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AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, JUNE 18, 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 the meeting of June 4, 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**

A. Application #12-015: A request for a minor site development plan approval for a "front-yard" privacy fence along Ladue Road.

Applicant: Dan Blasiar
212 Runnymede Drive
Creve Coeur, MO 63141

6. **NEW BUSINESS**

A. PUBLIC HEARING

Application #12-017: A request to amend Chapter 405, the Zoning Ordinance, by allowing retail bakeries on sites of less than four acres in the "MX" Mixed Use zoning district.

Applicant: Shoppes at Westgate, LLC
1133 Olivette Executive Parkway
St. Louis, MO 63132

Applicant's Agent: Stanley J. Wallach, Esq.
The Wallach Law Firm
Three City Place Drive, Suite 1070
Creve Coeur, MO 63141

7. **WORK AGENDA**

None

8. **OTHER BUSINESS**

- A. Planning Division Report**
- B. City Attorney Report**

9. **ADJOURNMENT**

Posted: _____

Julie Lowery
Planning Division Assistant



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, JUNE 4, 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, June 4, 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
 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 May 21, 2012

Mr. Eberhardt had a correction to applications #12-011, #12-012, and #12-014, as he voted aye on these applications and his vote does not appear on the minutes. Mr. Lumley had a correction on application #12-011, deleting the word “only” from the motion. Mr. Eberhardt moved approval of the changes suggested to the draft minutes as written. The motion carried unanimously.

4. PUBLIC COMMENT

Mr. David Caldwell, 257 Brooktrail Court, addressed the Commission stating that when the 25% limit in the “MX” District was brought to the City Council meeting last week, there was discussion around the percentage being eliminated or increased, and it is his opinion that, if there are any changes to other districts with the same 25% percent cap, it will affect the character of the community. Mr. Caldwell thinks changes like this should be considered in the Comprehensive Plan review this year and would like to see the Commission advise the City Council as to which direction the Commission would take analyzing and studying these changes before their next meeting.

5. **UNFINISHED BUSINESS**

None

6. **NEW BUSINESS**

A. Application #12-015: A request for a minor site development plan approval for a “front-yard” privacy fence along Ladue Road.

Applicant/Agent: Dan Blasiar
212 Runnymede Drive
Creve Coeur, MO 63141

Mr. Dan Blasiar, 212 Runnymede Drive, presented the Commission with a minor site development plan for approval of a six-foot white vinyl privacy fence along the rear property line that backs up to Ladue Road. Prior to presenting to the Planning and Zoning Commission, Mr. Blasiar applied for a permit with the Building Division and it was approved. Mr. Blasiar then began the work without knowledge of Planning and Zoning’s application process, however, when notified he stopped all work. Mr. Blasiar believes his family benefits from the six-foot tall privacy fence by protecting his child from Ladue Road and having privacy in his yard. Mr. Blasiar showed illustrations of various angles of his neighbor’s fences and does not feel his fence would hurt the neighbors or that it is conflicting with the City’s plans, based on the neighboring houses that have similar fences. Mr. Blasiar will landscape around the fence, if necessary, to block the fence from Ladue Road. Mr. Blasiar is against moving his fence back to the required setback because he submitted plans that were approved by the Building Division and he purchased materials and started installing the posts. Mr. Blasiar’s idea is to apply any saved money or recovered costs, from moving the fence back, towards sidewalk repair in front of his fence in such a way as to increase the landscape area.

Mr. Schnarr asked what the distance was from the fence to the sidewalk; Mr. Blasiar replied five feet.

Mr. Faron asked if Mr. Blasiar would move the fence back to the 25-foot alignment with his neighbor, and if he is willing to landscape that area. Mr. Blasiar stated he would landscape to make it match the rest of Ladue Road. Mr. Blasiar also stated he was willing to landscape to the recommendation of the Commission and/or Staff. There is currently no plan for landscaping, but he is willing to comply with what it will take to keep the fence.

In response to his question, Mr. Langdon explained to Mr. Faron that along any right-of-way, public or private, you have to observe the equivalent of a front yard setback for that district. This is the “A” zoning district, which has a 50-foot front yard setback.

Mr. Faron asked if the Blasiar family were going to spend their own money towards the proposed sidewalk repair or if they were looking for the City to complete this portion. Mr. Blasiar stated he wanted the City to fix the sidewalk. Mr. Faron then asked Staff if there was a plan to make the sidewalk consistent with the street. Mr. Langdon answered the City was already in the process of designing sidewalks for various gaps along Ladue Road. There is a grant the City has received that covers 80% of the cost for a variety of sidewalk infill projects. In this

case, the preliminary design has the sidewalk down at grade, the same as it is now, in order to keep it consistent and keep costs under control because, if you bring the sidewalk to the street, you have to have a curb. Mr. Langdon spoke with the City Engineer and, while it is possible to put in a full sidewalk and curb, it does become an expense issue and a grading issue. As such, it is not something the City is contemplating at this time.

Dr. Barton asked if Mr. Blasiar was planning to irrigate his backyard. Mr. Blasiar responded he was not planning on it. Dr. Barton expressed concerns with potential landscaping on the fence being maintained. Mr. Blasiar stated he would maintain the landscape per the City's code. Ms. Kramer asked if the property Mr. Blasiar is being asked to maintain, is in fact not truly his property, how the City will make sure it is kept up. Mr. Langdon replied that, on all properties, maintenance lies with the property owner all the way to the edge of pavement, whether it is sidewalk or asphalt.

Mr. Eberhardt asked if the neighbor at 11453 Ladue Road expressed any concerns, objections, or approval of the fence situation. Mr. Blasiar replied yes. That particular neighbor, Mr. Wong, is in attendance at this meeting. Mr. Eberhardt also questioned some notes on the drawings. One of the notes was from Chief Building Official, Steve Unser, stating the pool barrier fence has to remain. The other note was the neighbor to the west of the Blasiar property giving consents to adjoin their fences at one post. Lastly, Mr. Eberhardt asked if Mr. Blasiar would compromise and move the fence back 25 feet to align with the neighbor's fence. Mr. Blasiar expressed he does not want to move the fence back at all.

Mr. Michael Wong, 11453 Ladue Road, stated he did not believe it was his business to impose his view on his neighbor's property, but since he is directly affected, he wanted to address a few things. Personally, Mr. Wong likes to have Ladue Road open, and a fence will close off one side of his property. In regards to Creve Coeur's ordinance and what standards are supposed to be maintained, Mr. Wong's main concern is the five feet of space between Ladue Road and the fence, and if that is adequate protection from Ladue Road. Mr. Eberhardt asked Mr. Wong if he would have any problems seeing Ladue Road when trying to leave his driveway. Mr. Wong stated he did not believe it would be a problem, unless the plantings were to block his view.

A presentation was given by Mr. Langdon on the application. The Commission was shown pictures of Ladue Road looking east showing the relationship to the Blasiar property and the Runnymede entrance and illustrating the vegetation that exists on Ladue Road. Ms. Kramer asked Mr. Langdon to address her concern about the landscaping protruding towards Ladue Road, if the fence remained where it is currently proposed. Mr. Langdon stated any property owner has an obligation to maintain a clear sidewalk. Mr. Langdon also said all the properties that have overgrown honeysuckle should be cutting it back. Mr. Langdon also recognized it can become difficult to maintain vegetation depending on the amount of space and choice of plantings.

Dr. Barton asked if Mr. Blasiar would consider a wrought iron fence instead of vinyl, and Mr. Blasiar said no; they think iron would rust and they prefer the white vinyl fence.

Dr. Barton suggested tabling this application to the next Planning and Zoning meeting so the applicant can get a landscape plan together and sidewalk plans can be figured out.

Mr. David Caldwell, 257 Brooktrail Court, wanted to know what the necessity for having a six-foot tall fence is, if it is only protection for a child. Mr. Blasiar responded the code states the maximum height allowed is six feet for a privacy fence.

Mr. Dave Blasiar, former resident of St. Louis County, spoke in favor of his son and daughter-in-law's fence. Mr. Blasiar asked the Commission to consider that across the street there is a fence that is not landscaped and old, and if his son is required to move his fence back, the fence across Ladue Road should be moved as well.

Chairman Madden asked Staff for suggestions to remedy this application. Mr. Langdon asked the Commission to consider what they think is the best place for the fence, whether they will require landscaping or not, and what concerns for any homeowner would be. He encouraged them to consider what they, as residents, would be comfortable looking at over the long term.

Ms. Lynn Berry, 626 Graeser Road, sees two problems: first, that the City approved this application as a building permit and; second, that it is not up to City code. Ms. Berry thinks the City and Mr. Blasiar should compromise.

Mr. Madden asked about compensating the resident for costs incurred so far, and Mr. Lumley, City Attorney, replied that costs are not the Commission's concern; the City would deal with that matter if needed. The Commission should only decide what is correct for the situation.

Ms. Renee Blasiar, 212 Runnymede, explained to the Commission that they purchased the house because it sat on an acre. The compromise that was mentioned is not a compromise their family is willing to make.

There being no further comments, the motion was made by Mr. Schnarr to table this request until the next scheduled meeting, June 18, 2012. Ms. Kramer seconded the motion with the resultant vote as follows:

Dr. Barton – aye
Mr. Schnarr – aye

Mr. Faron – aye
Chair – aye

Ms. Kramer – aye
Mr. Eberhardt - aye

B. Application #12-016: A request to vacate an easement in the Ballas Homes Place subdivision, now developed as King's Landing Apartments.

Applicant/Agent: Paul Langdon
Community Development Director
City of Creve Coeur

A presentation was given by Mr. Paul Langdon showing the lot, which consists of King's Landing, that has an easement in the middle of it. The easement should have been deleted when it was adjusted for the King's Landing project, but it got lost in the survey at that time and was recently rediscovered. The property owners have asked the City to vacate the easement.

There being no further comments, the motion was made by Mr. Faron to recommend vacation of the easement granted by the Ballas Homes Place subdivision as described in the draft

ordinance attached to the staff memorandum on Application #12-016, dated June 4, 2012. Mr. Eberhardt seconded the motion with the resultant vote as follows:

Dr. Barton – aye
Mr. Schnarr – aye

Mr. Faron – aye
Chair – aye

Ms. Kramer – aye
Mr. Eberhardt - aye

7. **WORK AGENDA**

None

8. **OTHER BUSINESS**

A. Planning Division Report

Mr. Langdon reported he was invited by Delmar Gardens to sit in a meeting regarding the Belle Maison property. At that meeting, Delmar Gardens stated they are committed to moving forward on the project, submitting an application sometime this summer, which consists of three projects. One of the projects would be a skilled nursing facility, one would be an assisted living building, and the last one would be single family housing. Delmar Gardens does not have any final designs or grading plans, but they have worked extensively with the neighbors on preparation of draft plans.

Also, Mr. Langdon reported at the next meeting that the Commission would be looking at a boundary adjustment and another text amendment to the “MX” District.

B. City Attorney Report

None

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 8:25 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



city of CREVE COEUR

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

Meeting Date: June 18, 2012

To: Planning and Zoning Commission

From: Paul Langdon, AICP, Director of Community Development 

Subject: P&Z Application #12-015; Blasiar Fence at 212 Runnymede Drive

Attachment: Applicant's Materials for the Meeting of June 18, 2012

PROJECT UPDATE

On June 4, 2012, the Planning and Zoning Commission discussed the minor site plan approval of the subject fence that fronts to Ladue Road. A decision on the matter was postponed to the June 18th meeting to allow staff and the applicant time to research the following questions (answers follow):

1. Is it possible for the City to locate the new sidewalk adjacent to the roadway, including a curb, to increase the area available for a hedge that would mask the fence?

Answer: After reviewing the preliminary plans for the new sidewalk and in light of current Metropolitan St. Louis Sewer District (MSD) policies, it was determined that relocating the sidewalk would:

- require additional grading with soil that would have to be brought on-site.
- require that a curb would have to be built.
- require a covered inlet to be installed in the sidewalk or a whole new sewer installed.
- Require construction of a stormwater primary treatment facility such as a settlement basin or sand filter.

The cost of these items renders relocation unfeasible. The sidewalk will be generally centered over the current sidewalk.

2. Is there a location for the fence that is mutually agreeable between the applicant and the neighbor to the east that also reduces the visibility of the fence from the right-of-way?

Answer: In his testimony on June 4, the neighbor indicated that a 10-foot setback appeared to be a reasonable compromise. The applicant has since agreed and indicated his willingness to accept that location if so directed by the Planning Commission. He has further indicated that he would be willing to plant an

evergreen hedge within the 10-foot setback, as was suggested by his landscape contractor. This is documented in the attached applicant's materials.

3. Can the applicant prepare a landscape plan for the June 18th meeting?

Answer: As shown in the attached slides, a plan *per se* has not been prepared but examples of the proposed plant material in a typical installation are provided. These examples are appropriate for this situation and Staff are comfortable with a written condition requiring a plan for installation prior to final inspection of the fence. The condition should further provide approximately four months for planting to occur since tree planting at this time of year is not recommended.

RECOMMENDED CONDITIONS OF APPROVAL

Although specific requirements are still subject to change pending the Commission's final decision on June 18th, staff recommend the following conditions (or equivalent, as appropriate) be made a part of the final approval:

- The rear yard fence shall be located no less than 10 feet from the Ladue Road right-of-way.
- A landscape plan, in substantial conformance with the illustrations attached to the Staff Memorandum dated June 18th, 2012, on Application #12-015, and in conformance with all applicable sections of the Municipal Code, shall be submitted for approval to the staff prior to the final inspection of the fence.
- The installation of all plants shown on the staff-approved landscape plan shall be completed by November 1st, 2012.

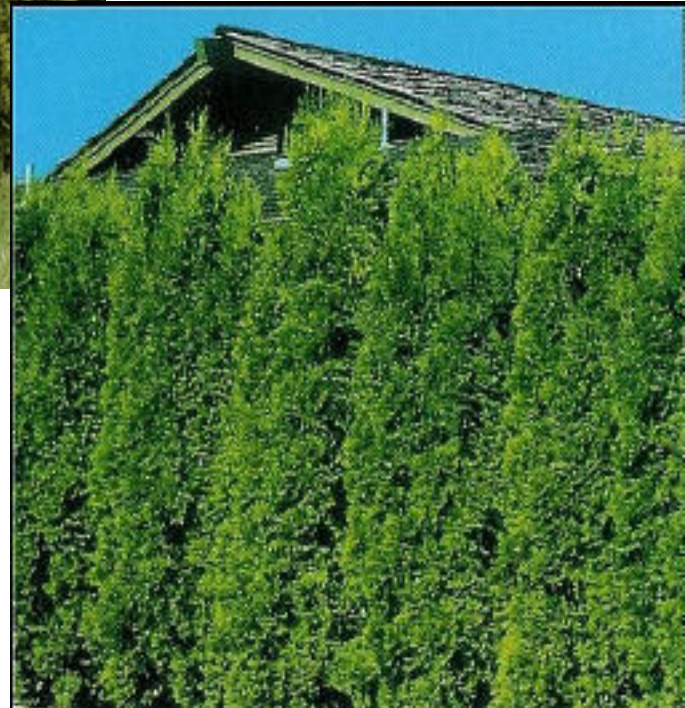
EXAMPLE MOTION

If the Commission agrees with the proposal from the applicant and the landscape requirements outlined by staff, the following would be an appropriate motion for approval:

"I move to approve the site plan for the Blasiar fence at 212 Runnymede Road submitted with Application #12-015, as presented to the Planning and Zoning Commission on June 4th, 2012, and subject to the recommended conditions of approval in the staff memorandum to the Planning and Zoning Commission dated June 18, 2012."

Review of June 4 P&Z Discussion of Blasiar Back Yard Fence with Audio References

- 19:15 – Agreed that the only dissent to the fence location is neighbor to the east, Mr. Wong
- 23:45 – Learned that the fence to the west was required to be set back 25' because it is a triple fronted lot and is particularly exposed. Fence across Ladue was allowed to extend to the property line.
 - Holding me to the 25' setback requirement because I am next door to the triple fronted lot does not make sense.
 - Would only appear integrated from an aerial view
 - Make an additional 3000 sqft of yard unusable
 - No advantage to community
- 27:45 – No need to completely cover up the fence, just need something to soften the impact and make it somewhat attractive instead of letting honeysuckle take over like everywhere else
 - Complete coverage green wall along Ladue will cost \$5000 installed (\$125 X 40)
 - Mature Thuja Occidentalis (Emerald Arbor Vitae) are 4' diameter and over 6' tall (install every 3')
 - Will stay within buffer without trimming
 - Not part of original plan or approved permit
 - Will not be on my property but I will maintain per municipal code section 220.070
 - Other options available at less cost
 - Other evergreens that require trimming
 - Non-evergreens will drop leaves in winter resulting in Ladue drivers possibly noticing fence





Review of June 4 P&Z Discussion of Blasiar Back Yard Fence with Audio References

- 30:05 – discussed sunk costs for the posts along Ladue so far being \$1200, and that the cost to install additional posts at a setback distance would be another \$1200
- 41:10 – Mr. Wong (recall he is the only dissent) suggests 10' set back, agreeing 25' is too much
- 1:07:00 – Discussed that the city needs to take care of its mistakes (“pony-up” and “compensate” were mentioned by members of the commission)
- Based on these excerpts, propose:
 - Accommodating the wishes of the only dissenter
 - Move the fence line back 10 feet
 - City compensates \$2500 toward the project
 - \$1200 spent installing posts so far
 - \$1200 for repeat work installing posts ten feet back
 - \$100 to remove the existing posts
 - Put the fence 10 feet into my yard, making any maintenance issues unquestionably my responsibility
 - Provides at least 21 feet of buffer from the right of way pavement edge

Street Trees

- Sidewalk can not be moved to pavement edge as has been done on both sides of the property
 - Existing asphalt path replaced with concrete sidewalk in place
- Suggest planting small street trees centered in the grass strip between street and sidewalk
 - Public works department offers
 - White Flowering Crabapple
 - Eastern Redbud
 - Would soften impact of fence as drivers notice the trees instead of the fence
 - Would provide interest for pedestrians walking in between the trees and the fence







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APPLICATION TO PLANNING AND ZONING COMMISSION #12-015 A MINOR SITE DEVELOPMENT PLAN FOR A "FRONT-YARD" PRIVACY FENCE ALONG LADUE ROAD

FOR THE MEETING OF: June 4, 2012

LOCATION: 212 Runnymede Drive

REQUEST:

Dan Blasiar has submitted a request for a minor site development plan approval for a six-foot, sight-proof white vinyl privacy fence along the rear property line that backs up to Ladue Road within the required "front yard" setback along Ladue Road. The functional front of the property is along Runnymede Drive and the rear is along Ladue Road, east of Runnymede Drive.

ADDITIONAL INFORMATION:

Section 405.640 requires that fences 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, require approval by the Planning and Zoning Commission. The property is zoned "A" Single Family Residential and has a front yard setback requirement of 50 feet.

Key Issues:

- Maintaining open green spaces
- Visual scenic impact along Ladue Road

Comp. Plan References

- Residential Neighborhoods
- Design Guidelines

Zoning Code References

- 405.250 "A" Single-family Residential
- 405.640 Fences within the Front Yard Section and along Street Right-of-Way

APPLICANTS: Dan Blasiar
212 Runnymede Drive
Creve Coeur, MO 63141



REPORT PREPARED BY:

Whitney Kelly
Whitney Kelly, AICP, City Planner

6/1/2012
Date

ATTACHMENTS: Applicant's Materials Submitted on May 29, 2012
Building Permit 25098 Information

BACKGROUND

The subject property is located north of Ladue Road within the Runnymede Subdivision. The property is zoned "A" Single Family Residential and has a front yard setback requirement of 50 feet along Ladue Road, within which a fence is not allowed without Planning and Zoning Commission approval. The applicant received a permit from the Building Division for the fence in error without verifying with the Planning Division regarding the zoning requirements for the placement of the fence and the setback requirement along Ladue Road. The applicant began to install the fence in good faith when the zoning violation became evident and work was halted. The applicant was notified of the need for Planning and Zoning Commission approval and he subsequently submitted an application.

As indicated above, the property is currently zoned "A" Single Family Residential. 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.

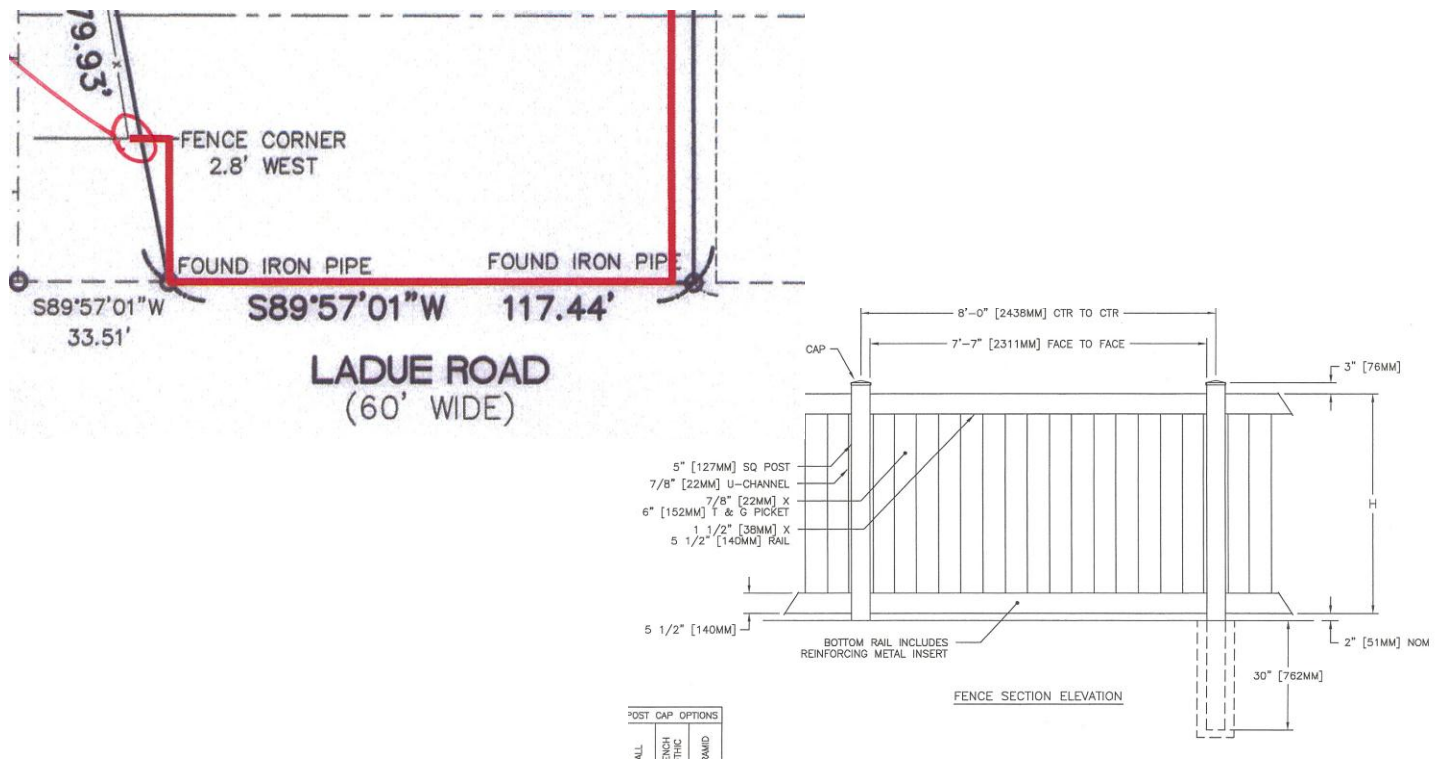
LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Single family residences	"A" Single Family Residential	Runnymede Dr.
South	Single family residences	"A" Single Family Residential	Ladue Rd.
East	Single family residences	"A" Single Family Residential	NA
West	Single family residences	"A" Single Family Residential	NA

FENCE PLACEMENT AND DESIGN

The proposed fence would be a six-foot, white-vinyl privacy fence following the five-foot easement along the east property line, then along the rear property line for approximately 117 feet, and at the southwest corner of the property, the fence would move approximately 25 feet northward to adjoin with the neighbor's existing wood fence on the west. Below is a close up of the site plan showing the fence configuration along Ladue Road, and the fence elevation submitted with the building permit application. The applicant has agreed to provide landscaping along the fence line to soften the view from Ladue Road although a specific planting plan has not been proposed. The wood fence surrounding the swimming pool will remain per building code requirements.



The property line is about 10 feet from the street pavement of Ladue Road. The house to the west has a wood privacy fence that sits back approximately 25 feet from the right-of-way with significant vegetation that provides approximately 20 feet of screening of the fence.

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

- 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.
- 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 proposed fence would provide the property much more privacy in the rear yard where most property owners would expect a higher level of privacy. It also provides a degree of safety for children and pets by keeping them away from Ladue Road where posted speed limits are 40 miles per hour, versus 25 miles per hour along a typical subdivision street. Similar arguments were made for the two fences approved nearby and are typically cited in such applications.

The proposed fence would also expand the amount of privacy fencing in this immediate vicinity that reduces the openness of the Ladue Road viewshed. Whether or not this expansion represents an incremental change or a step too far in the wrong direction is largely a matter of visual preference and consideration of the design details. The use of white vinyl certainly makes the fence more noticeable along the public right-of-way, so the installation of the plant buffer would appear to be critical, including along the east side adjacent to the neighbor's true front yard. Increasing the buffer along Ladue Road, to a width equivalent to the neighbor to the west, would not only improve the screening value but would also provide a degree of integration with existing conditions and diminish the impact upon the neighbor to the east. This would, however, require re-installation of the fence posts already located along the property line consistent with the permit issued in error. The use of a more open fence design might also serve to reduce the visual impact of the fence and any losses in privacy could be mitigated with evergreen plantings.

CONCLUSION

If the members of the Planning Commission find the applicant's reasons for the fence sufficiently compelling, they can approve it as proposed. If changes are deemed necessary, staff recommends aligning the fence with the neighbor to the west and the preparation of a landscape plan for staff approval prior to installation of the fence. If the request is denied, the applicant may construct the fence along the 50-foot setback line without any landscape buffer.

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 Blasiar fence at 212 Runnymede Road submitted with Application #12-015, as presented to the Planning and Zoning Commission on June 4, 2012”
(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 PHOTO



APPENDIX 4: SITE PHOTOGRAPHS Application #12-015	Photo Date: 05/31/2012
	Description: View of the fence location looking west from the neighbor's front door entrance, located at 11453 Ladue Road.
	Description: View looking west at the fence placement in comparison to the neighbor just west of the subject property. Notice the thick vegetation that obscures the fence from public view.
	Description: View of the fence placement looking east. Note the lack of fences on the south side of the street and that the homes immediately to the east both front Ladue Road.

	Description: View looking north at the southeast corner of the property along the proposed fence line. Note the change in grade between the properties.
	Description: View looking east from Ladue Road across from the Runnymede Drive intersection at the existing wood fence, and the proposed fence location.
	Description: View looking northwest from the intersection of Camfield Square and Ladue Road at the proposed fence line.

Dan Blasiar

212 Runnymede
Phone: 314-749-0638

Paul Langdon

Director, Community Development
Phone: 314-872-2504

Dear Director

It has come to my attention that the approved permit #25098 also needs to be approved by the Planning and Zoning committee. Please add my permit to the agenda of the earliest meeting possible. Construction has already commenced and as soon as this is approved by the committee the fence will be completed as soon as possible.

My wife and I decided to fence in the perimeter of our backyard. Fencing the outer perimeter allows us to keep the large open area as is but will prevent our daughter from wandering onto Ladue road which is busy at times. She is only 1 year old now, but will soon be playing in the back yard with friends and family, and safety of everyone in the yard is important to us. Setting the fence back 60 feet would cut the back yard area we have now in half, leaving the yard outside the fence again unusable and dangerous. This would defeat both of the original intentions of installing the fence.

After the fence permit was approved by the city building official I purchased all the fencing material and have it stored in our garage. I have installed 10 posts along the Ladue road line to try to fill those holes next to the sidewalk first. The cost for installing these posts is over \$1000, including digging the holes, filling with gravel and concrete and the effort of two installers working with me. Changing the plan at this point wastes the time, effort, and money spent so far.

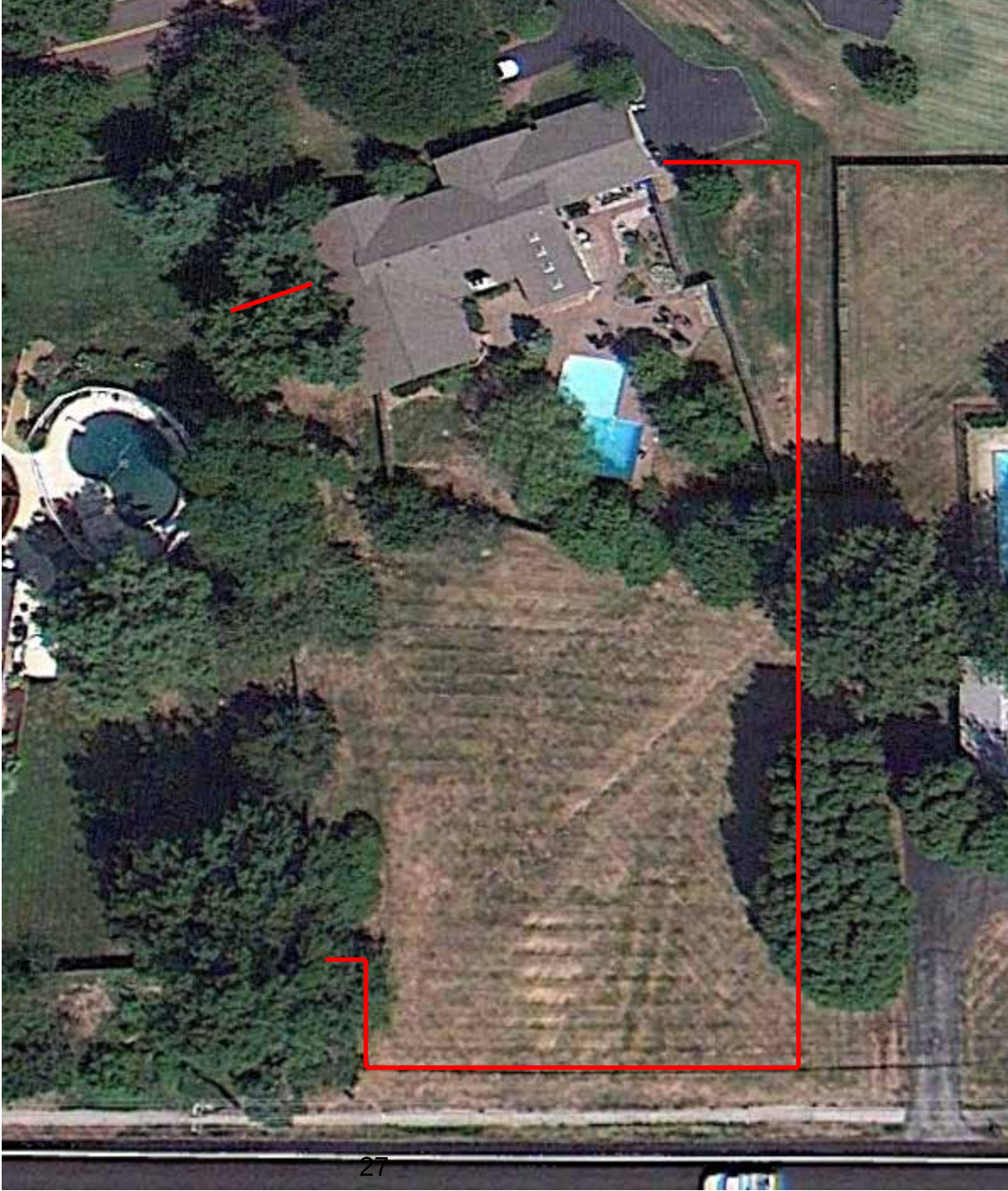
I have attached some aerial and street level photos of neighboring houses that have fences that were allowed to cross the building lines in their back yards. My next door neighbor has fencing close to both Runnymede and Ladue road. My neighbor across Ladue has fencing to his property line bordering Ladue as I have done also. Instead of grass between the fence and sidewalk, I intend to plant bushes that will effectively hide the fence from view from Ladue road. Other neighbors backing to Ladue but closer to Mosley have done this. When I am done with the project the fence will blend well with the other properties on Ladue.

Thank you,

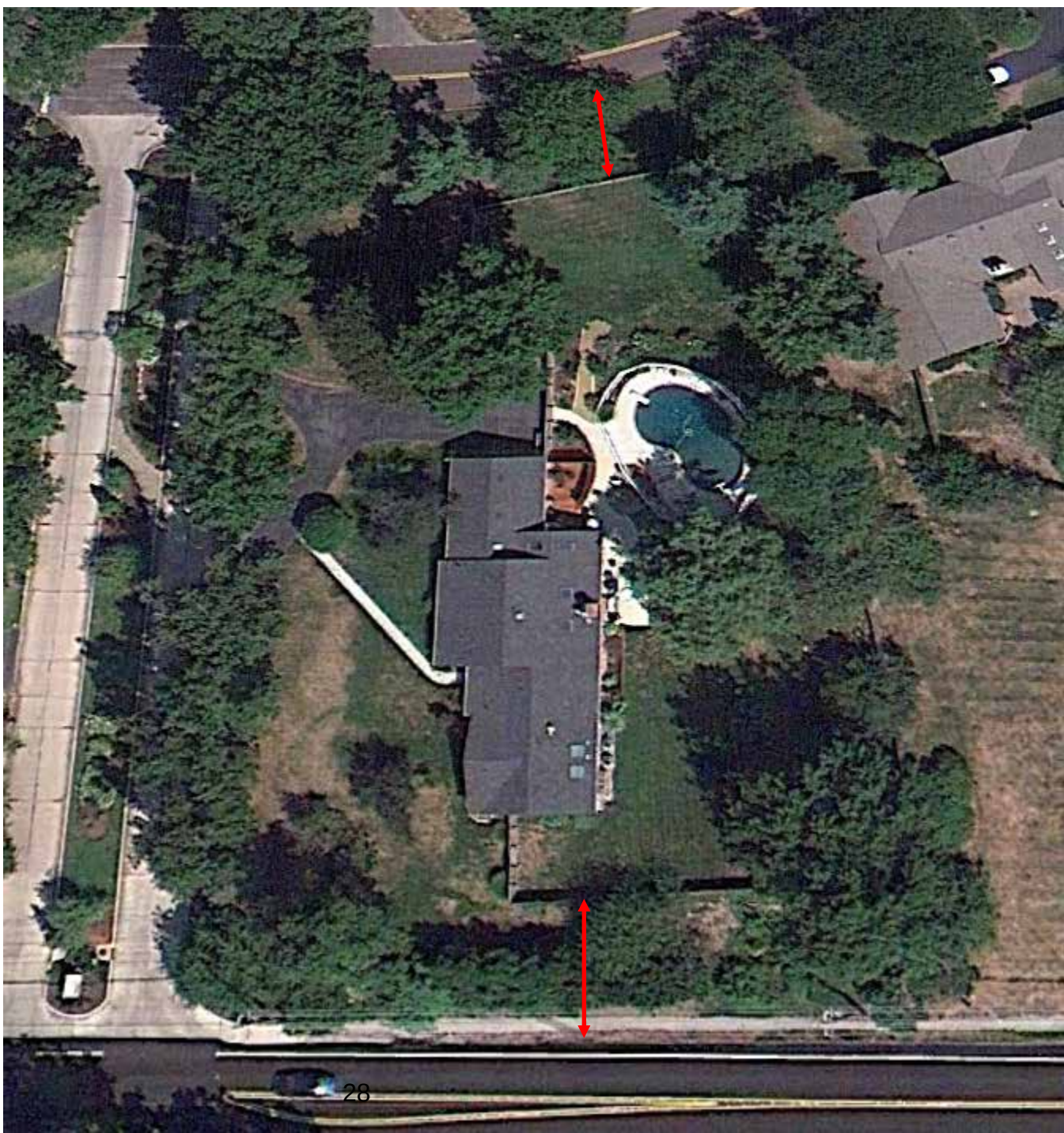
Dan Blasiar
5/21/2012

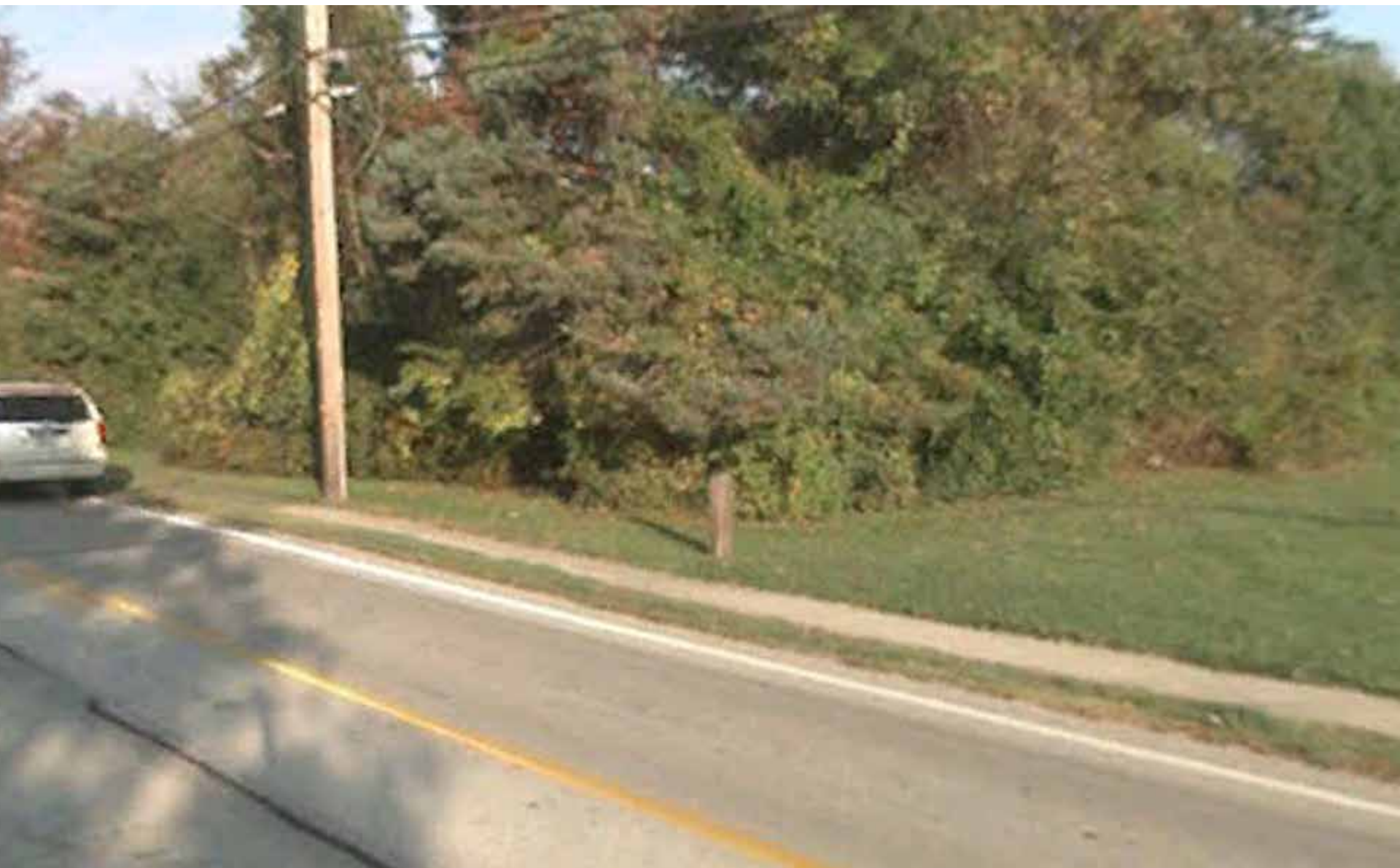
212 Runnymede

Fence plan shown
with red lines



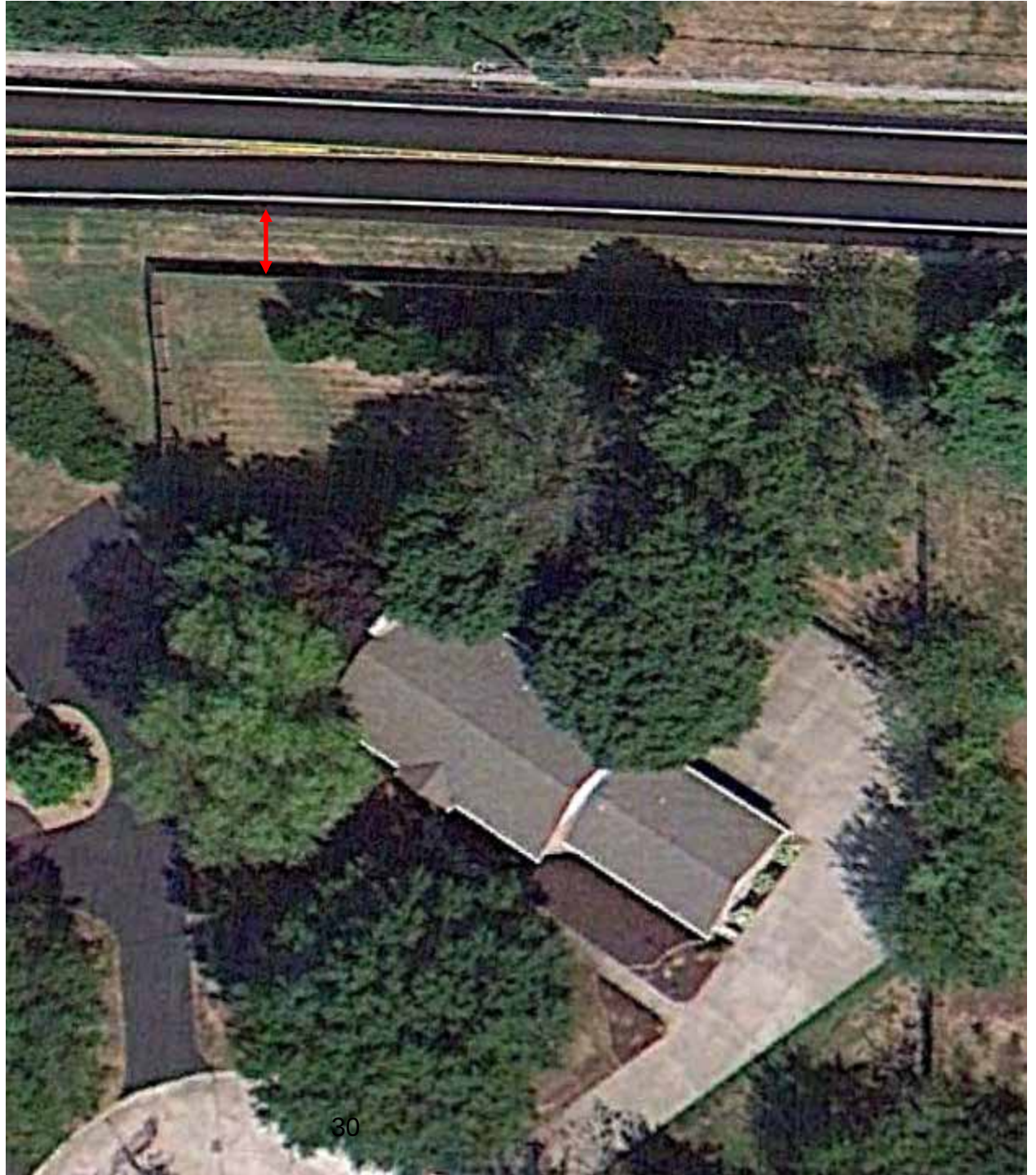
Neighboring house –
fencing not 60' from
Ladue or Runnymede





Fence is hidden with bushes

Neighboring house
across Ladue – fencing
not 60' from road







When project is complete, view from Ladue road will blend with other properties backing to the road.



10 posts already installed in concrete



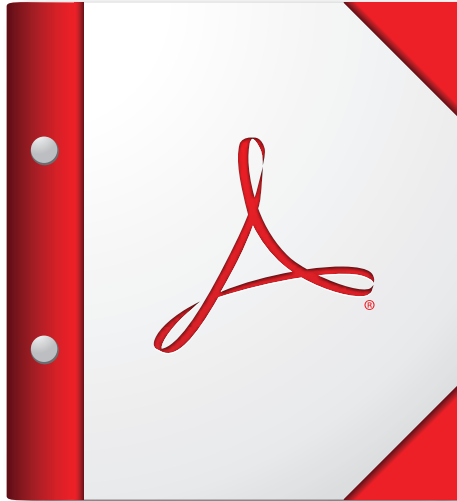
Chain link fence of
backyard north of
Ladue between
Runnymede and
Mosley



Privacy fence of
backyard north of
Ladue between
Runnymede and
Mosley



Corner of property
backing to Ladue and
property on Ladue
road. Effectively hides
fence.



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city of CREVE COEUR

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APPLICATION TO PLANNING AND ZONING COMMISSION

#12-017 TEXT AMENDMENT TO AMEND THE ZONING CODE TO ALLOW RETAIL BAKERIES AS A PERMITTED USE ON SITES OF LESS THAN 4 ACRES IN THE "MX" MIXED USE DISTRICT

FOR THE MEETING OF: June 18, 2012

LOCATION: "MX" Mixed Use District

REQUEST:

Stanley Wallach, representing Shoppes at Westgate, LLC, has submitted a request to consider certain amendments to Section 405.340(B)(1) to allow retail bakeries as a permitted use on sites of 1.00 to 2.99 acres

ADDITIONAL INFORMATION:

Currently, retail bakeries are categorized as a Food Store and are permitted uses only in Class-3 properties (sites larger than 4 acres) [Section 405.340(B)(3)(d)].

Key Issues:

- Does this request further the goals and/or implement the Comprehensive Plan?
- Is this a reasonable exercise of zoning authority?
- Any neighborhood impacts?

Comp. Plan References

- West Olive Corridor

Zoning Code References

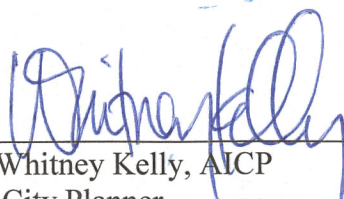
- Section 405.340: "MX" Mixed Use District

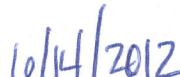
APPLICANT: Shoppes at Westgate, LLC
1133 Olivette Executive Parkway
St. Louis, MO 63132

**APPLICANT'S
REPRESENTATIVE:**

Stanley J. Wallach, Esq.
The Wallach Law Firm
Three City Place Drive,
Suite 1070
Creve Coeur, MO 63141

REPORT PREPARED BY:


Whitney Kelly, AICP
City Planner


6/14/2012
Date

ATTACHMENTS: Draft Ordinance
Applicant's Memo, submitted on May 9, 2012

INTRODUCTION

Currently, the "MX" District is located on the south side of Olive Boulevard between Tempo Drive and Questover Lane and consists of the developments of the Shoppes at Westgate, Stipanovich-Ortmann Funeral Home, Genovese Diamonds building, and Regions Bank. Below is an aerial photo of the district.



During the previous discussion regarding eating and drinking establishments in the "MX" District, the owners of the Shoppes at Westgate indicated that the prospective tenants to fill the vacant 1,996 square foot space included a sandwich shop and a donut bakery business. As a supplement to the text amendment raising the limit on eating and drinking establishments from 25% to 40%, the applicants are also seeking to allow retail bakeries as a permitted use on sites of less than four acres.

The Shoppes at Westgate is a 18,452 square-foot shopping center located at 12430 Olive Boulevard that received approval for rezoning of the property from "A" Single Family Residential to "MX" Mixed Use, and site development plan approval in 2003. The project is intended to be a neighborhood commercial and specialty shop development.

Retail Bakeries in the MX District are permitted per Section 405.340(B):

3. *Class 3--Sites larger than 4.00 acres. The following uses are permitted on sites larger than four (4.00) acres:*
 - d. *Food stores including only the following:*
 - (1) *Grocery stores (all uses within SIC Code 541 except frozen food and freezer plans).*
 - (2) *Fruit and vegetable markets (all uses within SIC Code 543).*

- (3) Candy, nut and confectionery stores (all uses within SIC Code 544).
- (4) Dairy products stores (all uses within SIC Code 545).
- (5) Retail bakeries (all uses within SIC Code 546).

The requested change would be to add a new subsection 1.c. to Section 405.340(B) (and reletter existing subsection c and subsequent subsections accordingly) as follows:

B. Permitted Uses. Structures or land in the "MX" Mixed Use 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 and the State of Missouri. Within the "MX" District, permitted uses are prescribed for different classes of sites based on site size.

- 1. Class 1--Between 1.00 and 2.99 acres. The following uses are permitted on sites between one (1.00) and two and ninety-nine hundredths (2.99) acres:*

c. Food stores including only Retail bakeries (all uses within SIC Code 546).

The Standard Industrial Classification (SIC) defines Retail Bakeries (SIC 546) as establishments primarily engaged in the retail sale of bakery products, where the product may be purchased from others or made on the premises. A retail bakery includes a bagel store, doughnut shops, pretzel stands and stores, bakeries, and cookie stores. Parking requirements for retail bakeries is the same as general retail (4 per 1,000 sq. ft. of floor area).

With the change to Class 1 properties, retail bakeries would also be allowed on Class 2 properties (sites between 3.00 and 3.99 acres), under the current Zoning Code regulation of Section 405.340(B)(2)(a.) where all uses permitted on Class 1 sites, except single-family detached residences are permitted on Class 2 sites.

DISCUSSION

Comprehensive Plan Review:

Currently, the "MX" District is located only in the West Olive Corridor Area of the Comprehensive Plan, where commercial development is intended to form a neighborhood business district with small retail/restaurants and specialty shops with second floor offices. The district, as it exists today, provides a mix of restaurants, retail, funeral home, offices, and banking facilities. The proposed text amendment would allow a greater mix of establishments within available tenant spaces of retail centers, thus furthering the goals and objectives of the Comprehensive Plan.

Zoning Regulations:

The stated purpose of the "MX" District is:

"... to encourage the redevelopment of under-developed areas of the City which are designated as mixed use by one (1) of the City's land use plans. This redevelopment shall be accomplished through compliance with the provisions of this Section. The "MX" District is further intended to ensure high quality future development through the use of site development plan approval procedures which provide for specific consideration of

access, parking, drainage, landscaping and design factors. Specifically, the district is intended to:

1. Relate the development of retail, office and multi-family residential uses servicing both a City-wide and subregional service area to an adopted development plan for the area including land use phasing and public improvement elements.
2. Encourage site consolidation and an orderly, phased pattern of development and redevelopment.
3. Induce and ensure high quality future development through the use of site development plan approval procedures which provide for the specific consideration of access, parking, drainage, landscaping and design factors.”

The intent of the classification of property and the limit of retail food stores to sites of four acres and greater was intended to encourage site consolidation and promote the redevelopment of the area. As the redevelopment of the area has already occurred and the character of the development was established through the site planning and architecture, the limit of retail bakeries to sites of four or more acres is an outdated regulation that has become contrary to the Comprehensive Plan goal of encouraging local shops and services.

CONCLUSION AND ACTION

The MX District was set up to promote the site consolidation of properties for redevelopment, and establish the neighborhood character through the site development plan review process. The quality of the development is examined against the intent of the Comprehensive Plan and Design Guidelines during the site development plan review process. As individual tenants within a building come and go, the impact on the site would not significantly alter the character. Specifically, retail bakeries offer a service to neighborhoods at alternate times than other retail and eating and drinking establishments. Therefore, the limit of retail bakeries to sites of four or more acres is unnecessary and outdated when the intent of the requirement has already been fulfilled by the larger development.

ACTION AND MOTION

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

“I move to recommend approval of Application #12-017 to allow retail bakeries as a permitted use on sites of less than four acres in the “MX” Mixed-Use Zoning District as described in the staff report dated June 14, 2012.”

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 CHAPTER 405, THE ZONING ORDINANCE, OF THE CODE
OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI, BY ALLOWING RETAIL
BAKERIES ON SITES OF LESS THAN FOUR ACRES
IN THE "MX" MIXED USE ZONING DISTRICT**

WHEREAS, retail bakeries in the MX District are permitted uses on sites of four or more acres per Section 405.340(B)(3); and,

WHEREAS, Stanley Wallach, representing Shoppes at Westgate, LLC, has submitted a request to consider certain amendments to Section 405.340(B) to allow retail bakeries as a permitted use on sites of less than four acres; and,

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

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, June 18, 2012, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of _____ recommended approval of the subject amendments at its meeting on Monday, June 18, 2012; and,

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

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

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

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

SECTION 1: Section 405.340 shall be amended by adding a new subsection B.1.c (and relettering existing subsection c and following subsections accordingly) to include retail bakeries as permitted uses on Class 1 (and thereby Class 2) properties, as follows:

Section 405.340 'MX" Mixed Use District

B. Permitted Uses. Structures or land in the "MX" Mixed Use 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

BILL NO. _____

ORDINANCE NO. _____

Chapter and of other applicable regulations, ordinances and Statutes of the City of Creve Coeur, St. Louis County and the State of Missouri. Within the "MX" District, permitted uses are prescribed for different classes of sites based on site size.

1. *Class 1--Between 1.00 and 2.99 acres. The following uses are permitted on sites between one (1.00) and two and ninety-nine hundredths (2.99) acres:*

c. Food stores including only Retail bakeries (all uses within SIC Code 546).

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

ADOPTED THIS ____ DAY OF _____, 2012.

ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK

MEMORANDUM

To: Whitney Kelly
From: Stan Wallach
Re: Shoppes at Westgate – Supplement to Petition for Text Amendment
Date: May 9, 2012

The Petition for Text Amendment filed by the Shoppes at Westgate, LLC will be heard at the May 21st Planning and Zoning Commission meeting. In the Application, we stated that one of the potential tenants was a bakery. On further review, it appears that bakeries are currently allowed in the MX District, but only on properties of 4 or more acres. The Shoppes at Westgate hereby supplements its Application to include a request to amend the text to permit retail bakeries as a permitted use on lots of any size in the MX District.

Thank you for your time and attention to this matter.