



**AMENDED AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, OCTOBER 18, 2010
7:00 PM**

1. ROLL CALL

Mr. Michael Barton
Mr. Gary Eberhardt
Mr. Barry Glantz
Mr. Robert Hoffman
Mr. Tim Madden
Mr. Scott Saunders
Mr. Jim Schnarr
Mr. Carl Lumley, City Attorney
Mr. Paul Langdon, AICP, Director of Community Development
Ms. Whitney Kelly, AICP, City Planner
Ms. Pat Rosenblatt, Recording Secretary

Pursuant to Section 610.022 RSMO, the Planning and Zoning Commission 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 confidential or privileged communications with the City Attorneys as provided under Section 610.021(1)RSMO or other matters as permitted by Chapter 610.

Reports, documents, plans, and related materials are available for examination at the Creve Coeur Government Center, 300 North New Ballas Road, prior to the meeting.

Special disabled service may be arranged by contacting the Office of the City Administrator in advance.

2. ADDITIONS TO – ACCEPTANCE OF THE AGENDA

3. APPROVAL OF MINUTES

4. PUBLIC COMMENT

An opportunity for members of the public to address the Planning and Zoning Commission regarding issues or concerns not already on the agenda for this meeting. Those wishing to speak will be asked to provide their name and address for the public record.

5. UNFINISHED BUSINESS

A. Application #09-012: CVS Pharmacy – R.O.W. Dedication

Applicant/Agent: Paul Langdon, AICP
Director of Community Development
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

B. Application #10-029: Process Amendments

Applicant/Agent: Zoning Administrator
City of Creve Coeur
300 N. New Ballas Rd.
Creve Coeur, MO 63141

6. NEW BUSINESS

A. Application #10-031: Subway Expansion at Woodcrest Shopping Center

Applicant/Agent: Bawham LLC, D.B.A. Subway
12321 Olive Blvd
Creve Coeur, MO 63141

B. Application #10-032: Front Yard Fence

Applicant/Agent: Jenny Marler and Chris Gundlach
10333 Whitebridge Lane
Saint Louis, MO 63141

C. Application #10-033: T/A Used Merchandise Stores

Applicant/Agent: Paul Langdon, AICP
Director of Community Development
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

7. WORK AGENDA

A. CBD Rezoning Discussion

8. OTHER BUSINESS

A. Planning Division Report

REP: Mr. Paul Langdon

B. City Attorney Report

REP: Mr. Carl Lumley

9. ADJOURNMENT



city of **CREVE COEUR**

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STAFF MEMORANDUM TO THE PLANNING AND ZONING COMMISSION

Meeting Date: October 18, 2010

Subject: Application #09-012
CVS Pharmacy – R.O.W. Dedication

Location: 11560 Olive Boulevard
Southeast corner, Old Ballas Road and Olive Boulevard

Requested Action: Approve dedication plat conveying 681 square feet of Old Ballas Road right-of-way from City of Creve Coeur to Missouri Department of Transportation (MoDOT).

Report Prepared by:

Paul Langdon, AICP
Director of Community Development

10-18-10

Date

Mathew Wohlberg, P.E.
City Engineer

10/18/2010

Date

Attached: Draft Ordinance
Draft Dedication Plat
Subdivision Ordinance #5100

SUMMARY AND ACTION

On August 24, 2009, the City Council approved Ordinance #5100, authorizing the subdivision known as CityPlace Subdivision Plat II that was necessary to:

1. Create the CVS lot at the southeast corner of Old Ballas Road and Olive Boulevard;
2. Create the lot now occupied by St. Luke's Urgent Care;
3. Convey cross-accesses over the CVS and St. Luke's properties for each other and adjacent land owners; and,
4. Dedicate land in furtherance of the approved Olive Boulevard TDD right-of-way plans.

As review of the Olive Boulevard TDD has moved forward and been further reviewed by MoDOT, it has been determined that a small portion (681 square feet) of the Old Ballas Road right-of-way already dedicated to the City of Creve Coeur should, in fact, be dedicated to MoDOT (see attached draft dedication plat). This area is necessary for infrastructure (signals, lighting, etc.) directly related to Olive Boulevard and under MoDOT purview. The dedication plat has also been reviewed by Mathew Wohlberg, City Engineer, and found to be in conformance with the City's copy of the Olive Boulevard TDD right-of-way plans.

The attached draft ordinance will cause the City to vacate the 681 square feet, on the condition that the same area will then be dedicated to the State of Missouri by Koman Group (as the original grantor of the R.O.W., it will temporarily revert back to them). It should be noted that this action does not alter either the Olive Boulevard TDD plans nor the CVS site; it is simply a change of jurisdiction over the 681 square feet of right-of-way at the corner. If a vote on a recommendation is held by the Planning Commission, the matter will be forwarded to the City Council for their next meeting (a public hearing is not required).

MOTION

An example motion for this application is:

"I move to recommend approval of the draft dedication plat and associated draft R.O.W. vacation ordinance attached to the staff memorandum on Application #09-012, dated October 18, 2010."

BILL NUMBER _____

ORDINANCE NUMBER _____

AN ORDINANCE VACATING A PORTION OF DEDICATED RIGHT OF WAY ON THE EAST SIDE OF OLD BALLAS ROAD AT OLIVE BOULEVARD SUBJECT TO CONVEYANCE OF SUCH PROPERTY TO THE STATE OF MISSOURI ACTING BY AND THROUGH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION.

WHEREAS, in order for certain improvements to be made to Olive Boulevard, the State of Missouri acting by and through the Missouri Highways and Transportation Commission (MODOT) requires conveyance of ownership of certain property, consisting of approximately 681 square feet as marked by hatching and described by meets and bounds on Exhibit A, which was previously dedicated to the City of Creve Coeur for right of way in connection with the approval of the subdivision of the property at the southeast corner of the intersection of Old Ballas Road and Olive Boulevard pursuant to Ordinance No. 5100; and

WHEREAS, in order for the property owner to make such conveyance to MODOT, the City must abandon and vacate such dedicated parcel so that it reverts back to such owner; and

WHEREAS, on October 18, 2010, the Planning and Zoning Commission recommended approval of such vacation on condition that the conveyance to MODOT is completed; and

WHEREAS, the City Council concludes that it should approve such vacation on condition that the conveyance to MODOT is completed; and

WHEREAS, this bill having been read by title in open meetings two times before final passage;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Creve Coeur, Missouri, as follows:

SECTION 1: Pursuant to the provisions of Section 82.190 RSMo, the previously dedicated approximately 681 square feet of right of way, as marked and described on Exhibit A, shall be vacated upon this ordinance becoming effective as provided herein.

SECTION 2: After adoption and approval of this ordinance, and upon its becoming effective, a certified copy thereof may be duly filed in the Office of the Recorder of Deeds, St. Louis County.

SECTION 3: This ordinance shall become effective pursuant to section 3.11(g) of the City Charter, but only upon conveyance of fee simple title to such 681 square feet of property to the State of Missouri.

ADOPTED THIS _____ DAY OF _____, 2010.

A. J. WANG
PRESIDENT OF CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 2010.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK

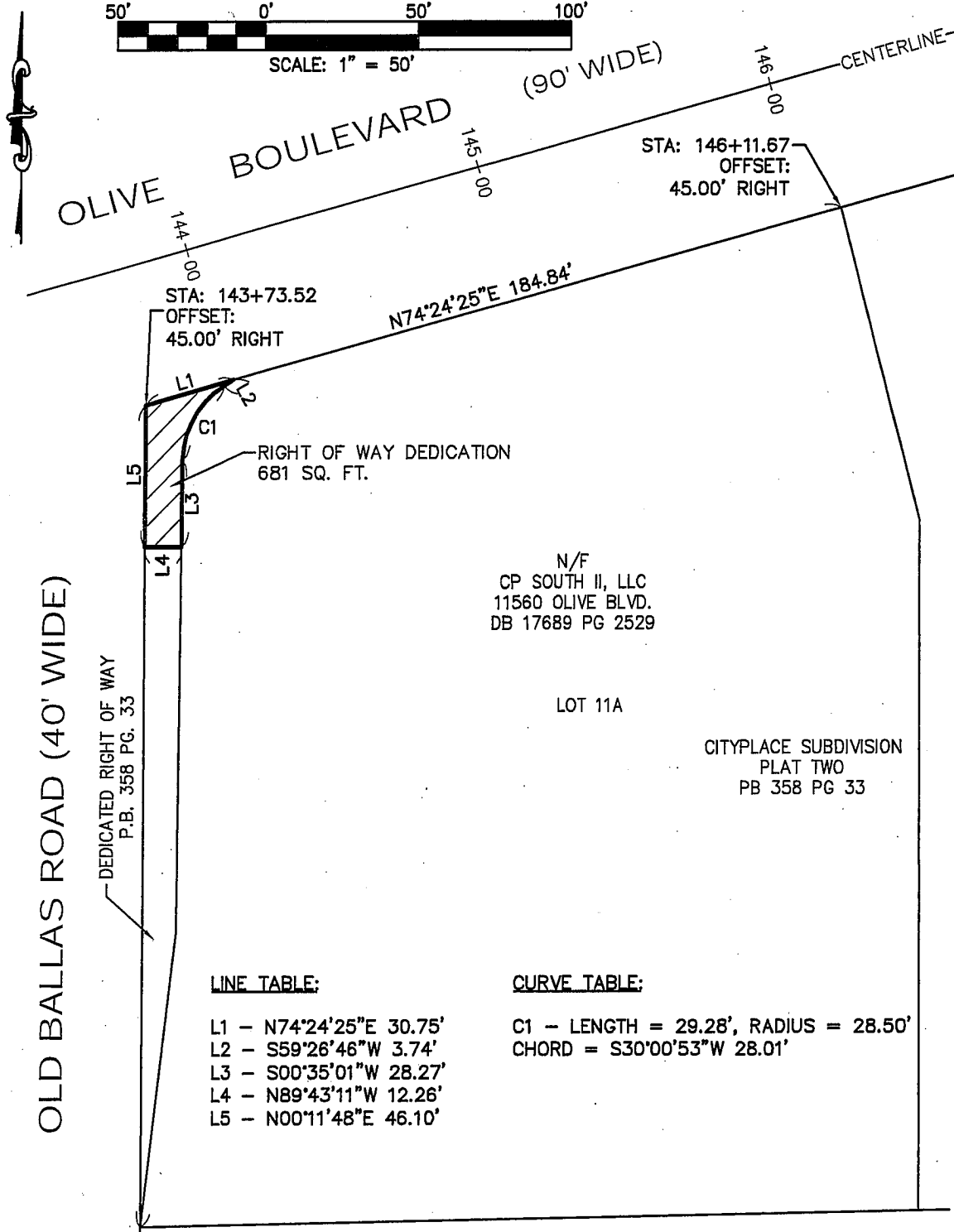


EXHIBIT "A"

REVISED: 5/18/10 DATE: 3/31/09

INITIAL: _____

RIGHT OF WAY DEDICATION
 A TRACT OF LAND BEING PART OF THE NORTHEAST FRACTIONAL 1/4
 OF SECTION 3, TOWNSHIP 45 NORTH, RANGE 5 EAST
 ST LOUIS COUNTY, MISSOURI

**AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR THE
CITYPLACE SUBDIVISION, PLAT TWO, CITY OF CREVE COEUR,
ST. LOUIS COUNTY, MISSOURI**

WHEREAS, an application for a subdivision of Lot 11 of the CityPlace Subdivision has been submitted by Cole and Associates, Incorporated, on behalf of Cedarwood Development, for the CityPlace Subdivision, Plat Two, located at the southeast corner of Old Ballas Road and Olive Boulevard; and,

WHEREAS, CP South II, LLC, the owner of record of Lot 11 of the CityPlace Subdivision, has consented to the requested subdivision; and,

WHEREAS, said property is in the "CB" Core Business zoning district and the subdivision adheres to the minimum regulations of the district; and,

WHEREAS, the Planning and Zoning Commission recommended approval of the subdivision as a Final Subdivision Plat of the subject property on July 20, 2009; and,

WHEREAS, a copy of the proposed ordinance has been made available for public inspection prior to its adoption by the City Council and this bill having been read by title in open meeting two times before final passage by the City Council.

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

SECTION 1: The Final Subdivision Plat for the Cityplace Subdivision, Plat Two, described as a tract of land being Lot 11 of CityPlace Subdivision, according to Plat Book 355, Pages 43 through 46 of the St. Louis County Records; situated in Section 3, Township 45 North, Range 5 East, City of Creve Coeur, St. Louis County, Missouri, as heretofore submitted on March 27, 2009, by Cole and Associates, Inc., is hereby approved subject to the following condition:

1. A cross access easement to facilitate travel to and from Old Ballas located on the southern portion of the property shall be granted for the benefit of both lots of the subdivision, as well as the adjacent parcel to the east (old Kemp building) of the two subdivision parcels provided such adjacent parcel grants a reciprocal cross-access easement, all subject to approval of the Zoning Administrator. A cross access easement to facilitate travel to and from Olive located along the dividing line between the two lots of the subdivision shall be granted for the benefit of the two subdivision parcels, as well as the adjacent parcel to the east (old Kemp building) of the two subdivision parcels provided such adjacent parcel grants a reciprocal cross-access easement, all subject to approval of the Zoning Administrator. The easements shall be recorded at the applicant's expense and said recording, and construction of the corresponding paved areas on the property, shall be completed before any temporary or permanent occupancy permits are approved.

SECTION 2: Such approval of the Plat for the resubdivision of the property shall be endorsed on said Plat as indicated in Section 1 hereof under the hand of the City Clerk, and the seal of

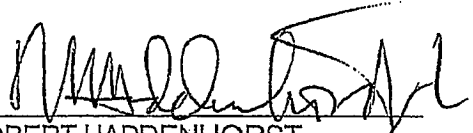
BILL No 5203

ORDINANCE No 5100

the City of Creve Coeur, Missouri shall be affixed thereto. The applicant shall provide three (3) copies of the recorded plat to the City of Creve Coeur.

SECTION 3: This Ordinance shall become effective pursuant to the provisions of Section 3.11(g) of the Charter.

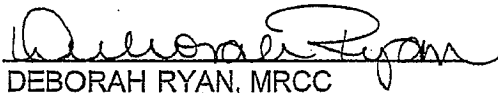
APPROVED THIS 24 DAY OF August, 2009


ROBERT HADDENHORST
PRESIDENT OF CITY COUNCIL

ADOPTED THIS 24 DAY OF August, 2009


HAROLD DIELMANN
MAYOR

ATTEST:


DEBORAH RYAN, MRCC
CITY CLERK

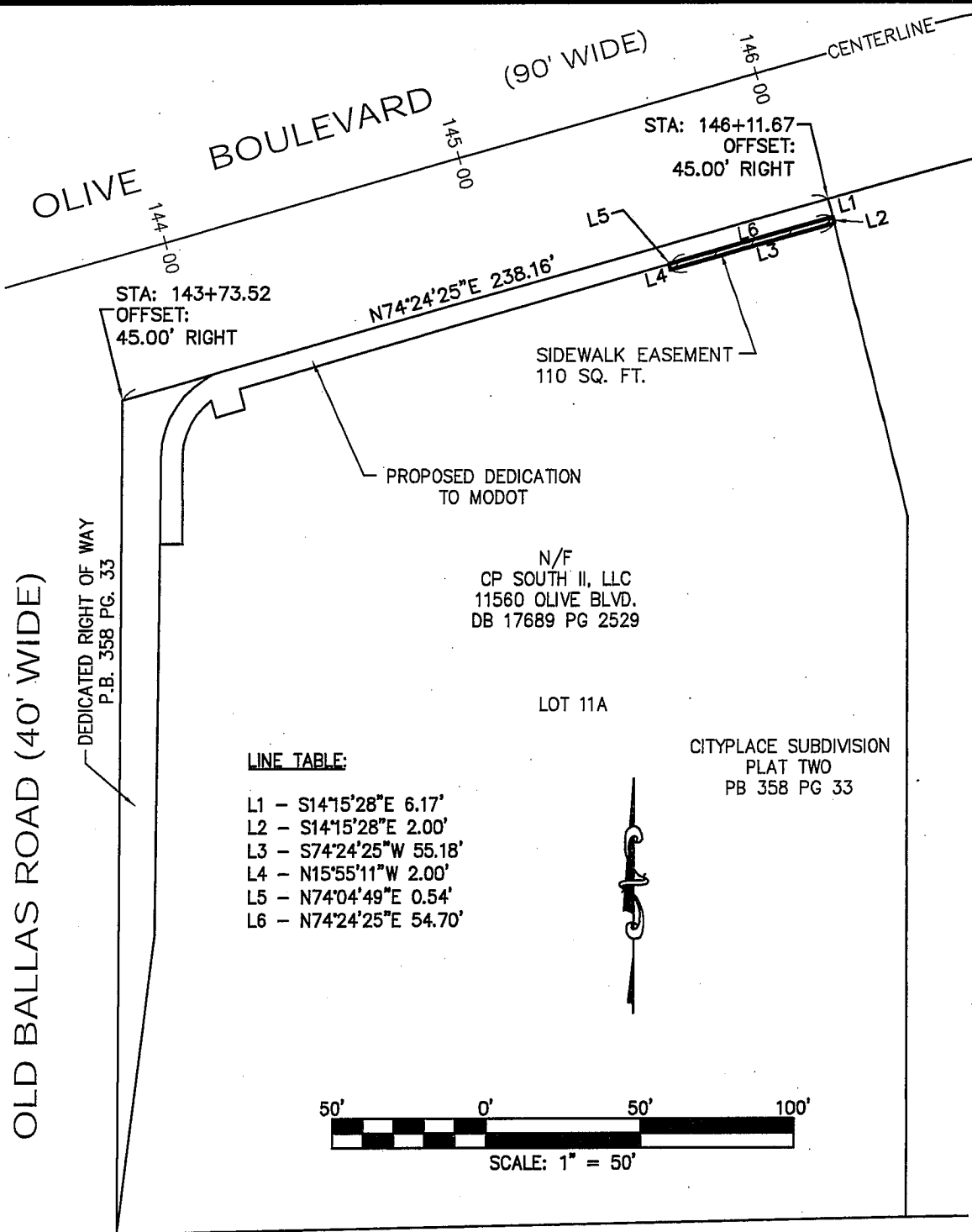
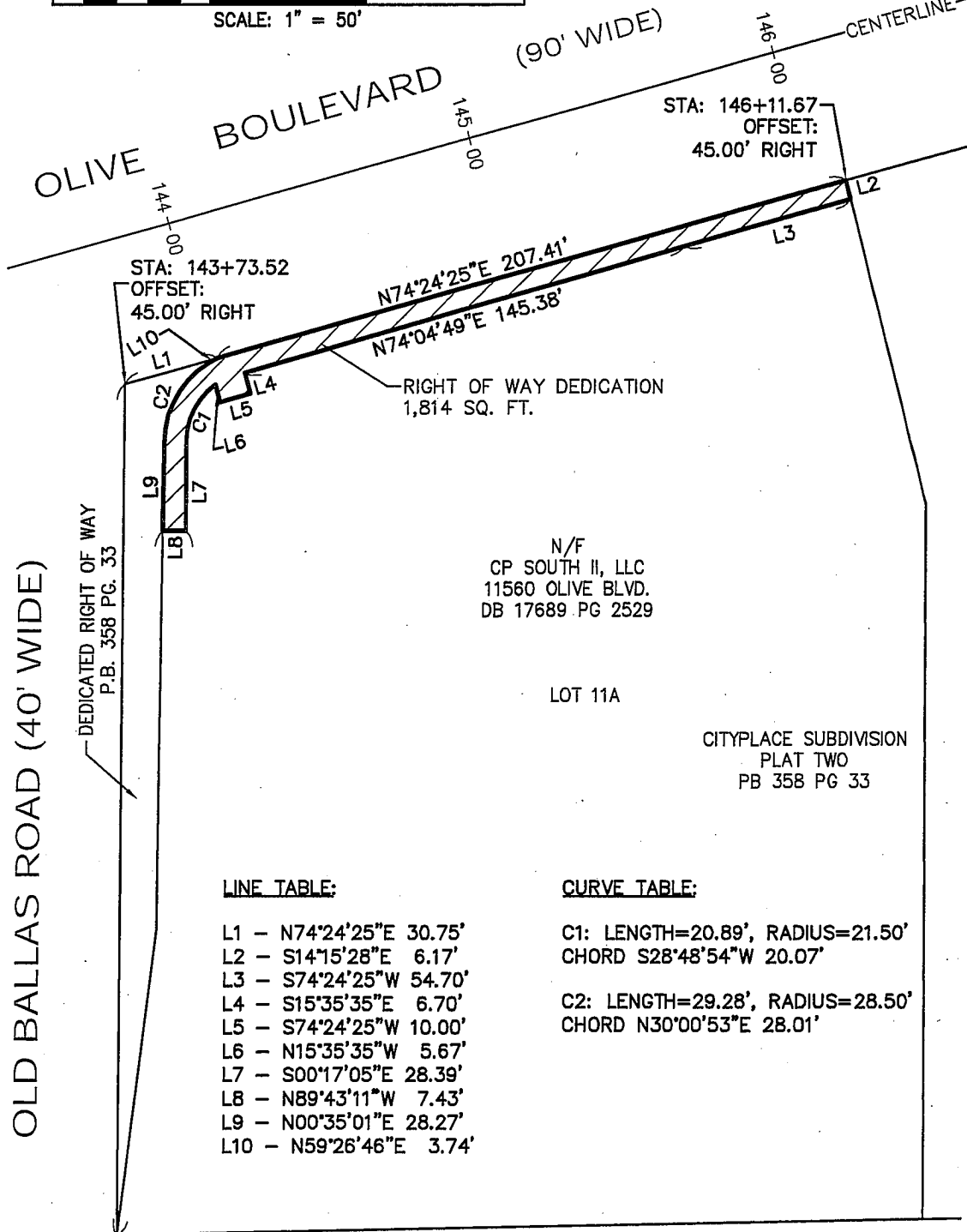
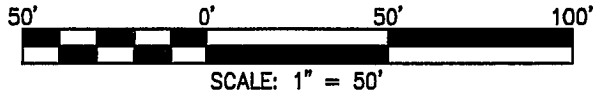


EXHIBIT "A"

INITIAL: _____

SIDEWALK EASEMENT

A TRACT OF LAND BEING PART OF THE NORTHEAST FRACTIONAL 1/4 OF
 SECTION 3, TOWNSHIP 45 NORTH, RANGE 5 EAST
 ST. LOUIS COUNTY, MISSOURI.



LINE TABLE:

L1 -	N74°24'25"E	30.75'
L2 -	S14°15'28"E	6.17'
L3 -	S74°24'25"W	54.70'
L4 -	S15°35'35"E	6.70'
L5 -	S74°24'25"W	10.00'
L6 -	N15°35'35"W	5.67'
L7 -	S00°17'05"E	28.39'
L8 -	N89°43'11"W	7.43'
L9 -	N00°35'01"E	28.27'
L10 -	N59°26'46"E	3.74'

CURVE TABLE:

C1: LENGTH=	20.89',	RADIUS=	21.50'
CHORD	S28°48'54"W		20.07'
C2: LENGTH=	29.28',	RADIUS=	28.50'
CHORD	N30°00'53"E		28.01'

EXHIBIT "A"

REVISED: 5/18/10 DATE: 3/31/09

INITIAL: _____

RIGHT OF WAY DEDICATION

A TRACT OF LAND BEING PART OF THE NORTHEAST FRACTIONAL 1/4
 OF SECTION 3, TOWNSHIP 45 NORTH, RANGE 5 EAST
 ST LOUIS COUNTY, MISSOURI

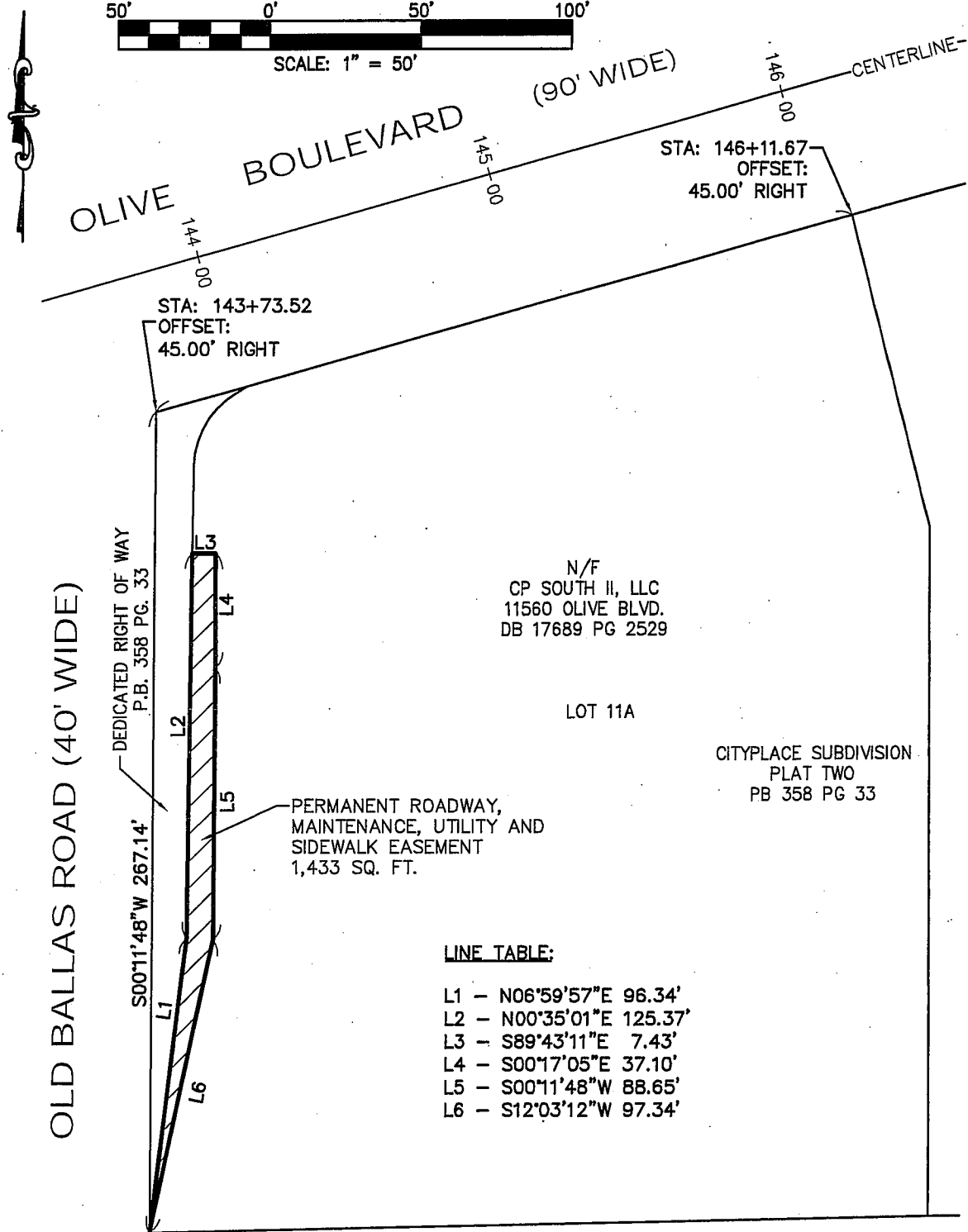


EXHIBIT "A"

REVISED: 5/18/10 DATE: 3/31/09

INITIAL: _____

PERMANENT ROADWAY, MAINTENANCE, UTILITY & SIDEWALK EASEMENT

A TRACT OF LAND BEING PART OF THE NORTHEAST FRACTIONAL 1/4
 OF SECTION 3, TOWNSHIP 45 NORTH, RANGE 5 EAST
 ST LOUIS COUNTY, MISSOURI



city of CREVE COEUR

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STAFF MEMORANDUM TO THE PLANNING AND ZONING COMMISSION

Meeting Date: October 18, 2010

Subject: Application #10-029
Various Sections of Chapter 405, The Zoning Code, and Chapter 410, The Subdivision and Development of Land.

Location: City-wide.

Requested Action: Multiple amendments to correct section references, to improve clarity, to require electronic application materials, to require public hearings at the Planning Commission on certain items, and to conform certain definitions and regulations to Federal law and legal precedents.

Applicant Zoning Administrator
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

Memo Prepared by:

Paul Langdon, AICP
Director of Community Development

Date

Attached: Draft Ordinance

SUMMARY AND ACTION

On September 20, the Planning Commission discussed this wide-ranging amendments to various sections of the Zoning Code with the intention of improving transparency in the processes, improving readability, and correcting errors. At the conclusion of the discussion, the members of the Commission voted to include most of the changes as written, to codify the public notice signs at the size they are today, and then to continue the overall decision until the next regularly scheduled meeting so that additional thought could be given to the idea of holding public hearings before the Planning Commission instead of the City Council. The necessary modifications have been made to the ordinance and, if the members are prepared to move forward on the public hearing matter, the Commission should vote on a recommendation to the City Council. If a recommendation is made, the public hearing before Council would be tentatively scheduled for November 22, 2010. If the Commission chooses to continue the discussion, any additional direction or instructions should be provided to staff.

MOTION

The following are examples of a motion for this application:

“I move to recommend approval of the draft text amendment ordinance attached to the staff memorandum on application #10-029, dated October 18, 2010.” (amendments should be made by prior motion)

Or, to allow time for further modifications:

“I move to continue application #10-029, so staff can modify the draft ordinance in accordance with the direction of the Planning Commission.”

APPENDIX 1: ZONING CODE

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

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING CODE, CHAPTER 405, AND THE SUBDIVISION CODE, CHAPTER 410, OF THE CREVE COEUR CODE OF ORDINANCES, INCLUDING CHANGES IN PROCEDURES TO INCREASE PUBLIC AWARENESS OF PENDING MATTERS AND CHANGES TO MEET NEW LEGAL REQUIREMENTS.

WHEREAS, Chapter 405, Article IX Sections 405.1030 through 405.1150 of the City Code of Ordinances pertain to zoning procedures; and

WHEREAS, Chapter 410, Article II, Sections 410.090 to 410.140 and Article V, Section 410.530 pertain to subdivision and land development procedures; and

WHEREAS, interested citizens asked the City to consider various changes to such procedures with a goal of improving public awareness and understanding of zoning and subdivision proposals that come before the City; and

WHEREAS, there have been changes in statutes and case law that pertain to zoning and subdivision matters, including regarding the definition of family, licensing of group homes, and adult businesses; and

WHEREAS, based on discussions of such matters at public meetings of the City Council and Planning and Zoning Commission, the Zoning Administrator and City Attorney developed potential changes to such codes; and

WHEREAS, the Planning and Zoning Commission examined such materials and recommended approval of specific changes at its meeting held on _____ by a vote of _____; and

WHEREAS, the City Council held a public hearing thereon at the Creve Coeur Government Center on _____ beginning at 7:00 p.m. or immediately following the close of the previous public hearing; and

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

WHEREAS, consistent with the contemplated changes, the City also provided notice thereof in advance of the Planning and Zoning Commission and City Council meetings, posted on the City's bulletin board, website, and a sign outside the Government Center, and in the City newsletter; and

WHEREAS, all persons who presented themselves at said meetings 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 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 such amendments of 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. Chapter 405, Article IX Sections 405.1030 through 405.1150 of the City Code of Ordinances are hereby amended to read as follows:

ARTICLE IX. ADMINISTRATION

SECTION 405.1030: PLANNING AND ZONING COMMISSION

A. *Establishment And Purpose.* The Creve Coeur Planning and Zoning Commission (Commission hereafter) is hereby established to advise the City Council on how best to preserve and protect the existing residential and business community, to provide for, plan, guide and direct the development, redevelopment and growth of the City and to encourage high standards of architectural, site and landscape design and to encourage public participation.

B. *Composition, Appointment, Compensation, Removal.*

1. The Commission shall consist of seven (7) members. The members shall be U.S. citizens and residents of the City for at least one (1) year immediately preceding appointment and throughout their term of service. All members shall be qualified by knowledge or experience to act on questions pertaining to the development of the City. The Commissioners shall hold no other office or position in City Government. The Mayor shall appoint the Commissioners with the consent and approval of a majority of the City Council. Appointments shall be for terms of three (3) years, with the terms of all Commissioners expiring on June thirtieth (30th) of the last year of the members' term. Appointments to fill vacancies shall be for the unexpired portion of that term, although an individual may be reappointed for a further term.

2. Compensation for service on the Commission shall be as determined ~~periodically~~ annually by the City Council. Members may be removed for cause by the City Council. A member so removed may request and receive a written statement of charges and a public hearing before the City Council.

C. *Officers And Staff.* The Mayor shall appoint a Chairman with the consent and approval of the City Council. The Commission shall elect a Vice Chairman from among its members. The City Council, at its discretion, may provide for necessary expenses of the Commission incurred in the performance of its duties.

D. *Rules And Regulations.*

1. As necessary and as long as not inconsistent with the provisions of the City Code or other ordinances of the City, the Commission may provide such rules and regulations as it may deem necessary to carry out the provisions of this Chapter. The Commission shall by rule establish a regular meeting time and procedure for giving notice of its meetings and shall file these regulations in the office of the City Clerk. The Commission shall have the authority to call special meetings as it deems necessary.

2. The seven (7) voting members of the Commission shall transact the official business of the Commission with four (4) voting members constituting a quorum. If a quorum is present, the votes of a majority of those attending shall be required for recommendation of any action or measure or for transaction of any business. However, four (4) affirmative votes of voting members shall be required for approval of a request of a rezoning ([Section 405.1060](#)), an amendment to the text of this Chapter ([Section 405.1060](#)), a conditional use permit ([Section 405.1070](#)) or a site development plan, site concept plan or minor site development plan ([Section 405.1080](#)).

~~3. No member shall hear, discuss with other members of the Commission or act on any items before the Commission which would constitute a conflict of interest for that member as established in Sections 105.450, RSMo., et seq.~~

E. *Powers And Duties.* The Commission shall have the following powers and duties:

1. To prepare and submit to the City Council for its approval a comprehensive plan for the physical development of the City or portions thereof and recommended modifications of the same from time to time as deemed in the City's best interest.

2. To prepare and submit to the City Council for its approval a zoning ordinance and Zoning Map with such regulations as to the location, height, width, bulk and appearance of buildings and other structures, the use of land and buildings and the layout, improvement and landscaping of the site of any proposed development or redevelopment of property within the City of Creve Coeur, as it shall determine to be necessary or desirable for the promotion of the health, safety and general welfare of the inhabitants of the City.

3. To consider all requests for rezoning, zoning text amendments ([Section 405.1060](#)), site development plan approval ([Section 405.1080](#)) and conditional use permit ([Section 405.1070](#)) in the manner prescribed elsewhere in this Chapter.

4. To petition the City Council on its own initiative to amend, supplement, change or repeal this Chapter or any part thereof or to amend the

zoning ordinance or Zoning Map as the Commission determines to be in the City's best interest.

5. To submit an annual written report to the City Council containing the Commission's recommendations concerning this Chapter, a summary of its activities during the past year and its recommendations on specific community goals and objectives for the future and programs for achieving these.

6. To recommend to the City Council the preparation of such municipal, State or national legislation as may, in the interest of the City, be necessary in carrying out the recommendations or suggestions of the Commission.

7. To prepare and submit to the City Council such other reports relating to its investigations, transactions and recommendations as it deems proper or as required by the Mayor or the City Council.

8. To promulgate site development standards, architectural standards and guidelines for new construction, reconstruction or alterations for the purpose of assuring the mutual compatibility of buildings and their surroundings and the appearance, function and permanence of the location, form, shape, massing and exterior materials of building and site improvements. (R.O. 2008 §26-110; Ord. No. 1903 §1, 11-24-97; Ord. No. 1918 §§1--2, 1-26-98; Ord. No. 1978 §§1--2, 1-11-99; Ord. No. 2036 §1, 11-22-99)

SECTION 405.1040: BOARD OF ADJUSTMENT

A. *Establishment And Purpose.* The Creve Coeur Board of Adjustment is hereby established to further the general purpose and intent of this Chapter by varying its terms in appropriate circumstances, subject to conditions and safeguards and in accord with the other provisions herein.

B. *Composition, Appointment, Compensation, Removal.* The Board of Adjustment shall consist of five (5) members and three (3) alternates who shall be residents of the City. The members and alternates shall be appointed by the Mayor with the consent and approval of a majority of the City Council. Appointments shall be for terms of five (5) years with an expiration date of June thirtieth (30th). Appointments to fill vacancies shall be for the unexpired portion of the term only. Compensation for services on the Board of Adjustment shall be determined ~~annually~~ periodically by the City Council. Members of the Board of Adjustment may be removed for cause by the City Council. A member thus removed may request and receive a written statement of charges and a public hearing before the City Council.

C. *Officers.* The Board of Adjustment shall elect a Chairman who shall serve for a term of one (1) year. The Board of Adjustment shall annually select a Vice Chairman from among its members.

D. *Rules And Regulations.* The Board of Adjustment may adopt such rules as necessary from time to time to carry out the provisions of this Chapter, provided they are not inconsistent with the provisions of this Chapter or other ordinances of the City. Meetings of the Board of Adjustment shall be held as called by the Chairperson and at such other times as the Board of Adjustment shall determine. The Chairman, or in his/her absence, the Acting Chairperson, court reporter or City Clerk, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Board for the purpose. It shall keep records of its examinations and other official actions and all records shall be immediately filed in the office of the City Clerk and shall be a public record.

E. *Powers And Duties.* The Board of Adjustment shall have the following powers and duties:

1. To hear and decide all matters referred to it and upon which it is required to pass under this Chapter.

2. To interpret the provisions of this Chapter in such a way as to carry out its intent and purpose.

3. To hear appeals in a manner prescribed in [Section 405.1110\(I\)](#) of this Chapter, where it is alleged there is error in any order, requirement, decision or determination made in the enforcement or interpretation of this Chapter.

4. To authorize variances upon appeal in accordance with the provisions of [Section 405.1110](#) of this Chapter.

5. To permit a variance in the yard requirements of any district where there are severe practical difficulties or extreme hardships in the carrying out of these provisions due to an irregular shape or size of the lot, the sites of pre-existing buildings, topographical or other site conditions; provided, that such variance shall not have a serious adverse impact on any adjoining property or the general welfare or establish an unsatisfactory precedent for other locations and situations.

6. To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership on the date of adoption of this Chapter. (R.O. 2008 §26-111; Ord. No. 1903 §1, 11-24-97; Ord. No. 5123 Exh. A, 2-22-10)

SECTION 405.1050: ZONING ADMINISTRATOR

A. *Appointment.* A Zoning Administrator shall administer and interpret this Chapter pursuant to [Section 120.130](#) of this Code.

B. *Duties.* The Zoning Administrator or his/her duly designated and acting deputy shall enforce and perform those tasks necessary for administration of this Chapter and of [Chapter 410](#), Subdivision and Development of Land. In addition to and in furtherance of this authority, the Zoning Administrator shall:

1. Determine compliance with all relevant zoning provisions, standards and conditions of all applications for building permits as provided in this Chapter and other applicable City ordinances.

2. Conduct inspections of all buildings, structures and use of land to determine compliance with, or violations of, the provisions of this Chapter.

3. Furnish to the various departments, officers or employees of the City vested with the authority to issue permits or licenses such information as will ensure the proper administration of this Chapter.

4. Receive, check for compliance with the various submission requirements contained herein and forward to the Commission all applications for: amendment to the text of this Chapter or to the Zoning Map ([Section 405.1060](#)); site development plan approval ([Section 405.1080](#)); conditional use permit ([Section 405.1070](#)); building permits (~~Section 405.1090~~); occupancy permits (~~Section 405.1100~~); sign permits ([Section 405.920](#)); residential designed development ([Section 405.450\(C\)](#)); and variances ([Section 405.1110](#)).

5. Forward to the Board of Adjustment all papers constituting the record upon which actions appealed from are taken.

6. Report annually in writing to the Commission and the City Administrator on the administration of this Chapter with special attention to enforcement problems and deficiencies in its content, procedures and standards.

7. Maintain permanent and current records of this Chapter including reports, memoranda and correspondence relating to the various actions and determinations of the Planning and Zoning Commission, Board of Adjustment and City Council relative to this Chapter.

8. Perform the duties of Executive Secretary to the Board of Adjustment.

9. Notify in writing, if any violations of the provisions of this Chapter are found, the persons responsible for such violation. In giving notification, the Zoning Administrator shall indicate the nature of the violation and order the action necessary to correct it. He/she shall order discontinuation of any illegal use of land, buildings or structures, removal of illegal buildings or structures or of illegal additions or alterations, discontinuance of any illegal work being done or take any other action

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authorized by this Chapter to ensure compliance with or to prevent violation of its provisions.

10. Act as liaison between the other departments of the City and the Planning and Zoning Commission.

11. From time to time prepare and submit to the City Council for its consideration a recommended schedule of fees and charges to be assessed in connection with the procedures outlined in this Chapter. (R.O. 2008 §26-112; Ord. No. 1903 §1, 11-24-97)

SECTION 405.1060: ZONING CHANGES AND TEXT AMENDMENTS

A. ~~Requirements.~~

~~1. Generally.~~ The City Council may, from time to time, on the receipt of a recommendation from the Planning and Zoning Commission, amend, modify or revise by ordinance the boundaries and/or classification of districts (hereafter referred to as a "rezoning") or the regulations or restrictions herein established (hereafter referred to as a "text amendment"). Written application for any amendment may be filed by the Mayor, any member of the City Council or Planning and Zoning Commission or the Zoning Administrator. Applications may also be filed by any governmental body or person with a financial, contractual or proprietary interest in property that would be affected by the proposed amendment.

~~2. Simultaneous filing requirement. To expedite processing by the Planning and Zoning Commission and the City Council, copies of all applications for rezoning or text amendment that have been properly filed with the Zoning Administrator shall be transmitted to the Mayor and the City Council at the same time copies are forwarded to the Planning and Zoning Commission.~~

B. *Application And Submission Requirements.* The application shall be made on a form provided by the Zoning Administrator. ~~Said~~ The application shall be signed by the applicant and shall state the applicant's name, and mailing address, telephone number, and (if available) email address as well as:

1. *Text amendments.* An application for text amendment shall set forth the new text to be added and existing text to be deleted.

2. *Rezoning.* An application for a rezoning shall include a legal description of the property to be changed from one category to another, as well as a map or overlay on the existing map graphically describing said change, and any required site concept or site development plan.

An application for either a text amendment or rezoning shall comply with and be in accordance with the format and procedures adopted by the Planning and Zoning Commission and shall be filed with the City Clerk Zoning Administrator in both paper

format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free.

Every request for rezoning of property to one (1) of the following zoning districts shall be accompanied by a site concept or site development plan for approval pursuant to Section 405.1080~~in compliance with this Chapter:~~

Comment [MSOffice1]: This is relocated from 405.1080

- "AR" Attached Single-Family Residential
- "HE" Higher Education
- "PH" Planned Hospital
- "PO" Planned Office
- "RO" Research and Office Park
- "MX" Mixed Use
- "PC" Planned Community
- "GC" General Commercial
- "CB" Core Business
- "LI" Light Industrial

The action of the Planning and Zoning Commission approving, disapproving or conditionally approving the site concept or site development plan shall accompany its recommendation to the City Council regarding the rezoning. Application for the utilization of single-family residences for non-residential uses with the "A", "B", "C" or "D" Single-Family Residential Districts, where fronting on certain arterial streets, shall require in accordance with Section 405.450(D) the approval of a site development plan by the Planning and Zoning Commission. Other requirements for site development plan approval may be specified in this Chapter.

C. *Limitations Of Filing.*

1. An application for text amendment or rezoning shall not be accepted by the Zoning Administrator:

a. If the ~~requested change~~application does not comply with all the requirements of this Section and any regulation published pursuant thereto or if required fees and escrows have not been submitted.

b. If a previous application for rezoning the same property was approved or denied within twelve (12) months of this new application. The application shall be accepted, however, if the Zoning Administrator ~~verifies~~determines that substantial new facts ~~which~~ warrant reapplication ~~have been established~~.

2. An application for a text amendment or rezoning filed by the Mayor, a member of the City Council or the Planning and Zoning Commission or the Zoning Administrator may be accepted at any time regardless of the time limitations stated above.

3. After the Zoning Administrator has accepted and determined to be complete an application for rezoning by a private person, the application may not be modified as to the area proposed to be rezoned or as to the class of zone requested, unless the Zoning Administrator, the Planning and Zoning Commission or the City Council, at their discretion, allow such modification.

D. *Application Review Procedure.*

1. *Zoning Administrator.* The Zoning Administrator shall receive the application and determine ~~that whether~~ it is complete with respect to all applicable submission requirements. Upon an affirmative such determination, the Zoning Administrator shall promptly: (1) prior to forwarding the application to the Planning and Zoning Commission, Mayor and City Council, (2) cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (3) cause a sign regarding the rezoning to be posted on the affected property, or for text amendment at the Government Center, and (4) cause the application to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. An application shall have been received and determined to be complete by the Zoning Administrator and the Zoning Administrator's review and any accompanying coordinated review of a site concept and site development plan shall have been completed at least thirty (30) ten (10) calendar days prior to date of the meeting of the Planning and Zoning Commission ~~for which it is first in order to be~~ included on the agenda, ~~unless otherwise approved by the Zoning Administrator due to extraordinary circumstances. In no case shall any application be received and determined to be complete by the Zoning Administrator fewer than ten (10) calendar days prior to the meeting of the Planning and Zoning Commission for which it is included on the agenda.~~ The Zoning Administrator shall also prepare a staff analysis and submit a report in conjunction with all applications being forwarded to the Planning and Zoning Commission, and shall submit such analysis and report to the Commission, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of that meeting.

2. *Planning and Zoning Commission.* The Planning and Zoning Commission shall consider the application along with the staff report and decide whether or not to recommend approval.

~~3. *Public hearing.* After receipt of a recommendation from the Planning and Zoning Commission, the City Clerk shall set a date for a public hearing before the City Council.~~ **Alternate-3. Public hearing. Prior to the Commission making its decision regarding an application, the City Clerk shall set a date for a public hearing before the Commission** and publish a public notice as required under **Section 405.1120, Notice and Hearings**, of this Code **and post it on the City website**. In the instance of a rezoning application, the City Clerk shall also send written notices of said public hearing to the owners of the subject property and all owners of property located within an area determined by lines drawn parallel to and three hundred (300) feet distant from the boundaries of the property for which a rezoning is sought, stating the nature of the proposed Zoning District Map amendment and advising of the date, time and location of the public hearing. **For a text amendment no notice shall be mailed, but notice of the hearing shall also be published in the City newsletter.** No application for text amendment or rezoning may be approved until after such hearing is held.

4. *City Council.* **After receipt of a recommendation from the Commission, the City Council shall consider the application.** In case of a protest against a text amendment or rezoning duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds (⅔) of all of the members of the City Council.

E. *Standards.* Zoning regulations shall generally be made:

1. In accordance with a comprehensive plan;
2. To lessen congestion in the streets;
3. To secure safety from fire, panic and other damages;
4. To promote health and the general welfare;
5. To provide adequate light and air;
6. To prevent the overcrowding of land;
7. To avoid undue concentration of population;
8. To preserve features of historical significance; and

9. To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Additionally, such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

Zoning regulations should be changed if the public welfare is not served by the zoning or if the public interest served by the zoning is greatly outweighed by the detriment to private interests. In making this determination, the City should consider the adaptability of the subject property to its zoned use and the effect of zoning on property value in assessing private detriment. The character of the neighborhood, the zoning and uses of nearby property, and the detrimental effect that a change in zoning would have on other property in the area are relevant to the determination of public benefit. (R.O. 2008 §26-113; Ord. No. 1903 §1, 11-24-97; Ord. No. 4091 §1, 6-25-07)

SECTION 405.1070: CONDITIONAL USE PERMITS

A. ~~Purpose And Intent~~Generally.

1. ~~The purpose of the~~ conditional use permits is to provide the City with a procedure for determining the appropriateness of a proposed use not authorized as a matter of right by the regulations of the district in which the use is proposed to be located. The appropriateness of the use shall be determined in consideration of surrounding uses, activities and conditions of the site and of surrounding areas. Based upon this determination, the City may decide to permit, reject or permit conditionally the use for which the conditional use permit is sought.

B. ~~Authorization.~~2. The City Council may authorize by ordinance, under prescribed conditions, the construction or undertaking of any conditional use that is expressly permitted as a conditional use in a particular zoning district; however, the City reserves full authority to deny any request for a conditional use, to impose conditions on the use or to revoke approval at any time, upon a finding that the permitted conditional use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

3. An application for a conditional use permit may be filed by any person with a financial, contractual or proprietary interest in the subject property.

~~C.~~ Application And Submission Requirements.

~~An application for a conditional use permit may be filed by the owner or tenant of the property in question or by a prospective owner or tenant on a form provided by the Zoning Administrator.~~

~~2. The application shall be filed in the office of the Zoning Administrator on a form provided by the Zoning Administrator in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free, who shall forward the application to the Planning and Zoning Commission. At the same time, a copy of the application shall be transmitted to the Mayor and City Council. The application shall be signed by the applicant and shall state the applicant's name, mailing address, telephone number, and (if available) email address. The application shall contain such information as the Planning and Zoning Commission may prescribe, by regulations which shall be filed with the Community Development Department. Such regulations regarding submission requirements and shall include but not be limited to, those items specified in Section 405.1080(C)(2) regarding site concept and site development plan approval.~~

C. Limitations of Filing.

~~3. At the time an application for a conditional use permit is filed, the applicant shall pay the City a fee according to a schedule established by the City Council together with any required escrows. An application for conditional use permit shall not be accepted by the Zoning Administrator:~~

~~(a) If the application does not comply with all the requirements of this Section and any regulation published pursuant thereto or if required fees and escrows have not been submitted.~~

~~(b) If a previous application for the same conditional use for the same property was denied within twelve (12) months of this new application. The application shall be accepted, however, if the Zoning Administrator determines that substantial new facts warrant reapplication.~~

D. Application Review Procedures.

~~1. Zoning Administrator. The Zoning Administrator shall receive the application and determine that whether it complies with all applicable submission requirements. Upon an affirmative such determination the Zoning Administrator shall promptly: (1) prior to forwarding the application to the Planning and Zoning Commission, Mayor and City Council, (2) thereafter cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (3) cause a sign regarding the application to be posted on the affected~~

property, and (4) cause the application to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. An application shall have been received and determined to be complete by the Zoning Administrator and the Zoning Administrator's review and accompanying coordinated review of the site concept and site development plan shall have been completed at least thirty (30) ten (10) calendar days prior to date of the meeting of the Planning and Zoning Commission in order to be for which it is first included on the agenda, unless otherwise approved by the Zoning Administrator due to extraordinary circumstances. In no case shall any application be received and determined to be complete by the Zoning Administrator fewer than ten (10) calendar days prior to the meeting of the Planning and Zoning Commission for which it is included on the agenda. The Zoning Administrator shall also prepare a staff analysis and submit a report in conjunction with all applications being forwarded to the Planning and Zoning Commission, and shall submit such analysis and report to the Commission, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of that meeting.

Note--The FCC has established that local governments must act on requests to collocate on a communications tower within ninety (90) days and on all other tower siting applications within one hundred fifty (150) days. See Declaratory Ruling, WT Docket No. 08-165, released November 18, 2009.

2. *Planning and Zoning Commission.* The Planning and Zoning Commission shall consider the applications and decide whether to recommend approval.

~~3. *Public hearing.* After receipt of a recommendation from the Planning and Zoning Commission, the City Clerk shall set a date for a public hearing before the City Council.~~ **Alternate 3. Public hearing. Prior to the Commission making its decision regarding an application, the City Clerk shall set a date for a public hearing before the Commission** and the time the date for a public hearing has been set by the Planning and Zoning Commission, the City Clerk shall publish a public notice as required under Section 405.1120, Notice and Hearings, of this Code and post it on the City website. The City Clerk shall also send written notices to all owners of property located within an area determined by lines drawn parallel to and three hundred (300) feet distant from the boundaries of the property for which a conditional use permit is sought, stating the nature of the proposed use and advising of the date, time and location of the public hearing. No application for a conditional use permit may be approved until after such hearing is held.

4. *City Council.* After receipt of a recommendation from the Commission, the City Council shall consider the application.

E. *Standards.* The City Council shall not approve a conditional use unless it finds that the application and evidence presented clearly indicate that the proposed conditional use:

1. Complies with all other applicable provisions of this Chapter including environmental performance standards presented in [Section 405.550](#), the criteria in [Section 405.470](#) and the standards of this Chapter in regard to yard and setback, parking and loading areas, screening and buffering, refuse, storage and service areas and signs.

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.

F. *Conditions And Restrictions.* In approving a conditional use permit application, the City Council may impose conditions and restrictions as necessary to assure that the standards of [Section 405.1070\(E\)](#) are complied with and the general intent of this Chapter is carried out. [Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and restrictions imposed by the City Council.](#) Any future enlargement or alteration in the use of the structure 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 or alteration may be issued. Failure to comply with any of these conditions or restrictions shall constitute a violation of this Chapter punishable as provided in Section 405.1150 of this Chapter.

G. *Expiration.*

1. A conditional use permit granted by the City Council shall not be valid for a period longer than one (1) year from the date it is granted, unless within such period:

a. A building permit is obtained and substantial construction is begun; or

b. If a building permit is not required, an occupancy permit is obtained and the authorized use is commenced.

2. The City Council may grant extensions to the one (1) year period of not more than one hundred 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. (R.O. 2008 §26-114; Ord. No. 1903 §1, 11-24-97; Ord. No. 2091 §2, 11-27-00; Ord. No. 5123 Exh. A, 2-22-10)

SECTION 405.1080: SITE CONCEPT, SITE DEVELOPMENT AND MINOR SITE PLAN APPROVAL

A. *Purpose And Intent.* The purpose of the site concept, site development plan and minor site plan approval procedures is to enable the City to consider potential impacts upon the area in the vicinity of the property, to ensure consistency with good planning practice and to ensure high standards of site design for the general welfare of the City and its residents.

B. Types Of Site Plans.

1. Site plans shall be divided among site concept plans, site development plans and minor site plans. Within this Section, requirements for site development plans do not apply to site concept plans or minor site plans unless specifically indicated ~~or unless required by Section 405.1080(J) or Section 405.1080(K).~~

~~2. Site concept plans shall follow the review procedures in Section 405.1080(D), abide by the conditions and restrictions outlined in Section 405.1080(E) and specifically comply with the provisions of Section 405.1080(J) or Section 405.1080(K) as applicable.~~

~~23. Site development plans shall follow the procedures outlined in this Section except for those included in Sections 405.1080(J) and 405.1080(K).~~ A site development plan shall be required for:

a. Any conditional use,

b. Any project which includes the development of a parcel of land that contains no buildings or for which the existing buildings are to be removed and a new building or buildings constructed,

c. Any development that is adding more than five thousand (5,000) square feet of new impermeable surface to a site, and

d. Any development which will add less than five thousand (5,000) square feet of new impermeable surface to a site where such site has previously received one (1) or more minor site plan approvals and the sum total of the impermeable surface added and proposed to be added to the site exceeds five thousand (5,000) square feet. A site development plan must be approved by the Planning and Zoning Commission.

34. Minor site plans shall be defined as plans for:

- a. The expansion of a permitted use,
- b. Change in use to another permitted use, or

c. 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 any such expansion, change or redevelopment shall not add more than five thousand (5,000) square feet of new impermeable surface to the site. More than one (1) minor site plan may be approved for an individual site, provided that the sum total of the new impermeable surface of all of the minor site plans does not exceed five thousand (5,000) square feet. A minor site plan must be approved by the Planning and Zoning Commission.

45. If there is any question or ambiguity in these regulations when determining whether a proposed development must file a site development plan or a minor site plan, the applicant shall be required to file a site development plan and follow the procedures pertaining thereto outlined in Section 405.1080(D).

C. *Application And Submission Requirements, Generally.*

1. An application for site concept or site development plan approval may be filed by any person with a financial, contractual or proprietary interest in the property to be developed according to the submitted plan.

2. All applications for site concept or site development plan approval shall be filed in the office of the Zoning Administrator in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free. The An application for site development plan approval shall contain the following information as prescribed herein as well as such additional information as the Planning and Zoning Commission may prescribe by additional administrative regulations, filed with the City Clerk. The An application for site concept plan approval shall contain the following information as prescribed in items (a) and (b) as well as the information required by Section 405.1080(DJ), as well as such additional information as the Commission may prescribe by administrative regulations.

a. All applications shall be signed by the applicant and shall state the applicant's name, mailing address, ~~and~~ telephone number, and (if available) email address.

b. The site concept or site development plan shall include all necessary data and drawings in order that the Zoning Administrator can determine whether the proposed use and development complies with the district requirements and that City departments affected by the project may assess the impact of the proposed development on public facilities and services and on the surrounding area.

D. *Site Concept Plans*. When a site or project greater than ten (10) acres in size or a tract of a different size as required elsewhere in this Chapter provides for the construction of a complex of buildings and site improvements, such as hospital, college or universities, and mixed use developments to be developed over an extended period of time or in multiple phases, a site concept plan shall be submitted for approval by the Planning and Zoning Commission and, if required by the zoning ordinance, the Creve Coeur City Council. This site concept plan shall contain at least the following information:

Comment [MSOffice2]: This subsection D is relocation of current subsection J

1. The location of the parcel in relation to all surrounding and adjacent uses, buildings and zoning;
2. The location of the parcel in relation to major arterials and/or highways and any roadways or drives connecting the parcel to those major thoroughfares;
3. The boundaries, dimensions and area of the parcel;
4. The proposed use and development of the parcel including principle and accessory uses;
5. The location and size of each existing structure and building on the parcel;
6. The footprint of each proposed building or structure on the parcel;
7. The height and number of stories of all proposed building and structures;
8. The amount of land area covered by all proposed buildings, structures, drives and parking facilities;
9. The ratio of floor area to land area (FAR);

10. Approximate locations of existing and proposed utility easements and stormwater retention areas;
11. Existing and proposed contours at vertical intervals of not more than five (5) feet;
12. Two (2) section profiles through the site showing preliminary building form, existing natural and proposed final grade;
13. Preliminary plan for sanitation and drainage facilities;
14. Drawings shall contain the project name, street names, a scale, north arrow and the date drawn and the scale for all drawings shall be no smaller than one (1) inch equals fifty (50) feet.

A site development plan shall then be submitted with applicable fees and escrow, for each specific building or phase within the project, for review and approval of the appropriate body. Such site development plan shall be submitted in advance of or in conjunction with an application for a building permit. Of primary importance in the review of a site development plan will be a determination that the plan complies with the site concept plan approved for the total development or project.

Either the City of Creve Coeur or the applicant may call for updates to the site concept plan at any time, as conditions or circumstances change.

E. Site Development Plans

1e. For a site development plan to be accepted for review, the following information shall be either placed on the site development plan or on a separate sheet accompanying the plan:

(1) All submissions to the City's Planning and Zoning Commission and City Council shall be properly sealed and signed by a licensed architect, professional engineer or land surveyor registered in the State of Missouri pursuant to laws and regulations established by the Missouri Board for Architects, Professional Engineers and Land Surveyors. An original seal, signature and print date shall appear on each page of one (1) original submittal set as evidence that the submitted material was prepared under the direction of a licensed architect, professional engineer or land surveyor. All other submissions shall be copies of the original set.

(2) Location map, north arrow and plan scale.

(3) Current zoning classification, proposed zoning classification, subdivision name, lot number and zoning of adjacent parcels.

(4) Title block including name of proposed project, name, address and phone number of preparers and project applicant or owner.

(5) Proposed use of each building and distance from adjacent property lines and required setback lines.

(6) The location and size of each building on the site.

(7) Legal description of the parcel or lot, the dimensions and area of the lot or site.

(8) The height and number of stories of the proposed building or buildings.

(9) Building schematic elevations depicting general size, shape and special design elements proposed as well as proposed materials to be used. Include two (2) sections at ninety degrees (90°) from each other through the proposed site and building(s).

(10) Location and identification of all easements (existing and proposed).

(11) Identification of utilities serving the site, water shed, fire district and school district.

(12) Location of existing and proposed sewage treatment, stormwater collection and detention (if applicable) and preliminary stormwater runoff calculations (if applicable)--amount of detention required and provided.

(13) Existing and proposed contour lines or elevations based on mean sea level datum.

(14) Site coverage data in a percentage form (a ratio of building and paved area to green space).

(15) The ratio of floor area to the site area (FAR).

(16) The location and number of proposed parking spaces, surface lot or structures, in relation to the applicable parking regulations in [Article VII](#). The layout shall include curb cuts, sidewalks, dimensional driveways and typical parking spaces showing handicapped parking and accessibility.

(17) Location and height of all light poles and trash enclosures.

(18) Existing and proposed landscaping including a concept landscape plan as described in [Section 405.540](#) including related site improvements such as walls, berms, fences, street furniture, water features and walkways.

(19) Photometric study.

2e. The site development plan shall be submitted with the appropriate applications, fees and escrows and shall contain, at a minimum, the information required above. Additional information to be placed on the site development plan beyond the requirements listed above may be requested by authorized departmental representatives of the City of Creve Coeur. Possible additional information includes, but is not limited to, report on project features, anticipated project schedule or phasing schedule, floodplain study and traffic impact study.

3e. It is the intent that once the Planning and Zoning Commission and/or City Council approves this plan, no further review by them is required. The approved site development plan then is to be utilized by the City staff to determine conformance with all requirements of this plan prior to issuance of a building permit.

E. Minor Site Plans-Application And Approval

Comment [MSOffice3]: This F is relocation of current K1

An application for minor site plan approval shall include applicable fees and escrow and a site plan containing the following:

a. All submissions to the City's Planning and Zoning Commission and City Council shall be properly sealed and signed by a licensed architect, professional engineer or land surveyor registered in the State of Missouri pursuant to laws and regulations established by the Missouri Board for Architects, Professional Engineers and Land Surveyors. An original seal, signature and print date shall appear on each page of one (1) original submittal set as evidence that the submitted material was prepared under the direction and control of a licensed architect, professional engineer or land surveyor. All other submissions shall be copies of the original set.

b. Location map, north arrow and plan scale.

c. Current zoning classification, subdivision name, lot number and zoning of adjacent parcels.

d. Title block including name of project, name, address and phone number of preparers and project applicant or owner.

e. Proposed use of any new or expanded building and distance from adjacent property lines and required setback lines.

- f. The location and size of each building on the site.
- g. Legal description of the parcel or lot, the dimensions and area of the lot or site.
- h. The height and number of stories of any proposed building or addition to an existing building.
- i. Location and identification of all existing and proposed easements.
- j. Proposed changes to contour lines or elevations based on mean sea level datum.
- k. Site coverage data in a percentage form (ratio of building and paved area to green space).
- l. Floor area ratio (FAR).
- m. The number of existing and proposed parking spaces and the location of any proposed parking spaces in relation to the applicable parking regulations in [Article VII](#) of this Chapter.
- n. The layout of any proposed curb cuts, sidewalks, dimensional driveways and typical parking spaces showing handicapped parking and accessibility. If no changes are proposed to the parking area, this information will not be required.
- o. Location and height of all proposed light poles and trash enclosures, if applicable.
- p. Existing and proposed landscaping including a concept landscape plan as described in [Section 405.540](#) including related site improvements such as walls, berms, fences, street furniture, water features and walkways.

GD. Review Procedure, [Site Concept and Site Development Plans](#).

1. A site concept or site development plan shall be submitted with the application for site concept or site development plan approval on a form provided by the Zoning Administrator which shall contain, at a minimum, that information required by ~~the any~~ district specific regulations in addition to the application and submission requirements of Section 405.1080~~(G)(2)~~. An application for site concept or site development plan approval shall not be accepted by the Zoning Administrator if the application does not comply with all the requirements of this Section

and any regulation pursuant thereto or if the required fees and escrows have not been submitted.

2. The Zoning Administrator shall coordinate the review and analysis of the site concept or site development plan application by the City staff including other affected City departments before any final action may be taken by the Planning and Zoning Commission on the application. ~~This coordinated administrative review of the application shall be completed within sixty (60) days of filing. The results of this review shall be compiled by the Zoning Administrator and reported by him/her to the Commission for its consideration.~~

3. The Zoning Administrator shall receive the application and determine whether it complies with all applicable submission requirements. Upon ~~an affirmativesuch~~ determination the Zoning Administrator shall promptly: (1) forward the application to the Planning and Zoning Commission, Mayor and City Council, (2) cause notice of the application to be publicly posted in the same manner as Commission meeting agendas, (3) cause a sign regarding the application to be posted on the affected property, and (4) ~~cause~~ the application to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. ~~An application shall have been received and determined to be complete by the Zoning Administrator and the coordinated review shall have been completed prior to date of the meeting of the Planning and Zoning Commission in order to be included on the agenda. The Zoning Administrator shall also prepare a staff analysis and report in conjunction with all applications being forwarded to the Planning and Zoning Commission, and shall submit such analysis and report to the Commission, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of that meeting.~~

4. In considering any application for approval of a site development plan, the Planning and Zoning Commission and City Council shall consider the following factors:

Comment [MSOffice4]: This is current subsection I

a. The relationship of proposed uses, functions, sites and buildings within the development tract to each other;

b. The relationship of proposed uses, functions, sites and buildings within the tract to existing land uses and the permitted uses of adjoining tracts in accordance with correct zoning;

c. The provisions and distribution of adequate parking facilities;

- d. The provision of proper means of access to and from public roads;
- e. The provision of site amenities including landscaping and fences;
- f. Applicable design guidelines; and
- g. Any other factors relevant to the public health, safety and convenience and general welfare of the residents of the City.

354. After the Planning and Zoning Commission receives the site concept or site development plan application and associated documents, it shall review the application and report it has received from the Zoning Administrator. The Planning and Zoning Commission may then either approve, disapprove or conditionally approve the site concept or site development plan application or forward its recommendation to the City Council if required elsewhere by this Chapter.

65. Once a site development plan, which contains the necessary information required by Section 405.1080(C)(2), receives approval of the Planning and Zoning Commission, or the City Council if required elsewhere by this Chapter, further review of the final building, construction and site improvement plans by the Planning and Zoning Commission or the City Council will not be required, provided those final plans are consistent with and in substantial compliance with the approved site development plan.

Comment [MSOffice5]: This is relocated from current subsection D

The City staff will review the final plans for consistency with the approved site development plan. Should the City staff, in its judgment, note "substantive changes" as defined in [Section 405.120](#) between the final plans and the approved site development plan, the plans will be referred back to the Planning and Zoning Commission and, if required, the City Council for review and approval of the changes prior to issuance of any construction permits by the City staff.

H. Review Procedure, Minor Site Development Plans

1. A minor site development plan shall be submitted with the application for minor site development plan approval on a form provided by the Zoning Administrator which shall contain, at a minimum, that information required by any district specific regulations in addition to the application and submission requirements of Section 405.1080(F). An application for minor site development plan approval shall not be accepted by the Zoning Administrator if the application does not comply with all the requirements of this Section and any regulation pursuant thereto or if the required fees and escrows have not been submitted.

2. The Zoning Administrator shall coordinate the review and analysis of the minor site plan application by the City staff including other affected City departments before any final action may be taken by the Planning and Zoning Commission on the application. ~~This coordinated administrative review of the application shall be completed within forty-five (45) days of filing of the complete minor site plan application and all applicable supporting information.~~

Comment [MSOffice6]: This is current K2

3. The Zoning Administrator shall receive the application and determine whether it complies with all applicable submission requirements. Upon an affirmative determination the Zoning Administrator shall promptly: (1) forward the application to the Planning and Zoning Commission, Mayor and City Council, (2) cause notice of the application to be publicly posted in the same manner as Commission meeting agendas, (3) cause a sign regarding the application to be posted on the affected property, and (4) cause the application to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. An application shall have been received and determined to be complete by the Zoning Administrator and the coordinated review shall have been completed prior to date of the meeting of the Planning and Zoning Commission in order to be included on the agenda. The Zoning Administrator shall also prepare a staff analysis and report in conjunction with all applications being forwarded to the Planning and Zoning Commission, and shall submit such analysis and report to the Commission, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of that meeting.

4. After the Planning and Zoning Commission receives the minor site plan application and associated documents, it shall review the application and report it has received from the Zoning Administrator. The Planning and Zoning Commission may then approve, disapprove or conditionally approve the minor site plan.

Comment [MSOffice7]: This is current K3

~~6. When an application for site concept or site development plan approval is filed in conjunction with an application for rezoning, the Planning and Zoning Commission shall submit the conclusions of its review of the site concept or site development plan in accordance with this Section (approval, disapproval or conditional approval), together with its recommendation for approval or disapproval of the application for rezoning, to the City Council for its action on the rezoning.~~

IE. Conditions And Restrictions.

1. In approving a site concept, site development plan or minor site plan application, the Planning and Zoning Commission or City Council may impose conditions and restrictions and may vary the standards and prescribe development standards within the range of such discretion as prescribed elsewhere in this Chapter, so long as the general intent of this Chapter is carried out. In no event, however, shall any permitted use or use regulations be varied so as to make them less restrictive than prescribed in the district regulations contained in [Article VI](#) of this Chapter.

2. In its review and approval of a site concept, site development or minor site plan application for any zoning district, the Planning and Zoning Commission or City Council may increase the minimum requirements designated in the applicable Sections of this Chapter including, but not limited to, front yard, side yard or rear yard setbacks based upon its review of the individual site's topography, the building's orientation in relationship to street rights-of-way and adjoining properties, the building materials used and the mass and height of the building. The purpose of such increases in the minimum requirements is to minimize any adverse impacts of the proposed development on adjoining or nearby properties and the general community.

3. If the Planning and Zoning Commission or City Council imposes conditions or restrictions, it shall designate specific requirements which must be met before an applicant may be granted final approval of a site development plan or minor site plan and building and occupancy permits.

4. Failure to comply with any of these conditions or restrictions shall constitute a violation of this Chapter punishable as provided in [Section 405.1150](#) of this Chapter.

JF. *Period Of Validity For Site Concept Plan, Site Development Plan And Minor Site Plan Approval.*

1. Site concept plans approved by the City of Creve Coeur shall be valid for a period of up to eight (8) years from the date of approval. After the eighth (8th) year, a site concept plan will no longer be valid unless an extension is granted as set forth below. The City of Creve Coeur may grant one (1), 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 one hundred eighty (180) days prior to the expiration date and granted prior to the expiration date.

2. Upon such written request for a one (1) year extension, the Planning and Zoning Commission and City Council, when required, does, however, have the power to disapprove the extension or to attach new conditions to the extension, based upon any change in circumstances or changes in the City's ordinances since the time that the application was originally approved. Where the application for a one (1) year extension contains changes, which the City concludes substantially or materially alters the initial application, it shall refer the application to the

Zoning Administrator who shall initiate a new site concept plan review procedure as stated in Section 405.1080(~~G~~).

3. An application to amend an existing site concept plan may be submitted at least one hundred eighty (180) days before the date of expiration and granted prior to the expiration date. The City does, however, have the power to disapprove the application or to attach new conditions to the existing site concept plan, based upon any change in circumstances or changes in the City's ordinances since the time that the application was originally approved. Once the City of Creve Coeur has granted an amendment to an existing site concept plan which has not yet expired, such amended site concept plan is subject to a period of validity no longer than eight (8) years from the date of approval of the amended plan, unless a one (1) year extension is granted as set forth above. An application to amend an existing site concept plan shall be subject to the same procedures as an original application.

4. No site development plan or minor site plan approval by the Planning and Zoning Commission shall be valid for a period longer than twelve (12) months from the date it is approved, unless within such period a building permit is obtained and substantial construction is commenced. Substantial construction shall be deemed to consist of clearing the site, completion of footings, basement or building slab and inspection of such work. The Planning and Zoning Commission and the City Council, when required, may grant extensions not exceeding twelve (12) months each upon written request of the original applicant prior to the expiration of such period and resubmission of the application if the application as resubmitted is substantially the same as the initially approved application. However, the Commission has the power in such cases to attach new conditions to its re-approval or disapprove the reapplication. Where the application for re-approval contains changes which the Commission concludes materially alter the initial application, it shall refer the application to the Zoning Administrator who shall initiate a new site development plan review procedure as stated in Section 405.1080(~~G~~) or a new minor site plan review procedure as stated in Section 405.1080(~~K~~).

~~G. Reserved.~~

~~Site Development Plan Approval In Conjunction With Rezoning. In the event the site development plan was approved in conjunction with a change of zoning and if substantial construction or development has not been completed within twelve (12) months of the Planning and Zoning Commission's approval of the site development plan or the City Council's approval of the rezoning does not begin within the above period of time, the City Council may, on its motion or on a recommendation of the Planning and Zoning Commission, rezone the property or any portion thereof to any one (1) or more of the zoning districts that regulated the use of such ground immediately prior to the approval of the zoning district classification and corresponding site development plan. A public hearing, other than the required three (3) readings of a bill, is not required for this rezoning; however, the owner shall be notified of the proposed rezoning prior to the introduction of any bill for such rezoning.~~

~~H. — Site Development Plan, Minor Site Plan And Building And Occupancy Permits. The Zoning Administrator shall not certify an application for a building permit (as required by Section 405.1090) or issue an occupancy permit (as required by Section 405.1100) for any building or structure within a project that has undergone site development plan or minor site plan approval unless such building or structure is in substantial compliance with the site development plan or minor site plan as approved by the City.~~

(R.O. 2008 §26-115; Ord. No. 1903 §1, 11-24-97; Ord. No. 2024 §1, 9-27-99)

SECTION 405.1090: RESERVED BUILDING PERMITS

~~A. — Requirement. Except for single family residential development, no building shall hereafter be constructed, reconstructed or structurally altered, nor shall any such work be started until the Planning and Zoning Commission has approved a site development plan for the project in accordance with Section 405.1080 and any required building permit for the work has been issued by the Building Official. However, any proposed alteration which does not significantly affect the exterior appearance of a building requires only submission of the application to the Building Official rather than the Planning and Zoning Commission for approval. The application for a building permit shall be in the name of the person for whom the work or construction is to be done. Building permits shall expire one (1) year after date of issuance unless, in the judgment of the City staff, substantial construction has been initiated and is being pursued diligently toward completion.~~

~~B. — Application And Submission.~~

~~1. — The application shall be prepared on forms provided by the Zoning Administrator and available in his/her office. The application shall be signed by the applicant and shall state his/her name and address.~~

~~2. — In addition to the specific requirements below, every application for a building permit shall further comply with all applicable provisions of the Building Code as well as Sections 410.230 through 410.300 of Chapter 410, Subdivision and Development of Land. The Zoning Administrator shall issue regulations requiring such other information as may be necessary to determine compliance of the application with this Chapter and a copy of the applicable provisions from the Building Code and Chapter 410 and said regulations shall be available in the office of the Zoning Administrator.~~

~~3. — All applications for building permits shall be accompanied by three (3) copies of engineering and/or architectural plans and specifications for commercial applications and two (2) copies for residential applications, drawn to an appropriate scale. All plans and specifications for buildings and structures exceeding the construction valuation established by the current Building Code of the City of Creve Coeur shall be properly sealed and signed by a licensed architect, professional~~

~~engineer or land surveyor registered in the State of Missouri as appropriate for the plan submitted. The seal, signature and print date shall appear on all original documents. The required submittal print sets shall bear an original seal and signature on the first (1st) sheet of each professional discipline, as evidence the submitted material was prepared under the direction and control of the architect, professional engineer or land surveyor. The plans shall be sufficiently detailed to allow the determination of compliance with all relevant City codes, ordinances, regulations and the approved site development plan and shall show the proposed site improvements including all new construction, reconstruction, structural alterations, repairs, additions to or modifications of existing structures. In addition, said plans shall indicate the shape and dimensions of the lot to be built upon, the exact size and location on the lot of existing structures and the lines within which the buildings or structures shall be erected or altered, the existing and intended use of each building or part of building, the number of families the building is designed to accommodate if a residence or apartment, the number of persons the building is designed to accommodate for each separate use or non-residential function and such other information with regard to the lot and neighboring lots as may be necessary to determine compliance with the approved site development plan and provide for the enforcement of this Chapter. One (1) copy of such plans shall be returned to the owner upon approval by the Building Official.~~

~~4. All dimensions shown on those plans relating to the location and size of the lot to be built upon shall be related to known, accepted street or property lines. The Zoning Administrator, the Building Official or the Planning and Zoning Commission may require that the lot and the location of the building thereon shall be staked out on the ground before construction is started.~~

~~5. At the time a building permit is issued, the applicant shall pay the City a fee in accordance with the schedule of fees established by the City Council. Said fee shall be paid in the office of the Department of Public Works.~~

~~6. The Building Official shall not issue a building permit until a performance bond or escrow agreement with funds deposited in escrow has been filed with the Department of Public Works in a form approved by the City Attorney. The amount of the bond or escrow agreement and deposit shall be set in accordance with a schedule established by the City Council upon recommendation of the Department of Public Works.~~

~~C. Review Procedures:~~

~~1. Zoning Administrator. The Zoning Administrator shall review the application and determine that whether it complies with all applicable submission requirements and all applicable City ordinances relating to the development of land and the approved site development plan. If the application satisfies all applicable requirements, the Zoning Administrator shall promptly: (1) forward the application to the Building Official for Building Code review and subsequent issuance of a building permit; (2) forward the application to the Mayor and City Council; (3) cause notice of the~~

~~application to be publicly posted at the Government Center in the same manner as Commission meeting agendas; (4) cause a sign regarding the application to be posted on the affected property; and (5) cause the application to be made publicly available on the City website. If the Zoning Administrator finds substantive changes between the submitted documents and the approved site development plan, the plans shall be referred back to the Planning and Zoning Commission and City Council, if applicable, for further review and approval of the substantive changes.~~

~~2. *Appeal.* In the event an application is refused by the Zoning Administrator and/or the Building Official for the reason that the application fails to satisfy the applicable requirements of this Chapter, the applicant may appeal the interpretation or administration of this Chapter to the Board of Adjustment in accordance with the provisions of Section 405.1110(l). (R.O. 2008 §26-116; Ord. No. 1903 §1, 11-24-97; Ord. No. 3063 §9, 5-23-05)~~

SECTION 405.1100: RESERVEDOCCUPANCY PERMITS

~~A. *Requirement.* No land shall be occupied or used and no commercial or other building (other than a single or multi-family building) erected after the date of adoption of this Chapter shall be occupied or used, in whole or in part, for any purpose whatsoever until the Zoning Administrator (or his/her designee) has issued an occupancy permit. The use, occupancy or tenancy of a building or part thereof now or hereafter erected, other than a single or multi-family dwelling, shall not be changed without an occupancy permit being issued thereon by the Zoning Administrator (or his/her designee). No permit shall be issued to make in connection with such a change unless such changes are in conformity with the provisions of this Chapter.~~

~~B. *Application.*~~

~~1. Whenever the sale of a building results in a change in the occupant or whenever premises are rented to any occupant or whenever there is a change of use of the premises, the occupant shall be required to apply for and receive an occupancy permit in accordance with the provisions of this Chapter and all other applicable ordinances and regulations of the City or other public jurisdiction having jurisdiction over some aspect of the development (fire protection, sewers, etc.).~~

~~2. An application for an occupancy permit shall be filed in the office of the Zoning Administrator. If a building permit is also required, the occupancy permit shall be applied for coincidentally with any regulations issued by the Zoning Administrator. At the time an application for occupancy permit is filed, the applicant shall pay the City a fee in accordance with a schedule of fees established annually by the City Council. Said fee shall be paid in the office of Community Development.~~

~~3. The Zoning Administrator shall review the application and determine whether it complies with all applicable submission requirements and all applicable City ordinances. If the application satisfies all applicable requirements, the Zoning Administrator shall promptly: (1) forward the application to the Mayor and City Council; (2) cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas; (4) cause a sign regarding the application to be posted on the affected property; and (5) cause the application to be made publicly available on the City website.~~

~~C. Issuance.~~

~~1. The occupancy permit shall not be issued by the Zoning Administrator until the Building Official has caused the premises to be inspected and has affixed to the application for such permit his/her approval that the proposed use and any buildings or structures involved comply in all respects with the provisions of the approved building permit. If the Zoning Administrator finds that the use is in compliance with all applicable provisions of this Chapter and all other applicable public regulations, he/she may issue said occupancy permit. An occupancy permit shall be issued within ten (10) days after the lawful erection, reconstruction or alteration of the building is completed if the building has passed all necessary inspections and has received the approval of the Building Official and the Zoning Administrator.~~

~~2. Under such rules and regulations as may be established by him/her, the Zoning Administrator may issue a temporary occupancy permit for a part of a commercial building only. A temporary permit may be issued only if the Zoning Administrator and Building Official find that the building and proposed use comply with all applicable requirements of this Chapter. This paragraph shall not apply to residential structures which must be completed prior to occupancy in accordance with the building permit issued.~~

~~3. Appeal. In the event an application is refused by the Zoning Administrator for the reason that the application fails to satisfy the applicable requirements of this Chapter, the applicant may appeal the interpretation or administration of this Chapter to the Board of Adjustment in accordance with the provisions of Section 405.1110(I). (R.O. 2008 §26-116; Ord. No. 1903 §1, 11-24-97; Ord. No. 3063 §9, 5-23-05) (R.O. 2008 §26-117; Ord. No. 1903 §1, 11-24-97).~~

SECTION 405.1110: VARIANCES AND APPEALS

A. *Authorization For Variances.* Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Chapter, the Board of Adjustment may vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or

structures, signage or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

B. Application And Submission.

1. An application for variance shall be filed in the office of the Zoning Administrator in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free. The Zoning Administrator shall review the application to determine whether it complies with all applicable requirements. Upon an affirmative such determination, the Zoning Administrator shall promptly: (1) Prior to forwarding the application to the Board of Adjustment, Mayor and City Council; (2) cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (3) cause a sign regarding the application to be posted on the affected property, and (4) cause the application to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Board of Adjustment at which the application is first considered. ~~†~~The Zoning Administrator shall prepare a report describing the circumstances of the application. The Zoning Administrator shall ~~then~~ forward the ~~application, his/her~~ report and any recommendations or actions of any other City department or agency to the Board of Adjustment, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of the meeting.

2. The application shall contain the following information, as well as such additional information as the Board of Adjustment may prescribe by regulation; ~~and file with the City Clerk.~~

a. The particular requirements of this Chapter which prevent the proposed construction;

b. The characteristics of the subject property which prevent compliance with the requirements of this Chapter;

c. The particular hardship which would result if the specific requirements of this Chapter were applied to the subject property; and

d. The reduction of the minimum requirements of this Chapter which would be necessary to permit the proposed construction.

C. **Hearing And Procedural Rules.** The Board of Adjustment shall hold a public hearings on each all applications for variances. The City Clerk shall publish notice in accordance with the provisions of Section 405.1120. The Board of Adjustment shall also send written notice by first class mail stating the nature of the proposed variance or appeal to all owners of property located within 300 feet of immediately

~~adjacent to~~ the boundaries of the property for which a variance or appeal is sought.
~~Notice shall also be sent as well as~~ to the owners of the subject property.

D. *Criteria For Variances, Generally.* The Board of Adjustment shall not grant a variance as authorized herein unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented to it that support all of the following conclusions:

1. The variance requested arises from a condition which is unique to the property in question and which is not ordinarily found in the same zoning district;
2. The variance requested is because of a unique hardship not created by the applicant nor owner of the property;
3. The granting of the variance shall not adversely affect adjacent property owners or residents;
4. The strict application of the provisions of this Chapter from which a variance is requested will cause severe practical difficulty or extreme hardship for the property owner represented in the application;
5. The variance desired will not adversely affect the public health, safety, order, convenience or general welfare of the community; and
6. Granting the variance desired will not violate the general spirit and intent of this Chapter.

E. *Criteria For Area Variances.* In addition to the criteria listed in [Section 405.1110\(D\)](#) an applicant for an area variance or a variance to any regulation contained in the zoning ordinance, except for regulations dealing with the use of land which are included in [Section 405.1110\(F\)](#), must meet the following criteria:

1. By reason of exceptional narrowness, shallowness or shape of the specific piece of property or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances that the strict application of the terms of the zoning regulations actually create a hardship to the property in a manner dissimilar to that of other similarly situated property in the zoning district in which it is located.
2. Granting the variance would not result in the diversion of additional stormwater that would adversely affect adjacent property.

F. *Criteria For Use Variances.* In addition to the criteria listed in [Section 405.1110\(D\)](#), an applicant for a use variance must meet the following criteria:

1. The applicant must be suffering unnecessary hardship in carrying out the strict letter of the ordinance. Unnecessary hardship can be shown by the applicant if he/she demonstrates the following:

a. He/she is deprived of all beneficial use of the property or that he/she would incur unwarranted economic hardship in achieving a permitted use;

b. The conditions causing the hardship are unique and peculiar to the applicant's property and are not prevalent in the neighborhood; and

c. The hardship must be due to conditions not personal to the owner, but rather to conditions affecting the land, thereby making the land unsuitable for the permitted uses in the zone in which it lies.

2. The applicant must prove that relief is necessary because of the unique character of the property.

3. The proposed variance will not conflict with the City's Comprehensive Plan.

4. The use proposed by the applicant must be specific and must be a use that is allowed as a permitted use in at least one (1) other zoning district in the City.

G. *Decisions And Records.* The Board of Adjustment shall render and send to the applicant a written decision on an application for a variance without unreasonable delay and in no case after more than thirty (30) days of the decision. The Zoning Administrator shall be informed of the decision and shall be responsible for enforcement. The Zoning Administrator shall promptly: (1) forward the decision to the Mayor and City Council; (2) forward the decision to all persons who participated in the public hearing and the property owner; and (3) make the decision publicly available on the City website.

H. *Period Of Validity.* No variance granted by the Board of Adjustment shall be valid for a period longer than three hundred sixty-five (365) days from the date on which it grants the variance, unless within such period:

1. A building permit is obtained and the construction or alteration of the structure is commenced and pursued diligently toward completion; or

2. An occupancy permit is obtained and a use or occupancy commenced. The Board of Adjustment may grant extensions not exceeding one hundred eighty (180) days each, upon written application, without notice or hearing.

I. *Authorization For Appeals--Appeals To The Board Of Adjustment.* Appeals to the Board of Adjustment may be taken by any person aggrieved, by any

neighborhood organization as defined in Section 32.105, RSMo., representing such person, or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer or by the interpretation or administration of this Chapter; provided however, that the Board of Adjustment shall not have jurisdiction to hear appeals from conditional use permits (see [Section 405.1070](#)), residential designed development (see [Section 405.450\(C\)](#)) or other decisions from the City Council related to this zoning ordinance.

J. *Procedure For Appeals.*

1. *Time for appeals.* Notice of appeal shall be filed within a reasonable time, not to exceed thirty (30) days from the event or action appealed from occurred.

2. *Filing.* The person taking the appeal shall file in the office of Community Development. A fee shall be paid to the Community Development Department at the time the appeal is filed; the amount of the fee shall be determined by the City Council.

3. *Procedure.* The Board of Adjustment shall notify the officer or the department from whom the appeal is taken. The officer or department shall immediately transmit to the Board of Adjustment all the papers and documents constituting the records of the actions or events which are being appealed. Upon an affirmative such determination, the Zoning Administrator shall promptly: (1) forward the application to the Board of Adjustment, Mayor and City Council, (2) cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (3) cause a sign regarding the application to be posted on the affected property, and (4) cause the application to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. The Zoning Administrator shall prepare a report describing the circumstances of the application. The Zoning Administrator shall then forward the report and any recommendations or actions of any other City department or agency to the Board of Adjustment, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of the meeting.

4. *Public hearing.* The Board of Adjustment shall set a date for a public hearing and notice of this hearing shall be given according to the provisions of [Section 405.1120](#). The hearing shall be held no later than sixty (60) days from the date the appeal is filed. The Board of Adjustment shall also send written notice by first class mail stating the nature of the proposed variance or appeal to all owners of property located within 300 feet of immediately adjacent to the boundaries of the property for which a variance or appeal is sought. ~~Notice shall also be sent as well as~~ to the owners of the subject property.

5. *Decisions on appeals.* Within thirty (30) days of the close of the public hearing, the Board of Adjustment shall affirm or reverse, fully or partly, or modify the order, requirement, decision or determination or other event or action appealed from. The Board of Adjustment shall be guided in its deliberations by the Comprehensive Plan of the City and any special area plans and the purpose and intent of this Code and all Sections thereof. The Zoning Administrator shall promptly: (1) forward the decision to the Mayor and City Council; (2) forward the decision to all persons who participated in the public hearing and the property owner; and (3) make the decision publicly available on the City website.

6. *Stay of proceedings.* An appeal stays all proceedings that concern the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after he/she received notice of appeal that by reason of facts certified by him/her, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed except in the following:

a. In accordance with a restraining order issued by the Board of Adjustment or a court of record;

b. If the appellant shows good cause why a stay should not be allowed and upon notice to the officer or department from whom the appeal is taken and that there is to be no stay of proceedings.

K. *Appeals To The Circuit Court--Authorization.* Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons or any officer, department, board or bureau of the municipality, may present to the Circuit Court of the County or City in which the property affected is located a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. (R.O. 2008 §26-118; Ord. No. 1903 §1, 11-24-97; Ord. No. 1945 §1, 6-22-98)

**SECTION 405.1120: PUBLICATION OF NOTICE AND OF HEARINGS;
SIGNS**

Whenever the provisions of this Chapter require publication of notice ~~and of a~~ public hearing under this Section, the procedures herein shall govern.

1. *Time of publication, content.* It is the responsibility of those officials conducting the hearing to see that at least fifteen (15) days' notice of the time and place of the hearing is published in a newspaper of general circulation in the City of Creve Coeur. The notice shall state the time and place of the hearing and the subject matter of the hearing. When applicable, the notice shall also state where copies of reports, documents, applications, plans or other relevant material will be accessible for examination by interested persons prior to the hearing.

2. *Record of proceedings.* The official or officials holding the hearing shall provide for maintaining a record of the hearing and for taking statements, evidence and testimony.

~~3. *Posting notice.* In addition to publishing notice, when the hearing concerns specific property, the officials conducting the hearing shall post a sign on the premises indicating that information is available from the City. (R.O. 2008 §26-119; Ord. No. 1903 §1, 11-24-97)~~

3. *Whenever the provisions of this Chapter require posting of a sign: (1) for matters concerning a single residential lot; the sign shall be at least 1.5 feet by 2.0 feet*_____ ; (2) for other matters the sign shall be at least 2.0 feet by 3.0 feet_____.

SECTION 405.1130: FEES

Upon receipt of the recommendations of the City Administrator and the Zoning Administrator, the City Council shall ~~annually~~ periodically establish a schedule of fees, charges and expenses, escrows, and a collection procedure for all matters pertaining to this Chapter. The schedule of fees shall be filed with the City Clerk and in the office of the Zoning Administrator. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any matter or on any appeal provided by this Chapter. (R.O. 2008 §26-120; Ord. No. 1903 §1, 11-24-97)

SECTION 405.1140: ENFORCEMENT

A. *Zoning Administrator.* This Chapter shall be enforced by the Zoning Administrator with the assistance and cooperation of the Building Official. The construction, reconstruction and/or alteration of buildings shall not be undertaken and the development of land shall not be commenced except in accordance with the provisions of this Chapter. No permit or application for the construction, alteration or change of use of buildings or land shall be approved if the proposed use or activity would be in violation of this Chapter.

B. *Notice Of Violation And Sanctions.* If the Zoning Administrator finds that any of the provisions of this Chapter are being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall take any other action authorized by law to ensure compliance with or to prevent violation of the provisions of this Chapter.

C. *Conformance With Approved Plans And Conditions.* All permits issued on the basis of plans and/or applications approved by the Building Commissioner, Zoning Administrator, Planning and Zoning Commission and/or City Council shall authorize only the use, arrangement and/or construction set forth in such

approved plans and/or applications and no other use, arrangement or construction. (R.O. 2008 §26-121; Ord. No. 1903 §1, 11-24-97)

SECTION 405.1150: VIOLATIONS AND PENALTIES

A. *Violations.* Violations of this Chapter shall include, but are not limited to, the following:

1. The use, alteration or construction of buildings or the use or improvement of land of a site not in accordance with the provisions of this Chapter or with approvals given or permits issued pursuant to this Chapter.

2. Failure to obtain permits as required by this Chapter.

3. Failure to comply with the terms, conditions or restrictions of a variance ([Section 405.1080](#)) issued pursuant to this Chapter.

B. *Persons Liable For Violation.* Those chargeable, singly or jointly, with violations of this Chapter shall include, but are not limited to, the following:

1. Those who commit, assist in or otherwise participate in a violation.

2. The owner or other persons who maintain the building, premises, property or other place where the violation has been committed or exists.

3. The owner's agent or person in charge of the building, premises, property or other place where the violation has been committed or exists.

4. The lessee or tenants of all or part of the building, premises, property or other place where the violation has been committed or exists.

5. The developer, agent, architect, contractor, subcontractor or any other person who performs work or enters into a contract for work in violation of this Chapter.

C. *Sanctions.* The Building Official and the Zoning Administrator shall enforce this Chapter and are authorized to institute any appropriate actions or proceedings to prevent or to halt such unlawful use of such construction.

D. *Violations And Penalties.*

1. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this Chapter, or of any ordinance or other regulation made under authority conferred by Sections 89.010 to 89.140, RSMo., the proper local authorities of

the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo.

2. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of an ordinance violation punishable by a fine of not less than ten dollars (\$10.00) and not more than five hundred dollars (\$500.00) for each and every day that such violation continues, or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of Section 82.300, RSMo., however, for the second (2nd) and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than two hundred fifty dollars (\$250.00) or more than one thousand dollars (\$1,000.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court.

3. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00). (RSMo. §89.120; R.O. 2008 §26-122; Ord. No. 1903 §1, 11-24-97)

SECTION 2. Chapter 410, Article II, Sections 410.090-410.140 and Article V, Section 410.530 of the City Code of Ordinances are hereby amended to read as follows:

ARTICLE II. SUBDIVISION REVIEW AND APPROVAL PROCESS

SECTION 410.090: OUTLINE OF PROCEDURES

A. Each applicant shall first confer with the Zoning Administrator or avail himself/herself of other means to determine the applicable rules and regulations before coming before the Planning and Zoning Commission in a predesign conference or before submitting a preliminary subdivision plat. The subdivider should thus become

thoroughly informed of the subdivision, zoning and setback requirements and with the master development plan for the City or for any portion of the City affecting the territory in which the proposed subdivision is to be located.

B. Whenever any subdivision of land is proposed, before any contract is made for the sale of any part of the subdivision and before any permit for the development of or construction of any improvement on any land in such proposed subdivision shall be granted, the applicant shall apply for and secure approval of such proposed subdivision in accordance with the following procedures, which include five (5) steps:

1. Step 1. Predesign conference (voluntary).
2. Step 2. Preliminary subdivision plat.
3. Step 3. Technical design conference (voluntary).
4. Step 4. Subdivision improvement plans.
5. Step 5. Final subdivision plat.

C. Prior to or at the time of submission of the preliminary subdivision plat, the applicant shall pay a processing fee to be determined in accordance with a schedule of fees established by the City Council. (R.O. 2008 App. B, §22A-10; Ord. No. 1045, 7-25-83)

SECTION 410.100: STEP ONE -- PREDESIGN CONFERENCE (VOLUNTARY)

A. *Objective.* The objective of this procedure is to provide an opportunity for the applicant and the Commission to confer regarding the concept and basic elements of the proposed subdivision. This procedure is intended to provide the foundation for a clear understanding and line of communication between the applicant and the City concerning the applicant's development proposals and the City's subdivision development regulations. By allowing the applicant an early opportunity to gain the Commission's input into the proposed subdivision, this procedure should facilitate the formal subdivision review and approval process in Steps 2 through 5.

B. *Submission Requirements.* A neat freehand sketch plat at a scale of 1" = 100' or greater will be required to ensure maximum benefit from the review. The sketch plat shall provide at least the following information:

1. Site boundaries.
2. General site topography.

3. Subdivision lot boundaries and dimensions.
4. Major existing and proposed trees or tree masses (including street trees).
5. Appropriate location of all buildings on adjacent lots or property and the names of owners of adjacent property.
6. Existing and proposed circulation (including street rights-of-way, sidewalks, crosswalks, etc.).
7. Public or common open space and facilities.
8. Surface drainage pattern and proposed detention facilities.
9. Location of existing and proposed utility lines and easements.

C. *Submission And Review Procedures.*

1. As this step is voluntary and the applicant is encouraged to take advantage of this opportunity, there will be no fee for the review of a sketch plat in the predesign conference.

2. The applicant shall submit a letter requesting a predesign conference and five (5) copies of the sketch plat to the Zoning Administrator in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free.

3. The Zoning Administrator will promptly distribute the copies sketch plan to the Planning and Zoning Commission, Mayor and City Council, and to appropriate City Officials including the City Engineer, the Building Official, the Fire Marshall and the Police Chief for review and comment. The Zoning Administrator will then schedule a meeting with the applicant to review the comments received from the various City Officials.

4. All written comments from the various City officials and departments shall be kept intact and filed along with the sketch plat and subsequent submissions.

5. The Zoning Administrator shall promptly: (1) cause notice of the submittal to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (2) cause a sign regarding the matter to be posted on

the affected property, and (3) cause the sketch plan to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. The sketch plat will be reviewed and discussed by the Commission ~~with the applicant at its next regular meeting if scheduled at least 10 days after submitted by the applicant ten (10) days prior to said meeting.~~ No action will be taken although specific comments and suggestions will be recorded in the minutes of said meeting. (R.O. 2008 App. B, §22A-11; Ord. No. 1045, 7-25-83)

SECTION 410.110: STEP TWO -- PRELIMINARY SUBDIVISION PLAT

A. *Purpose.* The preliminary subdivision plat should provide sufficient information regarding a proposed subdivision of land to allow the Commission to evaluate the site development concept as it relates to the City's goals and objectives in general and for the area being subdivided in particular and to decide on the merits of the proposed subdivision. A review at this stage, before the applicant has invested substantial amounts of time and money in the detailed site and engineering design and plans for the subdivision, is an important step.

B. *Submission Requirements.*

1. *Plat.* The preliminary subdivision plat shall be at a scale of one hundred (100) feet or less to the inch and shall include at least the following:

a. The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract.

b. The names and adjoining boundaries of all adjoining subdivisions and the names of record owners of adjoining parcels of unsubdivided land.

c. The location of present property, U.S. Survey section, township and range lines and lines of incorporated areas, sewer districts, public water supply and drainage districts, school districts and other legally established districts, rights-of-way or easements, buildings, watercourses, tree masses and other existing features within the area to be subdivided and similar facts regarding existing conditions on land immediately adjacent thereto.

d. The proposed location and width of streets, lots, the right-of-way of alleys and of lots, building and setback lines and easements and boundaries of the proposed subdivision.

e. Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated upon the plat.

f. Existing and proposed future contours with intervals of five (5) feet or less referred to sea level datum.

g. Approximate (to nearest foot) dimensions and area of:

(1) Overall subdivision.

(2) Each lot (width, depth, area).

(3) Street rights-of-way including radii of cul-de-sacs and curbs.

(4) Common open space or other land to be dedicated for a public purpose.

h. Proposed use of each lot and existing and proposed zoning of all property within the subdivision.

i. Any zoning district or districts that affect the property to be subdivided or adjoining property.

j. Location of common open space, parks and other public or semi-public areas or facilities.

k. Statement of type of sanitary sewers or other sewage disposal facilities planned.

l. Land to be dedicated to the City including:

(1) Street right-of-way.

(2) Linear feet of streets by street category (width, improvements, design standards, etc.).

(3) Public open space and recreation facilities.

(4) Any other public use.

m. Preliminary site drainage system including:

(1) General surface drainage pattern.

(2) Drainage swales, detention storage areas, sewers, culverts and other improvements proposed to accommodate stormwater and minimize erosion (see [Chapters 420](#) and [425](#) of the Creve Coeur Code).

(3) Floodplain definition and effect of applicable local, State or Federal floodplain standards or regulations including [Chapter 415](#) of the Creve Coeur Code.

n. North arrow, scale and date.

2. *Support information.* The following information shall be submitted by the applicant at the time the preliminary subdivision plat is filed:

a. Name and address of applicant.

b. Proof of applicant's ownership (e.g., title, option contract) of the proposed subdivision.

c. Location of the tract by legal description giving acreage to the nearest one-tenth (0.1) of an acre.

d. Existing protective covenants (deed restrictions) and any proposed covenants.

e. Names and addresses of all adjacent property owners.

3. *Rezoning.* When rezoning is required to bring a proposed subdivision into conformance with the zoning ordinance, this fact shall be noted as support information and such action shall be initiated by the applicant prior to or simultaneously with the request for subdivision approval. If the zoning classification of a proposed subdivision or a portion of a subdivision is changed subsequent to final subdivision plat approval, a resubdivision of the parcel may be required by the City.

C. *Submission And Review Procedure.*

1. *Submission by applicant.* The applicant shall submit five (5) black and white copies of the preliminary subdivision plat and the additional information required by this Section to the Zoning Administrator ~~at least ten (10) calendar days prior to the Planning and Zoning Commission meeting at which the applicant wishes to have the plat reviewed~~ in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free.

2. *Zoning Administrator.* ~~The Zoning Administrator shall distribute a copy of the preliminary subdivision plat to the Planning and Zoning Commission.~~ Prior to submission to the Commission, the Zoning Administrator shall review the application to ensure that the preliminary subdivision plat:

a. Meets all submission requirements. Any plat and application that does not contain all required information shall not be accepted for review by the Commission.

b. Substantially meets all land development standards of this Chapter and those of any other applicable City regulations. The Zoning Administrator shall identify all deficiencies and issues to be addressed in more detail and resolved in the subdivision improvement plans (Step 4) or in the final subdivision plat (Step 5) to the satisfaction of the City.

c. Upon completing the foregoing review, the Zoning Administrator shall promptly distribute a copy of the preliminary subdivision plat to the Planning and Zoning Commission, Mayor and City Council together with a report. The Zoning Administrator shall submit a report to the Planning and Zoning Commission regarding his/her review. The Zoning Administrator shall promptly: (1) cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (2) cause a sign regarding the matter to be posted on the affected property, or for text amendment at the Government Center, and (3) cause the application, plat and request to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered.

3. *Planning and Zoning Commission.* The Commission shall consider the merits of the preliminary subdivision plat and the review and comments of related City Officials ~~at its next regular meeting~~. By majority vote, the Commission shall approve or disapprove the preliminary plat. A vote of disapproval shall be accompanied by reasons for such action. In approving a preliminary subdivision plat, the Commission may impose conditions to be resolved in the subdivision improvement plans and final subdivision plat.

4. *Effect of approval.* Subsequent to the Commission's action, the applicant shall be informed to the Commission's decision. If the Commission approves the preliminary subdivision plat, the applicant may proceed with initiating a technical design conference (Step 3) and/or proceed directly with preparing the subdivision improvement plans (Step 4) and final subdivision plat (Step 5). Alternatively, an applicant with an approved erosion and stormwater runoff control plan including a grading and excavation plan in accordance with [Section 410.130\(B\)](#) of this Chapter and [Chapters 420](#) and [425](#) of the Creve Coeur Code may apply for a grading permit as specified in [Section 410.380](#) prior to approval of the final subdivision plat or final site development plan.

Preliminary subdivision plat approval shall expire two (2) years from the date of Commission approval. After that time, the applicant shall be required to resubmit the original or a revised preliminary subdivision plat for Commission approval.

The Commission may reject such a reapplication in light of new facts and circumstances relating to the context of the subdivision. (R.O. 2008 App. B, §22A-12; Ord. No. 1045, 7-25-83)

SECTION 410.120: STEP THREE -- TECHNICAL DESIGN CONFERENCE (VOLUNTARY)

A. *Purpose.* The technical design conference provides an opportunity for the applicant to voluntarily review with the Zoning Administrator and/or other appropriate City personnel the City's design and construction standards as they affect the applicant's development objectives. This procedure should enable the applicant to receive the benefit of input from City personnel prior to the design of the subdivision improvement plans and the final subdivision plat.

B. *Submission Requirements.* Possession of an approved preliminary subdivision plat and accompanying supplemental information is sufficient to initiate a technical design conference. However, any additional design or engineering information will increase the effectiveness of the conference and should be made available if possible.

C. *Submission And Review Procedures.* Subsequent to preliminary subdivision plat approval, the applicant may submit a letter to the Zoning Administrator requesting a technical design conference. It is the responsibility of the Zoning Administrator to schedule a meeting with the applicant and appropriate City personnel in a timely manner. City personnel shall commit the time necessary to sufficiently consider and discuss all elements of interest to the applicant and the City. (R.O. 2008 App. B, §22A-13; Ord. No. 1045, 7-25-83)

SECTION 410.130: STEP FOUR -- SUBDIVISION IMPROVEMENT PLANS

A. *Purpose.* The subdivision improvement plans shall consist of the technical documents upon which consideration of the subdivision improvements shall be based and construction contracts shall be let by the applicant. These plans shall consist of working drawings and design specifications. The subdivision improvement plans should provide the City with complete design and construction information. This information is necessary for evaluation of the quality and completeness of the proposed engineering design, site and landscape planning, compliance with applicable regulations of the City and the establishment of a construction schedule for the proposed subdivision.

B. *Submission Requirements.* Specific submission requirements include the following materials:

1. *Letter of transmittal.* The following information shall be completed by the applicant and submitted to the Zoning Administrator:

- a. Proposed name of subdivision.
- b. Name, address and telephone number of applicant.
- c. Source of title to all land within the subdivision, giving deed record book and page number or instrument number.
- d. Proposed common open space and methods of meeting open space requirements.
- e. Water supply, indication of the location and size of existing and proposed water lines, size of valves and location of fire hydrants.
- f. Sanitary sewer facilities, indication of source of sanitary sewer service and approval of the proposal by the Metropolitan Sewer District where applicable.
- g. Such further information as the subdivider wishes to bring to the attention of the Zoning Administrator.

2. *Vicinity map.* The vicinity map shall cover an area within a radius of one (1) mile of the proposed subdivision at a scale of 1" = 2,000'. The drawing shall generally locate arterial streets, highways, section lines, railroads, schools, parks and other significant community facilities. The vicinity map shall be incorporated into the subdivision improvement plan drawings.

3. *Subdivision improvement plan drawings.* Subdivision improvement plan drawings shall be at a scale of 1" = 50' or greater, except where a smaller scale may be deemed appropriate by the Zoning Administrator. The subdivision improvement plans shall be identified by the name of the subdivision and shall include:

- a. Existing and proposed contours shown at intervals of not more than two (2) feet. Additional spot elevations may be required by the City Engineer. U.S.G.S. datum shall be used with bench marks shown on the plans. Existing contours shall be extended a minimum of one hundred (100) feet beyond the boundaries of the proposed subdivision.
- b. Proposed site design including streets with proposed street names, lot lines, utility access and service easements, land use and land to be reserved or dedicated for public uses.
- c. Building setback and buffer lines as provided in the zoning ordinance.
- d. Natural features within and adjacent to the proposed subdivision including drainage channels, bodies of water, wooded areas and other

significant features. On all watercourses leaving the tract, the direction of flow shall be indicated and for all watercourses entering the tract, the approximate drainage area and watershed name above the point of entry shall be noted.

e. Storm drainage analysis showing drainage data for all watercourses or drainage ways entering and leaving the plat boundaries. The storm drainage design shall be prepared to demonstrate the proposed system's capability of accommodating a not less than 25-year frequency rainfall, of 20-minute duration as required in [Chapters 420](#) and [425](#) of the Creve Coeur Code.

f. Designation of any portion of property within the 100-year floodplain, based upon calculations recognized by the Federal Flood Insurance Administration and the City Engineer as the most recent and accurate available from the Army Corps of Engineers.

g. Public facilities existing or to be located in the subdivision boundaries or within one hundred (100) feet surrounding the proposed subdivision including streets, bridges, culverts, utility lines, pipelines, power transmission lines, all easements, park areas, structures and other public structures and facilities.

h. City and county lines, section lines and other significant information relative to political subdivisions or to the U.S. Survey System.

i. Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land with the plat book and page number or instrument identifying each subdivision or tract.

j. Exact boundary lines of the tract indicated by a heavy line giving dimensions and all bearings.

k. North arrow and graphic scale.

4. *Required supporting technical information.*

a. *Typical street cross-sections and profiles.*

(1) Typical street cross-sections shall be shown with complete dimensions and construction information.

(2) Street profiles showing existing and proposed elevations at stations located at fifty (50) foot intervals on the centerline and at a point twenty-five (25) feet from the proposed street right-of-way on a line drawn perpendicular to each station along the centerlines of all roads. These street profiles shall be drawn at a horizontal scale of fifty (50) feet to the inch and a vertical scale of ten (10) feet to the

inch or as otherwise approved by the City Engineer. Such profiles shall be prepared by an engineer registered to practice in the State of Missouri.

b. *Floodplain analysis.* Where a portion of a plat is known or suspected to be flood prone and the Federal Flood Insurance Administration map or other similar sufficient information is not available, an engineering analysis shall be required. Such analysis performed by a registered engineer for the applicant shall determine the 100-year floodplain line. Regardless of the method of determination, the 100-year floodplain line shall be clearly and legibly drawn on the grading and excavation plan and on the final subdivision plat.

c. *Erosion and stormwater runoff control plan.*

(1) *Grading and excavation plan.* The grading and excavation plan shall seek to minimize the amount of grading necessary, protect to the maximum extent possible the natural features and vegetation on the site and minimize erosion resulting from the grading activities. It shall include, in addition to existing and proposed contours at two (2) foot intervals, engineering calculations of the amount of soil to be moved, removed or added to the site.

(2) *Detailed storm drainage design.* The detailed storm drainage plan shall incorporate proposed easement location and dimensions, typical sections and construction details as necessary.

(3) *Erosion control plan.* This shall include details of soil preparation, erosion control and re-vegetation or soil stabilization measures to be taken during construction including construction of berms, diversions or other barriers to siltation, temporary mulching and landscape planting.

d. *Utilities plan.* This plan shall indicate public and private water and sewer facilities, lines, valves, pumps, fire hydrants, pump stations and treatment which shall be designed to conform to the development standards for water and sewer services as adopted by the St. Louis County Water Company and the Metropolitan Sewer District (MSD).

e. *Street tree and common area landscape plan.* A detailed landscape plan shall indicate proposed new planting and preservation of existing plant material within the subdivision including the size, type, location and planting method for all such landscape material in accordance with accepted landscape architectural procedures and standards.

5. *Trust indenture.* A draft of any trust indenture proposed for the subdivision describing proposed covenants, restrictions and conditions applicable to a property shall be submitted for review at the time of subdivision improvement plan review. In the event the subdivision includes open space or other facilities commonly usable and accessible to the residents of the subdivision, said trust indenture shall

provide for assessments to be levied against property owners within the subdivision to maintain, repair and replace said facilities or open space areas as necessary.

C. *Review Procedures.*

1. *Submission of subdivision improvement plans.* Subsequent to Commission approval of the preliminary subdivision plat, the applicant may submit a written request to the Zoning Administrator for review and approval of subdivision improvement plans in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free. The subdivision improvement plans may be submitted for review and approval at the same time or prior to submission of the final subdivision plat. The applicant shall submit five (5) copies of the complete subdivision improvement plans to the Zoning Administrator who shall distribute these to the appropriate City departments for review in a timely fashion. The Zoning Administrator shall coordinate the review and receive comments from the various City departments and shall forward the same to the Planning and Zoning Commission for its review at the next a regularly scheduled meeting. The Zoning Administrator will promptly distribute the subdivision plat to the Mayor and City Council. The Zoning Administrator shall promptly: (1) cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (2) cause a sign regarding the matter to be posted on the affected property, and (3) cause the application and plat to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. The Zoning Administrator as assisted by the various City departments shall:

- a. Determine the completeness of the plans and compliance with the approved preliminary plat for the subdivision;
- b. Verify the accuracy of information provided;
- c. Evaluate the degree of compliance with the technical requirements in the land development standards, [Article III](#) of this Chapter and other applicable City regulations;
- d. Identify any deficiencies or issues which require further attention and should be considered as conditions of approval should the Planning and Zoning Commission choose to approve the subdivision improvement plans.

2. *Planning and Zoning Commission action.* The subdivision improvement plans shall be submitted to the Planning and Zoning Commission for consideration at its next a regularly scheduled meeting after completion of the review by the Zoning Administrator and other personnel which shall in no event take more than thirty (30) calendar days. The Planning and Zoning Commission shall by majority vote approve, approve subject to desired conditions or disapprove the subdivision improvement plans. The Commission shall give or send written notice of its action to

the applicant. If conditions have been placed upon approval of the subdivision improvement plans, such conditions shall be resolved to the satisfaction of the Zoning Administrator before a final subdivision plat can be accepted in accordance with [Section 410.140\(C\)](#) for review by the Commission. (R.O. 2008 App. B, §22A-14; Ord. No. 1045, 7-25-83)

SECTION 410.140: STEP FIVE -- FINAL SUBDIVISION PLAT

A. *Purpose.* The purpose of the final subdivision plat is to establish a legal record of the subdivision in accordance with the provisions of this Chapter.

B. *Submission Requirements.* The final subdivision plat shall be prepared and sealed by a land surveyor or engineer registered by the State of Missouri and shall be clearly and legibly drawn in India ink on tracing cloth at a scale of fifty feet to the inch (1" = 50') or other scale if deemed appropriate by the Zoning Administrator. The maximum sheet dimensions shall be forty-two (42) inches by fifty-two (52) inches. In certain instances where the subdivided area is of unusual size or shape, the Zoning Administrator may permit a variation of these dimensional requirements. Information required on the final subdivision plat shall include:

1. Name of the subdivision.
2. Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
3. Names, addresses and telephone numbers of the subdivider, owner and engineer.
4. Location of the subdivision by U.S. Survey System and political subdivisions including section, town, range, township, County and State.
5. Names of existing streets abutting or giving access to the proposed subdivision.
6. All plat boundaries based on an accurate transverse, with all angular and linear dimensions shown. Error of enclosure of such boundary survey shall not exceed one (1) in ten thousand (10,000) (one (1) foot for each ten thousand (10,000) feet of perimeter survey).
7. All blocks, lots, streets, alleys, crosswalks, easements and setback lines within and adjacent to the plat, all of which shall have all angular and linear dimensions given and all radii, internal angles, bearings, points of curvature, tangents and lengths of all curves, so that no dimensions or data are missing which are required for the future location of any of the corners of boundaries of blocks, lots or streets as listed above. All dimensions shall be given to the nearest hundredth of a foot. True

angles and distances shall be drawn to the nearest established official monuments, not less than three (3) of which shall be accurately described on the plat.

8. Accurate location of all survey monuments.

9. All easements or rights-of-way provided for public services or utilities and any limitations of such easements.

10. All lot numbers and lines, with accurate dimensions in feet and hundredths of feet and with bearings or angles to street lines.

11. Accurate outlines of any areas to be dedicated or temporarily reserved for public use with the purpose indicated thereon.

12. Building setback lines required by the Creve Coeur zoning ordinance, with dimensions.

13. Title, date of preparation, scale of map and north arrow.

14. *Certificates.* The following information shall be provided on the final subdivision plat:

a. Certification by a registered land surveyor or engineer that the plat represents a survey made by him/her and that all the necessary survey monuments are correctly shown thereon and that the size of each lot is correctly indicated by dimensions and square feet of area. Impressed thereon and affixed thereto shall be the personal seal and signature of the registered land surveyor or engineer by whom or under whose authority and direction the plat was prepared in conformance with Missouri Revised Statutes.

b. Certification that real estate taxes are paid shall be furnished in the form of copies of paid real estate tax bills on the land within the proposed subdivision.

c. An acknowledgement in certificate form by the owner or owners of his/her or their adoption of the plat and of the dedication of streets and other public areas. Dedications shall be in certificate form on the plat including any liens or deeds of trust. Should such restrictions and trusteeships be filed as a separate instrument, reference to such instrument shall be noted on the final subdivision plat.

d. Proposed and existing private restrictions and trusteeships and their periods of existence. Should such restrictions and trusteeships be filed as a separate instrument, reference to such instrument shall be noted on the final subdivision plat.

e. After a final subdivision plat has been approved by the City Council, three (3) prints of certified plans showing the improvements that have been constructed within the subdivision according to the approved subdivision improvement plans or a

copy of the security arrangement for completion of improvements required by [Section 410.410](#) shall be filed with the Zoning Administrator before said plat shall be released for recording.

C. *Review Procedure.*

1. *Submission to Zoning Administrator.* Upon receipt of or in conjunction with the submission of subdivision improvement plans for approval in accordance with [Section 410.130\(C\)](#) the applicant may submit five (5) copies of the final subdivision plat to the Zoning Administrator who shall determine compliance with all applicable submission requirements. The submittal shall be made in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free. The Zoning Administrator shall distribute copies to other appropriate City personnel for review and comment.

2. *Planning and Zoning Commission.* The various City departments shall review in a timely manner the final subdivision plat and transmit their comments to the Zoning Administrator. ~~for forwarding to the Commission. If submitted ten (10) or more days prior to a regularly scheduled meeting of the Commission, said final subdivision plat shall be reviewed by the Commission at that time.~~ The Zoning Administrator shall receive the application and determine whether it is complete with respect to all applicable submission requirements. Upon an affirmative such determination, the Zoning Administrator shall promptly: (1) forward the application and any department comments to the Planning and Zoning Commission, Mayor and City Council, (2) cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (3) cause a sign regarding the matter to be posted on the affected property, and (4) cause the application and plat to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. An application shall have been received and determined to be complete by the Zoning Administrator at least ten (10) calendar days prior to date of the meeting of the Planning and Zoning Commission in order to be included on the agenda. The Zoning Administrator shall also prepare a staff analysis and submit a report in conjunction with all applications being forwarded to the Planning and Zoning Commission, and shall submit such analysis and report to the Commission, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of that meeting.

 The Commission shall, by majority vote, approve or disapprove the final subdivision plat. The approval of the Commission shall be shown on the plat with the date of approval. If the Commission does not grant approval of the final subdivision plat, the Zoning Administrator shall inform the applicant of the action.

3. *City Council.* Once approved by the Planning and Zoning Commission, the final subdivision plat shall be submitted to the City Council for the passage of the necessary ordinance creating the subdivision, which approval and date shall be shown on the final subdivision plat. Such approval shall not be effective until the Board has likewise received and approved the appropriate financial security arrangements for the construction and installation of all site improvements required in the approved subdivision improvement plans (see [Section 410.410](#)). (R.O. 2008 App. B, §22A-15; Ord. No. 1045, 7-25-83)

SECTIONS 410.150--410.190: RESERVED

SECTION 410.530: AMENDMENT OF CHAPTER

~~The City Council, from time to time, may adopt and amend public rules and instructions for the administration of this Chapter to the end that the public be informed and that approval of plats be expedited. This Chapter may be changed or amended by the City Council after public hearing by the Commission, due notice of which shall be given as required by law. (R.O. 2008 App. B, §22A-54; Ord. No. 1045, 7-25-83) *Application Review Procedure.*~~

~~A. *Generally.* The City Council may, from time to time, on the receipt of a recommendation from the Planning and Zoning Commission, amend, modify or revise by ordinance the regulations herein established (hereafter referred to as a "text amendment"). Written application for any amendment may be filed by the Mayor, any member of the City Council or Planning and Zoning Commission or the Zoning Administrator.~~

~~B. *Application And Submission Requirements.* The application shall be made on a form provided by the Zoning Administrator and submitted thereto in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free. The application shall be signed by the applicant and shall state the applicant's name, mailing address, telephone number, and (if available) email address as well as set forth the new text to be added and existing text to be deleted.~~

~~C. *Limitations Of Filing.*~~

~~An application for amendment shall not be accepted by the Zoning Administrator if the application does not comply with all the requirements of this Section and any regulation published pursuant thereto.~~

~~D. *Application Review Procedure*~~

1. *Zoning Administrator.* The Zoning Administrator shall receive the application and determine whether it is complete with respect to all applicable submission requirements. Upon an affirmative~~such~~ determination, the Zoning Administrator shall promptly: (1) forward the application to the Planning and Zoning Commission, Mayor and City Council, (2) cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (3) cause a sign regarding the application to be posted at the Government Center, and (4) cause the application to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. ~~An application shall have been received and determined to be complete by the Zoning Administrator at least ten (10) calendar days prior to date of the meeting of the Planning and Zoning Commission in order to be included on the agenda.~~ The Zoning Administrator shall also prepare a staff analysis and submit a report in conjunction with all applications being forwarded to the Planning and Zoning Commission, and shall submit such analysis and report to the Commission, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of that meeting.

2. *Planning and Zoning Commission.* The Planning and Zoning Commission shall consider the application along with the staff report and decide whether or not to recommend approval.

3. *Public hearing.* After receipt of a recommendation from the Planning and Zoning Commission, the City Clerk shall set a date for a public hearing before the City Council ~~[Alternate 3. Public hearing. Prior to the Commission making its decision regarding an application, the City Clerk shall set a date for a public hearing before the Commission]~~ and publish a public notice as required under Section 405.1120, of this Code and post it on the City website. Notice of the hearing shall also be published in the City newsletter. No application for amendment may be approved until after such hearing is held.

4. *City Council.* After receipt of a recommendation from the Commission and the public hearing, the City Council shall consider the application.

SECTION 3. The cross reference to Section 405.1080(J) in section 405.450.D.1.a is changed to simply refer to Section 405.1080. ~~The references in Section 405.460.B.16.c and 17.c to the "BOCA National Building Code adopted by the City of Creve Coeur" are changed to simply refer to the "Building Code adopted by the City."~~ Section 410.380 is deleted.

SECTION 4. Section 405.450.B is hereby revised as follows:

B. *Group Homes.* The following specific standards shall be met before a permit shall be issued for a group home:

1. *Use regulations.* The prevailing lot size requirements, building bulk regulations and yard setback requirements of the single-family residential district ("A", "B", "C" or "D" district) in which the group home is to be located shall be satisfied by any existing single-family residence structure to be converted to group home occupancy or by any structure to be newly constructed for such occupancy, such group homes shall not be permitted in any attached residential district ("AR" district) or other condominium or multi-family project such as within the "CB" Core Business District.

2. *Site density and certification of occupancy.* The owner or operator of a group home shall be duly licensed by the Department of Mental Health of the State of Missouri or accreditation acceptable to that department pursuant to Section 630.705 through Section 630.805 RSMo. or shall have applied for such license. Residents of such facilities must be mentally retarded, physically handicapped or developmentally disabled as defined under Section 630.005, RSMo. The home occupants shall not exceed eight (8) persons and the number of resident house parents shall not exceed two (2) persons. The objective of this certification of group home occupancy is to ensure that the occupancy of a group home is maintained exclusively for persons with valid developmental handicaps or disabilities at the above stated maximum density per group home. Specifically excluded are all other types of group or conjugate living such as homes for the elderly, fraternity houses, residences for nuns, priests or religious orders, residency for alcohol or chemical abuse patients and "half-way houses" for criminals or psychiatric patients.

3. *Community density.* In order to preclude the impaction of any single neighborhood or subdivision, no group home permitted in accordance with this Section shall be located within two thousand five hundred (2,500) feet of another such group home in the City of Creve Coeur.

4. *Residential appearance.* The residential appearance of the group home structure and its lot or site shall be maintained at all times in reasonable conformance with the surrounding neighborhood or subdivision.

SECTION 5. The definition of "Family" in Section 405.120 is hereby revised as follows:

~~FAMILY: An individual or married couple and the children thereof and no more than two (2) other persons related directly to the individual or married couple by blood or marriage or a group of not more than three (3) persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.~~

"Family" shall mean one or more persons occupying a dwelling unit and living together as a single nonprofit housekeeping unit, sharing one common kitchen facility, but not including group quarters such as dormitories, fraternities, sororities, motels, hotels, rooming houses, or boardinghouses.

SECTION 6. In Section 405.820, subsections B.2.c and B.2.d are renumbered as B.3 and B.4 respectively.

SECTION 7: The definitions of Sexually Oriented Business and Specified Sexual Activities in Section 405.120, are hereby amended to read as follows:

Sexually Oriented Business. An inclusive term used to describe individually and collectively: *adult cabaret; adult media store; adult theater; and/or sex shop* as defined by City ordinance as well as any sexually oriented business as defined by state law including Section 573.528 RSMo.

Specified Sexual Activities. Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, oral copulation, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast, and any related excretory functions, or any sadomasochistic practices or bestiality.

SECTION 8: Section 405.1000 is hereby amended to read as follows:

Section 405.1000: SEXUALLY ORIENTED BUSINESSES

The following conditions shall apply to all sexually oriented businesses:

1. No sexually oriented business shall be permitted within 1000 feet of any regular place of religious worship or religious institution, any public or private school, university or college, any public library, any hospital or nursing home, any child care center, any specialized service provider serving persons affected by mental disorders, mental illness, mental retardation, developmental disabilities, or alcohol or drug abuse, any public park or recreation center, any governmental meeting facility, any cultural institution such as a museum, any property used or zoned for residential use, or any City boundary. Such distance shall be measured in a straight line without regard to intervening structures or objects from the closest portion of the parcel to be used or exterior structural wall of the building to be occupied by the sexually oriented business to the closest portion of the parcel containing one of the foregoing uses point on any property line of the other property or zoning district or City boundary.

2. No sexually oriented business shall be allowed to locate or expand within 1000 feet of any other sexually oriented business or of any business licensed to sell or serve intoxicating liquor. The distance between any two businesses shall be measured in a straight line without regard to intervening structures or objects from the closest portion of the respective parcel exterior structural wall of each business.

3. All access to and from a sexually oriented business shall be provided from a street classified as a public right-of-way.

4. The property on which a sexually oriented business is located shall have a minimum of one hundred (100) feet of frontage on a public right-of-way, unless larger frontage is required in the zoning district, in which case such larger requirement will apply.

5. The property on which a sexually oriented business is located and the parking for such facility shall have a front yard setback of thirty (30) feet, a side yard setback of six (6) feet and a rear yard setback of ten (10) feet, unless larger setbacks are required in the zoning district, in which case such larger setback shall apply.

6. Off-street parking shall be provided pursuant to the City Code.

7. All landscaping and screening requirements otherwise applicable under the City Code shall be observed.

8. All signage requirements otherwise applicable under the City Code shall be observed, provided, however, a sexually oriented business shall be limited to one (1) wall-mounted sign no greater than one (1) square foot of sign per one (1) foot of wall length, not to exceed a total of fifty (50) square feet, which sign shall not flash, blink or move by mechanical means, shall not extend above the roof line of the building and shall not exceed eight (8) feet in height from ground level. Further, no merchandise, symbol or pictures of products or entertainment on the premises shall be displayed in window areas or on any sign or any area where such merchandise or pictures can be viewed from the exterior of the building. No flashing lights and/or lighting which leave the impression of motion or movement shall be permitted. No temporary signs shall be allowed.

9. Lighting of the parking area shall conform to the requirements of the City Code.

SECTION 9. This Ordinance shall become effective pursuant to the provisions of Section 3.11(g) of the Charter.

ADOPTED THIS _____ DAY OF _____, 2010.

| _____
A.J. WANG
PRESIDENT OF CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 2010.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK



city of CREVE COEUR

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STAFF REPORT TO THE PLANNING AND ZONING COMMISSION

Meeting Date: September 20, 2010

Subject: Application #10-029
Various Sections of Chapter 405, The Zoning Code, and Chapter 410, The Subdivision and Development of Land.

Location: City-wide.

Requested Action: Multiple amendments to correct section references, to improve clarity, to require electronic application materials, to require public hearings at the Planning Commission on certain items, and to conform certain definitions and regulations to Federal law and legal precedents.

Applicant Zoning Administrator
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

Report Prepared by:

Paul Langdon, AICP
Director of Community Development

Date

Attached: Draft Ordinance

INTRODUCTION

Several interested citizens recently presented a set of suggestions aimed at improving public awareness of zoning and subdivision proposals. After these suggestions were presented to the Planning and Zoning Commission (P&Z) and the City Council, City Staff and the City Attorney developed specific proposals which are now to be considered for approval by the P&Z and the Council. In addition to a large number of minor corrections and clarifications, significant changes include requirements for document submittal in electronic format to allow P&Z, Board of Adjustment (BoA) and website use of electronic agenda packets, and specific notice requirements for P&Z-only items. Draft language is also proposed for the possible inclusion of public hearings for certain P&Z items; BoA applications already require their own public hearing. Finally, the draft also proposes changes regarding the definition of family, licensing of group homes, and adult businesses, to meet a variety of state and federal laws.

DISCUSSION

The attached draft is quite lengthy due to the number code sections affected, but there are certain categories of change that are repeated and are discussed below:

- In many places throughout the target sections, there are text references to other parts of the code that have been supplemented with their associated section number. This eliminates ambiguity and aids the reader in determining the full extent of regulations that apply to their given project or property.
- Every process described by the code contains filing requirements. Each of these has been modified to require electronic copies of everything submitted which facilitates the creation of electronic packets. These processes also include a description of the intake and review procedure such that they:
 1. standardize the written structure of the section;
 2. require all of the application materials to be submitted at least 10 days before the intended meeting date;
 3. require all affected sites to be posted with a public notice sign;
 4. require notice of all items to be posted with the meeting agenda; and,
 5. require all staff reports to be posted to the City's website prior to the associated meeting.

These changes will standardize and amplify the means by which every action of the Planning Commission and the Board of Adjustment is publicized and brought to the attention of the general public. Nothing can guarantee full public engagement, but these represent the fullest efforts reasonably possible within the limits of the City's staff levels and financial capacity.

- Currently, the Zoning Code does not require a public hearing for any items before the Planning Commission, but does require them before the City Council for conditional use permits, text amendments, rezoning, subdivision plats, and subdivision code amendments. The draft ordinance provides the necessary change in wording to move those hearings to the Planning Commission, except subdivision code amendments that must remain at the Council under Missouri law. Note that there is still only one hearing under the alternative wording.

This potential change has been debated in the past, and most recently at the joint session of the Council and Commission held on August 23, 2010. Those in favor of the change note that the formality of a public hearing appears to illicit greater public input which can be critical to the review of an application. Those opposed to the change point out that the input may be more connected with the Council-level review rather than the type of meeting that is being held. They further point out that if additional input is received, it could involve the Commission in political debates that could distract the Commission from the technical review that they are primarily tasked with.

So long as there is still only one hearing, there is no reason to conclude that the process will take longer. Further, there is nothing guaranteeing that the Planning Commission will not be embroiled in a political debate with any given application. Ultimately, where the Commission is seeking some “shelter” from political debate, they should take comfort in the Comprehensive Plan that stands as the *Commission’s* document guiding all policy decisions placed before them. Further, the Zoning Code provides standards for conditional use permits, text amendments and rezonings to prevent the Commission from acting in an arbitrary or inconsistent fashion. Finally, it is right for the Commission to support the cause of greater public involvement and it is the staff opinion that more input can only help validate the Planning Commission’s actions and reduce the likelihood of an unfortunate collision of planning theory and community expectations at the City Council level. Nonetheless, there are other cities that hold hearings at the Council level only and the members of the Commission should feel free to debate this issue openly.

In addition to these systemic changes, there are several specific amendments. While some are simple, one-time corrections of terminology or elimination of redundancies, others are more significant and are discussed below:

- The period of Planning Commission and Board of Adjustment salary review has been revised from “annually” to “periodically” to give the Council the ability to carry out a review in response to real concerns rather than on a perfunctory basis.
- The rules governing the Planning Commission contain a paragraph relating to conflicts of interest. Since this is already covered by the City Charter and State Statute, it is unnecessary to repeat it in the Zoning Code.
- The limitations on filing conditional use permit (CUP) applications was rewritten to mirror the applicable standards already used under rezonings
- In addition to the aforementioned submittal and notice requirements, the entire Section 405.1080, Site Concept, Site Development and Minor Site Plan Approval has been re-arranged in an effort to make it easier to understand the individual processes. The existing code has several subsections that are out of sequence, making it difficult even for staff to fully understand the processes and limitations.
- The existing zoning code contains sections requiring building permits and occupancy permits. Given that these permits are otherwise required and governed by the City’s

adopted building codes (currently IRC (International Residential Code) and IBC (International Building Code) 2003), it is redundant to keep these sections in the Zoning Code. As such, they have been eliminated.

- The City has been using larger signs in commercial areas in the last two years to enable greater visibility in those visually complex areas. Wording is proposed under Section 405.1120, Publication of Notice of Hearings; Signs, that would potentially codify the use of these signs. Currently, commercial signs are 2'x3' while residential signs are 1.5'x2'. There has been some debate at the City Council level regarding these sizes, but the prevailing opinion has been that the larger signs are offensively large in residential areas, and bigger commercial signs are not only expensive and difficult to transport, but can become a public hazard if they are picked up by strong winds. Nonetheless, these are subjective standards, and if the members of the Planning Commission are not comfortable fixing these dimensions, they should consider deleting this section.
- The definition of "family" has been re-written to bring it in line with current legal precedent. Of particular note, it removes the numeric limitation on the number of individuals, instead focusing on the living arrangements within the dwelling but excluding the most typically disruptive situations, such as shared student housing.

CONCLUSION AND ACTION

The attached draft ordinance contains an unusually large number of text changes, almost all of which are directed at making the processes of the Planning Commission and Board of Adjustment easier to understand and more transparent to the public. The Planning Commission should evaluate each change against this intended direction, hear the comments of the public, and decide if they are successful or not. If changes are desired, the members may amend the proposal or provide the staff with specific direction for a revised draft to be prepared for the next meeting. If the members of the Planning Commission believe the ordinance should be supported, with or without preceding amendments, then a vote on a recommendation to the City Council is in order, after which a public hearing will be scheduled. The earliest possible hearing date is October 25, 2010.

MOTION

The following are examples of a motion for this application:

"I move to recommend approval of the draft text amendment ordinance attached to the staff report on application #10-029, dated September 20, 2010."

Or, to allow time for modifications:

"I move to continue application #10-029, so staff can modify the draft ordinance in accordance with the direction of the Planning Commission."

APPENDIX 1: ZONING CODE

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

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING CODE, CHAPTER 405, AND THE SUBDIVISION CODE, CHAPTER 410, OF THE CREVE COEUR CODE OF ORDINANCES, INCLUDING CHANGES IN PROCEDURES TO INCREASE PUBLIC AWARENESS OF PENDING MATTERS AND CHANGES TO MEET NEW LEGAL REQUIREMENTS.

WHEREAS, Chapter 405, Article IX Sections 405.1030 through 405.1150 of the City Code of Ordinances pertain to zoning procedures; and

WHEREAS, Chapter 410, Article II, Sections 410.090 to 410.140 and Article V, Section 410.530 pertain to subdivision and land development procedures; and

WHEREAS, interested citizens asked the City to consider various changes to such procedures with a goal of improving public awareness and understanding of zoning and subdivision proposals that come before the City; and

WHEREAS, there have been changes in statutes and case law that pertain to zoning and subdivision matters, including regarding the definition of family, licensing of group homes, and adult businesses; and

WHEREAS, based on discussions of such matters at public meetings of the City Council and Planning and Zoning Commission, the Zoning Administrator and City Attorney developed potential changes to such codes; and

WHEREAS, the Planning and Zoning Commission examined such materials and recommended approval of specific changes at its meeting held on _____ by a vote of _____; and

WHEREAS, the City Council held a public hearing thereon at the Creve Coeur Government Center on _____ beginning at 7:00 p.m. or immediately following the close of the previous public hearing; and

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

WHEREAS, consistent with the contemplated changes, the City also provided notice thereof in advance of the Planning and Zoning Commission and City Council meetings, posted on the City's bulletin board, website, and a sign outside the Government Center, and in the City newsletter; and

WHEREAS, all persons who presented themselves at said meetings 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 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 such amendments of 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. Chapter 405, Article IX Sections 405.1030 through 405.1150 of the City Code of Ordinances are hereby amended to read as follows:

ARTICLE IX. ADMINISTRATION

SECTION 405.1030: PLANNING AND ZONING COMMISSION

A. *Establishment And Purpose.* The Creve Coeur Planning and Zoning Commission (Commission hereafter) is hereby established to advise the City Council on how best to preserve and protect the existing residential and business community, to provide for, plan, guide and direct the development, redevelopment and growth of the City and to encourage high standards of architectural, site and landscape design and to encourage public participation.

B. *Composition, Appointment, Compensation, Removal.*

1. The Commission shall consist of seven (7) members. The members shall be U.S. citizens and residents of the City for at least one (1) year immediately preceding appointment and throughout their term of service. All members shall be qualified by knowledge or experience to act on questions pertaining to the development of the City. The Commissioners shall hold no other office or position in City Government. The Mayor shall appoint the Commissioners with the consent and approval of a majority of the City Council. Appointments shall be for terms of three (3) years, with the terms of all Commissioners expiring on June thirtieth (30th) of the last year of the members' term. Appointments to fill vacancies shall be for the unexpired portion of that term, although an individual may be reappointed for a further term.

2. Compensation for service on the Commission shall be as determined ~~periodically~~ annually by the City Council. Members may be removed for cause by the City Council. A member so removed may request and receive a written statement of charges and a public hearing before the City Council.

C. *Officers And Staff.* The Mayor shall appoint a Chairman with the consent and approval of the City Council. The Commission shall elect a Vice Chairman from among its members. The City Council, at its discretion, may provide for necessary expenses of the Commission incurred in the performance of its duties.

D. *Rules And Regulations.*

1. As necessary and as long as not inconsistent with the provisions of the City Code or other ordinances of the City, the Commission may provide such rules and regulations as it may deem necessary to carry out the provisions of this Chapter. The Commission shall by rule establish a regular meeting time and procedure for giving notice of its meetings and shall file these regulations in the office of the City Clerk. The Commission shall have the authority to call special meetings as it deems necessary.

2. The seven (7) voting members of the Commission shall transact the official business of the Commission with four (4) voting members constituting a quorum. If a quorum is present, the votes of a majority of those attending shall be required for recommendation of any action or measure or for transaction of any business. However, four (4) affirmative votes of voting members shall be required for approval of a request of a rezoning ([Section 405.1060](#)), an amendment to the text of this Chapter ([Section 405.1060](#)), a conditional use permit ([Section 405.1070](#)) or a site development plan, site concept plan or minor site development plan ([Section 405.1080](#)).

~~3. No member shall hear, discuss with other members of the Commission or act on any items before the Commission which would constitute a conflict of interest for that member as established in Sections 105.450, RSMo., et seq.~~

E. *Powers And Duties.* The Commission shall have the following powers and duties:

1. To prepare and submit to the City Council for its approval a comprehensive plan for the physical development of the City or portions thereof and recommended modifications of the same from time to time as deemed in the City's best interest.

2. To prepare and submit to the City Council for its approval a zoning ordinance and Zoning Map with such regulations as to the location, height, width, bulk and appearance of buildings and other structures, the use of land and buildings and the layout, improvement and landscaping of the site of any proposed development or redevelopment of property within the City of Creve Coeur, as it shall determine to be necessary or desirable for the promotion of the health, safety and general welfare of the inhabitants of the City.

3. To consider all requests for rezoning, zoning text amendments ([Section 405.1060](#)), site development plan approval ([Section 405.1080](#)) and conditional use permit ([Section 405.1070](#)) in the manner prescribed elsewhere in this Chapter.

4. To petition the City Council on its own initiative to amend, supplement, change or repeal this Chapter or any part thereof or to amend the

zoning ordinance or Zoning Map as the Commission determines to be in the City's best interest.

5. To submit an annual written report to the City Council containing the Commission's recommendations concerning this Chapter, a summary of its activities during the past year and its recommendations on specific community goals and objectives for the future and programs for achieving these.

6. To recommend to the City Council the preparation of such municipal, State or national legislation as may, in the interest of the City, be necessary in carrying out the recommendations or suggestions of the Commission.

7. To prepare and submit to the City Council such other reports relating to its investigations, transactions and recommendations as it deems proper or as required by the Mayor or the City Council.

8. To promulgate site development standards, architectural standards and guidelines for new construction, reconstruction or alterations for the purpose of assuring the mutual compatibility of buildings and their surroundings and the appearance, function and permanence of the location, form, shape, massing and exterior materials of building and site improvements. (R.O. 2008 §26-110; Ord. No. 1903 §1, 11-24-97; Ord. No. 1918 §§1--2, 1-26-98; Ord. No. 1978 §§1--2, 1-11-99; Ord. No. 2036 §1, 11-22-99)

SECTION 405.1040: BOARD OF ADJUSTMENT

A. *Establishment And Purpose.* The Creve Coeur Board of Adjustment is hereby established to further the general purpose and intent of this Chapter by varying its terms in appropriate circumstances, subject to conditions and safeguards and in accord with the other provisions herein.

B. *Composition, Appointment, Compensation, Removal.* The Board of Adjustment shall consist of five (5) members and three (3) alternates who shall be residents of the City. The members and alternates shall be appointed by the Mayor with the consent and approval of a majority of the City Council. Appointments shall be for terms of five (5) years with an expiration date of June thirtieth (30th). Appointments to fill vacancies shall be for the unexpired portion of the term only. Compensation for services on the Board of Adjustment shall be determined ~~annually~~ periodically by the City Council. Members of the Board of Adjustment may be removed for cause by the City Council. A member thus removed may request and receive a written statement of charges and a public hearing before the City Council.

C. *Officers.* The Board of Adjustment shall elect a Chairman who shall serve for a term of one (1) year. The Board of Adjustment shall annually select a Vice Chairman from among its members.

D. *Rules And Regulations.* The Board of Adjustment may adopt such rules as necessary from time to time to carry out the provisions of this Chapter, provided they are not inconsistent with the provisions of this Chapter or other ordinances of the City. Meetings of the Board of Adjustment shall be held as called by the Chairperson and at such other times as the Board of Adjustment shall determine. The Chairman, or in his/her absence, the Acting Chairperson, court reporter or City Clerk, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Board for the purpose. It shall keep records of its examinations and other official actions and all records shall be immediately filed in the office of the City Clerk and shall be a public record.

E. *Powers And Duties.* The Board of Adjustment shall have the following powers and duties:

1. To hear and decide all matters referred to it and upon which it is required to pass under this Chapter.

2. To interpret the provisions of this Chapter in such a way as to carry out its intent and purpose.

3. To hear appeals in a manner prescribed in [Section 405.1110\(I\)](#) of this Chapter, where it is alleged there is error in any order, requirement, decision or determination made in the enforcement or interpretation of this Chapter.

4. To authorize variances upon appeal in accordance with the provisions of [Section 405.1110](#) of this Chapter.

5. To permit a variance in the yard requirements of any district where there are severe practical difficulties or extreme hardships in the carrying out of these provisions due to an irregular shape or size of the lot, the sites of pre-existing buildings, topographical or other site conditions; provided, that such variance shall not have a serious adverse impact on any adjoining property or the general welfare or establish an unsatisfactory precedent for other locations and situations.

6. To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership on the date of adoption of this Chapter. (R.O. 2008 §26-111; Ord. No. 1903 §1, 11-24-97; Ord. No. 5123 Exh. A, 2-22-10)

SECTION 405.1050: ZONING ADMINISTRATOR

A. *Appointment.* A Zoning Administrator shall administer and interpret this Chapter pursuant to [Section 120.130](#) of this Code.

B. *Duties.* The Zoning Administrator or his/her duly designated and acting deputy shall enforce and perform those tasks necessary for administration of this Chapter and of [Chapter 410](#), Subdivision and Development of Land. In addition to and in furtherance of this authority, the Zoning Administrator shall:

1. Determine compliance with all relevant zoning provisions, standards and conditions of all applications for building permits as provided in this Chapter and other applicable City ordinances.

2. Conduct inspections of all buildings, structures and use of land to determine compliance with, or violations of, the provisions of this Chapter.

3. Furnish to the various departments, officers or employees of the City vested with the authority to issue permits or licenses such information as will ensure the proper administration of this Chapter.

4. Receive, check for compliance with the various submission requirements contained herein and forward to the Commission all applications for: amendment to the text of this Chapter or to the Zoning Map ([Section 405.1060](#)); site development plan approval ([Section 405.1080](#)); conditional use permit ([Section 405.1070](#)); building permits ([Section 405.1090](#)); occupancy permits ([Section 405.1100](#)); sign permits ([Section 405.920](#)); residential designed development ([Section 405.450\(C\)](#)); and variances ([Section 405.1110](#)).

5. Forward to the Board of Adjustment all papers constituting the record upon which actions appealed from are taken.

6. Report annually in writing to the Commission and the City Administrator on the administration of this Chapter with special attention to enforcement problems and deficiencies in its content, procedures and standards.

7. Maintain permanent and current records of this Chapter including reports, memoranda and correspondence relating to the various actions and determinations of the Planning and Zoning Commission, Board of Adjustment and City Council relative to this Chapter.

8. Perform the duties of Executive Secretary to the Board of Adjustment.

9. Notify in writing, if any violations of the provisions of this Chapter are found, the persons responsible for such violation. In giving notification, the Zoning Administrator shall indicate the nature of the violation and order the action necessary to correct it. He/she shall order discontinuation of any illegal use of land, buildings or structures, removal of illegal buildings or structures or of illegal additions or alterations, discontinuance of any illegal work being done or take any other action

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authorized by this Chapter to ensure compliance with or to prevent violation of its provisions.

10. Act as liaison between the other departments of the City and the Planning and Zoning Commission.

11. From time to time prepare and submit to the City Council for its consideration a recommended schedule of fees and charges to be assessed in connection with the procedures outlined in this Chapter. (R.O. 2008 §26-112; Ord. No. 1903 §1, 11-24-97)

SECTION 405.1060: ZONING CHANGES AND TEXT AMENDMENTS

A. ~~Requirements.~~

~~1. Generally.~~ The City Council may, from time to time, on the receipt of a recommendation from the Planning and Zoning Commission, amend, modify or revise by ordinance the boundaries and/or classification of districts (hereafter referred to as a "rezoning") or the regulations or restrictions herein established (hereafter referred to as a "text amendment"). Written application for any amendment may be filed by the Mayor, any member of the City Council or Planning and Zoning Commission or the Zoning Administrator. Applications may also be filed by any governmental body or person with a financial, contractual or proprietary interest in property that would be affected by the proposed amendment.

~~2. Simultaneous filing requirement. To expedite processing by the Planning and Zoning Commission and the City Council, copies of all applications for rezoning or text amendment that have been properly filed with the Zoning Administrator shall be transmitted to the Mayor and the City Council at the same time copies are forwarded to the Planning and Zoning Commission.~~

B. *Application And Submission Requirements.* The application shall be made on a form provided by the Zoning Administrator. ~~Said The~~ application shall be signed by the applicant and shall state the applicant's name, and mailing address, telephone number, and (if available) email address as well as:

1. *Text amendments.* An application for text amendment shall set forth the new text to be added and existing text to be deleted.

2. *Rezoning.* An application for a rezoning shall include a legal description of the property to be changed from one category to another, as well as a map or overlay on the existing map graphically describing said change, and any required site concept or site development plan.

An application for either a text amendment or rezoning shall comply with and be in accordance with the format and procedures adopted by the Planning and Zoning Commission and shall be filed with the City Clerk Zoning Administrator in both paper

format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free.

Every request for rezoning of property to one (1) of the following zoning districts shall be accompanied by a site concept or site development plan for approval pursuant to Section 405.1080~~in compliance with this Chapter:~~

Comment [MSOffice1]: This is relocated from 405.1080

- "AR" Attached Single-Family Residential
- "HE" Higher Education
- "PH" Planned Hospital
- "PO" Planned Office
- "RO" Research and Office Park
- "MX" Mixed Use
- "PC" Planned Community
- "GC" General Commercial
- "CB" Core Business
- "LI" Light Industrial

The action of the Planning and Zoning Commission approving, disapproving or conditionally approving the site concept or site development plan shall accompany its recommendation to the City Council regarding the rezoning. Application for the utilization of single-family residences for non-residential uses with the "A", "B", "C" or "D" Single-Family Residential Districts, where fronting on certain arterial streets, shall require in accordance with Section 405.450(D) the approval of a site development plan by the Planning and Zoning Commission. Other requirements for site development plan approval may be specified in this Chapter.

C. Limitations Of Filing.

1. An application for text amendment or rezoning shall not be accepted by the Zoning Administrator:

a. If the ~~requested change~~application does not comply with all the requirements of this Section and any regulation published pursuant thereto or if required fees and escrows have not been submitted.

b. If a previous application for rezoning the same property was approved or denied within twelve (12) months of this new application. The application shall be accepted, however, if the Zoning Administrator ~~verifies~~determines that substantial new facts ~~which~~ warrant reapplication ~~have been established~~.

2. An application for a text amendment or rezoning filed by the Mayor, a member of the City Council or the Planning and Zoning Commission or the Zoning Administrator may be accepted at any time regardless of the time limitations stated above.

3. After the Zoning Administrator has accepted and determined to be complete an application for rezoning by a private person, the application may not be modified as to the area proposed to be rezoned or as to the class of zone requested, unless the Zoning Administrator, the Planning and Zoning Commission or the City Council, at their discretion, allow such modification.

D. *Application Review Procedure.*

1. *Zoning Administrator.* The Zoning Administrator shall receive the application and determine ~~that whether~~ it is complete with respect to all applicable submission requirements. Upon such determination, the Zoning Administrator shall promptly: (1) prior to forwarding the application to the Planning and Zoning Commission, Mayor and City Council, (2) cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (3) cause a sign regarding the rezoning to be posted on the affected property, or for text amendment at the Government Center, and (4) cause the application to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. An application shall have been received and determined to be complete by the Zoning Administrator and the Zoning Administrator's review and any accompanying coordinated review of a site concept and site development plan shall have been completed at least thirty (30) ten (10) calendar days prior to date of the meeting of the Planning and Zoning Commission ~~for which it is first in order to be~~ included on the agenda, ~~unless otherwise approved by the Zoning Administrator due to extraordinary circumstances. In no case shall any application be received and determined to be complete by the Zoning Administrator fewer than ten (10) calendar days prior to the meeting of the Planning and Zoning Commission for which it is included on the agenda.~~ The Zoning Administrator shall also prepare a staff analysis and submit a report in conjunction with all applications being forwarded to the Planning and Zoning Commission, and shall submit such analysis and report to the Commission, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of that meeting.

2. *Planning and Zoning Commission.* The Planning and Zoning Commission shall consider the application along with the staff report and decide whether or not to recommend approval.

3. *Public hearing.* After receipt of a recommendation from the Planning and Zoning Commission, the City Clerk shall set a date for a public hearing before the City Council [Alternate 3. Public hearing. Prior to the Commission making its decision regarding an application, the City Clerk shall set a date for a public hearing before the Commission] and publish a public notice as required under Section 405.1120, Notice and Hearings, of this Code and post it on the City website. In the instance of a rezoning application, the City Clerk shall also send written notices of said public hearing to the owners of the subject property and all owners of property located within an area determined by lines drawn parallel to and three hundred (300) feet distant from the boundaries of the property for which a rezoning is sought, stating the nature of the proposed Zoning District Map amendment and advising of the date, time and location of the public hearing. For a text amendment no notice shall be mailed, but notice of the hearing shall also be published in the City newsletter. No application for text amendment or rezoning may be approved until after such hearing is held.

4. *City Council.* After receipt of a recommendation from the Commission, the City Council shall consider the application. In case of a protest against a text amendment or rezoning duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds ~~(€)~~ of all of the members of the City Council.

E. *Standards.* Zoning regulations shall generally be made:

1. In accordance with a comprehensive plan;
2. To lessen congestion in the streets;
3. To secure safety from fire, panic and other damages;
4. To promote health and the general welfare;
5. To provide adequate light and air;
6. To prevent the overcrowding of land;
7. To avoid undue concentration of population;
8. To preserve features of historical significance; and

9. To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Additionally, such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

Zoning regulations should be changed if the public welfare is not served by the zoning or if the public interest served by the zoning is greatly outweighed by the detriment to private interests. In making this determination, the City should consider the adaptability of the subject property to its zoned use and the effect of zoning on property value in assessing private detriment. The character of the neighborhood, the zoning and uses of nearby property, and the detrimental effect that a change in zoning would have on other property in the area are relevant to the determination of public benefit. (R.O. 2008 §26-113; Ord. No. 1903 §1, 11-24-97; Ord. No. 4091 §1, 6-25-07)

SECTION 405.1070: CONDITIONAL USE PERMITS

A. ~~Purpose And Intent~~Generally.

1. The purpose of ~~the~~ conditional use permits is to provide the City with a procedure for determining the appropriateness of a proposed use not authorized as a matter of right by the regulations of the district in which the use is proposed to be located. The appropriateness of the use shall be determined in consideration of surrounding uses, activities and conditions of the site and of surrounding areas. Based upon this determination, the City may decide to permit, reject or permit conditionally the use for which the conditional use permit is sought.

~~B. — Authorization-2.~~ The City Council may authorize by ordinance, under prescribed conditions, the construction or undertaking of any conditional use that is expressly permitted as a conditional use in a particular zoning district; however, the City reserves full authority to deny any request for a conditional use, to impose conditions on the use or to revoke approval at any time, upon a finding that the permitted conditional use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

3. An application for a conditional use permit may be filed by any person with a financial, contractual or proprietary interest in the subject property.

~~CB.~~ Application And Submission Requirements.

~~An application for a conditional use permit may be filed by the owner or tenant of the property in question or by a prospective owner or tenant on a form provided by the Zoning Administrator.~~

~~2. The application shall be filed in the office of the Zoning Administrator on a form provided by the Zoning Administrator in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free, who shall forward the application to the Planning and Zoning Commission. At the same time, a copy of the application shall be transmitted to the Mayor and City Council. The application shall be signed by the applicant and shall state the applicant's name, mailing address, telephone number, and (if available) email address. The application shall contain such information as the Planning and Zoning Commission may prescribe, by regulations which shall be filed with the Community Development Department. Such regulations regarding submission requirements and shall include but not be limited to, those items specified in Section 405.1080(c)(2) regarding site concept and site development plan approval.~~

C. Limitations of Filing.

~~3. At the time an application for a conditional use permit is filed, the applicant shall pay the City a fee according to a schedule established by the City Council together with any required escrows. An application for conditional use permit shall not be accepted by the Zoning Administrator:~~

~~(a) If the application does not comply with all the requirements of this Section and any regulation published pursuant thereto or if required fees and escrows have not been submitted.~~

~~(b) If a previous application for the same conditional use for the same property was denied within twelve (12) months of this new application. The application shall be accepted, however, if the Zoning Administrator determines that substantial new facts warrant reapplication.~~

D. Application Review Procedures.

~~1. Zoning Administrator. The Zoning Administrator shall receive the application and determine ~~that~~ whether it complies with all applicable submission requirements. Upon such determination the Zoning Administrator shall promptly: (1) ~~prior to forwarding~~ the application to the Planning and Zoning Commission, Mayor and City Council, (2) thereafter cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (3) cause a sign regarding the application to be posted on the affected property, and (4) cause the~~

application to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered An application shall have been received and determined to be complete by the Zoning Administrator and the Zoning Administrator's review and accompanying coordinated review of the site concept and site development plan shall have been completed at least thirty (30) ten (10) calendar days prior to date of the meeting of the Planning and Zoning Commission in order to be for which it is first included on the agenda, unless otherwise approved by the Zoning Administrator due to extraordinary circumstances. In no case shall any application be received and determined to be complete by the Zoning Administrator fewer than ten (10) calendar days prior to the meeting of the Planning and Zoning Commission for which it is included on the agenda. The Zoning Administrator shall also prepare a staff analysis and ~~submit a~~ report in conjunction with all applications being forwarded to the Planning and Zoning Commission, and shall submit such analysis and report to the Commission, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of that meeting.

Note--The FCC has established that local governments must act on requests to collocate on a communications tower within ninety (90) days and on all other tower siting applications within one hundred fifty (150) days. See Declaratory Ruling, WT Docket No. 08-165, released November 18, 2009.

2. *Planning and Zoning Commission.* The Planning and Zoning Commission shall consider the applications and decide whether to recommend approval.

3. *Public hearing.* After receipt of a recommendation from the Planning and Zoning Commission, the City Clerk shall set a date for a public hearing before the City Council [Alternate 3. Public hearing. Prior to the Commission making its decision regarding an application, the City Clerk shall set a date for a public hearing before the Commission] and the time the date for a public hearing ~~has been set by the Planning and Zoning Commission, the City Clerk shall~~ publish a public notice as required under Section 405.1120, Notice and Hearings, of this Code and post it on the City website. The City Clerk shall also send written notices to all owners of property located within an area determined by lines drawn parallel to and three hundred (300) feet distant from the boundaries of the property for which a conditional use permit is sought, stating the nature of the proposed use and advising of the date, time and location of the public hearing. No application for a conditional use permit may be approved until after such hearing is held.

4. *City Council.* After receipt of a recommendation from the Commission, the City Council shall consider the application.

E. *Standards.* The City Council shall not approve a conditional use unless it finds that the application and evidence presented clearly indicate that the proposed conditional use:

1. Complies with all other applicable provisions of this Chapter including environmental performance standards presented in [Section 405.550](#), the criteria in [Section 405.470](#) and the standards of this Chapter in regard to yard and setback, parking and loading areas, screening and buffering, refuse, storage and service areas and signs.

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.

F. *Conditions And Restrictions.* In approving a conditional use permit application, the City Council may impose conditions and restrictions as necessary to assure that the standards of [Section 405.1070\(E\)](#) are complied with and the general intent of this Chapter is carried out. Any future enlargement or alteration in the use of the structure 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 or alteration may be issued. Failure to comply with any of these conditions or restrictions shall constitute a violation of this Chapter punishable as provided in [Section 405.1150](#) of this Chapter.

G. *Expiration.*

1. A conditional use permit granted by the City Council shall not be valid for a period longer than one (1) year from the date it is granted, unless within such period:

- a. A building permit is obtained and substantial construction is begun; or

b. If a building permit is not required, an occupancy permit is obtained and the authorized use is commenced.

2. The City Council may grant extensions to the one (1) year period of not more than one hundred 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. (R.O. 2008 §26-114; Ord. No. 1903 §1, 11-24-97; Ord. No. 2091 §2, 11-27-00; Ord. No. 5123 Exh. A, 2-22-10)

SECTION 405.1080: SITE CONCEPT, SITE DEVELOPMENT AND MINOR SITE PLAN APPROVAL

A. *Purpose And Intent.* The purpose of the site concept, site development plan and minor site plan approval procedures is to enable the City to consider potential impacts upon the area in the vicinity of the property, to ensure consistency with good planning practice and to ensure high standards of site design for the general welfare of the City and its residents.

B. *Types Of Site Plans.*

1. Site plans shall be divided among site concept plans, site development plans and minor site plans. Within this Section, requirements for site development plans do not apply to site concept plans or minor site plans unless specifically indicated ~~or unless required by Section 405.1080(J) or Section 405.1080(K).~~

~~2. Site concept plans shall follow the review procedures in Section 405.1080(D), abide by the conditions and restrictions outlined in Section 405.1080(E) and specifically comply with the provisions of Section 405.1080(J) or Section 405.1080(K) as applicable.~~

~~23. Site development plans shall follow the procedures outlined in this Section except for those included in Sections 405.1080(J) and 405.1080(K).~~ A site development plan shall be required for:

- a. Any conditional use,
- b. Any project which includes the development of a parcel of land that contains no buildings or for which the existing buildings are to be removed and a new building or buildings constructed,
- c. Any development that is adding more than five thousand (5,000) square feet of new impermeable surface to a site, and
- d. Any development which will add less than five thousand (5,000) square feet of new impermeable surface to a site where such site has previously

received one (1) or more minor site plan approvals and the sum total of the impermeable surface added and proposed to be added to the site exceeds five thousand (5,000) square feet. A site development plan must be approved by the Planning and Zoning Commission.

34. Minor site plans shall be defined as plans for:

- a. The expansion of a permitted use,
- b. Change in use to another permitted use, or

c. 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 any such expansion, change or redevelopment shall not add more than five thousand (5,000) square feet of new impermeable surface to the site. More than one (1) minor site plan may be approved for an individual site, provided that the sum total of the new impermeable surface of all of the minor site plans does not exceed five thousand (5,000) square feet. A minor site plan must be approved by the Planning and Zoning Commission.

45. If there is any question or ambiguity in these regulations when determining whether a proposed development must file a site development plan or a minor site plan, the applicant shall be required to file a site development plan and follow the procedures pertaining thereto outlined in Section 405.1080(D).

C. *Application And Submission Requirements, Generally.*

1. An application for site concept or site development plan approval may be filed by any person with a financial, contractual or proprietary interest in the property to be developed according to the submitted plan.

2. All applications for site concept or site development plan approval shall be filed in the office of the Zoning Administrator in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free. ~~The An~~ application for site development plan approval shall contain ~~the following~~ information as prescribed herein as well as such additional information as the Planning and Zoning Commission may prescribe by ~~additional~~ administrative regulations, ~~filed with the City Clerk. The An~~ application for site concept plan approval shall contain the ~~following~~ information as prescribed in items (a) and (b) as well as the information required by Section 405.1080(D), as well as such additional information as the Commission may prescribe by administrative regulations.

a. All applications shall be signed by the applicant and shall state the applicant's name, mailing address, ~~and~~ telephone number, and (if available) email address.

b. The site concept or site development plan shall include all necessary data and drawings in order that the Zoning Administrator can determine whether the proposed use and development complies with the district requirements and that City departments affected by the project may assess the impact of the proposed development on public facilities and services and on the surrounding area.

D. *Site Concept Plans*. When a site or project greater than ten (10) acres in size or a tract of a different size as required elsewhere in this Chapter provides for the construction of a complex of buildings and site improvements, such as hospital, college or universities, and mixed use developments to be developed over an extended period of time or in multiple phases, a site concept plan shall be submitted for approval by the Planning and Zoning Commission and, if required by the zoning ordinance, the Creve Coeur City Council. This site concept plan shall contain at least the following information:

Comment [MSOffice2]: This subsection D is relocation of current subsection J

1. The location of the parcel in relation to all surrounding and adjacent uses, buildings and zoning;
2. The location of the parcel in relation to major arterials and/or highways and any roadways or drives connecting the parcel to those major thoroughfares;
3. The boundaries, dimensions and area of the parcel;
4. The proposed use and development of the parcel including principle and accessory uses;
5. The location and size of each existing structure and building on the parcel;
6. The footprint of each proposed building or structure on the parcel;
7. The height and number of stories of all proposed building and structures;
8. The amount of land area covered by all proposed buildings, structures, drives and parking facilities;
9. The ratio of floor area to land area (FAR);
10. Approximate locations of existing and proposed utility easements and stormwater retention areas;

11. Existing and proposed contours at vertical intervals of not more than five (5) feet;
12. Two (2) section profiles through the site showing preliminary building form, existing natural and proposed final grade;
13. Preliminary plan for sanitation and drainage facilities;
14. Drawings shall contain the project name, street names, a scale, north arrow and the date drawn and the scale for all drawings shall be no smaller than one (1) inch equals fifty (50) feet.

A site development plan shall then be submitted with applicable fees and escrow, for each specific building or phase within the project, for review and approval of the appropriate body. Such site development plan shall be submitted in advance of or in conjunction with an application for a building permit. Of primary importance in the review of a site development plan will be a determination that the plan complies with the site concept plan approved for the total development or project.

Either the City of Creve Coeur or the applicant may call for updates to the site concept plan at any time, as conditions or circumstances change.

E. Site Development Plans

1e. For a site development plan to be accepted for review, the following information shall be either placed on the site development plan or on a separate sheet accompanying the plan:

(1) All submissions to the City's Planning and Zoning Commission and City Council shall be properly sealed and signed by a licensed architect, professional engineer or land surveyor registered in the State of Missouri pursuant to laws and regulations established by the Missouri Board for Architects, Professional Engineers and Land Surveyors. An original seal, signature and print date shall appear on each page of one (1) original submittal set as evidence that the submitted material was prepared under the direction of a licensed architect, professional engineer or land surveyor. All other submissions shall be copies of the original set.

(2) Location map, north arrow and plan scale.

(3) Current zoning classification, proposed zoning classification, subdivision name, lot number and zoning of adjacent parcels.

(4) Title block including name of proposed project, name, address and phone number of preparers and project applicant or owner.

(5) Proposed use of each building and distance from adjacent property lines and required setback lines.

(6) The location and size of each building on the site.

(7) Legal description of the parcel or lot, the dimensions and area of the lot or site.

(8) The height and number of stories of the proposed building or buildings.

(9) Building schematic elevations depicting general size, shape and special design elements proposed as well as proposed materials to be used. Include two (2) sections at ninety degrees (90°) from each other through the proposed site and building(s).

(10) Location and identification of all easements (existing and proposed).

(11) Identification of utilities serving the site, water shed, fire district and school district.

(12) Location of existing and proposed sewage treatment, stormwater collection and detention (if applicable) and preliminary stormwater runoff calculations (if applicable)--amount of detention required and provided.

(13) Existing and proposed contour lines or elevations based on mean sea level datum.

(14) Site coverage data in a percentage form (a ratio of building and paved area to green space).

(15) The ratio of floor area to the site area (FAR).

(16) The location and number of proposed parking spaces, surface lot or structures, in relation to the applicable parking regulations in [Article VII](#). The layout shall include curb cuts, sidewalks, dimensional driveways and typical parking spaces showing handicapped parking and accessibility.

(17) Location and height of all light poles and trash enclosures.

(18) Existing and proposed landscaping including a concept landscape plan as described in [Section 405.540](#) including related site

improvements such as walls, berms, fences, street furniture, water features and walkways.

(19) Photometric study.

2e. The site development plan shall be submitted with the appropriate applications, fees and escrows and shall contain, at a minimum, the information required above. Additional information to be placed on the site development plan beyond the requirements listed above may be requested by authorized departmental representatives of the City of Creve Coeur. Possible additional information includes, but is not limited to, report on project features, anticipated project schedule or phasing schedule, floodplain study and traffic impact study.

3e. It is the intent that once the Planning and Zoning Commission and/or City Council approves this plan, no further review by them is required. The approved site development plan then is to be utilized by the City staff to determine conformance with all requirements of this plan prior to issuance of a building permit.

F. Minor Site Plan s-Application And Approval

Comment [MSOffice3]: This F is relocation of current K1

An application for minor site plan approval shall include applicable fees and escrow and a site plan containing the following:

a. All submissions to the City's Planning and Zoning Commission and City Council shall be properly sealed and signed by a licensed architect, professional engineer or land surveyor registered in the State of Missouri pursuant to laws and regulations established by the Missouri Board for Architects, Professional Engineers and Land Surveyors. An original seal, signature and print date shall appear on each page of one (1) original submittal set as evidence that the submitted material was prepared under the direction and control of a licensed architect, professional engineer or land surveyor. All other submissions shall be copies of the original set.

b. Location map, north arrow and plan scale.

c. Current zoning classification, subdivision name, lot number and zoning of adjacent parcels.

d. Title block including name of project, name, address and phone number of preparers and project applicant or owner.

e. Proposed use of any new or expanded building and distance from adjacent property lines and required setback lines.

f. The location and size of each building on the site.

g. Legal description of the parcel or lot, the dimensions and area of the lot or site.

h. The height and number of stories of any proposed building or addition to an existing building.

i. Location and identification of all existing and proposed easements.

j. Proposed changes to contour lines or elevations based on mean sea level datum.

k. Site coverage data in a percentage form (ratio of building and paved area to green space).

l. Floor area ratio (FAR).

m. The number of existing and proposed parking spaces and the location of any proposed parking spaces in relation to the applicable parking regulations in [Article VII](#) of this Chapter.

n. The layout of any proposed curb cuts, sidewalks, dimensional driveways and typical parking spaces showing handicapped parking and accessibility. If no changes are proposed to the parking area, this information will not be required.

o. Location and height of all proposed light poles and trash enclosures, if applicable.

p. Existing and proposed landscaping including a concept landscape plan as described in [Section 405.540](#) including related site improvements such as walls, berms, fences, street furniture, water features and walkways.

GD. Review Procedure, [Site Concept and Site Development Plans](#).

1. A site concept or site development plan shall be submitted with the application for site concept or site development plan approval on a form provided by the Zoning Administrator which shall contain, at a minimum, that information required by ~~the~~any district specific regulations in addition to the application and submission requirements of Section 405.1080~~(C)(2)~~. An application for site concept or site development plan approval shall not be accepted by the Zoning Administrator if the application does not comply with all the requirements of this Section and any regulation pursuant thereto or if the required fees and escrows have not been submitted.

2. The Zoning Administrator shall coordinate the review and analysis of the site concept or site development plan application by the City staff including other affected City departments before any final action may be taken by the Planning and Zoning Commission on the application. ~~This coordinated administrative review of the application shall be completed within sixty (60) days of filing. The results of this review shall be compiled by the Zoning Administrator and reported by him/her to the Commission for its consideration.~~

~~3. The Zoning Administrator shall receive the application and determine whether it complies with all applicable submission requirements. Upon such determination the Zoning Administrator shall promptly: (1) forward the application to the Planning and Zoning Commission, Mayor and City Council, (2) cause notice of the application to be publicly posted in the same manner as Commission meeting agendas, (3) cause a sign regarding the application to be posted on the affected property, and (4) cause the application to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. An application shall have been received and determined to be complete by the Zoning Administrator and the coordinated review shall have been completed prior to date of the meeting of the Planning and Zoning Commission in order to be included on the agenda. The Zoning Administrator shall also prepare a staff analysis and report in conjunction with all applications being forwarded to the Planning and Zoning Commission, and shall submit such analysis and report to the Commission, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of that meeting.~~

4. In considering any application for approval of a site development plan, the Planning and Zoning Commission and City Council shall consider the following factors:

Comment [MSOffice4]: This is current subsection I

- a. The relationship of proposed uses, functions, sites and buildings within the development tract to each other;
- b. The relationship of proposed uses, functions, sites and buildings within the tract to existing land uses and the permitted uses of adjoining tracts in accordance with correct zoning;
- c. The provisions and distribution of adequate parking facilities;
- d. The provision of proper means of access to and from public roads;
- e. The provision of site amenities including landscaping and fences;

f. Applicable design guidelines; and

g. Any other factors relevant to the public health, safety and convenience and general welfare of the residents of the City.

354. After the Planning and Zoning Commission receives the site concept or site development plan application and associated documents, it shall review the application and report it has received from the Zoning Administrator. The Planning and Zoning Commission may then either approve, disapprove or conditionally approve the site concept or site development plan application or forward its recommendation to the City Council if required elsewhere by this Chapter.

65. Once a site development plan, which contains the necessary information required by Section 405.1080(C)(2), receives approval of the Planning and Zoning Commission, or the City Council if required elsewhere by this Chapter, further review of the final building, construction and site improvement plans by the Planning and Zoning Commission or the City Council will not be required, provided those final plans are consistent with and in substantial compliance with the approved site development plan.

Comment [MSOffice5]: This is relocated from current subsection D

The City staff will review the final plans for consistency with the approved site development plan. Should the City staff, in its judgment, note "substantive changes" as defined in [Section 405.120](#) between the final plans and the approved site development plan, the plans will be referred back to the Planning and Zoning Commission and, if required, the City Council for review and approval of the changes prior to issuance of any construction permits by the City staff.

H. Review Procedure, Minor Site Development Plans

1. A minor site development plan shall be submitted with the application for minor site development plan approval on a form provided by the Zoning Administrator which shall contain, at a minimum, that information required by any district specific regulations in addition to the application and submission requirements of Section 405.1080(F). An application for minor site development plan approval shall not be accepted by the Zoning Administrator if the application does not comply with all the requirements of this Section and any regulation pursuant thereto or if the required fees and escrows have not been submitted.

2. The Zoning Administrator shall coordinate the review and analysis of the minor site plan application by the City staff including other affected City departments before any final action may be taken by the Planning and Zoning Commission on the application. This coordinated administrative review of the application shall be completed within forty five (45) days of filing of the complete minor site plan application and all applicable supporting information.

Comment [MSOffice6]: This is current K2

3. The Zoning Administrator shall receive the application and determine whether it complies with all applicable submission requirements. Upon such determination the Zoning Administrator shall promptly: (1) forward the application to the Planning and Zoning Commission, Mayor and City Council, (2) cause notice of the application to be publicly posted in the same manner as Commission meeting agendas, (3) cause a sign regarding the application to be posted on the affected property, and (4) cause the application to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. An application shall have been received and determined to be complete by the Zoning Administrator and the coordinated review shall have been completed prior to date of the meeting of the Planning and Zoning Commission in order to be included on the agenda. The Zoning Administrator shall also prepare a staff analysis and report in conjunction with all applications being forwarded to the Planning and Zoning Commission, and shall submit such analysis and report to the Commission, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of that meeting.

4. After the Planning and Zoning Commission receives the minor site plan application and associated documents, it shall review the application and report it has received from the Zoning Administrator. The Planning and Zoning Commission may then approve, disapprove or conditionally approve the minor site plan.

Comment [MSOffice7]: This is current K3

~~6. When an application for site concept or site development plan approval is filed in conjunction with an application for rezoning, the Planning and Zoning Commission shall submit the conclusions of its review of the site concept or site development plan in accordance with this Section (approval, disapproval or conditional approval), together with its recommendation for approval or disapproval of the application for rezoning, to the City Council for its action on the rezoning.~~

1E. Conditions And Restrictions.

1. In approving a site concept, site development plan or minor site plan application, the Planning and Zoning Commission or City Council may impose conditions and restrictions and may vary the standards and prescribe development standards within the range of such discretion as prescribed elsewhere in this Chapter, so long as the general intent of this Chapter is carried out. In no event, however, shall any permitted use or use regulations be varied so as to make them less restrictive than prescribed in the district regulations contained in [Article VI](#) of this Chapter.

2. In its review and approval of a site concept, site development or minor site plan application for any zoning district, the Planning and Zoning Commission or City Council may increase the minimum requirements designated in the applicable Sections of this Chapter including, but not limited to, front yard, side yard or rear yard setbacks based upon its review of the individual site's topography, the building's orientation in relationship to street rights-of-way and adjoining properties, the building materials used and the mass and height of the building. The purpose of such increases in the minimum requirements is to minimize any adverse impacts of the proposed development on adjoining or nearby properties and the general community.

3. If the Planning and Zoning Commission or City Council imposes conditions or restrictions, it shall designate specific requirements which must be met before an applicant may be granted final approval of a site development plan or minor site plan and building and occupancy permits.

4. Failure to comply with any of these conditions or restrictions shall constitute a violation of this Chapter punishable as provided in [Section 405.1150](#) of this Chapter.

JF. *Period Of Validity For Site Concept Plan, Site Development Plan And Minor Site Plan Approval.*

1. Site concept plans approved by the City of Creve Coeur shall be valid for a period of up to eight (8) years from the date of approval. After the eighth (8th) year, a site concept plan will no longer be valid unless an extension is granted as set forth below. The City of Creve Coeur may grant one (1), 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 one hundred eighty (180) days prior to the expiration date and granted prior to the expiration date.

2. Upon such written request for a one (1) year extension, the Planning and Zoning Commission and City Council, when required, does, however, have the power to disapprove the extension or to attach new conditions to the extension, based upon any change in circumstances or changes in the City's ordinances since the time that the application was originally approved. Where the application for a one (1) year extension contains changes, which the City concludes substantially or materially alters the initial application, it shall refer the application to the Zoning Administrator who shall initiate a new site concept plan review procedure as stated in Section 405.1080(~~C~~).

3. An application to amend an existing site concept plan may be submitted at least one hundred eighty (180) days before the date of expiration and granted prior to the expiration date. The City does, however, have the power to disapprove the application or to attach new conditions to the existing site concept plan, based upon any change in circumstances or changes in the City's ordinances since the time that the application was originally approved. Once the City of Creve Coeur has

granted an amendment to an existing site concept plan which has not yet expired, such amended site concept plan is subject to a period of validity no longer than eight (8) years from the date of approval of the amended plan, unless a one (1) year extension is granted as set forth above. An application to amend an existing site concept plan shall be subject to the same procedures as an original application.

4. No site development plan or minor site plan approval by the Planning and Zoning Commission shall be valid for a period longer than twelve (12) months from the date it is approved, unless within such period a building permit is obtained and substantial construction is commenced. Substantial construction shall be deemed to consist of clearing the site, completion of footings, basement or building slab and inspection of such work. The Planning and Zoning Commission and the City Council, when required, may grant extensions not exceeding twelve (12) months each upon written request of the original applicant prior to the expiration of such period and resubmission of the application if the application as resubmitted is substantially the same as the initially approved application. However, the Commission has the power in such cases to attach new conditions to its re-approval or disapprove the reapplication. Where the application for re-approval contains changes which the Commission concludes materially alter the initial application, it shall refer the application to the Zoning Administrator who shall initiate a new site development plan review procedure as stated in Section 405.1080(G) or a new minor site plan review procedure as stated in Section 405.1080(K).

~~G. Reserved.~~

~~Site Development Plan Approval In Conjunction With Rezoning. In the event the site development plan was approved in conjunction with a change of zoning and if substantial construction or development has not been completed within twelve (12) months of the Planning and Zoning Commission's approval of the site development plan or the City Council's approval of the rezoning does not begin within the above period of time, the City Council may, on its motion or on a recommendation of the Planning and Zoning Commission, rezone the property or any portion thereof to any one (1) or more of the zoning districts that regulated the use of such ground immediately prior to the approval of the zoning district classification and corresponding site development plan. A public hearing, other than the required three (3) readings of a bill, is not required for this rezoning; however, the owner shall be notified of the proposed rezoning prior to the introduction of any bill for such rezoning.~~

~~H. Site Development Plan, Minor Site Plan And Building And Occupancy Permits. The Zoning Administrator shall not certify an application for a building permit (as required by Section 405.1090) or issue an occupancy permit (as required by Section 405.1100) for any building or structure within a project that has undergone site development plan or minor site plan approval unless such building or structure is in substantial compliance with the site development plan or minor site plan as approved by the City.~~

(R.O. 2008 §26-115; Ord. No. 1903 §1, 11-24-97; Ord. No. 2024 §1, 9-27-99)

SECTION 405.1090: RESERVED BUILDING PERMITS

~~A. Requirement. Except for single-family residential development, no building shall hereafter be constructed, reconstructed or structurally altered, nor shall any such work be started until the Planning and Zoning Commission has approved a site development plan for the project in accordance with Section 405.1080 and any required building permit for the work has been issued by the Building Official. However, any proposed alteration which does not significantly affect the exterior appearance of a building requires only submission of the application to the Building Official rather than the Planning and Zoning Commission for approval. The application for a building permit shall be in the name of the person for whom the work or construction is to be done. Building permits shall expire one (1) year after date of issuance unless, in the judgment of the City staff, substantial construction has been initiated and is being pursued diligently toward completion.~~

~~B. Application And Submission.~~

~~1. The application shall be prepared on forms provided by the Zoning Administrator and available in his/her office. The application shall be signed by the applicant and shall state his/her name and address.~~

~~2. In addition to the specific requirements below, every application for a building permit shall further comply with all applicable provisions of the Building Code as well as Sections 410.230 through 410.300 of Chapter 410, Subdivision and Development of Land. The Zoning Administrator shall issue regulations requiring such other information as may be necessary to determine compliance of the application with this Chapter and a copy of the applicable provisions from the Building Code and Chapter 410 and said regulations shall be available in the office of the Zoning Administrator.~~

~~3. All applications for building permits shall be accompanied by three (3) copies of engineering and/or architectural plans and specifications for commercial applications and two (2) copies for residential applications, drawn to an appropriate scale. All plans and specifications for buildings and structures exceeding the construction valuation established by the current Building Code of the City of Creve Coeur shall be properly sealed and signed by a licensed architect, professional engineer or land surveyor registered in the State of Missouri as appropriate for the plan submitted. The seal, signature and print date shall appear on all original documents. The required submittal print sets shall bear an original seal and signature on the first (1st) sheet of each professional discipline, as evidence the submitted material was prepared under the direction and control of the architect, professional engineer or land surveyor. The plans shall be sufficiently detailed to allow the determination of compliance with all relevant City codes, ordinances, regulations and the approved site development plan and shall show the proposed site improvements including all new~~

construction, reconstruction, structural alterations, repairs, additions to or modifications of existing structures. In addition, said plans shall indicate the shape and dimensions of the lot to be built upon, the exact size and location on the lot of existing structures and the lines within which the buildings or structures shall be erected or altered, the existing and intended use of each building or part of building, the number of families the building is designed to accommodate if a residence or apartment, the number of persons the building is designed to accommodate for each separate use or non-residential function and such other information with regard to the lot and neighboring lots as may be necessary to determine compliance with the approved site development plan and provide for the enforcement of this Chapter. One (1) copy of such plans shall be returned to the owner upon approval by the Building Official.

4. All dimensions shown on those plans relating to the location and size of the lot to be built upon shall be related to known, accepted street or property lines. The Zoning Administrator, the Building Official or the Planning and Zoning Commission may require that the lot and the location of the building thereon shall be staked out on the ground before construction is started.

5. At the time a building permit is issued, the applicant shall pay the City a fee in accordance with the schedule of fees established by the City Council. Said fee shall be paid in the office of the Department of Public Works.

6. The Building Official shall not issue a building permit until a performance bond or escrow agreement with funds deposited in escrow has been filed with the Department of Public Works in a form approved by the City Attorney. The amount of the bond or escrow agreement and deposit shall be set in accordance with a schedule established by the City Council upon recommendation of the Department of Public Works.

C. Review Procedures.

1. *Zoning Administrator.* The Zoning Administrator shall review the application and determine that whether it complies with all applicable submission requirements and all applicable City ordinances relating to the development of land and the approved site development plan. If the application satisfies all applicable requirements, the Zoning Administrator shall promptly: (1) forward the application to the Building Official for Building Code review and subsequent issuance of a building permit; (2) forward the application to the Mayor and City Council; (3) cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas; (4) cause a sign regarding the application to be posted on the affected property; and (5) cause the application to be made publicly available on the City website. If the Zoning Administrator finds substantive changes between the submitted documents and the approved site development plan, the plans shall be referred back to the Planning and Zoning Commission and City Council, if applicable, for further review and approval of the substantive changes.

~~2. Appeal. In the event an application is refused by the Zoning Administrator and/or the Building Official for the reason that the application fails to satisfy the applicable requirements of this Chapter, the applicant may appeal the interpretation or administration of this Chapter to the Board of Adjustment in accordance with the provisions of Section 405.1110(I). (R.O. 2008 §26-116; Ord. No. 1903 §1, 11-24-97; Ord. No. 3063 §9, 5-23-05)~~

SECTION 405.1100: RESERVED OCCUPANCY PERMITS

~~A. Requirement. No land shall be occupied or used and no commercial or other building (other than a single or multi-family building) erected after the date of adoption of this Chapter shall be occupied or used, in whole or in part, for any purpose whatsoever until the Zoning Administrator (or his/her designee) has issued an occupancy permit. The use, occupancy or tenancy of a building or part thereof now or hereafter erected, other than a single or multi-family dwelling, shall not be changed without an occupancy permit being issued thereon by the Zoning Administrator (or his/her designee). No permit shall be issued to make in connection with such a change unless such changes are in conformity with the provisions of this Chapter.~~

~~B. Application.~~

~~1. Whenever the sale of a building results in a change in the occupant or whenever premises are rented to any occupant or whenever there is a change of use of the premises, the occupant shall be required to apply for and receive an occupancy permit in accordance with the provisions of this Chapter and all other applicable ordinances and regulations of the City or other public jurisdiction having jurisdiction over some aspect of the development (fire protection, sewers, etc.).~~

~~2. An application for an occupancy permit shall be filed in the office of the Zoning Administrator. If a building permit is also required, the occupancy permit shall be applied for coincidentally with any regulations issued by the Zoning Administrator. At the time an application for occupancy permit is filed, the applicant shall pay the City a fee in accordance with a schedule of fees established annually by the City Council. Said fee shall be paid in the office of Community Development.~~

~~3. The Zoning Administrator shall review the application and determine whether it complies with all applicable submission requirements and all applicable City ordinances. If the application satisfies all applicable requirements, the Zoning Administrator shall promptly: (1) forward the application to the Mayor and City Council; (2) cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas; (4) cause a sign regarding the application to be posted on the affected property; and (5) cause the application to be made publicly available on the City website.~~

~~C. Issuance.~~

~~1. The occupancy permit shall not be issued by the Zoning Administrator until the Building Official has caused the premises to be inspected and has affixed to the application for such permit his/her approval that the proposed use and any buildings or structures involved comply in all respects with the provisions of the approved building permit. If the Zoning Administrator finds that the use is in compliance with all applicable provisions of this Chapter and all other applicable public regulations, he/she may issue said occupancy permit. An occupancy permit shall be issued within ten (10) days after the lawful erection, reconstruction or alteration of the building is completed if the building has passed all necessary inspections and has received the approval of the Building Official and the Zoning Administrator.~~

~~2. Under such rules and regulations as may be established by him/her, the Zoning Administrator may issue a temporary occupancy permit for a part of a commercial building only. A temporary permit may be issued only if the Zoning Administrator and Building Official find that the building and proposed use comply with all applicable requirements of this Chapter. This paragraph shall not apply to residential structures which must be completed prior to occupancy in accordance with the building permit issued.~~

~~3. Appeal. In the event an application is refused by the Zoning Administrator for the reason that the application fails to satisfy the applicable requirements of this Chapter, the applicant may appeal the interpretation or administration of this Chapter to the Board of Adjustment in accordance with the provisions of Section 405.1110(l), (R.O. 2008 §26-116; Ord. No. 1903 §1, 11-24-97; Ord. No. 3063 §9, 5-23-05) (R.O. 2008 §26-117; Ord. No. 1903 §1, 11-24-97).~~

SECTION 405.1110: VARIANCES AND APPEALS

A. *Authorization For Variances.* Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Chapter, the Board of Adjustment may vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures, signage or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

B. *Application And Submission.*

1. An application for variance shall be filed in the office of the Zoning Administrator in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free. The Zoning Administrator shall review the application to

determine whether it complies with all applicable requirements. Upon such determination, the Zoning Administrator shall promptly: (1) Prior to forwarding the application to the Board of Adjustment, Mayor and City Council; (2) cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (3) cause a sign regarding the application to be posted on the affected property, and (4) cause the application to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Board of Adjustment at which the application is first considered. ~~†~~The Zoning Administrator shall prepare a report describing the circumstances of the application. The Zoning Administrator shall ~~then~~ forward the ~~application, his/her~~ report and any recommendations or actions of any other City department or agency to the Board of Adjustment, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of the meeting.

2. The application shall contain the following information, as well as such additional information as the Board of Adjustment may prescribe by regulation; ~~and file with the City Clerk.~~

a. The particular requirements of this Chapter which prevent the proposed construction;

b. The characteristics of the subject property which prevent compliance with the requirements of this Chapter;

c. The particular hardship which would result if the specific requirements of this Chapter were applied to the subject property; and

d. The reduction of the minimum requirements of this Chapter which would be necessary to permit the proposed construction.

C. *Hearing And Procedural Rules.* The Board of Adjustment shall hold a public hearings on eachall applications for variances. The City Clerk shall publish notice in accordance with the provisions of Section 405.1120. The Board of Adjustment shall also send written notice by first class mail stating the nature of the proposed variance or appeal to all owners of property located within 300 feet of immediately adjacent to the boundaries of the property for which a variance or appeal is sought. ~~Notice shall also be sent as well as~~ to the owners of the subject property.

D. *Criteria For Variances, Generally.* The Board of Adjustment shall not grant a variance as authorized herein unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented to it that support all of the following conclusions:

1. The variance requested arises from a condition which is unique to the property in question and which is not ordinarily found in the same zoning district;

2. The variance requested is because of a unique hardship not created by the applicant nor owner of the property;

3. The granting of the variance shall not adversely affect adjacent property owners or residents;

4. The strict application of the provisions of this Chapter from which a variance is requested will cause severe practical difficulty or extreme hardship for the property owner represented in the application;

5. The variance desired will not adversely affect the public health, safety, order, convenience or general welfare of the community; and

6. Granting the variance desired will not violate the general spirit and intent of this Chapter.

E. *Criteria For Area Variances.* In addition to the criteria listed in [Section 405.1110\(D\)](#) an applicant for an area variance or a variance to any regulation contained in the zoning ordinance, except for regulations dealing with the use of land which are included in [Section 405.1110\(F\)](#), must meet the following criteria:

1. By reason of exceptional narrowness, shallowness or shape of the specific piece of property or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances that the strict application of the terms of the zoning regulations actually create a hardship to the property in a manner dissimilar to that of other similarly situated property in the zoning district in which it is located.

2. Granting the variance would not result in the diversion of additional stormwater that would adversely affect adjacent property.

F. *Criteria For Use Variances.* In addition to the criteria listed in [Section 405.1110\(D\)](#), an applicant for a use variance must meet the following criteria:

1. The applicant must be suffering unnecessary hardship in carrying out the strict letter of the ordinance. Unnecessary hardship can be shown by the applicant if he/she demonstrates the following:

a. He/she is deprived of all beneficial use of the property or that he/she would incur unwarranted economic hardship in achieving a permitted use;

b. The conditions causing the hardship are unique and peculiar to the applicant's property and are not prevalent in the neighborhood; and

c. The hardship must be due to conditions not personal to the owner, but rather to conditions affecting the land, thereby making the land unsuitable for the permitted uses in the zone in which it lies.

2. The applicant must prove that relief is necessary because of the unique character of the property.

3. The proposed variance will not conflict with the City's Comprehensive Plan.

4. The use proposed by the applicant must be specific and must be a use that is allowed as a permitted use in at least one (1) other zoning district in the City.

G. *Decisions And Records.* The Board of Adjustment shall render and send to the applicant a written decision on an application for a variance without unreasonable delay and in no case after more than thirty (30) days of the decision. The Zoning Administrator shall be informed of the decision and shall be responsible for enforcement. The Zoning Administrator shall promptly: (1) forward the decision to the Mayor and City Council; (2) forward the decision to all persons who participated in the public hearing and the property owner; and (3) make the decision publicly available on the City website.

H. *Period Of Validity.* No variance granted by the Board of Adjustment shall be valid for a period longer than three hundred sixty-five (365) days from the date on which it grants the variance, unless within such period:

1. A building permit is obtained and the construction or alteration of the structure is commenced and pursued diligently toward completion; or

2. An occupancy permit is obtained and a use or occupancy commenced. The Board of Adjustment may grant extensions not exceeding one hundred eighty (180) days each, upon written application, without notice or hearing.

I. *Authorization For Appeals--Appeals To The Board Of Adjustment.* Appeals to the Board of Adjustment may be taken by any person aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo., representing such person, or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer or by the interpretation or administration of this Chapter; provided however, that the Board of Adjustment shall not have jurisdiction to hear appeals from conditional use permits (see [Section 405.1070](#)), residential designed development (see [Section 405.450\(C\)](#)) or other decisions from the City Council related to this zoning ordinance.

J. *Procedure For Appeals.*

1. *Time for appeals.* Notice of appeal shall be filed within a reasonable time, not to exceed thirty (30) days from the event or action appealed from occurred.

2. *Filing.* The person taking the appeal shall file in the office of Community Development. A fee shall be paid to the Community Development Department at the time the appeal is filed; the amount of the fee shall be determined by the City Council.

3. *Procedure.* The Board of Adjustment shall notify the officer or the department from whom the appeal is taken. The officer or department shall immediately transmit to the Board of Adjustment all the papers and documents constituting the records of the actions or events which are being appealed. Upon such determination, the Zoning Administrator shall promptly: (1) forward the application to the Board of Adjustment, Mayor and City Council, (2) cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (3) cause a sign regarding the application to be posted on the affected property, and (4) cause the application to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. The Zoning Administrator shall prepare a report describing the circumstances of the application. The Zoning Administrator shall then forward the report and any recommendations or actions of any other City department or agency to the Board of Adjustment, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of the meeting.

4. *Public hearing.* The Board of Adjustment shall set a date for a public hearing and notice of this hearing shall be given according to the provisions of Section 405.1120. The hearing shall be held no later than sixty (60) days from the date the appeal is filed. The Board of Adjustment shall also send written notice by first class mail stating the nature of the proposed variance or appeal to all owners of property located within 300 feet of immediately adjacent to the boundaries of the property for which a variance or appeal is sought. ~~Notice shall also be sent as well as~~ to the owners of the subject property.

5. *Decisions on appeals.* Within thirty (30) days of the close of the public hearing, the Board of Adjustment shall affirm or reverse, fully or partly, or modify the order, requirement, decision or determination or other event or action appealed from. The Board of Adjustment shall be guided in its deliberations by the Comprehensive Plan of the City and any special area plans and the purpose and intent of this Code and all Sections thereof. The Zoning Administrator shall promptly: (1) forward the decision to the Mayor and City Council; (2) forward the decision to all persons who participated in the public hearing and the property owner; and (3) make the decision publicly available on the City website.

6. *Stay of proceedings.* An appeal stays all proceedings that concern the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after he/she received notice of appeal that by reason of facts certified by him/her, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed except in the following:

a. In accordance with a restraining order issued by the Board of Adjustment or a court of record;

b. If the appellant shows good cause why a stay should not be allowed and upon notice to the officer or department from whom the appeal is taken and that there is to be no stay of proceedings.

K. *Appeals To The Circuit Court--Authorization.* Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons or any officer, department, board or bureau of the municipality, may present to the Circuit Court of the County or City in which the property affected is located a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. (R.O. 2008 §26-118; Ord. No. 1903 §1, 11-24-97; Ord. No. 1945 §1, 6-22-98)

**SECTION 405.1120: PUBLICATION OF NOTICE AND OF HEARINGS;
SIGNS**

Whenever the provisions of this Chapter require publication of notice ~~and of a public~~ hearing under this Section, the procedures herein shall govern.

1. *Time of publication, content.* It is the responsibility of those officials conducting the hearing to see that at least fifteen (15) days' notice of the time and place of the hearing is published in a newspaper of general circulation in the City of Creve Coeur. The notice shall state the time and place of the hearing and the subject matter of the hearing. When applicable, the notice shall also state where copies of reports, documents, applications, plans or other relevant material will be accessible for examination by interested persons prior to the hearing.

2. *Record of proceedings.* The official or officials holding the hearing shall provide for maintaining a record of the hearing and for taking statements, evidence and testimony.

~~3. *Posting notice.* In addition to publishing notice, when the hearing concerns specific property, the officials conducting the hearing shall post a sign on the premises indicating that information is available from the City. (R.O. 2008 §26-119; Ord. No. 1903 §1, 11-24-97)~~

3. Whenever the provisions of this Chapter require posting of a sign: (1) for matters concerning a single residential lot; the sign shall be ; (2) for other matters the sign shall be .

SECTION 405.1130: FEES

Upon receipt of the recommendations of the City Administrator and the Zoning Administrator, the City Council shall ~~annually~~ periodically establish a schedule of fees, charges and expenses, escrows, and a collection procedure for all matters pertaining to this Chapter. The schedule of fees shall be filed with the City Clerk and in the office of the Zoning Administrator. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any matter or on any appeal provided by this Chapter. (R.O. 2008 §26-120; Ord. No. 1903 §1, 11-24-97)

SECTION 405.1140: ENFORCEMENT

A. *Zoning Administrator.* This Chapter shall be enforced by the Zoning Administrator with the assistance and cooperation of the Building Official. The construction, reconstruction and/or alteration of buildings shall not be undertaken and the development of land shall not be commenced except in accordance with the provisions of this Chapter. No permit or application for the construction, alteration or change of use of buildings or land shall be approved if the proposed use or activity would be in violation of this Chapter.

B. *Notice Of Violation And Sanctions.* If the Zoning Administrator finds that any of the provisions of this Chapter are being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall take any other action authorized by law to ensure compliance with or to prevent violation of the provisions of this Chapter.

C. *Conformance With Approved Plans And Conditions.* All permits issued on the basis of plans and/or applications approved by the Building Commissioner, Zoning Administrator, Planning and Zoning Commission and/or City Council shall authorize only the use, arrangement and/or construction set forth in such approved plans and/or applications and no other use, arrangement or construction. (R.O. 2008 §26-121; Ord. No. 1903 §1, 11-24-97)

SECTION 405.1150: VIOLATIONS AND PENALTIES

A. *Violations.* Violations of this Chapter shall include, but are not limited to, the following:

1. The use, alteration or construction of buildings or the use or improvement of land of a site not in accordance with the provisions of this Chapter or with approvals given or permits issued pursuant to this Chapter.

2. Failure to obtain permits as required by this Chapter.

3. Failure to comply with the terms, conditions or restrictions of a variance ([Section 405.1080](#)) issued pursuant to this Chapter.

B. *Persons Liable For Violation.* Those chargeable, singly or jointly, with violations of this Chapter shall include, but are not limited to, the following:

1. Those who commit, assist in or otherwise participate in a violation.

2. The owner or other persons who maintain the building, premises, property or other place where the violation has been committed or exists.

3. The owner's agent or person in charge of the building, premises, property or other place where the violation has been committed or exists.

4. The lessee or tenants of all or part of the building, premises, property or other place where the violation has been committed or exists.

5. The developer, agent, architect, contractor, subcontractor or any other person who performs work or enters into a contract for work in violation of this Chapter.

C. *Sanctions.* The Building Official and the Zoning Administrator shall enforce this Chapter and are authorized to institute any appropriate actions or proceedings to prevent or to halt such unlawful use of such construction.

D. *Violations And Penalties.*

1. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this Chapter, or of any ordinance or other regulation made under authority conferred by Sections 89.010 to 89.140, RSMo., the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo.

2. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the

lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of an ordinance violation punishable by a fine of not less than ten dollars (\$10.00) and not more than five hundred dollars (\$500.00) for each and every day that such violation continues, or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of Section 82.300, RSMo., however, for the second (2nd) and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than two hundred fifty dollars (\$250.00) or more than one thousand dollars (\$1,000.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court.

3. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00). (RSMo. §89.120; R.O. 2008 §26-122; Ord. No. 1903 §1, 11-24-97)

SECTION 2. Chapter 410, Article II, Sections 410.090-410.140 and Article V, Section 410.530 of the City Code of Ordinances are hereby amended to read as follows:

ARTICLE II. SUBDIVISION REVIEW AND APPROVAL PROCESS

SECTION 410.090: OUTLINE OF PROCEDURES

A. Each applicant shall first confer with the Zoning Administrator or avail himself/herself of other means to determine the applicable rules and regulations before coming before the Planning and Zoning Commission in a predesign conference or before submitting a preliminary subdivision plat. The subdivider should thus become thoroughly informed of the subdivision, zoning and setback requirements and with the master development plan for the City or for any portion of the City affecting the territory in which the proposed subdivision is to be located.

B. Whenever any subdivision of land is proposed, before any contract is made for the sale of any part of the subdivision and before any permit for the development of or construction of any improvement on any land in such proposed subdivision shall be granted, the applicant shall apply for and secure approval of such proposed subdivision in accordance with the following procedures, which include five (5) steps:

1. Step 1. Predesign conference (voluntary).

2. Step 2. Preliminary subdivision plat.
3. Step 3. Technical design conference (voluntary).
4. Step 4. Subdivision improvement plans.
5. Step 5. Final subdivision plat.

C. Prior to or at the time of submission of the preliminary subdivision plat, the applicant shall pay a processing fee to be determined in accordance with a schedule of fees established by the City Council. (R.O. 2008 App. B, §22A-10; Ord. No. 1045, 7-25-83)

SECTION 410.100: STEP ONE -- PREDESIGN CONFERENCE (VOLUNTARY)

A. *Objective.* The objective of this procedure is to provide an opportunity for the applicant and the Commission to confer regarding the concept and basic elements of the proposed subdivision. This procedure is intended to provide the foundation for a clear understanding and line of communication between the applicant and the City concerning the applicant's development proposals and the City's subdivision development regulations. By allowing the applicant an early opportunity to gain the Commission's input into the proposed subdivision, this procedure should facilitate the formal subdivision review and approval process in Steps 2 through 5.

B. *Submission Requirements.* A neat freehand sketch plat at a scale of 1" = 100' or greater will be required to ensure maximum benefit from the review. The sketch plat shall provide at least the following information:

1. Site boundaries.
2. General site topography.
3. Subdivision lot boundaries and dimensions.
4. Major existing and proposed trees or tree masses (including street trees).
5. Appropriate location of all buildings on adjacent lots or property and the names of owners of adjacent property.
6. Existing and proposed circulation (including street rights-of-way, sidewalks, crosswalks, etc.).
7. Public or common open space and facilities.

8. Surface drainage pattern and proposed detention facilities.
9. Location of existing and proposed utility lines and easements.

C. *Submission And Review Procedures.*

1. As this step is voluntary and the applicant is encouraged to take advantage of this opportunity, there will be no fee for the review of a sketch plat in the predesign conference.

2. The applicant shall submit a letter requesting a predesign conference and five (5) copies of the sketch plat to the Zoning Administrator in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free.

3. The Zoning Administrator will promptly distribute the ~~copies~~sketch plan to the Planning and Zoning Commission, Mayor and City Council, and to appropriate City Officials including the City Engineer, the Building Official, the Fire Marshall and the Police Chief for review and comment. The Zoning Administrator will then schedule a meeting with the applicant to review the comments received from the various City Officials.

4. All written comments from the various City officials and departments shall be kept intact and filed along with the sketch plat and subsequent submissions.

5. The Zoning Administrator shall promptly: (1) cause notice of the submittal to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (2) cause a sign regarding the matter to be posted on the affected property, and (3) cause the sketch plan to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. The sketch plat will be reviewed and discussed by the Commission ~~with the applicant at its next regular meeting if scheduled at least 10 days after submittal~~ by the applicant ten (10) days prior to said meeting. No action will be taken although specific comments and suggestions will be recorded in the minutes of said meeting. (R.O. 2008 App. B, §22A-11; Ord. No. 1045, 7-25-83)

SECTION 410.110: STEP TWO -- PRELIMINARY SUBDIVISION PLAT

A. *Purpose.* The preliminary subdivision plat should provide sufficient information regarding a proposed subdivision of land to allow the Commission to

evaluate the site development concept as it relates to the City's goals and objectives in general and for the area being subdivided in particular and to decide on the merits of the proposed subdivision. A review at this stage, before the applicant has invested substantial amounts of time and money in the detailed site and engineering design and plans for the subdivision, is an important step.

B. *Submission Requirements.*

1. *Plat.* The preliminary subdivision plat shall be at a scale of one hundred (100) feet or less to the inch and shall include at least the following:

a. The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract.

b. The names and adjoining boundaries of all adjoining subdivisions and the names of record owners of adjoining parcels of unsubdivided land.

c. The location of present property, U.S. Survey section, township and range lines and lines of incorporated areas, sewer districts, public water supply and drainage districts, school districts and other legally established districts, rights-of-way or easements, buildings, watercourses, tree masses and other existing features within the area to be subdivided and similar facts regarding existing conditions on land immediately adjacent thereto.

d. The proposed location and width of streets, lots, the right-of-way of alleys and of lots, building and setback lines and easements and boundaries of the proposed subdivision.

e. Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated upon the plat.

f. Existing and proposed future contours with intervals of five (5) feet or less referred to sea level datum.

g. Approximate (to nearest foot) dimensions and area of:

(1) Overall subdivision.

(2) Each lot (width, depth, area).

(3) Street rights-of-way including radii of cul-de-sacs and curbs.

(4) Common open space or other land to be dedicated for a public purpose.

h. Proposed use of each lot and existing and proposed zoning of all property within the subdivision.

i. Any zoning district or districts that affect the property to be subdivided or adjoining property.

j. Location of common open space, parks and other public or semi-public areas or facilities.

k. Statement of type of sanitary sewers or other sewage disposal facilities planned.

l. Land to be dedicated to the City including:

(1) Street right-of-way.

(2) Linear feet of streets by street category (width, improvements, design standards, etc.).

(3) Public open space and recreation facilities.

(4) Any other public use.

m. Preliminary site drainage system including:

(1) General surface drainage pattern.

(2) Drainage swales, detention storage areas, sewers, culverts and other improvements proposed to accommodate stormwater and minimize erosion (see [Chapters 420](#) and [425](#) of the Creve Coeur Code).

(3) Floodplain definition and effect of applicable local, State or Federal floodplain standards or regulations including [Chapter 415](#) of the Creve Coeur Code.

n. North arrow, scale and date.

2. *Support information.* The following information shall be submitted by the applicant at the time the preliminary subdivision plat is filed:

a. Name and address of applicant.

b. Proof of applicant's ownership (e.g., title, option contract) of the proposed subdivision.

c. Location of the tract by legal description giving acreage to the nearest one-tenth (0.1) of an acre.

d. Existing protective covenants (deed restrictions) and any proposed covenants.

e. Names and addresses of all adjacent property owners.

3. *Rezoning.* When rezoning is required to bring a proposed subdivision into conformance with the zoning ordinance, this fact shall be noted as support information and such action shall be initiated by the applicant prior to or simultaneously with the request for subdivision approval. If the zoning classification of a proposed subdivision or a portion of a subdivision is changed subsequent to final subdivision plat approval, a resubdivision of the parcel may be required by the City.

C. *Submission And Review Procedure.*

1. *Submission by applicant.* The applicant shall submit five (5) black and white copies of the preliminary subdivision plat and the additional information required by this Section to the Zoning Administrator ~~at least ten (10) calendar days prior to the Planning and Zoning Commission meeting at which the applicant wishes to have the plat reviewed in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free.~~

2. *Zoning Administrator.* ~~The Zoning Administrator shall distribute a copy of the preliminary subdivision plat to the Planning and Zoning Commission.~~ Prior to submission to the Commission, the Zoning Administrator shall review the application to ensure that the preliminary subdivision plat:

a. Meets all submission requirements. Any plat and application that does not contain all required information shall not be accepted for review by the Commission.

b. Substantially meets all land development standards of this Chapter and those of any other applicable City regulations. The Zoning Administrator shall identify all deficiencies and issues to be addressed in more detail and resolved in the subdivision improvement plans (Step 4) or in the final subdivision plat (Step 5) to the satisfaction of the City.

c. ~~Upon completely the foregoing review, the Zoning Administrator shall promptly distribute a copy of the preliminary subdivision plat to the Planning and Zoning Commission, Mayor and City Council together with a report. The Zoning Administrator shall submit a report to the Planning and Zoning Commission regarding his/her review. The Zoning Administrator shall promptly: (1) cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (2) cause a sign regarding the matter to be posted on the affected property, or for text amendment at the Government Center, and (3) cause the application, plat and request to be made publicly available on the City website. all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered.~~

3. *Planning and Zoning Commission.* The Commission shall consider the merits of the preliminary subdivision plat and the review and comments of related City Officials ~~at its next regular meeting~~. By majority vote, the Commission shall approve or disapprove the preliminary plat. A vote of disapproval shall be accompanied by reasons for such action. In approving a preliminary subdivision plat, the Commission may impose conditions to be resolved in the subdivision improvement plans and final subdivision plat.

4. *Effect of approval.* Subsequent to the Commission's action, the applicant shall be informed to the Commission's decision. If the Commission approves the preliminary subdivision plat, the applicant may proceed with initiating a technical design conference (Step 3) and/or proceed directly with preparing the subdivision improvement plans (Step 4) and final subdivision plat (Step 5). Alternatively, an applicant with an approved erosion and stormwater runoff control plan including a grading and excavation plan in accordance with [Section 410.130\(B\)](#) of this Chapter and [Chapters 420](#) and [425](#) of the Creve Coeur Code may apply for a grading permit as specified in [Section 410.380](#) prior to approval of the final subdivision plat or final site development plan.

Preliminary subdivision plat approval shall expire two (2) years from the date of Commission approval. After that time, the applicant shall be required to resubmit the original or a revised preliminary subdivision plat for Commission approval. The Commission may reject such a reapplication in light of new facts and circumstances relating to the context of the subdivision. (R.O. 2008 App. B, §22A-12; Ord. No. 1045, 7-25-83)

SECTION 410.120: STEP THREE -- TECHNICAL DESIGN CONFERENCE (VOLUNTARY)

A. *Purpose.* The technical design conference provides an opportunity for the applicant to voluntarily review with the Zoning Administrator and/or other appropriate City personnel the City's design and construction standards as they affect

the applicant's development objectives. This procedure should enable the applicant to receive the benefit of input from City personnel prior to the design of the subdivision improvement plans and the final subdivision plat.

B. *Submission Requirements.* Possession of an approved preliminary subdivision plat and accompanying supplemental information is sufficient to initiate a technical design conference. However, any additional design or engineering information will increase the effectiveness of the conference and should be made available if possible.

C. *Submission And Review Procedures.* Subsequent to preliminary subdivision plat approval, the applicant may submit a letter to the Zoning Administrator requesting a technical design conference. It is the responsibility of the Zoning Administrator to schedule a meeting with the applicant and appropriate City personnel in a timely manner. City personnel shall commit the time necessary to sufficiently consider and discuss all elements of interest to the applicant and the City. (R.O. 2008 App. B, §22A-13; Ord. No. 1045, 7-25-83)

SECTION 410.130: STEP FOUR -- SUBDIVISION IMPROVEMENT PLANS

A. *Purpose.* The subdivision improvement plans shall consist of the technical documents upon which consideration of the subdivision improvements shall be based and construction contracts shall be let by the applicant. These plans shall consist of working drawings and design specifications. The subdivision improvement plans should provide the City with complete design and construction information. This information is necessary for evaluation of the quality and completeness of the proposed engineering design, site and landscape planning, compliance with applicable regulations of the City and the establishment of a construction schedule for the proposed subdivision.

B. *Submission Requirements.* Specific submission requirements include the following materials:

1. *Letter of transmittal.* The following information shall be completed by the applicant and submitted to the Zoning Administrator:

- a. Proposed name of subdivision.
- b. Name, address and telephone number of applicant.
- c. Source of title to all land within the subdivision, giving deed record book and page number or instrument number.
- d. Proposed common open space and methods of meeting open space requirements.

e. Water supply, indication of the location and size of existing and proposed water lines, size of valves and location of fire hydrants.

f. Sanitary sewer facilities, indication of source of sanitary sewer service and approval of the proposal by the Metropolitan Sewer District where applicable.

g. Such further information as the subdivider wishes to bring to the attention of the Zoning Administrator.

2. *Vicinity map.* The vicinity map shall cover an area within a radius of one (1) mile of the proposed subdivision at a scale of 1" = 2,000'. The drawing shall generally locate arterial streets, highways, section lines, railroads, schools, parks and other significant community facilities. The vicinity map shall be incorporated into the subdivision improvement plan drawings.

3. *Subdivision improvement plan drawings.* Subdivision improvement plan drawings shall be at a scale of 1" = 50' or greater, except where a smaller scale may be deemed appropriate by the Zoning Administrator. The subdivision improvement plans shall be identified by the name of the subdivision and shall include:

a. Existing and proposed contours shown at intervals of not more than two (2) feet. Additional spot elevations may be required by the City Engineer. U.S.G.S. datum shall be used with bench marks shown on the plans. Existing contours shall be extended a minimum of one hundred (100) feet beyond the boundaries of the proposed subdivision.

b. Proposed site design including streets with proposed street names, lot lines, utility access and service easements, land use and land to be reserved or dedicated for public uses.

c. Building setback and buffer lines as provided in the zoning ordinance.

d. Natural features within and adjacent to the proposed subdivision including drainage channels, bodies of water, wooded areas and other significant features. On all watercourses leaving the tract, the direction of flow shall be indicated and for all watercourses entering the tract, the approximate drainage area and watershed name above the point of entry shall be noted.

e. Storm drainage analysis showing drainage data for all watercourses or drainage ways entering and leaving the plat boundaries. The storm drainage design shall be prepared to demonstrate the proposed system's capability of accommodating a not less than 25-year frequency rainfall, of 20-minute duration as required in [Chapters 420](#) and [425](#) of the Creve Coeur Code.

f. Designation of any portion of property within the 100-year floodplain, based upon calculations recognized by the Federal Flood Insurance Administration and the City Engineer as the most recent and accurate available from the Army Corps of Engineers.

g. Public facilities existing or to be located in the subdivision boundaries or within one hundred (100) feet surrounding the proposed subdivision including streets, bridges, culverts, utility lines, pipelines, power transmission lines, all easements, park areas, structures and other public structures and facilities.

h. City and county lines, section lines and other significant information relative to political subdivisions or to the U.S. Survey System.

i. Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land with the plat book and page number or instrument identifying each subdivision or tract.

j. Exact boundary lines of the tract indicated by a heavy line giving dimensions and all bearings.

k. North arrow and graphic scale.

4. *Required supporting technical information.*

a. *Typical street cross-sections and profiles.*

(1) Typical street cross-sections shall be shown with complete dimensions and construction information.

(2) Street profiles showing existing and proposed elevations at stations located at fifty (50) foot intervals on the centerline and at a point twenty-five (25) feet from the proposed street right-of-way on a line drawn perpendicular to each station along the centerlines of all roads. These street profiles shall be drawn at a horizontal scale of fifty (50) feet to the inch and a vertical scale of ten (10) feet to the inch or as otherwise approved by the City Engineer. Such profiles shall be prepared by an engineer registered to practice in the State of Missouri.

b. *Floodplain analysis.* Where a portion of a plat is known or suspected to be flood prone and the Federal Flood Insurance Administration map or other similar sufficient information is not available, an engineering analysis shall be required. Such analysis performed by a registered engineer for the applicant shall determine the 100-year floodplain line. Regardless of the method of determination, the 100-year floodplain line shall be clearly and legibly drawn on the grading and excavation plan and on the final subdivision plat.

c. *Erosion and stormwater runoff control plan.*

(1) *Grading and excavation plan.* The grading and excavation plan shall seek to minimize the amount of grading necessary, protect to the maximum extent possible the natural features and vegetation on the site and minimize erosion resulting from the grading activities. It shall include, in addition to existing and proposed contours at two (2) foot intervals, engineering calculations of the amount of soil to be moved, removed or added to the site.

(2) *Detailed storm drainage design.* The detailed storm drainage plan shall incorporate proposed easement location and dimensions, typical sections and construction details as necessary.

(3) *Erosion control plan.* This shall include details of soil preparation, erosion control and re-vegetation or soil stabilization measures to be taken during construction including construction of berms, diversions or other barriers to siltation, temporary mulching and landscape planting.

d. *Utilities plan.* This plan shall indicate public and private water and sewer facilities, lines, valves, pumps, fire hydrants, pump stations and treatment which shall be designed to conform to the development standards for water and sewer services as adopted by the St. Louis County Water Company and the Metropolitan Sewer District (MSD).

e. *Street tree and common area landscape plan.* A detailed landscape plan shall indicate proposed new planting and preservation of existing plant material within the subdivision including the size, type, location and planting method for all such landscape material in accordance with accepted landscape architectural procedures and standards.

5. *Trust indenture.* A draft of any trust indenture proposed for the subdivision describing proposed covenants, restrictions and conditions applicable to a property shall be submitted for review at the time of subdivision improvement plan review. In the event the subdivision includes open space or other facilities commonly usable and accessible to the residents of the subdivision, said trust indenture shall provide for assessments to be levied against property owners within the subdivision to maintain, repair and replace said facilities or open space areas as necessary.

C. *Review Procedures.*

1. *Submission of subdivision improvement plans.* Subsequent to Commission approval of the preliminary subdivision plat, the applicant may submit a written request to the Zoning Administrator for review and approval of subdivision improvement plans in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-

[free](#). The subdivision improvement plans may be submitted for review and approval at the same time or prior to submission of the final subdivision plat. The applicant shall submit five (5) copies of the complete subdivision improvement plans to the Zoning Administrator who shall distribute these to the appropriate City departments for review in a timely fashion. The Zoning Administrator shall coordinate the review and receive comments from the various City departments and shall forward the same to the Planning and Zoning Commission for its review at ~~the next a~~ regularly scheduled meeting. The Zoning Administrator will promptly distribute the subdivision plat to the Mayor and City Council. The Zoning Administrator shall promptly: (1) cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (2) cause a sign regarding the matter to be posted on the affected property, and (3) cause the application and plat to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. The Zoning Administrator as assisted by the various City departments shall:

- a. Determine the completeness of the plans and compliance with the approved preliminary plat for the subdivision;
- b. Verify the accuracy of information provided;
- c. Evaluate the degree of compliance with the technical requirements in the land development standards, [Article III](#) of this Chapter and other applicable City regulations;
- d. Identify any deficiencies or issues which require further attention and should be considered as conditions of approval should the Planning and Zoning Commission choose to approve the subdivision improvement plans.

2. *Planning and Zoning Commission action.* The subdivision improvement plans shall be submitted to the Planning and Zoning Commission for consideration at ~~its next a~~ regularly scheduled meeting after completion of the review by the Zoning Administrator ~~and other personnel which shall in no event take more than thirty (30) calendar days~~. The Planning and Zoning Commission shall by majority vote approve, approve subject to desired conditions or disapprove the subdivision improvement plans. The Commission shall give or send written notice of its action to the applicant. If conditions have been placed upon approval of the subdivision improvement plans, such conditions shall be resolved to the satisfaction of the Zoning Administrator before a final subdivision plat can be accepted in accordance with [Section 410.140\(C\)](#) for review by the Commission. (R.O. 2008 App. B, §22A-14; Ord. No. 1045, 7-25-83)

SECTION 410.140: STEP FIVE -- FINAL SUBDIVISION PLAT

A. *Purpose.* The purpose of the final subdivision plat is to establish a legal record of the subdivision in accordance with the provisions of this Chapter.

B. *Submission Requirements.* The final subdivision plat shall be prepared and sealed by a land surveyor or engineer registered by the State of Missouri and shall be clearly and legibly drawn in India ink on tracing cloth at a scale of fifty feet to the inch (1" = 50') or other scale if deemed appropriate by the Zoning Administrator. The maximum sheet dimensions shall be forty-two (42) inches by fifty-two (52) inches. In certain instances where the subdivided area is of unusual size or shape, the Zoning Administrator may permit a variation of these dimensional requirements. Information required on the final subdivision plat shall include:

1. Name of the subdivision.
2. Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
3. Names, addresses and telephone numbers of the subdivider, owner and engineer.
4. Location of the subdivision by U.S. Survey System and political subdivisions including section, town, range, township, County and State.
5. Names of existing streets abutting or giving access to the proposed subdivision.
6. All plat boundaries based on an accurate transverse, with all angular and linear dimensions shown. Error of enclosure of such boundary survey shall not exceed one (1) in ten thousand (10,000) (one (1) foot for each ten thousand (10,000) feet of perimeter survey).
7. All blocks, lots, streets, alleys, crosswalks, easements and setback lines within and adjacent to the plat, all of which shall have all angular and linear dimensions given and all radii, internal angles, bearings, points of curvature, tangents and lengths of all curves, so that no dimensions or data are missing which are required for the future location of any of the corners of boundaries of blocks, lots or streets as listed above. All dimensions shall be given to the nearest hundredth of a foot. True angles and distances shall be drawn to the nearest established official monuments, not less than three (3) of which shall be accurately described on the plat.
8. Accurate location of all survey monuments.
9. All easements or rights-of-way provided for public services or utilities and any limitations of such easements.
10. All lot numbers and lines, with accurate dimensions in feet and hundredths of feet and with bearings or angles to street lines.

11. Accurate outlines of any areas to be dedicated or temporarily reserved for public use with the purpose indicated thereon.

12. Building setback lines required by the Creve Coeur zoning ordinance, with dimensions.

13. Title, date of preparation, scale of map and north arrow.

14. *Certificates.* The following information shall be provided on the final subdivision plat:

a. Certification by a registered land surveyor or engineer that the plat represents a survey made by him/her and that all the necessary survey monuments are correctly shown thereon and that the size of each lot is correctly indicated by dimensions and square feet of area. Impressed thereon and affixed thereto shall be the personal seal and signature of the registered land surveyor or engineer by whom or under whose authority and direction the plat was prepared in conformance with Missouri Revised Statutes.

b. Certification that real estate taxes are paid shall be furnished in the form of copies of paid real estate tax bills on the land within the proposed subdivision.

c. An acknowledgement in certificate form by the owner or owners of his/her or their adoption of the plat and of the dedication of streets and other public areas. Dedications shall be in certificate form on the plat including any liens or deeds of trust. Should such restrictions and trusteeships be filed as a separate instrument, reference to such instrument shall be noted on the final subdivision plat.

d. Proposed and existing private restrictions and trusteeships and their periods of existence. Should such restrictions and trusteeships be filed as a separate instrument, reference to such instrument shall be noted on the final subdivision plat.

e. After a final subdivision plat has been approved by the City Council, three (3) prints of certified plans showing the improvements that have been constructed within the subdivision according to the approved subdivision improvement plans or a copy of the security arrangement for completion of improvements required by [Section 410.410](#) shall be filed with the Zoning Administrator before said plat shall be released for recording.

C. *Review Procedure.*

1. *Submission to Zoning Administrator.* Upon receipt of or in conjunction with the submission of subdivision improvement plans for approval in accordance with [Section 410.130\(C\)](#) the applicant may submit five (5) copies of the final subdivision plat to the Zoning Administrator who shall determine compliance with all applicable submission requirements. [The submittal shall be made in both paper format and electronic format in a commonly used medium](#)

such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free. The Zoning Administrator shall distribute copies to other appropriate City personnel for review and comment.

2. *Planning and Zoning Commission.* The various City departments shall review in a timely manner the final subdivision plat and transmit their comments to the Zoning Administrator. ~~for forwarding to the Commission. If submitted ten (10) or more days prior to a regularly scheduled meeting of the Commission, said final subdivision plat shall be reviewed by the Commission at that time. The Zoning Administrator shall receive the application and determine whether it is complete with respect to all applicable submission requirements. Upon such determination, the Zoning Administrator shall promptly: (1) forward the application and any department comments to the Planning and Zoning Commission, Mayor and City Council, (2) cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (3) cause a sign regarding the matter to be posted on the affected property, and (4) cause the application and plat to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. An application shall have been received and determined to be complete by the Zoning Administrator at least ten (10) calendar days prior to date of the meeting of the Planning and Zoning Commission in order to be included on the agenda. The Zoning Administrator shall also prepare a staff analysis and submit a report in conjunction with all applications being forwarded to the Planning and Zoning Commission, and shall submit such analysis and report to the Commission, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of that meeting.~~

____ The Commission shall, by majority vote, approve or disapprove the final subdivision plat. The approval of the Commission shall be shown on the plat with the date of approval. If the Commission does not grant approval of the final subdivision plat, the Zoning Administrator shall inform the applicant of the action.

3. *City Council.* Once approved by the Planning and Zoning Commission, the final subdivision plat shall be submitted to the City Council for the passage of the necessary ordinance creating the subdivision, which approval and date shall be shown on the final subdivision plat. Such approval shall not be effective until the Board has likewise received and approved the appropriate financial security arrangements for the construction and installation of all site improvements required in the approved subdivision improvement plans (see [Section 410.410](#)). (R.O. 2008 App. B, §22A-15; Ord. No. 1045, 7-25-83)

SECTIONS 410.150--410.190: RESERVED

SECTION 410.530: AMENDMENT OF CHAPTER

~~The City Council, from time to time, may adopt and amend public rules and instructions for the administration of this Chapter to the end that the public be informed and that approval of plats be expedited. This Chapter may be changed or amended by the City Council after public hearing by the Commission, due notice of which shall be given as required by law. (R.O. 2008 App. B, §22A-54; Ord. No. 1045, 7-25-83) Application Review Procedure.~~

A. *Generally.* The City Council may, from time to time, on the receipt of a recommendation from the Planning and Zoning Commission, amend, modify or revise by ordinance the regulations herein established (hereafter referred to as a "text amendment"). Written application for any amendment may be filed by the Mayor, any member of the City Council or Planning and Zoning Commission or the Zoning Administrator.

B. *Application And Submission Requirements.* The application shall be made on a form provided by the Zoning Administrator and submitted thereto in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free. The application shall be signed by the applicant and shall state the applicant's name, mailing address, telephone number, and (if available) email address as well as set forth the new text to be added and existing text to be deleted.

C. *Limitations Of Filing.*

An application for amendment shall not be accepted by the Zoning Administrator if the application does not comply with all the requirements of this Section and any regulation published pursuant thereto.

D. *Application Review Procedure*

1. *Zoning Administrator.* The Zoning Administrator shall receive the application and determine whether it is complete with respect to all applicable submission requirements. Upon such determination, the Zoning Administrator shall promptly: (1) forward the application to the Planning and Zoning Commission, Mayor and City Council, (2) cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (3) cause a sign regarding the application to be posted at the Government Center, and (4) cause the application to be made publicly available on the City website, all at least 10 days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. ~~An application shall have been received and determined to be complete by the Zoning Administrator at least ten (10) calendar days prior to date of the meeting of the Planning and Zoning Commission in order to be included on the agenda.~~—The Zoning Administrator shall also prepare a staff analysis and submit a

report in conjunction with all applications being forwarded to the Planning and Zoning Commission, and shall submit such analysis and report to the Commission, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of that meeting.

2. *Planning and Zoning Commission.* The Planning and Zoning Commission shall consider the application along with the staff report and decide whether or not to recommend approval.

3. *Public hearing.* After receipt of a recommendation from the Planning and Zoning Commission, the City Clerk shall set a date for a public hearing before the City Council ~~[Alternate 3. *Public hearing.* Prior to the Commission making its decision regarding an application, the City Clerk shall set a date for a public hearing before the Commission]~~ and publish a public notice as required under Section 405.1120, of this Code and post it on the City website. Notice of the hearing shall also be published in the City newsletter. No application for amendment may be approved until after such hearing is held.

4. *City Council.* After receipt of a recommendation from the Commission and the public hearing, the City Council shall consider the application.

SECTION 3. The cross reference to Section 405.1080(J) in section 405.450.D.1.a is changed to simply refer to Section 405.1080. The references in Section 405.460.B.16.c and 17.c to the "BOCA National Building Code adopted by the City of Creve Coeur" are changed to simply refer to the "Building Code adopted by the City." Section 410.380 is deleted.

SECTION 4. Section 405.450.B is hereby revised as follows:

B. *Group Homes.* The following specific standards shall be met before a permit shall be issued for a group home:

1. *Use regulations.* The prevailing lot size requirements, building bulk regulations and yard setback requirements of the single-family residential district ("A", "B", "C" or "D" district) in which the group home is to be located shall be satisfied by any existing single-family residence structure to be converted to group home occupancy or by any structure to be newly constructed for such occupancy, such group homes shall not be permitted in any attached residential district ("AR" district) or other condominium or multi-family project such as within the "CB" Core Business District.

2. *Site density and certification of occupancy.* The owner or operator of a group home shall be duly licensed by the Department of Mental Health of the State of Missouri or accreditation acceptable to that department pursuant to Section 630.705 through Section 630.805 RSMo. or shall have applied for such license. Residents of such facilities must be mentally retarded, physically handicapped or developmentally disabled as defined under Section 630.005, RSMo.

The home occupants shall not exceed eight (8) persons and the number of resident house parents shall not exceed two (2) persons. The objective of this certification of group home occupancy is to ensure that the occupancy of a group home is maintained exclusively for persons with valid developmental handicaps or disabilities at the above stated maximum density per group home. Specifically excluded are all other types of group or conjugate living such as homes for the elderly, fraternity houses, residences for nuns, priests or religious orders, residency for alcohol or chemical abuse patients and "half-way houses" for criminals or psychiatric patients.

3. *Community density.* In order to preclude the impactation of any single neighborhood or subdivision, no group home permitted in accordance with this Section shall be located within two thousand five hundred (2,500) feet of another such group home in the City of Creve Coeur.

4. *Residential appearance.* The residential appearance of the group home structure and its lot or site shall be maintained at all times in reasonable conformance with the surrounding neighborhood or subdivision.

SECTION 5. The definition of "Family" in Section 405.120 is hereby revised as follows:

~~FAMILY: An individual or married couple and the children thereof and no more than two (2) other persons related directly to the individual or married couple by blood or marriage or a group of not more than three (3) persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.~~

"Family" shall mean one or more persons occupying a dwelling unit and living together as a single nonprofit housekeeping unit, sharing one common kitchen facility, but not including group quarters such as dormitories, fraternities, sororities, motels, hotels, rooming houses, or boardinghouses.

SECTION 6. In Section 405.820, subsections B.2.c and B.2.d are renumbered as B.3 and B.4 respectively.

SECTION 7: The definitions of Sexually Oriented Business and Specified Sexual Activities in Section 405.120, are hereby amended to read as follows:

Sexually Oriented Business. An inclusive term used to describe individually and collectively: *adult cabaret; adult media store; adult theater; and/or sex shop* as defined by City ordinance as well as any sexually oriented business as defined by state law including Section 573.528 RSMo.

Specified Sexual Activities. Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, oral copulation, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast, and any related excretory functions, or any sadomasochistic practices or bestiality.

SECTION 8: Section 405.1000 is hereby amended to read as follows:

Section 405.1000: SEXUALLY ORIENTED BUSINESSES

The following conditions shall apply to all sexually oriented businesses:

1. No sexually oriented business shall be permitted within 1000 feet of any regular place of religious worship or religious institution, any public or private school, university or college, any public library, any hospital or nursing home, any child care center, any specialized service provider serving persons affected by mental disorders, mental illness, mental retardation, developmental disabilities, or alcohol or drug abuse, any public park or recreation center, any governmental meeting facility, any cultural institution such as a museum, any property used or zoned for residential use, or any City boundary. Such distance shall be measured in a straight line without regard to intervening structures or objects from the closest portion of the parcel to be used or exterior structural wall of the building to be occupied by the sexually oriented business to the closest portion of the parcel containing one of the foregoing uses point on any property line of the other property or zoning district or City boundary.
2. No sexually oriented business shall be allowed to locate or expand within 1000 feet of any other sexually oriented business or of any business licensed to sell or serve intoxicating liquor. The distance between any two businesses shall be measured in a straight line without regard to intervening structures or objects from the closest portion of the respective parcel exterior structural wall of each business.
3. All access to and from a sexually oriented business shall be provided from a street classified as a public right-of-way.
4. The property on which a sexually oriented business is located shall have a minimum of one hundred (100) feet of frontage on a public right-of-way, unless larger frontage is required in the zoning district, in which case such larger requirement will apply.
5. The property on which a sexually oriented business is located and the parking for such facility shall have a front yard setback of thirty (30) feet, a side yard setback of six (6) feet and a rear yard setback of ten (10) feet, unless larger setbacks are required in the zoning district, in which case such larger setback shall apply.
6. Off-street parking shall be provided pursuant to the City Code.
7. All landscaping and screening requirements otherwise applicable under the City Code shall be observed.
8. All signage requirements otherwise applicable under the City Code shall be observed, provided, however, a sexually oriented business shall be limited to one (1) wall-mounted sign no greater than one (1) square foot of sign per one (1) foot of wall length, not to exceed a total of fifty (50) square feet, which sign shall not flash, blink or move by mechanical means, shall not extend above the roof line of the building and shall not exceed eight (8) feet in height from ground level. Further, no merchandise, symbol or pictures of products or entertainment on the premises shall be displayed in window areas or on any sign or any area where such merchandise or pictures can be viewed from the exterior of the building. No flashing lights and/or lighting which leave the impression of motion or movement shall be permitted. No temporary signs shall be allowed.

9. Lighting of the parking area shall conform to the requirements of the City Code.

SECTION 9. This Ordinance shall become effective pursuant to the provisions of Section 3.11(g) of the Charter.

ADOPTED THIS _____ DAY OF _____, 2010.

| _____
A.J. WANG
PRESIDENT OF CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 2010.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
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

STAFF REPORT TO THE PLANNING AND ZONING COMMISSION

Meeting Date: October 18, 2010

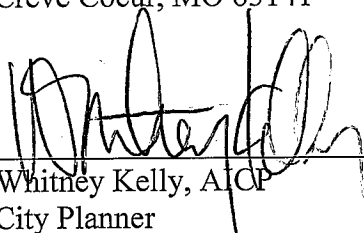
Subject: Application #10-031
Subway Restaurant Expansion, Woodcrest Shopping Center

Location: 12321 Olive Boulevard;
Northwest corner of Woodcrest Executive Drive and Olive Boulevard

Requested Action: Conditional Use Permit Approval

Applicant: Bawham LLC, D.B.A. Subway
12321 Olive Blvd
Creve Coeur, MO 63141

Property Owner: Plaza St. Clair Shopping Center LLC
11457 Olde Cabin Road
Creve Coeur, MO 63141

Report Prepared by: 
Whitney Kelly, AICP
City Planner

 Date

Attached: Draft conditional use permit ordinance
Applicant's materials, received September 17, 2010
Parking Plan Drawings, revised on October 14, 2010
Copy of Original Ordinance issued on August 26, 2002
Letter from Cantor Burger

PROPOSAL SUMMARY

Bawham LLC, D.B.A. Subway has submitted a request to amend their conditional use permit to allow for the expansion of the existing Subway Restaurant into the vacant space just west of the current location. The project includes expanding the restaurant to a total of 1,836 square feet and 50 seats. The property is located along Olive Boulevard, west of Woodcrest Executive Drive in the Woodcrest Shopping Center Square, and is currently zoned "CB" Core Business District. Changes to the site only include restriping the parking to create two additional spaces to meet the required number need for the expanded restaurant use. Conditional use permits are required for all eating

and drinking places. The Commission is asked to make a recommendation to City Council on the matter.

BACKGROUND

The Woodcrest Center is a 27,130 square foot building on a 3-acre tract, originally developed in 1984. The commercial area has a mix of uses including financial and real estate services, a shoe store, medical offices, and fitness facilities. There are a total of 14 businesses operating within the building.

On August 26, 2002, the City Council authorized the conditional use permit for the Subway at the current location for the operation of a 1,300 square foot, 40 seat, eating establishment (Ordinance Number 2189), with operating hours of 8 a.m. to 10 p.m. Conditions listed included site improvements for additional landscaping, trash enclosure, and the addition of 3 handicapped accessible parking spaces. These items have been addressed. However, clerical error left out the legal description of the property. Therefore, Staff is requesting to repeal the current conditional use permit and issue a new permit for the expanded use. There are currently no known building code violations. Subway will be taking about 516 sq. ft. of the vacant tenant space to the immediate west, leaving 2,124 sq. ft. still vacant.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Residential	St. Louis Co. R-3 Residential	N/A
South	Office, retail buildings	"PC" Planned Commercial	Olive Boulevard
East	Office, Banking	"CB" Core Business	Woodcrest Executive Drive
West	Office building, Banking	"CB" Core Business	N/A

COMPREHENSIVE PLAN REVIEW

The subject location is located within the West Olive Corridor that encourages a high-quality, contained business area that connects with and coexists in a compatible fashion with the adjacent single-family neighborhoods. The project falls within the mix of uses proposed for the area, with no exterior changes to the site.

ZONING REVIEW

Restaurants are permitted with conditions in all commercial zoning districts within the city, and the applicant will be leasing a tenant space on a preexisting, legal site. Since neither the external building shell nor the surrounding parking (with the exception of the restriping for two additional spaces) and landscaping are changing as a result of this application, site development plan review and approval is not necessary in conjunction with the proposed conditional use permit. The hours of operation for the restaurant will be 7 a.m. to 10 p.m.

Given the minimal cooking facilities, and the minimal impact on the primary structure, the only point of review is the provision of adequate parking and the percentage of restaurants within a center. Section 405.470.13.b. limits restaurants to no more than 25% of the building square footage collectively. With the expansion Subway will represent about 6.8% of the shopping center site and it is the only restaurant in the center.

Parking Requirements: The parking requirements for the Woodcrest Center are determined by the use of each tenant space, as directed by Section 405.820 of the Zoning Ordinance. The following table details the requirements for each use:

TENANT NAME	SQUARE FEET	PERCENT	LAND USE	PARKING RATIO	REQUIRED PARKING
Cantor & Burger	2,480	9.14%	Legal Services	1/250	10
State Farm Insurance	1,200	4.42%	Finance, Insurance, Real Estate Office	4/1,000	5
Pounds & Inches Away	1,200	4.42%	Other personal services	1/200	6
Fit Chix	2,400	8.85%	Dance studio, schools, and halls	1/200	12
Dr. Walkonis, DDS	1,800	6.63%	Medical Office	4/1,000	7
Hamilton Group	1,800	6.63%	Real Estate Office	4/1,000	7
Pro Hair & Nail Care Salon	1,800	6.63%	Beauty/Barber Shop	1/100	18
Shelter Insurance	1,225	4.52%	Finance, Insurance, Real Estate Office	4/1,000	5
Investor Title	1,320	4.87%	Finance, Insurance, Real Estate Office	4/1,000	10
Subway	1,836	6.77%	Restaurant	1/250 1/3 seats @50	24
Vacant	2,124	7.83%	Calculated as General Retail	4/1,000	9 (assumed)
Fast Signs	1,320	4.87%	Business Service/ General Office	4/1,000	5
Cuts Unlimited	1,225	4.52%	Beauty/Barber Shop	1/100	12
Vacant	1,800	6.63%	Calculated as General Retail	4/1,000	7 (assumed)
The Natural Way	1,800	6.63%	General Retail	4/1,000	7
The Good Feet Store	1,800	6.63%	General Retail	4/1,000	7
Occupied	23206	85.54%			
Vacant	3,924	14.46%			
TOTAL		27,130	100.00%	Total Parking Spaces Needed	151
				Total Parking Spaces Currently Available	149
				Proposed Parking	151

The number of required parking spaces for the Woodcrest Center, including the Subway expansion, is 151 spaces. There are currently 149 spaces located on the site. The property manager submitted a plan that included striping for additional spaces to meet the required number. One space is proposed to be located on the surface lot and one space added to the garage parking area "A" (see attached Parking Plan Drawings). A condition has been added to the draft ordinance requiring the addition of these spaces.

Staff received a letter from Cantor & Burger, tenants within the Woodcrest Center, offering support for Subway's expansion (attached). They suggested that employees of the restaurant park underneath the building to allow more space in front for customers. However, they indicated that there was enough parking available either way. If employees are asked to park in the garage, safety during the evening hours would be a concern. If Commission members agree, a condition may be added to direct employees to utilize the underground parking facility during daylight hours, or at the peak lunch hour period, as well as a condition may be added that adequate lighting be provided during the hours of operation.

FORM OF THE DRAFT ORDINANCE

The draft ordinance is in keeping with the original approved ordinance dated August 26, 2002, with the exception of the site improvements conditions that have been addressed, as discussed earlier. Since the proposed expansion is entirely within the existing development, the draft ordinance does not contain a section relating to site development plan conditions.

Conditions discussed within the staff report which are included in the draft ordinance include:

1. Restriping of the facility to included two parking spaces as submitted in the Parking Plan Drawings dated October 14, 2010.
2. Lighting of the covered parking shall be timed to coincide with tenant employee use.
3. Directing tenant employees to utilize the covered parking during peak hours of operation.

ACTION

If the Planning and Zoning Commission finds the associated draft conditional use permit ordinance to be in conformance with the purposes and regulations of the Comprehensive Plan and Zoning Code, it may vote on a recommendation to the City Council. Any changes to the draft ordinance should be discussed and made by separate actions. A public hearing before City Council is tentatively scheduled for November 22, 2010.

MOTION

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

"I move to recommend approval of the Conditional Use Permit for the Subway restaurant submitted with Application #10-031, subject to the conditions contained in the draft ordinance attached to the staff report dated October 18, 2010" (conditions may be added, eliminated, or modified by preceding motion).

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

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

REMODEL EXPANSION

PLEASE NOTE: DO NOT SCALE THIS FLOOR PLAN. REFER TO DIMENSIONS SHOWN ON THIS DRAWING. COPY HERE OR FANING WILL DISTORT THIS DRAWING.

NO.	ITEM	REVISION	#
1	BOOTH SEATING		
2	48" 20" X 24" TABLE		
3	CHAIR		
4	TRASH RECEPTACLE		
5	SODA FOUNTAIN		
6	BEVERAGE DISPENSER		
7	134" WALL ART - METAL		
8	14" CHIP RACK		
9	15" DISPLAY REFRIGERATOR		
10	17" INTERIOR DOOR		
11	18" GUIDANCE SYSTEM		
12	21" COFFEE DISPLAY CASE		
13	21" FRUIT COUNTER		
14	24" SUBSOP 2000 P.O.S.		
15	25" MACROWAVE		
16	27" BREAD OVEN		
17	28A COMBI BREAD CABINET		
18	28B COMBI BREAD CABINET		
19	28C MENUBOARD		
20	31" BACK COUNTER W/ HAND SINK		
21	33" REFRIGERATED BACK COUNTER		
22	34" RAPID COOK OVER		
23	45" FREEZER		

FRANCHISE: MOHAMMAD SAGAKHANEH
STORE ADDRESS: 12321 OLIVE BLVD. CREVE COEUR, MO. 63141
BA: NAEMI
SCALE: 1/4" = 1'
STORE #: 27295
DATE: SEPT. 16, 2010
DESIGNED BY: RUSSELL RUMFORD
ALL DIMENSIONS MUST BE VERIFIED PRIOR TO REQUESTING A FULL-SET OF PLANS.

GENERAL NOTES:

- FINISH HEIGHT IS 8'-0"
- ELECTRICAL JUNCTION BOXES TO BE LOCATED IN CEILING
- ABOVE EACH WINDOW, CONTIGUOUS SEATING
- SHOWN ON PLAN AS SPACES, NOT GROUPS
- CURIO MODEL SIG-PLUS WATER FILTRATION SYSTEM IS REQUIRED
- PLACEMENT FOR INSTALLATION IS MOUNTED TO SOLAR STRIP RACK
- BY COCA-COLA. SECONDARY PLACEMENT OPTION IS MOUNTED ON THE
- FRONT BEVERAGE COUNTER WHEN SPACE LIMITATIONS OCCUR
- REQUIRED: 1/2" INCHOMIC WATER LINE FEED WITH 1/2" BALL VALVE
- MINIMUM 110 VOLT, 20 AMP ELECTRICAL SERVICE TO SUPPORT THE
- CARBONATOR AND WATER BOOSTER (MUST BE DEDICATED CIRCUIT).
- CUSTOMER AREA POINT OF PURCHASE REQUIRED PLACEMENT
- 21" 3/4" X 13 1/4" BASE .56" (WITHOUT HEADED OVERALL HEIGHT)
- AVAILABLE OPTIONS ARE ASSIGNED TO THE CUSTOMER AREA. TWO
- ORDER (PREFERRED PLACEMENT) OR PURSE RAIL MOUNTED CHAP RACK
- (MOUNTED ON TOP OF THE PURSE RAIL)
- EMERGENCY LIGHTS INSTALLED BY O.C. PER LOCAL CODE
- EXTINGUISHERS, SMOKE AND FIRE DETECTION SYSTEMS
- LABOR & MATERIAL SUPPLIED BY O.C. UNLESS OTHERWISE NOTED.
- ALL DIMENSIONS TO BE VERIFIED BY O.C. ON SITE.
- DEOR SPECIFICATIONS ARE TO BE SUBMITTALS "TUSCANY" IT SCHEME.

SYMBOL LEGEND:

- PHONE JACK
- 10X DUPLEX OUTLET
- 20X SINGLE OUTLET
- INJECTION BOX
- SWITCH
- ELECTRIC PANEL
- FLOOR MOUNTED
- CEILING MOUNTED

APPENDIX 4: SITE PHOTOGRAPHS

Photo Date: 09/24 & 10/13/2010

Application #10-031 CUP, Subway Expansion, Woodcrest Shopping
Center Location



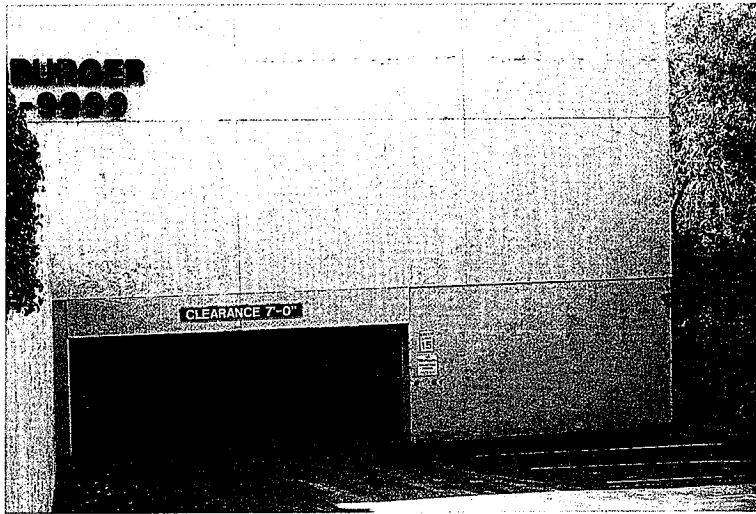
Description: View of tenant space and space next door looking north from parking lot along Olive Blvd.



Description: View looking east while standing in front of tenant space.



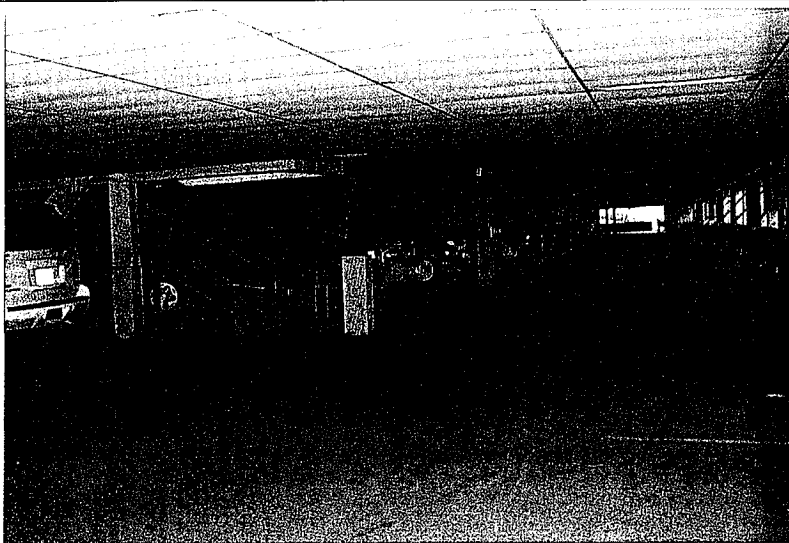
Description: View looking west while standing in front of tenant space.



Description: View looking west at the entrance of the underground parking.

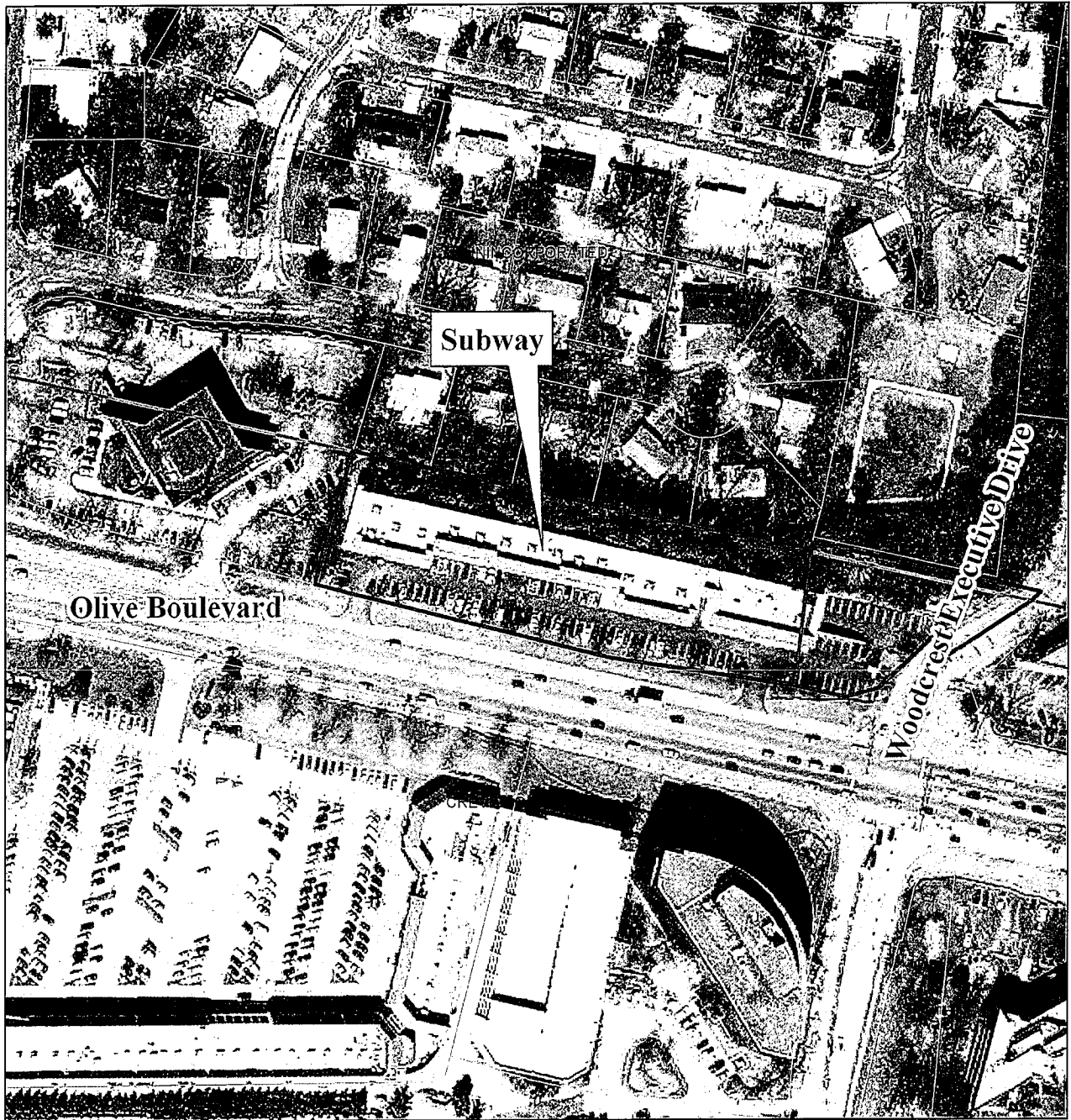


Description: View of parking spaces available just inside the entrance of the underground parking.



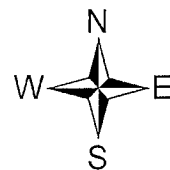
Description: View of further parking available and access stairs of the underground parking in the second portion of the building

APPENDIX 5: AERIAL MAP



Legend

-  City Limit
-  Property Lines
-  Woodcrest Shopping Center



BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE REPEALING ORDINANCE NUMBER 2189 AND AUTHORIZING THE
ISSUANCE OF A NEW CONDITIONAL USE PERMIT ALLOWING THE EXPANSION OF
THE EXISTING "SUBWAY" RESTAURANT LOCATED AT 12321 OLIVE BOULEVARD**

WHEREAS, application was made by Bawham LLC, Inc. D.B.A. Subway to amend their conditional use permit Ordinance 2189 to expand the existing restaurant located at 12321 Olive Boulevard, in the "CB", Commercial zoning district; and

WHEREAS, Bawham holds a conditional use permit for an eating and drinking establishment at the Woodcrest Center, located at the tenant space addressed as 12321 Olive Boulevard for a 1,300 sq. ft. Subway Restaurant issued by Ordinances 2189 on August 26, 2002; and,

WHEREAS, under Section 405.360(C), all eating and drinking places in the "CB", Commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, on October 18, 2010, the Planning and Zoning Commission of the City of Creve Coeur, by a _____ vote, recommended approval of said application subject to certain conditions as provided by Section 405.1070(D)(2); and

WHEREAS, a public hearing was held by the Creve Coeur City Council on Monday, _____, 2010, 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)(3); 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 and in the West County Journal, newspapers of general circulation in the City of Creve Coeur; 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. Complies with all other applicable provisions of this Chapter including environmental performance standards presented in Section 405.550, the criteria in Section 405.470 and the standards of this Chapter in regard to yard and setback, parking and loading areas, screening and buffering, refuse, storage and service areas and signs.
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 therefrom.
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.

BILL NO. _____

ORDINANCE NO. _____

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

Section 1: Ordinance 2189 authorizing a conditional use permit for an eating and drinking establishment at the Woodcrest Center, located at the tenant space addressed as 12321 Olive Boulevard is hereby repealed.

Section 2: A Conditional Use Permit is authorized to be issued pursuant to Section 3 hereof for the operation of a restaurant located at 12321 Olive Boulevard, in the "CB" Core Business Commercial zoning district, within the "Woodcrest Shopping Center" development whose legal description is as follows:

Lot 1 of Woodcrest, according to the plat thereof recorded in Plat Book 172 pages 44 and 45 of the St. Louis County Records, together with a tract of land in U.S. Survey 1923, Township 45 North, Range 5 East, St. Louis County, Missouri, and being more particularly described as follows: Beginning at a point being the Southeast corner of said Lot 1 of Woodcrest as recorded in Plat Book 172 pages 44 and 45, said point being also the intersection of the center line of Woodcrest Executive Drive with the Northern right-of-way line of Olive Street Road; thence North 77 degrees 35 minutes 35 seconds West, along said right-of-way, a distance of 135.87 feet to a point; thence North 81 degrees 07 minutes 18 seconds West a distance of 165.30 feet to a point; thence North 76 degrees 13 minutes 17 seconds West a distance of 360.83 feet to a point; thence North 12 degrees 25 minutes 48 seconds East, leaving said right-of-way line, a distance of 167.73 feet to a point; thence South 77 degrees 36 minutes 16 seconds East a distance of 720.57 feet to a point; thence North 06 degrees 56 minutes 39 seconds East a distance of 182.36 feet to a point being the Northwest corner of said Lot 1; thence South 83 degrees 03 minutes 21 seconds East a distance of 70.00 feet to a point being the centerline of said Woodcrest Executive Drive; thence South 06 degrees 56 minutes 39 seconds West, along said centerline, a distance of 135.75 feet to a point of curvature; thence in a Southerly direction, along a curve to the right having a radius of 100 feet, an arc distance of 87.43 feet to a point of tangency; thence South 57 degrees 02 minutes 08 seconds West a distance of 96.82 feet to a point of curvature; thence in a Southerly direction, along a curve to the left having a radius of 100 feet, an arc distance of 77.89 feet to the point of beginning.

Excepting therefrom that part taken in condemnation by the State of Missouri in Cause No. 00CC-001942 of the Circuit Court of St. Louis County. The Report of Commissioners is recorded in Book 12785 pages 945 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. This Conditional Use Permit shall be for the operation of a 1,836 sq. ft. sandwich restaurant with a maximum of 50 seats, subject to Section 405.470.13 of the City of Creve Coeur Zoning Code.
2. Said use shall be located in the lease unit currently addressed as 12321 Olive Boulevard within the Woodcrest Shopping Center strip commercial development.
3. Parking will be restriped to include a total of 151 spaces.
4. Tenant employees are to utilize the covered parking during peak hours of operation.
5. Covered parking lighting will be timed to coincide with employee use.
6. The hours of operation shall be between 7 a.m. and 10 p.m., seven days a week.
7. Additional business hours are permitted with the Department of Planning's approval. Unique business hours can also be approved for the catering of special events.

BILL NO. _____

ORDINANCE NO. _____

8. All signs and banners shall be in conformance with Article 8, Signs, of the Zoning Code.
9. There shall be no outdoor storage or long-term placement of any automobiles, trailers, materials or equipment on the site.
10. Any mechanical equipment installed for the site shall be properly screened with approved materials.
11. Trash pick-up for the facilities shall only occur between the hours of 8:00 a.m. and 8:00 p.m.
12. Any request to install a full-service kitchen shall be deemed an expansion of the use requiring the issuance of a new conditional use permit in accordance with Section 405.1070, Conditional Use Permits, of the Zoning Code.
13. 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.
14. All new, modified or altered overhead utilities servicing the subject tenant space shall be placed underground.
15. The use of outdoor speakers for the amplification of music shall be permitted and shall not exceed 50 decibels at the property line.
16. All conditions contained within this permit shall be kept upon the properties in such a manner that they are available for review to the public and the operator of said facilities.
17. 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.
18. 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.
19. 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 2 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

BILL NO. _____

ORDINANCE NO. _____

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

ADOPTED THIS ____ DAY OF _____, 2010.

A. JAMES WANG
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2010.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK

Planning Department

CONDITIONAL USE PERMIT

Procedure for Conditional Use Permit Petition

The purpose of the Conditional Use Permit is to provide the City with a procedure for determining the appropriateness of a proposed use not authorized as a matter of right by the regulations of the district in which the use is proposed to be located. The appropriateness of the use shall be determined in consideration of surrounding uses, activities and conditions of the site and of surrounding areas. Based upon this determination, the City may decide to permit, reject, or permit conditionally the use for which the Conditional Use Permit is sought.

The City Council may authorize, under prescribed conditions, the construction or undertaking of any conditional use that is expressly permitted as a conditional use in a particular zoning district; however, the City reserves full authority to deny any request for a conditional use, to impose conditions on the use, or to revoke approval at any time, upon a finding that the permitted conditional use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

This outline is intended to serve as a guide to the procedures associated with the obtaining of a Conditional Use Permit. This outline of procedures and requirements does not substitute for the adopted ordinances of the City of Creve Coeur. It is intended solely to serve as a convenience to the applicant, and should conflicts be found between this outline and the ordinances, the ordinances shall prevail.

Overview of Submittal Requirements

The following is a list of minimum requirements for the review of a Conditional Use Permit:

- Planning and Zoning Commission agenda application.
- Conditional Use Permit petition (including proof of contract and the legal description)
- Filing Fee and Escrow (separate checks - \$250.00 and \$2,000.00).
- Floor Plan and Site Development Plan.
- Rent Roll including square footage of each business (for tenant spaces only).

An application will not be accepted unless all above items have been received.

Legal Description



Submittal Requirements

- 1) Submit one (1) completed Planning and Zoning Commission agenda application.
- 2) Submit one (1) completed Conditional Use Permit Petition, properly signed and dated, along with required supplemental data, to the Department of Community Development of the City of Creve Coeur, located in the Creve Coeur Government Center, 300 North New Ballas Road. The supplemental information must include:
 - a) Proof of Ownership, i.e. title or option contract or, if the applicant is a tenant, a copy of the lease or proposed lease and an affidavit by the owner of the property acknowledging the tenant's right to apply for a Conditional Use Permit at the subject location.
 - b) Legal description of the property upon which the Conditional Use Permit will be located.
- 3) The petition must be accompanied by two (2) checks made payable to the City of Creve Coeur:

- a) A **\$250.00** check to cover the nonrefundable filing fee.
- b) A **\$2,000.00** check to be used as a deposit toward the administrative, legal, and advertising cost of a public hearing. Upon the conclusion of the conditional use permit process, any portion of the deposit remaining will be returned to the applicant, and any cost in excess of \$2,000.00 will be billed to the applicant.

- 4) The Conditional Use Permit petition must be accompanied by a site development plan drawn in accordance with the standards listed in Section 26-1.5 of the zoning regulations. A floor plan showing the proposed internal layout of the proposed use shall accompany the petition. If the business will occupy a tenant space, a rent roll for the entire development, including the square footage of each tenant space, must be submitted. Building elevations and a landscape plan may be requested by the Department of Community Development.
- There shall be **four (4) copies** of these plans submitted with the petition, and the plans must be **folded** to an approximate 11" x 14" size. **Eighteen (18) folded copies** will be requested for the Planning and Zoning Commission meeting.

Review Process

- 1) The Creve Coeur Staff reviews the petition, supplemental information, and the site development plan. The applicant will be contacted regarding any deficiencies found in the submitted documents. Should the deficiencies be minor in nature, revised information can be submitted and the petition can then be placed on the agenda of the Planning and Zoning Commission. If there are major deficiencies, the petition will be deferred until the next available agenda date.
- 2) The meetings of the Planning and Zoning Commission are held the first and third Mondays of each month. See the attached schedule for submission deadlines.

- 3) The Planning and Zoning Commission considers the petition at its regularly scheduled monthly meetings. These meetings are held at 7 p.m. in the Council Chambers at the Creve Coeur Government Center. This meeting is not a public hearing. The petitioner or his/her representative will be required to give a brief presentation describing the proposed project. The overall presentation should be limited to approximately 15 minutes. The Chairman may allow any other representative of the interested parties to give brief comments regarding the proposal. The Planning and Zoning Commission renders a decision on the petition and forwards either a positive or negative recommendation to the City Council. The P&Z Commission may defer action on the petition in order to obtain additional information or to request a review by the City's Planning Consultant. The Commission must take action on the petition within 75 days of its receipt by the Commission.
- 4) The Planning and Zoning Commission will set and announce the date of the Public Hearing by the City Council.
- 5) The City of Creve Coeur will notify property owners, within a 300-ft. radius of the subject property, of the date, time, and purpose of the public hearing.
- 6) The petitioner and/or representatives must be present at the public hearing and will give a brief presentation regarding the proposal. The purpose is to receive comments from all interested or affected parties. In a lease situation, the owner of the building is also asked to be present.
- 7) In most cases, legislation relating to the Conditional Use Permit application is introduced for public hearing at City Council one month after the Commission meeting. Three readings of the ordinance are required for final approval or passage of the ordinance. Normal procedure would be to read the ordinance once at each meeting of the Council until final approval is given. A negative recommendation by the P&Z Commission requires a three-fourths (3/4) vote by City Council to approve the conditional use permit.
- 8) Upon passage of the ordinance authorizing the issuance of a C.U.P., the applicant can then prepare site improvement and/or building plans and submit the plans to the City. The Department of Public Works will review site improvement plans, and the Building Division will review building plans. Please see the site improvement permit process and the building permit process for additional information.

Revised: 8/02



Conditional Use Permit Petition

Conditional Use Permit applicant must appear before the Planning and Zoning Commission and the City Council at a regular meeting.

To: The Honorable Mayor and City Council
City of Creve Coeur, Missouri

Applicant Information:

Applicant Name: BAWHAM LLC, D.B.A. SUBWAY

Applicant Address: 12321 Olive Blvd., Creve Coeur MO 63141

Phone Number: (314) 406-1992

Fax Number: (314) 994-9950

Relationship of the applicant to the property:

Owner: _____
Tenant: 

Building/Site Owner Information:

Owner Name: Plaza St. Clare Shopping Center LLC

Owner Address: 11457 OLDE GABIN ROAD
ST. LOUIS, MO 63141

Phone Number: 314-567-1221

Fax Number: 314-567-9287

Property Information:

Property Address: 12321 Olive Blvd., Crevecoeur, MO 63141

Attach a legal description of the property.

Existing Use: Strip Shopping Center

Zoning District: GC - General Commercial

Area Data:

Zoning of Area Properties

East: Core Business District

North: Residential

West: Core Business District

South: Core Business District

Land Use of Area Properties

East: Bank

North: Houses

West: Bank

South: Office Building / Strip Shopping Center

Request:

The applicant hereby requests a conditional use permit for the following land use activity, per Section 26-52 of the Creve Coeur Zoning Ordinance:

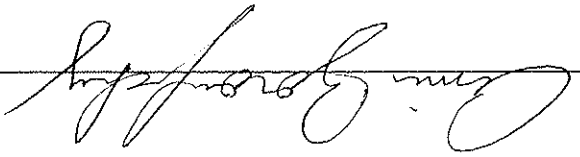
Fully describe the use:

Rationale:

On a separate page, please state the reason why the applicant for a conditional use permit feels that this request should be approved by the Planning and Zoning Commission and the City Council.

Proposed Use Information:

Gross Floor Area – Existing and Proposed: 1330 1836 1785 sq. ft.
 Number of Parking Spaces – Existing and Proposed: 140
 Number of Handicapped Accessible Parking Spaces: 6
 Number of Seats (for restaurant only): 49
 Number of Employees at the busiest shift: 4
 Hours of Operation: 7:00 A.M. – 10:00 P.M.
 Will the applicant apply for a liquor license: YES NO ☒

Signature: 
 Date: 9/14/2010

Planning and Zoning Commission Agenda Application
City of Creve Coeur, Missouri

File No. _____

Title of Project: WOODCREST Shopping Center
 Location of Project: 12321 OLIVE BLVD Locator # 170530925
 Subject for Agenda: EXPANSION OF EXISTING LEASE SPACE

REPRESENTATIVE: Name Amir Zoroufchy / M. o. Saga

Company BAWHAM L.L.C. DBA SUBWAY
 Address P.O. Box 410915

Creve Coeur MO 63141

Telephone # (314) 406-1992 Fax # (314) 994-9950

Email Amir Z @ sbcglobal.net

OWNER: Name Same as above

Address _____

Telephone # _____ Fax # _____

APPLICANT:

Architect _____ Engineer _____ Contractor _____ Agent _____ Owner ☒

The undersigned hereby requests to be placed on the Agenda for the Planning and Zoning Commission meeting at 7:00 P.M. on Monday, _____, 2010.

Signature Amir Zoroufchy
 Title Owner

Date 9/14/2010

CITY OF CREVE COEURPLANNING AND ZONING COMMISSIONFEE SCHEDULE

(Per Ordinance Number 4029)

Board of Adjustment Filing Fee.....	\$ 50.00
Reserve Deposit for Expenses.....	250.00
Change of Zoning Filing Fee.....	250.00
Reserve Deposit for Expenses.....	2,000.00*
Conditional Use Permit Filing Fee.....	250.00
Reserve Deposit for Expenses.....	2,000.00*
Site Development/Concept Plan Review Fee.....	250.00
Reserve Deposit for Expenses.....	2,000.00*
Special Permit (Conversion of Single Family to Commercial).....	150.00
Preliminary & Final Subdivision Plat Filing Fee.....	250.00
Telecommunication Application Fee.....	500.00
Reserve Deposit for Expenses.....	750.00*
Boundary Adjustment Plan.....	50.00

* A separate check is required to recapture public hearing cost, statutory and procedural mailings, staff review time and other administrative costs, as well as professional consultation fees. Applicants are required to replenish the reserve, if needed, or the balance will be refunded.

CREVE COEUR PLANNING & ZONING COMMISSION

MEETING SCHEDULE

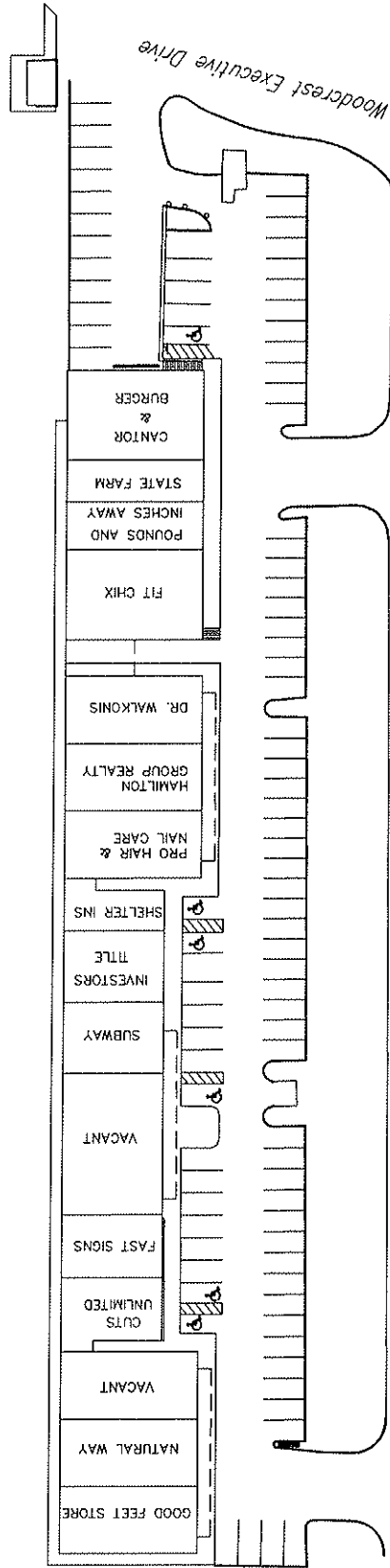
2010

P&Z MEETING DATES		COMPLETE APPLICATION		DEADLINE TO SUBMIT	
January 4, 2010	Tuesday January 19	February 1	Tuesday February 16	January 8, 2010	January 22
		March 1	March 15	February 5	February 19
		April 5	April 19	March 12	March 26
		May 3	May 17	April 9	April 23
		June 7	June 21	May 14	May 28
		July 6	July 19	June 11	June 25
		Tentative -Tuesday (City Holiday July 5)		(Sunday July 4)	
		August 2	August 16	July 9	July 23
		September 7	September 20	August 13	August 27
		Tentative-Tuesday		September 10	September 24
		October 4	October 18	October 8	October 22
		November 1	November 15	November 12	November 26
		December 6	December 20	December 10	December 24
January 3, 2011	Tuesday January 18				

CENTER FOOTAGE			
ADDRESS	TENANT	SQ. FEET	PERCENT
12283 Olive	Cantor & Burger	2,480	9.14%
12287 Olive	State Farm Insurance	1,200	4.42%
12291 Olive	Pounds & Inches Away	1,200	4.42%
12295 Olive	Fit Chix	2,400	8.85%
12301 Olive	Dr. Walkonis, DDS	1,800	6.63%
12305 Olive	Hamilton Group	1,800	6.63%
12309 Olive	Pro Hair & Nail Care Salon	1,800	6.63%
12313 Olive	Shelter Insurance	1,225	4.52%
12317 Olive	Investors Title	1,320	4.87%
12321 Olive	Subway	1,320	4.87%
12323 Olive	Vacant	2,640	9.73%
12333 Olive	Fast Signs	1,320	4.87%
12337 Olive	Cuts Unlimited	1,225	4.52%
12341 Olive	Vacant	1,800	6.63%
12345 Olive	The Natural Way	1,800	6.63%
12349 Olive	The Good Feet Store	1,800	6.63%
OCCUPIED		22,690	83.63%
VACANT		4,440	16.37%
TOTAL		27,130	100.00%

WOODCREST SHOPPING CENTER

12283-12349 OLIVE STREET ROAD, CREVE COEUR, MO 63141

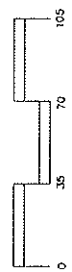


Olive Blvd

12349 OLIVE THE GOOD FEET STORE	1,800 sq. ft.
12345 OLIVE NATURAL WAY	1,800 sq. ft.
12341 OLIVE VACANT	1,800 sq. ft.
12337 OLIVE CUTS UNLIMITED	1,225 sq. ft.
12333 OLIVE FAST SIGNS	1,320 sq. ft.
12323 OLIVE VACANT	2,640 sq. ft.
12321 OLIVE SUBWAY	1,320 sq. ft.
12317 OLIVE INVESTORS TITLE	1,320 sq. ft.
12313 OLIVE SHELTER INSURANCE	1,225 sq. ft.
12309 OLIVE PRO HAIR & NAIL	1,800 sq. ft.
12305 OLIVE HAMILTON GROUP REALTY	1,800 sq. ft.
12301 OLIVE DR. WALKONIS	1,800 sq. ft.
12295 OLIVE FIT CHIX	2,400 sq. ft.
12291 OLIVE POUNDS & INCHES AWAY	1,200 sq. ft.
12287 OLIVE STATE FARM INSURANCE	1,200 sq. ft.
12283 CANTOR & BURGER	2,480 sq. ft.
OCCUPIED	24,490 sq. ft.
VACANT	2,540 sq. ft.
TOTAL	27,130 sq. ft.

Depths 43' by 60'

SITE PLAN
SCALE: 1" = 70'



WALPERT PROPERTIES

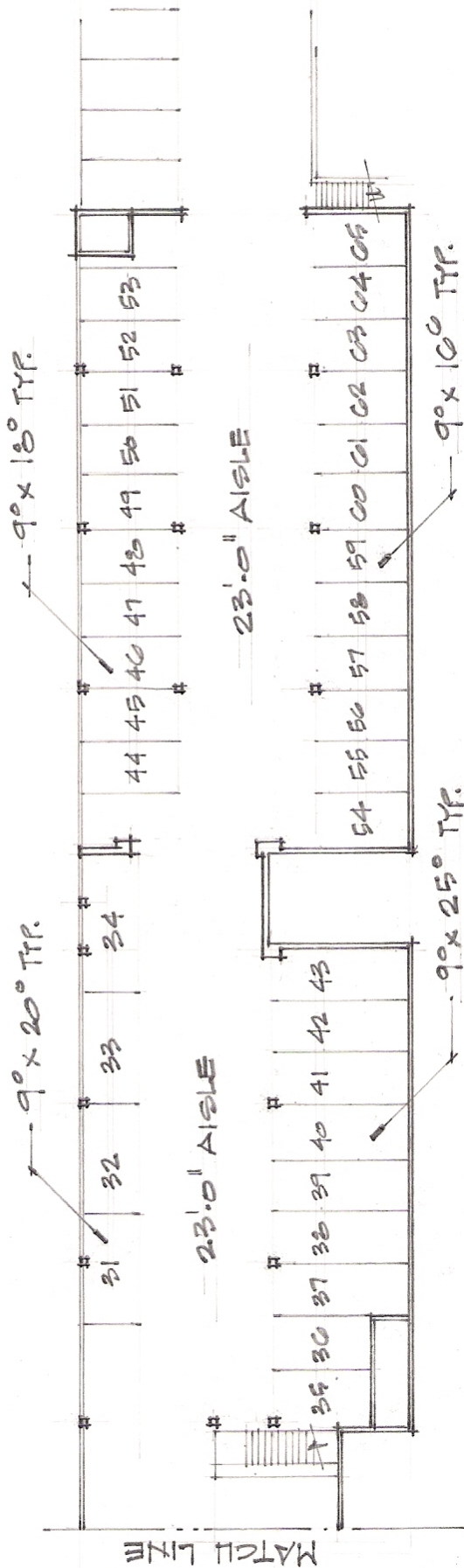
11457 OLDE CABIN ROAD
SUITE 200
ST. LOUIS, MISSOURI 63141
(314) 567-1221

EXHIBIT A

DESCRIPTION OF SHOPPING CENTER

Lot 1 of Woodcrest, according to the plat thereof recorded in Plat Book 172 pages 44 and 45 of the St. Louis County Records, together with a tract of land in U.S. Survey 1923, Township 45 North, Range 5 East, St. Louis County, Missouri, and being more particularly described as follows: Beginning at a point being the Southeast corner of said Lot 1 of Woodcrest as recorded in Plat Book 172 pages 44 and 45, said point being also the intersection of the center line of Woodcrest Executive Drive with the Northern right-of-way line of Olive Street Road; thence North 77 degrees 35 minutes 35 seconds West, along said right-of-way, a distance of 135.87 feet to a point; thence North 81 degrees 07 minutes 18 seconds West a distance of 165.30 feet to a point; thence North 76 degrees 13 minutes 17 seconds West a distance of 360.83 feet to a point; thence North 12 degrees 25 minutes 48 seconds East, leaving said right-of-way line, a distance of 167.73 feet to a point; thence South 77 degrees 36 minutes 16 seconds East a distance of 720.57 feet to a point; thence North 06 degrees 56 minutes 39 seconds East a distance of 182.36 feet to a point being the Northwest corner of said Lot 1; thence South 83 degrees 03 minutes 21 seconds East a distance of 70.00 feet to a point being the centerline of said Woodcrest Executive Drive; thence South 06 degrees 56 minutes 39 seconds West, along said centerline, a distance of 135.75 feet to a point of curvature; thence in a Southerly direction, along a curve to the right having a radius of 100 feet, an arc distance of 87.43 feet to a point of tangency; thence South 57 degrees 02 minutes 08 seconds West a distance of 96.82 feet to a point of curvature; thence in a Southerly direction, along a curve to the left having a radius of 100 feet, an arc distance of 77.89 feet to the point of beginning.

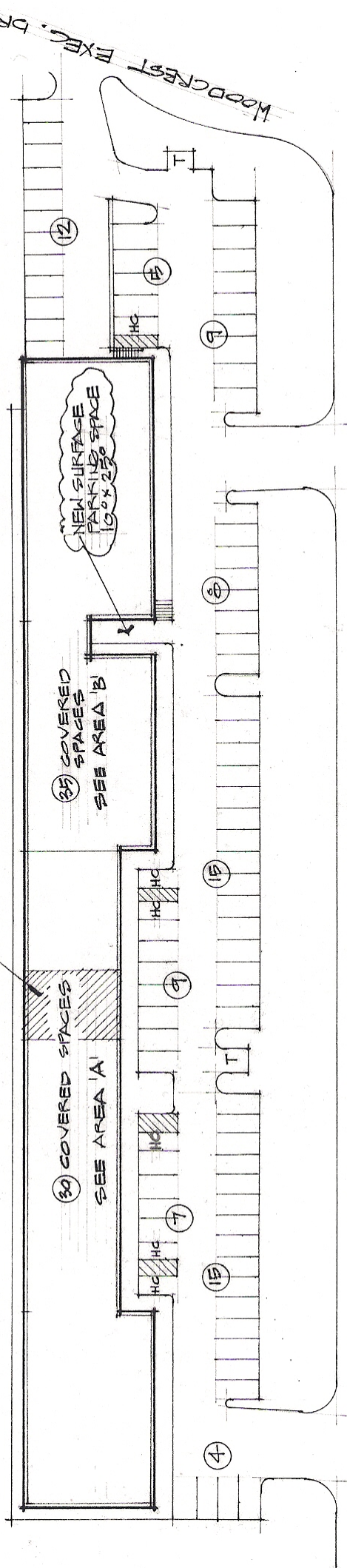
Excepting therefrom that part taken in condemnation by the State of Missouri in Cause No. 00CC-001942 of the Circuit Court of St. Louis County. The Report of Commissioners is recorded in Book 12785 page 945 of the St. Louis County Records.



EXISTING COVERED PARKING PLAN - AREA 'B'



SUBWAY
12321 OLIVE



OLIVE ROAD

EXISTING PARKING PLAN



Parking Tabulation

Existing Surface Parking	84 sp
Existing Covered Parking Area 'A'	30 sp
Existing Covered Parking Area 'B'	35 sp
Total Existing Parking Spaces	149 sp
Proposed Surface Parking	1sp
Proposed Covered Parking Area 'A'	1sp
Total Existing and Proposed	151sp

Woodcrest Center

Creve Coeur, Missouri 63141

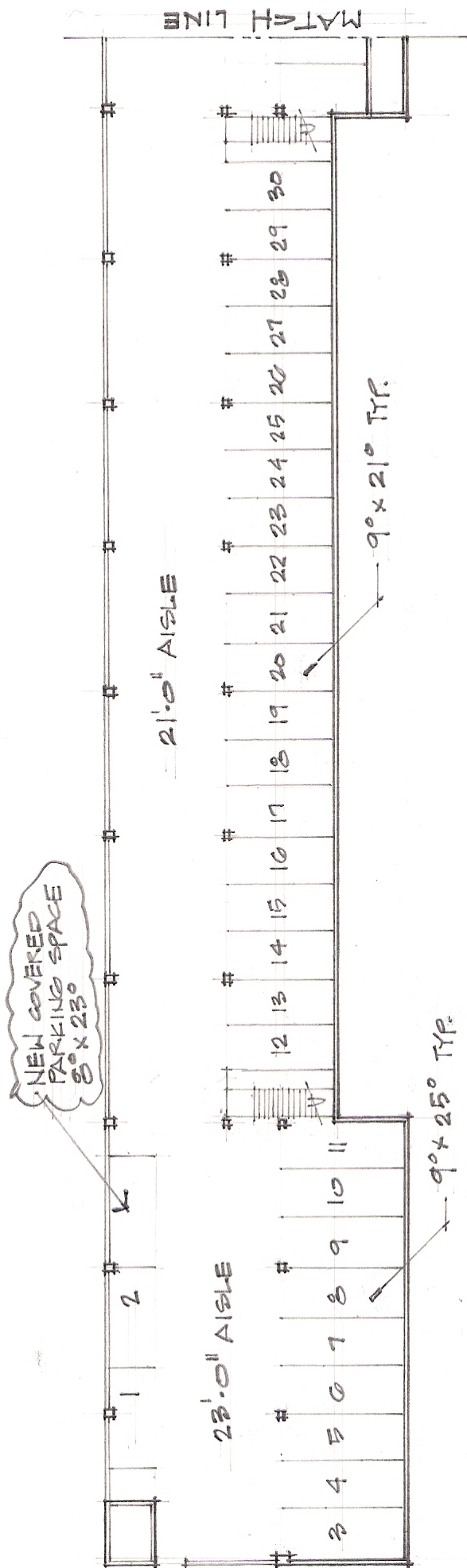
Walpert Properties

David Ferguson/Architect

Existing Parking

Date: 10/13/10

REV. 10/14/10



BILL NUMBER 3161

ORDINANCE NUMBER 2189

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A
CONDITIONAL USE PERMIT FOR AN EATING ESTABLISHMENT TO
BE KNOWN AS SUBWAY TO BE LOCATED AT THE WOODCREST
CENTER, LOCATED AT 12321 OLIVE BOULEVARD, IN THE 'CB'
CORE BUSINESS DISTRICT**

WHEREAS, application was made by Mr. Amir Zoroufchy for a Conditional Use Permit to operate an eating establishment at the Woodcrest Center, located at tenant space addressed as 12321 Olive Boulevard, zoned CB, Core Business District, and

WHEREAS, under Section 26-41-3(e), all eating and drinking establishments require the issuance of a Conditional Use Permit as defined under Section 26-114, and

WHEREAS, on June 25, 2002, the Planning and Zoning Commission of the City of Creve Coeur, by unanimous vote recommended approval of said application as per Section 26-114.4(b), and

WHEREAS, a Public Hearing was held by the Creve Coeur City Council on July 22, 2002 beginning at 7:30 p.m. or immediately following the close of the previous Public Hearing, on said application for the Conditional Use Permit as provided by Article 9, Section 26-114 of Ordinance Number 1903 of the City of Creve Coeur, 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 on July 5, 2002 and in the West County Journal on July 7, 2002 newspapers of general circulation in the City of Creve Coeur, 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 three times before final passage by the City Council, and

WHEREAS, the City Council being fully informed finds that the granting of the application 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 conformance with good zoning practice.

Now, therefore, be it Ordained by the City Council of the City of Creve Coeur as follows:

Section 1: A Conditional Use Permit is authorized to be issued pursuant to Section 3 hereof for the construction and operation of a 1,300 sq. ft. eating establishment to be known as Subway at the Woodcrest Center, in the tenant space addressed as 12321 Olive Boulevard, zoned CB, Core Business District, subject to the hereinafter stated conditions, on the following described property:

Section 2: The Conditional Use Permit granted shall be subject to all applicable statutes, ordinances, rules and regulations, and the following conditions:

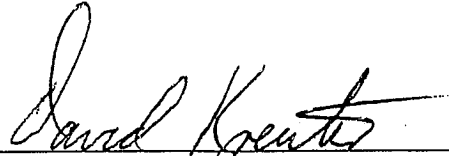
1. This Conditional Use Permit shall be for the operation of a 1,300 sq. ft. eating establishment as defined under Section 26-52.13 of the City of Creve Coeur Zoning Code.
2. Said use shall be located in the Woodcrest Center, in the tenant space addressed as 12321 Olive Boulevard, as approved by the Creve Coeur City Council.
3. The maximum seating permitted is limited to 40 seats, as defined by the City's Zoning Ordinance.
4. The hours of operation shall be no earlier than 8:00 a.m. or no later than 10:00 p.m., seven days a week.
5. The floor plan for the proposed restaurant shall be filed with the City's Zoning Administrator showing the type and location of all equipment, furniture, seating capacity, and other information which may be requested by the building official.
6. All signs for the restaurant must be in conformance with the City's sign regulations, and permits must be obtained for the erection or modification of any sign on the premises. Banners, pennants, fringe, light pinwheels or other similar devices for attracting attention may be displayed only in conformance with the City's current sign regulations. Exposed neon signs shall only be used in conformance with the current sign regulations of the City of Creve Coeur.
7. Should the restaurant desire an exclusive refuse container it shall be located adjacent to the restaurant. A new refuse container shall be located within a screened sight-proof storage area with the installation of a hose bibb to service the trash enclosure area.
8. Trash pick-up for the facilities shall only occur between the hours of 8:00 a.m. and 8:00 p.m.
9. There shall be no outdoor storage or placement of any materials or equipment used in conjunction with the restaurant, including storage of outdoor tables, chairs and umbrellas.
10. Any mechanical equipment installed for the restaurant shall be properly screened with approved materials.
11. Additional business hours are permitted with the Department of Community Development's approval. Business hours can be approved for the catering of special events.
12. 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.
13. All new, modified or altered overhead utilities servicing the subject tenant space shall be placed underground.
14. Any future enlargement, extension, expansion or alteration in the use of the structures or site shall require the site to conform to Landscape Regulations, Section 26-62 of the Zoning Ordinance.
15. The seating area must have sufficient proper signs to comply with the "No Smoking" Ordinance Number 1392 and amending Ordinance Number 1548.
16. A copy of all herein attached conditions shall be furnished by the owner or petitioner to the operator(s) or manager(s) including successive operator(s), owner(s) or manager(s) who shall forward to the Zoning Enforcement Officer an acknowledgement that he or she has read and understood each of these conditions and agrees to comply therewith.
17. All conditions contained within this permit shall be posted upon the properties in such a manner that it is visible to the public and the operator of said facilities.
18. 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.
19. 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.
20. 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.
21. The use of outdoor speakers for the amplification of music shall be permitted and shall not exceed 50 decibels at the property line.
22. One (1) deciduous tree shall be planted in each of the landscaped islands.

23. Three (3) additional handicapped accessible parking spaces shall be installed near the shop entranceways fronting Olive Boulevard, with at least one (1) space installed near the Subway restaurant

Section 3: 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 2 of this ordinance.

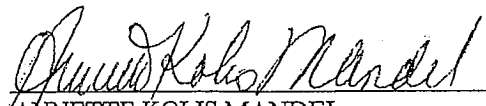
Section 4: This ordinance shall become effective 15 days after adoption by the City Council and the signing thereof by the Mayor.

Adopted by City Council this 26 day of August, 2002.



DAVID KREUTER
PRESIDENT OF CITY COUNCIL

Approved this 26 day of August, 2002.



ANNETTE KOLIS MANDEL
MAYOR

ATTEST:



LAVERNE COLLINS, CMC
CITY CLERK



CANTOR & BURGER
ATTORNEYS AT LAW

RECEIVED
OCT 07 2010
PLANNING DEPT.

October 4, 2010

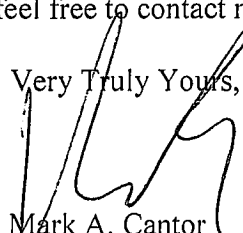
Whitney Kelly, AICP
City of Creve Coeur
300 North New Ballas Road
Creve Coeur, MO 63141

Re: Subway Restaurant, 12321 Olive Blvd., Creve Coeur, MO 63141

Dear Creve Coeur City Council:

Cantor & Burger has no objection to Subway expanding its restaurant area. We believe this is in the best interest of our local business, this strip center, and the City of Creve Coeur itself. There is more than adequate parking as this building has space below for staff and customers to park. It may be a good idea to require that the employees of Subway park beneath the building to add additional parking spaces. However, either way, we have no objection and will not be attending the meeting or making a statement. If you have any follow-up questions please feel free to contact me.

Very Truly Yours,


Mark A. Cantor

MAC/tkl



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

STAFF REPORT TO THE PLANNING AND ZONING COMMISSION

Meeting Date: October 18, 2010

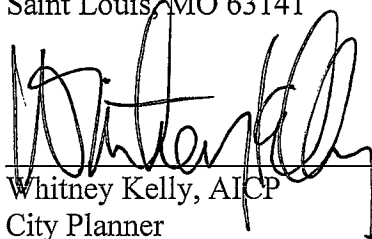
Subject: Application #10-032
Front Yard Fence

Project Location: 10333 Whitebridge Lane

Requested Action: Minor Site Development Plan Approval

Applicant/Owner: Jenny Marler and Chris Gundlach
10333 Whitebridge Lane
Saint Louis, MO 63141

Report Prepared by:


Whitney Kelly, AICP
City Planner

10/13/2010
Date

Attached: Applicants' materials, received September 27, 2010

PROPOSAL SUMMARY

An application has been submitted by Jenny Marler and Chris Gundlach, the owners of 10333 Whitebridge Lane, to erect an approximately five foot, black metal, fence ten feet back from the front yard property line and an electronic gate for the driveway along Whitebridge Lane. All such requests are regulated under Section 405.640, as follows:

405.640 Fences within the Front Yard Section and along Street Right-of-Way. No fence shall be located within the front yard setback or along street right-of-way, within the area equivalent to the front yard setback of the applicable zoning district, unless specifically approved by site development plan approval in accordance with Section 405.1080. (Planning and Zoning Commission must approve a minor site plan; City Council review is not required) (Prior recommended changes to this Section as it related to the placement of fences surrounding Swimming Pools have not been codified by the City Council at this time.)

BACKGROUND

The subject property was built in 1920 and remodeled in 2001. The property is zoned "A" Single Family Residential and has a front yard setback requirement of 50 feet from the right-of-way.

On July 19, 2010, the Planning and Zoning Commission recommended changes to Section 405.460: Accessory uses and structures, and Section 405.640, Fences within the Front Yard and along Street Right-of-Way allowing Staff approval of certain fences surrounding swimming

pools that are more than fifteen (15) feet from any lot line, have a maximum of fifty-four (54) inches in height, meet Building Code standards regarding design and placement of fence to the pool, and is of an open slat, black metal style. However, those changes have not been codified at this time. Further, the proposed fence is not being proposed in conjunction with a pool, is 54 inches plus taller for the arched estate design gate and placed ten feet from the front lot line of the subject property.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Single family residences, and Commercial	"A" Single Family Residential, "GC" General Commercial	NA
South	Single family residences	"A" Single Family Residential	Whitebridge Ln
East	Single family residences	"A" Single Family Residential	NA
West	Single family residences	"A" Single Family Residential	NA

FENCE PLACEMENT AND DESIGN

The proposed fence would be a black metal style, 54 inches tall with the gate being slightly taller to accommodate an estate design that matches the gate at the end of Whitebridge Lane at Lindbergh Boulevard. The applicants propose to place the fence ten feet from the street right-of-way, within the front-yard setback.

ANALYSIS

The Zoning Code does not provide guidance in evaluating requests for fences within the setback, except that no fence shall exceed six feet in height.

The Comprehensive Plan and Design Guidelines provide further direction for review of fences with the following:

Comprehensive Plan: Residential Preservation and Economic Development

2. Encourage the continued preservation of the suburban landscape character of the area, its open green spaces, and stream corridors. New development or redevelopment should protect and enhance stream channels, preserving remaining riparian corridors, preserve trees and encourage re-establishment of natural streams, where feasible. The use of pervious paving materials and vegetated swales to manage storm water in new development and redeveloping areas is encouraged.
6. Require 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. (p.44-45)

Design Review Guidelines: F. Screening (Fences and Walls)

1. All new sound walls, masonry walls or fences are to be designed to minimize visual monotony through changes in plane, height, material, texture or significant landscape massing.
2. The design of fencing, sound walls, trash enclosures, and similar site elements is to be compatible with the architecture of the main buildings and should use similar materials.
3. All fencing should be designed as an integrated part of the site, rather than as a separate fence, such as a planter wall or continuation of an architectural wall feature.

5. In highly visible public areas where fencing is needed, decorative fencing is encouraged.
(p.18-19)

While the use of a black metal in the design does meet the objectives of the Design Guidelines, the placement of the fence in the front yard does not further the Comprehensive Plan goal of maintaining open green spaces and the fence effectively reduces the value of the front setback.

The applicants indicate in their letter (attached) that they anticipate installing a pool in the future, either in the front yard or to the northwest side of the property. The proposed fence would not meet the building code requirements for a pool barrier. The City of Creve Coeur's Building Code requires that a fence be close to the pool area in order to protect a child, five years of age and under already in the yard, from falling into the water. Building inspectors work with an applicant to determine the best location of the fence, so as to separate the pool area from children's play space, on a site-by-site basis. Further, a pool in the front yard would require a variance from the Zoning Code, which states that all accessory structures, including private swimming pools, shall not be located within the front yard (Section 405.460.D.4).

The applicants indicate three reasons for the request for the front-yard fence:

1. High school students who jump the rear chain link fence to get to the convenience store at the corner of Lindberg Boulevard and Ladue Road.

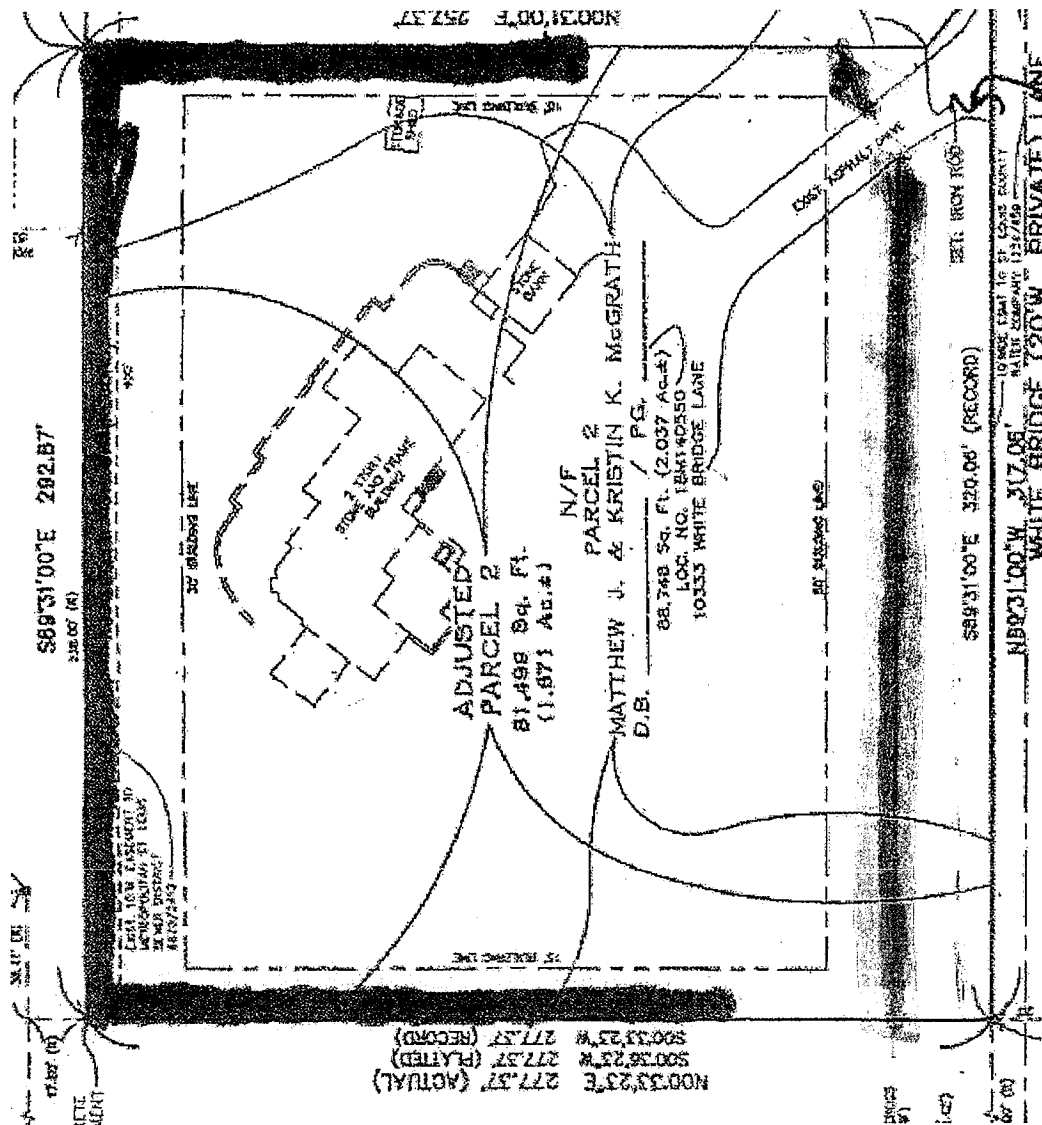
Staff suggests that this could be better deterred by replacing the chain-link fence at the back of property line with a fence designed to prevent climbing, such as a black metal fence similar to the design that the applicants are currently proposing, that could be up to six feet in height, without needing Planning & Zoning Commission approval.

2. Trespassers who utilize the circle drive as a turn-around, due to the gate at the end of Whitebridge Lane and Lindberg Boulevard.

The placement of the gate is set back to allow for the ability to turn around without moving through the entire circular driveway.

3. Neighbors and children trespassing and playing in the yard.

Staff recommends that landscaping and/or a hedge would have the same effect of preventing the use of the space, and create a sense of privacy, as well as preventing people from driving through the yard. However, if the commission members agree that this is a significant problem and a fence is necessary, a lower fence design of three and one half feet, placed in line with the proposed gate for the driveway, about 25 to 30 feet from Whitebridge Lane, as shown in the drawing below (purple line) is recommended.



RECOMMENDED CONDITION OF APPROVAL

The motion for the front yard fence shown in the enclosed Site Plan will be in the form of approval, approval with conditions, denial or deferral. Action by the City Council is not required.

If Commission Members are so inclined, the following conditions are suggested to address the issues raised in the preceding discussion:

1. The front yard fence shall not be taller than three and one half feet.
2. The fence shall be placed in line with the proposed placement of the gate for the driveway, no closer to the street than 25 feet from the right-of-way to allow enough space for vehicles to turn around.

MOTION

"I move to approve the Site Plan for the Marler-Gundlach Fence at 10333 Whitebridge Lane submitted with Application #10-032, as presented to the Planning and Zoning Commission on

October 18, 2010 subject to the condition contained in the staff report dated October 18, 2010” (if so desired).

Or, “I move to approve the Site Plan for the Marler-Gundlach Fence at 10333 Whitebridge Lane submitted with Application #10-032, as presented to the Planning and Zoning Commission on October 18, 2010” (if so desired).

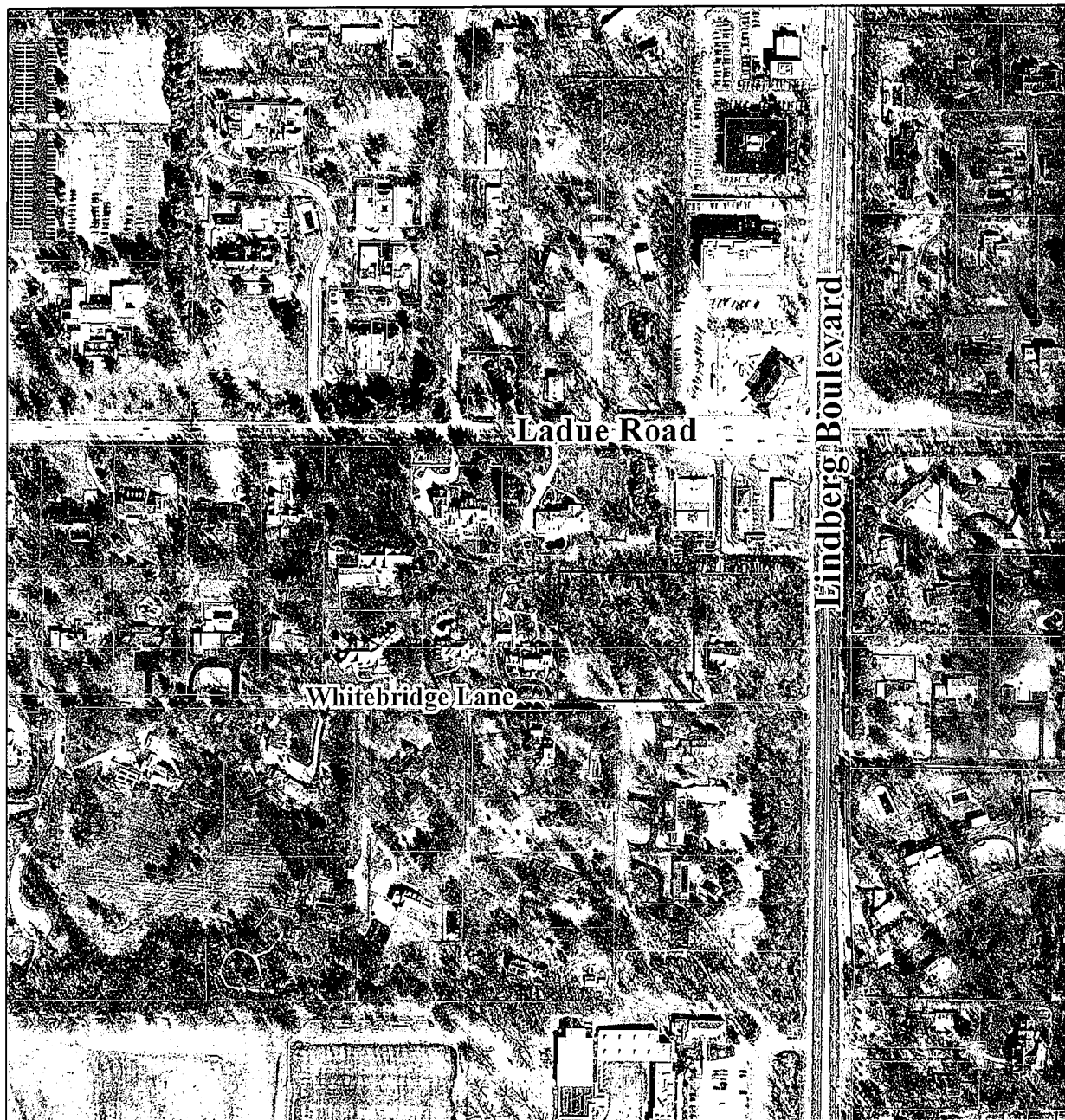
APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

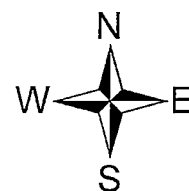
Included and attached by reference. See body of report for specific excerpts.

APPENDIX 3: AERIAL MAP



Legend

- Property Lines
-  10333 Whitebridge Lane



APPENDIX 4: SITE PHOTOGRAPHS

Photo Date: 10/01 & 10/04/2010

Application #10-032



Description: View of the property looking west at the driveway along Whitebridge Lane



Description: View of the property at the southwest corner, along Whitebridge Lane.



Description: View of the back yard, and commercial property to the north of the property.



Description: Closer view of the chain-link fence on the north side of the property, between the subject property and the commercial property.



Description: View of the gate at the end of Whitebridge Lane and Lindberg Boulevard.



Description: View of a nearby front-yard fence along Whitebridge Lane

File # _____

Planning and Zoning Commission Agenda Application
City of Creve Coeur, Missouri

Title of Project: Residential Fence

Location of Project: 10333 Whitebridge Lane Locator # 18M140561

Subject for Agenda: Approval for Installation of Residential Fence

REPRESENTATIVE: Name Jenny Marler and Chris Gundlach

Company

Address 10333 Whitebridge Lane

Creve Coeur, Missouri 63141

Telephone# 314-259-5874 Fax# 314-259-5959

OWNER: Name Jenny Marler and Chris Gundlach

Address 10333 Whitebridge Lane

Creve Coeur, Missouri 63141

Telephone# 314-259-5874 Fax# 314-259-5959

APPLICANT:

Architect _____ Engineer _____ Contractor _____ Agent _____ Owner X

The undersigned hereby requests to be placed on the Agenda for the Planning and Zoning Commission meeting at 7:00 P.M. on Monday, October 4, 2010.

Signature _____

Title _____

Date _____

Paul Langdon, AICP, Director of Community Development
Whitney Kelly, AICP, City Planner
Pat Rosenblatt, Secretary (872-2501)

Revised: 7/10

**10333 WHITEBRIDGE LANE
CREVE COEUR, MISSOURI 63141**

September 21, 2010

Members of the Commission:

We appreciate your consideration of our application to install a residential fence. Attached with this application are:

- A. Copy of Subdivision Plat.
- B. Photos of the Property.
- C. Photos of Sample Fence Material.

The purple line on the plat represents the approximate location of the existing chain link fence around a portion of the property perimeter. The yellow line represents the approximate location of the proposed new steel fence and driveway gate. Prior to installation, we would obtain a stake survey to confirm exact location, and we would plan to have the new fence set back 10 feet from Whitebridge Lane (which is a private road). We would install an electronic estate-style gate further set back from the road, both to accommodate the existing driveway design and to allow ample turn-around area at the base of the driveway. The new fence would be 54 inches tall (with the gate being slightly taller at its arch to accommodate an estate design that matches the gate at Whitebridge and Lindbergh) and would be in the "Genesis" style with either the triad or quad-flare decorative element. We anticipate adding some arbor vitae and a mix of decorative shrubbery in front of the fence, between the fence and Whitebridge Lane.

As you can see from the plat and the property photos, our home is set very far back from Whitebridge Lane, at an angle, with the house facing southwest. We have very little rear yard, and a portion of the rear yard slopes sharply toward the MSD easement/drainage area to which our property adjoins. Beyond the drainage area, our property backs to a commercial office property (and its parking area) and convenience store at Lindbergh and Ladue. The only other home along Whitebridge that is set back from the road this much also has a fence along Whitebridge, but that fence is much closer to the road than we would propose and is of horizontal white wood design. We anticipate installing a pool in the future, either in the front yard area or to the northwest of the home, and the proposed fence would comply with fence requirements for a residential pool.

We are requesting approval to install a fence for three key reasons:

1. We have experienced frequent issues with trespassers, primarily high school children who come north on Pillar lane, continue down our drive or walkway through our backyard, then jump over the rear chain link fence to get to the convenience store and Lindbergh

and Ladue. Our neighbors have noticed kids smoking in the drainage area behind our home after school, and I believe the City police department is aware of these complaints.

2. Because of the gate at Whitebridge and Lindbergh, we have frequent trespassers who utilize the circle drive in front of our home as a turn-around area, or alternatively drive through our front yard when turning around. On more than one occasion, we have had a driver nearly hit one of our pets, and we have had to pay our lawn service numerous times to repair deep ruts in the front grass from tire tracks.

3. Because of the significant green space at the front of our property adjoining Whitebridge Lane, it is not uncommon to find pedestrians with their children and dogs playing in our front yard. While this has not caused any physical damage, we do not wish to have the liability of third parties on our property, nor do we want to create any arguments of public rights to the space that we own.

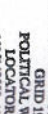
We appreciate your consideration of the request and look forward to answering any questions you may have.

/s/ Jenny Marler

Jenny Marler

/s/ Chris Gundlach

Chris Gundlach



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PROPERTY FROM WHITEBRIDGE LANE AT THE WEST BOUNDARY LINE



PROPERTY VIEW FROM PILLAR LANE (IF TRAVELING NORTH ON PILLAR)



PROPERTY BACK YARD (backs to commercial office parking lot)



LOOKING EAST FROM DRIVEWAY TO GATE AT WHITEBRIDGE AND LINDBERGH



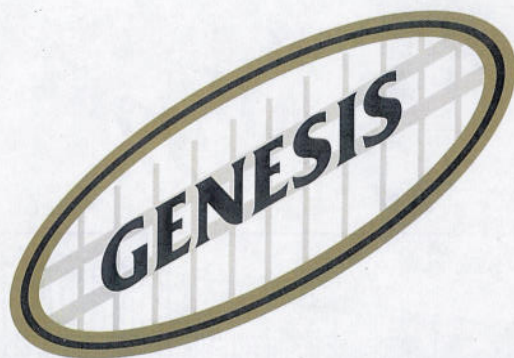
SAMPLE ESTATE GATE STYLE

The addition of a row of flags between the top two rails is a nice detail in two ways: it enhances the decorative look while it nearly doubles the strength of the fence.

GENESIS
The New Standard

GENESIS
The New Standard

Welded
Extra Strength



GENESIS
3-Rail With Quad-Flares
Neighborhood Perimeter



GENESIS
3-Rail With Triads
Apartment Complex

The Genesis style carries an inherent beauty that adds a decorative touch to any residential landscape, whether an individual home, a gated community, or a series of multi-family dwellings.

The addition of a row of rings between the top two rails is a wise choice in two ways: it enhances the decorative look while it nearly doubles the strength of the fence.



GENESIS
3-Rail With Triads & Rings
Railroad Barrier



GENESIS
3-Rail With Quad-Flares & Rings
Country Estate



**Welded
Extra Strength**

GENESIS
Added Options
Available in 3/4"
or 5/8" Pickets



city of CREVE COEUR

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STAFF REPORT TO THE PLANNING AND ZONING COMMISSION

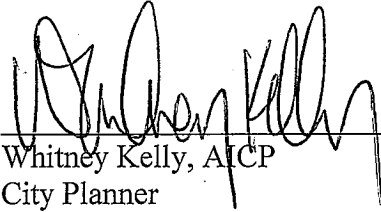
Meeting Date: October 18, 2010

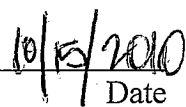
Subject: Application #10-033
Section 405.340(B), Section 405.350(B), Section 405.360(B), Section 405.370(B), 405.380(B)

Location: All commercial zoning districts within the city.

Requested Action: Approval of Used Merchandise Stores as a permitted use within the "MX" Mixed Use District, "PC" Planned Commercial District, "GC" General Commercial District, "CB" Core Business District, and "LI" Light Industrial District

Applicant: Paul Langdon, AICP
Director of Community Development
City of Creve Coeur
300 N. New Ballas Road
St. Louis, MO 63141

Report Prepared by: 
Whitney Kelly, AICP
City Planner

 Date

Attached: Draft Ordinance
Letter from Solon Gershman, dated September 30, 2010
Letter from Youth in Need, dated September 30, 2010

INTRODUCTION

A used merchandise retailer, Youth in Need, contacted City staff regarding the possibility of opening resale and consignment boutique in the Westgate Shopping Center located at 12390 Olive Boulevard. The sale of used merchandise is currently not allowed in any commercial zoning district within the City of Creve Coeur. Westgate Center is zoned "PC" Planned Community.

While reviewing the information regarding such business activities, staff became aware that two other similar clothing resale businesses received approval in error and are operating within the "GC" General Commercial and "CB" Core Business Districts. These activities are entirely located within in-line tenant spaces, and do not have outdoor drop off facilities or outside storage of materials and goods. Further, staff are not aware of any complaints stemming from the

activities of these businesses. Lastly, an informal review of similar stores where no outside activity occurs finds that they are generally indistinguishable from retailers of new merchandise and that they are present in many communities.

In the absence of any apparent reason to continue to exclude these indoor-only stores, staff is therefore requesting that Used Merchandise Stores with no outdoor storage (all uses within SIC Number 5932, excluding used Building Materials, and Pawnshops) be included as a permitted use in all commercial zoning areas of the City.

Allowed uses under the SIC (Standard Industrial Classification) Number 5932 Used Merchandise Store would include only the following:

- Antique stores-retail
- Book stores, secondhand-retail
- Clothing stores, secondhand-retail
- Furniture stores, secondhand-retail
- Furniture, antique-retail
- Glassware, antique-retail
- Homefurnishing stores, secondhand-retail
- Homefurnishings, antique-retail
- Manuscripts, rare-retail
- Musical instrument stores, secondhand-retail
- Objects of art, antique-retail
- Phonograph and phonograph record stores, secondhand-retail
- Shoe stores, secondhand-retail

For the "LI" Light Industrial District, staff recommends Used Merchandise Stores with no outdoor storage or collection (all uses within SIC Number 5932, excluding Pawnshops) be included as a permitted use. Used building materials stores would be allowed in the "LI" District. Since the manufacturing of lumber and wood products including millwork, wood kitchen cabinets, wood containers, wood buildings and mobile homes, is a permitted use in the area, staff considers the resale of similar materials to be a compatible use.

CONCLUSION AND ACTION

Staff recommends that Used Merchandise Stores primarily engaged in the retail sale of used merchandise, and secondhand goods under the SIC Number 5932 (with the exception of used building materials and pawnshops) be added to the list of permitted uses within all commercial districts of the city, and Used Merchandise Stores primarily engaged in the retail sale of used merchandise, and secondhand goods under the SIC Number 5932 (with the exception of pawnshops) be added to the list of permitted uses within the "LI" Light Industrial District.

MOTION

The following are examples of a motion for this application:

"I move to recommend approval of a text amendment to include Used Merchandise Store with no outdoor storage or collection (all uses within SIC Number 5932 excluding used Building Materials and Pawnshops) as a Permitted Use within the "MX" Mixed Use District, "PC" Planned Commercial District, "GC" General Commercial District, and "CB" Core Business

District, and include Used Merchandise Store with no outdoor storage or collection (all uses within SIC Number 5932 excluding Pawnshops) as a Permitted Use within the "LI" Light Industrial District as described in the staff report on application #10-033, dated October 18, 2010."

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.

September 30, 2010

Mr. Paul Langdon
Director of Planning
City of Creve Coeur
300 N. New Ballas Rd.
Creve Coeur, MO 63141

Re: Westgate Centre

Dear Mr. Langdon:

We are currently in negotiations with Youth In Need, a not-for-profit child and family services agency. They are interested in leasing space in the Westgate Centre, which our company manages. A letter with information on Youth In Need is enclosed.

Youth In Need is planning to open an upscale resale and consignment boutique, similar to several stores currently operating in the City. We understand that this use is not currently a permitted or conditional use in the PC District and respectfully request that amendments be made to the zoning ordinance which would allow this use.

Our firm manages several properties like Westgate Centre in which we have facilities similar to that which is proposed. We have found that they are well operated and are a valuable addition to the tenant mix.

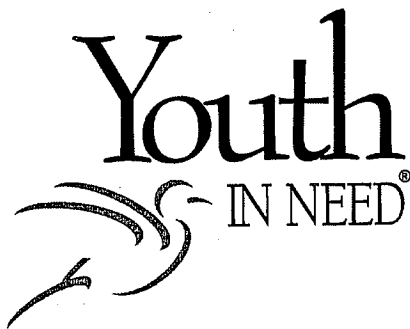
I would be pleased to provide you with any additional information you might require. We appreciate your prompt consideration.

Very truly yours,

Solon Gershman, Inc.



Thomas A. Stern
President



**THE SCHEIDEGGER FAMILY
YOUTH IN NEED CENTER**

1815 BOONE'S LICK ROAD
ST. CHARLES, MO 63301
636-946-5600
FAX: 636-946-2900
www.youthinneed.org

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Dr. Paul Spahn
Leo Tighe, Jr.
John Winkelmeier

**Policy Council and
Committee Chairpersons**
Mathilda Fenton
Evelyn Johnson-Ray
Melissa Rhine

September 30, 2010

Ms. Whitney Kelly
City Planner
City of Creve Coeur
300 North New Ballas Road
Creve Coeur, MO 63141

Dear Ms. Kelly:

Youth In Need is a nonprofit child and family services agency, headquartered in St. Charles, Mo. Through a variety of crisis prevention and intervention programs, Youth In Need is dedicated to building positive futures for the community's most vulnerable children, teens and families.

Youth In Need is looking at opening an upscale resale and consignment boutique in the Westgate Shopping Center located at 12390 Olive Boulevard. The boutique would offer ladies, men, and teens gently used apparel of designer and department-store labels, fashion accessories, in addition to home furnishings and décor. The revenues generated will benefit the multiple programs offered throughout the six counties we serve in eastern Missouri which include St. Louis, St. Charles, Lincoln, Warren, Montgomery and the City of St. Louis.

We are soliciting donations and consignment items from our Board of Directors and existing donor base that consists of private individuals, corporations and foundations throughout the metropolitan area. Youth In Need is proud of the generous support received from the community. For 2010, Youth In Need will raise more than \$1 million from private sources, including more than 200 donors who will contribute \$500 or more this year. In addition, supporters annually contribute more than \$400,000 in in-kind donations to the organization.

These upscale resale shops have become very popular and trendy in today's economy. Similar boutiques in the area include Fantastic Finds, benefiting the Assistance League; Rung, benefiting the Women's Foundation of Greater St. Louis; and Upscale Resale, benefiting Willows Way. These boutiques are attractive to the shoppers who prefer select, quality merchandise in a boutique atmosphere, are environmentally friendly while still saving money.

Sincerely,

James A. Braun
President and CEO



**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF
CREVE COEUR, MISSOURI BY AMENDING THE PERMITTED USES TO INCLUDE
USED MERCHANDISE STORES IN ALL COMMERCIAL ZONING DISTRICTS, OF
APPENDIX C, THE ZONING CODE.**

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for an addition to the provisions of the City Code of Ordinances and related amendments to other sections 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 reviewed and _____ recommended approval of the subject amendments at its meeting on Monday, October 18, 2010; and

WHEREAS, the City Council of the City of Creve Coeur, Missouri, also being cognizant of a need for these changes in the City Code, held a public hearing thereon at the Creve Coeur Government Center on _____, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; 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 and in the West County Journal, newspapers of general circulation in the City of Creve Coeur; 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 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 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: Appendix C, The Zoning Ordinance, of the City of Creve Coeur's Code of Ordinances shall be amended by a new use Used Merchandise Stores with no outdoor storage to Section 405.340, *Permitted Uses*, in the "MX" Mixed Use zoning district, and subsequent sections renumbered accordingly, as follows:

Section 405.340: "MX" Mixed Use District

B. *Permitted Uses*

1. Class 1 –Between 1.00 and 2.99 acres. The Following uses area permitted on sites between one (1.00) and two and ninety-nine hundredths (2.99) acres:
 - c. Used Merchandise Stores with no outdoor storage or collection (all uses within SIC Number 5932, excluding used Building Materials, and Pawnshops)

SECTION 2: Appendix C, The Zoning Ordinance, of the City of Creve Coeur's Code of Ordinances shall be amended by a new use Used Merchandise Stores with no outdoor storage to Section 405.350, *Permitted Uses*, in the "PC" Planned Community zoning district, *and* subsequent sections renumbered accordingly, as follows:

Section 405.350: "PC" Planned Community District

B. *Permitted Uses*

- 9 Miscellaneous retail including only the following:
 - c. Used Merchandise Stores with no outdoor storage or collection (all uses within SIC Number 5932, excluding used Building Materials, and Pawnshops).

SECTION 3: Appendix C, The Zoning Ordinance, of the City of Creve Coeur's Code of Ordinances shall be amended by a new use Used Merchandise Stores with no outdoor storage to Section 405.360, *Permitted Uses*, in the "GC" General Commercial zoning district, *and* subsequent sections renumbered accordingly, as follows:

Section 405.360: "GC" General Commercial District

B. *Permitted Uses*

- 9 Miscellaneous retail including only the following:
 - c. Used Merchandise Stores with no outdoor storage or collection (all uses within SIC Number 5932, excluding used Building Materials, and Pawnshops).

SECTION 4: Appendix C, The Zoning Ordinance, of the City of Creve Coeur's Code of Ordinances shall be amended by a new use Used Merchandise Stores with no outdoor storage to Section 405.370, *Permitted Uses*, in the "CB" Core Business zoning district, *and* subsequent sections renumbered accordingly, as follows:

Section 405.370: "CB" Core Business District

B. *Permitted Uses*

2. Class 2. Once (1) acre or greater. The following uses are permitted to occupy all or part of a planned development on sites of one (1) acre or greater under single ownership provided that a site concept and site development plan is submitted and approved for the use and development of the total site in accordance with the procedures provided in Section 405.1080.
 - i. Miscellaneous retail including only the following:

BILL NO. _____

ORDINANCE NO. _____

- (2). Used Merchandise Stores with no outdoor storage or collection (all uses within SIC Number 5932, excluding used Building Materials, and Pawnshops).

SECTION 5: Appendix C, The Zoning Ordinance, of the City of Creve Coeur's Code of Ordinances shall be amended by a new use Used Merchandise Stores with no outdoor storage to Section 405.380, *Permitted Uses*, in the "LI" Light Industrial zoning district, and subsequent sections renumbered accordingly, as follows:

Section 405.380: "LI" Light Industrial District

B. *Permitted Uses*

6. Retail Trade including only the following:
 - e. Miscellaneous retail including only the following:
 - (1). Used Merchandise Stores with no outdoor storage or collection (all uses within SIC Number 5932, excluding Pawnshops).

SECTION 6: All ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 7: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2010.

A. JAMES WANG
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2010.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
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

STAFF REPORT TO THE PLANNING AND ZONING COMMISSION

Meeting Date: October 18, 2010

Subject: Zoning for the Core Business District (CBD)

Location: Area bounded by Olive Boulevard, Old Ballas Road, and North New Ballas Road.

Requested Action: Discussion only.

Applicant City of Creve Coeur

Report Prepared by:

Paul Langdon, AICP
Director of Community Development

Date

Attached: 2005 Central Business District Land Use Plan, Chapter 4.0, Recommendations

BACKGROUND

As reported during the joint session of the City Council and the Planning and Zoning Commission, the effort to create a “downtown” for Creve Coeur has persisted for over 40 years. The key events are summarized as follows:

- 1969 – First identified on future land use plan.
- 1969, 1977, 1981, and 2005 – Area land use plans completed.
- 2005 – Implementation plan completed.
- 2006 – Design guidelines adopted.
- 2007 – Draft overlay district recommended by Planning and Zoning Commission.
- 2008 – Draft overlay district tabled by City Council while traffic study is commissioned.
- 2008 – Traffic study completed. Council reviewed traffic study and indicated considerable concerns with apparent limit on viable development intensity.
- 2010 – City Council and Planning Commission hold joint session and collectively voice desire to take a different approach that targets lower intensity development.

This report represents the start of a new effort, but not the disposal of everything done before. A lot of valuable research has been completed and meaningful policies were developed. This report will revisit some of these for the benefit of those who are new to the Commission or otherwise not involved in the prior efforts.

1969 COMPREHENSIVE COMMUNITY PLAN

Even though the city was very different in 1969, consider how relevant the following excerpts still seem to be:

Development Problems and Opportunities

2. Commercial establishments have been permitted to locate at various points along Olive and Lindbergh boulevards [sic] without serious consideration of their traffic generation patterns. This type of development has created critical problems of access, frequent interruption of through traffic flow, poor relation of off-street parking areas, and lack of functional interrelationship between various commercial establishments adjacent to one another. This development is beginning to stretch out to the point where it is in danger of becoming just another commercial “strip” whose cost will significantly outweigh any benefits received.
3. Coupled with the potential strip-commercial developments is the lack of a city center provided with adequately coordinated internal parking and circulation, related commercial establishments, and a focus for community and area activities in this sector of St. Louis County.

Physical Design Proposals

In order to provide the community with a specific central area, a nucleus for activities, it is proposed that a city center be established along Olive Boulevard beginning west of Interstate 244 and extending to the eastern boundary of the Creve Coeur Golf Course, bounded on the south by the extension of Old Ballas Road...Included in the core area would be city government facilities, commercial and office buildings, high-density apartments, and various public services, such as restaurants, cinemas, motels lounges, and other selected services...The concentration of potential users into a dense central core would encourage the development of a wide range of retail establishments.

The following broad principles should guide the development of a city center area:

1. The city center should be a focus of community and regional activities.
2. The center should be a pleasant meeting place for people not only to shop but also to talk, sit and relax.
3. The center should be pleasant and usable both day and night.
4. The center should contain the best urban design features the city and private developers can afford.
5. The city center should reflect the pedestrian needs, with cars, trucks and buses conveniently close but out of the way when not in use.

1977 COMPREHENSIVE PLAN FOR THE CENTER CORE OF CREVE COEUR

This plan was written almost like an action plan with a series of defined implementation steps rather than particular design policies. Indeed, it essentially starts off by committing to the 1969 policies. What is most interesting in this study are the efforts to which it goes to establish the area under current review as the first location for development into a core, rather than the last, as it has become. The result is that the more conventional office/mixed-use development that was contemplated for the core has largely located around it. This leave two options for the core: either wait for the market to absorb more of the same, or use this last area to create a unique draw with something not currently available.

1981 CENTER CORE DEVELOPMENT CAPACITY

This report was largely an inventory exercise to determine how much more development could be focused in the core area and what form it should take. The study states that the development goals of the past should remain in force, and that the development to that point represented a successful implementation of the earlier plans. It is the Planning Division's current view that the 1981 report was overly optimistic as the development, most of which is still in place, clearly provides few accommodations for any travel modes besides cars and, while economically successful, still has not yielded the kind of attractive core that the 1969 and 1977 plans supported. Further, it has failed to yield few buildings that "...contain the best urban design features the city and private developers can afford." (*Comprehensive Community Plan*, 1969; p.103)

Probably the most important conclusion of the report is the anticipated traffic generation coming from the remaining infill development. Looking only at properties within the area under current consideration, the 1981 report anticipated an additional 173,000 square feet (Gross Leasable Area) of office, 38,000 square feet (GLA) of retail, and no residential (note that this is a departure from the earlier plan as it fails to encourage the incorporation of residential throughout the core which, as far back as 1969, was recognized as critical to vibrancy of the core). This amount of development was expected to generate an additional 745 vehicle trips per day. By comparison, the 2008 traffic analysis indicated that the same area, with substantial intersection upgrades, could still function with up to 2,500 more trips per day coming from 500,000 of retail, 500,000 square feet of office, and 2,550 residential units. The best solution probably lies somewhere between these profoundly different build-out scenarios.

2002 COMPREHENSIVE PLAN

The 2002 plan was the first truly comprehensive effort since 1969 and, with regard to the core area, represented a return to the true goals of the original 1969 plan: coordinated urban development, pedestrian orientation, quality and noteworthy architecture and site planning. It was followed by a pedestrian plan and design guidelines that began to put into practice many of the qualities espoused by the Comprehensive Plan.

2005 CENTRAL BUSINESS DISTRICT LAND USE PLAN

This plan takes the Comprehensive Plan policies a step further by establishing a stronger basis for the effort, and extrapolating the goals into more specific design and development objectives. Critical issues are discussed and several model projects are presented to help illustrate what the city should be encouraging. The critical chapter, 4.0 Recommendations, is attached to this report and should be used as a touchstone for the members of the Commission as this effort moves forward. Note also that the complete report is available on the City's website.

APPLICATION #06-044, DOWNTOWN OVERLAY DISTRICT

Developed in parallel with the Downtown Design Guidelines in 2006, the overlay district was intended to create an unique set of zoning conditions in the core area. While it is not immediately clear why the overlay was chosen instead of an entirely new district, it appears that the intention was to preserve the development interests of the private property owners in the area while setting a different standard for new development. The standards in the overlay were initially drawn from a variety of other cities' ordinances and then modified over the course of several Planning Commission review sessions. Upon reaching the City Council, however, concerns were expressed by the public and several Council members that the zoning was cumbersome, overly permissive, and perhaps even misguided regarding the type of development it was encouraging. In hindsight, it is probably fair to say that the draft ordinance attempted to satisfy too many possibilities and lost sight of the core values espoused as long ago as 1969. Nonetheless, there are basic elements of the ordinance that may still inform the current effort, for good reasons and bad, and the members of the Commission should consider the following:

- The proposal was really three districts in one: In addition to the proposed overlay on top of the existing zoning, the proposal added a "PUD" (Planned Unit Development) zoning district that could also be pursued for a given project in the core area. This PUD process allowed a great deal of discretion with the project limits, and questions were raised by the Council and members of the public regarding the potential for over-development in the long term. In the opinion of this Zoning Administrator, the proposal provided too many options to be reasonably understood by members of the public or even City officials. While some flexibility is absolutely essential for any multi-use development area to be successful, there have to be some clear definitions on the desired outcomes. Further, the City must be prepared to send away development that is not within those definitions.
- The proposal does not codify the streetscape expectations, primarily because the right-of-way cross-sections were not also proposed. In other words, the resolution of the streetscape was left to an incremental review process vis-à-vis the design guidelines. This is likely to lead to inconsistent outcomes.
- The tension between existing development and the potential differences with a new district was never well-resolved. On one hand, the overlay district was proposed so property owners would have the comfort of their existing zoning still in place but, on the other hand, it puts strong limits on how much work can be done on-site before compliance with the revised zoning was required. Strong reservations regarding this approach were expressed by several property owners; improvements are warranted.

- The proposal failed to provide any clear incentives for property owners to pursue projects that fulfilled the CBD Land Use Plan. Just as the City must be prepared to turn away projects that do not belong in this area, it must be prepared to strongly encourage the desired projects through development intensity and City ownership of streetscape elements after construction. This is made all the more important given that the existing “CB” Core Business district is the most intensive development district in the city and owners will want to see some protection of their potential yield from their land.
- One of the central elements in the zoning for these types of planning areas around the country is the protection or creation of some organizing feature. Special districts need some *raison d’etre*. The prior proposal lacks this and the same mistake should not be repeated. This could be something as simple as some strong and consistently applied element, or it could be something as large and complex as a public/private facility like a town square or public plaza. Resolving this issue represents one of the central challenges of the effort going forward.

As indicated above, this critical review is meant only to suggest that the proposed overlay district was flawed, not a complete failure. There are a variety of specific elements within the draft district that will be referred to during the subsequent steps of this process and the ordinance should be used as reference when determining if desired outcomes are being achieved.

FORMULATING THE NEW DISTRICT

The reality is that the City is attempting to utilize a particular design vernacular to achieve certain community goals like a town center “feel,” pedestrian friendliness, and quality architecture. These same goals are common to many communities in North America, especially suburban communities. Indeed, a great deal of scholarly review has gone into the reasons why rational Euclidean zoning has produced such formless places. The outcomes of this scholarly work has yielded several potential alternatives, all of which have been practically applied:

- Incentive Zoning
- Planned (Unit) Development or Flexible Zoning
- Overlay Zoning
- Form-based Zoning

As described earlier, PUD and overlay zoning were the chosen approaches in the tabled draft but, in hindsight, are not as effective as desired. Incentive zoning is effective only when there is a substantial bonus to be offered to the developer and may only be useful for a portion of the overall regulatory package. Furthermore, if too many standards are subject to incentives, it becomes extremely complex for the public, the Planning Commission and the City Council to understand how the incentives relate to the project being proposed. This leaves form-based zoning.

Now more than 20 years old, in concept, form-based zoning has matured in its regulatory structure and been used in a variety of development projects. Once known simply as “New Urbanism,” this approach to urban design and regulation attempts to use design and spatial relationships as the means to creating quality places. Note that the common belief is that this type of zoning is for dense development but, in fact, it contemplates all density levels. So compelling, for many, is this alternative approach to zoning, that a whole organization has formed around it: the Form-Based

Codes Institute (FBCI). From the FBCI website (<http://www.formbasedcodes.org>) comes the following:

Definition of a Form-Based Code

Draft Date: February 17, 2009

Form-based codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. These codes are adopted into city or county law as regulations, not mere guidelines. Form-based codes are an alternative to conventional zoning.

Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in Form-based codes, presented in both diagrams and words, are keyed to a *regulating plan* that designates the appropriate form and scale (and therefore, character) of development rather than only distinctions in land-use types. This is in contrast to conventional zoning's focus on the micromanagement and segregation of land uses, and the control of development intensity through abstract and uncoordinated parameters (e.g., FAR, dwellings per acre, setbacks, parking ratios, traffic LOS) to the neglect of an integrated built form. Not to be confused with design guidelines or general statements of policy, Form-based codes are regulatory, not advisory.

Form-based codes are drafted to achieve a community vision based on time-tested forms of urbanism. Ultimately, a Form-based code is a tool; the quality of development outcomes is dependent on the quality and objectives of the community plan that a code implements.

Form-based codes commonly include the following elements:

- *Regulating Plan.* A plan or map of the regulated area designating the locations where different building form standards apply, based on clear community intentions regarding the physical character of the area being code.
- *Public Space Standards.* Specifications for the elements within the public realm (e.g., sidewalks, travel lanes, on-street parking, street trees, street furniture, etc.).
- *Building Form Standards.* Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm.
- *Administration.* A clearly defined application and project review process.
- *Definitions.* A glossary to ensure the precise use of technical terms.

Form-based codes also sometimes include:

- *Architectural Standards.* Regulations controlling external architectural materials and quality.
- *Landscaping Standards.* Regulations controlling landscape design and plant materials on private property as they impact public spaces (e.g. regulations about parking lot screening and shading, maintaining sight lines, insuring unobstructed pedestrian movements, etc.).
- *Signage Standards.* Regulations controlling allowable signage sizes, materials, illumination, and placement.
- *Environmental Resource Standards.* Regulations controlling issues such as storm water drainage and infiltration, development on slopes, tree protection, solar access, etc.
- *Annotation.* Text and illustrations explaining the intentions of specific code provisions.

One of the newest and largest applications of form-based zoning is “New Town at St. Charles.” It also includes a commercial core that should be viewed by Commission members as a part of this process. The following images are from the development:



In order to facilitate the development of such a district in Creve Coeur (albeit much smaller than New Town), staff will utilize coming work sessions to provide the Commission with more details regarding the technical aspects of form-based codes and how they are manipulated to pair the regulatory framework with the desired development pattern.

CONCLUSION

There is a long history of planning for the urban core in Creve Coeur from which current members of the Planning Commission and City Staff should derive guidance. Some approaches have been attempted and failed. After years of refinement, however, the form-based zoning technique appears to offer the best route forward and, with the Commission’s acceptance, staff will continue to work in this direction.

4.0 Recommendations

Redvelopment of CBD as a downtown for Creve Coeur will be an ongoing process, involving the collaboration of many property owners and developers. It will likely occur incrementally over a period of time. Just as all cities are continually in a state of transformation, Downtown Creve Coeur will never “be finished.” It will constantly evolve, changing with the city, the region, the economy and future, unforeseeable trends. The CBD Land Use Plan is intended to be a tool for the city to guide incremental redevelopment, allowing flexibility as conditions, trends and market forces change.

The recommendations of the CBD Land Use Plan are structured to specifically address the goals of the 2002 Comprehensive Plan. Objectives are listed for each project goal, followed by recommended activities to accomplish each objective. Since the CBD Land Use Plan is not a physical redevelopment plan it therefore intentionally excludes recommendations specific to any given parcel.

This section is organized by the six overall project goals and concludes with a recommendation for downtown development regulations and design guidelines as a tool to guide redevelopment.

4.1 Goal #1: Relieve Traffic Congestion

As the CBD continues to redevelop, traffic will inevitably increase. However, increased traffic volume does not necessarily result in increased traffic congestion. Additional traffic can be distributed to multiple routes and modes to alleviate congestion. Furthermore, providing more urban mobility options, instead of more vehicular lanes, is an important means to reducing traffic congestion. These modes include walking, bicycling and transit, in addition to automobiles.

New east-west collector roadways that provide alternative routes to Olive are key solutions to providing efficient traffic flow in the proposed downtown area. As traffic on Olive continues to grow, providing local traffic the ability to travel through the downtown area without accessing Olive is fundamental to providing additional capacity to the CBD roadway system.

Although there is significant cost associated with the construction of highway overpasses, any alternative route to the busy Olive Boulevard – I-270 interchange would benefit the overall traffic carrying system. A southern I-270 overpass would provide an attractive alternate route for east-west traffic in addition to traffic destined for southbound I-270, thus going a long way towards helping to relieve

commuter congestion on Olive. A location study for typical NEPA issues should be conducted to determine the most appropriate and cost effective solution.

Multi-modalism is a key component to the overall transportation solution for any mixed-use development. Therefore, it is strongly recommended that bicycle and pedestrian accommodations, including bicycle lanes and bike racks, be provided throughout the downtown area.

Objective A: Develop a Street Grid

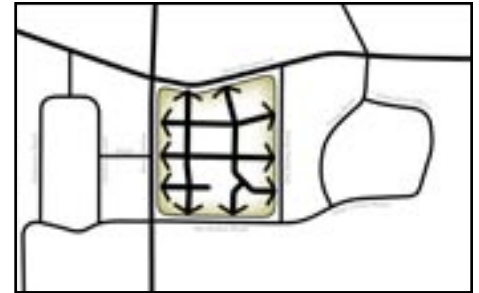
Recommendations:

1. Prioritize location for new streets, service alleys, and/or commercial drives that will connect Studt Road north to Olive Boulevard and south to Old Ballas Road, without disturbing existing residential and commercial structures. However, if property owners choose to redevelop and a site plan is brought to the city for review and approval, options to implement street grid-type connections should be explored.
2. Utilize existing easements and rights-of-way as a basis for future north-south connections.
3. Explore the potential to reconfigure existing surface parking lots to provide connections from Studt Road north to Olive Boulevard and south to Old Ballas Road in order to create well-defined drives between public streets, particularly property which was once Fred Avenue, a public street.
4. Upon the redevelopment of properties with Will Avenue frontage, require the street to be widened in order to allow the free-flow of two-way traffic and the installation of sidewalks.
5. Upon the redevelopment of properties with Ham Avenue frontage, require the street to be widened in order to allow

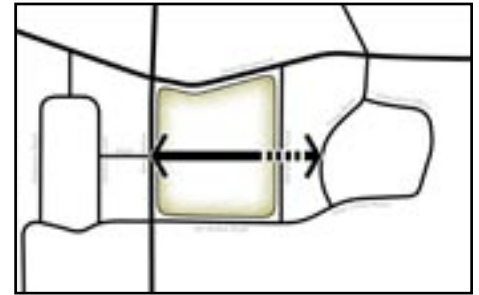
the free-flow of two-way traffic, a landscaped median, on-street parking on both sides, and sidewalks on both sides and also require the street to be dedicated as public right-of-way. Allow the street to be phased and coordinate with adjacent property owners in order to equitably distribute the property area necessary for the street.

6. Upon the redevelopment of properties approximately midway between Ham Avenue and Old Ballas Road, north of Studt Road, require a connection similar to the above recommendation for Will Avenue. The connection should not disturb existing commercial buildings; however, in coordination with property owners, the potential to reconfigure existing surface parking lots may be considered in order to complete the connection.

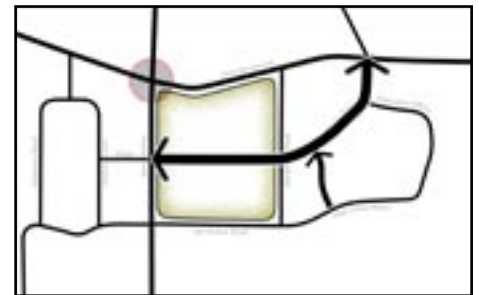
7. Upon the redevelopment of properties with New Ballas Road and Old Ballas Road (north-south) frontage, require east-west connections approximately midway between Olive Boulevard and Studt Road and approximately midway between Studt Road and Old Ballas Road, without disturbing existing residential and commercial structures, unless a site plan is brought to the city by property owners for review and approval.



Create a Grid

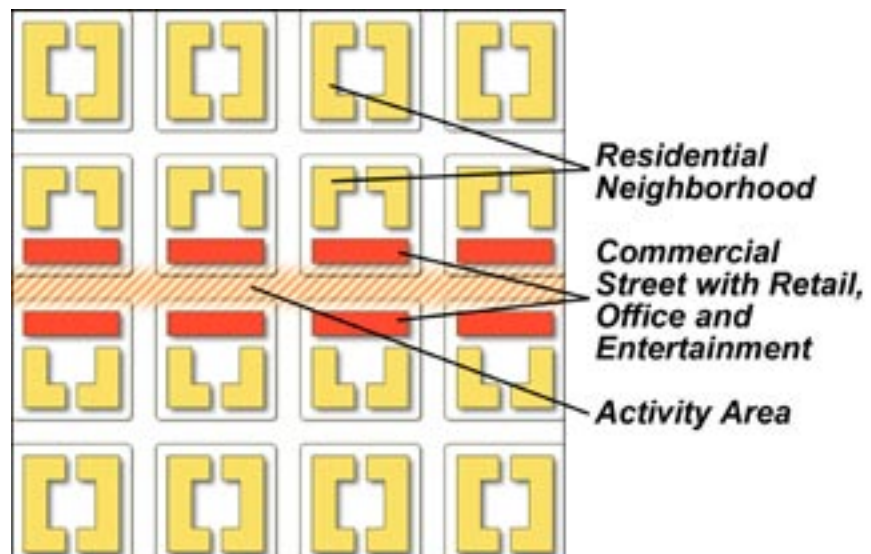


Extend Studt Road



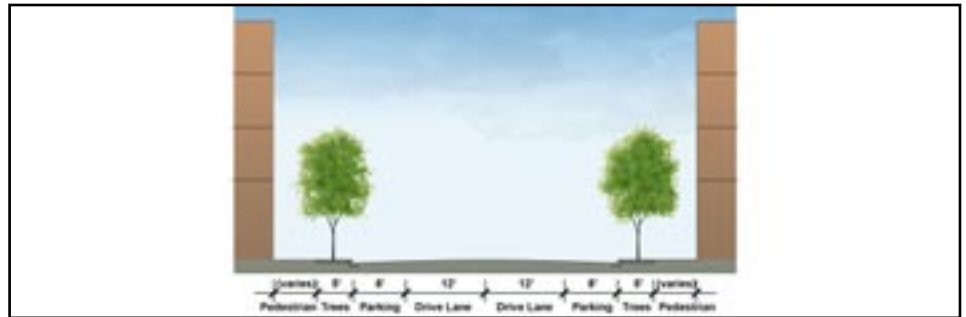
Bypass Olive-Ballas Intersection

Hierarchy of Corridors. Activity zones along commercial streets contrast quieter residential side streets.



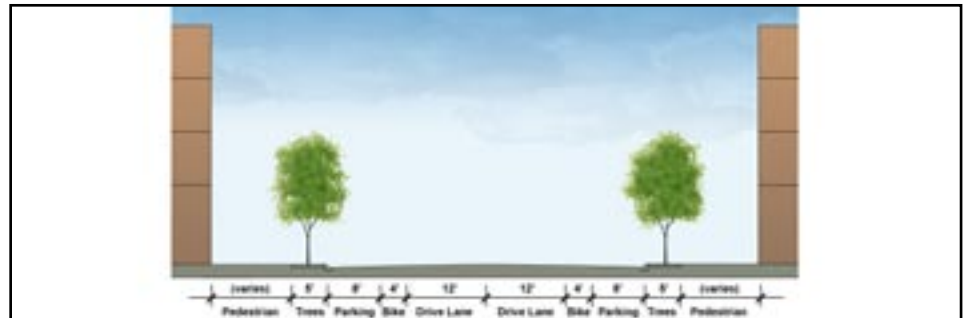
“As the symbolic heart of the City, the Central Business District should be connected to surrounding neighborhoods through pedestrian and bicycle facilities. The Central Business District should be the heart of a citywide network of pedestrian connections and linked open spaces.”

— 2002 Creve Coeur Comprehensive Plan



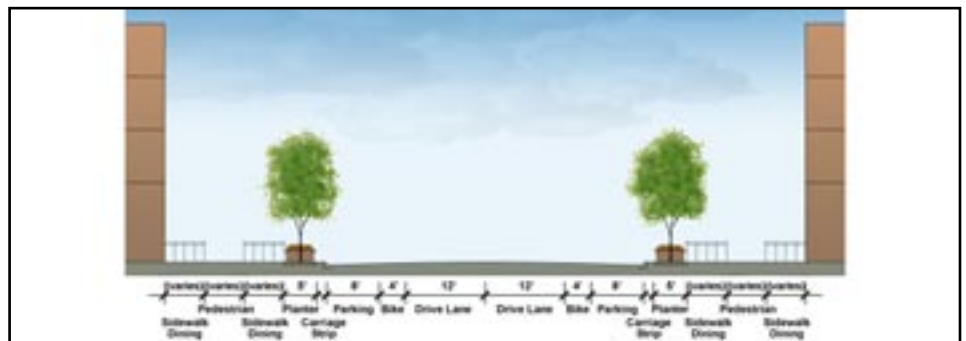
Typical Side Street

Possible prototypical section of side streets, residential streets and service streets.



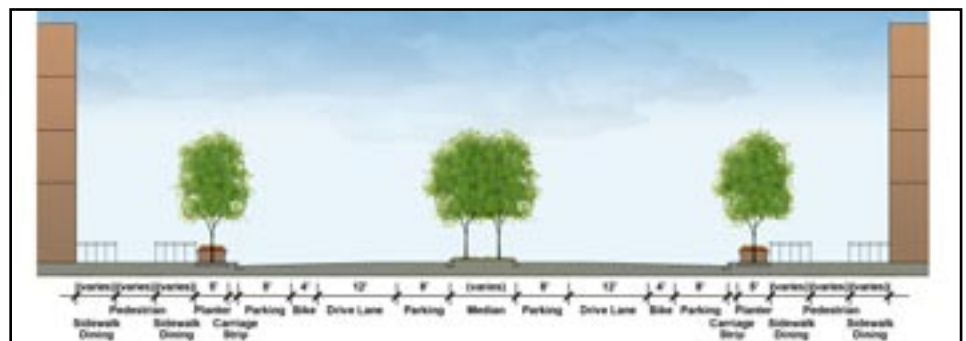
Typical Commercial Street

Possible prototypical section of a commercial and retail oriented street with mixed-use (residential above commercial) possibly representing a future cross section of Studt Road.



Typical Main Street

Possible prototypical section of a “main street” that has a wide pedestrian zone, suitable for sidewalk cafes and vending, possibly representing a north-south link between Olive and Studt.



Typical Main Street Boulevard

Possible prototypical section of a “main street” that has a wide pedestrian zone, as well as a central open space median, possibly representing a north-south link between Olive and Studt.

8. Require development with Olive Blvd access to extend alignment south to Studt with coordination of adjacent property owners.

Objective B: Divert traffic away from the Olive Boulevard-New Ballas Road intersection.

Recommendations:

1. Establish a convenient and legitimate route to bypass the Olive-New Ballas intersection by extending Studt Road to Craig Road.
2. Realign the new Studt-Craig Road intersection to permit free-flow of traffic from Olive to New Ballas.
3. Improve capacity on the Studt corridor to accommodate through-traffic, on-street parking, bicycle lanes and wide sidewalks.

Objective C: Encourage alternative transportation modes to relieve pressure on vehicle-only modes.

Recommendations:

1. Include bicycle lanes on designated roadways in the CBD.
2. Design streets for pedestrian comfort (wide sidewalks, curb neck-downs, crosswalks).
3. Consider the development of a circulator that will connect all parts of CBD.
4. Coordinate downtown redevelopment proposals with Metro to provide quality bus stops, transfers and convenient connections to the Ballas Bus Transfer Center and the future MetroLink route.

Objective D: Study the feasibility of a new I-270 overpass

Recommendations:

1. Consider the development of an overpass crossing I-270 to relieve traffic from Olive.
2. Conduct a location study to evaluate benefits against impacts on local traffic and residential neighborhoods.
3. Conduct a cost-benefit study to evaluate infrastructure costs and potential funding sources.

Mixed Use. Ground floor retail at the base of upscale residential is a successful and proven strategy for creating urban neighborhoods.

[Lodo, Denver, Colorado]

4.2 Goal #2: Protect Residential Areas

Creve Coeur is home to some of the most desirable neighborhoods in the St. Louis region. Preserving their value and the quality of life for Creve Coeur residents is among the highest priorities for the city. The CBD Land Use Plan is designed to add to the community's character and livability. It respects the few residential developments within and adjacent to the CBD and does not recommend encroaching upon any existing neighborhood, including Old Ballas Village and the condominiums and apartments along Coeur de Royale Drive and Sarah Lane. In fact, the very nature of establishing a downtown is, by definition, the establishment of a new neighborhood. In this regard, the Land Use Plan contributes to the residential opportunities, values and quality for the entire city.

Objective A: Create a residential neighborhood in the downtown area

Recommendations:

1. Encourage residential uses as component to all redevelopment proposals for the downtown area.



2. Encourage variety of residential options (apartment, condominium; market rate, luxury) to meet demand for potential residential base.

3. Prohibit uses, activities and physical building characteristics that detract from downtown's residential opportunities.

Objective B: Provide neighborhood support services

Recommendations:

1. Require (through conditional use or contribution) development of public facilities that contribute to residential quality of neighborhood (parks, plazas, etc.).
2. Prioritize downtown area for consideration as future location for public facilities (library, city offices, post office, etc.).
3. Encourage development of quasi-public facilities that contribute to neighborhood lifestyles (religious facilities, museums, art centers, theaters and performance venues, educational facilities).

Objective C: Incorporate existing residential with new developments

Recommendations:

1. Protect existing residential from incompatible adjacent land uses.
2. Require new developments adjacent existing residential to provide connections and maintain adequate frontage.

4.3 Goal #3: Create a Walkable and Bikeable Community

Vibrant urban communities encourage active lifestyle and boast a high quality of life. Many physical attributes combine to create an active community. Among these, the goal of walkability and bikeability is essential. Contributing to an active lifestyle, walking and biking must be made convenient for both recreational use as well as a transportation option.

Objective A: Design pedestrian-friendly streets

Recommendations:

1. Design new streets in the downtown area to be as narrow as possible for projected vehicular traffic volumes (including number of vehicular lanes and lane width).
2. Provide quality street trees along all streets.
3. Provide wide sidewalks where possible to accommodate walking, parked car access and potential for outdoor seating areas associated with restaurants.
4. Interconnect all pedestrian routes in a grid; include sidewalks on both sides of streets with no pedestrian dead-ends.
5. Design roads for low traffic speeds with tight curb radii, curb neck-downs, and appropriate traffic calming devices



Active Sidewalks. Outdoor restaurant seating activates sidewalks and provides a desirable semi-public transition between the public realm and private businesses.

[Highland Park, Illinois]

where possible (traffic circles, textured pavement, offset alignments, etc.).

6. Maintain the smallest block size possible in redeveloped street grid pattern.

Objective B: Encourage pedestrian activity in downtown

Recommendations:

1. Develop a standards program for pedestrian amenities such as benches, pedestrian lighting and trash receptacles.
2. Provide safe pedestrian street crossings such as curb neck-downs, crosswalk pavers and warning strips at street intersections, particularly across New Ballas Road at Old Ballas Road and Studt Road and interior street or drives east of New Ballas.
3. Require buildings to be placed along street frontage, at back of sidewalk, with primary entrances and windows on street frontage.
4. Provide on-street parking along all streets.

Objective C: Encourage bicycle activity in downtown

Recommendations:

1. Create connections to regional bicycle trails such as Centennial Greenway.
2. Create connections to local bicycle routes connecting to Creve Coeur neighborhoods, businesses, schools, and parks.
3. Require bicycle racks in convenient locations adjacent to new developments and in public areas.

context of a town center or a downtown, not as isolated projects. Downtowns evolve over time. The viability of a downtown is not dependent on architectural style or uniformity. Instead, the success and vitality of a downtown is more dependent on urban form, density and mixed uses.

Objective A: Investigate changes to existing zoning to encourage the development of a town center or downtown character

Recommendations:

1. Evaluate the benefits of Planned Unit Developments in order to promote comprehensive site planning that can tie-in to adjacent redevelopment projects and to allow flexibility in zoning standards.
2. Consider changes to the CB Core Business designation to encourage higher densities, FAR, site coverage and building height in the downtown area.
3. Consider changes to the CB Core Business designation to encourage mixed-use, particularly stacked uses of residential over retail, restaurant, and other commercial activities.
4. Consider changes to the CB Core Business designation within the downtown to relax on-site parking and open space requirements if they can be accommodated off-site (i.e. shared parking facilities and contributions to public open space).

Objective B: Develop an urban form over time

Recommendations:

1. Encourage buildings arrangements that frame the public realm, with building frontage that follows streets minimal setbacks.
2. Orient building facades to the sidewalk

Creating a Downtown Creve Coeur: CBD District 1



Bicycle Parking. Creative solutions for bicycle racks include sculptural forms that complement existing local landmarks.

[Pearl District, Portland, Oregon]

4.4 Goal #4: Create a Downtown

As incremental redevelopment proposals are made for properties in the CBD, they must be considered within the

with front doors facing the street.

3. Allow secondary entrances for rear parking areas.
4. Provide lush landscape to enhance the urban environment.
5. Form small blocks with the street grid, with public frontage on all sides of the block to preclude the creation of dead-ends.

Public Parking. Large surface lots provided at the rear of buildings serve urban retail and office. Wide pedestrian ways with lush landscape reduce perceived scale, provide shade and accommodate pedestrian safety.

[Westin Town Center, Westin, Florida]



Mixed Use. Retail below residential, provided at intersections takes advantage of the most valuable location on a city block.

[Pearl District, Portland, Oregon]



Public Parking. Angled on-street parking serves retail streets, creates pedestrians (as they leave their cars) and provides premium parking spaces for adjacent business.

[Westin Town Center, Westin, Florida]

Objective C: Encourage compact development

Recommendations:

1. Encourage building height variety that creates spatial enclosure along streets and provides landmark architecture where appropriate (corners, termination of view, adjacent public open space) and discourage single-story buildings.
2. Consider increases in FAR or height as compensation for contributions to public facilities (open space, art/sculpture, fountains, maintenance funds, etc.).
3. Encourage development with minimal or no setbacks on front and side yards.
4. Promote clustered development adjacent shared public or open space over private open space and individual yards.

Objective D: Mix land uses

Recommendations:

1. Encourage mix of land uses throughout downtown area.
2. Encourage mix of uses vertically in same building.
3. Prioritize retail, office, professional services and neighborhood services as ground floor activities.



Public Parking. Structured garages between ground floor retail and upper level residential maximizes efficient use of land, while providing parking for residents, employees and tenants.

[Lodo, Denver, Colorado]

4. Prioritize residential and office uses in floors above ground floor.

5. Seek partnership to develop quasi-public uses that contribute to neighborhood quality of life, cultural diversity and downtown viability.

Objective E: Adopt a comprehensive parking strategy

Recommendations:

1. In partnership or independently, construct parking garage as infrastructure to serve variety and density of land uses and

discourage surface parking lots.

2. Encourage shared parking facilities for non-concurrent activities (weekend uses with weekday uses; daytime uses with evening uses).

3. Discourage excess parking capacity to enhance attractiveness of alternative transportation modes, promote efficient land utilization and maintain high property values.

4. Encourage use and turnover of on-street parking with meters and time restrictions.

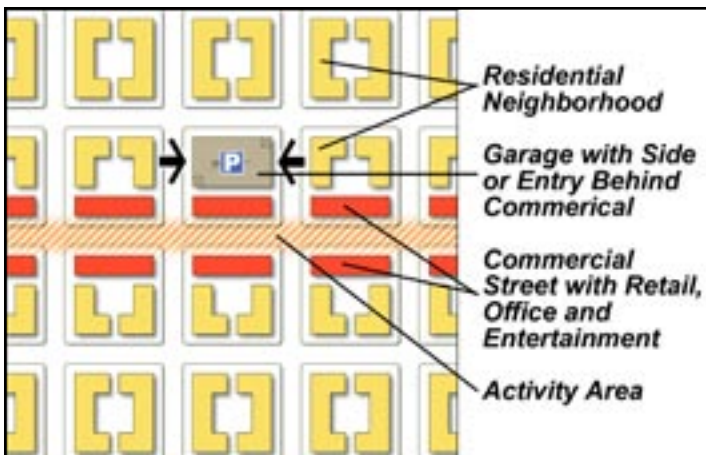
“Only with an understanding of the market parameters, the feasible mix and density of uses, and the public’s role in the process, should the City prepare a physical design plan for the area. This design plan should address vehicular issues (traffic circulation, access, parking), pedestrian facilities, building pattern and orientation, public amenities, architectural character, development guidelines, and others.”

— 2002 Creve Coeur Comprehensive Plan

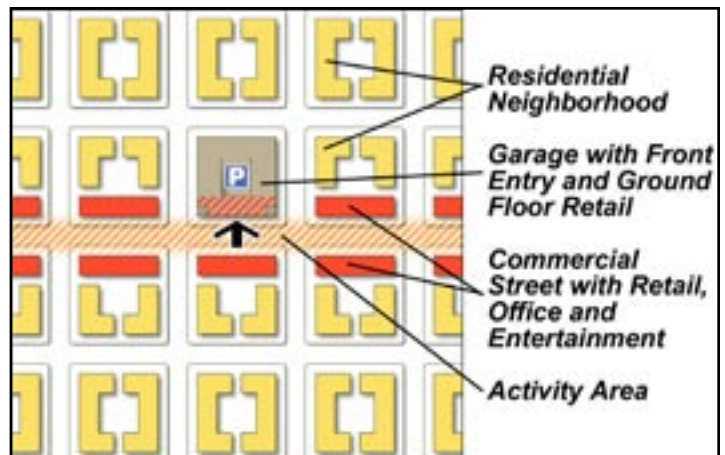


Tall Buildings. Human-scaled proportions, appropriate materials, vertical and horizontal design features, setbacks and roofline variation can contribute to tall buildings’ attractive appearance and perceived scale.

[Arlington Heights, Illinois]

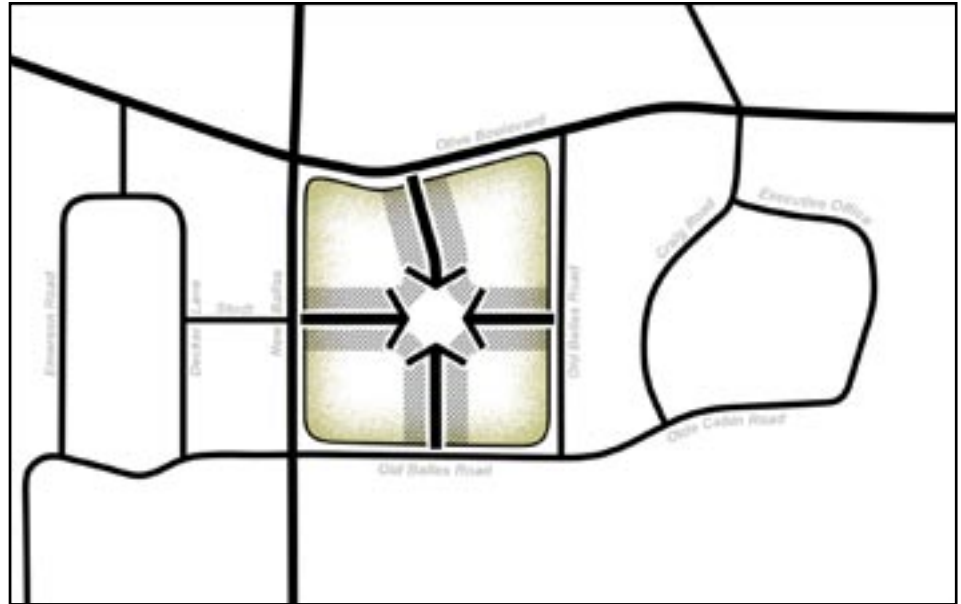


Parking Strategy. Develop shared use parking garage behind commercial or mixed-use with access on side streets.



Parking Strategy. Develop shared use parking garage along primary commercial street with ground floor retail and access at front.

Establish a symbolic center for downtown. Just as downtown will be the focus of the City of Creve Coeur, a civic place could become the symbolic focus and functional center of downtown.



5. Provide parking for all public or civic uses, including open space.

Objective F: Establish a symbolic center for downtown

Recommendations:

1. Designate a location or zone for increased density, height or FAR.
2. Preserve public open space or new city park as focus of central zone.
3. Promote land uses in central zone that serve public interest.
4. Encourage high quality design features (including architecture, art, landscape, sculpture, etc.) in central zone that have landmark characteristics.

Objective G: Establish a financing mechanism for development incentives and infrastructure enhancements

Recommendations:

In order to create a downtown that is characterized by high-quality, mixed-use development, which can be expensive and risky to build, and that places a considerable amount of property in the public

realm, the city should consider options for using financial incentives to encourage redevelopment.

The incentives can be used for infrastructure, including streets, sidewalks, and streetscape enhancements and for public parking facilities.

Of the programs available, the city should explore the creation of a Transportation Development District (TDD), a Community Improvement District (CID), or a Tax Increment Financing (TIF) district.

The potential use of any of the tools rests with the authority of the City Council and is not specifically proposed in the plan, as demonstrated in the introductory paragraph of the Purpose section.

4.5 Goal #5: Expand Parks, Trails and Greenways

Following trends throughout the country, communities are realizing numerous benefits of increasing the amount and quality of public open space. Additional parks, recreational facilities and open space contribute to more active

(and healthier) residents, a cleaner environment, increased property values and overall quality of life. In recent years, the opportunity for local communities to expand their facilities and make connections to the region's facilities has improved with the new Great Rivers Greenway District. Their initiatives, along with St. Louis County, provided opportunities for partnering and financing.

Objective A: Establish a central open space area for the enjoyment of the general public in downtown

Recommendations:

1. Partner with developer to provide publicly accessible open space of sufficient size (approximately a quarter of a city block or 3/4 acre) to accommodate civic and community activities.
2. Offer incentives (via conditional use) to allow greater height and/or density in exchange for donation of public open space.

Objective B: Create open space linkages to adjacent public facilities and open spaces.

Recommendations:

1. Create landscaped corridors for bicycle and pedestrian use that connect the downtown area with the golf course and to other local destinations.
2. Utilize new roadway corridors as open space corridors with median landscaping to create continuous linear open space connections.

Objective C: Enhance public realm as quality open space

Recommendations:

1. Develop quality open space plans for each roadway corridor and public ease-



ment.

2. Treat public rights-of-way as an extension of the park system.

Objective D: Encourage quality private open space

Recommendations:

1. Require high quality landscape treatment and/or public amenities (fountains, art, sculpture) throughout downtown.
2. Offer incentives (via conditional use) to allow greater height and/or density in exchange for developing private open space that is accessible to the public.

Objective E: Improve the environmental quality of the downtown

Recommendations:

1. Utilize best-practice management standards to slow stormwater runoff, using rainwater as on-site irrigation.
2. Design sustainable public landscape areas that require minimal irrigation and maintenance.
3. Incorporate lush landscape areas with appropriate plant materials to provide summer shade, provide winter sunlight, filter airborne dust, create wind break and minimize solar glare.

Quality Open Space. New parks can be the central feature of a downtown neighborhood and add value to the resident's quality of life.

[Pearl District, Portland, Oregon]

Quality Open Space. Landmarks and plazas enhance the urban environment, providing places for informal gathering, outside dining and wayfinding.

[Westin Town Center, Westin, Florida]



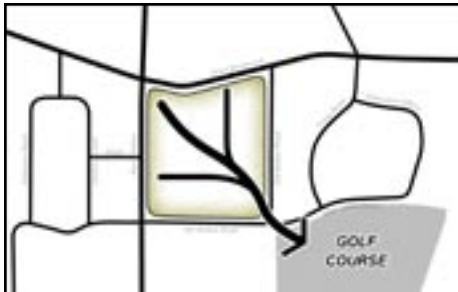
Quality Open Space. Creative use of storm drains and cisterns supply on-site irrigation while reducing stormwater discharge rates.

[Pearl District, Portland, Oregon]

4.6 Goal #6: Maintain Economic Base

Fundamentally, long term economic sustainability of a downtown requires a mix of land uses. These uses should accommodate flexibility in varying economic cycles and provide the ability for buildings to adapt over time. As a viable neighborhood, downtown land uses should provide a variety of residential options and promote complementary uses that enhance quality of life. The economic base of downtown should supplement that of the city by serving the needs of the downtown neighborhood, the residents of Creve Coeur and, as a regional destination, draw upon the entire St. Louis market.

Open space connections to Golf Course and community center.



Quality Open Space. Amenities, such as lush landscaping, fountains, lighting, special paving, and public art, make the public realm a very attractive and comfortable space for pedestrians which benefits quality of life and retail viability.

[Highland Park, Illinois]

Objective A: Create a mixed-use downtown neighborhood

Recommendations:

1. Encourage mixed-use developments that serve a variety of commercial markets.
2. Promote the design and development of building types that accommodate land uses that can change over time.

Objective B: Enhance revenue for the City of Creve Coeur

Recommendations:

1. Consider options to capitalize on downtown's prime location to generate revenue from commercial activities.
2. Use incentives to promote land uses and commercial activities that can generate revenue for the city.

4.7 Goal #7: Establish Downtown Design Guidelines and Development Standards

Ultimately, the intent of this plan is to guide development in the direction of increasing the quality of life for those who are affected by the new downtown – those who use the built environment actively – builders, developers, tenants and owners, and those who are affected by the built environment passively – all those who pass by the buildings or live in the context of the city of Creve Coeur. Development can be said to fall into one of two categories: that which contributes to the passive and active experience, and that which detracts from the experience.

As a downtown for Creve Coeur emerges, its character will largely determine its success in achieving the ambitious goals of the Comprehensive Plan and the CBD Land Use Plan. The character will be set by individual development proposals and the city's guidance. If it is the intention of Creve Coeur to establish a character that is unique, special or indicative to the community, it is recommended to adopt design guidelines and development standards that are specific to downtown. It is not enough to simply permit the development of a mixed-use neighborhood. Downtown Creve Coeur needs form-based policy that



Mixed Use Parking Garage. High quality designed parking structures provide retail opportunities on ground floors and fit within the urban character of a traditional downtown.

[Naperville, Illinois]

encourages the type of urban characteristics that are crucial to an incremental, and continual, evolution.

The framework must further provide for character consistency while permitting an appropriate degree of creativity and individuality. It would be the purpose of design guidelines for Downtown Creve Coeur to promote the importance of the public realm over the importance of the individual building. If the public realm is successfully created and protected, the highest value of the project – both socially and economically – will be achieved and ensured.

Design guidelines, in order to successfully achieve the intent, should:

- Be descriptive rather than restrictive, encouraging good ideas rather than only discouraging bad ones
- Be user-friendly by providing illustrative examples whenever possible
- Be concise

- Be easy to implement and enforce

While there are numerous examples of them, design guidelines should not:

- Be a disincentive to development by being too complicated or convoluted
- Make good planning ideas or architectural gestures hard to accomplish

In order to accomplish these goals, the ground rules for development should be separated into two categories, development standards and design guidelines.

Objective A: Guide placement, intent and use of proposed downtown projects through Development Standards

Recommendations:

1. Produce development standards that are specifically focused on creating a downtown neighborhood.
2. Organize Downtown Development

“As the city of Creve Coeur matures, it is entering a critical phase. For the last several decades, most of the City’s planning has been related to land use planning – deciding how best to use vacant parcels or large assemblages of land. Now that the city is largely built out, the basic land use pattern of the city is set.”

— 2002 Creve Coeur Comprehensive Plan

Standards into three sections, intent, placement and use.

Development standards are associated with elements of construction that are the most difficult to change once begun - the intent, the placement and the use – or accommodation for future flexibility, are all very difficult to change once development has started. If the basic three elements of the development standards are met, then a development should be viewed as contributing to the high quality of the public realm and should be given the ability to move forward quickly through the development schedule.

Intent. The intent speaks to the purpose for development – meeting the needs of a market, the demands of the population and the desires of a community are met by developments of many types. For example, if there is a significant deficit of housing in an area, along with a need for specific retail offerings, then the development of a building with retail space in the ground floor and residential units in a tower above would be considered a contributing development scenario.

Placement. The placement of a building speaks to the formation of the public space. The built environment creates the public realm in a balance of positive and negative space. Placement of buildings along a common line, as an example, creates a continuous street edge and provides the human element with an experience equivalent to an outdoor room – the tangible edges of the negative space provide comfort and familiarity. Placement should be offered as a simple diagram describing setbacks from all property lines, the existence of a “build-to” or frontage line, encroachments and the like – all things that relate to the building’s disposition to its context.

Use and Accommodation for Flexibility.

The best places in the world, those urban centers that have lasted for centuries all have at least one thing in common. They can accommodate any change in market conditions without having to redevelop to any large degree. If office space is required in greater amounts than exist in a current inventory, it is entirely possible to convert existing space (residential or other use) to house the new need. This happens everyday in cities that have a strong collection of flexible building types. Of course, as uses change, building codes provide for additional changes of building infrastructure and utilities. But even these changes can be accommodated without having to demolish good vertical environments and begin from scratch. Places that have been built with a good sense of current and future demands in mind are flexible and sustainable. Each new building should be designed with a degree of forethought for the flexibility of its space for a different use.

The design and development guidelines should provide a simple section view of a typical building, describing appropriate locations (per floor) for different uses.

Objective B: Guide building proportion, massing, scale, materials and configurations through Design Guidelines

Recommendations:

1. Produce design guidelines that are specifically focused on creating a downtown neighborhood.
2. Organize Downtown Design Guidelines into three sections, architecture, materials and assembly.

Design guidelines are associated with the most essential elements of a building’s design – the architecture (not “style”), the

use of materials and the assembly of the elements. Architectural design is highly subjective, and it is important to permit individual expression within the bounds of an appropriate context. Therefore, the most essential pieces of design to guide include proportion, massing, scale, materials palettes, and configurations. Architects should be free to work within these parameters while achieving goals of individual expression. The involvement of many architects will further ensure the authenticity of a real place – moving away from the sterility of single-authorship toward the vibrancy of multiple experts. Short descriptions of the elements to be most concerned about follows.

Architecture. As previously stated, architecture is highly subjective. However, certain elements should be held to specific standards for reasons of contextual and climatic appropriateness:

- Roofs
- Walls
- Openings (windows and doors)
- Elements (including arcades, porches, balconies)
- Storefronts
- Awnings or Canopies

Single elements of these should all be described through descriptive text and illustrative examples. These guidelines should be descriptive to suggest flexibility rather than restrictive to simply describe what is not permitted. Good architects can more easily design excellent buildings when the rules are flexible than when challenged with a set of prohibitive standards. The results will be a collection of well-designed buildings that work together to establish a strong architectural character and elevated baseline of quality public realm.

Materials. For each of the categories above, there should be delivered a concise but complete materials palette. The materials palette must be, above all, responsive

to the context and able to accommodate the best of modern technology. For instance, the availability of materials such as stone and the existence of skilled tradesman familiar with its performance and construction techniques make it an obvious palette selection. Newer materials that will stand up to weather conditions and maintenance issues should have a place in the design guidelines as well.

Assembly. In addition to the materials palette, descriptive text should be provided to guide the proper assembly of the elements. Heavier materials located below lighter materials help buildings appear “grounded”, establishing a degree of comfort to the human experience. Additionally, descriptions for changing from one material to another, the use of secondary building materials, colors and other elements should also be described using text and numerous illustrations.

A good set of development standards and design guidelines will achieve the intent of a high quality public realm and permit the flexibility that designers demand. In the end, a good set of guidelines will foster a strong relationship between those who have the interests of the entire Downtown Creve Coeur and those with more specific desires to work toward the result of a first-rate urban place.