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AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, JULY 15, 2013
7:00 PM

1. ROLL CALL

Mr. Michael Barton
Mr. Gary Eberhardt
Mr. James Faron
Mr. Ken Howard
Mr. Tim Madden
Mr. Charles Pullium
Mr. Gene Rovak
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 meeting on July 1, 2013.

4. PUBLIC COMMENT

An opportunity for members of the public to address the Planning and Zoning Commission regarding issues or concerns not already on the agenda for this meeting. Those wishing to speak will be asked to limit comments to three minutes and to complete a speaker card.

5. UNFINISHED BUSINESS

A. REQUEST TO REMOVE FROM TABLE FOR AUGUST 5, 2013

Application #13-003: Approval of the rezoning of 5.26 acres to “CB” Core Business District, and a Conditional Use Permit for “The Vanguard at Creve Coeur” Multi-Family Residential Development.

Applicant/Agent: David Braswell
Covington Realty Partners
135 N. Meramec Ave, Suite 500
St. Louis, MO 63105

Property Owner: Dr. Kent Branson
Pavilion Office Park, LLC
11630 Studt Avenue
Creve Coeur, MO 63141

6. NEW BUSINESS

A. REQUEST TO POSTPONE TO AUGUST 5, 2013

Application #13-021: A request for text amendments to Section 405.210 Table A, Permitted and Conditional Uses of the Zoning Code to clarify certain residential uses, and correct errors made during the NAICS adoption, as well as to revised the definition of a dwelling.

Applicant/Agent: Paul Langdon
Director of Community Development

B. REQUEST TO POSTPONE TO AUGUST 5, 2013

Application #13-023: A request to amend Sections 405.370(E)(3)(a) and 405.370(E)(4)(d) of the “CB” Core Business District regulations of the Zoning Code to revise certain protections for adjacent single family residential “districts” to single family residential “development”.

Applicant/Agent: David Braswell
Covington Realty Partners
135 N. Meramec Ave, Suite 500
St. Louis, MO 63105

C. PUBLIC HEARING.

Application #13-016: Rezoning of 12528-12536 Olive Boulevard, Shoppes at Questover, to modify the prior "GC" General Commercial Zoning Regulations.

Applicant/Agent: Daniel Burke
Armstrong Teasdale LLP
7700 Forsyth Blvd., Suite 1800
St. Louis, MO 63105

Property Owner: Altus Properties, LLC
1610 Des Peres Road, Ste 320
St. Louis, MO 63131

D. PUBLIC HEARING

Application #13-022: Text amendment to Section 405.820 Required Off-Street Parking for hair, nails, and skin care services to four spaces per 1,000 sq. ft. of floor area.

Applicant/Agent: Daniel Burke
Armstrong Teasdale LLP
7700 Forsyth Blvd., Suite 1800
St. Louis, MO 63105

Property Owner: Altus Properties, LLC
1610 Des Peres Road, Ste 320
St. Louis, MO 63131

E. PUBLIC HEARING

Application #13-009: Approval of a Conditional Use Permit for Jet's Pizza Restaurant located at 12536 Olive Boulevard, Suite D, within the Shoppes at Questover Shopping Center.

Applicant/Agent: Michael Serra
Creveco Pizza LLC dba Jet's Pizza
19694 Westchester Drive
Clinton Twp, MI 48038

Property Owner: Altus Properties, LLC
1610 Des Peres Road, Ste 320
St. Louis, MO 63131

F. PUBLIC HEARING

Application #13-017: A request for a text amendment to the Commercial Design Development procedure to allow the City Council the discretion to modify maximum and minimum front building setbacks and document the approval on the site concept plan.

Applicant/Agent: Garrick R. Hamilton
The Koman Group, L.L.C.
6 CityPlace Drive, Suite 430
Creve Coeur, MO 63141

G. PUBLIC HEARING

Application #13-024: Text Amendments to the Planned Residential Development (PRD) District Regulations to allof for an increase in density and floor area ratio (FAR).

Applicant/Agent: Joe Nicpon
Terra West Apartments, Inc.
5091 Baumgartner Road
St. Louis, MO 63129

7. WORK AGENDA

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, JULY 1, 2013
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, July 1, 2013, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

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

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

2. ADDITIONS TO – ACCEPTANCE OF THE AGENDA

The Agenda was accepted as written.

3. APPROVAL OF MINUTES

Draft Minutes of June 3, 2013

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

4. PUBLIC COMMENT

None

5. UNFINISHED BUSINESS

A. Application #04-041: City Staff, acting as the project manager for the Olive Boulevard Transportation District, will present new style options for decorative sidewalk lighting proposed for New Ballas Road between Studt Avenue and Olive Boulevard.

Applicant/Agent: Matt Wohlberg, P.E.
City Engineer, City of Creve Coeur

Mr. Wohlberg, City Engineer, City of Creve Coeur, explained one of the obligations of the Olive TDD that is left to do is the decorative sidewalk lighting in front of Plaza Shops, just north of Studt Avenue and south of Olive Boulevard. Mr. Wohlberg showed some illustrations of the currently approved lighting (“Herwig” option) and several variations of the “Spring City” options.

Chair Madden stated he likes the currently approved “Herwig” option and asked if hanging baskets were an option. Mr. Wohlberg responded that it might required a stronger base on the pole, but that it was probably possible.

Dr. Barton said he believes the actual lighting details are subjective, and that the Commissions also analyze factual information in regards to lighting casting shadows. On that basis, he expressed concerns with the pole-top mounted lights because they cast a shadow around the base of the pole. Dr. Barton also said he liked the “Herwig” option.

Mr. Faron asked if this lighting would be considered part of the Downtown Plan and would the light style continue throughout the Downtown Plan? Mr. Langdon, Director Community Development, said preferably it would.

Mr. Faron motioned to approve the “Herwig” lighting model for use on North New Ballas Road at part of the Olive Transportation Development District project, Mr. Rovak seconded the motion which carried unanimously.

B. Application #13-020: Approval of a boundary adjustment between 353 Conway Lake Drive and 367 Conway Lake Drive.

Applicants/ David and Catherine Hogan
Property Owners: 353 Conway Lake Drive
Creve Coeur, MO 63141

Representative: Thomas Prost
Poehlman & Prost, Inc.
PO Box 8340
St. Louis, MO 63132

Mr. Tom Prost, Poehlman & Prost, Inc., PO Box 8340, representing Mr. and Mrs. Hogan explained that the Hogan’s currently live at 353 Conway Lake Drive and bought the property at 367 Conway Lake Drive so they could build additions onto their home. Mr. Prost stated both lots contain 6/10 of an acre and both properties are zoned “A” Single-Family Residential and that the two properties combined would total 1.22 acres.

Mr. Rovak motioned to approve the 353 Conway Lake Drive boundary adjustment attached to the staff report on application #13-020 for the meeting of July 1, 2013, subject to the condition that a final drawing is prepared for signature and recording. Mr. Howard seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Mr. Rovak – aye

Mr. Howard – aye
Dr. Barton – aye

Mr. Pullium – aye
Chair - aye

6. NEW BUSINESS

A. Application #13-014: Request to Postpone to August 5, 2013

Request for approval of a conditional use permit for “Dynasty Day Care”, a childcare facility, located at 9974 Old Olive Street Road.

Applicant/Agent: Jonathan Parker
Dynasty Day Care
PO Box 1934
Maryland Heights, MO 63043

Mr. Faron motioned to postpone Application #13-014 to August 5, 2013. Mr. Howard seconded the motion with the resultant vote as follows:

Mr. Rovak – aye	Mr. Pullium – aye	Mr. Howard – aye
Dr. Barton – aye	Mr. Faron – aye	Chair - aye

B. PUBLIC HEARING

Application #13-015: Request for approval of a conditional use permit for “Ultimate Zoup”, a limited-service restaurant, located at 810 N New Ballas Road.

Applicant/Agent: Thaer Abdulkarim
Ultimate Zoup
104 Marble Crossing Drive
Wentzville, MO 63385

Property Owner: Nick Sepac
Mid-County Real Estate, LLC
2128 Woodlet Park Drive
Chesterfield, MO 63017

Mr. Greg Yawitz, Keat Properties, 9200 Olive Boulevard, representing Ultimate Zoup Company, a new concept to the St. Louis area, is a limited-service concept with the primary menu item being soup. Mr. Yawitz explained that there would be 12 fresh soups made daily (out of a list of 100 on the overall menu) and they also serve salad and sandwiches all made fresh.

Ms. Whitney Kelly, City Planner, stated that the proposed conditional use permit for Ultimate Zoup is for 2,837 square feet with 72 seats. Ms. Kelly explained that it is located at the northwest corner of the building at 11733 Olive Boulevard. Ms. Kelly said they are not making any substantial changes to the exterior of the building; zoning review is limited to parking and based on the parking available on the site there are 187 spaces available with only 140 required. Ms. Kelly stated the hours for operation have changed since the staff report was drafted and the applicant would like to be open 10am until 9pm. Ms. Kelly pointed out there was a last minute public comment expressing concern for the number of parking spaces, however the building is showing a surplus of almost 47 spaces on site.

Mr. Howard asked if Aldi’s had excess parking spots. Ms. Kelly said there is a review of all parking on site for multi-tenant buildings and explained the breakdown. Mr. Faron asked if

there were any issues from the comments received. Ms. Kelly showed an illustration and pointed out where the concern was expressed and that that portion would mostly be used for overflow parking and staff, therefore not creating a problem. Ms. Kelly said the peak hours for a restaurant are not the peak hours of the grocery store.

Chair Madden asked if business owners ask their employees to park around back and Ms. Kelly stated there is a condition in the draft ordinance that any employee parking be as far away from Olive Boulevard/public right-of-way as possible.

Mr. Faron asked how many employees at peak time will be working at one time. Mr. Yawitz said a maximum of 6 employees.

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 recommend approval of Application #13-015 for a Conditional Use Permit for a limited-service restaurant located at 810 N. New Ballas subject to the conditions contained in the draft ordinance attached to the staff report prepared for the meeting of July 1, 2013. Mr. Howard seconded the motion with the resultant vote as follows:

Dr. Barton wanted to note his bias on parking and stated it is the petitioners and retailers to work the issues of parking out.

Mr. Howard – aye
Mr. Pullium – aye

Dr. Barton – aye
Mr. Rovak – aye

Mr. Faron – aye
Chair - aye

C. WORK AGENDA

None

D. OTHER BUSINESS

A. Planning Division Report

Mr. Langdon said the meeting on July 15th will be a lengthy one. Mr. Langdon explained there are several text amendments, a rezoning, and a conditional use permit application. Mr. Langdon explained in some detail each of the applications and advised the Commission to let staff know if they will not be in attendance for that meeting.

B. City Attorney Report

None

E. 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 7:46 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



city of CREVE COEUR

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

**APPLICATION TO PLANNING AND ZONING COMMISSION
#13-016 FOR THE REZONING OF 12528-12536 OLIVE BOULEVARD,
SHOPPES OF QUESTOVER, TO MODIFY THE PRIOR "GC" GENERAL
COMMERCIAL ZONING REGULATIONS**

FOR THE MEETING OF: Monday, July 15, 2013

LOCATION: 12528-12536 Olive Boulevard

REQUEST: Daniel Burke, of Armstrong Teasdale, LLP, on behalf of Altus-Questover, property owner, has submitted a request to modify the zoning of 12528-12536 Olive Boulevard to be consistent with that of other "GC" General Commercial Districts. The Applicant is seeking to remove the additional restrictions to enable a separate application for Jet's Pizza Restaurant (Ref: Application #13-009), as well as allow the property owner to pursue new uses for the vacant tenant spaces.

ADDITIONAL INFORMATION: Ordinance #3017 approved the rezoning of the property to the GC District in 2004, and included additional restrictions regarding certain uses including limiting restaurants to 25% of the building square footage, and prohibited Amusement and Recreation Services that included physical fitness facilities, yoga instruction, judo, martial arts instruction, bridge clubs, dance studios, and other forms of sports and recreation under the 1987 Standard Industrial Classification (SIC). Because the ordinance references specific uses to be restricted, changing those uses within the deed restriction requires amending the ordinance.

Key Issues:

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

Comp. Plan References

- West Olive Corridor Action Area

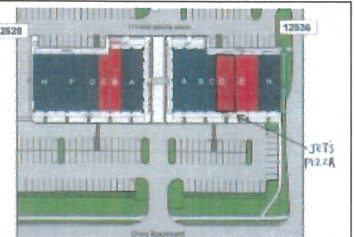
Zoning Code References

- Section 405.210: Regulation of Uses
- Section 405.360: "GC" General Commercial District
- Section 405.470: Conditional Uses

APPLICANT: Daniel Burke
Armstrong Teasdale LLP
7700 Forsyth Blvd., Suite 1800
St. Louis, MO 63105

**PROPERTY
OWNER:**

Altus Properties, LLC
1610 Des Peres Road, Ste 320
St. Louis, MO 63131



REPORT PREPARED BY:

Whitney Kelly
Whitney Kelly, AICP

7/12/2013
Date

ATTACHMENTS: Draft Ordinance
Ordinance #3017
Section 405.210, Table A: Permitted and Conditional Uses

PROPERTY HISTORY

The Shoppes of Questover, located on 3.82 acres at 12528 and 12536 Olive Boulevard, was rezoned to “GC” General Commercial in 2004 (Ordinance #3017) and the property was developed per the site development plan along with the rezoning in 2005 and generally meets with the GC District development standards for “small retail/restaurants and specialty shops” that was consistent with the goals and objectives of the Comprehensive Plan. (The Applicant’s application materials state that the property has GC and MX zoning on the property however, this is not technically accurate as both buildings are zoned GC).

In the effort to relieve the neighboring subdivision fears of certain types of auto-oriented uses on the site, the property owner at that time, with the rezoning, deed restrictions against such uses. Ordinance #3017 codified these restrictions and included the following condition:

SECTION 2: As per Section 26-115 of the Zoning Ordinance, the approval of said rezoning request is subject to the property being developed in accordance to the Site Development Plan, revision received July 26, 2004, by the Department of Community Development or as further revised as required and approved by the City of Creve Coeur, and subject to the following conditions:

2. A deed restriction shall be placed on the subject properties, which prohibits the following uses on the properties:
 - a) Drive-in sales of goods or services
 - b) Gasoline Service Stations
 - c) Automotive Dealers
 - d) Motion Picture Theaters
 - e) Amusement and Recreation Services
 - f) Residential Care

Said deed restriction shall further restrict Eating and Drinking Establishments, a Conditional Use in the “GC” district, by the following:

- a) Eating and Drinking Establishment(s) shall be located on sites of not less than 2.0 acres;
- b) Eating and Drinking Establishment(s) shall be located on the ground floor of the structure;
- c) Eating and Drinking Establishments shall not occupy more than 25% of the approved building square footage for the building footprint and a single eating establishment shall not exceed 3,500 square feet in size;
- d) Each Eating and Drinking Establishment shall have a minimum of sixteen (16) seats for dining; and
- e) Eating and Drinking Establishment(s) shall not provide drive-thru or drive-up services to patrons. “Drive-thru” and “drive-up” shall mean service to on-premise patrons who do not enter the restaurant/patio area, but, rather receive service through a drive-up window and/or receive food service in their automobiles.

However, those uses categorized at the time by Standard Industrial Classification (SIC) under Amusement and Recreation Services included a wide range of uses, including, but not limited to physical fitness facilities, dance studios and schools, yoga instruction, judo instruction, karate instruction, and other forms of physical fitness activities, normally allowed as either permitted or conditional uses in the GC District. According to the subdivision trustees, many of these uses were not intended to be excluded.

The Applicant contends that imposing restrictions above those of other GC Districts interfere with appropriate uses of the shopping center. Potential tenants, such as a yoga studio and a kickboxing facility, were prohibited from locating within the center leaving tenant spaces vacant

for several years. Therefore, the property owners have submitted an application for to amend the prior ordinance to be consistent with other GC Districts in the City.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Retail-Heritage Shopping Center	“CB” Core Business District / Un-incorporated St. Louis County “C 8” Planned Commercial District	Olive Boulevard
South	Residential-Questover Place and Questover Crossing	“B” Single Family Residential / “AR” Attached Single Family Residential	NA
East	Retail Shopping Center	“GC” General Commercial District	NA
West	Veterinarian Office-Creve Coeur Animal Hospital	“GC” General Commercial District	NA

COMPREHENSIVE PLAN REVIEW

The subject site is located within the West Olive Corridor Action Area of the Comprehensive Plan. The West Olive Corridor possesses a mix of residential and commercial structures but has an overall commercial character.

The Comprehensive Plan promotes a “neighborhood business concept” for the area roughly between Tempo Drive and Barnes West Drive. According to the “Vision” and the “Residential Preservation and Economic Development” sections of the West Olive Corridor, development should coexist with adjacent residential neighborhoods and impacts of commercial development on neighborhoods should be mitigated. The planning context speaks to neighborhood scale development and a departure from auto-oriented development. The Shoppes at Questover was developed as a neighborhood commercial center under the GC District standards to consist of “small retail/restaurants and specialty shops.” Allowing for the full list of uses that are permitted or conditional, under Table A, would not alter the character of the development. To re-iterate, the deed restrictions were not done as a direct concern with the Comprehensive Plan, only as a way to address the concerns of the adjacent subdivision.

ZONING REVIEW

The purpose and intent of the “GC” General Commercial District is to accommodate, by site development plan, convenience retail shopping and services and offices which are freestanding or part of small-scale planned commercial developments which are compatible in scale and intensity of use with adjacent residential uses. The property was developed with this goal to provide a mix of neighborhood retail, personal services, low impact uses, with small-scale restaurant services. Since it was, in fact, built this way, allowing for a mix of uses within the center that is consistent with all of the permitted and conditional uses for the GC District will not alter the development character of the Shoppes at Questover.

The restriction’s intent was to limit auto-oriented, regional developments in the area at a time when such development opportunities were common. As the redevelopment of the area has occurred and the character of the development was established through the site planning and architecture, maintaining the deed restrictions with references to the SIC no longer functions in

the manner it was intended and negatively impacts this development versus other neighborhood commercial centers in the GC District.

Also, the conversion from the 1987 SIC to the 2012 North American Industrial Classification System (NAICS) allowed the City to separate out and refine uses more distinctly from the larger categories, through the listing of permitted and conditional uses and those that are not allowed, in Table A. For those uses that are already known to have potential impact; the City reviews them on an individual basis through the conditional use permit process on a case-by-case basis, that specifically looks at the site characteristics.

Where the deed restriction prohibited amusement and recreation services at this location, elsewhere in the City, yoga instruction (NAICS#511699 All Other Miscellaneous Schools and Instruction) and aerobic dance and exercise centers, athletic club facilities, physical fitness (NAICS #713940 Fitness and Recreational Sports Centers) are permitted uses, and judo, karate, and other martial arts (NAICS #611620 Sports and Recreation Instruction) are conditional uses. The deed restriction also limits eating and drinking places to 25% of the building square footage, where the GC District has no such limit.

Thus, maintaining the deed restrictions with references to the SIC no longer functions in the manner it was intended, and negatively impacts this development versus other neighborhood commercial centers. However, where there are certain conditions and/or specific uses that the subdivision would not like to see within the shopping center, amending the ordinance does not prevent the subdivision trustees from directly negotiating with the property owner to amend the deed restriction, it just removes the City from that discussion.

CONCLUSION

The GC District was set up to promote the development of small scale neighborhood services for adjacent residents. The character of the development is established through the site development plan review process where quality of the development is examined against the intent of the Comprehensive Plan and Design Guidelines. As individual tenants within a building come and go, the impact on the site would not significantly alter the character. Table A provides for a variety of uses that are appropriate for the GC District, or allow for further review under the conditional use permit process, therefore maintaining the deed restrictions against those unintended uses is unnecessary and outdated when the intent of the requirement has already been fulfilled by the larger development, and leaves the property owner at a disadvantage to other properties in the City.

ACTION

If the Planning and Zoning Commission finds the attached draft ordinance for the technical rezoning of the property 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 #13-016 to amend Ordinance No. 3017 for the property addressed as 12528-12536 Olive Boulevard as indicated in the draft

ordinance attached to the staff report prepared for the meeting of July 15, 2013”
(conditions may be added, eliminated, or modified by preceding motion).

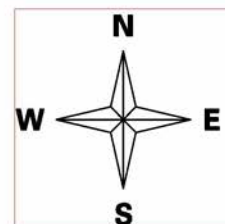
APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

APPENDIX 3: AERIAL PHOTO



APPENDIX 4: SITE PHOTOGRAPHS

Photo Date: 07/10/2013



Description: View of the building at 12536 Olive Boulevard looking south at the entrance into the Shoppes at Questover Center.



Description: View looking southeast from the northwest corner of the property. Note the available parking throughout the center.



Description: View looking southwest from the building at 12536 Olive Boulevard.



Description: View looking southwest from the northeast corner of the property at both building of the Shoppes at Questover. Note the available parking throughout the center.



Description: View looking northeast from the rear property line at the building at 12536 Olive Boulevard. Note the available parking.



Description: View looking north from the rear property line at the building at 12536 Olive Boulevard. Note the available parking.

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND ORDINANCE NO. 3017 BY ELIMINATING THE
PRIOR USE RESTRICTIONS FOR THE PROPERTY KNOWN AS SHOPPES
AT QUESTOVER, ADDRESSED AS 12528-12536 OLIVE BOULEVARD**

WHEREAS, an application was made by Daniel Burke, of Armstrong Teasdale, LLP, on behalf of Altus-Questover, property owner, to modify the zoning ordinance of 12528-12536 Olive Boulevard to be consistent with that of other “GC” General Commercial Districts; and,

WHEREAS, Ordinance No. 3017 approved the rezoning and site development plan of the property in 2004, that included a condition requiring a deed restriction against certain uses for the property beyond those permitted in other “GC” General Commercial zoning districts; and,

WHEREAS, The property owner believes the imposed restrictions interfere with appropriate uses of the shopping center; and,

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, July 15, 2013, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application; and

WHEREAS, notice of 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 otherwise posted and published in accordance with the Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a _____ vote, recommended approval of the rezoning, subject to conditions, at its meeting on July 15, 2013; 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 being fully informed finds that rezoning the property would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest and in good zoning practice;

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

Section 1: Section 2 of Ordinance No. 3017 shall be amended to eliminate subsection 2. Thereby, allowing the property owner to negotiate with the subdivision trustees to eliminate or modify the deed restrictions.

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

BILL NO. _____

ORDINANCE NO. _____

ADOPTED THIS ____ DAY OF _____, 2013.

SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2013.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

BILL NUMBER 3297**ORDINANCE NUMBER 3017**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CREVE COEUR AS DESCRIBED IN ORDINANCE NO. 1903 TO REZONE APPROXIMATELY 0.76 ACRES OF LAND FROM 'MX', MIXED USE DISTRICT TO 'GC', GENERAL COMMERCIAL DISTRICT FOR THE PROPERTY ADDRESSED AS 12528 OLIVE BOULEVARD AND PART OF THE PROPOSED SHOPPES AT QUESTOVER DEVELOPMENT WHICH IS LOCATED ON A 3.82 ACRE TRACT OF LAND ADDRESSED AS 12528 & 12536 OLIVE BOULEVARD, A TRACT OF LAND IN U.S. SURVEY 1923, TOWNSHIP 45 NORTH, RANGE 5 EAST, CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI, BEING PART OF LOT 2 OF QUEST OVER SUBDIVISION, A SUBDIVISION RECORDED IN PLAT BOOK 51, PAGE 83 OF THE ST. LOUIS COUNTY RECORDS

WHEREAS, Noles Properties has submitted an application to rezone 0.76 acres of land addressed as 12528 Olive Boulevard for the Shoppes at Questover development, which is proposed on the properties at 12528 and 12536 Olive Boulevard, and

WHEREAS, in accordance to Section 26-115 of the Zoning Ordinance, the applicant has submitted a Site Development Plan to the Department of Community Development, and

WHEREAS, On Monday, August 2, 2004, the Planning and Zoning Commission reviewed the rezoning request and accompanying Site Development Plan and by unanimous vote, of those present (4-0), recommended approval to rezone the property from 'MX' Mixed Use District to 'GC' General Commercial on the condition that the property be developed in accordance with the approved Site Development Plan, revision received July 26, 2004, by the Department of Community Development or as further revised as required by the City of Creve Coeur, and

WHEREAS, the City Council of the City of Creve Coeur, Missouri, held a Public Hearing thereon at the Creve Coeur Government Center on August 23, 2004, beginning at 7:00 p.m. or immediately following the close of the previous Public Hearing, after having given fifteen (15) days prior public notice of the time, place and purpose of said hearing by publication in the St. Louis Countian on August 6, 2004, and in the West County Journal on August 8, 2004, newspapers of general circulation in the City of Creve Coeur and after other written notice was given all according to the provisions of law made and provided for such notices and hearings, and

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

WHEREAS, the City Council being fully informed finds that rezoning the properties would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest and in good zoning practice,

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

SECTION 1: The Official Zoning Map of the City of Creve Coeur as described and defined in Ordinance No. 1903, Creve Coeur Zoning Ordinance shall be amended to and rezone 0.76 acres of land addressed as 12528 Olive Boulevard from 'MX' Mixed Use District to 'GC' General Commercial District described as follows:

A tract of land in U.S. Survey 1923, Township 45 North, Range 5 East, City of Creve Coeur, St. Louis County, Missouri, being part of Lot 2 of Quest over Subdivision, a subdivision recorded in Plat Book 51, Page 83 of the St. Louis County records; all of adjusted Lot 1 of the Boundary adjustment plat of part of Lot 1 of Quest over Subdivision, a boundary adjustment plat recorded in Plat Book 296 Page 8 of said records; a tract of land described in deed to William L. and Mildred A. Frein recorded in Book 10867, page 371 and part of the Creve Coeur Branch

of the Missouri Pacific Railroad Right-of-Way, 100.00 feet wide, described in deed to Union Electric Company recorded in Book 6354 Page 1740 and together described as follows:

Beginning at the point of intersection of the east line of Lot 2 of Questover Subdivision, aforesaid, with the south line of Olive Boulevard, 145.00 feet wide, said beginning point being the southeast corner of that part of Lot 2 described in deed to the State of Missouri recorded in Book 6780 Page 1329; thence along the east line of said Lot 2, South 29 degrees 36 minutes 00 seconds west 330.60 feet to a point 36.00 feet north of the southeast corner of Lot 2, thence north 60 degrees 24 minutes 00 seconds west and parallel to the south line of said Lot 2, 100.00 feet to a point, thence south 58 degrees 39 minutes 17 seconds west 41.18 feet to a point on the south line of Lot 1 of Questover Subdivision, said point being 20.00 feet west of the southeast corner of Lot 1; thence south 29 degrees 36 minutes 00 seconds west 136.84 feet to a point on the centerline of the former Creve Coeur Branch of the Missouri Pacific Railroad, 100.00 feet wide; thence along said centerline the following: North 41 degrees 33 minutes 00 seconds west 99.81 feet, north 37 degrees 51 minutes 00 seconds west 198.00 feet, north 33 degrees 51 minutes 00 seconds west 2.99 feet to a point in the direct prolongation south of the west line of adjusted Lot 1, aforesaid, thence along said prolongation line and along the west line of said adjusted Lot 1, also being the east line of a tract described in deed to Raymond and June Rogers recorded in Book 6849 Page 496, North 29 degrees 36 minutes 00 seconds east 393.52 feet to the south line of Olive Boulevard; thence along said south line, south 60 degrees 27 minutes 30 seconds east 400.00 feet to the point of beginning.

SECTION 2: As per Section 26-115 of the Zoning Ordinance, the approval of said rezoning request is subject to the property being developed in accordance to the Site Development Plan, revision received July 26, 2004, by the Department of Community Development or as further revised as required and approved by the City of Creve Coeur, and subject to the following conditions:

1. The approval of said rezoning request is subject to the property being developed in accordance to the Site Development Plan, received July 26, 2004, by the Department of Community Development or as further revised as required and approved by the City of Creve Coeur.
2. A deed restriction shall be placed on the subject properties, which prohibits the following uses on the properties:
 - a) Drive-in sales of goods or services
 - b) Gasoline Service Stations
 - c) Automotive Dealers
 - d) Motion Picture Theaters
 - e) Amusement and Recreation Services
 - f) Residential Care
 - g) Automotive Repair, Service and ParkingSaid deed restriction shall further restrict Eating and Drinking Establishments, a Conditional Use in the "GC" district, by the following:
 - a) Eating and Drinking Establishment(s) shall be located on sites of not less than 2.0 acres;
 - b) Eating and Drinking Establishment(s) shall be located on the ground floor of the structure;
 - c) Eating and Drinking Establishments shall not occupy more than 25% of the approved building square footage for the building footprint and a single eating establishment shall not exceed 3,500 square feet in size;
 - d) Each Eating and Drinking Establishment shall have a minimum of sixteen (16) seats for dining; and
 - e) Eating and Drinking Establishment(s) shall not provide drive-thru or drive-up services to patrons. "Drive-thru" and "drive-up" shall mean service to on-premise patrons who do not enter the restaurant/patio area, but, rather receive service through a drive-up window and/or receive food service in their automobiles.Said deed restriction shall be submitted to the City Attorney for review and approval prior to recording.
3. The applicant shall submit a cross access easement for the proposed cross access drive, as shown on the site development plan received by the Department of Community Development on July 26, 2004, to the City Attorney for review and approval prior to recording. The easement shall not include access to properties to the east of the subject tract or provide direct or indirect access to Questover Lane.
4. The applicant shall submit site and grading plans to construct an access drive from the Creve Coeur Animal Hospital to Barnes West Drive for review and approval by the Department of Public Works.

5. The applicant shall construct a 6-foot wide sidewalk along Olive Boulevard frontage. If said sidewalk has been constructed by the City at the time of development, the applicant shall provide a sidewalk contribution to cover the cost of sidewalk construction, as shown in the estimated cost of construction for the West Olive Enhancement Plan and as directed by the Department of Public Works.
6. The applicant shall grade the area south of the parking lot in the manner presented on the conceptual landscape plan, which includes the construction of the retaining wall and the preservation of trees. These changes shall be included on the Site Development Plan, prior to adoption of the rezoning.
7. The proposed retaining wall shall be constructed of a colored keystone block.
8. Additional trash areas shall be located near the area specified on the site development plan only. Trash receptacles may not be placed south of the easternmost building.
9. The applicant shall provide lighting specification for any lighting proposed with the plan to the Department of Community Development for review and approval.
10. The applicant shall provide Building Plans for review and approval by the Building Division.
11. The applicant shall provide Site Improvement Plans for review and approval by the Department of Public Works.
12. The applicant shall provide a Final Landscape Plan for review and approval as directed by the Department of Community Development and in compliance with Section 26-62 of the Zoning Ordinance.

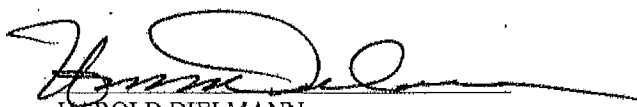
SECTION 3: As set forth in Section 26-115 of the Zoning Ordinance of the City of Creve Coeur, Site Development Plans approved by the City of Creve Coeur shall be valid for a period of up to one (1) year from the date its approved. After the eighth year, a Site Concept Plan will no longer be valid unless an extension is granted. The City of Creve Coeur may grant one, one (1) year extension prior to the expiration of the Site Concept Plan upon written request of the applicant submitted to the City at least 180 days prior to the expiration date and granted prior to the expiration date.

SECTION 4: This Ordinance shall be in full force and effect upon the expiration of fifteen (15) days after adoption by the City Council and the signing thereof the Mayor.

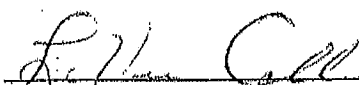
ADOPTED THIS 27th DAY OF September, 2004.


DAVID KASSANDER
PRESIDENT OF CITY COUNCIL

APPROVED THIS 27th DAY OF September, 2004.


HAROLD DIELMANN
MAYOR

ATTEST:


LAVERNE COLLINS, CMC
CITY CLERK

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
221121	Electric Bulk Power Transmission and Control														C
221122	Electric Power Distribution	C	C	C	C	C	C	C	C	C	C	C	C	C	C
221310	Water Supply and Irrigation Systems														C
221320	Sewage Treatment Facilities														C
236115	New Single-Family Housing Construction (except For-Sale Builders)														C
236116	New Multifamily Housing Construction (except For-Sale Builders)														C
236117	New Housing For-Sale Builders														C
236118	Residential Remodelers														C
236210	Industrial Building Construction														C
236220	Commercial and Institutional Building Construction														C
237110	Water and Sewer Line and Related Structures Construction														C
237120	Oil and Gas Pipeline and Related Structures Construction														C
237130	Power and Communication Line and Related Structures Construction														C
237210	Land Subdivision														C
237310	Highway, Street, and Bridge Construction (Management Office Only)													P	P
238150	Glass and Glazing Contractors														C
238210	Electrical Contractors and Other Wiring Installation Contractors														C
238220	Plumbing, Heating, and Air-Conditioning Contractors														C
238310	Drywall and Insulation Contractors														C
238320	Painting and Wall Covering Contractors														C
238330	Flooring Contractors														C
238340	Tile and Terrazzo Contractors														C
238350	Finish Carpentry Contractors														C
238390	Other Building Finishing Contractors														C
238990	All Other Specialty Trade Contractors														C
311351	Chocolate and Confectionery Manufacturing from Cacao Beans														P
311352	Confectionery Manufacturing from Purchased Chocolate										P	P	P	P	P
311340	Nonchocolate Confectionery Manufacturing										P	P	P		P
311811	Retail Bakeries										P	P	P	P	P
311812	Commercial Bakeries														P
311813	Frozen Cakes, Pies, and Other Pastries Manufacturing														P
311821	Cookie and Cracker Manufacturing														P
311824	Dry Pasta, Dough, and Flour Mixes Manufacturing from Purchased Flour														C
311830	Tortilla Manufacturing														C
311911	Roasted Nuts and Peanut Butter Manufacturing														P
311919	Other Snack Food Manufacturing														P
311920	Coffee and Tea Manufacturing														P
311942	Spice and Extract Manufacturing														C

Chapter 405, Table A, Permitted and Conditional Uses

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		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
312111	Soft Drink Manufacturing														P
312112	Bottled Water Manufacturing														P
312113	Ice Manufacturing														C
312120	Breweries														C
312130	Wineries														C
312140	Distilleries														C
313220	Narrow Fabric Mills and Schiffli Machine Embroidery														P
313310	Textile and Fabric Finishing Mills														P
313320	Fabric Coating Mills														P
314120	Curtain and Linen Mills														P
314910	Textile Bag and Canvas Mills														P
314999	All Other Miscellaneous Textile Product Mills														C
315210	Cut and Sew Apparel Contractors														P
315220	Men's and Boys' Cut and Sew Apparel Manufacturing														P
315240	Women's, Girls', and Infants' Cut and Sew Apparel Manufacturing														P
315280	Other Cut and Sew Apparel Manufacturing														P
315990	Apparel Accessories and Other Apparel Manufacturing														P
316210	Footwear Manufacturing														P
316992	Women's Handbag and Purse Manufacturing														P
316998	All Other Leather Good and Allied Product Manufacturing														P
321113	Sawmills														
321114	Wood Preservation														
321211	Hardwood Veneer and Plywood Manufacturing														C
321212	Softwood Veneer and Plywood Manufacturing														C
321213	Engineered Wood Member (except Truss) Manufacturing														C
321214	Truss Manufacturing														C
321219	Reconstituted Wood Product Manufacturing														C
321911	Wood Window and Door Manufacturing														C
321912	Cut Stock, Resawing Lumber, and Planing														C
321918	Other Millwork (including Flooring)														C
321920	Wood Container and Pallet Manufacturing														C
321991	Manufactured Home (Mobile Home) Manufacturing														C
321992	Prefabricated Wood Building Manufacturing														C
321999	All Other Miscellaneous Wood Product Manufacturing														C
322211	Corrugated and Solid Fiber Box Manufacturing														C
322212	Folding Paperboard Box Manufacturing														P
322219	Other Paperboard Container Manufacturing														P
322220	Paper Bag and Coated and Treated Paper Manufacturing														C

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

Use Code	2012 NAICS Title	ZONING DISTRICTS													
		A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
322230	Stationery Product Manufacturing														C
322291	Sanitary Paper Product Manufacturing														C
322299	All Other Converted Paper Product Manufacturing														C
323111	Commercial Printing (except Screen and Books)														P
323113	Commercial Screen Printing														P
323117	Books Printing														P
323120	Support Activities for Printing														P
325220	Artificial and Synthetic Fibers and Filaments Manufacturing									C					C
325411	Medicinal and Botanical Manufacturing									C					C
325412	Pharmaceutical Preparation Manufacturing									C					C
325413	In-Vitro Diagnostic Substance Manufacturing									C					C
325414	Biological Product (except Diagnostic) Manufacturing									C					C
325991	Custom Compounding of Purchased Resins														P
325992	Photographic Film, Paper, Plate, and Chemical Manufacturing														P
325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing														P
326111	Plastics Bag and Pouch Manufacturing														C
326112	Plastics Packaging Film and Sheet (including Laminated) Manufacturing														C
326113	Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing														P
326121	Unlaminated Plastics Profile Shape Manufacturing														P
326122	Plastics Pipe and Pipe Fitting Manufacturing														P
326130	Laminated Plastics Plate, Sheet (except Packaging), and Shape Manufacturing														P
326140	Polystyrene Foam Product Manufacturing														P
326150	Urethane and Other Foam Product (except Polystyrene) Manufacturing														P
326160	Plastics Bottle Manufacturing														P
326191	Plastics Plumbing Fixture Manufacturing														P
326199	All Other Plastics Product Manufacturing														P
326212	Tire Retreading														C
326291	Rubber Product Manufacturing for Mechanical Use														P
326299	All Other Rubber Product Manufacturing														P
327110	Pottery, Ceramics, and Plumbing Fixture Manufacturing														P
327211	Flat Glass Manufacturing														P
327212	Other Pressed and Blown Glass and Glassware Manufacturing														P
327213	Glass Container Manufacturing														P
327215	Glass Product Manufacturing Made of Purchased Glass														P
332114	Custom Roll Forming														P
332117	Powder Metallurgy Part Manufacturing														P

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
332215	Metal Kitchen Cookware, Utensil, Cutlery, and Flatware (except Precious) Manufacturing														P
332216	Saw Blade and Handtool Manufacturing														P
332311	Prefabricated Metal Building and Component Manufacturing														P
332312	Fabricated Structural Metal Manufacturing														P
332313	Plate Work Manufacturing														P
332321	Metal Window and Door Manufacturing														P
332322	Sheet Metal Work Manufacturing														P
332323	Ornamental and Architectural Metal Work Manufacturing														P
332410	Power Boiler and Heat Exchanger Manufacturing														P
332420	Metal Tank (Heavy Gauge) Manufacturing														P
332431	Metal Can Manufacturing														P
332439	Other Metal Container Manufacturing														P
332510	Hardware Manufacturing														P
332613	Spring Manufacturing														P
332618	Other Fabricated Wire Product Manufacturing														P
332710	Machine Shops														P
332721	Precision Turned Product Manufacturing														P
332722	Bolt, Nut, Screw, Rivet, and Washer Manufacturing														P
332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers														P
332813	Electroplating, Plating, Polishing, Anodizing, and Coloring														P
332911	Industrial Valve Manufacturing														P
332912	Fluid Power Valve and Hose Fitting Manufacturing														C
332913	Plumbing Fixture Fitting and Trim Manufacturing														P
332919	Other Metal Valve and Pipe Fitting Manufacturing														P
332991	Ball and Roller Bearing Manufacturing														P
332992	Small Arms Ammunition Manufacturing														C
332993	Ammunition (except Small Arms) Manufacturing														C
332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing														C
332996	Fabricated Pipe and Pipe Fitting Manufacturing														P
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing														C
333111	Farm Machinery and Equipment Manufacturing														C
333112	Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing														C
333120	Construction Machinery Manufacturing														P

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
333131	Mining Machinery and Equipment Manufacturing														P
333132	Oil and Gas Field Machinery and Equipment Manufacturing														P
333241	Food Product Machinery Manufacturing														P
333242	Semiconductor Machinery Manufacturing														P
333243	Sawmill, Woodworking, and Paper Machinery Manufacturing														P
333244	Printing Machinery and Equipment Manufacturing														P
333249	Other Industrial Machinery Manufacturing														P
333314	Optical Instrument and Lens Manufacturing														P
333316	Photographic and Photocopying Equipment Manufacturing														P
333318	Other Commercial and Service Industry Machinery Manufacturing														P
333413	Industrial and Commercial Fan and Blower and Air Purification Equipment Manufacturing														P
333414	Heating Equipment (except Warm Air Furnaces) Manufacturing														P
333415	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing														P
333511	Industrial Mold Manufacturing														C
333514	Special Die and Tool, Die Set, Jig, and Fixture Manufacturing														P
333515	Cutting Tool and Machine Tool Accessory Manufacturing														P
333517	Machine Tool Manufacturing														P
333519	Rolling Mill and Other Metalworking Machinery Manufacturing														P
333611	Turbine and Turbine Generator Set Units Manufacturing														P
333612	Speed Changer, Industrial High-Speed Drive, and Gear Manufacturing														P
333613	Mechanical Power Transmission Equipment Manufacturing														P
333618	Other Engine Equipment Manufacturing														P
333911	Pump and Pumping Equipment Manufacturing														P
333912	Air and Gas Compressor Manufacturing														C
333913	Measuring and Dispensing Pump Manufacturing														P
333921	Elevator and Moving Stairway Manufacturing														P
333922	Conveyor and Conveying Equipment Manufacturing														P
333923	Overhead Traveling Crane, Hoist, and Monorail System Manufacturing														P
333924	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing														P

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
333991	Power-Driven Handtool Manufacturing														C
333992	Welding and Soldering Equipment Manufacturing														P
333993	Packaging Machinery Manufacturing														P
333994	Industrial Process Furnace and Oven Manufacturing														P
333995	Fluid Power Cylinder and Actuator Manufacturing														P
333996	Fluid Power Pump and Motor Manufacturing														P
333997	Scale and Balance Manufacturing														P
333999	All Other Miscellaneous General Purpose Machinery Manufacturing														C
334111	Electronic Computer Manufacturing														P
334112	Computer Storage Device Manufacturing														P
334118	Computer Terminal and Other Computer Peripheral Equipment Manufacturing														P
334210	Telephone Apparatus Manufacturing														P
334220	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing														P
334290	Other Communications Equipment Manufacturing														P
334310	Audio and Video Equipment Manufacturing														P
334412	Bare Printed Circuit Board Manufacturing														P
334413	Semiconductor and Related Device Manufacturing														P
334416	Capacitor, Resistor, Coil, Transformer, and Other Inductor Manufacturing														P
334417	Electronic Connector Manufacturing														P
334418	Printed Circuit Assembly (Electronic Assembly) Manufacturing														P
334419	Other Electronic Component Manufacturing														P
334510	Electromedical and Electrotherapeutic Apparatus Manufacturing							C							P
334511	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing														P
334512	Automatic Environmental Control Manufacturing for Residential, Commercial, and Appliance Use														P
334513	Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables														P
334514	Totalizing Fluid Meter and Counting Device Manufacturing														P
334515	Instrument Manufacturing for Measuring and Testing Electricity and Electrical Signals														P
334516	Analytical Laboratory Instrument Manufacturing							C							P
334517	Irradiation Apparatus Manufacturing														P

Chapter 405, Table A, Permitted and Conditional Uses

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		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
334519	Other Measuring and Controlling Device Manufacturing														P
334613	Blank Magnetic and Optical Recording Media Manufacturing														P
334614	Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing											P	P	P	P
335110	Electric Lamp Bulb and Part Manufacturing														P
335121	Residential Electric Lighting Fixture Manufacturing														P
335122	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing														P
335129	Other Lighting Equipment Manufacturing														P
335210	Small Electrical Appliance Manufacturing														P
335221	Household Cooking Appliance Manufacturing														P
335222	Household Refrigerator and Home Freezer Manufacturing														P
335224	Household Laundry Equipment Manufacturing														P
335228	Other Major Household Appliance Manufacturing														P
335311	Power, Distribution, and Specialty Transformer Manufacturing														P
335312	Motor and Generator Manufacturing														P
335313	Switchgear and Switchboard Apparatus Manufacturing														P
335314	Relay and Industrial Control Manufacturing														P
335911	Storage Battery Manufacturing														P
335912	Primary Battery Manufacturing														P
335932	Noncurrent-Carrying Wiring Device Manufacturing														P
335991	Carbon and Graphite Product Manufacturing														P
335999	All Other Miscellaneous Electrical Equipment and Component Manufacturing														P
336111	Automobile Manufacturing														C
336112	Light Truck and Utility Vehicle Manufacturing														C
336120	Heavy Duty Truck Manufacturing														C
336211	Motor Vehicle Body Manufacturing														C
336212	Truck Trailer Manufacturing														C
336213	Motor Home Manufacturing														C
336214	Travel Trailer and Camper Manufacturing														C
336310	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing														C
336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing														P
336330	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing														C
336340	Motor Vehicle Brake System Manufacturing														C
336350	Motor Vehicle Transmission and Power Train Parts Manufacturing														C

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
336360	Motor Vehicle Seating and Interior Trim Manufacturing														P
336390	Other Motor Vehicle Parts Manufacturing														C
336411	Aircraft Manufacturing														C
336412	Aircraft Engine and Engine Parts Manufacturing														C
336413	Other Aircraft Parts and Auxiliary Equipment Manufacturing														P
336414	Guided Missile and Space Vehicle Manufacturing														C
336415	Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing														C
336419	Other Guided Missile and Space Vehicle Parts and Auxiliary Equipment Manufacturing														C
336510	Railroad Rolling Stock Manufacturing														C
336611	Ship Building and Repairing														
336612	Boat Building														C
336991	Motorcycle, Bicycle, and Parts Manufacturing														C
336992	Military Armored Vehicle, Tank, and Tank Component Manufacturing														C
336999	All Other Transportation Equipment Manufacturing														C
337110	Wood Kitchen Cabinet and Countertop Manufacturing														C
337121	Upholstered Household Furniture Manufacturing														C
337122	Nonupholstered Wood Household Furniture Manufacturing														C
337124	Metal Household Furniture Manufacturing														C
337125	Household Furniture (except Wood and Metal) Manufacturing														C
337127	Institutional Furniture Manufacturing														C
337211	Wood Office Furniture Manufacturing														C
337212	Custom Architectural Woodwork and Millwork Manufacturing														C
337214	Office Furniture (except Wood) Manufacturing														C
337215	Showcase, Partition, Shelving, and Locker Manufacturing														C
337910	Mattress Manufacturing														C
337920	Blind and Shade Manufacturing														P
339112	Surgical and Medical Instrument Manufacturing														P
339113	Surgical Appliance and Supplies Manufacturing							C				C	C		P
339114	Dental Equipment and Supplies Manufacturing							C							P
339115	Ophthalmic Goods Manufacturing							C							P
339116	Dental Laboratories							P					C	C	P

Chapter 405, Table A, Permitted and Conditional Uses

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		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
339910	Jewelry and Silverware Manufacturing														P
339920	Sporting and Athletic Goods Manufacturing														P
339930	Doll, Toy, and Game Manufacturing														P
339940	Office Supplies (except Paper) Manufacturing														P
339950	Sign Manufacturing										C	C	C	C	C
339991	Gasket, Packing, and Sealing Device Manufacturing														P
339992	Musical Instrument Manufacturing														P
339993	Fastener, Button, Needle, and Pin Manufacturing														P
339994	Broom, Brush, and Mop Manufacturing														P
339995	Burial Casket Manufacturing														P
339999	All Other Miscellaneous Manufacturing														C
423110	Automobile and Other Motor Vehicle Merchant Wholesalers														C
423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers														P
423130	Tire and Tube Merchant Wholesalers														C
423140	Motor Vehicle Parts (Used) Merchant Wholesalers														C
423210	Furniture Merchant Wholesalers														P
423220	Home Furnishing Merchant Wholesalers														P
423310	Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers														P
423320	Brick, Stone, and Related Construction Material Merchant Wholesalers														P
423330	Roofing, Siding, and Insulation Material Merchant Wholesalers														P
423390	Other Construction Material Merchant Wholesalers														P
423410	Photographic Equipment and Supplies Merchant Wholesalers														P
423420	Office Equipment Merchant Wholesalers														P
423430	Computer and Computer Peripheral Equipment and Software Merchant Wholesalers														P
423440	Other Commercial Equipment Merchant Wholesalers														P
423450	Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers														P
423460	Ophthalmic Goods Merchant Wholesalers														P
423490	Other Professional Equipment and Supplies Merchant Wholesalers														P
423510	Metal Service Centers and Other Metal Merchant Wholesalers														P
423520	Coal and Other Mineral and Ore Merchant Wholesalers														
423610	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers														P

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
423620	Household Appliances, Electric Housewares, and Consumer Electronics Merchant Wholesalers														P
423690	Other Electronic Parts and Equipment Merchant Wholesalers														P
423710	Hardware Merchant Wholesalers														P
423720	Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers														P
423730	Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers														P
423740	Refrigeration Equipment and Supplies Merchant Wholesalers														P
423810	Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers														P
423820	Farm and Garden Machinery and Equipment Merchant Wholesalers														P
423830	Industrial Machinery and Equipment Merchant Wholesalers														P
423840	Industrial Supplies Merchant Wholesalers														P
423850	Service Establishment Equipment and Supplies Merchant Wholesalers														P
423860	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers														P
423910	Sporting and Recreational Goods and Supplies Merchant Wholesalers														P
423920	Toy and Hobby Goods and Supplies Merchant Wholesalers														P
423930	Recyclable Material Merchant Wholesalers														P
423940	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers														P
423990	Other Miscellaneous Durable Goods Merchant Wholesalers														P
424110	Printing and Writing Paper Merchant Wholesalers														P
424120	Stationery and Office Supplies Merchant Wholesalers														P
424130	Industrial and Personal Service Paper Merchant Wholesalers														P
424210	Drugs and Druggists' Sundries Merchant Wholesalers														P
424310	Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers														P
424320	Men's and Boys' Clothing and Furnishings Merchant Wholesalers														P
424330	Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers														P
424340	Footwear Merchant Wholesalers														P

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
424410	General Line Grocery Merchant Wholesalers														P
424420	Packaged Frozen Food Merchant Wholesalers														P
424430	Dairy Product (except Dried or Canned) Merchant Wholesalers														P
424440	Poultry and Poultry Product Merchant Wholesalers														P
424450	Confectionery Merchant Wholesalers														P
424460	Fish and Seafood Merchant Wholesalers														P
424470	Meat and Meat Product Merchant Wholesalers														P
424480	Fresh Fruit and Vegetable Merchant Wholesalers														P
424490	Other Grocery and Related Products Merchant Wholesalers														P
424510	Grain and Field Bean Merchant Wholesalers														P
424520	Livestock Merchant Wholesalers														P
424610	Plastics Materials and Basic Forms and Shapes Merchant Wholesalers														P
424690	Other Chemical and Allied Products Merchant Wholesalers														C
424810	Beer and Ale Merchant Wholesalers														P
424820	Wine and Distilled Alcoholic Beverage Merchant Wholesalers														P
424910	Farm Supplies Merchant Wholesalers														P
424920	Book, Periodical, and Newspaper Merchant Wholesalers														P
424930	Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers														P
424940	Tobacco and Tobacco Product Merchant Wholesalers														P
424950	Paint, Varnish, and Supplies Merchant Wholesalers														P
424990	Other Miscellaneous Nondurable Goods Merchant Wholesalers														P
425110	Business to Business Electronic Markets								P		P	P	P	P	P
425120	Wholesale Trade Agents and Brokers								P				P	P	P
441110	New Car Dealers												C	C	C
441120	Used Car Dealers														C
441210	Recreational Vehicle Dealers														C
441222	Boat Dealers											C	C	C	C
441228	Motorcycle, ATV, and All Other Motor Vehicle Dealers														C
441310	Automotive Parts and Accessories Stores										C	C	C	C	C
441320	Tire Dealers												C		C
CC442100	All Drive-In and Drive-Through Services (excluding Food Services)											C	C	C	C
442110	Furniture Stores										P	P	P	P	C
442210	Floor Covering Stores										P	P	P	P	C
442291	Window Treatment Stores										P	P	P	P	P
442299	All Other Home Furnishings Stores										C	C	P	P	P

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
443141	Household Appliance Stores										C	C	P	P	P
443142	Electronics Stores										P	P	P	P	P
444110	Home Centers											C	C	C	P
444120	Paint and Wallpaper Stores										C	P	P	P	P
444130	Hardware Stores										P	P	P	P	P
444190	Other Building Material Dealers											C	C	C	P
444210	Outdoor Power Equipment Stores										C	C	C	P	P
444220	Nursery, Garden Center, and Farm Supply Stores										C			C	P
445110	Supermarkets and Other Grocery (except Convenience) Stores										C	P	P	P	P
445120	Convenience Stores								C		C	C	C	C	C
445210	Meat Markets										P	P	P	P	P
445220	Fish and Seafood Markets														P
445230	Fruit and Vegetable Markets										P	P	P	P	P
445291	Baked Goods Stores										P	P	P	P	P
445292	Confectionery and Nut Stores										P	P	P	P	P
445299	All Other Specialty Food Stores										P	P	P	P	P
445310	Beer, Wine, and Liquor Stores										P	P	P	P	P
446110	Pharmacies and Drug Stores							P	P		P	P	P	P	P
446120	Cosmetics, Beauty Supplies, and Perfume Stores										P	P	P	P	P
446130	Optical Goods Stores										P	P	P	P	P
446191	Food (Health) Supplement Stores							P			P	P	P	P	P
446199	All Other Health and Personal Care Stores										P	P	P	P	P
447110	Gasoline Stations with Convenience Stores										C	C	C	C	C
447190	Other Gasoline Stations											C	C	C	C
448110	Men's Clothing Stores										P	P	P	P	C
448120	Women's Clothing Stores										P	P	P	P	C
448130	Children's and Infants' Clothing Stores										P	P	P	P	C
448140	Family Clothing Stores										P	P	P	P	C
448150	Clothing Accessories Stores										P	P	P	P	C
448190	Other Clothing Stores										P	P	P	P	P
448210	Shoe Stores										P	P	P	P	P
448310	Jewelry Stores										P	P	P	P	C
448320	Luggage and Leather Goods Stores										P	P	P	P	C
451110	Sporting Goods Stores (except those exclusively engaged in the sale of firearms and ammunition)										C	C	P	P	P
451120	Hobby, Toy, and Game Stores										P	P	P	P	P
451130	Sewing, Needlework, and Piece Goods Stores										P	P	P	P	P
451140	Musical Instrument and Supplies Stores										P	P	P	P	P
451211	Book Stores										P	P	P	P	P
451212	News Dealers and Newsstands								P		P	P	P	P	P
452111	Department Stores (except Discount Department Stores)										C	C	C	C	P
452112	Discount Department Stores										C	C	C	C	P
452910	Warehouse Clubs and Supercenters											C	C	C	P
452990	All Other General Merchandise Stores								C		C	C	C	C	P
453110	Florists							P			P	P	P	P	P
453210	Office Supplies and Stationery Stores							P	P		P	P	P	P	P

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
453220	Gift, Novelty, and Souvenir Stores							P			P	P	P	P	P
453310	Used Merchandise Stores (No building materials, outside sales, exchange or drop-off of used goods).										P	P	P	P	P
453910	Pet and Pet Supplies Stores										P	P	P	P	P
453920	Art Dealers										P	P	P	P	P
453930	Manufactured (Mobile) Home Dealers														C
453991	Tobacco Stores										P	P	P	P	P
453998	All Other Miscellaneous Store Retailers (except auction houses, pool and hot tub sales/supplies and cemetery memorial dealers)										P	P	P	P	P
454111	Electronic Shopping										P	P	P	P	P
454112	Electronic Auctions													P	P
454113	Mail-Order Houses														P
454210	Vending Machine Operators														P
454310	Fuel Dealers														C
454390	Other Direct Selling Establishments										P	P	P		
481112	Scheduled Freight Air Transportation														P
481219	Other Nonscheduled Air Transportation											P		P	
484110	General Freight Trucking, Local														C
484121	General Freight Trucking, Long-Distance, Truckload														C
484122	General Freight Trucking, Long-Distance, Less Than Truckload														C
484210	Used Household and Office Goods Moving														C
484220	Specialized Freight (except Used Goods) Trucking, Local														C
484230	Specialized Freight (except Used Goods) Trucking, Long-Distance														C
485111	Mixed Mode Transit Systems														C
485112	Commuter Rail Systems														C
485113	Bus and Other Motor Vehicle Transit Systems														C
485119	Other Urban Transit Systems														P
485210	Interurban and Rural Bus Transportation												C	C	C
485310	Taxi Service														C
485320	Limousine Service														P
485410	School and Employee Bus Transportation														C
485510	Charter Bus Industry											C			C
485991	Special Needs Transportation											C			C
485999	All Other Transit and Ground Passenger Transportation											C			C
486110	Pipeline Transportation of Crude Oil														C
486210	Pipeline Transportation of Natural Gas														C
486910	Pipeline Transportation of Refined Petroleum Products														C
486990	All Other Pipeline Transportation														C
488190	Other Support Activities for Air Transportation														P
488410	Motor Vehicle Towing														C

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
488490	Other Support Activities for Road Transportation														C
488510	Freight Transportation Arrangement														P
488991	Packing and Crating														P
488999	All Other Support Activities for Transportation														P
491110	Postal Service								P			P	P	P	P
492110	Couriers and Express Delivery Services														P
492210	Local Messengers and Local Delivery														P
493110	General Warehousing and Storage														C
493120	Refrigerated Warehousing and Storage														C
493130	Farm Product Warehousing and Storage														
493190	Other Warehousing and Storage														
511110	Newspaper Publishers								P		P	P		P	P
511120	Periodical Publishers								P	P	P	P		P	P
511130	Book Publishers								P		P	P		P	P
511140	Directory and Mailing List Publishers								P		P	P		P	P
511191	Greeting Card Publishers								P		P	P		P	P
511199	All Other Publishers								P		P	P		P	P
511210	Software Publishers								P	P	P	P	P	P	P
512110	Motion Picture and Video Production											C	C	C	P
512120	Motion Picture and Video Distribution											P	P	P	P
512131	Motion Picture Theaters (except Drive-Ins)											C	C	C	
512191	Teleproduction and Other Postproduction Services												P	P	
512199	Other Motion Picture and Video Industries												P	P	
512210	Record Production								P	P			P	P	P
512220	Integrated Record Production/Distribution														P
512230	Music Publishers								P	P			P	P	P
512240	Sound Recording Studios								C			C	C	C	P
512290	Other Sound Recording Industries								C			C	C	C	P
515111	Radio Networks								C			C	C	C	C
515112	Radio Stations								C			C	C	C	C
515120	Television Broadcasting								C			C	C	C	C
515210	Cable and Other Subscription Programming								C			C	C	C	C
517110	Wired Telecommunications Carriers								C	C		C		C	C
517210	Wireless Telecommunications Carriers incl. Freestanding Antenna Facilities (except Satellite)	C	C	C	C	C	C	C	C	C	C	C	C	C	C
517410	Satellite Telecommunications								C	C			C		C
517911	Telecommunications Resellers								C			P		P	P
517919	All Other Telecommunications								C				C		C
CC517929	Roof-Mounted Communication Equipment	C					C	C	C	C	C	C	C	C	C
518210	Data Processing, Hosting, and Related Services								P	P		P		P	P
519110	News Syndicates								P			P		P	P
519120	Libraries and Archives						P		P	P	P	P	P	P	P
519130	Internet Publishing and Broadcasting and Web Search Portals								P	P	P	P	P	P	P
519190	All Other Information Services								P	P		P		P	P
521110	Monetary Authorities-Central Bank								P			P		P	P
522110	Commercial Banking						C		C		C	C	C	C	C

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
522120	Savings Institutions						C		C		C	C	C	C	C
522130	Credit Unions						C		C		C	C	C	C	C
522190	Other Depository Credit Intermediation								C			C		C	C
522210	Credit Card Issuing								P		P	P	P	P	
522220	Sales Financing								P		P	P	P	P	P
522291	Consumer Lending								P		P	P	P	P	P
522292	Real Estate Credit								P		P	P	P	P	P
522293	International Trade Financing								P		P	P	P	P	P
522294	Secondary Market Financing								P		P	P	P	P	P
522298	All Other Nondepository Credit Intermediation (incl. Pawnshops)														
522310	Mortgage and Nonmortgage Loan Brokers								P			P		P	
522320	Financial Transactions Processing, Reserve, and Clearinghouse Activities								P			P	P	P	
522390	Other Activities Related to Credit Intermediation								P			P	P	P	
523110	Investment Banking and Securities Dealing								P			P	P	P	
523120	Securities Brokerage								P		P	P	P	P	
523130	Commodity Contracts Dealing								P		P		P	P	
523140	Commodity Contracts Brokerage								P		P		P	P	
523210	Securities and Commodity Exchanges								P		P	P	P	P	
523910	Miscellaneous Intermediation								P			P		P	
523920	Portfolio Management								P		P	P	P	P	
523930	Investment Advice								P		P	P	P	P	
523991	Trust, Fiduciary, and Custody Activities								P			P	P	P	
523999	Miscellaneous Financial Investment Activities								P			P	P	P	
524113	Direct Life Insurance Carriers								P			P	P	P	
524114	Direct Health and Medical Insurance Carriers								P			P	P	P	
524126	Direct Property and Casualty Insurance Carriers								P			P	P	P	
524127	Direct Title Insurance Carriers								P			P	P	P	
524128	Other Direct Insurance (except Life, Health, and Medical) Carriers								P			P	P	P	
524130	Reinsurance Carriers								P			P	P	P	
524210	Insurance Agencies and Brokerages								P		P	P	P	P	
524291	Claims Adjusting								C		C	C	C	C	C
524292	Third Party Administration of Insurance and Pension Funds								P			P	P	P	
524298	All Other Insurance Related Activities								P			P	P	P	
525110	Pension Funds								P			P	P	P	
525120	Health and Welfare Funds								P			P	P	P	
525190	Other Insurance Funds								P			P	P	P	
525910	Open-End Investment Funds								P			P	P	P	
525920	Trusts, Estates, and Agency Accounts								P			P	P	P	
525990	Other Financial Vehicles								P			P	P	P	
531110	Lessors of Residential Buildings and Dwellings								P			P	P	P	
531120	Lessors of Nonresidential Buildings (excpet Miniwarehouses)								P		P	P	P	P	P
531190	Lessors of Other Real Estate Property								P			P	P	P	

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
531210	Offices of Real Estate Agents and Brokers								P		P	P	P	P	
531311	Residential Property Managers								P			P	P	P	
531312	Nonresidential Property Managers								P			P	P	P	
531320	Offices of Real Estate Appraisers								P			P	P	P	
531390	Other Activities Related to Real Estate								P			P	P	P	
532111	Passenger Car Rental											C	C	C	
532112	Passenger Car Leasing											C	C	C	
532120	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing												C	C	C
532210	Consumer Electronics and Appliances Rental										C	C	C	C	C
532220	Formal Wear and Costume Rental										P	P	P	P	C
532230	Video Tape and Disc Rental										P	P	P	P	C
532291	Home Health Equipment Rental										P	P	P	P	C
532292	Recreational Goods Rental										P	P	P	P	P
532299	All Other Consumer Goods Rental										C	C	C		C
532310	General Rental Centers										C	C	C	C	C
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing														P
532412	Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing														C
532420	Office Machinery and Equipment Rental and Leasing										P		P	P	P
532490	Other Commercial and Industrial Machinery and Equipment Rental and Leasing														P
533110	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)								P			P		P	
541110	Offices of Lawyers								P			P	P	P	P
541120	Offices of Notaries								P			P	P	P	P
541191	Title Abstract and Settlement Offices								P		P	P	P	P	P
541199	All Other Legal Services								P			P		P	P
541211	Offices of Certified Public Accountants								P			P	P	P	P
541213	Tax Preparation Services								P			P	P	P	P
541214	Payroll Services								P			P	P	P	P
541219	Other Accounting Services								P			P	P	P	P
541310	Architectural Services								P			P	P	P	P
541320	Landscape Architectural Services											P	P	P	P
541330	Engineering Services								P			P	P	P	P
541340	Drafting Services								P			P	P	P	P
541350	Building Inspection Services								P			P	P		P
541360	Geophysical Surveying and Mapping Services								P			P	P	P	P
541370	Surveying and Mapping (except Geophysical) Services								P			P	P	P	P
541380	Testing Laboratories								P	P		P	P	P	P
541410	Interior Design Services								P				P	P	P
541420	Industrial Design Services								P			P	P	P	P
541430	Graphic Design Services								P			P	P	P	P
541490	Other Specialized Design Services								P			P		P	P
541511	Custom Computer Programming Services								P			P		P	P

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
541512	Computer Systems Design Services								P			P	P	P	P
541513	Computer Facilities Management Services								P	P		P	P	P	P
541519	Other Computer Related Services								P			P	P	P	P
541611	Administrative Management and General Management Consulting Services								P			P		P	P
541612	Human Resources Consulting Services								P			P		P	P
541613	Marketing Consulting Services							P	P			P	P	P	P
541614	Process, Physical Distribution, and Logistics Consulting Services								P			P		P	P
541618	Other Management Consulting Services								P			P	P	P	P
541620	Environmental Consulting Services								P	P		P	P	P	P
541690	Other Scientific and Technical Consulting Services								P	P		P	P	P	P
541711	Research and Development in Biotechnology								P	P					
541712	Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology)								P	P					
541720	Research and Development in the Social Sciences and Humanities								P	P				P	
541810	Advertising Agencies								P			P	P	P	P
541820	Public Relations Agencies								P			P	P	P	P
541830	Media Buying Agencies								P			P	P	P	P
541840	Media Representatives								P			P	P	P	P
541850	Outdoor Advertising								P			P	P	P	P
541860	Direct Mail Advertising								P				P	P	P
541870	Advertising Material Distribution Services								P			P	P	P	P
541890	Other Services Related to Advertising								P			P	P	P	P
541910	Marketing Research and Public Opinion Polling								P			P	P	P	P
541921	Photography Studios, Portrait										P	P	P	P	P
541922	Commercial Photography											P	P	P	P
541930	Translation and Interpretation Services								P			P		P	P
541940	Veterinary Services										P	P	P	P	P
541990	All Other Professional, Scientific, and Technical Services								P			P	P	P	P
551111	Offices of Bank Holding Companies								P		P	P	P	P	P
551112	Offices of Other Holding Companies								P		P	P	P	P	P
551114	Corporate, Subsidiary, and Regional Managing Offices								P	P		P	P	P	P
CC561100	Business Enterprise Center (as defined in Chapter 405.120, Definition of Terms)													P	
561110	Office Administrative Services								P			P	P	P	P
561210	Facilities Support Services														P
561311	Employment Placement Agencies								P			C	C	C	P
561312	Executive Search Services								P			P	P	P	P
561320	Temporary Help Services								P			P	P	P	P
561330	Professional Employer Organizations								P			P	P	P	C
561410	Document Preparation Services								P	P		P	P	P	P
561421	Telephone Answering Services								C			C		C	P
561422	Telemarketing Bureaus and Other Contact Centers								C			C		C	C

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
561431	Private Mail Centers										P	P	P	P	C
561439	Other Business Service Centers (including Copy Shops)								P		P	P	P	P	P
561440	Collection Agencies								P			P	P	P	P
561450	Credit Bureaus								P			P	P	P	P
561491	Repossession Services														C
561492	Court Reporting and Stenotype Services								P			P	P	P	P
561499	All Other Business Support Services								P		P	P	P	P	P
561510	Travel Agencies								P		P	P	P	P	P
561520	Tour Operators								P			P		P	P
561591	Convention and Visitors Bureaus								P			P		P	P
561599	All Other Travel Arrangement and Reservation Services								P			P	P	P	P
561611	Investigation Services										P	P	P	P	P
561612	Security Guards and Patrol Services														C
561613	Armored Car Services														C
561621	Security Systems Services (except Locksmiths)								C			C	C	C	P
561622	Locksmiths										P	P	P	P	P
561710	Exterminating and Pest Control Services														P
561730	Landscaping Services														C
561740	Carpet and Upholstery Cleaning Services														P
561790	Other Services to Buildings and Dwellings														P
561910	Packaging and Labeling Services										C	C	C		P
561920	Convention and Trade Show Organizers								P			P		P	P
561990	All Other Support Services								C			C	C	C	P
562998	All Other Miscellaneous Waste Management Services														C
611110	Elementary and Secondary Schools	C	C	C	C	C	P								
611210	Junior Colleges						P		C		C	C	C	C	C
611310	Colleges, Universities, and Professional Schools						P	P	C	C	C	C	C	C	C
611410	Business and Secretarial Schools								C			C	C	C	C
611420	Computer Training								C			C	C	C	C
611430	Professional and Management Development Training								C			C	C	C	C
611511	Cosmetology and Barber Schools											C	C	C	C
611513	Apprenticeship Training								P			P	P	P	P
611519	Other Technical and Trade Schools								C					C	C
611610	Fine Arts Schools											C	C	C	P
611620	Sports and Recreation Instruction											C	C	C	P
611630	Language Schools								P					P	P
611691	Exam Preparation and Tutoring								P		P	P	P	P	P
611692	Automobile Driving Schools											C	C	C	C
611699	All Other Miscellaneous Schools and Instruction								P			P	P	P	P
611710	Educational Support Services								P			P	P	P	P
621111	Offices of Physicians (except Mental Health Specialists)							P	P		P	P	P	P	P
621112	Offices of Physicians, Mental Health Specialists							P	P		P	P	P	P	P
621210	Offices of Dentists							P	P		P	P	P	P	P

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
621310	Offices of Chiropractors							P	P		P	P	P	P	P
621320	Offices of Optometrists							P	P		P	P	P	P	P
621330	Offices of Mental Health Practitioners (except Physicians)							P	P		P	P	P	P	P
621340	Offices of Physical, Occupational and Speech Therapists, and Audiologists							P	P		P	P	P	P	P
621391	Offices of Podiatrists							P	P		P	P	P	P	P
621399	Offices of All Other Miscellaneous Health Practitioners							P	P		P	P	P	P	P
621410	Family Planning Centers							P	C			C	C	C	C
621420	Outpatient Mental Health and Substance Abuse Centers							P					C		
621491	HMO Medical Centers							P	P			P	P	P	P
621492	Kidney Dialysis Centers							P	P			P	P	P	P
621493	Freestanding Ambulatory Surgical and Emergency Centers							P	P			P	P	P	P
621498	All Other Outpatient Care Centers							P					C		P
621511	Medical Laboratories							P					C	P	P
621512	Diagnostic Imaging Centers							P					C	P	P
621610	Home Health Care Services							P				P	P	P	P
621910	Ambulance Services												C		P
621991	Blood and Organ Banks							P							P
621999	All Other Miscellaneous Ambulatory Health Care Services							P					C	C	
622110	General Medical and Surgical Hospitals							P							
622210	Psychiatric and Substance Abuse Hospitals							P							P
622310	Specialty (except Psychiatric and Substance Abuse) Hospitals							P							
623110	Nursing Care Facilities (Skilled Nursing Facilities)						C	C				C	C	C	
623210	Residential Intellectual and Developmental Disability Facilities (Subject to 405.450.B)	P	P	P	P	P	C	C				P			
623220	Residential Mental Health and Substance Abuse Facilities							P				C			
623311	Continuing Care Retirement Communities						C	C				C	C	C	
623312	Assisted Living Facilities for the Elderly						C	C				C	C	C	
623990	Other Residential Care Facilities (Subject to 405.450.B), excluding boot/disciplinary camps and halfway group homes.	P	P	P	P	P	C	C				C	C	C	
624110	Child and Youth Services							P						P	P
624120	Services for the Elderly and Persons with Disabilities						C	P	C			P	P	P	
624190	Other Individual and Family Services							P	P			P	P	P	P
624210	Community Food Services											C	C		P
624221	Temporary Shelters							C				C	C		C
624229	Other Community Housing Services											C	C		P
624230	Emergency and Other Relief Services											C	C		C
624310	Vocational Rehabilitation Services												P		C
624410	Child Day Care Services	C	C	C	C	C	C	C	C	C	C	C	C	C	C
711110	Theater Companies and Dinner Theaters								C	C	C	C	C	C	C
711120	Dance Companies											C	C	C	C
711130	Musical Groups and Artists											C	C	C	C

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
711190	Other Performing Arts Companies											C	C	C	C
711211	Sports Teams and Clubs											C	C	C	C
711212	Racetracks														C
711219	Other Spectator Sports											C	C	C	C
711310	Promoters of Performing Arts, Sports, and Similar Events with Facilities							C				C	C	C	C
711320	Promoters of Performing Arts, Sports, and Similar Events without Facilities							P				P	P	P	
711410	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures							P				P	P	P	P
711510	Independent Artists, Writers, and Performers							C				C	C	C	
712110	Museums											C	C	C	
712120	Historical Sites	C	C	C	C	C	C	C	C	C	C	C	C	C	
712130	Zoos and Botanical Gardens											C	C	C	
712190	Nature Parks and Other Similar Institutions	C	C	C	C	C						C	C	C	
713110	Amusement and Theme Parks							P				C	C	C	
713120	Amusement Arcades										C	C	C	C	
713290	Other Gambling Industries											C	C	C	C
713910	Golf Courses and Country Clubs	C	C	C	C	C									
713940	Fitness and Recreational Sports Centers	C	C	C	C	C			C	C		P	P	P	P
713950	Bowling Centers											C	C	C	
713990	All Other Amusement and Recreation Industries (except gun and shooting clubs)	C	C	C	C	C						C	C	C	P
721110	Hotels (except Casino Hotels) and Motels						C		C			C	C	C	
CC721130	Sexually-Oriented Businesses (subject to Article VIII-A of Chapter 405)														P
721191	Bed-and-Breakfast Inns	C	C	C	C	C									
721310	Rooming and Boarding Houses						C	C							
722310	Food Service Contractors											C	C	C	C
722320	Caterers											C	C	C	C
722330	Mobile Food Services										C	C	C	C	C
722410	Drinking Places (Alcoholic Beverages)										C	C	C	C	C
722511	Full-Service Restaurants								C		C	C	C	C	C
722513	Limited-Service Restaurants								C		C	C	C	C	C
722514	Cafeterias, Grill Buffets, and Buffets						C		C		C	C	C	C	C
722515	Snack and Nonalcoholic Beverage Bars								C	C	C	C	C	C	C
811111	General Automotive Repair												C		C
811112	Automotive Exhaust System Repair												C		C
811113	Automotive Transmission Repair												C		C
811118	Other Automotive Mechanical and Electrical Repair and Maintenance												C		C
811121	Automotive Body, Paint, and Interior Repair and Maintenance														C
811122	Automotive Glass Replacement Shops												C		C
811191	Automotive Oil Change and Lubrication Shops												C	C	C
811192	Car Washes												C		C
811198	All Other Automotive Repair and Maintenance												C		C
811211	Consumer Electronics Repair and Maintenance										C	C	C		C

Chapter 405, Table A, Permitted and Conditional Uses

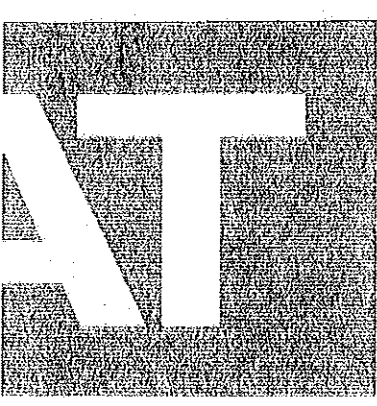
P=Permitted Use; C=Conditional Use Permit Required

		ZONING DISTRICTS													
Use Code	2012 NAICS Title	A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
811212	Computer and Office Machine Repair and Maintenance								P		P	P	P	P	P
811213	Communication Equipment Repair and Maintenance														P
811219	Other Electronic and Precision Equipment Repair and Maintenance												P		P
811310	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance														P
811411	Home and Garden Equipment Repair and Maintenance														P
811412	Appliance Repair and Maintenance												P		P
811420	Reupholstery and Furniture Repair												C		P
811430	Footwear and Leather Goods Repair										P	P	P	P	P
811490	Other Personal and Household Goods Repair and Maintenance														C
812111	Barber Shops										P	P	P	P	P
812112	Beauty Salons										P	P	P	P	C
812113	Nail Salons										P	P	P	P	C
812191	Diet and Weight Reducing Centers										C	C	P	P	C
812199	Other Personal Care Services (except escort services, massage parlors, steam baths, tattoo parlors and Turkish baths)										C	C	C	C	C
812210	Funeral Homes and Funeral Services	C					C				C	C	C	C	
812220	Cemeteries not associated with a place of worship and all Crematories	C					C					C			
812320	Drycleaning and Laundry Services (except Coin-Operated) provided that facility (1) Meets all fire code regulations, and (2) Has a valid permit from the St. Louis County Air Pollution Control Program.										P	P	P	P	
812331	Linen Supply														P
812332	Industrial Launderers														P
812910	Pet Care (except Veterinary) including only Pet Spas (as defined in Section 405.120) Services										P	P	P		P
812921	Photofinishing Laboratories (except One-Hour)														P
812922	One-Hour Photofinishing										P	P	P	P	
812930	Parking Lots and Garages												C	C	P
812990	All Other Personal Services										C	C	C	C	P
813110	Religious Organizations, Incl. Retreat Houses	C	C	C	C	C	C	C	C	C	C	C	C	C	C
813211	Grantmaking Foundations								P		P	P	P	P	P
813212	Voluntary Health Organizations								P			P		P	P
813219	Other Grantmaking and Giving Services								P			P		P	P
813311	Human Rights Organizations								P			P		P	P
813312	Environment, Conservation and Wildlife Organizations	C	C	C	C	C			P			P		P	P
813319	Other Social Advocacy Organizations	C	C	C	C	C			P			P	P	P	P
813410	Civic and Social Organizations	C	C	C	C	C			P			P		P	C
813910	Business Associations	C	C	C	C	C			P			P		P	P

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

Use Code	2012 NAICS Title	ZONING DISTRICTS													
		A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
813920	Professional Organizations								P			P	P	P	C
813930	Labor Unions and Similar Labor Organizations								P			P	P	P	C
813940	Political Organizations								P			P	P	P	P
813990	Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)	C	C	C	C	C			P			P	P	P	P
814110	Private Households	P	P	P	P	P	P							C	
921110	Executive Offices								P	P		P	P	P	C
921120	Legislative Bodies								P	P		P	P	P	
921130	Public Finance Activities								P			P	P	P	P
921140	Executive and Legislative Offices, Combined								P	P		P	P	P	P
921190	Other General Government Support								P	P		P	P	P	P
922110	Courts								P				P	P	P
922120	Police Protection						P	P	P	P		P	P	P	P
922130	Legal Counsel and Prosecution								P	P		P	P	P	
922140	Correctional Institutions														P
922150	Parole Offices and Probation Offices												P		
922160	Fire Protection						P		P	P		P	P	P	
922190	Other Justice, Public Order, and Safety Activities							C	C	C		C	C	C	P
923110	Administration of Education Programs							P	P			P	P	P	P
923120	Administration of Public Health Programs							P	P			P	P	P	
923130	Administration of Human Resource Programs (except Education, Public Health, and Veterans' Affairs Programs)							P	P			P	P	P	
923140	Administration of Veterans' Affairs							P	P			P	P	P	
924110	Administration of Air and Water Resource and Solid Waste Management Programs								P			P	P	P	
924120	Administration of Conservation Programs								P			P	P	P	
925110	Administration of Housing Programs								P			P	P	P	
925120	Administration of Urban Planning and Community and Rural Development								P			P	P	P	
926110	Administration of General Economic Programs								P			P	P	P	
926120	Regulation and Administration of Transportation Programs								P			P	P	P	
926130	Regulation and Administration of Communications, Electric, Gas, and Other Utilities								P			P	P	P	
926140	Regulation of Agricultural Marketing and Commodities								P			P	P	P	
926150	Regulation, Licensing, and Inspection of Miscellaneous Commercial Sectors								P			P	P	P	P
927110	Space Research and Technology								P			P	P	P	P
928110	National Security								P			P	P	P	P
928120	International Affairs								P			P	P	P	P



John J. Diehl, Jr.

Direct T 314.259.4788 F 314.612.2398

jdiehl@armstrongteasdale.com

MISSOURI KANSAS ILLINOIS NEVADA SHANGHAI

July 12, 2013

Nicole Navarre
Stephen L. Kling, Jr.
Jenkins & Kling, P.C.
150 North Meramec Avenue
Suite 400
Clayton, Missouri 63105

Re: Altus-Questover - Jet's Pizza

Dear Nicole and Steve:

Our firm serves as counsel for the applicants identified below. Please allow this correspondence to serve as a memorialization of our recent email correspondence and agreements relating to the various Zoning Applications (the "Applications") pending with the City of Creve Coeur submitted by Altus-Questover ("Altus") and CCP Pizza, LLC d/b/a Jet's Pizza ("Jet's Pizza") as it relates to the Shoppes at Questover, 12528-12536 Olive Boulevard, Creve Coeur, Missouri 63141 (the "Property").

Your clients, Questover Place Subdivision, The Manors at Questover Subdivision and Questover Crossing Subdivision will support the rezoning application submitted by Altus, the text amendment for salon parking submitted by Altus, and the conditional use permit application submitted by Jet's Pizza, and Altus/Jet's Pizza will agree (and incorporate such agreement in the Applications) the following terms and conditions:

1. A modification of the Declaration of Restrictive Covenant recorded against the Property (the "Declaration") and City of Creve Coeur Ordinance #3017 (the "Ordinance") with respect to limitation on the percentage of building square footage of the Property for Eating and Drinking Establishments from twenty five percent (25%) to forty percent (40%), an increase in the individual maximum square footage for individual establishments from three thousand five hundred (3,500) to five thousand (5,000) square feet, and a reduction in the minimum seating for dining from sixteen (16) to ten (10) seats;
2. The provision of the Declaration and the Ordinance relating to entertainment codes will remain in effect except that provision prohibiting uses such as a Title Boxing fitness (or similar) type of operations will be removed; and
3. All other restrictions regarding the Property will remain in full force and effect. (All of the foregoing restrictions will be included in the amended and restated declaration discussed below with a consent by all mortgagees of record).

4. A text amendment to allow a modification of the parking requirements in the "GC" zoning district for salon parking of four (4) spaces per one thousand (1,000) square feet.
5. The submitted conditional use permit for Jet's Pizza, provided no outdoor music is permitted.

In addition, Altus will agree to promptly remediate certain landscaping issues at the Property as requested by your clients which include:

1. Removing dead trees along the basin area;
2. Removing a dead tree behind Questover Crossings Unit 12558 closest to the fence; and
3. Removing a nearly dead evergreen on the side of Questover Crossings unit 12566.

It is our understanding that outreach has already been made with the appropriate contact on this issue to facilitate this immediately.

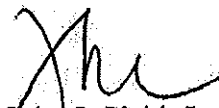
Altus will execute and cause to be recorded upon final approval by the City of the Applications, an amended and restated Declaration (the "Amended Declaration") to reflect this understanding which will be incorporated in the amendment to the zoning ordinance for the Property requested by Altus. A draft of the proposed Amended Declaration accompanies this correspondence. Altus will cause all mortgage lenders for the Property to execute or otherwise consent to the Amended Declaration by a recorded document in connection with the recording of the Amended Declaration.

We understand that that your clients are relying upon this letter agreement and the execution of the Amended Declaration in their decision to support the Applications as modified herein. A copy of this letter and the Amended Declaration will be submitted to the Planning and Zoning Commission of the City of Creve Coeur prior to the public hearing on July 15, 2013.

If this correspondence meets with your client's understanding of the proposed resolution of this matter, please countersign this correspondence.

Thank you for your cooperation and courtesy in bringing this matter to a mutually satisfactory resolution.

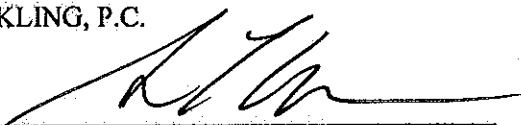
Very truly yours,



John J. Diehl, Jr.
JJD/slp

Consented to and agreed to this 12 day of July, 2013

JENKINS & KLING, P.C.

By: 

Stephen L. Kling, Jr.

Attorneys for Questover Place Subdivision, The Manors at
Questover Subdivision and Questover Crossings Subdivision.



city of CREVE COEUR

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**APPLICATION TO PLANNING AND ZONING COMMISSION
#13-022 FOR A TEXT AMENDMENT TO SECTION 405.820 REQUIRED
OFF-STREET PARKING FOR HAIR, NAIL AND SKIN CARE SERVICES TO
FOUR SPACES PER 1,000 SQ. FT. OF FLOOR AREA**

FOR THE MEETING OF: July 15, 2013

LOCATION: City-wide

REQUEST: Daniel Burke, of Armstrong Teasdale, LLP, on behalf of Altus-Questover, property owner, has submitted a request for a text amendment to revise Section 405.820(H)(2)(b) of the Required Off-Street Parking for hair, nails, and skin care services to four (4) spaces per 1,000 sq. ft. of floor area to be consistent with the parking requirements of retail an office uses.

ADDITIONAL INFORMATION: Current parking requirements for hair, nails, and skin care services is three and one-half (3.5) spaces per barber, beautician and/or manicurist station or one (1) space per one hundred (100) square feet of floor area, whichever is greater.

Key Issues:

- Is this a reasonable exercise of zoning authority?
- Does the request reflect current best practices?
- Does the request further or implement the goals of the Comprehensive Plan?

Comp. Plan References

- Residential Neighborhoods
- East Olive Corridor
- West Olive Corridor
- Central Business District
- Design Guidelines

Zoning Code References

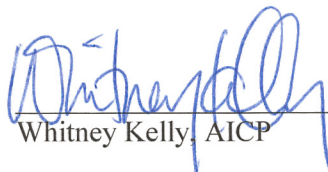
- Section 405.820 Required Off-Street Parking Spaces

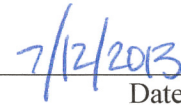
APPLICANT: Daniel Burke
Armstrong Teasdale LLP
7700 Forsyth Blvd., Suite 1800
St. Louis, MO 63105

**PROPERTY
OWNER:**

Altus Properties, LLC
1610 Des Peres Road, Ste 320
St. Louis, MO 63131

REPORT PREPARED BY:


Whitney Kelly, AICP


Date

ATTACHMENTS: Draft Ordinance

INTRODUCTION

The Shoppes at Questover, located on 3.82 acres at 12528 and 12536 Olive Boulevard, was rezoned to “GC” General Commercial in 2004 (Ordinance #3017) and the property was developed per the site development plan for two buildings that total approximately 25,000 sq. ft. with 173 parking spaces. The development consists of “small retail/restaurants and specialty shops.” At the time, the site plan was reviewed under the prior general parking requirements for shopping centers of “4 spaces per 1,000 sq. ft. of floor area unless the proposed mix of land uses in the shopping center requires a higher number, in which case the higher number shall be required”. Where a minimum parking at 4 spaces per 1,000 sq. ft. of floor area for the buildings would be 120 spaces, the additional 53 spaces was included to account for possible restaurants uses.

As the mix of tenants within the center changes, the constant parking calculations needed for a conditional use permit can vary from year to year. Market conditions have moved away from small scale retail uses to more service oriented businesses, thereby affecting the overall parking required. When the current parking requirement for hair, nails, and skin care services far exceeds the actual need, and is so out of character with the parking requirements of other retail and office uses, it becomes difficult to fill vacant tenant spaces. The current parking rate for retail and office uses are 4 spaces per 1,000 sq. ft. of floor area, when those of salon services can require 2.5 to six times that per the following:

Section 405.820 Required Off-Street Parking Spaces.

- H. Services.
- 2. Personal and laundry services (NAICS 812).
 - b. Hair, nail and skin care services, barber shops, beauty salons, nail salons, and other personal care services (NAICS 81211). Three and one-half (3.5) spaces per barber, beautician and/or manicurist station or one (1) space per one hundred (100) square feet of floor area, whichever is greater.

Therefore, the applicant is seeking a text amendment to revise the parking rate for hair, nails and skin care services to be consistent to that of general retail and office uses, to read as follows:

Section 405.820 Required Off-Street Parking Spaces.

- H. Services.
- 2. Personal and laundry services (NAICS 812).
 - b. Hair, nail and skin care services (NAICS 81211). Four (4) parking spaces per one thousand (1,000) square feet of floor area.

DISCUSSION

Comprehensive Plan Review

The Comprehensive Plan doesn't provide any guidance regarding parking demand. However, one could infer that the often referenced “green line” park and the encouragement of pedestrian facilities and bicycle accommodations along Olive Boulevard within the East Olive and West Olive Corridor, would lend itself to more green spaces and minimum parking surface area for commercial development. Further, the Residential Neighborhoods section includes a recommendation that new development or redevelopment be compatible with the character of the surrounding neighborhood with regard to lot frontage, building setbacks, building lines, building scale and lot coverage (Page 45).

Within the Central Business District Action area, recommendations for Residential Preservation and Economic Development include:

- Mix of Uses - It is desirable that the Central Business District include a mix of uses, including, retail, entertainment, cultural activities, office, residential, and civic uses, but the mix of these uses will be determined based on the market analysis. (p. 81)

However, when the minimum parking required exceeds the actual use of the property because the Off-Street Parking Regulations require a cumulative accounting of all of the uses, it makes it difficult for property owners to achieve the mix of uses and scale of development called for in the Comprehensive Plan and sought by the market.

The Design Guidelines provide further direction specific to the visual impact of large parking surfaces, by encouraging high quality landscaping that accentuates the building and site, softens the effects of parking area and enhances the quality of life of the City (Page 15). More specifically, Chapter 5/ Miscellaneous, includes the following recommendations:

G. Parking

1. The design of off-street parking areas should limit vast open area of asphalt parking spaces, especially in the front of commercial buildings. Parking lots need to be broken up into small palatable spaces interconnected by landscaped pedestrian linkages. These linkages should be separate pedestrian walkways buffered with landscaping
4. Parking structure/lot design should minimize glare, reflection and visual impact of a large number of cars. Decorative elements, such as fences and walls, wall extensions, planting or topographic features should be utilized to screen parking and loading area.

The intent of these recommendations is so that parking areas do not so overload the site and lead to unattractive and environmentally harmful developments. However, when minimum parking required is based on the maximum theoretical needed of spaces for each use, it makes these recommendations difficult to achieve for any project. Therefore, the request to lower the parking standard would be consistent with the Comprehensive Plan and Design Guidelines.

Zoning Review

Currently, the parking requirements for the general mix of uses within a shopping center are:

Section 405.820 Required Off-Street Parking Spaces.

B. General Parking Requirements.

1. *Shopping centers designed for restaurant, retail uses and personal service establishments in NAICS 442, 443, 444, 445, 446, 448, 451, 452, 453 shall provide the combined total parking spaces for each use, less a fifteen percent (15%) reduction in the total number of parking spaces required.*
4. *General offices including professional, governmental or institutional except as specifically enumerated in this Article: For buildings less than fifteen thousand (15,000) square feet, four (4) stalls per one thousand (1,000) square feet of gross leasable floor area. For buildings greater than fifteen thousand (15,000) square feet, three and three-tenths (3.3) stalls per one thousand (1,000) square feet of gross leasable floor area.*

- F. Wholesale And Retail Trade (NAICS 42, 44-45, 49 722).
4. General retail establishments (general merchandise, food, apparel and accessories and miscellaneous retail stores) (NAICS 443, 445, 446, 448, 451, 452, and 453). Four (4) parking spaces per one thousand (1,000) square feet of floor area.
 5. Food services and drinking places (NAICS 722).
 - a. 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.
 - b. Small restaurant facilities which offer only carry-out/delivery service and/or a seating capacity of sixteen (16) or fewer persons shall provide parking spaces at the ratio required for basic retail uses; provided such small restaurant facilities shall not be freestanding or provide drive-through, drive-up or curb service facilities.
- H. Services.
2. Personal and laundry services (NAICS 812).
 - b. Hair, nail and skin care services, barber shops, beauty salons, nail salons, and other personal care services (NAICS 81211). Three and one-half (3.5) spaces per barber, beautician and/or manicurist station or one (1) space per one hundred (100) square feet of floor area, whichever is greater.

The Applicant contends that the required parking for hair, nails, and skin care services exceeds the actual practice for these uses and artificially inflates the number of parking spaces required in such a manner as to prohibit other uses. As the aerial photo of the Shoppes at Questover below, as well as the site photos in Appendix 4 with Application #13-009 and #13-016, show the existing parking available is not being fully utilized:



The following table demonstrates the impact of changing the parking requirement on the property:

Tenant	Use	Size (sq.ft.)	Parking Regulations	# of spaces*	Revised 4 spaces / 1,000 sq. ft. for Salons **
La Salsa	Restaurant	2,928 (+74 indoor seats, 40 outdoor seats)	1/3 seats in C.U.P., 1/8 outdoor seats, + 1/250 sq.ft.	41.38	41.38
Performance Eyecare	Retail	1,732	4/1000 sq.ft.	6.93	6.93
Great Clips	Hair Salon	1,157	3.5/station or 1/100 sq.ft.	11.57	4.64
Jet's Pizza	Restaurant	2,668 (+40 indoor seats, 16 outdoor seats)	1/3 seats in C.U.P., 1/8 outdoor seats, + 1/250 sq.ft.	26.00	26.00
Vacant	Retail	2,668	4/1000 sq.ft.	10.67	10.67
Metro Hair	Hair Salon	2,840	3.5/station or 1/100 sq.ft.	28.4	11.36
Gulf Shores	Restaurant	2,928 (+87 indoor seats, 80 outdoor seats)	1/3 seats in C.U.P., 1/8 outdoor seats, + 1/250 sq.ft.	50.71	50.71
Vacant	Retail	1,450	4/1000 sq.ft.	5.8	5.8
NY Subs	Restaurant	1,281 (16 seats)	4/1000 sq.ft. when ≤ 16 seats	10.46	10.46
Amor Nails	Nail Salon	1,334	3.5/station or 1/100 sq.ft.	13.34	5.32
American Dental	Dental Office	4,002	4/1000 sq.ft.	16.01	16.01
Massage Envy	Personal Service Salon	2,840	3.5/station or 1/100 sq.ft.	28.4	11.36
Total Building:		25,160	Total:	249.67	200.64
15% Reduction			Total Required:	213	171
Total Parking Available On-Site: 173					

* Represent the number of spaces required under the current ordinance at 1 space per 100 sq. ft. of floor area. The number of stations for the salons was not provided.

** Represents the parking spaces required per the proposed text amendment for Hair Nail and Skin Care Services

Effect in Practice

In surveying other cities, parking rates for the specific use can range anywhere from 1 space per 500 sq. ft. of floor area, to 3 spaces per chair or station. Further, the trend is to require even less parking, particularly for shopping centers where parking demand is much more fluid than stand-alone uses. The parking demand is best controlled by the operator through the scheduling of clients and staff. There are very few stand-alone salons, due to the limited development opportunity, and therefore the chance of chronic parking problem is very slim.

CONCLUSION

The City's Off-Street Parking Requirements do not provide an accurate representation of the parking needs for shopping centers which is much more fluid than the cumulative accounting of each use, and ultimately leads to development standards that are inconsistent with the goals and objectives of the Comprehensive Plan and Design Guidelines. Where the standards for Hair, Nail, and Skin Care Services is so far out of character with every other retail and office use requirement, adjusting this one use allows for a greater flexibility in the mix of uses within a center, as well as allows for a more appropriate standard for a stand-alone salons, where the management of appointments and staff, and thus the parking needed, is best managed by the business.

ACTION

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

"I move to recommend approval of Application #13-022 for the text amendment to the off-street parking requirement for hair, nail, and skin care services as described in the staff report for the meeting of July 15, 2013."

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.

**AN ORDINANCE AMENDING CHAPTER 405.820, ARTICLE VII OFF-STREET PARKING
AND LOADING REGULATIONS OF THE ZONING ORDINANCE OF THE CODE OF
ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI TO REVISE THE MINIMUM
PARKING REQUIREMENT OF HAIR, NAILS AND SKIN CARE SERVICES**

WHEREAS, an application has been submitted by Daniel Burke, of Armstrong Teasdale, LLP, on behalf of Altus-Questover, property owner of the Shoppes at Questover, for a text amendment to revise Section 405.820(H)(2)(b) of the Required Off-Street Parking for hair, nails, and skin care services to four (4) spaces per 1,000 sq. ft. of floor area to be consistent with the parking requirements for retail and office uses; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to the off-street parking regulations of the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, July 15, 2013, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of ____ recommended approval of the subject amendments at its meeting on Monday, July 15, 2013; and,

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

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

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

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

SECTION 1: Section 405.820(H)(2)(b) of Required Off-Street Parking Spaces, of the Zoning Ordinance, of the City of Creve Coeur's Code of Ordinances shall be amended as follows:

Section 405.820 Required Off-Street Parking Spaces.

H. Services.

2. Personal and laundry services (NAICS 812).

b. Hair, nail and skin care services, ~~barber shops, beauty salons, nail salons, and other personal care services~~ (NAICS 81211). ~~Three and one-half (3.5) spaces per barber, beautician and/or manicurist~~

BILL NO. _____

ORDINANCE NO. _____

~~station or one (1) space per one hundred (100) square feet of floor area, whichever is greater. Four (4) parking spaces per one thousand (1,000) square feet of floor area.~~

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

ADOPTED THIS ____ DAY OF _____, 2013.

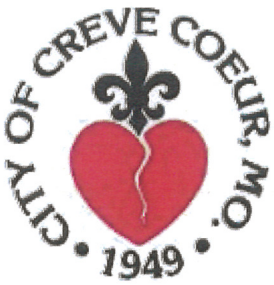
SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2013.

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
#13-009 CONDITIONAL USE PERMIT FOR APPROVAL OF A
CONDITIONAL USE PERMIT FOR JET'S PIZZA RESTAURANT WITHIN
THE SHOPPES AT QUESTOVER SHOPPING CENTER**

FOR THE MEETING OF: July 15, 2013

LOCATION: 12536 Olive Boulevard, Suite D

REQUEST: Michael Serra submitted a request for a conditional use permit for a 2,668 square foot dine-in restaurant, with 40 indoor and 16 outdoor seats, and take-out and delivery. The location is within the Shoppes at Questover Shopping Center. The Applicant is not proposing any changes to the exterior of the building or site. The property is zoned "GC" General Commercial District. Limited-Service Restaurants (NAICS 722513) are permitted by conditional use permit in the "GC" General Commercial District.

ADDITIONAL INFORMATION: Approval of the CUP is contingent upon approval of two separate applications for the rezoning of the property to eliminate some City imposed use restrictions (Ref: Application #13-016), and a text amendment to revise unrelated off-street parking requirements (Ref: Application #13-022). The use restriction limits restaurants to 25% of the building square footage, where no such limitation is provided in GC zoning districts.

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

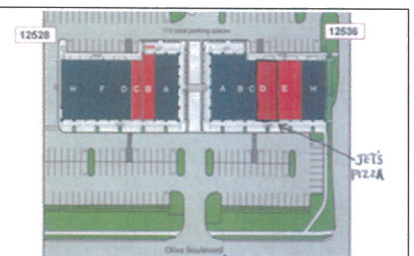
- West Olive Corridor Action Area

Zoning Code References

- Section 405.210: Regulation of Uses
- Section 405.360: "GC" General Commercial District
- Section 405.820 Required Off-Street Parking Spaces
- Section 405.550: Environmental Performance Standards

APPLICANT: Michael Serra
Crevco Pizza LLC dba Jet's Pizza
19694 Westchester Drive
Clinton Twp, MI 48038

PROPERTY OWNER: Kelly Diehl
Altus Properties, LLC
1610 Des Peres Road, Ste 320
St. Louis, MO 63131



REPORT PREPARED BY:

Whitney Kelly
Whitney Kelly, AICP

7/12/2013

Date

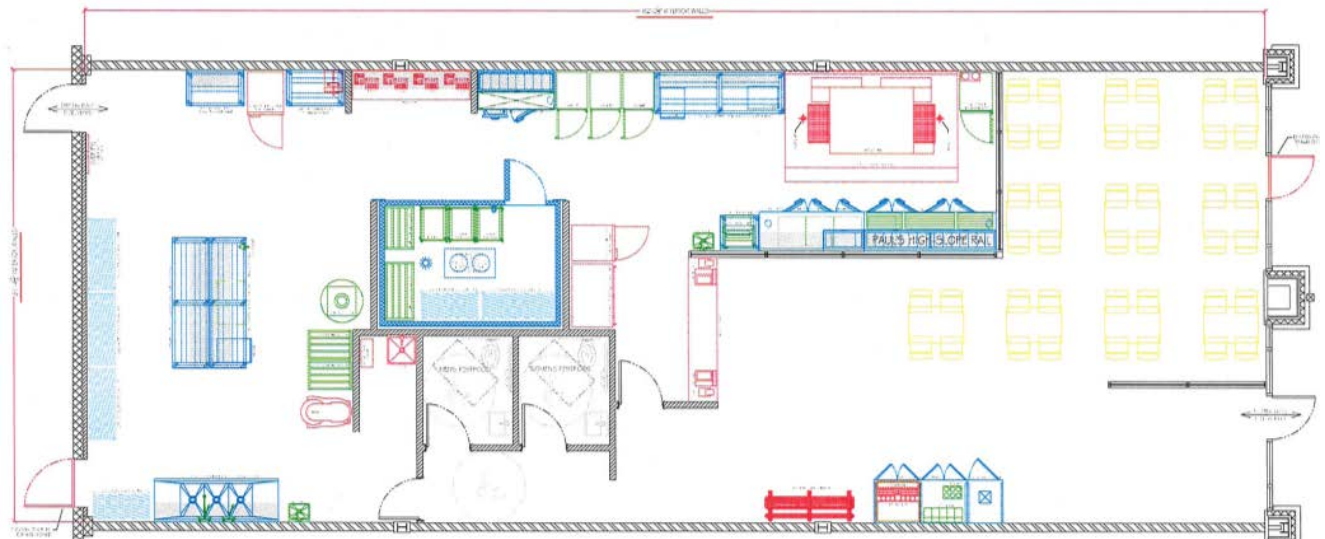
ATTACHMENTS: Applicant's Materials
Draft Ordinance
Public Comments received by July 12, 2013

PROPERTY HISTORY

The Shoppes at Questover, located on 3.82 acres at 12528 and 12536 Olive Boulevard, was rezoned to "GC" General Commercial in 2004 (Ordinance #3017) and the property was developed per the site development plan. Included with the rezoning, Ordinance #3017 provided further restrictions on the property that includes "Eating and Drinking Establishments shall not occupy more than 25% of the approved building square footage for the building footprint and a single eating establishment shall not exceed 3,500 square feet in size, and shall be on sites of not less than two acres". Section 405.470(14) Food Services and Drinking Places (NAICS 722) of the Zoning Ordinance does not apply an acreage requirement for properties within the "GC" General Commercial District. Limitations of restaurants to building square footage only applies to restaurants in the "CB", "PO", "PC" and "LI" Districts that are located within a retail or office building, provided that such restaurants do not collectively occupy more than forty percent (40%) of the building square footage. Therefore, the property owners have submitted an application for the technical rezoning of the property to eliminate the additional restrictions to be consistent with other "GC" General Commercial Districts in the City, in order to fill the remaining vacancies within the center (ref. Application #13-016).

Jet's Pizza is seeking approval for a second location in the City within the western building of 12536 Olive Boulevard. The proposed 2,668 square foot will increase restaurant space to 40% of the building's square footage. The Applicant is not proposing any changes to the exterior of the building or site. Approval of the conditional use permit is contingent upon the approval of two separate applications to eliminate the additional restrictions on the property, and revise the off-street parking requirements, discussed further under Zoning Review.

Below is a close-up of the floor plan for Jet's Pizza:



LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Retail-Heritage Shopping Center	"CB" Core Business District / Un-incorporated St. Louis County "C 8" Planned Commercial District	Olive Boulevard
South	Residential-Questover Place and Questover Crossing	"B" Single Family Residential / "AR" Attached Single Family Residential	NA
East	Retail Shopping Center	"GC" General Commercial District	NA
West	Veterinarian Office-Creve Coeur Animal Hospital	"GC" General Commercial District	NA

COMPREHENSIVE PLAN REVIEW

The subject site is located within the West Olive Corridor Action Area of the Comprehensive Plan. The West Olive Corridor possesses a mix of residential and commercial structures but has an overall commercial character.

The Comprehensive Plan promotes a "neighborhood business concept" for the area roughly between Tempo Drive and Barnes West Drive. According to the "Vision" and the Residential Preservation and Economic Development" sections of the West Olive Corridor, development should coexist with adjacent residential neighborhoods and impacts of commercial development on neighborhoods should be mitigated. Particular attention is paid to the Questover subdivisions, which are located south of the subject site. The planning context speaks to neighborhood scale development and a departure from auto-oriented development. Moreover, the business establishments in this area would consist of "small retail/restaurants and specialty shops." The addition of a new restaurant within the proposed center would be consistent with the mix of uses in the area.

ZONING REVIEW

Restaurants are permitted with conditions in all commercial zoning districts within the city, and the applicant is leasing an existing tenant space in a development that has a mix of retail and restaurant uses. No changes to the exterior of the building or site are proposed so no site development plan review is required. Restaurants in the GC District are not limited to a minimum acreage requirement, nor limited to a percentage of square footage of the building. Therefore, review of the request per the Zoning Ordinance is limited to the parking analysis.

Parking

Parking regulations for restaurants are discussed under Section 405.820(F)(5) Required Off-Street Parking Spaces. As indicated earlier, the property owner has also submitted an application for a text amendment to revise the required parking for Hair, Nail, and Skin Care Services. The following table shows the parking calculations for the entire center, with the far right column indicating the parking calculations with the proposed change for Hair Nail and Skin Care Services to that of 4 spaces per 1,000 sq. ft. of floor area (refer to Application #13-022 for further information):

Tenant	Use	Size (sq.ft.)	Parking Regulations	# of spaces*	Revised Per App. 13-022**
La Salsa	Restaurant	2,928 (+74 indoor seats, 40 outdoor seats)	1/3 seats in C.U.P., 1/8 outdoor seats, + 1/250 sq.ft.	41.38	41.38
Performance Eyecare	Retail	1,732	4/1000 sq.ft.	6.93	6.93
Great Clips	Hair Salon	1,157	3.5/station or 1/100 sq.ft.	11.57	4.64
Jet's Pizza	Restaurant	2,668 (+40 indoor seats, 16 outdoor seats)	1/3 seats in C.U.P., 1/8 outdoor seats, + 1/250 sq.ft.	26.00	26.00
Vacant	Retail	2,668	4/1000 sq.ft.	10.67	10.67
Metro Hair	Hair Salon	2,840	3.5/station or 1/100 sq.ft.	28.4	11.36
Gulf Shores	Restaurant	2,928 (+87 indoor seats, 80 outdoor seats*)	1/3 seats in C.U.P., 1/8 outdoor seats, + 1/250 sq.ft.	50.71	50.71
Vacant	Retail	1,450	4/1000 sq.ft.	5.8	5.8
NY Subs	Restaurant	1,281 (16 seats)	4/1000 sq.ft. when ≤ 16 seats	10.46	10.46
Amor Nails	Nail Salon	1,334	3.5/station or 1/100 sq.ft.	13.34	5.32
American Dental	Dental Office	4,002	4/1000 sq.ft.	16.01	16.01
Massage Envy	Personal Service Salon	2,840	3.5/station or 1/100 sq.ft.	28.4	11.36
Total Building:		25,160	Total:	249.67	200.64
15% Reduction			Total Required:	213	171
Total Parking Available On-Site: 173					

* Represent the number of spaces required under the current ordinance. 1 space per 100 sq. ft. of floor area. The number of stations for the salons was not provided.

** Represents the parking spaces required per the proposed text amendment for Hair Nail and Skin Care Services

Note that the CUPs for La Salsa and Gulf Shores Restaurants did not include outdoor seating. The number shown is from an on-site count by the property owner. Future amendments to the corresponding conditional use permits may be necessary. The number is included here to provide an accurate accounting of the existing conditions. The Applicant submitted a site plan indicating that there are 173 parking spaces available on site, thus a regulatory surplus of 2 parking spaces should Application #13-022 receive approval. A condition of approval includes that all employee parking, and delivery and company vehicles shall be parked in the rear (south) parking area.

Noise and Smells

Public comment received at the time of writing the staff report, include a concern for increase in noise and smells. The draft ordinance includes the usual condition that the restaurant shall use a tempered makeup air system in order to reduce cooking smells, as required per the Building Code. Section 405.550(2) Noise requires that sound levels and impulsive type noises shall

comply with the St. Louis County noise standards as established and enforced by the St. Louis County Noise Abatement Office of the Department of Community Health and Medical Care. These are the usual and customary regulations applied throughout the city.

RECOMMENDATION

Based on the above analysis, the request for a conditional use permit meets all of the applicable requirements of the Comprehensive Plan and the Zoning Ordinance. Conditions listed below are the usual and customary conditions for restaurants which are included in the draft ordinance:

1. The conditional use permit shall be for the operation of 2,668 square-foot, dine-in, with take-out and delivery, restaurant at 12536 Olive Boulevard, Suite D, subject to the approval of a text amendment regarding the off-street parking for Hair, Nails, and Other Personal Care Services, and the rezoning of the property to allow for such use above 25% of the total building square footage.
2. Seating is limited to a maximum 40 indoor seats and 16 outdoor seats. A minimum four foot wide, unobstructed and clear pedestrian path must be maintained at all times if outdoor seating is placed adjacent to the building.
3. Hours of operation shall not exceed 11:00 am to 10:00 pm, Sunday through Thursday and 11:00 am to 11:00 pm Friday and Saturday. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
4. The owner of the property shall address all outstanding property maintenance violations on the property to the satisfaction of the Chief Building Official prior to the issuance of any final Certificate of Occupancy for the restaurant permitted by this ordinance.
5. There shall be no outdoor storage or placement of any materials or equipment.
6. Employee parking, delivery and company vehicles shall be parked in the rear parking area behind the building line or as far from the public right-of-way as possible.
7. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
8. The restaurant shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.

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 #13-009 for a Conditional Use Permit for Jet's Pizza restaurant located at 12536 Olive Boulevard Suite D, subject to the conditions contained in the draft ordinance attached to the staff report prepared for the meeting of July 15, 2013" (conditions may be added, eliminated, or modified by preceding motion).

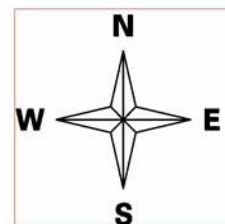
APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

APPENDIX 3: AERIAL PHOTO



APPENDIX 4: SITE PHOTOGRAPHS

Photo Date: 07/10/2013



Description: View of the building at 12536 Olive Boulevard looking south at the entrance into the Shoppes at Questover Center.



Description: View looking southeast from the northwest corner of the property. Note the available parking throughout the center.



Description: View looking southwest at the building at 12536 Olive Boulevard.



Description: View looking southwest from the northeast corner of the property at both building of the Shoppes at Questover. Note the available parking throughout the center.



Description: View looking northeast from the rear property line at the building at 12536 Olive Boulevard. Note the available parking.



Description: View looking north from the rear property line at the building at 12536 Olive Boulevard. Note the available parking.

city
of

CREVE COEUR

PLANNING DIVISION

300 North New Ballas Road Creve Coeur, Missouri 63141

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

PLANNING AND ZONING COMMISSION AGENDA APPLICATION CONDITIONAL USE PERMIT

PLEASE COMPLETE FRONT AND BACK PAGES

Applicant:	Applicant's Representative (if applicable):
<u>Michael Serra</u> Name <u>CCP Pizza LLC dba Jet's Pizza</u> Company (if applicable) <u>19694 Westchester Dr.</u> Address <u>Clinton Twp., MI 48038</u> Address Telephone # <u>313-520-8493</u> Fax # _____ Email: <u>mserra@serraproduce.com</u> <u><i>Michael Serra</i></u> Applicant's Signature	<u>Tony Giarratano</u> Name <u>Lord Partners</u> Company (if applicable) <u>214 S. Bemiston Ave ^{Suite 25}</u> Address <u>St. Louis, MO 63105</u> Address Telephone # <u>314-276-2352</u> Fax # _____ Email: <u>tonyg@lordpartners.com</u> <u><i>Tony Giarratano</i></u> Applicant's Representative's Signature

Property Information:	Owner's Acknowledgement (if different from applicant):
<u>12536 Olive Blvd Suite D</u> Address <u>Creve Coeur, MO 63141</u> Address <u>The Shoppes at Questover</u> Development Name (if any) <u>Mixed Use District</u> Current Zoning Prior CUP Approvals (if known) _____	<u>Kelly Diehl</u> Name <u>Altus Properties LLC</u> Company (if applicable) <u>1610 Des Peres Rd, Ste 320</u> Address <u>St Louis, MO 63131</u> Address Telephone # <u>314-569-5000</u> Fax # <u>314-569-5059</u> Email: <u>cbhake@altusproperties.com</u> <u><i>Kelly Diehl</i></u> Owner's Signature

Description of Requested Use (attach additional sheets as needed)

General Description of Business: Take-out, dine-in, and delivery
pizza restaurant specializing in deep dish square
pizza, salads, and subs.

Gross Floor Area – Existing and Proposed: 2,668 SF

Number of Seats (for restaurant only): 40

Number of Employees at the busiest shift: 8

Hours of Operation: SUN-THURS 11AM-10PM, FRI-SAT 11AM-11PM

Current or Most Recent Use of the Property: personal fitness

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

- All delivery ~~vehicles~~ vehicles will be parked in rear of building, as far away
 from Olive Blvd. as possible.

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, May 6th, 2013.

****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: _____

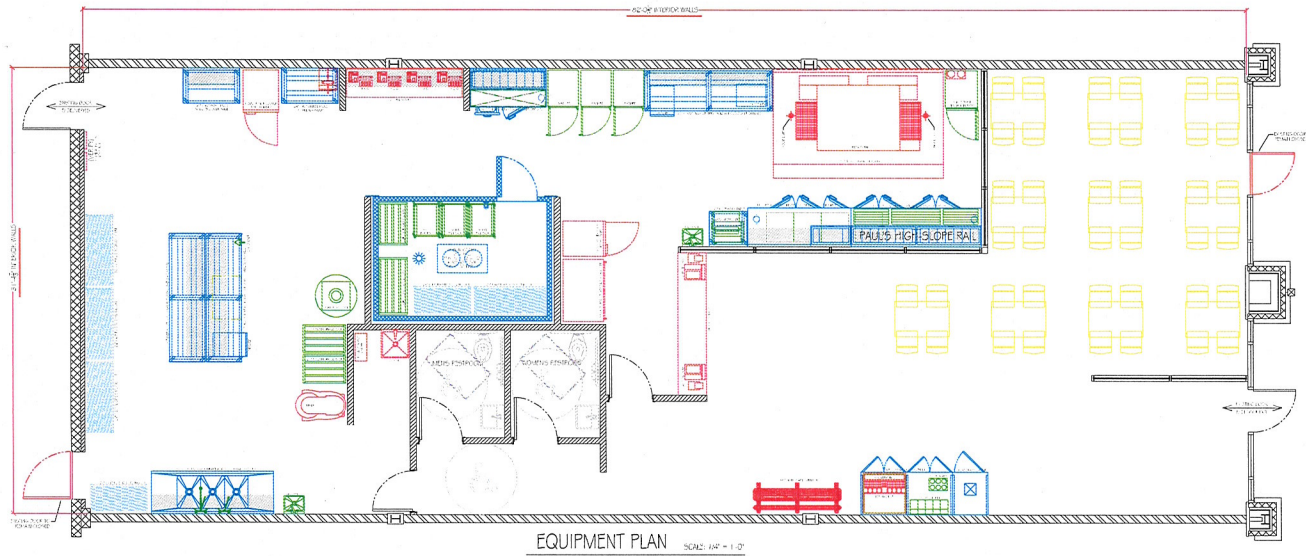
Date: _____

Paul Langdon, AICP, Planning Director

Whitney Kelly, AICP, City Planner

Julie Lowery, Administrative Assistant (872-2501)

Revised: 11/11



NOTE: NEED TO VERIFY EXACT LOCATION OF DOORS,
WALLS & WINDOWS

FLOOR AREA: 2668 SQ. FT.
SEATING: (40) PERSONS

PLAN APPROVED FOR EQUIPMENT

DATE:

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ARCHITECTURAL
STAINLESS
INC.

16575 23 MILE ROAD
MACOMB TWP., MI 48042

PHONE: (586) 786-6766
FAX: (586) 786-6860

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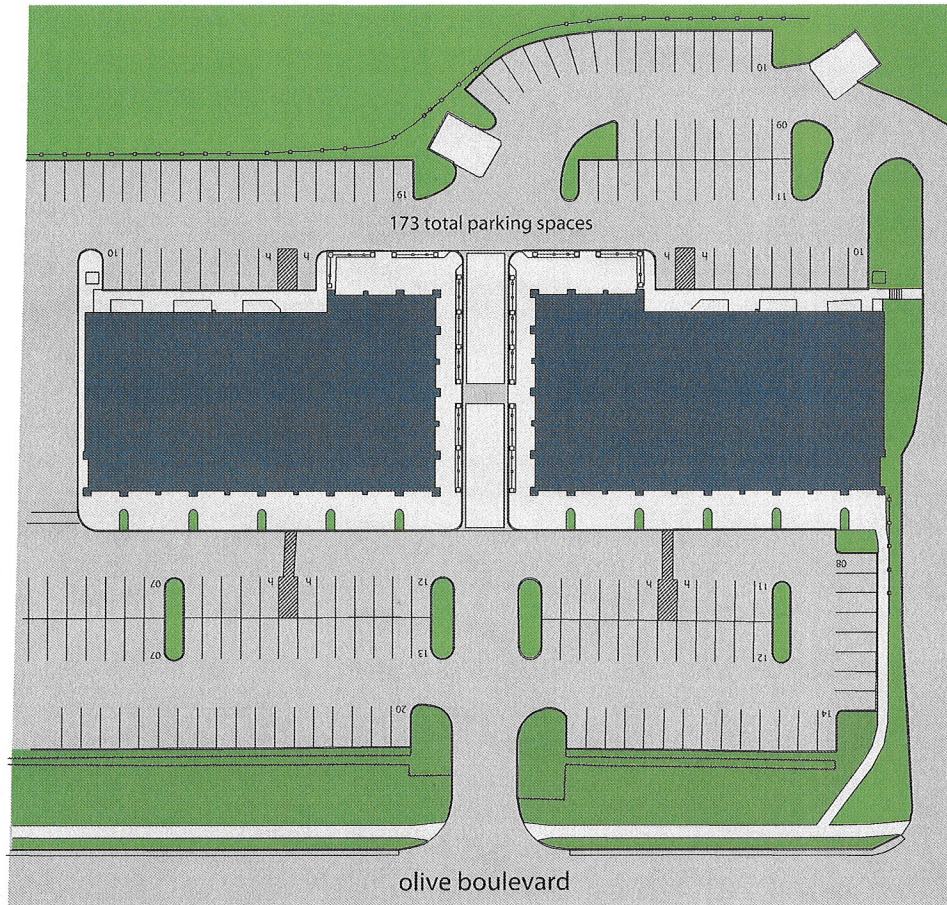
REVISIONS

DATE	ITEM	BY

**LET'S
PIZZA**
12536 OLIVE BLVD.
CREVE COEUR, MO #2

DRAWN BY: PC
DATE: 3/29/2013
A.S.I. PROJECT FILE

SHEET NO:
EQ-1



Shoppes at Questover

12528 Olive Boulevard
Creve Coeur, Missouri 63141



Shoppes at Questover



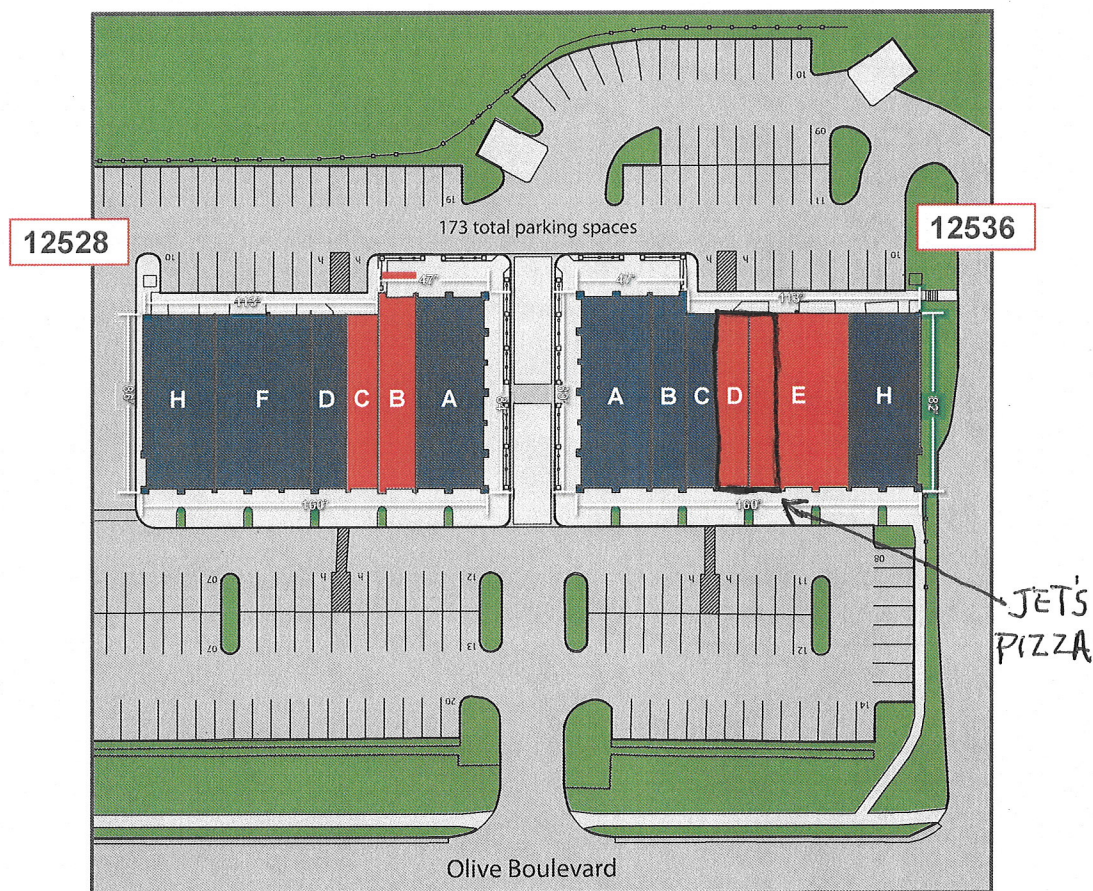
12536 Olive Blvd.

UNIT	TENANT	SF
A	La Salsa	2,928
B	Performance Eyecare	1,732
C	Great Clips	1,157
D	Available Space	1,334
E	Available Space	4,002
H	Metro Design Studio	2,840

12528 Olive Blvd.

UNIT	TENANT	SF
A	Gulf Shores	2,928
B	Available Space	1,450
C	Available Space	1,281
D	Amor Nails & Spa	1,334
F	American Dental	4,002
H	Massage Envy	2,840

● Available Space



BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE PERMIT FOR A 2,668 SQUARE-FOOT RESTAURANT LOCATED AT 12536 OLIVE BOULEVARD WITHIN THE SHOPPES AT QUESTOVER SHOPPING CENTER

WHEREAS, under Section 405.210 Table A, all restaurants in the “GC”, General Commercial 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 Michael Serra, of the Crevco Pizza LLC dba Jet’s Pizza, for a conditional use permit for a 2,668 square-foot restaurant, with takeout and delivery service, at 12536 Olive Boulevard, Suite D, located within the Shoppes at Questover Shopping Center; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, July 15, 2013, 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 July 15, 2013; and

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

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

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

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

Section 1: A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a restaurant located at 12536 Olive Boulevard, within the Shoppes at

BILL NO. _____

ORDINANCE NO. _____

Questover Shopping Center, in the "GC" General Commercial zoning district, whose legal description is as follows:

Lot A of Questover Subdivision, A subdivision in St. Louis County, Missouri, as per the Questover Consolidation Plat, Recorded in Plat Book 353, Page 34 of the St. Louis County Records.

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 2,668 square-foot, dine-in, with take-out and delivery, restaurant at 12536 Olive Boulevard, Suite D, subject to the approval of a text amendment regarding the off-street parking for Hair, Nails, and Other Personal Care Services, and the rezoning of the property to allow for such use above 25% of the total building square footage.
2. Seating is limited to a maximum 40 indoor seats and 16 outdoor seats. A minimum four foot wide, unobstructed and clear pedestrian path must be maintained at all times if outdoor seating is placed adjacent to the building.
3. Hours of operation shall not exceed 11:00 am to 10:00 pm, Sunday through Thursday and 11:00 am to 11:00 pm Friday and Saturday. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
4. The owner of the property shall address all outstanding property maintenance violations on the property to the satisfaction of the Chief Building Official prior to the issuance of any final Certificate of Occupancy for the restaurant permitted by this ordinance.
5. There shall be no outdoor storage or placement of any materials or equipment.
6. Employee parking, delivery and company vehicles shall be parked in the rear parking area behind the building line or as far from the public right-of-way as possible.
7. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
8. The restaurant shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
9. Any mechanical equipment installed for the restaurant shall be properly screened with materials approved by the Zoning Administrator.
10. 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.
11. 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.
12. 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.

BILL NO. _____

ORDINANCE NO. _____

13. 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 3 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 _____, 2013.

SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2013.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

From: [Susie Frank](#)
To: [Kelly Whitney](#)
Subject: Fwd: Jet restaurant
Date: Monday, July 01, 2013 10:16:55 AM

Sent from my iPad

Begin forwarded message:

From: Susie Frank <sfrank18@charter.net>
Date: July 1, 2013, 7:01:54 AM CDT
To: "wkrilly@ci.creve-coeur.mo.us" <wkrilly@ci.creve-coeur.mo.us>
Subject: Jet restaurant

Just to let you know that we are totally against another restaurant in Questover shoppes. We have enough noise from the other restaurants. Plus, the restaurants behind us do not keep their dumpsters closed which causes bus and rodents in our neighborhood. The excess of food businesses is hurting our subdivision and creve coeur.

Charlie and Susie frank
12511 Questover ct.
Thank you.

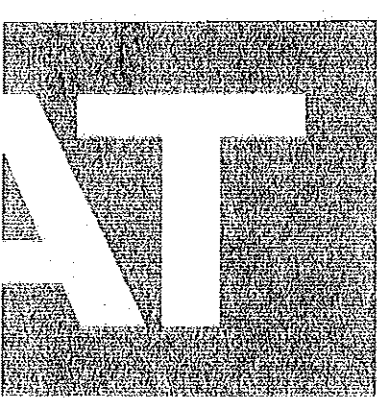
Sent from my iPad

From: mishaan@aol.com
To: [Kelly, Whitney](#)
Subject: Opposition to pizza restaurant
Date: Monday, July 01, 2013 8:32:54 AM

We live at 12503 Questover Court. For some time we've been concerned by strong odors emanating from the several eateries at Shoppes of Questover, sometimes quite overpowering. In view of this we would like to express our opposition to locating yet more eateries there, this time a pizza restaurant. We are therefore requesting that Creve Coeur not approve this addition. We are the easternmost condo in our cul-de-sac, and several others are closer to Shoppes, for them the problem is even worse.

Please make our objection known to those responsible. Thank you very much for your consideration,

Roberto & Estha Picciotto
12503 Questover Court
St. Louis, MO 63141
(314) 317-9968



John J. Diehl, Jr.

Direct T 314.259.4788 F 314.612.2398

jdiehl@armstrongteasdale.com

MISSOURI KANSAS ILLINOIS NEVADA SHANGHAI

July 12, 2013

Nicole Navarre
Stephen L. Kling, Jr.
Jenkins & Kling, P.C.
150 North Meramec Avenue
Suite 400
Clayton, Missouri 63105

Re: Altus-Questover - Jet's Pizza

Dear Nicole and Steve:

Our firm serves as counsel for the applicants identified below. Please allow this correspondence to serve as a memorialization of our recent email correspondence and agreements relating to the various Zoning Applications (the "Applications") pending with the City of Creve Coeur submitted by Altus-Questover ("Altus") and CCP Pizza, LLC d/b/a Jet's Pizza ("Jet's Pizza") as it relates to the Shoppes at Questover, 12528-12536 Olive Boulevard, Creve Coeur, Missouri 63141 (the "Property").

Your clients, Questover Place Subdivision, The Manors at Questover Subdivision and Questover Crossing Subdivision will support the rezoning application submitted by Altus, the text amendment for salon parking submitted by Altus, and the conditional use permit application submitted by Jet's Pizza, and Altus/Jet's Pizza will agree (and incorporate such agreement in the Applications) the following terms and conditions:

1. A modification of the Declaration of Restrictive Covenant recorded against the Property (the "Declaration") and City of Creve Coeur Ordinance #3017 (the "Ordinance") with respect to limitation on the percentage of building square footage of the Property for Eating and Drinking Establishments from twenty five percent (25%) to forty percent (40%), an increase in the individual maximum square footage for individual establishments from three thousand five hundred (3,500) to five thousand (5,000) square feet, and a reduction in the minimum seating for dining from sixteen (16) to ten (10) seats;
2. The provision of the Declaration and the Ordinance relating to entertainment codes will remain in effect except that provision prohibiting uses such as a Title Boxing fitness (or similar) type of operations will be removed; and
3. All other restrictions regarding the Property will remain in full force and effect. (All of the foregoing restrictions will be included in the amended and restated declaration discussed below with a consent by all mortgagees of record).

4. A text amendment to allow a modification of the parking requirements in the "GC" zoning district for salon parking of four (4) spaces per one thousand (1,000) square feet.
5. The submitted conditional use permit for Jet's Pizza, provided no outdoor music is permitted.

In addition, Altus will agree to promptly remediate certain landscaping issues at the Property as requested by your clients which include:

1. Removing dead trees along the basin area;
2. Removing a dead tree behind Questover Crossings Unit 12558 closest to the fence; and
3. Removing a nearly dead evergreen on the side of Questover Crossings unit 12566.

It is our understanding that outreach has already been made with the appropriate contact on this issue to facilitate this immediately.

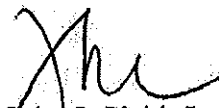
Altus will execute and cause to be recorded upon final approval by the City of the Applications, an amended and restated Declaration (the "Amended Declaration") to reflect this understanding which will be incorporated in the amendment to the zoning ordinance for the Property requested by Altus. A draft of the proposed Amended Declaration accompanies this correspondence. Altus will cause all mortgage lenders for the Property to execute or otherwise consent to the Amended Declaration by a recorded document in connection with the recording of the Amended Declaration.

We understand that that your clients are relying upon this letter agreement and the execution of the Amended Declaration in their decision to support the Applications as modified herein. A copy of this letter and the Amended Declaration will be submitted to the Planning and Zoning Commission of the City of Creve Coeur prior to the public hearing on July 15, 2013.

If this correspondence meets with your client's understanding of the proposed resolution of this matter, please countersign this correspondence.

Thank you for your cooperation and courtesy in bringing this matter to a mutually satisfactory resolution.

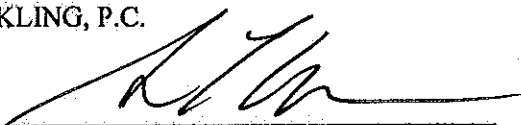
Very truly yours,



John J. Diehl, Jr.
JJD/slp

Consented to and agreed to this 12 day of July, 2013

JENKINS & KLING, P.C.

By: 

Stephen L. Kling, Jr.

Attorneys for Questover Place Subdivision, The Manors at
Questover Subdivision and Questover Crossings Subdivision.



city of CREVE COEUR

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

**APPLICATION TO PLANNING AND ZONING COMMISSION #13-017 FOR A
TEXT AMENDMENT TO THE COMMERCIAL DESIGN DEVELOPMENT
PROCEDURE TO ALLOW THE CITY COUNCIL THE DISCRETION TO
MODIFY MAXIMUM AND MINIMUM FRONT BUILDING SETBACKS AND
DOCUMENT THE APPROVAL ON THE SITE CONCEPT PLAN**

FOR THE MEETING OF: July 15, 2013

LOCATION: All commercial districts.

REQUEST:

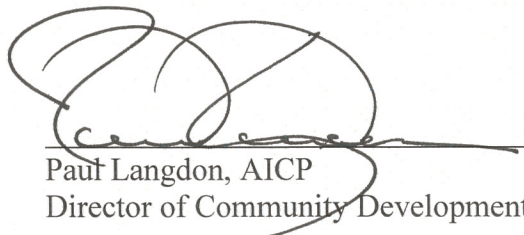
Garrick R. Hamilton, of The Koman Group, has applied to amend Section 405.450(D)(1)(c) of the Zoning Code to allow the City Council to increase maximum setbacks allowed for developments within CDD projects. Currently, only the minimum setback requirements for the commercial zoning district within which the site is located may be reduced by the City Council. The application will also have such decisions documented on the site concept plan instead of the subdivision plat.

ADDITIONAL INFORMATION:

If approved, the Applicant intends to seek approval of a site development plan for a 25,490 sq. ft. retail grocery store with a building setback from Olive Boulevard of 127 feet, and 110 feet from City Place Drive (Ref.: Application #13-019).

APPLICANT: Garrick R. Hamilton
The Koman Group, L.L.C.
6 CityPlace Drive, Suite 430
Creve Coeur, MO 63141

REPORT PREPARED BY:


Paul Langdon, AICP
Director of Community Development

7/11/2013
Date

Key Issues:

- Is this a reasonable exercise of zoning authority?
- Is this consistent with the purposes of the CDD regulations and the Zoning Code?
- Does this implement the goals of the Comprehensive Plan?

Comp. Plan References

- Goals and Strategies
- Design Guidelines

Zoning Code References

- Section 405.450.D
Commercial Design
Development Procedure
- Section 405.370 "CB"
Core Business District

ATTACHMENTS: Draft Ordinance

BACKGROUND

The CityPlace campus has developed and evolved over many years. One of the key regulations that guided that development has been the “CDD” Commercial Designed Development Procedure (Section 405.450.D) in concert with the underlying “CB” Core Business zoning district. To date, the primary use of the CDD has been to apply a campus wide coverage value that exceeds the “CB” Core Business standard of 70% on individual lots in recognition of a variety of factors including the large open space on the north side of the campus and the use of large fountains in front of several buildings. Although some of the specific regulations of the CB district have changed over the years, the CDD procedure appears to have been used to only modify the site coverage regulations. For the development of the final vacant lot on the campus, located at the northeast corner of CityPlace Drive and Olive Boulevard, the applicant has proposed a variety of plans over the years, the most recent of which received full site development plan approval in January 2007. Unfortunately, the developer was never able to complete that project.

Every proposal has followed the regulations of the CB zoning district except where the CDD procedure allowed an increase in the site coverage. However, the CDD regulations would also allow (upon City Council approval):

- a reduction in lot sizes.
- an increase in site coverage for individual lots but not the overall campus.
- an increase in floor area ratio for individual lots but not the overall campus.
- a reduction in the minimum front setback.

The latter of these is the subject of this application. The applicant has developed a site plan that relies upon a front setback of 110 feet from CityPlace Drive and 127 feet from Olive Boulevard where the CB district requires at least 50% of the building elevation along CityPlace Drive to be setback a maximum of 15 feet and all of the building façade to be a maximum of 80 feet from Olive Boulevard. In all instances, the first 10 feet are to be reserved for sidewalk and landscape. As noted above, the CDD regulations do contemplate a reduction in the minimum front setback (10 feet), but they do not allow the maximum setback to be increased. Consequently, the applicant is requesting an amendment to the text of the CDD that would allow such an increase to be approved. If done, they will follow with a site development plan application for the project with the setbacks identified above. The applicant has also proposed that any setback approvals under a CDD be documented on the site concept plan rather than the subdivision plat as is currently required.

It should be noted that although the CityPlace CDD is the only CDD approved in the city at present, and therefore there is a tendency to think of this application as a CityPlace-specific request, it could affect other areas of the city where a 10 acre commercial project is possible. At the same time, the CB district is the only one that currently has a maximum setback so a discussion of the implications of increasing a maximum setback within a CDD is really focused on the implications for the CB districts in the city.

COMPREHENSIVE PLAN AND DESIGN GUIDELINES ANALYSIS

With any text amendment, the analysis must first evaluate whether or not the proposal will result, generally, in development that is consistent with the Comprehensive Plan. There are few goals that speak to such specific standards as setbacks, however, the section on general “Goals and Strategies” states:

Community Image and Identity

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

Key to this general goal is the emphasis on the application of the Design Guidelines to building orientation and connectivity since these are both related to setbacks. The Guidelines state:

B. Streetscape/Pedestrian Orientation

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

If a building is setback more than 80 feet, it can hardly be a creative approach to improving pedestrian interest and it will certainly cause a gap in the streetscape. If there were a variety of redevelopment opportunities within the Core Business district (the only district with a maximum setback), one could propose that many subsequent projects could then be tailored to the larger setback, but such opportunities are few in number. Instead, the majority of the properties are already developed to a setback of 80 feet or less and that substantially increasing this number now will most certainly cause the type of streetscape gaps and breaks in the development pattern that are discouraged by the Design Guidelines and the Comprehensive Plan. It should also be noted that there are no statements that advocate for larger setbacks and more expansive separations from the pedestrian environment, only the opposite.

Regarding the change in documentation of setback modifications, there is no connection to or departure from the Comprehensive Plan and, therefore, there are no concerns with that one change.

ZONING CODE ANALYSIS

Furtherance of the Purposes of the Code

Changes to the Zoning Code must also be consistent with the purposes of the code, in general, and the particular regulatory section, in particular. The purposes of the Zoning Code are:

1. To protect, provide for and promote the public safety, health, convenience, comfort, morals, prosperity and general welfare of the residents of the City of Creve Coeur, Missouri.
2. To encourage the most appropriate use of land, to conserve and enhance the value of property, to provide adequate open spaces for light and air, to prevent undue concentration of population, to avoid excessive congestion of streets, to secure safety from fire, flood and other dangers and to assist in the provision of adequate community utilities and facilities such as transportation, water, sewage, schools, parks and other amenities in the City of Creve Coeur.
3. To guide the future growth and further development of the City within the spirit and intent of the Comprehensive Plan or current land use plan with variations requiring public disclosure and rational.
4. To protect and conserve the value of buildings and improvements and to minimize the adverse impact of development on adjoining or nearby properties.
5. To establish a beneficial relationship between the uses of land and buildings and the public street system; to require the proper location and design of streets and building lines; and to make adequate provision for pedestrian traffic circulation.
6. To encourage the wise use and management of natural resources; to provide adequate and safe recreational areas; to maintain the natural beauty and topography of the City and to ensure appropriate

development with regard to these natural features; to minimize the pollution of air, ponds and streams; to ensure the adequacy of stormwater drainage and detention facilities.

It is difficult to draw any conclusions from statements “1” and “2” above given that they encompass the broadest range of zoning purposes. The proposal could enhance purpose “6” since greater flexibility in the placement of a building might increase options that would spare natural resources on a site. This could lead to some concerns, however, that are discussed below under “Effect in Practice.” As stated above, the proposal is not fully supported by the Comprehensive Plan and so it is not fully in keeping with statement “3.” Finally, “4” and “5” go to very site specific concerns and there is nothing inherently conflicting between the proposal and those statements, save for the following. The value of an area is based upon a variety of factors, but one of them is the overall quality of design and cohesiveness of the neighborhood in which it is located. Urban areas, for example, achieve their vitality and value because they built in a consistently compact form. This is why cohesive, coordinated site planning is sound planning practice. Along Olive Boulevard, between the I-270 interchange and Craig Road, for example, the City has sought to keep the setbacks with the current limitations of the CB and GC (General Commercial) districts and the majority of the developments are setback 80 feet or less. There are several, however, that exceed 80 feet. If this is exacerbated by further setback departures under the CityPlace CDD, cohesiveness is further eroded and this cannot, as a matter of sound planning practice, represent a positive for other properties or a beneficial relationship between the buildings and the street system.

Turning to the specifically affected sections of the Code, Section 405.450.D, Commercial Designed Development Procedure states in the preamble that a CDD may be approved by the Council, “...when it finds that the commercial designed development proposal is consistent with good planning practice, consistent with good site landscape planning, is not detrimental to the existing and permitted uses in the surrounding area, is deemed desirable to promote the public interests and purposes of the Zoning Code...” As stated above, the concept of pushing buildings back from the street has never been embraced as good planning and, where it inevitably is done only to create a larger, more obvious parking lot, it is not consistent with good landscape planning. Further, and given how many developments have worked with the City to keep their front setbacks as short as can be mutually agreed upon, one must also ask what message is sent to those development owners when an exception is suddenly granted to a project only because the owner and tenant do not prefer to do the same as the others before them. Indeed, even the applicant has made such efforts in the past. So, while one might debate whether or not the detriment is in the form of traffic or decreased values, Staff suggest that the detriment is also in the damage to the working relationship that the City must maintain with all of its commercial residents, not just the one that prefers not to make the same adjustments that so many others have made beforehand.

It is fair to say that the requested change, whereby any setback modifications that are approved are noted on the site concept plan instead of the subdivision plat, is of only minor consequence to the purposes of the Zoning Code except, perhaps, that documenting them this way probably makes more clear the relationship between the development that has warranted the modification and the approved setback. Any time that zoning regulations are made more clear and connected to the development that arises from them, there is a benefit to the public. The only change staff suggest in this regard is that *any* changes allowed under a CDD be noted on the site concept plan, not just the setback.

Effect in Practice

The applicant asserts that the proposed change merely provides the City with the flexibility to consider a broader range of possibilities; to more carefully customize an approval to the conditions at hand. If a given project is set too far back, the argument goes, then the City can simply deny the site development plan. If this were in the context of a stand-alone planned-zoning district, staff would agree. Planned zoning relies upon flexibility and the well-considered decision of the Planning Commission and City Council to match a proposal to its larger context. In the case of the CDD, however, the issue of front setback should not be considered a freely debatable point. Front setback is a key site planning standard that is calibrated to match the overall purpose or context of the underlying zoning district. In the instance of the CB zoning district, which is the only district where this amendment would be in play, the context is already established as one of a higher density and a more urban land use pattern than the lesser commercial districts (GC for example). That is why the current language does not permit an increase in the maximum setback; to do so is contrary to the context already established by the district. The effect in practice, then, is not simply to provide simple flexibility, it is to provide an opportunity for a site design standard to move in the opposite direction intended by the current language which, in turn, allows a given project to step out of the context in which it is supposed to be a part. This does not represent the kind of certainty that pre-determined zoning districts are supposed to provide. If a project is so unique or on such an unusual lot that those certain standards are not workable, then a planned zoning district or a variance are the appropriate paths to approval.

The simpler matter here is the documentation of any setback modifications on the site concept plan instead of the subdivision plat. Since the public and the staff typically start with project drawings when trying to answer questions of development limits, it makes sense to note the modified setback (or any other modification, see above) on the site concept plan.

CONCLUSION

Staff believe that the setback proposal allows a significant departure from the underlying context of the CB zoning district and, as such, does not represent good zoning practice. Other options are available for truly unique projects or site conditions that do not risk weakening a pre-existing district. Staff believe the proposed change in documentation from the subdivision plat to the site concept plan is appropriate and should be extended to all modifications allowed under the CDD procedure. Although this represents a mixed opinion, a draft ordinance showing only the proposed amendments is attached for discussion purposes.

ACTION AND MOTION

If the Planning and Zoning Commission believe that the amendments accomplish the purposes of the Comprehensive Plan and Zoning Code as proposed, then they should support a motion on the attached draft ordinance. Whether or not the members of the Commission support any request, the motion should be made in the affirmative and then votes cast “yea” or “nay” on that motion. The following is an example motion for this application:

“I move to recommend approval of the draft text amendment ordinance attached to the July 15, 2013, staff report on Application #13-017 to amend Section 405.450.D., paragraph “1.c” to allow an increase in a maximum setback under a Commercial Design Development Procedure and require documentation on the site concept plan as discussed by the Planning Commission this day.” (Modifications must be made by preceding motion).

If the members wish to vote on the setback and documentation amendments separately, the following is an example motion:

“I move to recommend approval of the proposed [setback]/[documentation] text amendment to Section 405.450.D, Commercial Design Development Procedure, discussed in the staff report on Application #13-017, and direct staff to prepare the appropriate draft ordinance, as discussed by the Planning Commission this day.”

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.

AN ORDINANCE AMENDING CHAPTER 405.D COMMERCIAL DESIGN DEVELOPMENT PROCEDURE (CDD) OF THE ZONING CODE OF THE CITY OF CREVE COEUR, MISSOURI TO ALLOW THE CITY COUNCIL TO APPROVE MODIFICATIONS TO MAXIMUM AND MINIMUM SETBACKS WITHIN A CDD AND TO DOCUMENT SUCH APPROVALS ON THE SITE CONCEPT PLAN.

WHEREAS, an application by Garrick R. Hamilton, on behalf of The Koman Group, L.L.C., has been submitted to allow the City Council to approve modifications to maximum and minimum setbacks within a CDD and to document such approvals on the site concept plan; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to the Commercial Design Development Procedures of the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday July 15, 2013, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of _____ recommended approval of the subject amendments at its meeting on Monday July 15, 2013; and,

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

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

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

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

SECTION 1: Section 405.450.D.1, paragraph c is hereby repealed and a new paragraph c is enacted in lieu thereof, as follows:

- D. *Commercial Designed Development Procedure.*
 - 1. *Planned commercial developments and campuses.*
 - c. *Setbacks.* The minimum and maximum setback requirements as set out in the regulations for the commercial zoning district within which the site is located may be modified by the City Council and, if so modified, shall be set out on the site concept plan to be

BILL NO. _____

ORDINANCE NO. _____

submitted in accordance with Chapter 405.1080.D, *Site Concept Plans*.

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

ADOPTED THIS ____ DAY OF _____, 2013.

SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2013.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



**APPLICATION TO PLANNING AND ZONING COMMISSION
#13-024 FOR A TEXT AMENDMENTS TO THE PLANNED RESIDENTIAL
DEVELOPMENT (PRD) DISTRICT REGULATIONS TO ALLOW FOR AN
INCREASE IN DENSITY AND FLOOR AREA RATIO (FAR)**

FOR THE MEETING OF: July 15, 2013

LOCATION: Any subsequently approved PRD.

REQUEST:

Joe, Nicpon, of Terra West Apartments, has applied to amend Sections 405.390(D)(2)(a)(2) and (4) of the Creve Coeur Zoning Code to increase the maximum density from 20 units to 40 units per acre and increase the maximum FAR from 0.4 to 0.6, respectively.

The proposed text amendment will allow the applicant to seek approval of the rezoning and redevelopment of the 7.07 acres at 10545 Old Olive Street Road (formerly Hamilton Christian Church) as a multi-family planned residential development with a commercial component along Old Olive Street Road.

ADDITIONAL INFORMATION:

The planned zoning districts were approved in 2008, originally in an attempt to rezone the downtown condominiums to a zoning category that was not primarily commercial (Core Business). Since that time, no new projects have been approved with Planned Residential Development (PRD) zoning.

APPLICANT: Joe Nicpon
Terra West Apartments, Inc.
5091 Baumgartner Road
St. Louis, MO 63129

REPORT PREPARED BY:


Paul Langdon, AICP
Director of Community Development

7.12.2013
Date

Key Issues:

- Is this a reasonable exercise of zoning authority?
- Does the request further or implement the goals of the Comprehensive Plan?
- Is the request consistent with the purpose of the Planned Zoning Districts and the Zoning Code?

Comp. Plan References

- Goals and Strategies
- Design Guidelines
- Commerce Center Action Area

Zoning Code References

- Section 405.390(D)(2)(a) Planned residential development (PRD)

ATTACHMENTS: Draft Ordinance
Public Comments in Opposition (4)

BACKGROUND

The Planned Zoning Districts (“PRD” Planned Residential Development and “PCD” Planned Commercial Development) were adopted in 2008 in an effort to provide the condominiums along Coeur de Royale Drive and Sarah Lane a zoning designation that was not primarily commercial (they had been zoned “CB” Core Business). At the time, the City had never had a true planned zoning process, only the “Design Development” procedures that had very limited discretion since they were, essentially, overlayed on existing districts. As such, a lot of time was spent simply coming to understand how such districts are best used and what limitations should be placed on their use.

Planned districts are a form of flexible zoning that, when mutually agreed upon by the City and the developer, can allow the most interesting and challenging projects. Ideally, they should be used only for those projects that cannot be accommodated by the conventional districts but can offer some unique aspects that the Planning Commission and City Council find to be of particular value to the community. In other words, their flexibility should be balanced by high expectations.

In the 2008 deliberations, the Planning Commission and City Council had specific discussions about the housing density and floor area ratio (FAR) that should be allowed in the PRD. Initially, the FAR was not limited but the density was limited to 20 dwelling units/acre. An FAR of 0.6 was first proposed, but it was ultimately lowered to 0.4 in response to concerns of the Council that 0.6 would allow too much building bulk on a given site. Since approval, the only PRD approved has been the one initially sought for the condominiums.

The applicant is wishing to develop a mixed-use, mixed-residential development on a former church site (Hamilton Church) on Old Olive Boulevard. A large site, the property has CB district commercial development on one side, and single-family attached and detached housing on the other. After considering a variety of residential and commercial options, the applicant believes that a low-rise combination of all these uses is the best concept for this site and that a PRD is the most effective way of regulating the project. However, to do so, they will require greater flexibility in the PRD regulations. Specifically, they have applied to have the PRD density increased from 20 to 40 dwelling units/acre and the FAR raised from 0.4 to 0.6. The FAR is the ratio of gross building floor area to site area. For example, a 10,000 square-foot building on a 10,000 square-foot site has a FAR of 1. The same building on a 20,000 square-foot site has a FAR of 0.5.

It should be noted that the applicant’s early concepts are not designed to these standards; they are designed to both a lower density and FAR. However, in discussions with City staff, they realized that the planned zoning district lacks flexibility and have requested standards that would grant such flexibility.

COMPREHENSIVE PLAN AND DESIGN GUIDELINES ANALYSIS

With any text amendment, the analysis must first evaluate whether or not the proposal will result, generally, in development that is consistent with the Comprehensive Plan. Given that the entire conception of the PRD (and PCD) is to allow projects only if they demonstrate strong agreement with the goals of the Comprehensive Plan, the zoning should, by extension, be an effective implementation of the Comprehensive Plan.

At the time of their initial development, the following statement was made in a staff report:

Floor Area Ratio (FAR). It is the purpose of a planned district to remain flexible so that amenities that may be highly desired by the community can be provided by developers while keeping the project financially viable. However, it was pointed out that certain conditions will never be tolerated by the community and the PZD should respond to those limits. The first of these is FAR. This numerical balancing of building height and coverage is expressed as a ratio of gross floor area to gross site area. In the residential districts that are most similar to what would be expected in a PRD (C, D, and AR), the maximum FAR is 0.4. (Staff report on Application 08-029, dated August 28, 2008)

The question before the City raised by this application is whether or not an FAR above 0.4 will, in fact, "...never be tolerated by the community." Indeed, at various times, some residents in the city have spoken out against higher density developments and the Comprehensive Plan does state:

Community Image and Identity

4. *Maintain the City's strong low-density residential image and character. (p.23)*

However, there are existing residential developments with higher floor area ratios (King's Landing: 1.28; Summit Lofts: 1.25 originally, subsequently reduced to 0.89, Ballas Condominiums: 0.7). There are also many condominium projects in the city where the FAR was not determined at the time of construction, but it is clear by inspection that they exceed an FAR of 0.4 (Coeur de Royale, Golfview). It should also be repeated from the 2008 staff report that an FAR of 0.4 is allowed in the C, D, and AR single-family districts. Although there was concern about keeping PRD developments fully compatible with the low-density single-family residential areas, it is difficult to conclude that limiting the PRD to the same FAR will provide the kind of development flexibility that is necessary to attract the type of creative, mixed-use projects for which the planned zoning district was created. Indeed, it is likely that most residents would be opposed to such developments in the single-family residential portions of the city, but approving them in those locations would be contrary to the Comprehensive Plan and the land use pattern established by the Zoning Map.

Questions of density are not as clearly spelled out in the planning history or the Comprehensive Plan. The applicant is proposing a maximum allowed density of 40 units per acre within a PRD, while the "CB" Core Business district allows 20 units per acre by right and sets no limits with the approval of a conditional use permit. The "AR" Attached Single-family Residential district allows a maximum of 6 units per acre. Within the city, multi-family developments exist at a variety of densities. Mill Crossing, on the west end of Olive Boulevard, is 13.8 units per acre while King's Landing, in the core business area, was approved for 170 units on 3.17 acres, or 53.6 units per acre. On Old Olive Street Road, Carriage House condominiums are 23 units per acre. Clearly, there are locations appropriate to a wide variety of densities.

In the portions of the city that are not dominated by low-density residential (designated Core Business District and Commerce Center in the Comprehensive Plan), the following goals appear in the Comprehensive Plan:

Commerce Center-Residential Preservation and Economic Development

3. *Encourage the redevelopment of the area between Olive Boulevard and Old Olive west of Lindbergh Boulevard with uses that will serve and complement business park users and their employees. Improve the quality of this development through enforcement of the City's*

*Design Guidelines, and ensure that redevelopment plans include the “green line” park.
(p.70)*

Central Business District – Residential Preservation and Economic Development

6. *Create a master plan or a redevelopment plan for the town center area within the Central Business District...Specifically, this master plan or redevelopment plan should have the following components:*

- **Mix of Uses** – *It is desirable that the Central Business District include a mix of uses, including retail, entertainment, cultural activities, office, residential, and civic uses, but the mix of these uses will be determined based on the market analysis.*
- **Density of Development** – *the density of development in this area should also be determined based upon a market analysis. In Central Business District 1, 2, and 3, the City should encourage higher densities and floor area ratios i.e., 4-5 story buildings (or taller in some areas) and floor area ratios of 3.0 instead of the current 1.25, to the extent feasible from a marketing and compatibility standpoint. Density in Central Business District 4 and 5 should remain lower, since they are transition areas and serve as buffers between the residential neighborhoods and areas of higher density.*

To quote from the staff report of March 18, 2013 referencing the proposed apartment complex on Old Olive Boulevard (within the Commerce Center planning area):

Most of this area has been languishing. The Parcel 1 property has remained vacant, and the church down the street at 10545 Old Olive Street Road is closing after their Easter Service at the end of the month. The current business climate is not moving toward more small scale retail development and the lack of connectivity across Lindbergh Boulevard does not lend itself to further commercial redevelopment along Old Olive Street Road. The inclusion of new residential units in the area would offer a complementary use to the businesses, particularly in the nearby life-science industries, were many of the employees prefer to live within walking or biking distance from work, and/or within a walking distance to the existing retail and commercial developments. Providing new quality residential units in this area appears to meet with the intent of the Comprehensive Plan and could spur on further redevelopment efforts that would also support the existing commercial and retail developments.

Taking all of these points together, there are places in the city where higher development intensities were foreseen by the Comprehensive Plan and the subsequent 10 years have shown that such development is either successful or sought by the development community. Staff believe that the important point, relative to the Comprehensive Plan, is that the city is diverse enough to accommodate a broad range of housing densities and, subject to the many other design limits and expectations in the planned zoning districts, the PRD can, on a site specific basis, allow higher densities and still satisfy the goals of the Comprehensive Plan. That is not to say that high densities are always desired or appropriate, but such is the intended function of a planned district that it can be tailored to a specific set of circumstances.

ZONING CODE ANALYSIS

Furtherance of the Purposes of the Code

Changes to the Zoning Code must also be consistent with the purposes of the code, in general, and the particular regulatory section, in particular. The purposes of the Zoning Code are:

1. To protect, provide for and promote the public safety, health, convenience, comfort, morals, prosperity and general welfare of the residents of the City of Creve Coeur, Missouri.

2. To encourage the most appropriate use of land, to conserve and enhance the value of property, to provide adequate open spaces for light and air, to prevent undue concentration of population, to avoid excessive congestion of streets, to secure safety from fire, flood and other dangers and to assist in the provision of adequate community utilities and facilities such as transportation, water, sewage, schools, parks and other amenities in the City of Creve Coeur.
3. To guide the future growth and further development of the City within the spirit and intent of the Comprehensive Plan or current land use plan with variations requiring public disclosure and rational.
4. To protect and conserve the value of buildings and improvements and to minimize the adverse impact of development on adjoining or nearby properties.
5. To establish a beneficial relationship between the uses of land and buildings and the public street system; to require the proper location and design of streets and building lines; and to make adequate provision for pedestrian traffic circulation.
6. To encourage the wise use and management of natural resources; to provide adequate and safe recreational areas; to maintain the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features; to minimize the pollution of air, ponds and streams; to ensure the adequacy of stormwater drainage and detention facilities.

Unlike a conventional zoning district where certainty in the outcome is one of the key characteristics of the district, the specific standards in a given planned zoning district are inherently difficult to predict. As indicated from their very creation, planned districts should be flexible in concept and then each unique approval honed to ensure that the purposes of the Zoning Code are being followed at a given location. It is certainly possible that approval of a development in one location would not meet those purposes, but in another location, it would. Ultimately, staff believe that as long as the district requires that the City carefully undertake a public comparison between the project and the Zoning Code and requires documentation of the decision, the purposes of the Zoning Code are met.

Effect in Practice

If the amendments are approved, it is possible that a PRD will get approved in the future that has a density of 40 dwelling units per acre and a FAR of 0.6. This would not be the highest density nor the highest FAR in the city and would have to be balanced against the high design and public benefit expectations set by the defined approval process. The city will still be predominantly low-density residential development and none of the usual efforts to protect residences through buffers and traffic control are diminished if the application is approved. On the other hand, any proposed project that does approach or reach these limits of density and FAR will, in its context, have visual and functional impacts that will need to be considered and mitigated before any approval can be granted.

CONCLUSION

Unlike conventional zoning districts that establish the larger context in which a project is approved, a planned development (residential in this case) must respond to the context around it. To be able to do this, the Zoning Code must provide sufficient flexibility in the development standards for a project to address that context and remain economically viable. Both the proposed FAR and residential density are below standards approved for other developments in the city but are greater than the majority of developments in the city. Both provide a degree of flexibility but are not effectively unlimited. Some residents have spoken for and against these proposals and the Planning Commission is aware of specific projects, both on Old Olive Street Road, that would be built to similar limits.

Finally, Staff believe that simply allowing flexibility is not tantamount to changing the character of the city and these proposals do represent sound planning practice for the following reasons:

- There are several developments in the city that already exceed the standards being proposed and those projects do not appear to have harmed the character of the community.
- There are few locations where a PRD can even meet the eligibility criteria so there will be few applications to begin with.
- The extensive list of design expectations and required community benefit will preclude any PRD from being developed below community standards or not in general conformance with the goals of the Comprehensive Plan and Purposes of the Zoning Code.

Ultimately, the Planning Commission and City Council must weigh these considerations and answer the question that remains from 2008 about whether or not these proposals are beyond anything the community will tolerate. If the answer is “yes” and the Commission and Council members believe these standards can never be accepted, then the request should be denied. If “no,” meaning the members believe these proposals can be accommodated in some locations within the community, then the request should be approved.

ACTION AND MOTION

If the Planning and Zoning Commission believe that the amendments accomplish the purposes of the Comprehensive Plan and Zoning Code as proposed, then they should support a motion on the attached draft ordinance. Whether or not the members of the Commission support any request, the motion should be made in the affirmative and then votes cast “yea” or “nay” on that motion. The following is an example motion for this application:

“I move to recommend approval of the draft text amendment ordinance attached to the July 15, 2013, staff report on Application #13-024 to increase the maximum allowable density from 20 to 40 units per acre and FAR from 0.4 to 0.6 within a PRD, Sections 405.390.D.2.a(2) and 405.390.D.2.a(4) of the Zoning Code, as discussed by the Planning Commission this day.” (Modifications must be made by preceding motion).

If the members wish to vote on the density and FAR amendments separately, the following is an example motion:

“I move to recommend approval of the proposed [density]/[FAR] text amendment to [Sections 405.390.D.2.a(2)]/[405.390.D.2.a(4)], discussed in the staff report on Application #13-024, and direct staff to prepare the appropriate draft ordinances as discussed by the Planning Commission this day.”

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.

AN ORDINANCE AMENDING CHAPTER 405.D.2.a OF THE ZONING CODE OF THE CITY OF CREVE COEUR, MISSOURI TO INCREASE THE MAXIMUM DENSITY AND INCREASE THE MAXIMUM FLOOR AREA RATIO THAT MAY BE REQUESTED FOR ANY PLANNED RESIDENTIAL DEVELOPMENT PROPOSAL

WHEREAS, an application by Joe Nicpon, on behalf of Terra West Apartments, Inc., has been submitted to increase the maximum density, from 20 to 40 units per acre, and increase the maximum floor area ratio (FAR), from 0.4 to 0.6, that may be requested for any planned residential development (PRD) proposal within a Planned Zoning district; and,

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

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday July 15, 2013, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of _____ recommended approval of the subject amendments at its meeting on Monday July 15, 2013; and,

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

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

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

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

SECTION 1: Section 405.390.D.2.a, Planned Residential Development (PRD), paragraph (2) is hereby repealed and a new paragraph (2) is enacted in lieu thereof, as follows:

D.2 *Types of planned zoning districts.*

a. *Planned residential development (PRD).*

- (2) Housing densities may not exceed six (6) units per acre for new single-family residential nor forty (40) units per acre for new multi-family residential. For the purpose of calculating density, acreage shall not include areas located in a 100-year floodplain.

BILL NO. _____

ORDINANCE NO. _____

SECTION 2: Section 405.390.D.2.a, Planned Residential Development (PRD), paragraph (4) is hereby repealed and a new paragraph (4) is enacted in lieu thereof, as follows:

D.2 *Types of planned zoning districts.*

a. *Planned residential development (PRD).*

- (4) The floor area ratio (FAR) shall not exceed six-tenths (0.6). However, where a proposed district includes pre-existing buildings that are found to otherwise satisfy the overall purpose and intent of this Chapter, the FAR may be waived so long as the building coverage does not exceed thirty-three percent (33%) of the site area and the sky exposure plane requirement is met.

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

ADOPTED THIS ____ DAY OF _____, 2013.

SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2013.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

Langdon. Paul

To: Langdon. Paul
Subject: RE: Planning and Zoning Meeting on July 15

From: Aris Woodham
Sent: Friday, July 12, 2013 3:45 PM
To: Langdon. Paul
Subject: Planning and Zoning Meeting on July 15

Paul, hello. I live in Carriage House Condominiums at 942 Guelbreth but will not be able to attend the P and Z meeting on Monday. I did want to communicate my opposition to the proposed zoning changes on the agenda for Old Olive. In particular, the doubling of the unit density maximum (from 20 to 40) would have a particularly nasty effect on the area, rendering it unpleasantly congested and crowded. I doubt this is what Creve Coeur wants for its eastern border. Please communicate my opposition to the appropriate individuals on the Commission.

Thank you,
Aris Woodham

Subject: FW: Planning and Zoning re Text Amendments

Good evening,

My name is Kelly Mueller. I am a Creve Coeur homeowner (and voter) - from a family that has owned residences in Creve Coeur since 1960. I'm currently President of the Briarcliff Condominium Association (Olive/Spoede). Our property is adjacent to the Hamilton Christian Church property on Old Olive.

As you might imagine, our owners are concerned about the possible development of the church property - especially if that development is allowed double the number of units per acre than has ever been allowed in Creve Coeur. Our Association Board has voted unanimously to oppose this zoning change, and every member who was at an owners meeting last night also stood against it.

Our questions are many. Here are a few. We hope you will give these serious consideration if/when these changes come to you for a vote. (Yes, we will be in attendance at the Planning and Zoning meeting Monday evening.)

1. How does this increased number of residential properties impact MSD? Will the runoff water be directed *to* our property?...or away from it?
2. How will this proposed development affect the traffic in the area of Old Olive and Olive?
3. Has the other apartment development (further east on Olive - on the south side of the street) been approved? How many units will *that* development be adding to this area?
4. As taxpayers in the School District of the City of Ladue, how might this proposed development impact the enrollment at Spoede School and other district buildings?
5. How exactly do you believe this will **HELP** our community as a whole? If we haven't allowed that many units per acre before, what compelling reason do we have to change now - and change by **DOUBLING** it? Who benefits? (Certainly **NOT** the current Creve Coeur residents!)
7. If we (Briarcliff owners) are taxed at the "single family" rates, how can you change laws for us but **NOT** for other 'single family' residences? Will the tax structure also be changed to separate us from "single family"?

Thank you for your consideration of our concerns.

Kelly Mueller
1010 Thoreau Court, Unit 107
kelly46@me.com
314-993-2535

Subject: FW: Reaction to public hearing notification

From: Peggy Shepley [<mailto:pegsshepley@att.net>]
Sent: Monday, July 08, 2013 3:27 PM
To: wwkelly@ci.creve-coeur.mo.us
Cc: pegsshepley@att.net
Subject: Reaction to public hearing notification

Dear Whitney Kelly,

I am an owner at Briarcliff Condominiums, specifically at 1054 King Henry Court Creve Coeur, Mo. 63146.

I am opposed to changing the density of the property that is just east of us. I do not want more buildings nor do I want greater density than now exists.

I have relied on my family's knowledge of City Planning. My brother who is a PHD in City Planning and Noise Pollution has a significant reputation in his field. Educated at Westminster College, as well as University of Pennsylvania he has been on the faculty at Georgia Tech as well as Emory and Fla. Institute of Technology. Respected around the world his word is law. My background has taught me to bow to those who are well informed and in this situation my brother who has been Dean and Vice Chairman is tops in his field.

Please consider my letter as a genuine effort to make those who make quick decisions to take time and show respect for those who are informed and deeply committed to making the right moves to improve the quality of life here in St. Louis.

Peggy Shepley

Peggy Shepley

Dielmann Sotheby's International Realty

8301 Maryland Ave. Ste. 100

St. Louis, MO 63105

Home Office: 314.872.3222

Main Office: 314.725.0009

Cell: 314.277.4661

Fax: 314.872.7111



Mr. Louis L. Meyers
1032 King Henry Ct.
Saint Louis, MO 63146

314-993-6561

7/10/13

Dear Ms. Kelly:

I am in complete opposition to any apartment project planned for the 10545 Old Olive St. Rd. especially since the developer wants to increase the maxium density from 20 units to 40 units per acre.

This will create noise & disruption during construction & permanently with children playing & climbing up & down the soon to be constructed series of replacement tie walls in August.

This will affect every resident in King Henry Ct. whose units back up to the tie walls.

This was a problem in the past before the large bushes grew to prevent such activity & will take years for large, barrier bushes to grow.

Thank you.

Sincerely,



Louis L. Meyers