



AGENDA
CITY OF CREVE COEUR
PLANNING AND ZONING
300 NORTH NEW BALLAS RD
NOVEMBER 6, 2023
6:00 PM

CALL TO ORDER

ROLL CALL

Ms. Julie LaBonte (Chair)
Ms. Muriel Hall
Mr. Larry Potashnick
Ms. Marjorie Richter
Mr. AJ Wang
Ms. Rhonda O'Brien
Mr. Thomas Buelter

Mr. Carl Lumley, City Attorney
Mr. Jason Jaggi, Director of Community Development
Ms. Bethany L. Moore, City Planner
Ms. Megan Waller, Administrative Supervisor/Recording Secretary

ACCEPTANCE OF THE AGENDA

APPROVAL OF MINUTES

1. October 2, 2023 Planning and Zoning Commission Draft Meeting Minutes

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.

UNFINISHED BUSINESS

NEW BUSINESS

1. Venable Park Master Plan

Jason Valvero, Director of Recreation, will present the Venable Park Master Plan to the Planning and Zoning Commission for review and comments.

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1. PUBLIC HEARING. Application #23-032: Text Amendment to the Zoning Ordinance to Amend Section 405.450.C, Permitted Uses, to Comply with Federal Law Regarding Short Term Rentals

Jason Jaggi, Director of Community Development, on behalf of the City of Creve Coeur, has submitted an application for text amendments to Section 405.450.C of the Zoning Ordinance which regulates short term rentals. The Court of Appeals for the 5th Circuit of the United States recently held that a residency requirement for owners of residential properties desiring to engage in short term rentals unconstitutionally interferes with interstate commerce. The City of Creve Coeur's short term rental ordinance presently contains such a restriction and now must be amended for conformity with federal law. This item was deferred from the September 18, 2023 Planning and Zoning Commission meeting.

2. PUBLIC HEARING. Application #23-033: Text Amendment to Amend Section 405.1070 of the Zoning Code Regarding Procedures for Consideration of Applications for Conditional Use Permits

Jason Jaggi, Director of Community Development, on behalf of the City of Creve Coeur, has submitted an application for text amendments to Section 405.1070 of the Zoning Ordinance which provides the procedures for consideration of applications for Conditional Use Permits by the City Council. The amendments are proposed to refine the procedures regarding these types of applications, including additional procedures when Conditional Use Permits are disapproved by the City Council. This item was deferred from the September 18, 2023 Planning and Zoning Commission meeting.

3. 2024 Planning and Zoning Commission Meeting Schedule

WORK AGENDA

DEPARTMENT REPORTS

1. Olia Village Rezoning Application

Staff will update the Commission on the approval of the rezoning application by the City Council for the Olia Village Planned Mixed Use Development

ADJOURNMENT



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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.

Posted by: Date/Time posted:

If you need special accommodations to attend a meeting, services may be arranged by contacting the Office of the City Administrator in advance.



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CALL TO ORDER

The meeting was called to order at 6:00 PM.

ROLL CALL

Ms. Julie LaBonte (Chair)
Ms. Muriel Hall (Arrived at 6:03 PM)
Mr. Larry Potashnick
Ms. Marjorie Richter
Mr. AJ Wang
Ms. Rhonda O'Brien
Mr. Thomas Buelter

The following staff were also present:

Mr. Carl Lumley, City Attorney
Mr. Jason Jaggi, Director of Community Development
Ms. Bethany L. Moore, City Planner
Ms. Megan Waller, Administrative Supervisor/Recording Secretary

ACCEPTANCE OF THE AGENDA

Mr. Wang made a motion to approve the agenda. Mr. Potashnick seconded. All in favor.

APPROVAL OF MINUTES

1. September 18, 2023 Planning and Zoning Commission Draft Meeting Minutes

Mr. Wang made a motion to accept the September 18th, 2023 meeting minutes. Mr. Potashnick seconded. All in favor.

PUBLIC COMMENT

None



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UNFINISHED BUSINESS

- 1. PUBLIC HEARING. Application #23-027 and #23-028: for a Rezoning From “RO” Research Office District to the Olia Village “PMD” Planned Mixed-Use Development District With a Site Concept Plan, Phase One Site Development Plan and Associated Preliminary Plat for the 96 Acre Property at 10300 Olive Boulevard.**

Those speaking to the request were sworn in.

Mr. Jason Jaggi, Director of Community Development, summarized the previous hearings of the project. He then stated the objectives of the meeting and next steps for the project.

Mr. Matt Pfund, 3925 Blackburn Rd., Edwardsville, IL 62025, gave an overview of how the project aligns with the City's comprehensive plan, specifically the 39 North Master Plan. He summarized the changes that have been made to the project since the previous two hearings.

Mr. Pfund stated that approvals have been received from the Army Corps of Engineers and MO Department of Natural Resources regarding the plans for existing waterways on the site. He also stated that MoDOT has given approval on the traffic impact analysis and modification plans.

Mr. Pfund stated that the plan limits the maximum building height to three stories when adjacent to existing residential and maximum garage height to four stories when adjacent to existing residential.

Mr. Pfund stated that the proposed plan includes many new tree plantings to densify the buffer.

Mr. Wes Haid, 7722 Big Bend Blvd., St. Louis, MO 63119, stated that the proposed buffer along Lots 1, 10, and 17 will help screen light and mitigate noise to existing neighbors. He explained that this buffer will have 9 different species of evergreen trees along the buffer.

Mr. Haid stated that the variety of evergreens will help to create visual interest and prevent disease of species.



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Mr. Haid stated that the placement of the trees will be strategic based on screening needs.

Mr. Chris Stritzel, 1 Memorial Dr #500, St. Louis, MO 63102, reminded the commission of changes that have been made to the plan since the first two hearings. He stated that since the first meeting, the proposed nature trail has been removed from behind Lots 1, 10, and 17. He stated that the proposed retaining wall has since been straightened out and the buffer size and planting density has been increased.

Mr. Stritzel stated that since the previous meeting, office uses have been made stricter and some uses have been removed. He also stated that additional lighting restrictions have been added to Lots 10 and 17 along with adding irrigation to Lots 10 & 17.

Mr. Stritzel presented a rendering of the wall height around the development and stated that the maximum height of the wall is now 20ft with the side of the wall facing the residents at 14ft.

Mr. Stritzel presented the proposed map of the shared use path, sidewalks, and nature trail. He explained that per the Commission's recommendation, sidewalks on Main Street will be 8ft and those not on Main Street with a storefront will be 7ft in width. He stated that sidewalks away from Main Street within the development will remain 6ft wide.

Mr. Stritzel stated that MoDOT has approved the traffic study since the previous meeting.

Mr. Stritzel presented the USGS topographic map of the Dielmann Creek. He explained that the map has not been updated for many years. Mr. Stritzel stated that the developer uses the map as a starting point for planning the site. He then explained that an environmental scientist performed a study of the creek that was presented to and approved by the Army Corps of Engineers.

Mr. Stritzel stated that before any work can begin near the stream, permits will be required from the Army Corps of Engineers, MO Department of Natural Resources, US EPA, MSD, US Fish and Wildlife, and the City of Creve Coeur.

Mr. Stritzel stated that MSD has confirmed that there is no flood insurance study within 3,500ft of the property. He explained that the developer will have to provide their own study showing that there will be zero increase downstream to the Deer Creek



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watershed. Mr. Stritzel explained that the initial MSD permits have been applied for and are in review.

Mr. Stritzel presented the study provided to the Army Corps of Engineers and the portion of the creek that will be removed and relocated. He highlighted the portion of the creek that has been previously altered and is piped through a sewer system. Mr. Stritzel stated that the remaining portion of the creek will be mitigated as well.

Mr. Stritzel stated that the developer has received approval from the Army Corps of Engineers and water quality permit from the MO Department of Natural Resources to move forward with the project. He presented the City's stream buffer protection ordinance, noting the exemption criteria.

Mr. Stritzel explained the creek mitigation process. He stated that the City's stream bank buffer protections will be met in areas where the stream will remain.

Mr. Stritzel stated that the topographic survey was completed in November 2022 including the tree count. He explained that this survey was done in the winter for accuracy, as the equipment cannot penetrate through the tree canopy.

Mr. Stritzel stated that the total onsite Dielmann Watershed is 66 acres, with 32 acres of onsite area and 34 acres of offsite. He explained that a 48" culvert currently handles the stormwater in this area. Mr. Stritzel stated that the relocated culvert will be designed to handle a 100-year storm event, including the current on and offsite site storm water runoff, as part of the MSD permitting process. He stated that this will all be piped through an underground sewer.

Mr. Stritzel stated that the City's code requires proof that there will be no adverse effects on neighboring properties due to stormwater runoff. He explained that when the retaining wall is installed, some of the stormwater runoff will be redirected to the north and piped through the site, and some will be directed through the existing 48" culvert.

Mr. Stritzel stated that 60% of the current watershed is from offsite runoff. He explained that MSD is requiring the site to be calculated as "back to grass" in order to improve the runoff. He explained that the current peak flow is approximately 410 cubic feet per second, the allowable is approximately 355 cubic feet per second, and the proposed is approximately 340 cubic feet per second, which is a 17% reduction.



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Mr. Tobias Heddinghaus, 9 Sunnen Dr #110, St. Louis, MO 63143, stated that the site is intentionally designed to keep the highest density proposed uses to the north and east, and lowest density to the south and west. He stated that 1/3 of the site will remain undeveloped.

Mr. Heddinghaus stated that there are 10 proposed parking garages scattered throughout the site. He explained that this will help keep the site walkable with more greenspace.

Mr. Heddinghaus stated that the central parking garage will serve many of the adjacent buildings. He explained that the garage will be similar in height to the surrounding buildings. He stated that the west side will be about 20ft taller, and the east side will be about 8ft taller than the existing G building. Mr. Heddinghaus stated that the garage is not as tall as the proposed new buildings on the site and that the top deck of the garage walks into the connected apartment building.

Mr. Heddinghaus presented a rendering of the proposed height of the garage compared to an adjacent residence with the proposed buffer. He explained that there will be no buildings over 3 stories or garages over 4 stories adjacent to residential lots.

Ms. Kristie Bailey, Fireside Financial, thanked the commission for their time. She stated that the project has evolved and changed throughout the planning process out of respect for the neighbors.

Ms. Bailey stated that she was a part of a neighborhood meeting with the Spoeede neighbors. She stated that the developers have asked the neighbors for acceptable solutions but did not receive any suggestions. She stated that she had requested an additional meeting with the neighbors, but her request was not entertained.

Ms. Bailey stated that the project cannot afford any more changes or delays, and asked that the commission move the project on to City Council.

Ms. Bethany Moore, City Planner, reminded the commission that there are four separate districts of the proposed project. She presented the use table with the number of stories for each building.

Ms. Moore stated that the materials of the proposed retaining wall are meant to mimic natural stone.



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Ms. Moore stated that a new architectural bus shelter is proposed to replace the existing stop along Olive Blvd.

Ms. Moore stated that the previously proposed greenhouses adjacent to residential have been removed.

Ms. Moore stated that the location of the shared use path has been shifted to the outside of lot 7 to keep the sidewalk area along Main St clear for pedestrian use.

Ms. Moore stated that the proposed landscaping includes several varieties of evergreens within the 40ft residential buffer yard in front of the retaining wall. She explained that this will help with light spill, noise mitigation, and create a denser buffer. She explained that a condition could be added to require additional plantings to be added if there are concerns upon the final landscaping inspection.

Ms. Moore stated that the tree conservation plan has been updated to remove no more than 50% of all existing trees greater than 6 caliper inches. She stated that a condition could be added to provide more details for the tree conservation plan with methodology and supporting calculations prior to final consideration.

Ms. LaBonte asked if a City arborist has done a study on the proposed tree conservation. Ms. Moore stated that the City has not done a study. Mr. Jaggi stated that a building inspector on staff does have an arborist certification, but he has not been asked to perform a study based on the scope of the project.

Mr. Jaggi presented changes to the development standards since the previous meeting. He stated that in Category C: General Office, buildings are limited to 3 stories or 50ft for lots 10 & 17 which are immediately adjacent to residential.

Mr. Jaggi stated that Category D: Residential development is now limited to attached single family dwellings which can be up to 40ft in height or 3 stories and detached single family homes can be 2 1/2 stories or 35ft in height.

Mr. Jaggi stated that Section F: Landscaping and Tree Requirements have been updated to include existing parking lots that will remain on the site must be improved to meet current City standards, including landscape medians enhancements and tree plantings. He stated that a requirement for irrigation on Lots 10 & 17 has also been added.



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Mr. Jaggi stated that Section H: Light Requirements have been updated to limit the heights of light poles in parking lots to 16ft when adjacent to Lots 10 & 17. He also stated that a requirement has been added to require occupancy sensors in buildings adjacent to Lots 10 & 17, and that full cut-off shielded fixtures are required to meet the current lighting code.

Mr. Jaggi stated that Section K: Public/Private Improvements require all streets that are to be made public must be concrete.

Mr. Jaggi stated that Section M: Miscellaneous shows that the standards state the proposed retaining wall heights are maximums.

Mr. Jaggi stated that EV stations will be considered during the site development plan for individual lots. He stated that additional information will be provided at a later phase regarding bus shelters and public art.

Mr. Jaggi stated that Table A: Permitted Use table revisions include removal of all marijuana uses except for dispensary facilities.

Mr. Jaggi stated that drive-through facilities are limited to the mixed-use district in the proposed use table.

Mr. Jaggi presented an update on Criteria 14, which considers the revenues and municipal service costs. He stated that this is under further review, as it is still early in the project. He presented a preliminary projection of the cost for public works, community development, and the police department over several years.

Ms. LaBonte opened up the public hearing for public comment. Those speaking to the request were sworn in.

Ms. Monica Moore-Zigo, 9 Spoede Woods, Creve Coeur, MO 63141, stated that she has concerns with the zoning and design standards of the development. She also had concerns that the applicant is unwilling to adjust the plans to accommodate the adjacent residents.

Ms. Moore-Zigo stated that she has concerns that the wetland impact report is inaccurate and with the proposed changes to the creek.



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Mr. John Nations, 16150 Main Circle Dr. #250, Chesterfield, MO 63017, stated that he is an attorney representing some of the Spoede Woods neighbors. He stated that the neighbors support the redevelopment of the site, but they have concerns with the proposed project.

Mr. Nations reminded the commission that while the developer has been working on the proposed project for over a year, the neighboring residents have not been a part of the planning process throughout that time.

Mr. Nations stated that there are no provisions in place to stop the applicant from filing amendments to change the plan after the initial ordinance is passed.

Mr. Nations stated that the proposed buffer would allow a 50ft building to be built 75ft from the existing residences. He stated that the zoning ordinance allows the Commission to require a larger buffer than the minimum, and the residents are asking that the current 120ft buffer be preserved and enhanced.

Mr. Nations stated that the neighbors are asking the Commission to recommend denial of the proposal to the City Council.

Ms. Elizabeth David, 9 Ramblewood Ln, Creve Coeur, MO 63141, had concerns that lot 1 of the proposed development is also adjacent to residential, and has not received the same accommodations as lots 10 & 17.

Mr. Tomislav Zigo, 9 Spoede Woods, Creve Coeur, MO 63141, stated that he is an architect. He stated that he has concerns regarding the proposed buffer and how close the development will be to his residence. He also had concerns regarding the proposed retaining wall.

Ms. Martha Smith, 26 Spoede Woods, Creve Coeur, MO 63141, stated that she has been a homeowner in the area for 30 years. She stated that she does not feel her and her neighbor's concerns are being taken into consideration by the development with the proposed development. She had concerns regarding the timeline of the proposed project and stated that she feels the proposed development will alter the subdivision permanently.



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Mr. Steve Melnick, 16 Spoede Woods, Creve Coeur, MO 63141, stated that he would have liked earlier communication with the developer regarding the plans for the development. He stated that his property sits higher than the proposed development, and he has concerns regarding the number of trees being removed from the development and the proposed buffer.

Mr. Keith Huckshold, 19 Tealwood Dr., Creve Coeur, MO 63141, stated that he and his wife have concerns regarding the impact on the school district. He questioned if the school district is aware of the changes and if they have feedback. He had concerns regarding roadway access to and from the site and traffic impacts. He also had concerns regarding stormwater runoff from the site.

Mr. David Singer, 6 Spoede Woods, Creve Coeur, MO 63141, thanked the applicant for their presentation and addressing neighborhood concerns. He stated that he would have liked the developer to include the neighbors in the planning of the site early in the process. He stated that he is excited about the development of the site but is very concerned regarding the proposal.

Mr. Danny Wolk, 20 Colonial Hills Dr., Creve Coeur, MO 63141, stated that he has concerns regarding the traffic impacts and density of the proposed project. He stated that he hopes the development will not cause traffic issues for smaller streets within the City. He also had concerns regarding the impact on the school district.

Mr. John Murphy, 10305 Sunswept Dr., Creve Coeur, MO 63141, stated that he and his neighbors are opposed to pedestrian access to the Sunswept neighborhood. He provided a petition from the neighbors opposing pedestrian access to the Sunswept neighborhood.

Mr. Blake Eastwood, 14 Sunswept Dr., Creve Coeur, MO 63141, stated that he has concerns regarding the stormwater runoff impacts to the Sunswept neighborhood. He asked for reports from MSD regarding the existing sewer system. He also had concerns that only the minimum buffer is being proposed.

Mr. Jaggi thanked the commission for their time. He stated that staff has followed the processes outlined by ordinance for this project. He stated that the objective of this project meets the goals of the comprehensive plan, the 39 North district, and fits the needs of the region.



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Mr. Jaggi stated that staff has had many conversations with the developer regarding the buffer, such as filling sparse areas with additional plantings. He stated that the developer started with the 35ft buffer because it is the minimum outlined. He also reminded the commission that additional plantings will be added to the buffer for density.

Ms. O'Brien had concerns regarding the traffic impacts after hearing public comments. Mr. Jaggi stated that the City's traffic engineer has provided feedback regarding the traffic impacts and that MoDOT has given approval for the traffic study of the project.

Mr. Potashnick asked for an update on conversations with the school district. Mr. Jaggi stated that the school district is aware of the project, but the City is not involved with the school district communications.

Ms. LaBonte had concerns that the developer is unwilling to make changes to the proposed project.

Mr. Pfund responded that proposed trees to be added to the buffer will be 6-8ft at planting in the fall of 2025.

Mr. Pfund stated that the developer has offered individual meetings with the neighbors and has had several one-on-ones. He stated that the developer has already made significant changes to the proposal for the neighbors. He stated that the proposed buffer will be a higher quality buffer than what currently exists and offer functional protection.

Mr. Pfund stated that each of the lots of the development will require additional review from the commission.

Ms. LaBonte asked if the developer can expand the buffer any further and what the absolute maximum could be. Mr. Pfund stated that they cannot expand the buffer any further than the 40ft that is proposed. Ms. LaBonte asked what the minimum buffer would be under the existing zoning. Mr. Jaggi stated that the current RO zoning district requirement would require a 50ft buffer with a maximum building height of 45ft. Mr. Jaggi reminded the commission that a component of the application is a rezoning.



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Mr. Buelter asked who has the authority to approve changes during construction. Mr. Jaggi stated that minor changes could be approved at the staff level, but if major changes are proposed, such as to the height of the building, it would require an amendment to the ordinance. He stated that changes to the ordinance would require review by the Planning and Zoning Commission and City Council.

Mr. Buelter asked when construction would begin on lots adjacent to residential. Mr. Pfund stated that Lots 10 and 17 are scheduled to occur in phase 3, which is planned for 2026. He stated that phase one will include streets, grading, planting, and the retaining wall.

Ms. O'Brien asked if the video shown by the residents is accurate in terms of the view of the buffer. Mr. Pfund stated that he did not prepare the video and does not know the accuracy of the video prepared by the neighbors. He stated that he did not see any of the proposed new plantings in the video.

Mr. Wang had concerns regarding the projections of revenue. Mr. Pfund stated that the projections are in place and under review at this time.

Mr. Buelter asked when the revenue impacts will occur in relation to the phasing of the project. Mr. Jaggi stated that this will depend on the timing of the project. He stated that the current projections cover 20 years. Ms. LaBonte asked if that would mean the City could have to cover costs before revenue. Mr. Jaggi stated that the roads would likely not be accepted by the City until closer to project completion.

Mr. Wang thanked the commission for widening the sidewalks to 8ft in the higher traffic area.

Mr. Potashnick asked Mr. Pfund for a school district update. Mr. Pfund stated that the projections are being discussed with the school district currently. Mr. Pfund stated that two thirds of the projected apartments are one bedroom.

Mr. Buelter asked about a performance bond for the project. Mr. Jaggi stated that this would be considered at the City Council level.

Ms. LaBonte closed the public hearing.

Mr. Lumley offered the exhibits to the record.



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The commission took a 10-minute recess.

Ms. LaBonte called the meeting back to order at 8:39 PM.

Mr. Jaggi stated that the developer and staff have agreed that the pedestrian connection at Vantage Credit Union has been removed from the plan, as it is undesirable for residents of Sunswept neighborhood.

Ms. LaBonte asked to discuss impacts to the proposed buffers and preserving the existing trees. Mr. Jaggi stated that the type of wall proposed does not require a lot of geo grid to minimize disruption. He stated that the proposed ordinance requires evergreens to be planted at 8ft, and that staff reserves the right to require additional plantings if areas of the buffer appear sparse at the time of installation.

Mr. Buelter asked for examples of current buffers in existing commercial areas adjacent to residential. Mr. Jaggi stated that each one is different depending on the zoning and site size. Mr. Jaggi stated that the current existing zoning of the property would require a 50ft buffer.

Ms. Hall asked how the commission should accommodate the residents with the proposed buffer. Mr. Jaggi stated that this is up to the discretion of the commission. Ms. Hall suggested requiring a 50ft minimum buffer, as this fits the current zoning of the property.

Mr. Potashnick suggested adding a recommendation to City Council that the minimum buffer shall be 50ft. Ms. Richter disagreed and stated that the ordinance already states that the minimum buffer is 35ft. Mr. Jaggi stated that the question before the commission is whether the proposed 40ft buffer is acceptable or if they would like to recommend that City Council increase the minimum buffer size to 50ft.

Mr. Potashnick asked when the commission will consider the landscaping plan. Mr. Jaggi stated that it is a component of the site plan for Phase 1.

Mr. Jaggi asked the commission to deliberate the proposed Attachment B. He stated that Attachment B is to be used in conjunction with the approved site concept plan, and that neither can stand on its own. He explained that there are four categories of use outlined.



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Ms. LaBonte had concerns regarding drive-through requirements. Mr. Jaggi stated that the commission can add a condition to limit drive-through locations.

Mr. Jaggi stated that the lot standards are outlined in Attachment B. Ms. LaBonte had concerns regarding the minimum standards of the lot size for Category D: Residential. Mr. Jaggi stated that some developments have small yards with added common ground space. Mr. Pfund stated that the standard was written when condos were a consideration, and that the setbacks will be noted on the site development plan.

Mr. Jaggi stated that parking will be calculated based on the proposed uses. He stated that this will be considered at the site development plan phase. He also explained that there will be a 15% reduction in required parking due to the shared parking on the site.

Ms. LaBonte had concerns about the design of the parking garage and light spill and noise. She asked if the back of the garage could be closed to shield the adjacent residents. Mr. Jaggi stated there are many building code requirements for parking garages that will need to be reviewed, and that this will be considered as part of the site development plan.

Mr. Jaggi stated that staff added an amendment that any median greater than 4ft shall be irrigated.

Mr. Jaggi stated that a master sign plan must be submitted for review by the Commission.

Mr. Jaggi stated that individual lighting plans must be submitted at the site development phase.

Mr. Jaggi stated that the architectural standards specify the color palette and approved materials.

Mr. Potashnick asked if there are any default provisions. Mr. Jaggi stated the standards would default back to the underlying zoning ordinance.

Mr. Jaggi presented the proposed use table. He stated that marijuana uses have been removed except for dispensaries.



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Mr. Jaggi stated that the proposed office district would allow office uses only. He explained that no restaurant uses would be allowed. Ms. LaBonte asked if time restraints could be placed on office uses to limit light spill onto adjacent to residences. Mr. Jaggi stated that time restrictions are not currently used on existing office uses adjacent to residential.

Mr. Jaggi stated that the use table has been amended to remove multi-family from the residential district of the proposed project.

Mr. Jaggi stated that the phase one site development plan will include grading, site clearing, tree removals, installation of roadways, streetlights, and utilities. He stated that this phase will be all site work.

Mr. Jaggi stated that the current preliminary plat shows the proposed lots and roadways. He stated that the applicant will need to submit a final plat to be reviewed and approved by the Commission and City Council at a later date.

Mr. Jaggi summarized the draft ordinance for the Commission's consideration.

Mr. Wang made a motion to recommend approval of the applications as outlined in the staff report and draft ordinance. Ms. O'Brien seconded. All in favor (vote occurred after consideration of the below amendment).

RESULT: Approved
MOVER: Wang
SECONDER: O'Brien
AYES: Rhonda O'Brien, AJ Wang, Larry Potashnick, Muriel Hall, Thomas Buelter, Marjorie Richter, Julie LaBonte
NAYS: None

Mr. Potashnick made a motion to amend the current motion to increase the minimum buffer yard to 50ft adjacent to existing residential districts. Mr. Wang seconded. Ms. Richter voted nay. All others voted aye.

RESULT: Approved
MOVER: Potashnick
SECONDER: Wang
AYES: Rhonda O'Brien, AJ Wang, Larry Potashnick, Muriel Hall, Thomas Buelter, Julie LaBonte
NAYS: Marjorie Richter



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NEW BUSINESS

None

WORK AGENDA

None

DEPARTMENT REPORTS

Mr. Jaggi stated that he will provide an update on the October 16th meeting later, as it may be cancelled.

ADJOURNMENT

The meeting adjourned at 9:52 PM.

Submitted by:

Recording Secretary

Chair

CITY OF CREVE COEUR



MEMORANDUM

Date: November 2, 2023
To: Jason Jaggi, Community Development Director
From: Jason Valvero, Director of Recreation
CC:
Subject: Venable Park Master Plan

The city completed an overall master plan in 2019 with Planning Design Studio (PDS). As a result of that plan, the city's flagship park, Millennium Park, was selected to complete an individual park master plan with the goal in mind to drill down on the details that were presented in 2019. Now that Millennium Park construction is underway, Venable Park is next on the list to have a master plan completed to drill down on the details. The city has been working with an international firm, with Venable family ties, called HDR. HDR has a pro bono arm of the company called Design for Others (D4O) and they have created a draft master plan for the city to review.

The project started out at a fast pace, but paused as the city worked through the memorial process. The end goal is to make sure the memorial was part of the fabric of the plan and not just dropped into the park after the master plan was completed. We now have an idea of size and scope for the memorial and now can move forward with final stages of approval. There have been public meetings, stakeholder meeting, staff meetings, city council meetings and citizen input throughout the process. Staff is now ready to present to the City Council for adoption, but we are asking the Planning and Zoning Commission to review the plan and provide comments.

All comments regarding the plan will be presented to city council for adoption on November 13, 2023.



DR. H. PHILLIP VENABLE MEMORIAL PARK

PARK MASTER PLAN AND MEMORIAL ARTWORK

**Planning and Zoning
November 6, 2023**

Agenda

- Review Draft Master Plan by HDR/D4O
- Review Memorial Project Plan
- Next Steps
- Questions & Answers

Venable Park Master Plan

Site Analysis: Issues

1 Broad parking lot entrance creates vehicular conflicts

2 Inaccessible amenities due to steep slopes

 >5% slope
(not ADA compliant)

 <5% slope
(ADA compliant)

3 Pavilion to be replaced

4 Play area & equipment
(ages 2-5) to be replaced

5 Footbridge to be replaced

 500 year (0.2%) flood plain

 0' 80'

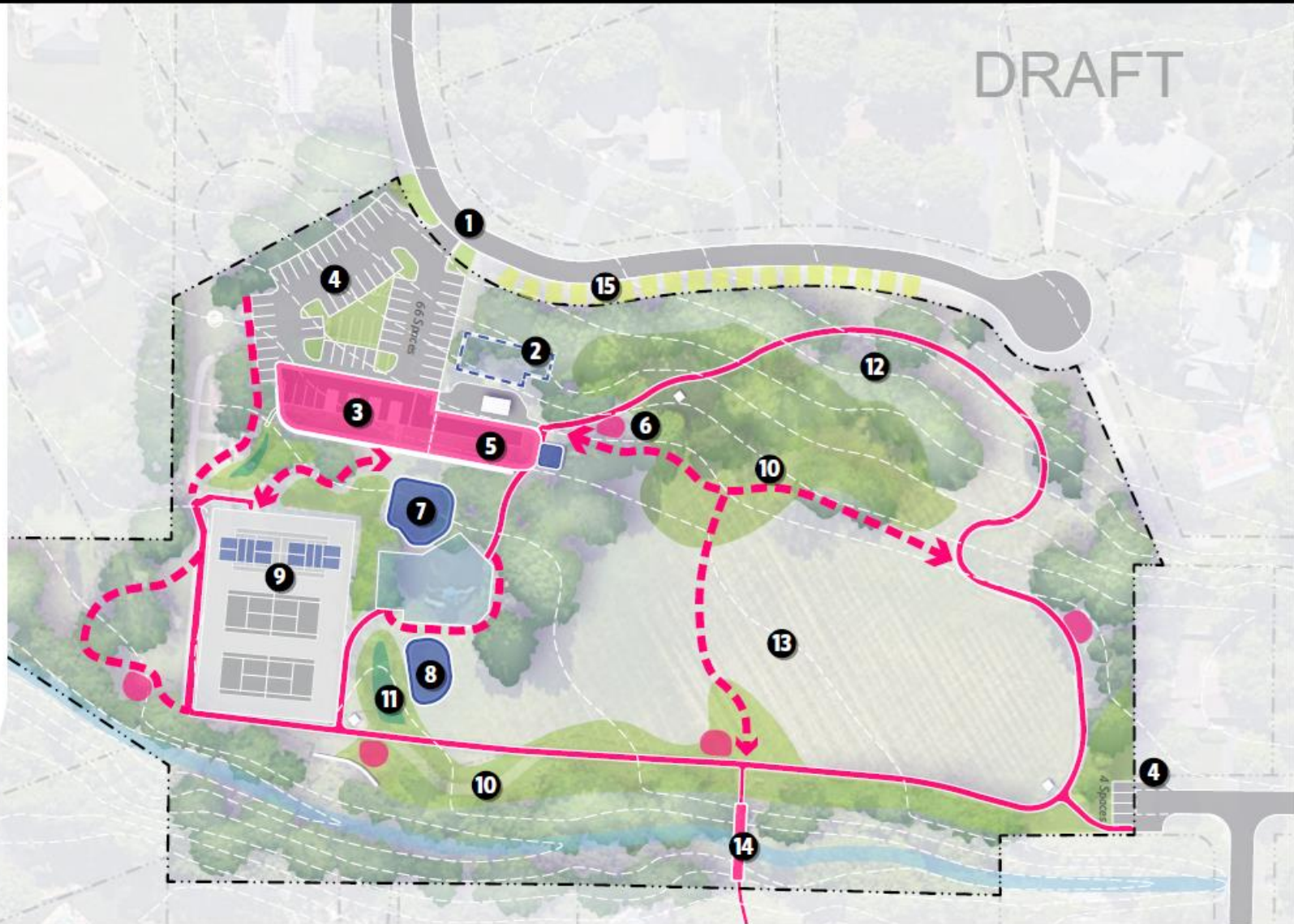


Venable Park Master Plan

Site Planning: Opportunities

- 1 Improved Park Entry & Signage
- 2 Venable Home Footprint
- 3 Regraded Accessible Parking /Circulation
- 4 Expanded Parking
- 5 Accessible Entry Plaza & Pavilion
- 6 Exercise Stations
- 7 New 2-5 Year Play Area & Equipment
- 8 New Splash Pad
- 9 New Pickleball Courts
- 10 Expanded Native Plantings
- 11 Green Infrastructure
- 12 Tree Succession/Replacement Program
- 13 Informal Recreation Field
- 14 New Footbridge
- 15 Potential Overflow Parking

■ New Accessible Path Segments



Master Plan: Next Steps

- Gather final input from Planning and Zoning committee
- Hire architect to create scope and bid documents
- Bid project in early 2024
- Start construction in fall of 2024
- Complete construction in early 2025
- Installation of memorial will coincide with park construction

Memorial Artwork - Jury Members

Nanci Allen – Parks & Historic Preservation Committee

Pier Alsup – Venable Park Task Force

Changa Bey – Local Educator

Jon Brooke –HDR/D4O Design Team

Lisa Hilton – Art Committee

Linda Kusmer – Art Committee

Tim Portlock – Practicing Artist

Jim Singer – Venable Park Task Force

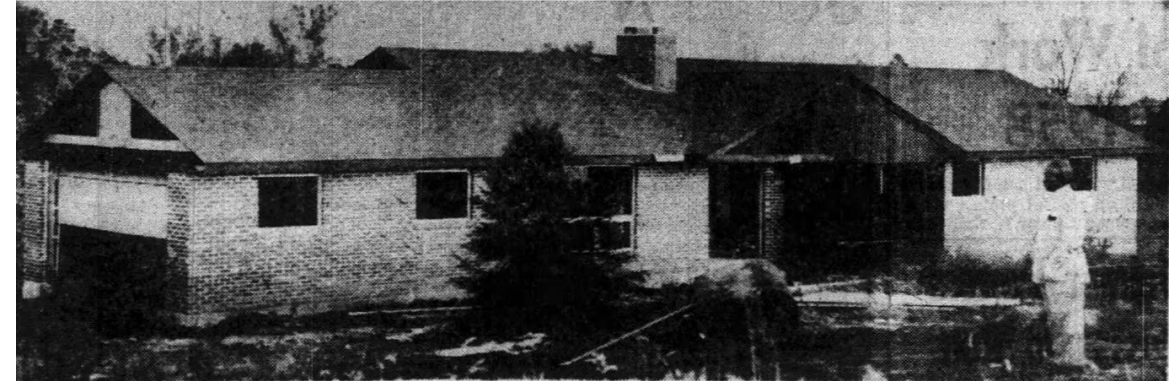
Dan Tierney – Council Liaison

Rossalind Woodhouse – Venable Family

Geoff Ward – Project Consultant

Artwork Goals

- Honor the Venable family and inspire the community through a visually compelling, engaging, and unique work of art
- Educate the public about the Venables and other families and their struggle with the City of Creve Coeur
- Create a lasting memory of the legacy of Dr. Venable in all aspects of his life
- Inspire contemplation and dialogue about the past and current struggles for justice and civil rights
- Complement other park uses and the overall park design in terms of site and scale



Selection Process: Evaluation Criteria

- Artistic excellence & compatibility. Interest in and/or previous work relating to civil rights, social justice, or racial discrimination
- Body of work demonstrates an ability to create an original work that responds to the project goals
- Clear understanding of and/or relevant connection to the project
- Experience executing projects of similar scale

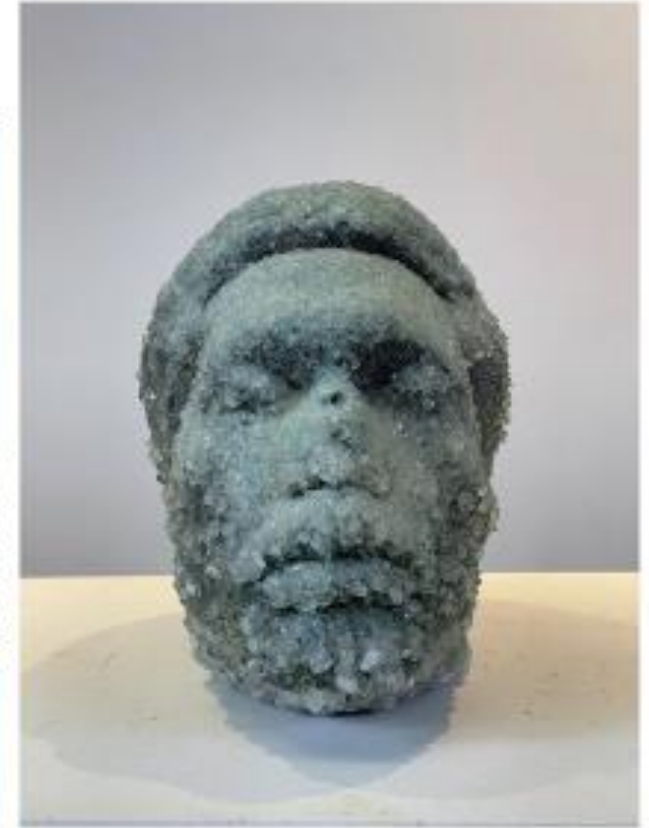
Selecting Finalists

- Call for Artists closed on April 19 and generated 38 submissions
- The Jury reviewed submissions and narrowed the list to 15
- The Jury met on May 10 and selected 3 finalists:
 - Damon Davis
 - Oletha DeVane and Christopher Kozjar
 - Norman Lee and Shane Allbritton, RE:site Studio

Damon Davis

St. Louis, Missouri

"...this project would aim to foster empathy amongst those that interact with it, encouraging dialogue and serving as a reminder of the racism the Venable family experienced while also creating something unique, compelling, and beautiful for people to encounter..."



Left: *Pillars of the Valley*, 2023, St. Louis

Right: *Cracks*, 2019

Oletha DeVane and Christopher Kojzar

Ellicott City, MD and
Burlington, VT

"We would like this project in Venable Park to re-invest in the culture and resources of the people who frequent the area, today and in the past, and who seek comfort, awe, leisure, and contemplation. It would be an honor to propose an artwork that complements the surrounding park... while paying homage to Dr. Venable's life, work, and advocacy for justice."



Top: *Memorial to Those Enslaved and Freed*, 2022, Owings Mills, MD



Bottom: *Robert and Rosetta*, 2022, Baltimore, MD

Norman Lee and Shane Allbritton, RE:site Studio

Arlington and Houston, TX

"Our approach would be radically site-specific, commemorating the lasting memory of the legacy of Dr. Venable in all aspects of his life. We envision creating a sense of place that invites inter-generational conversation about the ongoing struggle for civil rights and human dignity."



Top: *From Absence to Presence, Commemorative to Enslaved Peoples of Southern Maryland*, 2020; St. Mary's College of Maryland

Bottom: *Fallen Five Memorial*, 2019, Chattanooga, TN

Concept Development

The finalists each:

- Signed an agreement to develop a concept proposal
- Attended individual briefing with Via, HDR/D40 and City
- Participated in virtual roundtable with Venable family
- Made a site visit to Venable Park



Presentation & Public Comment Period

- Finalists will present their concepts to the Jury on August 30
- Concepts will be on display for public comment from September 15 to October 15
- Boards will be at City Hall and at the Dielmann Recreation Complex
- City's website
- Two opportunities at Venable Park
 - Sept 21 from 4-6
 - Oct 7 from 10-12
- Meeting with local educators

Jury will meet after the public comment period to make their final selection and then make their recommendation to the City Council.

Questions & Answers



**APPLICATION TO PLANNING AND ZONING COMMISSION
#23-032: TEXT AMENDMENT TO THE ZONING ORDINANCE TO AMEND
SECTION 405.450.C, PERMITTED USES, TO COMPLY WITH FEDERAL
LAW REGARDING SHORT TERM RENTALS**

FOR THE MEETING OF: Monday, November 6, 2023, 6:00 P.M.

REQUEST: Jason Jaggi, Director of Community Development, on behalf of the City of Creve Coeur, has submitted an application for text amendments to Section 405.450.C of the Zoning Ordinance which regulates short term rentals. The Court of Appeals for the 5th Circuit of the United States recently held that a residency requirement for owners of residential properties desiring to engage in short term rentals unconstitutionally interferes with interstate commerce. The City of Creve Coeur's short term rental ordinance presently contains such a restriction and now must be amended for conformity with federal law.

ADDITIONAL INFORMATION: Text Amendments to the Zoning Ordinance require a public hearing and review by the Planning and Zoning Commission with final approval by the City Council.

APPLICANT: Jason Jaggi
Director of Community
Development
300 N. New Ballas Road
Creve Coeur, MO 63141

REPORT PREPARED BY: Bethany L. Moore, City Planner
DATE: November 1, 2023
ATTACHMENTS: Draft Ordinance

Key Issues:

- Are the changes consistent with the purposes of the Zoning Code?
- Are the changes consistent with the objectives and strategies of the Comprehensive Plan?

Zoning Code References

- Section 405.450 Permitted Uses

Court of Appeals for the 5th
Circuit of the United States

BACKGROUND

The Court of Appeals for the 5th Circuit of the United States recently held that a residency requirement for owners of residential properties desiring to engage in short term rentals unconstitutionally interferes with interstate commerce. The current regulations for Short Term Rentals were enacted in 2019. The location must be registered with the City and the first of the 12 requirements states that only “owner-occupied dwelling units which remain the owner’s primary residence” are eligible.

AMENDMENT REQUEST

The submitted amendment is to revise the requirements for short term rentals as federal law has changed regarding residency requirements. The short term rentals restriction requiring the property to be owner-occupied and remain the owner’s primary residence has been removed from the list of requirements. The restriction limiting the number of days a property can be rented out per calendar year has also been removed and the prohibition on short term rentals for accessory structures has been expanded to include specific structures such as swimming pools and pool houses. The requirement for annual registration with the City and submitting an affidavit acknowledging compliance with the short-term rental rules will still apply. All other requirements remain in place to protect the residential character of the surrounding properties.

Please see attached Draft Ordinance for the specific revisions.

MOTION

If the Planning and Zoning Commission believes the proposed changes to the short term rentals requirements are appropriate, the following would be a suitable motion for this application:

“I move to recommend approval of the text amendment to modify the Short Term Rentals requirements as regulated in Section 405.450.C of the Zoning Code as shown on the attached draft ordinance.”

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

AN ORDINANCE AMENDING SECTION 405.450.C OF THE CITY ZONING CODE REGARDING SHORT TERM RENTALS.

WHEREAS, the Court of Appeals for the 5th Circuit of the United States recently held that a residency requirement for owners of residential properties desiring to engage in short term rentals unconstitutionally interferes with interstate commerce; and

WHEREAS, an application was submitted by the Director of Community Development for text amendments to Section 405.450.C of the City's Zoning Ordinance to eliminate such a residency requirement; and

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for such changes as set forth herein for conformity with state and federal law and zoning practices that are consistent with public health and welfare; and

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on _____, 2023, beginning at 6:00 p.m., or immediately following the close of the previous public hearing; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of ____ recommended approval of the subject amendments at its meeting on _____, and

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

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI, AS FOLLOWS:

Section 1. The definition of Short Term Rental in Section 405.120 of the Code Of Ordinances is hereby amended to read as follows:

SHORT TERM RENTAL

A rental of any legally permitted ~~owner-occupied~~ dwelling unit, or a portion of such a legally permitted dwelling unit for a period of less than thirty (30) consecutive days to a specific renter.

Section 2. Section 405.450.C of the Code of Ordinances is hereby amended to read as follows:

C. Short Term Rental. Short term rentals as defined in Section **405.120** are a permitted use subject to registration and the following specific standards:

1.

Short term rental ~~dwelling units shall be permitted only in owner-occupied dwelling units which remain the owner's primary residence and~~ shall be subject to all requirements of City and State building, fire, safety and occupancy codes and limits.

2.

~~Short term rentals of a property shall be limited to one hundred eighty (180) days in any calendar year.~~

3.

No traffic shall be generated by such residence during any short-term rental in greater volumes than would normally be expected in a residential neighborhood.

34.

Maximum occupancy during a short-term rental shall be limited to two (2) adults times the number of legally recognized bedrooms/sleeping rooms under City Building Codes.

45.

The residential appearance of the home structure and its lot or site shall be maintained at all times in reasonable conformance with the surrounding neighborhood.

56.

~~A short-term rental shall include the primary dwelling unit and N~~no short-term rental shall occur within any accessory structure ~~as defined in Section 407.460 including but not limited to swimming pools and other recreational facilities, boat docks, pool houses, and garages.~~

67.

No exterior displays or signs other than a name plate as exempted in Section **405.930(E)** shall be allowed. The property owner shall post a legible notice near the primary entrance to the residence stating as follows: "This property is rented in 'as is' condition and has not been inspected by the City of Creve Coeur for purposes of any rental." The property owner shall include this disclaimer in any advertising or online posting regarding short term rentals.

78.

The property owner shall maintain a record of the name, address and telephone number of all renters for three (3) years, to be produced upon request by the City.

89.

The owner of the property shall register their intent to engage in short term rentals by filing an affidavit in the form prescribed by the Director of Community Development with the City prior to the first rental, and by February 1 of each succeeding year for further rentals, acknowledging all applicable regulations and stating their name and mobile telephone contact information. If the owner will not be able to appear at the property within thirty (30) minutes of a police request at any time during a short term rental, the affidavit shall include such contact information for a person who will be able to appear within thirty (30)

minutes of such a request and who has the owner's authorization to address any issues or problems that may arise at the property.

910.

The owner or alternate contact shall, upon notification from the Police Department that any person on the premises is engaged in disorderly conduct or violating any applicable law, ordinance, rule or regulation pertaining to the use and occupancy of the property, ~~shall~~ respond in a timely and appropriate manner to immediately halt or prevent reoccurrence of such conduct, in cooperation with the police if necessary.

1011.

The ~~property~~ owner shall use reasonably prudent practices to ensure that there are no unreasonable noise or disturbances, disorderly conduct or violation of any applicable law, ordinance, rule or regulation during a short-term rental of their property.

1112.

Any ordinance violations shall be subject to general penalties under the City Code of Ordinances. Additionally, in the event of material violations of the foregoing standards, the Director of Community Development may issue notice suspending all rights to use the property for short term rentals for such period of time as deemed appropriate under the circumstances, during which suspension all such uses shall cease. The Director of Community Development may apply such suspension to all properties in the City belonging to such owner or their affiliated persons or entities. Any such suspension may be appealed as provided in this Zoning Ordinance.

Section 3.

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

ADOPTED THIS ____ DAY OF _____, 2023.

NICOLE GREER
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2023.

DR. ROBERT HOFFMAN
MAYOR

ATTEST:

BILL NO. _____

ORDINANCE NO. _____

KELLIE HENKE
CITY CLERK



city of

CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539
www.crevecoeurmo.gov

APPLICATION TO PLANNING AND ZONING COMMISSION #23-033: TEXT AMENDMENT TO THE ZONING ORDINANCE TO AMEND SECTION 405.1070 CONDITIONAL USE PERMITS

FOR THE MEETING OF: Monday, November 6, 2023, 6:00 PM.

REQUEST: Jason Jaggi, Director of Community Development, on behalf of the City of Creve Coeur, has submitted an application for text amendments to Section 405.1070 of the Zoning Ordinance which provides the procedures for consideration of applications for Conditional Use Permits by the City Council. The amendments are proposed to refine the procedures regarding these types of applications, including additional procedures when Conditional Use Permits are disapproved by the City Council.

ADDITIONAL INFORMATION: Text Amendments to the Zoning Ordinance require a public hearing and review by the Planning and Zoning Commission with final approval by the City Council.

APPLICANT: Jason W. Jaggi, AICP
Director of Community
Development
300 N. New Ballas Road
Creve Coeur, MO 63141

REPORT PREPARED BY: Jason W. Jaggi, AICP Director of Community Development
DATE: November 1, 2023
ATTACHMENTS: Draft Ordinance

Key Issues:

- Are the changes consistent with the purposes of the Zoning Code?
- Are the changes consistent with the objectives and strategies of the Comprehensive Plan?

Zoning Code References

- Section 405.1070
Conditional Use Permits

BACKGROUND

This item was originally scheduled for a public hearing and review at the September 18, 2023 Planning and Zoning Commission meeting but was deferred to the November 6 meeting due to time constraints associated with the Olia Village rezoning application.

City staff and the City Attorney have undertaken a comprehensive review of the procedures for conditional use permit applications as a result of a recent conditional use application that was denied by the City Council and subsequently challenged in court. After the review of the conditional use permit procedures, staff and the City Attorney are recommending changes. These changes were reviewed in draft form with the City Council on April 24, 2023 and with the Planning and Zoning Commission in a work session on August 21, 2023.

Conditional use permits, as regulated in Section 405.1070 of the Zoning Code, provide the City with a procedure for determining the appropriateness of a proposed use not authorized by right within the regulations of the zoning district in which the use is to be located. Conditional use applications require a public hearing and recommendation to the City Council by the Planning and Zoning Commission. Upon receipt of the recommendation by the Commission, the City Council makes its determination on the application based on the review requirements found in Section 405.1070.

AMENDMENT REQUEST

The amendment involves clarifying language throughout Section 405.1070. Substantive changes to Section 405.1070 are summarized below.

- Emphasizes the City Council's discretion to approve or deny conditional use permit applications, highlighting the standards for approval of conditional uses that must be met, and places the burden of proof that these standards have been met on the applicant.
- Clarifies that all fees and review escrows are required at the time the application is filed and that a legal description of the property must also be provided.
- Revisions for clarity have been made to the six conditional use standards that must be met in order for the City Council to approve the application.
- Requires a record of decision to be made if a conditional use permit application is denied by the City Council. The Director of Community Development is tasked with preparing the record of decision for consideration and adoption by the City Council at a subsequent meeting following the vote to deny.
- Clarifies the construction requirements for conditional use permits prior to expiration within the one year period.

A redlined version of the changes to Section 405.1070 is attached for the Commission's review.

COMPREHENSIVE PLAN

These proposed changes involve procedural matters for all conditional use permit applications; therefore, the comprehensive plan review is not applicable to this request.

CONCLUSION

These amendments provide more clarity to the conditional use permit process while emphasizing the City Council's authority and discretion to approve or deny an application

based on its determination of the use's ability to satisfy the review criteria, and establish a clear rationale for decision-making by the City Council when conditional use applications are denied resulting in a more complete record.

MOTION

If the Planning and Zoning Commission believes the proposed changes to the conditional use procedure within the Zoning Code are appropriate, the following would be a suitable motion for this application:

“I move to recommend approval to the City Council of the text amendment to modify the Conditional Use Permit procedures as regulated in Section 405.1070 of the Zoning Code as shown on the attached draft ordinance.”

APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

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

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE REVISING SECTION 405.1070 OF THE MUNICIPAL CODE REGARDING
PROCEDURES FOR CONSIDERATION OF APPLICATIONS FOR CONDITIONAL USE
PERMITS.**

WHEREAS, an application by Jason Jaggi, Director of the Community Development Department, on behalf of the City of Creve Coeur, was submitted for a text amendment to the zoning code to refine procedures regarding consideration of applications for Conditional Use Permits; and

WHEREAS, a public hearing was held regarding such proposed text amendment by the Creve Coeur Planning and Zoning Commission on Monday, _____, 2023, beginning at 6:00 p.m. or immediately following the close of the previous public hearing, 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 additional notice was provided as required by the Municipal Code; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a ____ vote, recommended approval of the proposed text amendment, at its meeting on _____, 2023; and

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

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

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
CREVE COEUR, MISSOURI, AS FOLLOWS:**

Section 1. Section 405.1070 of the Municipal Code is amended to read as follows:

Section 405.1070. Conditional Use Permits.

[R.O. 2008 §26-114; Ord. No. 1903 §1, 11-24-1997; Ord. No. 2091 §2, 11-27-2000; Ord. No. 5123 Exh. A, 2-22-2010; Ord. No. 5165 §1, 12-13-2010]

A.

Generally.

1.

The purpose of conditional use permits is to provide the City with a procedure for determining the appropriateness of a proposed use not authorized as a matter of right by the regulations of the district

in which the use is proposed to be located. The appropriateness of the use shall be determined in consideration of surrounding uses, activities and conditions of the site and of surrounding areas. Based upon this determination, the City may decide to permit, reject or permit conditionally the use for which the conditional use permit is sought.

2.

The City Council may authorize by ordinance, under prescribed conditions, the construction or undertaking of any conditional use that is expressly ~~allowed~~permitted as a conditional use in a particular zoning district; however, the City Council reserves full authority ~~and discretion~~ to deny any request for a conditional use ~~including but not limited to because it determines the use as proposed does not clearly meet one or more of the standards set forth in subsection E of this Section,~~ to impose conditions ~~of approval of~~ the use ~~to address concerns related to those standards,~~ or to revoke approval at any time, upon a ~~determination~~finding that ~~the a previously approved~~permitted conditional use ~~will or~~ has become unsuitable and/or incompatible in its location ~~based on deviations in the use from the original proposal pertaining to the standards of subsection E of this Section as a result of any nuisance or activity generated by the use.~~

3.

An application for a conditional use permit may be filed by the owner of the subject property or any person with a financial, contractual or proprietary interest in the subject property who also submits the owner's consent to the application.

B.

Application And Submission Requirements. The application ~~and all required fees and reserve deposits~~ shall be filed in the ~~office of the Zoning Administrator~~Department of Community Development ~~on using a forms~~ provided by the Zoning Administrator ~~in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free.~~ The application shall be signed by the applicant and shall state the applicant's name, mailing address, telephone number, and (if available) e-mail address. The application shall contain ~~a metes and bounds legal description of the property and~~ such information as the Planning and Zoning Commission may prescribe, and shall include those items specified in Section ~~405.1080~~ regarding site concept and site development plan approval, ~~as applicable.~~

C.

Limitations Of Filing. An application for conditional use permit shall not be accepted by the Zoning Administrator:

1.

If the application does not comply with all the requirements of this Section and any regulation published pursuant thereto or if required fees and escrows have not been submitted.

2.

If a previous application for the same conditional use for the same property was denied within twelve (12) months of this new application. The application ~~may~~shall be accepted, however, if the Zoning Administrator determines that substantial new facts warrant reapplication.

D.

Application Review Procedure.

1.

Zoning Administrator. The Zoning Administrator shall receive the application and determine whether it complies with all applicable submission requirements. Upon an affirmative determination the Zoning Administrator shall promptly: (1) forward the application to the Planning and Zoning Commission,

Mayor and City Council, (2) thereafter cause notice of the application to be publicly posted at the Government Center in the same manner as Commission meeting agendas, (3) cause a sign regarding the application to be posted on the affected property, and (4) cause the application to be made publicly available on the City website, all at least ten (10) days prior to the date of the meeting of the Planning and Zoning Commission at which the application is first considered. An application shall have been received and determined to be complete by the Zoning Administrator and the Zoning Administrator's review and accompanying coordinated review of the site concept and site development plan shall have been completed ~~prior to by the agenda preparation~~ date ~~foref~~ the meeting of the Planning and Zoning Commission in order to be included on the agenda. The Zoning Administrator shall also prepare a staff analysis and report in conjunction with all applications being forwarded to the Planning and Zoning Commission, and shall submit such analysis and report to the Commission, Mayor and City Council in advance of the meeting at which the application is scheduled to be considered, and cause such analysis and report to be made publicly available on the City website in advance of that meeting.^[1] [Ord. No. 5381 §6, 7-14-2014; Ord. No. 5620, 12-10-2018]

[1]

Note: Review of an application shall be completed within applicable time limitations including those pertaining to proposed wireless communications facilities and support structures under State and Federal law, which are generally: 45 days for collocation or replacement of wireless facilities or non-substantial modifications of existing facilities, 60 days for small wireless facilities on new poles, and 120 days for other (not small) wireless facilities on new poles or substantial modifications of such existing facilities. See Sections 67.5090, et seq., and 67.5110, et seq., RSMo., and 47 CFR 1.40001 and 1.6003. Preparation of a record of decision of disapproval shall not apply in such cases.

2.

Planning and Zoning Commission. The Planning and Zoning Commission shall consider the applications under the standards of subsection E of this Section and Section 405.470, as applicable to the requested conditional use, and decide whether to recommend approval to the City Council.

3.

Public hearing. Prior to the Commission making its ~~recommendation~~decision regarding an application, the City Clerk or designee shall set a date for a public hearing before the Commission and publish a public notice as required under Section **405.1120** of this Code and post it on the City website. The City Clerk or designee shall also send written notice to all owners of property located within an area determined by lines drawn parallel to and three hundred (300) feet distant from the boundaries of the property for which a conditional use permit is sought, stating the nature of the proposed use and advising of the date, time and location of the public hearing. No application for a conditional use permit may be approved until after such hearing is held.

4.

City Council. After receipt of a recommendation from the Commission, the City Council shall consider the application.

E.

Standards. The burden of persuasion shall rest with the applicant to clearly establish to the satisfaction of the City Council that the proposed conditional use will meet the following criteria. The City Council shall not approve a conditional use unless it finds that the application and ~~information~~evidence presented clearly indicate that the proposed conditional use:

1.

Complies with all ~~other~~ applicable provisions of this Zoning Ordinance Chapter **405** including but not limited to environmental performance standards presented in Section **405.550**, the criteria in

Section **405.470** and the standards of this Chapter in regard to yard and setback, parking and loading areas, screening and buffering, refuse, storage and service areas and signs.

2.

Will contribute to and promote the **community** welfare and convenience of the community at the specific location.

3.

Will not cause substantial injury to the value of neighboring property.

4.

~~Is generally consistent with the~~ ~~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~~ is demonstrated for deviation there from.

5.

Will provide, if applicable, erosion control and on-site stormwater detention in accordance with the standards contained in this Chapter.

6.

Will be compatible with the character of the surrounding area and thus will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent users or on pedestrian or vehicular traffic or on community facilities or services, including but not limited to emergency services.

F.

Upon final consideration of an application, if the motion to approve the proposed ordinance granting the conditional use permit fails, then the Director of Community Development shall prepare a proposed record of decision of disapproval, to be presented for consideration by the City Council at its next regular meeting or such later date as may be determined by the City Council. The City Council may take such time as it determines necessary before adopting a proposed record of decision of disapproval.

GF.

Conditions And Restrictions. In approving a conditional use permit application, the City Council may impose conditions and restrictions as necessary to assure that the standards of Section **405.1070(E)** are complied with and the general intent of this Chapter is carried out. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and restrictions imposed by the City Council. Any future enlargement or alteration in the use of the structure or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the conditional use permit before a building permit for the enlargement or alteration may be issued. Failure to comply with any of these conditions or restrictions shall constitute a violation of this Chapter punishable as provided in Section **405.1150** of this Chapter.

HG.

Time Limitations. Any applicable time limitations shall be met, such as those pertaining to proposed wireless communications facilities and support structures under Sections 67.5090, RSMo. et seq. and FCC Declaratory Ruling WT Docket No. 08-165, rel. 11-15-2009.^[2]

[Ord. No. 5620, 12-10-2018]

[2]

Note: Review of an application shall be completed within applicable time limitations including those pertaining to proposed wireless communications facilities and support structures under State and Federal law, which are generally: 45 days for collocation or replacement of wireless facilities or non-substantial modifications of existing facilities, 60 days for small wireless facilities on new poles, and 120 days for other (not small) wireless facilities on new poles or substantial modifications of such existing facilities. See Sections 67.5090, et seq., and 67.5110, et seq., RSMo., and 47 CFR 1.40001 and 1.6003. Preparation of a record of decision of disapproval shall not apply in such cases.

I.H.

Expiration.

[Ord. No. 5381 §6, 7-14-2014]

1.

A conditional use permit granted by the City Council shall not be valid for a period longer than one (1) year from the date it is granted, unless within such period:

a.

A building permit is ~~obtained~~obtained, and ~~substantial~~construction is begun. Substantial construction shall be deemed to consist of clearing the site, completion of footings, basement or building slab and inspection of such work; or

b.

If a building permit is not required, an occupancy permit is obtained and the authorized use is commenced.

c.

Notwithstanding the foregoing, a conditional use permit granted for a wireless communications facility or support structure shall not expire.

2.

The City Council may grant extensions to the one-year period of not more than one hundred eighty (180) days each, without notice or hearing, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the conditional use permit is scheduled to expire.

Section 2.

This Ordinance shall become effective as of _____, 2023 in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2023.

JOSEPH MARTINICH
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2023.

DR. ROBERT HOFFMAN

MAYOR

ATTEST:

KELLIE HENKE
CITY CLERK



city

of

CREVE COEUR

File # 23-033

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 872-2500/872-2501 • Fax (314) 872-2505 • Relay MO 1-800-735-2966
www.creve-coeur.org

TEXT AMENDMENT APPLICATION

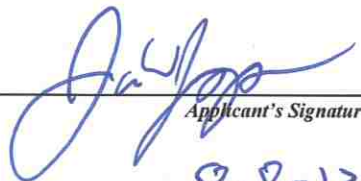
PLEASE COMPLETE FRONT AND BACK PAGES

<i>Applicant:</i>	<i>Applicant's Representative (if applicable):</i>
Jason Jaggi, Director of Community Development	
<i>Name</i>	<i>Name</i>
City of Creve Coeur	
<i>Company (If Applicable)</i>	<i>Company (If Applicable)</i>
300 N New Ballas Rd	
<i>Address</i>	<i>Address</i>
Creve Coeur, MO 63141	
<i>Address</i>	<i>Address</i>
<i>Telephone #</i> 314-872-2501	<i>Telephone #</i>
<i>Fax #</i>	<i>Fax #</i>
<i>Email:</i> jjaggi@crevecoeurmo.gov	<i>Email:</i>

Applicant's Status (Indicate one):

- ☒ City Official (Mayor, City Councilor, Planning Commissioner, Zoning Administrator)
☐ Private Party (Financial, contractual, or proprietary interest)
☐ Other Governmental Interest (Jurisdiction: _____)

The undersigned hereby requests to be placed on the Agenda for the Planning and Zoning Commission meeting at 6:00 P.M. on Monday, September 18th, 2023.



Applicant's Signature
8-8-23

Date

Applicant's Representative's Signature

Date

Description of Request (attach additional sheets as needed): _____

The City of Creve Coeur seeks to amend section 405.1070 of the municipal code to clarify sections of the ordinance and add an additional requirement for conditional use applications that are denied.

This additional requirement tasks the Director of Community Development with preparing a proposed record of decision of disapproval to be presented for consideration by City Council at the next regularly scheduled meeting.

Affected Section(s) of the Zoning or Subdivision Code: _____

405.1070

Proposed Ordinance Language (attach additional sheets as needed): _____

See attached

Office Use Only

____ Proposed Ordinance Language

Received By: _____

____ Fees Paid

____ Written Justification

Date: _____



CITY OF CREVE COEUR
PLANNING & ZONING COMMISSION
MEETING SCHEDULE

2024

SCHEDULED MEETING

APPLICATION DEADLINE

***TUESDAY, JANUARY 3, 2024**
(IN OBSERVANCE OF NEW YEAR'S DAY)
***TUESDAY, JANUARY 16, 2024**
(IN OBSERVANCE OF MARTIN LUTHER KING DAY)

FRIDAY, DECEMBER 1, 2023
FRIDAY, DECEMBER 15, 2023

MONDAY, FEBRUARY 5, 2024
***TUESDAY, FEBRUARY 20, 2024**
(IN OBSERVANCE OF PRESIDENTS DAY)

FRIDAY, JANUARY 5, 2024
FRIDAY, JANUARY 19, 2024

MONDAY, MARCH 4, 2024
MONDAY, MARCH 18, 2024

FRIDAY, FEBRUARY 2, 2024
FRIDAY, FEBRUARY 16, 2024

MONDAY, APRIL 1, 2024
MONDAY, APRIL 15, 2024

FRIDAY, MARCH 1, 2024
FRIDAY, MARCH 15, 2024

MONDAY, MAY 6, 2024
MONDAY, MAY 20, 2024

FRIDAY, APRIL 5, 2024
FRIDAY, APRIL 19, 2024

MONDAY, JUNE 3, 2024
MONDAY, JUNE 17, 2024

FRIDAY, MAY 3, 2024
FRIDAY, MAY 17, 2024

MONDAY, JULY 1, 2024
MONDAY, JULY 15, 2024

FRIDAY, MAY 31, 2024
FRIDAY, JUNE 14, 2024

MONDAY, AUGUST 5, 2024
MONDAY, AUGUST 19, 2024

FRIDAY, JULY 5, 2024
FRIDAY, JULY 19, 2024

***TUESDAY, SEPTEMBER 3, 2024**
(IN OBSERVANCE OF LABOR DAY)
MONDAY, SEPTEMBER 16, 2024

FRIDAY, AUGUST 2, 2024
FRIDAY, AUGUST 16, 2024

MONDAY, OCTOBER 7, 2024
MONDAY, OCTOBER 21, 2024

FRIDAY, SEPTEMBER 6, 2024
FRIDAY, SEPTEMBER 20, 2024

MONDAY, NOVEMBER 4, 2024
MONDAY, NOVEMBER 18, 2024

FRIDAY, OCTOBER 4, 2024
FRIDAY, OCTOBER 18, 2024

MONDAY, DECEMBER 2, 2024
MONDAY, DECEMBER 16, 2024

FRIDAY, NOVEMBER 1, 2024
FRIDAY, NOVEMBER 15, 2024

*Meetings are held at 6:00 PM in the Council Chambers of the Creve Coeur Government Center the first and third Mondays of the month unless otherwise specified.

Applications are due by 5:00 P.M. on the dates listed.