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AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, JULY 1, 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 from the meeting of June 3, 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. 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
City Engineer

- B. Application #13-020: Request for approval of a boundary adjustment between 353 Conway Lake Drive and 367 Conway Lake Drive**

Applicant/Owner: David and Catherine Hogan
353 Conway Lake Drive
Creve Coeur, MO 63141

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

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

Property Owner: Gil Bashani
9974 Old Olive Street Road
Creve Coeur, MO 63141

- B. Application #13-015: Public Hearing
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 Dr.
Wentzville, MO 63385

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

7. **WORK AGENDA**

8. **OTHER BUSINESS**

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

9. **ADJOURNMENT**

Posted: _____

Paul Langdon
Planning Director



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, JUNE 3, 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, June 3, 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*
 Mr. Gary Eberhardt
 Mr. James Faron
 Mr. Jim Schnarr

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

2. ADDITIONS TO – ACCEPTANCE OF THE AGENDA

The Agenda was accepted as written.

3. APPROVAL OF MINUTES

Draft Minutes of May 20, 2013

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

4. PUBLIC COMMENT

None

5. UNFINISHED BUSINESS

A. Presentation of Conceptual Designs for the Public Art Transit Shelter

Applicant/Agent: Christopher Fennell
 5104 Clairmont Ave. S.
 Birmingham, AL 35222

Mr. Christopher Fennell, 5104 Clairmont Ave. S., presented the Commission with some examples of his public art located all over the United States. Mr. Fennell showed the illustration of what he is proposing. The design looks like a tree that arches; it has glass car windows on the top to replicate leaves. Mr. Fennel explained the materials being used would

be steel and planks. Mr. Fennell explained there would be black steel strip around the windows to protect them from hail and stones. Mr. Fennell would also like to add a light element on the top with the windows, so at night it will light up and even change the light color for seasons. Mr. Fennell showed different angles of the proposed shelter, and he also made a scale model to pass around. Mr. Fennell explained the color scheme, stating it would be black steel and brown planks.

Mr. Dan Tierney asked if there was any signage, and Mr. Fennell replied there would probably just be a plaque.

Mr. Bob Kent, 13084 Ferntrails Lane, asked about the number of bus stops the City was doing, and if Mr. Fennell would be available to add more to tie the City together.

Mr. Faron motioned to approve the new design by Chris Fennell for the “Window Tree Installation” as presented on June 3, 2013, and to ask Staff to enter into final contract negotiation for final design and construction. Mr. Eberhardt seconded the motion with the resultant vote as follows:

Mr. Eberhardt – aye
Chair - aye

Mr. Faron – aye

Mr. Schnarr – aye

6. NEW BUSINESS

A. Application #13-013: Approval of the final plat for 222 North Mason Road

Applicant/Agent: Chris Vatterott
The Enclave Bellerive, LLC
332 Wythe House Court
Creve Coeur, MO 63141

Mr. Chris Vatterott, 972 N. Warson Road, presented the application for the final plat of 222 N. Mason Road. Mr. Vatterott reviewed the proposal again, stating that it included creating a lot for building a house. Mr. Vatterott reminded the Commission that the lot was originally reserved for Mason Road improvements that St. Louis County no longer is pursuing.

Mr. Schnarr asked if the perimeter fence of the Enclave subdivision was going to be moved. Mr. Vatterott replied yes it was and that they had to straighten out what used to be a gentle arch.

Mr. Lumley, City Attorney, asked if there was documentation that the Enclave subdivision has accepted responsibility for the common ground. Mr. Vatterott said that still needed to be done.

Mr. Schnarr asked if the common ground was primarily wooded area now, and Mr. Vatterott stated it was and it will stay that way. Mr. Vatterott said the highway department is going to improve the road in place and that they will have to install a retaining wall.

Mr. Eberhardt motioned to recommend approval of the final subdivision plat for 222 North Mason Road with the condition listed in the staff memo, dated May 30, 2013 and with the

condition that there is an amendment of the subdivision indentures to require the common ground upkeep by the subdivision trustees. Mr. Schnarr seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Chair – aye

Mr. Schnarr – aye

Mr. Eberhardt – aye

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

The Applicants approached Ms. Kelly and asked to be granted a continuance to the next meeting, as they would like to have further consideration of their request.

Mr. Faron motioned to grant a continuance to 353 Conway Lake Drive boundary adjustment attached to the staff report on application #13-020 for the meeting of June 3, 2013. Mr. Schnarr seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Chair - aye

Mr. Schnarr – aye

Mr. Eberhardt – aye

7. WORK AGENDA

A. Comprehensive Plan Update – Review of “For the Love of Creve Coeur” workshop and implications for the Plan update process.

Mr. Langdon shared with the Commission details of a workshop that he and other staff, residents, and committee members attended on June 1, 2013. Mr. Langdon tied the workshop and the Comprehensive Plan together, stating elements discussed in the workshop were how to make a city fun and give it character, all while maintaining quality development. Mr. Langdon gave examples of things that achieve goals but are also brave in design, build, and thought.

Mr. Langdon said he thinks the Commerce Center lacks “fun”. There is no light program and no connection between properties. Mr. Langdon knows the buildings that are currently there want what is lacking, more than “Welcome to Plant Science Area”, they want something more distinctive.

Mr. Langdon pointed out that anywhere in the amendment process that this methodology can be used, is should be used. Mr. Langdon explained the design review process and gave several

examples of different and distinct designed buildings in Creve Coeur. Mr. Langdon also said the Comp Plan can also advocate for “out of the box” design and construction.

Mr. Faron agreed with Mr. Langdon and said he thinks the bus shelter is moving the right way, and maybe Monsanto would like to do something on their property like an entrance to the city.

City Attorney, Mr. Carl Lumley, said that out of the workshop came an idea to decorate part of the median on Lindbergh Boulevard. There are a few things they are waiting on, but a \$500 budget has been approved.

Mr. Faron asked if an Architectural Review Board would benefit the city. Mr. Langdon replied it can be a good thing and a bad thing. Mr. Langdon stated the Commission can find themselves challenged and it would be nice to have a Board to defer to, however with another Board there is more review, more time, more cost, all of which are things that people do not generally want.

Mr. Jim Hentschell, 11338 Mosley Lane, strongly advised against an Architectural Review Board. Mr. Hentschell also pointed out some areas in Creve Coeur he thought improvements could be made.

Chair Madden asked if Monsanto would open their sidewalks up for people to ride their bikes on, on the weekends when they are closed. Mr. Langdon said their walking paths are already kept opened to the public on the south edge of the campus.

8. OTHER BUSINESS

A. Planning Division Report

Mr. Langdon said upcoming meetings will have a few conditional use permits, a text amendment, a rezoning, and some NAICS code housekeeping of a few things that need to be cleaned up.

B. City Attorney Report

None

9. ADJOURNMENT

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 8:25 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



DEPARTMENT OF PUBLIC WORKS STAFF MEMORANDUM

DATE: June 14, 2013

TO: Planning and Zoning Commission

CC: Mr. Paul Langdon, Director of Community Development

FROM: Matt Wohlberg, P.E., City Engineer

SUBJECT: North New Ballas Lighting
Olive Boulevard Transportation Development District

City staff, acting as the project manager for the Olive Boulevard Transportation Development District (Olive TDD), seeks the opinion and recommendation of the Planning and Zoning Commission regarding the style of lights to be installed on North New Ballas Road. Staff has decided to revisit this issue with the Planning and Zoning Commission, because it has been three years since the previous discussions on the topic and additional options are now available.

Olive TDD Lighting Project

One of the remaining obligations of the Olive TDD is to install decorative sidewalk lighting along the west side of North New Ballas Road, generally in front of the Plaza Shops just north of Studt Avenue and south of Olive Boulevard. A sketch of the proposed locations for these lights is attached.

City staff discussed the design of these lights with the Planning and Zoning Commission and the City Council from December 2009 through much of 2010. Since that time, this project has been on hold while other Olive TDD plans and proposals were considered. The Olive TDD Board now seeks to move forward with the New Ballas lighting project.

City staff has recently met with Ameren and has identified a power source for the proposed lights. Bid documents will be developed for the project following approval of the lighting style. Installation of these lights is anticipated during the fall or winter of 2013.

Lighting Style

The original intent for the lights was to continue the theme of the decorative lights that line the median of Olive Boulevard. As discussions regarding the New Ballas lighting began in earnest, there was also a movement towards energy-efficient bulbs underway, as the City sought to incorporate emerging technology into its lighting along Olive Boulevard. Unfortunately, City staff found that there were few options available for energy-efficient decorative lighting, and these options did not include a model similar to the Olive Boulevard median lights.

City staff advised against an attempt to try to use a style that was close to the Olive median lights but not the same, as staff felt that the differences would be obvious. Instead, staff advised that the City pursue an innocuous style for these lights – something that would be completely different from the Olive median lights but also plain enough to limit the design impact to future development in the area.

Herwig Option. The light style that the City decided to pursue was a model manufactured by Herwig Lighting. This style involved a decorative post topped with a curved arm, at the end of

which hung an acorn-shaped light fixture. Two factors that were favorable for this design included the use of an energy-efficient inductive light fixture and the possibility to include decorative scrollwork unique to Creve Coeur on the underside of the arm.

Images of the Herwig light style are attached.

Spring City Options. City staff recently coordinated with Spring City, the manufacturer of the lights in the Olive Boulevard median, to develop several sidewalk-lighting options that resemble the Olive median lights. The attached cut sheets show the available options.

In general, two designs are available: a miniature version of the Olive Boulevard hanging-acorn fixture or a post-top fixture. A sketch of the lighting used on the Olive Boulevard median is included as “Option A” on the hanging-acorn cut sheet. Also, as a point of comparison, “Option D” from the hanging-acorn fixture options has the same post as is shown for the post-top fixture options. All of the options shown would use an LED fixture.

Energy efficiency. Both the inductive lighting and LED lighting are known to be energy-efficient technologies. City staff does not anticipate an appreciable difference in operating cost between the two lighting types.

Requested Action

City staff requests that the Commission consider the lighting styles provided and determine whether to uphold the previous recommendation for the Herwig lights or to change the recommendation to one of the Spring City options.

A sample motion would be as follows:

I move that the Planning and Zoning Commission approve the Spring City post-top model for use on North New Ballas Road as part of the Olive Transportation Development District project.

The Commission’s choices are to approve the Herwig option, to approve one of the Spring City options, or to deny both and request other options for consideration.

Attachments: Preliminary Lighting Layout sketch

Herwig Option

Spring City Options



PRELIMINARY LIGHTING LAYOUT **N. NEW BALLAS PEDESTRIAN LIGHTING**



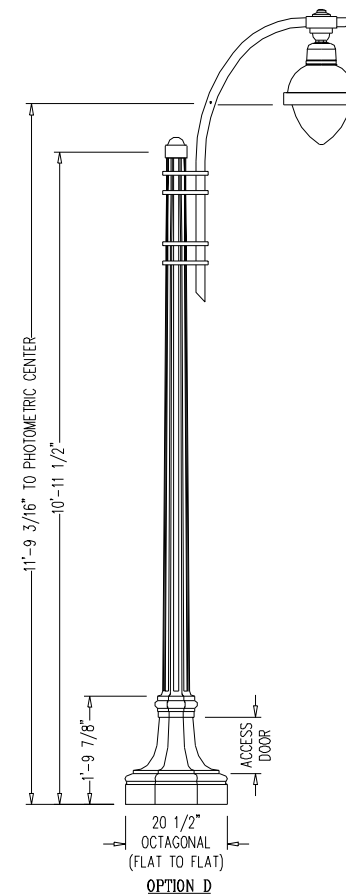
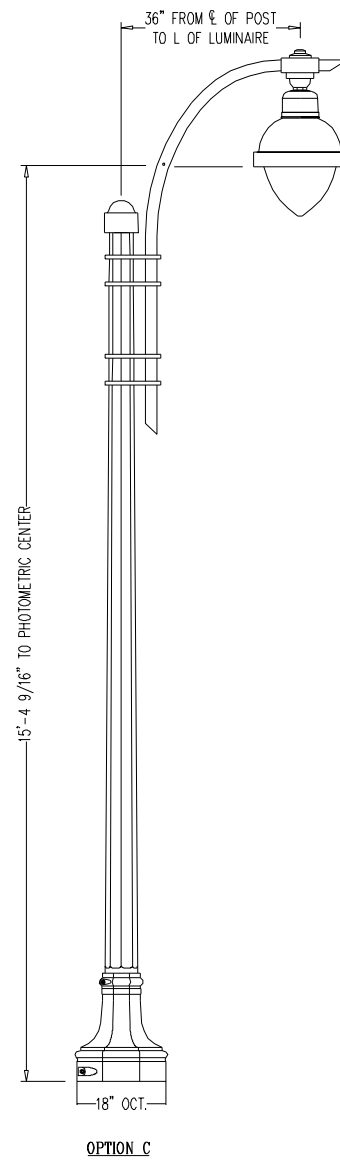
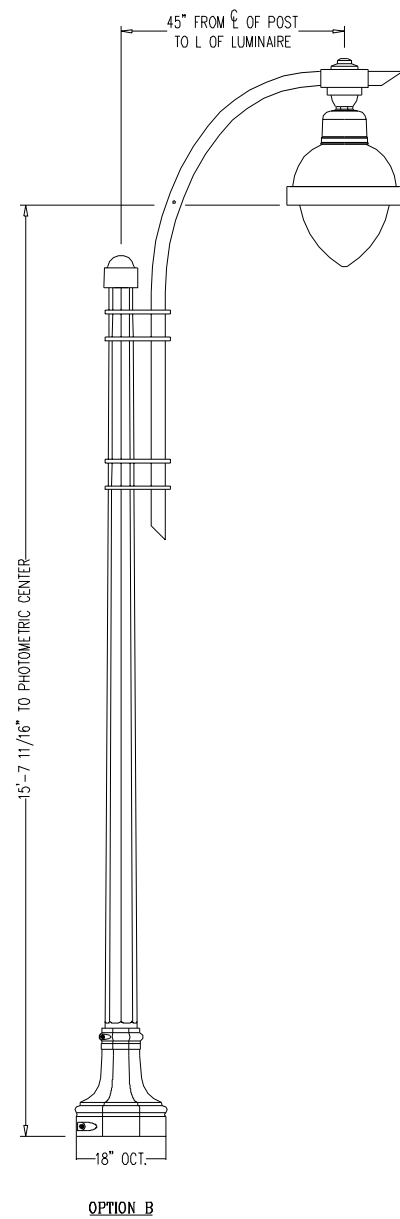
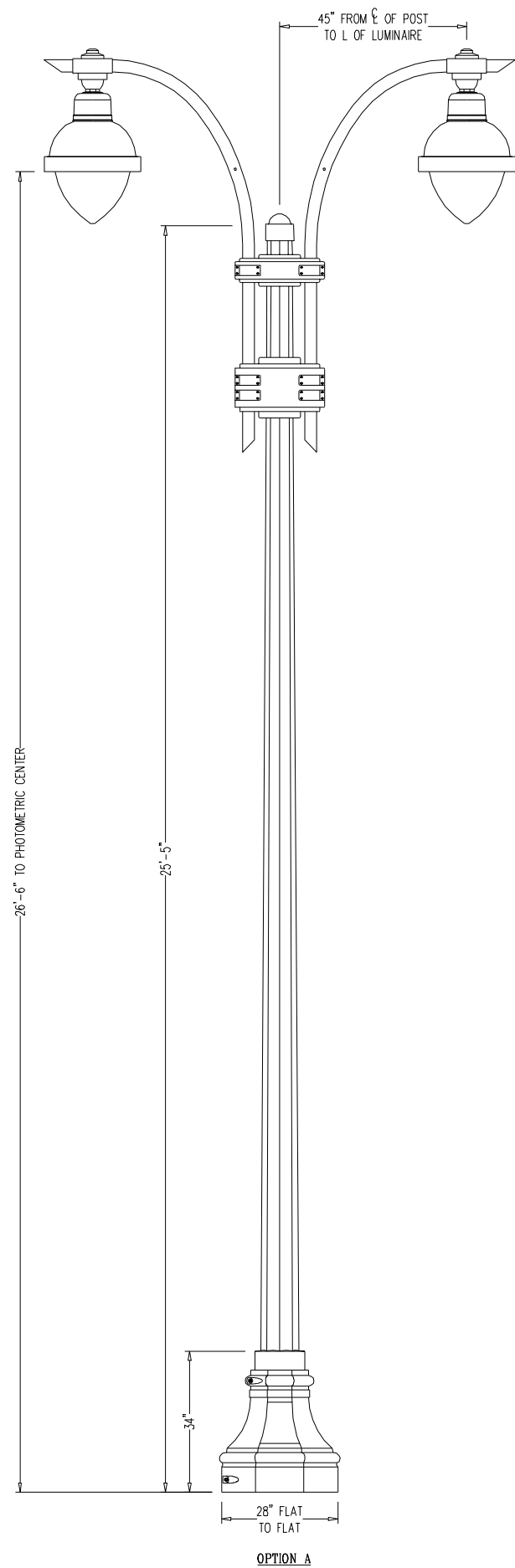
CITY OF CREVE COEUR



SCALE:
1" = 50'



Herwig Lighting style for New Ballas Road decorative lighting.



This drawing is property of Spring City Elect. Mfg. and is issued to the recipient with the understanding that it shall not be copied, duplicated, passed on to unauthorized parties, nor used for any purpose other than that for which it is specifically furnished except with Spring City's written permission.

OPTION A
ROADWAY STANDARD

OPTION B
PEDESTRIAN STANDARD - NO TOOLING

OPTION C
PEDESTRIAN STANDARD - SCALED LUMINAIRE TOOLING REQUIRED

OPTION D
CAST POST - SCALED LUMINAIRE TOOLING REQUIRED

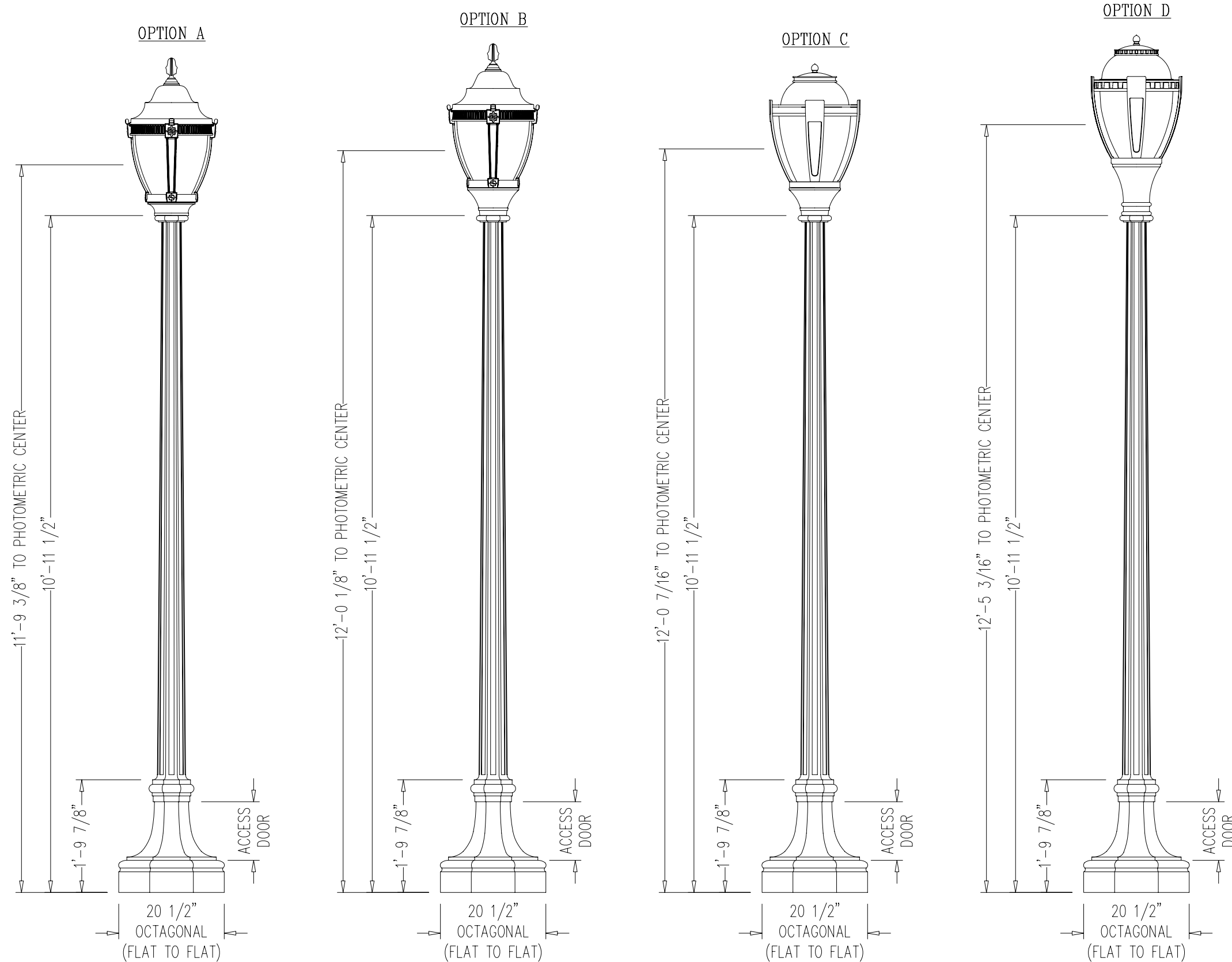


Spring City Electrical Mfg. Co.

HALL AND MAIN STREETS - P.O. BOX 19 - SPRING CITY, PA. 19475
PHONE (610) 948-4000 - FAX (610) 948-5577 - WWW.SPRINGCITY.COM

DESCRIPTION	THE HARRISBURG/BALTIMORE POST WITH GRAND CENTRAL LED FIXTURES		
CUSTOMER	CREVE COEUR STREETSCAPE, MO		
JOB			
SCALE N.T.S.	DRAWN BY: MWG	DATE 11-20-12	SPEC NO. S102271

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- OPTION A**
RIVERSIDE LED WITH FRANKLIN SQUARE FITTER
- OPTION B**
RIVERSIDE LED WITH DURPHY SCHOOL FITTER
- OPTION C**
FRANKLIN SQUARELED WITH DURPHY SCHOOL FITTER AND NO DENTAL MOLDING
- OPTION D**
CENTER CITY LED WITH DENTAL MOLDING
- LAMP POST**
THE 10' - 11 1/2" ONE PIECE HARRISBURG/ BALTIMORE
- PLEASE ADVISE THE FOLLOWING**
POST AND LUMINAIRE FINISH COLOR
LAMP POST MATERIAL
LED WATTAGE
LED COLOR TEMPERATURE
LUMINAIRE DISTRIBUTION



Spring City Electrical Mfg. Co.

HALL AND MAIN STREETS - P.O. BOX 19 - SPRING CITY, PA. 19475
PHONE (610) 948-4000 - FAX (610) 948-5577 - WWW.SPRINGCITY.COM

DESCRIPTION	THE HARRISBURG/BALTIMORE CAST POST WITH LED FIXTURES		
CUSTOMER JOB	CREVE COEUR STREETSCAPE, MO		
SCALE	DRAWN BY:	DATE	SPEC NO.
N.T.S.	MWG	11-05-12	S102265B



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
#13-020 FOR APPROVAL OF A BOUNDARY ADJUSTMENT BETWEEN
353 CONWAY LAKE DRIVE AND 367 CONWAY LAKE DRIVE**

FOR THE MEETING OF: June 3, 2013

LOCATION: 353 Conway Lake Drive and 367 Conway Lake Drive

REQUEST: The property owner of 353 Conway Lake Drive purchased the adjoining property to the south at 367 Conway Lake and is seeking a boundary adjustment to combine the two 0.6 acres into one, 1.2 acre lot. The property is Zoned "A" Single Family Residential with "RDD" Designation.

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

Key Issues:

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

Subdivision Code References

- Section 410.030(D)

Zoning Code References

- Section 405.250: "A" Single-Family Residential
- Section 405.450. C Residential Designed Development Procedure.

**APPLICANT /
PROPERTY
OWNER:** David and Catherine Hogan
353 Conway Lake Drive
Creve Coeur, MO 63141

REPRESENTATIVE: Thomas Prost
Poehlman & Prost, Inc.
P.O. Box 8340
St. Louis, MO 63132



REPORT PREPARED BY:

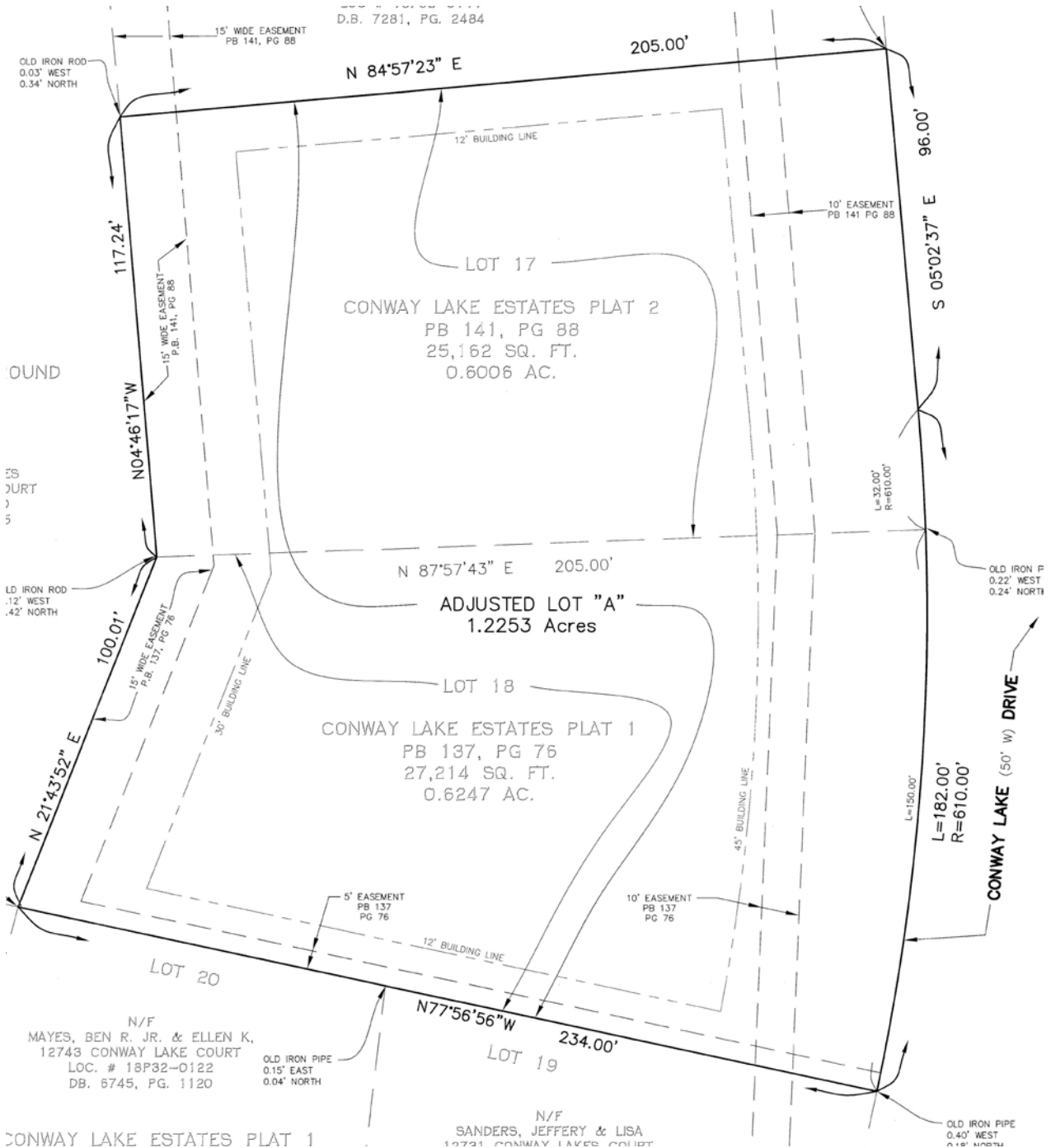
Whitney Kelly
Whitney Kelly, AICP, City Planner

7/31/2013
Date

ATTACHMENTS: Boundary Adjustment Plat received May 24, 2013

BACKGROUND

The property at 353 Conway Lake Drive has a site area of 0.6006 acre. The property at 367 Conway Lake Drive also has a site area of 0.6247 acre. The properties are zoned "A" Single Family Residential with "RDD". "A" Single Family Residential requires a minimum of one acre. Conway Lakes Estate Subdivision was approved with the "RDD" Residential Design Designation that allowed for smaller lots up to a maximum of 28 lots, with a 45-foot front yard, 12-foot side-yard, and 30-foot rear yard setback. The property owners are seeking a boundary adjustment that will combine the two properties to create a single lot at 1.2253 acres. Below is a close up of the boundary adjustment plat.



DISCUSSION

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

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

This appears to be the case with the current application. The survey submitted indicates that the property changes will not create any non-conformities on the site. As such, and given the staff conclusion that the drawings are technically accurate, the adjustment should be approved by the Planning and Zoning Commission.

ACTION

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

MOTION

The following are examples of a motion for this application:

“I move to approve the 353 Conway Lake Drive boundary adjustment attached to the staff report on application #13-020 for the meeting of June 3, 2013, subject to the condition that a final drawing be prepared for signature and recording.” (Conditions may be added, eliminated, or modified by preceding motion)

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE (CHAPTER 405 OF THE CREVE COEUR MUNICIPAL CODE)

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

APPENDIX 3: CREVE COEUR SUBDIVISION AND LAND DEVELOPMENT REGULATIONS (CHAPTER 410 OF THE CREVE COEUR MUNICIPAL CODE)

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

APPENDIX 3: AERIAL MAP





city of CREVE COEUR

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APPLICATION TO PLANNING AND ZONING COMMISSION #13-015 FOR A CONDITIONAL USE PERMIT FOR ULTIMATE ZOUP, A LIMITED-SERVICE RESTAURANT

FOR THE MEETING OF: June 17, 2013, 7:00 PM

LOCATION: 810 N. New Ballas Road

REQUEST: An application has been submitted for a conditional use permit for a 2,837 square-foot, 72 seat, limited-service restaurant in the newly created tenant space at the northwest corner of the building at 11733 Olive Boulevard. The property is zoned "CB" Core Business District.

ADDITIONAL INFORMATION: The Planning and Zoning Commission reviewed the exterior modifications to the building and the creation of the generic tenant space on January 7, 2013, and Council approved the resolution on January 14, 2013. Limited-Service Restaurants (NAICS 722513) are permitted by conditional use permit in the "CB" Core Business District per Section 405.210, Table A: Permitted and Conditional Uses.

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

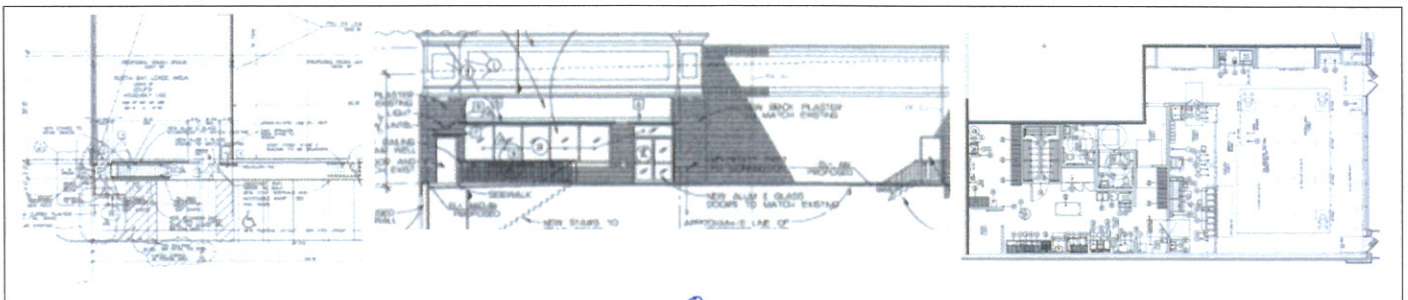
- NA

Zoning Code References

- Section 405.210: Regulation of Uses
- Section 405.370: "CB" Core Business District
- Section 405.470 Conditional Uses
- Section 405.820 Required Off-Street Parking Spaces

APPLICANT: Thaer Abdulkarim
Ultimate Zoup
104 Marble Crossing Dr.
Wentzville, MO 63385

PROPERTY OWNER: Nick Sepac
Mid-County Real Estate, LLC
2128 Woodlet Park Dr.
Chesterfield, MO 63017



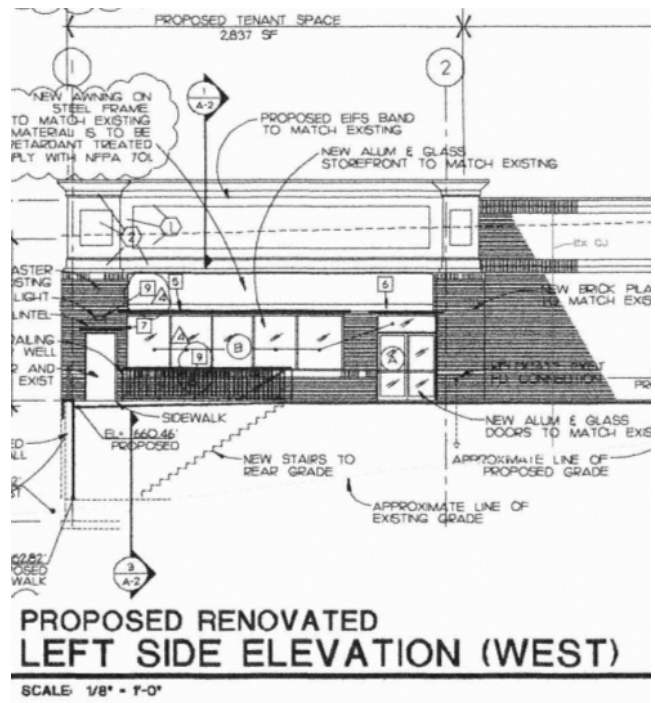
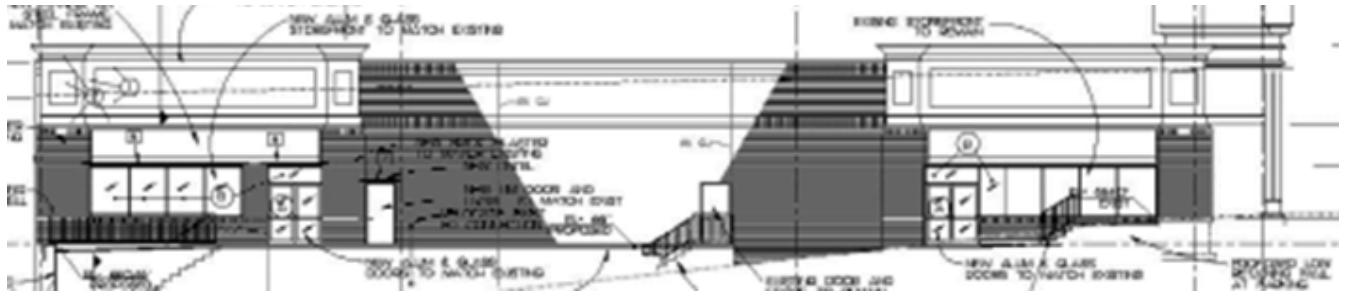
REPORT PREPARED BY:

Whitney Kelly, AICP

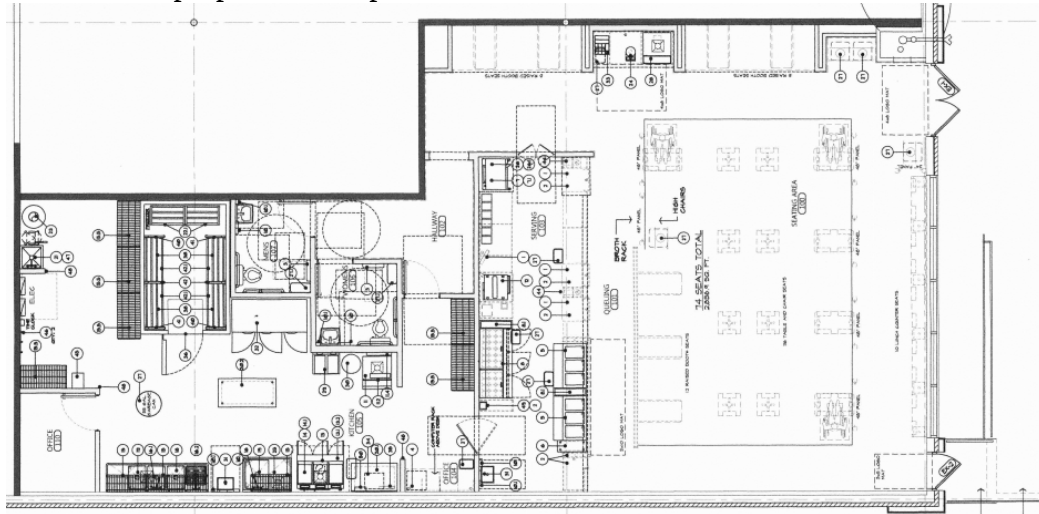
Date

ATTACHMENTS: Applicant's Materials submitted May 17, 2013
Draft Ordinance

The property was originally developed in 1996 as a Borders Bookstore and has legally pre-existing non-conformities in regard to site coverage. Aldi Foods has leased the majority of the previous Border's space. The Applicant is seeking to fill the tenant space that was created from the remaining square footage at the northwest corner of the building. Below is a close-up of the west exterior modifications to the building that were reviewed at the January 7th Planning and Zoning Commission meeting:



Below is the proposed floor plan for the restaurant:



LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Hotel	"CB" Core Business District	NA
South	Retail Shopping Center	"CB" Core Business District	Olive Boulevard
East	City Place, Office, Retail	"CB" Core Business District	NA
West	Restaurant, Condo	"CB" Core Business District	N. New Ballas Road

COMPREHENSIVE PLAN REVIEW

The subject property is located in the Central Business District Action Area that encourages a mix of land uses and, in the area north of Olive Boulevard, encourages a continuation of the master-planned CityPlace development. Adjacent developments should incorporate design elements, cross-access easements, pedestrian connections, and mixed uses. The addition of new tenants to the building and adding design elements and creating interest to what was a blank wall is consistent with this recommendation.

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 uses. Section 405.470(14) states that food services and drinking places shall be located on sites of not less than two acres except that this requirement does not apply to restaurants in the "CB", "PO", "PC" and "LI" Districts that are located within a retail or office building, provided that such restaurants do not collectively occupy more than 40% of the building square footage. The site comprises of a total of 4.09 acres. Ultimate Zoup will be the only restaurant in the entire building, and represents 8% of the building square footage.

Parking

Parking regulations for restaurants are discussed under Section 405.820(F)(5) Required Off-Street Parking Spaces, where parking for limited-service restaurants is one space per 250 square feet of floor area, plus one space for every three seats. The proposed conditional use permit is for a 2,837 square foot restaurant with 72 seats, thus requiring 36 parking spaces.

The following table shows the parking calculations for the entire center:

Tenant	Use	Size (sq.ft.)	Parking Regulations	# of spaces
Vincents Jewelers	Retail	3,440	4/1000	14
St. Luke's MRI	Other Health Services	4,060	4/1000	17
Aldi	Grocery/Retail	16,666	4/1000	67
FedEx Office	Business Services	7,500	4/1000	30
Zoups	Restaurant	2,837 (+72 seats)	1/3 seats in C.U.P., + 1/250 sf	36
Total Building:		34,503	Total:	164
		15% Reduction	Total Required:	140
		Parking Available On -Site		187

The site plan for the entire property, including the modifications viewed on January 7th by the Planning and Zoning Commission, indicate that 187 spaces are available on site, well within the total number of spaces required.

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 2,837 square-foot limited-service restaurant at tenant space addressed as 810 N. New Ballas Road, within the building at 11733 Olive Boulevard.
2. Seating is limited to a maximum of 72 indoor seats.
3. Hours of operation shall not exceed 11:00 am to 8:00 pm seven days a week. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
4. There shall be no outdoor storage or placement of any materials or equipment.
5. Employee parking, delivery and company vehicles shall be parked in the rear garage parking area or as far from the public right-of-way as possible.
6. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.

ACTION

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

MOTION

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

“I move to recommend approval of Application #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 June 17, 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: 01/04/2013
 A photograph showing a red brick building with a 'BORDERS' sign. In the foreground, there is a grassy area with patches of snow. To the left, a speed limit sign for 30 is visible. In the background, a tall glass skyscraper is visible under a clear blue sky.	Description: View looking northeast from the corner of Olive Boulevard and N. New Ballas Rd.
 A photograph of a red brick building with a 'BORDERS' sign, viewed from across a road. A yellow fire hydrant is on the sidewalk in front of the building. A tall light pole stands near the entrance. In the background, several glass skyscrapers are visible against a clear blue sky.	Description: View of the building looking east from across N. New Ballas Rd.
 A photograph showing a side view of a red brick building. A paved area with some snow is in the foreground. A small entrance with a red awning is visible on the right side of the building. The sky is clear and blue.	Description: View of the building looking south from the northern drive entrance along N. New Ballas Rd.



city
of

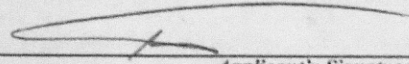
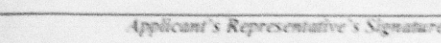
CREVE COEUR

PLANNING DIVISION

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

PLANNING AND ZONING COMMISSION AGENDA APPLICATION CONDITIONAL USE PERMIT

PLEASE COMPLETE FRONT AND BACK PAGES

Applicant:	Applicant's Representative (if applicable):
Name <u>THAER ABDULKARIM</u>	Name _____
Company (If Applicable) <u>Ultimate Zoup</u>	Company (If Applicable) _____
Address <u>104 Marble Crossing Dr</u>	Address _____
Address <u>Wentzville MO 63385</u>	Address _____
Telephone # <u>414-736-5217</u>	Telephone # _____
Fax # <u>N/A</u>	Fax # _____
Email: <u>Tabdul82@gmail.com</u>	Email: _____
 Applicant's Signature	 Applicant's Representative's Signature

Property Information:	Owner's Acknowledgement (if different from applicant):
Address <u>810 N. New Ballas</u>	Name <u>Nick Sepac</u>
Address <u>Creve Coeur MO</u>	Company (If Applicable) <u>Mid-County Real Estate LLC</u>
Development Name (if any) <u>Creve Coeur Centre</u>	Address <u>2128 Wadley Park Dr.</u>
Current Zoning <u>CB</u>	Address <u>Chesterfield MO 63017</u>
Prior CUP Approvals (if known) _____ _____ _____	Telephone # <u>314-744-4400</u>
	Fax # <u>314-744-4401</u>
	Email: <u>NickSepac@</u> <u>SaintLouisProperties.com</u>
	 Owner's Signature

Description of Requested Use (attach additional sheets as needed)

General Description of Business: restaurant

Gross Floor Area – Existing and Proposed: 2836.91

Number of Seats (for restaurant only): 72

Number of Employees at the busiest shift: 5

Hours of Operation: 11-8

Current or Most Recent Use of the Property: nick's usc

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

Rationale

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

Submittal Checklist

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

Preferred Public Hearing Date: Monday, _____, 20____.

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

Office Use Only

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

Received By: _____

Date: _____

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

Revised: 11/11

General description of business:

Zoup! features hundreds of award-winning soup recipes with 12 rotating daily varieties, including low-fat, vegetarian, dairy-free, low-points and spicy options. Zoup!'s Founder and Managing Partner, Eric Ersher created Zoup! after discovering that really good soup is hard to find. Also, in talking to people, it became clear that there's something special about soup and the way it elicits thoughts of family, well-being and comfort for many people. Zoup! strives to offer authentic, hand-crafted soups that are as good – and as "feel-good" – as the homemade soups our mothers and grandmothers used to cook up.

Zoup!'s "Something for Everyone" nutritional offerings include low-fat soups such as Veggie Waves of Grain, Old Fashion Chicken Noodle and Frontier 7 Bean, dairy-free soups like the Mulligatawny and Sesame Noodle Bowl, vegetarian soups, including Tomato Bisque and Rustic Vegetable Bean and low-points options such as Spicy Black Bean Chili and Wild Mushroom Barley. Customer favorites also include Chicken Pot Pie, Lobster Bisque and Vegetarian Split Pea.

To help customers select from the soups offered each day, Zoup! encourages sampling. Prices range from \$4.65 to \$6.95 for a bowl of soup. The menu also includes fresh, made-to-order salads, grilled sandwiches and an array of baked goods and beverages.

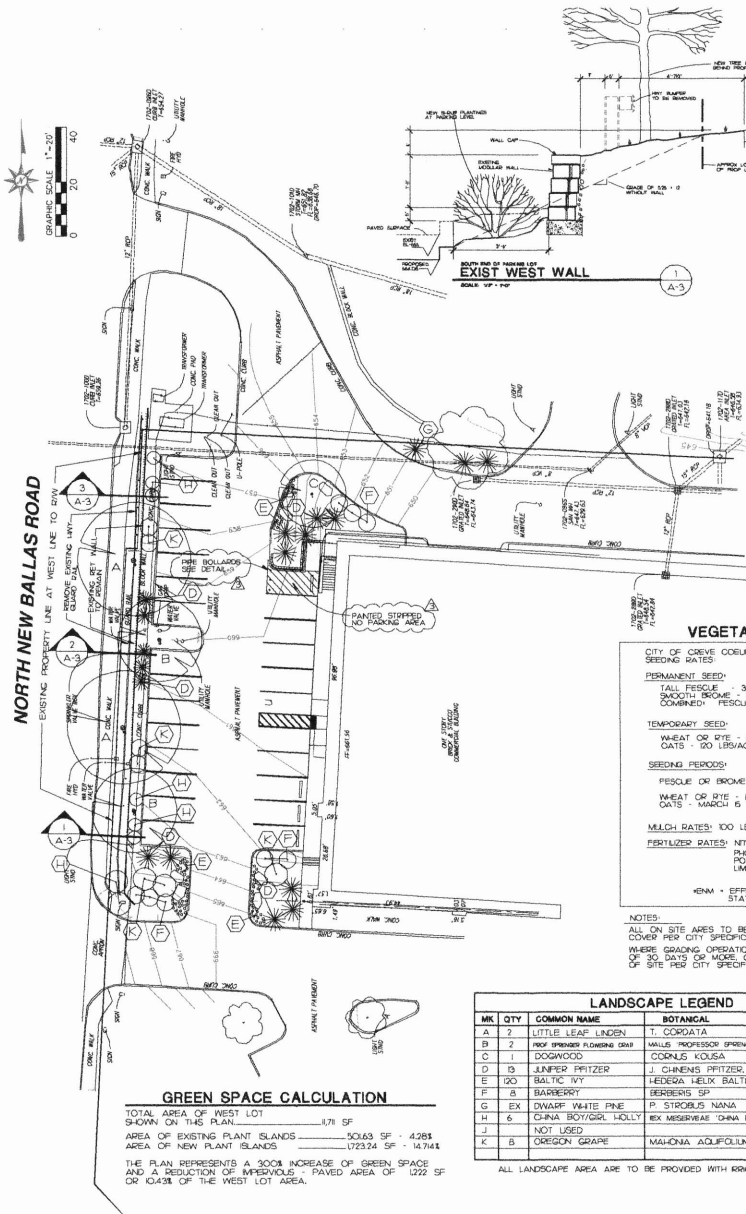
For time-starved customers looking for a quick, nutritious meal, Zoup! offers streamlined online ordering. The online system includes a location finder, a complete menu with the day's soups, and online catering ordering and rewards program tracking. The catering rewards program offers customers the opportunity to earn a point for every dollar they spend on catering. Once customers reach 500 points, they will receive a \$20 gift certificate.

ZOUP Rationale

The approval of a Zoup restaurant in the development at Olive & N New Ballas should have little to no negative impact on the surrounding residences and businesses. The site in which the café would operate is already a commercial development with approved parking and landscaping. The café will be a complimentary use to Aldi and FedEx as well as the other tenants in the building and will offer a unique option in the market for the health conscious consumer. Zoup has over 100 unique soup recipes that will be rotated for variety as well as a selection of salads and sandwiches.

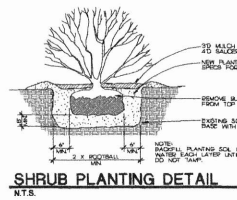
Rent Roll

Tenant	Use	Square Footage
Vincent's Jewelers	Jewelry Store	3,440
St. Luke's	MRI	4,060
Aldi	Grocery	16,666
FedEx Office	Business Services	7,500
Zoup	Restaurant	<u>2,836</u>
Total		34,502



PROPOSED LANDSCAPE PLAN

SCALE: 1" = 20'



VEGETATION ESTABLISHMENT

CITY OF CREVE COEUR
SEEDING NOTES:

PERMANENT SEED:
TALL FESCUE - 30 LBS/AC
SMOOTH BROME - 20 LBS/AC
COMBINED FESCUE AT 5 LBS/AC AND BROME AT 10 LBS/AC

TEMPORARY SEED:
WHEAT OR RYE - 20 LBS/AC (35 LBS PER SF)
OATS - 20 LBS/AC (25 LBS PER SF)

SEEDING PERIODS:
FESCUE OR BROME - MARCH 1 TO LINE 1
AUGUST 1 TO OCTOBER 1
WHEAT OR RYE - MARCH 5 TO NOVEMBER 1
OATS - MARCH 5 TO SEPTEMBER 5

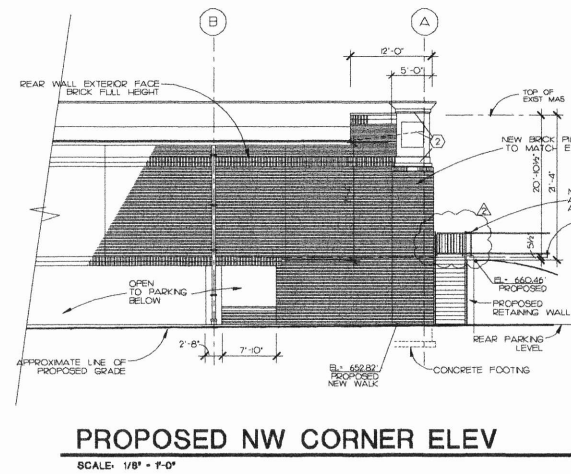
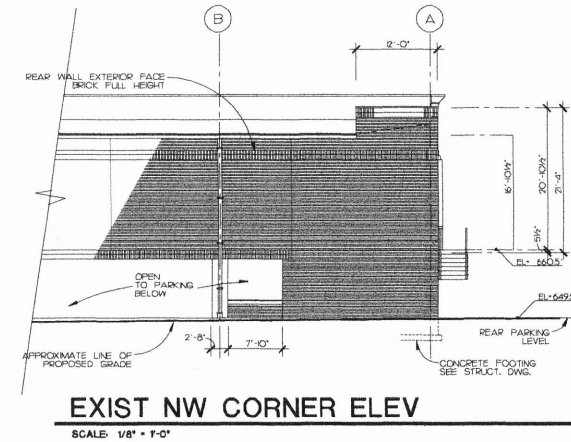
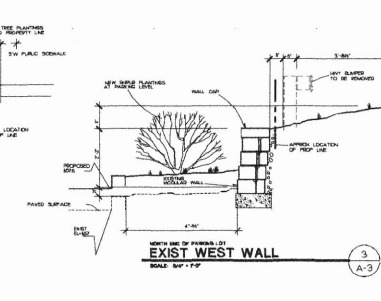
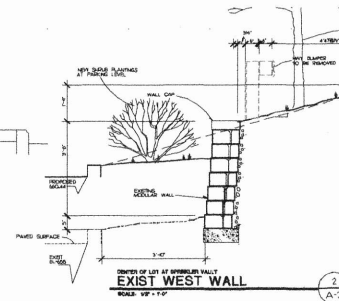
MULCH RATES: 100 LBS PER 1000 SF (14.26 LBS PER AC)
FERTILIZER RATES: NITROGEN 30 LBS/AC
PHOSPHATE 30 LBS/AC
POTASSIUM 30 LBS/AC
LIME 200 LBS/AC ENH

ENH - EFFECTIVE NEUTRALIZING MATERIAL AS PER STATE EVALUATION OF CHALKED ROCK.

NOTES:
ALL ON SITE AREAS TO BE PROVIDED WITH PERMANENT SEED WITH STRAW COVER PER CITY SPECIFICATIONS.
WHERE GRADING OPERATIONS OR DELAY SUSPEND SITE WORK FOR A PERIOD OF 30 DAYS OR MORE, CONTRACTOR IS TO PROVIDE TEMPORARY SEEDING OF SITE PER CITY SPECIFICATIONS.

NO.	QTY	COMMON NAME	BOTANICAL	SIZE COMMENT
A	2	LITTLE LEAF LINDEN	T. CORORATA	12" BALL & BURLAP
B	2	PROF SPRINGER PLUMING ORCH	MALES 'PROFESSOR SPRINGER'	10" BALL & BURLAP
C	1	DOGWOOD	CORNUS KOUSA	SPECIMEN 3" ORNAM
D	1	JUNIFER PRITZER	J. CHINENS PRITZER	BALL & BURLAP - 6'H
E	20	BALTIC WY	HERGIA HELIX BALTICA	12" O.C. STAGGARD
F	3	BARRBERRY	BERBERIS SP	BALL & BURLAP - 12"
G	EX	DWARF WHITE PINE	P. STROBUS NANA	BALL & BURLAP (EXIST)
H	6	CHINA BOY/GIRL HOLLY	EX MISERABLE 'CHINA BOY' TM	10" BALL & BURLAP
J	6	OREGON GRAPE	MAHONIA AQUIFOLIUM	12" BALL & BURLAP

ALL LANDSCAPE AREA ARE TO BE PROVIDED WITH IRRIGATION SYSTEM COVERAGE



REVISIONS
1. V013 LANDSCAPE
2. APR 14, 2018 REVISED
3. MAY 10, 2018 REVISED

John Mark and Associates
architects and planners
1745 OLIVE STREET ROAD
CITY OF CREVE COEUR, MISSOURI
PHONE: 314-665-0888

MID COUNTY REAL ESTATE, LLC
RENOVATIONS TO WEST FACADE AND PARKING
1745 OLIVE STREET ROAD
CITY OF CREVE COEUR, MISSOURI

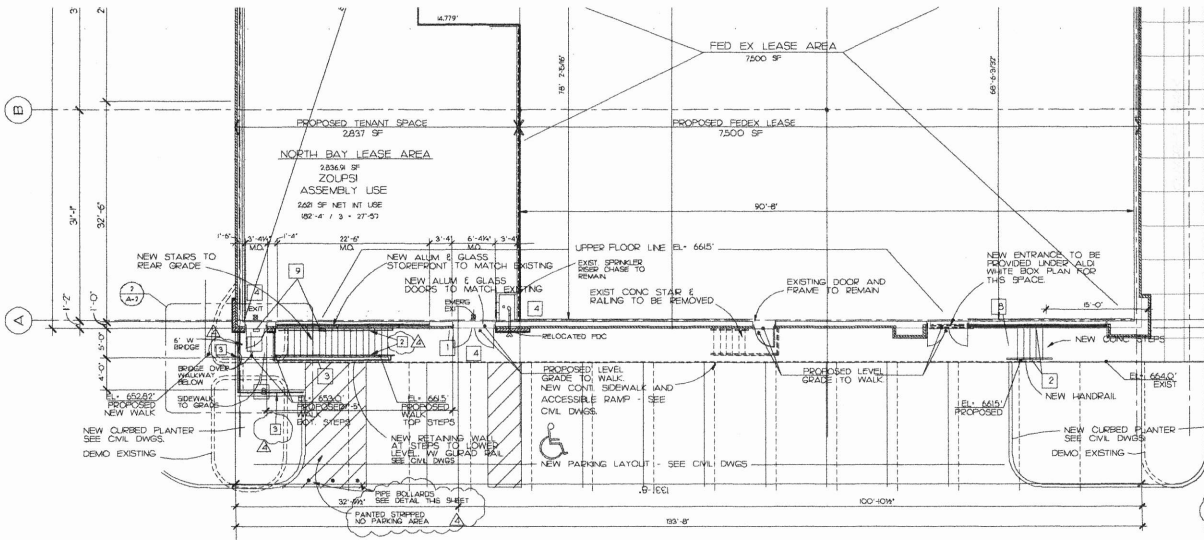
DRAWING INFORMATION
ISSUE DATES:
NOV. 29, 2012
JAN. 3, 2013
APPROVED
CHECKED
DRAWN

ALL REVISIONS SHALL BE MADE TO THE ORIGINAL SET OF DRAWINGS. THE REVISIONS SHALL BE MADE TO THE ORIGINAL SET OF DRAWINGS. THE REVISIONS SHALL BE MADE TO THE ORIGINAL SET OF DRAWINGS.

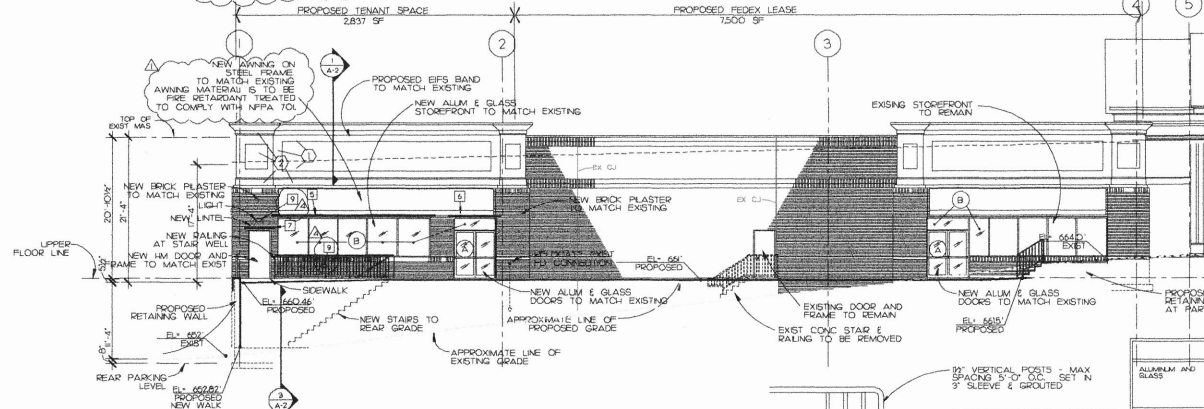
SHEET NO.
A-3
SHEET 3 OF 3

DATE: 11/15/2023
 DRAWING NO: 23-0001
 PROJECT: 11745 OLIVE STREET ROAD

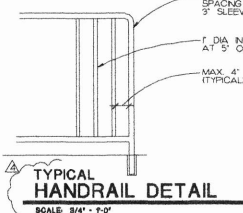
DATE: 11/15/2023
 DRAWING NO: 23-0001
 PROJECT: 11745 OLIVE STREET ROAD



PROPOSED RENOVATED LEFT SIDE PARTIAL PLAN (WEST)
 SCALE: 1/8" = 1'-0"



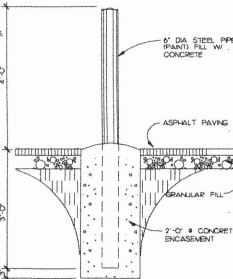
PROPOSED RENOVATED LEFT SIDE ELEVATION (WEST)
 SCALE: 1/8" = 1'-0"



TYPICAL HANDRAIL DETAIL
 SCALE: 1/4" = 1'-0"

PLAN NOTES

1. NEW MASONRY PLASTER MATCH BRICK AND ALUM. JOINTS PLASTER IN THE LOCATION ARE TO MATCH THOSE ON SOUTH SIDE OF THIS FACADE.
2. PROVIDE NEW CONTINUOUS HANDRAILS AT BOTH SIDES OF STEPS REFER TO CIVIL DWGS. GRASPABLE RAILS TO BE 1 1/2" DIA.
3. NEW CONTINUOUS GUARD RAIL AT TOP OF THE RETAINING WALL AT 4" O.C. HANDRAIL WITH BALUSTERS AT 4" O.C.
4. NEW MASONRY OPENING IN THE EXISTING WALL FOR DOOR OF NEW STOREFRONT.
5. NEW W/24" STEEL LINTEL WITH W/16" STEEL PLATE SET IN 2" MIN. 8" DIA. BOTH SIDES, GROUT BLOCK SOLID W/ PEA GRAVEL, 2" DEEP.
6. NEW W/24" STEEL LINTEL WITH W/16" STEEL PLATE SET IN 2" MIN. 8" DIA. BOTH SIDES, GROUT BLOCK SOLID W/ PEA GRAVEL, 2" DEEP.
7. NEW 1/2" 16" STEEL ANGLES LINTELS AT EXIST DOOR.
8. PROVIDE A NEW 4"X4" LEVEL LANDING AT BOTTOM OF STAIR IN WALL.
9. PROVIDE AN EXTERIOR WALL SPOON FOR LIGHT AT STEPS, WIRE TO HOUSE PANEL, SPACE CIRCUIT, CHALLENGER WALL SPOON, CHALLENGER WALL LOW IN AS MANUF BY LSI ARCH FINISHES.



BOLLARD DETAIL
 SCALE: 3/4" = 1'-0"

BUILDING CODE INFORMATION BLOCK	
JURISDICTION:	CITY OF CREVE COEUR, MISSOURI
BUILDING CODE:	2009 IBC
OCCUPANCY CLASSIFICATION:	UNCLASSIFIED - NO CHANGE
CONSTRUCTION TYPE:	20 NON-COMBUSTIBLE FULLY SPRINKLERED
BASED AREA:	EXISTING - NO CHANGE
BASED AREA:	EXISTING - NO CHANGE
EXTERIOR ELEVATION:	CHANGE ONLY

EXTERIOR FINISH SCHEDULE	
ALUMINUM AND GLASS	ALL ALUMINUM AND GLASS STOREFRONTS AND ALUMINUM DOORS SHALL MATCH EXISTING. GLASS TYPES: (A) 1" CLEAR TEMPERED INSULATED GLASS, (B) 1" CLEAR INSULATED GLASS.
FACE BRICK	EXTERIOR FACE BRICK AND MORTAR SHALL BE BASED ON MATERIAL TO MATCH EXISTING.
EIFS EXTERIOR INSULATION SYSTEM AND FINISH	EXTERIOR INSULATION SYSTEMS SHALL BE "STC" OR "CPVT". ALL COLORS SHALL BE BASED ON STD COLOR NUMBERS AND SELECTED BY THE ARCHITECT. SURFACE SAMPLES FROM STOUT OR QUATZITE. ALL EIFS COLORS TO MATCH EXISTING. COLOR (1) PASTA ACCENT COLOR BAND - STD MATCH EXIST. COLOR (2) CORNER COLOR BAND AND PREDOMANT AT CANOPY - STD MATCH EXIST.
ARCHITECTURAL SHEET METAL	ALL EXTERIOR ARCHITECTURAL METALS SHALL BE 24 GA GALV. IRON WITH PREPARED KNAUF 500 OR FLUOROPOLYMER FINISH OR EQUAL ALUMINUM.
EXTERIOR AWNINGS	SOLID COLOR FABRIC AWNINGS ON STEEL FRAMES SUPPLIED AND INSTALLED BY AWWING MANUFACT. PROVIDE SUBMITTALS FOR AWNING FABRIC AWNING COLOR TO MATCH EXISTING. SURFACE SAMPLES FOR APPROVAL.

REVISIONS	
1	JAN 29, 2023 RESMT
2	APR 3, 2023 REVISED
3	APR 12, 2023 REVISED
4	MAY 10, 2023 REVISED

John Lark and Associates
 Architects and Planners
 11745 OLIVE STREET ROAD
 SUITE 100
 CREVE COEUR, MISSOURI 63141
 TEL: 636.586.1111
 FAX: 636.586.1112
 WWW.JLA-ARCHITECTS.COM

MID COUNTY REAL ESTATE, LLC
 RENOVATIONS TO WEST FACADE AND PARKING
 11745 OLIVE STREET ROAD
 CITY OF CREVE COEUR, MISSOURI

DRAWING INFORMATION	
ISSUE DATE:	NOV. 29, 2022
APPROVED:	
CHECKED:	
DRAWN:	

1. ALL MATERIALS AND FINISHES TO BE USED SHALL BE APPROVED BY THE ARCHITECT. SURFACE SAMPLES FROM STOUT OR QUATZITE. ALL EIFS COLORS TO MATCH EXISTING. COLOR (1) PASTA ACCENT COLOR BAND - STD MATCH EXIST. COLOR (2) CORNER COLOR BAND AND PREDOMANT AT CANOPY - STD MATCH EXIST.

SHEET NO.
A-1
 SHEET 1 OF 3

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE
PERMIT FOR A 2,837 SQUARE-FOOT, LIMITED-SERVICE ULTIMATE ZOUP
RESTAURANT, LOCATED AT 810 NORTH NEW BALLAS ROAD**

WHEREAS, under Section 405.210 Table A, all limited-service restaurants in the “CB”, Core Business zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, an application was submitted by Thaer Abdulkarim, of Ultimate Zoup, for a conditional use permit for a 72 seat, 2,837 square foot restaurant located in the tenant space of 810 N. New Ballas Road, at the northeast corner of Olive Boulevard and N. New Ballas Road.

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, July 1, 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 1, 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 within the tenant space at 810 N. New Ballas, within the

BILL NO. _____

ORDINANCE NO. _____

building at 11733 Olive Boulevard in the “CB” Core Business District zoning district, whose legal description is as follows:

Parcel 1

A tract of land being part of section 3, Township 45 North. Range 5 East. City of Creve Coeur, St Louis County Missouri and being more particularly described as follows:

Beginning at the intersection of the East line of Ballas Road Extension (40 feet wide) with the North line of Olive Street Road, as widened; thence Northwardly along said East line of Ballas Road Extension North 00 degrees 22 minutes 27 seconds East 300.39 feet to a point; thence South 87 degrees 05 minutes 59 seconds East 263.67 feet to a point on the West line of Parcel A of “Marriott Courtyard Plaza Plat 1” a subdivision according to the plat therefor recorded in Plat Book 245 page 12 of the St. Louis County records; thence Southwardly along said West line South 02 degrees 51 minutes 03 seconds West 337.99 feet to a point on the aforesaid North line of Olive Street Road as widened; thence Westwardly along said North line along a curve to the right having a radius of 2116.75 feet and the Arc distance of 34.94 feet to a point (whose chord bears North 79 degrees 34 minutes 14 seconds West 34.94 feet); thence North 79 degrees 05 minutes 51 seconds West 90.51 feet to a point; thence along a curve to the right having a radius of 2819.93 feet and an Arc distance of 128.15 feet (whose chord bears North 77 degrees 47 minutes 44 seconds West 128.15 feet) to the point of beginning and containing 82206 square feet or 1.887 acres according to a survey by Heideman + Associates, Inc. dated January 25, 1996 and last revised February 15, 1996.

Parcel 2

Lot A of Marriott Courtyard Plaza, a subdivision in St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 245, Page 12 of the St. Louis County Records. Together with easements described in easement agreement dated as of February 15, 1996, among Essex House Condominium Corporation, Mid-County Real Estate, LLC and Borders, Inc., recorded at Deed Book 10743, Page 804.

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 2,837 square-foot limited-service restaurant at tenant space addressed as 810 N. New Ballas Road, within the building at 11733 Olive Boulevard.
2. Seating is limited to a maximum of 72 indoor seats.
3. Hours of operation shall not exceed 10:00 am to 9:00 pm seven days a week. Additional business hours may be permitted with the Zoning Administrator’s approval, including, but not limited to, the catering of special events.
4. There shall be no outdoor storage or placement of any materials or equipment.
5. Employee parking, delivery and company vehicles shall be parked in the rear garage parking area or as far from the public right-of-way as possible.
6. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
7. The restaurant shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
8. Any mechanical equipment installed for the restaurant shall be properly screened with materials approved by the Zoning Administrator.

BILL NO. _____

ORDINANCE NO. _____

9. 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.
10. 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.
11. 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.
12. 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.

DR. SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2013.

BARRY GLANTZ
MAYOR

BILL NO. _____

ORDINANCE NO. _____

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK