Table of Contents

Agenda 3

Draft minutes for the meeting of May 19, 2014. Minutes for the meeting of May 5 and June 2, 2014 will be available at a future date.

- Draft minutes for the meeting of May 19, 2014 5

Application #14-004: Rezoning of 853 N. Mason from A Single-Family Residential to B Single Family Residential District with RDD Designation

- Staff Memo to P&Z for the Meeting of June 6th 52
- Revised Creekside Proposal from Applicant 58
- Amended Draft Ordinance 105
- Public Comment Recieved by Planning Division Since April 21, 2014 109
- Staff Report for 4-21-14 116
- Applicant's Revised Materials 123
- Revised Draft Ordinance 130
- Request for Continuance to April 21, 2014 134
- Amended staff report for March 3rd meeting 135
- Original Staff Report from February 18th meeting 147
- Applicant's Materials 159
- Draft Ordinance 184

Application #14-008: Text Amendment to allow for Drive-Thru Restaurant Services on Sites of 2 or More Acres Subject to Certain Building and Site Requirements

- Staff Memorandum to P&Z for meeting of June 16, 2014 188
- Creve Coeur-Olivette Chamber of Commerce Letter 189
- Tab 1 192
- Tab 2 209
- Tab 3 223
- Tab 4 282
- Tab 5 383
- Staff Memorandum to P&Z for meeting of June 2, 2014 388
- Staff Memorandum to P&Z for meeting of May 5, 2014 390
- Staff Report 392
- Draft Ordinance 401
- Comment letter from Thomas A. Stern, Gershman Commercial Real Estate 404
- Comment letters received by City Council regarding prior Application #13-045 405

PUBLIC HEARING. Application #14-020: Text Amendment to Chapters 405 and 515 of the Code of Ordinances of the City of Creve Coeur to address changes in State law regarding wireless communications facilities and support structures.

- Staff Report 411
- Draft Ordinance 415

Chapter 89 Review of Possible Sale of Fountain Park
Memorandum to P&Z 432

AGENDA

PLANNING AND ZONING COMMISSION MEETING

CITY OF CREVE COEUR, MISSOURI

MONDAY, JUNE 16, 2014

7:00 PM

1. ROLL CALL

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

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 for the meeting of May 19, 2014. Minutes for the meeting of May 5 and June 2, 2014 will be available at a future date.

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 #14-004: Rezoning of 853 N. Mason from A Single-Family Residential to B Single Family Residential District with RDD Designation

Applicant/Agent: Chris Matteo
Pulte Homes of St. Louis LLC
17107 Chesterfield Airport Road, Suite 120
Chesterfield, MO 63005

Applicant's Representative: George M. Stock, P.E.,
Stock & Associates Consulting Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO 63005

B. Application #14-008: Text Amendment to allow for Drive-Thru Restaurant Services on Sites of 2 or More Acres Subject to Certain Building and Site Requirements

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

6. NEW BUSINESS

A. PUBLIC HEARING. Application #14-020: Text Amendment to Chapters 405 and 515 of the Code of Ordinances of the City of Creve Coeur to address changes in State law regarding wireless communications facilities and support structures.

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

B. Chapter 89 Review of Possible Sale of Fountain Park

Applicant/Agent: Mark Perkins
City Administrator
City of Creve Coeur

7. WORK AGENDA

8. OTHER BUSINESS

A. Planning Division Report
B. City Attorney Report

9. ADJOURNMENT

Posted: _____

Paul Langdon
Planning Director

May 19, 2014

PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

MONDAY, MAY 19, 2014

7:00 P.M.

THOSE IN ATTENDANCE:

Mr. Tim Madden, Chairman
Mr. Tim Carney
Mr. James Faron
Mr. Ken Howard
Mr. Charles Pullium
Mr. Gene Rovak
Mr. Carl Lumley, City Attorney
Mr. Paul Langdon, Director of Community Development

McLaughlin Court Reporting Services, Inc.

4772 Gatesbury Drive
St. Louis, MO 63128
Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR

CHAIRMAN MADDEN: Like to call to order the Planning Zoning Commission Meeting for the City of Creve Coeur, Missouri for Monday, May 19, 2004.

We'll start with roll call.

Mr. Tim Carney?

MR. CARNEY: Present.

CHAIRMAN MADDEN: Mr. James Faron?

MR. FARON: Present.

CHAIRMAN MADDEN: Mr. Ken Howard?

MR. HOWARD: Present.

CHAIRMAN MADDEN: Mr. Charles Pullium?

MR. PULLIUM: Present.

CHAIRMAN MADDEN: Mr. Gene Rovak?

MR. ROVAK: Present.

CHAIRMAN MADDEN: Mr. Carl Lumley, our City Attorney?

MR. LUMLEY: Present.

CHAIRMAN MADDEN: And, Mr. Paul Langdon, our Director of Community Development?

MR. LANGDON: Present.

CHAIRMAN MADDEN: And Whitney Kelly won't be with us tonight.

Addition to, acceptance of the agendas.

Is everybody okay with the agenda?

All in favor?

(All said Aye.)

CHAIRMAN MADDEN: Okay. We got to do two approval of minutes.

The first will be from April 21st, 2014.

MR. FARON: Move for approval.

MR. HOWARD: I'll second.

CHAIRMAN MADDEN: All in favor?

(All responded Aye.)

CHAIRMAN MADDEN: Okay. They are not available, the May 5th ones. I'm sorry.

Public comment.

Anybody in the audience that wants to make a comment on something that's not on the agenda. If it's not on the agenda, you'll get a shot when it's -- okay. You want to come forward. We don't need that card.

State your name and address for the record, please.

SUSIE BRENT: Sure. My name is Susie Brent, B-R-E-N-T, 489 stainless court.

CHAIRMAN MADDEN: Go ahead.

SUSIE BRENT: I -- I just have complicated issue, and I'm just going to break it down to a few elements.

I am addressing some information we -- just had a South County -- I mean a county plumbing inspector to

look at our kitchen remodeling that we've been doing. And I asked him about my neighbor's drainage issues; that he's elevated the -- the -- his topography in the front of his house, the side of his house, the back of his house. He built about 125-foot retaining wall without a permit.

I've been assured since last September that he was going to get drawings and a stop work permit, and it never got stop work permitted on.

In December when I called the police, they said that they didn't have a stop work permit. I came to Creve Coeur in December. I told them we have issues; we have nuisance problems. And then I found out there was never a stop work permit, as I was told by the inspector.

So then I was assured that it was cut to 2 feet. I just hired a civil engineer to help us deal with it, because I understand that Creve Coeur has a lot of drainage problems with neighbors' water running onto other

neighbors, so it's not anything that you're not familiar with.

But he said, the civil engineer, could tell from a distance that it was still above 2 feet, and I had been assured by the inspector that it wasn't, and found out that it was. And there's gravel bed. He's supposed to go by the grade, but he's built a gravel bed for drainage, so I wanted a permit -- him to have to at least get a permit

4

and pay for one like people have to do.

When the inspector came out after a mayor's meeting when I raised -- raised issues, the owner, his wife came out and said that she had gutted her basement and everything, and the inspector said -- she said when we moved in four years ago, we were -- we got a permit, and he said that was only for your kitchen, it wasn't for everything.

But when I had a meeting with him and his boss this May, he said, oh, well, that's hearsay. I go, my husband was right there when she admitted she had only had a -- one permit for the kitchen. Not for the retaining wall; not for their fence; not for their basement remodel, and he's like, well, we'll turn it over to business -- building inspectors.

I'm going to wrap this up. I found out that -- I was told that the gutter and the sump pumps that are also drawing on my property, by Creve Coeur, they said it was -- 10 feet was okay. They made him back it up from one foot to -- then it was only 8 feet away. Then they backed it up more. And then he's built out rocks to it. Well, the county inspector said today that it has to be

23 15 feet.

24 So what -- what the neighbor has told Creve

25 Coeur inspectors is, oh, they disconnected it, it's not

5

1 working.

2 Well, my in-laws live three doors away, and they

3 see the water running down our driveway when there's no

4 water anywhere. So the sump pump has been working.

5 Whether they disconnected it.

6 The question was is if -- they have two sump

7 pumps. If -- so they're saying now the one that used to

8 discharge, that they disconnected it.

9 But is that an inspection that they do on any of

10 these things, these violations and these problems?

11 They're doing things to harass us, and all we've

12 been trying to do is get things done right.

13 CHAIRMAN MADDEN: Okay.

14 Paul.

15 MR. LANGDON: We were on the property on Friday.

16 We inspected both properties, Mrs. Brent's, as well as the

17 adjacent property with the property owners in both cases.

18 There are some things that are violations; there

19 are some things that are storm water management issues.

20 As I said, that was just Friday morning. We

21 advised both property owners that changes needed to be

22 made, some of which could occur on shared property or

23 would have to be done independently, but we are putting

24 together a summary of the issues that we've seen, and

25 requirements that have to be met.

6

1 Basically, what it is is it's a nuisance issue

2 as far as the storm water in that storm water is

gathering. It's being focused in one place, and it's causing damage to the Brents' driveway.

As far as the interior issues, we've advised the building commissioner that there may be improvements without a permit, and he is going to take that up when he has time.

Currently, the building division is short-staffed, and they are trying to stay on top of inspections, but the normal turnaround time is -- is longer than usual because of the short staff.

But, yes, we will take care of it as best we can. We are aware of it. They've inspected the site. We've informed both property owners that we're doing what we can.

CHAIRMAN MADDEN: Okay. Thank you.

SUSIE BRENT: Well, and what I was told when I met with Paul, and a letter was going to go out to them, and I asked for a copy, so I wanted to see what has transpired since the mayor's meeting after -- that I was -- a letter was going to be sent to them to get working on some of the issues.

They've worked on a few, but the sump pump, I'm just finding out, they can't discharge that, which I've

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been told by Creve Coeur that wasn't even an issue anymore, and it is. They've got it routed around right to my corner when it used to go in their back corner.

CHAIRMAN MADDEN: Okay. Mrs. Brent -- Carl. I'm sorry.

MR. LUMLEY: I'd just like to clarify for you that I haven't heard you say anything that's within the --

the purview of the Planning & Zoning Commission.

Not that they're not legitimate issues for the City to tend to, but this body really doesn't have anything to do with the issues you're talking about.

Certainly, your elected officials would have something to do with it at the City Council level; the City Prosecutor, perhaps, for violations; the Building Department.

But, honestly, I haven't heard you talk about anything that this body has anything to do with.

SUSIE BRENT: Well, I thought Planning & Zoning had something to do with like water drainage issues or what people are allowed to do for Planning & Zoning for remodeling permit.

I don't really know because --

MR. LUMLEY: No, and --

SUSIE BRENT: -- these are not my issues.

MR. LUMLEY: Well, I'm not -- I'm not being

critical, I'm just trying to inform you.

On a particular new project that involved a change in zoning or something, it might come here, but -- but construction issues don't come to this --

SUSIE BRENT: Elevating and regrading and --

MR. LUMLEY: No.

SUSIE BRENT: Okay. Well --

MR. LUMLEY: Again, I'm not minimizing your issues, and I'm not saying that they aren't concerns for the City and other departments, but this body really doesn't get into these kind of issues.

SUSIE BRENT: Oh, well, what body does?

MR. LUMLEY: Well, again, the Building

Department, as Paul has said. I mean certainly you're elected officials at the City Council, you know, that supervise the City across the board.

SUSIE BRENT: Uh-huh.

MR. LUMLEY: You know, if you're not satisfied with the City's response.

But this body, in particular, really doesn't have anything to do with it.

SUSIE BRENT: Okay. Well, thank you for listening.

And, hopefully, we can -- I can't believe that the sump pumps should never be discharged on my property.

And I find that out today.

Thank you.

CHAIRMAN MADDEN: You're welcome.

Is there anybody else that wants to make a comment it's on something that's not on the agenda tonight?

Okay. That'll move us to unfinished business. We have none, so we'll move to new business.

A, Application No. 14-018, a minor site development plan for a fence with a front yard setback along Ladue Road for the property at 105 North Mosley.

MR. KELLY: My name is Thomas Kelly. I'm the builder of 105 North -- North Mosley. And the house is under contract. The owner/buyer of the contract has five children, and he wanted to fence-in the yard further on the Mosley side than what is allowed. The way the engineers draw this up, I think it's approximately 30 feet over.

I did get a email from him the other day that he had heard that nobody likes white fencing, and so he said he would consider -- or would do a wood fence if -- if that was acceptable to the Planning & Zoning.

This is on the side of Mosley.

CHAIRMAN MADDEN: Right.

MR. KELLY: And not the -- not the Ladue side --

it's on the Ladue side, I'm sorry, and not the Mosley.

CHAIRMAN MADDEN: Any questions?

MR. KELLY: You have two side lines. You have -- you have the front on Mosley --

CHAIRMAN MADDEN: Mosley, yeah, and then Ladue Road.

MR. KELLY: -- yeah, and real wide on -- on each side, so you have a double setback.

He wanted to utilize more of the yard if he could. And fencing, he really is very protective because he travels all the time, and he's got five children ages 12 to 3, and he's trying to fence off, so be kind of closed off from everything.

CHAIRMAN MADDEN: Any questions?

Mr. Faron.

MR. FARON: You answered a few of my questions initially about you being the builder.

I was wondering if someone has bought the property --

MR. KELLY: Yes, sir.

MR. FARON: -- and what were their takes on having the fence? I don't know if you were just going to put it there and hope someone would buy it like that. But it seems like that's not the case.

He wants site proof because of the children, I

11

think --

MR. KELLY: Yes.

MR. FARON: -- the safety and -- are there -- I mean are there other ways besides -- I think that that's a big step in going from the vinyl fence to a wood fence.

I guess you still want the same location all the way up to the front corner of the house?

MR. KELLY: He's requesting that, yes. I understand that's definitely a variance from what you have, but he wanted to utilize more -- he wants to get as much yard as he can, keep his kids in the backyard.

He's also spending about $30,000 on trees and shrubs to go along there to block it off. I think it shows on the plan there.

MR. FARON: Well, it seems like -- are you going to continue down the side of Ladue and remove that honeysuckle, or is that going to be left there?

MR. KELLY: I'd have to talk to him and everybody else about it. I'll remove it if everybody wants it removed. He really didn't want it to be removed. He doesn't want anybody to come along there and snatch his kids.

MR. FARON: Well, I mean the honeysuckle, with what you're putting in there, looks very attractive.

To change from that to the honeysuckle is

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probably going to not look terribly attractive. But --

MR. KELLY: I'll do it either way.

MR. FARON: Well, with our City, our HEB

Committee really pushes to remove honeysuckle with redevelopment projects --

MR. KELLY: Uh-huh.

MR. FARON: And I think it gives you an opportunity to really continue that landscaping all the way down the side to make it even more lush and thick during the winter. That honeysuckle, you can kind of see through, so as you're coming west you can see that landscape and you're going to have some breaks in the honeysuckle and see the fence, but --

MR. KELLY: I think -- I think the way the -- the landscaper has this drawn, right now a lot of trees are -- head towards Mosley. You're coming across the upper area. I think he spent a lot of money on there and on the other side. He was planning, the way I understand, to put the fence in and then wait a while, put more fence in, you know, to fence in the entire yard is about $30,000, and right now he wants to get the trees and the shrubs and everything.

CHAIRMAN MADDEN: Wait a minute. So he's talking about only putting in part of the fence?

MR. KELLY: The fence -- the only part that we

have there is to go to the back, not across the back.

CHAIRMAN MADDEN: Then -- well, how is that going to protect his kids?

MR. KELLY: I think the way the honeysuckle is nobody could get through it. He was assuming (inaudible).

MR. FARON: In the rear of his property?

MR. KELLY: Yeah.

MR. FARON: But he's willing to remove the honeysuckle on the Ladue side?

MR. KELLY: He hasn't told me. But I mean I don't know if that's up to him. I think that's more up to the City and me, I mean if you want it removed, I'll -- I'll remove it. Cause I understand what honeysuckle does and where it goes.

MR. FARON: I mean it's a good screen.

MR. KELLY: What he -- what he -- his whole theory is he's just looking for as much area to be blocked off as he can get right now, so that his kids will be safer, you know, while he's out of town. And he's thinking ahead, I guess, kind of worries about something could happen, doesn't want anything to happen, if he can stop it.

MR. FARON: Yeah, I think I completely understand that.

I think the -- consider removing the honeysuckle

14

and continue, I mean I see the drawing as attractive landscaping up there on the southeast corner, continue down the side of the house, but beyond that it might be worth the -- worth the visual clutter and monotony of the fence to kind of continue that landscape all the way to the back corner, and leave the honeysuckle in the back of the yard on the rear west side of the yard.

MR. KELLY: Would you come around on the side of it too or not? I mean --

MR. FARON: No -- oh, you mean the side of the fence where the fence turns?

MR. KELLY: On -- on the -- on the Ladue side of the right away outside the fence? On the outside?

MR. FARON: I think -- I think you're planning

on putting the fence between the honeysuckle and the property.

MR. KELLY: Right. Right.

MR. FARON: And leaving the honeysuckle.

To me it looks like the landscaping, I guess, is coming right up to --

MR. KELLY: It starts at about the house -- the front of the house and goes north -- or, no, it goes east and continues around the front side.

MR. FARON: Right. That -- that landscape seems to come to the corner of where you want that fence to

corner out at the southeast corner, and then there's a honeysuckle patch or row going down the side of the road.

MR. KELLY: Right.

MR. FARON: Right there -- right at that corner. If you -- right there where his fingers are, I see that you could continue that landscape all the way back down to the back corner of the property and remove honeysuckle.

MR. KELLY: He -- yes, I mean he probably could not be able to put the fence in.

In other words, if he spent more money on the trees and shrubs to take it all the way to the back, he probably wouldn't be able to put the fence in right now.

MR. FARON: I'll ask Paul. Is there -- have you done that in the past where we've given time to remove that honeysuckle and plant at a later date once the fence goes in?

MR. KELLY: Probably if I don't do it it -- you know, I don't know if he would even know how, you know.

CHAIRMAN MADDEN: Well, it sounds to me like he wants to do this in a -- I don't know what the term is --

but half-ass is the only thing I can come up with right now. I mean he wants to put in part of the fence, take out part of the honeysuckle, put in part of the landscape.

I think we need to get, just my opinion, that we need him to get at least the whole thing along Ladue Road

done at once. Take the honeysuckle out, put in the wood fence.

MR. KELLY: Well --

CHAIRMAN MADDEN: And then put the landscaping in front of the wood fence.

MR. KELLY: So you want the wood fence and the landscaping?

CHAIRMAN MADDEN: Yes.

MR. KELLY: I'll present it to him.

CHAIRMAN MADDEN: Okay.

MR. FARON: May I -- the setback there is like 50 feet.

MR. KELLY: Right.

MR. FARON: There are a number of properties that, I can't swear to how many, but I mean we have that condition happening on Ladue, but the vinyl fence removal is a big -- a big improvement. But the wood fence will be a solid wood fence, it won't be --

MR. KELLY: Cedar.

MR. FARON: -- slated. It won't be -- cedar fence, 6 feet all the way from the corner and all the way back.

CHAIRMAN MADDEN: Okay. Let's see if there's anybody in the audience that wants to make a comment that lives near there, and then we'll have Paul come up.

17

Ma'am, would you state your name and address when you get up there, please.

ELIZABETH MARSHALL: I am Elizabeth Marshall. I live at 123 North Mosley Road, but I also own 111 -- 111 North Mosley right next to the 105 that Mr. Kelly is building. And I've lived in my house close to 50 years.

We've never had fences around between the yards. The only fences around were for swimming pools. There is an occasional well-done wrought iron fence for a small area for a dog, for one person I know. But, generally speaking, we like shrubs and bushes. We don't like plastic white fences. And I'm not really wild about the wood fences either.

And -- and if he is unsure about his safety of his children, a house that has one side of it on Ladue Road might be a mistake.

So I just want to vote in favor of not having fences. Having nice shrubberies and trees and that sort of thing so, and I do own the two lots right next to his.

CHAIRMAN MADDEN: Okay. Thank you very much.

I thought I saw another gentleman.

JOHN HEDRICK: Yes, my name is John Hedrick. I live at One West Ladue Estates Drive.

And I, too, would like to voice my opposition to the fence that's been proposed. I think one of the

18

attributes of Creve Coeur that makes it attractive community and a desirable place to live is open green space that we have, and you saw the -- the aerial photo that's on the back side of the -- the public notice, and you can -- you can see that quite clearly on that.

There's really a lack of fences, and it really doesn't -- it really does give the impression of being open and green.

And I think putting up -- putting up a fence would take way from that esthetic that we all enjoy.

I'd like to add, too, that I think I can -- I've kind of walked the talk on this one.

My wife and I are in the process of taking out the honeysuckle that borders our property, and we're on a diagonal to the southeast of the -- of the 105 North Mosley property. We've taken out the honeysuckle along the back and put in plantings, and, certainly, that's sacrificed some of our privacy in the near term, but our goal in the longer term is to have a green fence that's much more attractive than putting up an artificial fence.

Thank you.

MR. PULLIUM: I'm sorry.

Can I ask you a question?

What have you planted to create your green fence?

19

JOHN HEDRICK: We have spruce, viburnum, some ornamental grasses. What else? A few burning bushes. So kind of -- kind of an assortment rather than going with just -- just one thing.

And it's a little bit wide open right now, but it'll -- it'll grow in --

MR. PULLIUM: It'll fill in?

JOHN HEDRICK: -- over the next couple of years. Yeah.

CHAIRMAN MADDEN: How did you keep the

honeysuckle from coming back?

JOHN HEDRICK: Round-up.

CHAIRMAN MADDEN: That's what I was going to say. Okay.

MR. FARON: Can I ask? On the Ladue side, are you leaving the honeysuckle there? Are you going --

JOHN HEDRICK: Temporarily. It's -- what we decided to do was a two-year project; do the back this year, and we'll do the Ladue side next year. We'll replant.

MR. FARON: Confident that will fill in and --

JOHN HEDRICK: Well, we'll do the same thing. I mean we'll have to -- we'll have to put landscaping along there as well.

CHAIRMAN MADDEN: Any other questions?

Thank you.

JOHN HEDRICK: Yeah.

CHAIRMAN MADDEN: Is there anybody else in the audience?

Okay, Paul, please.

MR. LANGDON: Good evening, Mr. Chairman, Members of the Commission. Paul Langdon, Director of Community Development for the City.

You've looked at these before, and you've looked at one just down the road. There is a white vinyl fence, although there are extenuating circumstances in that case.

I think that every time you've looked at one of these the issue is security of the property.

We all are concerned about security. But at some point a community has to decide what is really tolerated as reasonable means to protect yourself.

In this case, Creve Coeur discourages -- discourages the use of privacy fences right along streets. They are allowed within the setbacks, which are the confines for the building itself.

As you have in the diagrams that we've talked about already, there's the aerial, the fence is 20 feet from the property line, which is the red line, and then you've got an additional 10 feet of green space beyond the property line between the line of the streets, so the

21

fence is actually about 30 feet from the pavement edge, 20 feet from the property line.

It is true. The yellow line does show the requested location of the fence; does not turn back across the rear of the property.

The landscape, as you've seen, is in the front. We did discuss with the applicant about the proposal you all are mentioning, which is to take out the honeysuckle in this area and continue this landscape treatment all the way down.

The case of the fence down the street, which is white vinyl, there is an evergreen hedge, which is in place and is growing, hasn't completely filled in, but the intent was to cover up that fence.

I think that, to a large degree, it's an esthetic preference. It's -- it's a rarity, frankly, to see the white vinyl in the City of Creve Coeur.

We did drive Mosley Road from Olive to Ladue, and then south all the way through and Knob Terrace, which is off the end here, and there are very few instances of fences even coming to the front of the house, let alone

beyond into the setback areas.

That's not necessarily true on some of the other streets, Graeser in particular, there are several fences along Graeser Road because you have more lots that side to

22

Graeser or back up to Graeser because they're double lots, so the situation is a little different on that street.

I think anywhere where you have exposure to a busy street though people are somewhat sympathetic to the desire to create at least a little more security without giving up 50 feet of your yard for the setback, which is the required setback in this area.

Fifty feet would come up very close to the house. In the staff report you have diagram that shows relative locations of these different things.

You have the -- the house, the property line beyond and the fence location. You can see the setback line is up here. So if the fence were located there, it would leave a substantial amount of space beyond that fence.

I think that the idea of phasing landscape improvement is problematic in that any time you're really phasing something as informal as residential landscape, there's a degree of -- of oversight, which certainly we're not accustomed to on the administrative end, and most homeowners are not accustomed to. We don't inspect residential landscapes as a general rule. If they create a nuisance, then we get involved.

If it is part of some other requirement, then we would get involved. But I think really what you should be

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looking for is a -- a certain commitment about the

outcome, and that should be the outcome, not the eventual place that you end up.

This is a significant property, a significant house. There is a lot of landscape going in. Perhaps some of it can be thinned a little bit in the front in order to go further down the side. I think the landscape should be accomplished with the request.

Whether or not you're comfortable with white vinyl versus wood privacy versus open wrought iron, or what they call a stagger-board or a box pattern fence where you got gaps in the wood, you know, that's -- that's largely -- should be based on some of the feedback you get from the area, some of your observations of the area and what is consistent with that neighborhood, and then looking at what we've typically approved.

I will say, typically, when we do these fences, they usually are privacy style, not necessarily 6 feet high, but we don't often drop back to a wrought iron style unless that's what the applicant asked for in the first place.

CHAIRMAN MADDEN: Any questions for Paul?

MR. PULLIUM: Yeah.

CHAIRMAN MADDEN: Go ahead, Mr. Pullium.

MR. PULLIUM: I have a question.

You say you don't normally drop back to the wrought iron, and I was driving here, and I noticed there are a number of fences that are, I don't know what the setbacks are, I take Ladue here and then come up Ballas, and there are a number of wrought iron fences there --

MR. LANGDON: Right.

MR. PULLIUM: -- somewhat close to the road. And, presumably, they are wrought iron because they were encouraged or that was a condition of approval that they be wrought iron for some of those. I don't know.

But here -- and the staff report suggested wrought iron be a condition of approval, or at least I read that into the report, so --

MR. LANGDON: Right.

MR. PULLIUM: -- are you suggesting that it should be wrought iron?

MR. LANGDON: I think that's -- visually that's the preference, yes, that's the prevailing character of this area. There are a number of fences along Ladue that are preexisting nonconforming.

We went back and -- when we were dealing with the fence down the street a couple years ago, year and a half ago, we tried to determine how many had been approved through this process versus being preexisting, cause this is not always been the requirement in the City.

And actually very few on Ladue have been through this process, both preexisted.

And it, frankly, was the proliferation of fences, from what we gathered from people over here, along Ladue and along Graeser that led to the requirement to at least have P&Z review them before they were put in.

Since that regulation was put in, I think we've always identified that an open metal style fence is more attractive, but an actual requirement of approval, we don't see a lot of -- a lot of occurrence.

Typically, the homeowner is just looking for a barrier. They're not looking necessarily for that full

wall effect, so a lot of times that is the request.

There was one along Mason where it turns and goes to that east/west section, that was a request for an open metal fence with a berm. We had a fence along Graeser on West Windrush where they requested a metal fence, now there is also a wood fence there. And on East Windrush there was a request for a wood fence, but they wanted to take it all the way to the corner. So to draw the analogy here, to bring it all the way up to the very front corner of the property. P&Z was resistant to that idea and the homeowner took an all or nothing approach, so they got nothing; they were denied.

I think it's clear from the comments we received

26

with the fence down the street, and with prior applications, yes, the open metal is a preference and esthetically I think it's more attractive way to go.

But if the Commission is comfortable that the privacy is -- is warranted with the addition of landscape, then there's certainly precedent for that too.

CHAIRMAN MADDEN: Any other questions?

Yes.

MR. HOWARD: Paul, other than the house having a side on Ladue Road, are there any other special circumstances with this site that would cause us or encourage us to approve a fence in such a departure from the guidelines?

MR. LANGDON: None that I'm aware of.

MR. HOWARD: So, theoretically, we could end up with a white vinyl or some other 6-foot fence all the way down Ladue Road as this continues. We have one that was a

compromise situation.

MR. LANGDON: Yes.

MR. HOWARD: Looks like there's going to have to be a compromise here in order to get something done, but not white vinyl. That's pretty much off the table.

But taking that logic, we could end up with fences all along Ladue Road as the properties turn over.

People have younger children, of course, with

seven-year-olds, I understand the security issue, but at some point I guess we have to draw a line in the sand and determine exactly what we're willing to -- to look at every day as we drive along Ladue Road.

MR. LANGDON: Yeah.

MR. HOWARD: Tell me where there's a fault in that logic or where -- I'm looking for a special circumstance, I guess, is what I'm asking.

MR. LANGDON: Sure. Well, I think that regulation was not put in to indirectly prevent these fences.

I think there was an understanding that there are circumstances where you would give up a lot of your useable yard if you had to put the fence at the setback line, but you're on a corner lot.

I think the concern was how does it look; what impact does it have on the neighbors. If it goes all of the way out to the right-of-way line or if it's part way back, what is a reasonable compromise, as you say, to get the owner more secured rear yard, which I think we all have an expectation of privacy in our rear yard, versus, you know, the overall appearance or esthetic of the neighborhood that the neighbor's looking for.

Plus you have the issue of the house around the corner, which is not the case with this house, but if this

28

house faced Ladue, then all of a sudden this house sort of becomes buried behind a fence. This one happens to face to the west, so it's not issue. But that's also a concern in reviewing these.

So I wouldn't interpret the regulation as being something at some point you have to say we have to start saying no to these. I don't necessarily think that was the intent. I think it was, we always have to be careful about how they get approved. Where exactly they are cause it does make, you know, 10 or 15 feet can make a difference.

In the case of the one down the street, it was begun right at the property line, and in that compromise they moved it back, I believe it was 10 or 15 feet from the property line, in order to leave room for the hedge on their own property.

So it's really an opportunity for the Commission and applicant to -- to come to a solution, rather than just an absolute you're in or you're out.

Is there a special circumstance here? Well, I think that it's a corner lot, and it's on a busy street is typical to many properties, so it's -- I wouldn't say unique or even special, but it is enough to create an ordinance where we didn't just say, no, you can't have it. It's, well, maybe under certain circumstances.

29

CHAIRMAN MADDEN: Mr. Faron.

MR. FARON: Paul, have we have had -- it seems

like in these situations, how often do have someone bring a fence to the front of the house? In my neighborhood, which is very close to this, we have minimal fence -- I mean that's the minority, but those fences are turned at the back of the property, not all the way up to the front setback, the front yard setback.

This seems to be a little unique in that approach.

Related to that, it seems like they're spending money to put landscaping along the side of that house. If you have a 6-foot fence there, I mean you're kind of blocking that expensive landscaping back along the side of the home there, and probably the builder could address that, and why would you want to block that off. I guess you just want more secure backyard area for the children or --

MR. KELLY: I just did what the --

CHAIRMAN MADDEN: Sir, Mr. Kelly, can you come up cause we tape everything. Yeah.

MR. FARON: Hold on.

CHAIRMAN MADDEN: We tape everything.

MR. KELLY: I'm sorry.

Yeah, I just put in what the purchaser wanted me

to do. He is the one that suggested the -- you know, I told him where the setbacks were, why they were there, double setback, you have 50 feet back off of Mosley, you have 50 feet back off of Ladue. Whenever you have a corner lot. He did not understand that, and I told him we would have to go in to the Planning Zoning, see if we could extend this out. And I thought he wanted to go from the rear of his property. He said, no, I want to go right

up to the porch.

Now, it's not to the front of the property, there's still 50 feet out to the street.

MR. FARON: Yeah.

MR. KELLY: It's just to the back of the front porch. But I only did that because he asked me to.

MR. FARON: It seems like on many occasions, yeah, people won't go that far because the front facade that is very obviously you're going to see that facade and see a fence that sits in the same plane of the front of the house.

MR. KELLY: I agree.

MR. FARON: And there's no access. It's -- you step off that porch, you really can't get through that fence.

MR. KELLY: There's going to be a gate there.

MR. FARON: There. Okay. And I guess he just

31

wants more area for the children to --

MR. KELLY: Sure.

MR. FARON: -- to run.

MR. KELLY: He wants as much as he can get.

MR. FARON: I just see the landscape on the side of the house, which why would you put it there, I guess, if you're going to block it off.

Has there been any thought to move that fence back to the corner of the house, say the southwest corner of the house?

MR. KELLY: That's what I suggested in the beginning and he didn't want to do that.

MR. FARON: And I throw these things out cause

I'm kind of --

MR. KELLY: Sure.

MR. FARON: -- following Paul's lead to kind of work out a solution here. We are, you know --

MR. KELLY: I understand.

MR. FARON: -- probably understanding the problem with the setback, and be willing to exceed that, but with some honeysuckle removal and maybe adjustment or maybe a wrought iron fence is -- I mean I know we're not -- sometimes it's not even wrought iron, it's of a different material, but it looks of that.

Has that been a discussion at all with the --

MR. KELLY: No, he wanted privacy.

MR. FARON: Okay. That was my last question was it was privacy from sight or just -- I know the cars drive by there. I mean I think you're getting a lot of privacy by landscaping that whole side of Ladue and putting a fence behind it, be it wrought iron or something that is open slatted that you can see through. That's just not enough privacy, I guess, for the owner, apparently?

MR. KELLY: I can take it back to him. I know he's very anxious to get his family here.

Will I have to come back to another meeting and --

CHAIRMAN MADDEN: Yeah.

MR. KELLY: Yeah, I see.

MR. FARON: I was just throwing out some other options as I look at the plan, and I know Mr. Carney wants to --

MR. CARNEY: One thing I'd like to ask you. I'm up and down Ladue Road all the time. A lot of homeowners

there put like earthen berm -- berms along Ladue and plantings on top of that.

MR. KELLY: Originally I had suggested that, but the landscaper said I was all wet; that that gives up too much ground.

MR. CARNEY: Well, I think -- I think it would

take up less than your -- your 20 feet, I mean --

MR. KELLY: Yeah, this landscaper has been in business 35 years, so I stepped back and let him do the talking to the --

MR. CARNEY: Well, I mean, to me, if the homeowner's going to be spending a lot of money on these plantings, he could build a berm there and he could -- he could see the plantings rather than have a fence in between.

MR. KELLY: I suggested that in the first place, and they talked about and they ruled it out because originally I had suggested a berm.

CHAIRMAN MADDEN: Let me -- let me sum up here, cause, obviously, you're going to have to go back to him with some suggestions.

I think we're all against the vinyl fence, white vinyl.

Does everybody agree with that?

MR. FARON: Yes.

CHAIRMAN MADDEN: Yes?

MR. ROVAK: I thought -- I thought that had been taken off the table early on in favor or --

CHAIRMAN MADDEN: I'm just moving down the --

MR. ROVAK: Oh, okay.

25 CHAIRMAN MADDEN: Okay. We prefer wrought iron

34

1 or this, I call it the fake wrought iron, it looks like
2 wrought iron.
3 And is there anybody here for the wood?
4 MR. FARON: Well, I mean I'll say if you pull
5 the -- if you pull it back, and I don't know if you can
6 fluctuate the, you know, inundate the fence or a bit of
7 variety in the fence, maybe it is open slatted of some
8 sort or design, but I know you're going to go back to the
9 owner and come up with some other ideas, but --
10 MR. KELLY: Let me ask you, if I could.
11 What if he -- I don't think he's going to go
12 with a vinyl -- I don't think he's going to go with a
13 wrought iron fence, but -- oh, sorry. I don't think he's
14 going to go with a wrought iron fence, but he may go back
15 to his building line and put a fence in the setback line
16 and go in on that.
17 Now, what is he allowed to do on that, if he
18 were to go all the way back to 10 foot from the house and
19 go with a fence along there?
20 CHAIRMAN MADDEN: Pardon me?
21 MR. LANGDON: In a residential setting the
22 regulations allow anything other than chain link -- sorry,
23 barbwire up to 6 feet high, so he could use white vinyl if
24 he went back to the setback line.
25 MR. FARON: With no additional --

35

1 MR. LANGDON: Correct.
2 MR. FARON: -- presentation in front of us
3 for white vinyl?
4 MR. LANGDON: If the fence meets all the

requirements, then it's a simple fence permit, which is evaluating the footing and the ground and sufficient nailing that it won't fall apart in a windstorm.

MR. FARON: Could I ask while you gentlemen are both up there.

On cost, not the wrought iron, but the fake as Tim has said, what is the cost comparison between --

MR. KELLY: White vinyl fencing is the most expensive you can buy.

MR. FARON: White vinyl?

MR. KELLY: Yeah, and I just did what he wanted to do. Then I checked on -- on the cedar -- 6-foot cedar. It's about $2,000 less with cedar than it is to put the -- the white vinyl.

MR. FARON: And the wrought iron is -- but plastic --

MR. KELLY: I didn't price wrought iron because I don't think he's going to go with wrought iron.

MR. FARON: So it sounds like the options are pretty comparable in price, it's really a matter of choice and esthetics for the owner.

36

MR. KELLY: Yes, I think so.

MR. ROVAK: Mr. Chair, I think you're wrong, but I thought I recall a previous tenure on this board that we did have, and I thought it was on Ladue Road, and it -- it was a -- the privacy fence, but they may have given more setback because I don't recall the specifics of that, but it was a privacy, and if I remember, it might have been the stagger-board type and the owner also, in the design to keep it from being totally -- well, he added some

variety. There were -- there were some offsets; there were variations in the height, and there were some design features that were built into it, so that it wouldn't be a prison wall, if you will, or a strict privacy fence or stockade fence, but, again, I don't recall what the issues were in the setback.

He may have given up more fence, space it further from the road, but I thought it was from along Ladue Road --

CHAIRMAN MADDEN: Well --

MR. ROVAK: -- along the north side.

CHAIRMAN MADDEN: -- so you can go back to your client. Let me just -- let me know if I'm saying this right. If he goes back to the setback line --

MR. LANGDON: Uh-huh.

CHAIRMAN MADDEN: -- he can put in his wooden

37

fence, his vinyl fence, whatever he wants, right?

MR. LANGDON: Correct. Yes.

CHAIRMAN MADDEN: Okay. If he wants to come out front, we're recommending the fake wrought iron, but he could still do the cedar. I mean it's not guaranteed. We could okay that?

MR. LANGDON: Correct.

CHAIRMAN MADDEN: Okay. And --

MR. KELLY: Could you -- I mean could you -- I don't know if this would work or not, could you give an approval on wood tonight for that area?

CHAIRMAN MADDEN: No, I don't want to do anything until we see that he's going to -- one, you got to take out the honeysuckle; two, we got to decide where he's going to put it --

MR. KELLY: Okay.

CHAIRMAN MADDEN: -- and, three, we want to see how he's going to landscape it.

MR. KELLY: Okay. Let me ask this, so I can tell him.

CHAIRMAN MADDEN: Yeah.

MR. KELLY: Is he required to take out the honeysuckle?

MR. LANGDON: It's up to you all.

CHAIRMAN MADDEN: So if he goes to his -- if

goes back to the setback line --

MR. LANGDON: It's not required if he goes --

CHAIRMAN MADDEN: -- not required.

MR. LANGDON: -- to the setback line.

CHAIRMAN MADDEN: If he goes to the setback line, he can, basically, get what he wants.

MR. KELLY: Okay. I'm just asking questions.

CHAIRMAN MADDEN: Yeah, I understand.

MR. LANGDON: I think what the Commission is saying though, if he wants to bring it forward, then the honeysuckle comes out and gets replaced with a more formalized planting.

MR. KELLY: Okay. Then you're saying to the rear of the house and either wrought iron or wood. Okay.

CHAIRMAN MADDEN: Doesn't have to be the real wrought iron.

MR. KELLY: No, I understand.

CHAIRMAN MADDEN: Okay.

MR. FARON: And the honeysuckle only has to come out to the corner. I mean I know there's probably some in

back, but just along Ladue Road where we see the continuation of your new landscaping to the front. Not around the back. I know he said he was going to leave it and it's sufficient buffering for his family, but just on Ladue side down to the corner.

MR. KELLY: I'm sorry, you said --

MR. FARON: Just down to the corner on the Ladue side. I thought you had mentioned there's honeysuckle in the back and all around, but --

MR. KELLY: Yeah, he had mentioned to me at one time about two weeks ago, three weeks ago, that he just -- he wanted to leave the honeysuckle. I said, well, I don't know if you're asking for the right thing or not, but --

CHAIRMAN MADDEN: Yeah.

MR. KELLY: -- you know, I'll go along with you, but --

MR. FARON: But we're not requiring all of it, just the side, I would say.

MR. KELLY: No, he said -- if they go back on the setbacks, then --

MR. ROVAK: Well, then he's -- then he's home-free.

MR. KELLY: Doesn't have to take the honeysuckle out.

So I'll pass all of this along.

CHAIRMAN MADDEN: Okay. We need to do a continuance?

Okay. And then you can come back before us after you talk to him, okay?

We'll do a continuance for the next -- would two

weeks from now be okay with you?

MR. KELLY: Yes, that'd be fine.

CHAIRMAN MADDEN: Okay.

MR. KELLY: I'll talk to him, and then I'll --

CHAIRMAN MADDEN: Anybody want to make a motion?

MR. FARON: I move to continue the site plan for the fence within the area equivalent to the front yard setback along Ladue Road for the property addressed at 105 North Mosley Road submitted with Application No. 14-018 as presented to the Planning Zoning Commission on May 19, 2014.

MR. ROVAK: And I'll second that.

CHAIRMAN MADDEN: Any discussion?

I'll call for a vote.

Mr. Carney?

MR. CARNEY: Aye.

CHAIRMAN MADDEN: Mr. Howard?

MR. HOWARD: Aye.

CHAIRMAN MADDEN: Mr. Faron?

MR. FARON: Aye.

CHAIRMAN MADDEN: Mr. Rovak?

MR. ROVAK: Aye.

CHAIRMAN MADDEN: Mr. Pullium?

MR. PULLIUM: Aye.

CHAIRMAN MADDEN: And the Chair votes aye.

So we'll see you in two weeks.

MR. KELLY: Two weeks. Thank you.

CHAIRMAN MADDEN: Thank you.

MR. LANGDON: That's June 2nd, sir.

CHAIRMAN MADDEN: I'm sorry, June 2nd.

VOICE: Could I ask one more question?

CHAIRMAN MADDEN: Sure.

VOICE: Probably I need to ask Mr. Kelly, but he's leaving. Is whether -- whether -- whether a pool is planned, you know, are they going to have a swimming pool, and whether Mr. Kelly has built in Creve Coeur before.

CHAIRMAN MADDEN: Well --

VOICE: We'll have to do that. All right.

CHAIRMAN MADDEN: Okay. That'll move us to B, Application No. 14-019, approval for a final plat for the minor subdivision of Mosley Grove at 536 North Mosley Road and boundary adjustment between Lot 2 of Mosley Grove Subdivision and 16 Mosley Acres Drive.

Mr. Levinson.

MR. LEVINSON: Good evening. William Levinson, Benton Homebuilders, 1000 Executive Parkway, Suite 106, Creve Coeur 63141.

What we have here is the proposal for the final plat for Mosley Grove Subdivision, which you may recall is under straight zoning A District four one-acre lots.

We are also requesting to boundary adjust Lot 2 of the new subdivision, so this portion of the property here can be conveyed to the neighboring property owner at 16 Mosley Acres. This will maintain all the requirements of the A District on the remaining lot, and it will still meet all setbacks and square footage requirements and everything else.

There's a copy of our final plat. The staff report mentioned a couple of conditions, only one of which merits discussion, in my opinion, all of the others are -- are fine.

The site is -- it falls off steeply from here to here. And when we engineered the site, we did so to save as many trees as possible in these areas.

We have to take a little dirt out of here, but this is a very steep grade from the back of the cul-de-sac, so it would be our preference to have the sidewalks come in from the street, terminate at the new driveways rather than wrapping all the way around the cul-de-sac. Because if we wrap around the cul-de-sac it will be an additional 5 to 7 feet of grading, and then the slope will begin, whereas, if the sidewalk terminates at the driveways, all the same functionality will be there. We'll achieve the same result. But it will require less grading and a gentler slope at the end of the cul-de-sac.

43

These are hypothetical footprints. Each home will be a custom home and will come in for its own site plan approval through the Building Department. But these are the general locations of the driveways. So if the sidewalks come in, they come around here, they will hit every lot and they will terminate in the driveway. Everybody can walk straight to the other side and down the other sidewalk as well.

CHAIRMAN MADDEN: Mr. Faron.

MR. FARON: I thought we already agreed to that in Item 2 there, as I read it, is that correct? I think you already are getting that --

MR. LANGDON: That's -- excuse me --

MR. FARON: -- option.

MR. LANGDON: That's the condition as written, and I'll read you the requirement.

"Section 410.250(A). Sidewalks shall be required on both sides of all streets, except where the construction of a sidewalk along one side of the cul-de-sac with less than four homes may be allowed provided that each home has direct access to the sidewalk. Sidewalks may also be required elsewhere where deemed to be in the interest of public safety."

In creating that condition, I'm -- I would say, interpreting the code, that it is on both sides and it

44

does serve all the lots on the street.

Now I think you can argue that the one side is, in a cul-de-sac, is continuous. It just continues all the way around. And from a continuous sidewalk network perspective, it would go all the way around.

On the other hand, the Comprehensive Plan suggests that we should try to respect the natural terrain as much as possible.

So, you know, in my reading of the code, is if we have served all the houses it's on both sides of, at least the straight part of the street, and we're respecting the topography, then we're accomplishing a reasonable outcome.

If the Commission wishes to see it all the way around, because you believe it's part of the required network, then that would be your call.

CHAIRMAN MADDEN: Okay.

Any other questions for Mr. Levinson?

Okay. Is there anybody in the audience wants to make a comment on this? Okay.

And I know we got to do two things tonight.

And I know the owner is here from 536 North

Mosley, right?

PAUL HILTON: 16 Mosley.

CHAIRMAN MADDEN: 16 Mosley.

45

Could you just come up, state your name and address for everybody. I just want to make sure you're okay with this.

PAUL HILTON: Sure. My name is Paul Hilton. My address is 16 Mosley Acres 63141.

CHAIRMAN MADDEN: And are you okay with the lot adjustment?

PAUL HILTON: Yes, sir.

CHAIRMAN MADDEN: Okay.

Any questions for Mr. Hilton?

Okay. Thank you.

Okay. Somebody want to make -- well, we got to do two different motions here.

MR. FARON: Before I state -- there's still an acre over, I think, right, as you said, every lot is still an acre zoned A Residential, one acre plus? You still --

MR. LEVINSON: Yes, that is correct.

MR. FARON: I thought that's how I read it.

Okay.

MR. LEVINSON: And meets all the required setbacks of the A Zoning District.

MR. FARON: Anyone else or -- go ahead.

MR. HOWARD: I move to recommend approval of --

MR. LUMLEY: Need to do it the other way, cause the boundary adjustments reflected in the plat, so you

46

need to approve that first.

MR. HOWARD: Okay. We'll go with the second one.

I move to approve the boundary adjustment in Lot 2, Mosley Grove -- Grove Subdivision and 16 Mosley Acres Drive boundary adjustment attached to the staff report on Application No. 14-019 for the meeting of May 19th, 2014, subject to the condition that authorization and reporting of the final drawing shall not occur until copies of the reported final plat for Mosley Grove Subdivision have been provided to the City.

MR. PULLIUM: Second.

CHAIRMAN MADDEN: Any discussion?

Call for a vote.

Mr. Pullium?

MR. PULLIUM: Aye.

CHAIRMAN MADDEN: Mr. Rovak?

MR. ROVAK: Aye.

CHAIRMAN MADDEN: Mr. Faron?

MR. FARON: Aye.

CHAIRMAN MADDEN: Mr. Howard?

MR. HOWARD: Aye.

CHAIRMAN MADDEN: Mr. Carney?

MR. CARNEY: Aye.

CHAIRMAN MADDEN: And the Chair votes aye.

Okay. Want to do the next one?

MR. HOWARD: I move to recommend approval of the final subdivision for -- plat for Mosley Grove Subdivision with the conditions outlined in the staff report for the -- of May 19th, 2014.

MR. FARON: Second.

CHAIRMAN MADDEN: Any discussion?

MR. PULLIUM: Well, I guess I have a question. Is this -- are we back onto the sidewalk issue?

CHAIRMAN MADDEN: Yeah.

MR. LANGDON: Yes.

MR. PULLIUM: Yeah. I guess, Paul, the -- the issue have with respect to the continuing that around and the grading, did -- did you have an opinion on that that wasn't stated in your report?

MR. LANGDON: Well, I think -- personally, I think in a four lot cul-de-sac that not many people are looking to walk all the way around it. But I can tell you the City Planner believes that a sidewalk network should be as complete as possible. And that a short section of the sidewalk, though it may result in more grading, is a better fulfillment of the Pedestrian Plan.

I -- I -- I think you can make a reasonable case either way. I certainly understand the desire to get back to the original grade as much as possible, cause that

48

preserves, you know, water-flow and trees and what have you. That's why the Comprehensive Plan recommends doing that too.

So I don't personally have a -- a -- a strong feeling about it one way or the other. I think that that's why we are bringing it to your attention.

The code, certainly, the subdivision code provides you the latitude, I think, to interpret it either way. And even if it were to say that really only the two sides are necessary, if you feel that for public safety to keep people out of the street, you wanted it all the way around, it still gives you the wording to do that too.

So there are cul-de-sacs in the City that do not have sidewalks at all, and they were approved prior to the Pedestrian Plan and this section being added to the subdivision code.

I think this is one where it's -- it's really the Commission's preference, and what you feel is the best implementation, not only of the Comprehensive Plan, but also the Pedestrian Plan.

MR. PULLIUM: But your recommended condition is as stated here; that the sidewalk may be discontinued at the back of this cul-de-sac as long as all lots are connected by sidewalk, that's -- that's your recommendation?

MR. LANGDON: I believe that's a reasonable approach, yes.

MR. PULLIUM: Okay.

CHAIRMAN MADDEN: I -- I agree. I mean why have them regrade, they're going to lose trees, and as you say, the water-flow and everything else. I mean and we're talking four homes.

MR. LEVINSON: And we're also talking about a cul-de-sac here where there's -- there should be minimal traffic here --

CHAIRMAN MADDEN: Right.

MR. LEVINSON: -- because most of the people coming in and out of here will be pulling into one of these driveways.

CHAIRMAN MADDEN: They could walk across the street.

MR. LEVINSON: So they -- exactly. That's correct. Walk here, hop on the street, finish the

cul-de-sac, back on the sidewalk.

CHAIRMAN MADDEN: Okay.

Any more discussion?

Okay. I'll call for a vote.

Mr. Carney?

MR. CARNEY: Aye.

CHAIRMAN MADDEN: Mr. Howard?

MR. HOWARD: Aye.

CHAIRMAN MADDEN: Mr. Faron?

MR. FARON: Aye.

CHAIRMAN MADDEN: Mr. Rovak?

MR. ROVAK: Aye.

CHAIRMAN MADDEN: Mr. Pullium?

MR. PULLIUM: Aye.

CHAIRMAN MADDEN: And the Chair votes aye.

Thank you very much.

MR. LEVINSON: Thank you.

CHAIRMAN MADDEN: No work agenda.

Planning Division report.

MR. LANGDON: Mr. Chairman, we expect to get information this week from the Chamber of Commerce and some of its members regarding the drive-thru amendment that was continued from prior meeting.

I -- I have not seen anything, so I don't know what all they're putting together, but we should have it this week. And then we'll bring back to you, not only a revised amendment based on your comments from when we last discussed it, but then we'll try to do some interpretation of whatever we receive, and then we'll forward all that to you next meeting.

Hopefully, we'll also be back with the fence -- well, it will be on the agenda. You continued it

51

specifically to that meeting. Whether or not we have resolution, we'll have to wait and see.

We are looking at what may be temporary, but at least for the moment a bit of a slowdown in workload, which is good considering we're still short-staffed.

And, hopefully, we'll be able to fix that problem before too long, and also continue on with Comprehensive Plan and the Form Base Code.

CHAIRMAN MADDEN: Thank you.

MR. FARON: Question for Paul.

CHAIRMAN MADDEN: Mr. Faron.

MR. FARON: On the first item there about the drive-thru.

MR. LANGDON: Uh-huh.

MR. FARON: You had mentioned the response from the Chamber of Commerce?

MR. LANGDON: Yes.

MR. FARON: Did you mention the survey? What's the timeline kind of on the survey and what we might expect to hear?

I talked to some residents, and it's come up in conversation, I'm just curious as to when that feedback might be in front of us or available?

MR. LANGDON: The City Administrator knows better than I do. But my understanding is the survey will

52

be conducted primarily the last week of May, so next week, and then raw results will be provided a week to ten days after.

This particular question related to the drive-thru, we believe the raw results will be fairly informative. We won't need the meta data and further analysis to go with it.

It is sort of a do you like it or don't you like it kind of question, so.

I don't think we'll have anything by June 2nd, but there's nothing that says we have to have a final decision on June 2nd. I think, as you know, as you've witnessed, this is a fairly hotly debated issue, and you don't necessarily need to rush into any particular decision.

If you want to wait for those results, if we don't have them, then by all means, you should wait for those results.

MR. FARON: Will the -- the survey, will it kind of address where we stand right now as a city, or is it just going to say do you like drive-thrus or not in Creve Coeur?

I mean I think it's a very leading option. I'd love to see a full-page description of where we stand, and be very clear on what we're looking at, and not just --

53

cause it seems like a lot of people believe that's all we're kind of trying to decide upon here, so.

MR. LANGDON: Well, in working with the survey company, the consultant, you know, their advice was, first, the question has to be short because if you get too much going people can't remember what you started with in the same question.

Second, that you want to avoid interpretation

built into the question. It should be factual statement; what's your response. Or a simple theory and what's your response.

So the way the question is set up is to say that the current regulations have allowed only one drive-thru in the city, would you be in favor of more drive-thrus being in the city. Doesn't get into do you want us to modify the regulations one way or another; it just says should we make it possible in some way for their to be more.

Then has, and I don't know the specific wording, but, basically, statements that try to define what it is people don't like about them.

You know, do you have concerns about their appearance; do you have concerns about the light that they have; do you have concerns about the noise they create; do you have concerns about the traffic.

I think those are the four things. Just -- and then just answer yes or no.

It isn't going to be the kind of information that we can build an ordinance around. It's mostly just a witness test; should we even be going here, and if we are, then is there some basis for certain things that we might regulate, again, such as traffic or noise or what have you.

CHAIRMAN MADDEN: Okay.

Anything else?

Okay. City Attorney report?

Before we adjourn, I will not be here June 2nd. Is there anybody else, just so we know we have a quorum?

MR. HOWARD: I will not be here June 2nd.

CHAIRMAN MADDEN: Okay.

MR. ROVAK: I will be here.

CHAIRMAN MADDEN: All in favor --

MR. LANGDON: That leaves us with four, so those of you who remain, let us know as soon as possible if you're not going to make it.

CHAIRMAN MADDEN: I'll be out of town.

MR. HOWARD: I'll be out of the country.

MR. FARON: I'll be out of my mind.

CHAIRMAN MADDEN: Okay. All in favor of adjourning?

(All responded aye.)

CHAIRMAN MADDEN: Thank you all very much.

(The hearing ended at 8 p.m.)

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

I, Deborah K. McLaughlin, Registered Professional Reporter, Missouri Certified Court Reporter, Illinois Certified Shorthand Reporter and Kansas Certified Court Reporter, do hereby certify that I reported the Planning and Zoning Meeting stenographically and later reduced to typewriting; and that this is a true and accurate transcript of the meeting.

_____, RPR, MO-CCR, IL-CSR, KS-CCR

May 19, 2014

Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR

56

city of CREVE COEUR

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MEMORANDUM TO THE PLANNING AND ZONING COMMISSION

Meeting Date: June 16, 2014

Subject: Application #14-004: Rezoning to "B" Single Family Residential and Approval of a Preliminary Plat According to the Residential Design Development (RDD) Procedure for The Creekside at Mason Subdivision

Memo Prepared by: Paul Langdon, AICP, Community Development Director

Attachments: REVISED Subdivision Proposal
Zoning Comparison Tables
Subdivisions Comparison Table

SUMMARY OF PROJECT STATUS

- March 3, 2014: The Planning Commission conducted a public hearing based upon the original application for a rezoning to "D" Single-family Residential with 17 single-family detached lots. The project is continued to allow for revisions.
- April 21, 2014: The Planning Commission reviewed a revised plat with 16 lots and, at the suggestion of staff, the applicant amended their request from a "D" rezoning to a "B" Single-family Residential rezoning. The Planning Commission voted 1-4 against a motion to approve the rezoning. The Planning Commission voted 5-0 in support of the motion to approve the site development plans. Some Commissioners made the comment that they did not object to the physical layout of the subdivision but felt that the applicant had not presented enough evidence to support the rezoning of the land, regardless of the layout of the subdivision.
- April 22, 2014: The applicant requested that the project not be placed on a City Council agenda until options could be evaluated and they could investigate further amendments to the proposal.
- May 30, 2014: The applicant delivered to the City a revised proposal that includes 12 lots (instead of 16). Other than very subtle changes to the road layout and the total common ground area, the other aspects of the subdivision (grading, path location, stormwater management) remained the same.
- June 9, 2014: The revised project was reviewed by the City Council. Given that the number of lots in the new proposal is significantly altered from the version seen by the Planning Commission, members of the City Council expressed concerns that the Planning Commission recommendations might not be the same if the Commission had an opportunity to review the new drawings. Four residents (or their representatives) spoke in opposition to the proposal primarily on the basis of lot size and quantity and proximity to other houses; one spoke in favor citing quality of the houses and maintenance of the properties. The City Council then voted in favor of a motion to refer the project back to the Planning Commission so that recommendations could be received based upon the new lot sizes and quantities.
- June 13, 2014. The project was placed on the Planning and Zoning Commission agenda for the June 16th meeting.

UPDATED COMPARISON TABLES

Attached to this memo are three tables that were also provided to the City Council on June 9th: The first compares the project, as reviewed by the Planning Commission, to the generic zoning districts; the second compares the newest proposal to the generic zoning districts, and; the last compares the broad development standards of the two Creekside proposals to several other subdivisions in the city. A couple of key issues when reviewing these tables are:

- It is difficult to compare an RDD proposal to generic zoning districts because so many factors are variable between subdivisions and some of the regulations for RDDs are not directly applicable to the generic districts, especially the allowed number of lots. The *net* density calculation and the individual lot regulations are the most equally applicable regulations between each of the districts.
- Many of the prior RDD approvals did not document the unique allowances for each subdivision which makes it difficult to find equivalent standards between projects over time. Also, a simple comparison of numbers and dimensions between subdivisions fails to recognize the unique nature of each RDD subdivision that led to the RDD request in the first place. In other words, not all RDD approvals arise from the same circumstances nor do they seek to address the same concerns.

ADDITIONAL CONSIDERATIONS FROM STAFF

The Rezoning Question: The Commission's negative vote on the rezoning motion came largely out of a concern that the applicant could not show how the public welfare was more served by the rezoning to B Single-family Residential District than by leaving the land in the A Single-family District. This question comes from the following guidance within the Zoning Code:

> Zoning regulations should be changed if the public welfare is not served by the zoning or if the public interest served by the zoning is greatly outweighed by the detriment to private interests. In making this determination, the City should consider the adaptability of the subject property to its zoned use and the effect of zoning on property value in assessing private detriment. The character of the neighborhood, the zoning and uses of nearby property, and the detrimental effect that a change in zoning would have on other property in the area are relevant to the determination of public benefit. (Sec. 405.1060.E)

The project has been reduced to a number of lots that staff believe will bring the total number of lots south of the creek to something similar to what is anticipated by the Comprehensive Plan. As was pointed out by one of the resident's representative, however, the lot sizes are still below the one-half acre minimum size recommended by the Comprehensive Plan. Unlike the other properties to the south, the proposal does make an effort to coordinate open space with the neighbor's properties and provide a public amenity (the walking path); out of necessity, the stream channel will be protected. While this does not represent the fullest expression of the Comprehensive Plan goals, it is more than has been done on the properties to the south which have completely foiled the 2002 vision for the area save for the desire to have low density. If the lots are enlarged to a full half-acre and, as a result, reduced to a total of eight lots, the applicant believes it would diminish their ability to coordinate the open space since the road would have to abut the south property line in order to provide sufficient contiguous land area to assemble saleable lots. If the property is not rezoned and an RDD is not approved, a similar layout would result. Which scenario represents a greater service to the public welfare is fairly debatable but should be central to the Commission's deliberations.

Since the fundamental design of the subdivision has not changed, staff do not believe any changes are necessary to the conditions of approval save for updating the plan date references. The updated ordinance is attached hereto and should be the document referred to in subsequent discussions.

Subdivision Design Considerations: It is the Staff opinion that a neighborhood is more than a collection of lots, regardless of their size. A straight, single-loaded road does not provide interest, nor does it provide opportunity for across-the-street interaction, nor does it provide closure and balance to the "outdoor room" that is formed in conventional streets. Indeed, there are very few examples of such single-loaded streets anywhere in the city but there are quality neighborhoods throughout, at a variety of lot sizes, including in close proximity to the proposed site. Further, the presence of the stream, the orientation of the large lots to the south and the common ground to the west have the combined effect of cutting this development off from its neighbors; it is isolated, no matter how many houses it has. The proposal might have a few more houses (four) than the density allowed under the "A" zoning district, but it is those four lots that give the proposed street a better (not perfect) opportunity to be a more traditional place to live which always has positive impacts on property values and long-term stability. Further, the four additional houses will be barely perceptible by anyone driving down Mason Road or living in the adjacent subdivisions due to the isolated location of the project. In other words, Staff do not believe that four more houses harms the adjacent properties as much as four fewer houses harms the new subdivision. This would seem to suggest that the proposal is, ultimately, more successful at creating a traditional, desirable place to live which, ultimately, does serve the public welfare more than a short, isolated string of houses with flood plain for a back yard and an unconventional layout.

POSSIBLE PLANNING COMMISSION ACTIONS

The Planning Commission has two primary options moving forward with this proposal:

A. Review the new proposal and vote on similar motions as the prior review to approve the rezoning and approve the site development plan. As a reminder, the Commission voted against the former and in favor of the latter on April 21, 2014. The members of the Commission should seek a specific response from the applicant regarding the question of the rezoning.

   The following are examples of motions to pass a recommendation on this application:

   1) "I move to recommend approval of the Rezoning and Preliminary Plat for the Creekside at Mason subdivision from A Single Family Residential to B Single Family Residential and authorizing a Residential Designed Development (RDD) submitted with Application #14-004, subject to the conditions contained in the draft ordinance attached to the staff memo for the meeting of June 16, 2014" (conditions may be added, eliminated, altered, and modified).

   2) "I move to recommend approval of the Site Development Plan for the Creekside at Mason subdivision submitted with Application #14-004, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of June 16, 2014" (conditions may be added, eliminated, altered, and modified).

B. Review the new proposal and, if the Commission believes that further modifications or consultations with area residents are warranted, continue the project to a subsequent meeting to allow for those actions.

   The following is an example motion to continue the discussion to the subsequent meeting:

   "I move to continue discussion of Application #14-004, the Rezoning and Preliminary Plat for the Creekside at Mason subdivision, to the meeting of July 7, 2014, to allow the applicant time to address the concerns of the Planning and Zoning Commission expressed at the meeting of June 16, 2014.

Zoning Comparisons at 16 Lots

	Creekside at Mason B-RDD*	Generic A Zoning District	Generic B Zoning District	Generic C Zoning District	Generic D Zoning District
Acres	8.49 acres (369,927 sq.ft.)	varies	varies	varies	varies
Area of proposed ROW	1.13 acres (49,416 sq. ft.)	varies	varies	varies	varies
Area of proposed common ground	3.15 acres (137,319 sq. ft.)	varies	varies	varies	varies
"Gross" area (under RDD, includes common ground but excludes ROW)	7.36 acres (320,511 sq.f.t)	varies	varies	varies	varies
Maximum Units, Gross (under RDD, includes common ground but excludes ROW)	16	varies	varies	varies	varies
No. of Units Proposed	16	varies	varies	varies	varies
Net Units / Acre (excluding ROW and common grnd.)	3.8	1	2.178	2.9	4.36
Lot Size Minimum (sq.ft.)	10,003 11,450 average	43,560	20,000	15,000	10,000
Lot Frontage Minimum (ft.)	70 ft.	150 ft.	100 ft.	75 ft.	70 ft.
Front Setback Minimum (ft.)	20 ft.	50 ft.	45 ft.	45 ft.	20 ft.
Side Setback Minimum (ft.)	8 ft.	15 ft.	15 ft.	12 ft.	8 ft.
Rear Setback Minimum (ft.)	15 ft.	30 ft.	30 ft.	30 ft.	15 ft.
Lot Coverage Maximum	45% for each lot	25%	35%	40%	45%

*Based upon plan voted on by the Planning Commission on April 21, 2014.

Zoning Comparisons at 12 Lots

	Creekside at Mason B-RDD**	Generic A Zoning District	Generic B Zoning District	Generic C Zoning District	Generic D Zoning District
Acres	8.49 (369,927 sq.ft.)	varies	varies	varies	varies
Area of proposed ROW	1.13 acres (49,416 sq.ft.)	varies	varies	varies	varies
Area of proposed common ground	3.16 acres (137,630 sq.ft)				
"Gross" area (under RDD, includes common ground but excludes ROW)	7.36 acres (320,511 sq.f.t)	varies	varies	varies	varies
Maximum Units, Gross (under RDD, includes common ground but excludes ROW)	16	varies	varies	varies	varies
No. of Units Proposed	12	varies	varies	varies	varies
Net Units / Acre (excluding ROW and common grnd.)	2.9	1	2.178	2.9	4.36
Lot Size Minimum (sq.ft.)	15,006 15,240 average	43,560	20,000	15,000	10,000
Lot Frontage Minimum (ft.)	75 ft.	150 ft.	100 ft.	75 ft.	70 ft.
Front Setback Minimum (ft.)	20 ft.	50 ft.	45 ft.	45 ft.	20 ft.
Side Setback Minimum (ft.)	10 ft.	15 ft.	15 ft.	12 ft.	8 ft.
Rear Setback Minimum (ft.)	15 ft.	30 ft.	30 ft.	30 ft.	15 ft.
Lot Coverage Maximum	35%	25%	35%	40%	45%

**Based upon plan presented to the City Council on June 9, 2014.

Subdivisions Comparison

	Creekside*	Creekside**	Villas on Mosley	Ladue Grove	Hammersmith	Camfield Square	Questover Place	Greengate
Zoning	B-RDD	B-RDD	C-RDD	A	A-RDD	A-RDD	B-RDD	D (Pre-existing non-conforming)
Total Site Area (acres)	8.49	8.49	4	5	19.5	20	52.25	6
Number of Lots	16	12	10	5	19	16	63	18
Avg. Lot Size (acres)	0.26	0.35	0.27	1.1	0.67	0.73	0.54	0.21
Common Ground Area (acres/% of total area)	3.15/37%	3.16/37%	0.75/19%	0/0	4.5/23%	6.9/35%	8.55/16%	2.1/35% (incl. street)
Lots Per Acre, Total (including ROW AND Common ground)	1.88	1.41	2.50	1.00	0.97	0.80	1.21	3.00

*Based upon plan voted on by the Planning Commission on April 21, 2014.
**Based upon plan presented to the City Council on June 9, 2014.

Creekside at Mason

Proposed Residential Community – Re-zoning Request

June 9, 2014 City Council Meeting

(Application #14-004)

Creve Coeur, Missouri

George Stock, P.E. – President - Stock & Associates Consulting Engineers, Inc.

BJ Keane, P.E. – Land Development Manager – Pulte Homes of St. Louis

Larry Butts - Director of Construction – Pulte Homes of St. Louis

Matthew Segal – Land Acquisition Manager – Pulte Homes of St. Louis

Re-zoning Request

- Site currently zoned Residence District ‘A’ (1 acre density)
- Proposed “Residential Design Development (RDD)” based upon Residence District ‘B’ zoning (1/2 acre density), Single Family Residential (1.41 homes/acre)
- Need for Re-zoning:
  - To serve existing residents within the City of Creve Coeur who have reached a time in their life where they no longer desire to maintain a larger estate. However, they do desire to continue to reside in the City of Creve Coeur. The current option under today’s zoning for that buyer primarily rest with purchasing an attached product (villa) or condominium product or the daunting task of a tear down and rebuild. The Creekside at Mason community provides an alternative for the consumer that desires to stay in Creve Coeur an affluent city. The proposed project of Creekside will be a prestigious community that offers life tested home designs on maintenance provided home sites offering greenspace and trail connectivity. More importantly the ability for residents to have a sense of community within the community and not have to leave the City that they desire to live in for many years.

Re-zoning Request

- Creve Coeur Housing Statistics
  - Housing stock in Creve Coeur is older, 75% of houses sold within the past 12 months are 35 years old or older.
  - Creve Coeur has experienced little population growth over the past decade, growing from 16,500 in 2000, to 17,800 in 2010. Mostly driven by the limited options for consumers, be it tear downs, re-developments and condominium projects.
- Surrounding zoning
  - The site is currently zoned ‘A’ and is surrounded by different zoning classifications including zone ‘D’ to the North, zone ‘C’ to the East, and zones ‘A’ & ‘D’ to the South and West. This unique community of smaller lots buffered by large common ground and natural preservation space is not serving the Public under the ‘A’ zoning which promotes large private lots and little common ground. We believe this unique community will improve the value of the existing property and surrounding properties.

Re-zoning Request

- Public Benefits:
  - High Quality Residential Home Design
  - Natural Resource Protection & Preservation
  - Common Ground for use of all Residents vs. Individuals
  - Community with Overall Comprehensive Landscape & Maintenance Plan
  - Mason Road Improvements
  - Trail Incorporation linking residents to the West to Millennium Park
- Proposed Density
  - Total Lot Area + Common Ground Area = 320,511 SF
  - Minimum Lot Area – ‘B’ Zoning = 20,000 SF
  - Total Allowable Lots = 320,511 SF / 20,000 SF = 16 Lots
  - Total Requested Lots = 12 Lots

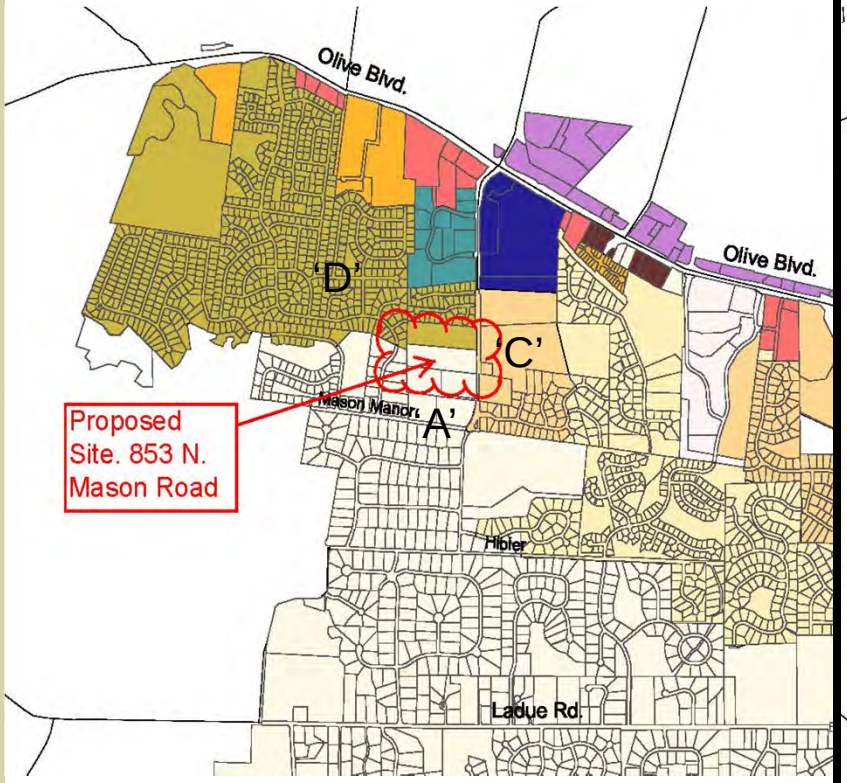
Creekside at Mason – Code Comparison

Residential Zoning – Code Comparison Table		
	'B' Residence District	Proposed Site Plan (RDD)
Lot Size	20,000 SF	15,000 SF (min.) 15,317 SF (ave.) 25% Reduction from 'B' District
Lot Width	100 Feet (min.)	73 Feet
Lot Depth	100 Feet (min.)	133 Feet
Units per Acre	2.178	1.41
Site Coverage	35.0% (max.)	35.0%
Front Yard Setback	45 Feet	20 Feet
Side Yard Setback	15 Feet	10 Feet
Rear Yard Setback	30 Feet	15 Feet
Openspace (min. recommended)	40%	43%

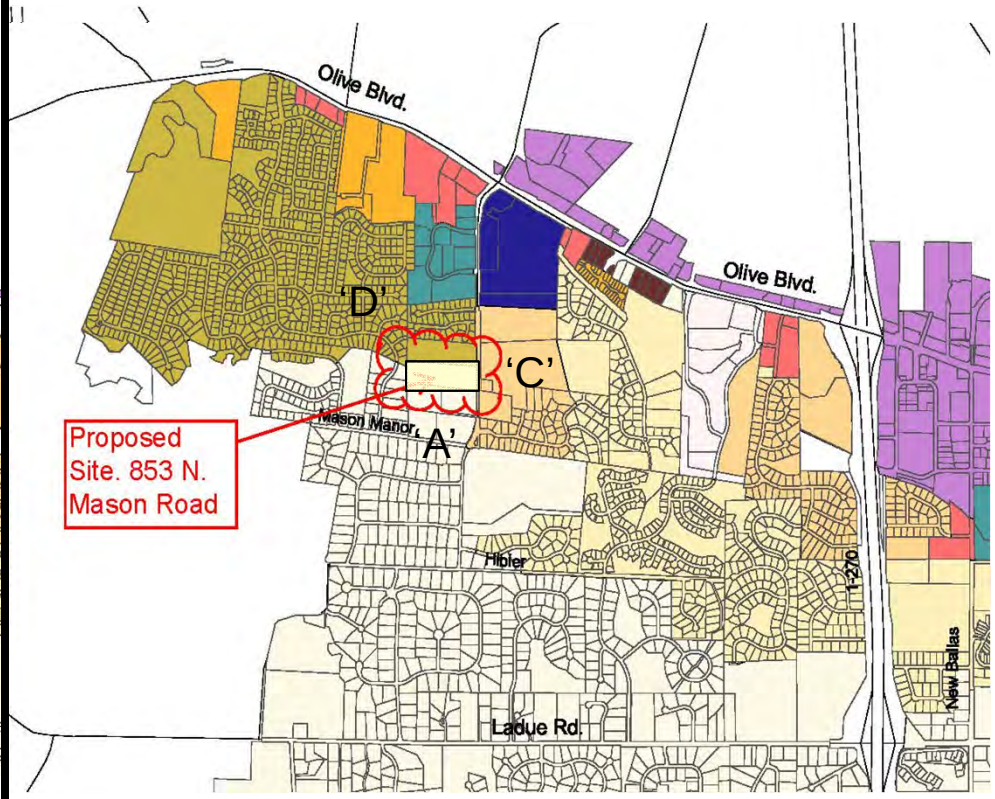
Community Features

- Preservation of Natural Resources (floodplain) & existing trees within Common Ground (Common Ground Area = 3.14 Acres or 37% of the site.) Existing tree canopy retained = 26.5% (0.5 acres of 1.87 acres)
- Common Ground affords the City greater controls for retention of Greenspace and Natural Resources. If the Greenspace & Landscaping are placed on private lots, individual owner's are not obligated to replace landscaping and could build accessory structures, etc.
- Subdivision indentures guarantee maintenance & replacement of landscaping within Common Ground and Landscape Easements.
- Rain Gardens providing Water Quality, Runoff Reduction and Landscape Features
- Stormwater Management
  - Detention Basin size for 2-year & 100-year 24-Hour design storm
  - 24-Hour extended detention for Channel Protection
- Landscaping coordinated with property owners to the South and maintenance guaranteed through the Subdivision Indentures
- Common Ground Trail and sidewalks
- Architectural Products
  - Home Size ranging from 2,596 SF to 3,348 SF
  - Model Base Price: mid $600's, Average Price: mid $700's
  - Architectural Shingles
  - Masonry Fronts & Hardie Plank siding
- Home Models: Geneva, Monaco, Naples, Turin, Vienna

Existing Zoning 'A'



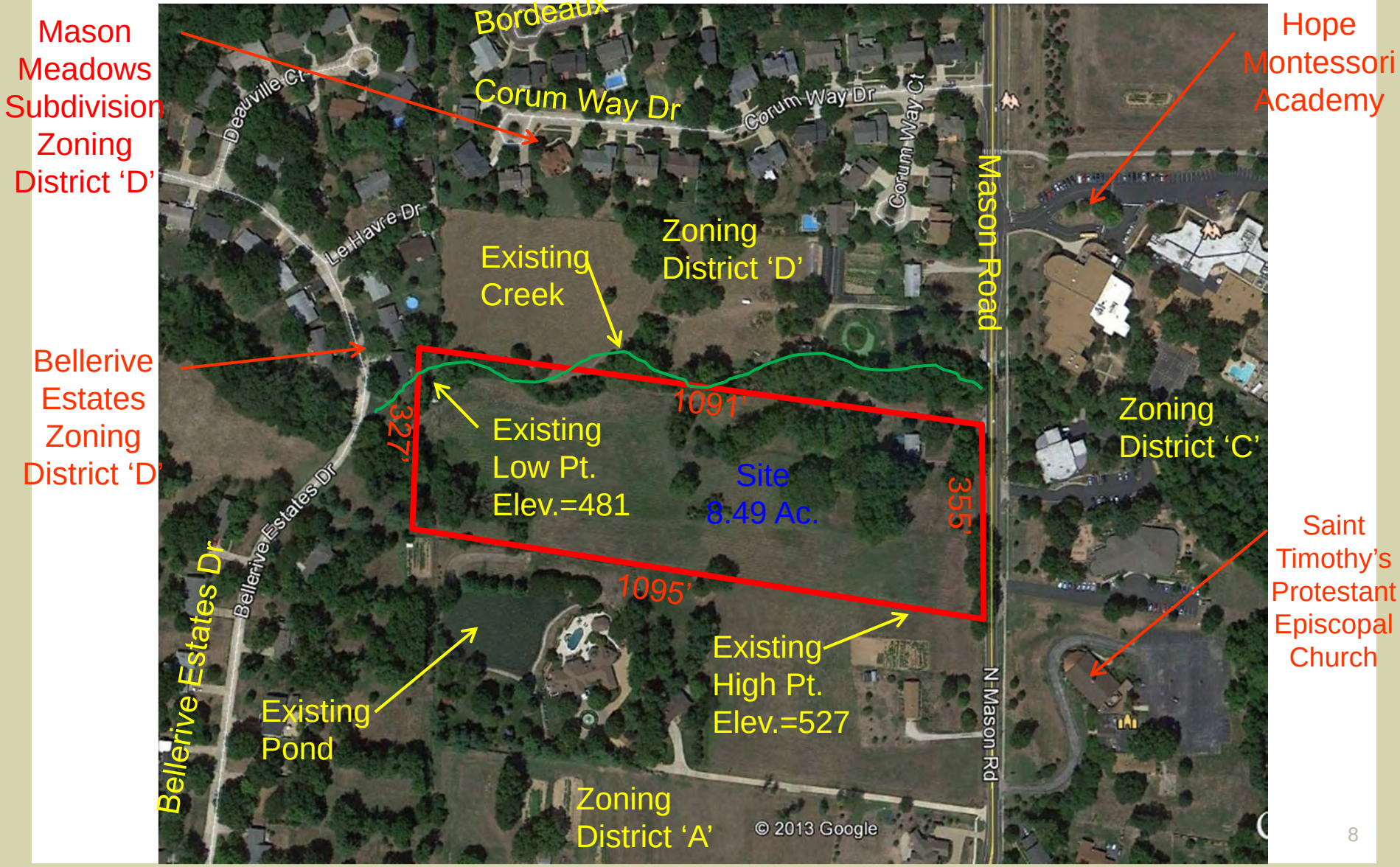
Proposed Zoning 'B'

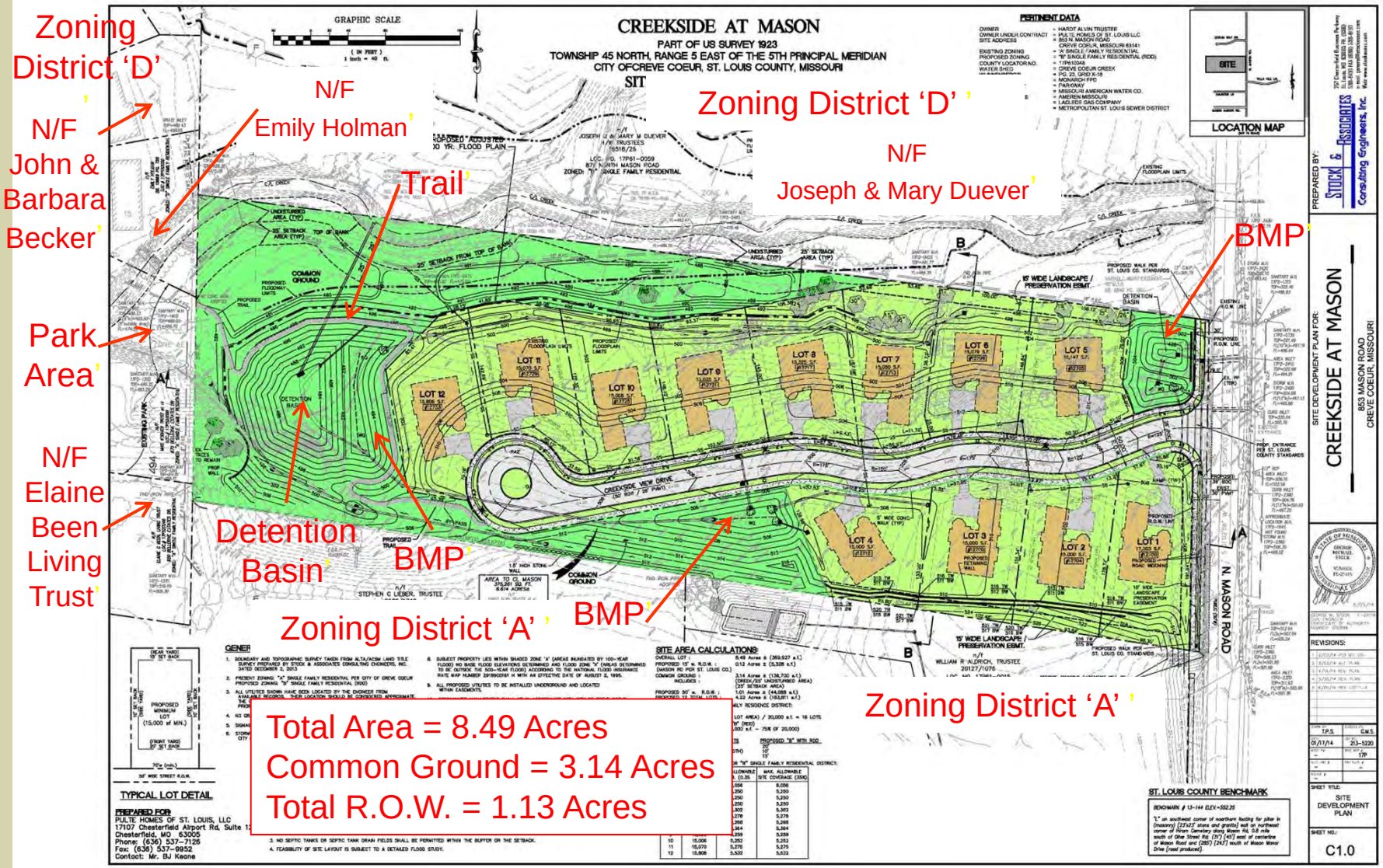


Creve Coeur Zoning Map

Proposed 12 Home Sites for a Single Family Residential Community

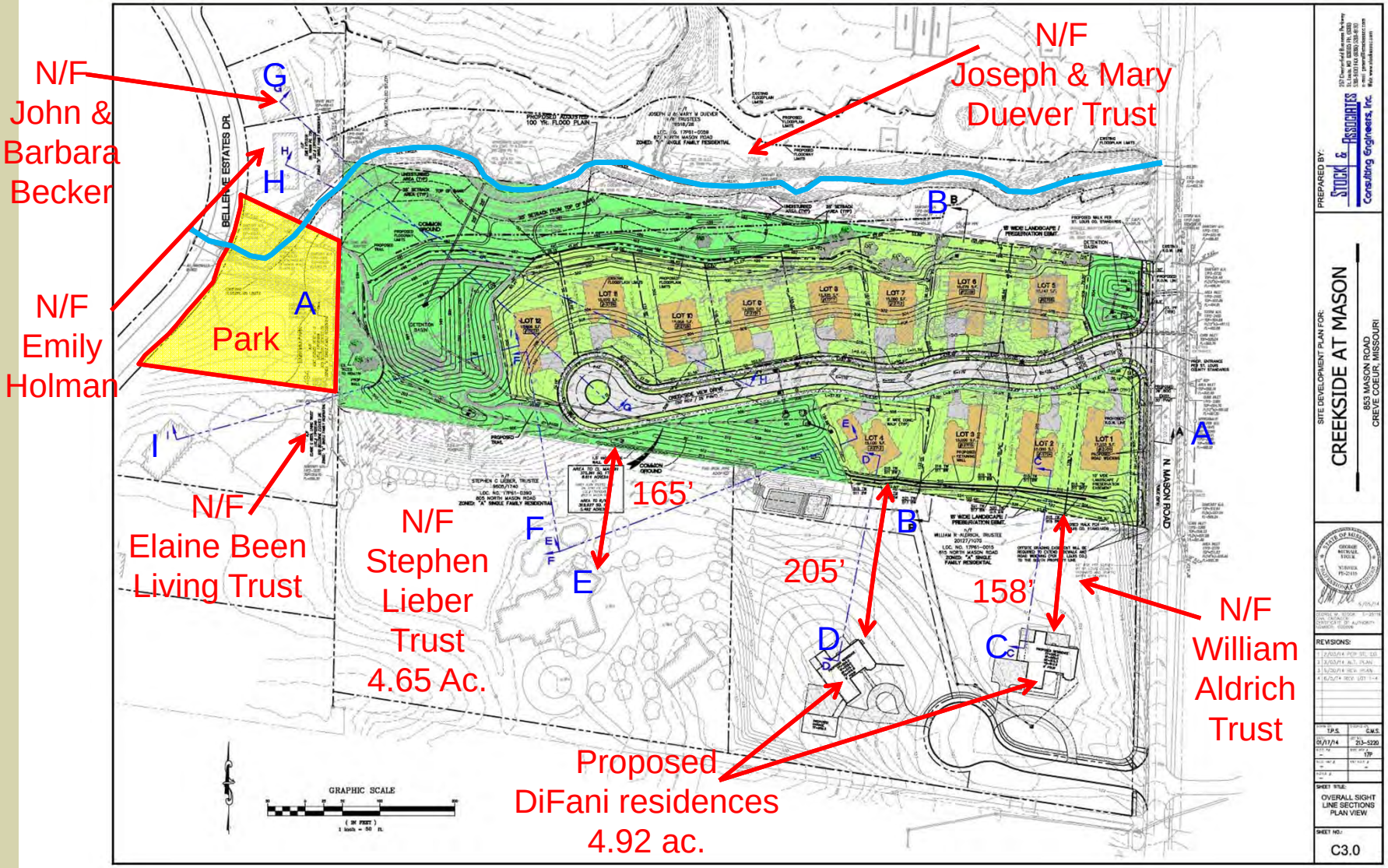
Existing Ground 8.49 acre parcel at 853 Mason Road





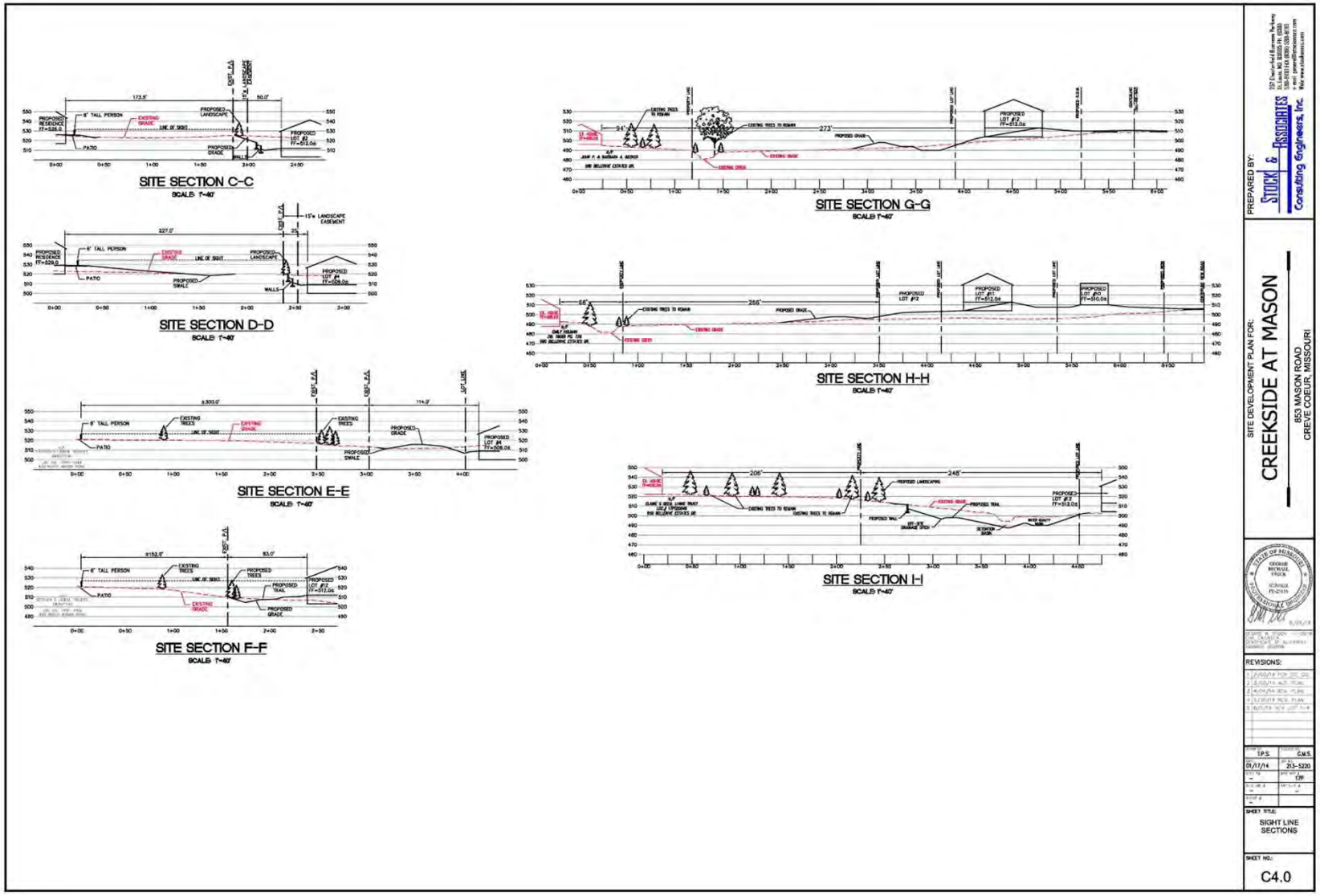
Creekside at Mason – Revised Plan -12 Lots

Proposed 12 Home Sites for a Single Family Residential Community



Creekside at Mason – Plan Sections

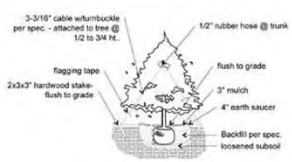
Proposed 12 Home Sites for a Single Family Residential Community



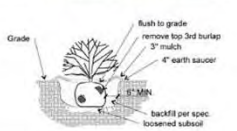
Creekside at Mason – Site Sections

Proposed 12 Home Sites for a Single Family Residential Community

Landscape Plan

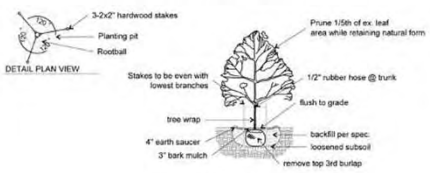


TYPICAL EVERGREEN PLANTING

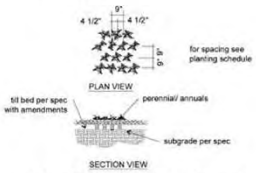


SCARIFY ROOT BALL OF ALL CONTAINER STOCK

TYPICAL SHRUB PLANTING



CANOPY TREE PLANTING



TYPICAL PERENNIAL PLANTING

LANDSCAPE PLAN

SCALE 1"=40'

PLANTING SCHEDULE

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE
TREES					
A	13	Zelkova serrata 'Green Vase'	Green Vase Zelkova	3" cal.	Deciduous
B	16	Quercus rubra	Red Oak	3" cal.	Deciduous
C	12	Tilia cordata	Littleleaf Linden	3" cal.	Deciduous
D	9	Acer x freemanii 'Jeffersred'	Autumn Blaze Maple	3" cal.	Deciduous
E	15	Pinus strobus	Eastern White Pine	8' ht.	Evergreen
F	11	Cornus florida 'Cherokee Princess'	Cherokee Princess Dogwood	2" cal.	Deciduous
G	9	Cercis canadensis	Eastern Redbud	2" cal.	Deciduous
H	47	Picea abies	Norway Spruce	8' ht.	Evergreen
J	6	Juniperus virginiana 'Canaerti'	Canaerti Juniper	6' ht.	Evergreen
K	3	Prunus 'Kwanzan'	Kwanzan Cherry	2" cal.	Deciduous
SHRUBS					
a	25	Viburnum rhytidophyllum	Leatherleaf Viburnum	24-36"	Semi-evergreen

STATE OF MISSOURI
JERALD SAUNDERS
NUMBER LA-7
LICENSED LANDSCAPE ARCHITECT
2/5/14

Jerald Saunders - Landscape Architect
MO License # LA-007

Consultants:

Creekside at Mason

Creve Coeur, Missouri

Revisions:

Date	Description	No.
2/5/14	Base Revision	1
4/14/14	Base Revision	2
6/5/14	Base Revision	3
6/9/14	Base Revision	4

Drawn: LH
Checked: RS

loomis Associates

landscape architecture planners
127 grand st. blue springs, suite 115
blue springs, mo 64015-2259
816.229.9000 fax 816.229.2259
www.loomisassociates.com

Loomis Associates Inc.
Missouri State Certificate of Authority # LAC #000015

Sheet Title: Landscape Plan

Sheet No: L-1

Date: 01/17/2014
Job #: 935.005

Example Dry Detention Basin

Example Dry Detention Basin

Example Rain Garden

Traffic Assessment – Mason Road

BERNARDIN LOCHMUELLER & ASSOCIATES
411 North 10th Street, Suite 200 · St. Louis, Missouri 63101 · www.blainc.com
Phone: 341.621.3395 · Fax: 314.621.6288
ONE SOURCE FOR A WORLD OF SOLUTIONS

February 28, 2014

Mr. George Stock, P.E.
Stock & Associates
257 Chesterfield Business Parkway
Chesterfield, Missouri 63005

RE: Traffic Assessment
Creekside at Mason
Creve Coeur, Missouri
514-0023-0TE

Dear Mr. Stock:

Bernardin, Lochmueller & Associates has completed a traffic assessment pertaining to the development of the Creekside at Mason subdivision in Creve Coeur, Missouri. The development would consist of a maximum of 17 single-family detached homes at 853 Mason Road, which is located on the west side of Mason Road between Corum Way Drive and Mason Manor Drive. The subdivision would be served via a single driveway on Mason Road.

This assessment estimated the amount of traffic that would be generated by the development and assessed the impact of the additional trips on Mason Road. It should be noted that this assessment does not constitute a full traffic impact study.

Estimated Trip Generation

A trip generation forecast was developed based upon data provided in the "Trip Generation Manual", Ninth Edition, published by the Institute of Transportation Engineers (ITE). This manual, which is a standard resource for transportation engineers, is based on a compilation of nationwide studies documenting the characteristics of various land uses.

Estimates for the residential development were based upon Land Use: 210 – Single Family Detached Housing. The resulting traffic projections for the proposed development are summarized in **Table 1**.

Table 1: Estimated Trip Generation for Proposed Subdivision

Time Period	*Total Trips*	*Trips IN*	*Trips OUT*
Weekday AM Peak Hour	13	3	10
Weekday PM Peak Hour	17	11	6

As shown, the Creekside at Mason subdivision would be expected to generate only 13-17 trips during the heaviest peak hours. This equates to less than one vehicle every three to four minutes.

Existing Conditions and Anticipated Impacts

Based on traffic data collected in conjunction with previous studies in the area, Mason Road north of the site carries approximately 650 and 755 vehicles during the a.m. and p.m. peak hours, respectively.

A comparison of existing traffic and anticipated new trips generated by the proposed subdivision indicates that 17 new homes could increase peak hour traffic on Mason Road by approximately 2 percent. Given that traffic volumes on a roadway can fluctuate as much as 5-10 percent on a daily basis, a 2 percent increase in traffic would represent a nominal change in conditions on Mason Road and should not noticeably impact traffic operations.

Conclusions

In summary, the Creekside at Mason subdivision would be expected to generate only 13-17 trips during the heaviest peak hours. This represents an increase of approximately 2 percent on Mason Road, which would have a nominal impact on traffic conditions.

We trust that you will find this assessment useful in evaluating the traffic issues related to the Creekside at Mason subdivision. Please do not hesitate to contact me at (618) 288-4665 if you have any questions concerning this assessment.

Sincerely,

Bernardin, Lochmueller & Associates, Inc.

Dustin B. Riechmann

Dustin B. Riechmann, PE, PTOE
Traffic Engineering Manager

Creekside at Mason
Street & Neighbor Perspectives & Home Elevations

Creekside at Mason

June 4, 2014

Table of Contents

2-5 Site Perspective Views
6 Turin Model
7 Monaco Model
8 Geneva Model
9 Naples Model
10 Vienna Model
11 Landscape Plan

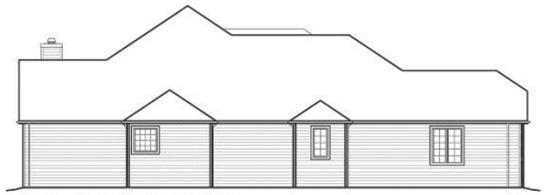
Creekside at Mason

Geneva

CREEKSIDE AT MASON GENEVA

24

Geneva



LEFT SIDE ELEVATION "1"

REAR ELEVATION "1"

RIGHT SIDE ELEVATION "1"

FRONT ELEVATION "1"

CREEKSIDE
GENEVA PROPOSED
ELEVATION 1

PALERMO
GROUP L·L·C

Geneva

CREEKSIDE
GENEVA PROPOSED
ELEVATION 2

PALERMO
GROUP L·L·C
TIM PALERMO • ARCHITECT
101 Dusty Rose Drive • O'Fallon, MO 63366
636.282.5505

Monaco

CREEKSIDE AT MASON

MONACO

27

Monaco

CREEKSIDE
MONACO PROPOSED
ELEVATION 1

PALERMO
GROUP L·L·C
TIM PALERMO • ARCHITECT

Monaco

CREEKSIDE
MONACO PROPOSED
ELEVATION 2

PALERMO
GROUP L·L·C
TIM PALERMO • ARCHITECT

Naples

CREEKSIDE AT MASON NAPLES

30

Naples

CREEKSIDE
NAPLES PROPOSED
ELEVATION 1

PALERMO
GROUP L·L·C
TIM PALERMO • ARCHITECT
101 Dusty Rose Drive • O'Fallon, MO 63366
636.282.5505

Naples

CREEKSIDE
NAPLES PROPOSED
ELEVATION 2

PALERMO
GROUP L·L·C
TIM PALERMO • ARCHITECT

Naples

CREEKSIDE
NAPLES PROPOSED
ELEVATION 3

PALERMO
GROUP L·L·C
TIM PALERMO • ARCHITECT
101 Dusty Rose Drive • O'Fallon, MO 63366
636.282.5505

Naples

CREEKSIDE
NAPLES PROPOSED
ELEVATION 4

PALERMO
GROUP L·L·C
TIM PALERMO • ARCHITECT
101 Dusty Rose Drive • O'Fallon, MO 63366
636.282.5505

Turin

CREEKSIDE AT MASON

TURIN

35

Turin

CREEKSIDE
TURIN PROPOSED
ELEVATION 1

PALERMO
GROUP L·L·C
TIM PALERMO • ARCHITECT
101 Dusty Rose Drive • O'Fallon, MO 63366
636.282.5505

Turin

LEFT SIDE ELEVATION "2"

REAR ELEVATION "2"

RIGHT SIDE ELEVATION "2"

FRONT ELEVATION "2"

CREEKSIDE
TURIN PROPOSED
ELEVATION 2

PALERMO
GROUP L·L·C
TIM PALERMO • ARCHITECT
101 Dusty Rose Drive • O'Fallon, MO 63366
636.282.5505

Vienna

CREEKSIDE AT MASON VIENNA

38

Vienna

LEFT SIDE ELEVATION "1"

REAR ELEVATION "1"

RIGHT SIDE ELEVATION "1"

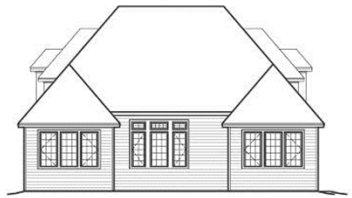
FRONT ELEVATION "1"

CREEKSIDE
VIENNA PROPOSED
ELEVATION 1

PALERMO
GROUP L·L·C
TIM PALERMO • ARCHITECT
101 Dusty Rose Drive • O'Fallon, MO 63366
636.282.5505

Vienna

LEFT SIDE ELEVATION "2"



REAR ELEVATION "2"

RIGHT SIDE ELEVATION "2"

FRONT ELEVATION "2"

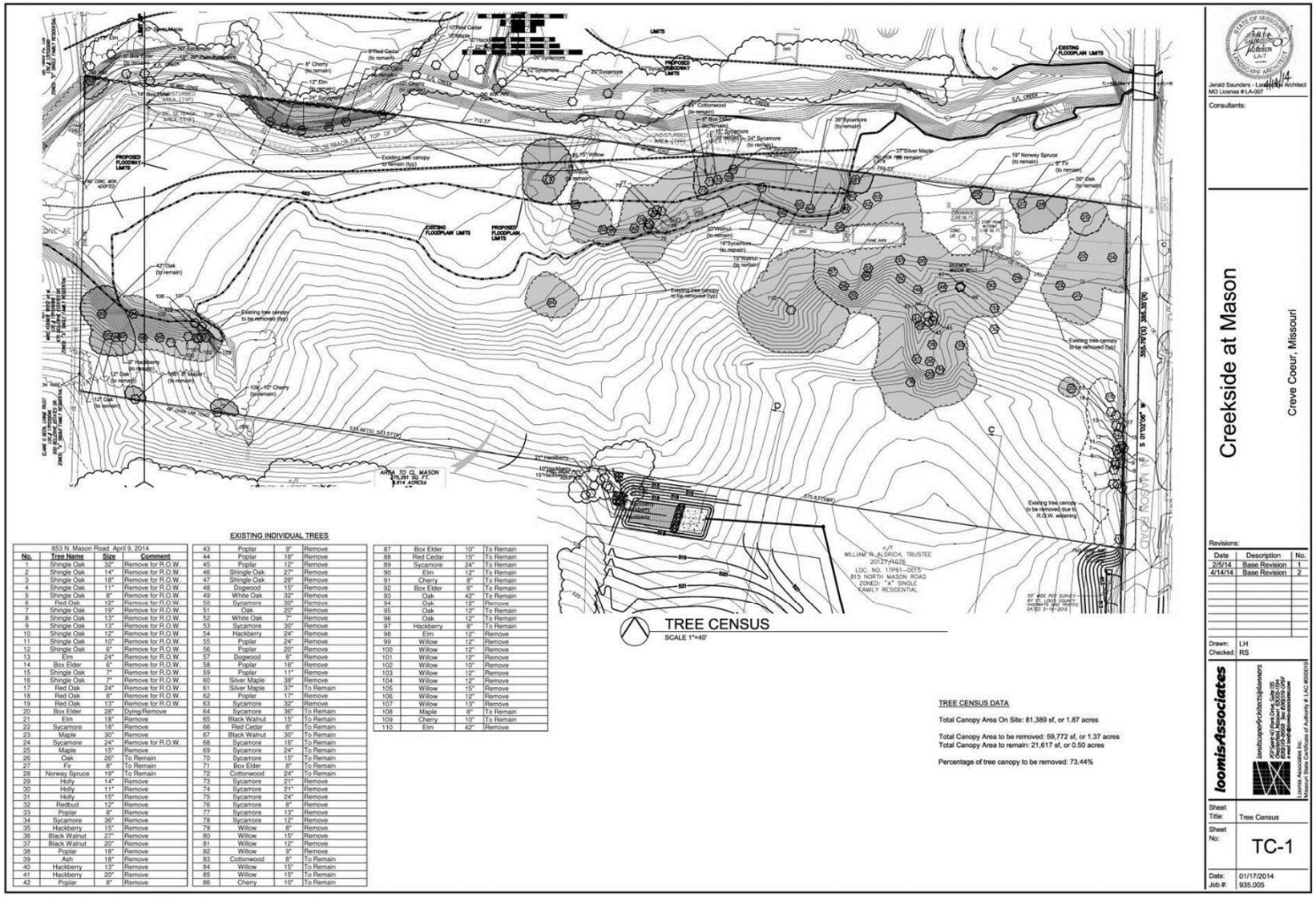
CREEKSIDE
VIENNA PROPOSED
ELEVATION 2

PALERMO
GROUP L·L·C
TIM PALERMO • ARCHITECT

Creekside at Mason – Site Earthwork

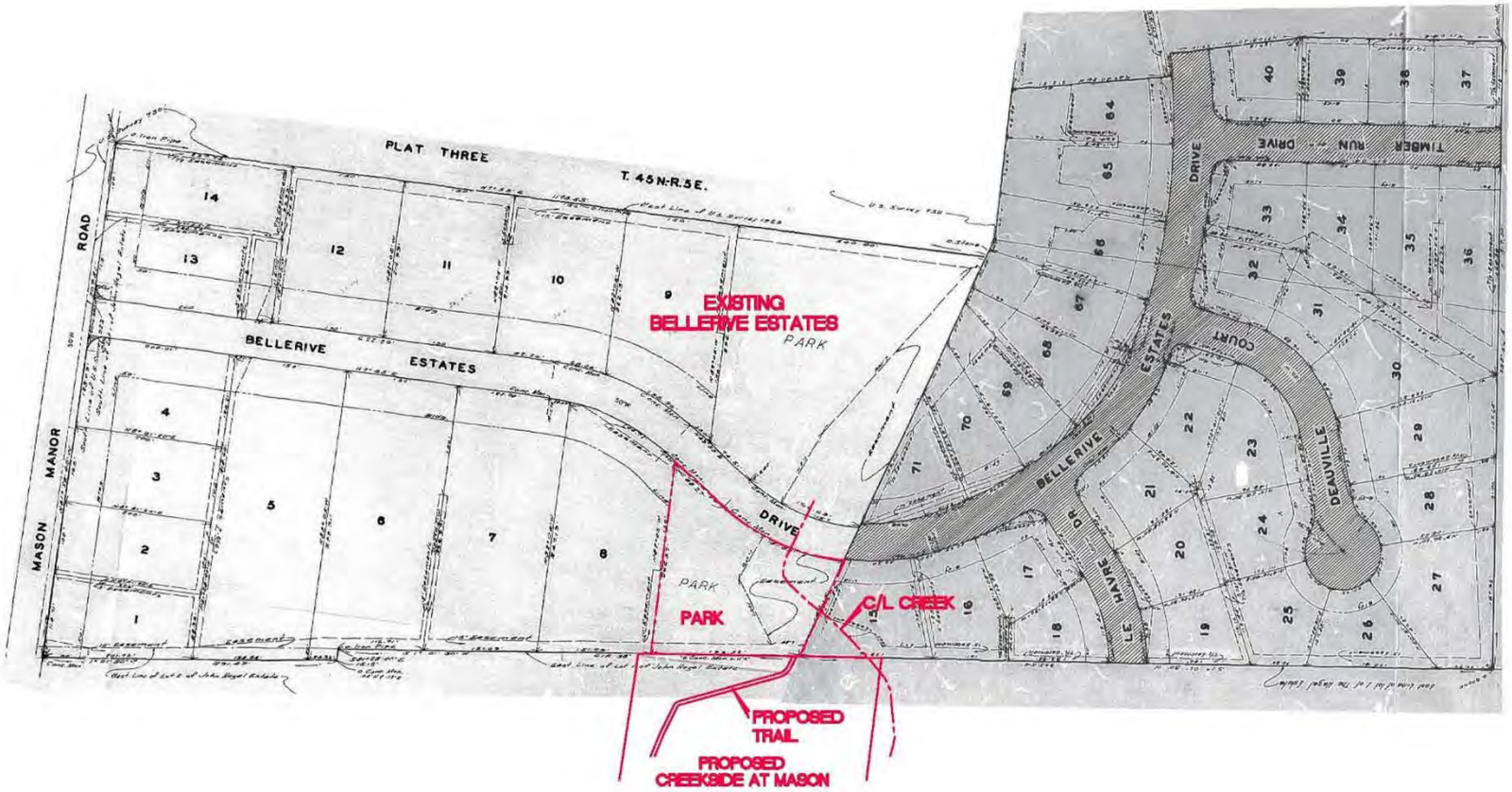
Proposed 12 Home Sites for a Single Family Residential Community

Tree Census Plan

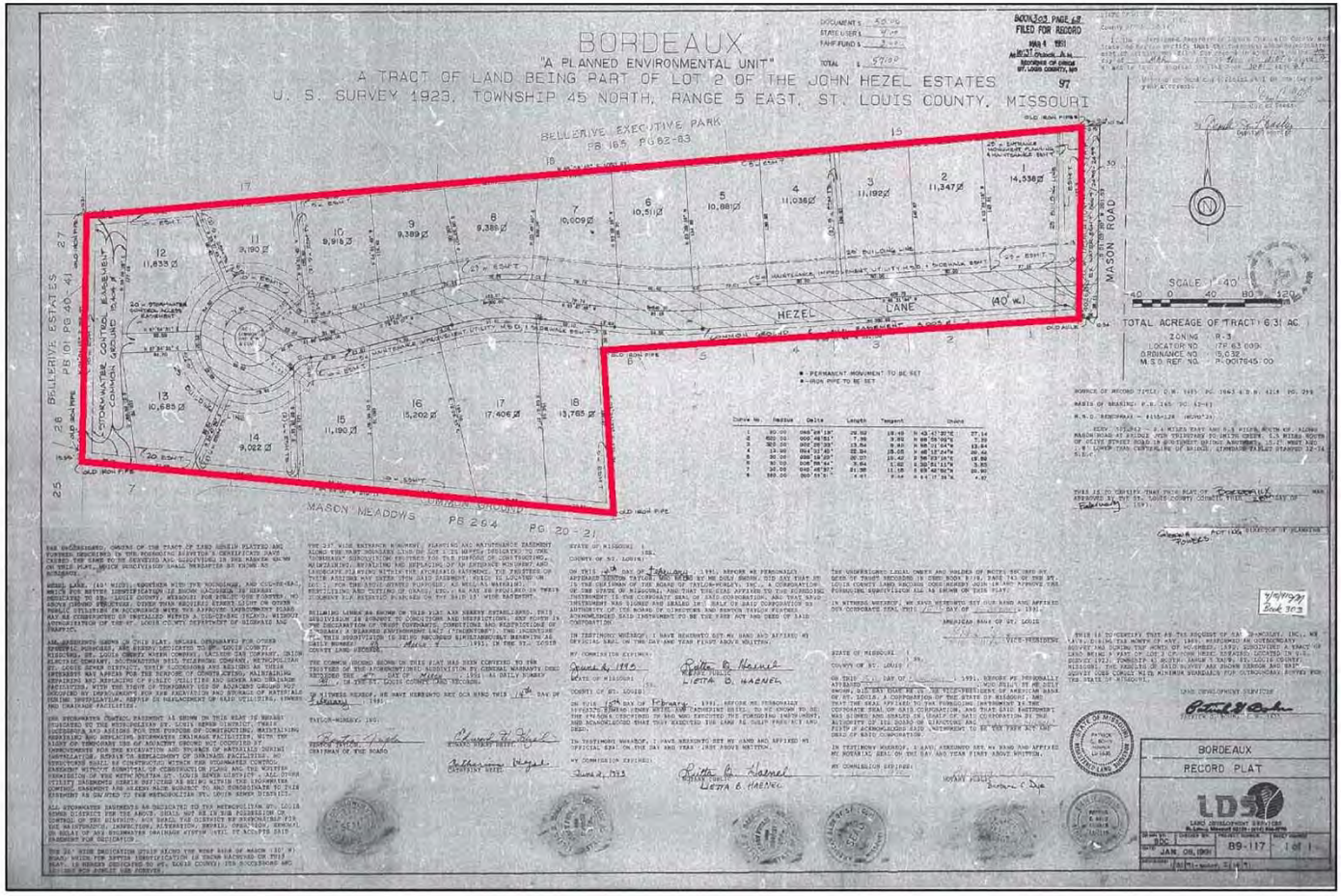


No.	Tree Name	Size	Comment
1	Shingle Oak	32"	Remove for R.O.W.
2	Shingle Oak	14"	Remove for R.O.W.
3	Shingle Oak	18"	Remove for R.O.W.
4	Shingle Oak	11"	Remove for R.O.W.
5	Shingle Oak	8"	Remove for R.O.W.
6	Red Oak	12"	Remove for R.O.W.
7	Shingle Oak	19"	Remove for R.O.W.
8	Shingle Oak	13"	Remove for R.O.W.
9	Shingle Oak	13"	Remove for R.O.W.
10	Shingle Oak	12"	Remove for R.O.W.
11	Shingle Oak	10"	Remove for R.O.W.
12	Shingle Oak	6"	Remove for R.O.W.
13	Elm	24"	Remove for R.O.W.
14	Box Elder	6"	Remove for R.O.W.
15	Shingle Oak	7"	Remove for R.O.W.
16	Shingle Oak	7"	Remove for R.O.W.
17	Red Oak	24"	Remove for R.O.W.
18	Red Oak	8"	Remove for R.O.W.
19	Red Oak	13"	Remove for R.O.W.
20	Box Elder	28"	Dying/Remove
21	Elm	18"	Remove
22	Sycamore	18"	Remove
23	Maple	30"	Remove
24	Sycamore	24"	Remove for R.O.W.
25	Maple	15"	Remove
26	Oak	26"	To Remain
27	Fir	8"	To Remain
28	Norway Spruce	19"	To Remain
29	Holly	14"	Remove
30	Holly	11"	Remove
31	Holly	15"	Remove
32	Redbud	12"	Remove
33	Poplar	8"	Remove
34	Sycamore	36"	Remove
35	Hackberry	15"	Remove
36	Black Walnut	27"	Remove
37	Black Walnut	20"	Remove
38	Poplar	18"	Remove
39	Ash	18"	Remove
40	Hackberry	13"	Remove
41	Hackberry	20"	Remove
42	Poplar	8"	Remove
43	Poplar	9"	Remove
44	Poplar	18"	Remove
45	Poplar	12"	Remove
46	Shingle Oak	27"	Remove
47	Shingle Oak	28"	Remove
48	Dogwood	15"	Remove
49	White Oak	32"	Remove
50	Sycamore	30"	Remove
51	Oak	20"	Remove
52	White Oak	7"	Remove
53	Sycamore	30"	Remove
54	Hackberry	24"	Remove
55	Poplar	24"	Remove
56	Poplar	20"	Remove
57	Dogwood	8"	Remove
58	Poplar	16"	Remove
59	Poplar	11"	Remove
60	Silver Maple	38"	Remove
61	Silver Maple	37"	To Remain
62	Poplar	17"	Remove
63	Sycamore	32"	Remove
64	Sycamore	36"	To Remain
65	Black Walnut	15"	To Remain
66	Red Cedar	8"	To Remain
67	Black Walnut	30"	To Remain
68	Sycamore	16"	To Remain
69	Sycamore	24"	To Remain
70	Sycamore	15"	To Remain
71	Box Elder	8"	To Remain
72	Cottonwood	24"	To Remain
73	Sycamore	21"	Remove
74	Sycamore	21"	Remove
75	Sycamore	24"	Remove
76	Sycamore	8"	Remove
77	Sycamore	13"	Remove
78	Sycamore	12"	Remove
79	Willow	8"	Remove
80	Willow	15"	Remove
81	Willow	12"	Remove
82	Willow	9"	Remove
83	Cottonwood	8"	To Remain
84	Willow	15"	To Remain
85	Willow	15"	To Remain
86	Cherry	10"	To Remain
87	Box Elder	10"	To Remain
88	Red Cedar	15"	To Remain
89	Sycamore	24"	To Remain
90	Elm	12"	To Remain
91	Cherry	8"	To Remain
92	Box Elder	6"	To Remain
93	Oak	42"	To Remain
94	Oak	12"	Remove
95	Oak	12"	To Remain
96	Oak	12"	To Remain
97	Hackberry	8"	To Remain
98	Elm	12"	Remove
99	Willow	12"	Remove
100	Willow	12"	Remove
101	Willow	12"	Remove
102	Willow	10"	Remove
103	Willow	12"	Remove
104	Willow	12"	Remove
105	Willow	15"	Remove
106	Willow	12"	Remove
107	Willow	13"	Remove
108	Maple	8"	To Remain
109	Cherry	10"	To Remain
110	Elm	42"	Remove

Bellerive Estates Subdivision

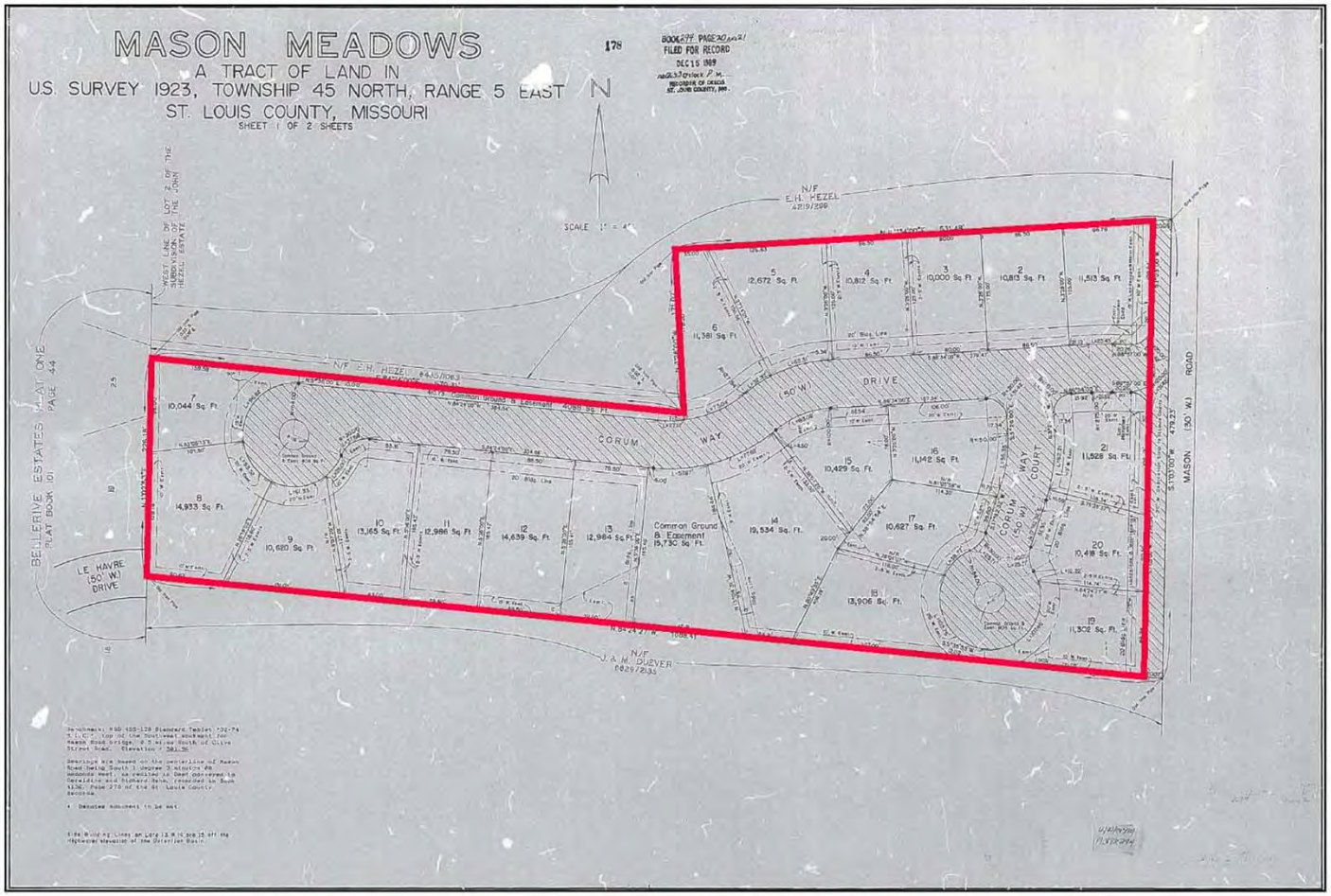


Bordeaux Subdivision



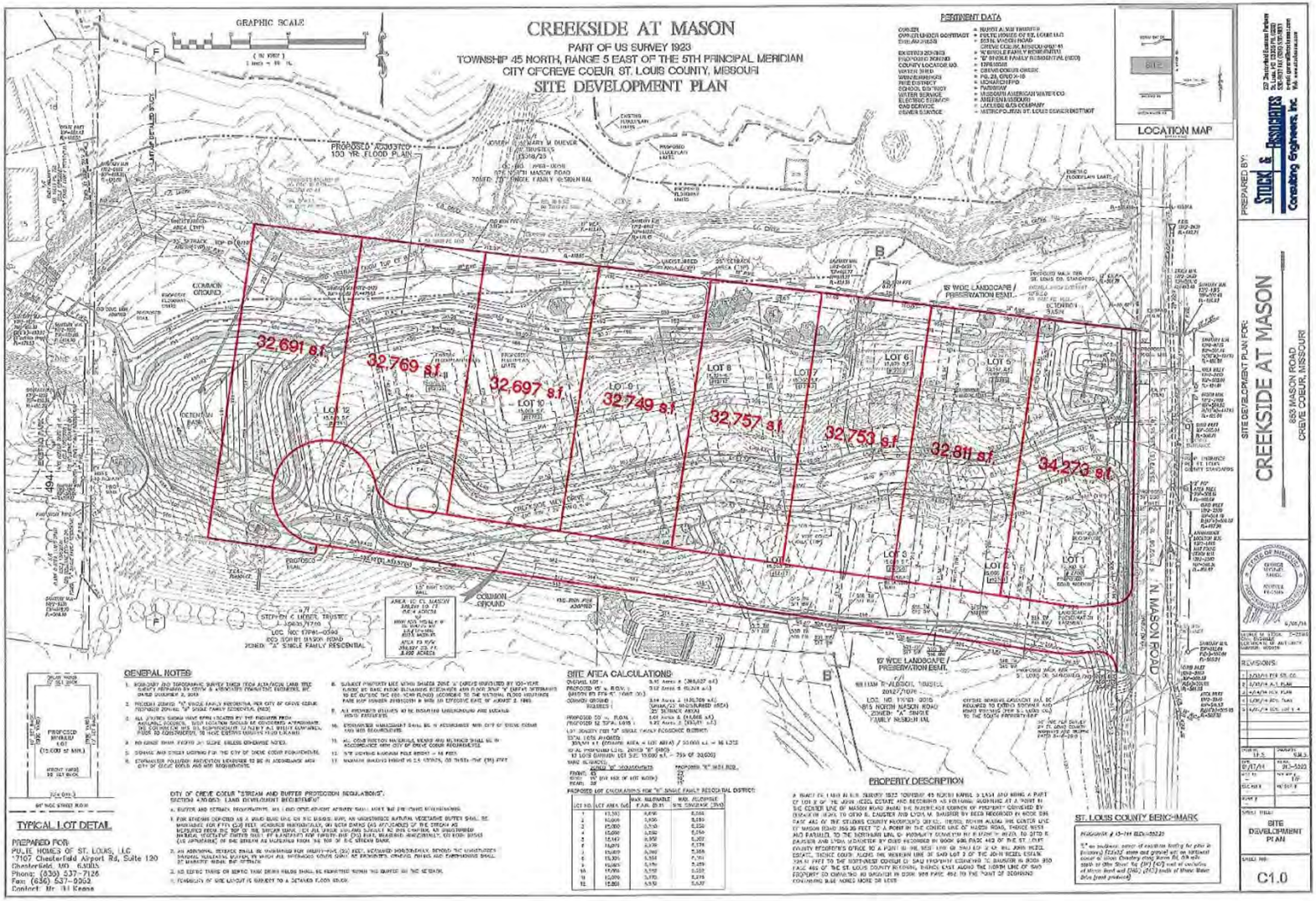
BORDEAUX SUBDIVISION – 6.3 ± Acres / 18 Lots (9,022 s.f. – 17,406 s.f.)
ZONED "D" Single Family Residential

Mason Meadows Subdivision



MASON MEADOWS SUBDIVISION – 8 ± Acres / 19 Lots (10,044 s.f. – 19,534 s.f.)
ZONED 'D' Single Family Residential

Alternate Plan – ‘A’ Zoning



BILL NO. _____ **ORDINANCE NO. _____**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CREVE COEUR TO REZONE 8.49 ACRES OF LAND FROM "A" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "D" SINGLE-FAMILY RESIDENTIAL DISTRICT AND AUTHORIZING A RESIDENTIAL DESIGNED DEVELOPMENT (RDD) WITH ACCOMPANYING PRELIMINARY SUBDIVISION PLAT AND SITE DEVELOPMENT PLAN FOR THE PROPOSED CREEKSIDE AT MASON SUBDIVISION, FOR THE PROPERTY CURRENTLY ADDRESSED AS 853 NORTH MASON ROAD.

WHEREAS, Chris Matteo, of Pulte Homes of St. Louis, LLC, has submitted an application for the rezoning of the 8.49 acres located at 853 N. Mason Road, from "A" Single Family Residential to "D" Single Family Residential with "RDD" Residential Design Development designation; and

WHEREAS, in accordance with Sections 405.280, 405.450(C), and 405.1080 of the Zoning Ordinance, the applicant has submitted a Site Development Plan (hereafter referred to as the "subdivision improvement plan") and Preliminary Plat to the Department of Planning for the Creekside at Mason subdivision, including 16 lots on the 8.49 acres, with residential designed development (RDD); and

WHEREAS, On February 18, 2014, the Planning and Zoning Commission conducted a public hearing on the rezoning and RDD request and accompanying Preliminary Plat; 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 1-4 vote, did not recommend approval of the rezoning and RDD request but, by a 5-0 vote, recommended approval of the accompanying site development plan at its meeting on April 21, 2014; and,

WHEREAS, the applicant subsequently revised their proposal to reduce the number of lots in the subdivision from 16 lots to 12 lots and increase the minimum lot size to 15,006 square feet with an average lot size of 15, 240 square feet; and

WHEREAS, in its consideration of the Bill by the City Council, the City Council voted 7-0 (1 absence), prior to the conclusion of the first reading, to request further review of the revised proposal by the Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission reviewed the revised proposal and, by a _____ vote, recommended approval of the rezoning and RDD request on the condition that the property be developed in accordance with the Subdivision Improvement Plan and Preliminary Plat for "Creekside at Mason," last revised June 9, 2014, or as further revised as required by the City of Creve Coeur and on other conditions, at its meeting on June 16, 2014; and,

WHEREAS, all persons who presented themselves and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance was made available for public inspection prior to its further consideration by the City Council; and this Bill having been read by title in open meeting one time 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; and

WHEREAS, the City Council finds that the Residential Designed Development proposal, as submitted on _____, 2014 and when subject to certain conditions set forth herein, 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 provide the purpose of Section 405.450 of the Zoning Code and is in accordance with the criteria of Section 405.450(C)(1-3) of the Zoning Code regarding minimum project area, gross acreage, yards, and site and building coverage;

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 shall be amended to rezone the property addressed as 853 North Mason Road from A Single-family Residential to D Single-family Residential zoning district, subject to the conditions stated herein, which property is more specifically described as follows:

> A tract of land in U.S. Survey 1923 Township 45 North Range 5 east and being a part of Lot 2 of the JOHN HEZEL ESTATE and described as follows: Beginning at a point in the center line of Mason Road being the northeast corner of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M. Dauster by deed recorded in Book 988 Page 462 of the St.Louis County Recorder's Office, thence north along the center line of Mason Road 355.35 feet to a point in the center line of Mason Road, thence west and parallel to the northern line of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M.Dauster by deed recorded in Book 988 Page 462 of the St. Louis County Recorder's Office to a point in the west line of said Lot 2 of the JOHN HEZEL ESTATE, thence south along the western line of said Lot 2 of the JOHN HEZEL ESTATE 326.61 feet to the northwest corner of said property conveyed to Dauster in Book 988 Page 462 of the St. Louis County Records, thence east along the north line of said property so conveyed to Dauster in Book 988 Page 462 to the point of beginning containing 8.56 acres more or less.
>
> AND BEING FURTHER DESCRIBED AS:
>
> BEGINNING at the intersection of the Western line of Mason Road (30' wide) with the Northern line of a tract of land described in a deed to William Aldrich Trustee in Deed book 20127, Page 1076 of the St. Louis County, Missouri Records; thence along the Northern line of said Aldrich tract and the Northern line of a tract of land described in a deed to Stephen Lieber Trustee as recorded in Deed Book 9605, Page 1740 of said records North 81 degrees 26 minutes 00 seconds West, a distance of 1094.50 feet to the Western line of Lot 2 of the John Hezel Estate; thence along said Western line North 01 degree 05 minutes 00 seconds East, a distance of 326.52 feet to an found Iron Axle marking the Southwest corner of a tract of land described in a deed to John and Mary Duever Trustees as recorded in Deed book 16518, Page 26 of the aforesaid records; thence along the Southern line of said Duever tract South 82 degrees 56 minutes 06 seconds East, a distance of 1090.82 feet to the aforesaid Western line of Mason Road; thence along said Western line South 01 degree 02 minutes 06 seconds West, a

distance of 355.39 feet to the Point of Beginning and containing 369,927 square feet or 8.492 acres more less as per a survey by Stock & Associates Consulting Engineers, Inc. during the month of December, 2013.

SECTION 2: A residential designed development (RDD) permit is hereby granted for the Creekside at Mason Subdivision, to be located on the land described in Section 1 of this ordinance, subject to the conditions contained herein.

SECTION 3: The Creekside at Mason RDD shall conform to the Site Improvement Plan, the Preliminary Plat and the Landscape Plan, last revised June 9, 2014, or as further revised as required and approved by the City of Creve Coeur, and are further subject to the following conditions:

1. House exterior shall be of brick and/or stone along with high quality forms of siding, such as fiber-cement ("Hardi-board"), or natural wood siding from a renewable source. The Zoning Administrator shall verify conformance of all exterior materials with this condition prior to the issuance a building permit for any residence.
2. Any house side walls abutting a street shall be finished entirely with the same materials, and with the same design and aesthetic continuity, as the front façade, subject to Zoning Administrator approval.
3. The subdivision improvement plan shall include a minimum five-foot detached sidewalk along both sides of the proposed street.
4. All street lighting shall meet with 405.680; Lighting, of the Zoning Ordinance.
5. The Landscape Plan shall be in substantial conformance with the Landscape plan revised June 9, 2014 subject to the requirements of Sections 410.300 and 410.320 of the Subdivision and Land Development Standards.
6. The development of the trail shall be built to the recommended guidelines of the Americans with Disabilities Act and remain open to the public. A public access easement over the entire west portion of the common ground shall be provided. The type of construction and design of the trail shall be completed prior to the final plat approval.
7. Prior to issuance of any building permits, the applicant shall prepare and record the final subdivision plat as approved by the City Council and indentures requiring public access, maintenance, insurance, funding, maintenance of the stormwater basin, and common ground area , as approved by the City Attorney.

SECTION 4: As set forth in Section 405.1080 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 it is approved. After one year, a Site Development 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 Development 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 5: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

BILL NO. _____ **ORDINANCE NO. _____**

ADOPTED THIS _____ DAY OF _____, 2014

_____

PRESIDENT OF CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 2014

_____

BARRY GLANTZ
MAYOR

ATTEST:

_____

DEBORAH RYAN, MPCC
CITY CLERK

From:	Scott Saunders
To:	Langdon, Paul; Perkins, Mark C.
Cc:	Nancy Litzinger
Subject:	Re: please forward to P&Z
Date:	Tuesday, June 10, 2014 10:21:20 AM

Paul:

Can you please see that this is distributed to the members of P&Z as requested by Ms. Litzinger.

Thanks

Scott

From: Nancy Litzinger <nancywl@sbcglobal.net>
To: scott.saunders4@yahoo.com
Sent: Tuesday, June 10, 2014 9:57 AM
Subject: please forward to P&Z

Scott, unfortunately I can't locate the email address you gave me previously as the contact at P&Z who should receive my comments re. Creekside. Will you please forward this message to the appropriate staff? Thanks.

Dear P&Z:
I attended last night's Council session so I could participate in the discussion about the Creekside proposal. I think I got cold feet when my turn at the mic came around. Plus the staff person from P&Z had already expressed some of the points I had hoped to make: namely, this is a quality development and there have already been MANY exceptions to the zoning code on Mason. Further, the already-planned review of the city's future development may make this deliberation moot. However, I believe those south of the proposed development see Creekside as The Dividing Line: those speakers all own homes on the 1-per-acre zoning and are afraid further infringements will damage their property values.

What I wish I'd said is this: We've been homeowners in Creve Coeur (Bellerive Estates, Plat 10) for 47 years (come Labor Day 2014). Our kids are grown; we're tired of continually spending money to update our home and maintain the yard and landscaping, not knowing how much of those investments will be reflected in our eventual sale price. We want to stay in Creve Coeur, even in Ward IV. We love this area and appreciate easy access to the many dining options, commercial establishments and medical resources. We don't want to live in an apartment, condo or attached home. We aren't ready for a senior community. A subdivision like Creekside is exactly what we would be delighted to move into – if we can afford it. This is a quality developer and their product, pricing and homeowner indentures will make this a highly desirable area for couples like us. I would appreciate your considering these points as you evaluate the consequences of continuing requests for zoning changes and closely examine what other viable options could have the same positive impact on this parcel.

Thank you.

Nancy Litzinger
764 Aramis Drive, 63141 (Ward IV)
314-434-4162
nancywl@sbcglobal.net

From: planningandzoning@ci.creve-coeur.mo.us on behalf of Scott Saunders
To: cherylzwhatley@gmail.com; John Becker
Cc: Mayor-Council; Ryan, Deborah; planningandzonning
Subject: [planningandzoning] Creekside at Mason {01}
Date: Thursday, June 12, 2014 10:26:39 AM

Cheryl

Thank you for sharing your comments. I will pass them on to the rest of the City Council and ask that they be forwarded to P&Z (Debbie and Paul can you please see that this and other correspondences which have been forwarded to the City are passed on to the P&Z Commissioners? Thanks).

Cheryl this project has been referred back to P&Z for re-review before coming back to the Council for a vote in the context of the reduction in homes from 16 to 12 homes. The rezoning was previously vote against by P&Z while the site plan was supported. It should be on their agenda Monday evening.

Regards,

Scott Saunders

From: Cheryl Whatley <cherylzwhatley@gmail.com>
To: John Becker <bellerive123trustees@gmail.com>
Cc: Amy Garriga <amygarriga@yahoo.com>; Anthony Maitz <amaitz@sbcglobal.net>; Barbara Wintemberg <barbara.wintemberg@wellsfargo.com>; Cheryl Thomas <cheryl0845@gmail.com>; Daniel & Judy Scott <c47oami@aol.com>; Dawne Marie McCarthy <mccarthydawnemarie@gmail.com>; Don Block <db694@aol.com>; Eileen Griffiths <eg12bear@sbcglobal.net>; Eldho & Deepa Thomas <eldho.thomas@gmail.com>; Emily Holman <egh1945@gmail.com>; Jeff Harris <jeff@jeffandnancy.com>; Jim Kostelc <jkostelc@sbcglobal.net>; John Becker <becker4000@sbcglobal.net>; Lauren Lipnick <lipnick98@yahoo.com>; LuAnn Engelmeyer <lunenglmyr@aol.com>; Lynne Lea <lynnelea@aol.com>; Martha Schaffer <mes1047@gmail.com>; Mary Travagliante <mcatrav@aol.com>; Mid America Lawn <cknd72@gmail.com>; Monique Williams <kur341@swbell.net>; Nick Zak <zaknd@sbcglobal.net>; Penny Yarber <pyarber@sbcglobal.net>; Phil Whatley <tphil38@yahoo.com>; Rich Jacobs <rdjinstl@yahoo.com>; Richard Wood <rwwood@swbell.net>; Rick Sadtler <rsadtler@sprintmail.com>; Robert Bird <tsienterprise@swbell.net>; Rodney & Elaine Been <rkbeen@aol.com>; Rytis & Dana Ivoska <rytis74@yahoo.com>; Scott Shafman <sshafman@cornerstonestl.com>; Sheri Ragland <sheriragland@charter.net>; Sue Friedman <sfriedman15@yahoo.com>; Susan Edele <smedele@hotmail.com>; Vivian Swain <swainvj@sbcglobal.net>; Barry Glantz <bglantz@ci.creve-coeur.mo.us>; Scott Saunders <ssaunders@ci.creve-coeur.mo.us>; Robert Kent <rkent@ci.creve-coeur.mo.us>; Jeanne Rhoades <rhoades.jeanne@yahoo.com>
Sent: Thursday, June 12, 2014 9:45 AM
Subject: Re: Creekside at Mason

I am not bothered by this new development and actually like the idea of a walkway that will give easier access to Mason sidewalk.
Cheryl Whatley

On Sat, Jun 7, 2014 at 11:39 PM, John Becker <bellerive123trustees@gmail.com> wrote:

> This email is to update you on the status of the subdivision known as "Creekside at

Mason" that is on the Creve Coeur Council agenda for Monday, June 9, 2014 at 7:00 PM. The agenda does include a hearing for residents and other interested parties to express their opinions about the project. Several changes have occurred recently that include the number of houses as well as a public walk way from Millenium Park terminating at our common ground. I would like to encourage each of you to do four things:

1. Attend the meeting and voice your opinion for or against.
2. Present the one or two things about the development that are your greatest concerns
3. If you cannot attend, return your comments or suggestions to me using this email so that I may express them to the council.
4. Contact your neighbors to let them know about the hearing so that they can attend

This email is intended to inform residents of Bellerive Estates Subdivision, Plats I, II, and III about the hearing.

John Becker (John)
Trustee and Treasurer
686 Bellerive Estates Dr.
Creve Coeur, Mo 63141
Cell Ph: 314-307-1856
Home: 314-878-6631

From: planningandzoning@ci.creve-coeur.mo.us on behalf of Jeanne Rhoades
To: planningandzonning; Langdon, Paul; ScottSaunders; Robert Kent; Perkins, Mark C.; jakostelc@yahoo.com
Cc: jakostelc@yahoo.com; jkostelc@sbcgloal.net; becker4000@sbcglobal.net; swainvj@sbcglobal.net; egh1945@gmail.com; rkbeen@aol.com; scl@heliinc.com; rdifani@att.net; pdifani@ameren.com; jjung50@att.net; cheryl0845@gmail.com; amaitz@sbcglobal.net; aksingh23@hotmail.com; jankitch@yahoo.com; smedele@hotmail.com; christinemgoff@gmail.com; Dorothea Botz; rbotz@sbcglobal.net; caspiegel@aol.com; rrudman@swbell.net; jbomz@aol.com; peyton.b@sbcglobal.net; lverby@earthlink.com
Subject: [planningandzoning] 853 N. Mason Resident -- IMPORTANT HISTORIC PERSPECTIVE {01}
Date: Friday, June 13, 2014 7:29:11 AM

Jane,

Thanks for sharing your views. I am forwarding your email as requested.

Jeanne Rhoades

----- Forwarded Message -----
From: Jane Kostelc <jakostelc@yahoo.com>
To: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
Cc: Jim Kostelc <jkostelc@sbcglobal.net>
Sent: Thursday, June 12, 2014 4:48 PM
Subject: Re: 853 N. Mason Resident -- IMPORTANT HISTORIC PERSPECTIVE

Absolutely Jeanne! As neighbors impacted by this development we still feel this is rushed and that we have not had adequate opportunity to review the current plan and to be in conversation with the developer. Our response might be different if a meeting were to take place before the P & Z meeting but as it stands now we have a very negative impression of the project and the precedent it sets.

Please feel free to forward my thoughts others.

Jane Kostelc
655 Bellerive Estates Dr.

Sent from my iPhone

On Jun 12, 2014, at 2:40 PM, Jeanne Rhoades <rhoades.jeanne@yahoo.com> wrote:

Paul,

I am out of town and missed the recent Council meeting, but I understand the Council voted to send the Pulte application for 853 N. Mason Rd back to P&Z. I am not clear what resident feedback will follow along, so can you please attach this correspondence contained in this email sequence to the P&Z packet?

Also, while I understand there were several residents in attendance at the recent June 9th Council meeting, we have still not had opportunity to meet with the developer to discuss concerns about their new proposal in a more informal setting. (Their recent major modification was just made public May 30th, which effectively provided no time to arrange such a meeting in advance of going to Council).

Will Pulte's new 12-unit proposal be on P&Z's agenda as a voting item this coming Monday? If so, I hope P&Z is aware residents STILL have not been provided with this opportunity (as also supported in Council member Saunders' June 2 email below).

As a result, we would like to respectfully request at a minimum that any voting on the proposal by the P&Z Commission be delayed for one additional meeting, so that we can work with Council members Kent and Saunders to arrange such a resident meeting ASAP so as to address many outstanding details and concerns in advance of any formal action taken.

Please advise if this possible.

Thanks,

Jeanne Rhoades
12778 Mason Manor

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
To: Scott Saunders <scott.saunders4@yahoo.com>; "kentivcouncil@charter.net" <kentivcouncil@charter.net>
Cc: Mayor- Council <mayor-council@ci.creve-coeur.mo.us>; Deborah Ryan <dryan@ci.creve-coeur.mo.us>; "peytonb@sbcglobal.net" <peytonb@sbcglobal.net>; "rbotz@sbcglobal.net" <rbotz@sbcglobal.net>; Dorothea Botz <dbotz1@hotmail.com>; "aksingh23@hotmail.com" <aksingh23@hotmail.com>; "jjung50@att.net" <jjung50@att.net>; "swainvj@sbcglobal.net" <swainvj@sbcglobal.net>; "lverby@earthlink.com" <lverby@earthlink.com>; "pdifani@ameren.com" <pdifani@ameren.com>; "rdifani@att.net" <rdifani@att.net>; "caspiegel@aol.com" <caspiegel@aol.com>; "christinemgoff@gmail.com" <christinemgoff@gmail.com>; "jankitch@yahoo.com" <jankitch@yahoo.com>; "becker4000@sbcglobal.net" <becker4000@sbcglobal.net>; "egh1945@gmail.com" <egh1945@gmail.com>; "rkbeen@aol.com" <rkbeen@aol.com>; "skling@jenkinskling.com" <skling@jenkinskling.com>; Stephen Lieber <stnldgsteve@icloud.com>;

From: planningandzoning@ci.creve-coeur.mo.us on behalf of Jeanne Rhoades
To: ScottSaunders; Robert Kent; Langdon, Paul; planningandzonning; Perkins, Mark C.
Cc: Ryan, Deborah; peytonb@sbcglobal.net; rbotz@sbcglobal.net; Dorothea Botz; aksingh23@hotmail.com; jjung50@att.net; swainvj@sbcglobal.net; lverby@earthlink.com; pdifani@ameren.com; rdifani@att.net; caspiegel@aol.com; christinemgoff@gmail.com; jankitch@yahoo.com; becker4000@sbcglobal.net; egh1945@gmail.com; rkbeen@aol.com; skling@jenkinskling.com; jbomz@aol.com; rrudman@swbell.net; cheryl0845@gmail.com; amaitz@sbcglobal.net; scl@heliinc.com; jkostek@sbcglobal.net; jakostelc@yahoo.com; smedele@hotmail.com
Subject: [planningandzoning] 853 N. Mason Resident -- IMPORTANT HISTORIC PERSPECTIVE {01}
Date: Thursday, June 12, 2014 2:52:28 PM

Paul,

I am out of town and missed the recent Council meeting, but I understand the Council voted to send the Pulte application for 853 N. Mason Rd back to P&Z. I am not clear what resident feedback will follow along, so can you please attach this correspondence contained in this email sequence to the P&Z packet?

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As a result, we would like to respectfully request at a minimum that any voting on the proposal by the P&Z Commission be delayed for one additional meeting, so that we can work with Council members Kent and Saunders to arrange such a resident meeting ASAP so as to address many outstanding details and concerns in advance of any formal action taken.

Please advise if this possible.

Thanks,

Jeanne Rhoades
12778 Mason Manor

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>
To: Scott Saunders <scott.saunders4@yahoo.com>; "kentivcouncil@charter.net" <kentivcouncil@charter.net>
Cc: Mayor- Council <mayor-council@ci.creve-coeur.mo.us>; Deborah Ryan <dryan@ci.creve-coeur.mo.us>; "peytonb@sbcglobal.net" <peytonb@sbcglobal.net>; "rbotz@sbcglobal.net" <rbotz@sbcglobal.net>; Dorothea Botz <dbotz1@hotmail.com>; "aksingh23@hotmail.com" <aksingh23@hotmail.com>; "jjung50@att.net" <jjung50@att.net>; "swainvj@sbcglobal.net" <swainvj@sbcglobal.net>; "lverby@earthlink.com" <lverby@earthlink.com>; "pdifani@ameren.com" <pdifani@ameren.com>; "rdifani@att.net" <rdifani@att.net>; "caspiegel@aol.com" <caspiegel@aol.com>; "christinemgoff@gmail.com" <christinemgoff@gmail.com>; "jankitch@yahoo.com" <jankitch@yahoo.com>; "becker4000@sbcglobal.net" <becker4000@sbcglobal.net>; "egh1945@gmail.com" <egh1945@gmail.com>; "rkbeen@aol.com" <rkbeen@aol.com>; "skling@jenkinskling.com" <skling@jenkinskling.com>; Stephen Lieber <stnldgsteve@icloud.com>; "jbomz@aol.com" <jbomz@aol.com>; "rrudman@swbell.net" <rrudman@swbell.net>; "cheryl0845@gmail.com" <cheryl0845@gmail.com>; "amaitz@sbcglobal.net" <amaitz@sbcglobal.net>; "scl@heliinc.com" <scl@heliinc.com>; "jkostek@sbcglobal.net" <jkostek@sbcglobal.net>; "jakostelc@yahoo.com" <jakostelc@yahoo.com>; "smedele@hotmail.com" <smedele@hotmail.com>; "plangdon@ci.creve-coeur.mo.us" <plangdon@ci.creve-coeur.mo.us>; "planningandzoning@ci.creve-coeur.mo.us" <planningandzoning@ci.creve-coeur.mo.us>
Sent: Saturday, June 7, 2014 10:51 AM
Subject: Re: 853 N. Mason Resident -- IMPORTANT HISTORIC PERSPECTIVE

Scott,
Bob,

As my Ward 4 Council members, I would like to provide you with additional important information to my June 5th correspondence about the rezoning and review process for 853 N. Mason Road. I had a gut feeling all throughout this proposal that there was something really wrong with this picture -- but I regret it took me until this past week to realize concerns are not just about Pulte's plans, and that maybe we have some real weak spots in our systems at City Hall, as expressed prior.

However, further reflection upon my experience with the earlier controversy over the Minners parcel some 14+ years back also helped me realize now how despite the significant time gap, the two rezoning proposals in this area are tied together, and why that relationship is highly pertinent now.

I just recently asked Mark Perkins for help determining dates with more precision, though have not yet received reply -- but since I cannot attend the meeting Monday, I have done my best to accurately summarize the historic Ward 4 events below for your consideration, with approximate dates provided.

(Please also submit all to the clerk for the meeting record,)

The City promised no down-zoning when our area was annexed into Ward 4 (circa 1994) -- but that promise was short lived. Following just upon the heels of a huge zoning controversy and costly litigation in Ward 3 resulting in Millennium Park (circa 1996), the City next severely botched the rezoning and development proposal on the former Minners Nursery parcel (5 acres at corner of Mason and Mason

Manor) -- and we residents continue to suffer the consequences today.

These events unfolded when a developer approached the City with an application for a subdivision with a rezoning request from one acre down to 1/2 acre homes. However, *midstream through the review process, a handful of City officials privately met with the developer and urged him to change directions** -- whereupon the application switched to something with much higher density, which was sold as a more "creative" project with "higher level of architecture."

Blind-sided residents jumped in late in the game to protest to their City officials against such a significant change in character from A-zoning, especially on a key corner piece -- *not realizing we were complaining to the some of the very same people who had just encouraged the developer to spend the time and money to change their proposal in that direction in the first place!*

(*Do you now see why it makes residents here very nervous when their elected officials meet privately with developers and suggest any sort of strategy changes *midstream in an active proposal* -- which is why I felt compelled to voice concerns when that happened just a few weeks back?)

This put City officials in a very awkward spot, so in an apparent maneuver to save face and avoid more messy litigation, they approved the rezoning to B-RDD but also required underground detention for the site plan -- which effectively made the project completely cost prohibitive, and thus enabled City officials to extricate themselves from a messy situation. The outcome was bad for everyone else since although the applicant was granted his rezoning request, that developer immediately abandoned the project due to the costly conditions required and obviously took a loss on his significant investment. ***Worse yet the residents were left exposed with a neighborhood down-zoning on vacant land with absolutely nothing gained in return***.

The good news is that once the site plan for the failed proposal expired a few years later, the City took steps to right their wrong and initiated its own rezoning of the Minners parcel, which was restored back to "A" (circa 2003-2004) The bad news is that during the couple years the property sat in rezoning-limbo, the City created a new Comprehensive Plan -- *thus effectively forcing carryover of this SNAFU to the present.*

Because unfortunately, the problematic zoning status existing on this parcel during the period the Plan was assembled and adopted inherently complicated recommendations made for the larger "Neighborhood 1" parcel at the time (circa 2000-2002). This, combined with effective Institutional Amnesia resulting from routine turnover at City Hall over the last decade, has now created a Perfect Storm of controversy and confusion -- all of which STILL unfairly leaves residents here stuck in a bind, and perpetually exposed to greater developmental pressure for higher density.

Reading the Plan in historic context (Neighborhood 1, pg 49), and knowing Minners was a corner piece, explains a lot.

Witness now that, DESPITE the fact that the originally controversial Minners site was rezoned back to A *by the City itself* AND is now in the active process of being built out as one-acre lots, and DESPITE the fact that other property owners within Neighborhood 1 are also actively making very significant investments into their even larger A-zoned properties and homes -- some City officials seem almost eager to "get something done" unless residents jump through hoops to prevent it.

This once AGAIN jeopardizes the integrity of this A-zoning character by pushing higher density into this little strip of land, rather than let the creek and flood plain remain as the natural buffer between any density change along the Mason residential corridor (a logical progression established by St. Louis County zoning long before annexation into Creve Coeur).

As discussed in my prior June 5 correspondence -- too bad for all residents if the City feels compelled to rezone any residential property just as means to gain better control over the quality of development. Plus staff publicly acknowledged at P&Z that despite the alleged purpose of RDD to provide public benefit to preserve green space or better buffers, etc, RDD is often effectively requested instead as a tool to help developers squeeze more lots in tight places -- *such as for ground with significant flood plain that has to remain green space regardless. (*Maybe RDD is better here and maybe it is not -- who can say if no drawings are provided to compare the actual differences applicable to this specific and complicated site?)

Further, no explanation has been offered at all how the current proposal to down-zone to B on top of adding RDD (and reducing lot sizes even below limits outlined in the Plan) serves any public benefit whatsoever. Instead it appears to only benefit the developer and seller by enabling them to squeeze in even more lots with more total site coverage for more profit.

We are tired of being forced to play this game.

The most recent staff report (thankfully) reminds the Council that: "*Zoning regulations should be changed if the public welfare is not served by the zoning or if the public interest served by the zoning is greatly outweighed by the detriment to private interests. In making this determination, the City should consider the adaptability of the subject property to its zoned use and the effect of zoning on property value in assessing private detriment. The character of the neighborhood, the zoning and uses of nearby property, and the detrimental effect that a change in zoning would have on other property in the area are relevant to the determination of public benefit. (Sec. 405.1060.E)"*

I urge City officials to learn from history and avoid repeating the same mistakes. This proposal should be rejected.

Sincerely,

Jeanne Rhoades
12778 Mason Manor

From: Jeanne Rhoades <rhoades.jeanne@yahoo.com>

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 #14-004 FOR REZONING TO "D" SINGLE FAMILY RESIDENTIAL AND APPROVAL OF A PRELIMINARY PLAT ACCORDING TO THE RESIDENTIAL DESIGN DEVELOPMENT (RDD) PROCEDURE FOR THE CREEKSIDE AT MASON SUBDIVISION

FOR THE MEETING OF: Monday, March 3, 2014

LOCATION: 853 N. Mason Road

REQUEST: Chris Matteo, of Pulte Homes of St. Louis, LLC, has submitted a request for the rezoning and preliminary plat approval of the 8.49 acres located at 853 N. Mason Road, from "A" Single Family Residential to "D" Single Family Residential with "RDD" Residential Design Development designation. The Applicant has revised the request to allow for a 16 single family home subdivision with a minimum lot acreage of 10,000 square feet, instead of the prior 17 homes. The net density of the development will be 2.17 units/acre.

ADDITIONAL INFORMATION: The existing home on the property was built in 1950, with the accessory building (detached barn and sheds) were built in 1954. Residential Design Development designation allows for greater flexibility in the size and configuration of lots without altering the allowable residential density. The lot sizes for properties in the D Single Family Residential District are between 10,000 square feet and 15,000 square feet. The applicant is proposing to maintain 3.15 acres as undisturbed area, and common ground, due to the flood area and creek that runs along, and just north of the north property line.

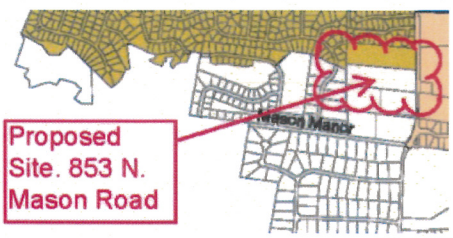
Key Issues:
- Do the lots substantially meet all land development standards of this Chapter and those of any other applicable City regulations?

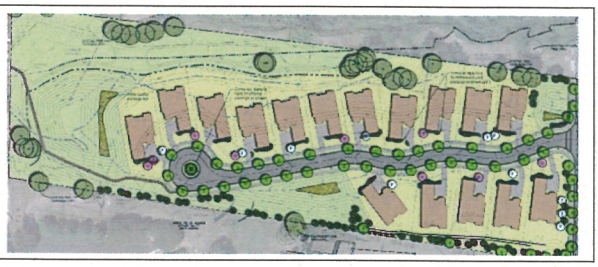
Subdivision Code References
- Chapter 410: Subdivision and Development of Land

Zoning Code References
- Section 405.250: "A" Single Family Residential
- Section 405.280: "D" Single Family Residential
- Section 405.450.*C:* Residential Designed Development Procedure

APPLICANT/ PROPERTY OWNER (UNDER CONTRACT):
Chris Matteo
Pulte Homes of St. Louis LLC
17107 Chesterfield Airport Road, Suite 120
Chesterfield, MO 63005

APPLICANT'S REPRESENTATIVE:
George M. Stock, P.E.,
Stock & Associates Consulting Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO 63005





REPORT PREPARED BY:

Paul Langdon, AICP, Planning Director — Date 4/18/2014

ATTACHMENTS: Applicant's Revised Materials submitted April 14, 2014
Draft Ordinance

REVISIONS TO THE SITE DEVELOPMENT PLAN

The Applicant has revised the site development plan to address those issues that were raised in the prior staff report from the meeting of March 3rd. The changes include lowering the density from 17 to 16 lots, with five homes along the south side of the proposed subdivision street, and 11 along the north side. They are including a trail from the street to the west property line. They were also able to preserve 26.56% of the existing trees to be compliant with Section 405.450(C)(4) Tree Conservation requirement of the RDD provision of the Zoning Code. This was accomplished by preserving more of the trees along the southwest corner of the property. It should be noted that the Applicant has indicated that in an effort to preserve the large 42" Elm tree, they had an arborist assess the existing condition. Unfortunately, it was determined that the tree has a large crack and will die in a couple of years, and therefore will be removed.

For a full analysis of the Comprehensive Plan and Zoning Code requirement regarding the proposed rezoning, please refer to the prior Staff Report. This report will only address the changes to the site plan and any remaining issues to be addressed.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Nursery/Single-family detached residence	D Single-Family Residential	N/A
South	Single-family detached residences	A Single-Family Residential	N/A
East	Hope Montessori School	C Single-Family Residential	Mason Road
West	Single-family detached residences	D Single-Family Residential	NA

DEVELOPMENT STATISTICS & COMPARISON CHART

The following are statistics for the proposed Creekside at Mason subdivision:

	Creekside at Mason	**Generic B Zoning District**	**Generic C Zoning District**	**Generic D Zoning District**
Acres	8.49	varies	varies	varies
Area of proposed ROW	49,414 sq. ft. (1.03 acres)	NA	NA	NA
Net area	320,513 sq.f.t (7.36 acres)	NA	NA	NA
No. of Units	16 d.u.	varies	varies	varies
Units / Acre (excluding ROW)	2.17	2.178	2.9	4.36
Lot Size (sq.ft.)	10,000 (min.) 11,449.7average	20,000 (min.)	15,000 (min.)	10,000 (min.) to 15,000 sq. ft.
Common Ground / Open Space	137,319 sq. ft. (3.15 acres) (43%)	varies	varies	varies
Lot Frontage	70 ft. (min.)	100 ft. (min.)	75 ft. (min.)	70 ft. (min.)
Front Yard Setback	20 ft.	45 ft.	45 ft.	20 ft.
Side Yard Setback	8 ft.	15 ft.	12 ft.	8 ft.
Rear Yard Setback	15 ft. (min.)	30 ft.	30 ft.	15 ft.
Maximum Site Coverage	45% for each lot 26% for total area	35%	40%	45%

Below is a table further comparing this proposal with other subdivisions through-out the City:

	Creekside at Mason	**Ladue Grove**	**Hammersmith**	**Camfield Square**	**Questover Place**	**Greengate**
Gross Site Area (acres)	8.49	5	19.5	20	52.25	6
Zoning	D-RDD (B-RDD recommended by staff)	A	A-RDD	A-RDD	B-RDD	D (Pre-existing, non-conforming)
Number of Lots	16	5	19	16	63	18
Avg. Lot Size (acres)	0.26	1.1	0.67	0.73	0.54	0.21
Common Ground Area (acres/% of gross area)	3.15/43%	0/0	4.5/23%	6.9/35%	8.55/16%	2.1/35% (incl. street)

DEVELOPMENT CHARACTERISTICS

- *Density*
  The Applicant's request for the D-RDD rezoning was based on the Comprehensive Plan recommendation that when lots are consolidated and re-subdivided for residential uses, the gross density permitted by existing zoning should not be exceeded, but that smaller individual lots could be considered, provided that they are no smaller than 75% of the area required under regular zoning. Thus the smaller lots were in keeping with the D Single Family District. However, the density is more in line with the B Single-Family District. With the revised Site Development Plan and increase the in the lot sizes, the proposal conforms to the straight D Single-Family zoning district. Since the D Single-Family district was not a desired outcome for this property in the Comprehensive Plan, Staff would recommend that the proposal be amended to rezone the property to B-RDD to relieve any concerns that should this proposal not see fruition, the underlying district would not open the door to greater density than currently under consideration. Further, the RDD designation would allow the Council a degree of design control over the housing development as an offset for the smaller lots.

  With either request, the key question, as stated in the prior report, is whether or not the proposal serves as a valuable point of transition between the larger lot subdivisions to the south and the smaller, denser development to the north and whether or not this makes it "compatible" with the residences around it. Although this project is not being altered with this B-RDD zoning designations, it could be argued that the B-RDD designation would provide for the most compatible transition from the D Single Family District to the north, the A Single Family district to the south and the C Single Family District to the east.

- *Design Criteria*
  During Council discussion regarding the RDD designation for the Villas on Mosley subdivision, the Council also raised several concerns regarding the architectural quality of the houses, including the visual impact of the garages and the appearance of the houses from the road, and the Council provided specific criteria for the front entry garages and other features that are seen mostly in high value residences with high level of curb appeal. The proposed development for Creekside provides for side entry garages. However, on Lot 5 and 16, the garages would be most visible from the road right-of-way. Lot 5, in particular, is oddly shaped and it is difficult to determine how the garage could be reconfigured to not be significantly visible from the right-of-way. Indeed, the entire orientation of the house will be visibly irregular due to the odd lot shape. If the Commission Members wish to create a more uniform subdivision, this lot may need to be dropped from the development.

- *Trail Design and Easement*
  The Applicant is including a trail that will connect to a future trail on the west. Since the point of connection to the west has yet to be determined and there is no way to ensure that anyone using the trail will not stray off the trail into the surrounding common ground, Staff recommends a condition of approval that requires a public access easement over the entire west portion of the common ground. The development of the trail shall be built to the recommended guidelines of the Americans with Disabilities Act and remain open to the public. Note that the type of construction of the trail has not been determined and the members of the Commission should provide some guidance on members' preferences. Options include, but are not limited to, compacted stone, mulch, asphalt, concrete and raised boardwalk. All have different costs of construction and maintenance and varying degrees of compliance with ADA guidelines and should be evaluated in concert with the Applicant.

- *Lighting*
  The "Site Development Plan" has been revised to indicate a maximum pole height for site lighting of 16 feet to be in compliance with Section 405.680: Lighting of the Zoning Ordinance.

- *Landscaping and Amenities*
  The revised Landscape Plan indicates a significant number of new plantings along the south and east property lines. The Landscape Plan indicates that the street trees provided appear to be the appropriate number of street trees.

- *Tree Coverage*
  As mentioned earlier, the revised Tree Preservation Plan submitted indicates that the property has approximately 1.9 acres of tree canopy and, if approved, 73.44% of this mass will be eliminated, maintaining 26.56% to meet with Section 405.450(C)(4) Tree Conservation requirement of the RDD provisions, and Section 410.320 Tree Conservation of the Subdivision Code.

- *Site Grading*
  As discussed in the prior Staff Report, a large part of the existing land will be disturbed with some significant "cut and fill" effort. Most of the significant grading will be undertaken for the roadway location and to adjust the floodplain at the west portion of the property for the stormwater basins. The proposed changes to the site still include a significant amount of grading, however this was done to meet with the tree conservation requirements, and to protect the sight lines from the adjacent homes. The revised road configuration includes two new horizontal curves in the alignment. The Applicant has indicated that the revised street alignment provides for a lowering of the vertical profile of the road, so that Lots 1-5 along the south side of the street are several feet lower than previously presented. The Applicant will provide for a landscaped, terraced retaining wall, and the homes will be 10 to 14 feet lower than the Difani Estate homes.

SUMMARY AND ACTION

The recommended conditions of approval listed below are consistent with those discussed in the prior Staff Report. If the Planning and Zoning Commission finds that the proposed rezoning to D Single Family Residential under the RDD procedure is appropriate and finds that the Preliminary Plat and subdivision improvements are acceptable, then a recommendation to the City Council on the draft RDD ordinance and preliminary plat can voted on.

If the Commission members wish to enter into a discussion with the Applicant about amending their request to rezone the property to B-RDD, per Staff's comment above, the Commission Members may amend the ordinance if the Applicant agrees to such a change.

- Houses of brick and/or stone along with high quality forms of siding, such as fiber-cement ("Hardi-board"), or natural wood siding from a renewable source may be permissible subject to the Zoning Administrator's approval.
- Any house side walls abutting a street shall be finished entirely with the same materials, and with the same design and aesthetic continuity, as the front façade, subject to Zoning Administrator approval.
- The Site Development Plan shall be in substantial compliance with the Revised Site Development Plan received April 14, 2014.
- The Site Development Plan shall be revised to include a minimum five-foot detached sidewalk along both sides of the proposed street.
- All street lighting shall meet with 405.680: Lighting of the Zoning Ordinance.
- The Landscape Plan shall be in substantial conformance with the landscape plan emailed on April 14, 2014, and comply with the minimum requirements of Sections 410.300 and 410.320 of the Subdivision and Land Development Standards.
- The development of the trail shall be built to the recommended guidelines of the Americans with Disabilities Act and remain open to the public. A public access easement over the entire west portion of the common ground shall be provided. The type of construction and design of the trail shall be completed prior to the final plat approval.

MOTION
The following are examples of motions to pass a recommendation on this application:

1) "I move to recommend approval of the Rezoning and Preliminary Plat for the Creekside at Mason subdivision from A Single Family Residential to (D Single Family Residential, or B Single Family Residential) and authorizing a Residential Designed Development (RDD) submitted with Application #14-004, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of April 21, 2014" (conditions may be added, eliminated, altered, and modified).

2) "I move to recommend approval of the Site Development Plan for the the Creekside at Mason subdivision submitted with Application #14-004, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of April 21, 2014" (conditions may be added, eliminated, altered, and modified).

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 4: CREVE COEUR STREAM BUFFER PROTECTION REGULATIONS (CHAPTER 430 OF THE CREVE COEUR MUNICIPAL CODE)
Included and attached by reference. See body of report for specific excerpts.

APPENDIX 5: AERIAL MAP

CREEKSIDE AT MASON

PART OF US SURVEY 1923
TOWNSHIP 45 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OFCREVE COEUR, ST. LOUIS COUNTY, MISSOURI

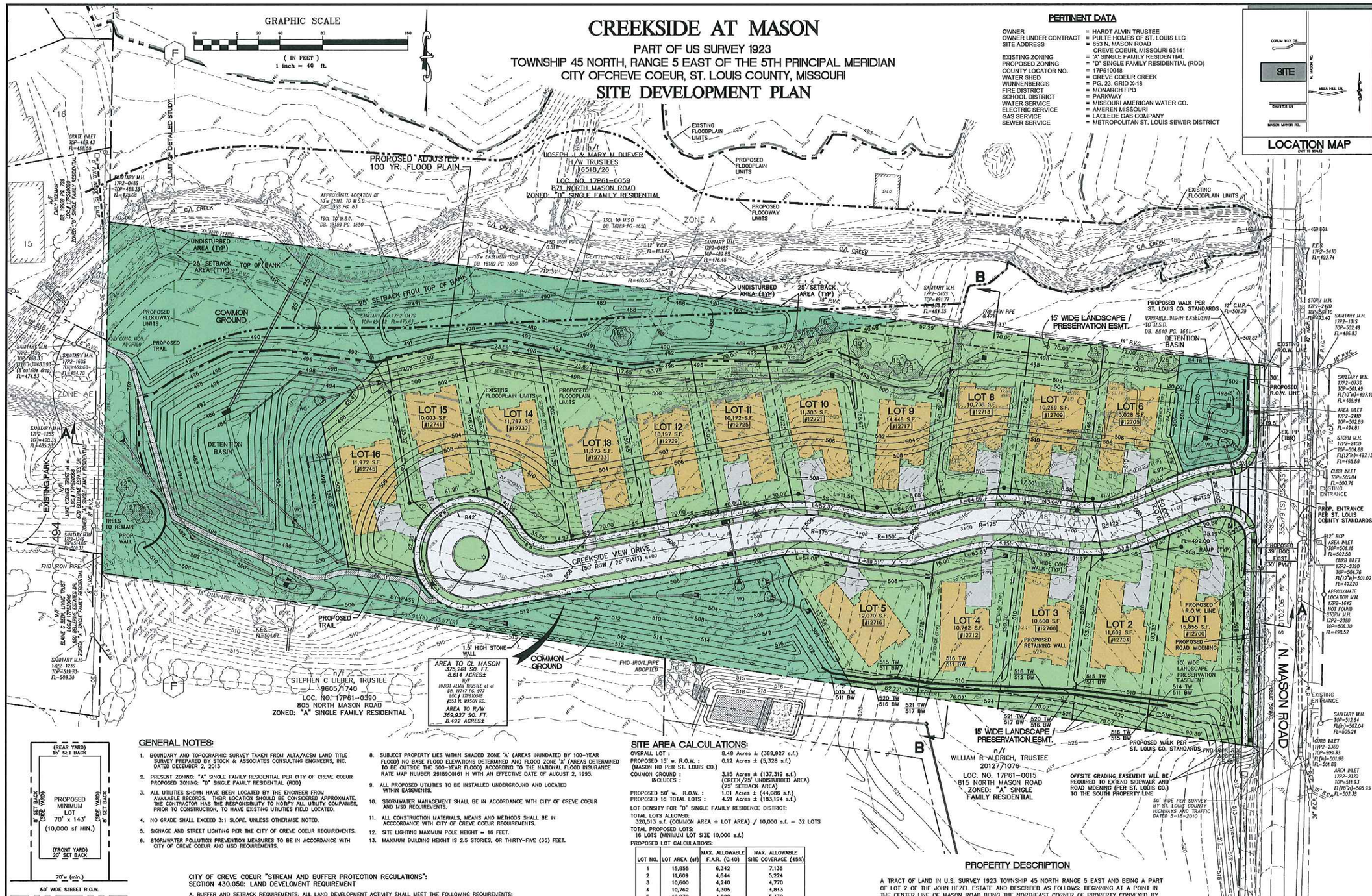
SITE DEVELOPMENT PLAN

GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

PERTINENT DATA

OWNER	= HARDT ALVIN TRUSTEE
OWNER UNDER CONTRACT	= PULTE HOMES OF ST. LOUIS LLC
SITE ADDRESS	= 853 N. MASON ROAD CREVE COEUR, MISSOURI 63141
EXISTING ZONING	= "A" SINGLE FAMILY RESIDENTIAL
PROPOSED ZONING	= "D" SINGLE FAMILY RESIDENTIAL (RDD)
COUNTY LOCATOR NO.	= 17P610048
WATER SHED	= CREVE COEUR CREEK
WUHNENBERG'S	= PG. 23, GRID X-18
FIRE DISTRICT	= MONARCH FPD
SCHOOL DISTRICT	= PARKWAY
WATER SERVICE	= MISSOURI AMERICAN WATER CO.
ELECTRIC SERVICE	= AMEREN MISSOURI
GAS SERVICE	= LACLEDE GAS COMPANY
SEWER SERVICE	= METROPOLITAN ST. LOUIS SEWER DISTRICT

LOCATION MAP
(NOT TO SCALE)



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537-9100 FAX (636) 537-9852
e-mail: general@stockassoc.com
Web: www.stockassoc.com

SITE DEVELOPMENT PLAN FOR:
CREEKSIDE AT MASON
853 MASON ROAD
CREVE COEUR, MISSOURI

STATE OF MISSOURI
GEORGE MICHAEL STOCK
NUMBER PE-25116
PROFESSIONAL ENGINEER
4/14/14

GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY NUMBER: 000996

REVISIONS:

1	2/03/14 PER STL. CO.
2	3/03/14 ALT. PLAN
3	4/14/14 REV. PLAN

DRAWN BY: T.P.S.	CHECKED BY: G.M.S.
DATE: 01/17/14	JOB NO.: 213-5220
W.S.D. #: –	BASE MAP #: 17P
S.L.C. MAT #: –	MAT SUP. #: –
W.O.N.R. #: –	

SHEET TITLE:
SITE DEVELOPMENT PLAN

SHEET NO.:
C1.0

TYPICAL LOT DETAIL

PREPARED FOR:
PULTE HOMES OF ST. LOUIS, LLC
17107 Chesterfield Airport Rd, Suite 120
Chesterfield, MO 63005
Phone: (636) 537-7128
Fax: (636) 537-9952
Contact: Mr. Chris Matteo

GENERAL NOTES:

1. BOUNDARY AND TOPOGRAPHIC SURVEY TAKEN FROM ALTA/ACSM LAND TITLE SURVEY PREPARED BY STOCK & ASSOCIATES CONSULTING ENGINEERS, INC. DATED DECEMBER 2, 2013
2. PRESENT ZONING: "A" SINGLE FAMILY RESIDENTIAL PER CITY OF CREVE COEUR PROPOSED ZONING: "D" SINGLE FAMILY RESIDENTIAL (RDD)
3. ALL UTILITIES SHOWN HAVE BEEN LOCATED BY THE ENGINEER FROM AVAILABLE RECORDS. THEIR LOCATION SHOULD BE CONSIDERED APPROXIMATE. THE CONTRACTOR HAS THE RESPONSIBILITY TO NOTIFY ALL UTILITY COMPANIES, PRIOR TO CONSTRUCTION, TO HAVE EXISTING UTILITIES FIELD LOCATED.
4. NO GRADE SHALL EXCEED 3:1 SLOPE. UNLESS OTHERWISE NOTED.
5. SIGNAGE AND STREET LIGHTING PER THE CITY OF CREVE COEUR REQUIREMENTS.
6. STORMWATER POLLUTION PREVENTION MEASURES TO BE IN ACCORDANCE WITH CITY OF CREVE COEUR AND MSD REQUIREMENTS.
8. SUBJECT PROPERTY LIES WITHIN SHADED ZONE 'X' (AREAS INUNDATED BY 100-YEAR FLOOD) NO BASE FLOOD ELEVATIONS DETERMINED AND FLOOD ZONE 'X' (AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP NUMBER 29189C0161 H WITH AN EFFECTIVE DATE OF AUGUST 2, 1995.
9. ALL PROPOSED UTILITIES TO BE INSTALLED UNDERGROUND AND LOCATED WITHIN EASEMENTS.
10. STORMWATER MANAGEMENT SHALL BE IN ACCORDANCE WITH CITY OF CREVE COEUR AND MSD REQUIREMENTS.
11. ALL CONSTRUCTION MATERIALS, MEANS AND METHODS SHALL BE IN ACCORDANCE WITH CITY OF CREVE COEUR REQUIREMENTS.
12. SITE LIGHTING MAXIMUM POLE HEIGHT = 16 FEET.
13. MAXIMUM BUILDING HEIGHT IS 2.5 STORIES, OR THIRTY-FIVE (35) FEET.

CITY OF CREVE COEUR "STREAM AND BUFFER PROTECTION REGULATIONS":
SECTION 430.050: LAND DEVELOMENT REQUIREMENT

A. BUFFER AND SETBACK REQUIREMENTS. ALL LAND DEVELOPMENT ACTIVITY SHALL MEET THE FOLLOWING REQUIREMENTS:

1. FOR STREAMS DEPICTED AS A SOLID BLUE LINE ON THE U.S.G.S. MAP, AN UNDISTURBED NATURAL VEGETATIVE BUFFER SHALL BE MAINTAINED FOR FIFTY (50) FEET, MEASURED HORIZONTALLY, ON BOTH BANKS (AS APPLICABLE) OF THE STREAM AS MEASURED FROM THE TOP OF THE STREAM BANK. FOR ALL OTHER STREAMS SUBJECT TO THIS CHAPTER, AN UNDISTURBED NATURAL VEGETATIVE BUFFER SHALL BE MAINTAINED FOR TWENTY-FIVE (25) FEET, MEASURED HORIZONTALLY, ON BOTH BANKS (AS APPLICABLE) OF THE STREAM AS MEASURED FROM THE TOP OF THE STREAM BANK.
2. AN ADDITIONAL SETBACK SHALL BE MAINTAINED FOR TWENTY-FIVE (25) FEET, MEASURED HORIZONTALLY, BEYOND THE UNDISTURBED NATURAL VEGETATIVE BUFFER, IN WHICH ALL IMPERVIOUS COVER SHALL BE PROHIBITED. GRADING, FILLING AND EARTHMOVING SHALL BE MINIMIZED WITHIN THE SETBACK.
3. NO SEPTIC TANKS OR SEPTIC TANK DRAIN FIELDS SHALL BE PERMITTED WITHIN THE BUFFER OR THE SETBACK.
4. FEASIBILITY OF SITE LAYOUT IS SUBJECT TO A DETAILED FLOOD STUDY.

SITE AREA CALCULATIONS:

OVERALL LOT :	8.49 Acres ± (369,927 s.f.)
PROPOSED 15' w. R.O.W. : (MASON RD PER ST. LOUIS CO.)	0.12 Acres ± (5,328 s.f.)
COMMON GROUND : INCLUDES :	3.15 Acres ± (137,319 s.f.) (CREEK/25' UNDISTURBED AREA) (25' SETBACK AREA)
PROPOSED 50' w. R.O.W. :	1.01 Acres ± (44,086 s.f.)
PROPOSED 16 TOTAL LOTS :	4.21 Acres ± (183,194 s.f.)

LOT DENSITY FOR "D" SINGLE FAMILY RESIDENCE DISTRICT:
TOTAL LOTS ALLOWED:
320,513 s.f. (COMMON AREA + LOT AREA) / 10,000 s.f. = 32 LOTS
TOTAL PROPOSED LOTS:
16 LOTS (MINIMUM LOT SIZE 10,000 s.f.)
PROPOSED LOT CALCULATIONS:

LOT NO.	LOT AREA (sf)	MAX. ALLOWABLE F.A.R. (0.40)	MAX. ALLOWABLE SITE COVERAGE (45%)
1	15,855	6,342	7,135
2	11,609	4,644	5,224
3	10,600	4,240	4,770
4	10,762	4,305	4,843
5	12,070	4,828	5,432
6	10,028	4,011	4,513
7	10,269	4,108	4,621
8	10,739	4,295	4,832
9	14,446	5,778	6,501
10	11,303	4,521	5,086
11	10,172	4,069	4,577
12	10,197	4,079	4,589
13	11,373	4,549	5,118
14	11,797	4,719	5,309
15	10,003	4,001	4,501
16	11,972	4,789	5,387

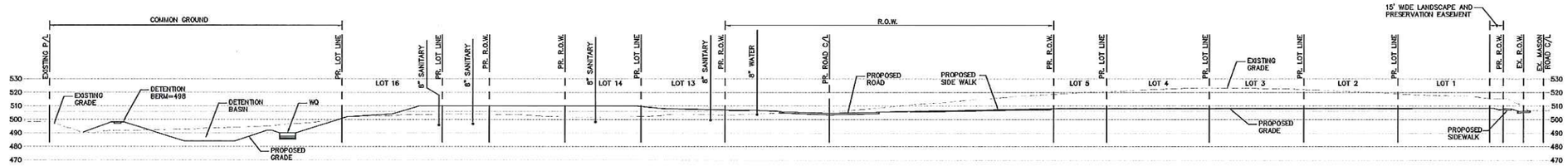
PROPERTY DESCRIPTION

A TRACT OF LAND IN U.S. SURVEY 1923 TOWNSHIP 45 NORTH RANGE 5 EAST AND BEING A PART OF LOT 2 OF THE JOHN HEZEL ESTATE AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE CENTER LINE OF MASON ROAD BEING THE NORTHEAST CORNER OF PROPERTY CONVEYED BY ELIZABETH HEZEL TO OTTO R. DAUSTER AND LYDIA M. DAUSTER BY DEED RECORDED IN BOOK 988 PAGE 462 OF THE ST.LOUIS COUNTY RECORDER'S OFFICE, THENCE NORTH ALONG THE CENTER LINE OF MASON ROAD 355.35 FEET TO A POINT IN THE CENTER LINE OF MASON ROAD, THENCE WEST AND PARALLEL TO THE NORTHERN LINE OF PROPERTY CONVEYED BY ELIZABETH HEZEL TO OTTO R. DAUSTER AND LYDIA M.DAUSTER BY DEED RECORDED IN BOOK 988 PAGE 462 OF THE ST. LOUIS COUNTY RECORDER'S OFFICE TO A POINT IN THE WEST LINE OF SAID LOT 2 OF THE JOHN HEZEL ESTATE, THENCE SOUTH ALONG THE WESTERN LINE OF SAID LOT 2 OF THE JOHN HEZEL ESTATE 326.61 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY CONVEYED TO DAUSTER IN BOOK 988 PAGE 462 OF THE ST. LOUIS COUNTY RECORDS, THENCE EAST ALONG THE NORTH LINE OF SAID PROPERTY SO CONVEYED TO DAUSTER IN BOOK 988 PAGE 462 TO THE POINT OF BEGINNING CONTAINING 8.56 ACRES MORE OR LESS.

ST. LOUIS COUNTY BENCHMARK

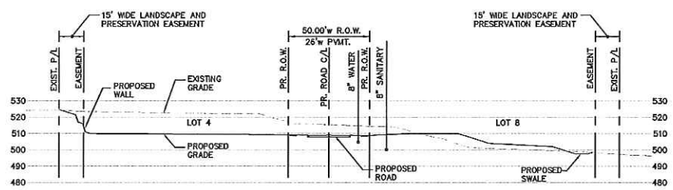
BENCHMARK # 13-144 ELEV.=552.25

"L" on southwest corner of northern footing for pilar in (masonry) [23'x23' stone and granite] wall on northwest corner of Hiram Cemetery along Mason Rd. 0.8 mile south of Olive Street Rd; (31') [45'] east of centerline of Mason Road and (285') [243'] south of Mason Manor Drive [road produced].



SITE SECTION A-A

SCALE: 1"=40'



SITE SECTION B-B

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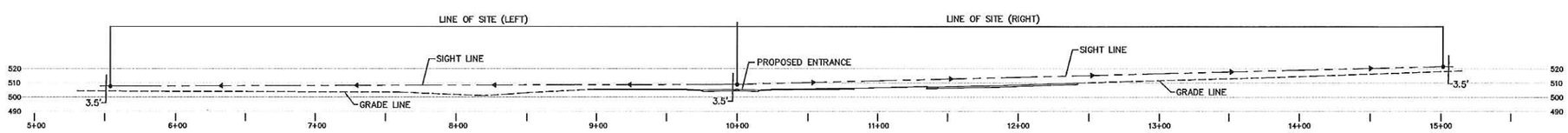
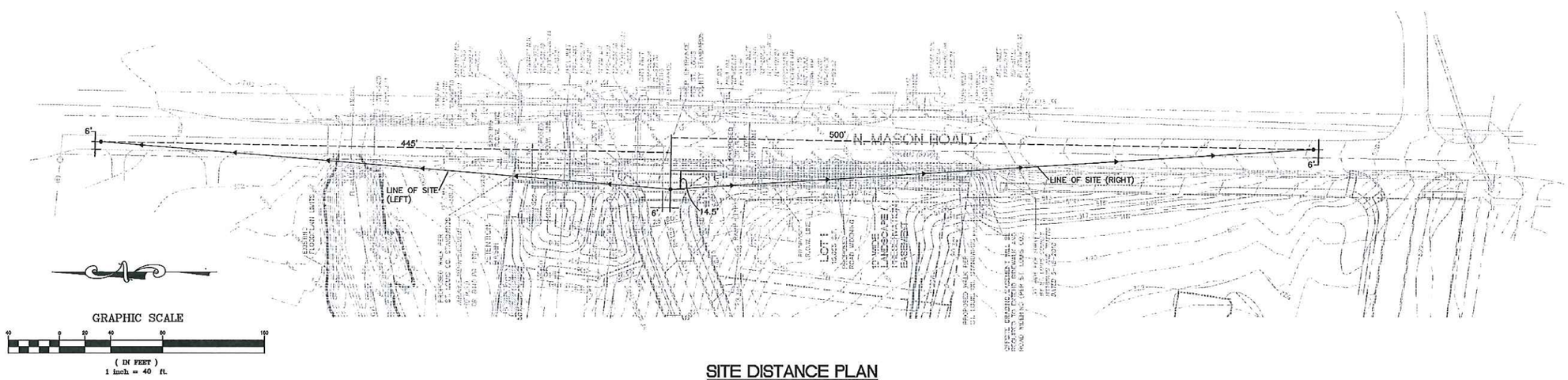


SITE DISTANCE PROFILE

SCALE: 1"=40'



SITE DISTANCE PLAN

SCALE: 1"=40'

PREPARED BY:

STOCK & ASSOCIATES Consulting Engineers, Inc.

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E-MAIL: STOCK@STOCKASSOCIATES.COM
CONTACT: GEORGE M. STOCK, P.E.
www.stockassociates.com

SITE DEVELOPMENT PLAN FOR:

CREEKSIDE AT MASON

853 MASON ROAD
CREVE COEUR, MISSOURI

STATE OF MISSOURI
GEORGE MICHAEL STOCK
NUMBER PE-25116
PROFESSIONAL ENGINEER

4/14/14

GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY NUMBER: 000996

REVISIONS:

1 2/02/14 PER ST. LOUIS CO.
2 3/03/14 ALT. PLAN
3 4/14/14 REV. PLAN

DRAWN BY T.P.S.	DESIGNED BY G.M.S.
DATE 01/17/14	JOB NO. 213-5220
ACCT. # –	DATE REV # 17P
SLDP VAR # –	PMT REV. # –
ADMIN # –	

SHEET TITLE:

SITE SECTIONS
SITE DISTANCE PLAN
AND PROFILE

SHEET NO.:

C2.0

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PREPARED BY:

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SITE DEVELOPMENT PLAN FOR:

CREEKSIDE AT MASON

853 MASON ROAD
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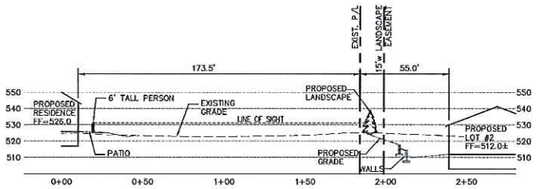
W.S.D. P# –	BASE MAP # 17P
S.L.C. H&T # –	H&T SUP. # –
M.D.N.R. # –	

SHEET TITLE:

OVERALL SIGHT LINE SECTIONS PLAN VIEW

SHEET NO.:

C3.0



SITE SECTION C-C

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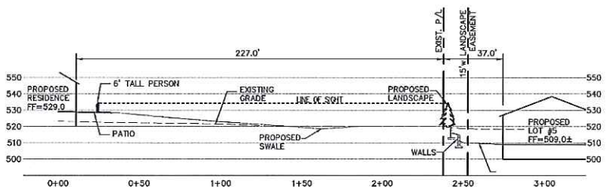

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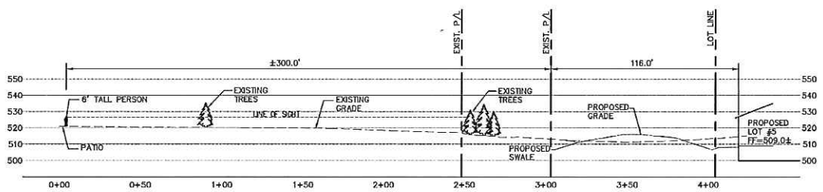

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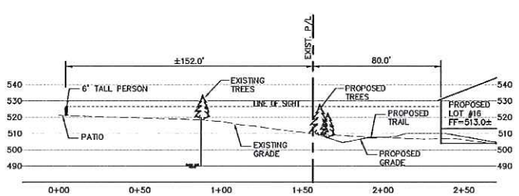

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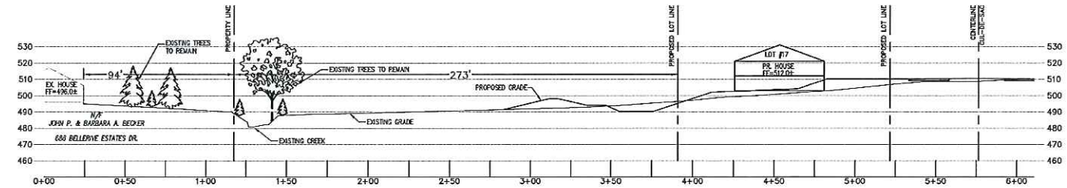

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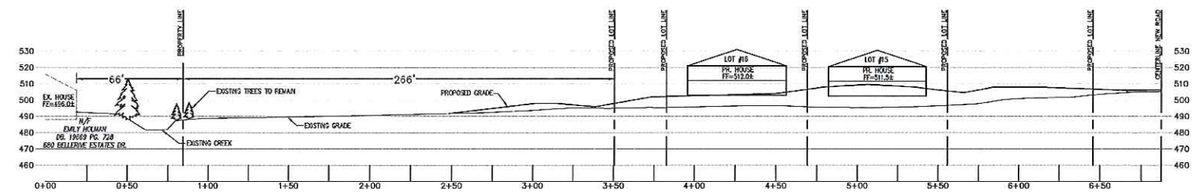

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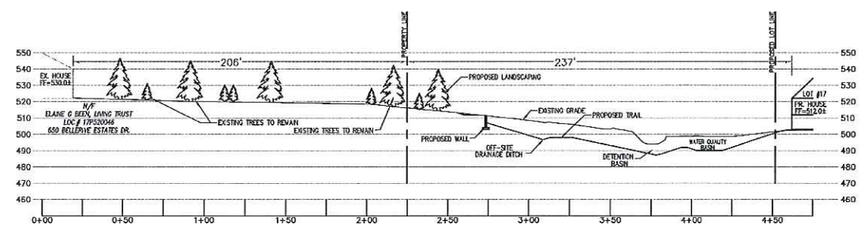

SITE SECTION 3-3

SCALE: 1"=40'

PREPARED BY:

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257 Chesterfield Business Parkway St. Louis, MO 63005 PH. (636) 530-9100 FAX (636) 530-9130 e-mail: general@stockassoc.com Web: www.stockassoc.com

SITE DEVELOPMENT PLAN FOR:

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M.S.D. P# –	BASE MAP # 17P
S.L.C. MAT # –	MAT SUP. # –
M.D.N.R. # –	

SHEET TITLE:

SIGHT LINE SECTIONS

SHEET NO.:

C4.0

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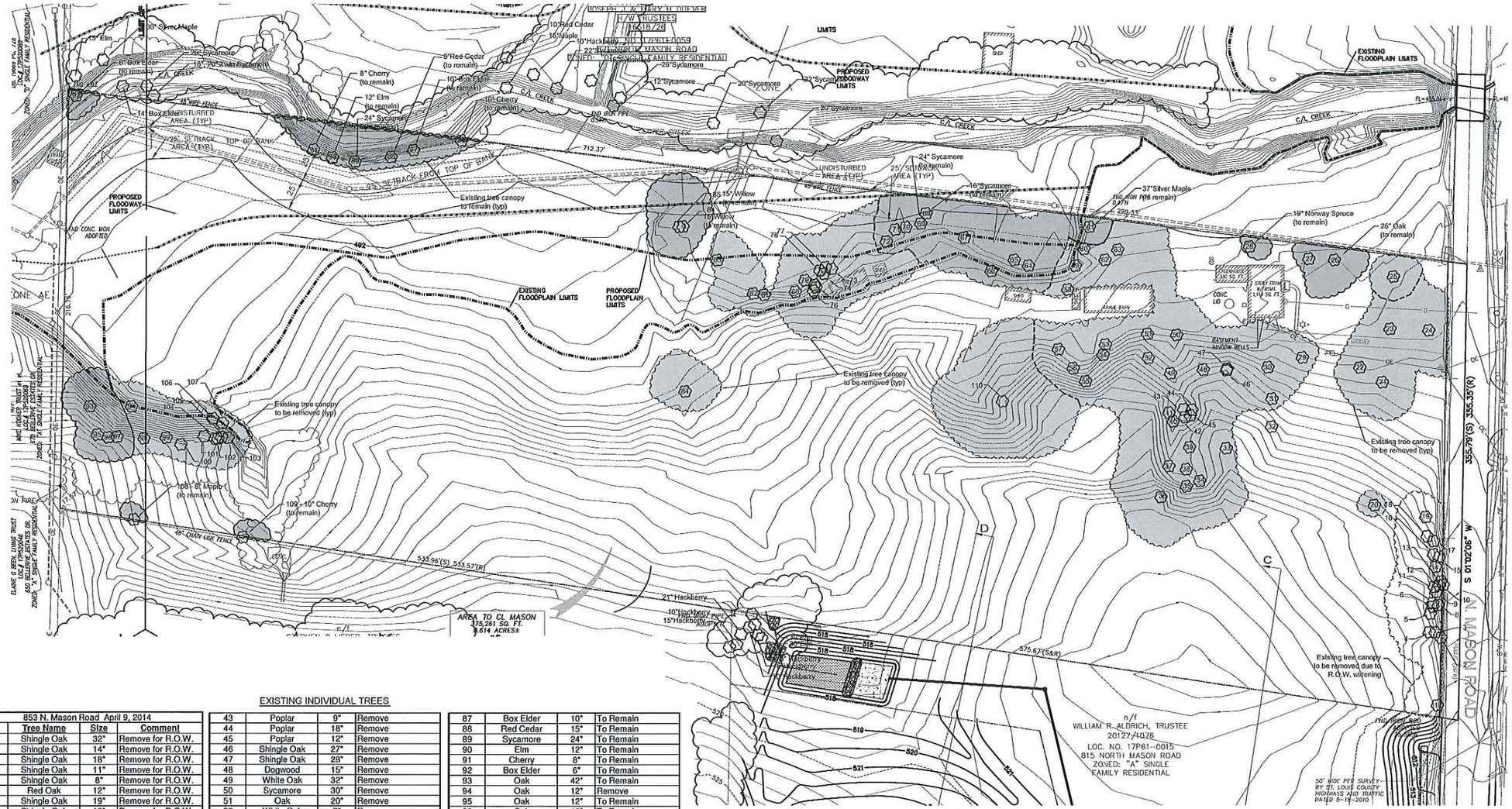


TREE CENSUS

SCALE 1"=40'

EXISTING INDIVIDUAL TREES

853 N. Mason Road April 9, 2014

No.	Tree Name	Size	Comment
1	Shingle Oak	32"	Remove for R.O.W.
2	Shingle Oak	14"	Remove for R.O.W.
3	Shingle Oak	18"	Remove for R.O.W.
4	Shingle Oak	11"	Remove for R.O.W.
5	Shingle Oak	8"	Remove for R.O.W.
6	Red Oak	12"	Remove for R.O.W.
7	Shingle Oak	19"	Remove for R.O.W.
8	Shingle Oak	13"	Remove for R.O.W.
9	Shingle Oak	13"	Remove for R.O.W.
10	Shingle Oak	12"	Remove for R.O.W.
11	Shingle Oak	10"	Remove for R.O.W.
12	Shingle Oak	6"	Remove for R.O.W.
13	Elm	24"	Remove for R.O.W.
14	Box Elder	6"	Remove for R.O.W.
15	Shingle Oak	7"	Remove for R.O.W.
16	Shingle Oak	7"	Remove for R.O.W.
17	Red Oak	24"	Remove for R.O.W.
18	Red Oak	8"	Remove for R.O.W.
19	Red Oak	13"	Remove for R.O.W.
20	Box Elder	28"	Dying/Remove
21	Elm	18"	Remove
22	Sycamore	18"	Remove
23	Maple	30"	Remove
24	Sycamore	24"	Remove for R.O.W.
25	Maple	15"	Remove
26	Oak	26"	To Remain
27	Fir	8"	To Remain
28	Norway Spruce	19"	To Remain
29	Holly	14"	Remove
30	Holly	11"	Remove
31	Holly	15"	Remove
32	Redbud	12"	Remove
33	Poplar	8"	Remove
34	Sycamore	36"	Remove
35	Hackberry	15"	Remove
36	Black Walnut	27"	Remove
37	Black Walnut	20"	Remove
38	Poplar	18"	Remove
39	Ash	18"	Remove
40	Hackberry	13"	Remove
41	Hackberry	20"	Remove
42	Poplar	8"	Remove
43	Poplar	9"	Remove
44	Poplar	18"	Remove
45	Poplar	12"	Remove
46	Shingle Oak	27"	Remove
47	Shingle Oak	28"	Remove
48	Dogwood	15"	Remove
49	White Oak	32"	Remove
50	Sycamore	30"	Remove
51	Oak	20"	Remove
52	White Oak	7"	Remove
53	Sycamore	30"	Remove
54	Hackberry	24"	Remove
55	Poplar	24"	Remove
56	Poplar	20"	Remove
57	Dogwood	8"	Remove
58	Poplar	16"	Remove
59	Poplar	11"	Remove
60	Silver Maple	38"	Remove
61	Silver Maple	37"	To Remain
62	Poplar	17"	Remove
63	Sycamore	32"	Remove
64	Sycamore	36"	To Remain
65	Black Walnut	15"	To Remain
66	Red Cedar	8"	To Remain
67	Black Walnut	30"	To Remain
68	Sycamore	16"	To Remain
69	Sycamore	24"	To Remain
70	Sycamore	15"	To Remain
71	Box Elder	8"	To Remain
72	Cottonwood	24"	To Remain
73	Sycamore	21"	Remove
74	Sycamore	21"	Remove
75	Sycamore	24"	Remove
76	Sycamore	8"	Remove
77	Sycamore	13"	Remove
78	Sycamore	12"	Remove
79	Willow	8"	Remove
80	Willow	15"	Remove
81	Willow	12"	Remove
82	Willow	9"	Remove
83	Cottonwood	8"	To Remain
84	Willow	15"	To Remain
85	Willow	15"	To Remain
86	Cherry	10"	To Remain
87	Box Elder	10"	To Remain
88	Red Cedar	15"	To Remain
89	Sycamore	24"	To Remain
90	Elm	12"	To Remain
91	Cherry	8"	To Remain
92	Box Elder	6"	To Remain
93	Oak	42"	To Remain
94	Oak	12"	Remove
95	Oak	12"	To Remain
96	Oak	12"	To Remain
97	Hackberry	8"	To Remain
98	Elm	12"	Remove
99	Willow	12"	Remove
100	Willow	12"	Remove
101	Willow	12"	Remove
102	Willow	10"	Remove
103	Willow	12"	Remove
104	Willow	12"	Remove
105	Willow	15"	Remove
106	Willow	12"	Remove
107	Willow	13"	Remove
108	Maple	8"	To Remain
109	Cherry	10"	To Remain
110	Elm	42"	Remove

TREE CENSUS DATA

Total Canopy Area On Site: 81,389 sf, or 1.87 acres

Total Canopy Area to be removed: 59,772 sf, or 1.37 acres
Total Canopy Area to remain: 21,617 sf, or 0.50 acres

Percentage of tree canopy to be removed: 73.44%

Jerald Saunders - Landscape Architect
MO License # LA-007

Consultants:

Creekside at Mason

Creve Coeur, Missouri

Revisions:

Date	Description	No.
2/5/14	Base Revision	1
4/14/14	Base Revision	2

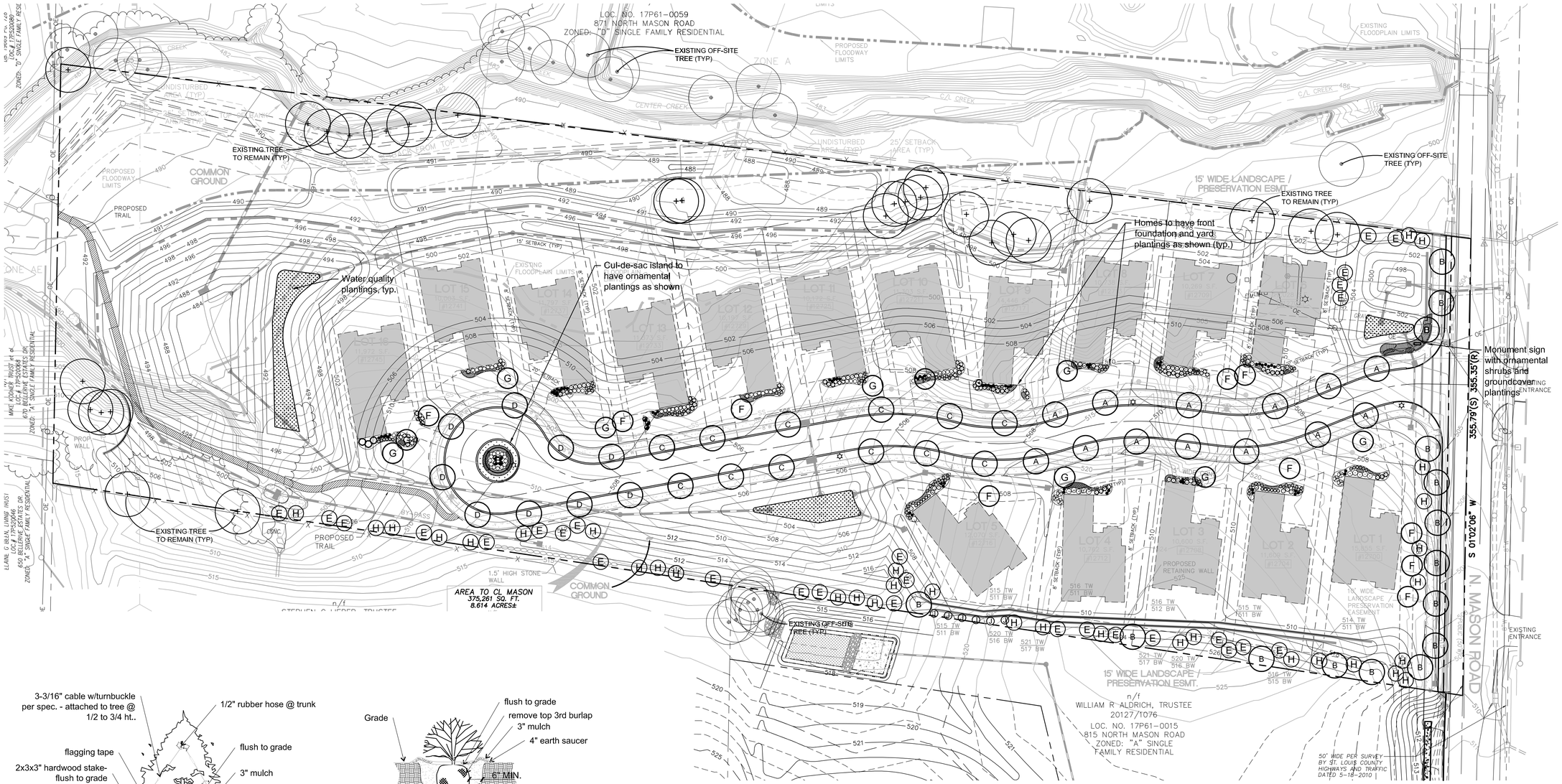
Drawn: LH
Checked: RS

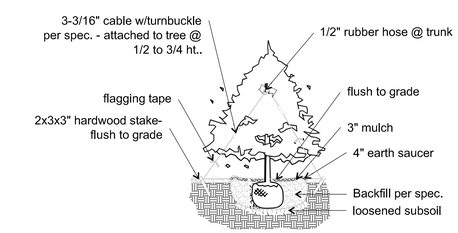
loomisAssociates
landscapeArchitectsEplanners
707 Saint Louis Park Drive, Suite 135
Chesterfield, Missouri 63005-1194
(636) 519-8668 Fax: (636) 519-0797
www.loomisassociates.com
Loomis Associates Inc.
Missouri State Certificate of Authority #: LAC #000019

Sheet Title: Tree Census

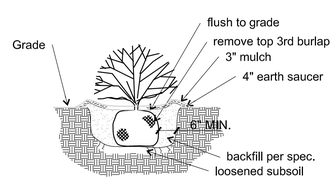
Sheet No: TC-1

Date: 01/17/2014
Job #: 935.005



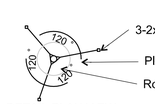


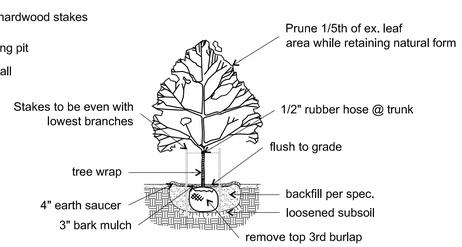
TYPICAL EVERGREEN PLANTING



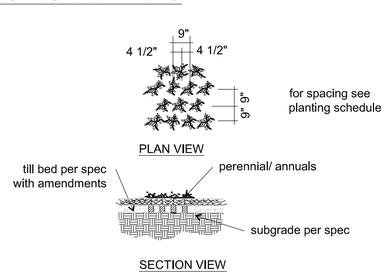
SCARIFY ROOT BALL OF ALL CONTAINER STOCK

TYPICAL SHRUB PLANTING





CANOPY TREE PLANTING



TYPICAL PERENNIAL PLANTING

LANDSCAPE PLAN

SCALE 1"=40'

PLANTING SCHEDULE

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE
TREES					
A	13	Zelkova serrata 'Green Vase'	Green Vase Zelkova	3" cal.	Deciduous
B	15	Quercus rubra	Red Oak	3" cal.	Deciduous
C	12	Tilia cordata	Littleleaf Linden	3" cal.	Deciduous
D	9	Acer x freemanii 'Jeffersred'	Autumn Blaze Maple	3" cal.	Deciduous
E	28	Pinus strobus	Eastern White Pine	8' ht.	Evergreen
F	11	Cornus florida 'Cherokee Princess'	Cherokee Princess Dogwood	2" cal.	Deciduous
G	9	Cercis canadensis	Eastern Redbud	2" cal.	Deciduous
H	33	Picea abies	Norway Spruce	8' ht.	Evergreen
J	5	Juniperus virginiana 'Canaertii'	Canaertii Juniper	8' ht.	Evergreen

STATE OF MISSOURI
JERALD SAUNDERS
NUMBER LA-7
LANDSCAPE ARCHITECT

Jerald Saunders - Landscape Architect
MO License # LA-007 4/14/14

Consultants:

Creekside at Mason

Creve Coeur, Missouri

Revisions:

Date	Description	No.
2/5/14	Base Revision	1
4/14/14	Base Revision	2

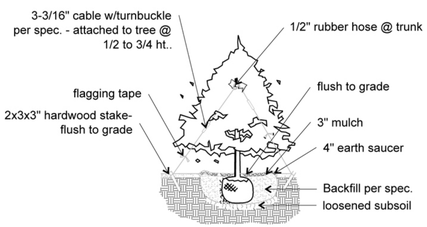
Drawn: LH
Checked: RS

loomisAssociates
landscapeArchitects/planners
707 Spirit 40 Park Drive, Suite 135
Chesterfield, Missouri 63005-1194
636519-8668 fax: 636519-0937
e-mail: lainfo@loomis-associates.com
Loomis Associates Inc.
Missouri State Certificate of Authority #: LAC #000019

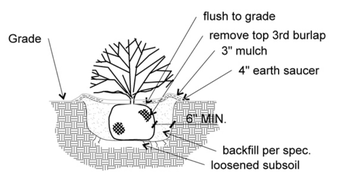
Sheet Title: Landscape Plan

Sheet No: L-1

Date: 01/17/2014
Job #: 935.005

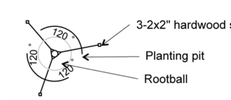


TYPICAL EVERGREEN PLANTING

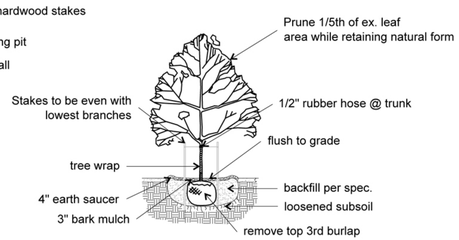


SCARIFY ROOT BALL OF ALL CONTAINER STOCK

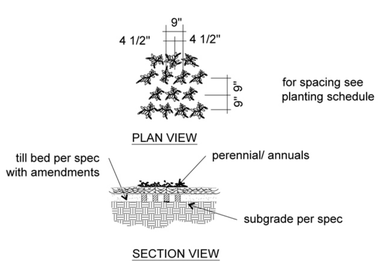
TYPICAL SHRUB PLANTING



DETAIL PLAN VIEW



CANOPY TREE PLANTING



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STATE OF MISSOURI
JERALD SAUNDERS
NUMBER LA-7
LANDSCAPE ARCHITECT

Jerald Saunders - Landscape Architect
MO License # LA-007
4/14/14

Consultants:

Creekside at Mason

Creve Coeur, Missouri

Revisions:

Date	Description	No.
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4/14/14	Base Revision	2

Drawn: LH
Checked: RS

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e-mail: info@loomis-associates.com
Loomis Associates Inc.
Missouri State Certificate of Authority #: LAC #000019

Sheet Title: Landscape Plan

Sheet No: L-1

Date: 01/17/2014
Job #: 935.005

BILL NO. _____ **ORDINANCE NO. _____**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CREVE COEUR TO REZONE 8.49 ACRES OF LAND FROM "A" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "D" SINGLE-FAMILY RESIDENTIAL DISTRICT AND AUTHORIZING A RESIDENTIAL DESIGNED DEVELOPMENT (RDD) WITH ACCOMPANYING PRELIMINARY SUBDIVISION PLAT AND SITE DEVELOPMENT PLAN FOR THE PROPOSED CREEKSIDE ON MASON SUBDIVISION, FOR THE PROPERTY CURRENTLY ADDRESSED AS 853 NORTH MASON ROAD.

WHEREAS, Chris Matteo, of Pulte Homes of St. Louis, LLC, has submitted an application for the rezoning of the 8.49 acres located at 853 N. Mason Road, from "A" Single Family Residential to "D" Single Family Residential with "RDD" Residential Design Development designation; and

WHEREAS, in accordance with Sections 405.280, 405.450(C), and 405.1080 of the Zoning Ordinance, the applicant has submitted a Site Development Plan (hereafter referred to as the "subdivision improvement plan") and Preliminary Plat to the Department of Planning for the Creekside at Mason subdivision, including 16 lots on the 8.49 acres, with residential designed development (RDD); and

WHEREAS, On February 18, 2014, the Planning and Zoning Commission conducted a public hearing on the rezoning and RDD request and accompanying Preliminary Plat; 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 development on the condition that the property be developed in accordance with the Subdivision Improvement Plan and Preliminary Plat, received April 14, 2014, by the Department of Planning or as further revised as required by the City of Creve Coeur and on other conditions, at its meeting on April 21, 2014; and

WHEREAS, all persons who presented themselves 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 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; and

WHEREAS, the City Council finds that the Residential Designed Development proposal, as submitted on April 14, 2014 and when subject to certain conditions set forth herein, 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 provide the purpose of Section 405.450 of the Zoning Code and is in accordance with the criteria of Section

405.450(C)(1-3) of the Zoning Code regarding minimum project area, gross acreage, yards, and site and building coverage;

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 shall be amended to rezone the property addressed as 853 North Mason Road from A Single-family Residential to D Single-family Residential zoning district, subject to the conditions stated herein, which property is more specifically described as follows:

> A tract of land in U.S. Survey 1923 Township 45 North Range 5 east and being a part of Lot 2 of the JOHN HEZEL ESTATE and described as follows: Beginning at a point in the center line of Mason Road being the northeast corner of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M. Dauster by deed recorded in Book 988 Page 462 of the St.Louis County Recorder's Office, thence north along the center line of Mason Road 355.35 feet to a point in the center line of Mason Road, thence west and parallel to the northern line of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M.Dauster by deed recorded in Book 988 Page 462 of the St. Louis County Recorder's Office to a point in the west line of said Lot 2 of the JOHN HEZEL ESTATE, thence south along the western line of said Lot 2 of the JOHN HEZEL ESTATE 326.61 feet to the northwest corner of said property conveyed to Dauster in Book 988 Page 462 of the St. Louis County Records, thence east along the north line of said property so conveyed to Dauster in Book 988 Page 462 to the point of beginning containing 8.56 acres more or less.
>
> AND BEING FURTHER DESCRIBED AS:
>
> BEGINNING at the intersection of the Western line of Mason Road (30' wide) with the Northern line of a tract of land described in a deed to William Aldrich Trustee in Deed book 20127, Page 1076 of the St. Louis County, Missouri Records; thence along the Northern line of said Aldrich tract and the Northern line of a tract of land described in a deed to Stephen Lieber Trustee as recorded in Deed Book 9605, Page 1740 of said records North 81 degrees 26 minutes 00 seconds West, a distance of 1094.50 feet to the Western line of Lot 2 of the John Hezel Estate; thence along said Western line North 01 degree 05 minutes 00 seconds East, a distance of 326.52 feet to an found Iron Axle marking the Southwest corner of a tract of land described in a deed to John and Mary Duever Trustees as recorded in Deed book 16518, Page 26 of the aforesaid records; thence along the Southern line of said Duever tract South 82 degrees 56 minutes 06 seconds East, a distance of 1090.82 feet to the aforesaid Western line of Mason Road; thence along said Western line South 01 degree 02 minutes 06 seconds West, a distance of 355.39 feet to the Point of Beginning and containing 369,927 square feet or 8.492 acres more less as per a survey by Stock & Associates Consulting Engineers, Inc. during the month of December, 2013.

SECTION 2: A residential designed development (RDD) permit is hereby granted for the Creekside at Mason Subdivision, to be located on the land described in Section 1 of this ordinance, subject to the conditions contained herein.

SECTION 3: The Creekside at Mason RDD shall conform to the Site Improvement Plan, the Preliminary Plat and the Landscape Plan, received April 14, 2014, by the Department of

Planning or as further revised as required and approved by the City of Creve Coeur, and are further subject to the following conditions:

1. House exterior shall be of brick and/or stone along with high quality forms of siding, such as fiber-cement ("Hardi-board"), or natural wood siding from a renewable source. The Zoning Administrator shall verify conformance of all exterior materials with this condition prior to the issuance a building permit for any residence.
2. Any house side walls abutting a street shall be finished entirely with the same materials, and with the same design and aesthetic continuity, as the front façade, subject to Zoning Administrator approval.
3. The subdivision improvement plan shall include a minimum five-foot detached sidewalk along both sides of the proposed street.
4. All street lighting shall meet with 405.680; Lighting, of the Zoning Ordinance.
5. The Landscape Plan shall be in substantial conformance with the Landscape plan revised April 14, 2014 subject to the requirements of Sections 410.300 and 410.320 of the Subdivision and Land Development Standards.
6. The development of the trail shall be built to the recommended guidelines of the Americans with Disabilities Act and remain open to the public. A public access easement over the entire west portion of the common ground shall be provided. The type of construction and design of the trail shall be completed prior to the final plat approval.
7. Prior to issuance of any building permits, the applicant shall prepare and record the final subdivision plat as approved by the City Council and indentures requiring public access, maintenance, insurance, funding, maintenance of the stormwater basin, and common ground area , as approved by the City Attorney.

SECTION 4: As set forth in Section 405.1080 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 it is approved. After one year, a Site Development 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 Development 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 5: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS _____ DAY OF _____, 2014

_____

PRESIDENT OF CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 2014

_____

BARRY GLANTZ
MAYOR

BILL NO. _____ **ORDINANCE NO. _____**

ATTEST:

_____
DEBORAH RYAN, MPCC
CITY CLERK

From:	George Stock
To:	Langdon. Paul
Cc:	Chris.Matteo@PulteGroup.com; George Stock
Subject:	Creekside at Mason - Pulte (5220)
Date:	Thursday, March 27, 2014 8:34:18 AM

Dear paul, Pursuant to our telephone conversation yesterday, I offer the following. We continue to work on the Preliminary Plan to address Tree preservation, Landscaping and study sight lines. We believe it would be beneficial to request a continuation of our matter from the scheduled 4/7/14 Planning Commission meeting to the 4/21/14 Planning Commission meeting. This will allow us to continue to develop the plan and discuss with our neighbors (in particular the Difani's and Lieber who shared their plan with us) prior to appearing before the Planning Commission. Thank you, George

George M. Stock P.E.- President
STOCK AND ASSOCIATES CONSULTING ENGINEERS,INC.
257 Chesterfield Business Parkway
St. Louis, MO 63005
Ph: 636.530.9100
Fax: 636.530.9130
Email: george.stock@stockassoc.com
Web: www.stockassoc.com

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

AMENDED STAFF REPORT

ON APPLICATION TO PLANNING AND ZONING COMMISSION #14-004 FOR REZONING TO "D" SINGLE FAMILY RESIDENTIAL AND APPROVAL OF A PRELIMINARY PLAT ACCORDING TO THE RESIDENTIAL DESIGN DEVELOPMENT (RDD) PROCEDURE FOR THE CREEKSIDE AT MASON SUBDIVISION

FOR THE MEETING OF: Monday, March 3, 2014

LOCATION: 853 N. Mason Road

REQUEST: Chris Matteo, of Pulte Homes of St. Louis, LLC, has submitted a request for the rezoning and preliminary plat approval of the 8.49 acres located at 853 N. Mason Road, from "A" Single Family Residential to "D" Single Family Residential with "RDD" Residential Design Development designation to allow for a 17 single family home subdivision with a minimum lot acreage of 9,100 square feet. The net density of the development will be 2.28 units/acre.

ADDITIONAL INFORMATION: The existing home on the property was built in 1950, with the accessory building (detached barn and sheds) were built in 1954. Residential Design Development designation allows for greater flexibility in the size and configuration of lots without altering the allowable residential density. The lot sizes for properties in the D Single Family Residential District are between 10,000 square feet and 15,000 square feet. The applicant is proposing to maintain 3.4 acres as undisturbed area, and common ground, due to the flood area and creek that runs along the north property line.

Key Issues:
- Do the lots substantially meet all land development standards of this Chapter and those of any other applicable City regulations?

Subdivision Code References
- Chapter 410: Subdivision and Development of Land

Zoning Code References
- Section 405.250: "A" Single Family Residential
- Section 405.280: "D" Single Family Residential
- Section 405.450.*C:* Residential Designed Development Procedure

APPLICANT/ PROPERTY OWNER (UNDER CONTRACT):
Chris Matteo
Pulte Homes of St. Louis LLC
17107 Chesterfield Airport Road, Suite 120
Chesterfield, MO 63005

APPLICANT'S REPRESENTATIVE:
George M. Stock, P.E.,
Stock & Associates Consulting Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO 63005

REPORT PREPARED BY:

Paul Langdon, AICP, Planning Director — Date 2/28/2014

ATTACHMENTS: Applicant's Materials submitted January 17, 2014 and revised Landscape and Site Development Plan submitted February 6, 2014
Draft Ordinance

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Nursery/Single-family detached residence	D Single-Family Residential	N/A
South	Single-family detached residences	A Single-Family Residential	N/A
East	Hope Montessori School	C Single-Family Residential	Mason Road
West	Single-family detached residences	D Single-Family Residential	NA

DEVELOPMENT STATISTICS & COMPARISON CHART

The following are statistics for the proposed Creekside at Mason subdivision:

	Creekside at Mason	**Generic B Zoning District**	**Generic C Zoning District**	**Generic D Zoning District**
Acres	8.49	varies	varies	varies
Area of proposed ROW	44,895 sq. ft. (1.03 acres)	NA	NA	NA
Net area	325,032 sq.f.t (7.46 acres)	NA	NA	NA
No. of Units	17 d.u.	varies	varies	varies
Units / Acre (excluding ROW)	2.28	2.178	2.9	4.36
Lot Size (sq.ft.)	9,100 (min.) 10,402 average	20,000 (min.)	15,000 (min.)	10,000 (min.) to 15,000 sq. ft.
Common Ground / Open Space	148,927 sq. ft. (3.40 acres) (46%)	varies	varies	varies
Lot Frontage	70 ft. (min.)	100 ft. (min.)	75 ft. (min.)	70 ft. (min.)
Front Yard Setback	20 ft.	45 ft.	45 ft.	20 ft.
Side Yard Setback	8 ft.	15 ft.	12 ft.	8 ft.
Rear Yard Setback	15 ft. (min.)	30 ft.	30 ft.	15 ft.
Maximum Site Coverage	45% for each lot 24% for total area	35%	40%	45%

COMPREHENSIVE PLAN ANALYSIS

Goals and Strategies

Under the overall Goals and Strategies of the Comprehensive Plan, the section titled "Community Image and Identity" states:

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

This project would result in 17 smaller lots, but also leave several acres of greenspace. This leaves it as something of a hybrid development in that it is similar to a large lot development that is largely greenspace (46% greenspace) like the A Single-Family Residential district to the south, but the area of house development is more like the area zoned D Single -Family Residential to the north. The proposed

density will be less than the allowed density under the proposed D Single Family District. Approximately 46% will remain undeveloped due to the creek and flood plain requirements. The lot clustering allowed within an RDD overlay offers smaller lots in exchange for preserving these areas. As such, this proposal may represent a transitional land use that may not be the same as what is around it, but is an asset to those developments by maintaining a significant amount of greenspace and limiting the overall density to one that is significantly under the D Single Family District standard already in place to the north, but greater than the A Single Family District standard of the properties to the south.

Residential Neighborhoods
The section titled "Residential Preservation and Economic Development," within the chapter on Residential Neighborhoods, contains the following goals:

2. *Encourage the continued preservation of the suburban landscape character of the area, its open green spaces, and stream corridors. New Development or redevelopment should protect and enhance stream channels, preserving remaining riparian corridors, preserve trees and encourage re-establishment of natural streams, where feasible. The use of pervious paving materials and vegetated swales to manage stormwater in new development and redeveloping area is encouraged.*
3. *When lots are consolidated and re-subdivided for residential uses, the gross density permitted by existing zoning should not be exceeded. However, smaller individual lots could be considered, provided that they are no smaller than 75% of the area required under zoning. The remaining land should be preserved as open space, either as a buffer to surrounding areas or as part of a greenway system or stream corridor that connects to adjacent greenways or pedestrian facilities (p.44).*
6. *Require that new development or redevelopment be compatible with the character of the surrounding neighborhood with regard to lot frontage, building setbacks, building lines, building scale, and lot coverage (p.45).*
7. *Consider the creation of residential design standards for new constriction. These standards could include provisions for building design, building placement on lots, tress preservation, land disturbances and other issues associated with residential quality.*

As identified in the Development Statistics and Comparison chart above, the proposed lots in the plan range from 9,100 square feet to 13,991 square feet. The 3.4 acres of common ground consists of 0.74 acres for the creek, a 50-foot undisturbed creek buffer area, a 25-foot setback from the creek buffer, and storm water management area. Seventy-five percent of the lot standard for D Single Family Residential zoning district would be 7,500 square feet. The average of the lot sizes proposed is approximately 10,402 square feet, where the smallest lot would be 9,100 square feet, thus each lot is within the recommended allowance.

With regard to goal #6, the proposed project has some similarities to the surrounding subdivisions, with the specific exception of minimum lot size. The adjacent D Residential District would allow for up to 4.36 units per acre, and the C Single-family Residential District across Mason Road would allow for 2.9 units per acre. However, the properties directly to the south are zoned A Single-family Residential District, which allows no more than one unit per acre. The key question, as stated earlier, is whether or not the proposal serves as a valuable point of transition between the larger lot subdivisions to the south and the smaller, more dense development to the north and whether or not this makes it "compatible" with the residences around it.

The Comprehensive Plan also provides further direction in the Residential Neighborhoods Area regarding key properties that were of particular interest and concern due to potential development or redevelopment. The subject property is located within the area identified as "Neighborhoods 1" and it includes several of the properties at the northwest corner of Mason Road and Mason Manor Drive where it is recommended that the northern part be development under its current D classification (the property due north of the subject property). With respect to the remaining portion that is currently zoned A, it is recommended that

they be developed together or in a coordinated manner, with detached single-family residences. Development is to be planned with an emphasis on preserving 40% open space without changing the overall density of the district although lot sizes were recommended to be one-half acre or greater. The open space was to be used to preserve natural site features as much as possible, such as streams, trees, and topography, and should incorporate trials where feasible. (p. 49).

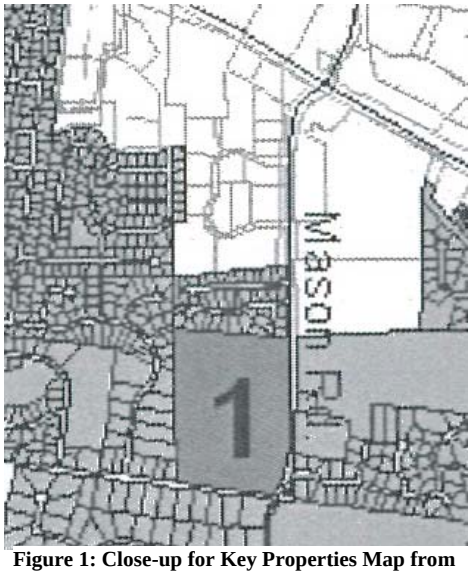


Figure 1: Close-up for Key Properties Map from Comprehensive Plan p. 48

However, the properties directly south of the subject property have already developed separately, under the A Single Family Residential District requirements and without any meaningful common open space due to their small size. That is, the open space is provided within private yards, rather than a common ground. This is not the scenario envisioned by the Comprehensive Plan and it makes it impossible for the subject property to readily follow the goals as well.

The proposal does exceed the open space requirement at 46% but, given this amount of greenspace, it is unlikely that any development would be able to keep with the ½ acre recommendation on the property without resulting in home prices beyond reasonable market expectations. The long vacant lots on the former Minner Nursery property and in the Enclave Bellerive subdivision are evidence of the very limited market for such high priced housing. However, the overall net density is just over 2 units per acre (2.28 units per acre), which is slightly more than the density of half-acre lots in a simple subdivision with not as much common ground, but significantly less than the allowable zoning district requirements under the D Residential District.

A couple of concerns are the absence of a trail connecting to nearby subdivision common ground and the level of tree protection. The latter is a direct extension of how much the applicant is proposing to manipulate the natural terrain, but this is covered in more detail below under the Zoning Analysis and the Development Characteristics sections.

Nonetheless, the greenspace goal has been exceeded, the development has a net density that is a reasonable transition between the districts that exist on either side, and the existing creek will remain undisturbed, so it would seem that the proposed development is generally in keeping with the overall intent of the recommendations of the Comprehensive Plan. This will be reinforced if the two issues above can be addressed.

ZONING ANALYSIS

Rezoning

Section 405.1060.E offers the following guidance regarding rezonings:

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

It is important to note that the property is already vacant and, like all vacant property, maintenance and security will become significant problems if the owner is not afforded some reasonable measure of utility and economic return. With this proposal, the applicant has attempted to balance public benefit with the private interest, by the protection of the adjacent subdivision with a large greenspace as a buffer and

limiting the number of lots in the project area. As identified above, the inclusion of a public trail and the better protection of the mature trees would improve overall congruence with these guidelines.

Residential Design Development Procedure
The applicant has proposed rezoning to the D Single-Family Residential District, utilizing the Residential Designed Development (RDD) procedure. This procedure effectively creates an overlay wherein the City Council, on the recommendation of the Planning and Zoning Commission, may modify the lot and development standards, subject to certain provisions.

In determining conformance with the RDD, the critical questions for this project are fulfillment of the purpose of the RDD and tree preservation. With regard to the former, the Zoning Code states:

> *SECTION 405.450: PERMITTED USES*
> *C. Residential Designed Development Procedure. The purpose of this Section is to provide a permissive, voluntary and alternate zoning procedure in the "A", "B", "C" and "D" single-family residential and "AR" attached residential zoning districts in order to permit greater flexibility in the size and configuration of lots without altering the allowable residential density in these districts and to provide thereby for desirable and proper common open space, tree cover, recreation areas, parks or scenic vistas and the preservation of the natural beauty of the City.*
>
> *1. Variation in number, size of lots. The City Council may by ordinance grant a residential designed development permit upon recommendation of the Planning and 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 purposes of this Section and is in accordance with the following criteria.*
>
> *a. Minimum project area. No residential designed development permit shall be granted for any area of less than four (4) acres.*
>
> *b. Gross acreage. The lot sizes within the subdivision may vary from those required by the regulations for the single-family residential zoning district within which the site is located. The maximum number of lots that may be approved shall be computed by including only common area and lot acreage in gross acreage and dividing the gross acreage by the minimum lot area requirements of the district.*
>
> *c. Yards. The minimum front yard and side yard requirements for each lot as set out in the regulations for the single-family residential zoning district within which the site is located may be reduced by the City Council and, if so reduced, shall be set out on the preliminary subdivision plan to be submitted in accordance with Chapter 410, Subdivision and Development of Land.*
>
> *d. Site and building coverages. The maximum site and building coverage requirements for each lot, as set out in the regulations for the single-family residential zoning district within which the site is located, may be increased by the City Council and, if so increased, shall be set out on the preliminary subdivision plan to be submitted in accordance with Chapter 410, Subdivision and Development of Land.*
>
> *2. Common areas. As part of the residential designed development plan, common land for open space of recreational use shall be reserved for common use by all the owners of the residential lots and the subdivision and such common land may be included in the total gross acreage used for determining the number of lots permitted under the minimum lot size provisions of the residential zoning district within which it is located, subject to the following standards and conditions:…*

> 4. *Tree conservation. Any development proposed as a residential designed development shall provide for the conservation of existing trees and existing tree masses on the site. The percentage of trees and tree masses preserved during development shall exceed the minimum standards of the subdivision regulations (shall exceed twenty-five percent (25%) of the existing trees and twenty-five percent (25%) of the existing tree mass areas).*

It is a mistake to read the provisions for flexibility in lot size and configuration without also realizing that the trade-off for this flexibility is the protection and/or provision of some natural quality of the site and City that is worth preserving. In other words, this process is not simply a way to avoid seeking variances before the Board of Adjustment. In this case, the proposed development offers the protection of the creek and stream bank along the north and west property lines, which is largely responsible for 46% of the site remaining as common ground.

At the same time, though, the property has approximately 1.90 acres of tree canopy but, as proposed, 85.3% of the canopy is to be removed. A substantial portion of this removal results from the extensive regrading of the west third of the property. This is contrary to the requirement that not more than 75% of the area of such tree masses nor 75% of eight inch caliper trees shall be proposed for removal (Section 410.320: Tree Conservation). Given this degree of impact, it would also appear that the amount of re-grading is not fulfilling the purpose of the RDD which is to preserve the natural beauty of the City. Therefore, the draft ordinance contains a condition of approval that the landscape plan be revised to meet with the tree preservation requirement that not more than 75% of the tree mass shall be removed.

The applicant is requesting lot sizes different from the requirements of the D Residential District regulations, while the lot coverage and FAR requirements will be maintained. The proposed total site coverage for the development is calculated at 24%, while each individual lot coverage would be 45%. This is permitted through the RDD procedure, as approved by the City Council and set out on the Preliminary Subdivision Plat. If approved, a condition should be put in place to require that all other standards not specifically approved by the City Council should be in conformance with the Section 405.280, "D" Single-Family Residential District of the Zoning Code.

ARCHITECTURE AND DESIGN

The Applicant has included 12 elevation options for the proposed homes that are all two-story models. The example front elevation submitted is largely stone with wood accents and shows rooflines with multiple peaks. However, the elevations did not indicate the type of materials to be used, nor were all sides of a typical building design included. Staff recommends that the Applicant demonstrate to the Commission the sturdiness and architectural quality of the materials proposed. In addition, a condition of approval is recommended that individual houses shall be of brick and/or stone along with high quality forms of siding, such as fiber-cement ("Hardi-board"), or natural wood siding from a renewable source may be permissible subject to the Zoning Administrator's approval. Any side walls abutting a street shall be finished with the same materials, and the same design and aesthetic continuity, as the front façade, subject to Zoning Administrator approval. These requirements are consistent with prior Council and Commission action.

DEVELOPMENT CHARACTERISTICS

- *Traffic*
  A traffic study was not submitted by the applicant. With the proposed 17 homes, it appears the development will generate an amount of traffic that is appropriate for the size of the tract and it is not expected to change or to have an adverse impact on traffic flow. The current proposal will have one entrance at Mason Road, with all of the houses having an access to the newly created road.

- *Sidewalks*

The proposal includes detached, four-foot wide sidewalks separated by approximately five feet of landscaping are provided along both sides of the new proposed street. A new separated sidewalk along Mason Road, per St. Louis County standards is also provided. Section 410.250(D) Sidewalks of the Subdivision Regulations state that the minimum width of sidewalks in residential subdivisions shall be five feet, except where otherwise approved, based on the proximity of the sidewalk to the roadway, the volume and speed of traffic, expected number of pedestrians or other safety factors. Therefore Staff has included a condition that the Subdivision Improvement Plan be revised to include the minimum five-foot wide sidewalk.

- *Lighting*
  The "Site Development Plan" indicates that the maximum pole height for site lighting is 24 feet. However, in residential districts, the maximum height is 16 feet. Therefore a condition of approval includes that the Site Development Plan shall be revised to meet with 405.680: Lighting of the Zoning Ordinance.

- *Landscaping and Amenities*
  The Applicant has included a 15-foot buffer, as part of the common ground, along the south property line in addition to the stream protection along the east and north property lines. New trees have been included along the south and east property lines. The Landscape Plan indicates that the street trees provided are to be 40 feet on-center, where Section 410.300 of the Subdivision and Development of Land requires a minimum of one street tree for every 30 lineal feet or part thereof of street frontage. Therefore, Staff has included a condition that the Landscape Plan shall be revised to include the appropriate number of street trees for the Zoning Administrator's approval.

- *Tree Coverage*
  The Tree Preservation Plan submitted indicates that the property has approximately 1.9 acres of tree canopy and, if approved, 85.3% of this mass will be eliminated. As discussed above, the minimum standard is that 25% of the trees must be preserved, as required by the section below. Therefore Staff has included a condition that the Landscape Plan shall be revised to meet with Section 410.320 of the Subdivision and Land Development Standards

  SECTION 410.320: TREE CONSERVATION
  Any subdivision preliminary plat submitted after the effective date of this Section shall provide for the conservation of existing trees on the site. Nothing in this Section is intended to preclude the removal of existing trees after the receipt of an initial occupancy permit.

  1. *A tree census shall accompany every preliminary plat application. The tree census shall graphically depict the general location of all tree masses and all trees of eight (8) inch caliper size or larger. In addition, such census shall indicate which tree masses and trees are to remain and which tree masses and trees are to be removed. Not more than seventy-five percent (75%) of the area of such tree masses nor seventy-five percent (75%) of such eight (8) inch caliper trees shall be proposed for removal.*

- *Site Grading*
  A large part of the existing land will be disturbed with some significant "cut and fill" effort. Most of the significant grading will be undertaken for the roadway location and to adjust the floodplain at the west portion of the property for the stormwater basins. As discussed above, the applicant should attempt to work with the natural terrain more to both reduce the amount of tree cover removed and to better meet the goals of the Comprehensive Plan and the purposes of the RDD procedure. All other site grading requirements appear to be met.

- *Stormwater Control*
  The applicant proposes to construct a detention area in the southwest portion of the property, adjacent to the west side of Lot 6, and in the north east corner of the development. The detention system will collect water from the proposed homes and the street, allow for settlement of silt, and then be

metered-out over an extended period. With the size and a complete redevelopment of the site, the Missouri Department of Natural Resources will review it for a State Grading Permit which would include the runoff and the water quality, followed by a review by MSD who would not issue approval without the State's prior approval.

- *Stream Buffer Protection*
  The property will meet with the requirements of Chapter 430, Stream Buffer Protection Regulations, specifically:

  SECTION 430.050: LAND DEVELOPMENT REQUIREMENT
  A. Buffer And Setback Requirements. All land development activity subject to this Chapter shall meet the following requirements:
  1. *For streams depicted as a solid blue line on the U.S.G.S. map, an undisturbed natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. For all other streams subject to this Chapter, an undisturbed natural vegetative buffer shall be maintained for twenty-five (25) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.*
  2. *An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.*

SUMMARY AND ACTION

The proposed rezoning will allow a reasonable redevelopment of the site that balances protection for the surrounding neighborhoods with economic return for the developers. Further, the proposed subdivision is generally in keeping with the intent of the goals of the Comprehensive Plan by developing at a density that serves as a transition between the properties on either side of it. It also conforms to much of the purposes of the Residential Design Devleopment procedure by providing for desireable and proper common open space, and some preservation of the natural beauty of the City. For the reasons cited above, however, staff find that a more "gentle hand" should be applied to the site grading in order to protect more of the existing tree mass and preserve more of the natural beauty extant on the site.

In total, Staff recommends the following conditions of approval be included in the draft ordinance for the reasons discussed above:

- Houses of brick and/or stone along with high quality forms of siding, such as fiber-cement ("Hardi-board"), or natural wood siding from a renewable source may be permissible subject to the Zoning Administrator's approval.
- Any house side walls abutting a street shall be finished entirely with the same materials, and with the same design and aesthetic continuity, as the front façade, subject to Zoning Administrator approval.
- The Site Development Plan shall be revised to include a minimum five-foot detached sidewalk along both sides of the proposed street.
- All street lighting shall meet with 405.680: Lighting of the Zoning Ordinance.
- The Landscape Plan shall be revised to include adding a minimum of one street tree for every 30 lineal feet or part thereof of street frontage, as required in Sections 410.300 and 410.320 of the Subdivision and Land Development Standards.
- The grading plan shall be revised to reduce the impact on existing tree masses to the extent that a minimum of 25% of the existing tree mass shall be preserved, subject to Zoning Administrator approval.

If the Planning and Zoning Commission finds that the proposed rezoning to D Single Family Residential under the RDD procedure is appropriate and finds that the Preliminary Plat and subdivision improvements are acceptable if adequate grading and tree preservation changes are made under the

direction of staff, then a recommendation to the City Council on the draft RDD ordinance and preliminary plat can voted on.

If the Commission members believe that the suggested changes are too significant to vote on a recommendation or that any part of the proposal does not meet with the goals of the Comprehensive Plan or the purposes of the Zoning Code and Subdivision Code, then they should provide specific direction to the applicant regarding revisions needed and continue the item until the next meeting.

Any changes to the draft ordinance should be discussed and made by separate actions.

MOTION
The following are examples of motions to pass a recommendation on this application:

1) "I move to recommend approval of the Rezoning and Preliminary Plat for the Creekside at Mason subdivision submitted with Application #14-004, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of February 18, 2014" (conditions may be added, eliminated, altered, and modified).

2) "I move to recommend approval of the Residential Designed Development for the Creekside at Mason subdivision submitted with Application #14-004, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of February 18, 2014" (conditions may be added, eliminated, altered, and modified).

3) "I move to recommend approval of the Site Development Plan for the the Creekside at Mason subdivision submitted with Application #14-004, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of February 18, 2014" (conditions may be added, eliminated, altered, and modified).

The following is an example motion to continue the discussion to the subsequent meeting:

> "I move to continue discussion of Application #14-004, the Rezoning and Preliminary Plat for the Creekside at Mason subdivision, to the meeting of March 3, 2014, to allow the applicant time to address the concerns of the Planning and Zoning Commission expressed at the meeting of February 18, 2014.

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 4: CREVE COEUR STREAM BUFFER PROTECTION REGULATIONS (CHAPTER 430 OF THE CREVE COEUR MUNICIPAL CODE)
Included and attached by reference. See body of report for specific excerpts.

APPENDIX 5: AERIAL MAP

Property lines

853 N. Mason Road

N
W E
S

APPENDIX 6: SITE PHOTOGRAPHS	Photo Date:02/13/2014
	Description: View of the existing home looking west from the northeast corner of the property.
	Description: View of the Montessori School looking east from the northeast corner of the property.
	Description: View looking north along Mason Road from the northeast corner of the property.

	Description: View looking south along Mason Road from the southeast corner of the property.
	Description: View looking west along the south property line.
	Description: View looking north from approximately the midpoint of the north property line looking at the creek and residences in the distance.

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 #14-004 FOR REZONING TO "D" SINGLE FAMILY RESIDENTIAL AND APPROVAL OF A PRELIMINARY PLAT ACCORDING TO THE RESIDENTIAL DESIGN DEVELOPMENT (RDD) PROCEDURE FOR THE CREEKSIDE AT MASON SUBDIVISION

FOR THE MEETING OF: Tuesday, February 18

LOCATION: 853 N. Mason Road

REQUEST: Chris Matteo, of Pulte Homes of St. Louis, LLC, has submitted a request for the rezoning and preliminary plat approval of the 8.49 acres located at 853 N. Mason Road, from "A" Single Family Residential to "D" Single Family Residential with "RDD" Residential Design Development designation to allow for a 17 single family home subdivision with a minimum lot acreage of 9,100 square feet. The net density of the development will be 2.28 units/acre.

ADDITIONAL INFORMATION: The existing home on the property was built in 1950, with the accessory building (detached barn and sheds) were built in 1954. Residential Design Development designation allows for greater flexibility in the size and configuration of lots without altering the allowable residential density. The lot sizes for properties in the D Single Family Residential District are between 10,000 square feet and 15,000 square feet. The applicant is proposing to maintain 3.4 acres as undisturbed area, and common ground, due to the flood area and creek that runs along the north property line.

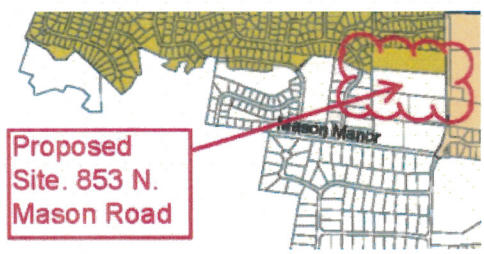
Key Issues:
- Do the lots substantially meet all land development standards of this Chapter and those of any other applicable City regulations?

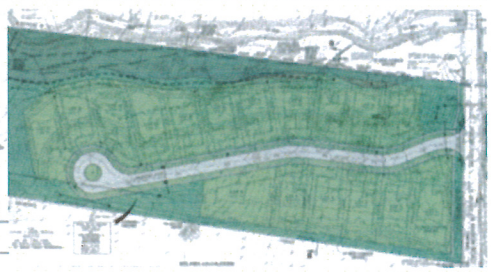
Subdivision Code References
- Chapter 410: Subdivision and Development of Land

Zoning Code References
- Section 405.250: "A" Single Family Residential
- Section 405.280: "D" Single Family Residential
- Section 405.450.*C:* Residential Designed Development Procedure

APPLICANT/ PROPERTY OWNER (UNDER CONTRACT):
Chris Matteo
Pulte Homes of St. Louis LLC
17107 Chesterfield Airport Road, Suite 120
Chesterfield, MO 63005

APPLICANT'S REPRESENTATIVE:
George M. Stock, P.E.,
Stock & Associates Consulting Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO 63005





REPORT PREPARED BY:

Whitney Kelly, AICP, City Planner — 2/14/2014 Date

ATTACHMENTS: Applicant's Materials submitted January 17, 2014 and revised Landscape and Site Development Plan submitted February 6, 2014
Draft Ordinance

LAND USE AND ZONING OF SURROUNDING PROPERTIES
The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Nursery/Single-family detached residence	D Single-Family Residential	N/A
South	Single-family detached residences	A Single-Family Residential	N/A
East	Hope Montessori School	C Single-Family Residential	Mason Road
West	Single-family detached residences	D Single-Family Residential	NA

DEVELOPMENT STATISTICS & COMPARISON CHART
The following are statistics for the proposed Creekside at Mason subdivision:

	Creekside at Mason	**Generic B Zoning District**	**Generic C Zoning District**	**Generic D Zoning District**
Acres	8.49	varies	varies	varies
Area of proposed ROW	44,895 sq. ft. (1.03 acres)	NA	NA	NA
Net area	325,032 sq.f.t (7.46 acres)	NA	NA	NA
No. of Units	17 d.u.	varies	varies	varies
Units / Acre (excluding ROW)	2.28	16.25	2.9	4.36
Lot Size (sq.ft.)	9,100 (min.) 10,402 average	20,000 (min.)	15,000 (min.)	10,000 (min.) to 15,000 sq. ft.
Common Ground / Open Space	148,927 sq. ft. (3.40 acres) (46%)	varies	varies	varies
Lot Frontage	70 ft. (min.)	100 ft. (min.)	75 ft. (min.)	70 ft. (min.)
Front Yard Setback	20 ft.	45 ft.	45 ft.	20 ft.
Side Yard Setback	8 ft.	15 ft.	12 ft.	8 ft.
Rear Yard Setback	15 ft. (min.)	30 ft.	30 ft.	15 ft.
Maximum Site Coverage	45% for each lot 24% for total area	35%	40%	45%

COMPREHENSIVE PLAN ANALYSIS
Goals and Strategies
Under the overall Goals and Strategies of the Comprehensive Plan, the section titled "Community Image and Identity" states:

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

This project would result in the development of several acres that are largely greenspace, that is between a similarly large multi-acre property that is also largely greenspace, and zoned D Single -Family Residential to the north, and an A Single-Family Residential district to the south. The proposed density will be less than the allowed density under the proposed D Single Family District. Approximately 46%

will remain undeveloped due to the creek and flood plain requirements. The lot clustering allowed within an RDD overlay offers smaller lots in exchange for preserving these areas. As such, this proposal may represent a transitional land use that may not be the same as what is around it, but is an asset to those developments by maintaining a significant amount of greenspace and limiting the overall density to one that is significantly under the D Single Family District standard already in place to the north, but greater than the A Single Family District standard of the properties to the south.

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The section titled "Residential Preservation and Economic Development," within the chapter on Residential Neighborhoods, contains the following goals:

2. *Encourage the continued preservation of the suburban landscape character of the area, its open green spaces, and stream corridors. New Development or redevelopment should protect and enhance stream channels, preserving remaining riparian corridors, preserve trees and encourage re-establishment of natural streams, where feasible. The use of pervious paving materials and vegetated swales to manage stormwater in new development and redeveloping area is encouraged.*
3. *When lots are consolidated and re-subdivided for residential uses, the gross density permitted by existing zoning should not be exceeded. However, smaller individual lots could be considered, provided that they are no smaller than 75% of the area required under zoning. The remaining land should be preserved as open space, either as a buffer to surrounding areas or as part of a greenway system or stream corridor that connects to adjacent greenways or pedestrian facilities (p.44).*
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6. *Require that new development or redevelopment be compatible with the character of the surrounding neighborhood with regard to lot frontage, building setbacks, building lines, building scale, and lot coverage (p.45).*

As identified in the Development Statistics and Comparison chart above, the proposed lots in the plan range from 9,100 square feet to 13,991 square feet. The 3.4 acres of common ground consists of 0.74 acres for the creek, a 50-foot undisturbed creek buffer area, a 25-foot setback from the creek buffer, and storm water management area. Seventy-five percent of the lot standard for D Single Family Residential zoning district would be 7,500 square feet. The average of the lot sizes proposed is approximately 10,402 square feet, where the smallest lot would be 9,100 square feet, thus each lot is within the recommended allowance.

With regard to goal #6, the proposed project has some similarities to the surrounding subdivisions, with the specific exception of minimum lot size. The adjacent D Residential District would allow for up to 4.36 units per acre, and the C Single-family Residential District across Mason Road would allow for 2.9 units per acre. However, the properties directly to the south are zoned A Single-family Residential District, which allows no more than one unit per acre. The key question, as stated earlier, is whether or not the proposal serves as a valuable point of transition between the larger lot subdivisions to the south and the smaller, more dense development to the north and whether or not this makes it "compatible" with the residences around it.

The Comprehensive Plan also provides further direction in the Residential Neighborhoods Area regarding key properties that were of particular interest and concern due to potential development or redevelopment. The subject property is located within the area identified as "Neighborhoods 1" and it includes several of the properties at the northwest corner of Mason Road and Mason Manor Drive where it is recommended that the northern part be development under its current D classification. With respect to the remaining portion that is currently zoned A, it is recommended that the southern parcels be developed together or in a coordinated manner, with detached single-family residences. Development is to be planned with an

emphasis on preserving 40% open space without changing the overall density of the district. Open space should be used to preserve natural site features as much as possible, such as streams, trees, and topography, and should incorporate trials where feasible. Individual lot sizes should be one-half acre or greater (p. 49).

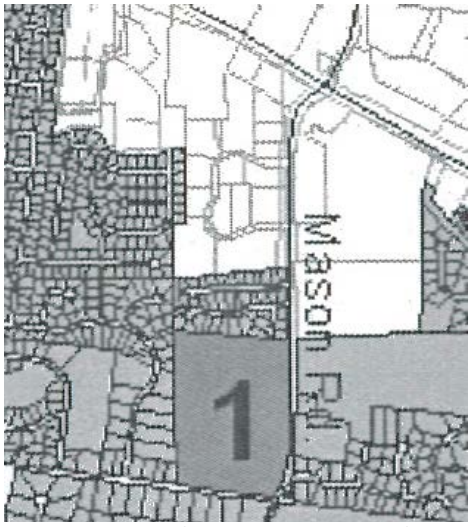


Figure 1: Close-up for Key Properties Map from Comprehensive Plan p. 48

However, the properties directly south of the subject property have already developed separately, under the A Single Family Residential District requirements. The subject property and the property to the north, represent the remaining properties within the identified neighborhood area to be redeveloped. Given the amount of greenspace required, it is unlikely that any development would be able to keep with the ½ acre recommendation on the property. However, the applicant is well within the recommended greenspace allowance at 46% of common ground, and is maintaining an overall net density that is just over 2 units per acre (2.28 units per acre), but significantly less than the allowable zoning district requirements under the D Residential District.

Given that the greenspace goal has been exceeded, and the development has a net density that is a reasonable transition between the districts that exist on either side, and the existing creek will remain undisturbed, it would seem that the proposed development is generally in keeping with the overall intent of the recommendations of the Comprehensive Plan. The one concern is the level of tree protection, as a direct extension of manipulating the natural terrain, but this is covered in more detail below under the Zoning Analysis and the Development Characteristics sections.

ZONING ANALYSIS

Rezoning

Section 405.1060.E offers the following guidance regarding rezonings:

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

It is important to note that the property is already vacant and, like all vacant property, maintenance and security will become significant problems if the owner is not afforded some reasonable measure of utility and economic return. With this proposal, the applicant has attempted to balance public benefit with the private interest, by the protection of the adjacent subdivision with a large greenspace as a buffer and limiting the number of lots in the project area.

Residential Design Development Procedure

The applicant has proposed rezoning to the D Single-Family Residential District, utilizing the Residential Designed Development (RDD) procedure. This procedure effectively creates an overlay wherein the City Council, on the recommendation of the Planning and Zoning Commission, may modify the lot and development standards, subject to certain provisions.

In determining conformance with the RDD, the critical questions for this project are fulfillment of the purpose of the RDD and tree preservation. With regard to the former, the Zoning Code states:

SECTION 405.450: PERMITTED USES

C. Residential Designed Development Procedure. The purpose of this Section is to provide a permissive, voluntary and alternate zoning procedure in the "A", "B", "C" and "D" single-family residential and "AR" attached residential zoning districts in order to permit greater flexibility in the size and configuration of lots without altering the allowable residential density in these districts and to provide thereby for desirable and proper common open space, tree cover, recreation areas, parks or scenic vistas and the preservation of the natural beauty of the City.

1. Variation in number, size of lots. The City Council may by ordinance grant a residential designed development permit upon recommendation of the Planning and 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 purposes of this Section and is in accordance with the following criteria.

a. Minimum project area. No residential designed development permit shall be granted for any area of less than four (4) acres.

b. Gross acreage. The lot sizes within the subdivision may vary from those required by the regulations for the single-family residential zoning district within which the site is located. The maximum number of lots that may be approved shall be computed by including only common area and lot acreage in gross acreage and dividing the gross acreage by the minimum lot area requirements of the district.

c. Yards. The minimum front yard and side yard requirements for each lot as set out in the regulations for the single-family residential zoning district within which the site is located may be reduced by the City Council and, if so reduced, shall be set out on the preliminary subdivision plan to be submitted in accordance with Chapter 410, Subdivision and Development of Land.

d. Site and building coverages. The maximum site and building coverage requirements for each lot, as set out in the regulations for the single-family residential zoning district within which the site is located, may be increased by the City Council and, if so increased, shall be set out on the preliminary subdivision plan to be submitted in accordance with Chapter 410, Subdivision and Development of Land.

2. Common areas. As part of the residential designed development plan, common land for open space of recreational use shall be reserved for common use by all the owners of the residential lots and the subdivision and such common land may be included in the total gross acreage used for determining the number of lots permitted under the minimum lot size provisions of the residential zoning district within which it is located, subject to the following standards and conditions:…

4. Tree conservation. Any development proposed as a residential designed development shall provide for the conservation of existing trees and existing tree masses on the site. The percentage of trees and tree masses preserved during development shall exceed the minimum standards of the subdivision regulations (shall exceed twenty-five percent (25%) of the existing trees and twenty-five percent (25%) of the existing tree mass areas).

It is a mistake to read the provisions for flexibility in lot size and configuration without also realizing that the trade-off for this flexibility is the protection and/or provision of some natural quality of the site and City that is worth preserving. In other words, this process is not simply a way to avoid seeking variances before the Board of Adjustment. In this case, the proposed development offers the protection of the creek and stream bank along the north and west property lines, which is largely responsible for 46% of the site remaining as common ground.

At the same time, though, the property has approximately 1.90 acres of tree canopy but, as proposed, 85.3% of the canopy is to be removed. A substantial portion of this removal results from the extensive regrading of the west third of the property. This is contrary to the requirement that not more than 75% of the area of such tree masses nor 75% of eight inch caliper trees shall be proposed for removal (Section 410.320: Tree Conservation). Given this degree of impact, it would also appear that the amount of re-grading is not fulfilling the purpose of the RDD which is to preserve the natural beauty of the City. Therefore, the draft ordinance contains a condition of approval that the landscape plan be revised to meet with the tree preservation requirement that not more than 75% of the tree mass shall be removed.

The applicant is requesting lot sizes different from the requirements of the D Residential District regulations, while the lot coverage and FAR requirements will be maintained. The proposed total site coverage for the development is calculated at 24%, while each individual lot coverage would be 45%. This is permitted through the RDD procedure, as approved by the City Council and set out on the Preliminary Subdivision Plat. If approved, a condition should be put in place to require that all other standards not specifically approved by the City Council should be in conformance with the Section 405.280, "D" Single-Family Residential District of the Zoning Code.

ARCHITECTURE AND DESIGN

The Applicant has included 12 elevation options for the proposed homes that are all two-story models. The example front elevation submitted is largely stone with wood accents and shows rooflines with multiple peaks. However, the elevations did not indicate the type of materials to be used, nor were all sides of a typical building design included. Staff recommends that the Applicant demonstrate to the Commission the sturdiness and architectural quality of the materials proposed. In addition, a condition of approval is recommended that individual houses shall be of brick and/or stone along with high quality forms of siding, such as fiber-cement ("Hardi-board"), or natural wood siding from a renewable source may be permissible subject to the Zoning Administrator's approval. Any side walls abutting a street shall be finished with the same materials, and the same design and aesthetic continuity, as the front façade, subject to Zoning Administrator approval. These requirements are consistent with prior Council and Commission action.

DEVELOPMENT CHARACTERISTICS

- *Traffic*
  A traffic study was not submitted by the applicant. With the proposed 17 homes, it appears the development will generate an amount of traffic that is appropriate for the size of the tract and it is not expected to change or to have an adverse impact on traffic flow. The current proposal will have one entrance at Mason Road, with all of the houses having an access to the newly created road.

- *Sidewalks*
  The proposal includes detached, four-foot wide sidewalks separated by approximately five feet of landscaping are provided along both sides of the new proposed street. A new separated sidewalk along Mason Road, per St. Louis County standards is also provided. Section 410.250(D) Sidewalks of the Subdivision Regulations state that the minimum width of sidewalks in residential subdivisions shall be five feet, except where otherwise approved, based on the proximity of the sidewalk to the roadway, the volume and speed of traffic, expected number of pedestrians or other safety factors. Therefore Staff has included a condition that the Subdivision Improvement Plan be revised to include the minimum five-foot wide sidewalk.

- *Lighting*
  The "Site Development Plan" indicates that the maximum pole height for site lighting is 24 feet. However, in residential districts, the maximum height is 16 feet. Therefore a condition of approval includes that the Site Development Plan shall be revised to meet with 405.680: Lighting of the Zoning Ordinance.

- *Landscaping and Amenities*
  The Applicant has included a 15-foot buffer, as part of the common ground, along the south property line in addition to the stream protection along the east and north property lines. New trees have been included along the south and east property lines. The Landscape Plan indicates that the street trees provided are to be 40 feet on-center, where Section 410.300 of the Subdivision and Development of Land requires a minimum of one street tree for every 30 lineal feet or part thereof of street frontage. Therefore, Staff has included a condition that the Landscape Plan shall be revised to include the appropriate number of street trees for the Zoning Administrator's approval.

- *Tree Coverage*
  The Tree Preservation Plan submitted indicates that the property has approximately 1.9 acres of tree canopy and, if approved, 85.3% of this mass will be eliminated. As discussed above, the minimum standard is that 25% of the trees must be preserved, as required by the section below. Therefore Staff has included a condition that the Landscape Plan shall be revised to meet with Section 410.320 of the Subdivision and Land Development Standards

  SECTION 410.320: TREE CONSERVATION
  Any subdivision preliminary plat submitted after the effective date of this Section shall provide for the conservation of existing trees on the site. Nothing in this Section is intended to preclude the removal of existing trees after the receipt of an initial occupancy permit.
  1. *A tree census shall accompany every preliminary plat application. The tree census shall graphically depict the general location of all tree masses and all trees of eight (8) inch caliper size or larger. In addition, such census shall indicate which tree masses and trees are to remain and which tree masses and trees are to be removed. Not more than seventy-five percent (75%) of the area of such tree masses nor seventy-five percent (75%) of such eight (8) inch caliper trees shall be proposed for removal.*

- *Site Grading*
  A large part of the existing land will be disturbed with some significant "cut and fill" effort. Most of the significant grading will be undertaken for the roadway location and to adjust the floodplain at the west portion of the property for the stormwater basins. As discussed above, the applicant should attempt to work with the natural terrain more to both reduce the amount of tree cover removed and to better meet the goals of the Comprehensive Plan and the purposes of the RDD procedure. All other site grading requirements appear to be met.

- *Stormwater Control*
  The applicant proposes to construct a detention area in the southwest portion of the property, adjacent to the west side of Lot 6, and in the north east corner of the development. The detention system will collect water from the proposed homes and the street, allow for settlement of silt, and then be metered-out over an extended period. With the size and a complete redevelopment of the site, the Missouri Department of Natural Resources will review it for a State Grading Permit which would include the runoff and the water quality, followed by a review by MSD who would not issue approval without the State's prior approval.

- *Stream Buffer Protection*
  The property will meet with the requirements of Chapter 430, Stream Buffer Protection Regulations, specifically:

  SECTION 430.050: LAND DEVELOPMENT REQUIREMENT
  A. Buffer And Setback Requirements. All land development activity subject to this Chapter shall meet the following requirements:
  1. *For streams depicted as a solid blue line on the U.S.G.S. map, an undisturbed natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. For all other*

streams subject to this Chapter, an undisturbed natural vegetative buffer shall be maintained for twenty-five (25) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.

2. *An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.*

SUMMARY AND ACTION

The proposed rezoning will allow a reasonable redevelopment of the site that balances protection for the surrounding neighborhoods with economic return for the developers. Further, the proposed subdivision is generally in keeping with the intent of the goals of the Comprehensive Plan by developing at a density that serves as a transition between the properties on either side of it. It also conforms to much of the purposes of the Residential Design Devleopment procedure by providing for desireable and proper common open space, and some preservation of the natural beauty of the City. For the reasons cited above, however, staff find that a more "gentle hand" should be applied to the site grading in order to protect more of the existing tree mass and preserve more of the natural beauty extant on the site.

In total, Staff recommends the following conditions of approval be included in the draft ordinance for the reasons discussed above:

- Houses of brick and/or stone along with high quality forms of siding, such as fiber-cement ("Hardi-board"), or natural wood siding from a renewable source may be permissible subject to the Zoning Administrator's approval.
- Any house side walls abutting a street shall be finished entirely with the same materials, and with the same design and aesthetic continuity, as the front façade, subject to Zoning Administrator approval.
- The Site Development Plan shall be revised to include a minimum five-foot detached sidewalk along both sides of the proposed street.
- All street lighting shall meet with 405.680: Lighting of the Zoning Ordinance.
- The Landscape Plan shall be revised to include adding a minimum of one street tree for every 30 lineal feet or part thereof of street frontage, as required in Sections 410.300 and 410.320 of the Subdivision and Land Development Standards.
- The grading plan shall be revised to reduce the impact on existing tree masses to the extent that a minimum of 25% of the existing tree mass shall be preserved, subject to Zoning Administrator approval.

If the Planning and Zoning Commission finds that the proposed rezoning to D Single Family Residential under the RDD procedure is appropriate and finds that the Preliminary Plat and subdivision improvements are acceptable if adequate grading and tree preservation changes are made under the direction of staff, then a recommendation to the City Council on the draft RDD ordinance and preliminary plat can voted on.

If the Commission members believe that the suggested changes are too significant to vote on a recommendation or that any part of the proposal does not meet with the goals of the Comprehensive Plan or the purposes of the Zoning Code and Subdivision Code, then they should provide specific direction to the applicant regarding revisions needed and continue the item until the next meeting.

Any changes to the draft ordinance should be discussed and made by separate actions.

MOTION
The following are examples of motions to pass a recommendation on this application:

1) "I move to recommend approval of the Rezoning and Preliminary Plat for the Creekside at Mason subdivision submitted with Application #14-004, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of February 18, 2014" (conditions may be added, eliminated, altered, and modified).

2) "I move to recommend approval of the Residential Designed Development for the Creekside at Mason subdivision submitted with Application #14-004, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of February 18, 2014" (conditions may be added, eliminated, altered, and modified).

3) "I move to recommend approval of the Site Development Plan for the the Creekside at Mason subdivision submitted with Application #14-004, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of February 18, 2014" (conditions may be added, eliminated, altered, and modified).

The following is an example motion to continue the discussion to the subsequent meeting:

> "I move to continue discussion of Application #14-004, the Rezoning and Preliminary Plat for the Creekside at Mason subdivision, to the meeting of March 3, 2014, to allow the applicant time to address the concerns of the Planning and Zoning Commission expressed at the meeting of February 18, 2014.

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 4: CREVE COEUR STREAM BUFFER PROTECTION REGULATIONS (CHAPTER 430 OF THE CREVE COEUR MUNICIPAL CODE)
Included and attached by reference. See body of report for specific excerpts.

APPENDIX 5: AERIAL MAP

Property lines

853 N. Mason Road

N
W E
S

APPENDIX 6: SITE PHOTOGRAPHS	Photo Date:02/13/2014
	Description: View of the existing home looking west from the northeast corner of the property.
	Description: View of the Montessori School looking east from the northeast corner of the property.
	Description: View looking north along Mason Road from the northeast corner of the property.

	Description: View looking south along Mason Road from the southeast corner of the property.
	Description: View looking west along the south property line.
	Description: View looking north from approximately the midpoint of the north property line looking at the creek and residences in the distance.

CHANGE OF ZONING APPLICATION

This application should be prepared and submitted in consultation with Planning Division staff. Rezoning applicants must appear before the Planning and Zoning Commission and the City Council at a regular meeting.

Return To: The Department of Community Development
Government Center
300 N. New Ballas Road
Creve Coeur, Missouri, 63141

APPLICANT INFORMATION

Applicant Name: Pulte Homes of St. Louis LLC, c/o Chris Matteo

Applicant Address: 17107 Chesterfield Airport Road, Suite 120
Chesterfield, Missouri 63005

Phone Number: 636-537-7128

Fax Number: 636-537-9952

Email: chris.matteo@pultegroup.com

RELATIONSHIP OF THE APPLICANT TO THE PROPERTY

Owner: under Contract ☑ Tenant: _____

BUILDING/SITE OWNER INFORMATION

Owner Name: Pulte Homes of St. Louis LLC (Under Contract)

Owner Address: 17107 Chesterfield Airport Road, Suite 120

Phone Number: 636-537-7128

Fax Number: 636-537-9952

PROPERTY INFORMATION

Property Address: 853 N. Mason Road

Existing Use: Un-Developed

Zoning District: Residence District 'A'

AREA DATA

Zoning of Area Properties

North: Single Family Residential East: Single Family Residential

South: Single Family Residential West: Single Family Residential

Land Use of Area Properties

North: Residential East: Residential

South: Residential West: Residential

REQUEST

The applicant hereby requests a change of zoning district for the above described property from Residence District 'A' zoning district to Residence District 'D' zoning district.

If the applicant proposes an entirely new zoning district be incorporated into the Zoning Code, please describe in detail, on an attached sheet, the nature and regulations of the proposed new zoning district.

The proposed use(s) underlying the request for a change of zoning district are (on attached sheet if necessary):

Single Family Residential

RATIONALE

Please describe in detail, on an attached sheet, the reasons why the applicant believes the request for rezoning should be approved by the Planning Commission and City Council. Document the statement with all of the necessary supporting evidence.

SIGNATURES

1/15/14

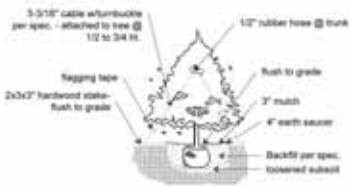
Applicant **Date**

1/17/14

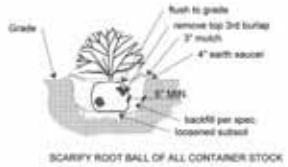
Property Owner or Agent GEORGE M. STOCK, P.E., **Date**
(if different from applicant) STOCK & ASSOCIATES Consulting Engineers, INC.

REQUIRED MATERIALS TO SUBMIT WITH THIS APPLICATION

- **Supplemental Request Information (if needed)**
- **Rationale (see above)**
- **Legal description of all properties involved**
- **Plan/survey of existing conditions on site**
- **Plan of proposed conditions on site (if different)**
- **Elevations of proposed buildings**
- **Elevations of proposed signs**
- **Electronic copy of all materials**

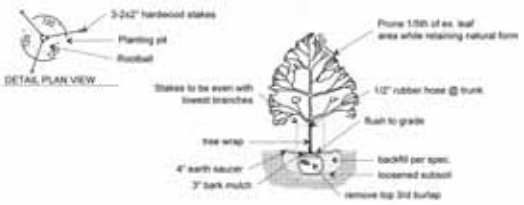


TYPICAL EVERGREEN PLANTING

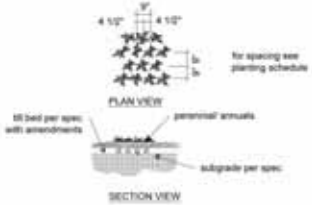


SCARIFY ROOT BALL OF ALL CONTAINER STOCK

TYPICAL SHRUB PLANTING



CANOPY TREE PLANTING



TYPICAL PERENNIAL PLANTING

LANDSCAPE PLAN

SCALE 1"=40'

PLANTING SCHEDULE

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE
TREES					
A	18	Zelkova serrata 'Green Vase'	Green Vase Zelkova	3" cal	Deciduous
B	16	Quercus rubra	Red Oak	3" cal	Deciduous
C	14	Tilia cordata	Littleleaf Linden	3" cal	Deciduous
D	9	Acer x freemani 'Jeffersred'	Autumn Blaze Maple	3" cal	Deciduous
E	33	Pinus strobus	Eastern White Pine	8' ht.	Evergreen
F	11	Cornus florida 'Cherokee Princess'	Cherokee Princess Dogwood	2" cal	Deciduous
G	9	Cercis canadensis	Eastern Redbud	2" cal	Deciduous
H	23	Picea abiea	Norway Spruce	8' ht.	Evergreen

Jerald Saunders - Landscape Architect
MO License #LA-007

Consultants:

Creekside at Mason

Creve Coeur, Missouri

Revisions:

Date	Description	No.
2/5/14	Base Revision	1

Drawn: LH
Checked: RS

loomisAssociates

Sheet Title: Landscape Plan

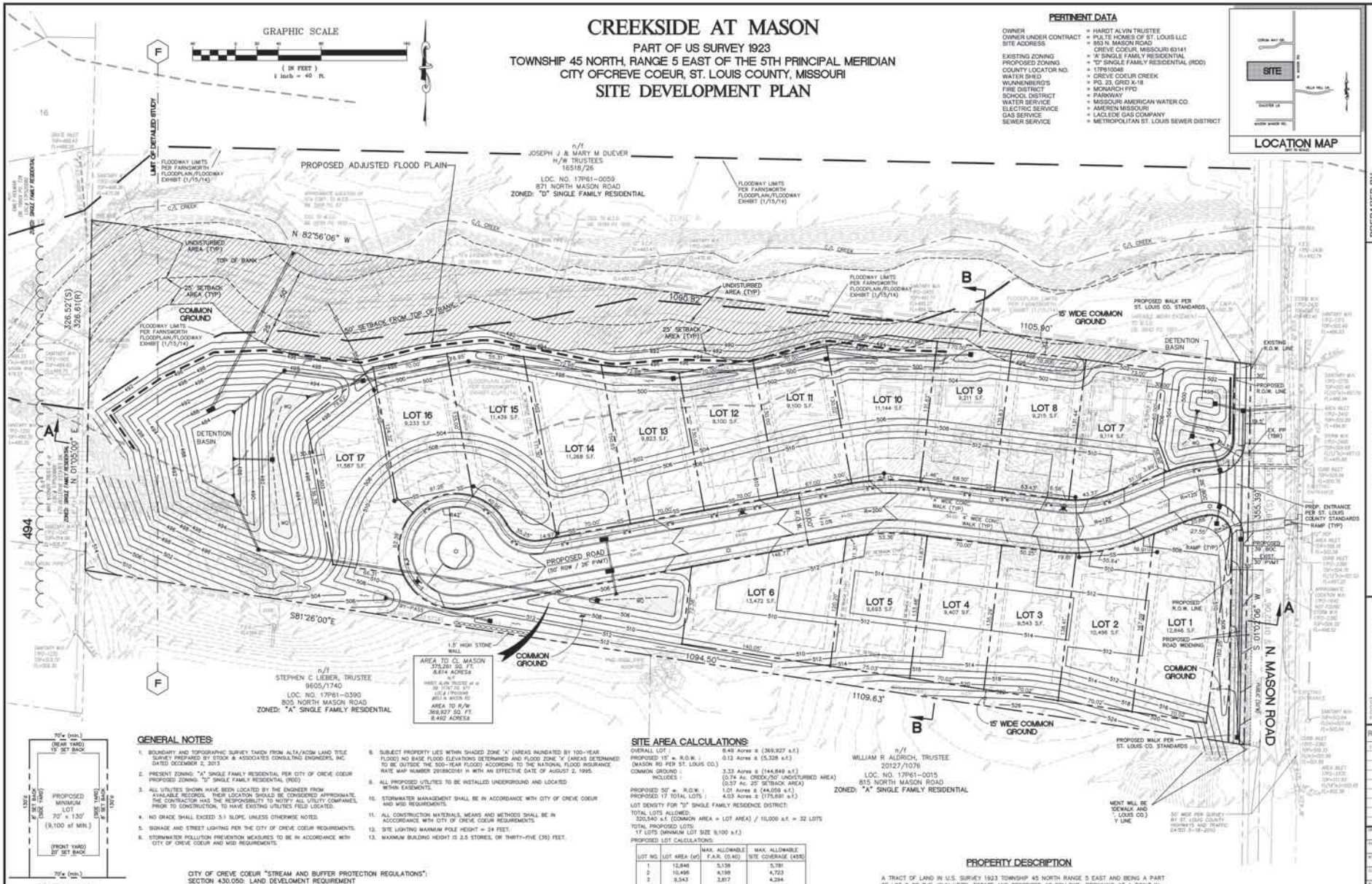
Sheet No: L-1

Date: 01/17/2014
Job #: 935.005

CREEKSIDE AT MASON

PART OF US SURVEY 1923
TOWNSHIP 45 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OFCREVE COEUR, ST. LOUIS COUNTY, MISSOURI

SITE DEVELOPMENT PLAN



PERTINENT DATA

OWNER	= HARDT ALVIN TRUSTEE
OWNER UNDER CONTRACT	= PULTE HOMES OF ST. LOUIS LLC
SITE ADDRESS	= 853 N. MASON ROAD CREVE COEUR, MISSOURI 63141
EXISTING ZONING	= 'A' SINGLE FAMILY RESIDENTIAL
PROPOSED ZONING	= "D" SINGLE FAMILY RESIDENTIAL (RDD)
COUNTY LOCATOR NO.	= 17P610048
WATER SHED	= CREVE COEUR CREEK
WUNNENBERG'S	= PG. 23, GRID X-18
FIRE DISTRICT	= MONARCH FPD
SCHOOL DISTRICT	= PARKWAY
WATER SERVICE	= MISSOURI AMERICAN WATER CO.
ELECTRIC SERVICE	= AMEREN MISSOURI
GAS SERVICE	= LACLEDE GAS COMPANY
SEWER SERVICE	= METROPOLITAN ST. LOUIS SEWER DISTRICT

TYPICAL LOT DETAIL

GENERAL NOTES:

1. BOUNDARY AND TOPOGRAPHIC SURVEY TAKEN FROM ALTA/ACSM LAND TITLE SURVEY PREPARED BY STOCK & ASSOCIATES CONSULTING ENGINEERS, INC. DATED DECEMBER 2, 2013.
2. PRESENT ZONING: "A" SINGLE FAMILY RESIDENTIAL PER CITY OF CREVE COEUR
   PROPOSED ZONING: "D" SINGLE FAMILY RESIDENTIAL (RDD)
3. ALL UTILITIES SHOWN HAVE BEEN LOCATED BY THE ENGINEER FROM AVAILABLE RECORDS. THEIR LOCATION SHOULD BE CONSIDERED APPROXIMATE. THE CONTRACTOR HAS THE RESPONSIBILITY TO NOTIFY ALL UTILITY COMPANIES, PRIOR TO CONSTRUCTION, TO HAVE EXISTING UTILITIES FIELD LOCATED.
4. NO GRADE SHALL EXCEED 3:1 SLOPE, UNLESS OTHERWISE NOTED.
5. SIGNAGE AND STREET LIGHTING PER THE CITY OF CREVE COEUR REQUIREMENTS.
6. STORMWATER POLLUTION PREVENTION MEASURES TO BE IN ACCORDANCE WITH CITY OF CREVE COEUR AND MSD REQUIREMENTS.
6. SUBJECT PROPERTY LIES WITHIN SHADED ZONE "X" (AREAS INUNDATED BY 100-YEAR FLOOD) NO BASE FLOOD ELEVATIONS DETERMINED AND FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP NUMBER 29189C0161 H WITH AN EFFECTIVE DATE OF AUGUST 2, 1995.
8. ALL PROPOSED UTILITIES TO BE INSTALLED UNDERGROUND AND LOCATED WITHIN EASEMENTS.
10. STORMWATER MANAGEMENT SHALL BE IN ACCORDANCE WITH CITY OF CREVE COEUR AND MSD REQUIREMENTS.
11. ALL CONSTRUCTION MATERIALS, MEANS AND METHODS SHALL BE IN ACCORDANCE WITH CITY OF CREVE COEUR REQUIREMENTS.
12. SITE LIGHTING MAXIMUM POLE HEIGHT = 24 FEET.
13. MAXIMUM BUILDING HEIGHT IS 2.5 STORIES, OR THIRTY-FIVE (35) FEET.

CITY OF CREVE COEUR "STREAM AND BUFFER PROTECTION REGULATIONS":
SECTION 430.050: LAND DEVELOMENT REQUIREMENT

A. BUFFER AND SETBACK REQUIREMENTS. ALL LAND DEVELOPMENT ACTIVITY SHALL MEET THE FOLLOWING REQUIREMENTS:

1. FOR STREAMS DEPICTED AS A SOLID BLUE LINE ON THE U.S.G.S. MAP, AN UNDISTURBED NATURAL VEGETATIVE BUFFER SHALL BE MAINTAINED FOR FIFTY (50) FEET, MEASURED HORIZONTALLY, ON BOTH BANKS (AS APPLICABLE) OF THE STREAM AS MEASURED FROM THE TOP OF THE STREAM BANK. FOR ALL OTHER STREAMS SUBJECT TO THIS CHAPTER, AN UNDISTURBED NATURAL VEGETATIVE BUFFER SHALL BE MAINTAINED FOR TWENTY-FIVE (25) FEET, MEASURED HORIZONTALLY, ON BOTH BANKS (AS APPLICABLE) OF THE STREAM AS MEASURED FROM THE TOP OF THE STREAM BANK.
2. AN ADDITIONAL SETBACK SHALL BE MAINTAINED FOR TWENTY-FIVE (25) FEET, MEASURED HORIZONTALLY, BEYOND THE UNDISTURBED NATURAL VEGETATIVE BUFFER, IN WHICH ALL IMPERVIOUS COVER SHALL BE PROHIBITED. GRADING, FILLING AND EARTHMOVING SHALL BE MINIMIZED WITHIN THE SETBACK.
3. NO SEPTIC TANKS OR SEPTIC TANK DRAIN FIELDS SHALL BE PERMITTED WITHIN THE BUFFER OR THE SETBACK.
4. FEASIBILITY OF SITE LAYOUT IS SUBJECT TO A DETAILED FLOOD STUDY.

SITE AREA CALCULATIONS:

OVERALL LOT :	8.49 Acres ± (369,927 s.f.)
PROPOSED 15' w. R.O.W. : (MASON RD PER ST. LOUIS CO.)	0.12 Acres ± (5,328 s.f.)
COMMON GROUND : INCLUDES :	3.33 Acres ± (144,849 s.f.) (0.74 Ac. CREEK/50' UNDISTURBED AREA) (0.57 Ac. 25' SETBACK AREA)
PROPOSED 50' w. R.O.W. :	1.01 Acres ± (44,059 s.f.)
PROPOSED 17 TOTAL LOTS :	4.03 Acres ± (175,691 s.f.)

LOT DENSITY FOR "D" SINGLE FAMILY RESIDENCE DISTRICT:
TOTAL LOTS ALLOWED:
320,540 s.f. (COMMON AREA = LOT AREA) / 10,000 s.f. = 32 LOTS
TOTAL PROPOSED LOTS:
17 LOTS (MINIMUM LOT SIZE 9,100 s.f.)
PROPOSED LOT CALCULATIONS:

LOT NO.	LOT AREA (sf)	MAX. ALLOWABLE F.A.R. (0.40)	MAX. ALLOWABLE SITE COVERAGE (45%)
1	12,846	5,138	5,781
2	10,496	4,198	4,723
3	9,543	3,817	4,294
4	9,407	3,763	4,233
5	9,693	3,877	4,362
6	13,472	5,389	6,062
7	9,114	3,646	4,101
8	9,215	3,686	4,147
9	9,211	3,684	4,145
10	11,144	4,458	5,015
11	9,100	3,640	4,095
12	9,100	3,640	4,095
13	9,823	3,929	4,420
14	11,268	4,507	5,071
15	11,439	4,576	5,148
16	9,233	3,693	4,155
17	11,587	4,635	5,214

PROPERTY DESCRIPTION

A TRACT OF LAND IN U.S. SURVEY 1923 TOWNSHIP 45 NORTH RANGE 5 EAST AND BEING A PART OF LOT 2 OF THE JOHN HEZEL ESTATE AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE CENTER LINE OF MASON ROAD BEING THE NORTHEAST CORNER OF PROPERTY CONVEYED BY ELIZABETH HEZEL TO OTTO R. DAUSTER AND LYDIA M. DAUSTER BY DEED RECORDED IN BOOK 988 PAGE 462 OF THE ST.LOUIS COUNTY RECORDER'S OFFICE, THENCE NORTH ALONG THE CENTER LINE OF MASON ROAD 355.35 FEET TO A POINT IN THE CENTER LINE OF MASON ROAD, THENCE WEST AND PARALLEL TO THE NORTHERN LINE OF PROPERTY CONVEYED BY ELIZABETH HEZEL TO OTTO R. DAUSTER AND LYDIA M.DAUSTER BY DEED RECORDED IN BOOK 988 PAGE 462 OF THE ST. LOUIS COUNTY RECORDER'S OFFICE TO A POINT IN THE WEST LINE OF SAID LOT 2 OF THE JOHN HEZEL ESTATE, THENCE SOUTH ALONG THE WESTERN LINE OF SAID LOT 2 OF THE JOHN HEZEL ESTATE 326.61 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY CONVEYED TO DAUSTER IN BOOK 988 PAGE 462 OF THE ST. LOUIS COUNTY RECORDS, THENCE EAST ALONG THE NORTH LINE OF SAID PROPERTY SO CONVEYED TO DAUSTER IN BOOK 988 PAGE 462 TO THE POINT OF BEGINNING CONTAINING 8.56 ACRES MORE OR LESS.

ST. LOUIS COUNTY BENCHMARK

BENCHMARK # 13-144 ELEV.=552.25

"L" on southwest corner of northern footing for pillar in [masonry] [23'x23' stone and granite] wall on northwest corner of Horan Cemetery along Mason Rd. 0.8 mile south of Olive Street Rd. (31') [45'] east of centerline of Mason Road and (285') [243'] south of Mason Manor Drive [road produced].

PREPARED FOR:
PULTE HOMES OF ST. LOUIS, LLC
17107 Chesterfield Airport Rd, Suite 120
Chesterfield, MO 63005
Phone: (636) 537-7128
Fax: (636) 537-9952
Contact: Mr. Chris Matteo

PREPARED BY:
STOCK & ASSOCIATES Consulting Engineers, Inc.
257 Chesterfield Business Parkway, Chesterfield, Missouri 63005
(636) 532-8580 FAX (636) 530-9530 e-mail: general@stockassoc.com Web: www.stockassoc.com

SITE DEVELOPMENT PLAN FOR:
CREEKSIDE AT MASON
853 MASON ROAD
CREVE COEUR, MISSOURI

STATE OF MISSOURI
GEORGE MICHAEL STOCK
NUMBER E-25116
PROFESSIONAL ENGINEER
2/03/14
GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY NUMBER: 000996

REVISIONS:
1 2/03/14 PER ST. LOUIS CO.

DRAWN BY:	T.P.S.	REVIEWED BY:	G.M.S.
DATE:	01/17/14	JOB NO.:	213-5220
WORK FILE:	–	SITE MAP #:	139
CALC. MAP #:	–	MAP CLIP #:	–
BLOCK #:	–		

SHEET TITLE:
SITE DEVELOPMENT PLAN

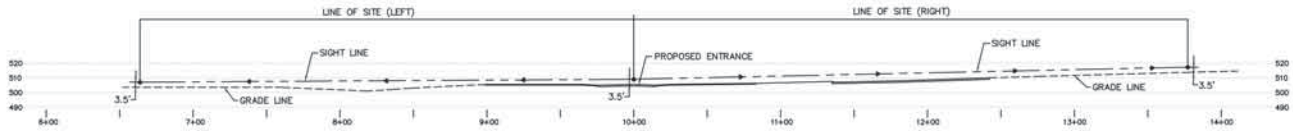
SHEET NO.:
C1.0

SITE SECTION A-A

SCALE: 1"=40'

SITE SECTION B-B

SCALE: 1"=40'



SITE DISTANCE PROFILE

SCALE: 1"=40'

SITE DISTANCE PLAN

SCALE: 1"=40'

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

PREPARED BY:

STOCK & ASSOCIATES Consulting Engineers, Inc.

SITE DEVELOPMENT PLAN FOR:

CREEKSIDE AT MASON

853 MASON ROAD
CREVE COEUR, MISSOURI

STATE OF MISSOURI
GEORGE MICHAEL STOCK
NUMBER E-25116
PROFESSIONAL ENGINEER

2/02/14

GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

REVISIONS:

1 2/02/14 PER ST. LOUIS CO.

T.P.S.	G.M.S.
01/17/14	213-5220
-	17P
-	-
-	

SHEET TITLE:

SITE SECTIONS
SITE DISTANCE PLAN
AND PROFILE

SHEET NO.:

C2.0

SITE SECTION A-A

SCALE: 1"=40'

SITE SECTION B-B

SCALE: 1"=40'

PREPARED BY:

STOCK & ASSOCIATES Consulting Engineers, Inc.

257 Chesterfield Business Parkway, St. Louis, MO 63005 PH. (636) 532-8580 FAX (636) 532-8583 e-mail: general@stockassoc.com Web: www.stockassoc.com

SITE DEVELOPMENT PLAN FOR:

CREEKSIDE AT MASON

853 MASON ROAD
CREVE COEUR, MISSOURI

STATE OF MISSOURI
GEORGE MICHAEL STOCK
NUMBER E-25116
PROFESSIONAL ENGINEER

1/17/14

GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY NUMBER: 000996

REVISIONS:

DRAWN BY: T.P.S.	DESIGNED BY: G.M.S.
DATE: 01/17/14	JOB NO.: 213-5220
SCALE: Hz. –	DWG. NAME: 17D
CALC. MAP: –	MAP CALC.: –
REVISION: –	

SHEET TITLE:

SITE SECTIONS

SHEET NO.:

C2.0

CREEKSIDE AT MASON

PART OF US SURVEY 1923
TOWNSHIP 45 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OFCREVE COEUR, ST. LOUIS COUNTY, MISSOURI

SITE DEVELOPMENT PLAN

GRAPHIC SCALE

PERTINENT DATA

OWNER	= MARGIT ALVIN TRUSTEE
OWNER UNDER CONTRACT	= PULTE HOMES OF ST. LOUIS LLC
SITE ADDRESS	= 803 N. MASON ROAD CREVE COEUR, MISSOURI 63141
EXISTING ZONING	= "A" SINGLE FAMILY RESIDENTIAL
PROPOSED ZONING	= "D" SINGLE FAMILY RESIDENTIAL (8000)
COUNTY LOCATOR NO.	= 17P610048
WATER SHED	= CREVE COEUR CREEK
MUNICIPALITIES	= PO, ZS, GRID, K-10
FIRE DISTRICT	= MONARCH FPD
SCHOOL DISTRICT	= PARKWAY
WATER SERVICE	= MISSOURI AMERICAN WATER CO.
ELECTRIC SERVICE	= AMEREN MISSOURI
GAS SERVICE	= LACLEDE GAS COMPANY
SEWER SERVICE	= METROPOLITAN ST. LOUIS SEWER DISTRICT

LOCATION MAP

PROPOSED ADJUSTED FLOOD PLAIN

JOSEPH J. & MARY M. GUENER
H/W 9800(8)
1970/20
LOC. NO. 17P61-0058
815 NORTH MASON ROAD
ZONED: "D" SINGLE FAMILY RESIDENTIAL

STEPHEN C. LEDBOL, TRUSTEE
8605/1740
LOC. NO. 17P61-0280
805 NORTH MASON ROAD
ZONED: "A" SINGLE FAMILY RESIDENTIAL

WILLIAM B. ALBRICH, TRUSTEE
2027/1078
LOC. NO. 17P61-0015
815 NORTH MASON ROAD
ZONED: "A" SINGLE FAMILY RESIDENTIAL

N. MASON ROAD

50' WIDE PER SURVEY BY ST. LOUIS COUNTY HIGHWAYS AND TRAFFIC DATED 5-18-2010

15' WIDE COMMON GROUND

COMMON GROUND

PROPOSED ROAD

LOT 1 · LOT 2 · LOT 3 · LOT 4 · LOT 5 · LOT 6 · LOT 7 · LOT 8 · LOT 9 · LOT 10 · LOT 11 · LOT 12 · LOT 13 · LOT 14 · LOT 15 · LOT 16

GENERAL NOTES

1. BOUNDARY AND TOPOGRAPHIC SURVEY TAKEN FROM ALTA/NSPS LAND TITLE SURVEY PREPARED BY SIEVER & ASSOCIATES CONSULTING ENGINEERS, INC. DATED SEPTEMBER 3, 2013.
2. PROPERTY ZONING: "A" SINGLE FAMILY RESIDENTIAL, PER CITY OF CREVE COEUR PROPOSED ZONING "D" SINGLE FAMILY RESIDENTIAL (8000).
3. ALL UTILITIES SHOWN HAVE BEEN LOCATED BY THE ENGINEER FROM AVAILABLE RECORDS. THEIR LOCATION SHOULD BE CONSIDERED APPROXIMATE, AND CONTRACTOR HAS THE RESPONSIBILITY TO VERIFY ALL UTILITY COMPANIES, PRIOR TO CONSTRUCTION, TO HAVE EXISTING UTILITIES FIELD LOCATED.
4. NO GRADE SHALL EXCEED 3:1 SLOPE, UNLESS OTHERWISE NOTED.
5. DRAINAGE AND STREET LIGHTING PER THE CITY OF CREVE COEUR REQUIREMENTS.
6. STORMWATER POLLUTION PREVENTION MEASURES TO BE IN ACCORDANCE WITH CITY OF CREVE COEUR AND MSD REQUIREMENTS.
8. SUBJECT PROPERTY LIES WITHIN SHADED ZONE "X" (AREAS MODERATE BY 500-YEAR FLOOD) AS MAPS FLOOD ELEVATIONS DETERMINED AND FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP NUMBER (NUMBERS) 0 WITH AN EFFECTIVE DATE OF AUGUST 2, 1995.
9. ALL PROPOSED UTILITIES TO BE INSTALLED UNDERGROUND AND LOCATED WITHIN EASEMENTS.
10. STORMWATER MANAGEMENT SHALL BE IN ACCORDANCE WITH CITY OF CREVE COEUR AND MSD REQUIREMENTS.
11. ALL DISCONNECTED MATERIALS, REMOVE AND REPAIRED SHALL BE IN ACCORDANCE WITH CITY OF CREVE COEUR REQUIREMENTS.
12. SITE LIGHTING MAXIMUM POLE HEIGHT = 24 FEET.
13. MAXIMUM BUILDING HEIGHT IS 2.5 STORIES, OR THIRTY-FIVE (35) FEET.

CITY OF CREVE COEUR "STREAM AND BUFFER PROTECTION REGULATIONS", SECTION 430.010: LAND DEVELOPMENT REQUIREMENT

A. BUFFER AND SETBACK REQUIREMENTS. ALL LAND DEVELOPMENT ACTIVITY SHALL MEET THE FOLLOWING REQUIREMENTS:

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3. AN ADDITIONAL SETBACK SHALL BE MAINTAINED FOR THIRTY-FIVE (35) FEET, MEASURED HORIZONTALLY, BEYOND THE UNDISTURBED NATURAL VEGETATIVE BUFFER, IN WHICH ALL IMPERVIOUS COVER SHALL BE PROHIBITED. BUILDING, PILING AND CANTILEVERED SHALL BE PROHIBITED WITHIN THE SETBACK.
2. NO SEPTIC TANKS OR SEPTIC TANK DRAIN FIELDS SHALL BE PERMITTED WITHIN THE BUFFER OR THE SETBACK.
4. FEASIBILITY OF SITE LAYOUT IS SUBJECT TO A DETAILED FLOOD STUDY.

SITE AREA CALCULATIONS

OVERALL LOT : 8.48 Acres ± (369,637 s.f.)
COMMON GROUND : 3.48 Acres ± (151,700 s.f.)
INCLUDES : (0.74 Ac. (32,234.7SF UNDISTURBED AREA) (0.51 Ac. 22' SETBACK AREA)
PROPOSED 50' R.O.W. : 1.61 Acres ± (70,200 s.f.)
PROPOSED 17 TOTAL LOTS : 4.38 Acres ± (190,836 s.f.)
LOT GROUP FOR "D" SINGLE FAMILY RESIDENCE DISTRICT

TOTAL LOTS ALLOWED:
3/5,000 s.f. (COMMON AREA + LOT AREA) / 10,000 s.f. = 36 LOTS

TOTAL PROPOSED LOTS:
17 LOTS (MINIMUM LOT SIZE 9,100 s.f.)

PROPOSED LOT CALCULATIONS:

LOT NO.	LOT AREA (S.F.)	MIN. ALLOWABLE F.A.R. (0.40)	MAX. ALLOWABLE SQ. COVERAGE (30%)
1	13,065	5,226	3,919
2	10,438	4,175	3,131
3	9,543	3,817	2,863
4	9,402	3,761	2,821
5	9,843	3,937	2,953
6	10,472	4,189	3,142
7	9,114	3,646	2,735
8	9,075	3,630	2,722
9	9,117	3,647	2,735
10	11,144	4,458	3,343
11	9,350	3,740	2,805
12	9,140	3,656	2,742
13	9,843	3,937	2,953
14	11,266	4,507	3,380
15	11,429	4,572	3,429
16	9,232	3,693	2,770
17	11,267	4,507	3,380

PROPERTY DESCRIPTION

A TRACT OF LAND IN U.S. SURVEY 1923 TOWNSHIP 45 NORTH RANGE 5 EAST AND BEING A PART OF LOT 2 OF THE JOHN HEIDL ESTATE AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE CENTER LINE OF MASON ROAD BEING THE NORTHEAST CORNER OF PROPERTY CONVEYED BY ELIZABETH HEIDL TO OTTO H. SAUERER AND LYDIA M. SAUERER BY DEED RECORDED IN BOOK 889 PAGE 462 OF THE ST.LOUIS COUNTY RECORDER'S OFFICE, THENCE NORTH ALONG THE CENTER LINE OF MASON ROAD 200.35 FEET TO A POINT IN THE CENTER LINE OF MASON ROAD, THENCE WEST AND PARALLEL TO THE NORTHERN LINE OF PROPERTY CONVEYED BY ELIZABETH HEIDL TO OTTO H. SAUERER AND LYDIA M.SAUERER BY DEED RECORDED IN BOOK 889 PAGE 462 OF THE ST. LOUIS COUNTY RECORDER'S OFFICE, TO A POINT IN THE WEST LINE OF SAID LOT 2 OF THE JOHN HEIDL ESTATE, THENCE SOUTH ALONG THE WESTERN LINE OF SAID LOT 2 OF THE JOHN HEIDL ESTATE 208.80 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY CONVEYED TO SAUERER IN BOOK 889 PAGE 462 OF THE ST. LOUIS COUNTY RECORDER'S OFFICE, THENCE EAST ALONG THE NORTH LINE OF SAID PROPERTY SO CONVEYED TO SAUERER IN BOOK 889 PAGE 462 TO THE POINT OF BEGINNING CONTAINING 8.08 ACRES MORE OR LESS.

ST. LOUIS COUNTY BENCHMARK

BENCHMARK # 19-HM 2101-2022.0

"1" on southeast corner of northern footing for pier in [illegible] [12'x12'] steps and granite] set on northeast corner of Green Cemetery entry Mason Rd. 0.8 mile south of Olive Street Rd. (37) (40) west of centerline of Mason Road and (380) (340') south of Mason Manor Blvd. (road produced)

TYPICAL LOT DETAIL

PREPARED FOR:
PULTE HOMES OF ST. LOUIS, LLC
17107 Chesterfield Airport Rd, Suite 120
Chesterfield, MO 63005
Phone: (636) 537-7128
Fax: (636) 537-9952
Contact: Mr. Chris Mattes

PREPARED BY:
Stock & Associates Consulting Engineers, Inc.

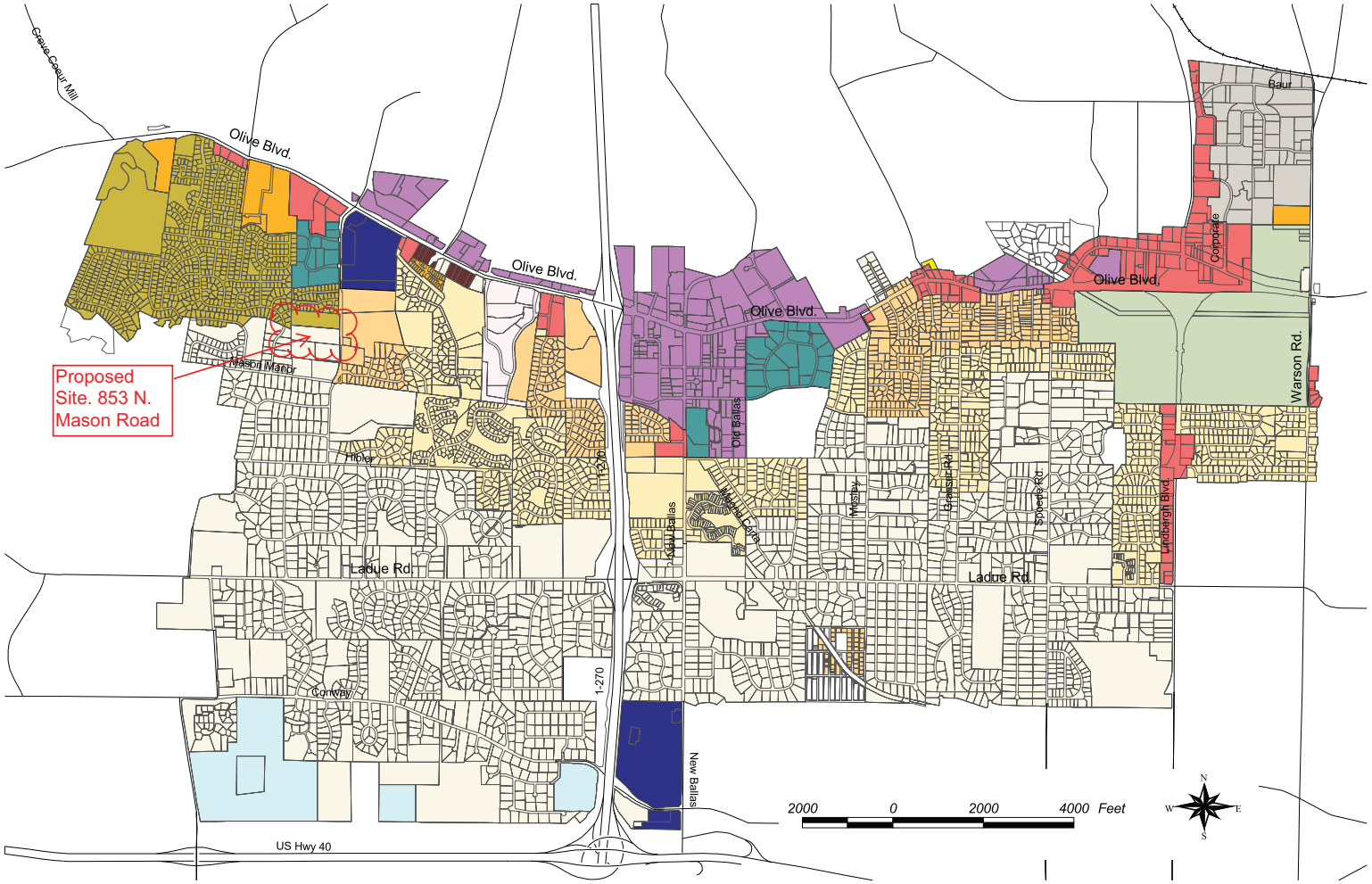
SITE DEVELOPMENT PLAN FOR:
CREEKSIDE AT MASON
803 MASON ROAD
CREVE COEUR, MISSOURI

REVISIONS:

SHEET TITLE:
SITE DEVELOPMENT PLAN

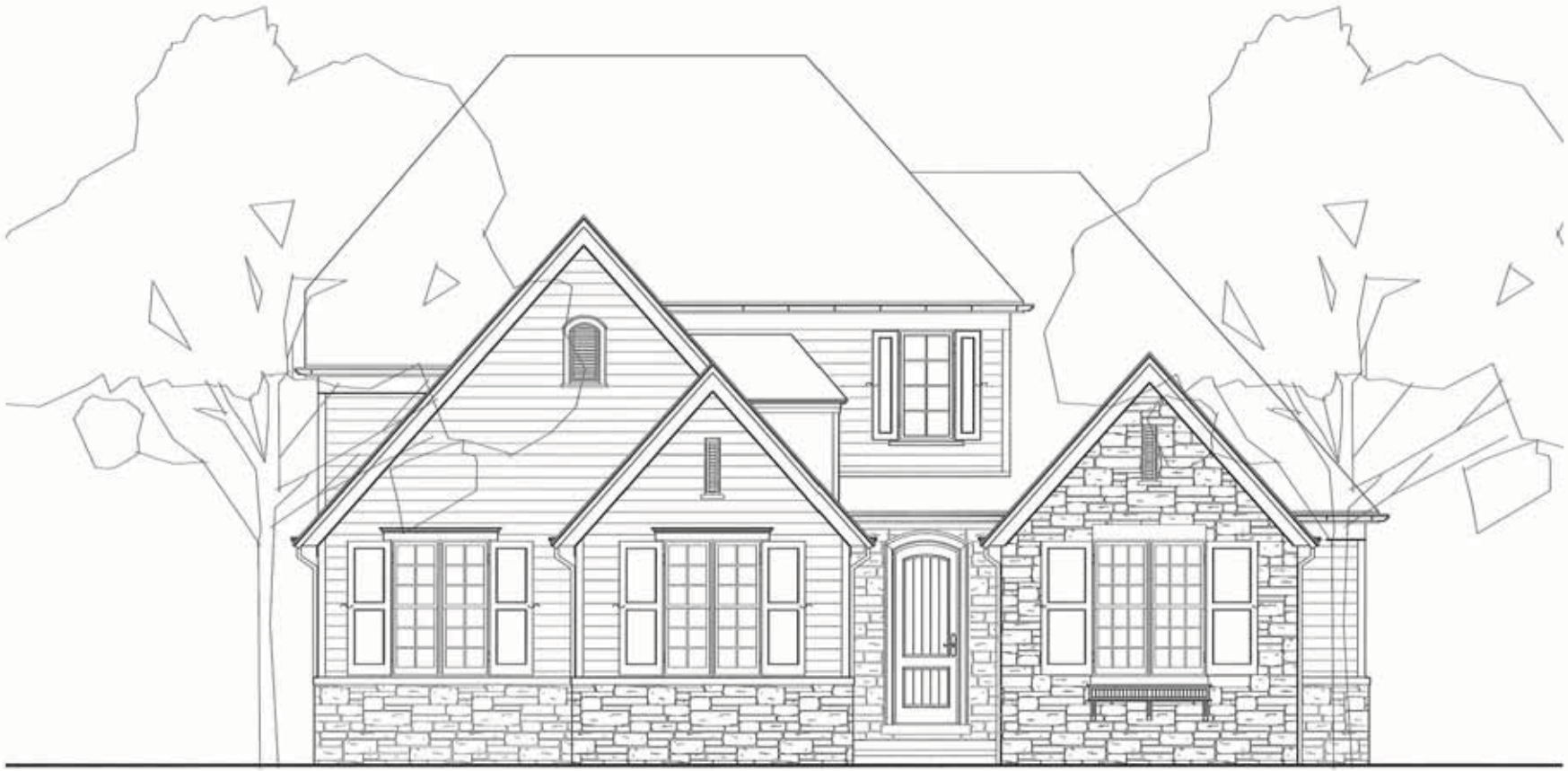
SHEET NO.:
C1.0

City of Creve Coeur



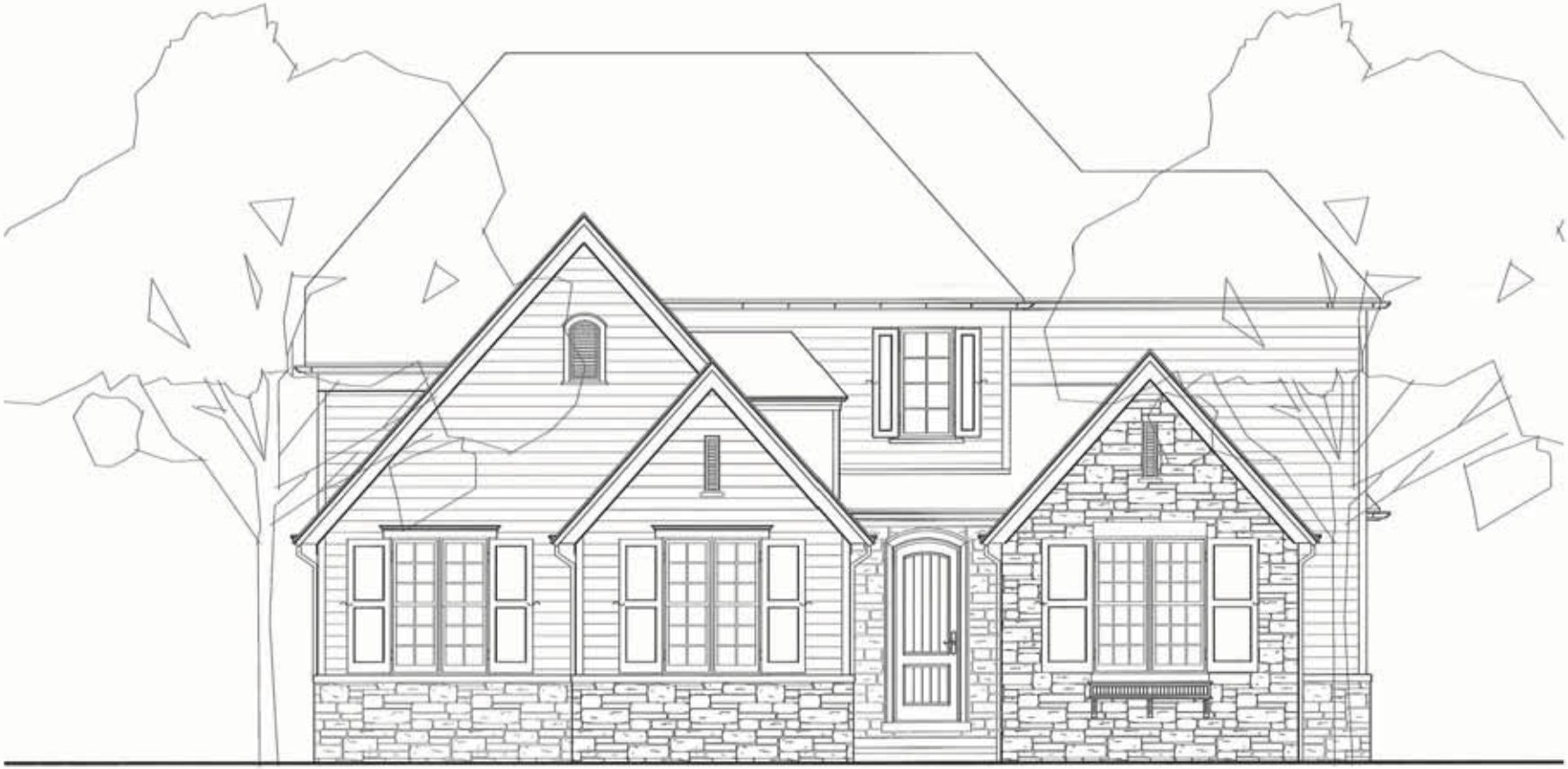
Zoning Districts
- Single Family Residential
- Single Family Residential
- Single Family Residential
- Attached Single Family Residential
- Single Family Residential
- Mixed Use District
- Higher Education District
- General Commercial
- Core Business District
- Light Industrial District
- Planned Community
- Planned Office District
- Planned Hospital District
- Research and Office
- Park District
- Action Areas

MAP No. 2



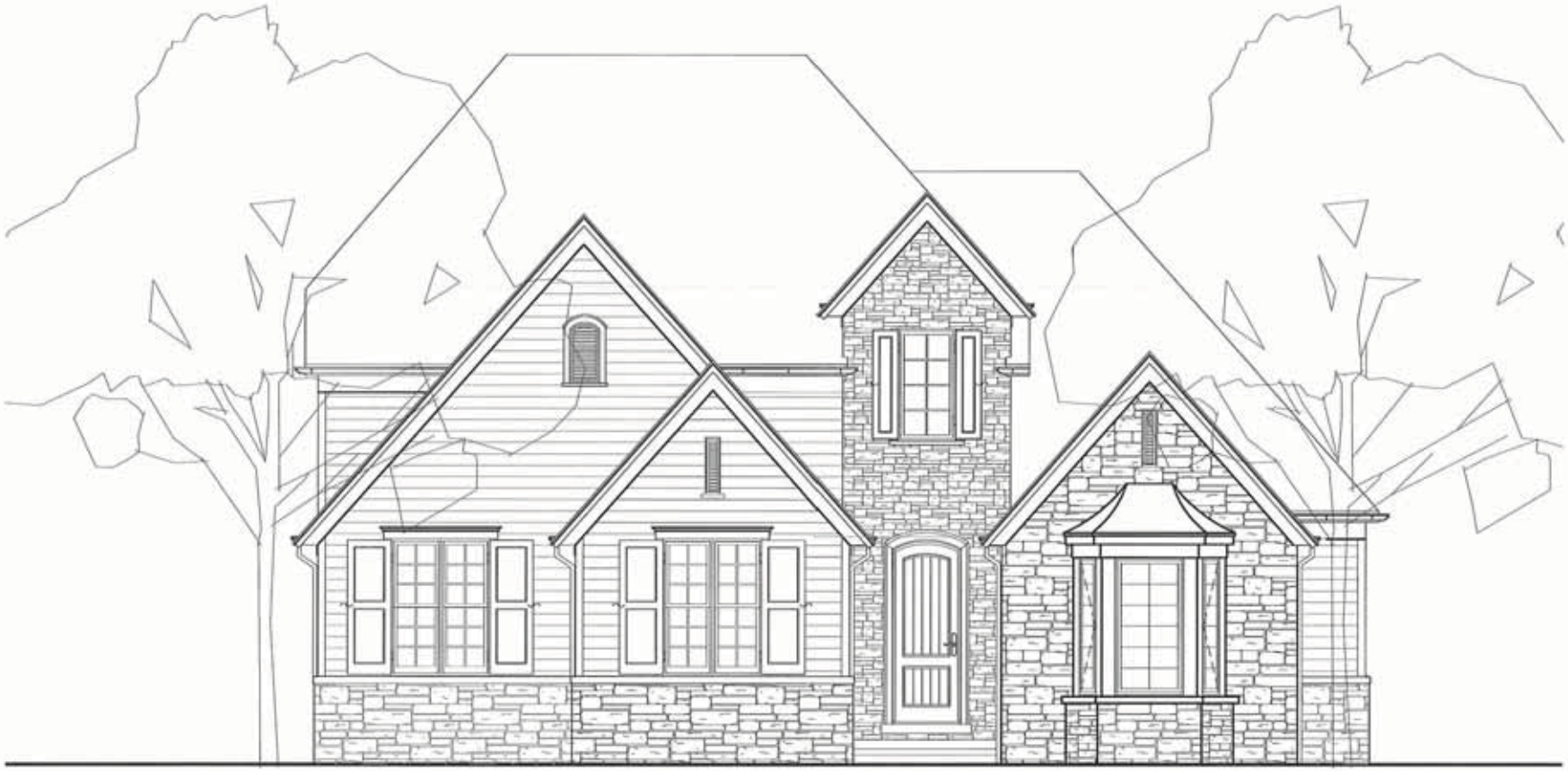
FRONT ELEVATION - OPTION 1 - NAPLES

SCALE 1/4" = 1'-0"



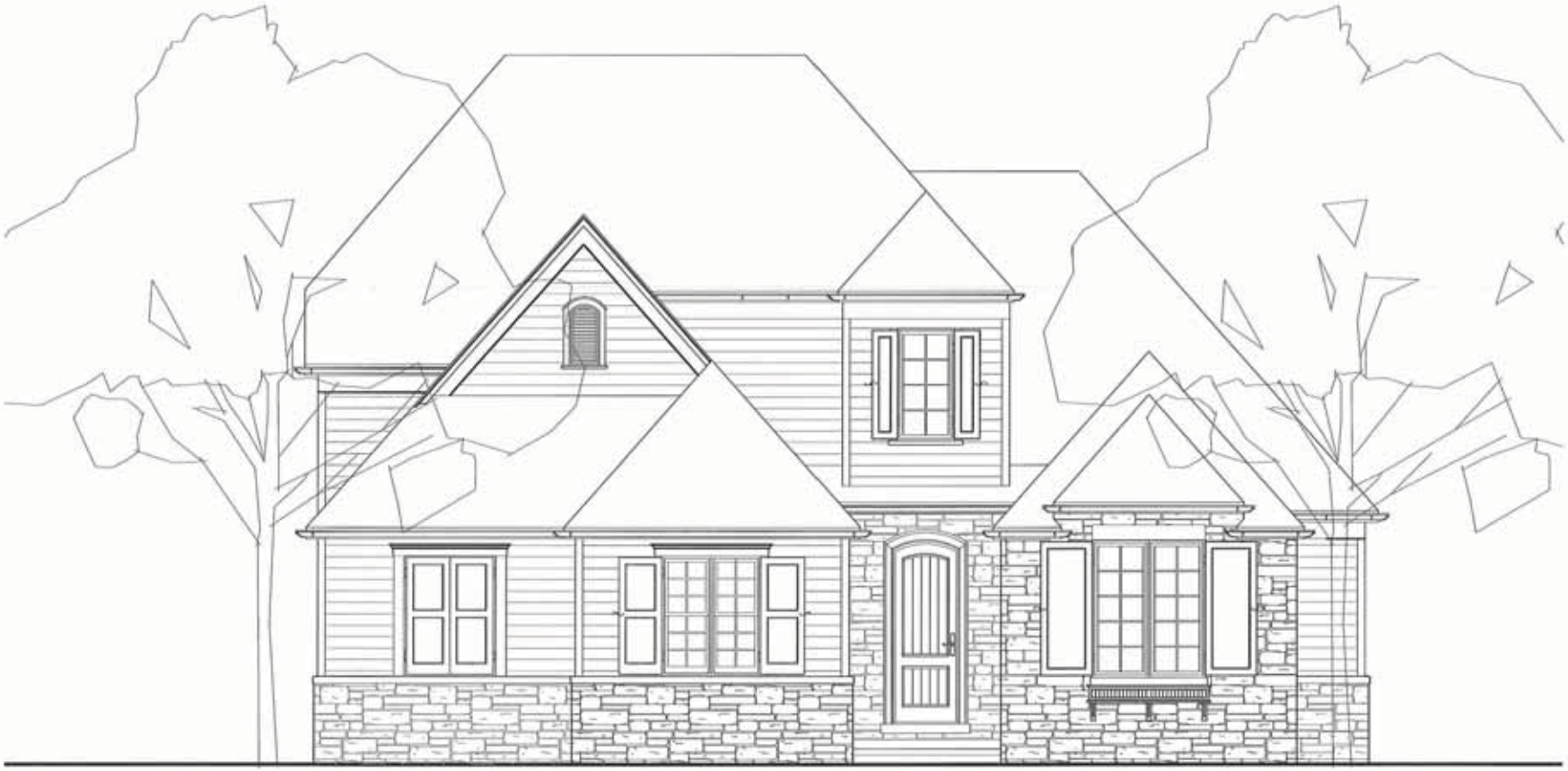
FRONT ELEVATION - OPTION 2 - NAPLES

SCALE 1/4" = 1'-0"



FRONT ELEVATION - OPTION 3 - NAPLES

SCALE: 1/4" = 1'-0"

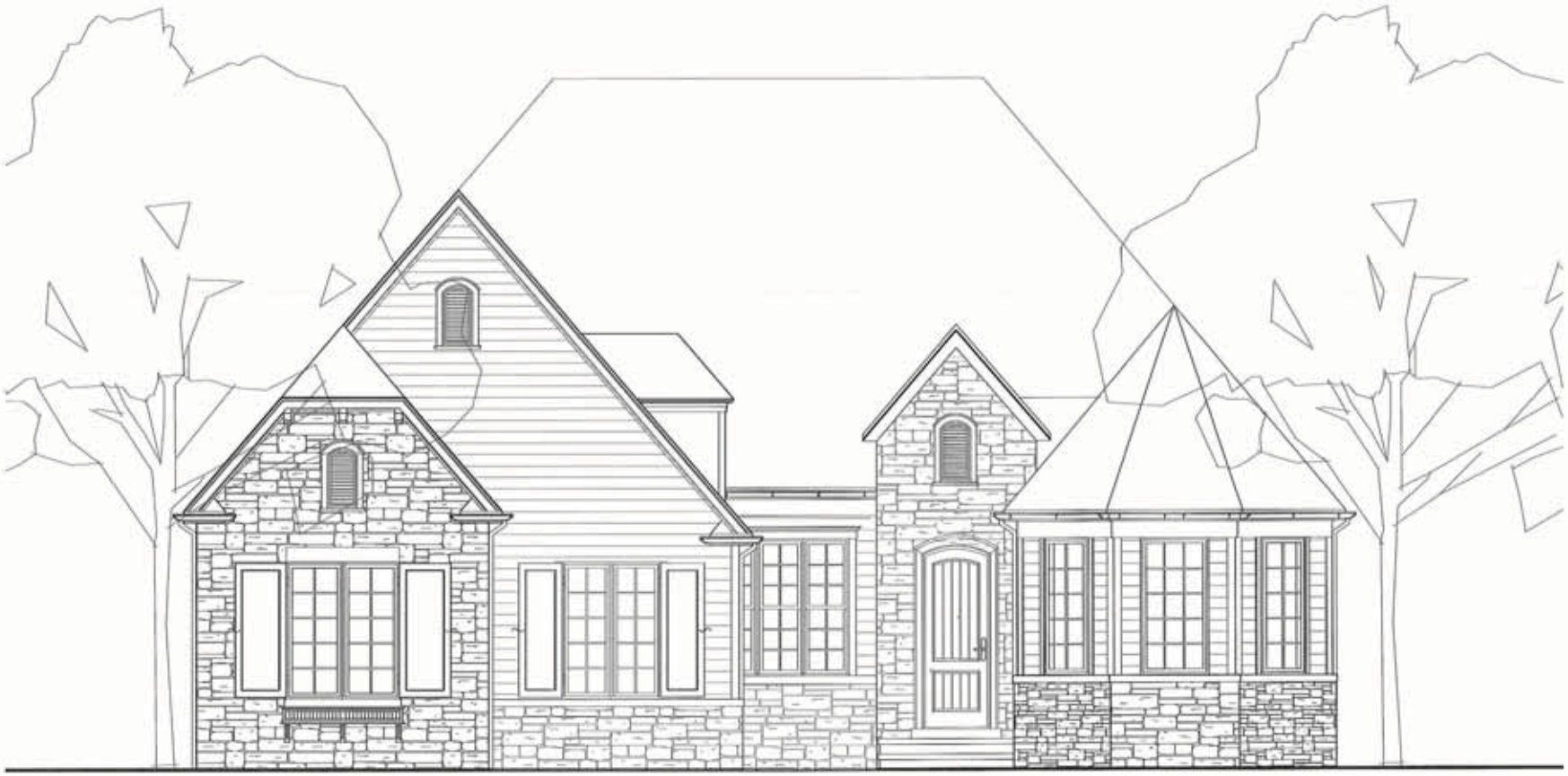


FRONT ELEVATION - OPTION 4 - NAPLES

SCALE 1/4" = 1'-0"

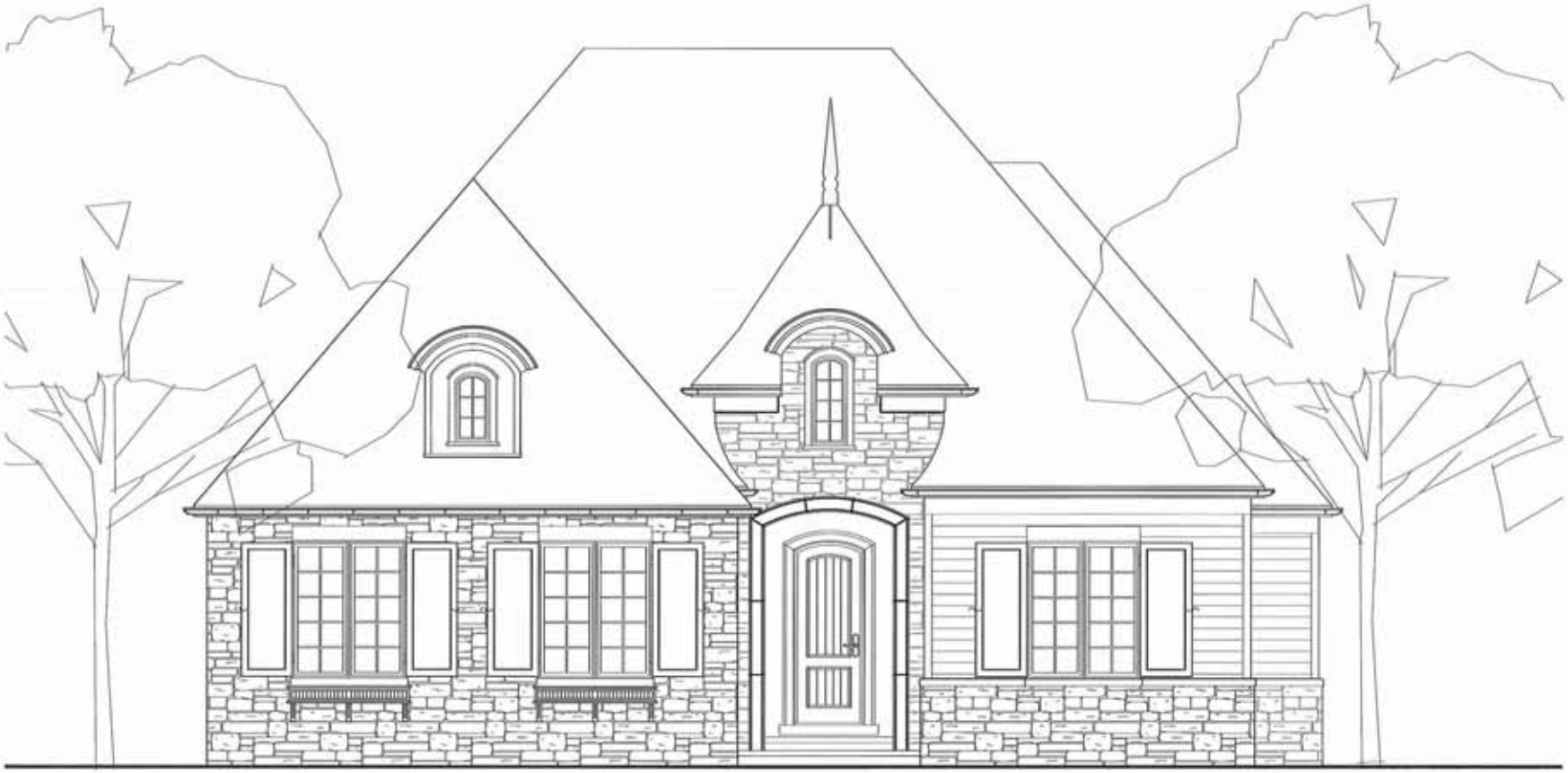
FRONT ELEVATION - OPTION 1 - GENEVA

SCALE: 1/4" = 1'-0"



FRONT ELEVATION - OPTION 2 - GENEVA

SCALE: 1/4" = 1'-0"



FRONT ELEVATION - OPTION 1 - MONACO

SCALE 1/4" = 1'-0"

FRONT ELEVATION - OPTION 2 - MONACO

SCALE 1/4" = 1'-0"

FRONT ELEVATION - OPTION 1 - TURIN

SCALE 1/4" = 1'-0"

FRONT ELEVATION - OPTION 2 - TURIN

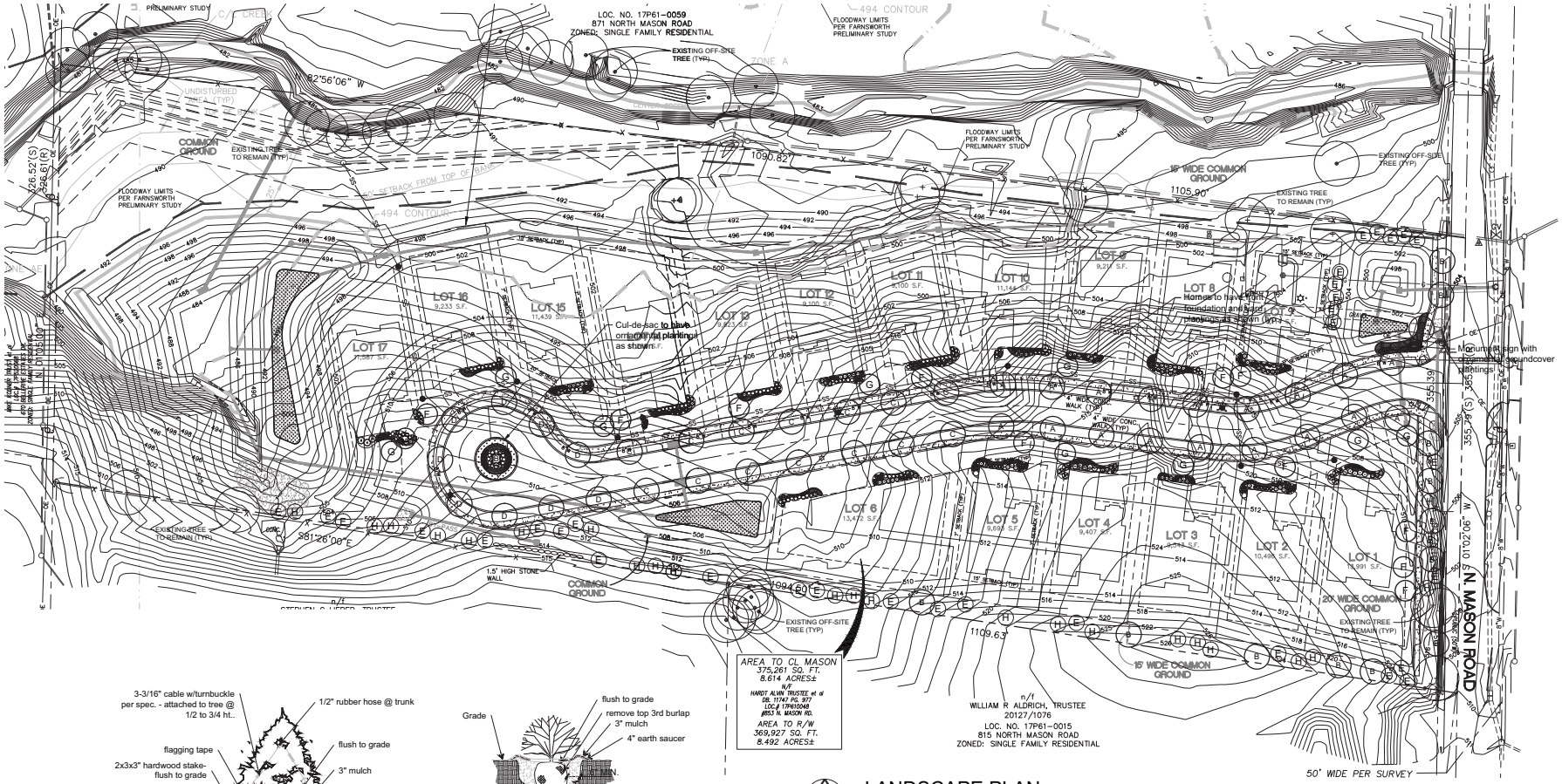
SCALE 1/4" = 1'-0"

FRONT ELEVATION - OPTION 1 - VIENNA

SCALE 1/4" = 1'-0"

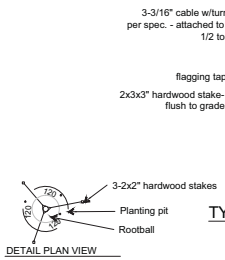
FRONT ELEVATION - OPTION 2 - VIENNA

SCALE 1/4" = 1'-0"

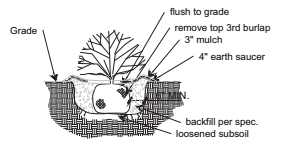


LANDSCAPE PLAN

SCALE 1"=40'

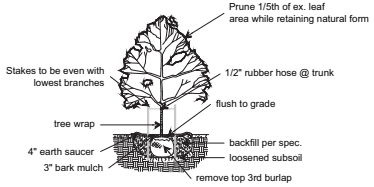


TYPICAL EVERGREEN PLANTING

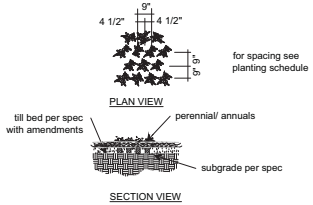


SCARIFY ROOT BALL OF ALL CONTAINER STOCK

TYPICAL SHRUB PLANTING



CANOPY TREE PLANTING



TYPICAL PERENNIAL PLANTING

PLANTING SCHEDULE

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE
TREES					
A	18	Zelkova serrata 'Green Vase'	Green Vase Zelkova	3" cal.	Deciduous
B	14	Quercus rubra	Red Oak	3" cal.	Deciduous
C	14	Tilia cordata	Littleleaf Linden	3" cal.	Deciduous
D	9	Acer x freemanii 'Autumn Blaze'	Autumn Blaze Maple	3" cal.	Deciduous
E	33	Pinus strobus	Eastern White Pine	8' ht.	Evergreen
F	11	Cornus florida 'Cherokee Princess'	Cherokee Princess Dogwood	2" cal.	Deciduous
G	10	Cercis canadensis	Eastern Redbud	2" cal.	Deciduous
H	23	Picea abies	Norway Spruce	8' ht.	Evergreen

Jerald Saunders - Landscape Architect
MO License # LA-007

Consultants:

Creekside at Mason

Creve Coeur, Missouri

Revisions:

Date	Description	No.

Drawn: LH
Checked: RS

loomisAssociates
landscapeArchitectsplanners
Loomis Associates Inc.
Missouri State Certificate of Authority # LAC #000019

Sheet Title: Landscape Plan

Sheet No: L-1

Date: 01/17/2014
Job #: 935.005

ALTA/ACSM LAND TITLE SURVEY

PART OF US SURVEY 1923
TOWNSHIP 45 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OFCREVE COEUR, ST. LOUIS COUNTY, MISSOURI

LEGEND

- BENCH MARK
- FOUND IRON ROD
- FOUND IRON PIPE
- RIGHT OF WAY MARKER
- UTILITY POLE
- SUPPORT POLE
- UTILITY POLE WITH LIGHT
- LIGHT STANDARD
- ELECTRIC METER
- ELECTRIC MANHOLE
- ELECTRIC PEDESTAL
- ELECTRIC SPLICE BOX
- GAS DRIP
- GAS METER
- GAS VALVE
- TELEPHONE MANHOLE
- TELEPHONE PEDESTAL
- TELEPHONE SPLICE BOX
- CABLE TV PEDESTAL
- FIRE HYDRANT
- FIRE DEPARTMENT CONNECTION
- WATER MANHOLE
- WATER METER
- WATER VALVE
- POST INDICATOR VALVE
- CLEAN OUT
- STORM MANHOLE
- GRATED MANHOLE
- STORMWATER INLET
- GRATED STORMWATER INLET
- SANITARY MANHOLE
- TREE
- BUSH
- TRAFFIC SIGNAL
- PARKING METER
- STREET SIGN
- SPRINKLER
- MAIL BOX

ABBREVIATIONS

C.O.	– CLEANOUT
DB.	– DEED BOOK
E	– ELECTRIC
FL	– FLOWLINE
FT	– FEET
FND.	– FOUND
G	– GAS
M.H.	– MANHOLE
N/F	– NOW OR FORMERLY
PB.	– PLAT BOOK
PG.	– PAGE
P.O.B.	– POINT OF BEGINNING
P.O.C.	– POINT OF COMMENCEMENT
P.V.C.	– POLYVINYL CHLORIDE PIPE
R.C.P.	– REINFORCED CONCRETE PIPE
SQ.	– SQUARE
T	– TELEPHONE CABLE
V.C.P.	– VITRIFIED CLAY PIPE
W	– WATER
(INR'W)	– RIGHT-OF-WAY MEISN
M.B.	– MAIL BOX

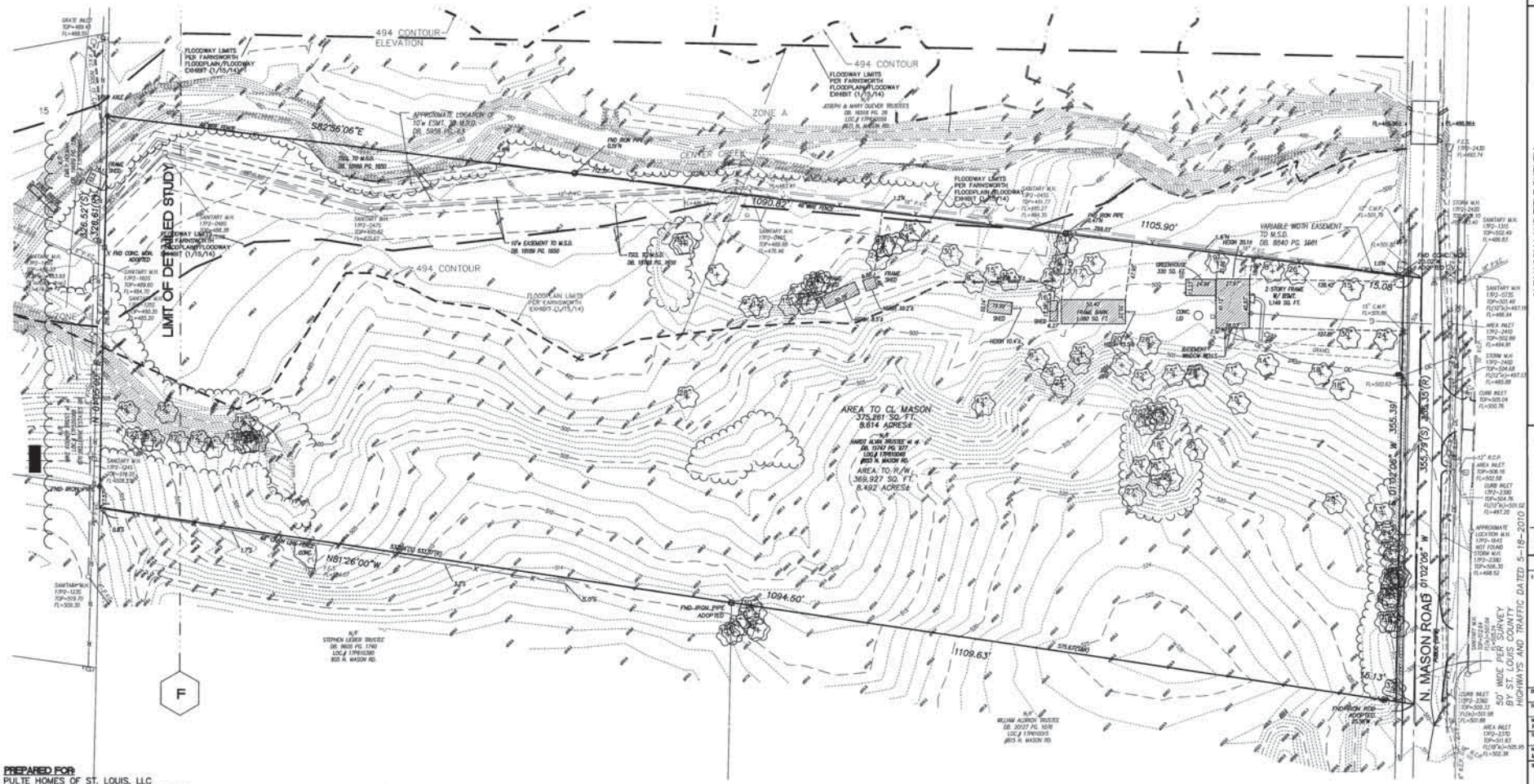
ST. LOUIS COUNTY BENCHMARK

BENCHMARK # 13-144 ELEV.=552.29

"L" on southwest corner of northern footing for pillar in (masonry) [23'x23' stone and granite] wall on northwest corner of Hiram Cemetery along Mason Rd. 0.6 mile south of Olive Street Rd. (31') [45'] east of centerline of Mason Road and (285') [247'] south of Mason Manor Drive (road produced)

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.



PREPARED FOR:
PULTE HOMES OF ST. LOUIS, LLC
17107 Chesterfield Airport Rd, Suite 120
Chesterfield, MO 63005
Phone: (636) 537-7128
Fax: (636) 537-9952

PREPARED BY:
STOCK & ASSOCIATES Consulting Engineers, Inc.
253 Chesterfield Business Parkway
St. Louis, MO 63005 Ph: (636) 530-0100 Fax: (636) 530-9301
e-mail: general@stockassoc.com
Web: www.stockassoc.com

ALTA/ACSM LAND TITLE SURVEY

HARDT TRACT

853 S. MASON RD.

STATE OF MISSOURI
DANIEL EHLMANN
MUDER
PLS-2215

DANIEL EHLMANN P.L.S.
MO. P.L.S. # 2215
CERTIFICATE OF AUTHORITY
LS-222-D

REVISIONS:
1 1/17/14 REVISE FLOODPLAIN LIMITS

DRAWN BY: J.K.	CHECKED BY: D.M.E.
DATE: 12/2/13	JOB NO.: 213-5220
H.S.S. # P-XXXXX-XX	BASE MAP #: XXX
S.L.C. HIST #: XXXX	HIST SUP. #: XX-XXX-XX
M.D.N.R. #: MO-XXXXXXX	

SHEET TITLE: ALTA/ACSM LAND TITLE SURVEY

SHEET NO.: SHEET 1

ALTA/ACSM LAND TITLE SURVEY

PART OF US SURVEY 1923
TOWNSHIP 45 NORTH, RANGE 5 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OFCREVE COEUR, ST. LOUIS COUNTY, MISSOURI

Notes:

(1) Stock and Associates Consulting Engineers, Inc. used exclusively First American Title Insurance Company, Commitment No. MO-048936, with an effective date of September 11, 2013 at 12:00 a.m. for research of easements and encumbrances. No further research was performed by Stock and Associates Consulting Engineers, Inc.

(2) Title to the estate or interest in the land described or referred to in the above commitment and covered therein is fee simple, and title thereto is a the effective date thereof vested in:

Alvin L. Hardt and Catherine E. Hardt, Co-Trustees of an Indenture of Trust dated the 29th day of March, 1991, as to an undivided one-half interest; and Alvin L. Hardt, Virginia Dittmar and Richard A. Hardt, Co-Trustees of the Residual Trust pursuant to the Indenture of Trust of Alvin L. Hardt and Catherine E. Hardt dated March 29, 1991, as to an undivided one-half interest.

(3) Title Commitment No. MO-048936 with Schedule B-Section 2 exceptions:

(a) Item No. 8. Easement to Fee Fee Truck Sewer, Inc., as set forth in instrument recorded in Book 5958, Page 63. Approximate Location "SHOWN"

(b) Item No. 9. Sanitary Sewer Maintenance Agreement as set forth in instrument recorded in Book 6491, Page 580. "NOT SHOWN" Not survey related.

(c) Item No. 10. Easement granted to The Metropolitan St. Louis Sewer District by instrument recorded in Book 8840, Page 1661. "SHOWN"

(d) Item No. 11. Easement granted to Metropolitan St. Louis District by instrument recorded in Book 18189, Page 1650. "SHOWN"

GENERAL NOTES:

1) Subject property lies within Shaded Zone A (areas inundated by 100-year flood) no base flood elevations determined and Flood Zone X (areas determined to be outside the 500-year flood) according to the National Flood Insurance Rate Map Number 29189C0161 H with an effective date of August 2, 1995.

Note: the Floodplain and Floodway limits shown on this survey are as per a flood study performed by Farnsworht Group dated January 15, 2014.

2.) Subject property is Zoned "Single Family Residential"

3.) Basis of Bearings adopted from Deed Book 9605, Page 1740.

PROPERTY DESCRIPTION

A tract of land in U.S. Survey 1923 Township 45 North Range 5 east and being a part of Lot 2 of the JOHN HEZEL ESTATE and described as follows: Beginning at a point in the center line of Mason Road being the northeast corner of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M. Dauster by deed recorded in Book 988 Page 462 of the St.Louis County Recorder's Office, thence north along the center line of Mason Road 355.35 feet to a point in the center line of Mason Road, thence west and parallel to the northern line of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M.Dauster by deed recorded in Book 988 Page 462 of the St. Louis County Recorder's Office to a point in the west line of said Lot 2 of the JOHN HEZEL ESTATE, thence south along the western line of said Lot 2 of the JOHN HEZEL ESTATE 326.61 feet to the northwest corner of said property conveyed to Dauster in Book 988 Page 462 of the St. Louis County Records, thence east along the north line of said property so conveyed to Dauster in Book 988 Page 462 to the point of beginning containing 8.56 acres more or less.

AND BEING FURTHER DESCRIBED AS:

BEGINNING at the intersection of the Western line of Mason Road (30' wide) with the Northern line of a tract of land described in a deed to William Aldrich Trustee in Deed book 20127, Page 1076 of the St. Louis County, Missouri Records; thence along the Northern line of said Aldrich tract and the Northern line of a tract of land described in a deed to Stephen Lieber Trustee as recorded in Deed Book 9605, Page 1740 of said records North 81 degrees 26 minutes 00 seconds West, a distance of 1094.50 feet to the Western line of Lot 2 of the John Hezel Estate; thence along said Western line North 01 degree 05 minutes 00 seconds East, a distance of 326.52 feet to an found Iron Axle marking the Southwest corner of a tract of land described in a deed to John and Mary Duever Trustees as recorded in Deed book 16516, Page 26 of the aforesaid records; thence along the Southern line of said Duever tract South 82 degrees 56 minutes 06 seconds East, a distance of 1090.82 feet to the aforesaid Western line of Mason Road; thence along said Western line South 01 degree 02 minutes 06 seconds West, a distance of 355.39 feet to the Point of Beginning and containing 369,927 square feet or 8.492 acres more less as per a survey by Stock & Associates Consulting Engineers, Inc. during the month of December, 2013.

Surveyors Certification

This is to certify to:

Pulte Homes of St. Louis, LLC

That this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1-5, 6(a), 7(a), 7(b) 8, 9, 11(a) and 13 of Table A thereof. The field work was completed during December, 2013.

STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC.
LC 222-0

By: 1/17/14
Daniel Ehlmann, Missouri P.L.S. No. 2215

PREPARED FOR:
PULTE HOMES OF ST. LOUIS, LLC
17107 Chesterfield Airport Rd, Suite 120
Chesterfield, MO 63005
Phone: (636) 537-7128
Fax: (636) 537-9952

PREPARED BY:
STOCK & ASSOCIATES Consulting Engineers, Inc.
257 Chesterfield Business Parkway
St. Louis, MO 63005 PH: (636) 530-9100
FAX: (636) 530-9331
e-mail: general@stockassoc.com
Web: www.stockassoc.com

ALTA/ACSM LAND TITLE SURVEY
PULTE HOMES
853 S. MASON RD.

STATE OF MISSOURI
DANIEL EHLMANN
NUMBER PLS-2215
PROFESSIONAL LAND SURVEYOR
1/17/14
DANIEL EHLMANN P.L.S.
MO. P.L.S. # 2215
CERTIFICATE OF AUTHORITY
LC-222-0

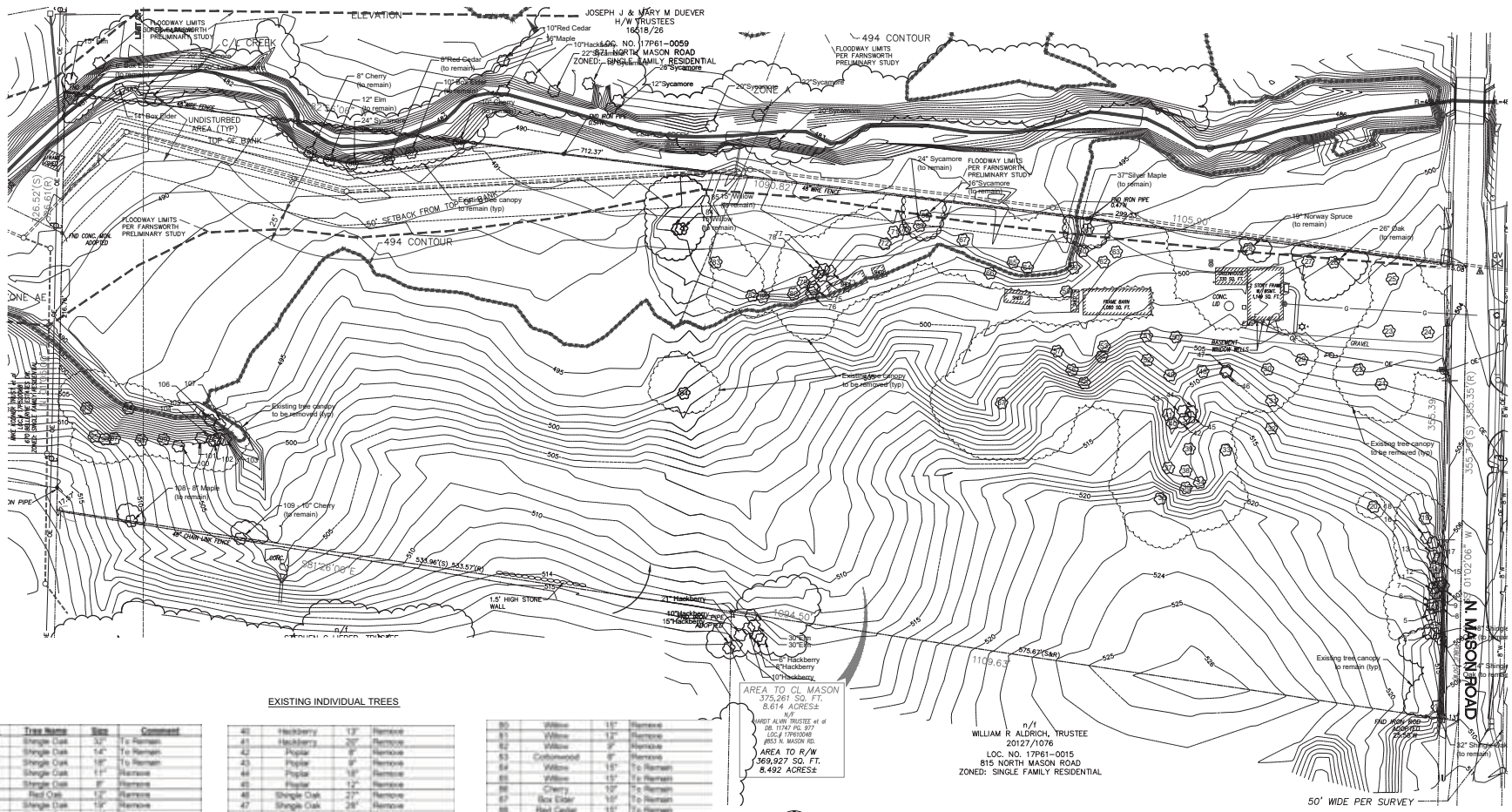
REVISIONS:

1	1/17/14 REVISE FLOODPLAIN LIMITS

DRAWN BY: J.K.	CHECKED BY: D.M.E.
DATE: 12/2/13	JOB NO. 213-5220
SCALE: 1" = P-XXXXX-XX	DATE MAP # XXX
S.C.S. MAP # XXXX	MAP SHEET # XX-XXX-XX
M.D.N.R. # MO-XXXXXXX	

SHEET TITLE:
ALTA/ACSM LAND TITLE SURVEY

SHEET NO.:
SHEET 2



TREE CENSUS

SCALE 1"=40'

EXISTING INDIVIDUAL TREES

No.	Tree Name	Size	Comment
1	Shingle Oak	32"	To Remain
2	Shingle Oak	14"	To Remain
3	Shingle Oak	18"	To Remain
4	Shingle Oak	11"	Remove
5	Shingle Oak	8"	Remove
6	Red Oak	12"	Remove
7	Shingle Oak	19"	Remove
8	Shingle Oak	13"	Remove
9	Shingle Oak	13"	Remove
10	Shingle Oak	12"	Remove
11	Shingle Oak	10"	Remove
12	Shingle Oak	6"	Remove
13	Elm	24"	Remove
14	Box Elder	8"	Remove
15	Shingle Oak	7"	Remove
16	Shingle Oak	7"	Remove
17	Red Oak	24"	Remove
18	Red Oak	8"	Remove
19	Red Oak	13"	Remove
20	Box Elder	28"	Dying/Remove
21	Elm	18"	Remove
22	Sycamore	18"	Remove
23	Maple	30"	Remove
24	Sycamore	24"	Remove
25	Maple	15"	Remove
26	Oak	28"	To Remain
27	Fir	8"	Dying/Remove
28	Norway Spruce	19"	To Remain
29	Holly	14"	Remove
30	Holly	11"	Remove
31	Holly	15"	Remove
32	Redbud	12"	Remove
33	Poplar	8"	Remove
34	Sycamore	36"	Remove
35	Hackberry	15"	Remove
36	Black Walnut	21"	Remove
37	Black Walnut	20"	Remove
38	Poplar	18"	Remove
39	Ash	18"	Remove

40	Hackberry	13"	Remove
41	Hackberry	20"	Remove
42	Poplar	8"	Remove
43	Poplar	8"	Remove
44	Poplar	18"	Remove
45	Poplar	12"	Remove
46	Shingle Oak	27"	Remove
47	Shingle Oak	28"	Remove
48	Dogwood	15"	Remove
49	White Oak	32"	Remove
50	Sycamore	30"	Remove
51	Oak	20"	Remove
52	White Oak	7"	Remove
53	Sycamore	30"	Remove
54	Hackberry	24"	Remove
55	Poplar	24"	Remove
56	Poplar	20"	Remove
57	Dogwood	8"	Remove
58	Poplar	18"	Remove
59	Poplar	11"	Remove
60	Silver Maple	38"	Remove
61	Silver Maple	37"	To Remain
62	Poplar	17"	Remove
63	Sycamore	32"	Remove
64	Sycamore	36"	Remove
65	Sycamore	17"	Remove
66	Red Cedar	8"	Remove
67	Black Walnut	30"	Remove
68	Sycamore	15"	To Remain
69	Sycamore	24"	To Remain
70	Sycamore	15"	Remove
71	Box Elder	8"	Remove
72	Poplar	24"	Remove
73	Sycamore	21"	Remove
74	Sycamore	21"	Remove
75	Sycamore	24"	Remove
76	Sycamore	8"	Remove
77	Sycamore	13"	Remove
78	Sycamore	12"	Remove
79	Willow	8"	Remove

80	Willow	15"	Remove
81	Willow	12"	Remove
82	Willow	8"	Remove
83	Cottonwood	8"	Remove
84	Willow	15"	To Remain
85	Willow	15"	To Remain
86	Cherry	10"	To Remain
87	Box Elder	10"	To Remain
88	Red Cedar	15"	To Remain
89	Sycamore	24"	To Remain
90	Elm	12"	To Remain
91	Cherry	8"	To Remain
92	Box Elder	8"	To Remain
93	Oak	42"	Remove
94	Oak	12"	Remove
95	Oak	12"	Remove
96	Oak	12"	Remove
97	Hackberry	8"	Remove
98	Elm	12"	Remove
99	Willow	12"	Remove
100	Willow	12"	Remove
101	Willow	12"	Remove
102	Willow	10"	Remove
103	Willow	12"	Remove
104	Willow	12"	Remove
105	Willow	15"	Remove
106	Willow	12"	Remove
107	Willow	13"	Remove
108	Maple	8"	To Remain
109	Cherry	10"	To Remain

TREE CENSUS DATA

Total Canopy Area On Site: 82,602 sf, or 1.90 acres

Total Canopy Area to be removed: 70,455 sf, or 1.62 acres
Total Canopy Area to remain: 12,147 sf, or 0.28 acres

Percentage of tree canopy to be removed: 85.3%

Jerald Saunders - Landscape Architect
MO License # LA-007

Consultants:

Creekside at Mason

Creve Coeur, Missouri

Revisions:

Date	Description	No.

Drawn: BR
Checked: RS

loomisAssociates

landscapeArchitectsplanners
10125 Sem 340 Beach Drive, Suite 150
Gerald, Missouri 63124 Tel: 636.305.0000
636.305.0003 Fax: 636.305.0007
www.loomis-associates.com

Loomis Associates Inc.
Missouri State Certificate of Authority # LAC #000019

Sheet Title: Tree Census

Sheet No: TC-1

Date: 01/17/2014
Job #: 935.005

BILL NO. _____ **ORDINANCE NO. _____**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CREVE COEUR TO REZONE 8.49 ACRES OF LAND FROM "A" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "D" SINGLE-FAMILY RESIDENTIAL DISTRICT AND AUTHORIZING A RESIDENTIAL DESIGNED DEVELOPMENT (RDD) WITH ACCOMPANYING PRELIMINARY SUBDIVISION PLAT AND SITE DEVELOPMENT PLAN FOR THE PROPOSED CREEKSIDE ON MASON SUBDIVISION, FOR THE PROPERTY CURRENTLY ADDRESSED AS 853 NORTH MASON ROAD.

WHEREAS, Chris Matteo, of Pulte Homes of St. Louis, LLC, has submitted an application for the rezoning of the 8.49 acres located at 853 N. Mason Road, from "A" Single Family Residential to "D" Single Family Residential with "RDD" Residential Design Development designation; and

WHEREAS, in accordance with Sections 405.280, 405.450(C), and 405.1080 of the Zoning Ordinance, the applicant has submitted a Site Development Plan (hereafter referred to as the "subdivision improvement plan") and Preliminary Plat to the Department of Planning for the Creekside at Mason subdivision, including 17 lots on the 8.49 acres, with residential designed development (RDD); and

WHEREAS, On February 18, 2014, the Planning and Zoning Commission conducted a public hearing on the rezoning and RDD request and accompanying Preliminary Plat and by a _____ vote, recommended approval of the development on the condition that the property be developed in accordance with the subdivision improvement plan and Preliminary Plat, received February 6, 2014, by the Department of Planning or as further revised as required by the City of Creve Coeur and on other conditions; 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, all persons who presented themselves 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 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; and

WHEREAS, the City Council finds that the Residential Designed Development proposal, as submitted on January 17, 2014 and when subject to certain conditions set forth herein, 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 provide the purpose of Section 405.450 of the Zoning Code and is in accordance with the criteria of Section 405.450(C)(1-3) of the Zoning Code regarding minimum project area, gross acreage, yards, and site and building coverage;

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 shall be amended to rezone the property addressed as 853 North Mason Road from A Single-family Residential to D Single-family Residential zoning district, subject to the conditions stated herein, which property is more specifically described as follows:

> A tract of land in U.S. Survey 1923 Township 45 North Range 5 east and being a part of Lot 2 of the JOHN HEZEL ESTATE and described as follows: Beginning at a point in the center line of Mason Road being the northeast corner of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M. Dauster by deed recorded in Book 988 Page 462 of the St.Louis County Recorder's Office, thence north along the center line of Mason Road 355.35 feet to a point in the center line of Mason Road, thence west and parallel to the northern line of property conveyed by Elizabeth Hezel to Otto R. Dauster and Lydia M.Dauster by deed recorded in Book 988 Page 462 of the St. Louis County Recorder's Office to a point in the west line of said Lot 2 of the JOHN HEZEL ESTATE, thence south along the western line of said Lot 2 of the JOHN HEZEL ESTATE 326.61 feet to the northwest corner of said property conveyed to Dauster in Book 988 Page 462 of the St. Louis County Records, thence east along the north line of said property so conveyed to Dauster in Book 988 Page 462 to the point of beginning containing 8.56 acres more or less.
>
> AND BEING FURTHER DESCRIBED AS:
>
> BEGINNING at the intersection of the Western line of Mason Road (30' wide) with the Northern line of a tract of land described in a deed to William Aldrich Trustee in Deed book 20127, Page 1076 of the St. Louis County, Missouri Records; thence along the Northern line of said Aldrich tract and the Northern line of a tract of land described in a deed to Stephen Lieber Trustee as recorded in Deed Book 9605, Page 1740 of said records North 81 degrees 26 minutes 00 seconds West, a distance of 1094.50 feet to the Western line of Lot 2 of the John Hezel Estate; thence along said Western line North 01 degree 05 minutes 00 seconds East, a distance of 326.52 feet to an found Iron Axle marking the Southwest corner of a tract of land described in a deed to John and Mary Duever Trustees as recorded in Deed book 16518, Page 26 of the aforesaid records; thence along the Southern line of said Duever tract South 82 degrees 56 minutes 06 seconds East, a distance of 1090.82 feet to the aforesaid Western line of Mason Road; thence along said Western line South 01 degree 02 minutes 06 seconds West, a distance of 355.39 feet to the Point of Beginning and containing 369,927 square feet or 8.492 acres more less as per a survey by Stock & Associates Consulting Engineers, Inc. during the month of December, 2013.

SECTION 2: A residential designed development (RDD) permit is hereby granted for the Creekside at Mason Subdivision, to be located on the land described in Section 1 of this ordinance, subject to the conditions contained herein.

SECTION 3: The Creekside at Mason RDD shall conform to the site improvement plan, the Preliminary Plat and the Landscape Plan, received February 6, 2014, by the Department of Planning or as further revised as required and approved by the City of Creve Coeur, and are further subject to the following conditions:

1. House exterior shall be of brick and/or stone along with high quality forms of siding, such as fiber-cement ("Hardi-board"), or natural wood siding from a renewable source. The Zoning Administrator shall verify conformance of all exterior materials with this condition prior to the issuance a building permit for any residence.
2. Any house side walls abutting a street shall be finished entirely with the same materials, and with the same design and aesthetic continuity, as the front façade, subject to Zoning Administrator approval.
3. The subdivision improvement plan shall be revised to include a minimum five-foot detached sidewalk along both sides of the proposed street.
4. All street lighting shall meet with 405.680; Lighting, of the Zoning Ordinance.
5. The Landscape Plan shall be revised to include adding a minimum of one street tree for every 30 lineal feet or part thereof of street frontage, as required in Sections 410.300 and 410.320 of the Subdivision and Land Development Standards.
6. The grading plan shall be revised to reduce the impact on existing tree masses to the extent that a minimum of 25% of the existing tree mass shall be preserved, subject to Zoning Administrator approval.
7. Prior to issuance of any building permits, the applicant shall prepare and record the final subdivision plat as approved by the City Council and indentures requiring public access, maintenance, insurance, funding, maintenance of the stormwater basin, and common ground area , as approved by the City Attorney.

SECTION 4: As set forth in Section 405.1080 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 it is approved. After one year, a Site Development 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 Development 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 5: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS _____ DAY OF _____, 2014

_____
SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 2014

_____
BARRY GLANTZ
MAYOR

BILL NO. _____ **ORDINANCE NO. _____**

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

MEMORANDUM TO THE PLANNING AND ZONING COMMISSION

Meeting Date: June 16, 2014

Subject: Application #14-008: Text Amendment To Allow For Drive-Thru Restaurant Services On Sites Of 2 Or More Acres

Memo Prepared by: Paul Langdon, AICP, Community Development Director

Attachment: **Creve Coeur-Olivette Chamber of Commerce Comments and Information on Drive-Thru Restaurants**

INPUT FROM THE CHAMBER OF COMMERCE

It was reported at the May 5th meeting that a sub-committee of the Creve Coeur-Olivette Chamber of Commerce would be submitting information aimed at informing the actions of the Planning Commission in this matter. Those materials are attached hereto and provide a range of information including their own comments, industry background, example city ordinances and comparisons with local cities, and the results of tenant surveys conducted by Chamber members using questions that are very similar to those asked during the resident survey.

Staff suggest that the Commissioners take the time waiting for the resident survey results (anticipated in July) to review the materials, and make an individual determination of whether or not free-standing drive-thru restaurants, attached drive-thru facilities, or no drive-thru restaurants is the appropriate future for the City of Creve Coeur. If the Commission finds that free-standing drive-thru facilities should be approved, the attached materials provide some guidance for the economic reasons for including the use and some design standards that can be applied to their locations. If the Commission ultimately prefers to pursue attached or inline locations, the Commission should continue refining the draft regulations discussed at the April 21st public hearing and subsequent discussions on May 5th and June 2nd. In either event, the Staff will continue to assist the Commission in evaluating issues and developing regulatory language.

If the Commission wishes to remove the use, an entirely separate application/process will be needed and for which Staff will provide appropriate guidance at the time.

ACTION AND MOTION

Members of the Chamber of Commerce will be present at the meeting and the members of the Commission are encouraged to pursue clarification on any issues that arise. At the conclusion of discussion, and as suggested above, the Commission should continue the motion until the results of the resident survey are available for presentation to the Planning Commission. The following is an example of an appropriate motion:

> "I move to continue Application #14-008, until the results of the Citizen's survey results are available for review by the Planning and Zoning Commission."

Chamber Of Commerce

COMMENTS TO PROPOSED AMENDMENT TO DRIVE-THRU ORDINANCE

PROPOSITION ONE: (See tab 1)
The qualifying criteria for the proposed ordinance are so difficult to meet that if adopted in its proposed form drive-thru restaurants would essentially be eliminated from retail development in Creve Coeur except for a small number of properties.

ANSWER:

A. Very few existing shopping centers can meet the criteria set forth in the proposed ordinance (particularly the second story and two hundred lineal foot requirements).
B. Most drive-thru restaurants will not lease in-line space. While many chains allow some de-branding of their concepts and design modification, most believe locating in-line compromises their identity and branding.
C. It is financially infeasible to build two story suburban mixed use structures in today's economic environment. Low demand and rent for second floor space together with lender aversion to financing unanchored retail are the principal reasons.

PROPOSITION TWO:
The current drive-thru restaurant ordinance has not resulted in an undue number of drive-thru facilities in the City.

ANSWER:
Presently there is only one drive-thru restaurant in the City and the present ordinance has been in place for over thirty (30) years.

PROPOSITION THREE: (See tab 2)
Adopting the proposed ordinance would be detrimental to City interests.

ANSWER:

A. Adopting a more restrictive zoning approach to drive-thru(s) sends the wrong message to retail developers and the general business community. The City already suffers a reputation for being difficult to deal with and for having an unusually cumbersome site approval process. Retailers and developers routinely by-pass the City because of its restrictive code, lengthy approval process and conditions mandated in obtaining entitlements. Further restrictions on development both exacerbate the problem of attracting retailers to the City and perversely, results in fewer new developments and less redevelopment inadvertently contributing to maintenance of the status quo (i.e. the numerous functionally obsolescent retail centers located throughout the City).

B. By eliminating the possibility of new drive-thru restaurants in the City in all but one case, the City is effectively restricting consumer choice and preference and adversely impacting potential sale tax revenues.

C. Twenty-Seven (27%) percent of the Nation's restaurant sales occur at restaurants featuring drive-thru services. Further, an estimated Ninety-Six (96%) percent of the American population dines annually at a fast food restaurant. Clearly the City, currently with only one drive-thru restaurant, with a population of 17,000 residents and 30,000 day time workers is underserved.

D. Although the City has not yet received the results of its resident survey on this topic, the Chamber survey indicated a clear preference for more such establishments. In addition, all of the cities in Creve Coeur's competitive peer group (Chesterfield, Maryland Heights, Des Peres and Brentwood) have less restrictive zoning for drive-thru restaurants and more of them. Clearly, Creve Coeur is not only losing retail sales to other communities because residents and employees are most certainly traveling outside the City for fast dining, but it is also losing out to new development.

PROPOSITION FOUR: **(See tab 3)**
Drive-thru restaurants have many benefits and most of the detriments can be controlled through regulation.

ANSWER:

A. The primary benefits of drive-thru restaurants are that they provide fast, convenient and generally inexpensive dining. In addition, quality is generally reliable and most if not all chains have healthy menu choices in addition to traditional fare.

B. The main disadvantages of these restaurants, building design, signage, noise and traffic issues can be controlled through regulation.

C. Many municipalities have adopted stringent criteria that address these issues by regulating site building and signage design in a way that meets municipal concerns but would allow the restaurant to operate successfully.

D. We recommend the City Planning Department review regulations and guidelines adopted by other cities.

PROPOSITION FIVE: **(See tab 4)**
The City should change its zoning ordinance regulating drive-thru restaurants facilities by making it less, not more, restrictive than it is currently.

ANSWER:

A. There should be more drive-thru restaurants in the City. The City would benefit from offering its residents, its daytime workers, shoppers and other visitors additional dining choices.

B. It will place the City in step with its neighbors and competitive set.

C. It will be accretive to City finances.

D. It will spur redevelopment, retention and revitalization particularly in some of the more depressed shopping areas of the City. It is folly to believe that the many small shop spaces in obsolescent centers will lease with the type of retailers the City wishes to attract. Many of the uses in these centers have gravitated toward service sectors and away from sales tax generating retail uses.

E. In addition, the second and third generation retail is beginning to attract second hand retail stores which sell goods at lower price points which also negatively affect sales tax revenues and adversely affect the City's image in trying to attract new retail.

F. Most importantly, it will help begin to change the image of Creve Coeur as an inhospitable climate for development and get the City back on the short list of places to locate.

G. Specifically, the second story and two hundred foot of contiguous retail space requirements should be eliminated altogether and the three acre minimum reduced to 1 ½ or 2. To avoid the concern that there will be too many such structures in a row, additional criteria should be adopted to limit the number of drive-thru restaurants to one per qualifying parcel.

Results of Creve Coeur-Olivette Chamber of Commerce and CityPlace surveys **(See tab 5)**

TAB

1

Stephen Wolff

From: GlobeSt.com <promotional@globest.com>
Sent: Tuesday, May 20, 2014 2:07 PM
To: Stephen Wolff
Subject: BH's Jaffe Speaks About Current Retail

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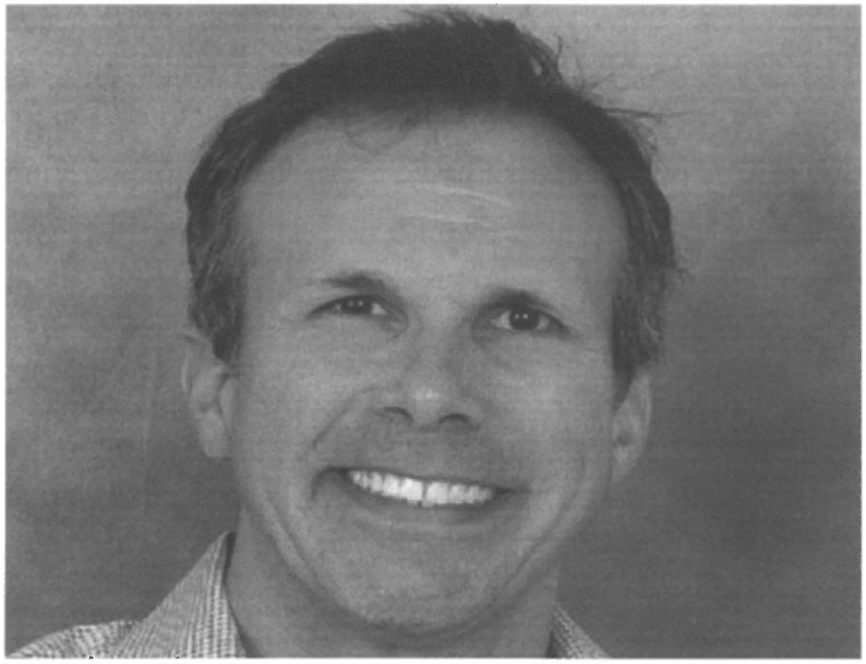

Last Updated: May 6, 2014 01:00am ET

BH's Jaffe Speaks About Current Retail

PHOENIX—**Steve Jaffe**, EVP and general counsel to **BH Properties**, a Los Angeles-based firm that specializes in acquiring and repositioning challenged or distressed real estate properties, speaks with **GlobeSt.com** about the current retail market.

GlobeSt.com: What kinds of successful retail do you see in the current

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BH Expands MF Portfolio

PHOENIX—BH Properties, a Los Angeles-based firm that specializes in acquiring and repositioning challenged or distressed real estate properties, has purchased the Papago Crossing apartments for $8.1 million. The move further advances the firm's investment strategy in the region.

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Ringing up Success in the Retail Market

LAS VEGAS-BH Properties continues to build on its successful value-add retail growth strategy, and in this EXCLUSIVE video interview, EVP Steve Jaffe explains his vision for the future.

marketplace?

Jaffe: It's the high end retail. At the top end of the pole, the experiential retail has been successful. It caters to shoppers with entertainment and common areas, places for children to play. These are places where people may not even shop, but just hang out all day. I would cite as an example the Caruso's Farmer's Market in Los Angeles and The Americana. These are open air spaces that answer to people's needs to just be with other people. They are clean, very well maintained and very well occupied. They speak to the customers' needs. They cost a lot of money to build and not a lot of people can afford to build them.

GlobeSt.com: Where does that leave traditional regional malls?

Jaffe: I do not see a future in regional malls.

GlobeSt.com: What about the other end of the spectrum, the service-based retail center?

Jaffe: At the other end, the service-based retail center's goals have changed a bit as people's habits have evolved—via the internet. There is still a need for services that are more local like groceries and dry cleaning, for example. The challenge is dominated by the mom and pop stores being hit hard during the recession. But those are the types of properties BH is interested in. We find properties that are well located and based on serving the day-to-day or weekly needs of customers and that cannot be replicated by the internet. This is what we found in Gilbert Town Center purchased a few months ago. But it has more of that open air feel similar to a higher end retail center. We plan to upgrade the property and incorporate concepts to make the community feel more invested in the property. It's the perfect time to invigorate it as Gilbert undergoes its resurgence.

GlobeSt.com: Speaking of e-commerce, what is your take on that?

Jaffe: Some retail outlets have embraced it to great effect. Other big box operators have been more challenged. I think some have downsized their stores into fewer grand showrooms. Restoration Hardware is an example that comes to mind. It's a beautiful, three-story showroom and the employees are right there to help you order off an iPad. They are still internet and catalog driven.

GlobeSt.com: And at the other end of the spectrum, here in Phoenix we've seen quite a few strip malls with deferred maintenance issues. Do you see any answers there?

Jaffe: It all comes down to economics, management and vision. At some level there are properties that have suffered as a result of the downturn. At the cost of property owners, it was hard to react. Do they cut rents? How soon do they work with tenants? And at some point they stop putting money into the property and start losing tenants. Then the property goes back to the bank. Hopefully then the property can be purchased at a point where the owner can take care of the capital needs of the property. Some of these properties will not rebound until the market fully recovers. Unfortunately some properties are beyond help at this point and other uses will have to be considered.

BH Propertied holds 23 Arizona properties comprised of multifamily and industrial, and three of them retail. The company is looking to expand its Arizona portfolio. View an exclusive video interview with Steve Jaffe here on GlobeSt.com.

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BH Properties acquires and repositions underperforming properties that typically have significant vacancy or negative cash flow. As a respected leader for 20 years in this particular asset class, BH Properties works expertly through a trusted network of broker relationships to identify key properties in targeted markets, closing quickly on an all-cash basis, enabling both BH Properties and each seller to meet their respective goals. In 2014, in addition to the firm's continued focus on growth in the Southwest, BH Properties will continue its distinct investment strategies in their core markets of California, Nevada, Utah, Colorado and Texas.

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Property Type Outlook

"If you are a long-term investor, the industrial sector just keeps doing better, even if it's not glamorous."

Healing Properties

Survey results and interviews with industry participants note growth in demand sufficient to improve fundamentals in 2014, opening up investment and development opportunities even with the prospect of increasing interest rates. The ability of the U.S. commercial real estate market will improve across the full spectrum of property types.

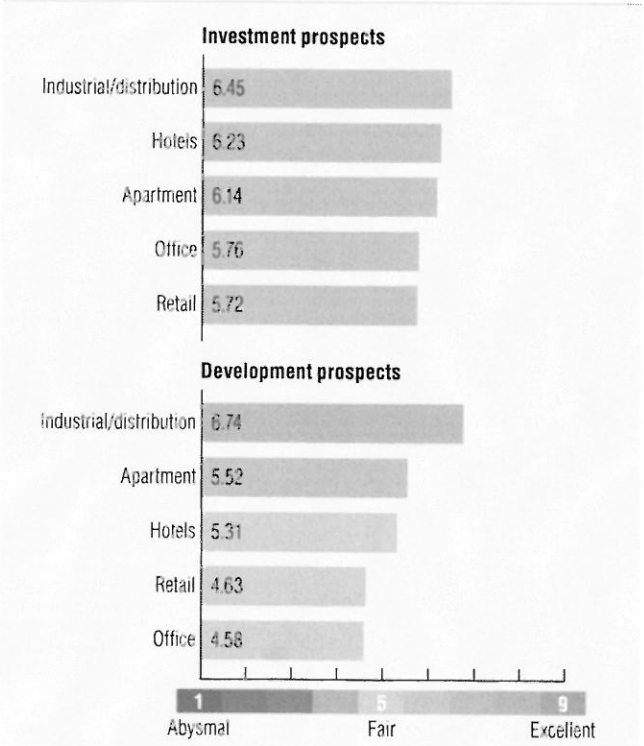
"Overall, we're in the fifth inning," says a commercial banker, "but it feels like this cycle is happening much faster than the last cycle." And millennials are leaving their imprint on almost every sector. In addition to urban rental housing and more collaborative office configurations, "Technology demand for the millennials has been a game-changer, and this has positively impacted the retail and industrial sectors," says a real estate investment adviser.

The industrial and distribution sector leads the way for both investment and development prospects in 2014, according to *Emerging Trends* survey respondents, with expected prospects rising to almost the same level as the apartment sector last year. "If you are a long-term investor, the industrial sector just keeps doing well, even if it's not glamorous," says an industrial real estate investor.

Hotels are a strong second to industrial and distribution investment prospects. Development prospects for hotels are expected to strengthen but remain third in the overall rankings. As a real estate adviser notes, "Hotels continue to do well primarily because not many are being built, and demand is coming back from [an increase in] business travel and tourism."

Apartment development prospects are expected to decline significantly in 2014 over 2013, according to the ratings provided

EXHIBIT 4-1
Prospects for Major Commercial Property Types in 2014



Source: *Emerging Trends in Real Estate 2014* survey.
Note: Based on U.S. respondents only.

by survey respondents but remain second to the industrial and distribution sector. "The peak of supply is coming next year," says a mortgage banker. Apartment investment prospects are expected to slip and are ranked third behind the industrial and distribution and hotel sectors.

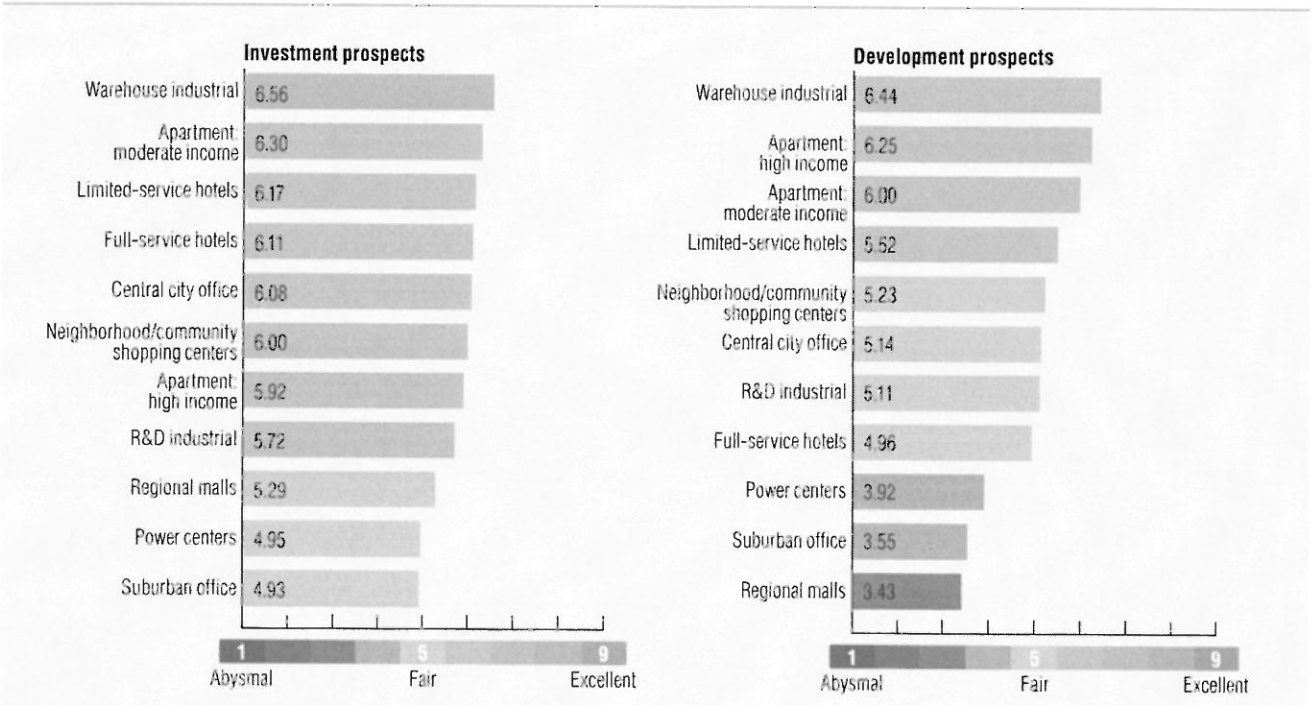
As job growth continues, activity in the retail and office sectors is expected to step up with development prospects in both sectors strengthening noticeably, although, in relative terms, they remain the lowest-rated sectors. "The retail store is not going away. But its place in the whole mix has changed and will continue to evolve," declares a shopping center developer. Investment prospects are not expected to change much, with the retail sector improving modestly and office investment prospects just inching up.

Housing prospects for almost all residential property types showed at least moderate improvement in this year's survey, with strong jumps in expected prospects for single-family moderate- and high-income housing. The attraction of urbanization is again reflected in the high rating received by infill and intown housing. This perennial first-place choice for best prospects is followed by seniors' housing and the single-family sector. Even condominiums and second/leisure homes made great strides in improved prospects, although they remain among the lower-rated housing types.

Respondents expect cap rates to move up slightly by the end of 2014. Warehousing and research and development (R&D) industrial are the only property types for which respondents don't expect to see much of an increase in expected cap rates.

EXHIBIT 4-2

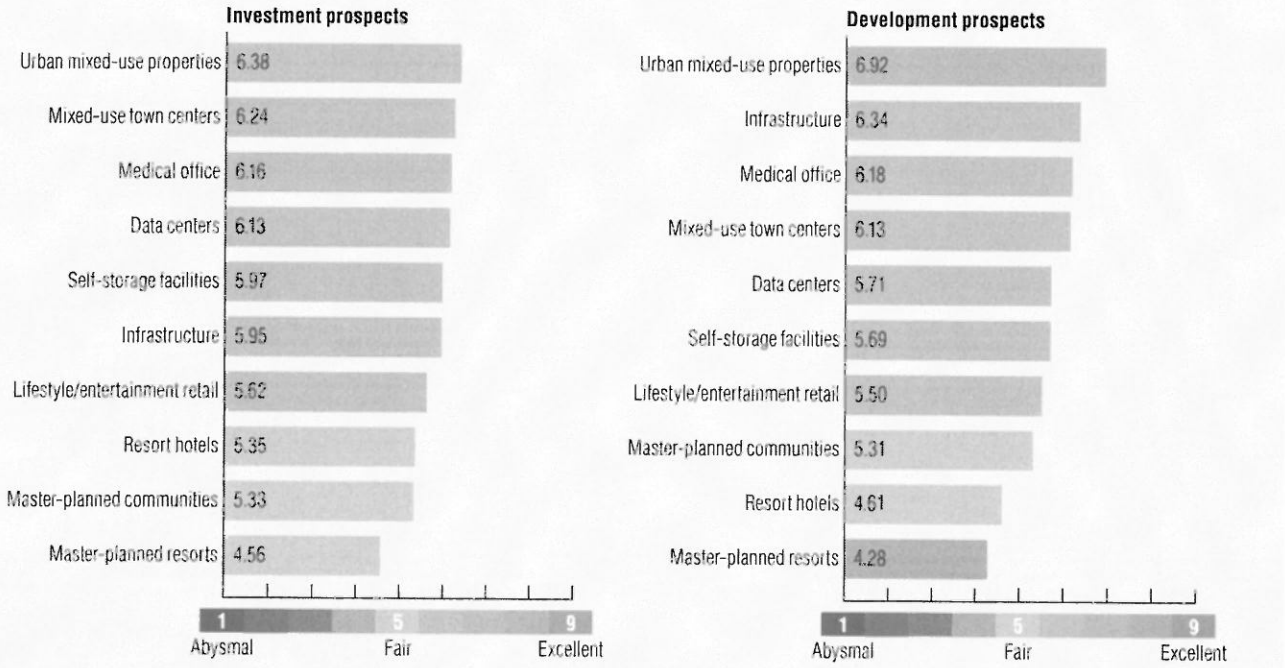
Prospects for Commercial/Multifamily Subsectors in 2014



Source: *Emerging Trends in Real Estate 2014* survey.
Note: Based on U.S. respondents only.

EXHIBIT 4-3

Prospects for Niche and Multiuse Property Types in 2014



Source: *Emerging Trends in Real Estate 2014* survey.
Note: Based on U.S. respondents only.

Industrial

Industrial real estate will get a boost in 2014 as the U.S. economy continues to improve and as retailers and manufacturers have made the shortening of the supply chain their top priority for the foreseeable future.

Warehousing stands out as the strongest prospect in both investment and development in 2014—not only among industrial subsectors and niche markets, but across all types of subsectors and niche markets. (Only development prospects for urban mixed-use properties are rated more highly.) Warehousing is a clear favorite when survey respondents recommended action: this subsector received the most "buy" recommendations of all sectors—almost 64 percent of survey respondents made this recommendation, with 27 percent saying "hold" current assets and less than 10 percent recommending "sell."

The strength of warehousing reflects the expanding influence of e-commerce distribution networks. For online retailers, this means building vast fulfillment centers near major cities to compete for same-day delivery capacity. "Electronic retailing is impacting the whole distribution program. Facilities are being built to enable same-day delivery—huge buildings, fulfillment centers in areas where we've never seen warehouses before," says a logistics executive.

Investment and development prospects for the R&D industrial subsector, though not among the top rated, nonetheless are expected to improve, likely fueled by growth in the medical and technology fields. Respondents were more cautious about the prospects for this subsector, with only 36 percent making a "buy" recommendation.

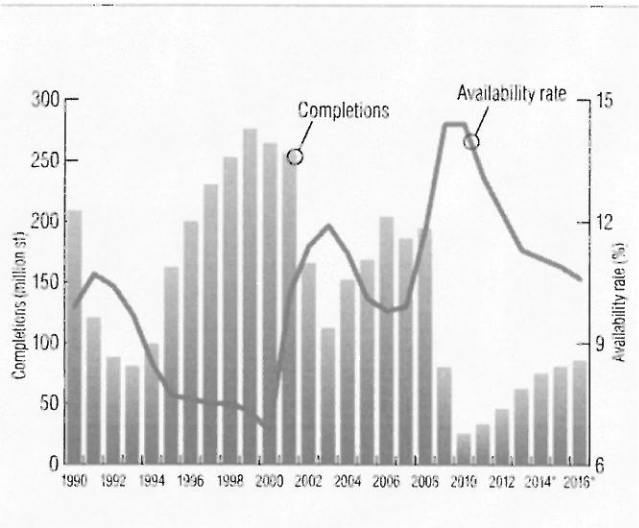
Self-storage and data centers also are expected to improve for both investment and development. Says one investment adviser, "Three years ago, no one would touch a self-storage property. Now, self-storage is one of the darling property types. That is really because investors have chewed down other types of properties." Another adviser observes, "Self-storage is doing well, partly because of the recession, when people had to move out and put their stuff somewhere."

In making buy/hold/sell recommendations for the total industrial sector by metropolitan area, respondents put Miami at the top of the list, with over 60 percent of respondents rating the city as a "buy." The next top four industrial markets—Houston, Seattle, Los Angeles, and Dallas—are all global distribution hubs with healthy local economies.

The Return of Manufacturing

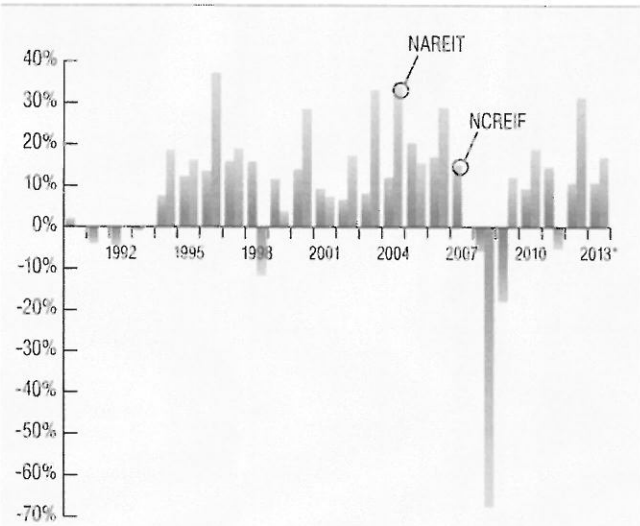
Industrial space in general will also benefit from the shortening of supply networks through the "reshoring" of factories to the United States and the elimination of a long supply chain across the Pacific Ocean, for example, which many companies have concluded is no longer worthwhile as labor costs in China rise. "Manufacturing is coming back to the U.S., and it's coming back faster than we thought. Back in 2011, no one thought we would see anything until 2015. Now, we are seeing dozens of

EXHIBIT 4-4
U.S. Industrial Completions and Availability Rates



Source: CBRE Econometric Advisors.
*Forecasts.

EXHIBIT 4-5
U.S. Industrial Property Total Returns

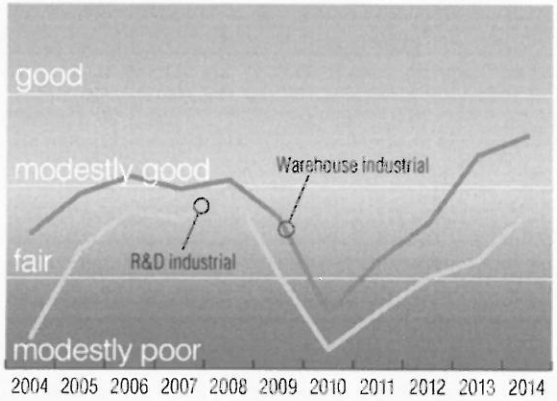


Sources: NCREIF, NAREIT.
*Data as of June 28, 2013.

companies moving back to the U.S. because the economics are shifting," says a labor economist. "A key driver of this trend is that labor costs in China are rising, with wages increasing by about 15 to 20 percent a year and the steady appreciation of the Chinese yuan against the dollar. Manufacturers are seeing very long supply chains, and there are increasing concerns about intellectual property. They were willing to accept all that before, but no longer because there's less of an advantage in labor costs."

EXHIBIT 4-6

Industrial/Distribution Investment Prospect Trends



Source: *Emerging Trends in Real Estate* surveys.

U.S. warehouse industrial

2014	Prospects	Rating	Ranking
Investment prospects	6.56	Good	1st
Development prospects	6.44	Modestly good	1st

Buy	Hold	Sell
63.5%	26.9%	9.6%

Expected capitalization rate, December 2014 6.7%

U.S. R&D industrial

2014	Prospects	Rating	Ranking
Investment prospects	5.72	Modestly good	8th
Development prospects	5.11	Fair	7th

Buy	Hold	Sell
36.0%	41.6%	22.4%

Expected capitalization rate, December 2014 7.5%

Source: *Emerging Trends in Real Estate 2014* survey.
Note: Based on U.S. respondents only.

New factories are also opening up in some surprising locations—and in some unexpected industries. In January 2013, a semiconductor manufacturer announced plans to build a facility in Saratoga County, New York, to support technology development and manufacturing activities. And it's not just American manufacturers that are looking to shorten their supply chain. In June 2013, an Asian computer producer opened a personal-computer assembly plant in Whistett, North Carolina. Low U.S. energy costs are fueling this trend as well.

Upcoming: The Panama Canal

Finally, in anticipation of the opening of the Panama Canal expansion in 2015, "ports along the East and West Gulf coasts are all reacting, trying to make themselves ports of call for the much bigger ships that will be able to get through the canal," says an industry association executive. Intermodal rail and trucking companies that serve those ports are also investing. By 2014, this interviewee expects to see "some impact on warehouse and factory location, and more so once the canal reopens in 2015."

Hotels

The trajectory of the hotel sector is favorable, especially for limited-service hotels. Some interviewees even say that hotels are "almost back to peak levels," or are seeing "tremendous activity." In the 2014 *Emerging Trends* survey, both limited-service and full-service hotels moved up in investment ranking among the commercial and multifamily subsectors to third and fourth place, respectively, just behind warehousing and moderate-income apartments. This boost parallels the nation's economic recovery, and as travel increases the hospitality industry will continue to expand and benefit from the increased demand. This sustained recovery is likely to come in part from "corporate travel—the bread and butter of the industry," according to a manager of a portfolio of hotels.

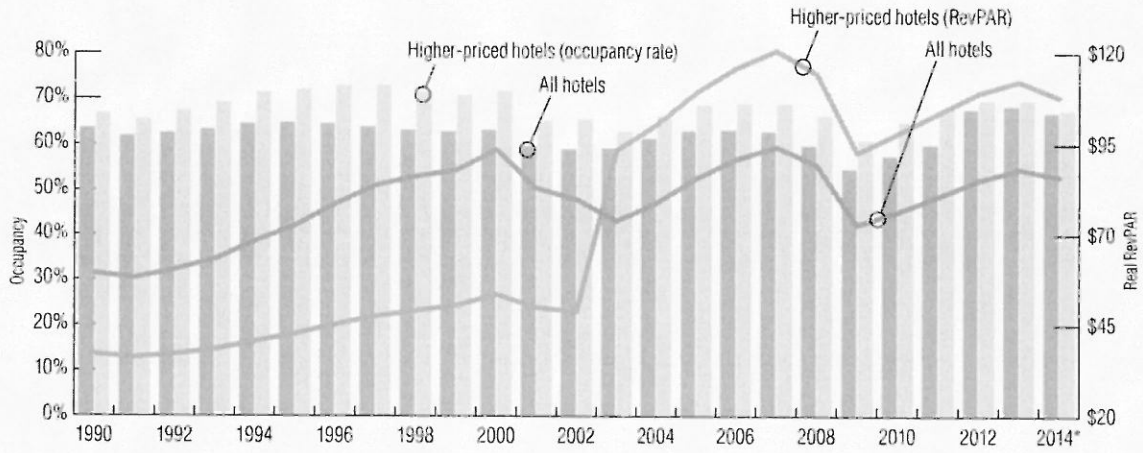
Limited-service hotels are expected to perform better than their full-service counterparts. As one fund manager opines, "High-quality 'select-service' hotel brands where the interior design, look, touch, and feel tend to mimic full-service hotels will continue to proliferate." Conversely, there will be "a continued dramatic decline in development of new classic 'full-service' hotels," asserts a financial adviser specializing in commercial real estate. "Some of the higher-end hotels [and] resorts will suffer due to lower levels of discretionary spending." However, brands will adapt to consumer needs "by providing an 'experience' that customers are willing to pay for," states the president of a luxury hotel firm.

Another concern is that although "the sector is performing well, it is likely that growth is slowing and the upside will be limited in the future," according to an investor. A hospitality company's chief executive officer remarked that supply may come back more quickly than demand, and "new hotels in high-performing markets can really hurt the market." Other worries are a rise in interest costs and regulation. Ultimately, however, in the words of a fund manager, "In an environment of an improving economy, there is more demand for offices, hotels, self-storage, etc., so you get an improvement in both volumes and pricing," offsetting potential issues.

With 48 percent of survey respondents making a "buy" recommendation on limited-service hotels, this subsector ranks second to warehousing, although, unlike in the warehousing sector, the remaining recommendations are almost equally split between "hold" and "sell." Forty-one percent made a "buy" recommendation for full-service hotels.

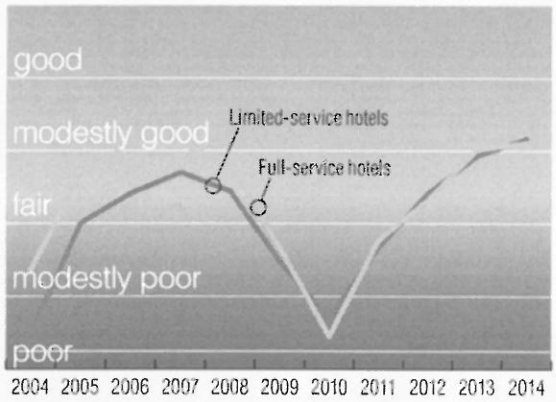
Recommendations for the total hospitality sector by metro area put Miami at the top of the list, up from fifth place last year, with 57 percent of respondents rating the city as a "buy." San Francisco and New York City follow, with Houston in fourth place for "buy" recommendations. Houston moved up from tenth place last year and the percentage of respondents recommending "buy" increased from 30 percent to 50 percent. Boston is in fifth place.

EXHIBIT 4-7
U.S. Hotel Occupancy Rates and RevPAR



Sources: Smith Travel Research, PwC LLP.
*Forecast.

EXHIBIT 4-8
Hotel Investment Prospect Trends



Source: *Emerging Trends in Real Estate* surveys.

U.S. hotels: limited service

2014	Prospects	Rating	Ranking
Investment prospects	6.17	Modestly good	3rd
Development prospects	5.52	Fair	4th

Buy	Hold	Sell
48.1%	28.6%	23.4%

Expected capitalization rate, December 2014 8.3%

U.S. hotels: full service

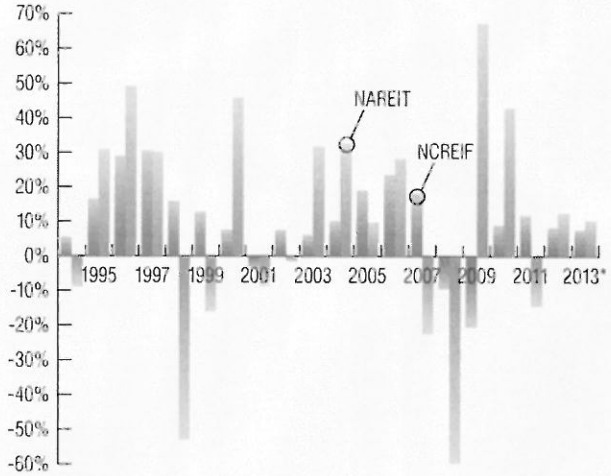
2014	Prospects	Rating	Ranking
Investment prospects	6.11	Modestly good	5th
Development prospects	4.96	Fair	6th

Buy	Hold	Sell
40.8%	36.8%	22.4%

Expected capitalization rate, December 2014 7.5%

Source: *Emerging Trends in Real Estate 2014* survey.
Note: Based on U.S. respondents only.

EXHIBIT 4-9
U.S. Hotel/Lodging Property Total Returns



Sources: NCREIF, NAREIT.
*Data as of June 28, 2013.

Moderate- and high-income apartment development prospects, as well as moderate-income investment prospects, remain among the strongest of all sectors rated for 2014 by the *Emerging Trends* survey respondents. But, unlike last year, when apartment prospects outshone the prospects of all other sectors, these apartment ratings are slightly lower this year, placing them behind warehousing. And investment prospects for high-income apartments are lower than those for a wide range of commercial subsectors.

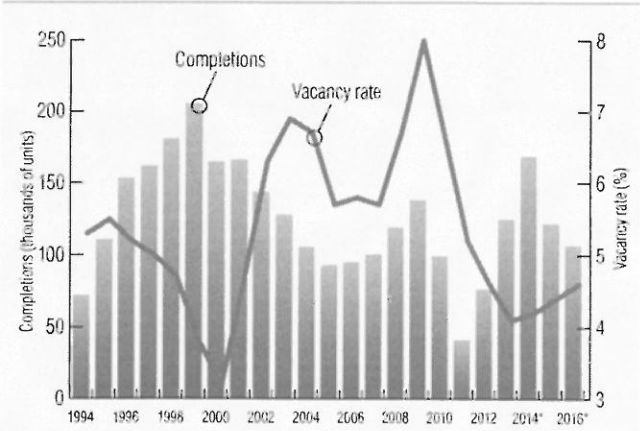
The declining appetite for investing in high-income apartments is reflected, in part, in the sharp drop in "buy" recommendations from 44 percent in 2013 to 21 percent in 2014. Moderate-income apartments show their strength with an increase in "buy" recommendations for 2014 over 2013—38 percent versus 28 percent, respectively.

Does New Supply Pose a Risk?

Many interviewees expressed a sentiment similar to the one expressed by a real estate analyst who said that apartments will be "fully supplied, not oversupplied" in 2014. The apartment sector may "flirt with overbuilding, but this industry can lay off the gas pedal fairly quickly." Even with a strengthening of the single-family housing market, many interviewees are optimistic that multifamily will adjust appropriately.

That's not to say there won't be isolated pockets of overbuilding, particularly in the luxury market. "The peak of supply is coming this year and next year," says a REIT executive. "Then what happens? If interest rates move up, can we get the rent to justify new supply? At some point, if costs are going up, how much farther can we push the rents?"

EXHIBIT 4-10
U.S. Multifamily Completions and Vacancy Rates



Source: REIS
*Forecast.

Overall, even with a slight uptick in vacancy rates projected as additional units come on the market, rates are projected to remain relatively low in 2014 and for even several years beyond, according to REIS.

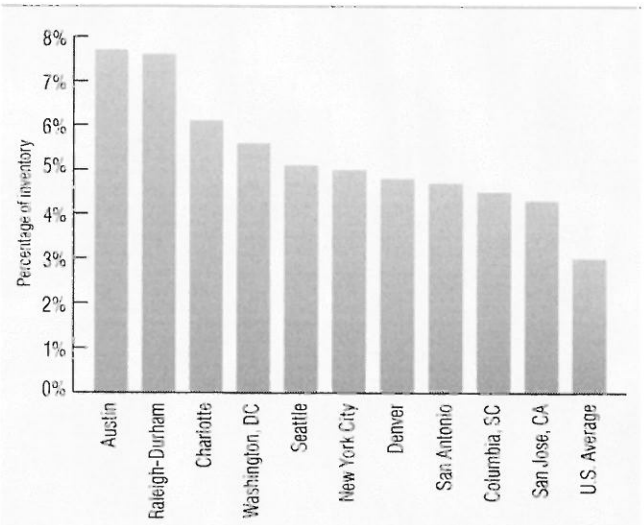
Multiple Sources of Demand

Millennials (or 'gen Yers'), who show a preference for living in a walkable, urban area, regardless of the size of the city where they live, will continue as a strong source of demand. They are less likely to buy their own homes, according to *America in 2013: A ULI Survey of Views on Housing, Transportation, and Community.* Drawing from a statistically representative sample, the study indicates that 54 percent of gen Yers rented their primary residence in 2013, compared with 32 percent of all adults in the United States. Of those gen Yers who are very likely to move within five years, 69 percent expect to rent, compared with 25 percent of all adults.

At the same time, baby boomers are selling their houses to rent apartments within walking distance of downtown areas or moving into centers for active seniors. "There is a growing demand for projects that target residents who are 55 and older. They want high 'walk scores' and access to entertainment, amenities, and quality health care," says the CEO of a commercial real estate firm.

At the lower end of the age spectrum, some investors favor student housing "because it is not cyclical," says an institutional real estate adviser. "Because most colleges no longer build new dorms, the sector will remain strong."

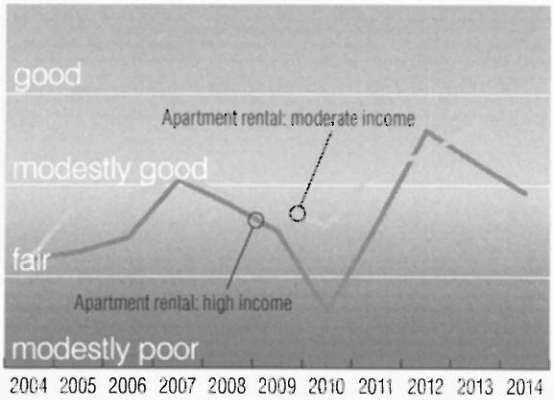
EXHIBIT 4-11
Multifamily Units under Construction



Source: Reis
*Data as of June 30, 2013

EXHIBIT 4-12

Apartment Investment Prospect Trends



Source: *Emerging Trends in Real Estate* surveys.

U.S. high-income apartments

2014	Prospects	Rating	Ranking
Investment prospects	5.92	Modestly good	7th
Development prospects	6.25	Modestly good	2nd

Buy	Hold	Sell
21.3%	35.2%	43.5%

Expected capitalization rate, December 2014 5.4%

U.S. moderate-income apartments

2014	Prospects	Rating	Ranking
Investment prospects	6.30	Modestly good	2nd
Development prospects	6.00	Modestly good	3rd

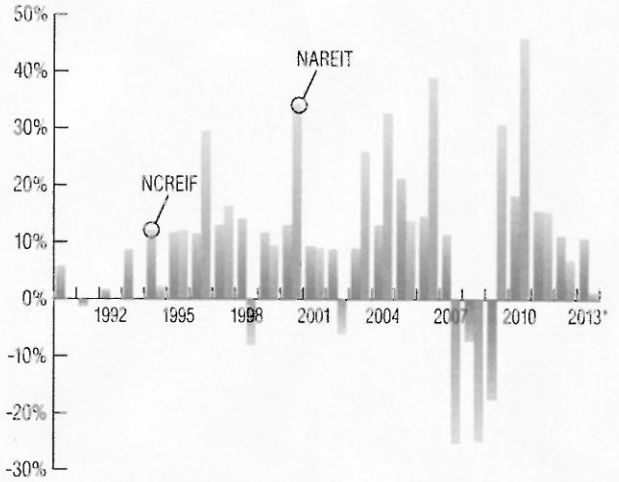
Buy	Hold	Sell
37.6%	34.3%	28.1%

Expected capitalization rate, December 2014 6.2%

Source: *Emerging Trends in Real Estate 2014* survey.
Note: Based on U.S. respondents only.

EXHIBIT 4-13

U.S. Apartment Property Total Returns



Sources: NCREIF, NAREIT.
*Data as of June 28, 2013.

Retail

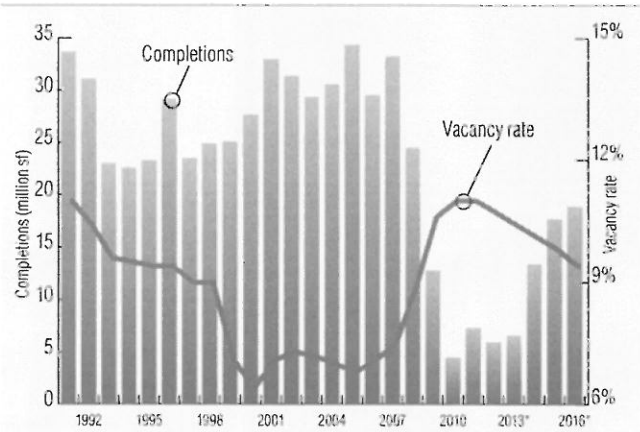
"Retail has been slower to rebound than other property types," explains a commercial banker, and a real estate adviser adds, "With improved GDP and steady employment growth, 2014 marks the first time that retailers are expanding."

Because of increased levels of e-commerce, retail is expected to become leaner in the future. "Technology is enabling merchants to get by with much less inventory, [which] means they need less space," a real estate service provider points out. "At the other end of the supply chain, the buyer's journey [has] changed a lot." As a result, "Retailers continue to rethink size requirements," says the CEO of an investment firm. Less square footage per site and the gradual decline of big-box stores is where many interviewees predict retail is headed in the near future. One investor believes, "The need for big department stores is declining, and the end of their world may occur in five years."

On the other hand, a shopping center developer notes that while "retailers are running out of opportunities in suburbs, urban environments [retail alone or with residential on top] will continue to be attractive." Multiple firms are "seeing [the] millennial generation focusing on urbanism, plus a combination of private developers and government programs [is] pursuing the redevelopment of infill locations," according to the president of a retail REIT. Prospects for mixed-use urban developments are high, tied as they are to these changing demographics. One shopping center owner further observes, "The path of growth for retail is no longer out toward the suburbs. Everyone is looking to move back into the city and to find an adaptable business model that can tap this underserved segment." In fact, urban mixed-use properties were a clear favorite among survey respondents, who rated this sector the highest of all sectors for expected development prospects in 2014. Prospects for investment in urban mixed-use properties were expected to be almost as strong.

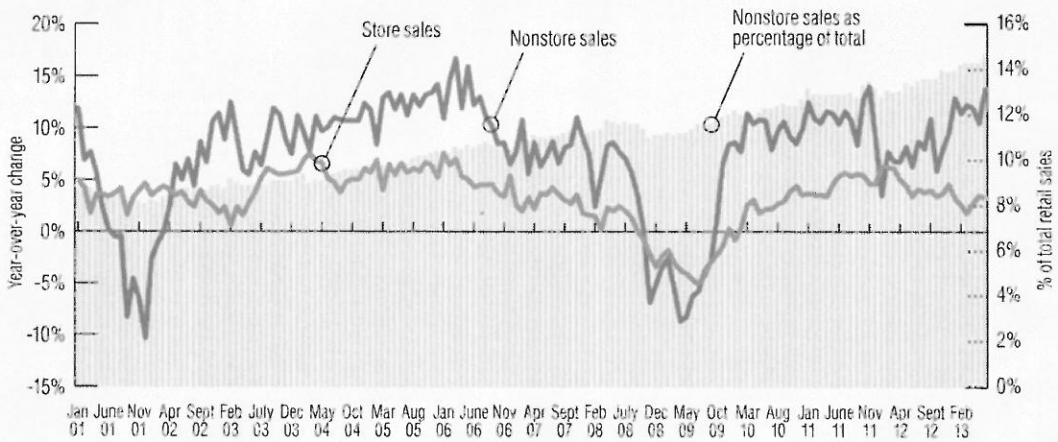
In addition, "High-end is holding up well," says an investment manager. This submarket is profiting because of its low probability of substitution with other mediums as well as location of this type of retail in entertainment districts. However, the middle range is suffering, as it is "most susceptible to internet competition."

EXHIBIT 4-15
U.S. Retail Completions and Vacancy Rates



Source: REIS.
*Forecast.

EXHIBIT 4-14
Retail Sales: Year-over-Year Change



Source: U.S. Census Bureau.

"Overall, retail is showing itself to be resourceful and is bouncing back," concludes a shopping center owner, reiterating a sentiment shared by multiple interviewees. "Consumer confidence is increasing," notes a banker, and retail—especially in urban infill areas—is expected to improve along with it.

Neighborhood/community shopping centers were the most highly rated among retail sectors for investment prospects, rising slightly from last year's rating. Close to 50 percent of respondents recommended "buy" for this sector, as compared with only 18 percent who recommended "buy" for power centers. Development prospects for neighborhood/community shopping centers stepped up but remain just fair.

Some interviewees see what they describe as a long-needed renovation of shopping malls that lost tenants during the recession and are now in the process of being spruced up. "Retail needed that in the worst way," says a fund manager.

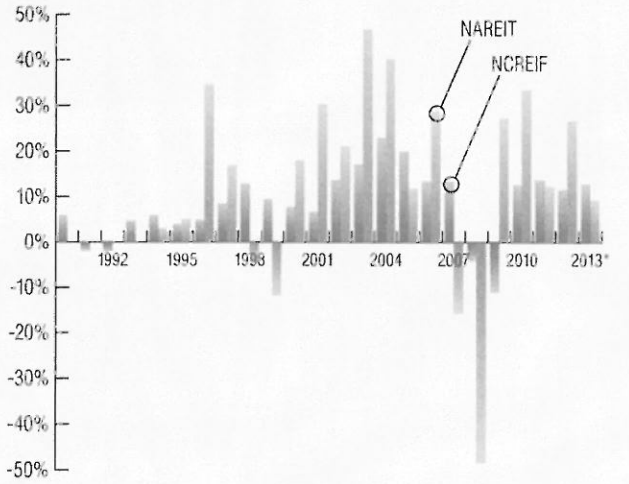
The Online Challenge

To adjust to the increase in online shoppers, retailers are looking at a variety of approaches ranging from using stores more as showrooms to using them as quasi–distribution centers. "Brick-and-mortar" retail will continue to converge with online shopping as all retailers become progressively drawn into competition with Amazon to deliver goods to customers on the same day they are ordered. Stores will increasingly fill online orders from their own shelves, effectively blurring the line between retail and warehouse space.

"We will see more subtle, if not more dramatic, ways in which retailers use real estate to facilitate a bichannel approach to retail to adapt to an economy that has a large percentage of its commerce going on over the internet. While one retailer decreases its footprint from 14,000 to 9,000 [square] feet, another opens up more distribution warehouses for same-day delivery. Those lines are converging," says a logistics executive.

EXHIBIT 4-16

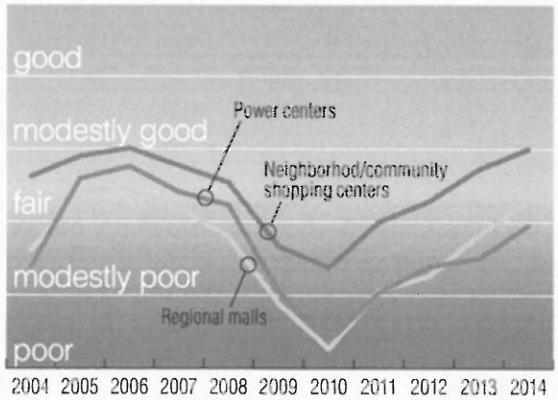
U.S. Retail Property Total Returns



Sources: NCREIF, NAREIT.
*Data as of June 28, 2013.

EXHIBIT 4-17

Retail Investment Prospect Trends



Source: *Emerging Trends in Real Estate* surveys.

U.S. neighborhood/community centers

2014	Prospects	Rating	Ranking
Investment prospects	6.00	Modestly good	6th
Development prospects	5.23	Fair	5th

Buy	Hold	Sell
47.1%	35.8%	17.1%

Expected capitalization rate, December 2014 6.9%

U.S. power centers

2014	Prospects	Rating	Ranking
Investment prospects	4.95	Fair	10th
Development prospects	3.92	Modestly poor	9th

Buy	Hold	Sell
18.0%	42.7%	39.3%

Expected capitalization rate, December 2014 7.3%

U.S. regional malls

2014	Prospects	Rating	Ranking
Investment prospects	5.29	Fair	9th
Development prospects	3.43	Poor	11th

Buy	Hold	Sell
20.0%	52.6%	27.4%

Expected capitalization rate, December 2014 6.2%

Source: *Emerging Trends in Real Estate 2014* survey.
Note: Based on U.S. respondents only.

Office

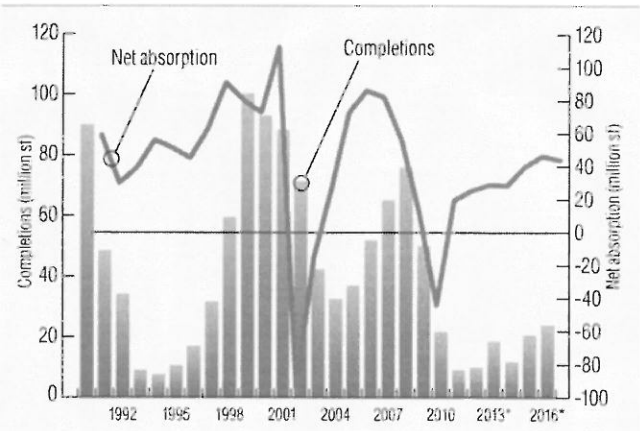
Perhaps more than any other property type, office space will struggle to find pockets of new demand in 2014. In the *Emerging Trends* survey, respondents continue to rate central city offices among the better sectors for investment but only fair for development; suburban office is the lowest rated of all sectors for investment and among the lowest for development.

Still, some *Emerging Trends* survey respondents see potential for office space in general in 2014, with 42 percent of them rating the central city office sector as a "buy" and 30 percent rating suburban office as a "buy." Boston still tops the survey, but none of the five cities immediately following is among the half-dozen cities that have dominated office space in recent years. Four of them—Houston, San Diego, Seattle, and Denver—derive their economic growth from technology or energy. Phoenix, which is also in the top five, may well be considered a recovery play.

Efficiency in Demand

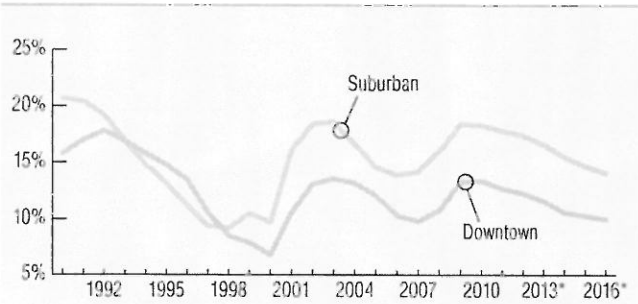
Companies are learning to get by with fewer employees while taking up less space per employee as they allow more employees to work at home and squeeze others into denser office layouts. "There is this constant trend to get more productivity and efficiency out of office space. It will lead to a slower tightening of the office market," says a leasing broker. "We are seeing more people being put in less space than ever." A case in point is a new office building that is under construction in Boston that is designed for nine people per 1,000 square feet. "That is unbelievable density," says an institutional investment adviser who is familiar with the project. "The highest [density] I have ever heard was five people per 1,000 square feet."

EXHIBIT 4-18
U.S. Office New Supply and Net Absorption



Source: CBRE Econometric Advisors.
*Forecast.

EXHIBIT 4-19
U.S. Office Vacancy Rates



Sources: CBRE Econometric Advisors.
*Forecast.

The pressure of densification on the office market will have sobering implications for rents in 2014. "Some of the larger corporate occupiers are rolling over leases, with more employees than when they originally signed the lease. So they are able to keep the same amount of space at less space per employee, increase the number of employees, and therefore become more efficient. So it is not that they are spending less money. They are just increasing density and improving their efficiencies and lowering their cost per employee," says a real estate service provider.

"Companies have some reluctance about making permanent hires. Companies want to remain short so they can adjust and use contractors, temporary employees, and part-time employees. It may stunt growth in jobs overall. The cost of health care is the number-one reason," says a real estate investment adviser. Office workers can work at home "because of what the smartphone has done. It lets you work out of the house," says a developer.

Yet, office space will still fare better in 2014 than its reputation would lead one to believe. One factor working to the advantage of the sector is that it did not build into oversupply. "In office space, bankers and developers have not allocated that money toward speculative office development, which we think is very constructive. We are glad to see that level of discipline. Given that job growth is still suffocated, we would not expect there to be a sea change in the volume of speculative development starting any time in the near term. Maybe in deliberate small doses, but not a sea change," explains a commercial developer and property manager.

In addition to workspace efficiencies, an office developer notes that "there will continue to be a relentless pursuit of more efficiency in utilities, quality of mechanical systems, and LEED certification. It is just a matter of time before the same thing happens with LEED that happened with ADA requirements, which used to be voluntary. But now you can't get a building permit

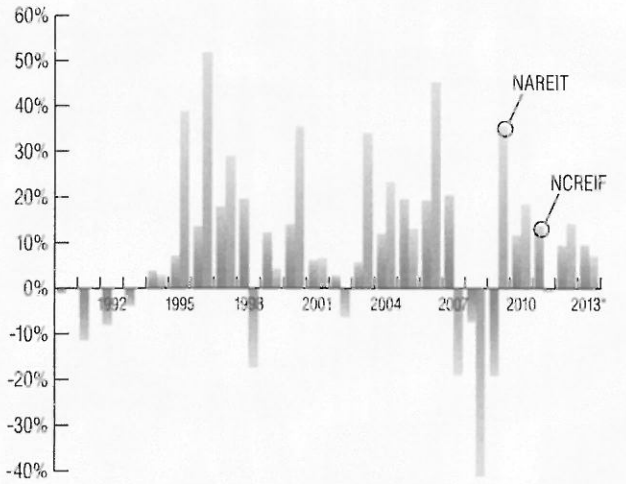
without meeting those criteria. We will migrate toward 'not a choice anymore,' " says an office developer.

Secondary Market Attractiveness

In secondary and tertiary markets, where many of the new investments will be made in 2014 by investors with an increasing appetite for risk, densification will not be as high on the agenda of developers as in first-tier markets. "In bigger markets where rents, cost of business, and cost of living are higher, there is tremendous pressure for more densification in office space. In a mid-tier market, you don't save much at all if you save 20 percent on $25 per square foot versus 20 percent of $85 per square foot in New York." In smaller markets where office workers tend to drive to work, office buildings are required to provide enough parking spaces for them. That poses a limit on the extent to which an office building can densify—leading to a potential lack of parking space—as one developer explains.

As banks ease lending requirements and become more amenable to construction and development loans, office space will expand in some surprising markets. "Some of the strongest markets in the Southeast will be Greenville, Charleston, Charlotte, Raleigh, Birmingham, Nashville, and even Chattanooga. Spec industrial and office development is now feasible in certain markets. Office rents in Greenville are now around $27 to $28 per square foot—the first time they have reached these levels. With low vacancies, these rates can now justify new construction in downtown locations," says a commercial real estate developer.

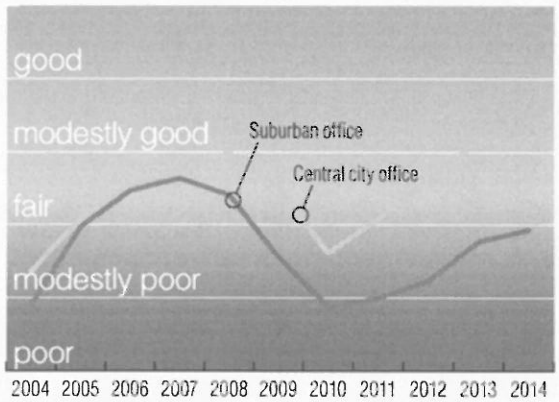
EXHIBIT 4-20
U.S. Office Property Total Returns



Sources: NCREIF, NAREIT.
*Data as of June 28, 2013.

Raleigh, for example, is seeing the creation of 12,000 jobs a year, which local developers point out is only half the rate they saw before the recession. Yet many of the jobs are high-quality ones at financial services firms and technology companies. "The Class A office market has tightened," says a developer in Raleigh. "There are not many available blocks of space. Everybody who could move up has done so. The B Class space is still available, and we are finally starting to see that market tighten up. Rents are back up. We are starting to see a real rebound of well-located office properties. But the far-range suburbs are still struggling."

EXHIBIT 4-21
Office Investment Prospect Trends



Source: *Emerging Trends in Real Estate* surveys.

U.S. central city office

2014	Prospects	Rating	Ranking
Investment prospects	6.08	Modestly good	5th
Development prospects	5.14	Fair	6th

Buy	Hold	Sell
41.5%	19.9%	38.7%

Expected capitalization rate, December 2014 6.4%

U.S. suburban office

2014	Prospects	Rating	Ranking
Investment prospects	4.93	Fair	11th
Development prospects	3.55	Modestly poor	10th

Buy	Hold	Sell
30.0%	35.5%	34.5%

Expected capitalization rate, December 2014 7.8%

Source: *Emerging Trends in Real Estate 2014* survey.
Note: Based on U.S. respondents only.

TAB

2

August 6, 2013

Fast Food Still Major Part of U.S. Diet

Most Americans believe fast food is not "good for you"

by Andrew Dugan

WASHINGTON, D.C. -- Eight in 10 Americans report eating at fast-food restaurants at least monthly, with almost half saying they eat fast food at least weekly. Only 4% say they never eat at fast-food restaurants. But slightly fewer Americans eat fast food weekly now than did so in 2006, when Gallup last asked about it.

How often, if ever, do you eat at fast food restaurants, including drive-thru, take-out, and sitting down in the restaurant -- every day, several times a week, about once a week, once or twice a month, a few times a year, or never?

	Every day	Several times a week	About once a week	Once or twice a month	A few times a year	Never
	%	%	%	%	%	%
Jul 20-14, 2013	3	16	28	33	15	4
Dec 8-10, 2006	3	20	33	25	15	4
Jul 7-9, 2003	4	17	31	30	13	5

GALLUP

These findings come from Gallup's annual Consumption poll, conducted July 10-14, 2013, and seem to suggest that many Americans are reducing, but not totally eliminating, their fast-food intake.

Fast food has long been a staple of many Americans' diets, but widespread concerns related to the nutritional value of the food linger. On that point, 76% in the U.S. think the food served in fast-food restaurants is "not too good" or "not good at all for you," the same percentage who said so in 2003.

Twenty-eight percent say the food is "not good at all for you." Fewer, 20%, believe food purchased at fast-food restaurants is "fairly good for you," while 2% say it is "very good for you."

Overall, do you think that most of the food served in fast food restaurants is very good for you, fairly good for you, not too good for you, or not good at all for you?

	Very good	Fairly good	Not too good	Not good at all
	%	%	%	%
Jul 10-14, 2013	2	20	48	28
Jul 7-9, 2003	1	22	53	23

GALLUP

Young Eat Fast Food Most Often; Low-Income Individuals, the Least

Young adults -- those aged 18 to 29 -- eat fast food most often, with 57% saying they do so at least weekly. Fast-food consumption declines with age; the percentage who say they eat it at least weekly drops to 47% for those aged 30 to 49, 44% for those aged 50 to 64, and 41% among those aged 65 and older.

Men are more likely than women to eat fast food at least weekly -- 53% vs. 42%. Men aged 18 to 49 in particular eat fast food at least weekly, at 57%.

Across racial and ethnic groups, blacks and Hispanics eat fast food most often, with 52% and 53%, respectively, eating it at least weekly. Less than half of non-Hispanic whites (46%) by comparison dine on fast food at least weekly.

Frequency of Eating Fast Food, Among Select Groups

	At least weekly %	Once or twice a month %	A few times a year or never %
18 to 29 years old	57	33	8
Men	53	31	15
Hispanics	53	27	16
Blacks	52	37	11
Annual income $75,000 or more	51	28	21
Annual income $30,000 to $49,999	51	32	15
Annual income $50,000 to $74,999	50	32	18
30 to 49 years old	47	33	21
Non-Hispanic whites	46	33	21
50 to 64 years old	44	33	23
Women	42	34	23
Annual income $20,000 to $29,999	42	42	16
65 years and older	41	32	26
Annual income less than $20,000	39	36	23

July 10-14, 2013

GALLUP

Fast food is typically low in cost, which is part of its appeal to many Americans. But fast food is hardly the province solely of those with lower incomes; in fact, wealthier Americans -- those earning $75,000 a year or more -- are *more* likely to eat it at least weekly (51%) than are lower-income groups. Those earning the least actually are the least likely to eat fast food weekly -- 39% of Americans earning less than $20,000 a year do so.

Most Weekly Fast-Food Eaters Believe the Food Is Not Good for You

More than seven in 10 of those who eat fast food weekly or more frequently believe it is not "good for you." The 25% of this group who believe fast food has some degree of health value is about the same as the 22% of the overall population who believe this.

However, those who eat fast food infrequently are much less likely to say it is "good for you." Nineteen percent of those who eat fast food once or twice a month say it is fairly or very good for you, as do 15% of those who eat it a few times a year or never.

Perceptions of Fast Food by Frequency of Fast-Food Consumption

	All Americans	At least weekly	Once or twice a month	A few times a year or never
	%	%	%	%
Very good	2	2	1	1
Fairly good	20	23	18	14
Not too good	48	54	47	38
Not good at all	28	19	33	43

July 10-14, 2013

GALLUP

Implications

Undoubtedly, fast-food restaurants still represent a major part of the American dining experience, with almost all Americans eating fast food at least occasionally -- though the percentage who do so frequently is down slightly from seven years ago.

A large swath of the public believes food served at fast-food restaurants is not good for them, and even about three-quarters of weekly fast-food consumers believe this. Nonetheless, a huge share of Americans continue to visit fast-food drive-throughs or dining rooms, suggesting that the appeal of the product -- be it the relatively low cost, the taste, or the convenience -- outweighs the health concerns.

Survey Methods

Results for this Gallup poll are based on telephone interviews conducted July 10-14, 2013, on the Gallup Daily tracking survey, with a random sample of 2,027 adults, aged 18 and older, living in all 50 U.S. states and the District of Columbia.

For results based on the total sample of national adults, one can say with 95% confidence that the margin of sampling error is ±3 percentage points.

Interviews are conducted with respondents on landline telephones and cellular phones, with interviews conducted in Spanish for respondents who are primarily Spanish-speaking. Each sample of national adults includes a minimum quota of 50% cellphone respondents and 50% landline respondents, with additional minimum quotas by region. Landline and cell telephone numbers are selected using random-digit-dial methods. Landline respondents are chosen at random within each household on the basis of which member had the most recent birthday.

Samples are weighted to correct for unequal selection probability, nonresponse, and double coverage of landline and cell users in the two sampling frames. They are also weighted to match the national demographics of gender, age, race, Hispanic ethnicity, education, region, population density, and phone status (cellphone only/landline only/both, and cellphone mostly). Demographic weighting targets are based on the March 2012 Current Population Survey figures for the aged 18 and older U.S. population. Phone status targets are based on the July-December 2011 National Health

Interview Survey. Population density targets are based on the 2010 census. All reported margins of sampling error include the computed design effects for weighting.

In addition to sampling error, question wording and practical difficulties in conducting surveys can introduce error or bias into the findings of public opinion polls.

View methodology, full question results, and trend data.

For more details on Gallup's polling methodology, visit www.gallup.com.

Back to Top

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Restaurant Design Guidelines

Adopted by the City of Scottsdale

Development Review Board – May 18, 2000

Dennis Robbins Councilman

Mark Hammons, Vice Chairman

Andrea Lee Forman

Margaret Dunn

Mark Soden

Fred Davidson

J.T. Elbracht

RESTAURANT DESIGN GUIDELINES

PURPOSE

Scottsdale has many desirable aesthetic qualities and areas with unique character. These attributes have been closely guarded and nurtured by programs and initiatives intended to protect the community's aesthetic qualities and ensure design excellence. Despite this tradition, increasing development pressure for corporate driven design solutions threaten the very essence of what makes Scottsdale a desirable and unique place.

These guidelines are intended to promote good design that is responsive to its contextual setting. The guidelines outline the City's expectations with regard to restaurant design and are intended to assist applicants, decision-makers, and staff in the consistent development, review, and consideration of restaurant proposals. The guidelines are applicable to all restaurant types. The guidelines are to be applied throughout the community and are structured to respond to the varying conditions and constraints inherent to individual site and contextual settings.

KEY OBJECTIVES

- Protect and enhance the character and quality of commercial districts and maintain and strengthen a recognizable identity and character unique to Scottsdale.
- Strengthen the pedestrian environment and provide options for safe pedestrian access.
- Create a high level of expectation in the quality of restaurant architecture.
- Provide needed flexibility to respond to unique conditions and constraints inherent to specific areas within the community.
- Minimize negative impacts resulting from on-site activities on adjacent uses.
- Promote a balance between the community concerns over aesthetics with business requirements of the facility.

CHARACTER/ CONTEXT AND THE GENERAL PLAN

A variety of character /contextual settings exist in Scottsdale ranging from historic and urban settings in the Downtown to suburban and rural neighborhood settings in outlying areas. Scottsdale places a high value on architectural approaches that recognize a project's contextual setting. Each setting warrants a different response in terms of site development and design. Restaurant architecture should contribute to the established or desired character and identity of the community and neighborhood. Site-specific review with the effective implementation of these guidelines are intended to support the following Guiding Principles of the City's General Plan: **Enhance Neighborhoods; Support Economic Vitality; Seek Sustainability; Value Scottsdale's Unique Lifestyle and Character.**

DESIGN GUIDLEINES

These guidelines are intended to address exterior elements of restaurant design to help promote cohesive design and enable comprehensive review of such cases. The guidelines are intended for all new buildings and major renovations. All proposals should be in accordance with the zoning ordinance and Downtown standards if applicable. The guidelines are organized into five (5) sections including Site Design, Architecture, Landscape Design, Lighting, and Signage/Corporate Identification.

Site Design

The optimal layout of any individual site requires an in-depth understanding of local context and a thorough site analysis. The components of a restaurant to be considered in site design include, but are not limited to:

- Primary structure
- Outdoor Dining
- Entry and associated outdoor waiting area
- Service , utility infrastructure , refuse and storage area
- Pedestrian and vehicular circulation systems, parking and valet areas
- Drive through windows and associated equipment and stacking lanes

1. All development proposals should show evidence of coordination with the site plan elements and other contextual influences of neighboring properties. Proposals should respond to local development patterns and the streetscape through the use of building setbacks, orientation, relationship of structures to the street and to each other. The layout of the site should respect and build upon the arrangement of buildings, open spaces and landscape elements of adjacent sites.
    - Where a common setback from the street is evident, new buildings should respect the established setback.

- Variation to an established setback is allowed if the resulting arrangement of buildings defines a useful public space such as a plaza or open space.
- Building entries should be convenient to parking but should also acknowledge the importance of the public realm.
- Seek and develop pedestrian linkages between adjacent properties.
- Seek and develop shared vehicular access points with adjoining sites where feasible.

2. Service areas, storage areas and refuse enclosures should be screened from public view and screened from adjacent sites. In highly developed settings, such as downtown, or in close proximity to residential areas, consider the use of trash compactors with odorizers.

3. The clustering of service and refuse areas is encouraged where adjacency of similar uses allows.

4. Drive-through windows or self-service drive-throughs are discouraged in the downtown.
   - In locations where drive-through facilities are permitted, drive-through windows, menu boards and associated stacking lanes should be carefully located to minimize the impacts on adjacent residential areas and should be adequately screened from public view and the view of adjacent sites.
   - Circulation shall allow for adequate length of stacking for drive through facilities that does not interfere with the movement of traffic or pedestrians on or off-site.

5. Site design shall accommodate a logical and safe vehicular and pedestrian circulation pattern throughout the site that minimizes conflicts. Linkages for pedestrians should be direct avoiding circuitous routes that are not easily understood.

6. Parking fields and expansive areas of paved surfaces should be broken up with landscape planting.

7. Outdoor dining areas are encouraged. The flow of indoor to outdoor spaces is desirable and can be facilitated by operable windows and doors. Outdoor dining areas should located away from adjacent residential areas and other sensitive uses.

8. Identify the location of above ground utility infrastructure facilities early in the design process. When possible, locate utility cabinets, switching cabinets, transformers, cable boxes, communications infrastructure, backflow preventors, irrigation control boxes and other similar above ground utilities in locations that do not conflict with featured views, outdoor dining areas and circulation patterns. Utility cabinets should not be located within parking lot landscape islands or in

highly visible locations within the right-of-way. Utilities should be screened to the extent allowable by operation requirements.

Architecture

The intent of the following architectural guidelines is to encourage creative architecture that is responsive to local and regional context and contributes to the aesthetic identity of the community. Each building will be evaluated with regard to the guidelines below to achieve a final building of good proportion, massing, and scale within its unique context.

1. Building design should take into consideration the unique qualities and character of the surrounding area.

2. Building elements that speak to the desert environment and climate, such as, architectural shade devices, a strong relationship to the ground plane, sheltered and deeply recessed windows and the use of materials and textures that are associated with the region are encouraged to define the project identity to the Arizona Sonoran Desert.

3. Buildings that derive their image predominantly from applied treatments that express corporate identity are discouraged. A building should respond to its context first.

4. Where awnings are used, they should be functional and provide maximum shade to the window area. Awnings should be of opaque architectural grade material and should not be internally lit. Metal awnings are preferred to fabric awnings for reasons of durability and flexibility.

5. The design of stand-alone restaurants should conform to the dominant existing or planned character of the surrounding neighborhood. This can be accomplished through designs that feature interpretations of nearby building designs. Such features may include but are not limited to color, forms, materials, proportional relationships and fenestration patterns.

6. The design of a restaurant that occupies a pad or portion of a building within a planned shopping center should share similar design characteristics and design vocabulary. Precise replication is not necessary or desirable. Consider utilizing similar color, material and texture found within the architecture of the primary building. The proportion and massing as well as the use of details and special features as found on the primary structure should be appropriate to the smaller scale of the proposal.

7. All sides of a building should express consistent architectural detail and character. All site and screen walls should be architecturally integrated with the building.

8. Building should respond to solar heat gain, reflectivity and glare through building orientation and the use of architectural shading devices such as pronounced eaves, fin walls and covered walkways.

9. Shading for outdoor dining should be architecturally integrated with the main structure or compliment the massing of the building.

10. Buildings should reduce their perceived height by dividing the building mass into several smaller-scaled components to reduce their visual impact and provide a more human scale Possible treatments to avoid excessive height include:
    - Low-scale planters and site walls
    - Architectural wainscot treatment
    - Clearly pronounced eaves or cornices
    - Subtle changes in material color and texture
    - Breakdown of the building into distinct masses.
    - Covered pedestrian frontages and recessed entries

11. Buildings should reduce their apparent bulk by dividing the building mass into several smaller-scaled components. Possible treatments to avoid excessive bulk include:
    - Low planter walls and site walls
    - Variation in roof forms and heights, including variations in parapet height allowed when mechanical units can be clustered
    - Areas of shadow created by the division of horizontal planes with recesses and projections
    - Covered pedestrian frontages and recessed entries
    - Deeply set windows with mullions

12. The following architectural treatments are generally discouraged:
    - Gradation in paint color applied to one surface or the use of large graphics
    - Extended bands of vibrant and/or highly contrasting corporate.
    - Long uninterrupted expanses of glass
    - Floor to ceiling glass storefront treatments

13. Building colors should emphasize muted earth tones. The use of highly reflective or glossy materials should be limited and are not appropriate in all contexts.

14. Drive through elements should be architecturally integrated into the building, rather than appearing to be applied or "stuck on" to the building.

Landscape Design

Landscaping should be integral to the overall design concept and should be carefully planned to serve more than one purpose. The intent of these guidelines is to ensure that landscape design contributes to the overall appearance and function of the site and streetscape.

1. Landscaping should blend with the dominant existing or planned streetscape and character of the area.

2. Landscaping should be provided at the base of buildings to anchor them to the surrounding environment and soften the structure. In-ground landscaping should comprise the majority of the landscaping requirement. Raised planters are acceptable when designed to accentuate the architecture and or create pedestrian seating areas.

3. Trees should be used throughout paved areas and along pedestrian pathways to provide shade, to reduce heat build-up and glare.

4. A landscape buffer should be provided to screen restaurants uses from adjacent residential uses.

5. Dense landscaping and architectural treatments used in combination should be provided to screen unattractive views and features such as storage areas, trash enclosures, utility cabinets, and other similar elements.

6. The site design for projects located at street corners should provide special landscape treatment at street intersection to anchor the corner where the built form is not in evidence.

7. The use of mature trees is encouraged to provide an immediate impact especially when used in buffering adjacent uses.

8. Proper maintenance and timely replacement of plant material is expected and required by ordinance.

Lighting

Site lighting and architectural lighting of restaurants should provide the user with illumination levels appropriate for the designed activity (i.e. parking, walking, outdoor dining). Illumination levels should also be reasonably uniform throughout the site and absent of glare.

1. A lighting design and plan must accompany all applications for new development or redevelopment. The lighting plan must include, but not limited to: type of

lighting equipment, the lamp source and wattage, fixture locations, mounting height, shielding, mounting details, and photometric data, including point-by-point horizontal illuminance at ground level and uniformity ration, etc. (per consultant). All illumination of the site, even that from architectural lighting, should be taken into account in the lighting plan.

2. Avoid competing light levels and maintain balanced light levels on-site and between adjacent properties. The exterior lighting design must take into account the background lighting levels, lighting from other sources, and characteristics of the surrounding area.

3. Recommended light level guidelines and uniformity ratios established by the Illumination Engineering Society of North America (IESNA) in the IESNA *Lighting Handbook (current edition)* should be considered and incorporated where appropriate for lighting designs.

4. Light glare or excess brightness should be minimized. Cut-off fixtures, mounting heights, and the elevation of potential viewers must all be considered for effectively controlling glare by directing light below the horizontal.

5. Light trespass beyond property lines by shielding or aiming fixtures away from residential properties should not exceed ambient light levels.

Signage /Corporate Identification

The architecture of the building should be viable and appropriate for its location and use regardless of the business identity. Restaurant signage plans should reflect a balance between allowing adequate signage for business identification while protecting the visual aesthetic of Scottsdale's streetscapes. Other forms of branding or business identity not falling under the sign ordinance will be viewed as architectural elements and features and evaluated as such.

1. Applied treatments used to achieve business identity, either by awnings, accent bands, paint or other applied color schemes, signage, parapet details, decorative roof details or materials should not be the dominant architectural feature. Accent colors should be used judiciously.

2. All signage should be architecturally integrated with their surroundings in terms of size, shape, color, texture, and lighting so that they do not visually compete with architecture of the building and design of the site. Signs should be integrated such that they become a natural part of the building façade.

3. When multiple corporations share one site, signs should be integrated as one unit to create shared identity for the property to the extent permitted by the ordinance or be located and/or designed as a package.

4. Building design should anticipate signage. Designs should provide logical sign areas, allowing flexibility for new users as the building is re-used over time.

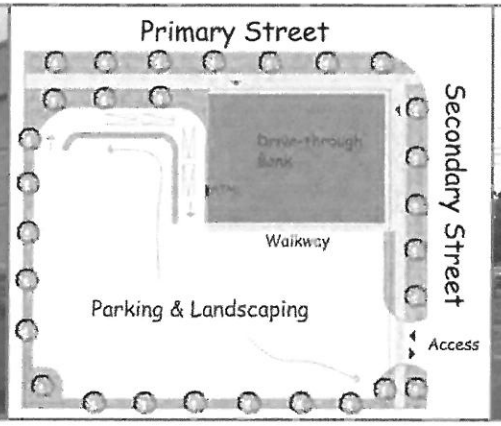
5. Repetitious signage information on the same building facade should be avoided.

6. Signs composed of individual letters are encouraged. Back lit or indirectly lit individual letters are generally desirable.

7. Visible raceways and transformers for individual letters are discouraged.

TAB 3

Town of Markham Drive-through Facilities Design Guidelines



Endorsed by Council June 2010

MARKHAM

MBPD

M. Behar Planning & Design Inc.

TABLE OF CONTENTS

1.0 INTRODUCTION **1**

1.1 OBJECTIVE AND SCOPE OF THE STUDY **1**

1.2 POLICY CONTEXT **1**
1.2.1 Provincial Policy Statement 1
1.2.2 Planning By Design: a healthy communities handbook 1
1.2.3 Markham Moving Forward - Recent Initiatives 2
1.2.4 Town of Markham Official Plan (Office Consolidation July 2005) 2
1.2.5 Town of Markham Zoning By-laws 3

1.3 CHARACTERISTICS OF DRIVE-THROUGH FACILITIES **3**
1.3.1 Restaurants 3
1.3.2 Financial Institutions 3
1.3.3 Emerging Sectors 4
1.3.4 Drive-through Formats in Markham 4

2.0 ISSUES / CHALLENGES **7**

3.0 PUBLIC CONSULTATION **9**

4.0 URBAN DESIGN GUIDELINES **10**

4.1 HOW TO USE THESE GUIDELINES **10**
4.2 LOCATIONAL CRITERIA **11**
4.3 SITE SIZE **12**
4.4 RELATIONSHIP TO ADJACENT USES **14**
4.5 SITE ACCESS, VEHICULAR AND PEDESTRIAN TRAFFIC **16**
4.6 STACKING & QUEUING **19**
4.7 BUILDINGS AND THE STREETSCAPE **22**
4.8 LANDSCAPING, SIGNAGE & LIGHTING **26**
4.9 SERVICING & UTILITIES **29**

LIST OF FIGURES

Figure 1.3.4a - CIBC at Woodbine Avenue & Sixteenth Avenue 4
Figure 1.3.4b - Tim Hortons at Kennedy Road & Duffield Drive 5
Figure 1.3.4c - McDonalds at Kennedy Road & Lee Ave 5
Figure 1.3.4d - Wendy's and Tim Hortons double drive-through at Woodbine Avenue & Apple Creek Boulevard 5
Figure 1.3.4e - Gas Bar and restaurant at Bur Oak Avenue & McCowan Road 5
Figure 1.3.4f - Locations of Drive-through Facilities in Markham 6
Figure 2.0a - Burger King at Highway 7 & Lunar Crescent - residential interface 7
Figure 2.0b - McDonalds at Highway 7 & McCowan Road 8
Figure 2.0c - Wendy's and Tim Hortons at Woodbine Avenue & Apple Creek Boulevard - pedestrian conflict 8
Figure 2.0d - McDonalds at Markham Road & Sixteenth Avenue 8
Figure 4.1 - Joint Gas Bar at Yonge Street & Steeles Avenue 10
Figure 4.2a - Royal Bank at Woodbine Avenue & Sixteenth Avenue 11
Figure 4.3a - Sketch showing minimum lot area 12
Figure 4.3b - Air Photo illustrating a double drive-through facility 13
Figure 4.4a - Sketch illustrating a 6m buffer adjacent residential uses 14
Figure 4.4b - Air photo showing inadequate separation distance 15
Figure 4.4c - Pharmacy at 16th Avenue & Kennedy Road 15
Figure 4.5a - Starbucks on Trafalgar Road in Oakville 16
Figure 4.5b - Sketch illustrating appropriate site access 16
Figure 4.5c - TD Bank at Bur Oak Avenue & McCowan Road 17
Figure 4.5d - McDonalds on Kennedy Road & Lee Avenue 18
Figure 4.6a - Sketch illustrating an escape lane 19
Figure 4.6b - Sketch illustrating an uninterrupted linear stacking lane 20
Figure 4.6c - Starbucks at Hwy 407 & 9th Line 21
Figure 4.7a - Royal Bank at Markham Road & 14th Avenue 22
Figure 4.7b - Scotia Bank on the Queensway in Toronto 23
Figure 4.7c - Sketch showing appropriate entrance features 23
Figure 4.7d - Sketch showing appropriate scale and height 23
Figure 4.7e - Sketch illustrates the use of pedestrian walkways 24
Figure 4.7f - Burger King at Hwy 7 & Lunar Crescent - showing appropriate massing 24
Figure 4.7g - Gas Bar at Bur Oak Avenue & McCowan Road 25
Figure 4.8a - Wendy's on Bayly Street in Ajax 26
Figure 4.8b - Scotia Bank on Queensway in Toronto - landscaped screen 26
Figure 4.8c - Royal Bank at Highway 407 & 9th Line 27
Figure 4.8d - McDonalds on Eglinton in Scarborough 28
Figure 4.9a - Wendy's on Steeles Avenue & Woodbine Avenue 29

LIST OF APPENDICES

Appendix 'A' - Background Report
Appendix 'B' - Workshop Summary
Appendix 'C' - Council Resolutions

1.0 INTRODUCTION

1.1 OBJECTIVE AND SCOPE OF THE STUDY

Initial direction for the study originated with the Town of Markham Council's concerns relating to the potential proliferation of drive-through facilities in Markham and impacts on air quality, GHG emissions, litter, built form and pedestrian safety. See Appendix 'C' - Council Resolutions.

The purpose of this study is to provide design guidelines applicable to drive-through facilities and their associated vehicle stacking and parking areas throughout the Town of Markham. The guidelines will provide direction during the pre-consultation and planning approval process to promote, properly assess and achieve appropriate forms of drive-through development. Furthermore, the guidelines will assist in regulating the layout, built form and appearance of drive-through facilities as well as assist in mitigating any adverse impacts. The overall intent of the guidelines is to promote:

- Compatible development that fits in well with the surrounding area and minimizes impacts on adjacent uses
- Functional and safe traffic movement
- Safe stacking lane and site access placement
- Safe and accessible pedestrian connections to the building from both the public and private realms
- A high quality and pedestrian supportive urban streetscape

As part of this study, a detailed inventory of existing drive-through facilities in Markham and applicable policies of other GTA municipalities has been completed. See Appendix 'A' - Background Report for details. It should be noted that no queuing and utilization studies of drive-through facilities in Markham were conducted as part of this study. Studies conducted by the Region of Durham and the City of Mississauga were reviewed and incorporated into the guidelines as appropriate.

Building Markham's Future Together - Towards a Sustainable Community places the environment first and sustainability at the core of every aspect of Markham's land use policies, practices and service delivery. The Town's goals to create a healthy environment, a high quality of life for all, economic prosperity and social and cultural vibrancy are being advanced through strategies aimed at delivering a new form of neighbourhood growth that is more dense, transit-supportive and respects the natural and built heritage. The links between the health and longevity of new and existing communities with land use planning and transportation are of key importance as the Town moves towards its goals.

While drive-through facilities comprise a very small proportion of the Town's commercial land uses, they are aimed at automobile users. In an effort to help reduce car dependency, introducing prescriptive design criteria applicable to this type of land use, coupled with emerging Official Plan policies and zoning requirements will ensure that careful attention is given to the function, design, compatibility and potential impacts of these uses.

1.2 POLICY CONTEXT

1.2.1 Provincial Policy Statement

The Provincial Policy Statement provides a set of objectives and policies which provide a high level land use planning framework. Policies within the Building Strong Communities section encourage efficient land use patterns which promote livability, healthy communities and the protection of public health and safety.

1.2.2 Planning By Design: a healthy communities handbook

In Fall 2009, Ontario Professional Planners Institute in partnership with the Ministry of Municipal Affairs and Housing (MMAH) published this handbook which outlines the links between health and the built environment. As the link between health and the built environment is

reconnected, consideration must be provided for the arrangement and design of the built environment and how this affects people's health and the way they physically and psychologically relate to and interact with their community and the wider world around them. Growing research points to a number of land-use components that influence human activity, facilitate health and mental well being and promote social interaction and inclusion, including:

- Layout, design, connectivity and maintenance of sidewalks, roads and non-motorized transportation, paths and trails
- Land uses that might include some combination of homes, stores, businesses, institutions, community and cultural facilities and industries
- Compactness, density and accessibility of built areas
- Connected networks of motorized and non-motorized transport systems
- Safe, comfortable and attractive streets, public spaces, buildings and structures
- Healthy and resilient natural environments and biodiversity

The Drive-through Facilities Design Guidelines should be viewed as part of a much wider set of policy based initiatives that the Town of Markham is pursuing in an effort to attain a higher level of livability, sustainability and community health.

1.2.3 Markham Moving Forward - Recent Initiatives

Building Markham's Future Together include community initiatives which are aimed at:

- Attaining sustainable community growth
- Addressing transportation challenges as they relate to: congestion, environment, noise pollution, quality of life, development, land use, travel, demand management, infrastructure, education, parking, cycling, safe streets and environmentally friendly transportation nodes and corridors
- Improving the environment: Markham's Green Print includes policies to protect air quality, support sustainability and include a comprehensive Climate Action Plan. It further notes that "sustainability should be considered at the forefront of everything we do." This includes the four pillars of sustainability: maintaining a healthy environment; economic balance; social equity; and a vibrant culture.

1.2.4 Town of Markham Official Plan (Office Consolidation July 2005)

The Town of Markham Official Plan emphasizes the importance of maintaining and improving the physical character and appearance of existing communities. Section 2 of the Official Plan requires efforts be made to address the adverse effects of noise, odour and light and mitigate any compatibility issues between land uses. Furthermore, policies in this section seek to prohibit development which is inappropriate to surrounding land uses.

Section 3 of the Official Plan contains a number of design considerations that must be applied to commercial areas. The Official Plan maintains regard for the effect that these areas have on existing residential neighbourhoods, while promoting a high aesthetic standard. Other applicable Town of Markham standards as they pertain to drive-through facilities include:

- Trees For Tomorrow Streetscape Manual
- Engineering Standards
- Parking Control By-law 28-97
- Idling Control By-law 2005-192
- Sign By-law 2002-94
- Applicable planning application processes and fees

1.2.5 Town of Markham Zoning By-laws

By-law 177-96

The Town of Markham Zoning By-law 177-96 applies to New Urban Areas and permits drive-through facilities as-of-right within the Major Commercial (MJC) Zone and as accessory uses in other zones.

By-law 2004-196

The Town of Markham Zoning By-law 2004-196 promotes the Smart Growth goals of maintaining strong communities, a strong economy and a clean and healthy environment, including reduced automobile dependency. This By-law applies to Markham Centre and prohibits drive-through facilities on any lot as this land use conflicts with the planned function, tight parcel fabric and walkability of this planning district.

The majority of other parent by-laws, which regulate development in the more established / existing areas permit drive-through facilities as an accessory use. As no specific zoning provisions or standards exist for drive-through facilities, current applications are subject to applicable zoning and Site Plan Control.

The Town of Markham will be preparing amendments to its Official Plan and Zoning By-laws to introduce updated provisions to further regulate drive-through facilities.

1.3 CHARACTERISTICS OF DRIVE-THROUGH FACILITIES*

The two most prevalent forms of drive-through facilities in Markham, and the GTA are as follows:

1.3.1 Restaurants

The fast food restaurant style of drive-through facility is the most common in the GTA and in Markham.

- Take out restaurants: the food is carried and consumed outside the building.
- Combination eat-in and take-out restaurant: food is consumed within the building as well as outside the premises.
- Two restaurants combined: separate drive-through windows are allocated to each restaurant. The restaurants share access and parking.
- Drive-through restaurants located on service station sites: the restaurant structure may be combined with the service station kiosk or may be free standing.
- Coffee / donut shop drive-throughs are generally in the 250m2 to 300m2 building size group.
- Convenience restaurants with drive-throughs are between 300m2 to 500m2 in floor area.
- Restaurants which offer coffee/breakfast foods are busiest between 7:45am – 8:25am, with a peak between 8:15am – 8:30am.
- Less parking is required for drive-through restaurants compared to eat-in restaurants because the majority of customers stay within their vehicles. If the queue for drive-through restaurants reaches 8-10 vehicles, customers have a tendency to park and walk in.

1.3.2 Financial Institutions

Financial institutions have adopted the drive-through model in a similar manner to restaurants. Drive-through financial institutions have more flexibility over their restaurant counterparts when it comes to building

design due to their internal layout not having to necessarily be oriented towards the drive-through lane, the non-existent requirement of an order/voice box, and generally less traffic.

As a function of their use, drive-through financial institutions often have less impact on their surroundings. Characteristics of drive-through financial institutions include:

- The addition of a drive-through results in a 17-27% reduction in traffic flows because visitors instead visit in non-open hours.
- Average service time is 105 seconds.
- 75% of the time there is no more than 3 vehicles in queue.
- There is no order or voice box, minimizing noise impacts, stacking lengths and eliminates the processing time between order and pickup associated with a restaurant format drive-throughs.
- Financial institutions are not conducive to community gathering as customers have a very specific purpose and do not linger after the fact.
- In some instances, there may be a stand-alone bank machine without an associated building.

**Parts of this study are based on Joint Municipal Study for Fast Food Restaurant Drive-through and Parking" SRM Associates Inc, February 2000.*

1.3.3 Emerging Sectors

As drive-throughs have become more prevalent for retailers, additional sectors have been emerging; including pharmacies, dry cleaners, convenience stores and other retail stores. In this regard, it is noted that Markham currently includes one drive-through pharmacy.

1.3.4 Drive-through Formats in Markham

An analysis of existing drive-through facilities throughout Markham has revealed that this type of facility can be broken down into a function of their use, as well as a function of their format or site configuration. Refer to Figure 1.3.4f on page 6 which illustrates the locations of existing drive-through facilities in Markham. Currently, there are approximately 30 drive-through facilities within the Town of Markham. The majority of drive-through facilities are located in Commercial Amenity / Commercial Corridor Areas. They are usually situated along York Region Arterial and Town of Markham Major Collector roads. These facilities are typically oriented towards intersections for improved visibility and accessibility.

Within Markham, the following drive-through configurations have been identified:

- Stand alone buildings
- Stand alone buildings on pads within a commercial plaza
- Part of an institutional complex
- Part of a gas-bar
- Part of a commercial building
- Attached restaurants with double drive-throughs

Figure 1.3.4a: CIBC at Woodbine Avenue & Sixteenth Avenue - a stand alone bank building with a drive-through facility within a commercial plaza.

Figure 1.3.4b: Tim Hortons at Kennedy Road & Duffield Drive - a drive-through restaurant as part of a commercial building.

Figure 1.3.4d: Wendy's and Tim Hortons double drive-through on Woodbine Avenue & Apple Creek Boulevard - an example of a double drive-through restaurant.

Figure 1.3.4c: McDonalds at Kennedy Road & Lee Avenue - a drive-through restaurant as part of a institutional complex.

Figure 1.3.4e: Gas Bar and Tim Hortons at Bur Oak Avenue & McCowan Road.

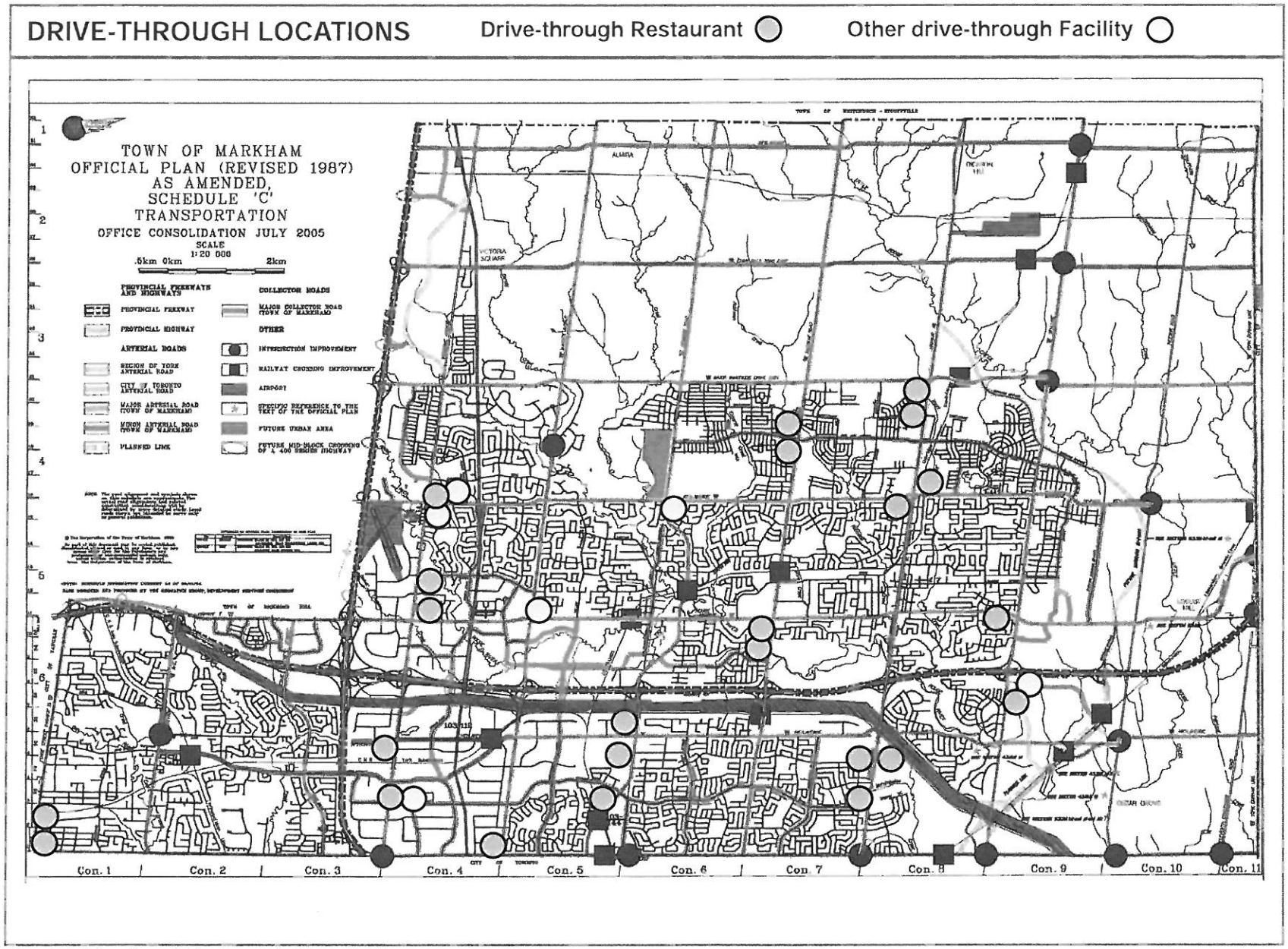


Figure 1.3.4f: Locations of drive-through facilities in Markham

2.0 ISSUES / CHALLENGES

Drive-through facilities are very successful and are well used by the travelling public as evidenced by their popularity. Retailers have responded to this demand by providing the drive-through option for fast food restaurants, and have adopted new types of facilities such as financial institutions, pharmacies and dry cleaners. These facilities provide a convenience to the travelling public and offer benefits including increased safety at night, improved access for persons with disabilities, and convenience for the elderly and persons with young children.

With regard to vehicle trips, drive-through facilities are often not a destination use, but rather a temporary stop on route to their destination. In many instances, drive-through facilities are situated in immediate proximity to other commercial uses such as larger format retail centres, thereby providing this convenience within close proximity to destination uses. Additionally, in some instances it has been argued that drive-through facilities may require less parking spaces, thus contributing to the reduction of asphalted areas on sites.

While successful and popular, drive through facilities present several transportation management, planning and urban design challenges. In pursuing the general intent of its Official Plan, in the context of the policy issues set out in Section 1.2 of this study, the Town of Markham is required to balance several issues when considering all types of land uses. These issues include walkability and reducing car dependency.

As a result of their function, drive-through facilities attract high volumes of automobiles and potentially generate impacts on:

- Surrounding uses, specifically on residential uses, resulting from noise, light, litter and odour concerns
- Streetscapes, such as building separation from adjacent streets, which does not contribute to a pedestrian friendly / transit supportive streetscapes

Figure 2a: Burger King on Hwy. 7 & Lunar Crescent - shows interface with the adjacent residential property.

- Adjacent roads and site access with regard to the location and relationship between the stacking lane and site access points
- Pedestrian safety resulting from potential traffic and circulation conflicts between the stacking lane, building entrance and parking areas
- Sites by potentially increasing non-permeable surfaces due to the larger asphalted areas to accommodate both parking and stacking

Figure 2b: McDonald's at Hwy. 7 & McCowan Road - illustrates the large amount of asphalt often required.

Figure 2c: Joint Tim Hortons / Wendy's at Woodbine Avenue & Apple Creek Boulevard - potential conflicts between vehicles and pedestrians.

Figure 2d: McDonald's at Markham Road & Sixteenth Avenue - the building is setback and separated from the street.

3.0 PUBLIC CONSULTATION

A Workshop was held on October 7, 2009 to identify a community vision and establish guiding principles, industry requirements and acceptable standards relating to drive-through facilities. Stakeholders representing the broader community and the retail and development industry attended the workshop. Staff from M. Behar Planning & Design Inc. (MBPD) and representatives from the Town of Markham facilitated the workshop. Approximately 30 people attended representing various affiliations and professional expertise.

The workshop followed an agenda, which included:

- Introduction and presentation
- General discussion
- Working groups - Guiding principles and any accompanying sketches
- Summary of findings and next steps

The workshop commenced with a presentation by MBPD describing drive-through uses and types, associated impacts, experiences and examples from Markham and other GTA municipalities. The general discussion following the presentation dealt with participants' observations and comments on a variety of issues relating to drive-through facilities.

Following the introductory presentations and general discussion, workshop participants were divided into working groups. A facilitator / urban designer from the Town of Markham led the discussion at each of the five tables. Two Town of Markham sites were made available to each table representing varying site sizes and contexts, and were used as base drawings. Participants provided input in text and graphic format on the following subjects:

- Building placement
- Pedestrian, bicycle and vehicular access to the site
- Stacking lanes – locations, number of cars
- Order box location
- Landscaping widths and locations
- Buffering features, including landscaping and noise attenuation
- Street frontage treatments
- Building attributes, including facades facing public spaces such as streets, and placement of service areas
- Parking lot locations and treatments
- Signage

Each team presented their findings, recommendations and guiding principles to all participants.

Some working groups in the Workshop concluded that there are locations within Markham where drive-through facilities should not be permitted to promote and achieve municipal goals relating to livability, pedestrianism and more sustainable forms of development. The participants generally noted that within the areas that drive-through facilities are permitted, design guidelines should address a range of environmental, traffic, noise, lighting, safety as well as urbanistic factors.

The most common design elements drawn from the workshop relate to orienting the building to the street, containing the stacking lane within the site in a safe manner, and providing for strong pedestrian connections to the buildings from both the street and parking areas. Findings of the workshop have provided context and direction for the design guidelines. See Appendix 'B' - Workshop Summary.

The draft guidelines were presented at the Development Services Committee on December 1, 2009. Several comments were received at that meeting from Committee members and industry representatives. A meeting with industry representatives was held on March 25, 2010 to review draft revisions and illustrate how industry comments were incorporated into the document. Final revisions to the guidelines were prepared based on the discussions with the industry and comments received at Development Services Committee on June 22, 2010.

4.0 URBAN DESIGN GUIDELINES

4.1 HOW TO USE THESE GUIDELINES

It is emphasized that these are urban design guidelines and not zoning by-law provisions. As such, flexibility will be provided in interpretation based on site-specific conditions. The guidelines will be used to assist development proponents and staff on municipal expectations for drive-through facilities and will be applied during various stages of the development review and approval process in the Town of Markham.

These guidelines will form the basis for and feed into the creation of amendments to the Official Plan and the Zoning By-law which will be prepared by the Town of Markham.

The guidelines will be used in conjunction with the Town of Markham Official Plan, Zoning By-law provisions, as well as the applied standards and procedures of the various municipal departments.

Gas stations with drive-through facilities have not been referenced in this study. Town staff will prepare a separate study and a set of guidelines specific to gas stations and their associated services such as car washes, retail kiosks and food services. Nevertheless, these guidelines will provide design principles that the Town could consider applying to gas stations and all other commercial developments.

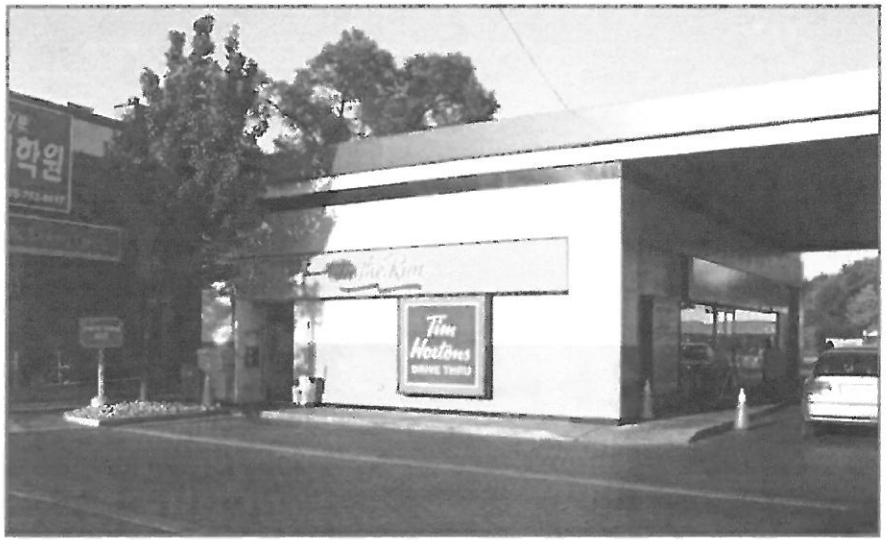


Figure 4.1: Joint Gas Bar and Tim Hortons at Yonge Street & Steeles Avenue - future gas station guidelines will be based on similar principles used for the drive-through guidelines.

4.2 LOCATIONAL CRITERIA

As a result of their characteristics and associated impacts, drive-through facilities may not be appropriate in all areas of the Town of Markham. Therefore, these facilities should be discouraged from locating in certain areas of Markham, such as neighbourhoods that are characterized in part by commercial/mixed use mainstreets, tighter parcel fabric and pedestrian friendly streetscapes, and that are prime candidates for denser development that can support public transit. Consequently, it is recommended that for areas within Markham which maintain the above characteristics, drive-through uses should be avoided.

The specific locations where drive-through facilities should be avoided include: Intensification Areas, such as the Regional Growth Centres of Yonge and Highway 7 at Langstaff ,and Markham Centre; Heritage Conservation Areas; and Hamlet Areas.

Furthermore, drive-through facilities should continue to be avoided within parts of the new communities of Markham where Neighbourhood Commercial and Community Amenity areas are intended to serve adjacent residential or business uses at locations where trips can be made by modes other than the automobile.

The Zoning Bylaw amendment being undertaken by the Town will provide additional detail in the future regarding permitted locations of drive-through facilities.

Guideline 1: Ensure that proposed drive-through facilities are compatible with and sensitive to the prevalent urban form, streetscape features, and future development plans of the area.

Figure 4.2a: Royal Bank at Woodbine Avenue & Sixteenth Avenue - this facility appropriately maintains the community architectural theme.

4.3 SITE SIZE

The size of a given site is a major determinant of whether it can adequately accommodate a drive-through facility. Smaller sites present specific challenges for drive-through restaurants, including available space to buffer adjacent uses and ability to satisfactorily accommodate the stacking lane along with adequate parking on the site. These issues are exacerbated when drive-through facilities are situated adjacent residential uses.

A typical larger drive-through facility measures around 500 square metres. Existing examples in Markham show patterns in lot coverage which range from 9-20 %. (I.e. Tim Hortons at Highway 7 & 9th Line, Burger King at Highway 7 & Woodbine Avenue, Bridal Trail Medical/ Pharmacy at Kennedy Road & Sixteenth Avenue). At an average lot coverage of 15%, a 500 square metre building would require a 3,000 square metre site, or 0.3 hectares.

Double drive-throughs (i.e. two restaurants attached and contained within one building requiring separate stacking lanes) pose particular urban design challenges due to larger parking areas and the requirement for two stacking lanes addressing one building. There may also be potential issues relating to site layouts which separate buildings from street frontages.

Furthermore, it is the Town's general aim to prevent larger commercial developments from incorporating many drive-through facilities on one site.

Guideline 2: Avoid drive-through restaurant facilities on sites less than 0.3 hectares in area when located adjacent residential uses.

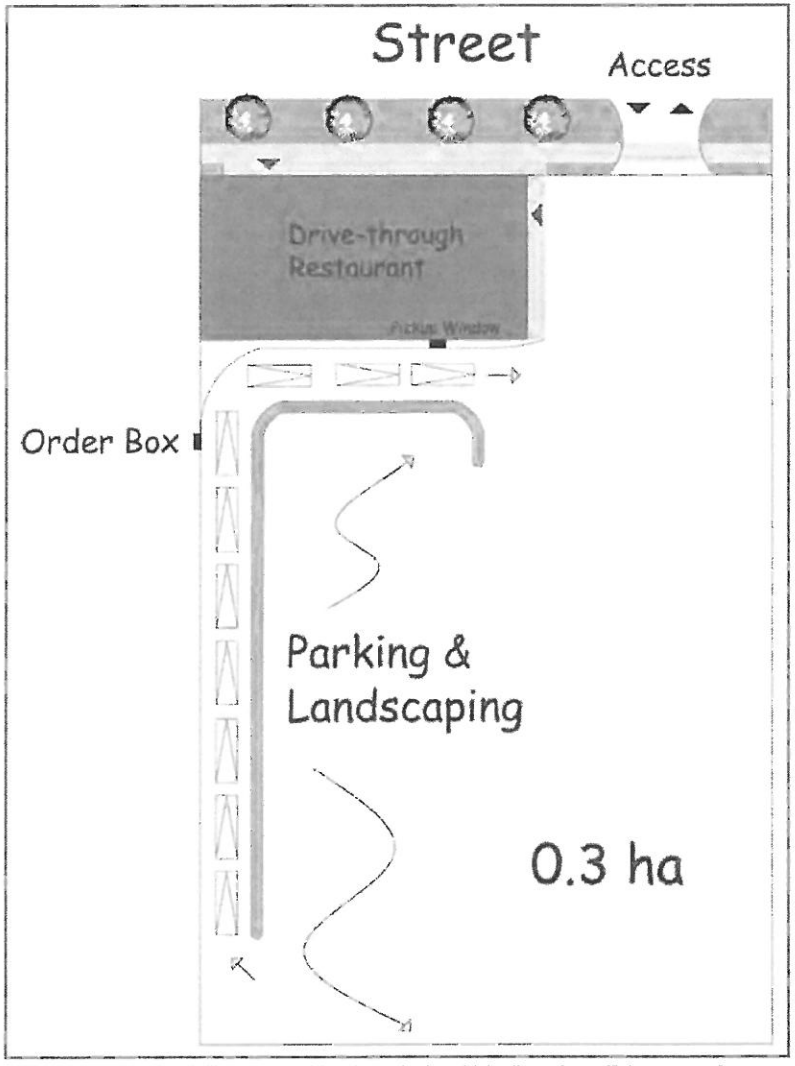


Figure 4.3a: This sketch illustrates a drive-through site which allows for sufficient space for a facility to provide appropriate landscaping, buffering and parking.

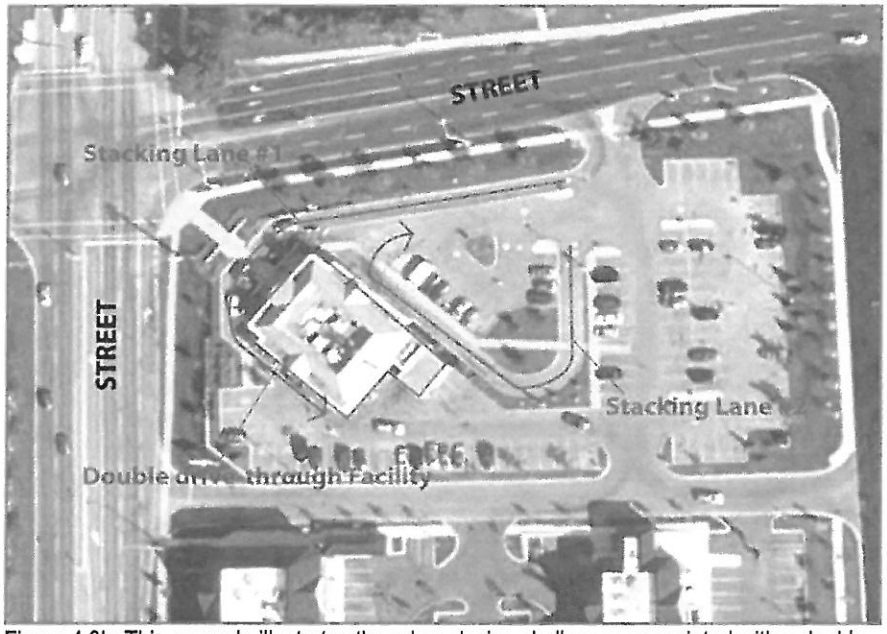


Figure 4.3b: This example illustrates the urban design challenges associated with a double drive-through facility resulting from two stacking lanes addressing one building.

Guideline 3: Double drive-through facilities should be avoided. Side-by-side drive-through lanes serving one single brand may be acceptable subject to the evaluation of site-specific conditions.

Guideline 4: Encourage a maximum of one drive-through facility per site. On large sites, in excess of 1 hectare in area, more than one drive-through facility may be considered to a maximum of 3 facilities. Drive-through restaurants should be limited to a maximum of two facilities per site.

4.4 RELATIONSHIP TO ADJACENT USES

The presence of adjacent residential and other sensitive land uses often creates particular concern with regard to traffic, light, litter and noise. The main concern adjacent residential uses are the stacking lane, and in the case of a restaurant, the order box. These two elements of a drive-through facility can result in noise emanating from vehicle stereos and the order box, and light emanating from vehicle headlights.

These issues are of particular concern given that some drive-through facilities operate 24 hours a day, with impacts most noticeable at night. Accordingly, stacking lanes and order boxes should maintain a setback distance from residential lands. Additional mitigative measures should include acoustic barriers, perimeter landscaped buffers and landscaped berms. Particularly for restaurants, the Town should require noise studies to be completed which detail any sound attenuation measures and to ascertain that noise levels which will be acceptable for adjacent residential properties.

A survey of municipal standards related to buffer distances in the GTA indicates a range of 30 to 60 metres from residential zone boundaries. Some municipalities have adopted the 30 metre buffer as per the Ontario Municipal Board decision pertaining to the City of Toronto's drive-through facilities.

Guideline 5: Discourage drive-through facilities from locating adjacent residential properties. Where it is clearly demonstrated that this cannot be achieved, the stacking lane and/or order box associated with a drive-through facility shall be setback a minimum distance of 30 metres from the nearest lot line of any adjacent residential use.

Guideline 6: Discourage drive-through facilities within a mixed use building containing residential permissions.

Guideline 7: Provide a landscaped buffer zone, a minimum 6m wide along each yard adjacent residential uses.

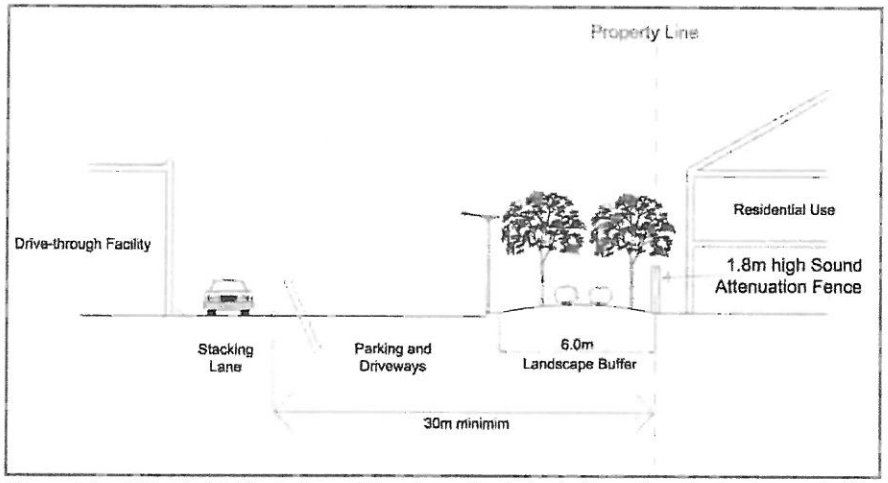


Figure 4.4a: This sketch illustrates a 30 meter setback, including a 6 meter landscape buffer adjacent a residential use, which utilizes trees, shrubs and berming.

Guideline 8: Provide a 1.8m high noise fence along the property line of adjacent properties where appropriate. Where the adjacent uses are residential, provide a sound attenuation study which recommends measures to minimize noise impacts. Ensure that any boundary or noise fence are compatible with overall site design.

Figure 4.4b: Illustrates inadequate buffering / separation from adjacent residential. The red bold hatched line indicates the commercial and residential interface.

Figure 4.4c: Drive-through facility at Sixteenth Avenue & Kennedy Road - adequate buffering area from adjacent residential through noise attenuation and landscaping.

4.5 SITE ACCESS, VEHICULAR AND PEDESTRIAN TRAFFIC

Due to their function, drive-through facilities result in a large amount of vehicles accessing the site and maneuvering within it. This high volume of vehicles actively circulating within the site may lead to vehicular / pedestrian conflicts. To avoid safety concerns and mitigate any potential conflicts drive-through facilities should provide for safe and efficient pedestrian and vehicular access to the site and the building.

Internal circulation patterns should not negatively impact on and potentially impede safe and convenient pedestrian access into the building, from both the private and public realms. Moreover, vehicular circulation patterns should also consider potential impacts on adjacent roads, particularly the access points into the site.

Figure 4.5a: Starbucks on Trafalgar Rd. in Oakville - adequate example that avoids traffic and pedestrian conflicts and allows the building to establish a good street relationship.

Guideline 9: Where feasible, locate access points into the site away from street intersections and minimize the number of potential vehicular movements around the access location.

Guideline 10: Minimize the number and size of vehicular access points to the site from the public street. On corner sites, if feasible provide a vehicle access point from the secondary street.

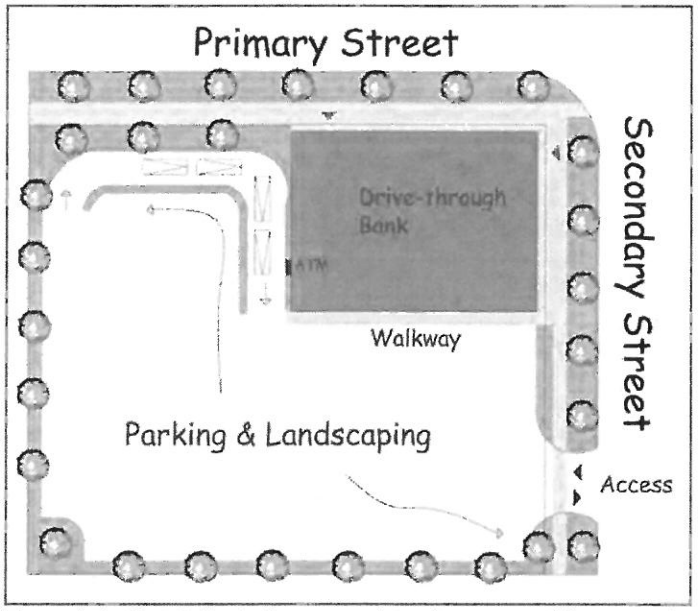


Figure 4.5b: Sketch illustrating appropriate site access - this corner site provides an access point into the site away from the intersection as well as being from a secondary street.

Guideline 11: Wherever feasible, provide raised walkways to curb levels for pedestrians on the sides of buildings. Consider a minimum clear walkway width of 2.0m.

Guideline 12: Provide well articulated pedestrian routes and zones on the site, linking building entrances and parking areas. Connect these routes and zones to the streets where feasible. Use decorative paving, or similar means, complimented by soft landscaping where appropriate to delineate these linkages.

Guideline 13: Provide direct pedestrian access from public streets and sidewalks to the building entrance, and locate building entrances to be directly visible from the public street. In providing such a walkway, where feasible avoid crossing driveways, stacking lanes or parking areas.

Guideline 14: Within larger commercial sites, where feasible, locate drive-through facilities at or near the entrances into the site to provide well delineated pedestrian connections to the building. Ensure that there are no conflicts between the entrance to the stacking lane and entrance into the site.

Figure 4.5c: This TD Bank at Bur Oak Avenue & McCowan Road - addresses the street and provides for pedestrian linkages. Also, the queuing lane has been placed internally, away from the street edge.

Guideline 15: Divide large parking areas into smaller and well-defined sections where possible on the site and use hard and soft landscaping to avoid large monotonous asphalt surfaces.

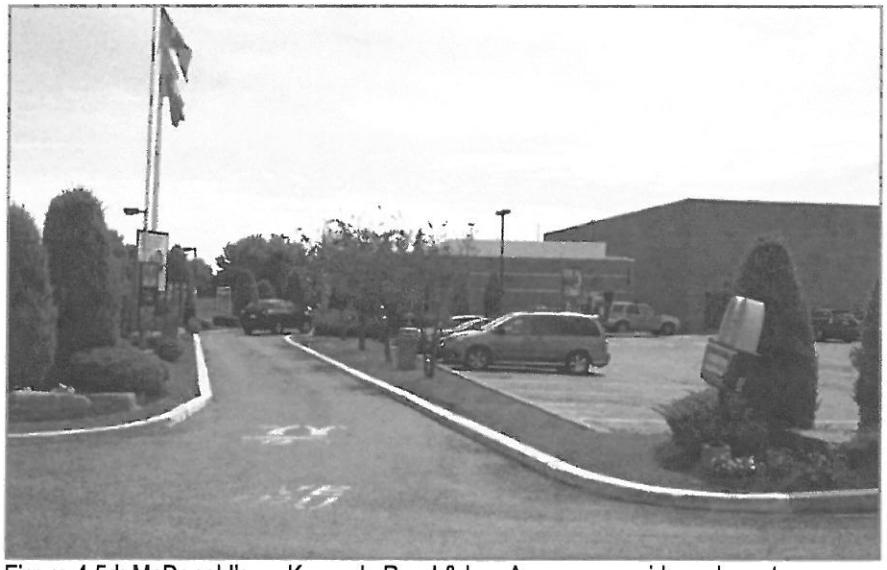


Figure 4.5d: McDonald's on Kennedy Road & Lee Avenue - provides adequate landscaping and clearly distinguishes stacking from parking areas.

4.6 STACKING & QUEUING

Providing adequate stacking lanes is a critical element of avoiding on-site circulation and safety issues. Stacking lanes should be designed to achieve maximum efficiency of the functioning of the stacking lane as well as the overall site. In this regard, it is desirable to maintain a mainly linear and straight stacking lane to make them easy to use. Stacking lanes which block access to parking stalls or loading facilities lead to circulation conflicts and significantly decrease the efficiency of their use.

Double drive-through facilities present particular challenges as they require two separate stacking lanes which address one building. To mitigate this, an adequate number of vehicle stacking spaces needs to be provided. The queuing areas within stacking lanes are necessary for the functional elements of a stacking lane, which include the order box and the pickup window.

Empirical evidence suggests that stacking space requirements vary upon the type of drive-through facility. Drive-through restaurant facilities require more spaces than others, such as financial institutions. This type of facility does not require an order box and the time spent within the stacking lane is less.

Guideline 16: To the extent feasible, design stacking lanes to be linear and straight, with a minimum amount of curves and turning movements. Where appropriate, provide an escape lane.

Guideline 17: Provide for a minimum distance of 2 - 3 car lengths between the entrance to the stacking lane and the access to the site from a street.

Guideline 18: Avoid stacking lanes within the front or exterior side yards.

Guideline 19: Avoid the stacking lane from wrapping around the building.

Guideline 20: Place the access point to the stacking lane of a drive-through facility as deeply as possible into the site.

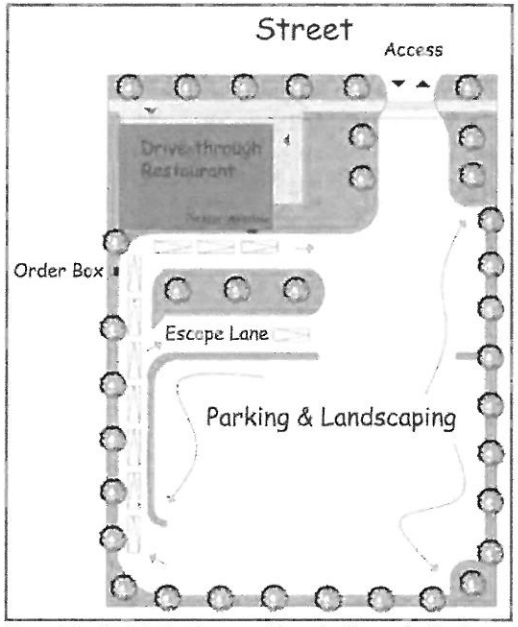


Figure 4.6a: Sketch showing an uninterrupted linear stacking lane and an escape lane that allows vehicles to exit without having to drive by the pickup window.

Guideline 21: For restaurants, provide for a minimum total of 10 vehicle stacking spaces in the drive-through aisle. Unless specific operations mandate otherwise, ensure that a minimum length to accommodate 7 vehicles is available between the entrance to the stacking lane and the order station, and that the aisle is contained within the site and located a good distance from any vehicular entrance. As determined by the Town, where it is deemed to be necessary, provide a queuing study to confirm appropriate length.

Guideline 22: For financial institutions and pharmacies, provide for a minimum total of 4 vehicle stacking spaces in the drive-through aisle. Where required by the Town, provide a queuing study to confirm appropriate length.

Guideline 23: Use raised islands, or other forms of barriers to separate stacking lanes from main parking areas and driveways. Provide decorative paving treatments and soft landscaping for the barriers where possible.

Guideline 24: In locating the stacking lane, avoid blocking access to parking spaces and loading and service areas.

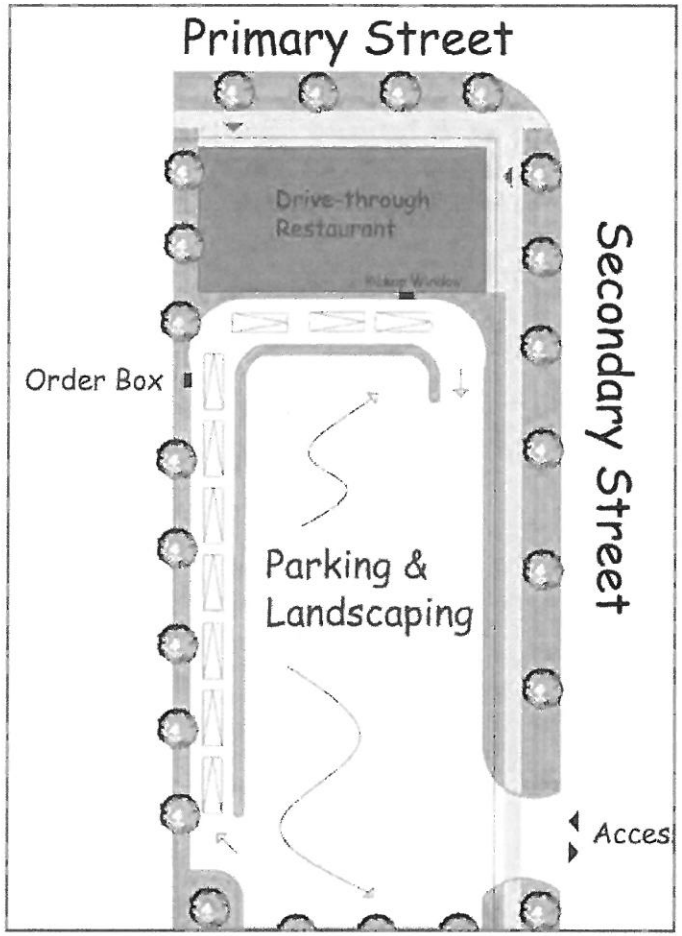


Figure 4.6b: Sketch showing an uninterrupted linear stacking lane which is adequately contained within the site while providing sufficient stacking spaces.

Guideline 25: Provide clearly visible and appropriately placed directional signage at entrance and exit locations to stacking lanes.

Figure 4.6c: Starbucks at Highway 407 & 9th Line - provides for appropriate curbs and landscaping which separates the stacking lane from the parking areas.

4.7 BUILDINGS AND THE STREETSCAPE

When buildings are oriented towards the street, they assists in creating a vibrant, animated streetscape. Buildings located near the street line encourage a pedestrian scale and provide direct pedestrian access into the building from the street. To assist in achieving these urbanistic goals, it is preferable for buildings to be located adjacent the street, without any parking or driveways between the building and the street line.

On corner sites, the building should address both street frontages to emphasize the importance of an urban intersection. Architectural treatment along street facing façades should be provided to ensure appropriate street presence. Stacking lanes should not be situated between the building and the street. When this cannot be avoided due to site specific circumstances, the stacking lane may be allowed between the building and the street as long as appropriate landscaping and architectural elements that maintain a built form presence along the street are provided.

Guideline 26: Place the building at or near the street frontage of the site. Design corner buildings to address both streets directly. Incorporate elements such as increased height at the corner, as well as massing and roof features. Articulate both street facing facades of the building appropriately.

Guideline 27: Locate interiors of buildings such as seating areas, employee rooms, offices, waiting areas and lobbies, which wherever feasible, have potential for clear glass windows along street facing walls.

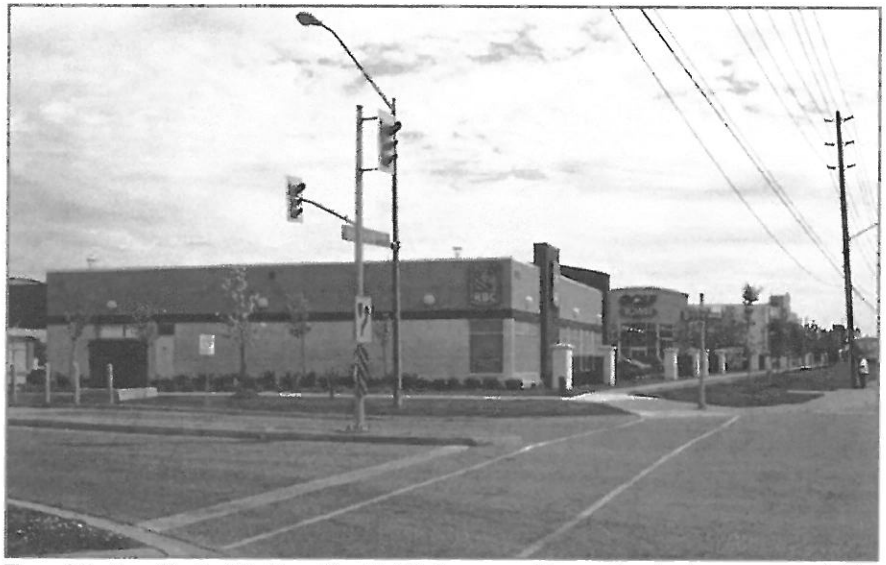


Figure 4.7a: Royal Bank at Markham Road & 14th Avenue - addresses the street corner appropriately and adequately contains the stacking lane within the site.

Guideline 28: Design the building to reflect the existing community theme in addition to brand specific needs. Compliment existing context through appropriate use of massing and materials.

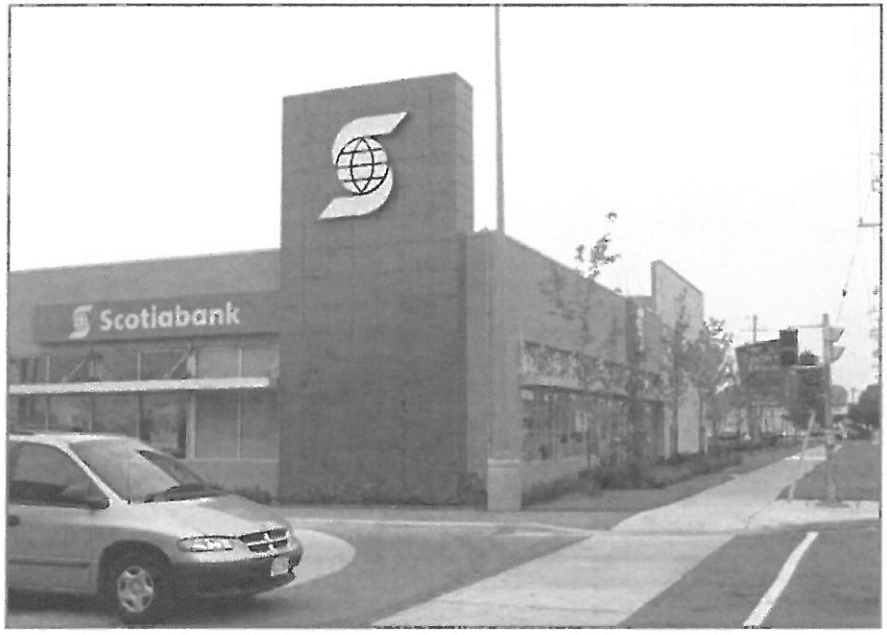


Figure 4.7b: This Scotia Bank building on the Queensway in Toronto provides a proper street frontage, facade treatment and use of windows along street facing walls.

Guideline 29: Treat the facades of the building, particularly the street elevation, with particular care for an aesthetically pleasing presence in the streetscape. Consider the use of appropriate fenestration, well-articulated entrances, roof elements, and façade features, as well as canopies and awnings.

Guideline 30: Encourage minimum buildings heights of 6m - 7.5m to establish a streetscape in scale with street width.

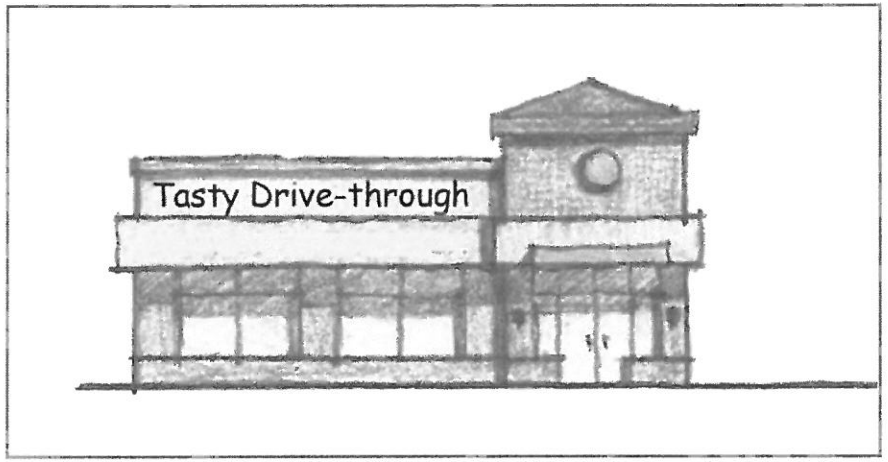


Figure 4.7c: Sketch of the facade of a drive-through facility which provides appropriate fenestration and entrance features.

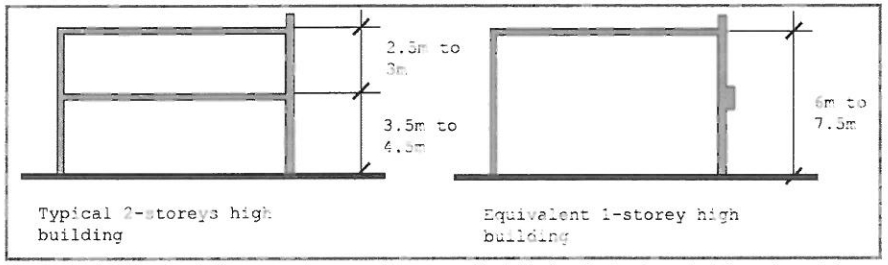


Figure 4.7d: This sketch illustrates the use of increased heights for single storey buildings to match that of two-storey buildings for an appropriate scale along streets.

Guideline 31: Locate main entrance doors to be directly accessible and visible from the sidewalks and public streets. As well, ensure that building entrances are safely and conveniently accessible from the parking lot.

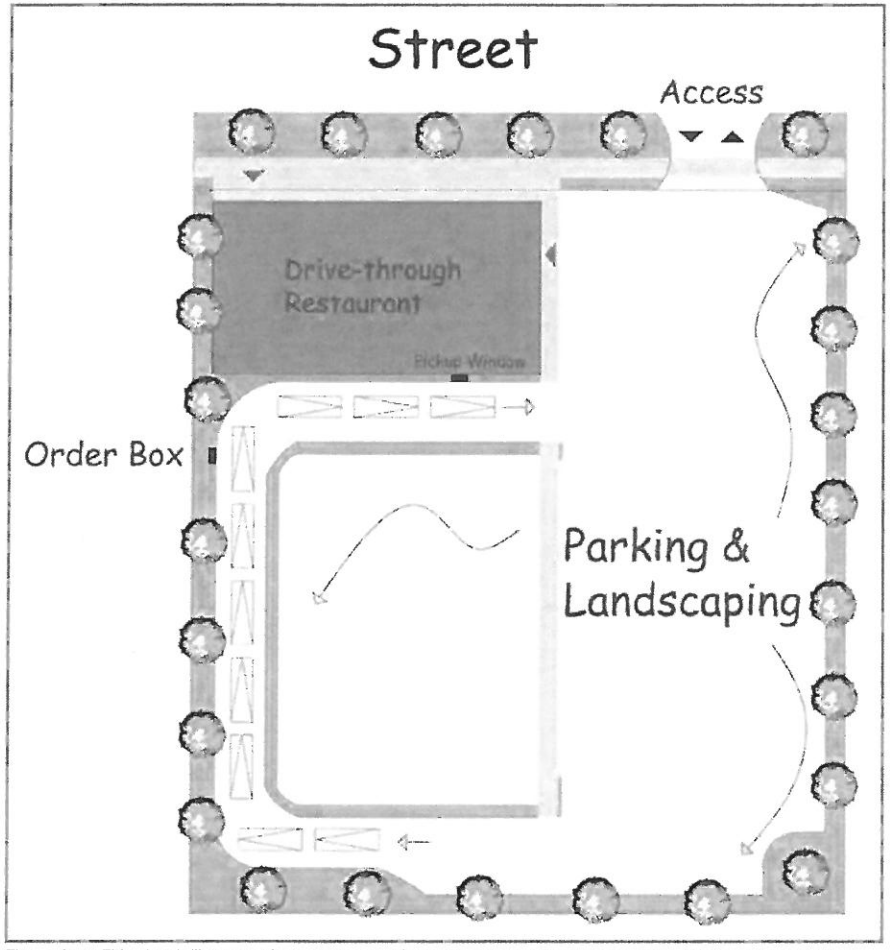


Figure 4.7e: This sketch illustrates the use of pedestrian walkways providing access to the building entrances from within the site and the street.

Guideline 32: At or near entrances, provide canopies, weather protection and bicycle parking areas in a manner that does not impede access.

Guideline 33: Where appropriate, provide amenities, such as outdoor seating spaces and patios adjacent the building and close to the street.

Figure 4.7f: Burger King on Hwy 7 & Lunar Crescent - demonstrates a well massed building which appropriately addresses the street, with the stacking lane located at the side and rear, and an outdoor patio facing the street.

Guideline 34: In multi building developments, encourage the use of complimentary architectural design elements for the buildings and other site features to create a distinctive development.

Guideline 35: Provide consistent projections, recesses, arcades, awnings, colour treatment and texture to eliminate blank or featureless walls along all building facades.

Guideline 36: Notwithstanding Guideline #18, where site conditions demand it, situating the stacking lane in between the building and the street may be considered as long as an appropriate landscaping and an architectural screen that maintains a built form presence along the street is provided.

Figure 4.7g: This gas bar and drive-through facility at Bur Oak Avenue & McCowan Road utilizes an architectural screen to buffer the stacking lane from the street while maintaining a built form edge along the street.

Guideline 37: Discourage the use of back painted or "spandrel glass" along street facing facades.

Guideline 38: Encourage sustainable building and site design practices including the use of certification programs such as LEED.

4.8 LANDSCAPING, SIGNAGE & LIGHTING

To achieve an appropriate balance between asphalt, landscaped areas and buildings it is important to pursue landscape opportunities on the site perimeters and within the site. Opportunities for landscaping include, but are not limited to: separating stacking lanes from parking areas and the street edge; breaking up large surface parking areas; and buffering residential areas.

Landscaping is particularly important at corner sites and should be used to compliment building facades. Environmental advantages of soft landscaping relate to increasing overall site permeability and reducing the urban heat island effect.

All landscaping and plantings should be in accordance with the guidelines and specifications contained in the Town of Markham's Trees for Tomorrow: Streetscape Manual.

Guideline 39: Where a building is setback from the street, provide ample landscaping in the front yard while ensuring good walk-in access. Refer to the recommended species list as per the Town's Trees for Tomorrow: Streetscape Manual. Also, use low decorative fences and masonry walls and other landscape features as required.

Guideline 40: Provide a 3m minimum landscaped area where parking or stacking lanes are adjacent a public street.

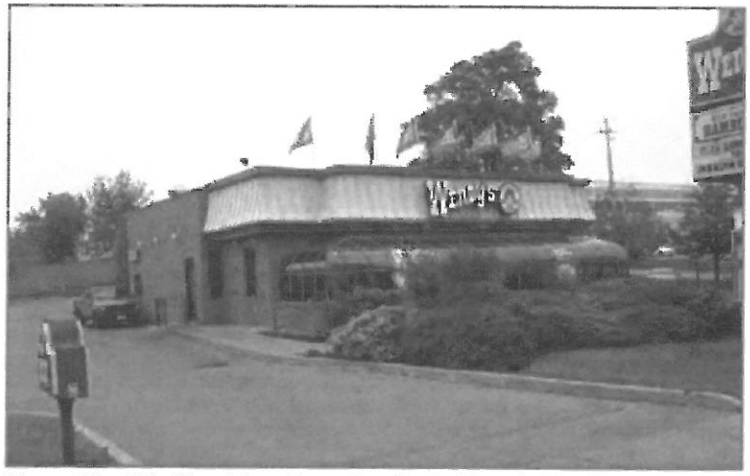


Figure 4.8a: This Wendy's restaurant on Bayly Street in Ajax illustrates a well landscaped forecourt for the building with the stacking lane at the rear.

Figure 4.8b: This Scotia Bank on the Queensway & Islington in Toronto illustrates an adequate landscaped screen between the road and the stacking lane.

Guideline 41: Maximize opportunities for on-site landscaping along site perimeters as well as within the site. For perimeter landscaping use the applicable zoning standards or utilize a minimum width of 1.5m.

Guideline 42: Provide landscaping on either side of driveway entrances to a site. Place particular emphasis to landscaping at major access points to the site.

Figure 4.8c: This Royal Bank at Highway 407 & 9th Line provides an example of good landscaping and appropriate pedestrian access into the larger commercial site.

Guideline 43: Provide the minimum allowed number of parking spaces and driveway widths to maximize the amount of landscaping on the site.

Guideline 44: Provide street trees on the public boulevard in keeping with Town of Markham standards.

Guideline 45: Provide a mix of coniferous and deciduous trees and shrubs on the site for year-round vegetation, variety and colour. Use low maintenance and salt tolerant species.

Guideline 46: For landscape buffers adjacent other land uses, and particularly adjacent residential properties, provide ample coniferous and deciduous plant material. Consider berming where additional height for a screen may be warranted for rear or side yards.

Guideline 47: Use sodded areas and shrub beds to collect / store and filter stormwater to improve recharge and increase overall site permeability.

Guideline 48: Incorporate all signage into the design consideration for the buildings and landscaping. Promote the use of fascia signs that are in proportion with the building mass and façade proportions.

Guideline 49: Discourage the use of ground/temporary signs where possible. However, if ground signs are used, incorporate them into the landscape and encourage the maximum height not to exceed the height of the adjacent building.

Figure 4.8d: McDonald's restaurant on Eglinton in Scarborough - this photograph shows the building located to address the street appropriately. Also, the signage has been incorporated into the facades properly in scale with the building.

Guideline 50: Direct lighting sources away from adjacent residential properties and provide screening as necessary. Where required by the Town, supply light distribution information to demonstrate minimal impacts on adjacent properties.

Guideline 51: Provide night sky friendly lighting to minimize light pollution. Pursue various lighting options such as step lights and facade mounted lights. Encourage the use of energy efficient lighting.

Guideline 52: Provide fixtures that distribute an appropriate level of light supply evenly from the main building and the parking area to provide user safety and limit glare.

4.9 SERVICING & UTILITIES

Properly accommodating the necessary operational elements of a drive-through facility, including utility and servicing, will assist in achieving an efficient site design as well as a higher aesthetic quality. In this regard, consideration should be given to enclosing garbage and utility areas within the building as well as allowing the service related areas to function appropriately, including loading/service locations and areas for snow removal.

Guideline 53: Place loading and garbage facilities at the rear of the drive-through building, and provide screening from neighbouring properties and public streets as necessary. Locate such facilities within the main building in accordance with applicable zoning provisions.

Figure 4.9a: Wendy's restaurant on Steeles & Woodbine - photograph demonstrates how to appropriately situate and enclose garbage areas at the rear, and within the building.

Guideline 54: Ensure that all utilities are situated within enclosed areas and limit views from the public street and adequately screen by landscaping. Place utilities underground where feasible.

Guideline 55: Plan the site to include areas for temporary snow storage without conflicting with site circulation, landscaping and utility boxes.

STARBUCKS
COFFEE

verizon

DRIVE THRU
STARBUCKS COFFEE
REGAL CINEMAS 16

Schnucks
FOOD & PHARMACY
CAFE

LION'S CHOICE

Cane's
12215
Cane's
12215

Cane's
12215
RIGHT TURN ONLY

ATM
OPEN
12161
FIFTH THIRD BANK
Future
Location

12161

SOON

chaels
nd crafts store
MATTRESS FIRM
NAIL & SPA
Three Kings
PUBLIC HOUSE

THE ORIGINAL CHICKEN SANDWICH
DO NOT
ENTER

Dierbergs
Pharmacy
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FLORIST GIFTS
Market Fresh

BEEF
YOU
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barre3
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First
Community

They just quit. Now what?

Drive-thru usage up, speed of service down

May 30, 2012 | by Alicia Kelso (/editors/alicia-kelso/)

In 2011, 12.4 billion visits were made at quick-service restaurant drive-thrus, representing a 2 percent increase over 2010. This new data is according to the latest report from NPD Group.

In the total QSR segment, carry-out represents the bulk of visits but drive-thru is the order method of choice at hamburger, Mexican and chicken restaurants, according to NPD's CREST service, which continually tracks how consumers use restaurants and other foodservice outlets.

At hamburger restaurants, drive-thru represents 57 percent of visits, compared to 17 percent for carry-out and 27 percent eating on-premise. Drive-thru at quick-service Mexican restaurants represents a 40 percent share of visits compared to 26 percent carry-out and 34 percent on premise. At chicken restaurants, 38 percent of visits are drive-thru compared to 36 percent for carry-out and 25 percent on-premise.

"Drive-thru customers' expectations are straightforward – take down my order accurately and give me my food fast," says Bonnie Riggs, restaurant industry analyst at NPD. "To address consumer needs by having a drive-thru operation requires ample real estate and a complex mix of technology, logistics and time management principles. It is really a very well-orchestrated dance."

Riggs said that when consumers complain about their drive-thru experience it's because they somehow lost time. Getting the wrong order, not understanding the voice coming from the speaker, or having to wait in long lines are among the reasons consumers cite for a less than satisfying drive-thru experience . She added that QSRs are continually addressing these concerns with multiple lanes, state-of-the-art ordering systems, staff training and other advances.

QSRs making drive-thru advances

Popeyes, for example, has honed in on the speed of its drive-thru operations, measuring performances by its GEM (guest experience monitor). In the chain's most recent earnings report, CEO Cheryl Bachelder said approximately three-fourths of the company's units were clocking **below 180 seconds (http://www.qsrweb.com/article/194973/Popeyes-lifted-by-national-marketing-promotional-offerings)** at the drive-thru.

More than one-third of all McDonald's U.S. restaurants now feature multiple order points, including tandem or side-by-side drive-thrus, along with nearly 1,200 handheld order takers in the drive-thru line. CFO Peter J. Bensen **recently said (http://www.qsrweb.com/article/193433/McDonald-s-focus-on-core-items-reimaging-and-labor-pays-off)** these improvements have yielded a 5 percent growth in comp transactions during the lunch daypart.

Story continues below ...

CONNECT 2014 MOBILE INNOVATION SUMMIT for retail & restaurants **(http://adclick.g.doubleclick.net/aclk%2**

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Tim Hortons has also committed to doubling its double drive-thru units throughout Canada. The plan was **recently announced (http://www.leaderpost.com/news/Hortons+double+drive+thrus/6556942/story.html)** to speed things up in order to remedy congestion problems at many locations.

And while some QSRs are working on their drive-thru speed, others are just hoping to boost their traffic. Captain D's, for example, recently added sandwiches to its menu in the hopes of boosting drive-thru patrons. Captain D's is an anomaly in the QSR segment, generating just 30 percent of its sales from the drive-thru.

"There is a big demand for portable product offerings that travel well. We are working on doing this right because it's been a void in our system. We think it will give us a competitive re-entry into the marketplace that rivals the gold standard players in the industry," said **CEO Phil Greifeld (http://www.qsrweb.com/article/182749/Righting-the-ship-With-Captain-D-s-new-leadership-team-in-place-focus-shifts)**.

According to NPD, growth in drive-thru visits go hand-in-hand with the growth of on-the-go foods and beverages that can be eaten in the car, such as sandwiches and wraps. Portability is a key implication for the types of foods and beverages offered at the drive-thru and the packaging of these foods, like containers designed to fit perfectly in a car cup well. Burger King launched a car cup-shaped french fry holder – a "**Frypod (http://www.qsrweb.com/article/139561/Burger-King-goes-pop)**" – a few years ago.

Burger King (http://www.qsrweb.com/article/95448/Digital-menu-boards-at-the-drive-thru-Fad-or-game-changer) also is one of a handful of chains that has installed digital menu boards at the drive-thru, to help improve order accuracy and target daypart messages, **among other benefits (http://www.qsrweb.com/blog/7941/Value-Menu-The-top-12-benefits-of-digital-menu-boards-Infographic)**.

"In addition to offering speed and convenience to customers, the drive-thru operation is important to fast food restaurants' bottom line, which is why fast casual and other quick-service categories are planning drive-thrus," Riggs said. "A successful drive-thru operation translates to higher customer satisfaction, repeat business, and more profit. "

Read more about **operations management (http://www.qsrweb.com/research/246/Operations-Management)**.

Topics: Business Strategy and Profitability (/topics/business-strategy-and-profitability/), Customer Service / Experience (/topics/customer-service-experience/), Drive-thru (/topics/drive-thru-2/), Drive-thru Menu / OCB (/topics/drive-thru-menu-ocb/), Food & Beverage (/topics/food-beverage/), Menu Boards (/topics/menu-boards/), Operations Management (/topics/operations-management/), Staffing & Training (/topics/staffing-training/), Systems / Technology (/topics/systems-technology/), Trends / Statistics (/topics/trends-statistics/)

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(/editors/alicia-kelso/)

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LinkedIn profile (http://www.linkedin.com/pub/alicia-kelso/15/152/812) Follow @QSRwel

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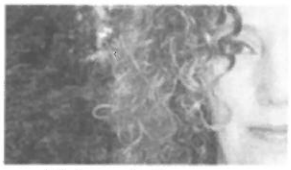

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TAB

4

GENERAL

	Creve Coeur	Chesterfield	Maryland Heights	Des Peres	Brentwood
Residents	17,833	47,684	27,472	8,420	8,035
Employees	31,813	64,899	48,500	12,012	14,041
Businesses	3,300	6,800	3,200	1,500	1,400
Retail (2011)	118	351	77	244	92
Food (2011)	70	88	43	56	20
Drive Thrus	1	14	11	5	6
Sales Tax Rate	* 8.863%	7.925%	7.425%	8.425%	8.425%
Size	10.1 sq miles	31.5 sq miles	21.4 sq miles	4.40 sq miles	1.95 sq miles

* Sales tax show at 7.425%, 7.675%, 7.863%, 8.863% for Olive TTD & Graeser TDD businesses

SALES TAX RECEIPTS

	Creve Coeur	Chesterfield	Maryland Heights	Des Peres	Brentwood
2013	$6,601,450	$12,961,633	$7,520,275		
2012	$6,475,114	$11,301,000	$7,229,184	$10,204,911	$13,878,437
		$17,427,057			
2011	$5,665,753	$10,714,000	$7,039,955	$9,655,565	$12,758,890
		$16,537,971			
2010	$5,266,229	$10,544,000	$6,597,589	$12,415,908	$12,431,043
		$16,104,082			$3,290,370
2009	$5,355,038	$10,640,000	$6,705,281	$13,372,985	$11,192,330
		$16,212,514			
2008	$5,714,678	$11,538,000	$7,437,185	$12,808,509	$11,942,998
		$17,635,148			
2007	$5,939,204	$9,588,000	$7,774,200	$12,765,520	$12,698,947
		$22,281,097			
2006	$5,634,875	$9,086,000	$7,616,477	$12,409,770	$12,550,558
		$22,574,494			

TAXABLE SALES

	Creve Coeur	Chesterfield	Maryland Heights	Des Peres	Brentwood
2013	$465,241,962				
2012	$471,598,063	$1,234,141,000	$702,584,000		$587,449,142
2011	$452,599,841	$1,118,534,000	$670,430,000		$556,909,602
2010	$440,227,975	$1,011,597,000	$678,425,000		$521,480,034
2009	$465,173,037	$1,157,788,000	$682,157,000		$447,562,678
2008	$503,575,442	$1,251,922,000	$757,062,000		$473,242,216
2007	$528,785,245	$1,311,170,000	$871,845,000		$518,306,203
2006	$505,831,847	$1,261,810,000	$901,465,000		$510,416,243

ZONING FAST FOOD/DRIVE THRU

Creve Coeur – Specifically restricted
3 acre parcel for each 1 (one) drive thru

Chesterfield – No specific restrictions
Developer picks what uses developer wants to put in its development out of 109 different approved uses, including drive through fast food
The City then works with the development plan and bases its recommendations upon criteria that apply to all general developments such as traffic flow, internal circulation, surrounding demographics, buffers, drive turns, stacking, notice
City works with developer to balance potential problems and concerns with allowance of the development plan

Des Peres – No specific restrictions
All restaurants are handled as conditional uses with the same standards applied based upon traffic flow, main street traffic impact, internal circulation, surrounding demographics, buffers, drive turns, stacking, City works with developer to balance potential problems and concerns with allowance of the development plan

Brentwood - No specific restrictions
Fast food drive thrus are a conditional use
Because all retail commercial abuts or is in close proximity to residential property, the development plans are closely reviewed for buffering and noise control for fast food drive thrus
The City applies the same standards to all development reviews based upon traffic flow, main street traffic impact, internal circulation, stacking

Maryland Heights – Progressive program, dedicated ordinance for motor vehicle oriented business with specific design guidelines
Minimum lot size 20,000 sq ft

CITY OF CREVE COEUR, MISSOURI

PROPERTY VALUE AND CONSTRUCTION

LAST TEN FISCAL YEARS

			New Construction (2)						Building Demolitions
			Commercial		Residential		Alterations And Additions		
Fiscal Year	Calendar Year	Total Estimated Actual Value (1)	Number Of Permits	Estimated Cost Of Construction	Number Of Permits	Estimated Cost Of Construction	Number Of Permits	Estimated Cost Of Construction	Number Of Permits
2013	2012	$ 3,815,929,320	3	$ 13,277,456	9	$ 6,925,444	930	$ 57,907,117	11
2012	2011	3,799,263,960	1	130,000	7	3,758,881	750	45,549,635	13
2011	2010	3,959,734,130	7	38,597,941	10	4,227,269	724	35,604,238	15
2010	2009	3,986,706,707	6	12,107,508	5	2,441,000	566	35,345,655	12
2009	2008	4,258,496,506	7	100,799,623	23	15,416,103	715	67,193,355	31
2008	2007	4,155,643,458	7	6,762,460	26	16,441,477	796	77,541,012	34
2007	2006	3,418,169,349	9	45,521,516	41	24,371,168	821	55,765,281	34
2006	2005	3,362,410,977	13	39,347,832	44	22,774,322	807	76,745,705	35
2005	2004	3,126,053,871	20	95,091,079	29	15,025,718	772	69,950,059	55
2004	2003	3,097,476,768	5	8,492,549	31	13,543,661	597	42,082,404	28

CITY OF CREVE COEUR, MISSOURI
CHANGE IN NET POSITION
LAST TEN FISCAL YEARS

	For The Years Ended June 30									
	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004
EXPENSES										
Governmental Activities										
General government	$ 3,499,759	3,549,249	3,302,799	3,313,133	3,337,554	2,887,126	2,520,437	2,375,859	2,328,328	2,321,011
Public safety	6,301,073	6,508,186	6,480,234	6,330,140	6,158,179	5,941,435	5,620,122	5,092,512	5,104,069	5,107,675
Public works	6,653,270	6,382,087	6,438,609	6,207,448	6,460,883	6,075,740	5,817,302	5,757,621	4,938,608	5,033,367
Community development	1,084,653	1,052,483	971,173	975,709	1,036,649	967,200	843,327	839,019	841,531	770,324
Economic development	-	28,642	1,357	348,754	1,271,263	144,382	411,874	384,264	245,448	263,682
Interest on long-term debt	212,633	249,421	276,444	305,443	337,031	354,706	365,924	377,377	423,346	458,217
Total Governmental Activities Expenses	17,751,388	17,770,068	17,470,616	17,480,627	18,601,559	16,370,589	15,578,986	14,826,652	13,881,330	13,954,276
Business-type Activities										
Recreation center	1,220,074	1,161,492	1,203,726	1,218,633	1,174,500	1,254,772	1,280,035	1,327,714	1,298,209	1,130,871
Total Primary Government Expenses	18,971,462	18,931,560	18,674,342	18,699,260	19,776,059	17,625,361	16,859,021	16,154,366	15,179,539	15,085,147
PROGRAM REVENUES										
Governmental Activities										
Charges for services:										
General government	228,375	242,461	228,749	303,795	222,029	204,754	204,953	213,449	189,041	174,042
Public safety	1,909,495	2,056,877	1,948,490	1,815,272	2,428,807	2,256,103	1,196,801	950,718	1,121,181	1,033,508
Public works	668,547	643,552	411,344	430,567	695,210	823,729	649,860	784,394	956,574	573,810
Community development	4,290	6,468	5,409	3,427	9,647	20,712	15,716	29,832	39,077	31,819
Operating grants and contributions	1,684,292	1,697,710	1,747,480	1,731,486	1,780,974	1,964,875	1,828,585	1,523,534	1,539,251	1,567,406
Capital grants and contributions	555,484	754,762	-	741,426	772,607	125,917	5,892	348,877	1,336,741	156,141
Total Governmental Activities Program Revenues	5,050,483	5,401,830	4,341,472	5,025,973	5,909,274	5,396,090	3,901,807	3,850,804	5,181,865	3,536,726
Business-type Activities										
Charges for services:										
Recreation center	953,409	1,014,246	938,998	988,568	1,017,068	1,079,957	1,036,000	1,059,352	1,059,962	789,991
Capital grants and contributions	-	-	-	-	-	-	-	-	4,028	-
Total Business-type Activities Program Revenues	953,409	1,014,246	938,998	988,568	1,017,068	1,079,957	1,036,000	1,059,352	1,063,990	789,991
Total Primary Government Program										

CITY OF CREVE COEUR, MISSOURI

CHANGE IN NET POSITION (Continued)

LAST TEN FISCAL YEARS

	For The Years Ended June 30									
	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004
GENERAL REVENUES AND OTHER CHANGES IN NET POSITION										
Governmental activities:										
Property tax	549,157	632,358	681,159	648,502	1,529,001	1,505,450	994,343	876,394	703,189	661,419
Sales tax	6,601,450	6,475,114	5,665,753	5,266,229	5,355,038	5,714,678	5,938,204	5,632,875	5,606,868	5,384,170
Utility tax	5,822,439	5,718,965	5,829,959	6,212,734	5,265,596	6,130,232	4,145,945	4,008,037	2,996,268	2,508,547
Other tax	48,726	47,302	47,375	47,740	52,959	53,743	55,260	60,326	59,650	62,109
Gain on sale of capital assets	17,595	7,284	27,821	90,211	19,380	61,338	-	134,695	-	-
Investment income	189,012	141,139	204,816	295,507	610,169	509,712	559,294	363,646	185,692	108,948
Miscellaneous	684,191	828,170	816,161	748,888	738,327	729,247	864,275	813,731	668,142	482,943
Transfers	(30,000)	(25,000)	(135,000)	(482,941)	(120,000)	(89,000)	(140,000)	(87,966)	(62,558)	(2,636,346)
Total Governmental Activities General Revenues And Other Changes In Net Position	13,882,570	13,825,332	13,138,044	12,826,870	13,450,470	14,615,400	12,417,321	11,801,738	10,157,251	6,571,790
Business-type activities:										
Investment income	434	201	237	469	459	4,056	3,039	3,670	1,350	340
Transfers	30,000	25,000	135,000	482,941	120,000	89,000	140,000	87,966	62,558	2,636,346
Total Business-type Activities General Revenues And Other Changes In Net Position	30,434	25,201	135,237	483,410	120,459	93,056	143,039	91,636	63,908	2,636,686
Total Primary Government General Revenues And Other Changes In Net Position	13,913,004	13,850,533	13,273,281	13,310,280	13,570,929	14,708,456	12,560,360	11,893,374	10,221,159	9,208,476

CITY OF CREVE COEUR, MISSOURI

TAX REVENUE BY SOURCE, GOVERNMENTAL FUNDS

LAST NINE FISCAL YEARS

Fiscal Year	Property	Sales And Use	Franchise And Public Service	Sewer Lateral	Total
2013	$ 553,208	$ 6,601,450	$ 5,871,668	$ 86,320	13,112,646
2012	624,866	6,475,114	5,829,469	86,176	13,015,625
2011	686,393	5,665,753	5,862,030	136,493	12,350,669
2010	653,966	5,266,229	6,259,404	135,311	12,314,910
2009	1,525,415	5,355,038	5,300,177	160,277	12,340,907
2008	1,508,402	5,714,678	6,132,783	160,721	13,516,584
2007	994,343	5,939,440	4,145,945	161,275	11,241,003
2006	872,172	5,634,733	4,008,037	153,791	10,668,733
2005	681,330	5,609,669	2,996,268	156,369	9,443,636

Source: Governmental revenues and supplemental information

CITY OF CREVE COEUR, MISSOURI

SALES TAX RATES, DIRECT AND OVERLAPPING
LAST TEN FISCAL YEARS

For The Years Ended June 30	City Direct Rate	St. Louis County	State Of Missouri	Direct And Overlapping	Taxable Sales (1)
2013	0.750 %	2.700 %	4.225 %	7.675 %	$ 465,241,962
2012	0.750	2.950	4.225	7.675	471,598,063
2011	0.750	2.700	4.225	7.675	452,599,841
2010	0.500	2.200	4.225	6.925	440,227,975
2009	0.500	2.100	4.225	6.825	465,173,037
2008	0.500	1.850	4.225	6.575	503,575,442
2007	0.500	1.850	4.225	6.575	528,785,245
2006	0.500	1.850	4.225	6.575	505,831,847
2005	0.500	1.850	4.225	6.575	473,923,788
2004	0.500	1.850	4.225	6.575	447,602,031

(1) Taxable sales reported by the Missouri Department of Revenue. State law prohibits the disclosure of specific taxpayer information.

Note: The City participates in the county-wide sales tax sharing pool, which is generally distributed based on population.

CITY OF CREVE COEUR, MISSOURI

DEMOGRAPHIC AND ECONOMIC STATISTICS

LAST TEN FISCAL YEARS

Fiscal Year	Population (1)	Median Age (1)	Median Household Income (1)	Per Capita Income (1)	Unemployment Rate (2)
2013	17,855	42.4	$ 98,093	$ 62,056	7.0
2012	17,833	44.3	94,852	59,496	6.9
2011	17,833	44.3	91,642	58,576	8.9
2010	16,500	43.1	75,032	47,905	9.3
2009	16,500	43.1	75,032	47,905	9.7
2008	16,500	43.1	75,032	47,905	5.4
2007	16,500	43.1	75,032	47,905	5.2
2006	16,500	43.1	75,032	47,905	5.1
2005	16,500	43.1	75,032	47,905	5.6
2004	16,500	43.1	75,032	47,905	6.1

(1) Source: 2000 and 2010 U.S. Bureau of Census

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What is the sales tax rate in Creve Coeur?
The current sales tax rate for the majority of businesses in Creve Coeur is 7.863%. For those businesses located within the Olive Boulevard TDD, the sales tax rate is 8.363%. For those businesses within the Graeser TDD, the sales tax rate is 8.863%.

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Show All Answers

1. **How do I email the Mayor and City Council?**
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3. **What is the phone number for Republic Services (formerly Allied Waste)?**
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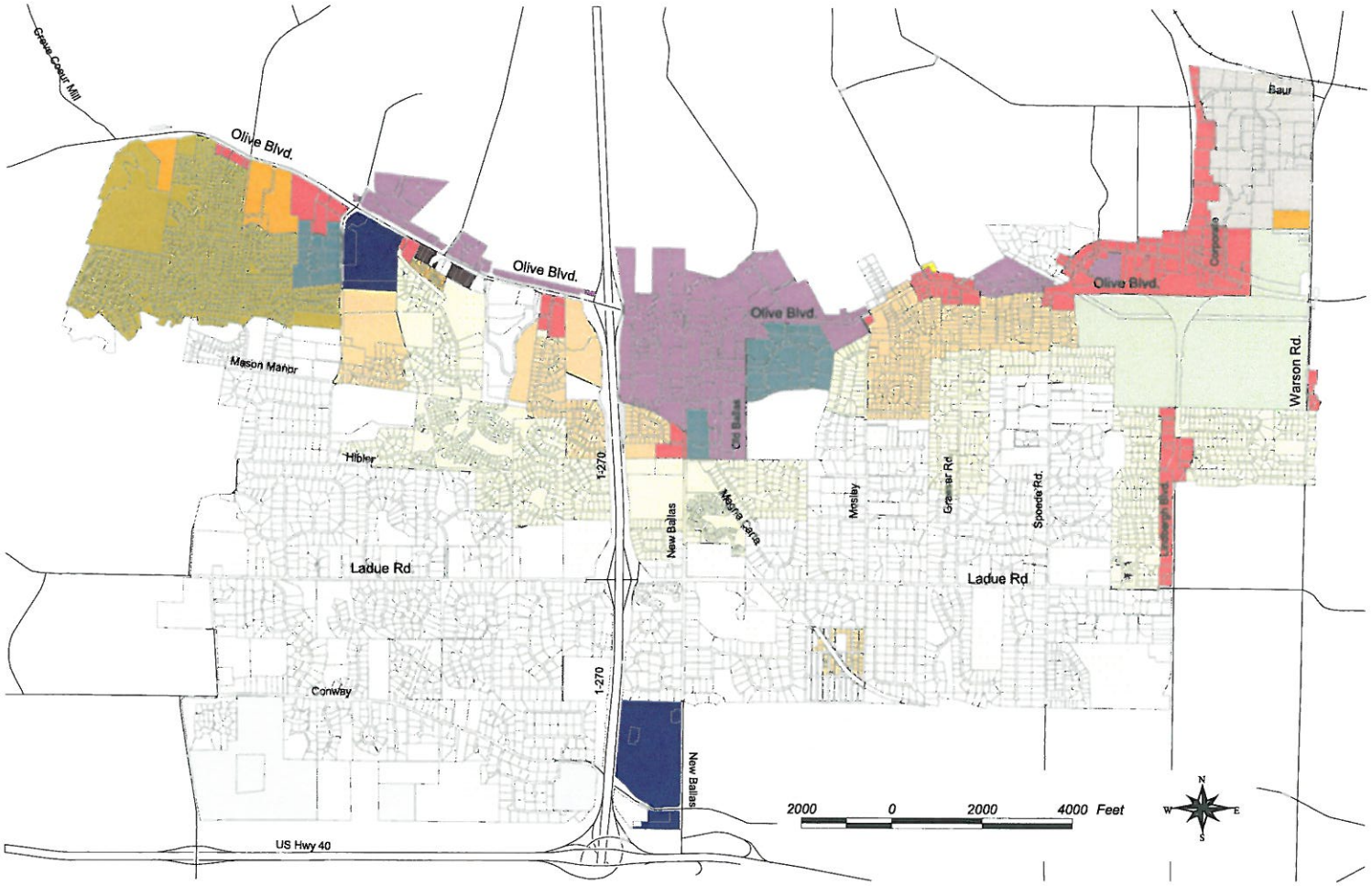
Sales Tax Rates Compared

Municipality	Sales Tax Rate
Olivette	8.425%
Des Peres	8.425%
Brentwood	8.425%
Richmond Heights	8.425%
Town & Country	8.175%
Chesterfield	7.925%
Creve Coeur (with Proposition C)	**7.675%**
Creve Coeur (current)	**7.425%**
Maryland Heights	7.425%

Note: tax rates do not include special taxing districts, such as Transportation Development Districts.

Existing Zoning Districts

City of Creve Coeur



Zoning Districts

- *Single Family Residential*
- *Single Family Residential*
- *Single Family Residential*
- *Attached Single Family Residential*
- *Single Family Residential*
- *Mixed Use District*
- *Higher Education District*
- *General Commercial*
- *Core Business District*
- *Light Industrial District*
- *Planned Community*
- *Planned Office District*
- *Planned Hospital District*
- *Research and Office Park District*
- *Action Areas*

MAP No. 2

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

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

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

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

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

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

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

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

Table 9

CITY OF CHESTERFIELD, MISSOURI
Sales Tax Rates and Taxable Sales
Last Ten Fiscal Years
(dollars in thousands)

Fiscal Year	City Direct Rate	St. Louis County	State of Missouri	Direct and Overlapping	Sales Tax Revenues	Taxable Sales (1)
2003	0.50%	1.850%	4.225%	6.575%	$ 3,762	$ 1,051,827
2004	0.50%	1.850%	4.225%	6.575%	3,940	1,148,881
2005	1.00%	1.850%	4.225%	7.075%	7,653	1,167,827
2006	1.00%	1.850%	4.225%	7.075%	9,086	1,261,810
2007	1.00%	1.850%	4.225%	7.075%	9,588	1,311,170
2008	1.00%	1.850%	4.225%	7.075%	11,538	1,251,922
2009	1.00%	2.100%	4.225%	7.325%	10,640	1,157,788
2010	1.00%	2.700%	4.225%	7.925%	10,544	1,011,597
2011	1.00%	2.700%	4.225%	7.925%	10,714	1,118,534
2012	1.00%	2.700%	4.225%	7.925%	11,301	1,234,141

(1) Taxable sales reported by the Missouri Department of Revenue. State Law prohibits the disclosure of specific taxpayer information.

Note: The City participates in the county-wide sales tax sharing pool, which is generally distributed based on population.

Table 15

CITY OF CHESTERFIELD, MISSOURI
Demographic and Economic Statistics
Last Ten Calendar Years

Year	Population	Personal Income *(thousands of dollars)*	Per Capita Personal Income	School Enrollment: Parkway School District	School Enrollment: Rockwood School District	Unemployment Rate
2002	46,802	$ 1,951,550	$ 41,698	19,657	20,511	5.4 %
2003	46,802	2,030,832	43,392	19,304	20,063	5.8
2004	46,802	2,110,817	45,101	18,904	19,725	5.9
2005	46,802	2,165,698	46,274	18,273	19,583	5.5
2006	46,802	2,237,166	47,801	18,787	22,174	4.6
2007	46,802	2,299,807	49,727	17,717	22,185	4.9
2008	46,802	2,321,052	49,593	19,000	22,300	5.2
2009	46,802	2,419,336	51,693	19,000	22,300	5.4
2010	47,484	2,454,590	51,693	17,467	22,480	6.6
2011	47,484	2,430,231	51,180	17,467	22,480	6.2
2012	47,484	2,456,110	51,725	17,456	21,951	3.9

Source: Population and per capita personal income data for the City using the U.S. Census Bureau data for the area and Bureau of Economic Analysis for St. Louis County.
School enrollment information provided by Parkway and Rockwood School Districts.
Unemployment rate using U.S. Department of Labor, Bureau of Labor Statistics.

Note: Per capita personal income for year 2006 using consumer price index for midwest state as a percent change from 2005.

CITY OF CHESTERFIELD, MISSOURI
Changes in Net Position
Last Ten Fiscal Years

	For the years ended December 31									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
EXPENSES										
Primary Government										
Governmental activities:										
General government	$ 2,596,258	2,732,076	2,820,464	2,828,371	3,012,569	3,104,859	3,239,574	3,219,111	3,073,393	3,323,238
Parks and recreation	1,759,887	1,819,602	1,200,554	3,279,634	3,631,874	4,114,605	4,529,859	4,735,969	5,282,317	6,667,066
Judicial	169,118	177,183	184,064	182,869	189,701	212,013	221,809	260,387	236,646	242,383
Planning	588,615	592,138	578,915	646,653	642,805	618,783	733,341	693,488	590,622	504,809
Developmental services	-	-	-	-	-	785,752	854,705	729,214	490,551	535,897
Public works	14,763,996	12,830,243	14,714,417	14,847,845	10,246,596	14,402,877	14,701,716	11,437,429	9,952,319	11,027,314
Public safety	6,540,437	6,694,462	6,877,264	7,099,546	7,405,868	8,311,227	8,309,249	8,275,428	7,720,308	8,468,966
Community development	179,090	139,090	65,848	153,130	493,543	244,572	246,792	209,657	151,522	181,407
Interest on long-term debt	4,594,305	5,598,446	5,485,774	5,172,635	4,691,663	3,797,796	2,932,036	3,094,375	2,954,766	2,809,885
Total primary government expenses	31,191,706	30,583,240	31,927,300	34,210,683	30,314,619	35,592,484	35,769,081	32,655,058	30,452,444	33,760,965
PROGRAM REVENUES										
Primary Government										
Governmental activities:										
Charges for services:										
General government	541,361	621,344	635,359	694,115	667,663	740,083	683,912	696,465	681,851	658,018
Parks and recreation	420,887	459,308	778,892	868,600	1,012,857	977,961	1,027,958	1,136,840	1,210,006	1,394,799
Judicial	809,258	833,990	852,979	942,244	997,433	1,212,561	1,317,384	1,275,826	1,223,280	1,296,878
Planning	20,850	27,332	24,219	34,853	38,137	23,412	25,119	24,455	39,377	33,541
Public works	314,534	391,134	63,105	108,644	106,480	30,634	139,747	62,828	154,180	414,247
Public safety	63,924	49,255	39,342	41,293	47,106	53,391	60,126	61,604	51,152	55,799
Community Development	-	-	-	-	-	-	-	-	9,310	4,623
Operating grants and contributions	4,901,639	4,005,610	3,623,959	4,036,605	4,614,543	4,197,473	5,094,736	5,694,181	4,713,574	4,671,981
Capital grants and contributions	1,396,652	365,850	1,464,064	417,894	2,374,841	1,364,332	2,202,831	7,659,799	2,695,237	8,114,634
Total primary government program revenues	8,469,105	6,753,823	7,481,919	7,144,248	9,859,060	8,599,847	10,551,813	16,611,998	10,777,967	16,644,520
Net Revenues (Expenses)										
Total primary government net expense	(22,722,601)	#########	(24,445,381)	(27,066,435)	(20,455,559)	(26,992,637)	(25,217,268)	(16,043,060)	(19,674,477)	(17,116,445)
General Revenues and Other Changes in Net Position										
Primary Government										
Governmental activities:										
Taxes:										
Property taxes	7,184,039	9,074,627	11,210,863	13,665,140	1,102,310	592,791	618,841	481,419	522,890	524,173
Sales taxes	12,961,633	13,764,998	19,524,090	22,574,494	22,281,097	17,635,148	16,212,514	16,104,082	16,537,971	17,427,057
Gross receipts tax (includes franchise tax)	4,985,577	5,013,234	5,473,216	5,617,717	6,267,218	8,766,303	8,512,571	7,975,310	7,970,597	7,930,276
Sewer lateral	549,249	465,261	420,758	600,668	588,441	567,228	555,847	560,418	551,252	559,184
Investment earnings	486,186	524,489	2,020,949	3,211,400	3,098,984	2,039,470	522,906	236,571	188,313	47,236
Miscellaneous	270,006	456,323	485,942	229,843	480,594	1,104,362	86,970	226,765	329,309	182,939
Total primary government	26,436,690	29,298,932	39,135,818	45,899,262	33,818,644	30,705,302	26,509,649	25,584,565	26,100,332	26,670,865
Changes in Net Position										
Total primary government	$ 3,714,089	5,469,515	14,690,437	18,832,827	13,363,085	3,712,665	1,292,381	9,541,505	6,425,855	9,554,420

CITY OF MARYLAND HEIGHTS, MISSOURI

Tax Revenues By Source, Governmental Funds

Last Ten Fiscal Years
(Modified accrual basis of accounting)

For The Years Ended December 31	Gaming	Utility Gross Receipts	Sales	Other	Total
2003	$ 13,300,709	$ 4,082,652	$ 6,500,676	$ 2,839,222	$ 26,723,259
2004	15,457,468	4,076,292	7,155,504	3,310,129	29,999,393
2005	15,607,319	4,254,320	7,742,913	3,670,072	31,274,624
2006	16,070,698	4,299,207	7,568,236	4,186,496	32,124,637
2007	15,569,179	4,657,311	7,662,991	3,937,213	31,826,694
2008	14,002,332	6,924,485	7,520,333	4,759,966	33,207,116
2009	13,941,327	6,139,117	6,734,956	4,368,213	31,183,613
2010	13,192,688	6,117,998	6,416,108	6,146,379	31,873,173
2011	12,449,843	5,992,169	7,079,124	5,521,904	31,043,040
2012	11,986,806	5,981,637	7,282,623	5,631,743	30,882,809

CITY OF MARYLAND HEIGHTS, MISSOURI

Sales Tax Rates, Direct And Overlapping

Last Ten Fiscal Years

For The Years Ended December 31	City Direct Rate	St. Louis County	State Of Missouri	Direct And Overlapping
2012	0.500 %	2.700 %	4.225 %	7.425 %
2011	0.500	2.700	4.225	7.425
2010	0.500	2.700	4.225	7.425
2009	0.500	2.100	4.225	6.825
2008	0.500	1.850	4.225	6.575
2007	0.500	1.850	4.225	6.575
2006	0.500	1.850	4.225	6.575
2005	0.500	1.850	4.225	6.575
2004	0.500	1.850	4.225	6.575
2003	0.500	1.850	4.225	6.575

The City levies a sales tax of one-half percent (0.5%) for the purpose of parks and stormwater.

Additionally, the City receives a portion of a 1% sales tax (included in the rates shown above) levied

CITY OF MARYLAND HEIGHTS, MISSOURI

Taxable Sales Generated By Industry

For The Years Ended December 31 - Last Seven Fiscal Years

Industry	2006 Taxable Sales (Millions Of Dollars)	2006 Percentage Of Total Taxable Gross Receipts	2007 Taxable Sales (Millions Of Dollars)	2007 Percentage Of Total Taxable Gross Receipts	2008 Taxable Sales (Millions Of Dollars)	2008 Percentage Of Total Taxable Gross Receipts	2009 Taxable Sales (Millions Of Dollars)	2009 Percentage Of Total Taxable Gross Receipts	2010 Taxable Sales (Millions Of Dollars)	2010 Percentage Of Total Taxable Gross Receipts	2011 Taxable Sales (Millions Of Dollars)	2011 Percentage Of Total Taxable Gross Receipts	2012 Taxable Sales (Millions Of Dollars)	2012 Percentage Of Total Taxable Gross Receipts
Wholesale trade - durable goods	$ 133,230	14.78 %	$ 134,865	15.46 %	$ 53,576	7.08 %	$ 46,477	6.81 %	$ 42,823	6.28 %	$ 47,916	7.15 %	$ 45,019	6.41 %
Eating and drinking places	86,586	9.61	96,557	11.08	99,141	13.10	91,968	13.48	87,964	12.89	87,024	12.98	89,384	12.72
Miscellaneous services	80,464	8.93	81,870	9.39	80,739	10.66	75,907	11.13	96,893	14.20	95,900	14.31	115,728	16.47
Miscellaneous retail	105,405	11.80	96,410	11.06	54,503	7.20	43,879	6.43	42,921	6.29	39,452	5.88	40,626	5.78
Electric, gas, and sanitary services	53,148	5.90	58,406	6.70	36,210	4.78	38,841	5.69	38,725	5.68	42,496	6.34	42,099	5.99
Food stores	46,582	5.17	51,265	5.88	45,744	6.04	50,270	7.37	49,323	7.23	48,076	7.17	49,272	7.01
Amusement/recreation services, except motel	45,775	5.08	41,227	4.73	40,572	5.36	25,260	3.70	23,666	3.47	19,738	2.94	18,261	2.60
Hotels, rooming houses, and camps other	52,521	5.82	52,243	5.99	51,921	6.86	41,844	6.13	40,651	5.96	43,309	6.46	47,258	6.73
Communication	33,751	3.74	38,582	4.43	37,937	5.01	37,631	5.52	33,144	4.86	29,597	4.41	24,546	3.50
Other	264,003	29.17	220,470	25.28	256,719	33.91	230,080	33.74	222,315	33.14	216,922	32.36	230,391	32.79
Total Taxable Sales	$ 901,465	100.00 %	$ 871,845	100.00 %	$ 757,062	100.00 %	$ 682,157	100.00 %	$ 678,425	100.00 %	$ 670,430	100.00 %	$ 702,584	100.00 %

Source: Taxable sales by Standard Industry Code reported by the State of Missouri Department of Revenue

State law prohibits the disclosure of specific taxpayer information.

No information available prior to 2006.

CITY OF MARYLAND HEIGHTS, MISSOURI

Demographic And Economic Statistics

Last Ten Calendar Years

For The Years Ended December 31	Population	Personal Income (Thousands Of Dollars)	Per Capita Personal Income	School Enrollment		Unemployment Rate
				Pattonville School District	Parkway School District	
2003	25,756	$ 641,788	$ 24,918	-	19,668	3.60 %
2004	27,346	681,408	24,919	-	19,323	3.80
2005	27,346	681,408	24,919	-	18,732	3.50
2006	27,346	681,408	24,919	5,782	18,557	3.10
2007	27,346	681,408	24,919	5,544	18,212	3.30
2008	27,346	681,408	24,919	5,430	17,424	4.00
2009	27,346	681,408	24,919	5,372	17,424	7.40
2010	27,472	812,814	29,587	5,518	17,504	7.80
2011	27,472	812,814	29,587	5,457	17,234	6.50
2012	27,472	812,814	29,587	5,509	17,271	5.40

Source: Population and per capita personal income based on U.S. Census Bureau data
School enrollment information provided by Parkway School District
Pattonville enrollment information for years prior to 2006 was not available
Unemployment rate information received from the Missouri Department of Labor

Motor Vehicle Oriented Businesses

Section

25-23

City of Maryland Heights
Zoning Code

The Zoning Code text contained in the Interpretive Version is current as of Ordinance #2013-3830 adopted on December 5, 2013.

The City Planner comments were last updated on December 16, 2013.

This version of the Zoning Code is provided for reference only and does not represent the official Zoning Code of the City of Maryland Heights. The City Planner comments contained in the sidebar are purely informational and have not been formally adopted as part of the Zoning Code.

SECTION 25-23.1 CONDITIONAL USE

Motor vehicle oriented businesses (MVOB) shall require a Conditional Use Permit in all districts as indicated in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code. When approved as a conditional use, the MVOB must comply with all applicable requirements of this section.

CITY PLANNER'S COMMENTS

MVOBs are conditional uses in the zoning districts in which they are found.

SECTION 25-23.2 NONCONFORMING MOTOR VEHICLE ORIENTED BUSINESSES

Existing MVOBs which do not comply with the regulations and conditions of the Zoning Code shall be considered to be nonconforming and allowed to continue; however, all nonconforming MVOBs shall comply with the following requirements within one (1) year after written notification by the Building Commissioner of items which must be corrected:

Pre-existing nonconforming MVOBs are not required to meet the design standards of this section, but are required to meet these requirements.

1. Whenever an MVOB is located adjacent to a residential district or residential use on the ground floor, appropriate screening, as provided for in Section 25-16.10, Landscaping Requirements for Buffer Areas and Screening.

2. All exterior lighting shall conform to the Section 25-18, Lighting Design Standards.

3. All MVOBs shall provide suitable storage of trash within areas, which are so designed and constructed as to allow no view of the trash storage from a street, to prevent waste from blowing around the site or onto adjacent properties or public rights-of-way, and to permit safe, easy removal of trash by truck or hand.

4. All storage of merchandise for sale, including vending machines, shall conform with the requirements of Section 25-23.6.D.1.

SECTION 25-23.3 LOCATION REQUIREMENTS

All MVOBs must be a minimum of three hundred (300) feet from other motor vehicle oriented businesses, which distances shall be computed as follows:

Generally, a 300 feet separation between MVOBs is required.

A. For such businesses on the same side of the street, a minimum of three hundred (300) feet shall be provided between the two (2) closest property lines, said minimum distance, however, being subject to the effect of the additional requirements set forth in paragraphs B. and C. of this subsection.

One building containing two or more MVOBs is treated as one MVOB provided that the circulation is acceptable based on review of the required traffic study.

B. For such businesses on opposite sides of the street, no such business shall be allowed on a lot where a line, drawn from either front corner of said proposed lot across the street and perpendicular to the street right-of-way on which the proposed lot fronts, crosses the right-of-way on the opposite side of the street at a point less than three hundred (300') feet from the closest property corner of an already existing or approved MVOB lot on

CITY PLANNER'S COMMENTS

This provision gives the Planning Commission the authority to waive or reduce the minimum distance requirements for good cause.

said opposite side of the street.

C. For four-corner intersections, only two (2) MVOBs may be allowed at such an intersection but only on diagonally opposite corners, regardless of their distance from one another. For "T" intersections, only two (2) MVOBs may be allowed.

D. The Planning Commission may waive or reduce the minimum distance requirements set forth above when the MVOB is located in the "M-1", "C-2", "RD-C", "RD-M", or "PD" zoning districts. The Planning Commission shall, prior to deciding on the request for said waiver, receive and review a report from the City Engineer or City's traffic consultant. The report shall include the impact on existing traffic of the waiver of said requirement along with the traffic consultant's recommendations for the mitigation of said impact through the installation of traffic control devices such as turning lanes, shared access drives, traffic signals, and signage.

E. The City Planner may request that an applicant for a waiver provide, at the applicant's expense, a traffic study to ascertain the project's impact and effect of any proposed traffic control devices. Said study shall be prepared by a registered professional engineer pre-qualified by the City to perform such studies and said study shall be in accordance with guidelines established by the City.

SECTION 25-23.4 SITE DESIGN STANDARDS

The following site design standards shall be met for all MVOBs except as otherwise noted:

A. *Minimum Lot Area.* Twenty thousand (20,000) square feet.

B. *Minimum Lot Width.* The minimum lot width at the building line shall be one hundred fifty (150) feet.

C. *Yard Requirements:*

1. *Front Yard.* There shall be a front yard having a depth of not less than thirty (30) feet. No accessory building, service island, or other service or pickup facilities shall project beyond the front building setback line except as noted in Section 25-13.5.D, Structural Projections.

2. *Side Yard.* There shall be a side yard on each side of the building of not less than five (5) feet. Said yard requirements shall be twenty-five (25) feet where abutting any Non-Urban or residential zoning district.

3. *Rear Yard.* MVOBs shall maintain the same rear yard re-

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CITY PLANNER'S COMMENTS

quirements as the zoning district in which the business is located.

D. *Ingress and Egress:*

1. The minimum width of driveways at the property line shall be twenty-four (24) feet, and shall not exceed forty (40) feet.

2. The radius used to increase the driveway opening at the curb or pavement edge shall not be less than ten (10) feet nor more than forty (40) feet. The edges of the opening shall not project beyond the side property line extended normal to the pavement.

3. Driveway openings shall be limited to one (1) drive per two hundred (200) feet of lot frontage. On a corner lot, one (1) entrance from each street shall be permitted and located as far as possible from the street intersection corner.

4. The angle of driveway intersection with the street shall be based upon reasonable criteria for safe traffic movements and subject to the review and approval of the City Engineer.

5. Motor vehicle oriented businesses integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.

SECTION 25-23.5 DRIVE-THRU LANES STANDARDS

Except as otherwise noted elsewhere in this section, all drive-thru facilities shall be designed to meet the minimum requirements indicated:

A. *Storage Length.* If not specifically specified herein, storage length will be determined by the City Planner with the input of the City's traffic consultant and/or City Engineer based upon an evaluation of the company's projected sales for a ten (10) year period and the volume of adjacent street traffic.

B. *Exclusive Use.* The drive-thru lane shall be used exclusively for drive-thru vehicles.

C. *Lane Width.* The drive-thru lane must be a minimum of twelve (12) feet in width, except that a ten (10) foot wide lane will be permitted within the pick-up/service area to guide motorists adjacent to the drive-up facility.

D. *Minimum Distance from a Public Roadway.* When the drive-thru lane is oriented parallel to a public roadway, there must be a minimum distance of fifty (50) feet measured between the pub-

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CITY PLANNER'S COMMENTS

lic road curb or edge of pavement and the nearest curb or edge of the drive-thru lane.

E. Banking facilities shall meet the following standards:

1. *Storage Length.* All drive-thru facilities shall contain stacking capacity for vehicles in accordance with the following criteria:

   a. Drive-up teller windows (see Table 23.1, Stacking for Drive-Up Teller Windows).

TABLE 23.1. Stacking for Drive-Up Teller Windows		
NUMBER OF DRIVE-UP WINDOWS	DESIGN STORAGE (vehicle/window)	TOTAL STORAGE (vehicles)
2	10 (220 ft.)	20 (440 ft.)
3	7 (154 ft.)	21 (462 ft.)
4	5 (110 ft.)	20 (440 ft.)
5–6	4 (88 ft.)	20 (440 ft.)
7–8	3 (66 ft.)	21 (462 ft.)
9 or more	2 (44 ft.)	18 (396 ft.)

   b. *ATM's.* Three (3) stacking spaces (sixty-six [66] feet) shall be provided for each automatic teller machine (ATM).

2. Exclusive use. The drive-thru lane serving each drive-up window or ATM shall be used exclusively for drive-thru vehicles commencing at a point not less than sixty-six (66') feet back from the centerline of and leading to the drive-up window or ATM.

F. Automated car washes shall meet the following standards:

1. *Storage Length.* Stacking spaces equivalent to ten (10) times the capacity of the car wash shall be provided. One (1) stacking space is equal to twenty-two (22) feet of pavement length.

2. *Exclusive Use.* The drive-thru lane shall be used exclusively for drive-thru vehicles for a distance equivalent to fifty (50%) percent of the required storage length of the car wash.

G. Fast food restaurants shall meet the following standards:

1. *Storage Length.* All drive-thru facilities shall contain stacking capacity for vehicles in accordance with Table 23.2, Stack-

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CITY PLANNER'S COMMENTS

ing for Drive-Thru Lanes. For one (1) drive-thru lane with two (2) windows divide column two (2) requirements by one point three (1.3).

TABLE 23.2. Stacking for Drive-Thru Lanes

TOTAL PEAK HOUR VEHICLES ENTERING DRIVE-THRU ONLY	TOTAL STORAGE FOR 1 DRIVE-THRU LANE AND 1 WINDOW	TOTAL STORAGE FOR 2 DRIVE-THRU LANES AND 2 WINDOWS
100 or less	17 vehicles (374 ft.)	15 vehicles (330 ft.)
100–150	19 vehicles (418 ft.)	19 vehicles (418 ft.)
150–200	22 vehicles (484 ft.)	22 vehicles (484 ft.)

2. *Exclusive Use.* The drive-thru lane shall be used exclusively for drive-thru vehicles from the order board, which is mandatory, to the pick-up window. The distance between the order board and the pick-up window should be sufficient to store four (4) cars (not including the vehicles at the pick-up window and order board).

3. *Delayed Pick-Up Area Provision.* A pick-up area sufficient to store one (1) car shall be provided for each pick-up window.

4. *Escape Lane Provision.* An escape lane is recommended to permit motorists to exit the site after reviewing the menu board.

H. Retail fuel dispensing facilities shall meet the following standards:

1. All businesses with retail fuel dispensing facilities shall be limited to two (2) service islands and three (3) gasoline pumps per island for the minimum size lot. One (1) service island and three (3) gasoline pumps may be added for each additional two thousand (2,000) square feet of site area exceeding the minimum; however, in no case shall more than six (6) service islands be allowed at any one (1) site.

2. *Lane Width.* Except as otherwise noted elsewhere in this section, all fuel dispensing facilities shall be designed to provide the minimum space requirements that are indicated on the following pages in Figures 23.1 and 23.2, Standard Gas Island Dimension.

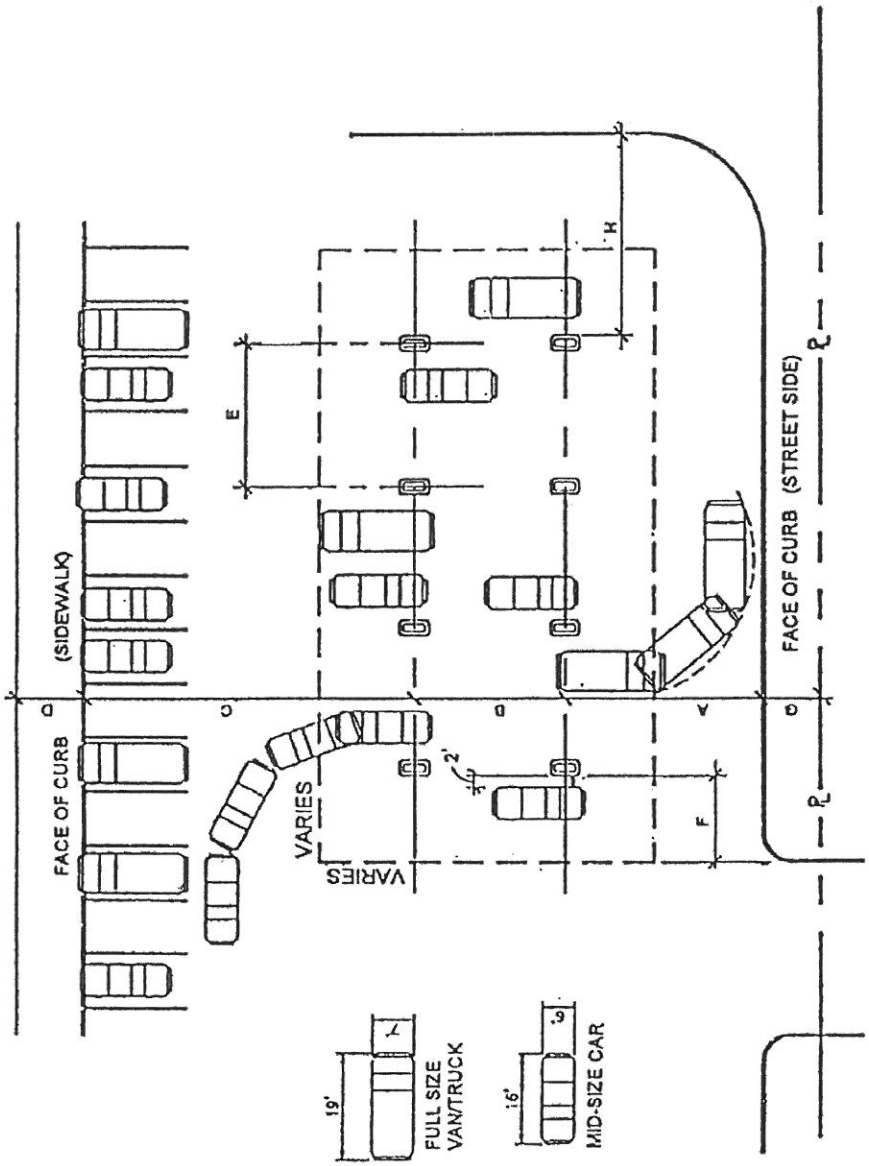
3. The City Planner, upon review by the City Engineer, may specify equivalent dimensions to be used when the desired pump arrangement is not specified.

This version of the Zoning Code is provided for reference only and does not represent the official Zoning Code of the City of Maryland Heights.
The City Planner comments contained in the sidebar are purely informational and have not been formally adopted as part of the Zoning Code.

DESIGNATION	MINIMUM
A	44'
B	30'
C	65'
D*	8.5'
E**	26'/32'
F	15'
G	20'
H	35'

*MAY BE REDUCED TO 6.0' WHERE APPROVED WHEEL STOPS ARE PROVIDED IN ADJACENT PARKING ROW

**SINGLE ROW OF PUMPS/DOUBLE ROW OF PUMPS

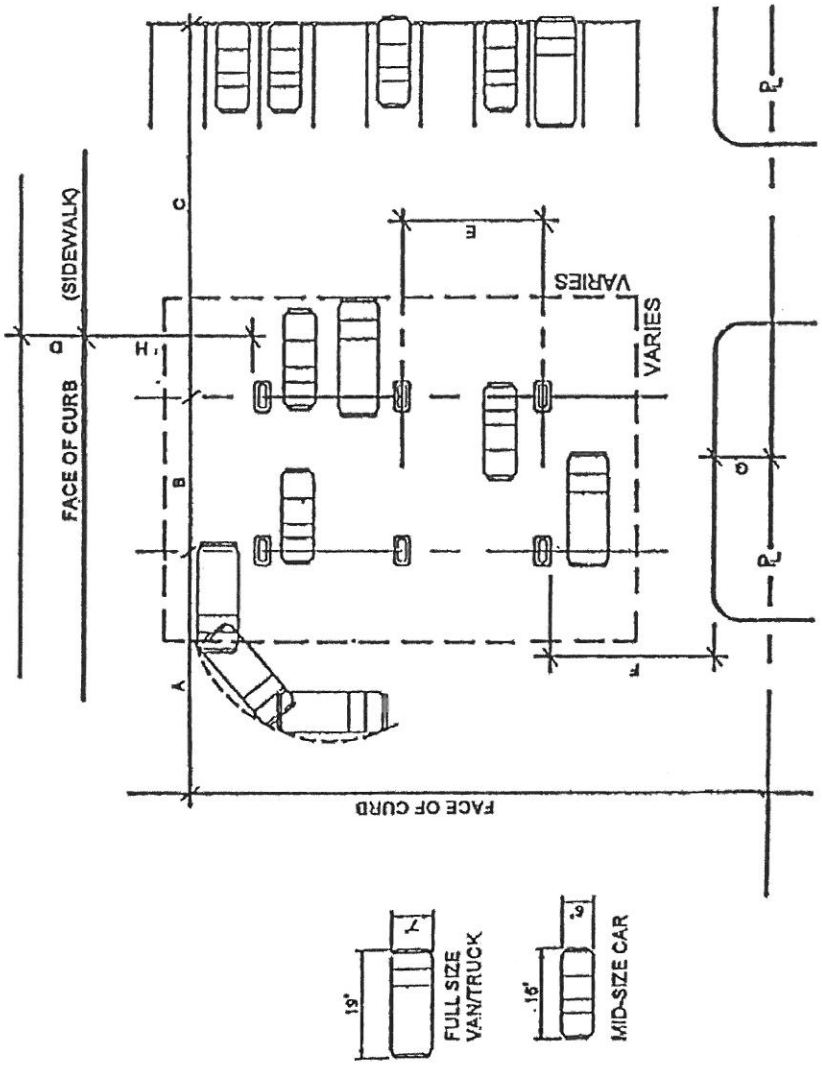


STANDARD GAS ISLAND DIMENSION
(N.T.S.)

FIGURE 23.1

This version of the Zoning Code is provided for reference only and does not represent the official Zoning Code of the City of Maryland Heights. The City Planner comments contained in the sidebar are purely informational and have not been formally adopted as part of the Zoning Code.

DESIGNATION	MINIMUM
A	44'
B	30'
C	65'
D	6.0'
E	32'
F	26'
G	20'
H	23'



STANDARD GAS ISLAND DIMENSION
(N.T.S.)

FIGURE 23.2

CITY PLANNER'S COMMENTS

Note that parking spaces for MVOBs have a minimum width of 10 feet due to the higher turnaround associated with these uses.

I. *Retail Pharmacy.* Except as otherwise noted elsewhere in this section, all retail pharmacy drive-thru facilities shall be designed to meet the minimum requirements indicated:

1. *Storage Length.* Stacking spaces equivalent to four (4) times the capacity of each drive-thru window be provided. One (1) stacking space is equal to twenty-two (22) feet of pavement length.

2. *Exclusive Use.* The drive-thru lane shall be used exclusively for prescription pick-up for a distance equivalent to fifty (50%) percent of the required storage length of the drive-thru window.

SECTION 25-23.6 SITE DESIGN

A. *Off-Street Parking:*

1. All MVOBs shall provide for off-street parking in accordance with the requirements of Section 25-14, Parking and Loading Regulations, except as otherwise noted elsewhere.

2. The minimum width of a parking stall shall be ten (10) feet.

3. No internal parking stall, cross drive aisle, or loading space shall be located closer to the street right-of-way than twenty (20) feet or within any side yard setback.

B. *Vehicular Areas:*

1. The entire area used by vehicles for parking, storage, service, etc., shall be paved with concrete or asphaltic concrete.

2. A raised six-inch concrete curb shall be provided at the edge of all pavement.

3. When the rental of equipment, automobiles, trucks, and trailers is to be conducted on an MVOB site, additional land area and paved area shall be provided in addition to the driveway, parking area, and landscape areas required by this section. An additional one thousand (1,000) square feet of site area shall be provided for each five (5) rental units. No parking of rental units shall be permitted on landscaped areas or within driveways. All rental storage areas shall be paved and landscaped as approved by the City Planner. Such rental equipment shall be stored in rear yard except when being picked up by customers.

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CITY PLANNER'S COMMENTS

D. *Performance Standards:*

1. *Outdoor Sales and Display at Gasoline Station Convenience Stores.*

   a. Outdoor display and sales of merchandise may be permitted along the storefront. All other outdoor storage of materials and displays is specifically prohibited

   b. *Area.* Said outdoor display shall be limited to twenty-five (25%) percent of total store frontage with a maximum of one hundred (100) square feet (inclusive of vending machines).

   c. *Height and other dimensions.* The height of any outdoor display may not exceed five (5) feet with the exception of vending machines (and their surrounds) which shall not exceed 8 feet in height, 3 feet in depth, or 6 feet in width.

   d. *Location.*

      i. The placement of said display shall not obstruct public access to the building.

      ii. Vending machines shall not be located within three (3) feet of a fire department connection

      ii. Price signs shall be permitted on outdoor displays. Said price signage shall not exceed two (2) square feet and shall be placed upon the merchandise which it advertises.

   e. *Parking.* One parking space, in addition to the number of spaces required for the convenience store, shall be provided for video rental and similar vending machines subject to the review and approval of the City Planner.

2. Flammable materials used in the conduct of MVOBs shall be stored according to the Building Code.

3. All lubrication, washing, repair, and service of vehicles shall be conducted entirely within a building. The grease or wash racks, hydraulic hoists, pits, and other equipment used to perform these services shall be contained within a building.

4. The Planning Commission may recommend, and the City Council may require, other conditions which will tend to eliminate or reduce public nuisance caused by noise, heat, odors, smoke, dust, vibration, glare, flooding, and traffic congestion and promote the purpose of the Zoning Code.

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CITY PLANNER'S COMMENTS

5. No service bay and/or loading zone shall face any street right-of-way.

6. All paved and landscaped areas shall, at all times, be kept in good repair in accordance with this and other ordinances of the city and the continuous maintenance of said areas shall be the responsibility of the owners and lessees of the property.

E. *Utilities.* All utility, power and telephone lines, except those located in designated overhead utility corridors, shall be located underground.

This version of the Zoning Code is provided for reference only and does not represent the official Zoning Code of the City of Maryland Heights. The City Planner comments contained in the sidebar are purely informational and have not been formally adopted as part of the Zoning Code.

APPENDIX B. LAND USE AND REQUIRED PARKING MATRIX.

The terminology used in this appendix is based on the coding and classification of land use contained in North American Industry Classification System, prepared by the Department of Commerce's National Technical Information Service in 2007. The coding and classification system has also been modified in certain instances to clarify terminology.

North American Industry Classification System contains additional descriptive information that could be helpful in the interpretation of a particular use and should be used as a reference document to support these regulations. A copy of this manual is available for review in the Department of Community Development.

Category			NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking
HOSPITALITY	722516	Fast Food Restaurants								C	C	C		C	C		1 space for every 3 seats to be provided in areas allocated to table seating, plus 2 spaces for every 3 employees on the maximum shift, plus 1 space for every 12 sq. ft. allocated to a queuing or waiting area (including enclosed vestibules, air lock areas between entry doors, areas allocated to food service waiting lines, and areas allocated to order taking and delivery), plus all applicable standards for areas of the establishment which are allocated to bar areas (see parking standards for "Drinking Places and Alcoholic Beverages" herein)
	722517	Fast Food Restaurants with Drive Through Services									C	C		C	C		1 space for every 2 seats to be provided in areas allocated to table seating plus 2 spaces for every three employees on the maximum shift, plus 1 space for every 12 sq. ft. of floor area allocated to order taking, delivery areas and food service waiting lines. Stacking spaces shall be as required in MVOB

Appendix B - Land Use and Required Parking Matrix

Category			NU	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	M-1	M-2	RDM	RDC	RD-MXD	Minimum Parking
HOSPITALITY	722518	Entertainment Restaurants								C	C	C		C	C	C	1 space for every 3 seats to be provided in areas allocated to table seating, plus 2 spaces for every 3 employees on the maximum shift, plus 1 space for every 12 sq. ft. allocated to a queuing or waiting area (including enclosed vestibules, air lock areas between entry doors, areas allocated to food service waiting lines, and areas allocated to order taking and delivery), plus all applicable standards for areas of the establishment which are allocated to bar areas (see parking standards for "Drinking Places and Alcoholic Beverages" herein)
	722519	Microbreweries/Wineries								C	C	C		C	C	C	
	722520	Night Clubs										C		C	C		1 space for every 2 seats provided in areas allocated to table seating, plus 2 spaces for every 3 employees on the maximum shift, plus 1 space for every 4 lineal feet of bar frontage, plus 1 space for every 4 lineal feet of bar rail applied along interior walls or columns, plus 1 space for every standing-type cocktail table, plus 1 space for every 12 square feet of open area where patrons may stand, plus 1 space for every 12 square feet allocated to a queuing or waiting area (including enclosed vestibules, air lock areas between entry doors, areas allocated to food service waiting lines, and areas allocated to order taking and delivery

Maryland Heights

ARTICLE 23. MOTOR VEHICLE ORIENTED BUSINESSES.

Sec. 25-23.1. Conditional Use.

Motor vehicle oriented businesses (MVOB) shall require a Conditional Use Permit in all districts as indicated in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code. When approved as a conditional use, the MVOB must comply with all applicable requirements of this section.

Sec. 25-23.2. Nonconforming Motor Vehicle Oriented Businesses.

Existing MVOBs which do not comply with the regulations and conditions of the Zoning Code shall be considered to be nonconforming and allowed to continue; however, all nonconforming MVOBs shall comply with the following requirements within one (1) year after written notification by the Building Commissioner of items which must be corrected:

1. Whenever an MVOB is located adjacent to a residential district or residential use on the ground floor, appropriate screening, as provided for in Section 25-16.10, Landscaping Requirements for Buffer Areas and Screening.

2. All exterior lighting shall conform to the Section 25-18, Lighting Design Standards.

3. All MVOBs shall provide suitable storage of trash within areas, which are so designed and constructed as to allow no view of the trash storage from a street, to prevent waste from blowing around the site or onto adjacent properties or public rights-of-way, and to permit safe, easy removal of trash by truck or hand.

4. All storage of merchandise for sale, including vending machines, shall conform with the requirements of Section 25-23.6.D.1.

Sec. 25-23.3. Location Requirements.

All MVOBs must be a minimum of three hundred (300) feet from other motor vehicle oriented businesses, which distances shall be computed as follows:

A. For such businesses on the same side of the street, a minimum of three hundred (300) feet shall be provided between the two (2) closest property lines, said minimum distance, however, being subject to the effect of the additional requirements set forth in paragraphs B. and C. of this subsection.

B. For such businesses on opposite sides of the street, no such business shall be allowed on a lot where a line, drawn from either front corner of said proposed lot across the street and perpendicular to the street right-of-way on which the proposed lot fronts, crosses the right-of-way on the opposite side of the street at a point less than three hundred (300') feet from the closest property corner of an already existing or approved MVOB lot on said opposite side of the street.

C. For four-corner intersections, only two (2) MVOBs may be allowed at such an intersection but only on diagonally opposite corners, regardless of their distance from one another. For "T" intersections, only two (2) MVOBs may be allowed.

D. The Planning Commission may waive or reduce the minimum distance requirements set forth above when the MVOB is located in the "M-1", "C-2", "RD-C", "RD-M", or "PD" zoning districts. The Planning Commission shall, prior to deciding on the request for said waiver, receive and review a report from the City Engineer or City's traffic consultant. The report shall include the impact on existing traffic of the waiver of said requirement along with the traffic consultant's recommendations for the mitigation of said impact through the installation of traffic control devices such as turning lanes, shared access drives, traffic signals, and signage.

E. The City Planner may request that an applicant for a waiver provide, at the applicant's expense, a traffic study to ascertain the project's impact and effect of any proposed traffic control devices. Said study shall be prepared by

a registered professional engineer pre-qualified by the City to perform such studies and said study shall be in accordance with guidelines established by the City.

Sec. 25-23.4. Site Design Standards.

The following site design standards shall be met for all MVOBs except as otherwise noted:

A. *Minimum Lot Area.* Twenty thousand (20,000) square feet.

B. *Minimum Lot Width.* The minimum lot width at the building line shall be one hundred fifty (150) feet.

C. *Yard Requirements:*

1. *Front Yard.* There shall be a front yard having a depth of not less than thirty (30) feet. No accessory building, service island, or other service or pickup facilities shall project beyond the front building setback line except as noted in Section 25-13.5.D, Structural Projections.

2. *Side Yard.* There shall be a side yard on each side of the building of not less than five (5) feet. Said yard requirements shall be twenty-five (25) feet where abutting any Non-Urban or residential zoning district.

3. *Rear Yard.* MVOBs shall maintain the same rear yard requirements as the zoning district in which the business is located.

D. *Ingress and Egress:*

1. The minimum width of driveways at the property line shall be twenty-four (24) feet, and shall not exceed forty (40) feet.

2. The radius used to increase the driveway opening at the curb or pavement edge shall not be less than ten (10) feet nor more than forty (40) feet. The edges of the opening shall not project beyond the side property line extended normal to the pavement.

3. Driveway openings shall be limited to one (1) drive per two hundred (200) feet of lot frontage. On a corner lot, one (1) entrance from each street shall be permitted and located as far as possible from the street intersection corner.

4. The angle of driveway intersection with the street shall be based upon reasonable criteria for safe traffic movements and subject to the review and approval of the City Engineer.

5. Motor vehicle oriented businesses integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.

Sec. 25-23.5. Drive-Thru Lanes Standards.

Except as otherwise noted elsewhere in this section, all drive-thru facilities shall be designed to meet the minimum requirements indicated:

A. *Storage Length.* If not specifically specified herein, storage length will be determined by the City Planner with the input of the City's traffic consultant and/or City Engineer based upon an evaluation of the company's projected sales for a ten (10) year period and the volume of adjacent street traffic.

B. *Exclusive Use.* The drive-thru lane shall be used exclusively for drive-thru vehicles.

C. *Lane Width.* The drive-thru lane must be a minimum of twelve (12) feet in width, except that a ten (10) foot wide lane will be permitted within the pick-up/service area to guide motorists adjacent to the drive-up facility.

D. *Minimum Distance from a Public Roadway.* When the drive-thru lane is oriented parallel to a public roadway, there must be a minimum distance of fifty (50) feet measured between the public road curb or edge of pavement and the nearest curb or edge of the drive-thru lane.

E. Banking facilities shall meet the following standards:

1. *Storage Length.* All drive-thru facilities shall contain stacking capacity for vehicles in accordance with the following criteria:

   a. *Drive-up teller windows* (see Table 23.1, Stacking for Drive-Up Teller Windows).

TABLE 23.1. Stacking for Drive-Up Teller Windows		
NUMBER OF DRIVE-UP WINDOWS	**DESIGN STORAGE (vehicle/window)**	**TOTAL STORAGE (vehicles)**
2	10 (220 ft.)	20 (440 ft.)
3	7 (154 ft.)	21 (462 ft.)
4	5 (110 ft.)	20 (440 ft.)
5—6	4 (88 ft.)	20 (440 ft.)
7—8	3 (66 ft.)	21 (462 ft.)
9 or more	2 (44 ft.)	18 (396 ft.)

   b. *ATM's.* Three (3) stacking spaces (sixty-six [66] feet) shall be provided for each automatic teller machine (ATM).

2. Exclusive use. The drive-thru lane serving each drive-up window or ATM shall be used exclusively for drive-thru vehicles commencing at a point not less than sixty-six (66') feet back from the centerline of and leading to the drive-up window or ATM.

F. Automated car washes shall meet the following standards:

1. *Storage Length.* Stacking spaces equivalent to ten (10) times the capacity of the car wash shall be provided. One (1) stacking space is equal to twenty-two (22) feet of pavement length.

2. *Exclusive Use.* The drive-thru lane shall be used exclusively for drive-thru vehicles for a distance equivalent to fifty (50%) percent of the required storage length of the car wash.

G. Fast food restaurants shall meet the following standards:

1. *Storage Length.* All drive-thru facilities shall contain stacking capacity for vehicles in accordance with Table 23.2, Stacking for Drive-Thru Lanes. For one (1) drive-thru lane with two (2) windows divide column two (2) requirements by one point three (1.3).

TABLE 23.2. Stacking for Drive-Thru Lanes		
TOTAL PEAK HOUR VEHICLES ENTERING DRIVE-THRU ONLY	**TOTAL STORAGE FOR 1 DRIVE-THRU LANE AND 1 WINDOW**	**TOTAL STORAGE FOR 2 DRIVE-THRU LANES AND 2 WINDOWS**
100 or less	17 vehicles (374 ft.)	15 vehicles (330 ft.)
100—150	19 vehicles (418 ft.)	19 vehicles (418 ft.)
150—200	22 vehicles (484 ft.)	22 vehicles (484 ft.)

2. *Exclusive Use.* The drive-thru lane shall be used exclusively for drive-thru vehicles from the order board, which is mandatory, to the pick-up window. The distance between the order board and the pick-up window should be sufficient to store four (4) cars (not including the vehicles at the pick-up window and order board).

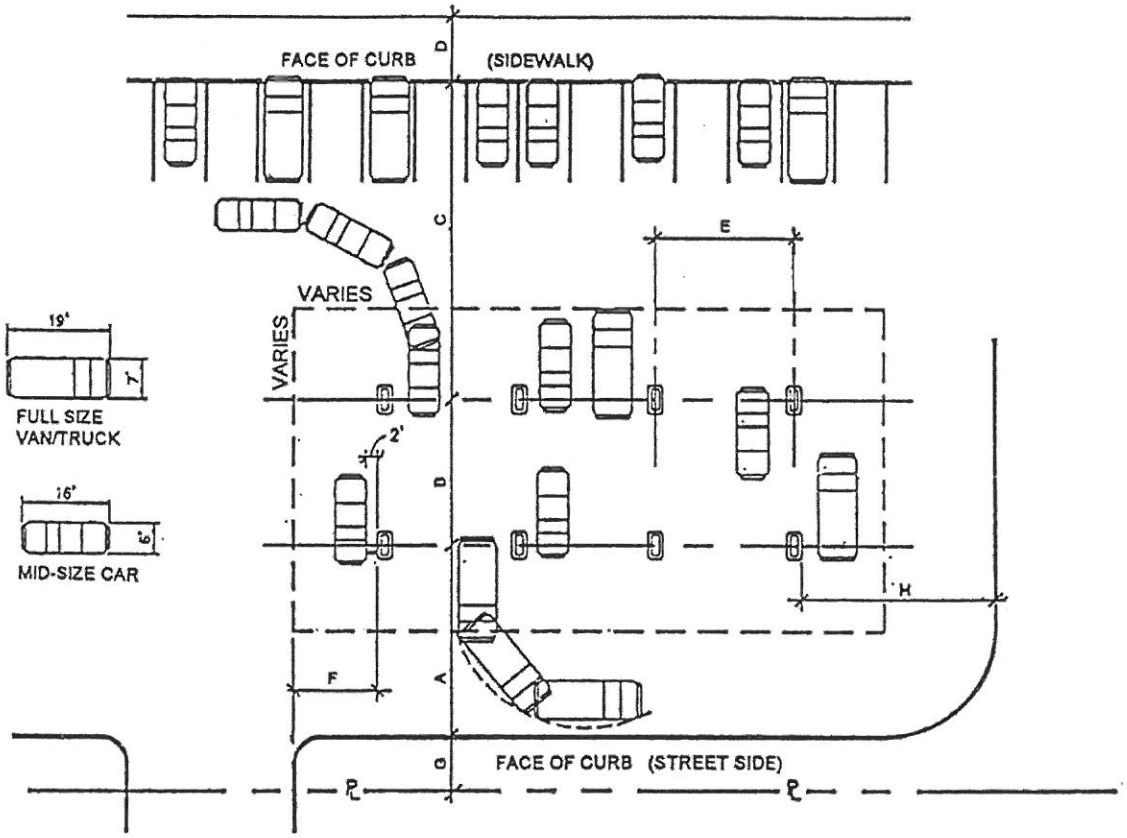
3. *Delayed Pick-Up Area Provision.* A pick-up area sufficient to store one (1) car shall be provided for each pick-up window.

4. *Escape Lane Provision.* An escape lane is recommended to permit motorists to exit the site after reviewing the menu board.

H. Retail fuel dispensing facilities shall meet the following standards:

1. All businesses with retail fuel dispensing facilities shall be limited to two (2) service islands and three (3) gasoline pumps per island for the minimum size lot. One (1) service island and three (3) gasoline pumps may be added for each additional two thousand (2,000) square feet of site area exceeding the minimum; however, in no case shall more than six (6) service islands be allowed at any one (1) site.

2. *Lane Width.* Except as otherwise noted elsewhere in this section, all fuel dispensing facilities shall be designed to provide the minimum space requirements that are indicated on the following pages in Figures 23.1 and 23.2, Standard Gas Island Dimension.



DESIGNATION	MINIMUM
A	44'
B	30'
C	65'
D*	8.5'
E**	25'/32'
F	15'
G	20'
H	35'

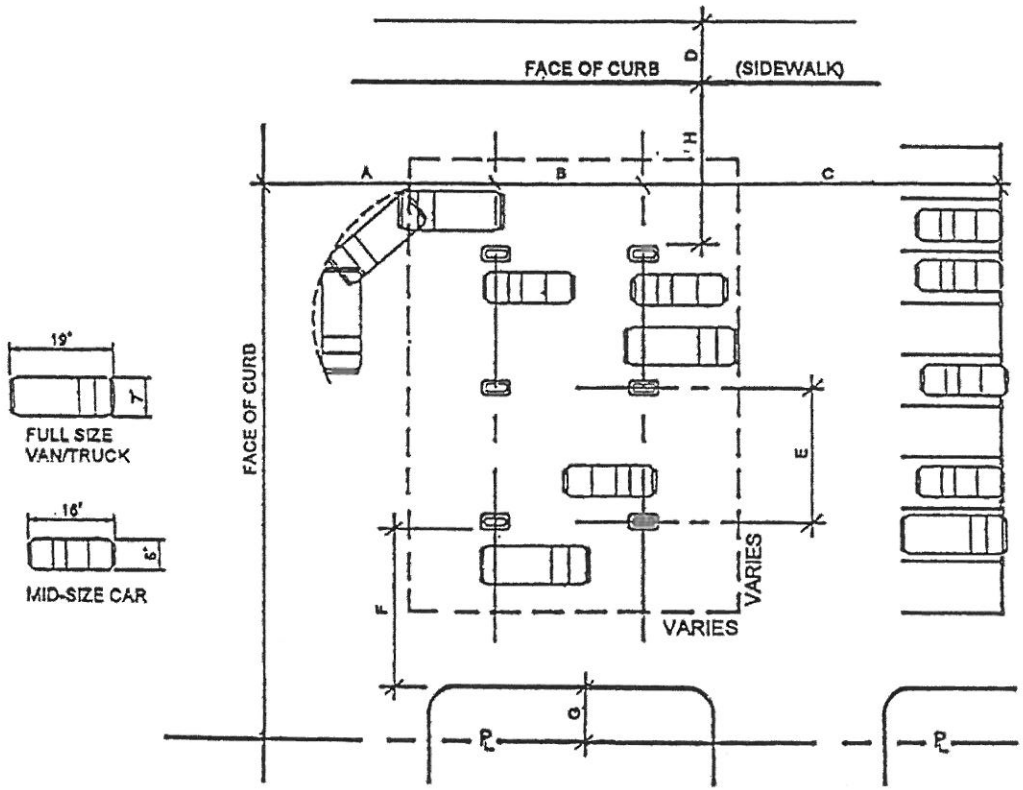
*MAY BE REDUCED TO 6.0' WHERE APPROVED WHEEL STOPS ARE PROVIDED IN ADJACENT PARKING ROW

**SINGLE ROW OF PUMPS/DOUBLE ROW OF PUMPS

FIGURE 23.1

STANDARD GAS ISLAND DIMENSION

(N.T.S.)



DESIGNATION	MINIMUM
A	44'
B	30'
C	65'
D	6.0'
E	32'
F	28'
G	20'
H	28'

FIGURE 23.2

STANDARD GAS ISLAND DIMENSION

(N.T.S.)

3. The City Planner, upon review by the City Engineer, may specify equivalent dimensions to be used when the desired pump arrangement is not specified.

I. *Retail Pharmacy.* Except as otherwise noted elsewhere in this section, all retail pharmacy drive-thru facilities shall be designed to meet the minimum requirements indicated:

1. *Storage Length.* Stacking spaces equivalent to four (4) times the capacity of each drive-thru window be provided. One (1) stacking space is equal to twenty-two (22) feet of pavement length.

2. *Exclusive Use.* The drive-thru lane shall be used exclusively for prescription pick-up for a distance equivalent to fifty (50%) percent of the required storage length of the drive-thru window.

Sec. 25-23.6. Site Design.

A. *Off-Street Parking:*

1. All MVOBs shall provide for off-street parking in accordance with the requirements of Section 25-14, Parking and Loading Regulations, except as otherwise noted elsewhere.

2. The minimum width of a parking stall shall be ten (10) feet.

3. No internal parking stall, cross drive aisle, or loading space shall be located closer to the street right-of-way than twenty (20) feet or within any side yard setback.

B. *Vehicular Areas:*

1. The entire area used by vehicles for parking, storage, service, etc., shall be paved with concrete or asphaltic concrete.

2. A raised six-inch concrete curb shall be provided at the edge of all pavement.

3. When the rental of equipment, automobiles, trucks, and trailers is to be conducted on an MVOB site, additional land area and paved area shall be provided in addition to the driveway, parking area, and landscape areas required by this section. An additional one thousand (1,000) square feet of site area shall be provided for each five (5) rental units. No parking of rental units shall be permitted on landscaped areas or within driveways. All rental storage areas shall be paved and landscaped as approved by the City Planner. Such rental equipment shall be stored in rear yard except when being picked up by customers.

D. Performance Standards:

1. *Outdoor Sales and Display at Gasoline Station Convenience Stores.*

a. Outdoor display and sales of merchandise may be permitted along the storefront. All other outdoor storage of materials and displays is specifically prohibited

b. *Area.* Said outdoor display shall be limited to twenty-five (25%) percent of total store frontage with a maximum of one hundred (100) square feet (inclusive of vending machines).

c. *Height and other dimensions.* The height of any outdoor display may not exceed five (5) feet with the exception of vending machines (and their surrounds) which shall not exceed 8 feet in height, 3 feet in depth, or 6 feet in width.

d. *Location.*

i. The placement of said display shall not obstruct public access to the building.

ii. Vending machines shall not be located within three (3) feet of a fire department connection

ii. Price signs shall be permitted on outdoor displays. Said price signage shall not exceed two (2) square feet and shall be placed upon the merchandise which it advertises.

e. *Parking.* One parking space, in addition to the number of spaces required for the convenience store, shall be provided for video rental and similar vending machines subject to the review and approval of the City Planner.

2. Flammable materials used in the conduct of MVOBs shall be stored according to the Building Code.

3. All lubrication, washing, repair, and service of vehicles shall be conducted entirely within a building. The grease or wash racks, hydraulic hoists, pits, and other equipment used to perform these services shall be contained within a building.

4. The Planning Commission may recommend, and the City Council may require, other conditions which will tend to eliminate or reduce public nuisance caused by noise, heat, odors, smoke, dust, vibration, glare, flooding, and traffic congestion and promote the purpose of the Zoning Code.

5. No service bay and/or loading zone shall face any street right-of-way.

6. All paved and landscaped areas shall, at all times, be kept in good repair in accordance with this and other ordinances of the city and the continuous maintenance of said areas shall be the responsibility of the owners and lessees of the property.

E. *Utilities.* All utility, power and telephone lines, except those located in designated overhead utility corridors, shall be located underground.

Maryland Heights

ARTICLE 13. BUILDING DESIGN STANDARDS.

Sec. 25-13.1. Purpose.

The purpose of this section is to provide minimum standards for sustainable, interesting, and attractive building design.

Sec. 25-13.2. Intent.

It is the intent of the design regulations to:

A. Create transitions and relationships among the adjacent developments and neighborhoods.

B. Require a scale and form for the design of buildings consistent with the development patterns envisioned by the Comprehensive Plan and necessary for implementation of either an existing zoning district or proposed Planned District.

C. Specify the appropriate relationship of buildings, site elements, open spaces, and public rights-of-way.

D. Create value, identity and character within neighborhoods and districts through diverse architectural styles and a variety of design details.

E. Integrate diversity of neighborhoods, planning districts, and development sites through the consistent application of scale, form, and function specified in the Comprehensive Plan and Zoning Code.

Sec. 25-13.3. Overall Design Goals.

A. Connect buildings to the broader built environment through consistent orientation and design elements.

B. Activate public streetscapes and other public or community spaces with pedestrian scale design elements and "permeable" buildings and facades.

C. Create consistent well-designed building frontages along streets and other public or community spaces, suitable to the site context and environment.

D. Include uniform application of basic design qualities and materials on all sides of buildings.

E. Encourage architectural diversity appropriate to a site's immediate context.

F. Create neighborhoods and districts that exhibit both character and value.

G. Use exterior materials that contribute to the desired character of the planning district, and are compatible with existing materials of surrounding buildings.

H. Avoid blank walls and long, uninterrupted facades along public streetscapes and other public or community spaces.

I. Screen or eliminate building elements dedicated to loading, vehicle access, or other intensive service areas from prominent positions on streetscape or from adjacent property.

J. Minimize the impact of external utilities, such as cabinets, mechanical equipment, conduits and storage areas on the public viewshed.

K. Protect the character and values of adjacent properties and the public realm by creating criteria relating to building mass and scale that establish the relationship of buildings to the public viewshed.

L. Create effective transitions from the public rights-of-way to private areas through the design, location, and orientation of buildings.

Sec. 25-13.4. Review Criteria.

Compliance with the standards established in this section is determined as part of the review and approval of the site plan as per Section 25-4, Site Plan Review, the Final Development Plan in the case of a Planned District, or the Final Site Plan in the case of a Conditional Use Permit. No separate design review process is required.

Sec. 25-13.5. General Building Design Standards.

A. *Scope.* Unless otherwise noted, the standards contained in this subsection shall be met by all buildings.

B. *Buildings, One Principal or Main Building Per Lot.* Except as otherwise specifically provided for as part of a Planned District, only one principal building shall be permitted on a lot. No portion of an area, frontage, or yard required for any lot, building, or use for the purpose of complying with provisions of this code shall be included as an area, frontage or yard for another lot, building or use.

C. *Corner Visibility.* On a corner lot nothing shall be constructed, erected, placed, planted or allowed to grow in height in excess of thirty-six (36) inches above the established street grade of intersecting streets within the sight distance triangle. The height that an object is above the established street grade shall be established by measuring from the highest point of the object to a point on the top of curb or pavement edge that lies along the projection of a radial line from the center of the pavement curve through the object being measured.

D. *Structural Projections.* Every part of a required yard shall be open from its lowest point to the sky, unobstructed, except as follows:

1. Skylights, sills, belt courses, cornices and ornamental features may project into any yard a maximum of twelve (12) inches;

2. Chimneys and flues, not exceeding seventy-two (72) inches in width, may project into side or rear yards a maximum of twenty-four (24) inches;

3. Roof overhangs may project into any yard a maximum of eighteen (18) inches, except that roof overhangs on the south side of a building may project forty-eight (48) inches into a side or rear yard but no closer than forty-eight (48) inches to a property line;

4. Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet;

5. In all "R" Residential Districts, air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within said side or rear yards;

6. Canopy overhangs for service stations may project a maximum of eighteen (18) inches into required front yards;

7. Radio or television receiving antenna shall not exceed a height of fifteen (15) feet above the roof line.

Sec. 25-13.6. Design Standards for Commercial, Industrial, Institutional, and Multi-Family Buildings.

A. *Specific Intent.* The intent of the design standards in this subsection is to:

1. Establish a unique image for the City that sets it apart from other municipalities in the metropolitan area through the discouragement of branded architecture.

2. Create a human-scale element on building facades and provide a visual connection between activities inside and outside the building through the use of windows.

3. Protect the privacy of residences adjacent to commercial or industrial uses.

4. Avoid blank walls and long, uninterrupted facades along streets and other public or community spaces.

5. Strengthen building character through the use of a variety of quality and sustainable building materials.

6. Protect adjacent residences from glare resulting from reflective materials.

7. Ensure that the primary building entrance is easily identifiable and clearly visible from streets and sidewalks.

8. Ensure that roof lines present a distinct profile and appearance for the building.

9. Ensure that building form is not disrupted by elements dedicated to loading, mechanical equipment, vehicle access, or other intensive services.

B. *Scope*. Unless otherwise noted, the standards contained in this section shall be met by any new construction of a building or project, not intended for single-family residential use.

C. *Corporate Architecture*. Buildings or projects shall not utilize corporate architecture, i.e., an architectural treatment utilized in more than three (3) other locations in the St. Louis Metropolitan Statistical Area (MSA).

D. *Façade Design*.

1. Any part of a rear or side façade that is visible from any street shall provide the same roof lines, building materials, and colors as the front facade.

2. *Windows*.

a. On façades that front a street, windows shall comprise the following percentages of the façade area between two (2) and ten (10) feet above grade:

i. Office distribution and light industrial buildings - twenty-five (25%) percent.

ii. All other buildings – forty (40%) percent.

b. Windows, if not opaque or translucent, shall be oriented in such a manner to preclude a direct line of sight into adjacent dwellings to the greatest extent possible.

3. *Massing*. Within each one hundred (100) linear feet, including the first one hundred (100) linear feet, street facing façades shall contain at least two (2) differentiated massing elements. Other façades, except those containing service and loading areas, shall contain at least one (1) differentiated massing element within each one hundred (100) linear feet. Differentiated massing elements may include:

a. Horizontal offsets such as projections and recesses.
b. Vertical offsets such as varied rooflines.
c. Varied upper story setbacks.
d. Primary entrance features meeting the criteria of Section 25-13.6.F, Primary Entrance Design.

4. *Design Features*. Within each one hundred (100) linear feet of the building façade, at least three (3) different design features shall be provided. Design features shall include:

a. Belt courses of a different texture and/or color.
b. Medallions.
c. Columns.
d. Pilasters.
e. Trellis containing planting.
f. Projecting cornice.
g. Projecting metal canopy.
h. Decorative tilework.
i. Opaque or translucent glass.
j. Artwork.
k. Awnings.
l. Similar architectural details, approved by the City Planner, that meet the specific intent of this subsection.

E. *Building Materials.*

1. Buildings and accessory structures shall not include the following as primary building materials or architectural finish:

   a. Corrugated steel.
   b. Smooth finish concrete block (cinder block).
   c. Smooth finish poured concrete, whether painted or unpainted.
   d. Vertical rough-sawn wood siding (T-111/T-19).
   e. Tensile fabrics
   f. Single layer uninsulated materials.

2. The exterior finish must include at least three (3) visible materials, including windows.

3. With the exception of windows, no more than forty (40%) percent of any façade shall be comprised of the same material unless varied by color, pattern, or texture.

4. Building surfaces shall not reflect light into residential areas or allow light from inside the building to intrude into residential areas.

F. *Primary Entrance Design.*

1. The primary entrance to a building shall be oriented to an adjacent street, not including interstate highways or Page Avenue. Said entrance shall be marked by:

   a. Ornamentation around the door; and

   b. At least one (1) of the following:

      i. Recessed entrance (recessed at least three [3] feet)
      ii. Protruding entrance (protruding at least three [3] feet).
      iii. Canopy (extending at least five [5] feet).
      iv. Portico (extending at least five [5] feet).
      v. Overhang (extending at least five [5] feet).

2. Buildings within the same project or development may be clustered so that their primary entrances face internal parks, open spaces, landscape infiltration areas, ponds and bioswales or trails in lieu of an adjacent street.

G. *Roof Design.* Flat roof lines must include parapet walls as a design feature or a distinct eave and cornice line.

H. *Situation and Screening of Functional Elements.*

1. *Gutters and Downspouts.* Gutters and downspouts may be visible from the public view only if incorporated into the façade and/or roofline as a decorative architectural element.

2. *Mechanical Equipment and Service Areas.* External trash receptacles, recycling storage areas, external emergency generators, mechanical equipment, building mounted utilities, utility boxes, pumping stations, utility facilities, loading docks, receivable areas, and outdoor storage areas shall be screened from public view in accordance with Section 25– 25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

Sec. 25-13.7. Design Standards for Single-Family Dwellings.

A. *Specific Intent.* The intent of the design standards for single-family dwellings in this subsection is to:

1. Ensure that housing design is based on consistent, compatible, and aesthetic architecture.

2. Encourage a strong relationship between dwellings and streets.

3. Improve streetscapes.

4. Minimize garage domination.

B. *Scope.* The design standards contained in this subsection apply to all new single-family homes constructed in Planned or Redevelopment Districts.

C. *Primary Facades.* The primary façade, and any other facade within thirty (30) feet of a public right-of-way, shall have between ten (10%) percent and forty (40%) percent surface openings consisting of windows or doors.

D. *Primary Entrance Feature.* All dwellings shall have a primary entrance feature oriented towards the street. The primary entrance feature may include:

1. An unenclosed porch which shall:

a. Cover at least fifty (50%) percent of the width of the primary façade;

b. Be at least eight (8) feet deep;

c. Have a roof integrated into the front building façade covering at least fifty (50%) percent of the porch; and

d. Have a masonry or concrete foundation, or pier foundation with lattice entirely screening areas under the porch.

2. An enclosed or unenclosed portico which shall:

a. Be at least six (6) feet wide and four (4) feet deep, but no more than eighty (80) square feet;

b. Be differentiated from the front façade by a projecting wall plane or decorative architectural features such as side light windows, decorative moldings; and

c. Have a roof or eave projection integrated into the front building façade.

3. A stoop which shall:

a. Be at least eight (8) feet wide and four (4) feet deep, but no more than eighty (80) square feet.

b. Be elevated between one (1) foot and (4) feet above grade;

c. Have a masonry or concrete foundation; and

d. Include decorative wood, iron, or masonry railings.

4. Primary entrance features may encroach up to ten (10) feet into the front setback.

5. No structure associated with the primary entrance feature, such as steps or accessibility ramps, shall encroach beyond the limits of the primary entrance feature. Such associate structures shall be designed within the envelope of the entrance feature.

E. *Massing*. Wall planes on primary facades shall not exceed six hundred (600) square feet without differentiated massing elements covering at least twenty (20%) percent of the wall. Wall planes on all other facades shall not exceed more than one thousand (1,000) square feet without differentiated massing elements covering at least twenty (20%) percent of the wall plane. Differentiated massing elements may include:

1. Offsets in the wall plane of at least three (3) feet;

2. Primary entrance features meeting the preceding criteria;

3. Bays with windows projecting between two (2) and five (5) feet;

F. *Roofs*.

1. Flat roof lines must include parapet walls as a design feature or a distinct eave and cornice line.

2. All pitched roofs shall have a pitch of at least four to twelve (4:12), except that shed or flat roofs may be used to cover up to twenty (20%) percent of the entire building footprint provided they are over building elements such as dormers, porches, or similar minor projections in the building footprint.

3. All structures with primarily pitched roofs shall have a twelve (12) inch minimum eave overhanging all supporting exterior walls.

4. Roofs which are visible from the street shall not exceed more than six hundred (600) square feet without breaks in the roof plane created by one or more of the following, occurring over at least twenty (20%) percent of the entire roof plane:

a. Dormers with windows;

b. Off-sets of the roof plane of at least eighteen (18) inches; or

c. Intersecting roof planes.

G. *Building Materials*.

1. All buildings shall have one primary material covering at least sixty (60%) percent of the building, and no more than three accent or trim materials covering no more than forty (40%) percent of the building.

2. Material changes other than trim shall only occur at inside corners in association with a massing element or at a horizontal architectural detail.

3. All exterior materials shall be consistent with the predominant material in the existing residential neighborhoods.

H. *Garages*.

1. Front-loaded garages shall be limited as follows:

   a. Garage door widths exceeding fifty (50%) percent of the front façade width are prohibited.

   b. Garage door widths within twenty-five (25%) to fifty (50%) percent of the front façade width shall be at least sixteen (16) feet behind the front building line.

   c. Garage door widths less than twenty-five (25%) percent of the front façade width may be even with or behind the front building line.

2. Rear loaded, side-loaded, or detached garages located behind the rear building line shall not be limited other than through the lot and dimension standards contained in this section.

3. All overhead doors on any structure shall be limited to eight (8) feet high.

I. *Parking Apron Design.* One parking apron may be located in front of the front building line, provided:

1. The apron is necessary to meet the minimum parking requirements for the site;

2 The apron area shall not exceed more than two hundred (200) square feet;

3. The apron is setback at least ten (10) feet from the front lot line;

4. If lots are more than fifty (50) feet wide, the apron shall be setback at least three (3) feet from the side lot line. Lots fifty (50) feet wide or less may build aprons to the property line; and

5. The apron is located to the side of the driveway opposite the primary facade of the principal building.

Sec. 25-13.8. Alternative Equivalent Compliance.

A. *Specific Intent.* The intent of this subsection is to:

1. Provide a process to evaluate unique building designs that either provide architecture in a manner outside the scope of standards established in this section or that minimally deviate from these standards while providing architectural character.

2. Provide criteria for the City Planner and Planning Commission for the evaluation of deviations from the building design standards.

B. *Planned Districts and Conditional Use Permits.*

1. *Application.* Upon application for a Planned District or Conditional Use Permit, the applicant shall submit a request to consider the alternative design to the City Planner. Said written request shall include, but not be limited to, the following:

   a. The specific building design standard(s) of which the alternative design is in conflict with.

   b. The rationale for the alternative design and the magnitude of the variation being requested.

   c. How the alternative design exceeds the overall design goals and the specific intent of the standard(s) being varied.

2. *Review Criteria.* The City Planner shall make a finding to the Planning Commission as to whether the proposed alternative design:

a. Exceeds the overall design goals and the intent of the building design standards.

b. Meets the purpose and intent of the Zoning Code.

c. Meets the applicable goals, objectives, and policies of the Comprehensive Plan.

3. *Approval or Denial.* The Planning Commission shall either approve, approve with modifications, or deny the proposed alternative design in conjunction with the Planned District or Conditional Use Permit application.

C. *"R-6" Multi-Family, "M" Manufacturing, "C" Commercial, and "RD" Redevelopment Districts.*

1. *Application.* In conjunction with the site plan review procedure under Section 25-4, Site Plan Review, the applicant shall submit a request to consider the alternative design to the City Planner in the manner of Section 25-13.8.B.1, Application.

2. *Minimal Deviations.* The City Planner shall have the authority to approve minimal deviations to the building design standards. The proposed alternative design may be considered a minimal deviation when it represents a deviation from the standards that is inconsequential to the building's ability to meet the criteria of Section 25-13.8.B.2, Review criteria.

3. *Significant Deviations.*

a. If the City Planner finds that the proposed alternative equivalent design represents a significant deviation from the regulations contained in this section, the final decision on the approval or denial of said design shall rest with the Planning Commission.

b. The City Planner shall make a finding, in writing, to the Planning Commission as to whether the requested alternative design meets the criteria of Section 25-13.8.B.2, Review Criteria

c. The Planning Commission shall either approve, approve with modifications, or deny the City Planner's finding within thirty (30) days of receipt of the City Planner's report.

D. The alternative equivalent compliance procedure is not considered a general waiver of the design standards contained herein.

Maryland Heights

ARTICLE 11. SCHEDULE OF DISTRICT REGULATIONS.

Sec. 25-11.1. "NU" Non-Urban District Regulations.

A. *Purpose*. This zoning district is composed of those areas of the City whose principal use is and ought to be agricultural and single-family dwellings on large sized lots. The regulations of this district are designed to ensure harmony with the principal uses of this district.

B. *Permitted uses*. The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

C. *Conditional Uses*. The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

D. *Regulations and Performance Standards*. The following regulations shall apply in all "NU" Non-Urban Districts.

1. *Lot Area*.

   a. Single-family dwellings shall be located on lots containing an area of not less than three (3) acres.

   b. Where a use is not connected to a public sewer, an engineer's report, by a registered engineer, for on-site disposal, shall be sufficient to meet current health standards, and shall require the review and approval of the Metropolitan Saint Louis Sewer District (MSD) and the City Engineer upon application for a building permit.

2. *Lot Width*. The minimum lot width shall be two hundred twenty-five (225) feet at the building line.

3. *Lot Coverage*. The maximum lot coverage shall not exceed thirty (30%) percent.

4. *Yard and Setback Requirements*.

   a. *Front Yard*—Not less than fifty (50) feet from the right-of-way.

   b. *Side Yard*—Not less than thirty (30) feet except in the case of a corner lot where the side yard on the street side shall not be less than fifty (50) feet.

   c. *Rear Yard*—Not less than fifty (50) feet.

   d. Where livestock is raised or kept, no structure or storage of hay, feed, or manure shall be located less than one hundred (100) feet from a property line.

   e. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).

5. *Height Requirements*. Except as otherwise provided in Section 25-13, Building Design Standards, the following height requirements shall apply in this district:

   a. No dwelling or non-farm building or structure shall exceed a height of thirty-five (35) feet.

   b. No general or specialized farm building or structures shall exceed a height of fifty (50) feet.

6. *Building Design*. All new non-residential buildings and/or projects shall be subject to Section 25-13, Building Design Standards.

7. *Off-Street Parking*. As required in Section 25-14, Parking and Loading Regulations.

8. *Signs*. As required in Section 25-15, Sign Regulations.

9. *Landscaping*. As required in Section 25-16, Landscaping Design Standards.

10. *Environmental Standards*. As required in Section 25-17, Environmental Standards.

11. *Lighting*. As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.2. "R-1" Single-Family Residential District.

A. *Purpose*. This zoning district is composed of those areas of the City whose principal use is and ought to be single-family dwellings on large sized lots. The regulations of this district are designed to create and preserve a predominantly suburban character as evidenced by lot sizes, street right-of-way, and drainage requirements. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.

B. *Permitted Uses*. The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

C. *Conditional Uses*. The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

D. *Regulations and Performance Standards*. The following regulations shall apply:

1. *Lot Area*.

a. The minimum lot area for this district shall be not less than one (1) acre (43,560 square feet).

b. Subject to the provisions of (c) below, for uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Section 25-14, Parking and Loading Regulations, but shall in no case be less than one (1) acre.

c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by MSD and the City Engineer.

2. *Minimum Lot Width and Depth*.

a. The minimum lot width at the building line shall be one hundred twenty-five (125) feet.

b. Where a lot fronts a cul-de-sac, a thirty-five (35) foot width at the street right-of-way is required.

c. The minimum lot depth for this district shall be two hundred (200) feet.

3. *Lot Coverage*. The maximum lot coverage shall not exceed twenty-five (25%) percent of the lot area.

4. *Yard Requirements*.

a. *Front Yard*—Not less than forty (40) feet.

b. *Side Yard*—Not less than fifteen (15) feet on each side of the dwelling.

c. *Rear Yard*.

i. *Principal Structure*—Not less than forty (40) feet.

ii. *Unroofed and Unenclosed Deck, Pool, or Accessory Structure*—Not less than twenty-five (25) feet.

d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).

5. *Height Requirements.*

a. No building or structure shall exceed a height of thirty-five (35) feet.

b. No detached accessory building shall be higher than the main building (see Section 12.3, Accessory Buildings and Structures, for additional information).

6. *Building Design.* All new non-residential buildings and/or projects shall be subject to Section 25-13, Building Design Standards.

7. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.

8. *Signs.* As required in Section 25-15, Sign Regulations.

9. *Landscaping.* As required in Section 25-16, Landscaping Design Standards.

10. *Environmental Standards.* As required in Section 25-17, Environmental Standards.

11. *Lighting.* As required in Section 25-18, Lighting Design Standards.

12. *Amenity Incentives.* The purpose of providing amenity incentives is to encourage the provision of specified amenities in connection with developments in exchange for higher permitted densities. The amenities can include provision of recreational facilities or preservation of natural features such as lakes, woods and common open space. An applicant who proposes an amenity shall be entitled to an amenity incentive in accordance with the following:

a. An application for amenity incentive shall consist of the following information, which shall accompany the preliminary plan for the development:

i. A written statement describing the amenity, and location of the development for which the incentive is requested.

ii. Information including distances, dimensions, floor area, and any other information deemed appropriate in order to determine whether an amenity qualifies for an amenity incentive and the amount of such amenity incentive.

iii. The type and amount of the amenity incentive the applicant is requesting along with the applicant's computation of such amount.

iv. A site plan drawn to scale incorporating the amenity incentive requested and illustrating the location and type of amenity to be provided,

b. The Planning Commission in connection with its review of the Preliminary Plan shall determine whether an amenity to be provided complies with the provisions of this section, and if so, shall approve the amenity incentive provided for in this section. If the amenity to be provided for which the amenity incentive is requested does not comply with the provisions of this section, the amenity incentive shall be disapproved,

c. In determining the eligibility of a proposed amenity the Planning Commission shall consider the following:

i. The type of amenity to be provided and its relevance to the overall concept and design of the development under consideration.

ii. The size and/or extent of the proposed amenity.

iii. The design and/or location of the proposed amenity from the standpoint of usability as it relates to the basic purpose of the amenity.

iv. The location of the proposed amenity as it relates to the overall development from the standpoint of availability to the future residents of the development.

v. The design and/or location of the proposed amenity as it relates to adjoining properties both within and outside of the development from the standpoint of potential adverse impacts, or other interference.

d. The provision of the amenities shown in Table 11.1, Amenity Incentives, in the proposed development will qualify the development for the following increases in density, provided that the total cumulative density increase does not exceed fifty (50) percent of the maximum density permitted in the district where the property is located.

TABLE 11.1 Amenity Incentives

AMENITY	DENSITY INCREASE
Additional permanent open space through public dedication of conveyance to a homeowners association. This open space should be of a usable nature	1% per 10,000 sq. ft. of open space provided, up to a maximum of 10%
Swimming pool	1% for each 500 sq. ft. of pool surface area up to a maximum increase of 5%
Tennis, volleyball, handball, basketball courts or similar recreational uses	1% increase for each court provided up to a maximum increase of 5%
Equipped playgrounds	1% for each 1,000 sq. ft. up to a maximum increase of 5%
Clubhouse	1% for each 1,000 sq. ft. of clubhouse up to a maximum increase of 5%
Preservation of the site's natural features such as lakes, woods and provision of permanent access to and use of such natural features and to amenities such as bike and pedestrian paths, jogging trails and nature trails	1% for each 10,000 sq. ft. of amenity preserved or provided, up to a maximum increase of 10%
Enlarging the livable area of a dwelling unit above 2,000 square feet	10% for each 500 sq. ft. increase in liveable floor area above 2,000 sq. ft. up to a maximum increase of 50%

Sec. 25-11.3. "R-2" Single-Family Residential District.

A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be single-family dwellings on large sized lots. The regulations of this district are designed to create and preserve a predominantly suburban character as evidenced by lot sizes, street right-of-way, and drainage requirements. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.

B. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

D. *Regulations and Performance Standards.* The following regulations shall apply:

1. *Lot Area.*

   a. The minimum lot area for this district shall be no less than one-half (1/2) acre (21,780 square feet).

   b. Subject to the provisions of (c) below, uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Section 25-14, Parking and Loading Regulations, but shall in no case be less than one-half (1/2) acre.

   c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by MSD and the City Engineer.

2. *Minimum Lot Width and Depth.*

   a. The minimum lot width at the building line shall be no less than one hundred (100) feet.

   b. Where a lot fronts a cul-de-sac, a thirty-five (35) foot width at the street right-of-way line is required.

   c. The minimum lot depth for this district shall be one hundred seventy (170) feet.

3. *Lot Coverage.* The maximum lot coverage shall not exceed twenty-five (25%) percent of the lot area.

4. *Yard Requirements.*

   a. *Front Yard*—Not less than forty (40) feet.

   b. *Side Yards*—Not less than twelve (12) feet on each side of the dwelling.

   c. *Rear Yard.*

      i. *Principal Structure*—Not less than forty (40) feet.

      ii. *Unroofed and Unenclosed Deck, Pool, or Accessory Structure*—Not less than twenty (20) feet.

   d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).

5. *Height Requirements.*

   a. No building or structure shall exceed a height of thirty-five (35) feet.

b. No detached accessory building shall be higher than the main building (see Section 12.3, Accessory Buildings and Structures, for additional information).

6. *Amenity Incentives*. Increases in density due to the provision of amenities within the development shall conform to the requirements of Section 25-11.2.D.12, *Amenity Incentives*.

7. *Building Design*. All new non-residential buildings and/or projects shall be subject to Section 25-13, Building Design Standards.

8. *Off-Street Parking*. As required in Section 25-14, Parking and Loading Regulations.

9. *Signs*. As required in Section 25-15, Sign Regulations.

10. *Landscaping*. As required in Section 25-16, Landscaping Design Standards.

11. *Environmental Standards*. As required in Section 25-17, Environmental Standards.

12. *Lighting*. As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.4. "R-3" Single-Family Residential District.

A. *Purpose*. This zoning district is composed of those areas of the City whose principal use is and ought to be single-family dwellings on large sized lots. The regulations of this district are designed to create and preserve a predominantly suburban character as evidenced by the lot sizes, street right-of-way and drainage requirements. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.

B. *Permitted Uses*. The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

C. *Conditional Uses*. The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

D. *Regulations and Performance Standards*. The following regulations shall apply:

1. *Lot Area*.

a. The minimum lot area for this district is fourteen thousand five hundred twenty (14,520) square feet.

b. Subject to the provisions of (c) below, uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Section 25-14, Parking and Loading Regulations, but shall in no case be less than fourteen thousand five hundred twenty (14,520) square feet.

c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by MSD and the City Engineer.

2. *Minimum Lot Width and Depth*.

a. The minimum lot width requirement at the building line is eighty (80) feet.

b. Where a lot fronts a cul-de-sac, a thirty-five (35) foot width at the street right-of-way line is required.

c. The minimum lot depth for this district shall be one hundred fifty (150) feet.

3. *Lot Coverage*. The maximum lot coverage shall not exceed twenty-five (25%) percent of the lot area.

4. *Yard Requirements.*

   a. *Front Yards*—Not less than forty (40) feet.

   b. *Side Yards*—Not less than ten (10) feet on each side of the dwelling.

   c. *Rear Yard.*

      i. *Principal Structure*—Not less than thirty (30) feet.

      ii. *Unroofed and Unenclosed Deck, Pool, or Accessory Structure*—Not less than fifteen (15) feet.

   d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).

5. *Height Requirements.*

   a. No buildings or structures shall exceed a height of thirty-five (35) feet.

   b. No detached accessory building shall be higher than the main building (see Section 12.3, Accessory Buildings and Structures, for additional information).

6. *Amenity Incentives.* Increases in density due to the provision of amenities within the development shall conform to the requirements of Section 25-11.2.D.12, *Amenity Incentives*.

7. *Building Design.* All new non-residential buildings and/or projects shall be subject to Section 25-13, Building Design Standards.

8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.

9. *Signs.* As required in Section 25-15, Sign Regulations.

10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards.

11. *Environmental Standards.* As required in Section 25-17, Environmental Standards.

12. *Lighting.* As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.5. "R-4" Single-Family Residential District.

A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is and ought to be single-family dwellings on moderate to large sized lots. The regulations of this district are designed to create and preserve a predominantly urban character as evidenced by lot sizes, street right-of-way and drainage requirements. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.

B. *Permitted uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

D. *Regulations and Performance Standards.* The following regulations shall apply:

   1. *Lot Area.*

a. The minimum lot area for this district is ten thousand (10,000) square feet.

b. Subject to provisions of (c) below, for uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Section 25-14, Parking and Loading Regulations, but shall in no case be less than ten thousand (10,000) square feet.

c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by MSD and the City Engineer,

2. *Minimum Lot Width and Depth.*

a. The minimum lot width at the building line is seventy (70) feet.

b. Where a lot fronts a cul-de-sac, a thirty-five (35) foot width at the street right-of-way line is required.

c. The minimum lot depth for this district shall be one hundred twenty five (125) feet.

3. *Lot coverage.* The maximum lot coverage shall not exceed twenty-five (25%) percent of the lot area.

4. *Yard Requirements.*

a. *Front Yards*—Not less than twenty-five (25) feet.

b. *Side Yards*—Not less than eight (8) feet on each side of the dwelling.

c. *Rear Yard.*

i. *Principal Structure*—Not less than thirty (30) feet.

ii. *Unroofed and Unenclosed Deck, Pool, or Accessory Structure*—Not less than fifteen (15) feet.

d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).

5. *Height Requirements.*

a. No buildings or structures shall exceed a height of thirty-five (35) feet.

b. No detached accessory building shall be higher than the main building (see Section 12.3, Accessory Buildings and Structures, for additional information).

6. *Amenity Incentives.* Increases in density due to the provision of amenities within the development shall conform to the requirements of Section 25-11.2.D.12, *Amenity Incentives*.

7. *Building Design.* All new non-residential buildings and/or projects shall be subject to Section 25-13, Building Design Standards.

8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.

9. *Signs.* As required in Section 25-15, Sign Regulations.

10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards.

11. *Environmental Standards.* As required in Section 25-17, Environmental Standards.

12. *Lighting*. As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.6. "R-5" Single-Family Residential District.

A. *Purpose*. This zoning district is composed of those areas of the City whose principal use is and ought to be single-family dwellings on moderate sized lots. The regulations of this district are designed to create and preserve a predominantly urban character as evidenced by lot sizes, street right-of-way and drainage requirements. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.

B. *Permitted Uses*. The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

C. *Conditional Uses*. The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

D. *Regulations and Performance Standards*. The following regulations shall apply:

1. *Lot Area*.

   a. The minimum lot area for this district is seven thousand five hundred (7,500) square feet.

   b. Subject to the provisions of (c) below, for uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Section 25-14, Parking and Loading Regulations, but shall in no case be less than seven thousand five hundred (7,500) square feet.

   c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by MSD and the City Engineer.

2. *Minimum Lot Width and Depth*.

   a. The minimum lot width at the building line is sixty (60) feet.

   b. Where a lot fronts a cul-de-sac, a thirty-five (35) foot width at the street right-of-way line is required.

   c. The minimum lot depth for this district shall be one hundred ten (110) feet.

3. *Lot Coverage*. The maximum lot coverage shall not exceed twenty-five (25%) percent of the lot area.

4. *Yard Requirements*.

   a. *Front Yard*—Not less than twenty (20) feet.

   b. *Side Yard*—Not less than six (6) feet on each side of the dwelling.

   c. *Rear Yard*.

      i. *Principal Structure*—Not less than thirty (30) feet.

      ii. *Unroofed and Unenclosed Deck, Pool, or Accessory Structure*—Not less than fifteen (15) feet.

   d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).

5. *Height Requirements*.

a. No buildings or structures shall exceed a height of thirty-five (35) feet.

b. No detached accessory building shall be higher than the main building (see Section 12.3, Accessory Buildings and Structures, for additional information).

6. *Amenity Incentives*. Increases in density due to the provision of amenities within the development shall conform to the requirements of Section 25-11.2.D.12, *Amenity Incentives*.

7. *Building Design*. All new non-residential buildings and/or projects shall be subject to Section 25-13, Building Design Standards.

8. *Off-Street Parking*. As required in Section 25-14, Parking and Loading Regulations.

9. *Signs*. As required in Section 25-15, Sign Regulations.

10. *Landscaping*. As required in Section 25-16, Landscaping Design Standards.

11. *Environmental Standards*. As required in Section 25-17, Environmental Standards.

12. *Lighting*. As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.7. "R-6" Multi-Family Residential District.

A. *Purpose*. This zoning district is composed of those areas of the City whose principal use is and ought to be multi-family dwellings. The regulations of this district are designed to permit a low density of population and a moderate intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system, and which abut to such other uses, buildings, structures, or amenities which support, complement, or serve such a density and intensity. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to make them compatible with the principal use of this district to ensure harmony.

B. *Permitted Uses*. The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

C. *Conditional Uses*. The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

D. *Regulations and Performance Standards*. The following regulations shall apply:

1. *Minimum District Area*. Any site zoned "R-6" Multi-Family Residential District shall have a minimum area of not less than one (1) acre unless the site abuts an existing multifamily zone.

2. *Minimum Lot Area*.

a. *Single-Family*—7,500 square feet per unit;

b. *Two-Family*—5,000 square feet per unit; or

c. *Multi-Family*—2,500 square feet per unit.

d. However, in no case shall the total number of units per acre exceed fifteen (15).

e. For uses other than dwellings, the lot area shall be adequate to provide the yard areas required in this district and off-street parking as required in Section 25-14, Parking and Loading Regulations, but in no case shall be less than seven thousand five hundred (7,500) square feet.

3. *Lot Width* (measured at the building line).

   a. *Single-Family*—Sixty (60) feet;

   b. *Two-Family*—Seventy (70) feet; or

   c. *Multi-Family*—Seventy (70) feet.

   d. For uses other than dwellings, the lot width shall be adequate to provide the yard areas required in this district and the off-street parking required in Section 25-14, Parking and Loading Regulations.

4. *Lot Coverage.* The maximum lot coverage shall not exceed twenty-five (25%) percent for single and two-family dwelling structures and thirty-five (35%) percent for multi-family structures and non-residential uses.

5. *Yard Requirements.*

   a. *Front yard*—Not less than thirty-five (35) feet for multi-family and twenty (20) feet for single-family and two-family structures.

   b. *Side yard*—Not less than ten (10) feet for multi-family and six (6) feet for single-family and two-family structures except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than thirty (30) feet.

   c. *Rear yard*—Not less than thirty-five (35) feet for multi-family and thirty (30) feet for single-family and two-family structures.

   d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).

   e. Accessory structures shall meet the same yard requirements.

6. *Height Requirements.*

   a. No primary building or structure shall exceed forty-five (45) feet above finished grade.

   b. No accessory structure shall exceed twenty-five (25) feet above finished grade.

7. *Distance Between Grouped Buildings.*

   a. In addition to the required setback lines provided elsewhere in the Zoning Code, the minimum distances contained in Table 11.2, Distance Between Grouped Buildings, shall be required between each building.

TABLE 11.2 Distance Between Grouped Buildings	
BUILDING ORIENTATIONS	**MINIMUM DISTANCE**
Front to front	Fifty (50) feet
Back to back	Fifty (50) feet
Side to side	Twenty (20) feet
Front to side	Thirty-five (35) feet
Back to side	Thirty-five (35) feet
Corner to corner	Fifteen (15) feet

b. In no instance shall a dwelling unit face directly upon the rear of another residential building.

c. In applying the above standards, the front of the building shall mean that face of the building having the greatest length with the rear being that face opposite the front. The side is the face having the smallest dimension. If the building has equal dimensions, the City Planner shall determine the faces.

8. *Site Plan Review*. As required by Section 25-4, Site Plan Review.

9. *Off-Street Parking*. As required in Section 25-14, Parking and Loading Regulations.

10. *Utilities*. Any area zoned "R-6" Multi-Family District shall be served by approved public water and sewer facilities prior to development.

11. *Signs*. As required in Section 25-15, Sign Regulations.

12. *Landscaping*. As required in Section 25-16, Landscaping Design Standards. In addition:

    a. Where a side or rear lot line coincides with a side or rear lot line of any lot in an adjacent Non-Urban or residential zoning district ("NU" through "R-6"), then a landscaped yard of at least twenty-five (25) feet in width shall be provided along such a lot line in accordance with the requirements of Section 25-16.10, Landscaping Requirements for Buffer Areas and Screening.

13. *Accessory Trash Receptacles*. Any property zoned "R-6" Multi-Family Residential District shall have centralized trash collection areas of sufficient number and size to serve the residents within the development. Said receptacles (dumpsters) shall meet the requirements of Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

14. *Building Design*. All new multi-family buildings and/or projects shall be subject to Section 25-13, Building Design Standards.

15. *Accessory Buildings – Covered Parking*. Any multi-family development may construct detached carports or private residential garages subject to the following:

    a. The number of parking spaces within either a carport or private residential garage shall not exceed fifteen (15%) percent of the required parking spaces.

    b. The number of parking spaces within either a carport or private residential garage may exceed fifteen (15%) percent of the required parking spaces, subject to the following:

        i. Review and approval of the Planning Commission;

        ii. Compliance with the design standards for carports or private residential garages; and

iii. The number of spaces does not exceed one (1) per dwelling unit.

c. The design of carports or private residential garages shall be subject to the review and approval of the City Planner. The criteria considered shall include the following:

i. The carport or private residential garage design shall be consistent with the architectural character of the multi-family units.

ii. The architectural finish shall include materials either the same as or visually compatible with the multi-family units.

iii. No storage units, closets, cabinets, or bins shall be built into the carport or private residential garage, whether freestanding or attached.

iv. All four sides of the carport shall remain open.

v. A minimum setback of twenty (20') feet shall be provided between the residential structure and carport or private residential garage.

vi. No carport or private residential garage shall be sited in a manner that obstructs the line of sight from the driveway.

vii. The area covered by the carport or private residential garage shall be included as part of the lot coverage.

viii. A carport or private residential garage shall be setback a minimum of thirty-five (35') feet from the public right-of-way.

16. *Accessory Buildings and Structures – Other*. Any property zoned "R-6" Multi-Family Residential may construct accessory buildings and structures subject to the following:

a. A minimum of twenty (20') feet shall be provided between the principal residential structure and accessory structure.

b. The total lot coverage does not exceed thirty-five (35%) percent.

c. The architectural finish shall include materials either the same as or visually compatible with principal residential structures.

d. A finding by the City Planner that the accessory structure is consistent with the architectural character of the residential structures.

17. *Lighting*. As required in Section 25-18, Lighting Design Standards.

Sec. 25-11.8. "C-1" Neighborhood Commercial District.

A. *Purpose*. This zoning district is composed of those areas of the City whose principal use is and ought to be local retail, service and restricted repair business activities which serve surrounding residential neighborhoods.

B. *Permitted Uses*. The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

C. *Conditional Uses*. The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

D. *Regulations and Performance Standards.* The following regulations shall apply:

1. *Minimum District Area.* Any site zoned "C-1" Neighborhood Commercial District shall have a minimum area of one (1) acre, unless the parcel abuts an existing commercial or industrial zoning district.

2. *Minimum Lot Width.* Seventy (70) feet.

3. *Lot Coverage.* No limit.

4. *Yard and Setback Requirements.*

   a. *Front Yard*—Not less than twenty-five (25) feet.

   b. *Side Yard*—Not required except where a side line of a "C-1" lot abuts the side line of a Non-Urban or residential zoning district; in that instance a side yard shall be provided of the same dimensions required in the zoning district it abuts. A side yard of twenty-five (25) feet shall be provided on the street side of a corner lot.

   c. *Rear Yard*—Not less than twenty-five (25) feet.

   d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).

5. *Height Requirements.* No building or structure shall exceed a height of twenty (20) feet.

6. *Performance Standards.*

   a. Wholesale sales are prohibited.

   b. Outdoor storage or display of merchandise, materials, or equipment is prohibited.

   c. No separate business establishment shall occupy more than five thousand (5,000) square feet of floor space.

7. Site Plan Review. As required in Section 25-4, Site Plan Review.

8. *Building Design.*

   a. *New Construction.* All new buildings and/or projects shall be subject to Section 25-13, Building Design Standards.

   b. *Renovation or Remodeling Projects.* The standards of Section 25-11.14.E.1, Building Design Standards for Expansion or Remodeling Projects, shall be met by any of the following projects:

      i. Any expansion of an existing building by more than 1000 square feet.

      ii. Any remodeling of an existing use that alters at least seventy-five percent (75%) of the floor area or site area.

      iii. Any remodeling or improvement with a value greater than fifty (50%) of the existing St. Louis County Department of Revenue total appraised valuation. This shall not include approved conditional uses already subject to design or architectural review in their Conditional Use Permit ordinance.

      iv. Any remodeling or improvement of any commercial or industrial building or site which has been vacant for one (1) year or more and that requires a building permit.

9 *Off-Street Parking*. As required in Section 25-14, Parking and Loading Regulations.

10. *Signs*. As required in Section 25-15, Sign Regulations.

11. *Landscaping*. As required in Section 25-16, Landscaping Design Standards. In addition:

    a. Where a side or rear lot line coincides with a side or rear lot line of any lot in an adjacent Non-Urban or residential zoning district, a landscaped yard of at least twelve (12) feet in width shall be provided along such property line in accordance with the requirements of Section 25-16-10, Landscaping Requirements for Buffer Areas and Screening.

    b. Where the rear or side wall of any nonresidential structure is located directly across the street from the front yard of any residential structure located in a residential zoning district, a landscaped yard of at least ten (10) feet in width shall be provided along the entire length of such rear or side wall. Landscaping shall be in accordance with Section 25-17.7.B, Landscaping Along Parking Lot Perimeters. The transitional yard requirement may be modified by Conditional Use Permit to impose more stringent requirements at the discretion of the City Council.

    c. In no instance shall the landscaped yard requirements be considered to be met by driveways, parking lots, or other forms of impervious surface. At all times, the landscaped yard shall be maintained open to the sky and shall not be used for storage of vehicles or equipment, or for accessory buildings.

12. *Environmental Standards*. As required in Section 25-17, Environmental Standards.

13. *Lighting*. As required in Section 25-18, Lighting Design Standards.

14. *Utilities*. Any area zoned "C-1" shall be served by approved public water and sewer facilities prior to development.

15. *Screening*. As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

Sec. 25-11.9. "C-2" General Commercial District.

A. *Purpose*. This zoning district is composed of those areas of the City whose principal use is and ought to be general retail, service, and repair business activities which serve the entire city and surrounding area.

B. *Permitted Uses*. The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

C. *Conditional Uses*. The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

D. *Regulations and Performance Standards*. The following regulations shall apply:

    1. *Minimum District Area*. Two and one-half (2.5) acres unless the parcel abuts an existing commercial or industrial district.

    2. *Minimum Lot Width*. Seventy (70) feet.

    3. *Maximum Lot Coverage*. No limit.

    4. *Yard and Setback Requirements*.

        a. *Front Yard*—Not less than twenty-five (25) feet, including all signs, pump islands, and canopies of

gasoline service stations.

b. *Side Yards*—A minimum side yard of twelve (12) feet shall be provided except in those instances where commercial buildings are constructed simultaneously with party walls or fire walls or if the building side abuts a public alley. Where a side line of a lot abuts the side line of a lot in any residential zoning district, a side yard shall then be provided the same as required in the zoning district it abuts. A side yard of not less than twenty-five (25) feet shall be provided on the street side of a corner lot.

c. *Rear yard*—No rear yard is required except that where a rear line of a lot abuts a lot in any Non-Urban or residential zoning district, a rear yard of not less than twenty-five (25) feet shall be provided.

d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).

5. *Height Requirements.* No building or structure shall exceed a height of forty-five (45) feet.

6. *Site Plan Review.* As required in Section 25-4, Site Plan Review.

7. *Building Design.*

a. *New Construction.* All new buildings and/or projects shall be subject to Section 25-13, Building Design Standards.

b. *Renovation or Remodeling Projects.* The standards of Section 25-11.14.E.1, Building Design Standards for Expansion or Remodeling Projects, shall be met by any of the following projects:

i. Any expansion of an existing building by more than 1000 square feet.

ii. Any remodeling of an existing use that alters at least seventy-five percent (75%) of the floor area or site area.

iii. Any remodeling or improvement with a value greater than fifty (50%) of the existing St. Louis County Department of Revenue total appraised valuation. This shall not include approved conditional uses already subject to design or architectural review in their Conditional Use Permit ordinance.

iv. Any remodeling or improvement of any commercial or industrial building or site which has been vacant for one (1) year or more and that requires a building permit.

8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.

9. *Signs.* As required in Section 25-15, Sign Regulations.

10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards. In addition:

a. Where a side or rear lot line coincides with a side or rear lot line of any lot in an adjacent Non-Urban or residential zoning district, a landscaped yard of at least twelve (12) feet in width shall be provided along such lot lines in accordance with the requirements of Section 25-16-10, Landscaping Requirements for Buffer Areas and Screening.

b. Where the rear or side wall of any nonresidential structure is located directly across the street from the front yard of any residential structure located in a Non-Urban or residential zoning district, a landscaped yard of at least ten (10) feet in width shall be provided along the entire length of such rear or side wall. Landscaping shall be installed in accordance with Section 25-17.7.B, Landscaping Along Parking Lot Perimeters. The transitional yard requirement may be modified by Conditional Use Permit

to impose more stringent requirements at the discretion of the City Council.

c. In no instance shall the landscaped yard requirements be considered to be met by driveways, parking lots, or other forms of impervious surface. At all times, the landscape yard shall be maintained open to the sky and shall not be used for storage of vehicles or equipment, or for accessory buildings.

11. *Environmental Standards*. As required in Section 25-17, Environmental Standards.

12. *Lighting*. As required in Section 25-18, Lighting Design Standards.

13. *Utilities*. Any area zoned "C-2" shall be served by approved public water and sewer facilities prior to development.

14. *Screening*. As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

Sec. 25-11.10. "M-1" Office, Service, and Light Manufacturing District.

A. *Purpose*. This zoning district is composed of those areas of the City whose principal use is or ought to be general office, hotel, entertainment, light manufacturing, warehousing, and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive, radioactive and other hazards, and harmful or obnoxious matter.

B. *Permitted Uses*. The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

C. *Conditional Uses*. The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

D. *Regulations and Performance Standards*. The following regulations shall apply:

1. *Minimum District Area*. Five (5) acres minimum unless the site abuts an existing industrial district.

2. *Lot Width*. The minimum lot width shall be one hundred fifty (150) feet.

3. *Lot Coverage*. No limit.

4. *Yard Requirements*.

a. *Front Yard*—Not less than thirty (30) feet.

b. *Side Yard*—Not less than ten (10) feet except if abutting a Non-Urban or residential zoning district when the side yard shall be a minimum of twenty-five (25) feet.

c. *Rear Yard*—Not less than thirty-five (35) feet.

d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).

5. *Height Requirements*. No building or structure shall exceed a height of one hundred twenty (120) feet. If any portion of a structure is over fifty (50) feet in height, that portion may not be located above a residential proximity slope.

6. *Site Plan Review*. As required in Section 25-4, Site Plan Review.

7. *Building Design*.

a. All uses shall be conducted within a fully enclosed building.

b. All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.

8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Regulations.

9. *Signs.* As required in Section 25-15, Sign Regulations.

10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards. In addition:

a. Where a side or rear lot line coincides with a side or rear lot line of any lot in an adjacent Non-Urban or residential zoning district, a landscaped yard of at least twenty-five (25) feet in width shall be provided along such property line in accordance with the requirements of Section 25-16-10, Landscaping Requirements for Buffer Areas and Screening.

b. Where the rear or side wall of any nonresidential structure is located directly across the street from the front yard of any residential structure located in a Non-Urban or residential zoning district, a landscaped yard of at least ten (10) feet in width shall be provided along the entire length of such rear or side wall. Landscaping shall be installed in accordance with Section 25-17.7.B, Landscaping Along Parking Lot Perimeters. The transitional yard requirement may be modified by Conditional Use Permit to impose more stringent requirements at the discretion of the City Council.

c. In no instance shall the landscaped yard requirements be considered to be met by driveways, parking lots, or other forms of impervious surface. At all times, the landscaped yard shall be maintained open to the sky and shall not be used for storage of vehicles or equipment, or for accessory buildings.

11. *Environmental Standards.* As required in Section 25-17, Environmental Standards.

12. *Lighting.* As required in Section 25-18, Lighting Design Standards.

13. *Utilities.* Any area zoned "M-1" shall be served by approved public water and sewer facilities prior to development.

14. *Screening.* As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

Sec. 25-11.11. "M-2" Office, Service, and Intensive Manufacturing District

A. *Purpose.* This zoning district is composed of those areas of the City whose principal use is or ought to be intensive industrial uses, wholesale, commercial, and industrial storage facilities.

B. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

C. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

D. *Regulations and Performance Standards.* The following regulations shall apply:

1. *Minimum District Area.* Five (5) acres unless the parcel abuts an existing industrial district.

2. *Lot Width.* Seventy-five (75) feet minimum.

3. *Lot Coverage.* The maximum lot coverage shall not exceed fifty (50) percent.

4. *Yard Requirements.*

   a. *Front Yard*—Not less than thirty (30) feet.

   b. *Side Yard*—Not less than ten (10) feet.

   c. *Rear Yard*—Not less than fifty (50) feet.

   d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).

5. *Height Requirements.* No buildings or structures shall exceed a height of fifty (50) feet.

6. *Site Plan Review.* As required in Section 25-4, Site Plan Review.

7. *Building Design.*

   a. All industrial uses shall be conducted within a fully enclosed building.

   b. All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.

8. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Requirements.

9. *Signs.* As required in Section 25-15, Sign Regulations.

10. *Landscaping.* As required in Section 25-16, Landscaping Design Standards. In addition:

    a. Where a side or rear lot line coincides with a side or rear lot line of any lot in an adjacent Non-Urban or residential zoning district, a landscaped yard of at least fifty (50) feet in width shall be provided along such a lot in accordance with the requirements of Section 25-16-10, Landscaping Requirements for Buffer Areas and Screening.

11. *Environmental Standards*. As required in Section 25-17, Environmental Standards.

12. *Lighting*. As required in Section 25-18, Lighting Design Standards.

13. *Utilities*. Any area zoned "M-2" shall be served by approved public water and sewer facilities prior to development.

14. *Screening*. As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

Sec. 25-11.12. "RD-MXD" Redevelopment - Mixed Use District

A. *Purpose*. This zoning district is composed of those areas of the City identified for redevelopment by the Comprehensive Plan and whose principal uses are and ought to be single-family residential and commercial.

B. *Intent*. The intent of these regulations is to:

   1. Protect and enhance existing single-family residential development.

   2. Provide minimum standards for design which are essential to establishing and mixing uses within the zoning district.

3. Create both relationship and transition within the zoning district and to adjacent development sites and areas.

4. Ensure the establishment of appropriate relationships between buildings, site improvements, open spaces, and public rights-of-way.

C. *Permitted Uses*. The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

D. *Conditional Uses*. The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

E. *Lot Requirements for Single-Family Dwellings*. Lots for single-family detached dwellings, single-family attached dwellings, and two-family dwellings shall meet the following standards:

1. *Minimum Lot Area*.

   a. The minimum lot area for single-family detached dwellings is seventy-five hundred (7,500) square feet.

   b. The minimum lot area for single-family attached dwellings and two-family dwellings is five thousand (5,000) square feet per unit.

   c. Where there is no public sewer, the required lot area shall be increased to the area determined as adequate by MSD and the City Engineer.

2. *Minimum Lot Width*.

   a. The minimum lot width at the building line for a detached structure is sixty (60) feet.

   b. The minimum lot width at the building line for an attached structure is forty-two (42) feet.

3. *Minimum Lot Depth*.

   a. The minimum lot depth for a detached structure is one hundred ten (110) feet.

   b. The minimum lot depth for an attached structure is one hundred ten (110) feet.

4. *Lot Coverage*. The maximum lot coverage shall not exceed:

   a. Twenty-five (25%) percent of the lot area for detached structures.

   b. Thirty (30%) percent of the lot area for attached structures.

5. *Yard Requirements*.

   a. Front Yards—Not less than thirty (30) feet.

   b. *Side Yards*.

      i. Detached structures—not less than six (6) feet on each side of the dwelling.

      ii. Attached structures—not less than five (5) feet on one side of the dwelling with zero (0) feet between attached units.

   c. *Rear Yard*.

i. Principal Structure—not less than thirty (30) feet.

ii. Deck, pool, or accessory structure—fifteen (15) feet.

d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).

F. *Lot Requirements for Non-Residential Uses.* Lots for buildings and/or projects other than single-family dwellings shall meet the following requirements:

1. *Minimum Lot Area.* Two and one-half (2.5) acres unless the parcel abuts or is within an existing commercial or industrial district.

2. *Minimum Lot Width.* One hundred (100) feet.

3. *Maximum Lot Coverage.* Eighty (80%) percent of the lot area.

4. *Yard Requirements.*

a. *Front Yard*—Not less than twenty-five (25) feet.

b. *Side Yards.* A minimum side yard of twelve (12) feet shall be provided except in those instances where commercial buildings are constructed simultaneously with party walls or fire walls or if the building side abuts a public alley. A side yard of not less than twenty-five (25) feet shall be provided on the street side of a corner lot.

c. *Rear Yard*—Not less than twenty-five (25) feet.

d. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).

G. *General Development Standards.*

1. *Off-Street Parking.* As required in Section 25-14, Parking and Loading Requirements.

2. *Signs.* As required in Section 25-15, Sign Regulations.

3. *Landscaping.* As required in Section 25-16, Landscaping Design Regulations.

4. *Lighting.* As required in Section 25-18, Lighting Design Standards.

5. *Retaining Walls.* All retaining wall material installed on the site shall be constructed of decorative, masonry block such as Versalok, Keystone, Allenblock, or similar material. The maximum height of any retaining wall shall not exceed six (6) feet. Where greater heights are required, multiple retaining walls shall be used and offset a minimum distance of four (4) feet.

6. *Utilities.* All utility, power and telephone lines, except those located in designated overhead utility corridors, shall be located underground.

7. *Screening.* As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

H. *Development Standards for New Single-Family Dwellings.* In addition to the general development standards in subsection G., new single-family dwellings constructed in the "RD-MXD" Redevelopment Mixed Use District shall meet the following standards:

1. *Building Height.* No building or structure shall exceed a height of thirty-five (35) feet.

2. *Building Design.* All new single-family dwellings shall meet the criteria set forth in Section 25-13.7, Design Standards for Single-Family Dwellings.

I. *Development Standards for Non-Residential Uses.* In addition to the general development standards in subsection G., buildings and/or projects other than single-family dwellings shall meet the following design standards.

1. *Building Height.* No building or structure shall exceed a height of forty-five (45) feet.

2. New buildings and/or projects shall meet the criteria specified in Section 25-13, Building Design Standards.

J. *Procedural Requirements for Permitted Uses.*

1. Procedural requirements for those permitted uses shall be as required in Section 25-4, Site Plan Review. However, the following additional items shall be submitted for review and approval by the City Planner in conjunction with the site plan:

   a. Building elevations, renderings, illustrations, or photographs.

   b. Materials and colors exhibit.

   c. Proposed signage package (if applicable).

2. The City Planner shall review plans and additional items for compliance with the Comprehensive Plan and Zoning Code. Additional requirements may be imposed on development where it is determined, based on a review of the site plan by the City Planner, that the additional requirements are necessary to fulfill the objectives of the Comprehensive Plan and the purpose and intent of the "RD-MXD" Redevelopment District.

K. *Procedural Requirements for Conditional Uses.*

1. Procedural requirements for conditional uses shall be as required in Section 25-5, Conditional Use Permits. However, the items required in subsection J.1. shall also be submitted for review and approval.

2. Additional requirements may be imposed on development where it is determined, based on a review of the site plan by the City Planner, that the additional requirements are necessary to fulfill the objectives of the Comprehensive Plan and the purpose and intent of the "RD-MXD" Redevelopment Mixed Use District.

L. *Rezoning to Planned District.* The design standards and requirements of this section may be modified by the Planning Commission following a finding that the goals and objectives of the Comprehensive Plan, the purpose, intent, and design standards of this section, and the design standards of the Zoning Code are met by the proposed Planned District. Approval shall be granted as defined under Section 25-6, Planned Districts.

Sec. 25-11.13. "RD-M" and "RD-C" Redevelopment Districts.

A. *Purpose.* These zoning districts are composed of those areas of the City exhibiting blighted conditions as defined in Section 353.020 of the Missouri Revised Statutes, as amended, and whose principal use is and ought to be commercial and light industrial. The regulations of these districts are designed to encourage high quality, aesthetically pleasing development, complimentary to existing nearby commercial and industrial uses.

B. *Districts:*

1. *"RD-M" Redevelopment-Manufacturing.* This zoning district is composed of those areas whose principal use is or ought to be light industrial including manufacturing, assembly, warehousing, wholesaling, distribution, and offices.

2. *"RD-C" Redevelopment-Commercial.* This zoning district is composed of those areas whose principal use is or ought to be retail and service commercial, including motor vehicle oriented businesses (MVOB) and service center commercial mixed-use development and office/warehousing. Certain manufacturing or light industrial uses and wholesaling uses which may be associated with office/warehousing type uses and buildings shall require a conditional use permit.

C. *Permitted Uses.* The listing of permitted uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

D. *Conditional Uses.* The listing of conditional uses is set out in Appendix B, Land Use and Required Parking Matrix, of the Zoning Code.

E. *Regulations and Performance Standards.* The following regulations shall apply to and govern all uses in the "RD-M" and "RD-C" Districts:

1. *Lot Area, Width and Coverage.* Requirements shall be as per Table 11.3, Lot Area, Width, and Coverage.

TABLE 11.3. Lot Area, Width, and Coverage		
	"RD-M"	**"RD-C"**
MINIMUM LOT AREA	2.5 acres	1 acre
MINIMUM LOT WIDTH	125 feet	75 feet
MAXIMUM LOT COVERAGE	50%	50%

2. *Height and Yard Requirements.* Requirements shall be as per Table 11.4, Height and Yard Requirements).

TABLE 11.4. Height and Yard Requirements		
	"RD-M"	**"RD-C"**
Maximum height	50 feet	45 feet
Minimum front yard	30 feet	25 feet
Minimum side yard	20 feet	15 feet
Minimum rear yard	25 feet	20 feet

a. Corner lots shall be deemed to have front yards along all street frontages.

b. Additional setbacks from riparian corridors may be required as per the Stream Buffer Protection requirements of the Municipal Code (Section 6-397, Land Development Requirements).

3. *Site Plan Review.* Procedural requirements for those permitted uses shall be as required in Section 25-4, Site Plan Review. In addition:

a. The City Planner and City Engineer shall review plans for compliance with the redevelopment plan for

the district. During plan review, the City Planner and City Engineer shall consult with the appropriate redevelopment corporation designated for the area by the City Council. In recognition of the blighted conditions and infrastructural requirements of these districts and the purposes of the "RD-M" and "RD-C" Redevelopment Districts, additional requirements consistent with the redevelopment plan and this section may be imposed on development where it is determined, based on a joint review of the site plan by the City Planner and the City Engineer, that the additional requirements are necessary to fulfill the objectives of the redevelopment plan and the purposes of the "RD-M" and "RD-C" Redevelopment Districts.

b. *Conditional Uses*. Procedural requirements for conditional uses shall be as required in Section 25-5, Conditional Use Permits. Additional requirements as noted above may be imposed on the development where it is determined that the additional requirements are necessary to fulfill the objective of the redevelopment plan and the purposes of the "RD-M" and "RD-C" Redevelopment Districts.

4. *Building Design*. All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.

5. *Off-Street Parking*. As required in Section 25-14, Parking and Loading Regulations. In addition:

   a. No off-street loading space shall be located within a front yard.

   b. Off-street parking spaces may be located within minimum front, side or rear yards.

   c. No off-street parking space or off-street loading space shall be located within:

      i. Five (5) feet of a side lot line in an "RD-M" District;

      ii. Fifteen (15) feet of a side lot line in an "RD-C" District;

      iii. Fifteen (15) feet of a rear lot line in an "RD-M" District; and/or

      iv. Ten (10) feet of a rear lot line in an "RD-C" District.

6. *Driveways:*

   a. Width of driveways measured at the lot line shall be a minimum of twenty-four (24) feet and a maximum of thirty-six (36) feet.

   b. No driveway other than points of ingress and egress shall be located within fifteen (15) feet of a lot line.

   c. Driveway openings providing ingress and egress shall be limited to one (1) per one hundred (100) feet of lot width.

   d. The minimum distance between a driveway and a street intersection shall be thirty (30) feet measured between any right-of-way line of the intersecting street and the nearest end of the driveway curb radius.

   e. The angle of intersection of a driveway with a street shall be as approved by a City Engineer and shall provide for visibility and traffic safety in accordance with recognized civil engineering practices.

   f. Motor vehicle oriented businesses located adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common ingress and egress of the shopping center or cluster of commercial facilities as approved by the City Engineer to lessen congestion, and provide for visibility and traffic safety in accordance with recognized civil engineering practices.

7. *Signs.* As required in Section 25-15, Sign Regulations.

8. *Landscaping.* As required in Section 25-16, Landscaping Design Standards.

9. *Environmental Standards.* As required in Section 25-17, Environmental Standards.

10. *Lighting.* As required in Section 25-18, Lighting Design Standards.

11. *Utilities.* All utility, power and telephone lines, except those located in designated overhead utility corridors, shall be located underground.

12. *Screening.* As required in Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

13. *Floodplain Development.* Performance standards provided in this paragraph shall apply in addition to all other applicable standards to lots located within the one hundred (100)year floodplain as designated on the flood elevation study approved by the United States Federal Emergency Management Agency (FEMA) and used as basic data for determining the boundaries of the flood hazard boundary map. A lot located within the one hundred-year floodplain may be developed and used, provided that the lot is placed in a condition which will effectively, and without increasing the flooding problems of other lots, remove the lot to be developed and used from flooding based on the elevations and data provided by the Federal Emergency Management Agency (FEMA) and the flood hazard boundary map. To assure compliance with these standards:

    a. A plan for flood protection shall be submitted to the Flood Plain Administrator for review and approval as part of the site plan review required by Section 25-4, Site Plan Review.

    b. The plan for flood protection shall include a report prepared by a registered professional engineer having demonstrated competence in hydrology. The report shall specify the adequacy of the proposed plan for flood protection relative to the elevation of the floodplain and the flood flow as determined by the flood elevation study approved by FEMA; the effect of the proposed development on flood problems of the other properties; and such other hydrological problems as may result from the proposed development.

Sec. 25-11.14. "OD-C" Overlay District – Corridor

A. *Purpose.* The purpose of the Overlay District is primarily to address the stated goal of the Comprehensive Plan to promote improvements to all aspects of property development and redevelopment within the City's commercial corridors. More particularly, the district establishes additional development regulations that are applied in conjunction with those established by the underlying zoning districts. In so doing, it is intended that future development will advance a retail, office and service commercial use pattern characterized by pedestrian or customer oriented design and the use of more sophisticated architectural finishes than was typified by the warehouses and storage yards of the heavy commercial and light industrial uses built during the 1960s, '70s, and '80s.

B. *District Definition.* The Overlay District includes all parcels that lie, in whole or in part, within three hundred (300) feet of the centerline of Dorsett Road between the Lindbergh Boulevard right-of-way on the east and the Interstate 270 right-of-way on the west. The requirements of this district shall not be applied to any single family detached houses being utilized as dwelling units.

C. *Applicability.* The standards and requirements of the Overlay District shall have pre-eminence over all underlying zoning districts, except where explicitly described within a Conditional Use Permit or Planned District ordinance. In the case of legally pre-existing non-conforming uses or structures, the applicability of this section shall be governed by Section 25-7, Nonconforming Lots, Structures, and Uses, of the Zoning Code.

Where the standards of the Overlay District and the underlying zoning district appear to be in conflict, the more restrictive standard shall be applied. Where such determination is not clear, the City Planner shall apply the standard that best meets the goals and strategies of the Comprehensive Plan.

D. *Administration.* The listing of affected projects and the timing of review of the applicable standards is as follows:

1. *Projects Subject to Overlay District Standards.* The standards of the Dorsett Road Overlay District shall be met by any of the following multi-family residential, office, commercial, and industrial projects:

   a. Any new development or construction.

   b. Any expansion of an existing building by more than 1000 square feet.

   c. Any remodeling of an existing use that alters at least seventy-five percent (75%) of the floor area or site area.

   d. Any remodeling or improvement with a value greater than fifty (50%) of the existing St. Louis County Department of Revenue total appraised valuation. This shall not include approved Conditional Use Permits or Planned Districts already subject to design or architectural review in their approval ordinance.

   e. Any remodeling or improvement of any commercial or industrial building or site which has been vacant for one (1) year or more and that requires a building permit.

2. *Application and Approval Process.*

   a. *Required Materials.* For any project subject to the requirements of the Overlay District, conformance with the standards and requirements of this section shall be demonstrated by submitting the following information, exhibits and/or materials:

      i. An appropriate site plan review, building permit, or special zoning application form, as described elsewhere in the Zoning Code.

      ii. A site plan.

      iii. Building elevations.

      iv. A landscape plan and grading and drainage plan, in conformance with Section 25-17, Landscape Design Requirements.

      v. Materials and colors exhibit board.

      vi. Proposed signage package.

3. Review of the proposed project shall occur as follows:

   a. Site Plan Review Applications.

      i. Following a finding by the City Planner that this section is applicable to the proposed development, the applicant shall submit the required materials in addition to any materials or documents already required for a site plan review application, according to Section 25-4, Site Plan Review.

ii. After finding that the proposed project is in compliance with the standards and requirements of the overlay district and any underlying zoning district, the City Planner shall grant zoning approval to the site plan application and attach evidence of such approval to the application.

b. *Building Permit Applications for Uses Permitted by Right.*

i. Following a finding City Planner that this section is applicable to the proposed construction, the applicant shall submit the required materials in addition to any construction documents already required for a building permit application, according to the standards and practices of the Department of Community Development.

ii. After finding that the proposed construction is in compliance with the standards and requirements of the overlay district and any underlying zoning district, the City Planner shall grant zoning approval to the building permit application and attach evidence of such approval to the application.

c. *Conditional Use Permit Applications, New and Existing.* New uses seeking Conditional Use Permit approval, or existing conditional uses that qualify under Section 25-11.14.D.1, Projects Subject to Overlay District Standards, shall submit the materials required under this section, in addition to the application requirements under Section 25-5, Conditional Use Permits. The design standards and requirements of this section may be modified by the Planning Commission following a finding that the purposes of this section are met by the proposed project. Approval shall be granted as defined under Section 25-5, Conditional Use Permits.

d. *Planned District Applications.* Applicants seeking rezoning to a new Planned District, or existing Planned Districts that qualify under Section 25-11.14.D.1, Projects Subject to Overlay District Standards, shall submit the materials required under this section, in addition to the application requirements under Section 25-6, Planned Districts. The design standards and requirements of this section may be modified by the Planning Commission following a finding that the purposes of this section are met by the proposed project. Approval shall be granted as defined under Section 25-6, Planned Districts.

E. *Overlay District Development Standards.* The following regulations shall apply in addition to the standards of the underlying zoning district:

1. *Building Design Standards for Expansion or Remodeling Projects.* Projects that qualify under Section 25-11.14.D.1, Projects Subject to Overlay District Standards (paragraphs b-e) shall be subject to the following building design standards:

a. External trash receptacles, recycling storage areas, external emergency generators, mechanical equipment, building mounted utilities, utility boxes and facilities, and outdoor storage areas shall be situated and screened as per Section 25-25.4, Screening of Outdoor Storage, Mechanical Equipment, and Utilities.

b. Any building with a wall of more than seventy (70) feet facing the lot frontage shall incorporate differing setbacks to "break up" the wall plane facing the street. The difference in said setbacks shall be no less than two (2) feet. If the lot is situated such that it faces two streets, each wall facing a street shall incorporate this technique.

c. Buildings or projects shall not utilize corporate architecture (an architectural treatment utilized in more than three other locations in the St. Louis Metropolitan Statistical Area [MSA]).

d. Buildings and accessory structures shall not include corrugated steel, smooth finish concrete block (cinder block), smooth finish poured concrete (tilt-up or cast-in-place), whether painted or unpainted, vertical rough-sawn wood siding (T-111/T-19), tensile fabrics or similarly single layer, uninsulated materials. Where the City Planner finds that said materials are an integral and essential element in the

ability of the overall design to meet the purpose of the overlay district, the City Planner shall report the finding, in writing, to the Planning Commission. The Planning Commission shall either accept or reject the City Planner's finding within thirty (30) days of receipt of the finding. If the Planning Commission rejects the City Planner's finding on the proposed materials, they shall direct the City Planner as to the minimum necessary modifications to the proposal.

e. The exterior finish must include more than two visible materials, including glazing (windows). Where a wall facing a street has a horizontal expanse greater than twenty-five (25) feet without glazing, the City Planner must find that the overall visual character of the wall is an integral and essential element in the ability of the overall design to meet the purpose of the overlay district. The City Planner's review shall include, but not be limited to a consideration of the adjacent landscape design, variations in materials, elevations, and/or changes in setback. The City Planner shall report the finding, in writing, to the Planning Commission. The Planning Commission shall either accept or reject the City Planner's finding within thirty (30) days of receipt of the finding. If the Planning Commission rejects the City Planner's finding on the proposed materials, they shall direct the City Planner as to the minimum necessary modifications to the proposal.

f. The visible materials and general composition of the façade shall be repeated around all four (4) sides of the building to the maximum extent practicable.

2. *Building Design Standards for New Buildings*. New buildings shall be subject to the design standards of Section 25-13, Building Design Standards.

3. *Parking and Loading Areas*. Projects that qualify under Section 25-11.14.D.1., Projects Subject to Overlay District standards, shall be subject to the following requirements:

   a. At least sixty percent (60%) of the overall parking requirement shall be located in the side or rear yard, behind the front plane of the forward most building. On corner lots, the front plane shall be the façade facing Dorsett Road.

   b. Access to all parking and loading areas shall be via shared driveways and/or cross-access easements to the maximum extent practicable. Where shared access is denied by a third party, documentation shall be submitted to the City Planner demonstrating said denial.

4. *Signs*. Projects that qualify under Section 25-11.14.D.1, Projects Subject to Overlay District Standards shall submit a sign package for the review and approval of the City Planner. The package shall demonstrate compliance with the following:

   a. Use of a common color scheme for the proposed buildings or structures and all signs in the package;

   b. Use of common materials between the proposed buildings and all ground mounted sign bases in the package;

   c. Use of matching lettering style for all signs in the package;

   d. All wall mounted signs shall feature individually raised (and internally illuminated if desired) letters rather than an illuminated panel;

   e. All wall mounted, ground mounted and pole signs in the package shall contain only the logo and trademark name of the business displaying the sign(s). No advertising copy or description of services may appear on the sign, except as may be permitted on a changeable copy sign;

   f. Permitted ground mounted signs for new and pre-existing development may contain changeable copy, subject to the review and approval of the Planning Commission. No other signs may contain changeable copy. Planning Commission approval shall be upon:

i. The changeable copy area not exceeding fifty (50%) percent of the allowed maximum sign area;

ii. The changeable copy area being located below or to the right of the fixed lettering on the sign; and

iii. The changeable copy lettering style being the same or closely similar to the other fixed lettering on the sign.

5. *Site Coverage.* The maximum site coverage shall not exceed eighty percent (80%) of the lot area.

F. *Administrative Relief.* To promote flexibility in the design process, the City Planner may authorize minor modifications to city development standards upon a finding that all of the following are met:

1. The proposed improvement is compatible with the character of the property requesting relief and the adjacent property;

2. The proposed improvement requiring relief will not be detrimental to the property requesting relief, any adjacent property or the city;

3. The relief granted is the minimum required to meet the needs of the proposed improvement, or in the case of a numeric standard, does not exceed five (5%) percent of the required standard; and

4. The relief shall not be contrary to the purpose and intent of this ordinance.

G. *Waivers of Overlay District Standards.* Some projects such as single residences, may not need a complete review even though one (1) of the five (5) preceding requirements is met. The City Planner may waive full compliance with the requirements of the overlay district if it is determined that such compliance will not further the purposes of this section. If such a waiver is granted, the City Planner shall provide written documentation of that decision, to the Planning Commission. The Planning Commission shall either accept or reject the City Planner's finding within thirty (30) days of receipt of those findings. If the Planning Commission denies the waiver of overlay district standards, they shall direct the City Planner in the application of said standards.

H. *Denial and Appeal Procedure*

1. *Denial by Staff.* If the City Planner or his designee finds that the proposed project has not properly addressed one of the design criteria of this section, or there are other technical deficiencies identified by other city staff reviewers, and adequate resolution of the issue(s) can not be ensured by the applicant, the City Planner or his designee shall deny the particular application (site plan review, building permit, or special zoning) and state the reasons for the denial in a letter to the applicant.

2. *Appeal to Planning Commission.* The applicant may appeal the City Planner's decision to the Planning Commission if that appeal, including appeal fee, is made in writing to the City Planner within ten (10) days of the decision. The appeal letter shall describe the unresolved issues and describe what design solutions are proposed by the applicant. The applicant shall be notified of the date of the Planning Commission meeting to consider the appeal, a minimum of fifteen (15) days prior to the public meeting.

3. *Second Appeal to City Council.* The decision of the Planning Commission shall be final unless a notice of appeal to the City Council is made by the applicant in writing to the City Planner within ten (10) days of the Planning Commission's decision. The appeal letter shall state the reasons for the appeal and be accompanied by the required fee. The applicant shall have an additional thirty (30) days to submit any additional appeal documents, after which the appeal shall be scheduled before the City Council. The applicant shall be notified of the date of the City Council meeting to consider the appeal a minimum of fifteen (15) days prior to the public meeting.

4. *Board of Adjustment.* The Developer shall have the right to appeal the decision of the City Council pursuant to Section 25-9, Variances, of the City of Maryland Heights Zoning Code and to subsequently pursue any other available legal or equitable remedy.

Sec. 25-11.15. Riverside District.

A. *Purpose.* The purpose of this section is to implement the guidelines established in the Howard Bend Future Land Use Plan for the Riverside Planning District by:

1. Encouraging high intensity uses and development patterns that complement the Riverside Planning District's identity as a premier regional entertainment, office campus, and hospitality destination; and

2. Promoting uniform, integrated and complementary development patterns; and

3. Incorporating pedestrian orientation, gateway architecture, functional open spaces and plazas, multi-functional integrated stormwater management systems and buildings featuring unique architectural treatments and design.

B. *Intent.*

1. To provide minimum standards for design which are essential to establishing and integrating uses within a development site and area, and as necessary to create both relationship and transition to adjacent development sites and areas.

2. To provide the scale and form of development areas and buildings consistent with the Howard Bend Future Land Use Plan as necessary for the implementation of those standards.

3. To insure the establishment of appropriate relationships between buildings, site improvements, open spaces, stormwater facilities and public rights-of-ways.

4. To encourage efficient and coordinated development patterns.

C. *Development Design Standards.*

1. The minimum area for a Planned District is fifteen (15) acres.

2. The minimum development site size shall be two (2) acres.

3. *Site Coverage.* The maximum impervious cover within a Planned District shall not exceed seventy (70%) percent.

4. Developments shall be designed to minimize the impact of large or repetitive parking areas visible from the public right-of-way.

5. Maximum building heights shall be one hundred twenty (120) feet.

6. *Building Design.* All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.

7. Developments shall be connected to, and be integrated within, the regional stormwater management system once it is established.

8. Developments shall connect to the existing parks and trail systems where available.

9. Developments shall provide vehicular, pedestrian, and bicycle connections between adjacent projects and districts once they are developed.

Sec. 25-11.16. Crystal Springs District.

A. *Purpose.* The purpose of this section is to implement the guidelines established in the Howard Bend Future Land Use Plan for the Crystal Springs Planning District by:

1. Encouraging medium intensity uses and development patterns that complement and support the Crystal Springs Planning District's vision of a mixed use, office campus, and retail service center; and

2. Promoting uniform, integrated and complementary development patterns; and

3. Incorporating pedestrian orientation, functional open spaces and plazas, multi-functional integrated stormwater management systems and buildings featuring unique architectural treatments and design.

B. *Intent.*

1. To provide minimum standards for design which are essential to establishing and integrating uses within a development site and area, and as necessary to create both relationship and transition to adjacent development sites and areas.

2. To provide the scale and form of development areas and buildings consistent with the Howard Bend Future Land Use Plan as necessary for the implementation of those standards.

3. To insure the establishment of appropriate relationships between buildings, site improvements, open spaces, stormwater facilities and public rights-of-ways.

4. To encourage efficient and coordinated development patterns.

C. *Development Design Standards.*

1. The minimum area for a Planned District is fifteen (15) acres.

2. The minimum development site size shall be two (2) acres.

3. Site Coverage. The maximum impervious cover within a Planned District shall not exceed seventy (70%) percent.

4. Maximum building heights shall be one hundred twenty (120) feet.

5. Building Design. All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.

6. Developments fronting a public or private right-of-way shall be oriented to that right-of-way.

7. Developments shall be designed to minimize the impact of large or repetitive parking areas visible from the public right-of-way.

8. Developments shall incorporate provisions for the inclusion of mass transit when it becomes available.

9. Developments shall be connected to, and be integrated within, the regional stormwater management system once it is established.

10. Developments shall connect to the existing parks and trail systems where available.

11. Developments shall be pedestrian oriented to the greatest extent possible.

12. Developments shall provide vehicular, pedestrian, and bicycle connections between adjacent projects and

districts once they are developed.

Sec. 25-11.17. Expressway District

A. *Purpose.* The purpose of this section is to implement the guidelines established in the Howard Bend Future Land Use Plan for the Expressway Planning District by:

1. Encouraging high intensity uses and development patterns that complement and support the Expressway Planning District's vision of a regional business service center; and

2. Promoting uniform, integrated and complementary development patterns; and

3. Incorporating pedestrian orientation, gateway architecture, functional open spaces and plazas, multi-functional integrated stormwater management systems and buildings featuring unique architectural treatments and design.

B. *Intent.*

1. To provide minimum standards for design which are essential to establishing and integrating uses within a development site and area, and as necessary to create both relationship and transition to adjacent development sites and areas.

2. To provide the scale and form of development areas and buildings consistent with the Howard Bend Future Land Use Plan as necessary for the implementation of those standards.

3. To insure the establishment of appropriate relationships between buildings, site improvements, open spaces, stormwater facilities and public rights-of-ways.

4. To encourage efficient and coordinated development patterns.

C. *Development Design Standards.*

1. The minimum area for a Planned District is twenty (20) acres.

2. The minimum development site size shall be two (2) acres.

3. Site Coverage. The maximum impervious cover within a Planned District shall not exceed seventy (70%) percent.

4. Maximum building heights shall be one hundred twenty (120) feet.

5. Building Design. All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.

6. Developments fronting a public or private right-of-way shall be oriented to that right-of-way.

7. Developments shall be designed to minimize the impact of large or repetitive parking areas visible from the public right-of-way.

8. Developments shall incorporate provisions for the inclusion of mass transit when it becomes available.
9. Developments shall be connected to, and be integrated within, the regional stormwater management system once it is established.

10. Developments shall connect to the existing parks and trail systems where available.

11. Developments shall be pedestrian oriented to the greatest extent possible.

12. Developments shall provide vehicular, pedestrian, and bicycle connections between adjacent projects and districts once they are developed.

Sec. 25-11.18. River Valley District.

A. *Purpose.* The purpose of this section is to implement the guidelines established in the Howard Bend Future Land Use Plan for the Expressway Planning District by:

1. Encouraging uses and development patterns that complement and support the River Valley Planning District's vision of a high quality, lower intensity, office distribution and business service center ; and

2. Promoting uniform, integrated and complementary development patterns; and

3. Incorporating pedestrian orientation, functional open spaces and plazas, multi-functional integrated stormwater management systems and buildings featuring unique architectural treatments and design.

B. *Intent.*

1. To provide minimum standards for design which are essential to establishing and integrating uses within a development site and area, and as necessary to create both relationship and transition to adjacent development sites and areas.

2. To provide the scale and form of development areas and buildings consistent with the Howard Bend Future Land Use Plan as necessary for the implementation of those standards.

3. To insure the establishment of appropriate relationships between buildings, site improvements, open spaces, stormwater facilities and public rights-of-ways.

4. To encourage efficient and coordinated development patterns.

C. *Development Design Standards.*

1. The minimum area for a Planned District is twenty (20) acres.

2. The minimum development site size shall be two (2) acres.

3. Site Coverage. The maximum impervious cover within a Planned District shall not exceed seventy (70%) percent.

4. Maximum building heights shall be one hundred twenty (120) feet.

5. Building Design. All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.

6. Developments shall be designed to minimize the impact of large or repetitive parking areas visible from the public right-of-way.

7. Developments shall provide a buffer to the Missouri American Water treatment plant.

8. Developments shall be connected to, and be integrated within, the regional stormwater management system once it is established.

9. Developments shall connect to the existing parks and trail systems where available.

10. Developments shall be pedestrian oriented to the greatest extent possible.

11. Developments shall provide vehicular, pedestrian, and bicycle connections between adjacent projects and districts once they are developed.

Sec. 25-11.19. Creve Coeur Lake District.

A. *Purpose.* The purpose of this section is to implement the guidelines established in the Howard Bend Future Land Use Plan for the Expressway Planning District by:

1. Encouraging recreationally oriented uses that compliment the Creve Coeur Lake District's vision as a major regional destination for a variety of active and passive recreational activities that support the hospitality and entertainment industry ; and

2. Promoting recreational development that is consistent with the Master Plan adopted by St. Louis County.

B. *Intent.*

1. To provide minimum standards for commercially oriented recreational facilities that allow the integration of both passive and active recreational activities and structures within the district.

2. To provide the scale and form of recreational facilities consistent with the Howard Bend Future Land Use Plan as necessary for the implementation of those standards.

C. *Development Design Standards.*

1. Building Design. All new buildings and/or projects shall meet the criteria set forth in Section 25-13, Building Design Standards.

2. Developments shall be consistent with the Master Plan adopted by St. Louis County.

3. Developments shall provide physical and signage-based connections to adjacent districts.

4. Developments which require parking facilities shall provide low impact alternatives to traditional paving, such as pervious surfaces.

5. Developments shall be connected to, and be integrated within, the regional stormwater management system once it is established.

6. Developments shall provide vehicular, pedestrian, and bicycle connections between adjacent projects and districts once they are developed.

7. Developments shall connect to the existing trail systems.

Sec. 25-11.20. Missouri River District.

A. *Purpose.* The purpose of this section is to implement the guidelines established in the Howard Bend Future Land Use Plan for the Expressway Planning District by encouraging the preservation of open space and natural resources along the water's edge of the Missouri River.

B. *Intent.*

1. To restrict access to and development of the district, except for low impact public access that maintains the environmental quality of the district and respects private property rights.

2. To preserve natural viewsheds.

C. *Development Design Standards.*

1. Development shall consist of passive recreational uses.

2. Developments shall provide access to natural spaces.

CITY OF DES PERES, MISSOURI
SALES TAX COLLECTED [1]
LAST TEN FISCAL YEARS

Fiscal Year	General Fund 1.25% July 1, 1971	Capital Improvement Fund 0.50% April 1, 1995	Park Fund 0.50% January 1, 2001	Sales Tax Fire Fund (2) 0.25% April 1, 2004	Total
2004	3,714,822	1,961,645	2,002,314	704,964	8,383,745
2005	3,950,701	2,067,118	2,029,244	1,019,071	9,066,134
2006	3,783,995	1,979,044	2,049,276	1,033,241	8,845,556
2007	3,941,409	2,071,962	2,160,057	1,079,838	9,253,266
2008	3,797,718	1,939,759	2,038,706	1,019,412	8,795,595
2009	3,828,612	1,943,847	2,023,129	1,011,564	8,807,152
2010	3,939,239	2,066,018	2,093,855	1,046,922	9,146,034
2011	3,847,275	1,978,054	2,163,788	1,081,896	9,071,013
2012	4,041,279	2,155,753	2,361,206	1,180,460	9,738,698
2013	4,805,531	2,535,302	2,982,377	1,491,356	11,814,566

(1) All revenues are reported net of any costs of collection, sharing, or allocation for TIF.

(2) Des Peres voters approved a new .25% sales tax for fire purposes effective April 1, 2004.

(1) All revenues are reported net of any costs of collection, sharing, or allocation for TIF.

(2) Des Peres voters approved a new .25% sales tax for fire purposes effective April 1, 2004.

NOTES:

In 1997, the City created a Tax Increment Finance District which provides for diverting 50% of any incremental sales above the 1996 taxes generated by the shopping center to the Special Allocation Fund until all TIF Notes have been retired. All Notes were retired in January of 2013.

Because of the significance of sales tax as a major part of City revenues and due to its concentration in a small area, the City has chosen to insure its sales tax revenue stream at certain shopping centers against loss due to fire, act of terrorism or natural disaster. The policy insures revenues for a 12-month period with a $10,000 deductible, for all perils except for floods and earthquakes in which case the deductible is $100,000.

The City is home to the recently developed West County Mall, a 1.2 million square foot regional shopping center featuring four anchor stores - Macy's, Nordstroms, JC Penney and Dick's Sporting Goods. The redevelopment of the shopping center together with the existing authority to level local option sales taxes at a rate of up to 2.5%, has well-positioned the City financially for years to come. In addition to the regional mall, the City is fortunate to enjoy a concentration of other commercial centers to provide additional local retail and service opportunities within the community, including Colonnade Center, Des Peres Commons, Des Peres Pointe, Des Peres Square, Olympic Oaks Village, Sam's Club and Schnuck's Shopping Center.

As set out in Section 32.057 of the Missouri Revised Statutes, it is a violation to make known in any manner the tax returns or departmental records derived from the Missouri Department of Revenue. Due to the confidentiality of earnings information, the above alternative information is provided to assist the users in understanding this revenue source.

Source: City Finance Department

CITY OF DES PERES, MISSOURI

DEMOGRAPHIC AND ECONOMIC STATISTICS
LAST TEN FISCAL YEARS

Year	Population (1)	Personal Income	Per Capita Personal Income (1)	Median Household Income (1)	Parkway School District Enrollment (3)	Kirkwood School District Enrollment (3)	Unemployment Rate (2)
2004	8,592	912,427,440	-	106,195	19,578	5,109	5.50%
2005	8,592	912,427,440	-	106,195	18,994	4,995	5.20%
2006	8,592	912,427,440	53,507	106,195	18,787	4,982	4.60%
2007	8,592	912,427,440	53,507	106,195	18,212	4,975	5.30%
2008	8,592	912,427,440	53,507	106,195	18,787	5,026	7.20%
2009	8,592	912,427,440	53,507	106,195	17,439	5,000	10.00%
2010	8,592	912,427,440	53,507	106,195	17,300	4,931	9.40%
2011	8,373	1,033,747,326	53,507	123,462	17,234	5,035	8.30%
2012	8,373	1,025,533,413	53,771	122,481	17,156	5,132	7.00%
2013	8,420	1,021,505,980	54,757	121,319	17,104	5,606	6.60%

Sources:

CITY OF DES PERES, MISSOURI
CHANGES IN NET POSITION[1][2][3]
LAST TEN FISCAL YEARS

	Year Ended December 31,									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
EXPENSES										
Primary Government										
Governmental activities:										
General government	$ 1,106,333	$ 1,146,285	$ 1,382,122	$ 1,697,363	$ 1,764,014	$ 1,808,969	$ 1,713,251	$ 2,630,621	$ 2,798,859	$ 1,713,251
Public safety	4,351,139	4,509,420	4,679,762	4,914,165	5,395,427	5,212,814	5,929,463	5,670,664	5,782,299	5,929,463
Public works	315,508	314,942	323,408	367,052	379,058	395,708	502,917	484,431	510,521	502,917
Streets	922,947	985,048	895,483	1,026,139	1,104,558	1,109,000	1,388,533	1,135,172	1,241,021	1,388,533
Parks and recreation	3,868,855	4,114,178	4,380,856	4,458,609	4,855,252	4,563,981	5,193,756	4,924,610	5,001,826	5,193,756
Health	513,452	516,770	527,638	539,531	607,080	637,706	710,076	693,659	689,580	710,076
Interest on long-term debt	3,102,058	3,397,957	3,400,120	3,499,618	3,308,578	2,708,747	295,370	1,449,725	1,032,522	295,370
Total primary government expenses	14,180,292	14,984,600	15,589,389	16,502,477	17,413,967	16,436,925	15,733,366	16,988,882	17,056,628	15,733,366
PROGRAM REVENUES										
Primary Government										
Governmental activities:										
Charges for services:										
General government	1,009,665	1,068,426	907,564	1,276,262	1,343,209	1,446,759	1,292,514	1,260,220	1,296,357	1,292,514
Public safety	125,928	130,628	412,619	443,325	524,315	475,010	617,157	538,883	534,683	617,157
Public works	106,415	172,170	235,004	209,133	253,387	95,587	394,882	260,284	232,282	394,882
Parks and recreation	2,070,160	2,593,144	2,929,021	3,052,916	3,056,027	2,935,414	3,216,668	3,233,864	3,217,928	3,216,668
Operating grants and contributions	744,037	690,972	771,644	69,574	-	-	765,530	753,591	712,205	765,530
Capital grants and contributions	-	232,515	47,506	13,530	9,696	596,660	123,955	463,468	794,835	123,955
Total primary government program revenues	4,056,205	4,887,855	5,303,358	5,064,740	5,186,634	5,549,430	6,410,706	6,510,310	6,788,290	6,410,706
Net Revenue (Expenses)	(10,124,087)	(10,096,745)	(10,286,031)	(11,437,737)	(12,227,333)	(10,887,495)	(9,322,660)	(10,478,572)	(10,268,338)	(9,322,660)
General Revenues and Other Changes in Net Assets										
Primary Government										
Governmental activities:										
Taxes:										
Sales tax	11,242,447	12,118,497	12,409,770	12,765,520	12,808,569	13,372,985	12,415,908	9,655,565	10,204,911	12,415,908
Tax increment financing	1,141,801	2,341,435	2,387,945	2,654,304	2,185,897	2,513,350	-	7,952,159	4,299,579	-
Utility tax	830,038	846,295	870,934	1,063,243	1,274,473	1,309,723	1,270,881	1,238,183	1,159,484	1,270,881
Investment income	141,064	305,596	435,196	804,368	601,493	346,463	50,054	218,152	100,961	50,054
Miscellaneous	125,185	83,895	203,110	671,942	731,040	589,008	176,002	198,145	172,423	176,002
Total primary government	13,480,535	15,695,718	16,306,955	17,959,377	17,601,472	18,131,529	13,912,845	19,262,204	15,937,358	13,912,845
Change in Net Position	$ 3,356,448	$ 5,598,973	$ 6,020,924	$ 6,521,640	$ 5,374,139	$ 7,244,034	$ 4,590,185	$ 8,783,632	$ 5,669,020	$ 4,590,185

Notes:
(1) GASB Statement 34 was implemented in 2004.
(2) GASB Statement 63 was implemented in 2012.
(3) GASB Statement 65 was implemented in 2013.
Source: Basic financial statements

Des Peres

Section 405.130: Conditional Use Permits: Commercial Uses

A. Where not otherwise allowed in that district, the following uses shall be permitted in "C-1" and "C-2" districts, subject to the conditions, restrictions and qualifications in Section[s] 405.090, 405.100, 405.120 and this section.

1. Supermarkets and grocery stores.
2. Public buildings erected and used by a department of the County, State or Federal governments.
3. In the C-2 district only: Hospitals, clinics, outpatient facilities for the treatment of alcohol and other drug abuse, and similar institutional buildings, excluding penal institutions.
4. Community or recreational buildings and fields.
5. Nurseries and greenhouses.
6. Private clubs, except those where the chief activity is a service customarily carried on as a business.
7. Nursery and day schools.
8. Hospitals and clinics for animals, but not kennels.
9. Automobile and equipment rental.
10. Gasoline and oil service stations.
11. Billiard parlors.
12. Restaurants, cafeterias and catering establishments, except drive-in type offering goods or food directly to customers waiting in parked vehicles shall not be permitted.
13. Light repair shops for garden equipment and other small pieces of home equipment.
14. Establishments selling beer, wine or alcoholic beverages by the drink.
15. Wholesale distributors of beer, wine or alcoholic beverages.
16. Theatre and motion picture houses.
17. Retail stores for major and minor appliances.
18. Mortuary and funeral homes.
19. Stores or shops for printing and publications.
20. Auto accessory stores, but not painting of autos or repair of auto bodies.
21. Banks and similar institutions.
22. Accessory uses to those in this subsection.
23. Reserved.
24. Welding and blacksmithing shops.
25. Any business establishment which is open for business for 24 hours per day or is otherwise open for business to the general public between the hours of 12:00 a.m. and 5:30 a.m.
26. Adult entertainment establishments or businesses.

B. No use under the provisions [of this] section may be commenced or continued unless there is a valid permit for that use. No construction or other permit applicable to the proposed use or any part of it shall be issued or considered valid unless a conditional use permit has been issued under the provisions of this section.

1. Application for a conditional use permit shall be made to the Planning and Zoning Commission in form and with such information as may be required by the Planning and Zoning Commission. The application shall be accompanied by plans showing the

elevations and intensity and extent of the proposed use.

2. Each application and accompanying plans shall be filed with the City Clerk with a filing fee submitted as per Section 405.200, B.3 of this Code.

3. Upon receipt of the completed application and filing fee the City Clerk shall notify in writing by First Class U.S. mail, postage prepaid, the owners of all property located within the area determined by drawing lines parallel to the boundaries of the property to be devoted to the proposed use, and two hundred feet from those boundaries. The notice shall include the statement that the application was filed, the nature of the proposed use, the name of the applicant or applicants and the date the application was filed.

4. The Planning and Zoning Commission shall investigate the effect of the granting of the permit upon the neighborhood with special emphasis on traffic and fire hazards, and the general welfare and character of the neighborhood and the community and the criteria hereinafter set forth. The Planning and Zoning Commission shall make a report to the Board of Aldermen within one hundred (100) days of the date of the next regular meeting of the Planning and Zoning Commission following the filing of the completed application with the City Clerk. If no such report is made, the Planning and Zoning Commission shall be deemed to have approved the application, upon the expiration of the one hundred-day period; except that the Commission, with the consent of the applicant for approval, may extend the one hundred-day period.

5. Upon the receipt of the report of the Planning and Zoning Commission or upon the expiration of the one hundred-day period or extensions thereof, the Board of Aldermen shall call a public hearing and give reasonable notice of the time and place of that hearing at least once in a newspaper in general circulation in the city. The first publication shall be at least fifteen (15) days before the date of the hearing.

6. After the hearing held in accordance with the requirements of subsection (B)(5) of this section, the Board of Aldermen, in acting upon the application, shall state findings and conclusions on the following matters for the public record:

   a. Whether the proposed use is compatible with surrounding uses and with the surrounding neighborhood;

   b. Whether the comparative size, floor area and mass of the proposed use and/or proposed structure are appropriate and reasonable in relation to adjacent structures and buildings on surrounding properties and in the surrounding neighborhood;

   c. Whether the frequency and duration of various indoor and outdoor activities and special events associated with the proposed use will have a deleterious impact on the surrounding area;

   d. Whether streets adjacent to the proposed use have sufficient capacity to service any increased traffic volume associated with the proposed use while maintaining adequate and reasonable levels of service for the community;

   e. Whether the number of transit movements on abutting streets and on minor streets in the neighborhood to be generated by or associated with the proposed use will cause significant increases in hourly or daily traffic levels;

   f. Whether added noise levels generated by activities associated with the proposed use will adversely impact the ambient noise level of the surrounding area and neighborhood;

   g. Whether the activities associated with the proposed use will generate obnoxious odors to the detriment of the surrounding area;

   h.

Whether the proposed use will significantly increase demands on fire and police protection services in excess of the individual demands of adjacent land uses and whether the proposed use will present any real or potential fire or public safety hazard;

i. Whether the proposed use will adversely affect the general appearance of the neighborhood due to the location of the proposed use on the parcel of ground, or due to the materials used in the construction of any proposed buildings being greatly dissimilar to surrounding appearances of buildings, or due to the architecture of any proposed buildings being of such a nature as to create visual disharmony within the neighborhood;

j. Whether the intensity, duration or frequency of lighting associated with the proposed use will adversely impact adjacent properties or significantly increase the ambient level of night light in the neighborhood;

k. Whether the landscape plan for premises to be occupied by the proposed use is adequate in regard to the creation and maintenance of landscaped areas as opposed to areas to be left in a natural state and the use of buffers and screens as opposed to open land areas;

l. Whether the proposed use will adversely affect the neighborhood in terms of water runoff, noise transfer, or heat generation due to a significant amount of hard surfaced areas for buildings, sidewalks, drives, parking and service areas;

m. Whether the proposed use is likely to remain in existence for a reasonable length of time and not become vacant or unused and whether such use involves the presence of unusual, single-purpose structures or components of a temporary nature.

7. If the Board of Aldermen determines that the public health, welfare and safety are adequately served and protected in view of the foregoing criteria then it shall grant the application and the permit shall be issued forthwith; but if the Board finds in the negative as to any of the stated criteria, the conditional use permit shall be denied. Provided, however, that if at least twenty-five percent (25%) of the persons entitled to notice under the terms of subsection (D)(1)(c) of this section, above, protest the granting of such application in a writing filed with the City Clerk no later than one day before the date of the public hearing thereon, such application shall not be granted unless two-thirds (2/3) of all the members of the Board of Aldermen vote in favor of its issuance.

C. A conditional use permit under the provisions of this section shall expire one (1) year from the date upon which it was issued, unless, before that time: (i) the use so permitted has actually commenced; or (ii) actual construction or reconstruction of the proposed facilities for the use has been commenced; or (iii) an extension of time shall have been granted by the Board of Aldermen. The Board of Aldermen may grant such extensions for a maximum total period of one (1) year. No further extensions will be allowed. If such extensions have been granted, the permit shall expire at the conclusion of the extended period if the use so permitted or actual construction or reconstruction of the proposed facilities for the use have not been commenced.

D. Special rules with regard to gasoline and oil service stations[:]

1. No special use permit shall be issued for a gasoline and oil service station unless the applicant conveys or has conveyed an effective easement to the City of Des Peres on the property to be used for the gasoline or oil service station providing that all underground and above ground installations relating to or used for the storage or sale of gasoline or other material shall be removed at the expense of the owner upon the cessation of the gasoline or oil service station use. Before the special use permit is issued at the order of the Board of Aldermen, the easement must be filed in the

appropriate land records and an opinion of the City Attorney must have been given the Mayor to the effect that the easement is fully effective and valid to achieve the purpose for which it was required.

2. No gasoline or oil service station shall continue in operation unless the operator of that station files with the City Clerk the name and address of the actual owner of the land on which the service station is operated and of the actual owner of the service station itself.

3. The owner of the land on which a service station operates or has operated shall be primarily responsible for the removal of all underground and above ground installations relating to or which once related to the storage or sale of gasoline or other material if the service station has ceased to operate, unless a new service station is lawfully commenced on that same property within a reasonable period of time after the cessation of the service station use.

4. Self-service gasoline and oil service stations or self-service gasoline pumps, where the customer pumps the gasoline, may be permitted under the following conditions:

   a. That the conditional use permit for a gasoline and oil service station desiring to operate any pumps under the self-service concept specifically grants such permission to the owner or operator of said gasoline and oil service station.

   b. That the self-service gasoline and oil service station have available during all business hours an attendant who can view the dispensing of all gasoline.

   c. That a separate master shut-off switch be operable which would allow the attendant to shut off all gasoline pumps in an emergency.

   d. That instructions for operating the self-service gasoline pumps and any other information, such as nonsmoking signs, deemed necessary by the Fire Marshall [Marxhal] be posted in a conspicuous place, easily visible to anyone operating said pumps; said instructions to be approved by the Fire Marshall [Marshal] of the City of Des Peres prior to the commencement of the self-service operation.

   e. That dispensing controls at each pump operate only by manually-maintained pressure; no automatic dispensing devices shall be allowed.

   f. That a "B" rated dry powder fire extinguisher be located within 30 feet of each self-service pump. The exact location of each fire extinguisher shall be approved by the Fire Marshall [Marshal] of the City of Des Peres.

(Ord. No. 1128, § 1, 4-22-85; Ord. No. 1290, § 1, 10-12-87; Ord. No. 1356, § 5, 11-14-88; Ord. No. 1455, § 2, 10-22-90; Ord. No. 1533, § 1, 4-13-92; Ord. No. 1575, § 1, 12-14-92; Ord. No. 1691, § 2, 11-28-94; Ord. No. 1926, § 1, 11-9-98; Ord. No. 2289, § 6, 7-26-04)

TABLE 2

CITY OF BRENTWOOD, MISSOURI

CHANGES IN NET POSITION (CONTINUED)
LAST TEN YEARS

	For The Years Ended December 31,									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
GENERAL REVENUES AND OTHER CHANGES IN NET POSITION										
Taxes:										
Sales	10,236,603	11,791,840	12,665,792	12,550,558	12,698,947	11,942,998	11,192,330	12,431,043	12,758,890	13,878,437
Property	2,311,686	2,151,231	3,209,684	3,368,671	4,007,401	3,811,368	4,015,531	4,475,610	4,077,026	5,326,556
Utility	924,024	978,530	990,040	1,041,958	1,338,886	1,938,343	1,641,926	1,628,957	1,471,643	1,516,978
Licenses and permits	923,844	973,697	1,368,159	1,176,026	1,210,718	1,238,410	1,274,169	1,281,887	1,404,188	1,574,991
Investment income	139,418	127,764	310,453	464,665	476,697	320,919	119,082	21,795	19,993	14,564
Intergovernmental	-	-	-	-	-	-	401,833	-	-	-
Gain on sale of assets	58,689	2,375	-	-	3,669	460,117	102,244	20,098	150	-
Miscellaneous	226,974	181,805	257,134	104,272	52,163	48,434	51,208	68,248	242,672	121,790
Total General Revenues And Other Changes In Net Position	14,821,238	16,207,242	18,801,262	18,706,150	19,788,481	19,760,589	18,798,323	19,927,638	19,974,562	22,433,316
CHANGES IN NET POSITION	$ (3,597,986)	$ 1,934,365	$ 5,907,225	$ 681,366	$ (1,566,800)	$ 3,729,771	$ 2,866,715	$ 3,482,382	$ 2,762,041	$ 8,442,392

Source: Basic Financial Statements

GASB 34 was implemented in 2003.

(1) Beginning in 2009, sewer lateral expenses were moved from Sanitation to Public Works.

TABLE 10

CITY OF BRENTWOOD, MISSOURI

SALES TAX RATES AND TAXABLE SALES
LAST TEN YEARS

For The Years Ended December 31	City Direct Rate	St. Louis County	State Of Missouri	Direct And Overlapping	Taxable Sales (1)
2003	1.50%	1.85%	4.225%	7.575%	$ 438,466,346
2004	1.50%	1.85%	4.225%	7.575%	477,897,526
2005	1.50%	1.85%	4.225%	7.575%	494,114,717
2006	1.50%	1.85%	4.225%	7.575%	510,416,243
2007	1.50%	1.85%	4.225%	7.575%	518,306,203
2008	1.50%	1.85%	4.225%	7.575%	473,242,216
2009	1.50%	2.10%	4.225%	7.825%	447,562,678
2010	1.50%	2.70%	4.225%	8.425%	521,480,034
2011	1.50%	2.70%	4.225%	8.425%	556,909,602
2012	1.50%	2.70%	4.230%	8.430%	587,449,142

(1) Taxable sales reported by the Missouri Department of Revenue. State Law prohibits the disclosure of specific taxpayer information.

Note: The City participates in the county-wide sales tax sharing pool, which is generally distributed based on population.

TABLE 14

CITY OF BRENTWOOD, MISSOURI

DEMOGRAPHIC AND ECONOMIC STATISTICS
LAST TEN YEARS

For The Years Ended December 31	Population (1)	Median Age (1)	Personal Income (1)	Per Capita Income (1)	Unemployment Rate (2)
2003	7519	35.6	$ 265,676,346	$ 35,334	3.2
2004	7519	35.6	265,676,346	35,334	3.4
2005	7365	35.6	260,234,910	35,334	3.2
2006	7365	35.6	260,234,910	35,334	2.8
2007	7365	35.6	260,234,910	35,334	2.9
2008	7365	35.6	260,234,910	35,334	3.7
2009	7182	35.6	253,768,788	35,334	5.6
2010	8055	37.5	327,662,412	45,276	5.6
2011	8053	36.7	362,376,947	44,999	5.0
2012	8035	37.9	358,688,673	44,541	4.1

(1) Source: U.S. Bureau of Census and Missouri State Data Center
(2) Source: Missouri Department of Economic Development

TAB

5

Chamber Of Commerce

CREVE COEUR-OLIVETTE CHAMBER OF COMMERCE SURVEY

Would you be in favor of changing the regulations so that more drive-through restaurants could locate in Creve Coeur?

Answer	0% 100%	Number of Responses	Response Ratio
Yes		44	80.0%
No		6	10.9%
Not Sure		5	9.0%
No Responses		0	0.0%
	Totals	55	100%

11 Responses:

- Totally depends on whether that means many more fast-food restaurants and perhaps interference with current businesses
- Idling in a drive-thru line = air pollution. CC is trying to be a green community
- Although I personally don't eat at fast food restauants, I don't see any reason not allowing drive thru establishments
- Believe this would be a good thing for Creve Coeur and Olivette ... might create more business for the restaurants
- I believe it will bring more business to Creve Coeur restaurants being beneficial to the city of Creve Coeur
- It is more convenient to pick up food close to home and work. Right now myself and staff have to go to Chesterfield for lunch or even Maryland Heights on occasion. I would rather I could keep monies in Creve Coeur if possible. I can also get back to work quicker if we had more local options
- We would like to see a Wendy's
- It would make our city more progressive
- Definitely in favor!
- In my opinion, this could have a negative effect on traffic flow. There would have to be specific requirements to maintain traffic flow. If there is adequate square footage to accommodate traffic, it could be feasible for example, many of the banks have "sufficient" space to handle the traffic without effecting public flow.
- The city is losing out on A LOT OF REVENUE when it comes to drive thrus. My staff at Olive and 270 will drive down to Dorsett on their lunch break to have a wider selection of drive thrus and eat on the way back versus standing in line at a fast food place on Olive.

Do you share any of the following concerns about drive-through restaurants?

Answer	0% 100%	Number of Responses	Response Ratio
Concerned about the appearance of drive-through restaurants		11	20.0%
Concerned about the traffic that might be caused by the drive-through lane		17	30.9%
Concerned about the noise from the drive-though lane		2	3.6%
Concerned about having too many drive-through restaurants built in the same area		12	21.8%
No concerns about drive-through restaurants		30	54.5%
Other (View all)		2	3.6%
	Totals	55	100%

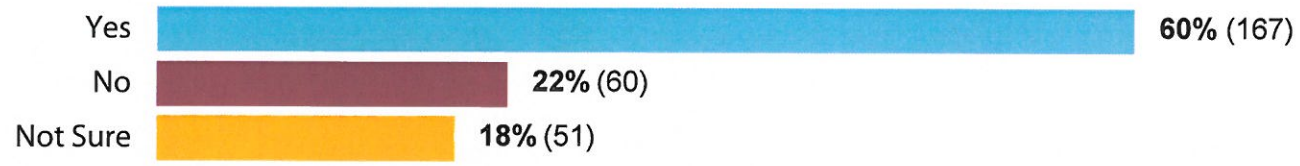
14 Responses

- Drive through restaurants bring lower income clientele and drive away higher income clientele. The full service restaurants are already struggling in Creve Coeur. Fast food chains will drive them away completely and Creve Coeur will be just like Overland and St. Ann. Then eventually other businesses will leave as well. It's a BAD idea.
- Just concerned about the general image of Creve Coeur. Fast-food restaurants do attract a lot more younger people and additional traffic. Olive Blvd is already SO congested most of every day.
- Lets keep CC upscale
- IF DEVELOPED PROPERLY THESE ISSUES CAN BE SATISFACTORILY ADDRESSED.
- Ensuring the right kind of traffic flow for the locations chosen is important but can be handled with planning.
- Should be a limit on the number of drive-through restaurants per street.
- Right now a lot of people that work for companies within the city limits of Creve Coeur leave and go outside of the city for lunch since there are no good options within the city limits. I believe drive-through restaurants would give people more options and would keep people in Creve Coeur instead of always leaving.
- It is a self controlling thing. There is only so much land along Olive to work with.
- The cost of re zoning and demolition of old residential homes would limit over development. Any restriction/requirements would also weed out some over population of drive-throughs. There will always be regulations on businesses that need to be in place, however too tight of restrictions limits the city's growth and revenue potential.
- My residents and staff usually leave the Creve Coeur area to go to other drive through restaurants, but do not want to see a lot.
- I am very much in favor of the change.
- Only mildly concerned – as long as they are set up correctly it shouldn't be an issue
- We are missing out on significant revenue that would be produced, but maybe there should be limited licenses approved and additional taxes paid for those permits
- No concerns ... more restaurants, more choices!
- We need more drive through restaurants!!!

CITY PLACE

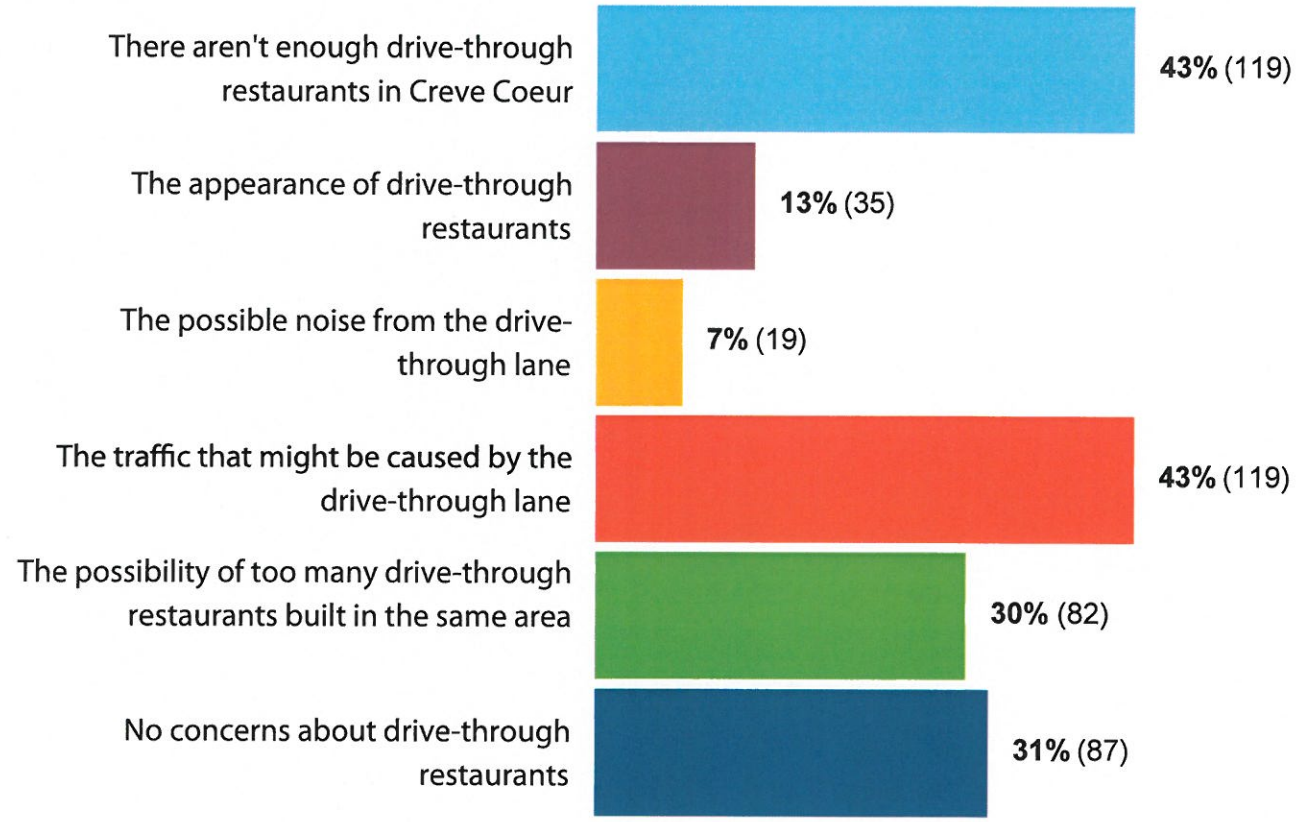
Business Survey - Drive Through Ordinance

Would you be in favor of changing the regulations so that more drive-through restaurants could locate to Creve Coeur?



* 278 total responses, 100% of submissions

Do you share any of the following thoughts about drive-through restaurants? [Check all that apply]



* 277 total responses, 99% of submissions

If satisfactory solutions could be reached to address the questions you identified above, would you consider allowing more drive through restaurants in Creve Coeur?

* 273 total responses, 98% of submissions

city of CREVE COEUR

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MEMORANDUM TO THE PLANNING AND ZONING COMMISSION

Meeting Date: June 2, 2014

Subject: Application #14-008: Text Amendment To Allow For Drive-Thru Restaurant Services On Sites Of 2 Or More Acres

Memo Prepared by: Paul Langdon, AICP, Community Development Director

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SUMMARY OF CONCERNS AND ISSUES WITH DRIVE-THRU RESTAURANTS

To assist the Commission in maintaining a consistent perspective on this issue, the following are the underlying concerns and motivations that have been previously identified and the guidance provided by the Comprehensive Plan and Design Guidelines:

- Drive-thru restaurants encourage more idling of vehicles which is contrary to the City's environmental policies.
- Drive-thru restaurants add more noise to a site through the outdoor ordering and vehicle idling and increased noise is a potential point of conflict with nearby residences. The Comprehensive Plan strongly advocates minimizing these conflicts.
- Drive-thru restaurants create a unique traffic element on the site that often conflicts with normal parking and customer walk-up. The Design Guidelines discourage conflicts with vehicular circulation.
- Drive-thru restaurants prefer to be in free-standing, single-use, single-story buildings. Such buildings are strongly discouraged by the Design Guidelines.

Despite these concerns, there are also several reasons for the City to contemplate changes to the current regulations:

- Currently, the only specific limitation on drive-thru restaurants is that they must be on a minimum three-acre lot. This leaves all of the other concerns above to be resolved through negotiated solutions in the conditional use permit process which leads to inconsistent results.
- Drive-thru restaurants are one sector of the retail economy that is not seeing a decline due to internet sales. The Comprehensive Plan encourages economic diversity to maintain a vibrant economy in the city.
- Drive-thru restaurants are generally consistent with the Comprehensive Plan objective of encouraging goods and services to the Creve Coeur market rather than a regional market.

SUMMARY OF CHANGES TO DATE

As first discussed in the first staff report on this application and at the public hearing, the initial draft ordinance was assumed to be for discussion only and that amendments were expected. Although subsequent discussions could lead to a reconsideration of any portion of the amendment, Staff believe the specific conclusions or direction from the Commission on the draft to date include:

- Eliminate the requirement for two or more stories in the building.
- Confine the amendment to drive-thru restaurants only.
- Create clear standards or "bright line" rules.
- Keep the standards focused on concerns that are specific to drive-thru restaurants.
- Keep the multi-tenant requirement, including the minimum 200-foot building width.

Aside from complete reconsideration and the specific measures needed to implement the conclusions above (such as the metric for noise mitigation), one other issue that is still open for debate is:

- With all of the other potential criteria being discussed, is a minimum lot size really necessary or do the other requirements create a minimum demand for space that obviates any such requirement?

If the members of the Commission believe any of the preceding is incorrect or requires more refinement, they should bring it to the attention of the Commission and staff so that misconceptions are not perpetuated.

INPUT FROM THE CHAMBER OF COMMERCE

It was reported at the May 5th meeting that a sub-committee of the Creve Coeur-Olivette Chamber of Commerce would be submitting information aimed at informing the actions of the Planning Commission in this matter. Although it was hoped that the information would be ready in time for the June 2nd packet, it was not. Nonetheless, staff are anticipating a presentation by the sub-committee at the June 2nd meeting and the members of the Planning and Zoning Commission are asked to consider the materials and provide initial thoughts to the staff so that they might be incorporated into the subsequent development of the draft ordinance. Staff intend to bring the item back to the Commission on June 17th; a vote on the application will not be required at that time, but the Commission is encouraged to work toward a recommendation as soon as possible. To that end, Commission members should feel free to identify any additional research or input from staff that would assist in the deliberations of the group.

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MEMORANDUM TO THE PLANNING AND ZONING COMMISSION

Meeting Date: May 5, 2014

Subject: Application #14-008: Text Amendment To Allow For Drive-Thru Restaurant Services On Sites Of 2 Or More Acres

Memo Prepared by: Paul Langdon, AICP, Community Development Director

Attachments: Map of Two Acre Commercial Lots, Three+ Acre Commercial Lots and Assemblage Areas

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LOT STUDY RESULTS

During the public hearing on Application #14-004, the members of the Planning Commission expressed uncertainty regarding the potential consequences of allowing drive-thru restaurants on two acre versus three acre commercial lots. Staff were, consequently, asked to conduct an analysis of available properties in the commercially zoned areas to determine how easily a drive-thru restaurant site could be found at those sizes.

Such analysis requires a great degree of speculation regarding the likely future use of a given parcel as well as the likelihood of certain properties being assembled into one project site. The attached map color highlights three categories of lots:

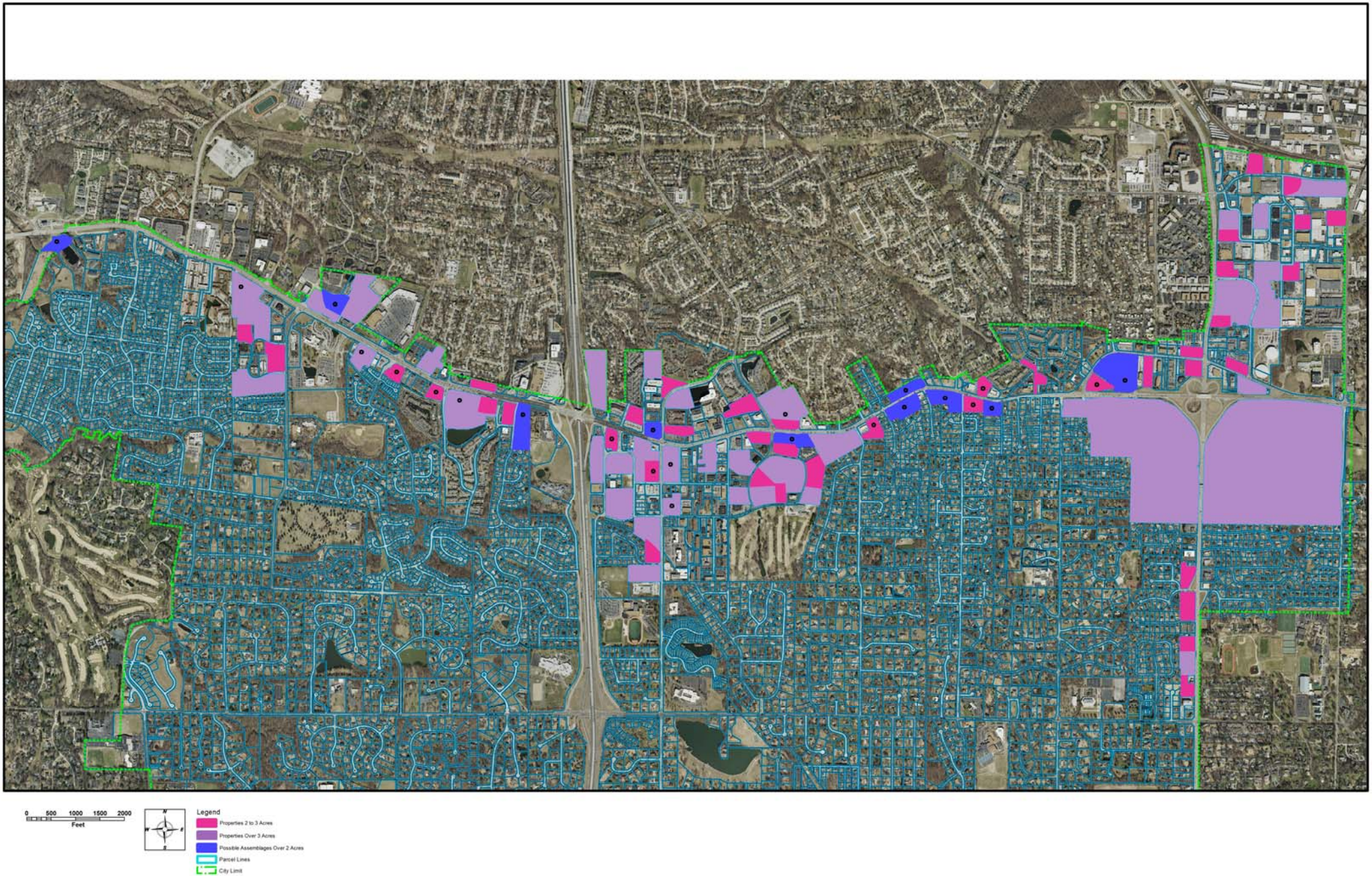
- Existing two to three acre lots with GC (General Commercial) or CB (Core Business) zoning
- Existing three acre and over lots with GC or CB zoning
- Assemblages of lots totaling at least two acres where the lots are or have recently been contemplated for redevelopment.

It is easy to see that *theoretical* restaurant sites exist throughout the commercial areas. However, some sites would be highly unlikely to ever see such development (e.g. Monsanto, Plaza Motors, etc.). The sites marked with black circles are those that staff believe represent at least plausible restaurant sites, even though some would require assembly of lots and/or redevelopment; there are 24 such locations, all which could be available if the minimum lot requirement is two acres. If three acres is the minimum allowable, 14 sites are still possible, given the same set of assumptions.

Based on past experience, staff believe that either lot size limit represents a significant departure from past expectations for this use which also suggests that lot size is not an effective means of regulating such uses. As such, staff further believe that this analysis highlights the importance of having additional criteria governing the specific character of the development, regardless of the lot size. Members of the Planning Commission are asked to provide staff with any guidance or conclusions based on this analysis.

EXTERNAL MEETINGS

The staff have held meetings with a sub-committee of the Creve Coeur-Olivette Chamber of Commerce focused on this issue as well as representatives of the Hutkin Development Company who submitted the related application last year. In both cases, the private interests expressed concern that the standards be reasonably attainable but it is understood that some restrictions will still be in place. All parties also agreed to conduct further research and provide any products of that research that might help inform the actions of the Planning Commission. Finally, all parties, including the staff, request that the Planning Commission continue the discussion of this matter to the June 2nd meeting to allow time for such research and subsequent analysis by staff.


0 500 1000 1500 2000
Feet
N
W
E
S
Legend
Properties 2 to 3 Acres
Properties Over 3 Acres
Possible Assemblages Over 2 Acres
Parcel Lines
City Limit

city of CREVE COEUR

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APPLICATION TO PLANNING AND ZONING COMMISSION #14-008 FOR A TEXT AMENDMENT TO ALLOW FOR DRIVE-THRU RESTAURANT SERVICES ON SITES OF 2 OR MORE ACRES SUBJECT TO CERTAIN BUILDING AND SITE REQUIREMENTS

FOR THE MEETING OF: Monday, April 21, 2014

LOCATION: City-wide

REQUEST: The Director of Community Development, on behalf of the City of Creve Coeur, has submitted a request for a text amendment to revise the criteria to allow for drive-thru restaurants on sites of two (2) or more acres, subject to certain building and site criteria.

ADDITIONAL INFORMATION: Section 405.470(14)(c)(4) states that drive-thru service for restaurants may be located only on sites of not less than three (3) acres, but with no specific design requirements.

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

Comprehensive Plan References
- Residential Preservation and Economic Development
- Community Health and Connectivity

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

APPLICANT: Paul Langdon
Director of Community Development
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

REPORT PREPARED BY: 4/18/2014

Paul Langdon, AICP — Date
Planning Director

ATTACHMENTS:
- Draft Ordinance (preliminary – not for approval)
- Comment letter from Thomas A. Stern, Gershman Commercial Real Estate
- Comment letters received by City Council regarding prior Application #13-045.

BACKGROUND

The City has had a long tradition of limiting drive-thru services for restaurants through the use of the three acre minimum requirement. In 2013, an application was submitted (Application #13-045) that would have left the current regulations in place but also created a zoning provision whereby a restaurant drive-thru could be located on lots sized between two and three acres. The focus of the proposed language was to create a set of performance and design standards that, when satisfied, would hopefully mitigate the concerns that the community has voiced regarding drive-thru lanes. In the course of analysis and discussion, it was also pointed out that while this amendment might make a very few drive-thru restaurants possible and acceptable, it would do nothing to preclude a traditional stand-alone drive-thru location on a site of three or more acres. Further, there were several such three or more acre sites in the city. In other words, the regulation that was supposed to keep Creve Coeur largely free of drive-thru restaurants was probably not going to be effective in the near future and the proposed amendment would miss the opportunity to address that original goal. After reviewing the proposal, the Planning Commission split their vote (3-3, with one absence) and the City Council denied the application. It would be a mistake, however, to assume that the denial was simply because the members of the Commission and Council do not want to see any more drive-thru restaurants. Several commented that they saw some value in the approach, but that confining it to a limited number of locations was actually failing to address the larger interests of the public since it was not considering all commercial property.

With these views in mind, this application proposes to modify the regulations affecting all potential drive-thru restaurant locations, on all sites of two or more acres. Sites below two acres would not be eligible for a drive-thru restaurant. As a starting point in the discussion, the preliminary proposal is somewhat similar to the draft ordinance offered under Application #13-045, but the following discussion identifies areas that members of the Commission might find compelling for further revision.

COMPREHENSIVE PLAN ANALYSIS

Note: The following Comprehensive Plan Analysis was originally prepared for Application #13-045, but is repeated here since the larger planning policy questions are the same.

The Comprehensive Plan outlines several goals and strategies regarding residential preservation and economic development that include guiding regional retail use to the Central Business District area, while other business areas should be limited to local retail designed to serve the Creve Coeur area. Community Health and Connectivity goals include providing pedestrian amenities, creating a “green-line” park along Olive Boulevard. Further, it calls for improving the community image and identity by maintaining the compatibility of existing commercial development areas with the surrounding single-family neighborhood and maintaining the City’s strong low-density residential image and character. This is particularly true for properties zoned GC (such as the property at 443 N. New Ballas Road), because they are often smaller and adjacent to residential developments. As proposed, the amendment would encourage drive-thru development on larger sites which are mostly, but not entirely, removed from residential areas.

In general, drive-thru restaurants are in direct opposition to the promotion of pedestrian activity and are inconsistent with surrounding neighborhoods. The need to include a looping traffic lane for a drive-thru causes auto-oriented developments to functionally divide themselves from neighborhoods and surrounding commercial developments. Further, the high level of moving

vehicles on the site poses more conflicts with any pedestrian activity along the commercial corridors and within the site. The type of use also, typically, relies heavily on corporate architecture and signage to capture the automotive traffic, tends to focus traffic congestion in the area, and offers limited landscaping due to the amount of coverage necessary to accommodate drive-thru features.

The Planning Commission should also be mindful of the Environment and Sustainability chapter proposed for the update to the Comprehensive Plan. Given that drive-thru lanes increase traffic and idling cars on-site, they also increase the tailpipe emissions and noise on the property. To the extent that the amendment might increase the occurrence of such traffic on a limited number of sites, the proposed amendment is in conflict with the environmental goals of the Comprehensive Plan.

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

DESIGN GUIDELINES ANALYSIS

The relevant Design Guidelines include:

Chapter 1 for Site Layout

B. Streetscape/Pedestrian Orientation

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

C. Pedestrian and Vehicular Circulation

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

Chapter 2 Buildings

A. General Architectural Guidelines

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

As discussed above, the incorporation of the facility within a larger multi-story building would meet with the Design Guidelines; whether or not it is on two-acres, or three or more would be irrelevant. Any stand-alone drive-thru restaurants, even if part of a larger site of three or more acres, would not meet with the intent of the Comprehensive Plan or Design Guidelines. Therefore, the question becomes: does the proposed amendment actually comport with the intent of the Comprehensive Plan and Design Guidelines better than the current three acres minimum? Staff would suggest that it does and, therefore, suggest that the proposed criteria in the amendment should become a standard for all drive-thru restaurants.

ZONING ANALYSIS

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

> *Section 405.1060 ZONING CHANGES AND TEXT AMENDMENTS*
> *(E) Standards.*
> *Zoning regulations should be changed if the public welfare is not served by the zoning or if the public interest served by the zoning is greatly outweighed by the detriment to private interests. In making this determination, the City should consider the adaptability of the subject property to its zoned use and the effect of zoning on property value in assessing private detriment. The character of the neighborhood, the zoning and uses of nearby property, and the detrimental effect that a change in zoning would have on other property in the area are relevant to the determination of public benefit.*

The applicant in Application #13-045 contended that allowing drive-thru services on smaller sites will be an economic benefit to the City and, with the proposed conditions, it would not have any negative impacts on the surrounding neighborhoods. Staff further argued that the same approach could similarly allow drive-thru services on properties over three acres with the same mitigating effect on the anticipated impacts more than the current regulations could and, to the extent that doing so would increase a given project's conformity the Comprehensive Plan, such a change would serve the public welfare to a greater degree.

A common concern, however, was that the proposed conditions on drive-thru restaurants might be overly limiting and result in benefits to so few commercial properties that the amendment would not really be in the "public" interest, but more in the interest of a very limited few. This is still a concern with the preliminary ordinance attached hereto. Staff therefore suggest that the Planning Commission consider the following particular elements and whether or not they should be made less restrictive to broaden the attainability of the drive-thru opportunity that is intended to be offered through this amendment:

> *Building Size*
> The attached draft ordinance continues the building size limits proffered by Application #13-045, specifically that the building have two or more floors and that it be at least 200 feet wide. The root question is how much building does it take to establish a unique character that is visually independent of any one tenant (the drive-thru restaurant). The images below show a variety of existing structures in other cities that contain a drive-thru restaurant tenant (the top image is an architectural sketch because the building was only recently completed).

Lincoln, NE

Sugar Land, TX

Des Peres, MO

West Hemptead, NY

Note that none of the buildings has more than three floors but, looking specifically at the three-floor mixed-use building, there is no particular reason why the residential levels could not go higher except for current market/development conditions. Similarly, single-story examples with inconspicuous drive-thru lanes are commonplace (the following website has many examples: http://www.loopnet.com/Drive-Thru-For-Lease/). Staff suggest, therefore, that the requirement for two or more floors might not be as important to the overall outcome as integration with multiple tenants and/or a wide façade. The latter is still a consideration since a small, two or three tenant building could become a single tenant building in time but the drive-thru might already exist by that point. Whether or not 200 feet is the minimum acceptable width is fairly debatable. Using the last picture above as a reference, and it is approximately 100 feet wide, staff suggest that

that building could easily take on the appearance of a single-use restaurant. The "Houlihan's" restaurant in Creve Coeur is approximately 100 feet wide, for example.

Another aspect is the size of building needed to conceal most, if not all of the drive-thru facilities, including the stacking area. If one allows 25 feet for each required stacking space (3), plus the space at the service window, plus maneuvering space, the distance quickly exceeds 100 feet. To also allow for possible two-window system (pay window and serve window) loading, utility and landscape considerations, the distance could easily expand to 150 feet or more. Staff therefore suggest that the 200-foot width should be retained as it is most likely to ensure a multi-tenant building with adequate visual screening but without being so big as to be overly difficult to find a buildable site.

Drive-thru Quantity
Similar to the above-concern with building size is the potential for multiple drive-thru restaurants to locate in the same building since drive-thru lanes and windows can be designed into the ends and middle of multi-tenant buildings. The result, again, is a building that becomes dominated by a use that raises traffic and environmental issues more than most other uses. As was ultimately preferred by the City Council for the failed bill under Application #13-045, staff recommend that only one drive-thru facility be allowed per building. This would also preclude the need for a floor area minimum since the size of the restaurant is not necessarily a good predictor of impacts. Limiting the occurrence of the drive-thru facilities has a more direct connection to the final condition of the site and its effects on adjacent property. Whether or not this limitation should include uses other than restaurants is discussed below.

Inclusion of All Drive-Thru Services, Including Banks, Pharmacies, and Dry-Cleaning
Staff recognize that single-use buildings are found within all of the City's commercial zoning districts, such as banks and pharmacies, and that they also provide drive-thru services. However, it is the higher amount of circulating traffic common to drive-thru services at restaurants that is not typical to those other uses. Therefore, limiting drive-thru restaurants has the potential to accomplish more toward meeting the goals and objectives of the Comprehensive Plan and Design Guidelines than is accomplished with regulations on the other forms of drive-thru service. However, this distinction is only one of scale; all drive-thru lanes lead to idling cars and trucks and conflicts with pedestrians. Some, such as the dry cleaner example below, include brightly lit canopy areas that might actually be more intrusive than a restaurant drive-thru, in some regards.

This raises the question: if these uses share characteristics with other specially regulated conditional uses, should they be subject to the same special regulations? Doing so would, obviously, create a number of legally pre-existing, non-conforming developments considering how many local banks already have drive-thru lanes, plus the two drive-thru pharmacies. There are a few examples of drive-thru banks in town that are already located in multi-tenant buildings (Enterprise Bank at West Oak Center; Regions Bank at Office Parkway North and Olive Boulevard; American Eagle Credit Union at Tempo Drive and Olive Boulevard), but it is not known if they would meet all of the standards contemplated by this application. In any event, non-conforming facilities would be allowed to continue in their current location and at their current size.

The "No Drive-Thru" Option
As with prior discussions on drive-thru restaurants, it must be pointed out that it was a common opinion that the real motivation behind the current three acre minimum regulation was a desire to block the development of any more drive-thru restaurants without saying it in so many words. However, it is easy to find existing properties in the city that already meet the three acre requirement and it has been the owner's development decisions that have not resulted in a drive-thru restaurant in those locations. In other words, the regulation that many have assumed to be a *de facto* prohibition, is not that at all. If the members of the Planning Commission and City Council would really prefer to eliminate drive-thru restaurants rather than carefully construct a true opportunity for them to occur, then a *de facto* prohibition through overly-demanding regulation should not be pursued and the Planning Commission and City Council should change this text amendment application to simply exclude drive-thru services from the food services listing in the use table (Table A). Whether or not the current proposal represents a prohibition is also a fair question to ask but staff suggest that, since the standards can be achieved through a development type that has been accomplished in the past, the proposal is not a prohibition.

ORDINANCE CORRECTION
It should also be noted that the draft ordinance includes a provision to clean up the current language, where the drive-thru standard was mistakenly left in under Section 405.470(8)(d) during the NAICS process, when all conditions related to restaurants were moved to Section 405.470(14) Food services and drinking places--(NAICS 722). This same correction was in the prior, defeated bill from Application 13-045.

SECTION 405.470: CONDITIONAL USES

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

CONCLUSION

The first question before the Planning Commission is whether or not the Commission believes that the most accurate implementation of the Comprehensive Plan and Design Guidelines is, in fact, elimination of restaurant drive-thru services?

If the members of the Commission generally agree that some drive-thru services are appropriate in the community, then the next question before the Commission is: Are the Commission Member's open to changes to the Zoning Code to allow for additional drive-thru restaurants on sites of less than three acres?

If so, Staff request guidance on the scope of the change, that is:

- Is the two acre minimum lot size appropriate?
- Is it necessary to keep the multi-story requirement, or is it reasonable to allow a drive-thru in a one-story building so long as wide façade is also present?
- Is 200 feet an appropriate minimum width for the building?
- Are the proposed conditions enough to mitigate the traffic and noise of such facilities from adjacent residential properties?
- Should all types of drive-thru services be subject to these regulations?

Given the number of unresolved questions, and the likelihood of receiving informative comments at the public hearing, Staff request that the Planning Commission continue the application to the May 5th meeting at the conclusion of discussion on April 21st.

MOTION

The following is an example of an appropriate motion for this application based upon the staff request for continuing the application to the next meeting:

> "I move to continue Application #14-008, to the meeting of May 5th Planning and Zoning Commission to allow the staff time to address the concerns and comments of the members of the Planning Commission."

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

BILL NO. _____ **ORDINANCE NO. _____**

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

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

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

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, _____, 2014, 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, _____, 2014; and,

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

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

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

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

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

SECTION 405.470: CONDITIONAL USES

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

c. Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists entering, exiting or passing by the site.

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

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

SECTION 405.470: CONDITIONAL USES

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

a. The acreage requirement does not apply to restaurants without drive-thru or drive-up services within the "GC" District;

b. The acreage requirement does not apply to restaurants without drive-thru or drive-up services ~~properties~~ in the "CB", "PO", "PC" and "LI" Districts that are located within a retail or office building, provided that such restaurants do not collectively occupy more than forty percent (40%) of the building square footage; and

c. Drive-thru or drive-up services shall only be on sites of two or more acres in all zoning districts:

(1) Shall be within a building of at least two (2) stories in height and designed for use by office or residential tenants in addition to the restaurant and other retail uses, with a continuous structure frontage of at least two hundred feet (200').

(2) Shall provide space for at least three (3) cars per drive-up window or station.

(~~2~~3) ~~Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties~~. An opaque masonry barrier, earth berm or heavy landscaping, as determined by the Commission taking into consideration topography, site lines and other relevant circumstances, for noise and sight abatement shall be located and maintained between that drive-thru facilities and any adjacent residentially zoned properties

(~~3~~4) Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site.

(~~4~~5) ~~Drive-thru service for restaurants may be located only on sites of not less than three (3) acres~~ No access shall be permitted from the property to any minor residential or minor subdivision streets.

d. *In the "MX" District:*

(1) Restaurants cannot be located on sites that adjoin or abut property within an "A", "B", "C" or "D" Single-Family Residential District or that adjoin or abut property within an "AR" Attached Single-Family Residential District used for attached single-family dwellings including town homes or duplexes but excluding multi-family dwellings;

(2) Shall be located on sites of not less than two (2.0) acres;

(3) Shall be located on the ground floor of the structure;

(4) Shall not occupy more than forty percent (40%) of the approved building square footage for the building footprint and a single eating and drinking establishment shall not exceed three thousand five hundred (3,500) square feet in size;

(5) Shall have a minimum of sixteen (16) seats for dining; and

(6) Shall not provide drive-thru or drive-up services to patrons. *"Drive-thru"* and *"drive-up"* shall mean service to on-premises 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.

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

ADOPTED THIS ____ DAY OF _____, 2014.

_____
SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2014.

_____
BARRY GLANTZ
MAYOR

ATTEST:

_____
DEBORAH RYAN, MPCC
CITY CLERK

GERSHMAN
COMMERCIAL REAL ESTATE
7801 Forsyth, 3rd Floor • St. Louis, Missouri 63105 • Tel: (314) 862-9400

April 17, 2014

Planning and Zoning Commission
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

Re: Application #14-008

Gentlemen:

I am writing to support, in part, the above application to permit drive-thru restaurant services on sites of two (2) acres or more. As the current code requires at least three (3) acres for a drive-thru restaurant, this proposal opens up additional sites within our City for this type of development. "Quick Service Restaurants" are permissible in many neighboring municipalities on sites of one (1) acre and I believe this revision of the Creve Coeur zoning code is appropriate.

Most new facilities are free-standing units which are designed to accommodate the stacking lanes necessary for the operation of the restaurant drive-thru and not interfere with parking for patrons who choose to eat inside. These restaurants typically generate 50% of their revenues from the drive-thru component and many will not consider a site without a drive-thru.

The requirement that such a restaurant be at least two (2) stories in height is obviously intended to satisfy one particular site in the City and is totally inappropriate. However, we are most supportive of the two (2) acre site minimum. Property owners should have the right to develop sites with single-story buildings if they desire and meet the City's zoning code. This proposal is a very positive step in providing Creve Coeur residents with more dining choices and I encourage the Planning and Zoning Commission to approve it with the modification suggested.

Very truly yours,

GERSHMAN COMMERCIAL REAL ESTATE

Thomas A. Stern
Executive Chairman

From: Mayor-Council on behalf of Joyce Heiman
To: Mayor-Council
Subject: [mayor-council] Drive thru restaurants {01}
Date: Sunday, February 09, 2014 8:51:10 PM

Oppose any drive thru restaurants in Creve Coeur especially in densely populated areas near residences.

Joyce Heiman
2 Winfield Pointe Lane
St. Louis, MO 63141

From: Mayor-Council on behalf of Joel Levy
To: Mayor-Council
Subject: [mayor-council] Drive-through bill {01}
Date: Sunday, February 09, 2014 8:42:29 PM

I would not like to see Olive Boulevard be the Manchester Rd of Creve Coeur. I moved here because of the small businesses in the neighborhoods. Drive through restaurants is not something that I was expecting.

Sent from my iPhone with voice recognition software expect minor Mistakes
Professor Computer teaches computers one on one and transfers video tapes and 35 mm slides to DVD.
(314) 913-9339
One on one help to tame your mouse
Website http://www.professorcomputer.biz

"I have to say what a pleasant experience it has been, Joel, to have your help. Your self-assurance with the computer and quiet manner of presentation of the information is very reassuring. I have to thank you for giving me the courage to call you and to persevere in trying to do with the computer what I need to do."
Ruth D.

From: Mayor-Council on behalf of freetobe76
To: Mayor-Council
Subject: [mayor-council] No zoning changes regarding drive-thrus {01}
Date: Sunday, February 09, 2014 8:23:58 PM

NO ZONING CHANGES FOR DRIVE-THRUS especially near Olive and Graeser
Linda Huelsebusch
25 year and counting Creve Coeur resident

Sent from Samsung tablet

From: Mayor-Council on behalf of Natalie Chen
To: Mayor-Council
Subject: [mayor-council] Zoning change {01}
Date: Sunday, February 09, 2014 7:30:51 PM

Dear Sir,

I don't want any zoning changes that would allow drive-thrus, especially near Olive and Graeser.

Than you,

Natalie Chen

Sent from my iPad

From: Mayor-Council on behalf of Ann Cook
To: Mayor-Council
Subject: [mayor-council] Zoning changes {01}
Date: Sunday, February 09, 2014 7:56:32 PM

We want you to know that we do not want any zoning changes that would allow drive-thrus, especially near Olive and Graeser. These zoning changes would be horrible for the people who live in this community.
Respectfully,
Ann and Edward Cook
102 Graeser Acres
Sent from my iPad

From: Mayor-Council on behalf of Debbie Cole
To: Mayor-Council
Subject: [mayor-council] zoning text amendment {01}
Date: Sunday, February 09, 2014 7:37:42 PM

Hello to All,

I do not want any zoning change/text amendment that would allow drive thru's in the vicinity of Dautel/Olive. The traffic along Olive and in particular, at that intersection, is already bad enough. We don't want to look like Manchester or St. Charles Rock Road. We are Creve Coeur.

Debbie Cole

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 #14-020, A TEXT AMENDMENT APPLICATION TO AMEND CHAPTERS 405 AND 515 OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI, TO ADDRESS CHANGES IN STATE LAW REGARDING WIRELESS COMMUNICATIONS FACILITIES AND SUPPORT STRUCTURES.

FOR THE MEETING OF: Monday, June 16, 2014

LOCATION: City-wide

REQUEST: The Director of Community Development, on behalf of the City of Creve Coeur, has submitted a request for a text amendment to revise Chapters 405 and 515 of the Code of Ordinances to address changes in state law regarding wireless communications facilities and support structures.

ADDITIONAL INFORMATION: The Missouri State Legislature adopted new regulations regarding telecommunications that will take effect August 28, 2014. The adopted changes are "intended to encourage and streamline the deployment of broadcast and broadband facilities".

Key Issues:
- Is this a reasonable exercise of zoning authority?
- Conformance with State Law.

Zoning Code References
- Section 405.390, Planned Zoning Districts
- Section 405.460, Accessory Uses and Structures
- Section 405.470, Conditional Uses
- Section 405.620, Height Exceptions and Limitations,
- Section 405.690, Utility Facilities
- Section 405.1070, Conditional Use Permits
- 405.1080, Site Concept, Site Development and Minor Site Plan Approval

Building and Construction Code References
- Chapter 515, Right-of-Way Usage Code

APPLICANT: Paul Langdon
Director of Community Development
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

REPORT PREPARED BY:

6/13/2014

Paul Langdon, AICP
Planning Director

Date

ATTACHMENTS: Draft Ordinance

EXPLANATION

Unlike situations where customary practice or changes in the community have motivated changes in the Zoning Code, there are times when the actions of other levels of government make amendments necessary. It is important to remember that any authority held by the city has been passed down from the State. When the State government modifies that authority, the city is obliged to recognize it in action, and if necessary, in the municipal code.

In the 2013 Session, the Missouri General Assembly passed House Bill No. 331 which became effective August 28, 2013. The City of Liberty and others filed suit challenging the laws as violating various constitutional requirements. The 2013 Bill was enjoined by the Cole County Circuit Court and an appeal remains pending before the Missouri Supreme Court. However, in 2014, the Legislature revisited the matter and essentially readopted the same laws with minor changes and more distinct subjects and bill titles. These new Bills re-adopt and make many changes regarding telecommunications and will take effect August 28, 2014.

One such change is the adoption of the "Uniform Wireless Communications Infrastructure Deployment Act". The Bill (SB650) states that it is "intended to encourage and streamline the deployment of broadcast and broadband facilities". The 2014 Bill recaptures the 2013 changes and revises the existing Missouri statutes.

Specifically, Section 67.5094 imposes numerous restrictions on the municipality's consideration of any application for wireless antenna and other facilities. A municipality may **not** do any of the following:

1) Require the applicant to submit information about its business, customer demand or quality of service.
2) Evaluate an application based on the availability of other potential locations for wireless support structure facilities. (This section also specifically prohibits consideration of an option to co-locate on an existing tower rather than construct a new tower. The sub-section does, however, allow the municipality to require an applicant to state that it has conducted an analysis of available co-location opportunities, solely for the purpose of confirming that an applicant conducted the analysis, not whether it is accurate.) For certified historic structures, there is a required public hearing and a 30 day comment period.
3) Dictate the type of wireless facilities, infrastructure or technology to be used.
4) Require the removal of existing support structures or facilities as a condition for approval.
5) Impose any environmental testing with respect to radio frequency emissions.
6) Establish or enforce regulations regarding RF signal strength or the adequacy of service quality.
7) Establish or enforce any environmental safety regulations for wireless facilities that are in excess of OET Bulletin 65.
8) Reject any application based on radio frequency emissions.
9) Impose any restrictions with respect to navigable airspace that are greater than those of the FAA.
10) Prohibit the placement of emergency power systems.
11) Charge an application fee or other fee that is not required for similar types of commercial development. A co-location application fee is limited to $500 and a new or substantially modified wireless support structure is limited to $1,500.

12) Impose any surety requirements, including bonds, escrow deposits, letters of credit or other sureties to ensure that abandoned or unused facilities can be removed unless the municipality has similar requirements on other commercial development.
13) Condition the approval of an application based on an agreement to provide space on or near the structure for municipal services at less than market rate or provide any other services at less than market rate.
14) Limit the duration of the approval of an application.
15) Discriminate or create a preference based on ownership.
16) Impose any requirements regarding the appearance of facilities, including materials used, screening, landscaping "if such regulations or obligations are unreasonable".
17) Impose any requirements that the applicant purchase or use any facilities owned by the municipality.
18) Condition the approval on the applicant's agreeing to indemnify or insure the authority in connection with the municipality's exercise of its police power-based regulations.
19) Condition or require the approval of an application based on an applicant's agreement to permit any wireless facilities to be used, in whole or in part, by the municipality or any entity in which the municipality has any interest.

Section 67.5096 provides that, subject to the foregoing requirements, the authority may continue to exercise zoning, land use, planning and permitting authority. The section also sets forth numerous procedural requirements. For new wireless support structures, the municipality has 120 days from receipt of an application to approve or disapprove the application. If the municipality fails to act, then the application shall be deemed approved. If an application is incomplete, the municipality must notify the applicant within 30 days of the deficiencies and the applicant may cure the deficiencies within 30 days, in which case the 120 days is still counted from the initial date of the application. A written decision must be made on any application.

Section 67.5098 makes similar requirements as to "a substantial modification of a wireless support structure".

Section 67.5100 makes similar requirements as to co-location applications or applications for replacement of wireless facilities. For these applications, zoning or land use requirements are not to be applied to the application. The municipality has only 45 days to consider co-location or replacement applications. The municipality has 15 days to notify the applicant in writing of the specific deficiencies in the application and the applicant then has 15 days to cure, in which case the 45 days runs from the date of the initial application. The municipality may not require the applicant to use existing poles owned or operated by a utility.

Section 67.5102 provides that a municipality may not institute a moratorium on new wireless support structures, substantial modifications of wireless support structures or co-locations for longer than 6 months in length and <u>only if</u> the municipality states reasonable grounds and good cause for such moratorium in its legislation. No moratorium shall affect pending applications. This section also provides that a municipality may not charge a wireless service provider any rental, license or fee for the use of its property in excess of the current market rates for rental or use of similarly situated property. If the applicant and municipality cannot agree on the applicable market rate, then the market rate shall be determined by a mutually agreeable certified appraiser at the applicant's expense. If dissatisfied, either party can bring a court action for review, which shall be expedited. A municipality is prohibited from leasing or contracting to use public lands for a wireless support structure for any period less than 15 years in duration, unless otherwise agreed.

Section 67.5103 provides that these statutes do not grant an applicant the power of eminent domain or the right to compel the lease or sale of land or cause the co-location or expansion of a wireless facility.

Under the definition section of the Act, Section 67.5092, a "wireless facility" is defined as a set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, power supplies, cabling and associated equipment. A "wireless support structure" is defined as a structure, such as a monopole, tower, or building capable of supporting wireless facilities, not including utility poles. "Substantial modification" is defined as the mounting of a proposed wireless facility on a wireless support structure which increases the existing vertical height of the structure by more than ten percent or 20 feet, whichever is greater; or, involves adding to the body of the structure horizontally more than 20 feet or more than the width of the wireless support structure, whichever is greater. Substantial modification also involves installation of more than 4 new equipment cabinets or increasing the square footage of existing equipment by more than 1,250 square feet.

MOTION

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

> "I move to approve Application #14-020, for various text amendments to Chapters 405 and 515 of the Code of Ordinances of the City of Creve Coeur, Missouri, to address recent changes in state law regarding wireless communications facilities and support structures."

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: BUILDING AND CONSTRUCTION CODE

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

BILL NO. _____ **ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, AMENDING CHAPTERS 405 AND 515 OF THE CODE OF ORDINANCES TO ADDRESS CHANGES IN STATE LAW REGARDING WIRELESS COMMUNICATIONS FACILITIES AND SUPPORT STRUCTURES.

WHEREAS, there have been changes in state law regarding local regulation of wireless communications facilities and support structures; and

WHEREAS, staff has applied for approval of related changes to the City's Zoning Code and Right-of-Way Usage Code, and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, June 16, 2014, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application regarding changes to the Zoning Code; 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

WHEREAS, Planning and Zoning Commission reviewed and by a _____ vote recommended approval of the subject amendments to the Zoning Code at its meeting on Monday, _____, 2014; 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 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 approving the application 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, AS FOLLOWS:

Section 1. In Section 405.390, Planned Zoning Districts, subsections D.2.a(12) and D.2.b(15) are revised and a new subsection G.4 is added, to read as follows:

> D.2.a(12) Places all utilities serving new projects underground, to the extent feasible, except where specific allowances and design considerations are provided elsewhere in this Section.
>
> D.2.b(15) Places all utilities serving new projects underground, to the extent feasible, except where specific allowances and design considerations are provided elsewhere in this Section.

G4 Any applicable time limitations shall be met, such as those pertaining to proposed wireless communications facilities and support structures under Sections 67.5090 et seq. RSMo. and FCC Declaratory Ruling WT Docket No. 08-165, rel. 11-15-2009.

Section 2. In Section 405.460, Accessory Uses and Structures, subsections B19 and B22 are revised to read as follows:

B.19. Roof-mounted telecommunication equipment in the "A", "B", "HE", "PH", "PO", "RO", "MX", "PC", "GC", "CB" and "LI" zoning districts, subject to the following:

a. Administrative approval may be granted for the placement of roof-mounted telecommunication equipment subject to the conditions outlined under Sections 405.470(4), 405.470(5) and 405.690 and the following design standards:

(1) An antenna is rectangular in shape, limited to a width of one and one-half (1.5) feet, height of six (6.0) feet and a depth of one (1.0) foot.

(2) The antennas and band are mounted to the face of an existing wall including existing penthouses and do not extend beyond the height of the wall.

(3) No more than four (4) antennas are placed on a band per building wall plane.

(4) No part of the antenna, including the antenna and holding brackets, extends beyond two (2.0) feet from the face of the wall on which they are mounted.

(5) All wiring and conduits connecting to the antennas from the rooftop must be within the wall cavity, thus no exposed wire or conduits are permitted, other than the antenna wall brackets.

(6) All equipment shelters in non-residential districts shall either be completely enclosed or fully screened from the rooftop elevation. All equipment shelters in residential districts must be located within the primary structure on which the antennas are mounted or below grade level so as to minimize the visibility from the outside.

b. Any application which does not meet the standards cited in Subsection (B)(19)(a) above shall require application of a conditional use permit in accordance to Section 405.1070 and subject to the standards of Section 405.470(4), Section 405.470(5) and Section 405.690.

c. Consideration of an application shall meet applicable time limitations pertaining to proposed wireless communications facilities and support structures under Sections 67.5090 et seq. RSMo. and FCC Declaratory Ruling WT Docket No. 08-165, rel. 11-15-2009.

B. 22. Disguised support structure.

a. Any freestanding, manmade structure designed for support of antennae, the presence of which is camouflaged or concealed as an appropriately placed

architectural or natural feature. Such structures may include, but are not limited to, clock towers, observation towers, water towers, light standards, flagpoles, church steeples.

b. The placement of disguised support structures, which:

(1) Do not require a new structure or addition; and

(2) Is permitted in the applicable zoning districts as a conditional use, may be administratively reviewed and approved by the Department of Community Development.

c. The mounting of disguised support structure antennae shall not exceed the height limit established by the applicable zoning district regulations and each such antenna shall be concealed or disguised by architectural or natural elements or camouflaged by including, but not limited to, painting a color matching the surface to which they are attached. The location of all equipment, equipment shelters, wires, conduits and/or any other related accessories or devices shall either be completely situated within an existing structure or fully screened from view. Notwithstanding the items above, equipment shelters and related elements, in appropriate residential districts, must be located within the primary structure (on which the antennas are concealed or disguised) or below grade level. However, the equipment may be located in an addition to the primary structure, in which event a conditional use permit must be secured. Furthermore, other reasonable design standards or requirements, not listed or identified herein, may be required by the City as a condition of the administrative approval.

~~d. Any telecommunication equipment that is no longer in use for its original communication purposes shall be removed at the owner's expense.~~

d~~e~~. The location of such equipment shall not be placed closer than one hundred fifty (150) feet of any residential structure.

e~~f~~. Should the Director of Community Development determine such an application does not meet the spirit, intent and conditions outlined above in Subsections 405.460(B)(22)(a), (b) and/or (c) and cannot be administratively approved, the application, as requested by the applicant, may be reviewed and acted on by the Planning and Zoning Commission and City Council as per the procedures in Section 405.1070.

f. Consideration of an application shall meet applicable time limitations pertaining to proposed wireless communications facilities and support structures under Sections 67.5090 et seq. RSMo. and FCC Declaratory Ruling WT Docket No. 08-165, rel. 11-15-2009.

g~~d~~. Any telecommunication equipment that is no longer in use for its original communication purposes shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the equipment. Removal of existing equipment shall not be a condition of approval of any subsequent application.

Section 3. In Section 405.470, Conditional Uses, subsections 4, 5 and 6 are revised to read as follows:

4. *Roof-mounted communication equipment (CC-517929) (conditional use in the "HE", "PH", "PO", "RO", "MX", "PC", "GC", "CB" and "LI" districts).*

a. Roof-mounted communication equipment shall not exceed fifteen (15) feet in height as measured from the roof of the building and shall meet the sky-exposure plane requirement in the applicable zoning district if applicable.

~~b. Prior to approval of roof-mounted communication equipment by the City Council, the applicant shall document their efforts to locate their communication equipment on an existing communication tower within the City or in close proximity to the City. Such documentation shall also indicate why co-location on any existing tower is not feasible or not desirable.~~

b~~c~~. The design of the communication equipment shall maximize use of building materials, colors, textures, screening and landscaping that effectively blend the communication equipment facilities with the surrounding natural setting and built environment.

c~~d~~. In addition to the requirements of Section 405.1080, the site plan for the roof-mounted communication shall include the following information:

(1) Proposed type, number and location of antennas or other transmission equipment to be located on the building roof; and

(2) Location of any adjoining or surrounding residential districts or structures used for residential purposes.

d~~e~~. Roof-mounted communication equipment shall not be installed on residential buildings or on buildings located on lots used for residential purposes.

~~f. Any roof-mounted communication equipment that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the equipment.~~

e~~g~~. Roof-mounted communication equipment shall not be located within one hundred fifty (150) feet of any residential structure.

f~~h~~. Signs, lighting, other than safety or hazard signs or lighting, shall not be placed on any roof-mounted communication equipment.

g~~f~~. Any roof-mounted communication equipment that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing

operations to remove the equipment. Removal of existing equipment shall not be a condition of approval of any subsequent application.

5. *Roof-mounted communication equipment (CC-517929) (conditional use in the "A" district).*

   a. Roof-mounted communication equipment may be located in a residential parcel if the property is over twenty (20) acres and is primarily used as a public or private school or place of worship.

   b. The location of the roof-mounted communication equipment shall be no less than three hundred (300) feet from any residential structure measured from the location of the proposed communication equipment.

   c. Any equipment building, cabinet or similar elements serving the antenna must be located within the structure on which it is mounted or below grade level so as to minimize the visibility from the outside of said structure.

   d. No antenna shall project above the existing height of the structure upon which it is mounted.

   ~~e. Prior to approval of roof-mounted communication equipment by the City Council, the applicant shall document its efforts to locate its communication equipment on an existing communication tower or rooftop within the City or in close proximity to the City. Such documentation shall also indicate why co-location on any existing tower or rooftop is not feasible or not desirable.~~

   e~~f~~. The design of the communication equipment shall maximize use of building materials, colors, textures, screening and landscaping that effectively blend the communication equipment facilities with the surrounding natural setting and built environment.

   f~~g~~. In addition to the requirements of Section 405.1080, the site plan for the roof-mounted communication equipment shall include the following information:

      (1) Proposed type, number and location of antennas or other transmission equipment to be located on the building roof; and

      (2) Location of any adjoining or surrounding residential districts or structures used for residential purposes.

   g~~h~~. Roof-mounted communication equipment shall not be installed on residential buildings or on buildings located on lots used for residential purposes.

      ~~i. Any roof-mounted communication equipment that is no longer in use for its original communications purpose shall be removed at the communication equipment owner's expense. The owner shall provide the City with a copy of its notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the equipment.~~

hj. Signs and lighting, other than safety or hazard signs or lighting, shall not be placed on any roof-mounted communication equipment.

ik. At the time of application for a conditional use permit, the owner of the subject property is required to provide the City a letter consenting to allow the co-location of up to three (3) communication service providers on the same structure and within the same equipment shelter.

j. Any roof-mounted communication equipment that is no longer in use for its original communications purpose shall be removed at the communication equipment owner's expense. The owner shall provide the City with a copy of its notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the equipment. Removal of existing equipment shall not be a condition of approval of any subsequent application.

6. *Communication towers--(NAICS 517210) (conditional use in the "A", "B", "C", "D", "AR", "HE", "PH", "PO", "RO", "MX", "PC", "GC", "CB" and "LI" districts).*

a. A communication tower shall not exceed one hundred (100) feet in height except in the "LI" Light Industrial District.

b .A communication tower shall not be located on parcels of less than five (5) acres in size within the "A", "B", "C", "D" and "AR" Districts.

c. The communication tower shall be set back from the property line a minimum of one (1) foot for every foot of structure height or the distance required by the applicable zoning district, whichever is greater. No communication tower shall be located within two hundred (200) feet of any residential structure.

~~d. Communication tower operators of any tower approved after the effective date of this Chapter shall provide for the co-location of other communications providers on their tower for reasonable compensation and shall make adequate space available for public safety communication antennas.~~

~~e. Prior to approval of a communication tower by the City Council, the applicant shall document efforts to locate the proposed antenna on an existing communication tower within the City or in close proximity to the City. Such documentation shall also indicate why co-location on any existing tower is not feasible.~~

df. The design of the tower shall maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities with the surrounding natural setting and built environment and otherwise reduce the visibility of it.

eg. All accessory uses and any guy wire anchors or other supporting apparatus shall be subject to height and setback requirements generally

applicable to principal uses in the zoning district in which they are located. All guy wire anchor locations, equipment shelter structures or buildings, fencing and similar structures or improvements constituting accessory uses shall be located on the same parcel of land occupied by the communication tower.

f~~h~~. In addition to the requirements of Section 405.1080, the site plan for the communication tower shall include the following information:

(1) Exact location of the tower and guy wire anchors or other supporting apparatus;

(2) Proposed type, number and location of antennas or other transmission equipment to be located on the tower; and

(3) Location of any adjoining residential districts or structures used for residential purposes.

(4) Location and number of evergreen plantings or other methods of screening provided for ground-based equipment.

~~i. Any communication tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the tower and accessory structures. In case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations.~~

g~~j~~. Signs, lighting, other than safety or hazard signs or lighting, shall not be placed on any communication tower, unless required by the FAA or other Federal or State authority.

h~~k~~. A communication tower shall not be located closer than fifty (50) feet to any street right-of-way.

i~~l~~. The provisions of Section 405.620 shall not apply to communication towers.

j. Any communication tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the tower and accessory structures. In case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations. Removal of existing equipment shall not be a condition of approval of any subsequent application.

k. Changes to existing wireless facilities and/or support structures that are not “substantial modifications” as defined in Section 67.5092 RSMo, or

that only involve co-location of additional facilities or replacement of existing facilities, shall only be reviewed for conformance with applicable building permit requirements, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability and engineering, without any public hearing review, except that collocation to a certified historic structure as defined in Section 253.545 RSMo. shall not in any event be allowed except after public hearing and after 30 days has elapsed since submittal of the application.

Section 4. Section 405.620, Height Exceptions and Limitations, is revised to read as follows:

The height limitations stipulated in the applicable districts shall not apply to the following, provided that such structures are approved by the Planning and Zoning Commission in accordance with the provisions for site development plan approval in Section 405.1080:

1. Air-conditioning units and similar mechanical equipment (provided that such equipment is installed within a screen wall);
2. Chimneys;
3. Church steeples;
4. Elevator towers;
5. Flagpoles;
6. Parapet walls;
7. Stacks;
8. Stage towers or scenery lofts;
9. Tanks;
10. Electric~~Utility~~ transmission towers;
11. Water towers; and
12. Antennas for ham radio operators.

~~13. Similar structures.~~

No structure shall be erected to a height that would encroach into or through any established public or private airport approach plan prepared in accordance with the criteria established by the Federal Aviation Administration. (R.O. 2008 §26-71; Ord. No. 1903 §1, 11-24-97)

Section 5. In Section 405.690, Utility Facilities, subsections B.1 and B.6 are revised to read as follows:

B. *Facilities Permits.*

1. Any person desiring to place facilities on private property other than roof-mounted communications equipment or communications towers (see Section 405.470) must first apply for and obtain a facilities permit in addition to any other building permit, license, easement, franchise or authorization required by law. The Director may design and make available standard forms for such applications, requiring such information as allowed by law and as the Director determines in his/her or her discretion to be necessary and consistent with the provisions of this Section 405.690 and to accomplish the purposes of this Section 405.690. Each application shall at minimum contain the following information, unless otherwise waived by the Director:

   a. The name of the person on whose behalf the facilities are to be installed and the name, address and telephone number of a representative whom the City may notify or contact at any time (i.e., twenty-four (24) hours per day seven (7) days per week) concerning the facilities;

   b. A description of the proposed work including a site plan and such plans or technical drawings or depictions showing the nature, dimensions, location and description of the facilities and their proximity to other facilities that may be affected by their installation.

6. *Appeals and alternative dispute resolution.*

   ~~a. Any person aggrieved by a final determination of the Director may appeal in writing to the City Administrator within five business (5) days thereof. The appeal shall assert specific grounds for review and the City Administrator shall render a decision on the appeal within fifteen (15) business days of its receipt affirming, reversing or modifying the determination of the Director. The City Administrator may extend this time period for the purpose of any investigation or hearing deemed necessary. A decision affirming the Director's determination shall be in writing and supported by findings establishing the reasonableness of the decision.~~ Any person aggrieved by the final determination of the Director~~City Administrator~~ may file a petition for review pursuant to Chapter 536, RSMo., as amended, in the Circuit Court of the County of St. Louis. Such petition shall be filed within thirty (30) days after the Director~~City Administrator~~'s final determination.

   ~~b. On agreement of the parties and in addition to any other remedies, any final decision of the City Administrator may be submitted to mediation or binding arbitration.~~

   ~~(1) In the event of mediation, the City Administrator and the applicant shall agree to a mediator. The costs and fees of the mediator shall be borne equally by the parties and each party shall pay its own costs, disbursements and attorney fees.~~

~~(2)~~ ~~In the event of arbitration, the City Administrator and the applicant shall agree to a single arbitrator. The costs and fees of the arbitrator shall be borne equally by the parties. If the parties cannot agree on an arbitrator, the matter shall be resolved by a three (3) person arbitration panel consisting of one (1) arbitrator selected by the City Administrator, one (1) arbitrator selected by the applicant and one (1) person selected by the other two (2) arbitrators, in which case each party shall bear the expense of its own arbitrator and shall jointly and equally bear with the other party the expense of the third (3rd) arbitrator and of the arbitration. Each party shall also pay its own costs, disbursements and attorney fees.~~

Section 6. In Section 405.1070, Conditional Use Permits, subsections D.1 is revised, a new subsection G is added, and existing subsection G is re-lettered to H and revised, all to read as follows:

D. *Application Review Procedure.*

1. *Zoning Administrator.* The Zoning Administrator shall receive the application and determine whether it complies with all applicable submission requirements. Upon an affirmative determination the Zoning Administrator shall promptly: (1) forward the application to the Planning and Zoning Commission, Mayor and City Council, (2) thereafter cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (3) cause a sign regarding the application to be posted on the affected property, and (4) cause the application to be made publicly available on the City website, all at least ten (10) days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. An application shall have been received and determined to be complete by the Zoning Administrator and the Zoning Administrator's review and accompanying coordinated review of the site concept and site development plan shall have been completed prior to date of the meeting of the Planning and Zoning Commission in order to be included on the agenda. The Zoning Administrator shall also prepare a staff analysis and report in conjunction with all applications being forwarded to the Planning and Zoning Commission, and shall submit such analysis and report to the Commission, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of that meeting.

~~*Note--The FCC has established that local governments must act on requests to collocate on a communications tower within ninety (90) days and on all other tower siting applications within one hundred fifty (150) days. See Declaratory Ruling, WT Docket No. 08-165, released November 18, 2009.*~~

G. *Time Limitations.* Any applicable time limitations shall be met, such as those pertaining to proposed wireless communications facilities and support structures under Sections 67.5090 et seq. RSMo. and FCC Declaratory Ruling WT Docket No. 08-165, rel. 11-15-2009.

H~~G~~. *Expiration.*

1. A conditional use permit granted by the City Council shall not be valid for a period longer than one (1) year from the date it is granted, unless within such period:

   a. A building permit is obtained and substantial construction is begun; or

   b. If a building permit is not required, an occupancy permit is obtained and the authorized use is commenced.

   c. Notwithstanding the foregoing, a condition use permit granted for a wireless communications facility or support structure shall not expire.

2. The City Council may grant extensions to the one (1) year period of not more than one hundred 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. (R.O. 2008 §26-114; Ord. No. 1903 §1, 11-24-97; Ord. No. 2091 §2, 11-27-00; Ord. No. 5123 Exh. A, 2-22-10; Ord. No. 5165 §1, 12-13-10)

Section 7. In Section 405.1080, Site Concept, Site Development and Minor Site Plan Approval, a new subsection I is added, existing subsection I is re-lettered to J, and existing subsection J is re-lettered to K and revised, all to read as follows:

I. *Time Limitations.* Any applicable time limitations shall be met, such as those pertaining to proposed wireless communications facilities and support structures under Sections 67.5090 et seq. RSMo. and FCC Declaratory Ruling WT Docket No. 08-165, rel. 11-15-2009.

J~~I~~. *Conditions And Restrictions.*

1. In approving a site concept, site development plan or minor site plan application, the Planning and Zoning Commission or City Council may impose conditions and restrictions and may vary the standards and prescribe development standards within the range of such discretion as prescribed elsewhere in this Chapter, so long as the general intent of this Chapter is carried out. In no event, however, shall any permitted use or use regulations be varied so as to make them less restrictive than prescribed in the district regulations contained in Article VI of this Chapter.

2. In its review and approval of a site concept, site development or minor site plan application for any zoning district, the Planning and Zoning Commission or City Council may increase the minimum requirements designated in the applicable Sections of this Chapter including, but not limited to, front yard, side yard or rear yard setbacks based upon its review of the individual site's topography, the building's orientation in relationship to street rights-of-way and adjoining properties, the building materials used and the mass and height of the building. The purpose of such increases in the minimum requirements is to minimize any adverse impacts of the proposed development on adjoining or nearby properties and the general community.

3. If the Planning and Zoning Commission or City Council imposes conditions or restrictions, it shall designate specific requirements which must be met before an applicant may be granted final approval of a site development plan or minor site plan and building and occupancy permits.

4. Failure to comply with any of these conditions or restrictions shall constitute a violation of this Chapter punishable as provided in Section 405.1150 of this Chapter.

K~~J~~. *Period Of Validity For Site Concept Plan, Site Development Plan And Minor Site Plan Approval.*

1. Site concept plans approved by the City of Creve Coeur shall be valid for a period of up to eight (8) years from the date of approval. After the eighth (8th) year, a site concept plan will no longer be valid unless an extension is granted as set forth below. The City of Creve Coeur may grant one (1), 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 one hundred eighty (180) days prior to the expiration date and granted prior to the expiration date.

2. Upon such written request for a one (1) year extension, the Planning and Zoning Commission and City Council, when required, does, however, have the power to disapprove the extension or to attach new conditions to the extension, based upon any change in circumstances or changes in the City's ordinances since the time that the application was originally approved. Where the application for a one (1) year extension contains changes, which the City concludes substantially or materially alters the initial application, it shall refer the application to the Zoning Administrator who shall initiate a new site concept plan review procedure as stated in Section 405.1080.

3. An application to amend an existing site concept plan may be submitted at least one hundred eighty (180) days before the date of expiration and granted prior to the expiration date. The City does, however, have the power to disapprove the application or to attach new conditions to the existing site concept plan, based upon any change in circumstances or changes in the City's ordinances since the time that the application was originally approved. Once the City of Creve Coeur has granted an amendment to an existing site concept plan which has not yet expired, such amended site concept plan is subject to a period of validity no longer than eight (8) years from the date of approval of the amended plan, unless a one (1) year extension is granted as set forth above. An application to amend an existing site concept plan shall be subject to the same procedures as an original application.

4. No site development plan or minor site plan approval by the Planning and Zoning Commission shall be valid for a period longer than twelve (12) months from the date it is approved, unless within such period a building permit is obtained and substantial construction is commenced. Substantial construction shall be deemed to consist of clearing the site, completion of footings, basement or building slab and inspection of such work. The Planning and Zoning Commission and the City Council, when required, may grant extensions not exceeding twelve (12) months each upon written request of the original applicant prior to the expiration of such period and resubmission of the application if the application as resubmitted is substantially the same as the initially approved application. However, the Commission has the power

in such cases to attach new conditions to its re-approval or disapprove the reapplication. Where the application for re-approval contains changes which the Commission concludes materially alter the initial application, it shall refer the application to the Zoning Administrator who shall initiate a new site development plan review procedure as stated in Section 405.1080 or a new minor site plan review procedure as stated in Section 405.1080.

5. Notwithstanding the foregoing, a site concept plan or site development plan approved for a wireless communications facility or support structure shall not expire.

Section 8. In Appendix B, provisions for Special Fees are revised to read as follows:

SPECIAL FEES

Note: City of Creve Coeur residents repairing/modifying their existing residential driveways will deposit in escrow five hundred dollars ($500.00) for excavations in the City right-of-way.

1.	Board of Adjustment filing fee	$ 50.00
	Reserve deposit for expenses	$ 250.00
2.	Change of zoning filing fee	$ 250.00
	Reserve deposit for public hearing and expenses	$ 2,000.00
3.	Special permit (Ord. No. 838)	$ 150.00
4.	Conditional use permit filing fee	$ 250.00
	Reserve deposit for public hearing costs, mailings and administrative expenses	$ 2,000.00*
5.	Site development/concept plan review fee	$ 250.00
	Reserve deposit for public hearing costs, mailings and administrative expenses	$ 2,000.00*
6.	Text amendment filing fee	$ 200.00
	Reserve deposit for public hearing and administrative expenses	$ 1,000.00*
7.	Public facility (Section 400.030) filing fee	$ 250.00
8.	Telecommunication, cable television and fiber optic license application fee	$ 500.00

Deposit for expenses at cost $ 750.00

Under unique and extraordinary circumstances, reserve deposits may be reduced or waived if determined by the Director of Planning that such escrows are not warranted. Total fees and expenses for wireless communications facilities and support structures shall not exceed $1500 for new or substantially modified facilities, or $500 for collocations.

Reserve deposits shall be used to recapture public hearing costs, statutory and procedural mailings, staff review time (hourly basis) and other administrative costs, as well as professional consultation fees.

~~Deposit for expenses at cost $ 750.00~~

(Unused amount of deposit to be refunded to applicant and additional deposit may be required once original amount is exhausted.)

Section 9. In Section 515.040 of the Right-of-Way Usage Code, subsection A is revised to read as follows:

SECTION 515.040: REGISTRATION OF PERSON(S) HAVING FACILITIES WITHIN THE ROW

A. *Registration Required.*

2. Any person having or applying for a cable franchise from the City under the Cable Communications Regulatory Code or a Video Service Provider Authorization from the Missouri Public Service Commission must register hereunder. ~~Such a person maintains all rights, privileges and obligations established by its cable franchise and shall also remain subject to the Cable Communications Regulatory Code.~~ To the extent that any term of such person's cable franchise or video service authority conflicts with the Rights-of-Way Usage Code, the terms of the cable franchise or video service authority shall prevail. To the extent that the Cable Communications Regulatory Code conflicts with the Rights-of-Way Usage Code, the more stringent shall prevail.

Section 10. In Section 515.050 of the Right-of-Way Usage Code, subsection E is revised to read as follows:

SECTION 515.050: REGISTRATION PROCEDURES

E. *Termination Of Registration.*

1. The City shall have the right to terminate a registration for a substantial and ongoing failure to comply with this code or other applicable law or for defrauding or attempting to defraud the City. To invoke the provisions of this Section, the

Director shall give the person written notice of such intent. If within thirty (30) calendar days following such written notice from the City, the person has not completed corrective action or corrective action is not being actively and expeditiously pursued to the satisfaction of the Director, the Director may commence a proceeding to consider terminating the person's registration, giving written notice of the reasons therefor.

2. Prior to terminating a registration, the Director shall hold a hearing, after giving at least ten (10) calendar days' notice to the person, at which time the person shall be given an opportunity to be heard. Following the hearing, the Director may determine whether to terminate the registration based on the information presented at the hearing and other information of record. If the Director determines to terminate a registration, the decision shall be in writing setting forth the reasons therefor. The Director may make such decision conditional on a person's failure to resolve outstanding problems or take appropriate steps to resolve such problems within a specific period of time. A copy of such decision shall be provided to the person.

3. Once a registration has been terminated by the Director, the person may not register again except upon express written approval by the City Administrator, which approval shall be withheld absent clear and convincing evidence that the person has remedied all previous violations and is in full compliance with all laws and will not in the future violate this code or defraud the City.

4. Registration of a public utility that has been legally granted access to the Right of Way shall not be terminated.

Section 11. In Section 515.060 of the Right-of-Way Usage Code, subsection B.1 is revised to read as follows:

SECTION 515.060: RIGHTS-OF-WAY ("ROW") PERMITS

B. *ROW Permit Application Review And Determination.*

1. The Director shall promptly review each completed application for a ROW permit and shall grant or deny all such applications as provided herein within thirty-one (31) days of receipt of a completed application. If the Director fails to act on an application for ROW permit within thirty-one (31) days, the application shall be deemed approved. Unless the application is denied pursuant to Subsection (B)(7) hereof, the Director shall issue a ROW permit upon determining that the applicant:

   a. Has submitted all necessary information,

   b. Has paid the appropriate fees, and

   c. Is in full compliance with this code and all other City ordinances.

In order to avoid excessive processing and accounting costs to either the City or the applicant, the Director shall have authority to establish procedures for bulk processing of applications and periodic payment of fees.

Section 12. Section 515.110 of the Right-of-Way Usage Code is revised to read as follows:

SECTION 515.110: DISPUTE RESOLUTIONS, APPEALS AND ARBITRATION

A. *Dispute Resolution By The Director.* The Director shall make a final determination as to any matter concerning the grant, denial or revocation of a ROW permit as provided in this code. On the request of an applicant or a ROW user and within a reasonable period of time, the Director also shall make a final determination as to any other issue relating to the use of the ROW, the imposition of any fee or the application of any provision of this code, provided however, that this review shall not apply to matters being prosecuted in court pursuant to Section 515.070(A)(2)(c) or Section 515.100(H) hereof. Any final determination of the Director shall be subject to review as provided herein.

~~B. *Appeals To The City Administrator.* Any person aggrieved by a final determination of the Director may appeal in writing to the City Administrator within five (5) business days thereof. The appeal shall assert specific grounds for review and the City Administrator shall render a decision on the appeal within fifteen (15) business days of its receipt affirming, reversing or modifying the determination of the Director. The City Administrator may extend this time period for the purpose of any investigation or hearing deemed necessary. A decision affirming the Director's determination shall be in writing and supported by written findings establishing the reasonableness of the decision.~~

B~~C~~.*Chapter 536 Review.* Any person aggrieved by the final determination of the Director~~City Administrator~~ may file a petition for review pursuant to Chapter 536, RSMo., as amended, in the Circuit Court of the County of St. Louis. Such petition shall be filed within thirty (30) days after the Director~~City Administrator~~'s final determination.

~~D. *Arbitration And Mediation.*~~

~~1. On agreement of the parties and in addition to any other remedies, any final decision of the City Administrator may be submitted to mediation or binding arbitration.~~

~~2. In the event of mediation, the City Administrator and the applicant or ROW user shall agree to a mediator. The costs and fees of the mediator shall be borne equally by the parties and each party shall pay its own costs, disbursements and attorney fees.~~

~~3. In the event of arbitration, the City Administrator and the applicant or ROW user shall agree to an arbitrator. The costs and fees of a single arbitrator shall be borne equally by the parties. If the parties cannot agree on an arbitrator, the matter shall be resolved by a three (3) person arbitration panel consisting of one (1) arbitrator selected by the City Administrator, one (1) arbitrator selected by the applicant or ROW user and one (1) person selected by the other two (2) arbitrators, in which case each party shall bear the expense of its own arbitrator~~

~~and shall jointly and equally bear with the other party the expense of the third (3rd) arbitrator and of the arbitration. Each party shall also pay its own costs, disbursements and attorney fees.~~

Section 13. This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS _____DAY OF _____, 2014.

_____
CHARLOTTE D'ALFONSO
PRESIDENT OF CITY COUNCIL

APPROVED THIS ___ DAY OF _____, 2014

_____
BARRY GLANTZ
MAYOR

ATTEST:

_____
DEBORAH RYAN, MPCC
CITY CLERK

CITY OF CREVE COEUR

June 11, 2014

To: Planning & Zoning Commission

Re: Fountain Park – Sale Contract

The City is considering the sale of Fountain Park to Drury Development Company. Review of the disposition of park land by the Planning and Zoning Commission is required under Section 89.380 (see City Code section 400.030).

Background

Fountain Park is located at 11915 Olive Blvd., just east of Weber Chevrolet at Rue de la Banque West. The land was acquired by the city in 1979. The park includes a playground, constructed in the mid-1990s, and a fountain that is no longer functioning. As city-owned property, no zoning designation exists. There are 20 parking spaces located on the land.

The city has been considering alternative uses for the land over the last several years. At 0.94 acre, the parcel is quite small, so its potential to provide recreational amenities is limited.

The fountain, built around 1980, has been inoperable for several years. The fountain has developed significant leaks in the pool bases and sub-surface voids due to cracking concrete and there is additional damage in the sub surface plumbing. The leaks are so severe, the auto-fill mechanism designed to replace evaporated water in the pools runs wide open to maintain the water to an operational level. The plumbing valves are severely rusted in desperate need of replacement as well as much of the concrete cap ledge around the fountain is in stages of deterioration. The repair cost would be similar to that of total reconstruction of the fountain, and is estimated to exceed $200,000.

The land has a deed restriction which excludes development on a majority of the parcel. This deed restriction can only be lifted by the owner of the adjacent parcel, 11921 Olive Blvd.

Contract Terms

The owner of this adjacent parcel is Drury Development Company. The city has been in negotiations with Drury for the possible sale of this property. A tentative agreement (see attached) has been reached between the City and Drury, subject to approval of the City Council. The major terms of the sale are as follows:

Use Restrictions: Uses on the property will be limited to a degree as shown on Exhibit C to the proposed agreement, including retail, restaurant, hotel and a variety of office uses, in order to

	generally promote sales tax revenues. Additionally, retail uses shall be situated so that Creve Coeur sales taxes apply and cross-access or right-of-way to property to the north shall not be allowed without City discretionary approval.
City Signage	Drury Development to grant a permanent easement at the southwestern corner of the Fountain Park site for a city entrance sign, to be designed by the City.
Earnest Money Deposit:	$100,000.00 Earnest Money, applied to the Purchase Price. Earnest Money becomes non-refundable unless Drury Development cancels contract within twelve (12) months of execution of Purchase and Sale Agreement.
Purchase Price:	$750,000.00
Option Period:	Drury Development will have the right to close within fifteen (15) days notice, but before three (3) years following execution of Purchase and Sale Agreement. Drury Development will have a one-time option to extend the option for one (1) year upon payment of additional non-refundable Earnest Money of $25,000.
Rezoning:	During the Option Period, Drury Development may pursue rezoning of the site and annexed parcels to "CB" Core Business District and Conditional Use Permit, but any approval shall only be effective as of closing.

City staff looks forward to discussing this matter with the Planning & Zoning Commission.

Sincerely,

Mark Perkins
City Administrator

Cc: Mayor and City Council

SALE CONTRACT

THIS SALE CONTRACT (this "Contract"), is entered into and is effective as of the date of the last signature by a party (the "Effective Date"), by and between the **City of Creve Coeur, Missouri** ("Seller") and **Drury Development Corporation**, a Missouri corporation ("Purchaser").

1. PURCHASE AND SALE: Seller agrees to sell and Purchaser agrees to purchase that certain real property located in the City of Creve Coeur, State of Missouri, commonly known as 11915 Olive Boulevard (the "Park") along with certain property owned by the Seller located north of and adjacent to W. Rue De La Banque Street (the "Extra Parcel") together with all improvements thereon and appurtenances, fixtures and equipment thereto belonging, as generally depicted in the attached Exhibit "A" (collectively, the "Property"), for the price and on the terms and conditions defined and set forth hereinafter. The Park and the Extra Parcel are hereinafter referred to as the "Property". Legal description in Title Commitment to govern.

2. EARNEST DEPOSIT: Purchaser shall, within three (3) business days after the Effective Date, deliver to Title Company (hereinafter defined), as escrow agent, an earnest deposit in the amount of One Hundred Thousand Dollars ($100,000.00) (the "Initial Deposit"). The parties jointly instruct the Title Company to hold the Deposit in escrow, and to invest the same in an interest-bearing account. The interest earned on the Deposit shall be added to, and become a part of the Deposit, and the Deposit shall be distributed in accordance with the terms herein. If Purchaser delivers a Termination Notice (hereinafter defined) to Seller and Title Company within one (1) year after the Effective Date, then the Deposit will be returned to Purchaser, otherwise the Deposit shall be non-refundable for any reason other than a breach hereof by Seller. Should Purchaser elect to extend the Inspection Period as set forth in Section 5 below, Purchaser shall deliver to Title Company an additional deposit in the amount of Twenty-Five Thousand Dollars ($25,000.00) (the "Additional Deposit"). The Initial Deposit and the Additional Deposit, when delivered, are collectively referred to as the "Deposit". If the sale contemplated hereunder is closed, the Deposit shall be applied to the Purchase Price.

3. PURCHASE PRICE: The "Purchase Price" shall be Seven Hundred Fifty Thousand Dollars ($750,000.00) subject to the credits, adjustments and pro-rations provided for herein.

4. CLOSING DATE AND LOCATION: The Closing shall occur at a time and on a date prior to the expiration of the Inspection Period as designated by Purchaser by notice to Seller of at least fifteen (15) days ("Closing" or "Closing Date") at the offices of the title company of Purchaser's choice (the "Title Company") or such other date, time or place upon which the parties mutually agree in writing. Seller shall deliver possession of the Property to Purchaser at Closing.

5. INSPECTION RIGHTS: For a period of up to three (3) years after the Effective Date but ending as of Closing (the "Inspection Period") Purchaser and its agents, employees and authorized representatives may enter upon the Property for the purpose of conducting feasibility studies, soil tests, environmental audits and tests, engineering reports, land surveys and plats, rezoning and any other inspection, test, procedure or study desired by Purchaser (collectively, the

"Inspections"). Purchaser shall pay all costs for performing the Inspections, keep the Property free and clear of all liens, repair any damage done to the Property from the performance of the Inspections, and hold Seller harmless from and against all liabilities, claims, demands or costs of any kind whatsoever, including reasonable attorney's fees, arising from claims of third parties arising out of the performance of the Inspections. Purchaser's satisfaction, prior to the end of the Inspection Period, with the results of any such Inspections as well as with the zoning of the Property are conditions of Purchaser being required to close provided that if Purchaser is not satisfied with the results of any such Inspection or the zoning of the Property, except as otherwise mutually agreed, Purchaser's option is to waive that condition and proceed to Closing or to deliver a timely Termination Notice.

Purchaser may elect to extend the Inspection Period for one (1) year (but still ending as of Closing), upon written notice delivered to Seller and Title Company along with contemporaneous payment of the Additional Deposit to Title Company, within three (3) years after the Effective Date.

6. ANNEXATION/RE-PLATTING/ZONING: (a) Seller shall make a good faith effort to complete the annexation of that portion of the Extra Parcel which is currently located in unincorporated St. Louis County, Missouri and the re-platting of the Extra Parcel to allow conveyance thereof to Purchaser before the first anniversary of the Effective Date. Seller shall deliver to Purchaser status updates on Seller's annexation and re-platting efforts on reasonable request. (b) During the Inspection Period, Purchaser may, at Purchaser's sole cost and expense, pursue such action as Purchaser deems necessary or appropriate to rezone the Property to "CB" Core Business District and to seek any Conditional Use Permit necessary for Purchaser's intended use of the Property. Effectiveness of any such rezoning or Conditional Use Permit shall be subject to closing on Purchaser's purchase of the Property hereunder.

7. SIGN EASEMENT: At Closing, Purchaser shall grant to Seller a perpetual non-exclusive easement over the area depicted as the "Sign Easement" in the Site Plan in Exhibit B. The form and content of the document granting the Sign Easement to Seller is attached hereto as Exhibit D.

8. USE RESTRICTIONS: The parties agree that the Property shall be conveyed to Purchaser subject to the use restrictions set forth in Exhibit C attached hereto. In addition, such restrictions shall provide that any retail uses developed by Purchaser on the Property shall be situated in such a manner as to be subject to Creve Coeur sales taxes. Also such restrictions shall provide that any cross-access or right-of-way to the property north of the Extra Parcel that is not in the City of Creve Coeur, shall not be allowed without first obtaining approval of Seller, which approval may be granted or withheld in Seller's absolute discretion.

9. RISK OF LOSS: Risk of damage, destruction or condemnation of the Property will remain with Seller until Closing. In the event that all or any material portion of the Property is condemned, destroyed, or damaged prior to Closing, Purchaser shall have the option to either (a) terminate this Contract and receive a refund of the Deposit, or (b) proceed to Closing without a reduction in the Purchase Price and receive Seller's insurance or condemnation proceeds as the case may be.

10. CONVEYANCE DEED: At Closing, Seller shall deliver a General Warranty Deed conveying title to the Property from Seller to Purchaser free and clear of all restrictions, liens and encumbrances except for the lien of taxes for the year in which Closing occurs, the restrictions on use set forth in Exhibit C and deed restrictions, rights of way of record and zoning regulations (collectively, the "Restrictions") existing as of the Effective Date to which Purchaser does not timely object by issuing a Termination Notice within one (1) year after the Effective Date. From the Effective Date through the earlier of Closing or the termination of this Contract, no Restrictions shall be placed on title to the Property without first obtaining Purchaser's express written consent.

11. TITLE AND SURVEY: Purchaser may, at Purchaser's sole cost and expense, obtain a commitment (the "Title Commitment") to issue an owner's policy of title insurance for the Property in the form and with the coverage and provisions as Purchaser may desire (the "Title Policy"), along with a copy of each instrument listed in Schedule B2 of the Title Commitment as an exception. Purchaser may also, at Purchaser's sole cost and expense, obtain a current ALTA Survey of the Property, prepared to Missouri Minimum Standards (the "Survey"), sufficient to induce the Title Company to delete the standard survey exception in the Title Policy and which includes the items listed as exceptions to title in Schedule B2 of the Title Commitment ("Title Exceptions") or indicates that any of the Title Exceptions do not apply to the Property. Each party agrees to execute and deliver to the Title Company all documents reasonably required by the Title Company to issue the Title Commitment and the Title Policy.

12. CLOSING ADJUSTMENTS: At Closing, Purchaser shall pay to Seller the Purchase Price subject to credit for the Deposit (which will be delivered to Seller at Closing) and any proration for any rentals, sewer and other utility charges and special assessments related to the Property through the year in which Closing occurs based on the most recent information available. Seller represents that inasmuch as Seller is a tax exempt property owner, there are no real estate taxes being assessed against the Property. If that is the case as of Closing, there shall not be any adjustment for real estate taxes and Purchaser shall pay any and all such taxes which are assessed from and after Closing. If real estate taxes are assessed against the Property before Closing, they shall be prorated the same as rentals, sewer and other utility charges and special assessments as provided above. In that case, if the actual tax bill, when received, differs from the amount utilized for proration at the time of Closing, at the option of either Seller or Purchaser, the taxes will be re-prorated on the same basis as provided by this Contract and the closing statement, and the appropriate party will reimburse the other forthwith upon demand for any adjustment indicated by the re-proration.

13. EXPENSES: Purchaser shall pay the title insurance premium, one-half (1/2) the closing fees, if any, and recording costs to transfer title. Seller shall pay any charges relating to the release of title exceptions (including costs to record the same) and one-half (1/2) the closing fees, if any. Each party shall bear their respective costs and expenses, including attorney's fees.

14. REPRESENTATIONS AND WARRANTIES OF SELLER: Seller hereby represents, warrants to and covenants with Purchaser that the following are true and correct as of the Effective Date and shall be true and correct as of Closing:

(a) Seller is the sole owner of the Property and has full power and authority to enter into this Contract and any documents contemplated herein.

(b) There are no claims or legal actions or proceedings in progress, pending or threatened against the Property or relating to the Property, and Seller is not aware of any facts which might result in any such claim, action or other proceeding.

(c) No condemnation or other taking by eminent domain of part or all of the Property is pending and Seller has not formally or informally learned of any contemplated condemnation of part or all of the Property.

(d) Seller is not aware of any pollutants, contaminants or other hazardous substances on or beneath the surface of the Property.

(e) There are no tenancies or occupancies affecting the Property or persons in possession of any part thereof other than with respect to the rights of Purchaser for parking on part of the Property for Purchaser's adjacent property.

15. RIGHT TO TERMINATE: If Purchaser determines, in Purchaser's sole discretion, that the Property is not suitable for Purchaser's purposes, Purchaser shall have the right, by giving Seller and Title Company written notice of termination (the "Termination Notice") on or before the expiration of the Inspection Period to terminate Purchaser's obligation to purchase the Property. If the Termination Notice is timely given, neither party shall have any obligation to proceed to Closing. If the Termination Notice is timely given within one (1) year after the Effective Date, the Deposit shall be returned to Purchaser. If the Termination Notice is timely given after the expiration of one (1) year after the Effective Date, the Deposit shall be delivered to Seller as liquidated damages and not as a penalty.

16. RIGHT TO CLOSE: Notwithstanding anything herein to the contrary, Purchaser shall have the right to waive any conditions or contingencies provided for herein and proceed to Closing by delivering written notice to that effect to Seller and Title Company in compliance with the provisions of Section 4 of this Contract. In that event, if Seller has not completed annexation of the Extra Parcel by Closing, Seller's obligation to do so, in accordance with Section 6, shall survive Closing, and Seller shall endeavor to complete the annexation within two (2) years after Closing.

17. NOTICES: Notices hereunder shall be deemed properly delivered and effective when: (a) deposited with the U. S. Postal Service by certified mail, return receipt requested, first class postage prepaid; or (b) personally delivered; or (c) deposited with a nationally recognized overnight courier, to the parties as follows:

If to Seller: City of Creve Coeur
Attn: City Administrator
300 N. New Ballas Road
Creve Coeur, Missouri 63141

If to Purchaser: Drury Development Corporation
Attn: Jacqueline D. Pollvogt, General Counsel
721 Emerson Rd., Suite 200
St. Louis, MO 63141

Either party may change their notice address by providing the other party written notice thereof in compliance with this Section.

18. TAX-FREE EXCHANGES: If either party wishes to effectuate a tax-free exchange of real property pursuant to Section 1031 of the Internal Revenue Code of 1986, as amended (the "Exchange"), the other party agrees to execute and deliver any and all documents necessary to effectuate the Exchange provided the non-requesting party shall not incur any cost, expense, liability or obligation in connection therewith. The requesting party will hold the non-requesting party harmless from any and all claims, liabilities and costs (including reasonable attorney's fees) resulting from participation in the Exchange. If both parties desire to effectuate the Exchange, then each shall bear their respective costs. If Purchaser desires to effectuate an Exchange, Seller agrees that all or a portion of the Deposit may be returned to Purchaser at Closing to allow Purchaser to allocate Exchange proceeds to as much of the Purchase Price as Purchaser shall desire.

19. NO BROKER: Each party hereto represents to the other that it has not been represented in this transaction by a real estate broker or agent on a commission basis and that no sales fees or commissions are due as a result of this transaction. Should any claim be made for such a fee or commission, the party against whom the claim is made agrees to hold harmless the other party from all costs and expenses resulting therefrom. The provisions of this Section shall survive Closing.

20. MISCELLANEOUS PROVISIONS: This Contract is binding upon and shall inure to the benefit of the parties hereto and their heirs, personal representatives, successors and assigns. This Contract constitutes the entire agreement of the parties and neither party shall be bound by any matter unless expressly set forth herein. No amendment of this Contract shall be effective or binding on the parties unless made in writing and signed by authorized representatives of both parties. Section headings are for convenience of reference only. This Contract shall be governed by and construed according to the law of the State in which the Property is located without regard to conflicts of laws provisions. Time is of the essence of this Contract.

21. ATTORNEY'S FEES: In the event of any legal proceedings arising out of this Contract, the prevailing party shall be entitled to recover from the non-prevailing party its reasonable attorneys' fees and expenses and court costs. The prevailing party is that party who is awarded judgment as a result of trial. If both parties receive judgment in any dollar amount, the court or arbitrator will determine the prevailing party, taking into consideration the merits of the claims asserted by each party, the amount of the judgment received by each party and the relative equities between the parties.

[Remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, the parties have hereunto executed this Contract as of the dates below written.

PURCHASER:	SELLER:
DRURY DEVELOPMENT CORPORATION	CITY OF CREVE COEUR
By: _____	By: _____
Print Name: TIMOTHY DRURY	Print Name: _____
Title: PRESIDENT	Title: _____
Date: 5-27-14	Date: _____

EXHIBIT A
PROPERTY DEPICTION

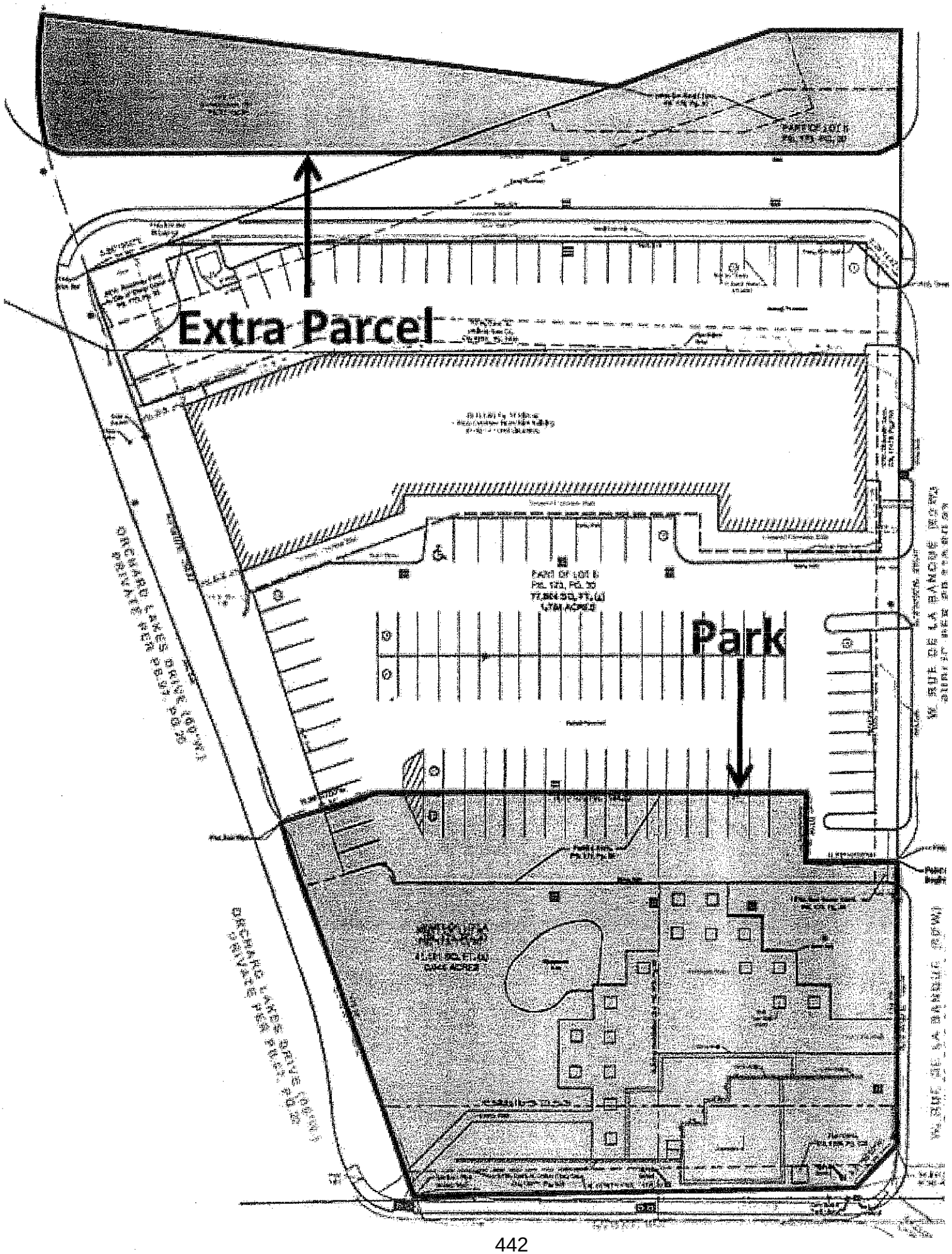
Extra Parcel
Park

EXHIBIT B
SIGN EASEMENT AREA

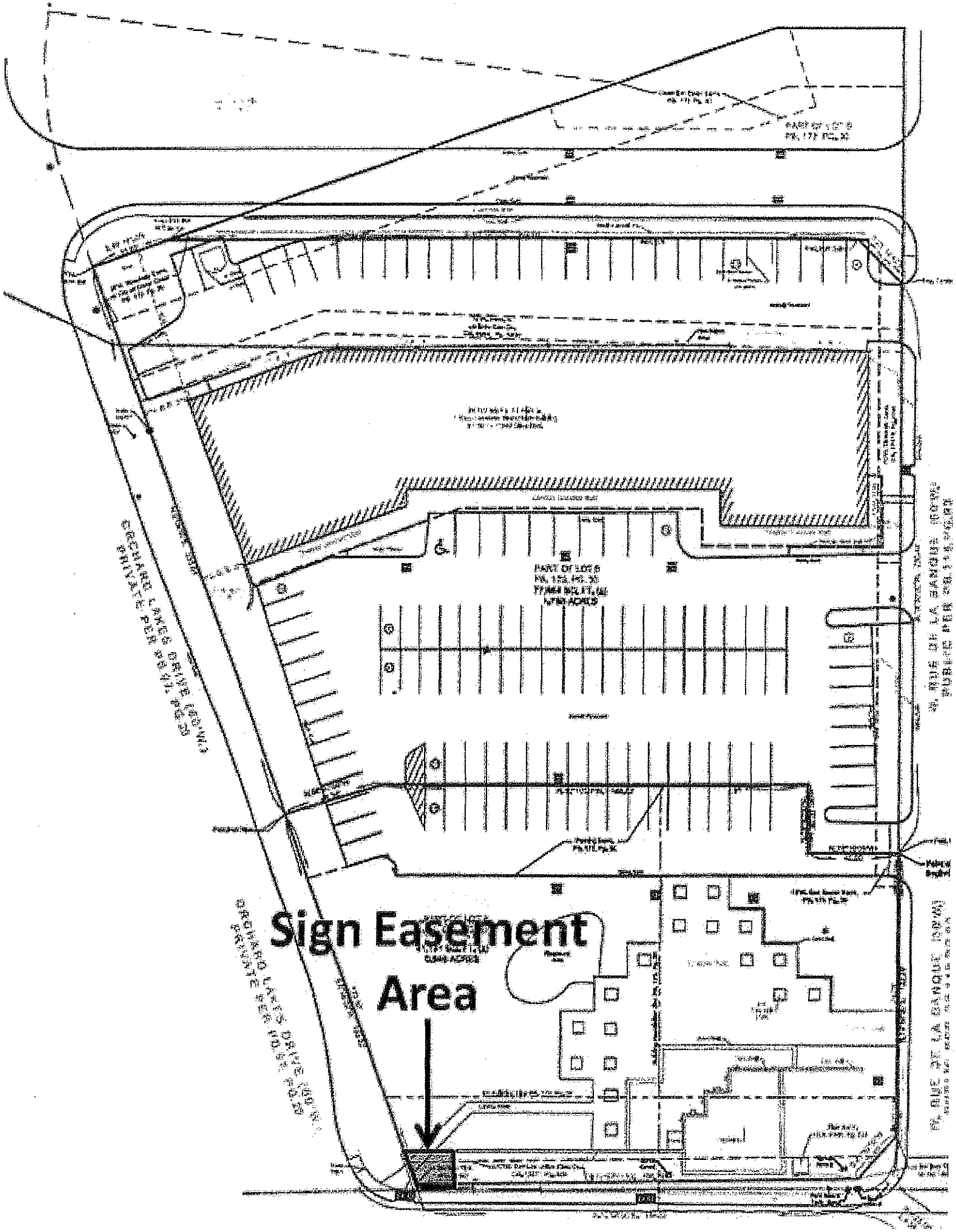
Sign Easement
Area

EXHIBIT C
USE RESTRICTIONS

Lined out uses on the following pages are neither permitted or conditional uses.

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

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

Use Code	2012 NAICS Title	CB
311919	Other Snack Food Manufacturing	
311920	Coffee and Tea Manufacturing	
311942	Spice and Extract Manufacturing	
312111	Soft Drink Manufacturing	
312112	Bottled Water Manufacturing	
312113	Ice Manufacturing	
312120	Breweries	
312130	Wineries	
312140	Distilleries	
313220	Narrow Fabric Mills and Schiffli Machine Embroidery	
313310	Textile and Fabric Finishing Mills	
313320	Fabric Coating Mills	
314120	Curtain and Linen Mills	
314910	Textile Bag and Canvas Mills	
314999	All Other Miscellaneous Textile Product Mills	
315210	Cut and Sew Apparel Contractors	
315220	Men's and Boys' Cut and Sew Apparel Manufacturing	
315240	Women's, Girls', and Infants' Cut and Sew Apparel Manufacturing	
315280	Other Cut and Sew Apparel Manufacturing	
315990	Apparel Accessories and Other Apparel Manufacturing	
316210	Footwear Manufacturing	
316992	Women's Handbag and Purse Manufacturing	
316998	All Other Leather Good and Allied Product Manufacturing	
321113	Sawmills	
321114	Wood Preservation	
321211	Hardwood Veneer and Plywood Manufacturing	
321212	Softwood Veneer and Plywood Manufacturing	
321213	Engineered Wood Member (except Truss) Manufacturing	
321214	Truss Manufacturing	
321219	Reconstituted Wood Product Manufacturing	
321911	Wood Window and Door Manufacturing	
321912	Cut Stock, Resawing Lumber, and Planing	
321918	Other Millwork (including Flooring)	
321920	Wood Container and Pallet Manufacturing	
321991	Manufactured Home (Mobile Home) Manufacturing	
321992	Prefabricated Wood Building Manufacturing	
321999	All Other Miscellaneous Wood Product Manufacturing	
322211	Corrugated and Solid Fiber Box Manufacturing	

Use Code	2012 NAICS Title	CB
322212	Folding Paperboard Box Manufacturing	
322219	Other Paperboard Container Manufacturing	
322220	Paper Bag and Coated and Treated Paper Manufacturing	
322230	Stationery Product Manufacturing	
322291	Sanitary Paper Product Manufacturing	
322299	All Other Converted Paper Product Manufacturing	
323111	Commercial Printing (except Screen and Books)	
323113	Commercial Screen Printing	
323117	Books Printing	
323120	Support Activites for Printing	
325220	Artificial and Synthetic Fibers and Filaments Manufacturing	
325411	Medicinal and Botanical Manufacturing	
325412	Pharmaceutical Preparation Manufacturing	
325413	In-Vitro Diagnostic Substance Manufacturing	
325414	Biological Product (except Diagnostic) Manufacturing	
325991	Custom Compounding of Purchased Resins	
325992	Photographic Film, Paper, Plate, and Chemical Manufacturing	
325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing	
326111	Plastics Bag and Pouch Manufacturing	
326112	Plastics Packaging Film and Sheet (including Laminated) Manufacturing	
326113	Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing	
326121	Unlaminated Plastics Profile Shape Manufacturing	
326122	Plastics Pipe and Pipe Fitting Manufacturing	
326130	Laminated Plastics Plate, Sheet (except Packaging), and Shape Manufacturing	
326140	Polystyrene Foam Product Manufacturing	
326150	Urethane and Other Foam Product (except Polystyrene) Manufacturing	
326160	Plastics Bottle Manufacturing	
326191	Plastics Plumbing Fixture Manufacturing	
326199	All Other Plastics Product Manufacturing	
326212	Tire Retreading	
326291	Rubber Product Manufacturing for Mechanical Use	
326299	All Other Rubber Product Manufacturing	
327110	Pottery, Ceramics, and Plumbing Fixture Manufacturing	
327211	Flat Glass Manufacturing	

Use Code	2012 NAICS Title	CB
327212	Other Pressed and Blown Glass and Glassware Manufacturing	
327213	Glass Container Manufacturing	
327215	Glass Product Manufacturing Made of Purchased Glass	
332114	Custom Roll Forming	
332117	Powder Metallurgy Part Manufacturing	
332215	Metal Kitchen Cookware, Utensil, Cutlery, and Flatware (except Precious) Manufacturing	
332216	Saw Blade and Handtool Manufacturing	
332311	Prefabricated Metal Building and Component Manufacturing	
332312	Fabricated Structural Metal Manufacturing	
332313	Plate Work Manufacturing	
332321	Metal Window and Door Manufacturing	
332322	Sheet Metal Work Manufacturing	
332323	Ornamental and Architectural Metal Work Manufacturing	
332410	Power Boiler and Heat Exchanger Manufacturing	
332420	Metal Tank (Heavy Gauge) Manufacturing	
332431	Metal Can Manufacturing	
332439	Other Metal Container Manufacturing	
332510	Hardware Manufacturing	
332613	Spring Manufacturing	
332618	Other Fabricated Wire Product Manufacturing	
332710	Machine Shops	
332721	Precision Turned Product Manufacturing	
332722	Bolt, Nut, Screw, Rivet, and Washer Manufacturing	
332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers	
332813	Electroplating, Plating, Polishing, Anodizing, and Coloring	
332911	Industrial Valve Manufacturing	
332912	Fluid Power Valve and Hose Fitting Manufacturing	
332913	Plumbing Fixture Fitting and Trim Manufacturing	
332919	Other Metal Valve and Pipe Fitting Manufacturing	
332991	Ball and Roller Bearing Manufacturing	
332992	Small Arms Ammunition Manufacturing	
332993	Ammunition (except Small Arms) Manufacturing	

Use Code	2012 NAICS Title	CB
332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing	
332996	Fabricated Pipe and Pipe Fitting Manufacturing	
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing	
333111	Farm Machinery and Equipment Manufacturing	
333112	Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing	
333120	Construction Machinery Manufacturing	
333131	Mining Machinery and Equipment Manufacturing	
333132	Oil and Gas Field Machinery and Equipment Manufacturing	
333241	Food Product Machinery Manufacturing	
333242	Semiconductor Machinery Manufacturing	
333243	Sawmill, Woodworking, and Paper Machinery Manufacturing	
333244	Printing Machinery and Equipment Manufacturing	
333249	Other Industrial Machinery Manufacturing	
333314	Optical Instrument and Lens Manufacturing	
333316	Photographic and Photocopying Equipment Manufacturing	
333318	Other Commercial and Service Industry Machinery Manufacturing	
333413	Industrial and Commercial Fan and Blower and Air Purification Equipment Manufacturing	
333414	Heating Equipment (except Warm Air Furnaces) Manufacturing	
333415	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing	
333511	Industrial Mold Manufacturing	
333514	Special Die and Tool, Die Set, Jig, and Fixture Manufacturing	
333515	Cutting Tool and Machine Tool Accessory Manufacturing	
333517	Machine Tool Manufacturing	
333519	Rolling Mill and Other Metalworking Machinery Manufacturing	
333611	Turbine and Turbine Generator Set Units Manufacturing	
333612	Speed Changer, Industrial High-Speed Drive, and Gear Manufacturing	
333613	Mechanical Power Transmission Equipment Manufacturing	

Use Code	2012 NAICS Title	CB
333618	Other Engine Equipment Manufacturing	
333911	Pump and Pumping Equipment Manufacturing	
333912	Air and Gas Compressor Manufacturing	
333913	Measuring and Dispensing Pump Manufacturing	
333921	Elevator and Moving Stairway Manufacturing	
333922	Conveyor and Conveying Equipment Manufacturing	
333923	Overhead Traveling Crane, Hoist, and Monorail System Manufacturing	
333924	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing	
333991	Power-Driven Handtool Manufacturing	
333992	Welding and Soldering Equipment Manufacturing	
333993	Packaging Machinery Manufacturing	
333994	Industrial Process Furnace and Oven Manufacturing	
333995	Fluid Power Cylinder and Actuator Manufacturing	
333996	Fluid Power Pump and Motor Manufacturing	
333997	Scale and Balance Manufacturing	
333999	All Other Miscellaneous General Purpose Machinery Manufacturing	
334111	Electronic Computer Manufacturing	
334112	Computer Storage Device Manufacturing	
334118	Computer Terminal and Other Computer Peripheral Equipment Manufacturing	
334210	Telephone Apparatus Manufacturing	
334220	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing	
334290	Other Communications Equipment Manufacturing	
334310	Audio and Video Equipment Manufacturing	
334412	Bare Printed Circuit Board Manufacturing	
334413	Semiconductor and Related Device Manufacturing	
334416	Capacitor, Resistor, Coil, Transformer, and Other Inductor Manufacturing	
334417	Electronic Connector Manufacturing	
334418	Printed Circuit Assembly (Electronic Assembly) Manufacturing	
334419	Other Electronic Component Manufacturing	
334510	Electromedical and Electrotherapeutic Apparatus Manufacturing	

Use Code	2012 NAICS Title	CB
334511	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing	
334512	Automatic Environmental Control Manufacturing for Residential, Commercial, and Appliance Use	
334513	Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables	
334514	Totalizing Fluid Meter and Counting Device Manufacturing	
334515	Instrument Manufacturing for Measuring and Testing Electricity and Electrical Signals	
334516	Analytical Laboratory Instrument Manufacturing	
334517	Irradiation Apparatus Manufacturing	
334519	Other Measuring and Controlling Device Manufacturing	
334613	Blank Magnetic and Optical Recording Media Manufacturing	
~~334614~~	~~Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing~~	~~P~~
335110	Electric Lamp Bulb and Part Manufacturing	
335121	Residential Electric Lighting Fixture Manufacturing	
335122	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing	
335129	Other Lighting Equipment Manufacturing	
335210	Small Electrical Appliance Manufacturing	
335221	Household Cooking Appliance Manufacturing	
335222	Household Refrigerator and Home Freezer Manufacturing	
335224	Household Laundry Equipment Manufacturing	
335228	Other Major Household Appliance Manufacturing	
335311	Power, Distribution, and Specialty Transformer Manufacturing	
335312	Motor and Generator Manufacturing	
335313	Switchgear and Switchboard Apparatus Manufacturing	
335314	Relay and Industrial Control Manufacturing	
335911	Storage Battery Manufacturing	
335912	Primary Battery Manufacturing	
335932	Noncurrent-Carrying Wiring Device Manufacturing	
335991	Carbon and Graphite Product Manufacturing	

Use Code	2012 NAICS Title	CB
335999	All Other Miscellaneous Electrical Equipment and Component Manufacturing	
336111	Automobile Manufacturing	
336112	Light Truck and Utility Vehicle Manufacturing	
336120	Heavy Duty Truck Manufacturing	
336211	Motor Vehicle Body Manufacturing	
336212	Truck Trailer Manufacturing	
336213	Motor Home Manufacturing	
336214	Travel Trailer and Camper Manufacturing	
336310	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing	
336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing	
336330	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing	
336340	Motor Vehicle Brake System Manufacturing	
336350	Motor Vehicle Transmission and Power Train Parts Manufacturing	
336360	Motor Vehicle Seating and Interior Trim Manufacturing	
336390	Other Motor Vehicle Parts Manufacturing	
336411	Aircraft Manufacturing	
336412	Aircraft Engine and Engine Parts Manufacturing	
336413	Other Aircraft Parts and Auxiliary Equipment Manufacturing	
336414	Guided Missile and Space Vehicle Manufacturing	
336415	Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing	
336419	Other Guided Missile and Space Vehicle Parts and Auxiliary Equipment Manufacturing	
336510	Railroad Rolling Stock Manufacturing	
336611	Ship Building and Repairing	
336612	Boat Building	
336991	Motorcycle, Bicycle, and Parts Manufacturing	
336992	Military Armored Vehicle, Tank, and Tank Component Manufacturing	
336999	All Other Transportation Equipment Manufacturing	
337110	Wood Kitchen Cabinet and Countertop Manufacturing	
337121	Upholstered Household Furniture Manufacturing	

Use Code	2012 NAICS Title	CB
337122	Nonupholstered Wood Household Furniture Manufacturing	
337124	Metal Household Furniture Manufacturing	
337125	Household Furniture (except Wood and Metal) Manufacturing	
337127	Institutional Furniture Manufacturing	
337211	Wood Office Furniture Manufacturing	
337212	Custom Architectural Woodwork and Millwork Manufacturing	
337214	Office Furniture (except Wood) Manufacturing	
337215	Showcase, Partition, Shelving, and Locker Manufacturing	
337910	Mattress Manufacturing	
337920	Blind and Shade Manufacturing	
339112	Surgical and Medical Instrument Manufacturing	
339113	Surgical Appliance and Supplies Manufacturing	
339114	Dental Equipment and Supplies Manufacturing	
339115	Ophthalmic Goods Manufacturing	
339116	Dental Laboratories	C
339910	Jewelry and Silverware Manufacturing	
339920	Sporting and Athletic Goods Manufacturing	
339930	Doll, Toy, and Game Manufacturing	
339940	Office Supplies (except Paper) Manufacturing	
~~339950~~	~~Sign Manufacturing~~	~~C~~
339991	Gasket, Packing, and Sealing Device Manufacturing	
339992	Musical Instrument Manufacturing	
339993	Fastener, Button, Needle, and Pin Manufacturing	
339994	Broom, Brush, and Mop Manufacturing	
339995	Burial Casket Manufacturing	
339999	All Other Miscellaneous Manufacturing	
423110	Automobile and Other Motor Vehicle Merchant Wholesalers	
423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers	
423130	Tire and Tube Merchant Wholesalers	
423140	Motor Vehicle Parts (Used) Merchant Wholesalers	
423210	Furniture Merchant Wholesalers	
423220	Home Furnishing Merchant Wholesalers	
423310	Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers	

Use Code	2012 NAICS Title	CB
423320	Brick, Stone, and Related Construction Material Merchant Wholesalers	
423330	Roofing, Siding, and Insulation Material Merchant Wholesalers	
423390	Other Construction Material Merchant Wholesalers	
423410	Photographic Equipment and Supplies Merchant Wholesalers	
423420	Office Equipment Merchant Wholesalers	
423430	Computer and Computer Peripheral Equipment and Software Merchant Wholesalers	
423440	Other Commercial Equipment Merchant Wholesalers	
423450	Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers	
423460	Ophthalmic Goods Merchant Wholesalers	
423490	Other Professional Equipment and Supplies Merchant Wholesalers	
423510	Metal Service Centers and Other Metal Merchant Wholesalers	
423520	Coal and Other Mineral and Ore Merchant Wholesalers	
423610	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers	
423620	Household Appliances, Electric Housewares, and Consumer Electronics Merchant Wholesalers	
423690	Other Electronic Parts and Equipment Merchant Wholesalers	
423710	Hardware Merchant Wholesalers	
423720	Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers	
423730	Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers	
423740	Refrigeration Equipment and Supplies Merchant Wholesalers	
423810	Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers	
423820	Farm and Garden Machinery and Equipment Merchant Wholesalers	
423830	Industrial Machinery and Equipment Merchant Wholesalers	
423840	Industrial Supplies Merchant Wholesalers	
423850	Service Establishment Equipment and Supplies Merchant Wholesalers	

Use Code	2012 NAICS Title	CB
423860	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers	
423910	Sporting and Recreational Goods and Supplies Merchant Wholesalers	
423920	Toy and Hobby Goods and Supplies Merchant Wholesalers	
423930	Recyclable Material Merchant Wholesalers	
423940	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers	
423990	Other Miscellaneous Durable Goods Merchant Wholesalers	
424110	Printing and Writing Paper Merchant Wholesalers	
424120	Stationery and Office Supplies Merchant Wholesalers	
424130	Industrial and Personal Service Paper Merchant Wholesalers	
424210	Drugs and Druggists' Sundries Merchant Wholesalers	
424310	Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers	
424320	Men's and Boys' Clothing and Furnishings Merchant Wholesalers	
424330	Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers	
424340	Footwear Merchant Wholesalers	
424410	General Line Grocery Merchant Wholesalers	
424420	Packaged Frozen Food Merchant Wholesalers	
424430	Dairy Product (except Dried or Canned) Merchant Wholesalers	
424440	Poultry and Poultry Product Merchant Wholesalers	
424450	Confectionery Merchant Wholesalers	
424460	Fish and Seafood Merchant Wholesalers	
424470	Meat and Meat Product Merchant Wholesalers	
424480	Fresh Fruit and Vegetable Merchant Wholesalers	
424490	Other Grocery and Related Products Merchant Wholesalers	
424510	Grain and Field Bean Merchant Wholesalers	
424520	Livestock Merchant Wholesalers	
424610	Plastics Materials and Basic Forms and Shapes Merchant Wholesalers	
424690	Other Chemical and Allied Products Merchant Wholesalers	

Use Code	2012 NAICS Title	CB
424810	Beer and Ale Merchant Wholesalers	
424820	Wine and Distilled Alcoholic Beverage Merchant Wholesalers	
424910	Farm Supplies Merchant Wholesalers	
424920	Book, Periodical, and Newspaper Merchant Wholesalers	
424930	Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers	
424940	Tobacco and Tobacco Product Merchant Wholesalers	
424950	Paint, Varnish, and Supplies Merchant Wholesalers	
424990	Other Miscellaneous Nondurable Goods Merchant Wholesalers	
425110	Business to Business Electronic Markets	P
425120	Wholesale Trade Agents and Brokers	P
~~441110~~	~~New Car Dealers~~	~~C~~
441120	Used Car Dealers	
441210	Recreational Vehicle Dealers	
~~441222~~	~~Boat Dealers~~	~~C~~
441228	Motorcycle, ATV, and All Other Motor Vehicle Dealers	
441310	Automotive Parts and Accessories Stores	C
441320	Tire Dealers	
~~CC442100~~	~~All Drive-In and Drive-Through Services (excluding Food Services)~~	~~C~~
442110	Furniture Stores	P
442210	Floor Covering Stores	P
442291	Window Treatment Stores	P
442299	All Other Home Furnishings Stores	P
443141	Household Appliance Stores	P
443142	Electronics Stores	P
444110	Home Centers	C
444120	Paint and Wallpaper Stores	P
444130	Hardware Stores	P
444190	Other Building Material Dealers	C
444210	Outdoor Power Equipment Stores	P
444220	Nursery, Garden Center, and Farm Supply Stores	C
445110	Supermarkets and Other Grocery (except Convenience) Stores	P
445120	Convenience Stores	C
445210	Meat Markets	P
445220	Fish and Seafood Markets	
445230	Fruit and Vegetable Markets	P
445291	Baked Goods Stores	P
445292	Confectionery and Nut Stores	P
445299	All Other Specialty Food Stores	P
445310	Beer, Wine, and Liquor Stores	P

Use Code	2012 NAICS Title	CB
446110	Pharmacies and Drug Stores	P
446120	Cosmetics, Beauty Supplies, and Perfume Stores	P
446130	Optical Goods Stores	P
446191	Food (Health) Supplement Stores	P
446199	All Other Health and Personal Care Stores	P
~~447110~~	~~Gasoline Stations with Convenience Stores~~	~~C~~
~~447190~~	~~Other Gasoline Stations~~	~~C~~
448110	Men's Clothing Stores	P
448120	Women's Clothing Stores	P
448130	Children's and Infants' Clothing Stores	P
448140	Family Clothing Stores	P
448150	Clothing Accessories Stores	P
448190	Other Clothing Stores	P
448210	Shoe Stores	P
448310	Jewelry Stores	P
448320	Luggage and Leather Goods Stores	P
451110	Sporting Goods Stores (except those exclusively engaged in the sale of firearms and ammunition)	P
451120	Hobby, Toy, and Game Stores	P
451130	Sewing, Needlework, and Piece Goods Stores	P
451140	Musical Instrument and Supplies Stores	P
451211	Book Stores	P
451212	News Dealers and Newsstands	P
452111	Department Stores (except Discount Department Stores)	C
452112	Discount Department Stores	C
452910	Warehouse Clubs and Supercenters	C
452990	All Other General Merchandise Stores	C
453110	Florists	P
453210	Office Supplies and Stationery Stores	P
453220	Gift, Novelty, and Souvenir Stores	P
453310	Used Merchandise Stores (No building materials, outside sales, exchange or drop-off of used goods).	P
453910	Pet and Pet Supplies Stores	P
453920	Art Dealers	P
453930	Manufactured (Mobile) Home Dealers	
453991	Tobacco Stores	P
453998	All Other Miscellaneous Store Retailers (except auction houses, pool and hot tub sales/supplies and cemetary memorial dealers)	P
454111	Electronic Shopping	P
454112	Electronic Auctions	P
454113	Mail-Order Houses	
454210	Vending Machine Operators	

Use Code	2012 NAICS Title	CB
454310	Fuel Dealers	
454390	Other Direct Selling Establishments	
481112	Scheduled Freight Air Transportation	
~~481219~~	~~Other Nonscheduled Air Transportation~~	~~P~~
484110	General Freight Trucking, Local	
484121	General Freight Trucking, Long-Distance, Truckload	
484122	General Freight Trucking, Long-Distance, Less Than Truckload	
484210	Used Household and Office Goods Moving	
484220	Specialized Freight (except Used Goods) Trucking, Local	
484230	Specialized Freight (except Used Goods) Trucking, Long-Distance	
485111	Mixed Mode Transit Systems	
485112	Commuter Rail Systems	
485113	Bus and Other Motor Vehicle Transit Systems	
485119	Other Urban Transit Systems	
~~485210~~	~~Interurban and Rural Bus Transportation~~	~~C~~
485310	Taxi Service	
485320	Limousine Service	
485410	School and Employee Bus Transportation	
485510	Charter Bus Industry	
485991	Special Needs Transportation	
485999	All Other Transit and Ground Passenger Transportation	
486110	Pipeline Transportation of Crude Oil	
486210	Pipeline Transportation of Natural Gas	
486910	Pipeline Transportation of Refined Petroleum Products	
486990	All Other Pipeline Transportation	
488190	Other Support Activities for Air Transportation	
488410	Motor Vehicle Towing	
488490	Other Support Activities for Road Transportation	
488510	Freight Transportation Arrangement	
488991	Packing and Crating	
488999	All Other Support Activities for Transportation	
~~491110~~	~~Postal Service~~	~~P~~
492110	Couriers and Express Delivery Services	
492210	Local Messengers and Local Delivery	
493110	General Warehousing and Storage	
493120	Refrigerated Warehousing and Storage	
493130	Farm Product Warehousing and Storage	
493190	Other Warehousing and Storage	
511110	Newspaper Publishers	P

Use Code	2012 NAICS Title	CB
511120	Periodical Publishers	P
511130	Book Publishers	P
511140	Directory and Mailing List Publishers	P
511191	Greeting Card Publishers	P
511199	All Other Publishers	P
511210	Software Publishers	P
512110	Motion Picture and Video Production	C
512120	Motion Picture and Video Distribution	P
512131	Motion Picture Theaters (except Drive-Ins)	C
512191	Teleproduction and Other Postproduction Services	P
512199	Other Motion Picture and Video Industries	P
512210	Record Production	P
512220	Integrated Record Production/Distribution	
512230	Music Publishers	P
512240	Sound Recording Studios	C
512290	Other Sound Recording Industries	C
515111	Radio Networks	C
515112	Radio Stations	C
515120	Television Broadcasting	C
515210	Cable and Other Subscription Programming	C
517110	Wired Telecommunications Carriers	C
517210	Wireless Telecommunications Carriers incl. Freestanding Antenna Facilities (except Satellite)	C
517410	Satellite Telecommunications	
517911	Telecommunications Resellers	P
517919	All Other Telecommunications	
CC517929	Roof-Mounted Communication Equipment	C
518210	Data Processing, Hosting, and Related Services	P
519110	News Syndicates	P
519120	Libraries and Archives	P
519130	Internet Publishing and Broadcasting and Web Search Portals	P
519190	All Other Information Services	P
521110	Monetary Authorities-Central Bank	P
~~522110~~	~~Commercial Banking~~	~~C~~
~~522120~~	~~Savings Institutions~~	~~C~~
~~522130~~	~~Credit Unions~~	~~C~~
~~522190~~	~~Other Depository Credit Intermediation~~	~~C~~
~~522210~~	~~Credit Card Issuing~~	~~P~~
~~522220~~	~~Sales Financing~~	~~P~~
~~522291~~	~~Consumer Lending~~	~~P~~
522292	Real Estate Credit	P
522293	International Trade Financing	P
522294	Secondary Market Financing	P
522298	All Other Nondepository Credit Intermediation (incl. Pawnshops)	

Use Code	2012 NAICS Title	CB
522310	Mortgage and Nonmortgage Loan Brokers	P
522320	Financial Transactions Processing, Reserve, and Clearinghouse Activities	P
523110	Investment Banking and Securities Dealing	P
523120	Securities Brokerage	P
523130	Commodity Contracts Dealing	P
523140	Commodity Contracts Brokerage	P
523210	Securities and Commodity Exchanges	P
523910	Miscellaneous Intermediation	P
523920	Portfolio Management	P
523930	Investment Advice	P
523991	Trust, Fiduciary, and Custody Activities	P
523999	Miscellaneous Financial Investment Activities	P
524113	Direct Life Insurance Carriers	P
524114	Direct Health and Medical Insurance Carriers	P
524126	Direct Property and Casualty Insurance Carriers	P
524127	Direct Title Insurance Carriers	P
524128	Other Direct Insurance (except Life, Health, and Medical) Carriers	P
524130	Reinsurance Carriers	P
524210	Insurance Agencies and Brokerages	P
524291	Claims Adjusting	C
524292	Third Party Administration of Insurance and Pension Funds	P
524298	All Other Insurance Related Activities	P
525110	Pension Funds	P
525120	Health and Welfare Funds	P
525190	Other Insurance Funds	P
525910	Open-End Investment Funds	P
525920	Trusts, Estates, and Agency Accounts	P
525990	Other Financial Vehicles	P
531110	Lessors of Residential Buildings and Dwellings	P
531120	Lessors of Nonresidential Buildings (excpet Miniwarehouses)	P
531190	Lessors of Other Real Estate Property	P
531210	Offices of Real Estate Agents and Brokers	P
531311	Residential Property Managers	P
531312	Nonresidential Property Managers	P
531320	Offices of Real Estate Appraisers	P
531390	Other Activities Related to Real Estate	P
532111	Passenger Car Rental	C
532112	Passenger Car Leasing	C
~~532120~~	~~Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing~~	~~C~~

Use Code	2012 NAICS Title	CB
~~532210~~	~~Consumer Electronics and Appliances Rental~~	~~C~~
532220	Formal Wear and Costume Rental	P
532230	Video Tape and Disc Rental	P
532291	Home Health Equipment Rental	P
~~532292~~	~~Recreational Goods Rental~~	~~P~~
~~532299~~	~~All Other Consumer Goods Rental~~	
~~532310~~	~~General Rental Centers~~	~~C~~
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing	
532412	Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	
532420	Office Machinery and Equipment Rental and Leasing	P
532490	Other Commercial and Industrial Machinery and Equipment Rental and Leasing	
533110	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	P
541110	Offices of Lawyers	P
541120	Offices of Notaries	P
541191	Title Abstract and Settlement Offices	P
541199	All Other Legal Services	P
541211	Offices of Certified Public Accountants	P
541213	Tax Preparation Services	P
541214	Payroll Services	P
541219	Other Accounting Services	P
541310	Architectural Services	P
541320	Landscape Architectural Services	P
541330	Engineering Services	P
541340	Drafting Services	P
541350	Building Inspection Services	
541360	Geophysical Surveying and Mapping Services	P
541370	Surveying and Mapping (except Geophysical) Services	P
541380	Testing Laboratories	P
541410	Interior Design Services	P
541420	Industrial Design Services	P
541430	Graphic Design Services	P
541490	Other Specialized Design Services	P
541511	Custom Computer Programming Services	P
541512	Computer Systems Design Services	P
541513	Computer Facilities Management Services	P
541519	Other Computer Related Services	P
541611	Administrative Management and General Management Consulting Services	P
541612	Human Resources Consulting Services	P

Use Code	2012 NAICS Title	CB
541613	Marketing Consulting Services	P
541614	Process, Physical Distribution, and Logistics Consulting Services	P
541618	Other Management Consulting Services	P
541620	Environmental Consulting Services	P
541690	Other Scientific and Technical Consulting Services	P
541711	Research and Development in Biotechnology	
541712	Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology)	
541720	Research and Development in the Social Sciences and Humanities	P
541810	Advertising Agencies	P
541820	Public Relations Agencies	P
541830	Media Buying Agencies	P
541840	Media Representatives	P
541850	Outdoor Advertising	P
541860	Direct Mail Advertising	P
541870	Advertising Material Distribution Services	P
541890	Other Services Related to Advertising	P
541910	Marketing Research and Public Opinion Polling	P
541921	Photography Studios, Portrait	P
541922	Commercial Photography	P
541930	Translation and Interpretation Services	P
541940	Veterinary Services	P
541990	All Other Professional, Scientific, and Technical Services	P
551111	Offices of Bank Holding Companies	P
551112	Offices of Other Holding Companies	P
551114	Corporate, Subsidiary, and Regional Managing Offices	P
CC561100	Business Enterprise Center (as defined in Chapter 405.120, Definition of Terms)	P
561110	Office Administrative Services	P
561210	Facilities Support Services	
561311	Employment Placement Agencies	C
561312	Executive Search Services	P
561320	Temporary Help Services	P
561330	Professional Employer Organizations	P
561410	Document Preparation Services	P
561421	Telephone Answering Services	C
561422	Telemarketing Bureaus and Other Contact Centers	C
561431	Private Mail Centers	P
561439	Other Business Service Centers (including Copy Shops)	P

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

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

Chapter 405, Table A, Permitted and Conditional Uses

P=Permitted Use; C=Conditional Use Permit Required

Use Code	2012 NAICS Title	CB
711110	Theater Companies and Dinner Theaters	C
711120	Dance Companies	C
711130	Musical Groups and Artists	C
711190	Other Performing Arts Companies	C
711211	Sports Teams and Clubs	C
711212	Racetracks	
711219	Other Spectator Sports	C
711310	Promoters of Performing Arts, Sports, and Similar Events with Facilities	C
711320	Promoters of Performing Arts, Sports, and Similar Events without Facilities	P
711410	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	P
711510	Independent Artists, Writers, and Performers	C
712110	Museums	C
712120	Historical Sites	C
712130	Zoos and Botanical Gardens	C
712190	Nature Parks and Other Similar Institutions	C
713110	Amusement and Theme Parks	C
713120	Amusement Arcades	C
713290	Other Gambling Industries	C
713910	Golf Courses and Country Clubs	
713940	Fitness and Recreational Sports Centers	P
713950	Bowling Centers	C
713990	All Other Amusement and Recreation Industries (except gun and shooting clubs)	C
721110	Hotels (except Casino Hotels) and Motels	C
CC721130	Sexually-Oriented Businesses (subject to Article VIII-A of Chapter 405)	
721191	Bed-and-Breakfast Inns	
721310	Rooming and Boarding Houses	
722310	Food Service Contractors	C
722320	Caterers	C
722330	Mobile Food Services	C
722410	Drinking Places (Alcoholic Beverages)	C
722511	Full-Service Restaurants	C
722513	Limited-Service Restaurants	C
722514	Cafeterias, Grill Buffets, and Buffets	C
722515	Snack and Nonalcoholic Beverage Bars	C
811111	General Automotive Repair	
811112	Automotive Exhaust System Repair	
811113	Automotive Transmission Repair	
811118	Other Automotive Mechanical and Electrical Repair and Maintenance	
811121	Automotive Body, Paint, and Interior Repair and Maintenance	
811122	Automotive Glass Replacement Shops	

Use Code	2012 NAICS Title	CB
~~811191~~	~~Automotive Oil Change and Lubrication Shops~~	~~C~~
811192	Car Washes	
811198	All Other Automotive Repair and Maintenance	
811211	Consumer Electronics Repair and Maintenance	
811212	Computer and Office Machine Repair and Maintenance	P
811213	Communication Equipment Repair and Maintenance	
811219	Other Electronic and Precision Equipment Repair and Maintenance	
811310	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	
811411	Home and Garden Equipment Repair and Maintenance	
811412	Appliance Repair and Maintenance	
811420	Reupholstery and Furniture Repair	
811430	Footwear and Leather Goods Repair	P
811490	Other Personal and Household Goods Repair and Maintenance	
812111	Barber Shops	P
812112	Beauty Salons	P
812113	Nail Salons	P
812191	Diet and Weight Reducing Centers	P
812199	Other Personal Care Services (except escort services, massage parlors, steam baths, tattoo parlors, permanent makeup salons, and Turkish baths)	P
812210	Funeral Homes and Funeral Services	C
812220	Cemeteries not associated with a place of worship and all Crematories	
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
812331	Linen Supply	
812332	Industrial Launderers	
812910	Pet Care (except Veterinary) including only Pet Spas (as defined in Section 405.120) Services	
812921	Photofinishing Laboratories (except One-Hour)	
812922	One-Hour Photofinishing	P
812930	Parking Lots and Garages	C
812990	All Other Personal Services	C

Use Code	2012 NAICS Title	CB
~~813110~~	~~Religious Organizations, Incl. Retreat Houses~~	~~C~~
~~813211~~	~~Grantmaking Foundations~~	~~P~~
~~813212~~	~~Voluntary Health Organizations~~	~~P~~
~~813219~~	~~Other Grantmaking and Giving Services~~	~~P~~
~~813311~~	~~Human Rights Organizations~~	~~P~~
~~813312~~	~~Environment, Conservation and Wildlife Organizations~~	~~P~~
~~813319~~	~~Other Social Advocacy Organizations~~	~~P~~
~~813410~~	~~Civic and Social Organizations~~	~~P~~
~~813910~~	~~Business Associations~~	~~P~~
~~813920~~	~~Professional Organizations~~	~~P~~
~~813930~~	~~Labor Unions and Similar Labor Organizations~~	~~P~~
~~813940~~	~~Political Organizations~~	~~P~~
~~813990~~	~~Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)~~	~~P~~
814110	Private Households-Single Family Residential	
CC814111	Attached Single-Family Residential (townhouses or duplexes)	
CC814120	Low Density Multi-Family Residential (6 units per acre)	
CC814130	Medium Density Multi-Family Residential (20 units per acre)	P
CC814140	High Density Multi-Family Residential (more than 20 units per acre)	C
~~921110~~	~~Executive Offices~~	~~P~~
~~921120~~	~~Legislative Bodies~~	~~P~~
~~921130~~	~~Public Finance Activities~~	~~P~~
~~921140~~	~~Executive and Legislative Offices, Combined~~	~~P~~
~~921190~~	~~Other General Government Support~~	~~P~~
~~922110~~	~~Courts~~	~~P~~
~~922120~~	~~Police Protection~~	~~P~~
~~922130~~	~~Legal Counsel and Prosecution~~	~~P~~
~~922160~~	~~Fire Protection~~	~~P~~
~~922190~~	~~Other Justice, Public Order, and Safety Activities~~	~~C~~
~~923110~~	~~Administration of Education Programs~~	~~P~~
~~923120~~	~~Administration of Public Health Programs~~	~~P~~
~~923130~~	~~Administration of Human Resource Programs (except Education, Public Health, and Veterans' Affairs Programs)~~	~~P~~
~~923140~~	~~Administration of Veterans' Affairs~~	~~P~~
~~924110~~	~~Administration of Air and Water Resource and Solid Waste Management Programs~~	~~P~~
~~924120~~	~~Administration of Conservation Programs~~	~~P~~

Use Code	2012 NAICS Title	CB
~~925110~~	~~Administration of Housing Programs~~	~~P~~
~~925120~~	~~Administration of Urban Planning and Community and Rural Development~~	~~P~~
~~926110~~	~~Administration of General Economic Programs~~	~~P~~
~~926120~~	~~Regulation and Administration of Transportation Programs~~	~~P~~
~~926130~~	~~Regulation and Administration of Communications, Electric, Gas, and Other Utilities~~	~~P~~
~~926140~~	~~Regulation of Agricultural Marketing and Commodities~~	~~P~~
~~926150~~	~~Regulation, Licensing, and Inspection of Miscellaneous Commercial Sectors~~	~~P~~
~~927110~~	~~Space Research and Technology~~	~~P~~
~~928110~~	~~National Security~~	~~P~~
~~928120~~	~~International Affairs~~	~~P~~

EXHIBIT D
SIGN EASEMENT

Space above this line reserved for use of Recorder of Deeds

SIGN EASEMENT AGREEMENT

This Sign Easement Agreement (the "Agreement") is entered into effective as of the date when this Agreement has been signed by both parties the ("**Effective Date**") and is made by and between **DRURY DEVELOPMENT CORPORATION**, a Missouri corporation ("**Grantor**") and the **CITY OF CREVE COEUR**, a charter city of the State of Missouri ("**Grantee**").

WHEREAS, Grantor owns and possesses a certain tract of real estate commonly known and numbered as 11915 Olive Boulevard, Creve Coeur, Missouri 63141 and as legally described in Exhibit A attached hereto and incorporated herein (the "**Premises**") upon which Grantee desires to erect a monument sign.

NOW THEREFORE, for and in consideration of the premises and for the mutual promises and covenants herein contained and to be performed, Grantor hereby grants to Grantee a perpetual non-exclusive easement on, over and across a portion of the Premises to build and maintain a monument sign on the following terms and conditions:

1. Grant of Easement. Grantor grants unto Grantee a nonexclusive easement on, over and across a 10' x 10' area located in the southwest corner of the Premises as depicted in Exhibit B attached hereto and incorporated herein (the "**Sign Premises**") for the construction, installation, maintenance, repair and removal of Grantee's municipal identification sign (the "**Sign**") and for no other purpose. Grantee's use of the Sign Premises shall, in all ways, comply with all laws, statutes, ordinances and regulations.

2. Access. In addition, Grantee shall have reasonable rights of vehicular and pedestrian access across the paved areas of the Premises and the immediate surroundings of the Sign Premises in order to access the Sign Premises.

3. Grantor's Approval Rights. Before commencing any construction, renovation, re-construction or modifications to the Sign, Grantee shall submit detailed plans and specifications for the Sign to Grantor for Grantor's approval, not to be unreasonably withheld, that the location, size, height, construction materials, color and lighting of the Sign is complementary to and does not detract from Grantor's development on the Premises.

4. Indemnification. Grantee shall defend, indemnify and hold Grantor harmless from and against any and all actions, costs, claims, losses, expenses and/or damages (including attorneys' fees in defending the same) attributable to the reckless, careless, negligent or intentional acts or omissions of Grantee or any of Grantee's contractors, agents, servants or employees from any cause while on or about the Premises.

5. Insurance. Grantee shall maintain at all times during the Term of this Agreement a single limit comprehensive general liability policy of insurance written by an insurer reasonably approved by Grantor providing public liability (including both personal injury and death) and property damage insurance, insuring against any and all liability of the insured with respect to the Sign Premises or arising out of the use or occupancy thereof, all on an occurrence basis with minimum primary coverage of One Million Dollars ($1,000,000.00). Grantor shall be named as an additional insured in each such policy. Prior to using the Sign Premises and thereafter upon reasonable request, Grantee shall provide Grantor with a certificate of insurance as to the term and coverage of the insurance in force, the persons insured, and the fact that the insurance issued thereunder shall not be amended, lapsed, terminated or canceled without thirty (30) days prior written notice to Grantor. The certificates shall be forwarded to Grantor's notice address herein.

6. Notices. Any notice required or permitted to be given hereunder shall be in writing and may be given by personal service, by certified or registered mail (return receipt requested), or first class postage prepaid at the mailing addresses listed below:

Grantor: Drury Development Corporation
Attention: Jacqueline Pollvogt, General Counsel
721 Emerson Road, Suite 200
St. Louis, Missouri 63141

Grantee: City of Creve Coeur
Attention: City Administrator
300 N. New Ballas Road
Creve Coeur, Missouri 63141

Either party may by written notice to the other specify a different address for notice purposes.

7. Miscellaneous. This Agreement is binding upon and for the benefit of the parties and their respective successors and assigns. This Agreement contains the entire agreement between the parties and supersedes any prior agreements, whether written or verbal. This Agreement may not be modified unless in writing and signed by each of the parties. This Agreement and the obligations of the parties hereunder shall be governed by the laws of the State of Missouri.

8. Removal of Sign. Upon the termination of this Agreement, Grantee shall remove the Sign from the Sign Premises and shall return the Sign Premises to its condition prior to the installation of the Sign.

IN WITNESS WHEREOF, Grantor and Grantee have duly executed this Agreement as of the Effective Date.

GRANTOR:	GRANTEE:
Drury Development Corporation	City of Creve Coeur
By:_____	By:_____
Print Name:_____	Print Name:_____
Title:_____	Title:_____

(Notary signature blocks)

EXHIBIT A
To Sign Easement Agreement
Legal Description of Premises

EXHIBIT B
To Sign Easement Agreement
Depiction of Sign Premises