



AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, NOVEMBER 01, 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 #09-036: Storm Water Ordinance Update

Applicant/Agent: James H. Heines
Director of Public Works
City of Creve Coeur
300 N. New Ballas Rd.
Creve Coeur, MO 63141

6. NEW BUSINESS

A. Application #10-034: Business Enterprise Center

Applicant/Agent: Guild Building, L.L.C.
Arthur Loomstein, Manager
1065 Executive Parkway, Suite 210
St. Louis, MO 63141

B. Application #10-035: Stisser Fence

Applicant/Agent: Traci Stisser
8 Alden Lane
Saint Louis, MO 63141

C. Application #10-036: Temporary Used Auto Sales

Applicant/Agent: William H. Wyne, Jr.
Wyne and Merritt, P.C.
725 Old Ballas Road
Creve Coeur, MO 63141

7. WORK AGENDA

8. OTHER BUSINESS

A. Planning Division Report

REP: Mr. Paul Langdon

B. City Attorney Report

REP: Mr. Carl Lumley

9. ADJOURNMENT



DEPARTMENT OF PUBLIC WORKS OFFICE MEMO

DATE: August 12, 2010

TO: Storm Water Committee

FROM: Jim Heines, Director of Public Works

SUBJECT: Recommended Revisions to the Residential Storm Water Ordinance

Public Works staff presented the Residential Storm Water Ordinance to Council on May 26 and June 14. The council recommended to table the ordinance until revisions to the ordinance could be made that would address their concerns. Minutes to those meetings have been attached for your convenience.

Summary of changes to the ordinance

The redline changes made to the most recent draft of the ordinance presented to Council include:

Part One

- Section 421.010 B & C - Removing house additions and focus on Tear down/Rebuilds (We used Carl's potential amendment for this section).
- Section 421.030 A (2) – Submission of the storm water management concept plan will contain a completed Site Improvement application.
- Section 421.030 B (2) - Submission of the storm water management design plan will contain a completed Site Improvement application.
- Section 421.030 C (1) - The city shall have 10 working days to determine if the preliminary submittal is complete.
- Section 421.030 F (1) – The developer is responsible to record the maintenance agreement at the Recorder of Deeds office in Clayton. The developer is also required to submit a recorded copy of the agreement to the city before a permit is issued for Site Improvements.
- Section 421.030 I - Property owners will not be required to pay an additional fee for inspections. Permit fees for the storm water improvements will be assessed under the Site Improvement Permit.

Part Two

- The Residential Storm Water Application fee (part of the Site Improvement application) is \$20
- Inspections will be made on constructed storm water improvements every 2 years at no cost to the owner.
- There will be no cost for the design wavier fee.
- Escrows will remain the same and will be based on the estimated cost of all site improvements including storm water control improvements.

Attached is a red line copy of the revised ordinance, Please be prepared to discuss the changes and make a recommendation to Council at the Storm Water Committee meeting on Thursday, August 12, 2010.

**AN ORDINANCE OF THE CITY OF CREVE COEUR, MISSOURI
ESTABLISHING MINIMUM STORMWATER MANAGEMENT
REQUIREMENTS AND CONTROLS REGARDING RESIDENTIAL
REDEVELOPMENT.**

WHEREAS, the City of Creve Coeur strives to promote a healthy and safe place for residents, and

WHEREAS, land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition, and

WHEREAS, stormwater runoff contributes to increased quantities of water-borne pollutants and siltation of aquatic habitat for fish and other desirable species, and

WHEREAS, improper design and construction without stormwater best management practices (BMPs) can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation, and

WHEREAS, impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow, and

WHEREAS, substantial economic losses can result from these adverse impacts on the waters of the City, and

WHEREAS, stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities and

WHEREAS, the regulation of stormwater runoff discharges from land development activities is in the public interest and will minimize threats to public health and safety by controlling and minimizing increases in stormwater runoff rates and volumes, stream channel erosion, and nonpoint source pollution associated with stormwater runoff, and

WHEREAS, regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of stormwater runoff from development, and

WHEREAS, clearing and grading during construction tend to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat, and

WHEREAS, illicit and non-stormwater discharges to the storm drain system can contribute a wide variety of pollutants to waterways, and the control of these discharges is necessary to protect public health and safety and water quality,

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

SECTION ONE.

A new chapter (421) regarding Residential Stormwater Control is hereby added to the City Code of Ordinances, to read as follows:

Section 421.010. General Provisions

A. Purpose

The purpose of this Chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the City of Creve Coeur (City), which is included in the Metropolitan St. Louis Sewer District (MSD) service area by guarding against increases in stormwater runoff due to residential redevelopment. This Chapter is supplemental to Chapter 420, Land Disturbance, and Chapter 425, Stormwater Regulations, of this Code. This Chapter seeks to meet that purpose through the following objectives:

- (1) To inhibit the deterioration of water resources resulting from residential redevelopment;
- (2) To protect the safety and welfare of citizens, property owners, and businesses by minimizing the negative impacts of increased stormwater discharges from such redevelopment;
- (3) To control the rate, quality and volume of stormwater originating from such redevelopment sites so that surface water and groundwater are protected and flooding and erosion potential are not increased;
- (4) To control nonpoint source pollution and stream channel erosion;
- (5) To maintain the integrity of stream channels and networks for their biological functions, drainage, and natural recharge of groundwater;
- (6) To protect the condition of state (and U.S.) waters for all reasonable public uses and ecological functions;
- (7) To provide long-term responsibility for and maintenance of stormwater BMPs;
- (8) To facilitate the integration of stormwater management and pollution control with other ordinances, programs, policies, and the comprehensive plan of the City; and
- (9) To establish legal authority to carry out all the inspection and monitoring procedures necessary to ensure compliance with this Chapter.

This Chapter further seeks the following objectives specific to the Municipal Separate Storm Sewer System (MS4):

- (1) To regulate the contribution of pollutants to the MS4 by stormwater discharges;
- (2) To enable the City to comply with the National Pollution Discharge Elimination System permit and applicable federal and state regulations;
- (3) To facilitate compliance with state and federal standards and permits and permanent stormwater BMPs with the City;
- (4) To preserve the natural infiltration of groundwater to maintain the quantity and quality of groundwater resources; and
- (5) To protect against and minimize the pollution of waters of the State.

B. Applicability

This Chapter shall be applicable to residential land development that meets one or more of the following criteria, including, but not limited to, site plan applications and grading applications, unless exempt pursuant to Section 421.010.C:

(1) Any development involving construction of a residential building on a previously unimproved lot or on a lot on which at least 50% of an existing building has been demolished;

(2) Any new development or redevelopment, regardless of size, that is identified by the City Engineer to be an area where the land use has the potential to generate highly contaminated runoff;

(3) Any project resulting in land disturbance over one acre.

C. Exemptions

The following activities are exempt from this Chapter:

(1) Projects that are exclusively for agricultural and silvicultural uses. (Agricultural or silvicultural roads that are used to access other land uses subject to this Chapter are not exempt. Agricultural structures that are also used for other uses subject to this Chapter are not exempt.);

(2) Maintenance and repair to any stormwater BMP deemed necessary by the City Engineer;

(3) Any emergency project that is immediately necessary for the protection of life, property, or natural resources;

(4) Linear construction projects, such as pipeline or utility line installations that do not result in the installation of any impervious cover, as determined by the City Engineer. (Such projects must be designed to minimize the number of stream crossings and width of disturbance, and are subject to

Chapter 425 Stormwater Regulations and Chapter 420 Land Disturbance Code and Chapter 430 Stream Buffer Protection Regulations);

(5) Any part of a land development that was approved by the City prior to the effective date of this Chapter.

B. ~~Applicability~~

~~This Chapter shall be applicable to residential land development that meets one or more of the following criteria, including, but not limited to, site plan applications and grading applications, unless exempt pursuant to Section 421.010.C:~~

~~(1) Any new development or redevelopment, regardless of size, that is identified by the City Engineer to be an area where the land use has the potential to generate highly contaminated runoff;~~

~~(2) Additional, cumulative, impervious cover to a lot, after the date this Chapter comes into effect, that exceeds 1% of the lot area or 500 square feet, whichever is more;~~

~~(3) Land development activities that are smaller than the minimum applicability criteria set forth above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules;~~

~~(4) Any Project resulting in land disturbance over one acre.~~

C. Exemptions

~~The following activities are exempt from this Chapter:~~

~~(1) Projects that are exclusively for agricultural and silvicultural uses. (Agricultural or silvicultural roads that are used to access other land uses subject to this Chapter are not exempt. Agricultural structures that are also used for other uses subject to this Chapter are not exempt.);~~

~~(2) Maintenance and repair to any stormwater BMP deemed necessary by the City Engineer;~~

~~(3) Any emergency project that is immediately necessary for the protection of life, property, or natural resources;~~

~~(4) Linear construction projects, such as pipeline or utility line installations that do not result in the installation of any impervious cover, as determined by the City Engineer. (Such projects must be designed to minimize the number of stream crossings and width of disturbance, and are subject to Chapter 425 Stormwater Regulations and Chapter 420 Land Disturbance Code and Chapter 430 Stream Buffer Protection Regulations~~

~~(5) Any part of a land development that was approved by the City prior to the effective date of this Chapter.~~

D. Compatibility with Other Permit and Ordinance Requirements

This Chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this Chapter should be considered minimum requirements, and where any provision of this Chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

In the event that the regulations under Chapter 420 Land Disturbance Code or Chapter 425 Stormwater Code are applicable to the proposed development, the permitting requirements of this chapter shall be in addition to and part of the necessary Site Improvement Permit or Stormwater Permit. As such, the requirements of this chapter would become additional requirements for the Site Improvement Permit or Stormwater Permit and should be included in the application for the applicable permit.

E. Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Chapter.

F. Liability

The requirements of this Chapter are minimum standards and a person's compliance with the same shall not relieve such person from the duty of enacting all measures necessary to minimize pollution of receiving waters. By approving a plan under this regulation, the City of Creve Coeur does not accept responsibility for the design, installation, and operation and maintenance of stormwater BMPs.

G. Designation of Stormwater Authority: Powers and Duties

MSD has Authority for review and approval of stormwater facilities and controls as designated in the "St. Louis County Phase II Storm Water Management Plan" submitted with the MS4 permit application. The design requirements for such facilities are contained in MSD's "Rules and Regulations and Engineering Design Requirements for Sanitary Sewer and Stormwater Drainage Facilities" February 2006, as amended. The City will facilitate compliance with MSD "Rules and Regulations" through implementation of the "Site Design Guidance" dated April 17, 2009, as amended, or an equivalent, and ensuring plan submittals per this Chapter.

The City shall administer and enforce this Chapter, and may furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this Chapter and may provide such information in the form of a Stormwater Design Manual.

The Stormwater Design Manual may be updated and expanded from time to time, at the City's discretion, based on improvements in engineering, science, monitoring, and local maintenance experience.

Representatives of the City shall have the right to enter upon any land for the purposes of making an inspection or acquiring information to determine whether or not the property conforms to the requirements of this Chapter.

Section 421.020. Definitions

"Applicant" means a property owner or agent of a property owner who has filed an application for a stormwater management permit.

"Building" means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

"Channel" means a natural or artificial watercourse.

"City" means the City of Creve Coeur.

"City Engineer" means a professional engineer, licensed in the state of Missouri, who has been hired by the City.

"Dedication" means the deliberate appropriation of property by its owner for general public use, subject to acceptance by the City or other appropriate governmental entity.

"Detention" means a stormwater runoff facility designed to detain (hold) stormwater temporarily during and immediately after a runoff event.

"Easement" means a legal right granted by an Owner to a grantee allowing the use of private land for conveyance or treatment of stormwater runoff and access to stormwater practices.

"Erosion and Sediment Control Plan" means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

"Groundwater Management Area" means a geographically defined area that may be particularly sensitive in terms of groundwater quantity and/or quality by nature of the use or movement of groundwater, or the relationship between groundwater and surface water, and where special management measures are deemed necessary to protect groundwater and surface water resources.

"Hotspot" - Area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

"Impaired Waters" means those streams, rivers and lakes that currently do not meet their designated use classification and associated water quality standards under the Clean Water Act.

"Impervious Cover" means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

“Infill Development” means land development that occurs within designated areas based on local land use, watershed, and/or utility plans where the surrounding area is generally developed, and where the site or area is either vacant or has previously been used for another purpose.

"Infiltration" means the process of percolating stormwater into the subsoil, otherwise known as the bed or stratum of earth or earthy material immediately under the surface soil.

“Land Development” means a human-made change to, or construction on, the land surface that changes its runoff characteristics.

"Maintenance Agreement" means a legally recorded document that acts as a property deed restriction, and that provides for long-term maintenance of stormwater BMPs.

“MSD” means the Metropolitan St. Louis Sewer District.

“Municipal Separate Storm Sewer System (MS4)” means publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage ditches/channels, reservoirs, and other drainage structures.

“National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit” means a permit issued by the EPA, or by a State under authority delegated pursuant to 33 USC § 1342(b), that authorizes the discharge of pollutants to waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.

“Non-Stormwater Discharge” means any discharge to the storm drain system that is not composed entirely of stormwater.

“Non-Structural Measure” means a stormwater control and treatment technique that uses natural processes, restoration or enhancement of natural systems, or design approaches to control runoff and/or reduce pollutant levels. Such measures are used in lieu of or to supplement structural practices on a land development site. Non-structural measures include, but are not limited to: minimization and/or disconnection of impervious surfaces; development design that reduces the rate and volume of runoff; restoration or enhancement of natural areas such as riparian areas, wetlands, and forests; and on-lot practices such as rain barrels, cisterns, and vegetated areas that intercept roof and driveway runoff.

"Nonpoint Source Pollution" means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

“Owner” means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a piece of land. As used herein, owner also refers to, in the

appropriate context: (i) any other person authorized to act as the agent for the owner; (ii) any person who submits a stormwater management concept or design plan for approval or requests issuance of a permit, when required, authorizing land development to commence; and (iii) any person responsible for complying with an approved stormwater management design plan.

“Permanent Stormwater BMP” means a stormwater best management practice (BMP) that will be operational after the construction phase of a project and that is designed to become a permanent part of the site for the purposes of managing stormwater runoff.

“Receiving Stream or Channel” means the body of water or conveyance into which stormwater runoff is discharged.

"Recharge" means the replenishment of underground water reserves.

"Redevelopment" means a change to previously existing, improved property, including but not limited to the demolition or building of structures, filling, grading, paving, or excavating, but excluding ordinary maintenance activities, remodeling of buildings on the existing footprint, resurfacing of paved areas, and exterior changes or improvements that do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

“Responsible Party” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns that is named on a stormwater maintenance agreement as responsible for long-term operation and maintenance of one or more stormwater BMPs.

"Stop Work Order" means an order issued that requires that all construction activity on a site be stopped.

“Stormwater Authority” means the department or agency, and its authorized agents, which is responsible for coordinating the review, approval, and permit process as defined by this Chapter.

“Stormwater Design Manual” means an engineering and/or project review document maintained by the City containing technical standards and specifications, policies, procedures, and other materials deemed appropriate by the City Engineer to assist with compliance with the provisions of this Chapter.

"Stormwater Hotspot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

"Stormwater Management" means the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

“Stormwater Pollution Prevention Plan” means a plan, usually required by a permit, to manage stormwater associated with industrial, commercial, institutional, or other land use activities, including construction. The Plan commonly describes and ensures the implementation of practices that are to be

used to reduce pollutants in stormwater and non-stormwater discharges, for example, facility wash down.

"Stormwater Best Management Practice (BMP)" means a measure, either structural or nonstructural, that is determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

"Stormwater Runoff" means flow on the surface of the ground, resulting from precipitation.

"Stream Buffer" means an area of land at or near a stream bank, wetland, or water body that has intrinsic water quality value due to the ecological and biological processes it performs or is otherwise sensitive to changes which may result in significant degradation to water quality.

"Structural Measure" means devices which are constructed to provide temporary storage and treatment of stormwater runoff.

"Water Quality Volume (WQ_v)" means the storage needed to capture and treat stormwater runoff volume from the one-year rainfall event. Numerically (WQ_v) will vary as a function of long term rainfall statistical data, but is currently equal to a 2.5-inch rainfall in 24 hours.

"Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

"Waters of the State" means watercourses and water bodies regulated by the State of Missouri.

Section 421.030. Permit Procedures and Requirements

A. Stormwater Management Concept Plan and Consultation Meeting

Each Owner subject to this Chapter shall submit to the City Engineer for review and approval a stormwater management concept plan as provided herein:

(1) Stormwater Management Concept Plan

All preliminary plans of subdivisions and site plans shall provide a stormwater management concept plan describing, in general, how stormwater runoff through and from the development will be treated and conveyed. All other land development projects subject to this Chapter shall submit a stormwater management concept plan prior to preparation of the stormwater management design plan. The concept plan will include existing and proposed stormwater features.

(2) Application Requirements

The stormwater management concept plan submittal shall contain a completed [Site Improvement](#) application form provided by the City, the fee required by Appendix A-Community Development and Public Works Fee Schedule, and a stormwater management concept plan that satisfies the requirements of this section, and the Stormwater Design Manual.

(3) Concept Plan Prior to Design Plan

The stormwater management concept plan must be approved prior to submission of a stormwater management design plan (as part of the construction or final site plan) for the entire development, or portions thereof.

(4) Meetings with the City

All applicants are encouraged to hold a pre-submittal consultation meeting with the City Engineer to discuss potential approaches for stormwater design and opportunities to use design techniques to reduce runoff rates, volumes, and pollutant loads. In addition, the applicant or his representative shall meet on-site with the City Engineer or his designee prior to approval of the stormwater management concept plan for the purposes of verifying the conditions of the site and all receiving channels.

(5) Maximize Use of Techniques to Control Runoff by Design

The stormwater management concept plan shall utilize, to the maximum extent practicable, site planning and design techniques that mitigate against increased (relative to pre-existing conditions) runoff rates, volumes, and pollutant loads. Such techniques include, but are not limited to: minimization and/or disconnection of impervious surfaces; development design that reduces the rate and volume of runoff; restoration or enhancement of natural areas such as riparian areas, wetlands, and forests; and distributed practices that intercept and treat runoff from developed areas. Overall reduction of runoff rates (relative to pre-existing conditions) is encouraged.

B. Stormwater Management Design Plan

Each owner subject to this Chapter shall submit to the City Engineer, for review and approval, a stormwater management design plan as provided herein:

(1) Stormwater Management Design Plan

A stormwater management design plan containing all appropriate information as specified in this Chapter shall be submitted to the City, and MSD if applicable, in conjunction with the final subdivision plat, final site plan, construction plan, or any other land development plan subject to this Chapter.

(2) Application Requirements

The stormwater management design plan submittal shall contain a completed [Site Improvement](#) application form provided by the City, the fee required by Appendix A-Community Development and Public Works Fee Schedule, a stormwater management design plan that satisfies the requirements of this section and the Stormwater Design Manual, a stormwater maintenance plan, and a certification stating compliance with all requirements of the approved plan, as specified in Section 421.030.D. Failure of the owner to demonstrate that the project meets these requirements, as determined by the City Engineer, shall be reason to deny approval of the plan.

(3) Consistency between Concept & Design Plans

A copy of the approved stormwater management concept plan shall be submitted with the stormwater management design plan. The City Engineer shall check the design plan for consistency with the concept plan and may require a revised stormwater management concept plan if changes in the site development proposal have been made.

(4) Stormwater Management Design Plan Content

The stormwater management design plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, citations to supporting references, a record of all major permit decisions, and other information as may be necessary for a complete review of the plan, and as specified in the latest version of the Stormwater Design Manual.

C. Stormwater Management Concept and Design Plan Review Procedures

(1) Preliminary Review for Completeness of Plan

The City shall have a maximum of ten (~~1410~~ calendar-calendar) days from the receipt of an application for preliminary review to determine if the application is complete. During this period, the application will be accepted for review, which will begin the thirty (30) calendar day review period, or the application will be rejected for incompleteness. The applicant will be informed in writing of the information necessary to complete the application. Failure of the City to reject the plan within ten (10) calendar days after it has been properly filed should be deemed to constitute plan acceptance for review.

(2) Review Period

The thirty (30) day review period begins on the day the complete stormwater management concept or design plan is accepted for review by the City. During the thirty (30) day review period, the City Engineer shall either approve or disapprove the plan and communicate the decision to the applicant in writing. Approval or denial shall be based on the plan's compliance with this Chapter, and the Stormwater Design Manual, as stated in Section 421.030.A.

(3) Modifications Needed for Approval

In cases where modifications are required to approve the plan, the City Engineer shall have an additional thirty (30) days to review the revised plan from the initial and any subsequent resubmission dates. If the plan is approved, one copy bearing certification of such approval shall be returned to the applicant. If the plan is disapproved, the applicant shall be notified in writing of the reasons.

(4) Appeals

The applicant may appeal the City Engineer's decision of disapproval of a stormwater management plan. The appeal shall be made to the City's Director of Public Works, in writing, and must be submitted within thirty (30) days after the City Engineer renders his decision to disapprove the plan.

(5) Substantive Changes to Plan

No substantive changes shall be made to an approved plan without review and written approval by the City Engineer. The City Engineer may request additional data with a plan amendment as may be necessary for a complete review of the plan and to ensure that changes to the plan will comply with the requirements of this Chapter.

(6) Expiration of Plan Approval

A stormwater management plan approval shall expire one (1) year from the date of approval unless a final plat is recorded or unless work has actually begun on the site, as determined by the City Engineer. The recordation of a final plat for a section of a subdivision (or initiation of construction in a section) does not vest the approval of a stormwater management plan for the remainder of the subdivision. If the stormwater management concept plan expires before a stormwater management design plan has been submitted, the applicant shall file with the City Engineer for re-approval of the stormwater management concept plan. If the stormwater management design plan expires, the applicant shall file with the City Engineer for re-approval of the stormwater management design plan.

D. Plan Preparation and Certification

(1) Certification by Plan Preparer

The stormwater management design plan shall be prepared by a licensed professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater BMPs meets the requirements in this Chapter.

(2) Certification by Owner

The owner shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan.

E. Coordination with Other Approvals and Permits

(1) Approval of Other Permits

No grading or building permit shall be issued for land development that meets the criteria described in Section 421.010.B without approval of a stormwater management design plan.

(2) Coordination with Other Plans

Approval of the stormwater management design plan shall be coordinated with a City approved erosion and sediment control and/or construction stormwater plan with regard to the location, schedule, and/or phasing of temporary and permanent stormwater management measures. If natural drainage features or other natural areas are to be preserved, then these areas must be shown and measures provided for their protection on both the erosion and sediment control plan and the stormwater management design plan. If other elements of the stormwater management design plan utilize soils, vegetation, or other natural features for infiltration or treatment, then these areas must be shown on the erosion and sediment control plan and measures shall be provided for their protection during construction.

(3) Other Permits or Approvals

Approvals issued in accordance with this Chapter do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from other federal, state, and/or local agencies. If requirements vary, the most restrictive shall prevail. These permits may include, but are not limited to: construction stormwater discharge permits, applicable state and federal permits for stream and wetland impacts, MSD permits, and applicable dam safety permits. Applicants are required to show proof of compliance with these regulations before the City will issue a grading, building, or zoning permit.

(4) Stormwater Measures within Floodplain

Construction, within a Federal Emergency Management Agency (FEMA) designated floodplain, of stormwater measures, which act to remove sediment or encourage infiltration, shall be avoided to the maximum extent possible. When this is unavoidable, all stormwater BMP construction shall be in compliance with all applicable requirements of the City's Flood Hazard Control Regulations (see Chapter 415 of the City Code of Ordinances).

F. Maintenance Agreement and Plan

Prior to approval by the City Engineer of a stormwater management design plan, each owner shall submit a maintenance agreement and maintenance plan in accordance with the following:

(1) Requirement for Maintenance Agreement & Plan

If a stormwater management design plan requires private structural or nonstructural measures, the owner shall execute a stormwater maintenance agreement with the City and/or MSD prior to the City granting final approval of the plan, or any plan of development or other development for which a permit is required under this Chapter. The agreement shall be recorded by the City-owner of the property in the office of the recorder of deeds and shall run with the land. A copy of the recorded maintenance agreement shall be submitted to the City prior to the issuance of the Site Improvement permit.

(2) Responsible Party

The owner shall be responsible for the operation and maintenance of such measures and shall pass such responsibility to any successor owner, unless such responsibility is accepted by the City or to another governmental entity in accordance with Section 421.030.J.

(3) Required Elements for Maintenance Agreement & Plan

The stormwater maintenance agreement and plan shall be in a form approved by the City and/or MSD, as applicable, and shall, at a minimum:

- (a) Designate for the land development, the owner, governmental agency, or other legally established entity (responsible party) which shall be permanently responsible for maintenance of the structural or non-structural measures required by the plan;
- (b) Pass the responsibility for such maintenance to successors in title;
- (c) Grant the City and/or MSD, as applicable, the right of entry for the purposes of inspecting all stormwater BMPs at reasonable times and in a reasonable manner, which includes the right to enter a property when they have a reasonable basis to believe that a violation of this Chapter is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this Chapter;
- (d) Ensure the continued performance of the maintenance obligations required by the plan and this Chapter through a maintenance plan (which may be an attachment to the actual maintenance agreement), and shall include a list of inspection and maintenance tasks, a schedule for routine inspection and maintenance, actions to be taken when maintenance is required, and other items listed in the Stormwater Design Manual.

G. Corporate Surety Bond or Cash Escrow

(1) Corporate Surety Bond or Cash Escrow Required

No permits shall be issued unless the applicant furnishes a Corporate Surety Bond or Cash Escrow in form acceptable to the City, conditioned upon carrying out all and every part of approved plans for at least the sum estimated to be the full cost of carrying out such plans. Escrow/Bond amounts are identified in Appendix A – Community Development and Public Works Fee Schedule. Security deposits are to ensure that action can be taken by the City, at the applicant's expense, should the applicant fail to initiate or maintain those measures identified in the approved stormwater management design plan (after being given proper notice and within the time specified by the City). If the City takes such action upon such failure by the applicant, the City shall collect from the applicant the difference should the amount of reasonable cost of such action exceed the amount of the security held.

(2) Term of Corporate Surety Bond or Cash Escrow

The Corporate Surety Bond or Cash Escrow furnished pursuant to this section, or the unexpended or unobligated portion thereof, shall be returned to the applicant within sixty (60) days of issuance by the City Engineer of a Stormwater Certificate of Completion in accordance with Section 421.050, or the final acceptance of the permanent stormwater BMP by the City.

(3) Term Extended for Initial Maintenance

At the discretion of the City Engineer, the Corporate Surety Bond or Cash Escrow may be extended beyond the time period specified above to cover a reasonable period of time for testing the practices during storm events and for initial maintenance activities. For the purposes of this section, the extension period shall not exceed two (2) years.

(4) Partial Release of Bond

The City Engineer shall have the discretion to adopt provisions for a partial pro-rata release of the Corporate Surety Bond or Cash Escrow on the completion of various stages or phases of development.

H. As-Built Plans

All applicants are required to submit to the City as-built plans for any permanent stormwater management facilities located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities, meet the criteria for as-built plans in the Stormwater Design Manual, and be sealed by a registered professional engineer. A final inspection by the City Engineer or his/her representative is required before any Corporate Surety Bond or Cash Escrow will be released.

I. Fees

Each owner seeking approval of a stormwater management concept plan or stormwater management design plan shall pay a fee upon submittal of such plan, ~~and shall pay a fee for each inspection,~~ in amounts according to the schedule for Site Improvement permits in Appendix A-Community Development and Public Works Fee Schedule.

J. Dedication of Stormwater BMPs

The owner of a stormwater practice required by this Chapter may offer for dedication any such stormwater practice, together with such easements and appurtenances as may be reasonably necessary, as provided herein:

(1) Preliminary Determination by the City

Upon receipt of such offer of dedication by City, the City Engineer shall make a preliminary determination that the dedication of the practice is appropriate to protect the public health, safety and general welfare, and furthers the goals of the City's stormwater management program and/or associated watershed plans. The City Engineer shall forward his determination to MSD, if appropriate.

Prior to making his determination, the City Engineer or his representative shall inspect the practice to determine whether it has been properly maintained and is in good repair.

(2) Acceptance by City

The City may accept the offer of dedication by adoption of a resolution by the City Council. The document dedicating the stormwater BMP shall be recorded by the City in the office of the recorder of deeds.

(3) Owner to Provide Documentation

The owner, at his sole expense, shall provide any document or information requested by the City Engineer in order for a decision to be reached on accepting dedication of the practice.

Section 421.040. Performance Criteria for Stormwater Management

A. General Stormwater Management Criteria

(1) Stormwater BMP Maintenance

All stormwater BMPs shall be maintained in accordance with the approved and deeded stormwater maintenance agreement and stormwater maintenance plan. The design of stormwater facilities shall incorporate maintenance accommodation and long-term maintenance reduction features in accordance with the latest version of the Stormwater Design Manual.

(2) Velocity Dissipation

Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall to provide non-erosive flow velocity from the structure to an adequate receiving stream or channel so that the natural physical and biological characteristics and functions of the receiving stream are maintained and protected.

(3) Discharges to Adjacent Property

Concentrated discharges from land development, including from stormwater facilities, shall not be discharged closer than ten feet to adjacent developed property without adequate conveyance in a natural stream or storm sewer system. The City Engineer may require drainage easements where stormwater discharges must cross an adjacent or off-site property before reaching an adequate conveyance.

(4) Location of Private Stormwater Facilities on Lots

Private stormwater facilities within residential subdivisions that serve multiple lots and/or a combination of lots and roadways shall be on a lot owned and maintained by an entity of common

ownership, unless an alternative arrangement is approved by the City Engineer. Stormwater practices located on individual lots shall be in a reserved area indicated on the property plat, maintained by the lot owner or, at the discretion of the City Engineer, be placed within an easement and maintained by an entity of common ownership.

(5) Hydrologic Computation Assumptions

Hydrologic parameters shall reflect the ultimate land development and shall be used in all engineering calculations. All pre-development calculations shall consider woods and fields to be in good condition, regardless of actual conditions at the time of application.

(6) Authorization to Discharge to MS4

If runoff from a land development will flow to a municipal separate storm sewer system (MS4) or other publicly-owned storm sewer system, then the applicant shall obtain authorization from the system's owner to discharge into the system.

(7) Compliance with Federal, State and MSD Regulations

All stormwater facilities and conveyance systems shall be designed in compliance with all applicable federal, state and MSD laws and regulations, including the Federal Clean Water Act and all applicable erosion and sediment control and floodplain regulations. To the extent practical, and in no circumstance without obtaining any applicable federal permit, stormwater facilities shall not be located in areas determined to be jurisdictional waters through Section 404 of the Federal Clean Water Act and/or applicable state regulations.

(8) Protect Public Health, Safety & General Welfare

The design of stormwater BMPs shall consider public health, safety, and general welfare. These considerations include, but are not limited to: preventing flooding of structures and travelways; preventing standing water in facilities, manholes, inlets, and other structures in a manner that promotes breeding of mosquitoes; preventing attractive nuisance conditions and dangerous conditions due to velocity or depth of water and/or access to orifices and drops; and preventing aesthetic nuisances due to excessive slopes, cuts and fills, and other conditions.

(9) Adherence to Stormwater Design Manual

All stormwater BMPs shall be designed to the standards of the most current version of the Stormwater Design Manual, unless the City Engineer grants the applicant a waiver or the applicant is exempt from such requirements.

(10) Landscape Plan

The design of stormwater BMPs shall include a landscape plan detailing both the vegetation to be in the

practice and how and who will manage and maintain the vegetation. The landscape plan shall be prepared in accordance with the Stormwater Design Manual.

(11) Pretreatment

Each stormwater BMP shall have an acceptable form of water quality pretreatment, in accordance with the pretreatment requirements found in the current Stormwater Design Manual, where applicable.

(12) Stormwater Authority Discretion

If hydrologic, geologic, topographic, or land use conditions warrant greater control than that provided by the minimum control requirements, the City Engineer may impose additional requirements deemed reasonable and necessary to control the volume, timing, rate and/or quality of additional runoff. The City Engineer may restrict the use of certain stormwater BMPs, require pretreatment above the minimum standards in the Stormwater Design Manual, and/or require a stormwater pollution prevention plan in certain circumstances. These include, but are not limited to: stormwater generated from stormwater hotspots, stormwater discharges that are conveyed with non-stormwater discharges, and stormwater discharged in important groundwater management areas or areas where geologic conditions are conducive to groundwater contamination (e.g., karst).

(13) Replicating Pre-Development Hydrology

Stormwater management designs shall preserve the natural hydrologic functions, stream channel characteristics, and groundwater recharge of the site, to the extent practical. This shall be accomplished by treating the additional runoff caused by the proposed improvements at the source, promoting infiltration and evapotranspiration, disconnecting impervious surfaces, preserving or enhancing natural flow paths and vegetative cover, preserving or enhancing natural open spaces and riparian areas, and other measures that replicate pre-development hydrologic conditions. The storm water mitigation plan requirements of this ordinance solely address increases in runoff caused by the additional impervious cover that would result from the proposed improvements, and do not address runoff caused by the impervious cover existing on a property prior to the construction of the proposed improvements. The City Engineer shall exercise discretion in the application of this standard, especially in cases of infill development, redevelopment, or other unique circumstances.

(14) Treatment of Off-Site Stormwater

Off-site stormwater conveyed through a land development shall be conveyed in a manner that does not increase upstream or downstream flooding. Off-site stormwater shall be conveyed around on-site stormwater BMPs, unless the facilities are designed to manage the off-site stormwater. The City may allow credits for treating off-site stormwater in the calculation of Water Quality Volume.

(15) Stream & Wetland Crossings

All stream and wetland crossings subject to Section 404 of the Federal Clean Water Act and/or state stream and wetland regulations shall minimize impacts on streams or wetlands, to the extent practical and achievable, by crossing streams and wetlands at a right-angle, reducing the footprint of grading and fill, and utilizing bridges, open bottom arches, spans, or other structures that do not restrict or alter stream or wetland hydrology. If culverts are placed within stream or wetlands, at least one culvert, in a group of parallel culverts, shall be countersunk or otherwise placed to allow the formation of a natural channel or wetland bottom to allow movement of aquatic organisms.

B. Water Quality Criteria

Structural and non-structural stormwater BMPs shall be used to prevent or minimize water quality impacts from land development. The applicant shall be subject to the requirements of (1), (2), and (3) below if the project's land disturbance is less than one (1) acre; otherwise, the applicant shall follow MSD requirements in Chapter 4 of "Rules and Regulations and Engineering Design Requirements for Sanitary Sewer and Stormwater Drainage Facilities" February 2006, or latest revision.

(1) Water Quality Volume Standard

Structural practices shall be designed to capture and treat, at a minimum, the Water Quality Volume (WQ_v) in cubic feet. The WQ_v shall be computed as follows.

$WQ_v = [P \times DI]/12$, where:

P = 1-year 24-hour rainfall depth of 2.5 inches

DI = is the increase in impervious cover (square feet)

(2) Technology Standard

Structural practices shall be selected from the Stormwater Design Manual and sized and designed according to the standards in the manual for the drainage area tributary to it. The rainfall depth used to size the stormwater BMP shall be 2.5 inches. The intent of this Chapter is to hold and slowly release captured rainfall over a 48 hour period. Hydrodynamic separators, by themselves, will not meet this requirement. For BMPs without piped outfalls and/or underdrains, the water quality volume must pass through 3 feet of soil with a hydraulic conductivity of 0.5 feet/day. For BMPs with piped outfalls and/or underdrains, a screw plug orifice, or equivalent flow control device, with four (4) holes drilled in a diamond pattern shall be used to restrict flow out of the system. The table below specifies the maximum hole size that may be used according to the Water Quality Volume measured or calculated for the system.

For WQv less than value (cubic feet) below	4 holes of this diameter required
350	1/8"
800	3/16"
1500	1/4"
3300	3/8"
6000	1/2"
9075	5/8"

(3) Additional Criteria for Stormwater Hotspots

In addition, stormwater discharges from stormwater hotspots may require the use of specific structural, non-structural, and/or pollution-prevention practices, including enhanced pre-treatment. Discharges from a stormwater hotspot shall not be infiltrated without enhanced pre-treatment, as approved by the City Engineer.

C. Stream Channel Protection Criteria

Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the approaches in (1) and (2) listed below:

(1) Treatment of Stream Buffers

Stream buffers (protected through Chapter 430 Stream Buffer Protection Regulations of this Code) shall be preserved, restored, and/or reforested.

(2) Erosion Prevention

Erosion prevention measures such as energy dissipation and velocity control shall be used at all outfalls.

D. Sensitive Waters and Wetlands: Enhanced Criteria

Land development that discharges to sensitive waters and wetlands, as designated in the Stormwater Design Manual, shall meet enhanced criteria. These may include, but are not limited to:

(1) Control of temperature increases for discharges to designated cold-water fisheries;

(2) Enhanced control of nutrients and sediment for discharges to drinking water reservoirs, lakes and/or wetlands;

(3) The control of impacts to wetland hydrology, including limiting fluctuations to the natural or pre-development wetland hydrology; and

(4) Enhanced bacteriological or pollutant controls for discharges to impaired waters, as designated in the most recent 303(d) list produced by EPA or the appropriate State agency or if additional control is otherwise required by the City's MS4 Stormwater NPDES permit.

In these cases, the City Engineer may require additional storage, treatment, filtering, infiltration, or other techniques. The use of non-structural practices shall be used to the maximum extent practical to meet enhanced criteria.

In making this determination to apply enhanced criteria, the City Engineer shall consider cumulative impacts and also the land development's adherence to the land use plans and policies of the City, including the promotion of infill and redevelopment in particular areas.

E. Waivers

Every applicant shall provide for stormwater management as required by this Chapter, unless a written request for a waiver is filed. Prior to applying for a waiver request, the applicant must demonstrate that all reasonable options to comply with the Chapter have been exhausted. The request for a waiver must be in writing and must include waiver fee specified by Appendix A-Community Development and Public Works Fee Schedule. The City Engineer shall respond in writing by recommending whether to grant or deny the waiver in full, or to grant the waiver with any necessary conditions or mitigation measures to protect public health, safety, and the environment. The application and recommendation shall be presented to the Stormwater Committee for decision. The applicant shall note any full or partial waivers, and conditions imposed on the stormwater management design plan.

Section 421.050. Construction Inspection for Permanent Stormwater BMPs

A. Notice of Construction Commencement

The applicant must notify the City Engineer before the commencement of construction of stormwater practices. In addition, the applicant must notify the City Engineer in advance of construction of critical components of the stormwater practices on the approved stormwater management design plan, as determined by the City Engineer. The City Engineer may, at his/her discretion, issue verbal or written authorization to proceed with critical construction steps, such as installation of permanent stormwater practices based on stabilization of the drainage area and other factors. MSD permits must be obtained as applicable.

B. Construction Inspections by the City Engineer or his/her Representatives

The City Engineer, or his/her representative(s), shall conduct periodic inspections of the stormwater practices shown on the approved stormwater management design plan, and especially during critical installation and stabilization steps. All inspections shall be documented in writing. The inspection shall document any variations or discrepancies from the approved plan, and the resolution of such issues. Additional information regarding inspections can be found in the Stormwater Design Manual. A final inspection by the City Engineer is required before any performance bond or guarantee, or portion thereof, shall be released.

C. Inadequacy of System

If a stormwater BMP is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the approved stormwater management design plan, it shall be corrected by the applicant before the Certificate of Completion is issued. If the applicant fails to act, the City may use the Corporate Surety Bond or Cash Escrow to complete the work, as described in Section 421.030.G.

D. Stormwater Certificate of Completion

Subsequent to final installation and stabilization of all stormwater BMPs shown on the stormwater management design plan, submission of all necessary as-built plans, and final inspection and approval by the City, and MSD if applicable, the City Engineer shall issue a Stormwater Certificate of Completion for the project. In issuing such a certificate, the City Engineer shall determine that all work has been satisfactorily completed in conformance with this Chapter.

Section 421.060. Ongoing Maintenance for Stormwater BMPs

A. Maintenance Responsibility

The responsible party named in the recorded stormwater maintenance agreement (Section 421.030.F) shall maintain in good condition and promptly repair and restore all structural and non-structural stormwater BMPs and all necessary access routes and appurtenances (e.g. grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices). Such repairs or restoration and maintenance shall be in accordance with the approved stormwater management design plan, the stormwater maintenance agreement, and the stormwater maintenance plan.

B. Maintenance Inspection by the City Engineer or his/her Representatives

The City Engineer, or his/her representative(s), shall conduct ~~periodic~~ inspections every two years for all stormwater practices for which a Stormwater Certificate of Completion has been issued in accordance with Section 421.050.D. All inspections shall be documented in writing. The inspection shall document any maintenance and repair needs and any discrepancies from the stormwater maintenance agreement and stormwater maintenance plans.

C. Records of Maintenance Activities

The responsible party shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least five (5) years. These records shall be made available to the City Engineer, or his/her representatives, during inspection of the practice and at other reasonable times upon request.

D. Failure to Provide Adequate Maintenance

In the event that the stormwater BMP has not been maintained and/or becomes a danger to public safety or public health, the City shall notify the responsible party by registered or certified mail. The notice shall specify the measures needed to comply with the maintenance agreement and the maintenance plan and shall specify that the responsible party has thirty (30) days or other time frame mutually agreed to between the City Engineer and the responsible party, within which such measures shall be completed. If such measures are not completed, then the City Engineer shall pursue enforcement procedures pursuant to Section 421.070 of this Chapter.

If the responsible party fails or refuses to meet the requirements of an inspection report, maintenance agreement, or maintenance plan, the City Engineer, after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the practice in proper working condition. The City Engineer may assess the responsible party of the practice for the cost of repair work which shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected with other taxes by the City.

Section 421.070. Enforcement, Violations, and Penalties

Any action or inaction which violates the provisions of this Chapter, the requirements of an approved stormwater management design plan or permit, and/or the requirements of a recorded stormwater maintenance agreement may be subject to any of the enforcement actions outlined in Chapter 430 Stream Buffer Protection Regulations of this Code relating to Enforcement, Violations and Penalties, or any other applicable enforcement provisions of this Code. Any such action or inaction, which is continuous with respect to time, may be deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any penalties shall not prevent such equitable relief.

SECTION TWO.

The following items are hereby added to Appendix A-Community Development and Public Works Fee Schedule:

Residential Stormwater Management Design Application Fee (~~includes first annual inspection~~) - ~~\$20300~~

~~Annual Residential Stormwater Management Practice Inspection—\$30~~

~~Residential Stormwater Management Design Waiver Fee—\$50~~

Residential Stormwater Management Escrow – for project cost less than \$501.00, no escrow

- for project cost from \$501.00 to \$19,999.00, 50% escrow

- for project cost greater than \$19,999.00, 100% escrow

SECTION THREE.

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

ADOPTED BY THE CITY COUNCIL THIS ____ DAY OF _____, 2010.

A. J. Wang, President
City Council

APPROVED THIS ____ DAY OF _____, 2010.

Harold L. Dielmann
Mayor

Attest:

Deborah Ryan
City Clerk

HOME
BUILDERS
ASSOCIATION
OF ST. LOUIS
& EASTERN
MISSOURI

10104
OLD OLIVE
STREET ROAD

ST. LOUIS,
MISSOURI
63141-5908

314 994 7700

FAX
314 432 7185

WEBSITE
WWW.STLHBA.COM



September 8, 2010

James Heines, Director of Public Works
City of Creve Coeur
300 North New Ballas Road
Creve Coeur, MO 63141

Dear Mr. Heines:

On behalf of the Home Builders Association of St. Louis and Eastern Missouri (HBA), we thank you for allowing us to meet with you regarding the new stormwater ordinance for the City of Creve Coeur. We appreciate the willingness of City staff to explain the intent of the ordinance and discuss with us how the proposal will affect the homebuilding industry. We commend the City for providing us with a tremendous amount of information to pass along to our members.

At our meeting on August 27, 2010, you explained that this new stormwater ordinance would be in addition to the City's current ordinance, and is primarily intended for tear-down rebuild projects that cause an increase in impervious area. You also stated that it is not the intent of this ordinance to apply to home additions, new subdivisions, or existing new developments because in many of these instances, stormwater detention and management facilities would have been planned and put into place. Understanding that the City has been dealing with this issue for years, we realize the necessity to control stormwater runoff caused by tear-down rebuilds and recognize that the City needs to take the necessary steps outlined in the ordinance. However, if the intent of the ordinance changes to include home additions, new subdivisions, or other new developments, we would like to discuss this further.

Additionally, at our recent meeting, it was discussed that the new ordinance is indeed more restrictive than the Metropolitan Sewer District's (MSD) ordinance and that MSD will enforce the more restrictive of the two. However, you explained that it is not the intent of the City to have MSD regulate individual lots unless certain criteria compel the City Engineer to require MSD permits. We are pleased to learn that the involvement of MSD will be determined on a lot-by-lot basis. If this decision changes, we would again like to discuss this further.

Finally, we would like to reassert the belief that maintenance responsibility is crucial to the success of these new regulations. The script of the proposed easements must be descriptive enough to address the maintenance requirements. Easements should be recorded so as to be shown as an exception on a title policy, as well as described and shown on any final survey. Also, the individual lot owner may not understand the purpose of a rain garden, and may after time modify the area to what they consider more useable space. While the City of Creve Coeur will undergo biannual inspections and send yearly reminder letters, we hope the City also works to provide the education and stewardship necessary to maintain local rain gardens.

Again, thank you for allowing us to meet with the City and share our input. We do hope you will consider our comments and contact us if you have any questions or would like additional feedback. I can be reached at 314.994.7700 ext. 116 or SchwartzE@hbastl.com.

Best regards,

Emily Schwartz
Manager, Public Policy Issues

cc: HBA St. Louis County Board of Trustees
Pat Sullivan, Executive Vice President, HBA
Lyzel Krebs, Staff Vice President for Government Affairs, HBA



city of **CREVE COEUR**

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www.creve-coeur.org

STAFF REPORT TO THE PLANNING AND ZONING COMMISSION

Meeting Date: November 1, 2010

Subject: Application #10-034 Business Enterprise Center
Sections 405.120 Definition of Terms, 405.370 "CB" Core Business District, Section 405.820.B General Parking Requirements

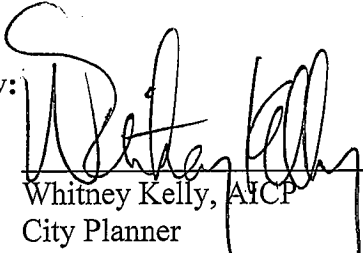
Location: "CB" Core Business District

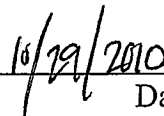
Requested Action: Approval of Business Enterprise Center as a permitted use within the "CB" Core Business District, and parking requirements of such centers under Required Off-Street Parking Spaces

Applicant: Guild Building, L.L.C.
Arthur Loomstein, Manager
1065 Executive Parkway, Suite 210
St. Louis, MO 63141

Representative: Stephen L. Kling, Jr.
Jenkins & Kling, P.C.
150 North Meramec Ave., Suite 400
St. Louis, MO 63105

Report Prepared by:


Whitney Kelly, AICP
City Planner


Date

Attached: Applicant's Materials, received October 1, 2010 and October 25, 2010
Draft Ordinance

INTRODUCTION

The owners of 11628 Old Ballas Road have submitted a request for a text amendment to allow use of the property as a business office center for start-up or part-time, small businesses, satellite offices, or virtual offices. The applicants believe that this use is unique, beyond the general use of an office space, and as such requires less parking than the City of Creve Coeur's Zoning Code requires for general office. Therefore, the applicant is also seeking a change to the off-street parking requirements; the current parking available on site conforms to the requested regulation.

DISCUSSION

The property at 11628 Old Ballas Road is a 19,700 square foot building within the "CB" Core Business District, with 49 parking spaces available on site. The property was originally developed in 1975 and most recently was a medical rehabilitation facility. The applicant is proposing to remodel the existing building to include 53 office suites, a reception area, a work station area, a coffee area, a conference room and workout facilities.

The City of Creve Coeur's Zoning Code provides the requirements for calculating the amount of parking for general offices in Section 405.820:

Section 405.820.B. General Parking Requirements

4. General offices including professional, governmental or institutional except as specifically enumerated in this Article: For buildings less than fifteen thousand (15,000) square feet, four (4) stalls per one thousand (1,000) square feet of gross leasable floor area. For buildings greater than fifteen thousand (15,000) square feet, three and three-tenths (3.3) stalls per one thousand (1,000) square feet of gross leasable floor area.

Under the current classification for the use of professional offices, the parking requirement on site would be 66 parking spaces. Most business incubator centers generally locate within existing office developments where a similar quantity of parking is provided.

The applicant believes that the unique nature of an enterprise center offer characteristics that are different from other offices, and as such generates less parking than that required for general office. Therefore the applicant is proposing a new use to be defined as a "Business Enterprise Center". The applicant is further proposing the following definition to be included in Section 405.120, Definition of Terms:

Business Enterprise Center: A site whose predominant use is a business office center with individual, full wall enclosed small offices for start-up or part-time, small businesses, satellite offices, or virtual offices for which shared or common resources and services are available, including, but not limited to, receptionist, answering service, conference room, teleconferencing, office equipment, administrative facilities, copy services, shipping and receiving, and corporate record storage space.

Business Enterprise Center would then be inserted as a permitted use within the "CB" Core Business District under Section 405.370. B. Permitted Uses: (1.) Class 1. *One-half (1/2) acre to one (1) acre*, 405.370.B (2.) *Class 2 One (1) acre or greater*.

To support their proposal, the applicant has also submitted a parking study by Crawford, Bunte, Brammeier Traffic and Transportation Engineers to review the parking demand of three similar business enterprise centers in the Saint Louis metro area. Based on this study, the applicant is seeking to reduce the off-street parking requirements from a general office to create a new standard of 0.85 parking spaces per office suite within the Business Enterprise Center. Thus the proposed Business Enterprise Center on Old Ballas Road would require a total of 46 parking spaces (53 office suites x 0.85= 45.05). A total of 49 parking spaces are available on site.

The applicant has attempted to narrow the definition of Business Enterprise Center by describing the offices simply as "small." Staff proposes amending the definition to include a maximum average square footage to the "small offices." This would provide specific guidance for plan review and to help distinguish this use and general office use without the need for Planning and Zoning Commission review of every application. Staff proposes such square footage to read as:

Business Enterprise Center: A site whose predominant use is a business office center with individual, full wall enclosed, lockable, small offices with an average square footage of no more than 150 square feet per office, for start-up or part-time, small businesses, satellite offices, or virtual offices and for which shared or common resources and services are available, including, but not limited to, receptionist, answering service, conference room, teleconferencing, office equipment, administrative facilities, copy services, shipping and receiving, and corporate record storage space.

If the Planning Commission is not comfortable with either option, Staff recommends listing the use as a conditional use. The draft ordinance reflects staff suggestion above. If Commission members wish to move the use to the Conditional Uses within the "CB" District, or use the applicant's suggested wording, the Commission should vote on a motion to amend the draft ordinance accordingly.

CONCLUSION AND ACTION

If the Commission members believe that a Business Enterprise Center, as defined above, is a distinct enough of a use beyond that of a general office and, as such, generates less demand for parking than the City of Creve Coeur Zoning Code requires, then they should vote on a recommendation to the City Council of the draft text amendment.

However, if the Commission members determine that the proposed use does not offer distinct characteristics beyond that of a general office enough to create a new category, then the applicant has the option to reduce the amount of office suites and increase the amount of common space square footage to meet the current parking calculation requirements as provided for general offices.

MOTION

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

"I move to recommend approval of the draft text amendment ordinance attached to the staff report on application #10-034, dated November 1, 2010." (Amendments should be made by prior motion)

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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



city
of

CREVE COEUR

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PLANNING AND ZONING COMMISSION AGENDA APPLICATION TEXT AMENDMENT

PLEASE COMPLETE FRONT AND BACK PAGES

<i>Applicant:</i>	<i>Applicant's Representative (if applicable):</i>
Guild Building, L.L.C.	Stephen L. Kling, Jr.
<i>Name</i>	<i>Name</i>
Arthur Loomstein, Manager	Jenkins & Kling, P.C.
<i>Company (If Applicable)</i>	<i>Company (If Applicable)</i>
1065 Executive Parkway, Suite 210	150 North Meramec Ave., Suite 400
<i>Address</i>	<i>Address</i>
St. Louis, Mo 63141	St. Louis, Mo 63105
<i>Address</i>	<i>Address</i>
Telephone # (314) 579-9955 ext. 204	Telephone # (314) 721-2525
Fax # (314) 579-9661	Fax # (314) 721-5525
Email: aloomstein@centercoprop.com	Email: skling@jenkinskling.com

Applicant's Status (Indicate one):

_____ City Official (Mayor, City Councilor, Planning Commissioner, Zoning Administrator)
☒ Private Party (Financial, contractual, or proprietary interest)
 _____ Other Governmental Interest (Jurisdiction: _____)

The undersigned hereby requests to be placed on the Agenda for the Planning and Zoning Commission meeting at 7:00 P.M. on Monday, November 1, 2010.



Applicant's Signature
 September 30, 2010

Date



Applicant's Representative's Signature
 September 30, 2010

Date

Description of Request (attach additional sheets as needed): See Exhibit "A" Attached

Affected Section(s) of the Zoning or Subdivision Code: 405.120; 405.370(B); 405.800

Proposed Ordinance Language (attach additional sheets as needed): See Exhibit "A" Attached

Office Use Only	
Proposed Ordinance Language	Received By:
Fees Paid	
Written Justification	Date:

EXHIBIT A

To Application for Text Amendment

Description of Request:

The applicant is interested in marketing a business office center for start-up or part-time, small businesses, satellite offices, or virtual offices. Unlike a professional office, such use would offer shared services, including a shared receptionist and office equipment, and part-time rental options. Under the current language of the Core Business District, (see section 405.370) such use is not a specific permitted use. Moreover, appropriate parking standards for this use are not addressed.

The applicant owns property at 11628 Old Ballas Road, which has been unoccupied since the former tenant moved the location of their therapy services. The applicant has extensive experience in managing commercial properties and has done a significant amount research of this use in other locations and believes such a use will be successful in Creve Coeur. Such use is relatively new to the Midwest, but has become popular elsewhere in affluent, established areas. There currently are no similar properties within the City. This proposed use offers many business opportunities to retirees, young business professionals, and large corporations who want a presence in the city. Studies of the comparable sites in the metropolitan area by Crawford, Bunte, Brammeier have established lower traffic and parking usage over that of a traditional office building, which is beneficial to the City's goal of lessening traffic congestion. A copy of such report is attached hereto and incorporated as if set forth fully herein.

Accordingly, the applicant requests an amendment to section 405.120 (Definition of Terms) to add a definition for a Shared Services Business Enterprise Center, an amendment to section 405.370(B) (Permitted Uses in "CB" Core Business District) to allow a Shared Services Business Enterprise Center as a permitted use, and an amendment to Section 405.800 (General Provisions) to create a parking standard for the Shared Services Business Enterprise Center that reflects the lower parking needs of such use.

Proposed Ordinance Language:

(1) The applicant proposes that section 405.120 (Definition of Terms) be amended as indicated by the following redlined language:

Unless a contrary intention clearly appears, the following words and phrases shall have the meanings given in the following clauses for the purposes of this Chapter. Words and phrases which are not defined shall be given their usual meaning except where the context clearly indicates a different or specific meaning.

...

SHARED SERVICES BUSINESS ENTERPRISE CENTER: A site whose predominant use is a business office center for start-up or part-time, small businesses, satellite offices, or virtual offices for which shared or common resources and services are available, including, but not

limited to, receptionist, answering service, conference room, teleconferencing, office equipment, administrative facilities, copy services, shipping and receiving, and corporate record storage space, and by virtue of the nature of such use, requires less parking than a traditional office building.

...

(2) The applicant proposes that section 405.370(B) (Permitted Uses in "CB" Core Business District) be amended as indicated by the following redlined language:

B. *Permitted Uses.* Structures or land in the "CB" Core Business District may be used only for the purposes enumerated in this Subsection and are subject to the provisions and limitations of [Section 405.210](#) and to all of the other provisions and limitations of this Chapter and of other applicable regulations, ordinances and Statutes of the City of Creve Coeur, St. Louis County or the State of Missouri. Within the "CB" District, permitted uses are prescribed for different classes of sites based on site size.

1. *Class 1. One-half (½) acre to one (1) acre.* The following uses are permitted on sites of one-half (½) acre or greater, but less than one (1) acre:

a. Professional offices occupying former single-family residences converted to office use as provided for herein, provided that the criteria described in [Section 405.450\(E\)](#) of this Chapter are satisfied and said use is in conformance with the land use, phasing and public improvement elements of the adopted development plan for the central core and, further provided, that a site development plan is submitted and approved for the conversion of the residential structure in accordance with the procedures provided in [Section 405.1080](#).

b. Shared Services Business Enterprise Center.

2. *Class 2. One (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](#).

a. All uses permitted on Class 1 sites.

...

(3) The applicant proposes that section 405.800 (General Provisions) be amended as indicated by inserting the following redlined language:

I. *Shared Services Business Enterprise Center Variance.* For a Shared Services Business Enterprise Center in the event the following conditions are met to the satisfaction of the Planning and Zoning Commission:

1. The proposed use is a Shared Services Business Enterprise Center.

2. The site development plan submitted to and approved by the Planning and Zoning Commission in accordance with Section 405.810 or Section 405.1080 indicates that the use is a Shared Services Business Enterprise Center.

3. In no event shall the parking be less than 0.85 parking spaces per suite.

September 15, 2010

Mr. Arthur Loomstein
Guild Building, LLC
c/o Centerco Properties, LLC
1065 Executive Parkway, Suite 210
St. Louis, Missouri 63141

RE: Parking Study
Shared Services Business Enterprise Center - 11628 Old Ballas Road
Creve Coeur, Missouri
CBB Job No. 102-10

Dear Mr. Loomstein:

In accordance with your request, Crawford, Bunte, Brammeier has evaluated the parking characteristics of the proposed Shared Services Business Enterprise Center. The proposed site is located at 11628 Old Ballas Road in Creve Coeur, Missouri. The building was previously occupied as a medical rehabilitation facility by Missouri Baptist Hospital. The existing building is approximately 19,700 square feet and has 49 parking spaces. The proposed Business Enterprise Center will include approximately 53 offices, a reception area, a work station area, a coffee area, a conference room and a workout room. An aerial view of the existing property is shown in **Figure 1**.



Figure 1: Aerial View of 11628 Old Ballas Road Property

Based on the City of Creve Coeur's zoning map, the property is currently zoned CB which requires one parking space per 300 square feet of floor area which would translate to a requirement of 65 parking spaces for the proposed Business Enterprise Center. However, Shared Services Business Enterprise Centers often require less parking than a typical office building.

A Shared Services Business Enterprise Center is defined as a site whose predominant use is a business office center for start-up or part-time, small businesses, satellite offices, or virtual offices for which shared or common resources and services are available, including, but not limited to, receptionist, answering service, conference room, teleconferencing, office equipment, administrative facilities, copy services, shipping and receiving, and corporate record storage space, and by virtue of the nature of such use, requires less parking than a traditional office building.

Thus, the purpose of this study was to evaluate more specific parking requirements for the Shared Services Business Enterprise Center land use and to determine an appropriate parking requirement for the use. The recommendations were made based on actual parking demand data for three similar sites. The three similar sites evaluated are as follows:

- Plaza Executive Suites – 17295 Chesterfield Airport Road, Chesterfield, MO
- Cargo Bay – 7220 N Lindbergh Boulevard, Hazelwood, MO
- Corporate Square – 1033 Corporate Square Drive, St. Louis, MO

All three sites were consistent with the proposed use, in that, the buildings offer small individual offices for lease and have shared services such as a receptionist, conference rooms, office equipment, administrative facilities, copy services, etc. A representative from each site was contacted to verify the total number of office suites for lease and the actual number of suites leased at the time of the parking data collection.

In order to quantify the existing parking demands for the three similar sites, parking counts were conducted on a typical weekday from approximately 9:00 a.m. to 3:00 p.m. which is generally considered to be the peak parking demand period for an office-type use. These counts determined the number of occupied spaces on approximate half-hour intervals during the study period. The results of the parking surveys are summarized in **Table 1**.

Table 1 Similar Shared Services Business Centers Existing Weekday Parking Demand					
Site	# of Suites Available for Lease	# of Suites Actually Leased	Average Parking Demand	Peak Parking Demand	Peak Parking Demand per Leased Suite Ratio
Site #1 Plaza Executive Suites	78 Suites Total	70 Leased	35 Vehicles	39 Vehicles at 2:00 p.m.	0.56 parking spaces occupied per leased suite
Site #2 Cargo Bay	48 Suites Total	47 Leased	38 Vehicles	40 Vehicles at 12:00 & 3:00 p.m.	0.85 parking spaces occupied per leased suite
Site #3 Corporate Square	28 Suites Total	16 Leased	10 Vehicles	13 Vehicles at 2:30 p.m.	0.81 parking spaces occupied per leased suite

As shown in Table 1, the peak parking demand ranged from 0.56 to 0.85 occupied parking spaces per leased suite with an average peak parking demand of 0.74 occupied parking spaces per leased suite.

It is commonly accepted that parking facilities operating at or below 80% to 90% of their capacity allow adequate circulation and parking turnover and do not appear full to users. In fact, it has been suggested by the Urban Land Institute that a parking system achieves optimum efficiency at about 80% for larger areas and 90% for smaller areas. An appropriate level of excess capacity is desirable to allow for operating fluctuations and vehicle maneuvers.

Therefore, based on the average peak parking demand of 0.74 occupied parking spaces per leased suite and a 15% surplus to allow for operating fluctuations and vehicle maneuvers, it is recommended that the Shared Services Business Enterprise Center land use require a parking supply of 0.85 parking spaces per suite.

Based on the above recommendation, the proposed Shared Services Business Enterprise Center at 11628 Old Ballas Road would require a parking supply of 46 parking spaces (53 office suites * 0.85 spaces per suite = 45.05 parking spaces). As stated previously, the existing building has 49 parking spaces which exceeds the recommended number of 46 parking spaces, and as such, would provide adequate parking with no additional parking spaces required.



We trust that this parking assessment will assist the City in their decision regarding the parking requirements for the proposed Shared Services Business Enterprise Center land use. Should you have any questions or require additional information please contact our offices.

Sincerely,

A handwritten signature in black ink that reads "Shawn White". The signature is written in a cursive, flowing style.

Shawn Lerai White, P.E., PTOE
Senior Traffic Engineer



Stephen L. Kling, Jr.
Email skling@jenkinskling.com

Admitted to Practice in
Missouri

October 25, 2010

Via U.S. First-Class Mail

Mr. Paul Langdon
Director of Community Development
City of Creve Coeur
300 North New Ballas Road
Creve Coeur, Missouri 63141

RE: *Text Amendment and Planning and Zoning Commission Agenda Applications-
11628 Old Ballas Road*

Dear Paul:

We represent Guild Building, L.L.C., which is the applicant in the above referenced applications and the owner of property located at 11628 Old Ballas Road in Creve Coeur, Missouri.

Pursuant to our office's conversations with the planning office of Creve Coeur, the applicant confirmed the fitness center on the lower level of 11628 Old Ballas Road is strictly for the use of tenants in the building. As such, it will not affect the parking recommendations for 11628 Old Ballas Road contained in the study by Crawford, Bunte, Brammeier.

The applicant is also agreeable to the changes suggested by Creve Coeur regarding the proposed text of the new amendment. The name of the proposed use shall be changed to "Business Enterprise Center", the proposed parking requirements shall be moved from Section 405.800 to Section 405.820(b)(5), and the text of the definition shall delete the reference to parking.

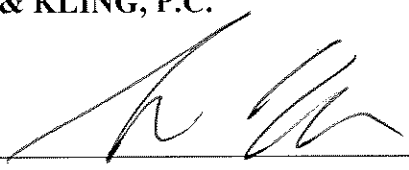
Enclosed please find a revised version of Exhibit A to the application for text amendment reflecting these changes.

Please contact me with any questions or concerns.

Mr. Paul Langdon
October 25, 2010
Page 2

Sincerely,

JENKINS & KLING, P.C.

By: 
Stephen L. Kling, Jr.

cc: Mr. Arthur Loomstein

EXHIBIT A

To Application for Text Amendment

Description of Request:

The applicant is interested in marketing a business office center for start-up or part-time, small businesses, satellite offices, or virtual offices. Unlike a professional office, such use would offer shared services, including a shared receptionist and office equipment, and part-time rental options. Under the current language of the Core Business District, (see section 405.370) such use is not a specific permitted use. Moreover, appropriate parking standards for this use are not addressed.

The applicant owns property at 11628 Old Ballas Road, which has been unoccupied since the former tenant moved the location of their therapy services. The applicant has extensive experience in managing commercial properties and has done a significant amount research of this use in other locations and believes such a use will be successful in Creve Coeur. Such use is relatively new to the Midwest, but has become popular elsewhere in affluent, established areas. There currently are no similar properties within the City. This proposed use offers many business opportunities to retirees, young business professionals, and large corporations who want a presence in the city. Studies of the comparable sites in the metropolitan area by Crawford, Bunte, Brammeier have established lower traffic and parking usage over that of a traditional office building, which is beneficial to the City's goal of lessening traffic congestion. A copy of such report is attached hereto and incorporated as if set forth fully herein.

Accordingly, the applicant requests an amendment to section 405.120 (Definition of Terms) to add a definition for a Business Enterprise Center, an amendment to section 405.370(B) (Permitted Uses in "CB" Core Business District) to allow a Business Enterprise Center as a permitted use, and an amendment to Section 405.820(B) (General Parking Requirements) to create a parking standard for the Business Enterprise Center that reflects the lower parking needs of such use.

Proposed Ordinance Language:

(1) The applicant proposes that section 405.120 (Definition of Terms) be amended as indicated by the following redlined language:

Unless a contrary intention clearly appears, the following words and phrases shall have the meanings given in the following clauses for the purposes of this Chapter. Words and phrases which are not defined shall be given their usual meaning except where the context clearly indicates a different or specific meaning.

...

BUSINESS ENTERPRISE CENTER: A site whose predominant use is a business office center for start-up or part-time, small businesses, satellite offices, or virtual offices for which shared or common resources and services are available, including, but not limited to,

receptionist, answering service, conference room, teleconferencing, office equipment, administrative facilities, copy services, shipping and receiving, and corporate record storage space.

...

(2) The applicant proposes that section 405.370(B) (Permitted Uses in "CB" Core Business District) be amended as indicated by the following redlined language:

B. *Permitted Uses.* Structures or land in the "CB" Core Business District may be used only for the purposes enumerated in this Subsection and are subject to the provisions and limitations of [Section 405.210](#) and to all of the other provisions and limitations of this Chapter and of other applicable regulations, ordinances and Statutes of the City of Creve Coeur, St. Louis County or the State of Missouri. Within the "CB" District, permitted uses are prescribed for different classes of sites based on site size.

1. *Class 1. One-half (½) acre to one (1) acre.* The following uses are permitted on sites of one-half (½) acre or greater, but less than one (1) acre:

a. Professional offices occupying former single-family residences converted to office use as provided for herein, provided that the criteria described in [Section 405.450\(E\)](#) of this Chapter are satisfied and said use is in conformance with the land use, phasing and public improvement elements of the adopted development plan for the central core and, further provided, that a site development plan is submitted and approved for the conversion of the residential structure in accordance with the procedures provided in [Section 405.1080](#).

b. Business Enterprise Center.

2. *Class 2. One (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](#).

a. All uses permitted on Class 1 sites.

...

(3) The applicant proposes that section 405.820(B) (General Parking Requirements) be amended as indicated by inserting the following redlined language:

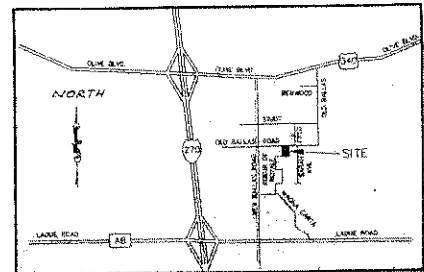
B. *General Parking Requirements*

(5). Business Enterprise Center. For a Business Enterprise Center in the event the following conditions are met to the satisfaction of the Planning and Zoning Commission:

1. The proposed use is a Business Enterprise Center.

2. The site development plan submitted to and approved by the Planning and Zoning Commission in accordance with Section 405.810 or Section 405.1080 indicates that the use is a Business Enterprise Center.

3. In no event shall the parking be less than 0.85 parking spaces per suite.

[illegible]

LOCATION PLAN
1:1000'

1. THE EXISTING CROSS-SECTION OF THE PROJECT IS 100' 000 BUSINESS FRONTAGE
2. THE USE GROUP FOR THE BUILDING IS "B"
3. THE BUILDING CONSTRUCTION TYPE IS "C-2"
4. THE TOTAL BUILDING AREA IS 19,377 SQ. FT.
5. MAXIMUM BUILDING HEIGHT IS 15'0"0"
6. THE TOTAL LOT IS 1.03 ACRES = 45,317 SQ. FT.
7. NON-ABSORPTION AREA CALCULATIONS ARE AS FOLLOWS:
BUILDING FOOTPRINT (55'X15'0") 9,557 SQ. FT.
PARKING LOT PAVED AREA 10,000 SQ. FT.
NORTH CONCRETE AREA 650 SQ. FT.
EAST CONCRETE WALK 200 SQ. FT.
(TOTAL NON-ABSORPTION AREA) 20,407 SQ. FT.
8. LOT AREA 45,317 SQ. FT.
LESS NON-ABSORPTION AREA 20,407 SQ. FT.
TOTAL ABSORPTION AREA 15,559 SQ. FT.
9. FLOOR AREA RATIO (15,559 / 45,317) = 33.67%
10. PARKING LOT AREA RATIO (10,000 / 45,317) = 22.07%
11. GREEN AREA RATIO (5,559 / 45,317) = 12.5%
12. EXISTING & PROPOSED PARKING SPACES IS 49 SPACES
13. THE OCCUPANCY LOAD IS 200 (BASED ON 145 SQ. FT. PER PERSON)
14. THE EXISTING BUILDING WILL BE CONSIDERED FROM THE EXISTING USE OF A HEALTH REHABILITATION CENTER TO THAT OF A RESIDENTIAL CONVERSION
15. THE CONSTRUCTION WORK IS TO COMPLY WITH THE REQUIREMENTS OF THE 2005 INTERNATIONAL BUILDING CODE
16. THE SITE COVERAGE PERCENTAGE IS 54.4%

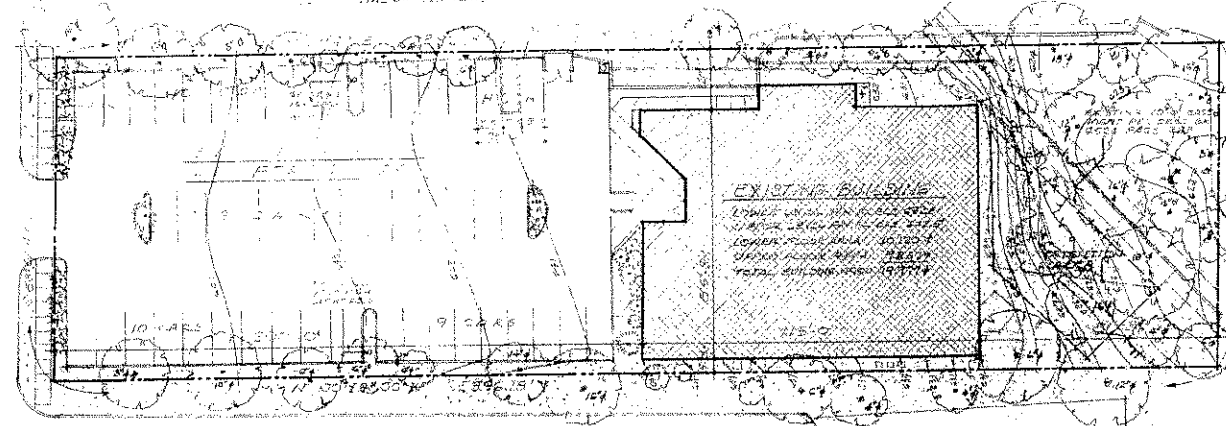
OWNERS CONTACT PERSON	ARCHITECT
CENTER PROPERTIES LLC 1000 WEST HESLER BLVD 1000 WEST HESLER BLVD ST LOUIS, MISSOURI 63101 314.597.9925 EXT 205	MARK H. TYLER 7030 CARONDEL BLVD CLAYTON, MO. 63106 314.7251124

<u>OWNERS CONTACT PERSON</u>	<u>ARCHITECT</u>
CENTER PROPERTIES LTD 1101 WEST 8388th BLANCHARD 1105 WEST 8388th BLANCHARD ST LOUIS, MISSOURI 63121 314-577-9965 EXT 205	WALK H TYLER 7730 CARMONDEL BLVD CLAYTON, MO. 63106 314-728-5274

OFFICE BUILDING ALTERATION
11425 OLD BELLEVUE ROAD
DOWNEY CORP. BIRMINGHAM



CENTERO PROPERTIES-CALIF
JACK H TYRER-ARCHITECT
JOHN JEROME & ASSOC-ENGINEERS
DATE DRAWN 9-25-70 PROJECT NO. 10047 DRAWN BY AM
SITE PLAN



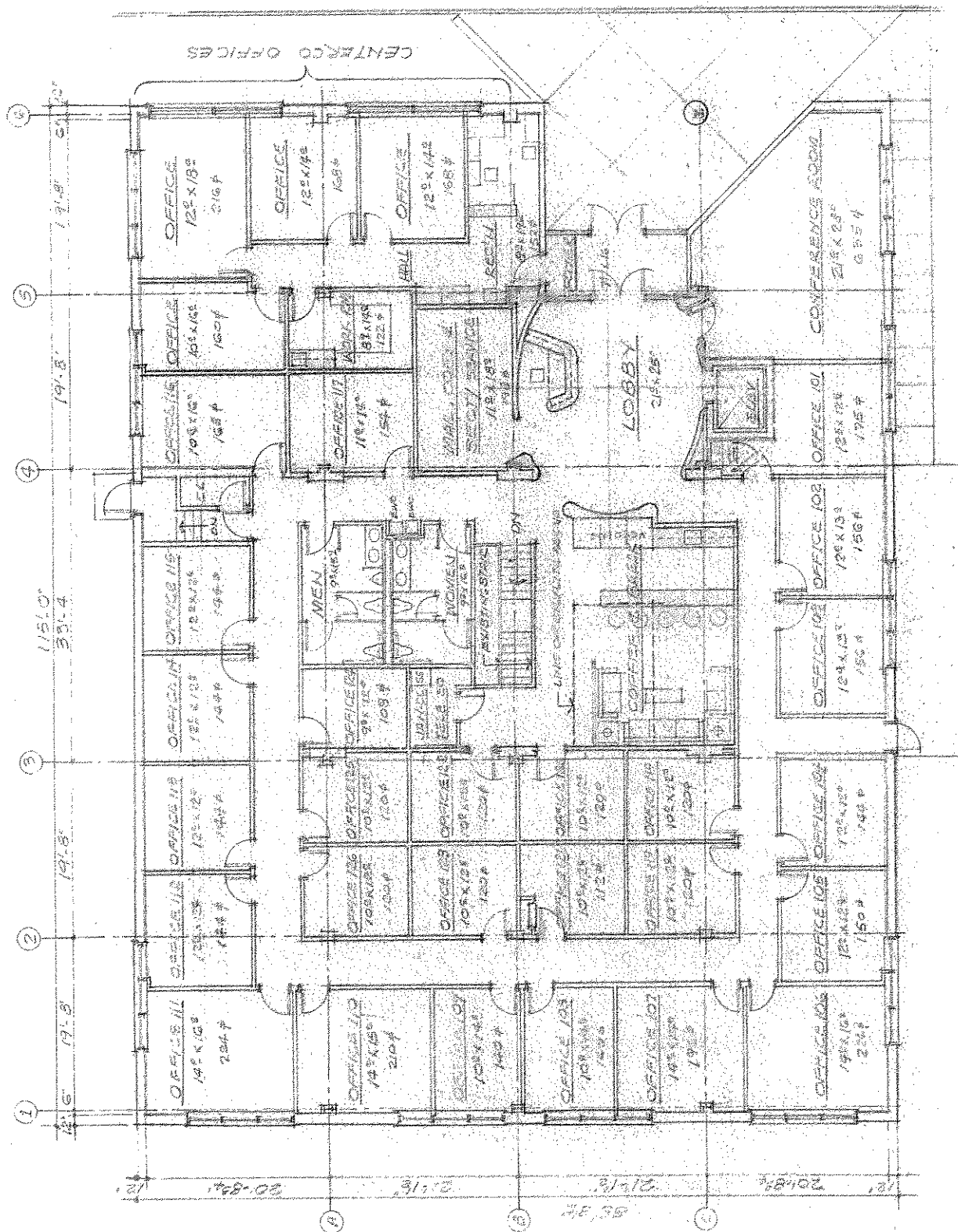
0178 8000
170 230'
NORTH  NEAR ON GOLF COURSE - 400' 1821

DATE: 11/14/74
 BY: [illegible]
 FOR: [illegible]
 (PERSONAL RESIDENTIAL DEVELOPMENT)

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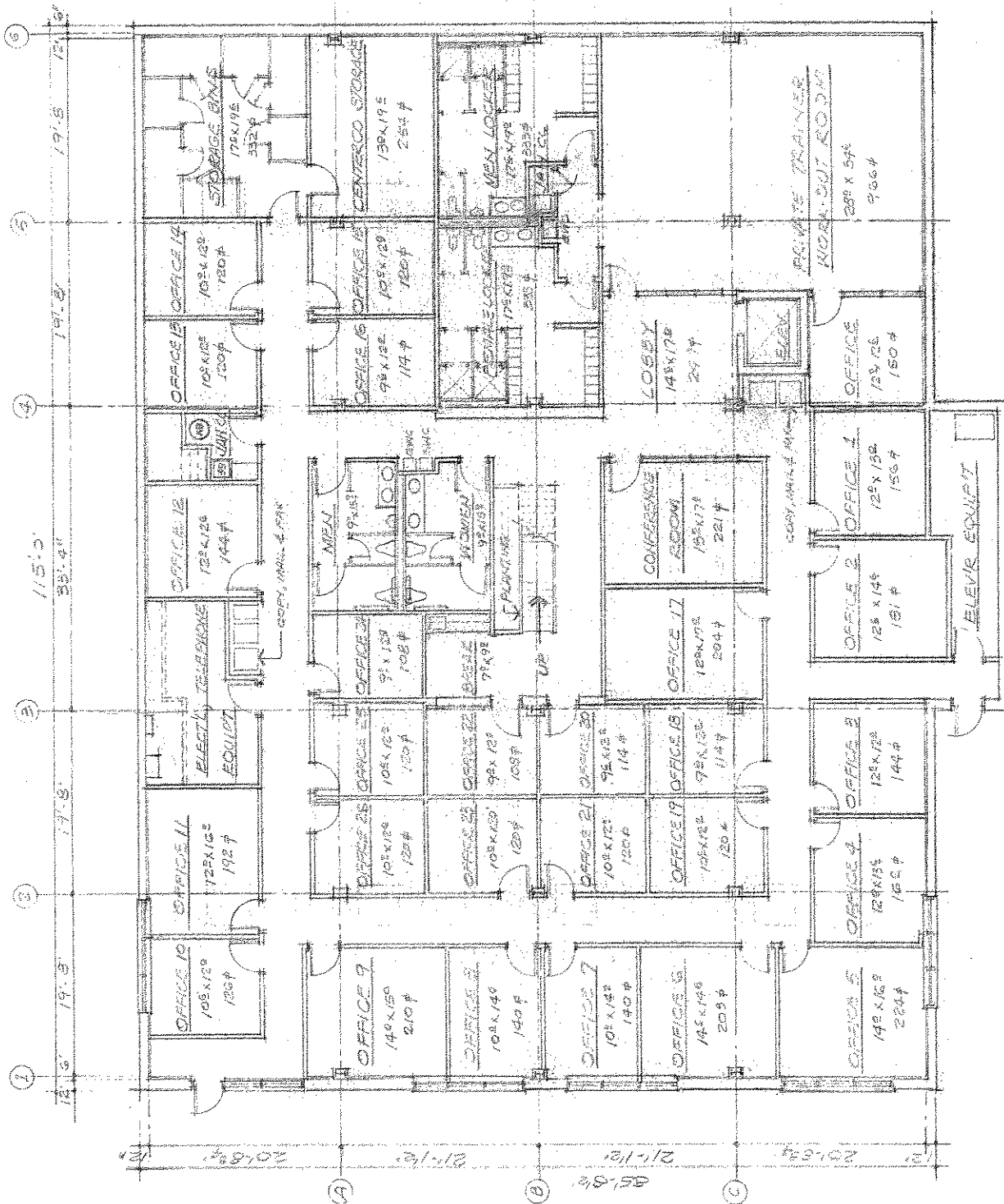
SECRET DE-R 2714-12105



FIRST FLOOR PLAN
1/8" = 1'-0"

NORTH

BUILDING ALTERATION	
11000 OLD BELLAS ROAD	
CENTRO COOPERATION CENTER	
JACK H. TYLER ARCHITECT	
DATE DRAWN	PROJECT NO.
6-19-20	001
SHEET	
OF 2	



LOWER LEVEL PLAN

1/8" = 1'-0"



BUILDING ALTERATION	
11628 OLD BRIDGE ROAD	
CLAYTON, MISSOURI 63144	
CENTERCO PROPERTIES-OWNER	
JACK H. TIERRE - ARCHITECT	
DATE DRAWN	PROJECT NO.
5-19-10	042
	2

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 405, THE ZONING ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI BY ADDING BUSINESS ENTERPRISE CENTER TO THE LIST OF PERMITTED USES IN THE “CB” CORE BUSINESS ZONING DISTRICT, AND ESTABLISHING DEFINITION AND PARKING REQUIREMENTS FOR SUCH USE.

WHEREAS, Chapter 405, Article VIII, Section 405.370 “CB” Core Business Zoning District, of the City Code of Ordinances does not distinguish between Business Enterprise Center and General Offices; and,

WHEREAS, Guild Building, LLC., has requested that Business Enterprise Center be included with the list of permitted uses in the “CB” Core Business Zoning District, and establishing definition and parking requirement for such use; and,

WHEREAS, the Planning and Zoning Commission reviewed and by a vote of _____ recommended approval of the subject amendments at its meeting on Monday, November 1, 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 said public hearing had previously been published at least 15 days prior to the hearing in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur; and

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: Section 405.120, *Definition of Terms* of Chapter 405, The Zoning Ordinance, of the City of Creve Coeur’s Code of Ordinances shall be amended to include a new definition for a Business Enterprise Center as follows:

Section 405.120 Definition of Terms

Business Enterprise Center: A site whose predominant use is a business office center with individual, full wall enclosed, lockable, small offices with an average square footage of no more than 150 square feet per office, for start-up or part-time, small businesses, satellite offices, or virtual offices and for which shared or common resources and services are available, including, but not limited to, receptionist, answering service, conference room, teleconferencing, office equipment, administrative facilities, copy services, shipping and receiving, and corporate record storage space.

SECTION 2: Section 405.370, “CB” Core Business District of Chapter 405, The Zoning Ordinance, of the City of Creve Coeur’s Code of Ordinances shall be amended by adding a new use, Business Enterprise Center, 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**

1. Class 2. *One-half (1/2) acre to one (1) acre.* The following uses are permitted on sites of one-half (1/2) acre or greater, but less than one (1) acre:
 - b. Business Enterprise Center (as defined herein)

SECTION 3: Section 405.820, *Required Off-Street Parking Spaces* of Chapter 405, The Zoning Ordinance, of the City of Creve Coeur’s Code of Ordinances shall be amended by establishing parking criteria for Business Enterprise Center and subsequent sections renumbered accordingly, as follows:

Section 405.820: Required Off-Street Parking Spaces**B. General Parking Requirements**

5. Business Enterprise Center: 0.85 parking spaces per suite.

SECTION 4: All ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

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

BILL NO. _____

ORDINANCE NO. _____

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



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION

Meeting Date: November 1, 2010

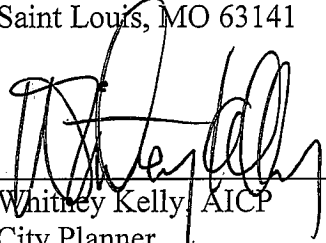
Subject: Application #10-035, Stisser Fence

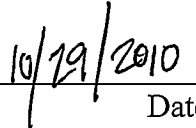
Project Location: 8 Alden Lane

Requested Action: Minor Site Development Plan Approval

Applicant/Owner: Traci Stisser
8 Alden Lane
Saint Louis, MO 63141

Report Prepared by:


Whitney Kelly, AICP
City Planner


Date

Attached: Applicants' Letter to the Commissioners, received October 5, 2010
Applicants site plan, received October 5, 2010

PROPOSAL SUMMARY

An application has been submitted by Traci Stisser, the owner of 8 Alden Lane, to place an approximately four foot, wooden, picket fence in the back yard of the property; within the "front yard" setback along Spoede Road. 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 is located at the southeast corner of Alden Lane and Spoede Road, north of Ladue Road. The property is zoned "A" Single Family Residential and has a front yard setback requirement of 50 feet along Spoede Road, within which a fence is not allowed without Planning and Zoning Commission approval. The applicant has indicated that the primary reason for the fence is for the safety of young children and pet containment. Prior attempt with an electronic fence was unsuccessful in keeping a pet in the yard.

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	"A" Single Family Residential	Alden Lane
South	Single family residences	"A" Single Family Residential	NA
East	Single family residences	"A" Single Family Residential	NA
West	Single family residences	"A" Single Family Residential	Spoede Road

FENCE PLACEMENT AND DESIGN

The proposed fence would be a four foot, eastern cedar, dog eared fence with one and one half inch spacing between the slats. The applicant is proposing to place the fence along the property lines, with an eight foot wide, double gate would be placed at the end of the driveway, and 36-inch wide gate placed at the eastern-back corner of the residence, enclosing the back yard. The property line to the west along Spoede Road is about 10-feet from the sidewalk. The current landscaping, between the sidewalk and property line, provides significant screening along Spoede Road. There is an estimated one and one-half to a two-foot drop in grade from the right-of-way to the proposed placement of the fence, which also provides additional screening as you travel along Spoede Road.

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)

The existing trees and shrubs along Spoede Road provide a vegetative screen of the yard, and would limit any impact of the fence viewable from the right-of-way in keeping with the character of homes of the area. Further, the use of a wooden picket fence design and height of four-feet, as well as the grade change from the right-of-way to the placement of the fence would not create a significant interruption in the public line of sight, even if the vegetation were lowered or removed.

CONCLUSION

The proposed fence provides for the safety of the residents, does not encompass the entire yard and should not seem obtrusive or out-of-place within the neighborhood. In other words, the fence appears to generally satisfy the Comprehensive Plan and Design Guidelines.

ACTION

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.

MOTION

The following is an example motion for this application:

"I move to approve the site plan for the Stisser fence at 8 Alden Lane submitted with Application #10-035, as presented to the Planning and Zoning Commission on November 1, 2010" (conditions may be added by separate motion).

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

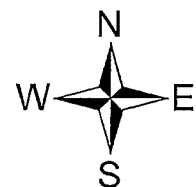
Included and attached by reference. See body of report for specific excerpts.

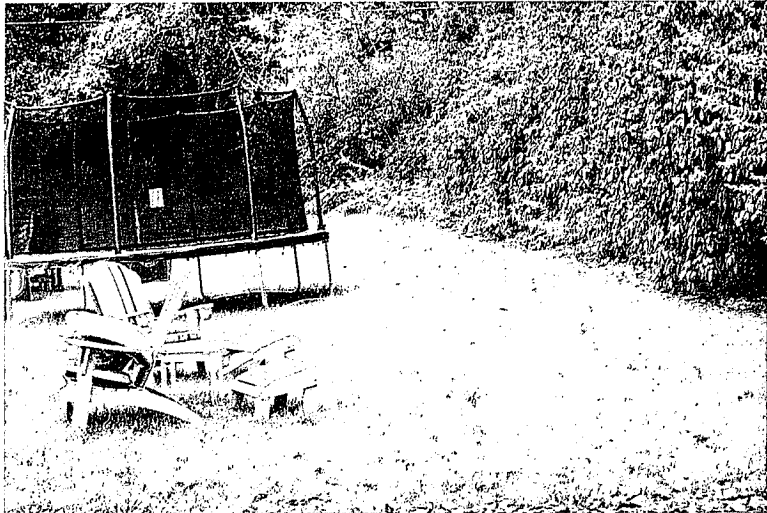
APPENDIX 3: AERIAL MAP



Legend

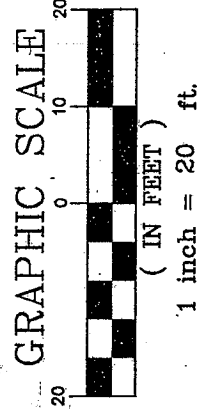
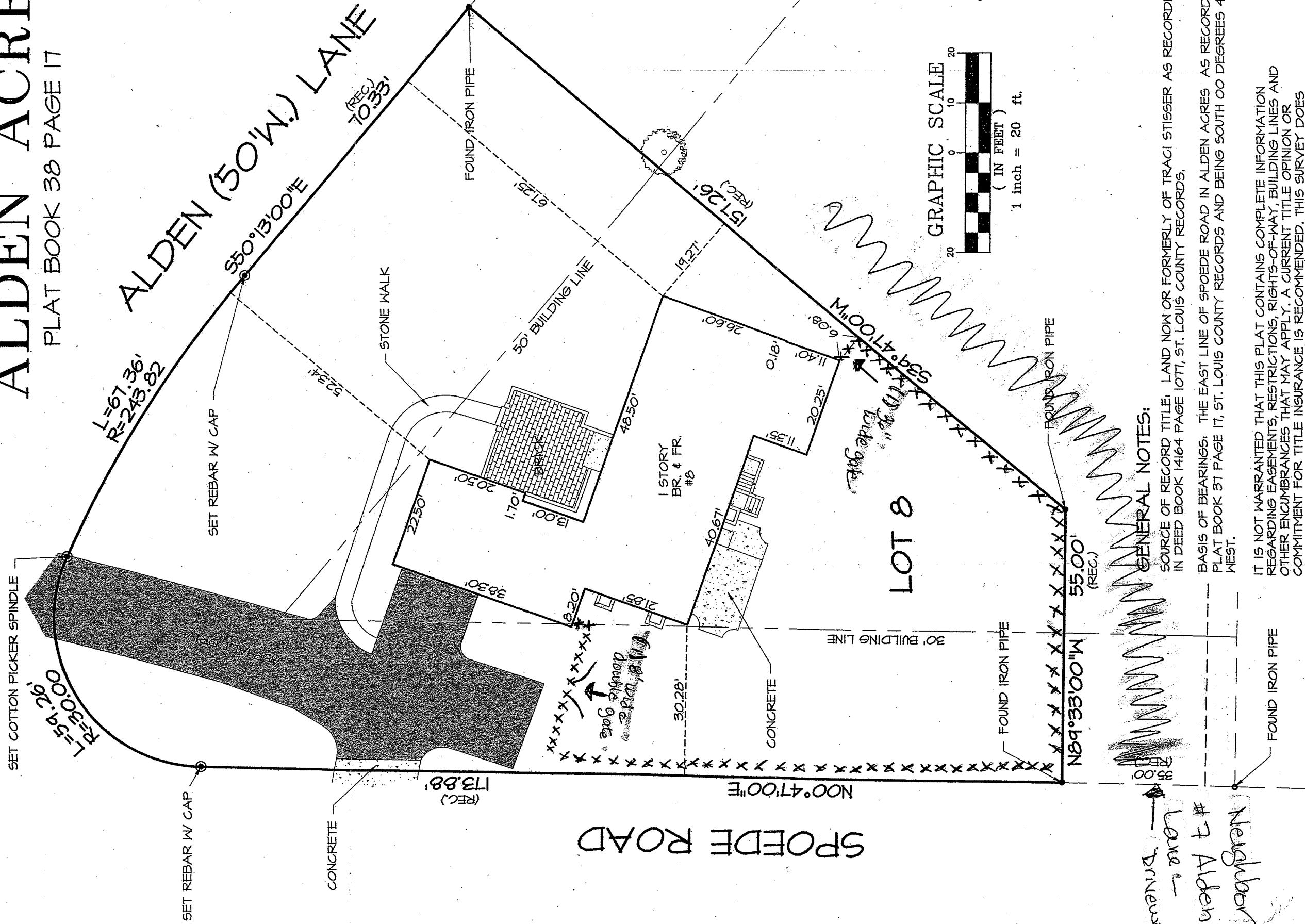
- Property Lines
 8 Alden Lane



APPENDIX 4: SITE PHOTOGRAPHS Application #10-035	Photo Date:
	Description: View looking east across Spoede Road into the backyard of the property.
	Description: View of the right-of-way looking south at the corner of Alden Lane and Spoede Road
	Description: View of the backyard of the property that looking southwest; fence placement would be to the east of the current landscaping

ALDEN ACRES

PLAT BOOK 38 PAGE 17



GENERAL NOTES:

SOURCE OF RECORD TITLE: LAND NOW OR FORMERLY OF TRACI STISSER AS RECORDED IN DEED BOOK 14164 PAGE 1071, ST. LOUIS COUNTY RECORDS.

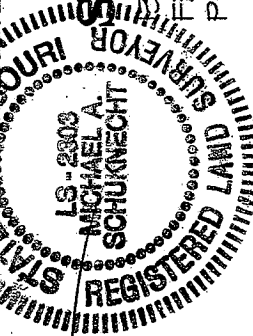
BASIS OF BEARINGS: THE EAST LINE OF SPOEFFE ROAD IN ALDEN ACRES AS RECORDED IN PLAT BOOK 37 PAGE 17, ST. LOUIS COUNTY RECORDS AND BEING SOUTH 00 DEGREES 47 MINUTES WEST.

IT IS NOT WARRANTED THAT THIS PLAT CONTAINS COMPLETE INFORMATION REGARDING EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY, BUILDING LINES AND OTHER ENCUMBRANCES THAT MAY APPLY. A CURRENT TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE IS RECOMMENDED. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYING SOLUTIONS, LLC.

AT THE REQUEST OF MS. TRACI STISSER, DURING THE MONTH OF MAY, 2004, SURVEYING SOLUTIONS, LLC HAS COMPLETED A BOUNDARY SURVEY AND LOCATED THE IMPROVEMENTS ON LOT 8 OF ALDEN ACRES AS RECORDED IN PLAT BOOK 38 PAGE 17, ST. LOUIS COUNTY RECORDS.

THE RESULTS OF SAID BOUNDARY AND IMPROVEMENT SURVEY ARE SHOWN HEREON, AND THAT THIS BOUNDARY AND IMPROVEMENT SURVEY WAS COMPLETED IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR BOUNDARY SURVEYS AS ESTABLISHED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS FOR AN "URBAN" PROPERTY SURVEY.

Michael A. Schuknecht
MICHAEL A. SCHUKNECHT, P.L.S.
MISSOURI GERT. NO. L.S. 2303
5/20/09



SURVEYING SOLUTIONS, LLC

346 MONTEVALE COURT
FENTON, MISSOURI 63026
PHONE/FAX: 636-305-9607

October 4, 2010

Dear Creve Coeur Planning and Zoning Commission Members:

I have been a resident in Creve Coeur for 8 years and I used to work in Creve Coeur as a Sales Manager for a Condominium Development. I am a very happy and proud resident of CC.

I am requesting a fence permit for my back yard. I reside at 8 Alden Lane, which is on the corner of Alden and Spoede, North of Ladue Road. On the west side of my lot is Spoede Road and on the South side of my backyard is the driveway to my neighbor's house, 7 Alden Lane. The North/West side of my backyard is my driveway and the side/back of my residence.

I am requesting a permit to construct a 4', eastern cedar, dog eared fence with 1 ½ inch spacing between the slats. There will be one 8' wide double gate on the north side of my lawn at the driveway and lawn intersection to allow for my lawn service to access the back yard. There will be one 36" wide single gate at the North/East corner of my yard as well. The proposed project will be completed by Chesterfield Fence & Deck Company.

I have a 2 ½ year old daughter, which is the primary reason for the fence request...safety for her while in the back yard. I have recently started the adoption process to add to my family and hope to have another little one within the next year.

A secondary purpose for the fence is pet containment. Up until recently, we had a dog, and I had an electric fence from Kennelwood. Unfortunately it was not an effective method of containment and I have been cited in the past by the city for my dog escaping the yard. In December of 2009, she escaped once again and was hit by a car and passed away. We would like to get another dog at a future point, and the backyard fence would only double the efforts of containment.

The West side of my lot has trees and "screening" type foliage that will act as a barrier between Spoede Road and the view of the proposed fence.

My daughter and I appreciate your consideration and approval of a permit in order to proceed with the construction of our fencing project.

Kind Regards,

Traci Stisser
8 Alden Lane
Creve Coeur, MO 63141
314-997-2709 home
314-757-7847 cell
tstisser@gmail.com



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: November 1, 2010

Subject: Application #10-036
Section 405.370.C, Conditional Uses, in the “CB” Core Business district.

Location: All automobile dealers in the “CB” Core Business district.

Requested Action: Approval of used-only automotive sales in the “CB” Core Business District on a temporary basis.

Applicant: Janet Schopp
Reuther Automotive Group
11654 Olive Boulevard
Creve Coeur, MO 63141

Applicant’s Representative: William H. Wyne, Jr.
Wyne and Merritt, P.C.
725 Old Ballas Road
Creve Coeur, MO 63141

Report Prepared by:

Paul Langdon, AICP
Director of Community Development

Date

Attached: Draft Ordinance
Application from Janet Schopp and William H. Wyne, Jr., dated October 19, 2010.

BACKGROUND AND ZONING REQUEST

Reuther Automotive Group has been in operation in the City of Creve Coeur for several decades and has always been located on Olive Boulevard. Since the opening of the first dealership, they have made the sale of new cars the focus of their operation. In support of this approach by Reuther and subsequent dealers, the City of Creve Coeur has always made the sale of new cars, and the sale of new and used cars together, the only types of automotive sales allowed (by conditional use permit). That is, stand-alone used car and truck sales are not allowed.

Over time, Reuther's sales franchise was expanded as the ownership of the Jeep brand was bought and sold, most recently expanding to the full Chrysler-Dodge-Jeep lineup. Over a year ago, however, Chrysler cancelled the franchise with Reuther Automotive Group and the dealership was left without a franchise for any new car line. While Reuther Automotive Group has continued to pursue a new franchise, they have not yet been successful. In the meantime, they have sold only used vehicles on a third-party basis, which is not permitted by the Zoning Code. With this application, Reuther is requesting an amendment that will allow new-and-used auto dealers to remain used-only dealers for up to three years following the loss of their new car franchise. It should be noted that, if approved as submitted, this provision would also apply to the Plaza Motors and Weber Chevrolet dealerships; the request will have to be amended to include the "GC" District as well if the amendment is to include the Lou Fusz dealerships.

ANALYSIS

Purpose of the Current Regulation

The existing provisions for auto dealerships in the "CB" Core Business district are stated as follows:

SECTION 405.370: "CB" CORE BUSINESS DISTRICT

- C. *Conditional Uses.* The City Council may authorize the following uses by conditional use permit as provided in Section 405.1070, based on the criteria in Section 405.470, after receipt of the recommendation of the Planning and Zoning Commission and subject to such restrictions and conditions as are deemed necessary.
 - 1. *Class 1 and 2.*
 - f. Automotive dealers including only the following:
 - (1) Motor vehicle dealers (new or new and used) (all uses within SIC Code 551).
 - (2) Auto and home supply stores (all uses within SIC Code 553).
 - (3) Boat dealers (all uses within SIC Code 555).
 - (4) Recreational and utility trailer dealers (all uses within SIC Code 556).
 - (5) Motorcycle dealers (all uses within SIC Code 557).

The first reference, to all uses within SIC Code 551, is actually an Industry Group Number and it is separate and distinct from Industry Group Number 552 that is for "Motor Vehicle Dealers (Used Only)". Historically, this distinction was based upon the additional services that were typically offered in a new car dealership but not a used car dealership, such as indoor showrooms, full maintenance and repair facilities and, sometimes, a rental or "loaner" vehicle fleet. Also important, from the City's perspective, is the overall quality of development that a new car franchise demands of the dealership whereas a dealership that sold only used cars was not similarly bound. While these assumptions are no longer universally applicable with the advent of specialty (vintage, exotic) used car dealers, there has not been any interest expressed to the city in adding Industry Group 552 (Used Only) to the list of conditional uses.

This emphasis in the code is generally consistent with the goals of the Comprehensive Plan that consistently advocates for quality development and the provision of a broad range of services for the resident population. Examples of such goals are:

Community Image and Identity

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

Central Business District: Residential Preservation and Economic Development

5. All new development or redevelopment of non-residential uses should comply with the City of Creve Coeur Design Guidelines.... (p.81)

Problems with the Current Regulation

The applicant has pointed out in their application two important realities with the automotive industry:

1. Dealerships must invest heavily in the facilities and in their services and inventory.
2. Dealership franchises can be revoked by the parent manufacturer leaving the dealership in a desperate situation with no quick remedy.

Once developed, however, the physical dealership already has the principal development attributes given preference by the Zoning Code and the loss of a particular franchise does not lead to the immediate loss of those attributes, even if the same dealership chooses to sell used cars while it moves forward with acquiring a new franchise. It seems a reasonable assertion that the city can allow this reduction in product range for a limited time without violating the intentions of the Zoning Code or the Comprehensive Plan.

Reasonable Correction

The applicant is asking that the Zoning Code specifically allow automotive dealerships a three year period to restore their new car franchise, with an additional extension available “[u]pon good cause shown.” This seems like a generous time frame to accomplish the task, especially when extensions are also available. If this time frame is extended beyond that proposed, it begins to have the appearance of a complete rezoning of the property, which is a disservice to the community and other dealerships that are expecting a certain level of performance based upon the Zoning Code. Further, it will surely become more and more difficult for a stop-gap type of business to maintain the full-service facility expected by the community.

Based upon the concerns expressed above, the Planning Division staff suggest the following modifications to the request and have included them in the attached draft ordinance:

1. The by-right time frame for used-only sales should be reduced to two years, beginning upon written notice from the dealership of their need to reduce services.
 - This should be adequate time to acquire a new franchise and still provide fair service to the other dealerships who are maintaining their new car sales.
2. Refine the phrase “upon good cause shown” to say “upon demonstration that a new franchise agreement is imminent...”

- This will make it more clear that extensions are available only for those situations where the dealership can show that they are well into negotiations with a manufacturer and, but for a few more days or weeks, they will be able to restore their compliance with the code.
3. Expand the scope of the amendment to include automotive dealerships in the “GC” General Commercial zoning district as well (Section 405.360.C.6).
- This will extend the same provision to the only other existing facility not already covered by the proposal.

If the members of the Planning Commission are not in agreement with these changes, they should vote on a motion(s) to amend the attached draft ordinance accordingly, before voting on a recommendation for the entire draft ordinance.

CONCLUSION AND ACTION

Staff concurs with the applicant that some reasonable accommodation should be made to allow automotive dealerships time to restore lost franchises. The extent of the accommodation proposed seems, in staff opinion, to be more than needed and modifications are proposed above. After deliberating and voting on any such changes to the application, the Planning Commission must vote on a recommendation to the City Council. As a text amendment, the application requires a public hearing before the Council prior to passage of a draft ordinance.

MOTION

If the Planning Commission has chosen to accept the draft ordinance as written, the following would be a suitable motion for this application:

“I move to approve the text amendment ordinance attached to the staff report on application #10-036, dated November 1, 2010.”

If the Planning Commission has previously voted to modify the draft ordinance, the following would be a suitable motion for this application:

“I move to recommend approval of the text amendment ordinance attached to the staff report on application #10-036, dated November 1, 2010, as modified by the Planning Commission. (modifications by separate, preceding motion(s))”

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.

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ZONING CODE, CHAPTER 405, OF THE
CREVE COEUR CODE OF ORDINANCES, BY INSERTING NEW LANGUAGE
ALLOWING USED-ONLY AUTOMOTIVE SALES IN THE "GC" GENERAL
COMMERICAL AND "CB" CORE BUSINESS DISTRICTS
ON A TEMPORARY BASIS.**

WHEREAS, Automotive Dealers, (new or new and used) are permitted with conditions in "GC" General Commercial And "CB" Core Business districts; and,

WHEREAS, Reuther Automotive Group, L.L.C., has submitted an application requesting that used-only sales be allowed for a maximum of three years; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a _____ vote, recommended approval of said application subject to certain modifications, as per Section 405.1030 (D); and

WHEREAS, the City Council held a public hearing thereon at the Creve Coeur Government Center on _____, 2010, 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 St. Louis Countian, a newspaper 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: Section 405.360.C, Conditional Uses, paragraph 6, of Chapter 405, The Zoning Ordinance, of The City Code of Ordinances, shall be amended to read as follows:

BILL NO. _____

ORDINANCE NO. _____

SECTION 405.360: "GC" GENERAL COMMERCIAL DISTRICT

C. *Conditional Uses*

6. Automotive dealers including only the following:
 - a. Motor vehicle dealers (new or new and used) (all uses within SIC Code 551). A motor vehicle dealer whose new vehicle franchise has been terminated without fault of the dealer, may continue all other services performed by the dealer for a period of two (2) years following writing notice to the City of the Dealer's intent to temporarily cease new vehicle sales. Upon demonstration that a new franchise agreement is imminent, the City Council, by a 2/3 vote, may extend the period time accordingly.
 - b. Auto and home supply stores (all uses within SIC Code 553).
 - c. Boat dealers (all uses within SIC Code 555).
 - d. Recreational and utility trailer dealers (all uses within SIC Code 556).
 - e. Motorcycle dealers (all uses within SIC Code 557).

SECTION 2: Section 405.370.C, Conditional Uses, paragraph 1.f, of Chapter 405, The Zoning Ordinance, of The City Code of Ordinances, shall be amended to read as follows:

SECTION 405.370: "CB" CORE BUSINESS DISTRICT

C. *Conditional Uses*

1. *Class 1 and 2.*
 - f. Automotive dealers including only the following:
 - (1) Motor vehicle dealers (new or new and used) (all uses within SIC Code 551). A motor vehicle dealer whose new vehicle franchise has been terminated without fault of the dealer, may continue all other services performed by the dealer for a period of two (2) years following writing notice to the City of the Dealer's intent to temporarily cease new vehicle sales. Upon demonstration that a new franchise agreement is imminent, the City Council, by a 2/3 vote, may extend the period time accordingly.
 - (2) Auto and home supply stores (all uses within SIC Code 553).
 - (3) Boat dealers (all uses within SIC Code 555).
 - (4) Recreational and utility trailer dealers (all uses within SIC Code 556).

BILL NO. _____

ORDINANCE NO. _____

- (5) Motorcycle dealers (all uses within SIC Code 557).

SECTION 3. All ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

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

ADOPTED THIS _____ DAY OF _____, 2010.

A.J. WANG
PRESIDENT OF CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 2010.

HAROLD L. 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

PLANNING AND ZONING COMMISSION AGENDA APPLICATION TEXT AMENDMENT

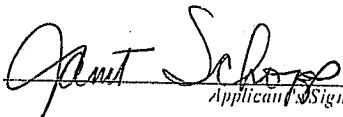
PLEASE COMPLETE FRONT AND BACK PAGES

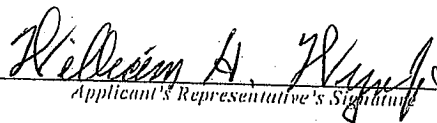
Applicant: <u>Janet Schopp</u> Name <u>Reuther Automotive Group, LLC</u> Company (If Applicable) <u>11654 Olive Blvd.</u> Address <u>Creve Coeur, Mo 63141</u> Address Telephone # <u>(314) 432-8408</u> Fax # <u>(314) 432-2810</u> Email: _____	Applicant's Representative (if applicable): <u>William H. Wyne, Jr.</u> Name <u>Wyne & Merritt P.C.</u> Company (If Applicable) <u>725 Old Ballas R.</u> Address <u>Creve Coeur, Mo. 63141</u> Address Telephone # <u>(314) 567-1424</u> Fax # <u>(314) 567-7409</u> Email: <u>par3law@yahoo.com</u>
---	--

Applicant's Status (Indicate one):

- ☐ City Official (Mayor, City Councilor, Planning Commissioner, Zoning Administrator)
☒ Private Party (Financial, contractual, or proprietary interest)
☐ Other Governmental Interest (Jurisdiction: _____)

The undersigned hereby requests to be placed on the Agenda for the Planning and Zoning Commission meeting at 7:00 P.M. on Monday, _____, 20____.


 Applicant's Signature
10-19-10
 Date


 Applicant's Representative's Signature
10/19/10
 Date

Description of Request (attach additional sheets as needed): An Auto Dealer whose franchise has been terminated through no fault of the dealership, needs time to salvage what it can from such misfortune. The Dealer is confronted with a large investment in parts, repair business, and related automotive services and real estate. Most automobile dealers in the City of Creve Coeur have contributed to the city in excess of 30 years. It would seem equitable to make every effort to give them time to adjust to ~~their~~ ^{their} misfortune.

Affected Section(s) of the Zoning or Subdivision Code: _____
Creve Coeur City Code section 405.370, C. conditional uses,
1., f.

Proposed Ordinance Language (attach additional sheets as needed): An Ordinance amending City Code section 405.370, C. Conditional Uses, making provision for extention of related automotive services for an automobile dealer whose Francise has been terminated at no fault of the dealership.

Be It Ordained by the City Council of the City of Creve Coeur that City Code section 405.370, C. Conditional Uses, be amended by adding (a) under (1) f of C. Conditional Uses, to read as follows; (a) An Automotive Dealer whose franchise has been terminated without fault of the dealer, may continue all automobile services performed by the dealer for a period of (3) years. Upon good cause shown, the City Council by a 2/3 vote May extend the period of time.

Office Use Only	
☐ Proposed Ordinance Language	Received By:
☒ Fees Paid	<u>Pat Rosenblatt</u>
☐ Written Justification	Date: <u>Oct. 19, 2010</u>

Paul Langdon, AICP, Director of Community Development
 Pat Rosenblatt, Secretary (872-2507)

Revised: 1/09