

Table of Contents

Agenda	2
Draft minutes from the meeting of December 2, 2013.	
Draft minutes from the meeting of December 2, 2013.	4
PUBLIC HEARING. Application #13-045: Text amendment to allow for drive-thru restaurant services on sites of less than 3 acres.	
Staff Report	7
Applicant's Application	13
Draft Ordinance	17
Public Comment	20
Letter from Hutkin.	21



AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, DECEMBER 16, 2013
7:00 PM

1. ROLL CALL

Mr. Michael Barton
Mr. Tim Carney
Mr. James Faron
Mr. Ken Howard
Mr. Tim Madden
Mr. Charles Pullium
Mr. Gene Rovak
Mr. Carl Lumley, City Attorney
Mr. Paul Langdon, Director of Community Development
Ms. Whitney Kelly, 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 December 2, 2013.

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. PUBLIC HEARING

Application #13-045: Text amendment to allow for drive-thru restaurant services on sites of less than 3 acres.

Applicant: Panera Bread Co.
3630 South Geyer Road, Suite 100
St. Louis, MO 63127

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

7. **WORK AGENDA**

None

8. **OTHER BUSINESS**

A. Planning Division Report

- Upcoming CIP review
- Upcoming projects

B. City Attorney Report

9. **ADJOURNMENT**

Posted: _____

Paul Langdon
Planning Director



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, DECEMBER 2, 2013
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, December 2, 2013, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: *Mr. Tim Madden, Chair*
 Dr. Michael Barton
 Mr. Tim Carney
 Mr. James Faron
 Mr. Charles Pullium
 Mr. Gene Rovak

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

2. ADDITIONS TO – ACCEPTANCE OF THE AGENDA

Mr. Faron moved approval of the agenda, which carried unanimously.

3. APPROVAL OF MINUTES

Mr. Rovak moved approval of the draft minutes. Mr. Faron seconded the motion, which carried unanimously.

4. PUBLIC COMMENT

Ms. Linda Rezny, 104 Graeser Acres, said she is still concerned with the cross-access on the backside of McDonald's on Olive Boulevard. Ms. Rezny said she thinks the roads should be more flat in that area.

Ms. Deni Dickler, 7 Haven View, wanted to defer her comments to after the discussion on assisted living has taken place. However, Ms. Dickler said she is pleased this topic is being discussed and would like to see consistency, in regards to these types of facilities, across the board.

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

None

7. WORK AGENDA

A. Presentation of draft Environment and Sustainability element for the Comprehensive Plan.

Ms. Sarah Lewis, intern with the Coro Fellows Program, gave a presentation on the Comprehensive Plan section on Environment and Sustainability. Ms. Lewis explained what opportunities Creve Coeur has to be more “green” and what measures already exist in the Comprehensive Plan. Ms. Lewis said she spoke with several Creve Coeur City Staff, as well as Committee members from the H.E.B. Committee, Climate Action Task Force, and Stormwater Committee. Ms. Lewis explained sustainability initiatives used by other municipalities all over the United States. Ms. Lewis stated the initiatives that have been accomplished since the Comprehensive Plan has been written in 2002 and what new issues have developed since then. Ms. Lewis said she thinks implementing solar panels and wind turbines could be a possibility in Creve Coeur. In her research and discussions with residents and staff, some of the concerns and questions that continued to come up were what is the green-line park and problems with stormwater runoff. Ms. Lewis also said she received feedback stating residents would like to see the city become more pedestrian friendly, promote transportation alternatives, and continue to decrease the carbon footprint. Ms. Lewis stated some of the alternatives she thinks could help accomplish these goals such as, promote programs to exchange incandescent for fluorescent light bulbs, continue implementing the pedestrian plan, encourage the use of rain gardens, and many other ideas.

Chair Madden said that, at one time, the rain gardens seemed to be too expensive. He wanted to know if they were now more cost effective. Mr. Rovak said it is not as expensive as it was originally marketed to be. Ms. Lewis said rain gardens can also be used with other initiatives so they can be smaller and less complicated.

Dr. Mabel Purkerson, 20 Haven View Drive, said she is on the Deer Creek Water Shed Steering Committee and there are grants available for rain gardens.

There was some discussion on wind turbines and how to bring compact wind turbines into cities.

B. Discussion of senior housing regulations.

Mr. Paul Langdon, Director Community Development, gave a background on how the review of this topic came about. Mr. Langdon explained over the course of the application that started the discussion about this topic, residents started asking why assisted living was not subject to the same limitations as other senior housing uses.

The Commission discussed how assisted living was defined by the NAICS (North American Industry Classification System) and how other communities handle this.

Chair Madden said he would like to see regulations on height and other limitations on size.

Mr. Langdon said the next steps in the process will be putting a rough list together of things that are appropriate limits related directly to the use and nature of how they develop.

Ms. Deni Dickler, 7 Haven View Drive, stated she was concerned that there is no difference between assisted living and skilled care facilities, and she believes there clearly is a difference in how the Zoning Code currently handles them. Dr. Barton thinks that is a good point and it should be looked at closer.

Mr. Daniel Thies, 16650 Chesterfield Grove Road, clarified that in the state of Missouri, there are certain license requirements and, for an assisted living facility, the license requirements are very different than a skilled nursing facility. Mr. Thies explained the differences between the two.

Ms. Susan Hibbard, 16 North Tealbrook Drive, said she has water and sewer concerns. Ms. Hibbard said the waterlines need to be redone in that area and, with the addition of an assisted living facility, surely it would impact their waterlines.

Ms. Michelle Maui, 13 North Tealbrook Drive, said she thinks assisted living is a bad use of the site at 450 North Lindbergh. Ms. Maui said she does not believe there is a difference between assisted living and skilled care facilities.

The Chair clarified that this discussion would be continued until January 6th.

8. OTHER BUSINESS

A. Planning Division Report

Mr. Langdon said that at the next meeting there will be a public hearing for a text amendment on drive-thru restaurants. Mr. Langdon said the January 6th meeting will be a work session on senior housing, the form-based code and the next steps for the Comprehensive Plan. Lastly, Mr. Langdon said that on January 21st, the application for the conditional use permit at 450 North Lindbergh will be presented.

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 8:24 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

**APPLICATION TO PLANNING AND ZONING COMMISSION
#13-045 FOR A TEXT AMENDMENT TO ALLOW FOR DRIVE-THRU
RESTAURANT SERVICES ON SITES OF LESS THAN 3 ACRES**

FOR THE MEETING OF: Monday, December 16, 2013

LOCATION: City-wide

REQUEST: Stephen Kling, of Jenkins & Kling, P.C., on behalf of Panera Bread Co., has submitted a request for a text amendment to allow for drive-thru restaurants on sites of at least two acres, but less than three acres, provided that:

- The building is two stories in height, and designed for and used by a mix of at least two types of retail, office or residential tenants with a continuous structure frontage of at least two hundred (200) feet,
- The square footage for any individual food service or drinking place establishment must exceed four thousand, five hundred (4,500) square feet,
- No access shall be permitted to any minor subdivision street, and
- An opaque masonry barrier, earth berm or heavy landscaping, as determined by the Planning Commission taking into consideration topography, site lines and other relevant circumstances, for noise and sight abatement, shall be located and maintained between the drive-up facilities and any adjacent residentially zoned properties.

ADDITIONAL INFORMATION: Section 405.470(14)(c)(4) states that drive-thru service for restaurants may be located only on sites of not less than three (3) acres, but with no specific design requirements. If approved, this would allow the St. Louis Bread Company located at 443 N. New Ballas Road to seek a conditional use permit for a drive-thru.

Key Issues:

- Does the request adversely impact existing permitted uses?
- Does this request further and/or implement the goals the Comprehensive Plan?
- Is this a reasonable exercise of zoning authority?

Comprehensive Plan References

- Residential Preservation and Economic Development
- Community Health and Connectivity

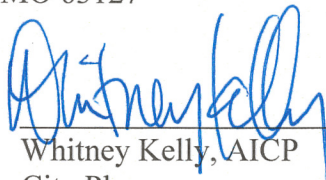
Zoning Code References

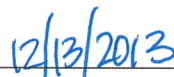
- Section 405.470 Conditional Uses
- Section 405.1060 Zoning Changes and Text Amendment

APPLICANT: Panera Bread Co.
3630 South Geyer Road, Suite 100
St. Louis, MO 63127

REPRESENTATIVE: Stephen L. Kling, Jr
Jenkins & Kling, P.C.
150 M. Meramec Ave., Suite 400
Clayton, MO 63105

REPORT PREPARED BY:

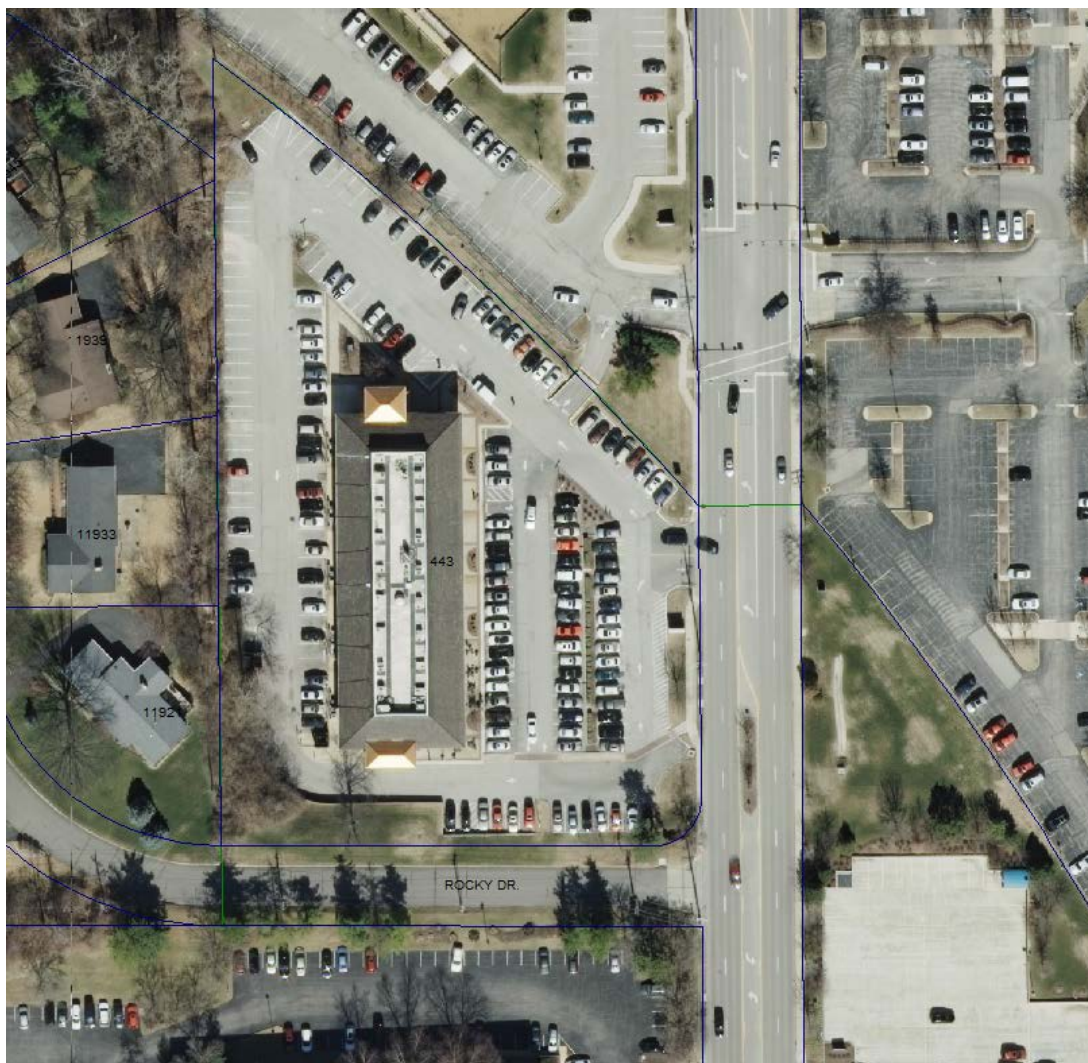

Whitney Kelly, AICP
City Planner


Date

ATTACHMENTS: Applicant's Application received October 18, 2013
Draft Ordinance
Public Comment received by December 13, 2013

DISCUSSION

The City has had a long tradition of limiting drive-thru services for restaurants through the use of the three acre minimum requirement. The Applicant states that the market along New Ballas Road between Olive Boulevard and Ladue Road is a unique area that could benefit from a limited drive-thru restaurant. However, in the effort to alleviate the concerns of traffic impact and lack of pedestrian connectivity, the applicant is proposing several conditions for those sites between two and three acres, in that drive-thru services would only be allowed for restaurants in multi-tenant building, and thus integrating the facility in with a mixed-use building, and providing a masonry barrier, earth berm or heavy landscaping between the property and residentially zoned properties. This would allow the St. Louis Bread Co. to proceed with an amendment to their conditional use permit for a drive-thru facility at 443 N. New Ballas Road, shown in the aerial below:



Comprehensive Plan Analysis

The Comprehensive Plan outlines several goals and strategies regarding residential preservation and economic development that include guiding regional retail use to the Central Business District area, while other business areas should be limited to local retail designed to serve the Creve Coeur area. Community Health and Connectivity goals include providing pedestrian amenities, creating a “green-line” park along Olive Boulevard. Further, it calls for improving the

community image and identity by maintaining the compatibility of existing commercial development areas with the surrounding single-family neighborhood and maintaining the City's strong low-density residential image and character. This is particularly true for properties zoned GC (such as the property at 443 N. New Ballas Road), because they are often smaller and adjacent to residential developments. The applicant suggests that drive-thru's are attractive to the larger regional employers which could lead to a level of traffic that the Comprehensive Plan suggests should be limited to the Central Business District area.

In general, drive-thru restaurants are in direct opposition to the promotion of pedestrian activity and are inconsistent with surrounding neighborhoods. The need to include a looping traffic lane for a drive-thru causes auto-oriented developments to functionally divide themselves from neighborhoods and surrounding commercial developments. Further, the high level of moving vehicles on the site poses more conflicts with any pedestrian activity along the commercial corridors and within the site. The type of use also, typically, relies heavily on corporate architecture and signage to capture the automotive traffic, tends to focus traffic congestion in the area, and offers limited landscaping due to the amount of coverage necessary to accommodate drive-thru features.

The applicant has proposed several additions to address these concerns. By incorporating the facility into a large multi-use/multi-story building, the looping traffic and stacking of the vehicles can be adequately hidden behind the building. In any event, the screening requirements would apply no matter where the facilities are. The conflict with the pedestrian activity is decreased if part of a larger development and, with the incorporation into a larger building, it would eliminate the corporate architecture necessary with a stand-alone use. Whether or not the proposed conditions mitigate these factors to a comfortable level, is for the Commission and Council to determine.

The Planning Commission should also be mindful of the Environmental and Sustainability chapter proposed for the Update to the Comprehensive Plan. Given that drive-thru lanes increase traffic and idling cars on-site, they also increase the carbon monoxide emissions and noise on the property. To the extent that the amendment might increase the occurrence of such traffic, the proposed amendment might be in conflict with the Comprehensive Plan. It is, however, fairly debatable as to whether or not the amendment will create many more opportunities for drive-thru lanes, especially if it is applied more broadly as discussed below.

Design Guidelines Analysis

The relevant Design Guidelines include:

Chapter 1 for Site Layout

B. Streetscape/Pedestrian Orientation

- 1. High quality, pedestrian scale and walkable areas are the objective. Site and building design should address pedestrian needs and develop creative approaches to improving pedestrian interest, access and enjoyment.*
- 2. Avoid spatial gaps and interruptions along the "streetscape" caused by parking or other non-pedestrian elements, such as building gaps, driveways and service entries. Continuous pedestrian activity is strongly encouraged.*

C. Pedestrian and Vehicular Circulation

4. *Circulation systems should be designed to avoid conflicts between vehicular, bicycle and pedestrian traffic. Pedestrian circulation should take precedence over vehicular circulation. In order to emphasize conflict points and improve pedestrian safety and visibility, the use of textured or tinted materials for pedestrian crossings should be utilized where pedestrian circulation paths cross a vehicular route.*
5. *Pedestrian linkages between uses in commercial development should be provided and emphasized.*

Chapter 2 Buildings

A. General Architectural Guidelines

4. *In commercial retail areas, two (2) to three (3) story, multi-use buildings are encouraged; one (1) story, single use buildings are strongly discouraged.*

While Staff recognizes that single-use buildings are found within all of the City's Commercial zoning district that also provide drive-thru services, such as banks and pharmacies, it is the parking and circulation needed for drive-thru services at restaurants that tend to overwhelm the site, in relation to the scale of the building, that are not typical to those other uses. Therefore, it is in the public's best interest to limit drive-thru restaurants in order to meet with the goals and objectives of the Comprehensive Plan and Design Guidelines. As discussed above, the incorporation of the facility within a larger multi-story building would meet with the Design Guidelines; whether or not it is on two-acres, or three or more would be irrelevant. Any stand-alone drive-thru restaurants, even if part of a larger site of three or more acres, would not meet with the intent of the Comprehensive Plan or Design Guidelines. Therefore, the question becomes: does the proposed amendment actually comport with the intent of the Comprehensive Plan and Design Guidelines better than the current three acres minimum? Staff would suggest that it does and, therefore, suggest that the proposed criteria in the amendment should become a standard for all drive-thru restaurants.

Zoning Analysis

The Zoning Code outlines certain requirements that should be considered when considering a text amendment.

Section 405.1060 ZONING CHANGES AND TEXT AMENDMENTS

(E) Standards.

Zoning regulations should be changed if the public welfare is not served by the zoning or if the public interest served by the zoning is greatly outweighed by the detriment to private interests. In making this determination, the City should consider the adaptability of the subject property to its zoned use and the effect of zoning on property value in assessing private detriment. The character of the neighborhood, the zoning and uses of nearby property, and the detrimental effect that a change in zoning would have on other property in the area are relevant to the determination of public benefit.

The Applicant contends that allowing for the drive-thru service on smaller sites will be an economic benefit to the City and, with the proposed conditions, it would not have any negative impact to the surrounding neighborhoods. Since few properties in the City can currently meet with the proposed requirements, it is unlikely that lessening the acreage standard would result in

many more additional drive-thru restaurants and, in fact, could give the City a better outcome than currently allowed, by reducing the potential sites and by incorporating it into the larger building, not just placing an otherwise free-standing restaurant on a larger site. If the members of the Commission are interested in relaxing the acreage standard for drive-thru restaurants, then Staff, again, recommends that the proposed conditions be applied to all drive-thru restaurants, including those over three acres.

Of course, if the proposed amendment is so limiting, one must be concerned that this amendment would only allow for a drive-thru on one particular site, and, if so, one must conclude that the change would not be in the public interest; it would only be in one property owner's interest. Prior discussions on drive-thru restaurants identified possible sites of at least three acres that could include drive-thru restaurant facilities under the current regulations, such as at 13150 Olive Boulevard, Westgate Center, Cityplace, West Oak Plaza, and the Pavilion. While not all of these properties contain buildings that would satisfy the proposed regulations, they are certainly large enough that even a modest redevelopment could yield an eligible building and, the integration of a drive-thru within a larger building on sites of three or more acres would appear to meet with the overall intent of the regulations as well as on sites under three acres. On the other hand, if it is really the City's intent to eliminate drive-thru restaurants, then a de facto prohibition through overly-demanding regulation should not be pursued and the Planning Commission should consider a text amendment to simply remove them from the permitted use table (Table A). Whether or not the proposal represents a prohibition is fairly debatable but staff suggest that, since the standards could be achieved through a development type that has been accomplished in the past, it is not.

Finally, the applicant has included a requirement that the square footage for any individual food service or drinking place establishment must exceed 4,500 sq. ft. With the requirement that any drive-thru service become part of a larger building, the proposed requirement of a minimum size for the restaurant, would seem unnecessary. Would a smaller coffee shop have any greater impact on the site and/or a multi-story, mix-use building than a 4,500 sq. ft. restaurant? Staff would suggest that it would not, and therefore, the draft ordinance does not include such a restriction.

Ordinance Correction

It should also be noted that the draft ordinance includes a provision to clean up the current language, where the drive-thru standard was mistakenly left in under Section 405.470(8)(d) during the NAICS process, when all conditions related to restaurants were moved to Section 405.470(14) Food services and drinking places--(NAICS 722).

SECTION 405.470: CONDITIONAL USES

8. All drive-through and drive-in sales of goods or services including freestanding drive-in banking facilities (not including restaurants) (CC-442100) (conditional use in the "PC", "GC" and "CB" districts).
 - a. Shall provide space for at least three (3) cars per drive-up window or station.
 - b. Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties.
 - c. Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists entering, exiting or passing by the site.

- d. ~~Drive-thru service for restaurants may be located only on sites of not less than three (3) acres.~~

If the Commission is not prepared to support the requested amendment, staff will advance the correction in the near future under a separate application.

CONCLUSION

The principal question before the Commission is: Are the Commission Member's open to changes to the Zoning Code to allow for additional drive-thru restaurants on sites of less than three acres? If so, Staff request guidance on the scope of the change, that is:

- Should the incorporation of such facility as part of a larger building be applied to all drive-thru restaurants? (The draft ordinance is currently written with this standard applied to all restaurants).
- What lot size is appropriate?
- The Applicant included a condition that the restaurant seeking a drive-thru service, shall be a minimum of 4,500 sq. ft. If part of a larger building, does the size requirement of the individual tenant become relevant? The draft ordinance is currently written with this standard not included but, if the Commission wishes to add a minimum individual tenant size, a motion to include it will be needed.
- Are the proposed conditions enough to mitigate the traffic and noise of such facilities from adjacent residential properties?

On the other hand, if the Commission Members are satisfied with the current regulations, they should vote against the requested amendment, or continue the matter to allow the applicant an opportunity to amend the request in light of the preceding analysis.

MOTION

If the Commission members wish to consider further requirements on drive-thru facilities, the following is an example of an appropriate motion for this application:

"I move to continue Application #13-045, to the meeting of January 6, 2014 to allow the applicant time to address the concerns of the members of the Planning Commission and work with staff for further revisions that meet with the Comprehensive Plan."

If the Commission members wish to proceed with an action on the proposed text amendment, the following is an example of an appropriate motion for this application:

"I move to recommend approval of Application #13-045, for the text amendment to allow drive-thru restaurants on sites of two or more acres subject to the conditions contained in the draft ordinance prepared for the meeting of December 16, 2013." (Conditions may be added, eliminated, or modified by preceding motion.)"

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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



city of **CREVE COEUR**

300 North New Ballas Road • Creve Coeur, Missouri 63141
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 www.creve-coeur.org

PLANNING AND ZONING COMMISSION AGENDA APPLICATION
TEXT AMENDMENT

PLEASE COMPLETE FRONT AND BACK PAGES

<i>Applicant:</i> Panera Bread <i>Name</i> Same <i>Company (If Applicable)</i> 3630 South Geyer Road, Suite 100 <i>Address</i> St. Louis, Missouri 63127 <i>Address</i> Telephone # (314) 541-6526 Fax # Email: jim.tusing@panerabread.com	<i>Applicant's Representative (if applicable):</i> Stephen L. Kling, Jr., Esq. <i>Name</i> Jenkins & Kling, P.C. <i>Company (If Applicable)</i> 150 North Meramec Avenue, Suite 400 <i>Address</i> St. Louis, Missouri 63105 <i>Address</i> Telephone # (314) 721-2525 Fax # (314) 721-5525 Email: skling@jenkingskling.com
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Applicant's Status (Indicate one):

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

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

Panera Bread

Jenkins & Kling, P.C.

By: _____
Applicant's Signature
 Jim Tusing

By: _____
Applicant's Representative's Signature
 Stephen L. Kling, Jr.

 Date

 Date

File # _____

Description of Request (attach additional sheets as needed): See Exhibit "A" attached hereto and incorporated herein by reference.

Affected Section(s) of the Zoning or Subdivision Code: 405.470.14

Proposed Ordinance Language (attach additional sheets as needed): See Exhibit "A" attached hereto and incorporated herein by reference.

Office Use Only

____ Proposed Ordinance Language

____ Fees Paid

____ Written Justification

Received By: _____

Date: _____

Paul Langdon, Director of Community Development
Pat Rosenblatt, Secretary (872-2501)

Revised: 9/09

EXHIBIT "A"
TO APPLICATION FOR TEXT AMENDMENT

DESCRIPTION OF REQUEST

Under the current language of Section 405.470.14.c of the Creve Coeur Zoning Ordinance, a conditional use permit for a drive-thru or drive-up service as part of a food service or drinking place establishment (NAICS 722) is allowed in the GC (General Commercial) District subject to the following exceptions:

- (1) There must be space for at least three (3) cars per drive-up window or station.
- (2) Landscaping must be provided to screen the view of the drive-up waiting spaces from surrounding properties.
- (3) Drive-up window access, waiting spaces and egress must not interfere with site circulation or be hazardous to motorists entering, exiting or passing the site.
- (4) Drive-thru service for restaurants may only be located on sites of not less than three (3) acres.

Applicant is interested in constructing a one lane drive-thru facility at its location at 443 N. New Ballas Road, Creve Coeur, Missouri 63141. Applicant is a bakery and café chain operation with 1,724 restaurants across the country under the Panera Bread, Saint Louis Bread Co. and Paradise Bakery & Café names. Applicant began a program a few years ago to add drive-thru lanes at select locations to better compete in the growing field of restaurants focused on good, healthy food. In 2011, Applicant opened 120 drive-thru locations nationwide and has since added another 136 locations. Applicant typically puts its best associates at the drive-thru windows and the drive-thru areas have their own dedicated coolers, preparation areas and staff. Applicant's experience is that drive-thru facilities reduce peak time strain on surface parking, since a large proportion of Applicant's business is carryout.

Applicant has found that drive-thru additions to its locations in close proximity to hospitals, suburban neighborhoods and large employers are exceptionally popular. Applicant believes that its location in Creve Coeur, located in a submarket area along New Ballas Road in close proximity to a large number of medical buildings and offices, would fulfill a large need and demand for those with limited lunch time or the desire to quickly pick up an order to take back to the office. Applicant has operated at its Creve Coeur location for over 21 years and has considerable experience with the desires of its customers.

While Applicant is located in a large, multi-tenant building along Ballas Road, since the site is zoned "GC" and is only 2.47 acres, it is ineligible for any consideration for a drive-thru due to the three (3) acre minimum requirement for drive-thrus.

Applicant believes the submarket along New Ballas Road between Olive Boulevard and Ladue Road is a unique area that could benefit from limited drive-thru additions to restaurants in multi-tenant buildings. Accordingly, Applicant requests an amendment to Section 405.470.14.c to allow a drive-thru for food service and drinking places, subject to the criteria below:

PROPOSED ORDINANCE LANGUAGE

Applicant proposes that Section 405.470.14 be amended as indicated by the following redline language:

"14. Food services and drinking places -- (*NAICS 722*). Shall be located on sites of not less than two (2) acres with the following exceptions:

"a. the acreage requirement does not apply to the properties within the "GC" District;

"b. the acreage requirement does not apply to restaurants in the "CB," "PO," "PC," and "LI" Districts that are located within a retail or office building, provided that such restaurants do not collectively occupy more than forty percent (40%) of the building square footage; and

"c. Drive-thru or drive-up services:

"(1) Shall provide space for at least three (3) cars per drive-up window or station;

"(2) Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties;

"(3) Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists entering, existing or passing the site;

"(4) Drive-thru service for restaurants may be located on sites of not less than ~~two~~^{three} (2³) acres;

"(5) For sites of two (2) acres but less than three (3) acres, the following additional requirements will apply:

"(A) the premises must be at least two (2) stories in height and be designed for and used by a mix of at least two (2) types of retail, office, or residential tenants, with a continuous structure frontage of at least two hundred feet (200');"

"(B) the square footage for any individual food services or drinking place establishment must exceed four thousand five hundred (4,500) square feet; and"

"(C) eligible properties must front and adjoin New Ballas Road."

**AN ORDINANCE AMENDING SECTION 405.470, CONDITIONAL USES, OF THE CREVE
COEUR ZONING ORDINANCE TO ALLOW FOR DRIVE-THRU RESTAURANTS ON SITES
OF TWO OR MORE ACRES WITH CERTAIN REQUIREMENTS,
AND TO CORRECT A CLERICAL ERROR.**

WHEREAS, an application by Panera Bread Co. was submitted for an amendment to Section 405.470(14) Conditional Uses, of the Creve Coeur Zoning Ordinance to allow for drive-thru restaurant services on sites of two acres; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to such regulations in 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, December 16, 2013, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of _____ recommended approval of the subject amendments at its meeting on Monday, December 16, 2013; and,

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

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

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

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

SECTION 1: Section 405.470(8) shall be amended as follows:

SECTION 405.470: CONDITIONAL USES

8. All drive-through and drive-in sales of goods or services including freestanding drive-in banking facilities (not including restaurants) (CC-442100) (conditional use in the "PC", "GC" and "CB" districts).
 - a. Shall provide space for at least three (3) cars per drive-up window or station.
 - b. Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties.

- c. Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists entering, exiting or passing by the site.
- d. ~~Drive-thru service for restaurants may be located only on sites of not less than three (3) acres.~~

SECTION 2: Section 405.470(14) shall be amended as follows:

SECTION 405.470: CONDITIONAL USES

- 14. Food services and drinking places--(NAICS 722). Shall be located on sites of not less than two (2) acres with the following exceptions and conditions:
 - a. The acreage requirement does not apply to restaurants without drive-thru or drive-up services properties within the "GC" District;
 - b. The acreage requirement does not apply to restaurants without drive-thru or drive-up services in the "CB", "PO", "PC" and "LI" Districts that are located within a retail or office building, provided that such restaurants do not collectively occupy more than forty percent (40%) of the building square footage; and
 - c. Drive-thru or drive-up services shall only be on sites of two or more acres in all zoning districts:
 - (1) Shall be within a building of at least two (2) stories in height and designed for use by office or residential tenants in addition to the restaurant and other retail uses, with a continuous structure frontage of at least two hundred feet (200').
 - (2) Shall provide space for at least three (3) cars per drive-up window or station.
 - (23) Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties. An opaque masonry barrier, earth berm or heavy landscaping, as determined by the Commission taking into consideration topography, site lines and other relevant circumstances, for noise and sight abatement shall be located and maintained between that drive-thru facilities and any adjacent residentially zoned properties
 - (34) Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site.
 - (45) ~~Drive-thru service for restaurants may be located only on sites of not less than three (3) acres~~ No access shall be permitted from the property to any residential subdivision streets.

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

ADOPTED THIS ____ DAY OF _____, 2014.

SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

BILL NO. _____

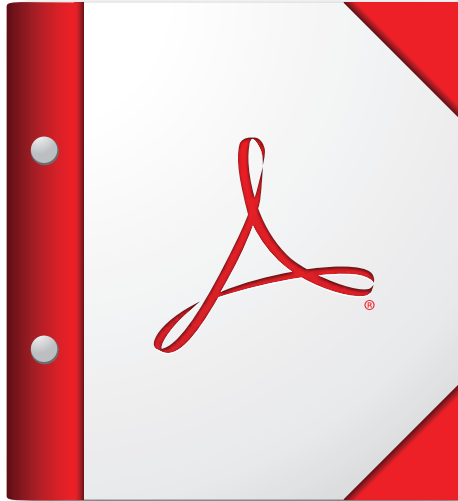
ORDINANCE NO. _____

APPROVED THIS ____ DAY OF _____, 2014.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



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HUTKIN DEVELOPMENT COMPANY

November 27, 2013

RECEIVED
DEC 02 2013
PLANNING DEPT.

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

RE: *443 N. New Ballas Road, Creve Coeur, Missouri 63141*

Dear Paul:

Thank you for making us aware of the noise complaint made by the resident of 11921 Rocky Drive with respect to Saint Louis Bread Company's tenancy. As you know, Hutkin Development Company ("HDC") is the managing agent for the property at 443 N. New Ballas Road in the City of Creve Coeur, better known as Balmoral Plaza.

We have managed this property for more than 35 years and, to our knowledge, we have had very few, if any complaints from our residential neighbors regarding the property and its tenants. We and the ownership group take great pride in and place a high priority on setting high standards for managing this property, and our other properties located in Creve Coeur, as evidenced by the positive feedback we have received over the years from members of your staff and numerous Creve Coeur officials.

Since being advised by your department of this noise complaint we immediately forwarded it and our own concerns to Saint Louis Bread Company. We certainly wish the resident at 11921 Rocky Drive would have brought this situation to our attention, or the City's attention at the onset, and we would have been able to address it sooner.

We have been assured by the management team of Saint Louis Bread Company that this complaint will be immediately reviewed and that any legitimate issue raised in the complaint will be immediately and fully addressed and corrected.

Also, as a result of our being made aware of this situation, we will be happy to provide our contact information to the subdivision association and they are welcome to contact us with any questions or concerns they may have regarding any employee noise or housekeeping issues with Saint Louis Bread Company or any other tenants at the property. We want to assure you we take this matter very seriously, as does the management of Saint Louis Bread Company.

While we view this complaint as a separate issue, since the matter was raised in connection with the pending text amendment, we kindly request that this letter be distributed to the planning and zoning commission.

10829 Olive Boulevard, Suite 200, St. Louis, Missouri 63141, (314) 872-9140
Facsimile (314) 872-9001 <http://www.hutkin.com> e-mail: info@hutkin.com

Mr. Paul Langdon
November 27, 2013
Page 2

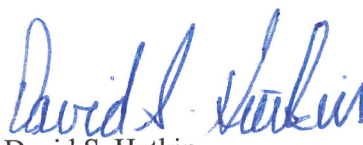
If you have any further concerns in this regard, please do not hesitate to contact me and thank you again for bringing this matter to our attention.

Sincerely,

HUTKIN DEVELOPMENT COMPANY

A handwritten signature in blue ink, appearing to read 'Hutkin'.

Steven F. Hutkin
President

A handwritten signature in blue ink, appearing to read 'David S. Hutkin'.

David S. Hutkin

cc: Mr. Jim Tusing, Panera Bread