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AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, MAY 6, 2013
7:00 PM

1. ROLL CALL

Mr. Michael Barton
Mr. Gary Eberhardt
Mr. James Faron
Mr. Ken Howard
Mr. Tim Madden
Mr. Jim Schnarr
Mr. Carl Lumley, City Attorney
Mr. Paul Langdon, AICP, Director of Community Development
Ms. Whitney Kelly, AICP, City Planner
Ms. Julie Lowery, Recording Secretary

Pursuant to Section 610.022 RSMO, the Planning and Zoning Commission could, at any time during the meeting, vote to close the public meeting and move to closed session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under Section 610.021(1) RSMo. and/or personnel matters under Section 610.021(13) RSMo. and/or employee matters under Section 610.021(3) RSMo. and/or real estate matters under Section 610.021(2) or other matters as permitted by Chapter 610.

Reports, documents, plans, and related materials are available for examination at the Creve Coeur Government Center, 300 North New Ballas Road, prior to the meeting.

Special disabled service may be arranged by contacting the Office of the City Administrator in advance.

2. ADDITIONS TO – ACCEPTANCE OF THE AGENDA

3. APPROVAL OF MINUTES

A. Draft minutes for the meeting of April 1, 2013.

4. PUBLIC COMMENT

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

5. **UNFINISHED BUSINESS**

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

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

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

6. **NEW BUSINESS**

A. Application #12-010: Bellerive Plaza Site Development Plan Amendment -- Extension Request.

Applicant/Owner: Jenny Mitchell
The Desco Group
25 N. Brentwood Boulevard
Clayton, MO 63105

B. PUBLIC HEARING

Applications #13-010: Approval of a Conditional Use Permit for Jet's Pizza, Limited-Service Restaurant at 11032 Olive Boulevard

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

Applicant's Representative: Tony Giarratano
Lord Partners
214 S Bemiston Ave. Suite 25
St. Louis, MO 63105

C. Application #13-011: Approval of a Boundary Adjustment between 151 Executive Estates and 24 West Windrush Creek Lane

Applicant/Agent: Jeanine Lohmann
24 West Windrush Creek Lane
Creve Coeur, MO 63141

Co-Applicant / Property Owner: Jan Duke
Duke Homes, LLC
340 Meadowbrook Country Club Estate
Ballwin, MO 63011

7. **WORK AGENDA**

- A. Comprehensive Plan Update -- Review of first three sections
- B. Review of food truck regulations.

8. **OTHER BUSINESS**

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

9. **ADJOURNMENT**

Posted: _____
Julie Lowery
Planning Division Assistant



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, APRIL 1, 2013
7:00 P.M.**

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

MEMBERS PRESENT: *Mr. Tim Madden, Chair*
 Dr. Michael Barton
 Mr. Gary Eberhardt
 Mr. James Faron
 Mr. Ken Howard
 Mr. Jim Schnarr

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

2. ADDITIONS TO – ACCEPTANCE OF THE AGENDA

Mr. Eberhardt proposed to amend the agenda to reflect that Application #13-003 was a Public Hearing. All voted to accept the agenda as amended.

3. APPROVAL OF MINUTES

Draft Minutes of February 19, 2013

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

4. PUBLIC COMMENT

None

5. UNFINISHED BUSINESS

A. Application #13-004: Approval to amend various sections of the Zoning Code to convert the naming and definitions of all permitted and conditional uses in the Zoning Code from the 1987 Standard Industrial Classification (SIC) to the 2012 North American Industrial Classification System (NAICS), along with changes in status for certain uses resulting from the conversion.

Applicant/Agent: Paul Langdon, AICP
Director of Community Development

Mr. Langdon presented the updates and changes that have been made to the list and table. There were no concerns expressed by the Commission.

Mr. Schnarr stated he believed there were uses in the table that were not relevant to Creve Coeur and Mr. Langdon replied the list is an entire list, but the final version will not contain uses that are not relevant to Creve Coeur.

Dr. Barton asked for clarification on the category of motor vehicle and how that pertains to what we have now and what we are moving into. Mr. Langdon stated SIC had a unique category of new and used and all of the car dealerships in Creve Coeur were all issued conditional use permits under new and used. The NAICS does not make that distinction; there are new car dealers and in the description it states some used cars are sold, and there are used only dealers. Mr. Langdon explained if a dealership would come in that had some large change that cannot be handled under the pre-existing conditional use permit, then we would process the amendment and divide out the uses as if being approved for new and approved for used, but it does not change how they function and still treated the same way.

Mr. Faron motioned to recommend approval of the draft text amendment ordinance attached to the February 19, 2013 staff report on Application #13-004 for conversion of the names and numbers of all the permitted and conditional uses identified in the Zoning Ordinance from the 1987 Standard Industry Classification system (SIC) to the 2012 North American Industry Classification System (NAICS). Mr. Eberhardt seconded the motion with the resultant vote as follows:

Mr. Howard – aye
Mr. Schnarr – aye

Dr. Barton – aye
Mr. Faron – aye

Mr. Eberhardt – aye
Chair - aye

6. NEW BUSINESS

A. 2014-2018 Capital Improvement Plan (CIP) Presentation

Applicant/Agent: Mark Perkins, ICMA-CM
City Administrator

Mr. Perkins presented the five year Capital Improvement Plan (CIP). He stated that the CIP is used to prioritize and plan for funding capital projects and to preserve and expand the City's infrastructure. Further, he pointed out that the CIP is updated each budget year and that the CIP is a tool to help the Planning and Zoning Commission meet its responsibilities under Chapter 89 of the Revised Statutes of Missouri, which requires street plans and other public improvements to be reviewed by planning commissions for conformance with the Comprehensive Plan.

Mr. Perkins outlined the plan for 2014-2018 and summarized revenues, expenditures, projects list, and future project list.

Mr. Robert W. Kent, 13084 Ferntrails Lane, expressed concerns with increases in monies transferred from the operating fund. Mr. Kent is concerned there is no plan in place for the surplus. Mr. Kent also commented on the Public Works storage building project and expressed his concerns with the stormwater plan.

Mr. Perkins responded and stated in regards to the transfers there is a strong surplus in the City's general fund that is why he is confident in having the levels of transfers that are suggested. Mr. Perkins said, regarding the Public Works garage, there is no definite plan and they will be revisiting the possibility of using the current facility, but the project is a couple years out.

Mr. Eberhardt motioned approval of the CIP budget as presented by Mr. Mark Perkins. Mr. Howard seconded the motion with the resultant vote as follows:

Mr. Howard – aye
Mr. Schnarr – aye

Dr. Barton – aye
Mr. Faron – aye

Mr. Eberhardt – aye
Chair - aye

B. PUBLIC HEARING

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

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

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

Mr. David Braswell, 135 N. Meramec Avenue, representing Covington Realty Partners, presented the application for 10360 and 10420 Old Olive Street Road. Mr. Braswell showed an aerial view of the properties. Mr. Braswell explained the zoning request change from “GC” General Commercial to “CB” Core Business would be contiguous with the zoning for the Pavilion shopping center. Mr. Braswell explained the proposal is for 174 multi-family apartments with a parking structure in the center. Mr. Braswell stated he is in the process of trying to buy a 120-foot wide strip of surplus MoDOT right-of-way along Olive Boulevard. Mr. Braswell said there have been three variances requested and they will be heard before the Board of Adjustment on April 18, 2013. Mr. Braswell explained what the variances were for: a buffer requirement; a setback; and the requirement for the parking garage being above ground versus underground. Mr. Braswell described the various combinations of one-bedroom, two-bedroom, and three-bedroom units, and said the average unit is no smaller than 900 square feet. The price range for the units will be \$1,200 - \$2,000 per month. They are high-end luxury units with 9 foot tall ceilings, wood flooring, and granite countertops.

Mr. Faron asked if there was a fourth variance with the sky exposure plane, and Mr. Braswell replied it was. Mr. Braswell explained the sky exposure plane would start 100 feet inside the property, go 45 feet in the air and project from that point a 30-degree angle.

Mr. Langdon, Director of Community Development, discussed the issues with the project and went over the zoning in the area. Mr. Langdon also gave a history of the area. Mr. Langdon explained how the market has changed over the last ten years and said the question to answer is this project going in the direction the City wants to take that area in. Mr. Langdon also discussed the changes the project would bring to the existing residents.

Mr. Howard had questions around the access points and if the fire district had looked at the plans. Mr. Langdon said fire did look at the plans and have approved access.

Ms. Joan Kram, 920 Guelbreth Lane, lives in Carriage House and spoke in opposition of the project. Ms. Kram stated she did not believe the project would not be a benefit to the city.

Mr. Robert Kent, 13084 Ferntrails Lane, stated he hoped if the project was approved Laverne Collins Park would be utilized by potential families with children.

Mr. David Caldwell, 257 Brooktrail Court, asked why Planned Residential District was not being considered for the zoning change. Mr. Caldwell also stated he thought there was another approach to the project without requiring all the variances. Lastly, Mr. Caldwell thinks there should be a full traffic study completed for the area.

Mr. Langdon stated the issue with the Planned Residential District zoning is that it requires the surrounding properties to be predominately residential, and in this case Carriage House is the only residential and the rest is commercial, therefore not meeting the base requirement. Mr. Langdon stated in addition there are buffer standards within Planned Residential as well, which go to single family zoning, which AR technically is, even though Carriage House is not a single family development. Mr. Langdon explained that staff did look at Planned Residential zoning and it did not fit any better than Core Business.

Chairman Madden asked how long the project would take to build and what the proposed start date would be. Mr. Braswell stated it would take 18 months from the time building permits were obtained and from a construction standpoint the neighbors would not be affected.

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

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

Mr. Langdon said he would like to report to the Board of Adjustment what the Commission feels about development of this character. Chairman Madden expressed that he thought it was a good project. Mr. Howard said he liked the project as well. Mr. Langdon stated he was not looking for a recommendation as there are many issues to work through, but just in terms of general character, how does the Commission feel. Mr. Eberhardt and Chairman Madden agreed they felt positive about the proposal. Dr. Barton stated he did not like the rezoning.

Mr. Faron motioned to continue Application #13-003, the rezoning of 10360-10420 Old Olive Street Road to “CB” Core Business District and the Conditional Use Permit for the four-story, 174 unit residential development at 10360 Old Olive Street Road, referred to as The Vanguard Creve Coeur project, to May 6, 2013, to allow for Staff to prepare the draft ordinances. Mr. Howard seconded the motion with the resultant vote as follows:

Mr. Howard – aye	Dr. Barton – abstained	Mr. Eberhardt – aye
Mr. Schnarr – aye	Mr. Faron – aye	Chair - aye

C. Application #13-006: Approval of a minor site development plan for a “front-yard” privacy fence along Phyllis Lane at 11144 Clarissa Drive.

Applicant and Property Owner: Jon Slavkin
1144 Clarissa Drive
Creve Coeur, MO 63141

Mr. Faron stated for the record, he knows the applicant because he worked with his wife in the past, but at present does not and does not believe this association will have any effect on his deliberations on the merits of this application.

Mr. Slavkin, 11144 Clarissa Drive, explained that he wanted to put a fence along what looks to be the front yard, because of the building line, for safety for his children and animals. Mr. Slavkin also stated he wanted to put a fence in the back-yard as well for containing his dog. Mr. Slavkin explained he will be planting hedges along the fence line, the fence is only four feet tall, and it is made of eastern red cedar. Mr. Slavkin showed an example of the fence, but stated the spaces in between planks will be larger than the illustration. Mr. Slavkin said the fence was not for privacy; it is for containment only.

Ms. Kelly, City Planner, explained the fence would increase the amount of privacy for the applicant. Ms. Kelly also clarified that the request was originally for the fence to run along the property line. Dr. Barton asked if the neighbor at 814 Clarissa had been notified, to which Ms. Kelly said they were and that the neighbor submitted a letter for the packet.

Mr. Brad Witte, 809 Phyllis Lane, spoke in favor of the project.

Mr. Howard motioned to approve the site plan for the four-foot, wood privacy fence within the setback of the Phyllis Lane along the property line as shown on the site development plan for 11144 Clarissa Drive as submitted with Application #13-006, presented to the Planning and Zoning Commission on April 1, 2013. Mr. Schnarr seconded the motion with the resultant vote as follows:

Mr. Faron – aye	Mr. Schnarr – aye	Mr. Eberhardt – aye
Dr. Barton – aye	Mr. Howard – aye	Chair – aye

Dr. Barton was then called away from the meeting.

- D. Application #13-007:** A request for approval of a boundary adjustment plat for 10977 Olive Boulevard.

Applicant/Agent: Steve Heitz
Pace Properties, Inc.
1401 S. Brentwood Blvd., Suite 900
Brentwood, MO 63144

Mr. Eberhardt recused himself from this application as his firm represents Pace Properties.

Mr. Heitz, 1401 S. Brentwood Blvd., representing Pace Properties, explained they want to move the west boundary line 25 feet to join the principle lot and the abandoned portion of Dautel Lane that they own.

Ms. Linda Rezny, 104 Graeser Acres, commented she hoped that the surrounding neighborhoods were considered in decisions the Commission was making.

Mr. Faron motioned to approve the Boundary Adjustment Plat of Lot A of the Crossing at Graeser attached to the staff report on application #13-007, dated April 1, 2013, subject to the condition that a final drawing be prepared for signature and recording. Mr. Howard seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Chair - aye

Mr. Howard – aye

Mr. Schnarr – aye

- E. Application #13-005:** Approval of a minor site development plan for landscape and exterior building improvements for Emerson Medical Office Building.

Applicant/Agent: Elmer A. Wind III
Wind Architectural Group, Inc.
7666 Dale Ave.
Richmond Heights, MO 63117

Property Owner: Greg S. Yawitz
633 Emerson Medical Partners, LLC
9200 Olive Blvd., Suite 200
Olivette, MO 63132

Mr. Wind, 7666 Dale Avenue, the architect representing 633 Emerson Medical Partners, presented the plan to change the appearance of the building and renovate the landscaping. Mr. Wind explained they want to change the parts of the building they find to be weak in design and turn it into what they consider an “A” class look, and develop the landscape to accent the new appearance of the building. Mr. Wind expressed his concerns and issues with the existing landscape and maintenance issues on the property. Mr. Wind showed an illustration of the exterior and explained his issues with it. Mr. Wind explained he would like to take the entrances to the east and give it more mass, and carry that to the south elevation. Mr. Wind also pointed out a wall he believes to be difficult to improve and so would like to

create a trellis system using plantings. Lastly, Mr. Wind showed the new color scheme they wanted to use, describing the colors as warm grays.

Mr. Faron asked if cement plaster was being considered, instead of stucco, and Mr. Wind replied yes they would be using that at the entrances.

Mr. Wind showed pictures explaining the landscaping and wanting to use the landscaping to create “traffic” flow for the entrances.

Ms. Kelly, City Planner, explained the new site plan and how it has to be reviewed against the current zoning code standards. Ms. Kelly stated the Zoning Code requires headlight screening between the parking lot and right-of-way, which either consists of landscaping, a berm, or fencing. She stated a requirement for this screening has been included as a condition of approval to be submitted with the landscape plan. Ms. Kelly explained that the site is in a location that does require Planning and Zoning and City Council approval. Staff does find the building changes are consistent with the design guidelines and adding interest to what is considered to be a dull building.

Mr. Robert W. Kent, 13048 Ferntrails Lane, said he is in favor of the project, however he would like the Commission to deny the request because: the stormwater run-off calculations need to be verified to determine that the detention basin on the south end of the property is still adequate; the stormwater detention basin performance needs to be shown that it will not have an effect on new Emerson Road/Old Ballas Street roundabout; the pedestrian bridge across highway I-270 should be dropped from the Master Plan; the owners have not shown propensity to live up to the past landscaping requirements; and finally, the City should start talks about removal of the billboard.

Chair Madden asked about Planning and Zoning having passed an amendment which does not allow electronic billboards. Mr. Langdon stated that was correct. City Attorney, Mr. Lumley, explained that currently billboards are a grandfathered use and nobody can put up a sign that size anymore in Creve Coeur. Mr. Lumley said the code was changed again, subsequent to the tri-vision change, to allow no sign to be larger than 50 square feet. Mr. Langdon added there are limitations on the Commission’s authority to assure a positive vote on any future project based on action taken today, as that would be considered a contract.

Mr. Faron addressed Mr. Kent’s list and asked if Staff was already looking into these things. Mr. Langdon spoke to the billboard issue and explained it is a legally pre-existing non-conforming use of the land and stated it is not being altered by this project, so the Commission does not have the authority to do anything to it. Further, he explained, it would be a disproportionate condition of approval to require a sun-setting of the owner’s use of the billboard because of some minor building and landscaping changes.

Mr. Wind expressed concern with the impact of screening the parking area and that visitors to the building will not see what the owners want to designate as “entrance” and “exit” areas. Mr. Langdon read the excerpt from the Zoning Code in regards to the landscaping requirements, including the provision that allows minor alterations for visibility purposes. After further discussion of the latter point, the Commission agreed that holding back the headlight screen the width of two parking spaces should be enough for the applicant to highlight the entrance while not compromising the purpose of the regulation.

Mr. Faron motioned to recommend approval for the site plan and elevations for the renovation of the Emerson Medical Office Building at 633 Emerson Road submitted with Application #13-005, as presented to the Planning and Zoning Commission subject to the conditions contained in the draft resolution attached to the staff report prepared for the meeting of April 1, 2013, with the further condition that the headlight screening could be omitted adjacent to the south entrance drive a distance including no more than the parking entrance island and the nearest two parking stalls. Mr. Howard seconded the motion with the resultant vote as follows:

Mr. Howard – aye
Mr. Faron – aye

Mr. Eberhardt – aye
Chair - aye

Mr. Schnarr – aye

7. WORK AGENDA

None

8. OTHER BUSINESS

A. Planning Division Report

Mr. Langdon reported there will be no meeting until May 6th at which time The Vanguard will return, there will be another look at downtown zoning, and first formal discussion regarding the Comprehensive Plan will take place.

B. City Attorney Report

None

9. ADJOURNMENT

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 9:45 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



MEMO TO THE PLANNING AND ZONING COMMISSION

MEETING DATE: May 6, 2012
SUBJECT: Bellerive Plaza Site Development Plan Amendment Extension Request.
PREPARED BY: Whitney Kelly, City Planner

ATTACHMENTS: Extension Request Letter
Staff Report from May 21, 2012 Planning and Zoning Commission Meeting

Jenny Mitchell, Property Manager for The Desco Group, has submitted a request for an extension to the period of validity for the previously approved site development plan to allow for the elimination of the landscape median and widening of the main driveway to Olive Boulevard for the Bellerive Shopping Center at 12704 Olive Boulevard. The Site Development Plan was originally approved by the Planning and Zoning Commission on May 21, 2012. Due to delays with coordinating with MoDOT, substantial construction has yet to begin. The applicant is proposing no changes to that plan, and anticipates construction to commence by July 4th, 2013.

According to Section 405.1080(J)(4) of the Zoning Ordinance states: 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. 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.

Should the extension be granted, the applicant must again commence substantial construction within one year or request an additional extension.

ACTION

The motion for the extension will be in the form of approval, approval with conditions, denial or deferral. City Council action is not required.

MOTION

The following is an example motion for this application:

“I move to approve the request for a site development plan extension for the Bellerive Plaza Shopping Center as presented by the applicant and with all of the conditions required as part of the original approval of May 21, 2012” (conditions may be added, eliminated, altered, and modified).



RECEIVED
APR 26 2013
PLANNING DEPT.

April 23, 2013

Ms. Whitney Kelly
City Planner
City of Creve Coeur Missouri
300 North Ballas Road
Creve Coeur, MO 63141

*Asset
Management*

Brokerage Re: Bellerive Plaza
Entrance Modification

*Construction
Management*

Ms. Kelly,

*Corporate
Real Estate*

Development

*Property
Management*

As you know, on May 21, 2012 a site development plan for Bellerive Plaza was approved by the City of Creve Coeur. The work on this modification was to have been substantially complete by May 21, 2013. Unfortunately, mostly due to delays with MoDot, substantial completion by this date will be impossible to meet. We are hereby requesting an extension to this date. The mast arms needed for this project were ordered earlier this month but have a 12-16 week lead time for delivery. We anticipate beginning this project shortly after July 4, 2013 and expect it to take approximately 4 weeks for completion, weather dependent.

Please let me know if the City will grant an extension to the Site Development Plan amendment.

On behalf of USR-DESCO Bellerive Plaza, LLC

The DESCO Group

A handwritten signature in blue ink that reads "Jenny Mitchell".

Jenny Mitchell
Property Manager



city of CREVE COEUR

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

APPLICATION TO PLANNING AND ZONING COMMISSION #12-010 FOR SITE DEVELOPMENT PLAN AMENDMENT APPROVAL FOR BELLERIVE PLAZA SHOPPING CENTER AT 12704 OLIVE BOULEVARD

FOR THE MEETING OF: May 21, 2012

LOCATION: 12704 Olive Boulevard

REQUEST:

Joel Kerschen, of Kuhlmann Design Group, on behalf of Desco Investment Co., has submitted a request to amend the Bellerive Plaza site development plan to allow for the elimination of the landscape median effectively widening the main driveway to Olive Boulevard. The property is located at 12704 Olive Boulevard at the southwest corner of Olive Boulevard and Bellerive Plaza/Timber Run and is zoned "GC" General Commercial District.

ADDITIONAL INFORMATION:

In October 1999, Bellerive Plaza received site development plan and landscape approval for the entire development, that included the landscaped median for the entrance drive.

Key Issues:

- Does the project substantially conform with the previously approved Site Development Plan?

Comp. Plan References

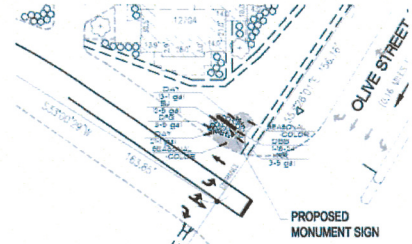
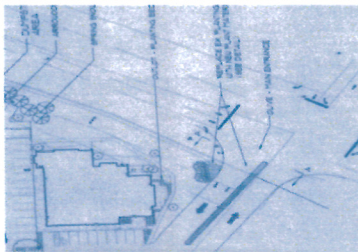
- West Olive Corridor

Zoning Code References

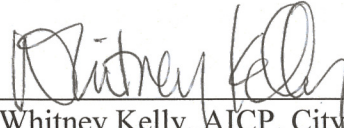
- Section 405.360 "GC" General Commercial District
- Section 405.610 Non-Conformities

APPLICANTS: Desco Investment Co.
25 N. Brentwood Boulevard
Clayton, MO 63105

REPRESENTATIVE: Joel Kerschen
Kuhlmann Design Group
66 Progress Parkway
Maryland Heights, MO
63043



REPORT PREPARED BY:


Whitney Kelly, AICP, City Planner

5/18/2012
Date

ATTACHMENTS: Applicant's Materials submitted May 8, 2012

SITE HISTORY AND PROPOSAL SUMMARY

Bellerive Plaza shopping center located south of Olive Boulevard and west of Mason Road was approved and constructed in 1980 in compliance with St. Louis County zoning regulations. The property was annexed by the City of Creve Coeur in 1996, and subsequently zoned "GC" General Commercial. The center consists of three buildings, housing approximately 24 tenant spaces, including the anchor of a Schnucks Supermarket, and totals 115,207 square feet. In October 1999, Bellerive Plaza Shopping Center received Site Development Plan and Landscape Plan approval for improvements to the main entrance along Olive Boulevard to add the median (see detail of the Landscape Plan below). The overall development is legally pre-existing, with non-conforming site coverage. In 2007, Desco received a variance to the required parking by 45 parking spaces.

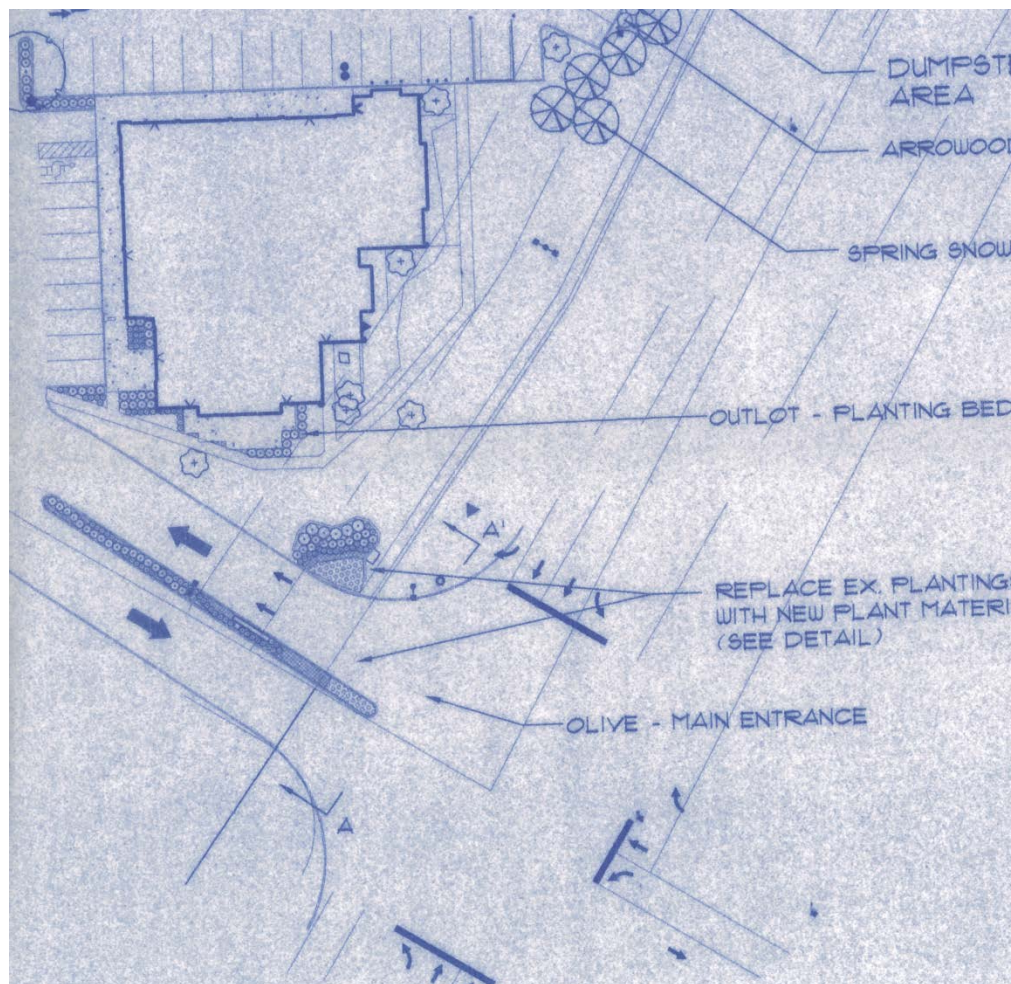


Figure 1 Detail of Landscape Plan, dated June 7, 1999

The proposed improvements project will revise the main entrance to Bellerive Plaza by eliminating the landscaped median to create an additional left turn onto westbound Olive Boulevard. The applicant has indicated that during peak times of the day, traffic exiting the property is required to wait through multiple light cycles to turn west onto Olive Boulevard. Enlarging the intersection will also require new traffic signals, per MODOT regulations.

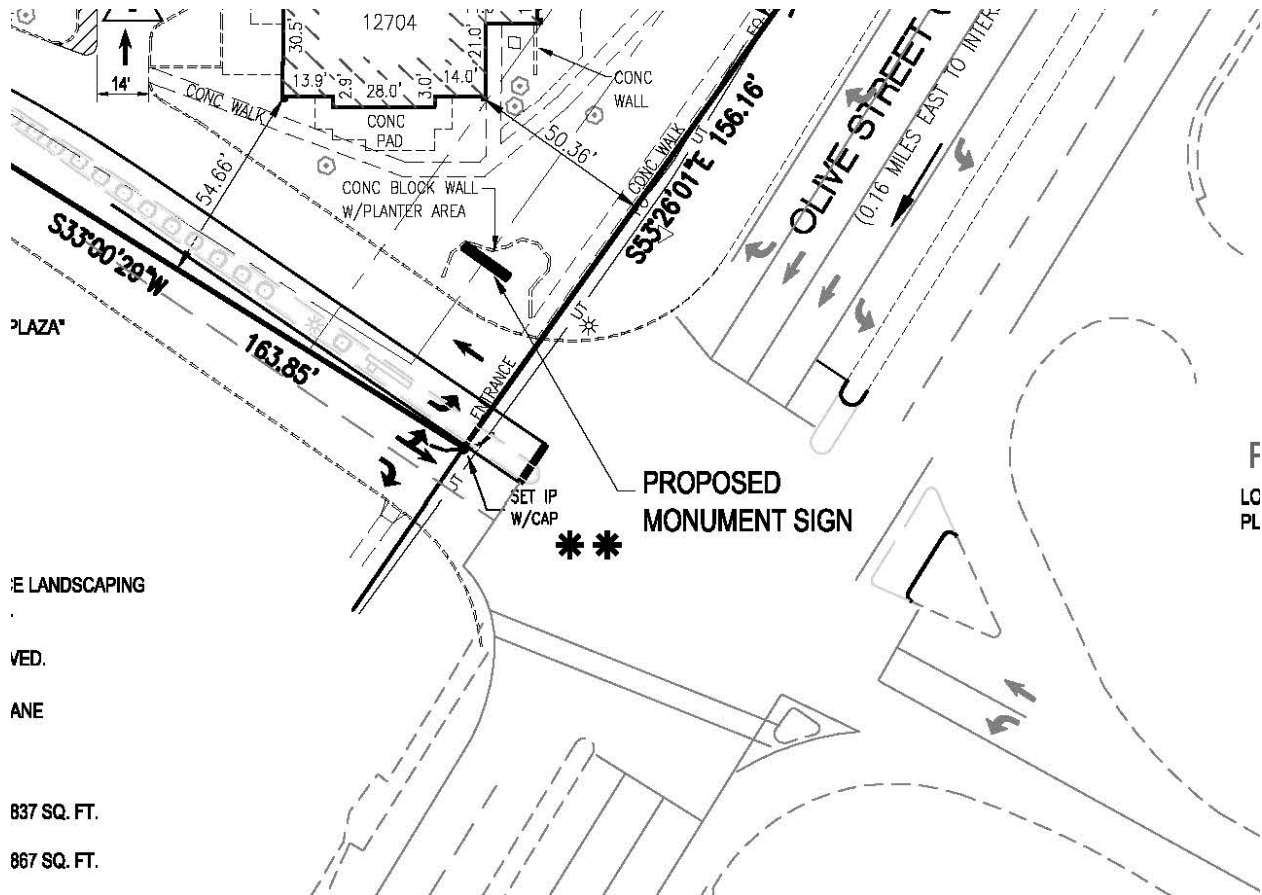


Figure 2 Close up of the proposed changes to main entrance

Due to the site related nonconformities, the removal of the landscaping requires that additional greenspace be added on a one-to-one ratio elsewhere. Therefore, several parking lot islands will be expanded to meet this requirement. Parking will be created elsewhere on site, through restriping, without creating additional coverage. No other improvements to the site, or changes to the buildings are proposed. A new shopping center sign is under Staff review through the Common Sign Plan, and will be located to just north of the main entrance.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Offices	Unincorporated St. Louis County C8 Commercial	Olive Boulevard
South	Offices	“PO” Planned Office District	N/A
East	Bank	“GC” General Commercial	N/A
West	Multi-family residences	“AR” Attached Single Family Residential District	N/A

COMPREHENSIVE PLAN REVIEW

Bellerive Plaza is located within the West Olive Corridor action area that calls for a “green line” park long Olive Boulevard as part of the Community Health and Connectivity goals for the area through additional landscaping, preservation of existing trees, and sidewalk construction (page 63). Further, Transportation and Movement goals within this area include:

3. Sidewalks or other pedestrian facilities should be required in all new development or redevelopment. These pedestrian sidewalks and paths might be required outside of the proposed development if necessary to provide pedestrian connections to critical site destination.
6. New development/redevelopment should incorporate specific traffic calming techniques as appropriate to this area, from a list of approved techniques and designs.

Currently, the existing sidewalk ends at the entrance drive, with the median blocking the crossing, and there is no pedestrian access from the entrance drive into the shopping center. The proposed changes to the median will allow for improved traffic flow and allow for pedestrian access across the entrance. However, the loss of greenspace from the median and the lack of pedestrian connection from the existing sidewalk into the development would not meet with the goals and objectives of the Comprehensive Plan. The landscape plan provided little more than what already exists on site. The loss of the median, is not just the loss of the greenspace, but also the loss of a visual softening element to the hard surfaces in the area. Therefore, Staff recommends that a condition of approval include that the applicants submit a new landscape plan that meets with the goals and objectives of the Comprehensive Plan and Design Guidelines.

ZONING REVIEW

As the proposed project is for the main entrance of the shopping center, no improvements are proposed for the building or the site outside of increasing the parking lot islands within the center to offset the loss of greenspace. Discussion is therefore limited to the non-conformities on the site.

Site Coverage:

The proposed removal of the median represents a loss of greenspace of approximately 837 square-feet. Section 405.610 Non-Conformities states that a non-conforming use shall not be extended, expanded or enlarged or increased in intensity. As the property has pre-existing, non-conforming site coverage, the applicant is proposing to enlarge several parking lot islands of 867 square-feet in total area within the center. These islands are located further south of the main entrance (see the detail below). Therefore, a condition of approval includes maintenance of coverage to this effect.

Section 405.120 defines site coverage: The area of a non-residential site which is covered by buildings, driveways, parking lots, loading areas, but excluding landscaped and green spaces, plaza, pedestrian circulation and unpaved buffer areas. Therefore, a new sidewalk connection as proposed above will not create additional coverage.

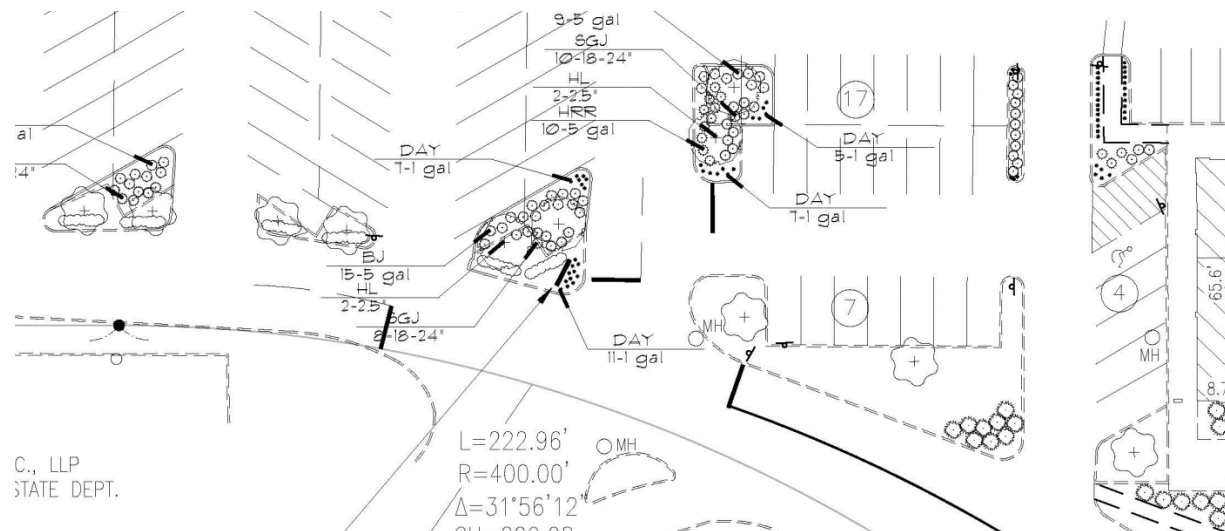


Figure 3 Detail of Landscape Plan showing the enlarged parking lot islands to replace the loss of greenspace of the median

Parking:

As discussed above, Desco received a parking variance in 2007 for 45 spaces. The increasing of the parking lot islands will require that new parking to be created elsewhere on site through striping; no additional coverage will be created. A detail of the Parking Calculations provided by the applicant is below. Overall, the restriping of the center will create a net surplus of one space.

Bellerive Plaza Parking Calculations

	# of Parking Spaces
Existing Parking Supply (based on ALTA survey and field checks)	527
Spaces Occupied by Cart Corrals and Dumpsters	(20)
Net Supply - Existing	507
Proposed Parking Addition (striping only - no new pavement)	12
Net Supply - Proposed	519
Current Parking Requirement for Bellerive Plaza (incl. 186 rest. sea)	523
Additional Req. for Bread Company (99 indoor/10 outdoor seats)	35
Gross Requirement - Proposed	558
Variance Granted	(45)
Net Requirement - Proposed	513
Proposed Surplus	6
Spaces lost due to relocating entrance median landscaping	5
Remaining Surplus	1

Code Compliance Issues:

The prior approved landscape plan from 1999 included landscaping throughout the center that is largely missing. The proposed landscape plan submitted with this application only included new landscaping for the enlarged parking lot islands, and very limited planting around the proposed

location of the shopping center sign. Staff recommends that a condition of approval include a new landscape plan that meets with the goals and objectives of the Comprehensive Plan. It is anticipated that the minimum of landscaping around the new sign will be twice the square footage of the area of the sign for example.

CONCLUSION

Staff recommends approval of the proposed main entrance improvements with the following conditions:

1. The Site Development Plan shall be revised to include a sidewalk from the existing sidewalk into the first driveway within the development for pedestrian access.
2. Greenspace shall be created elsewhere on site at a minimum ratio of one-to-one as shown on the Site Development Plan submitted on May 8, 2012.
3. The applicant shall submit a new Landscape Plan for the entire Bellerive Shopping Center that meet with the goals and objectives of the Comprehensive Plan for the Zoning Administrator approval.
4. An underground irrigation system shall be installed and maintained to serve new landscaped areas identified on the landscape plan.
5. Vegetation that is totally or predominantly dead and/or disfigured due to disease or injury shall be replaced as needed and in a prompt and workmanlike manner as dictated by accepted horticultural standards.
6. All new traffic signals and mast arms shall be black powder-coated.

MOTION

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

“I move to approve of the site development plan for Bellerive Plaza Shopping Center subject to the conditions listed in the staff report on Application #12-010, for the meeting of May 21, 2012” (conditions may be added, eliminated, altered, and modified by preceding motion).

APPENDIX 1: COMPREHENSIVE PLAN

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

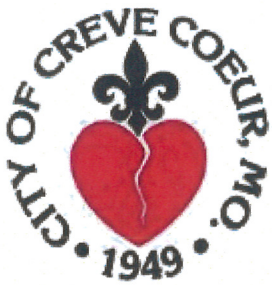
APPENDIX 2: ZONING CODE

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

APPENDIX 3: AERIAL PHOTO



APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 04/4/2012
	Description: View of the median looking north from the first entrance into the parking lot.
	Description: Another view of the median looking north from the first entrance into the parking lot.
	Description: View looking south from the main entrance to the first entrance.



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
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APPLICATION TO THE PLANNING AND ZONING COMMISSION
#13-010 FOR A NEW CONDITIONAL USE PERMIT FOR JET'S PIZZA,
LIMITED-SERVICE RESTAURANT AT 11032 OLIVE BOULEVARD
FOR THE MEETING OF: May 6, 2013
LOCATION: 11032 Olive Boulevard

REQUEST: Michael Serra submitted a request for a conditional use permit for a 1,500 sq. ft., pizza take-out and delivery only restaurant at the former Shear Images location within the Graeser Square Shopping Center. The Applicant is not proposing any changes to the exterior of the building or site.

ADDITIONAL INFORMATION: The property is zoned "GC" General Commercial District. Pizza deliver shops and takeout eating places are categorized as Limited-Service Restaurants (NAICS 722513) and are permitted by conditional use permit in the "GC" General Commercial District (Section 405.210, Table A: Permitted and Conditional Uses).

Key Issues:

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

Comp. Plan References

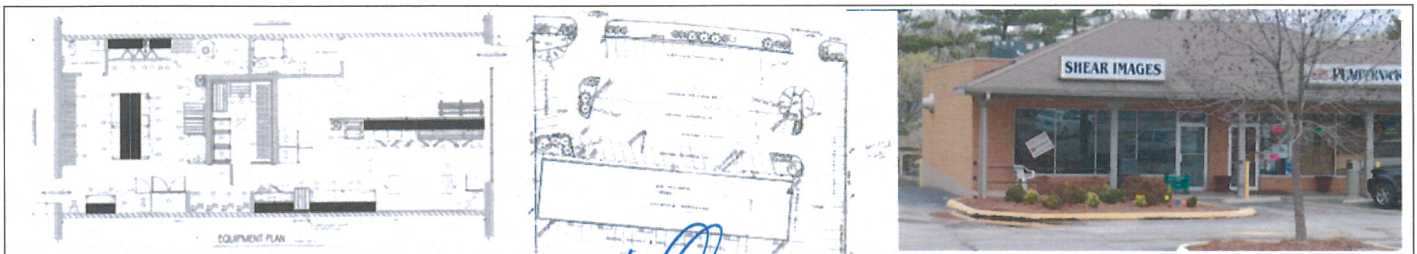
- East Olive Corridor

Zoning Code References

- Section 405.210: Regulation of Uses
- Section 405.360: "GC" General Commercial District
- Section 405.470 Conditional Uses
- Section 405.820 Required Off-Street Parking Spaces

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

APPLICANT'S REPRESENTATIVE: Tony Giarratano
Lord Partners
214 S Bemiston Ave. Suite 25
St. Louis, MO 63105



REPORT PREPARED BY:
Whitney Kelly, AICP

Date

ATTACHMENTS: Applicant's Materials submitted April 5, 2013
Draft Ordinance

PROPERTY HISTORY

Graeser Square Shopping Center was originally developed in 1967, as a multi-tenant retail and personal service in-line shopping center. Thai Nivas Café and Pumpnickels are two existing restaurants, along with several retail uses, a dry cleaners, and nail salon. The property has largely remained the same since the original approval, and therefore has non-conforming site coverage.

While visiting the site, Staff noticed several property maintenance violations. As they are not related to this request, further review below does not include specific discussions of the violations. However, the ordinance includes the usual and customary condition of approval requiring all outstanding property maintenance violations on the property to be addressed prior to the issuance of any final Certificate of Occupancy for the restaurant.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Retail; Laundry Service; Gas Station	"GC" General Commercial District	Olive Boulevard
South	Residential	"C" Single Family Residential / "GC" General Commercial District	NA
East	Retail Shopping Center	"GC" General Commercial District	NA
West	Retail Shopping Center	"GC" General Commercial District	NA

COMPREHENSIVE PLAN REVIEW

The subject property is located within the East Olive Corridor that encourages a mix of uses that are limited to neighborhood-oriented commercial. The proposed use is integrated into the existing, multi-tenant facility that offers a variety of neighborhood-oriented retail, restaurant, and service uses. So to that extent, it appears that the request meets with the applicable Goals and Objectives of the Comprehensive Plan. Although the site design of the property is not in keeping with the Goals of the Comprehensive Plan and the Design Guidelines, the scale of the proposed restaurant does not create an opportunity to address these issues.

ZONING REVIEW

Restaurants are permitted with conditions in all commercial zoning districts within the city, and the applicant is leasing an existing tenant space in a development that has a mix of retail and restaurant uses. No changes to the exterior of the building or site are proposed so no site development plan review is required. Restaurants in the "GC" General Commercial districts do not have to observe a limitation on the percentage of building area, nor are they restricted to a minimum acreage, as in other districts. Therefore, review of the request per the Zoning Ordinance is limited to the parking requirements.

Parking

Parking regulations for restaurants are discussed under Section 405.820(F)(5) Required Off-Street Parking Spaces, where parking for limited-service restaurants of 16 seats or less is equivalent to that of general retail or 4 spaces per 1,000 square feet of floor area. The floor layout shows no tables, but does include a bench seat. Since the parking ratio allows for up to 16

seats without increasing the number of parking spaces required, a condition of the ordinance includes a maximum of 16 seats permitted, should this tenant or any future tenant wish to include additional seating without the need to amend the conditional use permit.

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

Tenant	Use	Size (sq.ft.)	Parking Regulations	# of spaces
Thai Nivas	Restaurant	2400(+58 indoor seats)	<i>1/3 seats in C.U.P., + 1/250sf</i>	20
West Oak Cleaners	Laundry services	2100(240 sf pick up area+1860sf clothing storage)	<i>1/150sf of pick-up area + 1/300sf clothing storage</i>	9
Salon Elysium	Nail Salon	1080 (4 stations)	<i>3.5/station</i>	14
School Music USA	Retail	1080	<i>4/1000</i>	5
All on the Same Page Book Store	Retail	900	<i>4/1000</i>	4
Pumpernickel's	Restaurant	3900(+98 indoor seats)	<i>1/3 seats in C.U.P., + 1/250 sf</i>	49
Jet's Pizza	Restaurant: Take-out/Delivery Only	1,500	<i>4/1000</i>	6
Vacant	Retail	984	<i>4/1000</i>	4
Vacant	Retail	1080	<i>4/1000</i>	5
Total Building:		15,024	Total:	116
		15% Reduction	Total Required:	99

The Applicant submitted a copy of a landscape plan for the center dated 1966 that indicated 160 parking spaces available. However, this doesn't include those parking spaces that have since been removed for the cross access to the property on the east. It also appears that restriping of the parking lot over time has also decreased the number of spaces. In a counting of the spaces visible from the aerial photo, it appears that 127 spaces are available on site, thus a regulatory surplus of 28 parking spaces, well within the total number of spaces required.

RECOMMENDATION

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

1. The conditional use permit shall be for the operation of 1,500 square-foot take-out and delivery limited-service restaurant at 11032 Olive Boulevard Old Ballas Road.
2. Seating is limited to a maximum of 16 seats.
3. Hours of operation shall not exceed 11:00 am to 10:00 pm, Sunday through Thursday and 11:00 am to 11:00 pm Friday and Saturday. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.

4. The owner of the property shall address all outstanding property maintenance violations on the property to the satisfaction of the Chief Building Official prior to the issuance of any final Certificate of Occupancy for the restaurant permitted by this ordinance.
5. There shall be no outdoor storage or placement of any materials or equipment.
6. Employee parking, delivery and company vehicles shall be parked in the rear parking area behind the building line or as far from the public right-of-way as possible.
7. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.

ACTION

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

MOTION

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

“I move to recommend approval of Application #13-010 for a Conditional Use Permit for a limited-service restaurant located at 11032 Olive Boulevard, subject to the conditions contained in the draft ordinance attached to the staff report prepared for the meeting of May 6, 2013” (conditions may be added, eliminated, or modified by preceding motion).

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

APPENDIX 3: AERIAL PHOTO



APPENDIX 4: SITE PHOTOGRAPHS

Photo Date: 04/12/2013 & 05/01/2013



Description: View of Graeser Square Shopping Center looking southwest from Olive Boulevard



Description: View of the property looking south from Olive Boulevard along the east property line with the proposed use's location to the right.



Description: View of the commercial uses to the north, across Olive Boulevard.

city
of

CREVE COEUR

PLANNING DIVISION

300 North New Ballas Road Creve Coeur, Missouri 63141

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

PLANNING AND ZONING COMMISSION AGENDA APPLICATION CONDITIONAL USE PERMIT

PLEASE COMPLETE FRONT AND BACK PAGES

Applicant:	Applicant's Representative (if applicable):
<u>Michael Serra</u> Name	<u>Tony Giarratano</u> Name
<u>Creveco Pizza LLC dba Jet's Pizza</u> Company (if applicable)	<u>Lord Partners</u> Company (if applicable)
<u>19694 Westchester Dr.</u> Address	<u>214 S. Bemiston Ave Suite 25</u> Address
<u>Clinton Twp., MI 48038</u> Address	<u>St. Louis, MO 63165</u> Address
<u>Telephone # 313-520-8493</u> Telephone #	<u>314-276-2352</u> Telephone #
<u>Fax #</u> Fax #	<u>Fax #</u> Fax #
<u>Email: mserra@serraproduce.com</u> Email	<u>tonyg@lordpartners.com</u> Email
<u></u> Applicant's Signature	<u></u> Applicant's Representative's Signature

Property Information:	Owner's Acknowledgement (if different from applicant):
<u>11032 Olive Blvd.</u> Address	<u>George Marcher, Agent for owner</u> Name
<u>Creve Coeur, MO 63141</u> Address	<u>Solan Gershman, INC</u> Company (if applicable)
<u>Graeser Square</u> Development Name (if any)	<u>7 W Bemiston</u> Address
<u>EC</u> Current Zoning	<u>St. Louis, MO 63105</u> Address
<u>Prior CUP Approvals (if known)</u> Prior CUP Approvals (if known)	<u>Telephone # (314) 889-0682</u> Telephone #
	<u>Fax # (314) 854-9503</u> Fax #
	<u>Email: GMarcher@Gershman.com</u> Email
	<u>By  Agent for owner</u> Owner's Signature

Description of Requested Use (attach additional sheets as needed)

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

Gross Floor Area – Existing and Proposed: 1,500 SF

Number of Seats (for restaurant only): 0

Number of Employees at the busiest shift: 13-6

Hours of Operation: Sun-Thurs 11AM-10PM, FRI-SAT 11AM-11PM

Current or Most Recent Use of the Property: hair salon

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

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

Rationale

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

Submittal Checklist

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

Preferred Public Hearing Date: Monday, May 6th, 2013.

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

Office Use Only

All Sections Complete

All Documents, incl. e-Copies

Fees Paid

Received By:

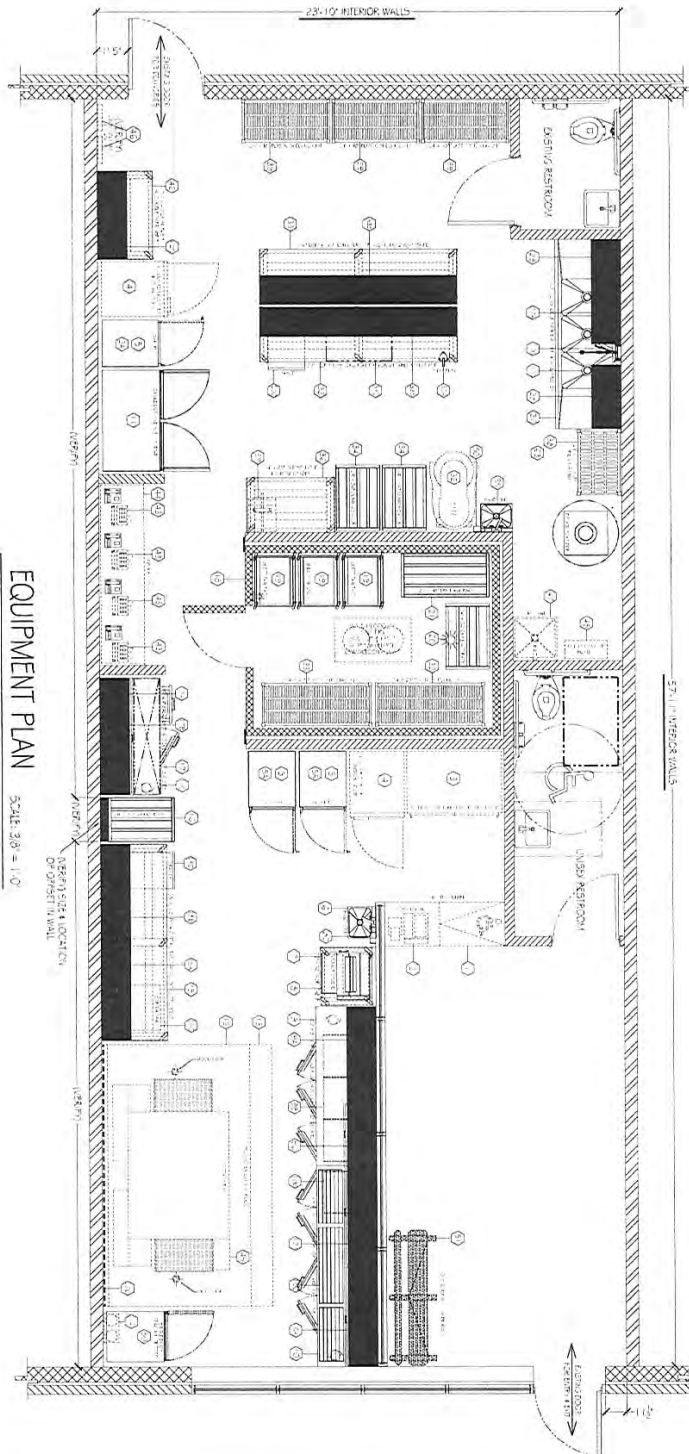
Date: _____

Paul Langdon, AICP, Planning Director

Whitney Kelly, AICP, City Planner

Julie Lowery, Administrative Assistant (872-2501)

Revised: 11/11



EQUIPMENT PLAN

SCALE: 3/8" = 1'-0"

EQ-1
 EQUIPMENT PLAN
 Project # 0715
 Drawing Date: 03-13-13
 Revision Code: 03-23-13

TENANT IMPROVEMENT for:

 11032 OLIVE BLVD.
 CREVE COEUR, MISSOURI 63141

LSArchitecture, PLLC

 1113 Duane Ave.
 Markville, Tennessee 37090
 615-296-0152
 info@LSArchitecture.com

NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL CODE (IMC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING CODE (IPC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ELECTRICAL CODE (IEC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.
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 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ELECTRICAL CODE (IEC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE
PERMIT FOR A 1,500 SQUARE-FOOT, PIZZA TAKEOUT AND DELIVERY ONLY,
LIMITED-SERVICE RESTAURANT LOCATED AT 11032 OLIVE BOULEVARD
WITHIN THE GRAESER SQUARE SHOPPING CENTER**

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

WHEREAS, an application was submitted by Michael Serra, of the Crevco Pizza LLC dba Jet’s Pizza, for a conditional use permit for a 1,500 square-foot takeout and delivery only, pizza restaurant, at 11032 Olive Boulevard, located at the southwest corner of Olive Boulevard and Graeser Road; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, May 6, 2013, beginning at 7:00 p.m. or immediately following the close of the previous public hearing, on said application for the conditional use permit as provided by Section 405.1070(D)(2); and

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

WHEREAS, the Planning and Zoning Commission reviewed and, by a _____ vote, recommended approval of the conditional use permit, subject to the conditions contained herein, at its meeting on May 6, 2013; and

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

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

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

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

Section 1: A Conditional Use Permit is authorized to be issued pursuant to Section 4 hereof for the operation of a restaurant located at 11032 Olive Boulevard, within the Graeser Square Shopping Center, in the "GC" General Commercial zoning district, whose legal description is as follows:

The following described Real Estate, situated in the County of St. Louis and State of Missouri, to-wit: A tract of land in the North ½ of Section 2 Township 45 North Range 5 East and in U.S. Survey 1962 Township 45 North Range 5 East in the County of St. Louis, Missouri and more particularly described as follows: Beginning at a railroad spike in the South line of Olive Street Road, as widened by instrument recorded in Book 5405 page 429, at its intersection with the West line of property conveyed to Joseph Henty and wife by deed recorded in Book 5095 Page 489, thence South 1 degree 56-1/2 minutes West along the West line of property conveyed to Joseph Henty and wife, as aforesaid, 246.87 feet to a point in the North line of a 10 foot strip conveyed to Carl L. Graeser and wife by deed recorded in Book 2501 page 442, thence North 88 degrees 20 minutes West along the North line of said strip conveyed to Carl L. Graeser and wife, 193.61 feet to an old iron pipe at the Northeast corner of Lot No. 1 of Mary Meadows, a Subdivision, according to Plat thereof recorded in Plat Book 72 page 25 of the St. Louis County Records, thence South 86 degrees 38-1/2 minutes West along the North line of said Lot No. 1 of Mary Meadows 109.69 feet to an old iron pipe, thence North 0 degrees 32-1/2 minutes East 281.65 feet to an iron pipe in the South line of Olive Street Road, as widened, as aforesaid and thence East along said South line of Olive Street Road 310.88 feet to the point of beginning, according to Survey thereof executed by Clayton Surveying & Engineering Company during March, 1966.

Subject to conditions, restrictions, easements and other matters of record, if any.

Section 3: The Conditional Use Permit granted shall be subject to all applicable statutes, ordinances, rules and regulations, and the following conditions:

1. The conditional use permit shall be for the operation of 1,500 square-foot take-out and delivery limited-service restaurant at 11032 Olive Boulevard Old Ballas Road.
2. Maximum seating permitted is limited to 16 seats.
3. Hours of operation shall not exceed 11:00 am to 10:00 pm, Sunday through Thursday and 11:00 am to 11:00 pm Friday and Saturday. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
4. The owner of the property shall address all outstanding property maintenance violations on the property to the satisfaction of the Chief Building Official prior to the issuance of any final Certificate of Occupancy for the restaurant permitted by this ordinance.
5. There shall be no outdoor storage or placement of any materials or equipment.
6. Employee parking, delivery and company vehicles shall be parked rear parking area behind the building line or as far from the public right-of-way as possible.
7. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code
8. The restaurant shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
9. Any mechanical equipment installed for the restaurant shall be properly screened with materials approved by the Zoning Administrator.
10. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the

BILL NO. _____

ORDINANCE NO. _____

Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.

11. Failure to comply with any one or all of the conditions of this permit shall be adequate cause for the revocation of said permit by the City Council, provided, however, no permit shall be revoked without prior notice to the owner of the intention of the City Council to revoke this permit and reasonable time granted to the owner to correct or remedy any such breach of conditions, except for repeated breaches or violations.
12. No conditional use permit granted by the City Council shall be valid for a period longer than one year from the date it grants the conditional use permit, unless within such period: (1) a building permit is obtained and construction is begun; or (2) if a building permit is not required, an occupancy permit is obtained and the use of the building commenced. The City Council may grant extensions to the one (1) year period of not more than one hundred and eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.
13. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the approved Site Development Plan for the property and the conditions herein set forth, and written confirmation thereof signed by the new owner or lessee shall be filed with the City at the time of such transfer or lease. Failure to comply with this provision shall not excuse anyone from these conditions.

Section 4: The City Administrator of the City of Creve Coeur is hereby authorized and directed to issue a Conditional Use Permit in accordance with the provisions of this ordinance, said permit to expressly provide for the conditions and stipulations hereinabove set out in Section 3 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

Section 5: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2013.

DR. SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2013.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



city of CREVE COEUR

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

**APPLICATION TO PLANNING AND ZONING COMMISSION
#13-011 FOR APPROVAL OF A BOUNDARY ADJUSTMENT BETWEEN
151 EXECUTIVE ESTATES & 24 WEST WINDRUSH CREEK LANE**

FOR THE MEETING OF: May 6, 2013

LOCATION: 151 Executive Estates & 24 W. Windrush Creek Lane

REQUEST: The property owners of 24 West Windrush Creek Lane are seeking to exchange square footage with the adjoining property at 151 Executive Estates to create a larger lot.

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

Key Issues:

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

Subdivision Code References

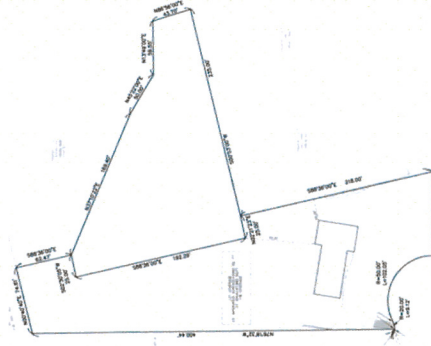
- Section 410.030(D)

Zoning Code References

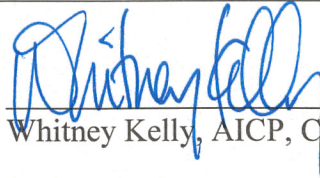
- Section 405.250: "A"
Single-Family Residential

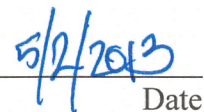
**APPLICANT /
PROPERTY
OWNER:** Jeanine Lohmann
24 West Windrush Creek Lane
Creve Coeur, MO 63141

**CO-APPLICANT /
PROPERTY
OWNER:** Jan Duke
Duke Homes, LLC
340 Meadowbrook Country
Club Estate
Ballwin, MO 63011



REPORT PREPARED BY:

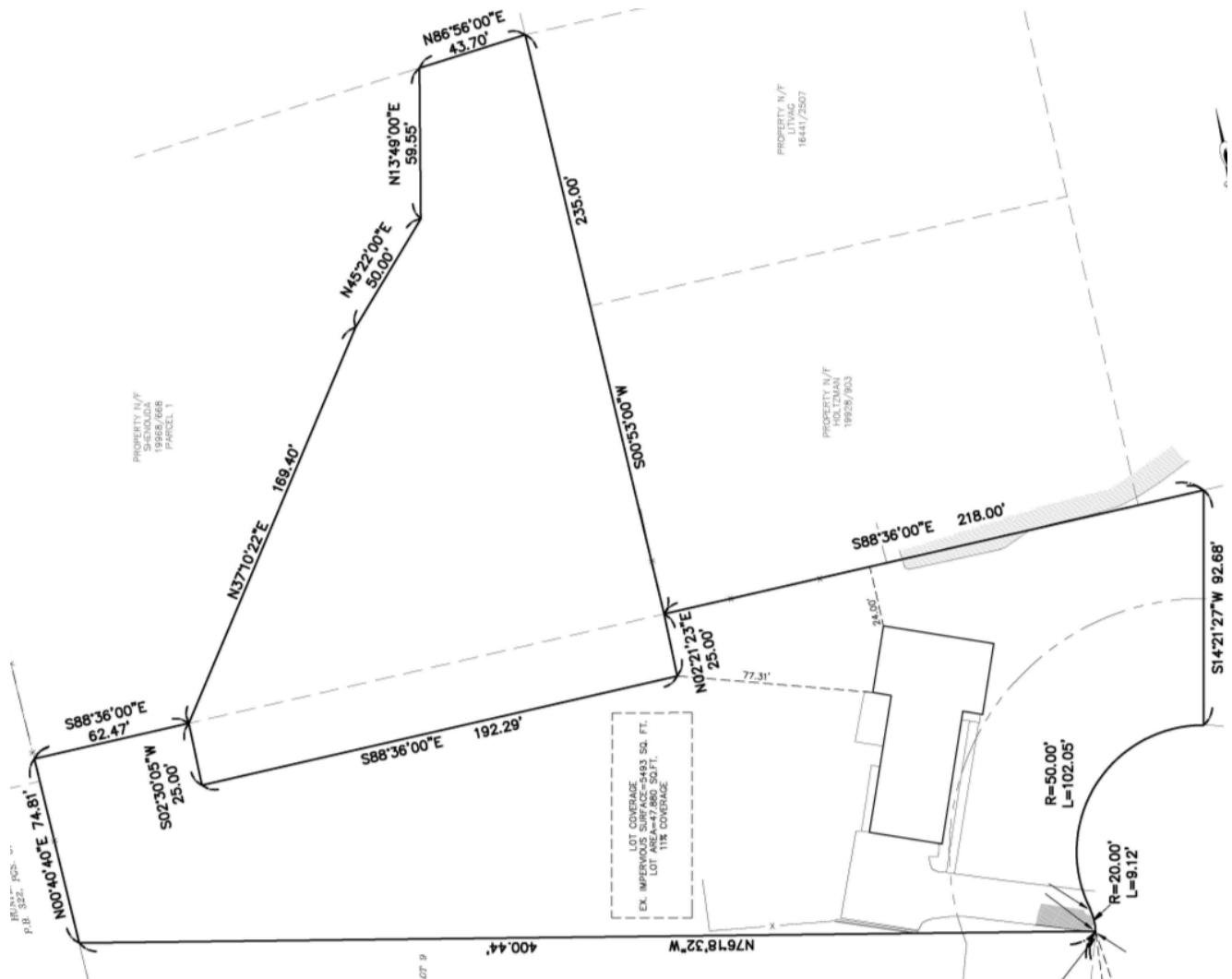

Whitney Kelly, AICP, City Planner


Date

ATTACHMENTS: Boundary Adjustment Plat

BACKGROUND

The property at 24 West Windrush Creek has a pre-existing, non-conforming site area of 0.579 acres. The original home was torn down and redeveloped in 2000. The house at 151 Executive Estates was built in 1967, with a site area of 1.21 acres. Both properties are zoned "A" Single Family Residential, that requires a minimum of one acre per property. The property owners are seeking a boundary adjustment that will allow the non-conforming lot at 24 West Windrush Creek to increase from 0.579 acres to 0.69 acres, by moving the rear property line 25 feet into the adjoining property. 151 Executive Estates acreage will decrease to 1.10 acres. While the proposed lot layout creates an unusual layout for the 151 Executive Estates lot, it does decrease the degree of this non-conformity for the adjoining property. Below is a close up of the boundary adjustment plat.



DISCUSSION

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

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

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

ACTION

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

MOTION

The following are examples of a motion for this application:

“I move to approve the 151 Executive Estates and 24 W. Windrush Creek Lane boundary adjustment attached to the staff report on application #13-011 received April 10, 2013, subject to the condition that a final drawing be prepared for signature and recording.”
(Conditions may be added, eliminated, or modified by preceding motion)

APPENDIX 1: ZONING CODE

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

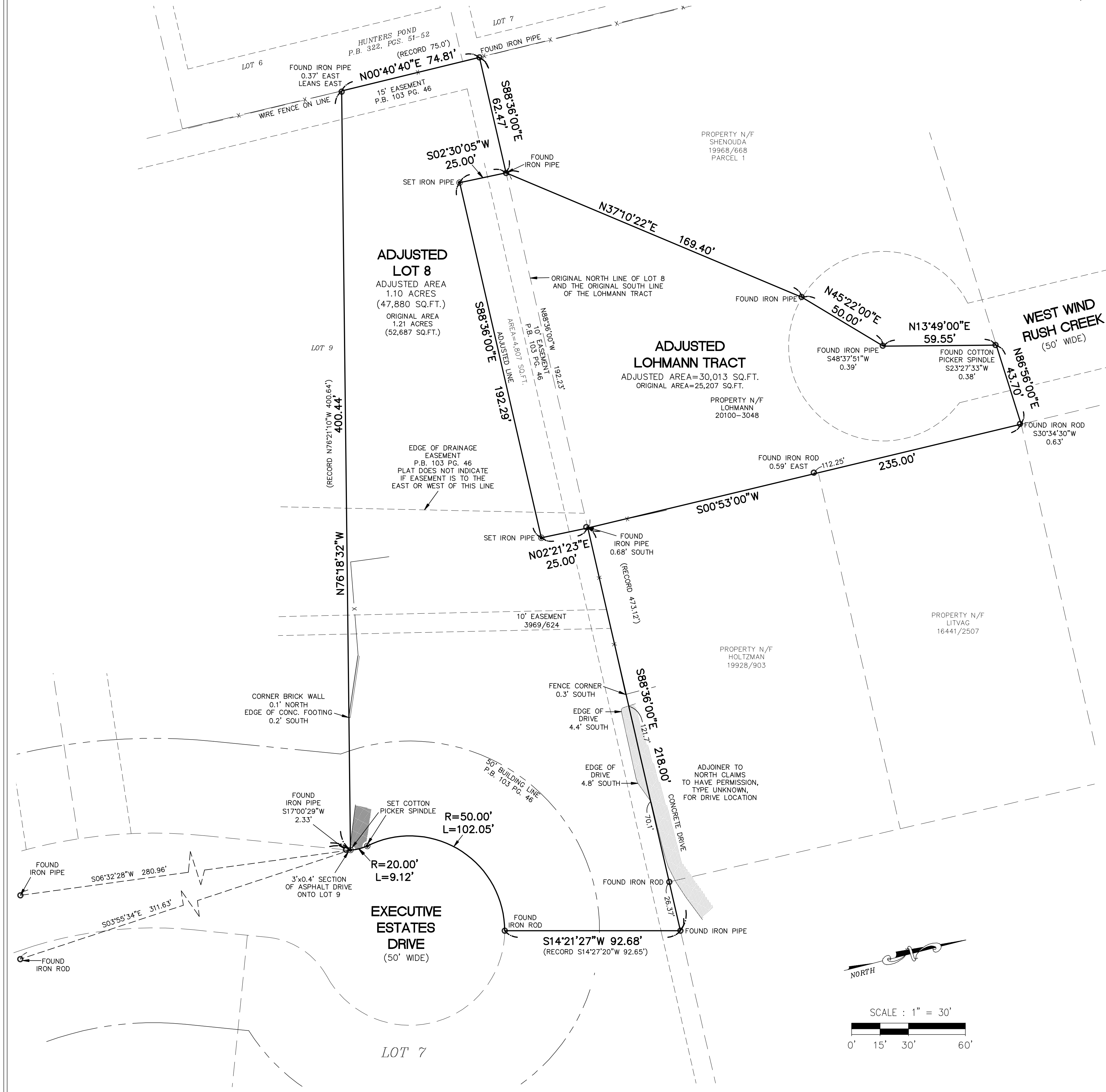
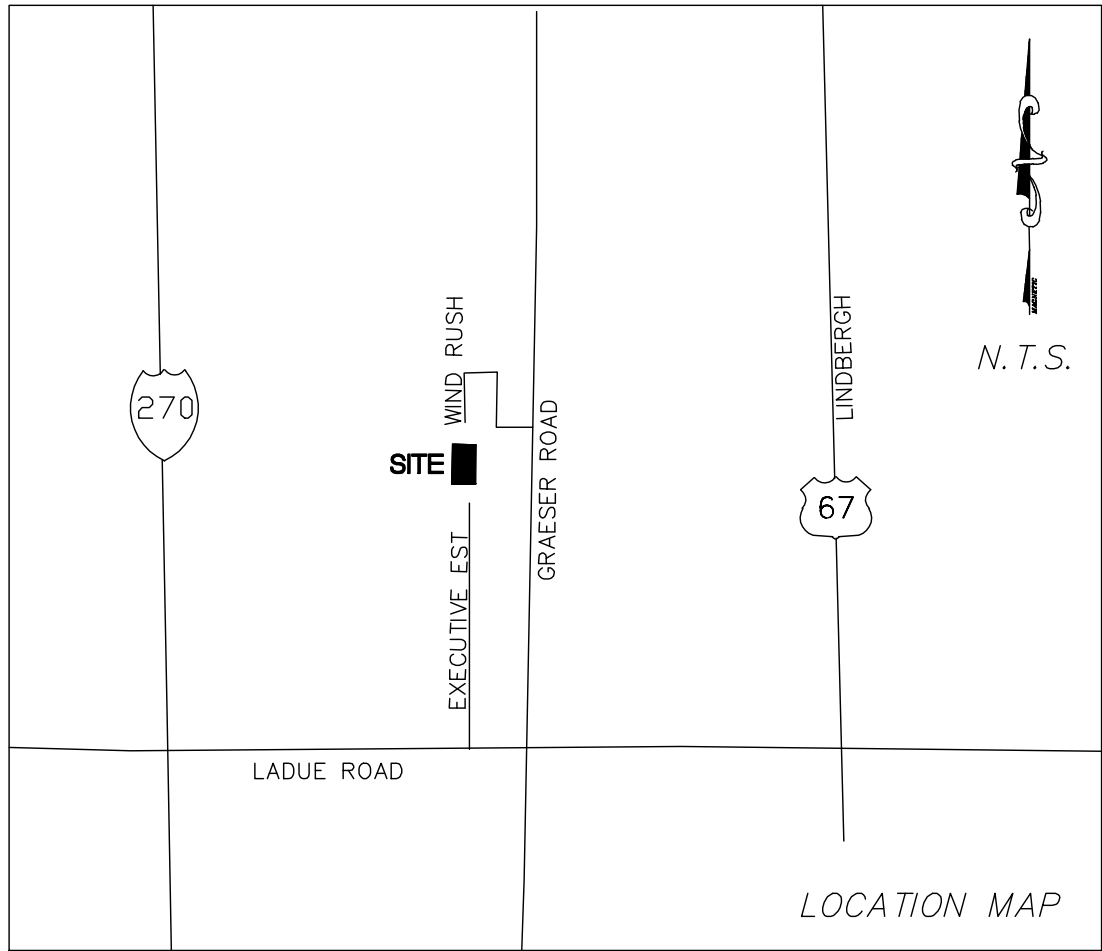
APPENDIX 2: CREVE COEUR SUBDIVISION AND LAND DEVELOPMENT REGULATIONS (CHAPTER 410 OF THE CREVE COEUR MUNICIPAL CODE)

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

APPENDIX 3: AERIAL MAP



BOUNDARY ADJUSTMENT PLAT
A TRACT OF LAND BEING ALL OF LOT 8 OF "EXECUTIVE ESTATES", P.B. 103, PG. 46,
AND THE LOHMANN TRACT AS RECORDED IN D.B. 20100 PG. 3048,
TOWNSHIP 45 NORTH, RANGE 5 EAST OF THE FIFTH PRINCIPAL MERIDIAN,
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI



OWNER'S CERTIFICATE—DUKE HOMES, LLC

THE UNDERSIGNED OWNERS OF THE LAND DESCRIBED IN THE FOREGOING SURVEYOR'S CERTIFICATE, HAVE CAUSED SAID TRACT OF LAND TO BE ADJUSTED AND SHOWN ON THIS BOUNDARY ADJUSTMENT PLAT.

ALL TAXES WHICH ARE DUE AND PAYABLE AGAINST THIS PROPERTY HAVE BEEN PAID IN FULL.

IN WITNESS WHEREOF, THIS DECLARATION WAS EXECUTED AS OF THE DAY AND YEAR FIRST ABOVE WRITTEN.

DUKE HOMES, LLC

BY: _____

PRINT NAME: _____

TITLE: _____

NOTARY FOR THE DUKE HOMES, LLC

STATE OF MISSOURI)

) SS:

COUNTY ST. LOUIS)

ON THIS ____ DAY OF _____, 2013 BEFORE ME APPEARED, _____ WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS A DULY AUTHORIZED AGENT OF DUKE HOMES, LLC, DULY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF MISSOURI, AND THAT THE FOREGOING INSTRUMENT WAS SIGNED ON BEHALF OF SAID DUKE HOMES, LLC BY AUTHORITY OF ITS MEMBERS AND THAT SAID _____ DECLARED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID DUKE HOMES, LLC.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THE DAY AND YEAR LAST ABOVE WRITTEN, IN THE STATE AND COUNTY FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC: _____

PRINT NAME: _____

OWNER'S CERTIFICATE—LOHMANN

THE UNDERSIGNED OWNERS OF THE LAND DESCRIBED IN THE FOREGOING SURVEYOR'S CERTIFICATE, HAVE CAUSED SAID TRACT OF LAND TO BE ADJUSTED AND SHOWN ON THIS BOUNDARY ADJUSTMENT PLAT.

ALL TAXES WHICH ARE DUE AND PAYABLE AGAINST THIS PROPERTY HAVE BEEN PAID IN FULL.

IN WITNESS WHEREOF, THIS DECLARATION WAS EXECUTED AS OF THE DAY AND YEAR FIRST ABOVE WRITTEN.

BY: _____

PRINT NAME: MARK LOHMANN

BY: _____

PRINT NAME: JEANINE LOHMANN

NOTARY FOR THE LOHMANN'S

STATE OF MISSOURI)

) SS:

COUNTY ST. LOUIS)

ON THIS ____ DAY OF _____, 2013 BEFORE ME APPEARED, MARK LOHMANN AND JEANINE LOHMANN, WHO BEING BY ME DULY SWORN, DID SAY THAT THE FOREGOING INSTRUMENT WAS SIGNED AND THAT SAID MARK LOHMANN AND JEANINE LOHMANN DECLARED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID MARK LOHMANN AND JEANINE LOHMANN

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THE DAY AND YEAR LAST ABOVE WRITTEN, IN THE STATE AND COUNTY FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC: _____

PRINT NAME: _____

CITY CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS BOUNDARY ADJUSTMENT PLAT WAS APPROVED ON THE ____ DAY OF _____, 2013, PURSUANT TO THE SUBDIVISION REGULATIONS OF THE CITY OF CREVE COEUR, MISSOURI, AS OUTLINED IN SECTION 410.030.D) OF ORDINANCE NO. 5123.

PLANNING AND ZONING COMMISSION
CITY OF CREVE COEUR, MISSOURI

TIMOTHY MADDEN, CHAIR

I, DEBORAH RYAN, CITY CLERK FOR AND WITHIN THE CITY OF CREVE COEUR, MISSOURI, DO HEREBY CERTIFY THAT THIS BOUNDARY ADJUSTMENT PLAT IS IN COMPLETE COMPLIANCE WITH ORDINANCE NUMBER 5123 APPROVED ON THE 22 DAY OF FEBRUARY, 2010, AS APPROVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR.

DEBORAH RYAN, MPCC
CITY CLERK

GENERAL NOTES:

1. BASIS OF BEARINGS FOR THIS SURVEY WAS ADOPTED FROM THE RECORD PLAT OF "EXECUTIVE ESTATES" AS RECORDED IN PLAT BOOK 103, PAGE 46 OF THE ST. LOUIS COUNTY RECORDS.
2. ALL TIES ARE PERPENDICULAR TO THE PROPERTY LINES UNLESS OTHERWISE NOTED.
3. A CURRENT TITLE COMMITMENT WAS NOT FURNISHED FOR THE EXECUTION OF THE SURVEY. THEREFORE THIS PLAT IS SUBJECT TO ALL THE CONDITIONS AND EXCEPTIONS THAT A CURRENT TITLE COMMITMENT MAY REVEAL, INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:
 - A. EASEMENTS OF RECORD.
 - B. EASEMENTS OR CLAIMS OF EASEMENTS NOT REVEALED IN THE PUBLIC RECORDS.
 - C. RIGHTS OR CLAIMS OF RIGHTS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORD, IF ANY.
 - D. DEFECTS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY. THIS SURVEY IS ALSO SUBJECT TO ANY CONVEYANCES OR TAKINGS, NOT REVEALED BY THE COUNTY ASSESSOR'S OFFICE, RIGHTS OF WAY, SETBACK LINES, COVENANTS, RESTRICTIONS AND ZONING ORDINANCES.

SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT WE HAVE, DURING THE MONTH OF MARCH 2013, BY THE ORDER OF MARK AND JEANINE LOHMANN AND DUKE HOMES, LLC, EXECUTED A PROPERTY BOUNDARY SURVEY AND PREPARED A BOUNDARY ADJUSTMENT PLAT ON A TRACT OF LAND BEING ALL OF LOT 8 OF "EXECUTIVE ESTATES", P.B. 103, PG. 46, AND THE LOHMANN TRACT AS RECORDED IN D.B. 20100 PG. 3048, TOWNSHIP 45 NORTH, RANGE 5 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI. THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS FOR URBAN PROPERTY.

DENNIS C. FRAZIER
FRAZIER LAND SURVEYING SERVICES, INC.
MISSOURI PROFESSIONAL LAND SURVEYOR #2002000247
CORP.# 2008003911

PREPARED FOR:
MARK AND JEANINE LOHMANN
24 W WINDRUSH CREEK
ST. LOUIS, MO. 63141

DATE: 03/13/13
SCALE: 1"=30'
PROJECT NO: 12-1594
FILE NAME: 12-1594.DWG

BOUNDARY ADJUSTMENT PLAT

REV-1:

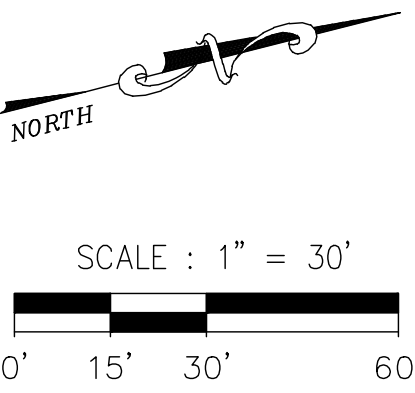
REV-2:

REV-3:

REV-4:

FRAZIER LAND SURVEYING SERVICES, INC.
705 BALLANTRAE DRIVE
WENTZVILLE, MO. 63385
PHONE: 636-332-0610
FAX: 636-332-0710

1 OF 1
SHEET





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

MEMO TO THE PLANNING & ZONING COMMISSION

Meeting Date: May 6, 2013

Subject: Comprehensive Plan Update

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

Attachments: Comprehensive Plan, by reference.
Comments received from Fran Cantor on May 2, 2013.

CURRENT STATUS

On February 11, 2013, the Planning & Zoning Commission joined the City Council for a joint work session to discuss an update to the 2002 Comprehensive Plan. It was generally agreed that the process should begin in the spring and carry through the rest of the year, as necessary, but that it should not continue into 2014 if at all possible. Accordingly, the May 6 meeting is scheduled for a discussion of Plan issues and is an opportunity to receive comments from the public.

The City newsletter for May and the website both have articles regarding the update process and a “comment box” is provided on the website for individuals to send in their thoughts at their convenience. As comments are received, they will be provided to the Planning Commission. Staff have also met with the Stormwater Committee and the Horticulture, Environment and Beautification Committee to discuss the purposes of the Plan and the update process. Their members have also been encouraged to provide comments on the plan, both as committee members with a particular focus and as residents.

This report will begin the Commission’s review of the Comprehensive Plan with a primary purpose of identifying concerns with the current text. Some well-documented issues were already referred to at the February work session, such as the undefined “green-line park,” but there are many other concerns throughout the document. To avoid inundating the Commission with information, and in the interest of keeping discussions focused, the report for the May 6th meeting will only indentify specific items from the first three Plan elements: “Goals and Strategies”, “Transportation Improvements” and “Residential Neighborhoods.” Note that sections where no issues were noted are not called out in this report. Of course, Commission members are urged to read the Plan on their own and to feel free to call out any concerns during the work session discussions. Comments from the public must also be heard and factored into the conversation.

COMPREHENSIVE PLAN REVIEW – PART 1

Foundation

“How This Plan Will Be Used”

- There are several references to Municipal Code sections that need to be updated.

“How The Plan Was Put Together”

- Will need to include the date that this update process is completed and outline the scope of the update.

“Community Priorities”

- The ordering of issues might need to be re-ordered or formatted to remove any suggestion of priority
- Should environmental quality be listed to support the on-going efforts spearheaded by the Horticulture, Environment and Beautification Committee (HEB) and the Climate Action Task Force (CATF)?

“Major Trends and Patterns Facing Creve Coeur”

- Updates for current census, community survey results and accomplished tasks.

The Plan

- In general, the hierarchy of sections and names is confusing. Tabbed sections appear to be equivalent to their subsections; minor formatting change is in order.

Goals and Strategies

“Residential Preservation and Economic Development”

- Should probably be separated as they really appeal to two different sets of concerns.

“Community Health and Connectivity”

- Green line park concept is not practical; needs to be updated or described differently.
- No mention of environmental improvements.
- Is the interest in a network of trails and open spaces over-stated?

“Community Image and Identity”

- Design Guidelines were strengthened and historic properties are preserved in parks.
- Modify statements regarding public arts to reflect formation of the Creve Coeur Arts Commission (CCAC).

“Transportation and Movement”

- “Reduce traffic congestion on major arterials” is so broad as to be almost meaningless.
- Is cut-through traffic still a major problem?
- Alternative transportation goals seem somewhat redundant.
- Signal coordination and road improvements on major corridors are not City projects.

“Public Facilities”

- The city cannot “ensure” anything from the fire districts or MSD.
- Generally, the section focuses on what others can or should provide, not what the City does.

Transportation Improvements

“Transportation Improvement Projects”

- Update based on accomplishments and new priorities.

“Evaluation Methods to Measure Transportation Performance and Minimum Standards”

- Is the majority of this section obviated by fulfillment of the objective to retain a traffic consultant?

“Pedestrian Level of Service Performance Measures”

- Is this section ever referred to directly? Should it be eliminated?

“Bicycle Level of Service Performance Measures”

- Is this section ever referred to directly? Should it be eliminated?

“East/West Connections Across I-270 as An Alternative To Olive Boulevard”

- Is there any interest in preserving this goal?

Residential Neighborhoods

“Planning Context”

- Needs to reflect approval of Enclave Bellerive subdivision.

“Residential Preservation and Economic Development”

- Stormwater controls get passing mention; should they receive greater emphasis and/or more specific outcomes? (e.g. Consider zoning amendments that incentivize the use of permeable pavers?)
- Should the RDD/PRD suggestion that lots be no less than 75% of the standard zoning be revised. This has been the subject of debate in several RDD projects since 2002.
- Design review for residences has been considered and rejected in the past; should it be removed as a suggestion, left alone or given new emphasis?

“Community Health and Connectivity”

- Needs to be updated to reflect Millennium Park completion.
- Is this another place to identify environmental improvement efforts?

“Transportation and Movement”

- Many items have been completed or need to be updated to reflect efforts to date.
- Are there new concerns in the subdivisions?

“Public Facilities”

- Emphasis is on stormwater management; should it say anything new?
- Needs to be updated to reflect new Stormwater Master Plan.

“Key Properties Map” and “Key Property Recommendations”

- Need to be updated to reflect approved projects.
- Based on the recent application by Delmar Gardens for the former Belle Maison subdivision, should the recommendations for that site (“Neighborhoods 5”) be modified in any way?
- Several sites are actually based upon conjecture about what could be assembled and redeveloped? Are these still valid? Are there new concerns or sites?

CONCLUSION AND NEXT STEPS

The preceding makes it clear that there are a variety of updates and revisions that could be made to the Plan. Some are simple matters while others will require some reflection. The members of the Commission are urged to read these sections of the Plan, hear comments from the residents and other interested parties, and discuss freely with each other. Quick answers are not necessary.

Another consideration is the overall tone and composition of the Plan. As the Commission and staff continue reviewing the remaining sections at the next meeting, there should emerge a sense about the kind of plan we have and whether or not it is still desirable. Is this a truly forward-looking plan, or is it more about managing the present and near term? Is it focused on protecting a great community or improving a community with problems? Does the plan send a message of optimism or fear? Again, the Commission is not asked to draw conclusions on these matters at this time, but is asked to be mindful of them as the reviews continue and modifications are considered.

The reviews of the Plan sections will continue at the May 20th meeting and, if necessary, into June. Once complete, the Commission and staff will need to contemplate the totality of the update effort and recommend the best way forward: an in-house update process, or a consultant-led overhaul. Once these first steps are complete, staff will prepare a white paper to encapsulate the issues and discussions with the Commission and the residents to serve as a guide in the drafting of new or modified Plan sections.

2013 Suggestions for Creve Coeur Comprehensive Plan Updates

The following suggestions are from me as a Creve Coeur citizen and not as chair of HEB Committee.

The Comprehensive Plan of 2002 is a forward thinking, community based document, that sets out worthwhile standards and goals for the City of Creve Coeur; however, in an effort to become more green, more interesting, and thus more livable, the Plan needs to be updated to this decade.

There are excellent not-for-profit organizations and government entities set up to help communities and individuals 'green-up' their surroundings. I will refer to these resources in the suggestions.

Landscape throughout Creve Coeur:

The landscape throughout Creve Coeur is not "nature friendly" and when one actually LOOKS, it is (as Claire Chosid says) boring. It lacks the feel of being in touch with nature. At the time the City's previous planting decisions were made they were based on the then, current, empirical 'knowledge'. We have learned that many of these plants, not just Honeysuckle, but also, for example, Burning Bush and Day Lilies (planted on Ballas) have been proven, by scientific study, to be 'invasive' (see below).

Creve Coeur should lead by example in how we steward our City properties. Additionally, Creve Coeur's requirements for commercial developers should require the developers to remove invasive plants and to plant native plants (see Tree City U.S.A. below). We benefit from native plants and not invasive plants, as noted by Douglas W. Tallamy in his book *Bringing Nature Home*. Professor Tallamy gives proof that native insects are specialists that rely and feed on the native plants with which they evolved. Our native, beneficial insects do not feed on non-native plants.

Entities that are available to help us plan landscape in an environmentally friendly manner are: Wild Ones, Audubon Society, Xerces Society, Missouri Department of Conservation and Missouri Prairie Association. These entities have helped us in the past with ideas and resources, and we should more actively seek their guidance in the future.

We need to make sure that our public works, parks and storm water professionals are attending continuing education courses. I attended a continuing education course put on by the Missouri Botanical Garden. I sat among professionals from Webster, Kirkwood and Clayton. There were over 100 people and only me from Creve Coeur. These are budget and manpower/allocation issues that need to be corrected to increase our landscape livability. (see Tree City U.S.A. below)

Tree City U.S.A.:

We are a Tree City U.S.A. We affirm that we spend \$2 per capita for the care and maintenance of our trees. If we want to be more livable, we need to do more. We should consider a new budget item that is less than 1% of our total yearly budget, to be spent on native landscape, including trees. [If we go to front yard trash collections, we could use the savings, at least \$200,000, to fund this effort. I will gladly, personally, pay for my back yard pickup in order to live in a much prettier city, one that is in-tune-with-nature.]

Additionally, Creve Coeur should consider requiring commercial developers to spend 1% of the initial development cost for native landscaping.

Bicycling and Pedestrian Transportation:

Creve Coeur's Comprehensive Plan sets goals to implement bicycle and pedestrian transportation improvements that will enhance the livability of our community. Creve Coeur's implementation of these goals should, in addition, incorporate native plantings that will serve as educational displays for our citizens. (As an important example, Confluence Greenway has specified native plantings on its connectors.)

Additionally, there is a national program designed to help cities incorporate multi-use streets. We should actively pursue "Complete Streets" policies (<http://www.smartgrowthamerica.org/complete-streets/who-we-are>).

Golf Course:

Our golf course is a large area of land that could be managed to enhance nature and to be even more enjoyable for the golfers. While we have made admirable efforts for our golf course to be a safer place (less chemicals) to spend time, we need to actively pursue becoming an Audubon International Golf Course (<http://www.pbcgov.com/parks/sports/golf/audubonsanctuary.htm>). We have not previously allocated funding for this wonderful enhancement. The benefits obtained will be enriching for all of us, non-golfers as well as golfers.

Parks:

Our parks continue to improve and Kirsten Barnes is a leader who has great ideas for us to move forward. Our parks need to be places not only for recreation, but also places for our citizens to commune with nature. This only happens if nature is welcome in our parks, i.e.: native plantings.

We should build and maintain an active Certify Nature Explorer Classroom in one of our parks (Kirsten's idea). (Here is the link. <http://www.natureexplore.org/certified/>). This enhancement to our parks would serve as a 'community builder' and as an educational facility. The nearest thing to this entity in the St. Louis area is the Green Center in University City. While the U City's Green Center is now a larger and privately funded organization, a variation of it would greatly enrich Creve Coeur.

Community Garden:

A community garden was attempted in the past but did not succeed for many reasons. We should keep this wonderful community builder on our list to pursue. It might even be coordinated with the Nature Explorer Classroom.

I will forward my page-by-page recommended amendments to the Comprehensive Plan, but I wanted to make you aware of my ideas. Ideas are only as good as the resources that a governing body is willing to devote to their implementation. In the past, things that grow in the ground have had a low priority in the Creve Coeur budget. We are becoming a more environmentally friendly city, and we need to continue to improve our City's environmental and livability by how we allocate our resources.

We live in a high-tech, information age. Creve Coeur children from the age of 6 on can google a "dragonfly". Let's make sure that when they visit a park in Creve Coeur that they actually see lots of dragonflies.

(For up-to-date scientific thinking on the benefits of native insects, here is a link to today's (May 2, 2013) New York Times Opinion on the 17 year cicada.
<http://www.nytimes.com/2013/05/02/opinion/here-comes-the-cicadas-buzz.html?ref=opinion>)

Memorandum

To: Mark Perkins, City Administrator, and Paul Langdon, Planning Director
From: Theresa Bradshaw, Public Information Officer and Management Analyst
Date: 5/2/2013
Re: Food trucks

Until recently, mobile food vendors (food trucks) were creatures of only the largest cities. As the food truck craze has spread into smaller metropolitan areas such as St. Louis, municipalities have found it necessary to regulate the trucks based on the unique needs of their communities. In the St. Louis region, municipal response has varied greatly, from tolerance/inaction to complete prohibition.

Currently, food trucks are permitted in Creve Coeur only under certain conditions:

1. If trucks wish to come and go in the city at their own discretion, a conditional use permit is required. Since a CUP requires a site plan, the truck would need a permanent site and would be required to comply with any conditions approved with the permit. To date, no such CUPs have been issued.
2. The second scenario is as a caterer. In this instance, trucks are hired by a business or organization to come to their property and provide food only to those already present; it is not intended to serve passers-by, the same as a catered party is not open to anyone who comes through the door. This is a permitted activity and has been done, on a limited basis, at CityPlace.
3. Last, if the food truck is on the property for a special event but is open to the public, it is still a caterer, but the property owner would need to obtain a temporary use permit from the City.

When considering a regulatory approach, municipalities must weigh numerous pros and cons. Food truck proponents argue that trucks can bring food into areas lacking in options, the trucks are great for festivals and in parks, and the trucks often have a following (cultivated through social media marketing) which can be a source of community building. Concerns regarding food trucks often focus on health/sanitation, competition with brick-and-mortar restaurants, traffic/parking, and whether trucks have permission from the property owners where they are parking.

There are numerous ways to control for the concerns listed above. Methods employed by other municipalities include:

- Restricting trucks to certain zoning
- Restricting number of days or specific hours during which trucks can operate

- Allowing trucks only for private events (treated as a catering service; one payment – no individual transactions)
- Limiting the length of time trucks can be parked (except when licensed for a special event)
- Requiring proof of property owner permission as part of licensing process
- Forbidding trucks to operate on vacant properties or outside the operating hours of the property's business
- Requiring buffer zones between brick-and-mortar restaurants
- Requiring proof of health inspection/no tax due/county peddler license
- Limiting the total number of food truck licenses available

Creve Coeur's current approach is much in line with other municipalities, such as Maryland Heights and Clayton, and is on the more restrictive end of the spectrum. On the other end of the spectrum, Chesterfield is embracing food trucks. The approximately 20 licensed trucks are required to obtain a business license and are given a list of rules in which they are expected to operate. The rules require current county licenses, collection and remittance of sales tax, parking no closer than 200 feet from brick-and-mortar restaurants, no parking on vacant/unoccupied properties, proof of property owner's permission (upon request), no public right-of-way or parks parking unless proper licensing is obtained, and no operating outside business hours of the primary adjacent establishment(s). The city schedules three trucks at City Hall on Fridays and invites the trucks to various community events throughout the year.

Going forward, the approach for Creve Coeur depends largely on what concerns are or are not present in the community as well as whether the city would have the staff resources necessary to enforce regulations. Based on staffing concerns, a more simplistic and streamlined approach will be preferable. Additionally, it should be noted that our Recreation Department has expressed an interest in inviting the trucks to various events in the parks but has refrained so as not to appear to be operating outside the rules which we apply to private entities.

As discussed, this matter will be included as a discussion item on upcoming Planning and Zoning Commission and City Council agendas. We will also seek input from the Chamber of Commerce and local businesses.

TRB

Attachment (1)

The below matrix illustrates each city's approach to food truck regulation. Additional supporting materials (ordinances, business license applications, emails, etc.) are available upon request.

City	License	Fee	Distance from brick and mortar?	Other
Berkeley	Hawker, Peddler & Transient Merchant	Dependent on sales, annual	None	\$500 bond, restricted hours
Boston	Mobile Food Truck Permit (per vehicle)	\$500 application, annual fee based on taxable market valuation of property on which trucks will be operating per required map routes	None	Liability insurance, Committee makes rules and approves/denies applications, MFT Committee also determines where trucks can operate
Chesterfield	Business License for Food Trucks	\$25 annual	200 feet	MO No Tax Due, County Peddler License, health permit, proof of property owner permission
Clayton	PW permits if on street or sidewalk, PR permits if in park.	None	None	Treated as catering service, health permit
Fairview Heights	Forbidden	n/a	n/a	n/a
Hazelwood	Hawker, Peddler, Solicitor & Transient Merchant	\$25 annual	None	Restricted hours of operation
Kirkwood	Temporary Merchant	\$25/day	None	No action taken, tolerated
Lake St. Louis	Business + additional regulations	\$10/day or \$50 annual (vendor choice)	None	Health permit, no residential, operate 5 out of 7 days, no public streets (proof of property owner permission)
Las Vegas	Mobile Food Vendor	Dependent on sales, semiannual	150 feet (also restricts time and distance from schools, city concession stands)	Proof of NV tax, health permit/vehicle, liability and property damage insurance, move every 30 minutes (unless special event permit)
Maryland Heights	Itinerant Merchant	\$25 monthly	None	Require site plan and proof of property owner permission