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AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, DECEMBER 3, 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 of the November 19th meeting.

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 #12-033: A request for approval of the preliminary plat for 10 single family homes on four acres for the Villas at Mosley Subdivision with Residential Design Development (RDD) Designation.**

REQUEST FOR CONTINUANCE

Applicant/Agent: William Levinson
Benton Homebuilders
1000 Executive Parkway, Suite 106
St. Louis, MO 63141

6. NEW BUSINESS

- A. Application #12-034: A request for approval of a minor site development plan for a basketball sports court and 10-foot black netting fence at 24 Oak Park Drive.**

Applicant/Agent: Michael Karasick
24 Oak Park Drive
Creve Coeur, MO 63141

B. PUBLIC HEARING

Application #12-035: A request for a conditional use permit for a 2,368 square foot eating and drinking establishment, at 12637 Olive Boulevard within the West Park Retail Center.

Applicant/Agent: Anitha Koppara
Anis, L.L.C.
1212 Cold Spring Drive
O'Fallon, MO 63368

C. PUBLIC HEARING

Application #12-036: A request for a conditional use permit for a 2,050 square-foot eating and drinking establishment within the Creve Coeur Shopping Center at 11921 Olive Boulevard.

Applicant/Agent: Mark Lucas
Fozzie's Sandwich Emporium
1170 S. Big Bend Boulevard
St. Louis, MO 63117

- D. Application #12-037: A request for approval of a minor site development plan for landscape and exterior building improvements at 227 N. Lindbergh Boulevard.**

Agent: Brent Crittenden
Central Design Office
4301 McRee Avenue
St. Louis, MO 63110

Applicant &
Property Owner: Quinterra Properties LLC
12935 N Forty Drive, Suite 201
St. Louis, MO 63141

E. Application #12-039: A request for approval of a boundary adjustment between 10 & 12 West Windrush Creek Lane.

Applicant/Agent: Christopher Laneman
Poehlman and Prost Inc.
9280 Dielman Industrial Dr.
Saint Louis, MO 63132

Property Owner: Mark and Susan Bronson
14 W. Windrush Creek Ln.
Creve Coeur, MO 63141

7. WORK AGENDA

None

8. OTHER BUSINESS

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

9. ADJOURNMENT

Posted: _____
Whitney Kelly
City Planner



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, NOVEMBER 19, 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, November 19, 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. Tim Madden, Chair*
 Mr. Gary Eberhardt
 Mr. James Faron
 Mr. Ken Howard
 Ms. Cynthia Kramer

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 November 5, 2012

Mr. Eberhardt moved approval of the draft minutes; with the proposed changes of changing the applicant name on Application #12-027 from Mr. King to Mr. Gabe Grossberg. Mr. Howard seconded the motion, which carried unanimously.

4. PUBLIC COMMENT

None

5. UNFINISHED BUSINESS

A. Application #12-027: A request to allow rezoning and re-subdivision of the former Belle Maison subdivision from “A” Single-Family Residential with a Residential Design Development (RDD) to approval to “PRD” Planned Residential Development for 10 single-family residential lots, a 180-bed skilled care facility, and a 160-unit senior living facility.

Applicant: Gabe Grossberg
 Delmar Gardens Creve Coeur

Renaissance, LLC
14805 N. Outer Forty Drive, Suite 300
Chesterfield, MO 63017

Mr. Gabe Grossberg, President/CEO Delmar Gardens Enterprises, introduced the Design Development Team, thanked the Commission and Staff. Mr. Grossberg turned the presentation over to Mr. Ken Schaeffler.

Mr. Schaeffler presented responses and modifications from the Public Hearing on October 15, 2012. Mr. Schaeffler addressed the concerns from the Fire Marshall regarding the plans and eliminated the grass pavers and put them back as asphalt, but with devices to limit the traffic access to emergency vehicles only. Mr. Schaeffler also addressed the parking lot layout, stating they would like to keep greenspace between the paved areas and provide better buffering. Mr. Schaeffler also stated the parking on the plan breaks down parking calculations and Delmar Gardens finds the parking requirements excessive and, if they could provide less parking, there will be more greenspace. Mr. Schaeffler also addressed Staff's concerns with the floor area ratio and explained in detail the developments and their floor area ratios.

Ms. Shawn White, Crawford, Bunte, Brammeier (CBB), 1830 Craig Park Court, addressed the traffic concerns raised at the last meeting. Ms. White stated senior living establishments are typically not high traffic areas. Ms. White stated that, based on a traffic count conducted in October 2012, traffic on Ladue Road has decreased. She pointed out that MoDOT and the City's traffic consultant agree with CBB's study and findings.

Mr. Howard Oppenheimer, Executive Vice-President, Delmar Gardens, closed Delmar's presentation by reiterating points. Mr. Oppenheimer stated the proposal addresses the Comprehensive Plan's call for more senior living, stated the beneficial financial/economic impacts on the community, and how the site is unique and state of the art.

List of Creve Coeur residents who spoke in opposition of this application:

1. Doron Berger – 133 Ladue Oaks Drive – Traffic concerns
2. Jeff Igou – 12225 Kingshill – Traffic, no more senior living, no benefit to residents
3. Joan Stradal – 510 N Spoede – Should remain residential, enough senior housing in area
4. Elliot Cytron – 151 Ladue Pines – Traffic concerns
5. Judy Campbell – 314 Lyonnais Drive – Traffic concerns
6. Ted Thomas – 153 Ladue Oaks – Zoning changes cannot be taken lightly
7. Loren Landau – 365 Lyonnais – Stormwater concerns, traffic concerns
8. Marybeth Thomas – 154 Laduemont – Character of proposed development ruins neighborhood
9. Gary Ratkin – 12217 Kingshill – PRD is difficult to understand, traffic study is based on empirical data
10. Eleanor Thomas – 153 Ladue Oaks – Opposed to project
11. Audrey Stefanik – 12202 Kingshill Drive – Grass pavers replaced with asphalt not good for children, emergency lanes will be used for traffic
12. Marjory Jaffe – 12173 Winrock Drive – Development does not belong in neighborhood, Delmar should sell property for homebuilder to buy
13. Charles Pullium – 168 Ladue Oaks Drive – No justification to approve plan, plan does not meet criteria

14. Judy Wasserman – 272 Prince Towne Drive – Pointed out Care in Counseling received 2 \$10,000 donations from Delmar Gardens

Residents who spoke in favor of this application:

1. Ron Koenig – 17 Beacon Hill Lane – Improve tax rates, add tax dollars, good for community
2. Marlene Horowitz – 1401 Orchard Lake Drive – Old Delmar site is in poor condition but the facility involves community in activities
3. Jeanna Woods – 614 Glen Summit – Seniors need to live in residential setting, existing facility cannot meet current needs
4. Marilyn Jones – 850 Country Manor Lane – Old facility is crowded and would like bigger facility
5. Jill Henderson – 572 Coeur De Royale Drive
6. Beatrice Frieson – 850 Country Manor Lane – Too crowded in current facility
7. Dale Kuhn – 12141 Ladue Road – Delmar is a good company and does what they say they are going to do
8. Jamie Howes – 12319 Conway Road – Nice to see the land developed, make community nicer

Residents who spoke neutrally about the application:

1. Fran Cantor – 11700 Tarrytown Drive – Hopes Creve Coeur would hold high standards for landscaping if passed
2. David Caldwell – 257 Brooktrail Court – Public transit question: does traffic study take into account that this site does not offer public transit?

Mr. Paul Langdon, Director, Community Development, City of Creve Coeur, spoke to the new concerns raised. First, the City's traffic consultant was to look for failures and did not find any and the empirical data is consistent with the proposed project, however the study is not suggesting there is less traffic, just the separation from Ladue Pines make it more functional. Secondly, the parking as proposed is more than enough and a recently proposed assisted living facility was approved with one parking space for every two beds, so the same should be done for the assisted living beds in this project. Mr. Langdon pointed out the PRD is vague for a reason. The PRD is meant to be an outlet for projects that cannot not find a place in conventional zoning but are so clearly beneficial that the community has a legitimate interest in approving them. He pointed out that a benefit of the PRD is the advantage of determining now what the future of the project will be (what uses, what is allowed on site). Mr. Langdon stated the standards for the landscaping would be maintained and enforced like any other applicant. Lastly, Mr. Langdon reminded the Commission, the Comprehensive Plan is not a law, but rather a guide and P&Z Commission should take it into careful consideration because it is a significant zoning change.

Mr. Eberhardt expressed his appreciation of the applicant's proposed project. While Mr. Eberhardt feels this is a well thought out, high quality project, the requirements for approving this type of zoning have not been met.

Mr. Howard stated he thought the project would bring significant change to the character of the neighborhood and, by the Comprehensive Plan specifically calling this property out, he believes it should remain residential.

Mr. Faron stated he agreed with Mr. Eberhardt.

Ms. Kramer said she believes the community does have an aging population and with that comes a need for these types of developments, however, the public benefit is not being adequately addressed.

Chairman Madden also stated he believed the property should remain residential.

Mr. Eberhardt motioned to approve Application #12-027 with respect to the rezoning of the former Belle Maison Subdivision to “PRD” Planned Residential Development for the Delmar Gardens Creve Coeur Renaissance project. Mr. Howard seconded the motion with the resultant vote as follows:

Mr. Faron – nay

Ms. Kramer – nay

Mr. Howard – nay

Mr. Eberhardt – nay

Chair – nay

6. **NEW BUSINESS**

A. Application #12-033: Approval for the preliminary plan for 10 single family homes on four acres for the Villas at Mosley Subdivision with Residential Design Development (RDD) Designation.

Applicant: William Levinson
Benton Homebuilders
1000 Executive Parkway, Suite 106
Saint Louis, MO 63141

Mr. Tim Meyer, Volz, Inc. explained to the Commission the previously approved project (2008) for 11 lots and stated the new proposal is for 10 lots. Mr. Meyer pointed out the elements from the previously approved plan that were important to the residents/neighbors, which include, an 8-foot no disturb buffer (east and south side of the property) and a 5-foot high privacy fence at the end of cul-de-sac. Mr. Meyer said the lots will consist of standard single family homes (2,500-3,500 square feet), ranging from \$600k-\$750k, with at-grade lots and walk-out lots. Mr. Meyer stated detention plans have been submitted to MSD and will meet all standards MSD requires. Mr. Meyer said there are 3 items/conditions that need to be incorporated, per staff review, and Benton Homes agrees to all the conditions.

Mr. Eberhardt asked about the site grading and the staff report points out the large portion of land that will have significant cut and fill, and asked if that was because of the walk-outs. Mr. Meyer stated there is not much cut; it is almost all fill material because the property falls so much from North to South.

Ms. Kramer inquired about drainage issues, and Mr. Meyer stated the water will drain to the detention basin to the southeast, and currently, the existing pond that was there drained to the southeast as well. It is Mr. Meyer's belief the drainage did not affect the properties to the east, but he will look into it. Ms. Kramer also wanted to know about the view and visibility into neighbor's homes from the proposed homes and if there were plans to add more buffering. Mr. Meyer showed the buffering along the line that is already in place. Ms. Kramer stated she was talking more along the lines of a visibility barrier.

Mr. William Levinson, 42 Ladue Estates, Benton Home Builders, explained the homes will be primarily ranch homes with finished lower levels and possibly a 1-½ story plan, but there were no plans for two-story homes. Ms. Kramer expressed concern for the homes with higher elevation and the neighbors' houses in Wiron Meadows being seen. Mr. Meyer disagreed and said the homes are not going to be sitting above the homes to the east; the grade is about the same. Mr. Levinson stated the site is only being filled to meet street elevation requirements. Mr. Faron asked if the honeysuckle could be replaced with more trees, for a better buffer/barrier. Chairman Madden asked Mr. Langdon what the landscape requirements from the previously approved project were, and Mr. Langdon responded it was a tree line on the east side. Mr. Langdon pointed out the subdivision code requires preservation of a certain percentage of existing trees and if the east side is cleared out then a tree preservation problem arises. Mr. Langdon said some of the existing trees have to remain, but there is room to accomplish more plantings.

Mr. Langdon, in follow-up to the grading discussion, stated in going from east to west, the proposed houses are within a couple of feet of the existing houses to the east and the yard elevations are almost the same.

Mr. David Caldwell, 257 Brooktrail Court, asked if there was a policy on honeysuckle. Chairman Madden responded the Beautification Committee has requested that it no longer be planted.

Ms. Kramer asked Mr. Langdon to clarify that if there were any unintended consequences with regard to drainage, how would that be remedied? Mr. Langdon responded the problem would be identified and the builder would be required to fix it before moving forward.

Ms. Ellen Lawrence, 501 N Mosley Road, spoke in opposition to the project. Ms. Lawrence stated that Mosley Road has always been large single family homes and she does not believe this project fits in this area. Ms. Lawrence stated she does not have an issue with the existing homes being torn down and new homes being built, but she would like to see it considerably less dense: instead of 10 homes, maybe four homes.

Mr. Langdon asked the applicant to describe the changes (lot bulk standards, setbacks, lot coverage, and lot size) and what the RDD accomplishes. Mr. Meyer explained the lot sizes, setbacks, site coverage, and lot coverage. Mr. Langdon explained what the RDD allows and lets someone do.

Mr. Scott McKenna, 805 Renee Lane, stated he was not aware of any neighbors that were in favor of this project the first time around and he believes there are a lot of drainage issues. Mr. McKenna also said he has never been contacted about the current proposed project.

Mr. Levinson explained the project that was previously approved and how they used that as a starting point as well as keeping in mind what was important to the neighbors.

Mr. Faron asked for examples of RDD in the city. Mr. Langdon gave some examples and said it is generally used where there is difficult ground to build on.

Ms. Kramer asked Mr. Levinson if he had made any effort to contact the neighbors in the Wirdon Subdivision. Mr. Levinson responded that they had only contact Mr. Richard Meyer to the south and not the subdivision to the east. Mr. Kramer stated that she thought they should do that before the project moves forward.

Mr. Faron motioned to continue Application #12-033 to the next meeting of December 3, 2012. Ms. Kramer seconded the motion with the resultant vote as follows:

Mr. Faron – aye	Ms. Kramer – aye	Mr. Howard – aye
Mr. Eberhardt – aye	Chair - aye	

B. Application #12-034: Approval of a minor site development plan for an eight-foot high fence along a portion of the north side property line at 838 Larkin Ave.

Applicant: Carl Masthay
838 Larkin Avenue
Saint Louis, MO 63141

Mr. Carl Masthay, 838 Larkin Ave, presented the Commission his minor site plan for an eight-foot high fence. Mr. Masthay stated his neighbors' lighting interferes with his hobby of astronomy.

Mr. Faron asked if Mr. Masthay has asked the neighbors why the trees were lighted and if the lights are on constantly, could there be a compromise to turn them off at night?

Ms. Denise Shilling, 850 Larkin Ave, stated they put lights in because it improves the appearance of the landscaping and it brings light to other lots on a very dark street. Ms. Shilling stated the lights are on a timer and they are not on 24 hours a day. Ms. Schilling stated she will not remove her lighting. Ms. Schilling is in favor of Mr. Masthay putting a fence or wall up, but not one that is eight feet tall. A discussion of alternatives ensued without resolution.

Mr. Howard motioned approval of the site plan for the eight-foot high fence along the north property line at 838 Larkin Avenue submitted with Application #12-034, as presented to the Planning and Zoning Commission on November 19, 2012. Ms. Kramer seconded the motion with the resultant vote as follows:

Mr. Faron – nay	Ms. Kramer – nay	Mr. Howard – nay
Mr. Eberhardt – nay	Chair - nay	

C. PUBLIC HEARING

Application #12-040: Approval to amend the CVS Pharmacy conditional use permit (Ordinance No. 5105) to establish the time for withdrawing funds for construction of an artist-designed transit shelter.

Applicant: Paul Langdon
Director, Community Development
City of Creve Coeur

Ms. Whitney Kelly, City Planner, City of Creve Coeur, presented the request to amend the conditional use permit for CVS Pharmacy to extend the time frame for the installation of the artist-designed bus shelter. Ms. Kelly stated that due to unknown/unforeseen easement issues, the City has been delayed in the execution of the selected artists' contract.

There being no further comments, City Attorney, Mr. Carl Lumley, presented the exhibits for the record and the public hearing was closed.

(This ends the Public Hearing; see verbatim transcript for further information)

Mr. Faron motioned to approve the amendment to Ordinance No. 5105 establishing December 31, 2015 as the time limit for use of escrowed funds for construction of a bus shelter in connection with the conditional use permit and site development plan for the CVS Pharmacy submitted with Application #12-040, as presented to the Planning and Zoning Commission on November 19, 2012. Ms. Kramer seconded the motion with the resultant vote as follows:

Mr. Faron – aye

Ms. Kramer – aye

Mr. Howard – aye

Mr. Eberhardt – aye

Chair – aye

7. WORK AGENDA

None

8. OTHER BUSINESS

A. Planning Division Report

Mr. Langdon stated at the next meeting there will be two conditional use permits, both for restaurants, a boundary adjustment, site development plan for the Sound Room [*sic* “Best Sound”] property, a sport court, and The Villas at Mosley might be back.

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 10:36 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
#12-034 MINOR SITE DEVELOPMENT PLAN FOR A BASKETBALL
SPORTS COURT AND 10 FOOT NETTING FENCE AT
24 OAK PARK DRIVE

FOR THE MEETING OF: December 3, 2012

LOCATION: 24 Oak Park Drive

REQUEST: Minor site plan approval for a sports court and 10-foot black netting fence along the north and east sides of the court. The court was installed in 2008 without the approval of the Planning and Zoning Commission. The subject property is located in the "A" Single Family Residential zoning district, on Oak Park Drive, east of S. Spoele Road and south of Ladue Road.

ADDITIONAL INFORMATION: The City of Creve Coeur's Zoning Ordinance (Section 405.640 Fences) states that no fence shall exceed six feet in height unless specifically approved by the Planning and Zoning Commission in consideration of a unique screening problem. Section 405.460 Accessory Uses and Structures of the Zoning Code states that sports courts (such as tennis and basketball courts) located in any residential district shall require approval of a site development plan by the Planning and Zoning Commission.

Key Issues:

- Does the fence provide screening of a unique problem?
- Impact to Neighborhood

Comp. Plan References

- Residential Neighborhoods
- Design Guidelines

Zoning Code References

- Section 405.250 "A" Single-family Residential
- Section 405.460 Accessory Uses and Structures
- Section 405.640 Fences

APPLICANT: Michael Karasick
24 Oak Park Drive
Creve Coeur, MO 63141



REPORT PREPARED BY:

Whitney Kelly, AICP, City Planner

11/29/2012
Date

ATTACHMENTS: Applicant's Materials received November 28 and 29, 2012

BACKGROUND AND REQUEST

The existing sports court was built in 2008 without the approval from the City when the approved pool was being installed, along with the 10-foot high backstop fencing along the back of the court (east). Staff become aware of the sports court, and notified the applicant that such facilities required Planning and Zoning Commission approval. The property owner is now seeking such approval for the sports court and the existing fence (25 feet along the back), and to extend the fencing along the north side of the court (approximately 40 feet, approximately one foot from the edge of the court) to prevent balls from entering into the neighbor's yard. The fence is a black polyester with black coated metal anchor system. The court is 18 feet from the north property line, and approximately 50 feet from the rear property line. The south side of the court will utilize the existing pool barrier, and the west side has an existing berm at the end of the driveway to prevent runaway balls. No lighting for the court is being requested.



Figure 1: Example photo of Snapsports Fence



Figure 2: Photo from Applicant of existing court and fence

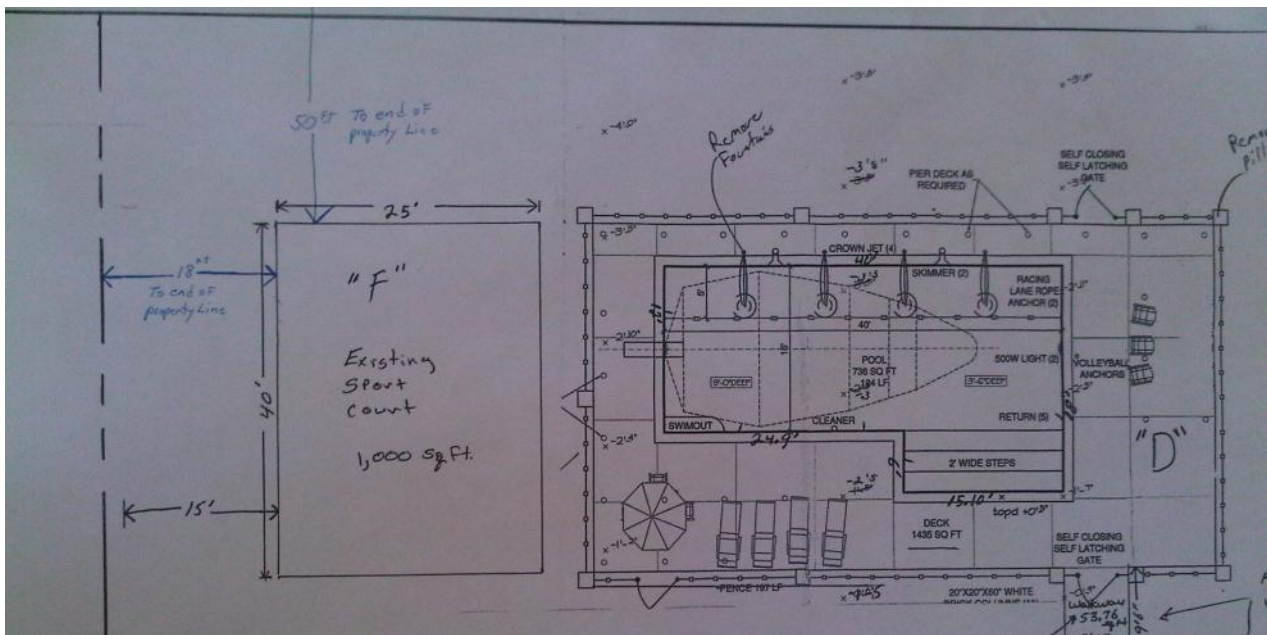


Figure 3: Detail of Site Plan submitted by Applicant

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	NA
South	Single family residences	"A" Single Family Residential	NA
East	Single family residences	"A" Single Family Residential	NA
West	Single family residences	"A" Single Family Residential	Oak Park Dr.

ANALYSIS

Sports Court

The sports court is 25 feet by 40 feet and located off the end of the driveway, 18 feet from the side yard and over 50 feet from the rear lot line, next to the swimming pool. Site coverage is under the 25% limit for the "A" Single Family Residential district. The court fits into the topography of the site, does not create drainage issues, and no court lighting is proposed. Basketball activities (i.e. a hoop at the end of a driveway) are common in residential settings, and a sports court in the backyard would not appear to be out of character.

Fence

The Zoning Code does not provide guidance in evaluating requests for fences, except that no fence shall exceed six feet in height unless approved by the Planning and Zoning Commission in consideration of a unique screening problem. Backstop fencing around tennis courts of up to 10 feet in height is required to be a minimum of 20 feet from any lot line:

SECTION 405.460: ACCESSORY USES AND STRUCTURES

- A. *Authorization. Accessory uses are permitted in any zoning district in connection with any principal use which is permitted within such district.*
- B. *Permitted Accessory Uses And Structures. A "permitted accessory use or structure" is any use or structure that complies with the definitions contained in Section 405.120 including, but not limited to, the following typical uses:*
 - 6. *Private park or recreation facilities including private swimming pools, bathhouses or tennis courts, provided that such facilities are set back at least fifteen (15) feet from any lot line and separated from adjacent residential property by a fence of at least four (4) and not more than six (6) feet in height....Tennis courts located in any residential district shall require separate submission and approval of a site development plan in accordance with Section 405.1080, until such time that further regulations are adopted by the City of Creve Coeur.*

SECTION 405.640: FENCES

- A. *Height Of Fences. No fence shall exceed six (6) feet in height unless specifically approved by the Planning and Zoning Commission in consideration of a unique screening problem.*
- E. *Tennis Court Backstop Fence. Tennis courts may have an open chain link fence up to ten (10) feet in height, provided such backstop fence is setback at least twenty (20) feet from any property line abutting a single-family residence.*

As stated above, the basketball court was built in 2008 and is located at 18 feet from the north, side yard, property line. The court is only a half court facility, and much smaller in character than a tennis court. Thus, Staff considers it to fall under the "unique screening problem" for

Planning and Zoning Commission's review. The fence would be located close to the existing facility and the black netting would disappear with the landscaping at a distance.

The Comprehensive Plan and Design Guidelines provide further direction for review of fences with the following:

Comprehensive Plan: Residential Preservation and Economic Development

2. Encourage the continued preservation of the suburban landscape character of the area, its open green spaces, and stream corridors. New development or redevelopment should protect and enhance stream channels, preserving remaining riparian corridors, preserve trees and encourage re-establishment of natural streams, where feasible. The use of pervious paving materials and vegetated swales to manage storm water in new development and redeveloping areas is encouraged.

Design Review Guidelines: F. Screening (Fences and Walls)

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. (p.18-19)

The design and placement of the fence is enclosing a private residential recreation facility and would not appear to be out of character in this setting. The netting will largely disappear from view.

CONCLUSION

The impact of the fence would be negligible for most of the neighborhood, except to the neighboring property to the north. The black netting would largely disappear with the surrounding landscaping and prevent balls from entering the neighbor's yard. While lighting has not been proposed with this request, Staff does recommend that a condition of approval include the following:

- No night lighting shall be installed for the sports court.
- The applicant shall obtain a building permit for the existing and new fencing.

ACTION

The motion on the sports court and fence as shown in the enclosed site plan should be in the form of approval, approval with conditions, 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 sports court and ten-foot high black netting fence around the facility approximately at 24 Oak Park Drive submitted with Application #12-038 subject to the conditions listed in the Staff Report, as presented to the Planning and Zoning Commission on December 3, 2012" (conditions may be added by separate motion).

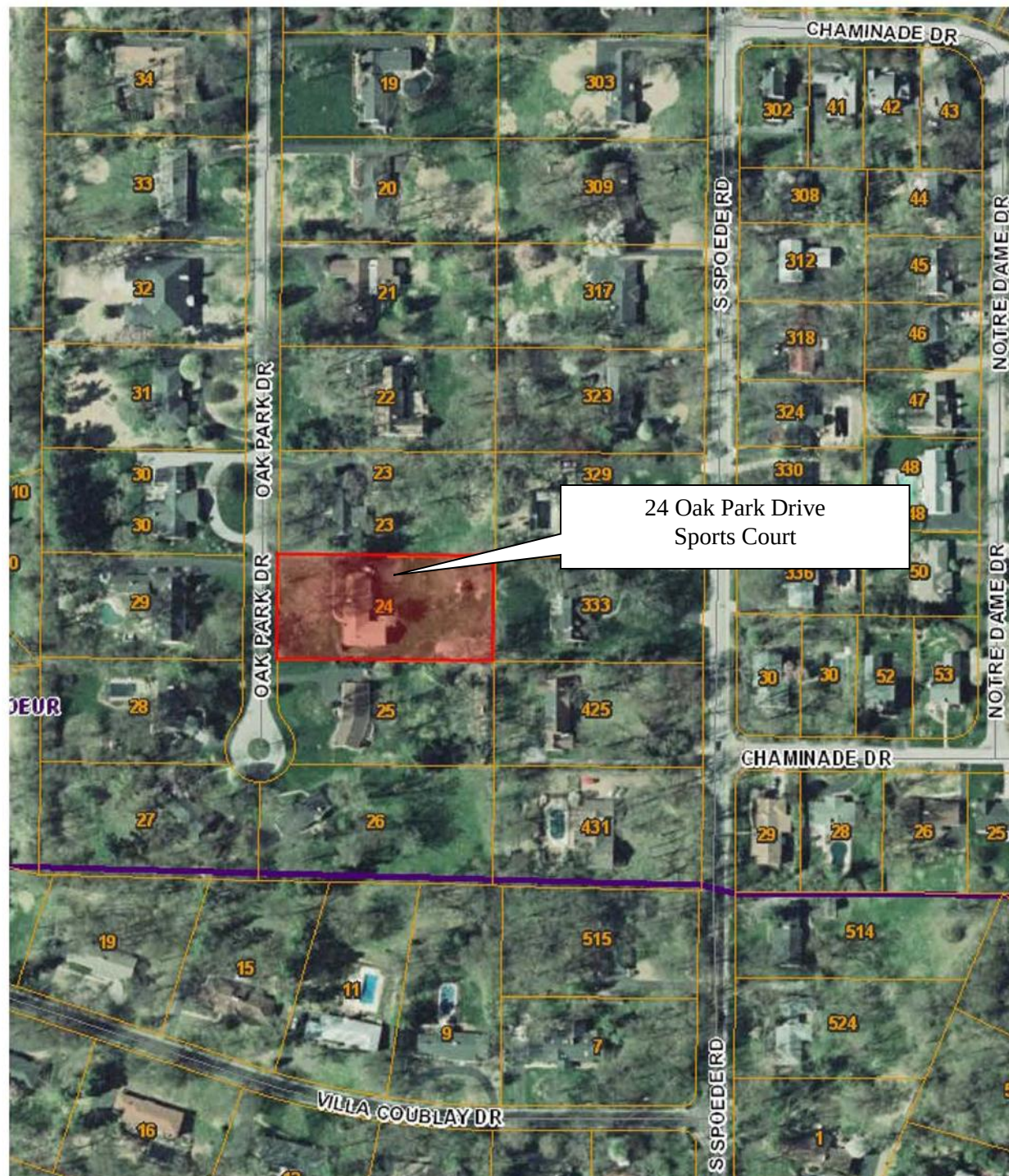
APPENDIX 1: COMPREHENSIVE PLAN

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 MAP



APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 11/21/2012
	Description: View of the sports court at the end of the driveway from Oak Park Drive.
	Description: View of the sports court and the existing fence looking east from the Applicant's driveway.
	Description: View looking northeast at the neighbor's yard.



SnapBack® 10X10 & 10X15 SnapSports® Adjustable Rebounder System

System Options:

SnapBack® 10' X 10' Rebound System
SnapBack® 10' X 15' Rebound System

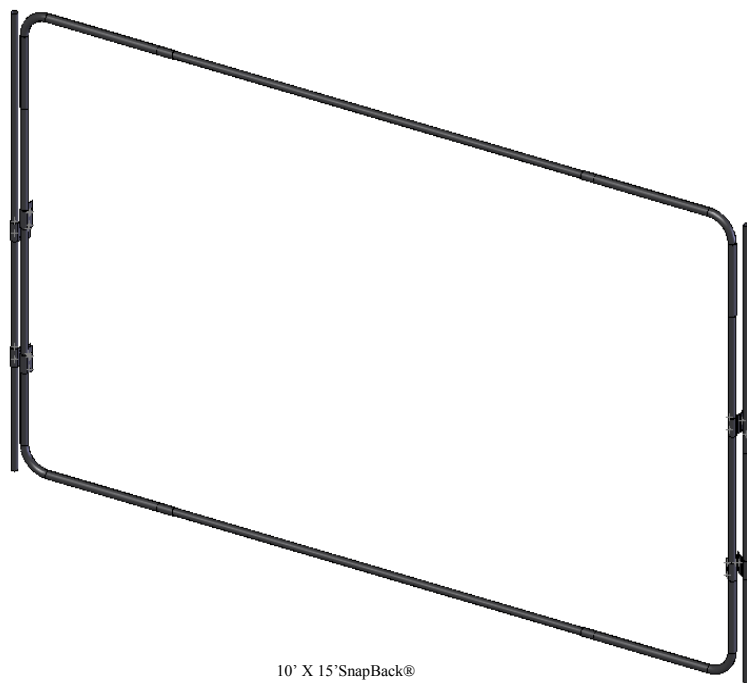
Frame Attributes:

Frame Poles: 1-5/8" Galvanized Pipe
Corner Connectors: 1-7/8" Galvanized
Pipe

Net Attributes:

SnapBack® 10' X 10' Rebound System
Net Size: 8' 6" x 9' 10"
Material: 3/4" Mesh #420 UV Stable,
Black Polyester

SnapBack® 10' X 15' Rebound System
Net Size: 8' 6" x 14' 4"
Material: 3/4" Mesh #420 UV Stable,
Black Polyester



10' X 15' SnapBack®
System Shown

Color:

Semi-Gloss Black Vein Powder Coat Finish

Anchor System:

2- 1" x 3' Schedule 40 Galvanized Pipe (1.315" O.D.)

Anchor Placement:

SnapBack™ 10' X 10' Rebound System - 132" Center of Posts

SnapBack™ 10' X 15' Rebound System - 189" Center of Posts

Special Features:

Adjustable 10° Forward and Backward Tilt
Seamless Integration with Ball Containment System



50 ft To end of property Line

18 ft To end of property Line

"F"

Existing Sport Court

1,000 sq. Ft.

40'

25'

15'

x -4'0"

Q -3'3"

x -2'10"

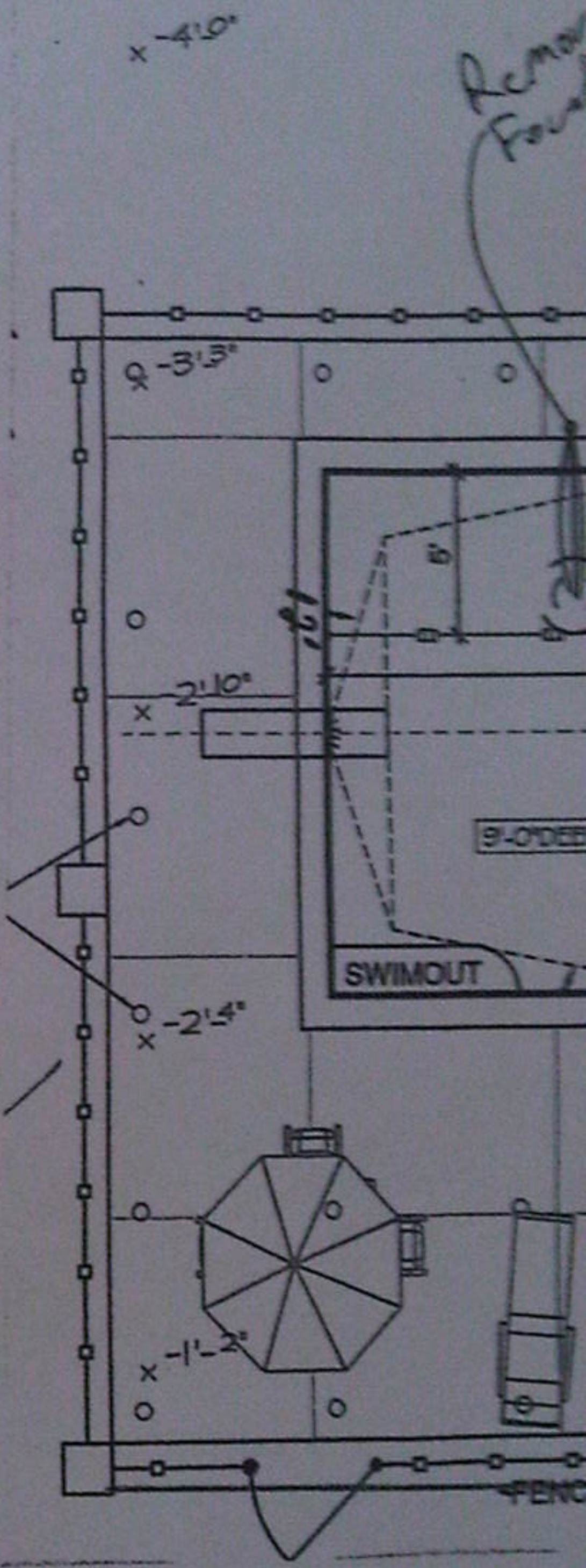
x -2'4"

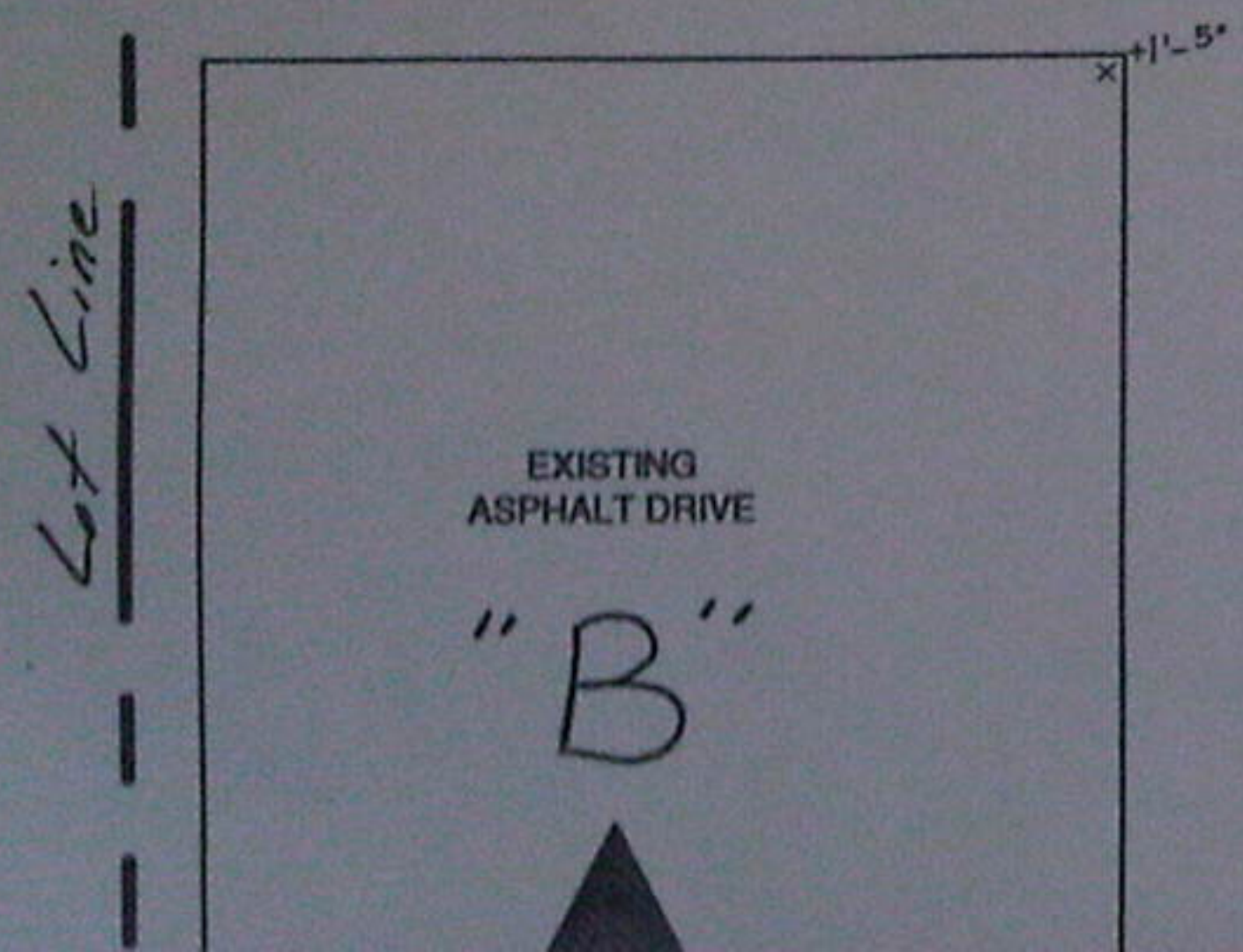
x -1'2"

x +1'5"

Lot Line

EXISTING ASPHALT DRIVE













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 THE PLANNING AND ZONING COMMISSION
#12-035 FOR A NEW CONDITIONAL USE PERMIT FOR ANIS HYDERABAD
HOUSE INDIAN RESTAURANT LOCATED IN WEST PARK CENTER
FOR THE MEETING OF: December 3, 2012**

LOCATION: 12637 Olive Boulevard

REQUEST:

Anitha Koppa, of Anis Hyderabad House Indian Restaurant, has submitted a request for a conditional use permit for a 2,368 square foot eating and drinking establishment, at 12637 Olive Boulevard within the West Park Retail Center. The restaurant will have 48 interior seats. The property is 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)].

Key Issues:

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

Comp. Plan References

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

Zoning Code References

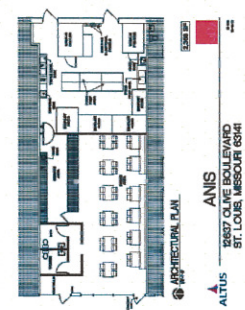
- Section 405.370 "CB" Core Business District
- Section 405.470 Conditional Uses
- Section 405.820 Required Off-Street Parking Spaces

APPLICANT:

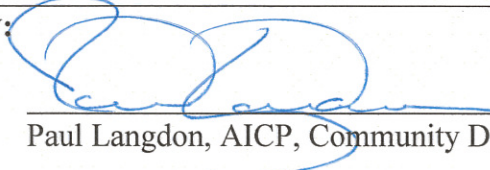
Anitha Koppa
Anis, L.L.C.
1212 Cold Spring Drive
O'Fallon, MO 63368

**PROPERTY
OWNER:**

West Park Retail, L.L.C.
10560 Old Olive Street
Rd., Suite 200
Creve Coeur, MO 63141



REPORT PREPARED BY:


Paul Langdon, AICP, Community Development Director

11/29/2012
Date

ATTACHMENTS: Applicant's Materials received October 19, 2012
Draft Ordinance

PROPOSAL AND ZONING HISTORY

The inline retail portion of West Park Center was originally built in 1987 under the “CB” Core Business Zoning. Since that time, the City has approved several conditional use permits for a variety of restaurants within the entire West Park Center development that includes two office towers, the AMC Theater, a free-standing restaurant and the inline center. Currently in effect are Ordinance Number 2055 for Gas House Grille (originally Malone’s Grill), Ordinance Numbers 1618 and 2213 for Pastries of Denmark, and Ordinances 1345, 1480, 1498 and 1678 for Buffalo Wild Wings (formerly Marc’s, Stazione Restaurant, and Dockrockers). An additional Ordinance (Number 1470) was approved in 1991 for a restaurant at 12629 Olive Boulevard called “Jandira’s.” That restaurant vacated some time ago and subsequent ordinances have apparently been approved on the assumption that the old CUP is abandoned.

The applicant proposes to establish a new restaurant within the inline center between the Pastries of Denmark and the Gas House Grill. It will be 2,368 square feet and have a maximum of 48 indoor seats. No changes to the exterior of the building or the parking lot are proposed.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Office Building	“CB” Core Business District	N/A
South	Hospital and Office Building	“PH” Planned Hospital District, “CB” Core Business District	Olive Boulevard
East	Supermarket, inline center	St. Louis County “C8”	Park Center Drive (east)
West	Retail and Office Building	“CB” Core Business District	Park Center Drive (west)

COMPREHENSIVE PLAN REVIEW

The subject property is located within the West Olive Corridor that encourages a high-quality, contained business area that connects with and coexists in a compatible fashion with adjacent single-family neighborhoods. The proposed use is integrated into the existing facility, with no modification to the exterior of the building or site. Since there are no known concerns with the existing development, it appears that 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 an existing tenant space within the Creve Coeur Shopping Center that has a mix of retail businesses. No changes to the exterior of the building or site are being proposed so no site development plan review is necessary.

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.” Based on this regulation, the proposed business is required to provide at least 26 seats. The following table shows the parking calculations for the entire center:

Tenant	Use	Size (sq.ft.)	Parking Regulations	# of spaces
Gas House Grill	restaurant	3,281(+144 indoor seats + 32 outdoor seats)	1 per 3 seats in C.U.P. + 1/250 sf + 1 per 8 patio seats	66
Pastries of Denmark	retail	2,315 (+47 indoor seats + 24 outdoor seats)	1 per 3 seats in C.U.P. + 1/250 sf + 1 per 8 patio seats	28
American Prestige	office	1,865	4/1000	8
QT Care	medical	1,450	4/1000	6
West Park Cleaners	retail	1,500	4/1000	6
Studio Branca	retail	5,578	4/1000	23
Painting with a Twist	retail	1,922	4/1000	8
Dental Office	medical	1,618	4/1000	7
HRC	medical	1,791	4/1000	8
Proposed Anis Indian Restuarant	restaurant	2,368(+48 indoor seats)	1 per 3 seats in C.U.P. + 1/250 sf + 1 per 8 patio seats	26
Vacant	Retail (assumed)	1,840	4/1000	8
Total Building:		22,247	Total Required:	194

Also sharing the parking lot with the inline center is Advance Vision that is located in the freestanding building fronting Olive Boulevard (12601 Olive Boulevard). The parking regulations allow a reduction in their floor area of 8,400 square feet to 85% for a medical office of this size, before applying the 4 sp./1000 sq.ft. multiplier for an additional parking requirement of 29 spaces. This brings the total parking demand for the lot between these buildings to 223 parking spaces, although only 206 parking spaces are provided in this lot.

However, the property owner has provided a copy of a shared parking agreement allowing users of these two facilities to park on the lot the west that is shared with Buffalo Wild Wings and the West Park 1 office building. Those two buildings are required to provide 106 and 277 parking spaces, respectively, while the parking field surrounding them has 466 parking spaces. This brings the grand total of all shared parking demand to 606 parking spaces (223+106+277) and the total of all shared parking available to 672 spaces (206+466). This indicates a regulatory surplus of 66 parking spaces, thus the parking requirements are met.

Form of the Ordinance

As indicated in the zoning history discussion above, there have been a variety of ordinances approved for this property relating to restaurant uses. Although most of them are still applicable to the existing facilities, Ordinance Number 1470, for Jandira’s, was never formally repealed.

To eliminate any future confusion, and given that the ordinance does not reference current code sections and does not follow current conventions for such CUPs, staff has included a repeal of Ordinance Number 1470 in the current draft for this application.

RECOMMENDATION

Based on the above analysis, the request for a conditional use permit meets all of the requirements of the Comprehensive Plan and Zoning Ordinance. Conditions listed below are the standard general conditions for eating and drinking establishments which are included in the draft ordinance:

1. The conditional use permit shall be for the operation of 2,368 square-foot eating and drinking establishment at 12637 Olive Boulevard.
2. Maximum seating permitted is limited to 48 seats for indoor dining, and no outdoor dining.
3. Hours of operation shall not exceed 11:00 am to 10:00 pm Monday through Sunday. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
4. Employee parking, delivery and company vehicles shall be parked behind the building or as far from the public right-of-way as possible.
5. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.

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 should 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 #12-035 for a Conditional Use Permit for a eating and drinking establishment located at 12637 Olive Boulevard, subject to the conditions contained in the draft ordinance attached to the staff report prepared for the meeting of December 3, 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: 11/21/2012
	View of the proposed tenant space from the parking lot.
	View looking north showing the tenant space in the larger context of the building. Arrow indicates tenant location.
	View looking west from parking in front of tenant space toward lot shared with Buffalo Wild Wings and West Park 1.

ANIS HYDERABAD HOUSE

General Description Of Business :

We like to introduce **ANIS HYDERABAD HOUSE** Indian Restaurant to St.Louis at 12637 Olive Blvd in 2,368 Sq.Ft place. We have one location in Ofallon,MO We are pleased to inform you that we are keeping the same menu <http://www.anisusa.com/menu.php?LM=210> with delicious choices, quality of Food with the help of professional chefs.Liquor is also available along with food.

Our aim is to provide genuine and authentic Indian cuisine to our customers at reasonable rates. We strive for prompt, efficient and courteous service to leave an impressionable mark on our customers.

Our food speaks for itself. We have specialized chefs who give their very best to cater to the customized needs of our guests. Our service is very friendly and our staff treats every guest with utmost respect and also takes every step to assure that our guests are provided with the excellent quality of service. Above all ANIS is about promoting healthy human relations that are invaluable. It is not only about food, it is about reinforcing our guests that they are unique, special and invaluable, by providing them the attention and the best service ever possible. ANIS is about providing a "Home away from Home", with its pleasant environment, appealing food and meticulous service.

Number of Seats for restaurant only : 48

Number of Employess : 5

Number Of Employees at the busiest shift : 6

Hours of Operation :

Lunch:

11:00am - 2:00pm on weekdays

11:00pm - 2:30pm on weekends

Dinner:

5:00pm - 09:30pm on weekdays

5:00pm - 10:00pm on weekends

Thanking you ,

Your's Sincerely,
Anitha Koppa
614-787-2567.

[Type text]

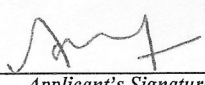
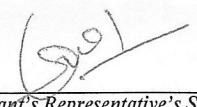


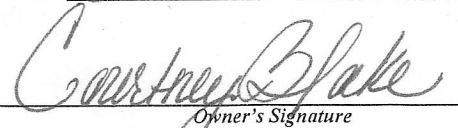
city of **CREVE COEUR**
PLANNING DIVISION

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):
Name <u>ANITHA KOPPARA</u>	Name <u>ANIL K JUKANTI</u>
Company (If Applicable) <u>ANIS LLC</u>	Company (If Applicable)
Address <u>1212 COLD SPRING DR</u>	Address <u>1212 Cold Spring Dr</u>
Address <u>OFALLON, MO. 63368</u>	Address <u>Ofallon, MO. 63368.</u>
Telephone # <u>614-787-2567</u>	Telephone # <u>614-787-2564</u>
Fax #	Fax #
Email: <u>KOPPARA.anitha@gmail.com</u>	Email: <u>anik-jukanti@yahoo.com</u>
 Applicant's Signature	 Applicant's Representative's Signature

Property Information:	Owner's Acknowledgement (if different from applicant):
Address <u>12601-12645 Olive Blvd.</u>	Name <u>West Park Retail, LLC</u>
Address <u>St. Louis MO 63141</u>	Company (If Applicable)
Development Name (if any) <u>West Park Retail</u>	Address <u>10560 Old Olive St. Rd.</u>
Current Zoning <u>Commercial</u>	Address <u>Ste. 200 St. Louis MO 63141</u>
Prior CUP Approvals (if known)	Telephone # <u>314-569-5000</u>
	Fax # <u>314-569-5059</u>
	Email: <u>CB</u>
	 Owner's Signature

Description of Requested Use (attach additional sheets as needed)

General Description of Business: We like to introduce ANIS HYDERABAD HOUSE
Sorliar Restaurant to St. Louis at 12637 Olive Blvd in 2,368 sq. ft place.
we have one location in fallon, Mo. we are pleased to inform you that we are
keeping same menu <http://www.anisusa.com/menu.php?LM=210>.

Gross Floor Area – Existing and Proposed: 2,368 sq. ft

Number of Seats (for restaurant only): 45-48

Number of Employees at the busiest shift: 6

Hours of Operation: 11:00AM-2:00PM weekdays, 5:00PM-09:30 PM weekdays
11:00AM-2:30PM weekends 5:00PM-10:00PM weekends

Current or Most Recent Use of the Property: political office

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: Monday, _____, 20__.

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

Office Use Only

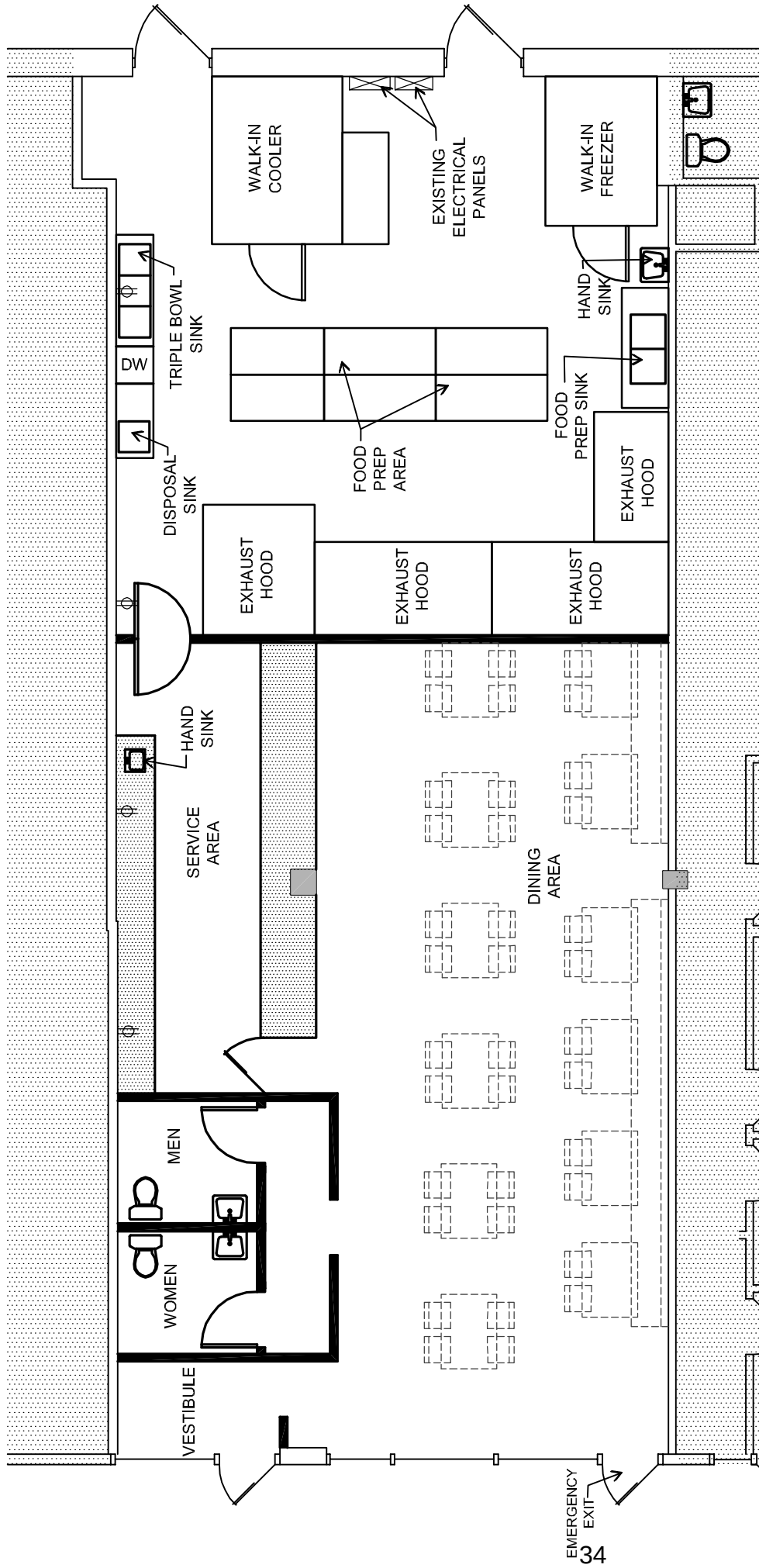
____ All Sections Complete
____ All Documents, incl. e-Copies
____ Fees Paid

Received By: _____

Date: _____

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

Revised: 11/11



ARCHITECTURAL PLAN

1/8"=1'-0"

2,368 SF



ANIS

12637 OLIVE BOULEVARD
ST. LOUIS, MISSOURI 63141

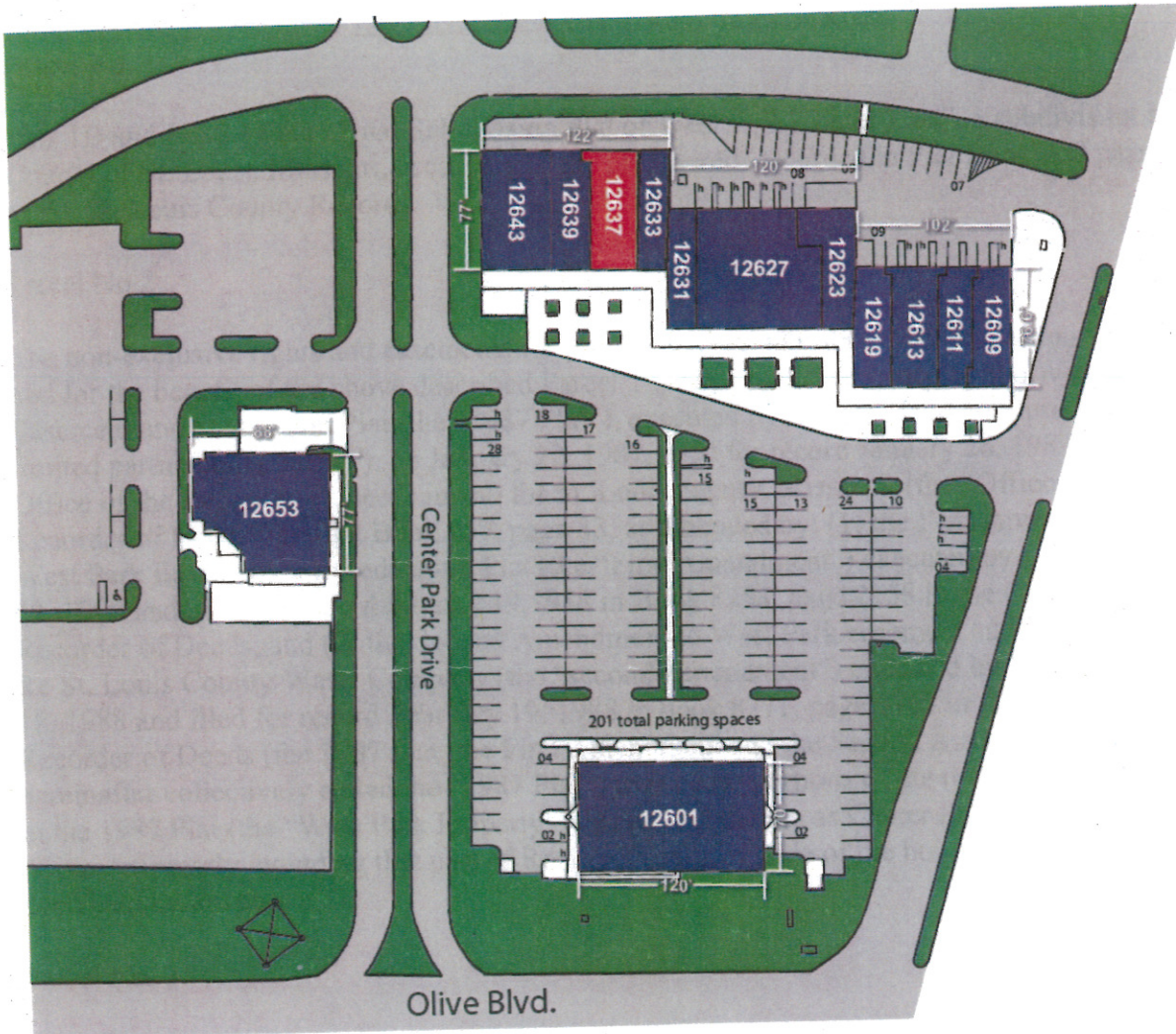


12-106
10-18-12

EXHIBIT A

Site Plan of Premises

The Premises are depicted in red below and are shown as consisting of 2,368 square feet.



BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE REPEALING CONDITIONAL USE PERMIT ORDINANCE 1470
AND AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE PERMIT FOR
A 2,368 SQUARE-FOOT EATING AND DRINKING ESTABLISHMENT LOCATED AT
12637 OLIVE BOULEVARD WITHIN THE WEST PARK CENTER**

WHEREAS, under Section 405.370(C), all eating and drinking places in the “CB”, Core Business 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 Anitha Koppara of Anis, L.L.C., for a conditional use permit for a 2,368 square-foot, 48-seat eating and drinking establishment at 12637 Olive Boulevard within the West Park Center; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, December 3, 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 conditional use permit, subject to the conditions contained herein, at its meeting on _____, 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: Ordinance Number 1470 is hereby repealed.

BILL NO. _____

ORDINANCE NO. _____

Section 2: A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a restaurant located at 12637 Olive Boulevard, in the "CB" Core Business zoning district, within the West Park Center, whose legal description is as follows:

Parcel No. 1:

Lots 1B and Lot 2 of the "Final Subdivision Plat of West Park Center-East", a subdivision in the County of St. Louis, Missouri, according to the plat thereof recorded in Plat Book 350 page 460 of the St. Louis County Records.

Parcel No 2:

The non-exclusive rights and easements for private drives and utility easements appurtenant to and for the benefit of the above described Parcel 1 created and established by the West Park Easement and Dedication Plat (the "1987 Plat"), executed by Broken Heart Venture, a Missouri limited partnership ("BHV"), on January 22, 1987, filed for record January 26, 1987 in the Office of the Recorder of Deeds in and for St. Louis county, Missouri, (the "Office of the Recorder of Deeds") in Plat Book 257, page 33, as amended by: (1) the First Amendment to the West Park Easement and Dedication Plat (the "First Amendment") executed by BHV on January 12, 1988 and filed for record January 19, 1988 in Book 8258, page 2158 in the Office of the Recorder of Deeds; and (2) the Second Amendment to West Park easement and Dedication Plat Re St. Louis County Water Company (the "second Amendment") executed by BHV on February 18, 1988 and filed for record February 19, 1988 in book 8271, page 1965 in the office of the Recorder of Deeds (the 1987 Plat, the First Amendment and the Second Amendment are hereinafter collectively called the "1987 Plat") over those portions of the real property described in the 1987 Plat (the "West Park Property") designated therein as Center Park Drive and other Drives, expressly including that part of Road "C" lying outside of the boundaries of Parcel 1 described herein above.

Parcel No. 3:

The perpetual, non-exclusive rights and easements appurtenant to and for the benefit of the above described Parcel 1, created and granted by the Easement Declaration (the "Easement Declaration") dated March 19, 1987, executed by the First National Bank of Chicago, not personally, but as Trustee of the First National Bank of Chicago Group Trust for Pension and Profit Sharing Trust, Institutional Real Estate Fund ("F") under Declaration of Trust dated December 1, 1982, as amended, filed for record May 7, 1987 in the Office of Recorder of Deeds in Book 8119, page 1598, including, but not by way of limitation:

- (I) The non-exclusive rights and easements for the discharge of storm and surface waters from Parcel 1;
- (II) The non-exclusive rights and easements for access, ingress and egress to install, maintain, repair, replace and remove drainage facilities necessary for the discharge of storm and surface waters from Parcel 1, as aforesaid; over those portions of the real property more particularly described on Whispering Hills Plat Four, filed for record in the Office of the Recorder of Deeds in Plat Book 123, page 23, delineated by cross hatching on Exhibit B to the Easement Declaration.

Parcel No. 4:

The non-exclusive rights and easements appurtenant to and for the benefit of the above described parcel 1, in accordance with and upon the terms and conditions of the

Restated Declaration of Covenants, Easements and Restrictions (the "1996 Declaration") dated as of March 15, 1996 executed by and among AMC Realty, Inc., Olive-Mason, L.P. and John Hancock Mutual Life Insurance Company, filed for record March 27, 1996 in the Office of the Recorder of Deeds in Book 10780, page 197, including, but not by way of limitation;

(i) The non-exclusive rights and easements for various parking areas, unobstructed access to public streets and unobstructed pedestrian and vehicular passage over those portions of the common Area, as defined therein.

(ii) The non-exclusive rights and easements for storm sewers, a single sanitary sewer and water lines, over, under and through portions of West Park Property, as defined therein.

(iii) The non-exclusive rights and easements for the construction, maintenance and use of all apparatus necessary to provide utility services to the above described Parcel 1, including but not by way of limitation, telephone, electricity, natural gas, cable television, water, storm and sanitary sewers, and above ground and underground storm water drainage outlets to retention basins, over, under, and through all or any portion of the common Area as defined therein.

(iv) The non-exclusive rights and easements for the temporary occupation of all or any part of the West Park Property in order to facilitate the construction and/or maintenance of the improvements located thereon, as defined therein.

Parcel No. 5:

The perpetual, non-exclusive rights and easements appurtenant to and for the benefit of the above described Parcel 1, created and granted by the Reciprocal easement, Joint Use, Construction and Maintenance Agreement (the "REA") dated January 25, 1989, by and between Broken Heart Venture, L.P., a Missouri limited partnership, and Mary Partnership, L.P., a Missouri limited partnership, filed for record February 13, 1989 in the Office of the Recorder of Deeds in Book 8461, page 1189, for the construction, inspections, use, maintenance, replacement and repair of a roadway and median in and across the real property more particularly described and defined therein, together with

(I) The temporary non-exclusive rights and easements for the construction and maintenance of said roadway and median appurtenant to and for the benefit of the above described Parcel 1, created and granted by the REA over those portions of real property necessary for the construction and maintenance of said roadway and median, as defined therein.

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 2,368 square-foot eating and drinking establishment at 12637 Olive Boulevard.
2. Maximum seating permitted is limited to 48 seats for indoor dining, and no outdoor dining.
3. Hours of operation shall not exceed 11:00 am to 10:00 pm Monday through Sunday. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
4. Employee parking, delivery and company vehicles shall be parked behind the building or as far from the public right-of-way as possible.
5. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.

BILL NO. _____

ORDINANCE NO. _____

6. The restaurant shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
7. Any mechanical equipment installed for the site shall be properly screened with approved materials.
8. 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.
9. 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.
10. 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.
11. 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.

ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

BILL NO. _____

ORDINANCE NO. _____

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
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 THE PLANNING AND ZONING COMMISSION
#12-036 FOR A NEW CONDITIONAL USE PERMIT FOR FOZZIE'S
SANDWICH EMPORIUM RESTAURANT LOCATED IN CREVE COEUR
SHOPPING CENTER**

FOR THE MEETING OF: December 3, 2012

LOCATION: 11921 Olive Boulevard

REQUEST:

Mark Lucas, of Fozzie's Sandwich Emporium, has submitted a request for a conditional use permit for a 2,050 square-foot eating and drinking establishment with 46 interior seats and 12 outdoor seats in the space formerly occupied by Pacific Café and Mr. Goodcents Subs. Creve Coeur Shopping Center is located on the north side of Olive Boulevard, between Rue de la Banque West and Orchard Lakes Drive, in the "CB" Core Business zoning 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. 1727 authorized the conditional use permit for Mr. Goodcents Subs with a maximum of 16 indoor 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 or implement the goals of the Comprehensive Plan?

Comp. Plan References

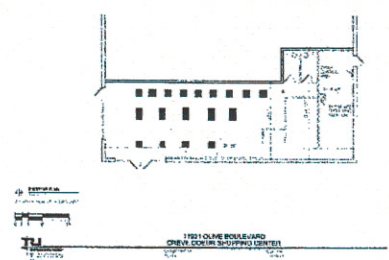
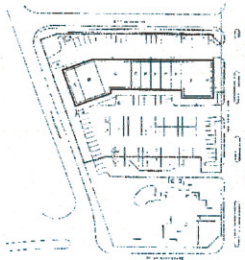
- Health and Connectivity Goals
- Design Guidelines: Streetscape/Pedestrian Orientation

Zoning Code References

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

APPLICANT: Mark Lucas
Fozzie's Sandwich Emporium
1170 S. Big Bend Boulevard
St. Louis, MO 63117

PROPERTY OWNER: Drury Development Corp.
721 Emerson Road, Suite 200
Creve Coeur, MO 63141



REPORT PREPARED BY:

Paul Langdon, AICP, Community Development Director

Date

ATTACHMENTS: Applicant's Materials received October 22, 2012
Draft Ordinance

PROPOSAL AND ZONING HISTORY

Creve Coeur Shopping Center, located north of Olive Boulevard between Rue de la Banque West and Orchard Lakes Drive, was approved and constructed in 1977 on a 2.2 acre site. The property was zoned "O" Office at the time of development, but the district was later renamed and redefined as the "CB" Core Business district. The center consists of a single inline retail building, currently housing 10 tenant spaces with a total of 20,374 square feet of leasable area. The overall development is legally pre-existing, with non-conforming site coverage. Subsequently, in 1979, the City purchased the land between the center and Olive Boulevard for the construction of Fountain Park. The original park lot was 1.0 acre and includes a row of 20 parking spaces that are contiguous with the shopping center parking. The City voluntarily donated 0.1 acres of the park to MoDOT for Olive Boulevard widening, thus allowing the original area to still be used in development regulations, per Section 400.020 of the Municipal Code.

On January 14, 1980, the City Council approved CUP Ordinance Number 928, for Peking Inn Chinese Food Restaurant with a maximum of 3,000 square feet and no seating limitation 11923 Olive Boulevard. That restaurant no longer exists, and it appears from subsequent approvals on the site that the conditional use was assumed to be abandoned. On August 14, 1995, the City Council approved CUP Ordinance Number 1727 for a Goodcents Subs restaurant with an area of 2,045 square feet and a maximum of 16 inside-only seats at 11921 Olive Boulevard.

In 2003, and in light of Zoning Code changes that had been recently developed, the City entered into an agreement with the property owners of the center to not only share all of the parking spaces, but to also include all of the land area in any site calculations needed for the approval of a restaurant CUP. The agreement was signed by the City Administrator on June 10, 2003. With this agreement, the shopping center effectively has 3.2 acres and 137 parking spaces. Subsequently, a new CUP (Ordinance #4010) was approved on April 6, 2006, for a second restaurant (Flavor of India) with 4,800 square feet and 80 seats at 11939 Olive Boulevard. It should also be noted that the existing Domino's Pizza Delivery outlet was interpreted to be a bakery and, as such, not subject to a conditional use permit.

After the departure of the Goodcents restaurant, the space was occupied by "Pacific Café" who did not require any enlargement and, therefore, operated under the same CUP. Pacific Café has now vacated the space. The proposed restaurant will occupy the same location, although the area is now shown as 2,050 square-feet. The applicant is not proposing any changes to the exterior of the building or site.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Single-family detached and multi-family residences	Unincorporated St. Louis County C3 Residential	Rue de la Banque Connector
South	Hotel, restaurant and auto dealership	"CB" Core Business District	Olive Boulevard
East	Bank	"CB" Core Business District	Rue de la Banque West
West	Multi-family residences	"CB" Core Business District	Orchard Lakes Drives

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 the former Pacific Cafe, in space that was originally developed for a variety of uses, in compliance with the Comprehensive Plan. The outdoor seating also provides public sitting amenities. 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 an existing tenant space within the Creve Coeur Shopping Center that has a mix of retail businesses. No changes to the exterior of the building or site are being proposed so no site development plan review is necessary.

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." Based on this regulation, the proposed business is required to provide at least 26 seats. The following table shows the parking calculations for the entire center:

Tenant	Address	Use	Size (sq.ft.)	Parking Regulations	# of spaces
Vacant	11949	retail	1,848	4/1000	8
Midwest Martial Arts	11947	retail	3,196	4/1000	13
Flavor of India	11939	restaurant	4,280 (actual) 4,800 (per CUP)	1 per 3 seats in C.U.P. + 1/250 sf + 1 per 8 patio seats	44
Chiropractic	11935	medical	1,200	4/1000	5
Dominos	11933	Pizza bakery-delivery only	1,200	4/1000	5
Enterprise Car Rental	11931	retail	1,200	4/1000	5
Vacant	11929	retail	1,240	4/1000	5
Nature Health Center	11927	medical	1,240	4/1000	5
Allied Financial / Equity Title	11925/11923	financial, real estate	2,920	4/1000	12
Proposed Fozzie's Sandwich Emporium	11921	restaurant	2,050	1 per 3 seats in C.U.P. + 1/250 sf + 1 per 8 patio seats	26
Total Building:			20,374	Total Required:	128
				Total Provided:	136

As shown by the table, there is a surplus of eight parking spaces, based on the Zoning Code requirements. Due to the small surplus, the CUP should limit the size of the restaurant and eliminate any past ordinances to preclude future parking problems.

Form of the Ordinance

As indicated in the zoning history discussion above, there have been a variety of ordinances approved for this property relating to restaurant uses. Currently, the only other restaurant in the center is Flavor of India and they are operating under Ordinance 4010. Due to the limited parking surplus and the possible argument that past ordinances are still active, the draft ordinance repeals all inactive approvals, specifically Ordinances 928 and 1727.

RECOMMENDATION

Based on the above analysis, the request for a conditional use permit meets all of the requirements of the Comprehensive Plan and Zoning Ordinance. Conditions listed below are the standard general conditions for eating and drinking establishments which are included in the draft ordinance:

1. The conditional use permit shall be for the operation of 2,050 square-foot eating and drinking establishment at 11921 Olive Boulevard.
2. Maximum seating permitted is limited to 46 seats for indoor dining, and 12 seats for outdoor dining.
3. Hours of operation shall be 11:00 am to 9:00 pm Monday through Sunday. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
4. Employee parking, delivery and company vehicles shall be parked behind the building or as far from the public right-of-way as possible.
5. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.

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 should 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 #12-036 for a Conditional Use Permit for a eating and drinking establishment located at 11921 Olive Boulevard, subject to the conditions contained in the draft ordinance attached to the staff report prepared for the meeting of December 3, 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: 11/21/2012
 A photograph showing a single-story commercial building with a tan facade and a brown roof. A tall sign on the left side of the building reads "Olive Coast Shopping Center". Several cars are parked in the asphalt lot in front of the building. The sky is clear and blue.	View of the proposed tenant space from the parking lot.
 A photograph of a multi-story commercial building with a blue and grey facade, viewed from across a parking lot. A blue SUV is parked in the foreground on the right. The sky is clear and blue.	View from in front of the proposed tenant space looking south.
 A photograph showing a brick wall and a glass door of a building. A concrete sidewalk leads from the door towards a grassy area with trees. In the background, other buildings and a street are visible.	View from east side of the proposed tenant space looking north toward Rue de la Banque and apartments beyond. This area will be used for outdoor seating.

October 22, 2012

City of Creve Coeur – Planning Division
Attn: Mr. Paul Langdon
300 N. New Ballas Rd.
Creve Coeur, MO 63141

RE: Conditional Use Permit
11921 Olive Blvd.

Dear Mr. Langdon,

Enclosed, please find the following items in conjunction with our requested Conditional Use Permit.

- CUP Application
- Rationale which is written on the 2nd page of the CUP Application
- Site Plan which details access, parking including calculations for parking and existing landscape islands.
- Legal Description
- Floor Plan detailing the proposed number of seats, inside and out.
- Two (2) checks in the amount of \$250 and \$2,000 (refundable deposit) issued to the City of Creve Coeur.
- Note: Electronic copies of all have been emailed to you at plangdon@ci.creve-coeur.mo.us

Additionally, I wanted to take this opportunity to share with you and the planning division who we are and what we do at Fozzie's Sandwich Emporium.

Fozzie's is a family owned gourmet sandwich shop that prides itself on its use of fresh, local ingredients. We offer a wide array of specialty sandwiches as well as a few classic staples, fresh seasonal salads, homemade spreads and delicious desserts. We can satisfy the carnivore or the vegetarian in you, there is something for everyone.

We want to make life taste better and at Fozzie's; we only use the freshest ingredients. We have our own garden with many fresh herbs and vegetables, we use local suppliers and we showcase seasonal fruits and vegetables on our menu.

At Fozzie's we care about our food, our environment and the future.

Please feel free to stop by our location at 1170 S. Big Bend Blvd. in Richmond Heights and see for yourself why we are so proud of our food.

We appreciate the opportunity and look forward to becoming a part of the city of Creve Coeur.

Sincerely,

Mark Lucas
Owner

Cc: Mark Kohl, Drury Development
Jason Morgan, Prudential Alliance Commercial



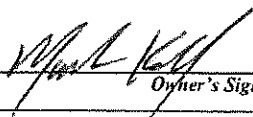
city of **CREVE COEUR**
PLANNING DIVISION

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):
Name <u>Mark Lucas</u>	Name
Company (If Applicable) <u>Fozzie's Sandwich Emporium</u>	Company (If Applicable)
Address <u>7831 Greensfelder Lane</u>	Address
Address <u>University City, MO 63130</u>	Address
Telephone # <u>314-249-9466</u>	Telephone #
Fax #	Fax #
Email: <u>fozziesandwichemporium@gmail.com</u>	Email:
 Applicant's Signature	 Applicant's Representative's Signature

Property Information:	Owner's Acknowledgement (if different from applicant):
Address <u>11921-11949 Olive</u>	Name <u>11921 Olive, LLC</u>
Address <u>Creve Coeur, MO 63141</u>	Company (If Applicable) <u>c/o Drury Development Corporation</u>
Development Name (if any) <u>Creve Coeur Shopping Center</u>	Address <u>721 Emerson Rd.</u>
Current Zoning <u>Core Business</u>	Address <u>Suite 200, Creve Coeur, MO 63141</u>
Prior CUP Approvals (if known) <u>Ordinance #4010-Flavor of India</u>	Telephone # <u>314-587-2511</u>
<u>Ordinance #1727-Mr. Goodcents</u>	Fax # <u>314-989-3411</u>
<u>#1727 to be replaced/revised to current application.</u>	Email: <u>mark.kohl@ddcmail.com</u>
	 Owner's Signature

Description of Requested Use (attach additional sheets as needed)

General Description of Business: The Premises will be used to operate a restaurant selling specialty deli sandwiches, salads, spreads and desserts.

Gross Floor Area – Existing and Proposed: 2,050 SF

Number of Seats (for restaurant only): 58

Number of Employees at the busiest shift: 10

Hours of Operation: MONDAY - SUNDAY 11:00 AM - 10:00 PM

Current or Most Recent Use of the Property: Restaurant (Paradise Cafe)

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.

*In order for a Fozzie's Sandwich Emporium to be successful in the proposed location, we will require the number of seats being requested.

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)
\$2000 (refundable deposit) |
| ☒ Floor plan | ☐ Other items as requested by staff |
| ☒ Electronic copies of all materials | |

Preferred Public Hearing Date: Monday, NOVEMBER 19, 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: _____

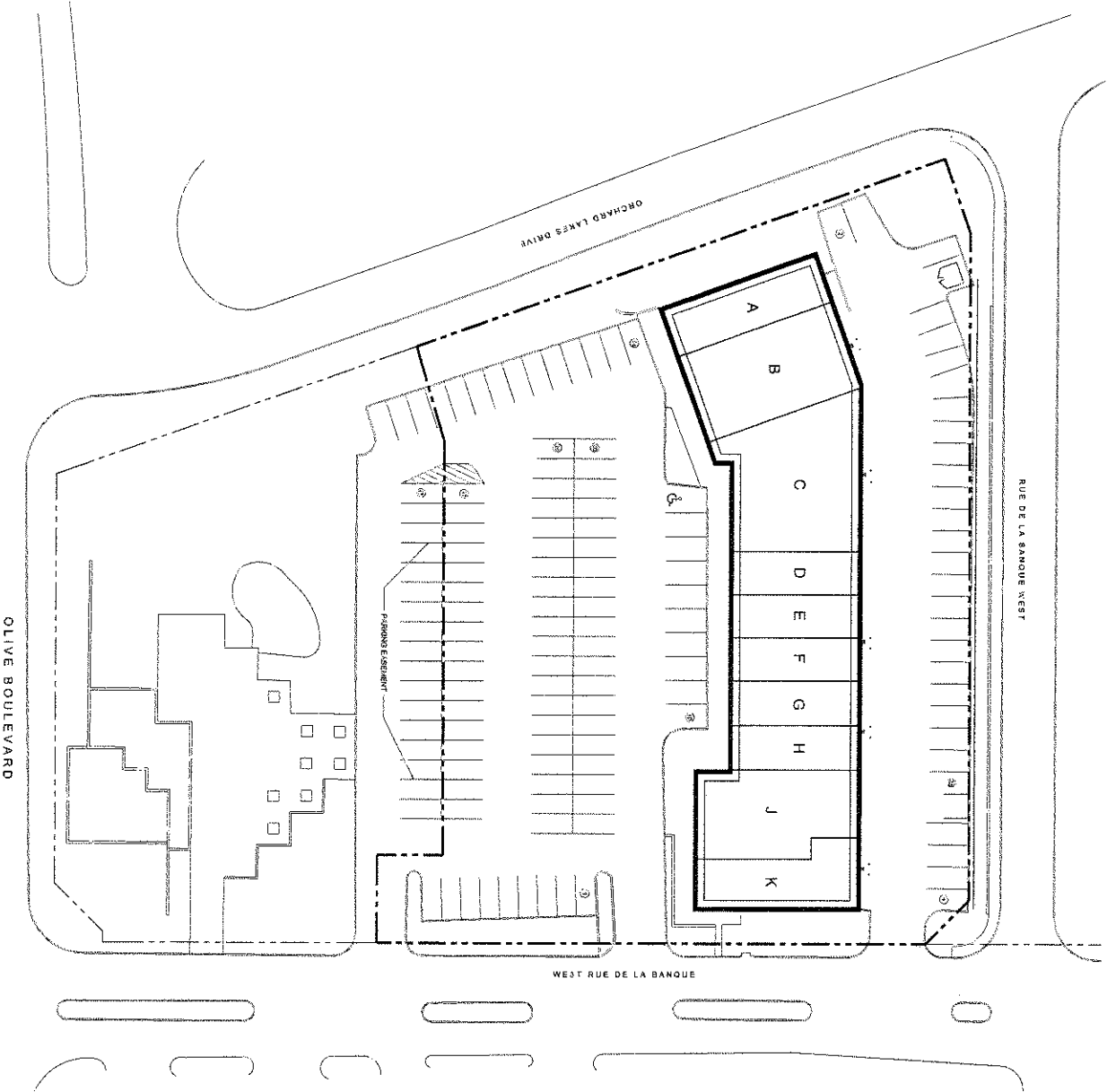
Paul Langdon, AICP, Planning Director
Whitney Kelly, AICP, City Planner
Julie Lowery, Administrative Assistant (872-2501)

Revised: 11/11

CREVE COEUR SHOPPING CENTER

CREVE COEUR,
12-118

MISSOURI
10-19-12



PROJECT DATA

TENANT SPACE	SQ. FT.
A RETAIL	1,846 S.F.
PARKING REQUIRED: 400 PS / 1,000 SF	8 P.S.
B RETAIL	3,198 S.F.
PARKING REQUIRED: 400 PS / 1,000 SF	13 P.S.
C RESTAURANT (60 SEATS)	4,280 S.F.
PARKING REQUIRED: 1 PS / 2 SEATS = 1 PS / 250 SF = 1 PS / 8 PATIO SEATS	44 P.S.
D MEDICAL	1,200 S.F.
PARKING REQUIRED: 400 PS / 1,000 SF	5 P.S.
E RESTAURANT - CARRY OUT	1,200 S.F.
PARKING REQUIRED: 400 PS / 1,000 SF	5 P.S.
F RETAIL	1,200 S.F.
PARKING REQUIRED: 400 PS / 1,000 SF	5 P.S.
G RETAIL	1,240 S.F.
PARKING REQUIRED: 400 PS / 1,000 SF	5 P.S.
H MEDICAL	1,240 S.F.
PARKING REQUIRED: 400 PS / 1,000 SF	5 P.S.
J FINANCE / INSURANCE / REAL ESTATE	2,920 S.F.
PARKING REQUIRED: 400 PS / 1,000 SF	12 P.S.
K RESTAURANT (48 SEATS / 12 PATIO SEATS)	2,050 S.F.
PARKING REQUIRED: 1 PS / 2 SEATS = 1 PS / 250 SF = 1 PS / 8 PATIO SEATS	25 P.S.
TOTAL PARKING REQUIRED:	127 P.S.
TOTAL PARKING PROVIDED:	136 P.S.

PARKING STUDY PLAN

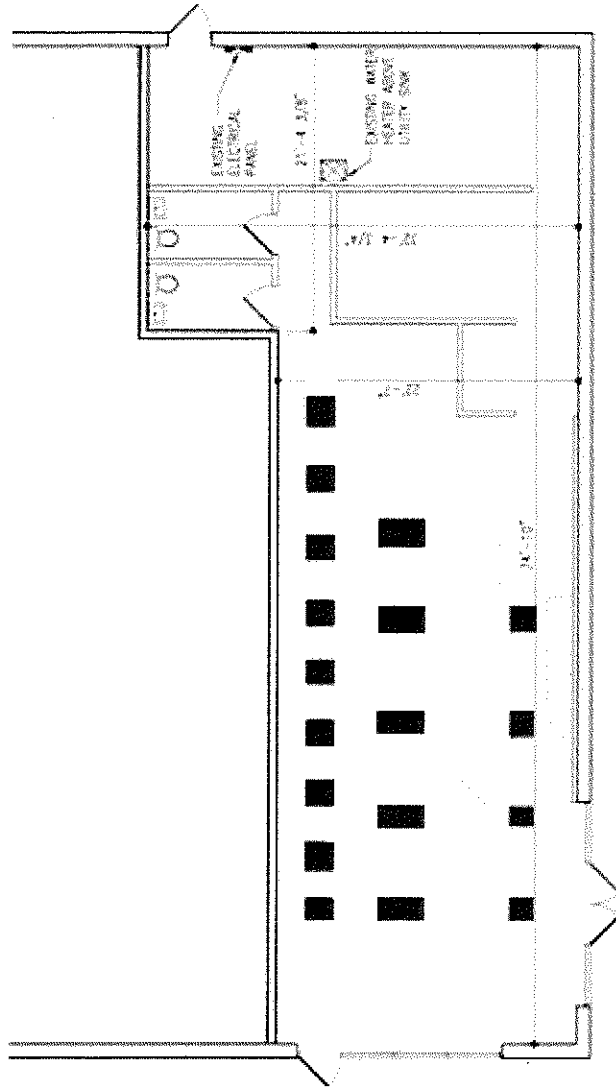
SCALE: 1" = 20'-0"
0 5 10 20 40

Creve Coeur Shopping Center - Tenant Summary

<u>Parking Study Reference</u>	<u>Tenant</u>	<u>Address</u>	<u>Use</u>	<u>Size</u>	<u>Parking Regulations</u>	<u># of spaces</u>
A	Vacant	11949	retail	1,848	4/1000	8
B	Midwest Martial Arts	11947	retail	3,196	4/1000	13
C	Flavor of India	11939	restaurant	4,280	1 per 3 seats in C.U.P.=80 + 1/250 sf + 1 per 8 patio seats	44
D	Chiropractic	11935	medical	1,200	4/1000	5
E	Dominos	11933	restaurant-carry out only	1,200	4/1000	5
F	Enterprise Car Rental	11931	retail	1,200	4/1000	5
G	Vacant	11929	retail	1,240	4/1000	5
H	Nature Health Center	11927	medical	1,240	4/1000	5
J	Allied Financial/Equity Title	11925/11923	finance/ins./real estate	2,920	4/1000	12
K	Vacant	11921	restaurant	2,050	1 per 3 seats in C.U.P.=46 + 1/250 sf + 1 per 8 patio seats=12	25
			Total Building SF	20,374	Total Required	127
					Total Provided	136

EXHIBIT A

LOT B OF BANQUE WEST, ACCORDING TO THE PLAT THEREOF RECORDED
IN PLAT BOOK 173 PAGE 30 OF THE ST. LOUIS COUNTY RECORDS,
EXCEPTING THEREFROM THE PART CONVEYED TO THE CITY OF CREVE
COEUR, MISSOURI, BY DEED RECORDED IN BOOK 9383 PAGE 2100,
TOGETHER WITH ALL IMPROVEMENTS THEREON KNOWN AND NUMBERED
AS 11921-11949 OLIVE.



EXISTING PLAN
As Shown
 Approximate Square Feet: ~ 2,050 (+/-)



**11921 OLIVE BOULEVARD
 CREVE COEUR SHOPPING CENTER**

MISSOURI
 13-26-17

CREVE COEUR
 12-118



Square Footage of Premises:	2,050 +/-
Total Number of Interior Seats:	46
Total Number of Exterior Seats:	12

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE REPEALING CONDITIONAL USE PERMIT ORDINANCES
NUMBER 928 AND 1727 AND AUTHORIZING THE ISSUANCE OF A NEW
CONDITIONAL USE PERMIT FOR A 2,050 SQUARE-FOOT EATING AND
DRINKING ESTABLISHMENT LOCATED AT 11921 OLIVE BOULEVARD WITHIN
THE CREVE COEUR SHOPPING CENTER**

WHEREAS, under Section 405.370(C), all eating and drinking places in the “CB”, Core Business 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 Mark Lucas of Fozzie's Sandwich Emporium, for a conditional use permit for a 2,050 square-foot, 46-seat eating and drinking establishment with 12 outdoor seats at 11921 Olive Boulevard within the Creve Coeur Shopping Center; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, December 3, 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 conditional use permit, subject to the conditions contained herein, at its meeting on _____, 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: Ordinances Number 928 and 1727 are hereby repealed.

BILL NO. _____

ORDINANCE NO. _____

Section 2: A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a restaurant located at 11921 Olive Boulevard, in the "CB" Core Business zoning district, within the Creve Coeur Shopping Center, whose legal description is as follows:

Lot B of Banque West, according to the plat thereof recorded In plat book 173 page 30 of the St. Louis County Records, excepting there from the part conveyed to the City of Creve Coeur, Missouri, by deed recorded in book 9383 page 2100, together with all improvements thereon known and numbered as 11921-11949 Olive.

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 2,050 square-foot, eating and drinking establishment at 11921 Olive Boulevard.
2. Maximum seating permitted is limited to 46-seat indoors and 12 seats outdoors.
3. Hours of operation shall be 11:00 am to 9:00 pm Monday through Sunday. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
4. Employee parking, delivery and company vehicles shall be parked behind the building or as far from the public right-of-way as possible.
5. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
6. The restaurant shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
7. Any mechanical equipment installed for the site shall be properly screened with approved materials.
8. 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.
9. 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.
10. 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.
11. 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.

ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
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
#12-037 FOR A MINOR SITE DEVELOPMENT PLAN FOR LANDSCAPE AND
EXTERIOR BUILDING IMPROVEMENTS FOR THE BUILDING AT
227 N. LINDBERGH BOULEVARD**

FOR THE MEETING OF: December 3, 2012

LOCATION: 227 N. Lindbergh Boulevard

REQUEST: Brent Crittenden, of Central Design Office, on behalf of Quinterra Properties LLC, has submitted an application for approval of building and landscape improvements for the permitted use of RACE STL Physical Therapy.

ADDITIONAL INFORMATION: The City of Creve Coeur's Zoning Ordinance Section 405.1080 provides that any proposed alteration of less than 5,000 sq. ft. that significantly affect the exterior of a building or redevelopment of a site requires Planning and Zoning Commission approval. The subject property is located on the west side of Lindbergh Boulevard four lots north of Ladue Road. The property is currently zoned "GC" General Commercial.

Key Issues:

- Does the request further the goals and/or implement the Comprehensive Plan?
- Does the request follow the Design Guidelines?

Comp. Plan References

- Commerce Center Action Area
- Design Guidelines

Zoning Code References

- Section 405.360: "GC" General Commercial District
- Section 405.1080: Site Concept, Site Development, and Minor Site Plan Approval

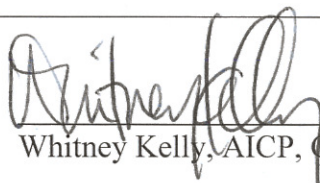
APPLICANT: Brent Crittenden
Central Design Office
4301 McRee Avenue
St. Louis, MO 63110

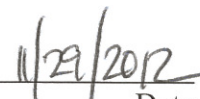
**PROPERTY
OWNER:**

Quinterra Properties LLC
12935 N Forty Drive,
Suite 201
St. Louis, MO 63141



REPORT PREPARED BY:


Whitney Kelly, AICP, City Planner


Date

ATTACHMENTS: Applicant's Materials received November 26, 2012

BACKGROUND AND PROJECT PROPOSAL

The subject property received original approval for the site development plan in March 1990 as Best Sound, and is located in the “GC” General Commercial District (Section 405.360). The site has legally pre-existing non-conforming site coverage of approximately 72.3%. Maximum site coverage in the “GC” General Commercial District is 63%. The current building exterior material is almost entirely EIFS.

The building will be used as a physical therapist office, which is a permitted use in the “GC” General Commercial district. The proposed improvements include new landscaping, that will reduce the site coverage from 72.3% to 52.4%. The renovation of the building will be a modern design that includes renovating and restoring the EIFS existing on the building, removing the maroon striping, adding a new concrete base around the building, a new entrance canopy with EIFS and wood cladding, windows, and a new clerestory window to open up the second floor. The wood cladding on the second floor will be carried around for the screening of mechanical equipment to appear as one element. The EIFS will be painted white. The landscaping also includes a plaza space with bench seating along Lindbergh Boulevard, and removing the parking along the west side of the building for a new test track. Landscaping will also be added along the perimeter of the property to fill in between the trees.

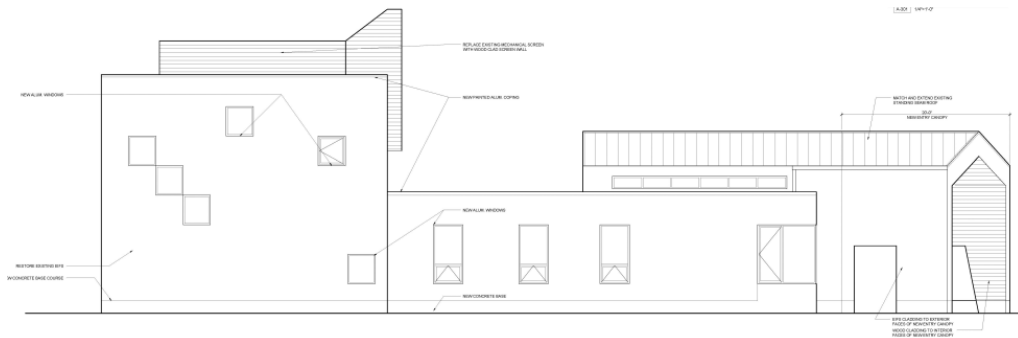


Figure 1: East Elevation

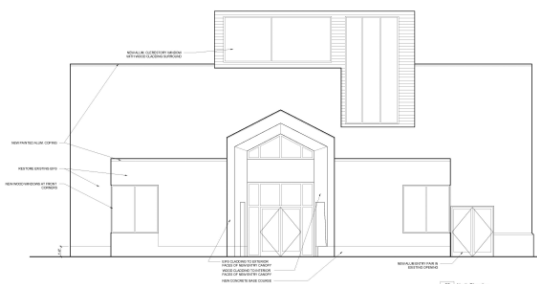


Figure 2: North Elevation



Figure 3: Color rendering

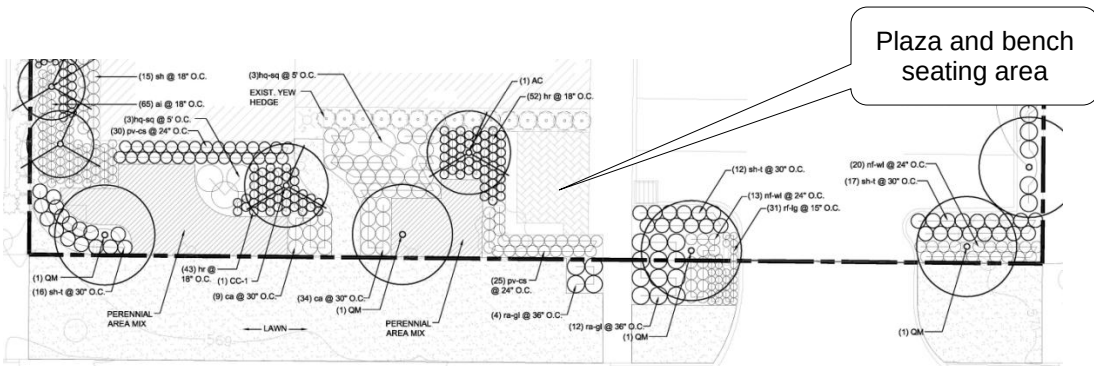


Figure 2: Close-up of Landscape Plan along Lindbergh Blvd

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Commercial	“GC” General Commercial	NA
South	Commercial	“GC” General Commercial	NA
East	Residential	City of Ladue: “C” Family Residential	Lindbergh Boulevard
West	Residential	“B” Single Family Residential	NA

COMPREHENSIVE PLAN REVIEW

The subject property is located in the Commerce Center Action Area planning area of the Comprehensive Plan. While the Comprehensive Plan does not specifically address the area south of Olive Boulevard along Lindbergh Boulevard, it does call for improving the quality of commercial development in the area by upgrading the architectural quality of the building stock as businesses expand or redevelop (page 70). Further, the general goals and objectives of the Comprehensive Plan recommend strengthening the Design Guidelines to provide more detailed guidance regarding building orientation, connectivity, and compatibility with adjacent residential development, as well as illustrations of desired development patterns (page 23). Lastly, the Plan encourages new commercial, institutional, and multi-family development or redevelopment to include public amenities such as pedestrian connections, bicycle facilities, public sitting/gathering area, and open space, where appropriate (page 22). The proposed improvements meet with the goals and objective of the Comprehensive Plan by providing public sitting and open space, as well as upgrading the architectural quality of the building by creating a visual interest along the street wall of Lindbergh Boulevard and at a pedestrian level.

DESIGN GUIDELINES REVIEW

The Design Guidelines provide specific direction for the redevelopment of properties:

Chapter 1 / 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*
- 3. Pedestrian open spaces, such as covered walkways, courtyards, and plazas, are encouraged, as is the development of open and attractive passageways between buildings and adjoining development.*
- 4. Plazas, courtyards, landscaping, public art and similar amenities or public assembly areas that are accessible and visible from the street are strongly encouraged.*

Chapter 2 / Buildings

C. Design

- 3. The Primary building entrance should be clearly defined and provide a sense of entry. It should be oriented to the street and provide protection from the elements, such as recesses, roof overhangs, projecting canopies or other similar features.*
- 9. Building elements, such as parapet walls, penthouses or screen walls should be treated as an integral part of the architecture, incorporating similar design, detail and materials as the primary structure. All rooftop equipment, including, but not limited to, satellite and other telecommunication equipment, air handling units, elevator equipment, cooling towers and exhaust fans are to be screened from view.*

Building screens should be part of the architectural design with similar detailing and materials and not appear as add-ons.

D. Relationship to Neighboring Development

- 1. Architectural design should be compatible with the developing character of the neighborhood area. Design compatibility includes complementary building style, form, size, color, and materials.*
- 3. Building color should be compatible with the neighborhood and should reinforce the visual character of the environment of the proposed buildings. The color should not be such that the building is competing for attention. Building colors should be subdued and not garish, and should not, in any way, constitute "signing" of the building or site.*

E. Materials/Colors

- 1. Materials should have good architectural character, be durable, and be selected for their compatibility with adjoining building and properties. Natural, traditional building materials are encouraged. A preference should be given toward "green" building materials that can be recycled. Highly reflective and/or synthetic materials are discouraged.*
- 2. Exterior materials should be selected based on their durability and appropriateness for their intended function. Special attention should be given to the durability of materials used around the ground floor of the building. Preferred building materials include stone, brick, architectural precast concrete, aluminum and glass. The materials selected should require minimal maintenance. Their color should be integral to the materials and not be painted on.*
- 3. Exterior insulating finishing systems (EIFS) and concrete masonry should not be the predominant building materials. EIFS should be used as a way to accentuate an architectural element and should be limited to area not subject to damage or abuse. Concrete masonry should be limited to split face or burnished units.*

Chapter 5 / Miscellaneous

C. Utilities

- 1. All on-site utilities (electric, telephone, cable TV) shall be installed underground. Surface transformer switching pads shall be located and screened to be unobtrusive.*

The current building exterior material is almost entirely EIFS. The applicant will use most of the existing exterior, repainting the building in a white color, and creating an entry canopy with EIFS on the exterior but wood cladding on the interior. While the use of EIFS is not recommended by the Design Guidelines, the pre-existing EIFS on the building has established the character of the design. Requiring that the new canopy be clad in a new material would make it appear out of context with the rest of the building and therefore inconsistent with the Design Guidelines. The new canopy does impart a greater presence to the building and a sense of entry that is consistent with the recommendations above, as does the wood cladding visible from the street. Also, the additional windows and concrete foundation will decrease the amount of the existing EIFS on the building overall. Finally, opening the second level with a large window and hiding the mechanical equipment with the same wood cladding as the interior of the canopy is also consistent with the Design Guidelines.

The painting of the building to a white would make it stand out from the surrounding office buildings which is contrary to the guideline D.3 above. Staff recommends that the buildings be painted in a more subdued color, such as a light grey similar to the existing color, off-white, or

beige color. Staff also recommends the undergrounding of the utilities on site per the Design Guidelines (Chapter 5, C.1 above).

ZONING REVIEW

A minor site development plan is required for a change in use of an entire site to another permitted use, or any proposed alteration that would significantly affect the exterior of a building, or redevelopment of a site that already contains a building or buildings, provided that such expansion, change or redevelopment shall not add more than five thousand (5,000) square feet of new impermeable surface to the site.

As stated above the site has legally pre-existing non-conforming site coverage of 72.3%. Maximum site coverage in the “GC” General Commercial District is 63%. The proposed improvements will reduce the site coverage to 52.4%. High quality landscaping is provided throughout the site with the appropriate number of street trees along Lindbergh Boulevard at one for every 30 lineal feet of frontage. The property does not abut a single family residence, therefore no buffer space is required. The trash enclosure is located at the northwest corner of the parking area, however elevations were not provided. The applicant has indicated that the trash enclosure would be of cedar wood, similar to the wood cladding accent on the building. Staff recommends that a condition of approval include that elevations of the trash enclosure be provided for the Zoning Administrator’s approval.

Parking

The required off street parking for medical offices is one space per 1,000 square feet of gross leasable floor area. The reduction in site coverage will reduce the parking on site to 19 spaces. The gross leasable area of the building is 4080 square feet, thus a total number of parking spaces required is 17 spaces.

RECOMMENDED CONDITION OF APPROVAL

If Commission members generally support the request, staff recommends the following conditions for approval:

- The applicant is required to submit a Site Improvement Permit application, showing all exterior improvements, as required by Section 420.070 of the Land Disturbance Code. The permit application shall be in substantial conformance with the “Landscape Plan” and “Site Development Plan,” received November 26, 2012, as bound together and submitted in conjunction with Application #12-037 by Brent Crittenden of Central Design Office.
- The Applicant is required to submit a Building Permit application, as required by Article II of the Building Code. Exterior elevations shall be in substantial conformance with the “Exterior Elevations” dated October 4, 2012, as bound together and submitted in conjunction with Application #12-037 by Brent Crittenden of Central Design Office.
- The Applicant shall provide an elevation of the trash enclosure and indicate materials that are of wood consistent with the building’s wood cladding for the Zoning Administrator’s approval.
- The Applicant shall underground the customer service utilities on site.
- The exterior walls shall be painted a subdued natural color. The Applicant shall provide a color sample of the building materials for the Zoning Administrator’s approval.

ACTION AND MOTION

The motion to approve site development plans and landscape plans as shown in the Applicant's materials will be in the form of approval, approval with conditions, denial or deferral. Action by the City Council is not required. The following is an example of an appropriate motion for this application:

"I move to approve the site plan and elevations for the renovation of the building at 227 N. Lindbergh Boulevard submitted with Application #12-037, as presented to the Planning and Zoning Commission, subject to the conditions contained in the staff report prepared for the meeting of December 3, 2012" (if so desired; conditions may be added by separate motion).

APPENDIX 1: COMPREHENSIVE PLAN, INCLUDING DESIGN GUIDELINES

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

APPENDIX 2: ZONING CODE

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

APPENDIX 3: AERIAL MAP



APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 11/21/2012
	Description: View of the building looking southwest from Lindbergh Blvd. at the main entrance to the building.
	Description: View of the building looking south along Lindbergh Blvd.
	Description: View looking south along the rear property line.



Description: View of the building looking northeast from the adjacent building (211 N. Lindbergh Blvd). Notice the two utility poles for the property.



Description: View of the building looking northwest from Lindbergh Blvd.



Description: View of the parking area from the north property line looking west.



03 Rendering
A-000 NOT TO SCALE

PLANNING & ZONING APPLICATION

DRAWING LIST:

- A-000 COVER SHEET
- C-100 SITE DEVELOPMENT PLAN
- D-201 FIRST FLOOR DEMO
- D-202 SECOND FLOOR DEMO
- D-203 UPPER ROOF DEMO
- A-101 LANDSCAPE PLAN
- A-201 FIRST FLOOR PLAN
- A-202 SECOND FLOOR PLAN
- A-203 ROOF PLAN
- A-301 ELEVATIONS
- A-302 ELEVATIONS
- A-311 BUILDING SECTIONS

CODE AND TECHNICAL INFORMATION:

EXISTING ZONING - GENERAL COMMERCIAL

PROPOSED ZONING - GENERAL COMMERCIAL

PROPOSED USE - PHYSICAL THERAPY CLINIC

SUBDIVISION NAME - N/A

LOT NUMBER - 227 LINDBERGH BLVD

FAR:		
NET FLOOR AREA -	6820 SQ FT	
TOTAL AREA -	23,619 SQ FT	
FLOOR AREA RATIO -	28.87%	

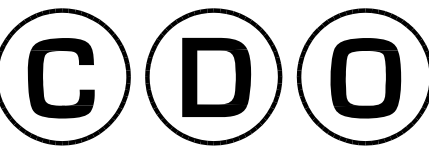
SITE COVERAGE DATA:		
EXISTING IMPERVIOUS AREA -	17,076 SQ FT	
PROPOSED IMPERVIOUS AREA -	12,896 SQ FT	
TOTAL AREA -	23,619 SQ FT	
EXISTING % IMPERVIOUS -	72.29%	
PROPOSED % IMPERVIOUS -	52.44%	

PARKING:		
GROSS LEASABLE AREA -	4080 SQ FT	
PARKING REQUIRED -	17 SPACES	
ACTUAL SPACES -	18 SPACES	

Owner:

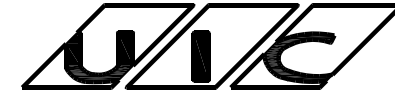
Quinterra Properties LLC
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P&Z APPLICATION
NOT FOR CONSTRUCTION

PROJECT:
RACE STL
Physical Therapy

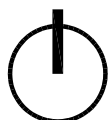
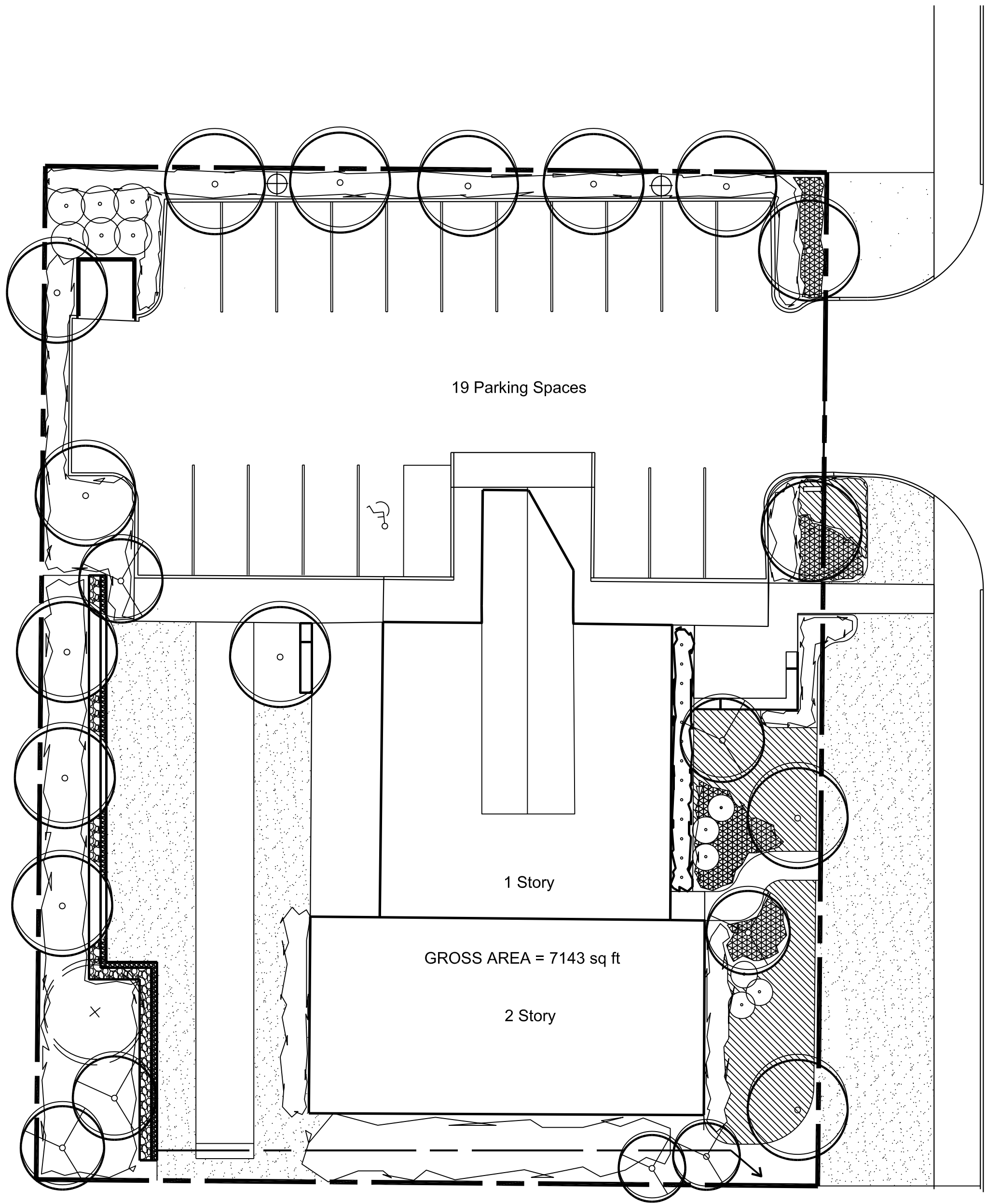
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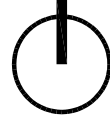
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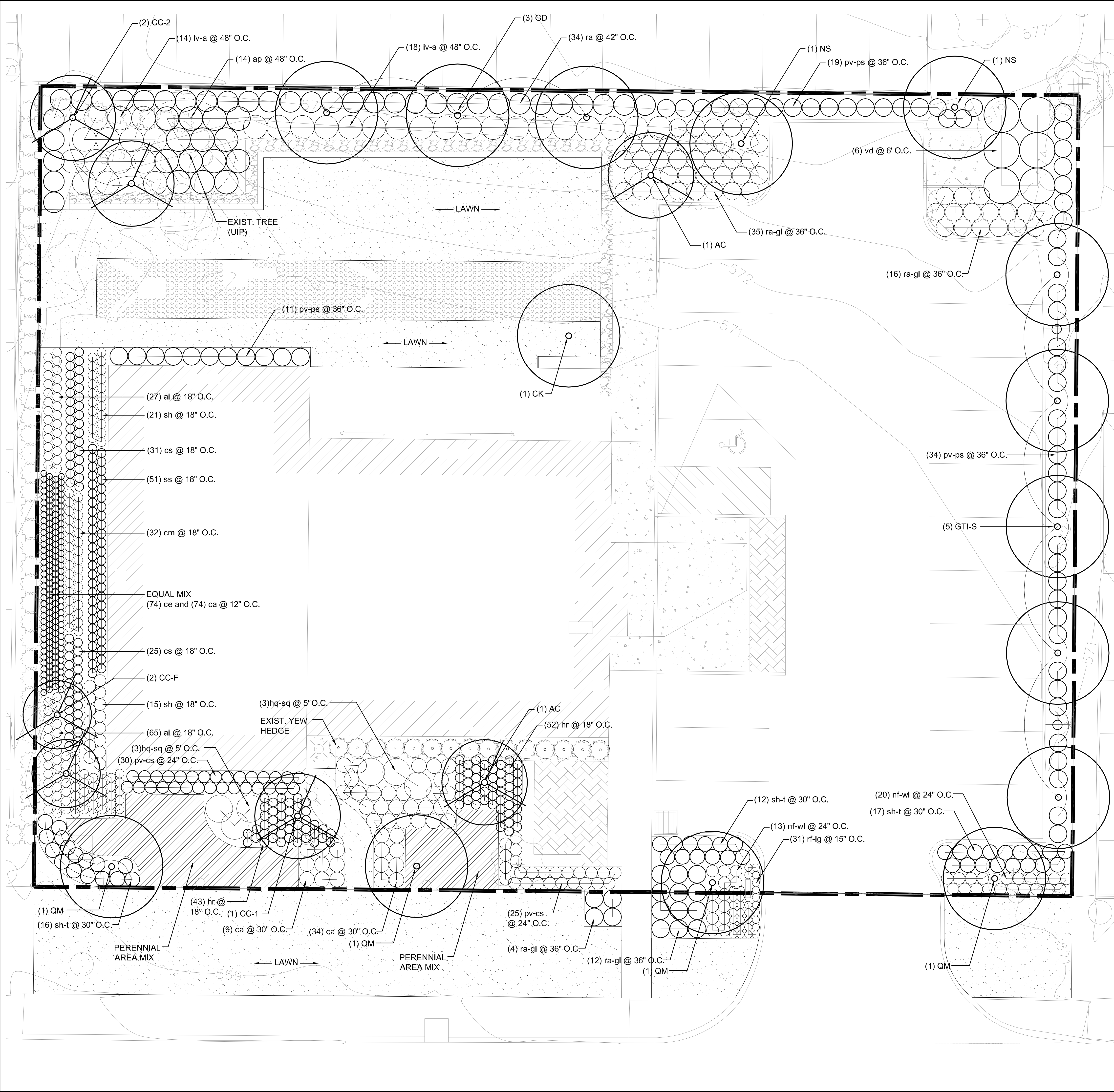
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02 Site Key Plan
A-000 1/16"=1'-0"



01 Location Plan
A-000 1/128"=1'-0"



PLANT SCHEDULE

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE
CANOPY TREES				
AC	2	Amelanchier canadensis	Serviceberry	10-12' ht.
CC1	1	Carpinus caroliniana	American Hornbeam	2.5" cal.
CC2	2	Carpinus caroliniana	American Hornbeam	10-12' ht.
CC-F	2	Cercis canadensis	Forest Pansy Redbud	2.5" cal.
CK	1	Cladrastis kentukea	Yellowwood	2.5" cal.
GTI-S	5	Gleditsia triacanthos inermis	Skyline Honeylocust	3" cal.
GD	3	Gymnocladis dioicus	Kentucky Coffee Tree	3" cal.
NS	2	Nyssa sylvatica	Black Gum	3" cal.
QM	4	Quercus meuhlenbergii	Chinkapin Oak	3" cal.
SHRUBS				
ap	14	Aesculus parviflora	Bottlebrush Buckeye	24-30" ht.
hq-sq	6	Hydrangea quercifolia	Snow Queen Oakleaf Hydrangea	36-42" ht.
iv-a	32	Ilex verticillata	Afterglow Winterberry Holly	30-36" ht.
ra	34	Rhus aromatica	Fragrant Sumac	24-30" sprd.
ra-gl	6	Rhus aromatica	Grow Low Fragrant Sumac	18-24" sprd.
vd	6	Viburnum dentatum	Arrowwood Viburnum	36-42" ht.
GRASSES and SEDGES				
ca	117	Carex albicans	Oak Sedge	1 qt. cont.
ce	74	Carex eburnea	Cedar Sedge	1 qt. cont.
cm	32	Carex muskingumensis	Palm Sedge	1 gal. cont.
cs	56	Carex stricta	Tussock Sedge	1 gal. cont.
pv-cs	55	Panicum virgatum	Cheyenne Sky Switch Grass	1 gal. cont.
pv-ps	64	Panicum virgatum	Prairie Sky Switch Grass	2 gal. cont.
ss	51	Schizachyrium scoparium	Little Bluestem	1 qt. cont.
sh	36	Sporobolus heterolepis	Prairie Dropseed	1 qt. cont.
sh-t	45	Sporobolus heterolepis	Tara Prairie Dropseed	2 gal. cont.
PERENNIALS				
ai	92	Amsonia illustris	Shining Blue Star	1 qt. cont.
ca	0	Ceanothus americanus	New Jersey Tea	2 gal. cont.
hr	95	Heuchera richardsonii	Alum Root	1 gal. cont.
nf-wl	33	Nepeta fassenii (racemosa)	Walker's Low Catmint	2 gal. cont.
rf-lg	31	Rudbeckia fulgida var. sullivantii	Little Goldstar Black-eyed Susan	1 gal. cont.
PERENNIAL MIXES				
al		Aster laevis	Smooth Aster	1 qt. cont.
bc		Bouteloua curtipendula	Sideoats Grama	1 qt. cont.
cp		Coreopsis palmata	Prairie Coreopsis	1 qt. cont.
dp		Dalea purpurea	Purple Prairie Clover	1 qt. cont.
epa		Echinacea paradoxa	Yellow Coneflower	1 qt. cont.
epu		Echinacea purpurea	Purple Coneflower	1 qt. cont.
ls		Liatris spicata	Blazing Star	1 qt. cont.
pt		Pycnanthemum tenuifolium	Slender Mountain Mint	1 qt. cont.
rm		Rudbeckia missouriensis	Missouri Coneflower	1 qt. cont.
sh		Sporobolus heterolepis	Prairie Dropseed	1 qt. cont.

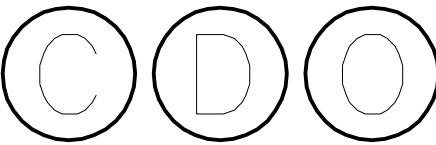
LANDSCAPE NOTES:

- ALL PROPOSED CANOPY TREES SHALL BE 3" CAL. MIN.
- ALL PROPOSED FLOWERING TREES SHALL BE 2" CAL. MIN.
- ALL PROPOSED SHRUBS SHALL BE MIN. 24" HEIGHT
- ALL PROPOSED ORNAMENTAL GRASSES AND PERENNIALS SHALL BE A 1 GAL. SIZE MIN.
- ALL PROPOSED GROUND COVER SHALL BE 1 QT SIZE MIN.
- UNDERGROUND IRRIGATION SYSTEM SHALL BE PROVIDED FOR MAINTENANCE OF SITE LANDSCAPE

Owner:

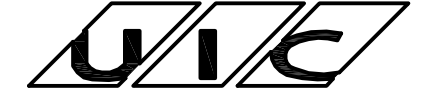
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landscape architecture

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P&Z APPLICATION
NOT FOR CONSTRUCTION

PROJECT:
RACE STL
Physical Therapy

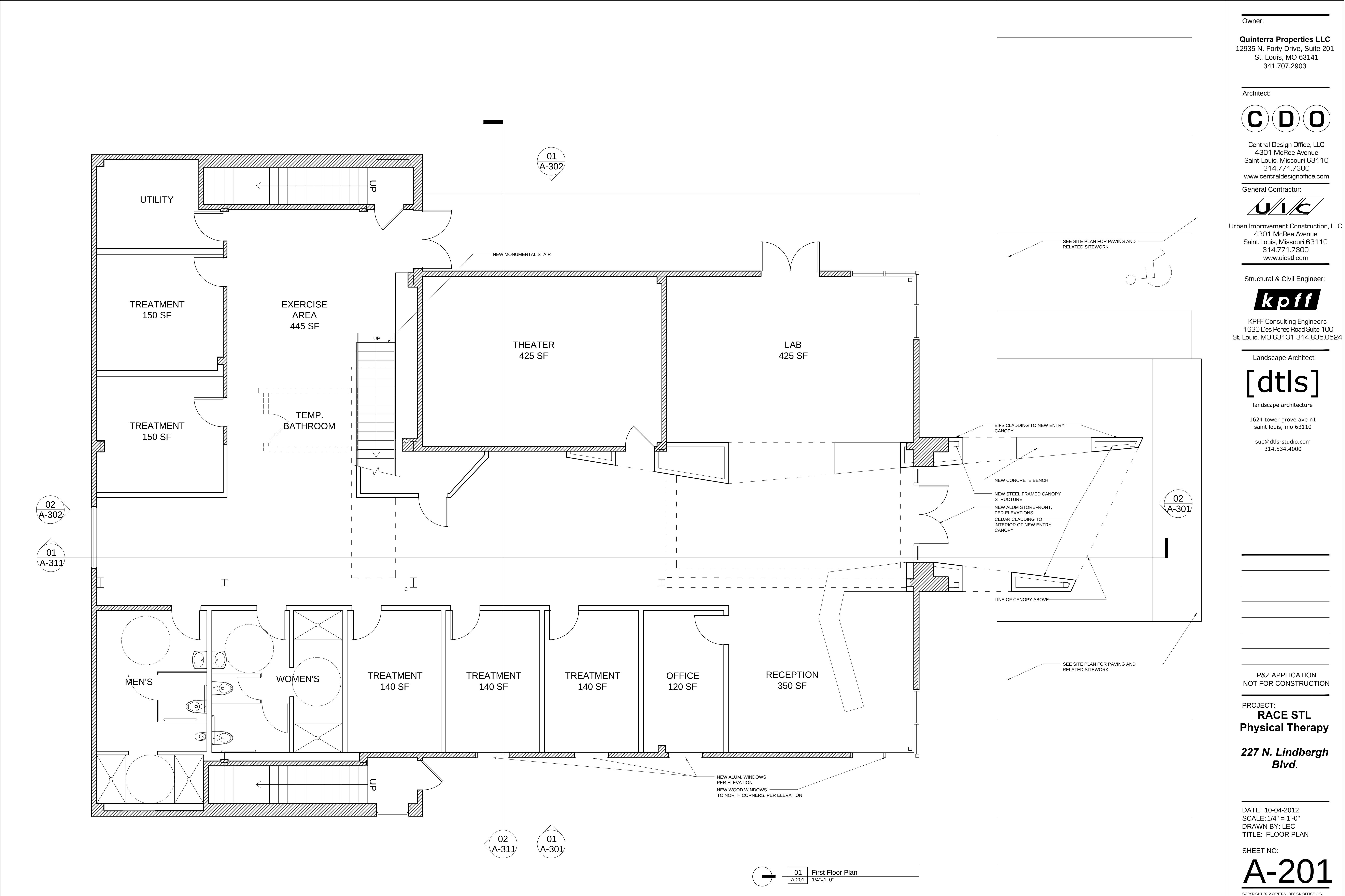
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Blvd.

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SCALE: 1/8" = 1'-0"
DRAWN BY: SAW
TITLE: LANDSCAPE PLAN

SHEET NO:

A-101

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P&Z APPLICATION
NOT FOR CONSTRUCTION

PROJECT:
RACE STL
Physical Therapy
227 N. Lindbergh Blvd.

DATE: 10-04-2012
SCALE: 1/4" = 1'-0"
DRAWN BY: LEC
TITLE: FLOOR PLAN

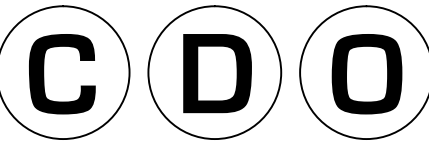
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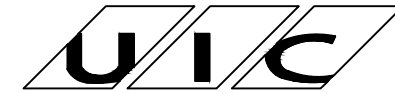
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PROJECT:
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Physical Therapy

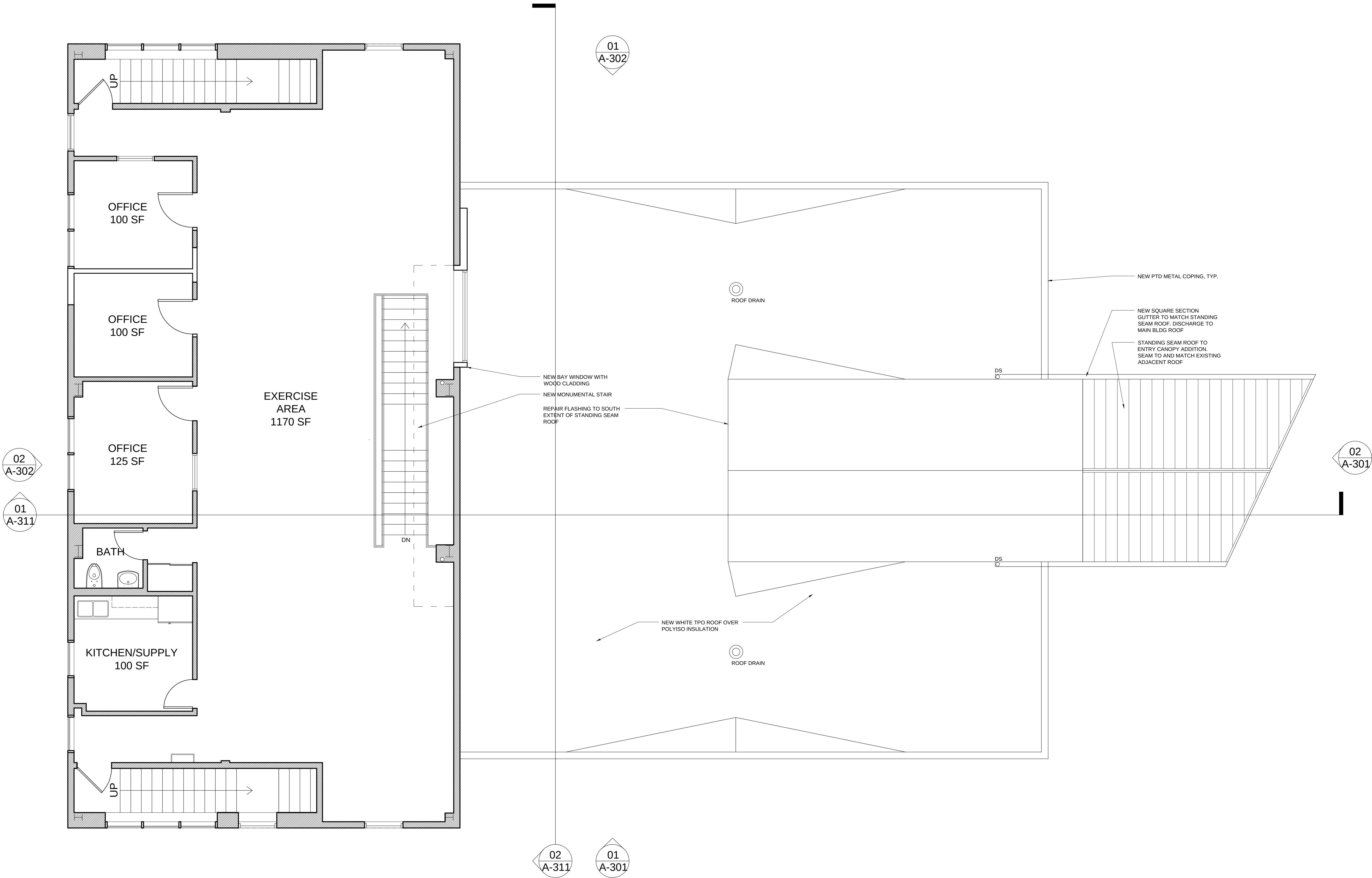
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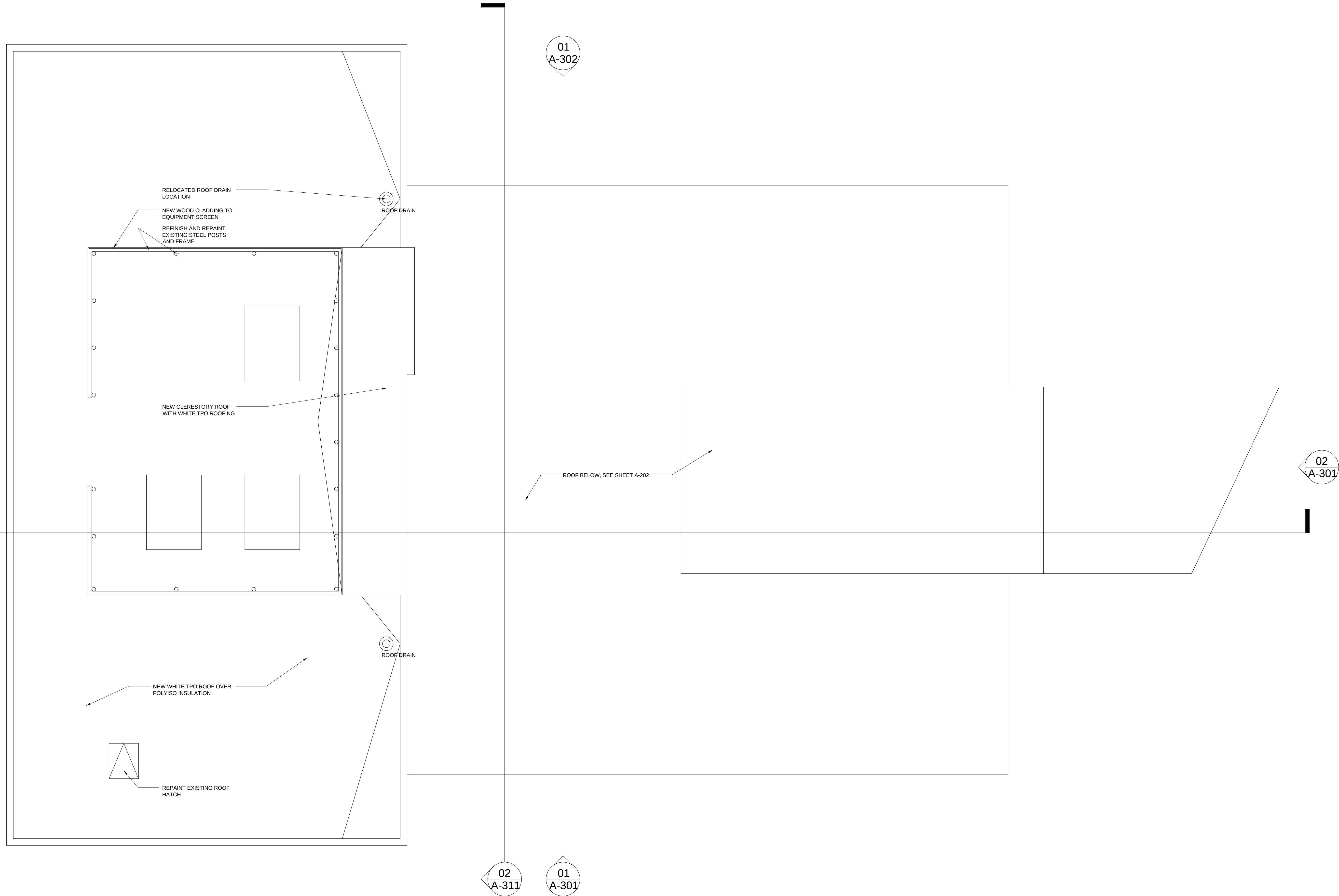
SHEET NO:

A-202

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01 Second Floor Plan
A-202 1/4"=1'-0"



01 Upper Roof Plan
A-203 1/4"=1'-0"

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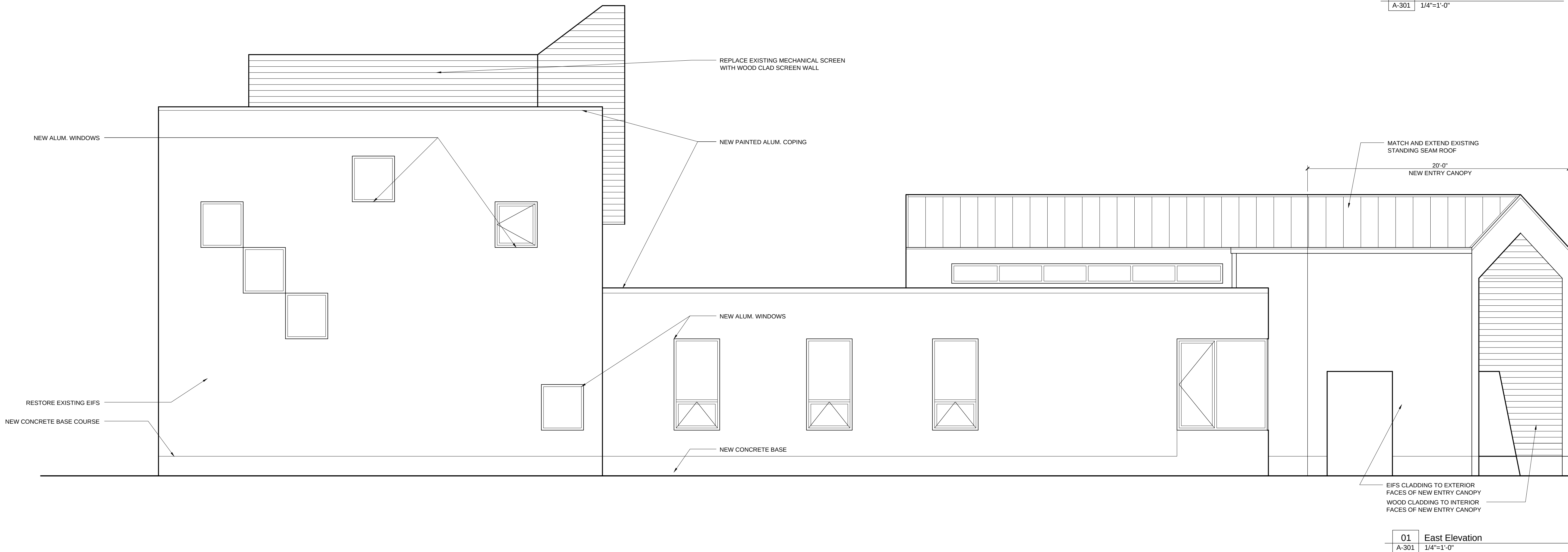
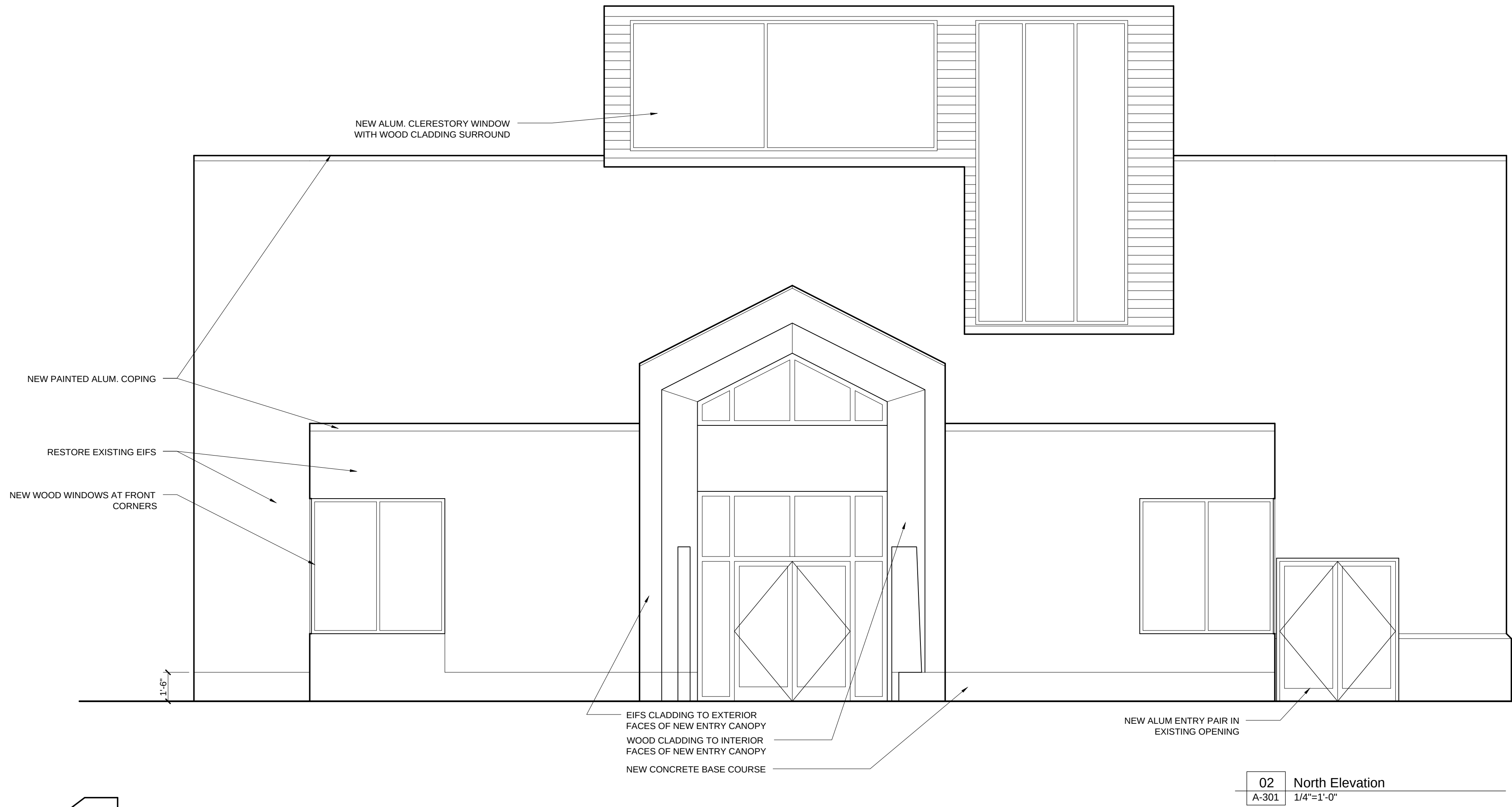
Landscape Architect:
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P&Z APPLICATION
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PROJECT:
RACE STL
Physical Therapy
227 N. Lindbergh Blvd.

DATE: 10-04-2012
SCALE: 1/4" = 1'-0"
DRAWN BY: LEC
TITLE: FLOOR PLAN

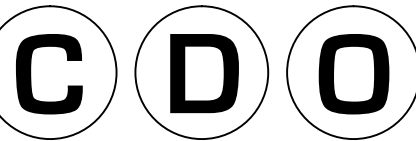
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Owner:

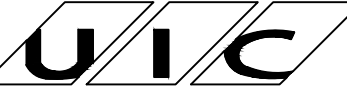
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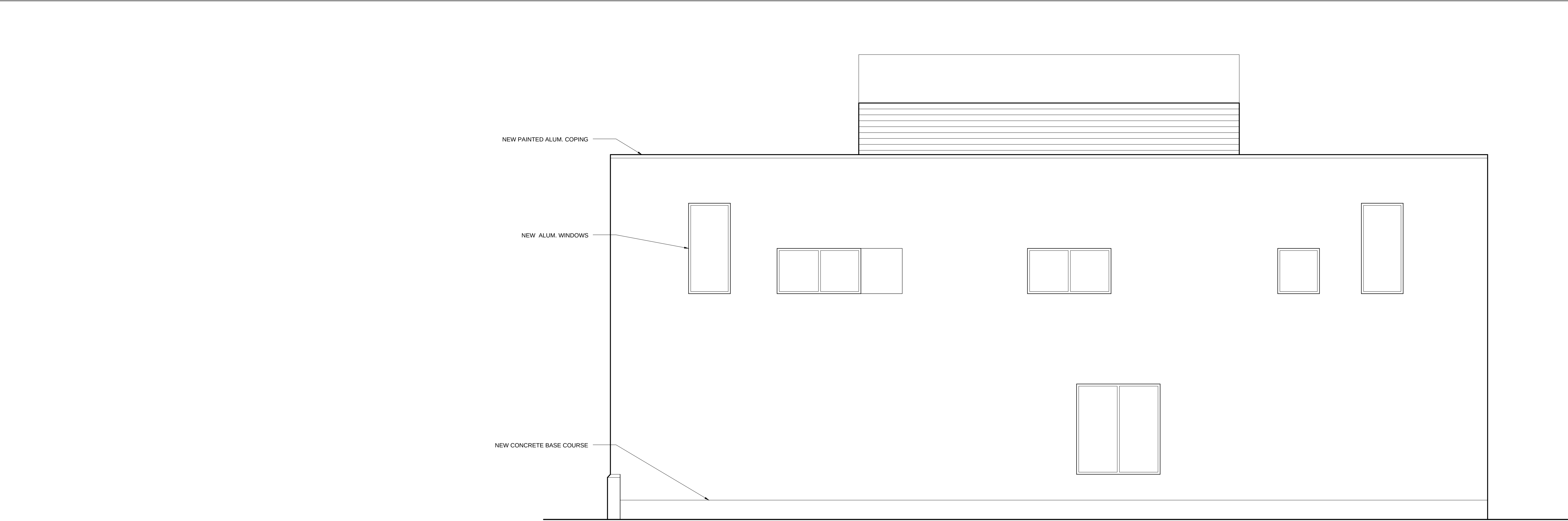
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Blvd.

DATE: 10-04-2012
SCALE: 1/4" = 1'-0"
DRAWN BY: LEC
TITLE: ELEVATIONS

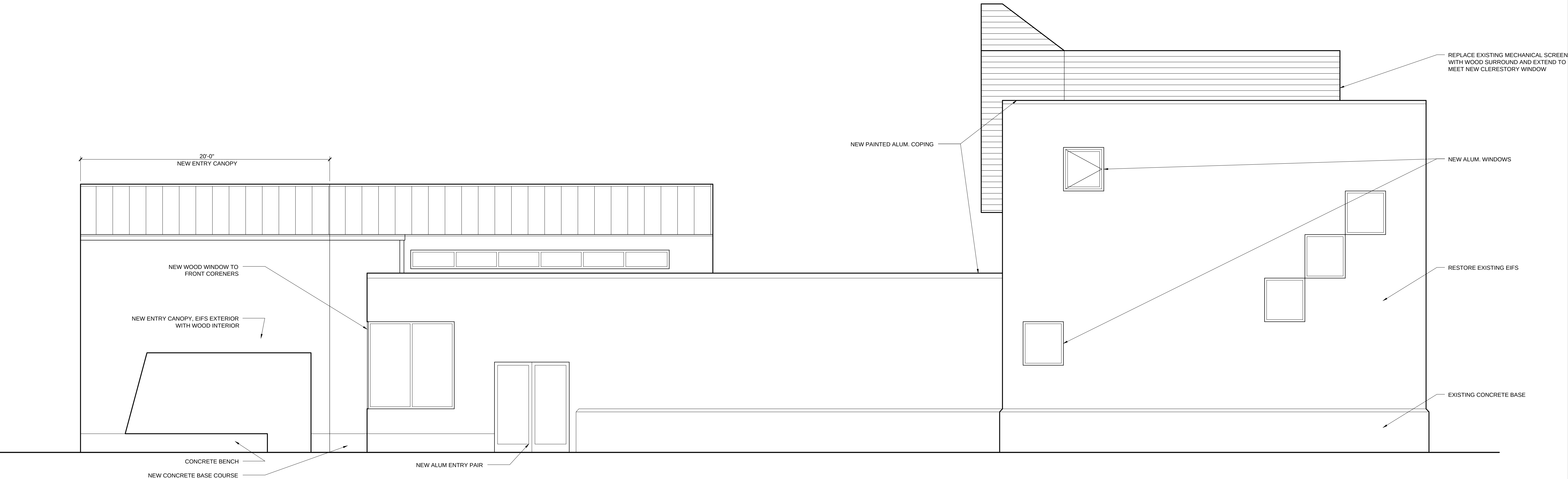
SHEET NO:

A-301

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02 South Elevation
A-302 1/4"=1'-0"



01 West Elevation
A-302 1/4"=1'-0"

Owner:
Quinterra Properties LLC
12935 N. Forty Drive, Suite 201
St. Louis, MO 63141
341.707.2903

Architect:
C D O
Central Design Office, LLC
4301 McRee Avenue
Saint Louis, Missouri 63110
314.771.7300
www.centraldesignoffice.com

General Contractor:
UIC
Urban Improvement Construction, LLC
4301 McRee Avenue
Saint Louis, Missouri 63110
314.771.7300
www.uicstl.com

Structural & Civil Engineer:
kpff
KPF Consulting Engineers
1630 Des Peres Road Suite 100
St. Louis, MO 63131 314.835.0524

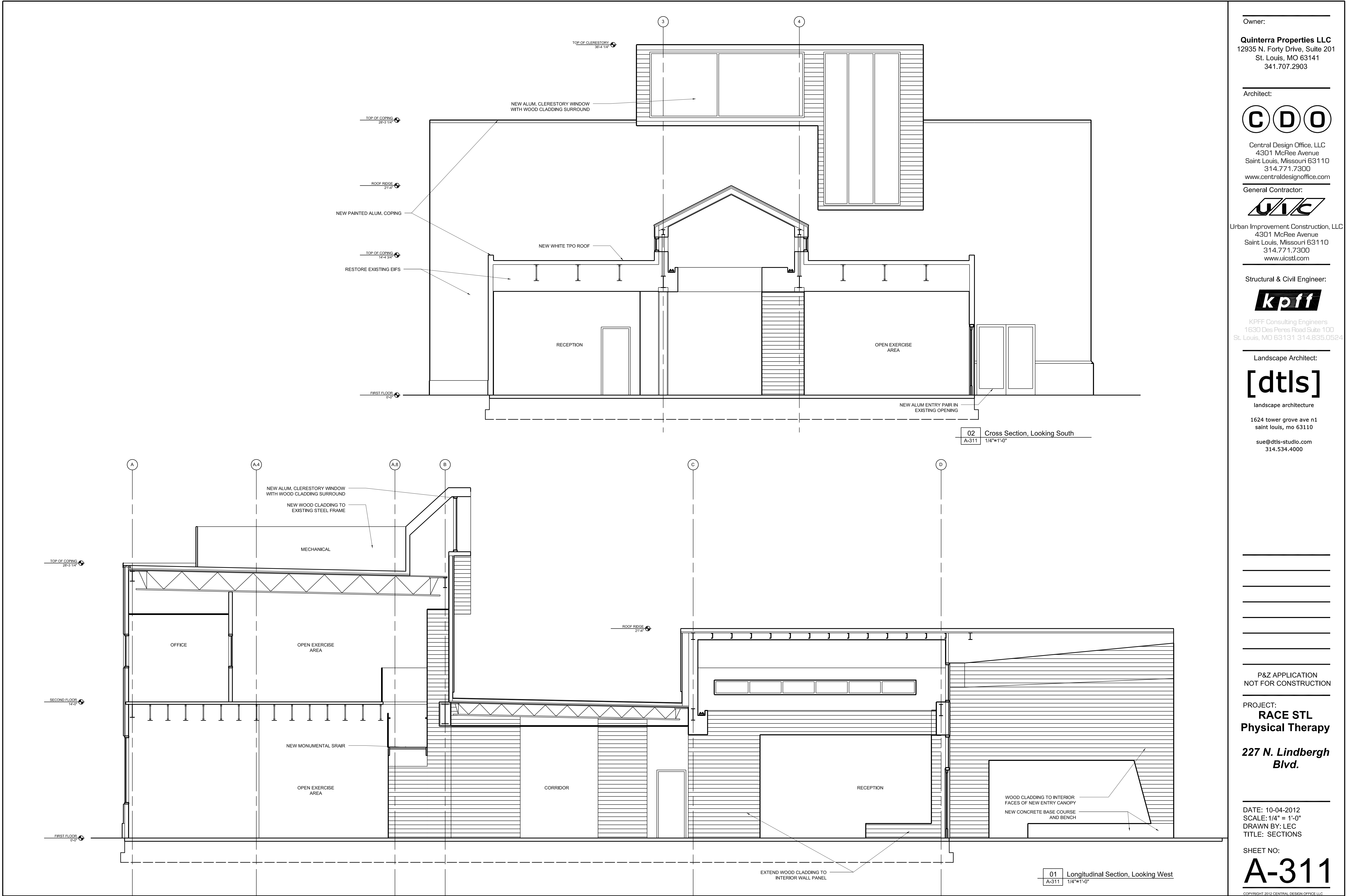
Landscape Architect:
[dtls]
landscape architecture
1624 tower grove ave n1
saint louis, mo 63110
sue@dtls-studio.com
314.534.4000

P&Z APPLICATION
NOT FOR CONSTRUCTION

PROJECT:
RACE STL
Physical Therapy
227 N. Lindbergh
Bld.

DATE: 10-04-2012
SCALE: 1/4" = 1'-0"
DRAWN BY: LEC
TITLE: ELEVATIONS

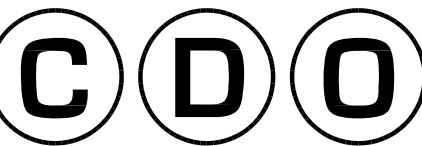
SHEET NO:
A-302
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Owner:

Quinterra Properties LLC
12935 N. Forty Drive, Suite 201
St. Louis, MO 63141
341.707.2903

Architect:



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Saint Louis, Missouri 63110
314.771.7300
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General Contractor:



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4301 McRee Avenue
Saint Louis, Missouri 63110
314.771.7300
www.uicstl.com

Structural & Civil Engineer:



KPFF Consulting Engineers
1630 Des Peres Road Suite 100
St. Louis, MO 63131 314.835.0524

Landscape Architect:



1624 tower grove ave n1
saint louis, mo 63110

sue@dtls-studio.com
314.534.4000

P&Z APPLICATION
NOT FOR CONSTRUCTION

PROJECT:
RACE STL
Physical Therapy

227 N. Lindbergh Blvd.

DATE: 10-04-2012
SCALE: 1/4" = 1'-0"
DRAWN BY: LEC
TITLE: SECTIONS

SHEET NO:

A-311

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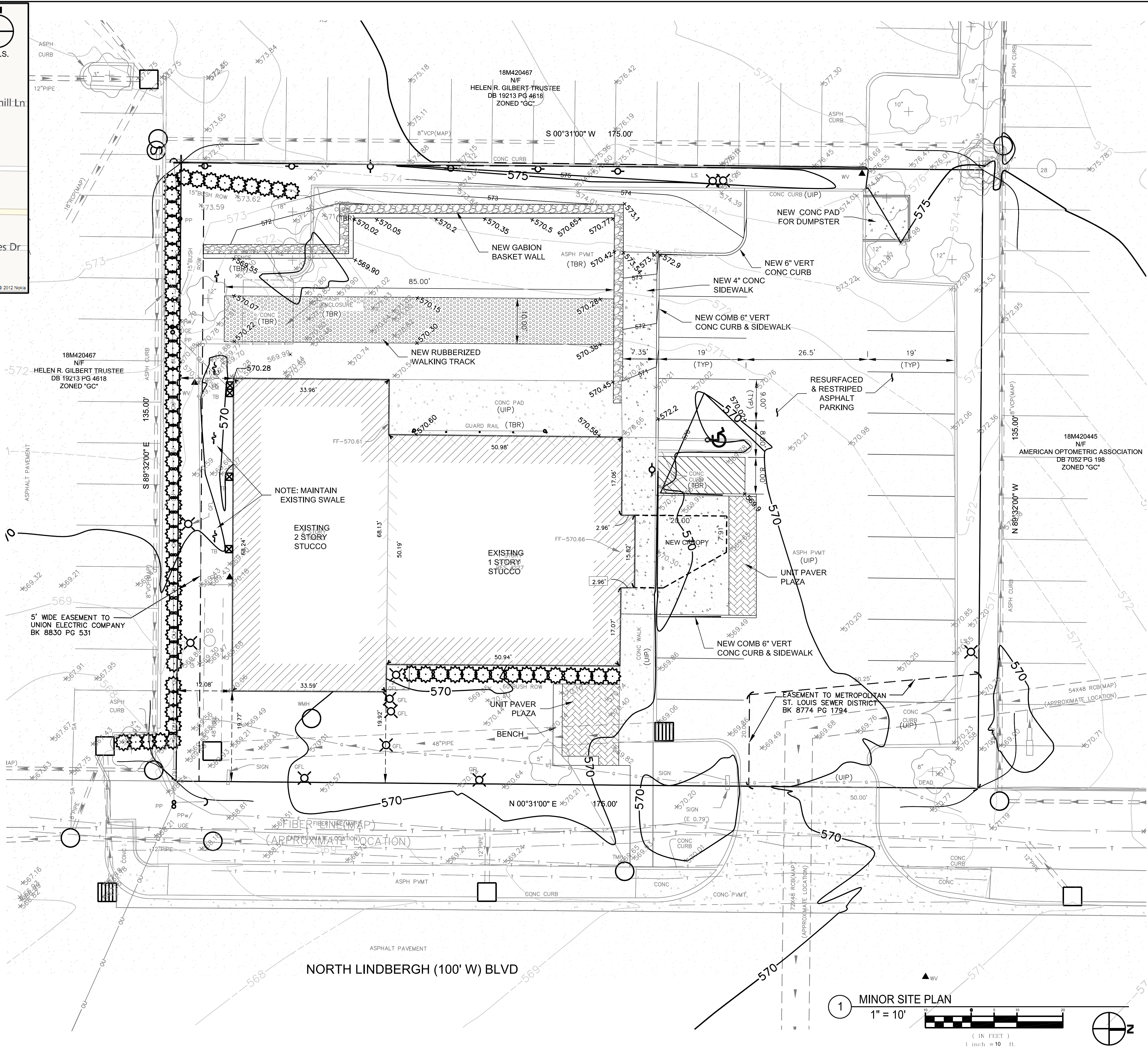


SITE INFORMATION:

LOCATOR NUMBER: 18M420182
OWNER OF RECORD: QUINTERRA PROPERTIES, LLC
SITE ADDRESS: 227 NORTH LINDBERGH BLVD.
ST LOUIS, MO 63141
MUNICIPALITY: CREVE COEUR
SITE AREA: 0.54 ACRE
CURRENT ZONING: GC - GENERAL COMMERCIAL
PROPOSED ZONING: GC - GENERAL COMMERCIAL
PROPOSED USES: HEALTH SERVICES
LEGAL DESCRIPTION: A TRACT OF LAND BEING THE EAST HALF OF THE
NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 45 NORTH,
RANGE 5 EAST, ST. LOUIS COUNTY, MISSOURI

THE SITE IS SERVED BY THE FOLLOWING:
METROPOLITAN ST LOUIS SEWER DISTRICT
MISSOURI-AMERICAN WATER COMPANY
LACLEDE GAS
AMEREN UE
AT&T
CHARTER COMMUNICATIONS
CREVE COEUR FIRE PROTECTION DISTRICT
LADUE SCHOOL DISTRICT

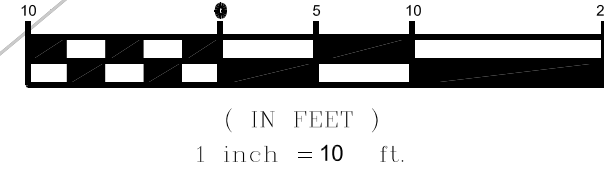
THE SITE IS IN THE DEER CREEK WATERSHED.
NO DETENTION IS PROPOSED AS IMPERVIOUS AREA IS TO BE REDUCED.



NORTH LINDBERGH (100' W) BLVD

1 MINOR SITE PLAN

1" = 10'



Owner:

Quinterra Properties LLC
12935 N. Forty Drive, Suite 201
St. Louis, MO 63141
341.707.2903

Architect:



Central Design Office, LLC
4301 McRee Avenue
Saint Louis, Missouri 63110
314.771.7300
www.centraldesignoffice.com

General
Contractor:



Urban Improvement Construction, LLC
4301 McRee Avenue
Saint Louis, Missouri 63110
314.771.7300
www.uicstl.com

Structural & Civil Engineer:



KPFF Consulting Engineers
1630 Des Peres Road Suite 100
St. Louis, MO 63131 314.835.0524

Landscape Architect:



landscape architecture

1624 tower grove ave n1
saint louis, mo 63110

sue@dtls-studio.com
314.534.4000

PROJECT:

RACE STL
Physical Therapy

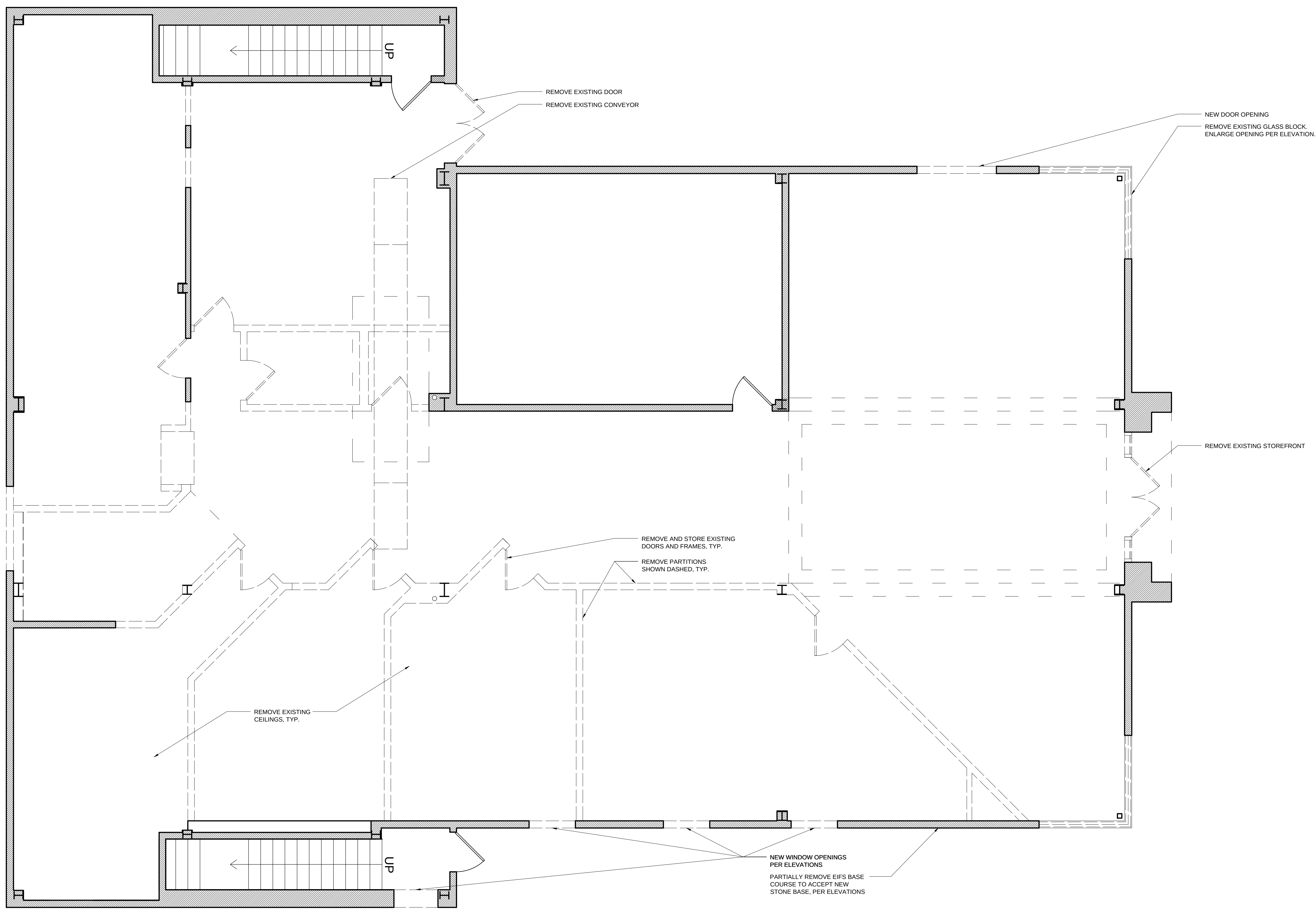
207 N. Lindbergh
Blvd.

DATE: 10-04-2012
SCALE: 1" = 10'
DRAWN BY: GAS
TITLE: SITE PLAN

SHEET NO:

C-100

COPYRIGHT 2012 CENTRAL DESIGN OFFICE
LLC



01 First Floor Demolition Plan
D-201 1/4"=1'-0"

Owner:

Quinterra Properties LLC
12935 N. Forty Drive, Suite 201
St. Louis, MO 63141
341.707.2903

Architect:

C D O

Central Design Office, LLC
4301 McRee Avenue
Saint Louis, Missouri 63110
314.771.7300
www.centraldesignoffice.com

General Contractor:

UIC

Urban Improvement Construction, LLC
4301 McRee Avenue
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314.771.7300
www.uicstl.com

Structural & Civil Engineer:

kpff

KPFF Consulting Engineers
1630 Des Peres Road Suite 100
St. Louis, MO 63131 314.835.0524

Landscape Architect:

[dtls]

landscape architecture
1624 tower grove ave n1
saint louis, mo 63110
sue@dtls-studio.com
314.534.4000

P&Z APPLICATION
NOT FOR CONSTRUCTION

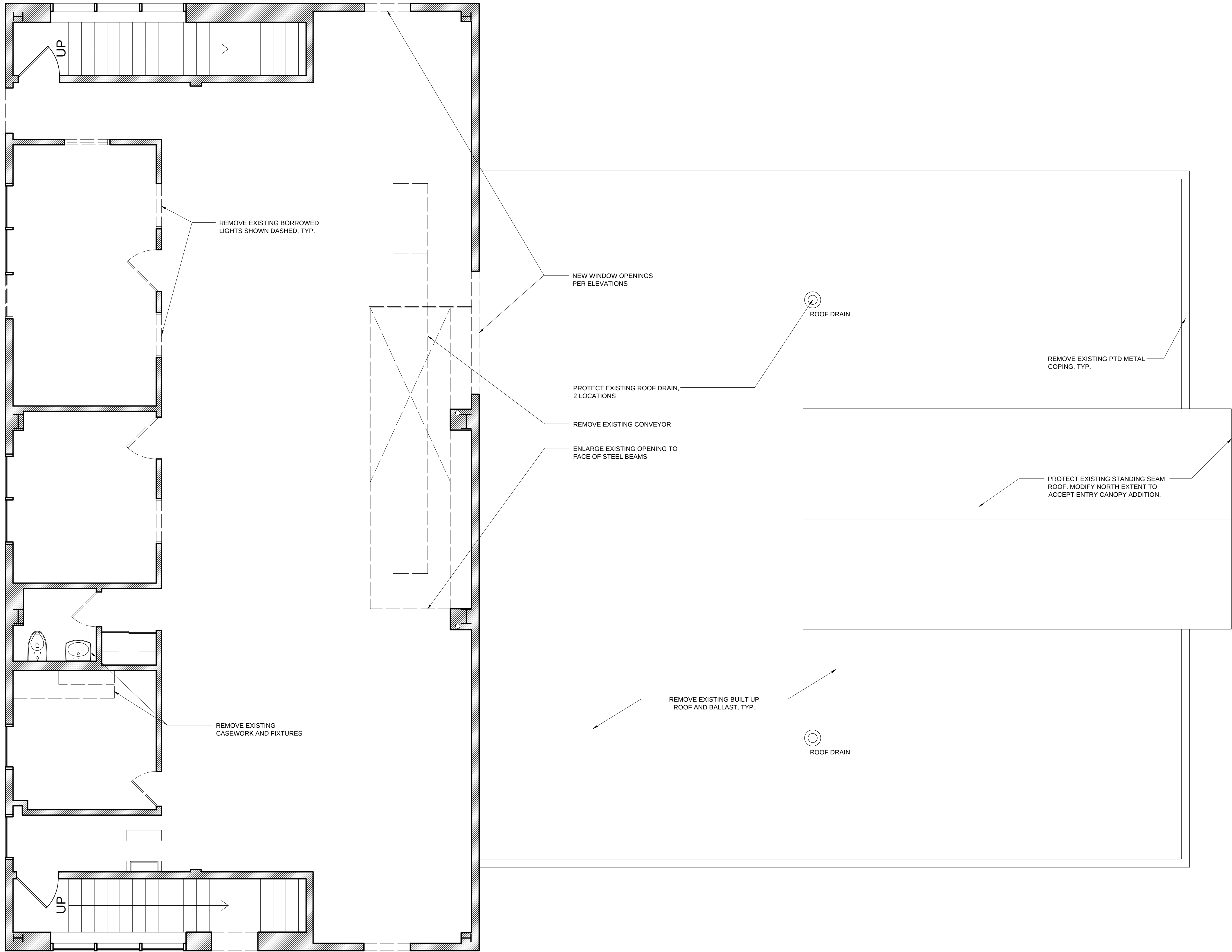
PROJECT:
RACE STL
Physical Therapy

227 N. Lindbergh Blvd.

DATE:10-04-2012
SCALE: 1/4" = 1'-0"
DRAWN BY: LEC
TITLE: DEMOLITION PLAN

SHEET NO:
D-201

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Owner:

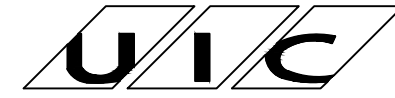
Quinterra Properties LLC
12935 N. Forty Drive, Suite 201
St. Louis, MO 63141
341.707.2903

Architect:



Central Design Office, LLC
4301 McRee Avenue
Saint Louis, Missouri 63110
314.771.7300
www.centraldesignoffice.com

General Contractor:



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4301 McRee Avenue
Saint Louis, Missouri 63110
314.771.7300
www.uicstl.com

Structural & Civil Engineer:



KPFF Consulting Engineers
1630 Des Peres Road Suite 100
St. Louis, MO 63131 314.835.0524

Landscape Architect:



landscape architecture

1624 tower grove ave n1
saint louis, mo 63110

sue@dtls-studio.com
314.534.4000

P&Z APPLICATION
NOT FOR CONSTRUCTION

PROJECT:

RACE STL
Physical Therapy

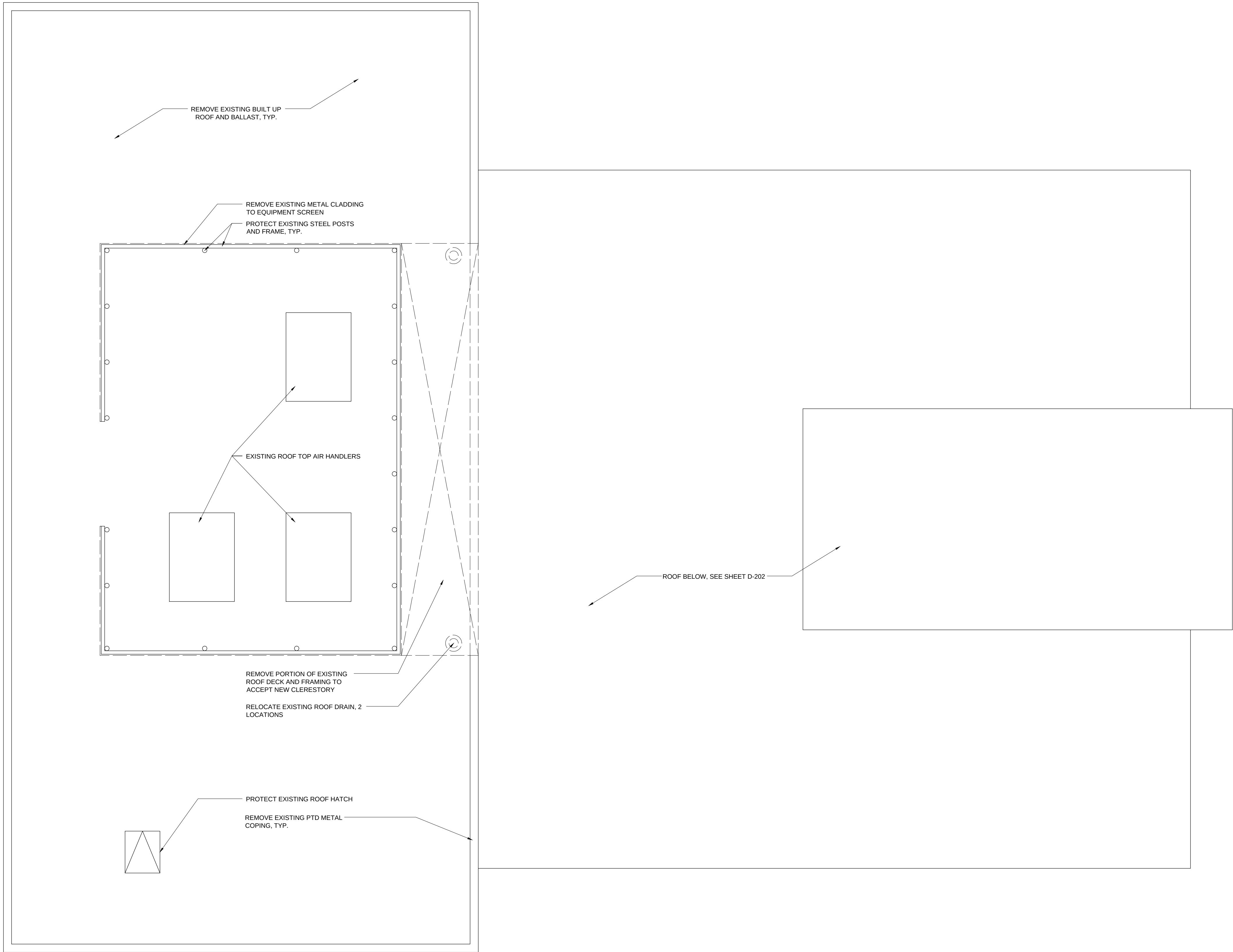
227 N. Lindbergh
Bld.

DATE:10-04-2012
SCALE: 1/4" = 1'-0"
DRAWN BY: LEC
TITLE: DEMOLITION PLAN

SHEET NO:

D-202

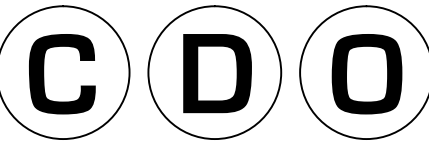
COPYRIGHT 2012 CENTRAL DESIGN OFFICE LLC



Owner:

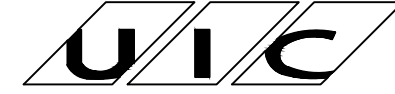
Quinterra Properties LLC
12935 N. Forty Drive, Suite 201
St. Louis, MO 63141
341.707.2903

Architect:



Central Design Office, LLC
4301 McRee Avenue
Saint Louis, Missouri 63110
314.771.7300
www.centraldesignoffice.com

General Contractor:



Urban Improvement Construction, LLC
4301 McRee Avenue
Saint Louis, Missouri 63110
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www.uicstl.com

Structural & Civil Engineer:



KPFF Consulting Engineers
1630 Des Peres Road Suite 100
St. Louis, MO 63131 314.835.0524

Landscape Architect:



landscape architecture

1624 tower grove ave n1
saint louis, mo 63110

sue@dtls-studio.com
314.534.4000

P&Z APPLICATION
NOT FOR CONSTRUCTION

PROJECT:
RACE STL
Physical Therapy

227 N. Lindbergh Blvd.

DATE:10-04-2012
SCALE: 1/4" = 1'-0"
DRAWN BY: LEC
TITLE: DEMOLITION PLAN

SHEET NO:

D-203

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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
#12-039 FOR APPROVAL OF A BOUNDARY ADJUSTMENT BETWEEN
10 & 12 WEST WINDRUSH CREEK LANE**

FOR THE MEETING OF: December 3, 2012

LOCATION: 10 and 12 West Windrush Creek Lane

REQUEST: The property owners of 12 West Windrush Creek Lane are seeking to exchange square footage with the adjoining property to create a more consistent lot form and eliminate the narrow path along the north boundary of 10 W. Windrush Creek Lane to Graeser Road.

ADDITIONAL INFORMATION: The sale or transfer of small parcels of land to or between adjoining property owners, where such sale does not create additional lots is a ministerial act; if the drawings are technically accurate it must be approved by the Planning and Zoning Commission.

Key Issues:

- Does the adjustment create non-conformities on the lot?

Subdivision Code References

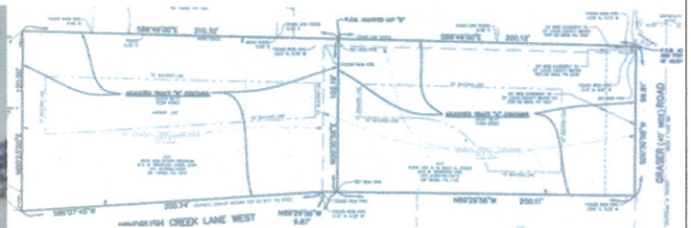
- Section 410.030(D)

Zoning Code References

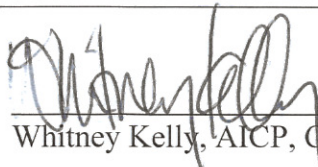
- Section 405.250: "A"
Single-Family Residential

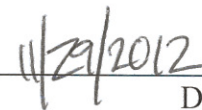
APPLICANT: Christopher Laneman
Poehlman and Prost Inc.
9280 Dielman Industrial Dr.
Saint Louis, MO 63132

PROPERTY OWNER: Mark and Susan Bronson
14 West Windrush Creek Ln.
Creve Coeur, MO 63141



REPORT PREPARED BY:


Whitney Kelly, AICP, City Planner

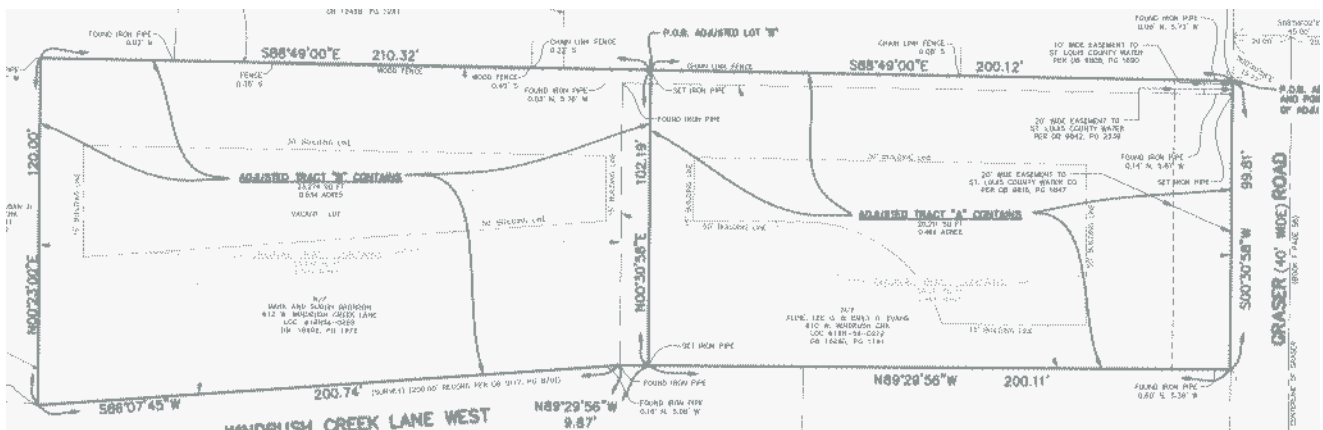

Date

ATTACHMENTS: Letter from the Property Owner
Preliminary Plat

BACKGROUND

The properties were originally platted in the 1940's prior to the current Zoning Ordinance, and were subsequently zoned "A" Single Family Residential. The house at 10 W. Windrush Creek Lane was built in 1951, while the house at 12 W. Windrush Creek Lane has since been torn down and the lot is currently vacant. Both properties are legally pre-existing non-conforming lots due to the size of less than one acre (12 W. Windrush Creek is approximately 0.53 acres, and 10 W. Windrush Creek is approximately 0.46 acres). 12 Windrush Creek Lane is a flag lot with an approximately five foot wide path along the north property line of 10 Windrush Creek Lane to Graeser Road.

The property owners are seeking a boundary adjustment that will maintain the exact same sizes of each lot, exchanging the northern boundary and side yards to create a more uniform lot. Lot 10 will be adjusted to eliminate the flag portion along the north property line of Lot 12 and the boundary between the two properties will be adjusted eastward by approximately the same proportion. The lots will remain 0.53 acres and 0.46 acres respectively. The adjusted boundary will not change the degree of the non-conformity of the lots. The rear setback on lot 10 will increase from approximately 7.18 to 12 feet, thus decreasing the degree of this non-conformity. Below is a close-up of the plat:



DISCUSSION

A boundary adjustment, which is not a subdivision plat, is possible when the following regulation from the Subdivision Code is satisfied:

410.030(D) Sale or transfer of small parcels of land to or between adjoining property owners, where such sale does not create additional lots, is exempt from the requirement of recording by plat; provided, however, that certification by the Planning and Zoning Commission shall be required prior to such sale or transfer. This certification shall be recorded with the title of the property by the St. Louis County Recorder of Deeds.

This appears to be the case with the current application. The survey submitted indicates that the property changes will not increase the degree of the nonconformities on the sites. As such, given the staff conclusion that the drawings are technically accurate, the adjustment should be approved by the Planning and Zoning Commission.

ACTION

If the members of the Planning Commission are satisfied that the requested boundary adjustment meets the applicable requirements of the Subdivision Code, the Planning Department staff request that a final decision be voted upon; no action by the City Council is required.

MOTION

The following are examples of a motion for this application:

“I move to approve the 10 & 12 W. Windrush Creek Lane boundary adjustment attached to the staff report on application #12-039 dated November 29, 2012, subject to the condition that a final drawing be prepared for signature and recording.” (Conditions may be added, eliminated, or modified by preceding motion)

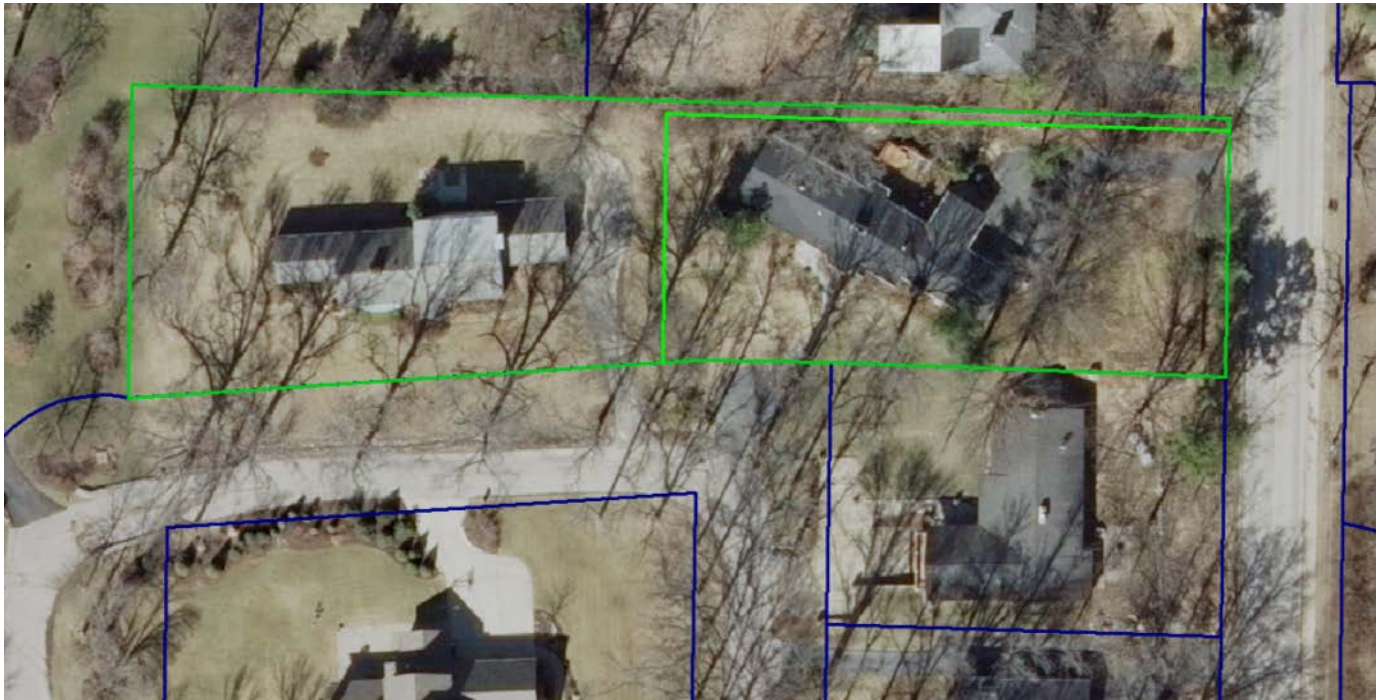
APPENDIX 1: ZONING CODE

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

**APPENDIX 2: CREVE COEUR SUBDIVISION AND LAND DEVELOPMENT REGULATIONS
(CHAPTER 410 OF THE CREVE COEUR MUNICIPAL CODE)**

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

APPENDIX 3: AERIAL MAP



NEWMAN BRONSON & WALLIS

MARK I. BRONSON
MISSOURI & ILLINOIS
mbronson@newmanbronson.com

2300 WEST PORT PLAZA DRIVE
ST. LOUIS, MISSOURI 63146-3213
(314) 878-8200
TOLL FREE 1-800-962-4009
FAX (314) 878-7839

November 5, 2012

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

Re: File No. 12-039
Boundary Adjustment Plat of #10 & #12 W. Windrush Creek

Dear Ms. Kelly,

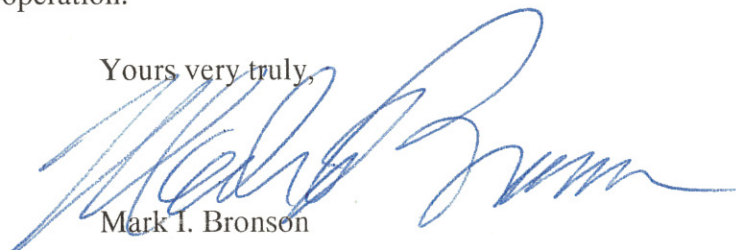
Delivered herewith are 4 copies of the plat. It is my understanding that an electronic copy has been provided by Chris Laneman.

I assume that you understand that we are merely exchanging square footage to improve our properties. #12 is exchanging a pathway to Graeser which runs behind the rear of #10, for equal footage along the adjoining east/west boundaries. The benefits are that #10 gains needed depth; #12 exchanges an unused/unnecessary path to Graeser for footage on its eastern boundary. #12 is a lot which we purchased a few years ago, tore down the structure, landscaped, and we maintain it as part of our yard at #14. We have absolutely no plans to build on or sell it.

Please let us know if any additional information is required, and when it will be necessary for me to appear at a Commission meeting.

Thank you for your cooperation.

Yours very truly,



Mark I. Bronson

MIB/ks
Enclosures

RECEIVED
NOV 6 2012
PLANNING DEPT.

