

Table of Contents

Agenda	2
Draft minutes from meeting of February 6, 2012.	
Draft minutes from meeting of February 6, 2012.. . . .	4
Public Hearing	
Staff Report	9
Applicant's Materials	18
Draft Ordinance	47
Public Hearing	
Staff Report	50
Applicant's Materials	58
Revised Landscape Planter area received 02-13-2012.	68
Draft Ordinance	72
Ordinance No. 1851.	75



AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
TUESDAY, FEBRUARY 21, 2012
7:00 PM

1. ROLL CALL

Mr. Michael Barton
Mr. Gary Eberhardt
Mr. James Faron
Mr. Ken Howard
Ms. Cynthia Kramer
Mr. Tim Madden
Mr. Jim Schnarr
Mr. Carl Lumley, City Attorney
Mr. Paul Langdon, AICP, Director of Community Development
Ms. Whitney Kelly, AICP, City Planner
Ms. Julie Lowery, 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 communications from the City Attorney as provided under Section 610.021(1) RSMo. and/or personnel matters under Section 610.021(13) RSMo. and/or employee matters under Section 610.021(3) RSMo. and/or real estate matters under Section 610.021(2) or other matters as permitted by Chapter 610.

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

A. Draft minutes from meeting of February 6, 2012.

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 limit comments to three minutes and to complete a speaker card.

5. **UNFINISHED BUSINESS**

None

6. **NEW BUSINESS**

A. Application #11-032: Request for a new conditional use permit for used-only automotive dealer for Sherman Motors, located at 10665 Baur Boulevard. WITHDRAWN

B. Public Hearing

Application #12-002: Request for a new conditional use permit for used-only automotive dealer for Overstreet House of Cars, located at 10623 Baur Boulevard.

Applicant/Agent: Wally Overstreet
Classic Cars Plus, LLC D/B/A "Overstreet House of Cars"
10623 Baur Boulevard
Creve Coeur, MO 63112

C. Public Hearing

Application #12-005: Request to repeal Ordinance No. 1851 and replace with a new conditional use permit for an eating and drinking establishment, Potbelly Sandwich Works, located at 11615 Olive Boulevard.

Applicant: Todd Stimson
Potbelly Sandwich Works
125 Meramac Oak Ridge
Fenton, MO 63026

Applicant's Representative: Jose Sanabria
John W. Lister, Architect
115 Westlawn Rd #201
W. Chester, PA 19382

7. **WORK AGENDA**

None

8. **OTHER BUSINESS**

A. Planning Division Report

B. City Attorney Report

C. Executive Session

9. **ADJOURNMENT**

Posted: _____
Whitney Kelly
City Planner



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, FEBRUARY 6, 2012
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, February 6, 2012, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: *Mr. Timothy Madden, Chair*
 Dr. Michael Barton
 Mr. Gary Eberhardt
 Mr. James Faron
 Mr. Ken Howard
 Ms. Cynthia Kramer
 Mr. Jim Schnarr

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

2. ADDITIONS TO – ACCEPTANCE OF THE AGENDA

The Agenda was accepted as written.

3. APPROVAL OF MINUTES

Draft Minutes of January 17, 2012

Mr. Eberhardt moved approval of the draft minutes as written. Mr. Faron seconded the motion which carried unanimously.

4. PUBLIC COMMENT

None

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

None

7. **WORK AGENDA**

A. Revisions to Article VIII Sign Regulations

Ms. Whitney Kelly, City Planner, presented to the Commission the changes staff is seeking to revise and create sign regulations that are easier to understand and administer without vastly changing what is generally allowed. The staff reviewed sign regulations from various other cities which all provided something easier to read, as opposed to what the City currently has. Future discussions will include revising the Master Sign Plan provision of the Code to encourage all large scale projects and campuses to seek approval for a sign package that is unique to the project and site development plan, as well as provide better review criteria. Further revisions will include creating specific language for signs that would be unique to the downtown area, including sandwich board signs and blade signs, and larger address numerals for building identification purposes. Finally, with all the proposed modifications taken together, the Common Signage Plan provision will probably be unnecessary and could be deleted from the Code. However, the Staff and the Commission will have to consider how to address those centers that have entered into a Common Signage Plan for the future.

Mr. Eberhardt asked for clarification in regards to the sandwich boards and blade signs and what was the difference, Ms. Kelly pointed out in a photo presentation the difference between the two.

Ms. Kelly then presented the table in the staff report that lists the type of signs allowed, the related current code language, and the draft code language. Photos taken of various signs around the city were also presented. Ms. Kelly stated the next steps should include revisions to the draft code based on the presentation tonight, an invitation to the business community to attend an open house on the revised draft before the Planning and Zoning Commission, and then, after incorporating their comments, a return to the Commission with a formal text amendment for the Commission's approval.

Mr. Faron asked if the Master Sign Plan was a part of the Comprehensive Plan. Ms. Kelly answered the Master Sign Plan is currently allowed as part of the Sign Regulations. Staff is looking to create a greater frame work around it; it does require City Council approval for sign plans. City Attorney, Mr. Carl Lumley clarified, stating it is not a City-planned document – it is a master plan for a development so it is privately created and the Commission approves it. Mr. Faron asked if it would be revisited during Comprehensive Plan review. Mr. Langdon replied it is not specifically part of the Comprehensive Plan, however, the Comprehensive Plan should have some design-related goals that could also pertain to sign designs. Mr. Faron also asked if we were modeling the changes to the sign regulations after another city, to which Ms. Kelly replied, the changes staff is seeking are not to be drastic, but just easier to understand and read, implying that the new code language is only loosely based upon other jurisdictions.

Mr. Eberhardt asked if there is a size limit or provision as to when a Master Sign Plan might be eligible to be applied to a particular project (i.e. number of acres, square footage, type of development, etc.). Ms. Kelly answered it is generally vague for commercial areas; it does require a minimum of 17 acres for campuses in residential districts, such as schools and larger institutions. Again, this is an example of where we are looking to provide the

framework with the minimum acreage requirement for that and what type of development we would look for that would be able to apply for the Master Sign Plan. Mr. Eberhardt asked if this was something that Staff was going to recommend and Ms. Kelly responded, yes, but they wanted the Commission's approval on the discussed proposed changed to the Sign Regulations first, and then go back and look at the strikethroughs and coordinate with what is being proposed at tonight's meeting. Mr. Eberhardt wanted to know if existing signs were "grandfathered" in, and Ms. Kelly said yes, if they are legally pre-existing, non-conforming they are, unless a business leaves and a sign is abandoned; then all signs would have to conform to the code.

Dr. Barton asked what action would trigger the implementation of the new sign regulations. Ms. Kelly responded, if there are abandoned signs or new signs, it has to come in through the new regulations. The Code does state if the sign is damaged more than 50% that it has to come into compliance with the new code requirements. Dr. Barton asked, if a new tenant were to move into a spot in a strip mall, would their sign have to conform to the new regulations? Ms. Kelly said yes it would, unless Staff and the Commission come up with some provisions for specific circumstances like strip malls. Lastly, Dr. Barton asked, what was the driving thought in a building facing two streets, allowing them to combine that square footage to make one sign larger? Ms. Kelly stated if they are allowed two signs at 50 square feet, Staff felt if they wanted to optimize their signage along Olive Boulevard, for instance, and they had the allowable square footage, it would be reasonable to say, you can get up to the 100 square feet, if you give up the second sign. Mr. Eberhardt stated they could actually do their signage any other way, 75% and 25%. Mr. Langdon interjected that he thinks this is a key point in calibration, where the Commission can say up to half of the area can be applied from one side to the other, or a third, or whatever percentage, but right now the code is written as though you can take 100% of it and shift it over. If the Commission feels like that creates too much, that is the Commission's discretion to provide Staff with direction. Chairman Madden asked for clarification: if right now they are allowed to have 2 50% signs, one on each side, the way Staff has it written, can they have one sign with 100% of the total area? Ms. Kelly said yes. Mr. Langdon pointed out to the Commission that they are looking at this because merchants take the double frontage as something very valuable because it gets you exposure on two streets. Mr. Howard wanted to know if it was feasible to provide a definition of the frontage and facings as opposed to them being offset where under some definition it can be narrowed down to where it would not need to come back to Planning and Zoning. Mr. Langdon replied that this is one of a list of definitions they are trying to set parameters on right now.

Mr. David Caldwell, 257 Brooktrail Court, stated, if the proposed freestanding sign regulations apply to the LI District or any office park districts, then he does not agree and would like to see monument signs stay. Ms. Kelly replied that currently the code allows for a monument sign on sites of 30,000 square feet or more and what is being proposed would still allow the same, but also add a middle ground between 30,000 square feet and 5 acres to allow for a step in between those two, not eliminating the 30,000 square feet as it is. The Master Sign Plan limit is 5 acres so that is why Staff went with that middle ground: 30,000 square feet to 3 ½ acres would get a 6 foot high monument sign at 30 square feet and the 3 ½ - 5 acres would get an 8 foot high sign at 35 square feet, and if they are over 5 acres, they can seek special approval for a sign 12 feet in height and 40 square feet in area.

Mr. Eberhardt noticed that under monument signs, in the existing code, it talks about the height above the elevation of the center line of the adjacent right-of-way, and in the new language it is removed and it is merely an absolute height. He then asked for what reason? Mr. Langdon replied the purpose of the current regulation is to allow for properties that slope down from the street. However, the difficulty we have with it is that, in some cases, the sign ends up doubling in height and the whole thing is visible from the street which tends to give some properties an unfair advantage in terms of sign visibility.

Mr. Schnarr wanted to know how to address the concern Mr. Caldwell raised in regards to the Light Industrial District. Mr. Langdon responded, as the code stands today, the majority of the buildings in the LI District do not qualify for ground signs anyway, but because the buildings are generally larger, they do qualify for larger wall signs. Also, Mr. Langdon would like to steer away from tying zoning districts and sign regulations together; he would rather see it tied to style of development or general conditions.

Ms. Kelly referred back to the street number proposition, and Mr. Langdon explained that a change is needed in the regulation because, obviously, a five-digit street address needs to be bigger than a three-digit street address to be equally legible but, at present, they are held to the same total area thus require larger addresses to have smaller numbers that are less readable at a distance. Again this raises a question of equity.

Mr. Eberhardt commented that, regarding on-premises permanent signs in non-residential districts, it seems to him that the new language deals with inline or mid-block uses in one area, and corner units, but then asked what we do with free-standing buildings that are not either inline or corners. Ms. Kelly replied that we were describing free standing buildings as “mid-block” in the draft wording, but we can tighten the language up to make it easier to understand.

There were no further discussions.

B. Form-based code update (no exhibits) – No update tonight

8. OTHER BUSINESS

A. Planning Division Report

- **Citizen Survey**

Mr. Langdon pointed out that the Citizen survey can be found on the web. One of the highlights is that the Police Department ranks highest among our city departments and compares very well to other cities. The Building Division, due to the nature of the work they do, ranks the lowest. Although this is not surprising, Mr. Langdon encouraged the Planning Commissioners to let him know if they have any suggestions for improvement or if they have had any problems with the division.

- **Upcoming Agenda**

At the next meeting there will be three Public Hearings, two in regards to used cars sales and one restaurant.

B. City Attorney Report

None

C. Executive Session

Mr. Howard made a motion, that was seconded by Chairman Madden, to go into Executive Session at 8:25pm, with the vote as follows (Mr. Eberhardt recused himself, as his firm represents one of the parties to the matter):

Dr. Barton – aye

Mr. James Faron – aye

Mr. Ken Howard - aye

Ms. Cynthia Kramer – aye

Chairman Madden – aye

Mr. Jim Schnarr - aye

9. ADJOURNMENT

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 8:45 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
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**APPLICATION TO PLANNING AND ZONING COMMISSION
#12-002 FOR A NEW CONDITIONAL USE PERMIT FOR USED-ONLY
AUTOMOTIVE DEALER FOR OVERSTREET HOUSE OF CARS
LOCATED AT 10623 BAUR BOULEVARD**

FOR THE MEETING OF: February 21, 2012

LOCATION: 10623 Baur Boulevard, in "LI" Light Industrial District

REQUEST:

Wally Overstreet, owner of Classic Cars Plus, LLC D/B/A "Overstreet House of Cars", has submitted a request for a conditional use permit for the sale of used automobiles, where all activity will occur inside the building. The property is located at 10623 Baur Boulevard, west of N. Warson Road and east of Lindbergh Boulevard and Research Boulevard near the northeast city boundary.

ADDITIONAL INFORMATION:

On October 24, 2011, the City Council approved a text amendment to include the sale of used-only automotive dealers in the "LI" District as a conditional use, provided that all business operations will take place indoors, and at no time will any vehicle that is on the premises for sale or service be parked or displayed outdoors.

APPLICANTS: Wally Overstreet
Classic Cars Plus, LLC D/B/A
"Overstreet House of Cars"
10623 Baur Boulevard
Creve Coeur, MO 63112

Key Issues:

- Does the request integrate with the surrounding uses?
- Does the request further the goals and/or implement the Comprehensive Plan?

Comp. Plan References

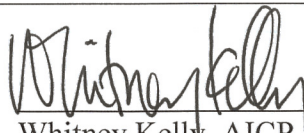
- Commerce Center Action Area

Zoning Code References

- Section 405.380 "LI" Light Industrial District
- Section 405.470 Conditional Uses
- Article VII Off-Street Parking And Loading Regulations



REPORT PREPARED BY:


Whitney Kelly, AICP, City Planner

2/17/2012
Date

ATTACHMENTS: Applicant's Materials received December 30, 2011
Draft Ordinance

INTRODUCTION

Wally Overstreet, owner of Classic Cars Plus, LLC D/B/A “Overstreet House of Cars”, has submitted a request for a conditional use permit for the sale of used automobiles. The applicant is a small, low-volume classic car dealer specializing in fully restored antique, vintage and collector cars. All activity occurs indoors where only routine maintenance is done on site. The hours of operation are Monday through Friday, 9:00 a.m. to 4:00 p.m., or by appointment, with the use of the internet as the primary source for sales. The applicant maintains a rotating inventory of approximately 70 classic vehicles, with 50 of that part of his private collection. The applicant has made significant building code upgrades to the interior of the building to create a “nostalgic showroom” atmosphere, including a 50’s style diner that is strictly for ambiance purposes and is only used to serve popcorn and soda refreshments to visitors. The applicant is not seeking a conditional use permit for food service as an eating and drinking establishment, nor is it generally open to the public. However, small groups may come and tour the facility.

The existing 27,337 sq. ft. warehouse building was originally built in 1959 on a site of approximately 1.624 acres. The property is located within the “LI” Light Industrial District at 10623 Baur Boulevard, west of N. Warson Road and east of Lindbergh Boulevard and Research Boulevard near the northeast city boundary. The applicant is not proposing any changes to the site or exterior of the building.

BACKGROUND AND ZONING HISTORY

The building was originally built in 1959 in unincorporated St. Louis County, prior to annexation into the city as part of the Lindbergh-Warson Industrial Center. The property is currently zoned “LI” Light Industrial.

On October 24, 2011, the City Council approved a text amendment to include the sale of used-only automotive dealers in the “LI” District as a conditional use, provided that all business operations will take place indoors, and at no time will any vehicle that is on the premises for sale or service be parked or displayed outdoors. Addition site conditions were also included and discussed further below under Zoning Review.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Industrial	Unincorporated St. Louis Co.	N/A
South	Industrial	“LI” Light Industrial	Baur Boulevard
East	Industrial	“LI” Light Industrial	NA
West	Industrial	“LI” Light Industrial	NA

COMPREHENSIVE PLAN REVIEW

The subject property is located within the Commerce Center Action Area located on the east end of Olive Boulevard. The Comprehensive Plan does not provide much direction for this area except for “Monitor development in the Lindbergh-Warson Industrial Park and explore ways to encourage long-term viability of this area” under the Residential Preservation and Economic Development goals and objectives (page 71). The Comprehensive Plan also discusses upgrading the architectural quality of the building stock as businesses expand or redevelop. The applicant is the first to introduce this use to the “LI” District and has made significant upgrades to the

architecture to create a “nostalgic showroom” atmosphere. He is not proposing any exterior modifications to the building, but instead, has cleaned and repaired the original mid-century modular façade. Therefore, the proposed use would satisfy the goals and objectives of the Comprehensive Plan.

ZONING REVIEW

Pre-conditions:

Used-only automotive dealers are permitted with conditions in the “LI” Light Industrial District subject to the provisions of Section 405.470:

SECTION 405.470: CONDITIONAL USES

12. Motor vehicle, new and used, used only, and motorcycle dealers--SIC Codes 551, 552, and 557 (conditional use in the "LI" District).
 - a. Indoor operations only. All business operations (including, but not limited to, vehicle service, cleaning and storage) will take place indoors, and at no time will any vehicle that is on the premises for sale or service be parked or displayed outdoors. This shall not be interpreted to require service bay doors to be closed except as may be required by an approved conditional use permit.
 - b. Site size. Shall be located on lots of not less than one (1) acre.
 - c. Trash disposal and storage. All used tires and parts, trash and similar objects shall be stored and fully screened from view of the public right-of-way.

The applicant has indicated that all cars and any maintenance occur inside the building in order to protect them from the elements (including washing the cars within the heated garage area). The trash dumpster is located behind the main entrance of the building and not viewable from the public right-of-way. The property consists of 1.6 acres, thus satisfying all of the requirements for the conditional use.

Parking:

Parking regulations for Automotive Dealers are discussed under Section 405.820(F)(1) of the Required Off-Street Parking Spaces regulations:

- F. Wholesale And Retail Trade (SIC codes 50-59).
 1. Automotive (SIC Code 55) (not including automobile repair (SIC Code 75)):
 - a. Automobile or boat dealers (SIC Codes 5510, 5520, 5550, 5560 and 5590). One (1) space per two hundred fifty (250) square feet of show room floor area plus three (3) parking spaces per service bay plus one (1) space per one thousand two hundred fifty (1,250) square feet of total aggregate building area. Parking spaces typically occupied by new or used automobiles for sale shall not be counted towards the required off-street parking requirements. Such parking spaces occupied by automobiles for sale do not have to meet the minimum parking space requirements specified in this Chapter.

Under these requirements, the parking needed on site would be approximately 43 spaces. The site is currently striped for 27 spaces. The Planning and Zoning Commission may approve a lesser amount of parking if the applicant can demonstrate that the demand is not typical to the use, and that should their become a problem, that adequate parking can be provided, per Section 405.800 General Provisions of Article VII Off-Street Parking And Loading Regulations:

H. Variance In The Required Number Of Parking And Loading Spaces. The number of parking and loading spaces to be constructed may be less than the number of spaces required herein in the event that the following conditions are met to the satisfaction of the Planning and Zoning Commission:

- In no event shall any portion of the required parking or loading that is so designated for future construction as provided herein be counted as open space or other non-paved area required by other provisions of this Chapter.

- The applicant has indicated that with only two employees and only a handful of other cars visiting at any one point in time (customers or friends/family, etc.) there is no need for more parking than currently available. Further the applicant states that “in fact, current parking is more than adequate for the small volume of activity (usually 3 or 4 cars and never more than 10) that visit the site”. Staff has verified that a total of 53 spaces could be created with the removal of the fenced area (see figure below) which exceeds the Zoning Code requirement of 43 spaces.

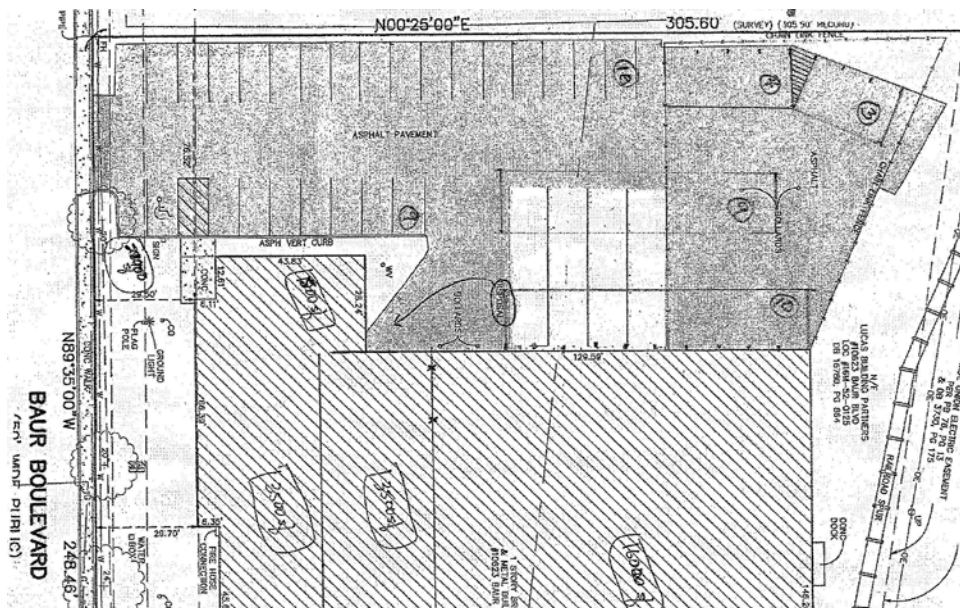


Figure 1: Close-up of Site plan of the parking area with the designation of "future" parking.

Given that the applicant is utilizing an existing warehouse building, the low volume “inside” classic car use, and the unique nature of the business (in that it does not operate in the same manner as general automotive dealers by attracting the general public), Staff does not anticipate a problem with the existing parking available, and recommends approval of the parking variance.

RECOMMENDATION

Based on the above analysis, the request for a conditional use permit meets all of the requirements of the Comprehensive Plan and Zoning Ordinances. Staff recommends approval subject to the conditions below which are included in the draft ordinance:

1. The Conditional Use Permit shall be for the operation of a used-only automotive dealer located at 10623 Baur Boulevard.
2. All business operations shall take place indoors, and at no time will any vehicle that is on the premises for sale or service be parked or displayed outdoors.
3. The hours of operation shall be: 9:00 a.m. to 4:00 p.m. Monday through Friday; or by appointment only.
4. Additional business hours may be permitted with the Zoning Administrator’s approval, including but not limited to, the catering of special events.
5. All signs and banners shall be in conformance with Article VII, Sign Regulations, of the Zoning Code.
6. Any future enlargement, extension, expansion or exterior alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or exterior alteration may be issued.
7. At any time, upon written notification from the Planning and Zoning Commission, the area designated as additional “future” parking, shall be striped in accordance with Section 405.800(H)(3) at the owner’s expense.

ACTION

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

MOTION

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

“I move to recommend approval of Application #12-002 for the Conditional Use Permit for Overstreet House of Cars for used-only automotive dealer located at 10623 Baur Boulevard, subject to the conditions contained in the draft ordinance attached to the staff report dated February 17, 2012” (conditions may be added, eliminated, or modified by preceding motion).

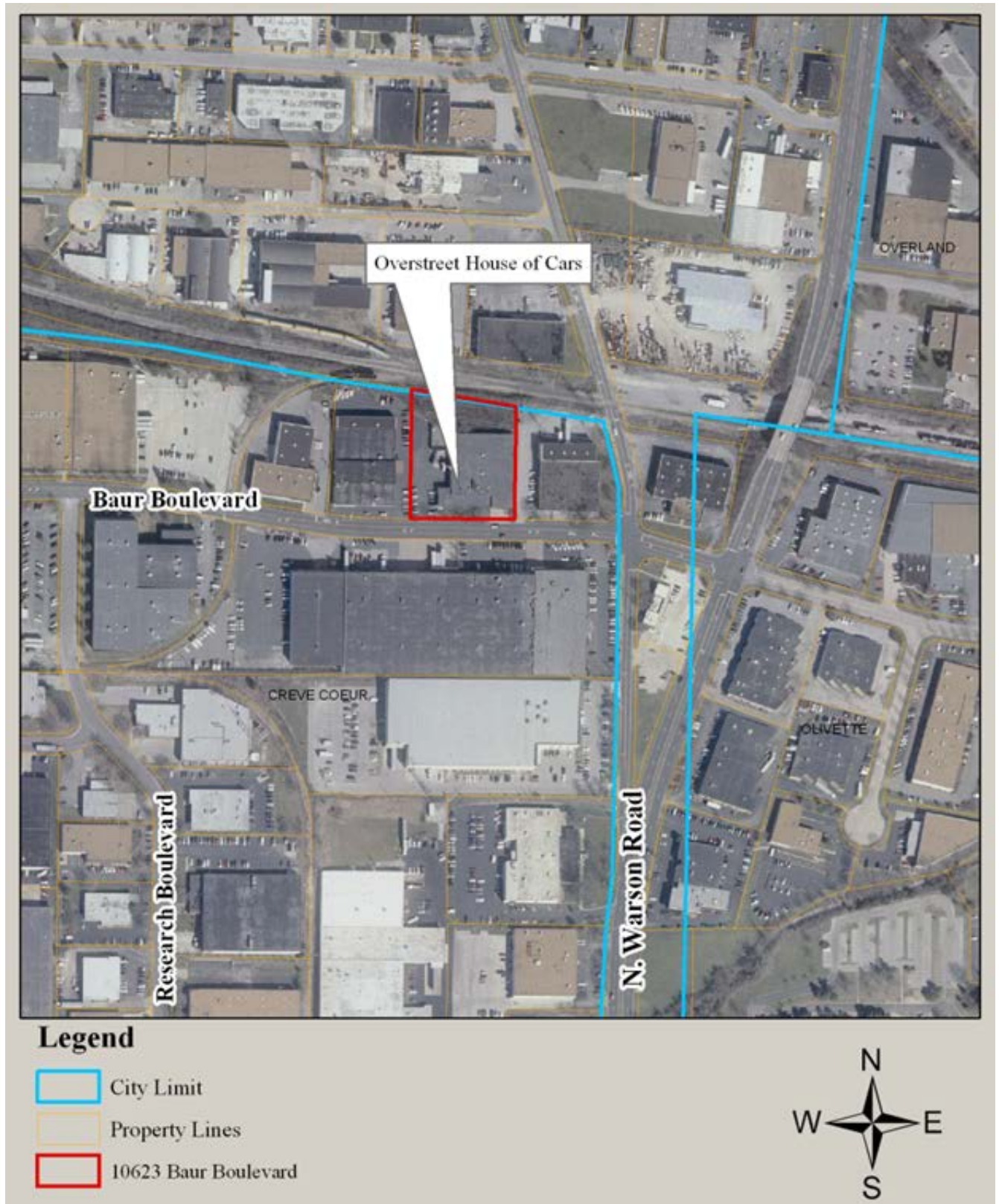
APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

APPENDIX 3: AERIAL PHOTO



APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 9/26/2011 & 1/30/2012
	Description: View of the front entrance from the southwest corner of the property.
	Description: View of the parking area from Baur Boulevard, note that the dumpster is screened from view by the front of the building and landscaping.
	Description: View of the parking lot looking northeast toward the west side of the building, note the dumpster is behind the main entrance and office area of the building, generally out of view from the public right-of-way.



city
of

CREVE COEUR

PLANNING DIVISION

300 North New Ballas Road Creve Coeur, Missouri 63141

Tel. (314) 872-2501 • Fax (314) 872-2505

PLANNING AND ZONING COMMISSION AGENDA APPLICATION CONDITIONAL USE PERMIT

PLEASE COMPLETE FRONT AND BACK PAGES

Applicant:	Applicant's Representative (if applicable):
<u>Wally Overstreet</u> Name <u>Classic Cars Plus, LLC D/B/A</u> <u>Overstreet House of Cars</u> Company (If Applicable) <u>10623 Bann Blvd</u> Address <u>Creve Coeur, Mo 63132</u> Address Telephone # <u>(636) 734-3239</u> Fax # _____ Email: <u>Wallstreet1828@yahoo.com</u>	 Name _____ Company (If Applicable) _____ Address <u>N/A</u> Address _____ Telephone # _____ Fax # _____ Email: _____
<u>Wally Overstreet</u> Applicant's Signature	_____ Applicant's Representative's Signature

Property Information:	Owner's Acknowledgement (if different from applicant):
<u>10623 Bann Blvd</u> Address <u>Creve Coeur, Mo 63132</u> Address Development Name (if any) <u>"L1" - Light Industrial</u> Current Zoning Prior CUP Approvals (if known) _____ _____ _____	 Name _____ Company (If Applicable) _____ Address <u>N/A</u> Address _____ Telephone # _____ Fax # _____ Email: _____ _____ Owner's Signature

Description of Requested Use (attach additional sheets as needed)

General Description of Business: Classic Car dealer storing + selling cars
via the internet. All cars stored + maintained inside the
building in showroom atmosphere. Occasional tours for small
groups (family, friends, car clubs, retirees, school kids) free of charge.

Gross Floor Area – Existing and Proposed: 27,XXX sq

Number of Seats (for restaurant only): N/A

Number of Employees at the busiest shift: 1 full-time - 2 part-time employees

Hours of Operation: 9A-4P Mon-Fri (or) By Appointment Only

Current or Most Recent Use of the Property: Commercial Roofing distributor

Will the applicant apply for a liquor license: Yes _____ No ✓

Rationale

Please describe in detail, on an attached sheet, the reasons why you believe the request for a conditional use permit should be approved and what steps are being taken to lessen any impacts on surrounding residences and businesses. An explanation of the building and landscape designs (if changes are proposed) should also be included.

Submittal Checklist

- | | |
|---|---|
| ☒ Rationale | ☐ Building elevations for new construction |
| ☒ Site plan | ☐ Photographs of existing structures |
| ☐ Access and parking plan; (may be shown on site plan) | ☐ Materials samples |
| ☐ Landscape plan | ☐ Fees: \$250 (non-refundable) |
| ☐ Floor plan | ☐ \$2000 (refundable deposit) |
| ☐ Electronic copies of all materials | ☐ Other items as requested by staff |

Preferred Public Hearing Date: Tuesday ~~Monday~~ February 21, 2012.

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

Office Use Only

____ All Sections Complete

____ All Documents, incl. e-Copies

____ Fees Paid

Received By: _____

Date: _____

Paul Langdon, AICP, Planning Director

Whitney Kelly, AICP, City Planner

Julie Lowery, Administrative Assistant (872-2501)

Revised: 11/11



Planning & Zoning Commission Meeting Schedule - Alternate 2012

Meeting Date	Agenda Items	Application Deadline	Publication Deadline
January 3 (Tuesday) January 17 (Tuesday)	Old Business/Work Session Public Hearing/New Business	December 19, 2011	December 30, 2011
February 6 February 21 (Tuesday)	Old Business/Work Session Public Hearing/New Business	January 23, 2012	February 3, 2012
March 5 March 19	Old Business/Work Session Public Hearing/New Business	February 20	March 2
April 2 April 16	Old Business/Work Session Public Hearing/New Business	March 19	March 30
May 7 May 21	Old Business/Work Session Public Hearing/New Business	April 23	May 4
June 4 June 18	Old Business/Work Session Public Hearing/New Business	May 21	June 1
July 2 July 16	Old Business/Work Session Public Hearing/New Business	June 18	June 29
August 6 August 20	Old Business/Work Session Public Hearing/New Business	July 23	August 3
September 4 (Tuesday) September 17	Old Business/Work Session Public Hearing/New Business	August 20	August 31
October 1 October 15	Old Business/Work Session Public Hearing/New Business	September 17	September 28
November 5 November 19	Old Business/Work Session Public Hearing/New Business	October 22	November 2
December 3 December 17	Old Business/Work Session Public Hearing/New Business	November 19	November 30

Rationale for Conditional Use Permit

Classic Cars Plus, LLC D/B/A “Overstreet House of Cars” is a small, low-volume classic car dealer specializing in antique, vintage and collector cars. Starting as hobbyist and collectors in 1998 we became a car dealer in 2002 and have sold about 90 classic cars since then (24 sales in 2011). Our rotating inventory of approximately 70 classic vehicles includes around 50 that we like to call our “collection” that’s part of a longer term inventory available for sale. The remaining 20 cars are shorter-term inventory purchased for immediate sales. The internet is the primary source of lead flow for sales. We don’t attempt to display cars outside to draw in the public, as serious buyers will usually contact us to schedule an appointment. In addition, with one full-time employee to handle sales, maintenance, etc. we really don’t want to tour unscheduled “tire kickers” through the building.

Our classic cars, from the 1920s-1970s are purchased fully restored or well maintained originals including hotrods, “muscle” cars, fabulous 1950s cars, sports cars and exotics. Accordingly, they are all stored inside to protect them from the elements. Since these cars are fully restored, only routine maintenance is done at our building such as oil changes and minor repairs/tune ups. Cars are washed inside also in our heated garage area.

We have invested many dollars in the building to comply with code regulations for proper ventilation of carbon monoxide exhaust, fire code compliance, etc. We have also decorated the building inside to give a “nostalgic showroom” atmosphere for occasional tours for family, friends, potential customers

and collector car hobbyists. We also plan to invite small groups such as retirees residing in retirement homes and school age kids “free of charge” as a way to give back to the community. These small tours would be both entertaining and educational. We do not have plans to host parties such as wedding receptions or corporate events.

In summary, “Overstreet House of Cars” at 10623 Baur Blvd. is a well-maintained, beautifully landscaped property that generates minimal activity outside the building. We are a low volume “inside” classic car dealer that has complied with code regulations necessary for inside car sales and storage including tours of small groups.

(Please see attached site plans and photographs)



QUARTER
House of Cars
10623 BAUR BLVD.



NO PARKING
FIRE DEPT. ONLY
FIRE DEPT. ONLY

Emergency







OVERSTREET
House of Cars
10623 BAUR BLVD.









MEMORY LANE





1934
Ford
Coupe
Custom



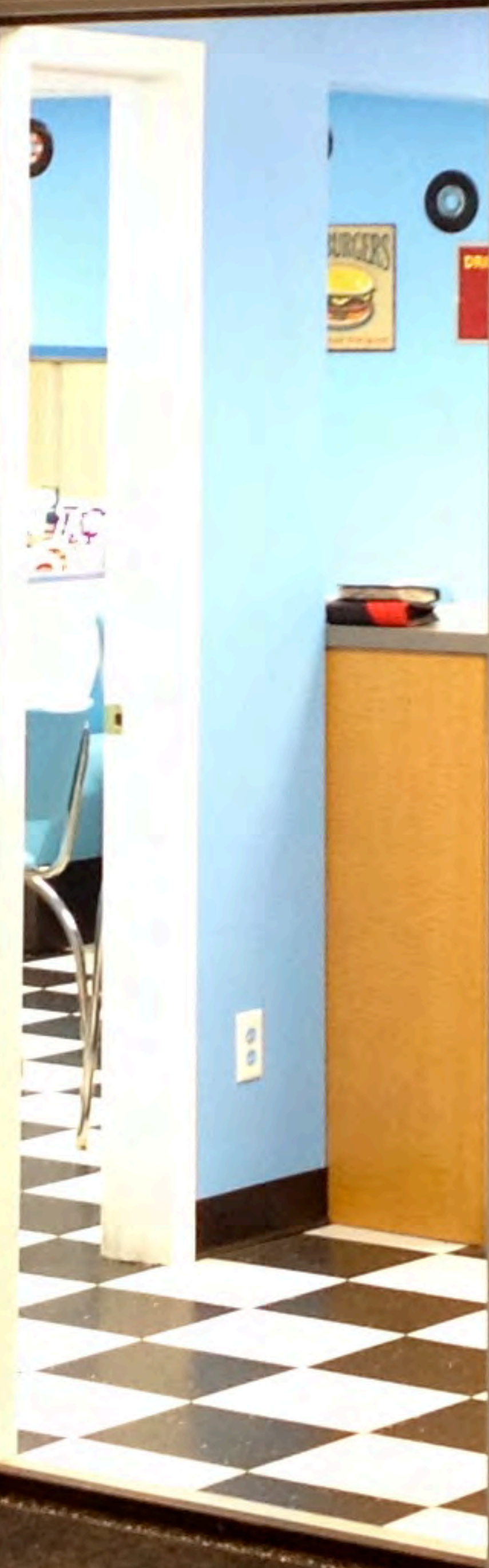




HOT ROD DINER



WHEELS

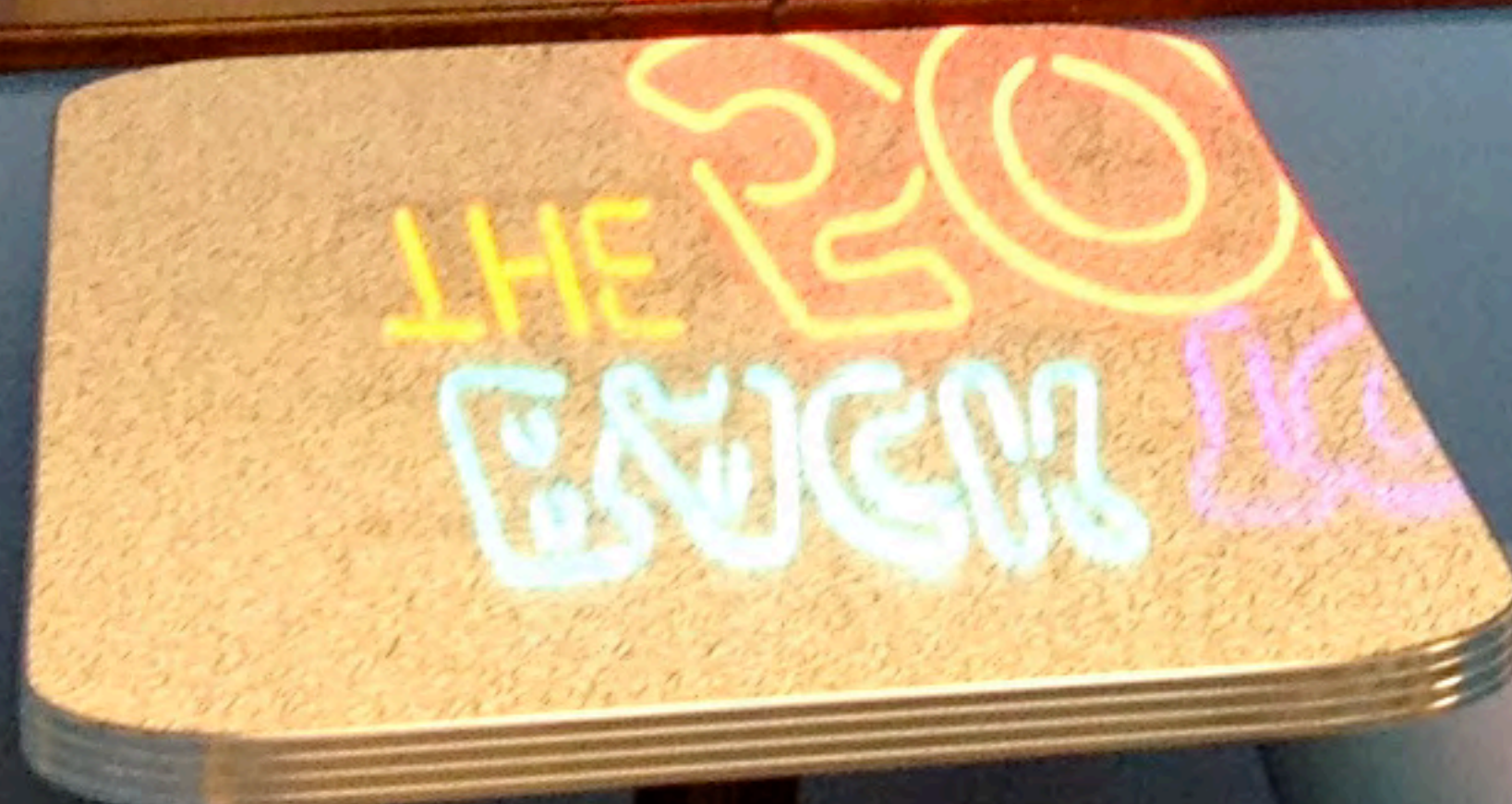
















Dennis Woods

April 23, 2010

Building Inspector

City of Creve Coeur

300 N. New Ballas Road

Creve Coeur, Mo 63141

Dear Dennis,

As you know, we are using the building at 10623 Baum to maintain & store our classic cars. Our goal is to have a showroom/museum atmosphere.

Please note that all major repairs are done away from the building by outside vendors. Accordingly, our supplies are limited to those of an average "household" garage as follows:

- ① General cleaning supplies: car washing soap, window cleaner, car detail/wax spray
- ② Case of motor oil, few containers of anti-freeze, transmission/power steering/brake fluids
- ③ 5 Gallon can of gasoline & can of "quick start" spray
- ④ Battery charger & air compressor

If you have any questions let me know.

Sincerely,

W. J. [Signature]
Building Owner



Nick Overstreet 636-675-1828
www.OverstreetHouseOfCars.com



Nick Overstreet 636-675-1828

Wally Overstreet 636-734-3239

www.OverstreetHouseOfCars.com

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE PERMIT FOR USED-ONLY AUTOMOTIVE DEALER AT 10623 BAUR BOULEVARD

WHEREAS, under Section 405.380(C), all used-only automotive dealers in the “LI” Light Industrial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, an application was submitted by Wally Overstreet, owner of Classic Cars Plus, LLC D/B/A “Overstreet House of Cars”, for a conditional use permit for the sale of used automobiles, where all activity will occur inside the building at 10623 Baur Boulevard; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Tuesday, February 21, 2012, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(2); and

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

WHEREAS, the Planning and Zoning Commission reviewed and, by a ____ vote, recommended approval of the improvements, subject to the conditions contained herein, at its meeting on February 21, 2012; and

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

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

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

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

Section 1: A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a _____ whose legal description is as follows:

A part of Section 2 of Lindbergh-Warson Industrial Center, as per plat recorded in Plat Book 76 page 13 of the St. Louis County records and described as follows: Beginning at

a point In the Northern line of Baur Boulevard, 50 feet wide, at its intersection with the Western line of tract conveyed to United Biscuit Co., by deed recorded in Book 3620 page 480 of the St. Louis County records; thence along the West line of said tract so conveyed North 0 degrees 25 minutes East 268.01 feet to the Southern line of the right of way of the Chicago, Rock Island and Pacific Railroad Co., thence along said Southern line North 80 degrees 59 minutes West 251.23 feet to the Eastern line of tract conveyed to Compton and Sons, Inc., by deed recorded in Book 3641 page 476 of the St. Louis County records; thence along said Eastern line South 0 degrees 25 minutes West 303.50 feet to the Northern line of Baur Boulevard and thence along said Northern line South 89 degrees 35 minutes East 248.44 feet to the place of beginning.

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

1. The Conditional Use Permit shall be for the operation of a used-only automotive dealer located at 10623 Baur Boulevard.
2. All business operations shall take place indoors, and at no time will any vehicle that is on the premises for sale or service be parked or displayed outdoors.
3. The hours of operation shall be: 9:00 a.m. to 4:00 p.m. Monday through Friday; or by appointment only.
4. Additional business hours may be permitted with the Zoning Administrator's approval, including but not limited to, the catering of special events.
5. All signs and banners shall be in conformance with Article VII, Sign Regulations, of the Zoning Code.
6. Any future enlargement, extension, expansion or exterior alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or exterior alteration may be issued.
7. At any time, upon written notification from the Planning and Zoning Commission, the area designated as additional "future" parking, shall be striped in accordance with Section 405.800(H)(3) at the owner's expense.
8. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
9. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.
10. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

BILL NO. _____

ORDINANCE NO. _____

Section 4: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 2 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

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

ADOPTED THIS ____ DAY OF _____, 2012.

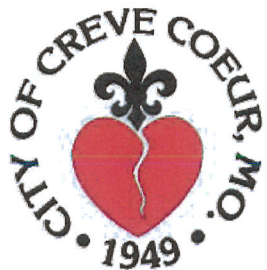
TARA NEALEY
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK



city of CREVE COEUR

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

**APPLICATION TO PLANNING AND ZONING COMMISSION
#12-005 TO REPEAL ORDINANCE NUMBER 1851 AND REPLACE WITH A
NEW CONDITIONAL USE PERMIT FOR POTBELLY SANDWICH WORKS
LOCATED AT 11615 OLIVE BOULEVARD**

FOR THE MEETING OF: February 21, 2012

LOCATION: 11615 Olive Boulevard

REQUEST:

Todd Stimson, of Potbelly Sandwich Works, has submitted a request for a conditional use permit for a 2,413 square-foot eating and drinking establishment, at 11615 Olive Boulevard. The restaurant will take up a portion of the former Provisions Market within the CityPlace Retail development, with 42 interior seats and 16 seasonal outdoor seats. The property is currently zoned "CB" Core Business District.

ADDITIONAL INFORMATION:

All eating and drinking places are permitted by conditional use permit in the "CB" Core Business District [Section 405.370(C)(1)(g)]. Ordinance No. 1851 authorizing the conditional use permit for Provisions Marketplace limited seating to a maximum 16 indoor seats and 8 outdoor seats. Any enlargement, extension, expansion or alteration in the use of the structure or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission.

Key Issues:

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

Comp. Plan References

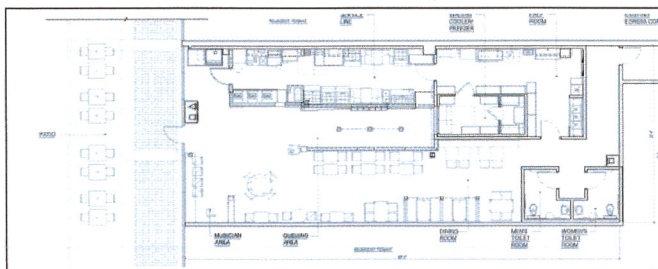
- Health and Connectivity Goals
- Central Business District
- Design Guidelines: Streetscape/Pedestrian Orientation

Zoning Code References

- Section 405.370 "CB" Core Business District
- Section 405.470 Conditional Uses
- Section 405.820 Required Off-Street Parking Spaces

APPLICANTS: Todd Stimson
Potbelly Sandwich Works
125 Meramac Oak Ridge
Fenton, MO 63026

REPRESENTATIVE: Jose Sanabria
John W. Lister, Architect
115 Westlawn Rd #201
W. Chester, PA 19382



REPORT PREPARED BY:

Whitney Kelly, AICP, City Planner

Date

ATTACHMENTS: Applicant's Materials received January 24, 2012 and February 13, 2012
Draft Ordinance
Ordinance No. 1851

BACKGROUND AND ZONING HISTORY

The property is located at 11615 Olive Boulevard within the CityPlace Retail Development at the northeast corner of Old Ballas/City Place Drive and Olive Boulevard, and is currently zoned “CB” Core Business District. Because the original ordinance references outdated sections of the City’s Code of Ordinances, and the new restaurant facility will only take up a portion of the former space, Staff is recommending a repeal of the existing ordinance and replacing it with a new conditional use permit.

The CityPlace Retail development was originally built in 1988; the mixed-use portion of the development to the west was added in 2001. The combined mixed use/retail development includes 64,865 square feet of commercial space on the ground level, and offices over the western portion of the development. All eating and drinking establishments in the “CB” Core Business District require a conditional use permit.

The Koman Group received approval for a conditional use permit to operate food service within the Provisions Marketplace (Ordinance No. 1851) on March 10, 1997. The conditional use permit was for the operation of a 1,500 square-foot food service establishment within the 10,980 square-foot retail space, with a maximum seating of 16 seats indoors, and 8 outdoor seasonal seats. Hours of operation were limited to 6:00 a.m. to 11:00 p.m., daily. A condition of that permit includes:

“Any future enlargement, extension, expansion or alteration in the use of the structure or site must be approved by the city council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a building permit for the enlargement or alteration may be issued.”

In November of 2009, the owners of CityPlace entered into a campus-wide comprehensive reciprocal easement agreement (REA) providing for shared parking amongst all CityPlace subdivided parcels. The Retail/Mixed Use complex parking is provided through the operational requirements where all tenants within the retail/mixed use complex require employees to park behind the complex where there are three structured parking facilities within 100 feet, easily accessible to employees and patrons, where no less than 62 available spaces are designated for the retail use. The parking decks for CityPlace 1 (West) and CityPlace 3 have a combined 918 parking spaces, and the parking deck for CityPlace 1 (East) holds an additional 447 parking spaces.

Jose Sanabria, of John W. Lister, Architect, on behalf of Potbelly Sandwich Works, has submitted a request for a new conditional use permit for a 2,418 square-foot restaurant that will be taking up a portion of the space left vacant by Provisions. The seating will include 42 interior and 16 exterior seats, with hours of operation from 10:00 a.m. to 9:00 p.m. The proposed outdoor seating will require the partial removal of the landscaped planter area on the south façade. No other changes are proposed for the exterior of the building, except for adding an entry door into the new space.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Office Buildings	“CB” Core Business	N/A
South	Retail	“CB” Core Business	Olive Boulevard
East	Office Building; vacant lot	“CB” Core Business	City Place Drive
West	Retail; Creve Coeur Camera	“CB” Core Business	NA

COMPREHENSIVE PLAN REVIEW

The subject property is located within the Central Business District that encourages a mix of uses, including retail, residential, government, and park uses. The goals listed under the Community Health and Connectivity of the Comprehensive Plan include requiring new commercial, institutional, and multi-family development or redevelopment to include public amenities such as pedestrian connections, bicycle facilities, public sitting/gathering areas, and open space, as appropriate (page 22). The proposed use will replace a portion of the former Provisions Marketplace, in space that was originally developed for a variety of uses, in compliance with the Comprehensive Plan. The outdoor seating provides public sitting amenities in a similar manner as the prior use. Therefore, the request meets with the Goals and Objectives of the Comprehensive Plan.

ZONING REVIEW

Restaurants are permitted with conditions in all commercial zoning districts within the city, and the applicant is leasing a tenant space that previously included outdoor seating and food services within the CityPlace Retail/Mixed-Use Development that includes a mixture of retail and second floor offices. Ordinance No. 1851 authorized the conditional use permit for food service within the Provisions Marketplace in 1997, with seating limited to 16 seats indoors and 8 outdoor seasonal seats. The conditional use permit requires that any enlargement, extension, expansion or alteration in the use of the structure or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a building permit for the enlargement, expansion or alteration may be issued.

For the purpose of this report and analysis, comments have been limited to the ground floor of the retail development.

Use Intensity:

Section 405.470.14.b. limits restaurants to no more than 25% of the building square footage collectively. The only other restaurants operating within the retail center is the Il Bel Lago, which consist of 6,200 sq. ft. The addition of Potbelly Sandwich Works at 2,418 sq. ft. will increase the restaurant uses to approximately 13% of the retail development, well within the 25% allowed.

Site Coverage:

As discussed above the proposed restaurant will take up a portion of the former Provisions Marketplace next to Creve Coeur Camera. Along the walkway next to the building, are three landscaped beds. The proposed outdoor seating will require the removal of one of these

landscaped beds to create a path to the new tenant space and the outdoor seating area. The applicant is proposing to replace the landscaped bed with two precast planters that are 8 feet by 2 feet 10 inches each, and new plantings.

Section 405.120 defines *site coverage*: *The area of a non-residential site which is covered by buildings, driveways, parking lots, loading areas, but excluding landscaped and green spaces, plaza, pedestrian circulation and unpaved buffer areas.* Thus the proposed outdoor dining area is categorized as an exclusion of coverage, and does not represent additional site coverage on the property. The planting to be removed consists of Burning Bush which is listed as an invasive plant in the *Creve Coeur Landscaping Guide*. For the sake of uniformity, the applicants will also provide the same design, planters and planting for the landscaped bed further down the south façade (see the photo's below). The proposed landscape changes maintain the physical separation between the seating and drive aisle, as well as provide vegetation within the hardscape of the walkway.

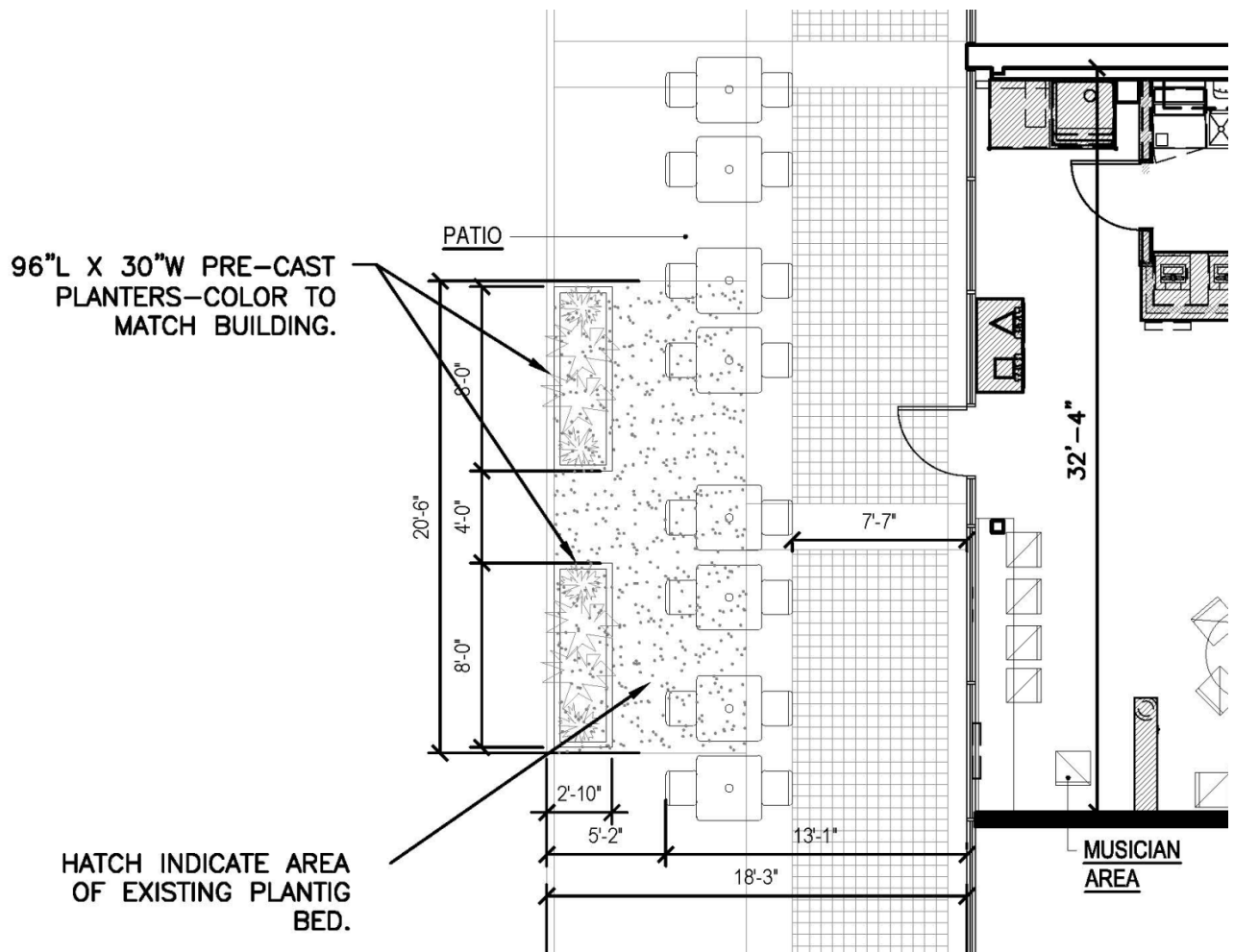


Figure 1: Close-up of the proposed outdoor seating and landscaping.



Figure 2: Aerial photo indicating which landscaped beds are to be replaced.

Parking:

Parking regulations for restaurants are discussed under Section 405.820(F)(5) Required Off-Street Parking Spaces: One (1) parking space per every three (3) seats of maximum occupancy recorded under the conditional use permit plus one (1) parking space per every two hundred fifty (250) square feet of total building floor area plus one (1) parking space per each eight (8) seats in an outdoor seating area. The required parking for Potbelly Sandwich Works is a total of 28 parking spaces. The surface lot in front of the retail development provides for 231 parking spaces for the retail customers. As discussed above, the owners of CityPlace entered into a campus-wide comprehensive reciprocal easement agreement (REA) providing for shared parking amongst all CityPlace subdivided parcels. All employees, delivery and company vehicles of the Retail/Mixed Use development are required to park behind the complex within the parking deck where no less than 62 spaces are available to use of retail tenants. It is anticipated that many of the lunch time patrons would be employees of the offices within the CityPlace Complex, and therefore parking for those are accounted for within the REA. Based on observations with the prior tenant, staff does not anticipate a parking problem for this area.

Signage:

The applicant has not submitted a sign application at this time. However, the entire CityPlace campus signage is governed by a Master Sign Plan that was approved by City Council on January 10, 2011 (Ordinance #5169), and any new signage will have to be in substantial compliance (similar format and design) with the approved signage.

RECOMMENDATION

Based on the above analysis, the request for a conditional use permit meets all of the requirements, in the same degree or greater than the prior use, of the Comprehensive Plan and Zoning Ordinances. Staff recommends approval subject to the conditions below which are included in the draft ordinance:

1. The Conditional Use Permit shall be for the operation of 2,418 square foot eating and drinking establishment at 11651 Olive Boulevard.

2. Maximum seating permitted is limited to 42 seats indoor, a maximum of 16 seats for outdoor dining.
3. Hours of operation shall be 10:00 a.m. to 9:00 p.m., seven (7) days a week.
4. The landscaped beds along the walkway in front of the building may be redesigned to include planter boxes, in accordance with the plans submitted on February 13, 2012, and attached to this ordinance as Exhibit A.
5. Employee parking, delivery and company vehicles shall be parked behind the complex within the structured parking deck in conformance with the management operational requirements.
6. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
7. Outdoor speakers may be used in the patio area only and shall not produce any sound exceeding 60dB at a straight-line distance of 100 feet or greater.
8. All signs and banners shall be in conformance with Article VII, Sign Regulations, of the Zoning Code, and in substantial compliance with the CityPlace Master Sign Plan Ordinance NO. 5169.

ACTION

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

MOTION

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

"I move to recommend approval of Application #12-005 for a Conditional Use Permit for a eating and drinking establishment for Potbelly Sandwich Works located at 11615 Olive Boulevard, subject to the conditions contained in the draft ordinance attached to the staff report dated February 17, 2012" (conditions may be added, eliminated, or modified by preceding motion).

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

APPENDIX 3: AERIAL PHOTO



APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 06/14/2011
	Description: View of the former Provisions Marketplace tenant space, looking North from Olive Boulevard where Potbelly Sandwich Works is seeking a Conditional Use Permit. The landscaped bed will be removed and replaced with two planters.
	Description: View looking northwest toward the parking and CityPlace Mixed/Use Retail development.
	Description: View of Creve Coeur Camera and the two landscaped beds in front of the walkway. The far left landscaped bed will be replaced with planters and landscaping similar to that proposed for in front of the new tenant space in order to maintain symmetry in the overall design.

115 Westtown Road
Suite 201
West Chester, PA 19382
610.429.4470 p
610.429.4472 f
nhouser@listerarch.com



LETTER OF TRANSMITTAL

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

314-872-2501

DATE	1/23/12	JOB NO.	11-077
ATTN:	Whitney Kelly		
RE:	Potbelly Sandwich Works		
	11615 Olive Blvd		

We are sending you ATTACHED via **overnight delivery** the following items:

COPIES	DATE	NO.	DESCRIPTION
4			Planning and Zoning Commission Agenda Application
4			Conditional Use permit application
4			Site plans (letter size)
4			Floor plans
4			Rationale
4			Rent Roll
1			CD
1			Filing Fee \$250.00
1			Escrow Fee \$2,000.00

Remarks: For your review and approval to be scheduled on the 2/21/12 agenda.

If you have any questions or need additional information, please do not hesitate to contact me.

Copy to:

Signed: DeAnna Zynn
Permit Coordinator



CREVE COEUR

PLANNING DIVISION

300 North New Ballas Road Creve Coeur, Missouri 63141
Tel. (314) 872-2501 • Fax (314) 872-2505

PLANNING AND ZONING COMMISSION AGENDA APPLICATION CONDITIONAL USE PERMIT

PLEASE COMPLETE FRONT AND BACK PAGES

Applicant: Name: <u>Todd Stimson</u> Company (if applicable): <u>Potbelly Sandwich Works</u> Address: <u>125 Meramac Oak Ridge</u> <u>Fenton, MO 63026</u> Telephone #: <u>618-337-2500</u> Fax #: _____ Email: <u>stimson.todd@strogelbal.net</u> <u>T. Stimson</u> Applicant's Signature	Applicant's Representative (if applicable): Name: <u>Jose Sanabria</u> Company (if applicable): <u>John W. Lister, Architect</u> Address: <u>115 Westtown Rd # 201</u> <u>W. Chester PA 19382</u> Telephone #: <u>610-429-4470</u> Fax #: <u>610-429-4472</u> Email: <u>jsanabria@listerarch.com</u> <u>Jose Sanabria</u> Applicant's Representative's Signature
Property Information: Address: <u>11115 Olive Boulevard</u> City/Place: <u>City Place I</u> Development Name (if any): <u>CB - Core Business</u> Current Zoning: <u>Provisions Gourmet Market</u> Prior CUP Approvals (if known): _____	Owner's Acknowledgement (if different from applicant): Name: <u>Josh Udelhofen</u> Company (if applicable): <u>The Korman Group</u> Address: <u>Six City Place Drive # 430</u> <u>St. Louis, MO 63141</u> Telephone #: <u>314-993-5800</u> Fax #: <u>314-787-1975</u> Email: <u>judelhofen@kormangroup.com</u> <u>Josh Udelhofen</u> Owner's Signature

Description of Requested Use (attach additional sheets as needed)

General Description of Business: Restaurant, made to order sandwiches
Seating is as per attached plan.
A menu is also included as reference

Gross Floor Area – Existing and Proposed: 2418
Number of Seats (for restaurant only): 42 interior - 116 Seasonal exterior
Number of Employees at the busiest shift: 7
Hours of Operation: Sun. through Saturday 10:00am - 9:00pm.
Current or Most Recent Use of the Property: Provisions Gourmet market
Will the applicant apply for a liquor license: Yes _____ No X

Rationale

Please describe in detail, on an attached sheet, the reasons why you believe the request for a conditional use permit should be approved and what steps are being taken to lessen any impacts on surrounding residences and businesses. An explanation of the building and landscape designs (if changes are proposed) should also be included.

Submittal Checklist

☐ Rationale	☐ Building elevations for new construction
☐ Site plan	☐ Photographs of existing structures
☐ Access and parking plan; (may be shown on site plan)	☐ Materials samples
☐ Landscape plan	☐ Fees: \$250 (non-refundable)
☐ Floor plan	☐ \$2000 (refundable deposit)
☐ Electronic copies of all materials	☐ Other items as requested by staff

Preferred Public Hearing Date: Monday, February 21, 2012.

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

Office Use Only	
☐ All Sections Complete	Received By: _____
☐ All Documents, incl. e-Copies	_____
☐ Fees Paid	Date: _____

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

Revised: 11/11



CONDITIONAL USE PERMIT APPLICATION

This application should be prepared and submitted in consultation with Planning Division staff. Conditional Use Permit applicants must appear before the Planning and Zoning Commission and the City Council at a regular meeting.

Return To: The Department of Community Development
Government Center
300 N. New Ballas Road
Creve Coeur, Missouri, 63141

APPLICANT INFORMATION

Applicant Name: Potbelly Sandwich Works % Todd Stimson

Applicant Address: 125 Meramec Oak Ridge
Fenton, MO 63026

Phone Number: 618-337-2500

Fax Number: _____

Email: stimsonstodd@sbglobal.net

RELATIONSHIP OF THE APPLICANT TO THE PROPERTY

Owner: _____ Tenant: X

BUILDING/SITE OWNER INFORMATION

Owner Name: The Korman Group

Owner Address: Six City Place Dr. Ste 430, St. Louis, MO 63141

Phone Number: 314-787-1973

Fax Number: 314-787-1975

PROPERTY INFORMATION

Property Address: 11615 Olive Boulevard
Existing Use: Previous Tenant: "Provisions Gourmet Market"
Zoning District: CB - Core Business

AREA DATA

Zoning of Area Properties

North: _____ East: _____
South: _____ West: _____

Land Use of Area Properties

North: _____ East: _____
South: _____ West: _____

REQUEST

The applicant hereby requests a conditional use permit for the following land use activity, per Section 26-52 of the Creve Coeur Zoning Ordinance:

Fully identify the use: Restaurant: Potbelly Sandwich Works

PROPOSED USE INFORMATION

Gross Floor Area – Existing and Proposed: 2,418
Number of Parking Spaces – Existing and Proposed: Existing 231

Number of Handicapped Accessible Parking Spaces: 10

Number of Seats (for restaurant only): 42 interior - 16 seasonal exterior

Number of Employees at the busiest shift: 7 per shift

Hours of Operation: Sunday through Saturday 10:00am - 9:00pm

Will the applicant apply for a liquor license: Yes _____ No X

RATIONALE

Please describe in detail, on an attached sheet, the reasons why the applicant believes the request for a conditional use permit should be approved by the Planning Commission and City Council. Document the statement with all of the necessary supporting evidence.

SIGNATURES

[Signature] 1/20/2012
Applicant Date

[Signature] 1-23-12
Property Owner or Agent Date
(if different from applicant)

REQUIRED MATERIALS TO SUBMIT WITH THIS APPLICATION

- Rationale (see above)
- Legal description of all properties involved
- Plan/survey of existing conditions on site
- Plan of proposed conditions on site (if different)
- Elevations of proposed buildings
- Elevations of proposed signs
- Electronic copy of all materials

Rev.: 2/09

115 Westtown Road
Suite 201
West Chester, PA 19382
610.429.4470 p
610.429.4472 f
jsanabria@listerarch.com



January 20, 2012

Ms. Whitney Kelly, AICP
City Planner
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

Re: Conditional Use Application for - Potbelly Sandwich Works
11615 Olive Boulevard
Creve Coeur, MO

Dear Ms. Kelly,

This petition for a Conditional Use Permit should be approved because this type of establishment will be of benefit to people employed by the various and multiple businesses in the development, as well as local residents and visitors.

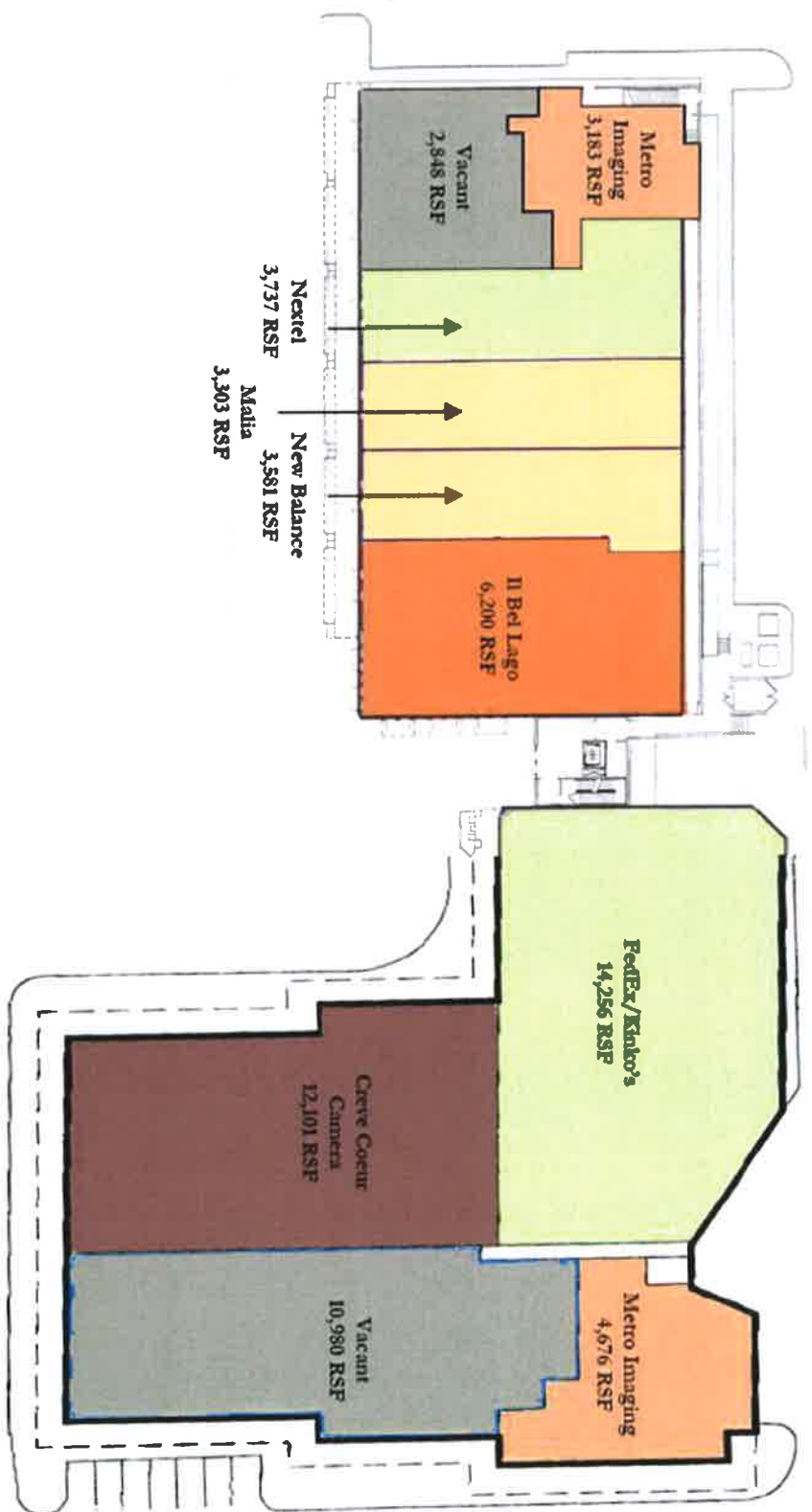
The space was previously occupied by an eating establishment, and although there are other eating establishments in the vicinity Potbelly Sandwich Shops will add diversity and convenience.

When the space was visited for verification, an employee of the adjacent camera store questioned me and said that another eating place would be welcomed, and is sorely missed.

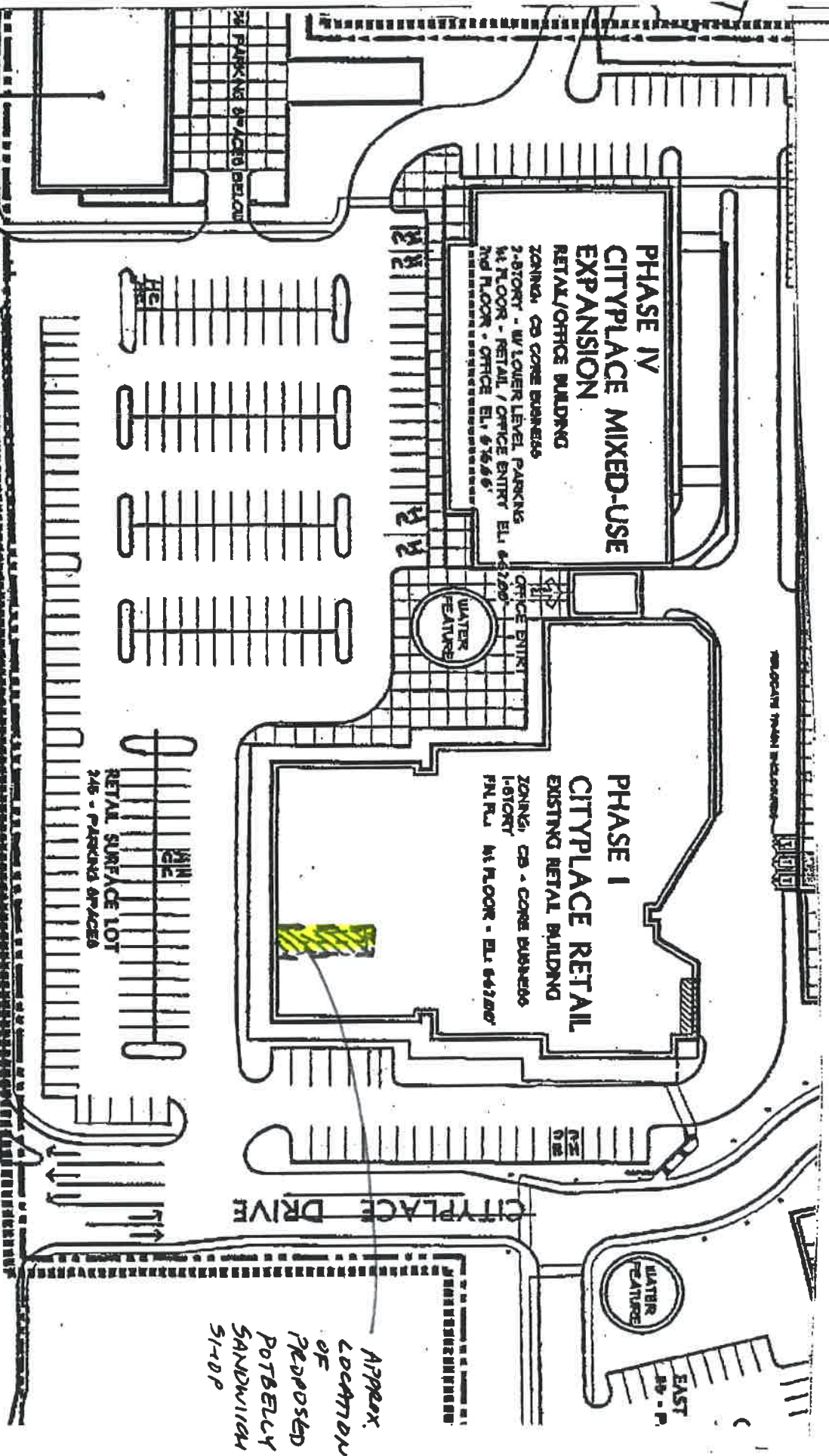
On these grounds we believe that a Conditional Use Permit should be granted.

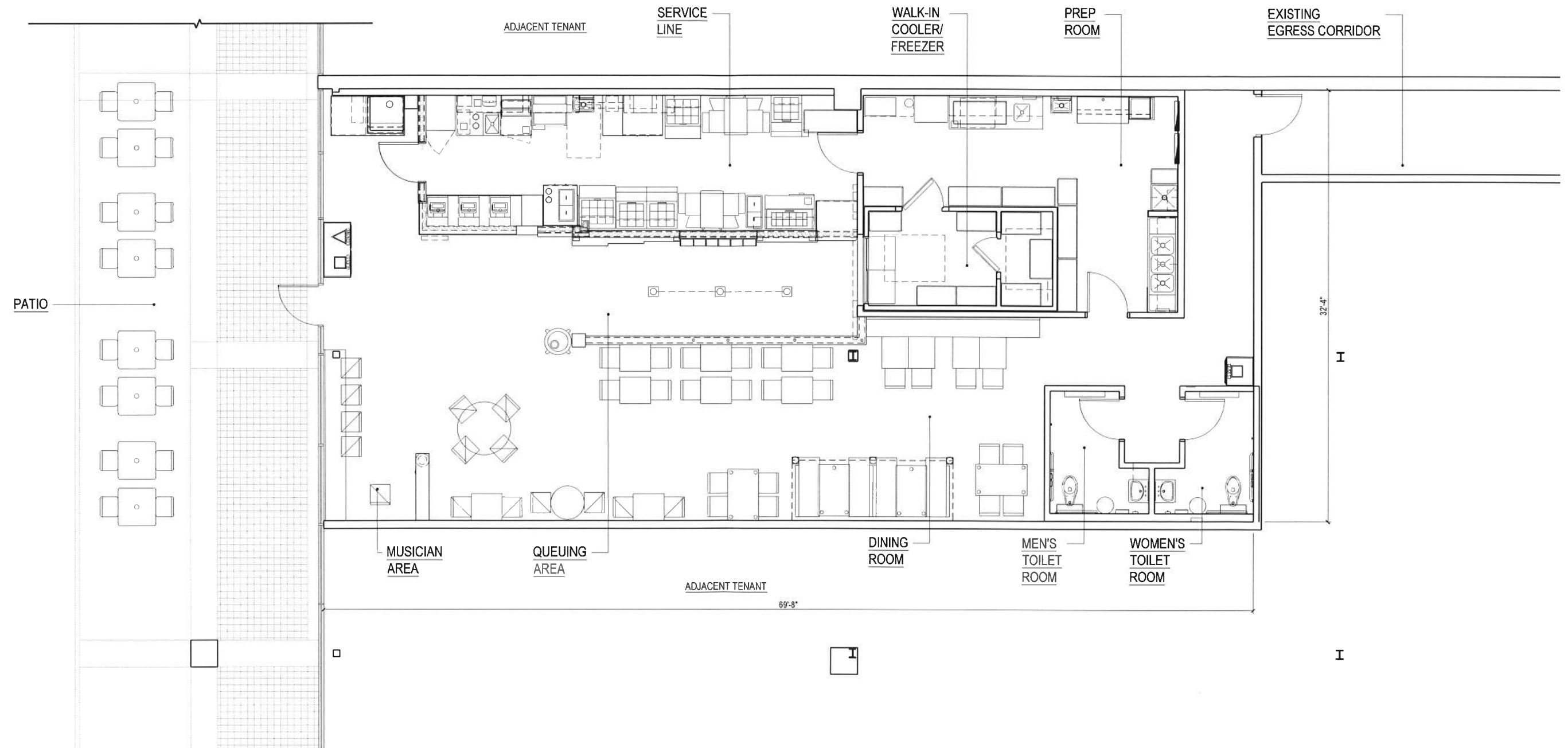
Sincerely,

Jose F. Sanabria, R.A.



70:105e





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

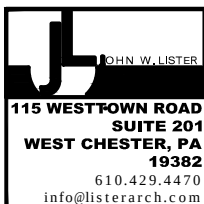
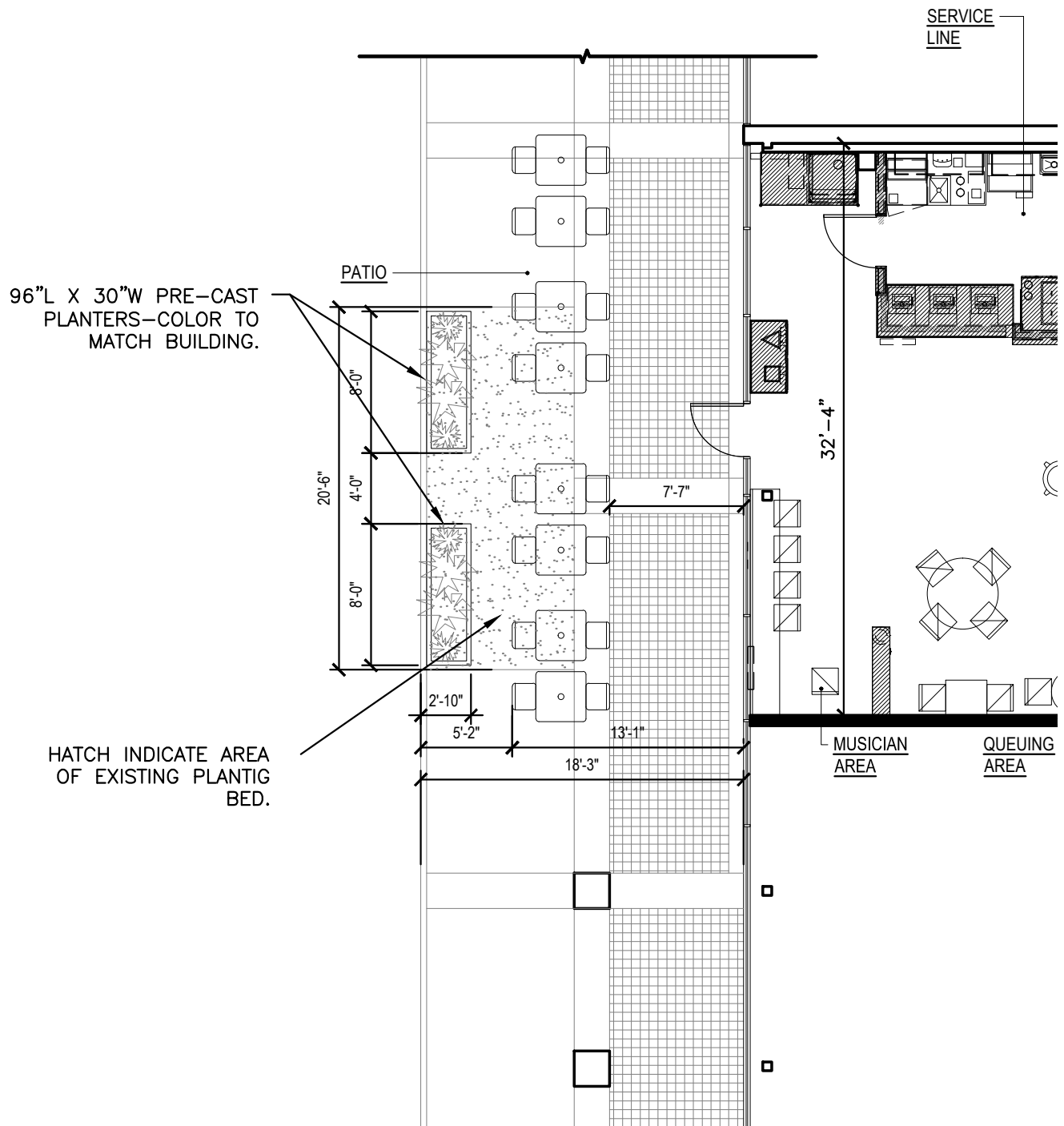
CITYPLACE RETAIL 1
11615 OLIVE BOULEVARD
ST. LOUIS, MO 63141



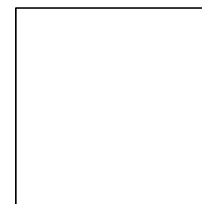
JAN 23, 2012

SHEET TITLE
SITE PHOTO
PLAN
SHEET NUMBER
A1.0

Exhibit A



ST. LOUIS CITYPLACE
RETAIL 1
11615 OLIVE BOULEVARD
ST. LOUIS, MO 63141



SHEET TITLE			
LANDSCAPING PROPOSAL			
2-10-12	DATE	SHEET NUMBER	
N.T.S.	SCALE	1 of 1	
J.F.S.	DRAWN BY		
	CHECKED BY		
11-077	PROJECT #		



APPROXIMATE
LOCATION OF
POTBELLY
SPACE

remove planting
bed-replace with
planters

this planting bed
remains.

for the sake of symmetry, remove
this planting bed as well and
replace with planters matching
other side

POTBELLY- St Louis MO
Feb 9, 2012

Retail Raised Fountain/Planter



Knockout Rose shrub pink



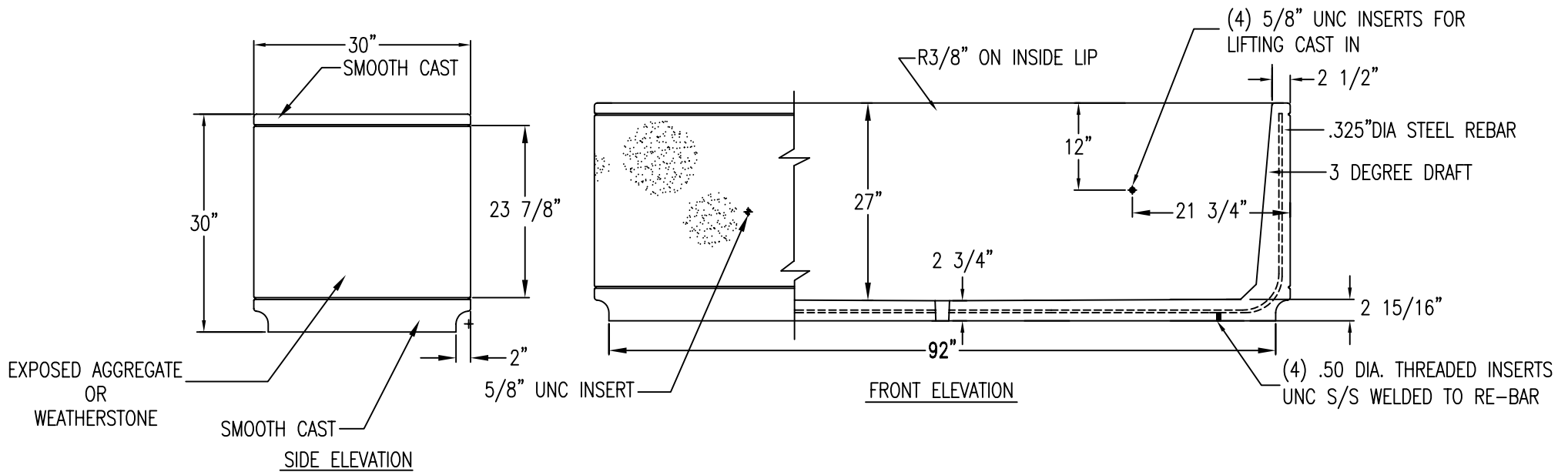
Buddleia shrub Lo & Behold



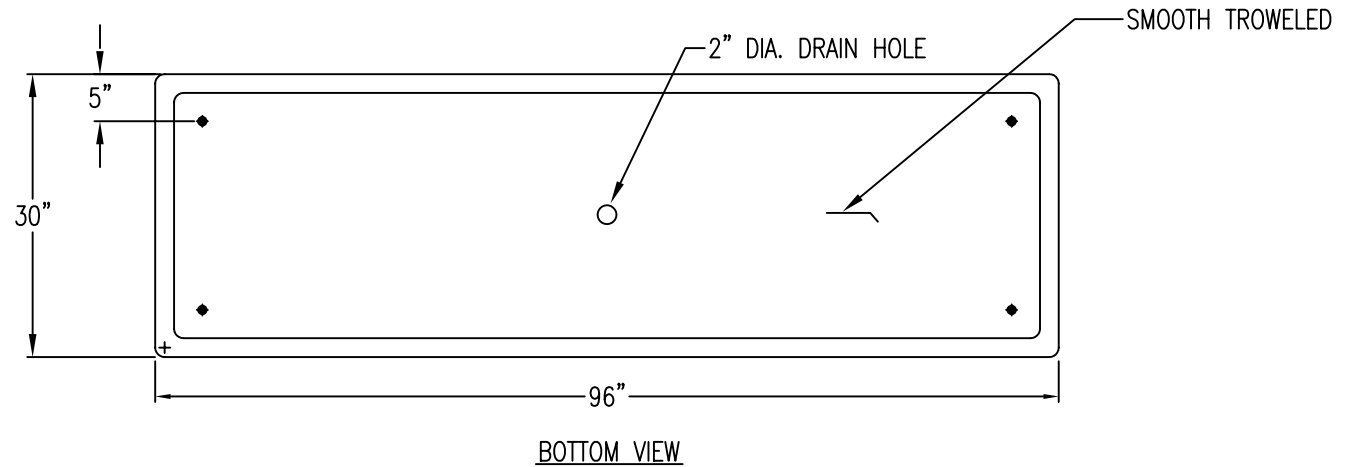
Lantana yellow



Fountaingrass Little Bunny



TF4180



CONFIDENTIAL INFORMATION
 These drawings, specifications and the other information and documents accompanying them are the confidential and proprietary property of Wausau Tile, Inc. The drawings themselves shall belong to the owner for use only on this project. Any additional use shall require the prior written approval of Wausau Tile, Inc. The proprietary information contained within the drawings and the documents is and shall remain the sole property of Wausau Tile, Inc.

WAUSAU TILE SITE FURNISHINGS

P.O. BOX 1520 WAUSAU, WISCONSIN 54402-1520 800/388-8728
 P.O. BOX 967 BANNING, CALIFORNIA 92220 877-849-5695

REVISIONS						DRAWN BY RJH		JOB PLANTER TF4180 96-30-30		MATERIAL CONCRETE	
NO.	DATE	BY	NO.	DATE	BY	TITLE TF4180		LOCATION:		WEIGHT 2,400 LBS	
1			4			SCALE 1/8" = 1"		UNLESS OTHERWISE SPECIFIED DIMENSIONS ARE IN INCHES ANGLES ±0.5°		DATE 8/15/06	
2			5			JOB NO. XXXXXX		71 ₂ PL ±0.01 3 PL ±0.005		FINISH OPTIONS XXXX	
3			6							DWG. NO. 006-8-391	

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE REPEALING ORDINANCE NUMBER 1851 AND AUTHORIZING THE
ISSUANCE OF A NEW CONDITIONAL USE PERMIT FOR A RESTAURANT WITHIN THE
CITYPLACE RETAIL LOCATED AT 11615 OLIVE BOULEVARD**

WHEREAS, under Section 405.370(C), all eating and drinking places in the "CB", Commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, conditional use permit ordinance #1851, was approved by the City Council on March 10, 1997, for the operation of a 1,500 sq. ft. food service establishment within Provisions Marketplace; and

WHEREAS, an application was submitted by Jose Sanabria, of John W. Lister, Architect., on behalf of Todd Stimson of Potbelly Sandwich Works, for a 2,418 sq. ft. restaurant in a portion of the former Provisions Marketplace

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Tuesday, February 21, 2012, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(2); and

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

WHEREAS, the Planning and Zoning Commission reviewed and, by a _____ vote, recommended approval of the improvements, subject to the conditions contained herein, at its meeting on February 21, 2012; and

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

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

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

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

BILL NO. _____

ORDINANCE NO. _____

Section 1: Ordinance #1851 is hereby repealed.

Section 2: A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a restaurant located at 11615 Olive Boulevard, in the "CB" Core Business zoning district, within the "CityPlace Retail" development whose legal description is as follows:

Unit 2 of CityPlace Condominium created pursuant to that certain Declaration of Condominium dated April 14, 1988 and recorded at Book 8297, Page 734 of the Real Property Records for St. Louis County, Missouri.

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

1. The Conditional Use Permit shall be for the operation of 2,418 square foot eating and drinking establishment at 11651 Olive Boulevard.
2. Maximum seating permitted is limited to 42 seats indoor, a maximum of 16 seats for outdoor dining.
3. Hours of operation shall be 10:00 a.m. to 9:00 p.m., seven (7) days a week.
4. The landscaped beds along the walkway in front of the building may be redesigned to include planter boxes, in accordance with the plans submitted on February 13, 2012, and attached to this ordinance as Exhibit A.
5. Employee parking, delivery and company vehicles shall be parked behind the complex within the structured parking deck in conformance with the management operational requirements.
6. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
7. Outdoor speakers may be used in the patio area only and shall not produce any sound exceeding 60dB at a straight-line distance of 100 feet or greater.
8. All signs and banners shall be in conformance with Article VII, Sign Regulations, of the Zoning Code, and in substantial compliance with the CityPlace Master Sign Plan Ordinance NO. 5169.
9. The restaurant shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
10. Any mechanical equipment installed for the site shall be properly screened with approved materials.
11. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
12. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
13. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided

BILL NO. _____

ORDINANCE NO. _____

that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.

14. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

Section 4: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 2 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

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

ADOPTED THIS ____ DAY OF _____, 2012.

TARA NEALEY
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK

BILL NUMBER 1907

ORDINANCE NUMBER 1851

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO OPERATE A FOOD SERVICE FACILITY WITHIN PROVISIONS AT 11615 OLIVE BOULEVARD, ON THE NORTHWEST CORNER OF THE INTERSECTION OF OLIVE BOULEVARD AND CITYPLACE DRIVE, IN THE "CB" CORE BUSINESS DISTRICT, SUBJECT TO THE FOLLOWING CONDITIONS HEREIN SET FORTH.

WHEREAS, APPLICATION WAS MADE BY MR. WILLIAM J. KOMAN, OWNER OF THE KOMAN GROUP, FOR A CONDITIONAL USE PERMIT TO OPERATE A FOOD SERVICE WITHIN PROVISIONS AT 11615 OLIVE BOULEVARD, ON THE NORTHWEST CORNER OF THE INTERSECTION OF OLIVE BOULEVARD AND CITYPLACE DRIVE, IN THE "CB" CORE BUSINESS DISTRICT OF THE CITY OF CREVE COEUR, AND

WHEREAS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF CREVE COEUR RECOMMENDED APPROVAL OF SAID APPLICATION, AND

WHEREAS, A PUBLIC HEARING WAS HELD BY THE CREVE COEUR CITY COUNCIL ON MONDAY, FEBRUARY 24, 1997, BEGINNING AT 7:30 P.M. OR IMMEDIATELY FOLLOWING THE CLOSE OF THE PREVIOUS PUBLIC HEARING, ON SAID APPLICATION FOR THE CONDITIONAL USE PERMIT AS PROVIDED BY ARTICLE VIII, SECTION 26-114 OF ORDINANCE NUMBER 1044 OF THE CITY OF CREVE COEUR, AND

WHEREAS, NOTICE OF PUBLICATION FOR SAID PUBLIC HEARING HAD BEEN PREVIOUSLY PUBLISHED ON February 17, 1997 IN THE WEST COUNTY JOURNAL AND February 7, 1997 IN THE ST. LOUIS COUNTIAN, NEWSPAPERS OF GENERAL CIRCULATION IN THE CITY OF CREVE COEUR, AND

WHEREAS, ALL PARTIES DESIRING TO BE HEARD, EITHER FOR OR AGAINST SAID APPLICATION, WERE GIVEN AN OPPORTUNITY TO BE HEARD, AND A COPY OF THE PROPOSED ORDINANCE HAS BEEN MADE AVAILABLE FOR PUBLIC INSPECTION PRIOR TO ITS CONSIDERATION BY THE COUNCIL; AND THIS BILL HAVING BEEN READ BY TITLE IN OPEN MEETING THREE TIMES BEFORE FINAL PASSAGE BY THE CITY COUNCIL, AND

WHEREAS, THE CITY COUNCIL BEING FULLY INFORMED FINDS THAT THE GRANTING OF THE APPLICATION WOULD BE IN HARMONY WITH AND BEAR A SUBSTANTIAL RELATION TO THE PUBLIC WELFARE, HEALTH, SAFETY, COMFORT

AND CONVENIENCE OF THE CITIZENS OF THE CITY OF CREVE COEUR AND IN THE PUBLIC INTEREST AND IN CONFORMANCE WITH GOOD ZONING PRACTICE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI AS FOLLOWS:

SECTION 1: A CONDITIONAL USE PERMIT IS AUTHORIZED TO BE ISSUED PURSUANT TO SECTION 3 HEREOF FOR THE OPERATION OF A FOOD SERVICE FACILITY WITHIN PROVISIONS TO BE LOCATED AT 11615 OLIVE BOULEVARD, ON THE NORTHWEST CORNER OF THE INTERSECTION OF OLIVE BOULEVARD AND CITYPLACE DRIVE, IN THE "CB" CORE BUSINESS DISTRICT, SUBJECT TO THE HEREINAFTER STATED CONDITIONS ON THE FOLLOWING DESCRIBED PROPERTY:

A TRACT OF LAND BEING PART OF THE NORTHEAST FRACTIONAL ONE-QUARTER OF SECTION 3, TOWNSHIP 45 NORTH - RANGE 5 EAST, ST. LOUIS COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF OLIVE STREET ROAD (MISSOURI STATE HIGHWAY 340) WITH THE EAST LINE OF PROPERTY CONVEYED TO CITY OF CREVE COEUR BY DEED RECORDED IN BOOK 6822, PAGE 1365 IN THE ST. LOUIS COUNTY RECORDS; THENCE NORTH 14 DEGREES 36 MINUTES 51 SECONDS WEST 403.03 FEET ALONG SAID EAST LINE OF CITY OF CREVE COEUR PROPERTY AND THE EAST LINE OF PROPERTY CONVEYED TO THE CITY OF CREVE COEUR BY DEED RECORDED IN BOOK 4268, PAGE 160 OF THE ST. LOUIS COUNTY RECORDS TO A POINT; THENCE NORTH 74 DEGREES 44 MINUTES 20 SECONDS EAST 340.00 FEET TO A POINT; ;THENCE SOUTH 41 DEGREES 18 MINUTES 34 SECONDS EAST 82.37 FEET TO A POINT; THENCE SOUTH 15 DEGREES 15 MINUTES 40 SECONDS EAST 187.75 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS SOUTH 74 DEGREES 44 MINUTES 20 SECONDS WEST 16.25 FEET FROM THE LAST MENTIONED POINT, A DISTANCE OF 24.27 FEET TO A POINT; THENCE SOUTH 15 DEGREES 15 MINUTES 40 SECONDS EAST 96.05 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS SOUTH 74 DEGREES 44 MINUTES 20 SECONDS WEST 45.00 FEET FROM THE LAST MENTIONED POINT, A DISTANCE OF 31.51 FEET TO SAID NORTH LINE OF OLIVE STREET ROAD (MISSOURI STATE HIGHWAY 340); THENCE SOUTH 74 DEGREES 44 MINUTES 20 SECONDS WEST 355.13 FEET ALONG SAID NORTH LINE OF OLIVE STREET ROAD (MISSOURI STATE HIGHWAY 340) TO THE POINT OF BEGINNING AND CONTAINING 33.424 ACRES.

SECTION 2: THE CONDITIONAL USE PERMIT GRANTED SHALL BE SUBJECT TO ALL APPLICABLE STATUTES, ORDINANCES, RULES AND REGULATIONS, AND THE FOLLOWING CONDITIONS:

1. THIS CONDITIONAL USE PERMIT SHALL BE FOR THE OPERATION OF AN APPROXIMATE 1,500 SQ. FT. FOOD SERVICE ESTABLISHMENT WITHIN PROVISIONS MARKETPLACE.

2. THE FOOD SERVICE ESTABLISHMENT SHALL OPERATE AS AN ACCESSORY USE TO THE PROVISIONS MARKETPLACE.

3. THE HOURS OF OPERATION SHALL BE FROM 6:00 A.M. TO 11:00 P.M. DAILY.

4. THE FLOOR PLAN FOR THE PROPOSED FOOD SERVICE ESTABLISHMENT SHALL BE FILED WITH THE CREVE COEUR ZONING ADMINISTRATOR, SHOWING THE TYPE AND LOCATION OF ALL EQUIPMENT, FURNITURE, AND OTHER INFORMATION WHICH MAY BE REQUESTED BY THE BUILDING OFFICIAL. THE FACILITY SHALL BE LIMITED TO SIXTEEN (16) SEATS INDOORS.

5. THE FOOD SERVICE ESTABLISHMENT SHALL NOT DISPLAY ANY SEPARATE EXTERIOR SIGNS OR IDENTIFICATION OF THE ESTABLISHMENT, AND PERMITS MUST BE OBTAINED FOR THE ERECTION OR MODIFICATION OF ANY SIGN ON THE PREMISES. BANNERS, PENNANTS, FRINGE, LIGHTS, PINWHEELS OR OTHER SIMILAR DEVICES FOR ATTRACTING ATTENTION MAY BE DISPLAYED ONLY IN CONFORMANCE WITH THE CITY'S CURRENT SIGN REGULATIONS. EXPOSED NEON SIGNS SHALL ONLY BE USED IN CONFORMANCE WITH THE CURRENT SIGN REGULATIONS OF THE CITY OF CREVE COEUR.

6. THERE SHALL BE NO OUTDOOR STORAGE OR PLACEMENT OF ANY MATERIALS OR EQUIPMENT USED IN CONJUNCTION WITH THE FOOD SERVICE ESTABLISHMENT.

7. ANY MECHANICAL EQUIPMENT INSTALLED FOR THE FOOD SERVICE ESTABLISHMENT SHALL BE PROPERLY SCREENED WITH APPROVED MATERIALS.

8. ANY FUTURE ENLARGEMENT, EXTENSION, EXPANSION OR ALTERATION IN THE USE OF THE STRUCTURE OR SITE MUST BE APPROVED BY THE CITY COUNCIL UPON RECEIPT OF THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION AS AN AMENDMENT TO THE CONDITIONAL USE PERMIT BEFORE A BUILDING PERMIT FOR THE ENLARGEMENT OR ALTERATION MAY BE ISSUED.

9. SEASONAL OUTDOOR SEATING SHALL BE LIMITED TO EIGHT (8) SEATS.

10. THE SEATING AREA MUST HAVE SUFFICIENT PROPER SIGNS TO COMPLY WITH THE "NO SMOKING" ORDINANCE NUMBER 1392 AND AMENDING ORDINANCE NUMBER 1548.

11. A COPY OF ALL HEREIN ATTACHED CONDITIONS SHALL BE FURNISHED BY THE OWNER OR PETITIONER TO THE OPERATOR(S) OR MANAGER(S), INCLUDING SUCCESSIVE OPERATOR(S), OWNER(S) OR MANGER(S), WHO SHALL FORWARD TO THE ZONING ENFORCEMENT OFFICER AN ACKNOWLEDGEMENT THAT HE OR SHE HAS READ AND UNDERSTOOD EACH OF THESE CONDITIONS AND AGREES TO COMPLY THEREWITH.

12. ALL CONDITIONS CONTAINED WITHIN THIS PERMIT SHALL BE POSTED UPON THE PROPERTY IN SUCH A MANNER THAT IT IS VISIBLE TO THE PUBLIC AND THE OPERATOR OF SAID FACILITY.

13. FAILURE TO COMPLY WITH ANY ONE OR ALL OF THE CONDITIONS OF THIS PERMIT SHALL BE ADEQUATE CAUSE FOR THE REVOCATION OR MODIFICATION OF SAID PERMIT BY THE CITY COUNCIL PROVIDED, HOWEVER, NO PERMIT SHALL BE REVOKED OR MODIFIED WITHOUT PRIOR NOTICE TO THE OWNER OF THE INTENTION OF THE CITY COUNCIL TO REVOKE OR MODIFY THIS PERMIT AND REASONABLE TIME GRANTED TO THE OWNER TO CORRECT OR REMEDY ANY SUCH BREACH OF CONDITION, EXCEPT FOR REPEATED BREACHES OR VIOLATIONS.

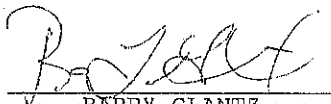
14. A HOSE BIB SHALL BE LOCATED WITHIN THE TRASH ENCLOSURE AREA SERVICING THIS FOOD SERVICE FACILITY.

15. NO CONDITIONAL USE PERMIT GRANTED BY THE CITY COUNCIL SHALL BE VALID FOR A PERIOD LONGER THAN ONE YEAR FROM THE DATE IT GRANTS THE CONDITIONAL USE PERMIT, UNLESS WITHIN SUCH PERIOD: (1) A BUILDING PERMIT IS OBTAINED AND CONSTRUCTION IS BEGUN; OR (2) IF A BUILDING PERMIT IS NOT REQUIRED, AN OCCUPANCY PERMIT IS OBTAINED AND THE USE OF THE BUILDING COMMENCED. THE CITY COUNCIL MAY GRANT EXTENSIONS NOT EXCEEDING ONE HUNDRED AND EIGHTY (180) DAYS EACH, UPON WRITTEN APPLICATION FILED AND GRANTED PRIOR TO THE EXPIRATION OF THE CONDITIONAL USE PERMIT PERIOD.

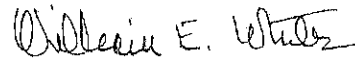
SECTION 3: THE CITY ADMINISTRATOR OF THE CITY OF CREVE
COEUR IS HEREBY AUTHORIZED AND DIRECTED TO ISSUE A CONDITIONAL USE
PERMIT IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE, SAID
PERMIT TO EXPRESSLY PROVIDE FOR THE CONDITIONS AND STIPULATIONS
HEREINABOVE SET OUT IN SECTION 2 OF THIS ORDINANCE.

SECTION 4: THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT
UPON THE EXPIRATION OF FIFTEEN (15) DAYS AFTER THE ADOPTION BY THE
CITY COUNCIL AND THE SIGNING THEREOF BY THE MAYOR.

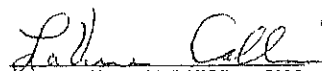
ADOPTED BY CITY COUNCIL THIS 10 DAY OF March, 1997.


BARRY GLANTZ
CITY COUNCIL PRESIDENT

APPROVED THIS 10 DAY OF March, 1997.


WILLIAM E. WINTER
MAYOR

ATTEST:


LAVERNE COLLINS, CMC
CITY CLERK

161/214

