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**AMENDED AGENDA
CITY OF CREVE COEUR
CITY COUNCIL MEETING
300 N NEW BALLAS ROAD
Monday, February 24, 2014
7:00 PM**

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

COMMENTS FROM THE GENERAL PUBLIC

(Citizens are asked to limit comments to three minutes and to complete a speaker card)

ACCEPTANCE OF AGENDA

ANNOUNCEMENTS

The City Council meets the 2nd and 4th Monday of each month

6:00 p.m. – 7:00 p.m. – Work Session

7:00 p.m. – Regular Meeting of the City Council

FUTURE PUBLIC HEARINGS

**Monday, March 24, 2014 at 7:30 p.m. - Public Hearing for Capital Improvement
Program For Fiscal Years 2015 Through 2019**

1. CONSENT ORDINANCE READINGS

- a. Bill No. 5472 - An Ordinance Authorizing The Issuance Of A New
Conditional Use Permit For A 1,024 Square-Foot Snack And
Nonalcoholic Beverage Bar Located At 11475 Olive Boulevard Within
The West Oak Square Shopping Center. Final Reading**

Summary: Section 405.210 Table A, all snack and nonalcoholic beverage bars (NAICS 722515) are permitted as a conditional use in the “CB” Core Business zoning district, and thus require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits. An application was submitted by Jeff Evanson, of Showme West Oak LLC, Jamba Juice, for a conditional use permit for a 1,024 square-foot, four-seat smoothie bar located at 11475 Olive Boulevard within West Oak Square Shopping Center.

- b. Bill No. 5474 - An Ordinance Amending Section 605.350 Of The Code
Of Ordinances Of The City Of Creve Coeur Regarding Garage Sales.
Final Reading**



CITY OF CREVE COEUR – AMENDED AGENDA
CITY COUNCIL MEETING
Monday, February 24, 2014
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Summary: An amendment to the current ordinance governing garage sales to exempt participation on any "City-wide" garage sale event organized and promoted by the City from the two-permit annual limit.

2. CONSENT AGENDA

a. Council Minutes dated January 27, 2014

b. Council Minutes dated February 10, 2014

c. Bill No. 5472 - An Ordinance Authorizing The Issuance Of A New Conditional Use Permit For A 1,024 Square-Foot Snack And Nonalcoholic Beverage Bar Located At 11475 Olive Boulevard Within The West Oak Square Shopping Center. Final Passage

Summary: Section 405.210 Table A, all snack and nonalcoholic beverage bars (NAICS 722515) are permitted as a conditional use in the "CB" Core Business zoning district, and thus require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits. An application was submitted by Jeff Evanson, of Showme West Oak LLC, Jamba Juice, for a conditional use permit for a 1,024 square-foot, four-seat smoothie bar located at 11475 Olive Boulevard within West Oak Square Shopping Center.

d. Bill No. 5474 - An Ordinance Amending Section 605.350 Of The Code Of Ordinances Of The City Of Creve Coeur Regarding Garage Sales. Final Passage

Summary: An amendment to the current ordinance governing garage sales to exempt participation on any "City-wide" garage sale event organized and promoted by the City from the two-permit annual limit.

BILLS PAYABLE REPORT

For Information Only

Summary: A report of bills payable dated February 19, 2014 in the amount of \$163,674.53 has been provided for Council review. No vote is required.

UNFINISHED BUSINESS

3. Amended Bill No. 5469 - An Ordinance Amending Section 405.470, Conditional Uses, Of The Creve Coeur Zoning Ordinance To Allow For Drive-Thru Restaurants On Sites Of Two Or More Acres With



CITY OF CREVE COEUR – AMENDED AGENDA
CITY COUNCIL MEETING
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Certain Requirements, And To Correct A Clerical Error. Final Reading and Passage

Summary: An application by Panera Bread Co. was submitted for an amendment to Section 405.470(14) Conditional Uses, of the Creve Coeur Zoning Ordinance to allow for drive-thru restaurant services on sites of at least two acres but less than three acres. Planning and Zoning Commission did not recommend approval. Final passage deferred at the February 10, 2014 Council meeting.

4. Bill No. 5473 - An Ordinance Authorizing The Issuance Of A New Conditional Use Permit For A 41,900 Square-Foot, 53 Bed, Assisted Living Facility Located At 450 N. Lindbergh Boulevard In The “GC” General Commercial District. First Reading

Summary: Chapter 405, Table A, of the Creve Coeur Code of Ordinances, Assisted Living Facilities for the Elderly (NAICS 623312) in the “GC” General Commercial zoning district require the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits. An application was submitted by Bill Biermann, of WM. Biermann Company LLC, for a conditional use permit for a 41,900 square-foot, 53-bed, two-story, assisted living facility, to be known as The Grove in Creve Coeur, and located at 450 N. Lindbergh Boulevard, in the GC District. First Reading deferred at the February 10, 2014 Council meeting.

NEW BUSINESS

5. Bill No. 5475 - An Ordinance Amending Sections 615.090 and 615.100 of the Code of Ordinances Regarding Massage Services. First Reading

Summary: The Police department is suggesting an amendment to the current massage service ordinance to allow for couples massages.

6. Bill No. 5476 - An Ordinance Amending Ordinance No. 5345 To Allow Additional Time To Complete Right Of Way Improvements Related To Approved Amendments To The Commercial Designed Development And Site Concept Plan For The Cityplace Campus And Approved Site Development Plan For The Fresh Market Retail Development On The Property Addressed As 11557, 11569, 11561 And 11563 Olive Boulevard. First Reading

Summary: The Koman Group is requesting an amendment to amendment to Ordinance 5345 to allow additional time to complete the road



CITY OF CREVE COEUR – AMENDED AGENDA
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improvements. Specifically, the amending ordinance requires completion of right of way improvements prior to issuance of an occupancy permit whereby the original ordinance required completion prior to issuance of a building permit. The applicant will be required to post escrow for the improvements prior to issuance of a building permit.

APPOINTMENTS

7. Olive/Graeser Transportation Development District

Summary: To fill the vacancy on the Olive/Graeser TDD Board.

BUSINESS FROM THE MAYOR and CITY COUNCIL

8. Trash Contract Alternatives

Summary: Council Member Rhoades has requested discussion of this item.

BUSINESS FROM CITY ADMINISTRATOR

9. Trash Contract Extension

Summary: Staff is seeking direction on a contract extension with Republic Waste, as the current contract expires on June 30, 2014.

10. Capital Improvement Plan - 2015-2019

Summary: Staff will distribute the proposed CIP and summarize the upcoming review schedule.

11. April 14, 2014 Council Meeting

Summary: Discussion to reschedule or cancel the Monday, April 14, 2014 due to Passover Holiday.

Pursuant to Section 610.022 RSMo., the City Council 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: _____ posted 2/24/14

Deborah Ryan, MPCC
City Clerk



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL MEETING
300 N NEW BALLAS ROAD
Monday, January 27, 2014
7:00 PM**

CALL MEETING TO ORDER

A regular meeting of the City Council of the City of Creve Coeur was called to order by Mayor Glantz at the Creve Coeur Government Center, 300 N New Ballas Road on Monday, January 27, 2014 at 7 pm.

PLEDGE OF ALLEGIANCE

Mayor Glantz led the Pledge of Allegiance.

INVOCATION

Mayor Glantz gave the invocation.

ROLL CALL

Mayor Glantz

Mr. Kreuter	Council Member Ward I
Mrs. Lawrence	Council Member Ward II
Mr. Wang	Council Member Ward II
Mrs. D'Alfonso	Council Member Ward III
Mr. Hoffman	Council Member Ward III
Mrs. Rhoades	Council Member Ward IV
Mr. Saunders	Council Member Ward IV

Absent: Council Member Kramer

PRESENTATION OF CAFR

Bill Offerman of Hochschild, Bloom & Company made a presentation of the city's CAFR. (Exhibit A). Mr. Smith answered questions about the OGTDD.

COMMENTS FROM THE GENERAL PUBLIC

(Citizens are asked to limit comments to three minutes and to complete a speaker card)

Judy Pass resident of 220 Carlyle Lake Drive stated she is present tonight representing State Rep. Jill Schupp. Ms. Pass stated she is present to report back to Mrs. Schupp to assist her in staying up to date with current issues in the community.

Mel Klearman resident of 739 Burgerac Drive read and presented a statement for the record. (Exhibit B)

Linda Rezny resident of 104 Graeser Acres stated the Council needs to focus on what is the or their long term vision for the City of Creve Coeur and what future growth is going to look like when considering changes or new developments.

ACCEPTANCE OF AGENDA



MINUTES
CITY COUNCIL MEETING
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7:00 PM

Council Member Hoffman moved, seconded by Council Member Wang to accept the agenda as presented, with the vote on the motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D’Alfonso – Aye
Council Member Rhoades – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

ANNOUNCEMENTS

The City Council meets the 2nd and 4th Monday of each month
6:00 p.m. – 7:00 p.m. – Work Session
7:00 p.m. – Regular Meeting of the City Council

1. CONSENT AGENDA

Council Member Hoffman moved, seconded by Council Member Saunders to approve the consent agenda as presented.

a. Council Minutes dated January 13, 2014

Mayor Glantz called the question to approve the consent agenda as presented, with the vote upon such motion being as follows, to-wit:

Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Rhoades – Aye
Council Member D’Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

BILLS PAYABLE REPORT

For Information Only

Summary: A report of bills payable dated January 22, 2014 in the amount of \$268,540.02 has been provided for Council review. No vote is required.

UNFINISHED BUSINESS



MINUTES
CITY COUNCIL MEETING
Monday, January 27, 2014
7:00 PM

2. Bill No. 5467 - An Ordinance Authorizing The City Of Creve Coeur To Enter Into A Contract With The St. Louis County Police Department To Provide A Police Officer To The St. Louis County Bureau Of Drug Enforcement. Final Reading and Passage

City Clerk read Bill No. 5467 for the final time.

Council Member Hoffman moved, seconded by Council Member Wang to approve Bill No. 5467, with the vote upon such motion being as follows, to-wit:

Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

3. Bill No. 5468 - An Ordinance Amending The Adopted 2013-2014 General Fund And Capital Fund Budgets Of The City Of Creve Coeur By Authorizing Additional Appropriations And Unappropriations From Operating Departments. Final Reading and Passage

City Clerk read Bill No. 5468 for the final time.

Mark Perkins stated staff has included an additional item on the budget amendment and relates to the emergency repair at the ice arena, totally \$63,500.

Carl Lumley stated he would recommend accepting the substitute bill at this meeting and deferring final approval until next meeting.

Council Member Saunders moved, seconded by Council Member Hoffman to accept the substitute as presented, with the vote on the motion being as follows, to-wit:

Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.



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Council Member Rhoades moved, seconded by Council Member Hoffman to defer the final passage of Substitute Bill No. 5468 until February 10, 2014, with the vote on the motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D’Alfonso – Aye
Council Member Rhoades – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

NEW BUSINESS

4. Bill No. 5469 - An Ordinance Amending Section 405.470, Conditional Uses, Of The Creve Coeur Zoning Ordinance To Allow For Drive-Thru Restaurants On Sites Of Two Or More Acres With Certain Requirements, And To Correct A Clerical Error. First Reading

Clerk read Bill No. 5469 for the first time.

Stephen Kling, Jr., Attorney for the applicant, Panera Bread, Jim Tusing, whom leases the property made a presentation regarding this application.

David Hutkin, property owner made a presentation regarding this application.

Paul Langdon made a presentation regarding this application.

Council Member Hoffman asked if the Council approves this amendment are we then replacing the code regarding drive thru requirements.

Paul Langdon stated no, this will be in addition to.

Council Member Hoffman asked wouldn't this be considered spot zoning then.

Paul Langdon stated no, because this issue exists in various locations today and it will in the future.

Council Member Hoffman asked how would traffic flow be impacted for this parking lot.

Paul Langdon stated it will be tight, but it is possible.



MINUTES
CITY COUNCIL MEETING
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Council Member D'Alfonso stated she is concerned about the number of drive thru this would allow and asked if we could limit the number, and/or number of lanes.

Carl Lumley stated it is possible.

Council Member Saunders asked if we wanted to include additional acreages, what would be the logical steps to take to modify.

Council Member Lawrence stated the January 6, 2014 Planning and Zoning minutes state that there are ten to twelve other properties that meet these guidelines and asked where are they located.

Paul Langdon stated for clarification, those properties only met the lot area requirement.

Council Member Lawrence stated she would like to see the Council and/or staff readdress the three acre requirement.

Council Member Hoffman asked if the east location of Panera would qualify for this text amendment.

Council Member Wang stated in full disclosure, he and Council Member Lawrence met with Mr. Hutkin for about 50 minutes a couple of weeks ago. Council Member Wang asked what staff thought that the other tenants of the building are thinking about the possibility of a drive thru.

Paul Langdon stated it could be an issue. Through a conditional use permit process the other tenants in the building would be allowed to speak.

Council Member Saunders stated there is nothing to refrain from two drive thru on one building.

Paul Langdon stated no, but from Council Member D'Alfonso comments, Council could make a limitation.

Council Member Saunders stated he would like to see a limit for one per building.

Council Member Wang asked if this was approved, could there be a rush from developers to have drive thru installed.

Paul Langdon stated yes, it is a possibility.

Linda Rezny resident of 104 Graeser Acres stated there needs to be more restrictions on three acres and not smaller acreage. This is spot zoning because the restrictions in the proposed text amendment make it harder for any other future businesses to get a drive thru.

Justin Gordon resident of 12983 Ferngate Lane stated this is a good idea for Creve Coeur as it will generate more business and allow for more sales tax.



MINUTES
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David Caldwell resident of 257 Brooktrail Court stated if the goal is to accommodate Panera Bread then it seems this is over-complicated as presented. Suggested the Council limit one drive thru per three acre property.

Branden Gray resident of 103 Graeser Acres stated Council should keep this text amendment simple and make sure it covers as broadly as possible to all businesses.

Council Member Rhoades asked for the response from staff on the suggestion of changing the criteria to just 4500 sq ft.

Paul Langdon stated the issue is what happens to a site when you compare a single use site versus a multitenant site. The concern for multitenant sites is some buildings are corporate architecture driven that is small foot print relative to the parking, single story that will always be something that the city will always have to arm wrestle with regarding the architecture. While we could limit the number of drive thru, part of this isn't just about allowing a few drive thru but not too many and also accomplishing better development in the process.

Council Member Kreuter stated he would like to encourage staff to come back to Council with the city's text amendment. It appears we are piece-mealing a citywide drive thru policy and would like to hear what staff's approach would be if we were starting from scratch.

Paul Langdon stated there was a staff memo in the packet that addresses the issue more architecturally as opposed to acreage. But can elaborate at the next Council meeting.

Council Member D'Alfonso stated one of her concerns is Olive Road and the intersection with Olive and 270. Businesses putting up signs advertising and travelers coming off of 270 to come find the drive thru creating more congestion. One appealing aspect of the proposed text amendment is that it would be more for establishments that are on the less traveled path.

Paul Langdon stated as far as signage along the highway, the city doesn't allow off site signage. MoDOT will allow any business to advertise on one of their signs and the city doesn't regulate that. Prior point was well taken regarding parking spots and green space and that is something that the city does not need to regulate as it is usually self-limiting. The property owners will soon run up against it on their own.

Council Member Saunders asked is it important to indicate in the text amendment that the second story of the building should be occupied.

Paul Langdon stated it is a debatable point, but feels it is important. The concern about a false second story is highly unlikely as developers most likely would not build an unoccupiable second story.



MINUTES
CITY COUNCIL MEETING
Monday, January 27, 2014
7:00 PM

5. Bill No. 5470 - An Ordinance Authorizing The Installation Of One (1) Fire Hydrant For West Side Of Decker Lane Near 693 Decker Lane In The City Of Creve Coeur, Missouri. First Reading

City Clerk read Bill No. 5470 for the first time.

6. Bill No. 5471 - An Ordinance Amending Title VI, Chapter 610, Of The Code Of Ordinances Of The City Of Creve Coeur, By Adding Provisions Regarding Mobile Food Vendors. First Reading

City Clerk read Bill No. 5471 for the first time.

Mark Perkins stated the city has been considering ways to allow food vendors to have a greater presence in the community than they currently do. Last year staff surveyed local businesses to get reaction. This ordinance will provide food vendors in our ordinance similar to regulations of solicitors and others. The hours contained in the ordinance are the same as solicitors beginning at 9 am and completed by 7:30 pm or dusk whichever is earlier. This is something we see for our own use potentially for flicks on the fairway and we could begin earlier in the morning if we are successful in starting our farmers market. Staff may come back and slightly amend the hours to mobile food vendors.

Council Member Lawrence asked if a resident wanted to have a food vendor in their driveway for a party.

Carl Lumley stated that would be allowed as long as they weren't selling to the public.

7. Resolution No. 1096 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of A Contract With Thouvenot, Wade & Moerchen, Inc., For Professional Engineering Services Related To The Coeur De Ville Rehabilitation Project For The Amount Of \$69,905.50.

City Clerk read Resolution No. 1096.

Jim Heines stated this will allow the rebuild of the city's section of Coeur de Ville by Lake School Park.

Council Member Hoffman moved, seconded by Council Member Saunders to approve Resolution No. 1096 as presented, with the vote on the motion being as follows, to-wit:

Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Lawrence – Aye



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Council Member Hoffman – Aye
Council Member Saunders – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

8. Resolution No. 1097 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri, Authorizing The Execution Of A Contract With The Greenwood Group For Mowing Services In City Parks For The 2014 And 2015 Growing Seasons, For The Sum Of \$34,230.00 For The 2014 Growing Season.

City Clerk read Resolution No. 1097.

Council Member Saunders moved, seconded by Council Member Hoffman to approve Resolution No. 1097 as presented.

Council Member D'Alfonso asked how often they will mow the area.

Jim Heines stated staff can request if we come into a drought situation that the area be mowed less.

Mayor Glantz called the question to approve Resolution No. 1097, with the vote on the motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

9. Resolution No. 1098 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri, Authorizing The Execution Of A Contract With The Greenwood Group For Grounds Maintenance Services For The Interstate 270/Olive Boulevard Interchange For The 2014 And 2015 Growing Seasons, For The Sum Of \$38,980.00 For The 2014 Growing Season.

City Clerk read Resolution No. 1098.

Council Member Hoffman moved, seconded by Council Member Lawrence to approve Resolution No. 1098 as presented.



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David Caldwell resident of 257 Brooktrail Court stated it is wasteful for the city to continue to spend money on property that is uninhabited and planted with turf grass and irrigated. This area is more expensive to maintain than any other piece of property in the city.

Council Member Lawrence asked if anyone has looked into native plantings or drought tolerant grass.

Jim Heines stated the cost to transform to native plantings and drought tolerant will be extraordinary. The expectation for this overpass was the entrance to the city and when it was planned a certain look was trying to be achieved.

Council Member Rhoades stated not this year, but staff should review other options for this area.

Council Member D'Alfonso has reviewed this area and it is cost-prohibitive to remove what is there and plant with native plantings.

Mark Perkins asked what is the goal the Council wants to achieve with this area. Is a substantive change more important over cost?

Council Member Rhoades suggested mowing and irrigating a little less.

Council Member Kreuter asked if staff could talk to Monsanto for the areas along Lindbergh and those are all done in nature plants now.

David Caldwell stated it at least needs to be toned down to be more fiscally responsible.

Mayor Glantz called the question to approve Resolution No. 1098, with the vote on the motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

APPOINTMENTS

10. Appointments to the Newly Created Government Center Space Needs Task Force



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CITY COUNCIL MEETING
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Mayor Glantz stated the Nominating Committee met on January 15, 2014 and recommends the following eight members for the newly created Government Center Space Needs Task Force:

- Beth Kistner
- Richard Kutta
- Jeff Rosenthal
- Jim Faron
- Fran Cantor
- Kenneth Balk
- Kevin Rejent

Council Member Kreuter moved, seconded by Council Member D'Alfonso to approve the recommended appointments to the Government Center Space Needs Task Force as presented, with the vote on the motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

BUSINESS FROM THE MAYOR and CITY COUNCIL

11. Trash and Recycling Service

Mayor Glantz stated he, Council President Saunders and the City Administrator felt it necessary to have an informal discussion from the last work session and there is a formal proposal from Dr. Lawrence.

Council Member Lawrence stated she feels she has drafted a proposal that will save the city money, incorporate the environmental benefits from the new contract that Republic offered, but still give the services that many residents are still wanting. The proposal being offered is that the city would accept the Republic Service contract beginning June 30, 2014, write the ordinance accepting the contract to reflect the following opt-in option for all city residents. This would require residents to specifically opt-in for the valet service. The city would pay for the service for those residents that want to keep valet service. Part of the program was that the city would run an educational campaign to inform the residents about all of the advantages of the entire new curb side pickup program with the financial and environmental benefits. Current contract cost is \$1,350,000 per year with a three year extension which allows for an increase of 3% or \$40,000 per year. With the proposed new contract the base rate would be between \$620,000 and \$850,000 depending on the toter size selected by the residents.



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Council Member Rhoades asked if these are the numbers that were on the staff report.

Council Member Lawrence stated yes. So there are a total of 4704 single family homes in the city and the up-charge for those that would opt-in the estimate would be about \$423,000. This would end up with an annual cost between \$1,420,000 and \$1,238,000. So the city would still save between \$111,000 and \$307,000. The guess is the final number would be between \$200 and \$250,000. This does not include the estimated \$17,590 recycle rebate which the city would still be eligible for with the new contract. Even if the city just realizes the environmental impact from the new contract would be great. The hope is that as time goes on, fewer and fewer residents would choose valet.

Council Member Hoffman stated the proposed proposal for the trash is good and everyone would benefit from the new toters. The rear yard service would diminish in time with the right educational campaign. This would also take care of our elder and disabled and those that wish to keep the service, city still saves money and get environmental protection.

Mayor Glantz stated for clarification, this suggested the city accept the new contract which is standard curbside trash pickup, residents have the ability to opt-in for the valet service and the city will pay for the service.

Council Member Saunders stated this is a good compromise at this point, allows all the benefits of the new contract and respectful of the residents that don't want to give up the valet service.

Council Member Kreuter stated the proposal sounds good.

Council Member Rhoades stated she took the written comments that staff provided of the feedback from the public forums. The ratio was approximately 60/40 and tried to qualify them instead of quantify them. It appeared to be about 46 in favor of curb side and 15 in favor of rear yard and eight were on the fence. Of the 46 in favor of curb side, 18 of those were people who were currently using rear yard but would be willing to switch. The downside of the proposal is that it still leaves all of the other citizens on the hook for covering the valet costs for everyone else. It still forces everyone to maintain a higher tax rate rather than level the playing field completely. Appreciate that this is an effort to wean people off of valet service. It should be clear that this is a consequence.

Council Member Hoffman stated he agrees with the statement but the issue is the problem is going on now and is not new. Believes that with education those that use rear yard will move to automated service.

Mark Perkins stated there is some financial risk on this and believe that about 50% use the service and if given the choice, are more going to opt-in. There are some pretty significant administrative costs to this to be aware of in terms of getting a response to everyone. Not only



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initially but ongoing as there will be turn-over in homes. The city will want to know what the service is for each address so that it can be verified with the bill when the city pays it.

Mayor Glantz stated we will have direct control on the data if the city handles.

Mark Perkins stated that is correct and asked what incentive does this give the residents to go to curbside service other than the environment.

Council Member Rhoades read and submitted comments for the record. (Exhibit B)

Council Member Kreuter stated this is a compromise and not a reexamination of the previous vote.

Council Member D'Alfonso stated we need a compromise and the issue now is how much staff time is this going to take. Will it be necessary to hire another person to handle the implementation of this program?

Council Member Hoffman stated the hauler has done this before and education of this new program is going to be key.

Council Member Rhoades asked if the proposal is a three or five year contract.

Council Member Lawrence stated the proposal is nothing different from what Republic has already proposed.

Mayor Glantz asked with modification of a contract would the city need to go back out to bid.

Carl Lumley stated that would need to be discussed during an executive session with Council.

Robert Kent stated he submitted an e-mail to the Mayor and Council earlier today and if the Council has already made up their minds it is not necessary to review.

David Caldwell read and submitted for the record. (Exhibit C)

Mark Passewark resident of 1 Chassell stated he likes the compromise from Council Member Lawrence; however, feels overly optimistic on the participation. Under this proposal he feels he would opt in because if his neighbors are going to use it then he would also. Feels the Council will be surprised under this proposal on exactly how many people are going to use it.

Council Member Lawrence asked what would it take to not use the service.

Mark Passewark stated he would have to hear that folks that are capable of not using the service have to pay for it.

Council Member Rhoades stated there is still a lot of confusion because many residents thought the service was being removed completely and didn't know it was still going to be an option.



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Mayor Glantz stated staff will contact the trash hauler and will discuss at the next Council meeting.

BUSINESS FROM CITY ADMINISTRATOR

12. Citywide Garage Sale

Kirsten Barnes stated in the strategic planning meetings last year it was suggested that a citywide garage sale might be in order. The date is tentatively set for Saturday, April 26, 2014 and essentially all guidelines would be followed in the current ordinance but would not count against participants for the two garage sale limit during the year. City will handle advertising and the guide will be available via download on the city's website or can be picked up at the Dielmann complex.

Council Member D'Alfonso suggested advertising in Town and Style to get the word out.

Robert Kent asked if the rules regarding no goods being displayed in the front yards will apply and if driveways will be allowed.

Kirsten Barnes stated a dispensation for this particular event might be in order.

13. Parks and Recreation Sponsorships

Kirsten Barnes stated there are no changes to the language for the sponsorships but wanted to make everyone aware of the sponsorship packages available. Today the city offered a contingent offer to someone to be the Market Manager.

Mark Perkins stated by the city having the program, this is something that we will publish and promote the sponsorship promote.

Council Member Hoffman moved, seconded by Council Member Lawrence to approve the sponsorship packages as presented, with the vote upon such motion being as follows, to-wit:

Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Council Member Hoffman moved, seconded by Council Member Saunders to go into Executive Session to discuss real estate and attorney – client matters at 10:00 p.m., with the vote upon such motion being as follows, to-wit:



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Council Member Saunders – Aye
Council Member Hoffman – abstain
Council Member Lawrence – Aye
Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Council Member Saunders moved, seconded by Council Member Hoffman to adjourn Executive Session at 10:20 p.m., with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye

The vote on the emotion being 7 ayes and 0 nays, motion carried.

Council Member Hoffman moved, seconded by Council Member Wang to adjourn at 10:22 p.m., with the vote upon such motion begin as follows, to-wit:

Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Submitted by:

Deborah Ryan
City Clerk

Barry Glantz
Mayor



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CALL MEETING TO ORDER

A regular meeting of the City Council of the City of Creve Coeur was called to order by Mayor Glantz at the Creve Coeur Government Center, 300 N New Ballas Road on Monday, February 10, 2014 at 7 pm.

PLEDGE OF ALLEGIANCE

Mayor Glantz led the Pledge of Allegiance.

INVOCATION

Mayor Glantz gave the invocation.

ROLL CALL

Mayor Glantz

Mr. Kreuter	Council Member Ward I
Ms. Kramer	Council Member Ward I
Mrs. Lawrence	Council Member Ward II
Mr. Wang	Council Member Ward II
Mrs. D'Alfonso	Council Member Ward III
Mrs. Rhoades	Council Member Ward IV
Mr. Saunders	Council Member Ward IV

Absent: Council Member Hoffman

COMMENTS FROM THE GENERAL PUBLIC

(Citizens are asked to limit comments to three minutes and to complete a speaker card)

No one requested to speak.

ACCEPTANCE OF AGENDA

Council Member Wang moved, seconded by Council Member Saunders to approve the agenda as presented.

Council Member Kreuter stated he has received a request to defer Item #7 to the next meeting so that the residents have more time to better prepare.

Mayor Glantz asked if the intent is to strike it from the agenda completely.

Council Member Kreuter stated the request from the residents was that the item be stricken completely from the agenda tonight.

Council Member Kreuter moved, seconded by Council Member Kramer to defer Item 7 completely until the next Council meeting.



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George Stock of Stock and Associates representing the applicant asked if the applicant could make their presentation tonight and then defer the first reading until the next meeting. There is a conflict with the availability with representatives from Stock and Associates for the next Council meeting.

Carl Lumley stated there is a motion and a second to address. The Council has the option of allowing the presentation but not counting it as the first reading so that there would still be a first reading in two weeks and a final reading two weeks after that. Depends on what the Council wants to do.

Council Member Kreuter stated the request was made for Denny Dickler.

Denny Dickler resident of 7 Havenview Drive requested the two week deferral so that the residents have time to prepare to give a coordinated presentation. Residents have been working through the Board of Adjustment and Planning and Zoning. With each meeting the residents had different site plans to review and understand and try to prepare comments relative to the changes that had been made. Residents work full time, families and their full time jobs are not to prepare presentations for the City Council or Commissions. For that reason, residents are requesting that the entire agenda item be tabled for the first reading to the next Council agenda.

Council Member D'Alfonso asked if there have been any changes since Planning and Zoning Commission.

Paul Langdon stated there was a change from the site plan from Board of Adjustment to Planning and Zoning Commission. During P & Z review some of the landscaping and aesthetics changed and the height and basic dimensions have not.

Council Member Rhoades stated it has been the practice of Council to allow anyone present to speak and be heard regarding an agenda item before it is deferred, including the applicant. Council Members also have full time jobs as well and it is always practice to have two readings on any topic and are accustomed to hearing things over sequential meetings. No one on the dais is in a rush to a judgment on this application.

Council Member Saunders stated he is not in a rush to make a decision and would be interested in entertaining the notion of deferring the first reading. But on the other hand, there are a lot of people gathered here regarding this topic and the applicant is interested in giving his presentation, it seems reasonable to at least hearing the presentation.

Council Member Wang suggested deferring for two meetings which would be four weeks.

Council Member Rhoades stated the point is if people are here we should allow people to speak.

Council Member Kreuter stated the Council has always been very gracious when an applicant has requested a deferral.

Council Member D'Alfonso stated we have deferred it and still allowed the residents to speak.



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Mayor Glantz called the question to defer Item 7 until the next meeting and no comments be taken until that time, with the vote on the motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Nay
Council Member D’Alfonso – Nay
Council Member Rhoades – Nay
Council Member Saunders – Nay
Council Member Lawrence – Aye
Council Member Kramer – Aye

The vote on the motion being 3 aye and 4 nays, motion failed.

Council Member Kramer moved, seconded Council Member Kreuter to defer Item 7 first reading for two weeks after the presentation of the application.

Council Member D’Alfonso asked if those present can comment if they are unable to attend in two weeks.

Mayor Glantz asked if it is the intent to allow residents speak as well.

Council Member Kramer stated the residents are the ones that requested the deferral.

Mayor Glantz stated is it the intent for the applicant to make the presentation and that be all the presentations for agenda Item 7 for tonight.

Council Member Kramer stated if anyone feels they must speak tonight on the item then they can, but it then becomes a whole discussion and the first point was that the residents wanted it deferred.

Mayor Glantz called the question to defer agenda Item 7 until the next meeting after the completion of the presentation by the applicant, with the vote on the motion being as follows, to-wit:

Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Saunders – Aye
Council Member Rhoades – Aye
Council Member D’Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Council Member Rhoades moved, seconded by Council Member Saunders to approve the agenda as amended, with the vote on the motion being as follows, to-wit:



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Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Saunders – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

ANNOUNCEMENTS

The City Council meets the 2nd and 4th Monday of each month
6:00 p.m. – 7:00 p.m. – Work Session
7:00 p.m. – Regular Meeting of the City Council

1. CONSENT ORDINANCE READINGS

- a. Bill No. 5470 - An Ordinance Authorizing The Installation Of One (1) Fire Hydrant For West Side Of Decker Lane Near 693 Decker Lane In The City Of Creve Coeur, Missouri. Final Reading**

City Clerk read Bill No. 5470 for the final time.

2. CONSENT AGENDA

Council Member Saunders moved, seconded by Council Member Rhoades to approve the consent agenda as presented:

- a. The Police Department is requesting permission to solicit donations in accordance with Donation Policy and Procedures.**
- b. Resolution No. 1099 - A Resolution For The Purchase Of Four In-Car Video Camera Systems.**
- c. Bill No. 5470 - An Ordinance Authorizing The Installation Of One (1) Fire Hydrant For West Side Of Decker Lane Near 693 Decker Lane In The City Of Creve Coeur, Missouri. Final Passage**

Mayor Glantz called the question to approve the consent agenda as presented, with the vote upon such motion being as follows, to-wit:

Council Member Saunders – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye
Council Member Kreuter – Aye
Council Member Wang – Aye



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Council Member D'Alfonso – Aye
Council Member Rhoades – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried. Bill No. 5470 becomes Ordinance No. 5349.

BILLS PAYABLE REPORT

For Information Only

Summary: A report of bills payable dated February 5, 2014 in the amount of \$157,299.14 has been provided for Council review. No vote is required.

UNFINISHED BUSINESS

3. Substitute Bill No. 5468 - An Ordinance Amending The Adopted 2013-2014 General Fund And Capital Fund Budgets Of The City Of Creve Coeur By Authorizing Additional Appropriations And Unappropriations From Operating Departments. Final Reading and Passage

City Clerk read Substitute Bill No. 5468 for the final time.

Council Member Saunders moved, seconded by Council Member D'Alfonso to approve Substitute Bill No. 5468, with the vote upon such motion being as follows, to-wit:

Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Saunders – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried. Substitute Bill No. 5468 becomes Ordinance No. 5350.

4. Bill No. 5469 - An Ordinance Amending Section 405.470, Conditional Uses, Of The Creve Coeur Zoning Ordinance To Allow For Drive-Thru Restaurants On Sites Of Two Or More Acres With Certain Requirements, And To Correct A Clerical Error. Final Reading and Passage

City Clerk read Bill No. 5469 for the final time.

Council Member Wang moved, seconded by Council Member Saunders to approve Bill No. 5469.

Paul Langdon made an additional staff presentation.



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Stephen Kling of Jenkins and Kling and representing the applicant Panera Bread stated the text amendment is for a drive thru. The applicant is requesting the final vote be deferred for two weeks. Mr. Kling made an additional presentation.

Council Member Saunders moved, seconded by Council Member D'Alfonso to amend Section 14.C.4 to restrict to one drive thru per property and restrict to single drive thru lane, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye
Council Member Saunders – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye

The vote on the motion 7 ayes and 0 nays, motion carried.

Council Member D'Alfonso asked what is the square footage of the Starbucks on Olive.

Paul Langdon stated approximately 2500 square feet.

Council Member Kramer asked what the environmental impact is on idling vehicles and if there is any education to turn off vehicles while in the drive thru.

Stephen Kling stated at the prior meeting there were issues with signage regarding the plaza and property owner is willing to work with the city on what would be permitted to correct that. As far as the Climate Task Force letter sent to Planning and Zoning Commission, it would be disingenuous to state that the cars are not going to put out some exhaust. This is not opening up the flood gates to a bunch of drive thrus, this would be a very limited amount. There was some discussion about that this actually saves the number of people that go and park their car. Suspect it will increase the exhaust some but not significantly.

Council Member Kramer asked if signage could be placed in the drive thru lane to request that cars not continue to idle while in the drive thru lane.

Jack Trout resident of 11955 Randy Drive and trustee of Balmarro Subdivision stated the project doesn't work with the subdivision. Patrons of the plaza miss the turn several times a day and end up racing up Randy Drive to turn around. It is a small subdivision and people walk on the street and the kids play out there. The egress and ingress for the plaza is terrible and slows the flow of traffic on Ballas Road.

Council Member Saunders suggested changes to the subdivision signage to make the entrance more clear.



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Jack Trout stated the signage for the area is too confusing.

Council Member Saunders asked if they had any suggestions to improve the situation.

Harry Eggelston resident of 11945 Randy Drive stated he is concerned about the peace and tranquility of the subdivision and asked if there will be a decibel limit on the order boxes. Also concerned with the pollution.

Linda Rezney resident of 104 Graeser Acres read and presented a statement for the record. (Exhibit A)

Judy Campbell resident of 314 Lyonnais Drive and Lead Co-Chair of the Climate Action Task Force read and presented a statement for the record. (Exhibit B)

Joe Flarity resident of 11921 Rocky Drive stated his house is located directly and immediately behind Panera and is concerned with the noise. There is a safety concern for those that miss the plaza entrance. Mr. Flarity asked the Council to consider the actual zoning code and if it is going to go to two acres then that is acceptable. The current text amendment that is being proposed is going to be very onerous. For any developer to be able to come into Creve Coeur and build a substantial project with a drive thru window, on an end cap with any type of use, because of some of the requirements in this text amendment it is going to be difficult at best. Council needs to think about future growth and development ideas.

Steve Hutkin, applicant and property owner stated he is willing to work with staff and neighbors to find a solution to the misguided drivers and volunteered on a study of the property line for discipline levels and the plan is to increase landscaping and vegetation along Rocky Drive.

Council Member Rhoades moved, seconded by Council Member Kreuter to defer the final vote of Bill No. 5469 until February 24, 2014, with the vote on the motion being as follows, to-wit:

Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Saunders – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

5. Bill No. 5471 - An Ordinance Amending Title VI, Chapter 610, Of The Code Of Ordinances Of The City Of Creve Coeur, By Adding Provisions Regarding Mobile Food Vendors. Final Reading and Passage



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City Clerk read Bill No. 5471 for the final time.

Carl Lumley stated there are two changes as noted in the summary. First in the hours allowed, some flexibility is introduced by some language which would allow the city to approve some additional times in connection with public fairs and events. Second the annual fee is proposed to be reduced to \$50 annually instead of \$100. In Section 610.110 the flexibility on hours and the annual fees be reduced. Staff is requesting those be approved.

Council Member Saunders moved, seconded by Council Member Rhoades to add the amended language as outlined by the City Attorney, with the vote on the motion being as follows, to-wit:

Council Member Saunders – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye
Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Council Member Rhoades moved, seconded by Council Member Saunders to approve Bill No. 5471 as amended, with the vote upon such motion being as follows, to-wit:

Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Saunders – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried. Bill No. 5471 becomes Ordinance No. 5351.

NEW BUSINESS

**6. Bill No. 5472 - An Ordinance Authorizing The Issuance Of A New
Conditional Use Permit For A 1,024 Square-Foot Snack And Nonalcoholic
Beverage Bar Located At 11475 Olive Boulevard Within The West Oak
Square Shopping Center. First Reading**

City Clerk read Bill No. 5472 for the first time.



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Matt Pross and Jeff Evenson applicants and representing Jamba Juice gave a brief presentation regarding the application. Applicant requested both readings and approval tonight due to simultaneous opening of another location in a different market.

Mayor Glantz asked if the applicant is requesting an emergency clause this evening.

Jeff Evenson stated that would be the request.

Council Member Saunders asked if there were any unusual delays for this application.

Paul Langdon stated no sir, nothing unusual about the process timing.

Council Member Kramer moved, seconded by Council Member Wang to allow for the second reading and take the final vote.

Carl Lumley stated the revised ordinance would require an explanation of why the emergency clause was needed.

Council Member Kramer asked if a construction issue is relevant.

Carl Lumley stated it is possible and the emergency clause needs to be in the motion what the emergency is and that Council is justifying the action.

Council Member Kramer moved, seconded by Council Member Lawrence to allow for the second reading and final vote in order to facilitate construction as requested by the applicant.

Council Member D'Alfonso stated she is not opposed to the second reading tonight but is concerned of setting a precedent.

Carl Lumley stated the concern is legitimate and perhaps the applicant could explain further the constraints they are facing more specifically.

Jeff Evenson stated there is another opening in BallPark Village which has a hard opening date of April 7, 2014 and construction time line, if approved tonight, would allow the opening of the Creve Coeur location approximately two weeks before the BallPark Village location.

Council Member Rhoades stated she can't support and is concerned with precedent.

Council Member Saunders stated he couldn't support.

Mayor Glantz called the question to allow for the second reading and final passage under an emergency clause, with the vote upon such motion being as follows, to-wit:

Council Member Kramer – Aye

Council Member Lawrence – Aye

Council Member Saunders – Nay



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Council Member Rhoades – Nay
Council Member D'Alfonso – Nay
Council Member Wang – Nay
Council Member Kreuter – Aye

The vote on the motion is 3 ayes and 4 nays, motion failed.

7. Bill No. 5473 - An Ordinance Authorizing The Issuance Of A New Conditional Use Permit For A 41,900 Square-Foot, 51 Bed, Assisted Living Facility Located At 450 N. Lindbergh Boulevard In The "GC" General Commercial District. First Reading

City Clerk read Bill No. 5473 for the first time.

Carl Lumley stated to clarify the minutes; the Clerk announced the item but does not count as the first reading.

Mayor Glantz stated this is strictly the applicant's presentation and neighbors will hold questions until next week.

George Stock of Stock and Associates made a presentation regarding this application.

Chris Wiltse of St. Andrews Management and Mauree Dunn, Operations Director made presentations regarding this application.

Council Member Lawrence stated she would like to have more specifics on overflow parking and that during events there will be shuttles but you don't talk about where the shuttles will be coming from and where people will be parking.

Chris Wiltse stated right now arrangements haven't been made but will figure it out.

Council Member Lawrence stated it has been stated that there will be no parking on Beaver Drive on the south side of the street.

Chris Wiltse stated correct.

Council Member Lawrence asked about emergency vehicles getting to the facility if Lindbergh should be blocked due to the flow of traffic and the median.

Chris Wiltse stated he assumed that would be controlled by the Creve Coeur PD and is unaware of the frequency of the issue. The site that is being proposed will have the ability to permit trucks to enter, exit and maneuver within the property and not disrupt the traffic on Lindbergh.

Council Member Lawrence asked what type of odor controls are in place for the food prep area so as to not disrupt the neighbors.



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Chris Wiltse stated the kitchen is on the south side of the building and there are no residents on that side of the building. Any permits for health preparation and emission are to be in accordance with the city's ordinances and the St. Louis County Health Department.

Council Member Lawrence asked about the FAR calculations. After reviewing there are a couple of concerns as there are no place for exercise or physical therapy room and there is nowhere outside where people can walk. If people want to walk and move around they must do so in the corridors. Not sure you can take that space out of your FAR calculations.

Chris Wiltse stated the courtyard space is 5,000 square feet and if there is a need for a sidewalk for a walking trail, that would be installed.

8. Bill No. 5474 - An Ordinance Amending Section 605.350 Of The Code Of Ordinances Of The City Of Creve Coeur Regarding Garage Sales. First Reading

City Clerk read Bill No. 5474 for the first time.

Mark Perkins stated he wanted to remind everyone that participating in this city wide garage sale does not count against the two permit limit for the year.

9. Resolution No. 1100 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of A Contract With Horner & Shifrin, Inc., For Professional Engineering Services Related To The Development Of A Concept Design Plan For Mosley Road For The Amount Of \$85,352.00.

* - 9:22 p.m. – Council Member D'Alfonso left the Council Chambers.

City Clerk read Resolution No. 1100.

Council Member Saunders moved, seconded by Council Member Wang to approve Resolution No. 1100, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member Rhoades – Aye
Council Member Saunders – Aye
Council Member Lawrence – Aye
Council Member Kramer – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

10. Resolution No. 1101 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of A Contract With



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**Thouvenot, Wade & Moerchen, Inc., For Professional Engineering Services
Related To The Coeur De Ville Drive Overlay Project For The Amount Of
\$69,905.50.**

City Clerk read Resolution No. 1101.

* 9:24 p.m. - Council Member D'Alfonso returned to the Council Chambers

Council Member Saunders moved, seconded by Council Member Lawrence to approve Resolution No. 1101, with the vote upon such motion being as follows, to-wit:

Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Saunders – Aye
Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

APPOINTMENTS

11. Olive Graeser Transportation Development District Board of Directors

Mayor Glantz stated we would like to appoint David Kreuter to the Olive Graeser TDD.

Council Member Rhoades moved, seconded by Council Member Saunders to approve the recommended appointment of David Kreuter to the Olive Graeser TDD Board of Directors for a term that expires December 16, 2015, with the vote upon such motion being as follows, to-wit:

Council Member Kramer – Aye
Council Member Lawrence – Aye
Council Member Saunders – Aye
Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Mayor Glantz stated Council Member Kramer has forwarded a name of an interested resident in serving on the Olive Blvd TDD.

BUSINESS FROM THE MAYOR and CITY COUNCIL

12. Snow Removal on State Roads



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Council Member Kreuter stated our roads are in great shape during snow removal and the state roads are terrible and asked if there was something staff could do about it.

Jim Heines stated city crews have approximately 155 miles of road and 35 miles additional miles if crews took on Olive and Lindbergh to help out MoDOT. Usually two hours after the snow stop, city crews clean arterial roads and every residential road is plowed at least once within six hours of a snow event.

Mayor Glantz asked if staff has discussed with MoDOT our displeasure with the service on Olive and Lindbergh.

Council Member Kreuter suggested an article in the newsletter about which roads are serviced by city crews and which are serviced by MoDOT so that our residents have the information.

BUSINESS FROM CITY ADMINISTRATOR

13. Trash and Recycling Contract

Mark Perkins stated there is information in the packet from Council Members Rhoades and Lawrence regarding their various proposals along with additional information. Mr. Perkins stated he and Jim Heines met with Republic Waste last week and discussed the status of the contract. As you are aware, the city has the option of a three year extension of the contract. We do need to accept that extension by May 1 of this year. Republic indicated that any major changes to the service, particularly if we are going to be purchasing toters or new major equipment that was planned in their proposal of November of 2013 that they would need additional time as well as an opportunity to budget for those resources within their own organization. City would be looking at about a year out even if we said we want the extension now. Looking at July of 2015 and at a minimum we will need to look at some kind of an extension. At this point we have a three year extension on the table. Republic has offered to extended the current contract for the three year period while waiving the increase for the first year of the three years and in the second and third years it would be 3% increase. Republic has given the city the opportunity to revert to the proposal that they submitted and the Council voted on at the end of November if that is the Council's decision to make that change at a future year in year 2 or 3. In addition, Republic indicated that they would be amendable to stipulating in that contract that the city would have the option of paying the fees for residents as has been discussed and proposed by Council Member Lawrence. They did suggest surveying residents in some fashion to get a clearer picture on what usage would be. Staff is concerned with the administration whereby the city pays the entire bill but the residents are making a selection of rear year or curbside just in terms of managing that on an ongoing basis. It isn't that it is unmanageable, but it will be fairly substantial administrative exercise going forward to keep track of it and making sure that billings from the hauler are accurate.

Council Member Lawrence stated one of the concerns of the compromise proposal was that it had the potential to cost more than our current trash contract.

Council Member Rhoades asked which proposal.



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Council Member Lawrence stated the one she proposed. Council Member Lawrence asked Mr. Perkins to speak with Republic about capping it at what we are currently paying, so there is no way we could actually pay more than what we are currently paying with the proposal that she suggested. Republic indicated to Mr. Perkins that they were comfortable with that.

Council Member Rhoades stated the question is how is valet service going to be funded. Council Member Lawrence's compromise proposal allows the city to take advantage of some of the great benefits of Republic's proposal which would be the diversion rebate and as far as we know we are the only city to negotiate this. This is a huge environmental gain and innovative concept and the service improvements to those residents that already do use curbside service. Really appreciate any effort to seek those advantages. The only difference between the proposal that she brought forth in January which was simply to accept the contract and incorporate some residential tax cuts so that the savings would be shared directly back to the residents, proportional to their utility bills and would be in favor of the Finance committee or others weighing in on it. The concept was simply to return the savings and share it back with residents and this will offset user fees, very clean and simple and fair. Proportionate to the people that like valet. The other option is for the city to continue paying fees for some people that use the service and appreciate that the city will still retain the benefits of the contract but struggle to see what the big advantage of that is and has some inherent risks. Is it imperative for people to ask the city to continue to fund this service, because it is really all of the other tax payers funding it. We will lose the opportunity to share tax revenues back. Council Member Rhoades submitted items for the record. (Exhibit)

* 9:40 - Council Member Kreuter left the Council Chambers

Council Member Lawrence stated the plan that she puts forward retains the service that is very important to a large segment of the city's population. Approximately 20% of the city's population are 65 or older and we are an aging city. Not having to go fill out some sort of form to ask for free service, is more dignified. A large portion of the population wants the city to spend the money on this because this is what the vision of the city that they live in. For a lot of residents valet trash service is a important service similar to leaf pick up and limb chipping. Council Member Hoffman's suggestion for an educational program and requiring people to opt-in for the service is important and we will eventually wean people off of this service. Council Member Lawrence stated we are going to have to agree to disagree.

Council Member Rhoades stated we do have to appreciate that the hauler already provides free service to those with physical limitations. So we are now going to ask the city to cover it instead of the hauler.

Council Member Lawrence stated the bottom line is that we are still providing the highest level of service and we are still going to save a significant amount of money.

Mayor Glantz stated we are divided on Council regarding this issue and that was evident in our vote. If we put it out to the vote of the people, we are divided there also. For lack of a better word, Council Member Lawrence's compromise is probably, at this juncture, the best solution we have to move



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forward. We have to give staff direction for what we do when our trash contract expires at the end of June this year.

Council Member D'Alfonso stated to clarify, we are going to accept the extension and then put in place the compromise. Correct?

Mark Perkins stated we are going to accept the three year extension and within three years work on a compromise or some of the items in the compromise.

* 9:45 p.m. - Council Member Kreuter returned to Council Chambers.

Stan Edelstein resident of 12321 Woodline read and submitted a statement for the record. (Exhibit)

Council Member Rhoades stated this Council is deliberately asking some citizens to subsidize valet service for others. There is a double standard for the service. There is a geographical distribution that makes the Council votes consistently fall in this direction.

Mayor Glantz stated we are going to have to agree to disagree and the Council voted back in November and absent going forward with the new contract we need to give staff direction on what we are going to do. The compromise that Council Member Lawrence has proposed gives our community a good signal that we are going to continue with the quality of life that we currently enjoy.

Council Member Rhoades stated residents can still have valet service and we are not taking that away. That is a constant miscommunication and misunderstanding from residents.

Council Member D'Alfonso stated this issue has a lot to do about education and maybe if HEB has reached out to CATF about the benefits then maybe the word would have been spread more.

Council Member Saunders stated this issue is very passionate on both sides and an issue that is dividing the Council. We have made a lot of progress with the stand point that we are having a civil discussion and debate with each other about what are strategies for moving us in a direction for promoting curbside trash pickup and a recognition that there are many valuable things in this contract that we had before us. The question is now where do we go and staff is looking for direction. There are a lot of questions still that he has should be discussed with the City Attorney at a different venue and this will be an issue that we will visit again.

Council Member Kramer stated for the record and to respectfully disagree that there was one compromise brought to the table today. If we are going to have discussions, it should be of compromise and not discussion to try and get people to look back at something that was already voted on.

Robert Kent resident of 13084 Ferntrails Lane stated whatever Council decides tonight they need to be very clear and concise with their direction to staff to go forward.



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Council Member Kramer asked what is going to be different at the next meeting that is going to be different, other than the lack of compromise and getting another two weeks, what is going to be different in two weeks than right now.

Council Member Saunders stated the discussion began with Council Member D'Alfonso asking a question that our City Attorney recommended not answering until Council has an opportunity for an Executive Session. What will be different is that we will have some additional answers from the City Attorney between right now and next meeting.

Council Member Rhoades stated she would like to clarify that in the packet there is an amendment and not a rehashing of events, that changes the proposal by directly tying to it and adding in wording that allows for reduction of electric utility tax rate with the amounts left blank and that is a formal amendment. Council Member Rhoades stated everyone can wish it away but at some point Council will be asked to vote on it. Regardless of how everyone feels about this personally it is a formal item on the table. Council Member Rhoades stated there are two proposals on the table, one returns the tax dollars completely to the residents so they can elect to pay valet service and the other one retains most of the money so that the city and the tax payers are still subsidizing valet. That is the primary difference.

Mayor Glantz stated this discussion will continue at the February 24, 2014 meeting.

14. Second Quarter FY2014 Financial Analyses

Dan Smith reviewed the second quarter FY2014 Financial Analyses and recapped the staff memo dated February 6, 2014.

Council Member Rhoades stated the property and utility tax which passed September 2012 for property tax and July of 2013 for utility tax has roughly decreased revenues by \$300,000.

Mark Perkins stated that our estimate for utility reduction was \$180,000 and we have seen about \$120,000 annual reduction on our property tax from a couple of years ago when we began tapering a bit.

Council Member Rhoades stated there has been a lot of kick back from the community since 2010 about the sales tax increase and whether it was necessary. The Council, city and staff deserve some credit and it has been a well kept secret that we have been cutting taxes.

Dan Smith stated he anticipates seeing a fair amount of increase in revenues because the cost of natural gas is going up and so will the gross receipts tax and utility.

Council Member Rhoades stated that is why she thinks that utility taxes deserves some special attention.

Council Member Kreuter moved, seconded by Council Member Wang to adjourn at 10:17 p.m., with the vote upon such motion begin as follows, to-wit:



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Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Submitted by:

Deborah Ryan
City Clerk

Barry Glantz
Mayor

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE
PERMIT FOR A 1,024 SQUARE-FOOT SNACK AND NONALCOHOLIC BEVERAGE
BAR LOCATED AT 11475 OLIVE BOULEVARD
WITHIN THE WEST OAK SQUARE SHOPPING CENTER**

WHEREAS, under Section 405.210 Table A, all snack and nonalcoholic beverage bars (NAICS 722515) are permitted as a conditional use in the "CB" Core Business zoning district, and thus requires the issuance of a conditional use permit as provided in Section 405.1070, Conditional Use Permits; and

WHEREAS, an application was submitted by Jeff Evanston, of Showme West Oak LLC, Jamba Juice, for a conditional use permit for a 1,024 square-foot, four-seat smoothie bar located at 11475 Olive Boulevard within West Oak Square Shopping Center; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Monday, February 3, 2014, 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 6-0 vote, recommended approval of the conditional use permit, subject to the conditions contained herein, at its meeting on February 3, 2014; 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 snack and nonalcoholic beverage bar at 11475 Olive Boulevard within the West Oak Shopping Center, in the "CB" Core Business zoning district, whose legal description is as follows:

A tract of land in U.S. Survey 1962, Township 45 North, Range 5 East, City of Creve Coeur, St. Louis County Missouri, being more particularly described as follows:

Beginning at a point on the Northern line of Olive Street Road (Missouri State Highway K (340)) at its intersection with the Southwestern line of property conveyed to Onyx Corporation by Deed recorded in Book 6883, Page 1587 of the St. Louis County Records; thence along said Northern road line South 89 degrees 56 minutes 23 seconds West, 418.54 feet to a point of curve; thence Northwestwardly along a curve to the right having a radius of 2,819.93 feet, an arc distance of 226.40 feet to a point of tangency; thence continuing along said road line, North 85 degrees 27 minutes 37 seconds West, 229.29 feet to a point being the most Eastern corner of right-of-way dedicated to St. Louis County by Deed recorded in Book 7823, Page 57 of the St. Louis County Records, thence along the Northeastern line of said dedication North 57 degrees 33 minutes 52 seconds West, 26.51 feet to the most Western corner thereof, said point being on the Northeastern line of Craig Road, 60 feet wide, thence along said Northeast line of Craig Road, North 29 degrees 40 minutes 07 seconds West, 700.28 feet to the Northwest corner of property conveyed to Caplaco Nine, Inc., according to Deed recorded in Book 8244, Page 2390; thence Northeasterly, along the Northwest line thereof, North 60 degrees 12 minutes 45 seconds East 531.96 feet to a point in the Southwest line of PARK WEST PLAT 5, a subdivision according to the plat thereof recorded in Plat Book 96, Page 30 of the St. Louis County Records; thence along said Southwest line, South 29 degrees 26 minutes 00 seconds East, 129.60 feet to the most Southern corner of Lot 136 of said Subdivision; thence along the Southeast line of PARK WEST PLAT 5, North 60 degrees 22 minutes 10 seconds East, 231.30 feet to its intersection with a line being the direct Northwestwardly prolongation of the Southwest line of property conveyed to Schrier by Deed recorded in Book 5812, Page 423; thence Southeastwardly along said line and along the Southwest line of PARK WEST PLAT 4, a Subdivision according to the plat thereof recorded in Plat Book 94, Page 1, along the Southwest line of PARK WEST PLAT 1, a Subdivision according to the plat thereof recorded as Daily NO. 204 on May 16, 1958, along the Southwest line of PARK WEST PLAT 2, a subdivision according to the plat thereof recorded in Plat Book 86, Page 46 and along the Southwest line of property conveyed to Onyx Corporation, as aforementioned, South 29 degrees 24 minutes 48 seconds East, 1050.40 feet to the point of beginning and containing 16.047 Acres.

Section 2: 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 1,024 square foot snack and nonalcoholic beverage bar at 11475 Olive Boulevard within the West Oak Shopping Center.
2. Seating is limited to a maximum of 16 seats, whether inside or outside.
3. A minimum four foot wide, unobstructed and clear pedestrian path must be maintained at all times if any of the allowed seating is placed outdoors, adjacent to the building.

4. Hours of operation shall not exceed 7:00 am to 9:00 pm, seven days a week. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
5. 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.
6. There shall be no outdoor storage or placement of any materials or equipment.
7. 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.
8. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
9. The restaurant shall use a tempered makeup air system, if applicable. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
10. Any mechanical equipment installed for the site shall be properly screened with approved materials.
11. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
12. 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.
13. 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.
14. 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 2 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 _____, 2014.

BILL NO. 5472

ORDINANCE NO. _____

SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2014.

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 THE PLANNING AND ZONING COMMISSION
#14-002 FOR A NEW CONDITIONAL USE PERMIT FOR JAMBA JUICE AT
11475 OLIVE BOULEVARD WITHIN WEST OAK SQUARE**

FOR THE MEETING OF: Monday, February 3, 2014

LOCATION: 11475 Olive Boulevard, The property is zoned CB-Core Business District

REQUEST: An application by Jeff Evanson, of Showme West Oak LLC, Jamba Juice, has submitted a request for a conditional use permit for a 1,024 square foot, four seat smoothie bar located at 11475 Olive Boulevard within West Oak Square Shopping Center. The Applicant is not pursuing any changes to exterior of the building or site.

ADDITIONAL INFORMATION: All Snack and Nonalcoholic Beverage Bars (NAICS 722515) are permitted as a conditional use with review and approval by the City Council upon the recommendation Planning and Zoning Commission in all commercial districts.

Key Issues:

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

Comp. Plan References

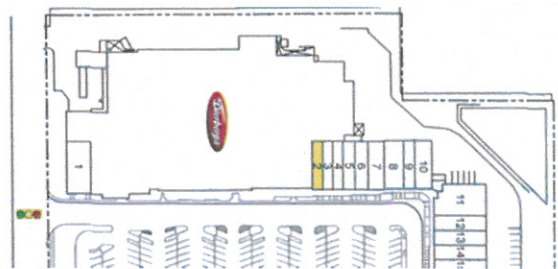
- Health and Connectivity Goals
- Central Business District
- Design Guidelines: Streetscape/Pedestrian Orientation

Zoning Code References

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

APPLICANT: Jeff Evanson
Showme West Oak LLC, Jamba Juice
4383 Contessi Manor Ct.
Saint Louis, MO 63128

PROPERTY OWNER: Capital Land Company
11850 Studt Ave.
St. Louis, MO 63141



REPORT PREPARED BY:

Whitney Kelly
Whitney Kelly, AICP

1/31/2014

Date

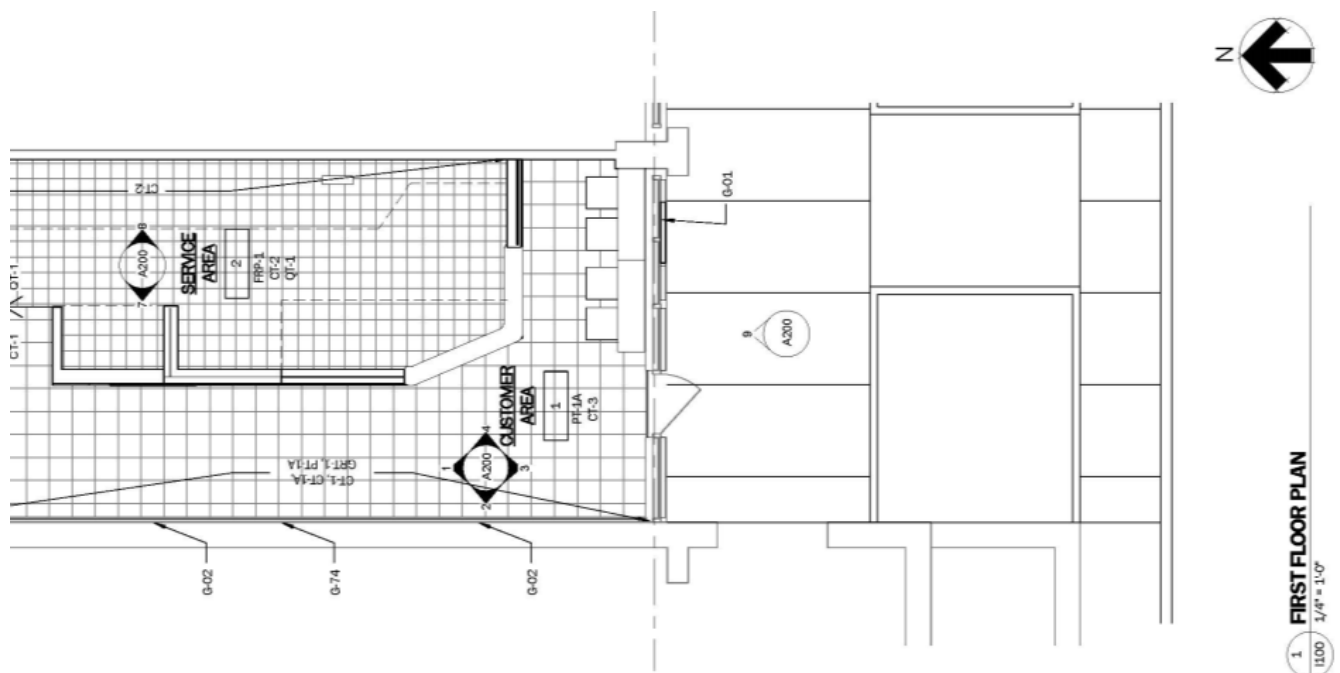
ATTACHMENTS: Applicant's Materials submitted January 14, 2014
Draft Ordinance

BACKGROUND AND ZONING HISTORY

West Oak Square is located northeast of the intersection of Olive Boulevard and Craig Road. The first phase of West Oak Square was built in 1978 and the existing facility was fully built around 1980. The shopping center includes a 73,000 square foot grocery store as the primary anchor and 56,537 square feet of retail area (including the out-lot building, Verizon Wireless, at 3,900 square feet). The overall development is legally pre-existing, with non-conforming site coverage and parking.

In October 2009, Mr. Patrick Cunningham, of Caplaco Nine, Inc., the owners of West Oak Square Shopping Plaza, received approval of a variance for a 15% reduction in the required number of parking spaces for the plaza based on the dynamics that typically result in a shopping center whereby the center as a whole needs less parking than the sum of the individual uses. A parking study was conducted on behalf of Caplaco Nine, Inc., that studied a maximum occupancy scenario wherein the maximum amount of floor area allocated to restaurants was assumed at the time of 25%. The current restaurant square footage is 17% of the West Oak Shopping Center development. The total parking required for all uses within the center at that time was 795 parking spaces, leaving a surplus of 133 spaces available on site. [The Zoning Code has since been revised to allow for a maximum of 40% of the building square footage for food services and drinking places in the "CB", "PO", "PC" and "LI" Districts, and the parking reduction for shopping centers has been permitted for all multi-tenant shopping centers. However, the previously approved variance is not applied in addition to the reduction in parking requirements].

At the time of the parking study, this tenant space was considered a retail use, with a parking ratio of four spaces per 1,000 square feet of floor area. The proposed use will increase the square footage of food services to 18% of the total development. The applicant's floor plan indicates a bar seating for four. However, he has indicated that, if permissible, he would like to have outdoor seating as well. No changes are proposed for the exterior of the building or site. Below is a close-up of the floor plan showing the seating next to the window:



LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	Assisted living facility and single family residences	"CB" Core Business and St. Louis Co. R-3 Residential	N/A
South	Office buildings	"PO" Planned Office	Olive Boulevard
East	Single residences and general retail	St. Louis Co. R-3 Residential and "CB" Core Business	N/A
West	Office buildings and general retail	"CB" Core Business	Craig Road

COMPREHENSIVE PLAN REVIEW

The subject property is located within the Central Business District that encourages a mix of uses, including retail, residential, government, and park uses. While the overall site does not meet with the goals of the Comprehensive Plan for any future development within the Central Business District area, this request furthers the existing structure toward the intent of the Comprehensive Plan by providing for outdoor amenities. The goals listed under the Community Health and Connectivity of the Comprehensive Plan include requiring new commercial, institutional, and multi-family development or redevelopment to include public amenities such as pedestrian connections, bicycle facilities, public sitting/gathering areas, and open space, as appropriate (page 22). Thus, the intended use would appear to meet with the goals and objectives of the Comprehensive Plan, to the extent that they apply to the existing development.

ZONING REVIEW

Snack and nonalcoholic beverage bars (NAICS 722515) are permitted with conditions in all commercial zoning districts within the city, and the applicant is leasing a tenant space on a preexisting, legally non-conforming site.

Use Intensity:

Section 405.470.14.b. limits food services and drinking places to no more than 40% of the building square footage collectively in the "CB", "PO", "PC" and "LI" Districts. Restaurants operating within the center are Chipotle Mexican Grill, Pizza Hut-Take Out, Crazy Bowls & Wraps, Einstein's Bagels, Jimmy John's and Granite City Food & Brewery. The current restaurant square footage is 17% of the West Oak Shopping Center development. The proposed use will increase the square footage of food services to 18% of the total development, well within the 40% allowed.

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 four spaces per 1,000 square feet of floor area. The floor layout only shows a bar seating for four people. The tenant has also suggested the possibility of allowing a couple of outdoor seats. The parking ratio for outdoor seating is one for every eight seats.

As discussed earlier, West Oak Square Shopping Center received a variance where the parking study examined the maximum parking requirements for the center. The total parking required for all current uses within the center is 795 parking spaces, leaving a surplus of 133 spaces available on site. 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, whether indoor or outdoor, should this tenant or any future tenant wish to include additional seating without the need to amend the conditional use permit. Additionally, the condition includes that a minimum four foot wide, unobstructed and clear pedestrian path must be maintained at all times if outdoor seating is placed adjacent to the building.

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 food services which are included in the draft ordinance:

1. The conditional use permit shall be for the operation of 1,024 square foot snack and nonalcoholic beverage bar at 11475 Olive Boulevard within the West Oak Shopping Center.
2. Seating is limited to a maximum of 16 seats, whether indoors or outdoors.
3. A minimum four-foot wide, unobstructed and clear pedestrian path must be maintained at all times if any of the allowed seating is placed outdoors adjacent to the building.
4. Hours of operation shall not exceed 7:00 am to 9:00 pm, seven days a week. Additional business hours may be permitted with the Zoning Administrator's approval, including, but not limited to, the catering of special events.
5. 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.
6. There shall be no outdoor storage or placement of any materials or equipment.
7. 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.
8. 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 #14-002 for a Conditional Use Permit for a 1,024 square foot snack and nonalcoholic beverage bar located at 11475 Olive Boulevard, subject to the conditions contained in the draft ordinance attached to the staff report prepared for the meeting of February 3, 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.

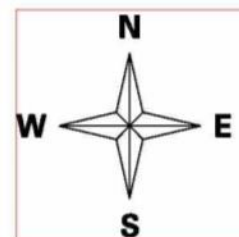
APPENDIX 2: ZONING CODE

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

APPENDIX 3: AERIAL PHOTO



-  Municipal Boundary
-  Property Lines
-  West Oak Shopping Center



APPENDIX 4: SITE PHOTOGRAPHS

Photo Date: 01/31/2014



Description: View looking north at the proposed tenant space from the parking lot.



Description: View looking south from in front of the tenant space.

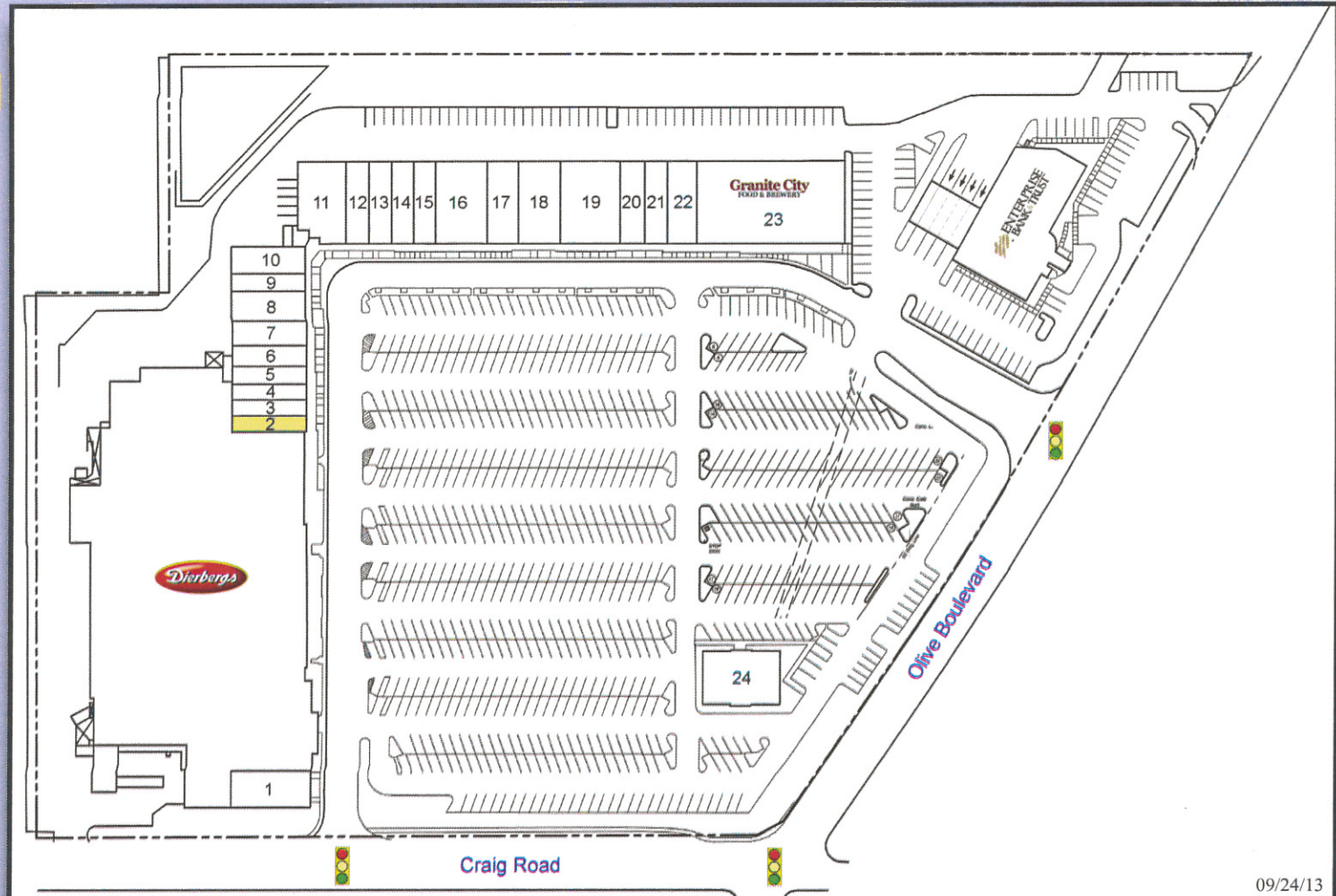
West Oak Square

RECEIVED
JAN 14 2014

Olive Boulevard at Craig Road
Creve Coeur, Missouri

PLANNING DEPT.

Space	Tenant	Size (sf)
1	Chipotle Mexian Grill	2,880
2	Available	1,024
3	The Joint	960
4	Fantastic Sam's	960
5	One Hour Valet	1,225
6	UPS Store	1,400
7	Frame Factory	1,680
8	Hair Saloon	1,820
9	Nail Spa	1,400
10	Sally Beauty Supply	1,800
11	Great Southern Travel	3,888
12	GNC	1,500
13	Cookies by Design	1,600
14	Pizza Hut	1,600
15	Foot Healers	1,600
16	Once Upon a Child	4,000
17	AAA	2,400
18	Beauty First	3,200
19	Clarkson Eyecare	4,400
20	Jimmy Johns	2,000
21	Crazy Bowls & Wraps	1,600
22	Einstein's Bagels	2,240
23	GC Food & Brewery	11,360
24	Verizon Wireless	3,900



09/24/13



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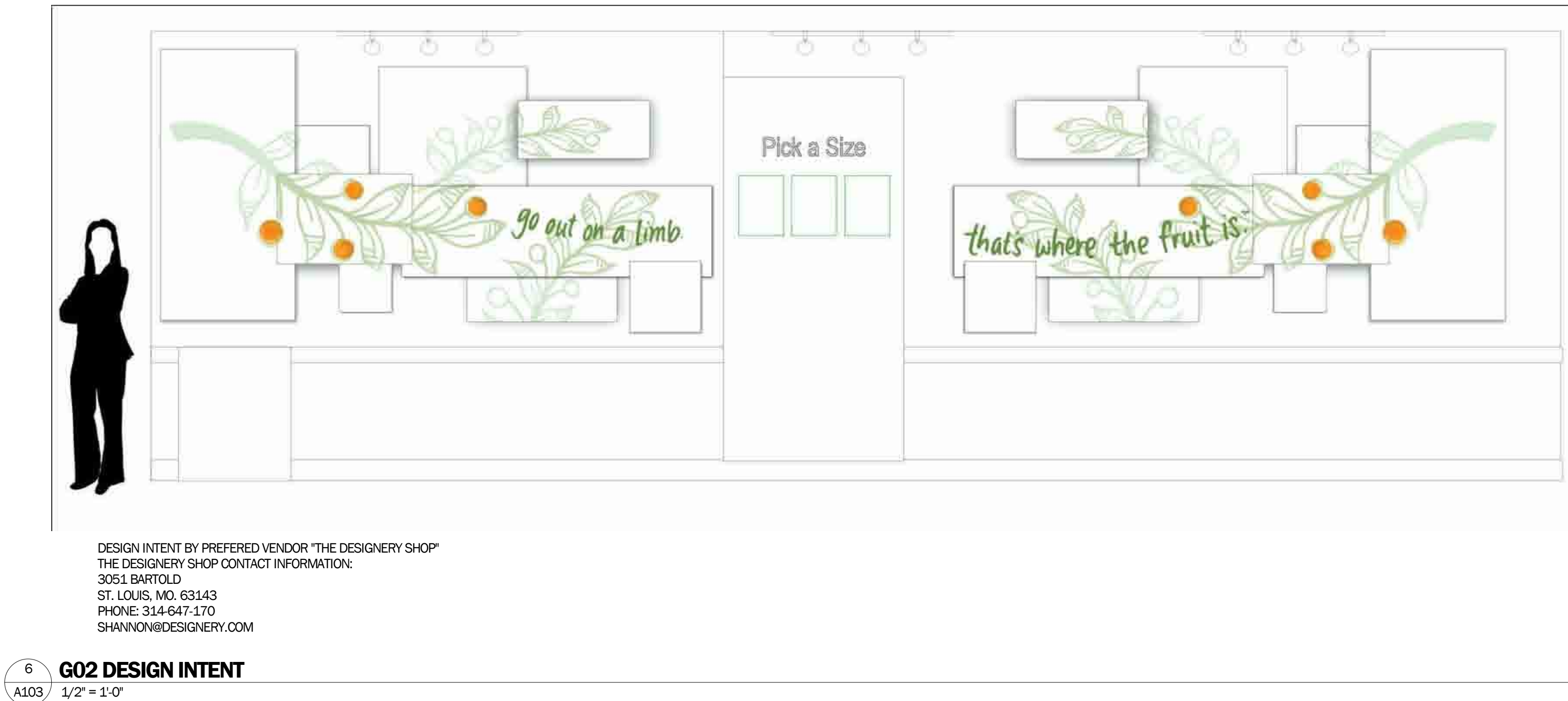
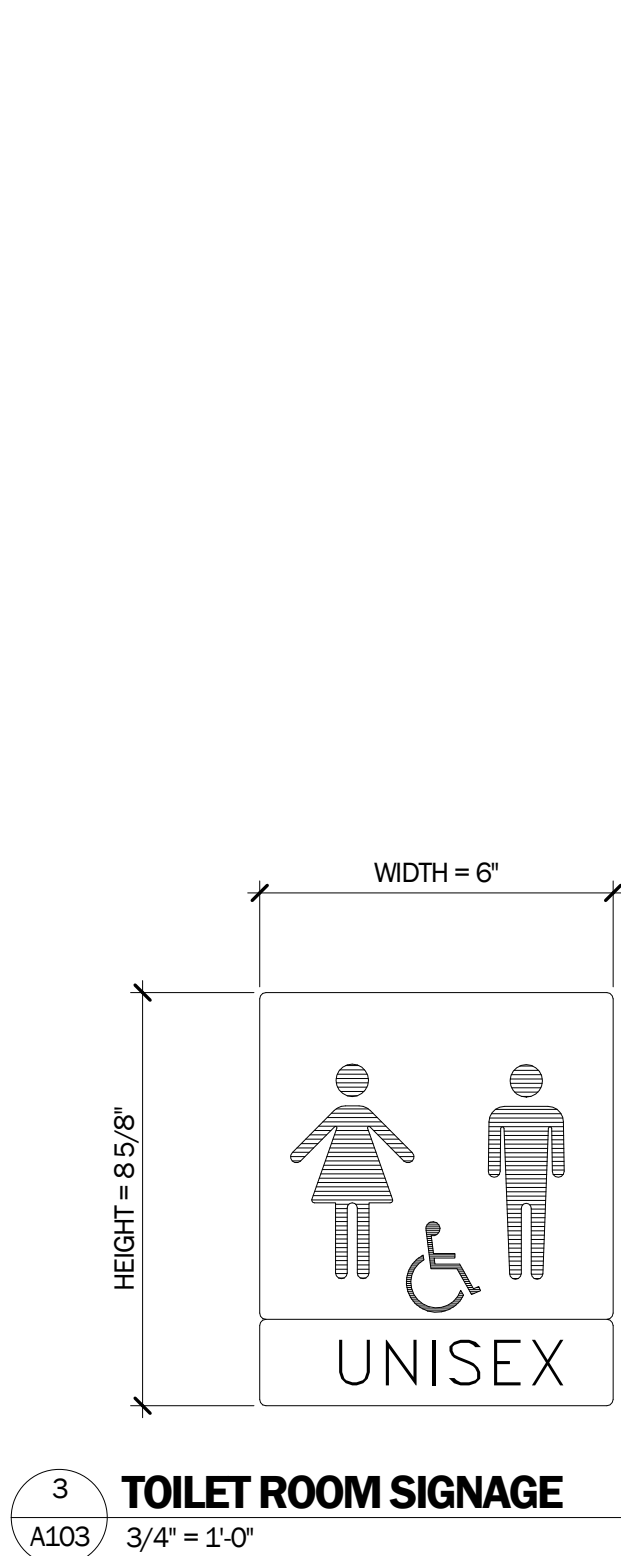
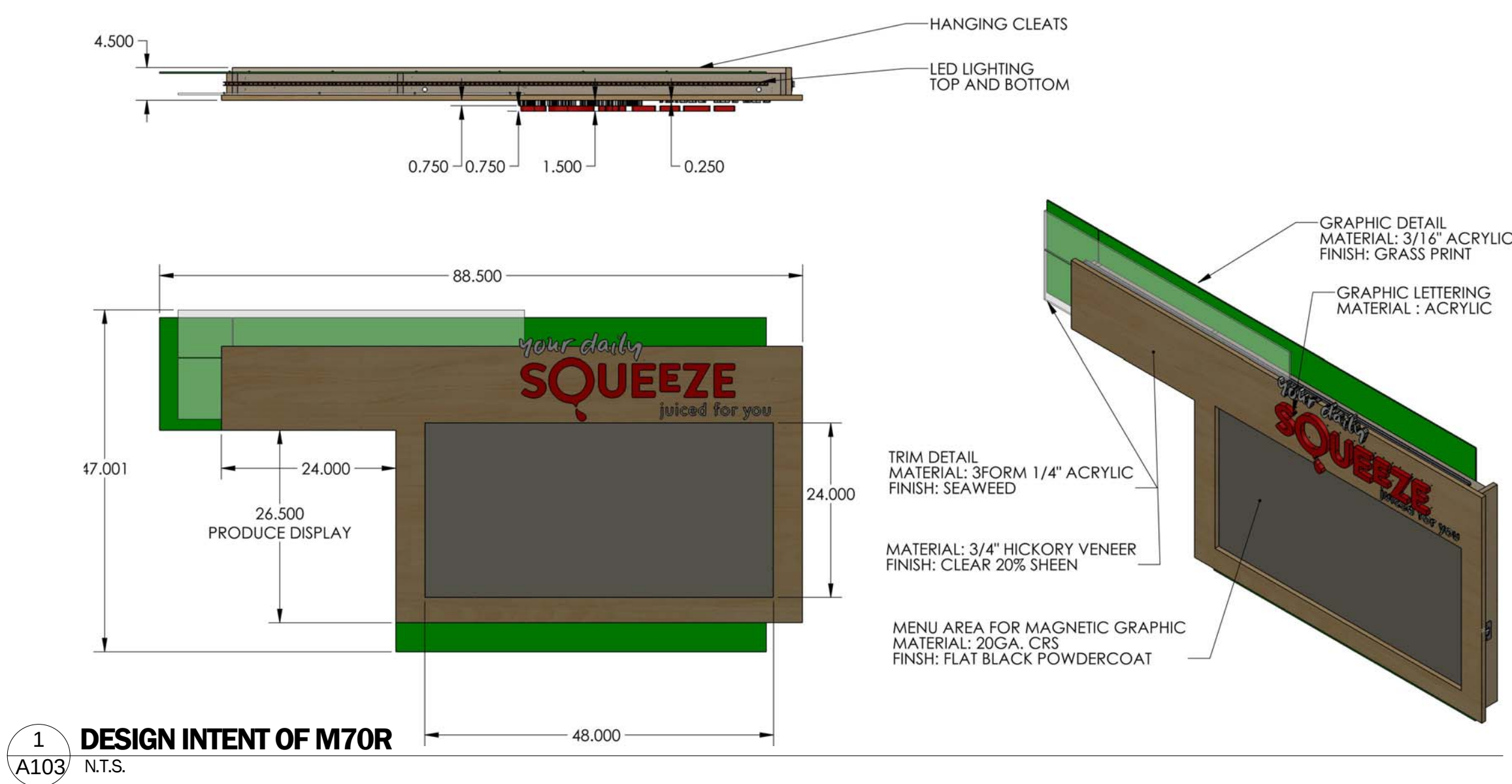
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Equipment Schedule																							
Mark	Description	Manufacturer	Model	G.C.		TENANT			Quantity	Volts/Phase	Amps	Outlet	Gas	CW	HW	FCW	Vent	DW	IW	HP	Wdth/Depth/Height	Type Comments	
				CF	CI	TF	TI	Yes															No
E04A	Orange Juice Dispenser (Double Bowl)	Grindmaster Crathco	D25-4A W/ Agitator	No	Yes	Yes	No	Yes	1	115/1	3										17 1/2"x15"x27 1/4"	Dedicated circuit for each blender. Single outlet receptacles. Cutout & vent per manufacturer	
E04B	Orange Juice Dispenser (Triple Bowl)	Grindmaster Crathco	D35-4A W/ Agitator	No	Yes	Yes	No	Yes	2	115/1	8.5												
E05	Dip Box	NELSON	B06RB 23-07 4	No	Yes	Yes	No	Yes	1	115/1	8	5-15R								1/2	54" x 31 1/4" x 32 3/4"		
E06	Blending Station w/ Glass Cover	Vita-Mix	40002	No	Yes	Yes	No	Yes	4	120/1	15										9 1/2"x10 1/2"x19 1/2"		
E07	Wheat Grass Juicer	Miracle Exclusives	MJ575	No	Yes	Yes	No	Yes	1	110/1											TBD		
E08	Carrot Juicer	Nutraster	N-450	No	Yes	Yes	No	Yes	1	110/1	15										12"x12"x18 1/2"		
E13A	Oasis Pasty Case	Structural Concepts	COL2757R	No	Yes	Yes	No	Yes	1	120/1	6.57	5-15P									28" x 34 1/2" x 56 7/8"		
E15	2 Door Refrigerator (Undercounter)	Defield	UC04048	No	Yes	Yes	No	Yes	1	115/1	4	5-15P								1/3	48"x28 1/2"x35 1/2"	Ref. Plan for RT/LFT hand preference	
E20	1 Door Refrigerator (Undercounter)	Defield	406-CA	No	Yes	Yes	No	Yes	2	115/1	5.5	5-15P								0.20	27 1/4"x27 3/4"x33 1/4"	Ref. Plan for RT/LFT hand preference	
E22B	Walk-In Cooler Box w/ Comp.	Thermalite	Custom	Yes	Yes	No	No	Yes	1	120/208/1	20/3450	J-Box								3/4"	CUSTOM/PREFAB	Coordinate electrical requirements w/ electrical engineer. Connect to filtered water supply & provide w/ 20A fused disconnect.	
E23B	Walk-In Freezer Box w/ Comp.	Thermalite	Custom	Yes	Yes	No	No	Yes	1	120/208/1	29/6032	J-Box								3/4"	CUSTOM/PREFAB	Coordinate electrical requirements w/ electrical engineer. Gas line conn. 3/8" A.F.F. Provide w/ side exhaust outlet #3391335 @36" A.F.F. G.C. shall install booster fan.	
E30	Ice Maker, Flake-Style & Bin	Scotsman	F0822A-1A w/ B3225	No	Yes	Yes	No	Yes	1	115/1	19.5										1/2"	22"x34"x44"	
E54	Metal Storage System	Inter Metro	A2436NK2	No	Yes	Yes	No	Yes	7													24"x36"x72"	
E55	Metal Storage System	InterMetro	A2448NK2	No	Yes	Yes	No	Yes	1													24"x48"x72"	
E57	Dunnage Rack	Corroco	OR360	No	Yes	Yes	No	Yes	9													24"x48"x12"	
E59B	Citrus Juicer	Zumex	Essential Pro Commercial	No	Yes	Yes	No	Yes	1	115/1												19"x18"x29"	Coord. exact electrical requirements w/ specific unit.
E60	Air Curtain (Single door)	Mars	LPI36-UI	Yes	Yes	No	No	Yes	2	220/1	50											36"x10 3/4"x8"	
E74	Oven, Microwave/Convection, Combination	Turbochef	TORNAD02	No	Yes	Yes	No	Yes	1	208	30	6-30P										26"x25 3/4"x23"	
E76	Rice Cooker	Tar Hong	SEJ50000	No	Yes	Yes	No	Yes	1	120/1	15											14 1/2"x17"x14 1/2"	
E100	Coffee Maker	NEWCO	GXF-P	No	No	Yes	Yes	Yes	1	120/240	23.1	14-30P								1/4"	9 1/2"x20 1/4"x 24 3/4"		

Millwork Schedule																							
Mark	Description	Manufacturer	Model	G.C.		TENANT		Quantity	Volts/Phase	Amps	Outlet	Gas	CW	HW	FCW	Vent	DW	IW	HP	Width/Depth/Height	Comments		
				CF	CI	TF	TI																
M04	Stand Up Counter	Local		Yes	Yes	No	No	1												60" x 14" x 42 1/2"			
M04A	ADA Stand Up Counter	Local		Yes	Yes	No	No	1															
M27A	Butt Joint Recessed Sneeze Guard	Local		Yes	Yes	No	No	3													Set in a recessed channel		
M36A	6 Panel Menu Board - Standard	Posterlroid		No	Yes	Yes	No	1												180" x 32"	GC to provide Backing/ Support as Required		
M46	Managers Desk w/ Shelves	Local		No	Yes	Yes	No	1												36" x 24" x 30"	GC to provide Backing/ Support as Required		
M50	Bathroom Cabinet	Local		No	Yes	Yes	No	1													GC to provide Backing/ Support as Required		
M54L	POS Shroud Left	Custom Millwork		Yes	Yes	No	No	1															
M54R	POS Shroud Right	Custom Millwork		Yes	Yes	No	No	1															
M58L	53" POS Counter - Left End Panel	Local	TBD	No	Yes	Yes	No	1															
M61	SSM Hand Off Plane	Local	TBD	Yes	Yes	No	No	1															
M70R	Daily Squeeze Menu Board - Large	Custom Millwork	TBD	Yes	Yes	No	No	1												Reference Elevations for size	Contractor to review install @ W.C.C. & replicate design		
M74R	Information Center (Process) (Right)	Synsor	TBD	No	Yes	Yes	No	1												Reference Elevations for size			
M205	Refacing Light Panel "Squeeze the Day"	Local	48"W X 25 1/2"H	Yes	Yes	No	No	1															

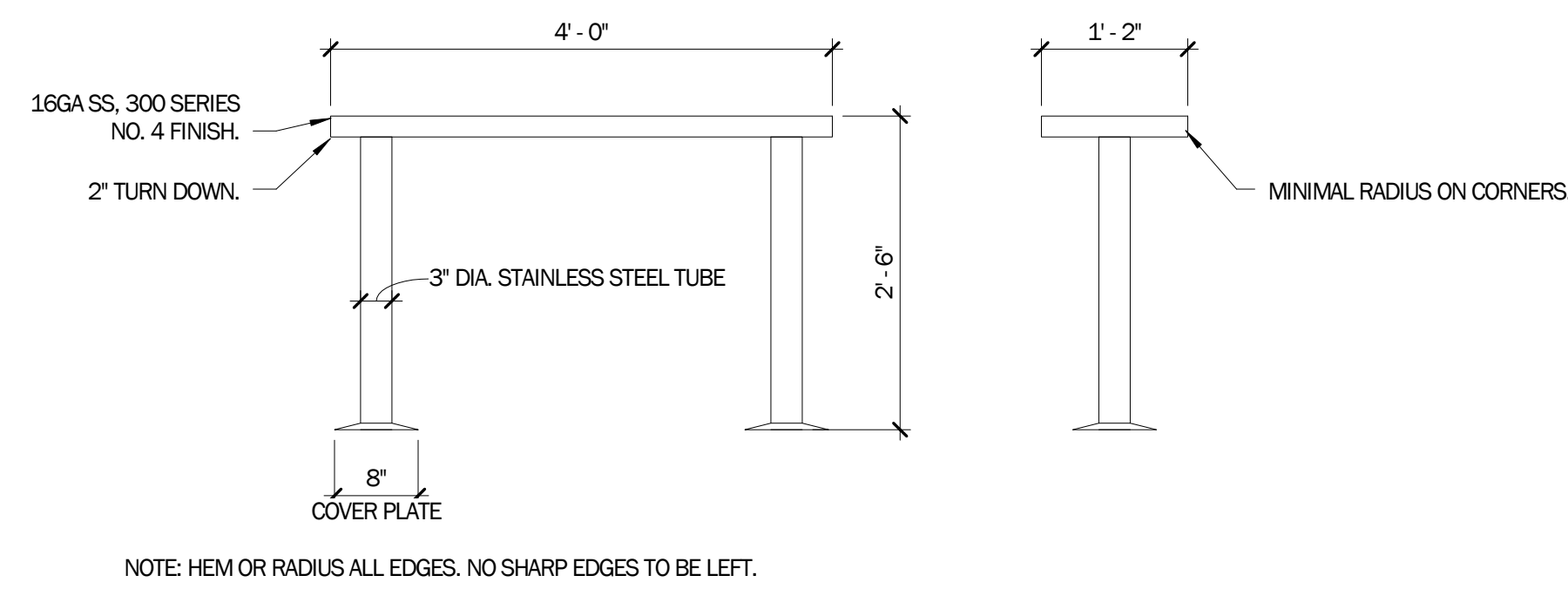
Plumbing Schedule																							
Mark	Description	Manufacturer	Model	G.C.		TENANT			Quantity	Volts/Phase	Amps	Outlet	Gas	CW	HW	FCW	Vent	DW	IW	HP	Width/Depth/Height	Comments	
				CF	CI	TF	TI	Yes															No
P01	Water Closet	American Standard	3305.000 (White)	Yes	Yes	No	No	1						1/2"			2"	4"					
P02	Hand Lavatory (Restroom)	American Standard	0356.421 (White)	Yes	Yes	No	No	1						1/2"	1/2"		1 1/2"	2"					
P03	Hand Lavatory (Wall Mounted)	Advance Tabco	7-PS-60	Yes	Yes	No	No	1						1/2"	1/2"		1 1/2"	2"					
P04	Map Sink	Forestone or equal	MSR-3624	Yes	Yes	No	No	1						1/2"	1/2"		2"	3"			30"x30"x10		
P06C	Water Heater	Bradford - White or equal	D-757-12SE-3N	Yes	Yes	No	No	1					yes	1/2"	1/2"		2"	3"					verify & coordinate required capacity and gas availability
P10	Water Filter	Ever Pure	WP09328-05 "Triple w/ Alarm"	No	Yes	Yes	No	1	120/1	1.5/350				3/4"							36"x8"x32"		
P13	Swing Faucet	Fisher	13269	Yes	Yes	No	No	1						1/2"	1/2"						12" Swing	Supply Power to Location only for Future Equipment	
P15	Counter Sink Faucet	Fisher	3526	Yes	Yes	No	No	1						1/2"	1/2"								
P15A	Prep Sink Faucet	Fisher	3510	Yes	Yes	No	No	1						1/2"	1/2"								Use with S60
P17	Detergent Dispenser	Colgate-Palmolive/Ajax	7927	No	No	Yes	Yes	1						1/2"							25 1/8" x 8" x 24 1/8"		Use with S01
P18	Lavatory Faucet	Chicago	220-4	Yes	Yes	No	No	2						1/2"									Use with P02
P20	Janitor Sink Faucet	Fisher	8253	Yes	Yes	No	No	1						1/2"	1/2"								Use with P04
P24	Pre-Rinse Faucet	Fisher	34479	Yes	Yes	No	No	1						1/2"	1/2"								Use with S01

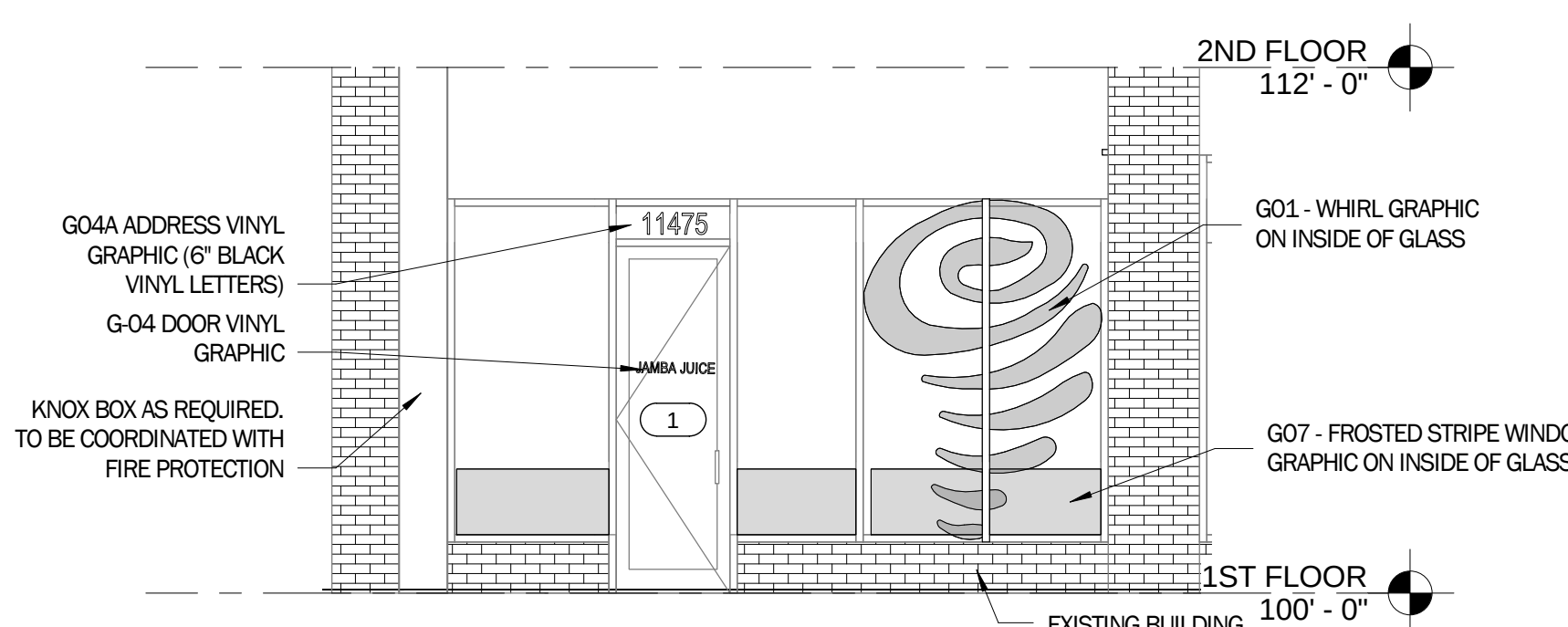
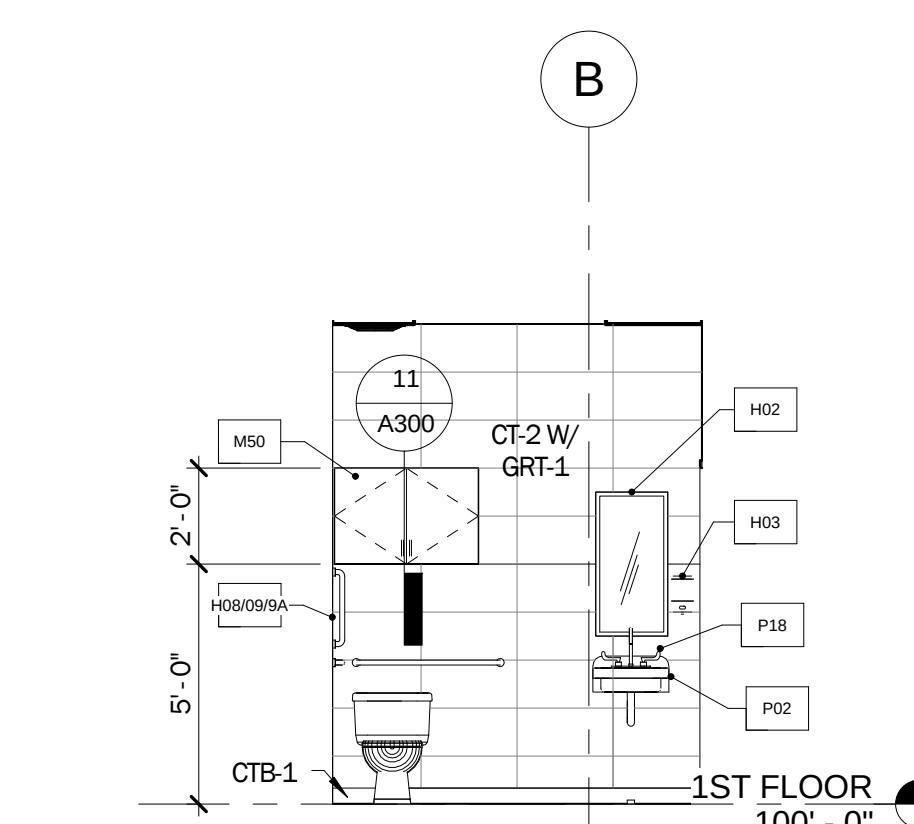
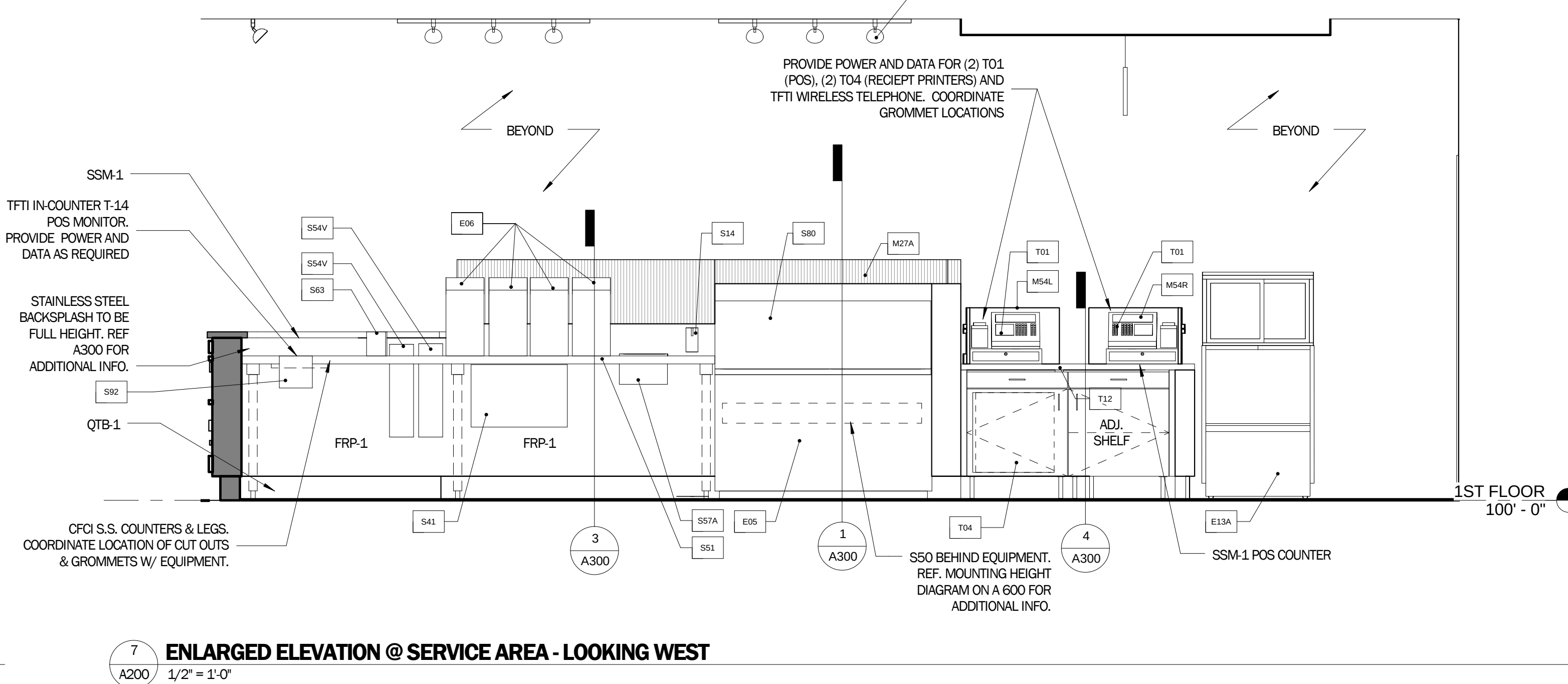
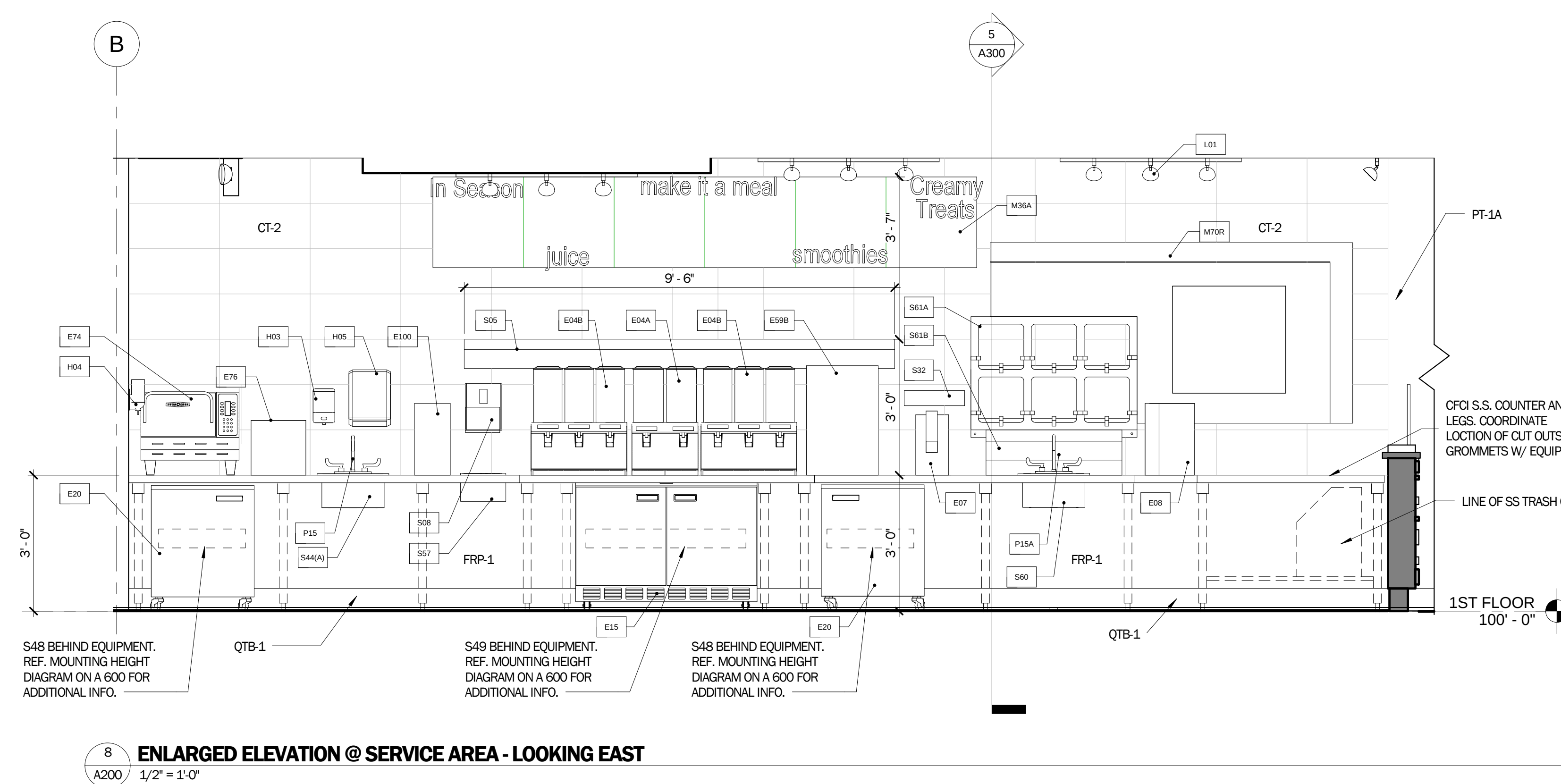
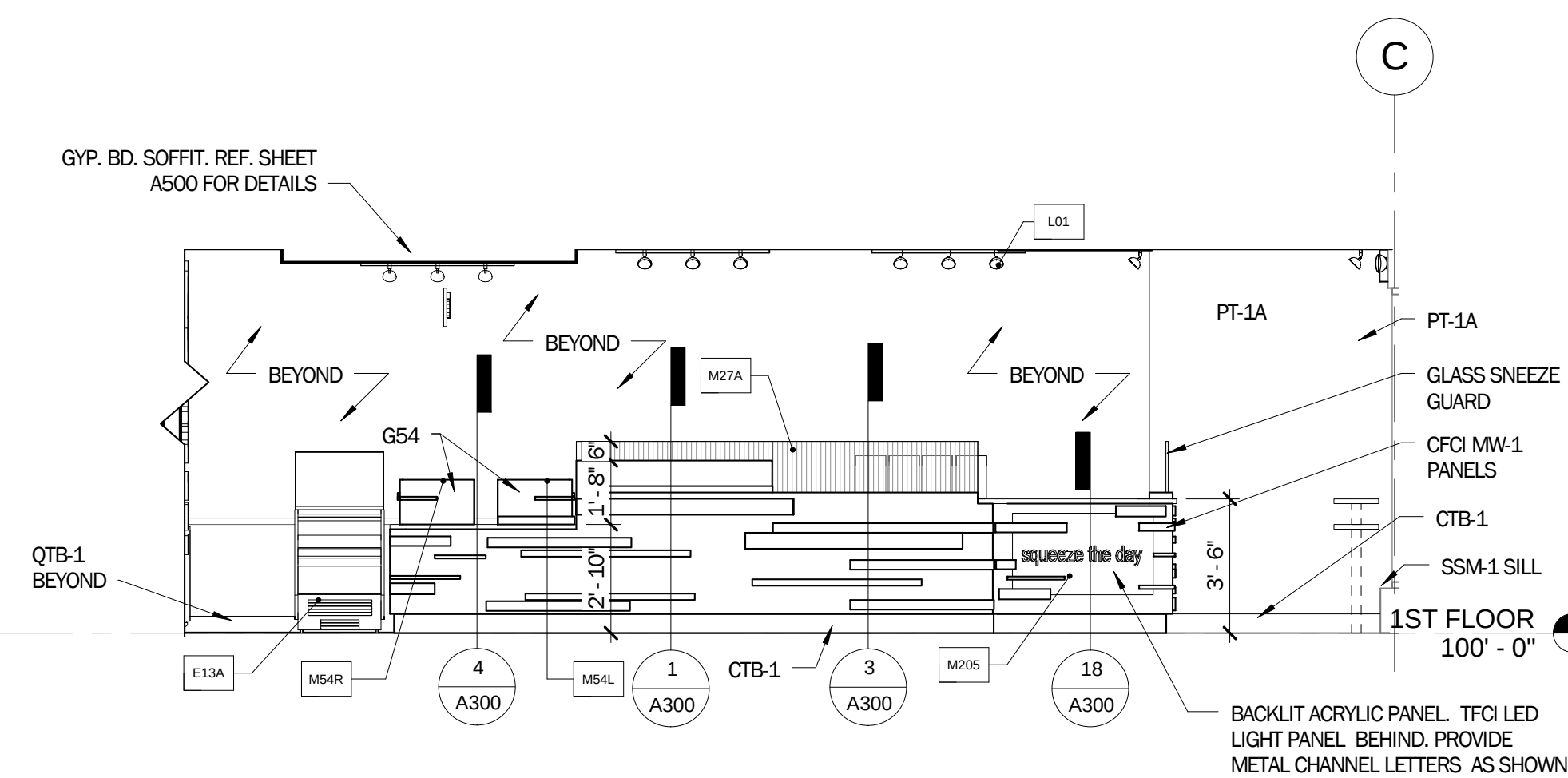
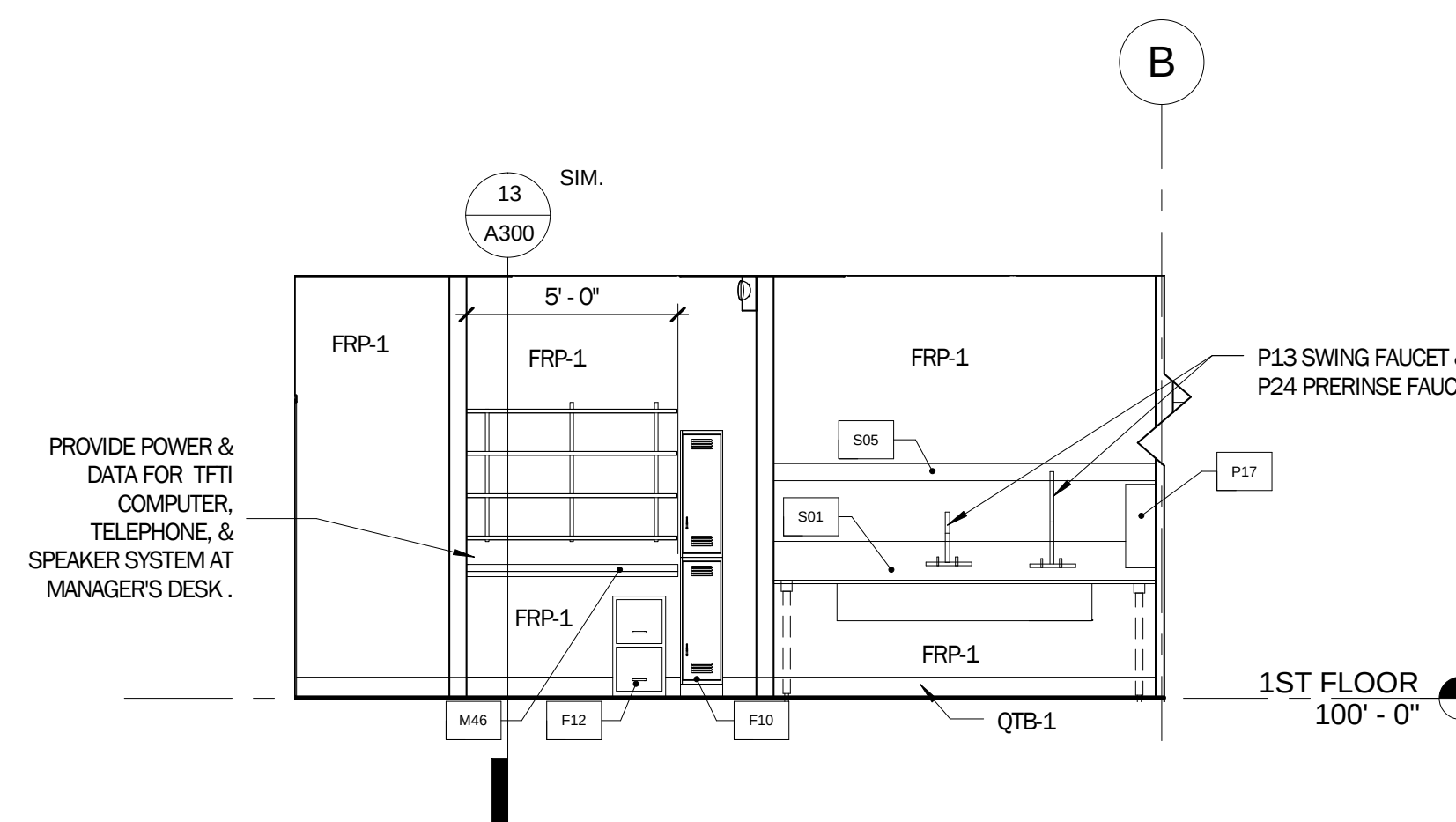
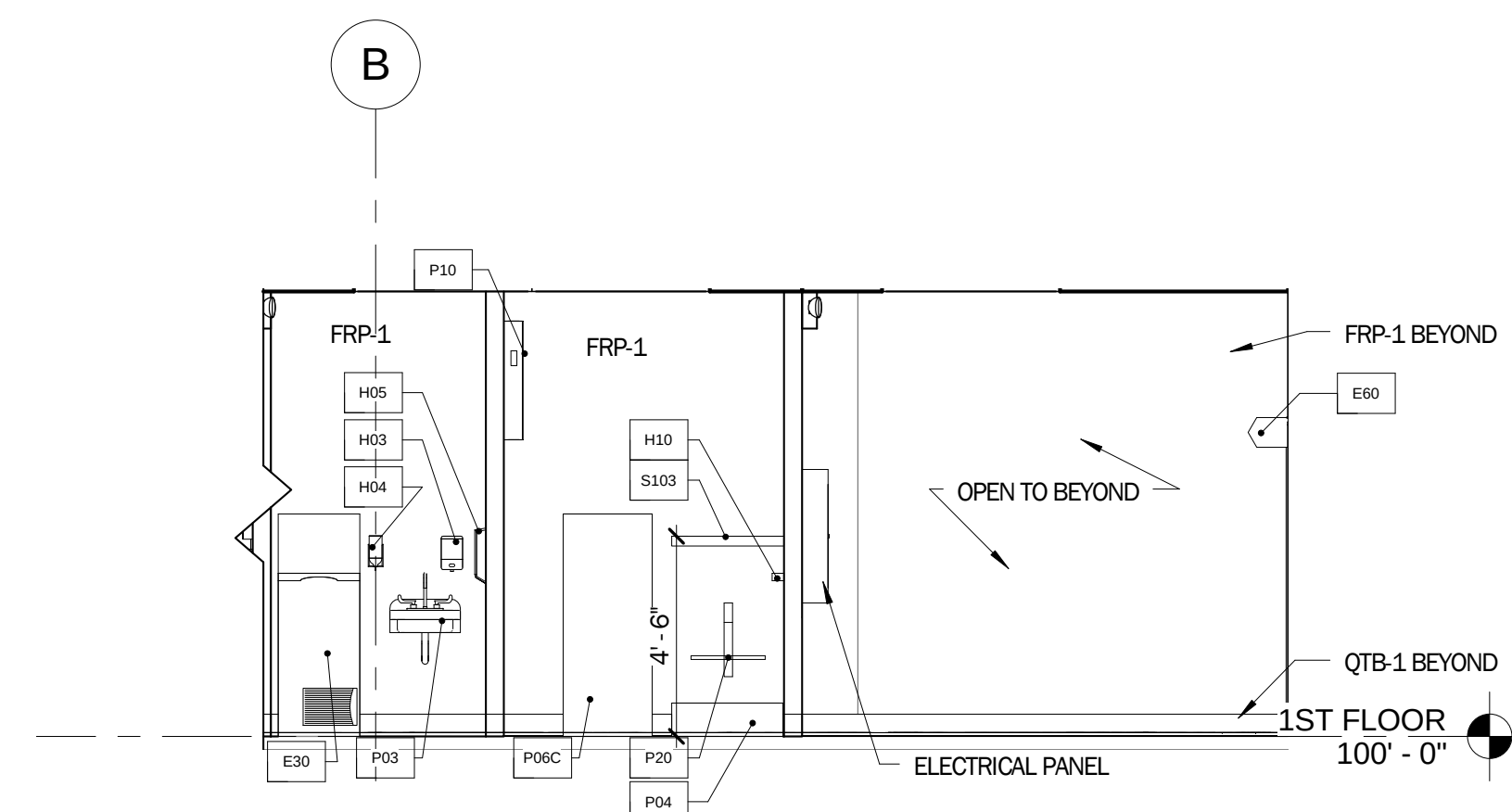
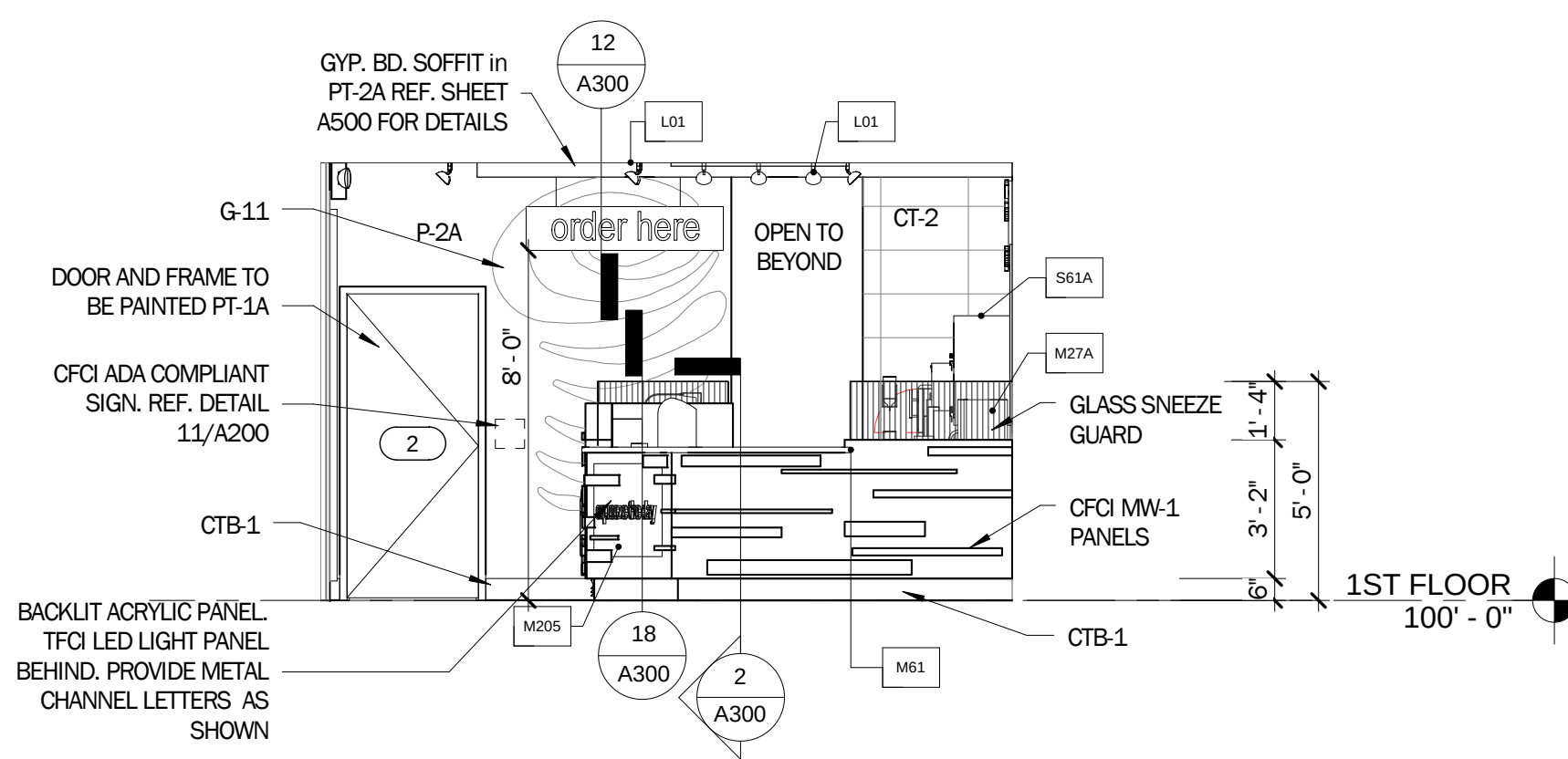
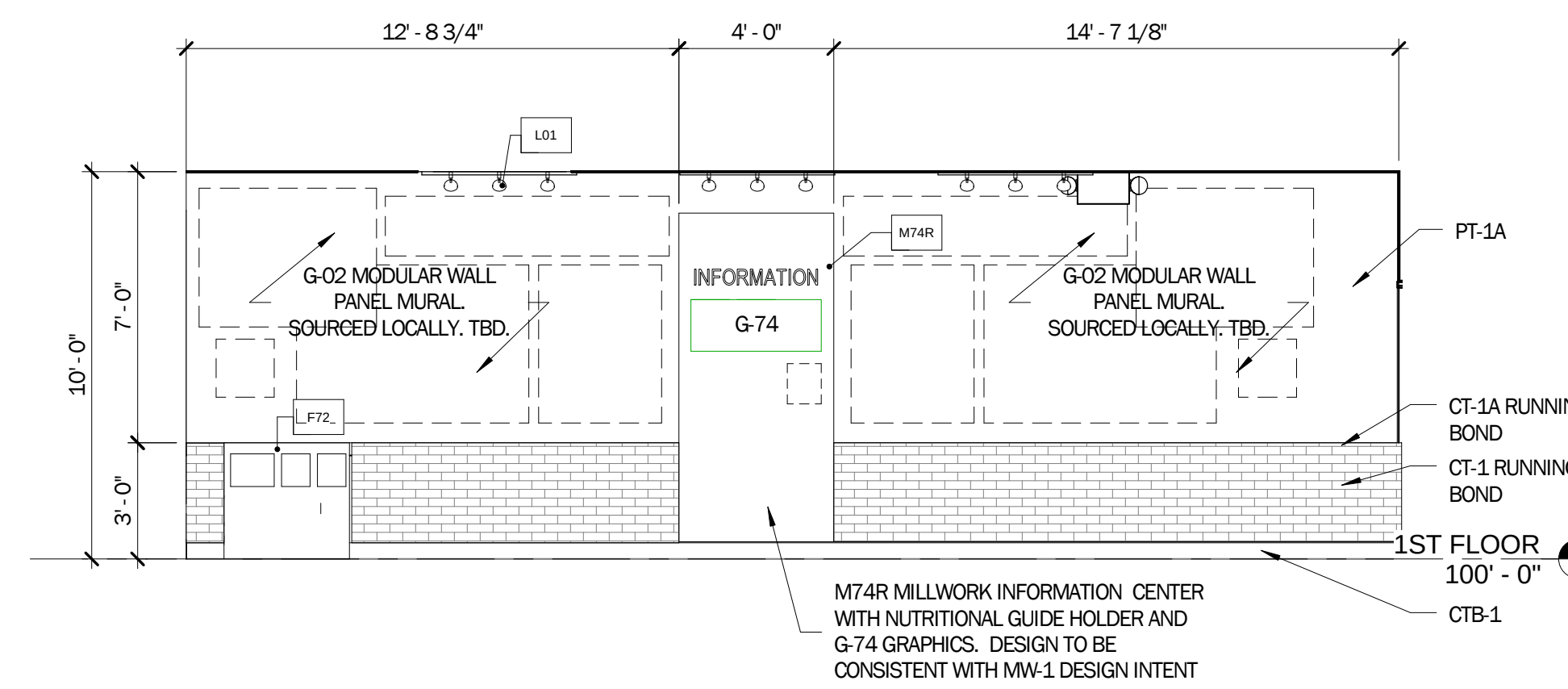
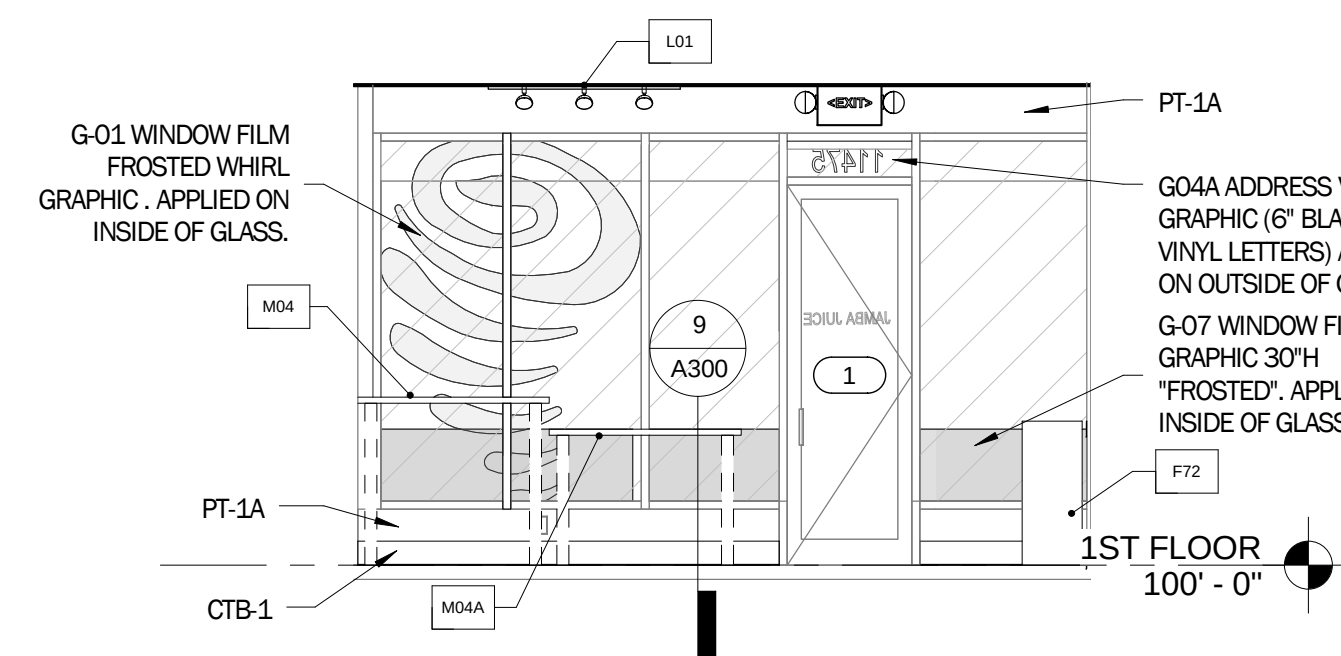
Stainless Schedule																							
Mark	Description	Manufacturer	Model	G.C.		TENANT		Quantity	Volts/Phase	Amps	Outlet	Gas	CW	HW	FCW	Vent	DW	IW	HP	Width/Depth/Height	Comments		
				CF	CI	TF	TI																
S01	4 Compartment Sink w/ Back/End splashes	Fischer or Equal	TBD	Yes	Yes	No	No	1															
S05	Stainless Steel Shelf	West Star Ind.	Custom	Yes	Yes	No	No	2													VARIES PER LOCATION. REF. ELEVATIONS		
S06	Ticket Printer Shelf	West Star Ind.	Custom	Yes	Yes	No	No	1															
S12	Dispensing Counter - Crathco	West Star Ind.	TBD	Yes	Yes	No	No	1															
S14	Custom Well / Faucet	Custom Stainless	#3041 (Combination)	Yes	Yes	No	No	2					3/4"								3/4"		
S32	Wheat Grass Tray (Wall Mounted)	West Star Ind.	Custom	Yes	Yes	No	No	1													1 1/2"		
S41	Under Counter Lid Bin	West Star Ind.	Custom	Yes	Yes	No	No	1															
S44(A)	Integral Hand Sink w/ Splashguard	West Star Ind.	Custom	Yes	Yes	No	No	1					1/2"	1/2"		1 1/2"	2"						
S48	19" Bumper Guard	West Star Ind.		Yes	Yes	No	No	2															
S49	30" Bumper Guard	West Star Ind.		Yes	Yes	No	No	1														Use with E20	
S50	54" Bumper Guard (3 1/2" deep)	West Star Ind.		Yes	Yes	No	No	1														Use with E15	
S51	Blender Counter	West Star Ind.	Custom	Yes	Yes	No	No	1														Use with E05	
S52V	16 oz and 24oz Cup dispenser	San Janmar	ESC35	Yes	Yes	No	No	4															
S54V	32oz Cup Dispenser	San Janmar	ESC	Yes	Yes	No	No	2															
S57	Ice Bin	West Star Ind.	Custom	Yes	Yes	No	No	1													3/4"	Varies	
S57A	Wet Lid Tray	West Star Ind.	Custom	Yes	Yes	No	No	2													3/4"	Custom	
S60	Prep Sink	West Star Ind.	Custom	Yes	Yes	No	No	1															
S61A	Produce Display Cube	West Star Ind.	Produce Display Cubes w/ Drain	Yes	Yes	No	No	1															
S61B	Produce Display Cube Balance	West Star Ind.	Custom	Yes	Yes	No	No	1															
S63	Cup Lid Holder	West Star Ind.	Custom	Yes	Yes	No	No	1															
S80	Boxed Bins	West Star Ind.	Custom	Yes	Yes	No	No	1													119" x 4 3/4" x 6"		
S92	Key Pad Mounts	West Star Ind.	Custom	Yes	Yes	No	No	1															
S100	Custom Undercounter Can	West Star Ind.	Custom	Yes	Yes	No	No	1															
S103	Under Counter Shelf	West Star Ind.	Custom	Yes	Yes	No	No	1															



Furniture and Graphics Schedule																										
Mark	Description	Manufacturer	Model	G.C.				TENANT				Quantity	Volts/Phase	Amps	Outlet	Gas	CW	HW	FCW	Vent	DW	IW	HP	Width/Depth/Height	Comments	
				CF	CI	TF	TI	CF	CI	TF	TI															
F01	Market Umbrella	Tucci or Equal	Per Jamba Spec	No	No	Yes	Yes	2																		
F07	Customer Barstool	TBD	TBD	No	No	Yes	Yes	4																		
F08	Chair (Exterior)	Emunioamericas LLC	Khali #339 Aluminum	No	No	Yes	Yes	8																		
F09	Office Chair	TBD		No	No	Yes	Yes	1																		
F10	Lockers	Kelmax	EL615	No	No	Yes	Yes	1																		
F12	File Cabinet (2 drawer)	TBD		No	No	Yes	Yes	1																		
F13B	Table (Exterior w/ Umbrella hole)	Emunioamericas LLC	Cambi #903	No	No	Yes	Yes	2																		
F72	Trash / Recycling / Compost Unit (Right)	TBD	TBD	No	No	Yes	Yes	1																19-1/2" x 19-1/2" x 36"	Right	
G01	Door / Window Cropped Window Graphic	TBD		No	No	Yes	Yes	1																		
G02	Wall Mural Panels- Custom	TBD		No	No	Yes	Yes	2																	Verify quantity. Ref. Elevation.	
G04	Door Vinyl Logo - 20"	TBD		No	No	Yes	Yes	1																		
G04A	Window Address Vinyl Graphic	TBD		No	No	Yes	Yes	1																	6" Black Vinyl Letters	
G07	Graphic Window Film	TBD		No	No	Yes	Yes	1																	REF. PT-4A FOR COLOR INTENT. OPAQITY TO BE SUBMIT FOR APPROVAL	
G11	Vinyl Whirl Wall Graphic	TBD		No	No	Yes	Yes	1																		
G54	POS Shroud Graphic	TBD		No	No	Yes	Yes	2																		
G74	Information Center Graphic	TBD		No	No	Yes	Yes	1																		
Accessories / Hardware Schedule																										
Mark	Description	Manufacturer	Model	G.C.				TENANT				Quantity	Volts/Phase	Amps	Outlet	Gas	CW	HW	FCW	Vent	DW	IW	HP	Width/Depth/Height	Comments	
				CF	CI	TF	TI	CF	CI	TF	TI															
H02	Mirror	Bobrick	B165-1830	Yes	Yes	No	No	1																	18"x30"	
H03	Soap Dispenser	Colgate Palmolive	1946	No	No	Yes	Yes	3																		
H04	Hand Sanitizer	Colgate Palmolive		No	No	Yes	Yes	2																		
H05	Hand Towel Dispenser	Bobrick	B262	No	Yes	Yes	No	3																		
H06	Toilet Tissue Dispense	Bobrick	B-27460	Yes	Yes	No	No	1																		
H07	Toilet Seat cover Dispenser	Bobrick	B-221	No	Yes	Yes	No	1																		
H08/09/9A	Grab Bars	Bobrick	6800 Series	Yes	Yes	No	No	1																		
H10	Mop Holder	Florestone		Yes	Yes	No	No	1																		
H12	ADA Toilet Room Sign	Trimco or Equal	529	No	Yes	Yes	No	1																		
Lighting Schedule																										
Mark	Description	Manufacturer	Model	G.C.				TENANT				Quantity	Volts/Phase	Amps	Outlet	Gas	CW	HW	FCW	Vent	DW	IW	HP	Width/Depth/Height	Comments	
				CF	CI	TF	TI	CF	CI	TF	TI															
L01	Track Mounted LED Fixture	Solais Lighting	x124/25/30K/1600/white/1/HL	Yes	Yes			30				120													3" DIAM HEAD X 4" TRACK LENGTHS	
L02	6" LED Downlight	Oree	LR6-10L / LT6WH-DR	Yes	Yes			4				120													120V	
Plumbing Schedule																										
Mark	Description	Manufacturer	Model	G.C.				TENANT				Quantity	Volts/Phase	Amps	Outlet	Gas	CW	HW	FCW	Vent	DW	IW	HP	Width/Depth/Height	Comments	
				CF	CI	TF	TI	CF	CI	TF	TI															
P01	Water Closet	American Standard	3305.000 (White)	Yes	Yes	No	No	1									1/2"			2"	4"					
P02	Hand Lavatory (Restroom)	American Standard	0355-421 (White)	Yes	Yes	No	No	1									1/2"	1/2"		1 1/2"	2"					
P03	Hand Lavatory (Wall Mounted)	Advance Tabco	7-PS-60	Yes	Yes	No	No	1									1/2"	1/2"		1 1/2"	2"					
P04	Mop Sink	Florestone or equal	MSR-3624	Yes	Yes	No	No	1									1/2"	1/2"		2"	3"			30"x30"x10		
P06C	Water Heater	Bradford - White or equal	D-75T-125E-3N	Yes	Yes	No	No	1							yes		1/2"	1/2"		2"	3"				verify & coordinate required capcity and gas availability	
P10	Water Filter	Ever Pure	WRD9328-05 Triple w/ Alami	No	Yes	Yes	No	1				120/1		1.5/350			3/4"							36"x8"x32"		
P13	Swing Faucet	Fisher	13269	Yes	Yes	No	No	1									1/2"	1/2"							Supply Power to Locationonly for Future Equipment	
P15	Counter Sink Faucet	Fisher	3526	Yes	Yes			1									1/2"	1/2"							12" Swing	
P15A	Prep Sink Faucet	Fisher	3510	Yes	Yes			1									1/2"	1/2"							Use with S60	
P17	Detergent Dispenser	Colgate-Palmolive/Ajax	7927	No	No	Yes	Yes	1									1/2"							25 1/8" x 8" x 24 1/8"	Use with S01	
P18	Lavatory Faucet	Chicago	220-4	Yes	Yes	No	No	2									1/2"								Use with P02	
P20	Janitor Sink Faucet	Fisher	8253	Yes	Yes	No	No	1									1/2"	1/2"							Use with P04	
P24	PreRinse Faucet	Fisher	34479	Yes	Yes	No	No	1									1/2"	1/2"							Use with S01	
Facilities and Operations Schedule (*)																										
Mark	Description	Manufacturer	Model	G.C.				TENANT				Quantity	Volts/Phase	Amps	Outlet	Gas	CW	HW	FC W	Vent	DW	IW	HP	Width/Depth/Height	Comments	
				CF	CI	TF	TI	CF	CI	TF	TI															
T01	POS CASH REGISTER & DRAWER	IBM		No	No	Yes	Yes	2																	POWER & DATA REQUIRED. COORDINATE W/ JAMBA IT.	
T03	POS RECEIPT PRINTER	EPSON	TM-T88IV	No	Yes	Yes	No	3																		
T04	SAFE	AMSEC	BMS6020	No	Yes	Yes	No	1																		
T05	MONEY COUNT MACHINE	TELLERMATE	TX114	No	No	Yes	Yes	1																		
T06	OFFICE COMPUTER	IBM		No	No	Yes	Yes	1																		
T07	OFFICE PRINT / FAX / COPIER	HEWLETT-PACKARD		No	No	Yes	Yes	1																		
T10	MUSIC SYSTEMS	DMX	PROFUSION IS	No	No	Yes	Yes	1																		
T11	SECURITY ALARM SYSTEM	DIEBOLD	DS7090	No	No	Yes	Yes	1																	115/1 POWER REQUIRED. Coordinate w/ MOOD	
T12	Buzzer	NEC		No	Yes	Yes	No	1																		
T14	15" POS MONITOR & BUMP BAR	NEC	ACOLSYNCLCD52V	No	Yes	Yes	No	1																		
W01	Coat Hook Rack	TBD		No	Yes	Yes	No	1																		
W02	Keyboard Tray	TBD		No	Yes	Yes	No	1																		
W03	Bulletin Board	TBD		No	Yes	Yes	No	1																		
W05	Mark-N-Wipe	TBD		No	Yes	Yes	No	1																		
X01	Jamba Exterior Illuminated Sign	TBD		No	Yes	Yes	No	1																		
X04	Double Sided Non Illuminated Hickory Blade Sign	Custom Millwork	Custom	Yes	Yes		No	1																4'-6" x 3' x 12'h	Order Here Metal Channel Letters applied to MW-1 Blade sign	

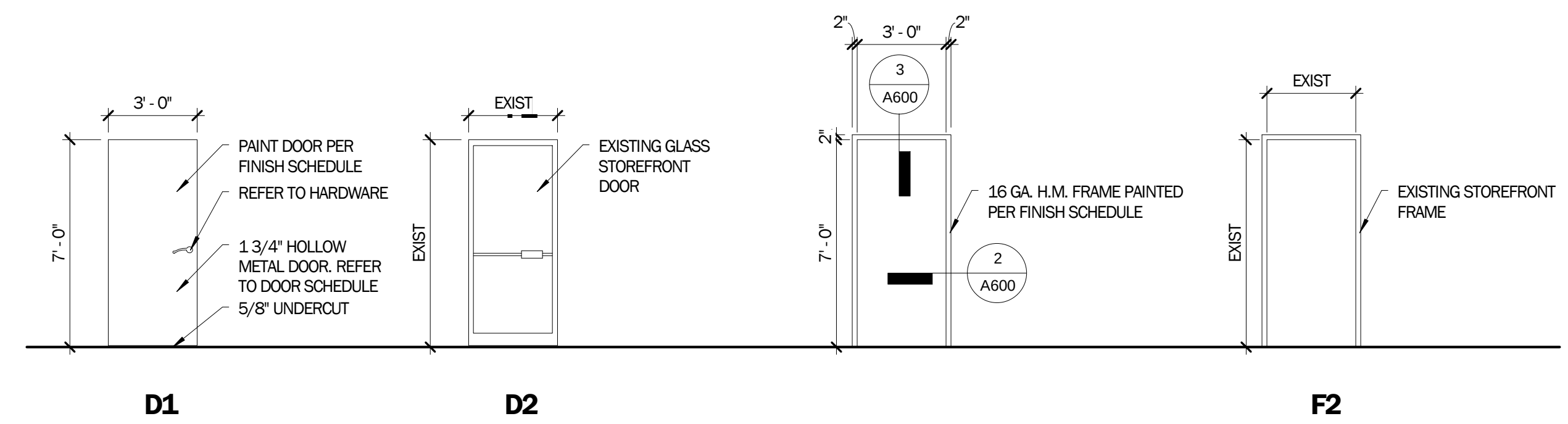
* - NOTE: NOT TAGGED ON PLAN, REF. ELEGATIONS & SECTIONS FOR LOCATIONS. COORDINATE FINAL LOCATIONS WITH TENANT.



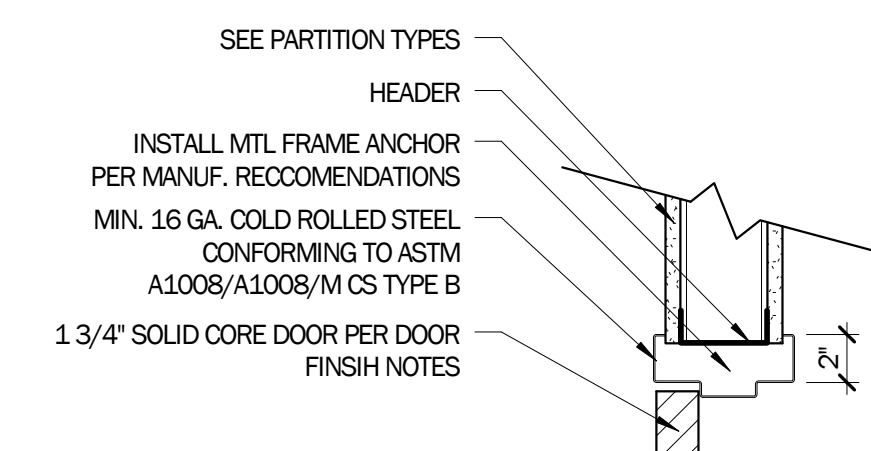
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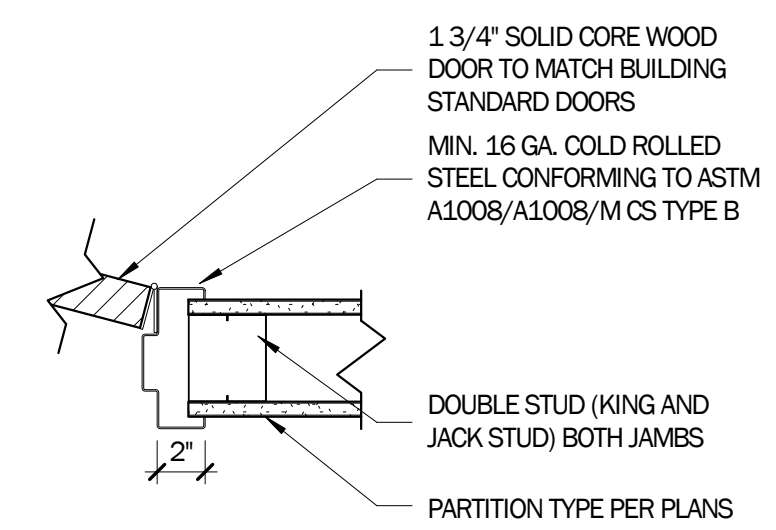
DOOR SCHEDULE											
No.	Door					Frame			Hardwr Set	Fire Rating	Remarks
	Type	Width	Height	Glass	Mat	Type	Glass	Mat			
1	D2	EXIST	7' - 11'	EXIST	EXIST	F2	EXIST	EXIST	EXIST		
2	D1	3' - 0"	7' - 0'	NA	HM	F1	NA	HM	GROUP #2		



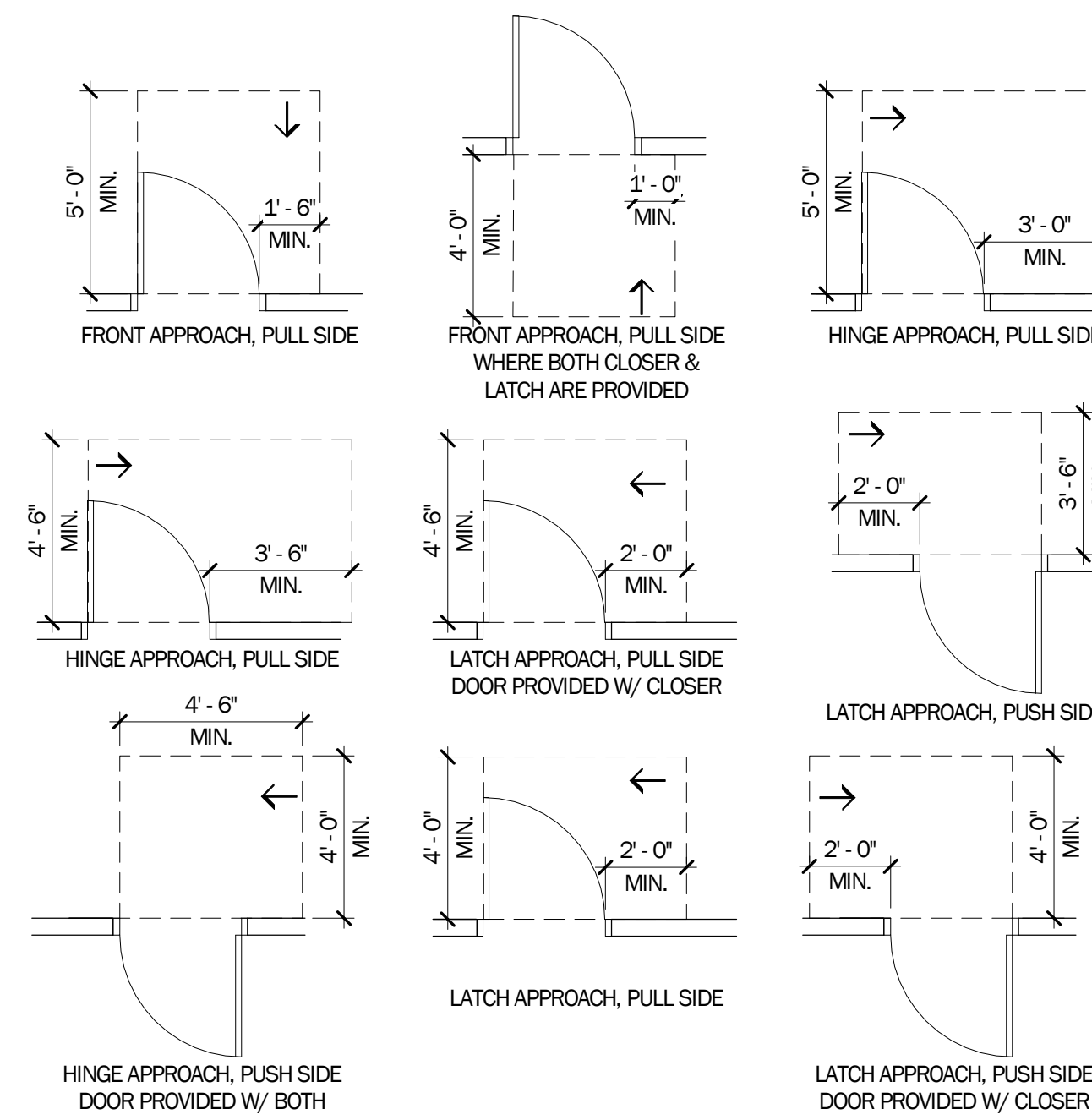
1 DOOR AND FRAME TYPES

$$1/4'' = 1'-0''$$


H.M. DOOR HEAD DETAIL

$$\overline{00) \quad 1 \frac{1}{2} = 1 -}$$


H.M. DOOR JAMB DETAIL

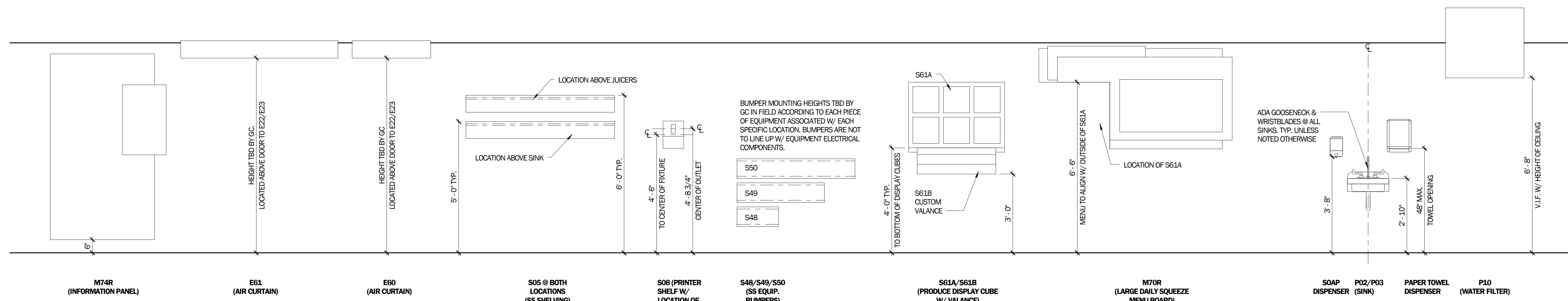
$$\overline{00) \quad 1 \frac{1}{2} = 1}$$


ADA DOOR DIAGRAMS

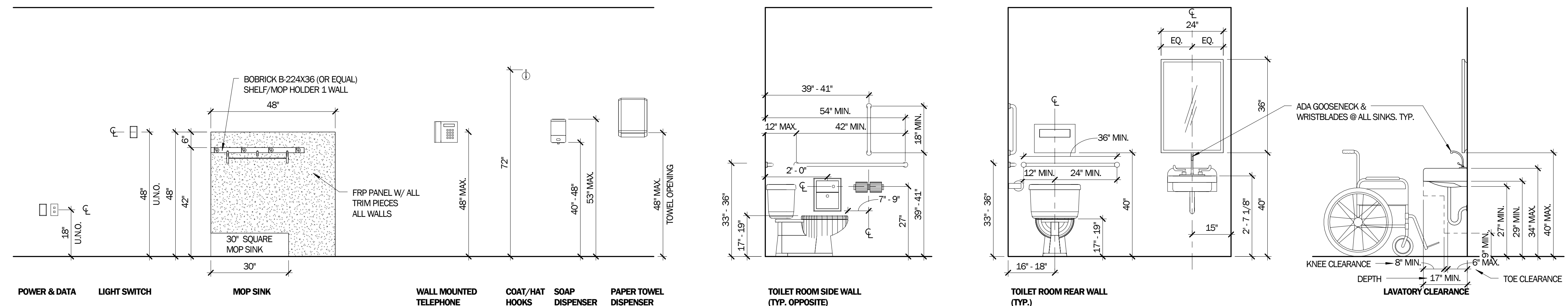
HARDWARE SETS:

BASIS OF DESIGN EQUAL SUBSTITUTIONS WILL BE ACCEPTED. VERIFY EXISTING BUILDING STANDARD DOOR
HARDWARE AND CORE SETS. COORDINATE W/ TENANT AND OWNER FOR INSTALLATION OF CORES

GROUP #2 - PRIVACY DOORS					
3	Hinges	BB1191 4-1/2"x4-1/2"	HGR	630	
1	Lockset	3440 series x AUG	HGR	626	
1	Coat Hook	#P27305-CH	Belwith	630	
1	Wall Stop	236W	HGR	630	
3	Silencers	308D	HGR	Grey	



MOUNTING HEIGHTS (TYP.)

$$1/2^n = 1 \cdot 0^n$$


MOUNTING HEIGHTS

$$1/2^8 = 1/256$$

RKAI

RATAJ-KRUEGER ARCHITECTS, INC.
10777 Sunset Office Dr., Ste. 300, Sunset Hills, MO 63127
(314) 822-4007 www.rkai.net (314) 822-3839 f

STATE OF MISSOURI CERTIFICATE
OF AUTHORITY # A - 2013038641

Edifica | **case**
engineering

Edifica Case Engineering
782 Merus Court
St. Louis, MO 63026
T 636.349.1600
F 636.349.1730

mechanical
electrical
plumbing
fire protection
structural

KURTIS ROY KRUEGER
NUMBER A - 6259
I hereby specify, pursuant to RSMo 327.411,
this drawing sheet is authenticated by my seal.



JAMBA JUICE WEST OAK SQUARE
11475 OLIVE BLVD
ST. LOUIS, MO 63141

[illegible]

THIS SHEET IS PART OF A COMPLETE SET. REFER
TO GENERAL NOTES FOR COMPLETE LIST OF
DOCUMENTS. SHEET SIZE 30 X 42

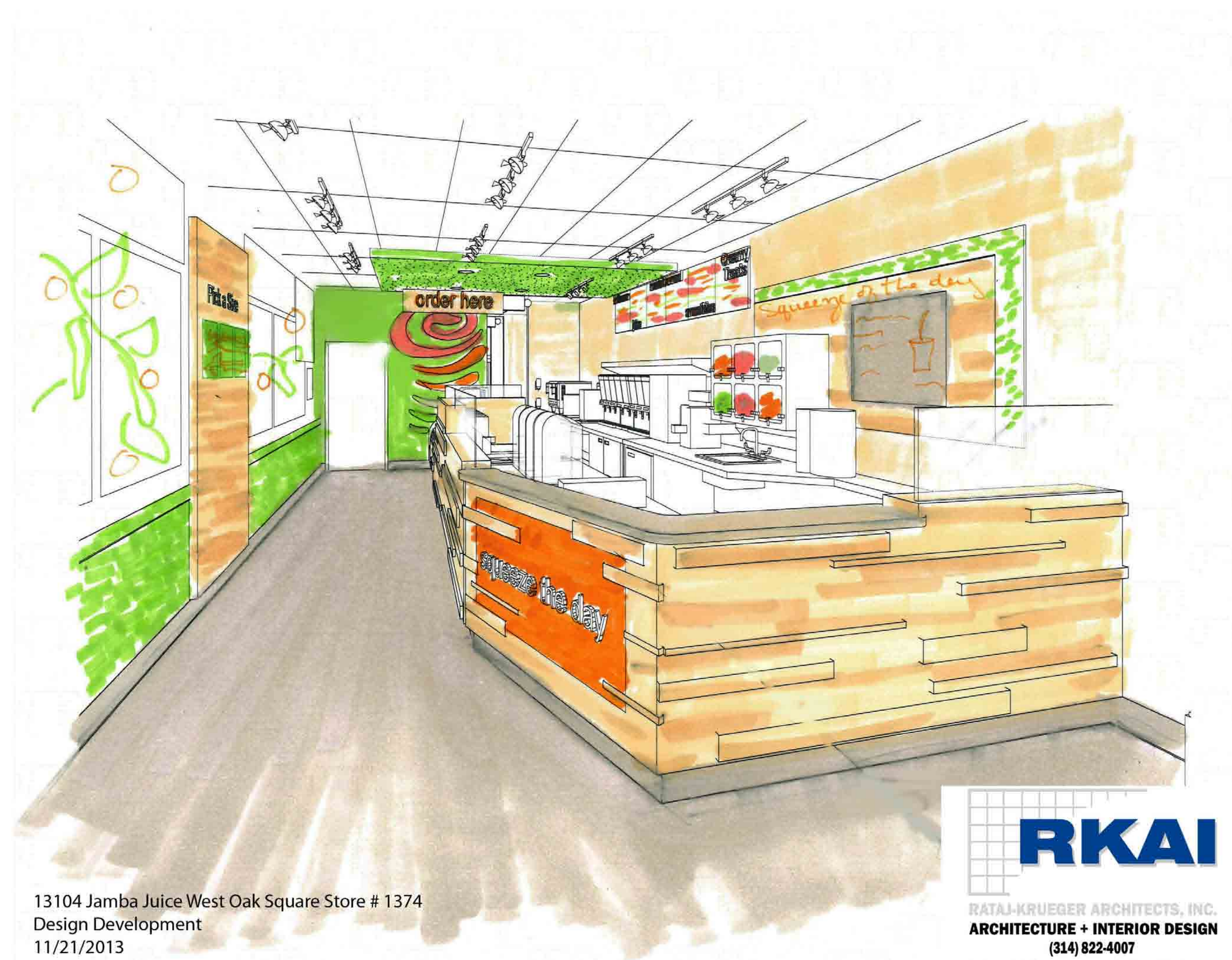
IRKAI PROJECT NO.:	13104
ISSUE DATE:	11/26/2013

SHEET NAME:
DOOR SCHEDULE & MOUNTING
DIAGRAMS

SHEET NO.

A600

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MECHANICAL SYMBOLS LEGEND	
	THERMOSTAT
	TEMPERATURE SENSOR
	SMOKE DETECTOR
	FLEXIBLE DUCT
	VOLUME DAMPER
	FIRE DAMPER
	CEILING SUPPLY AIR DIFFUSER
	CEILING RETURN AIR GRILLE
	SIDEWALL AIR DIFFUSER OR GRILLE
	NEW DUCTWORK
	EXISTING DUCTWORK
	CONDENSATE DRAIN
	GAS PIPING
	PIPE TURNING DOWN
	PIPE TURNING UP
	BALL VALVE
	GATE VALVE
	CONNECTION OF NEW TO EXISTING
	CHECK VALVE
	GAS COCK
	UNION
	PRESSURE GAUGE
	STRAINER
	ABOVE FINISHED FLOOR
	AIR DEVICE #
	S = SUPPLY
	R = RETURN
	E = EXHAUST

AIR DEVICE SCHEDULE							
PLAN MARK	MANUFACTURER	MODEL	MATL.	NECK SIZE	FRAME TYPE	PANEL SIZE	NOTES
S1	TITUS	TMS	ST	SEE DWG.	LAY-IN	24"x24"	1.2
S2	TITUS	TMS	ST	SEE DWG.	LAY-IN	24"x24"	1.2
R1	TITUS	PAR	ST	SEE DWG.	LAY-IN	24"x24"	1.2

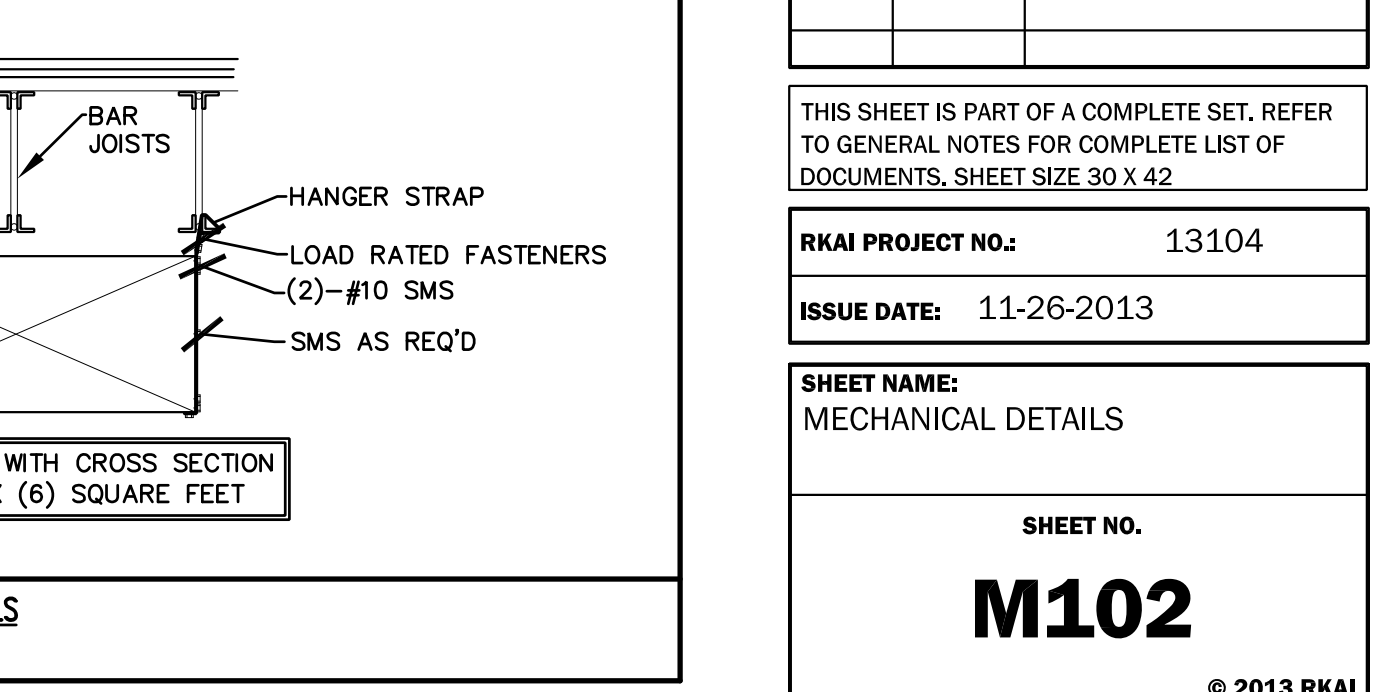
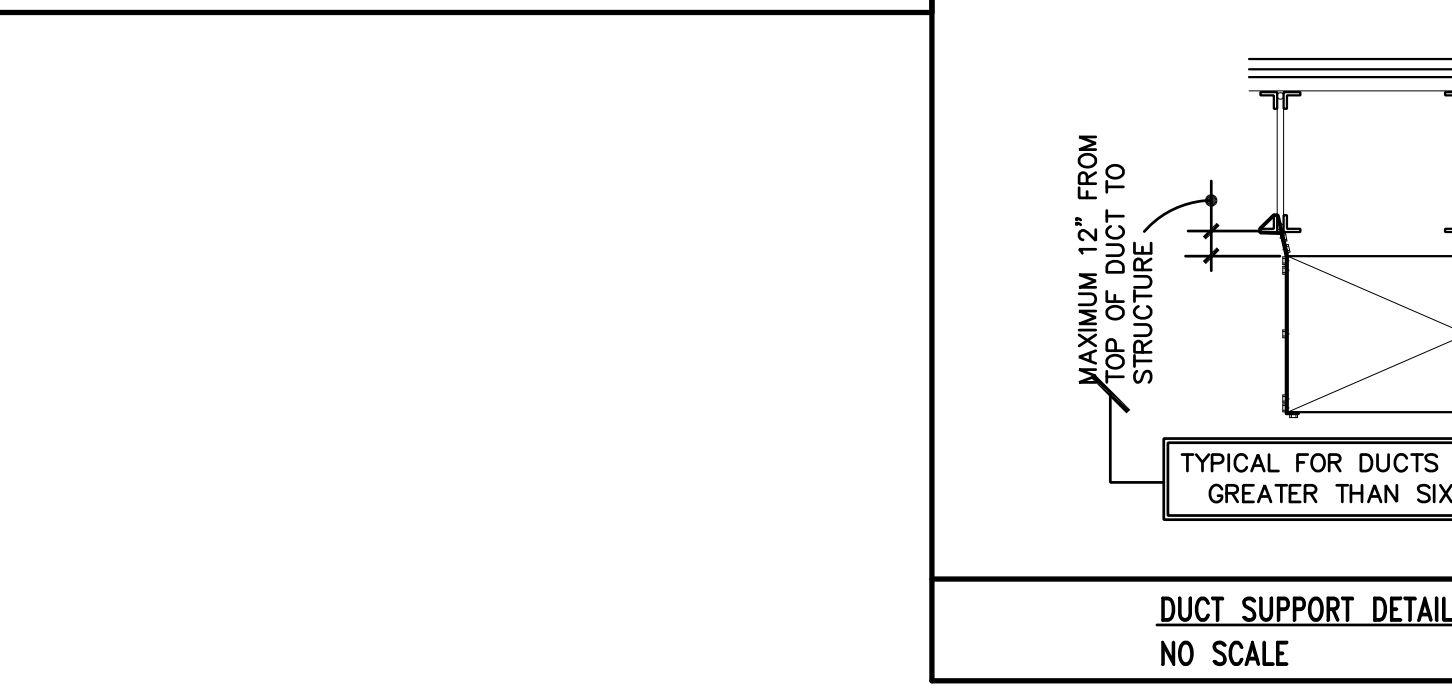
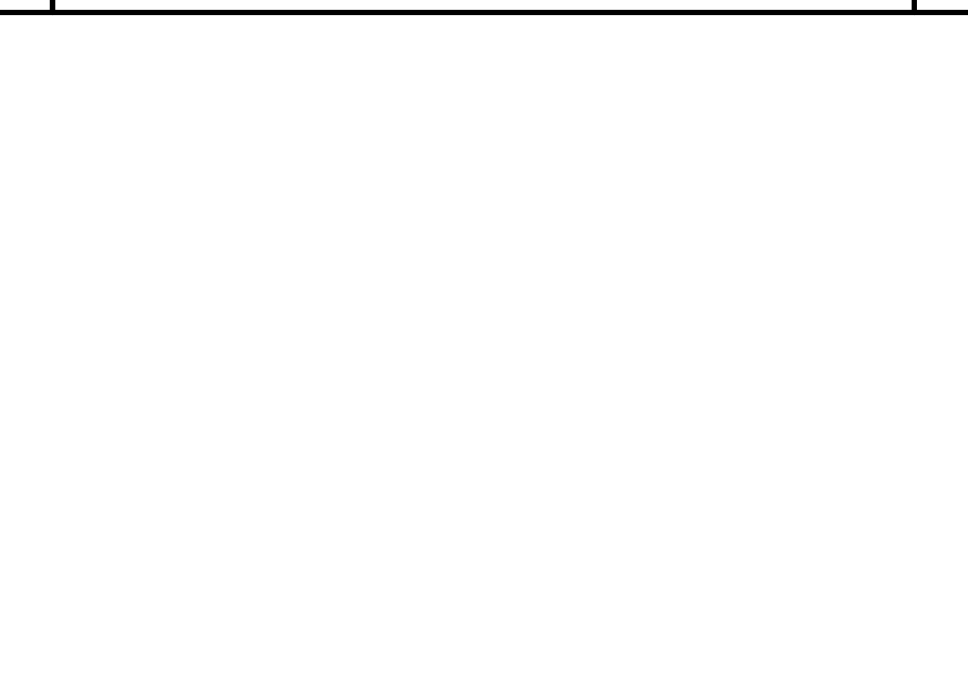
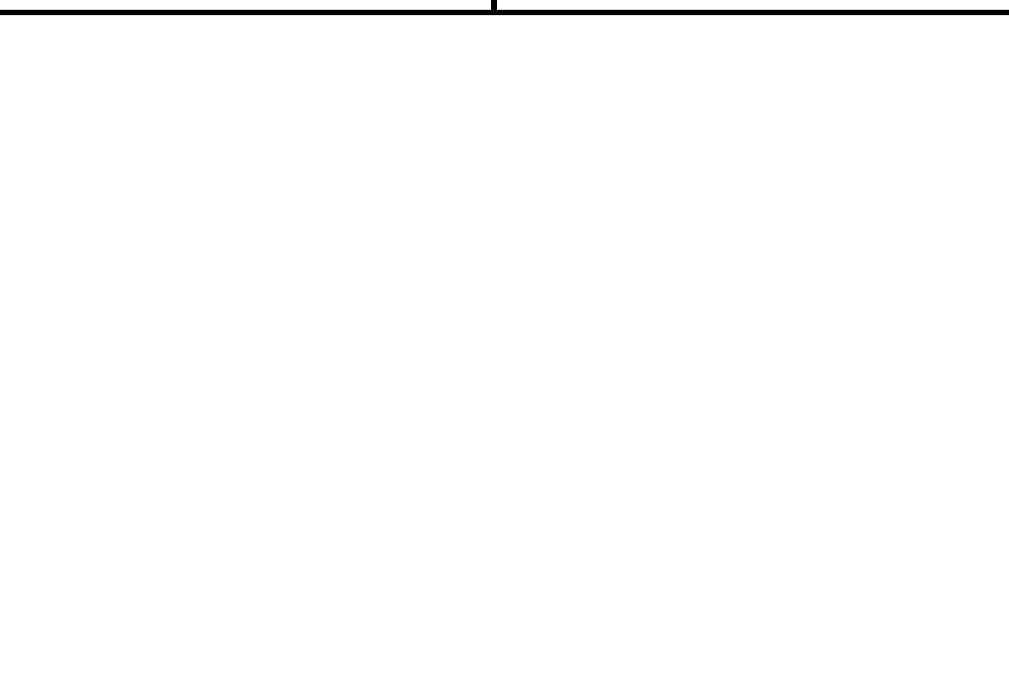
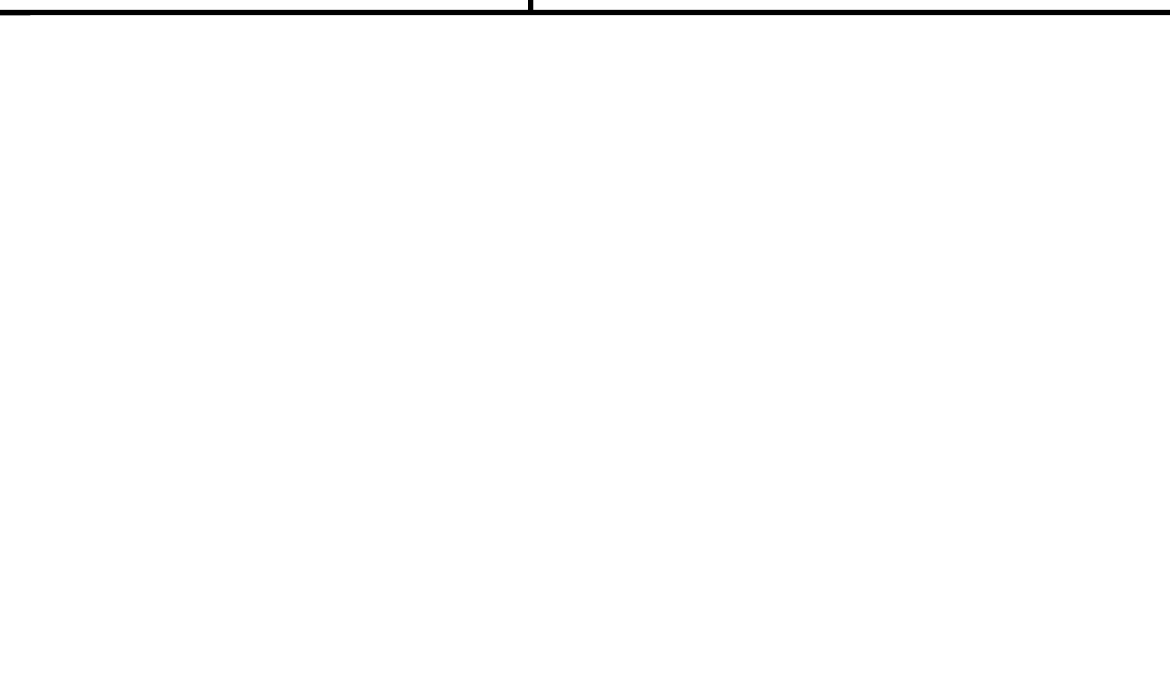
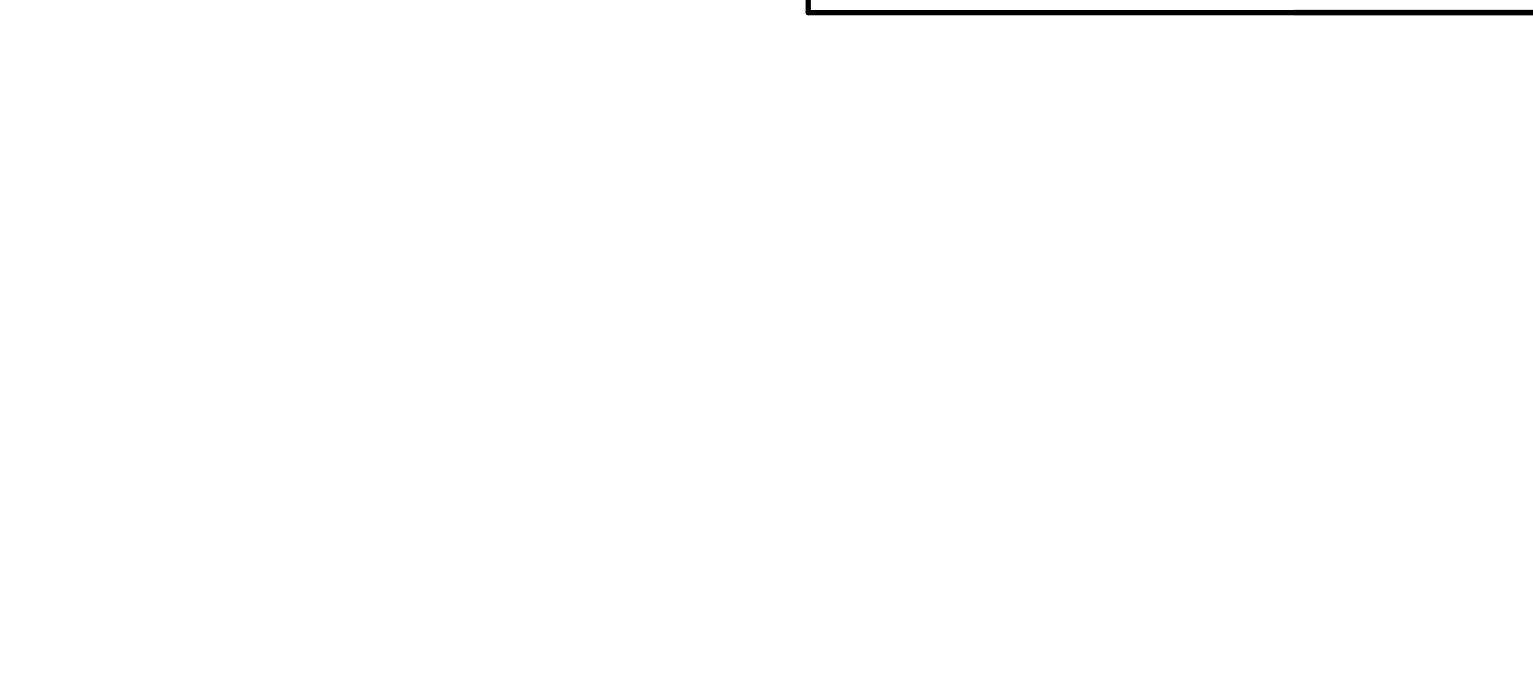
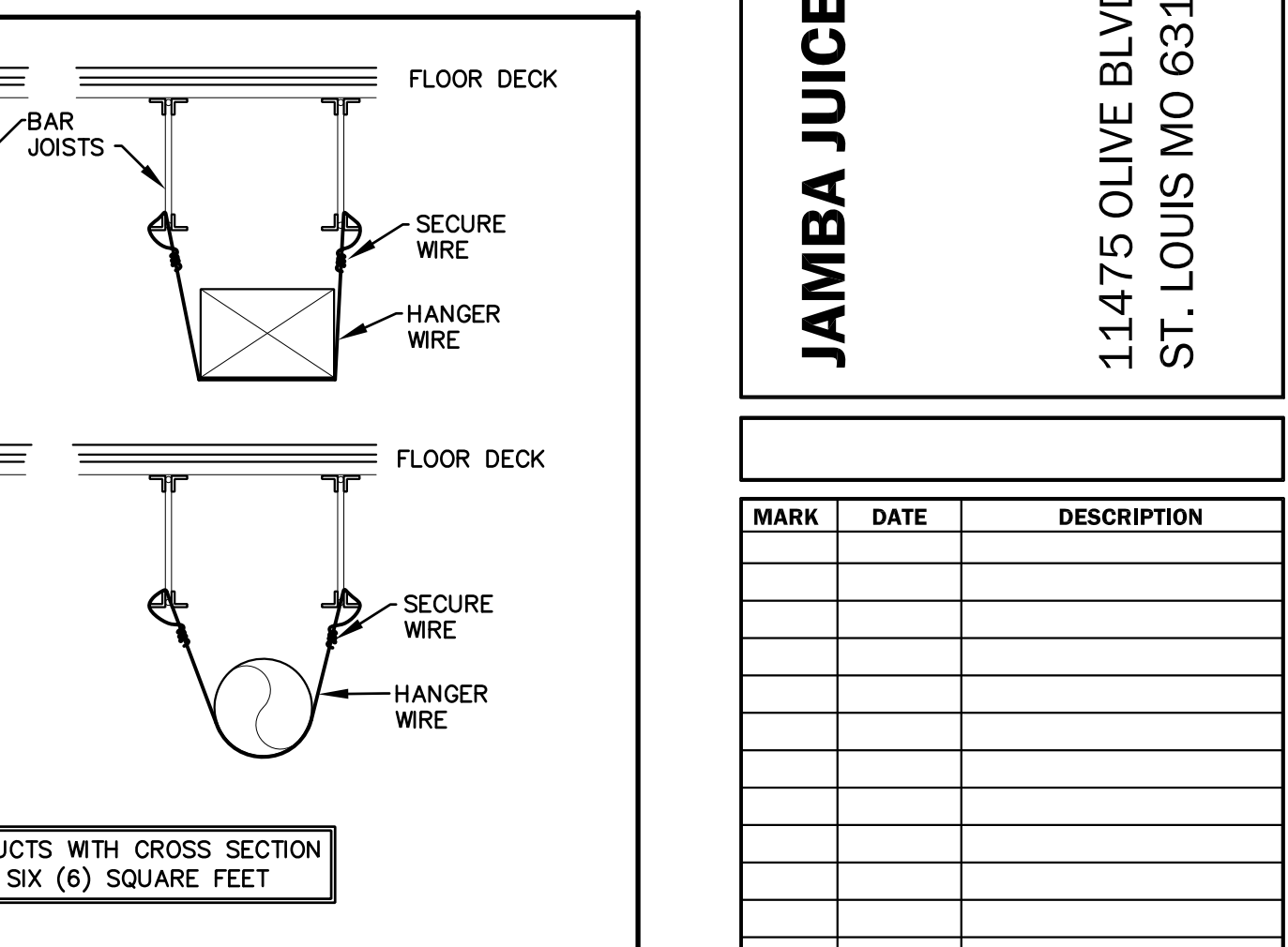
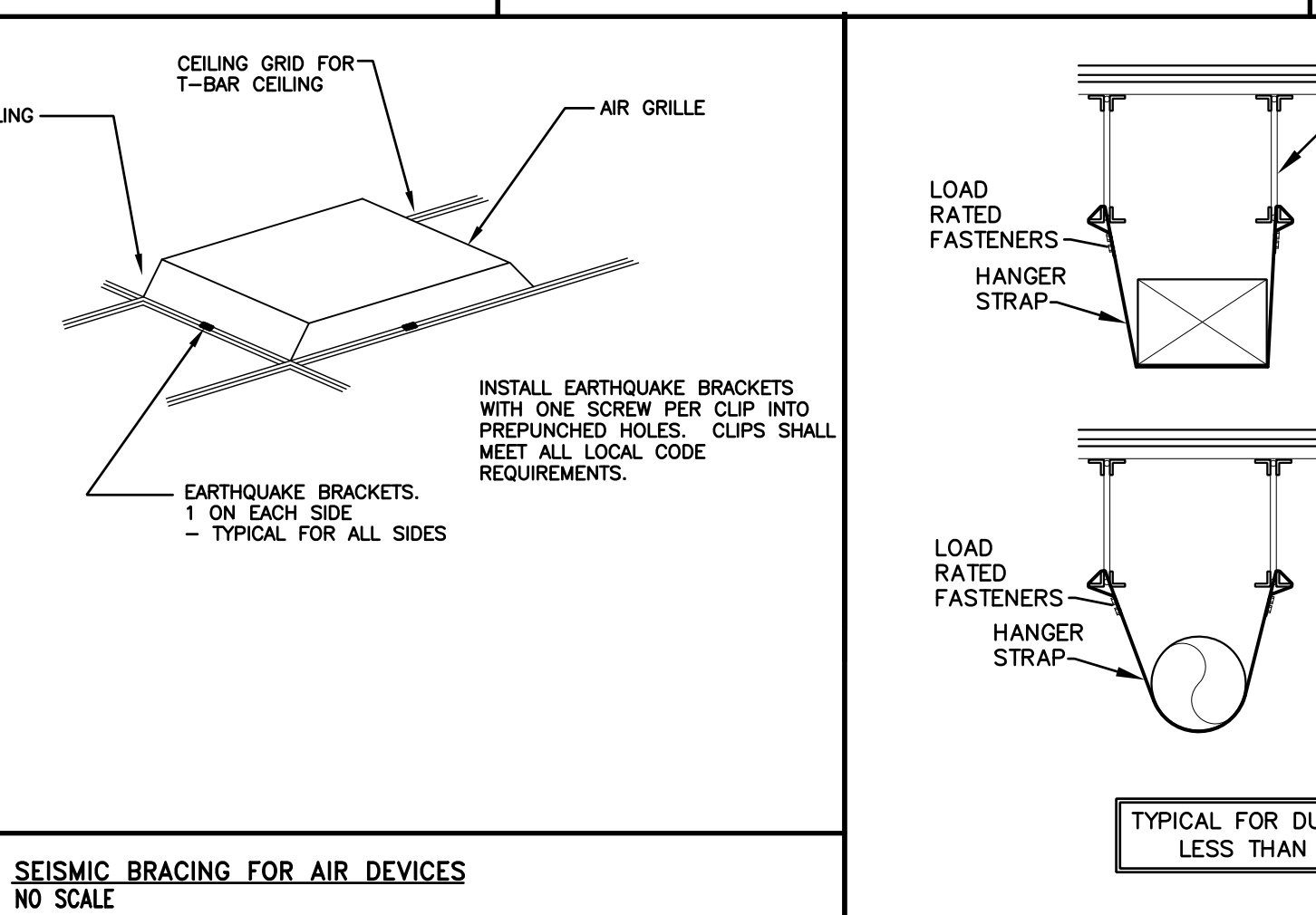
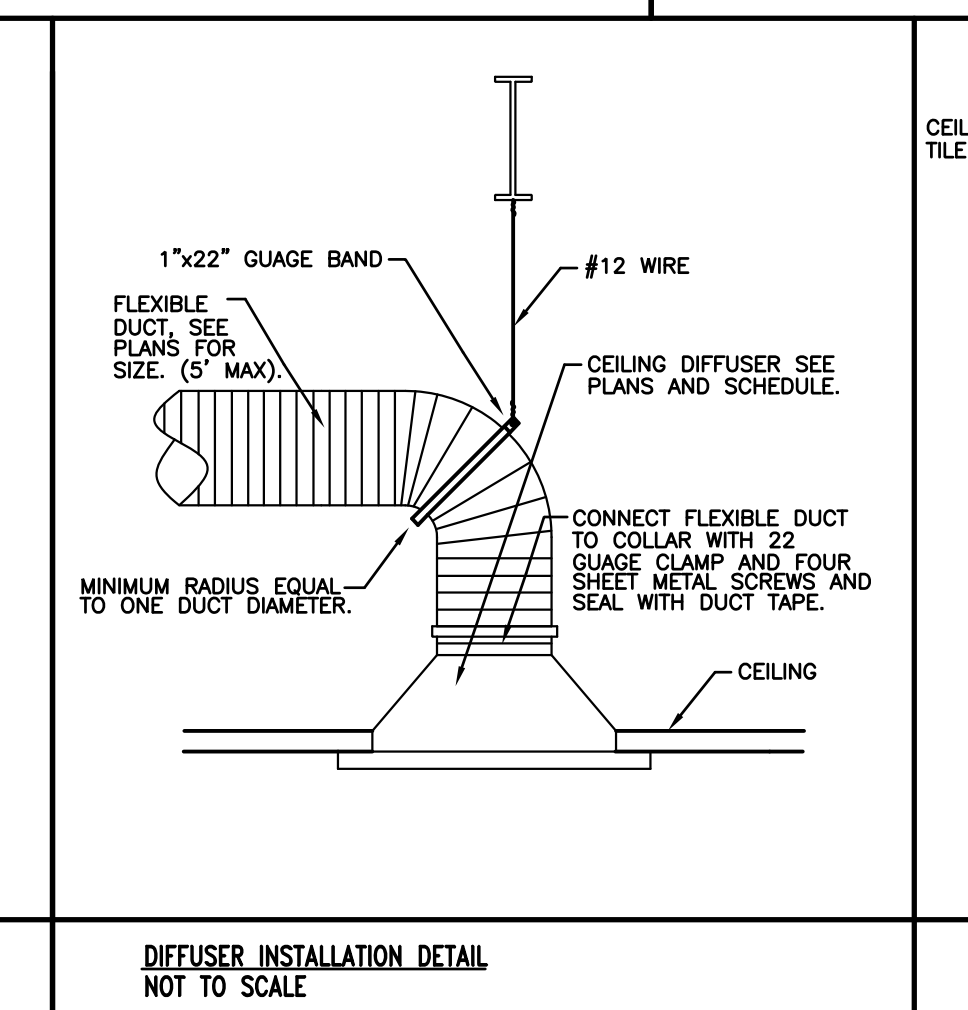
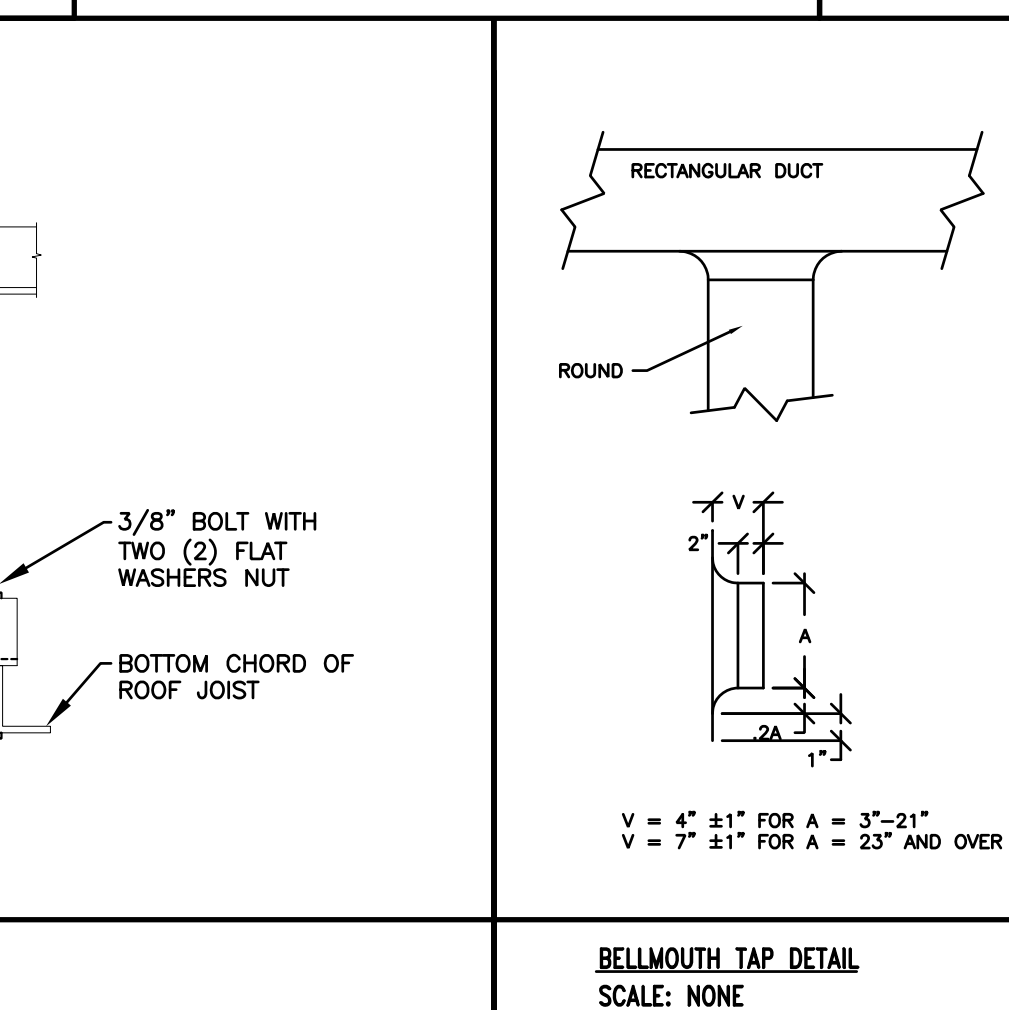
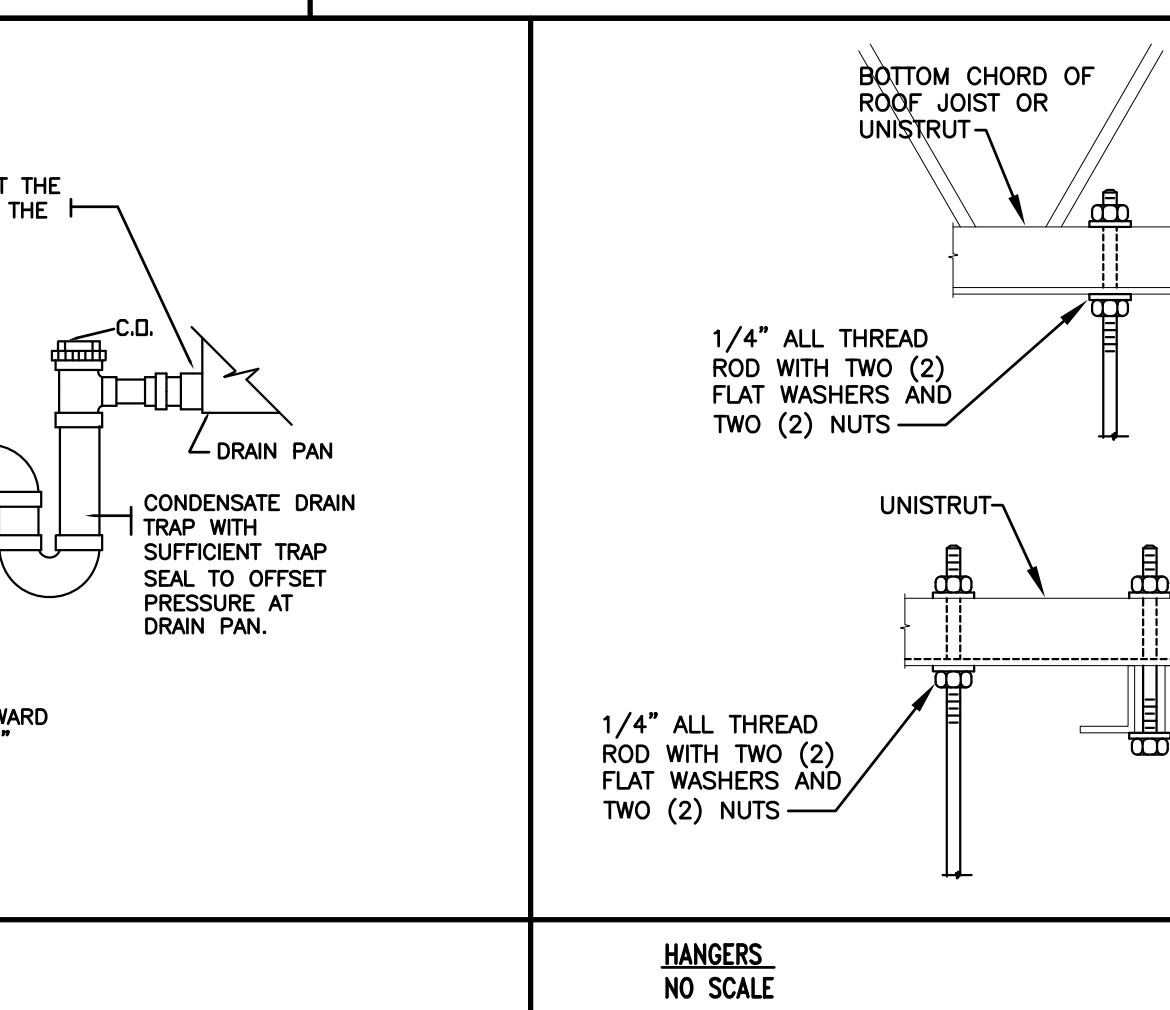
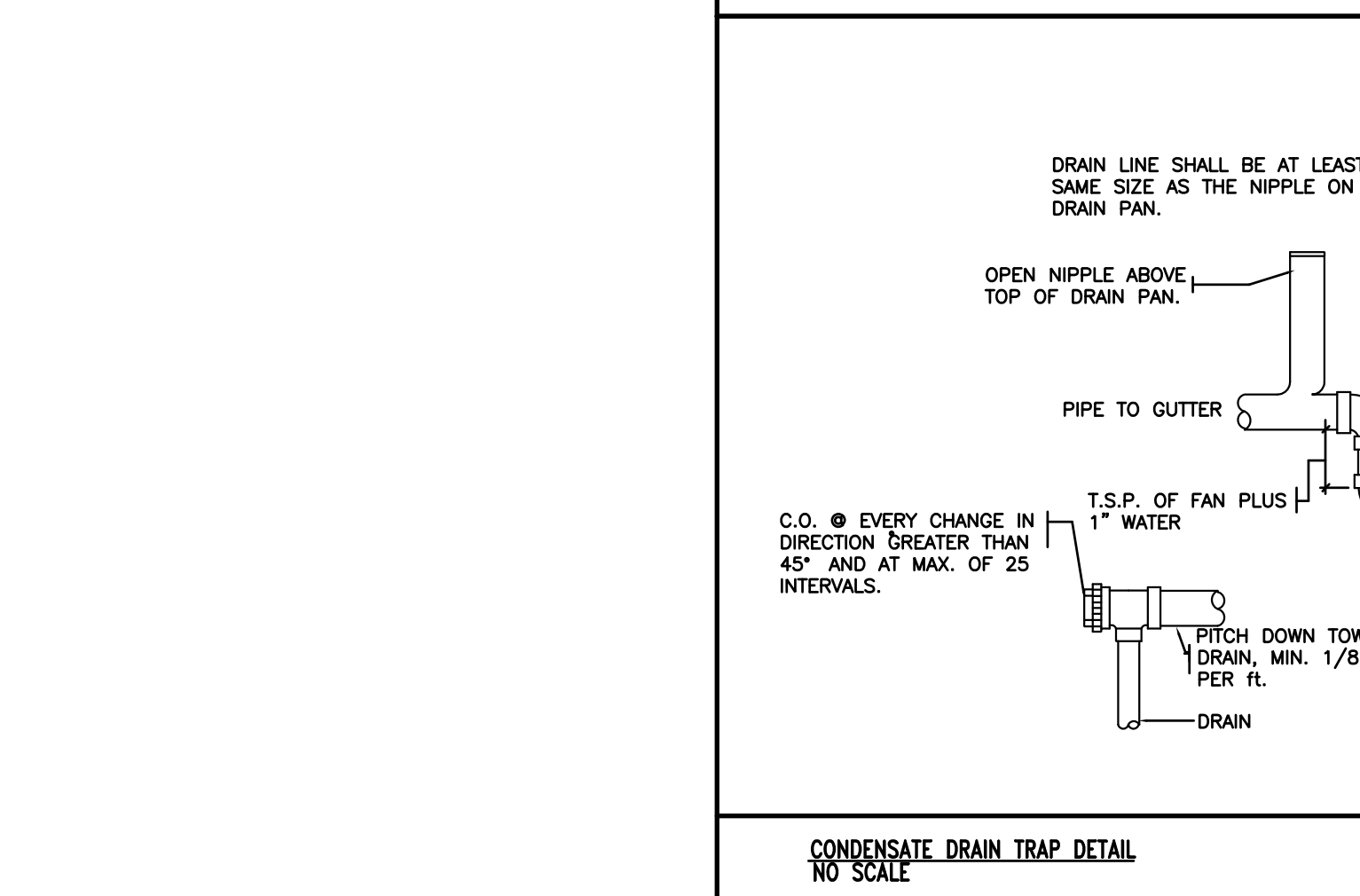
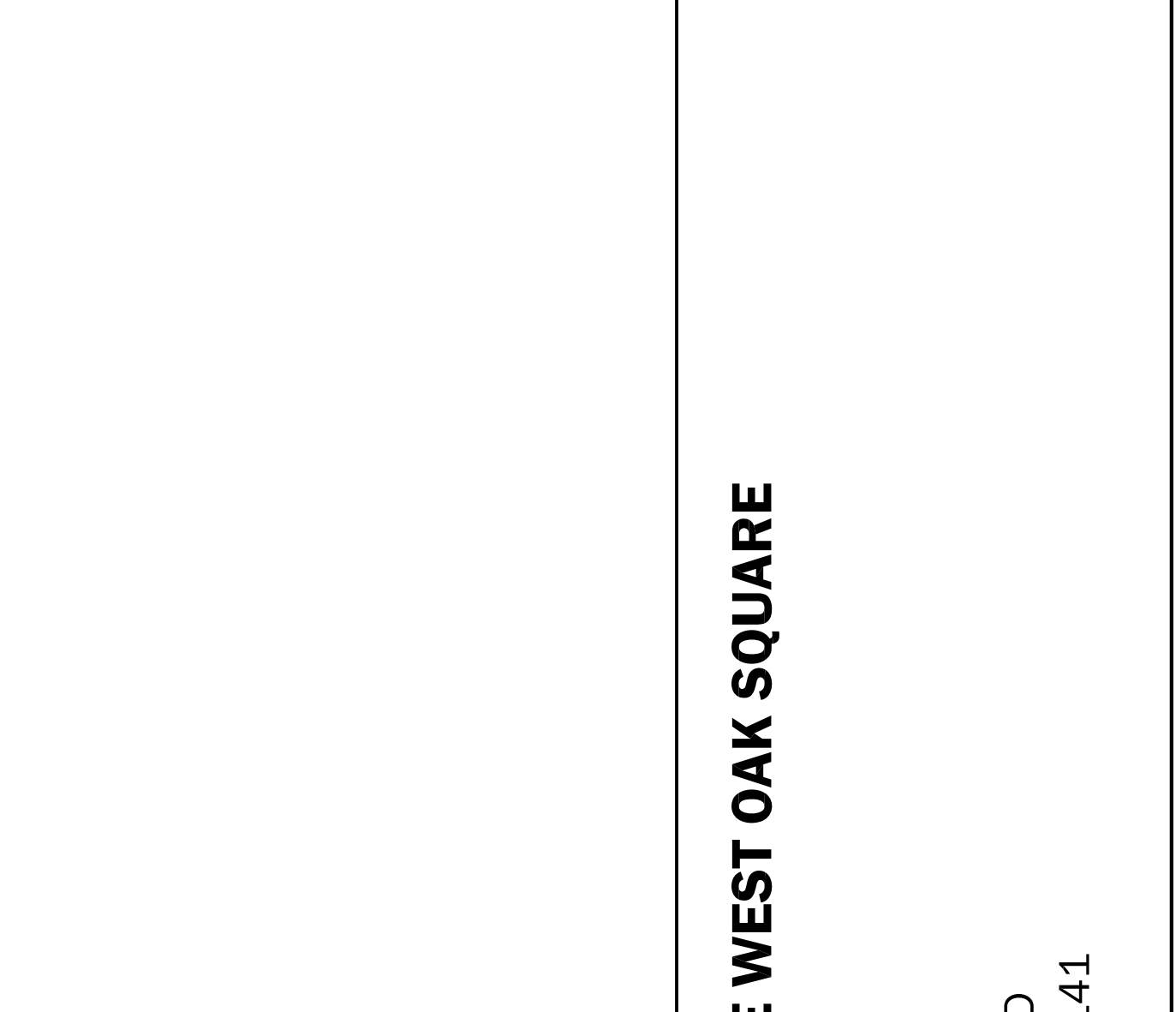
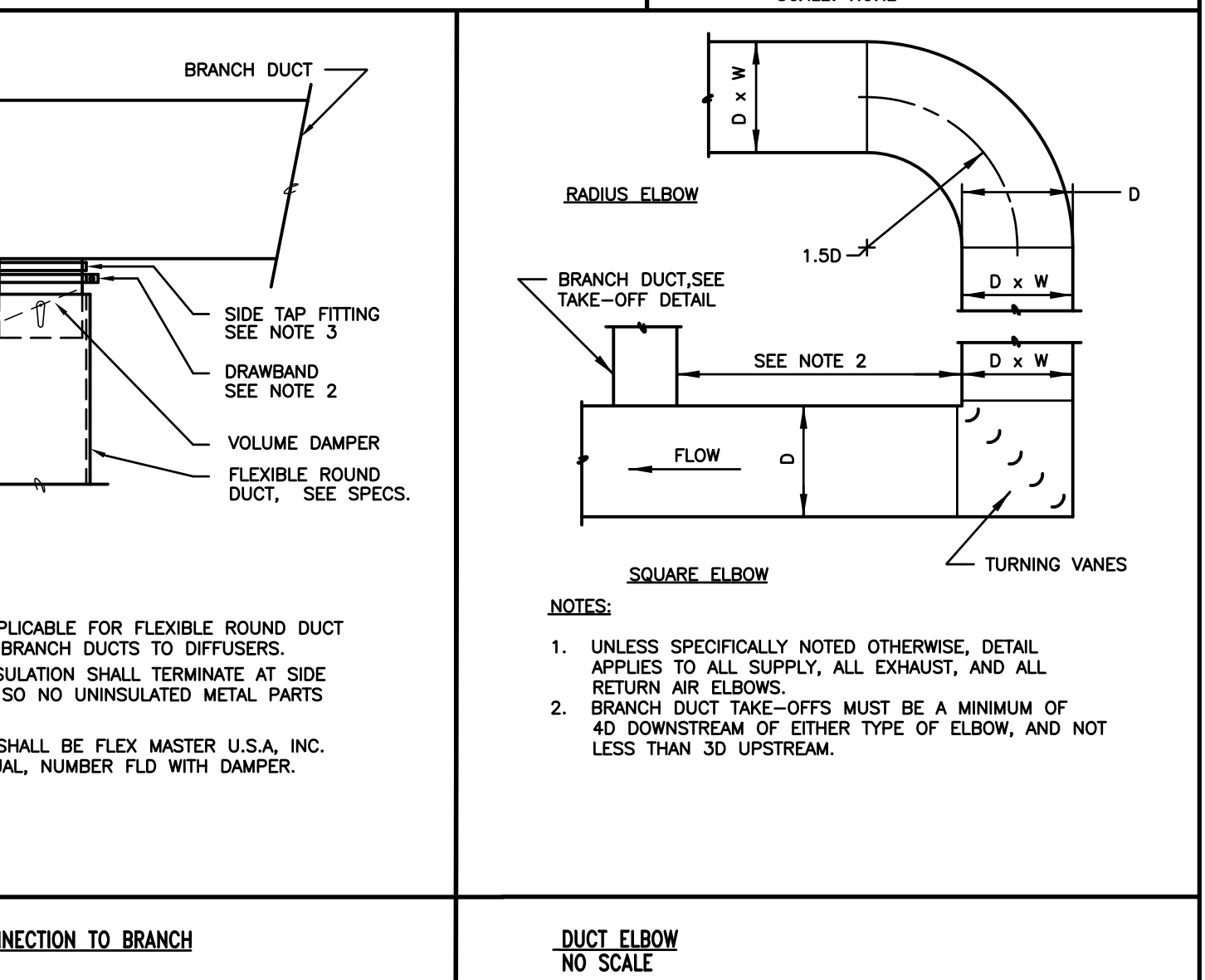
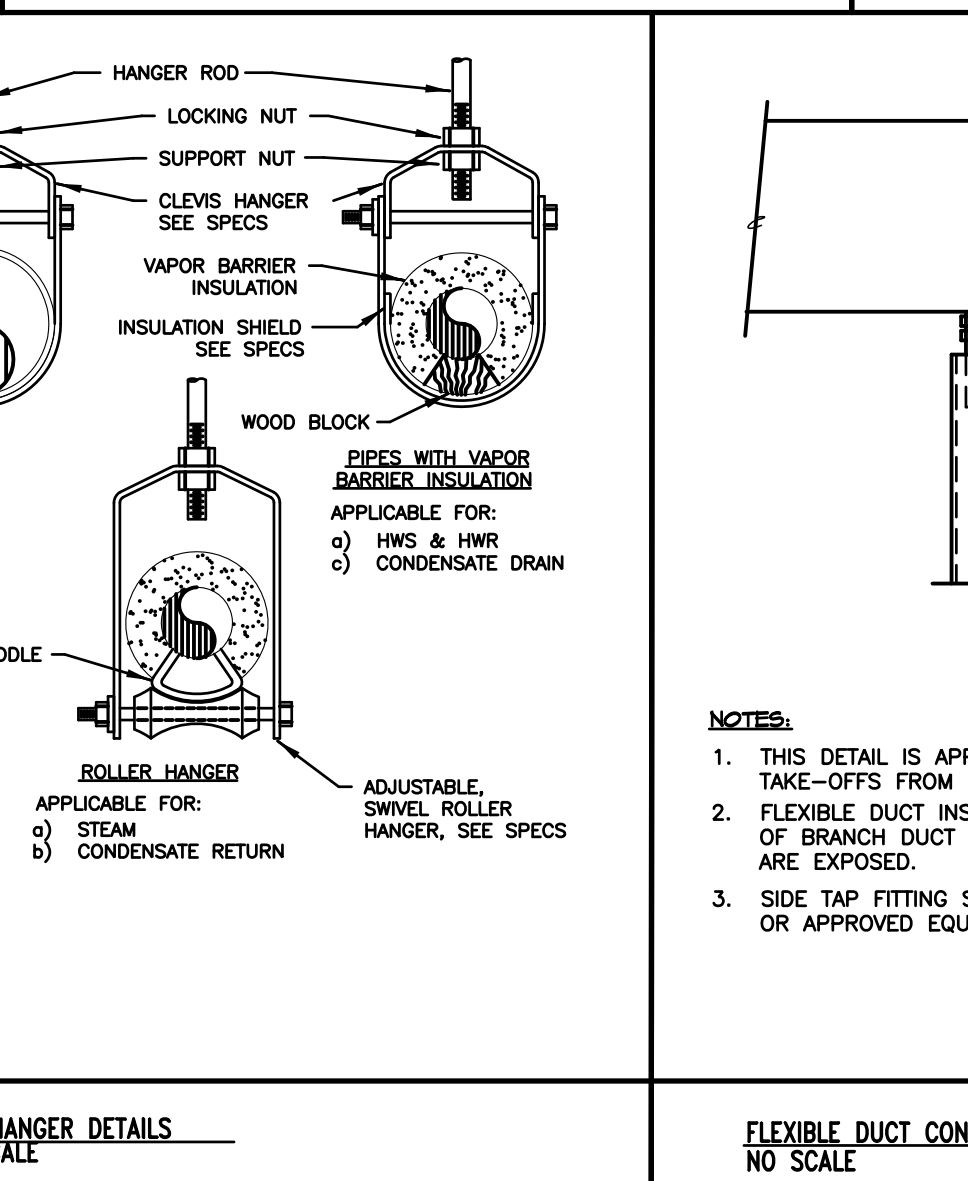
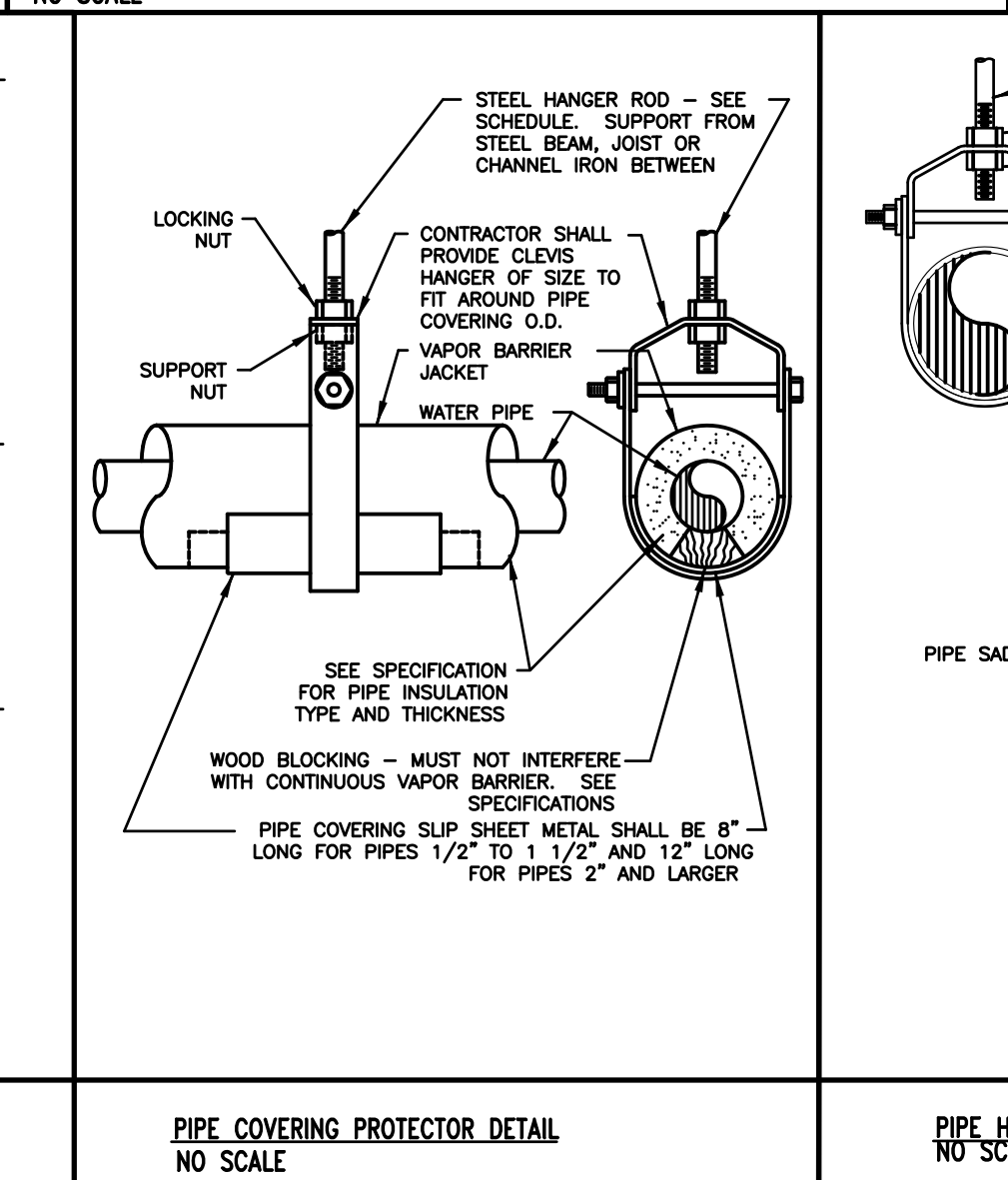
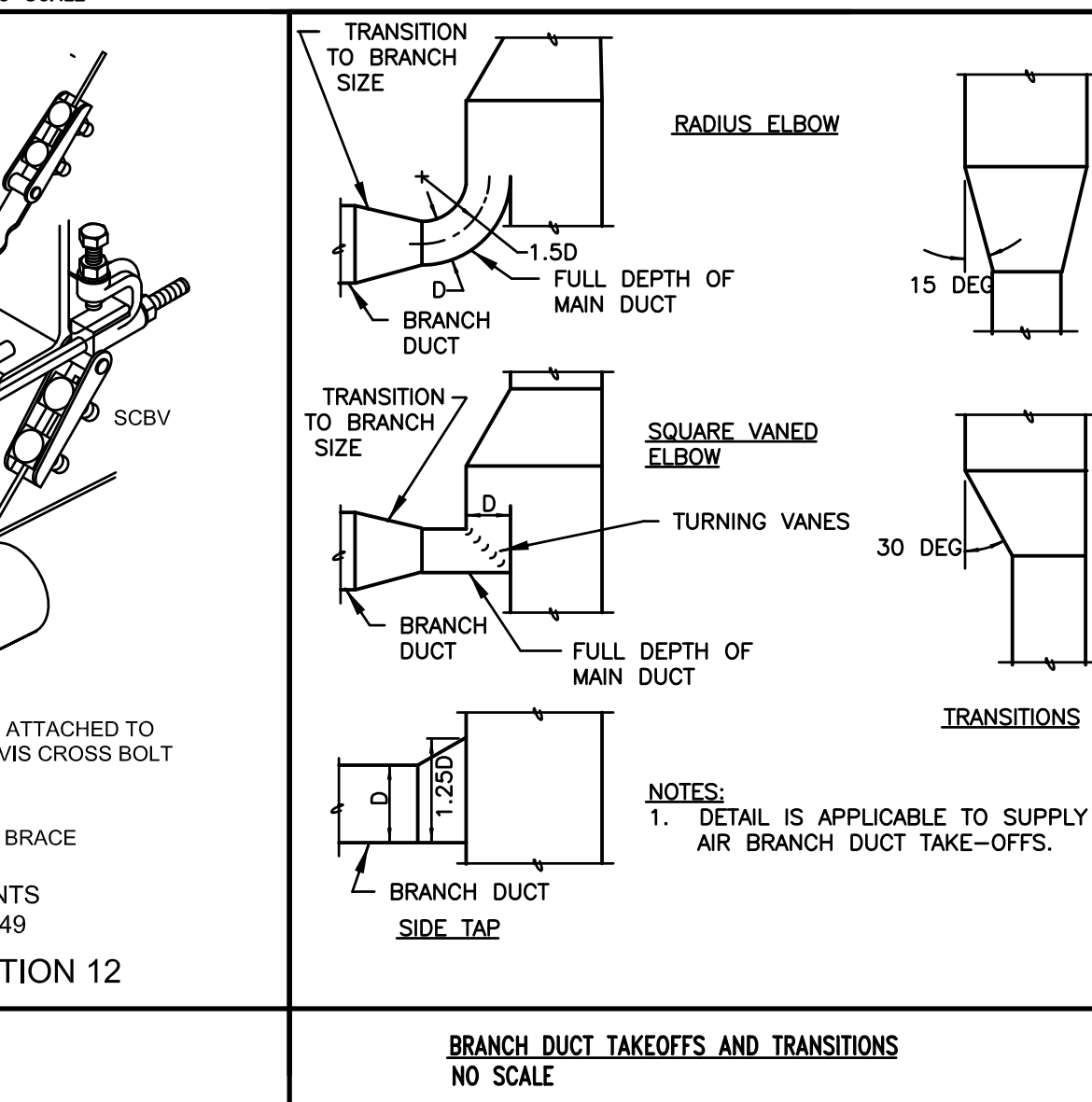
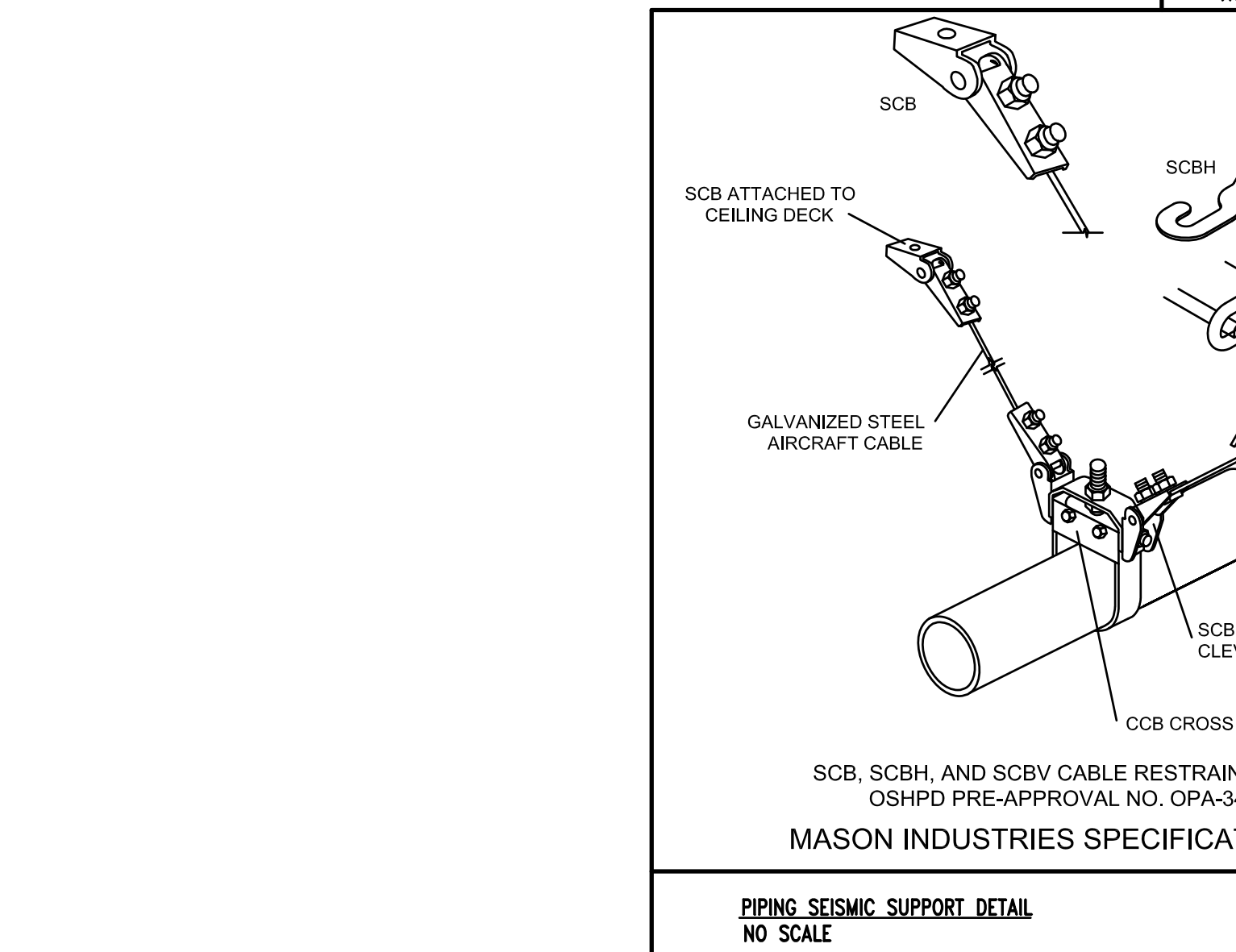
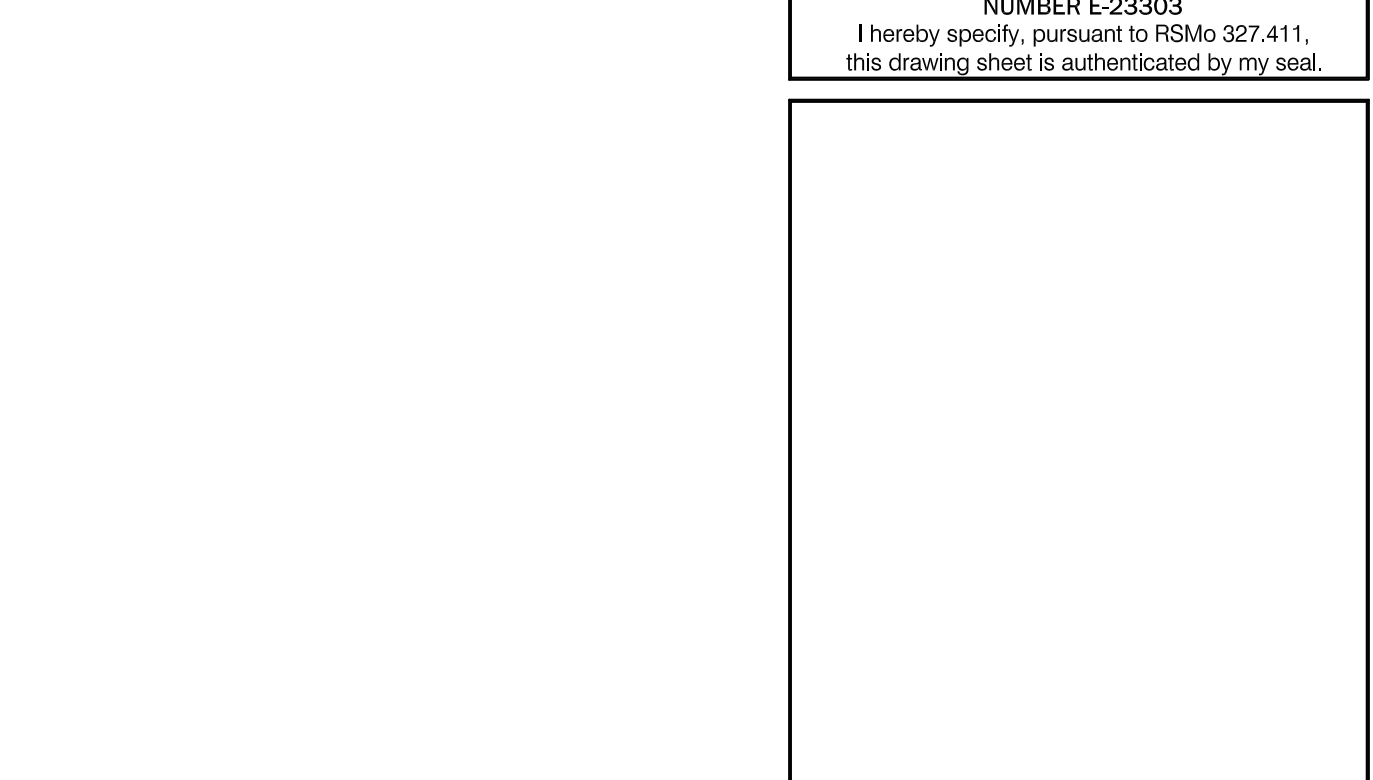
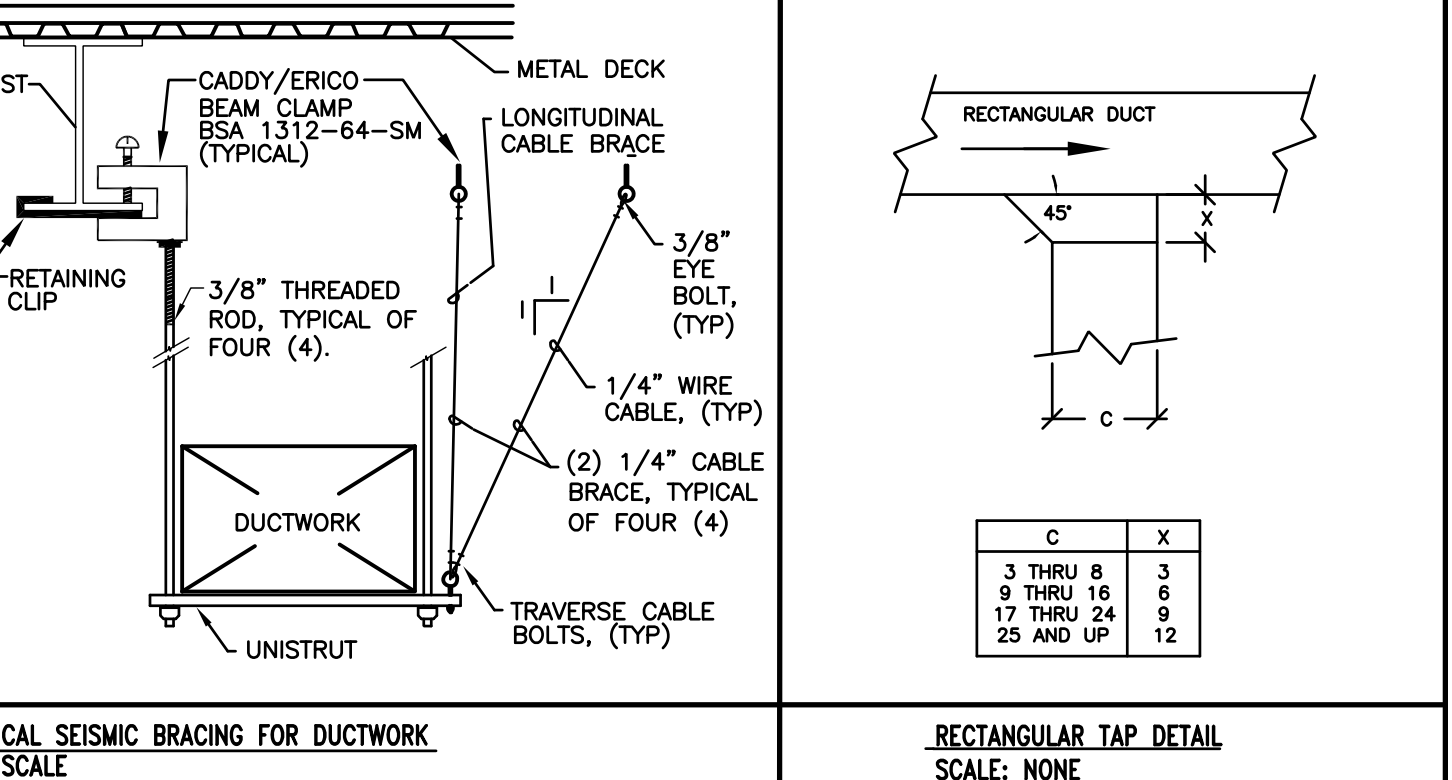
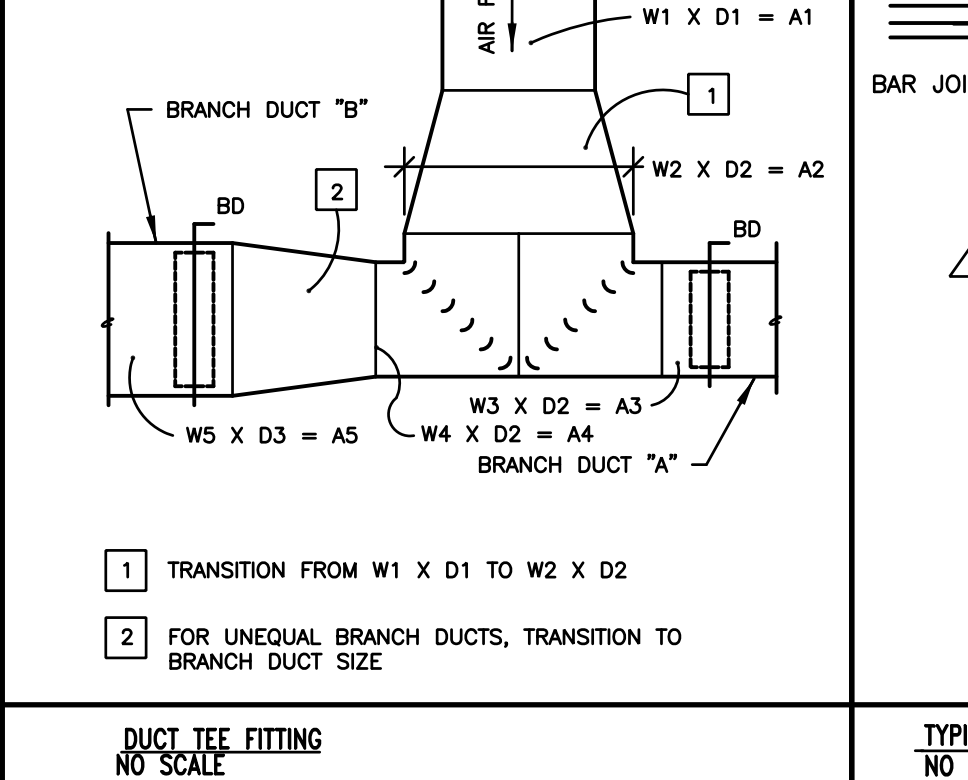
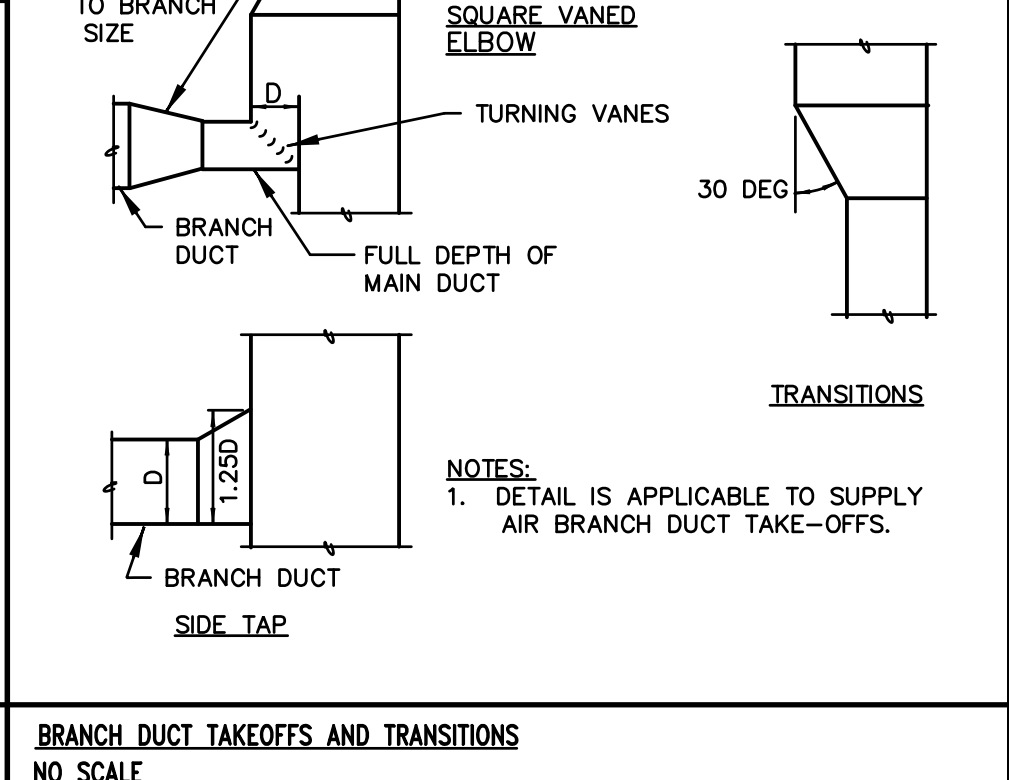
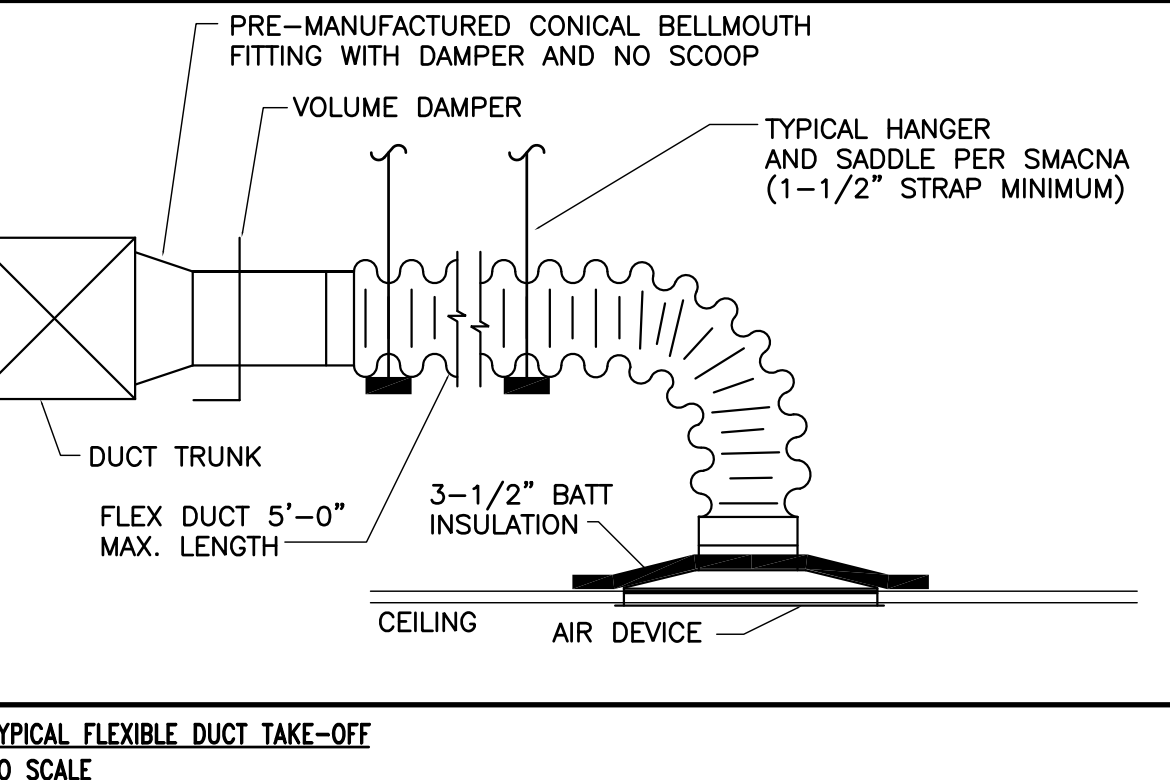
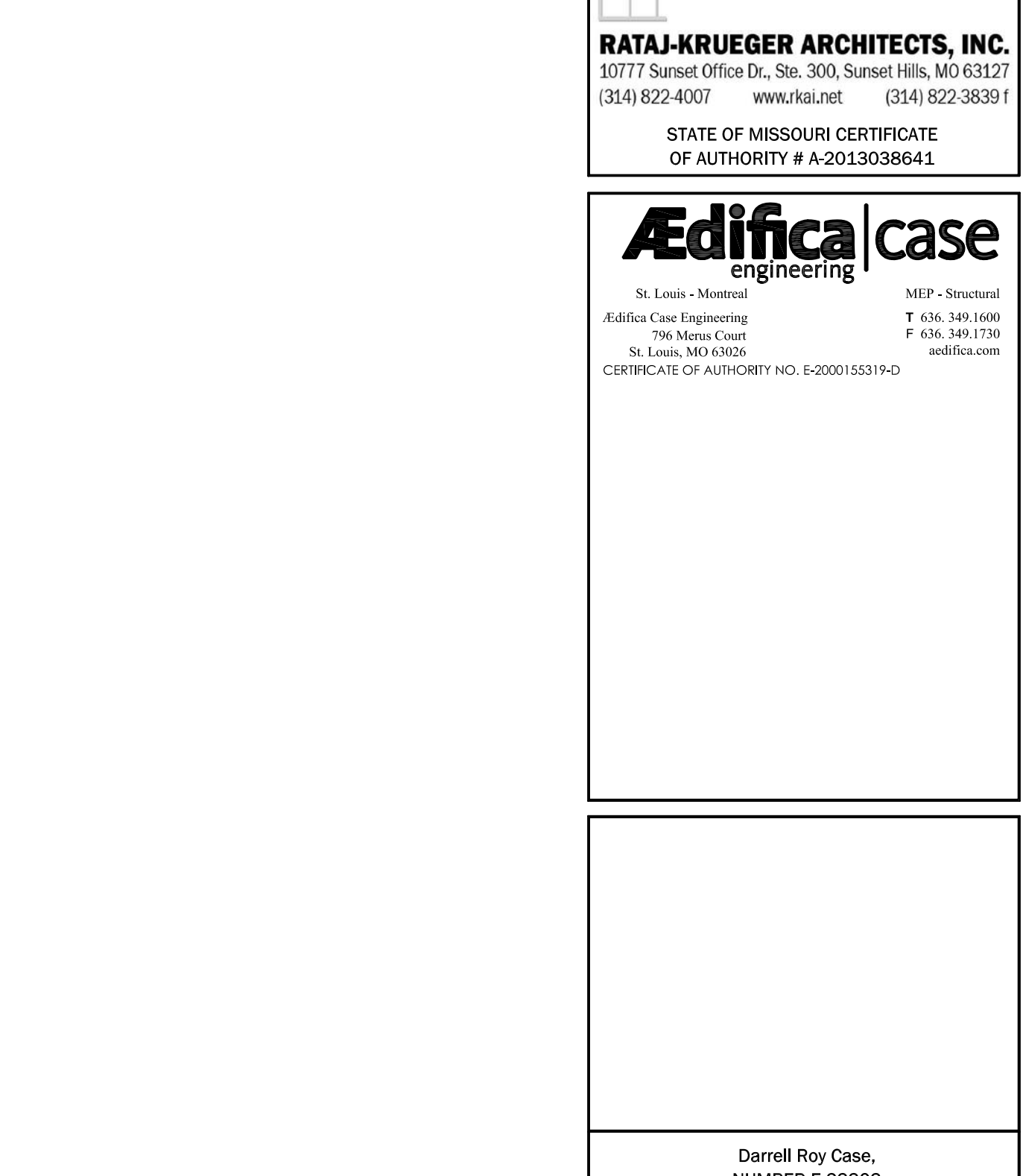
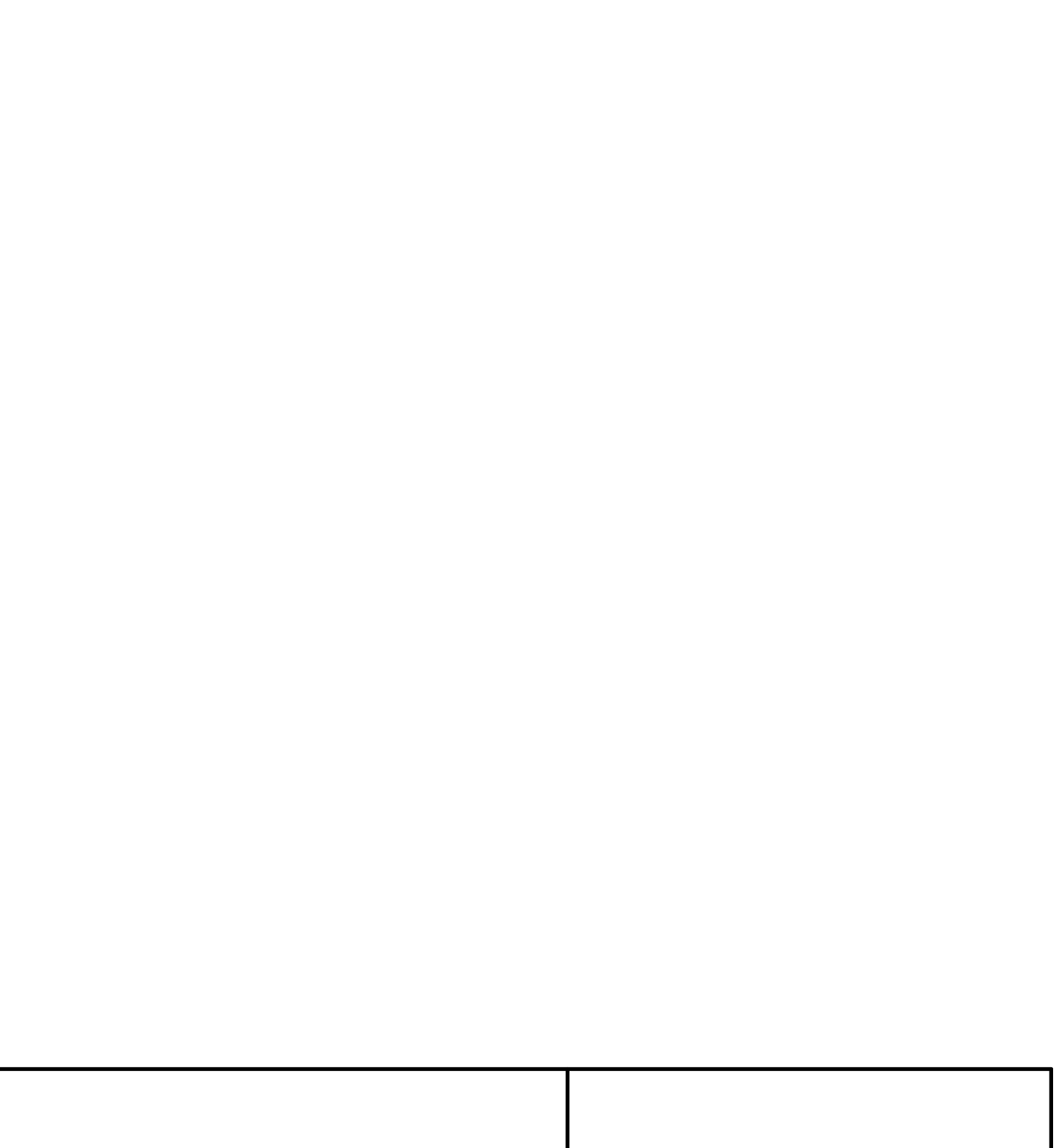
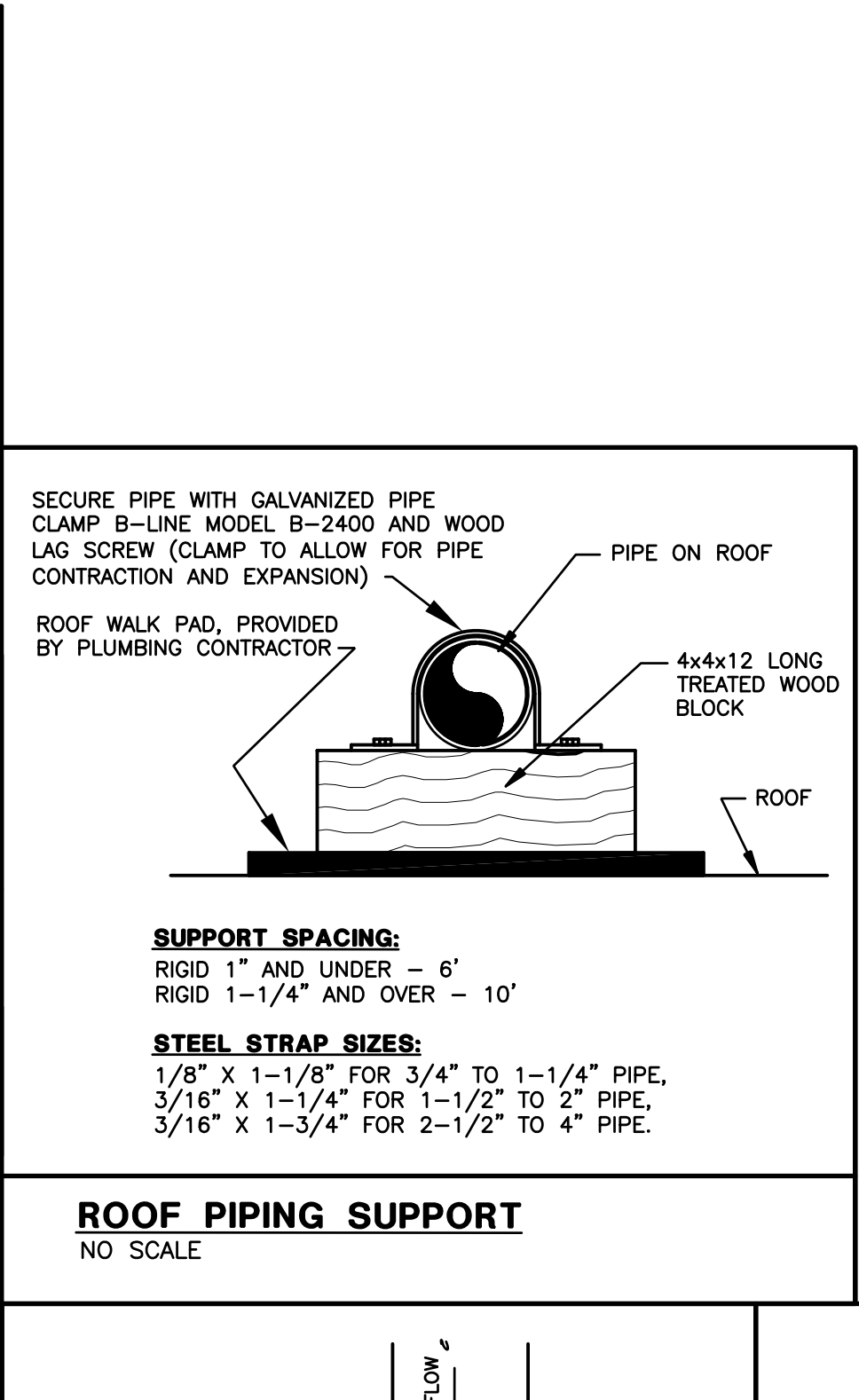
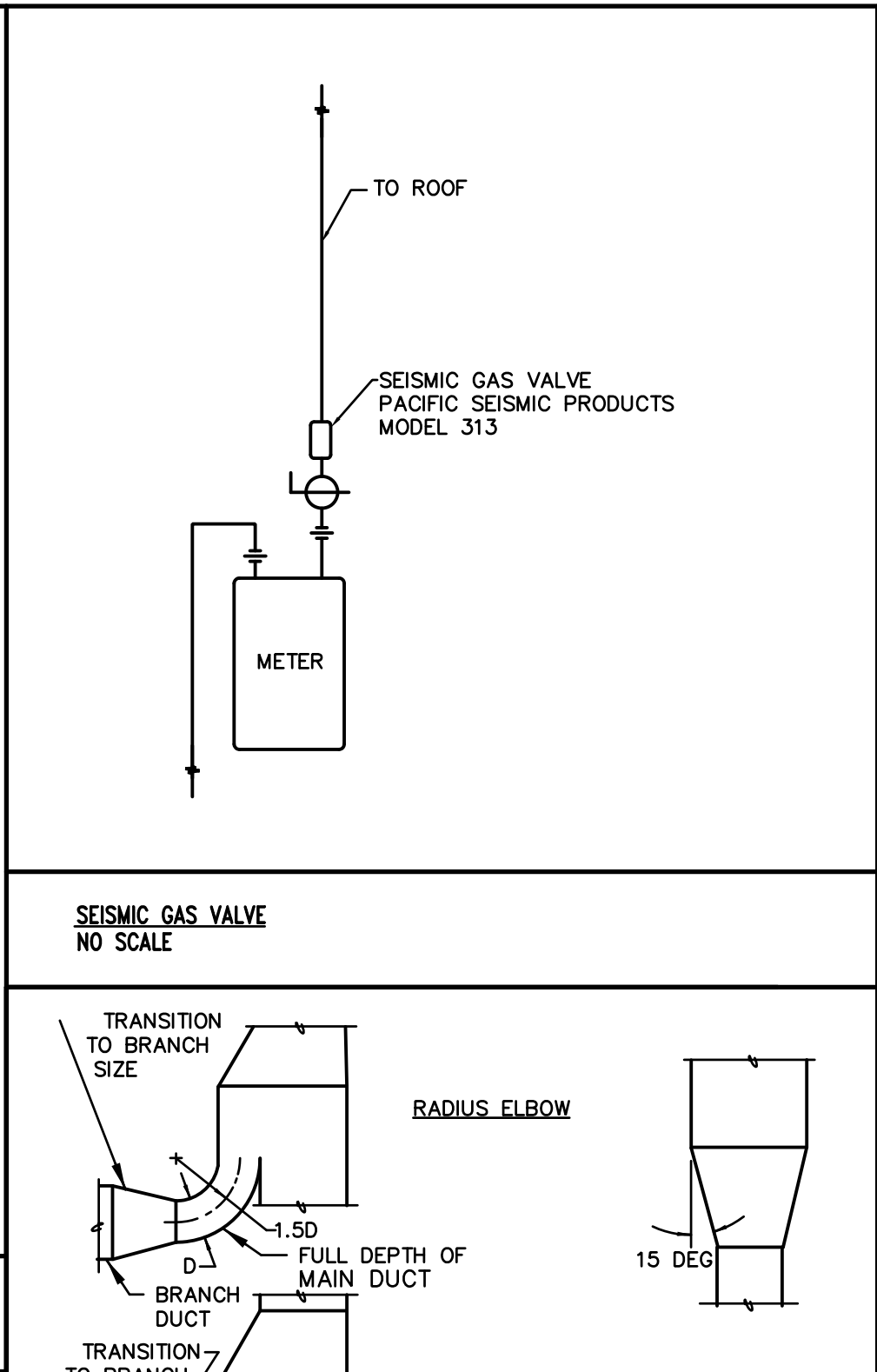
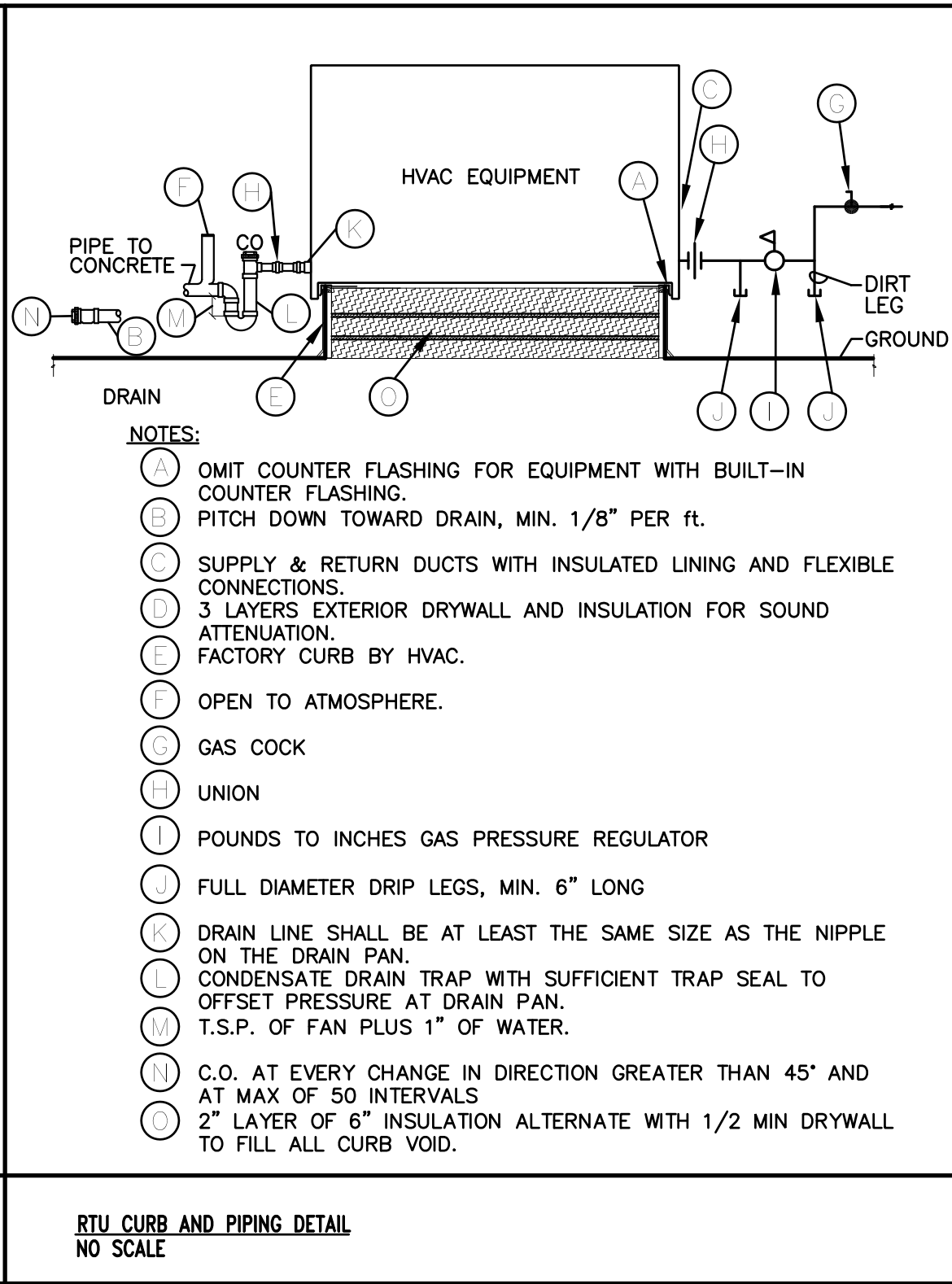
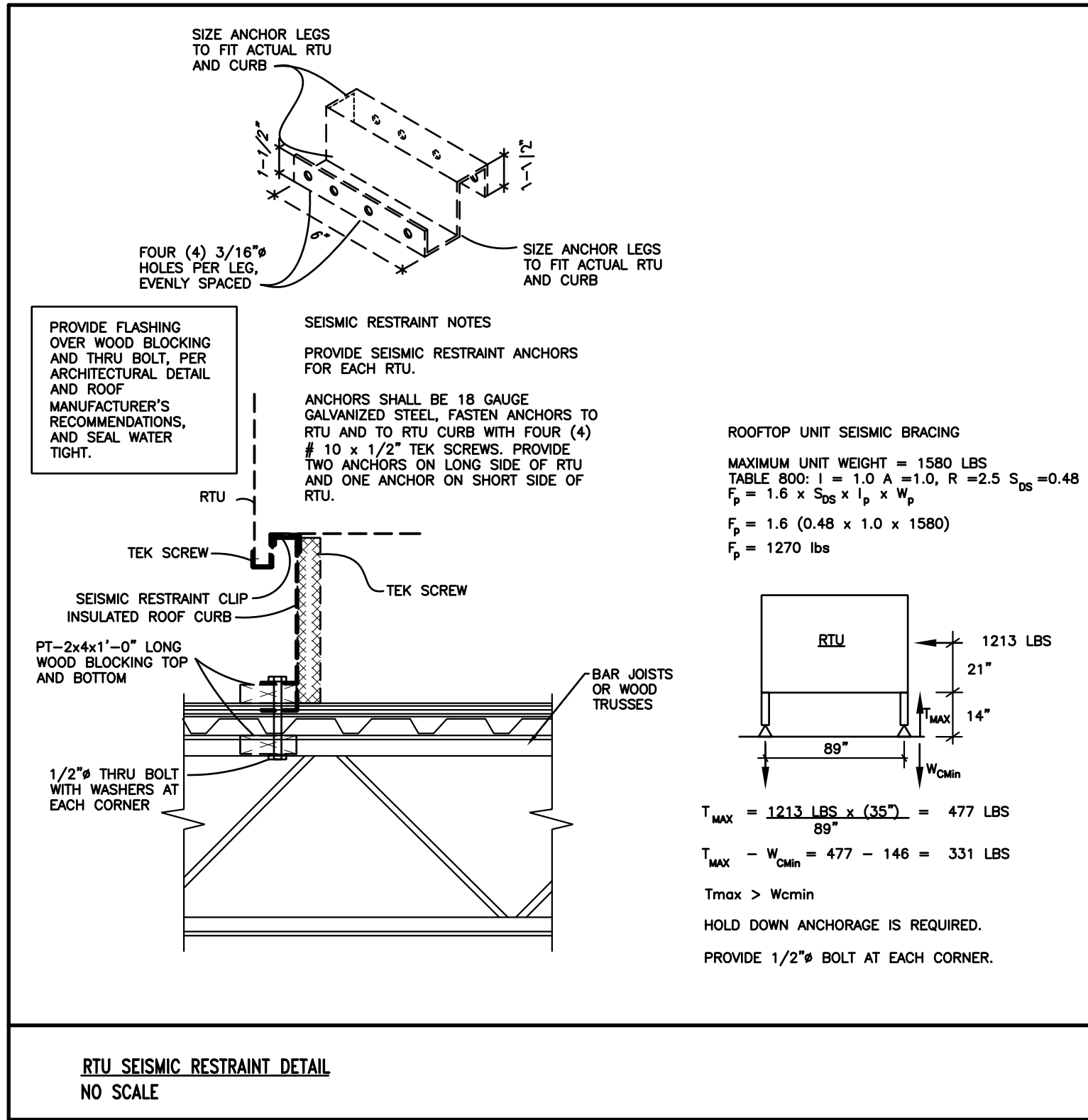
- AIR DEVICE RUN-OUT SHALL BE SAME SIZE AS DIFFUSER NECK.
FLEX DUCT, MAXIMUM LENGTH 3'-0".
- ALL AIR DEVICES TO BE WHITE UNLESS OTHERWISE NOTED.
VERIFY COLOR WITH ARCHITECT.

ROOFTOP UNIT SCHEDULE													
MARK	MFR	MODEL NO.	GFM	O.A. GFM	ESP	HT	CLG MBH	GAS HTG MBH	ELECTRICAL		REMARKS	WEIGHT	
RTU	TRANS	YS0072	2400	250	0.8	75.0	54.3	120.0	96.0	37.8	50	208/3	946
1. ACCESSORIES: CURB ADAPTOR, ECONOMIZER, BAROMETRIC RELIEF, PROGRAMMABLE THERMOSTAT, LOW AMBIENT CONTROLS.													
2. VERIFY ELECTRICAL VOLTAGE WITH ELECTRICAL CONTRACTOR PRIOR TO ORDERING EQUIPMENT.													

ROOFTOP UNIT SCHEDULE													
MARK	MFR	MODEL NO.	GFM	O.A. GFM	ESP	HT	CLG MBH	GAS HTG MBH	ELECTRICAL		REMARKS	WEIGHT	
RTU	TRANS	YS0072	2400	250	0.8	75.0	54.3	120.0	96.0	37.8	50	208/3	946
1. ACCESSORIES: CURB ADAPTOR, ECONOMIZER, BAROMETRIC RELIEF, PROGRAMMABLE THERMOSTAT, LOW AMBIENT CONTROLS.													
2. VERIFY ELECTRICAL VOLTAGE WITH ELECTRICAL CONTRACTOR PRIOR TO ORDERING EQUIPMENT.													

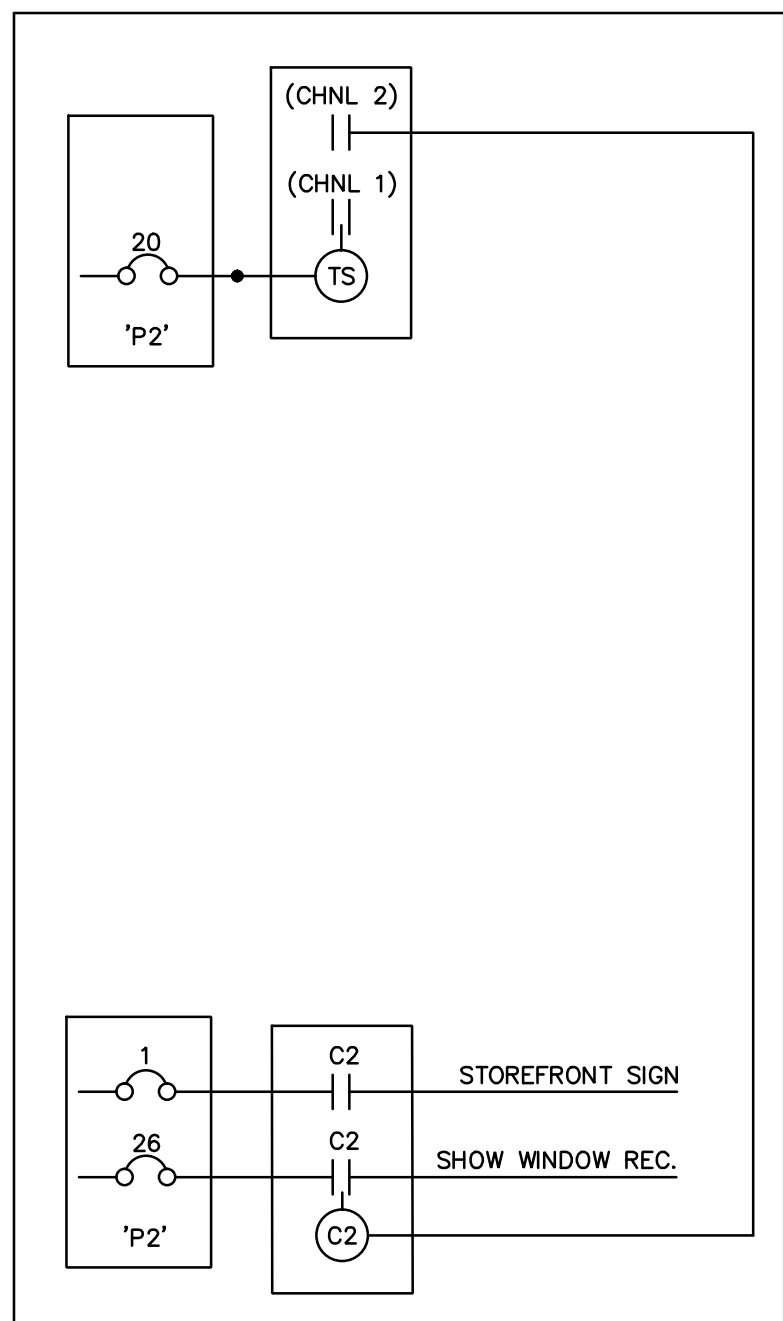
SEISMIC USE GROUP (2)		LISTING OF EQUIPMENT AND SYSTEM COMPONENTS		ANCHORAGE TO FLOORS, ROOFS, ETC.		SWAY BRACING		LOCATION OF PROFESSIONAL SEALED ANCHORAGE AND SWAY BRACING DETAILS			COMMENTS
		NOT PROVIDED	PROVIDED	NOT PROVIDED	PROVIDED	DRAWING NO. OR SPEC. SECTION	SHOP DRAWINGS	SUBSEQUENT SUBMITTAL SEPARATE PERMIT & PLANS			
FIRE PROTECTION, DETECTION, & ALARM EQUIPMENT & SYSTEM COMPONENTS. *SEE ATTACHMENT "C" TABLE 200		X		X							
HAZARDOUS EQUIPMENT & SYSTEM COMPONENTS. *SEE ATTACHMENT "C" TABLE 200										1. EXISTING GAS METER TO REMAIN. PROVIDE NEW SEISMIC GAS VALVE.	
GAS PIPING 3" OR LESS (interior and exterior)			X	X		M101					
GAS PIPING > 1" OR NON-DUCTILE (interior)											
EXTERIOR GAS PIPING > 3"											
OTHER EQUIPMENT & SYSTEM COMPONENTS NEEDED FOR CONTINUED OPERATION OF SEISMIC USE GROUP IN FACILITIES OR WHOSE FAILURE COULD IMPAIR THEIR CONTINUED OPERATION *SEE ATTACHMENT "C" TABLE 200		X		X							
OTHER GENERAL EQUIPMENT & SYSTEM COMPONENTS											
DUCTWORK		X			X					1. SEISMIC SUPPORTS OF DUCTWORK ARE NO REQUIRED AS ALL DUCTS ARE LESS THAN 6 SQ.FT. CROSS-SECTIONAL AREA.	
ROOFTOP UNIT			X	X		M101					
DIFFUSERS		X			X	M101				2. AIR DEVICES SHALL BE ATTACHED WITH MECHANICAL FASTENERS TO CEILING. REFER TO DETAIL ON SHEET M2.	

THIS SHEET IS PART OF A COMPLETE SET. REFER TO GENERAL NOTES FOR COMPLETE LIST OF DOCUMENTS, SHEET SIZE 30 X 42	
RKAI PROJECT NO.:	13104
ISSUE DATE:	11-26-2013
SHEET NAME: MECHANICAL REFLECTED CEILING PLAN	
SHEET NO. M101	
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1. TENANT FIRE ALARM SYSTEM SHALL BE PROVIDED BY BIDDER DESIGN SUB-CONTRACTOR AT THE EXPENSE OF THE ELECTRICAL CONTRACTOR. SEE SPECIFICATIONS FOR GENERAL REQUIREMENTS.
2. FIRE ALARM SHALL BE INSTALLED BY A LICENSED AGENCY AND IN ACCORDANCE WITH THE LATEST EDITION OF NFPA 79 AND NFPA 72.
3. PROVIDE SYSTEM IN ACCORDANCE WITH LANDLORD AND JURISDICTIONAL REQUIREMENTS.



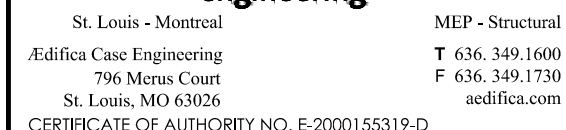
4 LIGHTING CONTROLS

Electrical symbols	
SYMBOL	DESCRIPTION
	BRANCH CIRCUIT #12 CONDUCTORS UNO IN CONDUIT HIDDEN WITHIN WALL OR CEILING. HASH MARKS: a. LONG HASH INDICATES NEUTRAL CONDUCTOR. b. SHORT HASH INDICATES NUMBER OF CURRENT CARRYING CONDUCTORS. ALL CIRCUITS TO BE RUN WITH SEPARATE GROUNDING CONDUCTORS, DO NOT USE CONDUIT FOR GROUNDING.
UNO	UNLESS NOTED OTHERWISE
GC	GENERAL CONTRACTOR
EC	ELECTRICAL CONTRACTOR
MC	MECHANICAL CONTRACTOR
PC	PLUMBING CONTRACTOR
WP	WEATHERPROOF
AFF	ABOVE FINISHED FLOOR
UNO	UNLESS NOTED OTHERWISE
TTB	TELEPHONE TERMINAL BOARD
SA	SMALL APPLIANCE
NF	NON-FUSED
PROVIDE	FURNISH AND INSTALL COMPLETE
(E)	EXISTING
(J)	JUNCTION BOX
(II)	20A, 1P, 120V, GROUNDING TYPE DUPLEX CEILING MOUNT RECEPTACLE
(I)	20A, 1P, 120V, GROUNDING TYPE DUPLEX RECEPTACLE (+18" AFF UNO)
(II)	20A, 1P, 120V, GROUNDING TYPE DOUBLE DUPLEX RECEPTACLE (+18" AFF UNO)
(I)	20A, 1P, 120V, GROUNDING TYPE DUPLEX RECEPTACLE WITH ISOLATED GROUND (+18" AFF UNO)
(I)	20A, 1P, 120V, GROUNDING TYPE DOUBLE DUPLEX RECEPTACLE WITH ISOLATED GROUND (+18" AFF UNO)
(I)	20A, 1P, 120V, GROUNDING TYPE GROUND FAULT INTERRUPTION DUPLEX RECEPTACLE (+18" AFF UNO)
(II)	20A, 1P, 120V, GROUNDING TYPE DUPLEX RECEPTACLE (FLOOR MOUNTED)
505	20A, 1P, 120V, STANDARD LIGHT SWITCH. '50' INDICATES SWITCH DESIGNATION, '05' INDICATES OCCUPANCY SENSOR TYPE SWITCH (WATTSOPPER MODEL# WS-250) OR EQUAL, 'MO' INDICATES MANUAL OVERRIDE, 'D' INDICATES DIMMABLE
▽	COMBINATION DATA OUTLET RJ-45: EC TO PROVIDE 3/4" CONDUIT STUB-UP 6" ABOVE CEILING WITH PLASTIC BUSHING. EC TO PROVIDE CAT5E CABLE BETWEEN DEVICE BOX AND TTB. COMPLETE ALL CABLING AND TERMINATIONS FOR A FULLY OPERATIONAL SYSTEM.
▼	SINGLE TELEPHONE OUTLET RJ-11: EC TO PROVIDE 3/4" CONDUIT STUB-UP 6" ABOVE CEILING WITH PLASTIC BUSHING. EC TO PROVIDE CAT5E CABLE BETWEEN DEVICE BOX AND TTB. COMPLETE ALL CABLING AND TERMINATIONS FOR A FULLY OPERATIONAL SYSTEM.
	PANELBOARD
(SD)	SMOKE DETECTOR
(HT)	HEAT DETECTOR

NOTE:
1. ALL SWITCHES, COVER PLATES, RECEPTACLE FINISHES SHALL BE AS DIRECTED BY CONSTRUCTION MANAGER.



 RATAJ-KRUEGER ARCHITECTS, INC. 10777 Sunset Office Dr., Ste. 300, Sunset Hills, MO 63127 (314) 822-4007 www.rkai.net (314) 822-3839 f		
STATE OF MISSOURI CERTIFICATE OF AUTHORITY # A-20013038641		
Aedifica case engineering		
St. Louis - Missouri Aedifica Case Engineering 796 Shero Court St. Louis, MO 63026	MIP - Structural T 616.349.1600 F 616.349.1710 aedifica.com	CERTIFICATE OF AUTHORITY NO. E-2000155319-D
Derrill Roy Case, NUMBER E-233903 I hereby specify, pursuant to RSMo 327.411, this drawing sheet is authenticated by my seal.		
JAMBA JUICE WEST OAK SQUARE 11475 OLIVE BLVD ST. LOUIS MO 63141		
MARK	DATE	DESCRIPTION
THIS SHEET IS PART OF A COMPLETE SET. REFER TO GENERAL NOTES FOR COMPLETE LIST OF DOCUMENTS. SHEET SIZE 30 X 42		
RKAI PROJECT NO.:		13104
ISSUE DATE:		11-26-2013
SHEET NAME:		
ELECTRICAL PLAN		
SHEET NO. E101		
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STATE OF MISSOURI CERTIFICATE
OF AUTHORITY # A-2013038641

Breaker Options:	
AS	Powerlink AS Breaker
LO	Handle lock-on device
ST	Shunt Trip Type
AUX	Auxiliary Contacts
PA	Handle Padlock Attachment
GFCI	Ground Fault Circuit Interrupter
HACR	Heating, A/C & Refrigeration
SF	Subfeed
AFCI	Arc Fault Circuit Interrupter

1. EC TO PROVIDE HANDLE TIE ON ALL MULTIWIRED BRANCH CIRCUITS PER NEC 210.4(B).
2. ALL SPARE CIRCUIT BREAKERS AND DISCONNECT SWITCHES SHALL BE LEFT IN THE OFF POSITION.

LOAD DESCRIPTION	DEMAND FACTOR D.F.	VOLT - AMPS	
		CONNECTED	DEMAND
LIGHTING	1.25	3625	4531
RECEPTACLES	N.E.C. 10K+50% REMAINING	4790	4790
MOTORS	N.E.C. 25%	0	0
KITCHEN EQUIPMENT	N.E.C. 65%	5986	36391
WATER HEATER	1.00	500	500
HVAC EQUIPMENT	1.00	1368	1368
	TOTAL=	7009	59820

PANELBOARD LOAD =	V.A.59820
FULL LOAD AMPS =	A. 166

Darrell Roy Case,
NUMBER E-23303
I hereby specify, pursuant to RSMo 327.411,
this drawing sheet is authenticated by my seal.



1. FIELD VERIFY PANEL NAME PLATE RATINGS, OVERCURRENT PROTECTION AND CONDUCTOR SIZING WITH THOSE INDICATED ON THESE PLANS. WHERE DIFFERENCES ARISE WHICH ARE IN VIOLATION OF NEC CODE AND OR LOCAL CODE CONTACT ENGINEER.
2. EC IS RESPONSIBLE FOR FIELD VERIFICATION OF SITE CONDITIONS AND COORDINATING ALL ELECTRICAL SERVICE REQUIREMENTS WITH OPERATIONS MANAGER. EC SHALL REPORT ANY DIFFERENCES OR DISCREPANCIES TO ENGINEER PRIOR TO BID. NO EXTRAS OR CHANGE ORDERS SHALL BE GIVEN FOR THE EC'S FAILURE TO VISIT SITE PRIOR TO BIDDING.

1. EC TO PROVIDE ALL LIGHTING FIXTURES LISTED IN SCHEDULE AND AND REQUIRED LAMPS.
2. PROVIDE ADEQUATE PROTECTIVE SHIELDING FOR LAMPS IN FOOD PREPARATION AREAS.

EC SHALL VERIFY EQUIPMENT PROVIDED MATCHES THAT IN SCHEDULE PRIOR TO ENERGIZING CIRCUIT.
VERIFY ELECTRICAL OUTLET MOUNTING HEIGHTS WITH ARCHITECTURAL PLANS AND CONSTRUCTION MANAGER PRIOR TO ROUGH-IN

NOTE: VERIFY EXACT OVER CURRENT PROTECTION/ DISCONNECT REQUIREMENTS (PER NEC ART. 440) WITH EQUIPMENT MANUFACTURER NAMEPLATE DATA UPON RECEIPT AT JOB SITE AND COMPARE WITH ELECTRICAL CONNECTION SCHEDULE. CONTACT ENGINEER WITH ANY DISCREPANCIES. ELECTRICAL CONTRACTOR TO MAKE ALL FINAL ELECTRICAL CONNECTIONS. EC TO PROVIDE DISCONNECT, UNO.

JAMBA JUICE WEST OAK SQUARE

11475 OLIVE BLVD
ST. LOUIS MO 63141

[illegible]

THIS SHEET IS PART OF A COMPLETE SET. REFER
TO GENERAL NOTES FOR COMPLETE LIST OF
DOCUMENTS. SHEET SIZE 30 X 42

RKAI PROJECT NO.:	13104
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ISSUE DATE: 11-26-2013

SHEET NAME:
ELECTRICAL RISER
AND SCHEDULES

E102

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SEISMIC USE GROUP (2)		SEISMIC CODE BLOCK TO DECLARE & SWAY BRACING IS BEING PROVIDED ON THE PROJECT. IF SO, TO DECLARE WHETHER OR NOT THE DETAILS ARE SHOWN ON THE PLANS OR WILL BE SHOWN ON A SUBSEQUENT SUBMISSION. IF SEISMIC RESTRAINT IS NOT REQUIRED BY CODE THIS CAN BE STATED IN COMMENTS.						SEISMIC DESIGN CATEGORY (D)	
LISTING OF EQUIPMENT AND SYSTEM COMPONENTS	ANCHORAGE TO FLOORS, ROOFS, ETC.		SWAY BRACING		LOCATION OF PROFESSIONAL SEALED ANCHORAGE AND SWAY BRACING DETAILS			COMMENTS	
	NOT PROVIDED	PROVIDED	NOT PROVIDED	PROVIDED	ON CONST. DOCUMENTS	SUBSEQUENT SUBMITTAL			
					DRAWING NO. OR SPEC. SECTION	SHOP DRAWINGS	SEPARATE PERMIT & PLANS		
WASTE PIPING VENT PIPING WATER PIPING STORM PIPING	X X X X		X X X X					2A/2B	
WATER HEATER (MORE THAN 400 LBS)	X			X	P201				
WATER HEATER (LESS THAN 400 LBS)	X		X					3	
NOTE: IT IS THE BASIC INTENT OF THIS CODE BLOCK TO DECLARE & SWAY BRACING IS BEING PROVIDED ON THE PROJECT. IF SO, TO DECLARE WHETHER OR NOT THE DETAILS ARE SHOWN ON THE PLANS OR WILL BE SHOWN ON A SUBSEQUENT SUBMISSION. IF SEISMIC RESTRAINT IS NOT REQUIRED BY CODE THIS CAN BE STATED IN COMMENTS.									
NOTE A: SHOP DRAWINGS SHOULD BE SUBMITTED TO THE COUNTY A MINIMUM OF 2 WEEKS PRIOR TO PLANNED INSTALLATION TO ALLOW FOR PLAN REVIEW AND DISTRIBUTION TO INSPECTOR. ADDITIONAL TIME MAY BE NEEDED IF SUCH SUBMISSION ARE DELAYED.									

- SEISMIC NOTES:
- 1 TABLE 500, EXCEPTION $I_p = 1.0$, COMPONENTS DOES NOT WEIGH MORE THAN 400 LBS AND FLEXIBLE CONNECTION ARE PROVIDED.
- 2 TABLE 500, EXCEPTIONS:
- A. THE FOLLOWING SANITARY DRAIN, WASTE AND VENT PIPE: SCHEDULE 40 PVC, 6" OR LESS IN DIAMETER; SCHEDULE 80 PVC, 4" OR LESS IN DIAMETER; SERVICE WEIGHT & NO HUB CAST IRON, 2" OR LESS IN DIAMETER.
- B. THE FOLLOWING STORM DRAIN PIPE: SCHEDULE 80 PVC, 3" OR LESS IN DIAMETER; SERVICE WEIGHT AND NO HUB CAST IRON, NOT APPLICABLE.
- C. THE FOLLOWING WATER PIPE: TYPE L&M COPPER, 2-1/2" OR LESS IN DIAMETER; SCHEDULE 40 & 80 CPVC, 3" OR LESS IN DIAMETER.
- D. FLEXIBLE CONNECTION ARE NOT REQUIRED FOR CONNECTIONS TO APPLIANCES OR PLUMBING FIXTURES THAT ARE MOUNTED TO WALLS OR FLOORS.
- 3 CONTRACTOR SHALL PROVIDE SHOP DRAWINGS TO THE ENGINEER OF RECORD FOR REVIEW AND APPROVAL PRIOR TO SUBMITTAL TO THE PLAN REVIEWER.
- 4 SEISMIC DETAIL ARE ATTACHED TO SET OF DRAWINGS. SEE SHEET P4.
- 5 TYPICAL SEISMIC ANCHORAGE (OR SWAY BRACING) IS PROVIDED ON DRAWINGS FOR REFERENCE ONLY. SHOP DRAWINGS ARE REQUIRED.

KITCHEN EQUIPMENT SCHEDULE		PLUMBING SYMBOLS LEGEND	
ITEM NUMBER	DESCRIPTION	SYMBOL	DESCRIPTION
E22	WALK-IN COOLER	—G—	GAS PIPING
E23	WALK-IN FREEZER	—CD—	CONDENSATE DRAIN PIPING
E30	ICE MACHINE	—C—	COLD WATER PIPING
E100	COFFEE MAKER	—H—	HOT WATER PIPING
P01	WATER CLOSET (RESTROOM)	—S—	SANITARY WASTE PIPING ABOVE GRADE
P02	HAND LAVATORY (RESTROOM WALL MOUNTED)	—SB—	SANITARY WASTE PIPING BELOW GRADE
P03	HAND LAVATORY (WALL MOUNTED)	—FW—	FILTERED WATER PIPING
P04	MOP SINK	—140—	140" WATER PIPING
P06C	WATER HEATER	—GW—	SANITARY VENT PIPING
P10	WATER FILTER (LARGE)	—S—	SANITARY VENT PIPING
P13	SWING-TYPE FAUCET	VTR	VENT THROUGH ROOF
P15	COUNTERSINK FAUCET	—DO—	PLUMBING TRAP
P15A	PREP SINK FAUCET	—D—	PIPE TURNING DOWN
P17	DETERGENT DISPENSER	—O—	PIPE TURNING UP
P18	LAVATORY FAUCET	— —	CHECK VALVE
P20	JANITOR SINK FAUCET	— —	UNION
P24	PRE-RINSE	AFF	ABOVE FINISHED FLOOR
S01	4-COMP SINK	CO	CLEAN OUT
S12	DISPENSING COUNTER - CRATHCO	—P—	PRESSURE REGULATING VALVE (PRV) (50 PSI)
S14	DIPPER WELL/FAUCET	—B—	BALL VALVE
S44	INTEGRAL PREP SINK	—CA—	COMPRESSED AIR
S44A	INTEGRAL HAND SINK W/ SPLASHGUARD	—FW—	FILTERED WATER
S57	ICE BIN - BLENDER STATION	—EW—	ELECTRIC WATER FOUNTAIN
S57A	WET UD TRAY	GCO	GRADE CLEAN OUT
S61A	PRODUCE DISPLAY CUBES W/ DRAIN	—C—	CIRCUIT SETTER BALANCE VALVE
SEE EQUIPMENT PLAN FOR ADDITIONAL INFORMATION		—P—	POINT OF CONNECTION

FORMULA FOR SIZING RESTAURANT GREASE INTERCEPTORS	
INTERIOR IN-FLOOR GREASE INTERCEPTORS	
Length X Width X Depth/231 = Gallons X .75 Fill Factor X Number of Compartments = Size of Grease Interceptor (GPM)	
Discharge from 3-Compartment Sink	
Compartment Dimensions:	
18" X 18" X 15" / 231 = 21 X .75 Fill Factor X 4 Compartments = 64 GPM HOLDING CAPACITY	

PLUMBING FIXTURE SCHEDULE						
MARK	FIXTURE	SAN.	VENT	C.W.	H.W.	REMARKS
GI-1	GREASE TRAP SCHIER PATG 3475	3"	2"	—	—	75 G.P.M. GREASE TRAP 150 LB. CAPACITY GREASE INTERCEPTOR WITH VENTED FLOW CONTROL AND ASSOCIATED PIPING PER CODE REQUIREMENTS.
FS-1	FLOOR SINK ZURN Z1901 CAST IRON, LESS FLANGED WITH 1/2 GRATE.	2"	2"	—	—	—
FD-1	FLOOR DRAIN ZURN F02290 7" NICKEL STRAINER CAST IRON BODY	2"	2"	—	—	PROVIDE WITH TRAP PRIMER CONNECTION
TMV-1	LEONARD MIXING VALVE TM-420A-LF	—	—	3/4"	3/4"	1" OUTLET, DIAL THERMOMETER, RANGE 1 GPM - 15 GPM. PLUMBING CONTRACTOR TO PROVIDE AND INSTALL MECHANICAL MIXING VALVE ON HOT WATER SUPPLY SET FOR 110°F
ET-1	EXPANSION TANK AMTROL ST-12	—	—	3/4"	—	INSTALL PER MANUFACTURER'S GUIDELINES.

WATER HEATER SCHEDULE									
MARK	MFR	MODEL	STORAGE	RECOVERY	RISE	VOLT/PHASE	HEAT INPUT	REMARKS	
GWH-1	RHEEM	HE-55-130	55	188	GPH	100	120/1	130 MBH	—

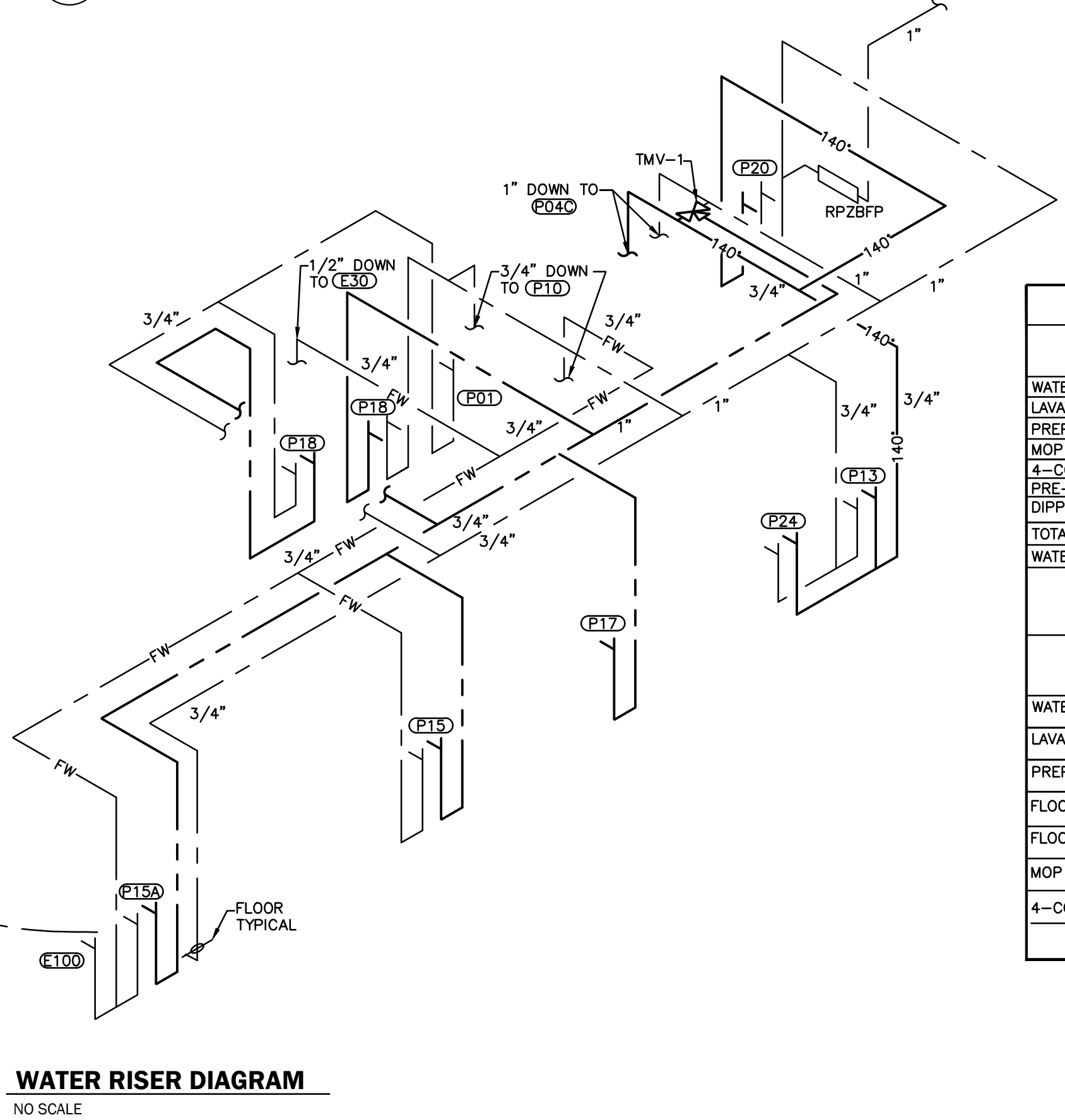
PLUMBING KEYED NOTES

- 1 ROUTE SANITARY WASTE PIPING TO CONNECT TO EXISTING SANITARY WASTE PIPING IN FIELD. VERIFY EXACT SIZE, LOCATION AND INVERT ELEVATION IN FIELD PRIOR TO WORK. CONTACT ENGINEER IMMEDIATELY IF ANY DISCREPANCIES ARE DISCOVERED.
- 2 ROUTE SANITARY VENT PIPING UP THROUGH ROOF. MAINTAIN MINIMUM 10'-0" FROM OUTSIDE AIR INTAKES. VERIFY EXACT LOCATION IN FIELD.
- 3 (NOT SHOWN) SANITARY WASTE PIPING FROM DISPENSING COUNTER TO ROUTE AS HIGH AS POSSIBLE BELOW COUNTER. DISCHARGE INDIRECTLY INTO HUB DRAIN BELOW COUNTER WITH MINIMUM 2" AIR GAP.
- 4 (NOT SHOWN) SANITARY WASTE PIPING FROM DIPPERWELL AND ICE BIN TO ROUTE AS HIGH AS POSSIBLE BELOW COUNTER. DISCHARGE INDIRECTLY INTO FLOOR SINK WITH MINIMUM 2" AIR GAP.
- 5 (NOT SHOWN) SANITARY WASTE PIPING FROM ICE MACHINE TO DISCHARGE INDIRECTLY INTO EXISTING FLOOR DRAIN WITH MINIMUM 2" AIR GAP. ROUTE WASTE PIPES FROM ICE BIN AND CONDENSER SEPARATELY TO FLOOR DRAIN.
- 6 SANITARY VENT PIPING BELOW GRADE.
- 7 CONDENSATE DRAIN PIPING IN FREEZER, PROVIDE TYPE "L" COPPER CONDENSATE DRAIN PIPING WITH 1-1/2" THICK FIBERGLASS INSULATION OVER ELECTRICAL HEAT TRACE (SUPPLIED AND INSTALLED BY ELECTRICAL CONTRACTOR) SEE ELECTRICAL DRAWINGS. PVC CONDENSATE DRAINS INSIDE COOLERS, FROM EVAPORATOR COILS, SLOPE 2% AND HOLD TIGHT TO COOLER WALL. ALL SURFACE MOUNTED PIPING SHALL BE INSTALLED ON 1" SPACER TO ALLOW FOR CLEANING.
- 8 CONDENSATE PIPING FROM EVAPORATOR TO DISCHARGE INTO FLOOR SINK WITH MINIMUM 2" AIR GAP FROM LIP OF BASIN.
- 9 ROUTE COLD WATER PIPING TO CONNECT TO EXISTING WATER SERVICE SERVING SPACE. VERIFY EXACT SIZE, POINT OF CONNECTION AND ROUTING IN FIELD PRIOR TO WORK. COORDINATE WITH WATER COMPANY AND LANDLORD EXACT CONNECTION REQUIREMENTS. CONTACT ENGINEER IMMEDIATELY IF ANY DISCREPANCIES ARE DISCOVERED.
- 10 COLD WATER PIPING DOWN TO WATER FILTER. SEE EQUIPMENT PLANS FOR ADDITIONAL INFORMATION. PROVIDE WATTS 009 REDUCED PRESSURE BACKFLOW PREVENTER PRIOR TO CONNECTION TO EQUIPMENT.
- 11 COLD WATER PIPING BELOW GRADE TO DIPPERWELLS. SEE EQUIPMENT PLAN FOR ADDITIONAL INFORMATION.
- 12 FILTERED COLD WATER PIPING TO ICE MACHINE. PROVIDE WATTS 009 REDUCED PRESSURE ZONE BACKFLOW PREVENTER PRIOR TO CONNECTION TO EQUIPMENT.
- 13 PROVIDE WATTS 009 REDUCED PRESSURE ZONE BACKFLOW PREVENTER ON COLD WATER SERVICE. ROUTE RELIEF PIPING TO DISCHARGE INDIRECTLY INTO MOP SERVICE BASIN. PROVIDE MINIMUM 2" AIR GAP FROM LIP OF BASIN.
- 14 3" PVC EXHAUST VENT FOR WATER HEATER. MAINTAIN MINIMUM 10'-0" FROM OUTSIDE AIR INTAKES. SEE WATER HEATER DETAIL ON DRAWING P201.
- 15 3" PVC INTAKE FOR WATER HEATER. SEE WATER HEATER DETAIL ON DRAWING P201.

TABLE TO CALCULATE WATER FIXTURE UNITS			
PLUMBING FIXTURE	WATER FIXTURE UNITS	NUMBER OF FIXTURES	TOTAL WATER FIXTURE UNITS
WATER CLOSET	2.5	1	2.5
LAVATORY	1	2	2
PREP SINK	2	2	4
MOP SINK	3	1	3
4-COMPARTMENT SINK	3	1	3
PRE-RINSE	3	1	3
DIPPERWELL	2	1	2
TOTAL WATER FIXTURE UNITS FOR ALL FIXTURES			19.5 = 14 GPM
WATER PIPE SIZE			1" WATER SERVICE

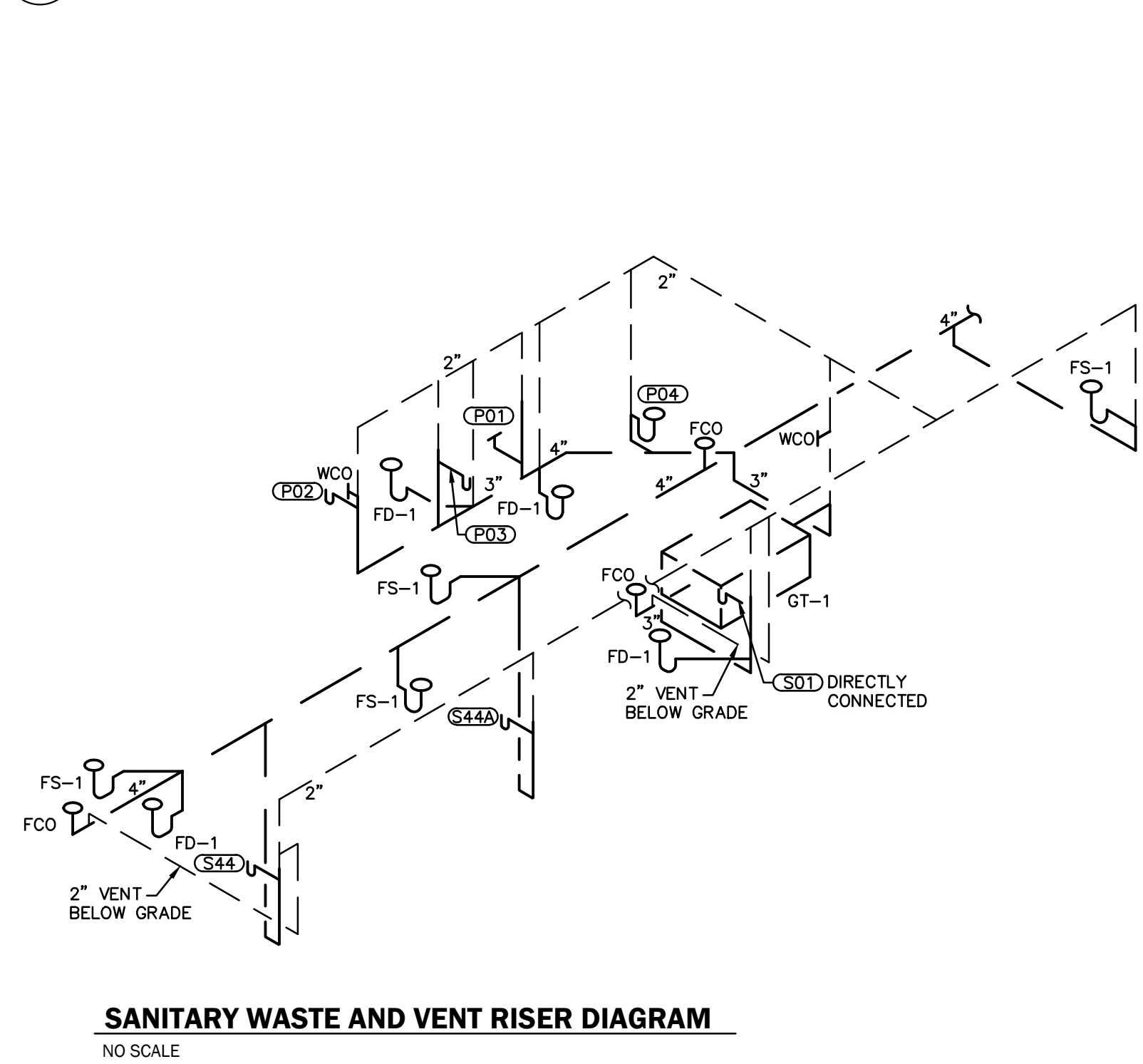
TABLE TO CALCULATE DRAINAGE FIXTURE UNITS			
PLUMBING FIXTURE	DRAINAGE FIXTURE UNITS	NUMBER OF FIXTURES	TOTAL DRAINAGE FIXTURE UNITS
WATER CLOSET	4	1	4
LAVATORY	1	2	1
PREP SINK	3	2	3
FLOOR DRAINS (FD-1)	4	4	16
FLOOR SINKS (FS-1)	4	4	16
MOP SINK	3	1	3
4-COMPARTMENT SINK	4	1	4
TOTAL DRAINAGE UNITS FOR ALL FIXTURES			48 = 4" SANITARY

2 PLUMBING WATER PLAN
P101 1/4" = 1'-0"



WATER RISER DIAGRAM
NO SCALE

1 PLUMBING SANITARY WASTE AND VENT PLAN
P101 1/4" = 1'-0"



SANITARY WASTE AND VENT RISER DIAGRAM
NO SCALE

RKAI

RATAJ-KRUEGER ARCHITECTS, INC.
10777 Sunset Office Dr., Ste. 300, Sunset Hills, MO 63127
(314) 822-4007 www.rkai.net (314) 822-3839 f

STATE OF MISSOURI CERTIFICATE
OF AUTHORITY # A-2013038641

Adifica | case
engineering

St. Louis • Montreal
Adifica Case Engineering
796 Mount Court
St. Louis, MO 63106
CERTIFICATE OF AUTHORITY NO. E-200155319-D

MEP • Structural
T 616.340.1600
F 616.340.1710
adifica.com

Darrell Roy Case,
NUMBER E-23303
I hereby specify, pursuant to RSMo 327.411,
this drawing sheet is authorized by my seal.

JAMBA JUICE WEST OAK SQUARE

11475 OLIVE BLVD
ST. LOUIS MO 63141

MARK	DATE	DESCRIPTION

THIS SHEET IS PART OF A COMPLETE SET. REFER
TO GENERAL NOTES FOR COMPLETE LIST OF
DOCUMENTS. SHEET SIZE 30 X 42

RKAI PROJECT NO.: 13104

ISSUE DATE: 11-26-2013

SHEET NAME:
PLUMBING PLANS

SHEET NO.
P101
© 2013 RKAI

ShowMe Smoothie LLC – 11475 Olive Blvd – Creve Coeur, MO 63141

February 3, 2014

Mr. Barry Glantz, Mayor
City of Creve Coeur
Creve Coeur Government Center
300 North New Ballas Road
Creve Coeur, Missouri 63141

Dear Mr. Glantz,

On behalf of ShowMe Smoothies, the Jamba Juice franchisee for Missouri and Kansas, I respectfully submit our request for a Conditional Use Permit for our new store at 11477 Olive Boulevard, also known as West Oak Square. Furthermore, I respectfully request that our CUP application be read twice at the Creve Coeur City Council Meeting on Monday, February 10, 2014.

Founded in 1990, out of a vision to inspire and simplify healthy living, Jamba Juice is a leading restaurant retailer of better-for-you food and beverage offerings, including great tasting fruit smoothies, fresh squeezed juices, and a variety of baked goods and healthy food offerings.

ShowMe Smoothies is very excited to open our first "traditional" store in the St. Louis area right here in Creve Coeur. We chose Creve Coeur because it is a vibrant and progressive community, home to thriving residential neighborhoods and businesses, superior community amenities and world class research, technology and health centers. We believe that our brand will resonate well with the Creve Coeur demographic.

That said, we are also looking to open other stores in the Greater St. Louis area during 2014. Our hope was to have our Creve Coeur store open in March 2014, with another store opening in April 2014 at BallPark Village near Busch Stadium. Therefore, we ask that our permit request have a First and Second Reading in the same City Council Meeting. We firmly believe that our brand will have no negative impact on surrounding residences and businesses. As we raise awareness of this great brand during 2014, we hope to help Creve Coeur maintain its position as one of the most desirable communities of the Greater St. Louis Area.

Please contact me (contact information below) with any questions regarding this submittal. We look forward to opening Jamba Juice in Creve Coeur!

Sincerely,



Jeffrey N. Evenson
Partner, ShowMe Smoothies LLC
Jeffrey.n.evanson@gmail.com
(314) 221-0305

PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

TUESDAY, FEBRUARY 3, 2014

7:00 P.M.

THOSE IN ATTENDANCE:

Mr. Tim Madden, Chairman
Mr. Michael Barton
Mr. Tim Carney
Mr. James Faron
Mr. Ken Howard
Mr. Charles Pullium
Mr. Carl Lumley, City Attorney
Mr. Paul Langdon, Director of Community Development
Ms. Whitney Kelly, City Planner
Ms. Julie Lowery, Recording Secretary

McLaughlin Court Reporting Services, Inc.

Deborah K. McLaughlin, RPR, MO-CCR #314, IL-CSR, KS-CCR
4772 Gatesbury Drive
St. Louis, MO 63128
(314) 487-2259

1 CHAIRMAN MADDEN: Like to call to order the
2 Planning Zoning Commission Meeting for the City of Creve
3 Coeur, Missouri for Monday, February 3rd, 2014.

4 We'll begin with roll call.

5 Dr. Michael Barton?

6 MR. BARTON: Present.

7 CHAIRMAN MADDEN: Mr. Tim Carney?

8 MR. CARNEY: Present.

9 CHAIRMAN MADDEN: Mr. James Faron?

10 MR. FARON: Present.

11 CHAIRMAN MADDEN: Mr. Ken Howard?

12 MR. HOWARD: Present.

13 CHAIRMAN MADDEN: Mr. Charles Pullium?

14 MR. PULLIUM: Present.

15 CHAIRMAN MADDEN: I don't see Mr. Rovak.

16 Mr. Carl Lumley, our City Attorney?

17 MR. LUMLEY: Present.

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

20 MR. LANGDON: Present.

21 CHAIRMAN MADDEN: Ms. Whitney Kelly, our City
22 Planner?

23 MS. KELLY: Present.

24 CHAIRMAN MADDEN: Ms. Judy Lowery, our Recording
25 Secretary?

1 MS. LOWERY: Present.

2 CHAIRMAN MADDEN: Okay.

3 Okay. We'll go to New Business.

4 It's a public hearing, Application No. 14-002:

5 Approval of a new conditional use permit for -- is it

6 Jamba or Jamba --

7 VOICE: Jamba.

8 CHAIRMAN MADDEN: -- Jamba Juice at 11475 Olive

9 Boulevard within the West Oak Square Shopping Center.

10 This is a public hearing, so anybody that's
11 going to be talking about this, even in the audience, I
12 think we lost most of them, you need to come up and get
13 sworn in. Right over here.

14 (The speakers were sworn in by the court
15 reporter.)

16 CHAIRMAN MADDEN: Whoever's going to go first,
17 please state your name and address.

18 MR. PROSS: My name is Matt Pross. I am with
19 Capital Land Company. And we are really excited to be
20 selected by Jamba Juice as a potential location for a new
21 unit.

22 They're going to be in our West Oak Square
23 Shopping Center.

24 Jeff Evenson is here on behalf of Jamba Juice,
25 and together we're here to answer any questions you have

1 about the property, shopping center or Jamba Juice.

2 So I will turn that over to you all with
3 whatever questions you have.

4 CHAIRMAN MADDEN: Okay.

5 MR. EVENSON: And I'm Jeff Evenson with Showme
6 Smoothies.

7 We are the franchisee and own the development
8 rights to Jamba Juice for Missouri and Kansas.

9 CHAIRMAN MADDEN: Okay. Any questions?

10 MR. BARTON: Is there anything we should know
11 about Jamba Juice?

12 MR. EVENSON: It's far less controversial than
13 the last group that was here. No.

14 Jamba Juice is a smoothie company out of
15 California. There's 800 stores in the country; 400 of
16 those in California, and there are zero -- well, there is
17 one now in the Missouri Kansas territory that we just
18 opened in West County Center.

19 We're looking to open -- we've got a development
20 contract to open fifteen stores in the next ten years in
21 the Missouri and Kansas territory, although we think that
22 St. Louis alone could handle about fifteen by itself.

23 So we're really excited to bring the brand.
24 It's a healthy living brand, fruit and vegetable
25 smoothies, and we're excited to bring the brand and those

1 tax dollars to Creve Coeur.

2 CHAIRMAN MADDEN: Yes, sir.

3 MR. FARON: I lived in Phoenix for about a year
4 and a half, and I frequented your, you know, facility or
5 your business quite a bit, and enjoyed the product and
6 welcome you to Creve Coeur.

7 I'm glad you're, you know, finding us here
8 before everybody else, but -- and the healthy aspect of --
9 of your -- your business and whatnot.

10 I'm surprised it took you this long to get to
11 St. Louis --

12 MR. EVENSON: Yeah, right.

13 MR. FARON: -- and this area, but I do have a
14 question about the outdoor seating.

15 Are you just proposing a couple tables there
16 and --

17 MR. EVENSON: Right.

18 MR. FARON: -- free access between them right
19 into the building and nothing in the pathway, I guess,
20 obviously, between the other tenants?

21 MR. EVENSON: Sure, right. We -- what we've
22 proposed is just a few tables and maybe some signage with
23 the umbrellas. And we'd, certainly, adhere to any of our
24 landlord's requirements from a right-of-way access to the
25 other stores and whatnot in that area.

1 MR. FARON: Are the hours, you know, possibly
2 being considered adjusted at some point down the road? I
3 mean if there's -- you know, sometimes there's a -- a more
4 night crowd maybe possibly, we do have some cream -- ice
5 cream and other restaurants along Olive that might stay
6 open -- are you 9 -- 9 p.m., correct?

7 MR. EVENSON: We would be typically be seven to
8 nine. Again, it's going to -- it's probably going to
9 adjust depending on what the traffic flow is.

10 We find it to be the peaks are really morning
11 and lunch.

12 MR. FARON: Right.

13 MR. EVENSON: And -- and it's not looked at like
14 a Fro Yo type environment where it's a big evening rush --

15 MR. FARON: Right.

16 MR. EVENSON: -- but if it's there, you know,
17 certainly, we want to stay open.

18 MR. FARON: And they're right up on Olive, I
19 know you're a bit back, it might affect that, but
20 proximity to the grocery store, might get some foot
21 traffic to change that.

22 Can I ask, Paul, if you change that, that just
23 comes before you guys to make that change of hours if that
24 happens to be?

25 MR. LANGDON: Yes, sir.

1 MR. FARON: I think that's it for me.

2 Thank you for the --

3 CHAIRMAN MADDEN: Anybody else?

4 Okay. Paul and Whitney, I saw you both get
5 sworn in, so who's going first?

6 MS. KELLY: I can.

7 CHAIRMAN MADDEN: Okay.

8 MS. KELLY: Whitney Kelly, City Planner on
9 behalf of the City of Creve Coeur.

10 As the applicant has indicated, they are taking
11 up an existing tenant space with no changes to the
12 exterior or the site and, therefore, we don't see any
13 problems.

14 We recommend approval.

15 CHAIRMAN MADDEN: Any questions for Whitney?

16 Okay. Paul, you're up to bat.

17 MR. LANGDON: I'm good.

18 CHAIRMAN MADDEN: You're good. Okay.

19 Anybody in the audience? No. Okay.

20 You want to submit your --

21 MR. LUMLEY: I offer the following exhibits into
22 the record of this public hearing: Documentation in
23 possession of the City Clerk reflecting the public notice,
24 the staff's report, City's Code of Ordinances and the
25 Charter, City's Comprehensive Plan, public file regarding

1 this application.

2 (The Public Hearing was closed at 8:34 p.m.)

3

4

5 STATE OF MISSOURI)

6) SS

7 COUNTY OF ST. LOUIS)

8

9 I, Deborah K. McLaughlin, Registered Professional
10 Reporter, Missouri Certified Court Reporter, Illinois
11 Certified Shorthand Reporter and Kansas Certified Court
12 Reporter, do hereby certify that I reported the Planning
13 and Zoning Public Hearing stenographically and later
14 reduced to typewriting; and that this is a true and
15 accurate transcript of the public hearing.

16

17

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

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

20

21

22

23

24

25



city of **CREVE COEUR**

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

February 4, 2014

Mr. Matt Pross
Capitol Land Company
11850 Studt Avenue
St. Louis, MO 63141

Re: Application #14-002: Conditional Use Permit
Jamba Juice – 11475 Olive Boulevard

Mr. Pross:

The Planning and Zoning Commission, at its meeting of February 3rd, 2014, reviewed your request for approval of a conditional use permit for a smoothie bar, Jamba Juice, located at 11475 Olive Boulevard.

By unanimous vote, the Planning Commission recommends approval of the conditional use permit subject to the conditions contained in the draft ordinance (see attached). The first reading of the draft ordinance by the City Council is scheduled for Monday, February 10th, 2014. You or a representative should plan to be in attendance to speak for the request.

If you have any questions, please contact the Planning Division staff (872-2501) as soon as possible. Note that significant changes to the draft ordinance may require that the matter be returned to the Planning and Zoning Commission prior to City Council approval.

Sincerely,

CITY OF CREVE COEUR

Timothy Madden, Chairman
Planning & Zoning Commission

TM:jl

Cc: M.C. Perkins, City Administrator
G. Eidman, Chief of Police
S. Unser, Chief Building Official
J. Evenson, ShowMe West Oak LLC



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, FEBRUARY 3, 2014
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, February 3, 2014, 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. Tim Carney
 Mr. James Faron
 Mr. Ken Howard
 Mr. Charles Pullium

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. NEW BUSINESS

A. PUBLIC HEARING

Application #14-002: Conditional use permit application for a smoothie bar, “Jamba Juice,” at 11475 Olive Boulevard within the West Oak Square Shopping Center

Applicant/Agent: Jeff Evenson
 ShowMe West Oak LLC, Jamba Juice
 4383 Contessi Manor Ct.
 Saint Louis, MO 63128

Property Owner: Capitol Land Company
 11850 Studt Avenue
 St. Louis, MO 63141

Mr. Matt Pross, of Capitol Land Company at 11850 Studt Avenue, said Jamba Juice has chosen to open a location in the West Oak Shopping Center which they own.

Mr. Jeff Evenson, 4383 Contessi Manor Court, said that he is the franchisee and owns the development rights to Jamba Juice. Mr. Evenson said Jamba Juice is a smoothie company out of California with 800 stores in the country. Mr. Evenson said Jamba Juice is a healthy living brand, serving fruit and vegetable smoothies, and are very excited to bring the business to Creve Coeur.

Mr. Faron asked about the outdoor seating. Mr. Evenson said what they proposed is a couple of tables and some signage with umbrellas, but are in full agreement with the ordinances. Mr. Evenson said the operating hours will be from 7am to 9pm.

Ms. Whitney Kelly, City Planner, said the applicant is moving into an existing tenant space with no changes to the exterior of the site, therefore, staff sees no issues with this application.

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. Howard motioned to recommend approval of Application #14-002 for a Conditional Use Permit for a 1,024 square-foot snack and non-alcoholic beverage bar located at 11475 Olive Boulevard, subject to the conditions contained in the draft ordinance attached to the staff report prepared for the meeting of February 3, 2014. Mr. Carney seconded the motion with the resultant vote as follows:

Mr. Carney – aye
Mr. Faron – aye

Mr. Howard – aye
Mr. Pullium – aye

Dr. Barton – aye
Chair - aye

3. **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 9:05 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary

AN ORDINANCE AMENDING SECTION 605.350 OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR REGARDING GARAGE SALES.

WHEREAS, Section 605.350 of the City Code of Ordinances addresses exceptions to garage sale regulations; and

WHEREAS, the City desires to organize and promote “City-wide” garage sale events from time to time, requiring some additional flexibility for the success of such events;

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

Section 1. Section 605.350 of the City Code of Ordinances is hereby revised to read as follows:

SECTION 605.350: PERSONS AND SALES EXCEPTED

The provisions of this Article shall not apply to or affect the following persons or sales:

1. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
2. Persons acting in accordance with their powers and duties as public officials.
3. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed ten (10) in number.
4. Any publisher of a newspaper, magazine or other publication or other communication media who publishes or broadcasts in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of the City's ordinances have not been complied with.
5. Any sale regulated under any other provision of the ordinances of the City. Additionally, permits obtained in connection with participation in any “City-wide” garage sale event organized and promoted by the City shall not count against the limit of two permits per twelve months, and the City may post additional signage regarding such an event.

BILL NO. 5474

ORDINANCE NO. _____

6. Any sale conducted by any licensed merchant or mercantile or other business establishment from or at a place of business wherein such sale is permitted by the zoning regulations of the City or under the protection of the present non-conforming Section thereof or any other sale conducted by a manufacturer or dealer; provided, such sale is conducted from properly zoned premises and is not otherwise prohibited.

7. Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization; provided however, that the burden of establishing the exemption under this Subsection shall be on the organization or institution claiming such exemption. (R.O. 2008 §15-85; Ord. No. 1897 §II, 10-27-97)

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

ADOPTED THIS ____ DAY OF _____, 2014.

DR. SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2014

BARRY GLANTZ, MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



INTEROFFICE MEMORANDUM

Date: January 23, 2014

To: Mark Perkins, City Administrator
From: Kirsten Barnes, Director of Recreation
Subject: City-Wide Garage Sale Proposal

In completing the Strategic Plan in January 2013, a City-Wide Garage Sale was proposed for Year 2 of the plan, or 2014. Below is the proposal from the Parks & Recreation Department as supported by the Parks & Recreation Committee regarding sale guidelines, fees and its relationship to the current ordinance.

Date: **April 26, 2014**

Registration Deadline will be Monday, April 21; all applications submitted after that date will have to go through the regular application process and sale will count toward two-sale limit.

Time: **8 a.m. - 6 p.m. (or any hours within that period)**

Fees: **\$15 per address** includes Application Fee and inclusion in the Garage Sale Guide

(Fees can be distributed between ordinance account and Community Services - Recreation Programs if necessary)

Misc:

- o This sale WILL NOT count toward the two-sale limit included in the ordinance.
- o Ordinance guidelines 3 - 10 will apply to all sales.
- o All applications will be handled through the Recreation Office.
- o Staff will create and publish a guide for the sale that includes each address and a brief sale listing.
- o The guide will be available for sale at Dielmann Recreation Complex for \$2 each, or they can be downloaded from the website at no charge.
- o Sale will be advertised in the City newsletter, on the City website and Facebook page, on the Parks & Recreation Facebook page and on Craigslist.
- o Residents may also advertise individually.

For the current garage sale ordinance visit <http://www.creve-coeur.org/documentcenter/view/1273>



City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, Missouri 63141
(314) 432-6000
www.creve-coeur.org

DATE: February 19, 2014

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance

SUBJECT: Bills Payable

For your information and transmittal to the City Council, is a list of bills payable dated February 19, 2014 in the amount of \$163,674.53.



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

NO DEPT - NO DIV

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01903	P001793	20268-1	23-Jan-14	BRADFORD SYSTEMS CORP.	PRISONER SUPPLY LOCKER, GUN LO	01-00-00-2410	2,647.30
02125		110613	07-Feb-14	BECKEMEIER, RANDY	SEWER LATERAL REPAIR REIMB	02-00-00-1901	5,136.00
00121		924904686	17-Jan-14	CALLAWAY GOLF	SPECIAL ORDER PUTTER	06-00-00-1625	129.00
00084		3888353018	06-Feb-14	COCA-COLA	VENDING SODA-GARAGE	01-00-00-4739	149.76
00066		228148	31-Jan-14	FROESEL OIL	6000 GAL UNLEADED GASOLINE	01-00-00-1651	16,722.66
00189		137	13-Feb-14	MIRIKITANI & ASSOCIATES	LEADERSHIP TRNG FOR 7 SGTS	01-00-00-2411	600.00
00829	P001841	118211A	03-Jan-14	MORPHOTRAK	LIVESCAN MAINT CONTRACT 2/14-1	01-00-00-2410	3,190.68
00092		56381	05-Feb-14	ST LOUIS COUNTY	ST LOUIS CNTY MUNI HSING FEES	01-00-00-2410	540.00
<i>Sum of Invoices</i>							<u>29,115.40</u>



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

LEGISLATIVE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00019	P001738	97989	05-Feb-14	CURTIS, HEINZ, GARRETT & O'KEEFE	LEGAL FEES-CITY ATTORNEY JAN 2013	01-11-12-6201	16,739.60
00019	P001738	100213	02-Oct-13	CURTIS, HEINZ, GARRETT & O'KEEFE	LEGAL FEES-CITY ATTY SEPT 2013	01-11-12-6201	11,222.00
00019		100213.	02-Oct-13	CURTIS, HEINZ, GARRETT & O'KEEFE	CREDIT TO ACCOUNT-CITY ATTY SEPT 2013	01-11-12-6201	-11,222.00
00373		9090	11-Feb-14	EAST WEST GATEWAY COUNCIL OF GOVERNMENT	ANNUAL MTG 11-15-13	01-11-12-6264	15.00
Sum of Invoices							16,754.60



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

Administration

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00005		1671269	07-Feb-14	AMERICAN STAMP	NAME BADGE, ENGRAVED SIGN	01-12-11-7304	32.50
01120		013114	31-Jan-14	ASI	FSA ADMIN FEES-JAN 2014	01-12-11-6203	375.50
00136		1683	06-Feb-14	CHAMBER OF COMMERCE CREVE COEUR/OLIVETTE	BRD OF DIRECTORS MTG 2/6/14	01-12-11-6264	20.00
01447	P001708	9540	04-Feb-14	DIVERSIFIED PRINTING INC	NEWSLETTER-FEB 2014	01-12-11-6203	1,090.00
01997		8316794	31-Jan-14	EQUIFAX INFORMATION SERVICES	CREDIT INFORMATION SERVICE	01-12-11-6202	10.00
00053		125382	03-Feb-14	MERCY CORPORATE HEALTH	D.O.T. TESTING	01-12-11-6271	45.00
00053		125381	03-Feb-14	MERCY CORPORATE HEALTH	D.O.T. TESTING	01-12-11-6271	70.00
00053		119904	17-Jan-14	MERCY CORPORATE HEALTH	RANDOM 2014 MAINT FEE	01-12-11-6271	30.00
00189		020314	03-Feb-14	MIRIKITANI & ASSOCIATES	SERVICES PROVIDED 9/2013-1/14	01-12-11-6203	1,220.00
00304		020414	04-Feb-14	SLACMA	ANNUAL DUES-STOTT	01-12-11-6262	50.00
00304		020314	04-Feb-14	SLACMA	ANNUAL DUES-PERKINS	01-12-11-6262	50.00
01262	P001695	29747	24-Jan-14	SPECIALTY MAILING	NEWSLETTER HANDLING-FEB 2014	01-12-11-6203	225.15
01771		40448402 2/14	03-Feb-14	ST LOUIS POST-DISPATCH	SUBSCRIPTION RENEW 2/13-4/19/1	01-12-11-6262	38.00
01048		9719304335 GF	01-Feb-14	VERIZON WIRELESS	CELL PHONES-JANUARY 2014	01-12-11-6253	51.99
Sum of Invoices							3,308.14



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

IT

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00029		114734	11-Feb-14	BUSCOMM	LIBERTY RECORDING SFTWR AGREE.	01-12-51-6213	288.95
00029	P001837	114760	12-Feb-14	BUSCOMM	ANNUAL LASERFICHE MAINTENANCE	01-12-51-6213	4,970.56
01891	P001832	11407	11-Feb-14	WINNING TECHNOLOGIES, INC.	IT SERVICES-FEBRUARY 2014	01-12-51-6202	6,400.00
01891		11400	10-Feb-14	WINNING TECHNOLOGIES, INC.	POWER SUPPLY FOR PC	01-12-51-6213	84.50
<i>Sum of Invoices</i>							<u>11,744.01</u>



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

FINANCE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01048		9719304335 GF	01-Feb-14	VERIZON WIRELESS	CELL PHONES-JANUARY 2014	01-13-11-6253	51.99
						<i>Sum of Invoices</i>	<i>51.99</i>



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

MUNICIPAL COURT

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00779	P001725	INV00014172	30-Nov-13	AMERICAN TRAFFIC SOLUTIONS	CAMERA FEES-NOVEMBER 2013	01-13-14-6248	28,109.20
00050		INV0033223	15-Jan-14	REJIS	SUBSCRIPTION FEES-JAN 2014	01-13-14-6202	1,896.40
Sum of Invoices							30,005.60



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

INTERDEPARTMENTAL

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
02014		83147	28-Jan-14	CARTRIDGE WORLD	TONER-BLDG DEPARTMENT	01-13-15-7312	312.10
00014	P001719	0215116 2/14	06-Feb-14	CHARTER COMMUNICATIONS	CABLE TV SERVICE AT GARAGE	01-13-15-6255	72.43
00014	P001719	0215132 2/14 CH	06-Feb-14	CHARTER COMMUNICATIONS	CABLE TV SERVICE AT CITY HALL	01-13-15-6255	86.01
00255		302767099991310	30-Jan-14	MISSOURI DIVISION OF EMPLOYMENT SECURITY	UNEMPLOYMENT BENEFITS	01-13-15-5244	1,236.00
00075		3723	23-Dec-13	WUSSLER BUSINESS FORMS	BUSINESS CARDS	01-13-15-7312	110.00
Sum of Invoices							1,816.54



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

COMMUNITY SERVICES

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01169		3220927833.	25-Jan-14	STAPLES ADVANTAGE	NAME BADGE HOLDERS FOR STAFF	01-14-11-7304	5.11
<i>Sum of Invoices</i>							<u>5.11</u>



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

ICE ARENA

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00195		R8684	04-Feb-14	ALARM 24, INC.	QTRLY ALARM MONITORING/SVC	06-14-31-6203	90.00
01550		452-7057932	04-Feb-14	ARAMARK UNIFORM SERVICES	MOP RENTAL (2/4/14)	06-14-31-7301	0.88
01550		452-7083825	11-Feb-14	ARAMARK UNIFORM SERVICES	MOP RENTAL (2/11/14)	06-14-31-7301	0.88
01550		452-7057932	04-Feb-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (2/4/14)	06-14-31-7308	3.96
01550		452-7083825	11-Feb-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (2/11/14)	06-14-31-7308	3.96
00948	P001785	119254	30-Jan-14	C&R MECHANICAL	REPAIR FREON LEAK ON ICE	06-14-31-6211	1,825.00
00084		3888353019.	06-Feb-14	COCA-COLA	SODA FOR BIRTHDAY PARTIES	06-14-31-7304	37.44
00080		7253-184-5	31-Jan-14	DIERBERGS	BIRTHDAY CAKES	06-14-31-7304	43.99
00081		9352018270	29-Jan-14	GRAINGER	FUSE FOR BATTERY CHARGER	06-14-31-6211	14.12
00081		9348486664	24-Jan-14	GRAINGER	SWITCH FOR FLOOR SCRUBBER	06-14-31-6211	7.37
00082		0807569	11-Feb-14	METROLIFT PROPANE	PROPANE FOR ICE RESURFACER	06-14-31-7307	267.30
01025	P001824	56567	22-Jan-14	NATIONAL FIRE SUPPRESSION	REPAIR OF FIRE SUPPRESSION	06-14-31-6212	975.00
01169		3220927833	25-Jan-14	STAPLES ADVANTAGE	NAME BADGE HOLDERS	06-14-31-7304	5.12
00711		332009680	22-Jan-14	TERMINIX	PEST CONTROL SERVICE	06-14-31-6212	35.00
01048		9719304335 EF	01-Feb-14	VERIZON WIRELESS	CELL PHONE-JANUARY 2014	06-14-31-6253	51.99
						Sum of Invoices	3,362.01



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

GOLF MAINTENANCE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00127		01 1112622	06-Feb-14	ERB EQUIPMENT COMPANY	SEAL KIT FOR JOHN DEERE 5200	06-14-32-6211	47.40
00081		9344678470	21-Jan-14	GRAINGER	HYDRAULIC COUPLER	06-14-32-6211	55.50
02084		203562351	05-Feb-14	HELENA CHEMICAL CO.	WEED KILLER	06-14-32-7303	110.00
00117		1414293	28-Jan-14	HOME DEPOT	TOOL CHEST/CABINET	06-14-32-7302	298.00
01084		CD1753402	23-Jan-14	R&R PRODUCTS, INC.	TIRE FOR CUSHMAN	06-14-32-6210	69.27
Sum of Invoices							580.17



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

PRO SHOP

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00195		R8684	04-Feb-14	ALARM 24, INC.	QTRLY ALARM MONITORING/SVC	06-14-33-6203	90.00
00711		332009680	22-Jan-14	TERMINIX	PEST CONTROL SERVICE	06-14-33-6212	35.00
01025	P001824	56567	22-Jan-14	NATIONAL FIRE SUPPRESSION	REPAIR OF FIRE SUPPRESSION	06-14-33-6212	975.00
01169		3220927833	25-Jan-14	STAPLES ADVANTAGE	NAME BADGE HOLDERS	06-14-33-7304	5.12
Sum of Invoices							1,105.12



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

SNACK BAR

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550		452-7057932	04-Feb-14	ARAMARK UNIFORM SERVICES	WIPING TOWELS (2/4/14)	06-14-34-7301	3.58
01550		452-7083825	11-Feb-14	ARAMARK UNIFORM SERVICES	WIPING TOWELS (2/11/14)	06-14-34-7301	3.58
00084	P001843	3888353019	06-Feb-14	COCA-COLA	SODA FOR RESALE (8317)	06-14-34-8317	671.70
01471		92773	27-Jan-14	RL MUELLER NATIONAL DIST., INC.	FOOD FOR RESALE	06-14-34-8315	62.00
01471		92773	27-Jan-14	RL MUELLER NATIONAL DIST., INC.	SNACKS FOR RESALE	06-14-34-8319	87.45
01121		62251	13-Jan-14	TJ'S PIZZA	PIZZA FOR RESALE	06-14-34-8315	67.40
Sum of Invoices							895.71



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

BUILDING MAINTENANCE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550		452-7083824	11-Feb-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (2/11/14)	01-16-11-7308	3.96
01550		452-7057931	04-Feb-14	ARAMARK UNIFORM SERVICES	UNIFORMS	01-16-11-7308	130.02
00164		039707A	05-Feb-14	NEW SYSTEM CARPET & BUILDING CARE LTD.	PAPER PRODUCT	01-16-11-6212	249.50
01779		01091114	04-Feb-14	ST LOUIS COUNTY TREASURER	EQUIPMENT INSPECTIONS	01-16-11-6211	148.00
00087		49459	20-Jan-14	SYSTEMAIRE	HEAT PUMP REPAIRS	01-16-11-6212	2,460.00
01048		9719304335 GF	01-Feb-14	VERIZON WIRELESS	CELL PHONES-JANUARY 2014	01-16-11-6253	32.30
00054		02067609	04-Feb-14	WALTER KNOLL FLORIST	ATRIUM FLORAL MAINT-MAR 2014	01-16-11-6212	80.00
Sum of Invoices							3,103.78



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

POLICE-ADMIN

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
02119		207763	11-Feb-14	DAVE SINCLAIR LINCOLN-MERCURY	CAR 2402 UNHOOK TRUNK LIGHT	01-21-11-6210	105.00
01068		121799	07-Feb-14	DNT	CHIEF'S OFFICE MTHLY MAINT	01-21-11-6213	30.98
00053		125288	03-Feb-14	MERCY CORPORATE HEALTH	PRE-EMPLOY PHYSICAL NEW OFFICR	01-21-11-6271	414.00
00092	P001689	56696	12-Feb-14	ST LOUIS COUNTY	C.A.R.E. CONTRACT-FEB 2014	01-21-11-6202	23.91
01048		9719304335 GF	01-Feb-14	VERIZON WIRELESS	CELL PHONES-JANUARY 2014	01-21-11-6253	84.29
<i>Sum of Invoices</i>							<u>658.18</u>



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

POLICE-INVESTIGATIONS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01228		1432814-20140131	31-Jan-14	LEXISNEXIS	1 PHONE SEARCH & JAN USER FEES	01-21-21-6202	170.50
01048		9719304335 GF	01-Feb-14	VERIZON WIRELESS	CELL PHONES-JANUARY 2014	01-21-21-6253	193.80
Sum of Invoices							364.30



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

POLICE-PATROL

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00681	P001840	SI-100122	05-Feb-14	DATA911	SHIPPING	01-21-22-6210	95.00
00681	P001840	SI-100122	05-Feb-14	DATA911	5 EA M6 COMPUTER DISPLAYS	01-21-22-6210	7,475.00
02119		207668	06-Feb-14	DAVE SINCLAIR LINCOLN-MERCURY	CAR 2406 3000 MILE SERVICE	01-21-22-6210	44.23
02119		207669	06-Feb-14	DAVE SINCLAIR LINCOLN-MERCURY	CAR 2409 REPLACE SWAY BAR LNK	01-21-22-6210	185.00
02119		207681	07-Feb-14	DAVE SINCLAIR LINCOLN-MERCURY	CAR 2413 3000 ML SVS, OTHER	01-21-22-6210	225.26
02119		207742	10-Feb-14	DAVE SINCLAIR LINCOLN-MERCURY	CAR 2410 3000 ML SERVICE	01-21-22-6210	42.95
02119		207680	07-Feb-14	DAVE SINCLAIR LINCOLN-MERCURY	CAR 2424 WIPER MOTOR, BRAKES	01-21-22-6210	553.33
02119		207750	10-Feb-14	DAVE SINCLAIR LINCOLN-MERCURY	CAR 2403 MACHINE FRONT ROTORS	01-21-22-6210	132.91
02119		207788	11-Feb-14	DAVE SINCLAIR LINCOLN-MERCURY	CAR 2404 3000 MILE SERVICE	01-21-22-6210	42.95
00234		402816	31-Jan-14	ED. ROEHR SAFETY PRODUCTS	UNIFORM ITEMS FOR NEPORADNY	01-21-22-5107	277.27
00234	P001807	403370	12-Feb-14	ED. ROEHR SAFETY PRODUCTS	1 ABAIL-SX01 AMERICAN BODY ARM	01-21-22-9503	820.00
00234	P001807	403370	12-Feb-14	ED. ROEHR SAFETY PRODUCTS	ABAIL-SX01 AMERICAN BODY ARMOR	01-21-22-9503	820.00
00234	P001800	403371	12-Feb-14	ED. ROEHR SAFETY PRODUCTS	13 EA BALLISTIC VESTS	01-21-22-9503	10,660.00
00234	P001838	403063	06-Feb-14	ED. ROEHR SAFETY PRODUCTS	1 C21208 CODE 3 DEFENDER LIGHT	01-21-22-9503	1,659.00
00234	P001838	403063	06-Feb-14	ED. ROEHR SAFETY PRODUCTS	3 C21208 CODE 3 DEFENDER	01-21-22-9503	4,977.00
00234	P001838	403063	06-Feb-14	ED. ROEHR SAFETY PRODUCTS	FREIGHT CHARGE	01-21-22-9503	100.00
00125		314664	31-Jan-14	LEON UNIFORM	UNIFORM ITEMS FOR NEPORADNY	01-21-22-5107	410.13
01048		9719304335 GF	01-Feb-14	VERIZON WIRELESS	CELL PHONES-JANUARY 2014	01-21-22-6253	362.38
01931	P001833	4REINV002542	03-Feb-14	WATCH GUARD VIDEO	3 EA WATCH GUARD 4RE MOBILE VI	01-21-22-9503	17,640.00
01931	P001833	4REINV002542	03-Feb-14	WATCH GUARD VIDEO	SHIPPING	01-21-22-9503	75.00
01931	P001833	4BOINV0000052	27-Jan-14	WATCH GUARD VIDEO	WATCH GUARD 4RE MOBILE VI	01-21-22-9503	795.00
Sum of Invoices							47,392.41



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

PUBLIC WORKS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00423		680298 2/14	10-Feb-14	AMERICAN PUBLIC WORKS ASSOCIATION	ANNUAL DUES-WOHLBERG	01-31-11-6262	174.00
01429		8663005	21-Jan-14	FOUR IMPRINT	MENS/WOMENS WORKSHIRTS	01-31-11-7308	164.70
01048		9719304335 GF	01-Feb-14	VERIZON WIRELESS	CELL PHONES-JANUARY 2014	01-31-11-6253	188.27
Sum of Invoices							188.27



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

STREETS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00131		9916388575	31-Jan-14	AIRGAS	WELDING GAS/TANKS	01-31-41-7307	53.02
01550		452-7083822	11-Feb-14	ARAMARK UNIFORM SERVICES	MOP RENTAL (2/11/14)	01-31-41-6212	8.91
01550		452-7057929	04-Feb-14	ARAMARK UNIFORM SERVICES	MOP RENTAL (2/4/14)	01-31-41-6212	8.91
01550		452-7083822	11-Feb-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (2/11/14)	01-31-41-7308	39.47
01550		452-7057929	04-Feb-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (2/4/14)	01-31-41-7308	39.47
00008		4792013	10-Feb-14	BEARING HEADQUARTERS	SALT SPREADER BEARINGS TRK 207	01-31-41-7310	148.38
02006		658684	04-Feb-14	BLUE CHIP	PEST CONTROL SERVICE	01-31-41-7301	26.00
00010		94162	11-Feb-14	BRANNEKY HARDWARE	FLOOR CLEANER	01-31-41-7301	7.98
00010		941159	03-Feb-14	BRANNEKY HARDWARE	DRILL BITS	01-31-41-7302	74.22
00010		941154	02-Feb-14	BRANNEKY HARDWARE	WIRE	01-31-41-7304	8.70
00010		941646	11-Feb-14	BRANNEKY HARDWARE	ITEMS TO REPAIR MAIL BOX	01-31-41-7310	5.43
00010		941444	07-Feb-14	BRANNEKY HARDWARE	HOOKS, SQUARE	01-31-41-7311	47.07
00013		1763-221894	06-Feb-14	CARQUEST AUTO PARTS	BATTERY CABLE LUGS	01-31-41-6210	4.74
00013		1763-221913	06-Feb-14	CARQUEST AUTO PARTS	WINDOW HANDLE CLIPS	01-31-41-6210	3.00
00013		1763-222153	12-Feb-14	CARQUEST AUTO PARTS	DIESEL CLEANER	01-31-41-7301	154.44
00099		1326981	31-Jan-14	CEEKAY SUPPLY	WELDING GAS/TANKS	01-31-41-7307	64.08
00205		SI056802	29-Jan-14	CK POWER	PARTS FOR LEAF VACS	01-31-41-6211	69.41
00205		SVI019568	06-Feb-14	CK POWER	GENERATOR INSPECTION	01-31-41-6212	305.00
01466		140047465	07-Feb-14	CROSS MIDWEST TIRE	TIRE REPAIR-TRK 316	01-31-41-6210	140.75
00080		2605-174-5	21-Jan-14	DIERBERGS	FOOD FOR SNOW PLOW CREWS	01-31-41-7310	142.97
00080		4739-184-5	04-Feb-14	DIERBERGS	FOOD FOR SNOW PLOW CREWS	01-31-41-7310	196.12
00080		1412-126-5	04-Feb-14	DIERBERGS	FOOD FOR SNOW PLOW CREWS	01-31-41-7310	38.27
00127		01 1112621	06-Feb-14	ERB EQUIPMENT COMPANY	FILTERS FOR LOADER & BACKHOE	01-31-41-6211	358.63
00023		373336	04-Feb-14	FRED WEBER	ROCK-ROAD AT WEST LEAF SITE	01-31-41-7305	311.22
00023		373357	05-Feb-14	FRED WEBER	SAND TO MIX WITH ROAD SALT	01-31-41-7310	1,820.00
00081		9351073979	28-Jan-14	GRAINGER	SMALL TOOLS	01-31-41-7302	98.31
00117		7013051	11-Feb-14	HOME DEPOT	ITEMS FOR MAILBOX REPAIR	01-31-41-7310	150.99
01636		0347-000163791	31-Jan-14	JOHNNY ON THE SPOT	RENTAL UNITS FOR 2 SITES	01-31-41-6266	163.00
00789		441275	29-Jan-14	K&K SUPPLY	BLADES FOR NEW CHIPPER	01-31-41-6211	359.52
00789		442113	10-Feb-14	K&K SUPPLY	CHIPPER FILTERS	01-31-41-6211	462.79
00789		441633	03-Feb-14	K&K SUPPLY	JERSEY GLOVES	01-31-41-7308	16.02
01134		3393333	05-Feb-14	KIMBALL MIDWEST	SMALL TOOLS	01-31-41-7302	281.17



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

STREETS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00156		59299	07-Feb-14	L & C TRUCK REPAIR, INC.	BRAKE LINE REPAIR TRK 312	01-31-41-6210	601.61
00156		58215	03-Feb-14	L & C TRUCK REPAIR, INC.	BELT FOR TRUCK	01-31-41-6210	121.59
00156		59154	30-Jan-14	L & C TRUCK REPAIR, INC.	REPAIRS ON TRK 318	01-31-41-6210	128.80
00165	TI-0270582		30-Jan-14	NEWMAN TRAFFIC SIGNS	PARTS FOR STREET SIGNS	01-31-41-7311	270.47
00270		88948-00	04-Feb-14	TERMINAL SUPPLY CO.	BATTERY SHUTOFF SWITCH TRK 312	01-31-41-6210	57.45
00562		SI-10108	03-Feb-14	TRAFFIC CONTROL COMPANY	WRAPS & PINS FOR CURBING	01-31-41-7311	608.64
01048		9719304335 GF	01-Feb-14	VERIZON WIRELESS	CELL PHONES-JANUARY 2014	01-31-41-6253	137.63
<i>Sum of Invoices</i>							<u>7,534.18</u>



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

HEALTH & WELFARE

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01836		89199	07-Feb-14	CRITTER CONTROL	DEAD DEER REMOVAL	01-31-42-6214	450.00
01048		9719304335 GF	01-Feb-14	VERIZON WIRELESS	CELL PHONES-JANUARY 2014	01-31-42-6253	32.30
						<i>Sum of Invoices</i>	<i>482.30</i>



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

PARKS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550		452-7083822	11-Feb-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (2/11/14)	01-31-43-7308	39.47
01550		452-7057929	04-Feb-14	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (2/4/14)	01-31-43-7308	39.47
02006		658684	04-Feb-14	BLUE CHIP	PEST CONTROL SERVICE	01-31-43-7301	26.00
00010		941119	31-Jan-14	BRANNEKY HARDWARE	GLUE	01-31-43-6212	8.98
00128		S3334819.001	22-Jan-14	FROST ELECTRIC	LIGHT BULBS-MILLENNIUM PARK	01-31-43-6212	116.83
00789		441633	03-Feb-14	K&K SUPPLY	JERSEY GLOVES	01-31-43-7308	16.02
00270		87252-00	28-Jan-14	TERMINAL SUPPLY CO.	WATER SEALED TRAILER PLUGS	01-31-43-6211	73.47
01048		9719304335 GF	01-Feb-14	VERIZON WIRELESS	CELL PHONES-JANUARY 2014	01-31-43-6253	37.65
Sum of Invoices							357.89



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

COMMUNITY DEVELOPMENT - PLANNING

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00369		125688-13113	05-Feb-14	AMERICAN PLANNING ASSOCIATION	ANNUAL DUES-KELLY	01-32-11-6262	360.00
01429		8663005	21-Jan-14	FOUR IMPRINT	MENS/WOMENS WORKSHIRTS	01-32-11-7304	186.43
00213		020514-1	05-Feb-14	MCLAUGHLIN COURT REPORTING SERVICES, INC	CRT RPTR-P&Z PUB HRG 2/3/14	01-32-11-6202	102.00
00303		10487271	28-Jan-14	MISSOURI LAWYERS MEDIA	PUB HRG NOTICE FOR P&Z	01-32-11-6260	46.40
00112		43118	31-Jan-14	MPS	SIGN INSPECTION REQUEST FORMS	01-32-11-7304	65.00
01048		9719304335 GF	01-Feb-14	VERIZON WIRELESS	CELL PHONES-JANUARY 2014	01-32-11-6253	149.17
Sum of Invoices							909.00



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

COMMUNITY DEVELOPMENT - BUILDING

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01429		8664235	21-Jan-14	FOUR IMPRINT	SHIRTS FOR BUILDING DIVISION	01-32-61-7308	526.80
00112		43118	31-Jan-14	MPS	BLDG/OCCUPANCY PERMIT FORMS	01-32-61-7304	69.00
01048		9719304335 GF	01-Feb-14	VERIZON WIRELESS	CELL PHONES-JANUARY 2014	01-32-61-6253	203.80
						<i>Sum of Invoices</i>	<i>799.60</i>



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

2/19/2014

CAPITAL IMPROVEMENTS

Vendor Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00496	P001845	3140341	13-Dec-13	O J LAUGHLIN PLUMBING COMPANY INC	2 BASCO 200-9.36" PIVOT SHOWER	02-61-71-9501-14104	1,249.00
02103	P001823	01433	31-Dec-13	BOND ARCHITECTS	SPACE ANALYSIS-CITY HALL	02-61-71-9501-14104	1,502.11
01934		FINAL PAY-LADUE	29-Jan-13	AMCON MUNICIPAL CONCRETE LLC	LADUE RD. SIDEWALK IMP.	02-61-71-9510-13605	389.11
Sum of Invoices							3,140.22
TOTAL OF ALL INVOICES							163,674.53

AN ORDINANCE AMENDING SECTION 405.470, CONDITIONAL USES, OF THE CREVE COEUR ZONING ORDINANCE TO ALLOW FOR DRIVE-THRU RESTAURANTS ON SITES OF TWO OR MORE ACRES WITH CERTAIN REQUIREMENTS, AND TO CORRECT A CLERICAL ERROR.

WHEREAS, an application by Panera Bread Co. was submitted for an amendment to Section 405.470(14) Conditional Uses, of the Creve Coeur Zoning Ordinance to allow for drive-thru restaurant services on sites of at least two acres but less than three acres; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, December 16, 2013, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a 3-3 vote recommended against approval of said application at its meeting on Monday, January 6, 2014; and,

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

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

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

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

SECTION 1: Section 405.470(8) shall be amended as follows:

SECTION 405.470: CONDITIONAL USES

8. All drive-through and drive-in sales of goods or services including freestanding drive-in banking facilities (not including restaurants) (CC-442100) (conditional use in the "PC", "GC" and "CB" districts).
 - a. Shall provide space for at least three (3) cars per drive-up window or station.
 - b. Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties.
 - c. Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists entering, exiting or passing by the site.
 - d. ~~Drive-thru service for restaurants may be located only on sites of not less than three (3) acres.~~

SECTION 2: Section 405.470(14) shall be amended as follows:

SECTION 405.470: CONDITIONAL USES

14. Food services and drinking places--(NAICS 722). Shall be located on sites of not less than two (2) acres with the following exceptions and conditions:
- a. The acreage requirement does not apply to restaurants without drive-thru or drive-up services within the "GC" District;
 - b. The acreage requirement does not apply to restaurants without drive-thru or drive-up services in the "CB", "PO", "PC" and "LI" Districts that are located within a retail or office building, provided that such restaurants do not collectively occupy more than forty percent (40%) of the building square footage; and
 - c. Drive-thru or drive-up services shall only be on sites of two or more acres in all zoning districts:
 - (1) Shall provide space for at least three (3) cars per drive-up window or station.
 - (2) Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties.
 - (3) Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site.
 - (4) Drive-thru services for restaurants may be located only on sites of not less than three (3) acres, except that such services may be located on sites of at least two (2) acres (but less than three (3) acres) provided that:
 - (a) Only one window or station may be located on any one qualifying site under these provisions and said window or station may serve only one vehicle lane.
 - (b) Drive-up windows or stations may not be shared by restaurants permitted under separate conditional use permits.
 - (c) Such use shall be within a building of at least two (2) stories in height and designed for use by office or residential tenants in addition to the restaurant and other retail uses, with a continuous structure frontage of at least two hundred feet (200').
 - (d) The square footage of the restaurant must exceed four thousand five hundred (4,500) square feet.
 - (e) An opaque masonry barrier, earth berm or heavy landscaping, as determined by the Commission taking into consideration topography, site lines and other relevant circumstances, for noise and sight abatement shall be located and maintained between that drive-thru facilities and any adjacent residentially zoned properties.
 - (f) No access shall be permitted from the property to any minor residential or minor subdivision streets.
 - d. *In the "MX" District*:
 - (1) Restaurants cannot be located on sites that adjoin or abut property within an "A", "B", "C" or "D" Single-Family Residential District or that adjoin or abut property within an "AR" Attached Single-Family Residential District used for attached single-family dwellings including town homes or duplexes but excluding multi-family dwellings;
 - (2) Shall be located on sites of not less than two (2.0) acres;
 - (3) Shall be located on the ground floor of the structure;
 - (4) Shall not occupy more than forty percent (40%) of the approved building square footage for the building footprint and a single eating and drinking establishment shall not exceed three thousand five hundred (3,500) square feet in size;
 - (5) Shall have a minimum of sixteen (16) seats for dining; and

AMENDED BILL NO. 5469

ORDINANCE NO. _____

- (6) Shall not provide drive-thru or drive-up services to patrons. *"Drive-thru"* and *"drive-up"* shall mean service to on-premises patrons who do not enter the restaurant/patio area, but rather receive service through a drive-up window and/or receive food service in their automobiles.

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

ADOPTED THIS 10th DAY OF February, 2014.

SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS 10th DAY OF February, 2014.

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

MEMORANDUM TO THE PLANNING & ZONING COMMISSION

Meeting Date: January 6, 2014

Subject: Text Amendment to allow drive-thru restaurants on sites of two or more acres with certain requirements

Memo Prepared by: Whitney Kelly, AICP, City Planner

Attachments: Revised Draft Ordinance for to allow drive-thru restaurants on certain sites of two to three acres
Draft Ordinance allow drive-thru restaurants on sites of two or more acres
Public Comment

REVISED DRAFT ORDINANCE

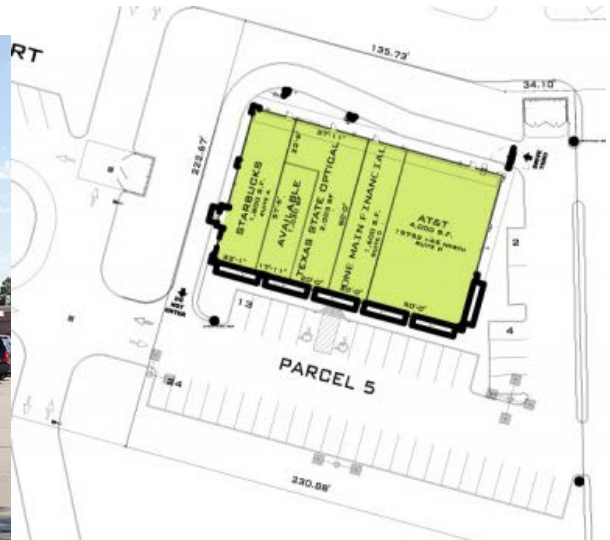
At the prior Planning and Zoning Commission Meeting, the Commission members asked that Staff prepare a draft ordinance that was as proposed by the applicant for those properties of between two and three acres, and where the proposed restrictions would not apply to drive-thru services on site of three or more acres. The attached ordinance includes the following changes:

SECTION 405.470: CONDITIONAL USES

14. Food services and drinking places--(NAICS 722). Shall be located on sites of not less than two (2) acres with the following exceptions and conditions:
 - (4) Drive-thru services for restaurants may be located only on sites of not less than three (3) acres, except that such services may be located on sites of at least two (2) acres (but less than three (3) acres) provided that:
 - (a) Such use shall be within a building of at least two (2) stories in height and designed for use by office or residential tenants in addition to the restaurant and other retail uses, with a continuous structure frontage of at least two hundred feet (200').
 - (b) The square footage of the restaurant must exceed four thousand five hundred (4,500) square feet.
 - (c) An opaque masonry barrier, earth berm or heavy landscaping, as determined by the Commission taking into consideration topography, site lines and other relevant circumstances, for noise and sight abatement shall be located and maintained between that drive-thru facilities and any adjacent residentially zoned properties.
 - (d) No access shall be permitted from the property to any minor residential or minor subdivision streets.

Staff again raises the concern that the proposed amendment is so limiting that it would only allow for a drive-thru on one particular site and, thus, would not be in the “public” interest; it would only be in one property owner’s interest. Particularly, Staff finds no reason to limit the restaurant square footage to 4,500 sq. ft. With the requirement that any drive-thru service become part of a larger building, the proposed requirement of a minimum size for the restaurant, would seem unnecessary. The current Starbucks square footage is just over 2,500 sq. ft. (2,535 sq. ft.). As shown in the images below from a simple Google search, they are able to locate within a multi-tenant building. If a smaller restaurant is

integrated into a multi-tenant building that can meet with all of the other requirements, then it would seem that a minimum restaurant square footage would seem unnecessary. Nonetheless, if the Commission wishes to further limit possible uses of this general provision, staff suggests that 2,500 sq. ft. is a more reasonable minimum size.



MOTION

If the Commission members wish to proceed with an action on the proposed text amendment, the following is an example of an appropriate motion for this application:

“I move to recommend approval of Application #13-045, for the text amendment to allow drive-thru restaurants on certain sites of two to three acres subject to the conditions contained in the draft ordinance prepared for the meeting of January 6, 2013.” (Conditions may be added, eliminated, or modified by preceding motion.)”

If the Commission members wish to proceed with an action on the proposed text amendment with the staff recommendation that all of the condition be applied to all drive-thru restaurants for two or more acres as discussed in the Staff Report for the December 16th meeting, the following is an example of an appropriate motion for this application:

“I move to recommend approval of Application #13-045, for the text amendment to allow drive-thru restaurants on sites of two or more acres subject to the conditions contained in the draft ordinance prepared for the meeting of December 16, 2013.” (Conditions may be added, eliminated, or modified by preceding motion.)”

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Chamber Of Commerce

January 22, 2014

Barry L. Glantz, Mayor
Members of City Council
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, Missouri 63141

RE: Proposed Text Amendment Allowing Drive Throughs for Restaurant Uses on Sites of at Least 2 Acres but Less than 3 Acres

Dear Mayor Glantz and Members of the City Council:

The Creve Coeur-Olivette Chamber of Commerce (the "CCOC") supports the passage of the above-captioned text amendment. The CCOC understands and agrees that the conditions and restrictions attached to the proposed text amendment (such as square footage requirements, frontage requirements and integration with existing buildings or developments) establish meaningful and appropriate limitations upon drive through applications for these sized sites. At the same time, the text amendment provides flexibility for deserving sites to permit drive throughs for quality restaurants to better serve our residential and business communities and keep our City as an attractive location for business establishment and expansion. Drive throughs for appropriate restaurant uses are important to the continued financial success of our community.

As a business-friendly community, the CCOC would be concerned about excessive restraint on all drive throughs which would discourage commercial development and relocations to our City. From a brief discussion by our board, it appears that some employees of our constituent companies regularly travel outside of our City to patronize restaurant establishments with drive throughs due to very few existing drive through restaurants in the City. We would hope the City would develop standards to allow such uses on appropriate sites with appropriate restrictions consistent with our City's standards and, at the same time, allow this important amenity to be available to serve the greater community needs.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ryan M. Schratz".

Ryan Schratz
2014 President

cc: Panera Bread



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, JANUARY 6, 2014
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, January 6, 2014, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

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

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

2. UNFINISHED BUSINESS

A. Application #13-045: Text amendment to allow for drive-thru restaurant services on sites of less than three acres.

Applicant/Agent: Panera Bread Co.
3630 South Geyer Road, Suite 100
St. Louis, MO 63127

Representative: Stephen L. Kling, Jr.
Jenkins & Kling, P.C.
150 North Meramec Avenue, Suite 400
St. Louis, MO 63105

Mr. Stephen Kling, Jr., 150 N. Meramec Avenue, said they left from the last meeting with items to address and that is what they are prepared to do. Mr. Kling introduced people who were also going to speak: Mr. Jim Tusing with Panera Bread and Mr. David Hutkin with Hutkin Development. Mr. Kling went over the items and topics that were going to be discussed, which included the meeting with the residents, also the importance of maintaining the viability of the Ballas Road commercial corridor, in addition to questions that came up about need for the drive-thru, Graeser Road resident concerns, a concern that the need is just for this property, and some general comments.

Mr. David Hutkin, 10829 Olive Boulevard, Suite 200, said they met with the residents and discussed existing operations and impacts of a drive-thru. Mr. Hutkin said noise and trash, in current conditions, were discussed and are in process of being taken care of, as Panera management was also in attendance and not pleased to hear about this being such a problem.

As for cars wandering into the Balmoral subdivision, there is not much they can do, Mr. Hutkin said, but are willing to work with neighbors to present ideas to the city staff. There was concern voiced about possible noise emanating from a speaker box in the drive-thru, and Mr. Hutkin said there is sound mitigation techniques on the speaker box and are committed to using. Mr. Hutkin said as part of any conditional use permit process, they would be subject to a noise study at their expense. Mr. Hutkin said the study would identify any noise mitigation techniques that would reduce the sound of anything coming out of the speaker box in the drive-thru. Mr. Hutkin also said there are physical things that can be done as well, and explained that an opaque masonry wall can be erected, wood fencing, or landscaping can be placed in front of a fence to help deaden the sounds. Mr. Hutkin explained that the property owners and applicant understand that there can be no negative impact created as a result of a drive-thru. Mr. Hutkin said, should the text amendment pass and they are fortunate enough to come before the Commission with a conditional use permit; they would be in a position to improve the current conditions of the site and continue the commercial viability on Ballas Road.

Mr. Kling said there is a need for this drive-thru because there are large facilities in the area that would use this. Mr. Kling said they proposed a square footage limitation because the size of the development is very different from “fast-food”, so with a larger square footage it is limiting the potential clients in this market. Mr. Kling also said, Hutkin Development Company did take a look around the city and found at least 10-12 other properties that would meet the criteria under this proposed text amendment. This text amendment would provide a walkable element that the Comprehensive Plan suggests for the Town Center, Mr. Kling stated.

Chair Madden asked if they could have two windows instead of a speaker box. Mr. Jim Tusing, 671 Bluffs View Court, said they can talk with their design team and see what they can incorporate, however they want to do everything they can to not have the speaker blaring into the residential area. Mr. Tusing also said they are adjusting timeframes of deliveries and trash pick-up and looking into what can be done to accommodate the residents.

Mr. Hutkin said there is no reason the trash cannot be picked up at a later time. Mr. Hutkin also said he is aware the neighbors are against this proposal until they see a site plan, but procedure is the text amendment first. However, they would work with the neighbors on the site plan aspect if the text amendment is passed.

Mr. Jack Trout, 11955 Randy Drive, said he is opposed to the text amendment. Mr. Trout was concerned with the amount of parking that was going to be lost. Mr. Trout stated nobody he spoke with in his neighborhood is in favor of this proposal.

Mr. Joe Flaherty 11921 Rocky Drive, said he is opposed to Ballas Road being a commercial corridor. Mr. Flaherty said he is opposed to the proposal and wants protection from business done at Balmoral Plaza. Mr. Flaherty said the residents do not benefit from a drive-thru.

Mr. Langdon said the process at hand is to discuss a text amendment. Mr. Langdon said the reason why these discussions are focused around the Comprehensive Plan and the character of the city is so the decision on a text amendment does not become a referendum on a project. Mr. Langdon said this is potentially about establishing a new direction for the city in regards to drive-thru restaurants and even if it did get done they would face the full examination and

consequences of the conditional use permit process. Mr. Langdon stated if the Commission has changes they want to make, they need to be clear and specific.

Mr. Pullium asked about the Zoning Code and wanted to know how the public welfare is not served by the current zoning. Mr. Langdon said it is fair to say that there is probably no harm in the current zoning and that it is difficult to get a drive-thru restaurant. Mr. Langdon said the concern now being faced is that what was thought to be zoning that protects the community is soon not going to offer any protection at all because several three-acre sites are being assembled. Mr. Langdon said this question opens the door to solutions that may address other issues that will be faced in the near future. Mr. Langdon said while today the zoning is serving the community's interest, in a year from now the opinion will be completely different, because it does not offer any real protection. Mr. Langdon said he personally thinks a drive-thru can be integrated into a center without harming adjacent properties, not that it means any center, but it is possible and to not allow it based on arbitrary lot size does not accomplish anything.

Mr. Faron asked if there was an option to continue this discussion and look at refining the conditions or find a better solution for drive-thru restaurants, should it be considered to keep them within the city. Mr. Langdon said the decision could be delayed if they wanted more time.

Mr. Howard said he supports the Comprehensive Plan and this application does not support what the Comprehensive Plan promotes.

Mr. Kling said they asked that their application not be brought into the bigger scope of drive-thru restaurants all over the city and that their application was just for sites between two and three acres.

Mr. Carl Lumley, City Attorney, said there is an obligation to vote on what the applicant submitted and applied for. Mr. Lumley also pointed out that the current ordinance has to have three acres, have the space for at least 3 cars per drive-up window, also landscaping screening, and you cannot have any interference with site circulation. The application is saying reduce the acreage to two and for the slot of two to three acres there will be additional restrictions. Mr. Lumley said staff has taken it a different direction, which should be set aside for the moment, and just make a decision on the application.

Mr. Faron motioned to recommend approval of Application #13-045, for the text amendment to allow drive-thru restaurants on certain sites of two to three acres subject to the conditions contained in the draft ordinance prepared for the meeting of January 6, 2014. Chair called for a vote, with the resultant vote as follows:

Mr. Pullium – nay
Mr. Howard – nay

Mr. Rovak – aye
Mr. Carney – aye

Mr. Faron – nay
Chair - aye

3. **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 10:02 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, DECEMBER 16, 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, December 16, 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. Tim Carney
 Mr. James Faron
 Mr. Gene Rovak

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

2. NEW BUSINESS

A. PUBLIC HEARING

Application #13-045: Text amendment to allow for drive-thru restaurant services on sites of less than 3 acres.

Applicant: Panera Bread Co.
 3630 South Geyer Road, Suite 100
 St. Louis, MO 63127

Representative: Stephen L. Kling, Jr.
 Jenkins & Kling, P.C.
 150 North Meramec Avenue, Suite 400
 St. Louis, MO 63105

Mr. Stephen Kling, 150 North Meramec, said the application is asking to allow drive-thru restaurants on sites 3 acres or less. Mr. Kling explained the draft ordinance that staff prepared goes considerably beyond what the applicant requested, and applies to all properties not just those of 3 acres or less, but any size acreage. Mr. Kling said he does not feel that is appropriate to be joined on to this proceeding, and if the City wants to look at the requirements for 3 acres or more it should be separate.

Mr. Paul Langdon, Director of Community Development, said Mr. Kling is correct; staff did take the effort substantially beyond the initial application. Mr. Langdon said the concept seemed to have merit beyond 2-3 acres, but it is Panera's application and if the Commission wishes to pull it back and only consider what has been applied for, they should do that.

Mr. Rovak asked why it was being considered as a text amendment instead of a variance, being the application is so site specific. City Attorney, Carl Lumley, said he did not believe they would qualify for a hardship to add a drive-thru restaurant, but that the criteria can be applied to other properties.

Mr. Kling said Panera believes there is a need for a drive-thru to service the area, provided there are appropriate restrictions. Mr. Kling said there are 4 specific criteria that should be included in the proposed ordinance change. Mr. Kling said the first is the building must be at least two-stories in height and be designed for and used by a mix of at least two types of retail office and residential tenants with a continuous structure frontage of at least 200 feet. Second criteria, Mr. Kling said, is that the square footage for any individual food service or drinking establishment must exceed 4,500 square feet. Mr. Kling explained the 4,500 square feet was determined by Panera's experience with other municipalities. The third criteria, Mr. Kling explained, is no access shall be permitted to any minor subdivision streets, due to concerns from nearby residences they feel this is an appropriate requirement. Lastly, Mr. Kling said an opaque masonry barrier, earth berm, or heavy landscaping, which ever the Commission decides, should be located to block sight and noise issues along any residential zoned properties. Mr. Kling said he believes this text amendment promotes the goals of the Comprehensive Plan and it would not be a detriment to other properties and residents.

Mr. Henry Clouse, 626 Graeser Road, said the only thing that keeps drive-thru restaurants in check is the 3 acre lots they sit on. Mr. Clouse said these restaurant areas are kept clean but it is the people who live on side streets who get the litter and trash. Mr. Clouse is concerned with the traffic, noise, and trash.

Mr. Robert Kent, 13084 Ferntrails Lane, asked how many other sites meet this requirement, how does traffic compare with this type of site with banks, what is the drive-thru bank acreage requirement and is it the same as restaurants?

Ms. Linda Rezny, 104 Graeser Acres, said she would like to see what was leaving the 3-acre requirement, since without that Chick-fil-a, with 200 ft building, could have been put on my corner and another drive thru could go on the other side of the street. Ms. Rezny believes this drive-thru is not needed as there already places to eat. Ms. Rezny asked what kind of a city does the Commission want Creve Coeur to be, just someplace that somebody passes through on their way to doing something else or a place that they would actually like to live?

Mr. Joe Flattery, 11921 Rocky Drive, said he lives right behind the Panera. Mr. Flattery said there is not enough signage telling people where to go into Panera. Mr. Flattery said there are 35-55 cars a day that pull into Balmoral subdivision and pull into his driveway or the driveway across the street to turn around. Mr. Flattery expressed concerns he has with safety, noise, and trash.

Mr. Harry Eggleston, 11920 Rocky Drive, said he lives right behind Panera as well. Mr. Eggleston agrees with Mr. Flattery and also said he has concerns with smells coming from the restaurant. Mr. Eggleston said he would like to see projections on how many people they expect to see through the drive-thru and peak times. Mr. Eggleston does not believe this site is large enough for a drive-thru.

Mr. Scott Sanders, 508 Randy Drive, said there is no need to add a drive-thru to this store. Mr. Sanders said if there is an additional market that Panera wants to capture they should buy another piece of property and open a store elsewhere.

Mr. Langdon said the thing that makes Creve Coeur distinctive is that there is only one fast food drive-thru in a thriving commercial area, and said the 3 acre requirement is largely responsible for that. Mr. Langdon explained how the 3 acre lot requirement works and also explained the way the ordinance reads. Mr. Langdon showed a concept plan and showed examples of where drive-thru restaurants would work. Mr. Langdon said the 3 acre requirement does not insulate from drive-thru restaurants. Mr. Langdon said if the city is not comfortable with drive-thru restaurants then there should be a text amendment put in place to not allow them. Lastly, Mr. Langdon addressed banks and their volume. Mr. Langdon said bank volumes are different because they experience a lot of traffic over the course of the day. Mr. Langdon said the intensity of the peak times is what changes. In conclusion, Mr. Langdon said the draft ordinance that was put forth versus what the applicant is seeking is more restrictive. Mr. Langdon said the applicant still owns the process and they are the ones that requested this, so if the Commission wants to forge ahead in a direction that they are not comfortable with, the applicant can withdraw. The Commission can also move forward with this application, with limitations.

Chair Madden asked what other sites this text amendment applies to, and Mr. Langdon said as they sit today, none, but redevelopment makes anything possible.

Mr. Langdon asked Mr. Kling to address the comments about this being a compelling need. Mr. Kling said the area has a submarket and these people already come to Panera, but now they could come and drive-thru making it beneficial for them and the applicant.

Mr. Jim Tusing, 671 Bluffs View Court, said currently this location does about 50% café dine-in business and 50% carry-out business. Mr. Tusing said typically they see at least 25% of that business switch to drive-thru and an additional 10% in sales. Mr. Tusing said it is an increase, but it is during standard peak times. Mr. Tusing said Panera would be more than willing to meet with the community and the neighbors around them to come up with solutions to their concerns and issues.

Mr. David Hutkin, 10829 Olive Boulevard, said they neglected to say they are not looking to negatively impact their residential neighbors. Mr. Hutkin said they are willing to conduct a noise study and look at delivery time schedules. Mr. Hutkin said it may seem counterintuitive, but drive-thru restaurants do free up parking lot space. Mr. Hutkin said they want to work with the Commission and Council to reach their goal.

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. Lumley said if there is any inclination to limit the initial consideration, he urges the Commission to continue the matter and let them present an ordinance with some of their refinements but is more focused in that regard. Mr. Lumley said if they wanted staff to pursue a larger picture than they could do that as indicated.

Mr. Rovak motioned to continue Application #13-045, to the meeting of January 6, 2014 to allow staff time to draft the ordinance with 2-3 acre scope. Mr. Carney seconded the motion with the resultant vote as follows:

Dr. Barton – aye
Mr. Rovak – aye

Mr. Carney – aye
Chair - aye

Mr. Faron – aye

3. **ADJOURNMENT**

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 8:34 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary

PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

MONDAY, DECEMBER 16, 2013

7:00 P.M.

THOSE IN ATTENDANCE:

Mr. Tim Madden, Chairman

Mr. Michael Barton

Mr. Tim Carney

Mr. James Faron

Mr. Gene Rovak

Mr. Carl Lumley, City Attorney

Mr. Paul Langdon, Director of Community Development

Ms. Whitney Kelly, City Planner

Ms. Julie Lowery, Recording Secretary

McLaughlin Court Reporting Services, Inc.

Deborah K. McLaughlin, RPR, MO-CCR #314, IL-CSR, KS-CCR
4772 Gatesbury Drive
St. Louis, MO 63128
(314) 487-2259

1 CHAIRMAN MADDEN: Good evening.

2 I'd like to call to order the Planning Zoning
3 Commission for the City of Creve Coeur, Missouri for
4 Monday, December 16th, 2013.

5 We'll start with roll.

6 Dr. Barton?

7 MR. BARTON: Present.

8 CHAIRMAN MADDEN: Mr. Carney?

9 MR. CARNEY: Present.

10 CHAIRMAN MADDEN: Mr. Faron?

11 MR. FARON: Present.

12 CHAIRMAN MADDEN: I don't see Mr. Howard.

13 I don't see Mr. Pullium.

14 Mr. Rovak?

15 MR. ROVAK: Present.

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

17 MR. LUMLEY: Present.

18 CHAIRMAN MADDEN: Paul Langdon, our Director of
19 Community Development?

20 MR. LANGDON: Present.

21 CHAIRMAN MADDEN: Whitney Kelly, our City
22 Planner?

23 MS. KELLY: Present.

24 CHAIRMAN MADDEN: And, Julie Lowery, our
25 Recording Secretary?

1 MS. LOWERY: Present.

2 CHAIRMAN MADDEN: So we'll move to new business.

3 It's a public hearing. Application No. 13-045:
4 Text amendment to allow for drive-thru restaurant services
5 on sites of less than 3 acres.

6 Anybody that's going to be coming up to speak,
7 involved in this or whatever, please come up and be sworn
8 in.

9 VOICE IN AUDIENCE: Speak in favor of?

10 CHAIRMAN MADDEN: Speaking for or against, and
11 whether you're involved with it or you're just a citizen,
12 please come up and be sworn in or -- so you can speak
13 later.

14 (The speakers were sworn in by the court
15 reporter.)

16 CHAIRMAN MADDEN: And, Mr. Kling, you're on.

17 MR. KLING: Thank you.

18 I think Mr. Langdon wants to make a preliminary
19 comment.

20 You want me to go ahead? All right.

21 Good evening. For the record, my name is
22 Stephen L. Kling, Jr, and I'm an attorney with Jenkins &
23 Kling, P.C. with offices at 150 North Meramec Avenue,
24 Clayton, Missouri 63105.

25 And I'm here tonight representing Panera Bread,

1 LLC, who's the applicant in this proceeding.

2 Panera currently leases space at 443 North New
3 Ballas Road in Creve Coeur and has been there for quite
4 some time.

5 And tonight I have with me a representative of
6 Panera, Mr. Jim Tusing, along with a representative of the
7 property owner, Mr. David Hutkin.

8 And Panera's request is for a text amendment to
9 amend 405.470.14 to allow drive-thru services for
10 restaurants on properties of at least 2 acres, but less
11 than 3 acres, and it's currently written the drive-thrus
12 are not allowed on properties on less than 3 acres.

13 I have a preliminary matter I'd like to bring
14 up.

15 The application, as we submitted, is just as I
16 described it, it is for to create a provision that would
17 allow drive-thrus for restaurants on properties that were
18 2 acres, but less than 3 acres.

19 We noted in the staff report that the report and
20 the proposed ordinance go considerably beyond what the
21 applicant requested. In fact, apply to all properties,
22 not just those greater than 2 acres and greater and less
23 than 3, but any size acreage. And we have talked to the
24 city staff about that and believe that that is not
25 appropriate to be joined on to this particular proceeding;

1 that if the City wants to engage in looking at the
2 requirements for 3 -- 3 acres or more, that's kind of a
3 separate issue, as opposed to what we're actually applying
4 for.

5 There's a lot of people that may own properties
6 of 3 acres that, quite frankly, wouldn't have been
7 notified by the notices that went out that this would
8 apply to them.

9 And I'll let Mr. Langdon chime in here, but our
10 request is to strictly ask you to consider what we have
11 applied for and the specific provisions and to have some
12 interchange on that particular -- our particular
13 application.

14 CHAIRMAN MADDEN: Paul.

15 MR. LANGDON: Mr. Kling describes it accurately.
16 We did take the whole effort a little -- well,
17 substantially beyond the initial application.

18 The -- the concept seemed to have merit beyond
19 just 2 to 3 acres. But, on the other hand, it is their
20 application.

21 If the Commission wishes to pull it back and
22 only consider what's been applied for, then, certainly,
23 you know, you should do that, because that is the
24 application in front of you.

25 If you want to take it to the level that -- that

1 we have proposed, I think in -- in all likelihood the
2 applicant may ask for an immediate continuance, if not a
3 complete withdrawal, since it doesn't really represent
4 what they're trying to accomplish.

5 But, in -- in any matter where we think that
6 something can be accomplished by going further, we will
7 always look to do that, but really we're not driving this
8 bus.

9 It's really between the applicant and the P&Z to
10 establish the scope. We're just showing you what we think
11 can also be done.

12 If you wish to pull it back, we will adjust and
13 work with it in that context.

14 MR. KLING: And let me add, if I can, that the
15 applicant -- we're not saying never discuss, but if you
16 want to bring it back in a separate proceeding, these
17 other issues, we're not asking you not to do that, we just
18 don't believe it's appropriate to couple it with this
19 application.

20 MR. LUMLEY: Well, if there's no opposition to
21 what they're asking for, I'd suggest you stick to the
22 scope of the application.

23 CHAIRMAN MADDEN: Okay. Does anybody -- Gene.

24 MR. ROVAK: Well, I have a question.

25 MR. FARON: Yeah, I have a question too.

1 Go ahead.

2 MR. ROVAK: Maybe this is too general of a
3 question.

4 But assuming we do stick just to the
5 application, then I guess I have to ask why is it being
6 considered as a text amendment rather than an application
7 and later on a -- a variance at a Board of Adjustment?

8 In other words, it's so specifically worded to
9 only apply to this particular site, and I don't know that
10 that's a bad thing, but then if it actually rules out --
11 if it's worded so narrowly to be on Ballas, on this, so
12 many descriptors that completely limit it to this
13 particular site, then why not an application and a request
14 for a variance, unless for legal reasons that can't be
15 done.

16 It seems we're looking at something that's
17 completely then site specific.

18 So what is to be gained? Why are we looking at
19 a text -- request for a text amendment?

20 MR. LUMLEY: Well, I don't know that they could
21 qualify for a hardship to add a drive-thru to a
22 restaurant.

23 But I also think they've endeavored to propose
24 criteria that would not just apply to them, but would
25 apply to other properties.

1 MR. ROVAK: It's --

2 MR. LUMLEY: I don't think it specifies being on
3 Ballas, for example.

4 MR. KLING: No, that's not in there.

5 MR. LUMLEY: So I mean some of the criteria are
6 fairly specific, but they certainly can apply to other
7 properties besides this one.

8 MR. ROVAK: Oh, I thought it did say Ballas.

9 MR. LUMLEY: I don't believe so.

10 MR. ROVAK: I thought -- it seemed to be
11 saying --

12 MR. KLING: There's a description in the
13 preliminaries that talks about --

14 MR. ROVAK: So that's in the preliminary. Okay.
15 That was just a site description, that was not --

16 MR. KLING: Correct.

17 MR. ROVAK: -- their request in the text --

18 MR. KLING: Correct.

19 MR. ROVAK: -- amendment? Okay. Oh, I'll stand
20 corrected then.

21 MR. FARON: Well --

22 CHAIRMAN MADDEN: Mr. Faron.

23 MR. FARON: -- with those -- with those
24 recommendations or your attempt would up -- would be up
25 to 3 acres, you want to separate that from the existing --

1 you know, the existing ordinance that states, you know,
2 3 acres and above, this is what we're going to be
3 following, you don't want to be bundled in with that
4 beyond 3 acres, you want a separate ordinance or amendment
5 here that's going to just go up to 3 acres with the
6 additional things you've added, and just -- that would be
7 your application -- your --

8 MR. KLING: Yes, and we believe there's a reason
9 for that.

10 We believe that there are specific restrictions
11 that can be built in because we know there are some
12 concerns with the smaller site, so we think that it is
13 distinguishable with respect to larger sites, and we've
14 attempted that way.

15 And let me add that Panera is not a novice with
16 respect to this type of application, so they have a lot of
17 resource and knowledge in dealing with a lot of
18 municipalities as to what the issues are.

19 MR. FARON: Well, I know in Des Peres they have
20 a similar situation that I've frequented on occasion, so
21 I -- I would think it's in that line of, I guess,
22 development and project.

23 But, turning to staff, we are now saying that
24 beyond their application, we want to bundle that or would
25 like to and include what they're saying with the 3 acres

1 and above; that that is going to change what we state now,
2 or it's just going to allow 2 acres and above for what we
3 have now, and we consider the recommendations or the, you
4 know, the additional items that they're saying for their
5 project specifically?

6 MR. LANGDON: Well, yes and no.

7 What we did was take the listed criteria that
8 they proposed, we modified them a little bit so that they
9 were a little more broadly applicable to other properties,
10 and then suggested that they could be used throughout the
11 city, rather than just on properties of 2 -- up to
12 3 acres.

13 So it isn't exactly one or the other, it's kind
14 of a hybrid approach. But as I said, that's -- that's our
15 observation of how this amendment could be taken further
16 to -- to effect even more change.

17 If -- if you agree with the applicant that
18 that's overreaching, at least for the time being, then,
19 you know, that's fine, we'll pull back to the original
20 request and worry about properties over 3 acres another
21 day.

22 MR. FARON: I think maybe the concern would be
23 if the -- a future applicant, say, is looking at 3 acres
24 or more, they're going to make an attempt like the
25 previous -- the other applicants in the past have done and

1 with these additional requirements, would those be
2 applicable to a 3 acre or larger lot?

3 I guess residents and citizens would probably
4 would be concerned, if we would agree to do this, would
5 that allow a, say, Chick-fil-A attempt to come in under
6 3 acres?

7 MR. LANGDON: If -- if the application is
8 approved as requested, is that what you're asking?

9 MR. FARON: Probably. I'm probably putting
10 the --

11 MR. LANGDON: Yeah, I mean we're --

12 MR. FARON: -- in front of the --

13 MR. LANGDON: -- sort of jumping into the heart
14 of the matter here --

15 MR. FARON: Right.

16 MR. LANGDON: -- but the request, other than
17 using or allowing a smaller site, is actually far more
18 restrictive than the current standard, which says you have
19 to have 3 acres, but beyond that, it's subject to a
20 case-by-case analysis and our conditional use permit.

21 So, yes, if approved, this amendment would open
22 up, potentially, 2-acre sites to a fast food drive-thru,
23 that's the whole point of the request.

24 On the other hand, it's subject to minimum
25 standards, which are much greater than the minimum

1 standards that are, frankly, zero for sites of 3 acres or
2 more, as the ordinance exist today.

3 MR. FARON: And the CUP definitely?

4 MR. LANGDON: The CUP stands no matter what.
5 That's -- that's a common element, and there's always the
6 ability of the -- the Commission and Council to approve
7 subject to conditions under a CUP that would address site
8 specific concerns. That always is there.

9 What our ordinance does is establish certain
10 minimums that must be met. They're not subjective.
11 They're not variable. They must be met.

12 Right now there are no minimum standards for
13 fast food drive-thrus other than 3 acres. There are no
14 other minimum standards.

15 Their proposal is to go down to 2 acres, but
16 then bring in several minimum standards that would --
17 would certainly put a fairly fine filter on 2-acre sites
18 trying to -- to put in a fast food drive-thru.

19 CHAIRMAN MADDEN: Mr. Lumley.

20 MR. LUMLEY: One further.

21 The proposed standards would not allow the
22 traditional standalone fast food restaurant because it
23 requires, you know, two-story building with mix of uses
24 and 200 feet of frontage, and then -- so, specifically,
25 what you would envision as Chick-fil-A Restaurant would

1 not be allowed.

2 MR. FARON: Right.

3 MR. LUMLEY: It could be part of a -- a strip
4 mall, for lack of a better word, but not your standard,
5 what you -- what you normally would see.

6 MR. FARON: Unless it's 3 acres or more and then
7 subject to CUP under 3, then it has --

8 MR. LUMLEY: Right.

9 MR. FARON: -- these additional requirements,
10 which would make it extremely difficult to --

11 MR. LUMLEY: Right.

12 MR. FARON: -- probably move forward on a
13 project like that.

14 MR. LANGDON: Mr. Chair, if I may.

15 I think, because it's happening anyway, that I
16 would suggest you allow the applicant and the staff to
17 make their presentations, hear from the public, and then
18 you'll have a broad sense of -- of opinion.

19 We know that the applicant is not comfortable
20 with the current draft, and that's fine, that's
21 established.

22 You know, we -- we all have points to make, and
23 then you, as the Commission, will have all, hopefully, the
24 facts in front of you to decide what you want to do.

25 If you want to proceed with the application as

1 requested, then fine. If you want to expand it to more
2 the staff suggested, then fine. If there's something else
3 that emerges after you've heard everything, then you'll
4 still have that opportunity as well.

5 Because, obviously, you know, you're looking for
6 some basis on which to make a decision here, well, that's
7 what we're here to do is provide you that basis, so
8 perhaps you should do that first.

9 CHAIRMAN MADDEN: Want to proceed, Mr. Kling?

10 MR. KLING: Certainly. It's not a long
11 presentation so.

12 CHAIRMAN MADDEN: Okay.

13 MR. KLING: Thank you.

14 Obviously, you have the application in front of
15 you as part of your packet. I will refer to it as I go
16 through.

17 But as a general matter, Panera believes that
18 there's a specific need for drive-thrus for high-quality
19 restaurants. The service, what we call the considerable
20 medical and commercial submarket that kind of permeates
21 the -- the heart of Creve Coeur, the middle of Creve
22 Coeur, there's really no properties anywhere around those
23 areas that would allow this type of use to service those
24 areas, and Panera has a history of looking at areas and
25 determining, you know, locating in areas where people --

1 there's going to be a lot of users that are interested in
2 buying their product, and we're trying to come up with
3 something that would help service that submarket.

4 Obviously, provide the appropriate restrictions
5 on the -- on particular conditional use.

6 Specifically, Panera is requesting that the
7 ordinance be amended to allow drive-thrus for restaurants
8 on properties, as we've mentioned, they're 2 acres or
9 more, but less than 3 acres.

10 Attached to the application was a redline that I
11 provided, which showed the specific criteria that we
12 suggested be included in a proposed ordinance change.

13 I'd like to walk through those four criteria, if
14 I could, because they are significant, and they are --
15 they do go to the heart of the application.

16 But first, as previously mentioned, the site
17 must be at least two stories in height and be designed for
18 and used by a mix of at least two types of retail office
19 and residential tenants with a continuous structure
20 frontage of at least 200 feet.

21 So we're trying to have a concept where this is
22 part of a larger development and that fits in, it's not a
23 standalone fast food, because we know that's, obviously,
24 an issue.

25 Panera's been in front of other boards and other

1 municipalities and states and knows that's an issue. So
2 that's one of the reasons there.

3 The second proposal that we had that was not in
4 the more generalized ordinance that you have was that the
5 square footage for any individual food service or drinking
6 establishment must exceed 4,500 square feet.

7 And we didn't really pull that out of the air.
8 That is a number that Panera has experience with and
9 specific concerns of other municipalities about fast
10 foods, because fast food restaurants generally go in the
11 1500 to 3,035 square foot range.

12 They aren't going to go up to that large of a
13 size, so that was the rationale behind that, and, again,
14 that came out of other approved applications in other
15 municipalities.

16 The staff noted that they're not sure that's
17 necessary, but, again, that was part of our initial
18 application.

19 Third, no access shall be permitted to any minor
20 subdivision streets. Obviously, we know there's a concern
21 with the nearby residences, and we thought that would be
22 an appropriate requirement.

23 And, fourth, an opaque masonry barrier, earth
24 berm or heavy landscaping, as determined by the
25 Commission, taking into consideration, topography,

1 sightlines and other relevant circumstances for noise and
2 site abatement shall be located and maintained between
3 that drive-up facility and the -- any adjacent
4 residential-zoned properties.

5 So those were the four requirements that we
6 suggested that would make this -- any kind of application
7 for a drive-thru be subject to a pretty fairly strict
8 scrutiny, so it wouldn't be harmful or it wouldn't be
9 perceived to be of concern to residents, of concern to
10 nearby businesses. It was specifically designed to be
11 friendly, to not be intrusive. So that was the reasoning
12 and the rationale behind those specific provisions.

13 Panera believes that this request will better
14 serve that submarket that's in -- along Ballas Road, maybe
15 that's, Mr. Rovak, where you read that, there was a
16 description of that --

17 MR. ROVAK: Okay.

18 MR. KLING: -- we all know there is a very large
19 medical market in that area along with commercial uses.

20 Panera believes the request will allow
21 drive-thrus, but only in appropriate circumstances and not
22 detriment to other properties and residents.

23 We also believe the text amendment promotes the
24 goals of the Comprehensive Plan. And I believe this was
25 noted in the staff report as well.

1 And, accordingly, we'd ask you to recommend this
2 application.

3 And I would be happy to answer any questions
4 that you have.

5 CHAIRMAN MADDEN: Questions for Mr. Kling?

6 Mr. --

7 MR. ROVAK: No.

8 VOICE IN AUDIENCE: Questions from the audience?

9 CHAIRMAN MADDEN: Not yet. You'll get your
10 shot. Don't worry.

11 Anybody have any questions? Okay.

12 MR. KLING: Thank you.

13 CHAIRMAN MADDEN: You guys want to go next or
14 audience?

15 MR. LANGDON: Doesn't matter to me.

16 CHAIRMAN MADDEN: Okay. Let's start with the
17 people in the audience.

18 The ones that filled out cards, and that doesn't
19 mean you had to fill one out, but I'll call them first.

20 Henry Clouse.

21 HENRY CLOUSE: Henry Clouse, 626 Graeser Road.

22 Let's get one thing straight. The only thing
23 that keeps these drive-thru restaurants in check are the 3
24 acres.

25 Areas around -- areas in the drive -- in these

1 drive-thru restaurants and things are kept clean, but it's
2 the people that live on the sidestreets like Mosley,
3 Graeser Road, Spoede, we're the ones that's going to get
4 the trash. Us that live along those roads. Now the
5 people that live off side of them are not going to get the
6 trash. We are going to get the trash. I'm already
7 picking up McDonald's wrappers and cups from the filling
8 station for soda drinks in my front yard cause I live on
9 Graeser Road.

10 The thing -- three things you have to keep in
11 mind with these drive-thru restaurants, you're going to --
12 what's going to happen to Spoede, Graeser and Mosley is
13 what I call TNT, traffic, noise and trash. That's what
14 we're going to have to be putting up with, the people that
15 live on those roads.

16 Right now the City doesn't do street cleaning,
17 and I doubt if they're going to put any money into street
18 cleaning equipment in order to keep these streets clean.

19 All the people that live along these roads, and
20 they're not going to want to be going out there on Friday,
21 Saturday and Sunday morning picking up trash.

22 Thank you.

23 CHAIRMAN MADDEN: Thank you.

24 Robert Kent.

25 ROBERT KENT: Good evening, gentlemen. Robert

1 Kent, 13084 Fern Trails Lane.

2 I just had three or four questions.

3 How many other sites would meet this
4 requirement?

5 And how does the traffic compare with this type
6 of site with banks? God knows, we have about seventeen
7 west of 270. We do have one or two drive-thru banks in --
8 in our ward.

9 So I'd be interested in knowing how the traffic
10 compares with that.

11 Another question is is what is the drive-thru
12 bank -- bank acreage requirement? Is it the same as
13 restaurants?

14 And would this affect the Fresh Market, if they
15 decided to put in a drive-thru or amend their approved
16 application and put in a drive-thru?

17 So those were the four questions that I had.

18 Thank you very much.

19 CHAIRMAN MADDEN: Thank you.

20 Linda Rezny.

21 LINDA REZNY: Linda Rezny, 104 Graeser Acres.

22 What I would like to see was leaving the 3-acre
23 requirement, and thank you, Mr. Faron, for pointing out
24 that this could have been Chick-fil-A.

25 Originally the Chick-fil-A was freestanding, but

1 they had planned for a bank building and an office
2 building. If that had been reconfigured into one 200-foot
3 building, and there's enough room there to have done that,
4 they could have built this on my corner.

5 In fact, there needs to be redevelopment at the
6 south corner there, and why would they want to redevelop
7 that single-story piece of property as another
8 single-story they -- and they don't have 3 acres there,
9 they have 2. They could put in a 200-foot building, and
10 we could have another drive-thru on the other side of the
11 street.

12 The question is what does Creve Coeur want to
13 be? Does it want to be a city with an attractive
14 ambience? I've heard for years how they don't want to be
15 Manchester, and I think one of the things that they abhor
16 about Manchester are the number of fast food restaurants
17 that are available there.

18 There are other places for these people who are
19 working for the medical places and for CityPlace to go and
20 eat right now, which is where they are eating.

21 It's -- so the question is they're not starving.
22 It's not that we're providing a service for those people
23 to eat, since they already have some other place to eat,
24 for example, the restaurants in the medical buildings,
25 their food court kind of places.

1 The -- the question is what kind of City does
2 Creve Coeur want to be.

3 And banks were also brought up. Banks do have
4 drive-thrus. They don't have sales tax. You don't have
5 control over how many banks put themselves in.

6 You do have, right now, control over how many
7 fast food places. At least when somebody goes to the
8 bank, they have money and they might spend that money by
9 going someplace and actually buying something more than a
10 hamburger. But when you have a fast food place, is this
11 somebody transient, in a hurry, they are not likely to
12 spend on high-ticket items, and so the real question is
13 where -- what kind of a city do you want Creve Coeur to
14 be. Just someplace that somebody passes through on their
15 way to doing something else or a place that they would
16 actually like to be. And also a place where people who
17 are already living there would like to stay.

18 And when they want to move, a place that
19 somebody would like to buy.

20 Thank you.

21 CHAIRMAN MADDEN: Thank you.

22 Okay. Anybody in the audience?

23 Yes, sir.

24 That's okay.

25 JOE FLATERY: Hi, my name's Joe Flatery. I live

1 at 11921 Rocky Drive. This is the first house on the
2 right when you come in to Balmoral Subdivision immediately
3 behind the Panera.

4 I understand why Panera wants to do it. I'm in
5 the development business and, you know, I -- I understand
6 why they want to do it. I think there's some inherent
7 problems with the existing Panera right now.

8 One of the biggest problems that we do have in
9 Balmoral Subdivision is there's -- there's not enough
10 signage telling people where to go into Panera.

11 There's approximately 35 to 55 cars a day that
12 pull into Balmoral Subdivision and pull in my driveway or
13 pull in the driveway across the street or make illegal
14 U-turns and turn around where Rocky and Randy meet to exit
15 the subdivision and leave.

16 I have a seven-year-old child. He plays out
17 there. These people are in a hurry. They've missed their
18 turn. They're speeding up the street. Not counting
19 the -- the noise and the safety issue, that is a big issue
20 with the increased traffic with the drive-thru, people
21 trying to hit the drive-thru quickly to get something to
22 eat. I see that only escalating the problem there.

23 I look out my window. I see Panera. There is
24 no -- there are trees there, but there's no leaves on the
25 trees right now. I see everything that goes on there.

1 There's no sound wall. I would imagine, from having a
2 little bit of background in development, that their
3 drive-thru will wrap the building, which means I'll be
4 having speaker boxes in my backyard.

5 Currently their trash enclosures are pushed up
6 to the back of Panera. Those trash enclosures are going
7 to have to move back to the retaining wall between the
8 edge of my property and Mr. Hutkin's development right
9 there. That trash -- that trash does stink.

10 They have deliveries that start before
11 five o'clock in the morning. I imagine with the increased
12 sales, the deliveries will increase, the noise factor with
13 additional speaker boxes, additional deliveries,
14 additional trash pickup will only increase affecting the
15 people that are immediately -- live in Balmoral
16 Subdivision that back up to the existing Panera.

17 The other thing that does happen because of the
18 Panera's location is that parking lot is very full.
19 There's people that actually park on Rocky Drive during
20 the lunch hour, which is against the Traffic Code of Creve
21 Coeur. It is stated in the Traffic Code that there is no
22 parking on Rocky Drive. That's not policed by Creve Coeur
23 or by Panera or the shopping center owner. There are cars
24 parked in Balmoral Subdivision during lunch hour and
25 people walk over the berm to go to Panera.

1 Well, you know, with those -- with those items,
2 you know, the other problem is trash. People, in the
3 nicer parts of the year, they walk -- they'll get their --
4 their coffees or their bagels and they walk around.

5 I'm picking trash up in my front yard three to
6 four times a week that is Panera-related.

7 I just wanted to point that out to the Council.

8 Thanks for your time.

9 CHAIRMAN MADDEN: Thank you.

10 Anybody else?

11 HARRY EGGELESTON: I'm Harry Eggleston. I live
12 right behind this two-story strip mall.

13 I wonder if this is going to bring a different
14 kind of customer there. And I would echo a lot what he
15 says. The deliveries are not at four or five or six in
16 the morning, they're sometimes at three in the morning.

17 And as our good person said over here, it's not
18 only traffic, noise and litter, it's -- it's also smell.

19 Now, some of the smells are not bad. It's -- we
20 kind of get a little aroma therapy there. And I do like
21 some of their products, but it's a little like Yogi Berra
22 said, it's -- some people don't go there anymore because
23 it's so busy.

24 And as he said, there's so much traffic there,
25 you all ought to think about a mandate that they ought to

1 have increased parking there. And because of the parking
2 problem, as he said, more traffic comes to our
3 subdivision. And as he said, people come up that road,
4 turn around and go back out. And I'm glad he brought that
5 up. I thought I was maybe the only one that saw that.

6 We ought to have some projections, or maybe you,
7 as the P&Z, ought to ask for their projections on how many
8 people they expect to see through -- through this
9 drive-thru and what is the peak time of when they're going
10 to have them.

11 This is all very amorphous and very fuzzy about
12 how many people they're going to have through there and
13 when, because it's going to impact this whole area.

14 And I think there's a very good reason why we
15 had 3 acres instead of 2. I just don't think there's room
16 in there, and I walk through there in the morning and at
17 night, and just seems to me why we don't have any pictures
18 up here what it's going to look like, because it's pretty
19 tight back there.

20 And pretty much everything he said back there,
21 99 percent is true, and I may be his neighbor by two,
22 three houses to the left, as you look right at his house,
23 and he really does get a -- a real shot of all this.

24 Are they going to be issued a liquor license
25 down the road? I don't think that's maybe up to this

1 Board or not or the City, but Chipotle has a liquor
2 license.

3 Litter control is going to be a real, real big
4 problem. But this turning around problem is going to be a
5 huge problem for our subdivision.

6 If they're going to have a drive-thru, maybe
7 they ought to be charged with some of the litter control
8 in our subdivision.

9 And the safety issue is a huge problem because
10 there are a lot of children in the subdivision, not as
11 many as there probably should be.

12 But there are a lot of issues, and I hope that
13 you take them all into account, and I think there's a real
14 reason why we need 3 acres instead of 2.

15 And I guess my time is just about up.

16 Thank you for hearing my point of view.

17 CHAIRMAN MADDEN: Thank you.

18 Anybody else?

19 SCOTT SANDERS: Yeah, good evening.

20 Scott Sanders, 508 Randy Drive.

21 You know, besides the -- besides the people
22 you've heard who have spoken up and, you know, not one of
23 them believes that this drive-thru is a good idea.

24 I do want to address one of the points that --
25 is it Mr. Kling -- am I getting it -- yeah -- that

1 Mr. Kling made, and that is when he even started off he
2 stated that there is a compelling need for a drive-thru.

3 Well, I'm going to -- I'm going to strongly
4 disagree with that -- with that assertion because the
5 Panera Bread store is already there and it's already
6 serving the market. There's no compelling need to add a
7 drive-thru to that store, okay.

8 If there is -- if there is additional market
9 that Panera wants to capture, let them buy another piece
10 of property and open a store elsewhere within the city
11 within the -- within the vicinity of all the
12 medical/dental buildings. Let him even buy a space within
13 one of those buildings and open up an additional store.

14 There's -- there's no compelling need for any
15 drive-thru.

16 All right. Thank you.

17 CHAIRMAN MADDEN: Thank you.

18 Is there anybody else? Okay.

19 You guys want to go?

20 MR. LANGDON: Yeah.

21 Good evening, Mr. Chair, Members of the
22 Commission. My name is Paul Langdon, Director of
23 Community Development for the City.

24 We've been looking at this issue on and off for
25 a long time. I think the City has considered it one of

1 the things that makes Creve Coeur distinctive; that we
2 have a thriving commercial area and yet we have only one
3 fast food drive-thru. And I would say that the 3-acre
4 requirement is largely responsible for that.

5 One of the things that I think has emerged over
6 the past several years though is how does that 3-acre
7 requirement work, because, as everybody knows, a couple of
8 fast food restaurants, Chick-fil-A in particular, to name
9 one, but they're not the only one, are trying very hard to
10 crack the Olive Boulevard/Ballas Road marketplace.

11 And the question was always, well, how did
12 McDonald's get in because they don't sit on a 3-acre lot,
13 and the old McDonald's, the one right next to it, did not
14 sit on a 3-acre lot.

15 Now, the way the ordinance reads is that terms,
16 parcel, lot, plot, site are all synonymous within the
17 Zoning Code. It's all a contextual application of the
18 word.

19 The change to the 3 acres predates all of you on
20 the Commission, me on the staff, Mr. Lumley, City
21 Attorney. I have read the record of that amendment. It
22 doesn't provide a lot of guidance, but the closest that I
23 can tell, the application was meant to be a -- a property
24 of 3 acres, but not exclusively to the restaurant.

25 What that means is that the restaurant was

1 intended to be part of something larger. That the
2 standalone, just a restaurant on just its own lot doing
3 its own thing, was not in the -- the original objectives.

4 It was meant to be something that was
5 coordinated; had a coordinated appearance; had coordinated
6 access; it was meant to function with a larger hole.

7 And in doing that, some of those concerns about
8 esthetic and traffic management would be addressed, and we
9 would not end up with the -- the conditions that -- that
10 we were trying to avoid.

11 I think this is what we were trying to avoid.
12 This is not Manchester Road. But we've all been down
13 those strips of -- of urban highway and seen that kind of
14 situation.

15 That's what we don't want. So we have the
16 situation where you have to assemble 3 acres. Don't
17 necessarily have to give the entire 3 acres to the
18 restaurant.

19 That doesn't mean that you still can make it
20 work. And I would provide, as an example, a project which
21 has not been built. I don't know if it will ever be
22 built. We certainly hope that the property owner is
23 successful.

24 This is a piece of land in Creve Coeur where of
25 the 5 acres at least half of it is water. It faces Olive

1 Boulevard. It will never be more in terms of buildable
2 area what you see there. This is an approved concept
3 plan.

4 The building on the left is a bank with multiple
5 drive-thru lanes, and the building on the right is a fast
6 food drive-thru, freestanding drive-thru restaurant. It
7 meets the 3-acre requirement, but you still end up in the
8 place that we did not want to end up.

9 We had another project come into the City, which
10 is now defunct. Olive Boulevard. It'd be interesting to
11 look at these buildings. All put together there's more
12 than 3 acres here. That's a fast food drive-thru; that's
13 a fast food drive-thru and that's a bank. They had
14 another plan where this building was shifted back and some
15 parking was eliminated, so that you could even go around
16 this building and put another fast food drive-thru.

17 So on one property that met the 3-acre
18 requirement, you could accomplish four fast food
19 drive-thrus -- three, sorry, plus a bank.

20 So to think that 3 acres insulates the City
21 forever from fast food drive-thrus is a misunderstanding
22 of how the Code works.

23 The market has simply not understood the
24 opportunity that is there. The market is beginning to
25 understand.

1 You have to take my word for it, but I can tell
2 you that we have met with multiple property owners in the
3 last several years who understand that requirement. They
4 are starting to assemble the ground.

5 I would say that in the near future you will be
6 seeing this type of development. It's coming our way.
7 And what is different between that and that? Not a lot,
8 if you're just talking about the basic standards of
9 development.

10 Yes, we can accomplish more landscape to the
11 conditional use process; we can accomplish a nicer looking
12 building, our signs standard, keep the signs lower, but
13 we're still talking about, basically, freestanding
14 drive-thrus lined up along Olive Boulevard. That isn't
15 what we want.

16 You can window dress this, but it still isn't
17 what we want. And this was the concern that -- that we
18 have had for some time and brought to our analysis of this
19 application.

20 I'm going to point to a couple of other sites
21 you should be aware of. These shopping centers all exist
22 in the City. They all have more than 3 acres. In every
23 case you have a building, this is Bellerive, out here, you
24 have -- the building comes to the street. This is the
25 Pavilion and you have buildings at the street -- I'm

1 sorry, that's -- that's West Oak. There's Dierbergs.
2 This is Champion Bank. You've got the Verizon Building
3 here, which is at the street and has access all the way
4 around. You have Westgate. This is Friday's at the
5 street. Could easily be modified. This is the Pavilion.
6 You have buildings at the street.

7 All of these properties meet the 3-acre
8 requirement. All of these properties could accomplish a
9 drive-thru restaurant, if they only asked. They simply
10 haven't asked.

11 You're an application away from facing more
12 drive-thru restaurants. We are not insulated from them.

13 This is a site that I think has already been
14 referenced this evening. This is the corner of Graeser
15 and Olive. That's Graeser Road, Olive Boulevard, the new
16 Walgreens is just off the picture, this is realigned
17 Dautel.

18 These two properties together constitute about
19 2.97 acres. At the moment they don't quite qualify.
20 2.97.

21 This property right here, already zoned
22 commercial. Has been for about twenty years. Long before
23 we were worried about this issue.

24 That property is for sale. This owner picks up
25 that property, more than 3 acres. Can they accomplish a

1 drive-thru? Sure. Can they accomplish two drive-thrus?

2 Yes. Could they actually fit three on here? Yes.

3 3 acres does not insulate us from drive-thru
4 restaurants. So I want to disavow everybody of that
5 notion.

6 And if anybody thinks that the development
7 market isn't working towards overcoming that hurdle, then
8 you're mistaken. They are working on it.

9 I have talked to this property owner multiple
10 times about whether they should buy this property or work
11 with this property. They are working on getting to the
12 3 acres. It won't take much. And then there will be
13 drive-thru restaurants.

14 And what will the City have to address that?
15 The City will have the conditional use permit process.
16 What does that give us? That gives us the ability to
17 modify esthetics, to modify landscape, to apply the sign
18 code, to, basically, get the window dressing on that. But
19 we still have that in a nicer format.

20 This application comes along and suggested, hey,
21 maybe there's a way to accomplish something better on a
22 property and still get a drive-thru restaurant.

23 They offer up their own property as an example.
24 Multiple tenants. More than one floor. Fairly large as
25 this style of building goes. Already has the restaurant.

1 If you don't know, the Bread Company is at this end. That
2 could be modified to include a drive-thru.

3 Does this represent that, even with the window
4 dressing applied? I -- I don't believe that it does. I
5 think that there's something better there. I think that
6 the evidence of that goes back to a real life example.

7 When we began to push back against this proposal
8 and suggested it was simply more drive-thru than even
9 under the Code, than under the conditional use process of
10 we would have any comfort with, what do they propose; that
11 type of building, multi-tenant, pull it up to the street,
12 then we start to have something we're more comfortable
13 with.

14 Now if this has a drive-thru on the back, does
15 that have the same impact as this or this? I would
16 suggest that it doesn't. Obviously, the applicant
17 believes that as well since that's what they proposed.

18 I think that the -- the questions about this
19 particular site -- let me put it back up -- are valid. I
20 think that we, obviously, in any conditional use permit
21 for a restaurant or any conditional use permit for a site
22 with a drive-thru, we are worried about noise, we're
23 worried about trash, we're worried about access, we're
24 worried about lighting, these all come up in that process.

25 This isn't that process though. We aren't

1 dealing with those issues yet for this site. Quite
2 honestly, it is entirely possible that an amendment could
3 get approved, this site becomes eligible to seek the
4 conditional use permit, and yet they never actually are
5 able to get the conditional use permit because it can't
6 address those issues. They believe they can. I believe
7 they can, if they work at it.

8 But that doesn't mean that you believe they can.
9 And if you and the City Council don't agree, the
10 conditional use permit still stands as the gate that they
11 can't get through, and the project never actually occurs,
12 even though the text amendment would be in place.

13 So the text amendment doesn't inherently open
14 the door to drive-thru restaurants up and down the streets
15 of Creve Coeur. What it does is open the door to a few
16 sites with a very limited style of development to be able
17 to seek a drive-thru.

18 And I want to talk about that style of
19 development. It's very easy to say, well, they could just
20 do those. That site that's on Olive could very easily be
21 built, as you can tell by the footprint of the buildings
22 that are there, to accomplish one of those.

23 That's true, it could be done. But the
24 economics of doing that kind of development are not very
25 good. They're very poor, in fact. And that's not

1 conjecture. What I would point to is what's called the
2 CityPlace East Building, it's the building that has the
3 Pei Wei restaurant in it. That building was built just
4 like that. Not that big, but that basic layout; retail on
5 the ground floor, offices on the second floor, and that's
6 all. That second floor was extremely difficult to lease.
7 And I don't say that simply from the landlord telling us
8 it was. We know because we were involved in a lot of the
9 discussions to try to get other uses permitted for that
10 space in an effort to get somebody to take the space.

11 The problem you have is that while this building
12 is easy to keep full because it's old, and there aren't --
13 there aren't the costs to -- to carry on the property. In
14 a new building the costs are much higher. The rent is
15 much higher. Not simply because it's Olive Boulevard, but
16 because it's new. It's new construction. You have new
17 standards. You have new fire code regulations. You have
18 a lot more expense. It isn't that easy to just do that
19 and put in a fast food restaurant.

20 Again, the market will find a way, just like
21 they're finding a way to overcome 3 acres, but it isn't an
22 easy way.

23 So I think that if we're afraid that we're
24 opening the door, I think that we may be overreacting. I
25 think that this represents a better solution than what we

1 have in front of us today. Sure, there are more lots,
2 more 2-acre properties available, but you know what, it --
3 it only becomes a question of dividing up your property to
4 get to where you want to be.

5 If you -- if you are trying to -- to get to
6 2 acres, you'll do what you have to do. If you have to
7 get to 3 acres, you'll do what you have to do. We're
8 seeing that already happen.

9 So I guess that brings me to really my last
10 point in terms of your analysis here.

11 If the City is not comfortable with drive-thru
12 restaurants, if really the goal here is to find some means
13 to make it so hard that we don't have drive-thru
14 restaurants except for the one that we already have, well,
15 then maybe the right amendment is to simply eliminate
16 drive-thru restaurants.

17 But I know the applicant is not looking for that
18 tonight. And I'm not telling you that you should do that,
19 but I'm telling you that's the question that you should
20 ask yourselves. Because there's no point looking for yet
21 another regulation that's so onerous that very few, if
22 any, could meet it, if really you didn't want anybody to
23 meet it.

24 If you don't want anybody to meet it, then you
25 dispose of this application as you see fit, and then you

1 should direct us to come back to you with an amendment to
2 eliminate them.

3 That is a large question that goes beyond this
4 application, but that is really an important question for
5 you all to -- to answer to yourselves.

6 If you are comfortable with drive-thru
7 restaurants, then this is a way to accomplish them in
8 certain locations on a very limited circumstances that may
9 address some of the issues that are inherent in this type
10 of use.

11 Lastly, I wanted to address a couple of
12 questions that were raised regarding other uses and sites.

13 Bank volumes. Banks volumes are different. A
14 very popular bank can actually drive a lot of traffic over
15 the course of the day.

16 What changes is the -- the intensity of the peak
17 traffic. Banks do have peaks at lunchtime and at the end
18 of the day, but, in particular, but they don't reach the
19 same levels as fast food restaurants.

20 We did look at this issue with the Chick-fil-A
21 application, which included a bank. And we needed to
22 understand how the two would function. If they both had
23 very high peaks at the very same time that, obviously,
24 created a lot of concerns.

25 So we have looked at it. We do understand it.

1 They are a little different, but banks can drive similar
2 levels of traffic.

3 Banks currently do not have a minimum site
4 requirement. They simply have the conditional use permit
5 requirement.

6 How does this affect the Fresh Market site?
7 Basically, it does not. The site -- the proposal, is not
8 for a 2 -- I'm sorry -- two-story building. It's a
9 one-story building. It's a single tenant. So even if the
10 amendment as requested were approved, they would not be
11 eligible for a fast food drive-thru or attach a drive-thru
12 window to that building even because they do prepare food.

13 I guess I should conclude by -- by giving some
14 indication about the draft ordinance that we put forth
15 versus what the applicant is seeking.

16 As I mentioned earlier, if we're going to go to
17 the effort of considering an issue, any issue, it is
18 always our position that we should look at the issue as
19 broadly as possible and look at as many impacts or as
20 benefits as we can with that use.

21 We see this set of criteria, if they are
22 codified, being more restrictive than what we are looking
23 at today. As I outlined earlier, 3 acres will soon not be
24 an impediment, and that will just rely on the CUP process,
25 which is robust, but not as strong as an absolute.

1 So, in effect, this is a more restrictive
2 approach than what we have today.

3 We see that -- that as being one of those tools
4 if we are to allow some fast food restaurants, it would be
5 very few, but it would allow some.

6 The applicant does still owns this process.
7 They're the ones that have requested this. They're the
8 ones that have paid the fees to make this happen.

9 If you want to forge ahead in a direction that
10 they're not comfortable with, well, obviously, they can
11 withdraw. It's always their right to do that. And that
12 would stop the process.

13 We would then have to come back with our own
14 application, and that's something they've already alluded
15 to.

16 Do I like to see a process get started, a lot of
17 effort be invested by the applicant, by the residents, by
18 the staff to accomplish nothing? No. I would rather not
19 accomplish nothing.

20 On the other hand, I do fully agree that an
21 amendment so finally honed that almost no one benefits
22 from it, is -- is questionable in terms of the public
23 purpose being served.

24 We identified that in the staff report. And I
25 think that if it is the decision of the Commission that

1 you do want to limit this to what the applicant has
2 requested, but consider this as a possibility, that you
3 should look to those standards and be careful about how
4 finely you cut this thing, so that fewer and fewer
5 properties are allowed.

6 It comes back to that issue. If you're going to
7 cut it so narrowly that really no one can meet the
8 standard, say, for perhaps one, and maybe it can't either
9 even under the CUP, then you should just deny it and move
10 on to a point where we eliminate them entirely.

11 That's my presentation. I'll be happy to answer
12 any questions.

13 CHAIRMAN MADDEN: There was one more question.

14 There were four.

15 And you may not know this off the top. How many
16 other sites can do this? That was one of Mr. Kent's four
17 questions. You answered the other three. You may not
18 know.

19 MR. LANGDON: Well, it's, as they sit today,
20 none. This is the only site that meets all of the
21 requirements, as they sit today, but, obviously,
22 redevelopment makes anything possible.

23 CHAIRMAN MADDEN: Okay.

24 Any other questions?

25 MR. ROVAK: No.

1 CHAIRMAN MADDEN: Okay.

2 MR. FARON: I --

3 CHAIRMAN MADDEN: Go ahead.

4 MR. FARON: -- have a question.

5 Paul, just to be clear. It seems like you're
6 saying at this point now the 3-acre limitation is going
7 to, some near future, possibly be figured out by a
8 developer or an applicant, and the CUP will be our only
9 way to kind of adjust that or control that --

10 MR. LANGDON: Yes.

11 MR. FARON: -- as what we see from the public.

12 The applicant was saying that he's just looking
13 at a 2 to 3-acre use. Is the City or the staff saying
14 that if we extend that beyond 3 acres, that gives us a bit
15 more power to at least control a potential applicant or
16 development where we wouldn't be able to at -- at this
17 present time beyond 3 acres?

18 I mean I guess I'm not saying we should
19 completely eliminate --

20 MR. LANGDON: Uh-huh.

21 MR. FARON: -- the option, but, you know, I know
22 there's some attempts to -- to, you know, proceed in that
23 direction, but are we kind of splitting both extremes here
24 by extending the applicant's request or requirements that
25 they're trying to add to their -- their development and

1 continue that beyond 3 acres citywide, and then we would
2 get a bit more control, say, when the Graeser attempt is
3 made or other attempts around the City?

4 It seems like, in reading the agenda, you're
5 trying to find a middle ground that give us more power,
6 but doesn't eliminate the option completely from the City.

7 MR. LANGDON: That's -- that's certainly the
8 intention, but we recognize that, you know, this -- this
9 power, in a way, is not power, because they become black
10 and white absolutes.

11 We don't have any discretion in their
12 application. And that, I think, is where the applicant
13 has a concern, that while it may work for a very few
14 sites, it's very few, and they would not want to see it
15 applied universally because we're not able to back it off
16 on another site where we may say, well, maybe it would
17 work if it were one story or everything's great except the
18 building's not 200 feet wide, it's 190 feet wide, and --
19 and we can't distinguish between the two.

20 Now, they're seeking a variance, which would be
21 a voluntary process and really would not likely succeed,
22 so -- so, and I think that's what makes this -- this a
23 difficult issue is, yes, we're trying to balance more
24 restrictions with more opportunity. What is the right
25 balance. That's difficult to define.

1 MR. FARON: Well, with that approach, at least
2 we would be allowing a potential drive-thru, but with high
3 restriction in regard to how planned and residential
4 concerns.

5 At the present state, we would -- are probably
6 going to lose that battle here in the next few years if
7 some of these examples you're stating --

8 MR. LANGDON: Uh-huh.

9 MR. FARON: -- come to fruition and people end
10 up working around it or we --

11 MR. LANGDON: Yes.

12 MR. FARON: -- eliminate the option altogether
13 and just say we're never going to -- can I ask you, if
14 that was the case, are there examples or something that
15 you might reference where a city will go back on that down
16 the road, or is that hard to put that back in the bottle
17 or vice versa, you know, if we would eliminate that use?

18 MR. LANGDON: Go -- go back, when you say "go
19 back on that", what is "that"?

20 MR. FARON: Well, we would eliminate drive-thru
21 completely. I know there's --

22 MR. LANGDON: Well, it's certainly been done. I
23 mean there are cities that do not allow drive-thru
24 restaurant service.

25 In fact, we are aware of one municipality that I

1 believe has three Chick-fil-A restaurants without
2 drive-thrus because they're not allowed.

3 You know, the industry, the market, the beauty
4 of the free market is that it lives by the notion that
5 necessity is the mother of invention.

6 If you have to get into somewhere because that's
7 what your business does, it's where you need to be
8 economically, you'll find a way. And so, you know, if we
9 allow it today and eliminate it tomorrow, we can certainly
10 do that. That's why we have a section in the Code that
11 relates to nonconformities. When something becomes out of
12 step after some change that occurs in the ordinance.

13 Does the marketplace love us when we do that?
14 No. But, certainly, that option is always available to
15 you.

16 MR. FARON: Thank you.

17 CHAIRMAN MADDEN: Mr. Rovak.

18 MR. ROVAK: I guess with the idea that, well, we
19 should just eliminate them or entertain the idea of
20 eliminating drive-thrus, I guess it always bothers me when
21 we make a categorical denial of something based on some
22 assumed set of circumstances, rather than meeting the
23 specific objections.

24 I mean the speakers who came up and voiced their
25 objections, I saw some of these be very valid, and,

1 perhaps, the restrictions, both those that are already
2 proposed by the applicant, and maybe some others that
3 could be added, should be tailored to meet those
4 objections, not just a generality of a drive-thru.

5 I mean some of these, you know, I thought
6 were -- were -- had a lot of merit. Some others, when you
7 look at that, that a drive-thru, well, there's a problem
8 with people driving in and parking and, you know, in the
9 neighborhood. And that there's not enough parking.

10 Well, if anything, to me, is that, well, if
11 there's a drive-thru then these people are less likely to
12 be parking in front of somebody's house if they can drive
13 through and get their order.

14 So I can see it's a situation, but it really
15 doesn't address the issue, and it's really not part of
16 this issue.

17 Likewise, people dropping trash everywhere.
18 Well, again, if you drive through, you get your order, you
19 go away. There are very few people who are the litterbugs
20 of old who used to throw stuff out the windows. But I
21 think it's a lot more likely that anybody walking away
22 from a restaurant and is likely to drop stuff as they go.

23 So I don't know that that's really a problem
24 that's specific to a drive-thru restaurant. It's -- we
25 can find some objection, but I think what we need to do is

1 say if we have a problem with drive-thrus, what are they
2 and how do we meet them. And I think maybe it's not
3 complete. Maybe there are some restrictions. But I'd
4 rather meet the actual objections than just say, well,
5 drive-thrus are bad and we have all these problems, so
6 let's not have drive-thrus and rather just meet what those
7 problems are, and then separate the ones that are
8 perceived and just wrapped up in one big package to those
9 that are actual to the specific project.

10 MR. LANGDON: The condition -- in any event, no
11 matter what you decide to do, whether it's leave things
12 alone or change them, the conditional use permit process
13 remains in place for site specific issues where you have
14 access concerns or particular lighting concerns or
15 whatever.

16 CHAIRMAN MADDEN: Any other --

17 I just -- just to follow-up on Mr. Rovak, I
18 think what the people are saying was whether it's
19 drive-thru or they're walk-in customers now, they're
20 missing that turn in. I think they think they can come in
21 from Rocky Drive, they turn left there and they think
22 there's going to be an entrance in from there, so that's
23 what they're talking about, the extra traffic, and
24 drive-thru is not going to eliminate that or add to it.
25 Well, I mean it'll probably be the same.

1 And as far as the food, I think what they're
2 talking about, you don't have to be near the restaurants.
3 Sunday morning I walked out to the end of my driveway at
4 six o'clock, and the -- one of the restaurants you
5 mentioned earlier, it was a full thing of food, I mean
6 could have heated it up and ate it, all over my driveway.

7 And I was telling my wife, she said, oh, well,
8 when I went for my walk, she said the rest of it was on
9 somebody's driveway, you know, four doors down.

10 So I don't think it has anything to do with how
11 close you are to a restaurant. I mean it's just kids do
12 that so.

13 Anyway, any other questions?

14 MR. CARNEY: Do we have any set hours on when
15 they can operate drive-thrus or is that -- is that part of
16 the City Code?

17 MR. LANGDON: It's not part of the City Code,
18 but it's certainly eligible under the conditional use
19 process.

20 MR. CARNEY: Okay. Cause I think that would
21 be -- if they put in this drive-thru and it opens up at
22 five in the morning, I think that would be something the
23 citizens definitely have a point on.

24 MR. LANGDON: Uh-huh.

25 CHAIRMAN MADDEN: Okay. Mr. Kling, there's a

1 few questions I think you probably could only answer or
2 your people there.

3 One was the compelling need.

4 MR. KLING: Part of it was touched on. There's
5 a area down from this particular location, I think we're
6 all familiar with it, there's a large amount of medical
7 buildings and some office buildings. Those people, at
8 lunchtime, are going to go out and seek lunch. A lot of
9 them already go to the Bread Company, park their cars and
10 go in and get the lunch, so you got the parking lot. And
11 the point that was being made is correct that this would
12 alleviate, they could go through the drive-thru, bring
13 back a whole bunch of lunch for their people in their
14 office and avoid that congestion.

15 So we think there is a need. Those people are
16 going to go eat lunch. If they aren't going to go to
17 Bread Company, then they're going to continue up on Olive
18 Boulevard, and -- and take their traffic that way.

19 So we see this as actually being a positive for
20 them and for us. So the need is that it helps us with the
21 overall operation. It helps those businesses find a place
22 where they can go through a drive-thru and bring something
23 back, rather than park and go in and get it and bring it
24 out.

25 So that's -- that's what I was referring to.

1 There is that whole submarket there, and there's no place
2 to eat around any of those places other than our location.

3 CHAIRMAN MADDEN: Okay.

4 Signage on Rocky Drive. I know you don't have
5 anything to do with that, if you do get it.

6 How many people will be going through the
7 drive-thru, do you have any estimates?

8 MR. KLING: You'll have to come up, Jim.

9 This is Jim -- does he need to be sworn in? He
10 wasn't sworn in.

11 CHAIRMAN MADDEN: Yes, please.

12 (Jim Tusing was sworn in by the court reporter.)

13 CHAIRMAN MADDEN: Would state your name and
14 address, please, for the record.

15 JIM TUSING: Jim Tusing, T-U-S-I-N-G, at 671
16 Bluffs View Court, Eureka, Missouri 63025.

17 Currently, at this time, I can't break down
18 exactly the -- the numbers, but we -- but what we
19 typically see is currently the cafe is doing about
20 50 percent for here and 50 percent to-go business.

21 We typically see 25 percent of that -- or at
22 least 25 percent of that to-go business switch to the
23 drive-thru, and then from there, we add on probably
24 additional, you know, 10 percent or so in sales.

25 So it would be an increase, but it's -- it's all

1 during our standard peak times; early morning, lunch,
2 somewhat in dinner, but dinner's more of a come in and sit
3 down.

4 And just also as far as the compelling need,
5 we've heard from many of our customers at that cafe that
6 they would really like to have it, especially the moms,
7 you know, they have kids, in the morning or if they're
8 going, you know, they don't want to have to pull the kids
9 out and lug them in and then put them back in. It, you
10 know, really helps make their life much, much easier.

11 And also there's parking. You mentioned the
12 fact that we are switching customers that are parking and
13 going inside to now driving through the drive-thru. It
14 does really open up the parking situation quite a bit.

15 CHAIRMAN MADDEN: Any questions for Mr. Tusing?
16 Go ahead.

17 JIM TUSING: Yes, sir.

18 MR. FARON: I have just a few questions.

19 And I mean I think we get in this dilemma all
20 the time, where we're starting to ask about an application
21 that's really -- hasn't been presented.

22 JIM TUSING: Right.

23 MR. FARON: We're led down that path, and it's
24 hard not to ask you about questions that some of the
25 residents had brought up.

1 I mean I would assume you'd be willing to go
2 above and, you know, beyond the call to provide some of
3 those buffering issues with sound walls and smell and
4 delivery times.

5 Maybe, you know, on the exit there there's a
6 separate, you know, right-out, instead of everybody coming
7 to that one in and out. That's always a bottleneck over
8 there. But I mean I know these things go to the specific
9 application, we're not there yet.

10 But I would just be, you know, interested in how
11 you would address some of the concerns that have been, you
12 know, presented tonight.

13 JIM TUSING: No, of course.

14 Panera, we would be more than willing to work
15 with the, you know, the community and the folks that live
16 around us.

17 Yes, erecting something, putting a sound barrier
18 up and some additional landscaping to help, one, you know,
19 hide the fact our back area from the folks that live
20 behind us.

21 It is something that we would definitely --
22 definitely want to do.

23 Working on our delivery times. You know, this
24 is the first I've heard that there was an issue with that,
25 and I can take that back to our operations team and have

1 them, you know, look at it and see what we can do, so we
2 don't have those issues that are affecting the neighbors
3 that live behind us. Because, obviously, nobody wants to
4 hear that noise, you know, at three and four in the
5 morning.

6 So we would, you know, Panera -- or St. Louis
7 Bread, we started here in St. Louis. You know, we live
8 here. Our headquarters is here. We want to be good --
9 good partners in the community, so we would definitely
10 work with them on whatever we can.

11 CHAIRMAN MADDEN: Yeah. Go ahead.

12 MR. ROVAK: One thing, I guess, I was wondering
13 if the applicant could go with, it probably not really
14 affect this application, but since we're talking about
15 writing a text amendment, and, Mr. Lumley, you can tell me
16 if this is valid or not, putting in a requirement for, you
17 know, when allowing a drive-thru restaurant, that it be --
18 that we wouldn't see in the future piggybacked onto this
19 or using this text amendment to have something which is
20 largely or solely a drive-thru.

21 In other words, that some percentage, you know,
22 the -- the estimated percentage of the business must be
23 from conventional service and something, you know, up to,
24 25 percent, something, would be drive-thru, but so that we
25 don't see somebody needing these criteria, but then coming

1 in solely with the drive-thru if that brings in more of
2 the, both the real and some of the perceived issues, that
3 there's some limitation on that.

4 As far as really early deliveries, I think some
5 of that doesn't come from restaurant service, as being a
6 bakery. I'm not sure how many bakeries don't have very,
7 very early deliveries.

8 JIM TUSING: Well, you know, we can work on
9 things like that.

10 MR. ROVAK: I mean I'm --

11 JIM TUSING: Yeah.

12 MR. ROVAK: -- that wasn't a criticism. I think
13 people should be aware this is a bakery.

14 JIM TUSING: Uh-huh.

15 MR. ROVAK: And that's -- early deliveries is
16 probably inherent to virtually all bakeries.

17 JIM TUSING: And I'll tell you, even with our
18 drive-thrus, the vast -- you know, we still do, you know,
19 probably 60 to 70 percent of our business still inside.

20 MR. ROVAK: Uh-huh.

21 JIM TUSING: We are a gathering place. People
22 come in and, you know, if you've ever been in our cafes --

23 MR. ROVAK: I have.

24 JIM TUSING: -- people come in there and they --

25 MR. ROVAK: Sell insurance policies.

1 JIM TUSING: -- they'll be there hours sometimes
2 because that's what we want. We want people to be able to
3 come in and relax.

4 MR. KLING: Just wanted to piggyback onto that.
5 That was part of the rationale of the 4500 square feet,
6 that's not going to be just a drive-thru if you have that.

7 MR. ROVAK: Uh-huh.

8 MR. FARON: And I see an option here for, you
9 know, we always continue these -- these situations, and
10 applicant's in front of us.

11 I mean with some of the things that the
12 applicant has brought up, I mean is it critical for us now
13 to think about how we can move those beyond the 3 acres
14 and address some of the issues that Paul's talking about
15 that might be coming down the road?

16 I mean or can we agree to this and address
17 3 acres plus with similar requirements that they're --
18 they're bringing to the table that might give us more
19 power later on without eliminating drive-thrus completely?

20 I mean I do see a need for some form of
21 drive-thru. Not a standalone; not a Manchester-fication
22 of Olive Street Road, but maybe a use that we see in
23 Des Peres and some other places.

24 My wife works over in that area, and it is
25 convenient for her to drive through there on occasion. I

1 think there's plus and minuses in each direction. If we
2 can control those substantially through some of the
3 options that have been brought up tonight, maybe it's
4 something we should consider beyond tonight and bring this
5 back in front of us at a later date.

6 I'll throw that out. Let Paul address it and
7 anyone else here.

8 MR. LANGDON: Well, certainly, you can limit the
9 discussion or -- or your whatever your eventual action is
10 to simply what the applicant is asking for at this stage.
11 That doesn't preclude us from coming right back next --
12 well, not next meeting because we'd have to advertise for
13 public hearing -- but in the near future to look at beyond
14 3-acre sites in whatever fashion seems appropriate.

15 I think that's part of why I wanted to have the
16 discussion start before you make the decision on whether
17 to limit this or not, so that you had a sense of what all
18 the issues are.

19 And we know, take the myopic view, and say,
20 well, we've dealt with two and three, let's hope we never
21 have to discuss this again. No, we're going to have to
22 discuss this again, and we can certainly move forward.

23 I -- I would just say, you know, one last point,
24 it -- because the draft ordinance in front of you is
25 written in a certain way, there is some debate about

1 the -- the importance of floor area, and maybe there are
2 other criteria that might come out of it, that if you are
3 inclined to confine the scope to the original application,
4 that you continue it to the next meeting, so that we can
5 come back to you with a proper draft ordinance, the public
6 has a chance to read it, the applicant has a chance to
7 read it and make sure that it represents what they were
8 asking for.

9 CHAIRMAN MADDEN: Dr. Barton.

10 MR. BARTON: See if I can articulate this.

11 I think that you -- well, if we just narrow it
12 down to the applicant's discussion. You know, I think
13 there are other solutions other -- and as some of the --
14 the people presenting pointed out, you know, if you're
15 sympathetic to Panera's application that, you know, the
16 drive-thru would allow them to put out more product from
17 the same footprint of building, and be able to alleviate
18 parking, then, you know, I think that's one argument.

19 But I think there's other solutions, obviously.
20 They could build another building and have people drive up
21 and, you know, they could have another place of business
22 nearby, the people pulled up, got their food and left. It
23 would be much more expensive to them and their
24 profitability wouldn't be as high, but they could still
25 address the parent market demand without having a

1 drive-thru.

2 Now, your counter argument would be, well, there
3 are people in our city that want a drive-thru. They want
4 to be able to drive through and pick up their food and go
5 on. But there's not a single one of them in the audience
6 expressing that desire. And until I see a whole band of,
7 you know, band moms coming up here and organizing to say,
8 you know, we really want drive-thrus, you know, that --
9 that's not going to call the argument for me.

10 So -- so in framing the discussion, I think we
11 need to decide is -- is the argument sympathetic, and do
12 we accept it, and, if so, then we accept it at face value.

13 If we have the -- if we have the bias that we
14 really do want to set a high barrier to drive-thrus, but
15 we do feel there is a niche or demand for drive-thrus that
16 we want to provide, then I think we have to break that
17 down with a separate discussion.

18 But as -- as the applicant has posed it to say,
19 well, it alleviate traffic congestion, we'll have, you
20 know, more parking for people that want to stay, and the
21 people that just want to grab a meal can move on, well, I
22 mean that just doesn't carry a lot of water with me.

23 MR. ROVAK: I don't think the applicant said it,
24 I think I said it.

25 MR. BARTON: Well, but I mean, if you read

1 between the lines, I mean that's what it is. I mean
2 they -- they can -- I mean I think the applicant can
3 certainly produce more sandwiches and sell more goods from
4 the same place, if they can drive through and pick it up
5 and go.

6 But I mean that's not -- I mean I -- I applaud
7 them, I'm happy for their stockholders to make more money
8 that way, but I don't think that's our concern
9 necessarily.

10 CHAIRMAN MADDEN: Well, I, for one, I don't see
11 how it's going to alleviate congestion. I eat in there
12 maybe couple times a week. Sometimes in the afternoon;
13 sometimes in the evening. Now evening's not bad. But I
14 don't care, if you're in there between eleven and one,
15 trying to get back out on Ballas Road, you know, it's
16 really tough. Going right, going left, whatever direction
17 you're going, you're taking your life in your hands with
18 some of those people.

19 And I know when I'm not going in there, and I
20 come down Ballas Road, if I'm going south, you know, it's
21 like the people turning in, you think it was the first
22 right turn they ever made in their life trying to get in
23 there. I mean it takes forever for them to turn, and
24 that's backing traffic up the other way. So I mean that
25 doesn't -- I don't think it's going to alleviate -- I

1 think it's going to make it worse, cause now you're going
2 to have the parking lot filled and you're going to have
3 everybody in the drive-thru, so I --

4 MR. BARTON: You're making your -- my argument
5 for me.

6 CHAIRMAN MADDEN: Yeah, that's what I'm saying,
7 yeah.

8 And as far as, you know, need, I mean you're
9 doing a heck of a business there, at least every time I'm
10 there, I've never walked straight up to the counter
11 when -- so, you know, but anyway.

12 MR. KLING: Mr. Hutkin would like to respond to
13 one of the questions.

14 CHAIRMAN MADDEN: Sure.

15 MR. KLING: But you'll have to be sworn in as
16 well.

17 (David Hutkin was sworn in by the court
18 reporter.)

19 DAVID HUTKIN: My name is David Hutkin with
20 Hutkin Development Company. We're the managing agent for
21 the property.

22 And I think we may have neglected to mention
23 when the -- when we began the presentation, was that the
24 overarching premise in the application that Panera and
25 Hutkin discussed and -- and discussed often amongst

1 ourselves, as well as during our meetings with city
2 staff -- and, by the way, we also forgot to thank city
3 staff for the time that they provided to us during this
4 several-month long process, so thank you -- but one of the
5 things that we kept repeating was that at a minimum there
6 could be no negative impact on any of the residential
7 neighbors or on any of our commercial neighbors. So I
8 think that that's a point that may have gotten lost here.

9 We set out these restrictions, not so we could
10 just sort of get the A-vote out of this Commission, and,
11 hopefully, if we are so fortunate to get to City Council,
12 getting their approval, but it was to gain the support of
13 the neighbors.

14 And that's not an easy task when you're talking
15 about doing something that has inherent conflict. And
16 there's always inherent conflict where commercial adjoins
17 residential, and now we're talking about this drive-thru,
18 and that congers up all sorts of concerns, understandably,
19 from -- from neighboring residents.

20 But we're here to assure you we are here to try
21 to create a platform that has no negative impact on our
22 neighboring residential neighbors.

23 A couple of -- so with that said, that's what
24 drove some of these restrictions that we actually, to city
25 staff's credit, we had a much longer laundry list of

1 restrictions that were sort of weeded out because it
2 really did start to define our property.

3 But we did, in the spirit of trying, at a
4 minimum, to have no negative impact. And through this
5 process, and I don't want to get too far ahead of myself,
6 but we recognize at some point, if we're so fortunate to
7 be able to make a application for a conditional use
8 permit, that we would perhaps find a way to actually be
9 creative to the quality of life that the residents
10 currently have.

11 And, again, we know that's no small challenge,
12 given the inherent conflicts between commercial and
13 residential.

14 So, should there be a noise study included?
15 Perhaps. And we would volunteer to endeavor on that, as
16 part of the -- whether it's part of the text amendment or
17 if it gets drilled down to the conditional use permit
18 process, there should be no increased noise on surrounding
19 properties as a result of a drive-up window.

20 As far as the -- a delivery time issue, you
21 know, the bakery goods, as Mr. Rovak accurately pointed
22 out, they need to arrive at a certain time, so they can be
23 fresh and hot out of the oven for -- in time for the first
24 customers to arrive.

25 I think that we have a lot of confidence in

1 Panera's ability to figure out a solution to, if those
2 deliveries have to arrive, they need to arrive stealth.
3 So while this may not be the same as a mission to take out
4 a -- a wanted terrorist, I'm convinced that Panera will
5 have a solution to make stealth deliveries at hours that
6 are, you know, unneighborly.

7 The Council brought up a second location. They
8 already thought of that, and they actually have a second
9 location in Creve Coeur, and it's in the Creve Coeur
10 Pavilion Shopping Center.

11 I doubt that there's room for a third in Creve
12 Coeur, but I don't think that that would address what is
13 part of driving Panera's desire for a drive-thru.

14 And that is, yes, they are a for-profit
15 operation. They're looking to expand profits, as all
16 businesses do. And it has been proven time and time again
17 that the addition of a drive-thru window actually does, I
18 know it's counterintuitive, but it does free up capacity
19 on the parking lot and it does drive more volume.

20 We know this because we've spoken with the
21 original founder of St. Louis Bread Company, who is now a
22 franchisee. He's a franchisee in the Denver and one of
23 the Ohio markets. So, he was our tenant back when he was
24 the original owner of St. Louis Bread Company, and now he
25 continues to be our good friend, and we get advice from

1 him, and we talk to him about what's really happening when
2 you open drive-thrus in your markets that you currently
3 have franchise locations.

4 He confirmed that it does free up parking spots
5 in the parking lot. It -- frankly, I didn't believe it
6 when I first heard it, and I was his partner in the
7 original Bread Company concept.

8 So it was very counterintuitive that this could
9 possibly happen, but -- but we've been convinced of it,
10 and we've witnessed it, and I think that Mr. Faron may
11 have witnessed it over in Des Peres. And that was one of
12 the examples.

13 We talked to Joel Montgomery, the owner of that
14 property, and he also confirmed that his shopping center
15 has enjoyed a loosening of what was previously a pretty
16 tight parking condition.

17 As far as the dangers of pulling out onto Ballas
18 Road, been there, done that. We fought long and hard to
19 get cross access with our neighboring property to the
20 north.

21 There is a signal -- a signalized -- I wouldn't
22 call it -- it's not an intersection because two streets
23 aren't meeting there necessarily, but there is a
24 signalized intersection. We've done what we thought was a
25 pretty decent job of -- of identifying how to get to the

1 traffic scene, and you do have to climb a ramp that has a
2 steeper grade than we would have liked. We made the grade
3 of that ramp as low as we physically could, given where
4 their parking lot was and our parking lot was, so I,
5 myself, use the -- the signal that's over on the 555
6 Medical Building. I'd encourage everyone to do the same,
7 whether you're making a right or a left out of Balmoral
8 Plaza.

9 We would be open to any suggestions that this
10 Commission, or, hopefully, if we get to the next level,
11 the Council might have, as to how we could further our
12 goal of having this be, at worst, neutral impact on
13 surrounding residences, and if there's a way to make it an
14 even better environment than it currently is, and,
15 clearly, there is, whether it's traffic, whether it's
16 trash or noise, the TNT, you know, we are very open to it.

17 And we don't come about it in a grudging way,
18 as, oh, shucks, well, if we have to to get this, we'll do
19 that.

20 We come to it from a very organic, a place that
21 was our original precept before we even approached the
22 City about this concept, was we will be, at worst,
23 neutral, so hope that may address some of the concerns
24 that this Commission, understandably, has.

25 CHAIRMAN MADDEN: Any questions for Mr. Hutkin?

1 Thank you very much.

2 DAVID HUTKIN: Thank you for your time.

3 CHAIRMAN MADDEN: You're welcome.

4 MR. LUMLEY: My exhibits?

5 CHAIRMAN MADDEN: Yeah.

6 MR. LUMLEY: Offer the following exhibits into
7 the record of this public hearing: Documentation in
8 possession of the City Clerk that reflects the public
9 notice provided, the staff's report and communications
10 received, the City's Code of Ordinances and Charter, the
11 City's Comprehensive Plan and the public file regarding
12 this application.

13 CHAIRMAN MADDEN: And that'll close our public
14 hearing.

15 (The public hearing was closed at 8:25 p.m.)
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25

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

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

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

Michael Barton

Planning and Zoning Commission Member
City of Creve Coeur
barton.stl@att.net

January 18, 2014

Mayor and City Council
City of Creve Coeur

Dear Mayor Glantz and Council;

Due to the weather conditions, my Sunday journey of January 5 from San Francisco to St. Louis was a bit lengthy. Unfortunately I was unable to attend the P&Z meeting of January 6 and more specifically, the discussion and vote regarding the text amendment to allow drive through restaurant services on sites less than three acres.

First off, I would like to commend the applicant for getting out ahead of the issue; an admirable business strategy. However, I disagree with the applicant's proposal and do not feel it best serves the interests of Creve Coeur or that it is in keeping with the objectives of the Comprehensive Plan.

We continually strive to create a social culture within our city that might provide and promote the opportunity to walk, and not drive, to stop in and stay a while, not grab and go, to basically slow down a bit. If there are those living, or more likely working, within our community that need the convenience of drive through food service, there are options within short driving distance of our city.

Will having a text amendment that sets the threshold for drive through restaurant services much higher than the one proposed by the applicant achieve the cultural attitude outlined above? No, but I argue that accepting the threshold presented by the applicant is moving away from that goal.

Sincerely yours,

Michael Barton



city of **CREVE COEUR**

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

January 22, 2014

Mr. Stephen Kling, Jr.
Jenkins & Kling, P.C.
150 N. Meramec Avenue, Suite 400
Clayton, MO 63105

Re: Text Amendment to allow for drive-thru restaurants on sites of less than 3 acres

Mr. Kling:

The Planning and Zoning Commission, at its meeting of January 6, 2014, reviewed a request for a text amendment to allow for drive-thru restaurants on sites of less than 3 acres.

By a vote of 3-3, the Planning Commission did not recommend approval of the proposed text amendment. The request will be presented to the City Council on Monday, January 27th, 2014. You or a representative should plan to be in attendance to speak for the request.

If you have any questions, please contact the Planning Division staff (872-2501) as soon as possible.

Sincerely,

CITY OF CREVE COEUR

Timothy Madden, Chairman
Planning & Zoning Commission

TM:jl

Cc: David Hutkin, Hutkin Development
M.C. Perkins, City Administrator
G. Eidman, Chief of Police
S. Unser, Chief Building Official



**APPLICATION TO PLANNING AND ZONING COMMISSION
#13-045 FOR A TEXT AMENDMENT TO ALLOW FOR DRIVE-THRU
RESTAURANT SERVICES ON SITES OF LESS THAN 3 ACRES**

FOR THE MEETING OF: Monday, December 16, 2013

LOCATION: City-wide

REQUEST: Stephen Kling, of Jenkins & Kling, P.C., on behalf of Panera Bread Co., has submitted a request for a text amendment to allow for drive-thru restaurants on sites of at least two acres, but less than three acres, provided that:

- The building is two stories in height, and designed for and used by a mix of at least two types of retail, office or residential tenants with a continuous structure frontage of at least two hundred (200) feet,
- The square footage for any individual food service or drinking place establishment must exceed four thousand, five hundred (4,500) square feet,
- No access shall be permitted to any minor subdivision street, and
- An opaque masonry barrier, earth berm or heavy landscaping, as determined by the Planning Commission taking into consideration topography, site lines and other relevant circumstances, for noise and sight abatement, shall be located and maintained between the drive-up facilities and any adjacent residentially zoned properties.

ADDITIONAL INFORMATION: Section 405.470(14)(c)(4) states that drive-thru service for restaurants may be located only on sites of not less than three (3) acres, but with no specific design requirements. If approved, this would allow the St. Louis Bread Company located at 443 N. New Ballas Road to seek a conditional use permit for a drive-thru.

Key Issues:

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

Comprehensive Plan References

- Residential Preservation and Economic Development
- Community Health and Connectivity

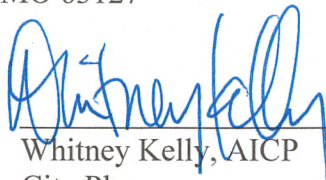
Zoning Code References

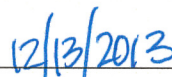
- Section 405.470 Conditional Uses
- Section 405.1060 Zoning Changes and Text Amendment

APPLICANT: Panera Bread Co.
3630 South Geyer Road, Suite 100
St. Louis, MO 63127

REPRESENTATIVE: Stephen L. Kling, Jr
Jenkins & Kling, P.C.
150 M. Meramec Ave., Suite 400
Clayton, MO 63105

REPORT PREPARED BY:

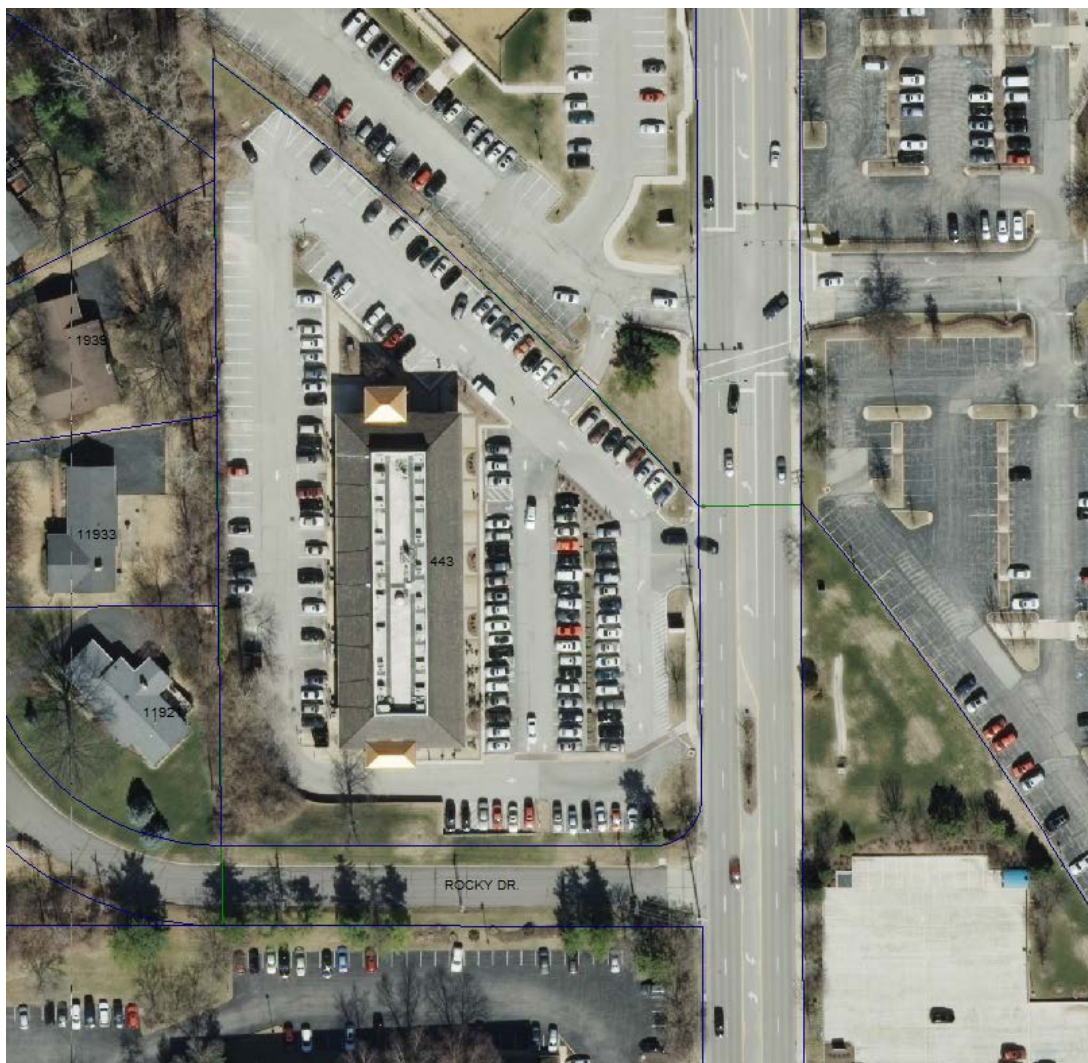

Whitney Kelly, AICP
City Planner


Date

ATTACHMENTS: Applicant's Application received October 18, 2013
Draft Ordinance
Public Comment received by December 13, 2013

DISCUSSION

The City has had a long tradition of limiting drive-thru services for restaurants through the use of the three acre minimum requirement. The Applicant states that the market along New Ballas Road between Olive Boulevard and Ladue Road is a unique area that could benefit from a limited drive-thru restaurant. However, in the effort to alleviate the concerns of traffic impact and lack of pedestrian connectivity, the applicant is proposing several conditions for those sites between two and three acres, in that drive-thru services would only be allowed for restaurants in multi-tenant building, and thus integrating the facility in with a mixed-use building, and providing a masonry barrier, earth berm or heavy landscaping between the property and residentially zoned properties. This would allow the St. Louis Bread Co. to proceed with an amendment to their conditional use permit for a drive-thru facility at 443 N. New Ballas Road, shown in the aerial below:



Comprehensive Plan Analysis

The Comprehensive Plan outlines several goals and strategies regarding residential preservation and economic development that include guiding regional retail use to the Central Business District area, while other business areas should be limited to local retail designed to serve the Creve Coeur area. Community Health and Connectivity goals include providing pedestrian amenities, creating a “green-line” park along Olive Boulevard. Further, it calls for improving the

community image and identity by maintaining the compatibility of existing commercial development areas with the surrounding single-family neighborhood and maintaining the City's strong low-density residential image and character. This is particularly true for properties zoned GC (such as the property at 443 N. New Ballas Road), because they are often smaller and adjacent to residential developments. The applicant suggests that drive-thru's are attractive to the larger regional employers which could lead to a level of traffic that the Comprehensive Plan suggests should be limited to the Central Business District area.

In general, drive-thru restaurants are in direct opposition to the promotion of pedestrian activity and are inconsistent with surrounding neighborhoods. The need to include a looping traffic lane for a drive-thru causes auto-oriented developments to functionally divide themselves from neighborhoods and surrounding commercial developments. Further, the high level of moving vehicles on the site poses more conflicts with any pedestrian activity along the commercial corridors and within the site. The type of use also, typically, relies heavily on corporate architecture and signage to capture the automotive traffic, tends to focus traffic congestion in the area, and offers limited landscaping due to the amount of coverage necessary to accommodate drive-thru features.

The applicant has proposed several additions to address these concerns. By incorporating the facility into a large multi-use/multi-story building, the looping traffic and stacking of the vehicles can be adequately hidden behind the building. In any event, the screening requirements would apply no matter where the facilities are. The conflict with the pedestrian activity is decreased if part of a larger development and, with the incorporation into a larger building, it would eliminate the corporate architecture necessary with a stand-alone use. Whether or not the proposed conditions mitigate these factors to a comfortable level, is for the Commission and Council to determine.

The Planning Commission should also be mindful of the Environmental and Sustainability chapter proposed for the Update to the Comprehensive Plan. Given that drive-thru lanes increase traffic and idling cars on-site, they also increase the carbon monoxide emissions and noise on the property. To the extent that the amendment might increase the occurrence of such traffic, the proposed amendment might be in conflict with the Comprehensive Plan. It is, however, fairly debatable as to whether or not the amendment will create many more opportunities for drive-thru lanes, especially if it is applied more broadly as discussed below.

Design Guidelines Analysis

The relevant Design Guidelines include:

Chapter 1 for Site Layout

B. Streetscape/Pedestrian Orientation

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

C. Pedestrian and Vehicular Circulation

4. *Circulation systems should be designed to avoid conflicts between vehicular, bicycle and pedestrian traffic. Pedestrian circulation should take precedence over vehicular circulation. In order to emphasize conflict points and improve pedestrian safety and visibility, the use of textured or tinted materials for pedestrian crossings should be utilized where pedestrian circulation paths cross a vehicular route.*
5. *Pedestrian linkages between uses in commercial development should be provided and emphasized.*

Chapter 2 Buildings

A. General Architectural Guidelines

4. *In commercial retail areas, two (2) to three (3) story, multi-use buildings are encouraged; one (1) story, single use buildings are strongly discouraged.*

While Staff recognizes that single-use buildings are found within all of the City's Commercial zoning district that also provide drive-thru services, such as banks and pharmacies, it is the parking and circulation needed for drive-thru services at restaurants that tend to overwhelm the site, in relation to the scale of the building, that are not typical to those other uses. Therefore, it is in the public's best interest to limit drive-thru restaurants in order to meet with the goals and objectives of the Comprehensive Plan and Design Guidelines. As discussed above, the incorporation of the facility within a larger multi-story building would meet with the Design Guidelines; whether or not it is on two-acres, or three or more would be irrelevant. Any stand-alone drive-thru restaurants, even if part of a larger site of three or more acres, would not meet with the intent of the Comprehensive Plan or Design Guidelines. Therefore, the question becomes: does the proposed amendment actually comport with the intent of the Comprehensive Plan and Design Guidelines better than the current three acres minimum? Staff would suggest that it does and, therefore, suggest that the proposed criteria in the amendment should become a standard for all drive-thru restaurants.

Zoning Analysis

The Zoning Code outlines certain requirements that should be considered when considering a text amendment.

Section 405.1060 ZONING CHANGES AND TEXT AMENDMENTS

(E) Standards.

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

The Applicant contends that allowing for the drive-thru service on smaller sites will be an economic benefit to the City and, with the proposed conditions, it would not have any negative impact to the surrounding neighborhoods. Since few properties in the City can currently meet with the proposed requirements, it is unlikely that lessening the acreage standard would result in

many more additional drive-thru restaurants and, in fact, could give the City a better outcome than currently allowed, by reducing the potential sites and by incorporating it into the larger building, not just placing an otherwise free-standing restaurant on a larger site. If the members of the Commission are interested in relaxing the acreage standard for drive-thru restaurants, then Staff, again, recommends that the proposed conditions be applied to all drive-thru restaurants, including those over three acres.

Of course, if the proposed amendment is so limiting, one must be concerned that this amendment would only allow for a drive-thru on one particular site, and, if so, one must conclude that the change would not be in the public interest; it would only be in one property owner's interest. Prior discussions on drive-thru restaurants identified possible sites of at least three acres that could include drive-thru restaurant facilities under the current regulations, such as at 13150 Olive Boulevard, Westgate Center, Cityplace, West Oak Plaza, and the Pavilion. While not all of these properties contain buildings that would satisfy the proposed regulations, they are certainly large enough that even a modest redevelopment could yield an eligible building and, the integration of a drive-thru within a larger building on sites of three or more acres would appear to meet with the overall intent of the regulations as well as on sites under three acres. On the other hand, if it is really the City's intent to eliminate drive-thru restaurants, then a de facto prohibition through overly-demanding regulation should not be pursued and the Planning Commission should consider a text amendment to simply remove them from the permitted use table (Table A). Whether or not the proposal represents a prohibition is fairly debatable but staff suggest that, since the standards could be achieved through a development type that has been accomplished in the past, it is not.

Finally, the applicant has included a requirement that the square footage for any individual food service or drinking place establishment must exceed 4,500 sq. ft. With the requirement that any drive-thru service become part of a larger building, the proposed requirement of a minimum size for the restaurant, would seem unnecessary. Would a smaller coffee shop have any greater impact on the site and/or a multi-story, mix-use building than a 4,500 sq. ft. restaurant? Staff would suggest that it would not, and therefore, the draft ordinance does not include such a restriction.

Ordinance Correction

It should also be noted that the draft ordinance includes a provision to clean up the current language, where the drive-thru standard was mistakenly left in under Section 405.470(8)(d) during the NAICS process, when all conditions related to restaurants were moved to Section 405.470(14) Food services and drinking places--(NAICS 722).

SECTION 405.470: CONDITIONAL USES

8. All drive-through and drive-in sales of goods or services including freestanding drive-in banking facilities (not including restaurants) (CC-442100) (conditional use in the "PC", "GC" and "CB" districts).
 - a. Shall provide space for at least three (3) cars per drive-up window or station.
 - b. Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties.
 - c. Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists entering, exiting or passing by the site.

- d. ~~Drive thru service for restaurants may be located only on sites of not less than three (3) acres.~~

If the Commission is not prepared to support the requested amendment, staff will advance the correction in the near future under a separate application.

CONCLUSION

The principal question before the Commission is: Are the Commission Member's open to changes to the Zoning Code to allow for additional drive-thru restaurants on sites of less than three acres? If so, Staff request guidance on the scope of the change, that is:

- Should the incorporation of such facility as part of a larger building be applied to all drive-thru restaurants? (The draft ordinance is currently written with this standard applied to all restaurants).
- What lot size is appropriate?
- The Applicant included a condition that the restaurant seeking a drive-thru service, shall be a minimum of 4,500 sq. ft. If part of a larger building, does the size requirement of the individual tenant become relevant? The draft ordinance is currently written with this standard not included but, if the Commission wishes to add a minimum individual tenant size, a motion to include it will be needed.
- Are the proposed conditions enough to mitigate the traffic and noise of such facilities from adjacent residential properties?

On the other hand, if the Commission Members are satisfied with the current regulations, they should vote against the requested amendment, or continue the matter to allow the applicant an opportunity to amend the request in light of the preceding analysis.

MOTION

If the Commission members wish to consider further requirements on drive-thru facilities, the following is an example of an appropriate motion for this application:

"I move to continue Application #13-045, to the meeting of January 6, 2014 to allow the applicant time to address the concerns of the members of the Planning Commission and work with staff for further revisions that meet with the Comprehensive Plan."

If the Commission members wish to proceed with an action on the proposed text amendment, the following is an example of an appropriate motion for this application:

"I move to recommend approval of Application #13-045, for the text amendment to allow drive-thru restaurants on sites of two or more acres subject to the conditions contained in the draft ordinance prepared for the meeting of December 16, 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.

File # 13-045



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

PLANNING AND ZONING COMMISSION AGENDA APPLICATION TEXT AMENDMENT

RECEIVED

OCT 18 2013

PLANNING DEPT.

PLEASE COMPLETE FRONT AND BACK PAGES

Applicant:	Applicant's Representative (if applicable):
Panera Bread	Stephen L. Kling, Jr., Esq.
<i>Name</i>	<i>Name</i>
Same	Jenkins & Kling, P.C.
<i>Company (If Applicable)</i>	<i>Company (If Applicable)</i>
3630 South Geyer Road, Suite 100	150 North Meramec Avenue, Suite 400
<i>Address</i>	<i>Address</i>
St. Louis, Missouri 63127	St. Louis, Missouri 63105
<i>Address</i>	<i>Address</i>
Telephone # (314) 541-6526	Telephone # (314) 721-2525
<i>Telephone #</i>	<i>Telephone #</i>
Fax #	Fax # (314) 721-5525
<i>Fax #</i>	<i>Fax #</i>
Email: jim.tusing@panerabread.com	Email: skling@jenkinskling.com
<i>Email</i>	<i>Email</i>

Applicant's Status (Indicate one):

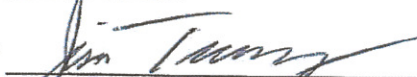
☐ City Official (Mayor, City Councilor, Planning Commissioner, Zoning Administrator)
☒ Private Party (Financial, contractual, or proprietary interest)
☐ Other Governmental Interest (Jurisdiction: _____)

The undersigned hereby requests to be placed on the Agenda for the Planning and Zoning Commission meeting at 7:00 P.M. on Monday, _____, 20____.

Panera Bread

Jenkins & Kling, P.C.

By:


Applicant's Signature

Jim Tusing

10/17/13

Date

By:


Applicant's Representative's Signature

Stephen L. Kling, Jr.

10/16/13

Date

File # 13-045

Description of Request (attach additional sheets as needed): See Exhibit "A" attached hereto and incorporated herein by reference.

Affected Section(s) of the Zoning or Subdivision Code: 405.470.14

Proposed Ordinance Language (attach additional sheets as needed): See Exhibit "A" attached hereto and incorporated herein by reference.

Office Use Only

☐ Proposed Ordinance Language

Received By: _____

☐ Fees Paid

☐ Written Justification

Date: _____

Paul Langdon, Director of Community Development
Pat Rosenblatt, Secretary (872-2501)

Revised: 9/09

EXHIBIT "A"
TO APPLICATION FOR TEXT AMENDMENT

RECEIVED
OCT 18 2013
PLANNING DEPT.

DESCRIPTION OF REQUEST

Under the current language of Section 405.470.14.c of the Creve Coeur Zoning Ordinance, a conditional use permit for a drive-thru or drive-up service as part of a food service or drinking place establishment (NAICS 722) is allowed in the GC (General Commercial) District subject to the following exceptions:

- (1) There must be space for at least three (3) cars per drive-up window or station.
- (2) Landscaping must be provided to screen the view of the drive-up waiting spaces from surrounding properties.
- (3) Drive-up window access, waiting spaces and egress must not interfere with site circulation or be hazardous to motorists entering, exiting or passing the site.
- (4) Drive-thru service for restaurants may only be located on sites of not less than three (3) acres.

Applicant is interested in constructing a one lane drive-thru facility at its location at 443 N. New Ballas Road, Creve Coeur, Missouri 63141. Applicant is a bakery and café chain operation with 1,724 restaurants across the country under the Panera Bread, Saint Louis Bread Co. and Paradise Bakery & Café names. Applicant began a program a few years ago to add drive-thru lanes at select locations to better compete in the growing field of restaurants focused on good, healthy food. In 2011, Applicant opened 120 drive-thru locations nationwide and has since added another 136 locations. Applicant typically puts its best associates at the drive-thru windows and the drive-thru areas have their own dedicated coolers, preparation areas and staff. Applicant's experience is that drive-thru facilities reduce peak time strain on surface parking, since a large proportion of Applicant's business is carryout.

Applicant has found that drive-thru additions to its locations in close proximity to hospitals, suburban neighborhoods and large employers are exceptionally popular. Applicant believes that its location in Creve Coeur, located in a submarket area along New Ballas Road in close proximity to a large number of medical buildings and offices, would fulfill a large need and demand for those with limited lunch time or the desire to quickly pick up an order to take back to the office. Applicant has operated at its Creve Coeur location for over 21 years and has considerable experience with the desires of its customers.

While Applicant is located in a large, multi-tenant building along Ballas Road, since the site is zoned "GC" and is only 2.47 acres, it is ineligible for any consideration for a drive-thru due to the three (3) acre minimum requirement for drive-thrus.

Applicant believes the submarket along New Ballas Road between Olive Boulevard and Ladue Road is a unique area that could benefit from limited drive-thru additions to restaurants in multi-tenant buildings. Accordingly, Applicant requests an amendment to Section 405.470.14.c to allow a drive-thru for food service and drinking places, subject to the criteria below:

PROPOSED ORDINANCE LANGUAGE

Applicant proposes that Section 405.470.14 be amended as indicated by the following redline language:

"14. Food services and drinking places -- (NAICS 722). Shall be located on sites of not less than two (2) acres with the following exceptions:

"a. the acreage requirement does not apply to the properties within the "GC" District;

"b. the acreage requirement does not apply to restaurants in the "CB," "PO," "PC," and "LI" Districts that are located within a retail or office building, provided that such restaurants do not collectively occupy more than forty percent (40%) of the building square footage; and

"c. Drive-thru or drive-up services:

"(1) Shall provide space for at least three (3) cars per drive-up window or station;

"(2) Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties;

"(3) Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists entering, existing or passing the site;

"(4) Drive-thru service for restaurants may be located on sites of not less than twothree (23) acres;

"(5) For sites of two (2) acres but less than three (3) acres, the following additional requirements shall apply:

"(A) the site must be at least two (2) stories in height and be designed for and used by a mix of at least two (2) types of retail, office, or residential tenants, with a continuous structure frontage of at least two hundred feet (200');"

"(B) the square footage for any individual food services or drinking place establishment must exceed four thousand five hundred (4,500) square feet;

"(C) no access shall be permitted to any minor subdivision streets; and

"(D) an opaque masonry barrier, earth berm or heavy landscaping, as determined by the Commission taking into consideration topography, site lines and other relevant circumstances, for noise and sight abatement shall be located and maintained between that drive-up facilities and any adjacent residentially zoned properties."

From: [Joe Flaherty](#)
To: [Kelly Whitney](#)
Subject: #13-045 Application to Planning and Zoning Commission
Date: Tuesday, November 26, 2013 3:25:52 PM
Importance: High

Whitney;

Hello my name is Joe Flaherty and I live at 11921 Rocky Drive in the Balmoral Subdivision. Actually I live in the first house on the right when entering Balmoral which is directly behind the Panera Bread Co. location in reference to this Planning and Zoning hearing and text amendment.

I am in commercial real estate development and actually did the CVS on Olive in Creve Couer. I am familiar with the politics of the P&Z Board and the process of Creve Couer. I also understand what Panera is attempting to accomplish in this text amendment petition to allow for a drive-thru on their current location and why Panera feels it is necessary. With that being said I hope that the Planning and Zoning Board takes a hard look at the proximity of where this drive thru lane will be added as the proximity of my home.

Currently Panera is a noise problem. Employees currently are behind the existing building at all hours of the day and night and they are loud and seem to have very little concern for the residential homes located directly behind their operation. There are times that I have seen some of the younger employees have parties after hours directly behind the store. Deliveries and trash pick ups happen early in the morning often times waking up my 7 year old son as well as my wife and I. Currently there is little to NO consideration for their proximity to a residential neighborhood and adding the addition of a drive thru with speakers for ordering, back up of additional vehicles, emissions from those cars and overall increased noise should weigh heavily on P&Z in consideration of this proposal.

I am aware that this text amendment has been tested recently with the potential Chick-Fil-A at the old Walgreens location on Olive and I hope that P&Z stays consistent in their decisions to not allow this text amendment to pass as the site is under 3 acres of land.

In the chance that the amendment would be passed while we will not be happy, I would suggest that Panera needs to spend some money and increase some type of sound barrier or buffer from the back of their building to the back of my lot which currently runs to the top of the existing retaining wall. Also my home sits much higher in elevation than the Panera location and noise travels easier to our home as well as my neighbors than if the topography was different.

I will be attending this meeting as well as speaking to my neighborhood association to make every effort to make sure that our voice is heard in hoping that this request is denied preserving the mixed use of the current property and the blending of Balmoral subdivision into the existing zoning.

Thank you for your time.

[Joseph Flaherty](#)
[Director of Site Acquisition](#)
[Cedarwood Development](#)
[11921 Rocky Drive](#)
[St. Louis, Missouri 63141](#)
[330-696-8260](#)
jflaherty@cedarwoodd.com
www.cedarwooddevelopment.com

From: Debbie Cole [purplemonkey003@yahoo.com]
Sent: Tuesday, January 07, 2014 2:52 PM
To: Langdon. Paul
Subject: drive-thrus

Dear Paul,

Please forward this message to everyone on the Creve Coeur City Council and on the Creve Coeur Planning and Zoning Committee.

I want to voice my strong opposition to drive-thru lanes at restaurants for the following reasons:

1. First of all, I do not hear a clamor among Creve Coeur residents for drive-thru restaurants. In fact, I usually hear the opposite, usually voiced as follows, "I don't want Olive looking like St. Charles Rock Road."
2. The current situation at Dautel and Graeser is ok, at this point. Red Racks seems to be filling a niche in the community and as far as I can tell, seems to be a good neighbor. Pumperknicks is a nice community restaurant.
3. Traffic from Walgreens is generally manageable although it can back up sometimes on Dautel. A drive-thru restaurant at the old Walgreens location would be a nightmare. Traffic would be intense.
4. Now that the new Walgreens has been built and we compare it with CVS, I think everyone will agree with what we said all along. The lot was too small. I have personally seen several near-misses with cars because the parking lot is simply too small. We do not need to change the requirements for restaurants and drive-thrus and repeat this problem just because a developer wants to redevelop his commercial lot. The rules were made for a reason. Make them play by the rules.

Thank you for your time and consideration of this matter.

Debbie Cole

From: [Kelly. Whitney](#)
To: [Kelly. Whitney](#)
Subject: FW: against reducing the required acreage from 3 to 2
Date: Tuesday, December 17, 2013 4:31:58 PM

From: Natalie Chen [<mailto:nataliexchen@yahoo.com>]
Sent: Tuesday, December 17, 2013 10:30 AM
To: planningandzonning; Langdon. Paul
Subject: against reducing the required acreage from 3 to 2

I am strongly against reducing the required acreage from 3 to 2.

Natalie Chen

Resident of Creve Coeur

Sent from my iPad

From: [Kelly. Whitney](#)
To: [Kelly. Whitney](#)
Subject: FW: against reducing the required acreage from 3 to 2
Date: Tuesday, December 17, 2013 4:31:58 PM

From: Natalie Chen [<mailto:nataliexchen@yahoo.com>]
Sent: Tuesday, December 17, 2013 10:30 AM
To: planningandzonning; Langdon. Paul
Subject: against reducing the required acreage from 3 to 2

I am strongly against reducing the required acreage from 3 to 2.

Natalie Chen

Resident of Creve Coeur

Sent from my iPad

HUTKIN DEVELOPMENT COMPANY

November 27, 2013

RECEIVED
DEC 02 2013
PLANNING DEPT.

Mr. Paul Langdon
Director of Community Development
City of Creve Coeur
300 North New Ballas Road
Creve Coeur, Missouri 63141

RE: *443 N. New Ballas Road, Creve Coeur, Missouri 63141*

Dear Paul:

Thank you for making us aware of the noise complaint made by the resident of 11921 Rocky Drive with respect to Saint Louis Bread Company's tenancy. As you know, Hutkin Development Company ("HDC") is the managing agent for the property at 443 N. New Ballas Road in the City of Creve Coeur, better known as Balmoral Plaza.

We have managed this property for more than 35 years and, to our knowledge, we have had very few, if any complaints from our residential neighbors regarding the property and its tenants. We and the ownership group take great pride in and place a high priority on setting high standards for managing this property, and our other properties located in Creve Coeur, as evidenced by the positive feedback we have received over the years from members of your staff and numerous Creve Coeur officials.

Since being advised by your department of this noise complaint we immediately forwarded it and our own concerns to Saint Louis Bread Company. We certainly wish the resident at 11921 Rocky Drive would have brought this situation to our attention, or the City's attention at the onset, and we would have been able to address it sooner.

We have been assured by the management team of Saint Louis Bread Company that this complaint will be immediately reviewed and that any legitimate issue raised in the complaint will be immediately and fully addressed and corrected.

Also, as a result of our being made aware of this situation, we will be happy to provide our contact information to the subdivision association and they are welcome to contact us with any questions or concerns they may have regarding any employee noise or housekeeping issues with Saint Louis Bread Company or any other tenants at the property. We want to assure you we take this matter very seriously, as does the management of Saint Louis Bread Company.

While we view this complaint as a separate issue, since the matter was raised in connection with the pending text amendment, we kindly request that this letter be distributed to the planning and zoning commission.

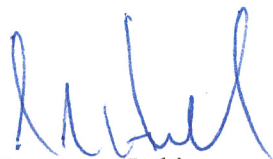
10829 Olive Boulevard, Suite 200, St. Louis, Missouri 63141, (314) 872-9140
Facsimile (314) 872-9001 <http://www.hutkin.com> e-mail: info@hutkin.com

Mr. Paul Langdon
November 27, 2013
Page 2

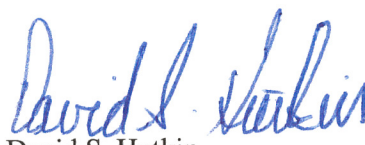
If you have any further concerns in this regard, please do not hesitate to contact me and thank you again for bringing this matter to our attention.

Sincerely,

HUTKIN DEVELOPMENT COMPANY

A handwritten signature in blue ink, appearing to read 'Hutkin'.

Steven F. Hutkin
President

A handwritten signature in blue ink, appearing to read 'David S. Hutkin'.

David S. Hutkin

cc: Mr. Jim Tusing, Panera Bread

January 6, 2014

Planning and Zoning Commissioners
City of Creve Coeur
300 N New Ballas Road
Creve Coeur, MO 63141

Dear Commissioners,

On behalf of the Climate Action Task Force (CATF), we would urge you to not approve application #13-045 that would allow for drive-thru restaurant service on sites of less than three acres. The wrap around configuration of this building would allow a significant number of cars to idle and increase greenhouse gases.

The CATF is on record as promoting the City of Creve Coeur in its quest to be a more sustainable city by “reducing the city’s greenhouse gas emissions and carbon footprint” (CATF website). In the city’s October’s Newsletter we encourage all residents to view the *iturnitoff.com* website, watch the video, and take the pledge to avoid idling. Idling increases greenhouse gases through increased gas/fuel consumption, increases fuel cost, and most importantly increases health risks. There has also been posted notices of encouraging residents not to have their car idle on the government center’s doors. We applaud the schools and businesses that post signs to not idle.

Currently, the city has one other restaurant with a drive-thru window. We do not wish to regress in our efforts to make our city more sustainable by adding another one. Currently, the Comprehensive Plan does not allow for this for good reason. Nor do we see a compelling need to add a window. We recommend that Panera Bread Company instead be a leader and have its customers order online or by phone, park in a dedicated parking space for pick-ups, and have employees assigned to deliver their food products to the driver’s window.

As much as we enjoy Panera Bread Company food, we cannot in good conscience recommend the approval of this text amendment. We urge all commissioners to think of the benefits of not having a drive-thru window and be assertive in taking action to not increase greenhouse gases. We, the CATF and the residents of Creve Coeur, thank you.

Sincerely,

Judy Campbell, Lead Co-Chair
Climate Action Task Force

**AN ORDINANCE AMENDING SECTION 405.470, CONDITIONAL USES, OF THE CREVE
COEUR ZONING ORDINANCE TO ALLOW FOR DRIVE-THRU RESTAURANTS ON SITES
OF TWO OR MORE ACRES WITH CERTAIN REQUIREMENTS,
AND TO CORRECT A CLERICAL ERROR.**

WHEREAS, an application by Panera Bread Co. was submitted for an amendment to Section 405.470(14) Conditional Uses, of the Creve Coeur Zoning Ordinance to allow for drive-thru restaurant services on sites of two acres; and,

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

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, December 16, 2013, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of _____ recommended approval of the subject amendments at its meeting on Monday, January 6th, 2014; and,

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

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

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

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

SECTION 1: Section 405.470(8) shall be amended as follows:

SECTION 405.470: CONDITIONAL USES

8. All drive-through and drive-in sales of goods or services including freestanding drive-in banking facilities (not including restaurants) (CC-442100) (conditional use in the "PC", "GC" and "CB" districts).
 - a. Shall provide space for at least three (3) cars per drive-up window or station.
 - b. Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties.

- c. Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists entering, exiting or passing by the site.
- d. ~~Drive-thru service for restaurants may be located only on sites of not less than three (3) acres.~~

SECTION 2: Section 405.470(14) shall be amended as follows:

SECTION 405.470: CONDITIONAL USES

- 14. Food services and drinking places--(NAICS 722). Shall be located on sites of not less than two (2) acres with the following exceptions and conditions:
 - a. The acreage requirement does not apply to restaurants without drive-thru or drive-up services within the "GC" District;
 - b. The acreage requirement does not apply to restaurants without drive-thru or drive-up services ~~properties~~ in the "CB", "PO", "PC" and "LI" Districts that are located within a retail or office building, provided that such restaurants do not collectively occupy more than forty percent (40%) of the building square footage; and
 - c. Drive-thru or drive-up services shall only be on sites of two or more acres in all zoning districts:
 - (1) Shall be within a building of at least two (2) stories in height and designed for use by office or residential tenants in addition to the restaurant and other retail uses, with a continuous structure frontage of at least two hundred feet (200').
 - (2) Shall provide space for at least three (3) cars per drive-up window or station.
 - (23) Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties. An opaque masonry barrier, earth berm or heavy landscaping, as determined by the Commission taking into consideration topography, site lines and other relevant circumstances, for noise and sight abatement shall be located and maintained between that drive-thru facilities and any adjacent residentially zoned properties
 - (34) Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site.
 - (45) Drive-thru service for restaurants may be located only on sites of not less than three (3) acres. No access shall be permitted from the property to any minor residential or minor subdivision streets.
 - d. *In the "MX" District:*
 - (1) Restaurants cannot be located on sites that adjoin or abut property within an "A", "B", "C" or "D" Single-Family Residential District or that adjoin or abut property within an "AR" Attached Single-Family Residential District used for attached single-family dwellings including town homes or duplexes but excluding multi-family dwellings;
 - (2) Shall be located on sites of not less than two (2.0) acres;
 - (3) Shall be located on the ground floor of the structure;

BILL NO. _____

ORDINANCE NO. _____

- (4) Shall not occupy more than forty percent (40%) of the approved building square footage for the building footprint and a single eating and drinking establishment shall not exceed three thousand five hundred (3,500) square feet in size;
- (5) Shall have a minimum of sixteen (16) seats for dining; and
- (6) Shall not provide drive-thru or drive-up services to patrons. *"Drive-thru"* and *"drive-up"* shall mean service to on-premises patrons who do not enter the restaurant/patio area, but rather receive service through a drive-up window and/or receive food service in their automobiles.

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

ADOPTED THIS ____ DAY OF _____, 2014.

SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2014.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

**AN ORDINANCE AMENDING SECTION 405.470, CONDITIONAL USES, OF THE CREVE
COEUR ZONING ORDINANCE TO ALLOW FOR DRIVE-THRU RESTAURANTS ON SITES
OF TWO OR MORE ACRES WITH CERTAIN REQUIREMENTS,
AND TO CORRECT A CLERICAL ERROR.**

WHEREAS, an application by Panera Bread Co. was submitted for an amendment to Section 405.470(14) Conditional Uses, of the Creve Coeur Zoning Ordinance to allow for drive-thru restaurant services on sites of two acres; and,

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

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, December 16, 2013, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of _____ recommended approval of the subject amendments at its meeting on Monday, December 16, 2013; and,

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

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

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

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

SECTION 1: Section 405.470(8) shall be amended as follows:

SECTION 405.470: CONDITIONAL USES

8. All drive-through and drive-in sales of goods or services including freestanding drive-in banking facilities (not including restaurants) (CC-442100) (conditional use in the "PC", "GC" and "CB" districts).
 - a. Shall provide space for at least three (3) cars per drive-up window or station.
 - b. Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties.

- c. Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists entering, exiting or passing by the site.
- d. ~~Drive-thru service for restaurants may be located only on sites of not less than three (3) acres.~~

SECTION 2: Section 405.470(14) shall be amended as follows:

SECTION 405.470: CONDITIONAL USES

- 14. Food services and drinking places--(NAICS 722). Shall be located on sites of not less than two (2) acres with the following exceptions and conditions:
 - a. The acreage requirement does not apply to restaurants without drive-thru or drive-up services properties within the "GC" District;
 - b. The acreage requirement does not apply to restaurants without drive-thru or drive-up services in the "CB", "PO", "PC" and "LI" Districts that are located within a retail or office building, provided that such restaurants do not collectively occupy more than forty percent (40%) of the building square footage; and
 - c. Drive-thru or drive-up services shall only be on sites of two or more acres in all zoning districts:
 - (1) Shall be within a building of at least two (2) stories in height and designed for use by office or residential tenants in addition to the restaurant and other retail uses, with a continuous structure frontage of at least two hundred feet (200').
 - (2) Shall provide space for at least three (3) cars per drive-up window or station.
 - (23) Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties. An opaque masonry barrier, earth berm or heavy landscaping, as determined by the Commission taking into consideration topography, site lines and other relevant circumstances, for noise and sight abatement shall be located and maintained between that drive-thru facilities and any adjacent residentially zoned properties
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 - (45) Drive-thru service for restaurants may be located only on sites of not less than three (3) acres. No access shall be permitted from the property to any residential subdivision streets.

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

ADOPTED THIS ____ DAY OF _____, 2014.

SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

BILL NO. _____

ORDINANCE NO. _____

APPROVED THIS ____ DAY OF _____, 2014.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

**AN ORDINANCE AMENDING SECTION 405.470, CONDITIONAL USES, OF THE CREVE
COEUR ZONING ORDINANCE TO ALLOW FOR DRIVE-THRU RESTAURANTS ON SITES
OF TWO OR MORE ACRES WITH CERTAIN REQUIREMENTS,
AND TO CORRECT A CLERICAL ERROR.**

WHEREAS, an application by Panera Bread Co. was submitted for an amendment to Section 405.470(14) Conditional Uses, of the Creve Coeur Zoning Ordinance to allow for drive-thru restaurant services on sites of at least two acres but less than three acres; and,

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

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, December 16, 2013, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of _____ recommended approval of the subject amendments at its meeting on Monday, January 6, 2014; and,

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

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

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

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

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 - a. The acreage requirement does not apply to restaurants without drive-thru or drive-up services within the "GC" District;
 - b. The acreage requirement does not apply to restaurants without drive-thru or drive-up services in the "CB", "PO", "PC" and "LI" Districts that are located within a retail or office building, provided that such restaurants do not collectively occupy more than forty percent (40%) of the building square footage; and
 - c. Drive-thru or drive-up services shall only be on sites of two or more acres in all zoning districts:
 - (1) Shall provide space for at least three (3) cars per drive-up window or station.
 - (2) Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties.
 - (3) Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists or pedestrians entering, exiting or passing by the site.
 - (4) Drive-thru services for restaurants may be located only on sites of not less than three (3) acres, except that such services may be located on sites of at least two (2) acres (but less than three (3) acres) provided that:
 - (a) Such use shall be within a building of at least two (2) stories in height and designed for use by office or residential tenants in addition to the restaurant and other retail uses, with a continuous structure frontage of at least two hundred feet (200').
 - (b) The square footage of the restaurant must exceed four thousand five hundred (4,500) square feet.
 - (c) An opaque masonry barrier, earth berm or heavy landscaping, as determined by the Commission taking into consideration topography, site lines and other relevant circumstances, for noise and sight abatement shall be located and maintained between that drive-thru facilities and any adjacent residentially zoned properties.
 - (d) No access shall be permitted from the property to any minor residential or minor subdivision streets.
 - d. In the "MX" District:
 - (1) Restaurants cannot be located on sites that adjoin or abut property within an "A", "B", "C" or "D" Single-Family Residential District or that adjoin or abut property within an "AR" Attached Single-Family

BILL NO. _____

ORDINANCE NO. _____

- Residential District used for attached single-family dwellings including town homes or duplexes but excluding multi-family dwellings;
- (2) Shall be located on sites of not less than two (2.0) acres;
 - (3) Shall be located on the ground floor of the structure;
 - (4) Shall not occupy more than forty percent (40%) of the approved building square footage for the building footprint and a single eating and drinking establishment shall not exceed three thousand five hundred (3,500) square feet in size;
 - (5) Shall have a minimum of sixteen (16) seats for dining; and
 - (6) Shall not provide drive-thru or drive-up services to patrons. *"Drive-thru"* and *"drive-up"* shall mean service to on-premises patrons who do not enter the restaurant/patio area, but rather receive service through a drive-up window and/or receive food service in their automobiles.

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

ADOPTED THIS ____ DAY OF _____, 2014.

SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2014.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE
PERMIT FOR A 41,900 SQUARE-FOOT, 53 BED, ASSISTED LIVING FACILITY
LOCATED AT 450 N. LINDBERGH BOULEVARD IN THE "GC" GENERAL
COMMERCIAL DISTRICT**

WHEREAS, under Chapter 405, Table A, of the Creve Coeur Code of Ordinances, Assisted Living Facilities for the Elderly (NAICS 623312) 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 Bill Biermann, of WM. Biermann Company LLC, for a conditional use permit for a 41,900 square-foot, 51-bed, two-story, assisted living facility, to be known as The Grove in Creve Coeur, and located at 450 N. Lindbergh Boulevard, in the GC District; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Tuesday, January 21, 2014, 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 6-0 vote, recommended approval of the conditional use permit, subject to the conditions contained herein, at its meeting on February 3rd, 2014; 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 3 hereof for the operation of an assisted living facility, located in the "GC" General Commercial zoning district, whose legal description is as follows:

A Part of Lot 13 of Subdivision of Thomas R. Axtell's Farm in Section 1, Township 45 North, Range 5 East, in St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 9 Page 38 of the St. Louis City (former County) records and described as: Beginning at the point of intersection of the East line of Lindbergh Boulevard, 100 feet wide, with the center line of Private Road, 40 feet wide, established by Instrument recorded in Book 2900 Page 221 of the St. Louis County Records; thence Southwardly along the East line of said Lindbergh Boulevard 285.94 feet to the Northwest corner of property conveyed to Rose Kitsis by deed recorded in Book 5563 Page 86 of the St. Louis County Records; thence Eastwardly along the North line of said property conveyed to Rose Kitsis, as aforesaid, 300 feet to the Northeast corner thereof; thence Northwardly and parallel with the East line of said Lindbergh Boulevard 285.94 feet to a point in the center line of said Private Road, 40 feet wide; thence Westwardly along the center line of said Private Road 300 feet to the point of beginning.

Section 2: 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 a 41,900 square-foot assisted living facility with a maximum of 53 resident beds at 450 N. Lindbergh Boulevard.
2. The applicant is required to submit a Site Improvement Permit application, showing all exterior improvements, as required by Section 420.070 of the Land Disturbance Code. The permit application shall be in substantial conformance with the "Site Development Plan," received January 27, 2014 as bound together and submitted in conjunction with Application #13-047 by George Stock, of Stock & Associates, Consulting Engineers, Inc.
3. The Site Development Plan shall include a new detached sidewalk along Lindbergh Boulevard consistent with the City of Creve Coeur Design Guidelines and Pedestrian Plan, subject to the review and approval of the Zoning Administrator and MoDOT
4. The applicant is required to submit a Building Permit application, as required by Article II of the Building Code. Exterior elevations shall be in substantial conformance with the "Exterior Elevations" received January 27, 2014, as bound together and submitted in conjunction with Application #13-047.
5. The siding proposed for the building shall be of natural wood siding from a renewable source.
6. The Applicant shall submit a revised Landscape Plan in substantial conformance with the "Landscape Plan," received January 27, 2014 as bound together and submitted in conjunction with Application #13-047 by George Stock, of Stock & Associates, Consulting Engineers, Inc., except that the north side yard landscape shall be subject to the review and approval of the Zoning Administrator.
7. The sight-proof fence shall not extend any further north than the building, and that any fencing approved between Beaver Drive and the building shall be of black wrought-iron, style, and returned to the building at the earliest possible point.
8. An underground irrigation system shall be installed and maintained to serve all new landscaped areas.
9. 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.

10. All exterior heating, ventilation and air conditioning (HVAC) equipment shall be located within the south side yard and enclosed within a masonry enclosure extending no less than two feet higher than the tallest equipment within the enclosure.
11. All in-room HVAC equipment shall be vertical terminal air conditioner (VTAC) design.
12. No external fans, blowers, or compressors of any kind may be located on any east-facing wall or roof slope of the facility.
13. Accessory structures, including the generator, dumpster and any HVAC enclosures, and the supporting structure of the ground monument sign shall be of materials consistent with the main building.
14. All lighting shall be in conformance with Section 405.680, Lighting, of the Zoning Code.
15. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
16. The kitchen facility shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
17. Any steam cleaning of the kitchen equipment shall occur between 8:00 AM and 5:00 PM
18. Any mechanical equipment installed for the site shall be properly screened with materials consistent with the main building, for the Zoning Administrators approval.
19. Prior to issuance of any building permits, the applicant shall prepare and record easement for the bus shelter, as approved by the City Attorney.
20. All deliveries and pick-ups, including trash, shall occur only between the hours of 8:00 AM and 5:00 PM.
21. Any employee smoking area shall be located on the south side of the building and in compliance with Section 215.090: Prohibition Of Smoking In Places Of Employment And Public Places of the Code of Ordinances.
22. The Applicant shall provide to the City a copy of all current licenses issued by the State of Missouri for the operation of the assisted living facility, to be kept on file with the City for public inspection.
23. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
24. 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.
25. 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.
26. 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.

BILL NO. 5473

ORDINANCE NO. _____

Section 3: 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 2 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 4: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2014.

SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2014.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



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 #13-047 APPROVAL OF A CONDITIONAL USE PERMIT FOR AN ASSISTED LIVING FACILITY AT 450 N. LINDBERGH BLVD

FOR THE MEETING OF: Monday, February 3, 2014

LOCATION: 450 N. Lindbergh Boulevard

REQUEST: An application by Bill Biermann, of WM. Biermann Company LLC, has been submitted for the conditional use permit for a 41,900 sq. ft., 51 bed, Assisted Living Facility (NAICS 623312), to be known as The Grove in Creve Coeur, located at 450 N. Lindbergh Boulevard. The subject property is zoned "GC" General Commercial.

ADDITIONAL INFORMATION: Assisted Living Facilities for the Elderly (NAICS 623312) are a conditional use in the GC District, where there is no minimum acreage requirement. The subject property is 1.968 acres. The property abuts Beaver Drive, a private street, but does not have access to it. The proposed facility will replace the existing, two-story, multi-tenant commercial building.

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

- Commerce Center Action Area

Zoning Code References

- Section 405.120 Definition of Terms
- Section 405.210: Regulation of Uses
- Section 405.360: "GC" General Commercial District
- Section 405.470: Conditional Uses
- Section 405.540: Landscaping
- Section 405.630: Yard regulations
- Section 405.820 Required Off-Street Parking Spaces

APPLICANT: Bill Biermann
Wm. Biermann Company, LLC
1795 Clarkson Road, Suite 190
Chesterfield, MO 63017

APPLICANT'S REPRESENTATIVE:

George M. Stock, P.E.,
Stock & Associates Consulting
Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO 63005



REPORT PREPARED BY:

Whitney Kelly
Whitney Kelly, AICP, City Planner

1/31/2014
Date

ATTACHMENTS: Applicant's revised Materials submitted January 27, 2014
Draft Ordinance
Deed and Plat Easement provided by the Applicant

BUILDING CHANGES SINCE JANUARY 21, 2014

The Applicant has revised the building elevations to address the concerns that were discussed at the prior meeting regarding the natural materials of the building. The building elevations have been revised to include a mix of stone masonry and natural wood siding (eliminating the prior proposed EIFS). This is a preferable design and Staff has included a condition of approval that the siding is to be of natural wood from a renewable source to meet with the Design Guidelines.



Figure 1: Revised West Elevation

SITE DEVELOPMENT PLAN CHANGES

The Applicant has submitted a revised site development plan that addresses those issues that were brought up in the prior Staff Report. It is largely unchanged from that presented during the meeting. The Applicant has included a new sidewalk along Beaver Drive, a new bus shelter, and internal pedestrian connections. A condition of approval includes a new separated sidewalk along Lindbergh Boulevard that meets with the recommendations of the Pedestrian Plan and Design Guidelines, subject to MoDOT approval.

ZONING REVIEW

Please refer to the prior staff report for the full zoning review. The discussion below reflects only those items where additional information was provided, especially regarding the north setback and project floor area ratio (FAR) in response to resident concerns. As indicated in the prior report and again below, the proposed development meets with all of the district regulations regarding maximum structure height, floor area ratio, and site coverage, and yard and setback requirements.

	Proposed Development
SECTION 405.360: "GC" GENERAL COMMERCIAL DISTRICT	
E. Dimensional Regulations.	
3. Building bulk regulations.	
c. Maximum floor area ratio. Four-tenths (0.4).	
Section 405.120 Definition of Terms defines Gross Leasable Floor Area as: <i>GROSS LEASABLE FLOOR AREA: As employed in this Chapter, the total interior floor area of a building or structure measured at the inside face of the exterior walls but excluding stairwells, lobbies, common corridors and other non-leasable circulation area, elevator shafts, parking structures and space occupied by mechanical equipment or space related to the</i>	The Site Development Plan indicates that the floor area ratio is 0.36. The Applicant submitted revised information regarding how the FAR was determined (included in Applicant's Materials attached): First Floor total area = (20,975 sf) Less corridor, stair/elevator, storage, electrical/boiler, linen closet, janitor closet (6,130 sf) Total FAR = (14,845 sf) Second Floor total area = (20,925 sf) Less corridor, stair/elevator, storage, electrical/boiler, linen closet, janitor closet (5,090 sf)

operation and maintenance of the building as well as that floor surface covered by walls or partitions enclosing these common areas or elements of a building.	Total FAR = (15,835 sf) Total Building Square Footage = 41,900 sf Building Square Footage Less Non-usable space = 30,680 sf 30,680/85,764 sf of site area = 0.36 < 0.4
4. Yard and setback requirements.	
b. Minimum side yard. Twelve (12) feet. Where Section 405.120 defines the side yard as that part of the yard lying between the nearest major surface of the principal building on the lot and a side property line on the lot and extending from the front yard to the rear yard.	The proposed building is 50 feet from the north property line. Please note that the side setback requirement does not indicate a minimum setback from the road, only the property line. The north property line runs under Beaver Drive. The Applicant has provided a copy of the deed and plat easements for this section of the road.

LANDSCAPE PLAN CHANGES

The applicant has submitted a new landscape plan to provide additional plantings throughout the site that effectively addresses the concerns raised in the prior staff report, except for the area along the north elevation of the building. However, in that area, the applicant is proposing a sight-proof fence as discussed further below. Depending on the approval of the fence placement and design, Staff has included a condition of approval that the landscape plan shall be revised to provide additional plantings similar to the front yard in this area, subject to the Zoning Administrator's approval.

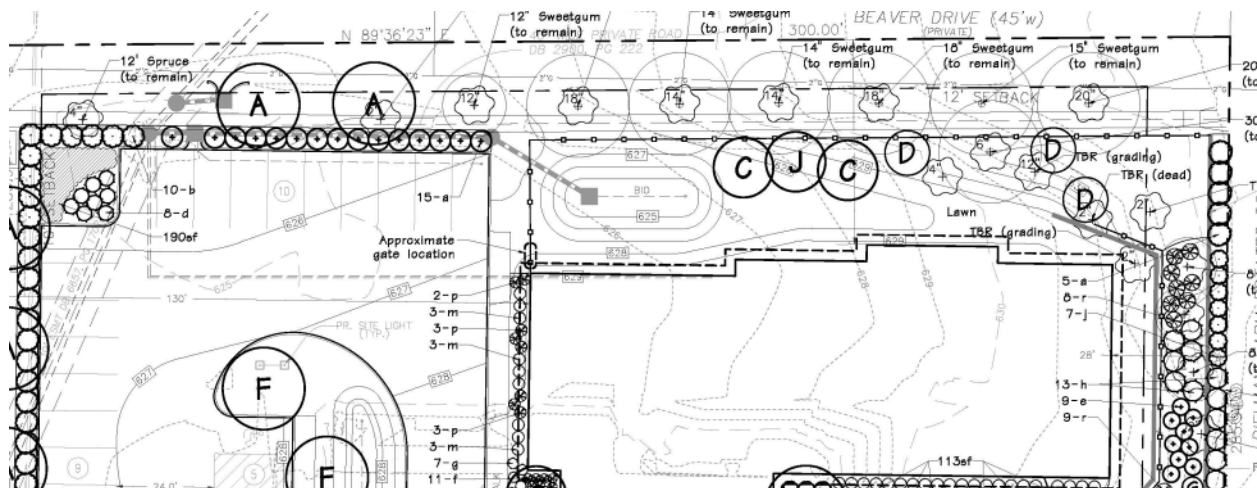


Figure 2: Close-up of Landscape Plan along Beaver Drive.

FENCE

The Applicant is proposing to include a six-foot, pre-cast concrete, sight-proof fence approximately four-feet from the east property line to screen views from the adjacent residential properties. They are also proposing a fence approximately 36 feet from the north property line, and approximately 18 feet from the edge of pavement of Beaver Drive. The City of Creve Coeur's Zoning Ordinance Section 405.640 (C) *Fences Within The Front Yard Section And Along Street Right-Of-Way* states that no fence shall be located within the front yard setback or along street right-of-way, within the area equivalent to the front yard setback of the applicable zoning district, unless approved by site development plan approval by the Planning and Zoning Commission.

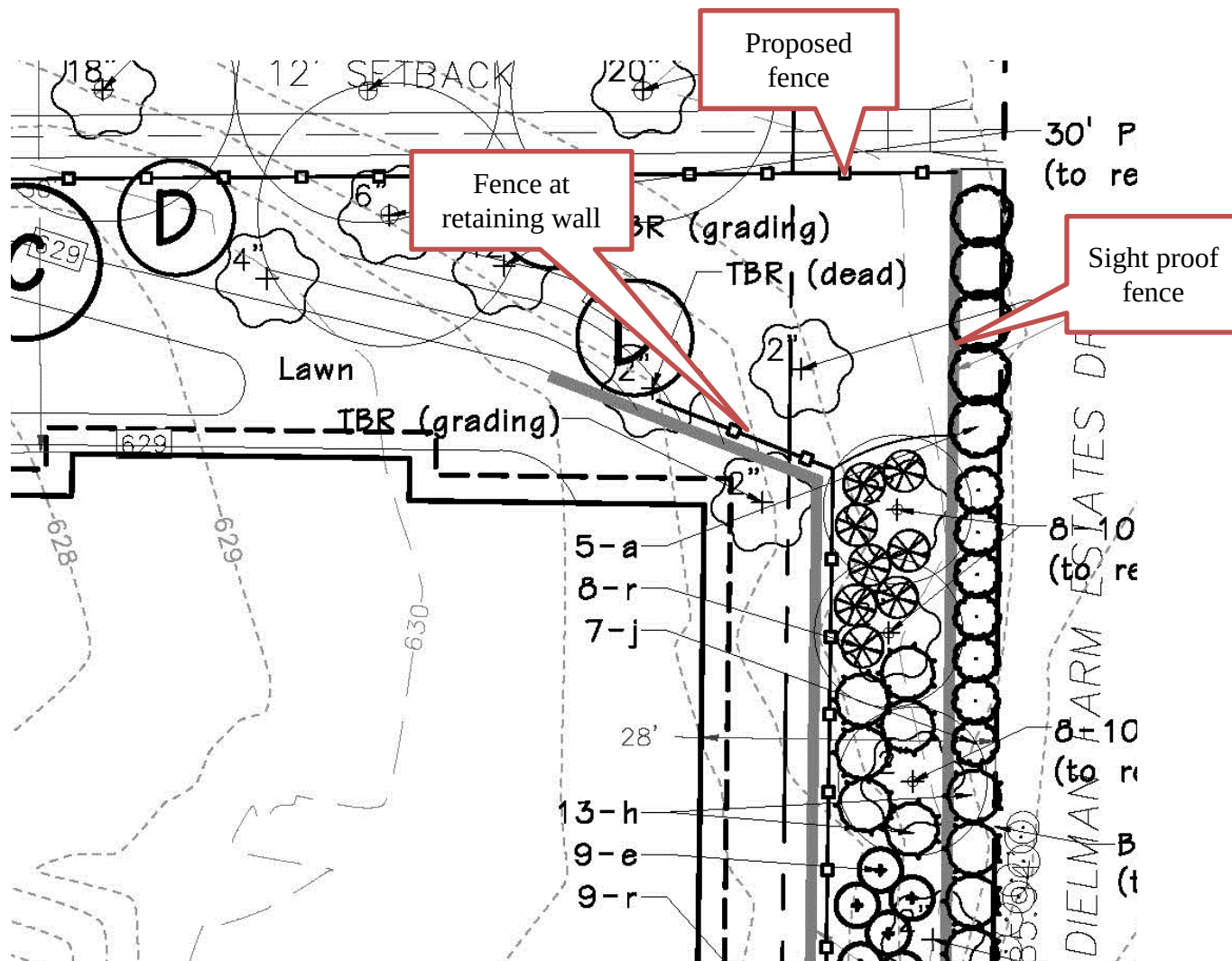


Figure 3: Close-up of Landscape Plan at north east corner of building.



Figure 4: Examples of the proposed sight-proof fence

The Comprehensive Plan and Design Guidelines provide some direction regarding the style of fencing recommended.

Comprehensive Plan: Residential Preservation and Economic Development

2. Encourage the continued preservation of the suburban landscape character of the area, its open green spaces, and stream corridors. New development or redevelopment should protect and enhance stream channels, preserving remaining riparian corridors, preserve trees and encourage re-establishment of natural streams, where feasible. The use of pervious paving materials and vegetated swales to manage storm water in new development and redeveloping areas is encouraged.

Design Review Guidelines: F. Screening (Fences and Walls)

1. All new sound walls, masonry walls or fences are to be designed to minimize visual monotony through changes in plane, height, material, texture or significant landscape massing.
2. The design of fencing, sound walls, trash enclosures, and similar site elements is to be compatible with the architecture of the main buildings and should use similar materials.
3. All fencing should be designed as an integrated part of the site, rather than as a separate fence, such as a planter wall or continuation of an architectural wall feature.
5. In highly visible public areas where fencing is needed, decorative fencing is encouraged. (p.18-19).

Staff recommends that the placement of the sight-proof fence along the east property line not extend any further north than the building, and the fence along Beaver Drive should be minimized and returned to the building at the earliest possible point. If the Commission wishes to include the fence along Beaver Drive, Staff recommends that a condition of the approval require the fence be a black open-slatted, wrought-iron style fence with additional landscaping to meet with the Comprehensive Plan and prior Commission action. With the enclosing of the property, the internal fencing enclosing the courtyard and on top of the retaining wall seem unnecessary and should be removed.

SUMMARY AND RECOMMENDATION

The draft ordinance has been revised to address the items above, including but not limited to:

- The proposed siding of the building shall be of natural wood siding from a renewable source to meet with the Design Guidelines.
- Staff has included a condition of approval that the Applicant submits a new Landscape Plan for the Zoning Administrators approval to include new landscaping along the north side of the building.
- The sight-proof fence shall not extend any further north than the building, and that any fencing approved between Beaver Drive and the buildings shall be of black wrought-iron, style and returned to the building at the earliest possible point.
- Staff recommends that a condition of approval include installation of a separated sidewalk along Lindbergh Boulevard subject to MoDOT approval, in order to meet with the recommendations of the Pedestrian Plan and Design Guidelines.

SUGGESTED ACTION

After hearing the testimony during the public hearing, if the Planning and Zoning Commission believes that the remaining issues are sufficiently minor that the project should proceed forward with the noted changes being made before review by the City Council, then the following is an example of an appropriate motion for a recommendation:

“I move to recommend approval of Application #13-047 for the conditional use permit for a 41,900 square foot 51-bed Assisted Living Facility at 450 N. Lindbergh Boulevard subject to the conditions

contained in the draft ordinance prepared for the meeting of February 3, 2014.” (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.

SITE DEVELOPMENT PLAN

PART OF LOT 13 OF THOMAS R. AXTELL'S FARM
BEING PART OF SECTION 1 IN
TOWNSHIP 45 NORTH, RANGE 5 EAST OF THE FIFTH PRINCIPAL MERIDIAN,
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI

ST. LOUIS COUNTY BENCHMARK

#13-15 ELEV.=643.80
1" ON TOP OF NORTHEAST CORNER OF LOW BRICK
WALL, 8' EAST OF SOUTH PILASTER OF ORNAMENTAL
ENTRANCE TO SUNSWEPT SUBDIVISION ALONG
LINDBERGH BOULEVARD.

SITE BENCHMARK

ELEV.=631.89
SET RAILROAD SPIKE @ POWERPOLE ON EAST SIDE OF
LINDBERGH BOULEVARD, JUST NORTH OF BEAVER
DRIVE, AS SHOWN HEREON.

LOCATION MAP

(NOT TO SCALE)

Property Description

The land referred to in this Commitment is situated in the County of St. Louis, State of Missouri, and described as follows:

A Part of Lot 13 of Subdivision of Thomas R. Axtell's Farm in Section 1, Township 45 North, Range 5 East, in St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 9 Page 38 of the St. Louis City (former County) records and described as: Beginning at the point of intersection of the East line of Lindbergh Boulevard, 100 feet wide, with the center line of Private Road, 40 feet wide, established by Instrument recorded in Book 2900 Page 221 of the St. Louis County Records; thence Southwardly along the East line of said Lindbergh Boulevard 285.94 feet to the Northwest corner of property conveyed to Rose Kistis by deed recorded in Book 5563 Page 86 of the St. Louis County Records; thence Eastwardly along the North line of said property conveyed to Rose Kistis, as aforesaid, 300 feet to the Northeast corner thereof; thence Northwardly and parallel with the East line of said Lindbergh Boulevard 285.94 feet to a point in the center line of said Private Road, 40 feet wide; thence Westwardly along the center line of said Private Road 300 feet to the point of beginning.

SITE AREA = 85,764 SF = 1.968 AC.

PARKING CALCULATIONS:

PER CITY OF CREVE COEUR MUNICIPAL CODE SECTION 405.820.H.8.b
1 SPACE / 2 BEDS x 53 BEDS = 27.0 SPACES REQUIRED
36 TOTAL SPACES PROVIDED

ADA ACCESSIBLE SPACES REQUIRED = 2
ADA ACCESSIBLE SPACES PROVIDED = 2

SITE COVERAGE CALCULATIONS:

PER CITY OF CREVE COEUR MUNICIPAL CODE SECTION 405.360.E.3.B

BUILDING FOOTPRINT = 21,098 SF

BEAVER DRIVE P.V.M.T. = 3,305 SF

ON-SITE PAVEMENT = 21,712 SF

TOTAL COVERAGE = 46,115 SF

% COVERAGE = 46,115 / 85,764 = 53.77%

% COVERAGE = 53.77% < 63.0% MAX. ALLOWABLE

BUILDING FLOOR AREA CALCULATIONS:

PER CITY OF CREVE COEUR MUNICIPAL CODE SECTION 405.360.E.3.C

MAXIMUM FLOOR AREA RATIO = 0.4

TOTAL BUILDING SQUARE FOOTAGE = 41,900 SF

BUILDING SQUARE FOOTAGE LESS NON-USABLE SPACE = 30,680 SF

FAR: 30,680 / 85,764 = 0.36 < 0.4, VARIANCE NOT REQUIRED

GENERAL NOTES:

1. BOUNDARY AND TOPOGRAPHIC SURVEY TAKEN FROM ALTA/ACSM LAND TITLE SURVEY PREPARED BY STOCK & ASSOCIATES CONSULTING ENGINEERS, INC. DATED JULY 11, 2013

2. PRESENT ZONING: "GC" GENERAL COMMERCIAL PER CITY OF CREVE COEUR BUILDING SETBACKS:

FRONT YARD = NO BUILDING OR STRUCTURE SHALL BE LOCATED CLOSER THAN TEN (10) FEET FROM A PUBLIC RIGHT-OF-WAY, IN THE EVENT THAT PARKING IS TO BE LOCATED IN FRONT OF A BUILDING OR STRUCTURE, SAID BUILDING OR STRUCTURE SHALL BE SET BACK A MINIMUM OF FIFTY (50) FEET FROM THE RIGHT-OF-WAY, IN EVERY INSTANCE, THE FIRST TEN (10) FEET OF THE FRONT YARD SETBACK FROM THE RIGHT-OF-WAY SHALL BE PROVIDED WITH AND MAINTAINED WITH SIDEWALKS, UNLESS IMPROVED SIDEWALKS EXIST IN THE ADJUTING PUBLIC RIGHT-OF-WAY, AND WITH LANDSCAPING INCLUDING, BUT NOT LIMITED TO, DECIDUOUS STREET TREES AT REGULAR INTERVALS.

SIDE YARD = 12 FEET

REAR YARD = 20 FEET

BUFFER YARD = NOTWITHSTANDING THE PROVISIONS OF SECTIONS 405.360(E)(4)(b) AND 405.360(E)(4)(c) ABOVE, ANY TRACT OR SITE ADJUTING OR ADJOINING A SINGLE FAMILY RESIDENTIAL ZONING DISTRICT SHALL PROVIDE A BUFFER YARD OF TWENTY (20) FEET ON ALL SIDES THAT ADJUT THE SINGLE FAMILY DISTRICT. THE MINIMUM REQUIRED BUFFER YARD SHALL BE INCREASED IN FIVE (5) FOOT INCREMENTS, UP TO A MAXIMUM OF FORTY (40) FEET, FOR EACH ACRE OF THE SUBJECT PROPERTY OVER TWO (2) ACRES IN AREA. ALL ACREAGE SHALL BE ROUNDED UP TO THE NEXT WHOLE NUMBER OR BUFFER YARD CALCULATION PURPOSES. THE BUFFER YARD SHALL NOT CONTAIN ANY IMPERVIOUS SURFACE AND SHALL BE LANDSCAPED AND PROVIDED WITH OTHER SCREENING DEVICES AS DEEMED APPROPRIATE BY THE PLANNING AND ZONING COMMISSION.

3. ALL UTILITIES SHOWN HAVE BEEN LOCATED BY THE ENGINEER FROM AVAILABLE RECORDS. THEIR LOCATION SHOULD BE CONSIDERED APPROXIMATE. THE CONTRACTOR HAS THE RESPONSIBILITY TO NOTIFY ALL UTILITY COMPANIES, PRIOR TO CONSTRUCTION, TO HAVE EXISTING UTILITIES FIELD LOCATED.

4. NO GRADE SHALL EXCEED 3:1 SLOPE, UNLESS OTHERWISE NOTED.

5. PROJECT SIGNAGE AND STREET LIGHTING PER THE CITY OF CREVE COEUR REQUIREMENTS.

6. STORMWATER POLLUTION PREVENTION MEASURES TO BE IN ACCORDANCE WITH CITY OF CREVE COEUR AND MSD REQUIREMENTS.

8. SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP FOR ST. LOUIS COUNTY, MISSOURI MAP NUMBER 29 189 C0167 H WITH AN EFFECTIVE DATE OF AUGUST 2, 1995.

9. ALL PROPOSED UTILITIES TO BE INSTALLED UNDERGROUND AND LOCATED WITHIN EASEMENTS.

10. STORMWATER MANAGEMENT SHALL BE IN ACCORDANCE WITH CITY OF CREVE COEUR AND MSD REQUIREMENTS.

11. ALL CONSTRUCTION MATERIALS, MEANS AND METHODS SHALL BE IN ACCORDANCE WITH CITY OF CREVE COEUR REQUIREMENTS.

12. SITE LIGHTING MAXIMUM POLE HEIGHT = 24 FEET.

PERTINENT DATA

OWNER = RDK PROPERTIES INC.
OWNER UNDER CONTRACT = TEALWOOD ACQUISITIONS LLC
SITE ADDRESS = 450 N. LINDBERGH BOULEVARD, CREVE COEUR, MISSOURI 63141
EXISTING ZONING = "GC" GENERAL COMMERCIAL
PROPOSED ZONING = "GC" GENERAL COMMERCIAL
COUNTY LOCATOR NO. = 17M120100
WATER SHED = DEER CREEK
WUNNENBERG'S FIRE DISTRICT = PG. 24, GRID 1-18
SCHOOL DISTRICT = CREVE COEUR FPD
WATER SERVICE = LAQUE
ELECTRIC SERVICE = MISSOURI AMERICAN WATER CO.
GAS SERVICE = AMEREN MISSOURI
SEWER SERVICE = LAQUE GAS COMPANY
METROPOLITAN ST. LOUIS SEWER DISTRICT

N/F AMERICAN HEART ASSOCIATION, INC.

DB 16503, PG 1693

LOC. NO. 17M120177

ZONED: "GC" GENERAL COMMERCIAL

N/F EUGENE H. & CAROL M. WEHLING

DB 17024, PG 246

LOC. NO. 17M210322

ZONED: SINGLE FAMILY RESIDENTIAL

N/F ANDREW DIELMANN

DB 18947, PG 1151

LOC. NO. 17M210872

ZONED: SINGLE FAMILY RESIDENTIAL

N/F ELIZABETH ANN KNOWLES TRUSTEE

DB 11792, PG 1658

LOC. NO. 17M210883

ZONED: SINGLE FAMILY RESIDENTIAL

N/F ELIZABETH ANN KNOWLES TRUSTEE

DB 16976, PG 1080

LOC. NO. 17M120513

ZONED: SINGLE FAMILY RESIDENTIAL

N/F ELIZABETH ANN KNOWLES TRUSTEE

DB 11731, PG 1715

LOC. NO. 17M210894

ZONED: SINGLE FAMILY RESIDENTIAL

N/F 400 N. LINDBERGH, L.L.C.

DB 17729, PG 498

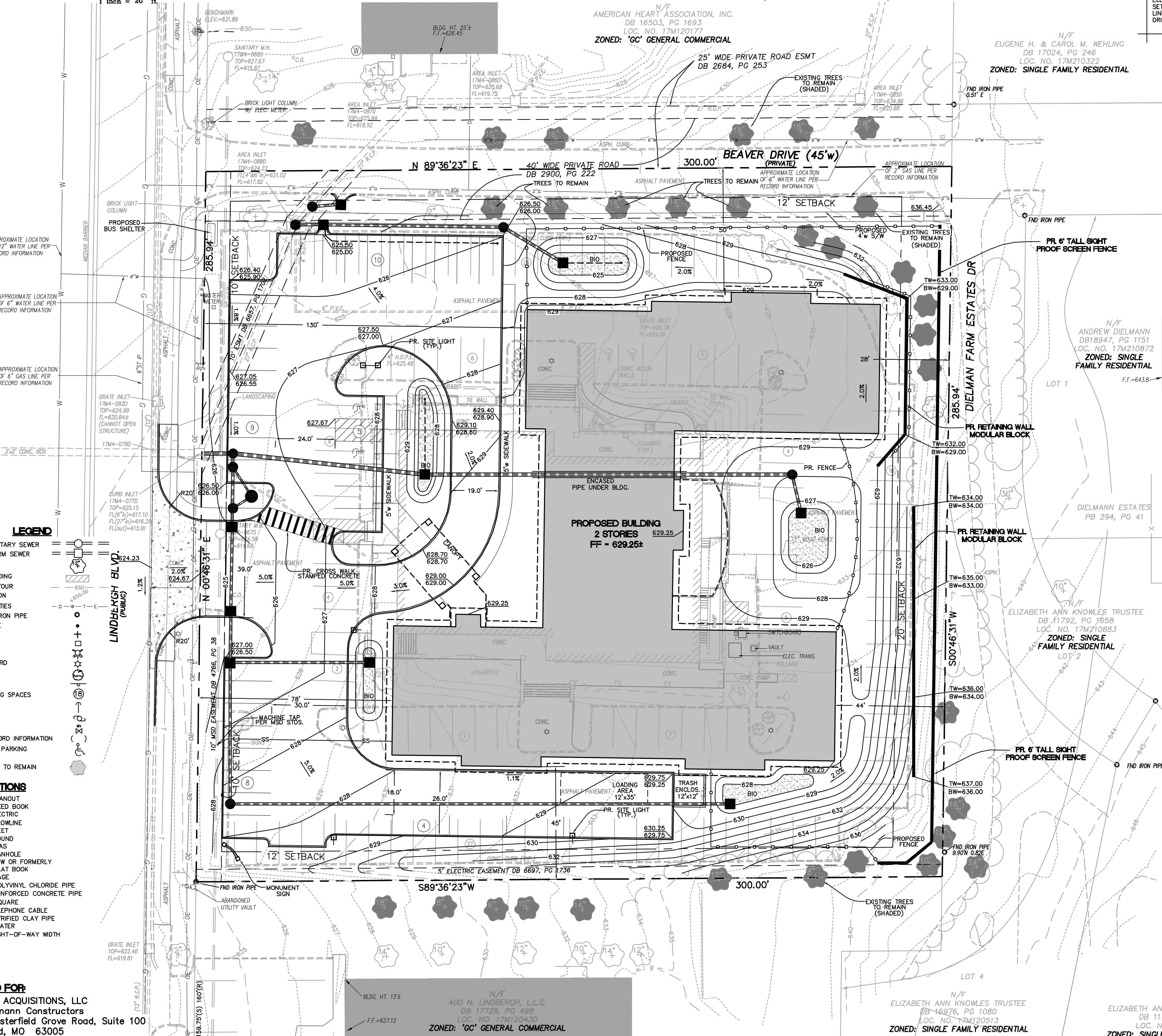
LOC. NO. 17M120430

ZONED: "GC" GENERAL COMMERCIAL

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.



LEGEND

EXISTING SANITARY SEWER
EXISTING STORM SEWER
EXISTING TREE
EXISTING BUILDING
EXISTING CONTOUR
SPOT ELEVATION
EXISTING UTILITIES
FOUND 1/2" IRON PIPE
SET IRON PIPE
FOUND CROSS
FOUND STONE
FIRE HYDRANT
LIGHT STANDARD
BUSH
SIGN
NOTES PARKING SPACES
GUY WIRE
POWER POLE
WATER VALVE
DENOTES RECORD INFORMATION
HANDICAPPED PARKING

ABBREVIATIONS

C.O. = CLEANOUT
DB. = DEED BOOK
E = ELECTRIC
FL = FLOWLINE
FT = FEET
FND. = FOUND
G = GAS
M.H. = MANHOLE
N/F = NOW OR FORMERLY
PB. = PLAT BOOK
PG. = PAGE
P.V.C. = POLYVINYL CHLORIDE PIPE
R.C.P. = REINFORCED CONCRETE PIPE
SQ. = SQUARE
T = TELEPHONE CABLE
V.C.P. = VETRIFIED CLAY PIPE
W = WATER
(86'W) = RIGHT-OF-WAY WIDTH

PREPARED FOR:

TEALWOOD ACQUISITIONS, LLC
C/o Brinkmann Constructors
16650 Chesterfield Grove Road, Suite 100
Chesterfield, MO 63005

PREPARED BY:

SITE DEVELOPMENT PLAN FOR:



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

REVISIONS:

1 2014-1-27 REVISED
PER CITY & RESIDENT
COMMENTS

DRAWN BY: J.M.B. CHECKED BY: G.M.S.

DATE: 1/14/2013 JOB NO.: 213-5158

M.S.D. # P-XXXX-XX BASE MAP # XXX

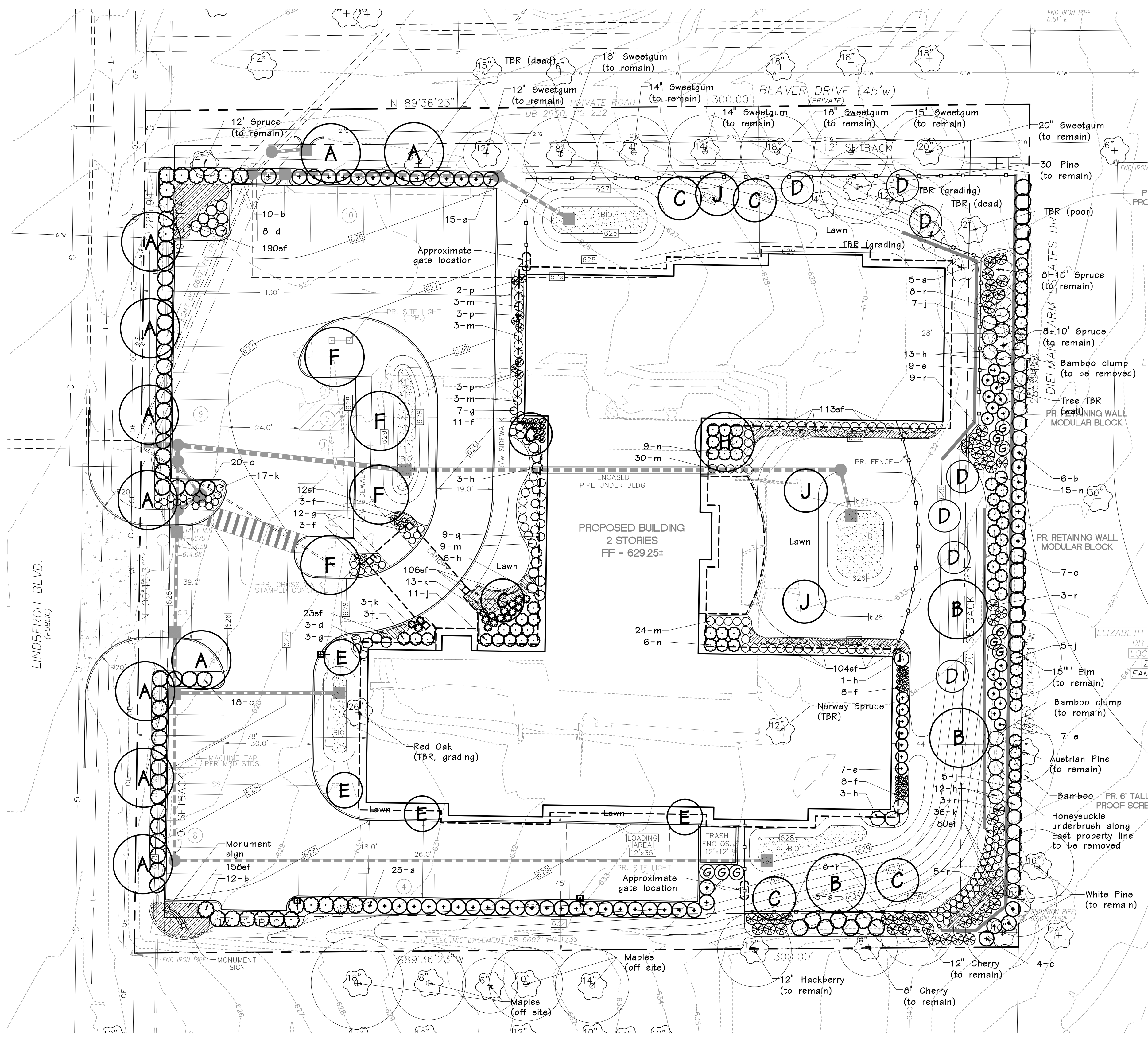
S.L.C. H&T # XXXX H&T S.U.P. # XX-XXX-XX

M.O.N.R. # MO-XXXXXXX

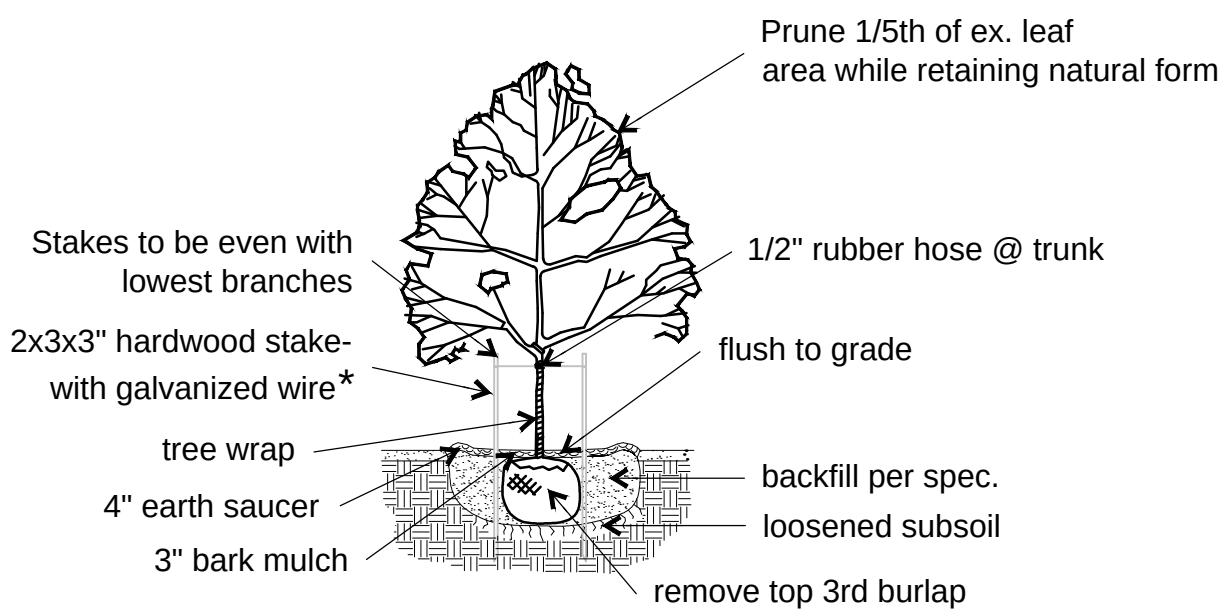
SHEET TITLE

SITE DEVELOPMENT PLAN

SHEET NO. C1.0

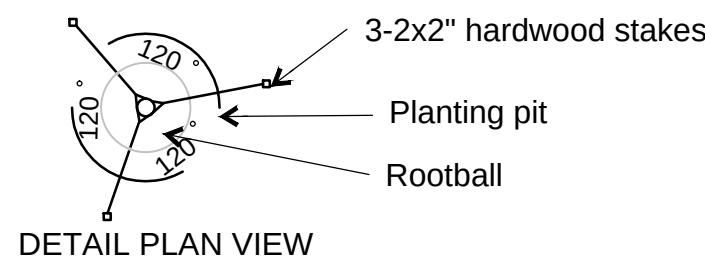


LANDSCAPE PLAN
L-1
SCALE 1"=20'

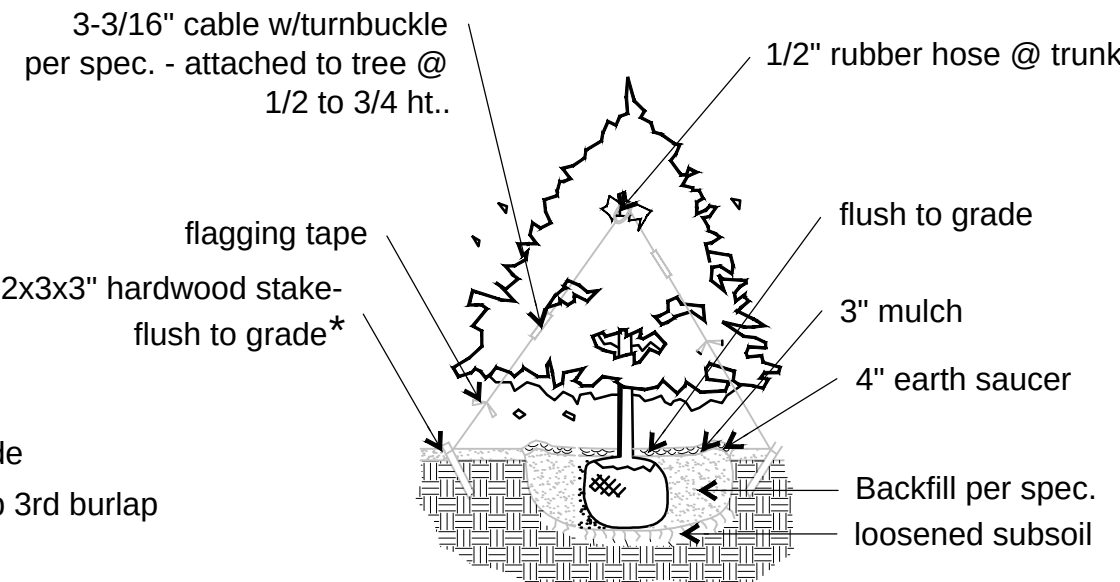


CANOPY TREE PLANTING

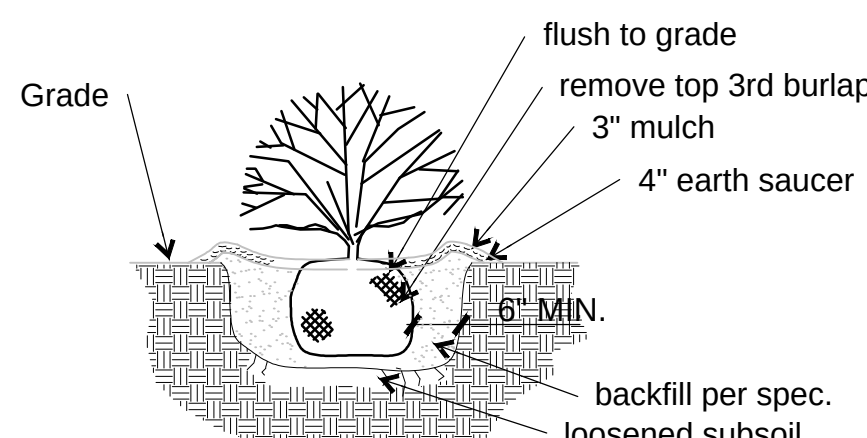
- * Staking should only be done when:
- Planting in soft, loose soils
- Root balls in sandy soils, or wet clay
- Trees located in an extremely windy location



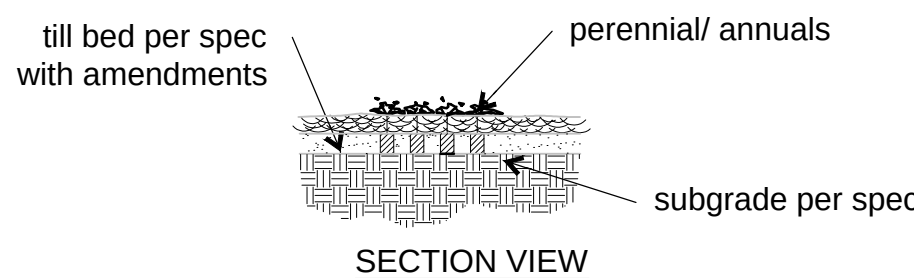
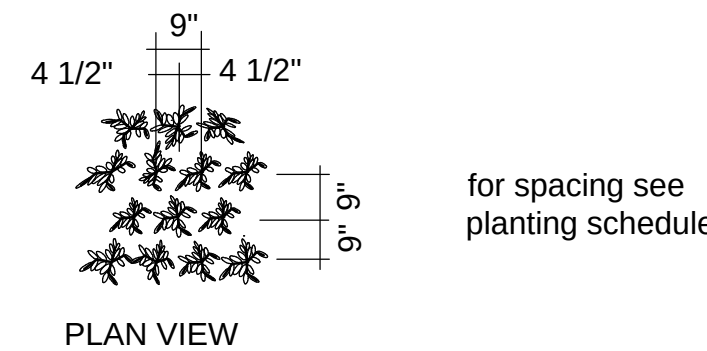
DETAIL PLAN VIEW



TYPICAL EVERGREEN PLANTING



TYPICAL SHRUB PLANTING



TYPICAL PERENNIAL PLANTING

PLANTING SCHEDULE				
SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE
TREES				
A	11	Zelkova serrata 'Green Vase'	Green Vase Zelkova	3" cal.
B	3	Taxodium distichum 'Mickelson'	Shawnee Brave Baldcypress	3" cal.
C	6	Cercia canadensis	Eastern Redbud	3" cal.
D	7	Pinus strobus	Eastern White Pine	6'
E	4	Acer x freemanii 'Armstrong'	Armstrong Maple	3" cal.
F	4	Ginkgo biloba 'Autumn Gold'	Autumn Gold Ginkgo	3" cal.
G	9	Thuja occidentalis 'Emerald'	Emerald Green Arborvitae	6'
H	1	Betula nigra 'Cully'	Heritage River Birch (clump)	3" cal.
J	3	Cornus florida 'Cherokee Princess'	Cherokee Princess Dogwood	3" cal.
SHRUBS/PERENNIALS				
a	50	Viburnum dentatum 'Synnæstvedt'	Chicago Luster Viburnum	24"
b	28	Physocarpus opulifolius 'Seward'	Summer Wine Ninebark	24"
c	49	Syringa pubescens subsp. patula 'Miss Kim'	Miss Kim Lilac	24"
d	11	Juniperus conferta 'Blue Pacific'	Blue Pacific Juniper	3 gal.
e	23	Rosa 'Radrazz'	Knockout Rose	24"
f	33	Calamagrostis x acutiflora 'Karl Foerster'	Karl Foerster Reed Grass	3 gal.
g	22	Itea virginica 'Sprich'	Little Henry Sweetpire	3 gal.
h	38	Juniperus x pfitzeriana 'Sea Green'	Sea Green Juniper	7 gal.
i	31	Rhododendron 'Girard's Fuchsia'	Girard's Fuchsia Azalea	5 gal.
k	69	Buddleja Lo & Behold 'Blue Chip'	Blue Chip Butterfly Bush	3 gal.
m	72	Buxus 'Green Velvet'	Green Velvet Boxwood	5 gal.
n	30	Hydrangea paniculata 'Jane'	Little Lime Hydrangea	5 gal.
p	8	Miscanthus 'Purpurascens'	Flame Maiden Grass	5 gal.
q	9	Hydrangea quercifolia 'Pee Wee'	Pee Wee Oakleaf Hydrangea	3 gal.
r	46	Miscanthus sinensis 'Gracillimus'	Maiden Grass	5 gal.
786ef		Annuals, Perennials, Groundcovers		1 qt. - 1 gal.
		Bioretention plantings per MSD requirements		

Jerald Saunders - Landscape Architect
MO License # LA-007

Consultants:

The Grove in Creve Coeur

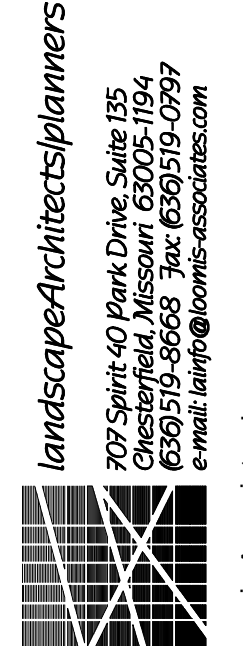
Creve Coeur, Missouri

Revisions:

Date	Description	No.
1/20/14	Landscape Refinements	1
1/27/14	Base plan revision	2

Drawn: LH
Checked: RS

loomisAssociates



Sheet Title: Landscape Plan

Sheet No: L1

Date: 11/25/13
Job #: 813.034

FIRST FLOOR FAR CALCULATION

CIRCULATION
FIRST FLOOR: 3874.67 SF

STAIR AND ELEVATOR
FIRST FLOOR:
(3) 8X10-4 = 248.01 SF
(3) 10X18 = 540 SF
788.01 SF

STORAGE
FIRST FLOOR:
(1) 10X14 = 140 SF
(1) 10X16 = 160 SF
(1) 10X18 = 180 SF
480SF

JANITOR CLOSET
FIRST FLOOR:
(1) 4X12 = 48 SF
48 SF

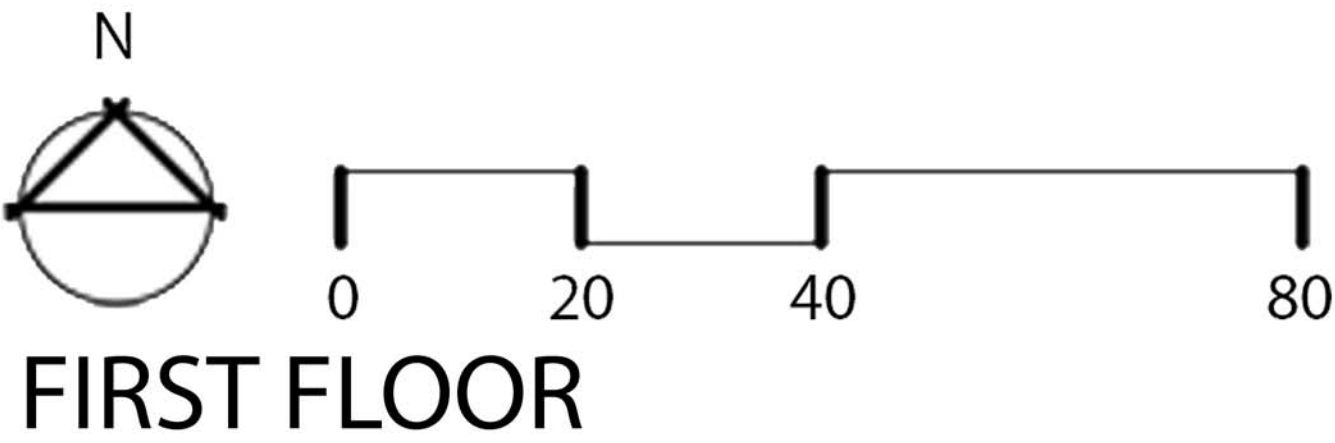
LINEN CLOSET
FIRST FLOOR:
(1) 6X12 = 72 SF
72 SF

MECHANICAL
FIRST FLOOR:
(1) 9X18 = 162 SF
(1) 13X18 = 234 SF
396 SF

EXTERIOR WALL
FIRST FLOOR:
944 LF = 472 SF

TOTAL AREA 6130 SF

OVERALL S.F.	20,975 SF
TOTAL AREA SUBTRACTED	6,130 SF
TOTAL FAR	14,845 SF



THE GROVE IN CREVE COEUR
01.23.2014 CREVE COEUR, MISSOURI

SECOND FLOOR FAR CALCULATION

CIRCULATION
SECOND FLOOR: **3532.55 SF**

STAIR AND ELEVATOR
SECOND FLOOR:
(3) 8X10-4 = 248.01 SF
(3) 10X18 = 540 SF
744.03 SF

STORAGE
SECOND FLOOR:
(1) 12X14 = 168 SF
168 SF

JANITOR CLOSET
SECOND FLOOR:
(1) 4X12 = 48 SF
48 SF

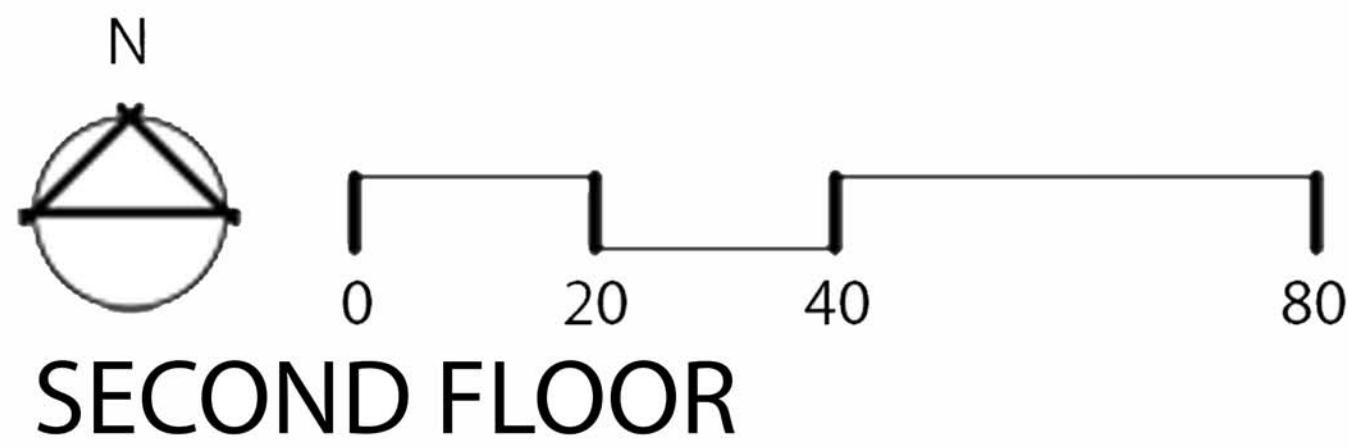
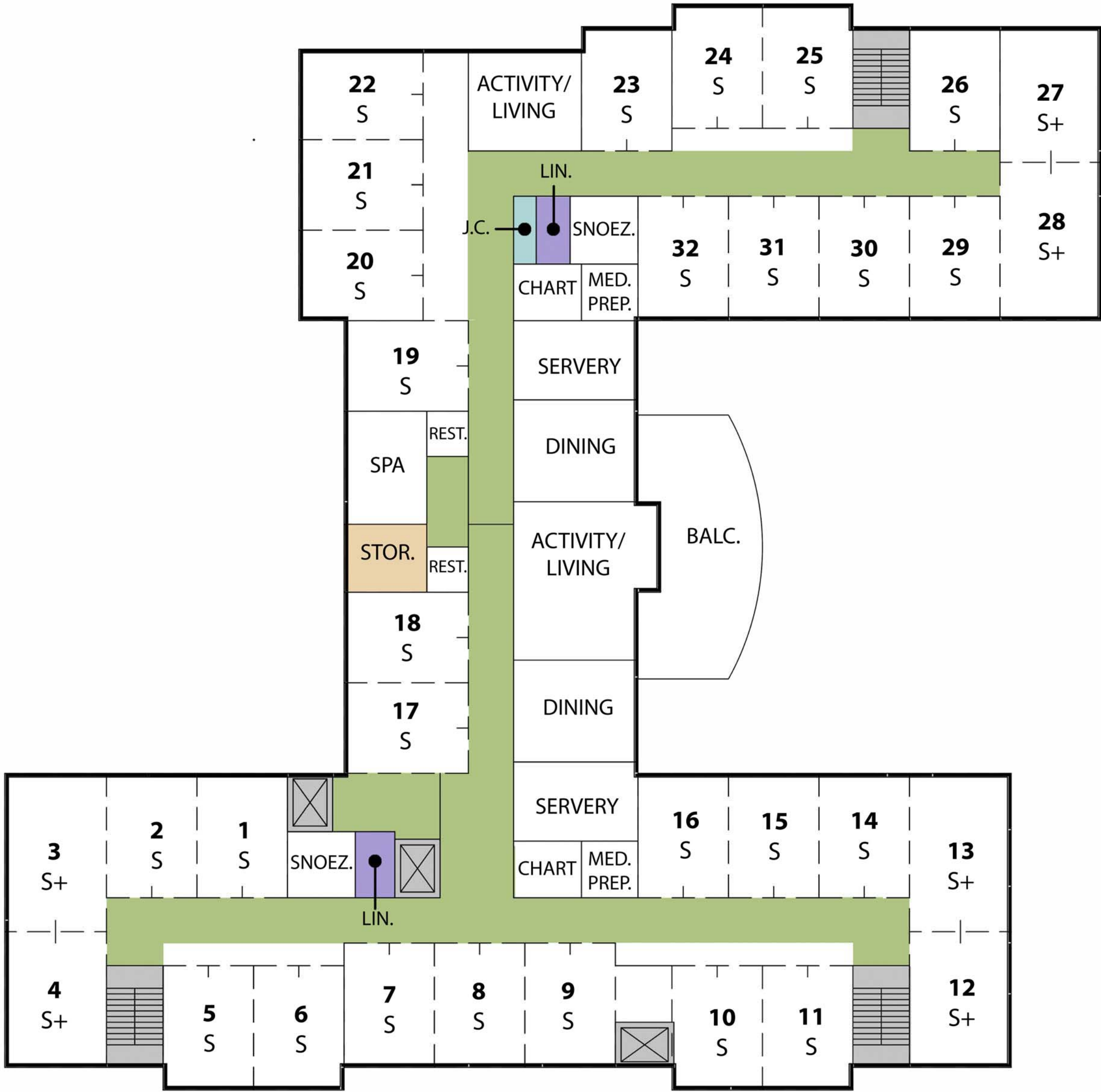
LINEN CLOSET
SECOND FLOOR:
(1) 6X12 = 48 SF
(1) 7X11-8 = 81.67 SF
129.67 SF

MECHANICAL (N/A)

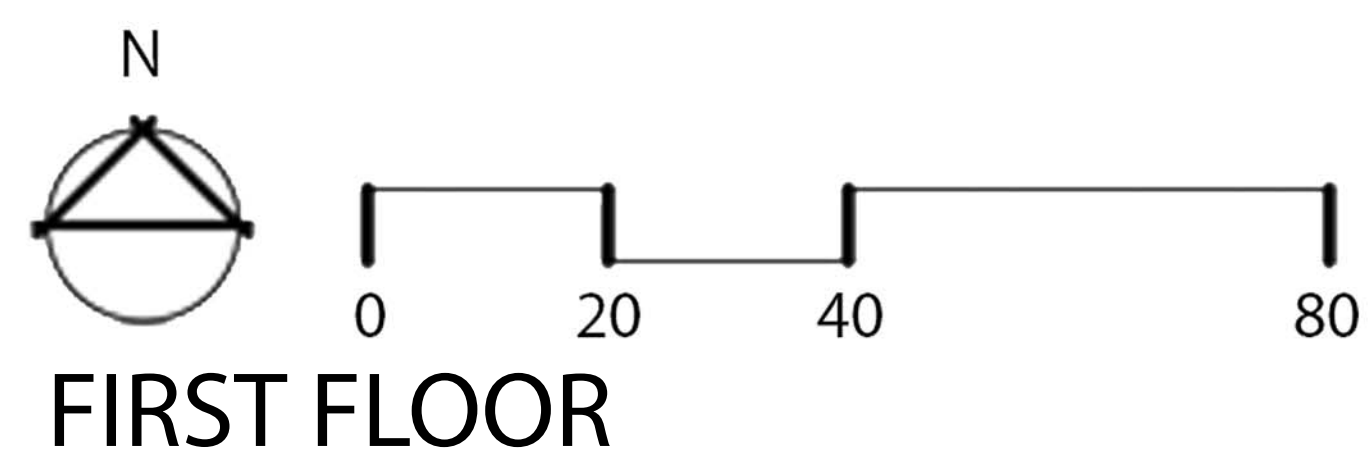
EXTERIOR WALL
SECOND FLOOR:
934 LF = 467 SF
467 SF

TOTAL AREA 5090 SF

OVERALL S.F.	20,925 SF
TOTAL AREA SUBTRACTED	5,090 SF
TOTAL FAR	15,835 SF

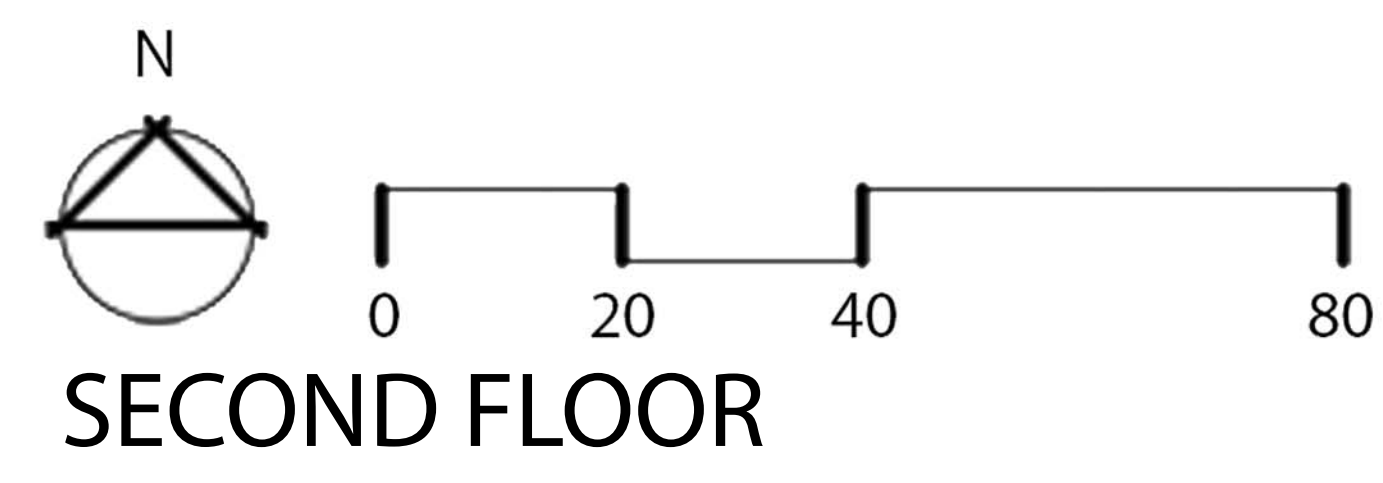
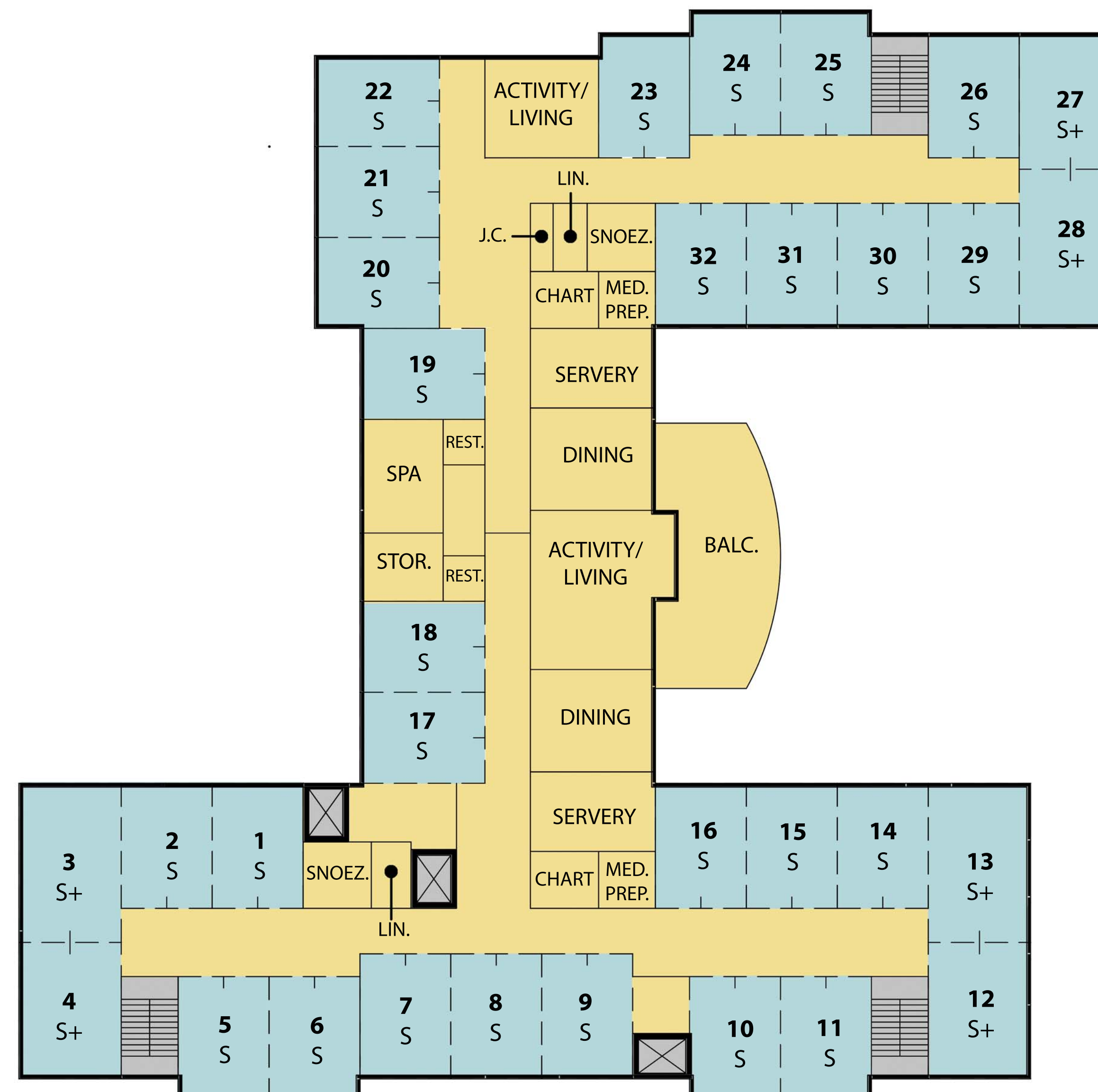


THE GROVE IN CREVE COEUR
01.23.2014 CREVE COEUR, MISSOURI



THE GROVE IN CREVE COEUR
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WEST ELEVATION

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NORTH ELEVATION

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EAST ELEVATION

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SOUTH ELEVATION

THE GROVE IN CREVE COEUR
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New Random Flagstone ²³⁸ *Precast Concrete
Wall System*



239







242







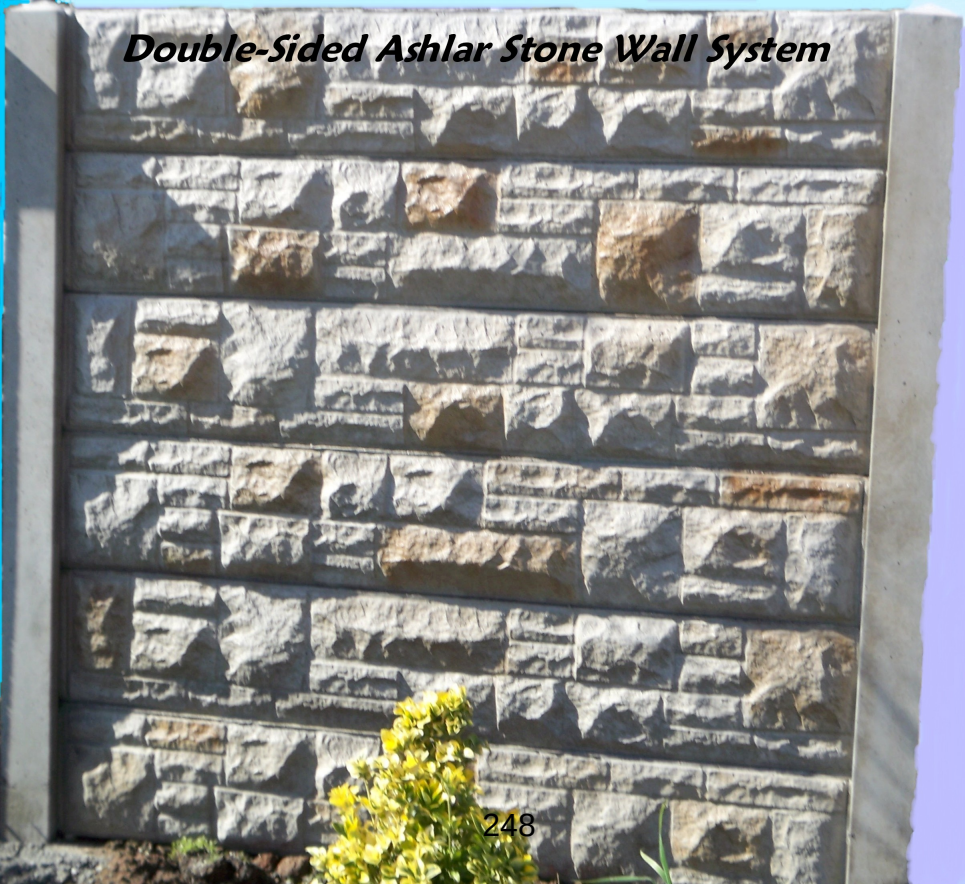


Split-face block pattern



This design is available with or without decorative pilaster caps

Double-Sided Ashlar Stone Wall System





SIMTEK - Installation Instructions

These written instructions follow closely and include script from SimTek's Installation Video. The video will be helpful if **used in conjunction with these instructions.** However, there is additional information throughout these instructions and at the end including fastener sizes, tools required, and illustrative photos and drawings.

1. Introduction

These instructions are designed to instruct both professional installers and do-it-yourselfers in the installation of SimTek Decorative Rock Walls. These instructions are detailed to insure an excellent finished wall. Installation on level ground and on sloping terrain, gate installation, and thoroughly proven installation techniques are included.

2. A quality installation

A quality finished wall is the result of a quality installation. The layout must be consistent with ground contours; posts must be appropriately spaced and properly anchored. Follow SimTek installation instructions carefully and your wall will be both structurally correct and a beautiful addition to your project or property.

3. Prior to beginning installation

- a. Before beginning any installation, check all local regulations regarding fencing, location of all buried utility lines, and correct property lines. Be certain you are in compliance with all utility line locator requirements, local codes and laws.
- b. The complete wall configuration will have already been determined prior to order, including each line of wall, corner posts, end posts and gate locations.

4. Pre-install panel support brackets

- a. If posts are to be installed in level ground, panel support brackets will be set so that the bottom edge of the panel is 73.5" from the top of the post. Attaching brackets in advance of post installation is easiest when using a measuring template of 73.5" long for faster repetitive bracket installation. It is easier to change a bracket in the field if



necessary than to install brackets once posts are installed in the ground. Installed brackets provide a leveling point on each post.

5. Digging holes at appropriate locations.

- a. If a laser is available, it will be an excellent tool to assist in determining grade and slope.
- b. For a level ground installation, begin at a corner or an end post. This will give you a good starting point. If there is a slope, it is easier to begin at the top and work your way down hill.
- c. Dig all post holes 10"- 12" diameter by 24"- 36" deep.
- d. Make sure to check local building codes to ensure required depth and diameter is met.
- e. Holes must be 71.5" apart, center to center.
- f. Walls will rarely measure out to an exact number of full panels; therefore it will likely require cutting one or more panels to complete a wall.
- g. Depending on personal preference, you may wish to narrow the width of the last 2 to 3 panels or cut the first and last panels evenly so that there is not one very narrow panel. Panels can be cut with any cutoff saw, although the steel stiffeners will require a metal cutting blade.
- h. Dig the remainder of the holes.
- i. Alternatively for do-it-yourselfers, you may want to mark and drill only a few holes at a time, just to be safe.
- j. Stretch a string on the outside line of the posts from the beginning of the fence to the end of the fence, this will ensure a straight line of holes. If curves are required, the line may be broken, but posthole spacing must remain 71.5" (or less if you wish to cut the panel). The string will assist in keeping the posts lined up.
- k. For more information, see Illustration A at the bottom of this document

6. Setting Posts.

- a. Set the top of each post 73.5" above the level you want the bottom of the panel. Panel support brackets should already be attached at 73.5". A string tied from start to finish of the fence line or a laser can accomplish this.
- b. Set a post in the hole with concrete. Using a mallet or hammer, tap



the post into the concrete until the top of the post meets the desired height.

- c. Fill the remainder of the hole with concrete. Make sure the post remains at the desired height.
- d. Using a level, check two adjacent sides of the post. Two-way levels are useful. Adjust the post until it is both vertical and at the correct height.
- e. **If using a dry mix method**, first place the post in the hole in the approximate position at the bottom of the hole. Pour the dry mix in the hole, positioning the post as soon as it is feasible.
- f. Using the steel stiffener out of the panel, which is exactly 70.25", as a spacer, set the next post the same as the first.
- g. Place a level on the stiffener when the next post is in place to ensure the panels will be level.
- h. Do not move the post which is now in position.
- i. Leave the spacer in place for one hour minimum, as concrete begins to cure, to keep the posts from moving.
- j. Set 3 to 4 posts with spacers, then advance them one at a time, by moving the first spacer placed.
- k. Allow the concrete to cure for a minimum of 24 to 48 hours.
- l. For more information, see Illustration B at the bottom of this document.

7. Installing Panels.

- a. Panel support brackets must be attached to all posts.
- b. Be certain steel stiffeners are inserted in the top and bottom rails of each panel; they come installed from the factory, but may have been removed to use as post spacers.
- c. Panels are universal; there is no front or back, and no top or bottom edge. Randomly installing panels gives the most pleasing aesthetic effect.
- d. Lift the panel bottom edge to approximately 4' off the ground.
- e. Place one edge of the panel into the post. Have one person flex the next post outward until the groove will receive the panel. Once the panel is captured, ease the panel down onto the support brackets. This process requires two people.
- f. Install caps, which are pressure fitted, over the posts.



- g. If there are concerns about caps being knocked off or taken off, caps can be attached with special primer and adhesive available from SimTek. Another option is to drive a 3" screw through the top of the cap into the middle of the post. However, attaching caps is usually unnecessary.
- h. If you are concerned about unauthorized panel removal from a finished wall, attach each panel with one screw through the panel edge into a post. This can be done at any location, but down low would be less noticeable.

8. Panels requiring attachment:

- a. Panels must be attached to all **end posts and corner posts.** Three spaced fasteners on the edge are recommended.
- b. Panels require attaching because they could conceivably become disengaged from the end and corner posts.
- c. **However, NEVER attach both edges of any panel to posts.**
- d. For more information, see Illustration C at the bottom of this document.

9. Installation on sloping terrain.

- a. Installation on sloping terrain is similar to that on flat terrain. Installation professionals typically use a laser to shoot and obtain a grade or grades if necessary, in order to determine the slope on the line of a wall.
- b. In relation to varying elevations, post placement is important. A post is typically placed at the point where the slope changes, whether that is a peak or a valley.
- c. A 6 foot wide panel can be stepped as much as 12" per panel. For steeper slopes, instructions follow.
- d. **Caution: SimTek walls are not to be used as retaining walls.** Panels may be partially buried as long as the soil depth is the same on each side.
- e. Set the posts using the same methods to install posts on level ground.
- f. Panel support brackets will all be pre-attached at 73.5".
- g. The bracket installed to receive the downhill side of the panel will remain at 73.5" from the top of the post. Once the slope has been determined, and the drop per panel, one bracket can be removed and



reattached at the proper height. Panels will always be set level even on a slope.

- h. Set the first post on the uphill side.
- i. Set the second post and make any adjustments to bracket position.
- j. Use a steel stiffener for spacing to set the distance to each succeeding post.
- k. Use a level on the stiffener to insure panels will be level when installed.
- l. For more information, see Illustrations D, E, and F at the bottom of this document.

10. Cutting panels where required for steep slopes or a narrower width.

- a. For steeper slopes, panels can be cut so the step, or drop, in each segment is 12" or less. For example a panel could be cut to 2' wide and stepped with a 12" drop.
- b. Where a narrower panel is required to finish a wall, panels can be cut.
- c. Where panels requiring cutting, first determine the exact width for steel stiffeners between post grooves.
- d. Mark and cut the steel stiffeners for that panel to that width. Cut stiffeners with any metal cutting saw.
- e. Next mark and cut the panel to the **stiffener width, minus a ½"**. This will allow for thermal expansion of the panel without restriction. Make certain panels are cut accurately with edges parallel. Panels can be cut with any saw, such as a circular saw.
- f. If a cut panel is used with an end or corner post, use the factory edge for attachment to the post.

11. Single Gate Installation.

- a. Gate posts have extra steel reinforcing for strength and are different than all other posts.
- b. The flat surface must be in position to receive the gate and gate hardware.
- c. The four foot gate requires a minimum spacing between posts of 50 ½" and a six foot gate requires a minimum of 73 ½".
- d. The ideal spacing is to have a one inch gap between the latch post and the striker bar side of the gate. The "extra" gap on the hinge side is to allow for plastic expansion.



- e. Set posts utilizing the same methods as for other posts, making certain they are vertical.
- f. Allow concrete to cure for at least 72 hours, due to the continuous tension on the posts after gates are mounted.
- g. Attach gate striker bar using the two provided 3/8" stainless button head screws making sure not to pinch plastic between threaded inserts in frame and bracket. Position the rod on the outside of the gate (the direction that it swings).
- h. Then thread the 1/2" hinge rods into the upper and lower inserts in the frame leaving about and 1 1/2" from the edge of the gate to the bracket (this can be re-adjusted latter).
- i. Next hold the gate and its hinges against the reinforced gate post in the proper position and thread the provided self tapping screws into the post using caution not to over tighten the screws crushing the internal foam. The elevation of the gate is left to the installer with the standard being level with the top of the panels on either side of the gate. Gates are designed with a gap at the bottom to facilitate an unobstructed swing.
- j. After mounting gate hinges to post adjust the hinges using the 3/4" nut on each hinge to set the gap at the latch (approximately 1") and level the gate so the top of the gate sits level.
- k. Then fasten the gate latch to the post using the provided four self tapping screws, lining it up with the striker bar only after the gate is positioned correctly. **Do not screw through the two small tabs on the front of the latch. The tabs are for alignment only!**
- l. Drop rods can be attached if desired by screwing directly through the plastic panel into the internal frame with self tapping screws.
- m. For more information, see Illustration G at the bottom of this document.

12. Double gate installations.

- a. Double gates are set the same as single gates.
- b. The desired minimum spacing between double gate posts is as follows: two four foot gates 100 1/2"; a four foot and a six foot gate 123 1/2"; two six foot gates 146 1/2" from reinforced gate post to reinforced gate post.
- c. The gap between the double gates themselves should be approximately 1".



- d. Install the striker as done in the single gate installation on the gate that will be used to open first. The drop rod and the latch get installed on the “fixed” gate.
- e. Install the latch using the provided 3/8” stainless steel button head screws opposite the striker on the opposing gate. The latch can be disassembled and reverse if the opposite latch lever action is desired. On double gates you will be left with an “extra” striker and latch.
- f. At least one drop rod is necessary for the proper functioning of the latch on all double gates. The drop rods screw directly through the plastic panel to the internal frame with self tapping screws.

13.Hinge Spring Adjustment

- a. To tension the gate closings springs remove black rubber cap from top and bottom of hinge pivot to determine which side (top or bottom) has the curly Q tension set pin.
- b. Use the provided tool to rotate the castle cap by hooking it in the holes to rotate the tensioner.
- c. Install the curly Q pin and then rotate again and again until you reach the required tension. Remember to do each hinge in conjunction with the other to obtain the desired tension.
- d. Replace caps with slit in rubber cap facing the hinge body.

14.Concrete Shoes.

SimTek can be installed on top of an 8” minimum width, poured concrete wall or on flat concrete using SimTek’s Concrete Shoe. Concrete Shoes are a heavy steel plate with vertical members. It attaches to the concrete with anchors and bolts to the posts. Specific Concrete shoes are available for end posts, line posts and corner posts. Skirts in six colors to match wall colors, cover the plates and anchor bolts for a finished look.

- a. Cut the posts to 73.5” if the concrete surface is level. Posts may need to be cut longer to accommodate slopes if the concrete wall is stepped. Always cut off the bottom of the posts, retaining the factory finished post top.
- b. Panel support brackets are unnecessary when using Concrete shoes. The panels will sit directly on the wall or driveway surface.
- c. Start with either a corner or an end post position. Locate the concrete shoe an equal distance from the edges of the concrete.



- d. Mark the position of the plate. Drill all four holes through the pre-drilled holes in the steel plate.
- e. Next install four concrete anchor bolts with a minimum tension and shear strength of at least 4,000 pounds. Position the bolts to fasten the mounting plate of the shoe.
- f. Place the shoe over the bolts and attach the shoes to the concrete with specified fasteners.
- g. If the concrete surface is not level, washers may be placed over anchor bolts and before shoes are bolted down to serve as leveling devices.
- h. Position the skirt covers over shoes, covering the shoe plates. **Skirts must be inserted prior to posts being attached.**
- i. Attach the shoe straps to the posts with fasteners in pre-drilled holes.
- j. With the first shoe anchored, and the post attached, determine and mark the next shoe position using a steel spacer. It will measure 72" from the center of the post to the center of the next post.
- k. Mark and drill the four holes for the next shoe.
- l. Repeat previous steps.
 - i. Mark and drill the holes.
 - ii. Attach the shoes to the concrete.
 - iii. Insert the skirts.
 - iv. Attach the posts to the shoes.
- m. Once all shoes and posts are securely anchored to the concrete wall and skirts are in place, insert the panels.
- n. Be certain that steel stiffeners are in both the top and bottom rails of each panel.
- o. Once the panels are inserted, they will hold the skirts in position
- p. Finally, place the caps on the posts for a finished look.
- q. For more information, see Illustration H at the bottom of this document.

15. Installing gap fillers.

Gap fillers are designed to fill the gap primarily on the edge where a 6' high wall transitions to a 3' high wall.

- a. Cut the gap filler to the desired length and using two screws, attach it from the back side of the line post. This will provide a finished look with hidden fasteners.



- b. For more information, see Illustration I at the bottom of this document.

Summary of Installation, questions.

These instructions are meant to be both thorough and concise. Most questions will be answered by paying close attention to details and recommended installation procedures. If you have questions or encounter unusual circumstances, please contact SimTek for direction.

To initiate warranty coverage, please register online as soon as your SimTek Wall is complete. SimTek cannot be responsible for unregistered projects, and associated future warranty claims.

Thank you for choosing SimTek. Your Decorative Rock Wall will provide many years of trouble-free beauty and owner satisfaction.

TOOLS and FASTENERS Required:

1. Two way level
2. Bubble level
3. Laser level for significant changes in slope.
4. String at least as long as your longest run.
5. Power drill with:
 - 3/8" hex driver (deep socket to allow installation of brackets)
 - Phillips screw driver
6. Mallet or hammer
7. Metal cutting saw (to cut steel stiffeners – if required)
8. Circular saw (if any panels are to be cut)
9. Allen Wrench to adjust gate position.
10. Spray paint to mark locations of holes to be drilled in soil.
11. List of self-tapping fasteners
 - Attaching support brackets to line posts – #14 Hex washer head, 1.5" fastener
 - Attaching support brackets to end posts – #14 Hex washer head, 3.0" fastener
 - Attaching support brackets to corner posts - #14 Hex washer head, 3.0" fastener



- Attaching panels to End posts – #14 Hex washer head, 3.0" fastener
- Attaching panels to Corner posts – #14 Hex washer head, 3.0" fastener
- Attaching panels to Line posts – #14 Hex washer head, 3.0" fastener
- Fasteners to attach shoes to the posts – #14 Hex washer head, 1.5" fastener

12. Concrete anchor bolts – 0.50" x 2.75" (if mounting SimTek on a wall)

13. Button Head Screw – Attaching hardware to gate (included with hardware)

14. Hardware:

- 1.0" Fasteners
 - i. Drop Rod to Gate
- 1.5" Fasteners
 - i. Bracket to Line Post (2 per post)
- 2.5" Fasteners
 - i. Hinge to Post
 - ii. Latch to Post
- 3.0" Fasteners
 - i. Bracket to End Post (1 per post)
 - ii. Bracket to Corner Post (2 per post)
 - iii. Panel to Corner Post (6 per post)
 - iv. Panel to End Post (3 per post)
- Button Head Screw
 - i. Hinge to Gate (2 per hinge)
 - ii. Latch to Gate (2 per latch)
- For more information, see Illustration J at the bottom of this document.

Illustration A

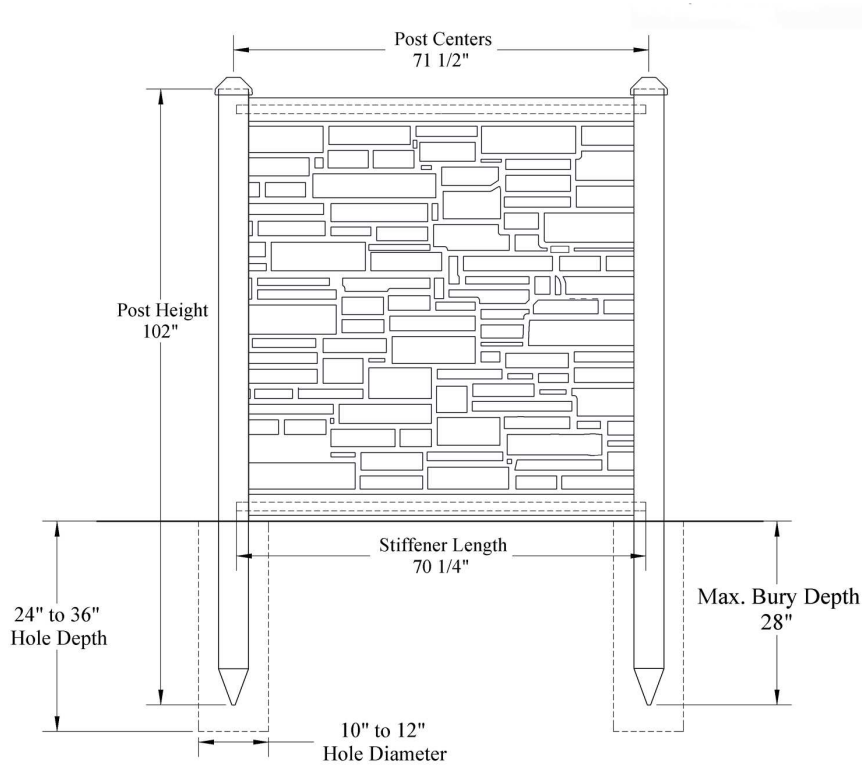


Illustration B

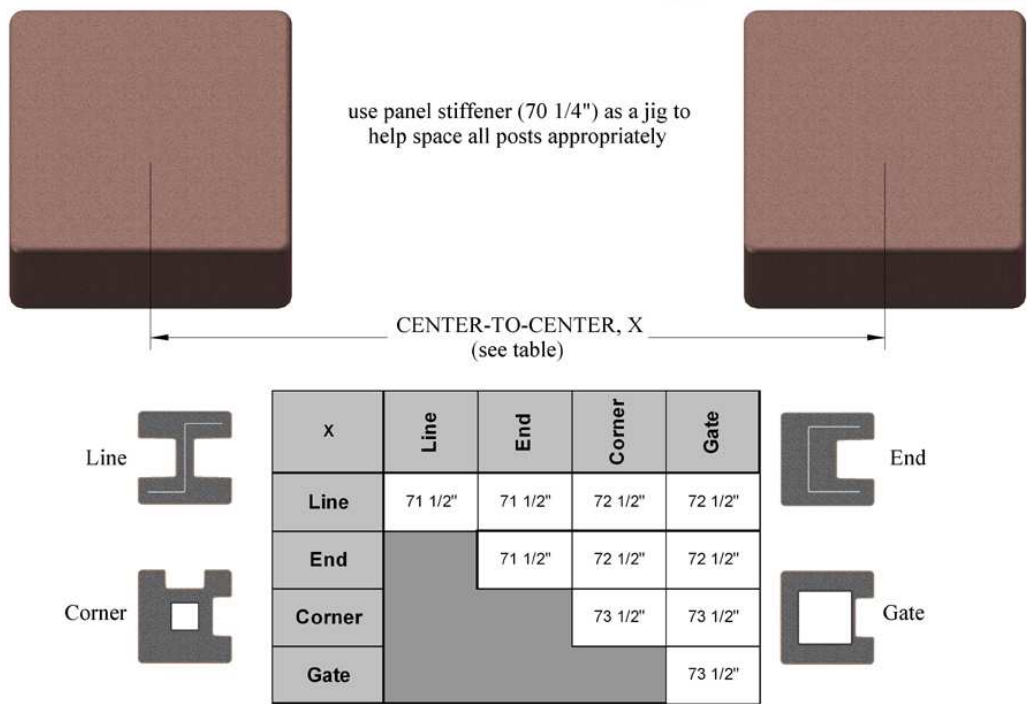
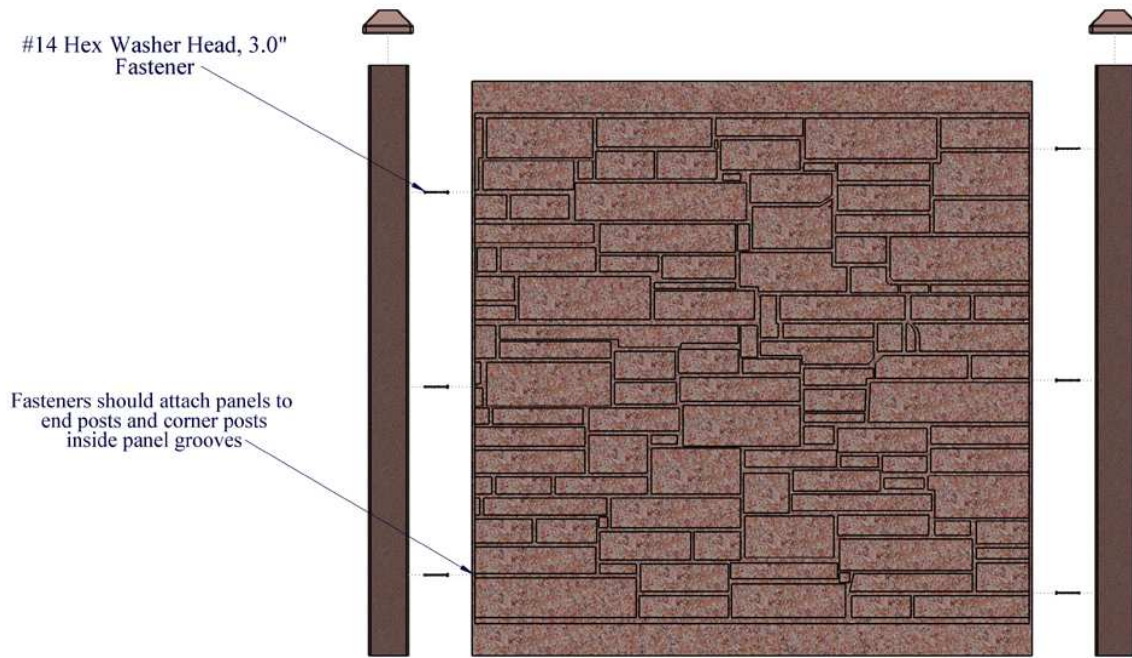


Illustration C



For information on fasteners, see SimTek Fastener Specifications

Illustration D

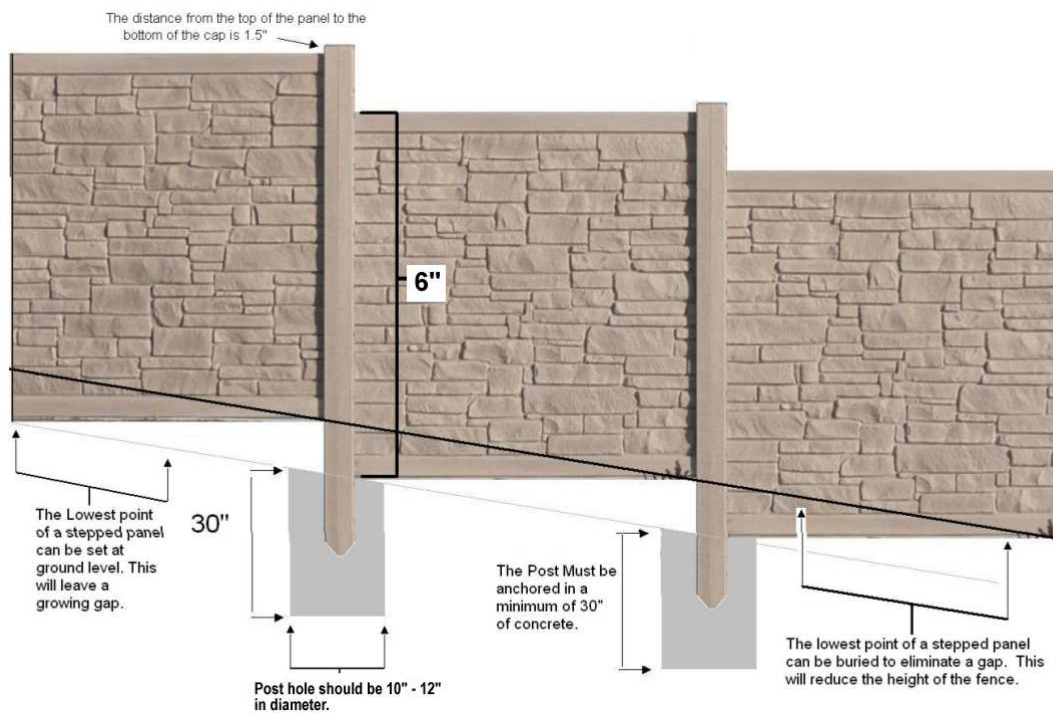
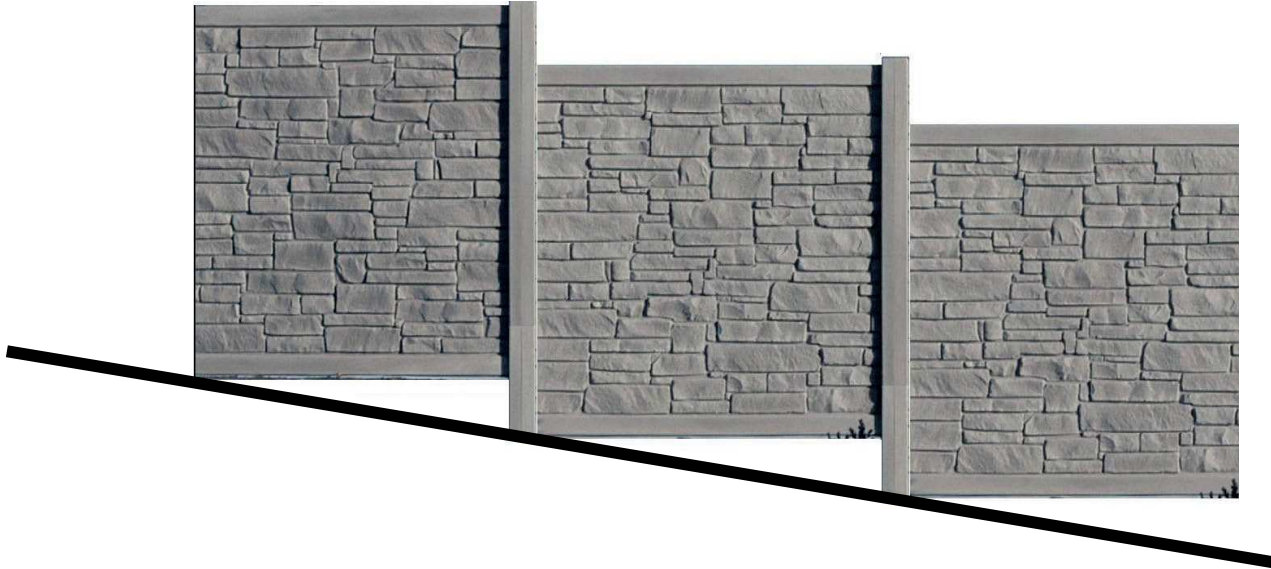


Illustration E



SLOPING GROUND INSTALLATION

There are two ways to handle sloping terrain. Illustration A shows gaps between the fence and the top of the step. Illustration B has no gaps because each panel has been buried a bit in the ground. In either case, a minimum of 30" of concrete must extend below ground.

Illustrator F

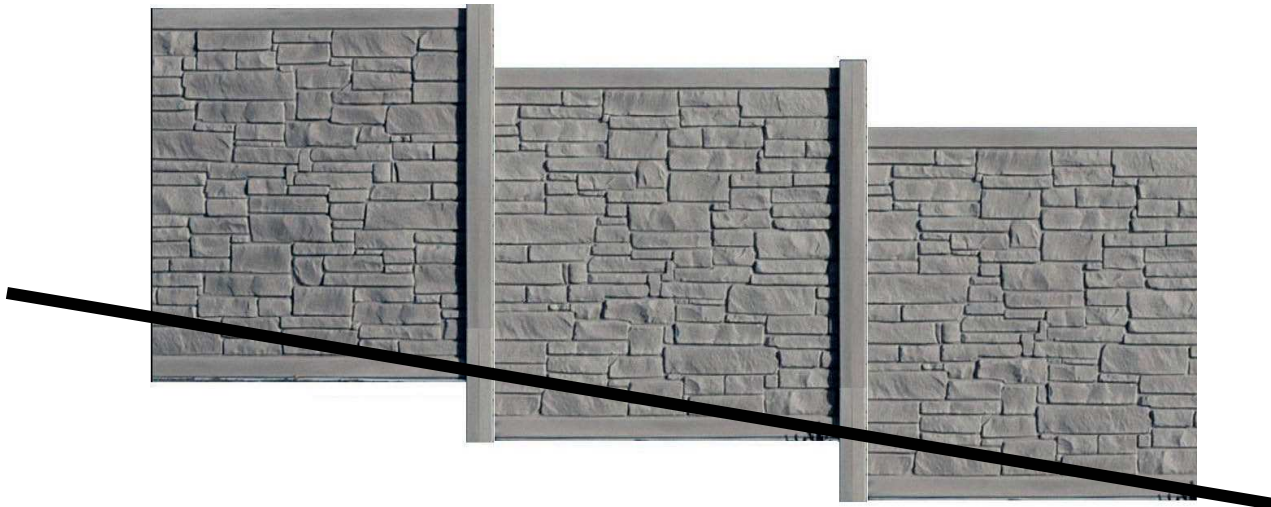


Illustration G

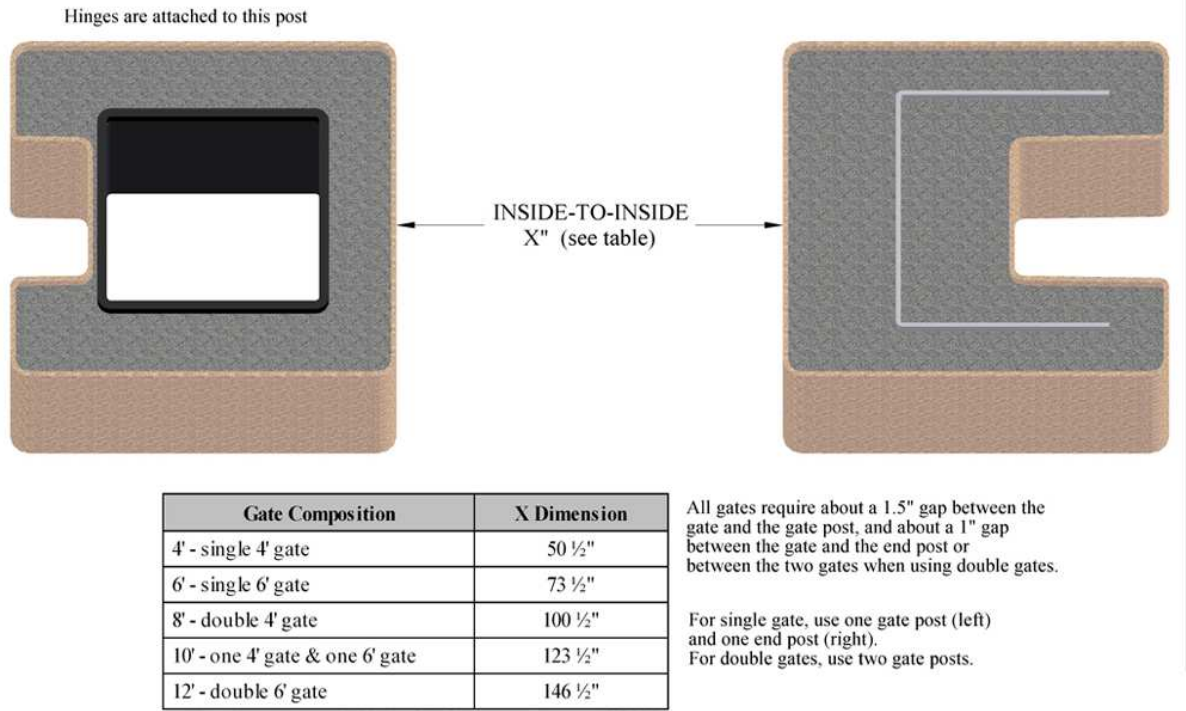


Illustration H

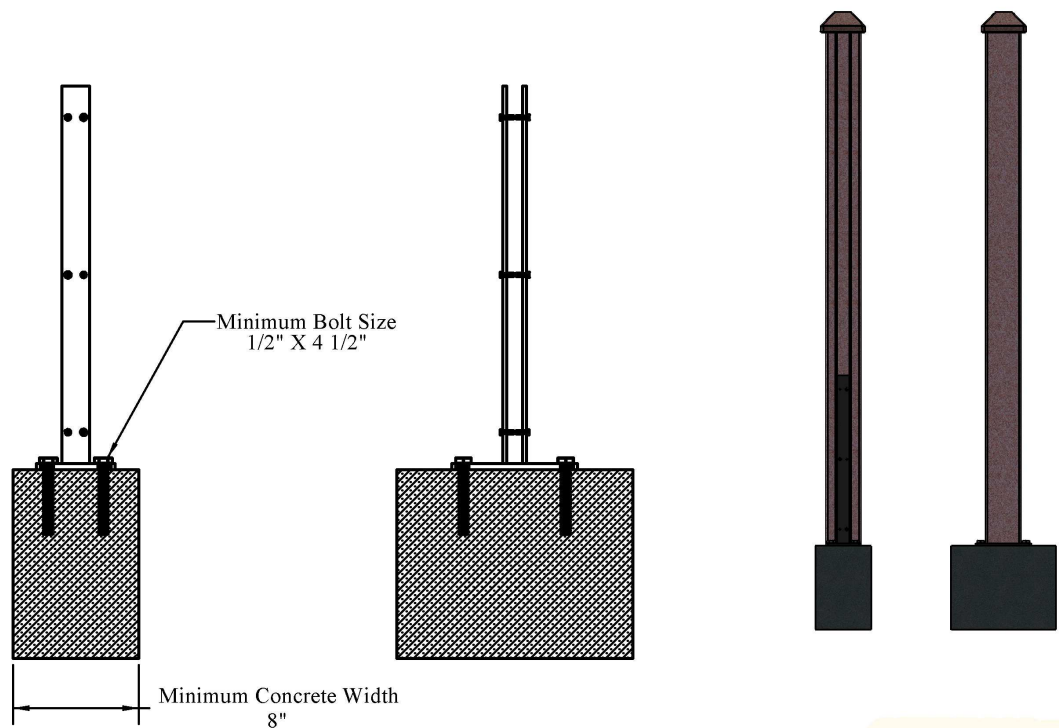
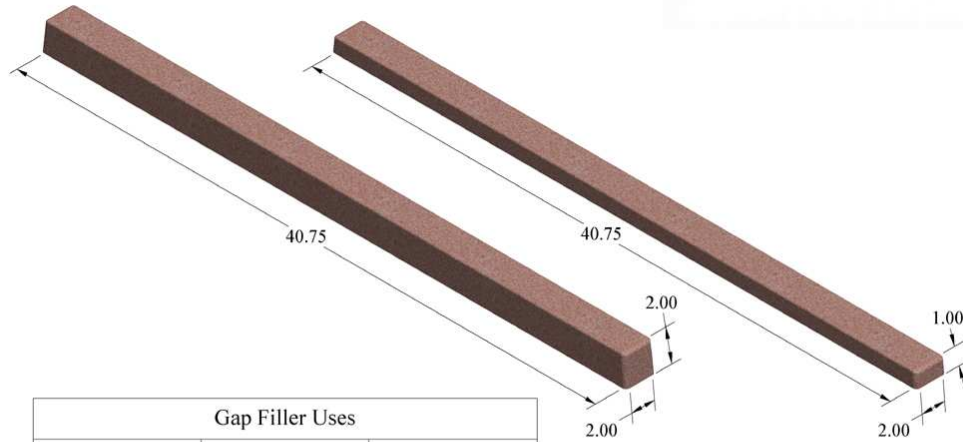
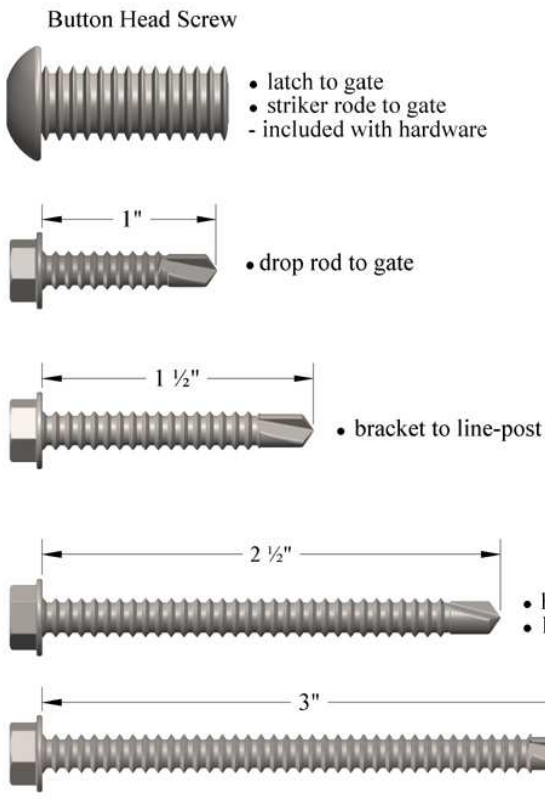


Illustration I



Gap Filler Uses		
Post Type	2" Gap Filler	1" Gap Filler
Line Post	X	
End Post	X	
Corner Post		X
Gate Post		X

Illustration J



Fastener Location & Quantity	#14 X 1"	#14 X 1 1/2"	#14 X 2 1/2"	#14 X 3"	Button Head Screw
Per Hinge (to post)			4		
Per Latch (to post)			4		
Per Latch (to gate)					2
Per Striker Rod (to gate)					2
Per Drop Rod (to gate)	8				
Per Line Post		2			
Per End Post				1 + 3	
Per Corner Post				2 + 6	



- #14
- 3/8 nut-driver
- Zinc plated
- self drilling
- always ensure the fastener captures the post stiffeners

Subdivision in Section 1 Township 45 North, Range 5 East in St. Louis County, Mo., more particularly described as: Beginning at a point of intersection of the North line of Lot 13 with the East line of Lindbergh Boulevard, (also known as State Highway #77); thence running East along the North line of said Lots 13, 14 and 15 a distance of 2107 feet to the Northeast corner of Lot 15; thence running South along the East line of said Lot 15 a distance of 222.07 feet; thence running West in a straight line 2108.82 feet to a point in the East line of Lindbergh Boulevard (also known as State Highway #77) which is distant 222.59 feet (as measured along the East line of said Lindbergh Boulevard, also known as State Highway #77) South of point of beginning; thence running North along the East line of Lindbergh Boulevard (also known as State Highway #77) 222.09 feet to point of beginning containing 10.745 acres, according to a survey made by Elbring Surveying Company on March 29, 1940. Excepting that part thereof conveyed to James F. Mulhern and wife by deed recorded in Book 2579 page 330 of the St. Louis County Records, and excepting also that portion conveyed to Leslie J. Rees and Mary Lee Rees by deed recorded in Book 2662 page 612 of the St. Louis County Records, and Whereas Emil Diekmann and Anna Diekmann, his wife, are the owners of the remainder of Lots 13, 14 and 15 of Thomas R. Aptell's Farm subdivision in Section 1 Township 45 North, Range 5 East in St. Louis County Missouri which is all of said lots excepting the portions now owned by Frank C. Freeseimer and Eve J. Freeseimer, his wife, James F. Mulhern and Louise M. Mulhern, his wife, and Leslie J. Rees and Mary Lee Rees, his wife, and Whereas the said Frank C. Freeseimer and Eve J. Freeseimer, his wife, and Emil Diekmann and Anna Diekmann, his wife, are desirous of creating and granting an easement over portions of their respective properties herein after described for roadway purposes for the joint use and benefit of all of the present or future owners of Lots 13, 14 and 15 of Thomas R. Aptell's Subdivision in Section 1 Township 45 North, Range 5 East in St. Louis County Missouri or any portion thereof. Now Therefore, as evidenced by their signatures hereunto affixed the said Frank C. Freeseimer and Eve J. Freeseimer, his wife, and Emil Diekmann and Anna Diekmann, his wife, hereby create, grant and establish an easement for roadway purposes for the joint use and benefit of all of the present or future owners of Lots 13, 14 and 15 of Thomas R. Aptell's Subdivision in Section 1 Township 45 North, Range 5 East in St. Louis County Missouri or any portion thereof over that portion of Lot 13 of Thomas R. Aptell's Farm subdivision in Section 1 Township 45 North Range 5 East in St. Louis County Missouri more particularly described as: Beginning at a point in the East line of Lindbergh Boulevard (also known as State Highway #77) 202.09 feet South of the intersection of the North line of said Lot 13 with the East line of said Lindbergh Boulevard thence running Eastwardly parallel with the North line of said Lot 13, 600 feet to a point; thence running Southwardly parallel with the East line of said Lindbergh Boulevard, 40 feet to a point; thence running Westwardly in a straight line parallel with the North line of said Lot 13, 600 feet to a point in the East line of said Lindbergh Boulevard which is distant 242.09 feet South of the intersection of the North line of said Lot 13 with the East line of said Lindbergh Boulevard, thence running Northwardly along the East line of said Lindbergh Boulevard 40 feet to the point of beginning.

Emil Diekmann
Anna Diekmann

Frank C. Freeseimer
Eve J. Freeseimer

State of Missouri, ss. On this 8th day of December, 1951, before me personally appeared Frank C. Freeseimer and Eve J. Freeseimer, his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed. In testimony Whereof I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written. My term expires Nov. 23, 1951.

Theo. J. Grove
Notary Public
St. Louis County, Mo.

Theo. J. Grove Notary Public.

State of Missouri, ss. On this 8th day of December, 1951, before me personally appeared Emil Diekmann and Anna Diekmann, his wife to me known to

BOOK 53, PAGE 11...
FILED FOR RECORD
FEB-8 1952
At 10:30 o'clock P.M.

155

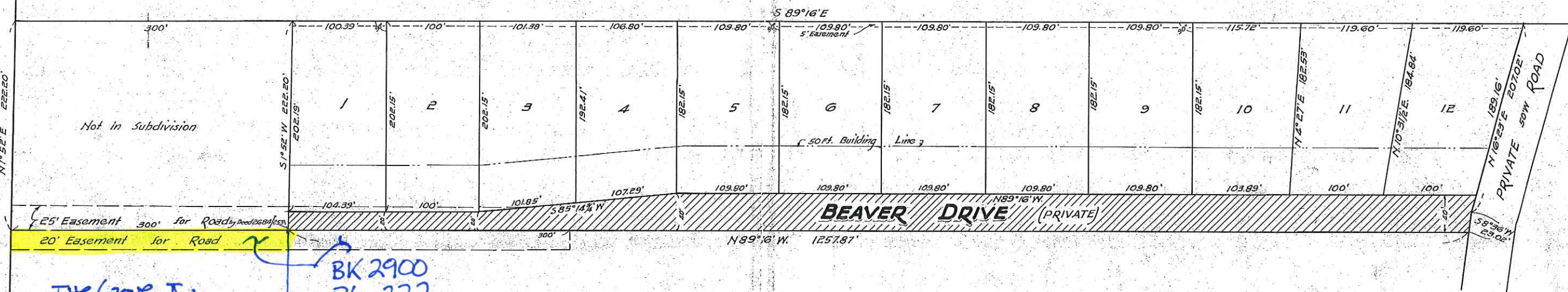
TEALWOOD

PLAT No. 2

A SUBDIVISION IN SECTION 1

T. 45N., R. 5E.

"TEALWOOD"



THE GROVE IN
CREVE COEUR

BK 2900
PL. 222

Order No 22257, Office of Elbring Surveying Company, 19 N. Meramec Avenue, Clayton Missouri

This is to certify that we have during January 1952, at the request of Mr. John T. Hammack, prepared a plat of subdivision of a tract of land in section 1, township 45 north range 5 east St. Louis County Missouri; and that said plat of subdivision is correctly shown above.

Elbring Surveying Company by Eugene Elbring President

The undersigned, owners of the tract of land above plotted and described in the above surveyor's certificate, have caused the same to be subdivided in the manner shown above, which subdivision shall hereafter be known as TEALWOOD PLAT No. 2. The building lines shown above are hereby established. The easements as shown, are hereby dedicated to the City of Creve Coeur for public utility, sewer, and drainage purposes. All lots in this subdivision shall be subject to conditions and restrictions as set forth in instrument filed for record on Sept. 16, 1946 and recorded in Book 2146 of Page 583, St. Louis County Records. The title to Beaver Drive, shown crosshatched on the above plat is hereby vested in trustees created by said instrument. The trustees appointed under this instrument shall serve as trustees for TEALWOOD PLAT No. 2 and shall be vested with all powers given them under this instrument.

In Witness Whereof, we have hereunto set our hands this 24th day of January, 1952.

State of Missouri } ss On this 24th day of January, 1952, before me personally appeared John T. Hammack and Odell F. Hammack, his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at my office this 24th day of January, 1952. My Commission Expires 12/12/52.

I, John T. Hammack, City Clerk within and for the City of Creve Coeur, Missouri, hereby certify that the above plat of Tealwood Plat No. 2 was approved by the Board of Aldermen of the City of Creve Coeur, Missouri, by Ordinance No. 1 on the 14th day of January, 1952.

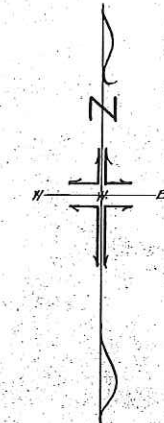
In Testimony Whereof, I have hereunto set my hand and affixed the official seal of the City of Creve Coeur Missouri, this 24th day of January, 1952.

The undersigned, owners and legal holders of notes secured by Deed of Trust recorded in Book 3003 Page 464 in the St. Louis County Records, hereby release from the lien created thereby Beaver Drive and the easements, all as shown on the above plat.

In Witness Whereof, we have hereunto set our hands this 24th day of January, 1952.

State of Missouri } ss On this 24th day of January, 1952, before me personally appeared Frank C. Freasmeier and Eva J. Freasmeier his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledge that they executed the same as their free act and deed.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at my office this 24th day of January, 1952. My Commission Expires 12/12/52.

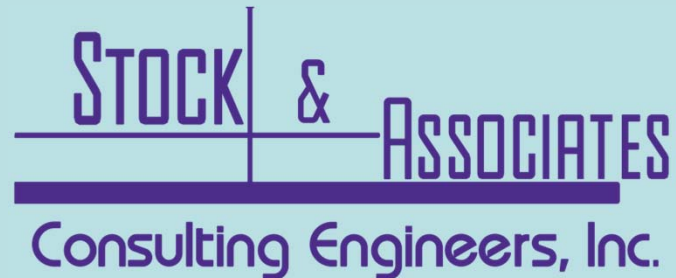


Scale 1" = 50 ft.

The Grove at Creve Coeur

Planning Commission Meeting,
February 3, 2014,
City of Creve Coeur

Prepared by:



Summary

1.) Existing Site

- 2 Stories
 - +/- 20,000 SF (office/retail)
 - F.A.R. = 20,000 SF / 85,764 SF
 - F.A.R. = 0.23
 - 117 Parking Spaces
 - 17.1% Bldg. Coverage
 - 77.45% Site Coverage
 - Access off Lindbergh
 - No access from Beaver Drive
 - Building Setback
 - North = 84.3'
 - East = 88.7'
 - Parking Setback
 - North = 14.0'
 - East = 13.8'
- 2013 Taxes = \$35,171.67

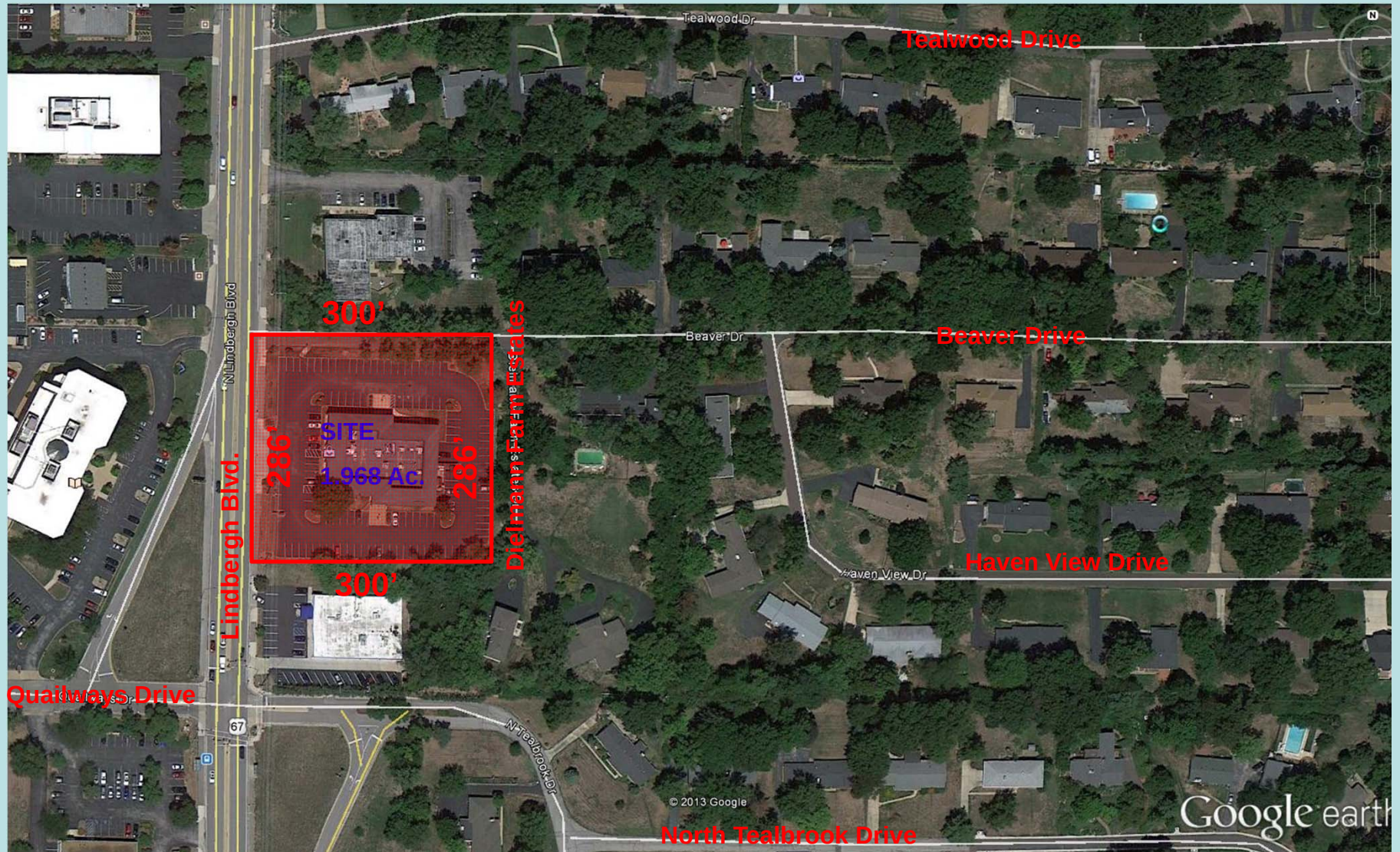
2.) Prior Proposal – Presented to Residents & BOA on 10/17/13

- 3 Story & 1 Story
- 60,937 SF
- F.A.R. = 60,035 SF / 85,764 SF
- F.A.R. = 0.70
- 75 Beds
- 40 Parking Spaces
- 33.9% Bldg. Coverage
- 63.00% Site Coverage
- Shift in access off Lindbergh
- Building Setback
 - North = 15.0'
 - East = 23.0'
- Parking Setback
 - North = 10.0'
 - East = 155.0'

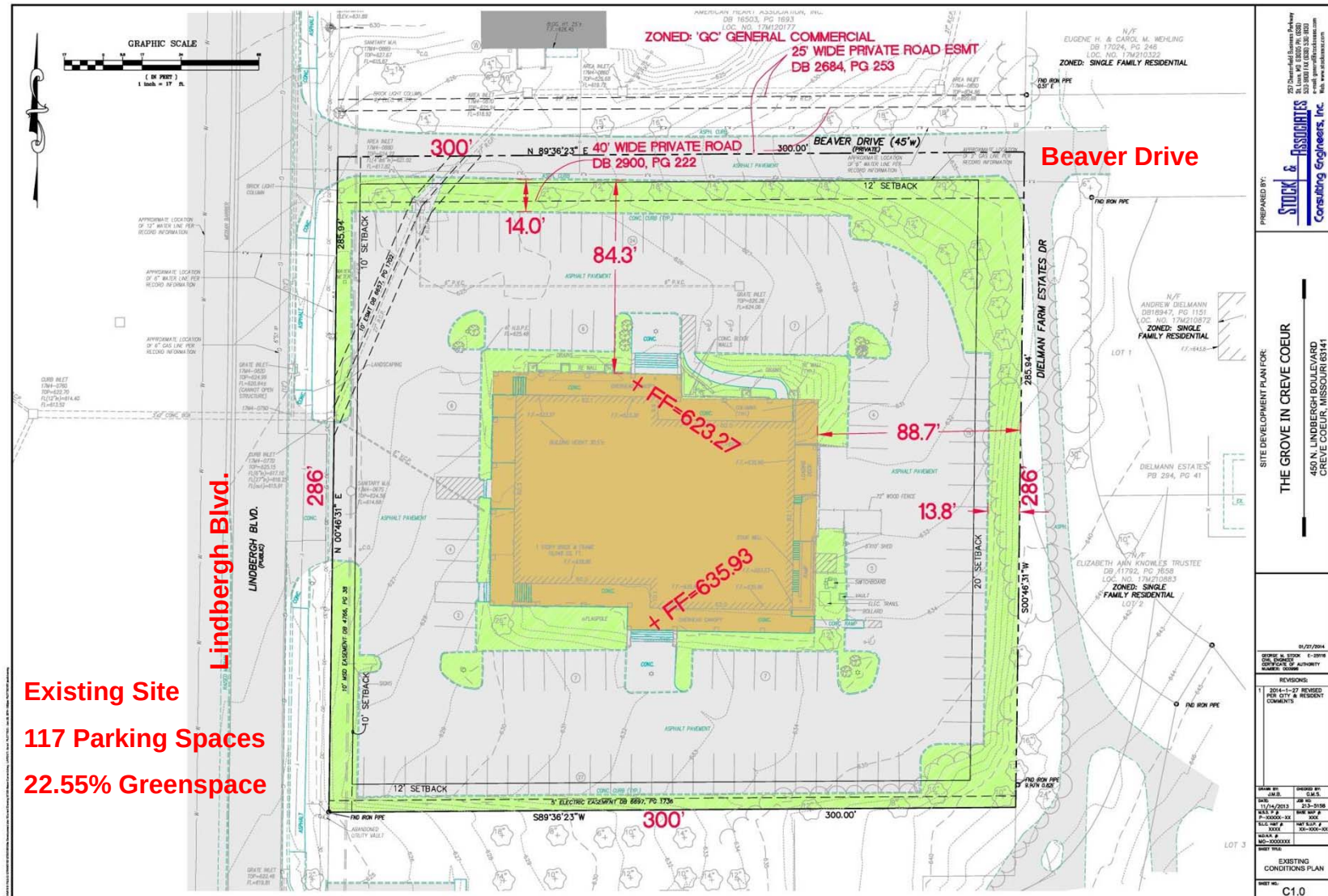
3.) Current Proposal

- 2 Stories
- 41,900 SF Total (outside face of wall)
 - 14,845 SF 1st Floor
 - 15,835 SF 2nd Floor
 - See floor plans on slides 11&12
- F.A.R. = 31,680 SF / 85,764 SF
- F.A.R. = 0.36
- 53 Beds/51 Units
- Required Parking
 - 1 space / 2 beds = 27
- 36 Spaces Provided
- 24.6% Bldg. Coverage
- 53.63% Site Coverage
- Re-use existing access
- Building Setback
 - North = 39.0'
 - East = 28.0'
- Parking Setback
 - North = 15.6'
 - East = 108.0'
- Estimated Taxes = \$125,000

Existing 1.968 acre parcel



Existing Site Conditions



Existing Zoning Permitted Uses

- Retail Bakeries
- Confectionary Manufacturing from purchased chocolate
- Software, CD, Record producing
- Business to Business Electronic Markets
- Wholesale Trade Agents & Brokers
- Furniture Stores
- Floor Covering Stores
- Home Furnishing Stores
- Appliance Stores
- Electronics Stores
- Hardware Stores
- Supermarket & Grocery Stores
- Meat Markets
- Liquor Stores
- Pharmacy & Drug Stores
- Clothing & Apparel Stores
- Sporting Goods Stores
- Pet Stores
- Book Stores
- Florist shops
- Office Supplies
- Art Dealer

- Postal Service
- Software Publishers
- Record Production
- Libraries & Archives
- Credit Card Issuing
- Consumer Lending
- International Trade Financing
- Investment Banking & Securities
- Insurance Carriers
- Pension Funds
- Leasing Agencies
- Office Machinery & Equipment Rental & Leasing
- Lawyers Office
- Professional Services Office
- Veterinary Services
- Travel Agencies
- Locksmiths
- Office of Physicians – Mental Health Specialist
- Doctors Offices
- HMO Medical Center
- Freestanding Ambulatory Surgical & Emergency Center

- Fitness Centers
- Appliance Repair
- Dry Cleaning
- Labor Union Hall
- Political Organizations
- Courts & Police Protection
- Parole & Probation Office
- Fire Protection

Existing Zoning Conditional Uses

- Electric Power Distribution
- Assisted Living & Senior Services
- Surgical Appliance & Supplies Manufacturing
- Dental Laboratories
- Sign Manufacturing
- New Car Dealers
- Boat Dealers
- Automotive Parts & Accessories Store
- Tire Dealers
- All Drive-in & Drive-Through Services (excluding food)
- Home Centers
- Outdoor Power Equipment Stores
- Convenience Stores
- Gas Stations
- Department & Discount Stores
- Warehouse Clubs & Supercenters
- Interurban and Rural Bus Transportation
- Motion Picture & Video Publishing
- Motion Picture Theaters

- Sound Recording Studios
- Radio Stations
- Television Broadcasting
- Satellite TeleCommunications
- Roof-mounted communication equipment
- Commercial Banking & Credit Unions
- Claims Adjusting
- Vehicle Rental & Leasing
- General Rental Centers
- Employment Placement Agencies
- Packaging & Labeling Services
- Educational Institutions
- Sports & Recreational Institutions
- Driving Schools
- Family Planning Centers
- Outpatient Mental Health & Substance Abuse Centers
- Outpatient Care Centers
- Medical Laboratories
- Ambulance Services
- Community Food Services
- Temporary Shelters

- Child Day Care Services
- Performance Art Companies
- Amusement Parks & Arcades
- Gambling Institutions
- Bowling Centers
- Hotels & Motels
- Drinking Places (alcoholic)
- Full Service Restaurants
- Automotive Repair
- Car Wash
- Funeral Homes
- Parking Lots & Garages
- Religious Organizations

Site Plan

Proposed school bus shelter & sidewalk along Beaver Drive

Perimeter Fence

"No Parking" signs along Beaver Drive (3 total)

Existing trees to remain with additional landscape infill above wall

Existing center median on Lindbergh Blvd.

36 Proposed Parking Spaces

Sidewalk & crosswalk

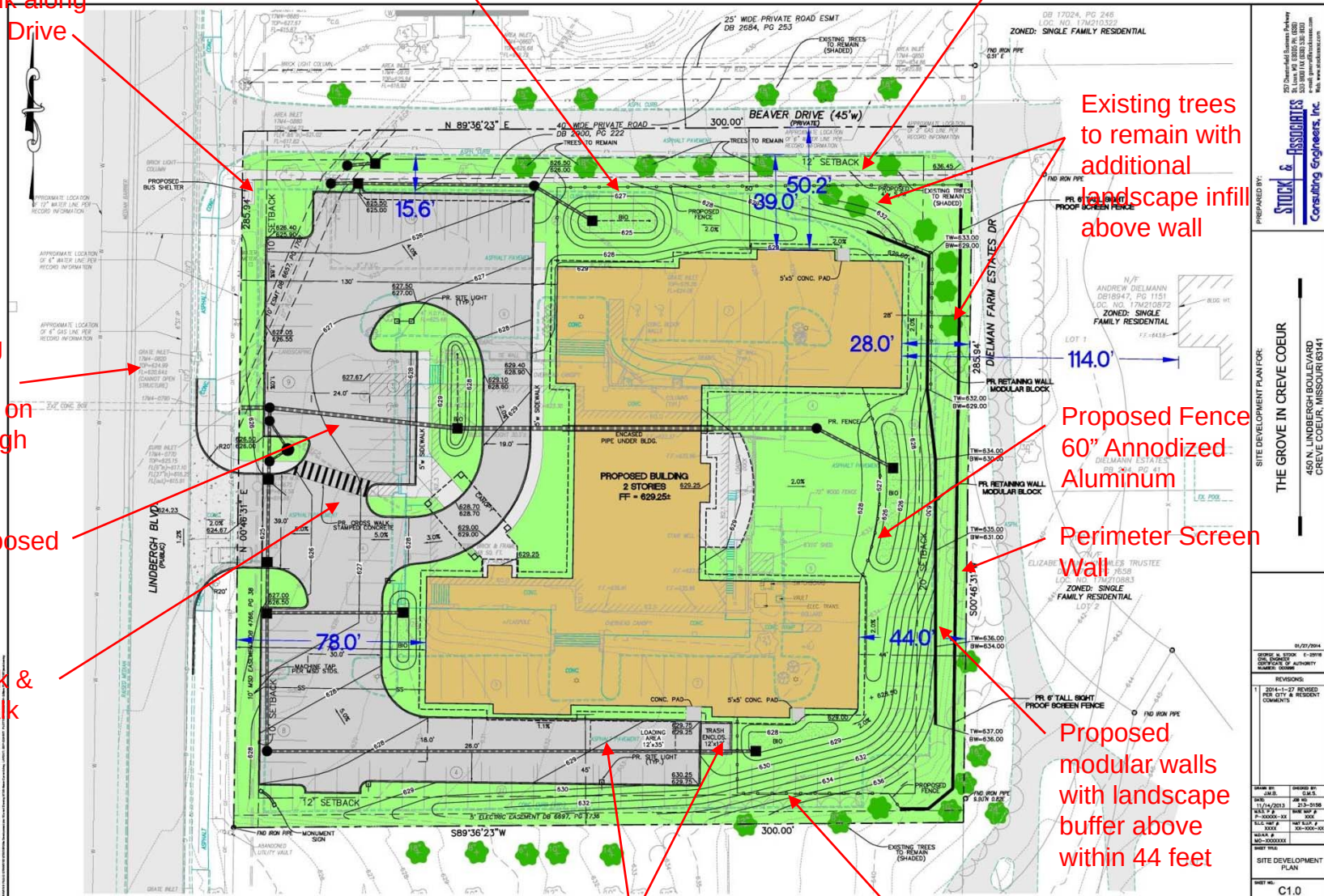
Proposed Fence 60" Anodized Aluminum

Perimeter Screen Wall

Proposed modular walls with landscape buffer above within 44 feet

Loading, Trash Service & Deliveries will occur between 8 am & 5 pm

Perimeter Fence

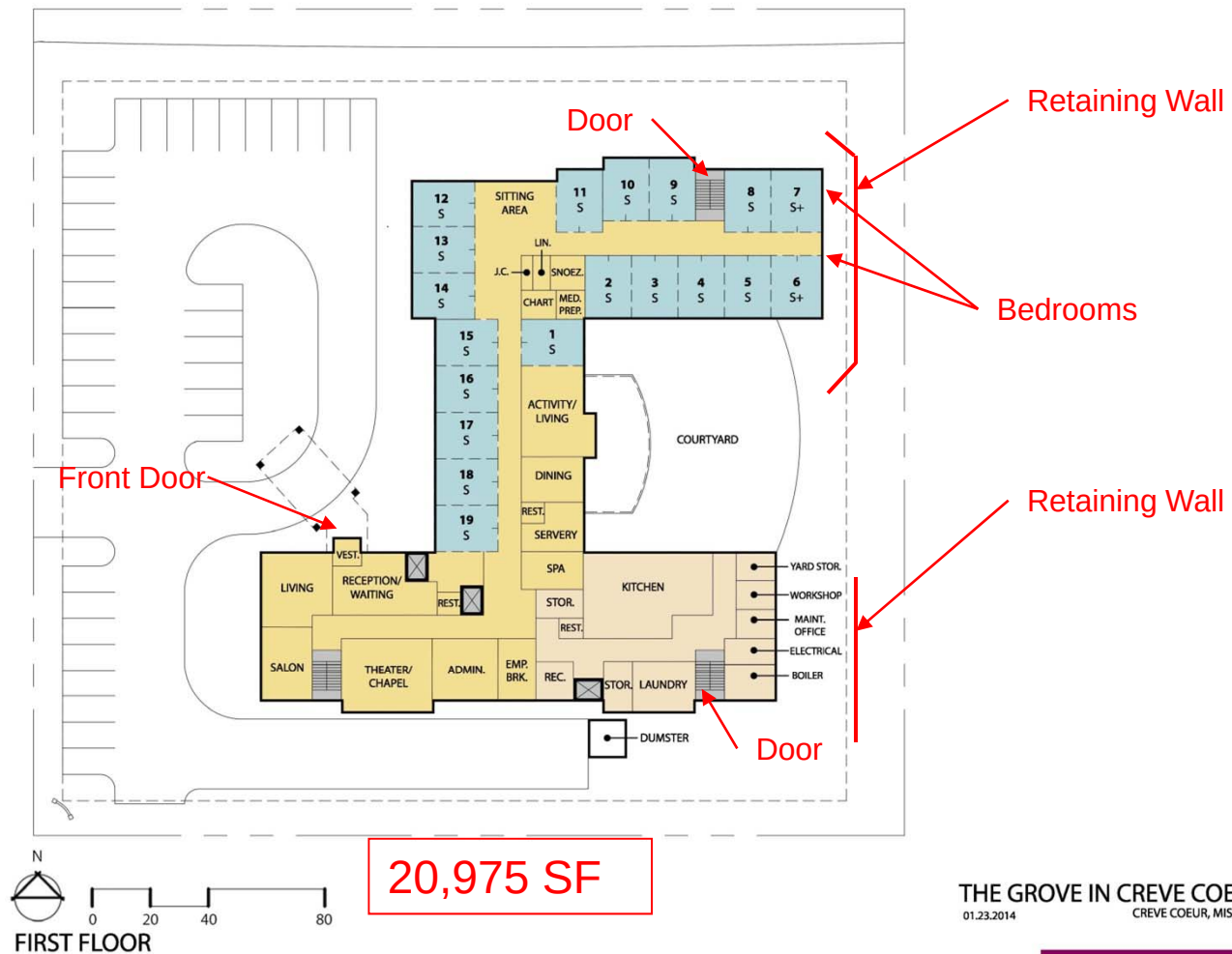


STOCK & PARTNERS Consulting Engineers, Inc. 707 Chestnut Street, Suite 200 St. Louis, MO 63101 Tel: 314.433.1111 Fax: 314.433.1112 www.stockpartners.com	
PREPARED BY: SITE DEVELOPMENT PLAN FOR THE GROVE IN CREVE COEUR 450 N. LINDBERGH BOULEVARD CREVE COEUR, MISSOURI 63141	DATE: 11/14/2013 DRAWN BY: JMS CHECKED BY: CML SCALE: 1"=40'-0" (SEE SHEET) SHEET NO.: C1.0 SHEET TOTAL: 1 OF 1

General Commercial Zoning – Code Comparison Table

	Code Requirement	Proposed Site
Lot Size	21,780 SF (min.)	85,764 SF
Lot Width	75 Feet (min.)	286 Feet
Lot Depth	150 Feet (min.)	300 Feet
Building Height	3 stories (45') (max.)	2 stories (41')
Site Coverage	63.0 % (max.)	53.63 %
Floor Area Ratio	0.40 (max.)	0.36
Rear Yard Setback	20 Feet	28 Feet
Side Yard Setback	12 Feet	45 Feet
Landscape Buffer	20 Feet	28 Feet
Parking Spaces	1 per every 2 beds. 27 spaces required	36 spaces provided

Proposed Building – 1st Floor Plan



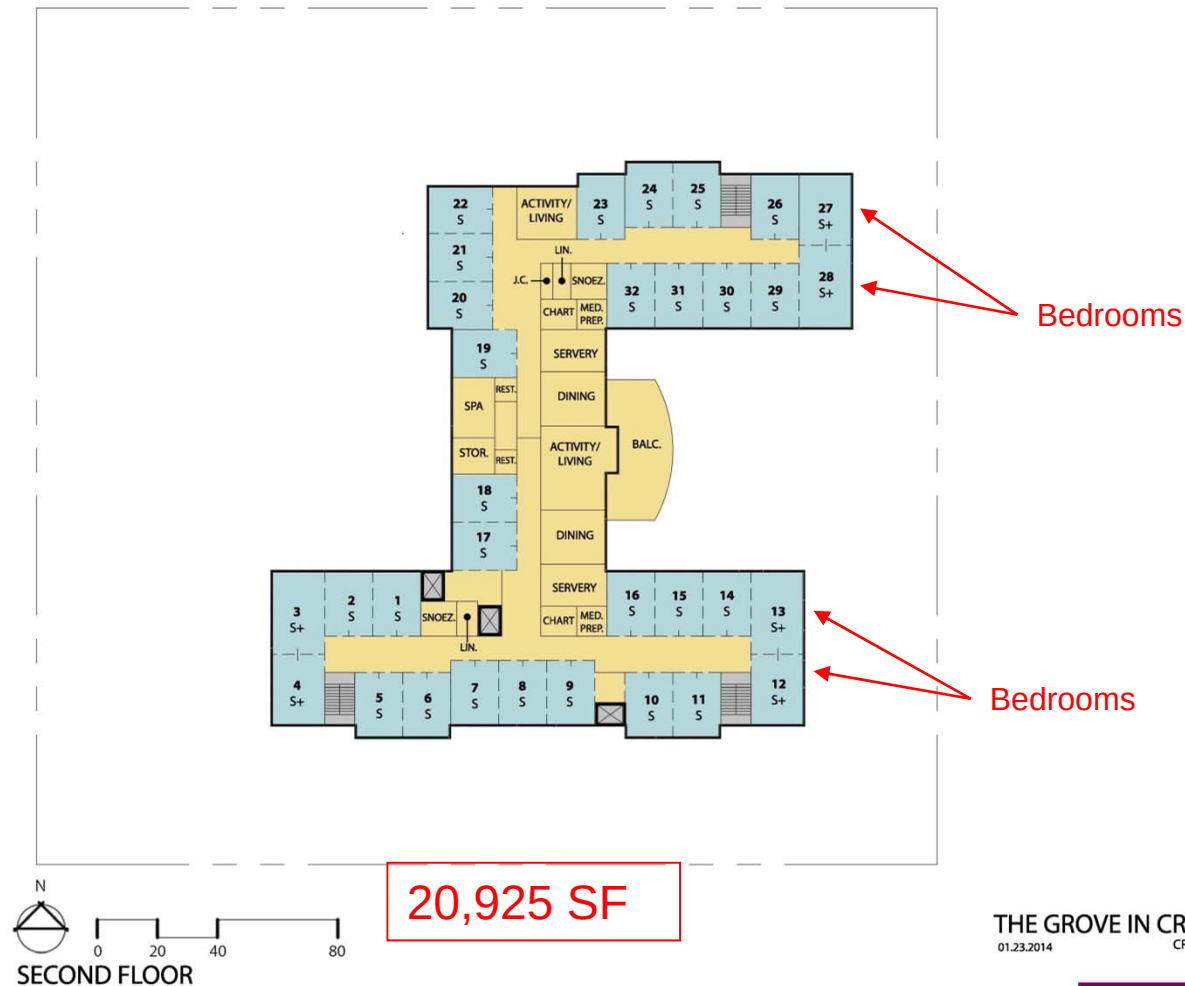
FIRST FLOOR

Less Corridors/ Stairs/Elevator/Storage/Boiler/Linen & Janitor Closets (5,465 SF) F.A.R. Basis = 14,845 SF

THE GROVE IN CREVE COEUR
01.23.2014 CREVE COEUR, MISSOURI

Lantz - Boggio Architects, P.C.

Proposed Building – 2nd Floor Plan



Less Corridors/ Stairs/Elevator/Storage/Boiler/Linen & Janitor Closets (3,985 SF) F.A.R. Basis = 15,835 SF

THE GROVE IN CREVE COEUR
01.23.2014
CREVE COEUR, MISSOURI

Lantz Boggio Architects, P.C.

1st Floor Plan – F.A.R. Calculation

FIRST FLOOR FAR CALCULATION

CIRCULATION ■
FIRST FLOOR: 3874.67 SF

STAIR AND ELEVATOR ■
FIRST FLOOR:
(3) 8X10-4 = 248.01 SF
(3) 10X18 = 540 SF
788.01 SF

STORAGE ■
FIRST FLOOR:
(1) 10X14 = 140 SF
(1) 10X16 = 160 SF
(1) 10X18 = 180 SF
480 SF

JANITOR CLOSET ■
FIRST FLOOR:
(1) 4X12 = 48 SF
48 SF

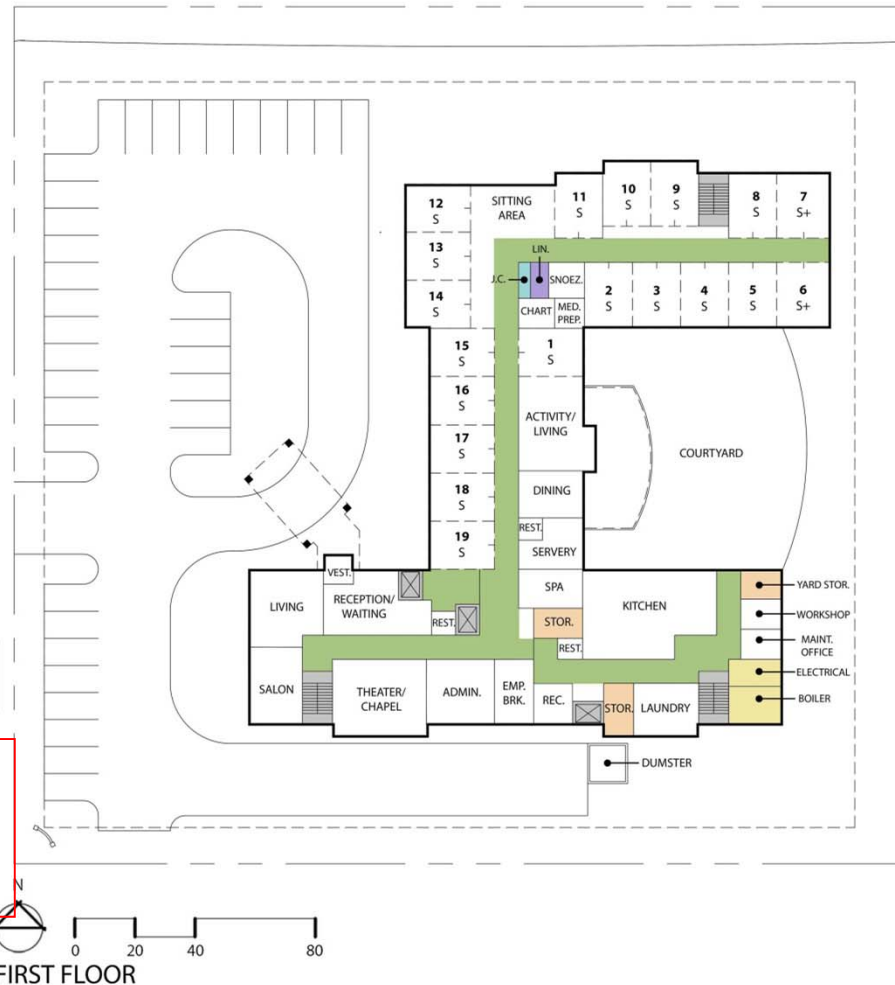
LINEN CLOSET ■
FIRST FLOOR:
(1) 6X12 = 72 SF
72 SF

MECHANICAL ■
FIRST FLOOR:
(1) 9X18 = 162 SF
(1) 13X18 = 234 SF
396 SF

EXTERIOR WALL ■
FIRST FLOOR:
944 LF = 472 SF

TOTAL AREA 6130 SF

OVERALL S.F.	20,975 SF
TOTAL AREA SUBTRACTED	6,130 SF
TOTAL FAR	14,845 SF



Overall S.F. = 20,975 SF

Total F.A.R.

Area = 14,845 S.F.

THE GROVE IN CREVE COEUR
01.23.2014
CREVE COEUR, MISSOURI

Lantz - Boggio Architects, P.C.

2nd Floor Plan – F.A.R. Calculation

CIRCULATION **SECOND FLOOR: 3532.55 SF**

STAIR AND ELEVATOR █

SECOND FLOOR:
(3) 8X10-4 = 248.01 SF
(3) 10X18 = 540 SF
744.03 SF

STORAGE  **SECOND FLOOR:**

SECOND FLOOR:
(1) 12X14 = 168 SF
168 SF

JANITOR CLOSET

SECOND FLOOR:
(1) 4X12 = 48 SF
48 SF

LINEN CLOSET

SECOND FLOOR:
(1) 6X12 = 48 SF
(1) 7X11-8 = 81.67 SF

129.67 SF

MECHANICAL (N/A)

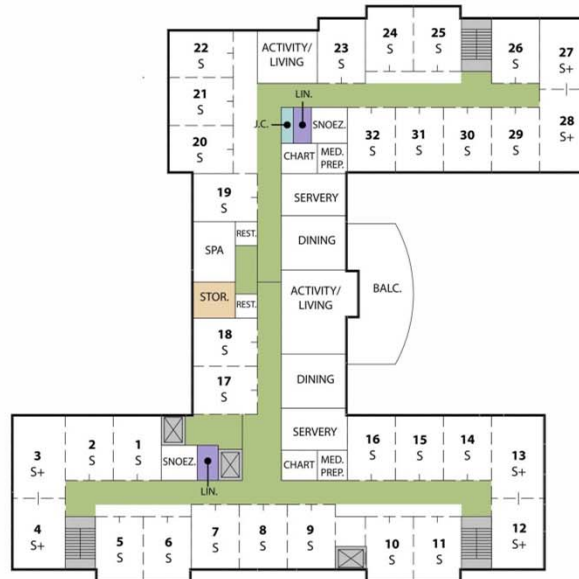
EXTERIOR WALL

SECOND FLOOR:
934 LF = 467 SF

467 SF

TOTAL AREA **5090 SF**

OVERALL S.F.	20,925 SF
TOTAL AREA SUBTRACTED	5,090 SF
TOTAL FAR	15,835 SF



Overall S.F. = 20,925 SF

Total F.A.R.

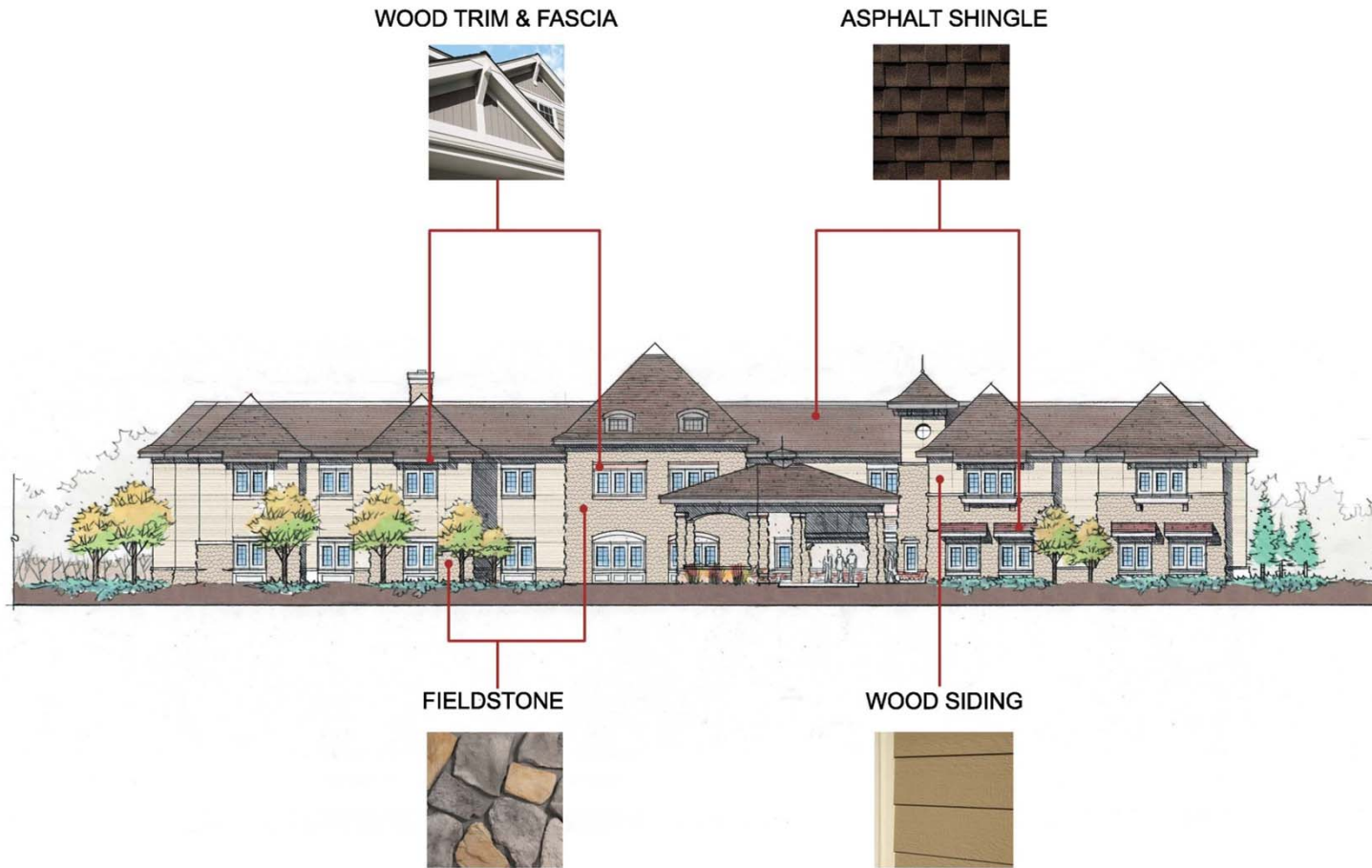
Area = 15,835 S.F.



THE GROVE IN CREVE COEUR
01.23.2014 CREVE COEUR, MISSOURI

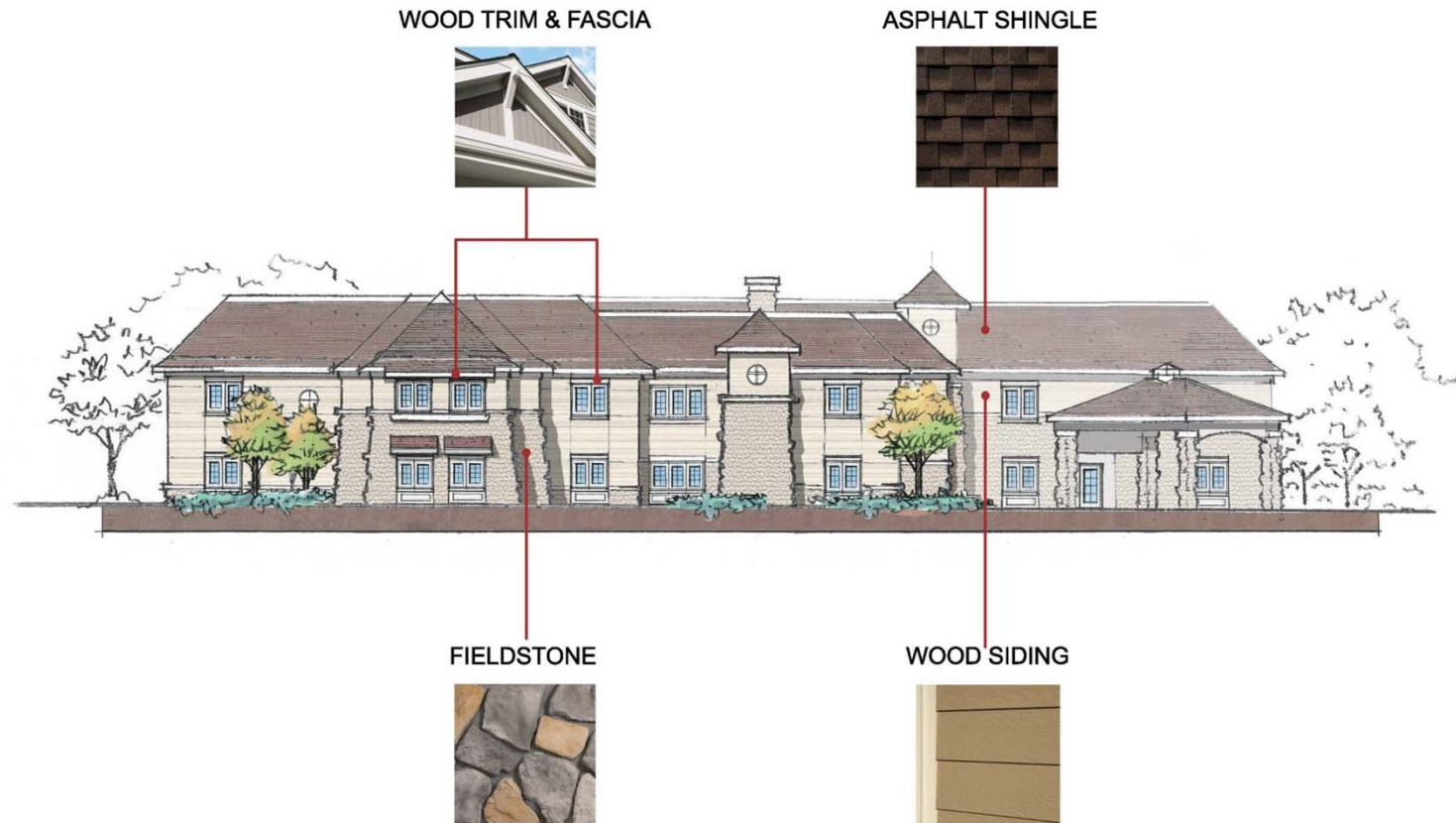
Lantz - Boggio Architects, P.C.

Proposed Building – Lindbergh Elevation



WEST ELEVATION
THE GROVE IN CREVE COEUR
CREVE COEUR, MISSOURI
01.31.2014
Lantz • Boggio Architects, P.C.

Proposed Building – North Elevation



NORTH ELEVATION
THE GROVE IN CREVE COEUR
CREVE COEUR, MISSOURI
01.31.2014

Lantz + Boggio Architects, P.C.

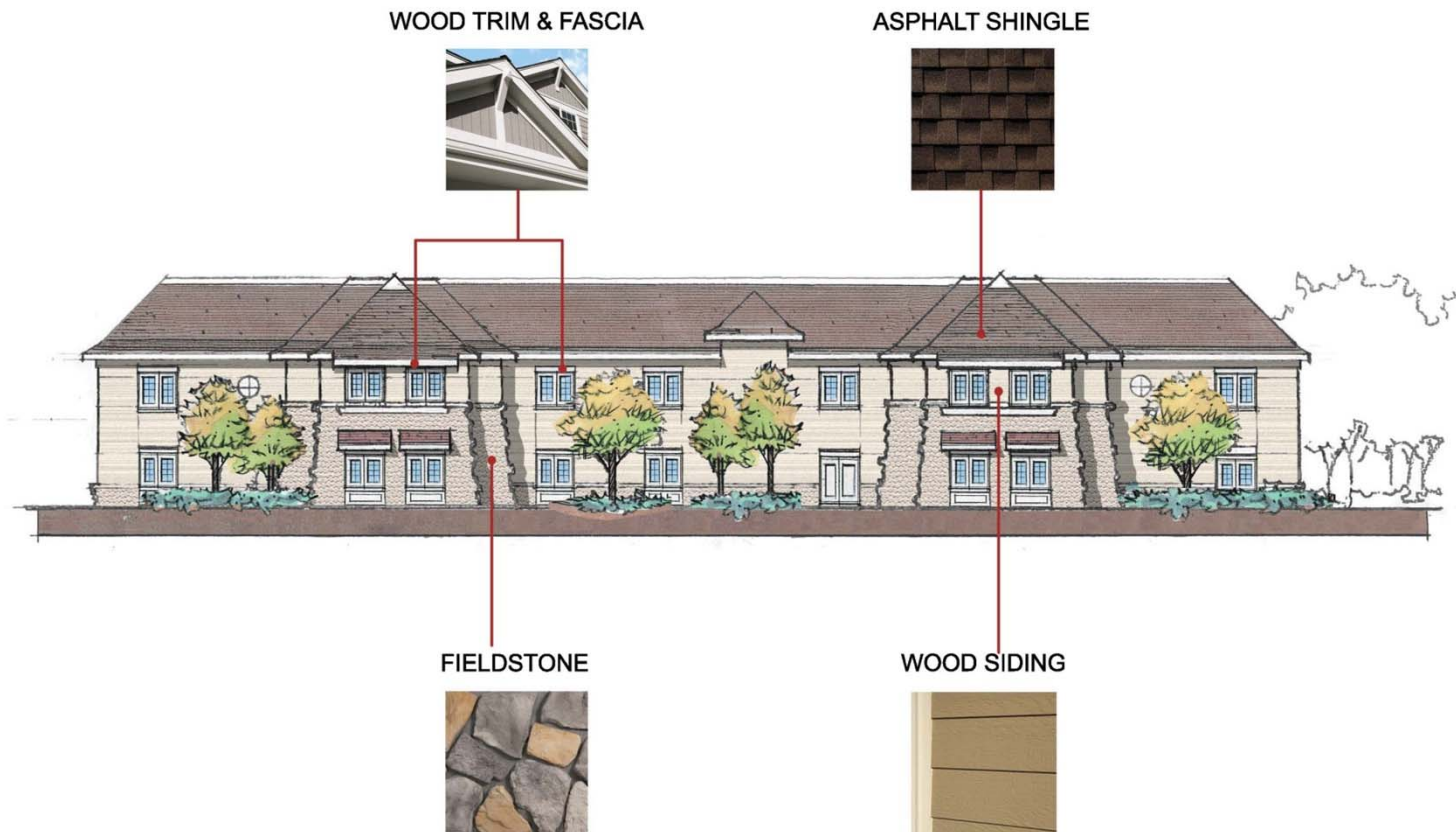
Proposed Building – East Elevation



EAST ELEVATION
THE GROVE IN CREVE COEUR
CREVE COEUR, MISSOURI
01.31.2014

Lantz + Boggio Architects, P.C.

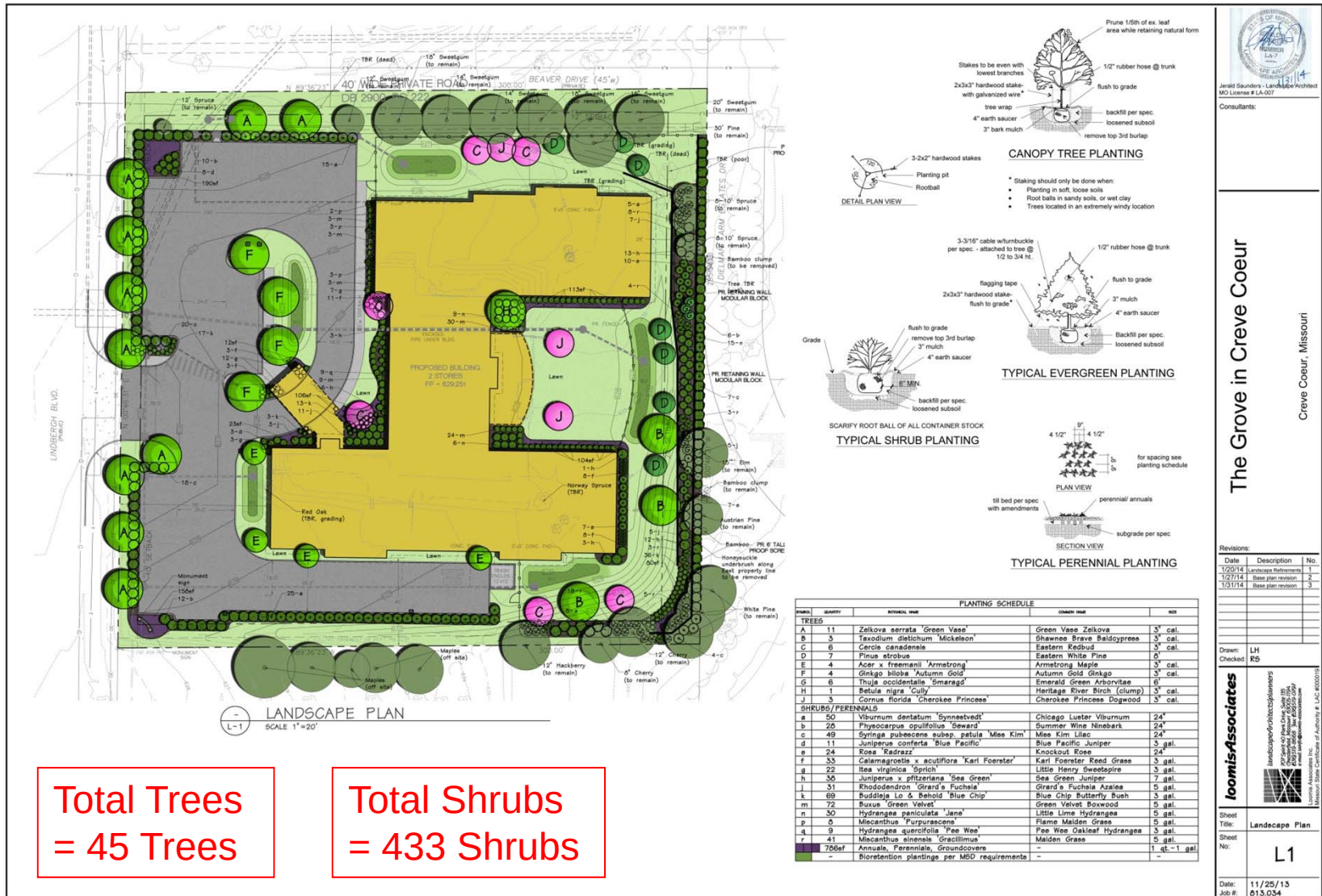
Proposed Building – South Elevation



SOUTH ELEVATION
THE GROVE IN CREVE COEUR
CREVE COEUR, MISSOURI
01.31.2014

Lantz & Boggio Architects, P.C.

Landscape Plan (fully irrigated)



Total Trees
= 45 Trees

Total Shrubs
= 433 Shrubs

OPERATION

Staffing levels by shift (number of staff and position – e.g. caregivers, kitchen staff) and maximum employees at any one time (e.g. shift overlap).

Day shift staffing PROJECTIONS based on 53 residents:

1 administrator
1 office worker
1 nursing manager/director of nursing
2 medication technicians
5 caregivers
3 dietary staff
2 housekeepers
1 activity person
1 marketing person
1/2 time maintenance person
1/2 time dietary manager

Evening shift PROJECTIONS based on 53 residents:

1 nurse supervisor
1 medication technicians
4 caregivers
2 dietary

Night shift PROJECTIONS based on 53 residents:

2 medication technicians
4 caregivers

Day and evening shifts will overlap for about 30 minutes around 3:00 PM.

Evening and night shifts overlap for about 30 minutes around 11:00 PM.

Night and day shifts overlap for about 30 minutes around 7:00 AM.

Number of residents at 100% occupancy (i.e. if any rooms are double occupancy the total residents could be greater than total rooms).

53 residents.

Between 8 AM and 5 PM

Types of deliveries to the facility, frequency and size/type of truck typically used.

Food delivery two times per week (short trailer semi, not a 53' trailer).

Medical supplies one time per week (large box truck or short trailer semi).

Cleaning and paper supplies one time per week (large box truck or short trailer semi).

Trash pick-up twice a week.

Eight to ten small package deliveries per week (UPS, pharmacy van, etc.).

The facility will have one van.

Safety

Type of security system(s) that will be used to ensure residents do not wander off premises.

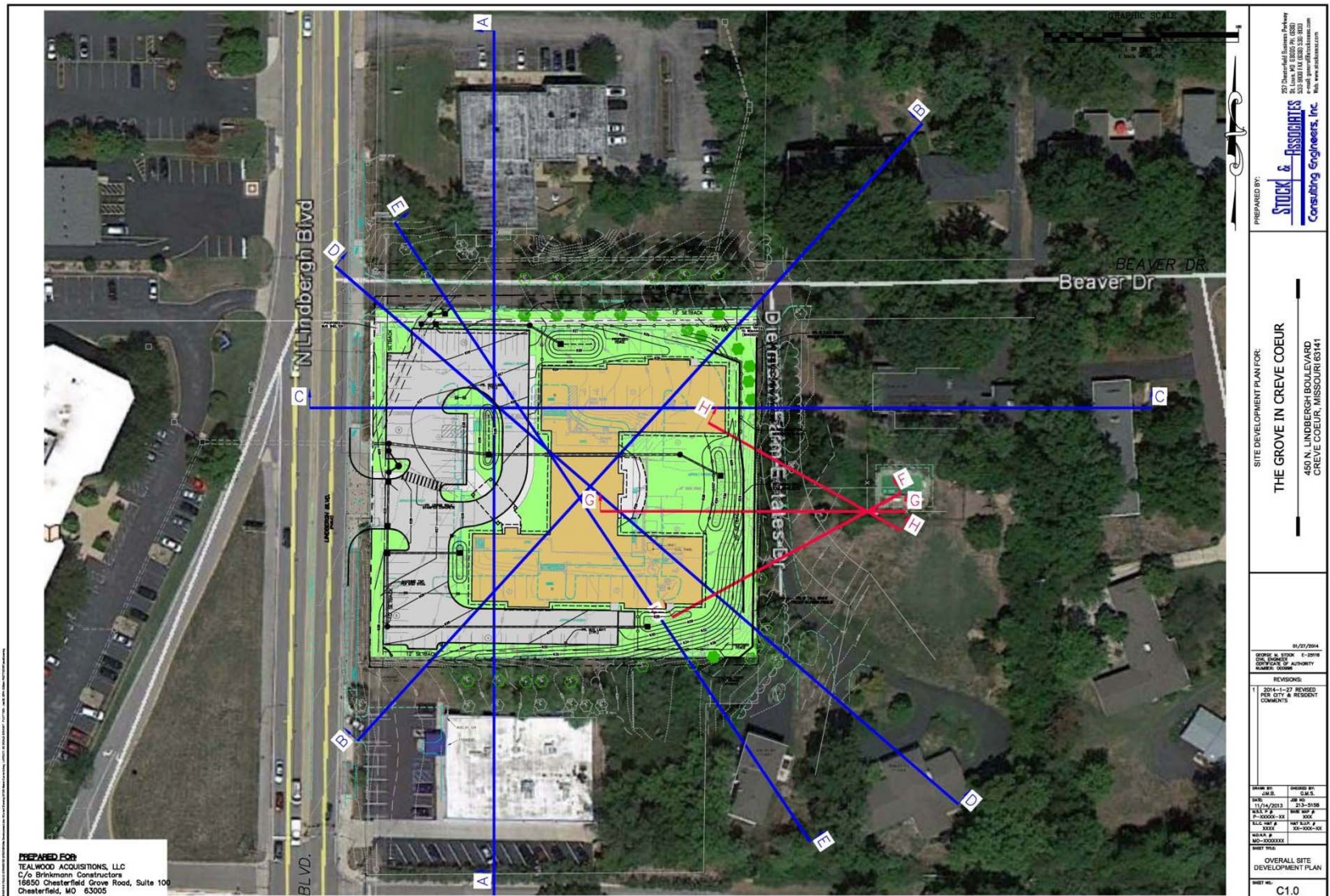
Devices commonly used in memory care facilities to protect against elopements (these devices are allowed by local, state and national fire and building codes):

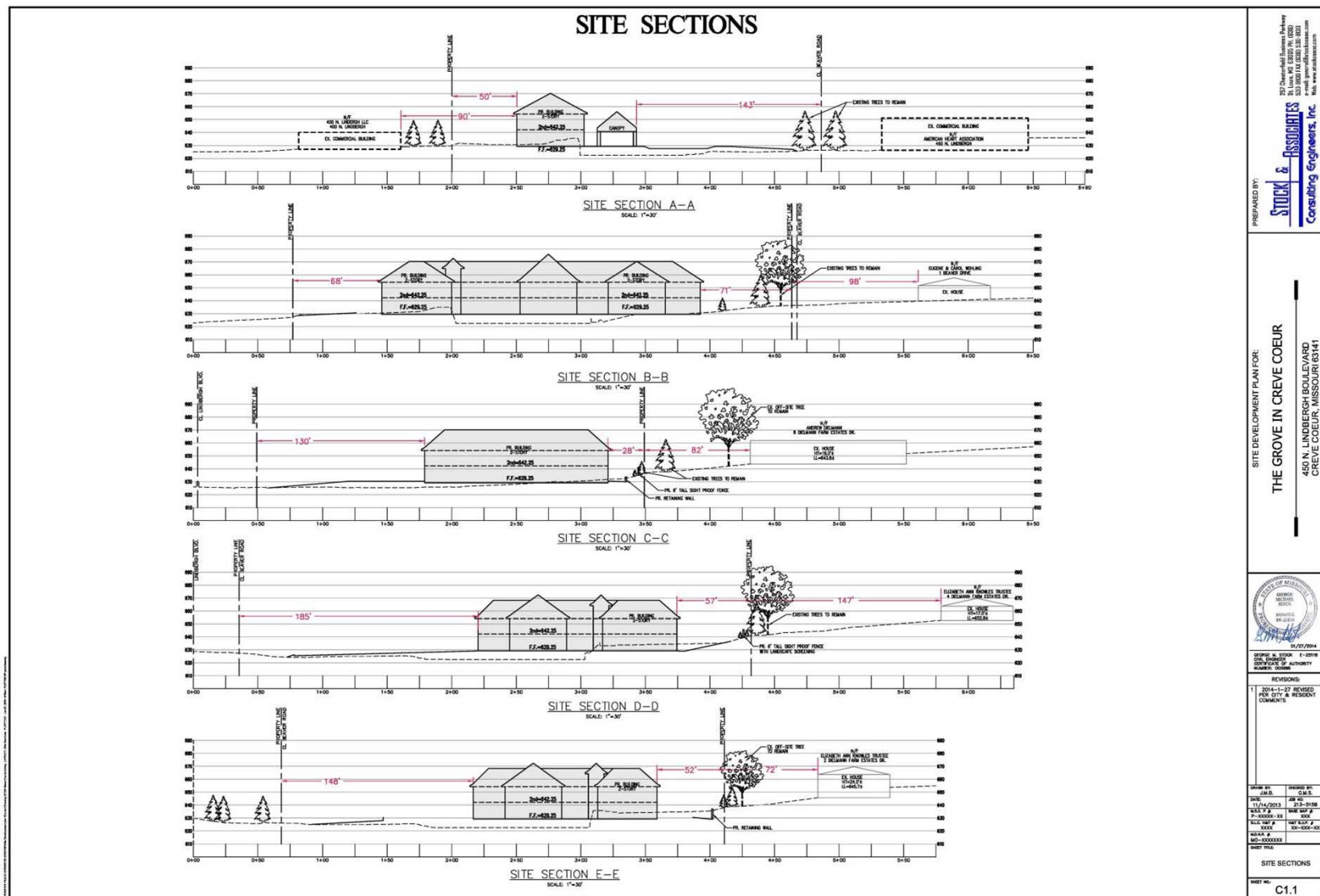
All exit doors are alarmed. When a door is opened an alarm sounds or the alarm is sent to a device (typically a pager) carried by a staff member. By design, the alarm cannot be reset remotely so a staff member must physically go to the door to see why it alarmed. These alarms can be turned off or set up on a timer so that main entry doors that are monitored by staff such as an office worker or receptionist do not alarm every time the door is opened.

SAFETY (CONTINUED)

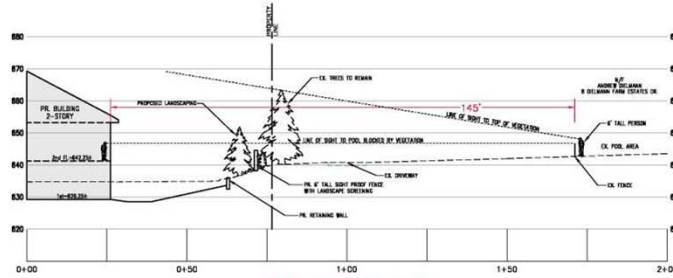
Most memory care units typically have some type of electronic “security” measures in place to help prevent elopements. These measures can include electronically locked doors (electromagnetic lock with delayed egress passage) that prevents individuals from passing through the door. Staff have a code, card or fob that allows them to pass through the door unrestricted but residents cannot freely pass. These systems are tied to the building fire alarm and sprinkler system so that the doors automatically unlock when the fire alarm or sprinkler system is activated so occupants are not “trapped” and so firefighters have free access.

Sometimes, occupants of a memory care unit will wear a bracelet or necklace with a device that locks exiting doors when the individual gets within close proximity to the door. These types of devices allow greater flexibility than the locking devices described above because not all occupants who have a memory impairment would be considered an elopement risk. Again, the doors will automatically unlock if the building fire alarm or sprinkler system is activate similar as described above.





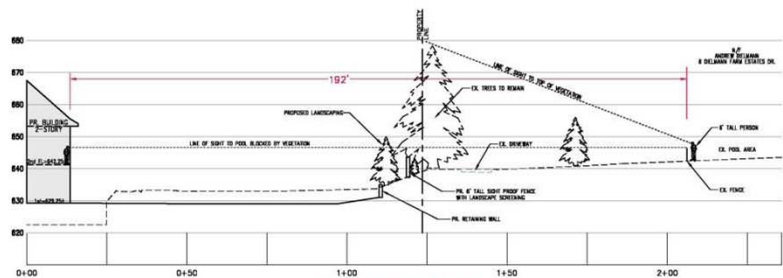
SITE SECTIONS - DIELMANN PROPERTY



SITE SECTION F-F
SCALE: 1"=15'



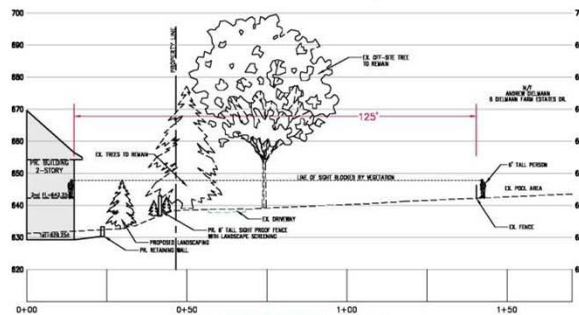
VIEW FROM POOL - SECTION F-F



SITE SECTION G-G
SCALE: 1"=15'



VIEW FROM POOL - SECTION G-G



SITE SECTION H-H
SCALE: 1"=15'



VIEW FROM POOL - SECTION H-H

PREPARED BY:
STOCK & ASSOCIATES
Consulting Engineers, Inc.
257 Chestnut Street, Suite 100
St. Louis, MO 63101
Phone: (314) 241-1200
Fax: (314) 241-1201
www.stockandassociates.com

SITE DEVELOPMENT PLAN FOR
THE GROVE IN CREVE COEUR
480 N. LINDBERGH BOULEVARD
CREVE COEUR, MISSOURI 63141



GEORGE R. BROWN 1-2014
Civil Engineer
STATE OF MISSOURI
No. 10074

REVISIONS

1. 2014-1-27 REVISED
PLOT CITY & RESIDENT
COMMENTS

DESIGNED BY	DATE
CHK'D BY	DATE
IN CHARGE	DATE
FILED BY	DATE
DATE	DATE

SITE SECTIONS

SHEET NO.
C12

Traffic Impact Study



BERNARDIN • LOCHMUELLER & ASSOCIATES, INC.

411 North 10th Street • St. Louis, Missouri 63101-1335
PHONE 314.621.3395

January 20, 2014

Mr. Dan Thies
Brinkmann Constructors
16650 Chesterfield Grove Road, Suite 100
Chesterfield, Missouri 63005

RE: Trip Generation Assessment
The Grove in Creve Coeur Senior Living Community
Creve Coeur, Missouri
514-0004-OTE

Dear Mr. Thies:

In accordance with your request, Bernardin Lochmueller has prepared the following trip generation assessment for a proposed senior living community in Creve Coeur, Missouri. Located in the southeast quadrant of Lindbergh Boulevard and Beaver Drive, this development would consist of 51 residential units and 41,900 square feet of building space and would replace an existing 20,000 square feet commercial building on the site.

Access to the development would be provided via the site's existing driveway on Lindbergh Boulevard, which would be reconstructed and narrowed to satisfy current design requirements. The existing median on Lindbergh prohibits left-turns in and out of the site, thereby limiting the access to right-in right-out only. Also note that direct access would not be provided between the site and Beaver Drive.

The proposed development would facilitate a reduction in the amount of surface parking spaces. The site currently provides 117 parking spaces, and the proposed senior living community would provide only 37 spaces, equivalent to a 69 percent reduction in parking.

The purpose of this trip generation assessment was to forecast the amount of traffic that would be generated by the proposed development on a typical weekday and then to compare that traffic to the amount that could be generated by the existing building on the site, assuming full occupancy with uses permitted under the current zoning.

Trip Generation

The number of trips that would be generated by the proposed senior living community was forecasted using data provided in Trip Generation, 9th Edition, published by the Institute of

Mr. Dan Thies
January 20, 2014
Page 2



Transportation Engineers (ITE). This resource is a universal tool used to quantify the traffic generation characteristics of various land uses.

Data for Land Use Code: 254 Assisted Living indicates these facilities generate 2.66 weekday trips per unit on average. Applying this metric, the proposed senior living community development would generate 136 daily trips, as summarized in **Table 1**. Therefore, the proposed development could be deemed a low-intensity traffic generator.

Table 1: Trip Generation Forecast – Proposed Development

Use	Approximate Size	Daily Trips		
		In	Out	Total
Senior Living Community	51 units	68	68	136

These trips were then compared to the amount of trips that could be generated by the existing commercial building on the site, assuming full occupancy with permitted uses. The site is currently zoned "GC" General Commercial District. A variety of commercial uses are permitted by this zoning, including retail. It is our understanding that the existing building most recently housed several retailers, which have now vacated the site.

The number of trips that would be generated assuming full occupancy of the existing building with retailers was estimated using data provided in Trip Generation, 9th Edition, published by ITE. Data for Land Use Code: 820 Shopping Center indicates that retail space generates 42.7 weekday trips per 1,000 square feet on average. Applying this metric, the existing building occupied with retailers may generate as many as 854 daily trips, as summarized in **Table 2**. The proposed development would generate 85 percent fewer trips.

Table 2: Trip Generation Estimate – Retail Occupancy of Existing Building

Use	Approximate Size	Daily Trips		
		In	Out	Total
Retail	20,000 s.f.	427	427	854

The retailers that formerly occupied the existing building could have include one or more lower intensity uses (i.e., insurance office), which may differ somewhat from the profile of retailers reflected by the data supporting **Table 2**. To present a more conservative approach, the number of trips generated by the existing building was estimated assuming full occupancy with general office space.

Traffic Impact Study

Mr. Dan Thies
January 20, 2014
Page 3



Data for Land Use Code: 710 Office indicates that offices generate 11 weekday trips per 1,000 square feet on average. Applying this metric, the existing building occupied with office space would generate 220 daily trips, as summarized in **Table 3**. The proposed development would still generate fewer trips (40 percent reduction).

Table 3: Trip Generation Estimate – Office Occupancy of Existing Building

Use	Approximate Size	Daily Trips		
		In	Out	Total
Office	20,000 s.f.	110	110	220

Conclusion

It can be concluded that the proposed development would generate 136 trips over the course of a typical weekday. Based on that amount, the development could be characterized as a low-intensity traffic generator.

Furthermore, it is evident that the proposed development would generate significantly fewer trips than the existing building assuming full occupancy with uses permitted under the current zoning. Comparisons to both retail and office uses were presented. Those uses effectively delineate the range of uses permitted by the "GC" General Commercial zoning classification. Since the senior living community would generate substantially fewer trips than either use, it stands to reason that a reduction in trips generated by the site would occur in conjunction with the proposed development.

Lastly, while this assessment does not constitute a traffic impact study, given the anticipated reduction in the number of trips generated by the site, the proposed development should not adversely impact traffic.

Sincerely,
Bernardin, Lochmueller & Associates, Inc.

Christopher W. Beard, PE, PTOE
Traffic Engineer

MODOT Conceptual Approval 1-13-2014

Jacob Buening

Subject: FW: 5158 - 450 N. Lindbergh Proposed Assisted Living and Memory Care facility
Begin forwarded message:

From: "JOHN \"JAY JAY\" BRADEN" <John.Braden@modot.mo.gov>
Date: January 13, 2014 at 7:00:39 AM CST
To: George Stock <george.stock@stockassoc.com>
Subject: RE: FW: 5158 - 450 N. Lindbergh Proposed Assisted Living and Memory Care facility

George,

Conceptually the plan appears to be feasible. When your client is ready to move forward please email me a detailed set of plans in pdf format and send me two hard copies for review.

-----Original Message-----

From: George Stock [<mailto:george.stock@stockassoc.com>]
Sent: Wednesday, January 08, 2014 10:54 AM
To: JOHN "JAY JAY" BRADEN
Subject: FW: FW: 5158 - 450 N. Lindbergh Proposed Assisted Living and Memory Care facility

Hi Jay-Jay, Back in August of 2013 we sent David Brunjes a plan for a proposed Senior living Facility at 450 N. Lindbergh for Conceptual review and approval, below is his response on 8/13/13. Since that time the project has been reduced in size and access to Lindbergh is in current location but reduced in width. Could you please review the attached plan and give us a Conceptual approval? Any questions please feel free to call me. I will follow this email with the plan previously submitted to David so you have both to compare, a description of the changes are below in this email. Thanks, George

-----Original Message-----

From: Jacob Buening
Sent: Wednesday, January 08, 2014 10:38 AM
To: George Stock
Cc: Tim Stock
Subject: RE: FW: 5158 - 450 N. Lindbergh Proposed Assisted Living and Memory Care facility

George,

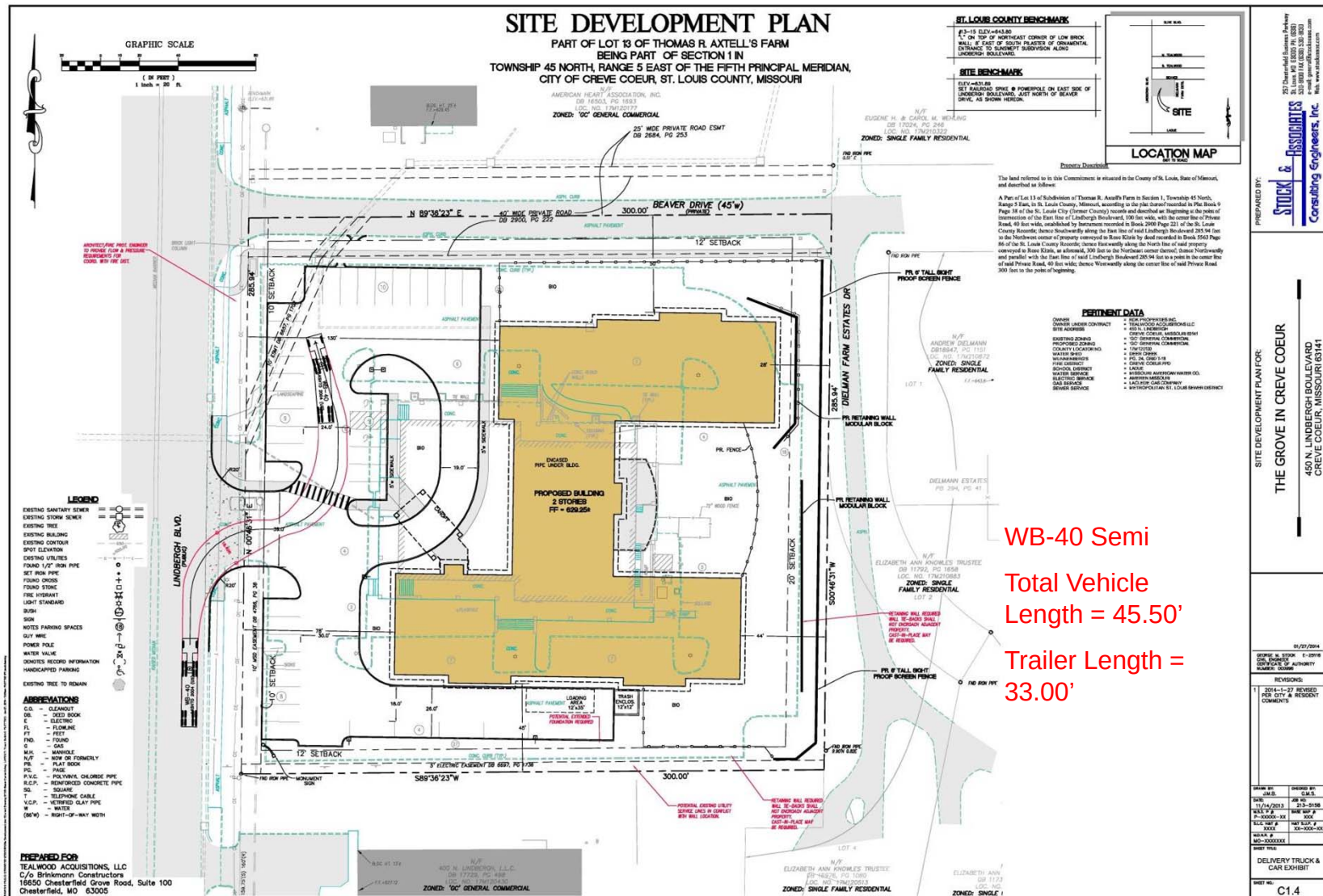
Attached is the current site plan for the proposed Senior Living Facility. The building has been rotated 90 degrees. The proposed driveway off of Lindbergh is located in the same location as the existing driveway, and is now 28 feet wide, versus the existing 60 foot wide. The proposed driveway off of Beaver Drive has been eliminated. Below is a summary of additional changes made since the original submittal to Modot.

Page 1 of 3

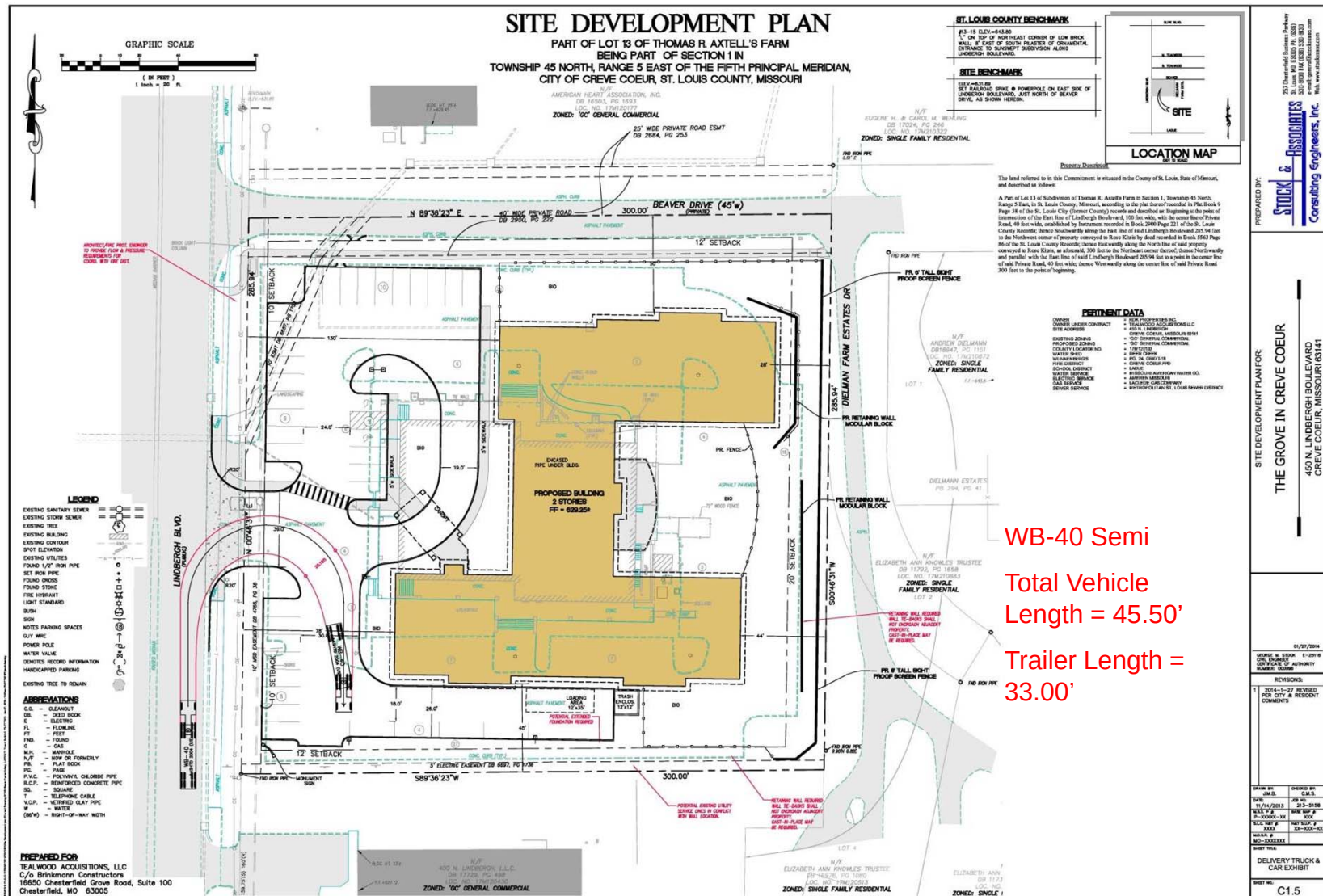
1/27/2014

25

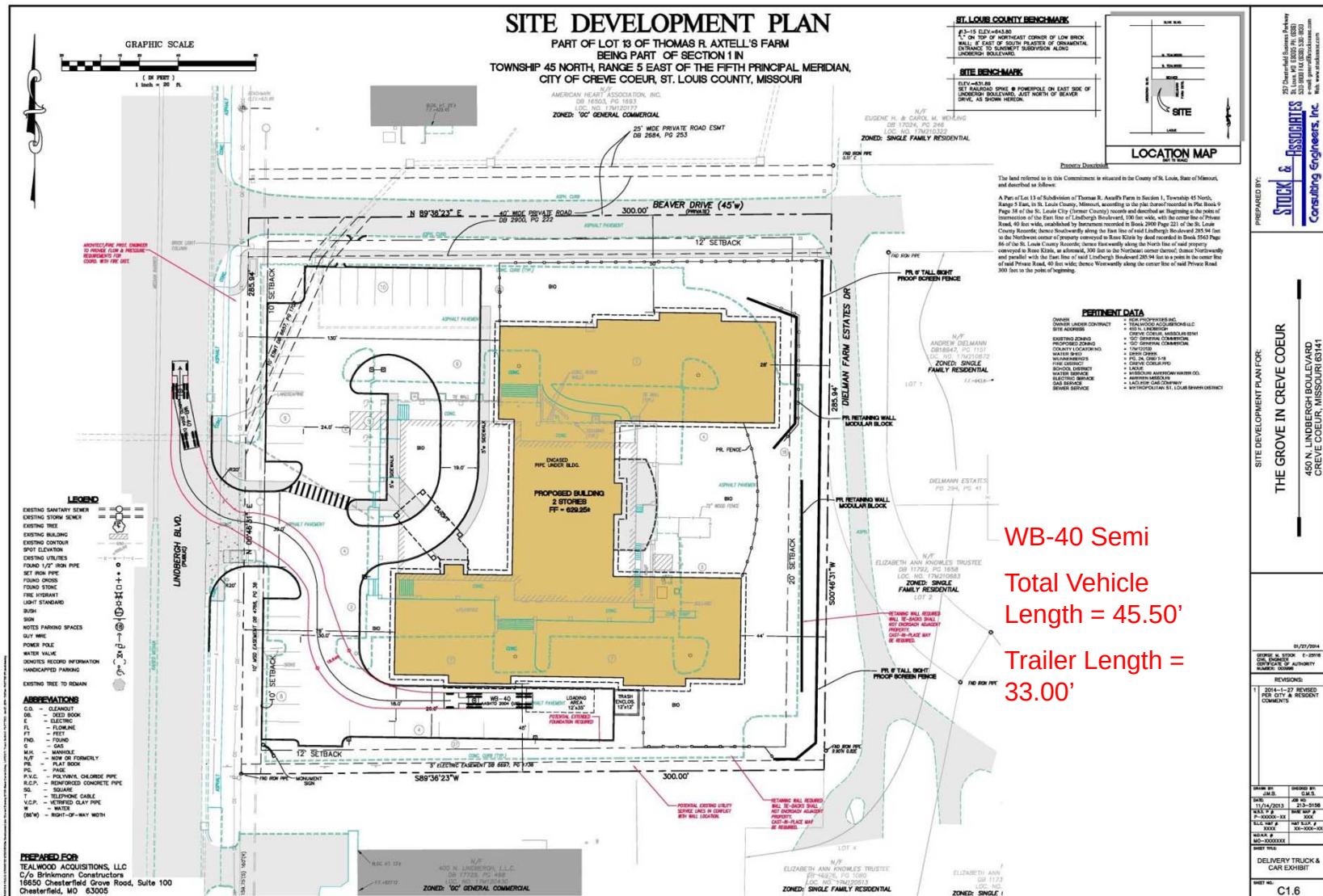
AutoTurn Exhibit – Delivery Truck



AutoTurn Exhibit – Delivery Truck



AutoTurn Exhibit – Delivery Truck



East Screen Wall Examples



East Screen Wall Examples



East Screen Wall Examples



31

East Screen Wall Examples



32

Thank you.

Cheri Evans

From: John Alexander <JCALEX@stlmsd.com>
Sent: Thursday, August 15, 2013 8:02 AM
To: Jacob Buening
Subject: RE: Creve Coeur Senior Living Facility (5158)

There is a detention basin on the site to the north and 3 more sites just downstream with detention basins. It is possible there are some localized downstream over charged storm mains. If so, a differential using existing conditions “back to grass” may be required. Investigating that will be done upon the formal plan submittal for a P# or a D# review. Otherwise your stormwater management concept looks okay and using a HDS unit could be used as a supplement BMP.

John C. Alexander, P. E.
Principal Engineer - Development Review
Metropolitan St. Louis Sewer District (**MSD**)
2350 Market Street
St. Louis, Mo. 63103-2555
(314) 768-2707
fax 768-6342
jcalex@stlmsd.com

From: Jacob Buening [<mailto:jacob.buening@stockassoc.com>]
Sent: Tuesday, August 13, 2013 2:47 PM
To: John Alexander
Cc: George Stock
Subject: FW: Creve Coeur Senior Living Facility (5158)

John,
One more thing regarding the runoff differential. The existing site is 77% impervious. The City zoning code limits the maximum site coverage at 63%, therefore the site will have a negative differential, not just "less than 2 cfs".

Thanks,
Jake.

Jacob Buening, P.E.
Project Manager
Stock & Associates Consulting Engineers
Cell: 314-283-5898

Buening
; August 13, 2013 1:52 PM
xander"
tock; Tim Stock
reve Coeur Senior Living Facility (5158)

John,
Attached is an Existing Conditions Plan along with a Preliminary Site plan for a proposed senior living facility located at 450 North Lindbergh Blvd in Creve Coeur. The project is the re-development of an existing 2 acre commercially zoned parcel. Based on the current plan there would be a minor relocation of a public storm and sanitary sewer line. The developed site will have a runoff differential of less than 2 cfs. We are proposing to use bio-retention basins for water

quality treatment and volume reduction. Due to the small nature of the site, use of a proprietary BMP such as a downstream defender may also be utilized for a portion of the site.

Once you have had a chance to review the attached, I'd like to have a brief call to discuss what MSD requirements may be applied to this site.

Thanks for your assistance,
Jake.

Jacob Buening, P.E.
Project Manager
[Stock & Associates Consulting Engineers](#)

257 Chesterfield Business Parkway
St. Louis, Missouri 63005
Ph: 636-530-9100
Fax: 636-530-9130
Cell: 314-283-5898
jacob.buening@stockassoc.com

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George Stock

From: Jacob Buening
Sent: Friday, January 24, 2014 12:04 PM
To: George Stock
Subject: RE: 5158

Yes. John Alexander returned my call yesterday. He was not aware of any specific issues with the sanitary sewers, but said it is fairly likely this project will have some off-site I&I work to compensate for the increased sanitary flows. He is going to look into it and get back to me, but it wouldn't be until next week.

Jacob Buening, P.E.
Project Manager
Stock & Associates Consulting Engineers
Cell: 314-283-5898

From: George Stock
Sent: Friday, January 24, 2014 11:49 AM
To: Jacob Buening
Subject: 5158

Also, did you talk to MSD about the Sanitary Sewer?

STOCK & ASSOCIATES
Consulting Engineers, Inc.

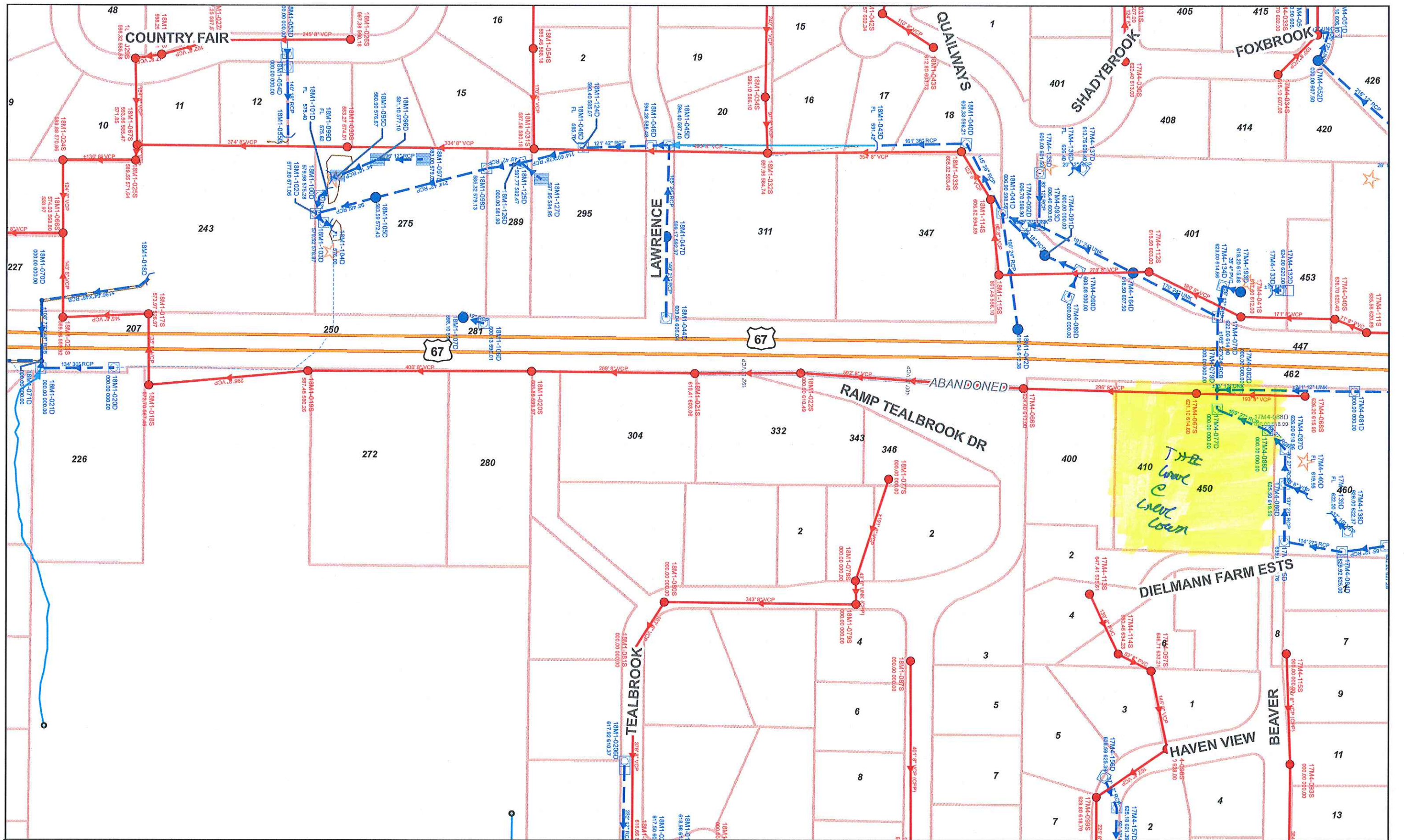
George M. Stock P.E.- President
STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC.
257 Chesterfield Business Parkway
St. Louis, MO 63005
Ph: 636.530.9100
Fax: 636.530.9130
Email: george.stock@stockassoc.com
Web: www.stockassoc.com

Cheri Evans

From: John Alexander <JCALEX@stlmsd.com>
Sent: Wednesday, January 29, 2014 5:47 PM
To: Jacob Buening
Subject: 450 Lindbergh sanitary
Attachments: MSD MAP.pdf

A preliminary check of our records indicates no significant complaints and maintenance records indicate the sanitary sewer is in good shape. I checked from 450 N. Lindbergh downstream to 226 Lindbergh.

John C. Alexander, P. E.
Principal Engineer - Development Review
Metropolitan St. Louis Sewer District (**MSD**)
2350 Market Street
St. Louis, Mo. 63103-2555
(314) 768-2707
fax 768-6342
jcalex@stlmsd.com



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0 37.5 75 150 225 300
Feet

1 inch = 150 feet



Cheri Evans

From: John Alexander <JCALEX@stlmsd.com>
Sent: Thursday, January 30, 2014 8:38 AM
To: Jacob Buening
Subject: RE: 450 Lindbergh sanitary
Attachments: 450 N Lindbergh.pdf

Unknown at this time. Even though there are minor complaints (with the preliminary research) you will need to provide existing and post capacity calculations down to the next change in pipe size. The next change in pipe size is at 403 S Lindbergh. In general, over capacity pipes cannot be made worse. Also note I only researched complaints down to 226 N Lindbergh, we will need to look even further downstream when plans are submitted for a paid conceptual review or paid formal review. At this time consider the worst case that either some lining may be required and/or a couple of reaches of 8-inch may need to be up sized.

John C. Alexander, P. E.
Principal Engineer - Development Review
Metropolitan St. Louis Sewer District (**MSD**)
2350 Market Street
St. Louis, Mo. 63103-2555
(314) 768-2707
fax 768-6342
jcalex@stlmsd.com

From: Jacob Buening [<mailto:jacob.buening@stockassoc.com>]
Sent: Wednesday, January 29, 2014 6:05 PM
To: John Alexander
Subject: RE: 450 Lindbergh sanitary

Based on your findings, do you anticipate the project will still be required to do some I&I work to compensate for the increased sanitary flows?

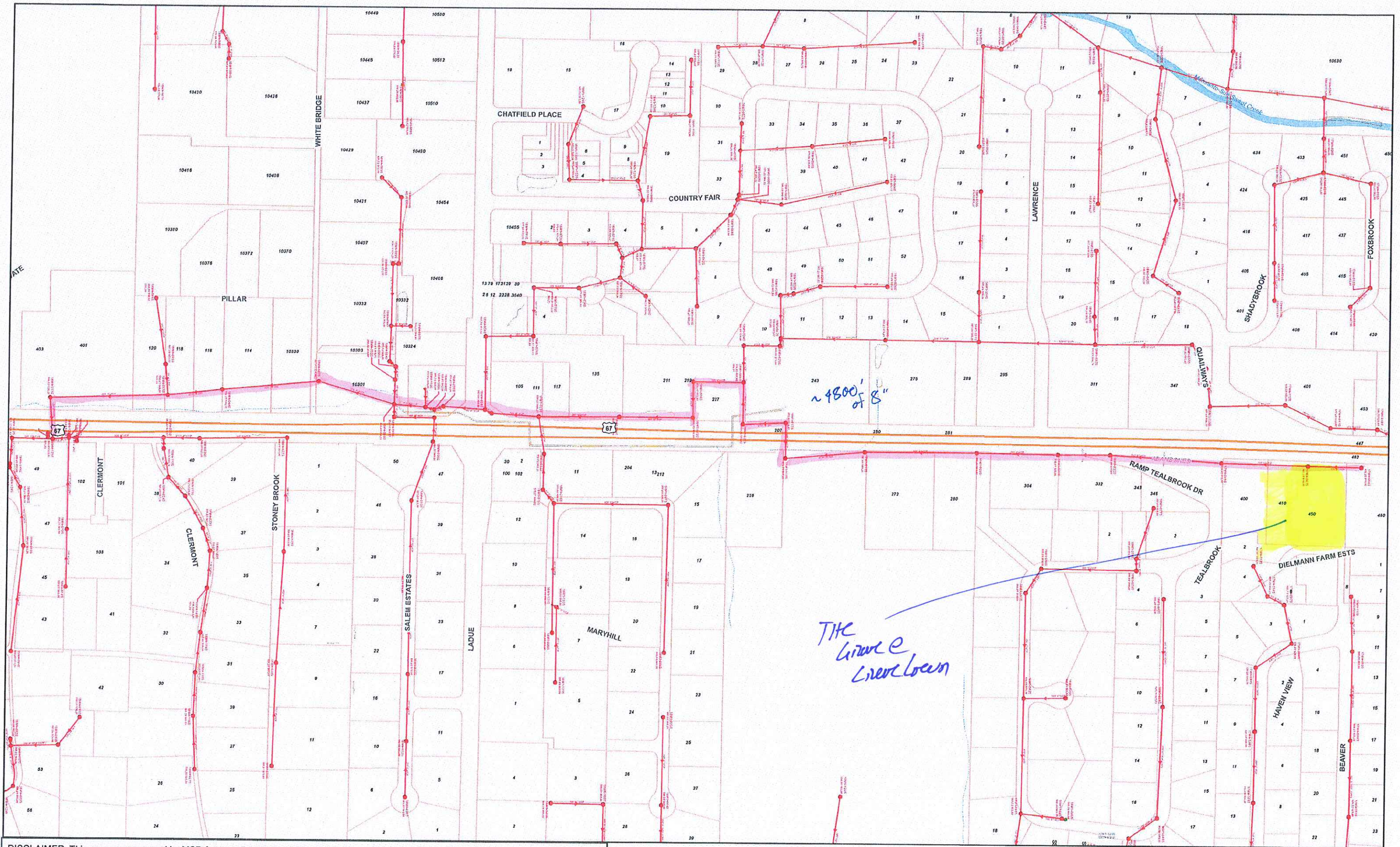
Jacob Buening, P.E.
Project Manager
Stock & Associates Consulting Engineers
Cell: 314-283-5898

From: John Alexander [<mailto:JCALEX@stlmsd.com>]
Sent: Wednesday, January 29, 2014 5:47 PM
To: Jacob Buening
Subject: 450 Lindbergh sanitary

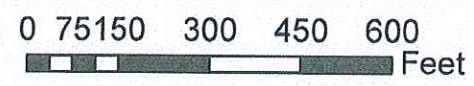
A preliminary check of our records indicates no significant complaints and maintenance records indicate the sanitary sewer is in good shape. I checked from 450 N. Lindbergh downstream to 226 Lindbergh.

John C. Alexander, P. E.
Principal Engineer - Development Review
Metropolitan St. Louis Sewer District (**MSD**)

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1 inch = 300 feet



Janine E Schilders and Ben LJ Schilders
18 Haven View
St Louis, MO 63141

To: Mayor of Creve Coeur, MO: Barry Glanz
Creve Coeur City Official: Kelly Whitney
Creve Coeur City Official: Paul Langdon
Creve Coeur MO City Council Member: Cynthia Kramer
Creve Coeur MO City Council Member: David Kreuter
Creve Coeur MO Planning and Zoning Commission Members

Creve Coeur Government Center
New Ballas Rd
Creve Coeur, MO
Feb 3, 2014

Reference: Opposition to Conditional Use Permit proposed for “The Grove” Assisted Living and Memory Care Facility Development at 450 N. Lindbergh Blvd, Creve Coeur, MO

Based on risk of possible death or harm to motorists travelling Lindbergh Blvd., and to dementia and alzhiemers patients who may leave or “elope” from the proposed facility, the entrance to which is approximately 50 feet from Lindbergh Blvd. RT 67

Applicant/Agent for Conditional Use Permit: Bill Biermann, Wm. Biermann Company, LLC 1795 Clarkson Road, Suite 190, Chesterfield, MO 63017

Applicant George M. Stock, P.E., Representative: Stock & Associates Consulting Engineers, Inc.

Dear Mayor Glanz, Kelly Whitney, Paul Langdon, David Kreuter, Cynthia Kramer and Planning and Zoning Committee Members:

I want to first reiterate my opposition to the conditional use permit being proposed by the above named developer and construction of the ensuing assisted living and memory care facility at 450 N. Lindbergh Blvd, Creve Coeur MO. I have written numerous e-mails from the e-mail account jschilders@charter.net and have testified at the last two public hearings.

I am a resident of the neighborhood opposing the development and am also a health care executive working for one of the last not-for-profit health care delivery systems left in America, the US military. Among the other concerns which I have written about, **the primary concern which I want to address is the risk to dementia and alzheimers patients for accidental death who “elope” from the facility and walk unto Lindbergh Blvd.**

I gathered from the discussion on Jan 21, 2014 that there was confusion from P and Z council members as to what assisted living was, how it differed from a skilled nursing facility, and questions to the nature of the for-profit or not-for profit nature of the facility being proposed by St Andrews. I want to highlight what I have recently found out about assisted living and the key issues which city planners should consider before committing to construction of this facility in our city.

Lack of federal and state regulations, compliance bodies and support regarding assisted living facilities

Assisted living is a multi-billion dollar for-profit industry developed during the 90s. Most facilities today open under a “cookie cutter” business model which allows owners to charge any price which the market will bear for residential care. Since the facilities do not technically provide “health-care” like in skilled nursing facilities, nursing homes, or an inpatient medical center, they are not overseen or supported by federal regulations, or compliance agencies. Guidelines for resident to staff ratios are very loosely defined and overseen much less strictly than in nursing homes. The care-givers are largely certified nursing assistants (CNA) medical technicians, or licensed practical nurses (LPN) who make around \$10.00 an hour. In this proposed facility the most qualified person on staff will be a registered nurse(RN), there will only be one RN per 50 residents and the rest are lower qualified CNAs or LPNs, approximately one or two additional per 50 residents.

The qualifications for admittance into the facility are again, very loose. Many patients are admitted to these facility who have complex medical issues and/or mental health issues. In some cases, the untrained staff is unable to care adequately for the patients, but hesitate to suggest they leave facility for fear of lowering patient counts and subsequent profits.

Assisted living industry is characterized by a lack of compliance or inspection oversight at the federal and state level. These compliance agencies not only “inspect” the facilities, but they also provide “get-well” support and re-inspection if the facility should be doing something wrong. This is missing in large part from assisted living facilities and puts patients and residents at extreme risk for lack of care, neglect and wrongful death.

Recent documentation of wrongful deaths, questionable deaths, homicides and sexual assaults in assisted living facilities based on inadequate supervision of patients and lack of proper regulations

As a result of the environment described above, assisted living facilities have experienced a plethora of wrongful deaths and ensuing litigation. The following is a small sampling of documented cases which have happened in assisted living: over the following

- a. Resident left facility and died of exposure
- b. Resident let themselves out of an assisted living facility through the second story window and later died
- c. Sexual assault case by members of staff and subsequently covered up
- d. Residents who assault other residents, sometimes resulting in death
- e. Resident who drown in bathtub as a result of not being attended

- f. Residents who are allowed, even encouraged, to enter the facility with complex medical issues and whom the staff is not able to handle, in an effort to raise census and increase profitability.

Elopement and risk of resident and/or motorist death due to proximity to Lindbergh Blvd.

Many residents, including myself, have expressed concern over how close to RT 67 this facility is being built (50 feet from the entrance to RT 67), and how easily it would be for a resident to leave the facility and end up on Lindbergh causing a resident death, motorist death or both. One Haven View resident testified publicly on Jan. 21, 2014 that assisted living residents have a 60 percent chance of leaving the facility unattended.

Residents routinely find ways to elude the security systems, like taking off ankle cuffs, or making their way out of windows. Because staff levels are severely reduced to one or two caregivers per 50 patients, it is easy for them to not hear alarms, or not answer them in a timely fashion. A resident could leave the front door of the facility and be on Lindbergh Blvd. in a matter of seconds.

Commitment of part of city officials to ensure safety of residents and motorists

As pointed out earlier, there is little federal or state government oversight or support for these facilities. I think is important for city leadership to realize that with no federal or state oversight, no inspections and no get-well support by federal agencies, if patients or motorists were killed or neglected either inside or outside the facility, the onus would fall onto the city to provide for extra security to keep an incident from recurring. There is little in terms of regulation or ordinances to require assisted living facilities to self-correct.

In the cases above, there were minimal fines or citations given, and the facilities were allowed to remain open, and continue to operate, in light of these wrongful deaths. Litigation is the only avenue families or elders have.

Walmartization of senior care

At present the plans are for St Andrews to manage this facility, a local health care company. However, it is entirely plausible that this facility will be bought out by a franchise chain if St Andrews struggles financially. Many multi-state chains are very adept at squeezing out the last dollar by lowering staff, lowering the skill level of staff and encouraging even complex cases to enter their facility when they cannot safely care for them. Again, there is little or no oversight to prevent them from doing this.

Vote of yes is a vote of culpability for city of Creve Coeur

We hear references made over and over again to the fact that construction of this facility will eliminate a vacant property problem on Lindbergh. I think you should be informed of some of the problems which this facility will bring to our city; wrongful deaths, resident “elopements”, the potential for sexual assault and elder abuse, and all the ensuing litigation. With very little state or federal support for these facilities, these problems will surely prove to be handful for city officials to cope with.

We, as a neighborhood, have voiced our overwhelming opposition again and again. Many who work in health care, such as myself have voiced opposition to the facility based on the risk for death of patients as a result of walking onto Lindbergh Blvd approximately 50 feet from the entrance.

Tonight the P and Z commission takes the responsibility of voting whether or not the city commits to this construction. We are asking you to vote NO for this conditional use. A vote of yes on your behalf is a vote of culpability for the City of Creve Coeur should a wrongful death occurs.

Sincerely,

Janine E Schilders

Hand delivered to offices of Creve Coeur City Hall

From: [Donna Dierker](#)
To: [Langdon, Paul](#)
Cc: [Kelly, Whitney](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: Re: Tealwood Acquisitions Assisted Living Proposal
Date: Monday, February 03, 2014 5:40:11 PM

I attended the meeting on 1/21, but am unable to do so tonight.

While I appreciated the board touching on my specific concerns, the no parking signs do not reassure me. There will be times when visitors will be undeterred by consequences of illegal parking, as the example given below.

Beaver and Haven View residents often must navigate past oncoming traffic at that busy, dangerous intersection. Given that we have no other way of getting into our out of our neighborhood, it is important that this intersection remain unobstructed. When exiting Lindbergh onto Beaver, the combination of rapid deceleration, turning, and potential obstruction is dangerous. And the possibility of emergency vehicles being unable to get into the subdivision is not as remote as it should be.

Thanks much for listening.

Donna Dierker
17 Haven View

On Jan 16, 2014, at 7:46 PM, Donna Dierker <donna.dierker@gmail.com> wrote:

> While the developer has listened to the residents and tried to meet our needs, this plan still is likely to create parking and traffic hassles, because of the lot's limitations:

>

> * Beaver is too narrow for overflow parking, and *it is the only access/exit for residents of Beaver and Haven View*.

> * The penalty for missing the turn is high, and few visitors will go all the way up to Olive to U-turn back down. Further, there is no parking south of the planned facility, along Lindbergh or on the Davita lot. As a result, when the Tealwood Acquisitions lot is full, then the visitors will park on Beaver, potentially blocking access to emergency vehicles, if they are needed on Beaver or Haven View.

> * The median presents an extra obstacle for delivery/service vehicles doing business at the Tealwood lot. Ideally, these vehicles should be able to drive around the building, so that they can properly orient themselves before exiting back to Lindbergh. If they must pull in and back out to pick up trash, for example, then this sets us up for another situation like we already have next door, at the Davita lot: Trucks are lined up and waiting out on Lindbergh, while shuttles and other patient vehicles are maneuvering on the small lot. I personally have waited ten minutes on northbound Lindbergh while a truck was trying to get into the Davita lot.

>

> While 37 parking spaces might seem adequate for the decreased number of residents, this kind of facility will still require a substantial peak staff capacity. Besides the fact that some of the residents (e.g., spouses of impaired residents) will still be driving, and the typical number of baseline visitors, there will be multiple events that will spike visitors. For example, it is inevitable that some of the residents will die while living at this facility (not having been moved to a hospital first). When it becomes clear that a resident will pass away that day, family and friends will be summoned and will park wherever they need to in order to spend the last few precious moments with their loved ones. They won't wait for a shuttle, valet, or other overflow mechanism. They will park on Beaver. And this is not something you should allow to happen.

>

> Again, Beaver is our only entrance/exit to the residents of Beaver and Haven View. Make sure this access is not blocked by overflow parking and visitors who missed their turn into the Tealwood facility. Find another lot for this facility.

>

> Donna Dierker

> 17 Haven View Drive

From: [Janine Schilders](#)
To: [Langdon, Paul](#); [Glantz, Barry](#); [Kramer, Cynthia](#); "dkreuter@ci.creve-coeur.mo.us."
Cc: [Kelly, Whitney](#); sandeegee19@aol.com; purkerm@wustl.edu; dkd1905@aol.com
Subject: assisted living information; P and Z meeting jan. 21 2014
Date: Friday, January 24, 2014 2:59:52 PM

Dear Mayor Glantz, Ms. Kelly, Mr. Langdon, Ms. Kramer, and Mr. Kreuter,

The vote for the Conditional Use Permit regarding the development of the 450 N Lindbergh property was tabled on Tuesday night pending further information which the P and Z members needed to get. I am hoping you can pass this e-mail to those members since I do not have their e-mails.

I gathered from the discussion that there was confusion from P and Z council members as to what assisted living was, how it differed from a skilled nursing facility, and questions to the nature of the for-profit or not-for profit nature of the facility being proposed by St Andrews.

I am a resident of the neighborhood opposing the development and am also a health care executive working for one of the last not-for-profit health care delivery systems left in America, the US military. I want to direct your attention to a very thorough and timely documentary made by PBS frontline on assisted living: "Life and Death in Assisted Living" from Sept 2013.

Link to informational PBS frontline documentary: Life and Death in Assisted Living: Encore presentation 2013: <http://www.pbs.org/wgbh/pages/frontline/life-and-death-in-assisted-living/>

This link will also take you to some very informative in-depth articles.

I bring this to your attention since it highlights KEY ISSUES which the city leadership should consider before committing to construction of such a facility here. These are:

- 1) The lack of federal and state regulation, oversight, compliance and support for assisted living facilities. This is contrary to skilled nursing facilities, or nursing homes, which are tightly controlled and monitored by state and federal agencies.
- 2) The multi-billion dollar, for-profit, industry which has ensued since the inception of assisted living in the 1990s.
- 3) The wrongful death, questionable death and elder-abuse lawsuits which families have brought over issues such as these:
 - a. Residents leaving the facility and dying of exposure
 - b. Residents letting themselves out of the facility through upper story windows
 - c. Sexual assault cases which are not addressed by the staff
 - d. Residents who assault other residents, sometimes resulting in death
 - e. Drowning in the facilities when residents are left unattended.
 - f. Residents who are allowed, even encouraged, to enter the facility with complex medical issues and whom the staff is not able to handle, in an effort to raise census and increase profitability.
 - g. The bare bones staffing which is allowed and encouraged by health care executives to raise profits, yet leaves patients unsafe and an "elopement" risk

for leaving the facility unattended.

I think it is important for city leadership to realize that there is no federal or state oversight, no inspections and no get-well support by federal agencies. In the cases above, there were minimal fines or citations given, and the facilities were allowed to remain open, and continue to operate, in light of these wrongful deaths. Litigation is the only avenue families or elders have.

Many residents, including myself, have expressed concern over how close to RT 67 this facility is being built (50 feet from the entrance to RT 67), and how easily it would be for a resident to leave the facility and end up on Lindbergh causing a resident death, motorist death or both. If this were to happen, is the city then willing to commit to providing, say a dedicated police officer at that facility, since there is no regulatory agency which will require the health care company to increase staffing even after such an incident.

In addition, even though St Andrews will be managing this facility, a local health care company, it is entirely plausible that this "assisted living" facility will be bought out by a franchise chain if they are struggling financially. These multi-state chains are very adept at squeezing out the last dollar by lowering staff, lowering the skill level of staff and encouraging even complex cases to enter their facility when they cannot safely care for them. Again, there is little or no oversight to prevent them from doing this.

We hear references made over and over again to the fact that construction of this facility will eliminate a vacant property problem on Lindbergh. I think you should be informed of some of the problems which this facility will bring to our city; wrongful deaths, resident "elopements", the potential for sexual assault and elder abuse, and all the ensuing litigation. With very little state or federal support for these facilities, these problems will surely prove to be handful for city officials to cope with.

I want everyone to be informed, and think this documentary does a stellar job of highlighting some well researched, and little understood, facts about assisted living today.

Sincerely,

Janine E Schilders, Lt Col, USAFR, Medical Service Corps Officer,
932 Medical Squadron, Scott AFB IL

Resident of 18 haven View, Creve Coeur, MO 63141
940-704-8494

From: [Susan Hibbard](#)
To: [Tim Madden](#); [Charles Pullium](#); [Gene Rovak](#); [Tim Carney](#); [Ken Howard](#); [James Faron](#); [Michael Barton](#)
Cc: [Glantz, Barry](#); [Langdon, Paul](#); [Kramer, Cynthia](#); [Kreuter, Dave](#); [Kelly, Whitney](#); [dkd1905@aol.com](#); [Hibbard Susan](#)
Subject: Resident Rebuttal for Meeting of 1/21/14
Date: Tuesday, January 28, 2014 2:20:09 PM

To: Planning and Zoning Commission

CC Paul Langdon, Whitney Kelly, City Council, Barry Glantz

From: Steering Committee

Subject: Resident Rebuttal

Mr. Madden, Chair, and Members of the Planning and Zoning Commission,

In a debate, both sides are given equal time for presentation and equal time for rebuttal. As those rules do not apply to Creve Coeur's Planning and Zoning procedures, please accept this correspondence as the residents' rebuttal.

With over 145 petition signatures, more than 40 attendees and over 15 factual presentations, we residents voiced our strong opposition to this proposed 450 N. Lindbergh development at the Planning and Zoning Commission meeting of 1/21/14. In response, you decided to give Tealwood Acquisitions, William Biermann, LLC, or whatever their current incarnation is now, yet another chance to get it right.

Since the initial ill-considered application in August, 2013, this anonymous investor group has been given several opportunities to revise, correct, and manipulate information. The current proposal was submitted on November 26, 2013. Two months later, they have not provided a substantiated FAR calculation or even a consistent set of plans.

We Creve Coeur residents expect the Planning and Zoning Commission to fulfill its mandate to "protect, provide for and promote the public safety, health, convenience, comfort, morals, prosperity and general welfare of the residents of the City of Creve Coeur, Missouri."

The requirement for the GC zoning district is that the proposed use must be "compatible in scale and in intensity of use with adjacent residential uses."

During the presentation of 1/21/14, Mr. George Stock stated that the proposed development meets all requirements of GC and CUP. This is incorrect.

- The 15 foot required setback to the north is exceeded. The required side yard setback for a corner lot abutting a residential front yard is the required front setback of the residential property (in this case, 45 feet). The initial site plan is 50 feet from the property line, but this measurement includes the 22.5 foot Right-of-Way for Beaver Drive. Zoning Ordinance Section 405.360 GC measures commercial property setbacks from the Right-of-Way.
- On-site parking remains an issue. On one plan, they show 37 parking spaces, and on another 40. Whatever the number, at shift overlap, they will need as many as 25 spaces for employees' cars and their van. Are 11 spaces sufficient for on-site medical professionals (e.g. podiatrist, dentist, physical therapist), social workers, personal caregivers engaged by individual residents, resident cars and visitors? What happens when it snows?
- Off-site parking for special events and holidays is also a concern. According to George Stock, vans will take visitors to off-site parking – location TBD. No details have ever been provided. How does this conceptual arrangement meet the Creve Coeur Zoning Ordinance for accessory parking?
- The developer has claimed an unsubstantiated FAR of .37. That cartoon drawing of the interior is not a professional drawing to scale. We are dismayed that the developers have not provided any proof of their calculation of a FAR of .4 or less.

Nor does the submitted application meet the Missouri statutory requirements of the "Assisted Living Facility."

The proposed ALF has functional shortfalls. Among them are:

- Insufficient outdoor areas are provided for recreation and socialization. No level, paved path free of intersection with traffic is available. The fenced outdoor area and side yard with a retention basin are all unsuitable for any senior resident, much less one requiring a wheelchair or walker. The retention basins (i.e. rain gardens) may appear aesthetically pleasing, however, they represent a safety hazard to facility residents.
- Some rooms are too far from fire exits to meet standards. Fire exits open onto unpaved ground with a grade most elderly residents will be unable to navigate. At the required yearly exit drill, elderly residents must cluster so far from the building that they will be standing on Lindbergh Boulevard. Basic requirements of the Life Safety Code are ignored.

We are angry that we residents have to parse the Zoning Ordinance and point out requirements not addressed by the Planning Department.

We are angry that a mistake was made during the Zoning revisions. Whether by intent or inadvertent error, it created a loophole for the developers to submit

the proposal for a variation of Assisted Living on an unacceptably small lot. We are angry that Mr. Langdon delayed addressing the error and that the Commission failed to take responsibility or action once it was identified. That is, until after the application was submitted by Mr. Biermann.

We are even angrier that it is incumbent upon us to fight in opposition to this ill-conceived proposal. The developers have the time, resources and money to throw at getting the ALF approved. This is what they do for a living. In contrast, we have full time jobs, expertise in unrelated areas and limited financial resources. Our presentation time is controlled and cut-off. We are not allowed to ask questions or point out discrepancies. But the developers from Chesterfield are given the opportunity to rebut our factual objections.

We request that you give appropriate weight to Creve Coeur residents' public welfare and the CUP requirements of compatibility of use in your deliberations.

We ask you to weight the needs of Creve Coeur's current and future residents over a developer's economic gain.

Thank you.

Deni Dickler
The 450 N. Lindbergh
Opposition Steering Committee



city of **CREVE COEUR**

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

February 4, 2014

Mr. George Stock
Stock & Associates Consulting Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO 63005

Re: Application #13-047: Conditional Use Permit
The Grove in Creve Coeur – 450 N. Lindbergh Boulevard

Mr. Stock:

The Planning and Zoning Commission, at its meeting of February 3rd, 2014, reviewed your request for approval of a conditional use permit for the project "The Grove in Creve Coeur" located at 450 N. Lindbergh Boulevard.

By unanimous vote, the Planning Commission recommends approval of the conditional use permit subject to the conditions contained in the draft ordinance (see attached). The first reading of the draft ordinance by the City Council is scheduled for Monday, February 10th, 2014. You or a representative should plan to be in attendance to speak for the request.

If you have any questions, please contact the Planning Division staff (872-2501) as soon as possible. Note that significant changes to the draft ordinance may require that the matter be returned to the Planning and Zoning Commission prior to City Council approval.

Sincerely,

CITY OF CREVE COEUR

Timothy Madden, Chairman
Planning & Zoning Commission

TM:jl

Cc: M.C. Perkins, City Administrator
G. Eidman, Chief of Police
S. Unser, Chief Building Official
B. Biermann, Wm. Biermann Company

D. Thies, Tealwood Acquisitions, LLC
B. Brinkmann, Brinkmann Constructors
C. Wiltse, St. Andrew's



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, FEBRUARY 3, 2014
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, February 3, 2014, 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. Tim Carney
 Mr. James Faron
 Mr. Ken Howard
 Mr. Charles Pullium

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. UNFINISHED BUSINESS

A. Application #13-047: Conditional use permit application for an assisted living facility, "The Grove in Creve Coeur," located at 450 N. Lindbergh Boulevard.

Applicant/Agent: Bill Biermann
WM. Biermann Company, LLC
1795 Clarkson Road, Suite 190
Chesterfield, MO 63017

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

Mr. George Stock, 257 Chesterfield Business Parkway, went over changes to the proposal for the project known as "The Grove in Creve Coeur." Mr. Stock said they revised the FAR calculations and are now at 0.36 and under the zoning they are allowed 0.4, so they are under the maximum FAR. Mr. Stock said there were questions in regards to Beaver Drive and explained the property lines, pointing out it is encumbered by a 40-foot easement of which 20 feet is on the proposed project side and 20 feet to the north. Mr. Stock showed an illustration of the site plan and showed where they added a six-foot high site-proof wall. Mr. Stock also said the storm water has been moved to the exterior of the fence, a walkway was incorporated as staff recommended, and the driveway was expanded to 39 feet making it the equivalent of three lanes. Mr. Stock pointed out some other exterior modifications including a concrete pad being added at the doorway stoop, and a concrete sidewalk connection from the service area to the building. Mr. Stock went on to explain the breakdown of the FAR calculation.

Mr. Bob Brinkmann, Brinkmann Constructors, said the issue of the EFIS from the last meeting has led them to change to white cedar siding, and looks more like an “Arts & Crafts” style house, from back in the 1920s and 1930s. Mr. Brinkmann showed samples to the Commission of the actual materials, which included stone block and cedar siding. Mr. Brinkmann said the reason they like the “Arts & Crafts” style home is because many people who are in memory care like to be in a home that they grew up in, and this concept is more likely to be familiar to them. Mr. Stock showed the elevations facing west, east and south.

Mr. Stock went over the revised landscape plan, which added more trees (all three inch caliper), eradicated the honeysuckle along the east property line and added a six-foot precast wall along the east property line. Mr. Stock said they are willing to work with staff in regards to their comments about where the fence ends on the property. Mr. Stock said some of the features that were originally proposed inside the open area have been removed and relocated to outside of the fence. Mr. Stock showed some examples of the wall and the material that would be used, which is a precast concrete with a stone appearance.

Mr. Chris Wiltse, St. Andrew’s Management Services, 6633 Delmar Boulevard, said that he has been with St. Andrew’s since 2006, and prior to that time he worked for the Missouri Department of Health and Senior Services for 20 years. Mr. Wiltse said he worked in the section that licensed and inspected nursing homes and assisted living facilities. Mr. Wiltse said the State of Missouri has a moderately aggressive regulatory approach to assisted living facilities. There are statutes and regulations that cover all aspects of the operation, from administration to care requirements, and these regulations have to be complied with in order to stay in business, Mr. Wiltse said. Mr. Wiltse explained each facility is inspected twice a year by the State of Missouri and those inspections are unannounced. Mr. Wiltse stated when compliance is not happening or there are violations there are follow-up inspections. Mr. Wiltse said there are penalties ranging from administrative sanctions to financial penalties, when not meeting the compliance regulations. Mr. Wiltse said residents of the facility are screened before they are admitted to make sure that the person is appropriate for the specific facility, and that the facility can provide the services that an individual needs. Once the person is admitted, there is a service plan established to determine care of the individual. Mr. Wiltse explained that, by definition, an assisted living facility is a place that provides 24 hour protective oversight to its residents who need assistance with activities of daily living (bathing, dressing, getting out of bed, help with medications, etc.). Mr. Wiltse went over a number of things that do not happen in assisted living, which include complex wound dressings, tube feeding, IV’s, any kind of procedure that requires any anesthesia. Mr. Wiltse said the memory care unit care is not any different than the assisted living care, but the programming, activities, and training the staff possess to work with people who have that cognitive impairment is greater.

Jeffrey Nash, 13 N Tealbrook Drive, gave Deni Dickler his time.

Deni Dickler, 7 Haven View Drive, is opposed to the project. Ms. Dickler does not agree with the applicant’s calculations on their FAR number because she believes the use of “gross leasable floor area” is inappropriate. She showed a calculation using the definition for “dwelling unit floor area” and it resulted in an FAR of approximately 0.5, which is over the allowed maximum.

Michelle Maue, 13 N Tealbrook Drive, is opposed to the project. Ms. Maue said she believes this facility would not be home-like and, therefore, violates State requirements.

Jeff Dickler, 7 Haven View Drive, is opposed to the project. Mr. Dickler said he does not believe this is the appropriate place for this project because it is too intense of a use.

Susan Hibbard, 16 N. Tealbrook Drive, is opposed to the project. Ms. Hibbard said the applicant has not contacted MSD for a conceptual study and believes this project is too much for the sewer main.

Lyndon Hibbard, 16 N. Tealbrook Drive, is opposed to the project. Mr. Hibbard said he is concerned about noise from air conditioners, emergency power generator, and kitchen exhaust.

Anne Parker, 9 S. Tealbrook Drive, is opposed to the project. Ms. Parker said she is concerned for the sewer system being damaged by the truck traffic. Ms. Parker also showed pictures of other St. Andrew's sites and pointed out that they have larger areas of greenspace. She suggested that this proposal is substandard.

David Biales, 211 N. Broadway, spoke on behalf of Tealwood Square owner, Sharon Compton. Mr. Biales read a letter to the Commission from Ms. Thompson. The letter said the property has struggled because of the divided highway access and design of the building. Ms. Thompson also said in her letter that occupancy has not been over 60% in at least 10 years. The building only has a few tenants and the rent does not cover the property taxes. Mr. Biales continued to read that Ms. Thompson feels she deserves a return on her property.

Mr. Paul Langdon, Director of Community Development, said he would like the delivery times specifically conditioned in the draft ordinance. Mr. Langdon also said he wants the easement for the bus shelter specifically conditioned in the draft ordinance. Lastly, Mr. Langdon said, based on the site layout, any employee smoking or sitting areas would be on the south side off the kitchen area, and the Commission may want to add that condition as well.

Mr. Langdon addressed the discussion around the FAR and stated the gross leasable area definition does not directly apply to an assisted living facility, because it is not an office building, but neither does dwelling unit floor area because it speaks to houses. Mr. Langdon said when looking for equivalencies they look for common elements between them and which one is most appropriate. Since an assisted living facility has more common elements with an office building than a house, such as emergency stair wells, a commercial kitchen, and janitor's closets, Mr. Langdon believes that gross leasable floor area is the more appropriate standard to use.

Mr. Langdon talked about Lindbergh Boulevard and the uses and vacant buildings along it. Mr. Langdon stated he does not know if there is a better use for this site.

Mr. Langdon said the applicant has done everything they can to protect the houses around them, to the extent of putting in a masonry wall. Mr. Langdon stated the landscape is all pushed to the north and east sides between the residents and the facility, and staff is suggesting the fencing be pulled back so it is as open and as green of a space as possible. The

building fits in better, as a residential scale development, than any other property in the “GC” district, not only on Lindbergh Boulevard but Olive Boulevard as well.

Mr. Langdon said the NAICS reclassification was done over a period of time and done well in advance before this project was submitted. Mr. Langdon said there is no relationship between the action taken in the text amendment and this project.

Chair Madden asked if the applicant had submitted plans with MSD. Mr. Stock said they have, over the last few months, an initial submission with MSD and recently had a preliminary check of records which shows no significant complaints and maintenance records show sanitary sewer is in good shape. Mr. Stock said they had confirmed that the properties on Lindbergh Boulevard, including their project site, will connect, to the west, to different storm and sanitary sewers than the adjacent subdivisions that flow to the east. Mr. Stock said a formal submission will happen if they are successful in this process. Chair Madden asked about the diesel fuel being used for the emergency generator. Mr. Stock said there are containment rules and a process to be followed, and should he receive approval he will be following all the guidelines.

Mr. Faron motioned to recommend approval of Application #13-047 for the conditional use permit for a 41,900 square foot 51-bed Assisted Living Facility at 450 N. Lindbergh Boulevard subject to the conditions contained in the draft ordinance prepared for the meeting of February 3, 2014. Dr. Barton seconded the motion.

Mr. Howard motioned to amend the motion to include the following conditions:

- All deliveries and steam cleaning be done during the hours of 8am – 5pm.
- Easement be granted to the City of Creve Coeur for the bus shelter on the northwest corner.
- All employee smoking and outdoor breaks are to be taken on the south side of the building.

Mr. Pullium seconded the motion to amend the original motion with the resultant vote as follows:

Mr. Carney – aye
Mr. Faron – aye

Mr. Howard – aye
Mr. Pullium – aye

Dr. Barton – aye
Chair - aye

Dr. Barton said he believes the applicant has met the conditions for the conditional use permit process. However, Dr. Barton expressed a concern with the mental health regulations and how facilities are determined to be assisted living versus other senior living care options. Dr. Barton believes this is a grey area.

There being no further discussion, the vote on the amended motion was as follows:

Mr. Pullium – aye
Mr. Howard – aye

Mr. Faron – aye
Mr. Carney – aye

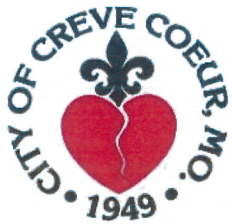
Dr. Barton – aye
Chair - aye

3. **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 9:05 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



city of CREVE COEUR

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APPLICATION TO PLANNING AND ZONING COMMISSION #13-047 APPROVAL OF A CONDITIONAL USE PERMIT FOR AN ASSISTED LIVING FACILITY AT 450 N. LINDBERGH BLVD

FOR THE MEETING OF: Tuesday, January 21, 2014

LOCATION: 450 N. Lindbergh Boulevard (see attached map).

REQUEST: An application by Bill Biermann, of WM. Biermann Company LLC, has been submitted for the conditional use permit for a 41,900 sq. ft., 51 bed, Assisted Living Facility (NAICS 623312), to be known as The Grove in Creve Coeur, located at 450 N. Lindbergh Boulevard. The subject property is zoned "GC" General Commercial.

ADDITIONAL INFORMATION: Assisted Living Facilities for the Elderly (NAICS 623312) are a conditional use in the GC District, where there is no minimum acreage requirement. The subject property is 1.968 acres. The property abuts Beaver Drive, a private street, but does not have access to it. The proposed facility will replace the existing, two-story, multi-tenant commercial building.

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

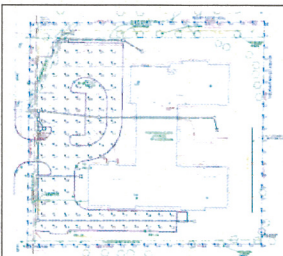
- Commerce Center Action Area

Zoning Code References

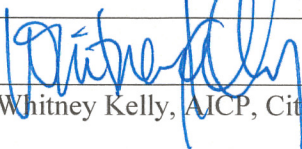
- Section 405.120 Definition of Terms
- Section 405.210: Regulation of Uses
- Section 405.360: "GC" General Commercial District
- Section 405.470: Conditional Uses
- Section 405.540: Landscaping
- Section 405.630: Yard regulations
- Section 405.820 Required Off-Street Parking Spaces

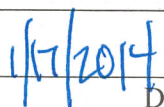
APPLICANT: Bill Biermann
Wm. Biermann Company, LLC
1795 Clarkson Road, Suite 190
Chesterfield, MO 63017

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



REPORT PREPARED BY:


Whitney Kelly, AICP, City Planner


Date

ATTACHMENTS: Applicant's Materials submitted November 26, 2013, Building Elevations received on December 18, 2013, and FAR calculations received January 14, 2014
Draft Ordinance
Public Comment received by January 17, 2014

DEVELOPMENT HISTORY OF THE SITE

The current development of the property located at 450 North Lindbergh Boulevard, known as Tealwood Square, was built in 1973 under the “F” Commercial and Office District. That district was later renamed “GC” General Commercial District when a completely new Zoning Code was adopted in 1983. Although the range of allowed uses in the district has grown considerably since its initial construction, the building has rarely, if ever, been fully occupied. According to the property owner, the later construction of a continuous median wall along Lindbergh Boulevard by the Missouri Department of Transportation (MoDOT) has increased the frequency and duration of vacancies within the building. Indeed, the difficulties with the site have made redevelopment the more economically sound option for the current owner.

The Applicant is under contract to buy the site and proposes to construct an assisted living facility with 51 beds over two floors and surface parking for 37 cars. The service and loading area will be along the south elevation. The building materials include stone and EIFS and/or cementitious siding.



Figure 1: West Elevation

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

DIRECTION	USE	ZONED	SEPARATED BY
North	American Heart Association Inc. / Office Development	GC District	Beaver Drive
South	Medical Use/ Office	GC District	NA
East	Residential	B Single-Family Residential	Dielman Farm Estates Drive
West	American Association Of Orthodontists / Office Development	GC District	Lindbergh Boulevard

COMPREHENSIVE PLAN REVIEW

The subject property is located just east of the Commerce Center Action Area of the Comprehensive Plan, which focuses on the research industry. While the Comprehensive Plan does not specifically address the area south of Olive Boulevard along Lindbergh Boulevard, it does call for improving the quality of commercial development by upgrading the architectural quality of the building stock as businesses expand or redevelop (page 70). The Residential Preservation and Economic Development Section of the Comprehensive Plan include a goal of protecting residential areas from encroachment of non-residential uses (p. 20). Further, the general goals and objectives of the Comprehensive Plan recommend strengthening the Design Guidelines, specially to provide more detailed guidance regarding better building orientation, connectivity, and compatibility between commercial development and adjacent residential development. It also advocates maintaining the City’s strong low-density residential image

and character, and ensuring that non-residential development is compatible with adjacent residential development (page 23). The quasi-residential nature of an assisted living facility would separate from and prevent further encroaching of commercial activity into the surrounding neighborhoods. Thus, the project would seem to meet with the intent of the Comprehensive Plan to some degree. It is also true that an assisted living facility, like all senior housing, has a commercial character as well and, to some extent, the project would not meet the intent of the Comprehensive Plan except for three key factors:

- The property is already zoned for commercial development and the owner of the property has an existing right to use the land for commercial purposes. If that right is exercised in any plausible manner, it is highly unlikely that it will satisfy the Comprehensive Plan to any greater degree since it could easily be a structure of equal size and built for the exclusive purpose of housing only true commercial uses.
- A significant effort has been made to impart a residential character to the proposed building so that the visible elements are more visually compatible with the adjacent neighborhood.
- The building is shaped and oriented on the site to place most of the on-site greenspace between it and the adjacent residences in order to minimize conflicts between the operation of the facility and the nearby subdivision.

Taken together, these factors suggest that while the proposal might not represent the theoretical maximum in terms of residential compatibility, it does represent a responsible attempt to exercise the existing development rights with a viable project that conforms with the goals of the Comprehensive Plan to a high, practical level.

DESIGN GUIDELINES REVIEW

Physical Features and Site Relationships:

The Design Guidelines provide specific direction for the redevelopment of properties including the recommendations for high quality, pedestrian scale and walkable areas, and avoidance of spatial gaps and interruptions along the “streetscape” caused by parking or other non-pedestrian elements, such as building gaps, driveways, and service entries. Elements such as delivery zones, storage areas, trash enclosures, transformers, generators and similar features should be sited in areas which are generally not visible to the public or they must be screened from view. (p. 4). The site plan indicates that the loading area and trash enclosure are located on the south elevation, but the one element of south building elevation does not match up with the site plan. It is unclear from the elevations submitted whether or not the loading area will be visible from Lindbergh Boulevard. However, moving these behind the building could create problems for the adjacent residents. Staff recommends that the Applicant reconcile the site plan and elevations and provide additional screening of these areas, as necessary, in order to meet with the Design Guidelines.

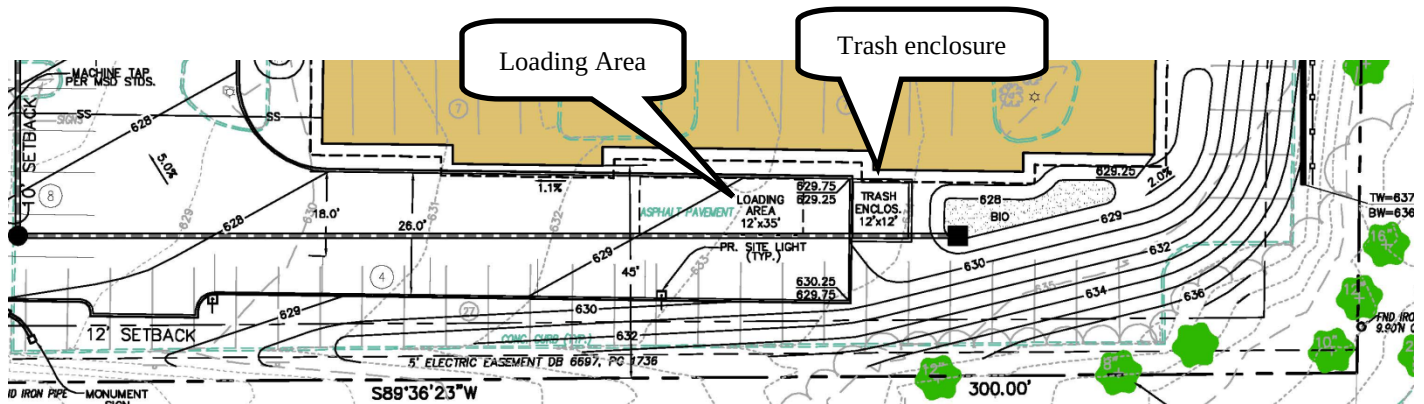


Figure 2: Close-up of Site Development Plan along the south property line

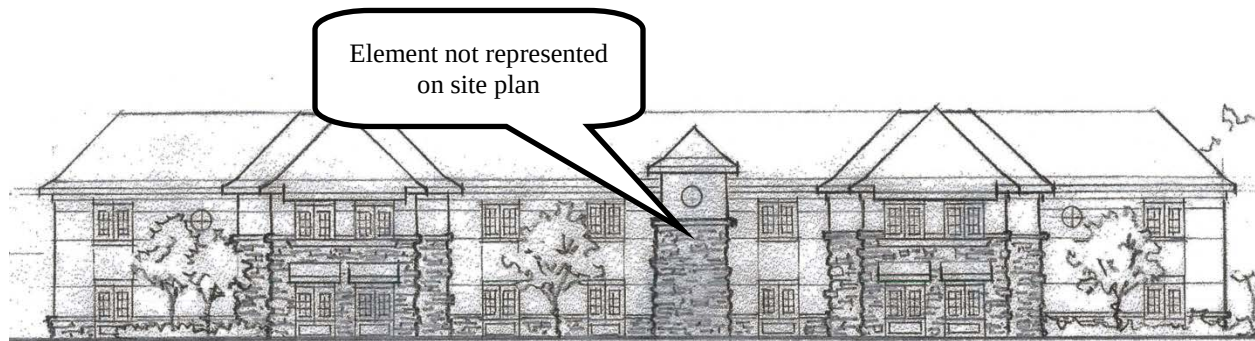


Figure 3: South Elevation

Also not clearly indicated on the elevations is the location of any mechanical equipment. The Applicant has indicated that resident rooms will have pass through HVAC units that vent directly to the outside, which could create a noise problem for the neighbors. Therefore, Staff has included a condition that all rooms have interior-only HVAC units.

Pedestrian and Vehicular Circulation

The Design Guidelines further emphasize pedestrian scale design and circulation:

- All sidewalks should conform to the Pedestrian Plan
- Pedestrian access routes should be buffered from the street, vehicular traffic and parking area. The use of greenspace and landscaping is a recommended buffering element. Pedestrian amenities such as benches, pergolas, gazebos and water features along pedestrian access routes are strongly encouraged, however, they should not conflict with visibility of, or access to storefronts,
- Circulation systems should be designed to avoid conflicts between vehicular, bicycle and pedestrian traffic. Pedestrian circulation should take precedence over vehicular circulation. In order to point out conflict points and improve pedestrian safety and visibility, the use of textured or tinted materials for pedestrian crossings should be utilized where pedestrian circulation paths cross a vehicular route.
- Pedestrian linkages between uses in commercial development should be provided and emphasized. District pedestrian access routes leading to primary buildings or structures from parking areas in large commercial development, such as shopping centers or multi-use developments, is strongly encouraged. (P. 6).

As indicated below, under the Pedestrian Plan discussion, a side walk is existing along Lindbergh Boulevard. However, Beaver Drive does not currently have one. Therefore, Staff recommends that a connection from the sidewalk to the entrance of the building that meet with the Design Guidelines and Pedestrian Plan should be included.



The Design Guidelines state that the materials should have good architectural character, be durable, and be selected for their compatibility with adjoining buildings and properties. Natural, traditional building materials are encouraged with a preference toward “green” materials that can be recycled. Highly reflective and/or synthetic materials are discouraged. EIFS and concrete masonry should not be the predominant building materials, but EIFS can be used as a way to accentuate an architectural element if it is limited to an area not subject to damage or abuse. Also, concrete masonry should be limited to split face or burnished units. (p. 9).

Landscape:

Chapter 4 / Landscape Design

1. The City of Creve Coeur strongly encourages high quality landscaping that accentuates the building and site, softens the effects of parking area and enhances the quality of life of the City. All landscape plans should exhibit a clear design concept.
2. There should be a consistency of landscape design throughout a development. Different landscape themes may be used to heighten the distinction between spaces, and to strengthen a sense of movement and space, but such themes should be internally consistent
6. Parking areas, traffic-ways and parking structures are to be enhanced with landscaped spaces containing trees, tree groupings, and shrubbery or other landscape enhancements, including berms.

8. Landscaped areas are to be maximized and balanced throughout the site. Tree and shrub plantings should be grouped together to create strong accent points with the site plan.
9. Landscape plans should incorporate all site elements, such as outdoor lighting, signage, trash receptacles and fencing.
10. The scale and nature of landscape materials are to be appropriate to the site and/or the structure. Large-scale landscaping generally should complement large-scale buildings. Landscaping of sites on major streets should include large-scale trees.

The submitted landscape plan shows that the Applicant will maintain all of the existing live trees along Beaver Drive (one is already dead and will be replaced with two new trees) and along the east property line to provide screening to the adjacent residential structures. Street trees and landscaping are provided throughout the site to provide screening of the parking lot, and along Lindbergh Boulevard that meets with the minimum requirements of the Zoning Ordinance. However, the overall design does not provide much interest and is a very plain design. Further the interior landscaping next to the building and within the islands is lacking in design and is very sparse; as shown on the plan below:

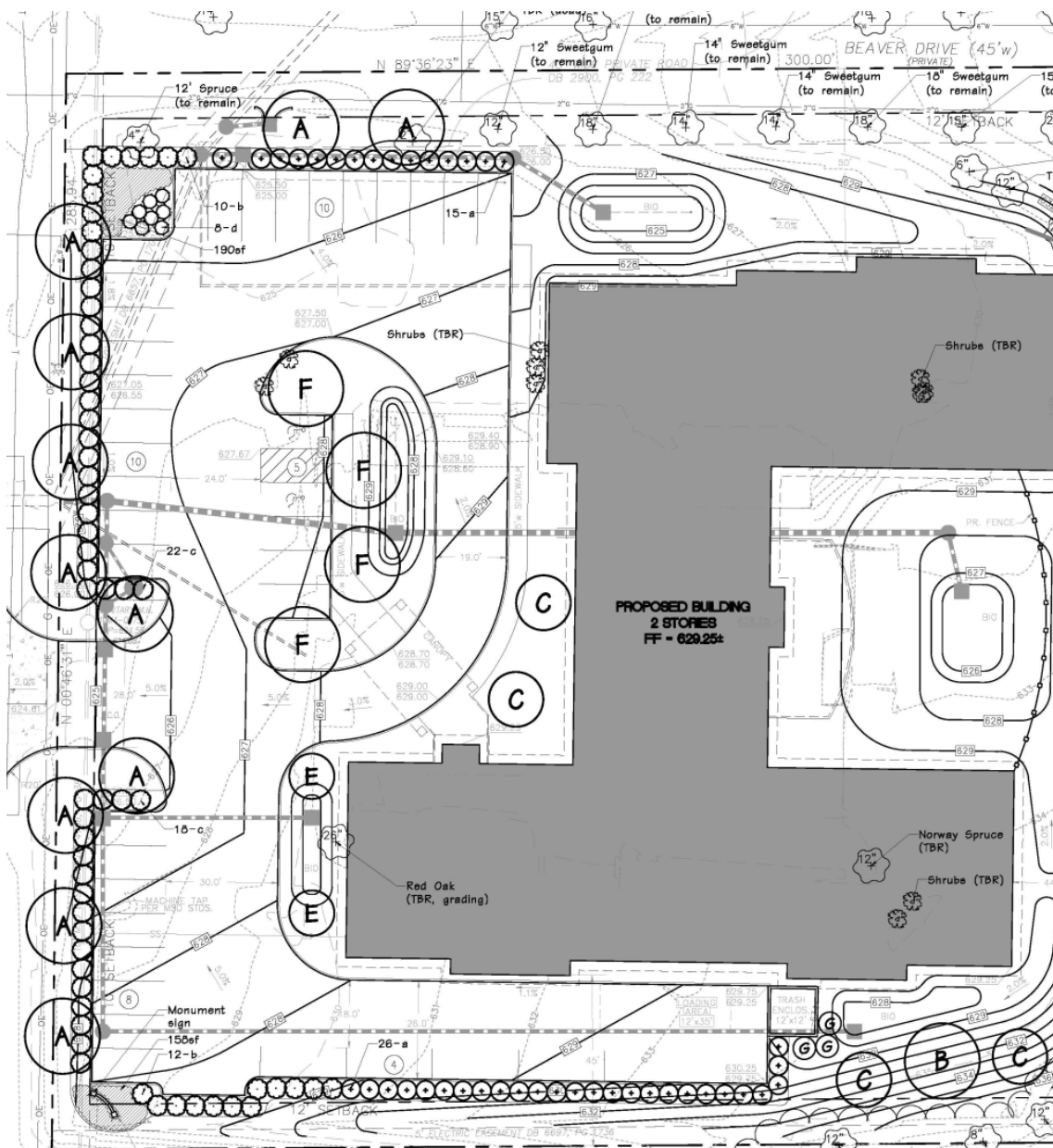


Figure 5: Close-up of the Landscape Plan

Staff recommends that the Applicant revise the landscape plan to provide additional landscaping that more fully meets with the Design Guidelines, especially in the parking lot and along the north side of the building.

Parking:

Chapter 5 (G), Parking, of the Design Guidelines, recommends that parking areas should be located to the side or rear of commercial buildings. However, the layout presented was done to meet with the concerns of the residents and to limit the visibility and access along Beaver Drive. Given the small size of the parking lot and the presence of a landscape screen, staff suggest that the proposed layout is preferred to one that moves the parking lot further east in any manner.

PEDESTRIAN PLAN REVIEW

The Pedestrian Plan again emphasizes that all projects for new construction have the responsibility to install sidewalks and crosswalks meeting the requirements of the City (Intro-7). There is an existing sidewalk that is adjacent to Lindbergh Boulevard, however, the Pedestrian Plan also calls for a separated sidewalk on all primary streets. That is, the sidewalk should be detached from the curb and integrated with the adjacent landscape to improve the pedestrian orientation and overall appearance. Further, the crosswalk should be shown to be maintained, or replaced with modern equipment that meets or exceeds the Pedestrian Plan recommendations. It should be noted, however, that the Lindbergh Boulevard right-of-way is under the review and control of the MoDOT, and any work done within the right-of-way will require their approval.

As mentioned above under the Pedestrian and Vehicular Circulation discussion of the Design Guidelines, no sidewalk exists along Beaver Drive. Since this is an area used for school bus pick-up and drop-off, Staff recommends that a condition of approval include that a sidewalk with a minimum width of five feet, separated from the curb enough to preserve the existing trees, be included along Beaver Drive in order to meet with the recommendations of the Pedestrian Plan and Design Guidelines.

ZONING REVIEW

Section 405.360 of the Zoning Ordinance provides the dimensional regulations for the GC District. The proposed development meets with all of the district regulations regarding maximum structure height, floor area ratio, and site coverage, and yard and setback requirements:

	Proposed Development
SECTION 405.360: "GC" GENERAL COMMERCIAL DISTRICT	
E. Dimensional Regulations.	
3. Building bulk regulations.	
a. Maximum structure height. No building or structure shall exceed three (3) stories or forty-five (45) feet.	The two story building has a total height to the ridge of 41 feet
b. Maximum site coverage. Sixty-three percent (63%). The Planning and Zoning Commission may, in its discretion, allow the permitted coverage to be increased as a bonus by an additional factor (not to exceed a total of seventy percent (70%) site coverage) in consideration of special or outstanding landscape and site planning features as demonstrated by a site development plan submitted in accordance with Section 405.1080.	The proposed site coverage is 53.6%
c. Maximum floor area ratio. Four-	The Site Development Plan indicates that the floor

tenths (0.4). <i>Section 405.120 Definition of Terms defines Gross Leasable Floor Area as:</i> <i>GROSS LEASABLE FLOOR AREA: As employed in this Chapter, the total interior floor area of a building or structure measured at the inside face of the exterior walls but excluding stairwells, lobbies, common corridors and other non-leasable circulation area, elevator shafts, parking structures and space occupied by mechanical equipment or space related to the operation and maintenance of the building as well as that floor surface covered by walls or partitions enclosing these common areas or elements of a building.</i>	area ratio is 0.37. The Applicant submitted further information regarding how the FAR was determined (included in Applicant's Materials attached): First Floor total area = (20,265 sf) Less corridor, stair/elevator, storage, electrical/boiler, linen closet, janitor closet (5,465 sf) Total FAR = (14,800 sf) Second Floor total area = (20,215 sf) Less corridor, stair/elevator, storage, electrical/boiler, linen closet, janitor closet (3,985 sf) Total FAR = (16,230 sf) The Site Development Plan states that the Building is 41,900 sq. ft. while these numbers show the space is 40,481 sq. ft. Less the non-usable space of 31,030 sq. ft. Thus, Staff calculated a FAR of 0.36. The Applicant should clarify these numbers. However, the Code requirement has been met.
4. Yard and setback requirements.	
a. Minimum front yard. No building or structure shall be located closer than ten (10) feet from a public right-of-way. In the event that parking is to be located in front of a building or structure, said building or structure shall be set back a minimum of fifty (50) feet from the right-of-way. The provisions of Section 405.240 shall prevail where applicable on major streets and highways. In every instance, the first ten (10) feet of the front yard setback from the right-of-way shall be provided with and maintained with sidewalks, unless improved sidewalks exist in the abutting public right-of-way, and with landscaping including, but not limited to, deciduous street trees at regular intervals.	The building sits 78 feet from Lindbergh Boulevard at the south and 130 feet at the north end of the building.
b. Minimum side yard. Twelve (12) feet. <i>Further Section 405.630 (B) Side Yard Of Corner Lot states that any corner lot shall have a side yard equal in width to the minimum front yard setback of any adjoining lot fronting on the side street. In any event, the minimum side yard setback of a corner lot shall be no less than fifteen (15) feet. Where Section 405.120 defines the side yard as that part of the yard lying between the nearest major surface of the principal building on the lot and a side property line on the lot and extending from the front yard to the rear yard.</i>	The proposed building is 45 feet from the south property line. The proposed building is 50 feet from the north property line. The front-yard setback for the B Single-Family Residential District is 45 feet, thus the proposed buildings meets with these requirements.

c. Minimum rear yard. Twenty (20) feet.	The proposed building is 28 feet from the east property line at the north wing of the building, and 44 feet from the property line at the south wing of the building.
d. Buffer yards. Notwithstanding the provisions of Sections 405.360(E)(4)(b) and 405.360(E)(4)(c) above, any tract or site abutting or adjoining a single-family residential zoning district shall provide a buffer yard of twenty (20) feet on all sides that abut the single-family district. The minimum required buffer yard shall be increased in five (5) foot increments, up to a maximum of forty (40) feet, for each acre of the subject property over two (2) acres in area. All acreage shall be rounded up to the next whole number for buffer yard calculation purposes. The buffer yard shall not contain any impervious surface and shall be landscaped and provided with other screening devices as deemed appropriate by the Planning and Zoning Commission.	The property is just under 2.0 acres (1.968) so a 20-foot buffer is required and the north wing of the building that is closest to the B Single Family zoning district is 28 feet from the east property line. The Landscape Plan does indicate that the Applicant will maintain the existing trees with the honeysuckle understory that offer a screening of the existing building and proposed building along the southeast corner and east property line adjacent to the residences. However, the honeysuckle is an invasive species, and there has been discussion at the Horticulture, Environmental and Beautification Committee that it should be a requirement with any redevelopment project that it be removed. If the Planning and Zoning Commission wish to see it removed and replaced with another form of opaque barrier, a condition will need to be included for such.

Parking

The site development plan indicates that a total of 37 spaces are provided where 26 spaces are required, per the parking regulations:

SECTION 405.820: REQUIRED OFF-STREET PARKING SPACES

B. General Parking Requirements.

8. Health care and social assistance (NAICS 62).

- b. Nursing and residential care personal care facilities (NAICS 623). One (1) space per two (2) patient beds.

Lighting

The Applicant's photometric plan indicates that the new parking lot lighting fixtures are downcast and fully shielded, and should meet with the illumination requirements below, as well as with Section 405.680 where lighting shall not be cast upon an adjacent property or right-of-way nor shall glare be emitted from an illuminant source.

SECTION 405.810: DESIGN AND MAINTENANCE STANDARDS

- 4. Lighting. Any off-street parking or loading area used between 6:00 P.M. and 6:00 A.M. shall contain a system of lighting to provide an adequate standard of at least one (1) foot-candle of illumination over the area of the parking area to be used. All lighting shall be arranged to deflect, shade and focus lights away from adjacent properties, shall be designed so as not to create more than one (1) foot-candle of illumination at any property boundary abutting a residential zoning district and shall comply with all provisions of Section 405.680. Any land use which utilizes an off-street parking or loading area between 6:00 P.M. and 6:00 A.M. an average of less than four (4) days per month may be exempted from this requirement by the Planning and Zoning Commission.

Landscaping

As discussed above, the Landscaping Plan meets with the minimum requirements for the minimum number of street trees, and to provide headlight screening of the parking spaces. However, the landscaping near the building and within the island is lacking. Also, the plan does not indicate that an underground irrigation system has been included, contrary to the requirement below. Therefore, Staff has included a condition of approval that the Applicant submits a new Landscape Plan for the Zoning Administrators approval and that an underground irrigation system shall be included. If the Planning and Zoning Commission wishes to see the invasive Honeysuckle removed and replaced with additional landscaping to provide an opaque screen as mentioned above, please provide direction to the Applicant.

SECTION 405.540: LANDSCAPING

F. Design Standards For Landscape Plans

10. *All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as initially approved. In order to present a healthy, neat and orderly appearance, all landscaped areas including interior parking lot islands and grass areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, ground covering and other landscaping. An underground irrigation system shall be installed, operated and maintained to meet the intent of this Section. Such systems shall be required for all new developments and redevelopments projects. For sites proposing additions and/or expansions, an underground irrigation system shall be installed, operated and maintained to meet the intent of this Section, where physically practical and reasonable, as determined by the Planning and Zoning Commission.*

SUMMARY AND RECOMMENDATION

The proposal represents a substantial change for this site. However, the use would appear to meet with the intent of the Comprehensive Plan by offering a compatible use adjacent to a residential district. Below is a summary of the Staff recommendation.

- Staff recommends that the Applicant reconcile the site plan and elevations and provide additional screening of the loading area and trash areas, as necessary, in order to meet with the Design Guidelines.
- Staff recommends that the Applicant demonstrate to the Commission the sturdiness and architectural quality of the materials proposed or switch to a material more supported by the Design Guidelines. The same materials should be applied to the trash enclosure and the attached draft ordinance contains a condition of approval requiring that the trash enclosure shall be of a material that is consistent with the building.
- Staff recommends that a condition approval include that all rooms have interior-only HVAC units.
- Staff has included a condition of approval that the Applicant submits a new Landscape Plan for the Zoning Administrators approval that meet with the Design Guidelines and Zoning Ordinance.
- Staff recommends that a condition of approval include that a sidewalk with a minimum width of five feet, separated from the curb enough to preserve the existing trees, be included along Beaver Drive, interior pedestrian connection from Lindbergh and the main entrance of the building, and a separated sidewalk along Lindbergh Boulevard should MoDOT agree, in order to meet with the recommendations of the Pedestrian Plan and Design Guidelines.

SUGGESTED ACTION

After hearing the testimony during the public hearing, if the Planning and Zoning Commission believes that the remaining issues are sufficiently minor that the project should proceed forward with the noted changes being made before, then the following is an example of an appropriate motion for a recommendation:

“I move to recommend approval of Application #13-047 for the conditional use permit for a 41,900 square foot 51-bed Assisted Living Facility at 450 N. Lindbergh Boulevard subject to the conditions contained in the draft ordinance prepared for the meeting of January 21, 2014.” (Conditions may be added, eliminated, or modified by preceding motion.)

If the Planning and Zoning Commission believes that a recommendation should be held for further review, then the following is an example of an appropriate motion for recommendation:

“I move to continue Application #13-047 to the meeting of February 3, 2014, to allow the applicant time to address the comments of the Commission.” (Note that the Commission may substitute a different meeting date as they deem necessary.)

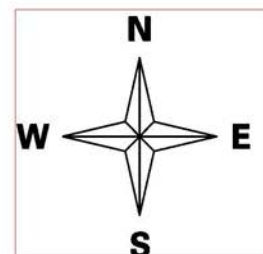
APPENDIX 1: COMPREHENSIVE PLAN

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 MAP



APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 09/12/2013
	Description: View of the shopping center looking southeast from the corner of Beaver Drive and Lindbergh Boulevard.
	Description: View looking southeast toward the rear of the property from Beaver Drive.
	Description: View looking east down the south portion of the site.

	Description: View looking south across the rear of the site from Beaver Drive. The paved area at left is the driveway of the adjacent residence.
	Description: View looking west from the front of the site across Lindbergh Boulevard.

SITE DEVELOPMENT PLAN

PART OF LOT 13 OF THOMAS R. AXTELL'S FARM
BEING PART OF SECTION 1 IN
TOWNSHIP 45 NORTH, RANGE 5 EAST OF THE FIFTH PRINCIPAL MERIDIAN,
CITY OF CREVE COEUR, ST. LOUIS COUNTY, MISSOURI

N/F
AMERICAN HEART ASSOCIATION, INC.
DB 16503, PG 1693
LOC. NO. 17M120177
ZONED: 'GC' GENERAL COMMERCIAL

N/F
EUGENE H. & CAROL M. WEHLING
DB 17024, PG 246
LOC. NO. 17M210322
ZONED: SINGLE FAMILY RESIDENTIAL

ST. LOUIS COUNTY BENCHMARK

#13-15 ELEV=643.80
1" ON TOP OF NORTHEAST CORNER OF LOW BRICK
WALL, 8' EAST OF SOUTH PILASTER OF ORNAMENTAL
ENTRANCE TO SUNSWEEP SUBDIVISION ALONG
LINDBERGH BOULEVARD.

SITE BENCHMARK

ELEV=631.89
SET RAILROAD SPIKE @ POWERPOLE ON EAST SIDE OF
LINDBERGH BOULEVARD, JUST NORTH OF BEAVER
DRIVE, AS SHOWN HEREON.

LOCATION MAP

(NOT TO SCALE)

Property Description

The land referred to in this Commitment is situated in the County of St. Louis, State of Missouri, and described as follows:

A Part of Lot 13 of Subdivision of Thomas R. Axtell's Farm in Section 1, Township 45 North, Range 5 East, in St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 9 Page 38 of the St. Louis City (former County) records and described as: Beginning at the point of intersection of the East line of Lindbergh Boulevard, 100 feet wide, with the center line of Private Road, 40 feet wide, established by Instrument recorded in Book 2900 Page 221 of the St. Louis County Records; thence Southwardly along the East line of said Lindbergh Boulevard 285.94 feet to the Northwest corner of property conveyed to Rose Kistis by deed recorded in Book 5563 Page 86 of the St. Louis County Records; thence Eastwardly along the North line of said property conveyed to Rose Kistis, as aforesaid, 300 feet to the Northeast corner thereof; thence Northwardly and parallel with the East line of said Lindbergh Boulevard 285.94 feet to a point in the center line of said Private Road, 40 feet wide; thence Westwardly along the center line of said Private Road 300 feet to the point of beginning.

SITE AREA = 85,764 SF = 1.968 AC.

PARKING CALCULATIONS:

PER CITY OF CREVE COEUR MUNICIPAL CODE SECTION 405.820.H.8.b
1 SPACE / 2 BEDS x 51 BEDS = 26.0 SPACES REQUIRED
37 TOTAL SPACES PROVIDED

ADA ACCESSIBLE SPACES REQUIRED = 2
ADA ACCESSIBLE SPACES PROVIDED = 2

SITE COVERAGE CALCULATIONS:

PER CITY OF CREVE COEUR MUNICIPAL CODE SECTION 405.360.E.3.B
BUILDING FOOTPRINT = 21,098 SF
BEAVER DRIVE P.V.M.T. = 3,305 SF
ON-SITE PAVEMENT = 21,594 SF
TOTAL COVERAGE = 45,997 SF

% COVERAGE = 45,997 / 85,764 = 53.63%
% COVERAGE = 53.63% < 63.0% MAX. ALLOWABLE

BUILDING FLOOR AREA CALCULATIONS:

PER CITY OF CREVE COEUR MUNICIPAL CODE SECTION 405.360.E.3.C
MAXIMUM FLOOR AREA RATIO = 0.4
TOTAL BUILDING SQUARE FOOTAGE = 41,900 SF
BUILDING SQUARE FOOTAGE LESS NON-USABLE SPACE = 31,500 SF
FAR: 31,500 / 85,764 = 0.37 < 0.4, VARIANCE NOT REQUIRED

GENERAL NOTES:

- BOUNDARY AND TOPOGRAPHIC SURVEY TAKEN FROM ALTA/ACSM LAND TITLE SURVEY PREPARED BY STOCK & ASSOCIATES CONSULTING ENGINEERS, INC. DATED JULY 11, 2013
- PRESENT ZONING: "GC" GENERAL COMMERCIAL PER CITY OF CREVE COEUR BUILDING SETBACKS:
 - FRONT YARD = NO BUILDING OR STRUCTURE SHALL BE LOCATED CLOSER THAN TEN (10) FEET FROM A PUBLIC RIGHT-OF-WAY, IN THE EVENT THAT PARKING IS TO BE LOCATED IN FRONT OF A BUILDING OR STRUCTURE, SAID BUILDING OR STRUCTURE SHALL BE SET BACK A MINIMUM OF FIFTY (50) FEET FROM THE RIGHT-OF-WAY, IN EVERY INSTANCE, THE FIRST TEN (10) FEET OF THE FRONT YARD SETBACK FROM THE RIGHT-OF-WAY SHALL BE PROVIDED WITH AND MAINTAINED WITH SIDEWALKS, UNLESS IMPROVED SIDEWALKS EXIST IN THE ADJUTING PUBLIC RIGHT-OF-WAY, AND WITH LANDSCAPING INCLUDING, BUT NOT LIMITED TO, DECIDUOUS STREET TREES AT REGULAR INTERVALS.
 - SIDE YARD = 12 FEET
 - REAR YARD = 12 FEET
 - BUFFER YARD = NOTWITHSTANDING THE PROVISIONS OF SECTIONS 405.360(E)(4)(b) AND 405.360(E)(4)(c) ABOVE, ANY TRACT OR SITE ADJUTING OR ADJOINING A SINGLE FAMILY RESIDENTIAL ZONING DISTRICT SHALL PROVIDE A BUFFER YARD OF TWENTY (20) FEET ON ALL SIDES THAT ABUT THE SINGLE FAMILY DISTRICT. THE MINIMUM REQUIRED BUFFER YARD SHALL BE INCREASED IN FIVE (5) FOOT INCREMENTS, UP TO A MAXIMUM OF FORTY (40) FEET, FOR EACH ACRE OF THE SUBJECT PROPERTY OVER TWO (2) ACRES IN AREA. ALL ACREAGE SHALL BE ROUNDED UP TO THE NEXT WHOLE NUMBER OR BUFFER YARD CALCULATION PURPOSES. THE BUFFER YARD SHALL NOT CONTAIN ANY IMPERVIOUS SURFACE AND SHALL BE LANDSCAPED AND PROVIDED WITH OTHER SCREENING DEVICES AS DEEMED APPROPRIATE BY THE PLANNING AND ZONING COMMISSION.
- ALL UTILITIES SHOWN HAVE BEEN LOCATED BY THE ENGINEER FROM AVAILABLE RECORDS. THEIR LOCATION SHOULD BE CONSIDERED APPROXIMATE. THE CONTRACTOR HAS THE RESPONSIBILITY TO NOTIFY ALL UTILITY COMPANIES, PRIOR TO CONSTRUCTION, TO HAVE EXISTING UTILITIES FIELD LOCATED.
- NO GRADE SHALL EXCEED 3:1 SLOPE, UNLESS OTHERWISE NOTED.
- PROJECT SIGNAGE AND STREET LIGHTING PER THE CITY OF CREVE COEUR REQUIREMENTS.
- STORMWATER POLLUTION PREVENTION MEASURES TO BE IN ACCORDANCE WITH CITY OF CREVE COEUR AND MSD REQUIREMENTS.
- SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP FOR ST. LOUIS COUNTY, MISSOURI MAP NUMBER 29 189 C0167 H WITH AN EFFECTIVE DATE OF AUGUST 2, 1995.
- ALL PROPOSED UTILITIES TO BE INSTALLED UNDERGROUND AND LOCATED WITHIN EASEMENTS.
- STORMWATER MANAGEMENT SHALL BE IN ACCORDANCE WITH CITY OF CREVE COEUR AND MSD REQUIREMENTS.
- ALL CONSTRUCTION MATERIALS, MEANS AND METHODS SHALL BE IN ACCORDANCE WITH CITY OF CREVE COEUR REQUIREMENTS.
- SITE LIGHTING MAXIMUM POLE HEIGHT = 24 FEET.

PERTINENT DATA

OWNER = RDK PROPERTIES INC.
OWNER UNDER CONTRACT = TEALWOOD ACQUISITIONS LLC
SITE ADDRESS = 450 N. LINDBERGH BOULEVARD, CREVE COEUR, MISSOURI 63141
EXISTING ZONING = 'GC' GENERAL COMMERCIAL
PROPOSED ZONING = 'GC' GENERAL COMMERCIAL
COUNTY LOCATOR NO. = 17M120100
WATER SHED = DEER CREEK
WUNNENBERG'S FIRE DISTRICT = PG. 24, GRID I-18
SCHOOL DISTRICT = CREVE COEUR P.D.
WATER SERVICE = LAQUE
ELECTRIC SERVICE = MISSOURI AMERICAN WATER CO.
GAS SERVICE = AMEREN MISSOURI
SEWER SERVICE = LAQUE GAS COMPANY
METROPOLITAN ST. LOUIS SEWER DISTRICT

LEGEND

EXISTING SANITARY SEWER
EXISTING STORM SEWER
EXISTING TREE
EXISTING BUILDING
EXISTING CONTOUR
SPOT ELEVATION
EXISTING UTILITIES
FOUND 1/2" IRON PIPE
SET IRON PIPE
FOUND CROSS
FOUND STONE
FIRE HYDRANT
LIGHT STANDARD
BUSH
SIGN
NOTES PARKING SPACES
GUY WIRE
POWER POLE
WATER VALVE
DENOTES RECORD INFORMATION
HANDICAPPED PARKING

ABBREVIATIONS

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

PREPARED FOR:

TEALWOOD ACQUISITIONS, LLC
C/o Brinkmann Constructors
16650 Chesterfield Grove Road, Suite 100
Chesterfield, MO 63005

PREPARED BY:

SITE DEVELOPMENT PLAN FOR:



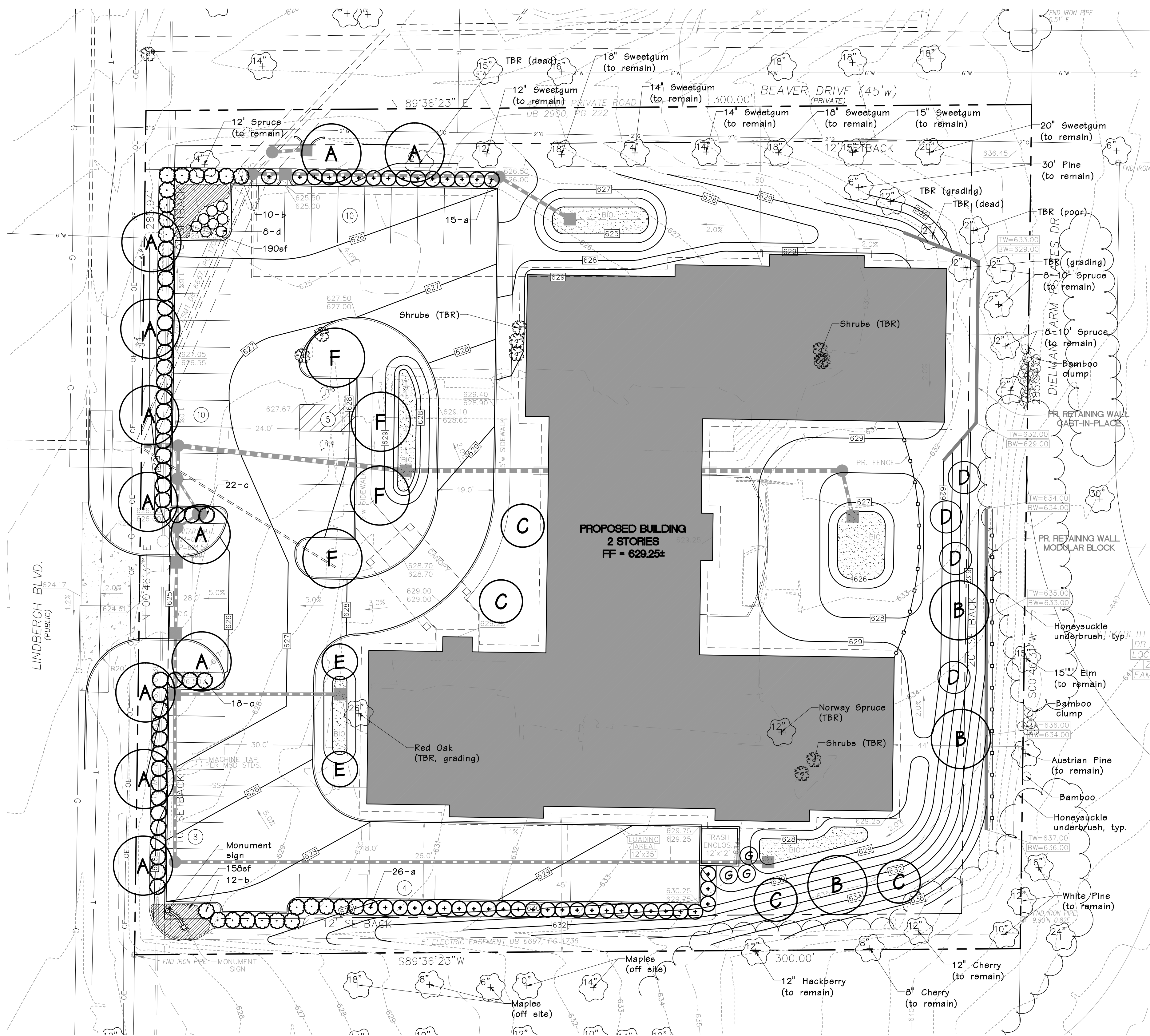
GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

REVISIONS:

1 -

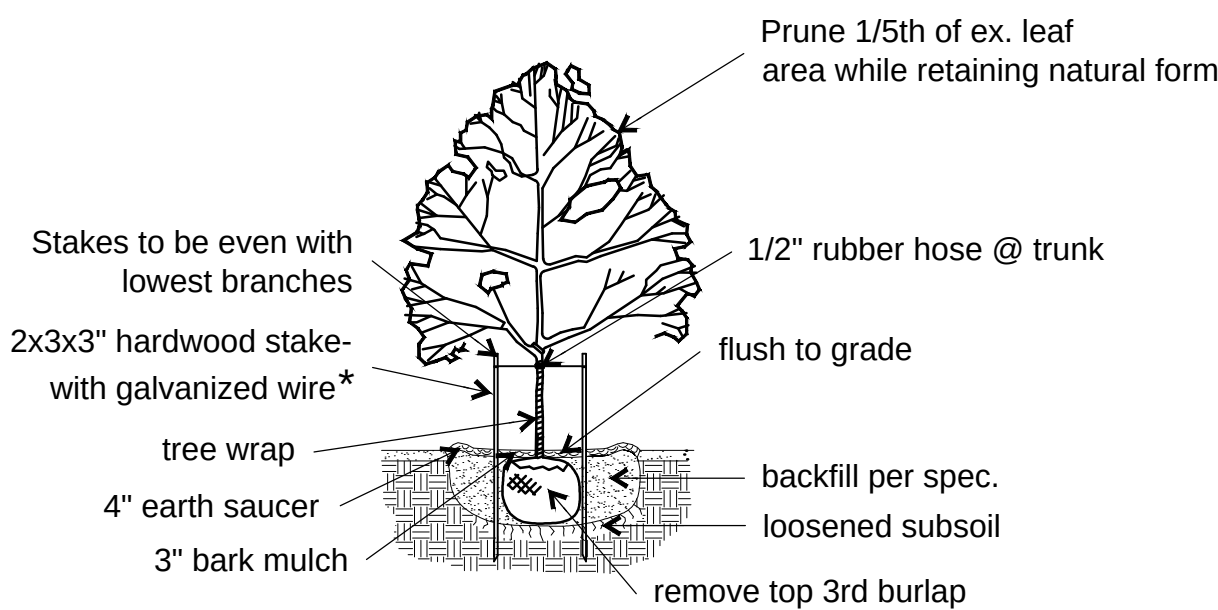
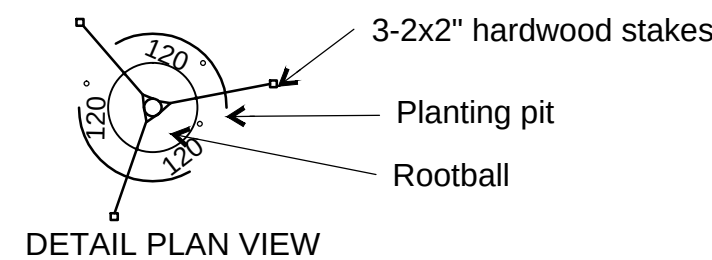
DRAWN BY: J.M.B.
DATE: 11/14/2013
M.S.D. # P-XXXXX-XX
S.L.C. HAT # XXXX
M.O.N.R. # MO-XXXXXXX
SHEET TITLE: SITE DEVELOPMENT PLAN

CHECKED BY: G.M.S.
JOB NO: 213-5158
BASE MAP # XXX
HAT S.U.P. # XX-XXX-XX
SHEET NO: C1.0



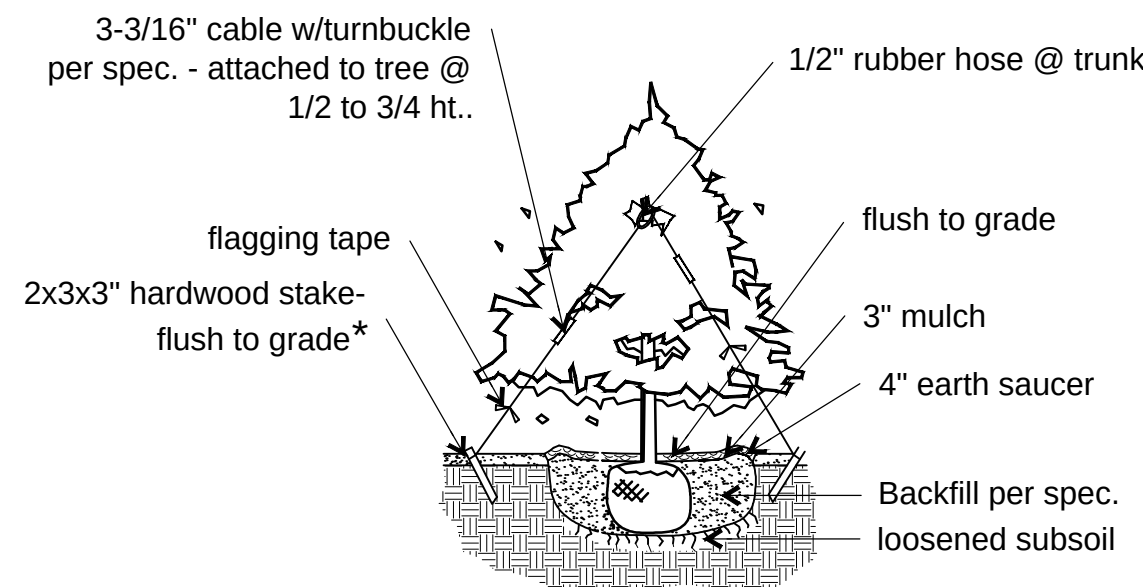
LANDSCAPE PLAN
SCALE 1"=20'

PLANTING SCHEDULE				
SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE
TREES				
A	11	Zelkova serrata 'Green Vase'	Green Vase Zelkova	2.5" cal.
B	3	Taxodium distichum 'Mickelson'	Shawnee Brave Baldcypress	2" cal.
C	4	Cercis canadensis	Eastern Redbud	2" cal.
D	4	Pinus strobus	Eastern White Pine	6'
E	2	Acer x freemanii 'Armstrong'	Armstrong Maple	2" cal.
F	4	Ginkgo biloba 'Autumn Gold'	Autumn Gold Ginkgo	2" cal.
G	3	Thuja occidentalis 'Smaragd'	Emerald Green Arborvitae	6'
SHRUBS/PERENNIALS				
a	41	Viburnum dentatum 'Synnæstvedt'	Chicago Lustre Viburnum	5 gal.
b	22	Physocarpus opulifolius 'Seward'	Summer Wine Ninebark	5 gal.
c	40	Syringa pubescens subsp. patula 'Miss Kim'	Miss Kim Lilac	5 gal.
d	6	Juniperus conferta 'Blue Pacific'	Blue Pacific Juniper	3 gal.
348ef		Annuals, Perennials, Groundcovers	-	1 qt.
-		Bioretention plantings per MSD requirements	-	-

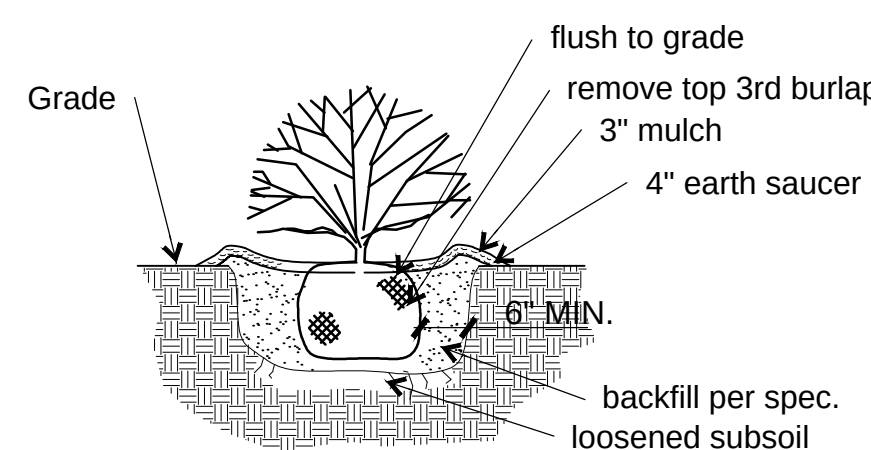


CANOPY TREE PLANTING

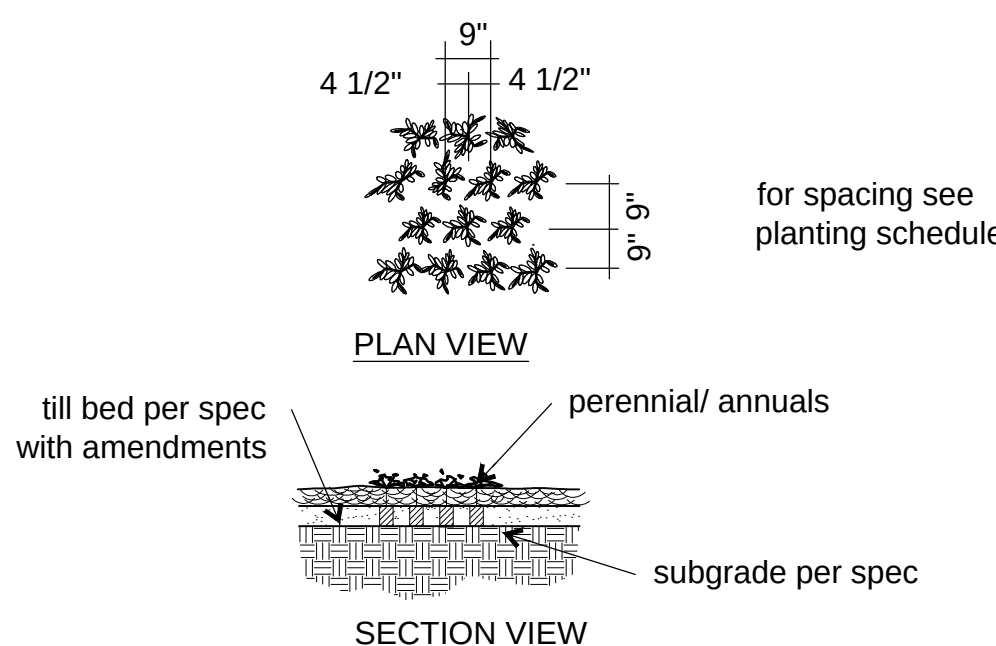
- * Staking should only be done when:
- Planting in soft, loose soils
- Root balls in sandy soils, or wet clay
- Trees located in an extremely windy location



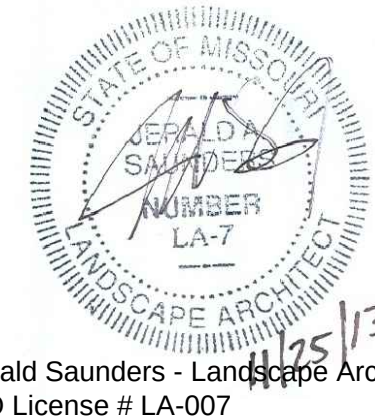
TYPICAL EVERGREEN PLANTING



TYPICAL SHRUB PLANTING



TYPICAL PERENNIAL PLANTING



Consultants:

The Grove in Creve Coeur

Creve Coeur, Missouri

Revisions:

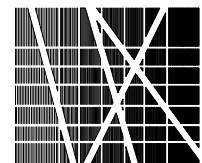
Date	Description	No.

Drawn: LH
Checked: RS

loomisAssociates

landscapearchitects/planners

707 Spirit-40 Park Drive, Suite 105
Chesterfield, Missouri 63005-1094
Phone: 636.863.1094
E-mail: info@loomis-associates.com



Loomis Associates Inc.
Missouri State Certificate of Authority #: LAC #0000191

Sheet Title: Landscape Plan

Sheet No: L1

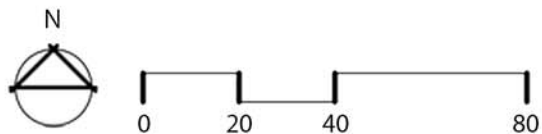
Date: 11/25/13
Job #: 813.034



FIRST FLOOR
MEMORY CARE

THE GROVE AT CREVE COEUR
11.20.2013 CREVE COEUR, MISSOURI

Lantz Boggio Architects, P.C.



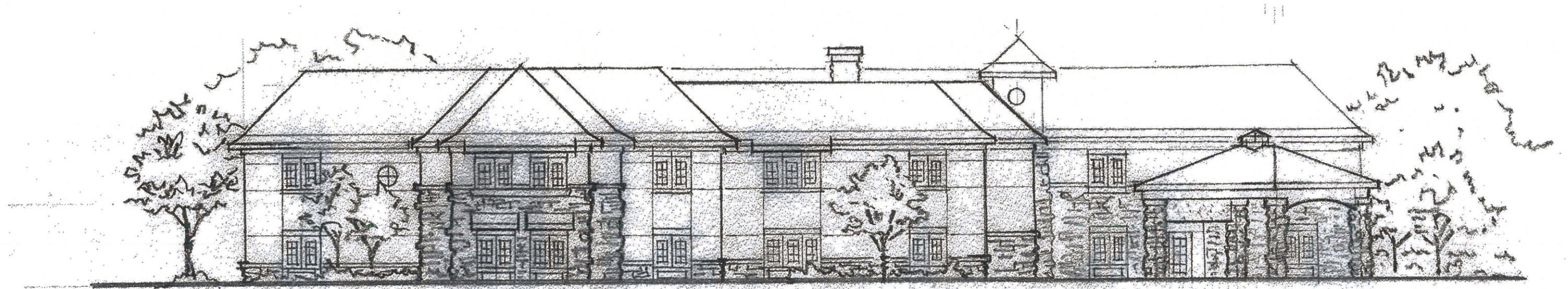
SECOND FLOOR MEMORY CARE

THE GROVE AT CREVE COEUR
11.20.2013 CREVE COEUR, MISSOURI

Lantz  Boggio Architects, P.C.

BUILDING MATERIALS

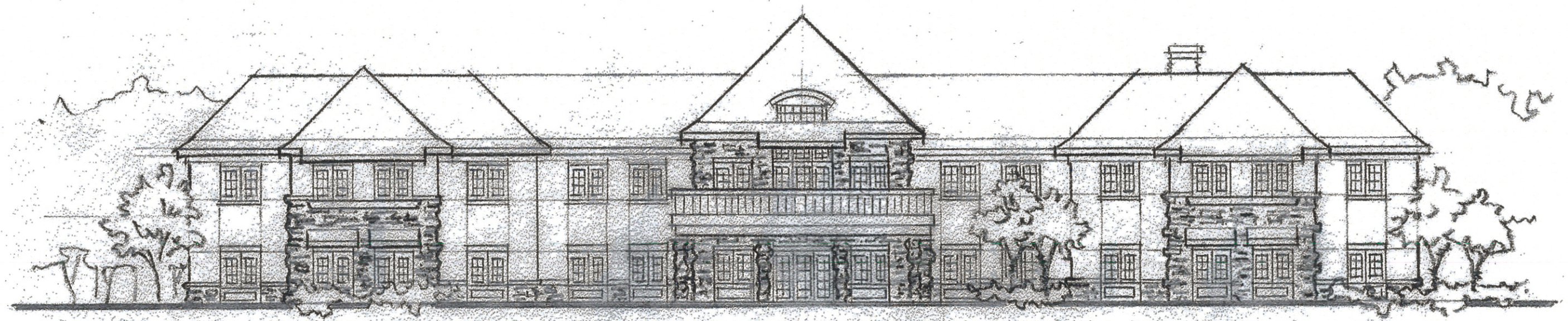




NORTH ELEVATION

THE GROVE IN CREVE COEUR
CREVE COEUR, MISSOURI

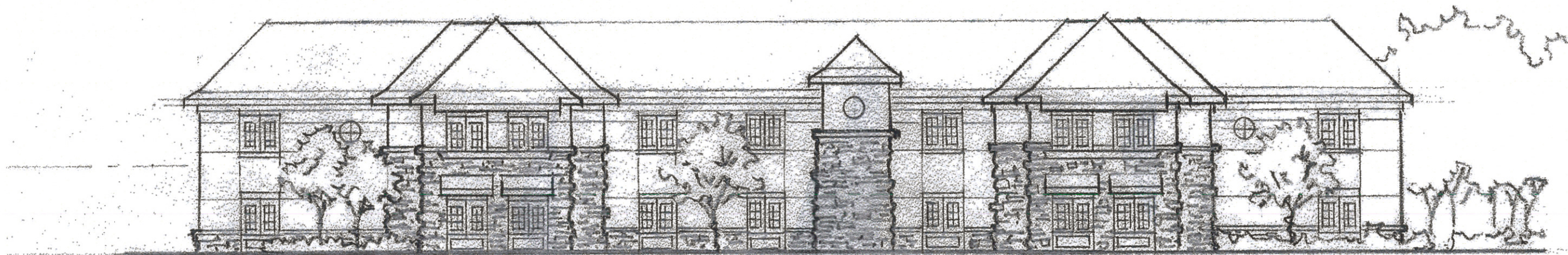
Lantz — Boggio Architects, P.C.



EAST ELEVATION

THE GROVE IN CREVE COEUR
CREVE COEUR, MISSOURI

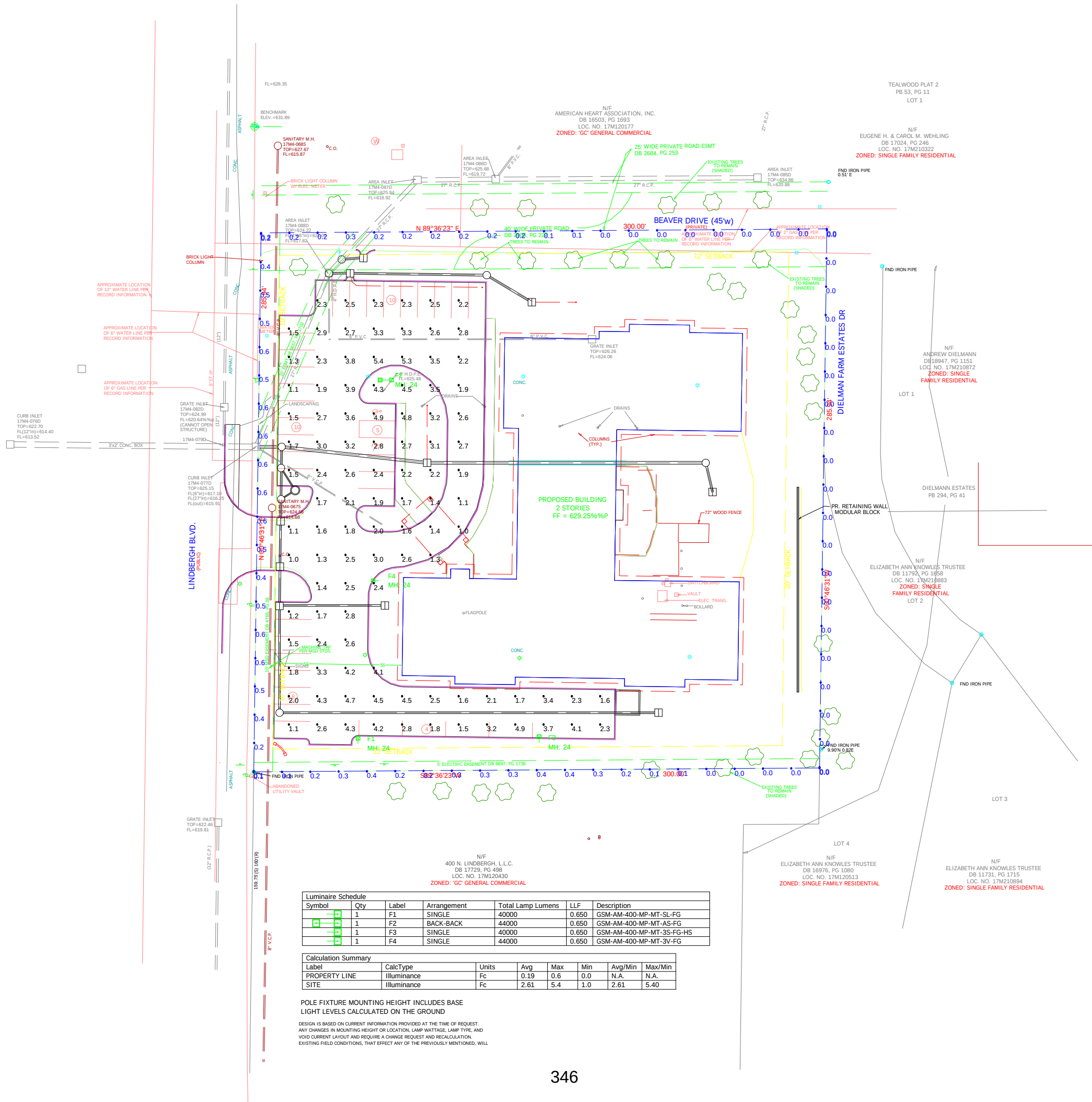
Lantz — Boggio Architects, P.C.



SOUTH ELEVATION

THE GROVE IN CREVE COEUR
CREVE COEUR, MISSOURI

Lantz — Boggio Architects, P.C.



Luminaire Schedule						
Symbol	Qty	Label	Arrangement	Total Lamp Lumens	LLF	Description
	1	F1	SINGLE	40000	0.650	GSM-AM-400-MP-MT-SL-FG
	1	F2	BACK-BACK	44000	0.650	GSM-AM-400-MP-MT-AS-FG
	1	F3	SINGLE	40000	0.650	GSM-AM-400-MP-MT-3S-FG-HS
	1	F4	SINGLE	44000	0.650	GSM-AM-400-MP-MT-3V-FG

Calculation Summary						
Label	CalcType	Units	Avg	Max	Min	Avg/Min
PROPERTY LINE	Illuminance	Fc	0.19	0.6	0.0	N.A.
SITE	Illuminance	Fc	2.61	5.4	1.0	2.61

POLE FIXTURE MOUNTING HEIGHT INCLUDES BASE
LIGHT LEVELS CALCULATED ON THE GROUND

DESIGN IS BASED ON CURRENT INFORMATION PROVIDED AT THE TIME OF REQUEST.
ANY CHANGES IN MOUNTING HEIGHT OR LOCATION, LAMP WATTAGE, LAMP TYPE, AND
VOID CURRENT LAYOUT AND REQUIRE A CHANGE REQUEST AND RECALCULATION
EXISTING FIELD CONDITIONS, THAT AFFECT ANY OF THE PREVIOUSLY MENTIONED, WILL

DESCRIPTION

Galleria's beauty and versatility make it an excellent choice for roadway and general area lighting applications. An aesthetic reveal in the formed aluminum housing gives the Galleria a distinctive look while a variety of mounting options and lamp wattages provide maximum flexibility.

Galleria's superior light distributions makes it the optimum choice for almost any small, medium or large area lighting application.

SPECIFICATION FEATURES

Construction

HOUSING: Formed aluminum housing with stamped reveal has interior-welded seams for structural integrity and is finished in premium TGIC polyester powder coat. U.L. listed and CSA certified for wet locations. **DOOR:** Formed aluminum door has heavy-duty hinges, captive retaining screws and is finished in premium TGIC polyester powder coat. (Spider mount unit has steel door.)

Electrical

BALLAST TRAY: Ballast tray is hard-mounted to housing interior for cooler operation.

Optical

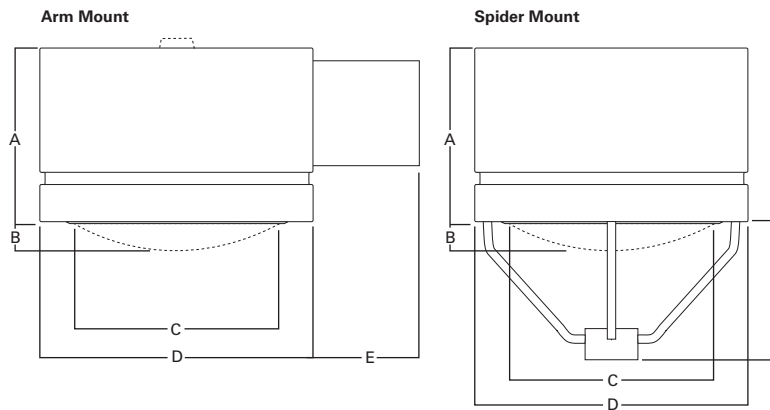
REFLECTOR: Choice of 14 high efficiency optical systems utilizing horizontal and vertical lamp orientations. Optional high efficiency segmented optical systems constructed of premium 95% reflective anodized aluminum sheet. Optical segments are rigidly mounted inside a thick gauge aluminum housing for superior protection. All segment faces are clean of rivet heads, tabs or other means of attachment which may cause streaking in the light distribution. Standard with mogul-base socket. All optical modules feature quick disconnect wiring

plugs and are field rotatable in 90° increments. **LENS:** Convex tempered glass lens or flat glass.

Mounting

Extruded aluminum arm includes internal bolt guides allowing for easy positioning of fixture during assembly. Specify arm-included mounting for contractor-friendly single carton packaging of housing and arm.

DIMENSIONS



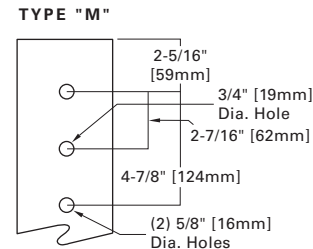
Fixture	A	B	C	D	E	F
GSS	9-1/4"	1-1/2"	12-7/8"	15-5/8"	6" or 9"	13-1/4"
	235mm	38mm	327mm	397mm	152mm or 229mm	337mm
GSM	11"	3-1/2"	19-1/4"	21-3/4"	6" or 14"	15" or 16"
	279mm	89mm	480mm	552mm	152mm or 356mm	381mm or 406mm
GSL	14-1/2"	4-1/4"	25-7/8"	27"	6" or 14"	18-3/4" or 19-3/4"
	368mm	108mm	657mm	686mm	152mm or 356mm	476mm or 502mm

NOTE: Top cap used on GSM with 1000W flat glass vertically lamped optics only.

WATTAGE TABLE

Fixture	Lamp Type	Wattage
GSS (Galleria Small)	Pulse Start Metal Halide (MP)	70, 100, 150W
	High Pressure Sodium (HPS)	70, 100, 150W
	Metal Halide (MH)	175W
GSM (Galleria Medium)	Pulse Start Metal Halide (MP)	70, 100, 150, 175, 200, 250, 320, 350, 400, 450, 750, 875, 1000W
	High Pressure Sodium (HPS)	70, 100, 150, 250, 400, 750, 1000W
	Metal Halide (MH)	175, 250, 400, 1000W
GSL (Galleria Large)	Pulse Start Metal Halide (MP)	250, 320, 350, 400, 450, 750, 1000W
	High Pressure Sodium (HPS)	250, 400, 750, 1000W
	Metal Halide (MH)	250, 400, 1000W

ARM DRILLING



GSS/GSM/GSL GALLERIA SQUARE

70 - 1000W

Pulse Start Metal Halide

High Pressure Sodium

Metal Halide

ARCHITECTURAL
AREA LUMINAIRE



NOTE: In all flat glass configurations only.

ENERGY DATA

CWA Ballast Input Watts

150W MP HPF (185 Watts)
175W MP HPF (198 Watts) ©
250W MP HPF (283 Watts) ©
250W HPS HPF (295 Watts)
400W MP HPF (452 Watts) ©
400W HPS HPF (457 Watts)
750W MP HPF (820 Watts)
1000W MH HPF (1080 Watts)
1000W HPS HPF (1100 Watts)

EPA

Effective Projected Area: (Sq. Ft.)
[Without Arm]

GSS: 1.20 **GSM:** 2.40 **GSL:** 3.90

[Spider Mount]

GSS: 1.53 **GSM:** 2.86 **GSL:** 4.45

SHIPPING DATA

Approximate Net Weight:

36 lbs. (16 kgs.)

79 lbs. (36 kgs.)

88 lbs. (40 kgs.)



MOUNTING CONFIGURATIONS

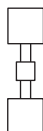
Wall Mount



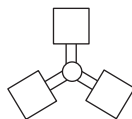
Arm Mount Single



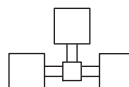
Arm Mount 2 @ 180°



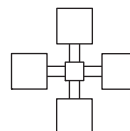
Arm Mount 2 @ 90°

Arm Mount 3 @ 120°
(Round Pole Only)

Arm Mount 3 @ 90°



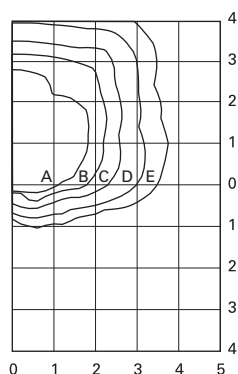
Arm Mount 4 @ 90°



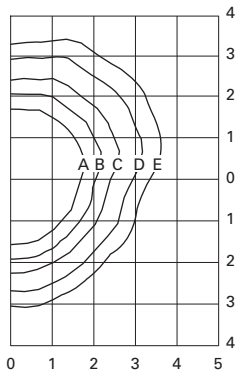
E.P.A. TABLE

	Single [w/arm where applicable]	2 @ 180°	2 @ 90°	3 @ 120°	3 @ 90°	4 @ 90°
GSS	1.7	3.4	3.4	4.6	4.6	5.2
GSM	2.9	5.8	6.8	9.2	9.2	10.4
GSL	4.4	8.8	9.8	13.7	13.7	15.6

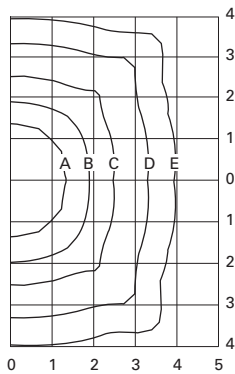
PHOTOMETRICS



GSM-XX-1000-MH-SL-FG
1000-Watt MH
110,000-Lumen Clear Lamp
Spill Light Eliminator
Flat Glass



GSM-XX-1000-MH-3V-FG
1000-Watt MH
110,000-Lumen Clear Lamp
Type III Vertical
Flat Glass



GSM-XX-1000-MH-AS-SG
1000-Watt MH
110,000-Lumen Clear Lamp
Area Square
Flat Glass

Footcandle Table

Select mounting height and read across for footcandle values of each isofootcandle line. Distance in units of mounting height.

Mounting Height	Footcandle Values for Isofootcandle Lines				
	A	B	C	D	E
1000W [SL] / 400W [AR]					
25'	2.88	1.44	0.72	0.29	0.14
30'	2.00	1.00	0.50	0.20	0.10
35'	1.46	0.73	0.37	0.15	0.07
1000W [3V/AS]					
30'	3.50	2.00	1.00	0.50	0.20
35'	2.60	0.73	0.37	0.18	0.07
40'	2.00	1.00	0.50	0.20	0.10

ORDERING INFORMATION

Sample Number: GSM-AM-400-MP-MT-3V-SG-BK-L

Product Family		Lamp		Lamp Type		Distribution		Color		Accessories	
GSS =Galleria Square Small		Lamp Wattage MP 70=70W 100=100W 150=150W 175=175W 200=200W 250=250W 320=320W 350=350W 400=400W ⁶ 450=450W 750=750W 875=875W 1000=1000W ⁷ HPS 70=70W 100=100W 150=150W 250=250W 400=400W 750=750W 1000=1000W ⁷ MH ^a 175=175W 250=250W 400=400W 1000=1000W ⁷		MP =Pulse Start Metal Halide HPS =High Pressure Sodium MH = Metal Halide ⁸ Voltage ^a 120= 120V 208= 208V 240= 240V 277= 277V 347= 347V 480= 480V MT = Multi-Tap ¹⁰ TT = Triple-Tap ¹⁰ 5T = 5-Tap ¹¹		Horizontal Lamp 1F =Type I Formed ¹² 2F =Type II Formed 2S =Type II Segmented ¹³ 3F = Type III Formed 3S = Type III Segmented ¹³ 4S = Type IV Segmented ¹³ 5S = Type V Segmented ¹³ FT = Forward Throw SL = Spill Light Eliminator ¹⁴ CA = Cutoff Asymetric with EHS ¹⁵ Vertical Lamp AR = Area Round AS = Area Square ¹⁵ 3V = Type III Vertical ¹⁵ RW = Rectangular Wide ^{15, 16} Lens Type FG = Flat Glass ¹⁷ SG =Sag Glass		AP =Grey BZ =Bronze BK =Black WH =White DP = Dark Platinum GM = Graphite Metallic Options ¹⁹ CEC = California Title 20 Compliant Ballast (Applies to 175-320W and 400W MP only) F = Single Fuse (120, 277 or 347V) FF = Double Fuse (208, 240 or 480V) L = Lamp Included EM = Quartz Restrike w/ ²⁰ Delay Q = Quartz Restrike ²⁰ R = NEMA Twistlock Photocontrol Receptacle EHS =External Adjustable House Side Shield HS =House Side Shield ^{21, 22} VS =Vandal Shield ²³		GSM-EXTHS =External House Side Shield - 2.24 EPA GSL-EXTHS =External House Side Shield - 2.46 EPA MA1004XX =14" Arm for Square Pole. 1.0 EPA ^{15, 25} MA1005XX =6" Arm for Square Pole. 0.5 EPA ¹⁵ MA1006XX = Direct Mount Kit for Square Pole ¹⁵ MA1007XX = 14" Arm for Round Pole. 1.0 EPA ^{15, 25} MA1008XX = 6" Arm for Round Pole. 0.5 EPA ¹⁵ MA1009XX = Direct Mount Kit for Round Pole ¹⁵ MA1021XX = 6" Arm for Square Pole. 0.5 EPA ³ MA1022XX = 6" Arm for Round Pole. 0.5 EPA ³ MA1023XX = 9" Arm for Square Pole. 0.5 EPA ^{3, 25} MA1024XX = 9" Arm for Round Pole. 0.5 EPA ^{3, 25} MA1029XX = Wall Mount Bracket with 10" Arm MA1046XX = Wall Mount Bracket ³ MA1208XX = 11 1/2" Arm and Round Pole Adapter - .0.8 EPA OA1066XX = Mast Arm Adapter MA1010XX = Single Tenon Adapter for 3 1/2" O.D. Tenon MA1011XX = 2@180° Tenon Adapter for 3 1/2" O.D. Tenon MA1012XX =3@120° Tenon Adapter for 3 1/2" O.D. Tenon MA1013XX =4@90° Tenon Adapter for 3 1/2" O.D. Tenon MA1014XX =2@90° Tenon Adapter for 3 1/2" O.D. Tenon MA1015XX =2@120° Tenon Adapter for 3 1/2" O.D. Tenon MA1016XX =3@90° Tenon Adapter for 3 1/2" O.D. Tenon MA1017XX =Single Tenon Adapter for 2 3/8" O.D. Tenon	

- | | | | |
|--------|----|--|--|
| Notes: | 1 | Arm not included. See Accessories. | MA1018XX =2@180° Tenon Adapter for 2 3/8" O.D. Tenon |
| | 2 | Arm length varies based on housing size: 9" for GSS, 11-1/2" for GSM and 14" for GSL. | MA1019XX =3@120° Tenon Adapter for 2 3/8" O.D. Tenon |
| | 3 | Available on GSS housing only. | MA1045XX =4@90° Tenon Adapter for 2 3/8" O.D. Tenon |
| | 4 | Available on GSL housing only. | MA1048XX =2@90° Tenon Adapter for 2 3/8" O.D. Tenon |
| | 5 | Standard with medium-base sockets in GSS housing. Mogul-base sockets in GSM and GSL housings. Wattage availability varies by housing size - see Wattage Table. | MA1049XX =3@90° Tenon Adapter for 2 3/8" O.D. Tenon |
| | 6 | Requires reduced envelope ED-28 lamp when used with GSM housing and flat glass vertically lamped optics. | MA1060 =House Side Shield for GSS (Field Installed) 26 |
| | 7 | Requires reduced envelope BT-37 lamp when used with GSM housing. | MA1061 =House Side Shield for GSM (Field 26 Installed) |
| | 8 | 175, 250 and 400W MH available for non-US markets only. | MA1062 =House Side Shield for GSL (Field Installed) 26 |
| | 9 | Products also available in non-US voltages and 50Hz for international markets. Consult factory for availability and ordering information. | OA/RA1016 =NEMA Twistlock Photocontrol - Multi-Tap |
| | 10 | Multi-Tap ballast is 120/208/240/277V wired 277V. Triple-Tap ballast is 277/347/480V wired 347V. | OA/RA1027 =NEMA Twistlock Photocontrol - 480V |
| | 11 | 5-Tap ballast is 120/208/240/277/480V wired 480V. Only available in 400-1000W. | OA/RA1201 =NEMA Twistlock Photocontrol - 347V |
| | 12 | Medium housing fixture only. | |
| | 13 | Maximum wattage on segmented optical distributions is 400W. 400W Metal Halide lamp must use reduced envelope ED-28 lamp. Not available in GSL housing. | |
| | 14 | Must use reduced envelope lamp, not available in GSL housing. | |
| | 15 | Available on GSM and GSL housings only. | |
| | 16 | RW optic not available with flat glass. | |
| | 17 | 1000W GSL with flat glass requires BT-37 lamp and is not available in AS, RW, SL or 3V distributions. | |
| | 18 | Other finish colors available, including a full line of RAL color matches. Consult your Cooper Lighting Representative. | |
| | 19 | Add as suffix in the order shown. | |
| | 20 | Quartz options not available with SL optics. | |
| | 21 | House side shield not available with 5S, RW, AS, AR, SL and CA optics. | |
| | 22 | Not available in 1000W. | |
| | 23 | Arm mount only, 400W Maximum. | |
| | 24 | Order separately, replace XX with color suffix. | |
| | 25 | Use for mounting fixtures at 90 degree increments. | |
| | 26 | Compatible with sag lens vertical optics only. | |



AREAS REMOVED

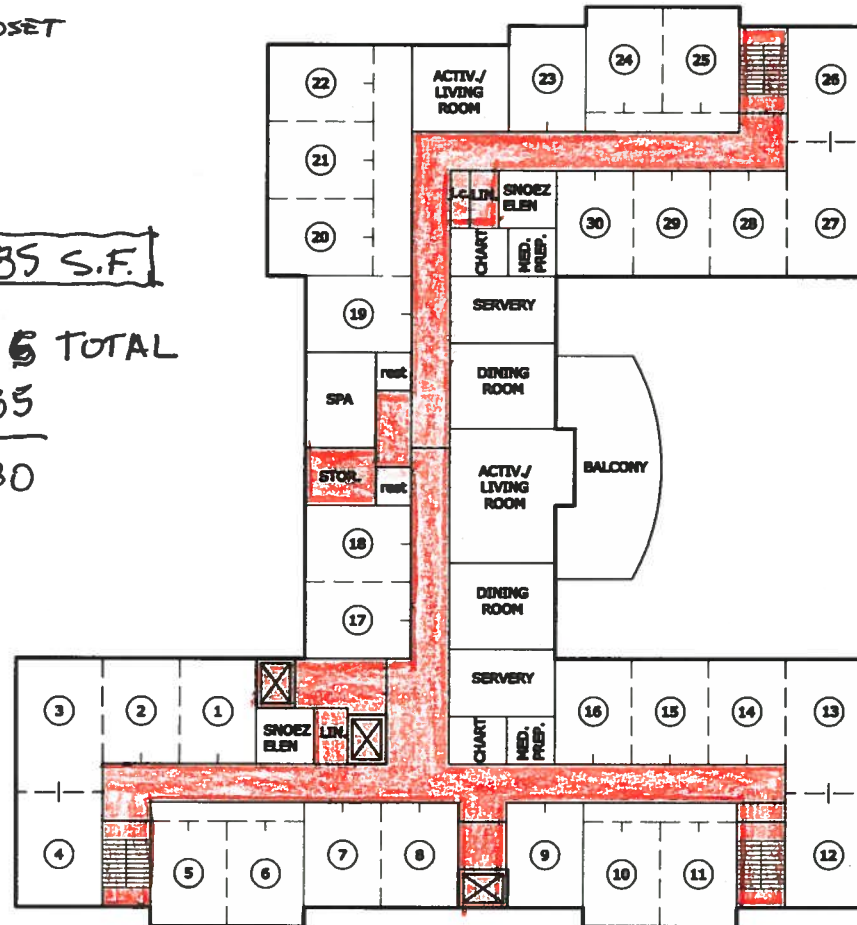
- CORRIDOR
- STAIR/ELEVATOR
- STORAGE
- LINEN CLOSET
- JANITOR CLOSET

3985 S.F.

20, 21 TOTAL

- 3,985

16,230



BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A NEW CONDITIONAL USE
PERMIT FOR A 41,900 SQUARE-FOOT, 51 BED, ASSISTED LIVING FACILITY
LOCATED AT 450 N. LINDBERGH BOULEVARD IN THE "GC" GENERAL
COMMERCIAL DISTRICT**

WHEREAS, under Chapter 405, Table A, of the Creve Coeur Code of Ordinances, Assisted Living Facilities for the Elderly (NAICS 623312) 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 Bill Biermann, of WM. Biermann Company LLC, for a conditional use permit for a 41,900 square-foot, 51-bed, two-story, assisted living facility, to be known as The Grove in Creve Coeur, and located at 450 N. Lindbergh Boulevard, in the GC District; and

WHEREAS, a public hearing was held by the Creve Coeur Planning and Zoning Commission on Tuesday, January 21, 2014, 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 January 21, 2014; 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 3 hereof for the operation of an assisted living facility, located in the "GC" General Commercial zoning district, whose legal description is as follows:

A Part of Lot 13 of Subdivision of Thomas R. Axtell's Farm in Section 1, Township 45 North, Range 5 East, in St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 9 Page 38 of the St. Louis City (former County) records and described as: Beginning at the point of intersection of the East line of Lindbergh Boulevard, 100 feet wide, with the center line of Private Road, 40 feet wide, established by Instrument recorded in Book 2900 Page 221 of the St. Louis County Records; thence Southwardly along the East line of said Lindbergh Boulevard 285.94 feet to the Northwest corner of property conveyed to Rose Kitsis by deed recorded in Book 5563 Page 86 of the St. Louis County Records; thence Eastwardly along the North line of said property conveyed to Rose Kitsis, as aforesaid, 300 feet to the Northeast corner thereof; thence Northwardly and parallel with the East line of said Lindbergh Boulevard 285.94 feet to a point in the center line of said Private Road, 40 feet wide; thence Westwardly along the center line of said Private Road 300 feet to the point of beginning.

Section 2: 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 a 41,900 square-foot assisted living facility with a maximum of 51 resident beds at 450 N. Lindbergh Boulevard.
2. The applicant is required to submit a Site Improvement Permit application, showing all exterior improvements, as required by Section 420.070 of the Land Disturbance Code. The permit application shall be in substantial conformance with the "Site Development Plan," dated November 26, 2013 as bound together and submitted in conjunction with Application #13-047 by George Stock, of Stock & Associates, Consulting Engineers, Inc., except that the plans shall be revised to provide additional screening of the loading area and trash areas, as necessary, in order to meet with the Design Guidelines, subject to the review and approval of the Zoning Administrator.
3. The Site Development Plan shall include new sidewalks to meet with the City of Creve Coeur Design Guidelines and Pedestrian Plan, subject to the review and approval of the Zoning Administrator.
4. The applicant is required to submit a Building Permit application, as required by Article II of the Building Code. Exterior elevations shall be in substantial conformance with the "Exterior Elevations" received December 18, 2013, as bound together and submitted in conjunction with Application #13-047, except the main building material shall be revised to a masonry material to meet with the City of Creve Coeur Design Guidelines, subject to the review and approval of the Zoning Administrator.
5. The Applicant shall submit a revised Landscape Plan in conformance with the Design Guidelines and Section 405.540: Landscaping of the Zoning Ordinance, subject to the review and approval of the Zoning Administrator. Said revisions shall provide a greater interest and year-round aesthetic, especially within the north side yard and the central parking island.
6. All exterior heating, ventilation and air conditioning (HVAC) equipment shall be located within the south side yard and enclosed within a masonry enclosure extending no less than two feet higher than the tallest equipment within the enclosure.
7. All in-room HVAC equipment shall be vertical terminal air conditioner (VTAC) design.
8. No external fans or ventilators of any kind may be located on any east-facing wall or roof slope of the facility.

9. Accessory structures, including the generator, dumpster and any HVAC enclosures, and the supporting structure of the ground monument sign shall be of materials consistent with the main building.
10. All lighting shall be in conformance with Section 405.680, Lighting, of the Zoning Code.
11. All signs and banners shall be in conformance with Article VIII, Sign Regulations, of the Zoning Code.
12. The kitchen facility shall use a tempered makeup air system. Such system shall be regularly cleaned and maintained in order to reduce cooking smells.
13. Any mechanical equipment installed for the site shall be properly screened with approved materials.
14. The Applicant shall provide to the City a copy of all current licenses issued by the State of Missouri for the operation of the assisted living facility, to be kept on file with the City for public inspection.
15. Any future enlargement, extension, expansion or alteration in the use of the structures or site must be approved by the City Council upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the Conditional Use Permit before a Building Permit for the enlargement, expansion or alteration may be issued.
16. 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.
17. 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.
18. 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 3: 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 2 of this ordinance. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and stipulations set forth herein.

BILL NO. _____

ORDINANCE NO. _____

Section 4: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2014.

SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2014.

BARRY GLANTZ
MAYOR

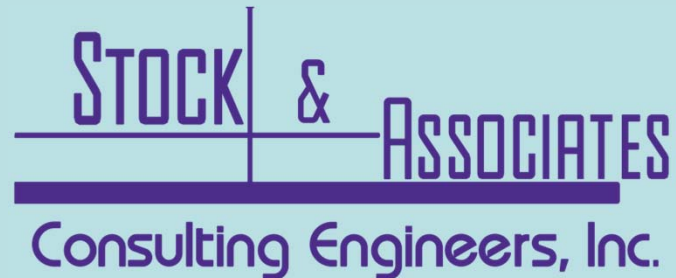
ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK

The Grove at Creve Coeur

Planning Commission Meeting,
January 21, 2014,
City of Creve Coeur

Prepared by:



Summary

1.) Existing Site

- 2 Stories
 - +/- 20,000 SF (office/retail)
 - F.A.R.=20,000 SF / 85,764 SF
 - F.A.R. = 0.23
 - 117 Parking Spaces
 - 17.1% Bldg. Coverage
 - 77.45% Site Coverage
 - Access off Lindbergh
 - No access from Beaver Drive
 - Building Setback
 - North = 84.3'
 - East = 88.7'
 - Parking Setback
 - North = 14.0'
 - East = 13.8'
- 2013 Taxes = \$35,171.67

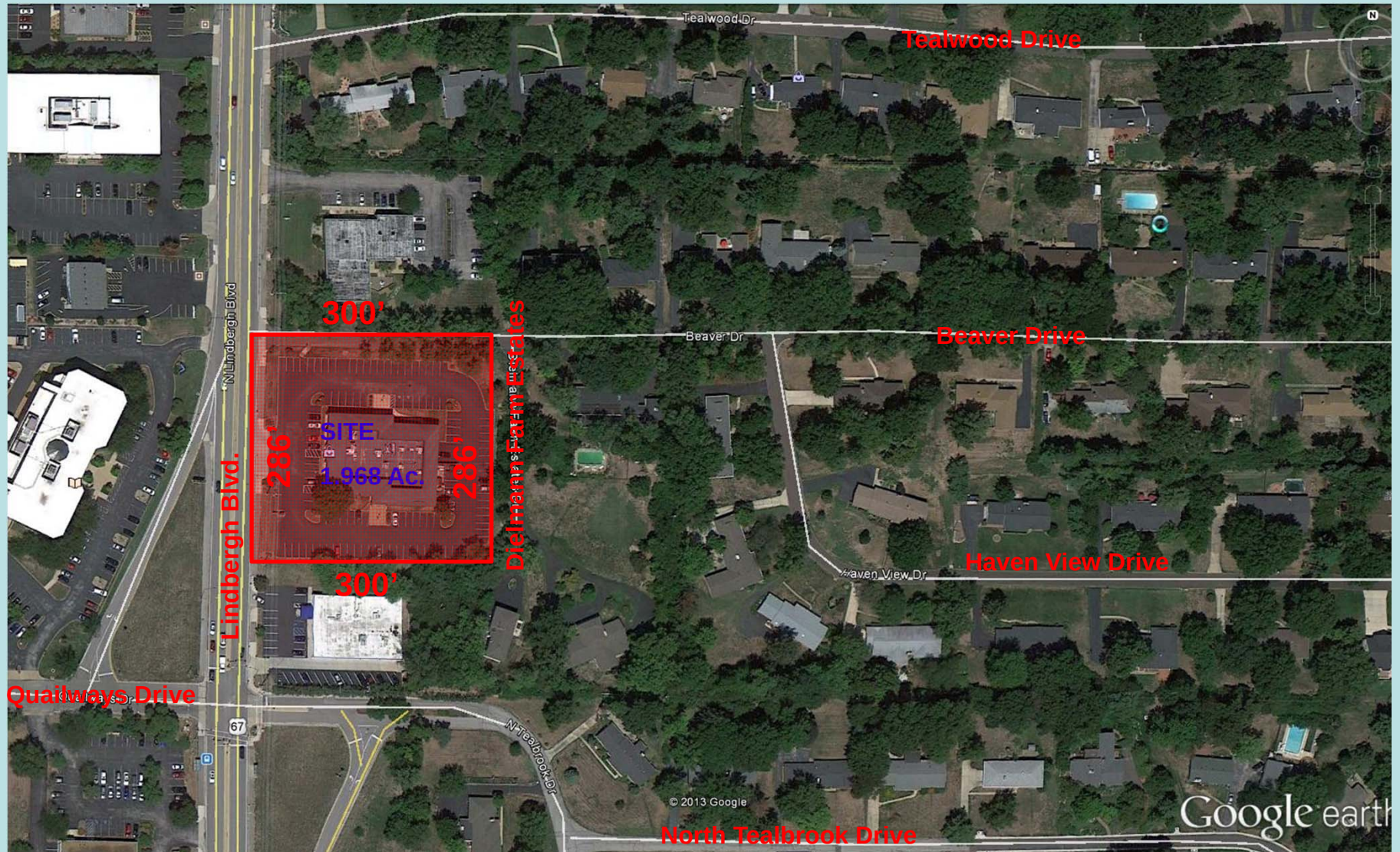
2.) Prior Proposal – Presented to Residents & BOA on 10/17/13

- 3 Story & 1 Story
- 60,937 SF
- F.A.R. =60,035 SF / 85,764 SF
- F.A.R. = 0.70
- 75 Beds
- 40 Parking Spaces
- 33.9% Bldg. Coverage
- 63.00% Site Coverage
- Shift in access off Lindbergh
- Building Setback
 - North = 15.0'
 - East = 23.0'
- Parking Setback
 - North = 10.0'
 - East = 155.0'

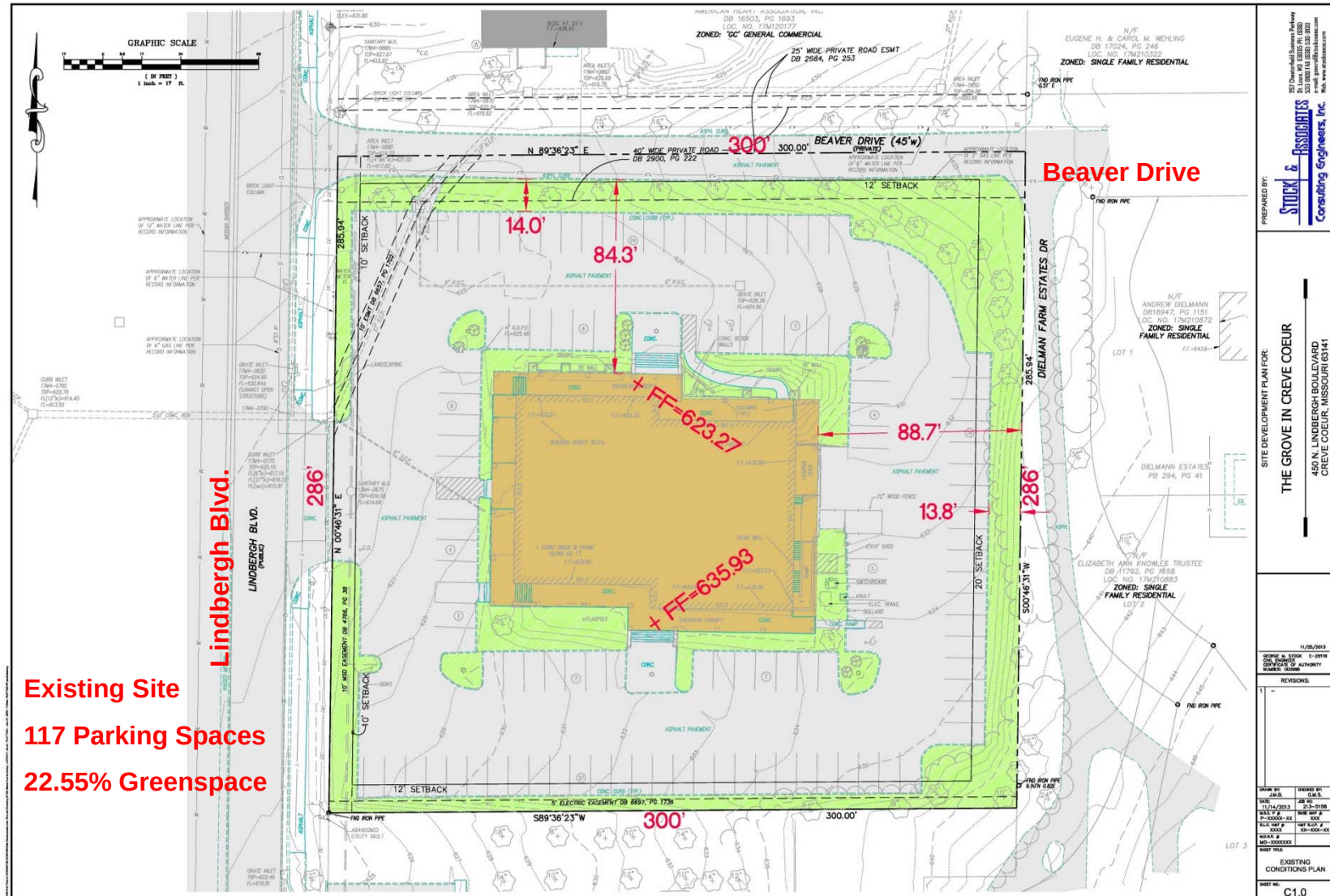
3.) Current Proposal

- 2 Stories
- 41,900 SF Total (outside face of wall)
 - 20,265 SF 1st Floor
 - 20,215 SF 2nd Floor
 - (inside face of wall)
 - See floor plans on slides 9&10
- F.A.R.=31,030 SF / 85,764SF
- F.A.R. = 0.36
- 53 Beds/51 Units
- Required Parking
 - 1 space / 2 beds = 27
- 37 Spaces Provided
- 24.6% Bldg. Coverage
- 53.63% Site Coverage
- Re-use existing access
- Building Setback
 - North = 39.0'
 - East = 28.0'
- Parking Setback
 - North = 15.6'
 - East = 108.0'
- Estimated Taxes = \$125,000

Existing 1.968 acre parcel



Existing Site Conditions



Existing Zoning Permitted Uses

- Retail Bakeries
- Confectionary Manufacturing from purchased chocolate
- Software, CD, Record producing
- Business to Business Electronic Markets
- Wholesale Trade Agents & Brokers
- Furniture Stores
- Floor Covering Stores
- Home Furnishing Stores
- Appliance Stores
- Electronics Stores
- Hardware Stores
- Supermarket & Grocery Stores
- Meat Markets
- Liquor Stores
- Pharmacy & Drug Stores
- Clothing & Apparel Stores
- Sporting Goods Stores
- Pet Stores
- Book Stores
- Florist shops
- Office Supplies
- Art Dealer

- Postal Service
- Software Publishers
- Record Production
- Libraries & Archives
- Credit Card Issuing
- Consumer Lending
- International Trade Financing
- Investment Banking & Securities
- Insurance Carriers
- Pension Funds
- Leasing Agencies
- Office Machinery & Equipment Rental & Leasing
- Lawyers Office
- Professional Services Office
- Veterinary Services
- Travel Agencies
- Locksmiths
- Office of Physicians – Mental Health Specialist
- Doctors Offices
- HMO Medical Center
- Freestanding Ambulatory Surgical & Emergency Center

- Fitness Centers
- Appliance Repair
- Dry Cleaning
- Labor Union Hall
- Political Organizations
- Courts & Police Protection
- Parole & Probation Office
- Fire Protection

Existing Zoning Conditional Uses

- Electric Power Distribution
- Assisted Living & Senior Services
- Surgical Appliance & Supplies Manufacturing
- Dental Laboratories
- Sign Manufacturing
- New Car Dealers
- Boat Dealers
- Automotive Parts & Accessories Store
- Tire Dealers
- All Drive-in & Drive-Through Services (excluding food)
- Home Centers
- Outdoor Power Equipment Stores
- Convenience Stores
- Gas Stations
- Department & Discount Stores
- Warehouse Clubs & Supercenters
- Interurban and Rural Bus Transportation
- Motion Picture & Video Publishing
- Motion Picture Theaters

- Sound Recording Studios
- Radio Stations
- Television Broadcasting
- Satellite TeleCommunications
- Roof-mounted communication equipment
- Commercial Banking & Credit Unions
- Claims Adjusting
- Vehicle Rental & Leasing
- General Rental Centers
- Employment Placement Agencies
- Packaging & Labeling Services
- Educational Institutions
- Sports & Recreational Institutions
- Driving Schools
- Family Planning Centers
- Outpatient Mental Health & Substance Abuse Centers
- Outpatient Care Centers
- Medical Laboratories
- Ambulance Services
- Community Food Services
- Temporary Shelters

- Child Day Care Services
- Performance Art Companies
- Amusement Parks & Arcades
- Gambling Institutions
- Bowling Centers
- Hotels & Motels
- Drinking Places (alcoholic)
- Full Service Restaurants
- Automotive Repair
- Car Wash
- Funeral Homes
- Parking Lots & Garages
- Religious Organizations

Site Plan

Proposed school bus shelter & sidewalk along Beaver Drive

Perimeter Fence

"No Parking" signs along Beaver Drive (3 total)

Existing trees to remain with additional landscape infill above wall

Existing center median on Lindbergh Blvd.

37 Proposed Parking Spaces

Sidewalk & crosswalk

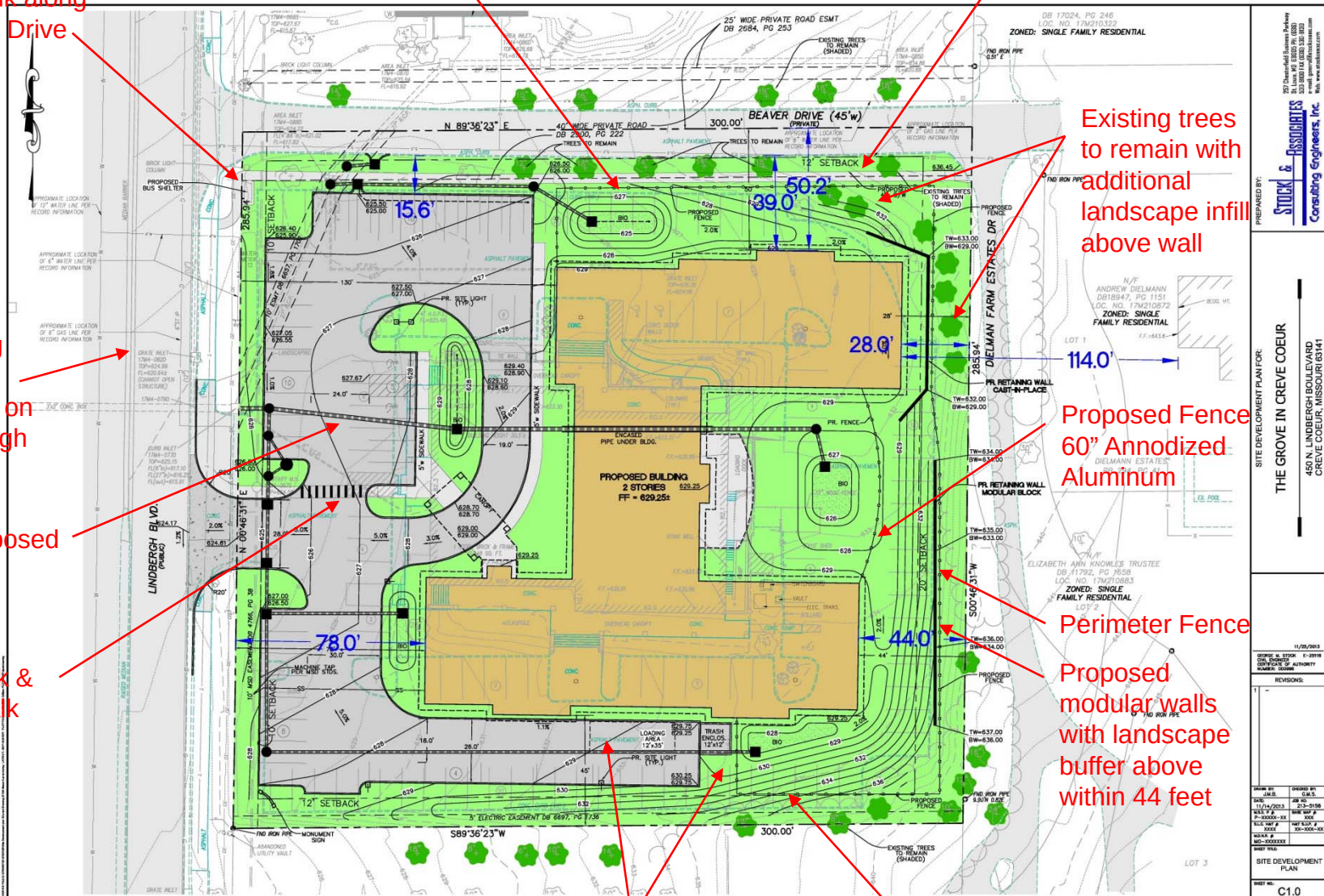
Proposed Fence 60" Anodized Aluminum

Perimeter Fence

Proposed modular walls with landscape buffer above within 44 feet

Loading, Trash Service & Deliveries will occur between 8 am & 5 pm

Perimeter Fence

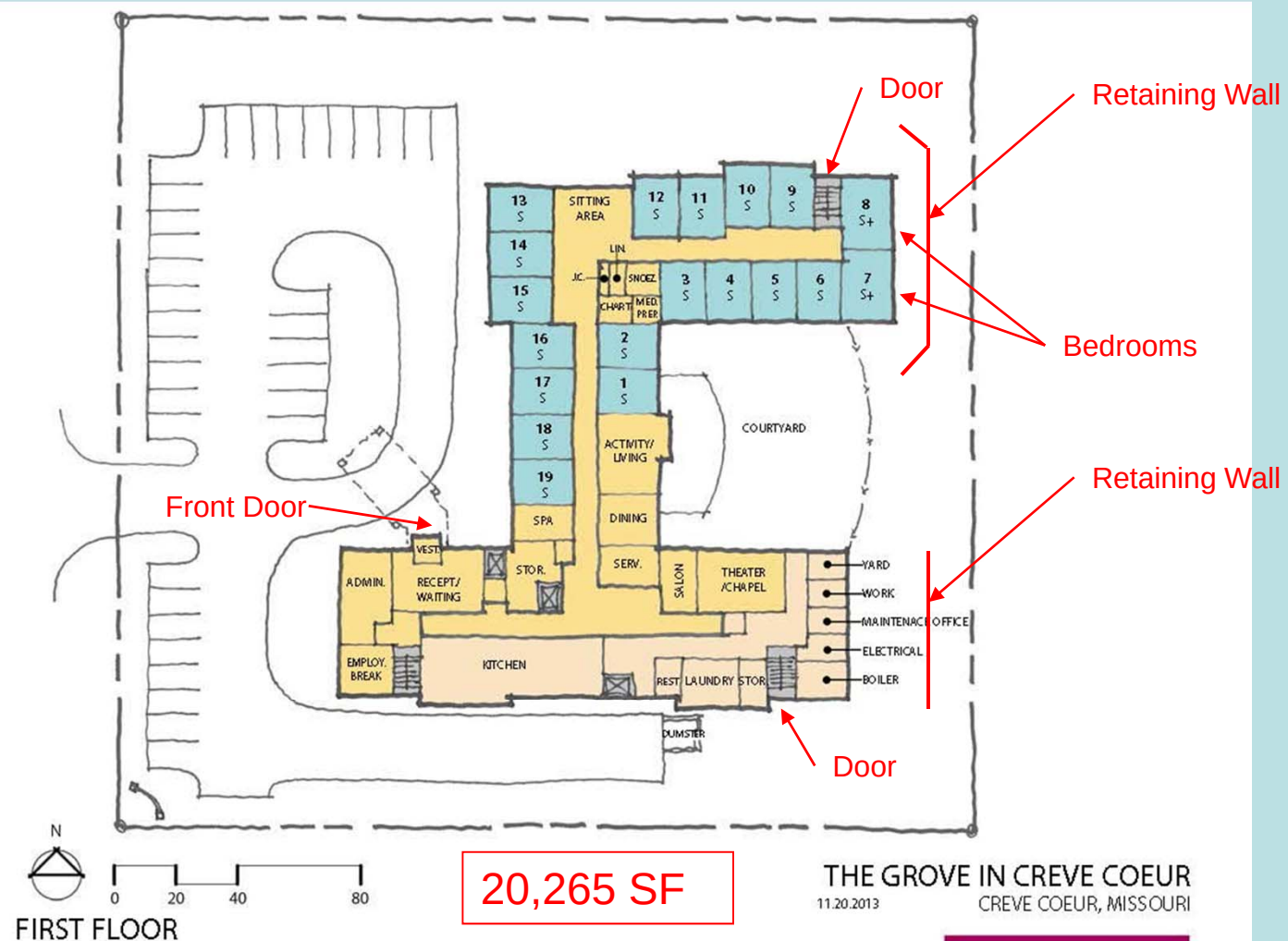


PREPARED BY: STUCK & ASSOCIATES Consulting Engineers, Inc. 257 Charlestown Parkway St. Louis, MO 63107 Phone: (314) 433-1100 Fax: (314) 433-1101 Email: info@stuckandassociates.com Web: www.stuckandassociates.com	
SITE DEVELOPMENT PLAN FOR: THE GROVE IN CREVE COEUR 450 N. LINDBERGH BOULEVARD CREVE COEUR, MISSOURI 63141	
SHEET NO. C1.0	DATE 11/14/2013
DRAWN BY J.M.S.	CHECKED BY J.M.S.
SCALE 1"=20'-0"	PROJECT NO. 13-00000-01
REVISIONS 1.	SHEET NO. 13-00000-01
SITE DEVELOPMENT PLAN	

General Commercial Zoning – Code Comparison Table

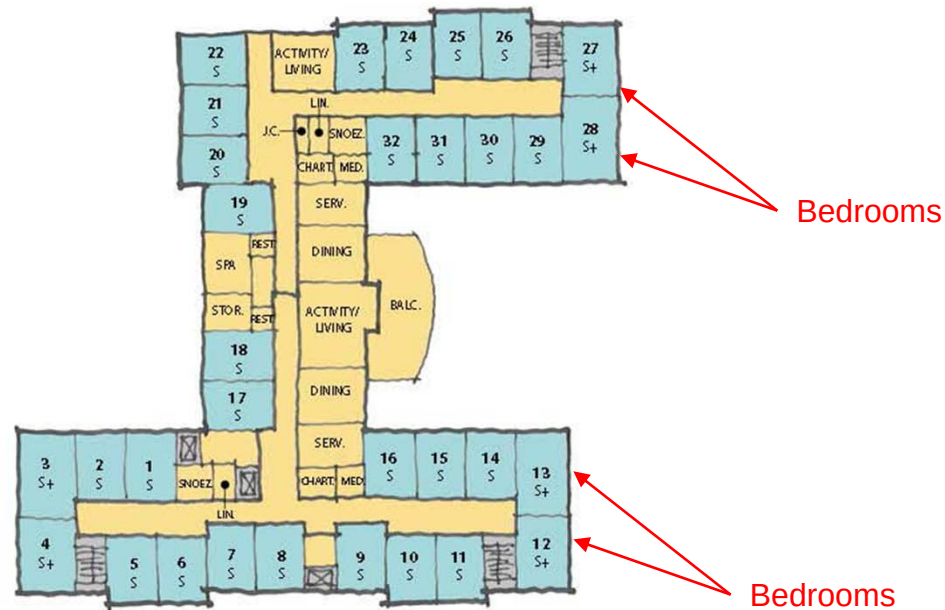
	Code Requirement	Proposed Site
Lot Size	21,780 SF (min.)	85,764 SF
Lot Width	75 Feet (min.)	286 Feet
Lot Depth	150 Feet (min.)	300 Feet
Building Height	3 stories (45') (max.)	2 stories (41')
Site Coverage	63.0 % (max.)	53.63 %
Floor Area Ratio	0.40 (max.)	0.36
Rear Yard Setback	20 Feet	28 Feet
Side Yard Setback	12 Feet	45 Feet
Landscape Buffer	20 Feet	28 Feet
Parking Spaces	1 per every 2 beds. 27 spaces required	37 spaces provided

Proposed Building – 1st Floor Plan



Less Corridors/ Stairs/Elevator/Storage/Boiler/Linen & Janitor Closets (5,465 SF) F.A.R. Basis = 14,800 SF

Proposed Building – 2nd Floor Plan



20,215 SF

THE GROVE IN CREVE COEUR
11.20.2013 CREVE COEUR, MISSOURI

Lantz + Boggio Architects, P.C.

Less Corridors/ Stairs/Elevator/Storage/Boiler/Linen &
Janitor Closets (3,985 SF) F.A.R. Basis = 16,230 SF

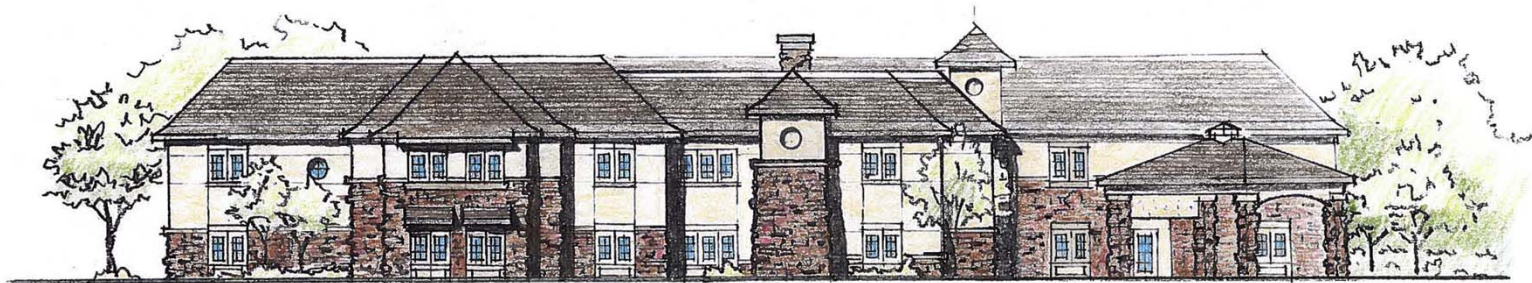
Proposed Building – Lindbergh Elevation



THE GROVE IN CREVE COEUR
CREVE COEUR, MISSOURI

Lantz • Boggio Architects, P.C.

Proposed Building – North Elevation



NORTH ELEVATION

THE GROVE IN CREVE COEUR
CREVE COEUR, MISSOURI
01.26.2014
Lantz + Boggio Architects, P.C.

Proposed Building – East Elevation



EAST ELEVATION

THE GROVE IN CREVE COEUR
01.20.2014
CREVE COEUR, MISSOURI
Lantz + Boggio Architects, P.C.

Proposed Building – South Elevation



SOUTH ELEVATION

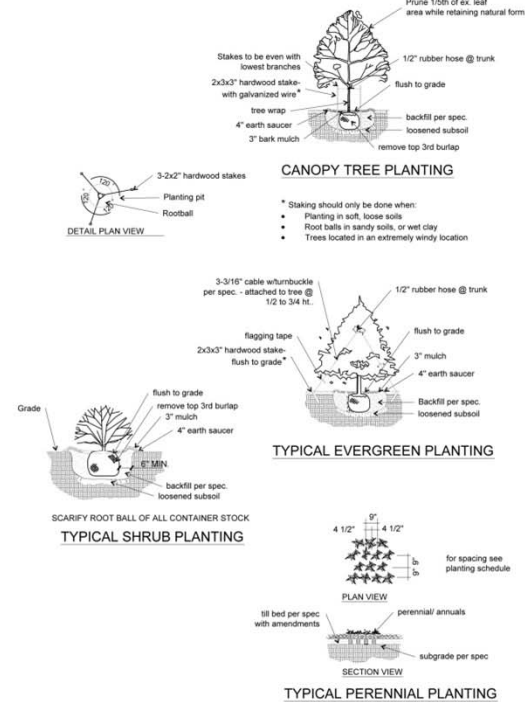
THE GROVE IN CREVE COEUR
CREVE COEUR, MISSOURI
01.26.2014
Lantz + Boggio Architects, P.C.

Landscape Plan (fully irrigated)



Total Trees
= 42 Trees

Total Shrubs
= 337 Shrubs



PLANTING SCHEDULE				
PLANT	QUANTITY	RECOMM. NAME	COMMON NAME	SIZE
TREES				
A	11	Zelkova serrata 'Green Vase'	Green Vase Zelkova	2.5' cal.
B	3	Taxodium distichum 'Mickelson'	Shawnee Brave Baldcypress	2" cal.
C	6	Cercis canadensis	Eastern Redbud	2" cal.
D	7	Pinus strobus	Eastern White Pine	6"
E	4	Acer x freemanii 'Armstrong'	Armstrong Maple	2" cal.
F	4	Ginkgo biloba 'Autumn Gold'	Autumn Gold Ginkgo	2" cal.
G	3	Thuja occidentalis 'Smaragd'	Emerald Green Arborvitae	6"
H	1	Betula nigra 'Cully'	Heritage River Birch	2" cal.
J	3	Cornus florida 'Cherokee Princess'	Cherokee Princess Dogwood	2" cal.
SHRUBS/PERENNIALS				
a	54	Viburnum dentatum 'Synnvested'	Chicago Lustre Viburnum	24"
b	40	Physocarpus opulifolius 'Seward'	Summer Wine Ninebark	24"
c	47	Syringa pubescens subsp. patula 'Miss Kim'	Miss Kim Lilac	24"
d	11	Juniperus conferta 'Blue Pacific'	Blue Pacific Juniper	5 gal.
e	7	Rosa 'Kardaz'	Knockout Rose	24"
f	27	Calamagrostis x acutiflora 'Karl Foerster'	Karl Foerster Reed Grass	5 gal.
g	24	Itea virginica 'Spirch'	Little Henry Sweetgum	5 gal.
h	15	Juniperus x pfitzeriana 'Sea Green'	Sea Green Juniper	7 gal.
j	14	Rhododendron 'Grand's Fuchsia'	Grand's Fuchsia Azalea	5 gal.
k	31	Buddleja Lo & Behold 'Blue Chip'	Blue Chip Butterfly Bush	5 gal.
m	72	Buxus 'Green Velvet'	Green Velvet Boxwood	5 gal.
n	15	Hydrangea paniculata 'Jane'	Little Lime Hydrangea	5 gal.
p	9	Miscanthus 'Purpureascens'	Flame Maiden Grass	5 gal.
q	9	Hydrangea quercifolia 'Foe Wee'	Pee Wee Oakleaf Hydrangea	5 gal.
94Cef	-	Annual, Perennial, Groundcovers		1 at.
-	-	Bioretention plantings per MSD requirements		-

The Grove in Creve Coeur

Creve Coeur, Missouri

Revisions:

Date	Description	No.
1/20/14	Landscape Refinement	1

Drawn: LH
Checked: RB

loomisAssociates

landscape architects/planners
creve coeur, missouri
10015 Laclede Avenue, Suite 200
Creve Coeur, MO 63008
Phone: 636.586.1100
Fax: 636.586.1101
www.loomisassociates.com

Sheet Title: **Landscape Plan**
Sheet No: **L1**

Date: 11/25/13
Job #: 813.034

OPERATION

Staffing levels by shift (number of staff and position – e.g. caregivers, kitchen staff) and maximum employees at any one time (e.g. shift overlap).

Day shift staffing PROJECTIONS based on 53 residents:

1 administrator
1 office worker
1 nursing manager/director of nursing
2 medication technicians
5 caregivers
3 dietary staff
2 housekeepers
1 activity person
1 marketing person
1/2 time maintenance person
1/2 time dietary manager

Evening shift PROJECTIONS based on 53 residents:

1 nurse supervisor
1 medication technicians
4 caregivers
2 dietary

Night shift PROJECTIONS based on 53 residents:

2 medication technicians
4 caregivers

Day and evening shifts will overlap for about 30 minutes around 3:00 PM.

Evening and night shifts overlap for about 30 minutes around 11:00 PM.

Night and day shifts overlap for about 30 minutes around 7:00 AM.

Number of residents at 100% occupancy (i.e. if any rooms are double occupancy the total residents could be greater than total rooms).

53 residents.

Between 8 AM and 5 PM

Types of deliveries to the facility, frequency and size/type of truck typically used.

Food delivery two times per week (short trailer semi, not a 53' trailer).

Medical supplies one time per week (large box truck or short trailer semi).

Cleaning and paper supplies one time per week (large box truck or short trailer semi).

Trash pick-up twice a week.

Eight to ten small package deliveries per week (UPS, pharmacy van, etc.).

The facility will have one van.

Safety

Type of security system(s) that will be used to ensure residents do not wander off premises.

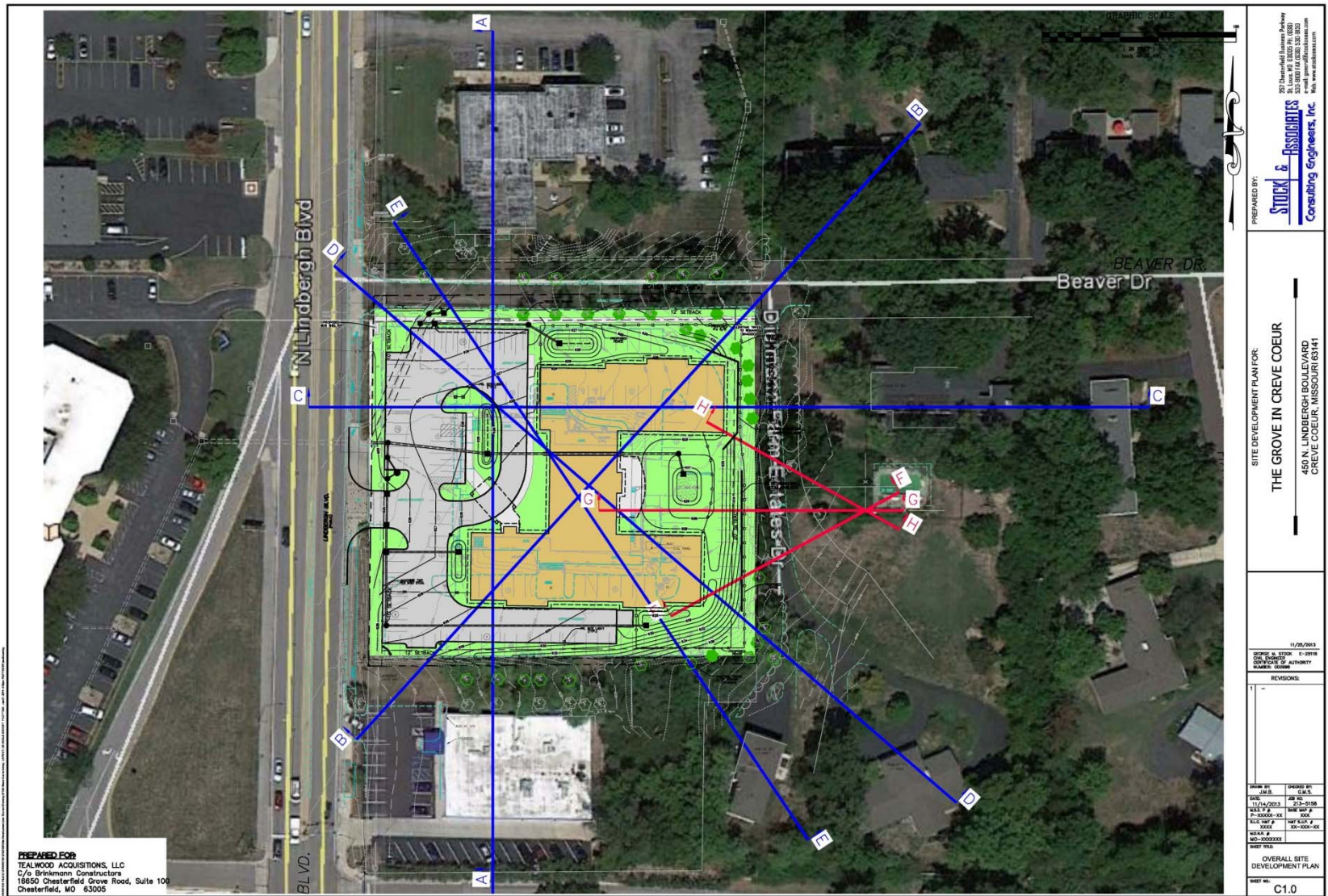
Devices commonly used in memory care facilities to protect against elopements (these devices are allowed by local, state and national fire and building codes):

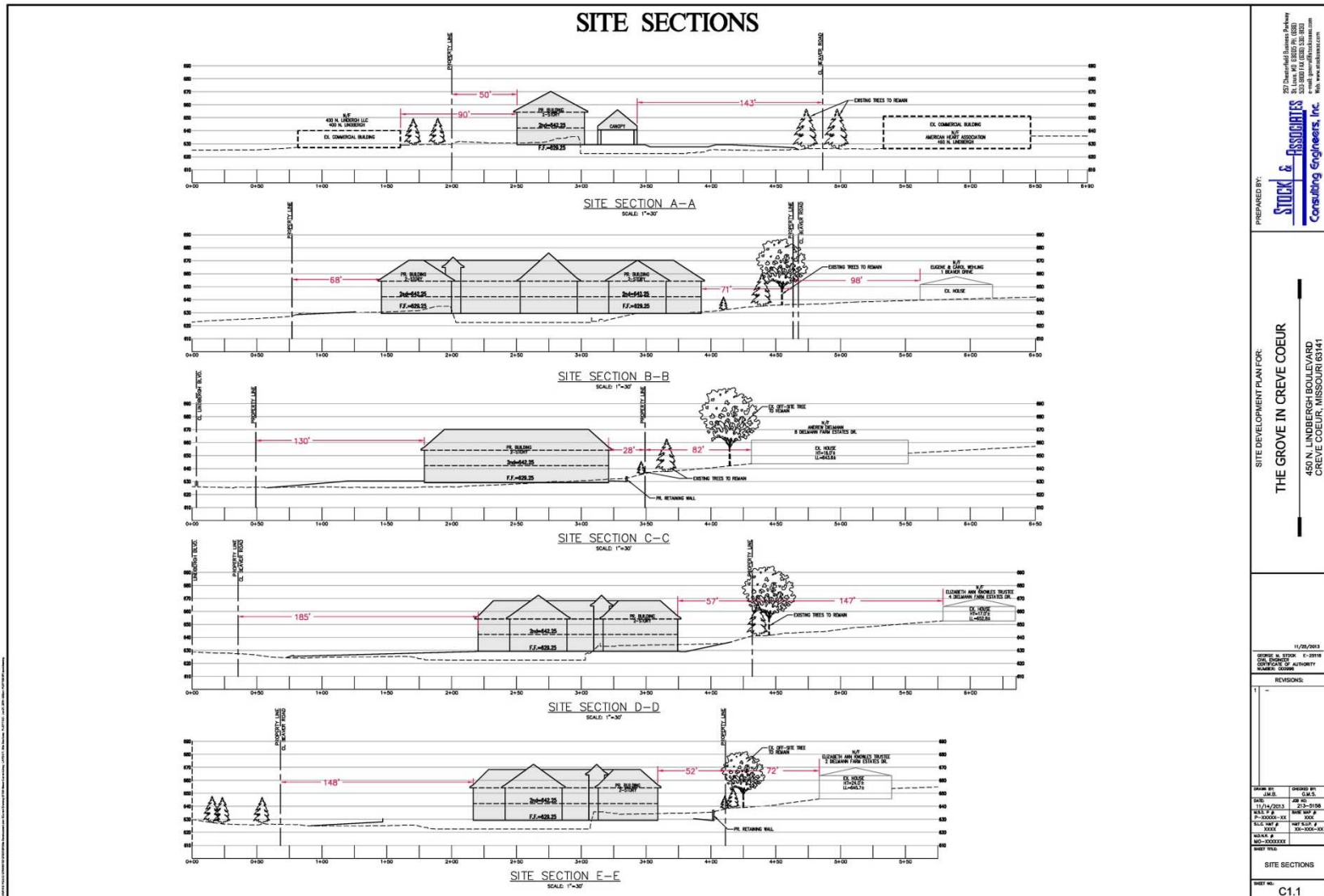
All exit doors are alarmed. When a door is opened an alarm sounds or the alarm is sent to a device (typically a pager) carried by a staff member. By design, the alarm cannot be reset remotely so a staff member must physically go to the door to see why it alarmed. These alarms can be turned off or set up on a timer so that main entry doors that are monitored by staff such as an office worker or receptionist do not alarm every time the door is opened.

SAFETY (CONTINUED)

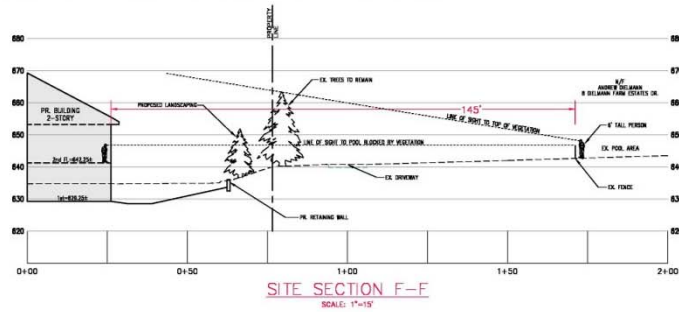
Most memory care units typically have some type of electronic “security” measures in place to help prevent elopements. These measures can include electronically locked doors (electromagnetic lock with delayed egress passage) that prevents individuals from passing through the door. Staff have a code, card or fob that allows them to pass through the door unrestricted but residents cannot freely pass. These systems are tied to the building fire alarm and sprinkler system so that the doors automatically unlock when the fire alarm or sprinkler system is activated so occupants are not “trapped” and so firefighters have free access.

Sometimes, occupants of a memory care unit will wear a bracelet or necklace with a device that locks exiting doors when the individual gets within close proximity to the door. These types of devices allow greater flexibility than the locking devices described above because not all occupants who have a memory impairment would be considered an elopement risk. Again, the doors will automatically unlock if the building fire alarm or sprinkler system is activate similar as described above.

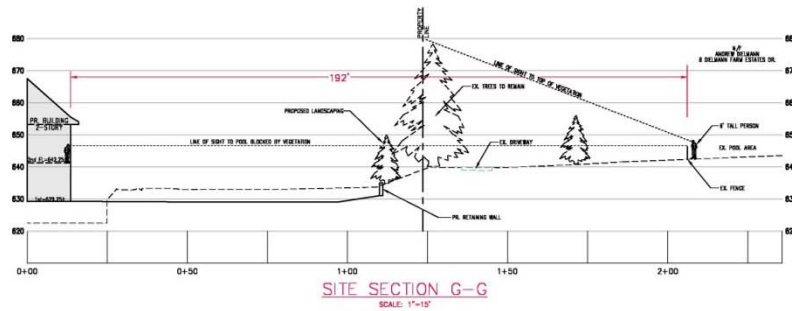




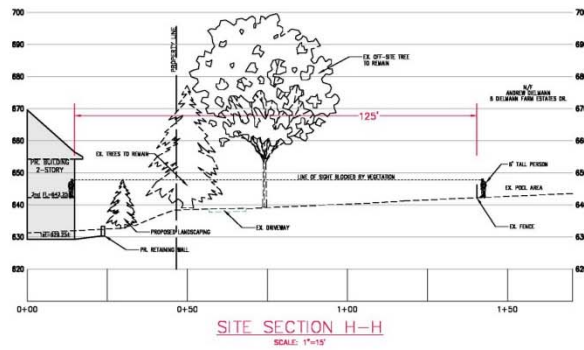
SITE SECTIONS - DIELMANN PROPERTY



VIEW FROM POOL - SECTION F-F



VIEW FROM POOL - SECTION G-G



VIEW FROM POOL - SECTION H-H

237 Chesterfield Business Parkway
St. Louis, MO 63107-2578
313.360.1100 FAX 313.360.3300
www.stockandassociates.com
info@stockandassociates.com

SITE DEVELOPMENT PLAN FOR:
THE GROVE IN CREVE COEUR
450 N. LINDBERGH BOULEVARD
CREVE COEUR, MISSOURI 63141

11/23/2013
GEORGE M. STECK E-29918
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000098

REVISIONS:

1	-
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[illegible][illegible][illegible][illegible][illegible]

EXAMIN BY J.W.B.	CHECKED BY C.M.S.
---------------------	----------------------

DATE:	JOB NO:
11/14/2013	213-5158
M.S.S. P.#	DATE INST.#

P-XXXXX-XE	XXX
S.L.C. H&T # XXXX	H&T S.L.P. # XX-XXX-XX

NO-XXXXXX	
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☐ WEEKLY ☐ MONTHLY

SITE SECTIONS

SHEET NO.: C12

Traffic Impact Study



BERNARDIN • LOCHMUELLER & ASSOCIATES, INC.

411 North 10th Street • St. Louis, Missouri 63101-1335
PHONE 314.621.3395

January 20, 2014

Mr. Dan Thies
Brinkmann Constructors
16650 Chesterfield Grove Road, Suite 100
Chesterfield, Missouri 63005

RE: Trip Generation Assessment
The Grove in Creve Coeur Senior Living Community
Creve Coeur, Missouri
514-0004-OTE

Dear Mr. Thies:

In accordance with your request, Bernardin Lochmueller has prepared the following trip generation assessment for a proposed senior living community in Creve Coeur, Missouri. Located in the southeast quadrant of Lindbergh Boulevard and Beaver Drive, this development would consist of 51 residential units and 41,900 square feet of building space and would replace an existing 20,000 square feet commercial building on the site.

Access to the development would be provided via the site's existing driveway on Lindbergh Boulevard, which would be reconstructed and narrowed to satisfy current design requirements. The existing median on Lindbergh prohibits left-turns in and out of the site, thereby limiting the access to right-in right-out only. Also note that direct access would not be provided between the site and Beaver Drive.

The proposed development would facilitate a reduction in the amount of surface parking spaces. The site currently provides 117 parking spaces, and the proposed senior living community would provide only 37 spaces, equivalent to a 69 percent reduction in parking.

The purpose of this trip generation assessment was to forecast the amount of traffic that would be generated by the proposed development on a typical weekday and then to compare that traffic to the amount that could be generated by the existing building on the site, assuming full occupancy with uses permitted under the current zoning.

Trip Generation

The number of trips that would be generated by the proposed senior living community was forecasted using data provided in Trip Generation, 9th Edition, published by the Institute of

Mr. Dan Thies
January 20, 2014
Page 2



Transportation Engineers (ITE). This resource is a universal tool used to quantify the traffic generation characteristics of various land uses.

Data for Land Use Code: 254 Assisted Living indicates these facilities generate 2.66 weekday trips per unit on average. Applying this metric, the proposed senior living community development would generate 136 daily trips, as summarized in **Table 1**. Therefore, the proposed development could be deemed a low-intensity traffic generator.

Table 1: Trip Generation Forecast – Proposed Development

Use	Approximate Size	Daily Trips		
		In	Out	Total
Senior Living Community	51 units	68	68	136

These trips were then compared to the amount of trips that could be generated by the existing commercial building on the site, assuming full occupancy with permitted uses. The site is currently zoned "GC" General Commercial District. A variety of commercial uses are permitted by this zoning, including retail. It is our understanding that the existing building most recently housed several retailers, which have now vacated the site.

The number of trips that would be generated assuming full occupancy of the existing building with retailers was estimated using data provided in Trip Generation, 9th Edition, published by ITE. Data for Land Use Code: 820 Shopping Center indicates that retail space generates 42.7 weekday trips per 1,000 square feet on average. Applying this metric, the existing building occupied with retailers may generate as many as 854 daily trips, as summarized in **Table 2**. The proposed development would generate 85 percent fewer trips.

Table 2: Trip Generation Estimate – Retail Occupancy of Existing Building

Use	Approximate Size	Daily Trips		
		In	Out	Total
Retail	20,000 s.f.	427	427	854

The retailers that formerly occupied the existing building could have include one or more lower intensity uses (i.e., insurance office), which may differ somewhat from the profile of retailers reflected by the data supporting **Table 2**. To present a more conservative approach, the number of trips generated by the existing building was estimated assuming full occupancy with general office space.

Traffic Impact Study

Mr. Dan Thies
January 20, 2014
Page 3



Data for Land Use Code: 710 Office indicates that offices generate 11 weekday trips per 1,000 square feet on average. Applying this metric, the existing building occupied with office space would generate 220 daily trips, as summarized in **Table 3**. The proposed development would still generate fewer trips (40 percent reduction).

Table 3: Trip Generation Estimate – Office Occupancy of Existing Building

Use	Approximate Size	Daily Trips		
		In	Out	Total
Office	20,000 s.f.	110	110	220

Conclusion

It can be concluded that the proposed development would generate 136 trips over the course of a typical weekday. Based on that amount, the development could be characterized as a low-intensity traffic generator.

Furthermore, it is evident that the proposed development would generate significantly fewer trips than the existing building assuming full occupancy with uses permitted under the current zoning. Comparisons to both retail and office uses were presented. Those uses effectively delineate the range of uses permitted by the "GC" General Commercial zoning classification. Since the senior living community would generate substantially fewer trips than either use, it stands to reason that a reduction in trips generated by the site would occur in conjunction with the proposed development.

Lastly, while this assessment does not constitute a traffic impact study, given the anticipated reduction in the number of trips generated by the site, the proposed development should not adversely impact traffic.

Sincerely,
Bernardin, Lochmueller & Associates, Inc.

Christopher W. Beard, PE, PTOE
Traffic Engineer

MODOT Conceptual Approval

Jacob Buening

From: George Stock
Sent: Tuesday, August 13, 2013 11:33 AM
To: 'dan.thies@AskBrinkmann.com'; Tim Stock; Jacob Buening
Subject: Fw: FW: 5158 - 450 N. Lindbergh Proposed Assisted Living and Memory Care facility
Attachments: 5158-Base SDP.pdf



5158-Base SDP.pdf
(650 KB)

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: David.Brunjes@modot.mo.gov [mailto:David.Brunjes@modot.mo.gov]
Sent: Tuesday, August 13, 2013 11:29 AM
To: George Stock
Subject: Re: FW: 5158 - 450 N. Lindbergh Proposed Assisted Living and Memory Care facility

George:

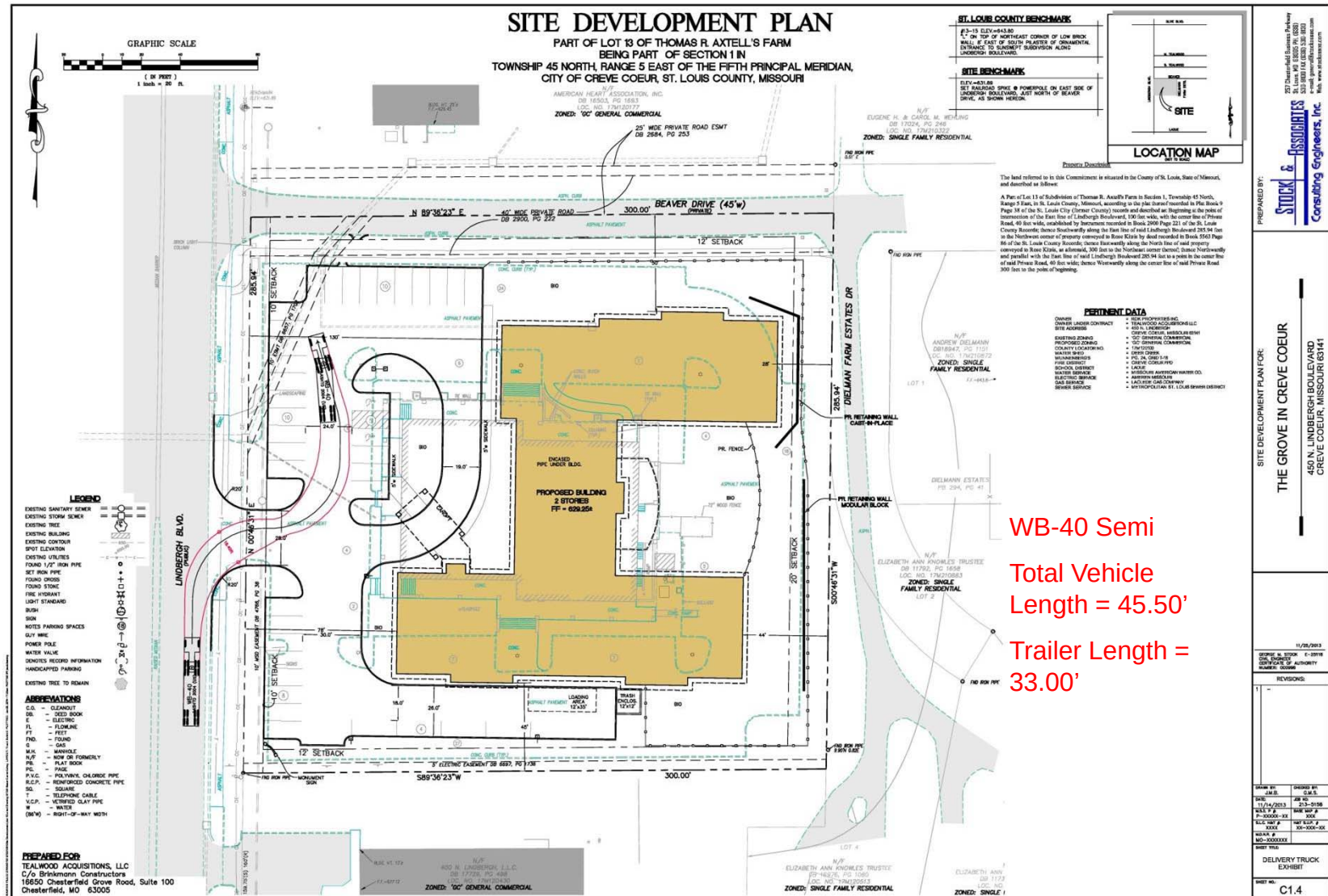
The proposed entrance shift for the subject development is feasible in concept. Please forward the site development plans onto me for permit review and comment.

David M. Brunjes
SL District Southwest STL County- Sr. Traffic Specialist
601 Salt Mill Road
Chesterfield, MO 63017
wk. #314.565.6715
e-mail- david.brunjes@modot.mo.gov

From: George Stock <george.stock@stockassoc.com>
To: "David.Brunjes@modot.mo.gov" <David.Brunjes@modot.mo.gov>,
Date: 07/29/2013 12:16 PM
Subject: FW: 5158 - 450 N. Lindbergh Proposed Assisted Living and Memory Care facility

David, attached is a Preliminary Site Plan for a new project at 450 N. Lindbergh Boulevard. Can you please take a look at the attached and let us know if you see any issues with the Proposed Driveway shift "South" from its current location? Thanks, George (See attached file: 5158-Base SDP.pdf)

AutoTurn Exhibit – Delivery Truck



Thank you.

PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

TUESDAY, JANUARY 21, 2014

7:00 P.M.

THOSE IN ATTENDANCE:

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

McLaughlin Court Reporting Services, Inc.

Deborah K. McLaughlin, RPR, MO-CCR #314, IL-CSR, KS-CCR
4772 Gatesbury Drive
St. Louis, MO 63128
(314) 487-2259

1 CHAIRMAN MADDEN: Like to call to order the
2 Planning Zoning Commission Meeting for the City of Creve
3 Coeur, Missouri for Tuesday, January 21st, 2014.

4 We'll start with roll call.

5 Dr. Michael Barton?

6 MR. BARTON: Present.

7 CHAIRMAN MADDEN: Mr. Tim Carney?

8 MR. CARNEY: Present.

9 CHAIRMAN MADDEN: Mr. James Faron?

10 MR. FARON: Present.

11 CHAIRMAN MADDEN: Mr. Ken Howard?

12 MR. HOWARD: Present.

13 CHAIRMAN MADDEN: Mr. Charles Pullium?

14 MR. PULLIUM: Present.

15 CHAIRMAN MADDEN: Mr. Gene Rovak?

16 MR. ROVAK: Present.

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

19 MR. LUMLEY: Present.

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

22 MR. LANGDON: Present.

23 CHAIRMAN MADDEN: Ms. Whitney Kelly, our City
24 Planner?

25 MS. KELLY: Present.

1 CHAIRMAN MADDEN: And, Ms. Julie Lowery, our
2 Recording Secretary?

3 MS. LOWERY: Present.

4 CHAIRMAN MADDEN: So that'll move us to New
5 Business.

6 It's a public hearing. Application No. 13-047:
7 Conditional use permit for an assisted living facility,
8 The Grove in Creve Coeur, located at 450 North Lindbergh
9 Boulevard.

10 Anybody that may be coming up to talk about this
11 later when I call you, or anybody involved in any way,
12 needs to come up and be sworn in now. Come up to the
13 front.

14 (The speakers were sworn in by the court
15 reporter.)

16 CHAIRMAN MADDEN: All right. Who's going to go
17 first for the applicant?

18 Mr. Stock.

19 Please state your name and address for the
20 record, please.

21 MR. STOCK: Good evening, Mr. Chairman, Members
22 of the Commission.

23 For the record, my name's George Stock. I'm
24 with Stock & Associates Consulting Engineers.

25 I'm here tonight on behalf of William Biermann

1 Company and The Grove in Creve Coeur, LLC, a for-profit
2 organization.

3 Joining me tonight are Mr. John Dalton of Lewis
4 Rice, our attorney; Mr. Bill Biermann, Mr. Dan Thies of
5 The Grove in Creve Coeur, LLC; Mr. Bob Brinkmann with
6 Brinkmann Constructors, our builder; Mr. Chris Wilson with
7 St. Andrew's, our operator, our manager, and Joe Nicolich,
8 assisted living consultant out of Denver, Colorado.

9 This project before you this evening is a
10 project that has been dramatically scaled back in size
11 from the plan presented to the neighbors during the summer
12 of 2013, and presented to the Board of Adjustment on
13 October 17th, 2013.

14 We heard resident comments at the Board of
15 Adjustment meeting and neighborhood meetings that were
16 commenced in the summer of 2013.

17 We have, to the extent feasible, made revisions
18 and additions to the plan to conform to the GC, General
19 Commercial Zoning District, and performance criteria of
20 the Comprehensive Plan.

21 Our project meets and exceeds three key
22 components of the Comprehensive Plan.

23 This project will improve the architectural
24 quality of the building stock along the Lindbergh corridor
25 south of Olive by replacing a 40-year old building.

1 This project protects the existing residential
2 area from encroachment of non-residential use, many
3 already under the current GC Zoning District.

4 This project places the green space adjacent to
5 the east and the north property lines adjacent to the
6 residential property and the residential access road known
7 as Beaver -- Beaver Drive.

8 This table is a summary of the existing
9 conditions on the site. Starting at the left side is
10 occupied by a two-story building, 20,000 square feet. It
11 has a floor area ratio of .23, based on that 20,000 square
12 feet. There's 117 parking spaces. And the building's got
13 a 17.1 building coverage. The total site coverage is
14 77.45 percent, that's parking and building. There's no
15 access from Beaver Drive, and the building setbacks from
16 the north and the east are 84 and 88 feet respectively,
17 and parking setbacks to the north and east are 14 and
18 13.8.

19 Today the property 2013 taxes paid was
20 35,171.67.

21 The second column is the proposal that we
22 started in the summer of 2013, and it went to the Board of
23 Adjustment.

24 It included a three-story building along with a
25 one-story component. The building totaled 60,937 square

1 feet. It had an FAR of .7. There were 75 beds, were 40
2 parking spaces and the building coverage was 33.9 percent,
3 and the site coverage was 63 percent.

4 We propose to shift in the access on Lindbergh,
5 and we had building setbacks from the north of 15 to the
6 east 23, and the parking was 10 and 155.

7 Our current proposal, which I described as
8 dramatically reduced in size, is a two-story building.
9 It's 41,900 square feet, four plates of 20,265 and 20,215.
10 The FAR is .36. There's 53 beds and there's 37 parking
11 spaces. The building coverage is 24.6 and the site
12 coverage is 53.63.

13 We intend to reuse the existing access to
14 Lindbergh Boulevard. And the building setback is from the
15 north 39 feet, east 28, north 15.6 -- or east 108, and the
16 estimated taxes after construction would be approximately
17 \$125,000.

18 The site, everybody knows, 450 Lindbergh
19 Boulevard. It's a 1.96-acre site. Its dimensions are
20 approximately 286 feet in the north south along Lindbergh
21 Boulevard, 300 feet east west along Beaver Drive, 286
22 along the east property line and 300 feet along the south.

23 Immediately to the south is a commercial
24 dialysis business. To the north is an office building.
25 To the west is Lindbergh Boulevard, multi-story office

1 buildings. And then to our east, it's a residential
2 development, Beaver Drive, as well also Dielmann Farm &
3 Estates, and there's three homes to the east and to the
4 southeast of our property.

5 This is the existing condition, which I
6 described a moment ago. The building's two-stories. Has
7 a split finish floor. To the north is elevation 62327 and
8 to the south is 63593, and that actually wraps around the
9 east side as the finished floor of the building. The
10 building's located 84.3 feet from the north property line
11 or the south edge of Beaver Drive. It's 88.7 from the
12 east. The parking, as I previously described, is
13 13.8 feet from the east, 14 from the north. There's 117
14 parking spaces and the site green space is 22.55 percent.

15 So the property is zoned GC, General
16 Commercial, and we're asking for a conditional use permit
17 in the assisted living.

18 Currently these permitted uses are taken
19 directly out of the City's Zoning Code. The Zoning Code
20 identifies multiple permitted uses not requiring
21 conditional use permit that, in our opinion, will be much
22 more intense. They don't live up to the spirit of the
23 Comprehensive Plan relative to a transition between
24 highway, commercial and residential.

25 There's things in here, such as pharmacy and

1 drugstores, pet stores, office machinery and equipment
2 rental and leasing, there's also professional office
3 buildings, there's appliance repair, there's dry-cleaning,
4 political organizations, parole and probation office,
5 credit card issuing, record production. There's numerous
6 that fit under the permitted use that could go on this
7 property and operate as a seven-day 24-hour operation.

8 Then there's the conditional use permits. This
9 is a list of the conditional use permits of which assisted
10 living falls under, which we're asking your consideration
11 tonight.

12 There's gas stations, convenience stores,
13 warehouses, supercenters, transportation, automobile
14 dealerships. There's a large array of what can go on this
15 particular piece of property, just move in today into the
16 existing building and/or raze and rebuild.

17 So I wanted to make sure that this was very
18 clear that our project tonight falls under the conditional
19 use permit, and we believe is the transitional, and is
20 compliant with the goals of the Comprehensive Plan.

21 Our proposed site plan locates the building
22 approximately 78 feet east of Lindbergh Boulevard and
23 39 feet south of Beaver Drive's edge of pavement or 50
24 feet south of our north property line, which is actually
25 the centerline of Beaver Drive.

1 The building is two stories. It's main entrance
2 is located at a porte-cochere on the southwest wing of the
3 building. Access to the site is from a reduced in width
4 driveway from Lindbergh. The driveway will provide
5 on-site circulation for drop-off and car parking of 37
6 spaces. Now these 37 spaces are 10 in addition to what's
7 required for this size facility; 25 of those spaces are
8 located to the north of the access drive and 12 spaces are
9 located south of the access drive.

10 The loading and service area, as well as trash,
11 are located along the south side of the building adjacent
12 to the existing commercial building.

13 All deliveries and pick-ups will occur between
14 8 a.m. and 5 p.m. Monday through Friday.

15 This location of services, along with the
16 mechanical equipment located on the roof behind the
17 mansard portion of the roof, achieve a principle design
18 guideline of screening items from public view.

19 The landscape plan, which will presently --
20 we'll present shortly here -- adds landscape buffering to
21 enhance those visual barriers.

22 As part of this project, we'll construct a
23 sidewalk and a school bus shelter along Beaver Drive.
24 This sidewalk will be separated from our project by a
25 fence. Also along Beaver Drive we will post no parking

1 signs.

2 A sidewalk has been added from Lindbergh to the
3 front door at the Lindbergh entrance. A second fence will
4 be located at the east end of the building to encompass
5 the courtyard.

6 In order to set the building finish floor six
7 and a half feet lower than the building's finished floor
8 that's there today, we'll be introducing two small
9 retaining walls ranging in height from 2 to 6 feet.

10 We believe the addition of a sidewalk along
11 Beaver Drive connecting with Lindbergh walk, in addition
12 to the school bus shelter, meet the pedestrian circulation
13 guidelines.

14 Overall storm water management includes
15 bio-retention, increased green space, preservation of
16 green space, meeting and exceeding the requirements of the
17 Metropolitan St. Louis Sewer District.

18 In addition, there's adequate utilities, water
19 and sewer, serving this site.

20 From what's there today, as far as the
21 impervious coverage is concerned, we have no overall
22 reduction in the storm runoff.

23 Just kind of some of those things I just read,
24 I'll try to blow them up. So at the corner, this is the
25 school bus shelter that we're proposing, it would be

1 outside the right-of-way, would be located right here.
2 Sidewalk, which runs along Lindbergh north south, we would
3 run that sidewalk, basically, along the south side of
4 Beaver Drive. We would retain the existing trees, which
5 are located just adjacent to Beaver Drive.

6 We would be installing a perimeter anodized
7 black aluminum fence from the front corner of the building
8 running behind the sidewalk. It would then run along the
9 east property line south, and it would encompass the
10 property, come around the south side, tie into the
11 building in this location.

12 This is the area of the service dropoff and the
13 loading. And you'll see in future slides, when we do the
14 footprint of the building, that this is really the kitchen
15 and the service area, so loading, trash enclosure.

16 This is a non-smoking facility. Smoking
17 designation would be located along the south here, and not
18 be located along Lindbergh Boulevard.

19 The two retaining walls that I described are
20 located right here. These would be modular block walls
21 ranging from 2 feet in height, both at the north and the
22 south to 6 feet. Same is true here.

23 This is the open courtyard, and this would have
24 a secondary, another anodized aluminum black fence that
25 would enclose this area of the -- of the courtyard.

1 The building, and you'll see this momentarily,
2 the building is 28 feet from the property line located
3 here, 44 feet, but the positioning is there's just one
4 bedroom, one bedroom, so there's a total of two bedrooms
5 on each side, four bedrooms are closest to the residential
6 and the rest of the bedrooms are located internal. So
7 we've been very sensitive about how we place the building,
8 the spacing.

9 The other component, which we'll see a little
10 bit later, is the elevation and finish floor and how that
11 elevation of the building is compatible with the adjacent
12 property.

13 The parking spaces, as I described, 25 of those
14 spaces are located here to the north side. This is the
15 existing commercial entrance that's there, just half the
16 width of what's there today, we're reducing in size. The
17 balance of that parking is located along the south, and
18 there's some parallel spaces located there.

19 So, reviewing our project relative to the GC
20 Zoning Code, this is just really a comparison table to
21 demonstrate compliance.

22 So lot size minimum is 21,780 square feet. Our
23 lot's 85,764. A minimum lot width is 75 feet required,
24 we're 286. Locked up 150, we're 300. Building height
25 allowed is three stories 45 feet. We're two stories

1 41 feet. Site coverage is 63 percent, we're at 53.63.
2 Floor area is .4, we're .36. Rear yard setback's 20,
3 we're 28. Side yard is 12, we're 45. Landscape buffer is
4 20, 28. Parking is one space for every two beds, 37
5 spaces provided, so we exceed the required amount by ten.

6 So this is the building's first floor plan.

7 The building footprint is 20,265, identified
8 down at the bottom. The main front door at the
9 porte-cochere is located here on the southwest leg of the
10 building.

11 There is a access, emergency access door, here
12 along the north wing; there's one along the south wing,
13 and, again, those are within the areas of the encompassed
14 with fence.

15 Those are the two retaining walls. That area
16 which I was describing as the service. There's the
17 kitchen, laundry, storage, and then there's the outside
18 yard storage, work, maintenance, electrical, boiler, all
19 those are internal through the building.

20 So there's no bedrooms on the first floor
21 located on the east. There are two bedrooms located here
22 on the north wing to the east that, as you'll see, when
23 some sections, those are actually down below grade.
24 They're actually lower than the elevation of the property
25 line. To east. You have the corridor. You have the

1 bedrooms and you have the reception, waiting,
2 administration here in the front, salon, theater, chapel.

3 Second floor. Duplication stacked on top a
4 little bit different square footage, 20,215. These are
5 the four bedrooms that I think would be of some concern to
6 the residents. They're the ones that are on the second
7 story. Then, again, they turn the corner and these
8 bedrooms are all looking internal to the courtyard. There
9 are no bedrooms on the second floor. There's dining,
10 there's service, dining, service. So these are not
11 bedrooms that are looking east, and, quite frankly,
12 they're tucked away from the east property within the
13 courtyard.

14 This is the building from Lindbergh Boulevard,
15 and the building is primarily designed as stone, brick and
16 stucco.

17 There's been some comments from staff relative
18 to the amount of stucco -- stucco in proportion to the
19 stone and brick. The mansard roof of which the mechanical
20 equipment's behind, the building from the -- the crest to
21 the base is 41 feet.

22 This is the Lindbergh elevation. This is the
23 north. This is what it looks like from Beaver Drive.
24 This is the east elevation.

25 So, again, these are the wings that are located

1 on the north; wing located on the south. This is the area
2 within the courtyard that's actually recessed. This is
3 the south elevation. And in your staff report there was
4 identified some inconsistencies with the south elevation
5 relative to the site plan. There was a bump-out on the
6 building, which was located here, and that's what was
7 being referenced. That's been removed, so the elevations
8 do match the site plan.

9 And the comment that I was making, you know, a
10 moment ago relative to the materials, we're open to what
11 is the appropriate mix of materials on this building, so
12 it's more stone, more brick, less stucco, we are open to
13 that, and the Board being able to work through that with
14 this Commission and staff on the appropriate mixture, but
15 these are all very good sustainable building materials
16 consistent with the brick homes that are in the
17 neighborhood, consistent with what's identified in the
18 Comprehensive Plan to improve the overall quality of the
19 buildings along the Lindbergh Corridor.

20 Our landscape plan. So this -- this plan has
21 been prepared by Loomis & Associates, professional
22 landscape architects, and the intent is to maintain the
23 existing trees along Beaver Drive, and any trees and
24 vegetation along the east property line.

25 In addition, it's to increase the buffering of

1 the trees located along the east property line, along the
2 north property line, and then any of the open green areas,
3 as well as this service area.

4 So the total on this plan is intended on this
5 1.96 acres is to plant 42 new trees and 337 shrubs. So --
6 and these are not small trees. Obviously, this is the
7 legend and the schedule of all the materials, but the --
8 the different pine trees are 8 feet. The deciduous trees
9 are anywhere from two and a half to 2 inch caliper trees.
10 Pines anywhere from 6 to 8 feet. And 5 to 7 gallon on --
11 on the shrubs.

12 So this plan, I don't believe, has been reviewed
13 by staff. Staff had reviewed an earlier version of this
14 plan, and they had commented that the plan needed to be
15 enhanced.

16 And I stand here before you, our objective is to
17 have this facility blend with the neighborhood, meet the
18 objectives of the Comprehensive Plan, meet the objectives
19 of the staff, and so this -- this plan has been approved.

20 Another feature is the -- is the actual
21 sustainability of the storm water. So all of our storm
22 water will be treated in bio-retention, rain gardens, so
23 we'll have a rain garden within the courtyard, we'll have
24 a rain garden at the southeast corner of the building, and
25 a rain garden at the northeast corner of the building,

1 we'll have rain gardens out in the parking lot.

2 And, again, we're taking a site that's
3 77 percent impervious, we're reducing it to 53 percent,
4 and we're furthermore implementing these best management
5 practices in order to improve the overall storm water
6 quality and improve the rate of runoff as it ties in the
7 system on Lindbergh Boulevard.

8 Lighting. So our lighting plan or photometric
9 plan, we propose four 24-foot high light standards in the
10 parking lot. So three of them are the east side of the
11 building and then one within the service court. The
12 illumination levels are anywhere from 3.5 foot can -- or
13 as high as 4.5 foot candles located here, 3.5 foot
14 candles, 2 foot candles, and there is no illumination, all
15 zero foot candles around the perimeter of the site.

16 So, really, what are we lighting up? We're
17 lighting up the parking lot along the commercial building
18 to the south, and we're not really extending back to the
19 east where the residential properties are. And it's
20 really just the front along Lindbergh, and the rest would
21 maintain that residential character as you transition from
22 Lindbergh Boulevard back to the east.

23 So the operation, just try to kind of go through
24 this with you, but it's a lot of information. This is
25 really the operation of the facility and the safety

1 features that are incorporated in this project.

2 The day shift staffing projections are based on
3 53 residents, so I mentioned there's 51 units, but there
4 could be 53 beds, two of those units could have two beds.
5 So it's based on 53 residents, and there's 18 workers
6 during the day, and that's listed here; one administrator,
7 one office worker, nursing manager, two medication
8 technicians, five caregivers, three dietary staff, two
9 housekeepers, one activity person, one marketing person,
10 and then half the times a maintenance person, the other
11 half the times a dietary manager.

12 That staff scales back in the evening. The
13 evening shift is really eight providers. The night shift
14 also includes two medication technicians and four
15 caregivers.

16 This is a little bit about the shifts. The day
17 and evening shifts will overlap for about 30 minutes
18 around 3 p.m. Evening and night shifts overlap for about
19 30 minutes around 11 p.m. And the night and day shifts
20 overlap 30 minutes around 7 a.m.

21 100 percent occupancy is the 53 residents I
22 mentioned.

23 The deliveries. So, we're in control of the
24 deliveries. We don't want any early morning deliveries,
25 so it's between 8 a.m. and 5 p.m. And the types of

1 deliveries to the facilities and the frequency and size
2 and type of truck.

3 Little bit later I'll show you the turning
4 movements so that you understand how these turning
5 movements occur with the deliveries coming off Lindbergh
6 Boulevard.

7 But the food delivery is two times per week.
8 Short trailer. Sysco Food trailer would be a good
9 example. Medical supplies one time per week. Cleaning
10 and paper supplies one time per week. Trash pick-up twice
11 a week. And eight to ten small package deliveries,
12 example is UPS, pharmacy van. The facility will have one
13 van.

14 Safety. So the type of security system that
15 we'll use to ensure residents do not wander off premises.

16 Devices commonly used in memory care facilities
17 protect against, these devices are allowed by local, state
18 and national fire and building codes.

19 All exit doors are alarmed. When a door is
20 opened an alarm sounds or the alarm is sent to a device,
21 typically a pager carried by a staff member.

22 And, remember, there's a door on the north wing,
23 south wing and, again, it's within a fenced-in area, and
24 then there's the main door at the porte-cochere.

25 By design, the alarm cannot be reset remotely,

1 so a staff member must physically go to the door to see
2 why it was alarmed. These alarms can be turned off or set
3 up on a timer so that the main entry doors that are
4 monitored by staff, such as an office worker,
5 receptionist, do not alarm every time the door is opened.

6 Most memory care units typically have some type
7 of electronic security measures in place to help prevent
8 elopements.

9 These measures can include electronically locked
10 doors, electromagnetic lock with delayed egress passage,
11 that prevents individuals from passing through the door.
12 Staff have a code card or a fob that allows them to pass
13 through the door unrestricted, but residents cannot freely
14 pass.

15 These systems are tied to the building fire
16 alarm and sprinkler system so that doors automatically
17 unlock when the fire alarm or sprinkler system is
18 activated so occupants are not trapped and so firefighters
19 have free access.

20 Sometimes, occupants of a memory care unit will
21 wear a bracelet or a necklace with a device that locks
22 exiting doors when an individual gets within close
23 proximity to the door.

24 These types of devices allow greater flexibility
25 than the locking devices described above because not all

1 occupants who have a memory impairment would be considered
2 an elopement risk.

3 Again, doors will automatically unlock if the
4 fire alarm or sprinkler system is activated similar to
5 what's described above.

6 So there's been a lot of fear and discussion
7 about residents wandering and wandering the neighborhoods.

8 Representatives of our team spoke with Creve
9 Coeur Officer Grace Fico -- Fico on Wednesday, 1/15/14.

10 Officer Fico is the Crime Prevention and DARE
11 Officer for the city. She advised that she was aware of
12 only one incident involving an elderly individual
13 wandering.

14 In addition we spoke to Mr. Jerry McQueen,
15 Public Information Officer for the Creve Coeur Fire
16 Protection District. He is not aware of any instances of
17 residents wandering away from assisted living facilities
18 in the City of Creve Coeur.

19 So this diagram is what we have spent several
20 months in site planning, and really it's a site plan
21 superimposed over the aerial. But as you start with the
22 north, south, there's a section that's our Section AA, and
23 the purpose is really to look at the proportion of the
24 building and the placement of the building relative to a
25 lesser degree of the commercial buildings along the north

1 and the south.

2 And that Commercial District really today comes
3 all the way back, sits back and then you have the
4 residential transition. But all these sections go through
5 our site, our building, and then they go through the
6 commercial buildings, they go through a residential
7 building here -- or a residential home, residential home,
8 residential home, residential home.

9 And so as we just look down on that -- go to the
10 next slide -- what we've done, Section AA is that north,
11 south, and, basically, what we look at is the commercial
12 building, which is to the south of us, it's a single-story
13 building. It's located 90 feet to the south. Our
14 building is 50 feet, and I apologize that you can't see
15 those numbers, but that's 50 feet. Our two-story
16 building. And then you're cutting through the
17 porte-cochere. Part of our building in that location, the
18 existing grades how we're cutting, and then we have some
19 fill as we go to the north. This is Beaver Drive, and
20 then this is the office building that's to the north.
21 And, again, relative to the office building, we're of
22 comparable finished floors and height with the difference
23 that they don't have the -- the mansard roof on there.

24 More important than that section is really the
25 BB. The BB section's the one that goes through the first

1 resident, the Wheeling resident, which is located about
2 98 feet north, so 98 feet north of Beaver Drive, and then
3 our building's 71 feet. And this is where you start to
4 see where the building is recessed lower than Beaver Drive
5 and lower than this -- this home. This home is --
6 elevation is 639 for the finished floor. That's actually
7 10 feet above our first floor. Our second floor is 642.
8 So our second floor is approximately 3 feet taller than
9 that home.

10 As we continue, we go to Section CC. This --
11 this section is really cut directly east, from west to
12 east, and it's picking up the -- Mr. Andrew Dielmann's
13 home, which is located here, so this, what you really
14 start to see is, again, there is the existing grade. Our
15 building is down at elevation 629.25. Our second floor is
16 642.25. And when I project that across, the building's 71
17 feet in that location, the 98 feet to the house, and the
18 house's finished floor is 643.8. So this house is a
19 little more than a foot above our second floor.

20 So I think when we had a three-story building on
21 this site, there was the concerns of the third floor
22 looking down on to the residential property. By making
23 this a two-story building, we start to address that
24 concern.

25 As I go to the next section, CC -- I'm sorry --

1 DD, which is going through Ms. Elizabeth Knowles'
2 resident, which is located at No. 4, and, again, as you
3 come south on the site, you start to really see where
4 we're lowering the building 6 feet into the existing
5 grade. That's what's being cut there and we have the
6 slope --

7 VOICE: Go down a little more.

8 VOICE: Go down a little more. There you go.

9 MR. STOCK: So this -- this residential home is
10 approximately 147 feet from the property line, and this is
11 existing vegetation that's along the property line, and,
12 again, we would be planting new vegetation with the
13 landscape plan on our side of the property, and then 57
14 feet to the building.

15 But, again, on this particular home, the lowest
16 level here is 652.8, so this lowest level is actually
17 10 feet above our second floor occupied.

18 And then Section EE is No. 2, and that's also
19 Ms. Elizabeth Knowles', and I don't know if this is
20 correct, but this is all St. Louis County Assessor's, as
21 far as the ownership, so, hopefully, I'm correct, this
22 home, the finished floor is 645.76, so, again, it's 3 feet
23 above the second story. In this case, you're seeing that
24 retaining wall, you're seeing the building cut into the
25 existing grade, and you're seeing the landscaping there.

1 So, again, the goal and objective of this is to
2 look at those residential properties and how to protect
3 these homes -- this -- this facility from the homes and
4 the privacy that they have.

5 We also did three sections, I, personally, was,
6 with permission, was on Mr. Dielmann's property, and I
7 took some photographs, basically, from the fence in the
8 corner of his property, so in all these photographs I'm
9 really standing at the fence. It's right behind me here.

10 And I'm looking due west, and I -- this -- this
11 is I'm looking somewhat southwest, this is looking due
12 west, and this is looking northwest. And so this is the
13 existing vegetation, which is partially on his property,
14 partially on our property. It's what we would retain.
15 It's what we would enhance. And, really, what the
16 sections are showing is no different than what I, more or
17 less, described, which is standing at his pool, again,
18 your line of sight, there's not somebody looking down on
19 the pool. You're basically at the same elevation. The
20 second floor is at the same elevation grade of the pool.
21 Again, the third -- when it was a three-story building,
22 it, obviously, wasn't the case.

23 But, again, what we're proposing on all these is
24 to increase that landscape and increase that buffer along
25 the property line.

1 The other item that we've done is we've done a
2 traffic impact study, so we've engaged
3 Bernardin-Lochmueller & Associates, and really tasked them
4 with measuring the amount of traffic that would be
5 projected from this 51-unit, 53 person facility, and
6 compare it to what's there today, if it were occupied, if
7 it's half occupied, and then all those uses I showed you
8 under the permitted use, which are more intense, what
9 could happen.

10 And so, really, what's summarized here is
11 Bernardin-Lochmueller has prepared this traffic study, and
12 it's based on the 51 residential units, it's based on a
13 building of 41,900 square feet, and it would be replacing
14 the existing 20,000 square feet.

15 I'll read it. Access to the development would
16 be provided via the site's existing driveway on Lindbergh
17 Boulevard, which would be reconstructed and narrowed to
18 satisfy current design requirements. The existing median
19 on Lindbergh prohibits left turns in and out of the site,
20 thereby limiting the access to right-in right-out only.

21 The proposed development would facilitate a
22 reduction in the amount of surface parking spaces. The
23 site currently provides 117 parking spaces, and the
24 proposed senior living community would provide only 37,
25 which is a 69 percent reduction in parking.

1 The purpose of this trip generation assessment
2 was to forecast the amount of traffic that would be
3 generated by the proposed development on a typical
4 weekday, and then compare that to the traffic to the
5 amount that would be generated by the existing building on
6 the site, assuming full occupancy, with uses permitted
7 under the current zoning.

8 The number of trips that would be generated by
9 the proposed senior living community was forecasted using
10 the ITE Manual, Trip Generation, Edition 9. And this is
11 the resource which is the universal tool used to quantify
12 the traffic generation characteristics of various land
13 uses.

14 The Land Use Code is 254. It's assisted living.
15 And it indicates that these facilities generate 2.66
16 weekday trips per unit on average.

17 So when applying this metric, the proposed
18 senior living community development would generate 136
19 daily trips. This is summarized in Table 1, so 68 in and
20 68 out.

21 These trips were then compared to the amount of
22 trips that would -- could be generated by the existing
23 commercial building on the site, assuming full occupancy
24 with permitted uses. The site is currently zoned CG,
25 General Commercial, and a variety of commercial uses are

1 permitted by the zoning, including retail.

2 It is our understanding that the existing
3 building most likely -- most recently housed several
4 retailers, which have now vacated the site.

5 The number of trips that would be generated
6 assuming full occupancy of the existing building with
7 retailers was estimated using data provided in the same
8 ITE Ninth Generation Trip Manual.

9 And it was using a Land Use Code 820, Shopping
10 Center, and it indicates that retail space generates 42.7
11 weekday trips per thousand square feet.

12 When you apply this metric, the existing
13 building table, occupied with retailers may generate as
14 many as 854 daily trips, so when you compare that to the
15 assisted living, it's really 85 percent fewer trips, based
16 on our building.

17 Now, the retailers that formerly occupied the
18 existing building could have included one or more lower
19 intensity uses, for example, an insurance office, which
20 may differ somewhat from the profile of retailers
21 reflected by the data in Table 2.

22 So it present a more conservative approach the
23 number of trips generated by the existing building was
24 estimated assuming full occupancy with general office,
25 which is consistent with the building to the north and

1 consistent with the building on the west side of Lindbergh
2 Boulevard.

3 So when you use same manual, Ninth Edition ITE
4 Code 710, which is office, it indicates that office
5 generate eleven weekday trips per thousand square feet, so
6 when you apply this metric, it's 220. So 136 for assisted
7 living, 220 for all office, as many as 840 if it's all
8 retail.

9 So in conclusion, the proposed development would
10 generate 136 trips over the course of a typical weekday,
11 and based on that amount, the development would be
12 characterized as low intensity traffic generated.

13 I think that pretty much summarizes it.

14 The other step that we've taken is we've -- I've
15 had discussions with MoDOT, actually, the original plan is
16 we were moving forward with we had talked to MoDOT and we
17 ended up tying their conceptual approval.

18 Most recently on August -- or, well, within the
19 last couple weeks, I met with MoDOT again, and MoDOT has
20 signed off on our actual -- we have conceptual approval
21 for this plan and this driveway modification.

22 So on the turn exhibit, I'm going to try to move
23 this along, so lot of question about staging of trucks
24 potentially being on Lindbergh inhibiting the flow. We
25 envision, again, these are not tractor trailers, they're

1 not WB 63s or 72s. We're small panel delivery trucks.
2 And this is really just an auto turn showing how the truck
3 can pull in, move into the front parking lot. They can
4 move around, get to the loading area, how they can move
5 out of the loading area, be serviced on the loading area,
6 be able to come out, maneuver through the parking lot and
7 be able to go north on Lindbergh.

8 With that said, concludes our presentation.

9 I'm here to answer any questions, and we have
10 our entire team here to answer any questions the
11 Commission may have.

12 CHAIRMAN MADDEN: Questions?

13 MR. ROVAK: Pretty -- pretty complete
14 presentation.

15 MR. HOWARD: I have a question.

16 MR. STOCK: Yes.

17 MR. HOWARD: You said that there's no -- there's
18 no light spillage on the northwest and the south side.

19 MR. STOCK: Yes.

20 MR. HOWARD: Is the back court not going to be
21 lit at night? I didn't see that on the light survey.

22 MR. STOCK: Yeah, there would be lights on the
23 door, you know over the doors, there would be a light that
24 casts straight down, but there would be no freestanding
25 pole lights.

1 MR. HOWARD: Not going to light up the yard?

2 MR. STOCK: No.

3 MR. HOWARD: The courtyard?

4 MR. STOCK: No.

5 Again, those doors, again, just reference that
6 stairwell exit here is located on the south and located on
7 the north.

8 MR. LUMLEY: Are there emergency gates in the
9 fence? If somebody goes out those doors, so they're not
10 trapped in -- if the building's on fire, for example, they
11 can get away?

12 MR. STOCK: There would be a gate on the north
13 side and there would be a gate on -- so on the northwest
14 and the southwest there would be a gate.

15 MR. LUMLEY: And are those secured or not
16 secured?

17 MR. STOCK: I don't know that -- assume almost
18 the same as the doorways themselves, they'll have alarm
19 hardware on them.

20 CHAIRMAN MADDEN: Anybody else?

21 Mr. Faron.

22 MR. FARON: Yeah, I have a number of questions
23 if you want to address them right now before staff and
24 public comment.

25 But so in talking to MoDOT, the bus stop was

1 brought up and they were in agreement with that up at --

2 MR. STOCK: Well, this isn't a Metro bus stop.

3 MR. FARON: Right.

4 MR. STOCK: And I think what we're -- I don't
5 know that MoDOT has anything to say about what we're
6 doing. Now, I'm not trying to hide it from them, I
7 haven't talked to them.

8 This is really just refuge for the neighborhood.
9 It's for the children. It's really for the Ladue School
10 bus --

11 MR. FARON: Right.

12 MR. STOCK: -- so we're not promoting a bus stop
13 for Metro, it would be on private property. And my
14 understanding is that the bus stops are at the end of the
15 street today, and that's really information that I've
16 ascertained from --

17 MR. FARON: Right.

18 MR. STOCK: -- the residents.

19 MR. FARON: Yeah, I shouldn't have mentioned or
20 stated or implied it was Metro.

21 But if you're going to provide that, if there's
22 an issue with the right-of-way, is that able to be pulled
23 back off that right-of-way, and --

24 MR. STOCK: Yeah.

25 MR. FARON: -- still be provided for the

1 residents?

2 MR. STOCK: So this is the right-of-way line.
3 And the sidewalk's really, you know, an expanded shoulder
4 off the back of Lindbergh Boulevard, so we would tie that
5 sidewalk, and we would run that sidewalk, basically, on
6 private property, we put in a sidewalk easement.

7 But that shelter, we're showing it on private
8 property, so there's some easement or agreement, and for
9 that reason, we're not intending to go to MoDOT, but we're
10 not going to hide it from them, I mean.

11 MR. FARON: Well, now seeing that it's, yeah,
12 blowing that up, it's not in the right-of-way.

13 Continuing on that theme. So the -- the -- the
14 pedestrian issues that were raised in the staff report,
15 you've kind of addressed those from Lindbergh back to the
16 entrance to the building it seems like with the crosswalk
17 there and --

18 MR. STOCK: We have. So we've added a piece of
19 sidewalk along the north side of our drive, strike a
20 crosswalk that would be integrated with the ADA accessible
21 striping here up and then coming across under the
22 porte-cochere to the front door.

23 So that has been added since staff commenting.

24 MR. FARON: Continuing on, I've seen here and
25 it's been brought up at times because of the median and

1 the way Lindbergh Avenue is set up, once you miss that --
2 that entrance, you're kind of tempted to pull on to Beaver
3 Drive there.

4 MR. STOCK: Uh-huh.

5 MR. FARON: I know you have the parking signs
6 there. Is there anyone -- or how would you address that
7 if someone does miss that entrance?

8 I guess the expected response would be to go up
9 to Olive, turn completely around, go through the
10 cloverleaf, come back to the --

11 So if somebody is on that street, is there
12 anyone, and you gave us a lot of information, the -- the
13 staff or someone -- will there be someone to go out there
14 and police that situation if it would become a problem,
15 you know, consistently? I mean I don't know if the signs
16 would be enough, I'm saying, you know.

17 MR. STOCK: I think the signs -- I don't know
18 about staff going out there and -- and policing that. I
19 think, you know, any of the staff that are coming there
20 will be familiar with it. There would be some visitors.

21 We would have signage identifying the driveway,
22 you know, located here.

23 We would have no access. We can put a sign no
24 access from Beaver Drive to the site, so people aren't
25 tempted to drive down there --

1 MR. FARON: Right.

2 MR. STOCK: -- because, you know, obviously
3 there's no where for them to go --

4 MR. FARON: No.

5 MR. STOCK: -- should they make that turn.

6 Lot of concern is overflow parking. This --
7 there are, you know, again, we are very comfortable with
8 the amount of parking.

9 There are those special events, whether it's
10 Thanksgiving or it's the holidays, and under those
11 circumstances there will be a shuttle service to shuttle
12 people there, so that nobody's parking on there.

13 MR. FARON: Well, some people had brought up,
14 you know, in an emergency situation, looking at the, you
15 know, demographics of the building, who might be, you
16 know, staying there, and possibly there would be some kind
17 of front guard or attendant inside that could address
18 those issues if there was an emergency and a number of
19 family members had to just park on Beaver and they had to
20 get into the building, or something like that.

21 Just -- just a question of whether it could be
22 addressed by someone coming out there and saying, you
23 know, this is not acceptable.

24 MR. STOCK: Well, I think, absolutely, I mean if
25 it's a problem, then we would staff it and manage it, or

1 if it's on those holidays, we would certainly have
2 somebody there making sure that people are not turning
3 onto Beaver Drive or parking on Beaver Drive.

4 MR. FARON: The rain gardens that you mentioned,
5 those are going to be bio-retention right there, correct?

6 MR. STOCK: That is correct.

7 MR. FARON: And those are accessible in terms of
8 pedestrian, you know, use or traffic? I mean in terms of
9 a rain garden, I mean it's something you can look at and
10 it's pleasant to view, but in terms of using that land,
11 that would not be an option?

12 MR. STOCK: Well, other than educational, you
13 know, and, again, I'm not sure who we're trying to
14 educate.

15 I think when you look at the one in the
16 courtyard, you know, that's really -- that's going to be
17 amenity. That's going to be landscaped. You know, there
18 can be some educational component or sign posted for the
19 users.

20 The one at the north, you know, again, at the
21 north it's inside the fence, so it's not accessible by the
22 public, I don't think we're trying to encourage anybody to
23 come look at this one.

24 MR. FARON: My direction in that question would
25 be related to the residents. If they are going to go

1 outside on occasion, there has been some concern about
2 just limited access to the outside, and kind of corralling
3 these people inside more than they might want to be, you
4 know, some kind of --

5 MR. STOCK: That's this area, basically, right
6 in the courtyard.

7 MR. FARON: But not that -- not where the -- the
8 rain garden is, just around that rain garden and in the
9 courtyard.

10 MR. STOCK: I -- I never thought, you know, I
11 don't know that I perceive the rain garden to be a hazard,
12 you know, they're generally pretty shallow and they're
13 heavily landscaped and vegetated, so I don't know that
14 we're trying to keep them out of that area.

15 MR. FARON: Right.

16 MR. STOCK: Really, the hard scape and the patio
17 where there will be some chairs, tables.

18 MR. FARON: So there's enough room outside for
19 the residents that you're saying?

20 MR. STOCK: It's a large area.

21 MR. FARON: Okay. Um, in looking at the
22 section, the site lines, and just with my background, I
23 will ask you about the materials and the elevations, the
24 facades and stuff like that.

25 You said you're willing to work with -- work

1 with us on increasing some of the stone and maybe brick --

2 MR. STOCK: Yes.

3 MR. FARON: -- elements of the building.

4 MR. STOCK: Yes.

5 MR. FARON: You know, the E-system there that
6 I'm looking at, you say stucco, it will be an E-system
7 probably, correct?

8 MR. STOCK: My understanding is it's stucco.

9 MR. FARON: It is going to be --

10 MR. STOCK: There's a difference between the
11 two.

12 MR. FARON: So it's going to be not a panelized,
13 it's going to be a bit rusticated and you're going to see
14 some --

15 MR. STOCK: Yes.

16 MR. FARON: So in that case, I know sometimes
17 that can be problematic, but it's too low and get struck
18 and be damage done.

19 It would, to me, it would be nice to kind of
20 bring that above the first floor, so at least half of the
21 building is stone or brick, and that system is just above
22 that first level. You know, there with the trees and
23 stuff, and I think you've got some, you know, some lines
24 in there to add some shadowing and stuff like that, but is
25 there an option to increase that stone --

1 MR. STOCK: Yes.

2 MR. FARON: -- to some burnished and some
3 rusticated --

4 MR. STOCK: Yes.

5 MR. FARON: -- elements around the building, on
6 all sides I would say. I think the residents are, you
7 know, would be interested in increasing, you know, that
8 kind of look.

9 MR. STOCK: Yes.

10 MR. FARON: Okay. And -- and on the south
11 elevation, you removed that tower there.

12 MR. STOCK: Right.

13 MR. FARON: I know you're kind of probably
14 making that cut inside of the -- the drop-off there or the
15 service core and the enclosure. Would those enclosures --
16 or that enclosure be of the same material as what's -- I
17 don't see any cuts on that or, you know, visuals on that,
18 and I think that was brought up to us a concern and it
19 might need to be changed.

20 MR. STOCK: Yeah. And, you know, to be honest
21 with you, I can't answer that question.

22 I -- I know what staff had brought up, there was
23 a bump-out on that side of the building, which has been
24 moved to the north. But where that service door is, you
25 know, where this -- how you would get into the building --

1 MR. FARON: Right.

2 MR. STOCK: Obviously, I don't see detailed on
3 the south elevation either.

4 MR. FARON: Right -- I mean I know you're not
5 going to -- sometimes when those elevations are made,
6 they're like you're standing right against the building.

7 At times it would be nice if you were back
8 across the street, so where you're going to realistically
9 see that elevation, say from Lindbergh too, and noticing
10 that service drop and that enclosure.

11 I mean it becomes kind of a key part of the
12 visual --

13 MR. STOCK: Yeah --

14 MR. FARON: -- aspect of the south elevation.

15 MR. STOCK: Right. And this whole trash
16 enclosure, I mean that's going to be of a similar building
17 materials, and that's not going to be a wood stockade. I
18 mean that is going to be some stone, it's going to match
19 the building.

20 MR. HOWARD: That'll be the stone and brick, not
21 the stucco portion?

22 MR. STOCK: That's correct.

23 MR. FARON: I was -- as I was taking some notes
24 here, you seemed to address the issue with the pool of the
25 residence directly behind the building, so you're

1 confident that your site lines and those section cuts, and
2 with the additional coverage that you're going to put at
3 the back of the project on, I guess the east elevation
4 there, is not going to impede on that residential use of
5 the pool?

6 MR. STOCK: Right. I'm very confident of the
7 vertical elevation that's shown in the section with
8 topography. I'm not sure that this landscape plan right
9 here is the exact right solution, you know, you know,
10 there may need to be a more concentration of the different
11 trees or species. That has to be worked out.

12 But I am confident with what I personally saw
13 standing in the yard, our surveyor shooting the elevations
14 of the finished floor of their home, shooting the
15 topography in the backyard, shooting this grade, that
16 vertically we have the second floor at or below their
17 finished floors.

18 MR. FARON: And that plan is the updated
19 landscape plan? I know there was an original one that was
20 kind of weak.

21 MR. STOCK: This is further advanced.

22 MR. FARON: This is further advanced?

23 MR. STOCK: Uh-huh. And staff has not had the
24 opportunity to see this.

25 MR. FARON: I mean I say a lot of this, we are

1 just seeing for the first time. A lot of the details you
2 put at the beginning, I would love to be looking at those
3 as you're talking anyhow --

4 MR. STOCK: Yeah.

5 MR. FARON: -- but -- but I don't -- you know.

6 MR. STOCK: Well, I just -- I have an actual --

7 MR. FARON: Sure.

8 MR. STOCK: -- printout PowerPoint for each one.

9 MR. FARON: Okay. And maybe the last thing, I
10 might have further questions, I'm sorry to ramble on, but
11 on the FAR, the foreseeable use of the building is not --
12 you're not looking to change the use of that space inside
13 in terms of going to some leasable space if --

14 MR. STOCK: No.

15 MR. FARON: -- the chance arises?

16 MR. STOCK: No, this is our program. This is
17 the project. What you see is the project. You know,
18 there were some questions asked, maybe at one of the
19 neighborhood meetings, well, how do we know if this is
20 really what the building's going to look like. And I
21 said, well, we don't present something and then build
22 something else. I mean there's building inspectors, you
23 know, so the program's the same. The program inside the
24 finished work was permitted where we go, there's no change
25 or moving different spaces.

1 MR. FARON: Seems like, yeah, in the email that
2 I read that there was concerns about where you take from
3 common space --

4 MR. STOCK: Uh-huh.

5 MR. FARON: -- spaces that could be used for
6 medical services or kitchen support or whatnot.

7 You are just looking at corridors, elevators,
8 stairwells, storage --

9 MR. STOCK: Yes.

10 MR. FARON: -- electrical boilers, stuff like
11 that --

12 MR. STOCK: That's right.

13 MR. FARON: I may be missing one. Storage
14 linen. But that's all you're looking at right now --

15 MR. STOCK: Yes, sir.

16 MR. FARON: -- and none of those questionable or
17 gray areas are included in the FAR takeoff at all?

18 MR. STOCK: Correct.

19 MR. FARON: I'll stop at that point. Thank you
20 for your time.

21 CHAIRMAN MADDEN: Dr. Barton.

22 MR. BARTON: I was wondering, in looking at some
23 of the letters, St. Andrew's is described as a
24 not-for-profit organization.

25 Would you or one of your staff be able to

1 describe more the corporate structure of St. Andrew's as
2 opposed to, say, other assisted living homes that are
3 owned by a nursing -- owned by corporations, obviously,
4 and looking for a profit, as opposed to putting the
5 profits back into the system.

6 Also, and I'm not sure if I'm interpreting that
7 correctly, but you can expand on it.

8 MR. STOCK: Right.

9 MR. BARTON: And the other -- a lot of concern
10 of is brought up about the welfare of the residents there.
11 So maybe you can expand on how that interplays there; what
12 choices they have or what choices their family has, as
13 opposed to whether they live there or not, obviously, and
14 their decisions and how those decisions are made with
15 respect to --

16 MR. WILSON: Good evening. My name's Chris
17 Wilson. I work for St. Andrew's Management Services.

18 We would be that management company that would
19 be responsible for the day-to-day operations of The Grove
20 at Creve Coeur.

21 St. Andrew's Resources for Seniors, which is our
22 company, the parent company, or the organization that I
23 work for is a not-for-profit company. It's been in
24 business in the St. Louis area for over 50 years.

25 St. Andrew's Resources for Seniors was

1 originally formed as St. Andrew's Episcopal and
2 Presbyterian Services.

3 We have kept it nondenominational -- or excuse
4 me -- we have kept the non-for-profit status, and we
5 certainly have not lost the roots that the organization
6 was found.

7 St. Andrew's Manager Services is under the
8 umbrella of St. Andrew's Resources for Seniors, and it is
9 a for-profit management company.

10 St. Andrew's Management manages about twenty
11 senior properties in and around the St. Louis metropolitan
12 area.

13 And, again, we've been in business for 50 years.

14 Some of the communities that we manage or own
15 have been recognized by U.S. News & World Report as some
16 of the best senior properties in the State of Missouri.

17 We've also had several properties listed as some
18 of the best in the United States as well.

19 MR. BARTON: So you seek to maintain a certain
20 rate of return where those funds go to or go back to the
21 nonprofit or go to -- if you say you're a manager of --
22 you're for-profit subsidy, right?

23 MR. WILSON: Right. We would be the management
24 entity, um, for the group of investors, um, for Grove of
25 Creve Coeur.

1 And I think you had -- I'm sorry, you had some
2 other questions.

3 MR. BARTON: And then a follow-up question in
4 terms of -- I mean clearly the -- in terms of placement of
5 the -- of your occupants, those decisions are made by the
6 family and the occupant, right? I mean --

7 MR. WILSON: Yeah, that -- that's correct.

8 MR. BARTON: You try to market to that family,
9 they make the choice on.

10 MR. WILSON: I mean the assisted living
11 facilities in the State of Missouri are highly regulated
12 facilities.

13 The Missouri Department of Health and Senior
14 Services regulates these facilities. There are lots and
15 lots of regulations that have to be followed. There are
16 assessments that need to be done on individuals before
17 they can ever move into the facility to make sure that
18 they're appropriate; that their level of care, that their
19 needs can be met by those that are being provided in the
20 facility.

21 Again, it's generally a joint effort between the
22 family and then the individual themselves. That decision
23 is made jointly in order for the move to the assisted
24 living facility.

25 Sometime in the memory care facility the

1 individual may be beyond that state where they're able to
2 provide a lot of meaningful input and that is for the
3 family's decision.

4 But the last thing, as a manager, that we want
5 is someone moving into that facility that does not want to
6 be there. We want that to be a joint decision, a willing
7 decision that they make.

8 MR. BARTON: Does it tend to be all or nothing?
9 I mean all -- doesn't -- would it tend to be one group of
10 patient versus another. It seems like a fairly close
11 community and very small --

12 MR. WILSON: Uh-huh.

13 MR. BARTON: -- structure there.

14 Is there -- is there a propensity for patients
15 with not memory loss or not memory issues to want to be in
16 a facility where there are a lot of other patients that
17 don't have memory -- you know, so they can socialize,
18 gather, I mean --

19 MR. WILSON: Yeah, I think a lot of that is
20 design function of the building. And while I don't know
21 that we 100 percent have our operational plan developed
22 yet, because we're still going through zoning and state
23 approval, but we're looking at the second floor of the
24 facility to be a memory care unit.

25 That section of the building would be designed

1 for those folks that have more cognitive types of issues.

2 The first floor would be for the higher
3 functioning individuals. So there are lots of
4 opportunities for the population to mingle, and it's very
5 beneficial for that mingling to occur.

6 But there's also some segregation, because to be
7 perfectly honest with you, many of the higher functioning
8 seniors don't always like to be with that lower
9 functioning senior because sometimes it hits a little too
10 close to home.

11 MR. BARTON: Right. Okay. Thank you.

12 MR. WILSON: Thank you.

13 CHAIRMAN MADDEN: Any other questions?

14 Mr. Carney.

15 MR. CARNEY: I have a couple questions.

16 Mainly about the landscaping at southeast
17 corner. I'm pretty familiar with this. My dentist was in
18 this building for 25 years. That -- that's just like
19 honeysuckle and kind of a conglomeration of things now, is
20 that correct?

21 MR. STOCK: There's a lot of honeysuckle.

22 Absolutely. Very thick.

23 MR. CARNEY: Is your thought to replace that
24 with something else or --

25 MR. STOCK: Well, again, we'll work with staff.

1 If the desire of the residents is to replace it
2 or staff, I mean, you know, it provides tremendous
3 buffering. It's also an invasive species and people like
4 to have it eradicated.

5 In that southeast corner, you know, what's
6 happening there too, is that's residential property, it's
7 south and east, it's several -- much higher, about 15 feet
8 higher than our site. So what you're seeing in this
9 drawing is about 12 feet of vertical relief. So this is
10 all high, and then we're sloping down to the corner of the
11 building. That is a combination. There are some large
12 trees. When I say large trees, those are large pine
13 trees, which are located there, and then all of the
14 underbrush, so there's -- there's 12-inch cherry tree, um,
15 10-inch white pine, 12-inch white pine, and then there's
16 an 18-inch white pine.

17 I think we're open to do whatever creates the
18 best buffering screen, most sustainable.

19 MR. CARNEY: And you said you had some meetings
20 with the residents. Have you met with them this latest
21 plan or that previous plan?

22 MR. STOCK: We had a meeting just a few nights
23 ago, but there was a low attendance. It was -- it was a
24 very quick meeting. We had two much more well attended
25 meetings several months ago, it's the different plan the

1 residents saw. Only a few have seen this plan. And,
2 quite frankly, they haven't seen the detail that I'm
3 presenting tonight. They've seen the building elevations.
4 They've seen a site plan. I may have had the landscape
5 plan with me that night, I -- I honestly don't remember.

6 I didn't have any PowerPoint. I had it on
7 boards. But we're happy to meet with the residents to
8 continue the dialogue.

9 MR. CARNEY: Okay. I mean I think -- I think
10 the landscaping there is going to be a big key to the
11 impact on the residents, so I was just curious about that.

12 The other thing is it looks like the fence would
13 actually go through part of that, so there might need to
14 be some --

15 MR. STOCK: Well, the fence --

16 MR. CARNEY: -- security.

17 MR. STOCK: Yeah, and we're undecided. What we
18 know is we want a perimeter fence. Is it on the property
19 line going through it; is it on our property 20 feet, is
20 the landscaping on the outside. Those are all the details
21 that we're open. I mean the point is from a sense of
22 security, which I know the residents want, we want, we
23 want to have those two sets of fences, and we can place
24 those wherever it's most appropriate.

25 MR. CARNEY: Okay. Thank you.

1 CHAIRMAN MADDEN: Okay. Let's go to the people,
2 the neighbors. And the first eighteen of them gave me a
3 list, so they wouldn't repeat themselves so, and you each
4 have three minutes. And, hopefully, if somebody does
5 state something, when the other people come up that's
6 already been said, just say I pass, it's been said.

7 There's no cheering; there's no booing, so.
8 Well, we've had that happen many times, so.

9 And they had a lineup change here, and I can
10 read the first name is Judy, and the last name begins with
11 an F. Okay. Must be you.

12 When you come up, please state your name and
13 address for the record, each one of you, please.

14 Thank you.

15 JUDY FIEDLER: I'm Judy Fiedler, and my address
16 is 34 Tealwood Drive.

17 And I just want to officially present a petition
18 that is signed by the residents and the property owners on
19 Haven View, Beaver Drive, Tealwood Drive North and South,
20 Tealbrook Drive, Foxbrook Drive, Shadybrook Drive,
21 Quailways Drive, Sunswept Drive in Creve Coeur, Missouri.
22 It's signed by 145 residents and property owners, who are
23 objecting to the approval of conditional use permit
24 requested by Tealwood Acquisitions, LLC for the proposed
25 project at 450 North Lindbergh Boulevard in Creve Coeur.

1 So I just want to --

2 CHAIRMAN MADDEN: You can give it to them over
3 there.

4 Thank you very much.

5 And the next one is Sheila Geisler.

6 SHEILA GEISLER: Good evening. I'm Shelia
7 Geisler. I live at 11 Beaver Drive.

8 I'd like to save my time to Deni Dickler,
9 please.

10 CHAIRMAN MADDEN: Okay. That's fine.

11 Mrs. Dickler.

12 DENI DICKLER: I have to wait for Vanna -- Vanna
13 White to show up.

14 Hi, my name is Deni Dickler. I live at 7 Haven
15 View Drive in Creve Coeur.

16 I am here to ask you to say no to this
17 application for 51-bed assisted living facility.

18 Many of my neighbors will speak to other
19 objections, which I share.

20 I want to address two points.

21 Misleading information and unsubstantiated FAR.

22 The initial application provided a FAR
23 calculation based on 10,400 square feet unusable space, or
24 almost 25 percent of the total square feet.

25 No substantiation of the unusable square feet

1 was provided as of last night.

2 With the initial application, the developers
3 provided the interior space layout with 51 rooms, all
4 memory care. The layout has a scale, but it's informal
5 nature renders it impossible to calculate an accurate
6 square footage. I tried. I got out my architectural
7 ruler. I could not validate their stated unusable space.

8 Now, I'll share with you my discussions with the
9 developers.

10 On January 6th, after the last P&Z meeting, I
11 talked informally to Bill Biermann and Dan Thies.

12 I asked them several questions. In the course
13 of this conversation, they stated that they were still
14 working on the interior layout and had no final number for
15 memory care rooms. But Dan assured me it was going to be
16 a minimum of 25.

17 Eight days later, on January 14th, they provided
18 Creve Coeur Planning with a new interior layout, but it
19 was built based on building with a different floor --
20 footprint than the application.

21 Two -- two nights later they held a resident
22 open house, and provided me with a copy of the interior
23 layout. The original one, not the revised one, but the
24 one that was with the application.

25 Furthermore, they discussed at length that the

1 interior floor plans were still being worked on. There
2 was still no finalization of the number of memory care
3 rooms.

4 Given the sequence of events, I can only feel
5 that they provided misleading information to the
6 residents.

7 You can see here the revised building plans
8 submitted on January 14th with the FAR calculations. It
9 has a different setback from the east property line. Four
10 rooms are removed. There is no scale provided and no site
11 plan to match the new building design, which removed 1,420
12 square feet from the building.

13 That did not stop me. I scaled it down to match
14 the original floor plan in size and tried to take the
15 measurements using that scale. I could not duplicate
16 their calculations.

17 I don't see how Creve Coeur can accept a
18 handwritten page with no scale or no backup to
19 substantiate the FAR.

20 The residents of our neighborhoods challenged
21 the validity of these calculations, and expect more of our
22 city government than to accept a scribble plan like this.

23 Let's look at a more realistic calculation.

24 Usable on the north edge of the lot is a strip
25 of asphalt also known as Beaver Drive.

1 In addition to this, 10 feet -- in addition to
2 the 10 feet paved strip is the remainder of the twenty-two
3 and a half foot right-of-way that is within the lot's
4 1.96 acres. The property owner has no rights to build or
5 to modify this right-of-way. The same piece of land
6 cannot be used twice.

7 This actually results in a modified usable lot
8 of 79,125 square feet. This definition is supported by
9 our zoning ordinance in Section 410.220, Lots.

10 Next, what is usable space in assisted living.

11 Gross leasable space is simply not applicable
12 when you're talking about assisted living. These are not
13 independent apartments. The monthly fee is not rent.
14 Unlike an apartment building, corridors of assisted living
15 are integral to the overall design and function of the
16 ALF.

17 You can see on this slide many of the uses at an
18 assisted living facility. When you bring this altogether,
19 I'll show you what I'm call my corrected FAR, you have a
20 much more realistic picture of this facility on 450 North
21 Lindbergh.

22 The FAR, regardless of this building design, is
23 over the maximum .4. This requires a variance that was
24 already denied by the Board of Adjustment last year.

25 So let me summarize why I disapprove the

1 development. They don't meet the FAR. The developer's
2 provided two unsubstantiated FAR calculations.

3 Thank you so much for your time.

4 CHAIRMAN MADDEN: Thank you.

5 Susan Hibbard.

6 SUSAN HIBBARD: Hello. I'm Susan Hibbard. I
7 live at 16 North Tealbrook Drive.

8 I'm a resident and trustee of Tealbrook Estates.

9 I wanted to talk to you about one of my favorite
10 topics, plumbing and sewage.

11 From -- from a homeowner perspective, the
12 developers are proposing to put an entire neighborhood on
13 this one small lot. Think of it, 51 units, each with a
14 full bathroom, plus additional bathrooms on each floor for
15 male and female staff and visitors. Then there are the
16 laundry facilities and the cooking facilities and a
17 janitorial facility.

18 An entire neighborhood of plumbing where no
19 neighborhood has existed before. Where there has only
20 been offices and retail shops. An entire neighborhood
21 squeezed between peaceful neighborhoods that were
22 developed 60 years ago. A new neighborhood that has to
23 tie into 60-year old sewer lines and 60-year old water
24 mains.

25 Since our neighborhood had a project with MSD

1 two years ago, I called our liaison for that project to
2 get his opinion about the proposal. They better make sure
3 the sewer can handle all that flow, he said. Have they
4 called MSD and gotten a feasibility study. I couldn't
5 answer that.

6 But when a 20-year veteran of MSD thinks there
7 might be a problem, I listen, especially since several of
8 the houses in our neighborhood had sewer backups last
9 summer.

10 So what kind of flow are we talking about? The
11 U.S. Geological Survey says the typical American uses 80
12 to 100 gallons of water a day. Most of that eventually
13 finds its way down a drain and into a sewer line.

14 If we assume the low end of that use, 80-gallons
15 and 53 residents, we're talking about 4,240 gallons a day.
16 131,44 -- 440 gallons a month, almost 1.5 million gallons
17 of water a year.

18 Even if the seniors use less water than is
19 typical, we haven't taken into consideration the water use
20 of the staff, the visitors and the general needs of the
21 facility.

22 Massachusetts did a water study that showed
23 hospitals are in the top 10 percent of water users in
24 their state. Now, this isn't a hospital, but it has some
25 functions in common with a hospital, including the kind of

1 cleanliness that's required. So we might assume greater
2 use of water than normal, and, therefore, a lot more water
3 heading down the drain and into the 60-year-old sewer.

4 And all of this water has to get to the facility
5 through a 60-year-old water main. We've had several water
6 main breaks along Lindbergh, and just nine days ago
7 Missouri American Water was working on main under the
8 southbound lane of Lindbergh just a block from the
9 proposed site.

10 Because this facility will tax an already aging
11 water and sewer system, and could, therefore, cause
12 problems and headaches for the residents of the
13 surrounding neighborhood, I'm opposed to this facility.

14 And I want to put out that 80 gallons of water
15 sounds like a lot, but in the city -- in 2006 the City of
16 Phoenix did a water study in 15,000 apartment dealers,
17 which means they were not out watering the lawn, those
18 people use 114 gallons of water a day.

19 Also 20 seconds of hand washing, which Mayo
20 Clinic absolutely endorses as the best way to sanitize
21 your hands when you're coming in contact with residents or
22 anyone else, it takes a gallon of water.

23 Thank you.

24 CHAIRMAN MADDEN: Thank you.

25 Janine Schilders.

1 JANINE SCHILDERS: My name is Janine Schilders,
2 and I live at 18 Haven View.

3 I want to voice my family's opposition to the
4 conditional use permit and proposed construction of the
5 assisted living senior residents facility. An opposition
6 which is shared by the vast majority of neighbors on Haven
7 View, Beaver Drive, Tealwood and Tealbrook.

8 Over the past few months I have watched my
9 neighbors voice opposition and rally to defeat this
10 proposed for-profit development. My neighbors and I are
11 terrified of the real threat this facility poses to our
12 established way of living, our security and that of our
13 families.

14 We fear we'll be forced to endure hardships for
15 the rest of the time we live here, long after the
16 developer leaves our community.

17 I wanted to discuss specifically the traffic
18 safety hazard at the intersection of Route 67, Lindbergh,
19 and Beaver Drive, and in addition the traffic hazard which
20 would result at this section of Lindbergh in front of and
21 around the proposed new facility.

22 Constructed over 50 years ago, this roadway is
23 already at capacity and beyond. The area of roadway is
24 dangerously congested and is the major thoroughfare
25 carrying construction vehicle traffic, Metro and school

1 bus traffic, semitrailer trailer truck traffic. There's
2 no way to amend the problem or widen the roadway.

3 Residents entering Beaver Drive from Lindbergh
4 are put at risk of being rear-ended when their cars need
5 to come to an almost complete stop to enter Beaver Drive
6 to get to their homes.

7 There's barely enough room for two cars to pass
8 on the roadway coming out of Beaver.

9 Construction of this facility will only increase
10 traffic congestion and increase chances for accidents.

11 Trucks carrying provisions for an -- for an
12 inpatient population will be entering and exiting from
13 Lindbergh causing destruction and traffic and chances for
14 collision.

15 During holiday and busy visitor times, there is
16 no doubt visitors and staff will resort to parking on
17 Beaver Drive, a narrow street with no sidewalks. Any
18 pedestrian moving to and from parked cars here will be at
19 risk, as motorists cannot see around parked cars.

20 The corner of Beaver Drive and Lindbergh is now
21 a bus stop for the Ladue School District. Students are
22 put at risk while waiting for the bus at the corner if a
23 collision should occur as a result of all the trucks, cars
24 and ambulances coming in and out of the facility onto
25 Lindbergh.

1 Groups of kids catch the bus here for elementary
2 school, fifth grade center, middle school and high school
3 twice every day. It is already a very high-risk situation
4 when kids get off the bus at Lindbergh.

5 There will also be a huge increase in ambulance
6 traffic, even with the resident population of 50, there
7 will be seven ambulance runs per day by estimates of the
8 health care delivery company. This equates to an
9 ambulance run every three hours.

10 Because of traffic dividers placed on Lindbergh
11 and the placement of turn-arounds, ambulance runs often
12 require police escorts in this spot.

13 Please stop --

14 CHAIRMAN MADDEN: Thank you.

15 Andrew Bitterfield.

16 ANDREW BITTERFIELD: Andrew Bitterfield, 9
17 Tealwood Drive.

18 What I want to bring up to you is just about
19 traffic. You know, we're talking about they're narrowing
20 the entrance to this facility, and by the calculations I
21 looked at, it's going to be about 28 feet wide.

22 Take a trash truck that's 42 feet, going to need
23 over 19 feet of turning radius, and start applying that to
24 the entrance of it.

25 That's going to make cars coming out of there

1 almost impossible to get out. As we all know, the trash
2 trucks are not going to swing into the left-hand lane and
3 not impede traffic. So you're talking about trash trucks
4 that are going to have to reduce speed to under 10 miles
5 an hour to get in that entrance.

6 If you start applying that the Sysco trucks,
7 which are supposedly small panel vans, which I don't think
8 they are, they usually have tractor trailer on them, the
9 length of those is going to have to probably exceed 40
10 feet. So these vehicles coming in there, if they are not
11 to use that left-hand lane as going out, are going to pull
12 in and block that entrance, making parking spaces
13 unusable, making egress and coming out of that facility,
14 it's very difficult at best.

15 I know we're trying to right the wrongs of the
16 past, but a lot of those buildings on Lindbergh today
17 already have two entrances; one coming and going out.

18 So we're also going to just create more of a
19 traffic problem, especially during, you know, high
20 utilization times.

21 So I think those are considerations that have to
22 be taken into account and the impact on traffic in the
23 area.

24 I use that building on a regular basis. My
25 barber happens to be there. I drive a truck that's

1 21 feet long, and I do know that just hitting that
2 entrance during traffic without people turning in, you're
3 having to use up that whole entrance just to get in that
4 facility.

5 So I do question how they have the turning
6 radiuses.

7 CHAIRMAN MADDEN: Thank you.

8 Greg Geisler.

9 GREG GEISLER: Good evening. My name is Greg
10 Geisler.

11 My wife Sheila and I are homeowners at 11 Beaver
12 Drive.

13 And as Creve Coeur taxpayers, we're here tonight
14 to state our opposition to the proposed development
15 because it is not appropriate for this site.

16 I have two issues for the Board to consider.

17 The first one is that the current building owner
18 is a taxpayer, since it is retail and office space and it
19 pays 38,000 per year based on the figures put up by the
20 developer.

21 The developer promises that it will be a
22 taxpayer paying approximately \$125,000 per year in the
23 future.

24 I'm a full-time professor of taxation at UMSL.

25 If this development is approved, there's the

1 opportunity for the facility's owners to reorganize it as
2 a non-profit 501(c)(3) organization, and then the facility
3 will no longer be a real estate taxpayer.

4 And it's a basic tenet of taxation that when
5 real estate goes from being on the tax rolls to being off
6 the tax rolls, everyone who is a taxpayer is forced to
7 share a greater tax burden.

8 My second comment is that going from its
9 current, as retail and office space, to the proposed use
10 will clearly increase the amount of services that will be
11 required to be provided by the City.

12 Thank you.

13 CHAIRMAN MADDEN: Thank you.

14 Andrew Tessler.

15 ANDY TESSLER: Hello. My name is Andy Tessler,
16 13 Haven View Drive. I've been a resident for 28 years.

17 I'm presenting this for Marvin Greenberg, 19
18 Haven View Drive, who's lived there longer.

19 I'd like to address the issue of the oversize
20 building for the proposed project at 450 North Lindbergh.

21 The proposed project is an assisted living
22 facility with 41,900 square feet, housing a minimum of 51
23 residents, and as many as 75, on a parcel of real estate
24 of less than 2 acres.

25 This 1.9 acre parcel of ground was snapped by

1 the -- for the proposed use.

2 The Creve Coeur zoning, all other senior care
3 facilities, no matter what name is given to them, along
4 with every single room and board or overnight guest-type
5 of allowed usage, such as retreat houses, hotels and
6 motels, require that a lot size be a minimum of 3 acres.
7 There must be a very good reason that a minimum of 3-acre
8 parcel of land is required.

9 In additional -- in addition, allowing a smaller
10 parcel of land, one less than 3 acres, results in an out
11 of proportion building to be constructed on it and would
12 not meet the City's minimum off-street parking
13 requirements.

14 It would result in crowding a large number of
15 people into a smaller area along with additional employees
16 and other support personnel and frequent visitors, which
17 in turn would cause health and safety concerns.

18 From the southern city limits in Creve Coeur and
19 heading north along the east side of Lindbergh to Olive,
20 there are no two-story commercial buildings of any type.

21 The proposed building for this project is a
22 two-story building consisting of 41,900 square feet on a
23 small parcel of ground.

24 The adjoining property to the south of 450 North
25 Lindbergh is improved with a one-story commercial building

1 housing DaVita Dialysis Center. To the north and
2 bordering Beaver Drive is an improved parcel of ground
3 also with a one-story commercial building occupied by the
4 American Heart Association. Immediately to the east and
5 adjoining the proposed two-story project is a one-story
6 residential property -- properties.

7 Given the proposed building's first floor sets
8 approximately 5 feet higher than the current building's
9 first floor, the proposed second floor will be at the same
10 level as the next door residential property.

11 The proposed building is intrusively close to
12 the residential property, 78 feet closer than the current
13 building.

14 Notwithstanding the Florida area -- floor area
15 ratio calculations, the overall scale and bulk of this
16 proposed two-story building and placement on such a small
17 parcel of ground will not only dwarf its neighbors and be
18 out of proportion with the surrounding properties, in
19 addition, it will have an adverse effect on the integrity
20 of the neighborhood.

21 Thank you.

22 CHAIRMAN MADDEN: Thank you.

23 Jeffrey Dickler.

24 JEFFREY DICKLER: Hello. My name's Jeff
25 Dickler. I live at 7 Haven View Drive.

1 After being involved in proceedings in the
2 process for the last six months, it has become clear to me
3 that the developers, apparently, have no interest in the
4 wellbeing of the residents within the neighborhoods of the
5 opposed facility. They will say anything to get this
6 project done so they can get their paychecks and fade
7 away.

8 I have examples.

9 In their first proposal, which went before the
10 Board of Adjustment, they attempted to take advantage of
11 the almost overlooked fact that assisted living had been
12 omitted from the Creve Coeur Senior Living Facility Rules,
13 therefore, nullifying the usual 3-acre requirement.

14 They were asking approval for a FAR that was
15 almost double the normal GC values. Thankfully, the Board
16 realized that the building was much too big for the lot
17 and denied the request.

18 Next, they keep changing their current proposal
19 to make it almost impossible for us to verify whether they
20 meet the FAR or not, but Deni has already covered that, so
21 I'm going to move on.

22 Next, they have brought this proposal to you
23 without accounting for or informing you of the financial
24 impact that changes to utilities and traffic flow will
25 require. This has been a pattern with their developments,

1 which there are many examples.

2 They create a traffic snarl or some other mess
3 and then create a taxing district, so that the residents
4 have to pay for it. Good examples are the Walgreens
5 Graeser project, ACE Hardware in Brentwood and U-Gas in
6 Ballwin.

7 Back on November 6th they presented another
8 Grove ALF project in Sunset Hills.

9 Mr. Biermann made a point of talking about the
10 scenic value of the site. What do we have at 450
11 Lindbergh? You're all hammed in there, to say the least,
12 and it may be green, but it's a green wall and it's close.

13 Finally, in their application for the
14 certificate of need to the State they falsely stated that
15 there was no opposition. We know that wasn't true.

16 When the standard form -- and then when the
17 standard formula for showing the need for ALF didn't give
18 them the result they wanted, they fixed it by using a
19 different formula. It just goes to show that simply
20 because something is legal, doesn't mean it's ethical.

21 The bottom line is that they have no regard for
22 the collateral damage their projects do to the residents
23 of the community. They just follow the money.

24 They count on the fact that the people who would
25 defend their neighborhoods do not have the time to do the

1 research to refute their claims.

2 However, this time they have created enough
3 potential problems for our neighborhoods to take the time
4 to find out what a bad idea this is.

5 Please deny the proposal and further eliminate
6 residential facilities from the General Commercial Zone.

7 Thank you for your time.

8 CHAIRMAN MADDEN: Thank you.

9 David Barrett.

10 DAVID BARRETT: David Barrett, 7 South
11 Tealbrook.

12 I'd like to talk about St. Andrew's.

13 St. Andrew's has a stated value or vision that
14 they have a society where all elders are respected,
15 productive, secure and fulfilled.

16 However, if you look at this particular site
17 that they're planning on putting this property on, I don't
18 see that they can fulfill that.

19 You know, if you go out and look at their
20 websites in some of their other communities that they have
21 in the St. Louis area, they're very nice. Lots of green
22 space, lots of parks, lakes, footpaths, clubhouses, you
23 know, lots of things for the, you know, elderly to do.
24 There's even one with a lighthouse.

25 If you look at this site that proposing to put

1 this on, they're, essentially, shoehorning a humongous
2 building into a very small site. They have very little in
3 the way of green space for the elderly to do anything. I
4 mean the way the person just described it, essentially,
5 they're going to have a gated area in the back where they
6 can, essentially, throw a ball back and forth for these
7 guys.

8 I mean when he described this particular
9 assisted living facility, to me it almost sounded like a
10 prison. Prison for elderly people.

11 Do we really want prisons in our Creve Coeur
12 area? I don't think so.

13 You know, I think this site is poorly planned.
14 I don't think it's the right location for this. It
15 doesn't really fulfill the needs of the elderly people,
16 and it certainly goes against the visions of
17 St. Andrew's.

18 I'm opposed to this, and I hope you will deny
19 the request.

20 CHAIRMAN MADDEN: Thank you.

21 Lyndon Hibbard.

22 LYNDON HIBBARD: Hi, I'm Lyndon Hibbard. I've
23 lived at 16 North Tealbrook for 25 years.

24 I'm against the development of this facility,
25 and my concern is it will create too much noise for the

1 surrounding neighborhood due to an increase traffic,
2 emergency vehicles and deliveries at night by trucks with
3 loud motors and back-up alarms.

4 But there are other sources of noise as well.
5 Air-conditioning equipment is noisy. Regardless of the
6 configuration of this facility's equipment, it will have
7 to have large heat exchangers.

8 According to the engineering literature, cooling
9 equipment from a large facility can generate noise levels
10 of 85 decibels or more. A level which hearing protection
11 is required in workplaces. Experts recommend locating
12 such equipment 50 to 100 feet from the nearest property
13 boundaries.

14 This facility will also have emergency power
15 generator driven by either diesel or a natural gas-powered
16 combustion engine.

17 Emergency power kits for residential use run as
18 large as 17 to 20 kilowatts and require 30-horsepower
19 engines.

20 If this 51-unit facility requires only ten times
21 more power, it will -- it would need a 300-horsepower
22 Henson to drive this generator, and even well-muffled,
23 that engine can certainly be heard by the neighbors.

24 Interestingly, Creve Coeur regulates residential
25 generators, and specifically limits noise to 70 decibels

1 at 7 meters at full load. This proposed facility's
2 generator, whatever the multiplier, would, obviously, be
3 noisier.

4 A further source of noise would be the periodic
5 steam cleaning of this facility's kitchen by contractors
6 using truck-run compressed steam generators that degrease
7 the vent hoods, ducts, stoves and friers.

8 My son is an executive chef with Bailey
9 Restaurants in mid-town St. Louis, and their restaurants
10 require this service at least once a month.

11 The noise is enormous. The cleaning crews have
12 to wear ear protection. And the neighbors, even in this
13 loud, bustling urban environment routinely complain about
14 the noise, especially since the cleaning has to be
15 performed after the restaurant's closed. And this
16 operation can take up to six hours.

17 This proposed facility includes a kitchen that
18 will prepare as many as 200 meals per day; will require
19 periodic cleanups to satisfy regulations, presumably more
20 stringent than those for commercial restaurants.

21 And, again, this service can only be performed
22 at night after the kitchen's closed.

23 Finally, I refer to the City's definition of
24 General Commercial District purpose and intent, which is
25 to accommodate retail shopping and services and offices,

1 which are freestanding or part of small-scaled planned
2 commercial developments, and which are compatible in scale
3 and in intensity of use with adjacent residential uses.

4 Thank you.

5 CHAIRMAN MADDEN: Thank you.

6 Michele Maue.

7 MICHELE MAUE: My name is Michele Maue. I live
8 at 13 North Tealbrook.

9 As we know, this proposed development was
10 allowed even to be considered because it was called an
11 assisted living facility.

12 According to Missouri Statutes, quote, any
13 assisted living facility that is built or has plans
14 approved on or after August 28th, 2006, shall be more
15 homelike than institutional with respect to construction
16 and physical plan standards.

17 The definition in the Missouri statutes and in
18 the code for homelike is, homelike means a self-contained
19 long-term care setting that integrates the psychosocial,
20 organizational and environmental qualities that are
21 associated with being at home.

22 Homelike may include, but is not limited to the
23 following: A living room and common use areas for social
24 interaction and activities; kitchen and family-style
25 eating area for use by the residents; laundry area for use

1 by residents; a toilet room that contains a toilet,
2 lavatory and bathing unit in each resident's room;
3 resident room preferences for residents who wish to share
4 a room and for residents who wish to have private
5 bedrooms; outdoor area for outdoor activities and a
6 recreation, and a place where residents can give and
7 receive affection, explore their interests, exercise
8 control over their environment, engage in interactions
9 with others and have privacy, security, familiarity and a
10 sense of belonging, close quote.

11 I believe that this proposal for a maximum of 25
12 assisted living residents and a minimum of 25 memory care
13 is contradictory on its face. I don't think this is
14 anything that anybody would remotely consider homelike.

15 Clearly, when we look at the plans, there were
16 very few rooms where people could engage in communal
17 activities or any kind of interaction. That I think with
18 the facts that we're talking about, a 25-minimum memory
19 care, we may actually end up with a 51-memory care
20 facility, and then that means that it is an assisted
21 living facility, which really was never meant to be an
22 assisted living facility, and should have never been
23 considered on this site which is less than 2 acres.

24 Please oppose it. Thank you.

25 CHAIRMAN MADDEN: Thank you.

1 Sandra Greenberg.

2 SANDRA GREENBERG: My name is Sandra Greenberg.
3 I live at 19 Haven View.

4 And I would like to talk about the safety and
5 quality of life regarding wandering residents.

6 The proposed development is a detriment to the
7 quality of life and safety of its residents. The
8 proximity of this assisted living facility to a busy four
9 lane high traffic U.S. highway increases the chance of
10 residents wandering out to an unsafe area with deadly
11 consequences.

12 This area of Lindbergh is well-known for
13 speeding cars running red lights at the Trailways --
14 Tealbrook U-turn ramp, accidents and near accidents
15 involving drivers making illegal turns out of the dialysis
16 center, traffic being blocked by tractor trailers
17 servicing the dialysis center, school buses stopping to
18 pick up and discharging Ladue School students in heavy
19 rush hour traffic.

20 The proposed assisted living facility will house
21 25 or more residents and a memory care unit. One of the
22 most challenging issues related to the care of persons
23 with cognitive impairment, i.e., Alzheimer's or other
24 types of dementia is leaving the safe care-giving
25 environment without supervision, often referred to as

1 elopement or critical wandering.

2 Elopement is widely defined by Jan Bennett of
3 NHA in the Longterm Living publication as a resident
4 leaving a facility without observation or knowledge of
5 departure and under circumstances that place the
6 resident's health, safety or welfare at risk.

7 For example, at risk for the clients walking out
8 the door of a facility, escaping through whatever security
9 measures there are a onto busy intersection or highway.

10 This, of course, can result in the person
11 suffering injuries or fatalities after being hit by
12 vehicles utilizing the heavy streets.

13 According to the Alzheimer's Association, more
14 than 60 percent of persons with cognitive impairment will
15 elope from their safe environment without supervision
16 during the course of their disease.

17 If you have a 50-room facility, that is 30
18 potential elopements. Elopement usually occurs in the
19 blink of an eye. A caregiver just turns his head or to
20 check on another resident, coughs or sneezes, turns to
21 monitor another resident when you're having a mandatory
22 fire drill or other facility evacuation, which is required
23 by law.

24 Assisted living data indicates there has been a
25 38 percent increase in the number of reported elopements.

1 Many elopements are not reported.

2 Statistics from the Alzheimer's Association
3 indicate that in the U.S. more than 34,000 Alzheimer
4 patients wander out of their care facility each year.

5 This number increases when one includes other
6 cognitive impairments.

7 All of the aforementioned are detrimental to the
8 safety and quality of life of the many residents who are
9 prone to wandering.

10 Thank you very much.

11 CHAIRMAN MADDEN: Thank you.

12 Suzy Shepard.

13 SUZY SHEPARD: I'm Suzy Shepard, and I live at 6
14 North Tealbrook.

15 I was married to a developer for 32 years. His
16 name is Joseph, and he's now married to Claire McCaskill,
17 and you can read about him in the news any time.

18 And I'm having flashbacks of my post-traumatic
19 stress because what has been presented to you now is what
20 we used to present at these same meetings I had to go to
21 my whole married life where something's presented and
22 nobody here knows what's really going to be built.

23 Nobody in this room knows how many people are
24 going to be living there. Nobody in this room knows what
25 kind of people are going to be living there. Nobody in

1 this room knows what the building's going to look like or
2 what the -- what anything about it, and so I'm opposed to
3 approving this in any way.

4 And my second trauma is that this just happened
5 to my dear sister. She moved to Maine in a rural
6 beautiful part of Maine, and they built a similar thing,
7 promised all sorts of things to her, and what she now has
8 in her backyard is a 24-hour restaurant that stinks. It's
9 an assisted living. She can smell the exhaust. It's a
10 24-hour restaurant that stinks with over 200 meals, I
11 calculated for this place, a day.

12 It's a 24-hour 365 year -- a day per year
13 emergency fire and police place. It's a 24-hour noise
14 producing visiting center, people coming all hours of the
15 day. He said eight to five, but then, again, I was having
16 my marriage flashbacks, and I got so nervous I couldn't
17 hardly walk up here.

18 It's a 24-hour nursing center with supplies and
19 cars coming in all the time. It's a 24-hour
20 transportation center with -- you wait, there are going to
21 be taxis coming and going, people that visiting in taxis,
22 people leaving in taxis, people being taken to the
23 hospital, people being taken to their doctors
24 appointments. It's a 24-hour parking lot. It's a 24-hour
25 hotel.

1 And, honestly, we don't want it in our
2 neighborhood, and we especially don't -- I especially
3 don't want it because nobody in this room knows what it's
4 really going to be.

5 CHAIRMAN MADDEN: Thank you.

6 Arlene Warmke.

7 ARLENE WARMKE: My name is Arlene Warmke, and I
8 live at 17 Beaver Drive.

9 And I am giving my time, speech time to Anne
10 Parker.

11 CHAIRMAN MADDEN: Anne Parker.

12 ANNE PARKER: Um, we're out of order in the
13 order we gave you. Can we double check that, please.

14 CHAIRMAN MADDEN: Well, I had Arlene and then I
15 had Dennis Stevenson was handwritten in here.

16 ANNE PARKER: Right.

17 CHAIRMAN MADDEN: And then Anne Park --
18 Geoffrey -- Geoff Nash, then Anne Parker, then Mark
19 Schupp.

20 ANNE PARKER: Okay. Well, Dennis and Geoff need
21 to go before me, please.

22 CHAIRMAN MADDEN: Okay.

23 ANNE PARKER: Thank you.

24 CHAIRMAN MADDEN: Dennis, want to go first? It
25 doesn't matter to me.

1 DENNIS STEVENSON: Good evening, gentlemen. My
2 name is Dennis Stevenson. I'm from 9 South Tealbrook.

3 I wish to cede my time to Anne Parker, please.

4 CHAIRMAN MADDEN: Okay.

5 And who was the next one you wanted? Geoff
6 Nash?

7 GEOFF NASH: I'm Geoff Nash from 13 South
8 Tealbrook.

9 And I would also like to cede my time to Anne
10 Parker.

11 CHAIRMAN MADDEN: Okay.

12 Anne Parker.

13 ANNE PARKER: I don't have a Vanna White. I'm
14 sorry.

15 I'm Anne Parker, I live at 9 South Tealbrook,
16 and I am one of the trustees of Tealbrook Estates.

17 The first thing I'd like to do is invite
18 everybody to stand up and stretch. We've been sitting
19 here for an hour and forty minutes. I think it's a great
20 thing if everybody just stands up and stretches, so we can
21 move and we become reinvigorated because this is a long
22 evening.

23 And I invite the Commission to do so as well.

24 I know you spend a lot of time -- thank you. I
25 know you spent a lot of time this evening listening to the

1 objections of the proposed living -- assisted living
2 facility at 450 North Lindbergh.

3 And I'd like to put up here a short summary of
4 the objections as they fall into five categories.

5 As you read through the summary, you will notice
6 that several objections fall in multiple categories. I'm
7 not going to read through all of them, but I am going to
8 highlight some that have not been mentioned yet.

9 Under the safety issue. We are concerned
10 because we know that once a year there has to be a fire
11 drill, complete evacuation of the building, and people
12 have to be a minimum of 30 feet from the building, and
13 if -- with that configuration the way it is, this puts all
14 the residents on Lindbergh.

15 We are concerned too because we know that when
16 DaVita Dialysis calls the Creve Coeur Police Department to
17 close Lindbergh in order for their service vehicles to get
18 in and out of DaVita, this then blocks Lindbergh and no
19 emergency vehicles can get through to access your
20 facility.

21 Um, under the feasibility portion, we have
22 talked about several of these, but one question really
23 comes to mind because we had 10 inches of snow two weeks
24 ago, and you don't seem to have a lot of areas where the
25 snow can be plowed and not block some one of these 37

1 parking places. And since we consider 37 still relatively
2 small for the needs of this facility, we're very concerned
3 that huge snow piles will be plowed up and the parking
4 will become even a tighter issue.

5 We also have issues under a third topic is
6 quality of life. And we have some concerns because not
7 all the residential streets are public streets, some of
8 them are private streets. This means that not one dime of
9 Creve Coeur tax money is ever spent to maintain or to pave
10 any of those streets. Those are paid for by the
11 residents.

12 So we would like to know what provisions you
13 have made for the wear and tear on the public streets and
14 what provisions do you intend to make for the private
15 streets.

16 Something else we haven't talked about is damage
17 to residential property. This means where there's people
18 who would be parking on Beaver Drive, there are no curbs.
19 We wanted to know that people tend to drive off the road,
20 especially when the weather is bad or it's at night and
21 you can't see the edge of the road clearly. What about
22 damage to people who park there? What about the people
23 that get out of their cars and walk across your private
24 property? And we also know that if people miss the
25 entrance, and they have to turn into Beaver, and they're

1 trying to turn around in a very small area, it's very easy
2 for them to go off the road and damage people's property.

3 Another issue for us is we are thinking about
4 the public relations side for the City of Creve Coeur.

5 How is it going to look when Creve Coeur is
6 reported on the news for poor planning of this facility
7 when some major issue occurs and emergency vehicles cannot
8 get to either the residents of your facility or the
9 residents of the neighboring -- of the surrounding
10 neighborhood.

11 Our fourth issue is about compatibility and the
12 neighborhood impact. We talked a lot about noise, but you
13 also have stated you're going to have transportation van
14 or vans. Where's it going to go? Is it going to take one
15 of those 37 parking places, in which case, it's really not
16 37 anymore.

17 We're concerned about parking access and
18 overflow parking for holidays and special events. You
19 said you're going to provide a shuttle service. A shuttle
20 service to where? And where are all these vehicles going
21 to go?

22 We know we're -- one side of Lindbergh is
23 one-way. Let's be realistic, where are we going to go?

24 We've also not talked about building lighting.
25 And I don't mean about the posts out in the parking lot

1 illuminating the periphery, I'm talking about the lights
2 in the building that are on 24 hours a day that that will
3 still shine out into the surrounding residential area, and
4 what -- there's been no mention of how much lighting that
5 is and how far it's going to go and how that's going to
6 impact the residents.

7 So please understand that while you've heard
8 many negative comments about this proposal, we as the
9 neighborhood residents want to put forth the following
10 ideas for a better use of the property. These are ideas
11 are to be presented in keeping with the -- I'm sorry --
12 keeping with the surrounding commercial properties to
13 be -- sorry, I need a drink of water -- to be presented in
14 keeping with the surrounding commercial properties to be
15 development that will generate tax revenue for the City of
16 Creve Coeur, and they are day use only proposals, not
17 24/7/365.

18 Our first proposal is a business incubator site.
19 The existing facility with some updates can be used to
20 help new small businesses in the biotech industry to get
21 started.

22 The incubator can be partnered with Monsanto or
23 the Donald Danforth Plant Science Center or other
24 St. Louis institutions to act as partners, coordinators to
25 the start of business.

1 A great advantage to the incubator idea is that
2 it's -- is its close proximity, both Monsanto and the
3 Plant Science Center.

4 The current building is divided into various
5 sized areas, a plus, so each startup has its space option
6 and as the building fills, the businesses will have
7 opportunity for collaboration.

8 Our second proposal is to develop the property
9 as part of the existing corridor of office space for
10 medical professional organizations.

11 At 243 North Lindbergh is the American
12 Optometric Association. Across the street from 450 is 401
13 North Lindbergh home to the American Association of
14 Orthodontists. At 480 North Lindbergh is the American
15 Heart Association.

16 Putting another professional organization along
17 Lindbergh would be in keeping with existing businesses
18 with your day use only would give Creve Coeur another
19 identity as a city that welcomes professionals.

20 Wouldn't the American Academy of Dermatology,
21 the American College of Surgeons, the American Association
22 of Neurological Sciences or the American Association of
23 Professional Coders be better tenants or owners of this
24 site?

25 Our third proposal is to encourage more

1 international development using the Canadian Embassy at
2 401 North Lindbergh as a starting point.

3 The property at 501 North Lindbergh, a two-story
4 office structure, is currently for sale or lease. And it
5 could be partnered with 450 to develop an international
6 corridor.

7 Property that was formerly Watercolor Cafe could
8 also add to this potential area of international
9 development.

10 Again, this would enhance Creve Couer's image as
11 a welcoming community to all nationalities and would
12 reflect its diverse cultural population.

13 The third proposal would blend with existing
14 business, and, again, be day use only.

15 Our fourth idea is a general office building.
16 Using the few current tenants that you now have, you would
17 encourage new business to move in and fully occupy the
18 remaining spaces.

19 The current building has well over 100 parking
20 spaces, which would ensure to the neighborhoods that all
21 parking would be contained on site and not overflowed into
22 the neighborhood.

23 The current entrance to Tealwood Square is
24 60 feet wide giving delivery trucks space to turn in and
25 out the property.

1 With current configuration, trucks can drive
2 completely around the building and can access a loading
3 area at the rear. Right now there is minimal disruption
4 to Lindbergh traffic since trucks have room to maneuver
5 with the 60-foot wide entrance and exit.

6 Our fifth idea is a community meeting area
7 coupled with a gym or exercise room. Included in the
8 community space would be a small coffee shop, ice cream
9 parlor or eatery where residents can gather.

10 And last, but not least, is a community green
11 space dedicated to Pat and Harold Dielmann. This can be
12 called Dielmann Farms and can be converted into a
13 community garden. It would provide the City of Creve
14 Coeur a place to hold gardening classes as part of their
15 community education program.

16 Creve Coeur does not have any community green
17 space east of Lindbergh. This parcel could be
18 re-landscaped, have open areas for people to walk or
19 exercise, especially those from the surrounding
20 residential streets.

21 Studies have shown that the quality of life is
22 improved by having open green spaces close to or adjoining
23 residential areas. We can -- we can look to examples in
24 the greater St. Louis area for funding ideas to make this
25 happen.

1 While designating this as open green space would
2 not generate tax revenue, it would be in line with the
3 Creve Coeur Comprehensive Plan and the efforts of the city
4 to become a green community, would add to property values,
5 and Creve Couer's image and rating as one of the top ten
6 communities in the metro area to live in.

7 I'd like to close with a few questions that have
8 yet to be answered.

9 We've seen the current business plan with the
10 application for the certificate of need. We know that
11 other assisted living facilities are looking ten years
12 ahead as they plan for their future. Senior living is
13 changing. The current assisted living facility is moving
14 to function more like a skilled nursing home.

15 Assisted living is going to have to improve and
16 provide additional services to residents as they age.

17 Business plan does not address any future
18 planning for expansion or changing of services and those
19 related costs.

20 Without information on these, how viable is this
21 project as an assisted living facility?

22 At this time you said you will not be tax
23 exempt. What happens two, three, four years down the road
24 when the ownership or the management changes and it goes
25 to tax exempt? We've all seen this happen in other

1 places. What do you plan to do to protect residents and
2 guarantee income for Creve Coeur to replace lost tax
3 revenue?

4 Would you put your mother, father, sister,
5 brother or other relative into this facility? Would you
6 buy Mr. Dielmann's house, if it were for sale, that
7 adjoins this property and want to live with the noise,
8 aggravation or the possibility that emergency vehicles
9 could not get to you or to your loved ones when a life was
10 at stake?

11 You listened to residents that adjoin the
12 current Red Racks Store on Olive, the former Walgreens.

13 When Chick-fil-A wanted to put in a
14 drive-through on that site, you voted no.

15 Please listen to our objections and vote no on
16 this project.

17 Thank you.

18 CHAIRMAN MADDEN: Thank you.

19 Mark Schupp.

20 MARK SCHUPP: Good evening, I'm Mark Schupp. I
21 live at 418 North Mosley. I'm here to represent my wife,
22 Representative Jill Schupp, and I'm reading from her
23 remarks.

24 Good evening Commissioners, staff, fellow
25 residents and guests.

1 Because of my involvement in the proposal for
2 450 North Lindbergh through a request for certificate of
3 need determination, I met with over 25 residents last week
4 and heard a multitude of legitimate concerns with regard
5 to this proposal.

6 Please allow me to be clear that the complaints
7 were not geared toward the developer. I have heard
8 positive comments about his work and respect the work of
9 George Stock.

10 Rather the concerns are centered on the
11 appropriateness of this relatively large facility on the
12 small tract of land and the intensity of use with a
13 24-hour facility operating there.

14 Traffic, noise, increased pressure on the
15 infrastructure, particularly the sewer systems, lack of
16 adequate parking on holidays, an ongoing influx of truck
17 traffic for deliveries, perishable supplies, all abutting
18 a residential community are among the valid concerns of
19 the residents.

20 There is no question that as residents of our
21 community age, assisted living facilities are a needed
22 service. However, while tracts of land in Creve Coeur are
23 limited, it is necessary to find a site that will fit the
24 project in terms of scale and with surrounding uses
25 considered.

1 A significant number of residents are concerned
2 with this development and are asking for their voices to
3 be carefully considered as you determine whether this
4 project should move forward.

5 I do not envy you having to make this decision.
6 While I am a former resident of Quailways, just west of
7 the project, I am here expressing concerns as a result of
8 the role I played in requesting the certificate of need.

9 I am now compelled to take what I have heard and
10 learned from the residents and ask you to fully consider
11 their concerns as you wrestle with this decision.

12 Thank you for your time and your work.

13 Jill Schupp of Jefferson City.

14 CHAIRMAN MADDEN: Thank you.

15 Mary Outten.

16 MARY OUTTEN: Good evening. My name is Mary
17 Outten. I live on the corner of Tealwood Drive and
18 Lindbergh Boulevard.

19 I realize that anyone choosing to live on the
20 corner of a major urban thoroughfare must be expected to
21 put up with a certain amount of traffic and noise.

22 With increasing population density in the
23 suburbs comes an increase in traffic and noise.

24 Our particular stretch of Lindbergh is currently
25 a popular speed enforcement area for the Creve Coeur

1 Police Department. We hear police sirens frequently as
2 speeders are pulled over.

3 We also have the DaVita Dialysis Center as a
4 neighbor where the Creve Coeur Ambulance frequently
5 responds to calls, hence we hear those sirens.

6 Our quiet residential neighborhoods were built
7 next to Lindbergh in a time when no one approved of using
8 our streets as entryways to commercial enterprises.

9 Lindbergh has a concrete divider down the
10 center, which runs for miles, intended to discourage
11 rampant commercial development of say the type of scenario
12 we see on Manchester Road where cars can turn this way and
13 that to access businesses from either side of the street.

14 I feel that the proposed assisted living
15 facility for 450 Lindbergh Boulevard is inappropriate for
16 the neighborhoods adjacent to the site.

17 Primarily, I object to a proposal which would
18 allow 24-hour a day, seven-day a week activity. This
19 would be completely out of character for this section of
20 Creve Coeur where residents strive to maintain the dignity
21 of these quiet residential streets.

22 Thank you.

23 CHAIRMAN MADDEN: Thank you.

24 Angela Rose.

25 ANGELA ROSE: Hi. My name is Angela Rose. I

1 live at 10335 North Sunswept Drive.

2 And I'm hoping that you oppose this building.

3 I don't think there are any assurances to
4 property owners, private homeowners in this area, that if
5 this facility is built it will continue in perpetuity
6 operated as they presented.

7 And I appreciate the gentleman from
8 St. Andrew's. I believe what he said tonight was that
9 they have, quote, unquote, no operational plan yet. So
10 that concerns me, because if we don't know the operational
11 plan now, does that mean we're going to know it in the
12 future, is it always changing?

13 I don't know what the funding source is for this
14 business. I don't know where they're going to get the
15 majority of their profits so they can operate. I don't
16 know anything about it. But I do know that we all have
17 private property, and we're trying to maintain the value
18 of our private property, and we -- we love the life we
19 have here in Creve Coeur, so please oppose this
20 development.

21 Thank you.

22 CHAIRMAN MADDEN: Thank you.

23 Joan Glascock.

24 JOAN GLASCOCK: Hi, Joan Glascock. I live at 41
25 Beaver Drive.

1 And Beaver Drive, Haven View and Tealwood has a
2 long history of being a wonderful place to live. It's
3 almost in a park-like setting. And it's been a very
4 friendly peaceful place to live, and I think it's only
5 very natural with a major change being proposed like the
6 site, the proposed project at 450 North Lindbergh, that it
7 will gender a long list of very significant concerns. And
8 I had my own list of concerns when I heard about this
9 project.

10 But the more I've seen and the more I've looked
11 into the project, I have to say my own concerns have
12 shifted, and I now feel very strong support for this
13 project. And knowing that St. Andrew's would be operating
14 the site has given me a lot of confidence in the proposal.

15 I'm a medical professional myself. I'm a
16 pharmacist at Barnes-Jewish Hospital, and each time I go
17 to work I'm taking on a lot of responsibility. I care for
18 very sick patients in intensive care units and also the
19 special care nursery. And there's a lot of risk
20 associated with that.

21 And I see an organization like St. Andrew's, you
22 know, taking on a responsibility care for a very special
23 patient population with a lot of added risk. And I guess
24 my support for this project is because I have underlying
25 respect for the work that they do, and I consider it our

1 good fortune to have them interested in locating this
2 facility at that site.

3 And I guess I have a trust too that they have an
4 understanding of their business, and they've come to us,
5 not once, but twice, asking for permission to locate at
6 this site. And to me that gives me confidence, you know,
7 in the proposal and I think it adds a lot of weight to the
8 proposal.

9 Also, I've been very impressed by what I've seen
10 in representative from engineering firm, and, yes, there
11 are a lot of very real concerns, but I have seen this firm
12 make -- really pay close attention, I believe, to the
13 concerns of the neighborhood, and I've seen them make a
14 very good-faith effort to address each of those concerns.

15 You can never eliminate all risks, and, all --
16 you know, answer all questions. But, again, I would like
17 to see the proposal supported by the Council, by the
18 Commission.

19 And just wanted to state my strong support for
20 the project.

21 CHAIRMAN MADDEN: Thank you.

22 Paul, you guys have comments?

23 MR. LANGDON: Sure.

24 Good evening, Mr. Chair, Members of the
25 Commission.

1 I'm just borrowing the applicant's site plan so
2 we have a visual to refer to.

3 First of all, my congratulations to the
4 applicant and to the residents. I think in both cases we
5 have the most thorough analysis I think I've ever seen on
6 a project.

7 It's -- it's impressive. It really is. I think
8 the applicant has tried in a very legitimate way to -- to
9 identify what the true concerns are, to try to answer
10 them. And I think the residents have made every effort to
11 try and find real concerns that, if they can't be
12 answered, then the project should be out of the question.

13 I think I certainly am not going to try to sort
14 of go down all the comments and answer them one way or the
15 other with my own perspective.

16 I think a couple of things that I can help you
17 do, as the Commission, is to look at what it is you're
18 trying to accomplish here in reviewing this project, and
19 really what the -- the scope of your review is.

20 As you know, and as was identified by the
21 applicant, the Zoning Code allows permitted uses and
22 conditional uses.

23 In any development, whether the use is permitted
24 or conditional, there is site plan review authority.
25 There is the opportunity to address any issues that we see

1 when a site is being completely redone.

2 Issues such as access, such as location of
3 parking, landscape, building height, setbacks, those can
4 all be looked at.

5 However, when the standards are met, when they
6 actually meet the minimum requirement, it becomes very
7 difficult from a standpoint of government review to say,
8 well, you met the minimum standard, but it's not good
9 enough.

10 If it is a permitted use, then even more so. We
11 really are down to determining if the materials meet the
12 requirements, if the plan material is sufficient in the
13 landscape plan, if the access meets basic minimum
14 standards.

15 With a conditional use you have findings that
16 are in the ordinance that were alluded to earlier that
17 really lead to that decision. And that, really, I think
18 is what the residents have tried to identify is whether
19 they don't believe those findings are met. Things like
20 demands on city services; things like impacts to
21 surrounding property owners, and then potential harm to --
22 to the property or the users of the property.

23 Um, if we do not allow this project, then we
24 have to look at what else might be here. And I think
25 that's important because one of the things that we have

1 dealt with a lot, especially over the past few years with,
2 first, a very down economy and then a weakly recovering
3 one, but recovering nonetheless, is the issue of vacant
4 property.

5 We have had several that have sat vacant and are
6 still vacant. We have had several big successes. The
7 Complete Music site was vacant for years, many years, and
8 I think, from everything I've heard, people are very
9 pleased with how that's turned out.

10 It took a certain commitment to a different
11 approach, a different architecture than maybe we were used
12 to as far as the visual treatment, but we got to where we
13 want to be.

14 We have the two apartment complexes that, while
15 controversial, represent significant influx of residents
16 into a part of town where there are very few residents
17 that are actually residents of the city.

18 And let's not forget, aside from the fact that
19 those people bring with them their salaries and then the
20 money that they spend on local services, they also bring
21 an increased share of the shared sales tax to the city.

22 So increasing residences is actually a major
23 benefit to the city, not just indirectly through their
24 economic activity, but directly in terms of our share
25 of -- of what's already out there.

1 So, again, I think those are big successes.

2 We have some other properties that have
3 struggled. And had a couple of pictures that -- let me
4 get those up now.

5 And I don't mean to put these up to create a
6 strawman. I certainly don't want to introduce the notion
7 of a boogie man into this, but what they do serve as an
8 example. They are sites that are in the field and things
9 that you all, as the Commission, who are taking a broad
10 view of this, have to keep in mind.

11 This site is Wheatcrest Shopping Center, north
12 side of Olive just west of 270. This site has struggled.
13 The parking is split between the parking lot above, and
14 then there's actually a parking lot underneath this
15 building. The access is extremely difficult. If anyone's
16 tried to get to it, this site here is equivalent to a
17 bobsled run down into the garage, and then you have these
18 very, very narrow driveways into the parking lot. It's
19 almost sort of a nasty combination of long distance from
20 the street, down from the street, and then a facade that
21 doesn't really draw any addition.

22 The property owners have struggled. It's
23 changed hands. There are significant maintenance problems
24 on the property we won't get into, but suffice it to say,
25 the owners have difficulty finding the funds to make the

1 remedies and the needs. And they've had to go to whatever
2 tenants they can find to fill the spot.

3 We have, for example, in that center, a smoke
4 shop. It's absolutely legal. It's absolutely permitted.
5 Then we have a lot of concerns about the activity
6 associated with it. But this is a retail center, and this
7 is what you have to do.

8 Similar to that site, Graeser and Olive, just
9 referred to as the New Walgreens right here, this is the
10 realigned street, vacant lot created by the movement of
11 the street. The old Walgreens.

12 While the comment was made, and absolutely true,
13 that there was a proposal for a fast food restaurant here
14 and did not succeed, let's bear in mind that the
15 applicants are not seeking a fast food restaurant. There
16 is a longstanding history with the city's issues with
17 fast -- standalone fast food restaurants.

18 What did come out of that was the situation
19 where this property owner could not find a tenant.
20 Ultimately settled on a tenant that was not their first
21 choice, and while it is occupied the building, I can tell
22 you that the residents who live right here, and you can
23 see how close they are, are not happy.

24 I have been out to that site personally many
25 times to inspect the commercial site, as well as to speak

1 with the property owners and try to resolve their issues.

2 The point being that the property owner knew
3 that they might be generating issues with that tenant.
4 But they couldn't find any other tenant because they
5 couldn't go with the -- the more aggressive approach. Not
6 that I'm saying they should have done the fast food
7 restaurant. That's not my point. My point is when a
8 property owner gets desperate to find some -- some return
9 on their property, they may resort to choices that none of
10 us expected in the first place.

11 Just go straight across the street. Two old
12 inline retail centers. Similar problem. There are
13 consistent vacancies in that site. The property owners
14 struggled to keep them occupied. They are in a very
15 competitive retail market, so even though their rents are
16 very low, it's still hard to keep the building full.

17 An inquiry came in last week for check cashing
18 service for that property. Again, not necessarily our
19 first choice, it's not even permitted in the Zoning Code
20 right now, but it's certainly their right to petition for
21 that change.

22 And, frankly, we can't prejudge any given
23 establishment on their ability to run their business
24 effectively or legally. We assume they will. And so be
25 very difficult to deny that use should it be petitioned.

1 Doesn't mean it won't happen, I'm just saying
2 that's the scenario presented with.

3 Something we have to keep in mind when it
4 becomes too difficult to do what we all hoped would really
5 happen.

6 Last site was already referred to. Watercolors
7 Restaurant. Another site that's been vacant for years.

8 This site was looked at by Sunrise -- well, I
9 think the Sunrise was looking at assisted living for this
10 sight. Could be wrong about that, but it's that -- that
11 operator, Sunrise Nursing Home or Assisted Living.

12 It didn't work. There were issues with the
13 site. They couldn't meet the setback requirements. And,
14 certainly, the neighborhood to the west was immediately
15 mobilized, the same as we've seen tonight, against the --
16 the proposal.

17 But in the wake of that failed opportunity,
18 nothing. I was by there the other day. I noticed it's
19 reached the point where the owner's sign says "accepting
20 offers". They almost can't give it away at this stage.
21 It's not for lack of visibility. When you come down the
22 hill you can see this -- this store. It's not for lack of
23 a decent entrance. It has a driveway here and it has --
24 has the road here that potentially they could access, and
25 there's another driveway there. It's large enough. It's

1 Lindbergh. It's a problem we have with Lindbergh.

2 It's absolutely true. That cement wall,
3 concrete wall is a killer for retail. The concrete wall
4 was put in because there were a series of crossover
5 accidents on Lindbergh. People turning left at the wrong
6 time; people not paying attention and crossing over at the
7 wrong time; people hitting ice on the road and sliding
8 across at the wrong time resulting in head-on crashes on
9 Lindbergh. That's why the wall went in.

10 MoDOT doesn't care about the private lane use on
11 either side. That's not their issue. Safe movement of
12 traffic is their issue, and that's why the wall is there.

13 The unfortunate side effect is it's been very
14 hard on any of the property owners on Lindbergh.

15 Now, ideally, I would say it's true, if we had
16 it to do all over, we would not have commercial on
17 Lindbergh, unless we were certain it was a destination
18 commercial use, because we wouldn't be going through these
19 struggles we have now. But we don't have that.

20 We already have general commercial zoning up and
21 down the street. We already have property owners with a
22 vested interest in making something happen on that
23 property. They paid good money for the property. They
24 have every right to expect that the city will not
25 completely incumber their ability to make a return on that

1 property.

2 We do not operate in a not-for-profit society.
3 While we may ultimate see a not-for-profit here or maybe
4 we'll see the Dielmann Farm park complex, and that would
5 be wonderful. We can't really set that out as our goal.
6 We can't deny everything else in the hopes that that one
7 perfect solution will come along. We don't have that
8 luxury, unless we want to see vacant property.

9 But what happens to vacant property? Well,
10 Watercolors, the police are out there regularly because
11 inappropriate activity in the parking lot. What happened
12 to the church up on Old Olive where Vanguard Apartment
13 Complex was approved. Routinely getting police calls for
14 that site because that building is being broken into or
15 the house on that property.

16 I spoke to the owner on Thursday or Friday last
17 week, and he said that the house was broken into just last
18 week. They just re-boarded the house in preparation for
19 demolition and it got broken into again.

20 Crime is the real result of vacant property. It
21 happens. We don't want vacant properties. Doesn't mean
22 we go for anything, but it means that we have to keep a
23 little more open mind beyond just what would be perfect.
24 The pursuit of perfection could ultimately lead to a worse
25 outcome.

1 So with that said, want to point to another,
2 which has not come up tonight, oddly enough. And turn it
3 so north is up. North up. Delmar Gardens, which is this.
4 This is Country Manor Lane, Cross Creek, Pulaski Bank,
5 Pulaski Insurance Services, and then you have residential
6 here and here. St. Monica's up here. Delmar Gardens
7 Corporation actually owns all of this, but this is the
8 nursing home here. That complex has 112 beds; it has 80
9 parking spots, which you can see, this is a daytime shot,
10 and that parking lot is -- is not full.

11 Even minuses in nursing homes, so residents do
12 not drive. Those are all staff parking or visitor
13 parking. I don't know for sure, typically this is from
14 our -- the City's GAS, and the aerial should have been
15 flown on the weekend, so this is probably a Saturday or a
16 Sunday.

17 But looking up close, there's -- you can see the
18 line of the fence. You can see how close that building
19 is. I can tell you, that's about 10 feet. It's
20 nonconforming, but there it sits. That building sits at
21 roughly the same elevation as this house, but it's
22 actually a few feet higher.

23 And I can tell you that when this was proposed
24 to be redeveloped as an office complex it was going to
25 provide 220 feet of buffer space here. The building was

1 up here. Those residents fought hard to keep this. They
2 preferred this over the office building.

3 So, clearly, it's a question of perspective in
4 terms of the devil you know.

5 I think that that's what makes it challenging
6 now, in that we have something different. We don't have
7 an assisted living facility in the city like the one being
8 proposed. And we don't have a site plan like this one
9 where it's on the corner of a small, small street and then
10 Lindbergh Boulevard.

11 So I think that what I'm trying to point out
12 here is that a much larger facility is set into the site
13 in a way that really does not impact these neighbors, and
14 truly it doesn't, they'll actually prefer this over a
15 commercial outcome, so maybe to some extent this might
16 serve as some reassurance for the neighbors of tonight's
17 site to know that --

18 VOICE: Excuse me. Is that zoned General
19 Commercial or is that the Core Business District?

20 MR. LANGDON: That -- that site is zoned General
21 Commercial.

22 VOICE: Thank you.

23 DENI DICKLER: Is that a skilled nursing
24 facility or assisted living? Skilled nursing?

25 MR. LANGDON: Skilled nursing.

1 And --

2 VOICE: And that -- that small, small street
3 that you referred to, that -- that is Beaver, your words?

4 CHAIRMAN MADDEN: Please don't interrupt, okay,
5 and let Paul finish. Thank you very much.

6 MR. LANGDON: Now, having said that, I think
7 there are a lot of issues that we need to be mindful of if
8 this project is to move forward.

9 Obviously, there have been changes in the plans,
10 which we had not seen until tonight. There are questions
11 in terms of access and trying to improve access and,
12 frankly, whether it's an office building or it's an
13 assisted living building, you got people trying to get to
14 the site, may not know where the driveway is and may
15 overshoot it, so whether it's this use or any other use,
16 people missing the driveway are a problem.

17 You'll recall last week we had a -- or two weeks
18 ago maybe -- a discussion involving Balmoral Shopping
19 project up here. Resident came in here and made the exact
20 same complaint; people trying to get to Balmoral, drive
21 into our street and then turn around.

22 GC property, two-story commercial, successful
23 and the same problem.

24 We also heard the same complaint about 24-hour
25 activity. That what occurs there, restaurant. When does

1 the restaurant start its operations to be ready to go in
2 the morning, 2 a.m. So if they stop service at 9 p.m.,
3 and then you have kitchen cleaning and you have trash out
4 and then you start receiving -- start receiving material
5 at 2 a.m. and have cooks arrive, pretty much have a
6 24-hour operation. That restaurant -- that is a
7 restaurant, so that is also a conditional use.

8 But a bakery is not a conditional use. Maybe
9 that's not the way it should be, but that's the way it is.

10 Same situation, same scenario, same contention
11 issues. So even permitted uses can be 24 hours.

12 And I'll remind the Commission that there's
13 nothing in the Zoning Code that prohibits 24 hour of
14 operation of any use. We do not prohibit 24-hour
15 activity.

16 If it's a conditional use, we can regulate it
17 through the CUP; if it's permitted use, it's their choice.
18 We cannot stop it. We do not have a rule against it.

19 What we do have are rules against trash pickup
20 before 7 a.m. We have rules against construction activity
21 on weekends beyond certain hours. We have noise and light
22 standards that they have to meet. Those are true for all
23 uses, whether it's conditional use, permitted use,
24 assisted living use or retail use, those standards are
25 still there.

1 So really there's a lot of commonality between
2 what's proposed and what could actually go there. Even in
3 the existing building, those issues are still there.

4 There are concerns about the FAR. I, too, would
5 like to see the applicant settle on a floor plan. The
6 numbers that we looked at were not at the upper limit, .4
7 is the limit, they're below that. With the shifting
8 around of some walls, as long as it's not by a great
9 degree, we were confident that it would still meet the .4.

10 Even with that, in the end, if their final plan
11 still shows .4, we have nothing more to -- to do with it.
12 If they submit final plans that show .5 or .45, then we
13 deny the plans. Just because you approve a site -- you're
14 approving it based on the -- the site meeting all the
15 minimum conditions. If the final construction drawings do
16 not meet those conditions, you don't approve them.

17 So they can't bait and switch. They can't show
18 you a .36 plan tonight and then go to .5. It simply can't
19 happen.

20 So we always have that -- that last check at the
21 building permit stage to make sure that they are following
22 through.

23 Question about tax revenue. You know, we -- we
24 try not to dwell on tax revenue in the city as far as a
25 justification for land use decisions, cause really revenue

1 decisions and land use decisions, ideally, ought to be
2 separate, but we know they're not.

3 A commercial operation retail does not
4 necessarily generate tax revenue, witness the use across
5 the street from this one in the old Joseph Bank building,
6 the Jewish Women's League operates a 501(c)(3) out of
7 there. The Red Racks is a 501(c)(3), generates no sales
8 tax or any tax. We have several others, religious uses,
9 501(c)(3).

10 There's plenty of uses that are not assisted
11 living that also don't generate taxes.

12 On the other hand, we have other means to
13 approach the owners to see what certainties there can be
14 and -- and maintaining revenue stream if they're so
15 willing, and if it's something the city wants to go into,
16 payments in lieu of taxes, if there was some expense that
17 the city was bearing, if there was an expense by the Fire
18 District, that could be something we could look at.

19 That's a whole new idea. Hasn't even brought
20 out tonight. Certainly don't suggest you should base any
21 decision on that as a solution, but it's something we can
22 look at as an option.

23 Landscape plan. There are, you know, a few
24 minor issues, but I think that can be resolved. One major
25 issue though is this notion of the buffer. As was

1 identified, half the buffer today, if left intact, would
2 be honeysuckle. Officially, we don't do honeysuckle. So
3 the -- the -- the sad reality though is it's the most
4 awesome buffer plant ever created. So, you know, if
5 the -- if the neighbors really want to keep it, and I
6 can't find any reason why it should come out, then I say
7 leave it in. It will come back even if we take it out.

8 So, you know, that's really a negotiated issue,
9 and -- and while we can be the liaison between the
10 property owner and the neighbor, we can't really resolve
11 that one way or the other without being, I think, overly
12 heavy-handed about it. So that would take time.

13 Bottom line being, I don't think, from the
14 staff's perspective that we're ready to see you make a
15 recommendation in favor or against tonight.

16 It's certainly your choice to do so. You have a
17 draft ordinance in front of you, which you could vote, if
18 you want.

19 Couple of changes that it should have is that
20 that should be a -- a shelter easement, as was alluded to,
21 that needs to be specifically identified. All the plan
22 references would need to be updated to the current plans,
23 if you are agreeable to them. And I would also suggest
24 that the crosswalk through the parking lot should be a
25 different material from the pavement because it's much

1 more effective in identifying a hazard area.

2 I know that there are a lot of issues that the
3 residents would probably like to be identified, but I
4 don't want to go on any longer.

5 There are certainly questions that I know that
6 the applicant wishes to speak to, and under our standard
7 rules, we do allow rebuttal for the applicant, as well as
8 anyone else who spoke.

9 And if you have any specific questions for me,
10 I'd be happy to answer them.

11 CHAIRMAN MADDEN: Any questions for Paul?

12 MR. ROVAK: It may be more for the applicant.

13 Well, I'll ask one for Paul, but it might really
14 refer back to the applicant.

15 One issue, and maybe I just missed on what its
16 genesis was, narrowing the existing entrance to the
17 28 feet. Does that arise out of compliance with some
18 requirement or was this to preserve parking spaces or was
19 this something that we have requested? I'd like to know
20 the genesis of that, if it started with the staff. If
21 not, it'll wait until I have questions for the applicant.

22 MR. LANGDON: Did not start with the staff.

23 MR. ROVAK: Okay.

24 CHAIRMAN MADDEN: And, Mr. Pullium.

25 MR. PULLIUM: Yes. With respect to the FAR, I

1 think you mentioned tonight in this floor plan, tonight's
2 the first time you've seen it, and you mentioned that, of
3 course, there's a -- a backdrop where you could look at it
4 and if it complies or doesn't comply, but I prefer not to
5 wait until some later point to figure that issue out.

6 But what you're telling me is -- what you said,
7 we'd like to see the applicant settle on a floor plan so
8 you can figure out whether there's any complaints with
9 respect to the calculations; whether they're valid or not
10 valid, and --

11 MR. LANGDON: Yes.

12 MR. PULLIUM: -- what you're saying is you need
13 more right now or you need further review in order to make
14 that determination?

15 MR. LANGDON: To give precision to it, yes.

16 MR. PULLIUM: I would like to see that
17 precision.

18 CHAIRMAN MADDEN: Mr. Faron.

19 MR. FARON: My question was the exact same
20 thing. I was going to ask you about what you'd expect if
21 we were to delay this on FAR. I mean I know they have to
22 meet that number regardless, you know, at building permit
23 date, but I mean that's what you would expect, I guess,
24 when we come back to discuss this complete floor plan with
25 questions answered about open space, and I guess common

1 area and stuff of that nature?

2 MR. LANGDON: Yes, I -- I think that we
3 understand that as buildings go from concept or even
4 high-level concept to construction drawings, there's
5 almost always some change, some proportion is off, some
6 width is not meeting code, so, you know, minor changes are
7 expected, but I think, you know, rearranging of stairwells
8 or major spaces needs to be resolved so that we can
9 provide to you a scaled drawing that shows areas that are
10 contemplated in the FAR, and those are not.

11 MR. FARON: And I think, just for our
12 well-being, it would speak to the target not moving
13 anymore sometimes, you know, you feel uncomfortable about
14 looking at one thing that might not be spot on.

15 And in a situation like this, I think those
16 exact details really need to be laid in stone, so --

17 MR. LANGDON: Yes.

18 MR. FARON: -- we can look at it in that, you
19 know, level of detail and the residents can be confident
20 that's what we're deciding upon.

21 Thank you.

22 CHAIRMAN MADDEN: Mr. Howard.

23 MR. HOWARD: Now that you've brought up stone,
24 one of my concerns is the appearance and the integration
25 with the neighboring community.

1 So two things that like to see a little more in
2 next iteration, additional use of stone and brick
3 materials as opposed to the stucco.

4 I appreciate the efforts you've made in lowering
5 the building, making it more palatable to the neighbors.
6 Went a long way toward addressing a lot of their concerns.
7 You have a long laundry list of things that you might want
8 to consider this evening.

9 Noted in the staff report was a reference to
10 HVAC.

11 MR. LANGDON: Yes.

12 MR. HOWARD: Would you like to speak to that?

13 MR. LANGDON: Sure.

14 Actually, and -- and I'll -- I will say that
15 based on my own circumstances, I know how unpleasant a
16 cooling tower can be.

17 And that was an issue that I brought to the
18 applicant in particular; that there was none shown on the
19 plan, and so what was the plan for heating and cooling.

20 In fact, there is no cooling tower with this
21 building. One of the other benefits that comes with
22 making the building smaller is the demands can be met with
23 smaller systems, room-by-room systems.

24 Initially their plans called for through the
25 wall units, similar to a motel. At our request, they've

1 changed those to in the room units, so-called VTAC units,
2 meaning that the fan -- all the air circulation is
3 completely inside the building.

4 So what we may have in terms of fresh air
5 exchange and ventilation is up on the roof behind that
6 mansard, and that's where, I think, that having the
7 building be just that little bit higher, the roofline
8 being that little bit higher is actually an asset because
9 that becomes the sound wall, so that whatever is up there
10 can't be heard, and then there's no units down on the
11 ground that can become very intrusive. So I believe all
12 of the heating and cooling is either interior or
13 completely screened behind the mansard roof and,
14 therefore, not a concern.

15 MR. HOWARD: Okay. Very good. That seemed to
16 be one of the consistent complaints -- concerns.

17 MR. LANGDON: And it is a condition in the draft
18 ordinance that all the interior units be these VTAC units,
19 which are entirely interior.

20 CHAIRMAN MADDEN: Anybody else?

21 Thank --

22 Mr. Faron.

23 MR. FARON: Can I ask, Paul, in terms of the
24 staff report, you talked about the materials being used
25 and the Design Guidelines.

1 Could you elaborate on more what you're kind of
2 looking for? Are we on -- you know, I think we have some
3 desires for what we'd like to see, and I've mentioned them
4 on, you know, not the stucco and not the E-system, and
5 maybe troweling that on and having the stone and brick use
6 of that material around it.

7 Could you elaborate more on what you'd like to
8 see over there related to what we said? I mean --

9 MR. LANGDON: Well, that's the goal.

10 I think, you know, the city's position on EIFS
11 has always been it's not durable enough; that it -- it is
12 a fake material, and that quality architecture demands not
13 fake materials.

14 There is specific wording in the Design
15 Guidelines that say -- say it should be used only as a
16 highlight material. There is a place for EIFS, but it
17 should be limited.

18 They are not proposing EIFS, they are proposing
19 plaster.

20 On the other hand, the Design Guidelines also
21 say that brick, stone, natural material of that sort are
22 the preferred materials, so, you know, my -- my suggestion
23 to the applicant was that to -- to, I think, more fully
24 implement the Design Guidelines there should be a stronger
25 emphasis on the heavier material.

1 Personally, I also find that a building looks
2 more grounded; it looks more solid. It's certainly a
3 greater investment when those heavy materials come to the
4 ground and form that foundational level to the building,
5 and that the lighter material, the plaster, goes above
6 that.

7 When you have this mosaic where one can go all
8 the way up and the other can come all the way down, it
9 starts to disrupt that -- that sense.

10 And when you remember that not only the Design
11 Guidelines, but the Comprehensive Plan says that in the GC
12 District, to the extent possible, building should reflect
13 a residential character to scale. The more we can pick up
14 those residential elements, the better.

15 The total rearranging is -- is not necessarily
16 the better way to go, as far as our guidelines are
17 concerned.

18 MR. FARON: And my last question would be about
19 MSD and Ameren and MoDOT. Are these concerns that have
20 been brought up tonight ones that you're worried about in
21 terms of runoff and extra load on the system? Have we, I
22 mean, approached MSD on any of this, probably because it
23 probably hasn't been passed yet, but however it's going to
24 play out, have these been thought about, and like is our
25 City Engineer or anyone else concerned about, you know,

1 that extra --

2 MR. LANGDON: Yes. We have, obviously, always
3 maintained a good dialogue with MSD, especially as it's
4 gotten more difficult storm water management issues.

5 The applicant or engineering consultant are very
6 familiar with MSD plans, so I'm -- I'm confident that they
7 are improving that.

8 Again, just as with the FAR issue, they can't
9 suggest that they'll meet the requirements and then it
10 turns out they don't. They can't get a building permit if
11 they don't meet the requirement.

12 Now, I will say we did have a -- a speculative
13 discussion about the -- the sewer system with MSD, and
14 their thinking, without looking at any drawings and not
15 knowing for sure, was that the system has a -- a,
16 basically, a break in it, not a physical like broken
17 break, but a drainage break. So that the subdivision
18 predominantly is going to the east and anything at
19 Lindbergh would tap into the lines in Lindbergh and go to
20 the south. Can't confirm that, but that was the
21 speculation. Nonetheless, we would absolutely make sure
22 that -- I can tell you that projects like St. Luke's
23 Urgent Care was delayed while they figured out their water
24 supply. Plaza Motors, same problem. That project was
25 stopped in its tracks because they couldn't meet water

1 pressure requirements.

2 So we do check the utilities. We do make sure
3 that they can meet the requirements, and then move forward
4 from there.

5 MR. FARON: Thank you.

6 CHAIRMAN MADDEN: Thank you.

7 Mr. Stock.

8 MR. STOCK: Yes, sir. Mr. Chairman, Members of
9 the Commission, I think we're two and a half hours into
10 this right now, and, obviously, there's been a lot of
11 residents that have spoken. Mr. Langdon has spoke.

12 My presentation, I referred to the Comprehensive
13 Plan, I referred to the Code, which are what we use as
14 guides in laying out the site plan. We don't solely rely
15 on those. We rely on the input of the residents, and for
16 months we've been getting input. And I think we've been
17 responding in a positive way, and I stand here tonight,
18 again, reaffirming that we will continue that dialogue,
19 whether it's the architecture of the building, whether
20 it's the landscaping, the buffering, those are all things
21 we're very sensitive. This -- this isn't the first time
22 we've done this. This isn't the first time that I've met
23 with residents. We've got an excellent team. Got the
24 finest builder. Got St. Andrew's. I represent
25 St. Andrew's in Chesterfield. The Terrances residents

1 live adjoining to that. Much larger facility. No
2 complaints. I live in the community. We all live in the
3 community. We're not here to shoehorn something on a
4 particular site. What we're here to do is take a unique
5 piece of property that's underutilized, that's commercial,
6 and we're trying to put a development for assisted living,
7 which doesn't exist, in the city. There's a need,
8 certificate of need identified 110 units or beds within
9 this ZIP code, underutilized, and what we're trying to do
10 is create a residential facility, yet commercial, it's a
11 commercial enterprise, but it's a residential building,
12 it's residents living on the property. It's an
13 appropriate transition, in our opinion, between Lindbergh
14 Boulevard and the commercial to the north, commercial to
15 the south, the residents.

16 One thing that I would ask the Chairman and the
17 City Attorney is that you make part of the record your
18 City Zoning Code, your Subdivision Code, your
19 Comprehensive Plan, our PowerPoint presentation and the
20 City staff report. We think all that's matter of factual,
21 and that we have followed those. And, again, we don't
22 slowly follow those. I'm very respectful of all these
23 residents. I understand what's happening. I understand
24 there's fear. But we're professionals. I'm a
25 professional engineer.

1 So when it comes to traffic, it comes to the
2 driveway. The driveway is really dictated under MoDOT's
3 access management guidelines. We can go back to MoDOT. I
4 mean what MoDOT doesn't want anymore is wide driveways and
5 a lot of them. So if the site had two, they want one. If
6 it was 60 feet, they wanted 30 feet.

7 And that's really their access management
8 guidelines and that's what we're trying to follow.

9 If you look at our site plan, it's not to
10 achieve more parking spaces. It's about 15 feet of green
11 area on each side of that drive, and we can widen that
12 drive to 35 or 36 feet.

13 We have a professional traffic engineer that's
14 on board. He's referred our plan. He's reviewed our
15 on-site circulation.

16 I've personally talked to MoDOT. MoDOT believes
17 that our plan is feasible. And that's the only term they
18 use until you file for an actual permit, and that's their
19 form of the conceptual approval.

20 I personally talked to the Metropolitan
21 St. Louis Sewer District regarding storm water and
22 sanitary. I'm not aware of the issues of the sanitary. I
23 understand what requirements are for sanitary design. I
24 understand the requirements of storm water. We'll make
25 the formal permits once we have the site plan.

1 We've talked to Missouri American. We've talked
2 to Ameren. To the best of my knowledge standing here
3 tonight, adequate utilities are there. But, again, as
4 Mr. Langdon said, it's permit process, and we'll deal with
5 those.

6 So how do we convince the residents that this is
7 the appropriate use. I don't know that we ever can, and
8 I'd like to -- and they came out on a very cold night and
9 there's many of them, and I'd like to have half of them
10 speaking in favor. There was one that seemed to support
11 it.

12 But, again, their -- I think their -- a lot of
13 their comments are the fear of the unknown. But right now
14 what's there is a parking lot with 117 spaces, 10 foot
15 from the property line that could be utilized, something
16 that's much more intense than what this facility will be.

17 And anybody familiar with these facilities, you
18 got to be honest with yourself, you drive by them, there's
19 not cars coming in and out, they're not loud at night,
20 they just aren't. We've done a number of them. I know
21 the residents that live adjacent to them in other
22 communities. I went to St. Monica. That was an
23 interesting slide, so I was there for first through eighth
24 grade. And I know of that nursing home right there. And
25 many families that, cause I knew grew up in the Creve

1 Coeur area, lived in that subdivision.

2 So I know that this type of facility coexists.
3 We're taking all the appropriate measures on the site for
4 security. We're not taking that lightly. And then at the
5 same time we're enhancing the pedestrian access. Those
6 are things that the city -- or that the residents brought
7 up to our attention that were concerns on Beaver Drive.

8 So I think this is a project that we can
9 continue to develop the architecture, the landscaping, the
10 security, operation, lighting, noise. You have ordinances
11 on noise, so there's no spillage of the noise, there's no
12 spillage of lighting across the property line.

13 So we would like to continue the opportunity to
14 work with this Commission and work with the residents to
15 seek your support for our conditional use permit.

16 And the other, we have a professional architect,
17 and we'll get signed, sealed floor plans with the FAR
18 calculation, so it will be forthcoming.

19 CHAIRMAN MADDEN: Okay.

20 Mr. Rovak.

21 MR. ROVAK: Yeah. Couple of questions sort of
22 related, cause I think everything else really has been
23 addressed, and you're going to be addressing the -- the
24 FAR.

25 In regard to the certificate of need, and I'm

1 going to display some ignorance here, but I just need to
2 make sure that I know these things are being addressed.

3 We're looking at a smaller site because it's
4 assisted living rather than skilled nursing. But I do see
5 the one question, I guess, that may be needed to be locked
6 down somewhere along this. And that's this question of
7 we're talking about, what I would say conventional
8 assisted living, if you will, and memory units or
9 Alzheimer's units or something, which I didn't know that
10 that falls into, again, what I would call conventional or
11 assisted living, or is this something further toward
12 skilled nursing, and if so, how does -- you know, is that
13 addressed in the certificate of need? I did not read it
14 or look at it. And do we really have or will we get some
15 kind of a breakdown? Because we're looking at, again,
16 it's a relatively small site, but that's being addressed
17 by the fact that this is assisted living, not skilled
18 nursing.

19 And going along with that, because there was
20 some comments about the size of the site, how does this
21 compare with some of the other, say even -- other
22 St. Andrew's unit, like Brooking Park, if we just look at
23 a gross number of -- number of residents per acre of the
24 property, however you define that, but how does this
25 compare, for instance, with Brooking Park, whatever the

1 design population is there, and the size of that site?
2 Knowing this is smaller, but it has fewer residents, but
3 this -- and that's the only one that comes to mind for me
4 right away, is Brooking Park, but, again, how does this
5 fit into that scheme of things, and are we on the same
6 line or the same density that you're looking at?

7 I guess those are -- they're overlapping
8 questions in my mind. Particularly that question of this
9 is memory units, do they fall under assisted living?

10 MR. STOCK: I don't know that I can answer that
11 question.

12 CHAIRMAN MADDEN: Will you state your name again
13 just cause we're --

14 MR. WILSON: Chris Wilson with St. Andrew's
15 Management Services.

16 CHAIRMAN MADDEN: Thank you.

17 MR. WILSON: The State of Missouri has issued
18 the project a certificate of need for assisted living,
19 and, again, as I mentioned before, there are very specific
20 regulations mandated by the Missouri Department of Health,
21 Senior Services for who is eligible for care in an
22 assisted living facility. So we would have to follow
23 those guidelines.

24 Now, that mean -- does not necessarily mean you
25 cannot have a unit in that facility that's designated

1 towards those people that have more cognitive challenges
2 than the general senior, but they still would meet a State
3 mandated criteria as an assisted living facility, and a
4 person eligible for care.

5 MR. ROVAK: And my other question. How does
6 this density compare to some of your other facilities?

7 MR. STOCK: Mr. Rovak, I don't know the answer.

8 MR. ROVAK: I knew you didn't. I thought maybe
9 Mr. Wilson did.

10 MR. STOCK: I can get it.

11 DENI DICKLER: Excuse me. I have some pictures
12 of their other facility, so I thought you might want to
13 show some of them.

14 CHAIRMAN MADDEN: Well, we just need an answer
15 to the question.

16 DENI DICKLER: They show the visual space.

17 MR. WILSON: I mean the actual density we -- we
18 would have to -- we would have to confirm, you know.

19 MR. ROVAK: Yeah, I'm not looking at, you know,
20 a decimal point or two decimal points, I'm just really
21 looking in the overall scheme of things how are -- what
22 are we really looking at?

23 MR. WILSON: The assisted living portion of
24 Brooking Park is licensed, again, assisted living --

25 MR. ROVAK: Right.

1 MR. WILSON: -- for 100 individuals. About --
2 there are 25 of that 100 is a dedicated memory unit, so
3 while the scale is slightly larger, in part, it is still
4 some assisted living and some memory care --

5 MR. ROVAK: Okay.

6 MR. WILSON: -- is assisted living.

7 You know, based on the general room sizes from
8 the diagrams that we have this far of The Groves in Creve
9 Coeur and comparing those to the operation in Brooking
10 Park, I'm going to say that I think the density is going
11 to be similar, but I don't have those calculations --

12 MR. ROVAK: Okay.

13 MR. WILSON: -- so.

14 MR. ROVAK: But every -- order -- I'm only --
15 yeah. Order of magnitude we're on the same --

16 MR. WILSON: Uh-huh. Yeah.

17 MR. ROVAK: -- kind of general ratio.

18 MR. WILSON: And, again, just -- just a totally
19 side note here, I'm a licensed nursing home administrator.
20 I was also the administrator at Brooking Park for almost
21 five years, so I know the operations quite well.

22 CHAIRMAN MADDEN: Before I close this public
23 hearing, Mr. Stock --

24 MR. STOCK: Yes.

25 CHAIRMAN MADDEN: -- suggest a couple of things.

1 That you get with Paul and the staff, and you think you
2 can have this ready two weeks from yesterday -- isn't it
3 our --

4 MR. STOCK: I believe we can.

5 CHAIRMAN MADDEN: Don't we meet two weeks from
6 yesterday?

7 MS. KELLY: February 3rd.

8 CHAIRMAN MADDEN: February 3rd.

9 Maybe get it to them with a little leeway, so
10 they can review it all and everything, and just
11 suggestions from us, Paul and the residents and
12 everything, and then we -- yes.

13 MR. FARON: Could we get this ahead of time if
14 it's --

15 MR. STOCK: Yes.

16 MR. FARON: -- updated dramatically, you
17 know --

18 MR. STOCK: Yes.

19 MR. FARON: -- it's not a week ahead, but maybe
20 a day or so, just so we can review it, if possible?

21 MR. STOCK: Be happy.

22 MR. FARON: Thank you.

23 CHAIRMAN MADDEN: Okay. So -- yeah, I think
24 that'll close the public hearing then.

25 MR. LUMLEY: So into the record of this public

1 hearing --

2 VOICE: Excuse me.

3 MR. LUMLEY: -- I offer the following exhibits:

4 Documentation --

5 VOICE: Can I ask a question?

6 CHAIRMAN MADDEN: No, we're -- we're -- we're
7 going to meet again in two weeks, so.

8 VOICE: I just want to bring up this point of
9 the real estate tax thing and how we could be guaranteed
10 that the city and the taxable institutions that depend on
11 these real estate taxes --

12 CHAIRMAN MADDEN: Okay. We've closed the public
13 hearing. You know, in two weeks, if you want to bring
14 that back up, we'll discuss it.

15 And we're not going to look at anymore pictures.
16 I think we pretty well beat this to death for tonight, and
17 we can't move anywhere forward till they get back with us
18 anyway, so.

19 Go ahead, Carl.

20 MR. LUMLEY: The following exhibits are offered
21 into the public record of this hearing: Documentation in
22 possession of the City Clerk reflected the public notice
23 that was provided, the staff's report, the citizen
24 petition that was presented this evening. That's
25 identical to the one that was on the dais, right, it's not

1 two different positions? The PowerPoint presented by
2 Mr. Stock this evening, the slides offered by the other
3 speakers, including Ms. Dickler and Ms. Parker, City's
4 Code of Ordinances and Charter, the City's Comprehensive
5 Plan and the public file regarding this application.

6 (The public hearing was closed.)
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STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

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

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

From: [Edward Bachman](#)
To: [Langdon, Paul](#); [Kelly, Whitney](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: 450 N. Lindbergh Assisted living facility....
Date: Friday, January 17, 2014 10:47:50 PM

TO: CREVE COEUR OFFICIALS AND P&Z COMMISSION:

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

There are so many red flags on this proposal. It was turned down once, now they've come back with a new proposal. Other than the building, what has changed? There will still be 24/7 - 365 lighting, noise, emergency vehicles, not enough parking, deliveries where there is no room for the trucks, i.e. - Davita Dialysis blocking traffic. Employees outside smoking at all hours.

This will not directly affect me, except the deliveries, but we are supporting our neighbors, who it will affect in a greater way. Please consider your citizens and how you would feel if this was proposed to go in by your home.

The area is too small....and there are many other areas in Creve Coeur where they could build and have room to expand at a later time - which they will do. This type of health care facility is a necessity and will continue to be so as the "sandwich" generation seeks care for their parents and loved ones. I work in home health care and know that the home health care/family care is going to quadruple in the next ten years. These facilities will be in greater demand - but please put them in an area where they fit and won't disrupt citizens private lives.

I could go on, but I won't. This is long enough and my three minutes are up.

PLEASE DO NOT APPROVE THIS PROPOSAL

Thank you,
Jill and Ed Bachman
Foxbrook Estates
437 Foxbrook Dr.

From: [David Deibel](#)
To: [Glantz, Barry](#)
Cc: plangton@ci.creve-coeur.mo.us; [Kelly, Whitney](#); ckreuter@ci-creve-coeur.mo.us; [Kramer, Cynthia](#)
Subject: 450 North Tealwood
Date: Monday, January 20, 2014 7:10:04 AM

Ladies and Gentlemen,

1. Putting a restaurant in our neighborhood is a terrible idea. I oppose it.
2. Putting a 24-hour a day facility in our neighborhood is wrong. I oppose it.
3. When I need assisted living myself, don't put me on Lindbergh. I oppose that too.

This project has "bad planning" written all over it. Don't be fooled by the developers, and don't be tempted to take the revenue stream this project will provide. It's wrong for Creve Coeur.

I appreciate the need for the owner's of this property to make a change. But NOT an assisted living facility. It makes NO SENSE.

David Deibel
Trustee, Beaver Drive

Initial Proposal FAR 11/26/2013

BUILDING FLOOR AREA CALCULATIONS:

PER CITY OF CREVE COEUR MUNICIPAL CODE SECTION 405.360.E.3.C

MAXIMUM FLOOR AREA RATIO = 0.4

TOTAL BUILDING SQUARE FOOTAGE = 41,900 SF

BUILDING SQUARE FOOTAGE LESS NON-USABLE SPACE = 31,500 SF

FAR: $31,500 / 85,764 = 0.37 < 0.4$, VARIANCE NOT REQUIRED

Non-Usable Space – 10,400 SF No substantiation provided

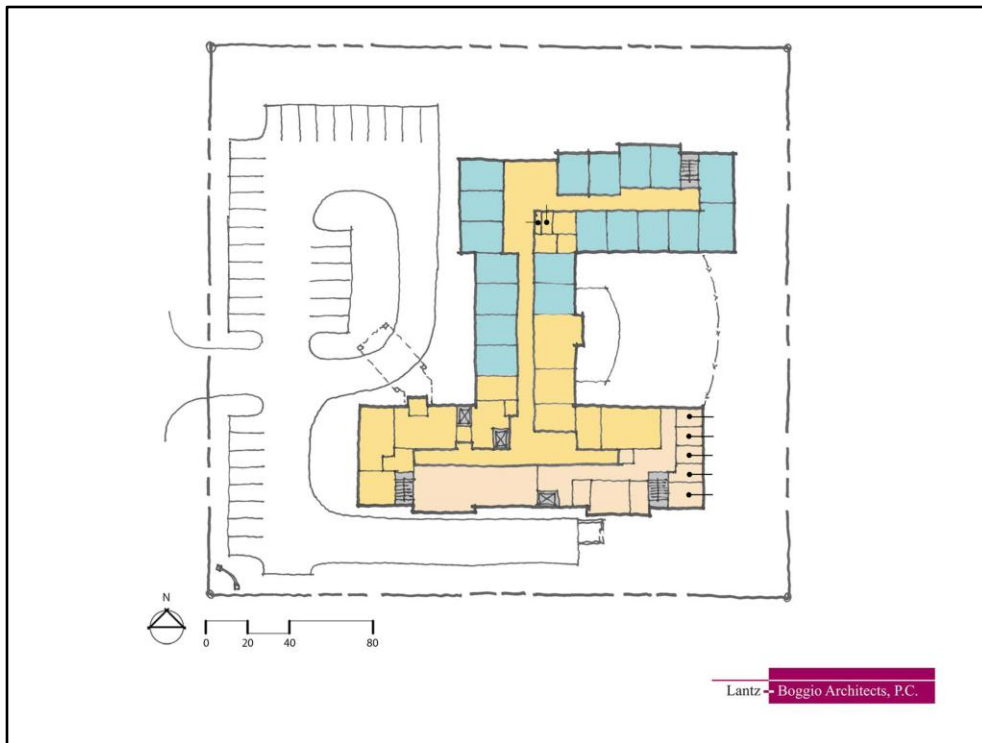
1

I am here to ask you to say “No” to this application for a 51-bed ALF. Many of my neighbors will speak to other objections I share. I want to address 2 points

- Misleading information and
- an unsubstantiated FAR

The initial application provided a FAR calculation based on 10,400 ft² unusable space – or almost 25% of the total 41,900 ft²

As of last night, no substantiation of the 10,400 unusable square footage was provided



With the initial application the developers provided an interior space lay-out with 51 rooms all Memory Care

The lay-out has a scale but its informal nature renders it impossible to calculate accurate square footage

I tried. I got out my architectural ruler. Attempting multiple iterations, I could not validate 10,400 ft² unusable space.

Now let me share with you my discussions with the developers.

Discussion with Developers

- January 6, 2014 – Bill Biermann & Dan Thies
 - Internal space undecided
 - “We’re still working that out”
 - Memory Care “no final number” – min. 25
- January 14, 2014
 - New building plan with FAR calculation to Planning
- January 16, 2014
 - Resident Open House – original site plan & lay-out
 - “We’re still working out the interior”

3

Jan. 6, 2014

January 6 after the last P+Z meeting, I stopped to ask Bill Biermann and Dan Thies several questions. In the course of this conversation they stated that they were still working on the interior lay-out and had no final number for Memory Care rooms

But Dan assured me it would be a minimum 25.

Jan 14

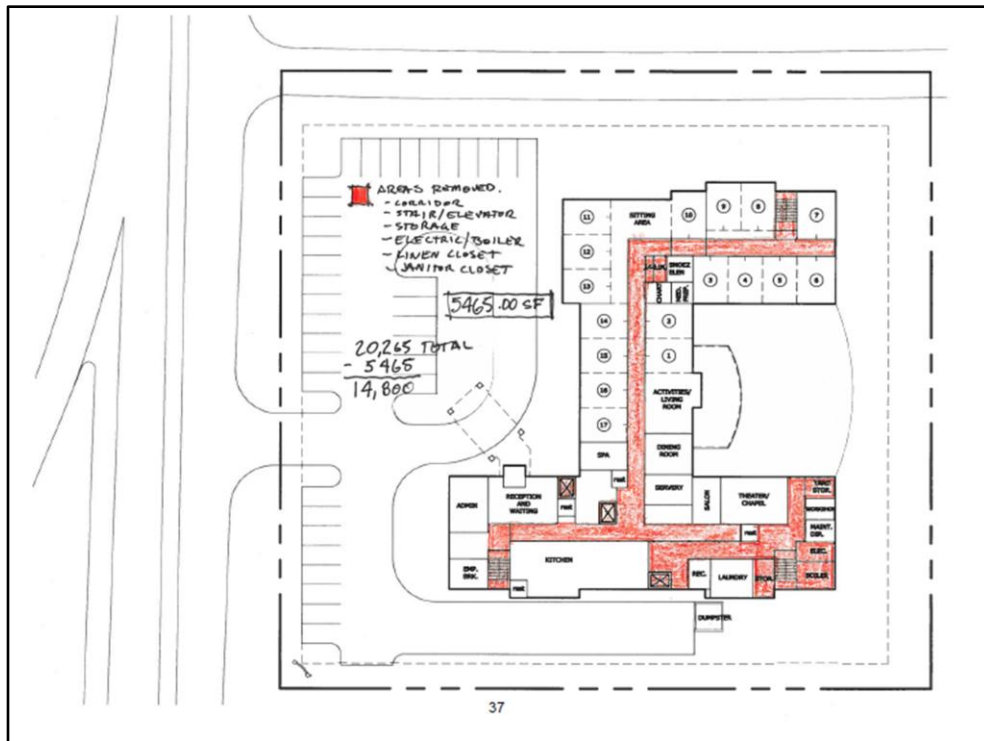
8 days later, on Jan. 14, they provide CC Planning dept with a new interior lay-out But it was based on a building with a different footprint than the application.

Jan 16

2 nights later, they held a resident Open House and provided me with a copy of the interior lay-out The original one with the application – not the revised lay-out and FAR given to Planning

Furthermore, they discussed at length that the interior floor plans were still being worked on. And still no finalization of the number of Memory Care rooms. How could a valid FAR be calculated two days earlier if they have not finalized basic decisions?

Given the sequence of events, I can only believe that they knowingly provided misinformation to residents.

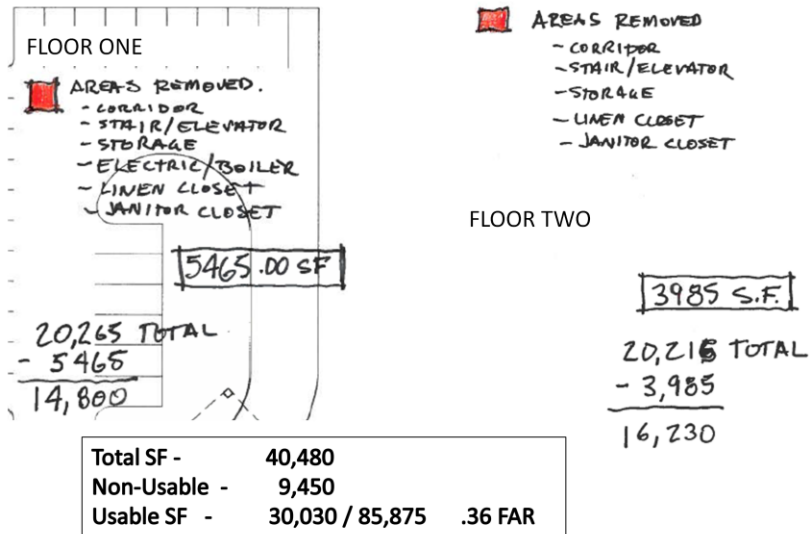


You can see here the a revised building plan submitted on 1/14 with the FAR calculations.

- Different set-backs to the east (the north east and south east ends are even on this plan but not the original)
- 4 rooms removed
- No scale provided
- No site plan to match the new building design which removed 1,420 SF from the total building SF

That did not stop me. I scaled it down to match the lot size of the original floor plan. And tried to take measurements. I could not duplicate their calculations.

Revised FAR



5

Is Creve Coeur really going to accept a handwritten page with no scale or back-up to substantiate the FAR?

The residents of our neighborhoods challenge the validity of these calculations and expect more of our city government than to accept a scribbled plan like this.

Now let's look at a more realistic FAR calculation starting with the lot itself

Usable Lot Area

450 N Lindbergh

- 3,305 SF asphalt (aka Beaver Drive)
- + 3,445 SF Beaver Dr ROW
- Same land cannot be used twice
- Usable lot: $85,875 - 6750 = \underline{\underline{79,125 \text{ SF}}}$

410.220 LOTS :

Lot area is exclusive of street ROW or road easements

6

On the north edge of 450 N Lindbergh is a 3,305 SF strip of asphalt aka Beaver Drive

In addition to this 10' paved strip is the remainder of the 22.5' ROW within the 450 N Lindbergh lot. The property owner has no rights to build on or modify this ROW.

The same piece of land cannot be used twice. It cannot be ROW and part of the buildable lot at the same time.

This results in a modified lot size of 79,125 SF

The Creve Coeur Zoning Ordinance supports this definition of lot areas. See Section 410.220

Next What is usable space in an ALF?

ALF Usable Space

- Gross leasable space not applicable
 - Not independent living apartments
 - Monthly fee is NOT rent
- Areas people live and work
 - Corridors are living and working areas
 - Physical therapy
 - Patient ambulation
 - Controlled wandering
 - Passing of medications
 - Socialization

7

Gross leasable space is simply not applicable when you are talking about assisted living.

- these are not independent living apartments
- And the monthly fee is not rent.

The only reasonable approach is to define Usable Space as where people live and work

Unlike an apartment building, corridors of assisted living are integral to the overall design and function of the ALF

I do not know when you last spent time at an ALF. Most weeks I visit 3 to see my mother, father and mother-in-law. What is very obvious is the extensive usage of the corridors for activities like

- Physical therapy (residents learning to use a walker)
- Patients walking around for socialization and exercise
- Wandering behavior in a safe environment
- Passing of medications

-When you bring this all together ...

CORRECTED FAR *

Original Building Plan

- Total SF 41,900
- Non-Usable SF -1,008
- Usable SF 40,892
- Buildable Area 79,125

New Building Plan

- Total SF 40,480
- Non-Usable SF -1,008
- Usable SF 39,472
- Buildable Area 79,125

- FAR 0.52

- FAR 0.50

*requires variance denied October, 2013

8

You have a much more realistic picture of the FAR for this facility on 450 N Lindbergh

The FAR regardless of the building design used is over the maximum .40

This requires a variance which was already disapproved by the Board of Adjustment in October of last year

Notes to Reference: Non-Usable SF includes stairs and a storage room assumed to be a seldom accessed space. All other spaces required for the functioning of an ALF per MO CSR remain Usable SF.

Reasons to Disapprove

- FAR .50 - .52 requires variance
- Developers provided:
 - Unsubstantiated FAR calculation 11/26/13
 - Unsubstantiated FAR calculation 1/16/14
 - Misleading information to residents 1/16/14
- As of 1/16/14 7:00 p.m. still had not figured out interior space or # memory care beds

9

So let me summarize why I oppose this development.

1. The FAR requires a variance which was already denied
2. The developers provided 2 unsubstantiated FAR calculations
3. They misinformed residents and have failed to provide requested information which has hindered the resident opposition
4. And as of last Thursday, still had not figured out the interior space which is the basis of the FAR calculations ... nor did they know the number of memory care beds.

I have to ask youWhy would the P&Z even consider approving a Conditional Use Permit when the developers have misled residents and still don't know what they are going to build?

From: [Jessie Ternberg, M.D.](#)
To: [Kelly, Whitney](#); [Langdon, Paul](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: FW: Opposition to Assisted Living & Memory Center at 450 N. Lindbergh Blvd.
Date: Saturday, January 18, 2014 2:07:44 PM

-

Subject: FW: Opposition to Assisted Living & Memory Center at 450 N. Lindbergh Blvd.

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To: Paul Langdon; Whitney Kelly; Mayor Barry Glantz; Council Member Cynthia Kramer; Council member David Kreuter

Subject: Opposition to Assisted Living & Memory Center at 450 N. Lindbergh Blvd.

TO: CREVE COEUR OFFICIALS AND P&Z COMMISSION

TO: Creve Coeur Officials and P&Z Commission

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL

Jessie L. Ternberg, M.D.
Resident of #20 Haven View Drive (63141)

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THE UNDERSIGNED OWNERS OF PROPERTY ON HAVEN VIEW DR., BEAVER DR., TEALWOOD DR. N., TEALWOOD DR. S., TEALBROOK DR., FOX BROOK DR., SHADYBROOK DR., QUAILWAYS DR., SUNSWEPT DR., CREVE COEUR, MISSOURI DO HEREBY STATE THAT THEY ARE OBJECTING TO THE REQUEST BY TEALWOOD ACQUISITIONS, LLC FOR A CONDITIONAL USE PERMIT FOR THE PROPOSED PROJECT AT 450 NORTH LINDBERGH BLVD., CREVE COEUR, MISSOURI, FOR THE FOLLOWING REASONS.

(1) The proposed project is that of a Senior Assisted Living Facility housing fifty one residents on a parcel of real estate of less than 1.97 acres. This size parcel of ground was not platted for the proposed use. All other senior care facilities no matter what name is given to them, along with every single room and board or overnight guest type of allowed usage, retreat houses, hotels and motels, require that a developed lot size be a minimum of three acres. There must be a very good reason that a three acre parcel of land is required. Allowing a smaller parcel of land, one lesser than three acres, would result in crowding a large number of people into a smaller area along with additional employees, other support personnel and frequent visitors

(2) A Senior Assisted Living Facility differs from other commercial use of the property since a Senior Assisted Living Facility is a twenty four hour per day, three hundred and sixty five days per year operation. An operation of this magnitude, twenty four hours per day, three hundred and sixty five days per year, will cause an increase in noise and traffic greater than a normal nine to five, five days per week business,.

(3) There will be an increase in noise, due to the fact that Senior Assisted Living Facilities require ambulance service and emergency medical service which respond to any medical emergency using sirens. Most of these calls will be late at night or early morning. This in turn will deny peaceful enjoyment, which at the present time is afforded to the area residences. There will also be the additional heavy trucks servicing this project, including trash and waste removal more than once per week, food service delivery by over the road trucks (thereby causing additional traffic concerns when the trucks try to enter and exit the proposed project) multitude of times during the week, laundry and industrial chemical deliveries, none of which the above would apply to an office building or other type use for this property.

(4) Beaver Drive which is the southern border of this proposed project is an unusually narrow street. Drivers missing the entrance to the proposed Senior Assisted Living Facility will then make a sharp right turn onto Beaver Drive. This will be an extremely dangerous situation, since our children enter and exit the school bus at this location. In addition to the above, there will be additional traffic on Beaver Drive and Haven View since those who have missed the entrance to the Senior Assisted Living Facility and turned onto Beaver Drive will look for a way to turn around and exit back to Lindbergh or just park on Beaver Drive. As mentioned above, Beaver Drive is unusually narrow; if two cars approach each other from opposite directions, one car has to stop to allow the other car to pass. This is extremely dangerous to our children and any pedestrian walking along Beaver Drive. In addition both Beaver Drive and Haven View have only one outlet being Lindberg Boulevard.

(5) The "U Turn" ramp at Tealbrook & Quailways will be used by emergency vehicles coming from the Schuetz Road Station in order to access the proposed Senior Assisted Living Facility. This will cause additional traffic tie ups and problems to the area at the Lindbergh electric signal which is already a dangerous intersection for example, red light violators blocking the intersection during rush hours.

(6) Some of the residents on Beaver Drive and Haven View have experienced sewer back up problems. With the addition of Fifty One living quarters as proposed by the developers, there will be fifty one toilets, tubs/showers, and hand sinks for resident use, in addition to toilets and sinks in the public areas, toilets and sinks for employees use, sinks and plumbing for the kitchen area and laundry area. This increase will lead to an additional load on the already taxed sewer system for the surrounding area and cause additional problems.

(7) In addition to the aforementioned, there will be fifty five thousand eight hundred forty five meals prepared on site for the fifty one residents along with additional meals prepared for the employees. We object strenuously to the cooking odors that will emerge from this proposed project and the potential for the odors and pest which will be attracted by the waste products produced from the above. (We do not need a restaurant in this location)

IF THE REQUEST FOR THE CONDITIONAL USE PERMIT IS APPROVED AND GRANTED, IT WILL NOT ONLY HAVE AN IRREVERSIBLE EFFECT ON THE REAL ESTATE VALUES OF THE RESIDENTIAL PROPERTIES ON HAVEN VIEW DRIVE AND BEAVER DRIVE, BUT WILL ALSO OPEN THE DOOR TO FUTURE REQUEST FOR VARIANCES AND CONDITIONAL USE PERMITS.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
Sandra Greenberg	19 Haven View	Sandra Greenberg
MABEL PURKERSON	20 HAVENVIEW DR	Mabel Purkerson
MARVIN GREENBERG	19 HAVENVIEW DR	Marvin Greenberg
BEN SCHILDERS	18 HAVENVIEW DR.	Ben Schilders
JESSIE L. TERNBERG	20 HAVENVIEW DR	Jessie L. Ternberg
Janine Schilders	18 Haven View	Janine Schilders
BENJAMIN HUN	25 Havenview	Ben Hun
GLORIA GELBER	25 HAVENVIEW	Gloria Gelber

NAME	ADDRESS	SIGNATURE
R Wang & Wu Jin	9 Haven View Dr.	R Wang
Wu Jin	9 Haven View Dr.	Wu Jin
DUANNE DECKER	23 HAVENVIEW DR	Decker
PAUL DECKER	23 HAVENVIEW DR	Paul
Brett Abelson	10 Haven View	Brett
Colleen McNally	10 Haven View	Colleen
Caroline Rowel	8 Haven View	Caroline
Yuxing Feng	5 Haven View Dr.	Yuxing Feng
Donna Dierker	17 Haven View Dr	Donna Dierker
O. Ray Rhines	4 Have View	RAY RAINES
Jayne Rhines	4 HAVENVIEW	JAYNE RAINES
Andy Tessler	13 Haven View Dr.	ANDY TESSLER
Debbie Tessler	13 HAVENVIEW DR.	DEBBIE TESSLER
Michael P. Glodek	16 Haven View Dr.	Michael Glodek
Jennifer Glodek	16 Haven View	J Glodek
Ed Bloomquist	12 Haven View	Ed Bloomquist
Ed Bloomquist	12 Haven View	EDNAE BLOOMQUIST
	15 Haven View	LIRONG ZHENG
Lihong Wang	15 Haven View	Lihong Wang
Linda Barkus	#6 Haven View	Linda Barkus
Chun Guo	11 Haven View	Chun
Densen Dickler	#7 Haven View	Densen

JANUARY 11, 2014
450 N. LINDBERGH PETITION (continued)

NAME

ADDRESS

SIGNATURE

JEFFREY C DICKER 7 HAVENVIEW DR



From: [Purkerson, Mabel](#)
To: [Langdon, Paul](#); [Kelly, Whitney](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: Opposition to Assisted Living & Memory Center at 450 N. Lindbergh Blvd.
Date: Saturday, January 18, 2014 1:47:23 PM
Importance: High

TO: CREVE COEUR OFFICIALS AND P&Z COMMISSION

I first wrote to you in August, 2013 to register my concerns about the proposed development of 450 North Lindbergh property as an Assisted Living Facility (ALF) and Memory Center. Ms. Whitney Kelly advised that my correspondence would be filed with P&Z concerning this issue. My neighbors and I have spent much time and have expended much effort assessing the developer's various plans for property. The developer has juggled several plans attempting to fit the proposed facility into the area. This facility is not appropriate for the 450 North Lindbergh site. We residents attended the Board of Adjustment meeting where we voiced our concerns, only to have the developer come again with a warmed over version of the previous ALF plan plus added confusion over what they really planned to do. Frankly, we residents think the City of Creve Coeur's Officials at our Government Center should be embarrassed by the continued waste of time and effort required from its citizens to point out the myriad of problems associated with proposed use of this property. We are disturbed and most disappointed that they have allowed this developer to carry his 'Dog and Pony Show' to this extent.

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL

Mabel L. Purkerson, M.D.

Resident of #20 Haven View Drive (63141)

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From: [Purkerson, Mabel](#)
To: [Kelly, Whitney](#); [Langdon, Paul](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Cc: [dkd1905@aol.com](#); [sandeeggee19@aol.com](#)
Subject: Petition Opposing Development 450 North Lindbergh Blvd as an Assisted Living & Memory Center
Date: Saturday, January 18, 2014 8:38:06 PM
Importance: High

TO: City of Creve Coeur Officials and Planning & Zoning Commission

Please see attachment containing Petition Opposing Development of 450 North Lindbergh Blvd (63141) as an Assisted Living & Memory Center from the residential neighborhood Haven View Drive. Mrs. Deni Dickler will deliver the original documents to the P&Z Commission.

Please confirm to me (by e-mail) that this Petition from Haven View Drive residents has been received.

Respectively submitted,

Mabel L. Purkerson, M.D.
(Resident) #20 Haven View Drive

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~~RECEIVED~~ JANUARY 11, 2014

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JANUARY 11, 2014

450 N. LINDBERGH PETITION (continued)

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JANUARY 11, 2014

450 N. LINDBERGH PETITION (continued)

NAME

ADDRESS

SIGNATURE

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Ed Bloomquist	12 Haven View	EDNAE BLOOMQUIST
Lihong Wang	15 Haven View	Lihong Wang
Linda Bauhof	#6 Haven View	Linda Bauhof
Chun Guo	11 Haven View	Chun Guo
Dennis Ducker	#1 Haven View	Dennis Ducker

NAME

ADDRESS

SIGNATURE

JEFFREY C DICKLER 7 HAVENVIEW DR

Jeffrey C Dickler

Jill Bachman 437 Foxbrook Dr.

Jill Bachman

Mary Outten 1 Tealwood Dr.

Mary Outten

Angela Rose

10335 N. Sunswest Dr.

Angela Rose

Don Barrett

7 South Taalbrook

Don Barrett

JANUARY 11, 2014

THE UNDERSIGNED OWNERS OF PROPERTY ON HAVEN VIEW DR., BEAVER DR., TEALWOOD DR. N., TEALWOOD DR. S., TEALBROOK DR., FOX BROOK DR., SHADYBROOK DR., QUAILWAYS DR., SUNSWEPT DR., CREVE COEUR, MISSOURI DO HEREBY STATE THAT THEY ARE OBJECTING TO THE REQUEST BY TEALWOOD ACQUISITIONS, LLC FOR A CONDITIONAL USE PERMIT FOR THE PROPOSED PROJECT AT 450 NORTH LINDBERGH BLVD., CREVE COEUR, MISSOURI, FOR THE FOLLOWING REASONS.

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(4) Beaver Drive which is the ^{north}~~southern~~ border of this proposed project is an unusually narrow street. Drivers missing the entrance to the proposed Senior Assisted Living Facility will then make a sharp right turn onto Beaver Drive. This will be an extremely dangerous situation, since our children enter and exit the school bus at this location. In addition to the above, there will be additional traffic on Beaver Drive and Haven View since those who have missed the entrance to the Senior Assisted Living Facility and turned onto Beaver Drive will look for a way to turn around and exit back to Lindbergh or just park on Beaver Drive. As mentioned above, Beaver Drive is unusually narrow; if two cars approach each other from opposite directions, one car has to stop to allow the other car to pass. This is extremely dangerous to our children and any pedestrian walking along Beaver Drive. In addition both Beaver Drive and Haven View have only one outlet being Lindberg Boulevard.

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(7) In addition to the aforementioned, there will be fifty five thousand eight hundred forty five meals prepared on site for the fifty one residents along with additional meals prepared for the employees. We object strenuously to the cooking odors that will emerge from this proposed project and the potential for the odors and pest which will be attracted by the waste products produced from the above. (We do not need a restaurant in this location)

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NAME

ADDRESS

SIGNATURE

Susan Hibbard	16 N. Tealbrook	Susan Hibbard
Lyndon Hibbard	16 N. Tealbrook	Lyndon Hibbard
Michelle Williams	13 N. Tealbrook	Michelle Williams
Geoffrey S. Nash	13 N. Tealbrook Dr.	Geoffrey S. Nash

Tealbrook

THE UNDERSIGNED OWNERS OF PROPERTY ON HAVEN VIEW DR., BEAVER DR., TEALWOOD DR. N., TEALWOOD DR. S., TEALBROOK DR., FOX BROOK DR., SHADYBROOK DR., QUAILWAYS DR., SUNSWEPT DR., CREVE COEUR, MISSOURI DO HEREBY STATE THAT THEY ARE OBJECTING TO THE REQUEST BY TEALWOOD ACQUISITIONS, LLC FOR A CONDITIONAL USE PERMIT FOR THE PROPOSED PROJECT AT 450 NORTH LINDBERGH BLVD., CREVE COEUR, MISSOURI, FOR THE FOLLOWING REASONS.

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<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
ANNE PARKER	9 S. TEALBROOK	Anne Parker
TARA HOGAN	14 S. TEALBROOK	Tara Hogan
CARL HOGAN	14 S. TEALBROOK	Carl G. Hogan
LAWRENCE MAYER	20 S. Tealbrook	Lawrence Mayer
C. Mayer	20 S. Tealbrook	C. Mayer
A. Niknizadi	18 S. Tealbrook	A. Niknizadi
JIM MITCHELL	10 S. TEALBROOK	J. Mitchell
DC & Sarada Rao	15 S. Tealbrook Dr.	DC & Sarada Rao

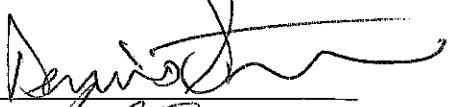
JANUARY 11, 2014

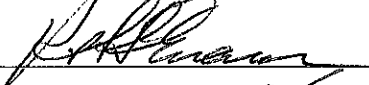
450 N. LINDBERGH PETITION (continued)

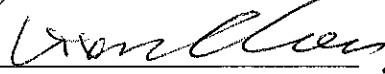
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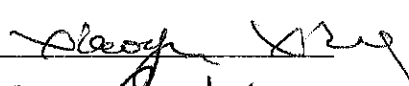
ADDRESS

SIGNATURE

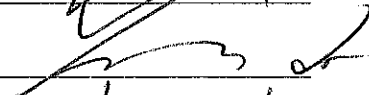
DENNIS STEVISON 9 S TEALBROOK 

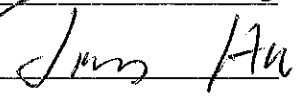
ROBERT D. EVANS 17 S. Tealbrook 

Lixin Chen 3 S Tealbrook 

XIAOYU XING 3 S Tealbrook 

Randy Knopf 5 N. Tealbrook 

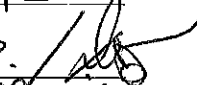
YONGGANG LANG 8 N Tealbrook 

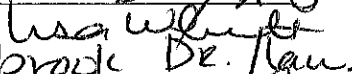
JINJING HU 8 N Tealbrook 

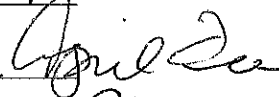
Susan B. Kinney 7 N Tealbrook Susan B. Kinney

Vickie Tsiaklidou 15 N Tealbrook

Mike Tsiaklidou 15 N Tealbrook

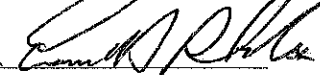
DAVID BRINKMEYER #17 N. TEALBROOK DR. 

LISA WHITE 19 N Tealbrook Dr. 

April Fee 21 N Tealbrook Dr. 

Pippa Barnett 7 S. Tealbrook Dr. 

BRIAN T. McKenna 12 South Tealbrook Dr.

Ernest Rhodes 11 South Tealbrook Dr. 

JANUARY 11, 2014

Foxbrook
Shadybrook
Hasebrook

THE UNDERSIGNED OWNERS OF PROPERTY ON HAVEN VIEW DR., BEAVER DR., TEALWOOD DR. N., TEALWOOD DR. S., TEALBROOK DR., FOX BROOK DR., SHADYBROOK DR., QUAILWAYS DR., SUNSWEPT DR., CREVE COEUR, MISSOURI DO HEREBY STATE THAT THEY ARE OBJECTING TO THE REQUEST BY TEALWOOD ACQUISITIONS, LLC FOR A CONDITIONAL USE PERMIT FOR THE PROPOSED PROJECT AT 450 NORTH LINDBERGH BLVD., CREVE COEUR, MISSOURI, FOR THE FOLLOWING REASONS.

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JANUARY 11, 2014

450 N. LINDBERGH PETITION (continued)

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<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
Sarah Martin	445 Foxbrook Dr.	S. Martin
J. LEONARD WALTHER	444 FOXBROOK DR.	J. Leonard Walther
Lenna Munnion	432 Fairbrook Dr.	L. Munnion
Virginia M. McFarland	417 Shadybrook	M. McFarland
Laverne Moon	401 Foxbrook	Laverne Moon
Elizabeth Callahan	450 Foxbrook	E. Callahan
James Callahan	450 Foxbrook	James Callahan

NAME

ADDRESS

SIGNATURE

Ed + Jell Bachman 437 Foxbrook Dr Ed + Jell Bachman

Susie Brandt 451 Foxbrook Dr Susie Brandt

Phil + Dianne Berg 425 Shadybrook Dr Phil + Dianne Berg

JOHN + JILL Berg 425 Shadybrook Dr

Marty Satz + Joy 408 Foxbrook

Morton + Loris Krickman 438 Foxbrook Dr.

David + Jennifer Meyer 433 Shadybrook Dr

JANUARY 11, 2014
450 N. LINDBERGH PETITION (continued)

NAME

ADDRESS

SIGNATURE

Mark Wahlberg	416 Shadybrook	M. Wahlberg
Jim Mintz	406 Shadybrook	J. Mintz
Janice Weather	444 Foxbrook	J. Weather 494-
John Weather	444 Foxbrook	J. Weather 171

JANUARY 11, 2014
450 N. LINDBERGH PETITION (continued)

NAME

ADDRESS

SIGNATURE

Faith Waxman	424 Shadybrook Dr.	Faith Waxman
Bruce Waxman	424 Shadybrook Dr.	Bruce Waxman
CRIST ZIMMERMAN	2 HAVENVIEW DR	CRIST ZIMMERMAN
JANET ZIMMERMAN	2 HAVENVIEW DR	JANET ZIMMERMAN

JANUARY 11, 2014

450 N. LINDBERGH PETITION (continued)

NAME

ADDRESS

SIGNATURE

OWNERS'
Fong Fd Han Hsu 434 Shadybrook Dr Fong Fd Han Hsu
(Son Daughter Wife Grandson) Residents
OF 434 Shadybrook Dr.
Emailed to Association for
Foxbrook Estates
Friday Jan 10th 2014
Delivered Jan 20th 2014
To ELIZ CALLAHAN 450

JANUARY 11, 2014

Tealwood

THE UNDERSIGNED OWNERS OF PROPERTY ON HAVEN VIEW DR., BEAVER DR., TEALWOOD DR. N., TEALWOOD DR. S., TEALBROOK DR., FOX BROOK DR., SHADYBROOK DR., QUAILWAYS DR., SUNSWEPT DR., CREVE COEUR, MISSOURI DO HEREBY STATE THAT THEY ARE OBJECTING TO THE REQUEST BY TEALWOOD ACQUISITIONS, LLC FOR A CONDITIONAL USE PERMIT FOR THE PROPOSED PROJECT AT 450 NORTH LINDBERGH BLVD., CREVE COEUR, MISSOURI, FOR THE FOLLOWING REASONS.

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<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
Margaret Schellinger	33 Tealwood	Margaret Schellinger
Johanna Schellinger	62 Tealwood	Johanna Schellinger
Erin Brenner	61 Tealwood	Erin Brenner
Stacy Brenner	41 Tealwood	Stacy Brenner
Leslie	53 Tealwood	Leslie
CHARLES FIEDLER	34 TEALWOOD	Charles Fiedler
Eric Fiedler	34 Tealwood	Eric Fiedler
Indy Fiedler	34 Tealwood	Indy Fiedler

JANUARY 11, 2014

450 N. LINDBERGH PETITION (continued)

NAME

ADDRESS

SIGNATURE

Karen Mayberry	#31 Tealwood	Karen Mayberry
Darryl Mayberry	#31 Tealwood	Darryl Mayberry
Elerra Parker	#35 Tealwood	
John Parker	35 Tealwood	John Parker
Debbie McCormick	60 N. Tealwood	Debbie McCormick
Timmy McCormick	60 N. Tealwood	Timmy McCormick
TIMOTHY D. MCCORMICK	60 N. TEALWOOD	Timothy D. McCormick
Angela Sallier	39 TEALWOOD DR 63141	Angela Sallier
JOHN SALLIER	40 Tealwood DR	John Sallier
Lisa Pappalardo	"	Lisa Pappalardo
Whitney Rhoads	55 TEALWOOD DRIVE	Whitney Rhoads
Whitney Rhoads	55 TEALWOOD DRIVE	Whitney Rhoads
Tish Singer	41 Tealwood Drive	Tish Singer
ALAN SINGER	41 TEALWOOD DR	Alan Singer
William F. Leslie	53 Tealwood Dr	William F. Leslie
Cheryl Burnham	43 Tealwood Dr	Cheryl Burnham
Tommy Burnham	" " "	Tommy Burnham
Dan Papp	31 Tealwood dr	Dan Papp
Diane Duddy	45 Tealwood	Diane Duddy
Robert Baluddy	45 Tealwood	Robert Baluddy
Cindy Nuetzel	49 Tealwood	Cindy Nuetzel
Philip Nuetzel II	49 TEALWOOD	Philip Nuetzel II

JANUARY 11, 2014
450 N. LINDBERGH PETITION (continued)

NAME

ADDRESS

SIGNATURE

Roman Mikaelian	28 Tealwood Dr	R. Mikaelian
Barbara Marbell	28 Tealwood Dr	Barbara Marbell
Liz Murphy	12 Tealwood	Liz Murphy
Julie Massel	13 Tealwood	Julie Massel
Joseph F. Fissel	13 Tealwood	Joseph F. Fissel
Jim Goldmasser	14 Tealwood	Jim Goldmasser
Keith Huckel	19 Tealwood Drive	Keith Huckel
Sharon Rulke	16 Tealwood	Sharon Rulke

(See next page)

JANUARY 11, 2014
450 N. LINDBERGH PETITION (continued)

NAME

ADDRESS

SIGNATURE

Burton Wice

16 Tealwood Dr. 63141



Beaver

JANUARY 11, 2014

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(5) The "U Turn" ramp at Tealbrook & Quailways will be used by emergency vehicles coming from the Schuetz Road Station in order to access the proposed Senior Assisted Living Facility. This will cause additional traffic tie ups and problems to the area at the Lindbergh electric signal which is already a dangerous intersection for example, red light violators blocking the intersection during rush hours.

(6) Some of the residents on Beaver Drive and Haven View have experienced sewer back up problems. With the addition of Fifty One living quarters as proposed by the developers, there will be fifty one toilets, tubs/showers, and hand sinks for resident use, in addition to toilets and sinks in the public areas, toilets and sinks for employees use, sinks and plumbing for the kitchen area and laundry area. This increase will lead to an additional load on the already taxed sewer system for the surrounding area and cause additional problems.

(7) In addition to the aforementioned, there will be fifty five thousand eight hundred forty five meals prepared on site for the fifty one residents along with additional meals prepared for the employees. We object strenuously to the cooking odors that will emerge from this proposed project and the potential for the odors and pest which will be attracted by the waste products produced from the above. (We do not need a restaurant in this location)

IF THE REQUEST FOR THE CONDITIONAL USE PERMIT IS APPROVED AND GRANTED, IT WILL NOT ONLY HAVE AN IRREVERSIBLE EFFECT ON THE REAL ESTATE VALUES OF THE RESIDENTIAL PROPERTIES ON HAVEN VIEW DRIVE AND BEAVER DRIVE, BUT WILL ALSO OPEN THE DOOR TO FUTURE REQUEST FOR VARIANCES AND CONDITIONAL USE PERMITS.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
Martha Montgomery	9 Beaver Drive	Martha Montgomery
Sheila Geisler	11 Beaver Drive	Sheila Geisler
Greg Geisler	11 Beaver Dr.	Greg Geisler
David Fawcett	12 " " "	David Fawcett
Lucie Peyton	12 Beaver Dr.	Lucie Peyton
Charles E. Peyton	12 Beaver Dr.	CHARLES E. PEYTON
Joyce Leavitt	16 Beaver Dr.	Joyce Leavitt
Arlene Warkke	17 Beaver Dr.	ARLENE WARKKE

JANUARY 11, 2014

450 N. LINDBERGH PETITION (continued)

NAME

ADDRESS

SIGNATURE

DANIEL WARWICK	17 Beaver Dr.	Daniel J. Warwick
Ann Workman	25 Beaver Dr.	Ann Workman
KYRA SHORT	24 Beaver Dr.	Kyra H. Short
Dan Workman	48 Beaver Dr.	
Erin O'Keefe	45 Beaver Dr.	Erin O'Keefe
Daniel O'Keefe	95 BEAVER DR	DAN O'KEEFE
Brian Tash	13 Beaver Dr.	Brian Tash
Cristina Tash	13 Beaver Dr.	Cristina Tash
Susan Turner	4 Melmore Farm Ext	Susan Turner
Mae L. Harper	24 Beaver	MAE HARPER
Lillian Knight	20 Beaver Dr.	Lillian Knight
David B. Harper	24 BEAVER	DAVID B. HARPER

From: [Wang, Lihong](#)
To: [Langdon, Paul](#); [Kelly, Whitney](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: Proposed Assisted Living Facility at 450 N. Lindbergh (Tealwood Square)
Date: Friday, January 17, 2014 9:25:23 PM

Subject: Proposed Assisted Living Facility at 450 N. Lindbergh (Tealwood Square)

TO: CREVE COEUR OFFICIALS AND P&Z COMMISSION:

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL

As residents on Haven View Drive, we wish to express our concerns on the proposal for the property at 415 N. Lindbergh (Tealwood Square). A single narrow entrance/egress street (Beaver Drive) currently supports the traffic of dozens of households on two streets. For the following reasons, adding any more traffic would create traffic hazards and ruin the beautiful neighborhood.

1. The entrance street (Beaver Dr.) is unusually narrow. When two cars meet, pedestrians cannot walk by safely. In fact, both cars have to slow down to no more than 5 miles/hour. Oftentimes, one car stops completely to let the other one pass first.
2. This entrance is also the only exit from the neighborhood. Unfamiliar drivers may enter the area by mistake and speed due to confusion and frustration.
3. Intersecting a narrow street with a busy 45 miles/hour thoroughfare has already constituted a traffic hazard for strangers. The familiar residents take extra caution when entering and leaving the neighborhood. However, unfamiliar visitors may not exercise the same caution.
4. School buses no longer stop inside the neighborhood. School children are picked up and dropped off on the busy Lindbergh Blvd. near the entrance. Children of various age groups have to walk on the narrow Beaver Drive.
5. Many children in our neighborhood attend school in the Ladue School Districts. Adding more unpredictable traffic would cause these children to be constantly tardy for school.
6. The proposed property will likely overflow vehicles to our neighborhood. Parked cars on our narrow streets would exacerbate the traffic hazards and even block access of ambulances or fire trucks.
7. Concurrent combinations of the aforementioned factors would dramatically amplify the risks. For example, an SUV passes by a delivery truck when school-age children erratically emerge from behind the truck.

Therefore, it is outright unsafe to add any more traffic to our neighborhood.

Lily and Lihong Wang
15 Haven View Dr.
Creve Coeur, MO

From: [Allison Pinnick](#)
To: [Langdon, Paul](#); [Kelly, Whitney](#)
Subject: 450 N Lindbergh Redevelopment
Date: Thursday, January 16, 2014 8:58:02 AM

I am a resident on Haven View and have spoken with you both previously about the potential redevelopment of the site at 450 N Lindbergh for senior housing. I wanted to share my thoughts, as follows:

Conceptually I am not opposed to redevelopment for a senior housing use and, if done correctly, could see it benefiting an otherwise under-utilized property.

My biggest concerns are as follows: (1) insuring that all of the existing trees along Beaver Drive are maintained, not removed, and protected from an encroaching development that might kill them in the future, (2) keeping any kind of service drive access off of Beaver Drive, which is not wide enough in my opinion to accommodate regular truck delivery, (3) prohibiting development higher than 2 or 3 stories, to avoid a high-rise looming in our backyard, (4) insuring that the project will be low-lit to avoid light flooding into our backyard at night and (5) requiring a reasonably attractive exterior aesthetic to the development (i.e.- some brick work and/or other features that will show well); [note: I have seen on their web-site that their developments on 141 in Chesterfield appear to look quite attractive while other developments in North County look a bit cheaper and feature primarily vinyl siding, which is what I would wish to avoid].

These five conditions are most important to me and it is important to me that they are all met, without condition. If this is accomplished and this developer can put together an attractive project, I would not be in opposition.

I appreciate your consideration.

Thank you,

Ben Friedman
#3 Haven View Drive

From: [Cheryl Burnham](#)
To: [Kelly Whitney](#)
Subject: 450 N Lindbergh
Date: Tuesday, January 14, 2014 2:30:06 PM

TO: CREVE COEUR OFFICIALS AND P&Z COMMISSION:

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL

THANK YOU
Cheryl Burnham
#43 Tealwood Dr

From: [Ed Bloomquist](#)
To: [Langdon, Paul](#); [Kelly, Whitney](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: 450 N. Lindberg
Date: Tuesday, January 14, 2014 10:18:54 AM

TO: CREVE COEUR OFFICIALS AND P&Z COMMISSION:

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL

Elaine & Edmund Bloomquist
12 Haven View dr.

From: [Marvin Greenberg](#)
To: [Kelly Whitney](#)
Subject: 450 N. LINDBERGH DEVELOPMENT
Date: Friday, January 17, 2014 3:03:36 PM

TO CREVE COEUR OFFICIALS AND PLANNING AND ZONING COMMISSION

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety for the residents of the facility and residents of the neighborhoods, the negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL.

Thank you,

Marvin Greenberg
19 Haven View
63141

From: sandeegee19@aol.com
To: [Kelly, Whitney](#)
Subject: 450 N. LINDBERGH DEVELOPMENT
Date: Friday, January 17, 2014 2:48:18 PM

: TO: CREVE COEUR OFFICIALS AND PLANNING AND ZONING COMMISSION

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety for the residents of the facility and residents of the neighborhoods, the negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL.

Thank you,

Sandra Greenberg
19 Haven View
63141

sandeegee19@aol.com

From: [Ann White](#)
To: [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#); [Langdon, Paul](#); [Kelly, Whitney](#)
Subject: 450 N. Lindbergh
Date: Tuesday, January 14, 2014 2:52:17 PM

TO: CREVE COEUR OFFICIALS AND P&Z COMMISSION:

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL

THANK YOU,
Ann & Randy White

From: [Paul Decker](#)
To: [Langdon, Paul](#); [Kelly, Whitney](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Cc: [LouAnne Decker](#)
Subject: Assisted Living Facility for 450 N Lindbergh
Date: Tuesday, January 14, 2014 11:09:23 AM

TO: Creve Coeur officials and P&Z Commission:

This email is to register our personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. Our main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL

THANK YOU FOR PROTECTING OUR NEIGHBORHOOD

Paul and Louanne Decker

23 Havenview Dr

From: [SUZY SHEPARD](#)
To: [Langdon, Paul](#)
Subject: Assisted Living Facility on Lindbergh
Date: Monday, January 13, 2014 10:06:13 AM

TO: CREVE COEUR OFFICIALS AND P&Z COMMISSION:

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL

THANK YOU

Suzy Shepard

From: [Donna Meier](#)
To: [Kelly, Whitney](#); [Langdon, Paul](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: Assisted Living Proposal
Date: Wednesday, January 15, 2014 6:32:53 PM

TO: CREVE COEUR OFFICIALS AND P&Z COMMISSION:

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL

THANK YOU



DONNA MEIER

Senior Partner
Javelin, Inc.
1910 Locust Street
St. Louis, MO 63103
Direct: (314) 260-4000
Mobile: (314) 409-4380
www.javelinexperiential.com

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From: [Karen Mayberry](#)
To: [Kramer, Cynthia](#)
Cc: [Kreuter, Dave](#)
Subject: Building proposed @450 N. Lindbergh
Date: Friday, January 17, 2014 11:10:12 AM

Ms. Kramer, please do what you can to stop the building of the nursing center. It is totally too big for that site. Parking at the facility will need to be much bigger than projected in the proposal. When you consider staffing needs, visitors and guest needs, and the area needed for deliveries, the streets around the building like Beaver & Tealwood will be filled 24/7 with on-street parking. What a way to mess up our beautiful views and quiet neighborhoods! Please do the right thing and vote this proposal down. Karen & Darrell Mayberry, 31 Tealwood Dr.

From: [sarada rao](#)
To: [Langdon, Paul](#); [Kelly, Whitney](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: Fw: Important Tealbrook Message!
Date: Monday, January 13, 2014 8:36:46 PM

TO: CREVE COEUR OFFICIALS AND P&Z COMMISSION:

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, reduced quality of life for both neighborhood and facility residents, and possible impact on property values.

PLEASE DO NOT APPROVE THIS PROPOSAL

THANK YOU FOR YOUR CONSIDERATION

**Sarada Rao
15 South Tealbrook Drive
St. Louis, MO 63141**

From: [Lawrence Mayer](#)
To: plangdon@ci.creve-coeur.mo.us; [Kelly, Whitney](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Cc: susan.hibbard@att.net
Subject: Fwd:
Date: Friday, January 17, 2014 11:07:07 AM

----- Forwarded message -----

From: **Lawrence Mayer** <lawrencemayer@claytonschoools.net>
Date: Fri, Jan 17, 2014 at 10:46 AM
Subject:
To: plangdon@ci.creve-coeur.mo.us

Please defeat the proposal for the "Care" center at 450 N. Lindberg. It infiltrates our peaceful and valuable residential neighborhood. It sounds like a miserable place for the patients. too. The lot is too small, with only a small courtyard? for fresh air and exercise. Is that where you want to be when the need arises? Maybe they are planning to have supervised hikes around the neighborhood. PLEASE defeat this proposal.

Lawrence Mayer
Tealbrook

From: [Kristin Connell](#)
To: [Langdon, Paul](#); [Kelly, Whitney](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: In regards to the proposed development at 450 N. Lindbergh (Tealwood Sq)
Date: Friday, January 17, 2014 12:33:12 PM

Dear Creve Coeur elected officials and staff members,

After weeks of deliberation over the proposed Memory Care/ Assisted Living Building for the property at 450 N. Lindbergh, we have come to the conclusion that this developmental, at this location is not in the best interest for the city and its residents.

We feel that this proposed development is much too large for the size of the lot. It poses several problems, especially for the safety of the children in the neighborhood in regards to all of the large trucks that will be visiting on a recurring basis.

The parking situation is also a big concern to us. Where will the overflow parking go on the holidays and weekends? Thirty-seven spaces seems hardly enough for the employees and visitors coming to the property. The only viable option for those not finding a parking space would be to use Beaver Drive as an alternative. This would also happen if visitors would pass up the entrance, as there is no place to turn around without heading all the way up to Olive. This scenario happens now with the present building.

Right now there are approximately 100 spaces for a building consisting of 20,000 square feet. The new development will have 41,900 square feet and only 37 parking spaces, not nearly enough for the anticipated employees and visitors, especially at the peak visiting times.

We doubt there is any other Memory Care/ Assisted Living building that is within 28 feet of a single family property, let alone any commercial development in the entire City of Creve Coeur where the actual building is within 28 feet of a single family property. In addition to the closeness and the noise factors, this development is 2 stories high, allowing people to look down upon our homes, yards and pool 24 hours a day, 7 days a week. We do not think this is the quality of life that our elected officials talk about or that the Creve Coeur residents expect or deserve to have. Would you want a 2 story commercial building within 28 feet of your property?

The present commercial/retail building is more acceptable, first it is 105 feet from the property line, second it does not have anyone looking down upon our homes, yards and pool and third, it is not a 24/7 operation.

We have spoken to many neighbors on both sides of Lindbergh and there is overwhelming opposition to this development from the residents of Beaver Drive, Haven View Drive, Tealwood, Tealbrook, Sunswept, Foxbrook Subdivision and Quailways. Please listen to the constituents you serve and vote to deny this proposed development.

Thank you for your consideration in this matter.

Sincerely,
Harold Dielmann

Andrew Dielmann and Kristin Connell
Susan Turner
True and Elizabeth Knowles

From: [Kristin Connell](#)
To: [Langdon, Paul](#); [Kelly, Whitney](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: In regards to the proposed development at 450 N. Lindbergh (Tealwood Sq)
Date: Friday, January 17, 2014 12:33:12 PM

Dear Creve Coeur elected officials and staff members,

After weeks of deliberation over the proposed Memory Care/ Assisted Living Building for the property at 450 N. Lindbergh, we have come to the conclusion that this developmental, at this location is not in the best interest for the city and its residents.

We feel that this proposed development is much too large for the size of the lot. It poses several problems, especially for the safety of the children in the neighborhood in regards to all of the large trucks that will be visiting on a recurring basis.

The parking situation is also a big concern to us. Where will the overflow parking go on the holidays and weekends? Thirty-seven spaces seems hardly enough for the employees and visitors coming to the property. The only viable option for those not finding a parking space would be to use Beaver Drive as an alternative. This would also happen if visitors would pass up the entrance, as there is no place to turn around without heading all the way up to Olive. This scenario happens now with the present building.

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We have spoken to many neighbors on both sides of Lindbergh and there is overwhelming opposition to this development from the residents of Beaver Drive, Haven View Drive, Tealwood, Tealbrook, Sunswept, Foxbrook Subdivision and Quailways. Please listen to the constituents you serve and vote to deny this proposed development.

Thank you for your consideration in this matter.

Sincerely,
Harold Dielmann

Andrew Dielmann and Kristin Connell
Susan Turner
True and Elizabeth Knowles

From: Kryn1210@aol.com
To: plangdon@ci.crve-coeur.mo.us; [Kelly, Whitney](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Cc: DLWorkman716@yahoo.com; akwteacher@aol.com
Subject: Latest Tealwood Square Proposal
Date: Thursday, January 16, 2014 3:42:14 PM

TO CREVE COEUR OFFICIALS:

As Planning and Zoning will again be considering a proposal for an Assisted Living Facility on the Tealwood Square property, my family's objections are renewed for all the same reasons we were not in favor of the earlier proposal. That location is not appropriate for that kind of facility from either the standpoint of the institution itself nor for its impact on the adjoining community. We live on streets that have commercially zoned properties on each side of the entrance, and the existing businesses and their predecessors have all co-existed nicely with the neighborhoods, so our opposition is not based on "we don't want anything commercial in our neighborhood." Instead, our objection is to the nature of the development being proposed. These streets are desirable locations -- attractive, well maintained residences; excellent school district; location convenient to the entire municipal area. It would be a disservice to the many Creve Coeur citizens who live on these adjoining streets to allow an incursion that would be seriously detrimental to the quality of these residential areas. Thank you for your work for our fine city, and thank you for your consideration.

Kathryn Workman
25 Beaver Drive

From: [Hsu, Fong](#)
To: [Kelly, Whitney](#)
Date: Wednesday, January 15, 2014 10:03:08 AM

TO: CREVE COEUR OFFICIALS AND P&Z COMMISSION:

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL

THANK YOU

Fong-Fu Hsu
Resident of the house located at
434 Shadybrook Drive
Creve Coeur, MO 63141
Tel:314-5676077
email:fhsu@im.wustl.edu

From: [Lawrence Mayer](#)
To: [Langdon, Paul](#)
Date: Friday, January 17, 2014 10:50:31 AM

Please defeat the proposal for the "Care" center at 450 N. Lindberg. It infiltrates our peaceful and valuable residential neighborhood.
It sounds like a miserable place for the patients. too. The lot is too small, with only a small courtyard? for fresh air and exercise.
Is that where you want to be when the need arises? Maybe they are planning to have supervised hikes around the neighborhood.
PLEASE defeat this proposal.

Lawrence Mayer

From: [Lixin Chen](#)
To: [Langdon, Paul](#); [Kelly, Whitney](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: Objection to the proposed Assisted Living Facility for 450 N. Lindbergh
Date: Monday, January 13, 2014 6:49:19 AM

TO: CREVE COEUR OFFICIALS AND P&Z COMMISSION:

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL

THANK YOU

Lixin Chen

From: [xiaoyun.xing](#)
To: [Langdon, Paul](#); [Kelly, Whitney](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: Objection to the proposed Assisted Living Facility for 450 N. Lindbergh
Date: Monday, January 13, 2014 6:46:29 AM

TO: CREVE COEUR OFFICIALS AND P&Z COMMISSION:

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL

THANK YOU

Xiaoyun Xing

From: [Judy Fiedler](#)
To: [Kelly, Whitney](#)
Subject: Objection to the proposed Assisted Living Facility for 450 N. Lindbergh
Date: Tuesday, January 14, 2014 3:04:45 PM

Ms. Kelly,

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL.

THANK YOU.

Judy

--

Judy Fiedler

34 Tealwood Drive
St. Louis, MO 63141

From: [Yuxing Feng](#)
To: [Langdon, Paul](#); [Kelly, Whitney](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Cc: [Yuxing Feng](#)
Subject: Objection to the Proposed Assisted Living Facility for 450 N. Lindbergh
Date: Thursday, January 16, 2014 4:44:37 PM

DEAR CREVE COEUR OFFICIALS AND P&Z COMMISSION:

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL.

THANK YOU!

Yuxing Feng
Parent of Yifu Zhu

5 Haven View Drive
St. Louis, MO 63141

From: [irvin fagin](#)
To: [Kreuter, Dave](#); [Kramer, Cynthia](#); bglantz@ci.creve-coeur.mo.us; [Kelly, Whitney](#); [Langdon, Paul](#)
Subject: objections to assisted living facility at 450 lindberg
Date: Friday, January 17, 2014 1:00:41 PM

My wife Ieane and I and a large majority of our neighbors are vehemently opposed to the above project as being detrimental to ourselves and to the city of Creve Coeur, St Louis county and to other community facilities and services that depend on taxes [sales, real estate, etc] as another example of so called "non profit" enterprises taking business advantage a fluke in our laws. Our community needs another such senior facility like a hole in our head.

Irvin Fagin
one of the seniors

From: [DC Rao](#)
To: [Langdon, Paul](#); [Kelly, Whitney](#); [Mayor Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: OPPOSED to the Assisted Living Facility for 450 N. Lindbergh
Date: Monday, January 13, 2014 4:24:55 PM

TO: CREVE COEUR OFFICIALS AND P&Z COMMISSION:
Ladies and Gentlemen,

I am writing this email to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. I have lived in my current house for 27 years and I am seriously concerned about safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.
I REQUEST THAT THIS PROPOSAL NOT BE APPROVED.
Thank you for your consideration of our concerns.

D.C. Rao
15 S. Tealbrook Drive

From: [bin wang](#)
To: [Glantz, Barry](#); [Langdon, Paul](#); [Kelly, Whitney](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: OPPOSE--PROPOSAL FOR 450 N. LINDBERGH (TEALWOOD SQ).
Date: Tuesday, January 14, 2014 2:03:19 PM

TO: CREVE COEUR OFFICIALS AND P&Z COMMISSION:

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL

THANK YOU!

Wu Jin & Bin Wang
9 Haven View Drive

From: elenastl@charter.net
To: [Langdon, Paul](#); [Kelly, Whitney](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: Opposition to Devevopment at 450 N. Lindbergh
Date: Thursday, January 16, 2014 6:01:02 PM

Dear Creve Coeur Officials and P&Z Commission:

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL.

Thank you.

Elena Parker
35 Tealwood Drive
Creve Coeur, MO 63141

From: dkd1905@aol.com
To: [Langdon, Paul](#); [Kelly, Whitney](#); [Lowery, Julie](#)
Cc: [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: Opposition to Tealwood Square Redevelopment Proposal
Date: Friday, January 17, 2014 7:21:42 AM

My initial reaction to the revised proposal for an assisted living facility (ALF) at 450 N. Lindbergh Blvd was, "I hope we can make this work". I was encouraged that George Stock, the consulting engineer, had listened to the residents and attempted to address their objections. Unfortunately, upon further review it was clear that increasing set-backs and removing a third floor did not resolve the overriding objection to the development – 450 N. Lindbergh, a 1.97 acre site on a high traffic arterial road and abutting residential property, is an inappropriate location for a senior living facility.

I strongly oppose the approval of this proposal for the following reasons:

- The General Commercial (GC) district is intended to accommodate retail shopping and offices which are compatible in scale and intensity of use with adjacent residential uses. A use that is 24 hours a day, 7 days a week, and 365 days a year is not compatible with residential neighborhoods unless extensive green space and buffers are present to absorb noise from both the facility services and employees on breaks. A 1.97 acre lot cannot accommodate a building, parking, and service area, and have any acreage remaining for a suitable buffer.
- It is irresponsible to place an assisted living facility within 80 feet of a U.S. Highway with no barrier between the front door and vehicles travelling 40 – 50+ mph. It changes to negligence when 50+% of the residents have dementia. Once again the 1.97 acre lot is insufficient in size to allow for a fence or other suitable deterrent to residents wandering into high-speed traffic. Research places the incidence of ALF residents wandering at 60%. Any reasonable person would view 450 N Lindbergh as an unsuitable location for the proposed usage. On the other hand, the Wm C Biermann, LLC appears to see it as a suitable place to make money.
- The traffic flow and lot size are ill-suited to ongoing truck deliveries. The Quailways/ Tealbrook u-turn intersection does not have the necessary turning radius for delivery trucks to turn north onto Lindbergh. Deliveries to Davita have already demonstrated that trucks create a traffic blockage on Lindbergh Blvd as they maneuver the u-turn (that is, they back-up after entering the roadway to get a different angle for the turn). The traffic light is short. Most trucks cannot negotiate the turn in the time allowed.

Trucks have caused repeated damage to the curbs, drains and sewer covers. The frequency of traffic blockage and cost of repairs will only increase if this new facility is approved. In addition, right turns into the proposed parking lot by delivery trucks will block both lanes of north-bound Lindbergh traffic. To negotiate the parking lot, trucks will need to either back into or out of the service drive. While doing so they will transect pedestrian foot traffic and run parallel and close to four parked cars. A 1.97 acre lot holding a 41,900 square foot ALF is of insufficient size to safely accommodate the co-existence of trucks, cars and pedestrians, much less elderly pedestrians.

The above is not an all-inclusive list. I could continue to describe my objections *ad nauseum*. I could discuss the noise, the reputation of the developer, or parking on Beaver. In the end it all comes back to one thing - 450 N. Lindbergh, a 1.97 acre site on a high traffic arterial road and abutting residential property, is an inappropriate location for a senior living facility. To approve this proposal is to put the profit interests of the developer above the public welfare of the residents of Creve Coeur.

Sincerely,

Deni Dickler
7 Haven View Drive

From: [SUZY SHEPARD](#)
To: [Suzy Shepard](#)
Subject: Please Help
Date: Monday, January 13, 2014 10:09:18 AM

TO: CREVE COEUR OFFICIALS AND P&Z COMMISSION:

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL

THANK YOU

Suzy Shepard

**6 North Tealbrook Drive
St. Louis, Missouri 63141**

From: [Mary Outten](#)
To: [Langdon, Paul](#)
Subject: Proposal for Assisted Living Facility on Lindbergh Blvd.
Date: Tuesday, January 14, 2014 2:07:01 PM

Dear Mr. Langdon,
I would like to register my personal objection to the assisted living facility proposed for 450 N. Lindbergh Blvd. There are many reasons why this is simply not an appropriate property to host such a facility.

My main concern is safety.

The increase in traffic turning on and off Lindbergh would cause a significant danger.

This particular stretch of Lindbergh **was not designed** to handle the level of traffic which would result from such a facility operating there. Think of vendors (trucks), employees, and visitors, all converging on a parking lot which is located NEXT to one of the busiest urban thoroughways in the St. Louis area. The concrete median divider which extends for miles along the middle of Lindbergh Blvd was intended to prevent just this sort of development from taking place, in order to protect the surrounding neighborhoods from noisy commercial enterprise.

Please consider the impact of a 24/7 business being situated between two residential neighborhoods. This is important for the quality of life we are proud to enjoy in Creve Coeur. I am sure you can understand my concern.

Please, DO NOT APPROVE the proposal.

Thank you,
Mary Outten
1 Tealwood Drive
Creve Coeur, MO 63141

From: [Charles Peyton](#)
To: [Langdon, Paul](#)
Cc: [Kelly, Whitney](#); bglanz@ci.creve-coeur.mo.us; [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: Proposed assisted living facility
Date: Tuesday, January 14, 2014 7:14:34 PM

My wife, Lucie, and I object to the proposed Assisted Living Facility for 450 N. Lindbergh. We feel the location at the entrance to our subdivision will affect property values in our neighborhood. We live in a quiet neighborhood and a 24/7 operation will create traffic, 24 hour lights, and noise during the 24/7 operation. Charles and Lucie Peyton, 12 Beaver Dr.

From: [Geoff Nash](#)
To: [Langdon, Paul](#); [Glantz, Barry](#); [Kelly, Whitney](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: Proposed assisted living facility at 450 N Lindbergh in Creve Coeur
Date: Friday, January 17, 2014 11:28:13 AM

TO: Creve Coeur Officials and Planning and Zoning Commission:

I would like to register my objection to the proposed assisted living facility at 450 N Lindbergh in Creve Coeur.

There are many issues my neighbors and I have with this such as increased traffic, noise, light and impact on our already over stressed sewage and drainage system . Rather than repeating all of these, I will concentrate on the issue of the FAR calculation.

I have serious reservations on the new calculation of the FAR. The new company has not fully laid out the plans for the interior space of the facility, however they have stated the FAR has been reduced approximately 45% (from .71 to .39), just below that level required for GC zoning. To remove this much of the square footage would seem unlikely base only on the removal of stair wells, elevators, etc. I would expect they are also not counting common areas which are reserved for tenants, guests, and staff. All these areas would seem to be required in the FAR calculation as they are leasable areas of the building. These areas are not public, but reserved for the tenants, guests, and staff, and in effect are leased for use by the tenants.

Also, all common areas could be leased out for management purposes after the building is completed and in use. For instance, such leasing may be done for purposes of having an outside company maintain the kitchen and dining room. This might be done for cost containment purposes. Other areas might also be leased, for a doctor or physical therapist, or other medical purpose in support of the individuals living there. Areas may be leased to the tenants for storage beyond that available in the bedroom.

In many buildings the interior walls are not structural but are able to be moved to change the purpose of the area of the building. In calculating the square footage of leasable building space, all areas available for use should considered as the leasing entity may modify the area so halls become rooms, etc.

Unless the FAR calculation does include all leasable space used by the tenants, not just bedrooms, I do not believe it accurately reflects the true FAR. I do not see how this application can be recommended to the council until the specifics of the FAR calculation have been made available and meet these requirements. I believe the zoning commission should not accept the FAR as matching that required for the district and should not recommend this as an acceptable use in the neighborhood.

Yours,

Geoffrey S. Nash

13 N Tealbrook Dr.

Creve Coeur, MO 63141

From: [Geoff Nash](#)
To: [Langdon, Paul](#); [Glantz, Barry](#); [Kelly, Whitney](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: Proposed assisted living facility at 450 N Lindbergh in Creve Coeur
Date: Friday, January 17, 2014 11:28:08 AM

TO: Creve Coeur Officials and Planning and Zoning Commission:

I would like to register my objection to the proposed assisted living facility at 450 N Lindbergh in Creve Coeur.

There are many issues my neighbors and I have with this such as increased traffic, noise, light and impact on our already over stressed sewage and drainage system . Rather than repeating all of these, I will concentrate on the issue of the FAR calculation.

I have serious reservations on the new calculation of the FAR. The new company has not fully laid out the plans for the interior space of the facility, however they have stated the FAR has been reduced approximately 45% (from .71 to .39), just below that level required for GC zoning. To remove this much of the square footage would seem unlikely base only on the removal of stair wells, elevators, etc. I would expect they are also not counting common areas which are reserved for tenants, guests, and staff. All these areas would seem to be required in the FAR calculation as they are leasable areas of the building. These areas are not public, but reserved for the tenants, guests, and staff, and in effect are leased for use by the tenants.

Also, all common areas could be leased out for management purposes after the building is completed and in use. For instance, such leasing may be done for purposes of having an outside company maintain the kitchen and dining room. This might be done for cost containment purposes. Other areas might also be leased, for a doctor or physical therapist, or other medical purpose in support of the individuals living there. Areas may be leased to the tenants for storage beyond that available in the bedroom.

In many buildings the interior walls are not structural but are able to be moved to change the purpose of the area of the building. In calculating the square footage of leasable building space, all areas available for use should considered as the leasing entity may modify the area so halls become rooms, etc.

Unless the FAR calculation does include all leasable space used by the tenants, not just bedrooms, I do not believe it accurately reflects the true FAR. I do not see how this application can be recommended to the council until the specifics of the FAR calculation have been made available and meet these requirements. I believe the zoning commission should not accept the FAR as matching that required for the district and should not recommend this as an acceptable use in the neighborhood.

Yours,

Geoffrey S. Nash

13 N Tealbrook Dr.

From: [Michael Tsiaklides](#)
To: [Langdon, Paul](#); [Kelly, Whitney](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: Proposed Assisted living Facility for 450 N. Lindbergh
Date: Friday, January 17, 2014 12:46:01 PM

Dear Creve Coeur Officials and P&Z Commission:

This email is to register my strong personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL

Thank you.

Michael Tsiaklides

From: [Maue And Maue](#)
To: [Langdon, Paul](#); [Kelly, Whitney](#); bglantz@ci-creve-coeur.mo.us; [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: Proposed development at 450 N. Lindbergh
Date: Friday, January 17, 2014 12:13:37 PM

Dear Mayor Glantz, Mr. Langdon, Ms. Kelly, Ms. Kramer, and Mr. Kreuter:

I am writing to strongly oppose the proposed Assisted Living Development at 450 N. Lindbergh Rd.

Originally Assisted Living projects were grouped with all other Senior Living projects, which would have precluded any such use of this site, which is under the three acre requirement for Senior Housing developments. The Planning and Zoning Commission has now agreed that Assisted Living should be included with all other Senior Housing, in the meeting of January 6th, 2014.

Any Assisted Living Development will therefore be shoe-horned into this site.

There are multiple other factors which make a development of this kind incompatible in scale and intensity of use with the adjacent residential uses, including the 24 hour/7days a week nature of the business, safety issues, noise issues, sewer issues, and environmental/green issues,

The nature of the business and the size and location of this site are not congruent with the GC District intent to accommodate "convenience retail shopping and services and offices..."

PLEASE OPPOSE THIS DEVELOPMENT. Thank you.

Michele M. Maue
13 N. Tealbrook Dr.

The Missouri Bar Disciplinary Counsel requires all Missouri lawyers to notify all recipients of email that (1) email communication is not a secure method of communication; (2) any email that is sent to you or by you may be copied and held by various computers it passes through as it goes from me to you or vice versa; (3) persons not participating in our communication may intercept our communications by improperly accessing your computer or my computer or even some computer unconnected to either of us which the email passes through. I am communicating to you via email because you have consented to receive communications via this medium. If you change your mind and want future communications to be sent in a different fashion, please let me know at once.

From: [Mary Outten](#)
To: [Kelly Whitney](#)
Subject: Proposed Development/450 N. Lindbergh Blvd.
Date: Tuesday, January 14, 2014 2:16:02 PM

Dear Mr. Kelly,

I would like to register my personal objection to the assisted living facility proposed for 450 N. Lindbergh Blvd. There are many reasons why this is simply not an appropriate property to host such a facility.

My main concern is safety.

The increase in traffic turning on and off Lindbergh would cause a significant danger.

This particular stretch of Lindbergh **was not designed** to handle the level of traffic which would result from such a facility operating there. Think of vendors (trucks), employees, and visitors, all converging on a parking lot which is located NEXT to one of the busiest urban thoroughways in the St. Louis area. The concrete median divider which extends for miles along the middle of Lindbergh Blvd was intended to prevent just this sort of development from taking place, in order to protect the surrounding neighborhoods from noisy commercial enterprise.

Please consider the impact of a 24/7 business being situated between two residential neighborhoods. This is important for the quality of life we are proud to enjoy in Creve Coeur. I am sure you can understand my concern.

Please, DO NOT APPROVE the proposal.

Thank you,
Mary Outten
1 Tealwood Drive
Creve Coeur, MO 63141

From: [Susan Hibbard](#)
To: [Langdon, Paul](#); [Kelly, Whitney](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Cc: [Hibbard, Susan](#)
Subject: Proposed Facility at 450 N. Lindbergh
Date: Thursday, January 16, 2014 10:07:17 PM

To: Creve Coeur Officials and Planning and Zoning Committee Members:

As a homeowner in Tealbrook Estates, I object to the proposed Assisted Living Facility at 450 N. Lindbergh. I cannot see why the wishes of one commercial property owner should trump the legitimate concerns of dozens of homeowners in four or five surrounding neighborhoods. We all prize our peace and quiet. Please leave us with some.

I urge you to vote against the proposal.

Thank you,
Susan Hibbard

From: [Faith Waxman](#)
To: [Kelly Whitney](#)
Subject: RE: 450 N. Lindbergh Assisted Living Facility Opposition
Date: Friday, January 17, 2014 12:00:14 PM

TO: CREVE COEUR OFFICIALS AND P&Z COMMISSION:

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL

THANK YOU

Faith Waxman

From: [Geisler, Sheila](#)
To: [Kelly, Whitney](#)
Subject: RE: 450 N. Lindbergh
Date: Tuesday, January 14, 2014 5:55:57 PM

TO: CREVE COEUR OFFICIALS AND PLANNING & ZONING COMMISSION

This email is to register my personal objection to the proposed Assisted Living Facility for 450 N. Lindbergh. My main concerns include safety, negative impact on residential neighborhoods, and reduced quality of life for both neighborhood and facility residents.

PLEASE DO NOT APPROVE THIS PROPOSAL.

THANK YOU,

**Sheila G. Geisler
11 Beaver Drive
Creve Coeur, MO 63141**

From: [Donna Dierker](#)
To: [Langdon, Paul](#)
Cc: [Kelly, Whitney](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: Tealwood Acquisitions Assisted Living Proposal
Date: Thursday, January 16, 2014 7:49:42 PM

While the developer has listened to the residents and tried to meet our needs, this plan still is likely to create parking and traffic hassles, because of the lot's limitations:

- * Beaver is too narrow for overflow parking, and *it is the only access/exit for residents of Beaver and Haven View*.
- * The penalty for missing the turn is high, and few visitors will go all the way up to Olive to U-turn back down. Further, there is no parking south of the planned facility, along Lindbergh or on the Davita lot. As a result, when the Tealwood Acquisitions lot is full, then the visitors will park on Beaver, potentially blocking access to emergency vehicles, if they are needed on Beaver or Haven View.
- * The median presents an extra obstacle for delivery/service vehicles doing business at the Tealwood lot. Ideally, these vehicles should be able to drive around the building, so that they can properly orient themselves before exiting back to Lindbergh. If they must pull in and back out to pick up trash, for example, then this sets us up for another situation like we already have next door, at the Davita lot: Trucks are lined up and waiting out on Lindbergh, while shuttles and other patient vehicles are maneuvering on the small lot. I personally have waited ten minutes on northbound Lindbergh while a truck was trying to get into the Davita lot.

While 37 parking spaces might seem adequate for the decreased number of residents, this kind of facility will still require a substantial peak staff capacity. Besides the fact that some of the residents (e.g., spouses of impaired residents) will still be driving, and the typical number of baseline visitors, there will be multiple events that will spike visitors. For example, it is inevitable that some of the residents will die while living at this facility (not having been moved to a hospital first). When it becomes clear that a resident will pass away that day, family and friends will be summoned and will park wherever they need to in order to spend the last few precious moments with their loved ones. They won't wait for a shuttle, valet, or other overflow mechanism. They will park on Beaver. And this is not something you should allow to happen.

Again, Beaver is our only entrance/exit to the residents of Beaver and Haven View. Make sure this access is not blocked by overflow parking and visitors who missed their turn into the Tealwood facility. Find another lot for this facility.

Donna Dierker
17 Haven View Drive

From: [krb](#)
To: [Kelly, Whitney](#)
Subject: tealwood sq.
Date: Friday, January 17, 2014 1:33:27 PM

Dear Ms. Kelly,

Though currently not opposed I am quite leery of a nursing home or assisted-living facility being shoe-horned onto the Tealwood Square property. I live just east of there in Tealbrook.

I understand the need to make productive use of that land, which for too long has not occurred. Personally I'd think a few homes and/or park would be great there but I appreciate the business communities' acumen for knowing their market and putting their own investments on the line.

Perhaps the building can be sold to a nonprofit and inturn many of the existing vacancies filled with nonprofit organizations?

Anyway, please postpone any approval till my neighbors and I can further evaluate this proposal and its consequences for our environs.

ken bush
11 tealbrook n.
63141

From: wallislb@aol.com
To: [Langdon, Paul](#); [Kelly, Whitney](#); [Glantz, Barry](#); [Kramer, Cynthia](#); [Kreuter, Dave](#)
Subject: St. Andrew's Assisted Living on Lindbergh, In favor of current plan, add designated outside smoking area for staff and residents
Date: Thursday, January 16, 2014 8:14:03 PM

Dear Representatives,

I live on Sunswept Drive, just NW of the proposed development of the Grove. I attended the open house this evening sponsored by St. Andrews and staffed by several representatives of the proposal team. I realize that the architectural drawings as presented tonight are the outcome of dialogue over several informal and several formal meetings. Earlier in my career I worked as a social worker with the elderly at JF@CS and now I am aware of the aging concerns of the elders in my own family (and my own concerns). St. Andrews has a solid reputation in the St. Louis area from my point of view. I would prefer that facilities for the elderly who need assistance be embedded in local communities as much as possible. The Tealwood Square property has been under utilized for most of the 30 years that I have lived on Sunswept. I support this development.

Sincerely,

Lisa Wallis LCSW
#3 Sunswept Drive
63141

From: [Joan Glascock](#)
To: bglantz@ci.creve-coeur.mp.us
Cc: ckramer@ci.creve-coeur.mo.us; [Kreuter, Dave](#); [Langdon, Paul](#); [Kelly, Whitney](#)
Subject: Support for Assisted Living Facility Proposed for 450 N. Lindbergh
Date: Thursday, January 16, 2014 12:40:16 AM

Dear Mayor Glantz;

I am contacting you and your colleagues to express my strong support for the assisted living facility project proposed for 450 N. Lindbergh Boulevard. I appreciate that the developer is willing to make a very substantial investment in a building specialized to accommodate an assisted living facility. I am very impressed by the developer's responsiveness to the neighborhood concerns. Major changes in the project design have been made to address several of these neighborhood concerns including reducing the building's square footage, increasing setbacks, and increasing parking. I feel a great admiration for St. Andrew's, the not-for-profit organization which would be operating the proposed assisted living facility. The work that St. Andrew's has done for over fifty years dedicated to helping senior citizens in the St. Louis community is to be much respected. I would feel very honored to have them as a neighbor. I would trust that they would have the experience and understanding to operate an assisted living facility in a safe and responsible manner at the 450 N Lindbergh location. The proposed assisted living facility would add a very valuable and much needed resource to Creve Coeur, I believe.

I disagree with many of the additional concerns that have been expressed by neighbors who feel strong opposition to the project. I do not share the same degree of concern regarding added "pollution, excessive traffic, noise, and disruption to the surrounding neighborhood" suggested by individuals opposing the project. I visit a friend who lives at Bethesda Gardens located at 420 S Kirkwood Road. Bethesda Gardens is an independent living facility, not an assisted living facility. However, it is of a similar size to the proposed project for 450 N. Lindbergh Boulevard and does provide meals to residents in a restaurant-like setting. On the many occasions when I have visited my friend at Bethesda Gardens, I have not seen any evidence of added "pollution, excessive traffic, noise or disruption to the surrounding neighborhood." To the contrary, Bethesda Gardens is a quiet, well-managed facility that appears to co-exist well with the surrounding neighborhood. I believe that an assisted living facility at 450 N Lindbergh, if realized, would be operated similarly.

I would like to see this project proposal accepted.

Best Regards,

Joan Glascock, PharmD, PhD
41 Beaver Drive
Creve Coeur, MO 63141
(314) 567-0799

From: [johnhamacher](#)
To: [Langdon, Paul](#)
Subject: Assisted Living
Date: Wednesday, January 15, 2014 9:15:37 PM

I have no objection.

Sent from my Samsung Epic™ 4G Touch



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, JANUARY 21, 2014
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 Tuesday, January 21, 2014, 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. Tim Carney
 Mr. James Faron
 Mr. Ken Howard
 Mr. Charles Pullium
 Mr. Gene Rovak

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

2. NEW BUSINESS

A. PUBLIC HEARING

Application #13-047: Conditional use permit for an assisted living facility, The Grove in Creve Coeur, located at 450 N. Lindbergh Boulevard.

Applicant/Agent: Bill Biermann

WM. Biermann Company, LLC
1795 Clarkson Road, Suite 190
Chesterfield, MO 63017

Applicant's George M. Stock, P.E.

Representative: Stock & Associates Consulting Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO 63005

Mr. George Stock, 257 Chesterfield Business Parkway, introduced the team of professionals also working with him on The Grove in Creve Coeur project, and they included: Mr. John Dalton, Mr. Bill Biermann, Mr. Dan Thies, Mr. Bob Brinkmann, Mr. Chris Wilson, and Mr. Joe Nicolich. Mr. Stock said the project being presented has been dramatically scaled back in size from the plan presented to the residents at the Board of Adjustment meeting in October 2013. Mr. Stock said they heard the comments at the Board of Adjustment meeting and neighborhood meetings and have made feasible revisions and additions to conform to the General Commercial Zoning District and the performance criteria of the Comprehensive Plan. Mr. Stock stated the project meets and exceeds three key components of the Comprehensive Plan. Mr. Stock explained the project will improve architectural quality of the building stock

along the Lindbergh Corridor, it will protect the existing residential area from encroachment of non-residential use, and this project places the green space adjacent to the east and north property lines adjacent to the residential property and access road known as Beaver Drive. Mr. Stock showed a table which showed the differences between the existing conditions, the Board of Adjustment proposal, and the current proposal before the Commission. Mr. Stock went over the site dimensions and explained the surrounding properties, and also pointed out the current proposal does not allow access from Beaver Drive. Mr. Stock showed illustrations of the existing building conditions and went over permitted and conditional uses. Mr. Stock stated he believed their project is transitional and complies with the goals of the Comprehensive Plan.

Mr. Stock went over the actual site plan, showing the 2-story building approximately 78 feet east of Lindbergh Boulevard and 39 feet south of Beaver Drive's edge of pavement. Mr. Stock showed the access is from a reduced-width driveway from Lindbergh Boulevard, and that the driveway will provide on-site circulation for drop-off and car parking of 37 spaces. Mr. Stock stated the 37 parking spaces are 10 more than what is required for this size facility, and Mr. Stock pointed them out on the site plan. Mr. Stock showed the loading service area, trash area, and explained all deliveries and pick-ups will occur between 8am and 5pm, Monday through Friday. The location of these services, along with the mechanical equipment, is located on the mansard portion of the roof to achieve screening from the public view. Mr. Stock said they will construct a sidewalk and a school bus shelter along Beaver Drive, as part of this project, and the sidewalk will be separated from the assisted living facility by a fence. Mr. Stock said they will also be posting no parking signs on Beaver Drive. Mr. Stock stated a sidewalk has been added from Lindbergh Boulevard to the front door at the Lindbergh Boulevard entrance, a second fence will be located at the east of the building to encompass the courtyard. Mr. Stock said they will also be introducing two small retaining walls ranging in height from 2 to 6 feet. Mr. Stock said the addition of the sidewalk along Beaver Drive connecting with the Lindbergh Boulevard sidewalk, in addition to the school bus shelter, will meet the pedestrian circulation guidelines.

Mr. Stock explained the storm water management, which includes bio-retention, increased green space, and preservation of green space, meeting and exceeding the requirements of the Metropolitan St. Louis Sewer District. Mr. Stock stated there are adequate utilities serving this site and there are no impervious coverage concerns.

Mr. Stock pointed out on the site plan, the open courtyard and said that it would be surrounded by the retaining walls and the retaining walls would be enclosed by an aluminum black fence. Mr. Stock explained that they were very sensitive about how the building was placed and spaced out, not to put any assisted living residents or neighborhood residents in an uncomfortable position.

Mr. Stock showed more illustrations of the building's footprint and floor plan. Mr. Stock also showed the elevations of the building, and went over the type of materials being used to construct the building. Mr. Stock did state they are open to changing the mix of materials on the building.

Mr. Stock showed the Commission drawings of what the intended landscape plan would look like; he went over the types of trees and shrubs they would like to use and said their objective is to have the facility blend with the neighborhood. Mr. Stock pointed out another feature is the sustainability of the storm water, and that all of the storm water would be treated in bio-

retention and rain gardens. Mr. Stock showed on an illustration where the rain gardens would exist.

Mr. Stock went over the lighting plan, stating they propose four 24-foot high light standards in the parking lot, three on the east side of the building and then one within the service court. Mr. Stock explained the illumination levels are anywhere from 3½-foot candles or as high as 4½-foot candles, and pointed out the location on a photometric plan. Mr. Stock said the lighting would just light the parking lot beside the commercial building to the south and the residential properties would not be affected.

Mr. Stock went on to explain some of the operational components, including staffing, units of beds, amount of assisted living residents, how their hours are worked, and the delivery schedule. Mr. Stock said the day shift would be based on 53 residents and 18 workers, and the night shift would be composed of 8 workers. Mr. Stock said there would be shift overlap for about 30 minutes around 3pm, the evening/night shifts overlap for about 30 minutes around 11pm, and the night and day shifts overlap 30 minutes about 7am. Mr. Stock said the deliveries would take place between 8am-5pm, there would be food delivery in a short trailer twice a week, medical supplies once a week, trash pick-up twice a week, and eight to ten small package deliveries (UPS, FedEx, pharmacy van, etc.), and the facility would have one van.

Mr. Stock explained the security system they would use would ensure residents do not wander off premises. Mr. Stock said all exit doors are alarmed, when a door is opened an alarm sounds or an alarm is sent to a device. Mr. Stock also pointed out the doors on the north wing and south wing are within a fenced-in area and a main entrance at the porte-cochere. Mr. Stock said the alarm cannot be reset remotely, by design, so a staff member would have to physically go to the door to see what set the alarm off. Mr. Stock stated most memory care units have security measures in place to prevent elopements, such as, electronically locked doors, electromagnetic locks, and code cards/fobs for employees to pass through doors unrestricted, but the residents cannot use the doors unrestricted. These alarms are tied to the building fire alarm and sprinkler system, so if activated occupants are not trapped. Mr. Stock has spoken with Officer Fico, Creve Coeur Police Department and Mr. Jerry McQueen, Creve Coeur Fire Department, and Officer Fico was only aware of one instance where an elderly individual wandered and Mr. McQueen was aware of none.

Mr. Stock went over an aerial view and section cuts of the property. Mr. Stock again walked through all the setbacks and elevations and how they are trying to protect the homes and the facility from each other. Mr. Stock showed pictures he took from neighbors properties into the proposed site.

Mr. Stock went over the traffic impact study, done by Bernardin-Lochmueller & Associates, and it shows the development would be characterized as a low intensity traffic generator. Mr. Stock said he has spoken with MoDOT and has received conceptual approval from them. Lastly, Mr. Stock showed how a truck would maneuver into the site and showed that the small delivery trucks would have no issues with getting in and out of the site.

Mr. Howard asked if the back corridor was not going to be lit. Mr. Stock said there would be lights on the door, but no freestanding light poles or light going into the yard/courtyard.

Mr. Carl Lumley, City Attorney, asked if there were emergency gates in the fence, in case of a fire so they are not trapped in the fenced-in area. Mr. Stock said there are gates and he assumes they will have alarm hardware on them, as well.

Mr. Faron asked if MoDOT was in agreement with the bus stop. Mr. Stock explained it was not a Metro bus stop; it is more for neighborhood refuge for the children who attend Ladue Schools, and it is on private property. Mr. Faron asked if there was an issue with the bus stop being in the right-of-way, and Mr. Stock showed an illustration and how the bus stop is not in the right-of-way. Mr. Faron asked how the pedestrian issues, pointed out in the staff report, have been addressed. Mr. Stock said, since the staff commenting, they have added a piece of sidewalk along the north side of the facility's drive, which would be ADA accessible, coming to the front door. Mr. Faron expressed some concerns with traffic overflow onto Beaver Drive and with the bio-retention rain gardens being accessible to the public. Mr. Stock said they would put "No Access" signs on Beaver Drive to try and help with that issue and, as far as the rain gardens are concerned, the one in the courtyard would be an amenity for the residents and the other would not be accessible to the public. Mr. Faron asked if Mr. Stock was confident there would be no site line to residential neighbors. Mr. Stock said he was very confident with the vertical elevations, however, he said he was not too sure that the landscape plan they presented was the right solution: there may need to be more concentration or different type of trees/species, but that can all be worked out with staff. Lastly, Mr. Faron asked if there was any chance the project would change and the applicant would change the use inside the building. Mr. Stock said they do not present a project and then build something else; there is a permitting process and inspections that have to be completed, so there is no changing the project after it has gone through this approval process.

Dr. Barton asked for the business structure at St. Andrew's to be explained and how the "not-for-profit" works. Dr. Barton also asked how the residents are placed in the facility and what role family members take in this decision. Mr. Chris Wilson, St. Andrew's Management Services, explained a little history and background on St. Andrew's, stating the company has been in business in the St. Louis area for over 50 years. Mr. Wilson said that he works for the company that would be responsible for the day-to-day operations of The Grove at Creve Coeur, which is a "for-profit" management company. Mr. Wilson also explained that assisted living facilities, in the State of Missouri, are highly regulated facilities. Mr. Wilson said The Missouri Department of Health and Senior Services regulate these facilities and there are regulations that they have to follow. Mr. Wilson explained there are assessments that have to be done on individuals before they can move into to the facility to make sure it is an appropriate situation for them, and that the level of care they need can be facilitated by the providers that work there.

Mr. Carney asked about the landscape plans and the plans for the honeysuckle in the southeast corner. Mr. Stock said they are open to do whatever creates the best buffering screen and is the most sustainable. Mr. Carney asked if they had met with the residents about the new landscape plan. Mr. Stock said they had not, but they are happy to meet with the residents to continue the dialogue.

Judy Fiedler, 34 Tealwood Drive, presented a petition signed by the residents and property owners on Haven View, Beaver Drive, Tealwood Drive North and South, Tealbrook Drive, Foxbrook Drive, Shadybrook Drive, Quailways Drive, and Sunswept Drive all in Creve

Coeur, Missouri. Ms. Fiedler said all the signatures are in opposition to the approval of the conditional use permit being proposed at 450 North Lindbergh Boulevard.

Sheila Geisler, 11 Beaver Drive, said she wanted to give her time to Deni Dickler.

Deni Dickler, 7 Haven View Drive, is opposed to the project. Ms. Dickler said she believes there has been misleading information in regards to the floor plans and that the FAR is unsubstantiated because the drawings are not to scale.

Susan Hibbard, 16 North Tealbrook Drive, is opposed to the project. Ms. Hibbard said there are 60 year old water and sewer mains and they better be able to handle the needs of the proposed project.

Janine Schilders, 18 Haven View, is opposed to the project. Ms. Schilders said she fears what the neighborhood will be left with after the proposed tenant leaves. Ms. Schilders expressed traffic concerns and concerns with Beaver Drive becoming congested.

Andrew Bitterfield, 9 Tealwood Drive, is opposed to the project. Mr. Bitterfield has concerns with traffic and how the trucks will be making Lindbergh Boulevard more congested.

Greg Geisler, 11 Beaver Drive, is opposed to the project. Mr. Geisler believes the use is not appropriate for this site and also has concerns with the city losing tax dollars.

Andy Tessler, 13 Haven View Drive, on behalf of Marvin Greenberg, 19 Haven View Drive, is opposed to the project. Mr. Tessler said the issue is the building is too big for the site. Mr. Tessler also said the project is too close to the neighboring property.

Jeffrey Dickler, 7 Haven View Drive, is opposed to the project. Mr. Dickler said the developer is not interested or concerned with the neighbor's well-being or welfare.

David Barrett, 7 South Tealbrook, is opposed to the project. Mr. Barrett said that St. Andrew's is not living up to their mission on this site. Mr. Barrett said this site provides no scenery, greenspace, or footpaths for the elderly.

Lyndon Hibbard, 16 North Tealbrook, is opposed to the project. Mr. Hibbard said this project will create too much noise for the surrounding neighborhood, an increase in traffic, and the air-conditioning will be too noisy.

Michele Maue, 13 North Tealbrook, is opposed to the project. Ms. Maue believes this is not a "home"-like environment and that the proposal is contradictory on its face.

Sandra Greenberg, 19 Haven View, is opposed to the project. Ms. Greenberg said the proposed development is a detriment to the quality of life and safety of its residents. Ms. Greenberg said this proposal is too close to a busy four-lane highway and increases the chances of a resident wandering out to an unsafe area with deadly consequences.

Suzy Shepard, 6 North Tealbrook, is opposed to the project. Ms. Shepard said she does not know what is being built and she is opposed to the 24-hour operations of the building.

Arlene Warmke, 17 Beaver Drive, gave her time to Anne Parker.

Dennis Stevenson, 9 South Tealbrook, gave his time to Anne Parker.

Geoff Nash, 13 South Tealbrook, gave his time to Anne Parker.

Anne Parker, 9 South Tealbrook, is opposed to the project. Ms. Parker has safety concerns, parking concerns, concerns with the quality of life, concerns with the street wear/tear/damage, public relation concerns for Creve Coeur government (bad planning), and compatibility issues ranging from building lighting to inside of the building. Ms. Parker believes this site could be put to better use.

Mark Schupp, 418 North Mosley, on behalf of his wife, Representative Jill Schupp, read a letter she wrote opposing the project.

Mary Outten, 1 Tealbrook, is opposed to the project. Ms. Outten said the development was inappropriate for the neighborhood.

Angela Rose, 10335 North Sunswept Drive, is opposed to the project. Ms. Rose said there is no assurance that the facility that is being built will continue to operate as presented.

Joan Glascock, 41 Beaver Drive, supports the project. Ms. Glascock said she respects St. Andrew's and trusts that they have an understanding of their business. Also, Ms. Glascock said she thinks the developer has made a good effort.

Mr. Paul Langdon, Director of Community Development, thanked the applicant and the residents for the thorough analysis. Mr. Langdon talked to the Commission about what the scope of their review is. Mr. Langdon said if they do not allow this project, then they need to take a look at what else might be here, and he thinks this is important because of the issues with the economy over the last few years. Mr. Langdon went over some examples of successes and struggles the city has seen. Mr. Langdon said when property owners are desperate to find some return on their property they may resort to choices that nobody expected in the first place. Mr. Langdon stated the area is already zoned General Commercial and there are already property owners with a vested interest in making something happen on these properties. Mr. Langdon said vacant properties bring crime and gave a few examples of those around Creve Coeur. Mr. Langdon showed an aerial of the Delmar Gardens on Country Manor Lane, with 112 beds and 80 parking spots. He pointed out that, during the day, the parking does not get full, even factoring staff in. Mr. Langdon also pointed out the fence is 10 feet from the building and the building elevation is a few feet higher than the residence next to it. Mr. Langdon said when this site was proposed to be redeveloped as an office complex, and offer 220 feet of buffer space, the residents fought hard to keep Delmar Gardens. Mr. Langdon said it is about perspective, because what is being proposed is not like anything else in the city. Mr. Langdon said there were changes in the plans that were not seen until tonight, and there are questions in terms of access, but whether it is an office building or an assisted living facility, people missing the driveway is a problem. Mr. Langdon pointed out there is nothing in the zoning code that prohibits 24-hour use, it can be regulated through a conditional use permit, but there are no rules against it. There are rules against trash pickup before 7am, rules against construction activity on weekends beyond certain hours, there are noise and light standards that have to be met, and this is all true for all uses, permitted or conditional. Mr. Langdon said he would like to see the applicant settle on a floor plan. In

regards to tax revenue, Mr. Langdon said the city tries not to dwell on that because revenue decisions and land use decisions should ideally be separate, but there are other means to approach owners about certainties and maintaining revenue stream. Mr. Langdon thinks the landscape plan has a few minor issues, but thinks they can be resolved. Mr. Langdon said from staff's perspective they are not ready to see a decision be made, but it is the Commissions choice to do so. If it is voted on tonight, there need to be specific things discussed, like the shelter easement, all references would need to be updated to the current plans, and the crosswalk through the parking lot should be a different material from the pavement to identify the pedestrian hazard area.

The Commission discussed wanting to also see the FAR and floor plans be settled on and also other concerns brought up.

Mr. Howard asked about the noises from the cooling tower, and if Mr. Langdon could discuss that. Mr. Langdon said there is no cooling tower for this building. Mr. Langdon explained one of the benefits that come with making the building smaller is the demands can be met with smaller systems – room-by-room systems. Mr. Langdon explained initially they planned wall units, similar to a motel, but at staff's request, they changed them to in-the-room units, called VTAC units, meaning that the air circulation is completely inside the building. Mr. Langdon said in terms of fresh air exchange and ventilation, it is on the roof behind the mansard, and therefore the heating and cooling is not really a concern.

There was discussion between Mr. Faron and Mr. Langdon in regards to design guidelines and materials that the City can and would like to see used on the building. Mr. Langdon explained what the Comprehensive Plan calls for. Mr. Faron also asked about concerns brought up in regards to MSD, Ameren, and MoDOT and if staff is worried about runoff and extra load on the system. Mr. Langdon said good dialogue is always maintained with MSD, and he is confident that the applicant or engineering consultant are familiar and are working on improving that. Mr. Langdon said they do check the utilities and make sure they meet the requirements and move forward from there.

Mr. Stock said that he will continue dialogue with the residents and continue to respond in a positive way. Mr. Stock said they want to work with the neighbors about architecture, landscaping, buffering, and any other concerns they may have. Mr. Stock said there is a need for this assisted living development. Mr. Stock asked Chairman Madden and Mr. Lumley to include the City Zoning Code, Subdivision Code, Comprehensive Plan, their PowerPoint presentation, and the City's staff report into the record, as they think that is matter of factual and they have followed these. Mr. Stock said, in regards to traffic, the driveway is dictated under MoDOT's access management guidelines and that is what they have to follow. Mr. Stock said he has talked to MSD, Ameren, and Missouri American Water and to the best of his knowledge there are adequate utilities there and it is a permit process, so they will deal with that. Mr. Stock said this is a project that can continue to be developed and they would like the opportunity to keep working with the Commission and residents to seek the support for their conditional use permit.

Mr. Rovak asked about the certificate of need and how this site would compare to Brooking Park, another St. Andrew's site. Mr. Wilson, St. Andrew's Management Services, said the State of Missouri has issued the project a certificate of need for assisted living, and again as mentioned before, said there are very specific regulations mandated by the Missouri

Department of Health, Senior Services for who is eligible for care in an assisted living facility. Mr. Wilson said regarding the density, there are 25 of 100 individuals that are in a dedicated memory unit, so while the scale is larger than what is before you tonight, it will be similar, but do not have exact calculations.

Chairman Madden suggested that the applicant get with staff, taking all the suggestions from everyone in consideration, and come back to the next meeting February 3rd, 2014.

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. Howard motioned to continue Application #13-047 to the meeting of February 3, 2014, to allow the applicant time to address the comments of the Commission. Mr. Faron seconded the motion.

Dr. Barton would like to see some further discussion on:

- Noise and odor control, in regards to the kitchen and kitchen exhaust
- Abating siren use – Mr. Langdon said they can reach out to the Fire Department
- Some expert testimony regarding dementia patients and how the criteria is administered

There being no further discussion, the vote went as follows:

Dr. Barton – aye
Mr. Faron – aye
Chair - aye

Mr. Howard – aye
Mr. Rovak – aye

Mr. Carney – aye
Mr. Pullium – aye

3. 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 10:01 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary

AN ORDINANCE AMENDING SECTIONS 615.090 AND 615.100 OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR REGARDING MASSAGE SERVICES.

WHEREAS, Chapter 615 of the City Code of Ordinances regulates massage services and currently does not allow massages to be provided in a couples setting; and

WHEREAS, interest has been expressed in allowing couples massages and it has been determined that such additional services will not be detrimental;

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

Section 1. Sections 615.090 and 615.100 of the City Code of Ordinances are hereby revised to read as follows:

SECTION 615.090: SANITATION REQUIREMENTS FOR MASSAGE BUSINESS

- A. The premises of a massage business, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- B. Adequate equipment shall be provided for disinfecting and sterilizing instruments used in the administering or practicing of the subjects or methods of treatment. Such instruments shall be sterilized after each use.
- C. A supply of clean, laundered sheets and towels shall be available sufficient for use by each customer and shall be laundered after each use thereof and stored in an approved sanitary manner.
- D. Wet and dry heat rooms, shower compartments and toilet rooms shall be thoroughly cleaned and sanitized each day the business is in operation. Bathtubs shall be thoroughly cleaned and sanitized after each use.
- E. All bathing, dressing, locker and toilet facilities for patrons shall be code-complaint and A.D.A. accessible as required in the City's Building Code. The massage business must have a minimum of one (1) dressing room, one (1) toilet and one (1) wash basin. The facilities must provide a safe and secure place to keep valuables and personal items. If male and female patrons are to be served simultaneously at such massage business, then separate massage rooms and separate dressing facilities shall be provided for male and female patrons, except that couples may receive services in the same cubicle, room, booth, or area on request.

SECTION 615.100: OPERATIONS -- GENERALLY

- A. Each operator of a massage business shall conduct the establishment in a decent, orderly and respectable manner and shall not permit within or upon the permitted premises: known prostitutes, intoxicated persons, the loitering of habitual drunkards, lewd or indecent displays, profanity, rowdiness, undue noise or other distractions or activity offensive to the senses of the average citizen or the inhabitants of the neighborhood in which the business is located.
- B. Massage therapy shall be performed on patrons individually in a separate cubicle, room, booth or area of the massage business, except that couples may receive services in the same cubicle, booth, room, or area on request.

BILL NO. 5475

ORDINANCE NO. _____

- C. The private parts of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage therapist or other patrons. Any contact with a patron's genital, anal or nipple areas is strictly prohibited.
- D. A massage business shall not carry on, engage in or conduct business on any day between the hours of 10:00 P.M. and 6:00 A.M.
- E. Every person who engages in or conducts a massage business shall keep a daily register of all patrons with names, addresses and hours of arrival and departure and the rooms or cubicles assigned. Such daily register shall at all times during business hours be subject to inspection by Health Department officials and by the Police Department and shall be kept on file for a minimum of two (2) years.
- F. All employees and massage therapists must be and remain fully clothed. All employees shall be clean and wear clean garments.

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

ADOPTED THIS _____ DAY OF _____, 2014.

DR. SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2014

BARRY GLANTZ, MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



CREVE COEUR POLICE DEPARTMENT INTEROFFICE MEMO

DATE: February 17th, 2014
TO: Mark Perkins, City Administrator
FROM: Glenn Eidman, Chief of Police
SUBJECT: Co-Ed Massages-City Ordinance 615.100

Attached to this memo is information regarding ordinances prohibiting co-ed (couple's) massages. The information was obtained from surrounding police departments.

This memo is meant to inform you of:

- a. All Creve Coeur massage therapy businesses that have obtained a City permit to conduct said business.
- b. The effect on said businesses if ordinance number 615.100 was changed to allow more than one patron to be given a massage in the same cubicle, room, booth or area.

The section that would require an edit for a couples message would be 615.100 Section B.

All licensed message businesses were contacted in reference to changing the ordinance to allow a couples massage. Below is listed the name of the business and their response a chart depicting all massage therapy businesses if the above ordinance was amended:

Location Name	Address	Phone	Beneficial
Massage Envoy	12528 H Olive Blvd.	314-744-7779	No
Massage Luxe	12410 Olive Blvd.	314-439-5893	Yes
St. Louis Institute for Rehab & Sports Massage	711 Old Ballas Rd. Suite 210	314-432-5554	No
Triad Sports & Family Chiropractic	10425 Old Olive Street	314-993-2424	No
Chiropractic Care & Sports Rehab Inc.	12401 Olive Blvd.	314-439-5548	No
Relaxation Massage	10420 Old Olive, Suite 105	314-724-3116	No
Kathleen H Christ	11970 Rocky Dr.63141	314-488-2892	No
Essential Massage	10425 Old Olive LL1	314-221-6319	No
Bodies In Balance (Monsanto Wellness Ctr.)	800 N. Lindbergh	314-694-8483	No
The Path To Balance	655 Craig Rd., Suite 320	314-283-1604	No
Yue Ma Massage	522 N New Ballas Rd, Suite 299	314-541-3502	No
Advanced Muscle Therapy, Inc.	745 Craig Court Suite 102G	314-517-0921	No
Crossroads Family Chiropractic	12324 Olive Blvd.	314-439-0777	No
Missing Link	12400 Olive Blvd, Suite 205	314-853-2171	No
Studio Branca	12627 Olive Blvd	314-469-1222	Yes

In surveying the current message business owners, only two found that changing the ordinance would be beneficial; however, numerous requests have been made for a couples massage on various occasions. Below is a look at other Cities and their status on the message ordinance.

Co-Ed/Couples Massages

Surrounding Department Massage License Policies/Procedures

Frontenac:

Frontenac Police Department does not have an ordinance prohibiting couple's massages. This information was obtained from the city's Municipal code, and by speaking directly with the Detective Bureau.

Town and Country:

Town and Country Police Department does not have an ordinance prohibiting couple's massages. It should also be noted that Town and Country has no businesses that require massage permits. This information was obtained from the city's Municipal code, and by speaking with Chief Krantz.

Maryland Heights:

Maryland Heights Police Department does not have an ordinance prohibiting couple's massages. This information was obtained from the city's Municipal code, and by speaking with Lt. Eagan.

Chesterfield:

Chesterfield Police Department does not have an ordinance prohibiting couple's massage. This information was obtained from the city's Municipal code. No one in administration was available to answer questions regarding this topic due to the holidays (return expected 1/2/14).

Additional Information:

- A co-ed/couple's massage is simply when two people experience massage treatments at the same time in the same room, and have some sort of relationship (romantic, friends, or family). These massages have several benefits including increasing communication between couples, reducing stress, and other health benefits. There are no sexual aspects to a couple's massage that is conducted in a reputable massage parlor or business by licensed therapists.

- Each city listed above does have rules and regulations in place for massage businesses in their city, however they are not as specific as the Creve Coeur ordinance.
- None of the cities listed above have ordinances prohibiting co-ed/couple's massage.

Conclusion

- After reviewing the research on co-ed/couple's massages and checking with surrounding agencies, it appears that changing our ordinance from prohibiting "co-ed" massages to allowing them would have no negative effects to the city. Allowing the massage businesses to provide co-ed massages to their customers would improve the relationship the city has with its massage businesses; which could increase the amount of business brought into the city.

Town and Country Massage License Ordinance/Policy

SECTION 615.360: PROHIBITED HOME OCCUPATIONS

Permitted home occupations shall not in any event be deemed to include:

1. Dancing schools.
2. Funeral homes.
3. Nursery schools and child or adult daycare centers, for greater than three (3) persons.
4. Restaurants or other food or beverage **services**.
5. Kennels, animal hospitals, veterinary **services** or commercial stables of any kind.
6. Medical or dental offices or clinics.
7. Tourist home, bed and breakfast, or rooming house.
8. Metal or motor vehicle repair or service.
9. Firearms or weapons sales.
10. Motor vehicle repair or service.

11. **Massage services.** (Ord. No. 2302 §4, 2-8-99)

Chesterfield Police Department Massage License Ordinance/Policy

Sec. 17-151. Intent and purpose.

(a) It is the purpose of this article to regulate sexually oriented businesses to promote the health, safety and general welfare of the residents of the City; to protect and preserve the quality, property values and character of the City; to prevent the concentration of sexually oriented businesses within the City; and to minimize the potential negative impacts of sexually oriented businesses on residential areas, churches, schools and public areas.

(b) It is expressly not the intent or effect of this article to impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Nor is it the intent or effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

(c) *Adult entertainment facilities.* It is the intent of the City that the location regulations of this article related to **massage** parlors, nude studios, modeling studios, and other similar commercial enterprises whose major business is the offering of a service that is intended to provide sexual stimulation or sexual gratification to the customer, are promulgated pursuant to the findings of the City in Resolution No. 313.

Maryland Heights Police Department Massage License Ordinance/Policy

No ordinance for massage therapy, massage permits, or massage businesses.

Frontenac Police Department Massage License Ordinance/Policy

No ordinance for massage therapy, massage permits, or massage businesses.

City of Creve Coeur Message License Ordinance/Policy

CHAPTER 615: MASSAGE THERAPY

ARTICLE I. GENERALLY

SECTION 615.010: SHORT TITLE

This Chapter shall be known and may be cited as the "Massage Therapy Ordinance of the City of Creve Coeur". (R.O. 2008 §15-101; Ord. No. 2272 §1, 4-26-04)

SECTION 615.020: POLICY

It is hereby declared that massage therapy as defined in this Chapter is a business affecting the public health, safety and general welfare. (R.O. 2008 §15-102; Ord. No. 2272 §1, 4-26-04)

SECTION 615.030: DEFINITIONS

For the purpose of this Chapter, the following words or phrases shall have the meanings respectively ascribed to them by this Section:

APPLICANT: Any person who applies for a permit as required by this Chapter.

EMPLOYEE: Any and all persons, other than a massage therapist, who render any service for a permittee, who receive compensation directly from a permittee and who generally have no direct physical contact with customers or clients.

LICENSE: Official authorization issued by the State to perform massage therapy or operate a massage business, including provisional license and student license.

MASSAGE BUSINESS: Any place of business in which massage therapy is practiced.

MASSAGE THERAPIST: Any person who practices or holds themselves out as a practitioner of massage therapy within the City.

MASSAGE THERAPY: A health care profession that involves the treatment of the body's tonus system through the scientific or skillful touching, rubbing, pressing or other movements of the soft tissues of the body with the hands, forearms, elbows or feet or with the aid of mechanical apparatus for relaxation, therapeutic, remedial or health maintenance purposes to enhance the mental and physical well-being of the client, but does not include the prescription of medication, spinal or joint manipulation, the diagnosis of illness or disease or any service or procedure for which a license to practice medicine, chiropractic, physical therapy or podiatry is required by law or to those occupations as defined in Chapter 329, RSMo.

OUTCALL MASSAGE THERAPY: Massage therapy performed not at a fixed location but at locations designated by the massage therapist, customer or client from time to time.

PERMIT: Official authorization issued by the City to perform massage therapy, outcall massage therapy or to operate a massage business within the City.

PERMITTEE: Any person receiving a permit from the City to operate a massage business or perform massage therapy or perform outcall massage therapy services under the provisions of this Chapter. (R.O. 2008 §15-103; Ord. No. 2272 §1, 4-26-04)

*Cross Reference--Definitions and rules of construction generally,
[§100.020.](#)*

ARTICLE II. LICENSES/PERMITS

SECTION 615.040: LICENSE AND PERMIT REQUIRED

A. *Massage Therapist.* It shall be unlawful for any person to engage in the practice of massage therapy within the City without having first obtained a massage therapist license from the State. It shall be unlawful for any person to engage in the practice of massage therapy at any business within the City without having first obtained a City massage therapist permit. Persons performing outcall massage therapy within the City must obtain a massage therapist permit if they are performing work on behalf of a massage business located within

the City or if said person resides within the City and operates a home business providing outcall massage therapy.

B. *Massage Business.* It shall be unlawful for any business to allow the practice or performance of massage therapy on its premises within the City or to engage in massage therapy within the City, including outcall massage therapy, without first having obtained a massage business license from the State and a massage business permit from the City.

C. *Additional Services.* Any business that provides massage therapy services in addition to other services shall obtain a massage business permit in addition to the standard business license required by the City. Any such businesses that provide for contracted massage therapy services shall also be required to obtain a massage business permit.

D. *Home Businesses.* Any person who operates a home business located within the City that involves providing outcall massage therapy is required to comply with the provisions for a home business as prescribed in [Section 405.450](#) of this Code.

E. *Authorized Home Business.* Providing massage therapy services within the home of the person operating said business is not an authorized home business.

F. *Exemptions.* Any persons exempt from having to obtain a massage therapist or massage business license under the laws of the State shall also be exempt from having to obtain a massage therapy or massage business permit under City law.

G. *Reserved.*

H. *Permit Period.* The permit period for an initial or renewal permit shall be twenty-four (24) months. (R.O. 2008 §15-111; Ord. No. 2272 §1, 4-26-04; Ord. No. 4074 §1, 4-9-07)

SECTION 615.050: APPLICATION PACKET

A. The application packet for an initial or a renewal massage therapist or massage business permit shall be on forms prescribed by the City.

B. Every initial application or renewal application for a massage therapist or massage business permit shall be made in writing, under oath.

C. The application packet shall include an informational checklist, a copy of this Chapter and the appropriate application(s) for massage therapist or massage business permit(s).

D. The completed forms shall contain information sufficient to verify the qualifications of the application for a permit or a renewal permit.

E. If the massage business applicant is an individual or sole proprietor or a partnership, corporation or other legal entity, the applicant shall provide the full name, address and other

information required from applicants relating to each individual involved in the ownership or management of the business.

F. If a massage business applicant also intends to perform massage therapy personally, then such applicant shall be required to obtain a massage therapist permit in addition to the massage business permit.

G. A copy of [Section 405.450](#) of the Municipal Code regarding a home business shall be provided to persons seeking to operate a home business that involves providing outcall massage therapy. (R.O. 2008 §15-112; Ord. No. 2272 §1, 4-26-04)

SECTION 615.060: DISCLOSURE AND SUBMITTAL OF PERMIT APPLICATIONS, FEES

A. *Application Packets.* The application packet shall be obtained from the office of the Chief of Police. Upon completion, the application packet must be returned to the office of the Chief of Police.

B. *Disclosure--Attachments.* An applicant for any initial permit provided for in this Chapter shall completely disclose all information required by the application and such application shall contain the required attachments in order to be considered complete. Attachments shall include:

1. Two (2) recent facial photographs of the applicant that meet the requirements for U.S. passport applications.
2. Official document showing proof of age. (Massage therapists must be eighteen (18) years of age and massage business operators must be twenty-one (21) years of age.)
3. Two (2) "applicant fingerprint cards" provided and processed by the Police Department.
4. A complete criminal history check conducted through the Missouri State Highway Patrol. When an applicant has been convicted of any crime other than minor traffic violations, a statement must be made giving the place and court in which the conviction was obtained and the sentence imposed as a result of such conviction.
5. An annual fee of three hundred dollars (\$300.00) for each massage business permit and/or one hundred fifty dollars (\$150.00) for each massage therapist permit for the permit period of January first (1) through December thirty-first (31st) or any portion thereof. Fees for permits required by this Chapter shall not be refundable if for any reason a permit is not issued or if the permittee shall cease operations before the end of the period for which the permit was issued. Permit fees are not prorated for any unused portion of the permit period.

6. A copy of a valid license identifying the applicant as a massage business and/or massage therapist (as applicable) licensed in the State shall be provided, together with a copy of all documents submitted in application for said license(s).

C. *Renewal Applications.* Applications for a renewal of permits issued under this Chapter may be submitted at any time up to thirty (30) days prior to the date of expiration, along with the applicable fee.

1. Renewal permits for massage businesses require an inspection of the premises conducted by the Community Development Department and Police Department.

2. Renewal applications must be accompanied by an updated criminal history check.

3. Renewal applications must be accompanied by documentation that the applicant's required State license remains in effect.

D. *Transfer Of Permit.* No massage therapist or massage business permit shall be transferable. (R.O. 2008 §15-113; Ord. No. 2272 §1, 4-26-04)

SECTION 615.070: INVESTIGATION AND RECOMMENDATION PROCESS

A. *Investigation Of Applicants.* Upon receipt of a completed massage business and/or massage therapist application packet(s), the Chief of Police shall direct an investigation of the validity of the statements and the facts contained therein. Any person who has failed to submit an application or has submitted an incomplete application packet shall not be entitled to consideration until such time that the application packet is complete. Submittal of an inaccurate application shall be grounds for the Chief of Police to refuse to recommend the issuance of a permit.

B. *Findings.* The Chief of Police shall make a favorable recommendation for a massage therapist permit or massage business permit, unless the Chief finds:

1. The applicant and/or any other person who will be directly engaged in the management and/or operation of the massage business or the providing of massage therapy services:

a. Has been convicted of a felony;

b. Has been convicted of an offense involving sexual misconduct with children;

c. Has been convicted of an obscenity offense, solicitation of a lewd or unlawful act, prostitution or pandering;

d. Has no valid State license or otherwise fails to meet the requirements of this Chapter.

2. The Chief of Police in his/her discretion may recommend the issuance of a permit to any person as described in Subsection (B)(1)(a--c) if he/she finds evidence that such circumstances occurred more than five (5) years prior to the date of the application.

C. *Massage Therapist Permit Process.*

1. The Chief of Police shall within fourteen (14) days of receipt of a complete application submit to the Finance Director a recommendation to approve or deny the issuance of a massage therapist permit to any person who applies for a permit to perform massage therapy services.

2. Based on the favorable recommendation of the Chief of Police, the Finance Director shall issue said permit as soon as practical, unless the massage therapist applicant has also applied for a massage business permit, in which case the permit shall be held until issuance of the massage business permit (or withdrawal of the application).

D. *Massage Business Permit Process.*

1. The Chief of Police shall within fourteen (14) days of receipt of a complete application submit a recommendation to the Finance Director to approve or deny the issuance of a massage business permit to any person who applies for a permit to operate a massage business.

2. A representative of the Community Development Department and a representative of the Police Department shall, as soon as practical and no later than fourteen (14) days after submission of a favorable recommendation by the Chief of Police, conduct an inspection of the premises of the proposed massage business to determine compliance with the provisions of this Chapter.

3. Upon completion of the inspection, the designated representative of the Community Development Department shall submit a recommendation to the Finance Director to approve or deny the issuance of a massage business permit based upon an assessment of the compliance of the premises with this Chapter. The applicant shall be given a reasonable time to cure any deficiencies before a negative recommendation is issued.

4. Upon the favorable recommendations by the Chief of Police and the Director of the Community Development Department, the Finance Director shall issue the permit.

E. *Renewal Process.* Once the applicant has successfully satisfied the requirements regarding a renewal application, the Chief of Police and, if applicable, the Community Development Department shall provide to the Finance Director a recommendation to approve or deny permit renewal within seven (7) days and upon receipt of favorable

recommendation(s) the Finance Director shall issue the permit. (R.O. 2008 §15-114; Ord. No. 2272 §1, 4-26-04)

SECTION 615.080: DISPLAYS REQUIRED

A. *Massage Business Permit/Fee Schedule.* Every person to whom or for which a massage business permit has been granted under this Chapter shall display their State license and such permit and a fee schedule in a conspicuous place so that the same may readily be seen by persons entering the premises of the massage business.

B. *Massage Therapist Permit.* Every person to whom a massage therapist permit has been granted under this Chapter shall display their State license and such permit in a conspicuous place so that the same may readily be seen by persons entering the premises of the massage business. Every person performing outcall massage therapy shall have in their possession their State license and any applicable City permit to show the customer upon request.

C. *Massage Therapist Identification Badge.* Every person to whom a massage therapist permit has been granted under this Chapter shall also be issued an identification badge that corresponds to the massage therapist permit.

D. *Student License.* Student licenses shall be displayed within the school in a conspicuous place with a photograph of the student that has been taken within the last two (2) years. (R.O. 2008 §15-115; Ord. No. 2272 §1, 4-26-04)

ARTICLE III. HEALTH REQUIREMENTS FOR PREMISES

SECTION 615.090: SANITATION REQUIREMENTS FOR MASSAGE BUSINESS

A. The premises of a massage business, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

B. Adequate equipment shall be provided for disinfecting and sterilizing instruments used in the administering or practicing of the subjects or methods of treatment. Such instruments shall be sterilized after each use.

C. A supply of clean, laundered sheets and towels shall be available sufficient for use by each customer and shall be laundered after each use thereof and stored in an approved sanitary manner.

D. Wet and dry heat rooms, shower compartments and toilet rooms shall be thoroughly cleaned and sanitized each day the business is in operation. Bathtubs shall be thoroughly cleaned and sanitized after each use.

E. All bathing, dressing, locker and toilet facilities for patrons shall be code-complaint and A.D.A. accessible as required in the City's Building Code. The massage business must have a minimum of one (1) dressing room, one (1) toilet and one (1) wash basin. The facilities must provide a safe and secure place to keep valuables and personal items. If male and female patrons are to be served simultaneously at such massage business, then separate massage rooms and separate dressing facilities shall be provided for male and female patrons. (R.O. 2008 §15-122; Ord. No. 2272 §1, 4-26-04)

ARTICLE IV. OPERATIONS

SECTION 615.100: OPERATIONS -- GENERALLY

A. Each operator of a massage business shall conduct the establishment in a decent, orderly and respectable manner and shall not permit within or upon the permitted premises: known prostitutes, intoxicated persons, the loitering of habitual drunkards, lewd or indecent displays, profanity, rowdiness, undue noise or other distractions or activity offensive to the senses of the average citizen or the inhabitants of the neighborhood in which the business is located.

B. Massage therapy shall be performed on patrons individually in a separate cubicle, room, booth or area of the massage business.

C. The private parts of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage therapist or other patrons. Any contact with a patron's genital, anal or nipple areas is strictly prohibited.

D. A massage business shall not carry on, engage in or conduct business on any day between the hours of 10:00 P.M. and 6:00 A.M.

E. Every person who engages in or conducts a massage business shall keep a daily register of all patrons with names, addresses and hours of arrival and departure and the rooms or cubicles assigned. Such daily register shall at all times during business hours be subject to inspection by Health Department officials and by the Police Department and shall be kept on file for a minimum of two (2) years.

F. All employees and massage therapists must be and remain fully clothed. All employees shall be clean and wear clean garments. (R.O. 2008 §15-125; Ord. No. 2272 §1, 4-26-04)

SECTION 615.110: PROHIBITED ACTS

A. No operator, massage therapist or other person in the employment of the massage business shall violate any Federal or State law or City ordinance or any provision of this Chapter in or upon the premises or any massage business.

B. Operators and permittees of a massage business, massage therapists, employees of massage businesses and customers of a massage business or massage therapist are hereby prohibited from engaging in and/or soliciting, directly or indirectly, any acts designed or intended to arouse or gratify the sexual desires of any other person in or upon the premises of a massage business or in connection with the provision of massage therapy.

C. Any operator who knows or reasonably should know that a prohibited act is occurring in or on the premises of the business shall be deemed guilty of committing such act and shall be held liable as principal.

D. No massage business permittee shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body in a manner or contains text or other graphics that would reasonably suggest that any massage service is available other than those services described in [Section 615.030](#) of this Chapter, that any unlawful service is available or that employees or massage therapists are dressed in any manner other than required in this Section.

E. No person shall sell, give, dispense, provide or keep or cause to be sold, given, dispensed or provided or kept any alcoholic beverages on the premises of any massage business or in connection with the provision of massage therapy. No person shall sell, give, dispense, provide or cause to be sold, given, dispensed or provided any tobacco products on the premises of any massage business or in connection with the provision of massage therapy.

F. No person shall employ as a massage therapist any other person unless the other person has obtained and has in effect a valid State license and a permit issued by the City pursuant to this Chapter.

G. Persons who do not hold a permit to practice massage therapy or to operate a massage business within the City and who are not exempt from having to obtain such a permit shall not use the words "massage", "body work" or any of their synonyms on any sign or in any other form of advertising within the City unless specifically exempted by the State Board of Therapeutic Massage.

H. Any advertisement by a massage therapist or massage business regarding services to be provided within the City shall contain the State license or registration of such therapist or business. (R.O. 2008 §15-126; Ord. No. 2272 §1, 4-26-04)

State Law Reference--Similar provisions, §324.270, RSMo.

SECTION 615.120: INSPECTION

Designated representatives of the Community Development Department and the Police Department shall from time to time and at least twice a year make a health and safety inspection of each massage business in the City for the purpose of determining that the provisions of this

Chapter are being met. Such inspection shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection personnel access to the premises or to hinder such personnel in any manner. (R.O. 2008 §15-127; Ord. No. 2272 §1, 4-26-04)

SECTION 615.130: SUSPENSION OR REVOCATION OF LICENSE -- DENIAL OF RENEWAL

A. The Finance Director has the authority to deny the renewal of, suspend or revoke any massage therapist permit or massage business permit if the Finance Director believes that conditions have changed such that the holder of a massage therapist permit or massage business permit would be ineligible to receive a new massage therapist's permit or massage business permit; or that the holder of the massage therapist permit or massage business permit is in violation of this Chapter or State law pertaining to massage therapy or business. In furtherance of this Section, a permittee must immediately inform the Finance Director of the renewal, extension, expiration, suspension, revocation or termination of their State license and must supply documentation regarding any change in the status of their State license. Permittees must also provide the Finance Director with a copy of any complaint filed against them or any inspection report provided to them under Chapter 324, RSMo., immediately upon their receipt thereof.

B. If, however, the Finance Director believes that the holder of a massage therapist permit or massage business permit may remedy the conditions of non-compliance and the permittee has not previously been in violation of this Section or State law pertaining to massage therapy or massage businesses, then the Finance Director may suspend the permit for a period up to thirty (30) days in lieu of revocation or denial of permit.

C. If the Finance Director believes that the changed condition is not of such imminent hazard to the safety, morals or peace of the residents of the City, the Finance Director shall schedule a hearing prior to taking any suspension or revocation action. The permittee shall be given a least ten (10) days' notice of the hearing.

D. If the Finance Director believes that the changed conditions are such that the permittee would not be able to remedy the situation within a suspension period; or the permittee fails or refuses to remedy the conditions; or the permittee has previously been in violation of this Section or State law pertaining to massage therapy or massage businesses, then the Finance Director may revoke the permit.

E. If the Finance Director believes that the safety, morals or peace of the residents of the City are immediately affected by a change in conditions, the Finance Director may immediately suspend or revoke the permit. Under such suspension or revocation, the permittee may request a hearing with the Finance Director to be conducted within five (5) days following the suspension or revocation.

F. A record shall be made of any hearing hereunder. Any party aggrieved by the decision of the Finance Director shall have the right to appeal to the Circuit Court of St. Louis County. (R.O. 2008 §15-128; Ord. No. 2272 §1, 4-26-04)

State Law Reference--Similar provisions, §536.100, RSMo.

SECTION 615.140: VIOLATIONS AND PENALTIES

A. Every person, except those persons who are specifically exempted by this Chapter, whether acting as an individual, owner, employee of the owner, operator or employee of the operator or whether acting as a mere helper for the owner, employee or operator or acting as a participant or worker in any way, who performs massage therapy or conducts a massage business without first obtaining a permit and paying a fee to do so from the City shall be guilty of a misdemeanor.

B. Any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor.

C. Upon conviction such person shall be punished as provided in [Section 100.090](#) of this Code. (R.O. 2008 §15-129; Ord. No. 2272 §1, 4-26-04)

SECTION 615.150: PARTIAL VALIDITY

If any Section, Subsection, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter. (R.O. 2008 §15-130; Ord. No. 2272 §1, 4-26-04)

COMPARISON OF RAMIFICATIONS OF TWO TRASH SERVICE OPTIONS:

1. “AS-IS” -- HEB- recommended proposal, either with or without attaching tax cuts
2. “OPT-IN” – Continue subsidizing valet service fees for residents who “opt-in” *

PLAN:	“AS-IS”	“OPT-IN”
Sensible	Hauler is already required to provide free service for residents with physical limitations.	City likely will be on hook to pay service fee for residents with physical limitations.
Simplicity	Council can simply accept current proposal ASAP, and implement by next fiscal year, if not sooner, and largely by hauler.	City may not have benefit of up to date pricing for “new” hybrid proposal. <i>(More hassle for staff and HEB to rebid)</i> Complex implementation needs (below) require far greater staff involvement and inherently could delay onset further.
Staffing	Requires NO additional City staff.	Likely requires adding new part-time staff, estimated cost \$25K/yr (only to awkwardly phase out). Staff indicates assistance will needed for “ <i>auditing trash service and keeping track of who is in or out of [valet]...performing field inspections to verify usage...</i> ” PLUS will also require: extra cost materials, mailers and especially staff time needed to implement ongoing, still-undefined “education program”
Sustainability	Long term stability over duration of contract and beyond Strongest environmental gains	Inherently unstable by design since stated objective is to wean users off of City-subsidy or drop participants by attrition Environmental gains reduced by redundant trucks required; also potential for reduced incentive to recycle
Savings	Bid savings guaranteed to well exceed \$500,000/yr	Unknown gamble on how many will opt-in, with “guessestimate” 0-\$300,000/yr savings* <i>(unknowns greater if new bids are sought)</i>
Service	Curb-side greatly improved with new uniform sturdy wheeled toters Valet still available \$15/mo PLUS Council can help offset fees with potential for tax cuts	Curb-side greatly improved with new uniform sturdy wheeled toters Valet still available \$15/mo regardless who pays – BUT also diminished opportunity to offset user fees for those who continue valet at their own expense (and do not request City-subsidy).
Strategic	Inherently simplifies service AND simplifies future bidding process	Inherently perpetuates debate of user fees; AND will eventually require complete renegotiation of contract regardless, as program evolves.

* The OPT-IN proposal serves only ONE purpose: to enable some people to maintain the pretense that their partial-valet service (for trash only) is “free” for just a little longer – even though it is not free and never was.



city
of

CREVE COEUR

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Date: January 26, 2014

To: Mayor and City Council; Citizens of Creve Coeur

From: Ward 4 City Council Member Jeanne Rhoades

Re: 10 Reasons Why the New Trash Service Proposal can still be WIN-WIN

There has been a lot of debate about trash service in our City and rightly so. Our City's trash service contract is its largest vendor agreement by far, and with a whopping annual price tag of \$1.3M it also consumes about 8.5% of our City's annual operating budget. Although the same contract has been renewed several times over recent years, there have been changing dynamics evolving behind the scenes in the both the waste management industry and residential practices. These changes raise inherent questions about efficiencies, including funding manual "valet" rear-yard pickup for trash citywide.

As a result, the City staff and our HEB committee (volunteer citizens from all four wards) spent months researching the topic and seeking citizen input, then solicited new bids. After careful review, they unanimously brought forth an exciting new proposal to the Council that would: preserve the valet service option; provide new user-friendly totes for everyone; enhance city aesthetics; pioneer a new concept in recycling incentives; greatly increase efficiency; plus cut the huge cost of our trash service virtually in HALF – only to have the entire matter rejected last fall in a controversial 5-4 vote.

The stated explanation was to support those residents who see valet service as a free amenity and a long-standing tradition they feared would be lost. Habits and traditions are powerful forces that sometimes fog perceptions and create resistance to change. *But what if we are unclear about what priorities citizens truly value most? What if it can be demonstrated that most of their fears were unfounded – and that very little may be lost by anyone at all? In fact, what if we can make sure it becomes a Win-Win?*

Our old contract expires soon but has not yet been renewed, and there are enormous long term consequences at stake. Due diligence requires a very careful look.

Reason #1: Trash is a basic utility needed by every household – not an optional amenity.

The first order of business is to define both what our trash service is and is not. Hopefully everyone can agree that 1) trash service is a basic utility needed by every household; 2) it is a complex business most often provided by an independent hauler; and 3) municipalities often contract for service on behalf of individuals to achieve efficiency and discount of scale.

It is also important to honestly acknowledge that while things may not have started this way when the service was first established, rear-yard "valet" service now represents a very costly optional upgrade – not a required necessity (exclusions for special needs outlined in Reason #4).

Realizing this, nearly all advocates attempt to justify taxpayer funding for a service not widely used by framing the service as an optional amenity like a City park. Unfortunately, almost no one has followed this trail of logic just one step further to see it immediately becomes self-defeating. Basic park use is indeed available free to all – just like basic curbside trash pickup. However, those that wish to enjoy premium park amenities, such as our golf course and ice rink, are rightly required to pay an extra out-of-pocket fee – just as proposed for valet service.

Likewise for another amenity – leaf and limb pick-up. It can be justifiable for the City to use taxpayer dollars to provide a convenience that 1) benefits a very strong majority and 2) is

otherwise difficult to duplicate. This is the case for our City owned-and-operated leaf/limb service, which is utilized by most single-family properties, though largely not by most condos. While on the surface valet trash service may appear very similar, it actually fails on both counts.

Unlike leaf/limb, the exact same valet trash service can easily be had from the exact same provider on a private basis – hence no true need for taxpayer funding actually exists. And contrary to recent anecdotal observations, it appears the number of taxpayers who use valet may no longer represent even a simple majority.

Reason #2: “Highly valued” by some does not equate to “widely valued” by all.

Some critics have looked around their own neighborhood and refused to accept the 2011 scientific independent Warren Survey results, that only 40.7% of homeowners use valet – but it appears they may not have look far enough. The reality is that trash service preferences commonly correlate with lot size, and neighborhoods across the full span of our City are actually very diverse. In fact, curbside service is often the only practical option for thousands of homes on smaller lots, particularly those with front-entry garages. A computer analysis of all 5885 residential parcels in Creve Coeur reveals that 42% of households are on lots less than ½ acre and another full 20% are condos.

A data comparison with the 2005 and 2008 Warren Surveys also confirms that use of valet service continues to decline (from 57.5% to 50.3% to now 40.7% respectively). The 2011 Survey Report further summarizes that, “...about 40% of residents presently use rear-yard pick-up service and only about a third of them hold that continuation of rear yard trash service is ‘very important’ to them or only about 13% of the Creve Coeur citizenry.”

In addition, the fact that we all must take our recycling and yard waste to the curb means the premium rear-yard service originally established years back is now actually only “*partial valet*” at best. This goes a long way to explain why valet usage has been declining, and may very well continue to do so.

In short, it is intuitive that valet service is more highly valued by residents on large lots and/or with long driveways, and it is not surprising that most critics belong to this set. But “highly valued” by some does not equate to “widely valued” by all, and the two should not be confused.

A key point too often lost is that no one is taking away valet trash service at all – only the funding structure will change. It is clear some fear this may diminish valet usage further, and it is true that could occur. But this logic is also completely self-defeating since, by its very definition, that outcome would merely confirm that the service is not as “highly valued” as was first thought! (See Reason #8)

It thus appears the only reason we’ve been continuing this current grossly inefficient funding arrangement is simply because we’ve been doing it for so long. To help see beyond this strong bias, just turn the situation around and pretend we are establishing a trash service for some brand new town just like ours, keeping a choice of service options: Would this funding system be chosen as the most efficient, fair and sustainable? If not, then it makes no sense to continue – *especially since it can be demonstrated that there is actually very little downside (or net loss), and truly a whole lot more to gain!*

Reason #3: You can't halt the march of progress; it is folly to think technology won't change.

Our trash service requires a long-term mutual agreement with an independent hauler whose regular household service is a key factor of citizen satisfaction. As a result, due diligence requires looking at their side of the equation and also to understand how this situation evolved. Like it or not, market forces, environmental concerns, and advances in technology are changing the trash industry to favor automated curbside pickup service – *just like we already have for recycling*. While these realities may not be apparent to citizens, City officials can't afford to ignore the fact that changes in trash technology that continue to drive pricing for **automated** (curbside) pickup vs. **manual** (valet) service farther and farther apart.

Automation is changing countless other services – witness self-pump gas. Most of us over age 50 can recall when nearly all gas stations were full service, but those are now nearly obsolete,

and drivers who enjoy that convenience must pay a hefty premium. No doubt things also started out very differently here for trash. Originally all trash service was manual, and adding valet was no big deal – but clearly that is no longer the case.

This explains why few other cities in this region provide “free” trash service of any sort and none provide free valet! And it also explains why haulers now only offer rear-yard valet service as an option when they have to – such as when it is necessary to secure market-share.

Here, City officials appreciate that some citizens still value valet service, so made it a point to ensure the option remains. Staff *required* haulers to include a rear yard trash option in the RFP, *and specified at a fee not to exceed \$15/mo* since this is the going rate in cities like Frontenac and Des Peres, which have similar trash service arrangements. While some residents have protested this fee is unreasonable or somehow artificially inflated by the City, the truth is not one company offered a lower competitive bid.

Haulers obviously don't want to encourage valet service with further incentives and/or artificial discounts. As a result, it seems likely any efforts by the City to attempt to compromise in this manner may not be sustainable long term. Complications of providing a mixed bag of service options has to reduce profits and efficiency, plus disability claims for manual labor are steep.

Many who highly value valet service seem reluctant to acknowledge all of these realities, and some have even complained that a punitive agenda is being pushed upon them. But times have simply changed. Begrudging these underlying circumstances and/or the fairness of resulting fees is rather like protesting the trend toward self-pump gas stations and the surcharge for full service. Change is inevitable and beyond our control, while price is market driven.

Reason #4: The proposal provides compassionate assistance for any with genuine need.

Despite the trends favoring curbside service, everyone (including the hauler) recognizes that it is physically challenging for some to do. That is why one of the most important provisions in every trash contract – both new and old – is the stipulation that the hauler will provide free rear yard pickup for both trash and recycling for anyone physically unable to wheel a toter to the curb.

When the new contract was brought to the Council, our first action was to unanimously amend the language to more broadly cover both temporary or permanent circumstances, and the hauler agreed. This successfully creates a policy that is compassionate yet still appropriate for a government entity since it is need-based and non-discriminatory. Other utility companies like gas and electric strive to provide some assistance for those with genuine hardships (as the hauler has for trash) but no one gets an automatic discount on their gas or electric bill based on age.

In addition, please note that residents of most communities pay out of pocket for all their own trash costs. As a result, it is more than a tad disingenuous for anyone to suggest that all seniors in an affluent community like ours need government assistance in the first place. Not to mention that many residents routinely hire out other household tasks, such as snow-shoveling or lawn care, regardless of their age. (By comparison, the relative \$15/mo cost for valet trash service – less than a couple of trips to Starbucks – may not be such a bad deal.)

Regardless, common sense in matters of public policy dictates that there should be a limit to the taxpayers' obligations to arbitrarily fund personal “valet” services for anyone – particularly in the absence of true financial need.

Reason #5: There is no such thing as “free” trash service, and there never has been.

One more key point overlooked is that the entire notion of “free” trash service of any sort has been an illusion all along, since trash is merely contracted by the City for efficiency and paid for with taxpayer dollars. This basic truth may seem obvious, yet it appears to give rise to a lot of other misconceptions – particularly regarding the general ¼% sales tax increase passed in 2010.

For example, many valet-users suggest they have “already paid” for the cost of valet service by supporting that tax increase, which passed by a wide margin. But what does that mean for the exact same vote cast by the majority of taxpayers who don't use valet at all? In other words, it

requires a leap of logic to infer that residents who do not use valet (including those in condos) intended their vote to in any way approve some willingness to perpetually fund it for others.

Besides, it is hard to say how far that additional ¼% tax paid out of any citizens' wallets and then pooled with all general revenues really goes. A lot of sales tax comes in from commercial and non-resident sources; many residents routinely shop and dine in areas outside of Creve Coeur; plus the County skims off a significant percentage off the top.

Meanwhile, all the fuss about sales tax and misconstrued promises merely distracts from the bigger picture. What has gone completely unnoticed so far is that many residents may easily contribute as much or more to the City via taxes on all their utilities than by sales and property tax combined! Tax revenues on utilities run neck-in-neck with sales tax to provide the lion's share of the City's total income (each about 30%), while property tax lags far behind (less than 5%). As a thought-provoking point of reference, our City receives only a very tiny fraction of anyone's total property tax bill – even less than what goes to the St. Louis Zoo.

The fall-back protest that “the City already has the money” also involves a bit of pretzel logic. Just because the City's cash flow currently runs well in the black today does not justify signing a long-term commitment to waste huge sums of tax dollars paying for services not efficiently used. The entire purpose of having the City contract for the service in the first place is to gain efficiency, not lose it. In sum, maintaining this type of funding strategy defies the concepts of prudent fiscal management – especially when a better option exists to return tax dollars back to citizens instead!

Reason #6: Our City has ALREADY been turning tax-hike lemons into lemonade.

I did not support the general ¼% sales tax increase in 2010 for a variety of reasons, and publicly protested the misleading marketing ploy of tying it to trash service at the start. However, it does draw in new tax revenue from lots of non-resident sources, which in turn has enabled City officials to target tax cuts for their own citizens here. Skeptics express doubt that City officials would ever voluntarily cut tax rates – *but the truth is that we already have.*

It was clearly OUR mistake not to clarify this from the start, but in 2012 the Council approved over a 10% cut on residential property tax rates, and just last summer we approved a 20% cut for residential electric utility tax. A new trash contract with its guaranteed-minimum half million dollar annual savings would likewise provide opportunity to cut even more. Most importantly, these combined cuts could likely help offset some or most of the user fees for those who desire valet. In fact, the homeowners with large homes on large lots who may feel they have so much to lose may possibly have a net gain!

(FYI, municipalities are like households, each with circumstances that are unique. However it is still worth noting that residents in the two cities that do have similar valet user fees – Frontenac and Des Peres – enjoy utility tax rates that are far lower than ours.)

Reason #7: Maintaining the pretense of “free” valet costs everyone else a pretty penny.

The only thing lost in the process of this simple tax dollar redistribution is the illusion of having a “free City service” – a premise that was false from the start. But it nonetheless appears this fiction represents the crux of the matter, since many still view it as a great point of pride. Yet so much angst has been heard on this perceived loss of pride that hardly any thought has been given to the flip side – the costs incurred by everyone else required just to maintain the illusion.

For years some elected officials have been reluctant to face the changing dynamics of both the environment and our community, and so have simply voted to renew the same arrangement multiple times. However, the recent bidding process has finally revealed just how much things have changed. We have now confirmed in black and white that it conservatively costs taxpayers well over an additional HALF MILLION DOLLARS PE YEAR just to continue our wasteful status quo of providing services on a citywide basis that simply are not widely used– a surcharge which equates to an average \$100 per household!

It has already been demonstrated that the City's savings from a new contract can easily be shared with residents, so while the impact to each household would greatly differ, the costs are still quite real. The absurdity of this situation is underscored if you once again turn things around.

Anyone would find it ridiculous to suggest we start a "Dollar-More" assistance program designed to subsidize valet costs for those who protest they are "*burdened with long driveways.*" But isn't that effectively what we are already doing if we deliberately continue to insist that those thousands of residents in smaller homes or condos – many of whom are seniors – must continue paying higher tax on their electric bills to help subsidize valet trash service for those on larger lots?

Reason #8: Trash service will actually be improved – not degraded.

Some say the \$15 fee is trivial and that "it's not about the money" – but rather a sense that the City's service will be degraded. Yet this view is MOST ironic since service would actually improve!

In the first place, it is fallacious that anyone will be forced to "degrade" their own service at all. In reality, the new proposal merely shifts the payment structure to become more equitable and transparent (see Reasons #5-7) while still ensuring each household has free choice to continue exactly as they do now.

But more importantly, the new contract provides that every household would gain new sturdy wheeled toters for both trash and recycling (in order to facilitate the hauler's use of trucks that enable automation.) This would make toting out the trash a great deal easier for those thousands of homeowners who already use curbside service – just like we all already do for recycling – and a resulting uniform appearance would be far more aesthetic.

For those who have further concerns about aesthetics please note that our City already has code provisions that restrict the time frame any sort of waste container can sit at the curb, as well as prohibiting storage of containers in front yards. Subdivisions where homeowners share potential image concerns about anything – whether trash, fencing, etc – also remain free to regulate additional standards via their indentures, and could even require rear-yard valet.

If nothing else let's be crystal clear that maintaining the status quo only forces others to pay for valet service they don't want or need – it does not force them to use it. You cannot "wish" that genie back in the bottle and it is folly to pretend otherwise (see Reason #2) – so instead consider this: If the inevitable trend is that curbside service will continue to rise (and all signs point that way) isn't it smarter to at least ensure our City's landscape is improved with uniform trash containers?

Reason #9: Our City's new service could be a model to envy – a great point of pride for all.

Perhaps what is most unfortunate is that some just seem determined to focus only on their perceptions of loss from the start – because in truth there is far more we all stand to gain. For example, automated pick up is 4x more time-efficient for the hauler, which means far less idle time for trash trucks on our streets. The hauler has also agreed to use new low-emission trucks in our City that run on natural gas, which further enhances environmental gains.

But one of the most progressive, impressive but least-mentioned features of the new proposal is the fact that our City staff successfully negotiated for a "Diversion Rebate" to receive cash back from the hauler based on amount of materials recycled. This is particularly exciting because, to the best of our knowledge (and the haulers concurred), this may be the FIRST EVER such agreement in our state – and possibly the entire nation!

Changing technology and environmental concerns nationwide have boosted the recycling industry with an increasing demand for recycled goods, while landfills are simultaneously becoming more costly to manage. Under the new proposal, the hauler agreed to return \$10 per ton of recyclables back to our City as a reward for waste stream diversion – and this innovative "trash for cash" deal could easily result in an additional \$100,000 return over a 5-yr contract.

(Data shows that Creve Coeur residents divert about 33% of their waste to recycling, despite the fact that only about 80% of homeowners currently participate with our voluntary recycling program. Evidence suggests that citizens who use curbside trash service are more likely to

recycle, so it is hopeful our diversion rate may improve, perhaps achieving over 40%. After all, most citizens recycle because it is the right thing to do for our planet – regardless of whether it takes just a little more effort and/or is less aesthetically pleasing at the curb.)

Reason #10: Everyone comes out a Winner!

A few other prejudices may remain before the illusion of loss can be cleared. Contrary to assertions made by some, this proposal is not about the City as an entity seeking to profit at its own citizens' expense, since a swap of trading tax cuts for valet costs can strive to be as fair as possible for both ends. (Plus our City staff has a strong track-record of sound fiscal management, and purse strings are controlled by elected officials who can and should be held accountable.)

Some valet users have protested it feels unfair if they will be the only ones who must now contribute something for their service, while it appears everyone else's is still free. However this position overlooks the fact that *curbside users have already been voluntarily contributing their labor to trash service for years* (on top of their extra tax burden). Adding a valet user-fee merely levels the playing field going forward, precisely to help ensure no one loses in the end.

When all these cloudy misconceptions are cleared, it becomes much easier to see that our entire community stands to gain even far more than what the actual contract already provides. Aside from finally achieving the lofty public policy goals of efficiency, fairness and financial transparency, our City stands to shine as a model with a new conceptual approach to funding waste management. The innovative "diversion rebate" can provide a significant incentive to increase recycling – which alone could be reason enough – but combined with our Green Power City status, it can also enhance our overall community image.

Growing a greener image can in turn greatly enhance our marketing appeal for both residential and commercial interests – which incidentally would mesh very nicely with the Plant Science Corridor that is blooming in our midst. No doubt Realtors will promptly find all this an even easier to point to sell...*"The fine 'green' City of Creve Coeur not only offers a very high level of services and amenities – including free trash service with a superior recycling program – but also enjoys a very competitive tax structure"*...and that is something we can all take to the bank!

Conclusion: No reasons are left to fear change – but the reasons to change are compelling.

In sum, we cannot turn back time, nor expect that things will always stay the same. But once these truths are honestly examined, it becomes easier to see past the fog of hazy objections and realize there is truly great opportunity for everyone – Green is the new Gold.

Of course the final truth is that you can never make everyone happy and some will always resent any change. But the bottom line is that no one is taking away the option for valet service to continue, and the fees can be offset as well. Incidentally, the hauler confirmed that residents could set up valet service with one phone call; and combined with auto-pay, they could simply set-it-and-forget-it! Meanwhile, everyone (even the naysayers) will still greatly benefit from all other gains.

Let's say NO to another pointless renewal of an inefficient and obsolete arrangement: Over-taxing other utilities for everyone in order to compensate for the extremely excessive costs of a trash contract that wastefully throws away hundreds of thousands of precious tax dollars every year providing for partial services that are not efficiently used. (As it stands, the only party that gains from this current snafu is the hauler – to the tune of over a half million dollars every year.)

Instead, let's say YES to a more progressive, green, equitable and cost-efficient new trash service agreement that is mutually sustainable long term – and thereby also give all residents citywide a chance to enjoy some well-deserved tax breaks. That would be the right, smart and fair thing to do – a genuine WIN-WIN proposal.

Jeanne Rhoades
City Council/Ward 4

CREVE COEUR CONSIDERS OPTIONS, ESCALATING COST OF TRASH PICKUP: BACKYARD SERVICE COULD BE FEE-BASED.

Article from: St Louis Post-Dispatch (MO) | February 18, 2002 | Plattner, Diane | Copyright

With Creve Coeur's five-year trash pickup contract coming due, officials and other residents are considering options for their trash-pickup service.

A recycling committee has recommended potential money-saving options, but opponents of the recommendations say factors other than savings must be considered.

Creve Coeur currently provides residents with backyard trash pickup, paid out of the budget. The current contract is with Midwest Waste for an annual cost of about \$714,000.

The City Council directed last year a volunteer recycling and environment committee to research alternatives to the current contract with Midwest Waste; the contract will expire in June. ...

OFFICIALS CONSIDER DROPPING REAR-YARD TRASH PICKUP.

Article from: St Louis Post-Dispatch (MO) | April 26, 2004 | Plattner, Diane

Byline: Diane Plattner Special To The Post-Dispatch

Creve Coeur officials are considering cutting the funding for rear-yard trash pickup, sparking concerns among some residents.

Creve Coeur is in its third year of a five-year contract with Midwest Waste, which provides weekly rear-yard trash pickup. Curbside trash pickup only would have saved about \$230,000, officials said.

Councilwoman Jeanne Rhoades, 4th Ward, said some residents had said they did not understand why the municipality was paying for the rear-yard trash service, which they thought was of little benefit to most residents. Rhoades said she had raised the issue because of concerns about the budget. ...

Creve Coeur OKs utility tax hike; residents protest.

Article from: St Louis Post-Dispatch (MO) | July 19, 2004

Byline: DIANE PLATTNER Special to the Post-Dispatch

The Creve Coeur City Council has approved an increase in the utility tax despite concern expressed by residents.

The council's unanimous vote last week raised the utility tax to 7 percent from 4 1/2 percent. The increase will come in increments. First, the rate will go up to 6 percent on Oct. 1 and then to 7 percent on July 1, 2005.

The total increase will result in \$7.50 more on a typical \$300 monthly utility bill, officials say.

Tom Edwards, who lives in Mountain Terrace, said many people in his subdivision were disappointed with the rate change.

"We feel that is a drastic increase," Edwards said. ...



CITY OF CREVE COEUR

February 20, 2014

To: Mayor and City Council

Re: Trash Contract Extension

The City's current trash and recycling contract with Republic Waste expires on July 1, 2014. The city retains the option of extending the current contract for three years, at an increase of 3% per year, requiring notification to Republic by May 1, 2014. Republic is agreeable to a 0% percent increase in the first year, a savings of about \$40,000 annually (or \$120,000 over three years), although this is not currently contained in the extension as it now stands..

If Council is agreeable, staff will begin negotiating with Republic to secure an extension to include the following major provisions:

- City to retain the option of accepting the Republic proposal as submitted in the Fall of 2013, to begin in year 2 or 3 of the extension. No change in service will occur in the first year of the extension, due to the lead time necessary for the hauler to finance and acquire capital equipment including toters.
- If the City opts to accept the Fall, 2013 proposal in years 2 or 3 of the extension, the City will retain the option of paying the rear yard upcharge for any residents desiring such service.
- If the City opts to cover the cost of the rear yard upcharge, the City will seek a cap on the total cost of the contract to the City not to exceed the cost under the current contract plus annual increases.

Citizen Survey

The City conducts a triennial survey of residents on a variety of services and issues. There has been some discussion by the Council about obtaining additional feedback from residents regarding the trash issue. The triennial survey provides an opportunity to do this.

The survey is scheduled to be completed in the Fall of 2014 (September/October). However, we could potentially move up the survey to May of 2014, subject to the availability of the selected consultant and making the necessary budget adjustment. Consultants typically advise against conducting such surveys between Memorial Day and Labor Day.



Staff looks forward to comments/direction from Council on the course of action as outlined above. We will plan to bring an extension to the second Council meeting in March for consideration.

Sincerely,

Mark Perkins

City Administrator

CC: Jim Heines, Director of Public Works

**AMENDMENT TO RESIDENTIAL SOLID WASTE COLLECTION
SERVICES AGREEMENT**

AMENDMENT made on the 28th day of October, 2011, by and between the City of Creve Coeur (hereinafter "City"), and Allied Waste Services (hereinafter "Allied Waste").

WHEREAS, after a public bidding process the City selected Allied Waste to provide services regarding Residential Solid Waste, Yard Waste and Recycling Waste Collection, Removal and Disposal and the City and Allied Waste entered into a contract pursuant to which Allied Waste has been providing such services to the City and its residents since July 1, 2007 (City-Contractor Agreement, Residential Solid Waste, Yard Waste and Recyclable Waste Collection, Removal and Disposal, Project No. PW-2007-12, hereinafter the "Contract"), as clarified by that certain Settlement Agreement dated July 1, 2007; and

WHEREAS, the Contract allows for extension by the City after an initial term ending June 30, 2012, for a period of an additional five years; and

WHEREAS, the City and Allied Waste have agreed to different terms of extension that are mutually beneficial and the parties desire to confirm such changes in this Amendment;

NOW, THEREFORE, in consideration of the mutual covenants herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto covenant and agree as follows:

1. Effective the first day of the first month starting after execution of this Amendment by both parties, Allied Waste will not charge the City any residential unit fees for condominiums (eliminates 500 units), and shall only charge monthly dumpster fees of \$1,741.17 for multifamily properties including but not limited to condominiums.

2. The contract shall be extended as of July 1, 2012 for a two-year period ending June 30, 2014. The City shall have the option to extend the contract for an additional three years, to June 30, 2017, on these same terms and conditions. Should the City elect to exercise this option, it shall give written notice thereof to Allied Waste no later than May 1, 2014.

3. Contract fees shall not be increased pursuant to the cost of living adjustment included in the Contract, but rather shall be subject to an annual increase of 3% with the first such increase to be effective July 1, 2012.

4. Except as expressly modified by this Amendment, the Contract between the parties as previously amended shall remain in full force and effect.

5. The parties and individual signatories hereby warrant and represent they have the authority to enter into this Amendment.

6. This Amendment may be executed in counterparts, to be effective on the date that the last signature herein below required is affixed.

City of Creve Coeur, Missouri

By: Mark Perkins
Mark Perkins, City Administrator

ATTEST:

Deborah Ryan
Deborah Ryan, City Clerk

Allied Waste Services

By: Casey F. Powers

Name: Casey F. Powers

Title: General Manager

ATTEST:

By: Cynthia A. Kramer

Name: Cynthia A. Kramer

Title: Secretary



CYNTHIA A. KRAMER
My Commission Expires
June 15, 2013
St. Louis County
Commission #08825021

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE CITY'S RESIDENTIAL SOLID WASTE COLLECTION SERVICES AGREEMENT.

WHEREAS, after a public bidding process the City selected Allied Waste to provide services regarding Residential Solid Waste, Yard Waste and Recycling Waste Collection, Removal and Disposal and the City and Allied Waste entered into a contract pursuant to which Allied Waste has been providing such services to the City and its residents since July 1, 2007 (City-Contractor Agreement, Residential Solid Waste, Yard Waste and Recyclable Waste Collection, Removal and Disposal, Project No. PW-2007-12, hereinafter the "Contract"), as clarified by that certain Settlement Agreement dated July 1, 2007; and

WHEREAS, the Contract allows for extension by the City after an initial term ending June 30, 2012, for a period of an additional five years; and

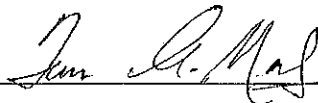
WHEREAS, the City Council has determined that different terms of extension would be beneficial and Allied Waste has indicated it will agree to such terms of extension;

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

Section 1: The Amendment to Residential Solid Waste Collection Services Agreement between Allied Waste and the City attached hereto as Exhibit A is hereby approved and the City Administrator is authorized to execute same on behalf of the City and the City Clerk is authorized and directed to attest thereto. The Amendment as executed shall be in substantially the form of Exhibit A, with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Ordinance and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the amended Agreement.

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

Adopted this 24 day of October, 2011.



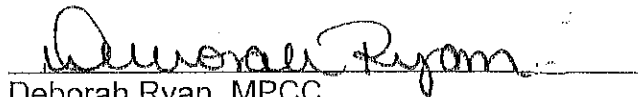
Tara Nealey
President of City Council

Approved this 24 day of October, 2011.



Harold L. Dielmann, Mayor

Attest:



Deborah Ryan, MPCC
City Clerk

Cost Comparison of Trash Contract Options

Three Year Contract Extension

<u>Term</u>	<u>Increases over 3 yrs.</u>	<u>FY 2015 Cost</u>	<u>FY 2016 Cost</u>	<u>FY 2017 Cost</u>			
3 yr. Extension	0%, 3%, 3%	\$ 1,313,712	\$ 1,353,123	\$ 1,393,717			

Republic Services Custom Bid (Curside Service), Resident pays Rear Yard Upcharge Fee

<u>Term</u>	<u>Annual Increase</u>	<u>FY 2015 Cost</u>	<u>FY 2016 Cost*</u>	<u>FY 2017 Cost*</u>	<u>FY 2018 Cost*</u>	<u>FY 2019 Cost*</u>
5-Yr. w/5 Yr. ext.	CPI Trans. w/4% cap	\$ 752,342	\$ 782,436	\$ 813,733	\$ 846,282	\$ 880,134

* Cost increases based on 4% (worst case)

Compromise Proposal Curbside, City Pays Rear Yard Upcharge Fee

Cost include rear yard upgrade by percentage of residents participating in rear yard service upgrade. In addition to the Republic Services annual costs listed below, the city will be required to hire an additional part time employee to manage and audit invoices from Republic Services, rear yard participation and toter size usage as well as perform citywide audits. Part time workers compensation is based on and Accounting Associate's rate, 20 hrs. per week (\$39,660 x .5 = \$19,860)

<u>Term</u>	<u>Annual Increase</u>	<u>FY 2015</u>	<u>FY 2016*</u>	<u>FY 2017*</u>	<u>FY 2018*</u>	<u>FY 2019*</u>
5-Yr. w/5 Yr. ext.	CPI Trans. w/4% cap					
30% Rear Yard Participation			\$ 1,064,328	\$ 1,106,901	\$ 1,151,177	\$ 1,197,224
50% Rear Yard Participation			\$ 1,252,277	\$ 1,302,368	\$ 1,354,463	\$ 1,408,641
Price Cap**			\$ 1,353,123	\$ 1,393,717	\$ 1,435,529 ***	\$ 1,478,594 ***

* Cost increses based on 4% (worst case)

** Annual price capped at the 3-yr. extension rate.

*** Although the Contract Extension is limited to 3-years, we used a 3% annual increase to project the Cap for FY 2018 and FY 2019