oriented. We would not expect people with children
21 to be renting these apartments, and, as they, typically,
22 do not have children.
23 So this is the kind of project that will be
24 generating significant property taxes, yet should not
25 place a burden upon the school district or school

services.

Just to walk through the site, I did take some photos, as shown on this plan, A, B, C, D and E, so I'm going to walk you through kind of the perimeter of this site, starting in the northwest corner of the site, which is the picture labeled A, and to the -- looking to the north of the site and the southwest corner of the site is C and D, Charlton Way looking east, and then looking north from looking at the east boundary of Briar Cliff Condominium.

So, first, looking at the northwest corner of the parking lot on the Hamilton Church site, see the wooded area immediately off -- down the perimeter of the site. You can see the light standard that's next to the tree that gives you a relative scale, the size of the tree that's behind it.

Looking to the north in this picture, B, you can see that it's heavily wooded. The site drops off significantly to the north of the site.

MR. LANGDON: Mr. Goss --

MR. BRAD GOSS: Yes.

MR. LANGDON: -- just before you take those down, they're not, cause you're zoomed in too much, I don't think people saw everything that you were referring to.

MR. BRAD GOSS: Thank you.

The picture on the left is a picture of the southwest corner of the parking lot. Again, I'm standing on the parking lot looking at the trees to the southwest.

The picture on the right is a picture taken on Charlton Way looking to the treeline to the east. That is still in the Briar Cliff Condominium property. That treeline continues over onto the subject site.

Then looking at the Briar Cliff Apartments -- excuse me -- Briar Cliff Condominiums, the -- this is the east boundary of Briar Cliff. You can see the retaining wall that's on the right-hand side of the picture, and then the units themselves on the left-hand side, and then the vegetation above the retaining walls.

And this picture shows a little bit more clearly the retaining wall and then the units that back up to that retaining wall.

So the units in Briar Cliff on this location have a fairly shallow backyard looking into the retaining wall, and then vegetation is fairly extensive that is on top of that retaining wall.

VOICE IN AUDIENCE: Could you speak up? We can't hear at all back here.

MR. BRAD GOSS: I'll get closer to the microphone. I'm sorry. Does that help?

CHAIRMAN MADDEN: Yeah, there's a handheld mic too if you need it.

MR. BRAD GOSS: Thank you. Turn it on. All right. I'll talk louder.

What this exhibit shows is the cross section from the Briar Cliff Villas looking across to the east to the subject site, and what you can see is that the Briar Cliff property is at a 670-foot elevation, and the proposed apartment building, the main building in the center of the site, is at a 710-foot elevation, so and then in between is the retaining wall again, see that it's -- the units are looking into -- okay -- and then the vegetation treeline that is partially on the Briar Cliff property and then also on the subject site itself.

That tree buffer on the site will -- will be remaining in this location. The parking lot that's shown here is where the existing parking lot is now located, so this tree buffer is not being disturbed as part of this project.

So at the site plan that we're looking at here provides for 161 residential units. The commercial use along Olive Boulevard of 48,000 square feet is what it's being conceptually planned for with some residential units on top. Swimming pool in the front.

The community itself is a gated community, so

that the entrance in this location is gated, and the entrance in this location, as well, is gated.

The main building, as I said, is located on the center of the site and the retail and commercial in the front of the site.

To give you an idea of the massing of the site in relation to the current improvements on the site, you can see on this tan, brown, is the existing Hamilton Christian Church. And then the main building is more or less set on top of that same footprint. So that the main building massing is staying in the center of the site, while there is the commercial up front, that would be permitted currently under the Commericial Zoning if we just went with a straight Commercial Zoning, because the Commercial Zone, more or less, follows the arc of Olive Boulevard as it moves across. So it would -- plan for this site would be a mix of planned residential units along with the commercial units.

Just to give you an idea of the different kind of alternative conceptual elevations that you could see for a project like this, and these are just conceptual types of elevations that Mr. Nicpon has created, go anywhere from the more modern elevation I just showed you to something that is much more traditional in appearance, to something that I would say looks more like a CityPlace

type of elevation.

So what this kind of development does is it allows a significant amount of flexibility in terms of its appearance. Any kind of elevation, however, of course, is going to come back to the Planning and Zoning Commission and be part of the approval of the overall project.

So in sum, what we would like to ask the Commission to favorably consider is the text amendment to allow an increase in the maximum density for units in a Planned Residential District to up to 40 units per acre, and to increase the maximum floor area ratio from .4 to .6, which, if we are allowed this kind of flexibility, then a project, such as ours, would be able to go forward.

I'd be happy to answer any questions you might have.

CHAIRMAN MADDEN: Any questions for Mr. Goss? No. Okay.

MR. BARTON: Is there -- I guess one question is why this spot? Why not something more where we envision the city center to be?

MR. BRAD GOSS: Well, I think the answer really is if you look at the site itself, it's a large site. It's one of the few remaining large sites in Creve Coeur. It is 7 acres in size. And if you look at the site, what surrounds it really is the perfect kind of -- of Planned

1 Residential Development because you have the Commercial
2 immediately across the street with the AMC Theater complex
3 with restaurants and shops. You have, to the east, again,
4 a mix of commericial and residential, and then to the
5 west, you've got residential immediately west, but then
6 there's a continuation of commercial.
7 So when you look at this site, it does fit as a
8 Mixed -- as a Mixed-Use Development, within what is
9 essentially Mixed-Use Zoning.
10 The other thing this site does is it can serve
11 as a catalyst for the development of the Old Olive
12 Boulevard Corridor, and I think the staff report mentions
13 that.
14 In addition, we believe that the housing that
15 this project will provide will be ideal for those wanting
16 to work at Monsanto or in the Life Sciences building
17 over -- with the Danforth Project.
18 They are looking for housing for those folks who
19 would be working in those developments. And we will serve
20 that housing need because this is high-end apartment
21 living, and that's not something that's available for
22 them.
23 It's also going to be walkable or bike-able and
24 that's something that's highly desirable in, certainly,
25 for folks working in those businesses.

We could also see this project really, by adding this influx of residents with really disposable income, of causing revitalization of a project, such as the Schnucks grocery store, because that certainly is -- is a project that is a little bit older. And if you bring in more residents with disposable income, then, you know, the investment of a store like that becomes much more viable.

So that's why we chose this site. We think it's uniquely situated to help out the Life Sciences industry, which is important to the City of Creve Coeur. We think it helps revitalize the Old Olive Corridor, and can help to revitalize some other businesses that are in the area.

MR. BARTON: Okay.

CHAIRMAN MADDEN: Anybody else? Mr. Faron.

MR. FARON: What is the exact FAR on your project? I know you're asking for a increase on that in density. Where would your project fall specifically related to those numbers? It wouldn't push up to the doubling of those numbers, would it?

MR. BRAD GOSS: No, we would not be at .6, and, you know, the -- this project still is conceptual, you know, in terms of this site plan. Some things can move around in this site plan. The architects are still working on it. But I can tell you we're not at .6.

The reason that we believe it is useful to be at

a higher floor area ratio is it does a couple of things.

It recognizes some of the higher floor ratios that you already have in the city with projects that you like and that have been approved, and they're mentioned in the staff's report, like the Kings Landing project, for example.

And they also allow for someone who is wanting to have units of larger size to include those in their project. So even if your density is a certain number, if you have to have a certain number of units to generate the income, you're going to, if you have a lower floor area ratio, you're going to be out of balance, and what you're going to do is you're going to push down the rental on your units, which is something we don't think is desirable.

So we think this gives some more flexibility to the city and you may end up with a higher quality project by doing that.

MR. FARON: And you're probably going to tell me that it's economically not feasible to go with what is, you know, your option right now with the .4 and the -- the 20 units per acre.

MR. BRAD GOSS: Yeah, not only that, it's not only not economically infeasible, but also ends up with entirely different project, and a project that really

isn't the kind of project that we're looking at here where you're looking at a multiple-story building concentrated on the site for high-end apartment residential. Instead, you're looking at kind of garden-style apartment-type project, which, again, is not what the market is, and certainly isn't the market for this type of housing.

MR. FARON: Is your building footprint roughly on about 3 acres? Is it -- is it hitting that, I guess, FAR, roughly, if it's a 7 acre, you're using about 3 acres roughly or so?

MR. BRAD GOSS: Yeah, it's going to be a little bit -- yeah, it's roughly that. It's going to be a little more than that, but, roughly.

If you've got 7 acres, we're going to be maybe 3.2 or something like that.

Again, I don't want to be held to that because these numbers may move --

MR. FARON: Sure. No.

MR. BRAD GOSS: -- it's conceptual.

MR. FARON: Right.

MR. BRAD GOSS: But I would say that's roughly where we are.

MR. FARON: And the -- one -- one more point.

With some of the issues from the adjacent development to the west, I guess with MSD and with traffic

1 and with other related items with concerns from Briar
2 Cliff, as the applicant, are you willing to address some
3 of those or do things that might appease people who are
4 concerned with run-off or any other related aspects?
5 MR. BRAD GOSS: Yeah, and I'm glad you brought
6 that up because I should have raised that myself in my
7 remarks, and I apologize for not doing that.
8 With respect to the storm water run-off, as I'm
9 sure this Commission is aware, MSD has changed their
10 regulations significantly over the last several years,
11 and, in particular, in the last year because of the
12 consent decree with the Environmental Protection Agency
13 that they entered into, and we, in the City of St. Louis,
14 are now paying a higher storm water -- higher sewer fees
15 as a result.
16 We actually have to capture all of our storm
17 water run-off that's coming off of our site. Basically,
18 it's a zero run-off type rule.
19 So, as a consequence, we will be capturing our
20 storm water run-off. And what we are proposing for this
21 site is actually an underground storm water detention.
22 And we've run that by MSD on a conceptual basis,
23 and, conceptually, they have said, yeah, that makes some
24 sense.
25 So we are proceeding on that basis. And so it

is our expectation that there will not be a storm water run-off issue with respect to the residents, and, certainly, not with respect to the Briar Cliff folks.

With respect to the traffic, yes, we'll certainly be looking at that issue. Again, because of where we are in the process, we have not undertaken a traffic study, but, certainly, we can anticipate that we will be looking at those issues carefully.

MR. FARON: And the buffering next to them, I guess with the retaining wall, is that all going to be reconstructed or put back the way it is to not --

MR. BRAD GOSS: Well, we will not be impacting the retaining wall at Briar Cliff, that's on Briar Cliff's property, so that's not something that we will be impacting.

CHAIRMAN MADDEN: Mr. Rovak.

MR. ROVAK: Yeah, I was just thinking, I mean you're -- that -- I'm glad you brought up the storm water, cause, I, as Mr. Goss knows, I'll be looking at that.

MR. BRAD GOSS: You're very good at that, that's right.

MR. ROVAK: But I guess that combination of the increase in units and the FAR is going to be squeezing you.

In other words, you're going to have parking

requirements you're going to have to deal with, as well as the storm water.

You're going to have to get creative. I mean we're going to have to see some things that are really going to be able to address both of those.

Underground detention alone is not going to satisfy.

You're aware of MSD's new --

MR. BRAD GOSS: Right.

MR. ROVAK: -- requirements, so there's going to be a lot of -- lot of things that are going to seem kind of on guard, but are going to be necessary to try to accommodate both the parking requirements and the storm water, so I guess you're prepared for that, that's fine.

MR. BRAD GOSS: Yeah, we are, and I appreciate the comment.

And it is something that, not only, obviously, we're getting out in front of it, because we're talking to MSD and having that dialogue now, but we are -- we're confident that we'll be able to meet their requirements working with them and working through the process.

CHAIRMAN MADDEN: Anybody else?

Why don't we go to the audience because I think that's what most of them are here tonight for.

First one I have is Herman Noel.

VOICE IN AUDIENCE: I think he left.

CHAIRMAN MADDEN: Okay.

And then Steve L-A-I-S. Okay.

How about Kelly Mueller?

Please state your name and address.

KELLY MUELLER: Good evening. My name is Kelly Mueller. I live at 1010 Thoreau Court in Briar Cliff.

I'm the president of the Briar Cliff Condominium Association.

I think you may have had the letter that I sent to the Council Members and Mayor Glantz.

My -- I think one of the big questions is why at this time, what compelling factor is there to double the amount of units per acre? It isn't like you're asking for just a small variance, but doubling it is gigantic, in my estimation.

I don't know if any of you have ever tried to exit the Briar Cliff property right next to Waterway, or exit Waterway, for that matter, any time during the day, there's so much traffic on Old Olive now, I can't imagine 161 more units there.

That you've considered another thing a little bit further down, and I'm wondering if you're -- if that's been approved or not, another set of units on the other church property there. And will they get double the use

as well?

I'm really concerned about the MSD. We are rebuilding that retaining wall this summer, actually, and we're a little concerned to see additional water coming at us from there.

The schools. I know he said that one, two and three-bedroom apartments aren't going to have any kids. Really? I don't believe that for a minute. A lot of people are going to see Ladue School District, rental, and they're going to fill up fast.

Monsanto might take a few, but I don't bet Monsanto has 161 folks coming in wanting to rent an apartment there.

I'm wondering how this plan helps Creve Coeur at all or does it at all. And we're also very concerned that we pay taxes as single-family units, and the text amendment, as I read it, said that it would not apply to single-family units. Well, if we're taxed that way, then we need to be treated that way.

So you either need to change how we're taxed or allow this property not to be developed next to a single-family development, which we are.

That's all I have.

CHAIRMAN MADDEN: Thank you very much.

KELLY MUELLER: Thank you.

CHAIRMAN MADDEN: And Linda Rozny.

LINDA ROZNY: Linda Rozny, 104 Graeser Acres.

We're all familiar with the person who buys the big house and doesn't really have the furniture to match.

And what I'm referring to is the fact that I think there's a movement in Creve Coeur to want to have a big house as to make themselves into Clayton or to make themselves into some kind of a high-tech residential community, but ignoring the residents in -- that they already have that already live here.

Do these changes serve the residents that you have? Do you want to get a big city look, a high-tech look as just a facade without any real benefit to the residents?

The City is currently looking over a Comprehensive Plan, and a part of the discussion is a new plan for that would be in between Olive and Old Olive, and I think the changing the nature of that area without first going through the city-wide discussion of this area is premature.

Discuss what you want to do to this area. Write the plan first.

Further, I don't think this plan is in keeping with the current Comprehensive Plan.

And I've got some -- I've made some notes on the

staff report, and the last three things in the staff report, one of them kind of boiled down to we already have some other things that are high density, and it wasn't so bad for their neighborhoods. They came out to be okay. But is it going to be okay in this area?

If it's not okay with the current residents, and there is a loss of property value, even if those properties are not actually in Creve Coeur, that has an impact on Creve Coeur.

It was also said in the summary that it wasn't -- this PRD, or whatever it is, there weren't going to be that many spaces, so is this -- especially given the way this was presented, as this isn't something good for the city, this is good for this spot, is this really just spot zoning?

And the third point was -- boiled down to since this is a planned thing we can be careful, but because it's a planned thing, you have less guidance and are, therefore, subject not to outlines that have been made with thought away from the subject, but pressure from the developer to say, well, this is what we'd like to do.

This isn't just be for this site. This would be a rule for the rest of Creve Coeur, and so, please, avoid the spot zoning thing.

Furthermore, if somebody doesn't know that the

1 problem with Schnucks isn't that they don't have enough
2 customers, Schnucks' problem is that the -- the Schnucks
3 administration refuses to fix this store because they
4 really want to build a new store someplace else, so they
5 don't want to put any money in this store.
6 Do they have any better of an idea of the -- who
7 would actually be moving in. Okay. I'm questioning
8 their -- their knowledge of what --
9 CHAIRMAN MADDEN: Okay, Ms. --
10 LINDA ROZNY: -- knowledge of what goes on as
11 opposed to what they would like to think.
12 Thank you.
13 CHAIRMAN MADDEN: Okay. Thank you.
14 Is there anybody else? That's all the cards I
15 had. And if you haven't been --
16 OLLIE FISHER: No, I had a card.
17 CHAIRMAN MADDEN: Okay.
18 OLLIE FISHER: I placed it on her desk right
19 there.
20 MR. LUMLEY: He was sworn in already.
21 CHAIRMAN MADDEN: Okay. Come on up and state
22 your name and address.
23 OLLIE FISHER: My name is Ollie Fischer, and I'm
24 a resident 953 North Spoede, Briar Cliff Condominiums.
25 I rise in opposition to Application 13-024,

which would allow for increase in density in floor area ratio.

I grew up in the City of St. Louis, and at that time it was an experiment called Pruitt-Igoe where they crammed thousands of individuals into a small area.

That didn't work. They have lessons learned from that experiment with increased traffic, increased noise, increased crime, increased tax on the city services, school crowding in the areas.

And if this is approved, the developers will also be allowed to increase the density for developments elsewhere in Creve Coeur as well. That's my understanding if this is approved.

To this point, other developers have been able to make their developments profitable with the current density, and I don't understand why these individuals cannot do so as well.

So I would like to ask that you not allow to place the developers' profit motives over the quality of life for the residents at Briar Cliff, and other residents in the City of Creve Coeur.

Thank you for your time.

CHAIRMAN MADDEN: Thank you.

Anybody else? Okay.

Have you guys -- is there somebody else? I'm

sorry.

LESLIE DES ROCHES: Is it possible to ask a question of the perspective developer?

CHAIRMAN MADDEN: Well, he'll have to answer them, but you have to come up -- have you been sworn in for this, ma'am?

LESLIE DES ROCHES: Well, I wasn't sworn in because I was --

CHAIRMAN MADDEN: Well, just come up, get sworn in and then you can --

LESLIE DES ROCHES: Okay. Actually I just have a quick question.

(Speaker sworn by the court reporter.)

LESLIE DES ROCHES: Leslie Des Roches, 942 North Spoede Road, Briar Cliff Condominium.

My question is regarding the height of the buildings that they're proposing to put in in the apartment building, because it looks, after looking at the pictures that were taken, it looks as though it will actually block our light.

I mean I know that sounds silly, but it would be a behemoth compared to those of us down below. And I'm just wondering, you know, what's the proposed height vis-a-vis Briar Cliff?

CHAIRMAN MADDEN: Okay. We're going to bring

him back up for a lot of these, okay. Thank you.

LESLIE DES ROCHES: You're welcome.

CHAIRMAN MADDEN: You guys want to go next and then you can just answer for everybody, is that okay?

MR. LANGDON: I'll do my best.

CHAIRMAN MADDEN: Pardon me?

MR. LANGDON: Yes.

CHAIRMAN MADDEN: Okay. Thank you.

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

Well, one thing that we did a lot of on this one that we should have known better from the last time is discussed the site and the project that doesn't exist yet in detail.

And I really want to stay away from that. I think that the issue that we are looking at here is, in fact, one that could occur elsewhere in the city from one end to the other.

That what is being requested is a change to a Planned Residential District, and by its very nature, a Planned Residential District can occur anywhere that's predominantly residential development. So really it is a broad perspective.

One of the things I also want to separate early

on here is the difference between what's being requested and what is the need of the project, having just said let's not discuss the project.

Before we -- we accuse this applicant of wanting to build more than they're actually asking for, the FAR they would actually use would be less and the density would be less. So I don't want an assumption made that, well, because they're asking for certain numbers, they're going to build to those numbers.

They might still, they would have that option if it's approved, but at this stage, that's not the assumption. So let's keep an open mind on that.

What they're asking for are numbers that they developed in concert with the City staff, myself, Ms. Kelly, and looking at Planned Development and what it's supposed to accomplish or Planned Zoning and what it's supposed to accomplish.

The whole nature of Planned Zoning is, to a certain degree, equivalent to, the phrase was used, spot zoning. But where spot zoning is illegal should not be done because it doesn't follow the Comprehensive Plan and because it doesn't represent an actual zoning district.

Planned Zoning has standards attributed to it that are supposed to avoid that, not the least of which is a large size. You can't even get into a Planned

Residential Development unless you have 5 acres. That is the minimum size for other residential districts in the city. So if you wanted to create a D Zoning District somewhere, you need 5 acres; if you wanted to create an A Zoning District somewhere, that's the 1 acre zoning, you need 5 acres; to create a PRD, you need 5 acres.

So it's absolutely consistent in terms of how we create new districts.

Difference in a Planned Zoning District is you're laying out everything about that district in one place, one plan, one ordinance.

And this is really a key difference between what we're talking about in this amendment versus the prior application, because I know at some point it's going to sound like I'm talking out of both sides of my mouth here.

But there's -- there's this key distinction that with the Planned District you are creating the entire context in one place, in one plan, you're envisioning it all.

And, yes, there is a question of how that relates to what's around it, and I'll get to that in a second.

But unlike the prior case where the Core Business District created that context, and we were finding -- or we were analyzing a -- a regulation that

would allow you to play with that context, you still had to operate within it.

That's the basis of euclidian zoning. That's traditional zoning where you set out a large area and hear all the rules, and you got to stay within those rules. That's where that district has value. It has certainty. It has no ability going into it.

Planned Zoning District isn't as certain, but you are creating an equivalent setting, an equivalent area where you're setting out the rules, and from that point forward you have that certainty.

So, really, we're almost looking at the early days when the city was still growing, and we were taking farm fields that had probably no zoning at the time or maybe very limited county agricultural zoning, and saying what shall we create here; what will it be.

Well, that's really the same thing that goes on with Planned Zoning. You're taking a piece of ground, regardless of what it is today necessarily, and saying what shall it be, but it's going to be big and it's going to be defined from edge to edge.

So there isn't a -- a great deal of variability once the thing is created. All the variability's at the beginning, it's in the creation of the district.

Now, one of the things that you try to do with

Planned Zoning is to try to come up with a reason to do it. It takes a lot of effort. It takes a lot of forethought on the part of the developer. It takes a massive investment on their part. It takes a lot of investment in City time to look at it, to analyze it, to consider whether it follows the Comprehensive Plan, if it fulfills the purpose of the Zoning Code. It takes a lot of effort on the part of the residents who have to get involved and we encourage to be involved, and they come up to these meetings and offer their opinion.

We don't enter into Planned Zoning lightly.

If you're going to invest that much effort, there has to be a good reason. There has to be some motivation for all of us to want to do it.

And this goes to the point about, well, what standards are there; how much flexibility or how loose is this.

Well, while on one hand you can really come up with any range of designs that might fit a Planned District, and, remember, we're talking about many acres so you're talking about many buildings, you're talking about internal streets possibly, you're talking about huge storm water systems, you're talking about a lot of design.

If you read the Planned Zoning District, as we've conceived it, the steps you have to go through,

there is a very long list of criteria there, most of which go to conformance with the Comprehensive Plan, the effect on the residents, the effect on traffic, the effect on open space, the effect on the landscape.

I mean we do have to look at all those things before we approve a Planned Zoning District. It isn't just a, hey, bring your best idea to the city and we might like it. It doesn't work that way.

It's in black and white. It's codified. It's there for everybody to stand up here and say you shouldn't approve this because by your own black and white requirements, you have to look at this issue, and you haven't done that.

So Planned Zoning District is not a blank slate. It is a fairly flexible environment, but you still have a lot of criteria that you have to meet.

Two of those criteria are FAR and density. And at the time we created these, which is only a few years ago, there was a lot of concern, a lot of analysis went into, well, how much is too much.

Given where these could go, at what point do we just say we're just never going to accept that, ever, it's not okay to even ask. Which is kind of the question we were asking in the prior application. That just a bridge too far, if you will.

At the time, the -- the -- there was a pressing need to get it done because we had certain circumstances we were trying to address, and we settled on numbers that we knew were safe. I wouldn't say they were wrong. I would say they were safe.

But an FAR of .4 is the same FAR we use for single-family housing in the CD and AR Districts. That's, you know, a third of an acre, quarter of an acre lots and attached residential, which is townhome development, Briar Cliff-style development.

Well, if a Planned Zoning District is supposed to give a creative outlet for unusual sites or unusual circumstances that are large, how is it offering anything to anybody if the standards simply follow what we already have. Why not simply zone it AR.

If we're going to do Planned Zoning, and that decision's been made that we will, then we have to enable it to be useful, otherwise it's a waste of time.

It's no guarantee to anybody about an outcome, because, as I said, there's all these steps to go through just to get it approved, but if there's no reward at the end of it, then it doesn't work.

The same thing really is true with density. We talked about some of the issues, the storm water, how sophisticated that will need to be to manage the amount of

water that we're talking about here; we talked about it in terms of parking, parking over, parking under, within; we talked about it in terms of the variability in the buildings. All these things take a lot of money and, let's face it, we're talking development here.

Development is about money. I mean to -- to -- to -- to totally divest ourselves of the financial question is sort of ignoring reality. Doesn't mean we base our decisions on the money.

In fact, I encourage you to always base your decisions on planning issues. We've been through that discussion many times. You know, it's not just about the money, but it is a factor.

And when we look at Planned Zoning, if we're talking about and really requiring that they do creative things, we have to give them ability to pay for that. I mean that's just the reality of it. It doesn't get built for free.

40 units per acre is a lot. When you look at our other districts, you know, the A District is one unit per acre, but we have other projects in the city that are 40 units per acre. We have lots of projects that are high, they're over 20. Just in this area, the Carriage House is over 20 units per acre, 23. We looked at Briar Cliff. I'm not -- I'm not 100 percent of my unit count,

but I think it's somewhere around eight or nine units per acre.

The proposal on the other side of the street that was mentioned, you know, would this affect that. No. Because it's not big enough. You can't do Planned Zoning on that one lot. That would be spot zoning. But in that case, it's an extension of the Core Business District that was established with the Pavilion, the AMC Theater and what have you. There is no density limit with a conditional use permit on that property.

The proposal that was initially brought to the City was, I think, about 45 units, 48 units per acre. So it's not that we haven't looked at, and, in fact, don't already allow much higher densities, it's already doable in the city. We're not creating any new ground at 40.

What we are saying is that if you are willing to take on the effort that it takes to do a Planned Zoning District, and that effort is considerable, there is something to help motivate that and there's the ability to generate money in the project to pay for the things that we're going to demand in the project.

If you don't provide that flexibility, to even consider it when you're talking about a large region, then the project doesn't happen.

Unlike the prior request where we're talking

about one lot and one tenant in a context of a Core Business District that's already trying to set a stage, if you will.

For the Planned Zoned District you're building the stage. So you do need the flexibility, the discretion to be able to say here are the various pieces that go together to make this work because it's so large and so expensive.

Now, does this applicant need these numbers? No. They're already developing concepts that are below that. So it isn't entirely about financial need, that, well, they're asking for this because they'll walk if they don't get 40 units per acre.

I don't think that's what they're saying at all. They're trying to work with us to come up with a number that offers some flexibility.

If the Commission and if the Council, ultimately are not comfortable with those numbers, they can be dropped back down. I think at some point it does have an impact on this property and this project. But we're talking about Planned Zoning.

We're talking about something that does go beyond just this one site.

And there was a question asked back in 2007, 2008, when we first looked at this. Is this just more

than the City will ever tolerate. That was the question.

At the time, we felt like we were getting near the edges because we were talking about these numbers at the time, and they were backed down considerably.

Since then we've only had one Planned Residential Development Zoning District approved, and that was for development that was already done. That's the Coeur de Royale, Sara Lane Condominiums, all which are well above 40 units per acre, by the way.

So we come back to it today with a project in front of us that says, okay, if I had that flexibility that you said we would never allow, here's the kind of project I can offer; here's the kind of development I can do. It's not development that looks like what we have in the city.

It's not Kings Landing. It's similar, but it's not Kings Landing. It's not Summit Lofts, although it's similar. It's something more than that. It's got commercial in it, to a larger extent, it's got luxury appointments to it. It's got a higher rent point to a large degree. It is a higher end thing that brings to an area that has very little investment in the last twenty years. I mean let's face it, Old Olive has struggled.

I can tell you, and I -- I -- this is something that, you know, we've already seen, our property owners,

commercial property owners, on Old Olive who have seen these projects coming forward are now starting to talk about what can I do to improve my property because I think I can benefit from -- from this development.

The strip mall along Old Olive and the office building beside the Pavilion, they're both using these projects to springboard improvements in their existing properties. So there is spinoff benefit. There is reason to look at this just beyond what does the developer get out of the deal.

Just to answer a couple of other quick questions. We did talk to the school district when Vanguard, which is the one on the other side of the street, came to light. At that time we were already talking to the applicants tonight and had some sense of the scope of their project, and mentioned it to -- I spoke to a representative there. I don't have their name with me, but I can certainly look that up. They were calling on behalf of the superintendent. We discussed what was involved. They indicated that as far as they understood the taxes, the property taxes for school districts that would be collected off these properties would be substantial from what they could gather. They were not concerned about overloading of the schools; that it could be handled, and had really no further comment until the

specific projects were -- were actually in front them.

So they are aware of the scope of what we're talking about, and their initial response was that they were -- were comfortable with it.

Regarding the Plant Science demand, we've spoken with Danforth; we've spoken with Healing Center, who's operated by St. Louis County Economic Council, and we've spoken with Monsanto. All three indicate that they have quite a few people that are looking for rental housing at a higher level in this particular area.

I don't -- I can't give you a specific number, but it's an extent to which when the Vanguard project came to you the first time initially in April, they submitted letters saying they supported the project for the very reasons that have been talked about. It is a form of housing that they're looking to see in this area.

So they're on record saying they -- they would like to see it happen. It's not speculation on our part.

And, lastly, single-family status. There's always an issue in terms of how you define what a housing type is or what a building type is. And it isn't just what do we zone it. It's what do we zone it; what do we tax it and what do we build it as. Because there's building code type, and then there's zoning code type and then there's tax status. They're all different, and

they're aren't necessarily related in very many ways.

When you put a number of units together, more than four, traditionally, in zoning, that's considered a multi-family building.

If you look at Briar Cliff, there are several buildings in there with far more than four units in them.

From a zoning perspective, because they're attached, regardless of the tenure, regardless of whether it's owned or rented, that's multi-housing.

When you look at something like, you know, highrise condominium, it's true that each box, if you will, is owned independently, but because they're all in one building, let's say you converted that to rental, the building doesn't change. And zoning planning really looks at the building.

Now, what the tax assessor wants to call it, really doesn't matter from our perspective. It's the form. What's the form on the ground. The form is many houses stuck together, whether they're stacked on top of each other or in layers or side by side, it's still a bunch of houses, more than four, attached to each other. That's multi-family housing from a zoning perspective. Totally separate from what the tax assessor says they are. It's not relevant to tax because that changes. Buildings go from apartment to condominium all the time.

Lastly, the lessons of Pruitt-Igoe. I have to speak to this because I want to make sure that we -- we maintain the right perspective.

I would absolutely positively agree that Pruitt-Igoe is a failure, and so were many other projects that were built in the same manner.

But why they failed had a lot of reasons behind it. Only one of which was the form of the building.

If multi-family housing was doomed to failure, then why do we have New York City; why do we have the most expensive real estate in St. Louis region built in highrise buildings in Clayton and the city. Most expensive in terms of per square foot value.

So it's not that attached housing or multi-family housing is doomed to failure. It means that there are certain sensitivities that have to be observed in terms of who's there and how the property is managed and what investments are made, but it's not about the collection of people in one building.

So with that said, I think I've covered everything I wanted to. I'll be happy to answer any other questions or comments from the Commission.

MR. PULLIUM: Just one really basic question. I think the comment was made earlier that the proposed commercial plan development that's -- is already

allowed --

MR. LANGDON: Uh-huh.

MR. PULLIUM: -- is that correct? They're -- as they're proposing, it's already allowed under existing zoning?

MR. LANGDON: The front 200 feet of this property that they're talking about is zoned General Commercial.

MR. PULLIUM: Right. And that's just what I want to clarify, what the existing zoning is on this property, the entirety of property. Can you answer that?

MR. LANGDON: The rest of it is zoned County R3.

When it was incorporated into the city or annexed into the city, it -- because it was a large church and you had Briar Cliff next to it, there wasn't any zoning that really fit it very well.

The 200 feet along Old Olive was already in the city, and that's why it is zoned General Commercial, it's part of the early formation of the city, but that remaining area was added.

Since we didn't have a district that really made any sense at the time, this was long before I was with the City, the decision made -- was made, since it's not likely to change in the near future, we'll just be custodians of the county zoning, and that's the way it continues today,

except for that 200 feet, which is General Commercial.

CHAIRMAN MADDEN: Mr. Faron.

MR. FARON: Is Briar Cliff dealt with in the same manner through the county?

MR. LANGDON: This -- uh-huh. We are custodians of the county zoning on Briar Cliff.

I can tell you, just to give -- just to give you an illustrated example. We had a resident that wanted to rebuild the deck off of their unit there in one of the inline attached townhouse units, if you will. We looked at whether or not it met any of our zoning requirements, and, of course, it's not in one of our zoning districts, so we consulted with the county, and said if you were administering this district in your -- in your jurisdiction, would you approve the deck, and they said yes, so as custodians of county zoning, and finding no reason not to, we approved it.

But that's where we are with Briar Cliff.

CHAIRMAN MADDEN: Mr. Goss, would you like to come up and comment on the comments and answer the questions?

MR. BRAD GOSS: Sure, I'm happy to.

I, hopefully, I will address all of them, if I don't, I'm sure the Chairman will point out the ones I don't.

The first speaker made a couple of comments. One was about doubling the units per acre, and, again, I think, as Paul noted, we're not doubling the units in our proposed project in terms of what we would propose, we're not using the maximum density that we're asking for in the text amendment.

We are asking for that larger density because of the larger planning purposes and working with staff, and for all the reasons that Mr. Langdon discussed. But that's not certainly what we're proposing in terms of our project.

In terms of the MSD issue, I think we covered that before. There is a zero tolerance run-off, so the comment was made that they were concerned about additional water running on their property, and MSD doesn't allow it under the current regulations, so we're going to have to deal with, and that's one of the issues we'll have to deal with creatively with this site, and certainly plan to do so.

And with respect to the comments about our project and how it fits into the city, we think that, again, we're not before you for the rezoning of that -- of this particular project, but we do think that a Planned Residential Development on that site makes a lot of sense because of the context of that site.

You are looking at a site that has commercial already allowed as a right on the front of it. General Commercial. And on the back of the site, as Mr. Langdon said, you have really a repository zoning, you have county zoning that, R3, that really isn't something that you zoned, it's simply something you've kept because of the church that was on the site.

So when we look at the site, it's 7 acres, it's a large tract. We can do the kind of planning that's creative for the overall site, and come up with a better project that we create from the ground up for the entire property, and that fits into the larger area with the Life Sciences and with the other commercial that's around us.

We think it makes sense. We think it's a good zoning for that site. And we think that having that flexibility with respect to both density and floor area ratios allows you to come up with a better and a more creative project that, indeed, again, as Mr. Langdon pointed out, you're simply going to leave the floor area ratio and the densities at the same levels that you have your other zoning classifications, then the Planned Residential District loses its utility.

What you want us to do is to come in and do something that truly is unique and challenging on that site and you can evaluate and approve and the overall

context of the city and what makes sense for the city, and what makes sense for that particular location in terms of the various challenges it may have.

So I think those are the general comments that I heard, Mr. Chairman. If there's something that I specifically didn't address, I think there was a question about the height of the building, I think that's the one I didn't address.

CHAIRMAN MADDEN: Building height.

MR. BRAD GOSS: Yeah, that's what I was just looking at.

Again, we have not finally designed this building. So when I look at it, I would say it's going to be somewhere between 45 and 50 feet, is what I'm guessing.

But, again, we don't have a building design, 45 to 55 feet is -- is probably a range of what we're looking at with a four-story building. And part of it depends on how you treat your elevation exactly, and whether you have a peaked roof, you have a flat roof, that kind of thing, so it's going to have some variation in that regard.

CHAIRMAN MADDEN: Okay. Any other questions -- I mean any questions?

MR. PULLIUM: I'm sorry, what's the existing -- what's the existing height of the building that --

MR. BRAD GOSS: Of the church. I didn't

measure --

MR. PULLIUM: The church.

MR. BRAD GOSS: -- measure the cross. I was there looking at it. So it sticks up pretty high, so I don't know.

MR. PULLIUM: Well, the cross is one part of it, but the rest of the building?

MR. BRAD GOSS: I honestly couldn't tell you.

MR. PULLIUM: Don't know.

MR. BRAD GOSS: I don't know. What I can tell you is if you site this building on the site, and that's why I went through the perimeter vegetation and gave you that elevation as part of this presentation, is that this building, being located in the center of the site and leaving that perimeter of vegetation and where Briar Cliff sits on its eastern boundary, which is really right up next to that retaining wall, we don't believe it's really going to be very visible, if visible at all.

You know, I haven't placed the building there, but looking at our preliminary evaluation, if you look at that elevation cross section, and you look at the pictures and the trees that are there, I think you're going to be hard-pressed to say this is going to be terribly visible for those folks.

CHAIRMAN MADDEN: Paul, do you know how high the

church is?

MR. LANGDON: Church is roughly -- excuse my -- roughly 24 feet at the peak, as an estimate.

I can tell you, too, just to dwell on the site for a moment, any evaluation of any project on this site, absolutely will require cross sections be drawn, so we can evaluate height of building versus that slope and then the effect on the adjacent housing, not only Briar Cliff, but the houses to the north and the west as well.

It's the same analysis we're doing with the other apartment complex.

CHAIRMAN MADDEN: Okay.

Thank you, Mr. Goss.

MR. BRAD GOSS: Thank you.

CHAIRMAN MADDEN: Okay.

MR. LUMLEY: Exhibits?

MR. FARON: Paul, can I ask you a question.

With the PRD, if we were, whatever direction we go, this would be looked at separately at any other application for PRD, or would we be changing, just to make this clear, the permanent FRA and density would be --

MR. LANGDON: The amendments -- the amendment tonight apply permanently with a PRD proposal in the future. So if change is made, not only does this applicant get to make use of them, but any subsequent

applicant can also attempt to make use of them.

MR. FARON: And the applicant would, again, come to us with a more solid project, if this was to go forward? We would have to address that project again, obviously, in much greater detail and then move to the Council?

MR. LANGDON: Yeah, I mean I can't speak to their ability to accommodate certain materials and high-end finishes and those kinds of things.

I can tell you that an FAR of .4 and a density of 20 units per acre is, you know, pretty much a garden apartment style.

You can't really get to 20 units per acre unless they're really, really small. And I don't mean to sound goofy there. I mean that's true. They have to be very small in order to then fit then within .4 FAR. Cause that's a lot of green space. That's more than half the site is green space. So it becomes pretty tough to get to 20 units per acre at .4.

It's impossible to really get there at anything higher than 20. That -- and still maintain .4 FAR.

So does the project change, yes. I'm not going to speak to whether it goes from brick to stucco, but I can tell you the form of it definitely changes.

CHAIRMAN MADDEN: Sir.

MR. PULLIUM: Paul, the reason I ask about, I understand we're not changing the zoning, we're changing the development guidelines.

MR. LANGDON: Yes.

MR. PULLIUM: However, when people, obviously, when people purchase property --

MR. LANGDON: Uh-huh.

MR. PULLIUM: -- they might look to the east or to the west or north and south to see what it is zoned as, and what they might expect it will be --

MR. LANGDON: Uh-huh.

MR. PULLIUM: -- in the future, and so that's why I asked about the zoning --

MR. LANGDON: Uh-huh.

MR. PULLIUM: -- of what these people, when they purchased their property, would have expected that property to be ten years down the road.

MR. LANGDON: Sure.

MR. PULLIUM: What would they have expected fifteen years -- ten years ago?

MR. LANGDON: Well, best answer we would have been able to give is probably inline retail along Old Olive because 200 feet deep by whatever the width is, is about what General Commercial can accommodate, that would be the most intense thing. And then up on the hill, the

top of the hill be County R3, so the Comprehensive Plan gives sort of mixed guidance on this issue.

I mean if -- if we assume they did all the homework and looked at, because we can't build under County R3, we'd have to rezone it to something in the city, the Comprehensive Plan talks about large scale coordinated redevelopment along Old Olive. That is the guidance that it gives. So we would assume that if it's to coordinate with the commercial front, it's going to have to be something more dense or something more commercial.

So ten years ago, the outlook probably was not this style of development because, frankly, no one was considering this style of development this far away from the core of the city, but more likely smaller lot housing, attached housing, we did have AR attached-single-family, so townhouse stuff, Briar Cliff style development and/or an expansion of the commercial area.

CHAIRMAN MADDEN: Okay. That'll close our public hearing.

You want to put in the exhibits.

MR. LUMLEY: Offer the following exhibits into the record of this public hearing: Documentation in possession of the City Clerk reflecting the public notice that was provided regarding the public hearing, staff's

report, the various photos and drawings presented by the applicant, City's Code of Ordinances and Charter, the City's Comprehensive Plan and the public file regarding the application including all communications to date.

CHAIRMAN MADDEN: Thank you.

(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

BILL NO. __5433_____ **ORDINANCE NO. _____**

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 <u>a site concept plan submitted in accordance with Section 405.1080 of the Zoning Ordinance and</u> 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 <u>Section 405.1080: Site Concept, Site Development And Minor Site Plan Approval and</u> 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.

city of CREVE COEUR

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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).

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

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

REPORT PREPARED BY:

7/11/2013

Paul Langdon, AICP — Date
Director of Community Development

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	Mr. Rovak – nay	Mr. Faron – nay
Dr. Barton – nay	Chair – aye	

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. Faron – aye	Mr. Pullium – aye
Mr. Rovak – aye	Chair – 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. <u>ADJOURNMENT</u>

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

BILL NO. 5434 **ORDINANCE NO. _____**

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 and restated deed restriction that substitutes the affected subdivisions in the place of the City. Upon approval of the form of amended and restated deed restriction and any release of the existing deed restriction by the City Attorney, the City Administrator and City Clerk are authorized to sign the amended deed restriction or release of the existing deed restriction, as applicable, 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.

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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

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city of CREVE COEUR

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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.

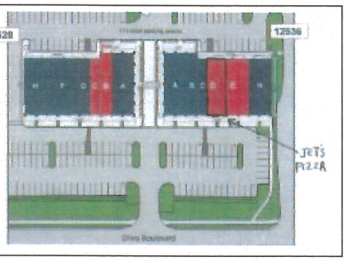
Key Issues:
- Is this a reasonable exercise of zoning authority?
- Does the request impact the existing surrounding uses?
- Does the request further or implement the goals of the Comprehensive Plan?

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, 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:

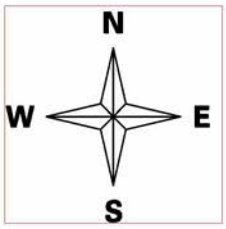
> "I move to recommend approval of Application #13-016 to amend Ordinance No. 3017 for the property addressed as 12528-12536 Olive Boulevard as indicated in the draft

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.

04-039

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 Quest over 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 Parking

   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.

   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

		ZONING DISTRICTS													
Use Code	**2012 NAICS Title**	**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 Activites 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

		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

		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

		ZONING DISTRICTS													
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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

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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

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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

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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

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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

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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

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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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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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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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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

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**
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

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
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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

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**
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

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
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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

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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

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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

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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. Faron – aye	Mr. Pullium – aye
Mr. Rovak – aye	Chair - 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

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 13-016

APPLICATION 13-022

APPLICATION 13-009

APPLICATION 13-017

APPLICATION 13-024

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

(The meeting was called to order at 7:09 p.m.)

CHAIRMAN MADDEN: Like to call to order the Planning Zoning Commission meeting for the City of Creve Coeur, Missouri for Monday, July 15, 2013.

We'll start with roll call.

Dr. Barton?

MR. BARTON: Present.

CHAIRMAN MADDEN: I don't see Mr. Eberhardt.

Mr. James Faron?

MR. FARON: Present.

Mr. Howard's not going to be here.

Charles Pullium?

MR. PULLIUM: Present.

CHAIRMAN MADDEN: Mr. Gene Rovak?

MR. ROVAK: Present.

CHAIRMAN MADDEN: Carl Lumley, our City Attorney?

MR. LUMLEY: Present.

CHAIRMAN MADDEN: Paul Langdon, our Director of Community Development?

MR. LANGDON: Present.

CHAIRMAN MADDEN: Whitney Kelly, our City Planner?

MS. KELLY: Present.

CHAIRMAN MADDEN: And Julie Lowery, our City Recorder?

MS. LOWERY: Present.

CHAIRMAN MADDEN: That'll move us to C, the Public Hearing, Application No. 13-016: Rezoning of 12528 through 12536 Olive Boulevard, Shoppes at Questover, to modify the prior GC, General Commercial Zoning Regulations.

Oh, okay, anybody that might be commenting on this needs to come up and be sworn in, please.

(The speakers were sworn by the court reporter.)

CHAIRMAN MADDEN: Please state your name and address for the record.

JOHN DIEHL: I thank you, Mr. Chairman and Members of the Commission.

My name is John Diehl. I'm with the law firm of Armstrong Teasdale. My address is 7700 Forsyth, 18th Floor, Clayton, Missouri 63105.

I'm here this evening representing Altus Questover, L.L.C., which is the owner of this piece of property.

This request deals with rezoning 12528 through 12536 Olive Boulevard, which is known as The Shoppes at Questover, and this is to modify the prior GC, General Commercial Zoning regulations.

This applicant is seeking to remove additional restrictions, which have been placed on this property in order to enable a separate application for Jet's Pizza Restaurant, which is on your agenda this evening as 13-009, as well as to allow the property owner to pursue new uses for the vacant tenant spaces.

Back in 2004, the City approved Ordinance 3-3017, and as part of that approval, included additional restrictions regarding certain uses, which included limiting restaurants to 25 percent of the building square footage and prohibited amusement and recreation services that, at the time, included physical fitness facilities, yoga instructions, judo, martial arts instruction, bridge clubs, dance studios and other forms of sports recreation under the 1987 Standard Industrial Classification.

Because the Ordinance references specific uses to be restricted, changing those uses within the deed restriction requires amending the Ordinance, which the City previously passed.

Some of the significant restrictions, in addition to that, under 3017, as I said, included restrictions on eating and drinking establishments, as well as certain types of recreational uses.

The applicant contends an imposing restrictions above those required by the GC District Commercial

properties interferes with the proper use of the shopping center, a potential tenant, such as a yoga studio and a title boxing facility, which is, essentially, a physical fitness, aerobic fitness type of facility where someone uses boxing equipment to -- to do -- to do physical fitness have been prohibited from locating within the center leaving tenant spaces vacant for several years.

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

Our request is consistent with the City's Comprehensive Plan. It's also consistent with other GC zoning in the area.

Over the past several weeks, we've worked closely with the neighborhoods behind this property who also involved in the original negotiations with this property. I believe they're here to testify today.

And we -- we're able to reach an agreement and accommodation with those properties, and we're agreeable to restricting future restaurant use to be no more than 40 percent, and also to allow some of the recreational uses that we've described, as well as identifying the appropriate SIC Codes.

According to the staff reports, we also have a favorable recommendation in the staff report for this, and

as such, we would consider that this Board -- respectfully request that this Commission grant our request to -- to alleviate and to relax some of the restrictions which have been put on this property in the prior zoning boards.

And with that, I can take any questions.

CHAIRMAN MADDEN: Any -- any questions for Mr. Diehl?

Mr. Faron.

MR. FARON: So the -- the worries of the past of auto application for that is still not an option for that center?

JOHN DIEHL: That's correct, right.

MR. FARON: That was the only concern, it seemed like, the trustees were concerned about that, but a lot of other things got thrown into the restriction, so the only thing left now is probably the auto application.

JOHN DIEHL: Well, we -- I think there's still, fairly stated, there's still some concern of the residents behind that it become, for example, all eating establishments or certain types of things.

MR. FARON: But where that 40 percent, right?

JOHN DIEHL: Correct, so --

MR. FARON: And can't go any further than this --

JOHN DIEHL: Right.

MR. FARON: -- this would be the end of any restaurant, yeah.

JOHN DIEHL: So the ones we have agreed to modify would be to take the eating establishment restrictions from 25 percent to 40 percent to allow some of these fitness and recreational-type of uses, which are pretty common in centers these days, and to lower the threshold of number of seats required in a restaurant from, I believe it's 16 down to --

MR. FARON: 10.

JOHN DIEHL: -- down to 10.

MR. FARON: So we're at that limit at 40 percent right now with approval?

JOHN DIEHL: Correct.

MR. FARON: Okay.

JOHN DIEHL: Or pretty close to it.

MR. BARTON: I'd just like to be able to ask some questions after we've heard the rest of the --

CHAIRMAN MADDEN: Okay.

MR. BARTON: -- presentation.

CHAIRMAN MADDEN: Mr. Kling, I saw you sworn in, do you -- are you planning on speaking?

STEPHEN KLING: Yes, I am.

CHAIRMAN MADDEN: Do you want to come up next?

STEPHEN KLING: Sure.

JOHN DIEHL: Thank you.

CHAIRMAN MADDEN: Thank you, Mr. Diehl.

STEPHEN KLING: I might need some help here to zoom this in.

For the record, Stephen L. Kling, Jr. I'm an attorney with Jenkins & Kling, P.C., with offices at 150 North Meramec, Clayton, Missouri 63105.

I'm here tonight representing the trustees and directors of the Questover Place Subdivision, The Manors at Questover Subdivision and Questover Crossing Subdivision.

And maybe before questions, I'd like to give you at least a couple minutes -- I need the whole thing --

MS. KELLY: Oh --

STEPHEN KLING: I'm sorry.

MS. KELLY: -- sorry.

STEPHEN KLING: Yeah. That's good there. Thank you.

I want to give, especially since there's several new commission members up here, give a little bit of perspective as to where we were and how we've gotten to the point we're at.

And to do that I want to kind of go back and say this western corridor area, which is viewed up there on the screen, and maybe for -- this right here -- let's see,

get my bearings, yes, here is the development that's in question tonight that we're talking about. This is Questover Lane here. The Crossing Subdivision is here. The Manor Subdivision is here. And down here, way down here about a hundred houses, Questover Place Subdivision.

And I want to refer to this as we go. But this whole area here was referred to as the western corridor, and it's been studied extensively by the City, initially in 1995, there was some litigation by our subdivision over a commercial -- intended commercial use of this piece, and that development was stopped, and then reaction to that, the City commissioned the study of this area, called the Northwest Sector Land Use Plan, and it recommended that this area, since it had residential to the south, be very sensitive and have a neighborhood-friendly feel in terms of its zoning.

And those particular recommendations were actually incorporated into your newest plan, I understand you're going to be doing another one, but current City-wide plan incorporated all the recommendations of the Northwest Sector Land Use Plan.

And noting that this area needed special consideration, due to the residential areas.

The City, for a while, was using the MX zone to, basically, effect that, cause it really didn't have a

neighborhood commercial type of zoning, and part of this property was zoned MX.

The reason this was rezoned to GC with restrictions was because this property adjoined residential to the south, and that would not allow a restaurant use because it's prohibited under the MX Zoning District.

And it also wanted closer setbacks that weren't allowed in MX, so the compromise was to change it to GC and to put deed restrictions on the property that, basically, preserved many of the MX protections.

So that's kind of the history of this piece.

It happened to be one of the first pieces that was developed and, interestingly, the deed restriction on this piece runs between the City and the developer. The resident -- residential subdivision trustee associations are not a party.

This piece here, this piece here, this piece here, which is not actually a part of this development, it's separate, this one, this one, this one, as well as these two pieces here, all have deed restrictions on them that run in favor of the subdivisions and not the City.

They were all done subsequent to this initial deed restriction there, and they have various restrictions that protect the uses.

They are -- there are certain commercial uses allowed. These are banks here that the residents felt were compatible use, they're low intensity. These pieces ended up being commercial, and this is a fairly low intensity commercial here. It actually has the same deed restrictions on it that are currently on this piece right there.

So that's a little bit of a history of it.

As you also know, this piece down here, last year, there was a petition, this is in the MX District, and they wanted to relieve the MX District totally of any restriction on the percentage of restaurants.

We came up in front of this Board and, unfortunately, the Board recommended that the entire restriction be lifted. We wanted it 35 percent. It went to the City Council, and the City Council did agree with us and imposed a 40 percent restriction on restaurant use total square footage.

So my point of referring to that is I think that's kind of set a precedent in terms of what's reasonable in a area that's near a residential area, which is why -- one of the reasons why we felt comfortable agreeing to that with the developer and coming forward with an agreed proposal as opposed to trying to disagree and to convince you all to go one way or the other.

I also want to point out that the deed restriction, in response to Mr. Faron's comments, also allow -- doesn't allow drive-throughs. And if it went to GC, drive-throughs would be allowed, so that restriction is in there.

So there are a couple more besides just the auto, but they are fairly limited. They're mostly ones that would be offensive in terms of a residential use.

And as Mr. Diehl already mentioned, our concern was we didn't want this, in essence, to turn into a food court where it was nothing but food uses.

The only comment I have with respect to the proposed ordinance, and I bring this maybe to the City Attorney's attention as well, is that the ordinance in front of you proposes to, basically, remove the restriction from the ordinance, and leave it to the subdivision and the developer to work that -- the restrictions out.

Well, there's a mechanical problem there. Number one, just by removing it from the ordinance, doesn't change the restriction of record against the property.

And, secondly, the -- the, as currently written, the subdivisions are not a party to that restriction, so we cannot amend it without being substituted, unless the

City agrees to amendment.

So we're more than willing to accommodate this to get the purpose accomplished, but I don't believe the ordinance, as proposed, will accomplish what the applicant and the subdivisions have agreed to.

And, by the way, just for reference, these other restrictions that are on here, they allow an amendment by two out of the three of the trustee groups. It doesn't have to go to a vote to the residents, it's just the trustees, and two out of three subdivisions can amend any of these restrictions at any time.

Sorry for the long-winded background, but I thought that might be helpful.

Any -- I'd be happy to answer any questions you might have.

CHAIRMAN MADDEN: Any questions, Dr. Barton?

MR. BARTON: Not at this time.

STEPHEN KLING: Thank you.

MS. KELLY: Whitney Kelly on behalf of the City of Creve Coeur.

Both the applicant and Mr. Kling provided a -- pretty much everything I was going to discuss. I just want to clarify a few things.

The way we have the ordinance written, is we want this property to be zoned the same as every other GC,

General Commercial District. We find that all of the uses listed in Table A, either as it permitted or a conditional uses are consistent with the Comprehensive Plan and the -- and the Design Guidelines.

As the development has already occurred, the character of the development won't change as tenants come and go.

The applicant has indicated that they agreed to the 40 percent of restaurants, however, in the GC District there is no limitation on the square foot of restaurants in a -- of a building.

However, every restaurant is required to seek a conditional use permit, and all of the residents are welcomed to attend and voice their opposition or an agreement to such a proposal.

Therefore, the staff and the City would like to see this property zoned as similarly as every other GC District and, therefore, we are recommending approval of the rezoning.

CHAIRMAN MADDEN: Any questions for Ms. Kelly?

MR. PULLIUM: I -- I have a question, and I just want to make sure I'm clear.

The applicant and the surrounding neighborhood have agreed to something, and -- and yet that's not what is before us?

MS. KELLY: From the City's point of view, we want this to be a straight GC Zoning and allow the applicant and the property -- the subdivision trustees to work out whatever they wish to agree to without the City being involved.

As far as the City is concerned, any businesses located in there would be handled the same as anywhere else through either the conditional use permit process or as a permitted use or not a use allowed at all.

MR. LANGDON: Mr. Chair. I can just add to Ms. Kelly's response to address Mr. Pullium's question.

I think we're all in agreement about where we want to be in the end. I think Mr. Kling's point was that the ordinance may need some additional wording regarding the changing of the deed restriction, so that it's not in the favor of the City and the owner of the center, it's the center and the subdivisions, but we have to consent to that before that happens, and the ordinance may need to be changed to do that.

So it's not a question of being finished. At the end we're all in the same place, it's just does the ordinance actually get us there, and Mr. Lumley can probably help us with that.

MR. BARTON: Are you not concerned that someone will oppose the safeguards that Questover, in their long

history, fought so hard to have it placed? I mean that -- that the default wouldn't be to have to defend it every time, but it would be the prevailing understanding that there would be limits?

MS. KELLY: Well, we ask every other resident that's near a GC District whenever a new application comes in for a conditional use permit to act the same way.

They -- if they're interested in the project, and they want to speak for or against, then they attend the public hearing.

That's what the Shoppes -- the Questover Subdivision would be -- or have, by right, can do.

To allow the City to subvert any future public hearing process to the subdivision, is inconsistent with every other GC District, where there are even residents that could be even closer to existing businesses and shopping centers.

CHAIRMAN MADDEN: Any other questions?

Mr. Rovak.

MR. ROVAK: Yeah, well, just make sure I understand it.

Does this then -- this second look, in other words, what would take place during the hearing of a particular applicant, does that satisfy the issue that we're left with right now with the ordinance not really

addressing which parties are party to the -- to the agreement as they stand, in other words, if these -- if these, I don't want to call them indentures, maybe they are, but, in other words, these conditions, is this something we need to address with -- since the wording can be massaged or changed to get to the same end apparently everybody is on board with, is that something that we should place some type of conditions on our approval of this; that it be subsequent to the addition of the wording that enables that to happen, or is that not necessary with the avenue that -- that you are describing, because subsequent hearings for particular applicants would address that?

MS. KELLY: I'm not sure I quite followed all of that.

MR. ROVAK: Mr. Kling brought out the --

The City Attorney can address --

CHAIRMAN MADDEN: Why don't we let Mr. Lumley, yeah --

MS. KELLY: Yeah.

MR. LUMLEY: Well, I don't have it in front of me, cause I got it through an email instead of in the packet, but I believe Mr. Kling's correct, that the current deed restriction is only, in this instance, is only 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.

I don't think either Mr. Perkins or I, or the Mayor, whoever was going to sign that document, could just interpret the ordinance as authority to do that.

So it could either be accomplished by a different version than the one I saw. The one I saw was just to, basically, weed out a few of the restrictions and leave the others in place.

I think that's what's been agreed upon at this point between the subdivisions and the property owner.

I guess the alternative would be to also to substitute out the parties, so that in the future the City wouldn't be involved in that document at all.

But there are differences, and I'm sure Mr. Kling probably is going to comment on this too, but my recollection of the history was if it was strictly in a deed restriction, the City has -- and the City's not a party to it, the City has no standing, just as it doesn't enforce subdivision indentures, you know, if there's an indenture, it says no fences, we can't do anything about it when somebody builds a fence, if they're in compliance with ordinance, so, likewise, I think that was the overall thrust of the agreement was, and I'm really stretching my

recollection, but it was along the lines of the property owner didn't, in that instance, really didn't want the subdivision to have a say, so they didn't want them to be a party to the restrictions. The subdivision didn't want to just leave it to the contractual rights of a restriction, but they wanted it in the ordinance too, and that's why we ended up sort of with a dual set of limits.

And if that's inconsistent, you know, feel free to -- to chime in, Mr. Kling.

STEPHEN KLING: Yeah, and I'm going to turn this over to John in a second because I think we have a proposal that might satisfy everybody here.

But I mean Whitney is correct, however, I would go back and say, we would have never have agreed, as a subdivision, to have this rezoned to GC if it was going to be wide open to just coming up for a conditional use permit. I mean we would have been screaming about that.

It was the restriction that actually did that, cause this property is different, but I think John's got a proposal that will satisfy it.

JOHN DIEHL: I suggest perhaps what we do on this is is amend the ordinance to provide authorization for the City's consent to substitute a deed restriction, which we're going to execute between the parties to place upon the property and make that a condition of the -- the

recording -- the execution recording that as a condition of the triggering of the actual rezoning.

I think that's satisfactory to all the parties involved here.

Did I fairly state that?

STEPHEN KLING: Yes.

CHAIRMAN MADDEN: Should we table it?

MR. LUMLEY: No, we don't need to table it. You could just in the motion indicate that would be part of -- that would be a condition of approval, as Mr. Rovak was alluding to.

CHAIRMAN MADDEN: Okay. Everybody okay up here?

How about anybody in the audience on this one? No. Okay.

Somebody want to make a motion?

(Motion made and vote was taken.)

MR. LUMLEY: I'm sorry. You know what, we didn't actually close the record before you voted, but let me go ahead and put the exhibits in any way.

Let the record reflect the following exhibits: documentation in possession of the City Clerk reflecting the public notice that was provided for the hearing, the staff report regarding this application, the City's Code of Ordinances and Charter, the City's Comprehensive Plan, and the public file regarding the application, which would

include all communications received to date.

(Public Hearing ended.)

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

BILL NO. 5435 **ORDINANCE NO. _____**

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 City Code of Ordinances regarding 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 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~~

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~~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

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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 — 7/12/2013 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). <u>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.</u>

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	Mr. Pullium – aye	Mr. Faron – aye
Dr. Barton – aye	Chair – 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

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July 16, 2013

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

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 13-016

APPLICATION 13-022

APPLICATION 13-009

APPLICATION 13-017

APPLICATION 13-024

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: Another Public Hearing, D, Application No. 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 square feet of floor area.

Anybody that's going to be commenting on this, if please come up and be sworn in.

(The speakers were sworn in by the court reporter.)

CHAIRMAN MADDEN: Will you state your name again.

JOHN DIEHL: Thank you, Mr. Chairman and Members of the Commission.

For the record, again, my name is John Diehl. I'm with the law firm of Armstrong Teasdale, and located at 7700 Forsyth, 18th Floor, Clayton, Missouri 63105.

We're here to present application to the Planning Zoning Commission, Notice 13-022, once again, on behalf of Altus Questover, L.L.C.

What this is a request for a change in the parking text. It's a parking text amendment dealing with the site, and it deals with required off-street parking for nail, hair and skin services.

It request that parking requirement be changed from four spaces per thousand square feet of floor area

from existing requirement to 3.5 spaces per barber, beautician and/or manicurist.

The current parking requirements on the site lead to overparking and excess pavement and asphalt.

The current requirements are very out of line with other retail and service-type uses by as much as 2.5 to 6 times as much parking, which is needed for other types of retail and service-type uses in the city.

As such, tenant spaces within the center cannot be filled because no parking is available for additional tenants.

When parking of all uses is considered cumulatively, it makes very difficult for property owners to achieve a mix of uses and a proper scale of development, which is called for by the Comprehensive Plan and which is sought by the market.

The current standards in place on this property exceed the actual use requirements of the property, and as such, artificially inflate the number of parking spaces which are required leading to unintended consequences of prohibiting other uses on the property.

During the course of this application, it's my understanding that City's monitored the actual parking on this and the staff report has photographs, which demonstrate the actual unused parking on the spot during

the daytime hours.

Other -- in other cities the trend is to require less parking, especially in centers where demand and uses are more fluent than purely stand-alone uses for a particular type of use.

Once again, we've worked with the neighbors and we have an agreement with them as part of our overall agreement that this parking requirement would be relaxed on the site.

And I'd be happy to entertain any questions that you might have.

CHAIRMAN MADDEN: Any questions? You do or no?

MR. ROVAK: No.

CHAIRMAN MADDEN: Okay.

MR. ROVAK: I'm familiar with the issue in general.

CHAIRMAN MADDEN: Okay. Thank you.

Mr. Kling.

STEPHEN KLING: Just very quickly. Stephen L. Kling, Jr., with Jenkins & Kling, P.C. representing the Questover Subdivisions.

And the information Mr. Diehl has given you is accurate.

CHAIRMAN MADDEN: Thank you.

MR. LANGDON: Mr. Chairman, on behalf of the

City, I have nothing further.

CHAIRMAN MADDEN: Okay. Is there anybody in the audience? Okay.

That will close our Public Hearing.

MR. LUMLEY: Offer the following -- okay.

CHAIRMAN MADDEN: Yeah.

MR. LUMLEY: Offer the following exhibits into the record of this Public Hearing: Documentation in possession of the City Clerk reflecting the public notice provided regarding the hearing, the staff's report, the City Code of Ordinances and Charter, the City's Comprehensive Plan and the public file regarding the application including all communications received to date.

I did have a question, just to confirm the -- this parking restriction is not discussed in the restrictive deed, correct?

STEPHEN KLING: (Shook head in an up and down motion.)

MR. LUMLEY: Okay.

JOHN DIEHL: That's correct.

(Public Hearing ended.)

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

BILL NO. 5436 **ORDINANCE NO. _____**

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

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

300 North New Ballas Road • Creve Coeur, Missouri 63141
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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.

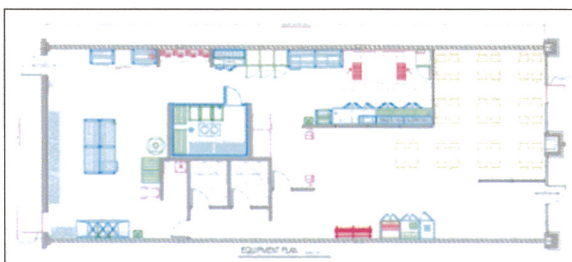
Key Issues:
- Does the request integrate with the existing surrounding uses?
- Does the request further or implement the goals of the Comprehensive Plan?

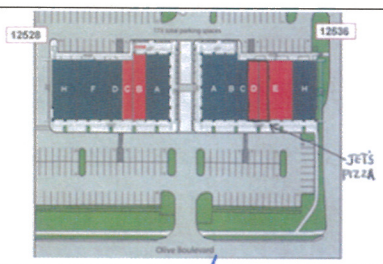
Comp. Plan References
- West Olive Corridor Action Area

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, AICP — 7/12/2013 Date

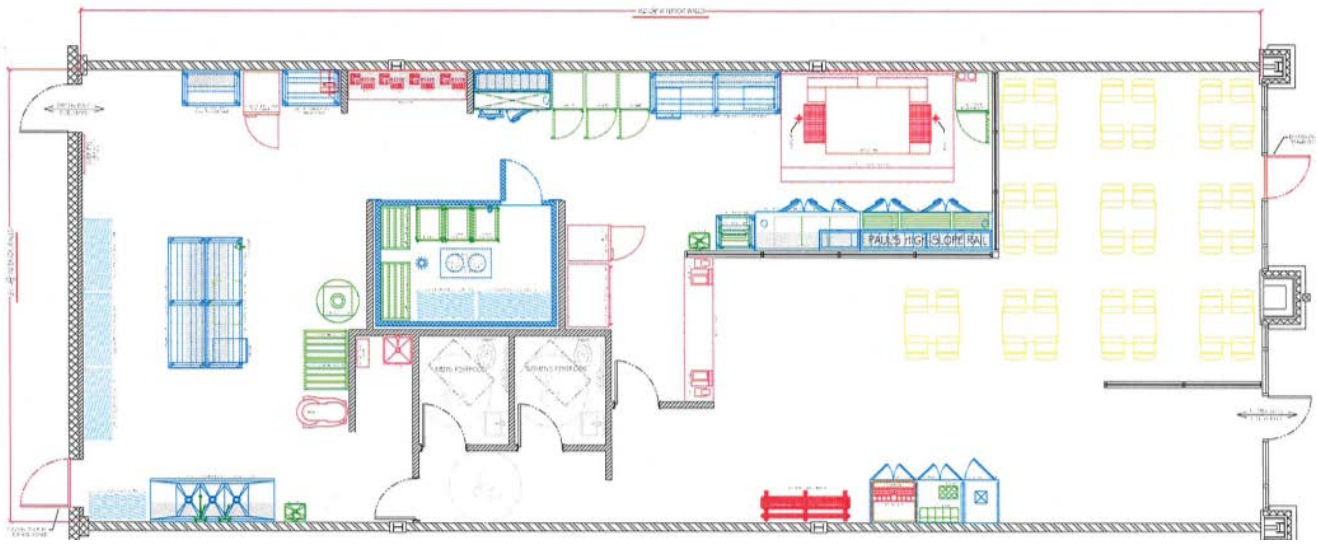
ATTACHMENTS: Applicant's Materials
Draft Ordinance
Public Comments received by July 12, 2013

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**
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. 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).

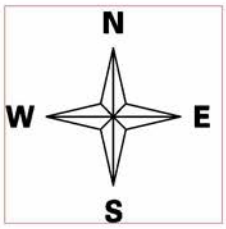
APPENDIX 1: COMPREHENSIVE PLAN

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):*
Michael Serra *Name*	Tony Giarratano *Name*
CCP Pizza LLC dba Jet's Pizza *Company (If Applicable)*	Lord Partners *Company (If Applicable)*
19694 Westchester Dr. *Address*	214 S. Bemiston Ave Suite 25 *Address*
Clinton Twp., MI 48038 *Address*	St. Louis, MO 63105 *Address*
Telephone # 313-520-8493	*Telephone #* 314-276-2352
Fax #	*Fax #*
Email: mserra@serraproduce.com	*Email:* tonyg@lordpartners.com
Applicant's Signature	*Applicant's Representative's Signature*

Property Information:	*Owner's Acknowledgement (if different from applicant):*
12536 Olive Blvd. Suite D *Address*	Kelly Diehl *Name*
Creve Coeur, MO 63141 *Address*	Altus Properties LLC *Company (If Applicable)*
The Shoppes at Questover *Development Name (If any)*	1010 Des Peres Rd, Ste 320 *Address*
Mixed Use District *Current Zoning*	St Louis, MO 63131 *Address*
	Telephone # 314-569-5000
Prior CUP Approvals (If known)	*Fax #* 314-569-5059
	Email: cblake@altusproperties.com
	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 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
- ☐ Site plan
- ☐ Access and parking plan; (may be shown on site plan)
- ☐ Landscape plan
- ☐ Floor plan
- ☐ Electronic copies of all materials
- ☐ Building elevations for new construction
- ☐ Photographs of existing structures
- ☐ Materials samples
- ☐ Fees: $250 (non-refundable) $2000 (refundable deposit)
- ☐ Other items as requested by staff

Preferred Public Hearing Date: Monday, May 6th, 2013.

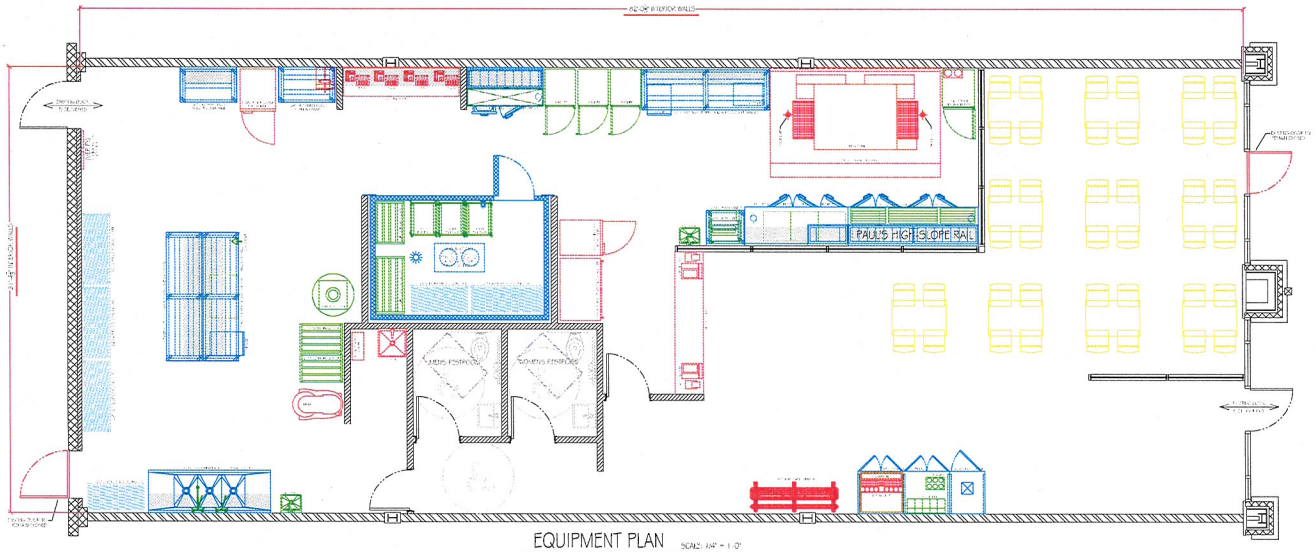
*****See attached schedule and confirm available meeting dates with Planning Division staff*****

Office Use Only

____	**All Sections Complete**	Received By:
____	**All Documents, incl. e-Copies**	_____
____	**Fees Paid**	Date: _____

Paul Langdon, AICP, Planning Director
Whitney Kelly, AICP, City Planner
Julie Lowery, Administrative Assistant (872-2501)

Revised: 11/11



EQUIPMENT PLAN SCALE: 1/4" = 1'-0"

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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ARCHITECTURAL STAINLESS INC.

16575 23 MILE ROAD
MACOMB TWP., MI 48042

PHONE: (586) 786-6766
FAX: (586) 786-6890

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REVISIONS

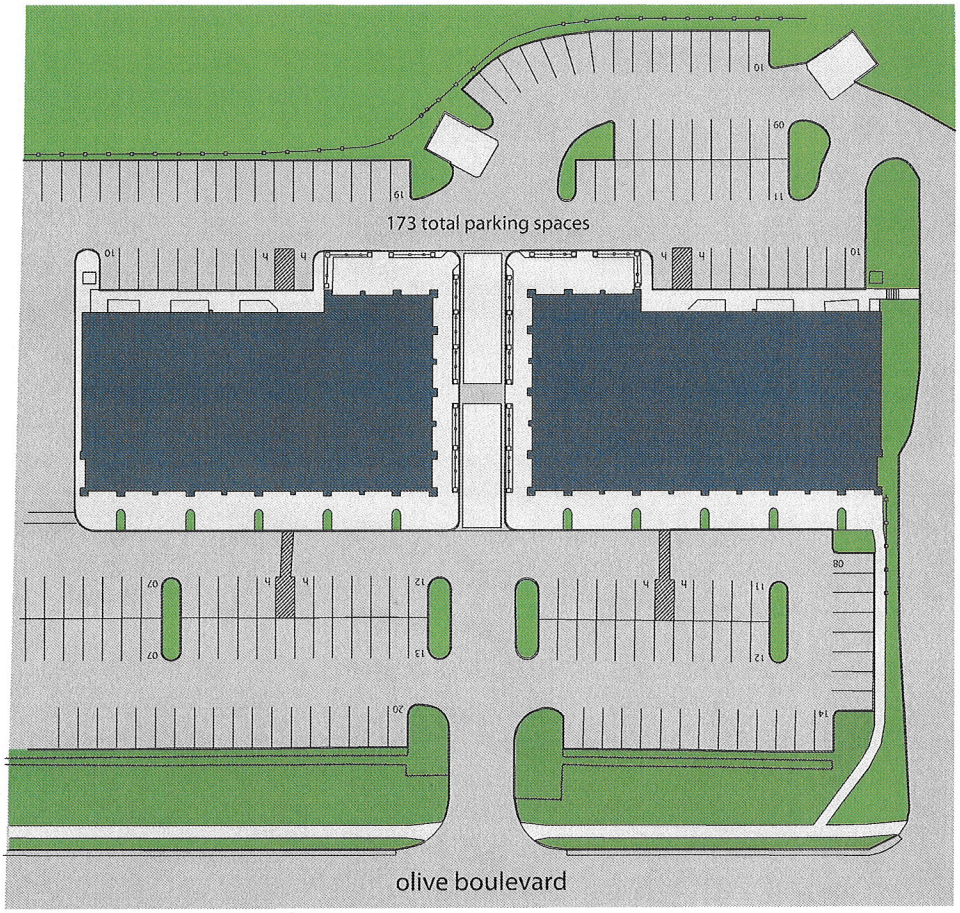
DATE	ITEM	BY

JET'S PIZZA
12536 OLIVE BLVD.
CREVE COEUR, MO #2

DRAWN BY	DATE
PC	3/29/2013

A.S.I. PROJECT FILE

SHEET NO:
EQ-1



Shoppes at Questover

12528 Olive Boulevard
Creve Coeur, Missouri 63141

ALTUS

Shoppes at Questover

ALTUS

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:** "wkrlly@ci.creve-coeur.mo.us" <wkrlly@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

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 tenders 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. Faron – aye	Mr. Pullium – aye
Mr. Rovak – aye	Chair – 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

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 13-016

APPLICATION 13-022

APPLICATION 13-009

APPLICATION 13-017

APPLICATION 13-024

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: And that will move us to E, another Public Hearing, Application No. 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.

Anybody that's going to be involved in this, please come up, be sworn in.

(The speakers were sworn in by the court reporter.)

CHAIRMAN MADDEN: Go ahead.

JOHN DIEHL: Thank you, Mr. Chairman, Members of the Commission.

Once again, my name is John Diehl. I'm with the law firm of Armstrong Teasdale at 7700 Forsyth, 18th Floor, Clayton, Missouri 63105.

I'm here to present an application for conditional use permit, which has been filed by Jet's Pizza.

On behalf of Jet's Pizza this evening is Tony Giarratano and Claudi Batalli (phonetic), who are here that can answer any questions that the -- that the Commission may have.

This is located at 12536 Olive Boulevard, Suite D. The proposed conditional use permit involves a restaurant of 2,668 square feet with a dine-in restaurant,

forty indoor seats and approximately sixteen outdoor seats. It also provides take out and delivery services.

There are no proposed changes to the exterior of the building or the building site, and the site is currently zoned GC, which is a General Commercial District, and this is a permitted as a conditional use within that District.

This is the second location for Jet's Pizza in the City of Creve Coeur. Jet's was before this Commission several weeks back for another site, which is under construction at Olive and Graeser.

While they're relatively new to this area, they have approximately 350 locations nationwide, and they're moving into this market.

Once again, the staff report recommended approval of this with certain conditions, which are outlined in the staff report.

We're willing to accept and agree to all of those conditions as outlined in the staff report, and, once again, we've also worked with the neighborhood trustees and have their consent to this conditional use permit.

I'd be happy to answer any questions.

CHAIRMAN MADDEN: Any questions for Mr. Diehl?

Mr. Faron.

MR. FARON: Maybe and directed to Mr. Kling, the -- the, I guess the dissention of a few residents back in the subdivision is a minority compared to who you're representing throughout, and with their complaints, I guess we're, in order to, as a city, is going to deal with the smell and the noise abatement through the St. Louis County.

First, I guess they're in the minority, I would assume, and the majority is for.

STEPHEN KLING: Let me get on the record first.

JOHN DIEHL: Sure.

STEPHEN KLING: Stephen L. Kling, Jr., attorney with Jenkins & Kling, P.C., 150 North Meramec Avenue, Clayton, Missouri 63105, here tonight representing the Questover Subdivisions.

On June 4th we sent an email to all the trustees, as we normally do, going through this particular proposal that there would be a Jet's Pizza, pointing out that we were not passing when we went to the 40 percent, as with the 25 percent, as to what uses can go in there. That's subject to the conditional use process.

We pointed out that a Jet's Pizza, along with many other pizza establishments, have been approved on roads near residential areas. That this particular area was buffered as it is and it faces out, and -- and didn't

get any concerns, other than one individual asking several questions, which we responded to.

And then before we were ready to sign the agreement, we sent another email out to all the trustees saying if there's any final objections, we needed to hear them now, and we didn't hear any.

So you can put that in the record.

MR. FARON: And that pizza seems to be at the west end of the property and the residents are more up near the -- it's quite a distance.

STEPHEN KLING: That I don't know.

MR. FARON: Okay.

STEPHEN KLING: I don't know. I haven't seen -- I'm aware of one. You mentioned multiple, but I'm not aware --

MR. FARON: Seems like there's a gap so.

STEPHEN KLING: So there may be a couple that are unhappy with it, but I would point out there's, what, 140 or 150 people there, and I think that's up to this Board to decide.

I mean a conditional use really is a use that is subject to conditions that you all believe are appropriate, and I think some conditions have already been recommended.

MR. FARON: Right. So I assume. Thank you.

CHAIRMAN MADDEN: Thank you.

MR. FARON: And, Paul, I guess you can address that those are issues that we would push forth standardly with the noise and with the air -- the -- what you mentioned in terms of the smell for restaurant remediation. Okay.

CHAIRMAN MADDEN: Make up area.

MR. FARON: The make up area. Thank you.

CHAIRMAN MADDEN: Any other questions?

Mr. Rovak.

MR. ROVAK: I just have a general question.

I haven't been on the Commission since any previous similar ones.

Have there been any issues relating to the delivery, either parking and location of delivery cars or trucks? I'm not suggesting that there are, I just want to know if that's being raised, and if it's, you know, been an issue and if it's been answered.

MR. LANGDON: Mr. Chairman, Paul Langdon on behalf of the City.

We have had instances of businesses with delivery vehicles parking out near the street, primarily because those vehicles are a four-wheel billboard, and the proprietors have admitted that they use it for attention, and we have advised them that the Zoning Code requires

that they park those behind the building, if possible, or as close to the front of the building as possible, and -- and they complied.

So we have had a few issues, but they are rare, I would say.

MR. ROVAK: Thank you.

CHAIRMAN MADDEN: Anybody in the audience has a comment or question?

Okay. That will close our Public Hearing.

MR. LUMLEY: Offer the following exhibits into the record of the Public Hearing: Documentation in possession of the City Clerk reflecting the public notice provided regarding the hearing, the staff's report, the City's Code of Ordinances and Charter, City's Comprehensive Plan and the public file regarding the application, including all communications received to date.

CHAIRMAN MADDEN: Thank you.

(Public Hearing ended.)

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

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: As requested by the Creve Coeur Fire Protection District, Missouri American Water Company, in accordance with its duties pursuant to its certificate of convenience and necessity, shall install one (1) public fire hydrant in the City of Creve Coeur at the following locations:

> 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.

SECTION2: Such fire hydrants shall meet the specifications of the Creve Coeur Fire Protection District. All of said work shall be done under the supervision of the City, and for the purpose of this ordinance, 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

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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

BILL No. __5438____ **ORDINANCE No. _____**

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:

Average Monthly Electric Bill	Annual Tax Saving due to 1.5% reduction	Annual Tax Saving due to 1% reduction
$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:

Year	Amount	Percent Annual Increase/(Decrease) From Prior Year
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% in15 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.

	FY 2012-13	FY 2013-14	FY 2014-15
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

	FY 2015-16	FY 2016-17	FY 2017-18
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

City	Res Elec	Comm Elec	Res Gas	Comm Gas	Res Water	Comm Water	Res Phone	Comm Phone
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

City	Res Elec	Comm Elec	Res Gas	Comm Gas	Res Water	Comm Water	Res Phone	Comm Phone
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. Employeee 3.5%. No SS paid.

Webster - general employees

City contributes 5.5% of Gross. Employess 3.5%. They pay SS.
Participation is immediate. Fully vested at 5 yrs.

buckconsultants

A Xerox Company

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.

231 South Bemiston, Suite 400 • St. Louis, MO 63105
314.725.0114 • 314.725.2724 fax

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

Stephen B. Siepman, F.S.A.
Principal, Retirement Consulting Actuary

hnh

MEMORANDUM

DATE: August 5, 2013

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance

SUBJECT: Increase Cost to City As A Result of Define Contribution Plan

At the last meeting, City Council requested additional information concerning the 1% increase in the City's contribution to the current defined contribution retirement plan. The City terminated the defined benefit plan for new employees hired after June 1, 2006. I believe the following information places the increase in perspective.

1. The estimated increase in the City's cost for the 1% additional City contribution is $21,500 for FY2014, for a total of approximately $167,000.00
2. The estimated <u>increased</u> cost for FY2018 is approximately $33,000. This is based on the following assumptions:
    a. Salary increases of 3% for FY15 and 4% there after
    b. Beginning average salary in FY2014 $48,000 and slight increases thereafter until FY2018
    c. That the four additional participants each year will be eligible for the plan for the entire year

    As you can see, these are maximum assumptions and the increase over the five-year projection period is not significant compared to the annual budget, or to our annual contribution to the defined benefit plan of $1.2 million.
3. Base salaries for all employees in the FY2014 budget were around $6.3 million. If base salaries increased to $7.0 million by FY2018 and 75% of employees were in the defined contribution plan at that time (which is unlikely to occur for a long period) the additional cost resulting from the increase would be only $52,500 annually.

I believe it is important for the City's defined contribution retirement plan to be competitive. This additional 1% contribution appears to accomplish that at a fairly reasonable cost over time.

I would be pleased to respond to any questions.

BILL NO. 5441 **ORDINANCE NO. _____**

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, Section67.145 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

BILL NO. _5442____ **ORDINANCE NO. _____**

AN ORDINANCE AMENDING CHAPTER 405.370 "CB" CORE BUSINESS DISTRICT, OF THE ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI TO MODIFY THE HEIGHT AND BUFFER REGULATIONS AS THEY PERTAIN TO ADJACENT RESIDENTIAL DEVELOPMENT.

WHEREAS, an application by David Braswell, of Covington Realty Partners, Inc. has been submitted for a text amendment limiting the special height and buffer requirements in the "CB" District to properties adjacent to single-family residential development instead of single-family residential districts; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to the "CB" Core Business District 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 August 5, 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 4-0 recommended approval of the subject amendments at its meeting on Monday, August 5, 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 405.370.E.3. Building Bulk Regulations, paragraph "a. Maximum structure height" is hereby repealed and a new paragraph "a. Maximum structure height" is enacted in lieu thereof, as follows:

E. *Dimensional Regulations.*

3. *Building bulk regulations*.

a. *Maximum structure height*. On lots that are smaller than three (3) acres, no building or structure shall exceed four (4) stories or sixty (60) feet in height. Developments on lots of three (3) or more acres shall have no height limitations, provided that buildings

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exceeding six (6) stories or ninety (90) feet in height receive a conditional use permit in accordance with Section 405.1070. In addition, non-residential development adjacent to any single-family residential zoning district shall meet a sky exposure plane requirement. The sky exposure plane will be measured from a line located forty-five (45) feet above grade and one hundred (100) feet from the property line on the non-residential site and will have a slope of thirty degrees (30°) rising towards the center of the site. No portion of the building or structure shall penetrate this sky exposure plane.

SECTION 2: Section 405.370.E.4. Yard and setback requirements, paragraph "d. Buffer yards" is hereby repealed and a new paragraph "d. Buffer yards" is enacted in lieu thereof, as follows:

4. *Yard and setback requirements*.
   d. *Buffer yards*. Notwithstanding the provisions of Sections 405.370(E)(4)(b) and 405.370(E)(4)(c) above, any non-residential development abutting a single-family residential zoning district shall provide a buffer yard of fifty (50) feet on all sides that abut or adjoin the single-family district. The setback for non-residential buildings exceeding three (3) stories or forty-five (45) feet in height shall be increased to two hundred (200) feet. An additional two (2) feet of buffer yard shall be provided for every foot of building height exceeding forty-five (45) feet. The buffer area resulting from these setback requirements shall not contain any impervious surface and shall be landscaped and provided with other screening devices as deemed appropriate by the Planning and Zoning Commission.

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

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CITY CLERK

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city of CREVE COEUR

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APPLICATION TO PLANNING AND ZONING COMMISSION #13-023 FOR A TEXT AMENDMENT TO SECTION 405.370 "CB" CORE BUSINESS DISTRICT REGULATIONS TO CHANGE THE PROTECTION FROM A SINGLE FAMILY "DISTRICT" TO A SINGLE FAMILY "DEVELOPMENT" WHEN ADJACENT TO THE "CB" CORE BUSINESS DISTRICT

FOR THE PLANNING AND ZONING COMMISSION MEETING OF: Monday, July 15, 2013 at 7:00 P.M.

LOCATION: "CB" Core Business District

REQUEST: David Braswell, of Covington Realty Partners, LLC, has submitted a request to amend Section 405.370(E)(3)(a) and Section 405.370(E)(4)(d) of the "CB" Core Business District regulations of the Zoning Code to revise certain protections for adjacent single family residential "districts" to single family residential "development." Where Section 405.370(E)(3)(a) Maximum Structure Height states that a property adjacent to any single-family residential zoning district shall meet a sky exposure plane, Section 405.370(E)(4)(d) Buffer yards states that any tract or site abutting a single-family residential zoning district shall provide a buffer yard of fifty (50) feet on all sides that abut or adjoin the single-family district. The amendment will change the word "district" to "development".

ADDITIONAL INFORMATION: The proposed changes would allow the applicant to pursue approval of the rezoning and conditional use permit for a multi-family residential development at 10360 Old Olive Street Road, known as "The Vanguard at Creve Coeur."

Key Issues:
- Is this a reasonable exercise of zoning authority?
- Does the request further or implement the goals of the Comprehensive Plan?
- Does this create adverse impacts for single-family subdivisions?

Comp. Plan References
- Design Guidelines
- Residential Preservation

Zoning Code References
- Section 405.370: "CB" Core Business District

APPLICANT: David Braswell
Covington Realty Partners
135 N. Meramec Ave, Suite 500
St. Louis, MO 63105

PROPERTY OWNER: Dr. Kent Branson
Pavilion Office Park, LLC.
11630 Studt Avenue
Creve Coeur, MO 63141

REPORT PREPARED BY:

8/2/2013

Paul Langdon, AICP — Date
Director of Community Development

ATTACHMENTS: Draft Ordinance
Public Comments
Staff Report, dated February 16, 1999.

BACKGROUND – ZONING HISTORY

The proposed text amendment is the latest in a long line of changes to the City's Zoning Code concerning the regulation of commercial zoning when it is adjacent to residential zoning. Today's "CB" Core Business district was originally conceived as the major business district for the city, although it has always accommodated residential in various forms. Known as the "O" Central Core Business District when adopted in 1976, the bulk standards allowed large buildings with a floor area ratio of 2.5 and no height limitation. The standards also provided for a 50-foot landscaped buffer when a development was adjacent to a "residence district." Although it is not specified in the regulations exactly which districts were meant by "residence district," it appears to imply the single family ("A," "B" and "C") and two-family ("D") districts since they did not allow for any commercial uses. The "P" Planned Multi-family District, on the other hand, did allow commercial development as well, so it seems unlikely that a buffer would have been applied to a district that would have had the same internal juxtaposition of commercial to residential.

In 1983, the Zoning Code was largely re-written with most of the districts getting new names and substantially different regulations. The "O" District became the "CB" Core Business District and, although the bulk regulations allowed the same size buildings, the setback and buffer requirements were modified substantially. For buildings of four stories, the setback from the building to an adjacent single family detached zoning district ("A," "B" and "C") was increased to 200 feet, and for buildings of five or six stories, the same setback was 500 feet. Buildings higher than six stories were subject only to a conditional use permit and no particular setback was specified. At the same time, a 50-foot buffer was required adjacent to any single or multi-family residential district ("A," "B," "C," "AR"(formerly "D"), and "MR" (formerly "P")). These requirements were unchanged in the 1994 update, although the maximum building FAR was dropped from 2.5 to 2.

The next substantial revision of the Zoning Code took place in 1997, at which time the buffer and setback regulations were changed to the same ones that exist today. Specifically, the setbacks for increasing building heights adjacent to any "single-family residential zoning district" ("A," "B," "C," "D" and "AR") were limited by the "sky exposure plane" and the 50-buffer yard was required only beside the single-family districts, not the "MR" Multi-family Residential district. Buildings over three stories or 45 feet were also required to be setback 200 feet from an adjacent single-family district ("A," "B," "C," "D" and "AR").

There have been many discrete amendments to the Zoning Code since 1997, but no complete re-writes of the code. Germaine to this application, one of those amendments took place in 1999 when the City undertook to eliminate the MR district and place all existing MR developments in some other, existing zoning district. As shown in the attached report dated February 16, 1999, the staff undertook an exhaustive study of the developments that were zoned MR at the time and attempted to predict the possible impacts or spillover effects of rezoning those properties. The creation of non-conformities in the form of setback and buffer encroachments on adjacent commercial properties was noted and, in the instance of Carriage House, the impacts were significant enough to warrant a recommendation from the staff that the rezoning be from MR to GC, not AR, since the adjacent property was zoned GC and subject to longer, unworkable setbacks if the Carriage House was zoned AR.

This recommendation passed through the Planning Commission, but the City Council was concerned about insufficient separation between buildings. If both lots had been zoned GC, the commercial property would have to observe a 12-foot setback that could include parking, whereas a 20-foot landscape buffer was required if Carriage House was zoned AR and the

adjacent property was zoned GC. There was no discussion of the impacts if the adjacent property were zoned CB.

Since that time, the newly AR-zoned properties have stayed largely unchanged, as have the properties around them, with one exception: the church property west of Carriage House became vacant and has been unchanged since then. The applicant proposes to demolish the buildings and construct an apartment complex on the site but is reliant upon the property being zoned CB, which would be an expansion of the district covering the Pavilion Shopping Center. However, this would place a CB district adjacent to the Carriage House AR district and then brings with it the sky exposure plane, 50-foot buffer and 200-foot setback requirements. These make development of the lot impossible since the lot is less than 200 feet wide. In response, they propose to amend the CB district so that the extra requirements would apply only when the adjacent development was actually single-family in nature, not just zoned that way. As a result, the presence of the AR district would have no regulatory impact on the adjacent development. This is equivalent to the effect of the regulations between 1997 and 1999 when MR districts did not compel the larger setbacks or buffers.

COMPREHENSIVE PLAN ANALYSIS

Preservation of the residential areas in town is a recurring theme in the Zoning Code:

Community Image and Identity
4. Maintain the City's strong low-density residential image and character. (p.23)
5. Ensure that non-residential development is compatible with adjacent residential development. (p.23)

There is also an entire section, "Residential Neighborhoods," that is committed to goals that ultimately serve to protect the single-family residential neighborhoods south of Olive Boulevard. It must be noted that it does not include any areas north of Olive, including the lot being pursued by the applicant. Since these areas south of Olive Boulevard actually are developed with single-family houses, the proposed change would not impact them and, therefore, would not violate the Comprehensive Plan goals.

The question then is whether or not the existing AR-zoned, multi-family complexes are likely to be impacted if this amendment is approved and, if there is an impact, does it rise to the level of violating the goals of the Comprehensive Plan? Currently, there are no CB districts next to AR, except on Old Olive Boulevard (the applicant's site). However, it is conceivable that Westgate Center and Bellerive Shopping Center could be rezoned in the future to facilitate redevelopment, and they are adjacent to existing AR districts with multi-family development (Cove at Westgate and Town and Four, respectively). In the case of the former, Cross Creek Drive separates the two, so a direct conflict is unlikely there. At Bellerive Shopping Center, it could be possible for the side of a CB redevelopment to be close to approximately 10 apartment units that are currently less than 50 feet from the shared property line. Carriage House, on the other hand, is no less than 75 feet from their west property line that is shared with the applicant's property. Although a rezoning to CB seems less likely along their east side, the Carriage House buildings are only 15 feet from their east property line. If an office building were then located at the minimum 10-foot side setback, there would only be 25 feet between buildings and this would appear to violate the basic goals of protecting residential development from non-residential uses and is, in fact, the concern that the City Council had in 1999.

Having identified that a potential risk exists, it must be pointed out that the applicant is proposing a residential structure (apartments). It is difficult to conclude that one apartment structure is universally incompatible with another apartment building. Staff suggest that any issues that do arise from a given application can be resolved through the site development plan approval process. If the Planning Commission believes that the simple concern with the application is the potential for a non-residential structure to be placed too close to a residential structure, then a potential remedy would be to amend the request to replace the generic terms of "development" and "any tract or site" with "any non-residential development" instead of the proposed language that, if adopted, would still allow development close to the AR-zoned multi-family projects. This targets the specific concern, while allowing that a commercial zoning district (CB) can actually be developed with a residential use like that proposed by the applicant. On the other hand, it still makes it difficult to place a CB-zoned commercial project near one of these AR properties, but the current arrangement of zoning district already provides GC zoning on the adjacent property and this could serve as the transition area from AR to CB.

If adopted as suggested above, the relevant sections of the Zoning Code would be amended as follows:

3. *Building bulk regulations.*
   a. *Maximum structure height.* No building or structure shall exceed four (4) stories or sixty (60) feet in height. Developments on lots of three (3) or more acres shall have no height limitations, provided that buildings exceeding six (6) stories or ninety (90) feet in height receive a conditional use permit in accordance with Section 405.1070. In addition, ~~properties~~ non-residential development adjacent to any single-family residential zoning district shall meet a sky exposure plane requirement. The sky exposure plane will be measured from a line located forty-five (45) feet above grade and one hundred (100) feet from the property line on the non-residential site and will have a slope of thirty degrees (30°) rising towards the center of the site. No portion of the building or structure shall penetrate this sky exposure plane.

4. *Yard and setback requirements.*
   d. *Buffer yards.* Notwithstanding the provisions of Sections 405.370(E)(4)(b) and 405.370(E)(4)(c) above, any ~~tract or site~~ <u>non-residential development</u> abutting a single-family residential zoning district shall provide a buffer yard of fifty (50) feet on all sides that abut or adjoin the single-family district. The setback for <u>non-residential</u> buildings exceeding three (3) stories or forty-five (45) feet in height shall be increased to two hundred (200) feet. An additional two (2) feet of buffer yard shall be provided for every foot of building height exceeding forty-five (45) feet. The buffer area resulting from these setback requirements shall not contain any impervious surface and shall be landscaped and provided with other screening devices as deemed appropriate by the Planning and Zoning Commission.

ZONING ANALYSIS

In all of the discussions over this issue, the intent has always been to most effectively implement the Comprehensive Plan through the protection of people's residences. This is a proper application of zoning regulations. How much protection is provided and to which particular forms of residences has been the question, and the Comprehensive Plan does not provide specific guidelines for anything other than the detached single-family districts south of Olive Boulevard. The Staff believe that the proposed amendment attempts to adjust the regulations to implement the Comprehensive Plan in the simplest terms but, upon investigation of past actions, find that it may be too heavy a hand. At the risk of narrowing the regulations to too fine of an issue, an alternative approach is proposed by the Staff that would effectively protect the AR-zoned properties from the most intense development, but still allow large multi-family projects that

require CB zoning, and leave unchanged the ability to use GC zoning for less intense commercial projects without the demanding setbacks and buffers. This appears to be a reasonably simple approach that allows a reasonable market demand with a lesser risk of unintended consequences. Further, the proposal still recognizes the goals of the Comprehensive Plan by protecting these pre-existing residential developments from commercial projects and does not contradict the existing land use patterns that show an overall intensification of use around the nodes of CB zoning.

Staff recommends one other minor clarification in the buffer regulations regardless of the other specific amendments. The regulations establish that certain sites must meet a 50-foot buffer and then the next sentence discusses a larger setback as a result of building heights over three stories. Although the overall construction of the bulk regulations suggests that setback increase is for buildings over three feet and adjacent to a single-family residential district, it is not clear and could cause confusion. The draft ordinance, therefore, contains qualifiers that make it clear that the 200-foot setback applies only when the building is over three stories and adjacent to a single-family residential development.

CONCLUSION

In 1999, the City took actions to increase the over-sight of new multi-family projects, most notably by forcing them into a townhouse style development in an AR zoning district, or a more intense high-rise style in a CB district. Those that were already built would have to be accommodated through some less-than-perfect rezoning. In most instances, the AR zoning was satisfactory (though not perfect) but, in the case of the Carriage House condominiums, a conflict was indentified and a concern was raised. However, the circumstances at the time suggested that proceeding with the AR rezoning anyway would only increase the adjacent setback from 12 feet to 25 feet along the shared side property lines and that was more in keeping with the goals of the City. What was not anticipated was the much greater impact of the rezoning in the event that the adjacent property was ever up-zoned from GC to CB. That is the current situation and both the applicant's proposal and the staff alternative would make the applicant's project viable. The staff alternative, however, would be more closely tailored to the specific conflict in the current zoning.

ACTION AND EXAMPLE MOTION

The attached draft ordinance is based upon the applicant's request and will require a vote by the Planning Commission prior to being forwarded to the City Council for approval or denial. However, if the members of the Commission believe the alternative approach suggested by the Staff is preferable, then there should be a preceding motion that substitutes the alternative language. Such a motion would be similar to the following:

> "I move to substitute the alternative language suggested by staff in their report on Application #13-023, dated August 5, 2013, into the attached draft ordinance revising the building height and buffer requirements in the CB Core Business zoning district."

An example motion calling for the final vote is:

> "I move to approve the (amended) draft ordinance revising the building height and buffer requirements in the CB Core Business zoning district attached to the staff report on Application #13-023, dated August 5, 2013."

BILL NO. _____ **ORDINANCE NO. _____**

AN ORDINANCE AMENDING CHAPTER 405.370 "CB" CORE BUSINESS DISTRICT, OF THE ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI TO MODIFY THE HEIGHT AND BUFFER REGULATIONS AS THEY PERTAIN TO ADJACENT RESIDENTIAL DEVELOPMENT.

WHEREAS, an application by David Braswell, of Covington Realty Partners, Inc. has been submitted for a text amendment limiting the special height and buffer requirements in the "CB" District to properties adjacent to single-family residential development instead of single-family residential districts; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to the "CB" Core Business District 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 August 5, 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 _____ 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 405.370.E.3. Building Bulk Regulations, paragraph “a. Maximum structure height” is hereby repealed and a new paragraph ”a. Maximum structure height” is enacted in lieu thereof, as follows:

E. *Dimensional Regulations.*

3. *Building Bulk Regulations*

a. *Maximum structure height*. No building or structure shall exceed four (4) stories or sixty (60) feet in height. Developments on lots of three (3) or more acres shall have no height limitations, provided that buildings exceeding six (6) stories or ninety (90) feet in height receive a conditional use permit in accordance with Section 405.1070. In addition, properties adjacent to any single-family residential development shall meet a sky exposure plane requirement. The sky exposure plane will be measured from a line located forty-five (45) feet above grade and one hundred (100) feet from the property line on the non-residential site and will have a slope of thirty degrees (30°) rising towards the center of the site. No portion of the building or structure shall penetrate this sky exposure plane.

SECTION 2: Section 405.370.E.4. Yard and setback requirements, paragraph “d. Buffer yards” is hereby repealed and a new paragraph “d. Buffer yards” is enacted in lieu thereof, as follows:

4. *Yard and setback requirements*.

d. *Buffer yards*. Notwithstanding the provisions of Sections 405.370(E)(4)(b) and 405.370(E)(4)(c) above, any tract or site abutting a single-family residential development shall provide a buffer yard of fifty (50) feet on all sides that abut or adjoin the single-family development. The setback for buildings abutting a single-family residential development and exceeding three (3) stories or forty-five (45) feet in height shall be increased to two hundred (200) feet. An additional two (2) feet of buffer yard shall be provided for every foot of building height exceeding forty-five (45) feet. The buffer area resulting from these setback requirements shall not contain any impervious surface and shall be landscaped and provided with other screening devices as deemed appropriate by the Planning and Zoning Commission.

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

From: Langdon. Paul
To: Kelly, Whitney
Subject: FW:
Date: Friday, August 02, 2013 4:59:48 PM

From: Elizabeth Link [mailto:lizli25@hotmail.com]
Sent: Friday, July 12, 2013 5:53 PM
To: Langdon. Paul
Subject:

Mr. Langdon,
I am very interested in the proposed changes to the Core Business District regulations. There was information about it in the City Newsletter, but it was not clear if other protections would be put in place for residents of 'apartments, condominiums or other non-single-family buildings'. I have a concern that the property values and quality of life for myself and other people who are long-time residents on Guelbreth Lane would be adversely affected by development that had no regulations regarding set-back, or landscape buffer, or variable height limits. I notice that the item under 'Planning & Zoning Update' indicated that the 'protections in place for houses' would not be affected. I do not understand why residents of multifamily dwellings, or members of churches/schools should be left 'unprotected'.

Sincerely yours,
Elizabeth Link

Elizabeth Link
Lizli25@hotmail.com
314-853-1129
~~~~~~
~~~~~~

From:	Patricia Murphy
To:	Kelly, Whitney
Cc:	Kathleen McClure
Subject:	July 15th Public Hearing #13-023
Date:	Monday, July 01, 2013 10:33:15 AM

I am a long-time owner at Carriage House Manor Condos and object to Dr. Kent Branson's petition for re-zoning of the property adjacent to our garage building.

In addition to the proposed development being too close to our property; too high; and too many units it will also complicate traffic because:

* there are already 23 driveways/exits-entrances on/off Old Olive Street Road;

* drivers exiting Lindbergh Blvd coming from the north already use Old Olive St. Rd. like it were an access road for an interstate -- speeding well above the limit which is a hazard.

Also, I believe Dr. Branson, while aiming for the high-end market doesn't realize that many of the employees at Monsanto and Danforth Center are international employees and often share apartments/condos -- 2 to a bedroom.

This means one of Dr. Branson's proposed 3-bedroom units could, conceivable house SIX people creating even more traffic.

QUESTION: How many times can Dr. Branson bring this issue up?

Thank you,
Patricia Murphy
942 Guelbreth Ln., unit 204
314-997-3385

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. REQUEST TO POSTPONE TO AUGUST 5, 2013
Application #13-023: A request to amend Section 405.370(E)(3)(a) and 405.370(E)(4)(d) of the "CB" Core Business District regulations of the Zoning Code to revise certain protections for adjacent single family residential "districts" to single family residential "development".

Applicant/Agent: David Braswell
Covington Realty Partners
135 N. Meramec Ave, Suite 500
St. Louis, MO 63105

Mr. Langdon referred to application #13-003 and said this is the text amendment portion of the application and explained it deals with buffers and setbacks that were set in place in 1999. Ms. Leslie Des Roches, 942 N. Spoede Road, stated she is concerned with this text amendment and is not in favor of this project. Ms. Des Roches does not believe that condominiums should not be in the same classification as churches, schools, and apartment buildings. Ms. Des Roches said that schools and churches are tax exempt and that an apartment building is basically taxed as business, and she said living in a condo she is living in "single-family units" and are taxed as such.

Mr. Faron motioned to postpone Application #13-023 to August 5, 2013. Mr. Rovak seconded the motion with the resultant vote as follows:

Mr. Rovak – aye
Mr. Pullium – aye
Mr. Faron – aye
Dr. Barton – aye
Chair – 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

DATE:	FEBRUARY 16, 1999
TO:	PLANNING AND ZONING COMMISSION
FROM:	CARLOS TREJO, CITY PLANNER
SUBJECT:	REVISED STAFF REPORT FOR REZONING FROM MR, MULTIFAMILY RESIDENTIAL DISTRICT TO AR, ATTACHED SINGLE FAMILY RESIDENTIAL DISTRICT
LOCATION:	CARRIAGE HOUSE THE COVE AT WESTGATE TOWN AND FOUR VILLAGE & SOMERTON CONDOMINIUMS MILL CROSSING
ZONING:	MR, MULTIFAMILY RESIDENTIAL DISTRICT
OWNER/ REPRESENTATIVE:	CITY OF CREVE COEUR

A priority last year of the City Council and Planning and Zoning Commission was to consider controlling the development of multifamily residential developments within the City. In November 1998, the City adopted Ordinance No. 1957 and 1958, which addressed multifamily developments in the AR, Attached Single Family Residential District and the CB, Core Business District. Ordinance No. 1957 permits multifamily dwellings, up to 20 units per acre, in the AR district as a conditional use. Ordinance No. 1958 permits multifamily dwelling projects exceeding 20 units per acre as a conditional use. Multifamily dwellings up to 20 units per acre are allowed as a permitted use Currently, the MR, Multifamily Residential District, PC, Planned Community District, CB, Core Business District and MX, Mixed Use District permit multifamily residential developments by right. Staff is seeking to eliminate the MR, Multifamily Residential District and rezone the properties currently zoned MR to AR, Attached Single Family Residential. By eliminating the MR, Multifamily Residential District and with the recently approved provisions for the AR and CB districts, the Planning and Zoning Commission, City Council and residents of the City of Creve Coeur are effectively given more control in guiding the development, design and location of multifamily dwellings.

ORDINANCES NO. 1957 AND 1958

Effective November 23, 1998, Ordinances 1957 and 1958 amended the AR and the CB zoning districts to allow multifamily residential dwellings as a Conditional Use. Ordinance 1957 was

titled as *An Ordinance Adopting and Enacting Amended AR, Attached Residential District (Sec. 26-34) Regulations in Article 3 of the Zoning Ordinance; adding provisions to the Conditional Use Section (26-52) in Article 4; Modifying provisions in the General Provisions Section (Sec. 26-80) in Article 9; and Modifying Definitions of Terms (Sec. 26-11) in Article 2*, and Ordinance 1958 was titled as *An Ordinance Adopting and Enacting Amended CB, Core Business District (Sec. 26-43) Regulations in Article 3 of the Zoning Ordinance; Adding Provisions tot he Conditional Use Section (Sec. 26-52) in Article 4; and Modifying Provisions in the Parking Section (26-93) in Article 9*. Limiting multifamily development as a Conditional Use, multifamily residential development may be allowed by the City Council based on the development meeting additional standards specified in the Zoning Code and any other reasonable conditions which may be established by the City Council in its review and approval of the proposed use.

THE ZONING DISTRICTS

There are currently five (5) zoning districts that allow multifamily residential developments. The MR, PC, CB and MX zoning districts allow for the development of multifamily residential developments by right and the AR and CB zoning districts allow for the development of multifamily residential developments by conditional use. (See Table 1) The following section of this report includes a description of each district and the development restrictions for multifamily residential developments. Additional development standards for multifamily residential developments under a conditional use for the AR and CB zoning district are also included.

MR, Multifamily Residential District

The MR, Multifamily Residential District is intended to provide for the development, protection and conservation of multifamily residential dwellings built for rental occupancy or condominium ownership of individual dwelling units within the multifamily buildings. A multifamily building is defined as a building arranged, intended or designed for residence by more than two (2) families, with the principal access to each dwelling unit by means of an interior lobby or a common enclosed stairway and/or elevator.

The MR district allows for up to 20 units per acre. There is no minimum lot size requirement so long as the district area is no less than five acres. Maximum site coverage is set at 63%. A multifamily building is limited to a maximum of four (4) stories or fifty (50) feet. Additional buffer spacing is required over basic setback distances when abutting single family zoning districts.

AR, Attached Single Family Residential District

The AR, Attached Single-Family Residential District is intended to provide for the development, protection and conservation of attached single-family dwellings either on deeded lots or condominium ownership. Attached single-family dwelling units must be in the form of duplexes or townhouses. Multifamily dwellings are permitted in the AR zoning district only as a conditional use.

The AR district allows for a sliding scale for permitted density, which ranges from four (4) to six (6) units per acre, based on the size of the site. For conditional uses (multi-family dwellings) the AR districts allows conditional uses to maintain a density not to exceed a floor area ratio of 0.4, with the average dwelling unit having a size of 900 square feet. This would permit approximately 19 units per acre for multi-family dwellings. A minimum lot size is required for each individual duplex or townhouse, but multifamily dwellings must be located on a lot of at least five (5) acres. Dwelling unit sizes are restricted, depending on the type of development. Maximum site coverage is limited to 50 to 60%, pending on the type of development. Structures are limited to three (3) stories or 35 feet. The buffer yard requirement is reduced in the AR district to 10 ft to 50 feet, pending on the size of the development.

The AR district includes additional design standards intended to guarantee adequate sunlight, open space and privacy for the occupants of detached single-family dwellings and attached single-family dwellings such as townhouses or duplexes. To prevent streetscapes from being dominated by garage doors and/or protruding garages, additional district regulations include:

1. Garage doors shall be faced to the side of rear yards of the site for a minimum of twenty-five percent (25%) of units proposed for the development. The portion of the garage facing the front of street shall have windows or other architectural details that mimic the features of the living portion of the structure.
2. Street facing garage doors must be recessed, by at least four (4) feet, behind either the font façade of the living area portion of the dwelling unit or a covered porch (measuring at least six (6) feet by eight (8) feet).
3. Front-loaded garage doors shall not comprise more than forty percent (40%) of the lot frontage and shall not exceed a total of 20 lineal feet at any time.

In order to qualify for consideration as a conditional use, additional development standards are required for multifamily dwellings. These development standards for multifamily dwellings include the following:

(a) Shall be located in lots of at least five (5) acres.
(b) The minimum dwelling unit size shall not be less than 900 sq. ft. per unit.
(c) At a minimum, 50% of the required vehicular parking shall be provided underground or with a basement garage.
(d) *Private usable space*. Private usable open space shall be provided in accordance with the standards for al multi-family residential buildings or development described in Section 26-80.
(e) *Visual Environment Enhancement*. In the Site Development Plan for any building or structure or any tract or tracts in the AR District, there shall be set aside a sum of money equal to no less than two percent (2%) of the proposed total construction cost, which sum shall be used for the erection, construction or installation of special extraordinary walks, patios, fountains, pools, statuary, landscaping and other applicable objects of art or beautification upon such tract or tracts. There shall be specified on such Site Development Plan an itemized cost estimate of such items, including the manner in which the sum of money is to be used for this visual environment enhancement.

CB, Core Business District
The CB, Core Business District is intended to guide and control private development and redevelopment of the major business districts in coordination with related public improvements and services. Specifically, the CB district is intended to:

(a) Relate the development of retail, office and multifamily residential uses servicing both a citywide and subregional service area to an adopted development plan for the major business areas, including land use, phasing and public improvement elements.
(b) Encourage site consolidation and an orderly, phased pattern of development.
(c) Accommodate the use of existing residential structures for offices in the interim period between their present occupancy and ultimate redevelopment.
(d) Induce and ensure high quality future development through the used of Site Development Plan approval procedures which provide for the specific consideration of access, parking, drainage, landscaping and design factors.

Multifamily dwellings are permitted in the CB district as a permitted use and through a conditional use. The CB district permits up to 20 units per acre by right and allows an excess of 20 units per acre as a conditional use.

The provision to allow multifamily residential developments as a permitted use in the CB district encourages mix land and building uses. For developments consisting primarily of a residential use only, the CB district, through a conditional use, requires a minimum site area of three (3) acres. There are strict dwelling unit size requirements, with a site average of no less than 900 square feet and a minimum dwelling unit size of 750 square feet. Maximum site coverage is limited to 63%. There are no height restrictions placed in the CB district, however, any building in excess of six (6) stories or 90 feet requires an additional conditional use. The buffer yard requirement is equal to that of the MR district.

In order to qualify for consideration of a conditional use, additional development standards are required for multifamily dwellings. These development standards for multifamily dwellings include the following:

(a) Shall be located on sites of at least three (3) acres.
(b) The average dwelling unit size shall not be less than 900 sq. ft. per unit and no unit shall be less than 750 sq. ft.
(c) At a minimum, fifty percent (50%) of the required vehicular parking shall be provided underground or within a basement garage.

MX, Mixed Use District
The MX, Mixed Use District is intended to encourage the redevelopment of under-developed areas of the City which are designed as mixed use by one of the City's land use plans. More specifically, the MX district is intended to:

(a) Relate the development of retail, office and multi-family residential uses servicing both a citywide and sub-regional service area to an adopted development plan for the area, including land use phasing and public improvement elements.
(b) Encourage site consolidation and an orderly, phased pattern of development and redevelopment.
(c) Induce and ensure high quality future development through the use of Site Development Plan approval procedures which provide for the specific consideration of access, parking, drainage, landscaping and design factors.

The MX district permits multifamily developments as a permitted use by right on sites of 3.0 acres or more. The density may not exceed 20 units per acre. There are no limitations set on the size of a dwelling unit. Maximum site coverage permitted is 63%. The floor area ratio is determined by the size of the site, ranging from a minimum of .35 to a maximum of 1.0 on sites in excess of nine (9) acres. The height restriction ranges from 3 stories or 45 feet, however for sites in excess of six (6) acres, a maximum of five stories or seventy-five (75) feet is allowed. The buffer yard requirements are half of the requirement for the MR district.

PC, Planned Community District

The PC, Planned Community District is intended to provide for the development of large areas to consist of a mixture of residential, office employment and retail service uses, which together compromise a community or neighborhood. The PC district allows for single family detached residences, duplexes and multifamily buildings, and commercial uses. PC developments are large-scale developments consisting of 40 acres or more. There application in this report will be limited to definition only, since PC developments are rare and comprise their own identity.

DISTRICT COMPARISON CHART

District	MR	AR Duplex	AR Townhouse	AR Cond. Use	CB Cond. Use	MX
Min. District Size	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres
Min. Lot Size		4,000 sf./unit	2,000 sf./unit		3 acres	3 acres
Min. Width		40 ft.	20 ft.		100 ft.	100 ft.
Max. Height	4 st./50 ft.	3 st./ 35 ft.	3 st./ 35 ft.	3 st./ 35 ft	None*	3 st./45 ft.**
Max. Floor Area Ratio	none	none	none	0.4	1.0/1.25	0.3/1.0
Max. Density per acre	20 units	4 to 6 units	4 to 6 units	19 units	20 units	20 units
Max. Site Coverage	50%	50%	60%	50%	63%/70%	63%/70%
Max. Building Coverage		30%	40%			
Min. Private Open Space	20% of site	1,000 sf./unit	600 sf./unit	20% of site	20% of site	20% of site
Front Yard Setback	30 ft/50 ft.	20 ft.	20 ft.	50 ft.	15 f.	30 ft.
Side Yard Setback	20 ft.	10 ft.	None to 7.5 ft.	50 ft.	10 ft.	25 ft.
Rear Yard Setback	20 ft.	30 ft.	20 ft.	50 ft.	10 ft.	25 ft.
Buffer	50 ft./75 ft.	none	None.	25/50 ft/	50 ft.	20 ft./40 ft.
Min Dwelling Unit Floor Area	none	1,400 sf.	1,200 sf.	900 sf.	Avg. 900 sf.,	none

* In the CB district, any structure exceeding a height of 6 stories or 90 feet requires a Conditional Use.
** In the MX district, any site in excess of six (6) acres will be eligible for 5 stories or 75 feet based on meeting sky plane exposure requirement.

Analysis
Developers and property owners will still have a variety of zoning district permitting multifamily developments. (See attached Table 1: District Comparison Chart) With the proposed elimination of the MR, the AR, CB and MX district will provide for density equal to the MR district. The most significant difference will be in the fashion multifamily residential developments will be designed. The size of the units are limited to no less than 900 square feet in the AR and CB districts. Additional effort in parking design and coordination of open space will be necessary from the developer. The setback standards are increase for multifamily dwellings. The buffer yard requirement from neighboring single family districts is reduced. For the CB district, which is located in a more nonresidential setting, the site coverage, height, setback and buffer requirements are reduced. The MX district remains identical to the MR district in height and setbacks and is less restrictive in site coverage and buffering.

THE PROPERTIES EFFECTED
There are four (4) properties currently zoned MR, Multifamily Residential District that are proposed to be rezoned to AR, Attached Single Family Residential. Three of the four properties are fully developed; the fourth property has a submitted application for development. The properties developed are the Carriage House off of Old Olive Road, the Cove at Westgate off of Tempo Drive and Town and Four Village and Somerton Condominiums off of Olive Boulevard. The property proposed for development is the Mill Crossing Site on the far west end of the City on Olive Boulevard. Due to complications in retrieving a complete legal description, the Town and Four Village and Somerton Condominiums will not be proposed for immediate rezoning at this meeting. The following section of this report includes a description of each of the other three (3) properties.

Carriage House
The Carriage House is located south of Old Olive Street Road off a private road extension of Guelbreth Lane, between the Creve Coeur Pavilion Development to the west and Lindbergh Boulevard to the east. The site comprises approximately 2.8 acres on three (3) parcels. A total of 64 condominium units are located on the site in two (2) separate buildings.

The first building, located on the north end of the site, by Old Olive Street Road, is a three (3) story slab on grade structure. The building contains 40 units, originally proposed as rentals. This includes 28, one (1) bedroom units, and 12, two (2) bedroom units. A 40 car, single line, detached garage structure and 40 surface parking stalls service the building. The second building, located on the south end of the parcel, along Olive Boulevard, is a three (3) story building with a basement. There are 24 units in the building. This includes 4, one (1) bedroom units and 20, two (2) bedroom units. 24 underground parking spaces and 24 surface parking stalls service the building.

Both buildings are designed with a single entry. One enters the main entrance into a common corridor and accesses all the units on the respective floor. There are no two (2) story units. Each building appears to be serviced by an elevator to access units on the upper floors.

Site History

In March of 1978, the site was zoned F-1, Commercial District. The Planning and Zoning Commission approved to rezone the 2.8 acres to "P", Multi-family District to allow for an 80 unit apartment complex built in two phases. Phase One was approved for a 40 unit, building on June of 1978. In May 1980, the Plan Commission approved Phase 2, the south building along Olive Boulevard with only 24 units at the applicant's request.

Neighboring Zoning and Land Use

The site is surrounded by the GC, General Commercial District Zoning. (See attached Exhibit A and A.1) To the north, across Old Olive Street Road, there is an auto agency. West of the subject area, there are two (2) parcels, a church then a low rise office building, and then followed by the Creve Coeur Pavilion Development currently under construction. East of the site, there is one existing residential structure and an office located within a converted single family home, and a four (4) unit condominium building. South of the subject area, across the Olive and Lindbergh Boulevards interchange lies the Solutia Campus complex.

Site Conformance

Based on the plans stamped as Defendants Exhibit date April 26, 1998, total site coverage is equal to 67%. There is a small central parcel between both buildings that contain a common activity center with a pool.

District	**Carriage House**	**MR**	**AR Cond. Use**	**CB**	**MX**
Min. District Size	**2.8 acres**	5 acres	5 acres	5 acres	5 acres
Min. Lot Size	**2.8 acres**			3 acres	3 acres
Min. Width	190 ft.			100 ft.	100 ft.
Max. Height	**Not known**	4 st./50 ft.	3 st./ 35 ft	None*	3 st./45 ft.**
Max. Floor Area Ratio		none	0.4	1.0/1.25	0.3/1.0
Max. Density per acre	**23 units**	20 units	19 units	20 units	20 units
Max. Site Coverage	**67%**	50%	50%	63%/70%	63%/70%
Max. Building Coverage					
Min. Private Open Space	Not known	20% of site	20% of site	20% of site	20% of site
Front Yard Setback	94 ft.	30 ft/50 ft.	50 ft.	15 f.	30 ft.
Side Yard Setback	80 ft.	20 ft.	50 ft.	10 ft.	25 ft.
Rear Yard Setback	22 ft.	20 ft.	50 ft.	10 ft.	25 ft.
Buffer	Na	50 ft./75 ft.	25/50 ft/	50 ft.	20 ft./40 ft.
Min Dwelling Unit Floor Area	**Not known**	none	900 sf.	Avg. 900 sf.,	none

The Carriage house development is already nonconforming to the MR district. The minimum area for a MR district is five (5) acres, this site only totals 2.8 acres. There are a total of 23 units per acre on the site; the MR district permits only a maximum of only 20 units per acre. The total site coverage, at 67%, exceeds the permitted 50% site coverage permitted in the MR district.

Compliance with the AR District

The Carriage House Development is currently nonconforming with the MR district under three (3) categories: district size, density and site coverage. These three (3) site nonconformities will remain under the AR district. If and when the properties are redeveloped, a Site Development Plan submitted would have to conform to the AR district requirements.

Spillover Effects

With the AR rezoning, this site will have spillover effects on the adjacent east and west parcels. The property is surround by GC commercial zoning. Since the GC district will abut the AR district (classified as a "single family" district), the required side yard setback of 12 feet will now become a buffer yard offset of 20 feet. To the east, the neighboring use is residential. This residential use is nonconforming with the GC district. If the property is ever developed to a commercial use, the buffer yard requirement will increase from 12 to 20 feet, reducing the total buildable area of that lot as well. Note that this site is also nonconforming with the lot width requirements of the GC district, thus reduces the buildable area on this site while increasing the burden of building on the site. To the west, the same offset will be replaced by a buffer yard requirement. The residential structure utilized as office space appears to encroach within the 20 feet. The parking area appears to be in compliance.

TABLE A.1
THE CARRIAGE HOUSE

Location:
South of Old Olive off a private road extension of Guelbreth Lane

Site conditions:

Site:	2.8 acres
Units:	64
Buildings:	2

Zoning:

North	GC
East	GC
South	RO
West	GC

Land uses:

North	small offices
East	residential
South	Solutia Campus
West:	small offices

District and site comparisons:

District	Carriage House	MR	AR Cond. Use	CB	MX
Min. District Size	**2.8 acres**	5 acres	5 acres	5 acres	5 acres
Min. Lot Size	**2.8 acres**			3 acres	3 acres
Min. Width	190 ft.			100 ft.	100 ft.
Max. Height	**Not known**	4 st./50 ft.	3 st./ 35 ft	None*	3 st./45 ft.**
Max. Floor Area Ratio		none	0.4	1.0/1.25	0.3/1.0
Max. Density per acre	**23 units**	20 units	19 units	20 units	20 units
Max. Site Coverage	**67%**	50%	50%	63%/70%	63%/70%
Max. Building Coverage					
Min. Private Open Space	Not known	20% of site	20% of site	20% of site	20% of site
Front Yard Setback	94 ft.	30 ft/50 ft.	50 ft.	15 f.	30 ft.
Side Yard Setback	80 ft.	20 ft.	50 ft.	10 ft.	25 ft.
Rear Yard Setback	22 ft.	20 ft.	50 ft.	10 ft.	25 ft.
Buffer	Na	50 ft./75 ft.	25/50 ft/	50 ft.	20 ft./40 ft.
Min Dwelling Unit Floor Area	**Not known**	none	900 sf.	Avg. 900 sf.,	none

Noncompliances: (*-indicates already noncompliance with existing MR zoning)
District size*
Site density*
Site coverage*

Neighboring effects:
12 foot offset requirements replaced by 20 foot buffer yard requirements on east and west properties

The Cove at Westgate

The Cove at Westgate is located along Lighthouse Way, which is west of Tempo Drive, approximately 800 feet south of Olive Boulevard. The site comprises approximately 22.58 acres on one (1) parcel. A total of 276 units are located on the site, 124 single bedroom units and 152 two-bedroom units. The site density is 12.2 units per acre. The units are three (3) story walkups, with some units entered at a 1/2 level above grade. The buildings are located to the center of the parcel surrounding three (3) storm-water detention lakes. Access to the development is via a single curb cut onto Tempo Drive. Surfaced parking encircles the buildings, making a complete loop around the site. The site is approved as a condominium plat, but currently is under single ownership.

Site History

A site concept plan and rezoning was submitted on September 1, 1987, to the Planning and Zoning Commission. The site concept plan called for a 216 unit multi-family development and a 120,000 square foot office building on a 22.58 acre site. The petitioner proposed to rezone the property from 'A', Single Family Residential District to a 'CB', Core Business District to allow for the mixture of uses. The density of the development was 11.7 units per acre and a *far* of 0.66 for the office building complex. This site was located in an area designated for a residential development only, with a density of eight (8) units per acre in the West Olive Development Plan.

After several deferrals by the Planning and Zoning Commission, a revised proposal was submitted on June 29, 1988. This time only residential use was requested. A 276 unit multi-family complex was proposed. The petitioner still proposed to rezone the site from the 'A' zoning district to the 'CB' zoning district. The density of the site increased to the current 12.2 units per acre. After several discussions with the Planning and Zoning Commission, the applicant amended the zoning request from 'A', Single Family Residential District to 'MR', Multifamily Residential District. The applicant insisted that the 'CB' zoning request was only because the units proposed did not contain elevator units as described in the MR district. The Planning and Zoning Commission approved the site concept plan and rezoning on August 16, 1988.

On July 31, 1989, a Final Site Development Plan was submitted to the Planning and Zoning Commission. The plan was approved on August 21, 1989. On October 20, 1990, the owner submitted a Condominium Plat of the project and was approved on December 18, 1990. At the time of submittal, no change in rental policy was proposed.

Neighboring Zoning and Land Use

The site has a wide range of zoning and uses bordering its boundaries (See attached Exhibit B and B.1). North of the site is zoned 'A', Single Family Residential District and a small pocket of MX, Mixed Use District. Land uses include a single family home, special use permit residences (single family residences used for limited commercial use) and a funeral home. To the east is a PC, Planned Community District. This composes the planned Westgate Complex. Westgate includes a wide mixture of multi-family development, commercial office space and retail shopping. The areas south and west of the property are zoned 'B' Single Family Residential District in a Residential Design Development. The land uses are primarily detached single

family residences on 1/2 acre lots. To the northwest of the site is a small pocket of attached single family residences in the AR, Attached Single Family Residential District.

Site Conformance

Based on the site plans submitted, total site coverage is equal to 29%.

District	**The Cover at Westgate**	**MR**	**AR Cond. Use**	**CB**	**MX**
Min. District Size	22.58 acres	5 acres	5 acres	5 acres	5 acres
Min. Lot Size	22.58 acres			3 acres	3 acres
Min. Width	980 ft.			100 ft.	100 ft.
Max. Height	3 st.	4 st./50 ft.	3 st./ 35 ft	None*	3 st./45 ft.**
Max. Floor Area Ratio		none	0.4	1.0/1.25	0.3/1.0
Max. Density per acre	12.2 units	20 units	19 units	20 units	20 units
Max. Site Coverage	29%	50%	50%	63%/70%	63%/70%
Max. Building Coverage	8.3%				
Min. Private Open Space	Not known	20% of site	20% of site	20% of site	20% of site
Front Yard Setback	120 ft.	30 ft/50 ft.	50 ft.	15 f.	30 ft.
Side Yard Setback	120 ft.	20 ft.	50 ft.	10 ft.	25 ft.
Rear Yard Setback	90 ft.	20 ft.	50 ft.	10 ft.	25 ft.
Buffer	90 ft.	50 ft./75 ft.	25/50 ft/	50 ft.	20 ft./40 ft.
Min Dwelling Unit Floor Area	Not known	none	900 sf.	Avg. 900 sf.,	none

The Cove at Westgate is in complete conformance with the present MR zoning district.

Compliance with the AR District

The Cove at Westgate appears to meet all the district requirements set forth in the AR zoning district. The design of The Cove at Westgate, in terms of parking, does not meet the conditional use standards specified (50% parking underground). Parking for the Cove at Westgate is primarily above ground. If the Cove at Westgate is ever redeveloped, the design will have to be in compliance with the AR district standards. If a new building is ever proposed at Westgate, the new building will have to meet the underground parking requirements.

Spillover Effects

With the AR zoning, rezoning of the site will have spillover effects. To the north, there is a property zoned MX. With the single family designation and the size of this parcel, a 35 foot buffer yard will be necessary. Currently, the site conforms to this requirement.

There have been several discussions in rezoning the residential properties on the north end of the Cove at Westgate to MX zoning. If this does proceed, a minimum 20 foot buffer yard requirement will be necessary if these properties are redeveloped. However, the rear yard setback for these properties is currently 25 feet. Only parcels totaling two (2) acres or more will be burdened with an increased buffer yard requirement.

To the south and west there will be no spillover effects. These properties already contain single family zoning. To the east is a City street that would eliminate any buffer yard restrictions to the eastern properties.

TABLE B.1
THE COVE AT WESTGATE

Location:

Along Lighthouse Way, which is off Tempo Drive, approximately 800 feet south of Olive Boulevard

Site conditions:

Site: 22.58 acres
Units: 276
Buildings: 8

Zoning:

North 'A' Single Family and MX
East PC
South 'B' Single Family and RDD
West 'B' Single Family and AR

Land uses:

North residential, special use permits residences and funeral home
East mixed use campus of multifamily, commercial and office
South single family residential
West: single family residential and attached single family residential

District and site comparisons:

District	The Cover at Westgate	MR	AR Cond. Use	CB	MX
Min. District Size	22.58 acres	5 acres	5 acres	5 acres	5 acres
Min. Lot Size	22.58 acres			3 acres	3 acres
Min. Width	980 ft.			100 ft.	100 ft.
Max. Height	3 st.	4 st./50 ft.	3 st./ 35 ft	None*	3 st./45 ft.**
Max. Floor Area Ratio		none	0.4	1.0/1.25	0.3/1.0
Max. Density per acre	12.2 units	20 units	19 units	20 units	20 units
Max. Site Coverage	29%	50%	50%	63%/70%	63%/70%
Max. Building Coverage	8.3%				
Min. Private Open Space	Not known	20% of site	20% of site	20% of site	20% of site
Front Yard Setback	120 ft.	30 ft/50 ft.	50 ft.	15 f.	30 ft.
Side Yard Setback	120 ft.	20 ft.	50 ft.	10 ft.	25 ft.
Rear Yard Setback	90 ft.	20 ft.	50 ft.	10 ft.	25 ft.
Buffer	90 ft.	50 ft./75 ft.	25/50 ft/	50 ft.	20 ft./40 ft.
Min Dwelling Unit Floor Area	Not known	none	900 sf.	Avg. 900 sf.,	none

Noncompliances:

Parking design

Neighboring effects:

For commercial properties to the north, parcels two (2) acres or more, the 25 foot offset requirement will be replaced by a minimum buffer yard requirement ranging from 20 to 40.

Town and Four Villages and Somerfor Condominiums
Town and Four Villages and Somerfor Condominiums are located on the south side of Olive Boulevard, off a private road extension of Parkway Drive. Parkway Drive lies west of Fern Ridge Parkway and east of Fee Fee Road.

Town and Four Villages consist of 502 rental units in five (5) separate plats totaling 31.43 acres. The first plat, Town and Four Villages is located on the northwest corner of the site and consist of 16 buildings. The second plat, Town and Four Villages Phase Two is located on the southwest corner of the site and consist of 12 buildings. The third plat, Town and Four Villages Section 1, Phase III, is located on the northeast corner of the site and consist of 9 buildings. The fourth plat, Town and Four Villages Section 2, Phase III, lies on the east side of the site, just south of Section 1 and consist of 8 buildings. The fifth plat is located on the southeast corner of the site and consists of a clubhouse, pool and open area.

Somerfor Condominiums is located south of Town and Four Villages. Access to the site is through the Town and Four complex. Somerfor is part of the Somerton Subdivision Development. The Somerton Subdivision development was a 126 unit subdivision. A total of 105 units were single family units and 21 units were part of the Somerfor Condominiums. Somerfor Condominiums consisted of three (3) buildings built in an attached building, townhouse design.

Site History
Town and Four Villages was built between 1968 and 1974, under St. Louis Country jurisdiction. Sumerfor Condominiums were built between 1979 and 1984.

Neighboring Zoning and Land Use
There is a mixture of zoning districts surrounding both sites (See attached Exhibit C and C.1). To the east, there is the Bellerive Shopping Center under the GC district. To the southeast of the site, bordering the community center is an office building in the PO, Planned Office District. The office building access Office Parkway. South and west of the site are single family lots under the 'D', Single Family Residence District zoning. To the northwest, is a strip of GC zoning that is divided off by a stub 'paper street' extension of Gallagher. There are no plans to extend the stub street. North of the site is Olive Boulevard and the St. Louis County boundary limits. The area north is predominately under commercial use.

Site Conformance
Town and Four and Somerfor developments are already nonconforming to the MR district.

District	Town and Four Villages	Somerfor Condominium	MR	AR Cond. Use	CB	MX
Min. District Size	31.4 acres	1.73 acres	5 acres	5 acres	5 acres	5 acres
Min. Lot Size	31.4 acres	1.73 acres			3 acres	3 acres
Min. Width	943 ft.	412 ft.			100 ft.	100 ft.
Max. Height	**Not known**	Not Known	4 st./50 ft.	3 st./ 35 ft	None*	3 st./45 ft.**
Max. Floor Area Ratio		none	none	0.4	1.0/1.25	0.3/1.0
Max. Density per acre	16 units	12 units	20 units	19 units	20 units	20 units
Max. Site Coverage	**Not known**	Not Known	50%	50%	63%/70%	63%/70%
Max. Building Coverage						
Min. Private Open Space	Not known	Not Known	20% of site	20% of site	20% of site	20% of site
Front Yard Setback	30 ft.	**21 ft.**	30 ft/50 ft.	50 ft.	15 f.	30 ft.
Side Yard Setback	Est. 20 ft.	20 ft.	20 ft.	50 ft.	10 ft.	25 ft.
Rear Yard Setback	**15 ft.**	**15 ft.**	20 ft.	50 ft.	10 ft.	25 ft.
Buffer	**10 ft**	**15 ft.**	50 ft./75 ft.	25/50 ft/	50 ft.	20 ft./40 ft.
Min Dwelling Unit Floor Area	**Not known**	none	none	900 sf.	Avg. 900 sf.,	none

Visually, both appear to have site coverage of well over 50%. The access drives and building locations are to close to neighboring lot lines. Somerfor is to close to the Maison Ladue Road, but this is an internal street to the development. As MR developments, both Town and Four and Somerfor have no buffer yards, as is required along single family zoned districts.

Compliance with the AR District

Town and Four Villages and Somerfor Condominiums would not be in compliance with the proposed AR rezoning for the same reasons they are in noncompliance with the MR regulations. Currently, it appears that both sites will have excess site coverage and setbacks nonconformities. Both do not comply with some of the zoning setbacks and visually, are in noncompliance with the existing MR district over site coverage. Rezoning to AR will continue the grandfathering of these existing site nonconformities. It is the future or possible redevelopment of these sites in which AR district regulations will take affect.

Spillover Effects

With the AR zoning, rezoning of the site will have spillover effects. The commercial properties to the east will be affected. At the Bellerive Shopping Center, the access drives and rear parking areas will become nonconforming due to the required buffer yard. If the property is ever redeveloped, a 40 foot buffer will be necessary along Town and Four, since it will be under a single family designation. This would only be placed into affect if the Bellerive Shopping Center were redeveloped. Continued use and maintenance of this access and parking area will be allowed to continue.

To the west and south there would be no spillover effects. These properties are already under single family zoning.

TABLE C.1
TOWN AND FOUR VILLAGES AND SOMERFOR CONDOMINIUMS

Location:
South side of Olive Boulevard, between Fee Fee Road and Fern Ridge Parkway.

Site conditions:	Town and Four	Somerfor
Site:	31.4 acres	1.73 acres
Units:	502	21
Buildings:	45	3

Zoning:

North	Commercial under St. Louis County
East	GC and PO
South	'D' Single Family Residential
West	GC and 'D' Single Family Residential

Land uses:

North	commercial
East	commercial and office
South	single family residential
West:	commercial and single family residential

District and site comparisons:

District	**Town and Four Villages**	**Somerfor Condominium**	**MR**	**AR Cond. Use**	**CB**	**MX**
Min. District Size	31.4 acres	1.73 acres	5 acres	5 acres	5 acres	5 acres
Min. Lot Size	31.4 acres	1.73 acres			3 acres	3 acres
Min. Width	943 ft.	412 ft.			100 ft.	100 ft.
Max. Height	**Not known**	Not Known	4 st./50 ft.	3 st./ 35 ft	None*	3 st./45 ft.**
Max. Floor Area Ratio		none	none	0.4	1.0/1.25	0.3/1.0
Max. Density per acre	16 units	12 units	20 units	19 units	20 units	20 units
Max. Site Coverage	**Not known**	Not Known	50%	50%	63%/70%	63%/70%
Max. Building Coverage						
Min. Private Open Space	Not known	Not Known	20% of site	20% of site	20% of site	20% of site
Front Yard Setback	30 ft.	**21 ft.**	30 ft/50 ft.	50 ft.	15 f.	30 ft.
Side Yard Setback	Est. 20 ft.	20 ft.	20 ft.	50 ft.	10 ft.	25 ft.
Rear Yard Setback	**15 ft.**	**15 ft.**	20 ft.	50 ft.	10 ft.	25 ft.
Buffer	**10 ft**	**15 ft.**	50 ft./75 ft.	25/50 ft/	50 ft.	20 ft./40 ft.
Min Dwelling Unit Floor Area	**Not known**	none	none	900 sf.	Avg. 900 sf.,	none

Noncompliances:
Site Coverage
Building Location
Buffer yards
Site design

Neighboring effects:
Commercial properties to the east will have buffer yard requirements rather than general offsets. Currently, parking and paved areas encroach.

Mill Crossing

Mill Crossing is a proposed development located on the south side of Olive Boulevard, just west of the Holy Cross Lutheran Church and the Greengate Subdivision. The site comprises approximately 12.017 acres on several parcels. A total of 166 units are proposed in six (6) buildings. The buildings are three (3) story exterior brick, wood frame structures. Building 'A' will be slightly below 35 feet in height, and buildings 'B-F' are slightly over 36 feet in height. Each building will have underground parking and an adjacent surface parking. There would be a clubhouse and pool on site in the center of the development and surface parking throughout the site.

Site History

The site is currently vacant land. On July 24, 1992, St. Louis County conditionally rezoned the property to allow a Planned Unit proposal submitted by then owner of the property, International Development, Inc. International Development, Inc., submitted a 166 unit, multifamily development consisting of nine (9) buildings. On November of 1995, the City of Creve Coeur annexed the parcel and zoned the parcel MR, Multifamily Residential District.

On October 23, 1996, the current applicant submitted a revised Site Concept Plan for a 180 unit, multifamily development in seven (7) buildings. Said plan showed the development ringed around the property boundaries. On December 2, 1996, revised plans were submitted reducing the number of units from 180 to 166 units in eight (8) buildings. On February 10, 1997, a revised set of plans were submitted reducing the total number of buildings from eight (8) to seven (7), and shifting the buildings located along the east lot line to the center of the site. On March 10, 1997, a revised site plan was submitted reducing the total amount of buildings from seven (7) to six (6). The Planning and Zoning Commission approved the revised Site Concept Plan on March 17, 1997.

A Site Development Plan was submitted on April 30, 1997, and approved with conditions by the Planning and Zoning Commission on May 19, 1997. The Site Development Plan expired one (1) year later and another Site Development Plan has been submitted for the Planning and Zoning Commission's consideration.

Neighboring Land Use and Zoning

Existing land uses around the property are primarily residential. Holy Cross Lutheran Church and the Greengate Subdivision are located to the east. Olive Boulevard is located to the north with a condominium development across the street under St. Louis County jurisdiction. There is a large estate style, single family home to the west of the site on approximately 10 acres. To the south is open farmland and floodplain along an unnamed tributary leading to Creve Coeur Creek. This area has received Preliminary Plat approval for a 112 unit, single family subdivision to be referred to as Bellerive Farm Estates Subdivision. The City's corporate limits extend west, east and south of the property. Properties to the north, across Olive Boulevard, are part of unincorporated St. Louis County.

Site Conformance

Based on the Site Development Plans submitted for the proposal, total site coverage for the site is 38%.

District	**Mill Crossing**	**MR**	**AR Cond. Use**	**CB**	**MX**
Min. District Size	12.01 acres	5 acres	5 acres	5 acres	5 acres
Min. Lot Size	12.01 acres			3 acres	3 acres
Min. Width	349 ft.			100 ft.	100 ft.
Max. Height	3 st./37 feet	4 st./50 ft.	3 st./ 35 ft	None*	3 st./45 ft.**
Max. Floor Area Ratio	Not known	none	0.4	1.0/1.25	0.3/1.0
Max. Density per acre	14 units	20 units	19 units	20 units	20 units
Max. Site Coverage	38%	50%	50%	63%/70%	63%/70%
Max. Building Coverage					
Min. Private Open Space	Not known	20% of site	20% of site	20% of site	20% of site
Front Yard Setback	30 ft.	30 ft/50 ft.	50 ft.	15 f.	30 ft.
Side Yard Setback	52 ft.	20 ft.	50 ft.	10 ft.	25 ft.
Rear Yard Setback	353 ft.	20 ft.	50 ft.	10 ft.	25 ft.
Buffer	52 ft. and 75 ft.	50 ft./75 ft.	25/50 ft/	50 ft.	20 ft./40 ft.
Min Dwelling Unit Floor Area	Not known	none	900 sf.	Avg. 900 sf.,	none

The proposed Mill Crossing Development would be in conformance with the existing MR zoning district as it is currently zoned.

Compliance with the AR, Attached Single Family Residential District

The Mill Crossing Development will not be in compliance with the AR district setback requirements from the access street along Olive Boulevard. This is because the front yard setback will be increased from 30 feet to 50 feet. The remaining regulations and requirements will be met, including the conditional use standards of parking and open space.

Spillover Effects

Since single family residential surrounds the area of the proposed development, there will be no spill over effects to neighboring parcels.

TABLE D.1
PROPOSED MILL CROSSING DEVELOPMENT

Location:

South side of Olive Boulevard, west of Holy Cross Lutheran Church and Greengate Subdivision.

Site conditions:

Site: 12.01 acres
Units: 166
Buildings: 6

Zoning:

North Multifamily under St. Louis County Jurisdiction
East 'D' Single Family Residential
South 'D' Single Family Residential
West 'D' Single Family Residential

Land uses:

North multifamily and attached single family
East church and single family residential
South proposed single family residential development
West: single family residence

District and site comparisons:

District	Mill Crossing	MR	AR Cond. Use	CB	MX
Min. District Size	12.01 acres	5 acres	5 acres	5 acres	5 acres
Min. Lot Size	12.01 acres			3 acres	3 acres
Min. Width	349 ft.			100 ft.	100 ft.
Max. Height	3 st./37 feet	4 st./50 ft.	3 st./ 35 ft	None*	3 st./45 ft.**
Max. Floor Area Ratio	Not known	none	0.4	1.0/1.25	0.3/1.0
Max. Density per acre	14 units	20 units	19 units	20 units	20 units
Max. Site Coverage	38%	50%	50%	63%/70%	63%/70%
Max. Building Coverage					
Min. Private Open Space	Not known	20% of site	20% of site	20% of site	20% of site
Front Yard Setback	30 ft.	30 ft/50 ft.	50 ft.	15 f.	30 ft.
Side Yard Setback	52 ft.	20 ft.	50 ft.	10 ft.	25 ft.
Rear Yard Setback	353 ft.	20 ft.	50 ft.	10 ft.	25 ft.
Buffer	52 ft. and 75 ft.	50 ft./75 ft.	25/50 ft/	50 ft.	20 ft./40 ft.
Min Dwelling Unit Floor Area	Not known	none	900 sf.	Avg. 900 sf.,	none

Noncompliances:

Building along access road will be encroach within increased setback requirements.

Neighboring effects:

None.

NONCONFORMITIES

Under Section 26-23.2, any existing use, which was a permitted use prior to adoption of the proposed rezoning, may continue as if it were a conditional use. The developments or buildings within the development that have been created nonconforming will now fall under Section 26-70 Nonconformities.

Section 26-70 is intended to declare nonconformities to be incompatible with the permitted uses in each district; to permit nonconformities to continue until they are removed; and to prohibit nonconformities from being extended, expanded, enlarged on increase in intensity. Said section addresses the issues of nonconformance with structures, uses, setback lines and site related nonconformities. With the exception of uses and setback nonconformities, each of the developments will be subject to the following:

(a) Authority to continue. Any nonconforming structure, use or site related nonconformity may be continued, so long as it remains lawful, and
(b) Repair, alterations. Any structure described in paragraph (a) above may be maintained, repaired or remodeled; provided, however, that no such maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, and
(c) Damage, decay, destruction. In the event that any nonconforming structure, use or site related nonconformity is damage by fire, explosion, act of God, or public enemy, such structure may be restored or replaced, provided that such restoration or replacement does not exceed the same dimensions and volume as existed before such destruction or damage. The restoration or replacement shall be commenced within twelve (12) months or the date of destruction or damage and shall be completed within 18 months of the commencement of restoration or replacement, unless extended by the City Council.

CONCLUSION

A priority last year of the City Council and Planning and Zoning Commission was to control the development of multifamily residential developments. Currently, the MR, Multifamily Residential District, PC, Planned Community District, CB, Core Business District and MX, Mixed Use District permit multifamily residential developments by right. Staff is seeking to eliminate the MR, Multifamily Residential District and rezone the properties currently zoned MR to AR, Attached Single Family Residential. This will effect four (4) properties in the City of Creve Coeur:

1. The Carriage House off of Old Olive Road
2. The Cove at Westgate off of Tempo Drive
3. Town and Four Village off of Olive Boulevard (to be considered at a future meeting)
4. The proposed Mill Crossing Site on the far west end of the City on Olive Boulevard

The proposed rezoning will create some site related nonconformities. These sites will be permitted to continue as if they were under a conditional use. The developments or buildings within the development that have been created nonconforming will now fall under Section 26-70 Nonconformities. By eliminating the MR, Multifamily Residential District and with the recently approved provisions for the AR and CB districts, the Planning and Zoning Commission, City

Council and residents of the City of Creve Coeur are effectively given more control in guiding the development, design and location of multifamily dwellings.

After initial review by the Planning and Zoning Commission, staff re-evaluated the proposed rezoning of each of these sites to AR, Attached Single Family Residential District. Staff was instructed to re-evaluate each site independently and review not just internal effects, but to consider spillover effects to neighboring properties.

After review and discussion, staff recommends the following:

1. The Carriage House

Since the site is nonconforming with the existing and proposed rezoning, staff recommends that this site **revert back to commercial zoning under the GC, General Commercial District**. This would keep the zoning consistent with neighboring properties and have no negative spillover effects to the properties to the east and west as under AR zoning.

2. The Cove at Westgate

Staff recommends that this site **be rezoned to AR, Attached Single Family Residential** as proposed. The site will maintain conformity with the AR district and future additions of buildings or redevelopment will meet the goals for multifamily development design. There will be spillover effects north of the site, if these sites are ever rezoned as commercial. Other neighboring residential zoning will constrict many of these sites to the north, anyway.

3. Town and Four Villages and Somerfor Condominiums

Staff recommends that this site **be rezoned to AR** as is proposed. The site will maintain the existing nonconformities within the MR district. There will be spill over effects to the commercial properties to the east. No changes will be required and the commercial properties will still be allowed to maintain use of the nonconforming paved areas. No formal action shall be taken by the Planning and Zoning Commission at this time.

4. Proposed Mill Crossing Development

Staff recommends that this site **be rezoned to AR** as is proposed. The development, as proposed, will have one building nonconforming with the increased front yard setback requirements. This item can still be addressed prior to Site Development Plan approval if the developer wishes to. Otherwise, this rezoning will have no effect to development as it is proposed. There would be no negative spillover effects.

ACTION

Action on this matter should be in the form of a recommendation to the City Council for approval, approval with modifications, or denial. The amendment would require a Public Hearing before the City Council. A Public Hearing may be scheduled for March 22, 1999.

CHAIRMAN MADDEN: Okay. That'll move us to C, another public hearing, Application No. 13-023: Approval of a text amendment to Section 405.370, Core Business District regulations to change the increased -- increased height and buffer requirements from a single family "district" to a single family "development" when adjacent to the Core Business District.

And -- go ahead.

MR. LUMLEY: I would recommend that the Commission also reopen the public hearing on the related boundary adjustment rezoning and conditional use permit, so the public can comment to the full extent of the project.

CHAIRMAN MADDEN: Okay. And we're going to do that --

MR. LUMLEY: They can do it all at the same time.

CHAIRMAN MADDEN: Okay. Anybody that might be making a comment, question or whatever, please come forward and be sworn in.

VOICE IN AUDIENCE: Is this regarding Vanguard?

CHAIRMAN MADDEN: Yes.

MS. KELLY: Yes.

VOICE IN AUDIENCE: Yeah. One at a time?

CHAIRMAN MADDEN: No, no, just come all the way

1 up and get sworn in all at once. Looks like we got a
2 couple more yet.
3 (The speakers were sworn in by the court
4 reporter.)
5 MR. BRASWELL: Good evening. I'm David Braswell
6 with Covington Realty Partners. Our address is 135 North
7 Meramec, St. Louis, Missouri 63105.
8 I'm here tonight, and I'll start with the
9 proposed text amendment for the site.
10 I'm talking about the site located between Olive
11 and Old Olive Boulevard. This being Olive. This being
12 Old Olive. And the site is this long piece of ground that
13 runs between the -- the two roads.
14 What I'm -- what's proposed by the text
15 amendment is to address Section 405.370(E)3(a), which
16 deals with the maximum structure height within the Core
17 Business District. And Section 405.370(E)4(d), which
18 addresses buffer yards.
19 The maximum height, and what -- and what the
20 text amendment proposes is changing -- I'll deal with the
21 -- the bulk height first, which is Section 405.370(E(3(a).
22 And what we're proposing in this paragraph is to
23 eliminate the word "district" and substitute the word
24 "development".
25 Years ago, and I believe it was 1999, the City

1 arbitrarily decided to change any multi-family zoning to
2 another category.
3 Particularly that addressed the condominiums to
4 the east of our site, which are now -- at that time were
5 classified as single-family.
6 Meaning if, under today's environment, they
7 could not be built to that density at that location, but
8 that is the way they're classified currently.
9 This particular site, when adjacent to a
10 Single-Family District, employs a sky plain angle, which
11 virtually disallows the construction what I proposed in a
12 four-story -- now three and four-story building adjacent
13 to the Single-Family District.
14 By -- by changing the word "district" to
15 "development", this alleviates that -- that requirement.
16 Likewise, in the Core Business District, the
17 other Section 405.307(E)(4)(d) addresses buffer zones.
18 And, basically, the condition that would exist adjacent to
19 a Single-Family District is a buffer zone of 200 feet from
20 my property line, which is this property line.
21 The site's 192 feet wide, so, in essence, it
22 makes the site un-developable.
23 Again, changing the word in that paragraph from
24 "development district" to "development" reduces -- or
25 changes that buffer requirement.

Again, the buffer requirement would be from the east property line 200 feet, this -- this property line is literally 192 feet in width to the site.

Any questions so far?

CHAIRMAN MADDEN: No.

MR. BRASWELL: All right. Based on prior comments from the City and the neighbors, I have made some changes to the proposed plan as presented earlier.

Primarily, I re -- reconfigured the -- the plan to move the parking structure you see here to the west, where before, the exposure of the parking was facing the condominiums. Now this -- the parking structure itself faces the opposite direction. And the buildings, at one time, surrounded that garage have been moved to the other to screen the garage.

So I've slid this first building, called Building No. 1, to the north, I believe, 25 feet from the property line, whereas, before I think it was -- met the setback of 11.

And, basically, building three-story building now this elevation, but at this point, this building then pops up to -- to four levels.

This can be seen on the proposed elevations where now this is the only portion of the parking structure that's visible. I've screened it with this --

this three-story element, that continues on down to the southern end of the property.

The building on the north is being pushed back further and being retained as a four-story building.

In addition, I'm purchasing this right-of-way from Highway Department, from MoDOT, this parcel right here, which has allowed me to actually move this building 10 feet closer to the imaginary line, if you will, of MoDOT. It's now within 5 feet instead of, I think, 15 feet.

The entry to the property is off of Old Olive here, with parking in front of the building on the north, and the majority of the parking -- actually all -- all the parking requirement can be satisfied within the structure on the site.

There are two courtyards. One in the southern building, which will have a swimming pool, and the outdoor features, barbecue, et cetera. This is a private courtyard with just a water feature to the -- in the northern part.

There are -- I have prepared a -- a landscaping plan, which I've -- preliminary plan, which I've submitted to staff.

In addition, we have the courtyard plans. This is the southern courtyard with the swimming pool. This is

the northern courtyard -- excuse me -- with the water feature, and then a small section of the entry to the leasing center, which would be on the west side of the building in the northern building.

One additional amenity, this is what we call a rooftop deck, which is on top of the garage that runs across from side to side of the garage on the southern end.

Are there any questions?

CHAIRMAN MADDEN: Carl?

MR. LUMLEY: The -- part of the circulation proposal would include the ability to go out to Pavilion, correct?

MR. BRASWELL: Yes.

MR. LUMLEY: And so a couple questions related to that.

First, are you developing easement document --

MR. BRASWELL: Yes.

MR. LUMLEY: -- that would --

MR. BRASWELL: Yeah, the -- the seller owns this office.

MR. LUMLEY: Right.

MR. BRASWELL: And we have cross easement documentations prepared across both our properties.

MR. LUMLEY: Okay. And --

MR. BRASWELL: For parking as well.

MR. LUMLEY: And what's the maintenance plan? Is each property responsible for their own?

MR. BRASWELL: Yes.

MR. LUMLEY: Okay. And then, secondly, and -- and we'll need to incorporate that as a condition of approval to see it, but I'm glad you're working on it.

MR. BRASWELL: Right.

MR. LUMLEY: And then regard to Pavilion Drive, I understand that that's a private street. Is that --

MR. BRASWELL: Not to my knowledge.

MR. LANGDON: We'll have to verify that with Public Works.

MR. LUMLEY: Okay. Well, the reason I'm asking is one of the indications is that there's a nonstandard stop sign, which caused me to wonder why we would have a nonstandard stop sign on a public street.

So I'd just like to sort that out and make sure if it's not a public street --

MR. BRASWELL: Yeah.

MR. LUMLEY: -- that you have the rights of use that you're intending.

MR. BRASWELL: Yeah, I'm not so sure what you mean by nonstandard stop sign.

MR. LUMLEY: It was reflected in the traffic

study that confusion was created because it was a stop sign that you can't recognize from the back is a stop sign.

MR. BRASWELL: Okay.

MR. LUMLEY: And it just caused me to ask the question.

I don't purport to know the answer, but --

MR. BRASWELL: I understand.

MR. LUMLEY: Just like to make sure that the intended traffic can go that way.

Thank you.

CHAIRMAN MADDEN: You're welcome.

Any other questions?

Are you done?

MR. BRASWELL: Unless you have other questions.

CHAIRMAN MADDEN: All right. Not at this time.

Are you guys doing anything or should I go to the --

MR. LANGDON: You can take the public comment if you like.

CHAIRMAN MADDEN: Okay. I'll call you as I've got them up here.

Louis Meyers.

MR. MEYERS: Yes.

CHAIRMAN MADDEN: Okay. You all have three

minutes, so your clock will be over there, just so you know, okay.

MR. MEYERS: I'm Louis Meyers. I live at 1032 King Henry Court, the east side of King Henry Court. I've been a resident of that unit for over 28 years; probably longer than anyone else on the street.

And I'm concerned about vandalism and noise, some children playing.

Currently they're renovating the tie wall, and they're going to ruin a lot of barrier vegetation there that keeps a lot of people from trespassing on those tie walls and terraces.

Now, in the past, residents, neighbors' children, have played on there. They've disposed of drug paraphernalia by tossing it from their rear decks into the bushes on the tie wall area, and they've also -- they run up and down and throw things at the building. That's happened in the past.

Now there's going to be children in this new apartment development. They'll probably be playing in the parking lot, and if they can access that tie wall, they'll be playing on this terraces also.

And they'll be a problem, like I said, with noise and vandalism.

That's my past history and experience.

CHAIRMAN MADDEN: Okay.

MR. MEYERS: That's it.

CHAIRMAN MADDEN: Thank you very much.

Linda Rozny.

MS. ROZNY: Linda Rozny, 104 Graeser Acres.

Can I have a couple of questions first?

Mr. Braswell said that the seller of the property. Is the property being sold? Going to be sold? Who owns the property?

MR. BRASWELL: We have it under contract.

MS. ROZNY: You have it under contract.

CHAIRMAN MADDEN: Okay.

MS. ROZNY: And nobody knows whether Pavilion is public or private?

CHAIRMAN MADDEN: We're going to have to check that out.

MS. ROZNY: Okay. So can I start now?

CHAIRMAN MADDEN: Yeah.

MS. ROZNY: Okay. The changes in definition are changes that are going to or proposed to be made after people already purchased their places in Carriage House, and they purchased this under other definitions, shall we say.

The site is still developable -- developable at 20 per acre, and moving the -- the building over 25 feet

in the back gives more space for the residents in Carriage House to enjoy the space that's hidden behind their garage, but further down it's still at 10 feet.

And I will read as much as I can out of this, and when I run out of time, I will turn it in to your record.

Every person in the Carriage House is a Creve Coeur resident. There are 64 residences with even more persons impacted.

This threatens the enjoyment of their property. This threatens loss of monetary value of each condo resident in which each Creve Coeur resident has invested their own money. It threatens their privacy with four stories of strangers staring down at them.

Summit Lofts got screening of their pool, as they objected to a new building behind them looking down on them. What does Carriage House get? It's the loss of the greenery and the many mature trees. All the trees on the project will be cut down to be replaced by young trees, and the lack of space will prevent trees from reaching the size of current trees, even if you waited the decades for that to happen.

Creve Coeur changed from encouraging multi-family to discouraging, but that didn't change the Carriage House community.

Carriage House was developed and stayed condominiums no matter what zoning designation Creve Coeur chose to call it. The residents called it home.

When each person bought their condo, there was a church next door zoned Residential. More recently it has been zoned General Commercial. GC will only allow 20 units per acre, which is similar to what Carriage House condos are, but nobody bought expecting to be next door to 48.3 units per acre and a four-story building looming over their home.

On their -- on the other side there was and still are two single-family lots. Carriage House is not surrounded by Commercial.

The developer is buying part of the right-of-way, not to use, but to provide himself with a loophole. The site was too small to be called Core Business, so he took unusable acreage from the State right-of-way and some land from the owner's other lot to fill the quota.

There's a lot more to say on this, but I'm skipping that part right now.

David Braswell helped Creve Coeur develop the successful Kings Landing, but that was in an area with no immediate residences for neighbors. If he wants to --

CHAIRMAN MADDEN: Okay, Mrs. Rozny.

MS. ROZNY: -- replicate that, he should do more appropriate area or more appropriate development here.

CHAIRMAN MADDEN: Thank you.

MS. ROZNY: Thank you.

CHAIRMAN MADDEN: Kathleen McClure.

MS. MCCLURE: Yes, hi.

I'm Kathleen McClure. I live in Carriage House Condominiums. I spoke --

CHAIRMAN MADDEN: Could you state your actual address, please.

MS. MCCLURE: 942 Guelbreth Lane, I'm Unit No. 311.

CHAIRMAN MADDEN: Okay. Thank you.

MS. MCCLURE: You're welcome.

I have never been involved in something like this, up until two meetings prior to this I did speak, so I've already stated my objection to this piece of property. I don't want to reiterate that.

I want to say that I was hesitant to come here the first time because I felt that -- that this was not going to do any good; all I was going to be granted was lip service, and nothing would be done about it.

That the big business and the people with the money would win; that nobody really cared.

But when you voted last time and voted -- two

people voted that -- or I mean not two people, but you voted against two things and for two things. And the two things that you voted against was that he could not have the building as high or as dense as close to our property.

So I felt I had a major win there. I was so surprised. I thought, gosh, everybody told me it wasn't going to do any good, and it did. I went around to this group and complimented everybody on listening to me and really caring about what I said. I was on a high for two days.

I was telling all my friends, you were wrong, these people did listen. And then what happens now, he's going to come in the back door. This is the way I describe it. To come around the back door now, he wants to rezone it. And I just think that that's very unfair. I don't understand that.

What happens is like there was somebody in my building that was here before, and now he won't come back, because he said you don't listen anyway, nobody cares, so he doesn't want to come back.

And I think that's what happens; people give up, because they think that nobody's going to listen to them, and I'm very disappointed in that.

I know Mr. Braswell came to my building one time when this first started, and then my objections were only

to the -- the traffic. Now I've got a lot more objections because I've learned more about this building. But at that time he was very nice, however, in our conversation he was saying that he works in Clayton, he lives in Wildwood, and I said, you know, that's a long distance to go in traffic time, in that area it's a lot of heavy traffic. He says, yes, he does that so he can get away from people. So he does that to get away from people so he can live in quiet, and he puts 174 units next door to us. I think that's terrible. I think it's like they're putting a like -- it's like a 12 -- size 12 shoe they're going to put in a -- no, a 12 size foot into a 6 foot shoe.

I mean this is not the property for this. I agree this East Corridor needs to be built up. I'm definitely in favor of that, but this is not the piece of property -- this is not what should be put here for a lot of reasons that's already been stated.

And I also state we have a bunch of signatures from both of our buildings, and people -- just because they're not all here does not mean they want this. Everybody we've talked to, they do not want, in both of our buildings.

So that's all I have to say right now.

CHAIRMAN MADDEN: Thank you.

Elizabeth Link.

MS. LINK: Hello. I'm Elizabeth Link. I reside at 920 Guelbreth Lane, Unit 106.

And Kathleen McClure and I, yesterday afternoon, collected 25 signatures, people who were not in favor of the project as it's proposed.

They are concerned about traffic and traffic and traffic. They're concerned about the loss of privacy. They're concerned about the increased density. This will double the density from where we are.

Carriage House has been there for 32 years through all versions of the zoning that the City of Creve Coeur has done.

And the citizens have enjoyed their residence. I don't want to sound like someone who's talking about, well, never in my backyard and totally against everything.

Recognize that this property is valuable; needs to be developed. But this is going to be a four-story building in our front yard. That's not even going to be in our backyard.

We're concerned about the loss of property values. If we have people who are wanting to leave to relocate, how is this going to affect their property values, their resale?

People are very concerned about that. And I

1 think that the government of City of Creve Coeur should be
2 as concerned about the property values of citizens who've
3 lived here for 30 years as they are about development and
4 consider the scale of this development.
5 And when the traffic study was done, I don't
6 suppose that the proposed development at Terra West, where
7 the old Hamilton Church is, was considered in it.
8 I think there needs to be more done about
9 investigating the impact of this size development.
10 I mean, seriously, what about the streets? I
11 mean no one seems to know whether Pavilion is a public
12 street or not. And that is very busy at certain times of
13 the day.
14 If these residents are all going to be young,
15 suburban professionals, they're going to be going to work.
16 That's going to impact peak traffic times. That's going
17 to impact wear and tear on the street at the other areas.
18 Not all business people are in favor of this.
19 Woo, I'm getting out of breath. The -- I've had
20 several business people mention that their customers are
21 concerned about -- would be concerned about the traffic
22 density, traffic flow. That the -- one of our residents
23 has a business over in the -- across Old Olive, and he
24 says it's going to affect it that much, but I see my time
25 is up, and I thank you for your attention.

CHAIRMAN MADDEN: Thank you.

Barb Lehman.

MS. LEHMAN: My name is Barbara Lehman. I live at 1050 King Henry Court.

I'll be very brief. I'm concerned about the intrusive quality of the building, the height of the building right behind us.

We're already losing our space, natural space, with the loss of our retaining wall there, and I'm concerned also especially about traffic.

I mean I came upon a -- like a three-car accident right at Old Olive and Olive. We have no left-turn signal there. It's almost impossible to get out onto Olive at a time when Monsanto is sending traffic out onto the street.

And I just think it's too much for that amount of space.

CHAIRMAN MADDEN: Okay. Thank you very much.

Scott Link.

MR. LINK: Good evening. My name's Scott Link. I live at 25 Ladue Estates, Creve Coeur 63141.

Basically, I'm going to end up by going in the same sentiments in traffic.

This is 174 units. So you're looking at a minimum of 174 cars, all the way up to 340.

As I understand it, there are two and three bedroom apartments that are going to be in this place.

I was looking through, I think these are -- this is the proposal or the minutes, and there was a statement in there about additional traffic study, and I have not had a chance to go digging for that to go find that, but I was wondering when this was brought up, was the other development brought into consideration as well when they were doing that analysis?

There's only four intersections there off of Old Olive on that stretch, and that's where all these cars have to fit through in the morning and in the evening.

And if I understand, the Danforth Plant Center is in support of this. They're saying, hey, we've got people moving here; we've got jobs that we're adding, so those are folks who may be buzzing back home for lunch, so that's quite a bit more traffic.

Thank you for your time.

CHAIRMAN MADDEN: Thank you.

That's all I have cards for, but is there anybody else that got sworn in that wants to talk?

MS. MCCLURE: Can I ask question?

CHAIRMAN MADDEN: All right. Just wait.

Is there anybody else that hasn't been up here?

Okay. You can come up and ask your question.

State your name and address again, cause we're taping everything.

MS. MCCLURE: My name is Kathleen McClure. And I live 942 Guelbreth Lane, Unit 311.

I just want to know how many units he's going to have now. It was 174 before. Has that changed?

CHAIRMAN MADDEN: Okay. He'll be up to answer most of the questions in a minute.

Paul, do you guys want to go -- okay.

MR. LANGDON: Yes, sir. One second.

VOICE IN AUDIENCE: I would like to add something, if I may.

CHAIRMAN MADDEN: No, we'll -- we got a lot to do tonight.

VOICE IN AUDIENCE: Okay. All right.

CHAIRMAN MADDEN: And you had three minutes per person.

MS. ROZNY: Just want to know what I do with my page I didn't read yet.

CHAIRMAN MADDEN: You can turn it in right over there.

MS. ROZNY: Okay.

CHAIRMAN MADDEN: And the petition, you can turn it in over there too, please.

Thank you.

MR. LANGDON: Mr. Chair, Members of the Commission, Paul Langdon, Director of Community Development for the City.

First thing I want to do is clarify something that's become evident from some of the comments.

There are two apartment projects currently before the City. One is the one we're discussing tonight, which is located here. Whoops. Right there. This is -- my little thing is dying here. This is Carriage House here. The other one is proposed for the Hamilton Church property here. This area here is the Briar Cliff Subdivision.

So there have been comments made about things happening behind Briar Cliff. Well, that would be this project. That is not the subject of tonight's application.

This project is also seeking a rezoning, but to Planned Residential Development, not Core Business, which is what's being sought on the project tonight.

So there's really two very similar projects in a lot of ways, but very different in terms of the zoning.

There are two applications, two different requests and a different set of issues related to the -- the rezonings themselves.

It doesn't mean that the comments don't have

value in terms of concerns about traffic and noise and what have you, but specific site issues that have been raised are really being raised about the other project.

So I just wanted to clarify that before we go any further.

Let me switch the places.

That gives us a view of the site. You can see on this image a little closer view of the subject property.

This is where the apartment complex is proposed. This is the existing office building and their parking lot. Carriage House Condominiums. Guelbreth Lane that runs to the north up here. And then the Pavilion Shopping Center. This is Pavilion Drive here.

It is my understanding that Pavilion Drive is on private property. That there is an easement over it allowing access for anybody who wishes to use it, but that it's under the ownership of, in this case, Altus Properties.

A nonstandard stop sign is the one that's located right there. And what that is is, essentially, a decorative pole that has a -- a square flag, if you will, steel panel, and it has a stop symbol stuck on it. That's visible only to traffic that's heading south, so that they stop here, and then traffic heading east stops here, so

that inbound traffic does not have to stop.

That's a nonstandard layout. It's also a nonstandard sign. You could not do that if this was a public street.

However, the development was put in about 25 years ago now, and it is possible that an exception was made at the time. I'll double check our sources, but that's my understanding, that it is privately owned, but with full access to the public.

It is true that this office building here, whose owner is selling the property to tonight's applicant, already has access right there, actually, to -- to that roadway. So they already do have some -- some degree of use, not only to use the traffic signal, but also to go up to -- to Old Olive.

One of the other things that's been mentioned are the loss of trees. These are down here at the south end of this site. Up right in front of the old house, you have a couple of very nice specimens. You can see the shadows there.

Certainly, the City laments the loss of healthy, mature trees at any time. We have tree preservation ordinance. We generally try to protect them as much as we can.

We do recognize also that sometimes trees have

to go. That's why we have a landscape ordinance, so that we do look at the landscape and we do try to verify that a site, when it's completed, will still have value, even if it isn't the same value it had before. So we're mindful of that issue.

I believe that -- that one of the significant changes that has come with the -- the new site plan is that it has created more room to install trees on that site. I'll put it up more visible, hopefully, keep everybody on the same direction. So that's north up, just like we were looking at on the aerial.

So Pavilion is over here. Carriage House is over here. One of the concerns that was raised before that at 10 feet, which was the initial submittal for the site, there really isn't room to install a tree that can compete with a four-story wall.

The building's going to win, especially since all it would get is morning sun and after that it would be in the shade all day.

That was an issue that was identified by the residents, and we identified as well with the applicant. Which was a big part of the change they made, which was to add another 5 feet here and then another 10 feet over here.

At that point we can actually get trees to grow,

and we've got enough room there, enough air movement there that they'll grow. Combine that with dropping the wall down to three stories, this one, I think that the chances of the trees having some value is much higher.

The site is dependent on the right-of-way here. Let me just say that any property owner has the opportunity to purchase ground, to look for opportunities, to accomplish something that they envision as a reasonable property and a successful project.

You had a boundary adjustment in front of you just a short time ago where a resident wanted to put on an addition. To do the addition, they needed another lot. They bought another house. They tore down the house for no other reason than to put an addition on their house.

This is in a residential setting, single-family home. That's perfectly acceptable. It is not unacceptable for a commercial property owner to do the same thing. We see it all the time.

I, in no way, infer anything negativity about this property owner pursuing excess right-of-way, which is currently an un-mowed hillside for MoDOT, so that they can maintain it, create a landscape asset for the City, and in so doing, create the lot size that they need to meet the zoning requirements.

That is the purpose of the requirement; that the

1 lot is large enough that you can accomplish something
2 positive out of the development, not simply cram it full
3 of building.
4 I will admit that this is fairly crammed full of
5 building. Absolutely. But what it is down here is a
6 landscape that has public value to everybody. Everyone
7 passing on Olive Boulevard gets to see that.
8 The Comprehensive Plan expects the so-scalled
9 green line park along Olive Boulevard. That's what allows
10 us to get to that standard today or with this project,
11 whereas, today what we have is an un-mowed hillside
12 because MoDOT mows twice a year.
13 In a wet year like this, you have, basically, a
14 mess. So I think that that's a significant improvement
15 for this -- this project gives to the City, and at the
16 same time it gives the developer the land area he needs to
17 meet a minimum standard. So I think that's something
18 worth remembering.
19 As far as the -- the area on Old Olive, I won't
20 go into a lot of detail there because I did last time. I
21 think that, you know, this photograph of the existing
22 church says a lot. We have vacant buildings. We have a
23 empty parking lot. We have a series of other buildings
24 that I would say are not making the best use of the
25 property. They've been around. They're doing fine. But

let's be honest about where Old Olive has gone in the last several years.

This picture looking down Old Olive. Compare that to Olive Boulevard. Compare that to even Ladue.

This is not a street that is thriving; that is not becoming the street that the City envisioned in 2002 when the Comprehensive Plan was rewritten entirely. And said for this area that we should encourage large scale redevelopment for this area, well-designed, coordinated redevelopment.

That's what the applicant is attempting to accomplish here. Exactly what the Comprehensive Plan said we should embrace.

Now, it is a profound change, but ask yourself what we're changing from. General Commercial, which is not garnered much favor in the marketplace, has led to this. This is not the streetscape that is conducive either to business moving in, to residents moving in, or to the property values for anybody. This is not the streetscape that helps out Carriage House. This is not the streetscape that helps out Kohn's Deli.

If we can invigorate this area, if we can bring business back to this area, if we can bring residents into this area, those are all positives in the long run. It is a change and it can be a traumatic change. Absolutely.

Now some of the finer issues we may still have a problem with. We may still want to talk to the applicant about certain aspects of the building, certain aspects of the landscape, certainly aspects of the traffic. We have a question outstanding on Pavilion Drive. I think we need to get that clarified 100 percent certain before we move forward with the site plan.

But before we get that far, we still have to deal with the question of the rezoning and the text amendment that comes with it.

If we are going to continue to use General Commercial as the prevailing zoning district, let's remember, all of this is zoned General Commercial except for the Pavilion and the Carriage House. Everything else is General Commercial.

If you look up on the map to your -- to your left, all that red is all the General Commercial area; that pink area is Pavilion, Core Business, and then you can't really see it from here, but the little slot there for -- for Carriage House. It's all General Commercial.

It hasn't been attractive in the marketplace. General Commercial in the City has generally led to inline retail, strip malls. In fact, we have one on this street. There's one right across the road, more or less. Right there. Willowbrook Shopping Center to be generous.

1 That owner has been in recently. Has met with
2 me personally to talk about some way to reinvigorate this
3 site, because their rents are falling, they're having
4 trouble keeping tenants. It's not succeeding.
5 When they heard that there was potential influx
6 of residents, people living here and here, they saw this
7 as an opportunity to attract new business. You can't
8 attract new business with what's there now.
9 And so they're looking at a facelift similar to
10 one you'll look at, an application after this one, to try
11 and give it a little more identity in the marketplace.
12 One of the reasons they decided to pursue that
13 now was based on the interest, just the interest that
14 these two apartment projects have shown, because there's
15 people right there. If there's people right there,
16 they're looking for services; they're looking for food.
17 Those are the things that inline retail can provide very
18 readily. But they can't attract the tenants as long as it
19 looks the way it does.
20 But my point being that it's the change. It's
21 the change that sparks more things, better things, not
22 necessarily redevelopment, sometimes just reinvestment.
23 That would be a start. That would get us going in the
24 right direction as opposed to failing, which is where
25 we're going now.

General Commercial is not getting us that change. Pavilion, big change. Core Business zoning. Core Business is an intense zoning district. It allows a lot.

This site is exploring the limits of what that allows. But without it, I don't think that we generate the level of investment and the level of new residents in this area that leads to these spinoff benefits that we're all hoping for.

Now, I went through, in the staff report, a fairly long description of -- of how the zoning got to where it is; how the City ended up changing its mind on a variety of occasions about how to handle buffers and how to handle setbacks between Commercial and Residential.

Finally, in '97, they settled on saying single-family will have larger buffers and larger setbacks when adjacent -- or Commercial will have larger setbacks and buffers when adjacent to Single-Family Residential.

Two years later they changed it again and moved it to just Single-Family Districts, and then they got rid of the Multi-Family Zoning District altogether.

Carriage house was Multi-Family. All of the apartment complex in the City were Multi-Family. MR was the name of the district, Multiple Residence.

They were advised at the time by staff that that

1 would cause problems for this site and the one on the
2 other side, which, unfortunately, can't really see. It's
3 over on this side of Carriage House.
4 So much so that it would make redevelopment
5 extremely difficult on those sites, and the recommendation
6 at the time was that Carriage House should be rezoned to
7 General Commercial.
8 Wildly nonconforming, but it's wildly
9 nonconforming with AR as well. It isn't what the district
10 purports to be. It isn't Single-Family and it isn't
11 Commercial. It's Multi-Family, but that district was
12 going away, and so they had to pick one.
13 But the concern was expressed at the time that
14 that would not leave enough buffer. That would only leave
15 12 feet of -- of space along this property line to
16 development.
17 And the Council -- the Commission agreed with
18 the staff. The Council disagreed and said, no, we need to
19 provide some green space, so if we leave them at A -- or
20 if we make them to AR, and assuming everything else stays
21 GC, that will at least get them 20, 25, 30, depending on
22 how large the lot is.
23 If they are at 3 acres, it's 30, or slightly
24 over. If it's right at 3 acres, it's 25. If it's right
25 at 2 acres, then -- or less, then it's 20 feet. So we

went from 12 to 20.

Well, if this stays GC, which it's done since that time, 15 years, I don't think we can expect a lot of big changes to happen in this area.

There is GC Zoning down on Olive, which is underutilized. There's GC Zoning out on Lindbergh, that's underutilized. There's more -- there's a ton of GC just on the street that's underutilized. So why this lot would suddenly change to something much better and more productive and more positive for Carriage House under GC, I don't know. I think we're looking for something more. Well, something more, by extension, is Core Business.

So then we created this problem where the lot becomes un-developable.

Now, I understand that having a Core Business District right beside a residential property, whether it's multi-family or single-family, potentially is problematic.

If you didn't move into a downtown area, a true downtown, you might not expect to have an eight-story or a six-story office building right next door when you moved in with a church next door. That is -- would be a huge jump, and that was the issue that the City Council was raising in 1999.

If the Commission believes that simply changing it so that this property and any other multi-family

1 projects that are zoned Single-Family are no longer
2 separated with these larger buffers, the alternative is,
3 that I've supplied in the staff report, is to simply say
4 that if it's commercial development, then you have to
5 provide the larger buffers and the larger setbacks. If
6 it's residential, then you can drop those requirements.
7 Now, that, obviously, makes this project
8 possible, and this project is what you're hearing from a
9 lot of residents as being one that they don't like.
10 I would suggest that if we don't do it, if we
11 don't do something similar, we're going to have more of
12 what we've had for a good long time, because there's
13 simply too many other alternatives in the marketplace for
14 something that's similar to this.
15 The amendment that's shown in the draft
16 ordinance that's attached to the staff report has the
17 wording that's proposed by the applicant. It's changed
18 from the word "district" to the word "development".
19 If you want to go in the direction, this
20 alternate direction that I provided in the staff report,
21 you would need to amend the draft ordinance before then
22 making a recommendation to City Council.
23 I'm not telling you you should make that
24 recommendation tonight. I think you should think in terms
25 of the text amendment first though, and if you are

delaying the text amendment, then you are also delaying the rest of the project.

You can pass the text amendment without passing the project, or at least vote on a recommendation. So that what you're saying is, yes, we want to encourage something to happen here, something more intensive than General Commercial, but we still want to resolve issues with this specific project.

So you should feel free to, and I would encourage you to vote on them separately.

How you move forward with them tonight is really up to you and your level of comfort.

I don't want to repeat myself with things that I've said before, so I'll stop there. If you have questions for me, I'd be happy to answer them and, of course, if there are any issues that the public has raised, that you'd like me to address, I can do that as well.

CHAIRMAN MADDEN: Any questions?

MR. ROVAK: Well, this is probably premature, particularly if we separate this and do the text amendment.

So I guess the question then, this might be for Mr. Langdon, so that when a development does come forward as a development, one thing I didn't see in all these

plans and some elevations that I think site -- particularly with the concerns that people had in terms of overlook and how close they were to a larger building, I would very much like to, I say, expect to see site sections as part of what we're going to see when this really becomes an application for development.

I think without that we'd we flying blind. Sections in both directions, and if there's a step-down or a change, then, you know, maybe one or two or three sections even oriented the same direction, and then one in the opposite, so we can really look at the effect on adjacent property and the probable appearance.

But, again, that may be premature, but that's something I would expect -- I see this little -- this mini one, and I didn't -- wasn't sure where --

MR. LANGDON: It doesn't include Carriage House, so --

MR. ROVAK: Uh-huh.

MR. LANGDON: -- we'll see that those are done.

MR. ROVAK: Right.

MR. LANGDON: And just so we're clear, there -- there actually is a firm proposal in front of you.

You know, when you said when this becomes project -- it already is, so we're amending, as we go.

MR. ROVAK: Okay.

1 MR. PULLIAM: Just want to make sure I
2 understand. The proposed development will abut within
3 10 feet the existing Carriage House property line that
4 we're talking about?
5 MR. LANGDON: For a portion, yes.
6 MR. PULLIAM: For a portion of it?
7 MR. LANGDON: Uh-huh.
8 MR. PULLIAM: But it is coming up against, not
9 the residential units themselves, but it is coming up
10 against what -- a parking lot, and looks to be part of it
11 is covered parking, is -- is that right?
12 MR. LANGDON: That is correct.
13 MR. PULLIAM: Okay. Now another separate
14 question that -- that I had.
15 We had -- you referenced another development,
16 proposed development, across the street, the other church
17 property.
18 MR. LANGDON: Yes.
19 MR. PULLIAM: There was some discussion -- some
20 discussion about that development about whether the
21 density --
22 MR. LANGDON: Uh-huh.
23 MR. PULLIAM: -- going above 20. And in that
24 instance, it was going above 20, so it said it could
25 approach 26, and there was a discussion at 26 --

MR. LANGDON: Uh-huh.

MR. PULLIAM: -- being the density per -- per acre.

And here we are close to doubling that, I suppose. You -- you also began by stating that -- that -- well, yes, we're talking about two different types of property, so if you could just speak to why the density is important to be around 20 or 26 there --

MR. LANGDON: Uh-huh.

MR. PULLIAM: -- but different here. Why -- what the distinction is.

MR. LANGDON: Sure. The -- there's a couple of key points, I guess.

The aerial doesn't really go far enough, but this property up here is Hamilton Church.

This hillside here is fairly steep, and as the Briar Cliff residents, who are on the other side of that hill that curves here, can tell you, it's fairly steep. That's why they have these retaining walls.

It would be extremely difficult to develop, but it's still part of the property, so in that case, you inherently have a lot of green space. So, you know, green space, your density numbers starts to go down.

If you look at the type of building they're actually wanting to build, it's almost identical in

1 general form to that. It is an enclosed courtyard model.
2 It is four stories high. There's almost no difference.
3 You look at the unit count, the unit counts are
4 very similar. The difference is the other property has a
5 large piece that it can't use, and in that case, they're
6 also looking to make use of the commercial success of the
7 area of Pavilion by putting Commercial on the front of the
8 project.
9 So, again, you're shifting use from one thing to
10 another, pushes down your density calculation, but, in
11 fact, the total development, and if you look at intensity,
12 the amount of traffic, height of the buildings, FAR,
13 they're still very high.
14 MR. PULLIAM: And that's what I notice, if I
15 recall, the building -- it seems like the buildings are
16 similar.
17 MR. LANGDON: Yes, very. They're appealing to
18 the same -- same market range. They're -- they're both
19 trying to hit the same sort of target market, a range of
20 professionals that may be coming in from, not only out of
21 state, but out of country.
22 Also people that are early in their professional
23 careers and may have kids and are concerned about the
24 school district they're in, at least for the first few
25 years, and then they would move on to a single-family

house, if they're staying in the area longterm.

MR. PULLIAM: Thank you.

CHAIRMAN MADDEN: I got a couple questions because everybody mention, you know, there's only one way in, one way out.

The road that we don't know who owns it or whatever --

MR. LANGDON: Uh-huh.

CHAIRMAN MADDEN: -- coming down, you know, cause I've been to that movie theater several times, but I go west on Olive. If you want to go east, is there a left-turn signal there?

MR. LANGDON: Want to go east. Yes, there is.

CHAIRMAN MADDEN: Okay. So you could come out that way or you can go up to Old Olive and come down --

MR. LANGDON: Through the interchange.

CHAIRMAN MADDEN: -- through that interchange. Is that the one where they're saying there's no left-turn signal?

MR. LANGDON: Let me switch here. Okay.

All right. If you are coming out to the north, so you come up onto Old Olive, and you come this way, you can only go south.

CHAIRMAN MADDEN: Right.

MR. LANGDON: Once you're going south, you can

then go through -- get my facts right here -- go through this loop, so that you're then heading east on Olive.

If you want to go west on Olive, you would come out and go this way.

CHAIRMAN MADDEN: Okay.

MR. LANGDON: There is a full signal there.

CHAIRMAN MADDEN: But if you came out the last one you pointed at, Old Olive where it runs into Olive, right there --

MR. LANGDON: Uh-huh.

CHAIRMAN MADDEN: -- is there a turn signal there?

MR. LANGDON: Yes.

CHAIRMAN MADDEN: Okay. So --

VOICE IN AUDIENCE: No, there's no left-turn signal at -- from Old Olive to Olive. I come out there every day.

MR. LANGDON: There's not the green arrow protect the light? There is a -- there is a -- a traffic signal there at least.

VOICE IN AUDIENCE: There is a traffic light there, but there is no left-turn signal.

CHAIRMAN MADDEN: Well, that's okay, because now we discovered there's three modes of getting in and out of anywhere along there, right?

MR. LANGDON: Correct.

CHAIRMAN MADDEN: Okay. That's -- cause everybody kept saying one, so I counted three right off the bat. And then you can go out Willowbrook down to -- is it Schuetz or Schulte or whatever?

MR. LANGDON: Uh-huh. Schuetz.

CHAIRMAN MADDEN: Okay. So I just -- so there's definitely three easy ones, and then a possible fourth one. Okay.

And I agree with you, I used to drive through there years ago all the time, and since we started this, I've driven through there twice, and about the only changes is a few of the trees have died and a few of them have gotten taller. But there is sort of a --

MR. LANGDON: Well, the -- the -- I think for me one of the biggest concerns is this building here went empty several months ago and it's still empty.

That's one of the most visible office building locations in the city, and yet they're still not able to attract a tenant.

That tells me there's something inherently wrong maybe with the property, but also maybe with the site, the location.

CHAIRMAN MADDEN: Okay. And I thought of another thing too.

When he's buying the land from MoDOT down to Olive there --

MR. LANGDON: Yeah.

CHAIRMAN MADDEN: -- is he going further west than what his property line would be for the apartments, so he's buying that whole area --

MR. LANGDON: Correct.

CHAIRMAN MADDEN: -- so it even enhances what's -- the condominiums that are there now, right?

MR. LANGDON: Yeah. I'll switch again.

If you look on the aerial here, the area he's purchasing is -- is all down here. So what you end up with is a more uniformed frontage as compared to Pavilion. So that this all becomes maintained green space that then this property also benefits from.

And, frankly, that was part of our discussions in encouraging a truer integration of -- of the office building site and their site. Simply sharing a driveway isn't really integrating the uses. This way the storm water detention, the landscape, the parking and access all become part of -- of a single project.

CHAIRMAN MADDEN: Mr. Pulliam.

MR. PULLIAM: The staff has recommended, not the language proposed by the applicant, but alternative language.

Could you speak to that for a moment?

MR. LANGDON: Sure. I -- I -- my initial read of the past codes was that -- that the -- the City had really taken a really cavalier approach to how we handle the multi-family projects, and when we went through this getting rid of the MR Zoning District.

When I read the actual transcript of the hearing in front of the City Council, I was wrong.

Council members did raise a concern that -- that making them all GC would allow such short setbacks that it would not provide enough space between whatever happened to this site and the Carriage House. I mean that was the specific discussion, how much space would go right here.

So that's when I started thinking perhaps we need to look at a different way to word it where it isn't completely abandoning those extra setbacks and -- and buffers, it's a -- a partial abandonment, if you will, so that if it's a commercial project, then we're still looking at things as they are today, status quo.

If it's residential, to the extent that residential is a more agreeable use, besides residential, which is what Carriage House is, then we're looking at -- at the shorter setbacks again.

But that said, that's where I turn to the applicant and said I wouldn't take that as an opportunity

to just say great, I can be 10 or 12 feet off the property line.

You need to try to do something to try and open this up a bit, and that's where they -- the stepping -- effort to step the building came in, where it goes from 10 feet there to 15, stays 15, then it drops back to -- the parking garage is actually back here -- and then it comes up to 25 right there.

And, actually, let me just -- I just -- one question that did come up that I did want to answer.

There were -- I think it's a good question about did the traffic study that was supplied by this applicant include the prior -- or the other apartment complex. No, because it was done before we even had a project on the other site.

CHAIRMAN MADDEN: Okay. And nobody ever believes our traffic surveys anyway, so, yeah, we go and get a second one, and it's the exact same thing almost every time so.

MR. LANGDON: Uh-huh.

CHAIRMAN MADDEN: Any other questions?

Okay. That'll close our public hearing then.

MR. LUMLEY: So offer the following exhibits into the record of the public hearing: Documentation in possession of the City Clerk reflecting the public notice;

the staff's report; documents offered by the speakers, including the petition; the City's Code of Ordinances and Charter; the City's Comprehensive Plan and the public file regarding this application.

(The Public Hearing was ended.)

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 hearings stenographically and later reduced to typewriting; and that this is a true and accurate transcript of the public hearings.

_____

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

CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, AUGUST 5, 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, August 5, 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***
Mr. Ken Howard
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 #13-023: Approval of a text amendment to Section 405.370 "CB" Core Business District regulations to change the increased height and buffer requirements from a single family "district" to a single family "development" when adjacent to the "CB" Core Business District.

Mr. Lumley recommended the Commission to reopen the Public Hearing on the related boundary adjustment rezoning and conditional use permit, so the public can comment to the full extent of the project. Chair Madden reopened the previous Public Hearing.

Applicant/Agent: David Braswell
Covington Realty Partners
135 N. Meramec Ave, Suite 500
St. Louis, MO 63105

Property Owner: Dr. Kent Branson
Pavilion Office Park, LLC
11630 Studt Avenue
Creve Coeur, MO 63141

Mr. David Braswell, 135 N. Meramec Ave, Covington Realty Partners, explained he was seeking a text amendment to eliminate the word "District" and substitute the word "Development" in the building height and bufferyard regulations. Mr. Braswell explained

some history of the zoning. Mr. Braswell also explained the buffer requirement change, stating the buffer requirement is 200 feet currently and the site is 192 feet wide, so it makes the site undevelopable; changing the word from "District" to "Development" changes the buffer requirement. Mr. Braswell showed an illustration of the site and showed the buffer requirement would be from the east property line. Based on prior comments from the City and neighboring residents, Mr. Braswell made changes to the proposed plan, including moving the parking structure to the west, moving building 1 to the west (25 feet from the property line, before it was 11 feet), and making the building 3 stories for portions of the east elevation (pictures were shown). In addition, Mr. Braswell said he was purchasing the right-of-way from MoDOT, which is what enabled him to move the building further from Carriage House. Mr. Braswell showed the entry to the property was off of Old Olive, that all parking requirements are satisfied, and showed the 2 courtyards with barbeque amenities and water features, and the landscape plan.

Mr. Lumley asked if there was an easement document being developed? Mr. Braswell said there was, as well as for the parking. Mr. Lumley asked what the maintenance plan was; was each property was responsible for itself? Mr. Braswell said yes they were. Lastly, Mr. Lumley understood Pavilion to be a private street, and Mr. Braswell said not to his knowledge, and Mr. Langdon said he believed it was but that he would verify. Mr. Lumley said if it is not private there is a non-standard stop sign on a public street and he would like that to be sorted out.

Mr. Louis Meyers, 1032 King Henry Court, spoke in opposition of the project. Mr. Meyers is concerned about children playing, noise, and vandalism.

Ms. Linda Rezny, 104 Graeser Acres, spoke in opposition of the project. Ms. Rezny read and submitted a letter for the record stating all her reasons for opposing the project.

Ms. Kathleen McClure, 942 Guelbreth Lane, Unit 311, spoke in opposition of the project.

Ms. Elizabeth Link, 920 Guelbreth Lane, Unit 106, spoke in opposition of the project. Ms. Link said she is concerned with loss of property value and concerned with the impact of development on the street. Ms. Link also submitted 25 signatures of her neighbors not in favor of the project.

Ms. Barb Lehman, 1050 King Henry Court, spoke in opposition of the project. Ms. Lehman said the building will be intrusive and she is concerned about traffic on Old Olive.

Mr. Scott Link, 25 Ladue Estates, asked if the traffic study included the proposal on the Hamilton Church site.

Mr. Langdon clarified a few things, first Mr. Langdon pointed out the 2 different projects on the map. Mr. Langdon also showed and explained the access of the roads. Mr. Langdon said it was his understanding that Pavilion Drive is private property and there is an easement over it allowing access for anybody who wishes to use it, but Altus Properties owns it.

Mr. Langdon showed a picture of the current conditions on Old Olive and pointed out the number of vacant properties and empty parking lots. Mr. Langdon said Willowbrook

Shopping Center is seeking a site development plan to make their building look better, partially because of the apartment project proposals.

Mr. Langdon explained some zoning history and said if the area stays "GC" General Commercial, the city should not expect many changes to the area.

Mr. Rovak asked to see site sections in both directions from the applicant. Mr. Langdon said those will be done.

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)

Chair Madden asked for clarification for what they were voting on, and that it was just the text amendment, not the site development plan. Mr. Lumley said there are two separate items for the same applicant on the agenda.

Mr. Pullium motioned to substitute the alternative language suggested by staff in their report on Application #13-023, dated August 5, 2013, into the attached draft ordinance revising the building height and buffer requirements in the "CB" Core Business zoning district. Mr. Howard seconded the motion with the resultant vote as follows:

Mr. Howard - aye Mr. Rovak – aye Mr. Pullium – aye
Chair – aye

Mr. Howard motioned to approve the amended draft ordinance revising the building height and buffer requirements in the "CB" Core Business zoning district attached to the staff report on Application #13-023, dated August 5, 2013. Mr. Rovak seconded the motion with the resultant vote as follows:

Mr. Pullium – aye Mr. Rovak – aye Mr. Howard – aye
Chair - 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 9:30 p.m.

_____
Timothy Madden, Chair

_____
Julie Lowery, Recording Secretary

city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
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www.creve-coeur.org

August 8, 2013

David Braswell
Covington Realty Partners
135 N. Meramec Ave, Suite 500
St. Louis, MO 63105

Re: Application #13-023: Text amendment to Section 405.370 "CB" Core Business District
Modifications to Building Height and Bufferyard Regulations

Mr. Braswell:

The Planning and Zoning Commission, at its meeting of August 5, 2013, reviewed a text amendment to Section 405.370 "CB" Core Business District regulations to change the increased height and buffer requirements from a single family "district" to a single family "development" when adjacent to the "CB" Core Business District.

By unanimous vote, the Planning Commission approved a motion to modify your request wherein the existing regulations shall be applied to non-residential projects only. The word "district" was not replaced with "development" in the way initially proposed. By a subsequent unanimous vote, the Planning Commission recommends approval of the modified text amendment, which will be before the City Council on Monday, August 12, 2013. A copy of the recommended draft ordinance is attached hereto.

If you have any questions, please contact the Planning Division staff (872-2501) as soon as possible.

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
G. Eidman, Chief of Police
S. Unser, Chief Building Official

BILL NO. 5443 **ORDINANCE NO. _____**

AN ORDINANCE AMENDING SECTION 405.210 TABLE A OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI

WHEREAS, an application by the Director of Community Development, on behalf of the City of Creve Coeur, has been submitted for an amendment to the Zoning Code Table A, Permitted and Conditional Uses; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to the allowed permitted and conditional uses 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, August 5, 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 4-0 recommended approval of the subject amendments at its meeting on August 5, 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: The following individual line items in Section 405.210 Table A Permitted and Conditional Uses shall be amended as follows, while all other parts of Table A shall remain unchanged:

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**
~~522390~~	~~Other Activities Related to Credit Intermediation~~	-	-	-	-	-	-	-	~~P~~	-	-	~~P~~	~~P~~	~~P~~	-
541490	Other Specialized Design Services								P			P	P	P	P
541511	Custom Computer Programming Services								P			P	P	P	P
541711	Research and Development in Biotechnology								P	P					P

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541712	Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology)								P	P					P
713110	Amusement and Theme Parks							~~P~~				C	C	C	
812199	Other Personal Care Services (except escort services, massage parlors, steam baths, tattoo parlors, permanent makeup salons, and Turkish baths)										~~C~~P	~~C~~ P	~~C~~P	~~C~~P	~~C~~P
812990	All Other Personal Services										C	C	C	C	~~P~~C
814110	Private Households-Single Family Residential	P	P	P	P	~~P~~	P							~~C~~	
CC814111	Attached Single-Family Residential (townhouses or duplexes)					P									
CC814120	Low Density Multi-Family Residential (6 units per acre)					C									
CC814130	Medium Density Multi-Family Residential (20 units per acre)													P	
CC814140	High Density Multi-Family Residential (more than 20 units per acre)													C	
~~922140~~	~~Correctional Institutions~~	-	-	-	-	-	-	-	-	-	-	-	-	-	~~P~~
~~922150~~	~~Parole Offices and Probation Offices~~	-	-	-	-	-	-	-	-	-	-	-	~~P~~	-	-

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

THIS ____ DAY OF _____, 2013.

_____
BARRY GLANTZ
MAYOR

ATTEST:

_____
DEBORAH RYAN, MPCC
CITY CLERK

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city of CREVE COEUR

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APPLICATION TO PLANNING AND ZONING COMMISSION #13-021 FOR TEXT AMENDMENTS TO SECTION 405.210 TABLE A, PERMITTED AND CONDITIONAL USES OF THE ZONING CODE TO CLARIFY CERTAIN RESIDENTIAL USES, AND OTHER HOUSEKEEPING AMENDMENTS

FOR THE MEETING OF: Monday, August 5, 2013

LOCATION: City-wide

REQUEST: On April 22, 2013, the City converted the Zoning Code list of permitted and conditional uses to the North American Industry Classification System (NAICS) (Ordinance #5300). During this process, changes to some uses were made that were never intended. Staff finds it necessary to correct these errors and to further clarify other uses within the table such as the density levels of residential uses, as a matter of housekeeping amendments to Table A: Permitted and Conditional Uses.

ADDITIONAL INFORMATION: The public notification included revising the definition of a dwelling to prohibit a new form of multi-family housing called apodments, which is becoming popular in the Seattle/Portland area. However, at this time Staff does not see this as a zoning issue, and therefore this text amendment does not address changing the definition of dwelling.

Key Issues:
- Is this a reasonable exercise of zoning authority?
- Is this consistent with the purposes of the Zoning Code
- Is this consistent with the purposes of the Comprehensive Plan

Comp. Plan References
- NA

Zoning Code References
- Section 405.210: Regulation of Uses, Table A, Permitted and Conditional Uses

APPLICANT: Paul Langdon, AICP
Director of Community Development
City of Creve Coeur
300 N. New Ballas
Creve Coeur, MO 63141

REPORT PREPARED BY: Whitney Kelly 8/2/2013
Whitney Kelly, AICP, City Planner

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

DISCUSSION

NAICS #522320 Other Activities Related to Credit Intermediation. Examples of businesses within this category include check cashing services, money order issuance services, and payday lending services. This use was included as a permitted use in the PO, PC, GC, and CB Districts. Staff is suggesting that it be stricken from the table altogether:

		ZONING DISTRICTS													
Use Code	**2012 NAICS Title**	**A**	**B**	**C**	**D**	**AR**	**HE**	**PH**	**PO**	**RO**	**MX**	**PC**	**GC**	**CB**	**LI**
~~522390~~	~~Other Activities Related to Credit Intermediation~~	-	-	-	-	-	-	-	~~P~~	-	-	~~P~~	~~P~~	~~P~~	-

NAICS #541490 Other Specialized Design Services is comprised of establishments primarily engaged in providing professional design services (except architectural, landscape architecture, engineering, interior, industrial, graphic, and computer system design). Illustrative Examples include: costume design services (except independent theatrical costume designers), jewelry design services, fashion design services, float design services, shoe design services, fur design services, textile design services. These uses are permitted in the PO, PC, CB, and LI District, but were mistakenly left out of the GC District. Staff suggests allowing them as a permitted use in the GC District:

		ZONING DISTRICTS													
Use Code	**2012 NAICS Title**	**A**	**B**	**C**	**D**	**AR**	**HE**	**PH**	**PO**	**RO**	**MX**	**PC**	**GC**	**CB**	**LI**
541490	Other Specialized Design Services								P			P	P	P	P
541511	Custom Computer Programming Services								P			P	P	P	P

NAICS #541511 Custom Computer Programming Services is comprised of establishments primarily engaged in writing, modifying, testing, and supporting software to meet the needs of a particular customer, and is listed as a permitted use in the PO, PC, CB, and LI District, but not allowed in the GC District. This is within the same category Computer Systems Design Services, Computer Facilities Management Services and Other Computer Related Services, which are all permitted in the GC District. Therefore, Staff is recommending allowing it as a permitted use in the GC District:

		ZONING DISTRICTS													
Use Code	**2012 NAICS Title**	**A**	**B**	**C**	**D**	**AR**	**HE**	**PH**	**PO**	**RO**	**MX**	**PC**	**GC**	**CB**	**LI**
541511	Custom Computer Programming Services								P			P	P	P	P

NAICS #541711 Research and Development in Biotechnology and #541712 Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology) uses were mistakenly left out of the LI District, where such research and development is occurring in Helix Center. Therefore Staff recommends allowing as a permitted use in the LI District:

		ZONING DISTRICTS													
Use Code	**2012 NAICS Title**	**A**	**B**	**C**	**D**	**AR**	**HE**	**PH**	**PO**	**RO**	**MX**	**PC**	**GC**	**CB**	**LI**
541711	Research and Development in Biotechnology								P	P					P
541712	Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology)								P	P					P

NAICS #622210 Psychiatric and Substance Abuse Hospitals is comprised of establishments known and licensed as psychiatric and substance abuse hospitals primarily engaged in providing diagnostic, medical treatment, and monitoring services for inpatients who suffer from mental illness or substance abuse disorders. The treatment often requires an extended stay in the hospital. This use was listed as a permitted use in the LI District. However, the LI District does not lend itself to long-term residential facilities, and therefore should be removed as an allowed use in the district:

		ZONING DISTRICTS													
Use Code	**2012 NAICS Title**	**A**	**B**	**C**	**D**	**AR**	**HE**	**PH**	**PO**	**RO**	**MX**	**PC**	**GC**	**CB**	**LI**
622210	Psychiatric and Substance Abuse Hospitals							P							~~P~~

NAICS #713110 Amusement and Theme Parks was listed as a permitted use in the PH District, and should be removed:

		ZONING DISTRICTS													
Use Code	**2012 NAICS Title**	**A**	**B**	**C**	**D**	**AR**	**HE**	**PH**	**PO**	**RO**	**MX**	**PC**	**GC**	**CB**	**LI**
713110	Amusement and Theme Parks							~~P~~				C	C	C	

NAICS #812199 Other Personal Care Services (except escort services, massage parlors, steam baths, tattoo parlors and Turkish baths) included such uses as day spas, depilatory or electrolysis (i.e., hair removal) salons, saunas, ear piercing services, hair replacement (except by offices of physicians) or weaving, services, tanning salons, and permanent makeup salons. Staff recommends that this category be revised from conditional to permitted uses in the MX, PC, GC, CB, and LI District, with the exception of permanent makeup salons which could be similar to tattoo parlors, to be included with the listed exceptions as not allowed in the City:

		ZONING DISTRICTS													
Use Code	**2012 NAICS Title**	**A**	**B**	**C**	**D**	**AR**	**HE**	**PH**	**PO**	**RO**	**MX**	**PC**	**GC**	**CB**	**LI**
812199	Other Personal Care Services (except escort services, massage parlors, steam baths, tattoo parlors, permanent makeup salons, and Turkish baths)										~~C~~P	~~C~~P	~~C~~P	~~C~~P	~~C~~P

NAICS # 812990 All Other Personal Services category includes such uses as astrology services, bail bonding or bondsperson services, shoeshine services, coin-operated personal services machine, concession operators, social escort services, consumer buying services, personal fitness trainer, personal organizer services, personal shopping services, wedding chapels (except churches) wedding planning services, and dating services. It is currently listed a s a conditional use in the MX, PC, GC, and CB District, and as a permitted use in the LI District. Given the wide range of uses within this category, and that the potential impacts can very significantly, staff recommends that it be listed as a conditional use in all commercial district, thus changing from a permitted to a conditional use in the LI District:

		ZONING DISTRICTS													
Use Code	**2012 NAICS Title**	**A**	**B**	**C**	**D**	**AR**	**HE**	**PH**	**PO**	**RO**	**MX**	**PC**	**GC**	**CB**	**LI**
812990	All Other Personal Services										C	C	C	C	~~P~~C

NAICS #814110 Private Households. Staff recognized that this NAICS designation did not adequately provide for the various types of residential developments allowed. Further, as a residential dwelling is not a business category, the NAICS does not have an appropriate number for such structures. Therefore, Staff is requesting to add specific designations for each of the types of housing permitted. NO change is in the allowed densities are proposed. As with other uses that do not have a corresponding NAICS number, "CC" is included before each proposed number to make it a unique identifier as a City of Creve Coeur designation only:

		ZONING DISTRICTS													
Use Code	**2012 NAICS Title**	**A**	**B**	**C**	**D**	**AR**	**HE**	**PH**	**PO**	**RO**	**MX**	**PC**	**GC**	**CB**	**LI**
814110	Private Households-Single Family Residential	P	P	P	P	~~P~~	P							~~C~~	
CC814111	Attached Single-Family Residential (townhouses or duplexes)					P									
CC814120	Low Density Multi-Family Residential (6 units per acre)					C									
CC814130	Medium Density Multi-Family Residential (20 units per acre max.)													P	
CC814140	High Density Multi-Family Residential (more than 20 units per acre)													C	

NAICS #922140 Correctional Institutions and #922150 Parole Offices and Probations Offices
Correctional Institutions was listed as a permitted use in the LI District and Parole Offices and Probation Offices were listed as a permitted use in the GC District in error, and Staff Recommends that they be removed from the table:

		ZONING DISTRICTS													
Use Code	**2012 NAICS Title**	**A**	**B**	**C**	**D**	**AR**	**HE**	**PH**	**PO**	**RO**	**MX**	**PC**	**GC**	**CB**	**LI**
~~922140~~	~~Correctional Institutions~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~P~~
~~922150~~	~~Parole Offices and Probation Offices~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~P~~	~~-~~	~~-~~

ACTION AND MOTION

If the Planning and Zoning Commission is satisfied that the amendments accomplish the original purposes for the conversion to the NAICS process, and that subsequent concerns have been heard and addressed, then Staff request that they provide a recommendation to the City Council on the text amendments. Action will be in the form of approval, approval as modified, or denial. The following would be an example motion for this application:

> "I move to recommend approval of the draft text amendment ordinance attached to the August 5, 2013, staff report on Application #13-021 for the housekeeping amendments to Table A: Permitted and Conditional uses." (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: NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS); ALL EDITIONS

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

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

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**
311942	Spice and Extract Manufacturing														C
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

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**
322220	Paper Bag and Coated and Treated Paper Manufacturing														C
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 Activites 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

		ZONING DISTRICTS													
Use Code	**2012 NAICS Title**	**A**	**B**	**C**	**D**	**AR**	**HE**	**PH**	**PO**	**RO**	**MX**	**PC**	**GC**	**CB**	**LI**
332114	Custom Roll Forming														P
332117	Powder Metallurgy Part Manufacturing														P
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

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**
333112	Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing														C
333120	Construction Machinery Manufacturing														P
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

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**
333923	Overhead Traveling Crane, Hoist, and Monorail System Manufacturing														P
333924	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing														P
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

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**
334515	Instrument Manufacturing for Measuring and Testing Electricity and Electrical Signals														P
334516	Analytical Laboratory Instrument Manufacturing							C							P
334517	Irradiation Apparatus Manufacturing														P
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

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**
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
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

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**
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
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

		ZONING DISTRICTS													
Use Code	**2012 NAICS Title**	**A**	**B**	**C**	**D**	**AR**	**HE**	**PH**	**PO**	**RO**	**MX**	**PC**	**GC**	**CB**	**LI**
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
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

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**
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
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

Chapter 405, Table A, Permitted and Conditional Uses

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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
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

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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
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

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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
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

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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
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	

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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	
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

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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	P
541511	Custom Computer Programming Services								P			P	P	P	P
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					P
541712	Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology)								P	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	

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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
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

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**
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
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	

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**
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
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

Chapter 405, Table A, Permitted and Conditional Uses

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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
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, permanent makeup salons, and Turkish baths)										~~C~~P	~~C~~P	~~C~~P	~~C~~P	~~C~~P
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~~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**
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
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-Single Family Residential	P	P	P	P	~~P~~	P							~~C~~	
CC814111	Attached Single-Family Residential (townhouses or duplexes)					P									
CC814120	Low Density Multi-Family Residential (6 units per acre)					C									
CC814130	Medium Density Multi-Family Residential (20 units per acre)													P	
CC814140	High Density Multi-Family Residential (more than 20 units per acre)													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	

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**
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

CHAIRMAN MADDEN: Okay. That'll move us to public hearing, another one, Application No. 13-021: Approval of text amendment to Section 405.210 Table A, is permitted and conditional uses of the Zoning Code to clarify certain residential uses and other housekeeping amendments.

Paul.

Oh, anybody that might be commenting on this, please come up and get sworn in. Got a feeling it's just you. I'll wait for a minute.

(Mr. Langdon was sworn in by the court reporter.)

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

This was a request that we brought to you. It's a follow-up to the major amendment we made to the Zoning Code earlier this year where we converted from the 1987 Use Codes, the SIC, to the new 2012 NAICS, North American Industry Classification System.

As we warned you at the time, there would be mistakes. We had over 800 uses to categorize. We made our best effort to try and cover them all correctly, but we found a few that we did not.

We also found one thing that we just didn't

perceive at the time was that housing, as an industry, as far as NAICS is concerned, is really the homebuilding industry, or housing as a family that employs servants. It's not a development standard, if you will. There is an industry of half-acre housing.

The problem that we ran into is, while we can define some of these things through bulk standards in the different districts, we don't really have a good way to define multi-family housing 20 acres or less, or 20 units per acre or less, and so on, so we had to create really new categories of use, because we used to handle those things under the use list under the old standard.

So you'll see several categories there that -- that have the CC prefix to let you know that it's -- it's unique to our list of uses, not found in the normal NAICS.

Otherwise, these are uses that either we already have in town and realize we needed to correct the codes to reflect that, or they're requests that we got from uses that wish to come to town, and we really couldn't see any reason why they weren't included on the list when we went back and looked at the old code, in fact, they would have been allowed.

So, again, we're not looking to do any major changes to what is or is not permitted in the city or allowed as a conditional use. It's mostly documenting

1 things that already exist or for things we used to have in
2 the city and don't see any reason not to continue.
3 That's all I have. If you have any questions
4 for me.
5 CHAIRMAN MADDEN: Any questions?
6 Is there anybody in the audience has a comment
7 or question?
8 Please come forward. State your name and
9 address.
10 THE COURT REPORTER: Wait, she wasn't sworn in.
11 MS. ROZNY: Linda Rozny, 104 --
12 CHAIRMAN MADDEN: Oh, wait. Wait. I'm sorry,
13 we have to swear you in.
14 MS. ROZNY: Okay.
15 (Speaker sworn in by the court reporter.)
16 MS. ROZNY: Okay. Linda Rozny, 104 Graeser
17 Acres.
18 Having been involved with the definition of -- I
19 don't even remember what it was -- but it made Mr. Clue
20 (phonetic) not to be a important person because he didn't
21 live in Creve Coeur.
22 What was -- what was that, Paul, what was that
23 definition?
24 MR. LANGDON: It was definition of district.
25 MS. ROZNY: Yes. Okay. So -- so -- so the

definition of a district made somebody not, who was on the border of Creve Coeur, not get the protections that were written in Creve Coeur, and this was a big part of the Walgreens fight because they wanted to give us 5 feet for a buffer when he should have gotten 25 feet, but he wasn't there.

So definitions can be very important. Not having read any of this, am also concerned that this has something to do with dwellings and districts, and the part that's going to be done in the next part has to do with changing wording from -- from development to district, and this changes the whole -- what everything means.

Wondering if this has any implication on what's going to happen with Vanguard, and if it may have any implications on anything else; that definitions can be really important. That's all.

CHAIRMAN MADDEN: Thank you.

MR. LANGDON: It does not affect any of the working definitions. It just creates a category where the different densities of housing that we have now.

CHAIRMAN MADDEN: Okay.

Anybody else?

Okay. That'll close our public hearing on that one.

Carl.

MR. LUMLEY: Offer the following exhibits into the record of the hearing: Documentation in possession of the City Clerk reflecting notice provided to the public; the staff's report; City Code of Ordinances and Charter; City's Comprehensive Plan and the public file regarding the application.

CHAIRMAN MADDEN: Thank you.

(The Public Hearing was ended.)

CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, AUGUST 5, 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, August 5, 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***
Mr. Ken Howard
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 #13-021: Approval of text amendment to Section 405.210 Table A, Permitted and Conditional Uses, of the Zoning Code to clarify certain residential uses and other housekeeping amendments.

Applicant/Agent: Paul Langdon, AICP
Director of Community Development
City of Creve Coeur

Mr. Paul Langdon, Director of Community Development, City of Creve Coeur, explained that, at the time the SIC codes were being converted to NAICS codes, there were changes to some uses that were never intended to change. Mr. Langdon stated staff finds it necessary to make these changes to clarify other uses with the table such as the density levels of residential uses.

Ms. Linda Rezny, 104 Graeser Acres, expressed concerns with these changes having to do with applications waiting to be heard. Mr. Langdon said these changes do not affect any of the working definitions; it only creates a category where the different density's of housing we have now.

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. Pullium motioned to recommend approval of the draft text amendment ordinance attached to the August 5, 2013, staff report on Application #13-021 for the housekeeping amendments to Table A: Permitted and Conditional Uses. Mr. Howard seconded the motion with the resultant vote as follows:

Mr. Pullium – aye Mr. Rovak – aye Mr. Howard – aye
Chair - 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 9:30 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

August 8, 2013

Mayor Barry Glantz
City Council Members
City of Creve Coeur
300 N New Ballas Road
Creve Coeur, MO 63141

Re: Application #13-021: Table A: Permitted and Conditional Uses
Clarify certain residential uses and other housekeeping amendments

Honorable Mayor and City Council Members:

The Planning and Zoning Commission, at its meeting of August 5, 2013, reviewed a text amendment to Section 405.210 Table A, Permitted and Conditional Uses, of the Zoning Code to clarify certain residential uses and other housekeeping amendments.

By unanimous vote, the Planning Commission recommends approval of the text amendment, which will be before the City Council on Monday, August 12, 2013.

If you have any questions, please contact the Planning Division staff (872-2501) as soon as possible.

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
G. Eidman, Chief of Police
S. Unser, Chief Building Official

BILL NO. _5444_ **ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, REESTABLISHING AND MAKING PUBLIC PREVIOUSLY ESTABLISHED METHODS OF DISCLOSING POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS PURSUANT TO SECTION 105.485 OF THE REVISED STATUTES OF MISSOURI.

WHEREAS, the City has previously established methods of disclosing potential conflicts of interest and substantial interests pursuant to Section 105.485 of the Revised Statutes of Missouri and codified such methods at Section 130.090 of the Code of Ordinances; and

WHEREAS, Section 105.485.4 requires the City to reestablish such matters by September 15, 2013;

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

SECTION 1. The City hereby reestablishes and makes public the provisions of Section 130.090 of the Code of Ordinances, a copy of which is attached hereto and incorporated herein as **EXHIBIT A.**

SECTION 2. The City Clerk shall send a certified copy of this Ordinance to the Missouri Ethics Commission within 10 days of its adoption.

SECTION 3. This Ordinance shall take effect as provided in Section 3.11(g) 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

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EXHIBIT A

SECTION 130.090: PERSONAL FINANCIAL DISCLOSURE REPORTS

A. *Generally.* The Mayor and each member of the City Council, the Planning and Zoning Commission and the Board of Adjustment, the City Administrator, the Finance Director and any candidate for elected office of the City shall disclose the following information if any such transactions were engaged in during the previous calendar year:

1. For such person and all persons within the first degree of consanguinity or affinity of such person (including spouse, parents and dependent children), the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars ($500.00), if any, that such person had with the City, other than compensation received as an employee or payment of any tax, fee or penalty due to the City, and other than transfers for no consideration to the City; and

2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars ($500.00), if any, that any business entity in which such person had a substantial interest, had with the City, other than payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.

B. *City Administrator and Finance Director, Additional Requirements*. The City Administrator and the Finance Director also shall disclose for the previous calendar year the following information for them, their spouse and dependent children:

1. The name and address of each of the employers of such person from whom income of one thousand dollars ($1,000.00) or more was received during the year covered by the statement;

2. The name and address of each sole proprietorship that such person owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which such person was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;

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3. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

C. *Exception.* Notwithstanding the foregoing, said person, if they do not know and their spouse will not divulge any information required to be reported by this section concerning the financial interest of their spouse, shall state on their financial interest statement that they has disclosed that information known to them and that their spouse has refused or failed to provide other information upon their bona fide request, and such statement shall be deemed to satisfy the requirements of this section for such financial interest of their spouse; and provided further if the spouse of any person required to file a financial interest statement is required by section 105.483 RSMo. or this code section to file a financial interest statement, the financial interest statement filed by each need not disclose the financial interest of the other, provided that each financial interest statement shall state that the spouse of the person has filed a separate financial interest statement and the name under which the statement was filed.

D. *Filing Of Reports.* The reports, in the form as prescribed by the Missouri State Ethics Commission, shall be filed with the City Clerk and with the Missouri State Ethics Commission. The reports shall be available for public inspection and copying during normal business hours. Pursuant to Subsection (4) of Section 105.485, RSMo., these reports are to be filed in lieu of reports otherwise required by the Statute.

E. *When Filed.* The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:

1. Each person appointed to office or employed shall file the statement within thirty (30) days of such appointment or employment.

2. Each candidate for elective office shall file a financial interest statement no later than the forty-fifth (45th) day after the last day for filing for the election at which he/she seeks nomination or election and the statement shall be for the twelve (12) months prior to the closing date, except that in the event an individual does not become a candidate until later than the forty-fifth (45th) day after the last day for filing for the election, the statement shall be filed within ten (10) days of becoming a candidate.

3. Every other person required to file a financial interest statement shall file the statement annually not later than May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that person may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement.

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BILL No _5445___ **ORDINANCE No. _____**

AN ORDINANCE AUTHORIZING THE INSTALLATION OF TWO (2) FIRE HYDRANTS NEAR THE NEW PLAZA MOTORS JAGUAR/LAND ROVER DEALERSHIP LOCATED 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: As requested by the Creve Coeur Fire Protection District, Missouri American Water Company, in accordance with its duties pursuant to its certificate of convenience and necessity, shall install two (2) public fire hydrants in the City of Creve Coeur at the following locations:

One new public fire hydrant at the southeast corner of Olive Boulevard and Ham Road.

One new public fire hydrant at the curb cut located near the northeast corner of the proposed building for the new Plaza Motors Jaguar/Land Rover dealership.

SECTION 2: Such fire hydrants shall meet the specifications of the Creve Coeur Fire Protection District and any applicable requirements of the Missouri Department of Transportation. All of said work shall be done under the supervision of the City, and for the purpose of this ordinance, 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

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Creve Coeur FIRE PROTECTION DISTRICT
Administrative Center • 11221 Olive Boulevard • St. Louis, Missouri 63141-7652
Office (314) 432-5570 • Fax (314) 432-2367

August 2, 2013

Ms. Debbie Ryan
City Of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

Re: Fire hydrant ordinance for Plaza Motors Jaguar/Land Rover.

Dear Ms. Ryan:

Please prepare an ordinance authorizing the Missouri American Water Company to install the following new fire hydrants:

- One (1) – new public fire hydrant shall be installed on the southeast corner of Olive Boulevard and Ham Road.
- One (1) – new public fire hydrant shall be installed at the curb cut located on the northeast corner on the proposed building.

The fire flow requirements for these fire hydrants will be 1500 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 Whisler – Grimes Consulting

RESOLUTION NO. 1072

A RESOLUTION APPROVING A BUILDING EXTERIOR RENOVATION PLAN FOR THE CREVE COEUR SHOPPING CENTER LOCATED AT 11921 OLIVE BOULEVARD

WHEREAS, Section 405.370 (G)(1) of the Municipal Code states that any development and/or redevelopment plans for properties within the area bounded by the City limit on the north, Olive Boulevard on the south, Craig Road on the east, and I-270 on the west, requires Planning and Zoning Commission and City Council review and approval; and

WHEREAS, an application was submitted by Thomas L. Milford, of Drury Development Corporation, on behalf of 11921 Olive LLC, for approval of a minor site development plan for building façade changes to update the existing shopping center; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a 4-0 vote, recommended approval of the request, subject to the conditions contained herein, at its meeting on August 5, 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 resolution has been made available for public inspection prior to its consideration by the Council; and

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

1. Complies with all other applicable provisions of this Chapter including Section 405.1080 Site Concept, Site Development, and Minor Site Plan Approval.
2. Will contribute to and promote the community welfare and convenience at the specific location.
3. Will not cause substantial injury to the value of neighboring property.
4. 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 there from.
5. Will provide, if applicable, erosion control and on-site stormwater detention in accordance with the standards contained in this Chapter.
6. 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 resolved by the City Council of the City of Creve Coeur, St. Louis County, Missouri, as follows:

Section 1: The Site Development Plan is approved subject to the following conditions:

1. The Applicant is required to submit a Building Permit application, as required by Article II of the Building Code. Exterior elevations shall be in substantial conformance with the “Exterior Elevations” dated dated July 23, 2013, except as provided below.
2. The Applicant shall revise the elevation drawings to include a corner element of stone material and cap consistent with the tower element on both back ends of the parapet wall on the north elevations.

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RESOLUTION NO. 1072

3. The Applicant shall provide an elevation of the trash enclosure and indicate materials that are consistent with the building and shall construct such enclosure.
4. The relocation and replacement of all signs shall require a permit per Article VIII Sign Regulations. Any non-conforming sign areas will need to be documented prior to the removal and replacment of the sign.
5. 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. Such violations include, but are not limited to damaged curbs and pavement.

Section 2: This resolution shall become effective upon approval.

ADOPTED THIS 12th DAY OF August, 2013.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

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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 #13-025 FOR A MINOR SITE DEVELOPMENT PLAN FOR EXTERIOR BUILDING IMPROVEMENTS FOR CREVE COEUR SHOPPING CENTER

FOR THE MEETING OF: Monday, August 5, 2013, 7:00 PM

LOCATION: 11921 Olive Boulevard, located north of Olive Boulevard, between W. Rue de Le Banque Street and Orchard Lakes Drive.

REQUEST: An application has been submitted for façade improvements to the existing structure to update the center and to create more visibility and provide a new tenant signage band along the top.

ADDITIONAL INFORMATION: The property is zoned "CB" Core Business District. Section 405.370(G)(1)(a) states that any development and/or redevelopment plans for properties within the area bounded by the City limit on the north, Olive Boulevard on the south, Craig Road on the east, and I-270 on the west, requires Planning and Zoning Commission and City Council review and approval.

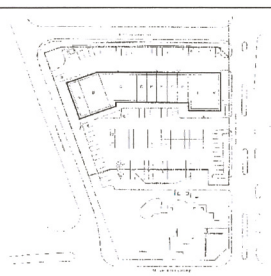
Key Issues:
- Does the request further the goals and/or implement the Comprehensive Plan?
- Does the request follow the Design Guidelines?

Comp. Plan References
- Central Business District Action Area
- Design Guidelines

Zoning Code References
- Section 405.370: "CB" Core Business District
- Section 405.1080: Site Concept, Site Development, and Minor Site Plan Approval

APPLICANT: Thomas L. Milford
Drury Development Corporation
721 Emerson Road, Suite 200
Creve Coeur, MO 63141

PROPERTY OWNER: 11921 Olive LLC
721 Emerson Road, Suite 200
Creve Coeur, MO 63141



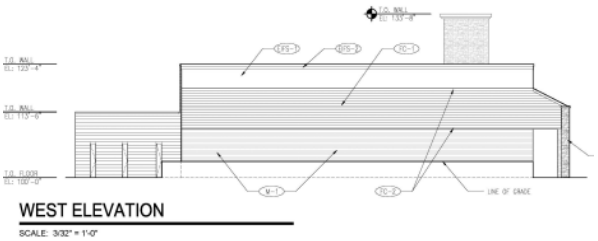
REPORT PREPARED BY: Whitney Kelly, AICP, City Planner — 8/2/2013 Date

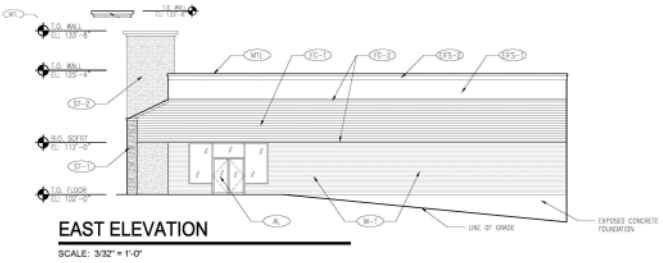
ATTACHMENTS: Applicant's renderings received July 3, 2013 and elevations received July 23, 2013
Draft Resolution

ZONING HISTORY AND PROPOSAL

Creve Coeur Shopping Center, located north of Olive Boulevard between Rue de la Banque West and Orchard Lakes Drive, was approved and constructed in 1977 on a 2.2 acre site. The property was zoned "O" Office at the time of development, but the district was later renamed and redefined as the "CB" Core Business district. The center consists of a single inline retail building, currently housing 10 tenant spaces with a total of 20,374 square feet of leasable area. The overall development is legally pre-existing, with non-conforming site coverage. Below is a picture of the existing structure:

The façade improvements include converting the wood façade of the tower element and columns to a cultured stone, adding fiber cement siding to the existing canopy fascia, and adding a taller signage band above the roofline along the front façade. The east and west elevations indicate that the lower brick will remain and the upper half will have the fiber cement siding carried around. The existing CMU at the back will be painted to match. Below is the rendering submitted by the Applicant, along with all of the elevations for the proposed changes:





The applicant is not proposing any other changes to the site, or landscaping at this time.

LAND USE AND ZONING OF SURROUNDING PROPERTIES
The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Single-family detached and multi-family residences	Unincorporated St. Louis County C3 Residential and "CB" Core Business District	Rue de la Banque Connector
South	Hotel, restaurant and auto dealership	"CB" Core Business District	Olive Boulevard
East	Bank	"CB" Core Business District	Rue de la Banque West
West	Auto dealership	"CB" Core Business District	Orchard Lakes Drives

COMPREHENSIVE PLAN REVIEW
The subject property is located within the Central Business District that encourages a mix of uses, including retail, residential, government, and park uses. The residential Preservation and Economic Development section states that all new development or redevelopment of non-residential uses should comply with the City of Creve Coeur Design Guidelines (p. 81). The property is within the Key Property area of Central Business District 2 that identifies the area as an entryway into the city from I-270, and its role as a defining point in Creve Coeur should be considered during improvements to existing development, as well as during any redevelopment that may occur. However, this is largely inferring a total redevelopment of the site that would offer a mixture of commercial, office uses, and higher density residential uses (p. 87). As the existing structure is to remain, and the applicant is not proposing any changes to the site, the Comprehensive Plan discussion is limited to design review.

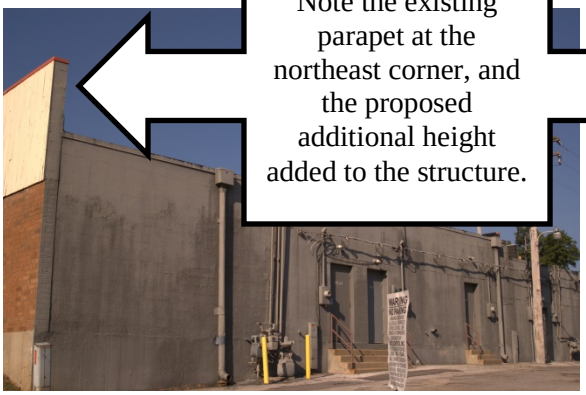
DESIGN GUIDELINES REVIEW
The Design Review Guidelines provide specific direction for the redevelopment of properties that includes the use of high quality architectural design and natural materials, with a well-defined primary building entrance that provides a sense of entry, and that all elevations should receive equal design consideration (p. 9). Specifically for Shopping Centers, a unified architectural design intention should be incorporated into each commercial center (p.12). Any use of exterior insulating finishing systems (EIFS) and concrete masonry should not be the predominate building material and used only as a way to accentuate an architectural element.

Overall the proposed design for the front meets with the intent of the Design Guidelines by using natural materials (the stone accents) throughout the front façade. The addition of the EFIS is limited to the sign band, where the existing structure would not allow for significant additional weight.

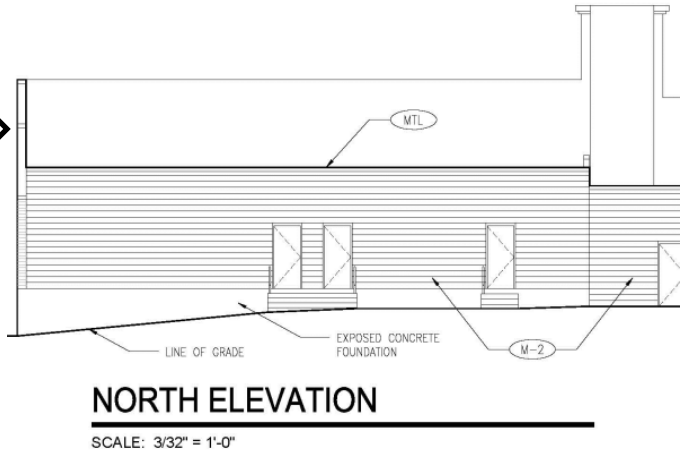
However, these elements are not carried around to the east, west and rear elevations of the building and the additional height added to the existing parapet along the south east and west elevations, would be inconsistent with the Design Guidelines where it recommends that large parapet walls should reflect the function behind them and should not be freestanding. All elevations need not look alike; however, a sense of overall architectural continuity is strongly encouraged (p. 9). Therefore staff recommends that the canopy structure wrap around to the east elevation to at least protect the door, window elements and the sidewalk for the entrance into the tenant space below without damaging the large existing trees further north:

Canopy and stone columns should be carried around to the east to provide protection and consistency between the tenant entrance, and the south elevations.

Further, the additional vertical EFIS parapet ending at the corner of the north element without being carried around is inconsistent with the Design Guidelines. However, Staff recognizes that currently this detail along the entire north elevations would appear artificial. A corner element column in a stone material consistent with those along the front should be included to wrap around to the north elevation at both back ends of the parapet wall to cap off the designs and mask the verticality of the parapet to be consistent with the Design Guidelines, and consistent with other recent approvals.



Note the existing parapet at the northeast corner, and the proposed additional height added to the structure.



ZONING REVIEW

A minor site development plan is required for a change in use of an entire site to another permitted use, or any proposed alteration that would significantly affect the exterior of a building, or redevelopment of a site that already contains a building or buildings, provided that such expansion, change or redevelopment shall not add more than five thousand (5,000) square

feet of new impermeable surface to the site. As the applicant is not proposing any changes to the site, review is limited to the design of the building. However, while vising the site, staff did notice several broken curbs, and cracked asphalt. Therefore, a condition of approval includes that all property maintenance violations shall be addressed. Further, as with similar projects that have received approval for redevelopment, especially when the dumpsters are visible from the public right-of-way, Staff recommends that a condition of approval include properly enclosing the dumpsters in with building materials that are consistent with the development.

RECOMMENDED CONDITION OF APPROVAL

If Commission members generally support the request, staff recommends the following conditions for approval:

- The Applicant is required to submit a Building Permit application, as required by Article II of the Building Code. Exterior elevations shall be in substantial conformance with the "Exterior Elevations" dated dated July 23, 2013, except as provided below.
- The Applicant shall revise the elevation drawings to include the canopy structure over the doors and windows along east elevations, and a corner element of stone material shall be included on both back ends of the parapet wall on the north elevations.
- The Applicant shall provide an elevation of the trash enclosure and indicate materials that are consistent with the building.
- The relocation and replacement of all signs shall require a permit per Article VIII Sign Regulations. Any non-conforming sign areas will need to be documented prior to the removal and replacment of the sign.
- 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. Such violations include, but are not limited to damaged curbs and pavement.

ACTION AND MOTION

The motion to approve site development plans as shown in the Applicant's materials will be in the form of approval, approval with conditions, denial or deferral. The following is an example of an appropriate motion for this application:

> "I move to recommend approval of site plan and elevations for the renovation of the Creve Coeur Shopping Center building located at 11921 Olive Boulevard submitted with Application #13-025, as presented to the Planning and Zoning Commission, subject to the conditions contained in the draft resolution attached to the staff report prepared for the meeting of August 5, 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: 08/01/2013
	Description: View of the subject property looking northwest from Olive Boulevard.
	Description: View of the aging canopy structure over one of the tenant spaces.
	Description: View of the existing tower element, showing aging.

	Description: View of the tenant side entrance on the east elevation.
	Description: View of the north elevation of the existing structure looking southwest from Rue de la Banque St.
	Description: View of the east elevation looking north from Rue de la Banque St.

EXISTING

PROPOSED OPTION 7

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EXISTING

PROPOSED OPTION 5

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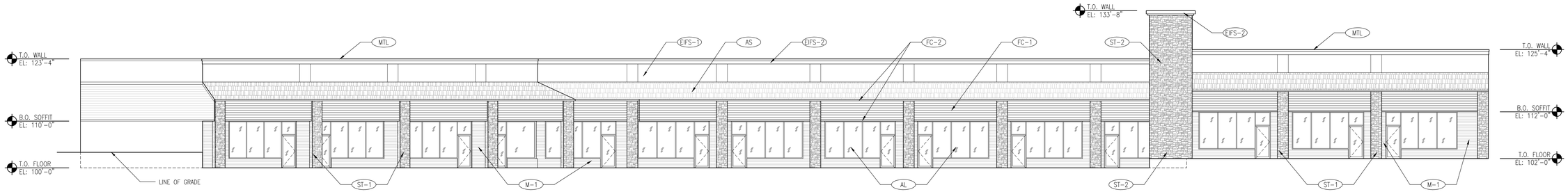
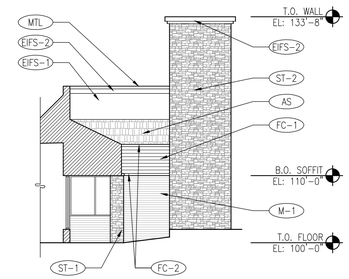


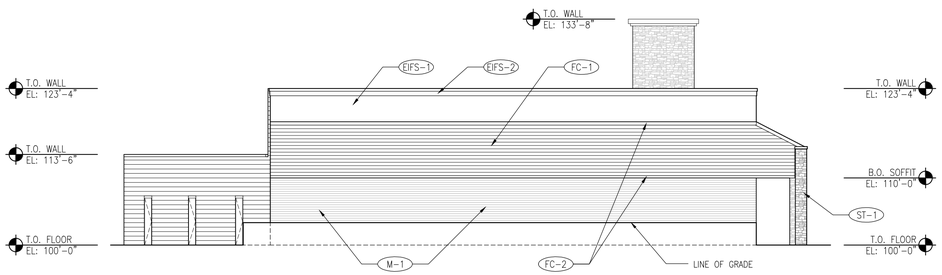
SOUTH ELEVATION

SCALE: 3/32" = 1'-0"



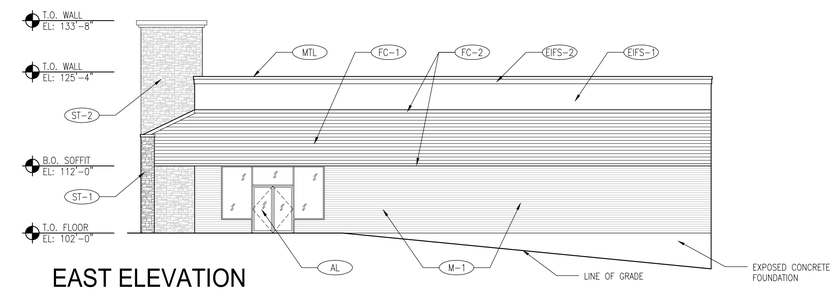
PARTIAL WEST ELEVATION

SCALE: 3/32" = 1'-0"



WEST ELEVATION

SCALE: 3/32" = 1'-0"



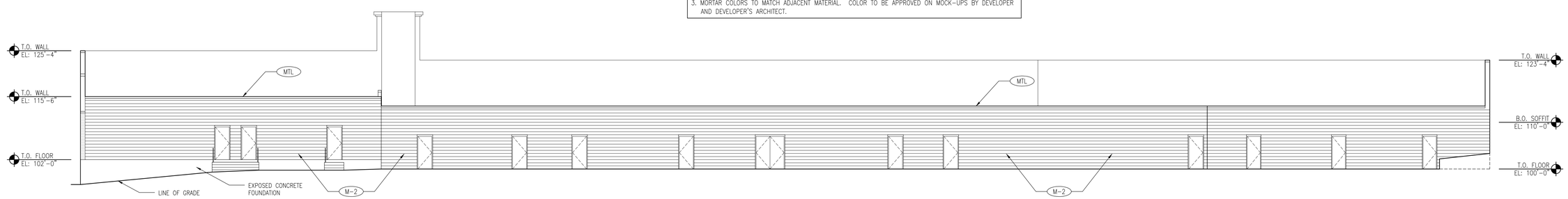
EAST ELEVATION

SCALE: 3/32" = 1'-0"

EXTERIOR MATERIAL SCHEDULE

CODE	MATERIAL	TYPE / COLOR
MTL	COPING, SCUPPERS, & DOWNSPOUTS	SHEET METAL COPING, SCUPPERS & DOWNSPOUTS; PRE-FINISHED SHEET METAL - COLOR: TO BE SELECTED
AL	ALUMINUM	EXISTING STOREFRONT TO REMAIN
ST-1	STONE	CULTURED STONE, COLOR: TO BE SELECTED
ST-2	STONE	CULTURED STONE, COLOR: TO BE SELECTED
M-1	UTILITY BRICK	EXISTING UTILITY BRICK
M-2	CMU	EXISTING CMU WALL, PAINTED - COLOR: TO BE SELECTED
AS	ASPHALT SHINGLES	TO BE SELECTED
EIFS-1	EXTERIOR INSULATION FINISH SYSTEM	FIELD - COLOR: TO BE SELECTED
EIFS-2	EXTERIOR INSULATION FINISH SYSTEM	ACCENT - COLOR: TO BE SELECTED
FC-1	FIBER CEMENT SIDING	TYPE: TO BE SELECTED COLOR: MATCH EIFS-1
FC-2	FIBER CEMENT TRIM	TYPE: TO BE SELECTED COLOR: MATCH EIFS-2
P-1	PAINT	COLOR - TO BE SELECTED

NOTES:
1. ALL MASONRY JOINTS IN CMU TO BE TOOLED CONCAVE.
2. ALL MASONRY JOINTS IN STONE TO BE RAKED JOINTS.
3. MORTAR COLORS TO MATCH ADJACENT MATERIAL. COLOR TO BE APPROVED ON MOCK-UPS BY DEVELOPER AND DEVELOPER'S ARCHITECT.



NORTH ELEVATION

SCALE: 3/32" = 1'-0"

11921 OLIVE BOULEVARD
CREVE COEUR SHOPPING CENTER

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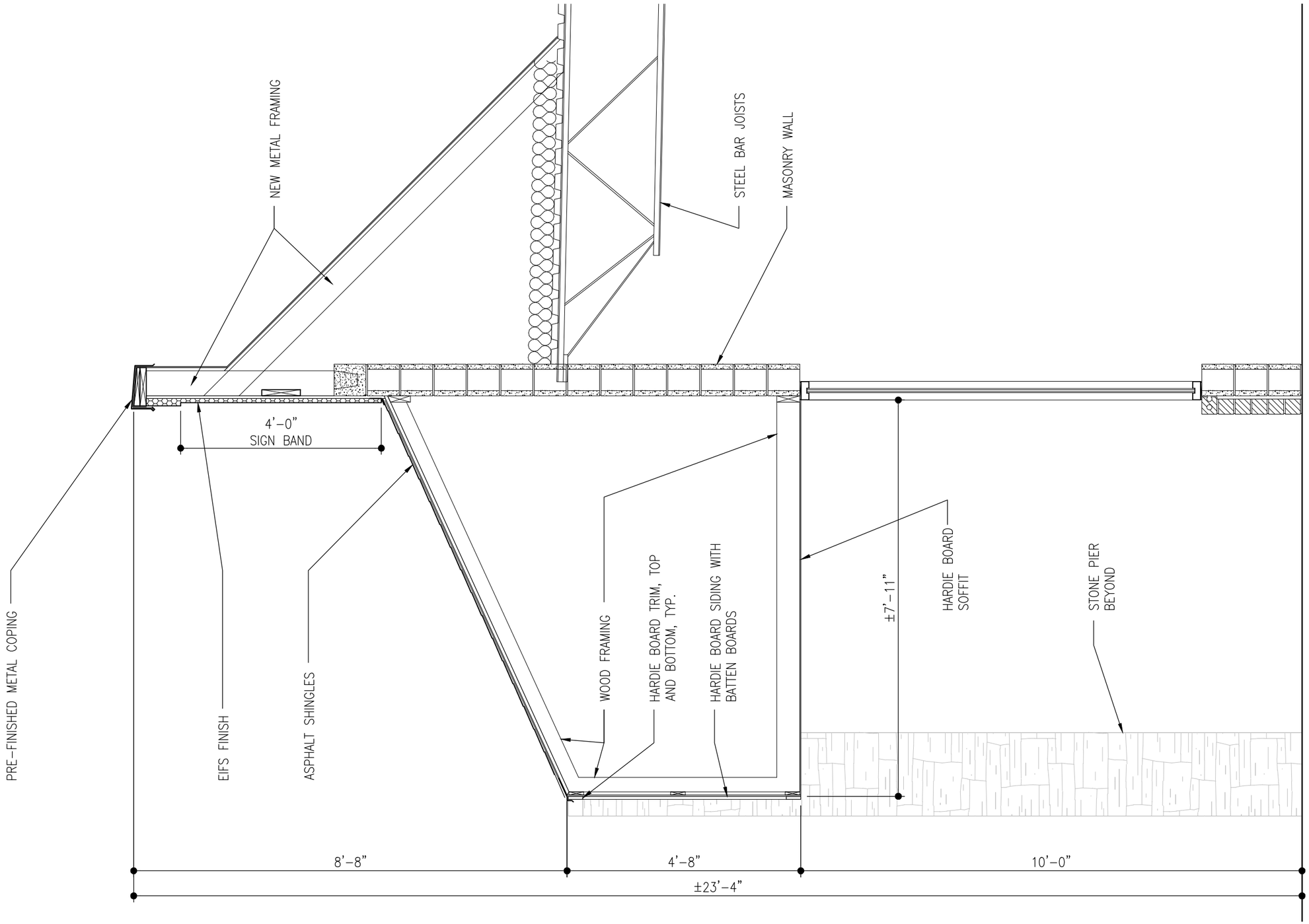

FRONT WALL SECTION

SCALE: 1/2" = 1'-0"

0 6" 1' 2' 4'

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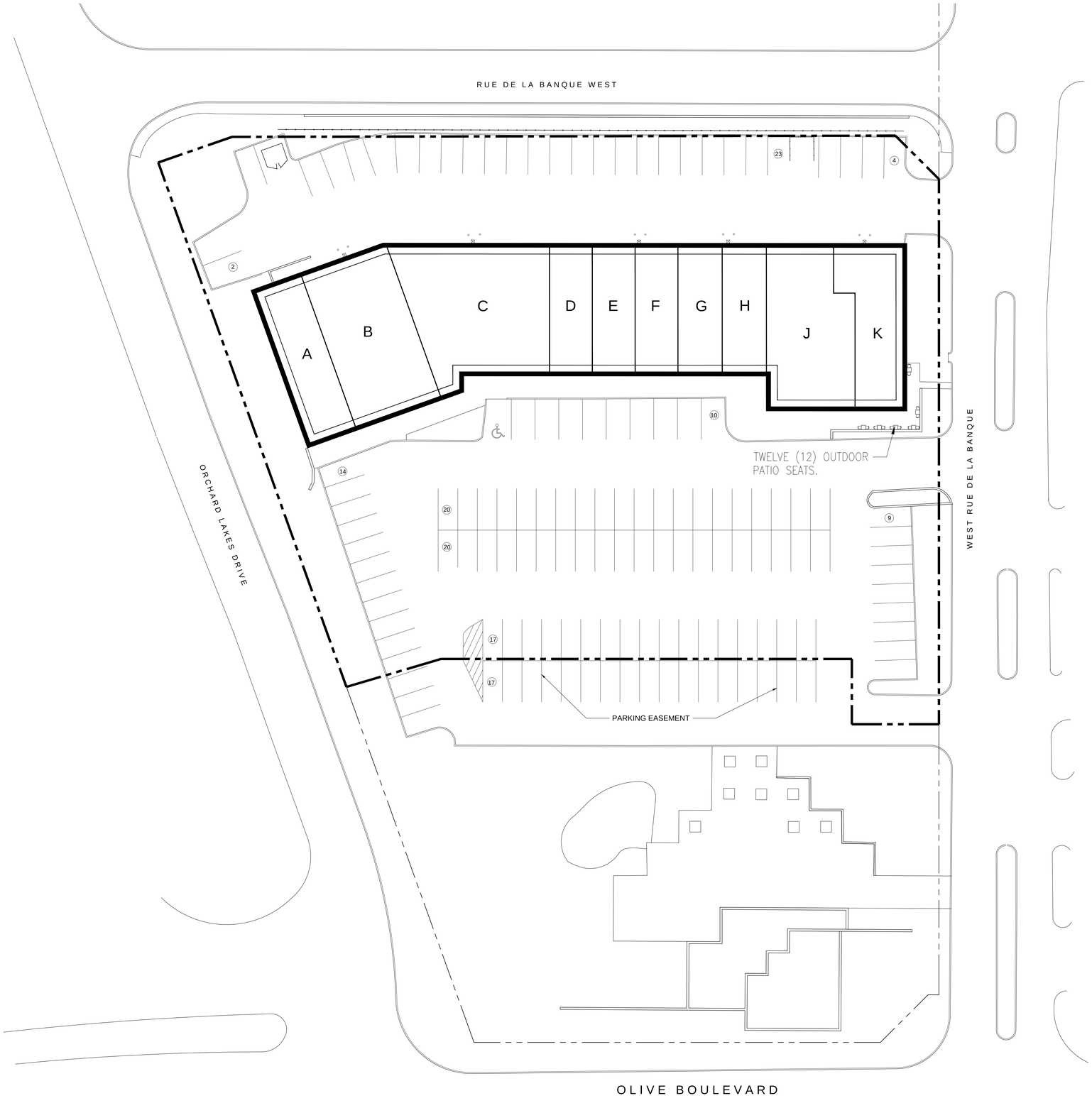

PROJECT DATA

TENANT SPACE		SQ. FT.
A RETAIL		1,848 S.F.
PARKING REQUIRED:	4.00 PS / 1,000 SF	8 P.S.
B RETAIL		3,196 S.F.
PARKING REQUIRED:	4.00 PS / 1,000 SF	13 P.S.
C RESTAURANT (80 SEATS)		4,280 S.F.
PARKING REQUIRED:	1 P.S. / 3 SEATS + 1 P.S. / 250 S.F. + 1 P.S. / 8 PATIO SEATS	44 P.S.
D MEDICAL		1,200 S.F.
PARKING REQUIRED:	4.00 PS / 1,000 SF	5 P.S.
E RESTAURANT - CARRY OUT		1,200 S.F.
PARKING REQUIRED:	4.00 PS / 1,000 SF	5 P.S.
F RETAIL		1,200 S.F.
PARKING REQUIRED:	4.00 PS / 1,000 SF	5 P.S.
G RETAIL		1,240 S.F.
PARKING REQUIRED:	4.00 PS / 1,000 SF	5 P.S.
H MEDICAL		1,240 S.F.
PARKING REQUIRED:	4.00 PS / 1,000 SF	5 P.S.
J FINANCE / INSURANCE / REAL ESTATE		2.920 S.F.
PARKING REQUIRED:	4.00 PS / 1,000 SF	12 P.S.
K RESTAURANT (46 SEATS / 12 PATIO SEATS)		2,050 S.F.
PARKING REQUIRED:	1 P.S. / 3 SEATS + 1 P.S. / 250 S.F. + 1 P.S. / 8 PATIO SEATS	25 P.S.

TOTAL PARKING REQUIRED: 127 P.S.

TOTAL PARKING PROVIDED: 136 P.S.

NORTH

PARKING STUDY PLAN

SCALE: 1" = 20'-0"

0 5' 10' 20' 40'

CREVE COEUR SHOPPING CENTER

Architects of the Possible®
9812 Manchester Road
St. Louis, Missouri 63119
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CREVE COEUR, MISSOURI
12-118 11-09-12

CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, AUGUST 5, 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, August 5, 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***
Mr. Ken Howard
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. Application #13-025: Approval of a minor site plan for exterior building improvements for the Creve Coeur Shopping Center located at 11921 Olive Boulevard.

Applicant/Agent: Thomas Milford
Drury Development Corporation
721 Emerson Road, Suite 200
Creve Coeur, MO 63141

Property Owner: 11921 Olive LLC
721 Emerson Road, Suite 200
Creve Coeur, MO 63141

Mr. Tom Milford, Drury Development Corporation, 721 Emerson Road, introduced Mr. Jeff Kaiser of TRI Architects to present on behalf of Drury Development.

Mr. Jeff Kaiser, TRI Architects, 9812 Manchester Road, explained the applicant is seeking to do a façade renovation to the existing structure to update the center, and to create more visibility with a new tenant signage band along the top of the building. Mr. Kaiser showed a map and illustration of the property and showed how the topography of the site is low, and that is why they are seeking to move the signage band. Mr. Kaiser showed an example of the material that will be used.

Mr. Langdon said that staff is pleased with the upgrades proposed, but the back corners of the building are concerning. Mr. Langdon showed a picture of the site and the area that is concerning and explained they would also like the canopy structure to wrap around on the east, and on the other side see a stone material consistent with the ones in the front wrap around to the north elevation at both back ends.

Mr. Kaiser replied and said most of the comments staff has made they agree with, except the front corner of the building. Mr. Kaiser explained that that change becomes cost prohibitive and with that they would have to go back to the client and re-work numbers.

Mr. Rovak asked what is the difference between what staff is recommending and what they applicant would propose to do. Mr. Kaiser said they would create a two-sided pier and backfill a small area, to properly terminate the parapet walls at the two back corners.

In addition, Mr. Kaiser pointed out there is no foundation work being done, so the actual footprint remains the same.

There was a little discussion around the tree that exists next to the building and it was determined the tree should be fine, just needs to be cleaned up or pruned.

Mr. Rovak motioned to recommend approval of the site plan and elevations for the renovation of the Creve Coeur Shopping Center building located at 11921 Olive Boulevard submitted with Application #13-025, as presented to the Planning and Zoning Commission, subject to the conditions in the staff report with the understanding that the canopy extension is deleted but the parapet treatment at both backend corners will include a substantial appearance similar to the front elevation. Mr. Pullium seconded the motion with the resultant vote as follows:

Mr. Howard – aye Mr. Rovak – aye Mr. Pullium – aye
Chair - 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 9:30 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

August 8, 2013

Mr. Thomas Milford
Drury Development Corporation
721 Emerson Road, Suite 200
Creve Coeur, MO 63141

Re: Application #13-035: Request approval of a minor site plan for exterior building improvements
Creve Coeur Shopping Center – 11921 Olive Boulevard

Mr. Milford:

The Planning and Zoning Commission, at its meeting of August 5, 2013, reviewed your request for a minor site plan for exterior building improvements for the Creve Coeur Shopping Center, located at 11921 Olive Boulevard.

By unanimous vote, the Planning Commission recommends approval of a minor site plan, subject to the conditions contained in the draft resolution, as amended to reference the parapet treatment at both backend corners (see attached). The first reading of the draft resolution by the City Council is scheduled for Monday, August 12, 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

RESOLUTION NO. 1073

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, AUTHORIZING THE EXECUTION OF A CONTRACT WITH INTUITION & LOGIC FOR ENGINEERING SERVICES RELATED TO THE DESIGN AND PERMITTING FOR THE DAM, DETENTION POND, AND CHANNEL REHABILITATION PROJECT AS PART OF THE STORMWATER CAPITAL IMPROVEMENTS PROGRAM FOR THE 2014 FISCAL YEAR FOR THE AMOUNT OF $84,573.00.

WHEREAS, the City has provided capital improvement funding to address stormwater issues in Creve Coeur;

WHEREAS, the City's Stormwater Committee and City staff have identified a breach in the earthen dam at the Creve Coeur Golf Course as a priority repair;

WHEREAS, the failing dam serves as part of the stormwater detention facility for the area, and the City of Creve Coeur maintains this facility;

WHEREAS, engineering design plans are required to detail the scope of the repairs needed and to obtain the necessary permits for the work;

WHEREAS, firms offering these professional services have been competitively vetted 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 scope and fee proposal by Intuition & Logic, attached hereto as "Exhibit A," with a **not-to-exceed contract sum of $ 84,573.00**, is hereby approved and the execution is hereby authorized. The Contract as executed shall be substantially in 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.

Adopted this 12th day of August, 2013.

_____
Barry Glantz
Mayor

Attest:

_____
Deborah Ryan, MPCC
City Clerk

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EXHIBIT A

Dam, Detention Pond, and Channel Rehabilitation Project
Scope of Services

1.0 Background Data Collection and Analysis

Collect Data for use in analysis and design. Data includes, but is not limited too:

- Electronic contour and topo data including MSD mapping data for the watershed
- GIS data and projection files with aerial photography as available
- Existing survey, boundary and utility information as available
- Existing Geotechnical information
- City, County and other reports and available information necessary for analysis and design.

2.0 Surveying

Boundary and Topographic surveying sufficient to produce final plans and easement documents.

2.1 Boundary Survey

Provide boundary data based on City and County records. Locate enough property corners to closely approximate boundary lines on the survey. Include parcel information and meets and bounds data.

2.2 Topographic Survey

Provide normal and customary topographic surveying sufficient to produce 1' contours.

2.3 Channel Profile Survey

Provide channel thalweg profile survey. Profile survey shall include enough survey points to identify all riffles, pools and meander patterns. Profile survey data shall be included in topographic survey.

2.4 Horizontal and vertical control – Establish survey control using existing available reference control monuments.

2.4.1 Construction Control Points - Place site control points and benchmarks with reference ties for use during construction.

3.0 Alternatives Analysis

The goal of the alternatives evaluation is to determine which alternative is the most practical method to address the identified problems. Parts of the alternatives analysis will also be used with the USACE 404 permit submittal to satisfy the requirement for evaluation of avoidance and minimization. The alternatives analysis will be summarized in a Concept Study Report as follows:

3.1 City Alternatives Meeting

The design team will meet with the City to review and discuss in detail the project goals and objectives and potential design components.

3.2 Dam Analysis

The existing dam embankment will be evaluated and the alternatives for restoration developed by the team Geotechnical Engineer as follows:

3.2.1 Geotechnical Exploration

The Geotechnical engineer will obtain soil samples in the field for the existing embankment. Boring holes will be backfilled with cutting, clay, plugs and/or other material as determined by the geotechnical engineer. Boring locations will be illustrated in the geotechnical report.

3.2.2 Laboratory Testing and Report

The soil samples will be laboratory tested for the appropriate soil parameters to support the final design. Laboratory Tests results and implications will be summarized in the geotechnical report.

3.2.3 Dam Analysis

The geotechnical engineer will develop practical alternatives to restoring and/or replacing the dam embankment.

3.3 Hydrologic and Hydraulic Data Development

3.3.1 Develop Hydrology

I&L will delineating the watershed, developing flow paths, determining impervious and canopy, determining soil type and run TR-55 analysis using industry standard software.

3.3.2 Develop Hydraulic Existing Conditions Model

I&L will prepare an existing conditions hydraulic model using HEC-RAS software for channels, HY8 for culverts, and InteliSOLVE Pipe for enclosed system components.

3.3.3 Hydrologic and Hydraulic Data Design Memorandum

I&L will summarize the hydrologic and hydraulic data calculations and results in a design memorandum. This memo will be used for permitting and calculation submittals, as needed.

3.4 Alternatives Analysis

I&L will evaluate the goals and objectives and develop practical alternatives design approaches to achieve each objective based on cost, disturbance, constructability, maintenance and others.

3.4.1 Analyze Alternatives

I&L will evaluate the goals and objectives and develop practical alternatives design approaches to achieve each objective.

3.4.2 Develop Schematic Costs

I&L will develop schematic (order of magnitude) construction costs for each practical alternative.

3.4.3 Develop Exhibits for Alternatives

I&L will develop exhibits as needed to help communicate the intent of alternatives.

3.4.4 Alternatives Analysis Result Summary Memorandum

I&L will summarize the Alternatives Analysis process and results in a summary memorandum. The memo will be in PDF format and submitted to the City via email for review, comment and use.

3.5 Approve Approach

The City will evaluate the alternatives analysis and discuss any questions or concerns until they have reach consensus on the approved approach.

3.5.1 City Council Meeting

I&L will be available to the City Council and Staff during alternatives review discussions. The design team will attend one City Council Meeting to present the analysis and respond to Council questions.

3.5.2 City Approval

The City will notify the design team regarding which design components are approved for final design..

4.0 Preliminary Design

4.1 Proposed Conditions Hydraulic Model

I&L will prepare a proposed conditions hydraulic model to support the design. I&L will summarize the hydraulic calculations and results in a design memorandum. This memo will be used for permitting and calculation submittals, as needed.

4.2 Preliminary Design

I&L will locate and size each design component of the approved alternative in accordance with the governing design standards (MSD, City, County, State, Federal and others). Design may include, but not limited to:

4.2.1 Dam Embankments
4.2.2 Pond Contouring
4.2.3 Pond Overflow Structures and Weirs
4.2.4 Pond Edge Treatments
4.2.5 Golf Cart Paths and Bridges
4.2.6 Pipes, manholes, culverts as needed
4.2.7 Channel protection, retaining walls, other
4.2.8 Bio- stabilization components as appropriate
4.2.9 Plant Pallette Development
4.2.10 Construction access and limits of disturbance
4.2.11 Utility relocations as needed
4.2.12 Preliminary Easement/ROW requirements as needed
4.2.13 Removal, replacement and/or relocation of amenities

4.3 Preliminary Plans

Preliminary plans will be produced in AutoCAD illustrate the design and for use as a base for the preliminary cost opinion. The Preliminary plans may include, but not be limited to the following sheets:

- Cover
- Notes and Quantities
- Overall Location Plan Boundary
- Access and Easement Information
- Plan Profile Sheets
- Cross Sections Sheets
- Pipe Profile Sheets
- Preliminary Details and Notes

4.4 Preliminary Quantities
Develop preliminary quantities based on the preliminary design.

4.5 Preliminary Cost Opinion
Prepare the preliminary opinion of construction costs based on the preliminary quantities and unit cost information. Unit cost data will be estimated using bid tabs for similar project and local available bid tab databases appropriate for these projects.

4.6 Quality Control Check
Mark Meyer, PE will review the design plans, calculations and cost opinion to check for practicality and that I&L's design protocols were followed in developing and documenting the design.

4.7 Preliminary Plan Submittal
I&L will submit preliminary plans and cost opinion to the City. The submittal may include, but is not limited to Preliminary Design Plans on 11"x17" sheets, Cost Opinion on 8½"x11" and electronic files as requested by the City. The Plans and Costs will also be submitted in PDF format by email.

4.8 Preliminary Plan Review Meeting
I&L will schedule and attend a meeting with the City to review the preliminary design, plans and cost analysis as follows:

4.8.1 Prepare Meeting Agenda
I&L will prepare a Draft meeting agenda and email the draft agenda to the City for review and comment. I&L will incorporate comments into final meeting agenda prior to the meeting.

4.8.2 Attend Meeting
I&L will coordinate with the City and schedule the meeting based on personnel availability.

4.8.3 Meeting Summary
I&L will prepare meeting summary notes in PDF format and submit them to the City via email. I&L will incorporate any comments received from the City into the meeting notes.

4.9 Preliminary Plans, Cost Review and Approval
The City will review the preliminary plans submittal and provide comments and conditional approval. I&L will incorporate the review comments into the final design plan.

5.0 Easement Documents
It appears that construction can proceed entirely on public ROW and easements will not be needed. If easements are necessary, we will prepare easement documents as follows:

5.1 Prepare Easement Documents
Easement documents include, but are not limited to Temporary Construction Easements and Permanent Drainage Easements. Easements shall follow the City's standard format. Easement Documents shall include a plat illustrating each easement and a script providing meets

and bounds description of the easement in addition to the standard City language.

5.2 Submit Easement Documents

I&L will prepare final Easement Documents and submit to the City via email in PDF format for the City's use in acquiring easements. Easement documents will be formatted for printing on 8½"X11" media.

6.0 Utility Coordination

I&L will verify "No Conflict" or develop and approved plan of action if a utility conflict is present. The utility coordination will be based on the preliminary design plans as follows:

6.1 Utility Submittal

I&L will submit 11"x17: preliminary plans to the utility companies for their review and identification of utility locations as appropriate. The utility submittals will illustrate the concept plan and known utility locations.

6.2 Utility Coordination

I&L will verify the location of utilities and areas of definite or potential utility disturbance, crossing and/or relocation. Once these areas and crossings are identified I&L will begin communications regarding approach and requirements for each utility disturbance, crossing and/or relocations. I&L will follow up with each utility until I&L have either 1) determined that there is no conflict or 2) I&L have developed a mutually agreeable plan to address those utility conflicts identified.

6.3 Utility Documentation

I&L will PDF letters from utility companies and/or other correspondence confirming the findings of "no conflict" or the agreed upon resolution. I&L will email these documents to the City as they are recieved.

7.0 Permitting

I&L will prepare and submit the necessary required permits for review and approval. These may include, but are not limited to:

7.1 USACE 404

The dam repair may be submitted as an emergency repair under a Nationwide 404. Channel restoration may be covered under a Nationwide 27 or it may be an individual permit. We will work closely with the US Army Corps of Engineers St. Louis District.

7.2 DNR 401

7.3 Land Disturbance

7.4 MSD

7.4.1 Initial Plan Review Submittal – 3 sets of plans and 2 sets of design calculations

7.4.2 Flood Study Submittal – 3 sets of plans and 2 sets of flood study calculations

7.4.3 2nd Plan Review Submittal – 2 sets of plans and 2 sets of calculations

7.4.4 Approved Plan Submittal – 9 sets of plans and 2 sets of calculations

8.0 Final Plans and Construction Documents

8.1 Final Design Plans

Once easement, permitting and utility requirements are confirmed, we will proceed with final plans. Final plans will be produced in AutoCAD to illustrate the design and for use as a base for the final cost opinion. The Final plans will include, but not be limited to the following sheets:

- Cover
- Notes and Quantities
- Overall Location Plan Boundary
- Access and Easement Information
- Benchmark and Reference Ties
- Demolition and Utility Relocation
- Plan Profile Sheets
- Pipe Profiles as needed
- Cross Sections Sheets
- Retaining Wall Elevation
- Details and Notes
- Planting Plan sheets.

8.2 SWPPP

If disturbance is projected to be over one acre, I&L will prepare a Storm Water Pollution Prevention Plan as a separate, stand alone document in support of the Land Disturbance permit. Otherwise, sediment and erosion control sheet(s) will be added to the final plan set. The SWPPP will be produced as an 11”X17” plan set using standard details from the City and County as approved by the City.

8.3 Specifications

8.3.1 Standard Specifications

The Project Standard Construction Specifications may include, but not limited to MSD, City, County, State and Federal design specifications.

8.3.2 Special Provisions

Special provisions will be prepared for all items not specifically covered in the project standard specifications.

8.4 Construction Documents

I&L will prepare construction documents using the City standard format.

8.5 Final Quantities

I&L will develop final quantities based on the final design. The final quantities will be in the final bid tab format using the bid tab item descriptions and units.

8.6 Final Cost Opinion

I&L will prepare the final opinion of construction costs based on the bid tab final quantities and unit cost information appropriate for this region.

8.7 Quality Control Check

Mark Meyer, PE will review the design plans, calculations and cost opinion to check for practicality and that I&L's QA/QC protocols were used in developing and documenting the design.

8.8 Final Plan Submittal

I&L will submit final plans, construction documents and cost opinion to the City as follows:

- Plans – One (1) bound plan sets on 24"X36" bond
- Specifications – One (1) bound sets of project specifications on 8½"X11" bond
- Construction Documents – One (1) bound sets of construction documents on 8½"X11" bond
- Cost Opinion – One (1) on cost opinion on 8½"x11" bond
- Electronic Files – I&L will email the final submittal documents to the City in PDF format.

8.9 Final Plans and Construction Documents Review Meeting

I&L will schedule and attend a meeting with the City to review the final plans, specifications, construction documents, and cost opinion as follows:

8.9.1 Prepare Meeting Agenda

I&L will prepare a draft meeting agenda and email the draft agenda to the City for review and comment. I&L will incorporate comments into final meeting agenda prior to the meeting.

8.9.2 Attend Meeting

I&L will coordinate with the City and schedule the meeting based on personnel availability.

8.9.3 Meeting Summary

I&L will prepare meeting summary notes in PDF format and submit them to the City via email. I&L will incorporate any comments received from the City into the meeting notes.

8.10 Final Plans and Construction Documents Review and Approval

The City will review the Final Plans Submittal documents and provide comments and conditional approval. I&L will incorporate the review comments into the approved documents.

9.0 Approved Documents

Upon approval of the Final Plans Submittal documents, I&L will prepare and submit the approved documents. The submittal will include:

- Plans – One (1) bound set on 24"X36" bond
- Electronic Plans – Email PDF set with electronic seal formatted to print on 24"X36" size
- Specifications – One (1) bound sets of project specifications on 8½"X11" bond

- Construction Documents – One (1) Bound sets of construction documents on 8½”X11” bond
- Cost Opinion – One (1) cost opinion on 8½“x11” bond
- Electronic Files – I&L will prepare one (1) CD or DVD containing all of the approved documents in their original electronic format (MS Word, MS Excel, MS PowerPoint, AutoCAD, Microstation, HEC-RAS, others) and in PDF format.

10.0 OPTIONAL Construction Services

At the City's request, I&L is available to provide the following construction services as the City's representative:

10.1 Bidding Services

10.1.1 Notify Potential Contractors

I&L will notify contractors with whom I&L has worked in the past by email to inform them that the plans are out to bid and available for review.

10.1.2 Pre-Bid Meeting

I&L will attend a pre-bid meeting to review the plans and answer questions.

10.1.3 Requests for Information

I&L will respond to written requests for information during the bidding process and make the resulting information available to the other potential bidders via email notifications.

10.1.4 Addendum

I&L will prepare contract addendum in a timely fashion during the bidding period and make the addendum available to the other potential bidders via email notification.

10.2 Bid Tab Review and Recommendation

I&L will assist the City in reviewing the responses to the solicitations and preparing a recommendation as follows:

10.2.1 Review Responses

I&L will review the responses and prepare a table in MS Excel summarizing the bid tabs from respondents. Review shall include checking references from respondents to verify each respondent possesses adequate channel construction experience.

10.2.2 Summary and Recommendation Memo

I&L shall prepare a memorandum summarizing the review findings and recommending a respondent to the City. The memorandum will be in PDF format and will contain the bid tabs.

10.3 Pre-construction meetings

I&L will attend a pre-construction meeting with the selected contractor to review the plans and construction process as follows:

10.3.1 Prepare Agenda

I&L will coordinate with the City and prepare the agenda for the pre-construction meeting with the Contractor. The agenda will be in PDF format and emailed to all attendees a minimum of 2 days prior to the meeting.

10.3.2 Attend Meeting

Attend the pre-construction meeting with the selected contractor to discuss agenda items. Discussion shall include, but not be limited too:

10.3.2.1 Construction Schedule

Review the construction schedule provided by the selected contractor against project deadlines indicated in the construction documents. Discuss critical path items and discrepancies as appropriate.

10.3.2.2 Plan review

Review the construction documents in detail with selected contractor and discuss.

10.3.2.3 Invoicing

Review invoicing procedure (format, address, timing, etc) and City approval process with the selected contractor.

10.3.2.4 General

Coordinate with the City to identify general discussion items such as working hours, noise regulations, mud regulations, SWPPP inspection plan and other general condition items from the construction documents.

10.4 Construction observation

I&L will provide construction observation services during construction as follows:

10.4.1 On Site Construction Observation

I&L shall be on site approximately 10 hours per week during the active construction periods. I&L shall provide the observations and limited measurements as follows:

10.4.1.1 Lines and Grades

I&L shall spot check slopes, limits of disturbance, excavation depths, and channel top and toe widths, among others against the project construction plans to check that the contractor is achieving the design lines and grades.

10.4.1.2 Materials

I&L shall visually check the materials observed on site such as rock gradation, fabric, plants, and others to check that they meet the project construction document requirements. Rock durability and resistance to weathering is not included in materials observation.

10.4.1.3 Schedule

I&L shall visually estimate construction progress against the construction schedule presented at the pre-construction meeting and discuss apparent discrepancies with the on site construction manager.

10.4.2 Construction Observation Memorandums

I&L shall summarize each construction observation site visit in a memorandum. The memo shall contain observations, photos, conversation summaries and action items. The memos will be in PDF format and will be emailed to the City and the Contractor within one calendar week of the observation date. I&L will track how each construction issue is addressed.

10.4.3 Shop Drawing Review

I&L shall receive, review and process shop drawings as required and provide comments and indicate exceptions as appropriate.

10.4.4 Change Order Processing

I&L shall receive, review, coordinate with the City, and process change order requests as needed.

10.4.5 Invoice Review and Payment Recommendations

I&L shall receive progress invoices from the contractor and compare the invoices to observed progress and associated observed % complete. I&L shall concur or suggest modifications to invoices and provide the invoice review and recommendations to the City. Review comments and recommendations will be in PDF format and emailed to the City and Contractor.

10.4.6 Final Walk Through and Punch List

The Contractor will request the final walk through and punch list once they have reached substantial completion. Upon request, I&L will verify substantial completion and schedule the final walk through with the City and Contractor. During the final walk through, I&L will compile a punch list of items that were identified and discussed during the walk through. The punch list will be in PDF format and emailed to the City and Contractor.

10.4.7 Punch List Completion

Completion of punch list items will be tracked and confirmed by I&L Staff.

DEPARTMENT OF PUBLIC WORKS
STAFF MEMORANDUM

DATE: August 6, 2013

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works

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

SUBJECT: Consultant Recommendation
Dam, Detention Pond, and Channel Rehabilitation Project

The dam at the south end of the detention lake system at the Creve Coeur Golf Course failed twice in June 2013, despite an emergency repair that was made after the first failure. A second, and larger, repair has been arranged, but the dam has been compromised. City staff seeks the advice and design services of professional engineers and landscape architects to study the area and to develop a plan to address the dam failure and other issues with these detention lakes.

Background

The lakes at the Creve Coeur Golf Course serve as the stormwater detention ponds for the office park north of the golf course, which generally extends from Olde Cabin Drive north to Olive Boulevard and from Old Ballas Road east to Office Parkway. This drainage area spans some 66 acres, and a large portion of this area is asphalt, buildings, or other impervious surface. In serving this area, the lakes at the golf course handle a significant amount of stormwater runoff.

The City of Creve Coeur assumed maintenance responsibility for the stormwater detention for this area as part of the development of the old golf course into the current office park. The City is obligated to maintain the lakes as a functional detention facility, as are all owners of detention facilities, and the City has fulfilled this obligation through dredging the lakes and other work as needed. Indeed, removal of silt from the southern lake has been identified as a current need and funding for this work has been set aside in the projected five-year capital plan.

Dam Breach and Repairs

City staff noticed that the surface elevation of the southern lake began to drop in early June. The cause became evident when part of the dam surface collapsed next to the concrete spillway, exposing a breach in the dam. A photo of this collapse is included in the attached photo log. A breach in the dam had apparently developed over time, whereby water was draining through the dam instead of over the concrete spillway. The hole in the dam was immediately plugged, and the lake was allowed to return to its normal depth.

Shortly thereafter, on June 17, a significant storm overloaded the area's stormwater systems and caused the southern lake to top its banks. The force and volume of the stormwater also eroded the dam around the repair, bypassed it, and widened the breach. The attached photo log shows the resulting hole in the back side of the dam, adjacent to the concrete channel. Staff believes that water from this storm found its way around the repair using holes and tunnels made along the bank by animals.

A second repair for the dam has been arranged, but the integrity of the dam has been compromised. Staff has little confidence in the long-term effectiveness of this second repair. However, staff feels that it is necessary so to help prevent water from flowing through the dam and threatening an outright failure of the dam.

Staff determined that the City should immediately seek the advice and design services of a professional engineering firm to review and recommend the City's options for repairing the dam.

Request for Qualifications

City staff issued a request for qualifications (RFQ) for the study, design, and permitting of a rehabilitation strategy for the dam, the detention lakes, and the surrounding area. This RFQ was issued to the six firms listed below:

- Crawford, Murphy & Tilley, Inc.
- EDM, Inc.
- George Butler Associates
- Horner & Shifrin, Inc.
- Intuition & Logic, Inc.
- Reitz & Jens, Inc.

All of these three firms have previous experience with stormwater projects in Creve Coeur and were solicited on that basis. All six firms responded to the RFQ with qualifications packages.

Evaluation of qualifications. The City's Public Works staff evaluated all six qualifications packages according to the criteria stated in the RFQ, namely staff qualifications and experience, capability and availability of the firm to perform the work as soon as possible, past performance, and familiarity with the City's requirements. City staff found all of the firms (or teams) were well qualified to study the area and to develop a solution.

Staff brought its findings to the Stormwater Committee at its meeting on July 17. After some discussion, the Stormwater Committee nominated three of its members to review the qualifications packages of the two firms that most impressed City staff. The Committee members' reviews were mixed, but their consensus was to follow the staff recommendation.

Recommendation. The majority of those reviewing the qualifications packages found the team led by Intuition & Logic to be the most qualified for the project. Some of the most notable qualifications of Intuition & Logic were their design for the rehabilitation of Kirkwood Park and the Chilton and Middlebrook culvert projects, as well as the team's geotechnical and landscape design experience.

Project Scope and Fee

Staff from Intuition & Logic and the City met to discuss and determine a scope of work for the evaluation of the issues with the detention lakes and dam and for the design services associated with developing and permitting a solution. A consensus was reached that the project will need to evaluate the needs of the surrounding area and the detention system rather than just the breach in the dam. Known future projects to remove silt from the lakes and to replace a golf cart bridge were included in the project scope for evaluation. Incorporating these future projects into the current review will make for a more coordinated approach to the various issues that should eliminate the possibility that one repair designed and constructed independent of its surroundings would limit the City's options for making other necessary repairs in the future. Combining the current and future needs should also result in lower overall design and restoration costs, as opposed to performing separate projects. Unfortunately, each of these projects will require the use of heavy equipment on a golf course that is otherwise kept in very good condition.

Minimizing the amount of disturbance to the course, and to the quality of the play on it, is a priority.

It was also recognized that the scope, cost, and direction of this project will need to be reviewed by several of the City's committees, the Planning & Zoning Commission, and the City Council. In light of this, the design scope includes close coordination with City staff to review the initial data and to develop several concept-level design alternatives, along with the associated cost estimates, for the City's review. The City will have the opportunity to review its options before moving forward to a final design.

The recommended scope and fee was developed by Intuition & Logic following the scoping meeting with City staff. The proposed fee for the design services is a not-to-exceed fee of $84,573.00. City staff has reviewed this proposal and has found it to be fair and complete.

Additional professional services will likely be required during construction to inspect certain aspects of the project. Because the project is generally unknown at this point, no construction-phase professional services were included in the fee proposal. The scope and fee for the construction-phase services, if any, will be developed along with the final design for the project.

Accounting

The Capital Improvement Fund identifies $150,000.00 annually for the design and construction of stormwater projects. The Stormwater Committee determined that the issues with the lakes and dam at the golf course represent the most pressing stormwater need in the City and recommended that the funds allocated in the 2014 fiscal year (as well as future years, as necessary) should be used to address this need.

Funding for the design phase of the Dam, Detention Pond, and Channel Rehabilitation Project is proposed to be drawn from FY2014 capital account number 02-61-71-9509-14522.

Construction is anticipated for the winter of 2013-2014, which will require additional funding during the 2014 fiscal year that will most certainly exceed the funds available. A budget adjustment will be required to fund the construction of the project, and this adjustment will be requested once a rehabilitation option has been designed and the cost of the work is known. It is too early to speculate on the cost of the repair, but the cost of the work is likely to be significant.

Summary and Recommendation

Upon evaluation of the qualifications packages and proposed scope and fee, City staff, with the support of the Stormwater Committee, recommends that the Creve Coeur City Council retain the services of Intuition & Logic, Inc. for the design of the Dam, Detention Pond, and Channel Rehabilitation Project, for a fee not to exceed $84,573.00.

Attachments: Photos of the dam breach
Exhibit 1: Overview of Detention Ponds at Creve Coeur Golf Course
Exhibit 2: Approximate Drainage Area for Golf Course Detention Ponds
Exhibit 3: Detail of Study Area and Current Issues

Photo 1: The initial breach of the dam occurred along the side of the spillway. (The spillway wall is the closest of the concrete walls shown here.) The top foot of the detention pond drained out through the breach, which began at the bottom right corner of the photo. Note the grouted rock lining of the dam is shown collapsed into the breach. It was apparently hollow underneath and hid the issue from view.

Photo 2: A view of the dam and spillway during the repair of the first breach. Note that the lake was drained an additional foot to reduce flow through the breach and the additional erosion that would cause.

The second breach occurred immediately to the left of this repair.

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Photo 3: On top of the dam, looking south from the cart path. The June 17 storm re-opened the breach in the dam and exposed a significant hole in the dam. Water is using this route as its path. The concrete channel (i.e. where the water should be flowing) begins at the right side of the photo, and the side wall shown is completely undermined. The hole shown here is more than six feet deep and extends back under the cart path.

Exhibit 2: Approximate Drainage Area for Golf Course Detention Ponds

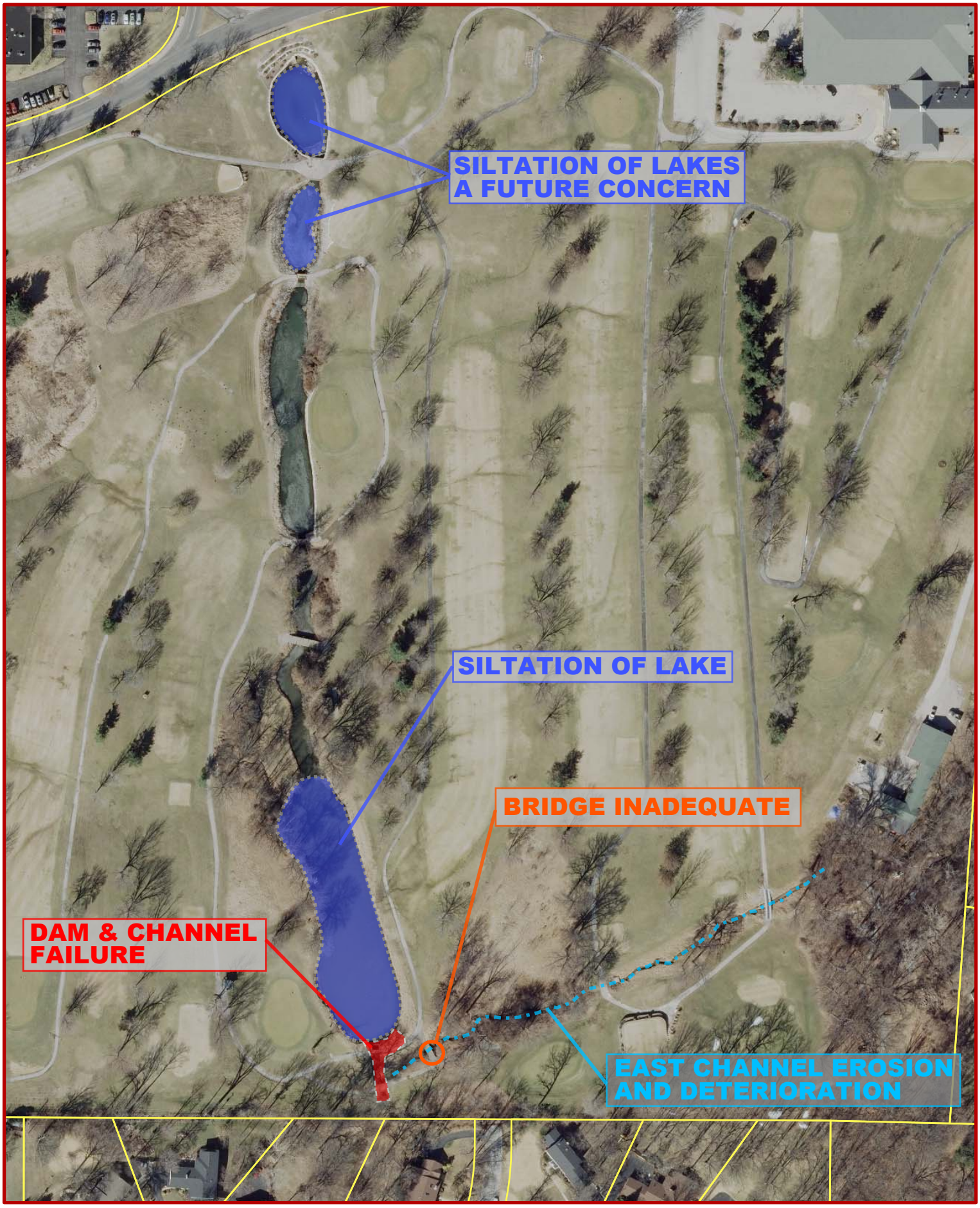


Exhibit 3: Detail of Study Area and Current Issues

Memorandum

To: Mark Perkins, City Administrator

From: Theresa Bradshaw, Public Information Officer and Management Analyst

Date: 8/1/2013

Re: Food truck Survey Results

The City Council has expressed an interest in permitting food trucks in the city to a greater extent than currently allowed. City staff posted a survey on Surveymonkey.com, and with the assistance of the Chamber of Commerce, received feedback from Creve Coeur businesses as well as residents. A total of 67 responses were received and the results are provided below.

The survey results were generally favorable toward food trucks operating within the city and within some guidelines (see attachment 1 for detailed information on survey responses). The following survey results could be of interest in any further discussion:

- In regards to how to regulate food truck operations, responses tended to be polarized - either strongly for or strongly against each scenario.
- Questions which gauged acceptance and/or patronage of food trucks returned 75-85% positive responses.
- The above approval rates apply to all classes of respondents with the exception of the restaurant owner/operator/employee class (2 respondents).
- Residents (27 respondents) were slightly less accepting of food trucks than business owners (24 respondents) or people working in Creve Coeur (27 respondents), though a healthy majority provided responded indicating acceptance of the trucks.

If the City Council would like to further allow and/or encourage food trucks in the city, then it may wish to consider a one-year pilot program to gauge both the appropriateness/effectiveness of any city regulations and any effect on established restaurants in Creve Coeur.

Such a pilot program would seek to balance the concerns expressed in the survey with realistic and enforceable regulations. Certainly, truck operators will require the permission of the property owner in order to do business on a property. Also, it is suggested that truck operators be required to obtain a permit to allow the city to keep track of who is operating and to facilitate sales tax payment.

Additional regulations which would provide additional control, but could make Creve Coeur a less desirable market for food truck operators, include:

- Restricting truck operation to one or two days per week
- Restricting operation to certain hours of the day
- Issuing a limited number of licenses

It has also been suggested that food trucks could complement a farmers market, should current interest and research result in the establishment of such a market.

TRB

Cc: Paul Langdon, Community Development Director

Attachment (2)

Food Truck Survey results

The food truck survey was conducted through SurveyMonkey.com. A total of 67 responses were collected from June 24 to July 15, 2013. Only two responses were shown to come from the same IP address.

Q1: Please select all that apply to you. I am:

a Creve Coeur business owner (non-restaurant business)	24
a Creve Coeur restaurant owner/operator/employee	2
an employee of a Creve Coeur business/I work in Creve Coeur	27
a Creve Coeur resident	27
Other	4
Employee in nearby city	*1*
Chamber member	*2*
work in real estate in the area	*1*

The next question gauged respondents' preferences toward various treatments of food trucks. On the whole, the responses tended to be polarized, with responses either strongly for or strongly against each scenario.

Q2: Cities approach and regulate food trucks in many different ways; some of these approaches are listed here. Please assign each approach a number from 1-7 with "1" being the approach you prefer most and "7" being the approach you like least.

	1	2	3	4	5	6	7
Permit food trucks only in certain zonings	14 20.90%	8 11.94%	12 17.91%	9 13.43%	2 2.99%	5 7.46%	17 25.37%
Restrict days/hours of operation	18 26.87%	8 11.94%	0 0.00%	12 17.91%	7 10.45%	7 10.45%	15 22.39%
Permit trucks to park only for a specified amount of time at one location	20 29.85%	8 11.94%	8 11.94%	9 13.43%	6 8.96%	4 5.97%	12 17.91%
Issue a limited number of licenses for food trucks	14 20.90%	7 10.45%	7 10.45%	11 16.42%	5 7.46%	9 13.43%	14 20.90%
Permit food trucks only at private events (treated as a catering service)	8 11.94%	1 1.49%	2 2.99%	8 11.94%	3 4.48%	13 19.40%	32 47.76%
Require a buffer zone between brick-and-mortar restaurants and where trucks can operate	22 32.84%	6 8.96%	11 16.42%	13 19.40%	4 5.97%	1 1.49%	10 14.93%
Permit trucks to operate when and where the operators choose, with permission of the property owner	31 46.27%	11 16.42%	3 4.48%	1 1.49%	3 4.48%	2 2.99%	16 23.88%

Only two respondents identified themselves as a Creve Coeur restaurant/owner/employee and their preferences were to require a buffer zone and issue a limited number of licenses (both selected "1" for these options); permitting trucks only in certain zonings drew a unanimous "3"; permitting operators to come and go as they please drew a "5" and "7"; all other treatments received a split of "1" and either a "2" or "3."

The business owner subgroup (24 responses) was similar to the overall response, if not slightly more favorable toward food trucks. The resident subgroup (27 responses) resembled the overall results, if not slightly more in favor of restrictions. The "I work in Creve Coeur" subgroup (27 responses) showed the greatest support for limited restrictions on food trucks.

Q3: I believe the presence of food trucks would increase Creve Coeur's desirableness as a place to live, work or start a business.

	Overall	Business owner	Restaurant	Workers	Residents	Other
Strongly agree	55.22%	66.67%	0%	59.26%	51.85%	100%
Agree	23.88%	16.67%	0%	29.63%	22.22%	0%
Disagree	10.45%	4.17%	50.00%	7.41%	14.81%	0%
Strongly disagree	10.45%	12.50%	50.00%	3.70%	11.11%	0%

Q4: My biggest concerns with allowing food trucks would be (select all that apply):

	Overall	Business owner	Restaurant	Workers	Residents	Other
Health/sanitation	32.84%	33.33%	50%	22.22%	40.74%	0%
Traffic	23.88%	20.83%	50%	18.52%	29.63%	0%
Competition/fairness	28.36%	25.00%	100%	14.81%	44.44%	0%
Noise	11.94%	12.50%	0%	7.41%	22.22%	0%
Property owner permission	31.34%	25.00%	0%	25.93%	37.04%	100%
No concerns	34.33%	41.67%	0%	40.74%	29.63%	0%

Q5: I would eat at a food truck.

	Overall	Business owner	Restaurant	Workers	Residents	Other
Yes	85.07%	87.50%	0%	88.89%	81.48%	100%
No	14.93%	12.50%	100%	11.11%	18.52%	0%

Q6: I would allow a food truck to operate on my property.

	Overall	Business owner	Restaurant	Workers	Residents	Other
Yes	29.85%	37.50%	0%	48.15%	14.81%	0%
No	19.40%	16.67%	100%	7.41%	29.63%	0%
Not applicable	50.75%	45.83%	0%	44.44%	55.56%	100%

Q7: I believe food trucks will negatively impact revenue in Creve Coeur's "brick and mortar" restaurants.

	Overall	Business owner	Restaurant	Workers	Residents	Other
Strongly agree	11.94%	8.33%	50.00%	7.41%	18.52%	0%
Agree	13.43%	12.50%	50.00%	7.41%	18.52%	0%
Disagree	49.25%	45.83%	0%	59.26%	40.74%	50.00%
Strongly disagree	25.37%	33.33%	0%	25.93%	20.22%	50.00%

Q8: If they are allowed at all, where should trucks be allowed to operate?? Select all that apply.

	Overall	Business owner	Restaurant	Workers	Residents	Other
On private property	41.79%	13.64%	50.00%	55.56%	22.22%	50.00%
On public streets	35.82%	12.50%	0%	33.33%	44.44%	100%
Along Olive Blvd.	56.72%	18.18%	0%	51.85%	48.15%	100%
Industrial/office complexes	86.57%	25.00%	50.00%	81.48%	92.59%	100%
Public parks	74.63%	20.45%	50.00%	77.78%	74.07%	0%
Near schools	14.93%	5.68%	0%	14.81%	11.11%	0%
Residential neighborhoods	8.96%	3.41%	0%	11.11%	3.70%	0%
Other	2.99%	1.14%	0%	0%	3.70%	0%

Memorandum

To: Mark Perkins, City Administrator, and Paul Langdon, Planning Director

From: Theresa Bradshaw, Public Information Officer and Management Analyst

Date: 5/8/2013

Re: Food trucks

Until recently, mobile food vendors (food trucks) were creatures of only the largest cities. As the food truck craze has spread into smaller metropolitan areas such as St. Louis, municipalities have found it necessary to regulate the trucks based on the unique needs of their communities. In the St. Louis region, municipal response has varied greatly, from tolerance/inaction to complete prohibition.

Currently, food trucks are permitted in Creve Coeur only under certain conditions:

1. If trucks wish to come and go in the city at their own discretion, a conditional use permit is required. Since a CUP requires a site plan, the truck would need a permanent site and would be required to comply with any conditions approved with the permit. To date, no such CUPs have been issued.
2. The second scenario is as a caterer. In this instance, trucks are hired by a business or organization to come to their property and provide food only to those already present; it is not intended to serve passers-by, the same as a catered party is not open to anyone who comes through the door. This is a permitted activity and has been done, on a limited basis, at CityPlace.
3. Last, if the food truck is on the property for a special event but is open to the public, it is still a caterer, but the property owner would need to obtain a temporary use permit from the City.

When considering a regulatory approach, municipalities must weigh numerous pros and cons. Food truck proponents argue that trucks can bring food into areas lacking in options, the trucks are great for festivals and in parks, and the trucks often have a following (cultivated through social media marketing) which can be a source of community building. Concerns regarding food trucks often focus on health/sanitation, competition with brick-and-mortar restaurants, traffic/parking, and whether trucks have permission from the property owners where they are parking.

There are numerous ways to control for the concerns listed above. Methods employed by other municipalities include:

- Restricting trucks to certain zoning
- Restricting number of days or specific hours during which trucks can operate
- Allowing trucks only for private events (treated as a catering service; one payment – no individual transactions)

- Limiting the length of time trucks can be parked (except when licensed for a special event)
- Requiring proof of property owner permission as part of licensing process
- Forbidding trucks to operate on vacant properties or outside the operating hours of the property's business
- Requiring buffer zones between brick-and-mortar restaurants
- Requiring proof of health inspection/no tax due/county peddler license
- Limiting the total number of food truck licenses available

Creve Coeur's current approach is much in line with other municipalities, such as Maryland Heights and Clayton, and is on the more restrictive end of the spectrum. On the other end of the spectrum, Chesterfield is embracing food trucks. The approximately 20 licensed trucks are required to obtain a business license and are given a list of rules in which they are expected to operate. The rules require current county licenses, collection and remittance of sales tax, parking no closer than 200 feet from brick-and-mortar restaurants, no parking on vacant/unoccupied properties, proof of property owner's permission (upon request), no public right-of-way or parks parking unless proper licensing is obtained, and no operating outside business hours of the primary adjacent establishment(s). The city schedules three trucks at City Hall on Fridays and invites the trucks to various community events throughout the year.

Going forward, the approach for Creve Coeur depends largely on what concerns are or are not present in the community as well as whether the city would have the staff resources necessary to enforce regulations. Based on staffing concerns, a more simplistic and streamlined approach will be preferable. Additionally, it should be noted that our Recreation Department has expressed an interest in inviting the trucks to various events in the parks but has refrained so as not to appear to be operating outside the rules which we apply to private entities.

As discussed, this matter will be included as a discussion item on upcoming Planning and Zoning Commission and City Council agendas. We will also seek input from the Chamber of Commerce and local businesses.

TRB

Attachment (1)

The below matrix illustrates each city's approach to food truck regulation. Additional supporting materials (ordinances, business license applications, emails, etc.) are available upon request.

City	License	Fee	Distance from brick and mortar?	Other
Berkeley	Hawker, Peddler & Transient Merchant	Dependent on sales, annual	None	$500 bond, restricted hours
Boston	Mobile Food Truck Permit (per vehicle)	$500 application, annual fee based on taxable market valuation of property on which trucks will be operating per required map routes	None	Liability insurance, Committee makes rules and approves/denies applications, MFT Committee also determines where trucks can operate
Chesterfield	Business License for Food Trucks	$25 annual	200 feet	MO No Tax Due, County Peddler License, health permit, proof of property owner permission
Clayton	PW permits if on street or sidewalk, PR permits if in park.	None	None	Treated as catering service, health permit
Fairview Heights	Forbidden	n/a	n/a	n/a
Hazelwood	Hawker, Peddler, Solicitor & Transient Merchant	$25 annual	None	Restricted hours of operation
Kirkwood	Temporary Merchant	$25/day	None	No action taken, tolerated
Lake St. Louis	Business + additional regulations	$10/day or $50 annual (vendor choice)	None	Health permit, no residential, operate 5 out of 7 days, no public streets (proof of property owner permission)
Las Vegas	Mobile Food Vendor	Dependent on sales, semiannual	150 feet (also restricts time and distance from schools, city concession stands)	Proof of NV tax, health permit/vehicle, liability and property damage insurance, move every 30 minutes (unless special event permit)
Maryland Heights	Itinerant Merchant	$25 monthly	None	Require site plan and proof of property owner permission

Memorandum

DATE: August 5, 2013

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance

SUBJECT: Fourth Quarter FY 2013 Financial Analyses

Attached is a financial report for the 4th quarter of FY 2013. As we had previously indicated, a large surplus was anticipated. Some of the highlights are as follows:

1. **General Fund**
   a. Revenues
   Revenues were lower than anticipated for 2013. This was primarily due to revenues being lower than anticipated in 4 areas: property tax, sales tax, gross receipts tax and other revenues. Property tax revenues were lower due to a decrease in tax rate approved by City Council in August 2012. Sales tax was less than collected in FY2012. Building permits were higher than estimated for the year.

   b. Expenditures
   Expenditures for the General Fund were less than originally budgeted, as were transfers out. The only departments exceeding their original budgets were Finance, Non Departmental, Health and Welfare and Maintenance. These small budget overages were offset by significant savings in the Court, Police and Street Departments.

As indicated previously a significant surplus was generated as revenues were significantly higher than expenditures for FY2014.

2. **Municipal Enterprise Fund**
   a. Revenues
   Revenues for the Enterprise Fund were less than anticipated excluding transfers. Revenues were down significantly for the Golf Course due to fewer rounds played. Revenues were also down slightly for the Ice Arena and Snack Bar.

   b. Expenditures
   Expenses were substantially lower than budgeted in all departments in the Enterprise Fund. There were savings in part-time personnel, maintenance and some capital accounts.

Overall, the decrease in revenues was offset by an even larger saving in expenses. This resulted in a lower transfer to the Enterprise Fund than anticipated.

3. **Capital Fund**
   a. Revenues
      Revenues were less than budgeted for 2013. Revenues for the West Olive Lighting and Ladue sidewalk were not received until FY2014. Sales tax was also lower than anticipated.

   b. Expenditures
      Expenses were significantly less than anticipated. Both the West Olive Lighting project and the Ladue Sidewalk project were significantly under budget. Also, the bulk of the Chilton storm sewer project will be completed in FY2014. Other projects such as Tappmeyer painting were also re-budgeted in FY2014.

Overall, the city had a good financial year in 2013. The General Fund realized a significant surplus and appears to be in good financial shape for at least the next 5 years.

The performance of the Enterprise Fund regressed in 2013. Revenues decreased significantly in FY2013 and only savings in expenditures resulted in better performance than anticipated. Revenues especially at the Golf Course are a concern, although the first month of FY2014 saw revenues rebound considerably.

Due to decreased Capital expenditure cost the Capital Fund ended FY2013 in stronger financial condition than anticipated.

It should be noted that the figures for this report are preliminary for 2013. Additional expenditures will be charged to the funds as the August bills are paid due to the governmental accounting guidelines. Even with those additional expenses, I do not anticipate substantial change in the operating results. I would be pleased to respond to any questions.

CITY OF CREVE COEUR
Statement of Revenues and Expenditures
As of June 30, 2013
FY 2013

UNAUDITED

	ANNUAL BUDGET	ADJUSTED BUDGET	YTD ACTUAL	YTD ENCUMB	ACTUAL AS % of BUDGET	*2012 4th Qtr Actual*	*2012 Actual As % of Budget*
General Fund Revenues:							
Property Taxes	693,500	573,500	553,207		96.5%	624,866	94.7%
Utility Taxes	5,851,000	5,761,000	5,812,012		100.9%	5,817,424	102.9%
Intergovernmental	6,474,000	6,284,000	6,282,587		100.0%	6,334,997	100.6%
Licenses and Permits	772,150	872,150	862,714		98.9%	870,462	122.2%
Charges for Services	83,625	83,625	86,031		102.9%	85,502	108.8%
Municipal Court	1,846,000	1,846,000	1,847,866		100.1%	1,873,236	102.1%
Other Revenues	834,745	834,745	731,388		87.6%	759,661	97.8%
Transfers	138,537	138,537	53,368		38.5%	56,550	40.8%
Total Revenues	**16,693,557**	**16,393,557**	**16,229,173**		**99.0%**	**16,422,698**	**101.7%**
General Fund Expenditures:							
Legislative Services	364,585	337,227	320,231	306	95.1%	309,049	86.4%
Administrative Services	828,571	843,652	800,241	860	95.0%	769,780	97.9%
Non-Departmental	471,958	505,496	492,996	588	97.6%	436,082	87.8%
Maint. of Municipal Prop.	297,733	312,130	302,482	2,770	97.8%	301,162	92.5%
Municipal Court	910,392	893,650	811,070	59,299	97.4%	868,232	99.0%
Finance Department	506,531	531,607	514,925	5,000	97.8%	485,788	97.4%
Police Department	6,610,600	6,508,486	6,384,961	92,561	99.5%	6,487,476	98.3%
Park Maintenance	493,508	496,545	490,871	2,633	99.4%	516,596	101.5%
Community Services	76,692	76,744	65,449	4,005	90.5%	76,238	104.9%
Public Works - Admin.	408,005	408,650	396,551	113	97.1%	394,049	97.1%
Street Maintenance	1,642,235	1,565,235	1,511,121	13,873	97.4%	1,583,121	96.2%
Health and Welfare	1,284,066	1,290,866	1,285,041	3,948	99.9%	1,293,640	100.4%
Community Development	1,113,865	1,108,912	1,092,098	225	98.5%	1,051,973	96.3%
Annual Infrastructure Maintenance	0					0	0
Total Expenditures	**15,008,741**	**14,879,200**	**14,468,037**	**186,181**	98.5%	**14,573,186**	**97.5%**
Total Operating Surplus (-Deficit)	**1,684,816**	**1,514,357**	**1,574,955**			**1,849,512**	
Transfers To Other Funds(1)	**475,000**	**475,000**	**430,000**	0		**425,000**	
Operating Revenues Over (under) Expenditures	**1,209,816**	**1,039,357**	**1,144,955**			**1,424,512**	

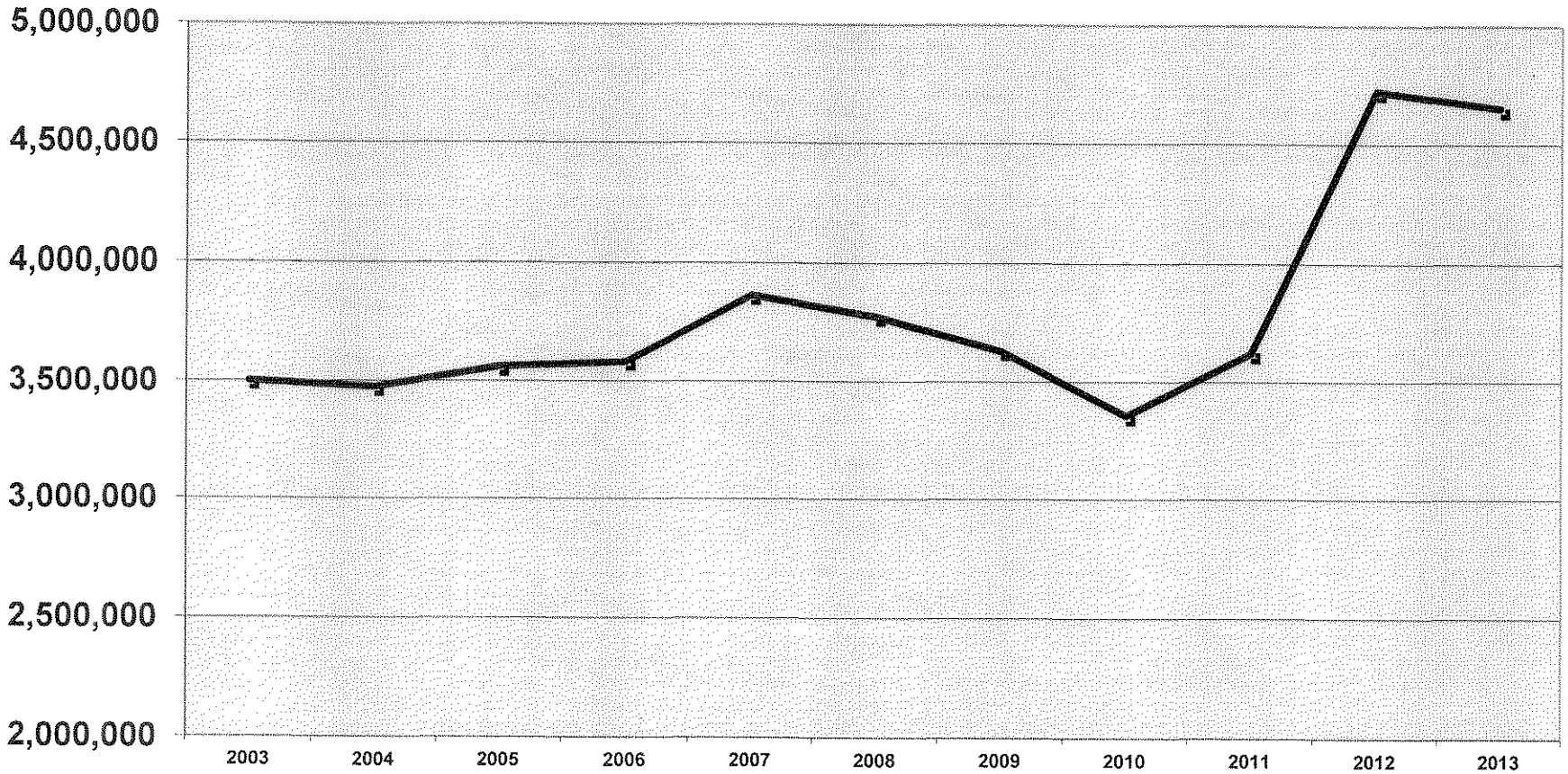
(1)- Actual Transfers- $400,000 Capital Fund, $30,000 Enterprise Fund

CITY OF CREVE COEUR
Statement of Revenues and Expenditures
As of June 30, 2013
FY 2013

UNAUDITED

UNAUDITED

	ANNUAL BUDGET	ADJUSTED BUDGET	YTD ACTUAL	YTD ENCUMB	ACTUAL AS % of BUDGET	*2012 4th Qtr Actual*	*2012 Actual As % of Budget*
Municipal Enterprise Fund Revenues:							
Golf Course	418,725	398,725	366,167		91.8%	430,287	103.9%
Food Service	53,650	53,650	49,446		92.2%	57,871	105.3%
Ice Arena	533,200	533,200	530,866		99.6%	521,063	103.5%
Other Revenues	1,200	1,200	4,536		378.0%	729	54.0%
Transfers-In	75,000	75,000	30,000		40.0%	25,000	17.9%
Total Revenue	**1,081,775**	**1,061,775**	**981,015**	**0**	**92.4%**	**1,034,950**	**92.9%**
Municipal Enterprise Fund Expenditures:							
Golf Course	480,935	492,129	442,311		89.9%	460,324	94.3%
Food Service	47,108	44,608	35,832	2,737	86.5%	40,594	79.4%
Ice Arena	491,925	486,930	463,094	224	95.2%	456,938	98.9%
Transfers	0	0		0	#DIV/0!	0	0.0%
Total Expenditures	**1,019,968**	**1,023,667**	**941,237**	**2,961**	**91.9%**	**957,856**	**95.3%**
Total Operating Surplus (-Deficit)	**61,807**	**38,108**	**36,817**	**0**		**77,094**	
Estimated Depreciation expense:							
Ice				221,786			
Golf				36,529			
Food Service				534			
Total Depreciation				258,849			
Annual Debt Repayment(1)	85,169	85,169	85,169	0	100.0%	81,987	
Fund Balance Adjustment				**(222,032)**			
Total Net Assets,July 1				2,479,559			
Total Net Assets,June 30				**2,257,527**			

(1) Annual Debt payment reduces cash but not Total Net Assets

SALES TAX 2003-2013